

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8241 SENATE COMMUNITY & REGIONAL AFFAIRS

File To: 465 4979 3 of total

P.O. Box 244491  
Anchorage, AK 99524-4491

February 10, 1993

Senator Randy Phillips, Chair  
Community & Regional Affairs Committee  
Alaska State Senate  
Capitol Building  
Juneau, Alaska

Dear Senator Phillips:

Thank you for holding the hearing on Palmer's hostile annexation of 7.5 acres. I was more than a little concerned that the "accused" in this matter, Mr. Bailey, had to go first. Justice requires that the accuser make the case before the accused has to respond. I recognize that a Committee hearing is not a court of law and the rules of the Committee are not the rules of a court. Nevertheless, this element of the hearing gives me pause for concern for the People of the State of Alaska.

That concern grows out of the history of this proceeding. The proceeding has been tainted from beginning to end. It started with a Planning Commission member's participation as both a petitioner to the Planning Commission and as a voting member of that Commission when it took up the matter back at the beginning. The procedural unfairness has continued through this hearing. The record at the Local Boundary Commission Staff's office in Anchorage (269-4559) has the complete file.

Those offering testimony in support of Palmer's petition have consistently attempted to downplay the facts and emphasize the emotional aspects of this matter. For instance, the story of the five pound dog's being killed by a dog from Mr. Bailey's property occurred over twelve years ago. The dog belonged not to Mr. Bailey, but to a tenant Mr. Bailey inherited when he bought the lot the preceding year. A person living under Palmer's law would not have been protected by Palmer's law in that case. A dog owner is allowed to have up to three dogs in Palmer. The tenant owned but one. How would annexation in any way solve that problem? It would not. It is a matter either for animal control or for the courts. It is not an appropriate matter for resolution by legislative annexation.

When one goes carefully through the accusations and proceedings, each element used to support the Palmer case comes unraveled under close scrutiny. The matter is an emotional one: not an appropriate subject for legislative annexation.

Normally, as I understand the policies involved, the legislature would be loathe to vote down the findings of the Local Boundary Commission unless some element of law or policy had been overlooked. This is a sound policy. Here, it is clear that the LBC has overlooked the procedural requirements of fairness in a hostile proceeding.

The LBC is a body of lay persons charged with a difficult job. It has recognized the difficulties by its adoption of more rigorous procedural rules. Those rules, however, do not permit the cross examination of hostile witnesses. Thus, the Commissioners have to rely on their untrained sensibilities to sort out truth from fiction from lies. That the Commissioners did not question closely the witnesses supporting the annexation petition was a clear oversight in the process and unfair to Mr. Bailey.

The rules do not permit a party to subpoena documents. Thus, Mr. Bailey was unable to bring into the record documentation that would have discredited witnesses or provided a different perspective on the history of this matter from the one offered by Palmer's witnesses.

Palmer has made clear from the outset that it regards Mr. Bailey as a "nuisance." It has never made an effort to take Mr. Bailey to court on a charge of nuisance -- either criminal or civil. The courts are the traditional and appropriate forum for nuisance complaints. It is a misuse of the legislative annexation process to substitute it for court action.

The record contains a myriad of detailed problems with the process. This letter is simply to ask that the Committee look into the record in a detailed way. Sending the matter off to be buried in another Committee will have the de facto effect of approving Palmer's actions. If not rejected within 45 days (by, I believe, March 6, 1993) this action will pass into law. The people of Alaska will be the loser.

The misuse of governmental power to accomplish an inappropriate emotional goal disserves all the people. There are appropriate mechanisms in the courts with which to test one's feelings on a matter such as this. By voting down the petition, the legislature does not approve Mr. Bailey's lifestyle choices or disapprove his neighbors' unhappiness. What a vote against the petition will do will be to insure the integrity of the process.

Notions of Fundamental Fairness and notions of Fair Trial have been violated throughout these proceedings. A vote to restore the integrity of the process does not prohibit Palmer from taking appropriate action.

Palmer does not come with clean hands to this proceeding. The LBC has requested that they stop the piecemeal annexation approach and get their own house in order. The City Attorney's remarks about his 35 acre enclave within the City are more applicable to Mr. Bailey than they were to his own situation.

In the final analysis, this comes down to a question of whether Alaskans live under a rule of law or a rule of men. As a matter of policy, the Committee and the Legislature must be committed to a rule of laws. Politics are politics. There is no question that give and take and the human element enter into them. When, as here, all of our rights to fair process are at stake, then policy, not politics, should prevail.

In the strongest possible terms, I urge you and the members of the Committee and all the members of the legislature to reject the Palmer petition.

A correction for the record: I said I believed that Mr. Bailey was 68 years of age in response to another person's assertion that he was 58. I was under the impression that that was his age. I subsequently asked Mr. Bailey for confirmation. He told me that he was indeed 58. I therefore request that the record reflect the change.

Also for the record, I state that I was the consultant that worked with Mr. Bailey through the LBC proceedings and that I am no longer working with him as a consultant. My statement is my own based on my concern for the integrity of the process and my belief that the role of government is to protect the basic fairness and integrity of the system more than it is to serve any particular interest.

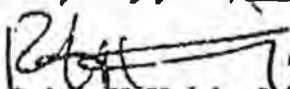
This case is about forcing an individual to change his lifestyle and using the force of law to make him do so even though he is in compliance with the laws of the jurisdiction in which he lives.

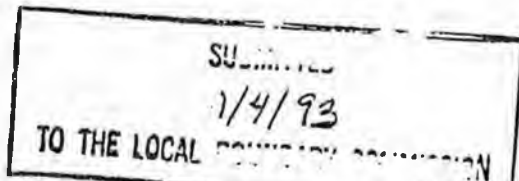
The matter has been appealed to the Superior Court under the rules of the legislative annexation process. A request for a stay has been filed with it to suspend the running of the clock in the legislature while the matter is considered in Superior Court and whatever other courts to which the controversy is elevated. In the event that the legislature does not wish to deny the petition, it might wish to consider a self-imposed suspension of the running of the clock to show that it is not only aware of the matter but sensitive to the issues raised.

Finally, I want to thank the Committee for the opportunity to testify at the hearing. I apologize for the delay in joining the proceeding. The number given me to call to hook in did not work. It took a six phone calls to find out what the problem was and how to connect. The LIC operator told me that they had had trouble making the connection with downtown Anchorage phones in the past. I seem to found out what the problem was and how to avoid it in the future in the process of getting hooked up. While I hope that that will save some trouble in the future, it made my tardiness unavoidable.

My work phone is (907)562-0774 and my fax is (907)561-5859 should you or anyone connected with this matter wish to contact me.

Very truly yours,

  
Robert H. Knight, Jr.



January 4, 1993

TO: LOCAL BOUNDARY COMMISSION

FROM: ROBERT ED. BAILEY *Robert Ed. Bailey*

THROUGH: Robert H. Knight, Jr., Consultant to Mr. Bailey *RHK*

SUBJECT: REQUEST FOR RECONSIDERATION OF  
LBC DECISION TO APPROVE ANNEXATION

Mr. Bailey hereby requests the Local Boundary Commission to reconsider its December 30, 1992, decision to approve the City of Palmer's petition to annex Mr. Bailey's and four other property owners' land into the City of Palmer.

The essential elements requiring reconsideration involve due process issues as well as a significant difference with respect to views expressed about Mr. Bailey's fate if annexation goes through.

The other essential element derives from the decision document itself. That document was handed to Mr. Bailey's consultant after it was voted on by the Commission and not before Mr. Bailey's consultant had a chance to address the Commission; i.e., nothing was said at that time.

The contents of the decision document do not reflect the comments of the Commissioners when they first voted 3-2 in favor of the annexation on December 21, 1992. The comments of the dissenters are summarized in footnote 3 on page 3 of the decision. The views of the majority are not those set out in the decision, at least as expressed on December 21st.

For instance, Commissioner Johnson expressed concern about "the children." A video tape which only Commissioner Cotten viewed contained footage about children in proximity to Mr. Bailey's property. Commissioner Cotten did not mention that or the other contents of the tape in his lengthy dissertation on the law and other matters as set out by the petitioner.

The Decision reflects none of this. The Decision appears to reflect the staff report efforts. Citing vague assertions from Police Chief Otte on page 7 with regard to complaints and dogs when nothing of substance was reported should not be the basis for a Commission decision. No expert testimony was provided or evidence produced with respect to pit privies as cited on page 8 of the Decision. The mere speculation about City residents living downhill does not speak to such technical matters as the depth of the water table, the direction of flow of that water any more than it cites a single problem ever produced by the use of these pit privies. The Commission should demand hard evidence when making a judgment on a hostile annexation. There is no hard evidence of any relevance. A dog incident more than 12 years old is cited in support of the decision. That dog did not belong to Mr. Bailey. The dog belonged to a tenant that Mr. Bailey had inherited that year when he bought that particular lot. The Staff has clearly reached as far as it could to try to justify the Commission's vote. The evidence cited is not relevant evidence. It is stale evidence. In a fair trial, a 12 year old misdemeanor would not be permitted in as evidence. The use of a 1988 incident is highly questionable in view of all the changes that have occurred since then.

Then Conclusion set out on page 8 of the Decision states that "viewed collectively" all of the problems thrown out by the petitioner constitute a threat to health and safety and welfare of city residents. The only thing that the City proved in its testimony is that there were some unhappy people who petitioned in 1989.

The due process element requires even in administrative proceedings something akin to the fair trial philosophy anyone receives under the Alaska and U.S. Constitutions. This fair trial element is clearly missing from these proceedings from the beginning to the end.

For instance, it has only recently come to Mr. Bailey's attention that Mr. Matera, a witness at the public hearing was one of the original petitioners and, after signing the petition, sat as a member of the Palmer Planning Commission reviewing the petition and voting it forward to the Palmer City Council. The very origins of the petition are invalid! Mr. Matera should have recused himself from the consideration of the petition because he was a petitioner. The LBC should reject the petition because it was fatally flawed at the outset.

The Commissioners should not overlook such flaws when the matter is a hostile annexation. Mr. Bailey respectfully suggests that he is entitled to fair play at every step in this matter and that he did not receive it when Mr. Matera voted as a member of the Planning Commission on the petition in the first place.

The Commission should have ignored Chief Otte's vague affidavit when it was shown from minutes of the Palmer City Council that a Council Member was agreeable to flooding the police with dog complaints.

The unlicensed vehicles on Mr. Bailey's property were never shown to be a hazard to anyone. In fact testimony was presented by several mothers of small children asserting that their children had played on Mr. Bailey's property without ever being harmed in any way.

The misreading of Ms. Hummel's October 19th letter by the Staff appears to be stretching. Ms. Hummel was never asked about that letter despite making personal efforts to be available as an expert witness to the Commission. Ms. Hummel intended that letter to point out the kinds of problems the City of Palmer might be creating for itself through the annexing of Mr. Bailey's property. This information was provided because Ms. Hummel had seen similar efforts in other parts of the United States. Misreading the letter without bothering to ask her about it and using it in support of the Commission's vote is stretching too far.

The lack of water and sewer facilities were addressed by only one certified sanitarian: Ms. Hummel. No expertise was ever summoned to refute her findings and conclusions. Only the idle speculation of unqualified persons was given to the Commission with respect to the petitioner's views on the matter of privies, etc. The LBC and the people of the State of Alaska deserve better than that.

Ms. Hummel's use of the word "nuisance" in her letter is not explained by the Staff. It is simply thrown out as though it were somehow significant. Mr. Bailey has asserted all along that if the

neighbors wanted to do something, their appropriate action was a nuisance suit in court. What is being made of the use of "nuisance" in Ms. Hummel's letter is not clear although it seems to be cited in support of this decision. Such vagueness should not be a part of the Commission's decision.

Footnote 7 on page 8 states only that efforts were made to arranged for a DEC person to go to Mr. Bailey's property. The full story is laid out in the materials submitted by Mr. Bailey. The footnote ignores the facts. Commission decisions should be on firmer ground. The Commissioners should revisit the decision and review point by point the materials submitted.

Commissioner Cotten spoke at some length about how Palmer bears Mr. Bailey no ill will in his comments prior to voting on December 21st. An affidavit is attached to this submission which indicates clearly that Commissioner Cotten's view is not shared by the Palmer police. That affidavit shows that a Palmer policeman asserted that he could not wait to arrest Mr. Bailey. Additionally, Mr. Bailey's son was stopped by the police and given an unsigned summons for something he asserts he did not do. Two other friends of Mr. Bailey's were stopped or arrested after the public hearing. An affidavit is attached showing that two persons saw Palmer police writing down the license numbers of the cars in the parking lot at the Hearing Chamber on the night of the Commission's public hearing (11/20/92). Clearly, Mr. Bailey's future in the City of Palmer is not a happy one. In view of the clear intention of the City of Palmer to arrest Mr. Bailey at the first opportunity, the Commission should reconsider this vote and deny the petition.

City Manager Soulak's personal observations on Mr. Bailey were reported in the Anchorage Daily News prior to the Commission's vote. The City Manager has ample opportunity to make known his personal view ever since the matter started. He has never done so. Expressing those views to the media may have been inadvertent, but the fact remains Mr. Soulak is an authority figure in the petitioner's organization and his views carry weight. Such views should not be permitted in the public just prior to the Commission's casting its votes on this matter. In particular, where the vote is close as it was in this matter, every element should be important.

Neither Mr. Soulak with his comments in the paper, nor any of the witnesses presenting testimony was ever subjected to questioning or cross-examination by Mr. Bailey or his representative. Specificity was lacking as to specifics at every turn, yet the testimony was allowed in as sworn testimony. (Not Mr. Soulak's newspaper quotes, but the others').

The Commission should take the time to reflect on the kangaroo court efforts to pillory Mr. Bailey and the lack of real or hard evidence to support such efforts.

Indeed, the final statement in the Decision's conclusion shows that the annexation is being put forward simply to solve a neighborhood problem that should have gone to court as a nuisance suit in the first place. The legislative review annexation process is clearly being used to support a City effort to force Mr. Bailey to forsake what is a legal lifestyle and live as the City of Palmer would have him live. It is an invasion of privacy, a violation of his civil rights to annex him so that a policeman can arrest him, a lack of due process and a lack of equal protection. These arguments are spelled out in detail in the October 21, 1992,

Review and Comments submitted by Mr. Bailey and as other violations occurred in subsequent submissions.

Commissioner Cotten missed the November 20, 1992, public hearing. He subsequently reentered the matter. He traveled out to Palmer to view Mr. Bailey's property without calling on Mr. Bailey. About the time he was supposedly visiting, Mr. Bailey saw two men come on to his property. He had never seen Commissioner Cotten and so would not have been able to identify him. Commissioner Cotten needs to state whether he was accompanied by anyone when he visited Mr. Bailey's property and whether he had any conversations with anyone besides Staff or other Commissioners regarding the matter.

Finally, Commissioner Cotten should have recused himself from participating or voting on the matter. In 1991, Mr. Bailey's consultant, Mr. Knight, was the Division Director of the Municipal and Regional Assistance Division in the Department of Community and Regional Affairs. A Deputy Division Director job came open under Mr. Knight. Mr. Cotten expressed strong interest in the job and was interviewed for it by Mr. Knight. Mr. Cotten was subsequently not selected for the job. Mr. Bailey thought that Commissioner Cotten's absence from the public hearing meant that Mr. Cotten did not intend to participate. It was not clear up until the time during the vote on December 21st when Mr. Cotten said how he would vote that Mr. Cotten intended to vote. Mr. Cotten did not reveal to his fellow commissioners that he had had the above described negative contact with Mr.

Bailey's consultant. The parties, though present at the vote meeting, were prohibited from speaking out at the vote meeting. No objection was taken then, but was entered at the next available opportunity to speak. Neither Mr. Bailey nor Mr. Knight wishes to raise a personal matter like this, but where the matter is a forced annexation and the vote is 3-2 and one of the majority has had a prior contact which should have caused him to recuse himself or absent himself from the vote, Mr. Bailey respectfully suggests that the Commission should revisit the decision, reconsider the vote, and vote again. Whether or not Mr. Cotten's views were or were not swayed by that prior contact is not as important as the integrity of the decision process itself.

A 2-2 tie vote would have meant a denial of the petition. Mr. Cotten's lengthy speech on behalf of Palmer was picked up and endorsed by Chairman Hargraves. Whether his vote was swayed in fact by Mr. Cotten's speech is not as important as the fact that Commissioner Hargraves endorsed what Mr. Cotten said. Had not Mr. Cotten said those things or had he revealed that he had had negative contact with Mr. Bailey's consultant and recused himself, the vote might well have been changed.

The Commission should reconsider its vote and disallow Commissioner Cotten's participation in the vote leaving the first vote at 2-2, rewrite its decision based upon the hard points made, and deny the petition.

The due process and basic fairness problems with this annexation effort started at the very beginning when unhappy neighbors attempted to use political might to force a neighbor to change his living patterns. The courts were and are available for such matters. The executive branch and the administrative process should not be available for such misuse as has occurred

here. The stretching of the Staff in drafting the Commission's decision shows that there is nothing of substance to support it. Commissioner Cotten's participation at this end of the process completely fouls the integrity of the process. The other elements are already set out in the materials sent to the Commission. They are incorporated here by reference. From Mr. Matora's participation as a petitioner and a planning commissioner to Commissioner Cotten's unrevealed negative contact with Mr. Bailey's consultant, the handling of this petition is flawed. The Commission must reconsider its decision.

Mr. Bailey wishes to express his personal appreciation for the personal courtesies he has been shown in his contacts with the Commission. He also wishes to express his appreciation for the professional handling of the matter by the Commission's Staff.



# Alaska State Legislature

Please enter into the record my testimony to the SCR  
committee name

committee on ANNEXATION of Territory dated 2-9-93  
bill/subject

I do not know Mr. Bailey personally, however it seems to me that if the man's neighbors are allowed to use the law as the boundary commission recommends, all property rights in rural Mat-Su are conditional to meeting the approval of one's neighbors in the lawful conduct of one's affairs. If this annexation is allowed to go forward, please give me and other Alaskans substantial assurance that this won't happen to us as well. Without such assurance, I am against this annexation.  
Respectfully,

Signed: Maureen Pearson  
Testifier

Representing (Optional)

1401 BOX 6754-L, PALMER (out of city limits)  
Address 9964

Address

745-5963

Phone No.

Please Copy And Distribute To The House & Senate

February 9, 1993

Dear Legislator,

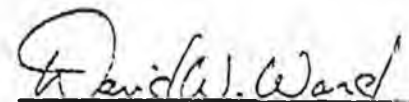
We urge you to inform yourselves of all the facts regarding the proposed City of Palmer's Annexation.

The Local Boundary Commissions Report and Recommendation was in favor of the annexation. We have read their facts and findings and feel they support our views regarding this issue.

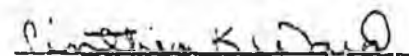
The above agency as well as others have voted in favor of annexation based on facts.

Our family was born and raised in Palmer with roots dating back to the Colonist of 1955, and have lived across from said property <sup>12 years</sup>. We believe in the Alaska lifestyle and all Citizens of the United States of America have the right to live their own lifestyle as long as you don't infringe on other peoples rights.

We are in favor of the proposed annexation and urge you to vote in favor of annexation. Please base this decision on facts, not newspaper articles or personal opinion. Thanks for your support.



David W. Ward



Cinthia K. Ward



TELECOPY COVER SHEET



**Matanuska Telephone Association, Inc.**

1740 S. CHUGACH, PALMER, ALASKA 99645 PHONE (907) 745-3211  
Eagle River (907) 894-2101 Wasilla (907) 378-3211

Thomas R. Minnich  
President/C.E.O.

TELECOPIER (FAX) NUMBER: (907) 746 4848

DATE: 2-9-93 NUMBER OF PAGES (Excluding cover sheet) 3

TO: Mr. Kertula

FROM: Mr & Mrs RICHARD Vogt.

MESSAGE: Please distribute to all House and Senate.

TELECOPIER TYPE: MURATA

CONTACT NUMBER: (907) 745.3351

February 9, 1993

Dear Alaska State Legislator(s):

We are writing to urge you to support the proposed annexation of the 7.5 acres in Riverside Revd. Sub. in Palmer, Alaska.

We live across the street from this property and Robert Edgar Bailey and have lived here since 1977. We have had to contend with a constant growing "junkyard" of old cars, old shopping carts, old lumber, etc; he and his tenants numerous animals consisting of horses, cows, goats and pigs coming in our yard doing damage and his ever-growing horde of dogs (over 50 by his own admission in court) that have barked day and night, tore apart our garbage, attacked our chained dog (per Palmer ordinance) on more than one occasion and even coming into our garage and eating salmon we were thawing to can. We have filed repeated complaints with Animal Control and appeared in Court three different times to testify. Please see the attached letter which we and our neighbors submitted to the Mat-Su Borough regarding this situation. Although we were unable to attend the teleconference today, we understand Mr. Knight stated Mr. Bailey was in court once and that he won. This is totally untrue and the Court records can verify this! Should you wish to obtain these records you may request :

MSB 1637 thru 1641  
1646  
1649  
1797  
1799  
2056

from the Courts in Palmer.

I, Mr. Vogt, have had by-pass surgery twice - in 1982 and again in 1992 - and could not even recuperate decently in my own home due to these animals constantly barking. I, Mrs. Vogt, had a heart attack in 1987 and the same applied in my case.

We have tried every possible means to find an end to this - keeping a written log of times and events as instructed by Animal Control, going to Court to testify, personally gathering signatures on a petition, presenting this and attending numerous City Council meetings and meeting with the Local Boundary Commission.

We urge you to please consider us who have to live with this situation day in and day out, as well as numerous other Palmer residents who want to see this "mess resolved and ask that you stand behind the City of Palmer and the Local Boundary Commission in their recommendations.

Thank you.

Sincerely,

Richard E. & Eleanor L. Vogt  
564 N. Denali  
Palmer, Ak. 99645

TO: MATANUSKA-SUSITNA BOROUGH MAYOR AND ASSEMBLY MEMBERS

We, the undersigned, feel we must bring to your attention an issue where we feel we have been grossly unfairly dealt with by one of your Department Heads; namely Mr. Jerry Pineau as Animal Control Officer.

We all reside in North Palmer, on N. Denali and E. Eagle Streets, in the City of Palmer. Our specific problem is one Robert Edgar (Ed) Bailey who lives on E. Eagle, but not in the City limits. Mr. Bailey owns Lots 4-10 & 21-17 in Block 1 of Riverside Revd.Subd. On these 4 lots he has an accumulation of approximately 35 non-running vehicles; shabby run-down shacks (which he, at times, rents out or at least allows people to reside there); old grocery carts; bicycle parts; stacks of old lumber; etc. etc -and DOGS!!!

For years we have been forced to put up with, by Mr. Bailey's own admission in Court, over 50 dogs who bark all hours of the day and night; who roam freely and strew garbage everywhere; who frighten children waiting for school buses and adults walking or jogging. We finally had all we could take of this abuse and in the summer of 1989 we contacted Animal Control as to just what could be done about the situation. We were instructed we would need to keep specific logs of times, dates and descriptions of the offending animals. We did this for over six weeks, which was a full-time job in itself. After turning this over to Animal Control we were then summoned to Court to testify and were present in Court on 10-5-89 when Magistrate O'Connell revoked Mr. Bailey's kennel license and restricted him to no more than 3 dogs. Officers of Animal Control were present also. Please see enclosed letter from Animal Control to Mr. Bailey dated 10-10-89. We again appeared in Court on 11-28-89 because Mr. Bailey still had more than the allotted number of dogs and was not controlling them. By the summer of 1990 Mr. Bailey's dog population was steadily increasing in spite of the Court Order.

In February of 1991 the situation was again out of control. We phoned Mr. Pineau's Office and asked that he return our call. He did not return the call but instructed Animal Control to call us. We told them of our problems and they came and said we would need to fill out complaints again. We questioned why this was necessary since there was an existing Court Order prohibiting him having more than 3 dogs. They stated that Mr. Pineau said it was necessary and required. Animal Control officers went directly from our home (Vogts) to Mr. Bailey's on 2-20-91 and served complaints. They counted 14 dogs. Mr. Bailey was again to appear in Court on March 12, 1991.

In between the time he was served and his Court appearance he again applied for another Kennel License. When he went to Court under Magistrate Swink, he told the Magistrate he had applied for a Kennel License and his case was suspended on the grounds that he was complying.

When we learned of this we (Vogts) <sup>WENT</sup> ~~were~~ to see Mr. Pineau who stated he had had no recent complaints and that he intended to issue him the Kennel License!!

We then went to Animal Control who informed us that Mr. Pineau most certainly was aware of the complaint and that he had, in fact, instructed the officers to go canvass the neighborhood the next day - which they did and received more complaints. They were also instructed by Mr. Pineau to make an inspection of Mr. Bailey's facilities on 3-14-91. We, (Vogts and Mr. Matura) went and spoke with Barbara Lacher regarding this problem.

IN spite of all of this, Mr. Bailey received his Kennel License on March 24,1991

It is obvious to us that Mr. Pineau's actions are certainly not in the best interest of the majority of the people concerned here - only Mr. Bailey's. Perhaps he has too many duties and cannot expend the necessary time needed to perform as Animal Control Officer. Perhaps this position should be delegated to the Supervisor of Animal Control as he and his staff are the ones who respond and view the problems in the field. They MOST certainly do their jobs and the Borough expends a considerable amount of revenue here. They (Animal Control) have a thick file on Mr. Bailey. Again we stress all of the below signed complaints (which are on file with Animal Control) BEFORE Mr. Bailey had his license re-issued.

We also understand the City of Palmer has recently contacted you (The Assembly) in regard to this on-going problem.

We, the undersigned, ask for some CONSIDERATION of this problem and strongly recommend that Mr. Pineau be relieved of this particular duty.

If you need any of us to attend an Assembly Meeting for further discussion or clarification of the matter, PLEASE feel free to contact us!!

Encl (..)

Signed:

<i>Mr. + Mrs. Richard E. Vogt</i>	<i>PH: 745-3351</i>
<i>Mr. + Mrs. Carl T. Scheidt</i>	<i>PH: 746-4546</i>
<i>Mr. + Mrs. David W. Ward</i>	<i>PH: 745-2774</i>
<i>Mr. + Mrs. Robert Matura</i>	<i>PH: 745-2296</i>
<i>Roger K. Smith</i>	<i>PH 745-21506</i>

February 9, 1993

Members of House and Senate  
Juneau, Alaska 99801

RE: Issue of ANNEXATION OF PROPERTIES BY THE CITY OF PALMER,  
namely those lots owned by ROBERT BAILEY.

As a supporter of this proposal for annexation, I urge the  
members of the Senate and House to please comply with the  
decision of the local Boundary Commission and follow thru with  
this annexation.

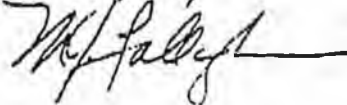
Sincerely,



Robert M. Henderson  
555 N. Alaska St.  
Palmer, Alaska 99645

PLEASE DISTRIBUTE COPIES TO ALL  
MEMBERS OF HOUSE & SENATE.

