

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6573 SENATE RESOURCES

977

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CSHB 128 (RES)
PUBLISH DATE: HOUSE 3/31/89

FISCAL NOTE

REQUEST:

Revision Date: 13-Mar-89 Agency Affected: Natural Resources
Title: An Act relating to oil & gas & geothermal leasing practices. BRU: Petroleum Management
Sponsor: Brown, M. Davis, Gruenberg, Ellis Components: Petroleum Mgmt
Requestor: House Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0					

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Carol Wilson Phone: 465-2400
Division: Commissioner's Office Date: 13-Mar-89

Approved by Commissioner: Lennie Gorsuch Date: 13-Mar-89
Agency: Department of Natural Resources

Distribution (by preparer) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

HB

159

SENATE COMMITTEE REPORT



DATE TURNED INTO OFFICE 3-8-90

4/5/89
Mr. President:

Resources Committee considered SSHB 159

exemption from municipal property taxation for natural resources in place; efd

and recommended

replace with 5 CS SSHB159 (Res)) same title
 or adopt _____ CS _____) new title
 attached amendment(s) and technical title change (HB only)
 _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) zero fiscal impact appropriation no FN
 new updated previous
 same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Curtis S. ...
[Signature]
[Signature]
 ?Chair [Signature]

[Signature]
Chairman signature and recommendation

Committee Backup attached

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act..exemptions..municipal
 property taxation.."
 Sponsor: Rep MacLean
 Requestor: _____

Agency Affected: Community & Regional Affairs
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: *Jim Plasman* Deputy Director Phone: 465-4750
 Division: Municipal & Regional Assistance Date: 3/9/89
 Approved by Commissioner: *Bill Lewis* Date: *4/11/89*
 Agency: Community & Regional Affairs

Distribution (by preparer) :
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

HB 159, RELATING TO AN EXEMPTION FROM MUNICIPAL PROPERTY TAXATION FOR NATURAL RESOURCES IN PLACE, EFD.

* The ~~new~~ CRA version of the bill adds a purpose section which states it is a temporary tax exemption to allow time for a comprehensive study of the issue relating to exempting natural resources in place from municipal taxation.

A new provision of Section 3 of the bill directs the CRA to study and compare the potential resource taxation options to determine from property taxation is the most appropriate treatment of natural resources.

A new provision adds requirements for unincorporated communities and those that will participate in the study. It also grants cities and boroughs to participate in the study and execution of the study.

HB 159

CRA must conduct the study in concert with rather than consult with the department of revenue and the Alaska Municipal League

* The bill had been returned to CRA from Rules on 3/19/96

HB 159

ALASKA STATE LEGISLATURE

Representative Eileen Panigeo MacLean
P.O. Box 290
Barrow, Alaska 99723



Chairman
Community & Regional Affairs
Committee

Vice-Chairman
State Affairs Committee
Bush Caucus

Member Finance Subcommittee
Community & Regional Affairs
Education
Corrections

WHILE IN JUNEAU
Box V
Juneau, Alaska 99811
465-4525
465-4833

HOUSE OF REPRESENTATIVES

MEMORANDUM

Senator Fahrenkamp

TO: SENATOR BETTYE FAHRENKAMP, CHAIRMAN
SENATE RESOURCE COMMITTEE

FROM: REPRESENTATIVE EILEEN P. MACLEAN, CHAIRMAN *Eileen MacLean*
HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

DATE: FEBRUARY 28, 1989

RE: SSHB 159

- District 22
- Ambler
- Anaktuvik Pass
- Atkasuk
- Barrow
- Buckland
- Deering
- Kaktovik
- Kiana
- Kivalina
- Kobuk
- Kotzebue
- Noatak
- Noorvik
- North Slope
- Borough
- Northwest Arctic
- Borough
- Nulqsut
- Point Hope
- Point Lay
- Selawic
- Shungnak
- Wainwright

I WOULD LIKE TO RESPECTFULLY REQUEST THAT SSHB 159 BE SCHEDULED AT YOUR EARLIEST CONVENIENCE. THIS LEGISLATION RECENTLY PASSED THE HOUSE BY 36-2 AND HAS RECEIVED SUPPORT FROM OF ALL AREAS OF THE STATE.

SSHB 159 WAS INTRODUCED AFTER MY OFFICE WAS CONTACTED BY THE STATE ASSESSOR, THE ALASKA ASSOCIATION OF ASSESSING OFFICERS, AND THE ALASKA MUNICIPAL LEAGUE.

CURRENT STATE STATUTE ALLOWS FOR THE INCLUSION OF "IN PLACE NATURAL RESOURCES" IN FULL VALUE ASSESSMENTS AND LOCAL TAX ROLLS. TO DATE NEITHER THE STATE ASSESSOR NOR MUNICIPALITIES HAVE INCLUDED THESE "IN PLACE NATURAL RESOURCES" IN THEIR EVALUATIONS DUE TO THE TECHNICAL DIFFICULTY AND EXPENSE TO DO SO. IN MANY INSTANCES NO ADEQUATE METHOD TO PRECISELY DETERMINE THE VALUE OF THESE RESOURCES EXISTS. A CHANGE IN THE TAXATION POLICY OF THESE RESOURCES WOULD GREATLY UPSET THE STATUS QUO IN MUNICIPAL TAXING PROCEDURES.

SPONSOR SUBSTITUTE FOR HOUSE BILL 159 WOULD STABILIZE EXISTING STATE AND MUNICIPAL TAXING PRACTICES BY EXEMPTING FOR A TWO YEAR PERIOD THE ASSESSMENT OF "IN PLACE NATURAL RESOURCES." DURING THAT TIME THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS WITH CONSULTATION FROM THE DEPARTMENT OF REVENUE AND THE ALASKA MUNICIPAL LEAGUE WOULD CONDUCT A STUDY OF VARIOUS OPTIONS FOR TAXING THESE RESOURCES, INCLUDING BUT NOT LIMITED TO A COMPLETE EXEMPTION.

FOR ADDITIONAL INFORMATION, PLEASE CONTACT ME OR LOUANNE CHRISTIAN OF MY STAFF AT 465-4833. THANK YOU FOR YOUR PROMPT CONSIDERATION OF THIS LEGISLATION.

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- ITEM 9: Letter of Support - Matanuska-Susitna Borough Assessor
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- ITEM 11: Letter of Support - Mayor of Mat-Su Borough
- ITEM 12: Letter from DCRA - State Assessor

NORTHWEST ARCTIC BOROUGH

P.O. BOX 1110

KOTZEBUE, AK 99752

(907) 442-2500 / FAX 442-2930

Statement of Dennis J. Tiepelman, Ass't to the Mayor,
Northwest Arctic Borough before the Senate Community and
Regional Affairs Committee, March 02, 1989

MISTER CHAIRMAN:

The Northwest Arctic Borough would like to go on record as supporting Senate Bill 181, "An act relating to an exemption from municipal property taxation for natural resources in place..."

The bill resolves an immediate issue if it is enacted into law: It will exempt for a period of time a requirement that resources be assessed and taxed of an unknown quantity and value on these same resources (e.g. minerals).

The borough supports the concept that in-place resources be permanently exempt in State law, but we recognize that it should be studied and a report be made reflecting what these issues might be in the way of future legislative recommendations. There are differing opinions.

The borough is part of the Alaska Municipal League which passed a resolution in November, 1988 urging the State legislature to seek legislative remedy for an assessment of minerals in-place, and it is currently required by the Department of Community & Regional Affairs, State Assessors Office.

Knowing that the Department of Revenue, Department of Natural Resources, and the Office of the Governor needs to look at the full implication of exempting minerals-in-place, this Senate Bill 181 establishes a process and allows an exemption to be in place until a final report and legislation is enacted within two (2) years. This should allow ample opportunities for other agency concerns to be addressed.

STATEMENT OF DENNIS J. TIEPELMAN
SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
MARCH 02, 1989
PAGE TWO

Northwest Arctic Borough does not in its current administrative structure maintain an assessor's office which may create a financial liability if no exemption is immediately allowed. We are also acutely aware that the proposed Red Dog mining project in our borough will go into production in about a year, and no one knows its actual resource potential of lead and zinc in terms of realistic dollar amounts.

However, the authority to impose a property tax on improvements at the mine site and the ability to impose a severance tax are much better alternatives than requiring us to place an unknown or arbitrary value on minerals-in-place. These other taxing mechanisms should be considered viable remedies in existence.

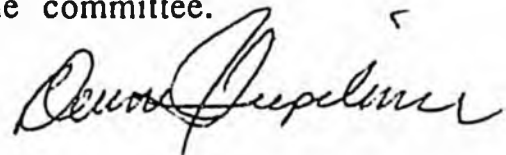
Natural resources as they exist in-place is not very prudent in methods to determine such a value. Large-scale mining as well as the small-time prospector/miner would have difficulty assessing what is the value of minerals before it could ever be developed and extracted for use elsewhere.

Other taxing districts throughout the State have similar problems, and I would urge that an immediate exemption and a prepared report will resolve any questions in due time so that some unforeseen future revenues will not jeopardize the current need for an exemption to be enacted.

The Northwest Arctic Borough is just completing its second year as a "home-rule borough", and there are many other organizational priorities we are working on, including land selections, planning, and financial stability without incurring additional duties of assessing what is taxable or taxing schemes which would now include natural resources in-place.

I would urge speedy deliberations and enactment of legislation that seems to appease every interest group and at the same time does not close the door on changes that might happen in the ensuing two (2) year period.

Thank you for this opportunity to address the committee.



MEMORANDUM

State of Alaska

Community and Regional Affairs

TO: Bob Evans
Legislative Liaison
Office of the Governor


DATE: November 14, 1988

FILE NO: 741X/MWW/JP/1410.2

TELEPHONE NO: 465-4750

THRU: David G. Hoffman
Commissioner

SUBJECT: Proposal To Exempt
Natural Resources
In-Place

FROM:  Michael Worley
State Assessor
Municipal and Regional
Assistance Division

The Director of the Municipal and Regional Assistance Division, Marty Rutherford requested that I prepare a briefing for you regarding issues and questions which might arise when the above subject is discussed at the AML Conference. I believe the municipalities will be supportive of the proposal. I have not heard from one municipal official who is in favor of assessing these resources. The initial reaction to our proposal at the municipal level has been that people who do not understand the facts perceive our proposal to be a denial to local governments of a valuable revenue resource. However, once they do understand the issue, they regard this mandatory taxing arrangement as an untenable requirement under state law which they wish to have removed. If our proposed bill is not introduced by the Governor, I am concerned that their perception will be that the Cowper Administration wants to impose this mandate against the wishes of municipalities. In any event, this proposal is advanced on behalf of municipalities. If they do not want it, we will recommend it be withdrawn.

The issue will probably be discussed at the Policy Section Meeting on taxation and finance on Thursday, the 17th from 9:00 to 11:30 a.m. Among others, Commissioner Hugh Malone, Gary Lewis (Mat-Su Borough Assessor) and I will be on the panel for that meeting.

Attached is a position paper which states briefly the pros and cons of this issue as we see them. Also attached is a copy of our response to concerns and questions posed by State Economist Greg Erickson.

If you have additional questions on this issue, or if we can be of further help, please don't hesitate to call on us.

Attachments

November 14, 1988

POSITION PAPER

RE: Proposal to exempt natural resources-in place.

SPONSOR: Rules by Request of the Governor

Effects of the Bill:

This bill would stabilize municipal taxing practices, the State Revenue Sharing Program, and the Education Funding Formula by by statutorily recognizing the current property tax practices of municipalities in the State, and the procedures utilized by the Office of the State Assessor in estimating Full Value Determinations. The assessment practices and procedures currently being used by municipalities and the Office of the State Assessor in regard to in-place natural resource reserves are not consistent with existing state law.

Comments:

Although Alaska law technically requires these in-place natural resource reserves to be included in local tax rolls and in the full value determination for municipalities, they have not been so included because of the technical difficulty and expense of accurately determining the value of such reserves. The treatment of these values has become an issue because of the continuing development, lease or sale of the property conveyed to regional corporations under the Alaska Native Claims Settlement Act (ANCSA). As these ANCSA properties are developed or conveyed to other parties, they enter taxable status. Under ANCSA, the surface and subsurface estates to these properties were conveyed separately to village and regional corporations, respectively. Because municipalities must assess property rights to "the record owner" under AS 29.45.160(b), assessors should value resources separately and assess their value to the proper corporation. Although this issue was triggered by ANCSA, it is not confined to only those properties. The municipal assessor must treat all property in a uniform manner; therefore, the practice of valuing these resources will automatically extend to all properties. Several options have been suggested in responding to these problems. The following is a discussion of these options and our position:

Position Paper
RE: PROPOSAL TO EXEMPT NATURAL RESOURCES IN-PLACE
November 14, 1938
Page Two

Option 1: Do Nothing.

Because of the developments discussed above, doing nothing will not preserve the status quo. It will, in fact, require substantial changes in assessment practices throughout the state, increasing the administrative and fiscal burden on municipalities and the state to determine the values of in-place reserves in municipalities. The addition of these values to municipal tax rolls and full value determinations will have effects at both the local and state level. The values of some resources would be high enough on larger tracts (homesteads, farms, etc.) that the owners would very likely be forced to develop the resources in order to pay property taxes, or face property tax foreclosure. The inclusion of these values in full value determinations will reduce revenue sharing funds to municipalities with additional in-place reserve value and will increase the mandatory local contribution under the education formula to those municipalities. Depending upon the amount of these resource reserves, the fiscal impact to local governments could be substantial.

The positive side to this option is that municipalities would continue to have the capacity to levy against a category of taxable property. In most municipalities, we believe the resource value would not be very high. In some, however, it could be higher than the combined value of all other property located in the jurisdiction.

Option 2: Adopt Legislation Permitting Municipalities to Tax Resources in Place by Local Option.

The advantage to this approach is that the State is not depriving municipalities of new property tax dollars which are currently available to them. At the same time, the requirement for municipalities to tax the resources, whether they want to or not, is removed.

Unfortunately, there are many hidden problems associated with this option. The Full Value Determination includes values for all property which is taxable under state and federal law. Under the local option concept the values of these resources would be required to be included in the Full Value Determination whether municipalities elected to tax them or not. Therefore, we would still have the education funding problem which exists in some resource-rich, revenue-poor municipalities (see attached memo). It has been suggested that perhaps the resource values should be added to full value determinations only if municipalities elected to tax them.

Position Paper

RE: PROPOSAL TO EXEMPT NATURAL RESOURCES IN-PLACE

November 14, 1988

Page Three

This proposal raises a significant policy question in the rationale and equity for allowing such treatment for only this type of optionally exempt property but not for other types such as personal property, motor vehicles, boats, or the first \$10,000 on homes, the value of which is required to be included in their full value determinations whether or not it is taxed. It seems likely that allowing one exception to the rule that optionally exempts property to be included in the full value determination would lead to calls from affected municipal governments for the exclusion of other types of optionally exempt property, based upon the amount of such property within each municipality. If all optionally exempted property values were removed the concept of the full value determination would be dramatically altered in that it would represent only the willingness of municipalities to generate property tax revenues, regardless of their potential to do so. The Department of Education has expressed concern that under the optional exemption concept, local education funding could be dramatically increased or reduced each year through the exercise of the option, thereby causing fiscal instability within school districts.

Option 3: Mandatorily Exempt Resources In-Place from Municipality Levy.

The chief disadvantage of this approach is that municipalities would be unable to tax resources in-place if they desired to do so. Municipalities in Alaska do, however, have the power to levy a severance tax against the extraction or removal of the resources at their option. Therefore, the inability to tax the resources would apply only to those not being developed.

No municipality in Alaska has attempted to assess or even to develop a separate value for resources in-place. Therefore, this option would maintain the status quo in that regard. Similarly, the Office of the State Assessor has never attempted to include a value for these resources in municipal full value determinations. With resources mandatorily exempted under this option, we would no longer be required to do so, thereby maintaining that existing practice as well.

