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STATE OF ALASKA THE LEGISLATURE

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May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

H. Judiciary	3/18/86	1:30 pm
" "	3/19/86	1:30 pm

COMMITTEE REPORT
HOUSE

3/21

(7)

4/11/35

FURTHER: WITNESS

Date: _____

The Committee on JUDICIAL has had HP 433

"An Act relating to penalties for violating the Alaska Historic Preservation Act; and providing for an effective date."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB433 (JUD) same title
 new title
- and recommends As passed
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Adrian T. Taylor

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Wm. Lockman

CHAIRMAN

Original sponsors: Davis and Koponen

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 438 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to penalties for violating the
7 Alaska Historic Preservation Act; and providing for
8 an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 41.35.210 is repealed and reenacted to read:

11 Sec. 41.35.210. CRIMINAL PENALTIES. A person who is convicted
12 of violating a provision of this chapter is guilty of a class A
13 misdemeanor.

14 * Sec. 2. AS 41.35 is amended by adding a new section to read:

15 Sec. 41.35.215. CIVIL PENALTIES. In addition to other penalties
16 and remedies provided by law, a person who is convicted of violating a
17 provision of this chapter is subject to a maximum civil penalty of
18 \$100,000 for each violation.

19 * Sec. 3. This Act takes effect July 1, 1986.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 02-12-86

REQUEST

Bill/Resolution No. : HB 438
 Title : Penalties: Historic Preservation Act Violations.
 Sponsor : Rep Davis
 Requestor : House Judiciary
 Date of Request : 02-05-86

FISCAL DETAIL

Agency Affected : Natural Resources
BRU: Parks & Recreation Mgmt
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Carol J. Wilson *[Signature]*
 Division : Commissioner's Office

Phone : 465-2400
 Date : 02-13-86

Approved by Commissioner : [Signature]
 Agency : Natural Resources

Date : 2/13/86

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 438
 Title: "An Act relating to penalties for violating the Alaska Historic Preservation Act:"
 Sponsor: Rep. Davis
 Requestor: House Judiciary Committee
 Date of Request: February 11, 1986

FISCAL DETAIL

Agency Affected: Department of Law
 BRU: Legal Services, Prosecution
 Components: Legal Services Operations, Judicial Districts 1 thru 4

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Reported violations of the Alaska Historic Preservation Act are minimal and they rarely occur. Consequently, we do not anticipate enough additional activity to warrant fiscal note costs.

Prepared by: Richard I. Pegues, (Director)

Phone: 465-3672

Division: Administrative Services Division

Date: 2/12/86

Approved by Commissioner: Richard I. Pegues / FOR
Harold M. Brown, Attorney General

Date: 2/12/86

Agency: Department of Law

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)



Alaska State Legislature

Representative Mike Davis

Pouch V
Juneau, Alaska 99811
(907) 465-4930/4941

Interim Office:
P.O. Box 81435
Fairbanks, Alaska 99708

TO: House Judiciary Committee
FROM: Rep. Mike Davis
DATE: March 18, 1986
RE: HB-438: Penalties for violations of Historic Preservation Act

By statutory definition, any deposit, structure, ruins, site, building, grave, artifact, fossil, or other object of antiquity which provides information pertaining to the historical or prehistorical culture of people or the natural history of the state is subject to the Alaska Historic Preservation Act. The intent of the legislation before you is to provide a higher level of protection to these valuable resources by increasing the penalties for violations.

Alaska has an unusually rich and heretofore largely undisturbed reserve of historic objects which have immense scientific and historic value. These artifacts are eagerly sought after by collectors who are undeterred by either the penalties current law provides or the need to preserve these objects for the public good. The objects range from ivory and bone hand tools used by the Eskimos for thousands of years to the great wood carvings of the Tlingits to the relics of World War II strewn across the Aleutians to the unique dinosaur bones recently found on the North Slope. Without exaggeration, many of these objects are priceless.

This bill proposes that imprisonment for up to one year and a fine of up to \$5,000 be imposed for a violation and that civil penalties of up to \$100,000 be assessed. Current statute provides only for six months and a \$1,000 fine. Two immediate goals I hope to attain by making penalties for violations tougher is to provide a strong deterrent to violators and to increase the public's awareness of a very serious problem.

Although the bill does not now include a provision for penalties for someone who knowingly and willfully assists in the violation of the Alaska Historic Act, I have been told that such a provision is desirable and would ask of the committee that it give consideration to such a provision in an amendment.

WORLD
452-2686
ALL DOWN PARKA, \$125.

MARK GAS & diesel heaters for interior & engine cooling systems of cars & trucks. Full repair & service on all types of gas heaters. Roger Lang's Volkswagen Shop. 479-2748.

MOVING - NEW BROWN plaid loveseat with oak trim; 1 year old brown naugahyde couch with pine trim, both good condition. 488-0101.

MUST SELL!! 1970 CJ-5, \$600 or best offer. 3 1974 Ski-Doo snowmobiles, \$600 or best offer. \$1,000 for all. 456-7762. Ask for Luann Berkley.

NEW TORO ELECTRIC power snow shovel. 100' cord included. \$75. Call 479-7676.

OWATONNA SKID LOADER (like Bob Cat), V-4 Ford propane engine. Gas or propane. Good running condition. \$6,500. 488-3967.

PIONEER VIDEO DISC player w/ remote control. 29 movies. \$3,600 value. Must sell. \$1,000. 457-9112 after 5pm.

POOL TABLE, \$75. New Scandia jacuzzi. 8'x8'x3". Puma, filter, used boiler. \$4,000 or best. 457-0318.

POOL TABLE WITH accessories. \$225. 2 chrome map wheels with fair tires. 10x15 Chev. \$125. 479-4605.

POOL TABLE, 8 sticks, accessories, 3 1/2'x7". New cover, \$500. Wood typewriter desk. 32x60, \$50. 488-2691.

PORTABLE CIRCULAR SAW MILL. Belsaw arbor, 30" and 42" diameter blades. Best offer. 451-6845.

REDUCE YOUR HEATING BILLS. Save money on your heating bills. Purchase a rod press for your savings. Call 452-4154.

REWARD FOR INFORMATION on location of Intact World War II aircraft: P-39, P-40, P-47, P-51 or P-63. Dave. 209-638-5406 collect.

SALE
ARCTIC CAT
PANTHER 440
\$2,850
REGULARLY \$3,499
See at
NORTHERN POWER
433 3rd St., Gr...
452-27... 488-2...

