

**ALASKA ADMINISTRATIVE JOURNAL**

**OFFICE OF THE LIEUTENANT GOVERNOR**

**ISSUE 30, July 26, 1999**

**GENERAL INFORMATION**

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The Alaska Administrative Journal is an official publication of the State of Alaska, issued weekly, under the authority granted to the Lieutenant Governor by AS 44.62.175. The State of Alaska, Office of the Lt. Governor, complies with Title II of the Americans with Disabilities Act of 1990. This publication is available in alternative communication formats upon request. For general information regarding the AAJ, contact the Lt. Governor's Office at (907) 465-3520; Carol Collins. The internet address is <http://www.gov.state.ak.us/ltgov>.

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Information for this publication is compiled alphabetically by agency and by the following categories:

- Adopted Regulations -Text or Summary of Text
- Agency Meetings
- Attorney General's Opinions
- Boards and Commissions
- Competitive and Other Solicitations
- Delegations of Authority
- Executive Orders and Administrative Orders
- Grants
- Notices of Proposed Regulations
- Public Notices
- Regulations Filed by the Lieutenant Governor

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Attorney General Opinions

Computerized access to summaries of Attorney General Opinions is available. Instruction material can be obtained by calling the Civil Office of the Department of Law in Juneau at (907) 465-3600. This report contains summaries of recently indexed Attorney General Opinions by the Department of Law.

Boards and Commissions

A list of the vacancies of boards, commissions and other bodies whose members are appointed by the governor.

New Regulations

A list of new regulations filed by the Lieutenant Governor for publication in the most recent register (supplement) to the Alaska Administrative Code.

Office of the Governor: Boards & Commissions  
**Vacancy List**

**Publish Date: 07/20/99**

**Archive Date: 07/28/99**

**Location: Statewide**

**Body of Notice:**

## Boards and Commissions Recruitment List

July 26, 1999

Board/ Seat	Current Member	Expires	FD*	LC* *
Accountancy Board				
Public	Stoots, Joanne	04/25/1999	N	Y
Aging Commission				
Public/Over 65	Burgin, Peggy	09/01/1999	N	N
Public/Over 60	Hoover, Donald	09/01/1999	N	N
Public	Stanton, Alaire	09/01/1999	N	N
Agricultural Loan Fund				
Agriculture	VACANT	04/18/1999	Y	N
Alcohol/Drug Abuse				
Public	Johnstone, Alice	07/01/1999	N	N
Public	Knasiak, Gerry	07/01/1999	N	N
Public	Lopez, Delfin	07/01/1999	N	N
Public	Mann, Cheryl	07/01/1999	N	N
Architects/ Engineers/ Land Surveyors				
Public	Gardner, Kathleen	07/01/1999	N	Y
Arts Council				

Public	Ferguson, Peggy	06/30/1999	Y	N
Public	Fosdick, Rose	06/30/1999	Y	N
Public	Kinnaird, Vivian	06/30/1999	Y	N
Public	Woodward, Kesler	06/24/1999	Y	N
Bar Association				
Public	VACANT	06/30/1999	N	Y
Barbers and Hairdressers				
Hairdresser	Wyche, Rosalyn	07/01/1999	N	Y
Broadcasting Commission				
Public/Restricted	VACANT	08/25/2000	Y	N
Public/Restricted	Burns, Michael	08/25/1998	Y	N
Public/Restricted	Fondell, Ralph	08/25/1999	Y	N
Public/Restricted	Kabler, Melanie	08/25/1999	Y	N
Coastal Policy Council				
Lower Cook Inlet	Cushing, Jack	09/15/1999	Y	N
Bering Straits	Fagerstrom, Robert	09/15/1999	Y	N
Northern Southeast	Hanlon, Eli	09/15/1999	Y	N
Kodiak/Aleutians	Kelty, Frank	09/15/1999	Y	N
Southern Southeast	McFadden, Sheila	09/15/1999	Y	N
Commercial Fisheries Entry				
Salaried	Johnson, Marlene	07/01/1999	Y	Y
Chair	Twomley, Bruce	10/11/1998	Y	Y

Community Service Commission				
Local Labor Organization	VACANT	03/10/2000	N	N
Local Government	VACANT	03/10/1998	N	N
Business	VACANT	03/10/2002	N	N
Correctional Industries Commission				
Ex-offender	Hesson, James	07/01/1999	Y	N
Labor/ Service Industries Rep.	Stevens, Anna Bell	07/01/1999	Y	N
Dental Examiners				
Dentist	VACANT	02/01/1999	N	Y
Hygienist	VACANT	02/01/1999	N	Y
Dentist	Pendergrast, Phyllis	02/01/1999	N	Y
Disabilities/Special Education				
Legislator (Governor Appt.)	Brice, Tom	06/30/1999	N	N
Consumer/Primary	Campbell, Darrell	06/30/1999	N	N
Consumer/Secondary/and University Affiliated Prog. Rep.	Fitzgerald, Kathleen	06/30/1999	N	N
State Agency/DOE/Voc Rehab	French, Duane	06/30/1999	N	N
Consumer/Primary	Pichler, Joseph	06/30/1999	N	N
Consumer/Secondary	Walter, Lori	06/30/1999	N	N
Dispensing Opticians				

Optician	Hedges-Gajdos, Patricia	06/14/1998	N	Y
Domestic Violence/Sexual Assault				
Public/Restricted	Pete, Mary	08/01/1999	Y	N
Education				
Public/1st JD	VACANT	01/312002	Y	Y
Emergency Response Commission				
LEPC/Rural	Ahrens, Roc (Rodney)	08/12/1998	N	N
Local Government Rep.	Freed, Linda	08/12/1999	N	N
LEPC/Rural	Severns, James	08/12/1999	N	N
LEPC/Urban	Vakalis, George	08/12/1998	N	N
Fishermen's Fund Advisory & Appeals				
District 4	Malavansky, Max	01/31/1999	Y	N
Historical Commission				
Architect	Graham, Jennings	07/01/1999	N	N
Historical Society Nomination	Lesh, Nancy	07/01/1999	N	N
Public	Taylor, Thomas	07/01/1999	N	N
Historical Records Advisory				
Public/Historical	Campbell, Chris	05/10/1997	N	N
Public/Historical	Stevens, Martha	05/10/1997	N	N
Housing Finance Corporation				

Energy Efficient Home-Building or Weatherization	Grove, Robert	06/30/1999	Y	N
Senior or Low-income Housing Expertise/Experience	Jones, Jewel	06/30/1999	Y	N
Human Resource Investment Council				
Business Industry	VACANT	10/13/1998	Y	N
Public Ed./Secondary Ed.	VACANT	10/13/2000	Y	N
CBO/Postsecondary	Henderson, JoAnn	10/13/1999	Y	N
Native Organization representing Employment & Training	Scott, Donna	10/13/1999	Y	N
Organized Labor	Wingfield, J.C.	10/13/1999	Y	N
Independent Living Council				
Advocate	Best, Jerie	10/01/1999	N	N
Independent Living Center Rep	Jacobson, David	10/01/1999	N	N
Advocate	Lynn, Cynthia	10/01/1999	N	N
Div. of Mental Health & Developmental Disabilities Rep/non-voting	Maltman, David	10/01/1999	N	N
Industrial Development/ Export				
Public	Loescher, Robert	07/01/1999	N	N
Judicial Council				
Public/Governor's Appt,	Lienhart, Janice	05/18/1999	Y	Y

Juvenile Justice Advisory				
Juvenile/Under 24	VACANT	03/01/2001	N	N
Child Advocate Attorney	VACANT	05/01/1999	N	N
Public	VACANT	03/01/2001	N	N
Public	VACANT	03/01/2001	N	N
Public	Bartlett, Lynn	03/01/1999	N	N
Public	Lagao, Sue	03/01/1999	N	N
Child Advocate Attorney	Smith, Christine	05/01/1999	N	N
Juvenile/Under 24	Zellhuber, Jaime	03/01/1999	N	N
Labor Relations Agency				
Management	VACANT	06/30/2000	N	Y
Management	Doyle, Robert	06/30/1999	N	Y
Public	Tamagni, Sr., Alfred	06/30/1999	N	Y
Libraries Advisory				
State Institutions Rep.	Reed, Stanley	01/01/1999	N	N
Marine Pilots				
Public	Huff Tuckness, Barbara	06/01/1999	N	Y
Pilot/Southeast	Spence, Michael	06/01/1999	N	Y
Marital and Family Therapy				
Public	VACANT	12/24/2000	N	Y
Mental Health Trust Authority				

Public	Hawkins, Tom	03/03/1999	N	Y
Public	Labelle, Susan	03/03/1999	N	Y
Midwives				
Physician/OB practice or training	Richey, Mark	07/21/1999	N	Y
Municipal Bond Bank				
Public	VACANT	07/15/1999	Y	N
Natural Resource Conservation				
SW/Kenai Peninsula	VACANT	06/30/1998	N	N
Southeast	VACANT	06/30/1999	N	N
Southcentral	Zobel, Dick	06/30/1999	N	N
Nursing Board				
RN/Baccalaureate Ed.	VACANT	03/31/2001	N	Y
LPN	Cunningham, Belle	03/31/1999	N	Y
Public	Dean, Louise	03/31/1998	N	Y
Registered Nurse	Kloster, Kathleen	03/31/1999	N	Y
Public	Senungetuk, Joseph	03/31/1999	N	Y
Oil and Gas Conservation Commission				
Salaried/Geologist	Johnston, David	12/31/1998	Y	Y
Oil and Gas Policy Council				
Industry	VACANT			



