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11108 SENATE COMMUNITY & REGIONAL AFFAIRS



Natural Resources Conservation Service  
510 L Street, Suite 270  
Anchorage, AK 99501

Luci Eningowuk, Chair  
Shishmaref Erosion and Relocation Coalition

January, 2004

Attached please find the report: *Site Comparison of Tin Creek and West Tin Creek for Potential Emergency Evacuation and Permanent Relocation Sites*. This report summarizes the second year of field work by NRCS and is a companion to our first report: *Shishmaref Site Analysis for Potential Emergency Evacuation and Permanent Relocation Sites*. The findings of the comparison between Tin Creek and West Tin Creek Hills are:

1. Both sites are similar in geology, soils and vegetation.
2. Both sites are underlain by ice-rich silt that will need to be considered in any design.
3. Tin Creek is a larger site. It is more spread out, and thus more costly to completely build-out with infrastructure. Tin Creek is farther from the ocean. It has slightly steeper slopes. There would need to be a bridge across Goose Creek to reach the ocean.
4. Tin Creek Hills is very compact. Per house, there would be less feet of electrical cable or water line compared to Tin Creek. Tin Creek Hills is closer to the ocean. There would need to be a bridge across Tin Creek to reach the ocean.
5. Both sites have water available. Water is available from the creeks and possibly from groundwater at both sites. There are bigger lakes closer to Tin Creek.
6. Both sites have a location for a sewage lagoon. It will need to be lined. There is a possibility of using local wetlands for secondary treatment in the summer.
7. Both sites have a possible access route to Ear Mountain. Tin Creek has the most obvious route.
8. Both sites will need special considerations as to where a landfill should be located, and how it should be constructed. If the road to Ear Mountain provides access to some upland sites, perhaps this will expand the landfill location alternatives.

Although there is no clearly superior site, NRCS feels the added area of the Tin Creek site makes it more desirable. During design and construction, areas that need to be avoided will be discovered. A larger site will allow for more planning alternatives, as well as room for the Village to expand. The Tin Creek site is in a better location for road layout and construction.

NRCS plans to complete more field work in the summer of 2004. NRCS is committed to a long-term partnership with Shishmaref as they continue their efforts to relocate.

Sincerely,

Robert W. Sampson, P.E.  
State Conservation Engineer

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**Site Comparison of Tin Creek and West Tin Creek Hills  
for  
Potential Emergency Evacuation  
and  
Permanent Relocation Sites**

completed by:

**The Natural Resources Conservation Service**

in cooperation with:

**The Shishmaref Erosion and Relocation Coalition**



January, 2004

### General

Shishmaref is located on Sarichef Island in the Chukchi Sea, about 120 miles North of Nome, Alaska. The island has experienced severe erosion that is threatening the village infrastructure and safety. Natural Resources Conservation Service (NRCS) is assisting the village to evaluate relocation sites. NRCS conducted an analysis and ranking of six probable relocation sites (NRCS, 2003). After several public meetings and effort by the Shishmaref Erosion and Relocation Coalition (SERC) two sites were identified for further analysis, Tin Creek and West Tin Creek Hills (see Figure 1).

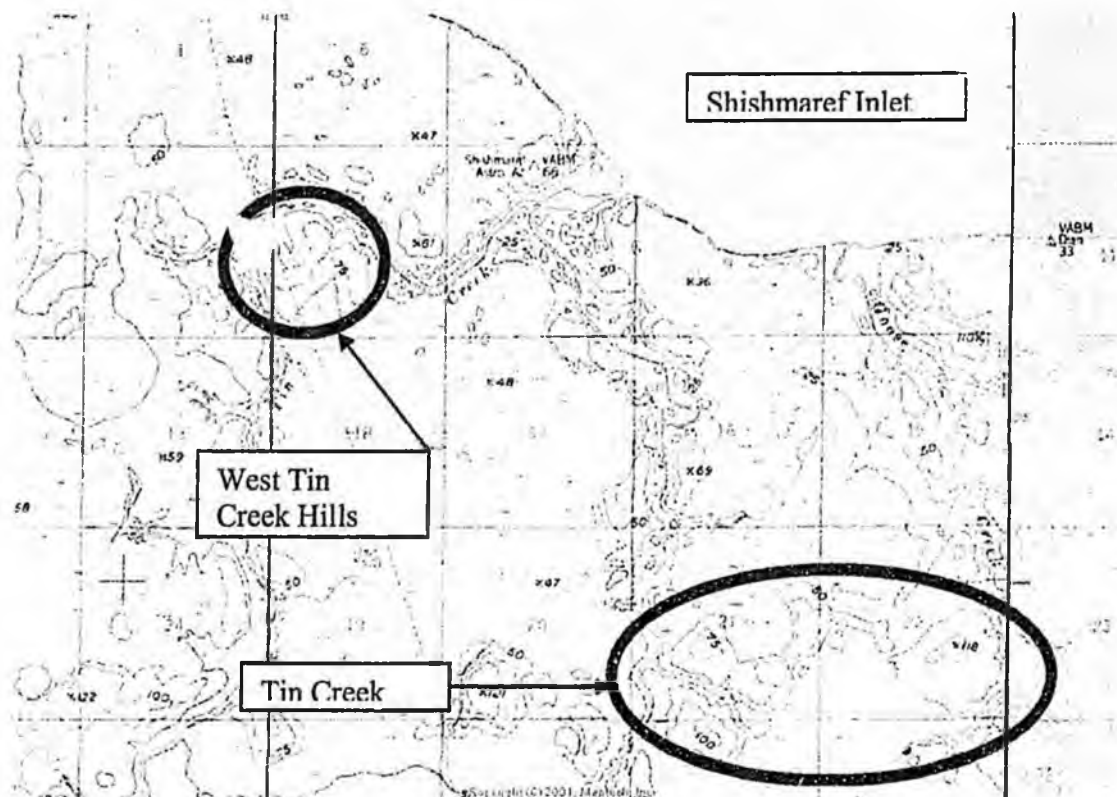


Figure 1 – Location of two relocation sites where further comparison was completed. Sections shown are in R35W, T8N.

The West Tin Creek Hills site is about 10 miles from present-day Shishmaref. The Tin Creek site is about 12 miles from the village.

### Methods

A multidisciplinary team consisting of five people specializing in geology, vegetation, hydrology, engineering and planning spent four days hiking around the two relocation sites, as well as examining possible locations for infrastructure such as water supplies, access roads, and building materials.

Elevation data were collected with a survey-grade GPS unit. These data will provide a digital elevation model after completion of data collection next summer.

All conclusions in this report are based on professional judgment and discussion among the team members. The conclusions are intended to assist the community in narrowing their relocation efforts to a single site.

### **Comparison of Physical Geography**

Both sites have very similar geography. Each site is inland, rather than the current coastal community. Each site is gently rolling and hilly, compared to the relatively flat island where the village is currently located.

#### **Climate**

Both sites will have similar climate. Overall, precipitation amounts and patterns should be similar to the current village location. There may be slightly less wind at the new locations. Temperature patterns will be similar, although diurnal fluctuations (high temperature during the day and low temperature during the night) may be slightly greater.

#### **Geology and Soils**

Both sites are on a similar geologic formation, and have similar soils. A 6 to 12 inch layer of vegetative mat is underlain by 10 to 16 inches of gray silt. This silt is underlain by permafrost composed of silt and a high amount of ice. Soil characteristics do not vary greatly on different slopes or different aspects. A detailed geologic report is included as Appendix A.

#### **Vegetation**

Vegetation is very similar between the two sites. A detailed vegetation inventory is included as Appendix B.

#### **Human Aspects**

The Tin Creek site is farther from Shishmaref Inlet (2 miles) than the West Tin Creek Hills site (1 mile). Each of the sites can be reached by small boat, Tin Creek Hills via the main stem of creek and Tin Creek via a very small eastern tributary. Because of concerns about streambank erosion, no boat access from the creek is recommended. A road will be needed from the new village site to the sea. This road will require that more miles be traveled on motorized vehicles than at the current site.

Air travel will require a new runway. There are several lowland locations where an airport could be located. These locations are a similar distance from the village sites compared to the current airport location. One advantage of the new sites is room to build a crosswind runway. This is unfeasible at the present airstrip location.

Land ownership patterns around the proposed relocation sites are shown in Figure 2.

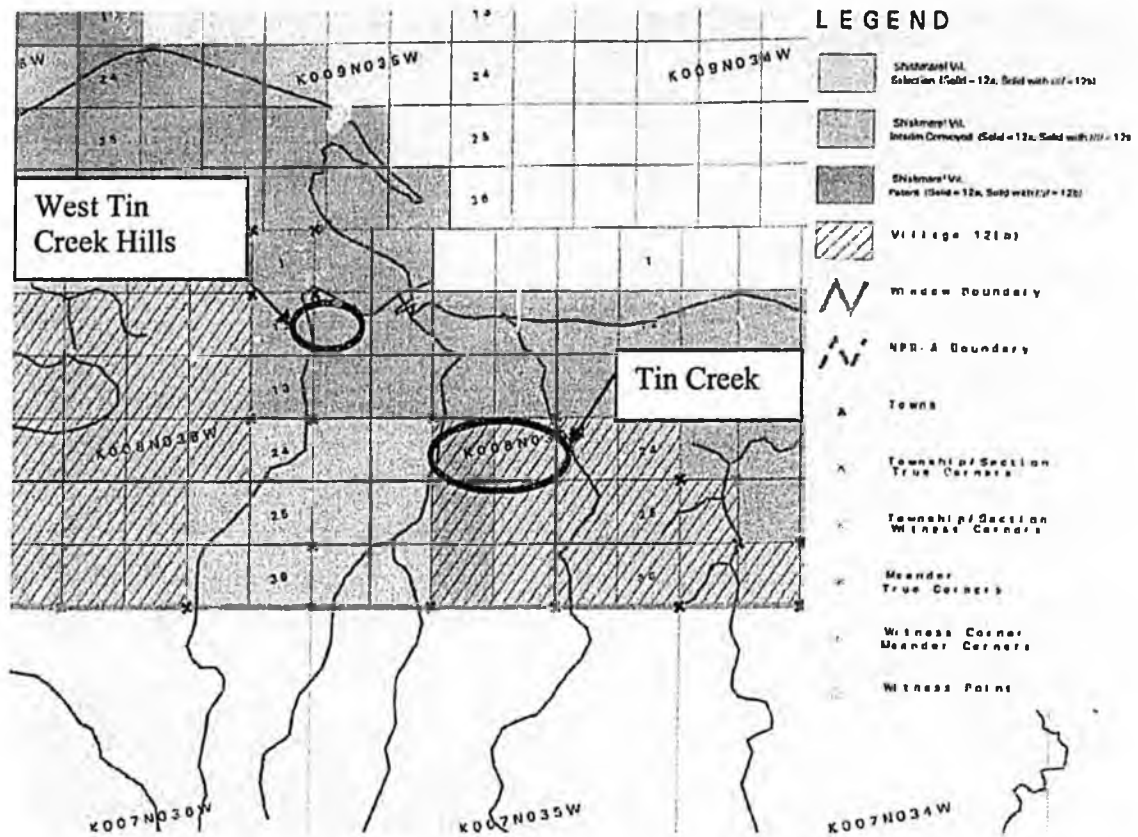


Figure 2 – Land ownership patterns around relocation sites. Note that land south of the shaded area is Federally owned, administered by the National Park Service, Bering Land Bridge National Preserve.

### Tin Creek

Tin Creek site, and potentially developable areas are shown in Figure 3. Overall, the Tin Creek site is very spread out, dissected by several low areas and drainage ways.

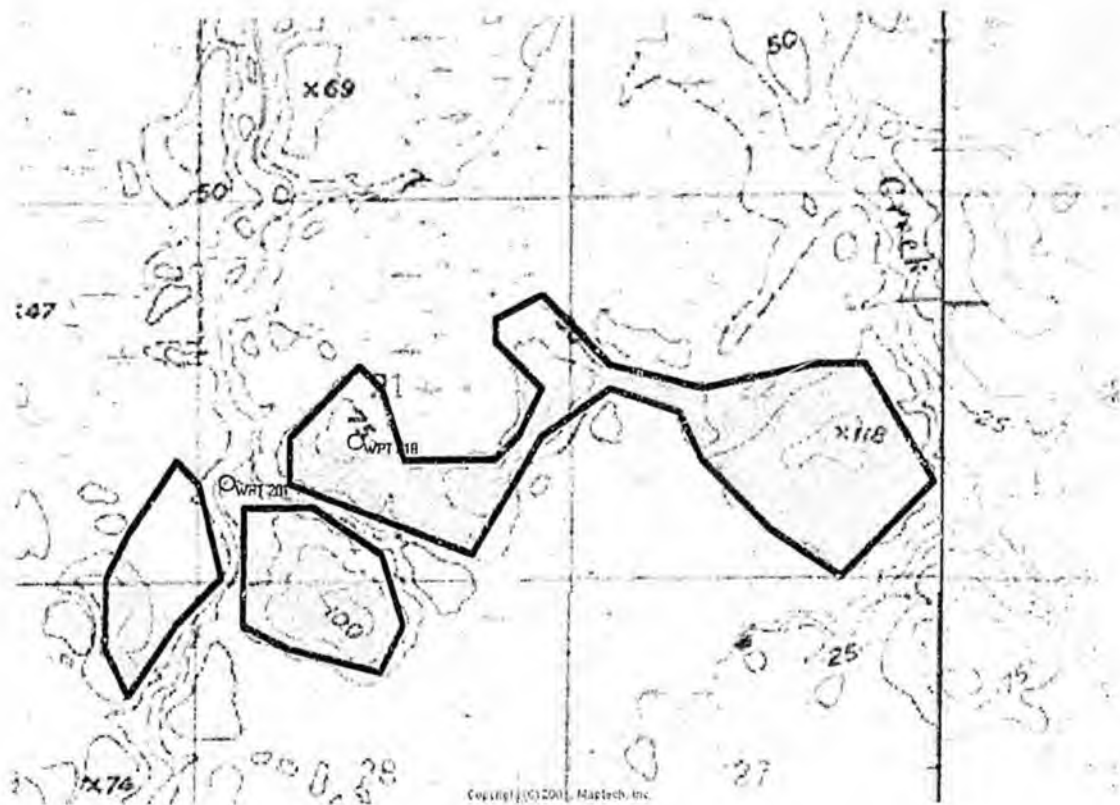


Figure 3 - Tin Creek relocation site. Dark lines encompass usable area. Shaded areas indicate areas where residential housing would be suitable. Sections are in R35W K.R.M., T8N.

The Tin Creek site has three developable areas. To the north and east is 186 acres shown by the dark line. Of this, 120 acres have the potential to be residential areas. To the south is an area of 102 acres that has 70 acres to develop into housing sites. Across the creek to the west is an area of 80 acres that has 40 acres suitable for housing sites. Overall, the site has 368 acres with 230 developable. At a housing density of 2 units per acre, this site could support a maximum of 460 structures. As a point of comparison, there are currently 160 structures in Shishmaref.

A general analysis of slopes at the Tin Creek site is shown in Table 1. A more detailed slope map will be available after data collection is completed in summer 2004.