The danger of substantially increasing property taxes on larger tracts of land such as homesteads and farms would be eliminated. With the option of adopting a severance tax, however, municipalities could tax those resources in the event they were developed.

Position Paper

RE: PROPOSAL TO EXEMPT NATURAL RESOURCES IN-PLACE

November 14, 1988

Page Four

In summary, we believe Option 3 provides the most logical way to resolve these problems. It guards against disruption of revenue sharing and education funding activities, and insures the status quo will be maintained in both municipal property taxation and the Full Value Determination.

MEMORANDUM

State of Alaska
Department of Law

TO: Bob Evans, Legislative Liaison
Office of the Governor

DATE: April 26, 1988

FILE NO: 663-88-0410

TEL. NO: 465-3600

SUBJECT: Exemption of "in place"
natural resources

Marjorie L. Odland
FROM: Marjorie L. Odland and
Assistant Attorney General
Governmental Affairs-Juneau

You have requested our opinion regarding a draft bill exempting "in place" natural resources from municipal taxation (Our file: 773-88-0061). You have several concerns regarding the effect and necessity of this bill which will be addressed individually below.

1. What is the state's current obligation regarding the assessment of "in place" natural resources in the full-value determination of a borough or municipality?

The standard by which a local assessor must assess property is set out in AS 29.45.110(a), which reads:

The assessor shall assess property at its full and true value as of January 1 of the assessment year, except as provided in this section, AS 29.45.060 and 29.45.230. The full and true value is the estimated price that the property would bring in an open market and under the then prevailing market conditions in a sale between a willing seller and a willing buyer both conversant with the property and with prevailing general price levels.

Under the above statute, a local assessor must assess all taxable property in accordance with the standard. The determination as to whether "in place" natural resources must be included in the assessment of property and the state's liability for insuring the inclusion of assessment of "in place" natural resources by municipalities is central to your question.

To date, municipalities have not assessed "in place" natural resources. Additionally, the state has not required municipalities to include these resources when determining full and true value of property under AS 29.45.110. There is no case law in Alaska interpreting AS 29.45.110 with respect to assessment requirements of "in place" natural resources nor is there a case

in Alaska holding that it is mandatory for these resources to be included in property assessment. However, it is the opinion of this office that "in place" natural resources may correctly be included in the full value determination of a municipality under AS 29.45.110(a) and that the Alaska Supreme Court would support this opinion.

Looking to other states' court opinions and treatise law, it is generally held that the right to tax is purely of statutory creation, and practically all of the authorities are to the effect that assessors, in valuing property, may take into consideration the fact that property contains undeveloped minerals in such quantity as to enhance the value of the land over its mere surface value. See 2 A.L.R. 1550-1553 and cases cited therein. It has also been held that minerals in place are not rendered nontaxable merely because of lack of legislative method and regulation for determining their value. Greene County v. Lattas Creek Coal Co., 100 N.E. 561 (Ind. 1913); 72 Am.Jur.2d State and Local Taxation § 764.

There is case law supporting the view that assessors are required to value for taxation all real property according to its market value. Under those decisions, value is measured by all the circumstances and advantages that tend to enhance it, of which underlying minerals, if accessible, are most important items, so that they must necessarily be included in the valuation. See, e.g., Logan v. Washington County, 29 Pa. 373, 14 Mor. Min. Rep. 108 (Penn. 1857). Any element of value tending to affect selling price "may" be taken into consideration by the assessor in arriving at a proper valuation for assessment purposes. Washington County v. Marquis, 82 Atl. 756 (Penn. 1912). The decisions of the courts in these two cases appear to have been based upon statutes similar in wording to AS 29.45.110(a).

Of main import, is that none of the authorities we found held for the premise that liability attaches to the state or local taxing entity for failure to include "in place" natural resources in their assessments. The authorities we found were based upon cases where a taxpayer was challenging the authority of the taxing jurisdiction to include the value of "in place" natural resources in the assessment of their property.

Furthermore, we found no cases holding that local or state assessors are required to search out "in place" natural resources in order to include them in the assessment of property. The cases mainly hold that it is correct for assessors to take into consideration all "facts" directly affecting the value. It is our opinion that this general rule concerns facts which affect

the value of the property that are known or prospective; not sought or speculative.

There is authority supporting the view that assessors may take into consideration prospective value of property as well as present value in making assessments and that an added value may be given property for purposes of taxation where there is "sufficient reason" to believe that the property contains mineral deposits in sufficient quantity to give it a value as a prospective mine. However, there is also authority to the effect that not only must property be valued at its present value at the time of the assessment, but that such value cannot be based on a speculative prospective value. See generally 72 Am.Jur.2d State and Local Taxation, §§ 763-764.

In summary, it is our opinion that AS 29.45.110(a) allows for "in place" natural resources to be assessed and included in the full value determination of a municipality. The issue of whether the state is mandated to assess these resources will be included under the next section dealing with any potential state liability for failure to include assessment of "in place" natural resources in the full value determination of a municipality.

2. If "in place" natural resources are not currently exempted from the full value determination, what liability may the state face if the state assessor does not include these in his assessments?

As pointed out above, the state has never required municipalities to assess "in place" natural resources in order to arrive at the full and true value of property in the municipality. The issue is not whether AS 29.45.110(a) can be interpreted to allow for assessment of "in place" natural resources, since we believe that the Alaska Supreme Court would rule that it does. The issue here centers around the state's longstanding application of this statute in not requiring these resources to be assessed and whether the state faces liability for not including "in place" resources in the assessments. In short, we do not believe that the state faces any present liability for failure to require municipalities to assess "in place" natural resources without a specific exemption in the law.

We are assuming that the liability anticipated by your question concerns a situation where one municipality complains that the state should be requiring another municipality to assess its known "in place" natural resources in the full value determination as it affects the distribution of municipal revenue sharing and education funding. However, a municipality's claim

Bob Evans, Legislative Liaison
Office of the Governor
663-88-0410

April 26, 1988
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of deprivation of due process or equal protection against the state must fail. The Alaska Supreme Court recently ruled that a municipality is not a "person" and therefore may not assert due process or equal protection claims against its creator, the state. Kenai Peninsula Borough v. State, ___ P.2d ___, Op. No. 3277 (Alaska, Mar. 4, 1988).

If the state changes its application of AS 29.45.110-(a), rules of contemporaneous construction generally hold that a reversal in interpretation of a statute by the administering agency will be applied only prospectively. 2A N. Singer, Sutherland Statutory Construction § 49.05, (4th ed. 1984 rev.) (hereafter "Sutherland"). In other words, if the state reverses its interpretation and administration of AS 29.45.100(a) requiring municipalities to assess "in place" natural resources in their determinations of full value, the state's new interpretation most likely will apply only to future years; not retroactively.

We note that there is caselaw in other states supporting the following viewpoint:

the mere failure of public officers charged with the duty to enforce statutory and constitutional provisions in respect to the levy and collection of taxes, or the acquiescence of public officers in conditions that exempted certain property from taxation, should not be permitted to stand in the way of the "correct" administration of the law, or be construed to estop more diligent and efficient public officers when they attempt to perform their duty by bringing in to the revenue proper subjects of taxation that had theretofore been allowed to escape the payment of taxes.

Sutherland § 49.05 (citing Louisville v. Board of Education, 154 S.W. 379, 380-381 (Ky. 1913)).

Based upon the above viewpoint, we believe that the present state assessor has correctly pointed out that "in place" natural resources may be included in municipal assessments, and properly should be included. However, as noted above, it is the opinion of this office that no liability attaches to the state for failure to insist on the assessment of these resources at this time.

3. Is it your opinion that this exemption from municipal resources is necessary?

Bob Evans, Legislative Liaison
Office of the Governor
663-88-0410

April 26, 1988
Page #5

Probably yes, for the main purpose of addressing the issue and clarifying the state's application and interpretation of AS 29.45.110(a). We do not believe any retroactive liability will attach if the state does not immediately provide for this exemption in the law. Additionally, the state may wish to consider whether it wants to make the exemption of "in place" natural resources from municipal taxation mandatory upon the municipalities or whether to allow municipalities the option of providing for the exemption of these resources from taxation.

We hope this addresses your concerns. Please do not hesitate to contact us if you need further assistance on this matter.

MLO/pjg

Introduced by: Alaska Association of
Assessing Officers

Date: November 17, 1988

RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE .

RESOLUTION NO. 88 - 2

A RESOLUTION RECOMMENDING TAX EXEMPT STATUS
OF "IN PLACE" RESOURCE RESERVES.

WHEREAS, "current Alaska law requires municipalities which levy a property tax to assess, levy, and collect property taxes on natural resources in place, except oil and gas resources which are mandatorily exempted and

WHEREAS, the Office of the State Assessor is required under current law to include values for those natural resources in place in the Full Value Determination for municipalities across the State and

WHEREAS, currently neither municipalities nor the Office of the State Assessor includes values for those resources on local assessment rolls or in the Full Value Determination, and neither has the staff or fiscal resources to value natural resources in place and

WHEREAS, the inclusion of values for those resources on local property tax rolls or in the Full Value Determination would be likely to have substantial negative tax impacts on farms, ranches, homesteads and other residential property, and substantial negative impacts on municipalities under the State Revenue Sharing and education funding formulas and

WHEREAS, municipalities already have the power to levy severance taxes and sales taxes against those resources at the time they are developed and sold;

NOW, THEREFORE, BE IT RESOLVED THAT THE Alaska Municipal League supports the passage of legislation which would require, under A.S. 29.45.030, the exemption from municipal property taxes of all natural resources in place, together with language which would insure preservation of the power of municipalities to levy severance taxes and sales taxes against the development and sale of those natural resources.

This resolution was passed by the governing body of the

Alaska Association of Assessing Officers on November 15, 1988

Alaska MUNICIPAL League

TELEPHONE
(907) 586-1325
FAX 463-5480

217 SECOND STREET, SUITE 200
JUNEAU, ALASKA 99801

TO: Representative Eileen Mclean, Chair
Members of the House Community and Regional Affairs Committee

FROM: Scott A. Burgess, Executive Director 

DATE: March 13, 1989

SUBJECT: Sponsor Substitute for HB 159 - Municipal Property Tax Exemption
for In Place Resources

The Alaska Municipal League supports Sponsor Substitute for HB 159. Recognizing the significance of the issue of municipalities imposing or not imposing a property tax on natural resources in place, the AML membership passed Resolution No. 89 - 21 (attached) at the annual business meeting in November 1988. After further analysis, the AML Board of Directors added the legislative resolution of the concern raised by the Department of Community and Regional Affairs earlier this year to its 1989 legislative priorities outlined in the AML Municipal Platform. SSHB 159 reflects the approach supported by the AML and the AML urges passage by the Legislature.

As outlined in AML Resolution No. 89 - 21, municipalities and the State of Alaska are required by law to include the values of natural resources in place (e.g. minerals, timber etc.) on local assessment rolls and in the full value determination, respectively, for purposes of taxation. Neither does because neither has the staff or fiscal resources to value the resources, and the inclusion of values for those resources would likely have a negative impact on residential property and on municipalities under the state revenue sharing and education funding formulas. Exempting the resources from property tax would recognize the difficulty of taxing natural resources in place and the status quo.

However, given the decline in state aid to municipalities and the increasing demand to provide additional local services with local tax dollars, limiting a potential tax base should be approached with caution. When the issue of taxing in place resources was raised earlier this year, the Department of Community and Regional Affairs stimulated significant discussion and debate around the State, especially among the municipalities and with the Department of Revenue. SSHB 159 calls for a temporary, two-year property tax exemption on natural resources in place to recognize the status quo, and it also calls for a study by the Department of Community and Regional Affairs to compare the potential effects of total exemption, partial exemption, no exemption and optional exemption. In conducting the study, DC&RA will consult with the Department of Revenue and the AML. The approach outlined in SB 159 with a temporary exemption and a study will take care of

AML Testimony on SSHB 159
March 13, 1989
Page 2

the immediate situation and provide for more understanding of the issue, a discussion of alternatives, and the development of a consensus on a long-term or permanent solution.

The July 1, 1991 repeal date in Section 3 would provide adequate time for the study to develop recommended long-term legislative solutions (two years) and for the legislature to act. Assessment roles are determined as of January 1st of each year; therefore, in order for the municipality to add property to the assessment rolls if required by legislation passed in 1991 session and to assess in 1992, the assessors would have to do their work during the summer and fall of 1991 and have the property on the rolls by January 1, 1992. If the 17th Legislature does not act in the First Session to implement the recommendations of the study, it will have to extend the temporary exemption.

Finally, the AML wants to clarify in its testimony that municipalities have the authority under law to place a severance tax on natural resources whether or not natural resources in place are exempt from property tax. This is confirmed in an Alaska Attorney General opinion dated April 29, 1986 to the Commissioner of Community and Regional Affairs.

Again, the AML supports SSHB 159 as a legislative priority of municipalities across the State.

Attachment

Testimony\sb181

Resolution of the Alaska Municipal League

Resolution No. 89-21

**A RESOLUTION RECOMMENDING TAX-EXEMPT STATUS OF
"IN PLACE" RESOURCE RESERVES**

WHEREAS, current Alaska law requires municipalities that levy a property tax to assess, levy, and collect property taxes on natural resources in place, except oil and gas resources, which are mandatorily exempted, and

WHEREAS, the Office of the State Assessor is required under current law to include values for those natural resources in place in the full value determination for municipalities across the State, and

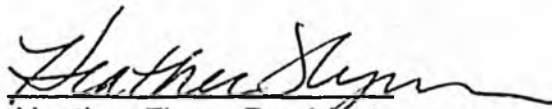
WHEREAS, neither municipalities nor the Office of the State Assessor includes values for those resources on local assessment rolls or in the full value determination, and neither has the staff or fiscal resources to value natural resources in place, and

WHEREAS, the inclusion of values for those resources on local property tax rolls or in the full value determination would be likely to have substantial negative tax impacts on farms, ranches, homesteads, and other residential property, and substantial negative impacts on municipalities under the state revenue sharing and education funding formulas, and


WHEREAS, municipalities already have the power to levy severance taxes and sales taxes against those resources at the time they are developed and sold;

NOW, THEREFORE, BE IT RESOLVED that the Alaska Municipal League supports the passage of legislation that would require, under AS 29.45.030, the exemption from municipal property taxes of all natural resources in place, together with language that would insure preservation of the power of municipalities to levy severance taxes and sales taxes against the development and sale of those natural resources.

Adopted this 18th day of November 1988 in Fairbanks, Alaska.


Heather Flynn, President

ATTEST:


Scott A. Burgess, Executive Director



P.O. BOX 129 BARROW, ALASKA 99723
PHONE (907) 852-8533 OR 852-8633
PANAFAX TELECOPIER (907) 852-5733

February 6, 1989

The Honorable Eileen MacLean
State of Alaska
House of Representatives
Pouch V
Juneau, Alaska 99811

Re: Taxation of In-Place Minerals

Dear Eileen:

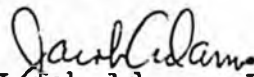
We have reviewed the proposal bill to exempt in-place minerals and natural resources from property taxation. Generally, we would support this provision. Any attempt to tax resources before they are severed would have a negative and deleterious affect on the state and industry. It would not stimulate development to impose such a tax, and it would be extremely difficult to value the resources prior to really knowing what might be produced.

One item that should be added to the list of natural resources is gravel. This is an in place natural resource that does not have significant value unless it can be mined and used. It is also often difficult to realistically determine the value of gravel until the market develops. Amounts in place, quality and costs associated with development are difficult to pre-assess.

Other major natural resources, such as oil and gas, are structured to be taxed on a severance basis, not in place. This approach is appropriate for the natural resources listed in the bill as well. I assume this section would be consistent with AS 43.56, even though it does not reference the oil and gas exemption that already exists; you may wish to have someone check that. Also, the breadth of coverage for all timber as "stumpage" and fish and shell fish "farms" might be considered.