Pension Investment Board				
Governor-Appointed Trustee	Corbus, William	01/01/1999	Y	N
Permanent Fund				
Public	Gruening, Clark	07/01/1999	Y	N
Pharmacy Board				
Public	VACANT	04/01/2000	N	Y
Pharmacist	Coursey, Chris	04/01/1999	N	Y
Pioneers Home Advisory				
Public	VACANT	06/30/1991	N	N
Police Standards Council				
Public/Restricted	VACANT	12/18/1999	N	N
Public	VACANT	12/18/1997	N	N
Chief/Admin.	VACANT	12/18/2002	N	N
Power Project Loan Committee				
Public/2nd Judicial District	Davis, Edward	03/04/1999	N	N
Public/1st Judicial District	Smith, Richard	03/04/1997	N	N
Public/4th Judicial District	Huffman, Robert	03/04/1998	N	N
Private Industry Council				
Private Sector	VACANT	07/01/1998	N	N
Education	McDowell, Jo Ann	07/01/1999	N	N
Professional Counselors				
Licensed Prof. Counselor	VACANT	11/01/2002	N	Y

Professional Teaching Practices				
Principal	Connelly, Linda	07/01/1999	N	Y
Higher Education	Madden, Mary Lou	07/01/1999	N	Y
Classroom Teacher	Miller, Christine	07/01/1999	N	Y
Public Employees' Retirement Board				
Physician/4th JD	VACANT		Y	N
PWS Oil Spill Recovery Institute				
Oil & Gas Industry	Meyers, Kevin	05/09/1999	Y	Y
Oil & Gas Industry	Vidrine, Grant	05/09/1999	Y	Y
Railroad Corporation				
Business Owner	Adams, Jacob	10/03/1999	N	N
Public/Restricted	Binkley, Johne	10/03/1999	N	N
Real Estate Appraisers				
Licensed Residential Real Estate Appraiser	VACANT	06/30/1998	N	Y
Royalty Oil and Gas Development				
Public/Restricted	Aleshire, Lynn	03/14/1996	Y	N
Public/Restricted	Cook, Thomas	03/14/1998	Y	N
Safety Advisory Council				
Local Government	Blackgoat, Christine	08/01/1999	N	N
Labor	Bonner, Laura	08/01/1999	N	N
Industry	Everett, Herbert	08/01/1999	N	N

Labor	Reid, L. Dale	09/01/1999	N	N
Industry	Ross, Chris	08/01/1999	N	N
Labor	Trosper, Stephen	09/01/1999	N	N
<b>Science and Technology</b>				
Scientist or Engineer	Behr-Andres, Christina	09/07/1999	N	N
Public	Duncan, Ronald	09/07/1999	N	N
Scientist or Engineer	Gerster, John	09/07/1998	N	N
Non-Alaskan Scientist	Kozmetsky, George	09/07/1998	N	N
Public	Strutz, Richard	09/07/1999	N	N
Public	Treadwell, Mead	09/07/1998	N	N
<b>Seafood Marketing Institute</b>				
Commercial Fishing	VACANT	07/01/1999	Y	N
Commercial Fishing	Burden, Patrick	07/01/1999	Y	N
Commercial Fishing	Gunderson, Justine	07/01/1999	Y	N
Commercial Fishing	Heyano, Rose	07/01/1999	Y	N
Large Processor	Hill, Larry	07/01/1999	Y	N
Commercial Fishing	Ivanoff, Stephen	07/01/1999	Y	N
Large Processor	Nickinovich, Robert	07/01/1999	Y	N
Large Processor	Sevier, John	07/01/1999	Y	N
Large Processor	Van Devanter, Doug	07/01/1999	Y	N
<b>Social Work Examiners</b>				
Public	Haywood, Beverly	07/01/1999	N	Y

Clinical Social Worker	Henkelman, James	07/01/1998	N	Y
Clinical Social Worker	Patrick-Riley, Colleen	07/01/1998	N	Y
Storage Tank Assistance				
Insurance Industry	Chadwick-Anders, Judy	09/05/1999	N	N
Subsistence Resource Commissions				
Cape Krusenstern	Armstrong, Jr., Frederick	11/04/1997	N	N
Cape Krusenstern	Blodgett, Richard	03/03/1997	N	N
Teachers' Retirement Board				
Physician	VACANT		Y	N
Retired	Wells, Dorothy	06/30/1999	Y	N
Tourism Marketing Council				
Public/Restricted	VACANT	07/01/1999	Y	N
Public/Restricted	VACANT	07/01/2000	Y	N
Public/ Restricted	Bertke, Duke	07/01/1999	Y	N
Public/ Restricted	Litten, John	07/01/1999	Y	N
TRAAK Board				
Public	VACANT	02/14/1998	N	N
Public	VACANT	02/14/2000	N	N
Public	VACANT	02/14/2001	N	N
Public	Vorderstrasse, Jim	02/14/1999	N	N

Veterans Advisory Council				
Public/Restricted	VACANT	07/01/1998	N	N
Public/Restricted	VACANT	07/01/1999	N	N
Public/Restricted	Guinn, John	07/01/1999	N	N
Public/Restricted	Johnson, Nona	07/01/1999	N	N
Public/Restricted	Willis, Ed	07/01/1999	N	N
Western Interstate Commission				
Higher Education	Barrans, Diane	06/22/1999	N	N
Wood-Tikchik State Park				
Bristol Bay Native Association nomination	Samuelsen, Jr., H. Robin	07/01/1999	N	N
New Stuyahok nomination	Wonhola Sr., Timothy	07/01/1999	N	N
Workers' Compensation				
2nd/4th JD/ Labor	Giuchici, John	07/01/1999	Y	Y
3rd JD/ Industry	Hagedorn, Steve	07/01/1999	Y	Y
3rd JD/ Industry	Rooney, Florence	07/01/1999	Y	Y
Youth Corps State Advisory Council				
Public	VACANT	07/31/1998	N	N
Public	VACANT	07/31/1999	N	N
Public	VACANT	07/31/1999	N	N
Public	VACANT	07/31/1999	N	N
Public	VACANT	07/31/1999	N	N

Public	Bratcher, Debra	07/31/1999	N	N
Public	Buhite, George	07/31/1999	N	N
Public	Ellis, Rose	07/31/1999	N	N
Public	Neil, Matthew	07/31/1999	N	N
Yukon River Panel				
Advisory	Newman, Elizabeth	01/16/1998	N	N

\* FD = Financial Disclosure required

\*\* LC = Legislative Confirmation required

For general information on Boards and Commissions, or to apply for membership, please contact the Office of the Governor, Boards and Commissions, P.O. Box 110001, Juneau, AK 99811-0001, (907) 465-3500. The public is invited to send resumes to this address. Please indicate which board(s) or commission(s) you are interested in.

**Office of the Governor: Regulations Filed by the Lieutenant Governor  
New Regulations Filed By Lt. Governor (Reg. 151)**

**Publish Date: 07/20/99**

**Archive Date: 07/28/99**

**Location: Statewide**

**Body of Notice:**

**REGULATIONS FILED BY THE LT. GOVERNOR**

**PERMANENT REGULATIONS**

The following regulation projects have been adopted by the individual agencies, filed by the Lieutenant Governor and prepared for the October, 1999 Supplement, Register 151. To receive a copy of these regulations, please contact the adopting agency.