SATOH BEAVER, 4x4, under 1000 blade and 650 Yamaha Cub, fur
SHEER 12, 37, 10, 13
WARN WINCHES, 840 Collet, snowblows, sales, \$450, A. City Rental, 488-2...

December 1, Marshall Drive off... and Skyline.

LEAVING ALASKA, like new winter clothes sizes 10-12, boots and miscellaneous. Saturday, 12/1, 9am-12pm. 4953 Dartmouth #2.

MOVING SALE: Saturday, 12/1, 10am-3pm. Mary Kay sell-out plus lots of goodies. Everything priced to go, 100 10th Avenue, 2C6.

MOVING SALE, furniture, household items, some tools, lawn furniture. 1228 Denali Way. Saturday only, 9am-3pm, December 1.

A MOVING SALE. Plants, Christmas toys, exercise bicycle, desks, shelves, microwave, new bicycle, TV, stereo, collector albums. 452-4855.

TV, STEREO, sewing machine, hexagon aquarium, mirrored plant stands, beds, desk, wicker, clothes. Saturday & Sunday, 10am to 4pm, 229 Well St.

2 APT. SALE: Christmas tree, 50,000 BTU Sears furnace, hand-crafted items, antique sewing machine. 1453 Eielson St. Api. A & C. 451-0163.

160 Aircraft & Equipment

ALASKA'S WING SPECIAL
LIMITED TIME OFFER
456-4706, Metro Field.

CESSNA 170B, 180 Lycoming, C5 prop, Avcon conversion. Leaving state and MUST sell this super clean well-equipped bird. See at Fair International. Call for details (in Delta) at noon, or after.

FLIGHT INSTRUCTION for yours. FAA design flight test exam. 488-3649.

FLIGHT
ALASKA
Cut rate
OR S
18

166
50 HP EVENRUDE outboard. Completely rebuilt. Bored .030 size \$1,500. Pierce Enterprises 3926 evenings.

170 Motorcycles--Scooter

ALASKA FUN CENTER

Your motorcycle headquarters. Parts and accessories for all makes.

Yamaha
Honda
Kawasaki
Suzuki
THREE
WHEELS
1817 COLLEGE RD

ALI

Published in the Western Flyer, a Tacoma based aviation newspaper.

AVIATION BRIEFS

ALASKA

ANCHORAGE, AK - The United States Historical Aircraft Preservation Museum will begin taking legal action against individuals or organizations that remove the wreckage of any military aircraft that crashed in the state of Alaska and the Aleutians before November 19, 1961. The museum has obtained ownership of all 169 military aircraft that meet that criterion, and it wants to recover

and restore them for display. Some of the hulks would be used only for parts; the museum wants to restore completely at least one example of each of the 40 types of aircraft that crashed.

The museum also has claimed salvage rights on sunken military vessels of the Japanese navy, six Japanese aircraft, and three anti-aircraft guns. For more information on the museum and its restoration project, contact Paul Fox, United States Historical Aircraft

Preservation Museum, PO Box 6813, Anchorage, AK 99502.

ANCHORAGE, AK - "Operation Springback," the FAA's special accident prevention program in Alaska, was a success, reported Franklin Cunningham, the agency's Alaskan director. "We are very pleased with the results of this special safety program. An analysis will be made to determine the success and cost of the

PLANE TALK

UNITED STATES HISTORICAL
AIRCRAFT PRESERVATION MUSEUM



P.O. BOX 6813
ANCHORAGE, ALASKA 99502
Phone: 907-243-0914
Date: Apr 11, 1985

ARCHAEOLOGY

WORLD WAR II and AIRCRAFT

PUBLIC NOTICE NO. 1

Since 1980 as a non-profit, tax-exempt, public museum in Alaska, the United States Historical Aircraft Preservation Museum had been in the process of obtaining legal ownership of all downed military aircraft in Alaska. With the efforts of the Department of the Air Force legal staff and the U. S. Government, the USHAPM has registered and obtained such ownership of all military aircraft that crashed or otherwise lost in the state of Alaska and in the Aleutians prior to Nov. 19, 1961 which still remain either whole, destroyed, partially destroyed, uncovered, or unbound. The museum in the near future is going to attempt to remove all or partially all such military aircraft. Its goal is to obtain one aircraft of each type for public display in the state of Alaska. Since some of the aircraft are destroyed or partially destroyed, they will be used for parts only to make one whole aircraft. Since the USHAPM has ownership of these aircraft, effective April 11, 1985 our museum will take legal actions against any individuals or organizations that remove any of the aforementioned aircraft or aircraft parts. Our museum is asking the state and federal agencies not to issue any temporary use permit for military aircraft that crashed prior to November 19, 1961. Also we are asking the people of Alaska and the Lower 48 to contact us if they know of such individuals or organizations that attempt or have removed these military aircraft or aircraft parts for our museum to set in motion the proper actions.

Paul A. Fox, World War II Archaeologist
United States Historical Aircraft Preservation Museum
P. O. Box 6813, Anchorage, Alaska 99502



United States Department of the Interior

8111

OFFICE OF THE SECRETARY

P. O. Box 100120
Anchorage, Alaska 99510 - 0120

July 29, 1985

MEMORANDUM

TO: Regional Director, National Park Service
Regional Director, Fish & Wildlife Service
Area Director, Bureau of Indian Affairs
State Director, Bureau of Land Management

FROM: Regional Environmental Officer - Alaska

SUBJECT: Ownership of Downed Aircraft from World War II Era
on Public Domain Lands in Alaska

Enclosed for your information is a copy of the Deputy Regional Solicitor's opinion relating to Paul Fox's claim of Ownership of Downed Aircraft on Public Domain Land in Alaska.

The Regional Solicitor is also preparing an opinion on the general subject of Ownership of Downed Aircraft from the World War II Era on Public Domain Land in Alaska which I will forward to you upon receipt.


Paul Gates

AUG 5 10 30 AM '85

BLM AK-0201 31 12 27 PM '85

BLM AK 90 950



United States Department of the Interior

OFFICE OF THE SOLICITOR
ALASKA REGION

IN REPLY REFER TO:

701 C Street, Box 34
Anchorage, Alaska 99513

RECEIVED

July 29, 1985

JUL 29 1985

Office of the Secretary, 701
Anchorage, AK

MEMORANDUM

TO: Regional Environmental Officer
Department of the Interior
Office of the Secretary
(Anchorage, Alaska)

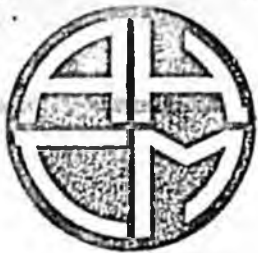
FROM: Deputy Regional Solicitor
Alaska Region (Anchorage, Alaska)

SUBJECT: Paul Fox's Claim of Ownership to Downed
Aircraft on Public Domain Lands in Alaska

You have asked us to review and advise you of the legal sufficiency of notices of claimed ownership of all military aircraft downed in Alaska prior to November 19, 1961 published by a Mr. Paul Fox. We have reviewed those public notices and find them legally insufficient to establish any claim of ownership to the downed aircraft. Under any interpretation of applicable law, mere publication of claimed ownership is not sufficient to establish ownership of downed aircraft.