Again, ASRC supports the proposed amendment to AS 29.45.030(a) by adding the exemption for in place natural resources. Further, we would urge the addition of gravel as an example to be clear that is included. If we can provide additional comments, please do not hesitate to contact us.

Sincerely,


Jacob Adams, President
ARCTIC SLOPE REGIONAL CORPORATION

CHAIRMAN OF THE BOARD
Edward E. Hopson, S.

PRESIDENT
Jacob Adams

VICE PRESIDENTS
Oliver Luaviri
Andrew Tooyak, Sr.
Roosevelt Paneak

SECRETARY
Juelle Kelenk

TREASURER
James Stotta

ANCHORAGE OFFICE

313 E STREET, SUITE 5
ANCHORAGE, ALASKA 99501
TELEPHONE: (907) 276-1552
TELECOPIER: (907) 276-4213
TELEX: 090 25168



Matanuska-Susitna Borough

P.O. BOX 1803, PALMER, ALASKA 99645-1608 • PHONE 745-9842

ASSESSMENT DEPARTMENT

March 9, 1989

House Community & Regional
Affairs Committee
P.O. Box BH
Juneau, AK. 99811

Dear Committee Members:

The Matanuska Susitna Borough strongly supports HB159. We are a resource rich borough with very present awareness of the dilemmas regarding resource inventory regarding timber. Let us illustrate what current law requires and why taxation of resources in place should be changed through passage of this bill.

I. Consider your reaction if your assessor came to you and said:

You have 30 trees around your home; that equates to 10 cords of firewood, at \$40.00 a cord. The in place resource value of trees is \$400.00, therefore we are adding \$400.00 to your annual assessment.

Conversely if you cut down trees; the assessor says you have X number of stumps --- therefore your assessment is reduced.

Surprisingly this is a realistic extension of what current Title 29 requires. This is also true of other resources; imagine the case of gravel, gold, coal, peat, etc. Any resource that has potential present or future value, even wild grass which could be harvested for hay.

II. Unexplored resources present a different problem:

For instance, everyone knows coal seams exist in the Susitna River basin but where, how much, or what quality would require extensive drilling and sampling. Whether those seams transverse taxable property in the area is completely unknown or within the Borough's or State's reasonable capacity to identify.

Some exploration has occurred and statements made that the BTU value of those reserves equal BTU value of Prudho Bay Oil. If true, untaxed resource value exceeds total value of the Borough by many times. As the assessor I would be very presumptuous to tax private property based on speculation that someday the highest and best use may be for coal extraction. Accurate exploration information ranks very high on the list of industry secrets as the State found in relation to oil and gas reserves. The State's solution was a severance tax, which is also a better solution for municipalities.

III. Finally, I'll give you the example of Nome:

Alaska Gold Company owns mining claims under subdivisions. What is the value of the gold vs the value of displacing whole subdivisions to obtain it. This illustrates the very complex issue of surface and subsurface estates and decisions required as regards when the highest and best use of one estate supersedes the other. Also, it raises the question of division of property value of the two estates when ownership is divided.

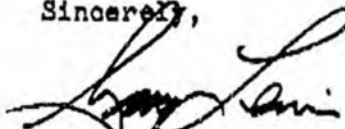
These examples are all preliminary complexities assuming one can determine a value per unit of resource reflecting markets, infrastructure, feasibility and capitalization required. As you can see, it would be prudent for the municipality required to value resources in place to plan on employing foresters, geologists and a bunch of attorneys.

Aside from the almost comical problems of implementing a program of unknown in place resource taxation, the real issue is that of equity of State DCRA Full Value Determination of untaxed or escaped in place resource value. This is the reason this bill is before you. In some cases resource values are known; MSB timber inventory studies, and Wishbone Hill coal reconnaissance, KPB Beluga coal exploration, Juneau gold mines, Nome gold fields, etc., but what resource deposits cannot be estimated nor accurately determined to be escaped property by the State Assessor. And what effect will the addition of some, but not all, resource values have on equitable School Foundation Funding distribution and Revenue Sharing distribution. These are the issues this bill seeks to resolve.

This summarizes the reasons the passage of this bill is supported by unanimous resolution of the Alaska Municipal League, Alaska Association of Assessing Officers and Alaska Association of Municipal Finance Officers.

Please: DO PASS

Sincerely,



Gary A. Lewis
Matanuska-Susitna Borough Assessor
AML Taxation & Finance Comm. Co-Chair

Municipality
of
Anchorage



OFFICE OF THE MAYOR

P.O. BOX 196650
ANCHORAGE, ALASKA 99519-6650
(907) 343-4431

TOM FINK,
MAYOR

March 21, 1989

The Honorable Representative Eileen MacLean
State of Alaska
Pouch V
Juneau, Alaska 99811

Re: House Bill No. 159 - Exemption of Natural Resources in Place

Dear Representative MacLean:

You have asked for the position of the Municipality of Anchorage regarding House Bill No. 159 which exempts from taxation undeveloped natural resources in place.

The Municipality introduced a resolution at the Alaska Municipal League at Fairbanks in November supporting this type of exemption. Although Anchorage is not considered one of the resource rich municipalities in the State, it is our position that failure to provide this exemption could be costly to those which are resource rich. To my knowledge, there is no municipality in the State which assesses and taxes undeveloped resources in place due to the complexity of a system and the expense required to make value determinations.

It is our understanding that if such an exemption is not mandated, the State Assessor's office within Community & Regional Affairs will be forced to make an estimate of the value (at an undetermined cost to the taxpayers of the state) and include that value in the full value determination which his office prepares each year. If that value were included, many municipalities would realize a reduction in revenue sharing and educational assistance.

It is for these reasons that the Municipality of Anchorage supports the passage of House Bill 159.

Sincerely,

Tom Fink
Mayor

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

MUNICIPAL & REGIONAL ASSISTANCE DIVISION

- | | | | |
|-----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> 949 E. 36th AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508-4302
PHONE: (907) 561-8586 | <input type="checkbox"/> P.O. BOX 348
BETHEL, ALASKA 99559-0348
PHONE: (907) 543-3475 | <input type="checkbox"/> P.O. BOX 295
DILLINGHAM, ALASKA 99576-0295
PHONE: (907) 842-5135 | <input type="checkbox"/> 1001 NOBLE ST. SUITE, 430
FAIRBANKS, ALASKA 99701-4948
PHONE: (907) 452-7126 |
| <input type="checkbox"/> P.O. BOX 8H
JUNEAU, ALASKA 99811-2110
PHONE: (907) 465-4750 | <input type="checkbox"/> 710 MILL BAY RD.
KODIAK, ALASKA 99615-6340
PHONE: (907) 486-5736 | <input type="checkbox"/> P.O. BOX 350
KOTZEBUE, ALASKA 99752-0350
PHONE: (907) 442-3696 | <input type="checkbox"/> P.O. BOX 41
NOME, ALASKA 99762-0041
PHONE: (907) 443-5457 |

March 15, 1989

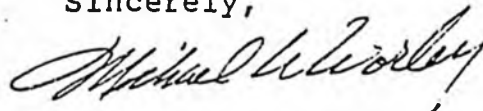
Ken Johnson
Legislative Aide
Representative Sam Cotten's Office
Pouch V
Juneau, AK 99811

Dear Mr. Johnson:

You have asked for the technical position of our office regarding the effects of sponsor substitute for House Bill 159 on the power of the State of Alaska to levy taxes against natural resources in place. The bill clearly states that the temporary tax exemption provided for is from taxation by municipal governments only. The State's authority to levy taxes against these resources is not affected in any way by this legislation.

If you have other questions, or if we can assist you on other matters, please feel free to contact me.

Sincerely,



Michael W. Worley
State Assessor

cc: Representative Eileen MacLean

March 30, 1989

SENATE JOURNAL

p. 978

HB 159

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 159 by Representatives MacLean, Cato and Zawacki, entitled:

"An Act relating to an exemption from municipal property taxation for natural resources in place; and providing for an effective date."

was read the first time and referred to the Community and Regional Affairs Committee and the Resources Committee.

April 4, 1989

SENATE JOURNAL

p. 1056

HB 159

Senator Adams, Chair, moved and asked unanimous consent that the Community and Regional Affairs Committee referral be waived on SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 159 (An Act relating to an exemption from municipal property taxation for natural resources in place; and providing for an effective date). The Community and Regional Affairs Committee passed SENATE BILL NO. 181 (a similar bill) out of committee, page 642, with a "do pass".

Without objection, SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 159 was referred to the Resources Committee.

March 8, 1990

SENATE JOURNAL

p. 2776

HB 159

The Resources Committee considered SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 159 (An Act relating to an exemption from municipal property taxation for natural resources in place; and providing for an effective date) and a majority of the committee recommended it be replaced with

SENATE CS FOR SPONSOR SUBSTITUTE FOR HOUSE
BILL NO. 159 (Resources)

and do pass. The report was signed by Senator Fahrenkamp, Chair, and concurred in by Senators Sturgulewski, Eliason, Zharoff and Kerttula.

Zero fiscal note published today from Department of Community and Regional Affairs.

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 159 was referred to the Rules Committee.

March 19, 1990

SENATE JOURNAL

p. 2917

HB 159

President Kelly stated SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 159 (An Act relating to an exemption from municipal property taxation for natural resources in place; and providing for an effective date) would be re-referred to the Community and Regional Affairs Committee.

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 159 was taken from the Rules Committee and re-referred to the Community and Regional Affairs Committee.

April 26, 1990

SENATE JOURNAL

p. 3634

HB 159

The Community and Regional Affairs Committee considered SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 159 (An Act relating to an exemption from municipal property taxation for natural resources in place; and providing for an effective date) and recommended it be replaced with

SENATE CS FOR SPONSOR SUBSTITUTE FOR
HOUSE BILL NO. 159 (C&RA)

Senator Szymanski, Chair, signed "no recommendation."
Senators Frank and Adams signed "do pass."

Zero fiscal note published today from Department of Community and Regional Affairs.

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 159 was referred to the Rules Committee.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act..exemptions..municipal
 property taxation.."
 Sponsor: Rep MacLean
 Requestor: _____

Agency Affected: Community & Regional Affairs
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Jim Plasman, Deputy Director Phone: 465-4750
 Division: Municipal & Regional Assistance Date: 3/9/89
 Approved by Commissioner: [Signature] Date: 4/11/89
 Agency: Community & Regional Affairs

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

would continue through 1996. *ny*

Changes in and capital)
 have no fiscal impact.
 This fiscal note is appropriate.

Projections of no fiscal
 impact would continue
 through 1996. *ny*

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act..exemptions..municipal
 ..property taxation.."
 Sponsor: Rep MacLean
 Requestor: _____

Agency Affected: Community & Regional Affairs
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: *Jim Plasman* Deputy Director Phone: 465-4750
 Division: Municipal & Regional Assistance Date: 3/9/90
 Approved by Commissioner: *Bill King* Date: 9/11/89
 Agency: Community & Regional Affairs

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Changes in SCS 55 HB159 (Res)
 have no fiscal impact.
 This fiscal note is
 appropriate.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act..exemptions..municipal
 property taxation.."
 Sponsor: Rep MacLean
 Requestor: _____

Agency Affected: Community & Regional Affairs
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Jim Plasman, Deputy Director Phone: 465-4750
 Division: Municipal & Regional Assistance Date: 3/9/89
 Approved by Commissioner: [Signature] Date: 9/11/89
 Agency: Community & Regional Affairs

Distribution (by preparer):

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

H B

219

HOUSE COMMITTEE REPORT

(9)
Date Referred: March 15, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: 4-4-89

The RESOURCES Committee considered:

HB 219

HOUSE BILL NO. 219 [BAN BROWN BEAR TAKING NEAR GARBAGE SITES]
"An Act prohibiting the taking of brown or grizzly bear near solid waste disposal facilities; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with CS HB 219 (RES) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact _____
- zero fiscal note Pub. Safety
- zero with analysis _____
- fiscal note(s) _____
- zero fiscal note(s) _____
- zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

Cliff Davidson

Sam Mendenhall

Richard D. Dwyer

Steph Jackson

	Do Not Pass	No Rec	Amend
<u>Cliff Davidson</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Sam Mendenhall</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Richard D. Dwyer</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Steph Jackson</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Cliff Davidson
Chairman's signature

nuisance by the person who takes the bear; and

FISCAL NOTE

REQUEST:

Revision Date: 4/18/89
Title: An Act Prohibiting the Taking of Bears at Dumps
Sponsor: Rep. Grussendorf
Requestor: _____

Agency Affected: Fish and Game
BRU: Wildlife Conservation
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		0	0	0	0	0
TRAVEL		0	0	0	0	0
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						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Donald E. McKnight Phone: 465-4190
Division: Wildlife Conservation Date: May 3, 1989
Approved by Commissioner: Cheri Collinsworth Date: May 3, 1989
Agency: Fish and Game

Distribution (by preparer):

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

A M E N D M E N T

OFFERED IN THE SENATE

TO: Draft SCS CSHB 219 (Resources)

Page 1, line 12, after "FACILITY":

Insert "IN SOUTHEAST ALASKA"

Page 1, line 14, after "facility":

Insert "located in Southeast Alaska"

Page 2, line 13, after "AS 46.03.100":

Insert ";

(4) "Southeast Alaska" means that portion of the state that is east of 141 degrees west longitude"



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

MEMORANDUM

To: Rep. Ben Grussendorf
Chairman
House Rules Committee

From: Doug Rickey *DR*
Special Assistant
House Rules Committee

Date: April 19, 1989

Subject: Analysis of HB 219 (Judiciary)

House Bill 219 (Judiciary) provides that any person who, with criminal negligence, takes a brown or grizzly within one mile of a solid waste disposal facility is guilty of a class A misdemeanor.

In addition to the penalty provided under current law (up to one year in jail and up to a \$5,000 fine), a person convicted under this statute would be required to forfeit the hide and skull of the bear to the state. If the person fails to salvage and deliver the hide and skull to the state, the court would impose an additional fine of up to \$10,000.

A person charged under this statute could assert an affirmative defense: the bear was taken in defense of the person's life or property. If such a defense is asserted, the person would then be required to show, by a preponderance of the evidence, that (1) the necessity for taking the bear was not brought about by the harassment or provocation of the bear; (2) the necessity was not brought about because of negligent disposal of garbage or creation of a similar attractive nuisance by the person who took the bear; and (3) the person exhausted all other practicable means to protect life and property before the bear was taken.



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

MEMORANDUM

To: Rep. Ben Grussendorf
Chairman
House Rules Committee

From: Doug Rickey
Special Assistant
House Rules Committee

Date: April 18, 1989

Subject: House Bill 219

The House Judiciary CS for HB 219 differs from the House Resources CS in the following ways:

(All page and line references refer to the Resources CS)

Page 1, line 17 : "and delivered to the department" has been inserted after "salvaged". Defendants who fail to salvage and deliver the hide and skull to the Department of Fish & Game will be subject to an additional fine. (This more closely tracks language in existing regulations that require a person who takes a brown or grizzly bear in defense of life or property to salvage and deliver the hide and skull of the bear to the department).

Page 1, line 18: "equal to the fair market value of the bear" has been deleted and replaced with "of up to \$10,000". This change was made at the request of the Alaska Court System on behalf of rural magistrates who anticipate having difficulty determining the fair market value of the bears. (See letter from Jan Strandberg, dated April 11, 1989).

Page 1, line 19: "a" has been deleted and replaced with "an affirmative" prior to the word "defense". This change was made at the request of the Department of Law. A defendant who asserts that the bear was taken in defense of life or property would be required to prove it by a preponderance of the evidence.

Page 1, line 20: "person who took the bear shows by a preponderance of the evidence that" has been added. This language makes clear that it is incumbent upon the defendant to prove the defense asserted.

Page 1, lines 22 & 23: "or by an unreasonable invasion of the bear's habitat" was deleted at the request of the Department of Law. The department felt that the phrase was too vague and could invite litigation on the issue.