**Slope Summary for Tin Creek (%)**

	Max	Min	Average	Distance	Elevation
North	9	0.5	2.9	1660	48
South	8	0.4	2.8	1600	44
East	7	0.2	1.8	1140	20
West	6	0.5	2.3	1140	26

Table 1 – Slope Summary for Tin Creek.



**Slope Summary for West Tin Creek Hills (%)**

	Max	Min	Average	Distance	Elevation
North	8	0.5	2.3	800	18
South	4	0.3	0.7	1370	9
East	6	0.0	1.1	1910	20
West	14	0.3	2.4	1910	46

Table 2 – Slope Summary for West Tin Creek Hills.

**Infrastructure**

A comparison of infrastructure development between the two sites will be general at best. Many individual decisions will need to be made before the correct tests can be completed that would allow a detailed comparison between the sites.

**Water**

For a village of 800 people, a flow of approximately 125 gallons per minute can be used as a planning goal (Cold Region Utilities, 1996).

Tin Creek has a small lake directly in the middle of the development, and has several other lakes surrounding the area. In general, lake water would be a good source of drinking water if the lake is kept isolated from surface runoff from the village, and is upgradient from any sewer works. The detailed geologic report (Appendix A) indicates there may be some groundwater resources available.

Surface water may be available from the branch of Tin Creek that flows near the Tin Creek site. Investigation into the depth and persistence of winter freezing would be needed.

The West Tin Creek Hills site is not near any lakes large enough to support the required water flows. Direct removal from Tin Creek, or groundwater development are the best water supply alternatives at this site.

**Sewer**

Because of the shallow depth to ice and amount of wetlands and groundwater, a lined primary treatment lagoon may be the best alternative. Sewage can be collected by means of a pump and haul system, or with central sewer pipes.

If enough storage is provided at the lagoon, a secondary treatment through wetlands may be an effective discharge scheme in the summer.

The Tin Creek site has a potential lagoon location in Section 22. This is shown in Figure 5. The best location for a sewage lagoon at the West Tin Creek Hills site may be across Tin Creek to the Northwest. This site is shown in Figure 6.

**Roads**

Roads will consist of four components. The village will need a road to the ocean, since a great deal of boat traffic inland is undesirable. The village will need a road to an airport,

and this may be one of the most used roads in the village. The village development will need internal roads to move from house to house. Some of these can be elevated boardwalks for pedestrian and all-terrain vehicle traffic. The development will need a mining road going to a rock, gravel and sand source for village development.

#### **Road to the Ocean**

The Tin Creek site ocean road has a potential location along Goose Creek to the east. This road would need a bridge spanning Goose Creek. This potential location is shown in Figure 5, and is approximately 2.0 miles long.

The road to the ocean from West Tin Creek Hills would be about 1.3 miles long, and would go directly north from the village site. This alignment would require a bridge over Tin Creek. This road is anticipated to go across massive ice formations and wetlands and engineering would need to account for these conditions. This location is shown in Figure 6.

#### **Road to the Airport**

Both sites have areas that appear suited for airports from a soils and drainage standpoint. It should be stressed that NRCS has no particular expertise in siting airport facilities.

Near each relocation site there are extensive wetland flats. It is assumed these would be areas to build runways. In each case a road of one to two miles would connect the village site to the supposed airport location.

#### **Internal Roads**

Internal road design will be specific to village configuration and layout. There is no way to estimate the amount of road needed other than to guess. The relative length of road is an indication of the length of other infrastructure, such as electric lines, sewer and water pipes and pedestrian walkways.

Tin Creek would need trunk and spur roads due to its spread out nature. These roads would total about 6 miles and include two bridges to reach all of the developable areas. This conceptually is shown in Figure 5.

West Tin Creek Hills could be configured with two circular main routes, an inner and outer loop, with radial connecting roads. This layout would require about four miles of road, and is shown conceptually in Figure 6.

#### **Road to Ear Mountain**

The most obvious source of raw materials available for village development is Ear Mountain, about 12 miles by air from the village relocation sites.

An optimal route, avoiding massive ice formations, from Ear Mountain to Tin Creek is available. The route is over 21 miles long and drops over 1,600 feet. A rough sketch of this route, and an associated profile are shown in Figures 7 and 8.

An optimal route to West Tin Creek Hills is less obvious. The route shown for Tin Creek in Figure 8 could be used, but the connection between the two sites is over wetlands and

patterned ground that presumably has massive ice formations. There is a potential western route and this is shown in Figure 9. This route is also about 21 miles long and falls over 1,600 feet.

Either of these haul roads will be a large construction endeavor. Raw materials from Ear Mountain appear to be the best available material to construct the village roadways and infrastructure.

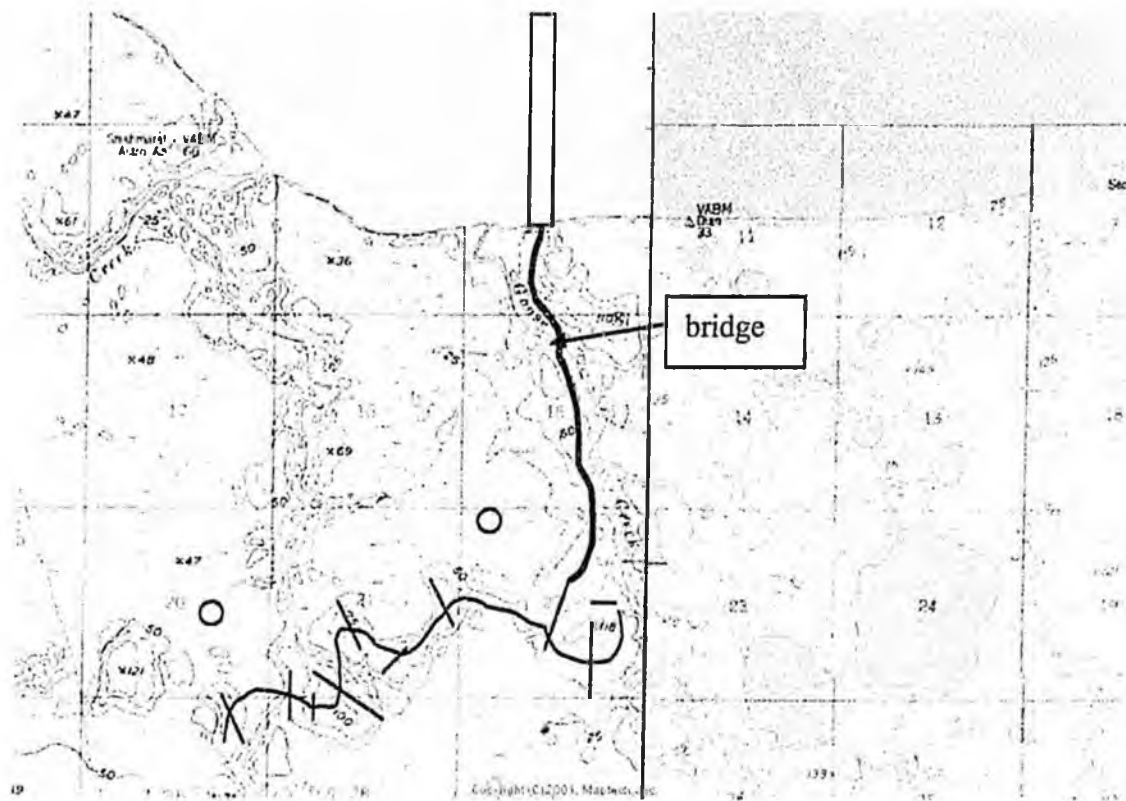


Figure 5 – Ocean (dark line) and internal road scheme (light lines) at Tin Creek site. The white box is a possible causeway for barge traffic and a small boat harbor. The white dots are potential lagoon locations.

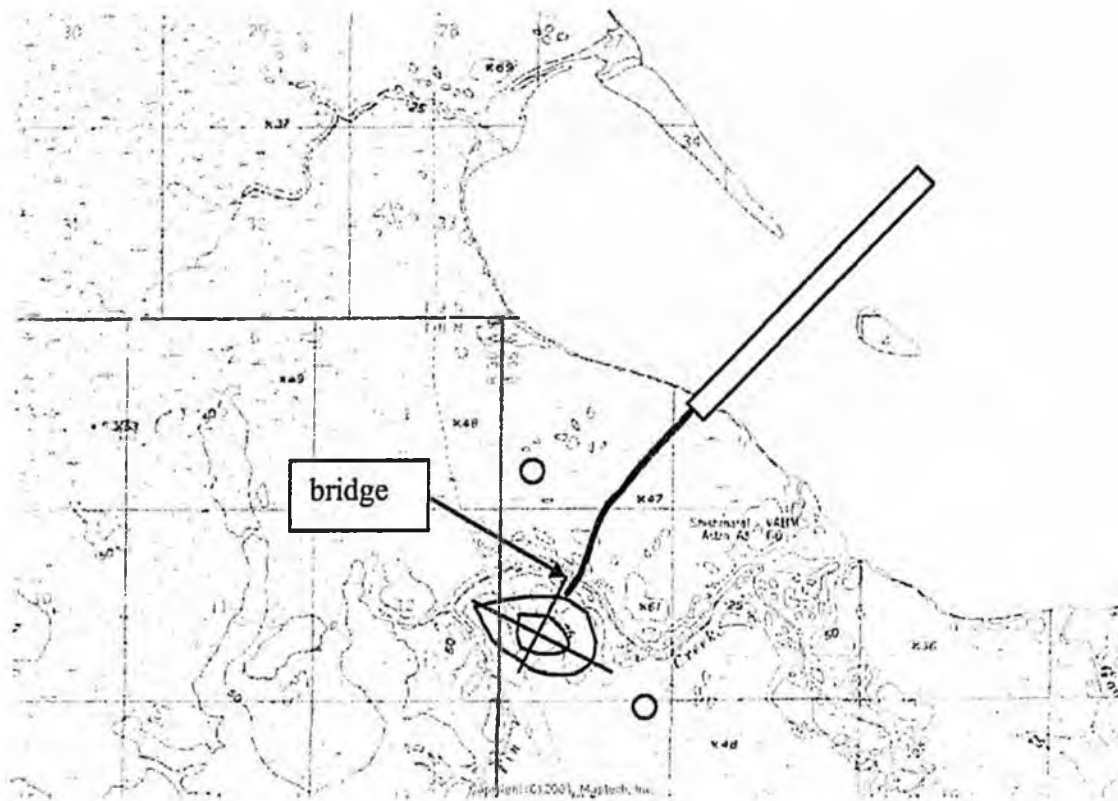


Figure 6 – Ocean (dark line) and internal road scheme (light line) at the West Tin Creek Hills site. The white box is a possible causeway for barge traffic and a small boat harbor. The white dots are potential lagoon locations.

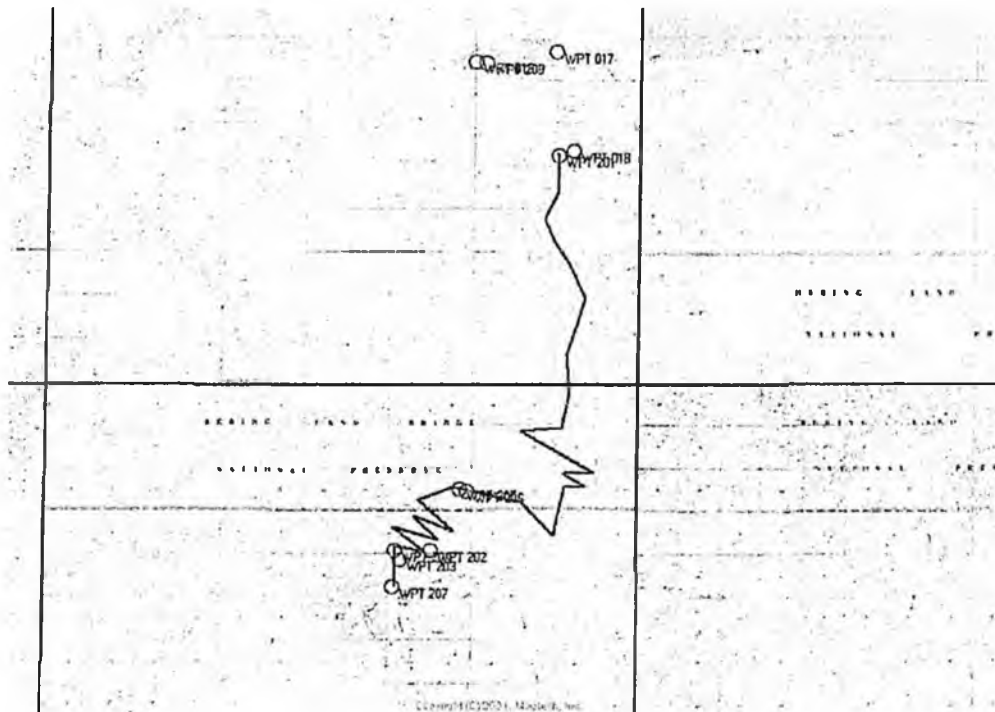


Figure 7 – Potential road alignment from Ear Mountain to Tin Creek site.

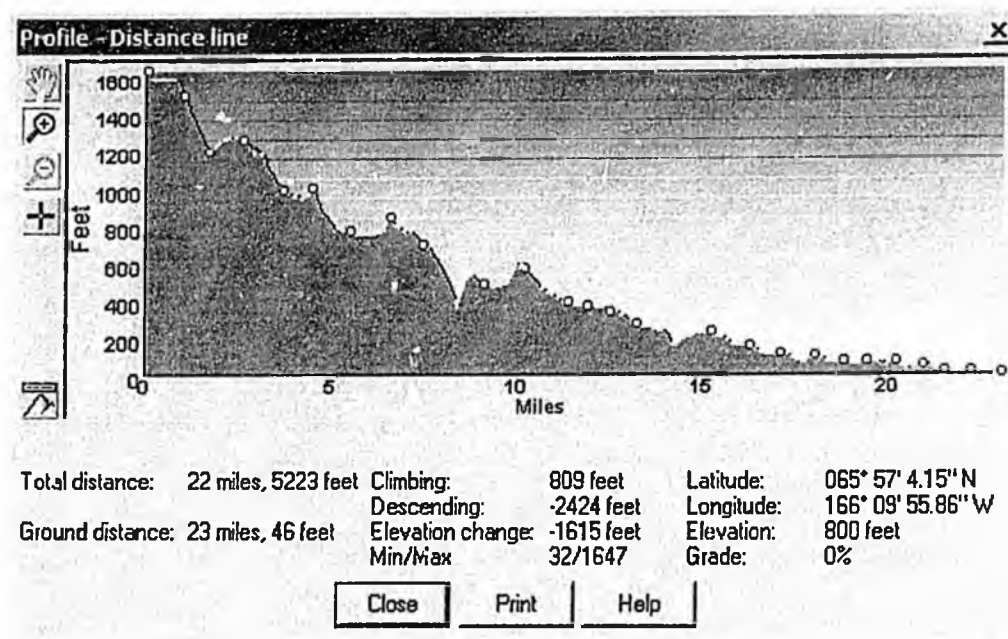


Figure 8 – Profile of alignment shown in Figure 7.