Consequently, we are of the opinion that the public notices may simply be ignored as legally innocuous.

Dennis J. Hopewell
Dennis J. Hopewell



ALASKA HISTORICAL and TRANSPORTATION MUSEUM, INC.

Box 920 • Palmer, Alaska 99645 • Tel: (907) 745-4493

Exhibit #3

Honorable Ted Stevens
 United States Senator
 147 Russell Office Building
 Washington, D.C. 20510

11/14/85

Dear Senator Stevens,

We need your help!!! We have been working with the State of Alaska Office of History and Archeology, the Governors Office, The Army Corps of Engineers and aviation historical groups across Alaska to formulate and expedite a rational plan for the assessment, recovery and exhibit placement, in Alaska, of World War II aircraft wrecks.

It has been a difficult process, but substantial progress has been made. The Governor of Alaska requested a plan dealing with the W.W. II aircraft recovery and exhibit from a coalition of groups in October of this year and the plan was produced and submitted on time. In cooperation with the mentioned state or federal agencies initially the coalition of non profit groups included this museum, as an established " physical " museum facility in Palmer, the Alaskan Aviation Committee of Anchorage and has expanded to include the Interior Alaska and Arctic Aeronautical Foundation of Fairbanks, which at this time is developing an aviation collection within the Gold Dome at Alaskaland.

At this critical time when we are getting an " Alaskans for Alaska " effort well underway a potentially major disaster is in the making. A combined group of in state and " outside " salvors has gone to both Unalaska and Umnak Islands and gathered up the remains of at least seven P-40 W.W.II fighter aircraft for shipment to the Lower 48 states. This involves federal lands and has been done without the necessary federal permits which should have been obtained from the U.S. Fish and Wildlife Service. It is also the second violation by the same group within several months as similar violations recently occurred on Amchitka Island and were documented by the U.S. Fish and Wildlife Service.

Our concern arises from the fact that the U.S. Fish and Wildlife Service has been forming a position on this particular instance which maintains that the violators will be fined (\$250) for their trespass, but that they can have these historically important aircraft!!! For your information a rock bottom price for a flyable P-40 at this time is in the range of \$400,000. As useful parts alone the assembled wrecks represent, we estimate , a figure substantially in excess of \$400,000. Not a bad return for a couple of \$250 fines!!!

762-

Per Dave Olson of the U.S. Fish and Wildlife Office in Anchorage his agency is about to claim ownership of all other documented wrecks on their lands, but as these particular wrecks have been moved it would be difficult to prove ownership.

This is an indefensible position!! We have photographs of the wrecks in question as they were in place on federal lands, and this documentation has existed for years, these wrecks were included in our plan which was requested by the Governor of Alaska and the helicopter pilot in Dutch Harbor who actually airlifted these wrecks for the salvors has pointed out the origin points to Alaska State Troopers.

Is the U.S. Fish and Wildlife Service acting in an ethical, professional and non biased manner on this issue?? We believe not particularly when their past performance, please see the enclosed information, indicates that at least some U.S. Fish and Wildlife personnel in Alaska seem to have played favorites with Lower 48 collectors in the past. An Alaskan group long on the field definitely came out second best to the Confederate Airforce, in Texas. Does perhaps someone or a number of people in Alaskas U.S. Fish and Wildlife Service have a vested interest in the outside sale of these materials? Perhaps this question should also be examined.

What we want at this time is your help in stopping the drain of historical materials from Alaska which in turn will help us get in place an Alaskan system for dealing with these materials. We want the authority for collection or disposal of W.W.II aircraft, or any important aviation materials, on federal lands to be turned over to the State of Alaska Office of History and Archeology. At this moment we specifically want authority for the P-40s in question to be turned over to the State of Alaska Office of History and Archeology. That agency can then in turn work with our museum and its allied preservation groups to insure quality exhibits within Alaska and perhaps a funding base, via sales of aviation materials deemed surplus, for other important aviation history preservation activities.

We have included a letter we wrote to another historical group recently as part of our effort to include Alaskan interests in the current Army Corps of Engineers Aleutians/W.W.II cleanup impact study. It should clearly illustrate our position on historical aviation preservation in Alaska.

In closing I would like to add that after a great deal of effort and real pain on the part of Alaskans the proposed U.S. Fish and Wildlife stand on the P-40s in question will set a precedent which will virtually open Alaska up to a salvors "Gold Rush". Irreplaceable historical aircraft remains of high educational and exhibit value, worth virtually millions of dollars, will disappear and what will be left for our people, our children?

Please contact us for whatever additional information you might need.