Page 1, line 25: "improper" was deleted and replaced with "negligent". The Department of Law felt that "improper" was imprecise. "Negligent" has a more precise definition in the law.

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

POSITION PAPER FOR HB 219

Title

An Act prohibiting the taking of brown or grizzly bear near solid waste disposal facilities; and providing for an effective date.

Effect of the Bill

The bill would prohibit a person from recklessly taking a brown or grizzly bear within one mile of a solid waste disposal facility, except in defense of life or property, as provided by the bill.

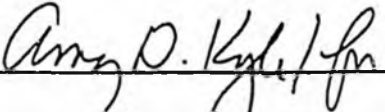
Department Position

The Department supports the intent of the legislation.

The Department is well aware of the problems associated with the attraction of bears to community landfills. We have been working with the Departments of Public Safety, Fish and Game, the U.S. Forest Service, and many communities in Southeast Alaska, to try to correct the underlying causes of these problems. A prohibition on the hunting of brown bears near solid waste disposal facilities seems appropriate. DEC defers to Department of Fish and Game to set hunting regulations.

Fiscal Effect

The bill will have no fiscal effect on the Department.



Dennis D. Kelso, Commissioner

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CSHB 219 (RES)
PUBLISH DATE: HOUSE 4/6/89

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Making Bears Near Waste Disposal Sites
Sponsor: Representative Grussendorf
Requestor: House Resources

Agency Affected: Public Safety
BRU: Fish & Wildlife Protection
Component: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

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

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)

Enforcement of this bill would be undertaken along with enforcement of existing fish and wildlife protection laws. No additional fiscal impact is anticipated.

Prepared by: Gayle A. Horetski
Division: Deputy Commissioner

Phone: 465-4322
Date: 3-28-89

Approved by Commissioner: J.A.H. / Arthur English
Agency: Department of Public Safety

Date: 3-28-89

To Members of the House Judiciary Committee
and Senate HB 219 Committees

HB 219 PROHIBITION OF BROWN BEAR HUNTING AT DUMPS

Alaska Reform is a hunter organization researching garbage bear problems and illegal game parts trafficking in North America.

Since Oct. 1, 1988, when N.E. Chichagof Island was emergency closed to brown bear hunting due to overharvest, we began surveying successful hunters to precisely locate kills for 1986, 1987 and 1988. ADF&G recommended sustainable harvest was exceeded each year, specifically from bears taken within one mile of logging camp and community dumps.

Harvest records statewide indicate numerous other areas with similar situations. Because bears will gather at remote dump sites in numbers far beyond immediate carrying capacity, they become extremely susceptible to over-exploitation in these areas. Studies show that most (70 to 80 %) bears will visit dumps within their range, although some individuals may not. There is no distinct dump bear population which might be eventually eliminated through hunting.

ADF&G biologist John Schoen and Forest Service officials believe most illegal kills are linked to garbage dumps. Schoen also believes unreported kills outnumber legal take. Alaskas garbage management lags far behind the rest of the country.

Solutions to Alaska garbage problems are being actively adressed within the severely limited DEC budget capability. Progress is slow and protection of bears at dumps is vital if we are to maintain healthy populations. Illegal and defense kills are difficult to control. Legitimate sport hunting is controllable to a large extent.

In most other states, specific hunting restrictions near dumps are unnecessary due to local ordinances against discharge of firearms in public areas. Many states and provinces have specific distances from dumps closed to bear hunting. Reasons for such restrictions include 1. poor hunter image, unsportsmanlike, 2. vulnerability of bears and 3. public safety

Because of public complaints of wounded bears in 1983, the community of Craig closed their dump to hunting and imposed a \$10,000 fine. In a Jan. 1989 letter from the Craig P.D. it stated that since the closure, "complaints about problem bears are virtually nonexistent."

In Dillingham, (Nov. 13, Bristol Bay Times) "A young brown bear had to be destroyed after a trigger happy bear watcher critically wounded it." In Hoonah, July 1988, a brown bear had to be control killed by Hoonah P.D. near dump after being gut shot with a small caliber gun.

Few of these cases make the news. Few hunters actually identify the word "dump" on harvest tickets. The general public assumes it is illegal to hunt at dumps.

COMMENTS ON CURRENT BROWN BEAR POPULATIONS

Brown bear populations in AK have never been surveyed. There has, in fact, never been a method established to survey bears with any reliable degree of accuracy. The standard method used by ADF&G is harvest reports. Kill numbers can indicate relative densities if seasons, bag limits, access, method of hunting and hunter effort remain constant throughout the study period. Extrapolation from harvest data can reveal population trends, however quantitative densities cannot be determined.

A review of ADF&G biologist reports through 1988, area by area, year by year, shows brown bear populations in Alaska either "unknown", "decreasing", "possibly stable", and in 2 out of 26 units, "possibly increasing". These reports do not suggest an upward trend.

Personal observations of hunters, guides, myself and numerous other lifetime residents indicate fewer brown and black bear sightings statewide.

The most reliable method used to determine population stability is age chronology, percentage of females in the harvest and skull measurements of bears. All this information is available. Less exploited populations produce larger and older bears. More females and younger bears are killed in more exploited areas when larger males become depleted. All of these factors strongly suggest increased exploitation, with dramatic increases since 1985.

TOTAL BROWN BEAR HARVESTS

1978	819
1979	883
1980	882
1981	887
1982	823
1983	973
1984	1113
1985	1156
1986	1120
1987	1217
1988	1092

FOR SPECIFIC INFORMATION ON ANY AREA OF THE STATE, REFERENCE MATERIAL OR OTHER DOCUMENTATION, FEEL FREE TO ASK. I WILL BE AT ALL MEETINGS.

C. I. Rice

rec'd 4/5/89
40

Tok River Outfitters

John E. Erickson

Master Guide & Outfitter

P.O. Box 101 • Tok, Alaska 99780 • Phone (907) 883-4092

Apr. 1 - 1989

Rep. Gressendorf

I AM writing you this letter in support of your House Bill 219 - I support the closing of Garbage Dump Hunting in S.E. Alaska - FOR Brown Bears - I would like to see this state wide on ALL species of Bears - (Grizzly Black & c)

I AM state licensed Master Guide Lic # 37 - and a Member of IGLW # 4 FBKS Pioneers of Alaska - I have hunted S.E. Alaska since Territorial Days - and until June 1st of this year it is one of my state of Alaska Guide Board assigned Restrictive guide areas - #SE-5

Due to the Methods of Harvesting Timber and Practices of Federal Government - and the Timber industry (Loggers) I have seen Bear Habitat and Bear Populations Deteriorate DRastically in the last 40 years - and I know, House Bill 219 is one step in the right direction to help the Bear survive - ~~AS~~ AS WE ALL KNOW - once they are gone that's it. Thank you
J. Erickson

ATTENTION HUNTERS!

Hunt bears and wolves in GMU 12 & 20E (and help manage our wildlife!)

Moose and caribou numbers in Units 12 and 20E declined dramatically in the early 1970's and have been kept at low levels by bears and wolves since then.

Recent studies show that about 70% of moose calves and 7% of adult moose in this area are killed by predators each year. The high rate of caribou calf mortality (42-56%) between birth and fall is slowing growth of caribou numbers.

Moose and caribou numbers can be increased. The available habitat can support many more animals. By actively hunting bears and wolves, you are part of the management team temporarily reducing predation. In the long run, more prey will support more hunting and more predators. Success depends on you!

The Board of Game has increased grizzly bear hunting opportunities by relaxing regulations near Tok:

- In 20E: - no \$25 bear tag required.
- In 12 & 20E: - bears killed here don't count against the 1 bear per 4 year statewide limit.

- | | | |
|----------|--------------|--------------------------------------------------------|
| Seasons: | Grizzly bear | - GMU 12 - Sept. 1-June 30
GMU 20E- Aug. 10-June 30 |
| | Black bear | - GMU 12 & 20E- no closed season |
| | Wolf | - GMU 12 & 20E- Aug. 10-April 30 |

If you are hunting moose or caribou in GMU 12 or 20E, we encourage you to legally take a bear or wolf. You'll not only take a fine trophy, and possibly some excellent meat, you'll also be taking an active part in management of Alaska's wildlife.

Do your part.

Ben—

Hunt bears and wolves in Units 12 & 20E this fall.

The Grizzly and Black Bears of GMU 12 & 20 are fastly becoming very scarce - you can not put on a quality guided hunt for Grizzly at this time - yet - now flyer is the kind of information being handed out by our local state biologist) Kelly Jones



THE SOUTHEAST ALASKA NATURAL RESOURCES CENTER

130 Seward Street • P.O. Box 20212 • Juneau, Alaska 99802 • (907) 463-5333

RECEIVED MAR 30 1988

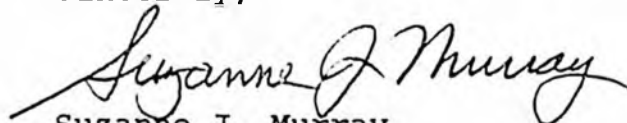
March 28, 1989

Representative Cliff Davidson
House of Representatives
P.O. Box V
Juneau, AK 99811

Dear Representative Davidson:

We urge support of HB 219 to ban hunting of Brown Bears statewide within one mile of a dump. Research shows a disproportionate harvest in areas around dumps since the bears tend to be extremely vulnerable when feeding within the dumps. Bears have a slow reproductive rate so we need support HB 219 and make efforts to clean dumps in areas of bear concentrations if we are going to maintain a healthy population within the state.

Sincerely,



Suzanne J. Murray
Regional Associate

MY NAME IS JAY MASSEY AND MY ADDRESS IS P.O. BOX 429, GIRDWOOD, AK 99587. I'VE LIVED IN ALASKA FOR THE PAST 21 YEARS, AND WAS EMPLOYED BY THE ALASKA DEPARTMENT OF FISH & GAME FOR NINE YEARS. I'M A FORMER MEMBER OF THE ALASKA BOARD OF GAME.

I'M PLEASED TO TESTIFY ON HB 219 BECAUSE I FEEL THIS LEGISLATION IS BADLY NEEDED. GARBAGE DUMPS ACT AS UNNATURAL ATTRACTANTS TO BEARS. BEARS ARE ~~IS LIKE SOME HUMAN BEINGS. THERE~~ ^{opportunistic.} BASICALLY LAZY. MOST OF THEM WOULD PREFER A FREE HANDOUT OVER FORAGING FOR FOOD IN THE WILD. SO IT SHOULD BE NO SURPRISE TO ANYONE THAT A GARBAGE DUMP WILL DRAW IN BEARS FROM ALL DIRECTIONS.

I FEEL HUNTING BROWN/GRIZZLY BEARS SHOULD BE ILLEGAL AT ALL GARBAGE DUMPS IN ALASKA, AND THAT PERHAPS YOU SHOULD CONSIDER EXTENDING THIS PROHIBITION TO BLACK BEARS AS WELL. I HAVE THREE MAJOR CONSIDERATIONS: FIRST IS THAT GARBAGE DUMP BEAR HUNTING CAN ^{have} - AND HAS - HAD A CONSIDERABLE IMPACT ON SOME LOCAL BEAR POPULATIONS. IT'S A VERY EFFICIENT MEANS OF HARVESTING BEARS, ^{and it is easily abused.}

SECONDLY, GARBAGE DUMP BEAR HUNTING ^{is all too often} ~~SOMETIMES HAS COME TO BE~~ ASSOCIATED WITH ILLEGAL HUNTING - HUNTING OUT OF SEASON AND TAKING OVERLIMITS AND SOWS WITH CUBS. I THINK MOST OF THESE ILLEGAL BEARS WOULD NOT HAVE BEEN TAKEN HAD THERE BEEN A FLAT PROHIBITION ON ^{which were} HUNTING FROM GARBAGE DUMPS. I PERSONALLY KNOW OF SEVERAL BEARS TAKEN ILLEGALLY AT SUCH SITES.

MY THIRD OBJECTION TO GARBAGE DUMP HUNTING HAS TO DO WITH THE CONCEPT OF FAIR CHASE HUNTING. IT IS SIMPLY NOT GOOD FOR THE SPORT. IT IS AN UGLY SIDE OF HUNTING AND IT BOTHERS ME PERSONALLY.

I THINK YOU ALSO MIGHT *check into the definition of* ~~SPEND SOME TIME DEFINING WHAT CONSTITUTES~~
~~solid waste disposal site.~~
 "GARBAGE DUMP." I KNOW OF AT LEAST THREE ~~SHOULD BE~~ LEGAL BEAR BAITING STATIONS WITHIN 15 MILES OF MY HOME WHICH COULD ACCURATELY BE DESCRIBED AS GARBAGE DUMPS. THE LAST TIME I CHECKED THEM, EACH OF THESE BEAR BAITING STATIONS CONTAINED AT LEAST ONE HUNDRED POUNDS OF ASSORTED TRASH...OLD BEEF BONES, FISH CARCASSES, PLASTIC BAGS, GREASE CANS, ETC. *It'd like to see some restrictions placed on the amount of trash & garbage a person can dump out into the woods*

I THANK YOU FOR THE OPPORTUNITY TO TESTIFY ON THIS NEEDED BILL.

Alaska State Legislature

Representative
BEN GRUSSENDORF
Rules Committee Chairman
Legislative Council
Transportation Committee

District 3
Elfin Cove
Pelican
Port Alexander
Sitka
Tenakee



1221 Halibut Point Road
Sitka, Alaska 99835
(907) 747-8458

While in Juneau
P.O. Box V
Juneau, Alaska 99811

(907) 465-3764
(907) 465-3824

House of Representatives

MEMORANDUM

To: Rep. Cliff Davidson
Rep. Curt Menard
Co-Chairmen
House Resources Committee

From: Rep. Ben Grussendorf

Date: March 28, 1989

Subject: House Bill 219

Over the past several years, the number of bears killed in and around solid waste disposal facilities - at least in my legislative district - has increased dramatically. The reason is simple: bears are naturally attracted to the waste food found in garbage dumps. The closer these dumps are to the bears' natural habitat, the easier it is for the bears to access them and, not surprisingly, be killed by hunters.

House Bill 219 would prohibit the taking of brown or grizzly bears within one mile of any solid waste disposal facility in Alaska, except in those instances when life or property is directly threatened by the bear. Anyone found guilty of violating the prohibition would be subject to a \$5,000 fine, a jail sentence of up to one year, and the forfeiture of the bear's hide and skull or an additional fine equal to the fair market value of the bear.

I realize that HB 219 is not a cure for the larger problem of improper waste disposal in those areas of rural Alaska where industries such as timber and mining must co-exist with wildlife. Several departments of the state and federal governments have been grappling with that issue for a number of years and have achieved limited success in certain instances. For example, in those areas where industry has been required to install incinerators for waste disposal, the incidence of "problem bears" will decrease. While I applaud and fully endorse the efforts being made to deal with the waste disposal issue, it appears to me that the solutions to those problems are several years down the road. I'm not at all sure that Alaska's brown and grizzly bear populations can stand the wait.

I want to bring to the Committee's attention the fact that the Alaska Board of Game this past week adopted a regulation which prohibits the taking of brown or grizzly bear within one-quarter mile of any solid waste disposal facility located on Admiralty, Baranof or Chichigof Islands. Because these areas are in my legislative district, and are home to a relatively high number of bears, my concern about this issue has been somewhat alleviated. I'm not yet convinced that one-quarter mile is a large enough area of prohibition, but it is a step in the right direction.

The decision of the Board of Game has no effect in other areas of the state. For this reason, I believe it is important for other House members to have a chance to review the issue in light of any concerns about their own districts and as matter of state policy. Attached to this memorandum is a list of those solid waste disposal facilities that have received operating permits from the Department of Environmental Conservation. This should give the Committee members a good indication of the facilities in their own districts that would be affected by the legislation.

