

HB

529

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 529
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Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
Title Permit Exemption for Munitions Use BRU Administrative Services
Component Office of the Commissioner
Sponsor House State Affairs
Requester House Resources Component No. 633

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill is intended solely to clarify that the military is not required to obtain a permit under AS 46.03.100 to fire or otherwise use munitions in training activities conducted on active ranges. This bill does not affect any authority that the state may have under other federal or state laws to require the cleanup or remediation of contamination or unexploded ordnance at a military range, whether active or closed, under AS 46.03.100, or to require a disposal permit, such as a closure plan, once a range is no longer in active use. Therefore there is no fiscal impact to the department.

Prepared by: Mary Siroky, Legislative Liaison Phone (907) 465-5355
Division Statewide Public Services Date/Time 5/1/02 3:51 PM
Approved by: Kurt Fredriksson Date 5/1/02
Agency Department of Environmental Conservation

Subject: HB 529 Testimony

Date: Thu, 2 May 2002 09:36:49 -0800

From: "Janet Daniels" <jdaniels@alaska.net>

To: <jennifer_yuhas@legis.state.ak.us>

Jennifer, Please include my testimony in the packet for the House Resources Committee Hearing on HB 529.

Thank you,
Janet Daniels

Testimony of Janet Daniels, Chickaloon Village Traditional Council
spokesperson


House Resources Committee Hearing
On HB 529

Good afternoon and thank you for the opportunity to testify on House Bill 529. My name is Janet Daniels. I am a member of the Chickaloon Tribe and the designated spokesperson for the Traditional Council on matters relating to military contamination.

It is my understanding that HB 529 asks exemption from certain State environmental statutes for the military. It is the position of the Chickaloon Tribe that the military should be held accountable for compliance with environmental law in the same manner as any other organization or business.

We do not wish to interfere with national security, but would like to protect the health of the same citizens the military is sworn to defend. For thousands of years, the native peoples of Alaska have fished and hunted this land. Scientists are now finding elevated levels of contaminants in subsistence foods all over Alaska. Cancer rates are rising all over the state. Those numbers cannot all be related to lifestyle. The entire population of the State of Alaska is at increased risk for disease and death due to contaminants that migrate north from all over the world. Any reduction in laws protecting the health of the people of Alaska would only add to that risk.

Environmental laws were designed to protect the health of citizens while allowing businesses and organizations to carry on their operations. In no way do environmental laws threaten military readiness. The federal government has the power to exempt installations on a case-by-case basis. What greater protection could the military ask?

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Testimony of Tom Chapple - Director of the Division of Air and Water Quality in the Department of Environmental Conservation before Senate Resources Committee concerning HB 529 Permit Exemptions for Munitions Use.

Thank you Madame Chairwoman, members of the Committee, for the opportunity to testify on HB 529. For the record my name is Tom Chapple and I am the Director of the Division of Air and Water Quality in the Department of Environmental Conservation.

The Department has 3 significant points we wish to make about the bill before you

First: This legislation makes changes to the Department's permitting authority for an activity that already in our view does not need a permit. DEC has never, nor does it intend to require a permit for current activities on active military firing/training ranges. Our reading of the law is that current practices do not constitute the disposal of a solid waste and thus does not require a permit. However, once the site is closed, the department may require a site closure plan for disposal of any remaining waste. ①

Second: While we do not require a permit for this activity, we do have responsibilities in two other areas. First, if the range activity causes pollution, even if the site is still active, we will address the problem with the Army. Secondly, upon closure of the range, we will ensure that the site poses no going risk to health or the environment. It needs to be clear that this legislation is NOT intended to affect the department's ability to deal with contamination at active firing ranges should contamination pose a risk to the environment or public health. DEC worked with the Army to determine that it was the ingestion of white phosphorous that was killing waterfowl on the Eagle River Flats range. As a result, the Army stopped using white phosphorous nationwide at wetland impact areas. Additionally, at Eagle River Flats, firing only occurs when the ground is frozen. ② ③ ④

Due to historic hazardous substance releases, in 1994 Fort Richardson was put on the Superfund list (the list of the most contaminated sites in the country). The Army, the state and the EPA signed a 3-way agreement that detailed how the facility was going to be investigated and cleaned up. Through communication and cooperation between the 3 parties, a Record of Decision was signed. This document requires that the Army continue to clean up the concentrated white phosphorous areas, monitor to ensure continued reduction of the contaminant and limit access to prevent exposure to unexploded ordnances. Additionally, the 3 parties agreed that corrective action would not occur until the range closes unless there are contaminants needing immediate abatement.

Third: There is a significant national effort underway by the Department of Defense to address what, if any, exemptions from national and state environmental laws are necessary for national security and combat readiness. The Department of Defense addressed all states just last week in Wisconsin when all state environmental agency commissioners met. The Department of Defense promised the states that the limitations they are requesting will be:

- surgical
- specifically limited to combat training issues
- will be taken at a national level
- Will not result in 50 separate fixes - one in each state.

In closing, I also want to make clear that this bill is not the result of a problem that the Army is having with the department.

As stated earlier, DEC has worked positively with the Army on Eagle River Flats range, has not required permits for this range, does not intend to require permits for this range and has no intention of impeding the continued use of the Eagle River Range. More recently, the Army has worked cooperatively with DEC and the bill's sponsor to have the language of the bill meet the Army's needs while not jeopardizing other important work done under this same law. While we have worked cooperatively with the Army, the department is concerned that the purpose of the change is only to buttress the state law to provide a legal advantage in a pending court case. Because there have been no rulings in the case as yet, nor an injunction granted to preclude continued use of the range, we think it is fair to ask if there is a real problem that must be addressed today.

We urge the Committee to give serious consideration to the question of whether it is more appropriate for this policy issue to be dealt with at the national level first as suggested by the Department of Defense.

Thank you for the opportunity to provide testimony today.

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SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

MAY - 1 2002

Alaska Governor Tony Knowles
Office of the Governor
P. O. Box 110001
Juneau, AK 99811-0001

Dear Governor Knowles:

We must provide our military forces the most realistic training possible. Over the years though, a number of federal, state, and local actions have restricted the use of our military training facilities. Congress is considering legislation to ease some of these restrictions and I wanted you to be aware of it.