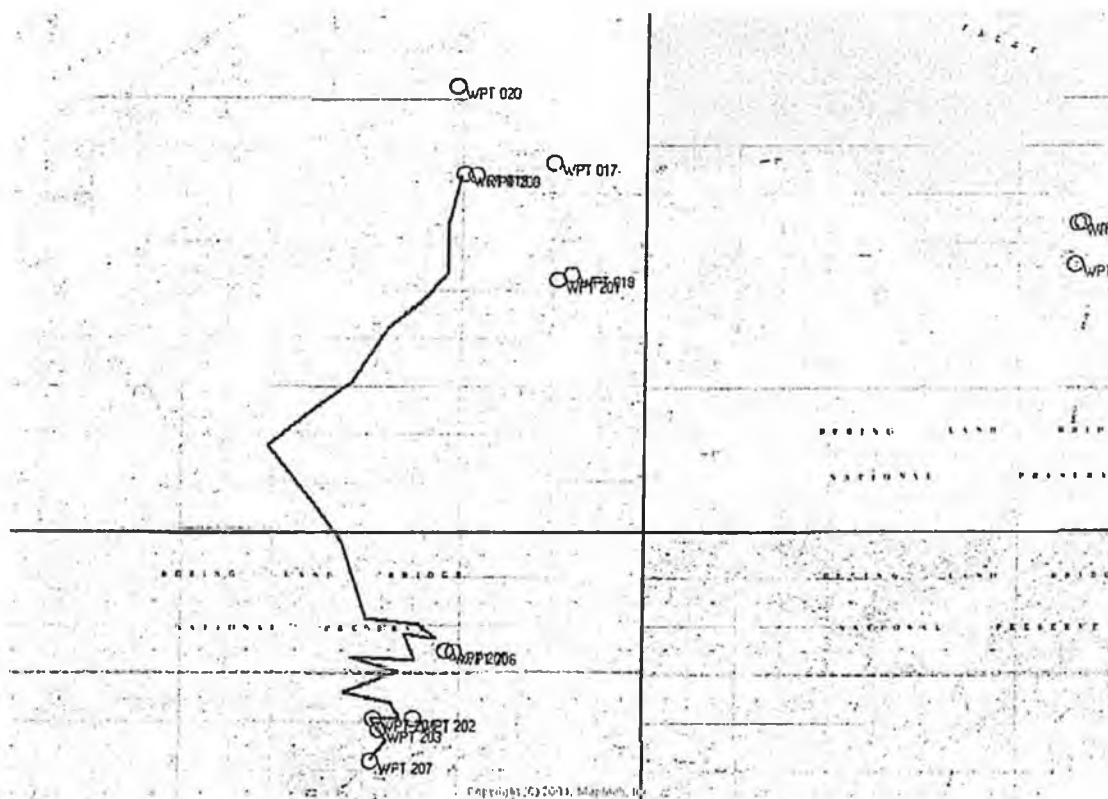


Figure 9 – Potential road alignment from Ear Mountain to West Tin Creek Hills.

### **Dump or Landfill**

Neither site is particularly well suited to an unlined landfill. The potential for water contamination will be difficult to minimize. The location and appropriate type of landfill needs further study.

### **Barge Access and Marina**

Both sites will need a causeway into Shishmaref inlet to reach deep enough water for barge access. Further field work in Summer, 2004 will indicate the lengths of the causeway. At this time an estimated length for both sites is one to two miles.

### **Summary**

Both of these sites can be developed into a 'new' Shishmaref. The main points to take from this analysis are:

1. Both sites are similar in geology, soils and vegetation.
2. Both sites are underlain by ice-rich silt that will need to be considered in any design.
3. Tin Creek is a larger site. It is more spread out, and thus more costly to completely build-out with infrastructure. Tin Creek is farther from the ocean. It has slightly steeper slopes. There would need to be a bridge across Goose Creek to reach the ocean.
4. West Tin Creek Hills is very compact. Per house, there would be less feet of electrical cable or water line compared to Tin Creek. West Tin Creek Hills is closer to the ocean. There would need to be a bridge across Tin Creek to reach the ocean.
5. Both sites have water available. Water is available from the creeks and possibly from groundwater at both sites. There are bigger lakes closer to Tin Creek.
6. Both sites have a location for a sewage lagoon. It will need to be lined. There is a possibility of using local wetlands for secondary treatment in the summer.
7. Both sites have a possible access route to Ear Mountain. Tin Creek has the most obvious route.
8. Both sites will need special considerations as to where a landfill should be located, and how it should be constructed. If the road to Ear Mountain provides access to some upland sites, perhaps this will expand the landfill alternatives.
9. More elevation data and water depth data are needed to complete the digital terrain model of the sites. These will be collected in Summer, 2004.



Figure 10 – A 1985 aerial photo showing the relocation sites.



Figure 11 - Tussock tundra around Tin Creek Site. Circles show parts of village site. Ear Mountain is in the background.



Figure 12 - West Tin Creek Hills site looking at Tin Creek.



Figure 13 - Tin Creek site looking east towards Goose Creek.



Figure 14 - Some of the granite on Ear Mountain weathers rapidly to coarse sand.



Figure 15 - The North side of Ear Mountain has conglomerate deposits that will yield small rock and gravel.



Figure 16 - Granite deposits on the top of Ear Mountain can be used for riprap. The arrow points to a glove.

United States Department of Agriculture



Natural Resources Conservation Service  
9173 W. Barnes Dr., Ste. C  
Boise, Idaho 83709

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**SUBJECT: Trip Report Shishmaref Relocation  
Study, Shishmaref, AK, September 8-12, 2003**

**DATE: October 15, 2003**

**TO: Rob Sampson, SCE, Anchorage, AK**

**Participants:**

Heather Oleson, Biologist, Nome, AK  
Steve Becker, RC&D Coordinator, NRCS, Bethel, AK  
Lori Richter, Engineer, NRCS, Anchorage, AK  
Rob Sampson, SCE, NRCS, Anchorage, AK  
Terril Stevenson, Geologist, NRCS, Boise, ID

**Background:**

Shishmaref is a traditional Inupiaq Eskimo Village on the Chukchi Sea in northwestern Alaska about 110 miles southwest of Kotzebue. The village is located on a barrier island bar between the Chukchi Sea and Shishmaref Inlet. The purpose of the trip was to provide reconnaissance geology assistance for engineering material sources, structural considerations in relocation and construction, groundwater, and geomorphic interpretation in support of a Relocation Study and Plan.

Previous visits by other staff with reconnaissance level investigations and consultation with the village had resulted in a preferred relocation site for further analysis. The Tin Creek site and surrounding area were inspected on foot, by boat, and by light helicopter. The following primary resource issues were the focus of the geologic reconnaissance portion of this trip:

1. Source of small or crushed, well-graded rock material for road construction, building pads, permafrost stabilization.
2. Large size rock material source for riprap, seawall construction, economic development.
3. Channel stability (Tin Creek).
4. Groundwater.

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## Observations:

### **Geology and Rock Materials**

The area is within the Intermontane Plateaus Physiographic Province (North American). In general, the area is developed in coastal deposits of interbedded marine and terrestrial sediments of clay, silt, lime, and sand. Ear Mountain and the foothills behind the Tin Creek site that form the catchment are developed in metasedimentary rocks with igneous intrusions. The predominant rock types observed were limestone and granite or granodiorite intrusions. The sediments probably originated in the miogeosynclinal trough associated with the Pacific Plate and subduction zone along the western edge of the North American continent. The ocean floor sediments were uplifted and rafted into the current location. The granitic intrusions and associated mineralization are evidence of melting of continental crust that was subducted. The contact zones between the granitic intrusions and the marine sediments contain mineral deposits of tin on the north side of Ear Mountain. Other mineral deposits may exist, but extensive exploration would probably be required to identify marketable deposits.

The slopes on the north side of Ear Mountain are formed in platy to blocky, gravel to cobble size, angular limestone. Areas of fairly pure calcite were also observed.

The "saddle" area and lobate slope extending north from the saddle at the top of Ear Mountain are formed in fairly massive, medium grained, granite/granodiorite. The granite is jointed and fractured on about a three- to eight-foot spacing. The rock material appears to be hard, massive, durable, and competent, with very slight to no weathering effects observed. The individual minerals appeared fresh and unaltered in hand specimens. Individual angular boulders ranging in size from one-foot to over eight-feet diameter were observed, with the average size about three- to four-feet diameter.

Slopes in the upper watershed and footslopes exhibit evidence of "solifluction" – freeze-thaw creep or flow of surface materials downslope resulting in lobate mini-terraced (terraces) slopes.

The Tin Creek site is on the flatter, tidal influenced plain to the north of Ear Mountain. The tidal flat is developed in interbedded Quaternary (very recent) marine deposits (shallow sea floor) and terrestrial sediments (fluvial materials) deposited by Tin Creek and other surface streams draining into Shishmaref Inlet as well as eolian sediments (windblown) of sand, silt and volcanic ash. The predominant sediment material at the site is eolian and fluvial sand. The volcanic ash is a very minor constituent, derived predominantly from Devil Mountain northeast of Shishmaref Inlet. Devil Mountain is a Maar – a low relief, broad volcanic crater and is the source of extensive ash deposits on Cape Espenberg and in the Kotzebue Sound area.

### **River Processes**

Observed creek banks adjacent to the Tin Creek site were steeply sloped to nearly vertical with very little associated woody vegetation. It appeared that lenses of compressed silt and bio-muck with higher shrink-swell potential are interlayered with more free-draining sandy soil layers. When exposed in the stream banks this material swells or "heaves" either with saturation or freeze-thaw activity. Cracks develop paralleling the stream flow, and wedges of bank material eventually fail into the creek. These wedges look like "clumps" of bank "eroding" into the creek. Cracks and subsidence associated with "blocks" of bank material along the creek were

noted. The unstable bank areas did not coincide with outside curves in meanders, but instead were located along all sections of the river, on inside bends, outside bends and in crossovers and straight sections. The clumps remain along the bank areas for long periods of time. The creek does not exhibit sufficient energy to break down and remove or transport the materials effectively. Storm surges associated with fall and winter winds off the Chukchi Sea and Shishmaref Inlet destroy and transport some of the materials. Remnant wedges were observed occasionally along the Creek. There is only slight overall bank erosion occurring as well as little sediment transport activity. The bank soil materials appear to be active, but cumulative effects of present usage of the area do not appear to be severe.

### **Groundwater**

Deeper groundwater recharge is mainly from rain and snowmelt water in the upper watershed (Ear Mountain). Deep groundwater may contribute to springs and small creeks and ponds observed throughout the study area as the groundwater flows intersect geologic contacts and fault zones associated with Ear Mountain and the surrounding area south of the study location.

There is little evidence of surface water flow or developed drainage paths (streams) off the majority of the upper hillslope area of Ear Mountain. Most of the precipitation probably infiltrates directly into the fractured bedrock on the hillslopes or is stored in the soil-vegetation mat. Soils are very shallow to bedrock or permafrost.

The entire area is underlain by permafrost, and there is surface evidence of some impacts to groundwater from long-term changes in the permafrost. The Tin Creek site and surrounding area includes thaw lakes, small areas of thermokarst, and extensive ice-wedge polygons.

Tin Creek is a perennial stream that derives much of its flow from groundwater, either from drainage of "pothole" or thaw lakes, or shallow groundwater perched on the permafrost and discharged into the creek.

Surface recharge is associated with "Tundra" soils and vegetation that act as a "sponge" to hold dramatic volumes of water in shallow aquifers perched above the permafrost as snows melt and spring rain collects on the surface. Later in the summer and fall, water is released slowly from the "sponge".

As is evidenced by the color and flavor of the water in the thaw lakes and in Tin Creek, the shallow groundwater in the area is very high in tannins and possibly other organic acids.

### **Conclusions and Recommendations:**

#### **Rock Materials**

The granitic material on Ear Mountain appears suitable for most construction material needs identified by the relocation study.

The volume of material that can be developed at Ear Mountain can not be reasonably estimated without further exploration. The core of Ear Mountain may be granitic with just the outer slopes covered with the metasedimentary rocks (limestone). Intrusion of the granite through the sedimentary rocks may be what formed Ear Mountain. The limestone may be just a "shell" or veneer of remnant material around the intrusive body.

Additional surface as well as subsurface exploration to determine the volume of the rock source will be required. Surface exploration should include mapping the areal extent of the surface exposure. This can be accomplished using aerial photographs and limited ground-truthing.

Subsurface exploration typically can use either direct or indirect methods. Direct methods provide the most conclusive information. These methods include digging large test-pits using heavy equipment such as track-hoes or drilling exploration holes using rock drilling and sampling equipment. The large size of some of the boulders observed on Ear Mountain may preclude use of test-pits as a viable exploration method. Drilling and sampling often is cost-prohibitive.

Indirect subsurface methods using geophysical survey techniques can provide some information, though not as specific nor conclusive as direct methods. Two geophysical techniques that are appropriate for delineating rock stratum and therefore, volumetric determination of an individual rock type, are Resistivity Surveys and Seismic Refraction.

Resistivity Surveys measure the electrical resistivity of earth materials. Resistivity Surveys readily differentiate between changes in ionized salts and water content and thus can usually provide reasonable results identifying rock contacts between limestone and granite.

Seismic Refraction Surveys measure wave propagation velocities through earth materials. Changes in rock types and minerals result in different seismic refraction. These surveys can provide more information than Resistivity Surveys. In addition to identifying rock contacts, Seismic Refraction Surveys have been used to determine relative thickness and extent of the different rock materials encountered. The velocity of each individual rock type can also indicate resistance to excavation and provide some idea of what excavation methods may be required (drill and blast versus rip).

Excavation of either the granitic rock or the limestone colluvium and bedrock may encounter shallow groundwater and permafrost conditions. Development of rock material sources may require staged excavation to allow for perched water and permafrost to drain following exposure in the rock source.

#### ***Small rock***

**Limestone** - With screening, the limestone materials and existing unconsolidated cover may also be adequate for some of the construction material needs for road sub-base and building site footings. This material is less durable and will be more prone to weathering and break-down to finer materials. The percentage of fines may result in decreased permeability and the material may not be free-draining enough for use in road base and building pad construction.

**Granite** - Use of the granite for road sub-base and surfacing, and building site footings or pads will require processing through a crusher and screens to develop the smaller sizes and gradations of material needed. Much of what was on the surface is oversize and would need to be broken, probably through drilling and shooting prior to processing through a crusher. Waste percentage may be fairly high after processing through a crusher. If the primary requirement for the material is high permeability (free-draining), crushed rock will need to be screened to remove fines produced during the crushing process.

### *Riprap*

The granite observed on Ear Mountain appears to be suitable as a riprap/large rock source. The size gradation of the material (one- to eight-feet, average three-to four-feet) is within the size range required. Development of the rock source will require heavy equipment. The material that was observed at the surface would not require drilling and blasting to develop, however, depending on the total volume of material needed, deeper excavation and development may require drilling and blasting to remove the material. Massive, unweathered granites are usually not rippable with a dozer unless highly fractured and jointed. The size range of the surface materials indicates the material is only moderately jointed. The exploration to determine volume of material available may also provide some indication of rippability and blasting requirements.

Typical heavy equipment needed to develop, process, and haul riprap material may include: Grizzly (oversize and undersize screen), large bulldozer with ripper tooth/teeth, front end loader, air track drill, blasting agents and operators, haul trucks, and track hoe.