Finally, I would urge the Committee to give particular attention to the testimony of Mr. Charles Rice; his research confirmed my suspicions about the high number of bears being taken in my district, and I believe he will be able to shed light on the problem as it relates to other areas of Alaska. A number of supporting documents provided to my office by Mr. Rice are also attached to this memorandum.

My thanks to the Co-Chairmen for granting me the opportunity to bring this matter to the attention of the House Resources Committee.

3-22-89

March 20, 1989

Rep. Grussendorf
Box V (MS 3100)
Juneau Alaska 99811

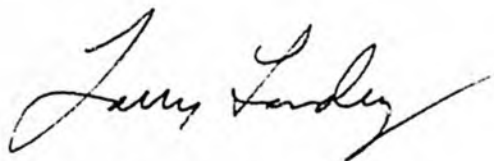
Dear Mr. Grussendorf,

I wholeheartedly support your efforts to close sport hunting of brown bears within one mile of designated dumps. In reality, it is a misnomer; one cannot sport hunt at a dump because there is no sport involved. This is hunting at its nadir- there is no planning, stalking or skill involved in taking animals at a dump. Brown bears are an important resource to many people throughout Alaska and the nation. They should be managed wisely and harvested in a fashion which guarantees a high quality hunt. This is especially so when dump hunting appears to be threatening brown bear populations in Southeast.

I urge you to include black and glacier bears in your bill. Dump hunting has no merit and does not deserve to be continued in any form.

This problem would not exist at all if the dumps were properly managed. The bears are attracted to the dumps because there is food there for them. If the people managing the lumber and mining dumps were to be more careful and incinerate their organic wastes, the bears would have little reason to frequent them. I'm not sure if you can do anything about more responsible management of those dumps, but would strongly encourage you to do so if it is possible.

Sincerely,



Larry Landry
Box 1985
Bethel AK 99559

cc. Alaska Board of Game

3-16-89
4655 Emerald Circle
Anchorage, AK 99502
March 9, 1989

Rep. Ben Grussendorf
Box V (MS 3100)
Juneau, AK 99811

Dear Representative Grussendorf,

I grew up in Anchorage and am currently a resident there. I am an avid outdoorsperson and love Alaska for many reasons, one of which is its unique wildlife.

I am pleased to hear that you are writing a bill to close the one mile radius around designated dump and landfill areas to the hunting of brown bears. I encourage you to also prohibit the dumphunting of glacier and black bears.

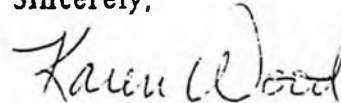
Not only is dumphunting a poor use of a valuable and unique wildlife resource, but shooting a bear at a dump shows a complete lack of sportsmanship. Tracking an animal and meeting it on its own terms are elements of a "quality hunt." I have no objection to well-managed harvest of animals through hunting, however dumphunting is cruel, unnecessary and irresponsible.

Besides this, bears are attracted to dumps because humans have failed to act responsibly towards our environment and towards the other creatures with whom we live. If we kept our landfills clean and buried our waste, bears would be less likely to forage for food in dump areas and would be less of a threat to human safety.

In addition, Alaska's bear population is sensitive to continued exploitation. A 1979 Alaska Department of Fish and Game report recommended that the harvest of brown bears be cut in half; since then, the harvest has doubled in some areas. We can not afford to stand idle as a species is legally over-hunted.

I support your efforts. I favor at least a one mile radius of protected area around dumps, and the protection of brown, black and glacier bears. Though I am not in your district, when you introduce your bill I will contact my legislators (Red Boucher, Virginia Collins, and Arliss Sturgulewski) and voice my feelings on this issue. I have sent a letter similar to this to the Board of Game.

Sincerely,



Karen Wood

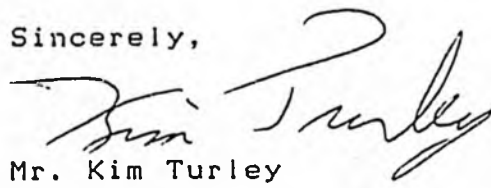
MC or
3/21/87

Board of Game
Box 3-2000
Juneau, Alaska 99811
March 20, 1989 →

Dear Sirs:

I support the closure of dumps to bear hunting. I am a bear hunter. I also enjoy seeing bears. Many bears are killed at dumps which is not what I call bear hunting, but is a needless waste of a dwindling natural resource. I would like to see stricter rules and penaltys regarding sanitary landfills, but in pursuing this the State must be on guard against other problems (such as the situation in one Southeast community that I'm very familiar with that was required to cover their sanitary landfill, so instead I understand that they now just haul their garbage out to the middle of the bay and dump it overboard.)

Sincerely,



Mr. Kim Turley
Box 1134
Auke Bay, Ak. 99821

cc: Representative Grussendorf
Box V
Juneau, Ak 99811

3-13-89

Juneau, Alaska
March 9, 1989

Rep. Ben Grussendorf
Alaska House of Representatives

Dear Rep. Grussendorf:

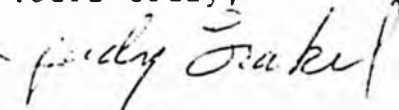
I am writing to thank you for your concern about the hunting of brown bears in the vicinity of garbage dumps. I am not entirely clear whether your bill to prohibit the hunting of bears within one mile of a dump is in conflict with the tradition that has developed of keeping the Legislature out of the province of the Boards of Fish and Game. However, I strongly believe that the Legislature needs to act in this area of an overwhelming threat to our brown bear populations, by one means or another.

The Greens Creek Mine, situated in one of the highest concentrations of brown bears in the world, has avoided problems for bears by strict dumping and littering regulations, strictly enforced, and by burning garbage in a high heat incinerator. Although such methods probably cannot be required of long-time existing villages, the State should require them of all logging camps and new resource-exploitation settlements in brown bear country. Otherwise, with the present rate of road building, logging and mining, we are going to run out of brown bears in your and my lifetimes.

I would particularly like to see the Legislature turn its attention to a portion of the Gulf of Alaska coast between Yakutat and Cordova that is home to a population of especially large-size brown bears. I'm talking about the coast between Icy Bay and Cape Suckling. I believe the bears in this area rival those of Kodiak Island in size, and most important part of their habitat extends from the beach to not very far inland. The State owns large stretches of land along the coast, including the whole stretch between Icy Bay and Cape Yakataga, with possibly some minor exceptions. The State has been selling the timber and a large logging show has been working its way for some years from Icy Bay toward Cape Yakataga, and has clear-cut the area from the beach back in (how far inland I'm not certain) from Icy Bay to at least the White River, with plans to continue onward.

In other words a great swath of once beautiful, pristine coast (exceptionally beautiful coast and exceptionally pristine, the kind of thing that has become exceedingly rare in the world) is being ruined as prime brown bear habitat. I would like to see you request a report on garbage dumping practices there and on the effect on brown bears of the logging activity in that region. I know that the Southeast Alaska Conservation Council has been taking an interest in this area and might be a source of information.

Again, thank you for your interest in the survival of brown bears. This part of the world would be sadly different without them.

Yours truly,


Judy Brakel

Cynthia Monroe
5240 E 42
Anchorage, Alaska 99508

(907) 333-4425

March 23, 1989

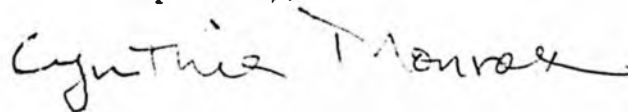
Representative Ben Grussendorf
Box V (MS 3100)
Juneau, Alaska 99811

Dear Representative Grussendorf,

I strongly support your concern for the plight of Alaska's overhunted brown bears, and your determination to pass a bill closing dumpsites to hunting of brown bears. I hope that your bill also includes black and glacier bears, for they are vulnerable as well, and it is tragic that we so often merely attempt to correct our environmental blunders without learning from them. It is not only imminent danger of extinction from a range that should entitle wildlife to protection; often by the time such danger is recognized, the future of the population has already been jeopardized by depletion of its gene pool.

I urge you to hold to at least a one-mile radius in dump closure, and to the bill affecting all of Alaska. Thankyou for authoring and introducing this important legislation.

Respectfully,



Cynthia Monroe

P.S. I have sent a similar letter to the Board of Game.

Rm 35
Juneau, Alaska 99801
March 1, 1989

3-3-89

Rep. Don Stussman
Box V (MS 3100)
Juneau, Alaska 99811

Dear Sir:

I am writing in support of your
intended bill to close all design-
nated camps to hunting brown
bears, and all bears, within
one mile.

Yours Truly,
(Mrs) Maxwell F. Gay

ack
ms

MR. RICHARD R. GAY
BOX 35
HOPE, AK 99605



RECEIVED
3.3.89

March 1, 1989

Rep. Ben Crussendorf
Box V 115 3100
Juneau, Alaska

Dear Sir:

This is in support of your intended bill to close all designated
dumps to hunting of brown bears, and all bears, within one mile.

Very truly yours,
Richard R. Gay
(Rev.) Richard R. Gay

3-15-89

March 2, 1989

Rep. Grussendorf
Box V (MS 3100)
Juneau, Alaska 99811

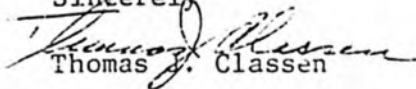
Dear Rep Grussendorf:

It has come to my attention that you are proposing a bill to close all designated dump areas to the hunting of brown bear. I urge you to continue with the endeavor and to expand the bill to include all bears within a three mile limit.

Actually I would like to see the complete closure of all brown and grizzly bear hunting. This species is in short supply all over the State and should be granted a reprieve from the constant and increasing hunting pressure. To my mind its a terrible shame that we kill an animal of this stature "just for fun" and call it sport. Our society is sick.

Please do what you can to end this useless slaughter.

Sincerely,


Thomas J. Classen

3-6-89

February 28. 1989

Rep. Ben Grussendorf
PO Box V
Juneau, AK 99811

Dear Representative Grussendorf,

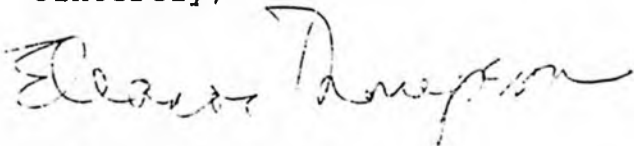
I am writing to you about need to clean up dumps in villages and timber camps and to close the dump areas to any kind of sport (or other) hunting.

First, DEC needs clear direction and funding for getting villages and timber camps to clean up their dump sites. Enforcement is also needed - on an ongoing basis! People don't like the dump sites all smelly and spreading who-knows-what-diseases!

Hunting at dump sites isn't hunting - it's target practice! Our game - and in particular all our bears - are being killed off and wasted for the sake of fun and entertainment. I strongly support your legislation to close all designated dump areas to hunting of brown bears within a mile radius. What about polar, glacier and black bears? "Dump bears" are a problem throughout our state. When I lived in Dillingham, folks used to go out to the city dump to watch the bears -- for entertainment. Inevitably, a brown bear would get too close - and end up dead.

I applaud your efforts on behalf of keeping Alaska wild!

Sincerely,



Eleanor Thompson

copy of this to the Board of Game office



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

JANALEE R. STRANDBERG
Staff Counsel

303 K Street
Anchorage, AK 99501
(907) 264-8223

April 11, 1989

Representative Peter Goll
Representative Max Gruenberg
Co-Chairmen, Judiciary Committee
House of Representatives
P. O. Box V
Juneau, AK 99811


Re: House Bill 219 "An Act prohibiting the taking of brown or grizzly bear near solid waste disposal facilities; and providing for an effective date."

Dear Representatives Goll and Gruenberg:

Some of our magistrates located in rural courts have suggested the additional fine in Sec 1 (b) be defined as a specific amount rather than the fair market value of the bear. The fair market value may be difficult to determine and may require additional evidentiary hearings.

Thank you for this opportunity to comment. I'll be happy to answer any questions about this suggestion.

Very truly yours,


Jan Strandberg
Staff Counsel

JS:gb



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

JANALEER STRANDBERG
Staff Counsel

303 K Street
Anchorage, AK 99501
(907) 264-8228

April 11, 1989

Representative Peter Goll
Representative Max Gruenberg
Co-Chairmen, Judiciary Committee
House of Representatives
P. O. Box V
Juneau, AK 99811

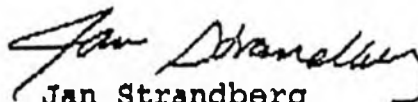
Re: House Bill 219 "An Act prohibiting the taking of brown or grizzly bear near solid waste disposal facilities; and providing for an effective date."

Dear Representatives Goll and Gruenberg:

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made public by any printing or provoke him to wrath and to de- benefits of public confidence and It is a misdemeanor at common

er modern statutes unless it has been made a felony which is not common. Four elements are included: (1) defamation, (2) durable, (3) publication and (4) malice. It should be noted however that criminal sanctions for defamation of public officials is subject to same constitutional limitations as for civil actions. *Garrison v. State of Louisiana*, 379 U.S. 64, 85 S.Ct. 209, 13 L.Ed.2d 125. See also *Libel*.

Criminal malversion. A broad category of corrupt official practices. *Jimenez v. Aristeguieta*, C.A.Fla., 311 F.2d 547, 562.

Criminal mischief. A species of wilful and malicious injury to property made punishable by statutes in most jurisdictions.

Criminal motive. Something in the mind or that condition of the mind which incites to action or induces action, or gives birth to a purpose. Distinguishable from intent which represents the immediate object in view while motive is the ulterior intent.

Criminal negligence. That failure to use the degree of care required to avoid criminal consequences. Sometimes equated erroneously with wanton and reckless conduct. See *Criminal gross negligence, supra*; also, *Negligence*.

Criminal non-support. The wilful and unreasonable failure to support one whom the law requires a person to support (i.e. spouse and children). See *Non-support*; *Support*.

Criminal proceeding. One instituted and conducted for the purpose either of preventing the commission of crime, or for fixing the guilt of a crime already committed and punishing the offender; as distinguished from a "civil" proceeding, which is for the redress of a private injury. Strictly, a "criminal proceeding" means some step taken before a court against some person or persons charged with some violation of the criminal law. See also *Criminal procedure*.

Criminal process. Process which issues to compel a person to answer for a crime or misdemeanor; e.g. arrest warrant. See also *Indictment*; *Information*; *Process*; *Warrant*.

Criminal prosecution. An action or proceeding instituted in a proper court on behalf of the public, for the purpose of securing the conviction and punishment of one accused of crime.

Criminal syndicalism. Any doctrine or precept advocating, teaching or aiding and abetting the commission of crime of sabotage or unlawful acts of force and violence or unlawful methods of terrorism as a means of accomplishing a change in industrial ownership or control or affecting any political change. *Gitlow v. New York*, 268 U.S. 652, 45 S.Ct. 625, 69 L.Ed. 1138. The advocacy of sabotage, violence, terrorism, or other unlawful methods for revolutionary purposes. See also *Syndicalism*.

Criminal trespass. The offense committed by one who, without license or privilege to do so, enters or surreptitiously remains in any building or occupied

structure. Model Penal Code, § 221.2. Offense is committed when a person without effective consent enters or remains on property or in building of another knowingly or intentionally or recklessly when he had notice that entry was forbidden or received notice to depart but failed to do so. *Day v. State*, Tex.Cr.App., 532 S.W.2d 302, 306.

Criminalist. One versed in criminal law, one addicted to criminality, and, also, a psychiatrist dealing with criminality. *People v. Taylor*, 152 Cal.App.2d 29, 312 P.2d 731, 734; *Douglas v. State*, 42 Ala.App. 314, 163 So.2d 477, 486.

Criminalistics. The science of crime detection, based upon the application of chemistry, physics, physiology, psychology, and other sciences. See also *Criminology*.

Criminaliter /krimōnēylōdər/. Lat. Criminally. This term is used, in distinction or opposition to the word "civiliter," civilly, to distinguish a criminal liability or prosecution from a civil one.