The Readiness and Range Preservation Initiative is a narrowly focused proposal intended to clarify the reach of several environmental laws. These laws increasingly have been applied to military testing and training activities in novel ways that threaten readiness without a commensurate benefit to the environment.

Enclosed are two short papers that summarize these provisions as well as the full text of the proposal. You will see that these provisions apply to a narrow, unique category of Defense Department activities—those that directly involve military readiness. They do not affect the wide range of our activities that do not directly relate to combat, such as our wastewater treatment plants, power generation facilities, construction projects and routine transportation. Our proposals do not affect our cleanup obligations at our closed bases, or those bases that may close in the future. As you know, these non-readiness activities—which our proposal does not affect—comprise the vast majority of our interactions with state and local environmental regulators and with citizen groups.

Passage of this legislation will improve the ability of our military forces to train for war. Our point of contact is the Deputy Under Secretary of Defense for Installations and Environment, Raymond F. DuBois, 703-695-2880, should you desire more information.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray F. DuBois".



The Washington Times

www.washtimes.com

Republicans push to free military from green laws

Audrey Hudson
THE WASHINGTON TIMES

Published 5/3/2002

House Republicans are set to exempt the military from stringent environmental laws for the war on terrorism, angering Democrats and green groups who say the Defense Department should not be above the law.

The exemption language was contained in the National Defense Authorization Act for 2003, which overwhelmingly passed the House Armed Services Committee 57-1 late Wednesday and was expected to pass the full House next week.

The provision prevents future designations of critical habitat for rare species on military installations where protection plans are already in place. In areas where such restrictions are under consideration, the secretary of the Interior Department would have to first weigh the impact on national security.

The measure also allows the military to accidentally kill any bird species protected under the Migratory Bird Treaty Act while engaged in training activities.

"The ability of the Department of Defense to fulfill its primary mission to safeguard national security has been dramatically challenged — and in some instances diminished — due to its obligations to satisfy several important federal environmental laws," said Rep. Joel Hefley, Colorado Republican and sponsor of the measure.

Examples of conflicts between environmental laws and military training include:

- A federal court issued a 30-day injunction banning the military from conducting any kind of training on Farallon de Medinilla in the Northern Marianas Islands, the Guam Pacific Daily News reported last night. The Center for Biological Diversity filed suit in 2000 against the Navy and the Department of Defense to end live-fire training exercises, claiming it violated the Migratory Bird Treaty Act.

- Marines can train in California's Mojave Desert only during the daytime so as not to trample tortoises. Live or simulated fire is off-limits, and vehicles must stay on the roads.

- Training for amphibious landing is severely restricted at Camp Lejeune in North Carolina because of beach restrictions during turtle-nesting season, and a rare species of woodpecker makes inland training nearly impossible.

- Lawsuits to protect a tree snail shut down Hawaii's Makua Military Reservation in 1998, and the snowy plover has severely restricted Navy SEAL training on Coronado Island in California.

"I have tried to strike the balance between compliance with these important environmental laws and the need to allow our troops to adequately prepare and train. I am confident that these provisions will provide meaningful assistance to the department, while still ensuring that existing safeguards to the environment are not adversely impacted," Mr. Hefley said.

While supporting the overall defense authorization, Democrats will announce their opposition to the environmental exemption next week.

Environmental groups and several House Democrats led by Rep. John D. Dingell of Michigan are planning a Tuesday press conference.

They say President Bush already has the power to waive environmental requirements when necessary to protect national security, and will offer an amendment to strike the provision.

The Natural Resources Defense Council has initiated a letter-writing campaign to Congress, saying the Bush administration wants a blanket exemption from environmental laws, even when national security is not an issue.

Earthjustice also opposes the exemption, saying it will result in "irreparable harm to the environment."

"While we support U.S. military efforts to prepare for military action and to protect national security, additional exemptions are not necessary to accomplish this goal," said spokeswoman Sandra Schubert.

"We firmly believe no government should be above the law — including the laws that protect America's wildlife and public lands," Miss Schubert said.

The bill language specifies that nothing will diminish the obligation of the Defense Department to comply with the Endangered Species Act, which makes it illegal to harm or cause the extinction of a threatened or endangered species.

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RECORD VERSION

STATEMENT BY

COLONEL ANTHONY M. COROALLES
COMMANDER, US ARMY GARRISON ALASKA

BEFORE THE

READINESS AND MANAGEMENT SUPPORT SUBCOMMITTEE
COMMITTEE ON ARMED SERVICES

UNITED STATES SENATE

FIRST SESSION, 106th CONGRESS

13 APRIL 1999

COLONEL ANTHONY M. COROALLES

Colonel Anthony M. Coroalles was born in Havana, Cuba on 14 October 1952. He graduated from the University of San Francisco and was commissioned as a Second Lieutenant, Infantry on 1 June 1974. Upon completion of the Infantry Basic Course, he was assigned to the 82nd Airborne Division, Fort Bragg, North Carolina. Colonel Coroalles has completed degree programs from the University of San Francisco, Bachelor of Sciences in Biology; University of Southern California, Master of Sciences Systems Management; Army Command and Staff College, Master of Military Arts and Sciences; the Industrial College of the Armed Forces, Master in Defense Resource and Acquisition Strategy. In addition, Colonel Coroalles has completed Infantry Officers Basic Course, US Marine Corps Amphibious Warfare School, the US Army Command and General Staff College, the School of Advanced Military Studies and the National Defense University.

Colonel Coroalles assumed his current assignment as Commander, US Army Garrison Alaska on 6 June 1998. His previous commands and assignments include Commander, 6th Ranger Training Battalion; Executive Officer, 1st Brigade, 25th Infantry Division (Light); Executive Officer, 5th Battalion, 14th Infantry, Operations Officer, 25th Infantry Division (Light); Plans Officer, 75th Infantry Regiment (Ranger); Operations Officer, 1st Squadron, 10th Cavalry; and Company Commander, Company A, 2nd Battalion, 2nd Infantry. His other assignments include Aide-de-Camp to the

Deputy Commanding General, US Army Combined Arms Combat Development Activity; Aide-de-Camp to the Commander, 4th Infantry Division (Mech); Chief, Small Unit Tactics Branch, US Army Infantry School; Chief, War Plans Division, US Army Pacific; Special Assistant to the Chief of Staff of the Army; and Chief, International Plans and Policy Integration Division, Office of the Deputy Under Secretary of the Army for International Affairs.