2/9/93

THANK YOU,  


Dear Alaska State Legislator,

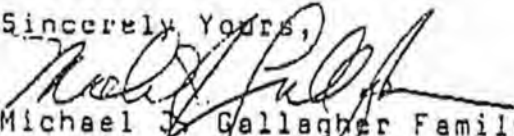
I am writing this letter in support of the proposed annexation of 7.5 acres in No. Palmer, Ak. I will spare you all the details of the issue and why I am in favor because there is just too much material to cover. However, I would like to point out that I have been involved in this issue as an interested party. I live directly across the street from this property and have first hand knowledge of the situation that exists.

Since 1990, I have had to attend numerous Palmer City Council meetings and have given sworn testimony at the Local Boundary Commission public hearing. All parties involved have been afforded due process with time extensions on deadlines, appeals, etc. After this long drawn out process, the Local Boundary Commission voted to approve the annexation and subsequently voted to deny a reconsideration of the issue.

As a Legislator, you may be inundated with letters and/or phone calls from people acting on behalf of Mr. Ed Bailey, the only one of several land owners in the affected area to be so opposed to the issue. Several of his acquaintances have gone so far as to form the "Alaska Citizens Awareness Committee", initially founded for the sole purpose of opposing this annexation. Due to the fact that Mr. Bailey has persuaded his friends, relatives, and acquaintances to support him in his opposition, you may well receive more letters against the annexation than in favor. This has been the pattern in the past, but obviously the City Council Members, L.B.C. staff and the L.B.C. Commissioners were able to see this for what it was.

In closing, I urge you to support the L.B.C. decision and support this annexation for the good of the residents of North Palmer.

Sincerely Yours,

  
Michael J. Gallagher Family  
546 No. Chugach St./P.O.B. 2991  
Palmer, Ak. 99645  
746-0527

February 9, 1993

Members of House and Senate  
Juneau, Alaska 99801

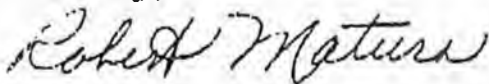
RE: Proposed Annexation of Properties Outlined by the City of  
Palmer, Specifically Those of Robert E. Bailey

Dear Members of House and Senate:

Please be advised that I, Robert Matura, a long time resident of the City of Palmer and neighbor in close proximity to Mr. Bailey, do fully and without reservation support said annexation.

It is my contention that after many public hearings and exhaustive research by the Planning and Zoning Advisory Commission, the Palmer City Council and the Local Boundary Commission, their voted on decision to annex should be honored and supported by this community and our elected representatives.

Sincerely,



Robert Matura  
545 N. Denali  
Palmer, Alaska 99645

02/15/93  
09:22:52

PUBLIC OPINION MESSAGE SYSTEM  
MEMBER OFFICE PHI Phillips

POMS100  
LSNCSLA

From: Mr. TerryN. Clark  
P.O. BOx 871441

Palmer

AK 99645

Tel: 376-2326

Bill# Title:  
Subject BOUNDARIES

NOT RELATED TO SPECIFIC LEGISLATION

Message: MR. BAILEY HAS BEEN AROUND FOR A LONG TIME. HIS PROPERTY DOESN'T  
LOOK ANY WORSE THAN ALOT OF PLACES AROUND THE STATE. THIS IS ALASKA AND I  
THINK THAT THEY OUGHT TO LEAVE THE GUY ALONE. THE CITY OF PALMER OUGHT TO  
REVAMP THEIR THINKING, ALFER ALL, PALMER WAS ORIGINALLY A PIONEER TOWN.

Entered By: LIOCDAL on 2/ 9/93 PomID 1835 Distribution 5  
MSG: 4 TOTAL POMS SELECTED FOR VIEWING  
Enter Next Message PF4 Menu PF6 WasteBasket PF7 Previous PO' PF10 BigWaste

4BÜ

ë-ë27 LINE 1 COL 1

02/15/93  
09:23:53

PUBLIC OPINION MESSAGE SYSTEM  
MEMBER OFFICE PHI Phillips

POMS100  
LSNCSLA

From: Mr. John  
Box 2129

Brown

Kodiak

AK 99615

Tel: 487-4928

Bill#

Title:  
Subject BOUNDARIES

NOT RELATED TO SPECIFIC LEGISLATION

Message: I SUPPORT FD BAILEY. I URGE YOU TO STOP THE PALMER ANNEXATION.

Entered By: LIOCTIN on 2/ 9/93

PomID 1906

Distribution 17

MSG:

Enter Next Message PF4 Menu PF6 WasteBasket PF7 Previous POM PF10 BigWaste

4BÜ

ẽ-ẽ27 LINE 1 COL 1

02/15/93  
09:24:33

PUBLIC OPINION MESSAGE SYSTEM  
MEMBER OFFICE PHI Phillips

POMS100  
LSNCSLA

From: Ms Catherine Ladow  
231 w cedar st

Palmer

AK 99645

Tel: 745-2574

Bill# Title:  
Subject BOUNDARIES

NOT RELATED TO SPECIFIC LEGISLATION

Message: PLEASE VOTE IN SUPPORT OF SJR 20. YOU DON'T NEED THE BOUNDARY COMMISSION TO SETTLE NUISANCE PROBLEMS. RECOMENDATION WILL NOT STRAIGHTEN LINES OR RESOLVE SANITARY OR SAFETY PROBLEMS. MR BAILEY'S NEIGHBORS BOUGHT THEIR HOMES KNOWING HE WAS THERE.

Entered By: LIOCCCC on 2/11/93 PomID 2080 Distribution 60  
MSG:

Enter Next Message PF4 Menu PF6 WasteBasket PF7 Previous POM PF10 BigWaste

4BÜ

ë-ë27 LINE 1 COL 1

02/15/93  
09:25:13

PUBLIC OPINION MESSAGE SYSTEM  
MEMBER OFFICE PHI Phillips

POMS100  
LSNCSLA

From: Mr Mark Chryson  
2140 Wolverine Circle

Wasilla

AK 99687

Tel: 376-8285

Bill# Title:  
Subject BOUNDARIES

NOT RELATED TO SPECIFIC LEGISLATION

Message: NO FORCED ANNEXATION. STOP PALMER'S INSATIABLE APPETITE  
FOR GOVERNMENT GROWTH.

Entered By: LIOCCCC on 2/11/93

PomID 2093

Distribution 59

MSG:

Enter Next Message PF4 Menu PF6 WasteBasket PF7 Previous POM PF10 BigWaste

4BÜ

ë-ë27 LINE 1 COL 1

Post-It™ brand fax transmittal memo 7671

# of pages &gt; 7

To: <i>Sen. Reid</i>	From: <i>Debbie</i>
Co. <i>JUNEAU</i>	Co. <i>L10-14750</i>
Dept.	Phone # <i>376-3704</i>
Fax # <i>465-4979</i>	Fax #

Esteemed Senators:

I thank you for the opportunity to speak before you today concerning the City of Palmer's attempt to annex 7.5 acres. My name is Ronda Marcy, and I am a resident of the State of Alaska since 1963. I have several concerns which I would like to address:

Firstly, this annexation is no more than an attempt by the City of Palmer to bring one person into its jurisdiction for the sole purpose of significantly modifying his lifestyle. The City has attempted to buffer its malicious attitude toward this one individual by adding four other property owners under the guise of squaring its boundaries (which this annexation is still not quite doing). This action, launched with the full force and resources of the City of Palmer, including the City Attorney, Mr. Jack Snodgrass, whose own property is an agricultural enclave surrounded by the City of Palmer and whom the City has protected from its zoning ordinances, offered little protection in this annexation to property owners, affected property tenants, and most visably Mr. Robert Bailey, in whose defense I am compelled to speak before you today.

Mr. Bailey is a citizen of the United States of America, and is a resident of the State of Alaska since 1967, and as such, surely has protections through the Constitution of the United States of America which are made mandatory to the State of Alaska through Article VI - The Supremacy Article, of the United States Constitution. The City of Palmer has no jurisdiction to initiate the Legislative Review process simply to modify Mr. Bailey's lifestyle. The City of Palmer is not a party to the legally binding contract of purchase, entered between Morris R. Mooney on behalf of Mr. Bailey, and Mrs. Kay Sandlin, or any additional parcels contracted between Mr. Bailey and any other individual at any future time. Mr. Bailey, or parties on Mr. Bailey's behalf, entered into this legally binding contract on or about July 1967 within the jurisdiction of the State of Alaska with no intent expressed or implied by Mr. Bailey to comply with any additional covenants, restrictions, or requirements imposed other than those written. Mr. Bailey was enticed to develop his property in a manner suitable to his character and within the laws in effect at this time, and improvements thereto, over a period of time under this contractual agreement. If the State of Alaska allows the City of Palmer to violate this contractual agreement, Mr. Bailey has the right to insist on the enforcement of this contract or to expect damages from the State of Alaska and the City of Palmer. By the Local Boundary Commission allowing the City of Palmer to use the Legislative Review process in this manner, the State of Alaska has put itself in a "conflict of interest" situation that makes it responsible for representing the interests of both parties. Therefore, I believe this Legislative Review annexation is in direct violation of the Constitution of the State of Alaska Article I Section 15 - Prohibited State Action which specifically states "No law impairing the obligation of contracts...shall be passed."

This annexation appears contrary to Article I Section 1 - Inherent Rights, that guarantees Mr. Bailey to "have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry;" The City of Palmer only initiated this action to deny Mr. Bailey his natural right to liberty, the pursuit of happiness and the enjoyment of the rewards of his own industry, by annexing his property to the City of Palmer for the sole purpose of, under color of law, restricting his lifestyle, his lawful enjoyment of his current kennel license issued by the Matanuska-Susitna Borough, and by denying him the rewards of enjoying property that he has gathered through his lifetime of industry. Mr. Bailey has reached the years of his life when he should be able to enjoy the fruits of his lawful labors. The City of Palmer, if allowed jurisdiction, will have the authority to contract services to bring this property up to current City of Palmer ordinances, and add the cost of this service to Mr. Bailey's utility bill. This would result in undue financial burden on Mr. Bailey, directly and ultimately resulting in Mr. Bailey losing this property. The City of Palmer has barely masked it's malicious attitude towards Mr. Bailey. This was made evident to me, when while collecting signatures in the Eagle Street area, a Palmer City Police Officer stated to me personally that He "couldn't wait to arrest Mr. Bailey." in a blatant attempt to impugn Mr. Bailey's character.

Mr. Bailey is also unable to afford any increases in his property taxes and would ultimately lose the property for failure to pay City of Palmer property taxes. The other affected property owners, depending on their financial situation, could be adversely effected in this same manner. This would result in the City of Palmer taking Mr. Bailey's property, or other effected owner's property, without any just compensation, and the violation of Article I Section 18 - Eminent Domain which clearly states "Private property shall not be taken or damaged [Emphasis added] for public use without just compensation". Mr. Bailey's property is clearly damaged when he will no longer be able to live in the legal manner which he contracted to live when he purchased the property. Clearly, The Dewey's are similarly damaged when they are no longer able to continue the agricultural use of their property. The City of Palmer has also asserted that it intends to make Mr. Bailey reduce the number of dogs he is allowed to have, from the 15 on his current kennel license, to three (3), without any compensation for his loss, therefore further violating Article I Section 18.

That this Petition originated out of Palmer City Council as evidenced in city meeting minutes, not due to "concerned citizens" as the city has purported, and early City of Palmer meetings concerning this annexation violated Article I Section 1 that states "all persons are equal and entitled to equal right, opportunities and protection under the law."

③

The City of Palmer did violate due process by not properly redressing concerns, or counting public opinion, that authorized the City of Palmer, under color of law, to continue with this annexation. City Manager, David Soulak, acting as a interested party, and accounting for official tally for responses from his June 11, 1992 correspondence to area residents, did not do so properly, and in acting in both of these manners, again violated the property owner's guarantee of equal protection under the law. City of Palmer did violate due process by filing a "Final Appeal" that raised new charges concerning Mr. Bailey and that the Local Boundary Commission violated due process by accepting City of Palmers Final Brief, violated due process by not allowing Mr. Bailey adequate time or forum, such as cross examination under oath, for Mr. Bailey to respond to City of Palmer's accusations. City of Palmer again violated due process and equal protection clauses by raising two more issues in the Anchorage Daily News on December 18, 1992 which may of affected the decisions of Local Boundary Commissioners, most notable Anchorage Commissioner Mr. Lamar Cotton.

City of Palmer did trespass unlawfully on Mr. Bailey's property in attempting "to take an informal survey of his tenants", and used this illegally gained information to form documentation used as argument for taking his property into City of Palmer's jurisdiction. This violates Article I Section 1 and Section 7 of the Constitution of the State of Alaska. City of Palmer Police did again trespass unlawfully, under color of law, when it followed a tenant on to Mr. Bailey's property because he at the time was alleged to have failed to stop at a stop sign some blocks away, and proceeded to arrest this tenant though the tenant was not in the jurisdiction of the City of Palmer Police Department at the time of this arrest. City of Palmer Police have taken an active and as mentioned earlier, vocal part in this annexation, though when questioned about the Palmer Police's involvement, the Mayor of Palmer denied that he had requested their involvement. I am concerned by what I perceived as continued harrasment of Mr. Bailey by the City of Palmer, and officials thereof.

I am concerned by the Mat-Su Boroughs actions in this annexation as well. I have asked my assembly representative Mr. Robert Wells, to look into why Mr. Bailey was not personally notified when his name personally appeared in a Borough Ordinance. I would think this personal notivity should afford Mr. Bailey a bit more notice than the standard obscure newspaper announcement.

Also, by allowing City of Palmer ex post facto jurisdiction, ie., making Mr. Bailey conform to city laws developed prior to the effective date of this annexation, City of Palmer will violate, and has stated its intention to do so, Article I Section 15 - Prohibited State Action which states "...no ex post facto

(4)

law shall be passed." This would also abridged Mr. Bailey "privileges and immunities" granted by the Matanuska-Susitna Borough and protected under United States Constitution Article I Section 14. Though I don't know whether I have phrased this concern adequately, I am addressing Mr. Bailey's Grandfather Rights.

Article VIII Section 18 - Protection of Rights establishes the Constitutional guarantee that "No person shall be involuntarily divested of his rights to ... his interests in lands, or improvements...except for a superior beneficial use or public purpose and then only with just compensation and by operation of law. This petition initiated without merit by the City of Palmer and passed by the Local Boundary Commission to the State Legislature is directly contrary to Mr. Bailey's rights as articulated in Article VIII Section 18.

The Local Boundary Commission does not have expertise or authority to deem Mr. Bailey's property "a health, safety or welfare threat", and to any extent that there is any merit to this claim, the property is being annexed for Public Welfare, and would then be deemed being annexed for a public use, and Mr. Bailey should be justly compensated as defined by Article I Section 18. The only knowledgeable and factual documentation concerning his property was reported by Ms. Cathy Hummel, a Sanitation expert from Alaska Health Project, who stated to the Local Boundary Commission that no health threat existed on the property. Ms. Hummel is in attendance today and prepared to answer any questions that you may have for her.

Due to the lack of the Local Boundary Commission's knowledge in the health, safety, and welfare standards, and in light of no valid ordinances passed that legally deemed this area a threat to public health, safety or welfare, that by denial of Mr. Bailey or his Consultant to cross-examine witnesses, and by allowing false or erroneous information to be entered as sworn testimony and lack of substantial evidence, this procedure did not establish adequate safeguards for Mr. Bailey who is affected by this administrative action and therefore violated Article I Section 7 of the Constitution of the State of Alaska.

In the absence of any substantial evidence that would support a valid "threat to health, safety or welfare", and in light of a State Certified Sanitarian's report supporting Mr. Bailey's position, this action is arbitrary and discriminatory, hence an unnecessary and unwarranted interference with Mr. Bailey's liberty. Assessments from improvements that are not warranted or requested, place a substantial undue burden on Mr. Bailey, which could ultimately and in all likelihood lead to Mr. Bailey having his property taken without just compensation. This action violates Mr. Bailey's Constitutional Rights under Article I Section 1, Section 7 and Section 18.

subjected to violations of his Constitutional Rights at City level meetings without equal protection as evidenced by earlier annexation attempts from City Planning and Zoning that labeled "this parcel a health hazard". "Health Hazard" as defined by AS is "a substance capable of causing a threat to the health..." yet no evidence was presented that substantiated any evidence of such substance. Further Violation of this Section is evidenced by the fact that Mr. Robert Matura, whom it appears authored the 1989 petition against Mr. Bailey, and who's signature appears first on said petition, was the Acting Chairman of the City of Palmer Planning and Zoning Commission. A petition that Councilmember Henderson requested at a previous City Council meeting. It should be further stated here that portions of this annexation proceeding may have been in direct violation of Federal criminal statutes 18 USC 241 - Conspiracy to Violate Civil Rights, and 18 USC 242 - Violation of Civil Rights under color of law. Mr. Bailey is in the process of securing council to determine if he has cause for action under these sections, and if in the course of a judicial appeal of this annexation, further evidence is presented that these violations have occurred. City of Palmer again violated Article I Section 1 when it began annexation procedures merely because the Court had ordered the Borough to return Mr. Bailey's Kennel License. City of Palmer did, knowingly and intentionally mislead the Local Boundary Commission in its February 26, 1992 Supporting Brief which states:

In 1990, the City received a petition signed by 61 area residents (Which, I noted, by the way, is less than 2% of the population of Palmer.) urging the City to annex this area because of the continued problems of loose dogs going onto adjoining property and getting into garbage cans, dogs harassing school children waiting for the school bus at a designated pick-up site, Matanuska winds depositing debris from this area into their yards, decreased property values by the continued accumulation of inoperable cars and trucks, and accumulation of used building materials, to name a few of the legitimate concerns. [Emphasis Added]

This petition was presented to, after being requested by, the City of Palmer in August of 1989, as shown by City Council meeting minutes. The City of Palmer has also added a few more of what they deem "legitimate concerns" in the above paragraph than what actually appear in the original petition. Though this petition, stated as received in 1990, was itself not dated, and the attached letters are dated July and August of 1989. It should be noted that City of Palmer had used this petition at an earlier annexation attempt that was voted down in City Council. City of Palmer again used this petition to start this annexation attempt, without evidence in City Council minutes of further involvement by any "concerned citizens".

It is stated in the City of Palmer's supporting brief that: At that time (January 23, 1990) the City chose not to annex this property subject to the Legislative Review

(6)

would police themselves to alleviate the concerns of the City residents. (Emphasis Added)

Meeting minutes from this period do not support this statement one iota. Mr. Bailey has clearly been coerced, under color of law, by the City of Palmer to conform to laws to which have no jurisdiction over him. Evidence of this type of coercion appears at the July 23, 1991 Public Hearing:

Mayor Carte' mentioned if the Council voted to proceed with this annexation, it won't become effective until 1993. If Mr. Bailey continues to work on cleaning up his property like he has (Emphasis added), in two years he probably won't be violating any codes.

It was insinuated by the Mayor that Mr. Bailey was in violation of code, and if he "continues to work on cleaning up his property", as though the City of Palmer was already coercing him to alter his lifestyle to fit City of Palmer jurisdiction. On top on this, they state in the brief that he did "nothing to alleviate his neighbor's concerns."

City of Palmer cites Fairview Utility v. City of Anchorage as proof that they do not need any property owners permission to annex privately owned property. I find it doubtful that Fairview Utility v. City of Anchorage meant to establish the Legislative Review process to subject property owners to "policing themselves" to laws under which they had no jurisdiction merely to "alleviate the concerns of City residents." City of Palmer certainly did nothing to alleviate the concerns of its residents. They clearly engendered untrue accusations and further violations of Mr. Baileys rights.

The City's Supporting Brief continues:

The large number of unleashed and unrestrained dogs which the Matanuska-Susitna Borough allowed to be on the premises has taxed the City's Police department.

Yet further in the proceedings the City states that they can do a better job than the Borough in offering Animal Control. Contrary to the City's supporting brief are the April 14, 1993 City Council meeting minutes which tell an entirely different story. Less than two months after the city filed its supporting brief, Mayor Carte' addressing the City Counsel states that he spoke with the Chief of Police and they do not receive that many dog complaints. City Councilmember Long, whose signature also appears on the 1989 Petition arbitrarily states "she can flood the Police Department with calls if that's what is needed." (This statement was not made in direct reference to Mr. Bailey, though it illustrates the complaint tactics employed by the residents.) This discussion also focuses on the problems a Canine Officer faces trying to handle animal control complaints. Clearly, Senators, Mr. Bailey has been repeatedly denied, through the use of this process his Inherent Rights enumerated in Article I

THE  
FOLLOWING  
DOCUMENTS  
ARE  
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COPIES

(7)

Though I have centered this discussion on Mr. Bailey, my concerns are far greater for the precedent that this annexation sets, especially formed under a malicious pretext such as this. In Seward Chapel, Inc., v. City of Seward, 655 P.2d. 1293 the court explained:

[s]ubstantive due process is denied when a legislative enactment has no reasonable relationship to a legitimate government purpose. It is not a court's role to decide whether a particular statute or ordinance is a wise one; the choice between competing notions of public policy is to be made by elected representatives of the people. The constitutional guarantee of substantive due process amounts only that a legislative body's decision is not an arbitrary one but instead based upon some rational policy.

To allow the City to continue with this annexation, based upon the information I have presented would certainly be arbitrary on the part of this committee.

I submit with this quote from the late Senator Robert A. Taft who authored this lasting definition of liberty.

When I say liberty, I mean liberty of the individual to think his own thoughts and live his own life as he desires to think and live.

In "Profiles in Courage" by John F. Kennedy, he says of Senator Taft.

This was the creed by which Senator Taft lived and he sought in his own fashion and in his own way to provide an atmosphere in America in which others could do likewise.

I ask now that you protect this "atmosphere", protect and uphold, as you are sworn to do, the rights of Mr. Bailey, and the other affected property owners. Protect me, and my family, from the precedent this annexation sets, and from the loss of any of Mr. Dewey's agricultural land that would directly affect the amount of local grown hay available for my livestock. This I ask of you, my elected representatives. Please stop this abuse of the annexation process and this assault to basic liberty! Thank you!!!

Ronda L. Marey  
HC, 33 Box 3169  
370-2232

STATEMENT TO THE SENATE C&RA COMMITTEE  
BY DARROLL HARGRAVES, CHAIRPERSON, LOCAL BOUNDARY COMMISSION  
REGARDING THE ANNEXATION OF 7.5 ACRES TO THE CITY OF PALMER

February 8, 1993

Thank you Mr. Chairman.

The Local Boundary Commission was created under Alaska's Constitution to ensure that proposals involving local government boundaries would be analyzed objectively, with consideration given to the interests of all of parties. In the case of the Palmer annexation, these include:

- the residents & property owners within the area proposed for annexation;
- the residents & property owners surrounding the area proposed for annexation;
- the City of Palmer; and
- the Matanuska-Susitna Borough.

Before the Commission acted on the Palmer annexation proposal, it considered hundreds of pages of written comments and other material. It also listened carefully to many hours of testimony. Our decision was a difficult one, but one that I strongly believe represents the balanced best interests of all involved.

Using the criteria set out in law, the Commission approved the City of Palmer's annexation petition based upon the following findings and conclusions:

1. The territory proposed for annexation is clearly part of the compact community of Palmer. Nothing separates that property from the adjoining property except the invisible corporate boundary of the City of Palmer.

As part of the community, the property in question should rightfully be governed by the same law and rules which apply to other property in the community. These laws and rules have been enacted by the duly elected representatives of the community.

2. Conditions existing in the area proposed for annexation represent a threat to the health, welfare or safety of adjacent residents.<sup>1</sup> Among these threats is a large number of dogs which are a major source of animal control

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<sup>1</sup> The phrase "health, welfare, and safety" is interpreted by the Commission in a broad manner. The term includes the prosperity, well being, or convenience of the public at large, as distinguished from the advantage of an individual. It embraces the primary social interests of safety, order, morals, economic interests, and non-material and political interests.

STATEMENT BY DARROLL HARGRAVES  
PAGE TWO

problems. Unfortunately, the dogs do not respect the invisible corporate boundaries of the City. The Commission heard many reports of historical and contemporary incidents of animal control problems stemming from the area in question.

The Commission was persuaded by the City's argument that the dog problems constitute a threat to the health, welfare and safety of City residents. The City cited the standard treatise on municipal law which noted that :

*Dogs have been viewed as constituting nuisances, at least where they are ferocious or have the habit of jumping and biting at children or other people. Indeed, such a dog is a nuisance of the worst sort . . . . Furthermore, the keeping of dogs may be a public nuisance by reason of their howling, barking and whining, the stench they cause, unsanitary conditions in which they are kept, or their disturbing of people in the reasonable use and enjoyment of property, or where any of these factors cause annoyance, discomfort or injury to the health or welfare of persons.* 7 McQuillin, Municipal Corporations, §24.284 at 195, 196 (3d ed. 1989). See also 4 Am. Jur. 2d, Animals, §63 at 312; and 66 C.J.S., Nuisances, §22 at 786.

Other potential health, welfare and safety concerns relate to the existence of some fifty abandoned vehicles and untold quantities of other material on the property in question. The City characterized this circumstance as "an accident waiting to happen for City families to live next to an unregulated junkyard full of attractive nuisances" The City also stated that "[W]hile the Borough law, which is written for rural areas, allows this unsafe and unhealthy condition, the City Code requires its abatement. Cleaning up will not be unduly expensive . . ."

Again, unfortunately, children who might be lured into danger by the alleged attractive nuisances do not acknowledge the invisible corporate boundary of the City of Palmer.

Additionally, it has been noted that all of the dwellings in the territory proposed for annexation use pit privies. The City of Palmer noted that "It is unhealthy and unsafe for the City residents to live downhill from lots containing a dense population using privies for a sewerage system when such lots could not lawfully be established under current health and subdivision laws. These dangers would be eliminated by annexation as the

STATEMENT BY DARROLL HARGRAVES  
PAGE THREE

*property would be connected to the City's water and sewerage systems, which are DEC and EPA approved. The City has the capacity and is willing to serve the territory; and City water and sewer services presently abut the territory."*

Here again, sewage and wastewater do not recognize the invisible corporate boundaries of the City of Palmer.

Collectively, the Commission viewed the circumstances in the area in question as a threat to the health, welfare, or safety of city residents.

Further, the Commission found evidence that neighbors and adjacent property owners, as well as local officials, have diligently attempted to resolve the problems stemming from the area in question over the past many years. However, those efforts have failed. Annexation will enable the City of Palmer to address the threats to health, welfare or safety.

In addition to the preceding findings and conclusions, the Commission determined that:

3. The City of Palmer is willing and able to serve the area proposed for annexation.
4. The City of Palmer provides road maintenance to the area proposed for annexation and receives no property tax payment for same.

These last two conclusions are far less significant than the first two, however, they warrant a brief mention.

In conclusion, I respectfully urge the Committee to support the legitimate need for the extension of the jurisdictional boundaries of the City of Palmer.

If you have any questions, I will attempt to answer them.