Sincerely,



John Cooper
Director

What to do With Alaska's Old Aircraft Relics

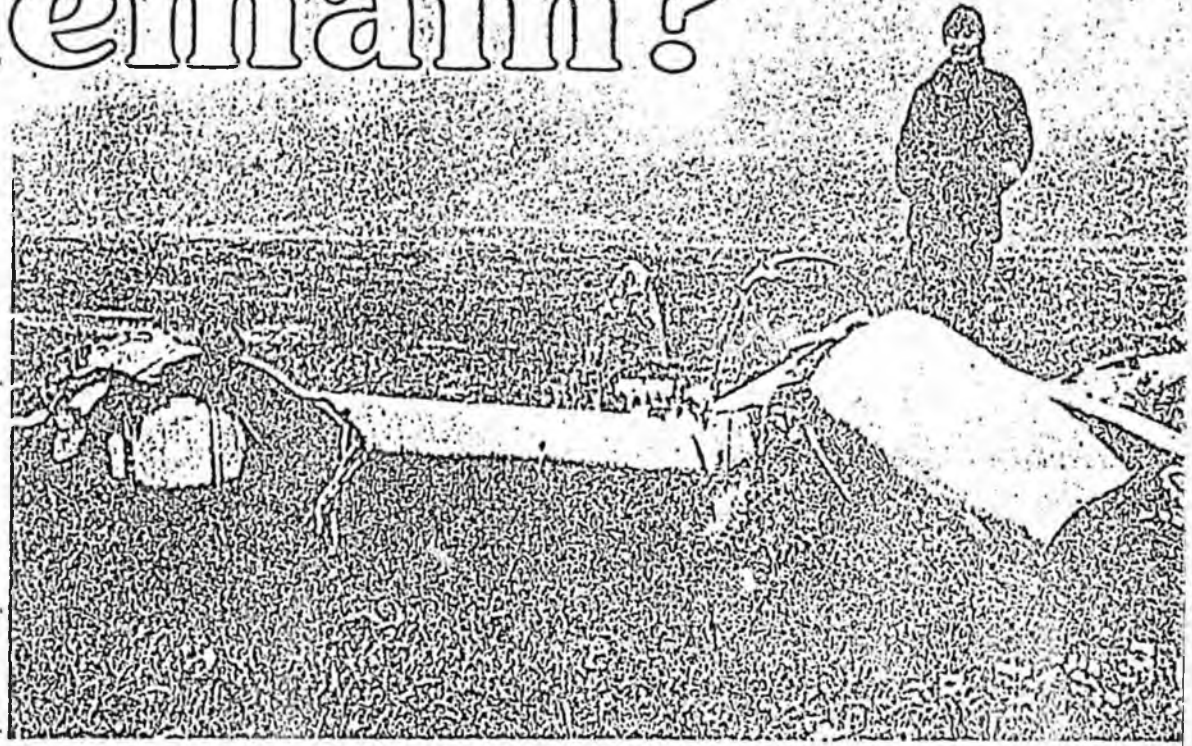
Restore, Remove, or Remain?



One of the most notable remnants of modern warfare is aircraft. Hundreds of planes bit the dust in World War II as they perished in severe weather, were shot down by enemy fire, or were casualties of mechanical failure and human error.

In Alaska old aircraft are scattered throughout the state, but on the Aleutian Islands National Wildlife Refuge, there is a rich museum of abandoned aircraft from World War II lying in the isolated tundra. Only on the Aleutian Islands did enemy troops invade American soil during the war.

What to do with the remains of these aircraft is coming an increasingly difficult question for the U.S. Fish and Wildlife Service, the agency which manages the refuge. In this age of public sentiment and legislation to preserve historic sites and objects, more and more people



(Top photo) #95 as it originally looked on the runway in the Aleutians during World War II. (Bottom photo) An unidentified woman stands by the remains of #95, a P-38G on the Aleutian Islands.

Please refer to the U.S. Fish + Wildlife policy statement on the next page.

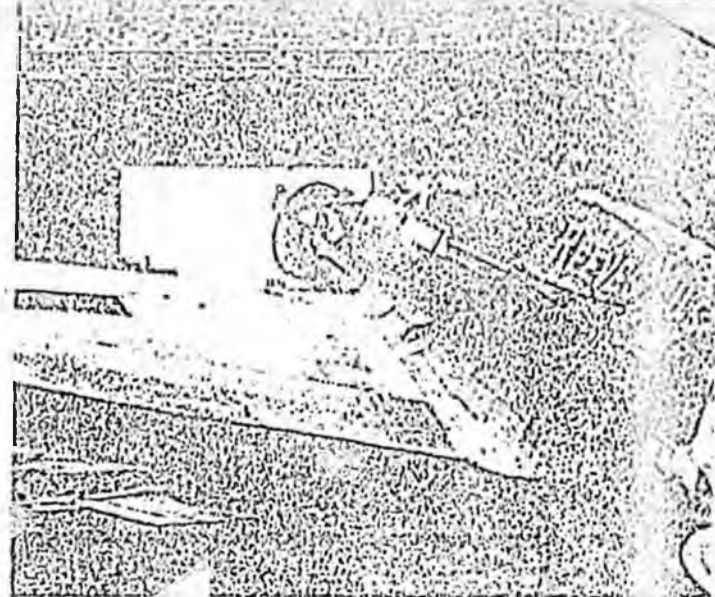
preservation interests are not the only motivation for removal of these planes. The blackmarket value of aircraft for private museums and collectors is on the increase. Many planes have already been vandalized for parts and some have even disappeared.

One plane that disappeared was a Curtiss P-40E which was removed from Amchitka in the early 1970's. This was the type of plane flown by the 343rd Fighter Group, known as the Aleutian Tigers, commanded by Colonel Jack Chennault. The Tigers developed quite a reputation as the primary interceptors of Japanese planes during the war.

public viewing in an Alaskan museum.

"Out of sight is out of mind," Spencer says. "These planes should be preserved to commemorate the service that people put in -- they should be memorials to those who died and suffered. If we don't commemorate those historic actions, there is something wrong."

Spencer cites a P-38G which remains on the Aleutians under surveillance by the U.S. Coast Guard as an example of the unique aircraft remaining on the islands. It is the only G model left in the world, and the State of Alaska has nominated it to the



This Curtiss P-40E disappeared from Amchitka in the Aleutians in the early 1970's.

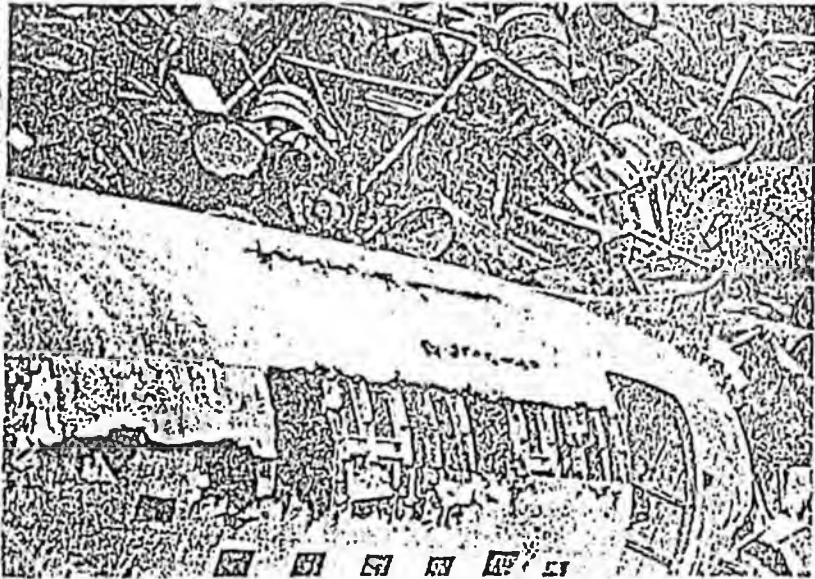


Photo by Henry Peck.

Even the junk yards on Amchitka contain relics, such as this shot-up C-47.