His Military decorations and awards include the Legion of Merit, the Defense Meritorious Service Medal, the Meritorious service Medal (4OLC), the Army Commendation Medal (1OLC) and the Army Achievement Medal (1OLC). Colonel Corcoalles wears the Ranger Tab, Master Parachutist Badge, and Expert Infantryman Badge.

Colonel Corcoalles is married to the former Patricia Ann Mooney of Columbus, Ohio.

Mr. Chairman, Distinguished Members of the Committee, Members of the public, I'm honored to provide this testimony before this committee. My name is Colonel Anthony M. Coroalles. I am the garrison commander of the US Army Garrison Alaska and I am here to provide you information on the importance of the current and future uses of withdrawn military lands in Alaska as it pertains to military training.

I believe I am well qualified to discuss the importance of the Alaska Training Lands to the Department of Army, the Reserves of all branches, the Department of Defense and the defense of our Nation. As Garrison Commander, I am responsible for the management of 1.2 million acres on three Army posts—909,000 acres of which are affected by this withdrawal.

The three U.S. Army posts in Alaska are Fort Richardson near Anchorage, Ft. Wainwright near Fairbanks, and Ft. Greely in Delta Junction. The withdrawal only affects maneuver areas at Ft. Wainwright and at Ft. Greely. Maneuver areas at Fort Richardson are not covered by this action. Also, you may recall that Ft. Greely will be realigned under BRAC in 2001. However, only a small part of Ft. Greely was affected by the BRAC realignment decision. All of the maneuver training areas at Ft. Greely were deemed to be essential to the Army's mission, and therefore are to be retained for military use.

There are approximately 623,000 acres on Ft. Greely and 247,000 acres on Ft. Wainwright withdrawn for military use. The East Training Area on Ft. Greely and the Yukon Maneuver area on Fort Wainwright are usable year-round. Therefore, the Army trains on these areas more than any other parcel of military land in Alaska. These training areas offer maneuver training over realistic distances and terrain unmatched at any other Army installation. Additionally, the arctic conditions present during a great part of the year offer a training environment that no other training area can duplicate. In Alaska, air and ground units train in arctic conditions, over realistic distances and frontages, at optimum speeds and tempo.

The withdrawn lands in Alaska are essential to the Army and the Air Force. Both the strategic location of Alaska and the availability of adequate training space provide a unique location from which well-trained air and ground forces can rapidly deploy to the Pacific Rim or Europe. The lands under discussion not only provide the real estate necessary to generate these trained and ready forces, but are ideal because of their size, sub-arctic location, and remoteness from urban areas. Nowhere else in the United States can this combination be found.

Furthermore, as the range and accuracy of our weapons systems continue to increase, the value of the ranges and impact areas in Alaska will also

continue to grow. Modern military forces are equipped with long-range weapons and require large impact areas and long distances to replicate battlefield conditions. The withdrawn lands contain our principal weapons ranges and the two most heavily used impact areas. These areas, which provide a combination of restricted airspace over impact areas, negotiated Military Operations Areas (MOAs), long-range distances, and large impact areas, are ideal for employing all Army weapons systems and most Air Force systems. These large impact areas are also capable of safely containing all conventional explosive ordnance including, the Hellfire missile, Multiple Launched Rockets, and 2000 pound bombs.

Additionally, the U.S. Army Cold Region Test Center at Fort Greely is the Department of Defense Cold Environment Testing Center. This critically important DoD activity requires the withdrawn training lands to test DoD weapons and equipment in a cold environment to ensure our soldiers, sailors, airmen, and marines have the most capable equipment now, and in the future. The withdrawn lands are unique, since no other region of the United States has the same number of consecutive cold days necessary to ensure that required cold temperature testing parameters are achieved in a cost-effective manner. The practical effect of this is that testers do not have to wait as long at Ft. Greely for extreme cold weather, therefore reducing the cost of testing.

Another key factor is the airspace available over these withdrawn lands. The airspace surrounding these lands is key to the Army and the Air Force. Upon the withdrawal of U.S. forces from the Philippines, the Air Force relocated their Cope Thunder Training Program to Alaska. This fully instrumented facility is the premier training site for Air Force units from throughout the Pacific Command. Also, two Air Force wings stationed in Alaska, as well as the Alaska Air National Guard take advantage of this facility on a regular basis. A principal attraction of this complex is the large ranges available for ordnance delivery and the unencumbered restricted air space surrounding the impact areas. The Army, Navy, Air Force, and allied Air Forces use the Restricted Airspace and Military Operations Areas to extensively train and conduct realistic maneuvers and tactics. Army infantry and aviation units also routinely use these lands to conduct air assault operations over realistic distances and fire the total array of weapons and ordnance organic to Army units. Without the withdrawn lands and the restricted airspace above them, the quality of air training would be greatly degraded.

These withdrawn lands are not just Army lands, but truly joint-use lands. Besides Cope Thunder, perhaps the best example of the joint aspect of these lands is Exercise Northern Edge. This is a yearly joint exercise conducted in the winter involving Army, Navy, Air Force, and allied forces. The exercise also serves to support our regional engagement strategy by

inviting foreign armies and air forces to train with U.S. forces in Alaska. Recently, Canadian forces, the Japanese Self-Defense force, and elements of the Russian Far East Military District have deployed to the Alaska for Northern Edge Exercises and trained on the withdrawn lands and the airspace above them.

However, military training is not the only activity that takes place on these lands. We have been good stewards of the land and good neighbors to the surrounding civilian communities. The withdrawn lands are made available to recreational users much of the time. US Army Alaska in conjunction with the Bureau of Land Management accommodates hunters, fishermen, boaters, cross-country skiers, snowmobilers, and hikers on a routine and predictable basis. We work most training exercises around the major hunting seasons and actively patrol our training lands with military game wardens and military policemen to keep them safe for everyone.