# Border feud entangles courts, state

By BRIAN O'DONOGHUE  
Daily News reporter

**PALMER** — Lawmakers and the courts are getting drawn into Ed Bailey's feud with neighbors angry about his noisy dogs, abandoned cars and other rusting treasures scattered across his property.

A state Senate committee is scheduled today to review Palmer's bid to expand city limits to include Bailey's property. The annexation, if approved, would give the city authority it now lacks to force the old pioneer to get rid of most of the mutts and clean up

his land.

Under city ordinances, Bailey and his six tenants would also have to quit using outhouses and hook up the shacks on the property to Palmer's municipal sewer and water service.

The city's request to redraw its borders was approved last December by the state's Local Boundary Commission. Lawmakers have until the end of the month to block the annexation, or the commission's decision becomes law.

The Senate Community and Regional Affairs Committee will

discuss Bailey's case and other boundary commission issues during a hearing starting at 9 a.m., according to the office of committee chairman Sen. Randy Phillips, R-Anchorage. The hearing will be teleconferenced to the Mat-Su Legislative Information Office.

Bailey, 58, wants nothing to do with the city or his suburban neighbors, who moved into the area long after he did. This fall, he and his friends took scrap materials and threw up a ram-

Please see Page B-2, BAILEY

Continued from Page B-1

shackle fence, partially screening "God's Garden," as Bailey calls his noncommercial junkyard, from the critics. The fence failed to appease city officials.

Last week, Bailey took his plea to be left alone to court.

In a seven-page appeal, filed without an attorney, Bailey complained that Palmer shouldn't be allowed to use the annexation process to cure a local dispute.

Decisions by several gov-

ernmental boards involved were also influenced by conflicts of interest, he said.

For example, according to Bailey, the member of the Palmer Planning Commission who cast the deciding vote against him should have been disqualified, since the man had already signed a petition requesting the city's help against him.

Bailey's lawsuit was assigned to Judge Beverly Cutler of the Alaska Superior Court in Palmer. No date has been set for the first hearing.

# Boundary dispute reaches Capitol

ADN 2/11/93

By BRIAN O'DONOGHUE  
Daily News reporter

**PALMER** — Ed Bailey's feud with his neighbors now has lawmakers choosing sides in the state Capitol.

On Wednesday, a resolution was introduced in the state Senate to block Palmer's attempt to force Bailey and his friends to clean up his property and get rid of the dogs that have the neighbors so upset.

The city wants to expand its borders to include Bailey's 2.5 acre tract and four other landowners' lots on the edge of town. If the annexation takes place, it would allow Palmer to enforce city ordinances that ban unregistered vehicles and limit a person to three dogs.

*Though Bailey's lifestyle is clearly at odds with his more urban neighbors, his argument — that he was there first — is attracting support in Juneau.*

Palmer city officials contend they need such powers to deal with the "public nuisance" posed by Bailey and his seven friends, who live in a cluster of unplumbed shacks, surrounded by 50 rusting cars and trucks, and sometimes as many noisy dogs.

The state's Local Boundary Commission approved Palmer's annexation plan in a close vote in December. Unless the House and Senate

say otherwise before March 7, the annexation will take effect.

Though Bailey's lifestyle is clearly at odds with his more-urban neighbors, his argument — that he was there first — is attracting support in Juneau.

"People knew he was already there when they moved in. They chose to be there," said Sen. Randy Phillips, R-Eagle River and chairman of the Senate Com-

munity and Regional Affairs Committee.

Following a hearing Tuesday before Phillips' committee, Senate President Rick Halford, R-Chugiak, called for a resolution opposing the city's plan. The committee is scheduled to vote on the resolution next week. If it's approved, it could move quickly to the Senate floor for a vote, Phillips said.

Angry neighbors and city officials say it's unreasonable for Bailey to think he can fence out the subdivision that's grown up around him since he bought land on the edge of town in 1967.

"If Mr. Bailey wanted to taste old Alaska, I suggest he should have moved far-

Please see Page B-3, BORDER

## **BORDER:** Lawmakers start choosing sides

Continued from Page B-1

ther away than across the street," Palmer Councilwoman Marsha Melton told lawmakers from a teleconference site in Wasilla.

Senate Majority leader Robin Taylor, R-Wrangell and a member of the committee, expressed amazement that the legislature had been drawn into the local squabble.

"I've never seen this before in the eight years I've been here," Taylor said, chuckling.

Taylor said he was struck by the testimony from city attorney Jack Snodgrass, who acknowledged his family's farm has become an enclave, surrounded by, yet not part of, Palmer.

"The community doesn't wish to annex land it completely surrounds, but wants to annex this man's property for essentially a nuisance problem?" Taylor asked. "I really don't think that's the place the boundary commission should be involved."

The legislature's involvement spells trouble for Rep.

Ron Larson, D-Palmer, who's lived a few blocks away from Bailey for more than 20 years.

"He doesn't bother me one way or the other," Larson said in a phone interview from Juneau.

Larson said he's not eager to take a stand on the city's annexation plan. Passions on both sides are running high back home.

"I couldn't tell you how I'd vote at this time," Larson said. "Some of my friends like it and some of my friends don't. Right now,

I agree with my friends."

Sen. Jay Kerttula, Palmer's voice in the legislature for 30 years, rose in opposition Wednesday as Phillips requested permission from the Senate to act on the resolution without delay. Because of Kerttula's protest, the bill will sit in committee an extra five days, a move that allows time for further hearings but brings the deadline for halting the annexation ever closer.

Kerttula did not return calls Wednesday.

February 9, 1993

Senate Community & Regional Affairs Committee

Gentlemen:

Not being very comfortable with Public Speaking, yet needing to defend my character and my liberty against this annexation, I have decided to this letter faxed to you.

My animals have, again and again, been brought up as a reason to annex this property. I have found that it is very difficult to answer to outright lies that have been spread by a very few individuals, and the City of Palmer. Three small pages of lies takes volumes and volumes to respond to. The charges that were mentioned by Councilmember Melton this morning are stale and unsubstantiated. My dogs do not bark "day and night". If they were allowed to this alleged continuous barking, it would certainly be a bother to me; I share my cabin with them. The only two instances where my dogs have bitten anyone, which occurred years ago, resulted in the people involved apologizing to me for their inappropriate behavior around my dogs which directly led to the bite occurring. I have never even been cited for any dog bites.

The claim that a dog from this property killed Mr. Smith's peek-a-poo raised during this annexation is the first I can ever remember hearing of this incident. The was not my dog, but belonged to a tenant that was on the property when I purchased those lots.

In all the years that I have suffered this attack from these people, through all the Animal Control complaints lodged against me, and the complaints mentioned by the City today, the Matanuska Susitna Borough never was able to substantiate these accusations and the great bulk of these complaints were made over 3 years ago by mostly the same six people. In fact during the summer of 1989 when this attack intensified and a large volume of complaints were made, a crew that had worked in this area reported none of my dogs were seen or heard. Once the crew left, a large number of complaints, that were never substantiated by Animal Control, came flooding in.

I do not allow my dogs to run loose. They sleep with me inside my cabin at night. My dogs have occasionally escaped, over the years, but I am always prompt to catch them. I have picked up trash in this neighborhood, whether spread by my dogs, or one of the one hundred in this area. My dogs are continually being blames for behavior that is impossible for them to be doing.

There have never been any problems with my dogs and children. Children are over here every day without incidents. I am a grandfather, with 7 on the ground and three "in the pocket".

People may scorn me for my hobby of finding uses for what other's discard, but what those City people call junk is often useful and necessary items to people without. Some Valley mothers bring their children to my house to pick up clothing or other necessary items, for the entire family.

My dogs love children, and in light of the fact that I do not let them run loose, I deny that they have ever "harassed" children at a school bus. The City has not shown me any documents from the Borough that verify that anyone has ever had any problems with the School Bus Stop.

There is no trash or litter from spread my property. Stacks of pallets and antique cars are not litter. There is no "loose debris" on my property that could possibly be blowing into the neighbors yard. If the items in my yard could blow around, they would have long since ended up in the neighbor's yard. Eagle Street is a school route, and I am made to pick up blowing garbage as much as any resident of this Valley.

These people actually accuse me of devaluating their property, and continue to argue that they haven't been able to sell houses in this area because of me. A realtor stood up at the Local Boundary Commission hearing and stated that she had sold this person's home, but the buyers were unable to get financing.

Mr. Gallagher, with his usual respect for the truth, stated this morning that he has been on his property since 1982. I don't believe he became a neighbor to me until after 1989.

These people, including the City, have ever discussed what I would need to do to appease them. They have never spoken to me in a civil manner, or addressed me to "alleviate" their concerns.

They have instead threatened me repeatedly with annexation, and ridiculed any attempts that I have made to conform to their standards, or alleviate any concerns of theirs to my lifestyle, so far.

Mr. Snodgrass spoke this morning, saying that he was there first and the City grew around him, even condemning part of his property. Now they are doing this to me. Why is this not O.K. for him, but O.K. for me? Does he have City sewer and water on his property?

I am now and, to my knowledge, always have been within Borough Code. I have now fenced the entire property and double fenced my yard in an attempt to appease these neighbors.

They keep saying something about a refrigerator on my property that is dangerous to children. One tenant has a fish smoker that he made from a refrigerator, that is similar to one owned by my complaining neighbor, Mr. Vogt. This smoker couldn't suffocate anyone with the large holes that have been cut it. The City and the neighbors are just digging, with no substantial proof, for evidence of wrong doing on my part.

I am sorry that this annexation has affected 4 other property owners, innocent of anything to do with this. My neighbors outside of the City have always been good neighbors to me, and I am sorry that this has the potential to set a precedent against them as well. I have tried to appease my City neighbors, but nothing will appease them. I will not build a bunch of houses here as the City wants. I will continue to fight for my rights, especially my right to use my property for my own needs. My property Deed states " to have and to hold the same, with the tenements, hereditaments, and appurtenances there unto belonging or in anywise appertaining unto the said grantee(s), and to all its success's and assigned, forever." This means that my property is mine, and my children's forever. I strongly oppose this annexation and hope that you will also. Thank you!

Mr. Robert E. Bailey

*Robert E. Bailey*

**SJR**

**25**



# FISCAL NOTE

No. 1

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Bill Version: SJR 25  
(S) Publish Date: 2-26-93

Revision Date: \_\_\_\_\_ Dept. Affected: Environmental Conservation  
 Title: Resolution urging the federal government to recognize the dire sanitation conditions in rural Alaska and to become a full partner with the State of Alaska in improving this health threatening situation. BRU: Facility Construction & Operation  
 Component: Facility Construction & Operation  
 Sponsor: Governor Hickel  
 Requestor: Governor Hickel COMPONENT SERIAL NO. 637

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE FUND SOURCE:</b>	-	-	-	-	-	-

**FUNDING:**

(Thousands of Dollars)

	FY94	FY95	FY96	FY97	FY98	FY99
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

	FY94	FY95	FY96	FY97	FY98	FY99
FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY93) impact: \$ -0-

**ANALYSIS:** (Attach a separate page if necessary)

Prepared by: Keith Kelton, Director  
 Division: Facility Construction and Operation  
 Approved by Commissioner: *Anna Akin*  
 Agency: Alaska Department of Environmental Conservation

Phone: 465-5135  
 Date: February 25, 1993  
 Date: February 25, 1993

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STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

25

February 26, 1993

*The Honorable Rick Halford  
President of the Senate  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182*

*Dear Mr. President:*

*Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a resolution concerning the implementation of the recommendation of the Alaska Sanitation Task Force.*

*The Alaska Sanitation Task Force was established by the Department of Environmental Conservation to examine the critical problems of inadequate water and sanitation facilities in rural Alaska and to provide recommendations for a comprehensive strategy for improving these conditions.*

*The task force consisted of 27 representatives from federal, state, Native, and regional organizations. Its findings established dramatically that many villages in rural Alaska have inadequate water and sewer facilities and that the lack of facilities has resulted in critical health and safety problems in rural Alaska.*

*Solving these health and safety problems will not be easy. The task force has provided a road map for their solution. The solution, though, will require the coordinated efforts of state, local, and federal governments, along with Native organizations and other groups.*

*The Honorable Rick Halford*

*February 26, 1993*

*Page 2*

*This resolution requests the assistance of the President of the United States in obtaining the cooperation of the appropriate federal agencies in addressing these important problems. These federal agencies have responsibilities for assuring safe water and sanitation programs and facilities in rural Alaska.*

*The Department of Environmental Conservation has copies of the Alaska Sanitation Task Force report available for your review.*

*I urge your support and prompt action on this important resolution.*

*Sincerely,*

A handwritten signature in cursive script, reading "Walter J. Hickel". The signature is written in black ink and is centered on the page.

*Walter J. Hickel*  
*Governor*



# Alaska State Legislature

## SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Senator Randy Phillips, Chair  
Senator Robin Taylor, Vice Chair  
Senator Rick Halford  
Senator Al Adams  
Senator Fred Zharoff

SESSION:  
State Capitol  
Juneau, Ak 99801-1182  
(907) 465-4989

INTERIM:  
P O. Box 142  
Eagle River, Ak 99577  
(907) 694-4949

Floor Comments, 4/14/93

1. Mr. President, I move adoption of CS SJR25(CRA) for consideration by the Senate.
2. One language change was made to CS SJR 25(CFA) on page 2, line 32 and page 3, line 1 as follows:  

"will enable accelerated transformation for residents in rural Alaska from substandard sanitation conditions."
3. Several new addressees were added along with their correct titles to page 3 of the resolution.
4. There were 5 do-pass recommendations by members of the Senate Community and Regional Affairs Committee.



# ANCHORAGE DAILY NEWS

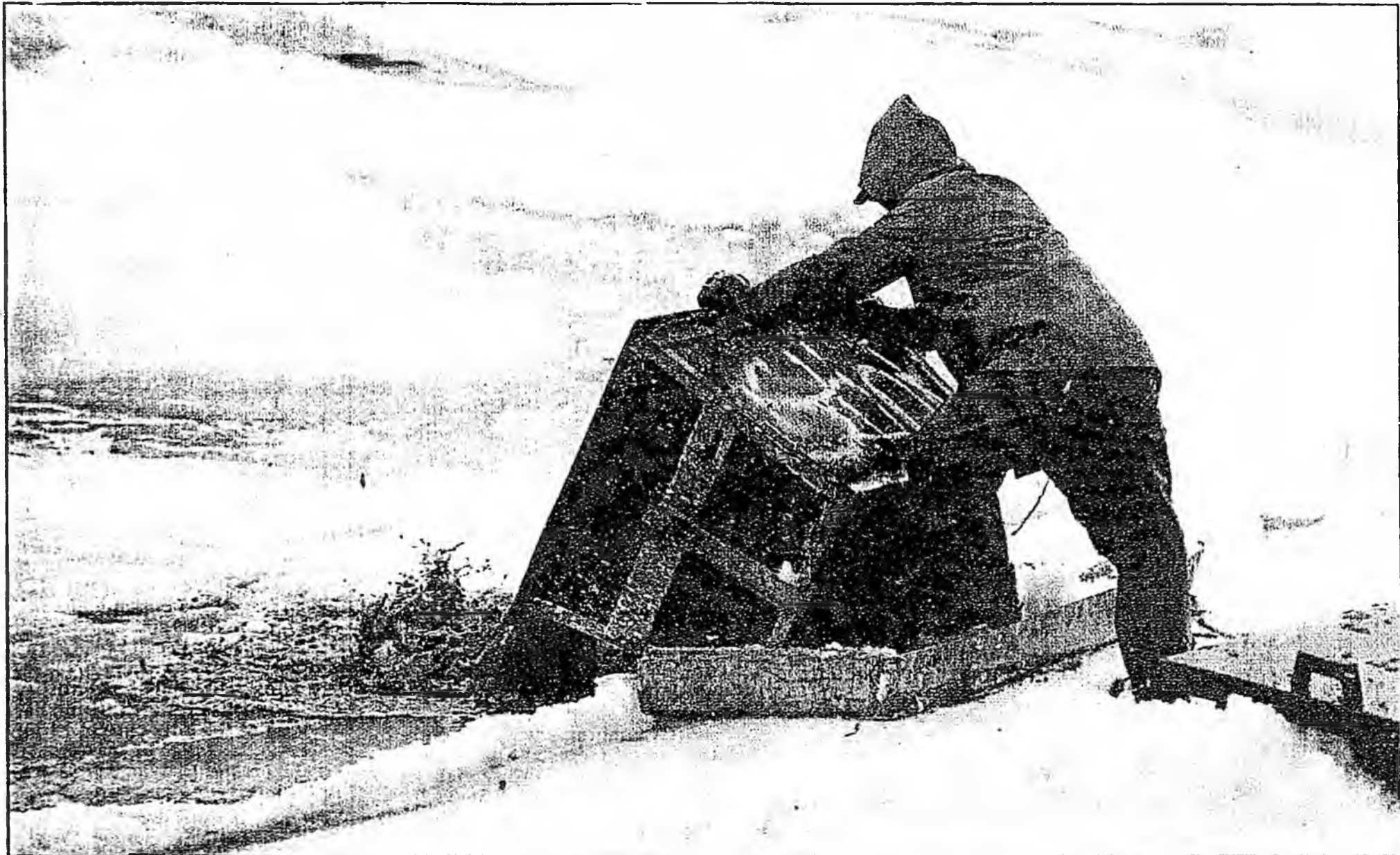
## Sanitation In Rural Alaska

Sept 20 - 24, 1992

**BAD  
WATER**



**For Many Bush  
Alaskans,  
No Escape From  
Disease**



BOB HALLINEN / Anchorage Daily News photos

Joe Uisok, in rubber rain suit and rubber boots, completes a dirty job in Kotlik: emptying a dumpster filled with waste from honeybuckets.

# Third-World Sanitation In 20th-Century Alaska

Villagers drink from dirty wells, haul sewage by hand — and get sick because of it

By DAVID HULEN  
Daily News reporter

© 1992 Anchorage Daily News (First of 5 parts)

**H**OOOPER BAY — Morning on the tundra.

In dozens of plywood shacks bunched together on the edge of the Bering Sea, another day begins in one of Alaska's largest and fastest-growing Native communities.

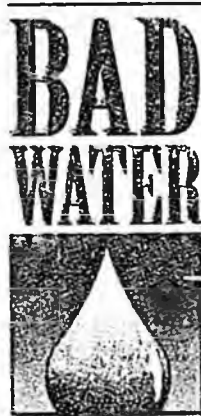
Would you like a drink of water?

You do what Melba Joseph does. You tote a white 5-gallon bucket to the little shed behind city hall. You place your bucket under an outdoor spigot and pull a cord.

The water that pours out is the color of dark tea.

Do you want to flush your toilet?

You do what Reuben Hill does. You walk into the bathroom and pick up the 5-gallon bucket with a toilet seat on top. The bucket is lined with a plastic bag, which is filled with urine and toilet paper and excrement. You tie the bag



For Many Bush  
Alaskans,  
No Escape From  
Disease

shut, and you strap the bucket on the back of your four-wheeler and drive to the fenced pond behind the school.

You heave the bag into a pile of sewage and try not to get any on your boots. Some of your neighbors haven't gone to such trouble. Some of them simply dump their buckets in the weeds.

Stop by the village clinic. Margie Bell and the other health aides are busy, as usual. The waiting room is filled much of the day, mostly with children. Many of them have ear infections and noses runny for so long that red scabs have formed under their nostrils.

Some have rashes on their faces. Flu runs rampant through the village much of the year.

Talk with some of the adults. Chances are good that sometime in their lives they've had hepatitis A or some other serious infectious disease.



A Hooper Bay well produces this for drinking.

Please see Page A-6, **SANITATION**

# SANITATION WOES

In many Alaska villages, modern amenities are common but water and sewage systems primitive and unhealthy

Continued from Page A-1

Step off the mail plane and walk into Hooper Bay — or any of dozens of other growing communities in rural Alaska. Step into America's Third World.

## SOMETIMES PEOPLE DIE

Three decades after the federal and state governments began spending hundreds of millions of dollars to bring modern housing, health care and schools to the most far-flung reaches of the Alaska Bush, daily life in most villages has been transformed.

Gone are killer waves of infectious disease. Even the smallest villages now have roomy, modern schools. Village housing, while still overcrowded in many places, has improved vastly from the 1950s and '60s.

But the quality of drinking water and the means of disposing of human sewage in dozens of Alaska communities remains on a par with the developing world, and is as primitive as anywhere in America.

More than 100 villages in Alaska — more than half of all rural communities — have no running water or sewer systems, according to the Alaska Department of Environmental Conservation. People in dozens of communities haul their sewage by hand from their homes and get drinking water from lakes and melted blocks of river ice.

While many villages have drinking water and waste-water systems that function well, others function only sporadically. Many villages with piped utilities have had chronic maintenance problems, with expensive freeze-ups and breakdowns. Dozens of village water systems are run by uncertified operators with little training and by local governments on the verge of insolvency.

People in Alaska routinely get sick because of bad water and from disease that spreads because of unsafe waste disposal.

Sometimes people die.

The problems are spread across the state:

- In Hooper Bay, a sprawling Yup'ik Eskimo village of nearly 1,000 people and nearly no indoor plumbing, a 41-year-old man died and dozens of neighbors fell ill this past spring after drinking water from a village well. Dangerous levels of fluoride, intended in small doses to reduce tooth decay, were accidentally pumped into a holding tank.

- The village had a long history of water and sanitation problems, and like most villages, Hooper Bay didn't have a certified water operator. Also like many villages, Hooper Bay had done a spotty job of monitoring its water for contaminants, having gone nearly two years without submitting results of water monitoring to state regulators.

- In Kotlik, a village of 450 people near the mouth of the Yukon River, almost 80 people fell ill, including more than 40 who were hospitalized, when an epidemic of viral meningitis raced through the community in July 1990. The disease is spread by contact with human waste; the outbreak occurred after sewage oozed out of full underground pits and into muddy yards where children played.

Rural health authorities believe a similar outbreak could occur in any number of other villages.

- Nearly 2,000 Alaskans across the state, the bulk of them Natives in interior and coastal villages, contracted hepatitis A in an epidemic that lasted from 1986 to 1991. Like viral meningitis, the disease often spreads through contact with human waste. A state government survey found that hepatitis A rates in 1988 — at the height of the epidemic — were twice as high in villages without running water.

- The clinics in 52 villages — the places where residents go to have wounds treated and sicknesses diagnosed — have no running water or flush toilets. Some health aides resort to heating water in microwave ovens so they can wash between patients, while others keep cauldrons of boiling water on stoves.

- In the southeast Alaska village of Angoon, levels of bacteria and other organisms in the drinking water have been so high in recent years — and considered so unsafe by government



BOB HALLINEN / Daily News photo



At the clinic in Hooper Bay, health aide Margie Bell, above, administers a blood test to Mary Lake, lying across her mother's lap. At left, David A. Smart, who had an ear infection, has his ear cleaned by health aide Ronald Friday.

agencies — that residents have been under repeated orders from the state to boil their water. Earlier this summer, raw sewage was standing in a street after leaking from pipes.

During the first six months of this year, people in 34 communities in Alaska were required for a month or longer to boil water because of bacterial contamination, according to the Department of Environmental Conservation and the U.S. Environmental Protection Agency.

- In Bethel — Alaska's eighth largest city with about 4,200 people — firefighters arrived at the scene of a grass fire earlier this summer and were disgusted to discover a field of shin-deep human waste. It was the product of years of illegal dumping of honeybuckets by residents of Bethel's poorest neighborhood, Lousetown, who don't have flush toilets and apparently weren't willing or able to pay the \$35 monthly charge to have their buckets emptied each week by a city crew.

"In mainstream America, things like safe water and adequate sewage disposal, those things are just taken for granted," said Anne Walker, executive director of the Alaska Native Health Board, an Anchorage-based non-profit organization that represents the state's 12 regional Native health agencies.

"That sort of thing has become really the foundation for good public health. It goes back to Roman times: People wondered what was making everyone sick. It was the water. It's a basic fact today — communities need clean water.

"Here in Alaska, that's not the case at all. It's an everyday issue: You carry the water, you dispose of the honeybucket. People live with these risks to health.

"We have all this amazing medical technology and access to modern health care and all of these wonderful things. But in terms of water and sanitation, a lot of villages are still trying to make it into the 20th century."

## BUCKETS IN, BUCKETS OUT

Since 1960, more than \$1.3 billion has been spent by government agencies to bring modern water and sewer systems to the villages, according to figures compiled by state and federal agencies.

As a result, virtually every village in Alaska today has some sort of minimal, functioning water and sewer system — at least on paper.

The systems vary widely. There are the Cadillacs — systems like the underground "utilidor" water and sewer system in Barrow, built for \$360 million in the early 1980s with oil boom money to serve about 4,000 people. Regional hubs like Kotzebue and Bethel, and dozens of smaller villages, also have piped systems.

Many interior villages, where soil is much dryer than in coastal areas, have septic tanks outside of homes, and wells that pump a steady supply of safe water. Many of them function well most of the time. Some villages with roads have haul systems, where trucks deliver water and pump out sewage tanks.

But in scores of communities, the bulk of them clustered in coastal areas and in the Arctic, there is no running water, nor are there flush toilets or outhouses — just buckets in and buckets out.

In most of these villages, state and federal agencies have built central washeterias, each with washing machines and a well from which villagers draw water and carry it home. The water is often treated with chlorine, to kill bacteria, and fluoride, to reduce the risk of tooth decay.

In government reports describing the crudest village sewage systems, residents empty their full honeybuckets into covered containers scattered throughout the villages and city employees come around every few days to haul the full dumpsters to sewage lagoons. On paper, residents pay bills to keep the systems going. On paper, the containers don't spill

as they're being carted off. On paper, children playing on village boardwalks don't have contact with sewage.

In reality, many of these systems aren't working very well, according to village residents, public health officials and other people familiar with them.

Honeybucket dumpsters fill up and spill over. They spill as they're carted off. In many villages, boardwalks and dumpsters are splattered with residue of lime, used to disinfect honeybucket spills.

Village governments — hit by steady cuts in state and federal funding and often with tiny local tax bases, little administrative expertise and residents unwilling or unable to pay for services — often can't afford to keep dumpsters emptied.

Sometimes village water operators turn off chemicals that make drinking water safer because residents don't like the taste.

And villages with piped utilities have problems as well.

Systems have been built, broken, then rebuilt. Some systems have broken and have only partly been replaced. In the interior village of Venetie, an extensive, piped utility system, complete with fire hydrants, was built, then froze up in one of the first winters. It's never been fixed, and today people use their bathtubs as laundry bins.

"I think there's been a lot of systems break down and communities just walk away," said Dennis Degross, an Anchorage public health consultant and former head of the Alaska Native Health Board.

"So many of 'em, they're just too damned expensive to operate. You build a \$1 million system for a community of 400 people, but maintaining them and keeping them running is a whole other story.

"In the Midwest, the landmarks of a forgotten era are those old grain silos. Here in Alaska, I'm afraid someday it might be these water and sewer systems that are just too damn expensive to operate."