As a start in dealing with the problem of downed aircraft, the U.S. Fish and Wildlife Service has developed a policy for activities connected with the old airplanes on Service land.

"These planes are not there for the taking," says Keith Schreiner, Alaska Area Director for the Service. "Unless an individual has the proper papers establishing ownership and assuring compliance with federal laws protecting historic objects, these planes will remain under the stewardship of the Fish and Wildlife Service."

Ted Spencer, president of the Alaskan Historical Aircraft Society, has taken a keen interest in the Aleutians. He says the islands are rich in aviation history with at least a dozen "significant relics".

Spencer advocates protection for the airplanes at the very least and believes that eventually some of the planes should be removed,

National Register of Historic Places as an historic object. The P-38's were used in combat for the first time in the Aleutians. They were flown from California with Rand McNalley road maps, according to Spencer, and had their first aerial victories of the war when they were used to shoot down two four-engine Japanese "flying boats".

Should the planes be left to time and the elements, should they be removed to a museum, or should they be restored in place, are all questions the Service is trying to deal with.

In the meantime, Schreiner stresses that removing parts or the plane itself from refuge lands is a federal crime. "Destruction or removal of government property is punishable by a \$500 fine and/or six months in prison and forfeiture of the object," Schreiner says.

It may be possible to obtain title to an abandoned aircraft if

no owner is found and if proper procedures are followed; however, if the aircraft is determined to be significant historically, disposition is generally limited.

"Our policy calls for the aircraft to be housed in a public place in Alaska and made accessible to the public," Schreiner says, "and any work done on the aircraft must be in harmony with its original character."

Basically, the Service policy requires establishing ownership of the aircraft, compliance with the 1966 Historic Preservation Act procedures, and use of environmentally sound removal techniques before a land use permit can be issued for removal.

For military aircraft, a statement must be obtained from the Air Force at Wright-Patterson Air Force Base in Ohio relinquishing all rights. A statement also is needed from the historian at Elmendorf Air Force Base to assure compliance with the Historic Preservation Act.

For removal of non-military Federal aircraft, the applicant must furnish a written statement from that Federal agency relinquishing all rights. For privately owned aircraft, the true owner must be located and a statement obtained stating abandonment or relinquishment to the applicant. If the owner cannot be located, the property will be subject to sale or other disposal according to Federal procedures. In all cases, compliance with procedures under the Historic Preservation Act must be followed before a permit can be granted for removal.

WE'RE
144

- Watch Super
- Watch Super
- Watch Excite

BEDD
fort

THE ALASKAN
HISTORICAL AIRCRAFT
SOCIETY

2397 East 47th Court
Anchorage, Alaska 99507
907-276-1807

June 7, 1979

Dear Sir:

The Alaskan Historical Aircraft Society would like to ardently protest the occurrence of a situation and the conduct of certain federal agencies. During April and May a group of gentlemen representing the Confederate Air Force of Harlingen Texas arrived in Alaska with a DC-3 cargo aircraft and a helicopter. Their intent was to salvage as much WWII aircraft or aircraft parts as was feasible. Their journeys took in the Alaskan Peninsula (King Salmon - Cold Bay - Chernofski) and eventually to Adak, a restricted entry Navy base in the Aleutians. There they spent five days and flew on government O.A.S. aircraft in the company of FWS personnel to areas containing actual or reported WWII aircraft wreckage. The survey aircraft was originally chartered to serve the native population at Atka Village, through the BIA. In questioning John Moore, Director of BIA in Juneau, he claims that BIA did not authorize the flying excursions by Confederate Air Force people. He indicates that the flights were FWS authorized as "refuge survey flights." He feels that the "truth" would never have come to light except that the aircraft got stuck in the sand at Tanaga Bay (a rich historical area) and was 18 hours overdue for doing BIA work. The Coast Guard was called out for a search mission.

The FWS refuge manager in Adak, Mr. John Martin, indicates he thought that the flights had been authorized by BIA and the Office of Aircraft Services claims it doesn't know exactly what went on or who paid for the flights. All they did was fly the airplane and land it where ever the CAF indicated. The Confederate Air Force maintains the largest

THE ALASKAN HISTORICAL AIRCRAFT SOCIETY

2397 East 47th Court
Anchorage, Alaska 99507
907-276-1807

Page 2

group flying WWII aircraft in the world and is a major salvager of aircraft, world wide.

The Alaskan Historical Aircraft Society has been working long and hard in a volunteer effort to preserve WWII aircraft in Alaska as valuable historic objects. These machines relate to an important stage of Alaska's development, not to mention the commendable services and events of human courage and sacrifice during the Aleutian Campaign. We're up against the fact that these museum objects are worth tens of thousands of dollars each on vintage aircraft market. Our complaint is this: why is a major aircraft salvager from the states afforded an expeditious tour of Aleutian wreckage sites apparently with government assistance and at government expense when the Alaskan Historical Aircraft Society cannot get similar accommodation when seeking to do the federal mandated task of gathering information for the National Register of Historic Places. This nomination work is necessary to get recognition of these aircraft as historic objects and thus cause them to be preserved in the interest of future generations of Alaskans. It is reflected in Executive Order 11593, and 36 CFR800 _____, that the various federal agencies have a responsibility to do this work. These machines are rare and are historic in the finest sense of historic value. We have established this with the submission and acceptance by the State of Alaska of our nominations of the P-38 on Attu and B-24D at Atka...nominations we put together from photos gleaned from private citizens in Nevada and Massachusetts; information that should have been provided by the federal government in light of Executive Order No. 11593 and 36 CFR800. The work is recognized and endorsed by the Manager of Federal Antiquities of the Heritage Conservation Recreation Service in Wash. D.C. Even though the nomination work is the responsibility of the federal agencies, our small group has endeavored to do it out of pocket and in spare time. We do this because the FWS Service in particular claims to have no time, manpower or funds to conduct such a survey and furthermore cannot offer us any assistance whatsoever in doing their job. They say only that they will issue us a special use permit. They cannot spare any people to assist or accompany us. When we ask what assurance we have that the machines are properly protected until a proper evaluation is done, the FWS claims no one can get into Adak without security clearance and must have legitimate interest there and that, according to Mr. Owen Vivian of the FWS, no salvage

THE ALASKAN
HISTORICAL AIRCRAFT
SOCIETY

2397 East 47th Court
Anchorage, Alaska 99507
907-276-1807

Page 3

personnel would have entry to refuge lands. Yet the people with FWS in Adak can get aircraft together and find time to visit sites with prominent aircraft salvagers.