Use of heavy equipment and drilling and blasting techniques to develop riprap from a massive granitic source typically results in waste percentages of 25 to 50 percent. Some factors that contribute to waste percentage are: Size and gradation of material required, drilling and blasting or development of the source, excavation of the material, and transportation, hauling, and placement (Handling).

Waste rock not useable for riprap will probably be suitable for other building material – small rock for building footings and road sub-base, if processed through a crusher and screens.

### **Channel Stability**

The slight river bank erosion that is presently occurring does not appear to be primarily a fluvial process (not the result of river flow). It appears that heaving of exposed compressed silty clayey or mucky soil in the river banks is the dominant physical process resulting in bank instability. The river does not appear to exhibit sufficient energy to break down and remove or transport the materials effectively. The bank soil materials are highly active, but the cumulative effects do not appear to be severe. The shrink-swell and soil heaving activity may be re-occurring seasonally in the same wedges rather than involving large volumes of "new" material each season. Management and treatment alternatives should focus on minimizing soil surface exposure. Since the process does not appear to be related to stream energy, management or use of Tin Creek, and channel treatments that alter the flow energy or transport capacity may result in significant impacts to channel stability.

Increased boat traffic and impacts of boat wake wave energy should be considered when planning the village relocation. Increased wave action may result in increased instability of the bank materials, increased wedge failure and sedimentation in Tin Creek. Without the stream flow energy to transport this material, Tin Creek may become overwide, and too shallow to support continued boat traffic. Vegetation alone will probably not be very effective. Treatment should address stabilizing the soil materials as a whole – keeping "blocks" of material in-place. Treatment should address the "heaving" nature of the materials and boat wake impacts, not fluvial (river) processes.

## **Groundwater**

### *Drinking Water Source*

There appears to be ample shallow groundwater available at or adjacent to the Tin Creek site. The presence of tannins and possibly other organic acids and constituents will require testing and treatment of groundwater if used as a drinking or municipal water source.

### *Construction and Development Impacts*

Wet areas in and adjacent to the village site are associated with disruption of shallow groundwater, permafrost, and surface flow. Construction of roads and walkways, and building pads involving fill and leveling of soil materials can create small, localized "dams", changing shallow groundwater flowpaths and resulting in wet, boggy, and ponded water areas. These wet areas become nuisance zones for travel, land use and management.

Construction and development plans at the new village site should consider these possible groundwater impacts and minimize the effects. New construction should include practices and considerations to minimize the effects. Leveling and filling for construction of building pads, roadways and walkways should not be completed without providing drainage for shallow groundwater and surface water from the slope toward the creek.

Development plans and construction should also be planned to minimize impacts on the permafrost. Any thawing or disturbance to the permafrost in the area will result in increased problems with soil instability and disruption of shallow groundwater and will greatly accelerate the effects discussed above. Buildings should be constructed using elevated and insulated techniques and the soil and vegetated surface should be left undisturbed as much as possible.

Terril Stevenson  
Geologist, NRCS Idaho

### References:

Connor, Cathy and Daniel O-Haire, 1988, *Roadside Geology of Alaska*; Mountain Press Publishing Company, Missoula, MT,

Pewe, Troy L., 1975, *Quaternary Geology of Alaska*; US Geological Survey Professional Paper Number 835, US Government Printing Office, Washington, D.C.

Schroeder, Warren L., 1975, *Soils In Construction*; John Wiley and Sons, Inc., New York, NY.

## Vegetation Descriptions for Tin Creek sites

### **East and West Tin Creek**

These sites occur on low hills adjacent to a coastal plain lake system and breached lake beds. The sites are dominated primarily by tussock cottongrass (*Eriophorum vaginatum*), Bigelow sedge (*Carex bigelowii*), water sedge (*Carex aquatilis*), northern labrador tea (*Ledum decumbens*), dwarf arctic birch (*Betula nana*), and lingonberry (*Vaccinium vitisidaea*). Low willows (*Salix spp.*) are also present in some areas. Grasses and grasslikes comprise 50 percent, forbs 5 percent, and shrubs 45 percent of the vegetative production on these sites. Lichens and mosses fill in the understory of the vegetation. Annual vascular plant production is estimated to be 800 pounds per acre.

### **Ear Mountain Gravel Site**

The areas surveyed at this site consist of lichen meadows, shrub meadows, and lichen granitic slopes on a broad north facing mountainside. The higher regions of the slope are composed primarily of white mountain-avens (*Dryas octopetala*) and a 1.5 inch lichen mat. Bigelow sedge (*Carex bigelowii*), entire-leaf mountain-avens (*Dryas integrifolia*), and a 2 inch lichen mat characterize the lower elevations of the slope. Scattered forbs and other low shrubs are also present, but are not as abundant. Grasses and grasslikes constitute 15 to 30 percent, forbs 5 percent, and shrubs 65 to 80 percent of the vegetative production over the whole site. Annual vascular plant production is approximately 400 pounds per acre, on average.

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**Shishmaref Relocation Strategic Plan**  
**January 2002**



**Introduction**

The community of Shishmaref has determined that the threat to life and property from reoccurring beachfront erosion requires immediate action. The community has taken the first step by establishing an erosion and relocation coalition made up of the governing members of the City, Indian Reorganization Act (IRA) Council and Shishmaref Native Corporation Board of Directors. Faced with the decision of whether to remain at its present location or to move, the majority of the community is in favor of moving. This plan is a guideline to assist the community as well as state, federal, and other agencies in assisting Shishmaref with an orderly relocation.

**Background**

Shishmaref is located approximately 30 miles south of the Arctic Circle and 50 miles northeast of the Bering Straits. The community is currently home to 600 people mostly consisting of Native Inupiaq Eskimos. The community is a traditional Eskimo village that is heavily reliant on subsistence lifestyle activities based in and around the Chukchi Sea. The local economy is subsistence based, and supplemented by part time wage earnings and local sales of arts and crafts. In addition, the community has a

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Tannery and two stores, Washeteria, 1-fastfood restaurant, school K-12<sup>th</sup> grade, health clinic, post office, Community Center, City Library, Church, youth center, Learning center, Shishmaref Village Corporation, AVEC, Shishmaref Emergency Services, Kawerak (Transportation, Head start, Village based Coordinators, Employment Education and Training, VPSO Program, Youth Development Coordinators) and various local government offices (City, Ira Council, Alaska Army National Guard, Alaska State DOT&PF) and other outside businesses providing services essential to everyday living. Although 600 people live in Shishmaref, a noticeable number of individuals have relocated to other parts of Alaska. This is due to the fact that the island can no longer expand services needed for increased development of new construction of homes and related infrastructure. The family population has increased in the past 10 years. The community can no longer ignore the fact that the living conditions are comparable to third world Nations. Most families do not have running water and sewer services in their homes. The lack of roads, high costs of fresh foods, inadequate fuel storage for home heating and transportation, exorbitant cost of basic services and the constant anxiety caused by the erosion is an excessive burden carried by all members of the community.

The community of Shishmaref is situated on a barrier island no wider than 1/4 mile, and 3 miles in length. The island is comprised of fine sand deposits and permafrost that is vulnerable to erosion. The community has experienced erosion of its north shoreline an average of 3-5 feet per year, except for the storms of: November 9&10, 1973, October 4, 1997, and October 7, 2001 where extensive erosion in highly vulnerable areas was as much as 125' horizontal distance. We also are experiencing erosion of the southern side of the island, which is noticeably reducing the size of the island. The community is most vulnerable when tidal high water is combined with intense wave action of the Chukchi Sea during storms. Erosion has been heightened by continual degradation of permafrost. An average high tide is 3 feet above the normal tide, during storms; the wave action can increase the high tide by 3 feet, which causes the waves to crest over the bluff.

During the aftermath of the 1973 storm a community meeting was held with the local entities along with Natural Resources Conservation Services (NRCS), Department of Community and Regional Affairs (DCRA), and U.S. Army Corps of Engineers assessing the extent of the existing, potential and projected erosion problems at Shishmaref. A decision was made by the community to relocate to the mainland to Nunatuk 6 miles south from the existing community. However, in August 1974 the community reversed its position and determined not to relocate but to focus on providing protection along the beachfront to protect the community for another twenty years. During August 1974, 50,000 sand bags were put along the worst hit areas of Shishmaref protecting homes and retail infrastructures. The protection worked for 24 years, however as a result of the 1997 storm, the State of Alaska declared Shishmaref a disaster area and requested Federal assistance in relocating 13 residential homes to higher more protected areas in the newly platted residential site on the old airport. All homes were successfully relocated using local labor with assistance from the Alaska Division of Emergency Services. The most recent storm of October 5, 2001 resulted in the Governor of Alaska,

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Tony Knowles, issuing an administrative order that stated "Not doing anything would pose an imminent and continuing threat that justified the State taking action to provide some kind of protective measure along the shoreline of Shishmaref". An appropriation of \$110,000.00 was awarded to complete the project, of which \$85,000.00 was identified for the community of Shishmaref (via Kawerak, Inc.) to aid in temporary sand filled gabions along the worst hit areas of the community.

**Situation**

The loss of land through erosive action and increasing risk to property and lives has caused a dangerous situation for the community of Shishmaref. The community has determined that staying on the island to face the ever-present threat from ocean-based storms is unacceptable. The only viable solution is to relocate the community off the island to a nearby mainland location that is accessible to the sea, suitable for the subsistence lifestyle of the community, and preserves the culture and integrity of the community.

**Objective**

Relocation of the community of Shishmaref to a site selected, planned and located on the mainland by April 30, 2009.

**Action Plan**

1. Identification of High Potential Relocation Sites

**Scope of work:**

The community must identify potential relocation sites. The Coalition will contact appropriate agencies to gather information essential for a successful relocation. We will use each agency's input to eliminate potential problematic relocation sites. At a minimum, we will gather the following information to aid us in identifying the sites with the highest potential for success of the relocation:

- Soil to support infrastructure requirements
- Size minimums to address community growth
- Access: Land, Water, Air
- Subsistence
- Develop Site Evaluation Matrix

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2. Identification of Required Evaluations and Studies

**Scope of work:**

The community must identify hydrological, geotechnical, environmental, and other studies related to the successful relocation site. At a minimum, we will contact the appropriate agencies for required studies, and the successful completion of those studies required. Information gathered will be used for the successful selection of a relocation site.

- National Environmental Policy Act (NEPA)
- Geotechnical Studies
- Hydrological Studies
- Other studies (Site specific)

3. Infrastructure Development

**Scope of work:**

The community must identify infrastructure development needed for the successful development of a new site for the community of Shishmaref. The Coalition will hold community meetings and invite various governmental agencies to these meetings to develop an infrastructure development needs list identified by the community for a successful relocation. Infrastructure needs are as follows:

- Transportation
  - Roads & Trails
  - Airports
    1. Terminal
    2. Runways
    3. Freight storage facilities
    4. Equipment storage facilities
- Harbors
- Power/communications
- Telephone/Internet
- Electricity
- Cable/Internet
- Modern Water & Sewer
  1. Water Source & Treatment
  2. Sewage treatment & Disposal
- Washeteria
- Landfill site
- Housing
- Evaluation of existing homes for relocation

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- Existing homes relocation
- Planned additional home construction
- Healthcare
- Health Care Services
  1. Facilities
- Clinic Relocation
- Education
- Evaluate Services to determine facility needs
- Facilities Relocation
- New Construction
- Native Corporations
- Land Development
  1. Housing
  2. Roads
  3. Infrastructure Services
  4. Easements
  5. Gravel Fill
- Businesses
  1. Store(s)
  2. Fuel storage
  3. Ware houses
  4. Bed & Breakfast
  5. Home Based Businesses
  6. Tannery
  7. Other (including new)
- City Government
  1. Facilities needed for Governmental Services
    - a) Emergency Services
  2. Office Relocation
- Tribal Government
- Governmental Services Facilities
- Office Relocation
- Relocation Project Coordination
- Multipurpose building
- Head start building
- Cultural Center
- Community play ground
- Churches
  1. Cemeteries
  2. Evaluation of Facility needs
- Post Office

## 4. Identification of Community Needs and Wants

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**Scope of work:**

The Coalition will hold public meetings within the community to identify the community needs and wants. The information gathered will be used to develop a community better suited to provide services needed for the new community. The information gathered will be used to add to the list of community needs and wants identified:

- Running water and flush toilets
- Adequate landfill site
- Recreation Center
- Centralized Governmental office buildings
- Adequate snow removal equipment
- Washeteria
- New power generator system
- Dock facilities
- Elder Housing/Center
- Day care facilities
- New Health Clinic
- Police building-separate
- Search and Rescue building
- New Post Office
- New School Facilities
- Public Library
- Youth Center
- Cemetery and Grave Sites
- Recreational Park
- Visitor Center
- Museum
- Restaurants
- Carving Center-Kasghi
- Boardwalks or sidewalks
- Fire Station
- Community Hall
- Safe House
- Armory
- More employment
- Airport & Terminal Facilities
- Roads
- Lodging
- Heavy equipment
- Cultural Center

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5. Development of Agreements and time targeted actions

**Scope of work:**

The Coalition will identify Agreements and timed target actions needed to follow to ensure successful relocation of the community. These actions will be developed once the comprehensive plan for relocation is developed:

- Identification of preferred site-January 2003
- Other agreements/timed target actions

6. Identification of salvageable/moveable infrastructure/facilities

**Scope of work:**

The Coalition will develop a list of salvageable/moveable infrastructure/facilities in addition to the following:

- AVEC power plant & Bulk tanks
- City Buildings & Bulk tanks
- Shishmaref Native Store, Warehouses & bulk fuel tanks
- Nayokpuk General Store, Warehouses & Bulk tanks
- Shishmaref School buildings-5 & bulk tanks
- Clinic Building
- Tannery Buildings-4
- Shishmaref Lutheran Church/Parsonage building, bulk tank
- City water tanks-2
- National Guard Facilities

7. Timeline infrastructure development

Years to completion (best case scenario)

**Scope of work:**

The Coalition along with assistance from Kawerak Inc. and the relocation committee must develop an infrastructure development timeline. This list will be developed with outside governmental assistance and input. The timeline will be made to ensure relocation is successful:

- Temporary erosion protection- City of Shishmaref-2 yrs.
- School-Bering Straits School District- 6 yrs.
- Clinic-Native Village of Shishmaref - 4 yrs.
- Water-Sewer-Line installation-Native Village of Shishmaref/Alaska Native Tribal Health Consortium-7 yrs.
- Community Streets-City of Shishmaref-6 yrs.
- Access Road to Water-City of Shishmaref-7 yrs.

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- Access Road to Nome-City of Shishmaref/ADOT-6 yrs.
- Airport- City of Shishmaref/ ADOT-6 yrs.
- Sewage treatment plant-Native Village of Shishmaref/ANTHC-6 yrs.
- Water treatment plant- Native Village of Shishmaref/ANTHC-6 yrs.
- Power Plant-Alaska Village Electric Cooperative-6 yrs.
- Telephone- Mukluk Telephone Company-6 yrs.
- Cable-Shishmaref Native Corporation-6 yrs.
- Stores
  1. Nayokpuk General Store-6 yrs.
  2. Shishmaref Native Store-6 yrs.
- Washeteria-City of Shishmaref/ANTHC-6 yrs.
- City Offices-City of Shishmaref-6 yrs.
- IRA Offices-Native Village of Shishmaref-6 yrs.
- Multipurpose building-Native Village of Shishmaref-6 yrs.
- Harbors-Native Village of Shishmaref-7 yrs.
- Material source (gravel fill)-Shishmaref Native Corporation/Native Village of Shishmaref/Bering Straits Native Corporation-2 yrs.
- Church-Shishmaref Lutheran Church-6 yrs.