Also, US Army Alaska has exceptionally effective conservation and reclamation programs. Considerable effort and money have been spent on an examination of the environment and the interactions of that environment with military training. Army stewardship is accomplished through the Integrated Training Area Management program and Natural Resource plans. These model programs and procedures ensure the long-term viability of the training and public uses on the lands entrusted to the Army.

In closing, I believe that these lands are essential to the training of our armed forces. They cannot be replaced or replicated anywhere else in the United States. These unique, multi-use training lands will remain a vital part of our training platform for the long-term and will remain essential to the military's ability to defend our Nation. As such, the continued value of these lands to the military combined with the need to wisely use the resources entrusted to us warrant an extensive renewal period.

I thank you for the opportunity to provide you with this statement and I am prepared to answer any of the committee members' questions.



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P.O. Box 22151, Juneau Alaska 99802 / Ph. 907.463.3366 / Fax 907.463.3312 / www.aevoters.org

HB 529 ~ Permit Exemption for Munitions Use

TO: House Resource Committee Members

DATE: May 3, 2002

Alaska Conservation Voters is a not-for-profit organization dedicated to protecting Alaska's environment through public education and advocacy. We are concerned that, without the oversight provided by permits, the military's activities at artillery ranges, such as Eagle River Flats, will continue to cause degradation of water quality and wildlife habitat in and around these ranges. Over 130 Department of Defense waste sites throughout the country, including Alaska, qualify as Superfund sites. It is in Alaska's best interest to require all government agencies, including the military, to comply with water quality and waste disposal regulations for the continued protection of human health and safety.

Leaving a legacy of pollution should not be the price of freedom

House Bill 529 will exempt the US Department of Defense or US military from needing waste disposal permits for munitions training on active ranges. At Eagle River Flats on Fort Richardson (which was declared a Superfund site in 1994), the Army has refused to address proper clean up and disposal of toxic unexploded munitions. These munitions contain heavy metals, cancer-causing compounds, and highly explosive propellants that will continue to threaten water quality, wildlife and people that enter the Eagle River Flats area for years to come unless the military takes responsibility for its toxic waste.

National Security is not the target

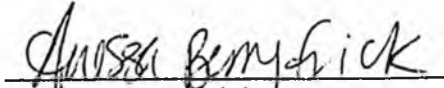
While recognizing the need for a well-trained military, efforts to protect our national security should also protect our nation's environment and public health. No agency should be above the laws and granted the freedom to pollute. Homeland security should encompass the right to be secure in the knowledge that our air and water are free of toxics.

DEC should provide for monitoring of activities at artillery and gun ranges

While we understand that the Department of Environmental Conservation (DEC), because of inadequate staff and financial resources, has not required waste disposal permits for activities at ranges, the fact remains that such ranges are very likely to be sources of significant contamination. To comply with their mission to protect Alaskans' health, DEC should be appropriated the funding necessary to carry out an efficient permit program that provides for oversight of these activities.

OVER

Alaska Conservation Voters encourage legislators to oppose HB 529 because there is no need to exempt the military from laws that protect Alaskans' rights to clean water and a safe environment.


Anissa Berry-Frick

**Alaska Community Action on Toxics
505 West Northern Lights Blvd., Suite 205
Anchorage, Alaska 99503**

**Testimony of Pamela Miller, Director, Alaska Community Action on Toxics
House Bill 529
House Resources Committee
May 3, 2002**

Thank you for the opportunity to provide comments on House Bill 529. My name is Pamela Miller, Director of Alaska Community Action on Toxics (ACAT). Alaska Community Action on Toxics is a non-profit environmental health research and advocacy organization based in Anchorage. ACAT is currently a co-plaintiff, along with the Chickaloon Village Traditional Council, Cook Inlet Keeper, and Military Toxics Project, in the litigation designed to bring the Army into compliance with existing state and federal laws at Fort Richardson's Eagle River Flats. Our litigation apparently compelled the military to request this Legislature to exempt "the use of munitions in certain areas from a waste disposal permit requirement of the Department of Environmental Conservation."

For the record, I will provide some background on the reasoning and history behind our litigation. Due to a high level of environmental pollution, the Environmental Protection Agency placed Fort Richardson on the National Priorities (Superfund) List of polluted sites in 1994. I have participated for four years as a member of the Fort Richardson Restoration Advisory Board (RAB), a citizens' advisory committee that meets on a quarterly basis. Throughout this time as a RAB member, I have consistently expressed my concern that the Army has failed to address the public health and safety hazards of the unexploded munitions in and around Eagle River Flats. ACAT provided formal public comments during the development of the Army's proposed cleanup plan as required under CERCLA (Superfund law). We viewed litigation as a last resort after the Army failed to address our legitimate concerns.

The plaintiffs filed a Notice of Intent to Sue on June 15, 2001, citing violations by the Army of the federal Clean Water Act; Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); the Federal Facility Agreement for Fort Richardson; and the Solid Waste Disposal Act. In August, the plaintiffs sent a letter to the Department of Defense proposing settlement terms. At the request of the Defendants and after September 11, settlement discussions commenced with all parties trying in good faith to negotiate a mutually agreeable settlement. Plaintiffs expressed a willingness to forego injunctive relief while the military obtained permits necessary for legal operation of bombing operations on Eagle River Flats. From September 2001 to April 10, 2002, parties communicated and tried to reach agreeable settlement terms.

The major points of the negotiation for the plaintiffs were: 1) compliance with the federal Clean Water Act; 2) cleanup of unexploded ordnance as required under CERCLA (Superfund law). The plaintiffs did not file a complaint or seek injunctive relief during

this time. We believed that the Defense Department was serious about trying to settle and held off filing the lawsuit with the hope that settlement could be reached. During negotiations, plaintiffs offered to forego injunctive relief for a reasonable period and suggested two years as a sufficient time for the military to remedy its operations without a permit. The military demanded that plaintiffs forego the right to request injunctive relief forever. On April 10, the military informed plaintiffs that it was terminating settlement discussions. The need for the military to obtain a state permit under AS 46.03.100 was not discussed during settlement talks. On April 12, 2002, the plaintiffs filed a complaint to protect our legal position. The plaintiffs have not filed a motion for preliminary injunctive relief. Filing of the complaint does not preclude settlement. The Defense Department has not indicated any willingness to reinstate settlement discussions that it terminated.