## THE HEPATITIS THREAT

"As long as everything's working just right, the village water and sewer systems are functional," said Dr. Donn Kruse, medical director of the Bethel-based Yukon-Kuskokwim Health Corp. Of the 41 villages served by the agency, 10 have piped systems, with the rest relying on honeybuckets and central watering points.

"They still require an amount of energy and activity that no one in Anchorage would tolerate. When people move from the villages into town, and then return to the village again, that's what you hear. 'It's a lot of work.' But the water coming out of the well is safe and sewage has an appropriate spot to go. It's a functional system.

"The thing is, any number of factors can knock the whole system out of whack and cause considerable public health risk. It happens pretty easily and it happens all the time."

For example, Kruse said, water is typically brought home from the village well and dumped into a 30-gallon plastic garbage pail in the kitchen — enough water to last a family with several children a few days. But it doesn't stay pure for long. A thirsty child who hasn't washed his hands because there's no faucet or hot water dips a pitcher into the barrel. The barrel is contaminated.

When people live without a regular supply of clean water, or have regular contact with human sewage and can't wash their hands, chances increase dramatically that they will become sick. On this, there is little disagreement among doctors and other public health authorities.

But just how much healthier communities with modern water and sewer systems are is hard to measure. It's never really been studied in Alaska, and many infectious diseases that have plagued the Bush — such as tuberculosis, hepatitis B and often-fatal bacterial meningitis — have little, if anything, to do with water and sanitation. Their spread has much more to do with overcrowded living conditions.

But public health officials in Alaska believe there's at least a partial



Margie Bell plays with her daughter, Nellie, after helping other Hooper Bay children with ear infections, flu and other ailments at the village clinic, where she is a health aide.

# BAD WATER

For Many Bush Alaskans, No Escape From Disease

## THE SERIES

### TODAY

The quality of drinking water and the means of disposing of human sewage in dozens of Alaska communities remains on a par with the developing world and is as primitive as anywhere in America. Sickness often results.

### MONDAY

Human sewage leaked from underground pits two summers ago in Kotik, sparking an epidemic of viral meningitis. It shows what can happen in an Alaska village that lacks modern water and sewer facilities.

### TUESDAY

Even when a village has running water, there is no guarantee that the system is functioning safely. Take the case of Dominic Smith, who died of fluoride poisoning in the spring of this year in Hooper Bay.

### WEDNESDAY

More than \$1.3 billion has been spent during the past 20 years on water and sewer systems in rural Alaska. Yet until recently, much less attention was paid to maintaining village systems once they were built.

### THURSDAY

Ten years ago the villagers of Emmonak decided they'd had enough. They were sick — literally — of not having water and sewer systems. They took action, and everything is working just fine now.

connection between primitive water and sewer systems in the Bush and high rates of other disease — in some cases a direct connection.

"It's a significant, real health problem," said Paul Hansen, health services director of the Maniilaq Association, the health agency that serves 11 mostly Native villages in northwest Alaska.

"It's hard to overstate the relationship between simply being able to wash your hands and the spread of disease. If you don't have water, it makes washing your hands very difficult. Most people just aren't going to be willing to haul 50 gallons of water a day to their house so you have enough for everyone to always be washing their hands."

The most common disease with the most direct link to bad water and sewer in Alaska is probably hepatitis A, which every few years rages through pockets of the Bush. It's rarely fatal, but leaves people sick for weeks at a time, especially children. Its symptoms include fever and severe abdominal pain.

Alaska is hardly the only place in America with outbreaks of hepatitis A, but rural Alaska — especially Native communities — has a disproportionately high rate. In the most recent epidemic, from 1986 to '91, about 1,800 Alaskans — two thirds of them Native — were diagnosed with hepatitis A. Overall, Natives make up only about 15 percent of the state population. Officials think the number of cases of hepatitis A was seriously underreported.

A person exposed to hepatitis A develops immunity that lasts a lifetime. So it comes and goes in waves, with each wave hitting a new generation of children hardest. Because so many rural Alaskans were exposed in the late 1980s, the number of cases has dropped substantially the past two years. Doctors expect another wave to begin by the mid-1990s, although they're hopeful an effective vaccine — now being tested in Alaska hospitals — can be developed before then.

Aside from hepatitis A, simple infections — such as strep throat and colds and flu, which lead to ear infections, and skin infections like impetigo — often spread faster because of a lack of sanitary conditions in villages, according to several doctors. Rural Alaska, especially the Yukon-Kuskokwim Delta, has some of the highest rates of influenza and chronic ear infections in America, studies by the U.S. Indian Health Service have shown. Giardia, an intestinal parasite spread through untreated water, has been a recurring problem in rural Alaska as well.

### 'NOT NEARLY AS BAD'

"People who come up from outside Alaska are shocked all the time," said Perry Eaton, a Kodiak Native and president of the Community Enterprise Development Corp., a cooperative which works to develop business in rural Alaska.

"I've taken slides of villages out east and I ask groups of people, 'Where was this picture taken?' They say Russia or Eastern Europe, Norway, Finland, someplace like that.

"They can't believe it's America." In a report to Congress in May, the U.S. Public Health Service said that almost 60 percent of the water and sewer needs in Native American communities nationally — more than \$1 billion worth of projects — are in Alaska.

"There are problems like this, really,

## SEWAGE DISPOSAL IN THE BUSH

### Level of Sewer Service in Villages (organized by regional corporation areas)

#### KEY:

Percent of villages with level A or B service

Percent of villages with level C, D, or E service

#### Level A:

The lowest level of service, principally pit toilets and honeybuckets. Honeybuckets are either disposed of immediately outside the residence, carried and emptied into nearby pit bunkers, or emptied in a frozen river, ocean, lundra pond or sewage lagoon.

#### Level B:

Includes a community haul service for the disposal of sewage. Residents empty honeybuckets into nearby honeybucket bins, which are then hauled to a sewage lagoon. Operation and maintenance expenses are incurred.

#### Level C:

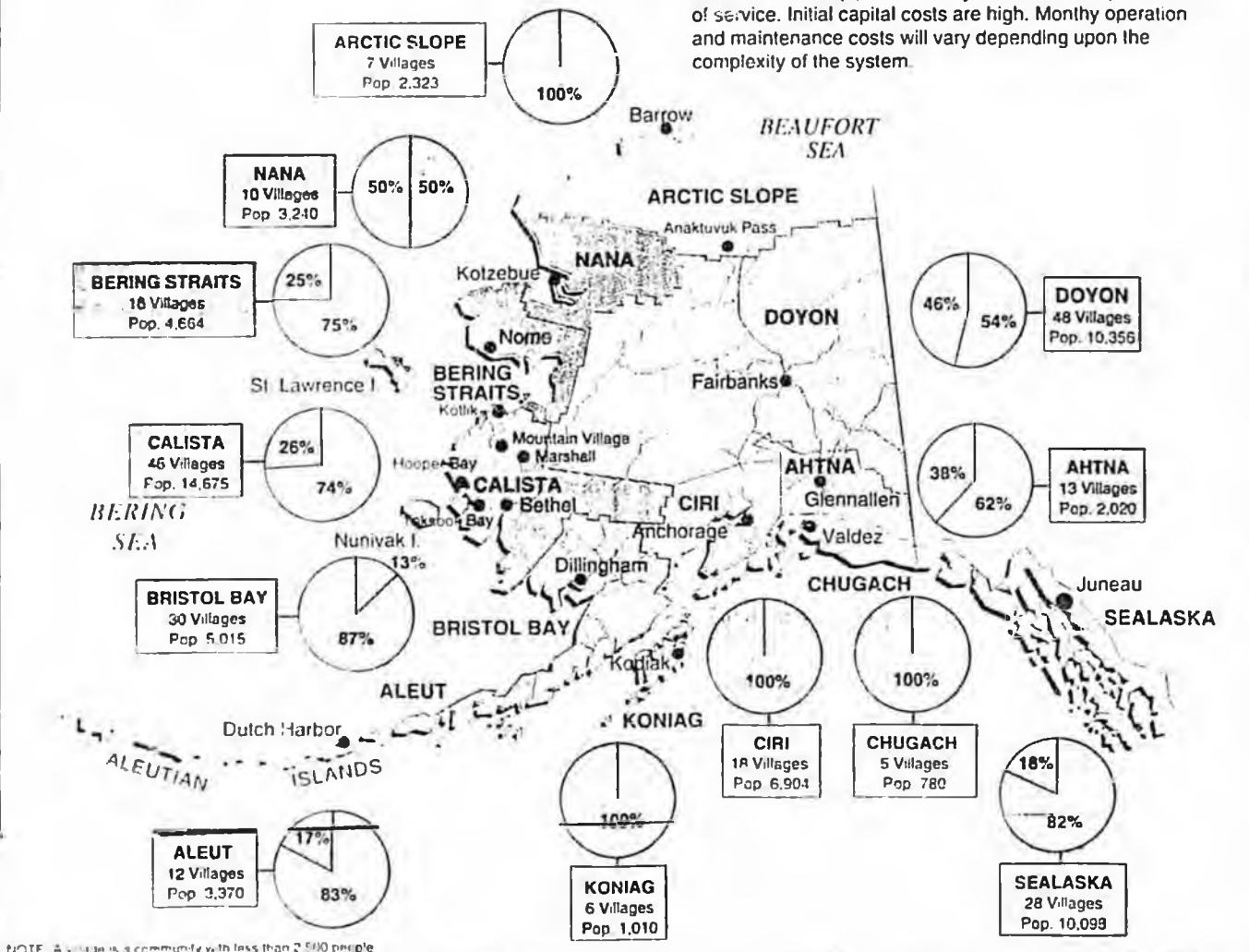
Includes flush toilets and sewage truck haul. Holding tanks collect wastewater, which is subsequently emptied by a collection vehicle (pump or vacuum system). Operation and maintenance costs are incurred.

#### Level D:

Includes flush toilets and septic tank systems. Operation and maintenance costs are much lower than level C because septic tanks are emptied only as necessary to remove sludge accumulation.

#### Level E:

Flush toilets and piped sewer systems are the optimal level of service. Initial capital costs are high. Monthly operation and maintenance costs will vary depending upon the complexity of the system.



NOTE: A village is a community with less than 2,500 people.

Source: Alaska Department of Environmental Conservation, 1990 Census.

RON ENGSTROM/Anchorage Daily News

throughout Indian country," said Gary Hartz, environmental health director for the Public Health Service in Washington, D.C.

"Alaska isn't the only place. I mean, I've been in Navajo country where people have to use horses to haul water miles to their houses," Hartz said.

And while many Alaska water and sewer systems are not appreciably different from those in Third World nations, such as in Asia or Central America, overall environmental health conditions are far better here.

Please see Page A-9, SANITATION

*It's hard to overstate the relationship between simply being able to wash your hands and the spread of disease.*

— Paul Hansen, health services director of the Maniilaq Association



The kitchen floor is the place for duck cleaning at Margie Bell's home in Hooper Bay. Helping her are granddaughter Marguirita Bell and daughter, Michelle.

## BAD WATER



For Many Bush Alaskans, No Escape From Disease

# SANITATION: Bush suffers hepatitis A

Continued from Page A-7

according to a variety of public health authorities. Violence — much of it alcohol-related — along with cancer and heart disease have for the most part replaced infectious diseases as the leading killers in Alaska villages.

"You look at what's happening in rural Alaska, and it's not nearly as bad as it used to be," said Dr. Brian McMahon, a doctor at the Alaska Native Medical Center in Anchorage and a specialist in hepatitis.

"We don't see kids in Alaska dying of diarrhea like in the developing world, for example. It's nowhere like that. I think clean water would be a great thing to have in the villages. It would make life easier and healthier, but it's not like India and Africa out there."

Still, substandard water and sewage-disposal systems continue to pose a significant public health threat in Alaska, he and others said.

"With something like hepatitis A, as long as there's not a good way for people to keep clean, you're going to see it," McMahon said.

### PROBLEM OF MAINTENANCE

"Technically, we can build a system anywhere," said Jim Crum of the U.S. Public Health Service. "You give us enough money, and from an engineering standpoint, we can do it. It may cost 10 million bucks, but we can do it."

As the federal agency's chief of the Division of Sanitation Facilities for Alaska, Crum has overseen hundreds of millions of dollars in bush water and sewer projects.

"The question, really, is whether the mechanism is in place on a community level to keep it operating. What we have found is that in some places, the answer is yes, and in others ... well, it hasn't worked so well."

Rural Alaska has some of the harshest physical environments in the world. Combined with widely isolated villages and low supplies of fresh ground water in many parts of the state, it makes construction expensive.

Some villagers complain that government agencies have done too little to help village residents maintain systems, or have not given them enough of a voice in designing them to be practical in the first place.

Government officials agree big mistakes have been made in the past. Such work had never been done in such harsh climates, they say, and they learned as they went along.

More and more, state and federal officials are saying that agencies cannot solve village water and sewer problems without a commitment from local communities to make systems work.

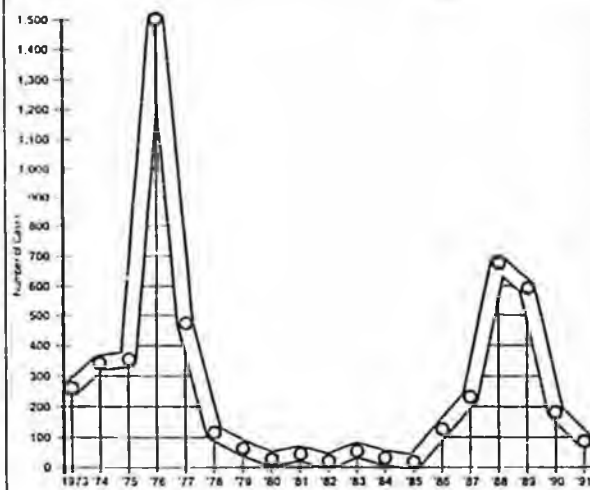
### ALTERNATIVES SOUGHT

It's a complicated, expensive problem with few, if any, easy answers. A report last year by the Alaska Department of Community and Regional Affairs estimated that it will cost at least \$1 billion more to fix the existing problems.

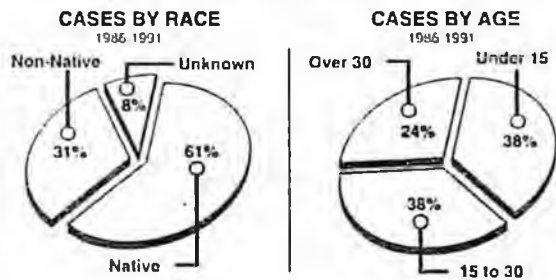
For a while, in the 1960s and '70s,

## HEPATITIS A IN ALASKA

A cyclical disease...



... most likely to affect young Natives



... Villages with poor sewage service may be most vulnerable

Based upon cases reported in 1988\*

LEVEL OF SERVICE	NUMBER OF VILLAGES	NUMBER OF CASES
Poorer (Honeybuckets)	27	218
Better (Flush toilets)	15	82

\* Statistics may be misleading because: (1) The area reporting may not be where the individual contracted the disease; (2) Level of sewer service may not be the sole contributor to the epidemic outbreak; (3) Many cases go unreported.

Sources: State Department of Health and Social Services, Division of Public Health, Section of Epidemiology; Department of Environmental Conservation, U.S. Public Health Service. RON ENGSTROM / Anchorage Daily News

there was a feeling among many government officials and Native leaders that it would only be a matter of time before every village had its own piped systems.

Today, though, government officials, health authorities and even village residents are asking whether it makes sense to build conventional systems in every village.

According to the state Department of Environmental Conservation, a typical piped village water and sewer system, once built, costs at least \$100 a month per household to maintain.

The cost in Anchorage is about \$45. A survey by state government last year in more than 40 villages found that residents, on average, said they could afford only \$55 a month, with a sizable number saying they were unable to pay anything.

Agencies and village officials are looking for alternatives. Among them are systems that involve hauling water to homes and hauling away waste from household holding tanks. Such systems are used extensively in Canada, but are expensive to operate.

"I don't think it's realistic for every village to expect to have conventional piped systems," said Walker, director of the Native Health Board, which lobbies the legislature and Congress for increased funding of rural systems.

"What we really have to start asking in the next 10 years is: Can villages really support these systems? Are they willing to pay for it? How much are they willing to pay for it? All of us have to be asking these questions, and people in the village are going to have to answer them."

## DISEASES IN THE BUSH

Common infectious diseases that could be linked to the lack of clean water sources or poor sewage disposal



### Viral Hepatitis

Types A and B

Hepatitis is a disease that involves inflammation of the liver.

**SYMPTOMS:** Weakness, loss of appetite, nausea, vomiting and jaundice, a yellowish discoloration of the skin and tissues.

**TYPES:** There are two main forms of viral hepatitis, hepatitis A, or infectious hepatitis, and hepatitis B, or serum hepatitis. They are caused by two different viruses. Hepatitis also may result from other viruses or a combination of two different viruses.

**HEPATITIS A:** The most common form of hepatitis in bush communities is caused by eating contaminated food or drinking contaminated water. Symptoms appear about four weeks later. Most cases of hepatitis A last two to six weeks. The symptoms may be lessened — even prevented — if injections of gamma globulin, a class of antibodies that helps the body's immune system, are administered within a week of exposure to the virus.

**HEPATITIS B:** This type is spread mainly by the use of improperly sterilized medical instruments, hypodermic needles shared by drug abusers and sexual contact with infected persons. Vaccines that protect against hepatitis B became available during the 1980s.



### Meningitis

Viral and Bacterial

Meningitis is a disease that affects the membranes and fluids surrounding the brain and spinal cord.

**TYPES:** Bacterial and viral meningitis are the two most common forms of the disease. Meningitis can attack people of all ages, but it most frequently strikes infants and children. Most victims recover completely.

**SYMPTOMS OF VIRAL AND BACTERIAL MENINGITIS:** Bacterial meningitis, if untreated, can cause severe brain damage and even death. It can also result in deafness, paralysis, muscle weakness, mental retardation, blindness and changes in behavior. In most cases, the bacteria or viruses that cause meningitis inhabit the respiratory organs. The microbes pass into the bloodstream and are carried to the brain where they infect the brain membrane and the cerebrospinal fluids. In general, the symptoms of bacterial meningitis are more severe than those of viral meningitis. Among infants and children, the symptoms include fever, nausea, vomiting, loss of appetite and sleepiness. Some children experience convulsions or uncontrollable jerking of the limbs. Among older children and adults symptoms often include headache, back pain, muscle aches, sensitivity to light, and stiffness of the neck.

**TREATMENT:** Doctors diagnose meningitis by inserting a needle between the vertebrae in lower back to obtain a sample of the cerebrospinal fluid. The sample is then tested for bacterium or viruses. No specific treatment is effective against viral meningitis. Bacterial meningitis is treated with antibiotics. Other forms of contagious meningitis can be treated with an antibiotic to prevent its spread. Vaccines also protect against the occurrence of certain types of bacterial meningitis. There are no effective means of preventing viral meningitis.

Source: The World Book Encyclopedia 1990 Edition. RON ENGSTROM / Anchorage Daily News

We have all this amazing medical technology and access to modern health care. . . . But in terms of water and sanitation, a lot of villages are still trying to make it into the 20th century.

— Anne Walker, executive director, Alaska Native Health Board



PAUL SOUDERS / Anchorage Daily News

Anne Walker of the Alaska Native Health Board discusses the water and sewer "risks" of the Bush.



BOB HALLINEN / Anchorage Daily News, photos

Waste from honeybuckets often spills on boardwalks where children play in Kotlik. Joe Uisok, below, has the job of hauling collection bins.

# Honeybuckets Leave A Trail Of Sickness



Viral meningitis epidemic in Kotlik shows how health of any village can go haywire

By DAVID HULEN  
Daily News reporter  
Copyright 1992 Anchorage Daily News

**K**OTLIK — Children were the first to get sick. Then adults. By that first weekend, airplanes were buzzing night and day over the summer tundra on emergency runs to the hospital in Bethel, 190 miles away.

The epidemic hit in the summer of 1990, and was the worst mass-sickness to strike an Alaska village in many years.

The cause? Two leaky underground pits filled with human sewage.

Nearly 80 people in the village — almost a quarter of the population at the time — eventually were stricken with viral meningitis,



For Many Bush Alaskans, No Escape From Disease

PART 2

an extremely infectious, extraordinarily painful ailment that can be fatal when left untreated.

Villagers suffered fever, nausea, dehydration, migraine headaches and necks so sore they could hardly move. Some people became so sensitive to light that they couldn't look out of their windows without getting ill.

Sixty people were eventually evacuated for emergency treatment.

"It was like a plague," said Angela Prince, who had three children, including a newborn, wind up in the hospital.

Please see Page A-4, HONEYBUCKETS

# HONEYBUCKETS

House to dumpster to pond — with spills on the way

Continued from Page A-1

"We sat there in the hospital and kept seeing more and more people from Kotlik being brought in. It felt kind of like the world was ending for us."

The Kotlik epidemic was one of the worst examples of what can happen in an Alaska village that lacks modern water and sewer facilities.

In village Alaska in 1992, there are fax machines and cable television and million-dollar schools and microwave ovens. Yet more than 100 communities in the Bush — almost half of all the organized communities in Alaska — have no running water or flush toilets.

People get sick because of primitive water and sewer systems. It happened here in Kotlik, and doctors and others familiar with the villages believe it will almost certainly happen again.



## KOTLIK

- Population: 461
- Total housing units: 110 — 44.5% have one or no bedrooms
- Households lacking complete plumbing and kitchen facilities: 94.5%
- Elevation: 5 feet at the airstrip
- Water: In the 1960s the U.S. Public Health Service built a 100,000 gallon wood-stave water storage tank which was filled twice yearly from the Kotlik Slough. The tank has not been used since an outbreak of hepatitis in late 1975. At present there is no central water distribution system. Residents obtain water from a central well as well as collecting rainwater, heating water from the slough in summer and by melting ice in the winter.
- Sewage: There is no community sewage system in Kotlik. At present, individual sewage waste is collected in honeybuckets and dumped in containers at various sites throughout the community. The village employs 2 men who haul the containers to a sewage lagoon.

Sources: Alaska Department of Community and Regional Affairs, 1990 Census

PHOTOGRAPHS: Anchorage Daily News

### CONTACT WITH HUMAN WASTE

Viral meningitis, an inflammation of the membranes that line the spinal cord and brain, is transmitted by contact with human sewage. It spreads through contaminated food and water, often by people who have germs on their hands, don't wash, then contaminate food or drink consumed by others.

In Kotlik, as in dozens of other villages in rural Alaska, many people have daily contact with human waste. With no running water, washing hands is difficult.

People don't have toilets here. They have honeybuckets — plastic pails placed in bathrooms and emptied by hand.

Until recently, Kotlik's full honeybuckets were dumped into underground bunkers — lidded pits dug into the permafrost and scattered between homes throughout the village. The bunkers got full. Their contents oozed into the muddy summer soil, and children played in puddles nearby. The children tracked mud into houses, where babies crawled on floors.

The disease raced through the village. Whole families got sick. Similar symptoms began showing up in neighboring communities. Health authorities braced for a major epidemic.

Somewhat, the disease was generally isolated to Kotlik. Aside from a few cases, the disease didn't spread to the cluster of other villages at the mouth of the Yukon River. Doctors and other health workers today talk of heroic measures taken by villagers after the epidemic hit — compulsive hand-washing, wearing rubber gloves even at wedding and funeral potlatches, postponing trips out of the village during the busiest season of the year — and amazement that the disease didn't spread throughout the whole region.

But the Kotlik epidemic, they believe, demonstrates how quickly the health of a community can go haywire in growing communities with some of the crudest water and sanitation systems in America.

"The same thing could basically happen at any time in any village out here," said Dr. Donn Kruse, medical director for the Yukon Kuskokwim Health Corp., a non-profit agency responsible for health care in Kotlik and 47 other Yup'ik communities.

"It could happen again tomorrow," he said. "Including in Kotlik."

### EMPTYING THE HONEYBUCKET

It's a cloudy weekday morning in the table-flat world of the Yukon Delta. A cool wind wafts in from the Bering Sea a few miles to the west. Kotlik, spread out on both banks of a Yukon tributary, is waking up. The two general stores are opening. Four-wheelers buzz along the narrow boardwalks that serve as sidewalks and streets over the soggy tundra.

Inside one of the boxy, prefab houses that look like pieces from a Monopoly game, John Okitkun decides it's time to carry out the family's honeybucket. Six people live here: his parents, his sister, himself, his wife and their toddler. The honeybucket has to be emptied two or three times a week.

Okitkun picks up the full bucket in the bathroom and walks out of the house, past his daughter in the hallway, past the pile of fresh-caught pike on the porch floor and out into the morning. He's careful not to spill.

He's followed by a half dozen children riding bikes and racing up and down the boardwalk. Okitkun pauses at a red polyethylene dumpster, one of 23 scattered around the village. He opens the lid and dumps the bucket. The waist-high dumpster and the boardwalk around it are covered with the residue from a lime and water mixture used to disinfect the area after past spills.

The stench of sewage is nearly overwhelming.

### HAULING OFF THE WASTE

At the other end of the village, it's time for the Kotlik honeybucket man to suit up

Kotlik's have had trouble keeping workers on the payroll. The work is just too much for them. Some honeybucket haulers have been ridiculed by their neighbors, and others are avoided because they are thought to be disease carriers. Some cash-poor villages can't afford to empty the dumpsters until they are overflowing, according to residents and health authorities.

Weekly bingo games pay for part of the salaries of Kotlik's two honeybucket haulers.

Uisok said he'd rather be doing something else with his days, but there aren't that many opportunities for a young family man in Kotlik. He said he's seen what can happen in his village when there's virtually no sanitation system at all.

"Someone's got to do it," he said. So he puts on his rubber suit and drives off with another load of Kotlik's sewage.

### DANGER OUTSIDE THE DOOR

The worst leaky bunker was right out front of Angela Prince's house. Like the others in town, the bunker is now boarded up, but until earlier this summer, it continued to leak.

It was covered in a pool of foamy brown water. The smell of sewage was strong. A tricycle was overturned in the puddle over the bunker, and a blue ball floated in it. Children ran up and down the boardwalk over the mud.

"I worry about it sometimes," Prince said. "It's not the best situation."

Three of her five children were among the first in the village to fall sick to meningitis two summers ago. Her 6-year-old daughter was so sore she couldn't stand. Her newborn daughter got it, too. She appeared to get well, then developed symptoms again.

Prince's children also have had hepatitis A, which spreads like viral meningitis, from contact with human waste. They were part of a hepatitis A epidemic that hit Alaska — especially the Bush — in the late 1980s.

Prince apologizes for the mess of her three-room house. Her husband, like most men in the village, has been out hunting waterfowl and she's been busy putting up food, and there hasn't been much time to clean. Three young children race through the kitchen with muddy boots. Prince's 2-year-old, Diana, toddles through the mud, clutching a baby bottle.

She knows her children should wash their hands, she said. But in a house with no plumbing, it's difficult. She keeps out a basin with soap, but it's hard to change the water every time someone washes.

Like everyone else in the village, to get hot water — to give the baby a bath, to wash hands before dinner — she must heat a pot on the stove. Like everyone in the village, sometimes she does, sometimes she doesn't.