DEPT	A.G. FILE NO	DATE FILED	EFFECTIVE DATE	SUBJECT / PART # / CHAPTER
DOA	993.98.0056	07/15/99	08/14/99	Endowment Grants & BIDCO loans by the Ak. Science and Technology Foundation (3 AAC 233)

DCE D	993.99.013 0	06/30/9 9	07/30/99	Occ. Licensing: Licensing fees for barbers, hairdressers, electrical administrators & mechanical administrators (12 AAC 02)
DOE	993.98.015 4	06/08/9 9	07/08/99	Bd. of Education: Pupil Transportation, Pt. 1 (4 AAC 27)
	993.98.016 5	06/11/9 9	07/11/99	Bd. of Education: Certification of Teachers (4 AAC 12)
	993.99.003 7	06/22/9 9	07/22/99	Bd. of Education: School Funding, Pt. 1 (4 AAC 09)
	993.99.015 4	06/23/9 9	07/23/99	Bd. of Education: Pupil Transportation, Pt. 2 (4 AAC 27)
DEC	993.98.004 0	06/11/9 9	07/11/99	Solid Waste Management: Contaminated Soil, Pt. 2 (18 AAC 60)
	993.99.002 3	07/16/9 9	08/15/99	UST Certified Inspectors (18 AAC 78)
FG	993.99.004 8	06/08/9 9	07/08/99	Bd. of Fisheries: Upper Copper River & Upper Susitna River Area, Tonsina River, Pt. 2 (5 AAC 52)
	993.99.003 0	06/17/9 9	07/17/99	Bd. of Game: Sea Ducks and Beaver Seasons and Bag Limits, Part 4 (5 AAC 84; 85)
	993.99.004 8	06/18/9 9	07/18/99	Bd. of Fisheries: Statewide provisions: Sport & Personal Use Fisheries, Pt. 3 (5 AAC 75; 77)
	993.99.004 8	06/21/9 9	07/21/99	Bd. of Fisheries: King/Tanner Crab and Misc. Finfish Fisheries, Pt. 4 (5 AAC 01- 77)
	993.99.004 8	07/09/9 9	08/08/99	Bd. of Fisheries: King/Tanner Crab and Misc. Finfish Fisheries, Pt. 5 (5 AAC 02 - 77)
	993.99.004 7	07/09/9 9	08/08/99	Bd. of Fisheries: Commercial Finfish Fishing in Cook Inlet Area, Pt. 3 (5 AAC 21)

GO V	993.98.000 2	06/16/9 9	07/16/99	Ak Coastal Policy Council: District Coastal Mgt. & Other Plans (6 AAC 80; 85)
	993.99.004 2	07/20/9 9	08/19/99	Broadcasting of Certain Public Notices (6 AAC 90)
	993.99.009 9	07/20/9 9	08/19/99	CDQ Program (6 AAC 93)
DHS S	993.98.010 0	06/04/9 9	07/04/99	Certification of manual defibrillator technicians & approval of automated external defibrillation training program (7 AAC 26)
DOL	993.99.007 1	06/22/9 9	07/22/99	Cost of Living: Ak Exemptions Act (8 AAC 95)
	993.98.009 1	06/30/9 9	07/30/99	Child Labor (8 AAC 05)
DNR	993.99.011 5	06/23/9 9	09/01/99	Ak Revolving Loan Fund Land Disposals (11 AAC 39)
DPS	993.99.008 1	07/13/9 9	08/12/99	Maintenance of dept. marine vessels & interport differential (13 AAC 69)

\*The Department of Law does not review these regulations. AHFC and AIDEA are exempt from the Administrative Procedures Act as per AS 18.56.088(a) and AS 44.88.085(a).

### EMERGENCY REGULATIONS

The following regulation projects have been filed by the Lieutenant Governor and prepared for the October, 1999 Supplement, Register 151. Emergency regulations do not remain in effect more than 120 days unless made permanent by the adopting agency. To receive a copy of these regulations, please contact the adopting agency.

DEPT.	EFFECTIVE DATE	EXPIRATION DATE	SUBJECT / PART # / CHAPTER



FG	07/08/99	11/04/99	Hunting Seasons and Bag Limits for Small Game (5 AAC 85.065)
	07/20/99	11/16/99	Term of Lease & Reissuance: Illinois Creek Mine (11 AAC 86)
DOR	06/04/99	10/01/99	Permanent Fund Division: Eligibility of aliens (15 AAC 23)

### EMERGENCY REGULATIONS MADE PERMANENT

The following regulation projects have been adopted by the individual agencies, filed by the Lieutenant Governor and prepared for the October, 1999 Supplement, Register 151. To receive a copy of these regulations, please contact the adopting agency.

DEPT	A.G. FILE NO.	DATE FILED	EFFECTIVE DATE	SUBJECT / PART # / CHAPTER

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#### Administration: Public Notices

### Alaska Oil & Gas Conservation Comm.-Pioneer Unit-Matanuska Valley

**Publish Date: 07/21/99**

**Archive Date: 08/05/99**

**Location: Central Region**

#### Body of Notice:

Union Oil Company of California (UNOCAL) by letter dated July 13, 1999, requests a spacing exception to the provisions of 20 AAC 25.055(a)(2) for the re-entry of the BLT #1 well in the Pioneer Unit, located adjacent to the Big Lake Road near the Rodda Subdivision.

The exception would allow UNOCAL to re-enter and test the BLT #1 gas well within 1500' of a governmental section line. The well will be drilled as a vertical hole from a surface location 1334' from the west line and 795' from the north line of Section 22, T17N, R3W, Seward Meridian.

UNOCAL also requests by letter dated July 13, 1999, a variance from the notice provisions of 20 AAC 25.055(b) that requires notice to be mailed to all owners in governmental sections directly and diagonally offsetting the section in which the well is located. UNOCAL requests the Commission substitute this notice published in the Frontiersman and Anchorage Daily News. UNOCAL is requesting the variance for the following reasons: the proposed activity is limited to drilling and testing only; there has been extensive public notice regarding the Pioneer Unit plan of exploration; UNOCAL has provided notice to all owners within one-half mile of the BLT #1 well; and that before regular production occurs requiring a spacing exception, further notice and public hearing will be provided.

A person who objects to the requested variance or spacing exception may file a written protest prior to 4:00 PM, August 4, 1999 with the Alaska Oil and Gas Conservation Commission, 3001 Porcupine Drive, Anchorage, Alaska 99501, and request a hearing on either or both matters. If a protest is timely filed a hearing on the matter(s) will be held at the above address at 9:00 AM on August 19, 1999 in conformance with 20 AAC 25.540. If no protest is filed, the Commission will consider granting the variance and spacing exception without a hearing.

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**Community & Economic Development: Agency Meetings**  
**Alaska Science & Technology Foundation August Teleconference Meeting**

**Publish Date: 07/15/99**

**Archive Date: 08/20/99**

**Location: Anchorage,  
Teleconference**

**Body of Notice:**

The Alaska Science & Technology Foundation (ASTF) will have a teleconference meeting August 19, 1999, beginning at 8:00 in Anchorage at the ASTF office located at 4500 Diplomacy Drive, Suite 515, Anchorage, AK 99508.

The ASTF Board of Directors may take formal action on any matter under consideration. The public is invited to attend. In accordance with AS 44.62.310©, the Board may elect to meet in Executive Session. The agenda will provide an opportunity for public comment 9:00-9:15 am. For more information, call 272-4333 or use the web site at [www.astf.org](http://www.astf.org).

If you require special accommodations to attend the meeting for hearing or speech impairment, contact Pamela Thibault at 272-4333 three days prior to the scheduled meeting date. The meeting location is handicapped accessible.

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**Community & Economic Development: Agency Meetings**  
**Alaska Science & Technology Foundation December Teleconference Meeting**

**Publish Date: 07/15/99**

**Archive Date: 12/10/99**

**Location: Anchorage,  
Teleconference**

**Body of Notice:**

The Alaska Science & Technology Foundation (ASTF) will have a teleconference meeting December 9, 1999, beginning at 8:00 a.m. in Anchorage at the ASTF office located at 4500 Diplomacy Drive, Suite 515, Anchorage, AK 99508.

The ASTF Board of Directors may take formal action on any matter under consideration. The public is invited to attend. In accordance with AS 44.62.310©, the Board may elect to meet in Executive Session. The agenda will provide an opportunity for public comment 9:00-9:15 am. For more information, call 272-4333 or use the web site at [www.astf.org](http://www.astf.org).

If you require special accommodations to attend the meeting for hearing or speech impairment, contact Pamela Thibault at 272-4333 three days prior to the scheduled meeting date. The meeting location is handicapped accessible.

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**Community & Economic Development: Agency Meetings**  
**Alaska Science & Technology Foundation June Meeting**

**Publish Date: 07/15/99**

**Archive Date: 07/16/99**

**Location: Dillingham**

**Body of Notice:**

The Alaska Science & Technology Foundation (ASTF) will have a meeting June 22-23, 1999, beginning at 10:30 am in Dillingham located at the Bristol Inn.

The ASTF Board of Directors will be considering readoption of the ASTF regulations and may take formal action on any matter under consideration. The public is invited to attend. In accordance with AS 44.62.310©, the Board may elect to meet in Executive Session. The agenda will provide an opportunity for public comment 11:00-11:15 am. For more information, call 272-4333 or use the web site at [www.astf.org](http://www.astf.org).

If you require special accommodations to attend the meeting for hearing or speech impairment, contact Pamela Thibault at 272-4333 three days prior to the scheduled meeting date. The meeting location is handicapped accessible.

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**Community & Economic Development: Agency Meetings**  
**Alaska Science & Technology Foundation October Meeting**

**Publish Date: 07/15/99**

**Archive Date: 10/09/99**

**Location: Anchorage**

**Body of Notice:**

The Alaska Science & Technology Foundation (ASTF) will have a meeting October 7-8, 1999, beginning at 8:00 am in Anchorage at the ASTF office located at 4500 Diplomacy Drive, Suite 515, Anchorage, AK 99508.

The ASTF Board of Directors may take formal action on any matter under consideration. The public is invited to attend. In accordance with AS 44.62.310©, the Board may elect to meet in Executive Session. The agenda will provide an opportunity for public comment 9:00-9:15 am on October 7. For more information, call 272-4333 or use the web site at [www.astf.org](http://www.astf.org).