8. Development of Comprehensive Community Plan

**Scope of work:**

The Coalition will develop a comprehensive plan along with assistance from Kawerak Inc. and local governmental agencies. This plan will be structured to address relocation in detail regarding the following by 2004:

- Land usage-City of Shishmaref/Native Village of Shishmaref/Shishmaref Native Corporation/Kawerak Inc.
- Village layout-City of Shishmaref/Native Village of Shishmaref/Kawerak Inc.
- Lot sizes
- Street and trail system
- Service Providers

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9. Development of Funding Commitment-Construction Timeline

**Scope of work:**

The Coalition along with the Relocation Coordination Committee will develop a funding commitment timeline to address the relocation tasks necessary to ensure a successful relocation:

- January 2004

10. Implementation Plan

**Scope of work:**

The Coalition will select a lead organization locally or regionally to ensure that the tasks for a successful relocation are completed:

- Establishment of Relocation Coordination Committee (members have key responsibilities for various construction/action portions of relocation/infrastructure development.) January 2003

11. Old Site Cleanup Plan

**Scope of work:**

The Coalition will develop an Old Site Cleanup Plan to ensure a clean environment is left behind:

- Developed by January 2007

12. Identification of Funding Sources and Technical Assistance Resources

**Scope of work:**

The Coalition will develop a list of funding and technical assistance resources essential to the successful relocation of the community. A comprehensive list of resources will address the infrastructure development needed for the successful relocation of the community. Identify all potential funding sources and state whether they use federal or State funds and applicable matching requirements. Include contact names, addresses, e-mail addresses (if known), telephone and fax numbers. These funding sources will be used to facilitate relocation funding acquisition. The Coalition along with the Relocation Coordination Committee will pursue funding commitments from the resources below:

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Contact Agency Name

Address

E-Mail Address

Phone Number

Fax Number

Funding Source (Private, Federal or State)

Matching Requirements

Local Assets

Federal:

FEMA

130 228<sup>th</sup> Street, S.W., Bothel, WA 98021-9796

N/A

425-487-xxxx

425-487-xxxx

Federal

75/25 (most programs)

Department of the Interior

1849 C Street N.W Washington DC, 20240

[www.doi.gov](http://www.doi.gov)

202-208-3100

N/A

Federal

N/A

Bureau of Indian Affairs

Bureau of Indian Affairs Juneau Regional Office 709 West 9th, 3rd Floor Federal Building Juneau, AK 99802

bobmartin@bia.gov

1/16/04

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Contact Agency Name	Address	E-Mail Address	Phone Number	Fax Number	Funding Source (Private, Federal or State)	Matching Requirements	Local Assets
<b>Federal</b>							
U.S. Bureau of Land Management Alaska	Division of Wildlife Conservation P.O Box 25526, Juneau, AK 99802-5526	<a href="http://www.blm.gov">www.blm.gov</a>	907-271-5960	907-271-4418	Federal	N/A	
U.S. Department of Agriculture	800 W. Evergreen Ste 105, Palmer, AK 99645	<a href="mailto:fmuncy@rdasum2.rurdev.usda.gov">fmuncy@rdasum2.rurdev.usda.gov</a>	907-761-7705	907-761-7783	Federal	N/A	
U.S. Department of Agriculture	P.O. Box 1569 Nome, AK 99762	<a href="mailto:tsparks@rdmail.rural.usda.gov">tsparks@rdmail.rural.usda.gov</a>	907-443-6022	907-443-6024	Federal	N/A	
U.S. Army Corp. of Engineers	P.O. Box 898 Anchorage, AK 99506-0898	N/A	907- 753-2606	907-753-2625	Federal	25%	
U.S. Environmental Protection Agency	222 W. 7th Ave. #19 Anchorage, AK 99513	<a href="mailto:wagner.dennix@epamail.epa.gov">wagner.dennix@epamail.epa.gov</a>	907-271-3651	907-271-3424	Federal	N/A	
Housing and Urban Development	949 East 36th Avenue Suite 40, Anchorage, AK 99508-4399	<a href="mailto:collen_bickford@hud.gov">collen_bickford@hud.gov</a>	907-271-4170	907-271-3778	Federal	N/A	
U.S. Department of Commerce / EDA	550 W. 7th Ave. Ste. 1780 Anchorage, AK 99501	<a href="mailto:bricwert@eda.doc.gov">bricwert@eda.doc.gov</a>	907-271-2272	907-271-2273	Federal	N/A	

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Contact Agency Name	Address	E-Mail Address	Phone Number	Fax Number	Funding Source (Private, Federal or State)	Matching Requirements	Local Assets
Denali Commission	510 L St.#410 Anchorage, AK 99501	<a href="mailto:Aewing@denali.gov">Aewing@denali.gov</a>	907-271-1414	907-271-1415	Federal	N/A	
<b>State:</b>							
Alaska Housing Finance Corporation	P.O. Box 101020 Anchorage, AK 99510-1020	<a href="mailto:bpickett@ahfc.state.ak.us">bpickett@ahfc.state.ak.us</a>	907-330-8273	907-338-2585	State	N/A	
AK Department of Transportation / PF	222 W. 7th Ave., Box14 Anchorage, Alaska 99513	<a href="mailto:tom_briqham@dot.state.ak.us">tom_briqham@dot.state.ak.us</a>	907-271-5459	907-271-2851	State	N/A	
Department of Health and Social Sciences	Office of the Comm. P. O. Box 110601 Juneau, AK 99811-0601	<a href="mailto:Karen_Pearson@helath.state.ak.us">Karen_Pearson@helath.state.ak.us</a>	907-465-3090	907-586-1877	State	N/A	
Fish and Wildlife	P.O. Box 110610 Juneau, AK 99811	<a href="mailto:david_thomson@fish_game.state.ak.us">david_thomson@fish_game.state.ak.us</a>	907-465-4190	907-465-6142	State	N/A	
AK Department of Education and Early Development	801 West 10th Street, Suite 200, Juneau, AK 99801-2800	N/A	907-465-2800	907-465-4156	State	N/A	
Village Safe Water Program	555 Cordova Street Anchorage, AK 99501	<a href="mailto:Kurt_Egelhofer@envirocon.state.ak.us">Kurt_Egelhofer@envirocon.state.ak.us</a>	907-269-7601	907-269-7509	State	N/A	
Division of Emergency Services	P.O. Box 5750 Ft. Richardson, AK	<a href="mailto:ades@ak-prepared.com">ades@ak-prepared.com</a>	1-800-478-2337	907-428-7009	State	N/A	



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Contact Agency Name	Address	E-Mail Address	Phone Number	Fax Number	Funding Source (Private, Federal or State)	Matching Requirements	Local Assets
<b>Local Government</b>						N/A	
City of Shishmaref	P.O. Box 83 Shishmaref, AK 99772	N/A	907-649-3781	907-649-2131	Private	N/A	
Shishmaref IRA Council	P.O. Box 72110 Shishmaref, AK 99772	<a href="mailto:jeanette@kawerak.org">jeanette@kawerak.org</a>	907-649-3821	907-649-2104	Private	N/A	
<b>Regional Corporations/Profit/Non-profit</b>							
Kawerak, Inc.	P.O. Box 948 Nome, AK 99762	<a href="mailto:rubv@kawerak.org">rubv@kawerak.org</a>	907-443-5231	907-443-4452	Private	N/A	
Bering Straits Native Corporation	P.O. Box 1008 Nome, AK 99762	<a href="http://www.beringstraits.com">www.beringstraits.com</a>	907-443-5252	907-443-2985	Private	N/A	
Norton Sound Health Corporation	P.O. Box 966 Nome, AK 99762	N/A	907-443-3311	N/A	Private	N/A	
Nome Eskimo Community	P.O. Box 1090 Nome, AK 99762	<a href="mailto:bunnv@kawerak.org">bunnv@kawerak.org</a>	907-443-2246	907-443-3539	Private	N/A	
Sitnasuak Native Corporation	P.O. Box 905 Nome, AK 99762	N/A	907-443-2632	907-443-3063	Private	N/A	

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Contact Agency Name	Address	E-Mail Address	Phone Number	Fax Number	Funding Source (Private, Federal or State)	Matching Requirements	Local Assets
Rural Alaska Community Action Program	P.O.Box 200908 Anchorage, AK 99520	<a href="mailto:cook@citi.com">cook@citi.com</a>	907-279-2511	907-278-2309	Private	N/A	
Other							
AVEC	4831 Eagle Street Anchorage, AK 99583	<a href="mailto:mbecker@avec.org">mbecker@avec.org</a>	907-561-1818	907-562-4086	State	N/A	
TelAlsAKa	P.O. Box 293 Nome, AK 99762	N/A	907-443-5466 1-888-478-3127	907-443-0078	Private	N/A	
GCI Cable	P.O. Box 274 Nome, AK 99762	N/A	907-443-2550 1-800-800-4800	443-5845	Private	N/A	
Shishmaref Native Corporation	P.O. Box 151 Shishmaref, AK 99772	N/A	907-649-3751	907-649-3731	Private	N/A	
Bering Straits Housing Authority	P.O Box 995 Nome, AK 99762	<a href="mailto:wmundy@bsrha.org">wmundy@bsrha.org</a>	907-443-5256	907-443-2160	Private	N/A	
NOOK.net (Web info source)	P.O. Box 970 Nome, AK 99762	<a href="http://www.nook.net">www.nook.net</a>	907-443-7575		Private	N/A	
First National Bank	101 W. 36th Ave. Anchorage, Alaska 99510-07720	N/A	907-777-5663	907-777-3003	Private	N/A	

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Contact Agency Name	Address	E-Mail Address	Phone Number	Fax Number	Funding Source (Private, Federal or State)	Matching Requirements	Local Assets
Association of Alaska Housing Authorities	4300 Boniface Parkway Anchorage, Alaska 99504	N/A	907-338-3970	907-338-4904	Private		
Alaska Airlines	P.O. Box 929 Nome, AK 99762	N/A	907-443-2288	907-443-5520	Private	N/A	
Bering Air	P.O. Box 1650 Nome, AK 99762	N/A	907-443-5464	907-443-5919	Private	N/A	
Cape Symthe	P.O. Box 1856 Nome, AK 99762	N/A	907-443-2414	907-443-2548	Private	N/A	
Hageland Aviation	P.O. Box 1490 Nome, AK 99762	N/A	907-443-7595	907-443-7660	Private	N/A	
Northern Air Cargo	P.O. Box 790 Nome, AK 99762	<u>N/A</u>	907-443-2215	907-443-5052	Private	N/A	
Artic Transportation Services	P.O. Box 790 Nome, AK 99762	N/A	907-443-5482	907-443-4939	Private	N/A	
Lynden Air Cargo	P.O. Box 967 Nome, AK 99762	N/A	907-443-4671	907-443-4672	Private	N/A	

ORDINANCE NO. 98-01

AN ORDINANCE OF THE CITY OF SHISHMAREF, ALASKA  
ESTABLISHING LAND USE REGULATIONS TO CONFORM TO  
REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE  
PROGRAM AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Alaska Statutes 29.35.260(a) empowers the City of Shishmaref to exercise a power not otherwise prohibited by law.

WHEREAS, it is desirable to provide the residents and businesses of the City of Shishmaref the opportunity to purchase flood insurance;

THEREFORE BE IT ENACTED BY THE CITY OF SHISHMAREF AS FOLLOWS:

Section	1.0	Statutory authorization, findings of fact, and purpose
Section	2.0	Definitions
Section	3.0	General Provisions
Section	4.0	Administration
Section	5.0	Flood Hazard Reduction
Section	5.1	General Standards
Section	5.2	Residential and Nonresidential Construction
Section	5.3	Coastal High Hazard Areas

Section 1.0 Statutory authorization, findings of fact, and purpose.

The City Council of Shishmaref, Alaska, does recognize that the city is periodically subject to flooding, and land areas adjacent to the Chukchi Sea are subject to coastal erosion, furthermore, both hazards may result in loss of life and property, health and safety hazards, and public expenditures for flood protection, relief and erosion control, all of which adversely affect the public health, safety and general welfare.

The purpose of this ordinance is to promote public health, safety and general welfare and to minimize flood losses. To accomplish this purpose, it is the intent of this ordinance to:

1. Encourage land uses vulnerable to floods be protected against flood damages at the time of initial construction or substantial improvement;
2. Modify land uses which are dangerous to health, safety or property in time of flood or cause excessive increase in flood heights or velocity;
3. Insure that subdivision and development of land within the city are consistent with the need to minimize flood hazards; and insure that the sale of flood insurance is

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available to residents, and that those who occupy the areas of special flood hazard assume responsibility for their actions

### Section 2.0 Definitions

"**AREA OF SPECIAL FLOOD HAZARD**" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"**COASTAL HIGH HAZARD AREA**" Means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designate on the FIRM as VE.

"**DEVELOPMENT**" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"**FLOOD**" or "**FLOODING**" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters and/or;
- (2) ~~the~~The unusual and rapid accumulation of runoff of surface waters from any source.

"**FLOOD INSURANCE RATE MAP (FIRM)**" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City of Shishmaref.

"**FLOOD-RELATED EROSION**" means the collapse or subsidence of land along the shore of a body of water as a result of undermining caused by waves, or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as an abnormal tidal surge.

"**STRUCTURE**" means a walled and roofed building, manufactured home, and includes a gas or liquid storage tank that is principally above ground.

"**SUBSTANTIAL IMPROVEMENT**" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) before the improvement or repair is started, or
- (2) if the structure has been damaged, and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

### SECTION 3.0 General Provisions

#### 3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Shishmaref.

**BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard identified by the Federal Insurance Administration on the Flood Insurance Rate Map dated August 23, 2001 are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Rate Map is on file at the

City of Shishmaref, P.O. Box 83, Shishmaref, AK 99772.

as shown on the ~~Shishmaref Community Profile~~ Special Flood Hazard overlay map.

Source data is a Flood Insurance Study produced by the Federal Insurance Administration dated August 23, 2001 that cites the *Shishmaref Coastal Erosion Study prepared for the Alaska District Corps of Engineers by R&M Consultants, Inc. November 1986.*

**SECTION 4.0 Administration**

**4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT**

**4.1-1 Development Permit Required**

A development permit shall be obtained before construction or development begins to determine if such development is proposed within flood-prone areas. The permit shall be for all structures, including manufactured homes, and for all development including fill. Customary and traditional subsistence activities including drying racks are categorically excluded from this permit requirement.