Sometimes she and her husband talk about moving to a bigger village, maybe even Anchorage. She doesn't know how they'd support themselves. Their families

and head off to work. Joe Uisok pulls on rubber boots, a rubber rain suit, rubber gloves and, finally, a paper surgical mask. Then he gets on his four-wheeler or snowmachine and starts his morning rounds.

Uisok is paid \$12 an hour to drive through the village and haul away the 80-gallon plastic dumpsters. He carts them to a fenced pond on the outskirts of the village, where the waste naturally decomposes. He tries not to spill, but it's difficult, especially in winter when the boardwalks are covered with a couple of feet of snow and are bumpy and the dumpsters haven't yet frozen. When they are solid, it's the easiest. Villagers call the frozen mess a poupsiele.

Kotlik was one of the first villages in Alaska to have such a honeybucket haul system. Set up by the U.S. Public Health Service and the Alaska Department of Environmental Conservation after the meningitis outbreak, it is an improvement over the underground bunkers, and far cheaper than a piped sewer system.

People here used to simply empty their honeybuckets in the alder bushes behind their houses. In the 1960s and '70s, the federal government built the underground bunkers. But by the mid-1980s, the bunkers in Kotlik and in many other villages were filling up fast.

For many villages like Kotlik, installing piped utilities is expensive or physically difficult because of poor soil conditions, permafrost or lack of drinkable ground water.

A piped sewer system for Kotlik's 150 people would cost about \$11 million to build, according to estimates by the state and federal governments.

The solution, at least for now, has been the haul system, which some government health authorities believe is a low-cost answer for many villages too poor to maintain a piped system, or where conditions make one too expensive to build.

### AVOIDING WASTE IS HARD

Kotlik residents haul their drinking water home from a well outside the government-built washeteria. It has clothes washers and dryers (\$3.50 a load), showers, flush toilets, and men's and women's saunas, which tend to be packed every evening. It's a social gathering place as well as a way to stay clean in a village with no running water.

Aside from the washeteria, the only other flush toilets and running water are at the school complex. The teachers, almost all of whom are from somewhere else, live in modern apartments.

But most people in Kotlik still have daily contact with human waste in their homes. They carry their honeybuckets from their houses to the dumpsters, and sometimes spill them on the boardwalk. Flies swarm around the containers. Sometimes, the dumpsters get so full that they spill as they're being hauled off.

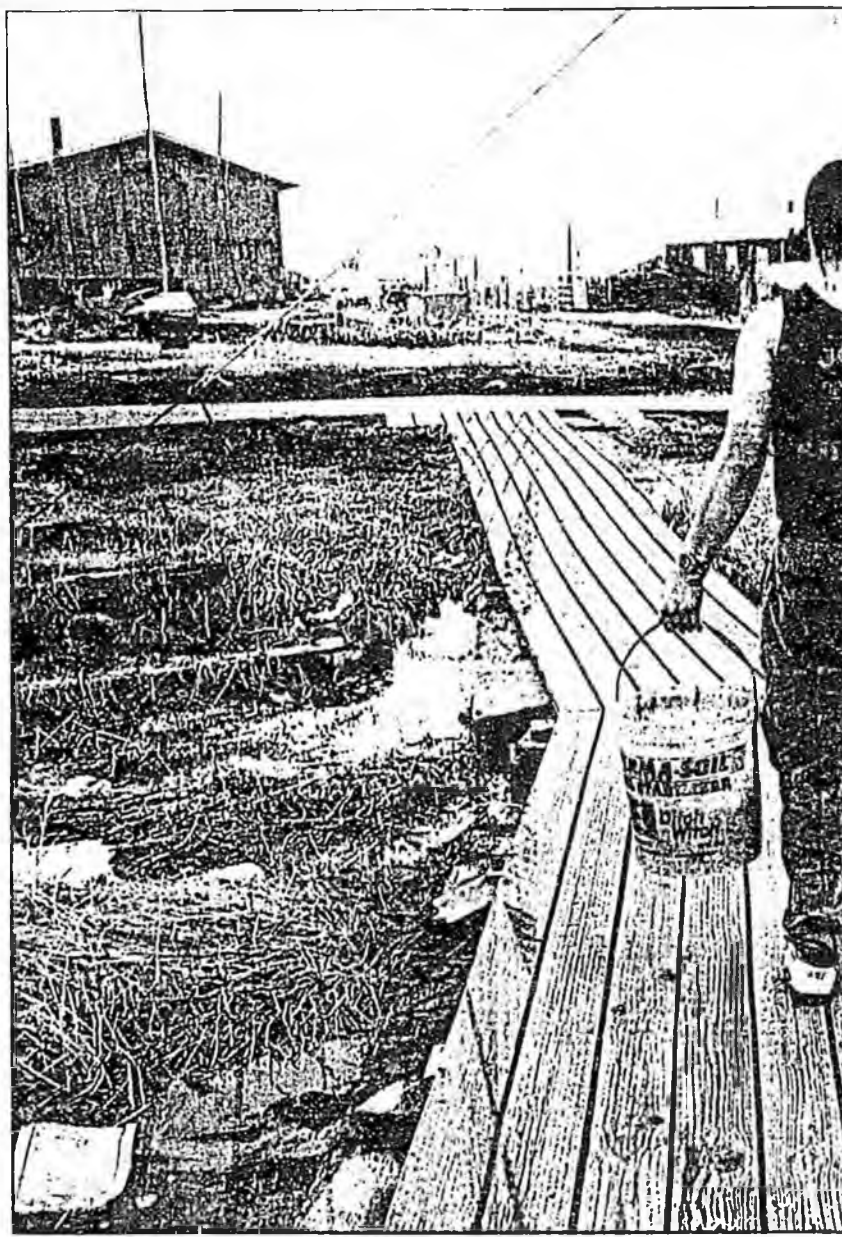
Some communities with systems like

Kotlik's honeybucket man, Joe Uisok, hooks dumpsters to a snow-machine and hauls them to a sewage lagoon.

are here, she said.

Kotlik has a few jobs: store clerks, school janitors, city workers, summer construction when there's something to build. As in other villages, many families here depend on food stamps or other government assistance. As in other villages, the thing that separates many families from poverty is subsistence hunting, fishing and gathering.

Subsistence makes it easier to survive here, Prince said, and it provides a connection to other people and a rich Yup'ik cultural tradition. She said she doubts her family will really ever move. "This is our home," Prince said.



Being careful not to spill, John Okitkun carries honeybucket from his house in Kotlik to one of



Okitkun empties honeybucket into a dumpster. The stench is nearly overwhelming.



### THE EPIDEMIC SPREADS

One of the problems with viral meningitis is that it looks like something much worse. Symptoms are nearly identical to the sometimes-fatal bacterial meningitis.

While viral meningitis can leave a victim with memories of terrible headaches, nausea and other symptoms, bacterial meningitis causes permanent brain damage in one of three victims. Death, especially in infants, is not uncommon. It tends to strike young children, and the risk appears to be worse in overcrowded village housing. Until

recently, western Alaska had one of the highest rates in America. A child can die within two days of the arrival of the first symptoms.

All of which explains why doctors in Bethel and Anchorage were alarmed when the first reports came in from Kotlik: of meningitis-like symptoms. The only way to tell the difference between viral and bacterial meningitis is to insert a needle into the spine to take a sample of fluid, a painful procedure known as a spinal tap.

Forty-six people from Kotlik were eventually taken to the hospital for the procedure and to guard against dehydration. Others with less serious



carries honeybucket from his house in Kotlik to one of 23 dumpsters in the village. With six people in his household, emptying the bucket must be done two or three times a week.

# BAD WATER



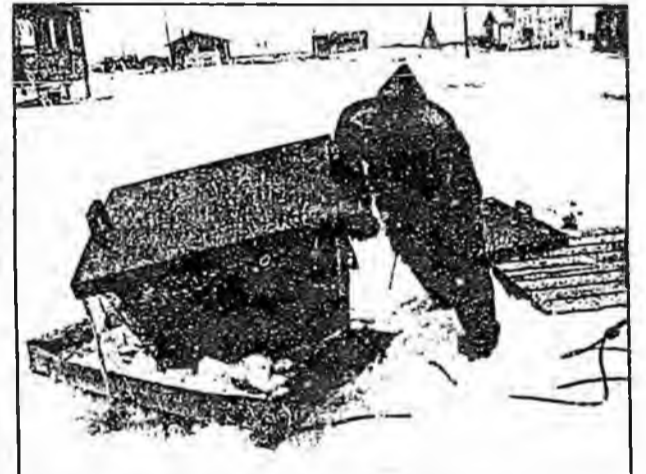
For Many Bush Alaskans, No Escape From Disease

“Everyone knows it’s expensive, but we need to do something. It’s expensive when people get sick, too.”

— Joseph Mike



Uisok, in rain gear and surgical mask, approaches another honeybucket dumpster.



Liquid spills from dumpster when it is wrestled onto a sled.

## HONEYBUCKET HAUL SYSTEM

These photos illustrate how waste is disposed of in Kotlik, one of the first villages in Alaska with a honeybucket haul system. Set up by the U.S. Public Health Service and the Alaska Department of Environmental Conservation after a meningitis outbreak, the system replaced underground bunkers, which were filling up fast by the mid-1980s. Eventually the bunkers spilled over. Before installation of the bunkers, villagers simply emptied the contents of their honeybuckets into the alder bushes behind their homes.

Photos by Bob Hallinen  
Anchorage Daily News

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Forty-six people from Kotlik were eventually taken to the hospital for the procedure and to guard against dehydration. Others with less-serious

symptoms were allowed to stay home. Seventy-eight people were diagnosed, although health aides in Kotlik think more villagers were probably sick and never told authorities, fearing they'd have to go to the hospital.

No one is sure how the virus got into the village. There had been outbreaks reported in several Western states, and at least a couple of cases had been reported in the Anchorage area that summer.

In any case, four children got sick that first day, and six more two days later. After that, it was a steady stream of telephone calls and visits to the clinic from sick people and parents of stricken

children.

Kotlik had a crisis on its hands.

### ‘THE WEIRDEST WEDDING’

Ledwina Akaran's daughter got married in the middle of the epidemic. "She told me later, she said, 'Mom, that's the weirdest wedding I've ever seen.'"

A team of sanitarians, nurses and a doctor flew from Bethel to keep people from panicking. They urged people to wash their hands. They took samples of water and sewage, trying to find the source of the sickness. The village went through 200 buckets of lime to disinfect

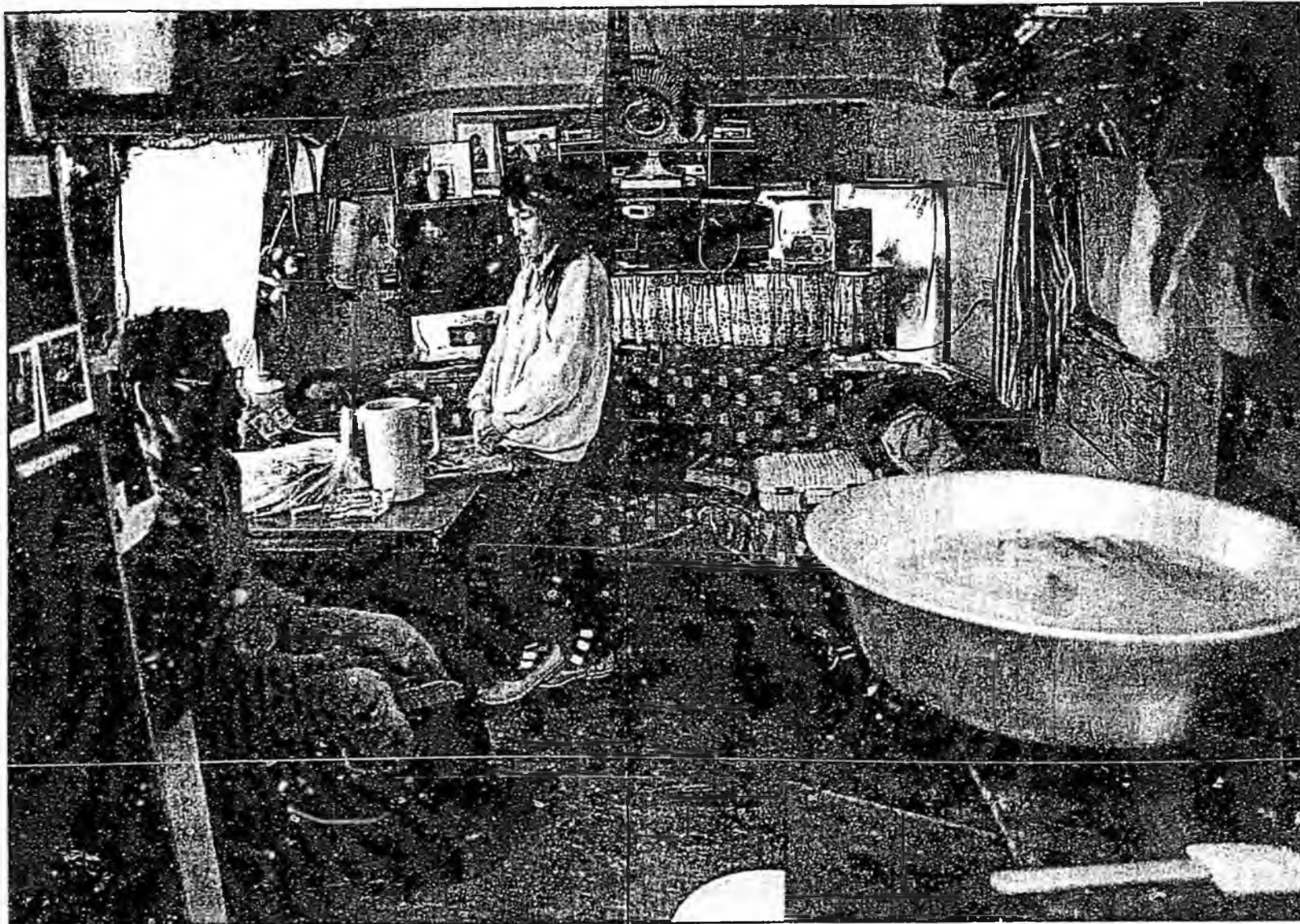
everything connected with honeybuckets.

In the middle of all of this was the wedding, scheduled months earlier. Village leaders met with doctors. The decision was made to go ahead with it.

But there were adjustments. Relatives invited from neighboring villages of Emmonak and Alakanuk were told they couldn't come. Outside the reception hall, big basins of hot water were set up for everyone to wash their hands. The women serving in the food line wore rubber gloves.

As the epidemic tore through the

Please see Page A-7. **KOTLIK**



Billy Odinzoff and his wife, Madrona, in the trailer that is home to them and their two daughters in Kotlik, a village without a piped water system.

# KOTLIK: \$11 million sewer cost

Continued from Page A-5

village, state and federal health authorities feared the worst. "We had every reason to believe it would just creep across the tundra," Kruse said. But gradually, during the next couple of weeks, the number of new cases began to taper off. People came home from the hospital and resumed their lives. The sickness had been mostly contained to Kotlik. The epidemic had passed.

### PRIORITIES FOR THE FUTURE

People in Kotlik still talk about the meningitis outbreak. For older residents, it's just the latest in a long string of epidemics. There was tuberculosis in the '30s, '40s and '50s. Killer influenza and smallpox and measles outbreaks before that, striking Native villages across the state. More recently, less serious waves of hepatitis A and B.

As in other Alaska villages, other infections run rampant — flu, ear infections. Some doctors believe poor sanitation is only making the risk of these diseases worse, although it's not their direct cause.

Would an upgraded water and sewer system prevent another outbreak of viral meningitis or hepatitis A?

Probably not, say doctors and others familiar with the issue. "It would be great if we could get upgraded systems in all the villages, it would be an improvement," said Dr. Brian McMahon, a doctor at the Alaska Native Medical Center in Anchorage and an expert in the spread of hepatitis in rural Alaska.

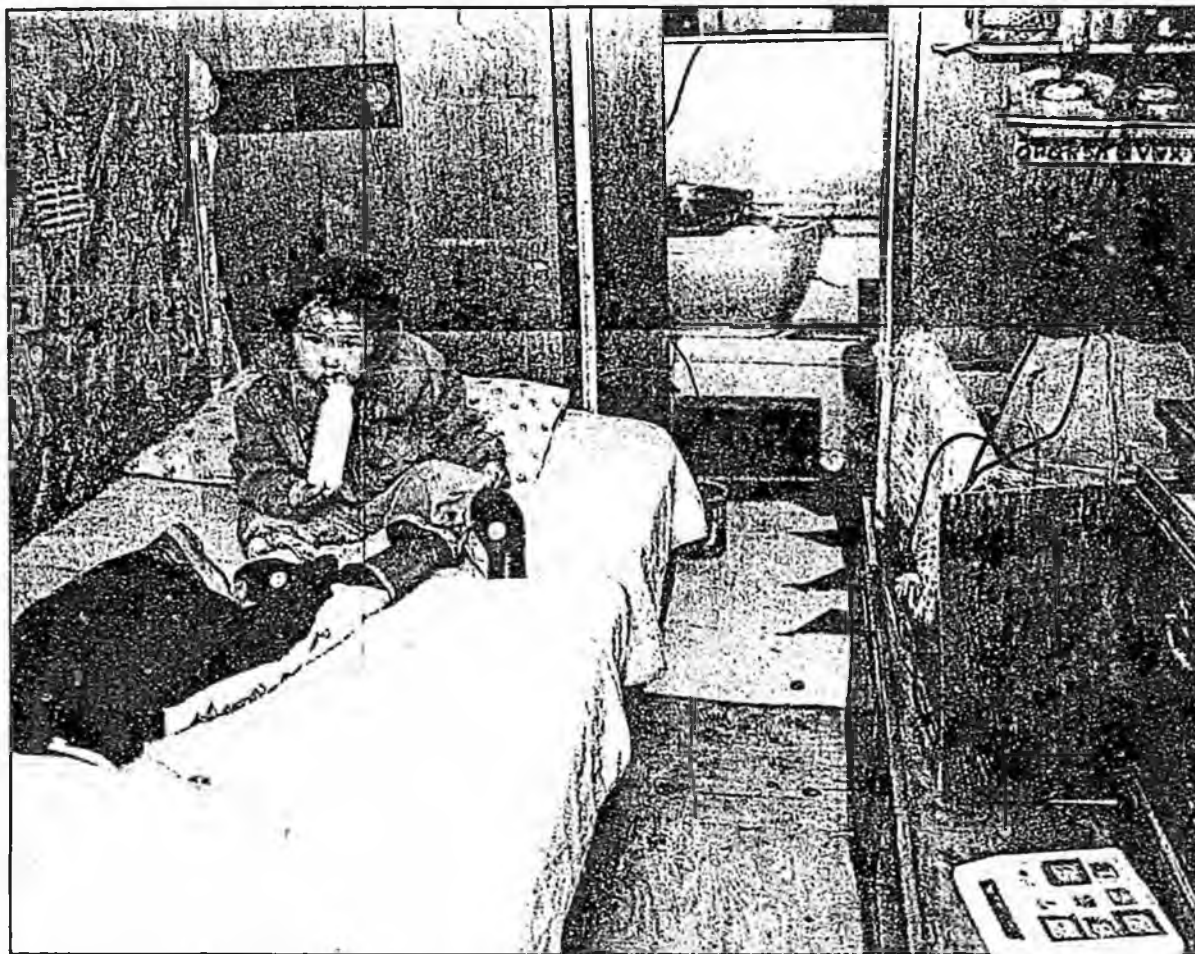
"But I don't think that, in itself, is going to completely solve the problem. You still have a lot of people from villages who go off to fish camp, for example. You're probably still going to have a higher risk of these things in a lot of communities."

Would better water and sewer systems make people in villages healthier and reduce the chance of future epidemics?

Probably, the same experts say. But only if the systems are maintained and if they operate properly. Only if residents wash their hands.

"I think a lot of us, we're still hoping to get water and sewer here someday," said Michael Hunt Sr., president of the Kotlik Traditional Council. "Some of us look up at some of the other villages and think, gee whiz, if they can have it up there, we should be able to have it here."

But Kotlik, like many rural communities, has needs besides an \$11 million sewer system, needs such as jobs, housing and better schools. If the village were to get a sewer system, residents question whether they could afford to pay the



Two-year-old Magdalane Odinzoff rests in the bedroom of her trailer in Kotlik. Honeybucket is in bathroom at rear.



Photo shows Kotlik in May, when the Kotlik River was frozen. Poor soil conditions would add to the cost of piped utilities in the village.

estimated \$50 a month for each household it would cost to maintain. Government officials familiar with Kotlik's marshy soil question whether it makes sense to spend so much money on a system for so few people. While state and federal governments provide most of the construction money for village water

and sewer projects, maintenance is left almost entirely to villages. A few people in Kotlik, meanwhile, talk about just uprooting and somehow establishing a new community on higher ground with better soil. But with cuts in state spending, that doesn't seem likely. Other residents say they're just

trying to make the honeybucket haul system work, and that someday there will be a better system. "Everyone knows it's expensive," said Joseph Mike, another village elder. "But we need to do something. It's expensive when people get sick, too. It costs money to be going to the hospital."

## BAD WATER

For Many Bush Alaskans, No Escape From Disease

### THE SERIES

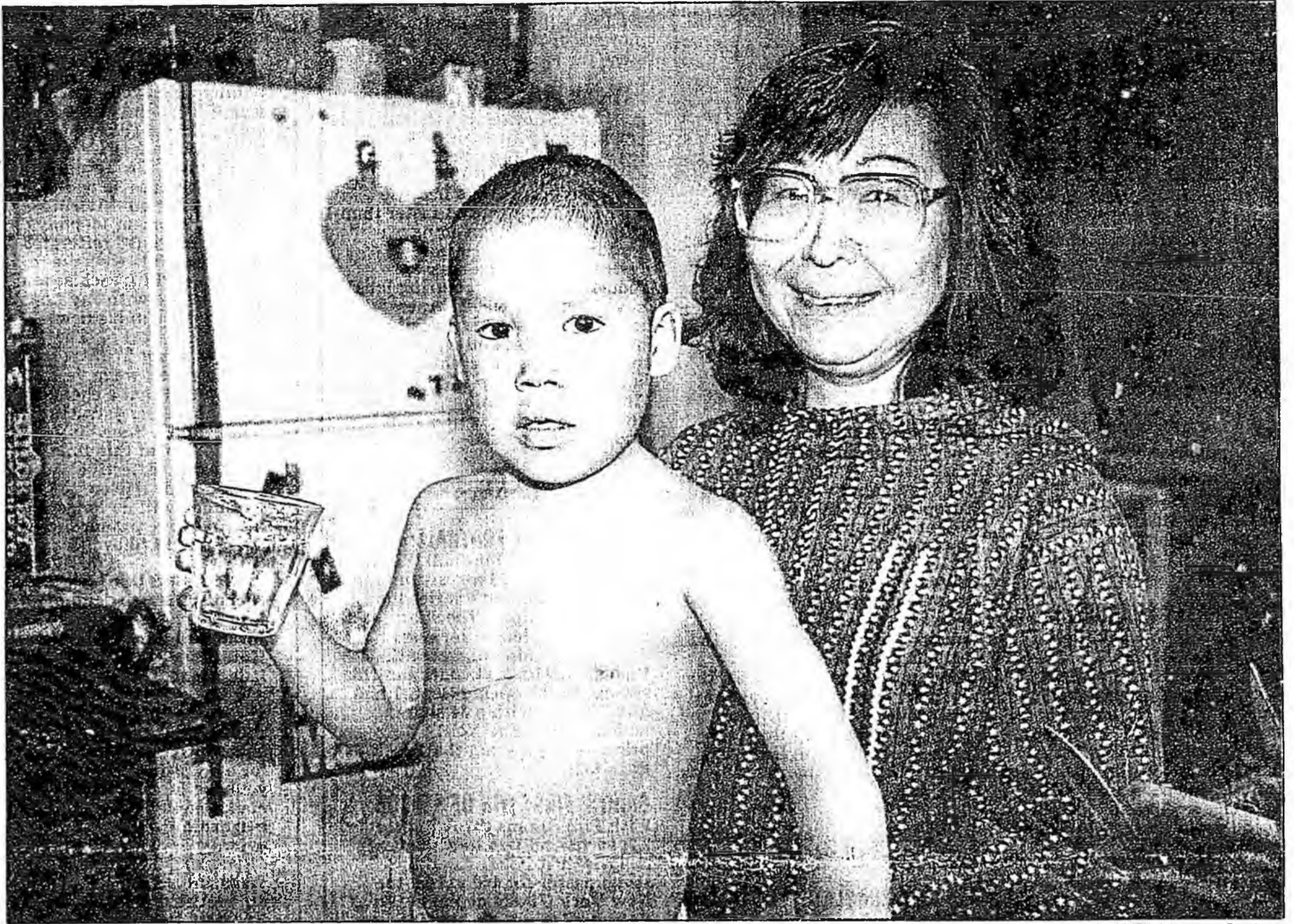
**SUNDAY**  
The quality of drinking water and the means of disposing of human sewage in dozens of Alaska communities remains on a par with the developing world and is as primitive as anywhere in America. Sickness often results.

**TODAY**  
Human sewage leaked from underground pits two summers ago in Kotlik, sparking an epidemic of viral meningitis. It shows what can happen in an Alaska village that lacks modern water and sewer facilities.

**TUESDAY**  
Even when a village has running water, there is no guarantee that the system is functioning safely. Take the case of Dominic Smith, who died of fluoride poisoning in the spring of this year in Hooper Bay.

**WEDNESDAY**  
More than \$1.3 billion has been spent during the past 20 years on water and sewer systems in rural Alaska. Yet until recently, much less attention was paid to maintaining village systems than they were built.

**THURSDAY**  
Ten years ago the villagers of Emmonak decided they'd had enough. They were sick — literally — of not having water and sewer systems. They took action, and everything is working just fine now.



BOB HALLINEN / Anchorage Daily News

Gustan Green and his mother, Maria, display a colorful glass of water in their apartment at the Hooper Bay school, where Maria is a teacher.

# Where The Water Turned Deadly

Fluoride system wasn't the only thing to fail in Hooper Bay

*Let's say that you were very thirsty and wanted to drink a glass of water and the owner of the household wanted for you to help yourself. As you take their pitcher and are about to fill the pitcher and saw the brown residue in his container, I think you'd change your mind about having that glass of water.*

— From a letter signed by 300 Hooper Bay residents and sent last winter to Gov. Wally Hickel, asking for upgrades to the village's water and sewer systems



For Many Bush Alaskans, No Escape From Disease

PART 3

By DAVID HULEN  
Daily News reporter

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**H**OOPER BAY — Dominic Smith didn't realize that water from the village well was killing him. So he kept drinking. The sicker he got, the more he drank. The more he drank, the sicker he got. All around his part of the village, his neighbors were falling sick, too. By the next day, Smith was dead. His sister was in the hospital, critically ill.

Sometimes water and sanitation systems in Alaska villages fail.