If you require special accommodations to attend the meeting for hearing or speech impairment, contact Pamela Thibault at 272-4333 three days prior to the scheduled meeting date. The meeting location is handicapped accessible.

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**Community & Economic Development: Agency Meetings**  
**Board Of Nursing Meeting**

**Publish Date: 07/19/99**

**Archive Date: 09/18/99**

**Location: Anchorage**

**Body of Notice:**

THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, DIVISION OF OCCUPATIONAL LICENSING HEREBY ANNOUNCES THE FORTHCOMING MEETING.

BOARD OF NURSING, (907) 465-2544. Meeting is 9/16-17/99, 9:00 a.m., 4730 Business Park Blvd., Building H, Suite 18, Anchorage, AK

Individuals or groups of people with disabilities who require special accommodations, auxiliary aids or service, or alternative communication formats, call Barbara Gabier, (907) 465-2572, or TDD (907) 465-5437. Please provide advance notice in order for the Department of Community and Economic Development to accommodate your needs.

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**Community & Economic Development: Agency Meetings**  
**Board Of Physical Therapy & Occupational Therapy Meeting**

**Publish Date: 07/21/99**

**Archive Date: 10/23/99**

**Location: Anchorage**

**Body of Notice:**

DIVISION OF OCCUPATIONAL LICENSING HEREBY ANNOUNCES THE FORTHCOMING MEETING.

BOARD OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY, (907) 465-3811. 10/21-22/99, 10:30 a.m., Bank of America Bldg., 3601 C Street, 550 W. 7th Ave., Suite 1770, Anchorage, AK.

Individuals or groups of people with disabilities who require special accommodations, auxiliary aids or service, or alternative communication formats, call Barbara Gabier, (907) 465-2572, or TDD (907) 465-5437. Please provide advance notice in order for the Department of Community and Economic Development to accommodate your needs.

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**Community & Economic Development: Agency Meetings**  
**Board Of Public Accountancy September Meeting**

**Publish Date: 07/21/99**

**Archive Date: 09/25/99**

**Location: Anchorage**

**Body of Notice:**

DIVISION OF OCCUPATIONAL LICENSING HEREBY ANNOUNCES THE FORTHCOMING MEETING.

BOARD OF PUBLIC ACCOUNTANCY, (907) 465-2580. 9/23/99 9:00 a.m.; 9/24/99 8:00 a.m., Frontier Building, 3601 C Street, Suite 336, Anchorage, AK.

Individuals or groups of people with disabilities who require special accommodations, auxiliary aids or service, or alternative communication formats, call Barbara Gabier, (907) 465-2572, or TDD (907) 465-5437. Please provide advance notice in order for the Department of Community and Economic Development to accommodate your needs.

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**Community & Economic Development: Agency Meetings**  
**Real Estate Commission Meeting**

**Publish Date: 07/19/99**

**Archive Date: 09/22/99**

**Location: Anchorage**

**Body of Notice:**

THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, DIVISION OF OCCUPATIONAL LICENSING HEREBY ANNOUNCES THE FORTHCOMING MEETING.

REAL ESTATE COMMISSION, (907) 269-8197. Meeting is 9/20/99, 9:00 a.m., AHFC Board Room, 4300 Boniface Parkway, Anchorage, AK. 9/21/99, 9 a.m., Alaska State Trooper Conference Room, 5700 E. Tudor Road, Anchorage, AK

Individuals or groups of people with disabilities who require special accommodations, auxiliary aids or service, or alternative communication formats, call Barbara Gabier, (907) 465-2572, or TDD (907) 465-5437. Please provide advance notice in order for the Department of Community and Economic Development to accommodate your needs.

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**Community & Economic Development: Competitive & Other Solicitations**  
**Request For Proposal - Japan Contractor**

**Publish Date: 07/21/99**

**Archive Date: 08/17/99**

**Location: Statewide**

**Body of Notice:**

The State of Alaska, Department of Community and Economic Development is requesting detailed proposals from firms interested in performing as the Division of Trade and Development's (DTD) and Division of Tourism's (DOT) contractor in Japan. The Contractor shall work with Alaska-based staff to implement and be responsible for DTD & DOT's strategy to increase Alaska's exports of liquefied natural gas (LNG), oil, coal, seafood, technical services and other products and services; increase Japanese tourism for Alaska; and increase passenger and cargo activity between Japan's and Alaska's international airports.

The maximum dollar amount of the proposed contract is between US \$270,000.00 and US \$292,000.00. The issuing agency intends to establish a nine-month contract through June 30, 2000, with approximately four one-year renewal options.

Request for proposal release date is July 23, 1999.

For a copy of the Request for Proposal contact:

Department of Community and Economic Development

Division of Trade and Development  
Attn: Doug Carda  
P.O. Box 110804  
Juneau, Alaska 99811-0804  
Phone: (907) 465-2162 Fax: (907) 465-3767

If an alternative form of the Request for Proposal is required, notify the agency previously identified, or if using a telecommunications device for the deaf (TDD), please contact the department at (907) 465-5437 and leave a message.

Proposal submission deadline is August 16, 1999.

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**Community & Economic Development: Competitive & Other Solicitations**  
**Request For Proposal - Korea Contractor**

**Publish Date: 07/21/99**

**Archive Date: 08/17/99**

**Location: Statewide**

**Body of Notice:**

The State of Alaska, Department of Community and Economic Development is requesting detailed proposals from firms interested in performing as the Division of Trade and Development's (DTD) and the Division of Tourism's (DOT) contractor in Korea. The Contractor shall implement and be responsible for DTD and DOT's strategy to increase Alaska's exports of liquefied natural gas (LNG), oil, coal, seafood, forestry, technical services and other products & services; increase Korean tourism for Alaska; and increase passenger and cargo activity between Korea's and Alaska's international airports and other transportation industries.

The maximum dollar amount of the proposed contract is US \$116,000.00. The issuing agency intends to establish a nine-month contract through June 30, 2000, with approximately four one-year renewal options.

Request for proposal release date is July 23, 1999.

For a copy of the Request for Proposal contact:

Department of Community and Economic Development  
Division of Trade and Development  
Attn: Doug Carda  
P.O. Box 110804  
Juneau, Alaska 99811-0804  
Phone: (907) 465-2162 Fax: (907) 465-3767

If an alternative form of the Request for Proposal is required, notify the agency previously identified, or if using a telecommunications device for the deaf (TDD), please contact the department at (907) 465-5437 and leave a message.

Proposal submission deadline is August 16, 1999.

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**Community & Economic Development: Grants**  
**NPR-A Grant Applications Available**

**Publish Date: 07/21/99**

**Archive Date: 09/16/99**

**Location: Statewide**

**Body of Notice:**

NATIONAL PETROLEUM RESERVE-ALASKA IMPACT PROGRAM

The Alaska Department of Community and Economic Development (DCED) announces the availability of applications for FY00 grants for the mitigation of current or potential significantly adverse impacts directly related to oil and gas development in the National Petroleum Reserve-Alaska (NPR-A). Only Alaska Municipalities may apply. Applicant municipalities must show that they are directly or severely impacted by oil and gas development in the NPR-A. Note: since FY 1987 only five municipalities have been found to be eligible, these communities are actually located within the

NPR-A. Past experience indicates that other municipalities would have difficulty demonstrating eligibility.

DCED will review all applications and will make grant awards in accordance with Federal Law (42 U.S.C. 6508) and Alaska statutes (Chapter 53, SLA 1986) and regulations (19 AAC 50).

All applications must be postmarked by September 15, 1999.

Copies of applications and/or further information may be obtained by contacting:

Tena Young  
NPR-A Impact Program Coordinator  
Municipal & Regional Assistance Division  
Department of Community & Economic Development  
PO Box 110803  
Juneau, AK 99811-0803  
Telephone 465-4731

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**Community & Economic Development: Grants**  
**NPR-A Grant Applications Available**

**Publish Date: 07/21/99**

**Archive Date: 07/22/99**

**Location: Statewide**

**Body of Notice:**

NATIONAL PETROLEUM RESERVE-ALASKA IMPACT PROGRAM

The Alaska Department of Community and Economic Development (DCED) announces the availability of applications for FY00 grants for the mitigation of current or potential significantly adverse impacts directly related to oil and gas development in the National Petroleum Reserve-Alaska (NPR-A). Only Alaska Municipalities may apply. Applicant municipalities must show that they are directly or severely impacted by oil and gas development in the NPR-A. Note: since FY 1987 only five municipalities have been found to be eligible, these communities are actually located within the NPR-A. Past experience indicates that other municipalities would have difficulty demonstrating eligibility.

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All applications must be postmarked by September 15, 1999.

Copies of applications and/or further information may be obtained by contacting:

Tena Young  
NPR-A Impact Program Coordinator  
Municipal & Regional Assistance Division  
Department of Community & Economic Development  
PO Box 110803  
Juneau, AK 99811-0803  
Telephone 465-4731

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**Community & Economic Development: Public Notices**  
**Construction Contractor Examination 11/5/99**

**Publish Date: 07/19/99**

**Archive Date: 11/06/99**

**Location: Anchorage,  
Fairbanks, Juneau**

**Body of Notice:**

THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, DIVISION OF OCCUPATIONAL LICENSING HEREBY ANNOUNCES THE FORTHCOMING EXAMINATION.