Criminalization. The rendering of an act criminal and hence punishable by the government in a proceeding in its name.

Criminal justice system. The network of courts and tribunals which deal with criminal law and its enforcement.

Criminal law. The substantive criminal law is that law which for the purpose of preventing harm to society, (a) declares what conduct is criminal, and (b) prescribes the punishment to be imposed for such conduct. It includes the definition of specific offenses and general principles of liability. Substantive criminal laws are commonly codified into criminal or penal codes; e.g. U.S.C.A. Title 18, California Penal Code, Model Penal Code. Compare *Criminal procedure*.

Criminal procedure. Criminal procedure is concerned with the *procedural* steps through which a criminal case passes, commencing with the initial investigation of a crime and concluding with the unconditional release of the offender. Generic term to describe the network of laws and rules which govern the procedural administration of criminal justice; e.g. laws and court rules (e.g. Rules of Criminal Procedure) governing arrest, search and seizure, bail, etc. Compare *Criminal law*. See also *Code of criminal procedure*.

Criminal protector. An accessory after the fact to a felony. *Skelly v. U. S.*, 10th Cir., 76 F.2d 483. One who aids or harbors a felon after the commission of a crime.

Criminal registration. Statutes in certain jurisdictions require that persons who are convicted felons register with the police so that their presence in the community will be known at all times. *Lambert v. California*, 355 U.S. 225, 78 S.Ct. 240, 2 L.Ed.2d 228.

Criminal sanctions. Punishments attached to conviction of crimes such as fines, probation and sentences. See also *Civil death*.

Criminal statutes or codes. Federal and state laws enacted by legislative bodies which define, classify,

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CURRENT SOLID WASTE PERMITS
SOUTHCENTRAL REGION

File: WASTE

Page: 1

Printed on 7/08/88

Selection Criteria: EXPIDATE > 1/07/88

Facility Name	Permittee's Name	Permit No.	Issued Date	Expiration Date
Adak	Dept. of the Navy, NAVFACENGCOM	8321-BA001	12/01/85	9/30/1988
Adak	Department of the Navy	8521-BA024	3/28/86	2/28/1991
Afognak-Koncor Camp	Koncor Forest Resource Management	8621-BA002	7/21/86	6/30/1991
Afognak-Koncor Log Debris	Koncor Forest Resource Management Corp	8621-BA003	7/21/86	6/30/1991
Afognak-Marmot Bay Log Debris	Afognak Native Corporation	8621-BA007	2/24/88	1/31/1993
Afognak-Marmot Bay Camp Waste	Afognak Native Corporation	8621-BA006	2/24/88	1/31/1993
Akhiok	Kodiak Island Borough	8521-BA002	6/14/85	6/20/1990
Amchitka - DERA	Corps of Engineers	8521-BA021	4/16/86	4/30/1988
Amchitka-ROTHR Facility	Dept. of the Navy, PACNAVFACENGCOM	8621-BA020	4/14/87	3/31/1992
Anchorage Regional Landfill	Municipality of Anchorage	8721-BA018	10/30/87	10/30/1992
Anchorage-Kincaid	Municipality of Anchorage	8721-BA010	3/22/88	2/28/1993
Aniak	City of Aniak	8621-BA004	7/09/86	6/30/1991
Anvik	City of Anvik	8621-BA013	11/13/86	10/31/1991
Atka - DERA	Corps of Engineers	8521-BA023	4/15/86	4/30/1988
Attu	USCG Loran Station, Attu	8721-BA001	3/03/88	2/28/1993
Becharof State Well #1	AMOCO Production Company	8421-BA021	1/09/85	10/01/1989
Beluga BRU 224-34 BRU 211-3	Chevron U.S.A., Inc.	8523-BA005	1/22/86	12/31/1988
Beluga BRU 232-26 & BRU 224-23	Chevron U.S.A. Inc.	8423-BA005	3/11/85	1/01/1990
Beluga BRU 232-9	Chevron U.S.A	8423-BA013	3/11/85	1/01/1990
Beluga Central Drill Waste Facility	ARCO Alaska, Inc.	8623-BA006	5/26/87	4/30/1992

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CURRENT SOLID WASTE PERMITS
SOUTHCENTRAL REGION

File: WASTE

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Facility Name	Permittee's Name	Permit No.	Issued Date	Expiration Date
English Bay	Kenai Peninsula Borough	8423-BA002	2/26/88	7/31/1991
Fort Richardson	U.S. Army	8421-BA005	8/29/84	8/31/1989
Funny River	ARCO	8323-BA001	5/11/84	12/31/1988
Glennallen	Copper Valley Construction	8324-BA002	5/16/85	3/31/1990
Hatcher Pass-Willow Cr. Mill	Enserch Exploration Inc.	8322-BA002	5/07/84	4/01/1989
Homer	Kenai Peninsula Borough	8323-BA007	10/25/83	9/30/1988
Homer-Honey Bear Pumping	Betty & Henry Hofeling	8323-BA006	10/12/83	9/30/1988
Homer-Ohlson Mt. DERA	U.S. Corps. of Engineers	8723-BA004	11/12/87	11/30/1988
Houston Landfill	City of Houston	8722-BA002	3/25/88	2/28/1993
Kanakanak-Asbestos Site	AK Area Native Health Service	8721-BA009	4/22/87	3/31/1992
Katalla	Alaska Crude	8524-BA003	10/17/85	9/30/1990
Kenai	Kenai Peninsula Borough	8623-BA007	12/01/86	5/31/1988
Kenai Sludge	General Permit	8520-BA001	11/04/85	11/30/1988
King Cove	City of King Cove	8721-BA017	2/29/88	2/28/1993
King Salmon	USAF	8321-BA007	3/05/84	12/31/1988
Kipnuk	Kipnuk Traditional Council	8521-BA022	9/17/86	8/30/1991
Kodiak - USCG Asbestos Tank 167	U.S. Coast Guard	8721-BA020	12/24/87	11/30/1992
Kodiak Borough Landfill	Kodiak Island Borough	8621-BA005	7/23/86	6/30/1991
Kodiak USCG	U.S. Coast Guard	8321-BA009	5/13/85	3/31/1990
Kodiak-Bells Flats	Brechan Enterprises, Inc.	8621-BA019	5/07/87	4/30/1992
Kodiak-Chiniak DERA	Corps of Engineers	8621-BA015	11/24/86	12/31/1988
Kodiak-Long Island DERA	Corps of Engineers	8621-BA016	11/24/86	12/31/1988
Koliganek	City of Koliganek	8521-BA012	9/23/85	9/22/1990

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

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Adak	Dept. of the Navy, NAVFACENCOM	8321-BA001	12/01/85	9/30/1988
Adak	Department of the Navy	8521-BA024	3/28/86	2/28/1991
Afognak-Koncor Camp	Koncor Forest Resource Management	8621-BA002	7/21/86	6/30/1991
Afognak-Koncor Log Debris	Koncor Forest Resource Management Corp	8621-BA003	7/21/86	6/30/1991
Afognak-Marmot Bay Log Debris	Afognak Native Corporation	8621-BA007	2/24/88	1/31/1993
Afognak-Marmot Bay Camp Waste	Afognak Native Corporation	8621-BA006	2/24/88	1/31/1993
Akhiok	Kodiak Island Borough	8521-BA002	6/14/85	6/20/1990
Amchitka - DERA	Corps of Engineers	8521-BA021	4/16/86	4/30/1988
Amchitka-ROTHR Facility	Dept. of the Navy, PACNAVFACENCOM	8621-BA020	4/14/87	3/31/1992
Anchorage Regional Landfill	Municipality of Anchorage	8721-BA018	10/30/87	10/30/1992
Anchorage-Kincaid	Municipality of Anchorage	8721-BA010	3/22/88	2/28/1993
Aniak	City of Aniak	8621-BA004	7/09/86	6/30/1991
Anvik	City of Anvik	8621-BA013	11/13/86	10/31/1991
Atka - DERA	Corps of Engineers	8521-BA023	4/15/86	4/30/1988
Attu	USCG Loran Station, Attu	8721-BA001	3/03/88	2/28/1993
Becharof State Well #1	AMOCO Production Company	8421-BA021	1/09/85	10/01/1989
Beluga BRU 224-34 BRU 211-3	Chevron U.S.A., Inc.	8523-BA005	1/22/86	12/31/1988
Beluga BRU 232-26 & BRU 224-23	Chevron U.S.A. Inc.	8423-BA005	3/11/85	1/01/1990
Beluga BRU 232-9	Chevron U.S.A	8423-BA013	3/11/85	1/01/1990
Beluga Central Drill Waste Facility	ARCO Alaska, Inc.	8623-BA006	5/26/87	4/30/1992

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
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Facility Name	Permittee's Name	Permit No.	Issued Date	Expiration Date
Beluga-ARCO Commercial Waste Site	ARCO Alaska, Inc.	8423-BA011	10/06/87	9/30/1992
Beluga-Power Plant	Chugach Electric Assoc.	8423-BA001	8/29/84	9/30/1989
Bethel	City of Bethel	8321-BA008	1/08/86	12/31/1990
Big Lake	Matanuska Susitna Borough	8422-BA003	12/30/86	7/31/1990
Boswell Bay	New Horizons Construction Co., Inc.	8724-BA001	5/05/87	4/30/1988
Bradley Lake	Alaska Power Authority	8523-BA006	3/03/86	1/25/1991
Bradley Lake Construction Debris	Alaska Power Authority	8623-BA005	7/02/86	6/30/1991
Broad Pass	Alaska Railroad Corporation	8722-BA001	7/17/87	6/30/1992
Butte Landfill	Matanuska Susitna Borough	8422-BA002	12/31/86	7/31/1988
Cape Newenham	USAF	8221-BA009	3/29/83	4/01/1988
Cape Romanzof	USAF	8221-BA004	3/29/83	4/01/1988
Chefornak	City of Chefornak	8421-BA006	8/29/84	8/30/1989
Chenega Bay	City of Chenega Bay	8523-BA002	10/15/85	9/30/1990
Chignik	Chignik Pride Fisheries, Inc.	8621-BA008	9/23/86	8/31/1991
Cold Bay - DOT	Alaska Dept. of Transportation	8421-BA002	3/06/86	2/28/1991
Cold Bay DERA	Chris Berg Inc.	8521-BA007	6/18/85	6/20/1990
Cold Bay-White Alice DERA	United States Air Force	8721-BA015	11/20/87	11/30/1989
Cordova Balefill	City of Cordova	8324-BA001	12/23/83	9/30/1988
Cordova Sludge	City of Cordova	8524-BA002	3/19/86	2/28/1991
Dutch Harbor - DERA	Chris Berg Inc.	8521-BA005	6/18/85	6/20/1990
Egegik	Village of Egegik	8321-BA002	6/13/83	4/01/1988
Ekuk	Columbia Wards Fisheries	8421-BA004	3/14/88	2/28/1993
Emmonak	City of Emmonak	8321-BA006	10/25/83	9/30/1988

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Facility Name	Permittee's Name	Permit No.	Issued Date	Expiration Date
English Bay	Kenai Peninsula Borough	8423-BA002	2/26/88	7/31/1991
Fort Richardson	U.S. Army	8421-BA005	8/29/84	8/31/1989
Funny River	ARCO	8323-BA001	5/11/84	12/31/1988
Glennallen	Copper Valley Construction	8324-BA002	5/16/85	3/31/1990
Hatcher Pass-Willow Cr. Mill	Enserch Exploration Inc.	8322-BA002	5/07/84	4/01/1989
Homer	Kenai Peninsula Borough	8323-BA007	10/25/83	9/30/1988
Homer-Honey Bear Pumping	Betty & Henry Hofeling	8323-BA006	10/12/83	9/30/1988
Homer-Ohlson Mt. DERA	U.S. Corps. of Engineers	8723-BA004	11/12/87	11/30/1988
Houston Landfill	City of Houston	8722-BA002	3/25/88	2/28/1993
Kanakanak-Asbestos Site	AK Area Native Health Service	8721-BA009	4/22/87	3/31/1992
Katalla	Alaska Crude	8524-BA003	10/17/85	9/30/1990
Kenai	Kenai Peninsula Borough	8623-BA007	12/01/86	5/31/1988
Kenai Sludge	General Permit	8520-BA001	11/04/85	11/30/1988
King Cove	City of King Cove	8721-BA017	2/29/88	2/28/1993
King Salmon	USAF	8321-BA007	3/05/84	12/31/1988
Kipnuk	Kipnuk Traditional Council	8521-BA022	9/17/86	8/30/1991
Kodiak - USCG Asbestos Tank 167	U.S. Coast Guard	8721-BA020	12/24/87	11/30/1992
Kodiak Borough Landfill	Kodiak Island Borough	8621-BA005	7/23/86	6/30/1991
Kodiak USCG	U.S. Coast Guard	8321-BA009	5/13/85	3/31/1990
Kodiak-Bells Flats	Brechan Enterprises, Inc.	8621-BA019	5/07/87	4/30/1992
Kodiak-Chiniak DERA	Corps of Engineers	8621-BA015	11/24/86	12/31/1988
Kodiak-Long Island DERA	Corps of Engineers	8621-BA016	11/24/86	12/31/1988
Koliganek	City of Koliganek	8521-BA012	9/23/85	9/22/1990

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CURRENT SOLID WASTE PERMITS
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Facility Name	Permittee's Name	Permit No.	Issued Date	Expiration Date
Kwethluk	City of Kwethluk	8321-BA011	3/22/84	3/31/1989
Larsen Bay	City of Larsen Bay	8321-BA004	9/13/83	9/30/1988
Lower Kalskag	City of Lower Kalskag	8521-BA003	6/24/85	6/15/1990
McGrath	City of McGrath	8621-BA018	11/18/86	10/31/1991
Naknek	Bristol Bay Borough	8321-BA010	2/29/84	4/01/1989
Napaskiak	City of Napaskiak	8521-BA016	10/16/85	9/30/1990
Newhalen	City of Newhalen	8421-BA020	4/10/85	4/01/1990
Nikolski	U.S. Air Force	8721-BA026	1/29/88	12/31/1989
Peters Creek Landfill	Municipality of Anchorage	8621-BA009	9/17/86	8/30/1991
Port Bailey	Columbia-Wards Fisheries	8421-BA028	5/23/85	5/30/1990
Port Graham	Kenai Peninsula Borough	8423-BA003	2/26/88	7/31/1991
Port Heiden DERA Site A	U.S. Army Corps of Engineers	8721-BA012	2/05/88	12/31/1989
Port Heiden DERA Site B	U.S. Army Corps of Engineers	8721-BA013	2/05/88	12/31/1989
Port Moller	Peter Pan Seafoods	8321-BA003	7/11/83	6/30/1988
Port Moller DERA	U.S. Army Corps of Engineers	8721-BA014	2/05/88	12/31/1989
Qinhagak	City of Qinhagak	8621-BA001	3/11/87	2/29/1992
Sand Point	City of Sand Point	8521-BA009	11/07/85	10/31/1990
Scammon Bay	City of Scammon Bay	8621-BA011	11/13/86	10/31/1991
Seldovia	Kenai Peninsula Borough	8523-BA004	9/04/85	9/04/1990
Seward	Kenai Peninsula Borough	8323-BA004	7/25/83	6/30/1988
Shemya Island	USAF	8421-BA025	2/27/85	1/01/1990
Sitkinak - DERA	Corps of Engineers	8621-BA014	11/20/86	12/31/1988
Soldotna	Kenai Peninsula Borough	8623-BA009	12/01/86	12/01/1991
Soldotna Sludge	City of Soldotna	8123-BA003	9/12/83	9/30/1988
Soldotna-Alaska Septage	Alaska Septage Disposal Facilities	8423-BA006	9/10/84	7/01/1989
Septage(Town&Country)				
South Naknek	Bristol Bay Borough	8421-BA017	3/31/88	2/28/1993