**4.2 Designation of the Local Administrator**

The City Clerk is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

**4.3 DUTIES AND RESPONSIBILITIES OF THE CITY CLERK.**

Duties of the City Clerk shall include, but not be limited to:

**4.3-1 Permit Review**

- (1) Review all development permits to determine if the proposed development is located in a Special flood hazard area as shown on the Flood Insurance Rate Map dated August 23, 2001.
- (2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood and erosion damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

#### 5.1-4 Review of Building Permits

Where flood elevation data is not available either through a Flood Insurance Study or from another authoritative source, applications for building permits will be reviewed to assure proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

#### 5.2 Residential Construction

- (1) In all areas of special flood hazards, new construction and substantial improvement of any residential structure shall have the lowest floor elevated to or above base flood elevation if established, or the high water marks of record.
- (2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited.
- (3) All new residential construction shall utilize a foundation system that is easily relocatable (such as a Triodetic foundation system) so structures may be more easily relocated in the event erosion threatens building site.

#### 5.3 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor elevated to or above the level of the base flood elevation or high water marks of record; or, together with attendant utility and sanitary facilities shall:

- (1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- (2) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section and such certifications shall be provided to the city clerk.
- (3) Fully enclosed areas below the lowest floor in nonresidential elevated structures that are subject to flooding are prohibited.
- (4) All nonresidential construction shall utilize a foundation system that may allow for relocation of the structure, or erosion control is provided, or the site is

certified by a Professional Engineer to be safe from erosion for the useful life of the structure, or 15-years (whichever is less).

Section 6.0. Coastal High Hazard Areas

The Shishmaref Flood Insurance Rate Map depicts areas along the Chukchi Sea and Shishmaref Inlet as Coastal High Hazard Areas designated as Zones VE. These areas have high velocity waters from storm surges and are subject to erosion. In the areas of Coastal High Hazard, shown as Zone VE on the FIRM:

- (1) All new construction shall be located landward of the reach of Mean High Tide except for an engineered groin field, gabion baskets, or other erosion control.
- (2) No new residential or nonresidential structures are allowed in the Coastal High Hazard Areas (Zone VE).

Date of Introduction: 4/28/98  
 Date of Public Hearing: 5/7/98  
 Date Ordinance 98-1 Amendment Introduced: \_\_\_\_\_  
 Date of Public Hearing: \_\_\_\_\_

APPROVED by the Shishmaref City Council, this 7th day of May 1998.

Date Ordinance 98-1 Amendment adopted by the Shishmaref City Council, this 21<sup>st</sup> day of 1/2001.

ATTEST: Mikhail Kuznetsov  
Act. alt. City Clerk

CITY OF SHISHMAREF, ALASKA

Resolution 04-04

A Resolution of the City of Shishmaref requesting the State of Alaska and Governor Frank H. Murkowski to assess the current and potential shoreline erosion and flooding danger in Shishmaref, Alaska and provide financial assistance to ensure that preventative measures are in place to protect against loss of life and property and to alleviate potential disaster from future storms as experienced in November 2003.

WHEREAS; the City of Shishmaref is a political subdivision within the State of Alaska and is governed by the duly elected City Council of the City of Shishmaref ; and

WHEREAS; the Community of Shishmaref suffered devastating shoreline erosion and flooding during the storm of November 20-21, 2003, resulting in accelerated shoreline erosion in some areas in excess of thirty (30) feet caused by a particularly severe storm with significant storm surges and tidal action, wave heights of 14 feet, high winds with gusts to 60 MPH and heavy surf spray with flooding of the main street; and

WHEREAS; several homes and the Bering Straits School teachers quarters were also threatened causing evacuation of the Kokeok and three (3) teacher families; and

WHEREAS; the storm created significant and dangerous bluff undercuts directly threatening three utility poles causing potential loss of power to the community, two satellite dish communication systems, the National Guard facility and power to the Shishmaref airport and weather reporting system; and

WHEREAS; numerous and significant sections of the gabion revetment failed during the storm, and reconstruction or replacement is needed; and

WHEREAS; a large majority of the community in the low lying areas on the eastern side of the community also suffered erosion and flooding as well as the landfill road due to the fact that there is no protection in place and the community has not been able to secure funding to place such structures to prevent continued erosion and flooding; and

WHEREAS; the Native Village of Shishmaref in coordination with Kawerak, Inc. Transportation Program will construct a rip rap seawall in Spring 2004 to protect an area of the community with severe erosion that continues to threaten the main street access to the airport, however, this funding is limited and will only construct a seawall up to 400 feet leaving unprotected areas vulnerable to erosion; and

WHEREAS; the community, through the Shishmaref Erosion and Relocation Coalition and in cooperation with the Bering Straits School District has approached the US Corp of Engineers to construct a seawall of a planned 230 ft., continuing from the Kawerak funded rip rap seawall to provide protection below the school property. However, this project funding is also limited and will not provide shoreline protection to other threatened areas; and

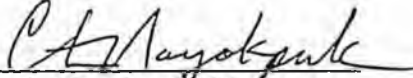
WHEREAS; heavy construction equipment from the Kawerak Transportation Program seawall project is now available and local material in the form of re-useable armorflex cement blocks from a previously constructed and failed seawall; and

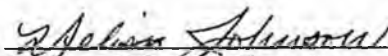
WHEREAS; the community voted overwhelmingly to relocate in July 2001 and the community anticipates an expedited relocation to occur by 2009, however, relocation is dependant on outside funding sources; and

WHEREAS; the recent storm erosion damage creates a significant continuing threat to the Community of Shishmaref and the ability of our community to respond to this situation is beyond our capability and resources. The fall storm conditions with freezing and dangerous rough seas limits the evacuation of the community by boat or aircraft if the runway is flooded; and

NOW THEREFORE BE IT RESOLVED, that the City of Shishmaref through this resolution hereby requests the State of Alaska and Governor Frank H. Murkowski, to assess the current and potential erosion and flooding dangers in Shishmaref and provide financial assistance to place preventative measures by moving homes and other facilities threatened or placing shoreline protection as required to protect our community and to alleviate a potential disaster and a state of emergency in the Community of Shishmaref. Furthermore, until a safe relocation to a new site on the mainland is completed, our need is to continue to protect the health, safety and welfare of the residents of Shishmaref.

PASSED AND APPROVED by a duly constituted quorum of the Shishmaref City Council this 19th. day of February, 2004

  
Curtis Nayokpuk, Mayor  
City of Shishmaref

  
Melissa Johnson, Secretary  
City of Shishmaref

# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 2/6/04

FURTHER: State Affairs

Date of 5-Day Notice: \_\_\_\_\_  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 2/25/04

Community and Regional Affairs Committee considered SENATE JOINT RESOLUTION NO. 25

### SJR 25 FLOODING AND EROSION CONTROL ASSISTANCE

Recommending that certain federal funding restrictions be eased so that more villages in Alaska would qualify for assistance relating to flooding and erosion.

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**Senate Bill:**  
 Same Title  
 New Title

**House Bill:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

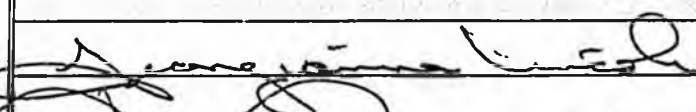
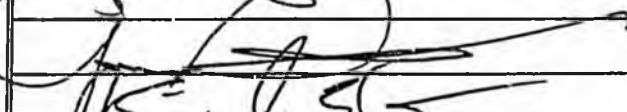
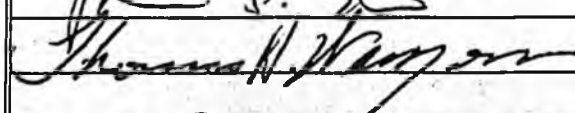
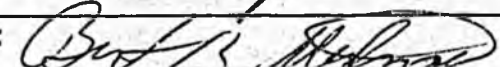
**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
DCED	2/25/04			✓	

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
	✓			
	✓			
	✓			
CHAIR: 	✓			

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SJR 25  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DCED  
 Title Flooding & Erosion Control Assistance RDU Comm Assist & Ec Dev (405)  
 Component Community Advocacy  
 Sponsor Senator Olson  
 Requester Senate Community & Regional Affairs Component No. 2703

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This resolution urges the federal government to ease the cost and benefit analysis rules associated with federal assistance for flood and erosion damage, and moves to help communities in the state that are threatened by erosion and flooding.

This resolution has no fiscal impact upon the operations of the division.

Prepared by: Gene Kane, Director Phone (907) 269-4578  
 Division: Community Advocacy Date/Time 2/25/04 11:54 AM  
 Approved by: Edgar Blatchford, Commissioner Date 2/25/2004  
 Agency: Department of Community & Economic Development

HB

58

# Alaska House of Representatives

Richard Foster  
P.O. Box 1630  
Nome, AK 99762  
907-443-5036  
Fax 907-443-2162



During Session  
State Capitol Rm. 410  
Juneau, AK 99801-1182  
907-465-3789  
Fax 907-465-3242

## Majority Whip

### MEMORANDUM

To: Senator Thomas Wagoner, Chair  
Community & Regional Affairs

From: Representative Richard Foster

Date: February 19, 2003

Re: Scheduling HB 58

I respectfully request that the Senate Community and Regional Affairs Committee schedule House Bill 58 for a hearing.

This bill is important to Village Corporations, which have been involuntarily dissolved by the commissioner of Commerce and Economic Development as required by AS 10.06.633.

Enclosed are the latest version of the bill, the sponsor's statement, the fiscal note and the Savoonga Native Corporation's request for this legislation.

If you have any questions, please contact Larry in my office.

**HOUSE BILL NO. 58**  
**By Representative Foster**

**Sponsor's Statement**

This legislation has been introduced at the request of one of the Village Native Corporations within our region. The corporation was involuntarily dissolved by the commissioner under AS 10.06.633 and failed to apply for reinstatement during the grace period established in statute.

This legislation provides a one-time window during which Native village corporations who have been dissolved can apply for reinstatement.

The legislation is needed because these corporations were established under the Alaska land claims settlement and legally own village corporation assets. A new corporation could be created but it would not have the same legal standing as the original corporation nor legally own those assets.

The final provision of the bill allows a Village Native Corporation's board of directors to legally change the corporation name, if another corporation has taken the previously used name.

The Department Commerce and Economic Development has identified three corporations to which this legislation will apply. They are the Savoonga Native Corporation, the Paimiut Native Corporation, and the Tununrimit Rinit Native Corporation.

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 58  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DCED  
 Title Reinstatement of Native Corporations BRU Banking, Securities & Corporations (115)  
 Component Banking, Securities & Corporations  
 Sponsor Representative Foster/Hawker  
 Requester House Community & Regional Affairs Component No. 1233

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2003) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This legislation provides the opportunity for native village corporations involuntarily dissolved under AS 10.06.633 to be reinstated on or before December 31, 2003. The legislation may generate a small amount of revenue from fees and penalties received to reinstate a corporation. The division does not anticipate any negative fiscal impact.

Prepared by: Mark Davis, Division Director Phone 907-269-8452  
 Division Banking, Securities and Corporations Date/Time 1/28/03 9:42 AM  
 Approved by: Edgar Blatchford, Commissioner Date 1/28/2003  
 Agency Department of Community & Economic Development

# SAVOONGA NATIVE CORPORATION

P.O. Box 160  
Savoonga, Alaska 99769  
(907) 984-6613

January 2, 2003

Representative Richard Foster State Capital, Room 14 Juneau, AK 99801-1182	716 West 4 <sup>th</sup> Ave., Suite 380 Anchorage, AK 99501-
--	--

*Re: Request for legislation for involuntarily dissolved ANCSA Corporations*

Dear Representative Foster:

I am writing as President of Savoonga Native Corporation to request that you sponsor legislation, reinstating involuntarily dissolved ANCSA corporations and extending recognition to corporations that replaced involuntarily dissolved native corporations. In 1994, you sponsored HB71 that did exactly that and became 10.06.960 (j) & (k). What we are seeking is an updated version of AS 10.06.960 (j) & (k). Savoonga Native Corporation was involuntarily dissolved in March 2000 and its reinstatement period has expired. We recently reincorporated under the same name and seek to confirm our new status. As co-sponsor of HB71 I know that you understand the situation. Savoonga Native Corporation would be appreciative if you would sponsor a new version that would confirm our status.

As was true in 1994, and again in 1996, when you sponsored HB392, there are likely to be other native corporations in a similar situation that would also benefit from the legislation. Enclosed for your convenience are the language and legislative history of HB71 (Chapter 120 SLA 94 and HB 392, Chapter 24, SLA '96) Please let me know if you are willing to sponsor such legislation or if I could provide you with any information or be of any assistance. I look forward to hearing from you.

Very truly yours,



Carl Pelowook  
President of Savoonga Native Corporation

HB

68

# ALASKA STATE LEGISLATURE



## SENATE COMMUNITY & REGIONAL AFFAIRS COMMITTEE

Senator Tom Wagoner, Chair

Official Business


Senator Alan Austerman  
Senator Kim Elton  
Senator Georgianna Lincoln  
Senator Robin Taylor

State Capitol, Room 427  
Juneau, AK 99801-1182  
Phone: (907) 465-4989  
Fax: (907) 465-4779

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DATE: February 20, 2003

TO: Senate Secretary

FROM: Senator Tom Wagoner, Chair   
Senate Community and Regional Affairs Committee

RE: Meeting Schedule: February 24 – February 28, 2003

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February 24: No meeting scheduled.

+ February 26: 1:30 – 3:30pm: Fahrenkamp, Room #203

- \* SB 38 ADOPTION OF SAFETY CODES
- \* SB 62 AK REGIONAL ECONOMIC ASSISTANCE PROGRAM
- \* SB 63 MUNICIPAL ANNEXATIONS AND DETACHMENTS

HCR 2 EXTEND ALASKA RAILROAD TO FT. GREELY  
HB 58 REINSTATEMENT OF NATIVE CORPS  
HB 68 OFFICE OF VICTIMS' RIGHTS: INCLUDE MUNIS

February 28: No meeting scheduled.

- + Teleconferenced
- \* First Hearing

# **REPRESENTATIVE RALPH SAMUELS**

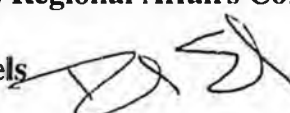
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HOUSE DISTRICT 29

## **Memorandum**

**Date:** February 20, 2003

**To:** Senator Tom Wagoner  
Chair, Senate Community & Regional Affairs Committee

**From:** Representative Ralph Samuels 

**RE:** Hearing for House Bill 68

---

Please schedule a hearing for this bill at your earliest convenience.

Attached you will find:

1. CS HB 68 ( House Judiciary)
2. Sponsor statement
3. Letters of support
  - a. Mayor George P. Wuerch, Anchorage Mayor
  - b. Assemblyman Dick Traini, Chair, Anchorage Assembly
  - c. Stephen Branchflower, Director, Office of Victims' Rights
  - d. Gerad Godfrey
4. Anchorage Daily News article
  - a. Bills Would Clarify Jurisdiction

Email: Representative\_Ralph\_Samuels@legis.state.ak.us

Session: Alaska State Capitol, Juneau, Alaska 99801-1182 • Phone: (907) 465-2095 Fax: (907) 465-3810  
Interim: 716 W. 4th Ave., Anchorage, Alaska 99501-2133 • Phone: (907) 269-0240 Fax: (907) 269-0242



# REPRESENTATIVE RALPH SAMUELS

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HOUSE DISTRICT 29

## CS HB 68 Sponsor Statement

### **“An Act relating to the jurisdiction of the Office of Victims’ Rights”**

This legislation was sponsored to clarify that municipalities be specifically included in the definition of a justice agency. It was the intent of the original bill for the Office of Victims’ Rights to be able to communicate directly with the municipality, the police department and the department of law, and a minor technical change is needed to make this happen. As a result of the minor language change, the Office of Victims’ Rights will have jurisdiction to act on behalf of the victims it represents with all critical agencies.