Sometimes village governments fail, too. So do government regulators.

All those failures combined Memorial Day weekend in Hooper Bay.

A system that pumps a fluoride solution into the town's drinking water badly malfunctioned, poisoning a large portion of the population. Fluoride at levels 40 times what the federal government considers safe for deterring tooth decay were measured in drinking water, and epidemiologists later concluded that it

Please see Page A-4, DEADLY

# DEADLY

## Regulation, water system break down in Hooper Bay

Continued from Page A-1

was probably the most widespread fluoride poisoning ever documented, with more than 200 people estimated to have been stricken.

And while the same kind of accident involving fluoride in other villages seems unlikely, people familiar with what happened believe the Hooper Bay incident shows, dramatically, the difficulties in providing safe drinking water in Alaska's far-flung villages.

Despite hundreds of millions of dollars spent to improve village water and sanitation systems, any number of things can go haywire — and often do. Hooper Bay is just one of the worst and most recent examples.

"There are many, many obstacles to providing clean water in a place like Hooper Bay," said Dr. Brad Gessner, an epidemiologist with the Alaska Division of Public Health.

"It's not an easy thing to do at all."

### POPULATION BOOM IN THE BUSH

With nearly 1,000 people, Hooper Bay is one of the largest Native communities in Alaska. Except for a couple of dozen teachers, their families and two nuns stationed here by the Roman Catholic Church, nearly everyone is Yup'ik Eskimo. They live in dozens of homes scattered several miles across the tundra — in new federally subsidized boxes or in the old gray shacks bunched together on a series of low knolls, the place known as Main Town.

The village has grown by nearly one-third during the past decade, part of a baby boom in the Bush that's expected to double the Alaska Native population during the next 20 years. Advances in rural health care in the 1950s and '60s produced a surge in the number of women of child-bearing age today, and even though families are smaller than 30 years ago, the population is rising rapidly.

It's a village of children. Last year, the school had 262 pupils. Only 40 were in high school.

While Hooper Bay is larger than most villages, in many ways it faces the same problems — lack of economy and opportunity, widespread alcoholism and violence — facing many other rural Alaska communities today. Traditional Yup'ik life is still strong in many homes here, putting food on tables and providing a sort of social glue, but people young and old look at the future and it makes them uneasy.

The village has a 6,000-foot paved runway and microwave ovens and frozen pizzas, but for most people, no running water. The exceptions are the teachers, most of them white, who, as in most villages, live in modern apartments built alongside the school.

There's also running water at the village clinic and in a washeteria, which has washing machines and showers.

Like many villages, Hooper Bay wasn't settled with water and sewer service in mind. It was a good location for hunting and fishing, and grew rapidly after a Catholic mission was established early this century.

The big problem is fresh water: There's not enough. The water table beneath the permafrost is shallow, and in places is heavily contaminated with salt water from the Bering Sea.

"There's basically no way you're going to support a piped utility system in Hooper Bay," said Jim Crum, chief of facilities construction in Alaska for the U.S. Public Health Service, which has built systems in dozens of villages.

"Instead of using five gallons a day, like people do there now, you'd be using several hundred per household," Crum said. "Very quickly, you'd have no water."

The result in Hooper Bay is that, in virtually all the houses, people haul drinking water home in buckets and use honeybuckets instead of toilets.

For most of the year, when the ground is frozen, residents haul their own honeybuckets and empty them into sewage ponds on the tundra a few hundred feet behind the school. The city provides a haul service, but few people in town pay bills and the local government is essentially broke, so service is sporadic.

People keep clean by taking steam baths — driftwood-fired saunas that are a nightly ritual in many households. To give a baby a bath, you heat water in a tub over a wood stove or electric range. The school rounds up elementary school children for showers once a week.

Drinking water is drawn from two public wells — one at the washeteria in a subdivision of newer houses, the other in the old town site.

It was in the old part of town, at the old

well, that the water system went haywire this spring.

### 'A LOT OF UNHAPPY PEOPLE'

Maria Green grew up in Hooper Bay, went to college and now is a fourth-grade teacher, one of the few Yup'ik teachers here. One recent evening, she got up from the sofa, where she sat with her 3-year-old son, and walked into the kitchen and got a glass out of the cupboard.

She's lucky. She lives in a teacher apartment. She turned on the tap.

The water that came out was the color of stout beer.

The school has a separate well from the rest of the village, but like the old town well, a quarter-mile away, the water is heavily mineralized, producing brown water. This in itself isn't a problem, although some residents say it's so foul looking that they can't stand to drink it.

The brown water doesn't taste bad, though. Some residents prefer it to the water from the other, newer well in town, which some residents say has a salty taste — apparently the result of sea water seeping in.

"A lot of these villages, we've got some problems here," said Green, who is vice mayor of the village.

"There are a lot of unhappy people in Hooper Bay. The lagoon smells. It floods in springtime. You walk along the road and it smells. We have dumpsters to put honeybuckets in. They overflow and they splash when they haul 'em off to the lagoon. Kids play where it splashes. The kids always get impetigo, that plus diarrhea. . . . There are so many flies."

Last winter, Green and Patrick Lake, a young villager and family man who works as a teacher aide, wrote a letter to Gov. Hickel and passed it around the village.

"The conditions we live in can be changed by having a water and sewer system in this village. We, the people of this village, would not take this for granted. A water and sewer system would prevent epidemics and spreading of disease throughout the village."

One of those who signed the letter was Dominic Smith.

### TAINTED WELL WATER

Smith's death came during the busiest time of the year in the Yukon-Kuskokwim Delta — right after seal and duck hunting and just before herring and salmon fishing.

According to residents, village health aides and a lengthy report by state epidemiologists and Alaska Department of Environmental Conservation officials who later visited the village, Smith died within hours of drinking tainted water.

Smith, a sergeant in Hooper Bay's National Guard unit, lived with his wife, Janet, and their six children in one of dozens of small wooden houses crammed together on the little rise that overlooks the bay. Like everyone else in that part of town, the family got their water from the nearby central well. Installed in the early 1970s, it was one of the oldest watering points in rural Alaska, and had been due for an overhaul this summer.

While minerals tainted its color, residents didn't mind the taste. Periodic tests found it free of bacteria and other contaminants. As in other village systems, chlorine, to kill bacteria, and fluoride were added by pump, with a village employee resupplying the chemicals. Fluoride is added in 141 water systems around Alaska, with its use advocated by federal and state health agencies that build the systems as a way to reduce tooth decay.

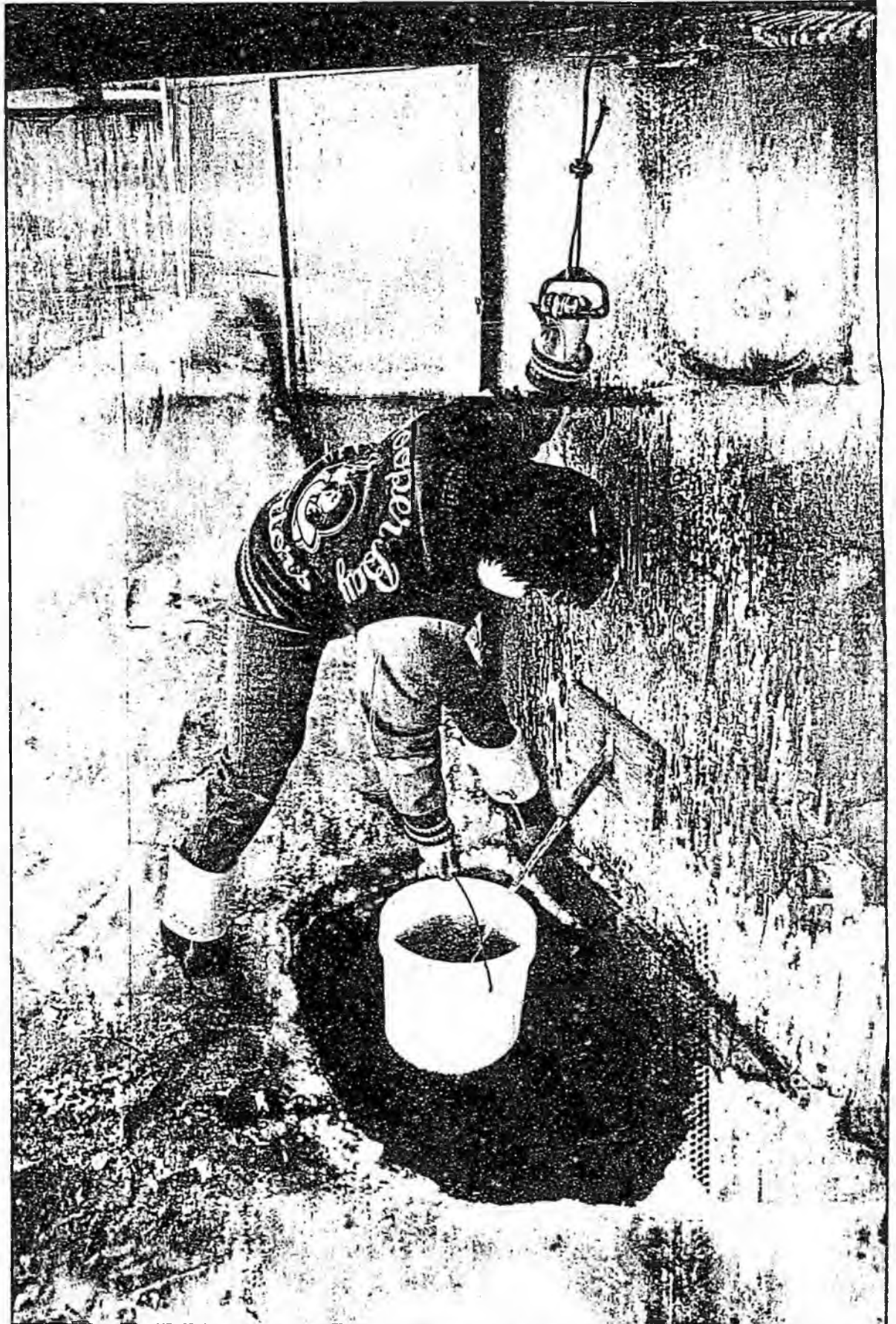
Smith woke up the morning of May 22 and had a glass of water, pumped from the well the previous day. Within minutes of drinking the water, he got sick to his stomach and vomited. He drank more water. Within a couple hours, according to his wife, he felt weak and needed to lie down. He continued to vomit. He drank more water.

That evening, Smith's children were sent for more water from the well. Smith drank four more glasses of water. He complained his muscles felt weak.

The next morning, Smith's wife awoke and found her husband dead.

Smith's sister, who lives nearby, drank water from the same well. She fell ill and was flown to Y-K Regional Hospital in Bethel, where she recovered within a few days. At least two other villagers reported neurological symptoms: tingling hands and feet. About two dozen other villagers went to the clinic feeling queasy. Many more said later that they felt ill.

It didn't take long to figure out the problem. Virtually everyone who had gotten sick had drunk from the old well. It



Royola Knight draws a bucket of water from the public well behind city hall in Hooper Bay in mid May. Deadly levels of fluoride got into the well's holding tank later that month, killing one person and making several others sick. The well was rebuilt this summer.

Please see Page A-7, DEADLY

# BAD WATER



For Many Bush Alaskans, No Escape From Disease

## THE SERIES

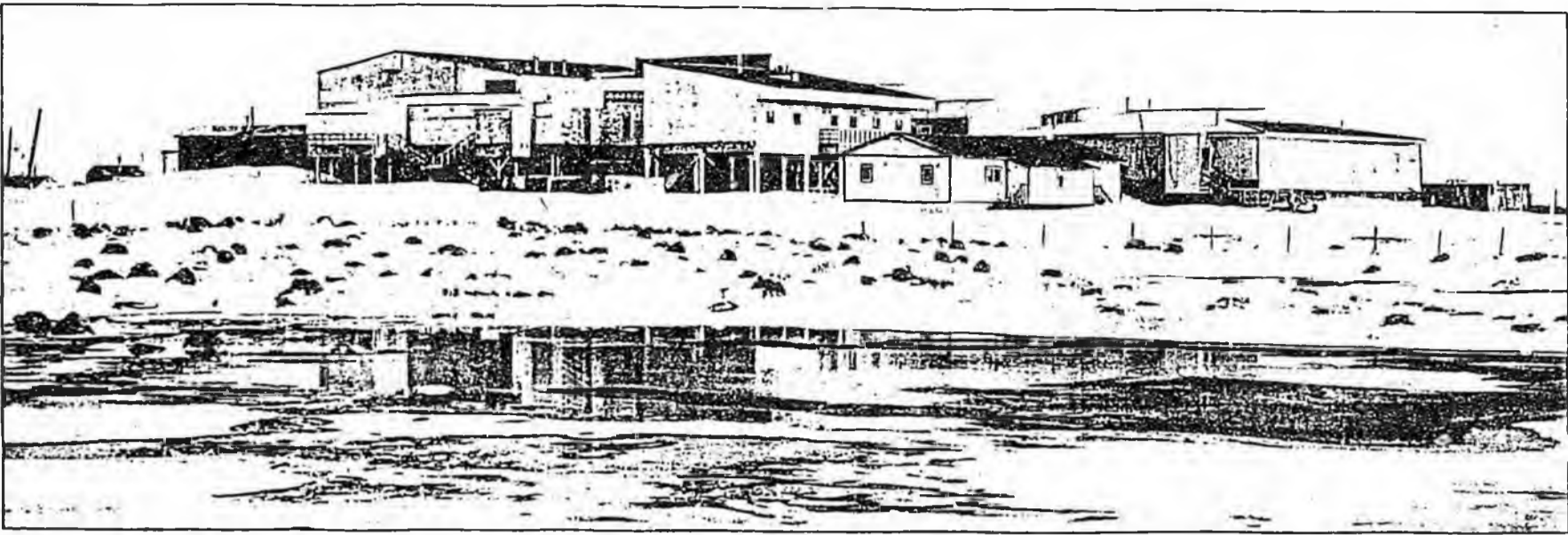
**SUNDAY**  
The quality of drinking water and the means of disposing of human sewage in dozens of Alaska communities remains on a par with the developing world and is as primitive as anywhere in America. Serious illness results.

**MONDAY**  
Human sewage leaked from underground pits two summers ago in Ketchikan, sparking an epidemic of viral meningitis. It shows what can happen in an Alaska village that lacks modern water and sewer facilities.

**TODAY**  
Even when a village has running water, there is no guarantee that the system is functioning safely. Take the case of Dominic Smith, who died of fluoridated poisoning in the spring of this year in Hooper Bay.

**WEDNESDAY**  
More than \$1.3 billion has been spent during the past 20 years on water and sewer systems in rural Alaska. Yet until recently, much less attention was paid to maintaining village systems once they were built.

**THURSDAY**  
Ten years ago the villagers of Emmonak decided they'd had enough. They were sick — literally — of not having water and sewer systems. They took action, and everything is working just fine now.



This view of a Hooper Bay sewage pond shows the back of the village school complex lying just a few hundred feet away. The city provides a honeybucket haul service, but service is sporadic, so most residents empty their own buckets, particularly in winter.



Carlton Bell hauls home a bucket of water from the washeteria in Hooper Bay in May. Tia Frank rides along on the four-wheeler.



Teacher aide Patrick Lake, holding his daughter in their home in Hooper Bay, joined teacher Maria Green in writing a letter to Gov. Hickel asking for a water and sewer system for their village.

*“The conditions we live in can be changed by having a water and sewer system in this village. We, the people of this village, would not take this for granted. A water and sewer system would prevent epidemics and spreading of disease throughout the village.”*

— From letter to Gov. Hickel

Photos by Bob Hallinen  
Anchorage Daily News



Venessa and Eddie Olsen, playing in Main Town in the spring, are two of the booming new generation inhabiting Hooper Bay, a village without running water.



For Many Bush Alaskans, No Escape From Disease

“Sometimes I have trouble understanding how, in 1992, you can have a community of nearly 1,000 people that doesn't have something that's considered perfectly normal anywhere else in the country.”

— Roger Adams, school principal Hooper Bay

## DEADLY: Town well goes awry

Continued from Page A-4

was shut down. Tests of water in the well's holding tank and in people's homes showed fluoride levels much higher than the federal government's safe water standard of 4 parts per million. Water from one home measured at more than 150 ppm.

### FIGURING OUT THE PROBLEM

What went wrong in Hooper Bay? Mechanically, a pump broke. The mechanism that was supposed to lift water up the well and into the holding tank was working only intermittently, while at the same time, a separate device to inject fluoride into the water kept going at full speed. Water levels in the tank were low, but the fluoride kept flowing in as if it were full.

But there were other problems in Hooper Bay, according to the state's investigation.

Three weeks before the poisoning, the village sent off a water sample to the regional health agency, the Yukon Kuskokwim Health Corp., and the test showed a level of fluoride five times what is recommended in drinking water by the federal government. Agency officials called the village and told the well operator to shut off the fluoride, according to the state report.

The fluoride, state investigators later concluded, apparently was not shut off until three weeks later, after people began getting sick.

Hooper Bay, like all villages, was supposed to submit monthly water samples for bacteria to the Department of Environmental Conservation, but hadn't done so since 1990, according to DEC records. Chlorine and fluoride readings were taken more regularly and showed levels within safe ranges until early this year.

The village had been without a city manager for more than year. The water operator had little formal training.

Six weeks before the poisoning, DEC engineers doing work on the Hooper Bay well failed to notice the pump problems.

A lengthy report this summer by state epidemiologists outlined "multiple deficiencies that existed in design, operation, maintenance, training, communication, management and regulation of the water system."

The malfunctioning well was rebuilt this summer.

Smith's widow, Janet, filed a lawsuit last week against the regional health corporation seeking \$3 million in damages, claiming the agency was negligent in not warning villagers of the poisoning threat earlier.

### 'IT'S AN OUTRAGE'

"It's easy to point at a place and say it's dysfunctional," said Gessner, the epidemiologist with the state

Division of Public Health.

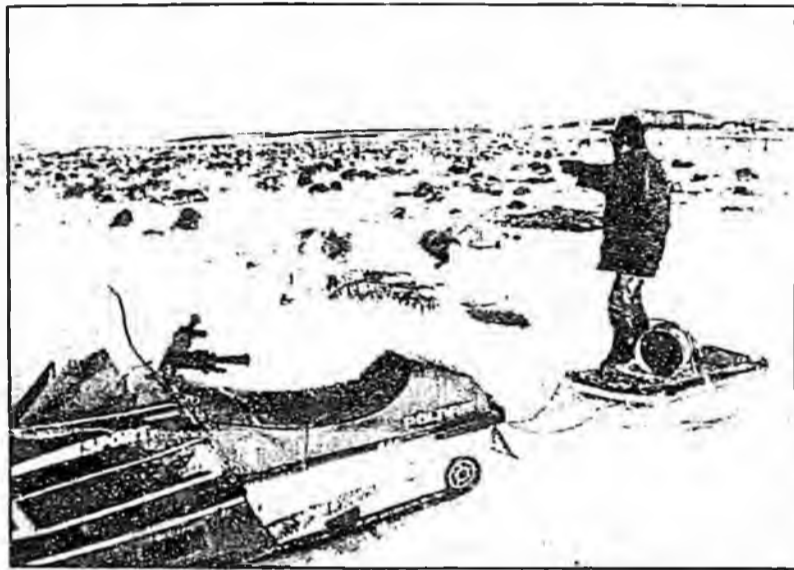
"But if you don't have the money to hire someone who has much training to operate your system, and if you're relying on someone who basically volunteers to do the work, it's basically a situation of where people are doing the best with what they have."

Roger Adams, principal of the Hooper Bay school, said: "Sometimes I have trouble understanding how, in 1992, you can have a community of nearly 1,000 people that doesn't have something that's considered perfectly normal anywhere else in the country."

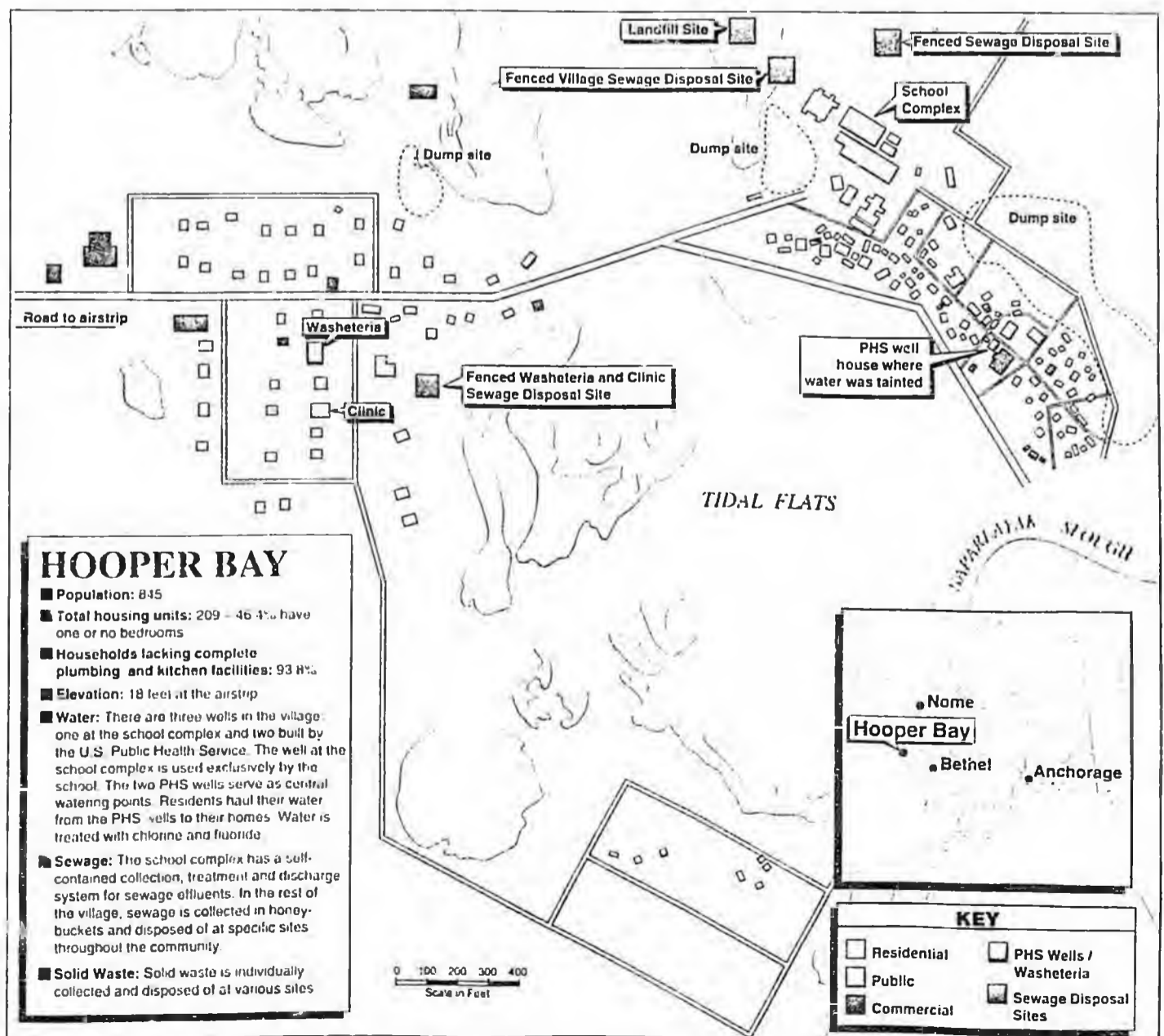
"Think about it — it's hard to find a community anywhere today that doesn't have running water. Out here, it's common. It's unusual to have it."

"When you think about it, to me, it's an outrage. I mean, people aren't out here on a camping trip. They live here. We've got 1,000 people in this town and we crap in a bucket. Really, there's no damn excuse for it."

"If we can put a man on the moon, then jeez, we ought to be able to solve this."



Hooper Bay has no sewer system, either, so its residents use honeybuckets. Here, Raphael J. Murrin empties buckets into a sewage pond in May.



Source: Alaska Department of Community and Regional Affairs, 1990 Census

RON ENGSTROM / Anchorage Daily News

# In A State Of Disrepair

Cold weather, high expense can plague even the best sanitation system in Bush



For Many Bush Alaskans, No Escape From Disease

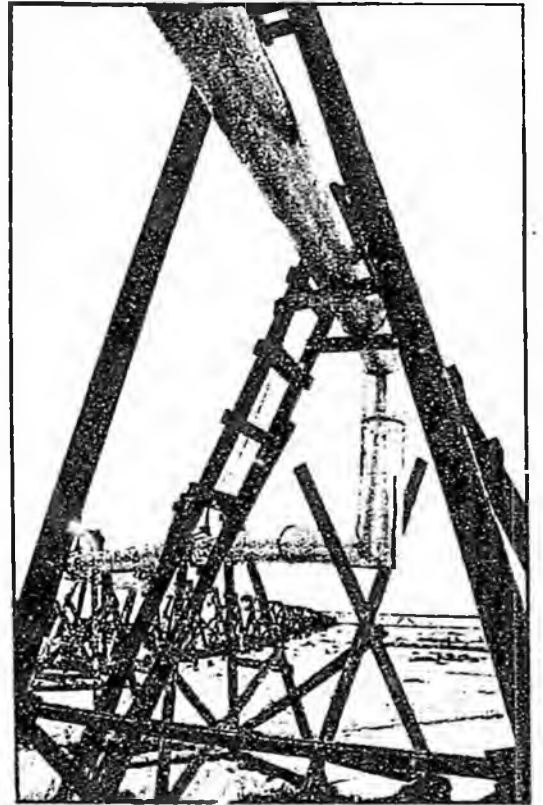
PART 4

By DAVID HULEN  
Daily News reporter  
Copyright 1992 Anchorage Daily News

In January, in the midst of an arctic cold snap that sent wind chills down to 40 degrees below zero, two government workers were dispatched to help solve a problem in the village of Buckland, an Inupiat settlement of 300 people south of Kotzebue.