We feel this historical resource is being compromised by someone in the federal government. Aviation represents a fourth of Alaska's 20th Century development and not much has been done to save it in a heritage sense. The Alaska Historical Aircraft Society is trying desperately to preserve this history. Would you please earnestly investigate this matter? What we want to know is this:

1. Who sponsored the Confederate Air Force with the Navy at Adak.
2. Who paid for the accommodations and the government aircraft for the CAP survey team. Who authorized the aircraft's use. (FWS; USN; BIA; OAS) (aircraft costs: \$324/day + \$247/hr. for fuel + Misc.)
3. Where exactly did the crew from the CAF fly to and what did they take away.
4. Why does FWS personnel have time to accompany the people on permit (#A1-179-9 for Mr. Hoffman; CAF 116-S Ridge Ct. Ft. Collins, Col) and cannot assist the Alaskan Historical Aircraft Soc. personnel trying to perform federal mandated duties.
5. What part did the OAS play in this and what did pilot Dave Macelroy experience during the flights (i.e. log books)
6. Why cannot the ANAS get similar cooperation in their efforts to save this resource for Alaska.
7. Why are efforts to do nominations on valuable WWII aircraft being blocked by federal apathy.

If we cannot get some assistance, soon these historic aircraft will be scattered and broken down for parts and used to line the pockets of a few entrepreneurs. It's going to look bad if it is done with government assistance. Thank you for your time and energy concerning this situation. We know that you are busy.

Sincerely,

Dale Jackson

Sheila Dewey

Ted Spencer
President

Vice President

Treasurer

Editorials

Robert B. Atwood
President and Publisher

T.A. Durr
Managing Editor

ALASKA

Aleutian relics

MAYBE THE FEDS — and all of us — need to rethink the idea of prohibiting the general public from picking up the debris of World War II that litters some of the remote areas and some of the unpopulated islands of the Aleutian Chain.

The Fish and Wildlife Service this week said it had issued a criminal citation against a Missouri man who hired a helicopter and flew out there to pick up some parts from three wrecked P-40 fighter planes that had been rusting away in splendid isolation on the west side of Unalaska Island for more than 40 years.

The federal agents filed charges of landing on refuge lands without permission (is that really a crime?) and then seized the old airplane parts — even though they admitted they don't exactly know what to do with them.

The man who got the parts knew what to do with them. He evidently had a market for them among old airplane buffs who restore World War II aircraft.

IF YOU think about it, what's wrong with that?

Why not invite anybody with the inclination and the talent to go out there and pick up whatever junk he can find?

We remember a few years ago when members of the staff of a United States senator were out in the Aleutians and happily picked up an armload of empty World War II-vintage Coca Cola bottles — the kind that had

the name of the city they came from stamped on the bottom. Our recollection is that Seattle was the home base of these particular bottles.

The old Coke bottles, we're told, are great collectors' items — in high demand and worth money.

So what if somebody knew that and came away from a trip to the chain with a few souvenirs to sell or give away? In the process, some of the litter of World War II was hauled away and the islands were a little cleaner.

THERE ARE many remnants of World War II scattered around the Aleutians — plane wreckage, crumbling quonset huts, bottles, trash, probably a lot of brass casings from expended ammunition, empty oil drums, and who knows what all.

There have been proposals — and probably a lot of money spent — to finance government contracts to hire people to go out and restore the islands to their pristine beauty. They would be hauling away at taxpayer expense what evidently private scavengers, souvenir hunters and collectors would do for nothing.

Why not leave in place whatever nobody wants? That debris, worn by the ravages of 40 Aleutian winters, is part of the history of the islands. In time, it will all disappear.

Meanwhile, if some enterprising fellow wants to claim an old carburetor or wing strut or engine cowling, what's the harm?



Political turnabout

This week the House of Representatives will get down to the lick-log on tax reform. That familiar old refrain, "Sure I'm for tax reform, but . . ." will no longer suffice. Each member will have to choose between the "Yes" button and the "No" button.

At this writing it appears that the majority will choose to vote "Yes," which makes infinite good sense. The wonder is that the issue is in doubt at all.

In similar fashion, the administration will have to put up or shut up. The simple fact is that the president can have a tax reform bill passed by the House if he really wants one, thus keeping the principal domestic priority of his second term alive.

The reason for both the ambivalence of the House and the timidity of the president has a lot more to do with politics than with substance.



would lead one to the basic thrust of all including the version the fly by House I to simplify the tax taxpayers, to shift away from individual penses of business denials from all sides the tax base in pre deficit-cutting tax the road.

Though the con less simple and the president's

Protecting the heritage of aviation in Alaska

We are losing part of our aviation and state heritage. Artifacts of Alaska's aviation history are continually scavenged by Outside private interests. It's unfortunate, but aviation artifacts have become something of value.

Three public, nonprofit organizations are concerned with keeping Alaska's aviation heritage in Alaska. They are the Museum of Alaska Transportation and Industry in Palmer, The Alaskan Historical Aircraft Society in Anchorage, and the Interior and Arctic Alaska Aeronautical Foundation in Fairbanks.

Other organizations also are concerned with recovery of historic aircraft, but their efforts are structured to private use or gain.

The United States Historical Aircraft Preservation Museum, with Paul A. Fox as president, has interfered considerably with other legitimate recovery and preservation efforts.

Fox issued public notices claiming ownership to all downed military aircraft that were no longer claimed by the military. He then issued threats of legal action against any other organization that tried to salvage these aircraft. The notice was published in the Western Flyer, a Tacoma, Wash., aviation newspaper.

Fox's claim was denied by The U.S. Department of the Interior, which wrote, "We have reviewed those public notices and find them legally insufficient to establish any claim of ownership to the downed aircraft. Under any interpretation of applicable law, mere publication of claimed ownership is not sufficient to establish ownership of downed aircraft. Consequently, we are of the opinion that public notices may simply be ignored as legally innocuous."

The problems have not stopped with the Department of Interior's decision. Seven Curtis P-40 crash sites have been scavenged in recent months; the Nome site was allegedly picked over by a member of Fox's organization.

The P-40 is a World War II fighter that was staged in Alaska during the war years. Like most WWII fighters, the P-40 is a rare airplane, worth about \$400,000 in flying condition. The destination of its recovered parts is Texas, not Alaska.

Site locations include federal, Native lands and land still in question. Alaska's state Department of Natural Resources, and the U.S. Fish and Wildlife Service is investigat-

Everett Long

Pilot's Corner



Commentary

"We are investigating (the theft or trespass) because two wrecks were on federal land," said Larry Hood, an agent with the USFWS. The fine is \$250 to \$500. A wrecked P-40 is worth over \$100,000.