Email: [Representative\\_Ralph\\_Samuels@legis.state.ak.us](mailto:Representative_Ralph_Samuels@legis.state.ak.us)

Session: Alaska State Capitol, Juneau, Alaska 99801-1182 • Phone: (907) 465-2095 Fax: (907) 465-3810  
Interim: 716 W. 4th Ave., Anchorage, Alaska 99501-2133 • Phone: (907) 269-0240 Fax: (907) 269-0242

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 68(JUD)  
 (H) Publish Date: 2/7/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Legislature  
 Title "An Act relating to the office of victims'... BRU Legislative Council  
 Component Council and Subcommittees  
 Sponsor Representative Samuels, Stoltze ...  
 Requester House Judiciary Component No. 783

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2003) cost: 0.0

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

**POSITIONS**

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

**ANALYSIS:** (Attach a separate page if necessary)  
 HB 68 amends the definition of "justice agency" under AS 24.65.250(1) to include municipalities. This bill has zero fiscal impact to the Office of Victims' Rights as the office currently works with municipalities on a statewide basis. This amendment would clarify the current practice of the Office of Victims' Rights.

Prepared by: Karla Schofield, Deputy Director Phone 465-3850  
 Division Administrative Services Date/Time 2/4/03 5:08 PM  
 Approved by: Pamela A. Varni, Executive Director Date 2/4/2003  
 Agency Legislative Affairs Agency

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FOLLOWING  
DOCUMENT(S)  
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POOR  
ORIGINAL  
COPIES



# Municipality of Anchorage

Office of the Mayor

*George P. Wuerch, Mayor*



January 29, 2003

Senator Lyda Green  
State of Alaska  
State Capitol, Room 516  
Juneau, AK 99801-1182

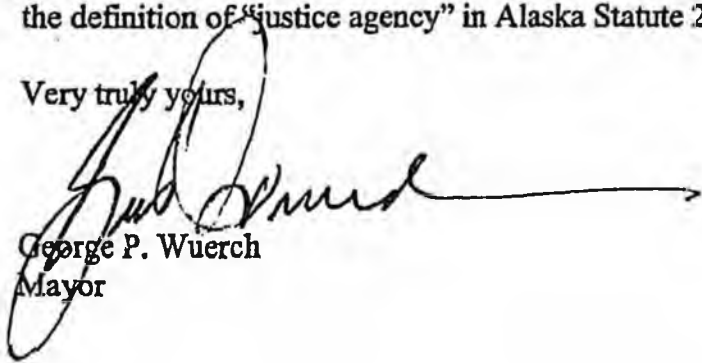
Representative Ralph Samuels  
State of Alaska  
State Capitol, Room 412  
Juneau, AK 99801-1182

Re: House Bill Relating to the Office of Victims' Rights

Dear Senator Green and Representative Samuels:

Please include municipalities as a unit of government, along with the executive and judicial branches of State government, in which there are "justice agencies", under the jurisdiction of the Office of Victims' Rights. (Revisions to Alaska Statute 24.65.110 and the definition of "justice agency" in Alaska Statute 24.65.250.)

Very truly yours,

  
George P. Wuerch  
Mayor

**Municipality  
of  
Anchorage**



P.O. Box 196650  
Anchorage, Alaska 99519-6650  
Telephone: (907) 343-4311  
Fax: (907) 343-4318 or 343-4780  
[www.ci.anchorage.ak.us/Assembly](http://www.ci.anchorage.ak.us/Assembly)

ANCHORAGE ASSEMBLY

January 31, 2003

Representative Ralph Samuels  
Room 409  
State Capitol  
Juneau AK 99801-1182

Dear Representative Samuels:

You have offered HB 68 along with seven of your house colleagues relating to the jurisdiction of the State Office of Victims' Rights. The Bill would clarify State law by making specific reference to Municipalities in its definition of justice agencies within OVR's jurisdiction. Enactment would resolve a technical question first raised by Anchorage Municipal Attorney Bill Green in connection with OVR's inquiry into the Godfrey shooting.

First by resolution and later by an amendment to the Anchorage Municipal Code, the Anchorage Assembly has already gone on record as acknowledging the jurisdiction of the State Office of Victims' Rights over the Municipality and requiring Municipal Officials to cooperate with that agency in its investigations. Based on these prior enactments and comments of individual members on January 28, 2002, when we first learned of your introduction of HB 68, I can safely say the Anchorage Assembly supports the goal of this legislation and would urge its enactment. If a more formal resolution of the Assembly would be helpful, please contact me.

Sincerely,

Dick Traini  
Chair



STATE OF ALASKA  
OFFICE OF VICTIMS' RIGHTS

Ralph Samuels  
Representative  
State Capitol, Room 409  
Juneau, Alaska 99801-1182

January 30, 2003

Lyda Green  
Senator  
State Capitol, Room 516  
Juneau, Alaska 99801-1182

RE: House Bill 68 and Senate Bill 42

Dear Representative Samuels and Senator Green:

In 2001 the Alaska legislature enacted a law that created a new agency within the legislature known as the Alaska Office of Victims' Rights (OVR) of which I am the director. The law, which may be found in Alaska statutes 24.65.010.250, went into effect on July 1, 2002. Our purpose is to help crime victims when they are unexpectedly and suddenly drawn into an often indifferent but always confusing criminal justice system at a time when they are trying to cope with injury and personal loss. It is equally to protect the rights they have under Alaska's constitution and statutes while working with police, prosecutors and criminal justice agencies as the investigation and prosecution of their cases unfolds, which can sometimes take months or years. Our clients, which now number more than 100, have sought a variety of services including information, education, investigation, in court advocacy and support. In providing these needed services we have focused on facilitating a cooperative relationship between criminal justice agencies and victims of crime.

While we have statewide jurisdiction, and assist many crime victims throughout Alaska, most of our clients reside within the Municipality of

1007 WEST 3RD AVENUE, SUITE 205 • ANCHORAGE, ALASKA 99501-1936  
TELEPHONE: 1-907-272-2620 • FACSIMILE: 1-907-272-2640

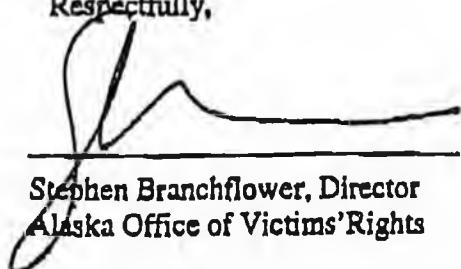
Anchorage, the state's most populated city. The Anchorage Police Department (APD), the largest law enforcement organization in the state, is responsible for investigating the majority of criminal cases in this community and is the justice agency we deal with for more than two-thirds of our cases.

I support passage of the amendment proposed in HB 68 and its companion in the Senate, SB 42, because it would clarify the definition of the term "justice agency" in AS 24.65.110(a)(1) by making it clear that APD, falls under the OVR's oversight. The legislature necessarily meant to include this police department and large population of victims under the umbrella of OVR's protection when it created this office. Since the amended statute will have statewide application, it will make it clear that police departments in smaller jurisdictions are also covered.

Officials of the Municipality of Anchorage are on record supporting the purpose of HB 68 and SB 42. For example, members of the Anchorage Assembly unanimously voted for passage of AO 2003-2 on January 28, 2003. That new ordinance states in pertinent part "The jurisdiction of the Office of Victims' rights over the Municipality of Anchorage, its departments, agencies, officials, and employees is officially acknowledged." Also, Anchorage's Mayor George Wuerch supported enactment of AO 2003-2, and spoke in favor of that ordinance when it came up for assembly action on the 28<sup>th</sup>. He has requested that you sponsor HB 68 on his behalf.

For these reasons, I join with the Mayor, Anchorage Assembly members, and others in the community who will be supporting this legislation, to urge passage of this needed amendment.

Respectfully,



Stephen Branchflower, Director  
Alaska Office of Victims' Rights

Cc: Representatives Bill Stoltze, Lesil McGuire, Tom Anderson, Kevin Meyer,  
Max Gruenberg, Mike Hawker, co-sponsors of HB 68

State of Alaska Representative, Ralph Samuels  
State Capitol Room 409  
Juneau, Alaska 99801-1182

February 2, 2003

Dear Representative Samuels:

We are writing this letter in support of House Bill 68 and Senate Bill 42 in an effort to encourage, or compel, if necessary, all municipalities within the state of Alaska to comply with The Office of Victims' Rights when it is operating in the capacity, which it was intended to. By bringing clarity to the term "justice agency" it would appear as though there would remain little room for the authority and jurisdiction of The Office of Victims' Rights to be misconstrued by any municipality or agency of justice governed by a municipality.

The unfortunate tragedy that recently struck our family created a need for us to turn to the OVR. As a resource the OVR has been invaluable. However, the investigation we requested by The Office of Victims' Rights was hindered through a delayed process of disclosure, which ultimately prolonged the investigation as well as the frustration of our family. An intermittent reluctance by the Anchorage Municipal Attorney's office to acknowledge the jurisdiction of The Office of Victims' Rights hampered, what should and could have been, a more expeditious process. We would desire that no one would suffer such a plight as ours, but should it happen again, we believe that no investigation should be inhibited by a question of jurisdiction or authority of The Office of Victims' Rights. That potential no longer exists within the Municipality of Anchorage because the assembly and mayor have graciously recognized the jurisdiction of the OVR through municipal ordinance. Unfortunately, that only accounts for Anchorage and the "justice agencies" within it. It is therefore prudent and timely for this legislature to ensure the intent of the previous legislature in clarifying the jurisdiction in the wording of the bill, which created The Office of Victims' Rights. We hereby embrace the sponsorship of the previously stated bills and encourage the passage of the amended wording.

Sincerest thanks,



Gerard Godfrey, The Godfrey Family

# Anchorage Daily News

January 30, 2003



Alaska  
Legislature

## ON THE WEB:

For more information on the Alaska Legislature, including easy ways to contact lawmakers, go to [www.adn.com/legislature](http://www.adn.com/legislature)

## Bills would clarify jurisdiction

■ **AUTHORITY:** Reach of state victims' rights advocate would extend into municipality.

**The Associated Press**

JUNEAU — Several lawmakers want to make clear that a state victims' rights advocate can get involved in municipal as well as state cases.

House Bill 68, which was introduced Wednesday, stems from the state Office of Victims' Rights investigation into the slow response by Anchorage emergency workers to the August shootings of Glenn and Patti Godfrey.

Glenn Godfrey, a retired public safety commissioner, was killed by his former girlfriend, Karen Brand, who also killed herself and shot Godfrey's wife, Patti.

Because of problems in the Anchorage police dispatch system, it took emergency workers 48 minutes to reach Patti God-

frey, who lay bleeding in her Eagle River home.

The Office of Victims' Rights investigated the case and issued a report finding Patti Godfrey's right to emergency help had been violated and urged changes in the Anchorage dispatch system.

The bill's sponsor, Rep. Ralph Samuels,

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*When the office issued its critical report on the Godfrey case in November, Anchorage municipal attorney Bill Greene questioned whether the victims' rights office had jurisdiction in the case.*

---

R-Anchorage, said Anchorage Mayor George Wuerch requested the legislation.

Current law does not make it clear whether the Office of Victims' Rights has authority to investigate municipalities' responses to crime, Samuels said.

When the office issued its critical report on the Godfrey case in November, Anchorage municipal attorney Bill Greene questioned whether the victims' rights office had jurisdiction in the case.

Jennifer Payne, a spokeswoman for Wuerch, said the mayor supports the legislation because he wants to make clear the city does not want to thwart the work of the victims' rights office.

"The mayor wanted to make sure that was cleared up, so there was no misunderstanding," Payne said.

Seven representatives have signed on as co-sponsors to the bill. A similar bill was introduced Wednesday in the Senate by Sen. Lyda Green, R-Wasilla. It is Senate Bill 42.

**HB**

**194**

# Alaska State Legislature

## House of Representatives

Session address:  
Alaska State Capitol, Room 432  
Juneau, AK 99801-1182  
1-800-465-4939 (toll free)  
1-907-465-2418 (fax)



Interim Address:  
716 W. 4th Ave.  
Anchorage, AK 99501-2133  
1-907-269-0265  
1-907-269-0264 (fax)

Representative Tom Anderson  
District 19

### MEMORANDUM

**Date:** April 25, 2003

**To:** Senator Tom Wagoner  
Senate Community and Regional Affairs Committee Chair

**From:** Representative Tom Anderson *T.A.*

**Re:** House Bill 194

---

I respectfully request that you schedule HB 194 for a hearing before the Senate Community and Regional Affairs Committee.

Enclosed are:

1. Sponsor Statement
2. Summary of changes made in House L&C CS
3. Sectional Summary
4. Statutes affected by HB 194
5. Spreadsheet prepared by Mark Graber, Division of Tax
6. Letters of support

I thank you for your consideration of this request.

# Alaska State Legislature

## House of Representatives



Official Business

State Capitol  
Juneau, AK 99801-1182

### SPONSOR STATEMENT FOR CSHB 194(L&C) BY: Representative Tom Anderson

**TITLE:** "An Act creating a tax credit under the Alaska Net Income Tax for contributions to regional development organizations; and providing for an effective date."

House Bill 194 creates a tax credit for contributions made by businesses to Alaskan regional development organizations. This legislation limits the tax credit to the first \$10,000 contributed by a business to a regional development organization. The tax credit allowed under HB 194, when combined with credits allowed under various other tax credit provisions in statute, may not exceed the previously established limit of \$150,000. This tax credit will sunset in 2005.

The definition used in HB 194 for "regional development organizations" is from statutory language used to define an Alaska Regional Development Organization (ARDOR). The Labor and Commerce Committee Substitute clarifies these organizations must be designated by the Department of Community and Economic Development as ARDORs. There are currently 13 ARDORs throughout the state covering all of Alaska except a section of the Interior and a portion of the Lower Yukon.

The ARDOR program is based on the notion that locally driven initiatives, in partnership with the State, can most effectively stimulate economic development and produce healthy, sustainable local economies. The tax credit established by HB 194 will encourage businesses to contribute to the ARDORs and assist regional development organizations' solicitation of contributions by having a tax credit as a further incentive.

I urge your support of HB 194.

# Alaska State Legislature

## Representative Tom Anderson



Official Business

State Capitol  
Juneau, AK 99801-1182

### Summary of changes made to HB 194 in CS Draft 23-LS0773\H

Page 3

Sec. 7

Sec. 43.20.019

Language has been added at the request of the Division of Tax to indicate that the regional development organization must be designated as such by the Department of Community and Economic Development. This is consistent with the sponsor's intent that the tax credit be made available only for contributions to recognized ARDORs and will assist the Division of Tax in readily determining which contributions are eligible to be claimed as tax credits.