CONSTRUCTION CONTRACTORS, RESIDENTIAL ENDORSEMENT, (907) 465-2546, Anchorage, Fairbanks &

Juneau, 11/05/99, application deadline 9/21/99.

E-mail requests for exam applications may be made to [<mailto:license@dced.state.ak.us>]  
>license@dced.state.ak.us</a>]

Applications and exam information are also available at: Division of Occupational Licensing, 9th Floor State Office Building, PO 110806 Juneau, AK 99811-0806, (907) 465-2534. Division of Occupational Licensing, 3601 C Street, Suite 722, Anchorage, AK 99503-5934, (907) 269-8160.

Individuals or groups of people with disabilities who require special accommodations, auxiliary aids or service, or alternative communication formats, call Barbara Gabier, (907) 465-2572, or TDD (907) 465-5437. Please provide advance notice in order for the Department of Community and Economic Development to accommodate your needs.

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## **Community & Economic Development: Public Notices NPR-A Grant Applications Available**

**Publish Date: 07/21/99**

**Archive Date: 09/16/99**

**Location: Statewide**

### **Body of Notice:**

NATIONAL PETROLEUM RESERVE-ALASKA IMPACT PROGRAM

The Alaska Department of Community and Economic Development (DCED) announces the availability of applications for FY00 grants for the mitigation of current or potential significantly adverse impacts directly related to oil and gas development in the National Petroleum Reserve-Alaska (NPR-A). Only Alaska Municipalities may apply. Applicant municipalities must show that they are directly or severely impacted by oil and gas development in the NPR-A. Note: since FY 1987 only five municipalities have been found to be eligible, these communities are actually located within the NPR-A. Past experience indicates that other municipalities would have difficulty demonstrating eligibility.

DCED will review all applications and will make grant awards in accordance with Federal Law (42 U.S.C. 6508) and Alaska statutes (Chapter 53, SLA 1986) and regulations (19 AAC 50).

All applications must be postmarked by September 15, 1999.

Copies of applications and/or further information may be obtained by contacting:

Tena Young  
NPR-A Impact Program Coordinator  
Municipal & Regional Assistance Division  
Department of Community & Economic Development  
PO Box 110803  
Juneau, AK 99811-0803  
Telephone 465-4731

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## **Education & Early Development: Agency Meetings State Board Of Education--Special Meeting**

**Publish Date: 07/16/99**

**Archive Date: 07/27/99**

**Location: Anchorage, Juneau,  
Statewide**

### **Body of Notice:**

State Board Of Education To Hold Special Meeting July 26

The State Board of Education will hold a special meeting by teleconference at 10 a.m. on July 26 to review a decision by Commissioner of Education & Early Development to classify the Delta Cyber Charter School as a correspondence program for the purposes of state funding. The board's review of the decision is the final level of a Department of Education & Early Development (EED) agency appeal process outlined in 4 AAC 40.045.

The board may also be asked to approve certain EED personnel appointments in accordance with AS 14.07.145(e).

The public is invited to attend the meeting at either of two teleconference sites: The Talking Book Library, 344 West Third Avenue, Anchorage; or the EED Commissioner's Conference Room, 801 West 10th Street, Juneau, Second Floor, Goldbelt Building.

More information, Dottie Knuth, 465-2801.

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**Environmental Conservation: Adopted Regulations - Text or Summary of Text**  
**Order Adopting And Amending Regulations Dealing With The Alaska Food Code**

**Publish Date: 07/15/99**

**Archive Date: 08/16/99**

**Location: Other**

**Body of Notice:**

ORDER ADOPTING AND AMENDING REGULATIONS OF THE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached 83 pages of regulations, dealing with the Alaska Food Code, 18 AAC 31, are hereby adopted and certified to be a correct copy of the regulations that the Department of Environmental Conservation amends and adopts under authority vested by AS 03.05.011, 17.20.180, 18.35.030, 44.46.020, 46.03.010, and 46.03.020, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Environmental Conservation paid special attention to the cost to private persons of the regulatory action, as required by AS 44.62.210(a), and to the cost of compliance and to alternate practical methods in this regulatory action, as required by AS 46.03.024.

The regulations adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor as provided in AS 44.62.180.

DATE: July 13, 1999  
Juneau, Alaska

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Michele Brown, Commissioner  
Department of Environmental Conservation

**FILING CERTIFICATION**

I, Fran Ulmer, Lieutenant Governor for the State of Alaska, certify that on \_\_\_\_\_, 1999, at \_\_\_\_\_m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

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Fran Ulmer, Lieutenant Governor

Effective: \_\_\_\_\_  
Register: \_\_\_\_\_

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**Environmental Conservation: Adopted Regulations - Text or Summary of Text**  
**Order Adopting And Appealing Regulations Dealing With Seafood**

**Publish Date: 07/15/99**

**Archive Date: 08/16/99**

**Location: Other**



**Body of Notice:**

**ORDER ADOPTING AND AMENDING REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

The attached 46 pages of regulations, dealing with Seafood Processing and Inspection, 18 AAC 34, are hereby adopted and certified to be a correct copy of the regulations that the Department of Environmental Conservation amends and adopts under authority vested by AS 17.20.005, 17.20.180, and 44.46.020, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Environmental Conservation paid special attention to the cost to private persons of the regulatory action, as required by AS 44.62.210(a), and to the cost of compliance and to alternate practical methods in this regulatory action, as required by AS 46.03.024.

The regulations adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor as provided in AS 44.62.180.

DATE: July 13, 1999  
Juneau, Alaska

\_\_\_\_\_  
Michele Brown, Commissioner  
Department of Environmental Conservation

**FILING CERTIFICATION**

I, Fran Ulmer, Lieutenant Governor for the State of Alaska, certify that on \_\_\_\_\_, 1999, at \_\_\_\_\_m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

\_\_\_\_\_  
Fran Ulmer, Lieutenant Governor

Effective: \_\_\_\_\_  
Register: \_\_\_\_\_

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**Environmental Conservation: Notices of Proposed Regulations  
Proposed Changes To The Alaska Food Code**

**Publish Date: 07/15/99**

**Archive Date: 08/21/99**

**Location: Statewide**

**Body of Notice:**

**NOTICE OF PUBLIC COMMENT PERIOD ON PROPOSED CHANGES TO THE ALASKA FOOD CODE  
QUICK SUMMARY**

What is being changed: The fees set out in 18 AAC 31, Alaska's Food Code

Who is affected: Food service operators, including seasonal operators, food market operators, and food processors, other than processors of seafood, meat, poultry, and dairy products.

Why we are making these changes: Fees charged by the department for permits are proposed to be increased due to actions by the Legislature.

Comment Period Ends: August 20, 1999

Copies of the proposed regulations: available at DEC's offices statewide, on DEC's Homepage, or you may call Sandy Hunstein at(907) 451-5163 to have a copy mailed to you.

DEC Homepage: <http://www.state.ak.us/dec>

Your comments may be electronically submitted directly from DEC's Homepage by selecting "proposed regulations".

NOTICE IS GIVEN that the Alaska Department of Environmental Conservation (DEC), under authority vested by AS 17.20.005, AS 44.46.020, and AS 44.46.025, proposes to amend, repeal, and adopt regulations in Title 18, Chapter 31, of the Alaska Administrative Code dealing with the Food Code (18 AAC 31) as follows:

DEC is amending 18 AAC 31 by adding new fees and increasing existing fees charged to operators of establishments permitted under this chapter.

To comply with Administrative Order 157 and to make its regulations easier to understand, DEC also seeks comments on this section regarding how it might be improved, including the use of plain English. If portions of this section is confusing, or if you have other suggested improvements, please send in your comments by August 20, 1999.

NOTICE IS ALSO GIVEN that any interested person may present written comments relevant to the proposed action, including comments concerning the cost of compliance with the proposed regulations and alternative practical methods of complying, by writing to Janice Adair, Director, Division of Environmental Health, Alaska Department of Environmental Conservation, 555 Cordova Street, Anchorage, Alaska 99501; by facsimile at: (907) 269-7654, or by E-mail at [JAdair@envircon.state.ak.us](mailto:JAdair@envircon.state.ak.us). Comments must be received by 5:00 pm, August 20, 1999.

If you are a person with a disability who may need special assistance to participate in the process on the proposed regulations, please contact Fran Podmolik at (907) 465-5041 by August 9, 1999, to make necessary arrangements.

This action will not require an increased appropriation.

After the close of the public comment period on August 20, 1999, DEC will either adopt these or other proposals dealing with the same subject, without further notice, or may decide to take no action on them. The language of the final regulations may vary from that of the proposed regulations. You should comment during the time allowed if your interests could be affected.