The Army's past and present discharge of munitions into the Eagle River Flats releases harmful chemicals such as RDX, 2,4-DNT, heavy metals, and other high explosive and propellant compounds. The presence of such toxic chemicals and the safety hazards of unexploded ordnance present a substantial danger to wildlife and people—this has been demonstrated at other military bases around the country such as the Massachusetts Military Reservation, Jefferson Proving Ground, and Makua Military Reservation. Some of these chemicals are known carcinogens (cancer-causing). These munitions are "toxic time bombs" that threaten human health and wildlife. Army documents reveal that hunters and other persons enter the Eagle River Flats impact area because no physical barriers prevent access. After thousands of waterfowl deaths, the Army began to remediate white phosphorus contamination from their use of incendiary weapons on Eagle River Flats (the Army also implemented a nationwide ban on the use of white phosphorus), but they have failed to address the larger problem of continuing pollution from the more than 10,000 unexploded bombs and other munitions. Not only did the Army create one of the most polluted sites in the country, but also they have stated their refusal to take responsibility in cleaning up a serious health and safety hazard. Our litigation seeks cleanup of the unexploded munitions within the estuary at Eagle River Flats and proper permits for discharge of additional munitions.

Unexploded ordnance may also exist in, on, and/or under lands and waters outside the current boundaries of Fort Richardson, including the waters of Knik Arm. For example, the Army historically used approximately 2 million acres in the vicinity of Fort Richardson (the Fort currently consists of about 60,000 acres) for military training, including munitions training. Much of those 2 million acres are likely to contain unexploded ordnance. The Army has never made a systematic effort to identify areas likely to contain unexploded ordnance (UXO) or to remediate the dangers posed by the presence of UXO.

While we support U.S. military efforts to protect national security, an exemption from existing state law is not necessary to accomplish this goal. This exemption would undermine the state's authority to administer pollution control laws and endanger state program certification. The Department of Defense is also seeking sweeping exemptions from important federal laws designed to protect public health and the environment,

including the Clean Air Act, Resource Conservation and Recovery Act, Superfund (CERCLA), the Endangered Species Act, the Migratory Bird Treaty Act, and Marine Mammal Protection Act.

No federal agency should be given special exemptions from state or federal laws that businesses and individuals must follow. No agency should be above the law. The Defense Department is seeking to exempt their activities from laws long supported by Alaskans and the larger American public, including laws that protect air quality, water quality, and the health of people living around our military facilities. If our decision-makers grant military exemptions, this will only undermine our national security. Americans depend on the democratic process of public involvement and oversight that is ensured by many of these laws. The Department of Defense cannot compromise the health and safety of its own citizens without compromising national security. The President already has the authority to waive environmental rules for national security. President Bush stated during his campaign that the Defense Department is one of the nation's biggest toxic polluters and that the agency should not be exempted from environmental standards.

A national poll of voters (by Zogby America Polling/Market Research) in all demographic groups, including Republicans and those who voted for President Bush, soundly rejected the argument that environmental laws interfere with our ability to maintain military readiness and protect national security. Seventy-eight percent of the people agreed with the statement that "no government agency should be above the law—including the laws that protect the environment around military facilities and the health of the people who live nearby. U.S. laws already provide the flexibility needed to balance environmental protection and military readiness by allowing exemptions on a case-by-case basis in the interest of national security." The Defense Department can readily achieve its military readiness objectives while complying with state and federal laws.

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As stated earlier, DEC has worked positively with the Army on Eagle River Flats range, has not required permits for this range, does not intend to require permits for this range and has no intention of impeding the continued use of the Eagle River Range. More recently, the Army has worked cooperatively with DEC and the bill's sponsor to have the language of the bill meet the Army's needs while not jeopardizing other important work done under this same law. While we have worked cooperatively with the Army, the department is concerned that the purpose of the change is only to buttress the state law to provide a legal advantage in a pending court case. Because there have been no rulings in the case as yet, nor an injunction granted to preclude continued use of the range, we think it is fair to ask if there is a real problem that must be addressed today.

We urge the Committee to give serious consideration to the question of whether it is more appropriate for this policy issue to be dealt with at the national level first as suggested by the Department of Defense.

Thank you for the opportunity to provide testimony today.

Testimony of Tom Chapple - Director of the Division of Air and Water Quality in the Department of Environmental Conservation before Senate Resources Committee concerning HB 529 Permit Exemptions for Munitions Use.

Thank you Madame Chairwoman, members of the Committee, for the opportunity to testify on HB 529. For the record my name is Tom Chapple and I am the Director of the Division of Air and Water Quality in the Department of Environmental Conservation.

The Department has 3 significant points we wish to make about the bill before you

First: This legislation makes changes to the Department's permitting authority for an activity that already in our view does not need a permit. DEC has never, nor does it intend to require a permit for current activities on active military firing/training ranges. Our reading of the law is that current practices do not constitute the disposal of a solid waste and thus does not require a permit. However, once the site is closed, the department may require a site closure plan for disposal of any remaining waste.

Second: While we do not require a permit for this activity, we do have responsibilities in two other areas. First, if the range activity causes pollution, even if the site is still active, we will address the problem with the Army. Secondly, upon closure of the range, we will ensure that the site poses no ongoing risk to health or the environment. It needs to be clear that this legislation is NOT intended to affect the department's ability to deal with contamination at active firing ranges should contamination pose a risk to the environment or public health. DEC worked with the Army to determine that it was the ingestion of white phosphorous that was killing waterfowl on the Eagle River Flats range. As a result, the Army stopped using white phosphorous nationwide at wetland impact areas. Additionally, at Eagle River Flats, firing only occurs when the ground is frozen.

Due to historic hazardous substance releases, in 1994 Fort Richardson was put on the Superfund list (the list of the most contaminated sites in the country). The Army, the state and the EPA signed a 3-way agreement that detailed how the facility was going to be investigated and cleaned up. Through communication and cooperation between the 3 parties, a Record of Decision was signed. This document requires that the Army continue to clean up the concentrated white phosphorous areas, monitor to ensure continued reduction of the contaminant and limit access to prevent exposure to unexploded ordnances. Additionally, the 3 parties agreed that corrective action would not occur until the range closes unless there are contaminants needing immediate abatement.