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**LEGAL SERVICES****DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mall Stop 3101State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329**MEMORANDUM**

March 13, 2003

**SUBJECT:** Sectional Summary of HB 194, creating a tax credit for contributions to regional development organizations (Work Order No. 23-LS0733D)

**TO:** Representative Tom Anderson

**FROM:** Kathryn L. Kurtz  
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

**Section 1.** Effective July 1, 2003, adds the credit created in section 7 of the bill to the list of tax credits in AS 21.89.070(c) which, when combined, may not exceed \$150,000.

**Section 2.** Effective July 1, 2005, removes the credit added in section 1 of the bill from AS 21.89.070(c).

**Section 3.** Effective July 1, 2003, adds the credit created in section 7 of the bill to the list of tax credits in AS 21.89.075(c) which, when combined, may not exceed \$150,000.

**Section 4.** Effective July 1, 2005, removes the credit added in section 3 of the bill from AS 21.89.075(c).

**Section 5.** Effective July 1, 2003, adds the credit created in section 7 of the bill to the list of tax credits in AS 43.20.014(d) which, when combined, may not exceed \$150,000.

**Section 6.** Effective July 1, 2005, removes the credit added in section 5 of the bill from AS 43.20.014(d).

**Section 7.** Creates a tax credit not to exceed \$10,000 for cash contributions accepted for direct operation of a regional development organization. Defines "regional development organization" using the definition now found in AS 44.33.895 (scheduled for repeal 7/1/03). Provides that the credit may not be claimed under both this provision and

Representative Tom Anderson  
March 13, 2003  
Page 2

another provision of AS 43, or claimed and also allowed as a deduction under 26 U.S.C. 170 against the Alaska net income tax. Provides that the credit, when combined with other credits taken under other statutory sections, may not exceed \$150,000.

**Section 8.** Effective July 1, 2003, adds the credit created in section 7 of the bill to the list of tax credits in AS 43.55.019(d) which, when combined, may not exceed \$150,000.

**Section 9.** Effective July 1, 2005, removes the credit added in section 8 of the bill from AS 43.55.019(d).

**Section 10.** Effective July 1, 2003, adds the credit created in section 7 of the bill to the list of tax credits in AS 43.56.018(d) which, when combined, may not exceed \$150,000.

**Section 11.** Effective July 1, 2005, removes the credit added in section 10 of the bill from AS 43.56.018(d).

**Section 12.** Effective July 1, 2003, adds the credit created in section 7 of the bill to the list of tax credits in AS 43.65.018(d) which, when combined, may not exceed \$150,000.

**Section 13.** Effective July 1, 2005, removes the credit added in section 12 of the bill from AS 43.65.018(d).

**Section 14.** Effective July 1, 2003, adds the credit created in section 7 of the bill to the list of tax credits in AS 43.75.018(d) which, when combined, may not exceed \$150,000.

**Section 15.** Effective July 1, 2005, removes the credit added in section 14 of the bill from AS 43.75.018(d).

**Section 16.** Effective July 1, 2003, adds the credit created in section 7 of the bill to the list of tax credits in AS 43.77.045(c) which, when combined, may not exceed \$150,000.

**Section 17.** Effective July 1, 2005, removes the credit added in section 16 of the bill from AS 43.77.045(c).

**Section 18.** Repeals AS 43.20.019, the section creating the tax credit, effective July 1, 2005.

**Section 19.** Instructs the revisor to reconcile the material in this bill with sec. 28., ch. 46, SLA 2002, in the event the sunset date of that act is extended. That act provides a tax credit which is scheduled to sunset July 1, 2003, and this bill is drafted under the assumption that the sunset will occur. If it does not, the sections amended above will read differently, and the revisor will simply add references to AS 43.20.019 (the section of this bill which creates the tax credit) to those sections as they actually will read following July 1, 2003.

Representative Tom Anderson  
March 13, 2003  
Page 3

Section 20. Gives a July 1, 2003 effective date to the sections creating the tax credit and referring to the tax credit as part of the \$150,000 cap on tax credits under the Alaska net income tax act.

Section 21. Sunsets the bill July 1, 2005 by removing the credit created in sec. 7, sec. 43.20.019, and references to that section in other sections.

TML:lmb  
03-075.lmb

*The tax credit in House Bill 194 will be combined with the following tax credits. The credit provided in HB 194 is limited to the first \$10,000 contributed in a year and when combined with the following tax credits may not exceed a total of \$150,000 in credits claimed in a year.*

**Sec. 21.89.070. Insurance tax credit for gifts to colleges.**

(a) A taxpayer is allowed a credit against the tax due under AS 21.09.210 or AS 21.66.110 for cash contributions for direct instruction, research, and educational support purposes, including library and museum acquisitions, and contributions to endowment, that are accepted by a nonprofit, public or private, Alaska two-year or four-year college or university accredited by a regional accreditation association or that are accepted by an Alaska university foundation that supports a university or college that could receive a contribution for which a taxpayer may obtain a credit under this section. The amount of the credit is the lesser of

- (1) an amount equal to
  - (A) 50 percent of contributions of not more than \$100,000; and
  - (B) 100 percent of the next \$100,000 of contributions; or
- (2) 50 percent of the taxpayer's tax liability under this title.

(b) Each public college and university shall include in its annual operating budget request contributions received and how the contributions were used.

(c) [See delayed amendment note]. A contribution claimed as a credit under this section may not

- (1) be claimed as a credit under more than one provision of this title; and
- (2) when combined with credits taken during the taxpayer's tax year under AS 21.89.071, 21.89.075, AS 43.20.014, 43.20.018, AS 43.55.019, 43.55.021, AS 43.56.018, 43.56.019, AS 43.65.018, 43.65.019, AS 43.75.018, 43.75.019, AS 43.77.045, or 43.77.046, exceed \$150,000.

**Sec. 21.89.075. Insurance tax credit for gifts to the Alaska Fire Standards Council.**

(a) For cash contributions prequalified under (d) of this section and made for fire services programs to the Alaska Fire Standards Council established under AS 18.70.330, a taxpayer is allowed a credit against the tax due under AS 21.09.210 that is imposed on insurance that includes coverage for losses due to fire.

(b) The amount of the credit allowed to a taxpayer under (a) of this section is the lesser of

- (1) an amount equal to
  - (A) 50 percent of contributions of not more than \$100,000; and
  - (B) 100 percent of the next \$100,000 of contributions; or
- (2) 50 percent of the taxpayer's tax liability under this title.

(c) [See delayed amendment note]. A contribution claimed by a taxpayer as a credit under this section may not

- (1) be claimed as a credit under more than one provision of this title;
- (2) when combined with credits taken during the taxpayer's tax year under AS 21.89.070, 21.89.071, AS 43.20.014, 43.20.018, AS 43.55.019, 43.55.021, AS 43.56.018, 43.56.019, AS 43.65.018, 43.65.019, AS 43.75.018, 43.75.019, AS 43.77.045, or 43.77.046, exceed \$150,000; or

(3) be claimed as a credit unless the contribution qualifies for the credit under (d) of this section.

(d) A taxpayer may not claim a contribution as a credit under (a) of this section unless the taxpayer applies to the director for prequalification of the contribution as a tax credit and receives written notice from the director that the contribution prequalifies for the tax credit described under this section. The director shall allow prequalified tax credits for contributions under this section in the order that the director receives applications by taxpayers and may not provide notice of prequalification if the taxpayer's contribution would cause the total contributions made by all taxpayers during the calendar tax year to exceed \$300,000.

**Sec. 43.20.014. Income tax education credit.**

(a) For cash contributions accepted for direct instruction, research, and educational support purposes, including library and museum acquisitions, and contributions to endowment, by an Alaska university foundation or by a nonprofit, public or private, Alaska two-year or four-year college accredited by a regional accreditation association, a taxpayer is allowed as a credit against the tax due under this chapter

(1) 50 percent of contributions of not more than \$100,000; and

(2) 100 percent of the next \$100,000 of contributions.

(b) [Repealed, Sec. 12 ch 71 SLA 1991].

(c) Each public college and university shall include in its annual operating budget request contributions received and how the contributions were used.

(d) [See delayed amendment note]. A contribution claimed as a credit under this section may not

(1) be claimed as a credit under another provision of this title;

(2) also be allowed as a deduction under 26 U.S.C. 170 against the tax imposed by this chapter; and

(3) when combined with credits taken during the taxpayer's tax year under AS 21.89.070, 21.89.071, 21.89.075, AS 43.20.018, AS 43.55.019, 43.55.021, AS 43.56.018, 43.56.019, AS 43.65.018, 43.65.019, AS 43.75.018, 43.75.019, AS 43.77.045, or 43.77.046, exceed \$150,000.

**Sec. 43.55.019. Oil or gas producer education credit.**

(a) For cash contributions accepted for direct instruction, research, and educational support purposes, including library and museum acquisitions, and contributions to endowment, by an Alaska university foundation or by a nonprofit, public or private, Alaska two-year or four-year college accredited by a regional accreditation association, a producer of oil or gas is allowed as a credit against the tax due under this chapter

(1) 50 percent of contributions of not more than \$100,000; and

(2) 100 percent of the next \$100,000 of contributions.

**Sec. 43.56.018. Oil or gas property education credit.**

(a) For cash contributions accepted for direct instruction, research, and educational support purposes, including library and museum acquisitions, and contributions to endowment, by an Alaska university foundation or by a nonprofit, public

or private, Alaska two-year or four-year college accredited by a regional accreditation association, the owner of property taxable under this chapter is allowed as a credit against the tax due under this chapter

(1) 50 percent of contributions of not more than \$100,000; and

(2) 100 percent of the next \$100,000 of contributions.

(b) [Repealed, Sec. 12 ch 71 SLA 1991].

(c) Each public college and university shall include in its annual operating budget request contributions received and how the contributions were used.

(d) [See delayed amendment note]. A contribution claimed as a credit under this section may not

(1) be claimed as a credit under another provision of this title; and

(2) when combined with credits taken during the taxpayer's tax year under AS 21.89.070, 21.89.071, 21.89.075, AS 43.20.014, 43.20.018, AS 43.55.019, 43.55.021, AS 43.56.019, AS 43.65.018, 43.65.019, AS 43.75.018, 43.75.019, AS 43.77.045, or 43.77.046, exceed \$150,000.

(e) The department may, by regulation, establish procedures by which a taxpayer may allocate a pro rata share of a credit claimed under this section against monthly tax payments made during the tax year.

#### **Sec. 43.65.018. Mining business education credit.**

(a) For cash contributions accepted for direct instruction, research, and educational support purposes, including library and museum acquisitions, and contributions to endowment, by an Alaska university foundation or by a nonprofit public or private, Alaska two-year or four-year college accredited by a regional accreditation association, a person engaged in the business of mining in the state is allowed as a credit against the tax due under this chapter

(1) 50 percent of contributions of not more than \$100,000; and

(2) 100 percent of the next \$100,000 of contributions.

(b) [Repealed, Sec. 12 ch 71 SLA 1991].

(c) Each public college and university shall include in its annual operating budget request contributions received and how the contributions were used.

(d) [See delayed amendment note]. A contribution claimed as a credit under this section may not

(1) be claimed as a credit under another provision of this title; and

(2) when combined with credits taken during the taxpayer's tax year under AS 21.89.070, 21.89.071, 21.89.075, AS 43.20.014, 43.20.018, AS 43.55.019, 43.55.021, AS 43.56.018, 43.56.019, 43.65.019, AS 43.75.018, 43.75.019, AS 43.77.045, or 43.77.046, exceed \$150,000.

#### **Sec. 43.75.018. Fisheries business education credit.**

(a) For cash contributions accepted for direct instruction, research, and educational support purposes, including library and museum acquisitions and contributions to endowment, by an Alaska university foundation or by a nonprofit, public or private, Alaska two-year or four-year college accredited by a regional accreditation association, a person engaged in a fisheries business is allowed as a credit against the tax due under this chapter

(1) 50 percent of contributions of not more than \$100,000; and

(2) 100 percent of the next \$100,000 of contributions.

(b) [Repealed, Sec. 12 ch 71 SLA 1991].

(c) Each public college and university shall include in its annual operating budget request contributions received and how the contributions were used.

(d) [See delayed amendment note]. A contribution claimed as a credit under this section may not

(1) be claimed as a credit under another provision of this title; and

(2) when combined with credits taken during the taxpayer's tax year under AS 21.89.070, 21.89.071, 21.89.075, AS 43.20.014, 43.20.018, AS 43.55.019, 43.55.021, AS 43.56.018, 43.56.019, AS 43.65.018, 43.65.019, AS 43.75.019, AS 43.77.045, or 43.77.046, exceed \$150,000.

**Sec. 43.77.045. Fisheries resource landing tax education credit.**

(a) In addition to the credit allowed under AS 43.77.040, for cash contributions accepted for direct instruction, research, and educational support purposes, including library and museum acquisitions and contributions to endowment, by an Alaska university foundation or by a nonprofit, public or private, Alaska two- year or four-year college accredited by a regional accreditation association, a person engaged in a floating fisheries business is allowed as a credit against the tax due under this chapter

(1) 50 percent of contributions of not more than \$100,000; and

(2) 100 percent of the next \$100,000 of contributions.

(b) Each public college and university shall include in its annual operating budget request contributions received and how the contributions were used.

(c) [See delayed amendment note]. A contribution claimed as a credit under this section may not

(1) be claimed as a credit under another provision of this title; and

(2) when combined with credits taken during the taxpayer's tax year under AS 21.89.070, 21.89.071, 21.89.075, AS 43.20.014, 43.20.018, AS 43.55.019, 43.55.021, AS 43.56.018, 43.56.019, AS 43.65.018, 43.65.019, AS 43.75.018, 43.75.019, or AS 43.77.046, exceed \$150,000.

Alaska Department of Revenue  
 Tax Division - Mark Graber 4/2/03

RE: HB 194 Tax Credit for Contributions to ARDORS

Tax Credits claimed under the current \$150,000 limitation:

	FY00	FY01	FY02
<b>Education Credit</b>			
AS 21.89 (Insurance Premiums Tax)	\$ 280,000	\$ 430,000	\$ 300,000
AS 43.20 (Corporate Income Tax)	\$ 1,627,558	\$ 1,163,790	\$ 1,305,267
AS 43.56 (Oil and Gas Property Tax)	\$ -	\$ -	\$ -
AS 43.75 (Fisheries Business Tax)	\$ 14,140	\$ 4,815	\$ 1,794
AS 43.77 (Fisheries Landing Tax)	\$ 312,098	\$ 607,897	\$ 1,555,875
AS 43.65 (Mining License Tax)	\$ 63,751	\$ -	\$ 2,840
<b>Total Education Credits</b>	<b>\$ 2,297,547</b>	<b>\$ 2,206,502</b>	<b>\$ 3,165,776</b>
AK Fire Standards Council Contributions Credit (AS 21.89.075)	\$ -	\$ -	\$ -
<b>Total Credits Claimed Subject to \$150,000 Limit</b>	<b>\$ 2,297,547</b>	<b>\$ 2,206,502</b>	<b>\$ 3,165,776</b>

Note: Contributions to the Alaska Veterans Memorial Fund made between June 18, 2002 and July 1, 2003 will also be subject to the \$150,000 limit.