Date: July 13, 1999

Michele Brown, Commissioner

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## Environmental Conservation: Public Notices

### Air Quality Control Construction Permit

**Publish Date: 07/15/99**

**Archive Date: 08/18/99**

**Location: Barrow**

#### **Body of Notice:**

The Alaska Department of Environmental Conservation (ADEC), under authority vested by AS 46.14.170 and 18 AAC 50, proposes to issue Barrow Utilities and Electric Cooperative, Inc. (BUECI), an Air Quality Control Construction Permit to authorize the installation and operation of an additional gas turbine and diesel electric generator.

#### **APPLICANT INFORMATION:**

The operator of the Barrow Power Plant is Barrow Utilities and Electric Cooperative, Inc., P.O. Box 449, Barrow, AK 99732. The power plant is located on 1295 Agvik Street, Barrow, Alaska, Section 5 and 6, Township 22 North, Range 18 West, Umiat Meridian.

#### **ACMP CONSISTENCY REVIEW:**

The Barrow Power Plant resides in the North Slope Borough's Coastal Management District. The Department is reviewing the project for consistency with the Alaska Coastal Management Program (ACMP). Your comments, particularly on the proposed project's consistency with the ACMP, are requested. Comments regarding inconsistency with an affected coastal district's enforceable policy or a State standard set out in 6 AAC 80.040 to 6 AAC 80.150 must identify the enforceable policy or standard and explain how the project is inconsistent.

#### **SUMMARY DESCRIPTION:**

The Barrow Power Plant is an existing electric services facility. It generates and distributes electric power, operates the water treatment plants, and distributes piped natural gas for home heating in the surrounding community. The power plant currently uses four gas turbines, three generators, and eight boilers to generate the required heat and electrical power. The facility has a potential to emit more than 250 tons per year of nitrogen oxides, classifying the Barrow Power Plant as a Prevention of Significant Deterioration (PSD) major facility.

BUECI's project application seeks approval to install an additional gas turbine and diesel-fired generator, and develops owner-requested limits to avoid classification as a PSD major facility. BUECI requests (1) limiting operation of the dual fired turbines on diesel fuel; and (2) restricting the fuel consumption of all fuel burning equipment.

**AIR QUALITY:**

The unrestricted potential to emit at the Barrow Power Plant is 506 tons per year (TPY) NOX, 5 TPY SO2, 58 TPY PM10, 195 TPY CO, and 52 TPY VOC. BUECI proposes to limit NOX emissions at the Barrow Power Plant to 227 TPY. Expected emissions of SO2, PM10, CO, and VOC are also substantially reduced.

**FOR ADDITIONAL INFORMATION:**

Copies of ADEC's preliminary Air Quality Construction Permit and Technical Assessment are available for public review at the following locations beginning July 15, 1999:

ADEC Anchorage Office, Air Permits Program, 555 Cordova Street, Anchorage, AK 99501;  
Tuzzy Consortium Library, Inupiat Heritage Building, Barrow, AK 99723.

The preliminary decision documents may be downloaded from the ADEC website at:  
<http://www.state.ak.us/local/akpages/ENV.CONSERV/dawq/aqm/calendar.htm>.

Call Jeanette Brena at (907) 465-5122 for more information.

**OPPORTUNITY FOR PUBLIC PARTICIPATION:**

Notice is given that any person interested may present written comments relevant to the proposed Air Quality Construction (AQC) Permit to ADEC. The Department is also soliciting comments regarding its proposal to find the Barrow Power Plant Project consistent under the Alaska Coastal Management Program, as set out by terms and conditions of the preliminary AQC permit.

Jim Baumgartner, Air Permits Program  
Alaska Department of Environmental Conservation  
410 Willoughby Avenue, Suite 105  
Juneau, AK 99801-1795  
Facsimile: (907) 465-5129  
Electronic mail: [jbaumgar@envircon.state.ak.us](mailto:jbaumgar@envircon.state.ak.us)

Written comments will be included in the record if received before 4:30 p.m. on August 17, 1999. Your project consistency comments addressed directly to ADEC are required to preserve your rights to file a petition under Alaska Statute 46.40.100(b)(1). ADEC complies with Title II of the Americans with Disabilities Act of 1990, and the Rehabilitation Act of 1973. Individuals with disabilities who may need auxiliary aids or services, or special modifications to participate in this public forum, should contact Fran Podmolik at (907) 465-5040 (TTY compatible).

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**Fish & Game: Adopted Regulations - Text or Summary of Text**  
**Finding Of Emergency For Migratory Bird Hunting Regulations**

**Publish Date: 07/16/99**

**Archive Date: 08/16/99**

**Location: Statewide**

**Body of Notice:**

**FINDING OF EMERGENCY**

The Commissioner of the Alaska Department of Fish and Game finds that an emergency exists and that these regulations are necessary for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency are as follows:

Under federal law, state migratory bird hunting regulations must be consistent with the federal regulations. The U.S.

Department of the Interior recently established the 1999-2000 framework regulations for migratory bird hunting in Alaska, including latitude to increase dark goose bag limits in Unit 9(E) and Unit 18, and to increase bag limits for tundra swan hunts in Units 18 and 22 and to reduce the number of tundra swan permits issued in Units 18, 22 and 23. These changes were obtained on behalf of requesting Alaska communities and will provide important new harvest opportunities.

The Board of Game is not scheduled to meet until October, 1999 and is unable to meet requirements for public notice and implementation of these changes prior to the opening of the 1999 waterfowl seasons on September 1. Therefore, this emergency regulation amendment is necessary to promptly adopt regulations that provide new public benefits and are consistent with federal regulations. Important opportunities to harvest waterfowl would be forgone unless the regulatory changes are made prior to the opening of the waterfowl seasons.

#### ADOPTION ORDER

Under the authority of AS 16.05.255, AS 16.05.258, and under the delegation of authority from the Board of Game under AS 16.05.270, these regulations are therefore adopted as emergency regulations to take effect immediately as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

/s/Frank Rue, Commissioner, July 6, 1999

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### **Health & Social Services: Agency Meetings Hiv Prevention Planning Group Meeting**

**Publish Date: 07/21/99**

**Archive Date: 08/04/99**

**Location: Anchorage,  
Fairbanks, Juneau**

#### **Body of Notice:**

Department of Health & Social Services  
Division of Public Health Section of Epidemiology

The HIV Prevention Planning Group meeting will be held August 2nd & 3rd, 1999, from 9am-5pm at the Alaska Native Health Board, 4201 Tudor Centre, Suite 105, Anchorage. For additional information contact Angela Wickham @ 269-8000. Persons requiring special accommodations should contact Maureen Otto @ 269-8064.

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### **Health & Social Services: Competitive & Other Solicitations Contract To Provide Animal Rabies Vaccine**

**Publish Date: 07/21/99**

**Archive Date: 08/25/99**

**Location: Anchorage,  
Fairbanks, Juneau**

#### **Body of Notice:**

ITB No. 00-06-006  
Opening Date: August 24, 1999 at 2:30 PM.

**IMPORTANT NOTICE:** If you received this solicitation from the State's "On-line Public Notice" web site, you must register with the Procurement Officer listed on this document to receive subsequent amendments. Failure to contact the Procurement Officer may result in the rejection of your offer.

**ITB TITLE:** Term Contract to Provide Animal Rabies Vaccine on an "as needed" Basis for the Department of Health & Social Services.

#### **BRIEF DESCRIPTION:**

Contractor to provide Animal Rabies Vaccine listed as approved by the Compendium of Animal Rabies Vaccine by the National Association of State Public Health Veterinarians, Inc. Vaccine to be packaged in 10 dose vials and include tags

and links. Administration by either intramuscular or sub-cutaneous injection is acceptable. Estimated annual usage is approximately 80,000 does (8,000 10-dose vials).

CONTRACT PERIOD: From October 1, 1999 through September 30, 2000, with option to renew upon mutual agreement at the same terms and conditions, and price between the State and the Contractor for five (5) additional one (1) year periods.

BIDDERS WITH DISABILITIES: The State of Alaska complies with Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aids, services, and/or special modifications to participate in this procurement should contact the Department of Health and Social Services, Division of Administrative Services at one of the following numbers no later than 10 days prior to bid opening date to make any necessary arrangements.

Telephone: 907-269-7823  
Fax: 907-269-7829  
TDD: 907-465-3196

For a copy of ITB No. 00-06-006 including all bid specifications, and terms and conditions, contact Jeannette Fairchild, Procurement Specialist for the Dept. of Health & Social Services, Div. of Administrative Services at 907-269-7823.

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**Health & Social Services: Grants**  
**Applications, Outreach Projects For Denali Kidcare In Interior**

**Publish Date: 07/21/99**

**Archive Date: 08/31/99**

**Location: Central Region**

**Body of Notice:**

DIVISION OF PUBLIC HEALTH

The Division of Public Health seeks applications for outreach projects for Denali KidCare in Interior Alaska, Norton Sound, Bristol Bay Area and The Yukon-Kuskokwim Region. Denali KidCare provides health care coverage for low-income children, youth and pregnant women. The RFP issuance date is July 19, 1999. Proposals must be received by the Division on or before August 30, 1999. Grants are for a ¾ year period, October 1, 1999 through June 30, 2000, with possible continuation of a second one year period.