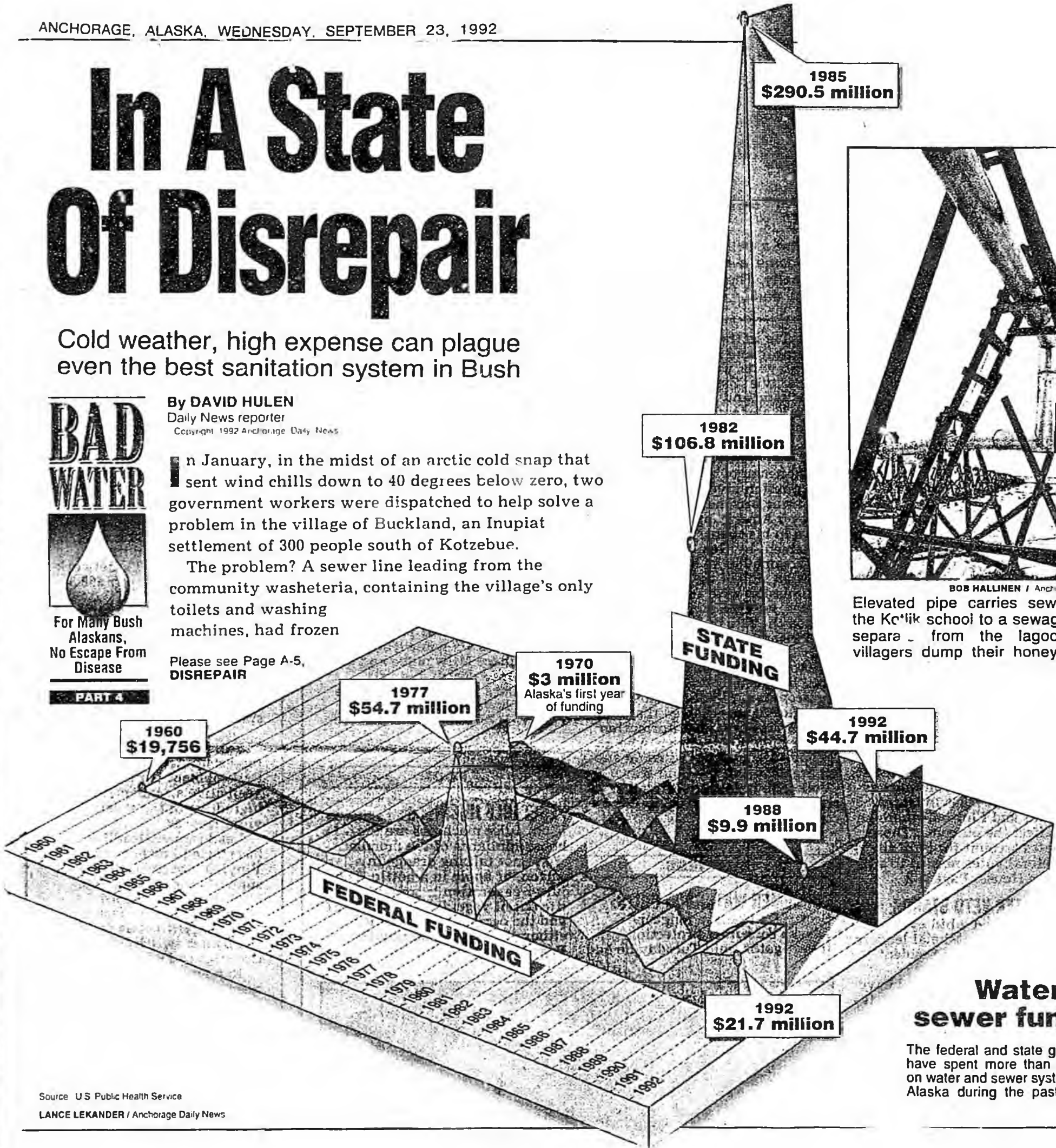
The problem? A sewer line leading from the community washeteria, containing the village's only toilets and washing machines, had frozen

Please see Page A-5, DISREPAIR



BOB HALLINEN / Anchorage Daily News

Elevated pipe carries sewage from the Ke'lik school to a sewage lagoon, separate from the lagoon where villagers dump their honeybuckets.



## Water and sewer funding

The federal and state governments have spent more than \$1.3 billion on water and sewer systems in rural Alaska during the past 30 years.

Source: U.S. Public Health Service

LANCE LEKANDER / Anchorage Daily News

# DISREPAIR: Alternatives sought to piped utility systems

Continued from Page A-1

solid.

It's a common problem in the Alaska Bush. Winter weather is as harsh as any inhabited region of the Earth, and it's difficult to find a sewer or water system anywhere in the state that hasn't had at least some freeze-ups.

## BAD WATER



For Many Bush Alaskans, No Escape From Disease

The problem in Buckland was easily solved. The workers, from the U.S. Public Health Service and the regional health agency, brought a specialized heater and within an hour or two had thawed the pipe, which carries waste water to a sewage lagoon.

But as they walked around the village, the water-system technicians noticed deeper problems than the freeze-up: Honeybucket dumpsters scattered between homes were overflowing. The city administrator explained that snow had drifted over the roads, blocking the path of the city snowmachine that's supposed to cart the dumpsters to the lagoon. The village didn't have enough money to continually clear snow, he said.

The village, like many others in Alaska today, is in bad economic shape. No fees were being collected for hauling off sewage. Buckland had no certified water or sewer plant operator.

Then the visitors discovered something even more surprising: The village government had virtually no tools to repair its water system.

In the Bush today, some communities function well. There are trained water and sewer system operators and the systems are maintained; the state or federal government provides technical assistance when problems arise. The water people drink is safe, even if they have to haul it home in a bucket. And there is an appropriate spot to haul sewage, even if there are no flush toilets.

That's how it's supposed to work everywhere.

But reality is often much different. Many water and sewer systems don't work like they were designed to, or function only sporadically. Visit any region of the state, or talk with people in government agencies, and you'll hear the stories.

### SERIOUS PROBLEMS

More than \$1.3 billion in public money has been spent during the past 30 years building water and sewer systems across rural Alaska. Year after year, funding new village construction projects becomes a big political issue in Juneau. Year after year, getting village projects in the federal budget is a priority of the state's congressional delegation.

Yet until recently, much less attention was paid to maintaining village systems

once they were built, or helping village residents learn to do it.

"You can't give a person without a job a Jaguar and say, 'Here are the keys, now go drive it, but just remember, you have to be really responsible and take good care of it,'" said Paul Hansen, an official with the Maniilaq Association, the health agency that serves villages in northwest Alaska.

Virtually every village today has some sort of functioning water and sanitation system. About half have piped utilities that provide running water and flush toilets in homes. The others have much cruder systems: outhouses and honeybuckets, and central washeterias or wells that require villagers to haul drinking water home in buckets.

But problems with all kinds of systems are common, and it doesn't take much for even the expensive piped systems to fall into serious disrepair.

How many systems are broken?

A village-by-village report by the Alaska Department of Environmental Conservation earlier this year showed serious problems in many of the more expensive systems. Some excerpts:

**Ambler:** "Lift station froze, surface runoff problems" ... **Angoon:** "Existing treatment plant inoperative" ... **Hoonah:** "Treatment plant beyond operating capacity, electrical consumption high" ... **Hydaburg:** "Raw sewage discharged into ocean" ... **Kaltag:** "200-foot section of original system has settled, causing pipe to belly" ... **Kiana:** "Frozen lines" ... **Manokotak:** "Lift station works intermittently" ... **Noatak:** "Lift stations frost-jacked, PVC pipe shattered, lagoon eroding" ... **Noorvik:** "Partial freeze-up (1990), only 25 of 85 homes still have service, inadequate pressure, raw sewage backing up" ... **Russian Mission:** "Sewer line damaged by flood."

### 'UNQUALIFIED'

"We run on a razor's edge every winter," said Bob Fonte, vice mayor of the village of Unalakleet, who has had a functioning piped utility system since the mid-1970s. "So many things can go wrong."

Much of it has to do with the physical environment. It's outrageous. Many villages sit atop permafrost, which makes building anything a potential disaster. Arctic weather is almost a guarantee for freeze-up. Older systems using metal and plastic pipe crack when they freeze, leading to very expensive repairs.

But part of the problem also has had to do with maintenance inside villages.

It's a problem a lot of people don't like to talk about. Some government officials are afraid to talk bluntly about past mistakes by maintenance workers in Native villages for fear the comments will be construed as racist. Some village residents don't like to talk about it because they think it reflects badly on their communities.

"Absolutely there are unqualified operators," said Anne Walker, executive

director of the Alaska Native Health Board, an advocacy organization which has lobbied for more government spending on village utility systems and maintenance programs.

"The thing we've got to do is make it easier for people to become qualified."

Few rural villages, including virtually all of the smaller ones where the systems consist of honeybuckets and central wells, have certified operators for their water and sewer systems. Yet these operators must routinely add chlorine and fluoride — chemicals which can be dangerous if used incorrectly — and are required to test for hazardous contaminants.

Since the early 1970s, the state has not required certification of operators of water and sewer systems with fewer than 500 users — which includes most villages. Operators in larger communities must take classes and pass a state examination.

Some state officials and villagers defend the regulation, saying that to force more requirements on villages would only make it more difficult to find qualified operators. But there's also a movement within the Department of Environmental Conservation to require operators to have more training. Proposed new regulations, which could take effect next year, would require all villages to employ "qualified" operators — although just what "qualified" means is still being debated.

Some cash-strapped communities have trouble paying more than \$10 an hour to their water operators, which has made it difficult to fill the jobs with anyone who has experience or training. Even operating village government year-round in subsistence-based communities can be difficult.

"If you have an operator there on the job a few days, then he takes off to go fishing — which he probably needs to do to support his family because he can't make enough with his job to do that — well, then, you're really leaving the safety of the community open," said Melanie Abell, statewide director of drinking-water quality for the DEC.

### WATER SAMPLES

In many communities, it's difficult to know just how good — or bad — the water is because no one samples it. Under state law, communities are required to test drinking water at least



BOB HALLINEN / Anchorage Daily News

*It gets down to the question of how much the governments are willing to spend to improve health and the quality of life in the villages. That, and how much of a commitment the local communities are willing to make to make the things work.*

— Anne Walker, executive director  
Alaska Native Health Board

once a month for bacterial contamination. Yet dozens of villages regularly fail to test their water, according to state and federal records.

According to the U.S. Environmental Protection Agency, 140 water systems in Alaska violated bacteria testing standards in 1991. Only 24 percent of the state's community water systems made last year's Governor's Commendation List; to be listed a community can have no bacteria monitoring violations or boil-water notices, and the community must carry out regular testing for chlorine and pollutants.

Still, there has been some progress. The number of catastrophic freeze-ups appears to have decreased the past couple of years, according to officials with the DEC and federal government. Polyethylene pipe that doesn't crack when frozen has been developed and is being installed in many villages.

The state has developed a program that places maintenance workers in rural hubs to serve clusters of villages for more serious problems. About half the villages in the state are now covered. A similar new program provides administrative expertise to small village governments.

Meanwhile, people involved in the issue — from villagers to government officials to Native leaders —

are asking whether there are other ways to solve the problems besides expensive, conventional piped utility systems.

Several alternatives have been explored. Companies have developed composting or chemical toilets that some people think could work in the Bush, yet some of these businesses complain that their ideas have been stifled by government red tape.

Government officials say some of the ideas may well hold promise, but that none is advanced enough to be used on a wide scale.

A solution being talked about increasingly is a haul system, widely used in Canada and in some larger Alaska villages, such as Bethel. Although the details may vary from system to system, most involve closed, separate water and toilet systems in each household. Water trucks make regular deliveries and other trucks pump out and haul off sewage regularly.

A small-scale test haul system, developed by a Canadian company, was installed last year at Mekoryuk on Nunivak Island. The system recycles dirty water from sink drains for use in toilets, and water and sewage is hauled to and from individual houses by a city-owned four-wheeler.

As with piped systems, the haul concept has two drawbacks, people familiar with it say: It's expensive and requires maintenance. In a lengthy report on the Canadian system last year, an engineer with the Alaska Department of Environmental Conservation concluded that the system worked largely because its operation was heavily subsidized by the federal government, which pays up to 80 percent of operating costs in most communities.

### MILLIONS OF DOLLARS

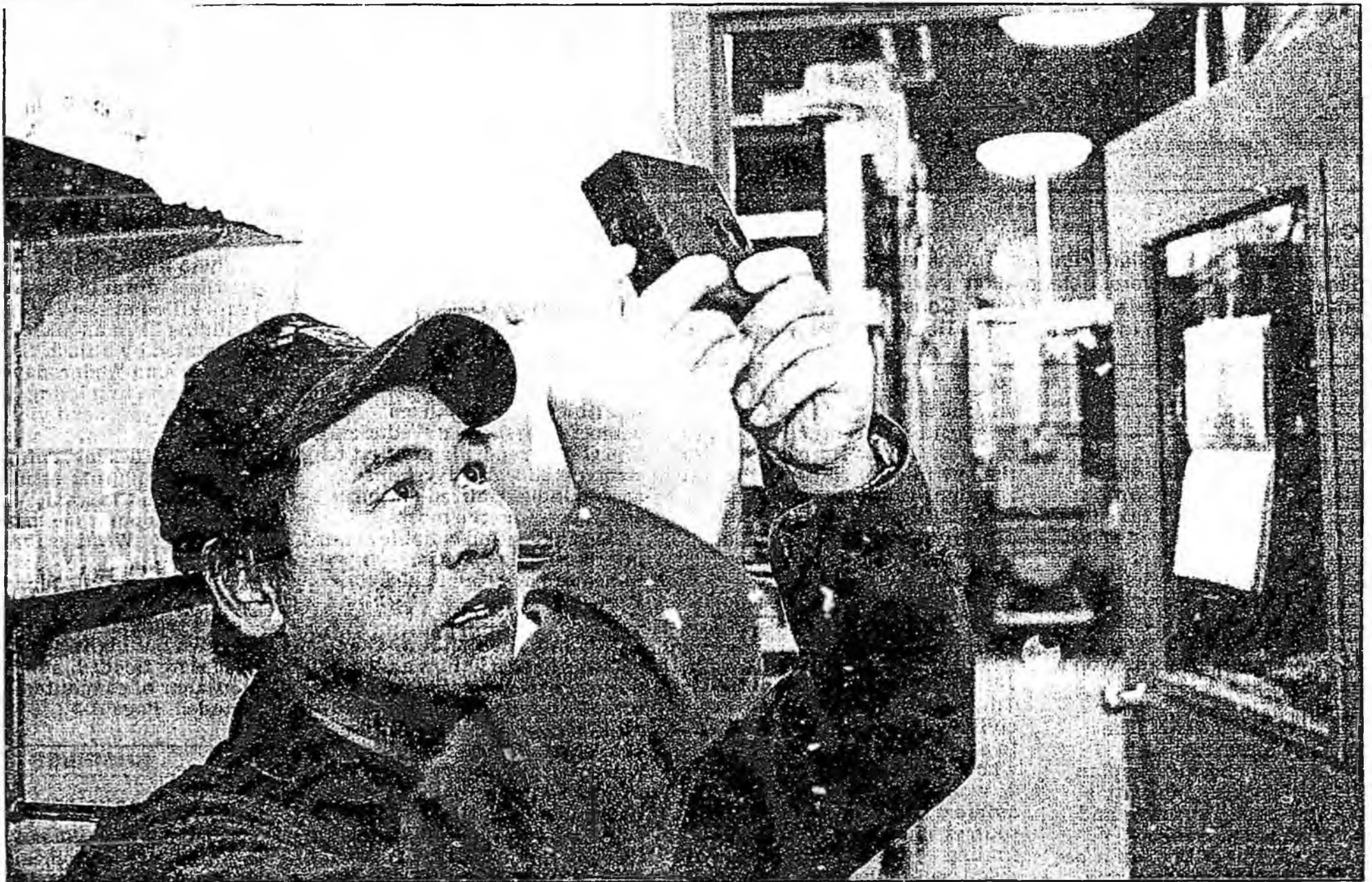
In Alaska, there are no direct state or federal subsidies for water and sewer operation. Fitting houses with closed water systems and toilets could cost hundreds of millions of dollars.

A report by the U.S. Public Health Service earlier this year estimated that it would cost more than \$40 million a year to operate haul systems statewide — money local villages don't have.

State officials point to declining oil revenue, which provides most state money, and say it's going to get harder to spend vast sums on the problem. Federal agencies are becoming more conservative, too. Native leaders, meanwhile, point to health problems in the villages and are demanding that something be done.

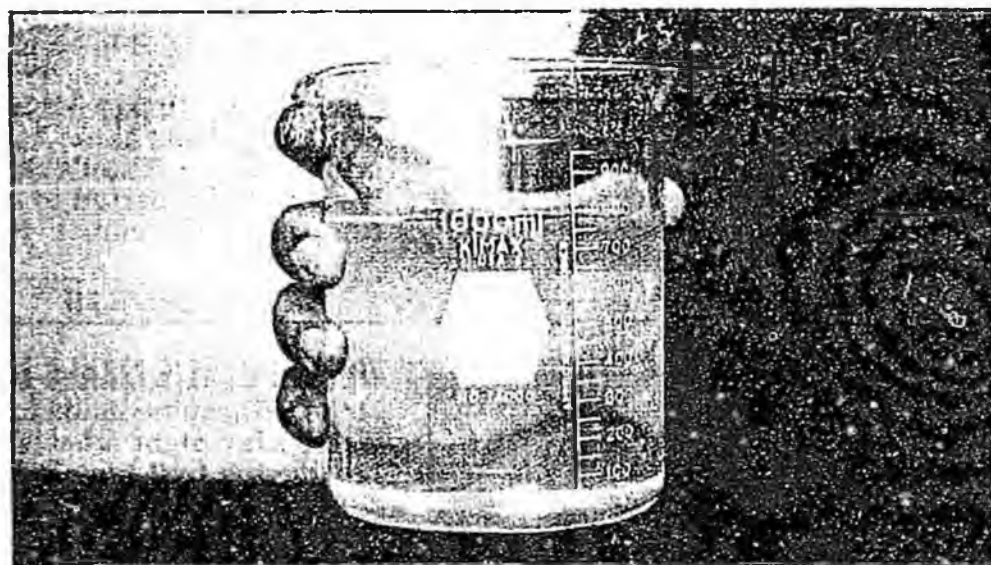
Whatever the choices, any system seems unlikely to work, given the past, unless it is designed so it can be maintained by local communities.

"It gets down to the question of how much the governments are willing to spend to improve health and the quality of life in the villages," said Walker, of the Native Health Board. "That, and how much of a commitment the local communities are willing to make to make the things work."



BOB HALLINEN / Anchorage Daily News photo

Emmonak's water-plant supervisor, John Westlock, checks the chlorine level in the village water supply late last week.



Yukon River water, after treatment in the Emmonak sanitation plant, is ready to drink. Here's a beaker of the finished product.

# One Village Says Enough Is Enough

## Determined Emmonak brings home a piped utility system

By DAVID HULEN  
Daily News reporter  
Copyright 1992 Anchorage Daily News

Ten years ago, the people in the Yukon Delta village of Emmonak decided they'd had enough — of chopping and melting river ice to get drinking water, of lugging full honeybuckets out of their houses every day, of living with the risk of disease from daily contact with sewage.

"There were all these sicknesses going around the community," said Andrew Kelly Sr., a lifelong resident of the village who served on the city council at the time.

"People got together and talked. They said, 'This isn't the way to be living.'"

So village residents decided to do something about it.



Leaders of Emmonak, with a population of about 700, began talking with state and federal agencies. They lobbied the legislature and got \$1.8 million in start-up money to build a piped utility system.

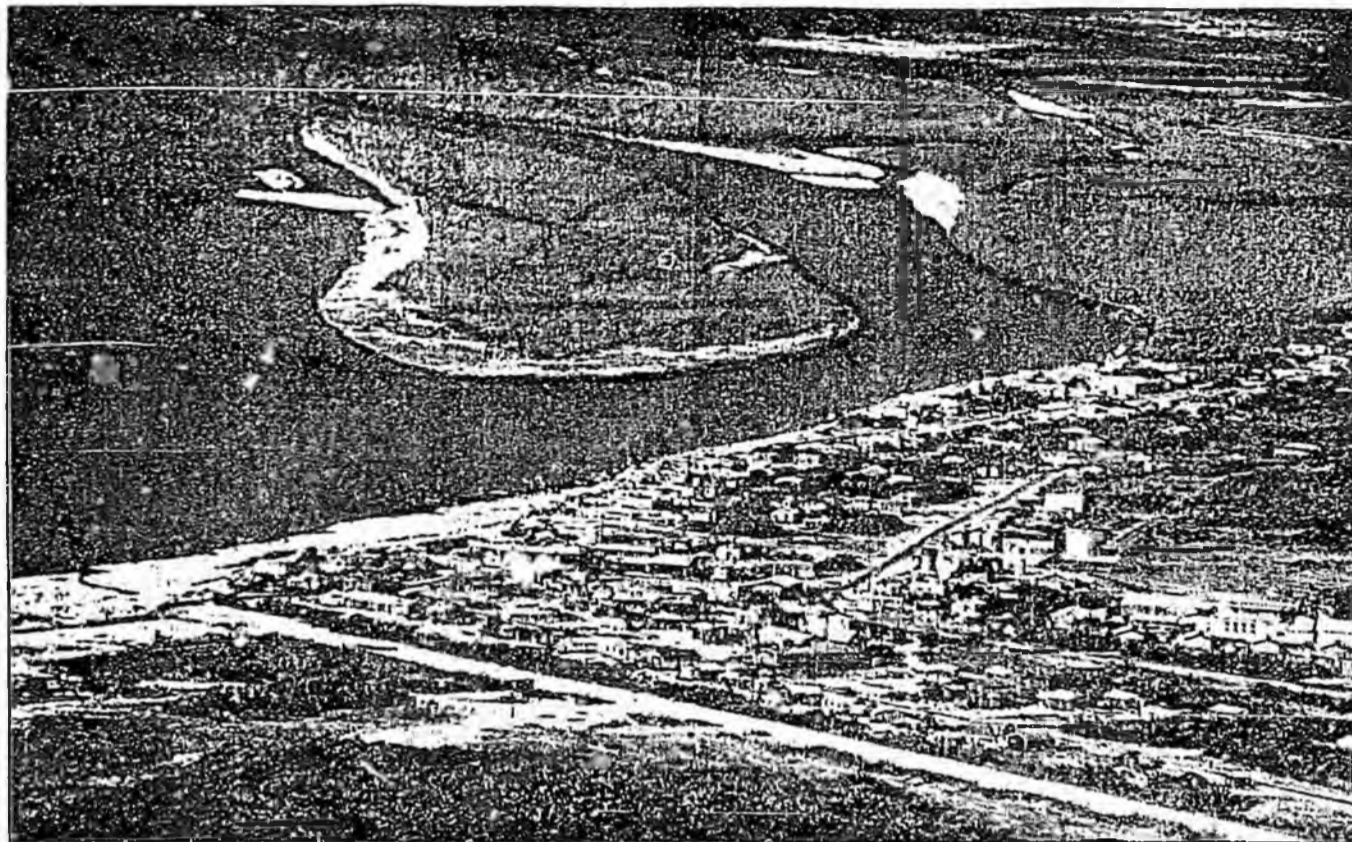
Contractors and agency officials were invited to meetings with villagers. The community settled on a seven-year construction program and villagers continued pressing legislators every year for funding. The villagers passed a local sales tax to help operate the system.

Today — \$11 million in construction later — Emmonak has a piped utility system that snakes above the tundra through the village, providing most homes with running water and flush toilets

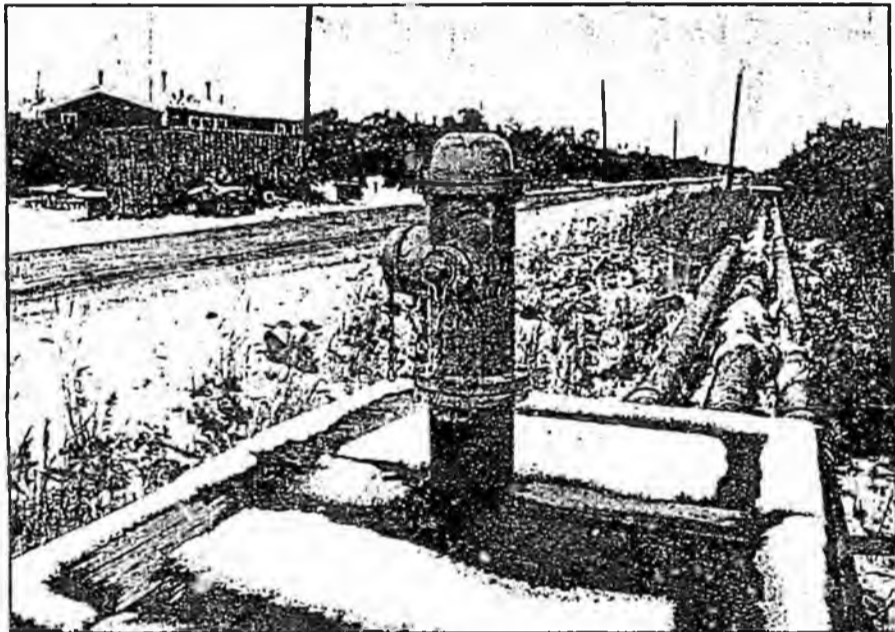
Please see Page A-6. CLEAN

What strikes me about some villages is that they really made a commitment, not just to get money for a project but to make it work.

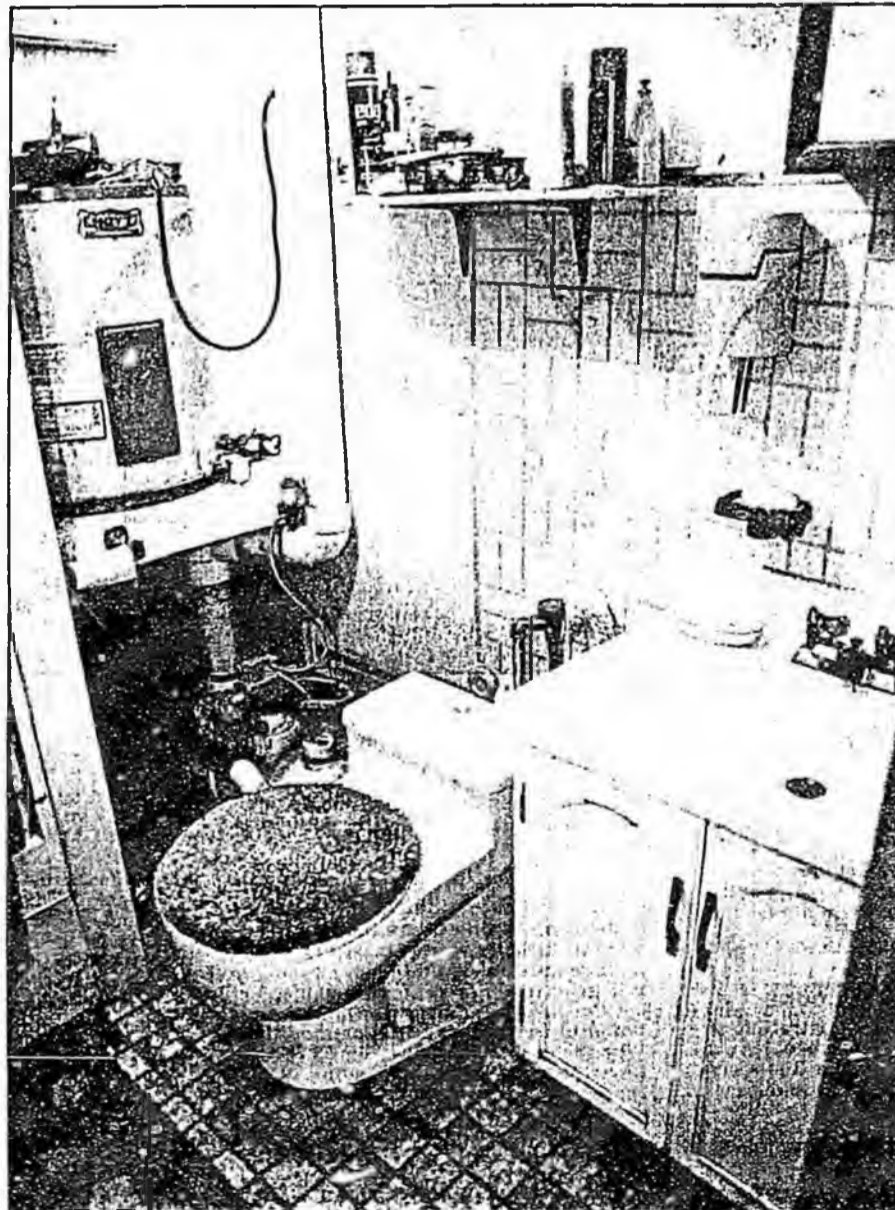
— Greg Capito, director, Village Safe Water Section, Alaska Department of Environmental Conservation



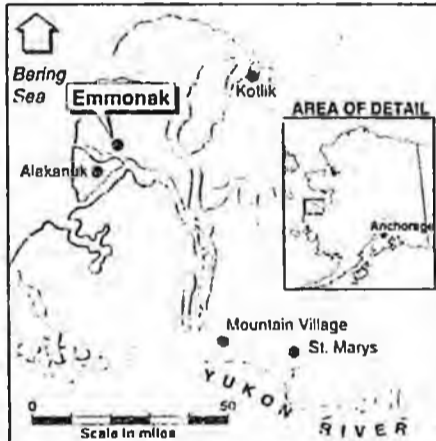
Emmonak, a village in the Yukon River Delta, worked hard as a community to outfit itself with a water and sewer system.