"It's a big question of ownership after the fines have been paid," Hood said. The state and the three legitimate aircraft museum organizations are trying to have the P-40 seized and kept in Alaska. There are enough parts to make three complete restored aircraft. They would become part of the air museum displays in Fairbanks, Palmer, and Anchorage.

Paul Chattey, who represents the Department of Natural Resources' Office of History and Archeology, is among those who'd like to see more cooperation among the various preservation groups.

"We are concerned with aircraft that are covered by the Alaska Historic Preservation Act," Chattey said. "But that only applies to aircraft on state land. At the moment we need the cooperation of all groups, like the IAAAF, the museum in Palmer, and the Alaskan Historical Aircraft Society."

"Our position is this: If those P-40 parts are seized, they would be moved to storage at Palmer—and used for all Alaskans."

The Palmer museum has contacted U.S. Sen. Ted Stevens for help in seizing and keeping these aircraft in Alaska. The IAAAF and the AHAS support these efforts, and encourage people to express their views to Sen. Stevens. Locally, Rep. Mike Davis also is working to assist the effort.

It looks grim concerning saving the P-40s. Most of the salvaged parts are presently stored at Unalaska and Umnak Island. This "Gold Rush" on irreplaceable historic aircraft has got to be stopped. If not stopped, nothing will remain for educational and exhibit value

A private pilot, Everett Long, is a board member of the IAAAF.

Lawmaker is out to stem loss of aviation heritage

Preserving Alaska's aviation heritage is not simple, and competition for artifacts can be fierce.

The Alaska Historic Preservation Act was designed to protect historic, prehistoric and archeological resources. But its penalty of "up to \$1,000 and/or six months in

jail" has not been effective in protecting rare aircraft.

State Rep. Mike Davis, District 19, Fairbanks, plans to change that law.

Davis' proposed amendment will change it from a \$1,000 penalty and six months in jail, to \$5,000 with up

to one year in jail. In addition a civil penalty of \$100,000 per violation will be charged. The responsibility is also broadened to include those people who assist a person who violates the Alaska Historic Preservation Act.

"Something has to be done to stem the tide of our Alaskan heritage from leaving the state," Davis said. "The recent, and ongoing, issue of the P-40s is a good example of needed legislation."

The intent of the amendment is take the profit out of stealing our Alaskan heritage. And stop those who are willing to claim rewards and make a profit out of finding artifacts for Outside interests.

Presently the charges are only a misdemeanor—still a minor criminal charge. Judith Bittner, Chief of the Office of History and

Everett Long

Pilot's
Corner



Archaeology DNR recommends changing that to a felony charge. I share that recommendation, and Davis is seeking input on recommended charges in the amendment.

The objective is usually World War II fighters found in isolated areas of the state. They are rare, which dulls the effect of a \$1,000 fine, and isolated, which makes it difficult to catch a thief.

Within the last three or four

years, two P-51 Mustangs disappeared from a lake near Selawik north of the Seward Peninsula. When asked, nobody in Kotzebue or Nome knew who took them. Nor did anyone working with state or federal agencies know anything about the missing aircraft.

Threatened aircraft in the interior are P-39 Aircobras. The Interior and Arctic Alaska Aeronautical Foundation wishes to retrieve some of these rare WWII fighters for display in the Alaska Pioneer Air Museum.

The air museum's efforts are for public use and preservation of aviation heritage. Anyone who knows crashed or submerged WWII aircraft are encouraged to assist.

John Cooper, director of the Alaska Historical Transportation Museum in Palmer, says he supports Davis's amendment "100 percent."

People throughout Alaska are concerned about the loss of our history. The P-40s and Mustangs are only a part of the problem. Native artifacts on the coast are often raided by people with boat access. Archaeological sites are indiscriminately robbed. It isn't just a problem involving WWII aircraft. "I don't anticipate any opposition to this amendment," Davis said. "But it will take a concentrated effort by me and other interested people. I would certainly welcome any letters of support sent to me, or to your respective legislators."

Send letters of support to Rep. Mike Davis, Pouch V, Juneau, AK 99811. Anyone interested in protecting Alaska's treasures should support this amendment.

Aviation Happenings

Aviation organizations can have their meetings and activities listed if they will send a schedule to the Pilot's Corner.

Jan. 20—Monday, 7:30 p.m. General membership meeting, Yukon Squadron Civil Air Patrol, CAP hangar, East Ramp.
Jan. 21—Tuesday 7:30 p.m., Interior & Arctic Alaska Aeronautical Foundation meeting, Alaska Room Fairbanks International Airport terminal. Topics: Move meeting location for accessible parking; proposed amendments to the Alaska Historic Preservation Act.

A private pilot, Everett Long is a board member of the Interior and Arctic Alaska Aeronautical Foundation.



North Star Flying Lions, Inc.

P.O. Box 21301, Fairbanks, Alaska
99708

January 16, 1986

Representative Mike Davis
Pouch V
Juneau, Alaska 99811

Dear Mike:

The twenty five members of the North Star Flying Lions wish to lend their support to the proposed amendments of the Alaska Historic Preservation Act. We are deeply concerned regarding the removal of historical artifacts from Alaska.

We appreciate being made fully aware of this problem through Everett Long's recent Pilot's Corner column in the Fairbanks Daily News-Miner. The tragic loss of the planes mentioned in the column diminishes Alaska's aviation heritage, which we feel is incumbent on all of us to protect and preserve.

The proposed legislation to increase the civil penalty from \$1,000 to \$100,000 is a good start in getting the kind of attention that is apparently necessary to stem further acts of criminal removal (theft, if you will) of these rare planes.

Please include our organization as being 100% in favor of your proposed amendment. Members names will be sent on request.

Sincerely yours,

L. Stanley Zielinski
President, 1985-86

LSZ:mv

CC: Letter to the Editor
Fairbanks Daily News-Miner

ADMIRAL JAMES S. RUSSELL, USN (RETIRED)
7734 WALNUT AVENUE SOUTHWEST
TACOMA, WASHINGTON 98498

29 January 1986

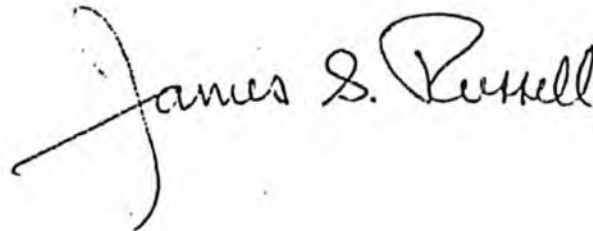
The Honorable Mike Davis
Member of the State Legislature
Representative of the 19th District
Juneau, Ak., 99801

Dear Representative Davis

From one who flew and fought in Alaska in WW II, please accept my hearty endorsement of your effort to preserve for Alaskans those historic airplanes which, due to enemy action or weather, were wrecked and abandoned in the State of Alaska.