For a copy of the RFP or for more information please contact Dolly Wright 465-3090.

For individuals with disabilities who require accommodations, call Relay Alaska at the numbers below:

From a TT Phone; 1 800 770-8973

From a Voice Phone: 1 800 770-8255

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**Labor & Workforce Development: Adopted Regulations - Text or Summary of Text**  
**Osh Dipping And Coating**

**Publish Date: 07/15/99**

**Archive Date: 08/06/99**

**Location: Statewide**

**Body of Notice:**

CORRECTED NOTICE OF AMENDED VERSION OF MATERIAL  
PREVIOUSLY ADOPTED BY REFERENCE

As required under AS 44.62.245 and AS 18.60.020, the Department of Labor gives notice of the following amended versions of material in 29 CFR 1910.7, .94, .108, and .121-.126, dipping and coating operations (dip tanks).

The department has adopted these amended federal standards by reference under 8 AAC 61.1010. The amended standards took effect in the state on June 21, 1999.

Copies of the above materials can be obtained from any Department of Labor, Occupational Safety and Health office or you may contact:

Karim Schultz, Administrative Assistant  
Alaska Department of Labor  
Labor Standards and Safety Division  
Occupational Safety and Health  
1111 W. 8th Street, Suite 304  
Juneau, AK 99801  
(907) 465-6005

Commissioner of Labor Ed Flanagan  
July 9, 1999

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**Labor & Workforce Development: Agency Meetings**  
**State Independent Living Council**

**Publish Date: 07/15/99**

**Archive Date: 08/04/99**

**Location: Statewide**

**Body of Notice:**

The State Independent Living Council will hold its quarterly meeting in Fairbanks, Alaska, August 3-4, 1999, at the Wedgewood Resort, located at 212 Wedgewood Drive.

On August 3, the meeting will be held from 9:00 a.m. - 5:30 p.m., with public testimony being heard from 4:30 - 5:30 PM.  
On August 4th, the meeting will run from 9:00 a.m. - 4:00 p.m.

The Alaska Department of Labor & Workforce Development complies with Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who need special accommodations to participate in this meeting, and individuals seeking further information, should contact Karla Rathbun at 1-888-330-6488 (voice or TTY) or at (907) 269-3576 no later than Friday July 23, 1999.

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**Law: Attorney General Opinions**  
**Alaska State Defense Force Pay Authorization**

**Publish Date: 07/21/99**

**Archive Date: 07/30/99**

**Location: Statewide**

**Body of Notice:**

661-99-0228 07/07/99 There is no statutory authorization for the Alaska State Militia to be paid equivalent to regular military pay when called to state active duty. (Mary Gilson)

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**Law: Attorney General Opinions**  
**ETHICS - In re: SD**

**Publish Date: 07/21/99**

**Archive Date: 07/30/99**

**Location: Statewide**

**Body of Notice:**

March 10, 1999

Mr. Gary Bader  
c/o Mike McMullen, Acting Director  
Division of Personnel  
Department of Administration  
Mail Stop 0201

Re: In re: SD  
A.G. file no.: 223-98-0210

Dear Mr. Bader:

This office received an ethics complaint on November 24, 1997, from FS, a former state employee with the Division of Family and Youth Services (DFYS), alleging that his former supervisor, SD, had violated the Ethics Act. After investigation, I concluded that SD did violate the Act. I further concluded, however, that the matter could be resolved with corrective action pursuant to AS 39.52.330. After consultation with SD's designated ethics supervisor, I proposed a resolution to SD, which she accepted. Accordingly, the matter is dismissed. This letter summarizes the facts, the allegations in the complaint, the investigation, the analysis of the evidence, and the resolution of the matter. A copy of the stipulation signed by SD and myself is attached.

#### A. Facts

SD is a supervisory employee of DFYS in the Department of Health and Social Services. From April 27, 1987, to September 11, 1997, SD worked in the Barrow office of DFYS. She transferred to the Bethel office on September 11, 1997.

In July 1997, J\_\_, who worked in the Barrow office under SD, traveled to California and Minnesota, first to attend a conference, and then to attend classes related to J\_\_'s graduate studies for two weeks. J\_\_ was not required to submit leave slips for the time J\_\_ spent in travel status, but was allowed to take "administrative leave." SD submitted J\_\_'s request for administrative leave to the regional supervisor of DFYS, RH, and the Director of DFYS, DW, who approved the request.

Prior to leaving the Barrow office in September 1997, SD received a gift from an employee. The employee handed the gift to SD with no explanation other than that the gift was a going-away present. The gift had no tag identifying who had contributed to its purchase. The gift was a baleen basket with an estimated value of approximately \$250-350.

The employee who presented the gift to SD, X\_\_, was supervised by SD. Although X\_\_ solicited donations for the gift from other employees in the office, she did not pursue donations very aggressively. The only donation she received was \$100 from LS, a supervisory employee who was temporarily in the Barrow office to replace SD. X\_\_ paid for the rest of the basket herself. At the time the gift was presented, X\_\_ had already received her final evaluation from SD. X\_\_ did not concur with the evaluation. It is not clear whether SD had performed the final steps in processing of X\_\_'s evaluation at the time SD received the gift, but, even if she had, she could have taken action to amend the evaluation. SD did not change the evaluation after receiving the gift.

SD reported her receipt of the gift first to her fellow employee, LS. SD told LS that, in her view, she probably could not accept the gift. LS assured SD that this was not the case. LS, who believed that X\_\_ had received donations from several people for the gift, said that she and others had contributed to the gift and therefore the gift was acceptable under the ethics rules. SD then reported the gift to her supervisor, RH. RH confirmed that, under these facts, the gift was acceptable. SD did not report the gift to her designated ethics supervisor, Jo Olsen. SD was aware, however, of the need to report gifts to the designated ethics supervisor because of a previous incident in the Barrow office regarding gifts that had been investigated by Ms. Olsen.

#### B. Allegations

The complaint contained the following four allegations:

1. SD provided an unwarranted benefit to a subordinate employee by providing him with a gift of airlines miles.
2. SD provided an unwarranted benefit to a subordinate employee by approving the employee's request to remain on pay status while traveling to the Lower forty-eight for a three-week period in order to attend a conference and training.

3. SD disseminated information that is confidential under law by discussing personnel information about the complainant, FS, with third parties.

4. SD accepted a gift under circumstances in which it could be inferred that the gift was intended to influence her official action, and she failed to report the gift.

#### C. Investigation

SD answered the ethics complaint on December 26, 1997. In that answer, she provided additional information that was not included in the complaint. For example, she informed this office of her initial view that the gift was not acceptable. She also disclosed that X\_\_'s evaluation was still pending at the time of the gift, and that X\_\_ was upset at the evaluation. In responding to the allegation regarding disclosure of information about FS, SD denied using information about FS to harm him personally or professionally, and stated that she tried to avoid joining in conversations regarding FS. She stated that when approached by community members with work-related inquiries about FS, she would respond to those inquiries in her official capacity as his supervisor, regardless of whether the inquiry occurred at the workplace.

As provided by AS 39.52.310(e), on January 14, 1998, the attorney general requested that the designated supervisor for DHSS conduct the factual investigation of this matter. An investigator for DHSS interviewed SD on February 24, 1998. A report was delivered to the attorney general on July 8, 1998. After receiving the report, the attorney general interviewed several other witnesses, including LS, RH, FS, and other witnesses whose names were provided by the complainant as having knowledge of the gift or the alleged disclosures of confidential information. The investigation was delayed because some key witnesses were traveling.

#### D. Analysis

1. The alleged gift of airline miles. No investigation was conducted regarding this allegation. A personal gift of miles to a fellow employee, even if true, would not constitute a violation of the Ethics Act by the giver of the miles. No official action is involved. Unless the gift creates a conflict of interest, the Ethics Act does not cover gifts given by a public officer in the officer's personal capacity; AS 39.52.130 applies only to gifts received by a public officer. This allegation is dismissed.

2. The alleged approval of J\_\_'s education on state time. The complaint alleges that SD approved administrative leave for educational purposes for J\_\_ because J\_\_ was a friend of SD. This asserts a potential violation of AS 39.52.120, in that SD allegedly provided an unwarranted benefit to J\_\_. Alaska Statute 39.52.120(a) provides, "A public officer may not use, or attempt to use, an official position for personal gain, and may not intentionally secure or grant unwarranted benefits or treatment for any person."

Providing a benefit to a subordinate employee only violates the Act if the benefit is unwarranted. AS 39.52.120(a). Thus, if J\_\_ did not deserve the benefit of education on state time, it would be evidence that would indicate a possible ethics violation. If SD varied from normal procedures, that, too, would be evidence that the benefit was not warranted. 9 AAC 52.040(a); 1996 Inf. Op. Att'y Gen. at 3 (663-97-0140; April 26). For example, if SD took special action only for J\_\_, and not for other similarly situated employees, that would be evidence that the benefit may have been unwarranted.