Third: There is a significant national effort underway by the Department of Defense to address what, if any, exemptions from national and state environmental laws are necessary for national security and combat readiness. The Department of Defense addressed all states just last week in Wisconsin when all state environmental agency commissioners met. The Department of Defense promised the states that the limitations they are requesting will be:

- surgical
- specifically limited to combat training issues
- will be taken at a national level
- Will not result in 50 separate fixes - one in each state.

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FILED
U.S. DISTRICT COURT
DISTRICT OF ALASKA

RECEIVED
ATTORNEY OFF

COX & MOYER
Scott J. Allen (California State Bar #178925)
703 Market Street, Suite 1800
San Francisco, CA 94103
Tel: (415) 543-9464
Fax: (415) 777-1828

Pro Hac Vice Motion 202 APR 12 PM 3:15

TRUSTEES FOR ALASKA
Valerie Brown (Alaska Bar Number 9712099)
1026 W. 4th Avenue, Ste. 200
Anchorage, Alaska 99501
Tel: (907) 276-2422 ext. 107
Fax: (907) 276-7110

Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA AT ANCHORAGE**

ALASKA COMMUNITY ACTION ON)
TOXICS, COOK INLET KEEPER, THE)
CHICKALOON VILLAGE TRADITIONAL)
COUNCIL, JANET DANIELS, RICHARD)
MARTIN, and THE MILITARY TOXICS)
PROJECT)

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF THE)
ARMY, UNITED STATES DEPARTMENT OF)
DEFENSE, and DONALD RUMSFELD IN HIS)
OFFICIAL CAPACITY AS UNITED STATES)
SECRETARY OF DEFENSE,)

Defendants.

Civil Action No:

A 0 2 - 0 0 8 3 CV

COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs allege as follows:

NATURE OF THE CASE

1. This is a citizens' suit brought pursuant to the provisions of Clean Water Act 33 U.S.C. §1251, *et seq.*, the Solid Waste Disposal Act, 42 U.S.C. §6901, *et seq.*, and the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §9601, *et seq.*

JURISDICTION

2. This Court has jurisdiction over the subject matter of the First Count herein pursuant to 33 U.S.C. §1365(a)(1). Defendants have waived sovereign immunity to the First Count pursuant to 33 U.S.C. §§1323(a) and 1365(a)(1).

3. This Court has jurisdiction over the subject matter of the Second Count pursuant to 42 U.S.C. §6972(a)(1)(A). The Defendants have waived sovereign immunity to the Second Count pursuant to 42 U.S.C. §§6961(a) and 6972(a)(1)(A).

4. This Court has jurisdiction over the subject matter of the Third Count pursuant to 42 U.S.C. §9659(a)(1). The Defendants have waived sovereign immunity to the Third Count pursuant to 42 U.S.C. § 9659(a)(1).

5. By letter dated June 15, 2001, the Plaintiffs gave notice of their intent to commence this action as required by 33 U.S.C. § 1365(b)(1) and 42 U.S.C. §§ 6972(b)(1) and 9659(d)(1). Shortly following the Defendants' receipt of said letter, the Plaintiffs and Defendants commenced negotiations aimed at reaching a settlement of the claims asserted herein. At the request of the Defendants, Plaintiffs agreed that they would not commence this action

until such time as the Plaintiffs and Defendants ceased their negotiations. By letter dated about April 10, 2002, the Defendants terminated said negotiations. Plaintiffs commenced this action as soon as possible thereafter.

FIRST COUNT

VIOLATIONS OF CLEAN WATER ACT

6. Each of the Plaintiffs is a "citizen" as said term is defined in 33 U.S.C. § 1365(g), in that they are persons having an interest which is or may be adversely affected by the actions of the Defendants described in this First Count. Each of the Plaintiffs likewise has one or more interests that are or may be adversely affected by the actions or inactions of the Defendants described in the Second and Third Counts below.

7. This First Count is brought against Defendants, United States Department of the Army and the United States Department of Defense only.

8. Defendants, United States Department of the Army and United States Department of Defense, maintain jurisdiction and/or control over an installation consisting of approximately 60,000 acres known as Fort Richardson, located north of Anchorage, Alaska. Fort Richardson lies within this district.

9. Beginning at a time currently unknown to the Plaintiffs and continuing to the present, the Army has and/or continues to and/or plans to discharge munitions, and the constituents and/or by-products and/or residues of munitions, in to and on various lands and waters on and/or in the vicinity of Fort Richardson.

10. The Army has and/or continues to and/or plans to discharge munitions, and the constituents and/or by-products and/or residues of munitions, into waters and/or on to lands on or

in the vicinity of Fort Richardson, using cannons, rifles, artillery and/or other sources.

11. The waters into which the Army has and continues to discharge munitions include the waters of the Eagle River, Eagle River Flats and/or Knik Arm.

12. The Army has not applied for, nor has it been issued, a permit from the United States Environmental Protection Agency ("EPA") authorizing the discharge of munitions into waters as described in this First Count.

13. The Army therefore has violated, continues to violate and/or threatens to violate 33 U.S.C. §§1311(a) and 1323(a), as well as 40 C.F.R. §122.21.

14. The waters of the Eagle River on and in the vicinity of Fort Richardson violate the water quality standards established by 18 Alaska Administrative Code 070.20(b). The Army's actions described in this First Count have caused and/or contributed, and continue to cause and/or contribute, to this violation of water quality standards in the Eagle River. The Army's actions therefore have violated and continue to violate 18 Alaska Administrative Code 070.10 and 33 U.S.C. §1323(a).

15. The Army's actions described in this First Count have polluted and/or added to the pollution of the land and/or waters on and/or in the vicinity of Fort Richardson. Said lands and/or waters include lands and/or waters in, on and/or under the Eagle River, Eagle River Flats, and/or the Knik Arm. The Army's actions therefore have violated and continue to violate Alaska Statutes 46.03.710 and 33 U.S.C. §1323(a).