With all good wishes for your success.

Sincerely,

A handwritten signature in cursive script that reads "James S. Russell". The signature is written in dark ink and is positioned below the word "Sincerely,".

Enclosure: News clip from Fairbanks paper

CC; Brig.Gen. Benjamin B. Talley, USA (retired)
Anchor Point, AK.

Blink copy to: Mr. Everett Long, Box 1, Ester, AK, 99725

ADMIRAL JAMES S. RUSSELL, USN (RETIRED)
7734 WALNUT AVENUE SOUTHWEST
TACOMA, WASHINGTON 98498

30 January 1986

BGen. Benjamin B. Talley,
Star Route Box 600
Anchor Point, AK., 99556

Dear Ben,

I spent 10-13 January in Fairbanks with the Interior Alaska and Arctic Aeronautic Foundation (IAAAF) and served as guest speaker at their Saturday banquet. A number of their members are deeply concerned about the pirating of WW II historic aircraft from crash sites in Alaska. (e.g. Mr. Fox who has tried to lay claim to all.)

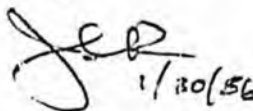
It would be greatly appreciated if you could send a word of support for Representative Mike Davis to those in the State Legislature who are particular friends of yours. See enclosed news clip.

On another subject, - I am holding open 10 March for an advisory committee meeting in Juneau should Bill Hanable call it.

To you and Virginia, all the best,



✓ Blind Copy - to Everett Long - It is Gen Talley who has secured a grant of \$150,000 from the state, plus some private donations, to fund a documentary film "WW II in Alaska".



MEMORANDUM

State of Alaska

Department of Natural Resources, Division of Parks and Outdoor Recreation

TO: Tom Moyer
Legislative Aide
Representative Davis' Office
Alaska State Legislature

FROM: Judith E. Bittner *JB*
Chief, Office of History & Archaeology
Department of Natural Resources

REF: Changes to
ACC.11.16

APR 24, 1961

The Alaska Historic Preservation Act, (AS 41.35.010) formulates as state law the preservation and protection of Alaska's historic, prehistoric and archaeological resources from loss, desecration and destruction. Title 11, Chapter 16 of the Alaska Administrative Code, establishes implementing regulations to deal with jurisdiction, title to collected items, the permitting process, reports, etc. related to these resources.

It is unlawful for a person to appropriate, excavate, remove, injure, or destroy without a permit from the Commissioner, any historic, prehistoric or archaeological resources of the state. There is, quite properly, a broad definition given to "historic, prehistoric and archaeological resources" under 41.35.230 ("deposits, structures, ruins, sites, buildings, graves, artifacts, fossils, or other objects of antiquity which provide information pertaining to the historical or prehistorical culture of people in the state as well as to the natural history of the state.") Penalties are established under Section 41.35.200 for possessing, selling, buying or transporting within the state, or offering to sell, buy or transport within the state, historic, prehistoric or archaeological resources taken or acquired in violation of this section. Violators are guilty of a misdemeanor and, upon conviction, are punishable by a fine of \$1,000, or by imprisonment for not more than six months, or by both. (AS 41.35.210)

I am certain that aircraft and parts thereof are adequately covered under AS 41.35.230. Alaskan historic aircraft have been accorded recognition as historic artifacts and/or objects of antiquity by the Governor's Historic Sites Advisory Committee (established under AS 41.35.110) in nominations to the National Register of Historic Places and by award of grants to recover rare, endangered aircraft. I would suggest that changes should not be made to Section 11.16.110, a portion of the implementing regulations that define administrative responsibility for historic sites as being within the Division of Parks and Outdoor Recreation. Any changes in State law should, more appropriately, be made to AS 41.35.200. Mr. Long's efforts are in the right direction; as State Historic Preservation Officer I would support efforts to increase the penalty for violation of 41.35.200 from a misdemeanor to a felony.

MOYER, REP

Old World War II wreckage in the Aleutians is not just 'junk'

Dear Editor:

I read with amazement the editorial, "Aleutian relics," which appeared in the Dec. 11 issue of The Anchorage Times. The author apparently is unaware or unappreciative of the intense effort by a handful of volunteer Alaskans to preserve Alaska's

Letters to the editor

heritage for present and future residents and visitors.

If the remnants of Alaska's illustrious history is worthless junk, why do folks fly up here

from Missouri, rent helicopters and stay in hotels or tents at great expense just to pick up this "junk?" I offer that the reason is bucks, big bucks. A restored Cur-

tis P-40 Warhawk or Lockheed P-38 Lightning is worth \$300-400,000.

During the 1950s and 1960s these same aircraft could be purchased in good condition for as little as \$500. Now that 40 years of attrition has reduced the number to less than a dozen, their value has gone through the roof. Alaska is one of the last depositories of these machines in the wild and they are fairly well preserved by the cold climate.

Not only are the salvagers taking the machines out of state, they are taking our history. What sacrifices of human life do the remains of the Aleutian Campaign represent? As a student of Alaskan history I have a deep appreciation of Alaskan heritage and tradition. This heritage is a source of pride and identity. Over the last century, the land of Alaska has been heavily looted by the carpetbaggers. Consequently many fine collections of Alaskan culture reside in museums somewhere other than Alaska.

If one cares to debate value of preserving Alaska's superb aviation history, take a look at the hundreds of air museums springing up around the world, many of them featuring Alaskan aircraft. Some of these include the National Air and Space Museum; the Air Force Museum in Dayton, Ohio; the Pacific Museum of Flight in Seattle; and the Airpower Museum in Iowa.

Aviation has almost single-handedly changed a centuries-old way of life for Alaskan residents. The issue of historical Alaskan aircraft as a cultural resource has been on the table for at least 10 years. A lot of hard work by volunteers as well as

contributions by the private sector and government have gone into resolving this issue. We are just now beginning to make some meaningful progress. For The Anchorage Times to degrade the intrinsic value of these artifacts borders on irresponsibility. You might as well invite folks to pilfer native artifacts and buy up the vintage art collections, or better yet, saw up Alaska's historic architecture and go into the firewood business.

Ted M. Spencer
President
Alaska Historical
Aircraft Society
7317 Michelin Place, No. 5