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CURRENT SOLID WASTE PERMITS
SOUTHCENTRAL REGION

File: WASTE

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Printed on 7/08/88
Selection Criteria: EXPIDATE > 1/07/88

Facility Name	Permittee's Name	Permit No.	Issued Date	Expiration Date
Sparrevohn	USAF	8221-BA006	3/29/83	5/01/1988
Sparrevohn-Backside Cleanup	United States Air Force	8721-BA002	11/20/87	11/30/1989
St. George	City of St. George	8721-BA006	3/25/88	2/28/1993
St. George - DERP	St. George Tanaq Corporation	8521-BA020	1/29/86	1/30/1988
St. Mary's	City of St. Mary's	8220-BA001	3/15/83	4/01/1988
St. Mary's-Pitkas Point	City of St. Mary's	8621-BA012	9/23/86	8/31/1991
St. Paul - DERA	Chase Construction, Inc.	8521-BA019	6/06/86	6/30/1988
St. Paul-Asbestos Demolition Waste	Tanadgusix Corporation	8721-BA011	11/02/87	9/30/1989
Sterling-Aardvark Pumping	Jerry K. Holland	8323-BA002	6/29/83	7/01/1988
Sunshine	Matanuska Susitna Borough	8422-BA005	6/20/86	5/31/1991
Swanson Central Disposal Facility	ARCO Alaska, Inc.	8623-BA004	9/24/86	8/31/1991
Talkeetna	Matanuska Susitna Borough	8422-BA004	6/20/86	5/31/1991
Tatalina AFB	USAF	8221-BA007	3/29/83	4/01/1988
Togiak	City of Togiak	8221-BA021	3/15/83	4/01/1988
Toksook Bay	City of Toksook Bay	8421-BA026	12/30/86	11/30/1991
Trading Bay Scrap Steel	Marathon Oil Company	8623-BA006	5/26/87	4/30/1992
Tuntutuliak	Tuntutuliak Traditional Council	8421-BA029	6/25/85	6/15/1990
Tyonek	Kenai Peninsula Borough	8423-BA004	11/18/85	8/31/1990
Unalaska	City of Unalaska	8421-BA022	5/03/85	3/31/1990
Wasilla-Palmer	Matanuska Susitna Borough	8522-BA001	12/22/86	11/30/1991
Central Landfill	Borough			
Whittier	City of Whittier	8521-BA017	11/07/85	10/31/1990
Wolf Lake #2	ARCO	8423-BA012	5/17/85	5/17/1990

Total Records Displayed: 114

Operating Solid Waste Disposal Facilities
Report for Bog Lowery

FILED 5/11/76

Printed on 7/6/76
Selection Criteria: DATE(PI) 7/6/76

PERMIT #	FILE #	APPLICANT	FACILITY	DATE		DECISION DATE	DECISION TYPE	CDR (first line)	CDR (second line)
				RECEIVED	REMOVED				
6331-30005	198.15.013	U.S. Army	Clear Creek Airstrip	11/10/73	2/01/74	11/30/76	Issued		
6331-30006	146.15.003	U.S. Army	Bella Creek Airstrip	11/10/73	2/01/74	11/30/76	Issued		
6331-30001	146.15.001	Aliyaska Pipeline Service Company	Pump Station #18 (06 30-1)	6/00/73	11/15/73	9/30/76	Issued		
6331-30002	336.15.002	Aliyaska Pipeline Service Company	06 117-1B	6/00/73	11/15/73	9/30/76	Issued		
6431-30002	146.15.001	United States Army	Fl. Greely Landfill	4/06/74	5/05/74	5/01/79	Issued		
6431-30003	336.15.005	Aliyaska Pipeline Service Company	Pump Station #2	3/12/74	5/17/74	5/31/79	Issued		
6431-30007	336.15.027	ARC0 Alaska, Inc.	Heperuk CDF #1	8/06/74	11/19/74	11/30/76	Issued		
6431-30008	336.15.011	Aliyaska Pipeline Service Company	Pump Station #7 (06 67-3)	12/11/74	1/15/75	1/15/79	Issued		
6531-30001	136.15.002	Felic Services, Inc.	Clear Air Force Base Landfill	2/05/75	3/18/75	3/01/79	Issued		
6531-30002	236.15.001	Tetlin Village Council	Tetlin Landfill	4/01/75	5/07/75	1/01/79	Issued		
6531-30003	136.15.003	Unibell Coal Mines, Inc.	Polar Flats	4/15/75	4/22/75	5/01/79	Issued		
6531-30006	186.15.002	Menley Hot Springs Community Association	Menley Hot Springs Landfill	6/20/75	5/21/76	3/31/79	Issued		
6531-30007	168.15.003	Jones R. Crabb	Crabb's Landfill - Central, AK	8/15/75	10/15/75	10/01/79	Issued		
6531-30029	186.15.001	R007/PF	Livergood Landfill	11/00/75	12/02/75	7/01/79	Issued		
6531-30001	768.15.001	Respart Village Council	Respart Landfill	11/00/75	8/12/76	8/31/79	Issued		
6531-30001	306.15.004	Helemericks	Colville River Delta	1/16/75	3/11/75	3/15/79	Issued		
6531-30006	306.15.045	Standard Alaska Production Company	Elleem Hill Pad #1	3/25/75	1/22/76	12/31/78	Issued		
6531-30009	306.15.047	Standard Alaska Production Company	Elleem Hill Pad #2	3/25/75	1/22/76	12/31/78	Issued		
6531-30010	306.15.047	Standard Alaska Production Company	Elleem Hill Pad #2	3/25/75	1/22/76	12/31/78	Issued		
6531-30018	306.15.047	North Slope Borough	Dobson Landfill	5/25/75	5/13/76	5/31/79	Issued		
6531-30021	316.15.012	North Slope Borough	Berrow Landfill	9/16/75	3/10/76	3/01/79	Issued		
6531-30022	306.15.016	R007/PF	Sag River Heliostruc Camp	8/30/75	11/15/75	11/30/79	Issued		
6531-30029	396.15.011	North Slope Borough	Aliyaska Landfilling Depot.	10/20/75	4/11/76	4/01/79	Issued		
6631-30001	206.15.010	Interior Services	RF fuel plant - Fairbanks, AK	4/10/76	5/07/76	4/01/79	Issued		
6631-30002	658.15.011	U.S. Air Force	Campion AFB Landfill	4/00/76	4/16/76	4/01/79	Issued		
6631-30003	186.15.012	Fairbanks North Star Borough	FNSB South Dragoon Landfill	4/22/76	5/07/76	5/31/79	Issued		
6631-30004	186.15.015	U.S. Air Force	Eaton AFB Landfill	5/20/76	6/27/76	5/31/79	Issued		
6631-30005	706.15.012	U.S. Air Force	Beer Creek AFB Landfill	6/04/76	6/12/76	10/01/79	Issued		
6631-30006	746.15.013	U.S. Air Force	Fl. Yukon White Alice AFB	6/04/76	6/12/76	10/01/79	Issued		
6631-30007	775.15.011	U.S. Air Force	Indian Mountain AFB Landfill	6/04/76	6/12/76	10/01/79	Issued		
6631-30008	664.15.012	U.S. Air Force	Kalahak Creek MS	6/04/76	6/12/76	10/01/79	Issued		
6631-30010	116.15.011	City of Helena	Helena Solid Waste	6/27/76	9/10/76	10/01/79	Issued		
6631-30015	106.15.012	U.S. Air Force	Murray Base AFB	12/09/76	1/27/77	1/31/79	Issued		
6631-30011	473.15.011	U.S. Air Force	Tin City AFB Landfill	3/13/76	4/00/76	10/01/78	Issued		
6631-30003	616.15.003	U.S. Air Force	Granite Mountain MS	6/04/76	6/12/76	10/01/79	Issued		
6631-30004	473.15.003	U.S. Air Force	Cape Lisburne AFB Landfill	6/04/76	6/12/76	10/01/79	Issued		
6631-30005	473.15.007	U.S. Army Corps of Engineers	Cape Thompson BEAR Cleanup	2/09/76	5/25/76	4/30/79	Issued		
6631-30002	423.15.002	North Slope Borough	Point Lay Landfill	2/06/76	4/17/76	3/01/79	Issued		
6631-30003	333.15.001	Unik Enterprises, Inc.	Unik Landfill	4/00/76	5/23/76	5/31/79	Issued		
6631-30006	353.15.001	North Slope Borough	Proletk Pans Landfill	4/22/76	5/01/76	3/01/79	Issued		
6631-30010	326.15.003	U.S. Air Force	POM 1 (Lowery) Baseline	6/02/76	7/31/76	6/01/79	Issued		

FORMERLY PR-11-79

AS OF 6-7-65, STILL HAVE NOT RECEIVED MEMORISED APPROPRIATE SIGNED APPROVAL.

Modification to permit see 6731-30013

Objections received 3/7/65 - resolved 10/15/65

First info request response rec'd 5-7-65. Additional info request sent

First info request response rec'd 5-7-65. Additional info request letter

Draft permit sent to NED 3/21/76. See file for further information.

CSE M1 4-66005, Reside River 2. CDR Record APPROVED/2003/F.

W.A.

Modified to include asbestos disposal and to extend expiration date.

Modified to extend expiration period. Modified to extend expiration date.

Officially began startup 2/5/66. Draft permit sent to DNR on 4/25/66.

Expect 60-120 days delay due to CDR project coordination per Mand 2/21/76

Revised. CSE M1 2-66449, Beerfort Site M9.

6-17-65. Draft permit sent 12/23/65. Response rec'd 1/14/66.
sent 6-17-65. Draft permit sent 12/23/65. Response rec'd 1/14/66.

CDR consistency received on 5/24/66.

Operating Solid Waste Disposal Facilities
Report for Doug Lowery

Files: BCL10

Page: 2

Printed on 7/06/00
Selection Criteria: DATE(TPI) 7/01/00

PERMIT #	FILE #	APPLICANT	FACILITY	DATE			DECISION TYPE	COM1 (first line)	COM2 (second line)
				RECEIVED	REACHED	FINED			
8636-00012	330.15.001	Yukon Venture Alaska	Yukon River Crossing Landfill	6/19/86	7/10/86	5/15/90	Issued	AK B.S. 75-C	
8636-00013	330.15.016	Alaska Pipeline Service Company	Disposal Site 100-1	6/20/86	7/16/86	9/30/88	Issued	Modification to allow disposal of sludge at Pump Station 5.	
8636-00016	360.15.002	U.S. Air Force	L12 J (Wainwright) Sewline	9/22/86	12/09/86	11/30/91	Issued	CDN consistency determination rec'd 12/4/86.	CZE 001 ARCTIC OCEAN 13.
8636-00019	310.15.003	U.S. Navy	Pt. Barrow NWR Landfill	11/12/86	11/24/86	11/30/88	Issued	Modification to 8636-00009	Requested site map of new boundaries.
8636-00023	300.15.060	North Slope Borough	Silly Waste - Debar Landfill	11/17/86	3/03/87	3/01/92	Issued		
8636-00024	300.15.017	U.S. Air Force	POW 2 (Oititok Pt.) Sewline	12/01/86	3/18/87	3/20/92	Issued		
8731-00001	100.15.005	U.S. Air Force	Eielson AFB Landfill		1/22/87	1/31/92	Issued		
8731-00002	100.15.020	City of North Pole	Petty Farm Sludge Land Appl.	2/02/87	4/06/87	3/31/92	Issued	Meeting with Russ Design 4/28/87 to discuss progress of project.	
8731-00004	150.15.005	Tri-Valley Volunteer Fire Department	Tri-Valley VFD-Healy Landfill	5/22/87	7/10/87	7/31/92	Issued		
8731-00005	100.15.022	U.S. Air Force	Canyon Creek NWS Cleanup	5/21/87	8/25/87	8/31/92	Issued	Environmental Assessment rec'd 8/7/87. Pre-opening inspection 8/25/87	
8731-00006	150.15.006	U.S. Air Force	Bald King NWS Landfill	5/21/87	9/02/87	8/31/92	Issued		
8731-00007	175.62.001	Citigold Alaska, Inc.	Ryan Lake Mine - Heap Leach	5/29/87	11/19/87	11/30/88	Issued	SEE FILE	
8731-00008	100.15.007	Far North Bicycle Association	BCA Bike Tract	6/03/87	7/20/87	7/31/88	Issued	One time landfilling.	
8731-00010	175.62.000	The Alder Mine	The Alder Mine - Heap Leach	7/14/87	3/06/88	12/31/92	Issued		
8731-00012	090.15.002	Evansville Council	Evansville Landfill	8/13/87	11/19/87	11/30/92	Issued		
8732-00001	475.15.004	U.S. Coast Guard	Port Clarence Loran Malakon	1/20/87	1/20/87	1/31/93	Issued	Received CDN Consistency Determination 2/15/88.	
8732-00002	640.15.001	City of St. Michael	St. Michael Landfill	5/20/87	8/12/87	7/31/92	Issued		
8732-00003	430.15.004	America North, Inc.	Blasden Field Cleanup	9/04/87	1/15/88	11/30/92	Issued	Draft permit mailed to Alaska Gold 10/28/87. Comments from America North	rec'd 10/29/87. Public Hearing held due to public concerns.
8732-00004	475.15.000	Alaska Industrial Development Authority	Red Dog Material Site 2-coast.	9/09/87	10/02/87	3/01/91	Issued	Modified to include open burning.	
8732-00005	540.15.001	Brevig Mission City Council	Brevig Mission Landfill	7/01/87	8/24/87	8/31/92	Issued	In wetlands - CZE permit 4-570003 also issued	
8733-00001	170.15.007	Dot Lake Village Council	Dot Lake Landfill	2/27/87	5/11/87	1/01/90	Issued		
8733-00002	200.15.001	Eagle Village Council	Eagle Landfill	7/17/87	10/15/87	8/31/91	Issued	Modified to include impic tank waste disposal.	
8733-00003	200.15.003	James B. Layman	James B. Layman Landfill	7/20/87	10/29/87	10/31/92	Issued	Received by Tok RD 7/13/87.	
8735-00002	300.15.070	ARCO Alaska, Inc.	Pad 3 Gilly Waste Pit	2/12/87	9/11/87	9/15/92	Issued		
8735-00003	370.15.001	North Slope Borough	Witquest Landfill	4/23/87	4/29/87	4/30/92	Issued	Error found in permit - honeybucket location.	
8735-00004	330.15.000	ADOT/PF	Jin River Camp Landfill	5/21/87	7/15/87	7/31/92	Issued		
8735-00005	330.15.001	U. S. Air Force	Bar-Main (Koktovik) Sewline	5/27/87	8/11/87	8/01/92	Issued		
8735-00007	300.15.040	Standard Alaska Production Company	N Pad (Eileen West End Pad 01)	7/31/87	9/29/87	12/31/90	Issued		
8735-00008	300.15.047	Standard Alaska Production Company	W Pad (Eileen West End Pad 02)	7/31/87	9/29/87	12/31/90	Issued		
8735-00009	420.15.001	North Slope Borough	Point Hope Landfill	8/12/87	9/04/87	8/31/92	Issued		
8735-00011	300.15.077	Tanaco, Inc.	Wolfbottoms 01, 02, & 03	11/27/87	6/00/88	12/31/92	Issued		
8735-00016	300.15.051	ARCO Alaska, Inc.	Brill Site 3-0	12/10/87	3/22/88	11/30/89	Issued		
8831-00004	100.15.001	Fairbanks Municipal Utilities System	FMBU 001 Agricultural Site	4/20/88	7/01/88	6/01/89	Issued		
8831-00006	100.15.007	U.S. Army	Pt. Wainwright Landfill	4/21/88	6/10/88	8/15/91	Issued	Modification of existing permit sampling.	
8832-00003	475.15.002	Coninco Alaska, Inc.	Red Dog Mine Site	5/09/88	5/25/88	1/01/89	Issued	Extension of 8832-00001	
8833-00001	130.15.001	J.D. Refuse Service	Tok Landfill	8/02/88	2/09/89	3/01/93	Issued		
8836-00011	350.15.003	North Slope Borough	Wainwright Landfill	5/04/88	5/25/88	12/31/91	Issued	Modification request; expansion needed due to high school fire fall 1987.	