16. The Army's actions described in this First Count have resulted in the disposal of solid and/or liquid waste material into the waters and/or on to land on or in the vicinity of Fort Richardson. The Army does not have, nor has it applied for, a permit, from the Alaska

Department of Environmental Quality authorizing said discharge into waters and/or on to land. The Army's actions therefore have violated and continue to violate Alaska Statutes 46.03.100(a) and 33 U.S.C. §1323(a).

SECOND COUNT

VIOLATIONS OF SOLID WASTE DISPOSAL ACT

17. This Second Count is brought against Defendants, United States Department of the Army and the United States Department of Defense only.

18. As described in the First Count above, the Army has violated and continues to violate Alaska Statutes §§46.03.710 and 46.03.100(a).

19. The Army's violations of Alaska Statutes §§46.03.710 and 46.03.100(a) constitute a violation of 42 U.S.C. §6961(a).

THIRD COUNT

VIOLATIONS OF CERCLA

20. This Third Count is brought against all of the Defendants named above.

21. In 1994, due to a high level of pollution, the Environmental Protection Agency placed Fort Richardson on the National Priorities List, a list of the nation's most polluted facilities that are to be given priority for cleanup.

22. Shortly thereafter, the EPA, the State of Alaska, and the Army entered into an "interagency agreement" (as that term is used in 42 U.S.C. §9620(e)) entitled "Federal Facility Agreement Under CERCLA Section 120 Administrative Docket Number 1092-05-02-120" (hereinafter the "FFA") regarding Fort Richardson.

23. Live, unexploded ordnance exists in, on, and/or under the lands and/or water on or

in the vicinity of Fort Richardson, including without limitation the lands and/or waters of the Eagle River, Eagle River Flats and/or the Knik Arm, as well as the land and/or waters in an area referred to by the Army as the OB/OD pad. Unexploded ordnance may also exist in, on, and/or under other lands and/or waters on or in the vicinity of Fort Richardson.

24. This unexploded ordnance constitutes and contains "hazardous substances" and/or "pollutants or contaminants" as those terms are defined in 42 U.S.C. §§9601(17) and 9601(33). The Army, however, has taken, and continues to take, the position that this unexploded ordnance neither constitutes nor contains "hazardous substances" and/or "pollutants or contaminants" as those terms are defined in 42 U.S.C. §§9601(17) and 9601(33).

25. The Army has never commenced, nor has it performed, a remedial investigation or feasibility study (RI/FS) regarding unexploded ordnance or the constituents of such ordnance on Fort Richardson.

26. The Army's failure to commence or perform such an RI/FS violates and continues to violate 42 U.S.C. §9620(e)(i) as well as paragraphs 8.8 and 8.9 and Attachment 1 of the FFA (including without limitation section 3.1 of Attachment 1).

27. The Army has never adopted a plan for remediation of the unexploded ordnance described above; nor has the Army commenced or performed remediation of such ordnance. The Army therefore has violated and continues to violate 42 U.S.C. §§9620(e)(2)-(e)(4) as well as ¶8.10 and Attachment 1 to the FFA.

REQUEST FOR RELIEF

Plaintiffs respectfully request the following relief:

28. Declare that the Army's discharge of munitions into waters as described in the

First Count herein has violated and continues to violate 33 U.S.C. §§1311(a) and/or 1323(a).

29. Order the Army to stop discharging munitions into the waters of the Eagle River, Eagle River Flats and/or the Knik Arm until such time as the Army obtains a permit authorizing the discharge from the EPA.

30. Declare that the Army's actions described in the First and Second Counts herein have violated and/or continue to violate 18 A.A.C. §070.10, Alaska Statutes §§46.03.710 and 46.03.100(a), and/or 33 U.S.C. §1323(a) and/or 42 U.S.C. §6961(a).

31. Issue appropriate injunctive relief prohibiting the Army from continuing to conduct the activities described in the First and Second Counts herein in violation of 18 A.A.C. §070.10, AS §§46.03.710 and 46.03.100(a) and/or 33 U.S.C. §1323(a) and/or 42 U.S.C. §6961(a).

32. Declare that the unexploded ordnance in, on, and/or under the lands and waters on Fort Richardson constitutes and contains "hazardous substances" and/or "pollutants or contaminants" as those terms are defined in CERCLA, 42 U.S.C. §§9601(17) and 9601(33).

33. Order the Army to commence and fully perform an RI/FS regarding unexploded ordnance on Fort Richardson.

34. Order the Army to pay the Plaintiffs' costs and attorneys fees as provided by statute, including 33 U.S.C. §1365(d) and 42 U.S. §§ 6972(e) and 9659(f).

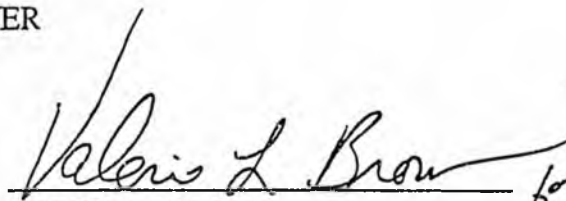
35. Order the Army to pay appropriate civil penalties as provided by 33 U.S.C. § 1319(d), 42 U.S. C. § 6928(g), 42 U.S.C. §§ 9609(a)(1)(E), 9609(b)(5), 9622(l), and/or 9659(c).

36. Issue other and further relief as the court deems just and proper.

Dated: April 12, 2002

COX & MOYER

By:


SCOTT J. ALLEN
Attorneys for Plaintiffs

Fort Rich Complaint.wpd

Rec'd cert mail 4/15/02

J. Allen

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SUMMONS IN A CIVIL ACTION

Alaska Community Action On Toxics,
Cook Inlet Keeper, The Chickaloon
Village Traditional Council, Janet
Daniels, Richard Martin, and The
Military Toxics Project,

v.

United States Department Of The Army,
United States Department Of Defense,
and Donald Rumsfeld In His Official
Capacity As United States Secretary
Of Defense.

CASE NUMBER:

A 0 2 - 0 0 8 3 CV

TO: (Name & Address of Defendant)
Donald Rumsfeld
United States Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)
Valerie L. Brown
Trustees For Alaska
1026 W. 4th Ave., Ste. 201
Anchorage, AK 99501
Scott J. Allen
Cox & Moyer
703 Market St., Ste. 1800
San Francisco, CA 94103-2128

an answer to the complaint which is herewith served upon you, within 60 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken
against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court
within a reasonable period of time after service.