Fire hydrants are part of the above-ground piped water system in Emmonak.



Vacuum sewer lines carry waste away from flush toilets like this one in Emmonak.



### EMMONAK

- Population: 642
- Elevation: 10 feet at the airstrip
- Total housing units: 177 — 39.5% have one or no bedrooms
- Water and Sewer: A \$10.28 million piped system installed in stages starting in 1982, connected to 165 homes, three businesses and two schools. Water is pumped from the Yukon River, treated and filtered, then stored in a 200,000-gallon holding tank. Homes have vacuum toilets and gray-water sump pumps connected to pipes that flow into a central sewage lagoon. The system has five miles of main pipe, with 2.5 miles of above-ground service lines. The system is maintained through a \$50-per-family monthly charge, plus a 1% sales tax.

Sources: Alaska Department of Environmental Conservation, 1990 census  
RON ENGSTROM / Anchorage Daily News



A weasel pokes its head out of a spare piece of pipe in the maintenance yard behind the sanitation plant in Emmonak.

Photos by Bob Haininen  
Anchorage Daily News

## BAD WATER



For Many Bush Alaskans, No Escape From Disease

### THE SERIES

**SUNDAY**  
The quality of drinking water and the means of disposing of human sewage in dozens of Alaska communities remains on a par with the developing world and is as primitive as anywhere in America. Sickness often results.

**MONDAY**  
Human sewage leaked from underground pits two summers ago in Kotlik, sparking an epidemic of viral meningitis. It shows what can happen in an Alaska village that lacks modern water and sewer facilities.

**TUESDAY**  
Even when a village has running water, there is no guarantee that the system is functioning safely. Take the case of Dominic Smith, who died of fluoride poisoning in the spring of the year in Healy Bay.

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More than \$1.3 billion has been spent during the past 20 years on water and sewer systems in rural Alaska. Yet until recently, much less attention was paid to maintaining village systems once they were built.

**TODAY**  
Ten years ago the villagers of Emmonak decided they had enough. They were sick — literally — of not having water and sewer systems. They took action, and everything is working just fine now.

# BAD WATER



For Many Bush Alaskans, No Escape From Disease

## Reaction To The Problems In Bush

### JOHN SANDOR

Commissioner, Alaska Department of Environmental Conservation



"The state has to have a better overall policy. . . From an environmental standpoint, these things have got to be among the top priorities. Some of these folks in the villages have lived there for thousands of years without these facilities, but that certainly doesn't mean they should continue to live that way. But we know we can't just put conventional systems in all these villages. It's a matter of public health but also a matter of quality of life. And if we're ever going to get economic development in rural Alaska, it's a must."

### FRANK MURKOWSKI

U.S. senator



"Without question in my mind, it's the most serious health problem in rural Alaska. In my opinion, you have to depart from the norm and encourage innovative technology. . . The bureaucracy can't quite seem to have that degree of flexibility to make the decisions. . . The question, to me, is how do you get guys with good ideas approved into the process? The agencies have adopted uniform standards for rural America and applied them to the Bush, and you can't do that."

### TONY SMITH

Candidate for U.S. Senate



"From what I've heard from people in rural Alaska, they're really worried about the operational costs. I've had some village leaders describe to me a concern that the solutions that are always proposed by the bureaucracy are always operationally very intense. They're very sophisticated systems, yet a lot of these villages just don't have the money. . . They're concerned you need a master's degree from MIT to run the thing and you'll need to have parts flown in from who-knows-where. They just need systems that work and that they can maintain."

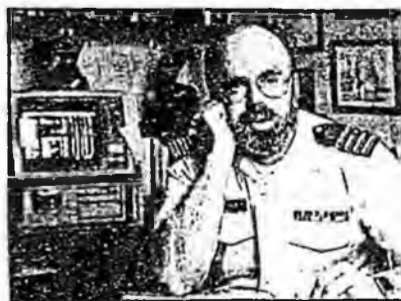
### GENE PELTOLA

President, Yukon-Kuskokwim Health Exp.

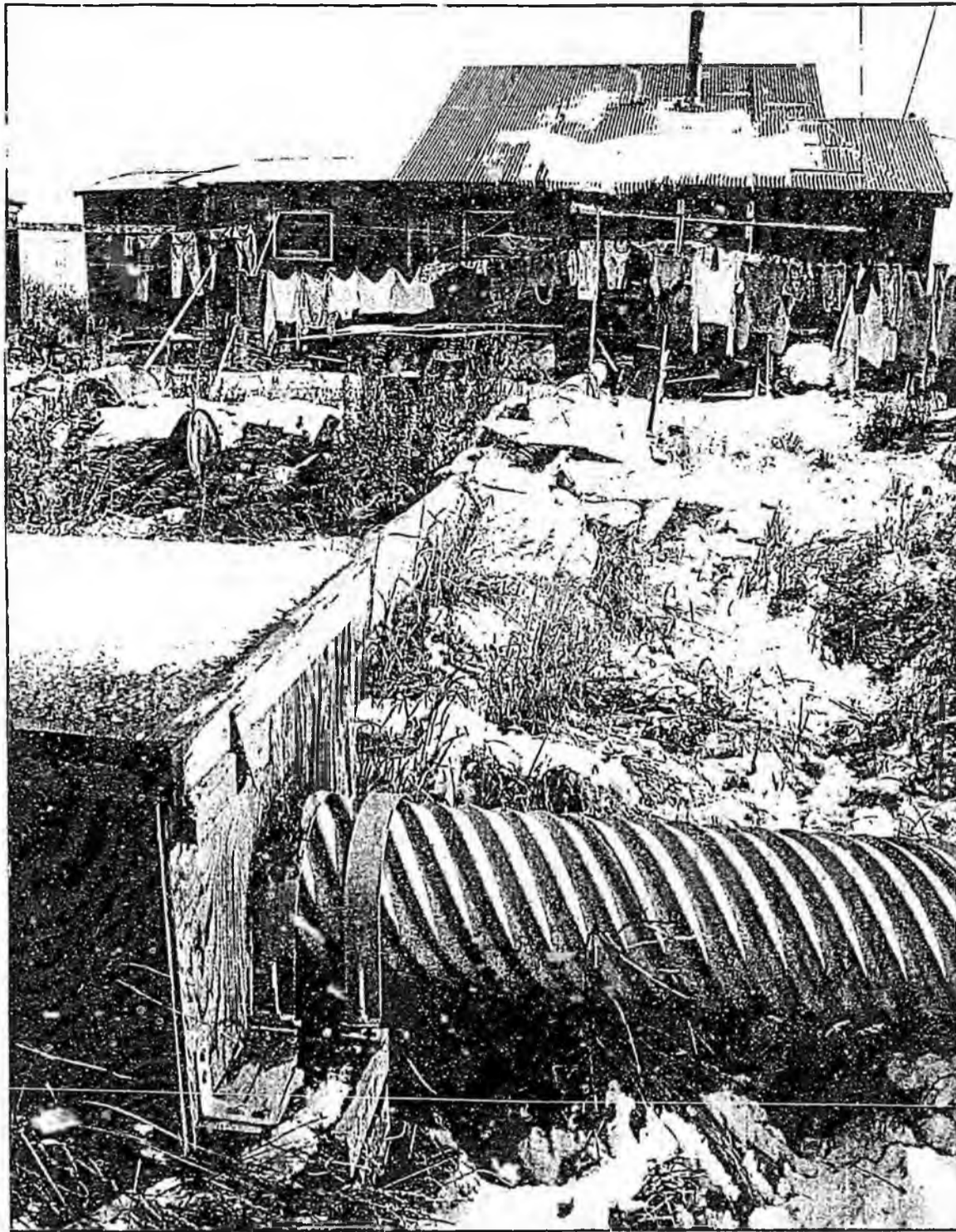
"I could count on my hands the number of times in the past month that a kid out here in the delta has had a glass of water. They drink pop. People don't drink water like they should because good water just isn't available or it's such a hassle to get. . . There's a real unawareness in the state and in the rest of the country about the conditions. It's probably not feasible that every village out here is going to get piped utilities. The availability of money just doesn't make it practical. But I think there's got to be a lot of room for these villages to get somewhere between piped utilities and honeybuckets."

### JIM CRUM

Director, Division of Sanitation Facilities, Office of Environmental Health and Engineering, U.S. Public Health Service for Alaska



"Health conditions (in rural Alaska) are not as good as in the rest of the U.S. or in urban Alaska. They are better than in Third World countries. Environmental health is not the problem it was years ago. . . Native culture itself is unique and rapidly changing. We all must understand these changes in order to solve the social problems. . . We design, build and test new approaches to solving problems in the physical environment of the Arctic. That's the easy part of engineering. The difficulty lies in the operational and cultural aspects of making the solutions work."



'Utilidor' pipeline is pictured in front of a home in Emmonak. Most of the village's homes are now hooked up to the water and sewer system, and a government grant has been obtained to hook up most of the homes this fall.

BOB HALLINEN / Anchorage Daily News

## CLEAN: System cost, viability examined

Continued from Page A-6

broken pipe and then try and fix the pipe," said Capito, of the state's village water program. "Well, that ain't what's broken. . . The problem is much larger than that broken pipe."

Native leaders and government officials increasingly talk in terms of "community development" as a way to solve water and sanitation problems. The answer, they believe, isn't necessarily to spend another billion dollars to construct modern, maintenance-intensive systems in each village. Rather, they think it has more to do with helping villages figure out what people want and what they can maintain, then help them achieve it.

For some villages, that may mean expensive piped systems, like Emmonak's. For others, it may be less expensive, more practical systems, such as central watering points and honeybucket pickup.

"People who choose to organize and live in rural communities have as much right to state and federal public-works money as anyplace else," said Anne Walker, executive director of the Alaska Native Health Board, a Native-run agency that works on behalf of rural health organizations.

"But the question that has to be asked is, 'OK, we received these dollars. What are we going to do to make sure the project is viable, that it can work, that we can afford it and keep it going?'"

Jim Crum, a public works engineer who directs village water and sewer projects for the U.S. Public Health Service in Alaska, said government agencies are learning that they can't simply install projects and walk away. As government construction funds get tighter, money will not be doled out "without more and more questions being asked about a community's ability to maintain systems. "The successful engineers need to have an understanding of both the physical and social sciences," Crum said. "You're basically dealing with developing cultures in a lot of places. . . What works down below is not necessarily going to work at all up here."

The problem, however, is that some of the villages with the worst needs may also be the ones least able to maintain new systems. What's the solution? Nobody is sure.

### EASIER SAID THAN DONE

Officials within the administration of Gov. Wally Hickel — like the people in several administrations before his — say they want to make clean water and improvements in sewer systems a top priority of state government. In the months following his election, Hickel was harshly criticized by residents of rural areas, who saw his talk of building a water pipeline to California an insult when more than 100 communities in

Alaska had no running water. In recent months, state officials have been spending an increasing amount of time looking for solutions.

John Sandor, commissioner of the Department of Environmental Conservation, said he wants "to eliminate honeybuckets as an accepted way of disposing of wastes in Alaska. That just shouldn't be acceptable to people."

But it's much easier said than done. For every village like Emmonak — and there are a number of them, according to state officials and villagers — there are many other communities with chronic water and sewer maintenance problems or no systems at all, or with residents unwilling to pay for service, or with governments unwilling to impose service fees.

Fixing the problem will be extremely expensive at a time when declining oil revenue means state spending will have to be cut. Pressure to cut federal spending is also high.

A report by the DEC earlier this year estimated that it would cost up to \$50 million a year over the next 17 years — more money than the state has spent on such projects in four of the past five years — to upgrade all of the villages to either piped or truck-haul systems. The DEC is recommending that the work be done in steps, with first priority to build water treatment or honeybucket-haul systems in the nearly 50 villages where residents drink untreated water and dump their own toilets.

A state task force appointed by Sandor has been meeting now for several months, with more than 35 representatives from government agencies, villages, private companies and elsewhere trying to find a solution. A lengthy report outlining the state's new policy is expected in early October, and the plan will be a major topic at the annual Alaska Federation of Natives convention next month.

Among the draft recommendations: continue state funding of water and sewer projects at existing levels; increase the emphasis on individual household water and toilet systems with water delivered and sewage hauled away, rather than more expensive piped systems; improve the way agencies work together and with villages; improve training of village system operators; explore the idea of a state subsidy for water and sewer plant maintenance and operation of systems by village or regional corporations.

"I've heard people ask, 'Why are you bothering with these little communities, why spend so much money on it? People have lived out there like that for centuries,'" Sandor said.

"Well, it's a matter of basic human health. If it's an established community, it's the responsibility of the state and federal governments to assure that people have safe water to drink and safe sewage disposal."

Improvements will take years. Support

from urban legislators for village projects could become increasingly difficult as budgets get tighter.

"It's going to be real difficult, frankly, to pull it off," said Capito, of the DEC's Village Safe Water Section. "Anybody who thinks this is going to be fixed in a year and a half is in for a surprise."

### HINDERING PROGRESS

Ultimately, it's difficult to talk about village water and sanitation issues without also raising questions about the future of many of Alaska's rural communities.

Many villages are rich in poverty and heavily dependent on government aid. Populations are growing rapidly in many regions. And, increasingly, people who are familiar with the problems of many rural Alaska villages — from alcoholism to bad schools to suicide — believe stronger economies must develop if the quality of life is to improve.

Lack of reliable water supplies and human-waste disposal has hindered economic development in some places, said Perry Eaton, a Kodiak Native and president of the Community Enterprise and Development Corp., a cooperative which works with villages to establish new business.

"As a state, we just haven't done a very good job of developing basic infrastructure," Eaton said. Lack of large quantities of safe water has hindered development of the seafood-processing industry in some communities, for example. More villages are looking to tourism as a simple way to pump money into their communities. But some are finding that it's difficult to attract visitors to communities without running water or toilets.

"The world at large expects certain standards and a lot of rural Alaska doesn't meet the simplest standards of western European travel, let alone more demanding standards like the Japanese would expect," Eaton said.

"In that sense, there's not a hell of a lot of differences between some of our villages here and those in Africa."

Larry Merculieff, former commerce commissioner under Gov. Steve Cowper and now the city manager at Saint Paul, was chairman of the state task force. He said the state should develop a long-term policy for fixing village problems — and soon.

"It's going to be a growing problem," Merculieff said. "We have rapidly declining state and federal funding and rapidly growing populations. Things are going to just get worse unless we do something. There's little cooperation between the agencies — it's a formula for failure. We've got to take stock of where we are now because things just aren't working."

# Anchorage Daily News

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Katherine Fanning, Editor and Publisher 1971 to 1983  
Lawrence Fanning, Editor and Publisher 1967 to 1971

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## The Bush

### Back to the basics in rural Alaska

Fixing Alaska's deficient water and sewer systems is a challenge that's both simple and enormous — as simple as making it possible for everyone to wash their hands, and as enormous as repairing the breakdown of a whole culture.

Washing one's hands several times a day is easy in the city. But it's a major chore — in fact, sometimes

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*Every town doesn't have to have silver-plated sewer pipes and brass fixtures on the toilet. But it is the obligation of the state and federal governments to provide at least a basic level of service.*

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an impossible one — if a family's water is stored in a single container for many uses, it's not hot and there's no faucet. Lacking the ability to wash away germs leaves villagers vulnerable to the diseases that ravage whole communities in the bush, such as hepatitis.

Some villages do have sanitary, well-run systems, as hard as it is to develop them. The critical point doesn't seem to be whether the town is using portable honeybuckets or has

actual pipes running between houses to carry water and sewer. A functional system depends in the end on the commitment and organization of the villagers.

For example, a strong local government, whether based in tribal traditions or subunits of the state, can help a village to secure what it needs from outsiders, especially the state and federal governments.

A town that has strong leadership is able to nurture the economic development that good water and sewer systems make possible; to educate young people who can maintain and improve the village's modern conveniences; and to deal with circumstances like cutting off service to your uncle who hasn't paid his bill.

Most of all, villagers need a strong commitment to work through the interminable meetings, studies and bureaucratic by-ways that lead to a sewer system.

Emmonak, a town of 700 on the Yukon Delta, is a case in point. The people of Emmonak first began lobbying for a safer sanitation system because they were afraid exposed sewage was making people sick. It took seven years, persistent lobbying, endless meetings with contractors and government officials, and even a self-imposed sales tax before the system could be built. Individual households couldn't afford the whole cost of about \$100 per month, so Emmonak decided to charge \$50 per month and make up the difference with a sales tax.

Every town doesn't have to have silver-plated sewer pipes and brass fixtures on the toilet. But it is the obligation of the state and federal governments to provide at least a basic level of service, so that mothers don't have to worry about their children stepping in sewage when they play hopscotch in the yard.

Thankfully, the Hickel administration seems to have moved beyond a piecemeal approach and is looking at needs statewide. A task force is developing recommendations that include specific goals and priorities. State officials estimate that another \$1 billion could be spent to upgrade bush sewer and water systems. That's on top of the \$1.3 billion government agencies says they've already spent on sanitation systems.

A daunting process lies ahead — designing all of these systems, getting commitments from villages to pay for their operation and maintenance, and commitments from legislators and bureaucrats to build them. With declining state revenues, it's tempting to say it just can't be done. But it must be done. The answer is to press ahead a little at a time. The Hickel administration is off to a good start.

MAR 24 1993

WALTER J. HICKEL, GOVERNOR

OFFICE OF THE COMMISSIONER  
410 WILLOUGHBY AVE., #105, JUNEAU, AK 99801-1795

Phone: (907) 465-5050  
Fax: (907) 465-5070

**DEPT. OF ENVIRONMENTAL CONSERVATION**

March 5, 1993

The Honorable Randy Phillips  
Alaska State Senate  
State Capitol, Room 103  
Juneau, AK 99801-1182

Dear Senator Phillips:

On February 26, 1993 the Senate Rules Committee, at the request of the Governor, introduced Senate Joint Resolution No. 25. The Resolution urges the federal government to assist the State in a long-term comprehensive effort to improve sanitation conditions in rural Alaska.

Specifically, SJR 25 asks President Clinton to direct the Environmental Protection Agency to join the State in a partnership to finance and implement a long-term strategy to improve sanitation conditions in rural Alaska. It also requests President Clinton to ask seven federal agencies for the funding and resources needed to achieve the State's rural Alaska sanitation strategy.

As Chair of the Senate Community and Regional Affairs Committee, I hope it will be possible for you to schedule a hearing on this issue in the near future.

I have enclosed a briefing packet on the rural sanitation issue for your review and would appreciate the opportunity to meet with you to discuss this problem and the strategies developed by the Alaska Sanitation Task Force.

With passage of this resolution, we can send a unified message from the State of Alaska to the Clinton Administration asking for federal assistance to address this tremendous health and environmental problem. As the new Administration is still formulating its priorities, I believe time is of the essence in bringing this issue to their attention.

Please contact Janice Adair in our office at 465-5000 to let us know when this resolution will be scheduled, or if you need any further information.

Sincerely,

  
John A. Sandor  
Commissioner

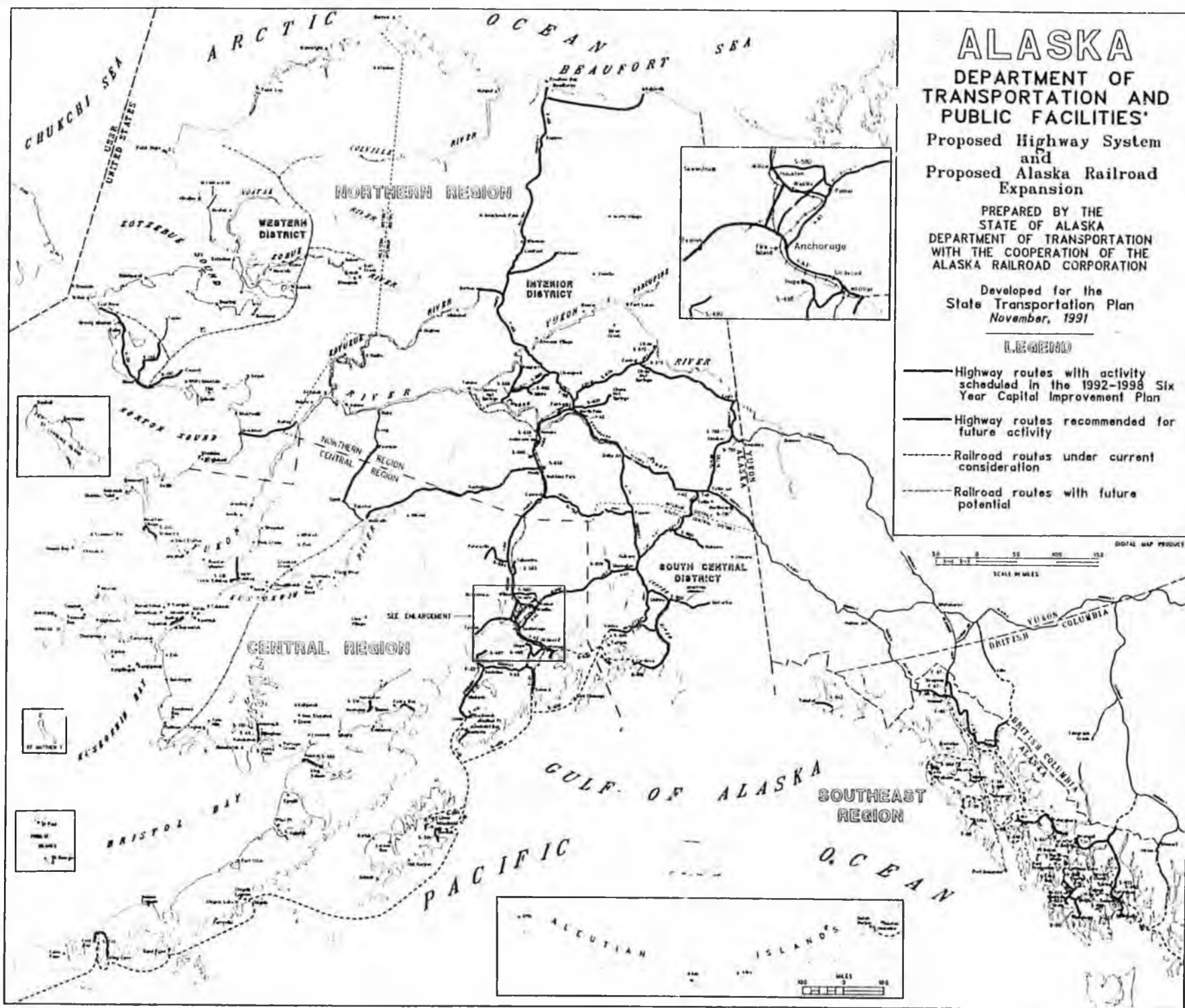
Senator Randy Phillips

-2-

March 5, 1993

Enclosure

cc: The Honorable Robin Taylor, Alaska State Senate  
The Honorable Rick Halford, Alaska State Senate  
The Honorable Al Adams, Alaska State Senate  
The Honorable Fred Zharoff, Alaska State Senate  
Kris Lethin, Legislative Liaison, Governor's Office



# ALASKA





## DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES'

### Proposed Highway System and Proposed Alaska Railroad Expansion

PREPARED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION WITH THE COOPERATION OF THE ALASKA RAILROAD CORPORATION

Developed for the State Transportation Plan November, 1991

#### LEGEND

-  Highway routes with activity scheduled in the 1992-1998 Six Year Capital Improvement Plan
-  Highway routes recommended for future activity
-  Railroad routes under current consideration
-  Railroad routes with future potential

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WALTER J. HICKEL  
GOVERNOR

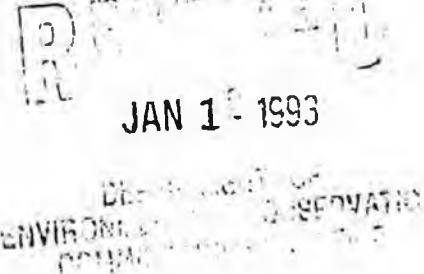


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STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

December 17, 1992

The Honorable Ted Stevens  
United States Senate  
522 Hart Building  
Washington, DC 20510-0201



Dear Ted,

A little over a year ago, I asked Commissioner Sandor of the Department of Environmental Conservation to put together a multi-disciplinary task force to look into ways of improving the tremendous sanitation problems experienced in our state's rural communities. He assembled a 45-member team representing over 25 state, federal, and Native organizations. Through the dedicated efforts of these experienced professionals, Alaska now has a long-term, well-defined rural sanitation strategy.

It's an ambitious but realistic strategy which has gained strong support from the Alaska Federation of Natives and the Alaska Municipal League. My Rural Development Subcabinet has also endorsed it.

I am committed to implementing this plan and would appreciate your assistance in securing a parallel federal commitment.

I realize federal resources are tight, but I believe the funding plan we are proposing is prudent. Given the willingness of Congress to limit the state's ability to develop our natural resources and thereby generate royalties and revenues to pay for solving this problem on our own, I think this funding request is more than reasonable.

Specifically, I am requesting your assistance in securing a five-year federal commitment which matches the state's allocation of \$25 million per year for improving water and sewage systems in rural Alaska. A percentage of the federal appropriations should be designated to fund the state's efforts to provide the training and support necessary to ensure the proper community planning, operation, and management of these facilities. When compared to the millions of federal dollars currently being spent for water and sewage projects in such areas as Tijuana (over \$120 million this year alone), I think everyone would agree our request is reasonable, and Alaska's sanitation needs are as great or greater.