Total Records Displayed: 77

SOLID WASTE DISPOSAL SITES
SOUTHEAST ALASKA (CRM)
March, 1988

SW Fac. Number	Status*	Permit Title/Description	Permit Number	SW Sites Inventoried	Last Date Inspected	Comment
11000	A	Channel Landfill, Inc. 5 1/2 Mile Glacier Hwy, Juneau, Municipal waste & incinerator or ash, (asbestos site) T41S, R67E, S34	... 8511-BA016 exp. 12-31-88	<u>2/5/86</u>	<u>7/29/86</u>	NOV issued <u>9/14/87</u>
11001	A	City/Borough of Juneau..... 1 mile South Thane Road, Tract A, Channel Side - Sludge Disposal - Renewed/Renumbered from SE-3-80	8411-BA010 exp. 12-31-85	<u>4/25/85</u>	^{8/20} 7/20/88	<u>Renewed/Extended</u>
11002	I *	J-D Mendenhall Sewage Treatment Plant, Curtis Rd.... Sludge Disposal - Juneau, T40S, R66E, S25	SE 5-78 exp. 08-01-82	<u>5/2/85</u>	<u>1985</u>	<u>Closed</u>
11003	I	J-D Thane Treatment Plant, Tract A, Parcel A..... Aerobically Digested Sludge - Juneau	8210-BA016 exp. 12-31-83	<u>6/7/85</u>	<u>7/87</u>	<u>Closed</u>
11004	A	Goldbelt, Inc., Hobart Bay, T51S, R75E, S33 Camp Waste (Mainland) 100 person camp	..... 8210-BA021 exp: 12-31-90	<u>11/87</u>	^{2/18/87} 3/24/87	NOV issued <u>7/87</u>
11005	A	Goldbelt, Inc., Klukwan Inc. Hobart Bay, T52S, R75E, S29, Sort Yard Waste Quantity <u>180 cy</u> per week	..... 8312-BA023 exp. 3-31-90	<u>6/10/85</u>	^{8/18/86} 3/24/87	<u>Renewed/Trans. 1/87</u>
11006	A	Alaska Power Authority, Port Snettisham..... Camp Waste, T43S, R71E, SW 1/4, NE 1/4, S 13 (Note: old permit SE-3-77 shows Sec. 23 as landfill site)	8312-BA005 exp. 12-31-87	<u>1/5/84</u>	<u>5/8/87</u>	<u>Closed</u>
11007	I	Belardi & Schneider, Inc. - Juneau T41S, R68E, S25.. Thane Road Rock Dump - Demolition Waste	SER 1-76 exp: 07-15-76	<u>4/29/85</u>	<u>8/28/84</u>	<u>Closed</u>
11008	I	City/Borough of Juneau..... Douglas Island, Glory Hole - Derelict Autos	SER 1-73 exp. 08-24-76	<u>8/26/85</u>	<u>1973</u>	<u>Closed</u>
11009	I	Tonsgard, William B. - Douglas Island..... 1 1/4 Mile North Douglas Road - Demolition Waste, Private Landfill, upper road site	SER 2-74 exp. 08-31-74	<u>8/27/85</u>	<u>1974</u>	<u>Closed</u>

* A = Active
I = Inactive
P = Pending

* NOTE File SE-5-78 sent to K. Keltner on 5/6/88

SW Fac. Number	Status*	Permit Title/Description	Permit Number	Site Inventoried	Last Date Inspected	Comment
11010	I	McNabb Construction Company, Inc. - Juneau..... Glacier Highway Loop & Nancy - Gravel Borrow Site, Stumps and Overburden (Jim McCounghy is now owner of site)	SER 3-73 exp. 09-17-74	<u>8/27/85</u>	<u>1984</u>	<u>Closed 85</u>
11011	I	Valley Court, Larry O. Knudson - Juneau..... Valley Court - Demolition Waste (abolishing Trailer Court - Site will be gravel pit - Red Samm)	SER 5-75 exp. 12-31-75	<u>8/27/85</u>	_____	<u>Gravel Pit</u>
11012	I	Lavender, Robert L. - Douglas..... Lawson Creek, Lot 2-B - Concrete Waste, Private Property	SER 3-75 exp. 06-01-75	<u>8/27/85</u>	<u>1984</u>	_____
11013	I	Fields, Dudley - Douglas..... Block 66, Lot 11, Apts. 3, Douglas Building - Demolition Waste	SER 2-75 exp. 05-15-75	<u>8/27/85</u>	<u>1975</u>	_____
11014	A	MP&M - (Miller, Pugn & Miller) Illegal Fill off Valley Boulevard..... Juneau, assorted organic material, (near Thunder Mtn. Trailer Court)		<u>8/27/85</u>	<u>1985</u>	_____
11015	A	US Corps of Engineers, Port Snettisham, Crator Cove, Borrow Pit, incineration of domestic waste. T43S, R71E, Sec.23, <u>3-20 tons per month</u>	8711-BA002 exp. 3/31/1991	_____	<u>5/8/87</u>	_____
11016	P	Echo Bay Exploration Inc., Kensington Venture, Pt. Sherman, camp waste, T35S, R62E, Sec. 6 SW 1/4, NW 1/4, (100 lbs. per day - 1 1/2 Tons per month)	8711-BA015 exp. 12/31/91	_____	¹⁶ <u>8/18/88</u>	_____
11017		<i>Goldbest inc, Hobart Bay, T51S, R 75E, S&1, 90 cy per WK SOFT yard waste</i>	<i>8811-BA006 Ex 1</i>	_____	_____	_____

(3)

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<u>SW Fac. Number</u>	<u>Status*</u>	<u>Permit Title/Description</u>	<u>Permit Number</u>	<u>Site Inventoried</u>	<u>Last Date Inspected</u>	<u>Comment</u>
11500	A	Haines Sanitation - F. and A. Shull..... T.31S., R.59E., Section 2, Lots 20 & 21 - Municipal Waste - Haines (Asbestos site) 2 tons per day	8311-BA022 exp. 12-31- 87 90	<u>12/87</u>	7/21/87 5/5/88	Requesting water samples for fecal coliform
11501	A	City of Skagway - T28S, R59E, S1, Lot 20 USS 3312, Municipal Waste - 100 cy per week	8511-BA005 exp. 12-31-90	<u>5-6-85</u>	9/4/86 11/88	
11502	I	City of Klukwan - about 1/3 mile west of Klukwan adjacent to Chilkat Ave., Domestic waste.	No Permit Old site	<u>7-12-85</u>	<u>7/21/87</u>	Closed recent dumping
11503	I	Pacific & Arctic Railway & Navig. Co. - Skagway..... Shop, Solid Waste Disposal	SER 4-73 exp. 11-05-76	<u>8/27/85</u>	<u>1985</u>	<u>Closed</u>
11504	I	Mile 24 Haines Hwy., Landfill site..... Municipal waste, access roads to site maintained by AK. Dept. of Highways in early 1970s.		<u>5/2/85</u>	<u>--</u>	
11505	I	Porcupine Spur Road Site, Solid waste site used by highway residents. 3/4 mi. off main highway. Site used in early 1970 and prior to that date.		<u>5/2/85</u>	<u>--</u>	
11506	A	Klukwan Sanitation Facilities Corp., T23S, R56E, S23, NE of 1/4 of NE 1/4 of SE 1/4,.. Klukwan Village, Domestic waste. New site	8511-BA006 exp. 12-31-89	<u>7/12/85</u>	<u>7/21/87</u>	Dumping in large area work face too large
11507						
11508						
11509						
11510						

(5)

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<u>SW Fac. Number</u>	<u>Status*</u>	<u>Permit Title/Description</u>	<u>Permit Number</u>	<u>SW Sites Inventoried</u>	<u>Last Date Inspected</u>	<u>Comments</u>
12010	I	Reuter, Steve, T56S, R64E, S 5, Sitka Clarence Krammer Subdivision Dredged material and rock - build road to home - 686 cu yds.	8812-BA001 exp: 12/31/90		2/18/88	

12011

SW Fc Number	Status*	Permit Title/Description	Permit Number	SW Sites Inventoried	Last Date Inspected	Comments
12000	A	City of Sitka - Block 28 & 29 USS 3303B & USS 3858.. Municipal Solid Waste	8312-BA007 exp. 12-31-88	12/27/83 ^{11/1/88}	2/29/88 ^{4/29/88}	
12001	A	Alaska Lumber & Pulp Co. Inc., (ALP) Industrial Dump, Silver Bay, Sawmill Creek, <u>Asbestos Site</u> USS 3551, 57° 02' N 135° 12' W 5 miles East of Sitka, Sawmill Creek	8412-BA001 exp. 12-31-88	8/9/85 ^{11/1/88}	6/11/86 ^{4/29/88} _{10/88}	
12002	A	ALP, Herring Cove, in Silver Bay, Sitka (SE-5-80) Wood Waste, sludge, & dredged material T56S, R64E, S2. Quantity _____	8512-BA010 exp. 12-31-90	8/7/85	2/19/88 ^{10/88} _{4/29}	Water samp- ling at 3 sites
12003	I	LDS Church, Sitka, USS 2571, Lot 1..... Dredge Material ALP's pond for fill at Church site. Need to formally revoke this permit	8210-BA015 Revoke	8/7/85	2/19/88	Violation noted 7/87 Permit Re- voke 8/31/87
12004	I	David Cocchi, Sitka, USS 3481, 4100 B1. Lot 20C..... Dredge Material On-Lot. Quantity <u>600 cy.</u>	8210-BA023 exp. 12-31-83	6/10/85	1982	
12005	I	Helen Niesen, Sitka, Lots.10 & 11 of USS 3695..... Woodwaste, primary dredge & secondary sludge fill for building sites.	Permit denied	8/12/85	1982	
12006	I	David Winters, Sitka, 2107 Sawmill Creek Rd. Sea- view Hts., Subdivision, Lot 2 - Dredge material for leveling lot. Quantity <u>800 cy</u>	8310-BA003 exp. 12-31-87	6/21/85	8/7/85	
12007	I	DOT/PF - Granite Creek, Sitka..... Vehicle disposal - T55S, R63E, S15 Overburden/logs	SE-2-78 exp. 08-31-81	5/2/85	10/24/85	
12008						
12009	I	Henke, Virgil, dredged wood waste and "hog fuel" 2105 Sawmill Creek Road, Lot 1 of Seaview Hts. Sub., Sitka. Quantity <u>900 cy.</u>	8412-BA012 exp. 12-31-89	8/7/85	8/7/85	

<u>SW Fac. Number</u>	<u>Status*</u>	<u>Permit Title/Description</u>	<u>Permit Number</u>	<u>SW Sites Inventoried</u>	<u>Last Date Inspected</u>	<u>Comment</u>
12210	I	Mitkof Lumber Company - 3 1/2 mile Mitkof Hwy., USS.. 1517 Lot 25, Wood Waste & Earth Fill, Petersburg. Quantity <u>not specified</u>	SE-2-79 exp. 09-30-82	<u>5/2/85</u>	<u>8/30/85</u>	
12211	I	ALP, Woodpecker Cove, Mitkof Island..... Camp Waste, L56°30" N, L132°50'W	SE-9-80 exp. 12-31-83	<u>4/25/85</u>	<u>--</u>	
12212						
12213	I	U.S. Dept. of Air Force (White Alice Site)..... Duncan Canal, Kupreanof Island, T59S, R78E, S17 Clean up/Restoration of Site. (Asbestos site)	8412-BA007 exp. 12-31-87	<u>1/31/85</u>	<u>1984</u>	<u>Renewed</u>
12214	I	Sealaska Timber Corp., T56S, R72E, Sec. 17..... Old Rock Pit Site, woodwaste, 5 miles NW of Kake. Quantity <u>25,000 cy total.</u>	8310-BA001 exp. 12-31-89	<u>6/10/85</u>		
12215	I	Kake Tribal Logging & Timber Corp., Kupreanof Island, Camp waste, T56S, R72E, S18, NW 1/4, NW 1/4, South of Spur Road 1001, about 2000' west of Pt. Mc Cartney Log Camp, 5 miles NW of Kake.	.....8612-BA004 Denied 7/2/87	<u>8/7/86</u>	<u>6/29/87</u>	<u>Dump closed</u>
12216	A	Saginaw Bay Dump Site, Kuiu Island Unknown sources about 12 miles SW of Kake, northend of Island, T58S, R71E, USFS Lands		<u>6/21/86</u>	<u>6/20/86</u>	<u>Viewed from air</u>

12217

SW Fac. Number	Status*	Permit Title/Description	Permit Number	SW Sites Inventoried	Last Date Inspected	Comment
12200	A	City of Petersburg - Mitkof Island - Municipal Waste (from Petersburg & Kupreanof) R79E, T58S, S3,5 (asbestos site) Note: fecal colif. <u>sampling required quarterly.</u>	8312-BA008 exp. 12-31-89	^{10/86} <u>9/19/86</u>	^{2/2/87} 5/21/86 <u>6/25/87</u>	<u>Better maintenance</u>
12201	A	City of Kake - Kupreanof Island, T57S, R73E, S 1&12, Municipal Waste - 30 cy per week	8412-BA009 exp. 9-15-89	<u>5/28/84</u>	<u>6/29/87</u>	<u>NOV - 7/87</u>
12202	A	Sealaska Timber Company - 5 miles NW of Kake..... Wood Waste & ash residue, T56S, R72E, NW - 1/4 of Sec. 18. Quantity <u>2750 cy woodwaste/ash</u>	8210-BA026 exp. 3-31-90	<u>6/10/85</u>	<u>1982</u>	<u>Renewed</u>
12203	I	ITT Rayonier, Inc., Kake, T56S, R73E, S 32,..... SW 1/4, NW 1/4, Sort Yard Waste Quantity <u>not specified</u>	8210-BA027 exp. 12-31-84	<u>6/10/85</u>	<u>1982</u>	<u>Closed-1986</u>
12204	A	Kake Tribal Corp, Pt. MacCartney, Kake Wood/Soil Waste, T56S, R72E, S18 (sort yard expansion). Quantity <u>22 cy</u> per day over a 200 day work season.	8312-BA021 exp. 12-31-89 ^{8812-BA004} ₉₁₅	<u>8/8/85</u>	<u>6/25/87</u>	<u>Looks good</u>
12205	I	Sealaska Timber Corporation, Kake Salvage Area..... Wood and Soil Waste, Kake, T57S, R73E, 1/4 of S12, Kupreanof Island. Quantity <u>2000 cy</u>	8310-BA002 exp. 12-31-84	<u>6/21/85</u>	<u>6/20/86</u>	
12206	I	Sealaska Timber Corporation, 3 1/2 mile SE Kake..... Wood Waste, T57S, R73E, Sec. 12	8210-BA025 Permit Denied 11-19-82	<u>6/10/85</u>	<u>--</u>	<u>Trees growing on fill</u>
12207	I	ITT Rayonier, Burning Sort Yard Pile near Jenny Creek, 4 1/2 Mile So. of Kake, Kupreanof Island		<u>8/27/85</u>	<u>6/20/86</u>	
12208	I*	U.S. Forest Service (Soderberg Log)(Portage Bay Log-ging Camp) T 57S, R77E, S 3, Kupreanof Island, Camp waste.	8312-BA014 exp. 12-31-87	<u>5/15/85</u>	<u>6/19/86</u>	<u>NOV issued 7/29/86</u>
12209	A	Alaska Pulp Corp., T60S, R71E, S 4, NW 1/4 Camp Waste, Kuiu Island, Rowan Bay 150 person camp.	8312-BA015 exp. 12-31-90	<u>11/87</u>	<u>6/20/86</u>	<u>NOV issued 7/25/86</u> <u>Need trans.</u>