MICHAEL HALL

APR 12 2002

CLERK

DATE

CML
(BY) DEPUTY CLERK

ESALCO

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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United States Department Of The Army,
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Capacity As United States Secretary
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CASE NUMBER:

A 0 2 - 0 0 8 3 CV

TO: (Name & Address of Defendant)

Timothy M. Connelly, Trial Attorney
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 23986, L'Enfant Plaza Station
Washington, DC 20026

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

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Trustees For Alaska
1026 W. 4th Ave., Ste. 201
Anchorage, AK 99501

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(ML) *(SEAL)*

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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CASE NUMBER:

A 0 2 - 0 0 8 3 CV

T.O: (Name & Address of Delendant)

United States Dept. of the Army
Office of the Chief of Public Affairs
1500 Army Pentagon
Washington, DC 20310-1500

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Trustees For Alaska
1026 W. 4th Ave., Ste. 201
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MICHAEL HALL

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CPAL *SEARCHED*

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MICHAEL HALL

APR 12 2002

CLERK

DATE

CML SEALOD
(BY) DEPUTY CLERK

**Cooper Landing Community Club, Inc.
P.O. box 508
Cooper Landing, AK 99572**

**Community Center-Cemetery-Rifle Range/Recreation Site-Deli Homemakers-Gun Club
Helen Rhode Memorial Park**

Serving Cooper Landing since 1949

President: Mona Painter, Vice-president: Ron Gravenhorst, Secy.-treas: Phil Weber

painter@arctic.net phone/fax: (907) 595-1248

October 5, 2001

Dave R. Gibbons, Supervisor
Chugach National Forest
3301 'C' Street, Suite 300
Anchorage, AK 99503

Dear Mr. Gibbons:

"Prescribed burns in (the) Cooper Landing area" was an agenda item for our Sept. 27, 2001 meeting. We discussed proposed prescribed burns in the Cooper Landing area listed in the Schedule of NEPA Proposed Actions April 1, 2001-march 31, 2002.

We understand the reason for planning the burns is to reduce wildfire potential in beetle infested and dead spruce and to improve wildlife habitat and we would like to see that happen. However, the people present are uncomfortable with the idea of prescribed burns close to Cooper Landing after the problem up Kenal Lake last summer when the prescribed burn became a wildfire and threatened homes and businesses in the Crown Point and Lawing areas.

A motion passed that the Cooper Landing Community Club write a letter to you saying we are opposed to the two burns planned close to Cooper Landing (Fuller and East Kenal Lake Prescribed Burns) and that we are opposed to prescribed burning within a 10-mile radius of Cooper Landing. We would like to see the Forest Service look into other fuel reduction measures-- other ways of removing the dead trees and/or making fire breaks.

Sincerely,

Mona Painter

cc: Michael Kania, District Ranger
Cooper Landing Advisory Planning Commission

The first real effort to clean up the dead spruce forest--to eliminate the fire hazard and salvage some economic value from the dead trees was in Cooper Landing. About one million dollars later, a whole bunch of people received commendations for such a brilliant, and successful, project. Just think of how many Alaskan "Public Officers" and USFS personnel will get commended when we get busy utilizing this wasting biomass to produce energy.

Red 211-3992

Forest may increase greenhouse gases?



Researchers working for the federal natural resources department have found that in about 1980, Canadian forests switched from being a long-term sink for carbon dioxide to becoming a net source of carbon dioxide, largely through in-

creased death and decay from disease, pests and fire.

More troubling for Canada's official Kyoto stance, federal researchers Werner Kurz and Mike Apps concluded that even vigorous campaigns against forest pests and fires likely wouldn't flip Canada's over-all forest balance to a carbon dioxide sink.

Toronto Star

DECEMBER 2001

LOG TRUCKER DECEMBER 2001

Alternative energy, and independence

Brown outs, and the spike in gasoline prices this past winter and spring brought out the cry for alternative energy sources yet again. Wind generators, and solar collectors remain the darlings of media, and while they have greatly improved the technology the past several decades, they still fall short of satisfying present and future demands.

A known technology, which is tried, proven, and being refined even further is biomass... which our beloved, enlightened media (ideological blinders firmly in place) seems to have totally missed. The message of biomass as a real energy solution has not missed the Europeans, however. Ever energy conscious, Scandinavian countries in particular are exploring and utilizing biomass from their forests to fire steam generating plants producing electricity while cleaning up their forestlands, producing a true win-win scenario.

Everywhere we travel we're exposed to overstocked forests in desperate need of thinning, yet with no market for thinned materials. Biomass electrical generation plants hold the promise of providing a market for those materials, while providing predictable electrical generation capacity we so desperately need, in addition to reducing our need for imported oil and/or gas. Sound like a winner? Well, yes.... However...

As responsible and reasonable as

it sounds, biomass has one giant hurdle it needs to clear... public perception, and public policy.

In the public policy arena, one ally who should see biomass as an answer to American energy independence is the Eco-industry. They can serve to advance the policy, or to block it... or simply ignore it.

We think it is time to bring biomass to the forefront. First... we have fuels in abundance, with more growing every day. Secondly, it is broadly available and expanding in terms of availability. Thirdly, it is very good for the forests, particularly when properly managed, to thin growing forests, then utilize the wood products via developing and existing technologies to remove those materials to generate electrical supply.

What is needed is a change in public policy to take advantage of the supply, the technology, and assert our energy independence by using what we already have which is currently being left to rot, or left to fuel forest fires. We see it as a win-win, and another step towards energy independence to keep our country and future generations free.

To achieve these ends requires the help of those within the environmental community to press for a change in public policy in recognizing the present and future importance of biomass for energy production. It is responsible, it is accessible, environmentally friendly, and it is grown on

our own soil.

It is time we step up to all alternatives in dealing with the energy that keeps our nation independent. It's time we look at biomass, and bring it to the table, putting it to work for all our benefit.



Why can't the "Public Officers" of Alaska see the job potential for young people within our dead and dying spruce forests? I can remember the CCC'S. YOU probably will have to put out a little effort to understand that very successful government program. It helped in many, many, ways--both economic and social. Let's try it in the wasting spruce forests in Alaska.

Red