The evidence, however, does not indicate special treatment by SD for J\_\_. SD informed us that she would routinely forward to her supervisor requests by subordinates for state travel and administrative leave. RH confirmed that she received many such requests from SD. In this instance, the decision to allow J\_\_ to take administrative leave was approved by both RH and the Director, DW.

The only evidence of a possible unwarranted benefit to J\_\_ is an assertion by the complainant, FS, that his requests for travel were not approved. This evidence, if true, might provide some support for an inference of differential treatment. The mere fact that one employee's travel was disapproved, however, would not prove that J\_\_ received an unwarranted benefit, or that FS received unwarranted treatment. J\_\_'s travel may have had more merit than FS's, or J\_\_'s travel request may have come at a time when there was more travel money in the budget. Moreover, the evidence does not confirm differential treatment by SD. SD recalls that she forwarded FS's request for state-paid travel to her supervisor, just as she did for J\_\_, and that FS's travel was disapproved by someone at a higher level. RH stated that she did not have a specific memory of reviewing FS's travel request, but she does recall that she received many travel requests from SD for employees under SD's supervision, and that some were granted, some were denied. This evidence tends to indicate that SD did not provide differential treatment for either J\_\_ or FS regarding state travel. In sum, there is no probable cause to conclude that SD provided differential treatment for J\_\_.

Furthermore, even if there were evidence of differential treatment, the Ethics Act requires that the provision of an



unwarranted benefit be intentional in order to constitute a violation. AS 39.52.120(a). The regulations interpret the intent requirement to mean that the provision of the benefit must be done with a "wrongful motivation." 9 AAC 52.040(a). See 1996 Inf. Op. Att'y Gen. at 3 (663-97-0140; April 26).

In this case, the only evidence of "wrongful motivation" was a statement by the complainant that J\_\_ and SD were friends and that, at one time, J\_\_ rented a room from SD. Standing alone, this evidence does not provide probable cause to conclude that SD had a wrongful motivation when she forwarded J\_\_'s travel request to supervisory officials. A public officer is entitled to a presumption of regularity in performing official business. 1993 Inf. Op. Att'y Gen. at 3 (663-93-0292; Feb. 26). Thus, unless evidence indicates otherwise, we will presume that a public officer had the best interests of the state in mind when taking official action. Although friendship between supervisors and subordinates may, under some circumstances, raise certain personnel questions, supervisors frequently are friendly with subordinate employees. Additional evidence, such as a statement of intent or differential action for friends, would be necessary to infer wrongful motivation.

In sum, this case does not present sufficient proof of either element of unwarranted benefit. Although SD did provide a benefit to J\_\_ in forwarding his travel request, SD did not vary from normal procedures in providing this benefit. Nor is there any evidence that SD had a wrongful motivation in providing the benefit. Accordingly, we find no probable cause to conclude that a violation occurred, and this allegation is dismissed.

3. The alleged disclosure of confidential information. The complainant, FS, alleged that SD would frequently discuss information regarding FS with others, including other state employees and an employee of the North Slope Borough. Although the complainant never identified the information as "personnel records," his allegations appear to raise an inference that SD discussed personnel matters regarding FS with individuals who were not in FS's chain of command. State personnel records are confidential by law under AS 39.25.080.

It is a violation of the Ethics Act to disclose information that is confidential by law. AS 39.52.140(b). If it is true that SD disseminated information that constitutes a personnel record, this could be a violation of the Ethics Act. Yet, if the information disseminated by SD does not amount to a "personnel record," or other matter confidential by law, then her alleged conduct, even if true, would not constitute a violation of the Ethics Act.

The investigation into this allegation focussed on answering two questions: (1) did SD discuss FS's work or conduct at work with people not in his chain of command; and (2) if so, did SD disseminate personnel records or other information confidential by law in these conversations.

The complainant provided a list of witnesses with whom SD allegedly discussed confidential matters. For some witnesses, the complainant was able to provide the circumstances in which the conversations took place, such as while playing cards, or during a call for a reference regarding a job application.

Each witness was interviewed by an attorney from the Department of Law. The witnesses were asked a series of questions, beginning with a broad inquiry about any information regarding FS that SD may have divulged, and then following up this question with more narrow questions about whether the witness may have heard SD discuss discipline or evaluation of FS.FN1 Where appropriate, the questions were put in context, such as whether SD ever talked about FS during card games. Finally, each witness was asked a broad catch-all questions, such as "Did SD ever discuss anything regarding FS that in your mind might constitute a confidential personnel matter?"

Each witness was aware that the relationship between SD and FS was rancorous. Two of the witnesses - one of whom was not employed by DFYS - recalled hearing SD express a feeling of "frustration" caused in part by dealing with FS. One witness stated that SD was very discrete and that SD would not participate in "table talk" regarding FS that occurred during card games. One social worker IV from the office specifically recalled that SD did mention dissatisfaction with FS; yet, this witness also described this as "more like a frustration statement." None of the witnesses could recall SD mentioning any discipline, evaluation, or other personnel action regarding FS.

The question here is whether any disclosure by SD could constitute a disclosure of a personnel record that would be protected under AS 39.25.080. The Alaska Supreme Court has explained that a protected personnel record includes "documents [that] contain details about the employee's or applicant's personal life." *Alaska Wildlife Alliance v. Rue*, 948 P.2d 976, 980 (Alaska 1997). In contrast, documents that "simply [describe] employment status," such as time sheets, are not protected under the statute. *Id.*

Here, SD has not disclosed any documents or any information that could reveal the contents of any documents. Certainly a supervisor may discuss job performance criteria with members of her staff. The evidence indicates that, at most, SD has expressed personal frustration with her work, including frustration with the tension between herself and FS. This does not amount to a disclosure of protected personnel documents. Accordingly, the evidence does not provide probable cause to conclude that SD has disclosed information that is confidential under law. Thus, given no

probable cause to conclude that SD violated AS 39.52.140(b), this allegation is dismissed.FN2

4. The going-away gift. The complaint alleged that SD received a going-away gift of a baleen basket from a subordinate employee. The basket was worth approximately \$250-350.

A public officer may not accept a gift "under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment." AS 39.52.130. The ethics regulations provide that "[u]nless rebutted by other evidence, an occasional gift worth \$50 or less is presumed not to be given under circumstances in which it could be reasonably inferred that the gift is intended to influence an officer's performance of official duties, actions, or judgment." 9 AAC 52.060(a). The Ethics Act further provides that a public officer must report receipt of a gift worth more than \$50 within thirty days to the officer's designated supervisor if "the public officer may take or withhold official action that affects the giver." AS 39.52.130(b).

Thus, the first question is whether SD could take or withhold official action that affects the giver. The answer is yes. The giver, X\_\_, was a subordinate employee who was evaluated by SD. In preparing to leave the Barrow office for a transfer to Bethel, SD had prepared an evaluation of X\_\_. In her answer to the complaint, concerning the allegation about the gift, SD informed this office that "I remember it well, because I had given [X\_\_ the] evaluation just a couple of days before to review before we discussed it and [X\_\_] was upset at its content." Thus, SD had pending the action of final review of the evaluation with X, and could have taken official action regarding the evaluation.

Interestingly, X\_\_ did not recall the facts in quite the same way. X\_\_ recalled that she did not completely agree with the evaluation, but that she had signed it anyway before giving the gift. Even if X\_\_'s version of the facts is correct, however, SD could still have taken official action that affected the giver, because, as a supervisor, SD could have changed the evaluation even if it was signed and final. Under SD's admission, however, the potential for official action is less remote, because the evaluation was not final at the time of the gift.

The next question is whether these circumstances could reasonably support an inference that the gift was intended to influence official action. This inquiry does not hinge on any showing of actual intent; indeed, here, we are satisfied that X\_\_ did not intend to influence SD's official action on X\_\_'s evaluation. Thus, if an inference of intent would be objectively reasonable under the circumstances, then the gift is prohibited under the Act. See, e.g., 1996 Inf. Op. Att'y Gen. at 2 (663-96-0360; March 21) (tips received by state employee would support inference of intent to influence even though no wrongdoing by employee occurred).

In general, gifts given in circumstances where gift-giving is customary are less likely to support an inference that the gift was intended to influence official actions. For example, this office has advised that wedding or Christmas gifts are less likely to give rise to an inference of intent to influence where the giver and the recipient customarily exchange gifts. See 1995 Confidential Memorandum from Ass't Att'y Gen. Jan Levy to Commissioner (Aug. 24) (wedding gifts of moderate value are intended in celebration of wedding of friends and do not support inference of intent to influence official action).

Going-away gifts will generally fall within this category. Going-away gifts are customary. Frequently, the gifts are moderate and costs are shared among several persons. Furthermore, going-away gifts often could not support an inference of intent to influence, because the person leaving usually can no longer take official action affecting the giver.

Here, however, the facts, viewed objectively, do support the inference of intent to influence official action. Here, the gift was from a subordinate employee, given when the employee's evaluation was pending, in circumstances where the employee was seeking changes to the evaluation. Moreover, the employee giving the gift had contributed at least \$150.00 toward its purchase. In these circumstances, the gift is not allowed under the Ethics Act.

Furthermore, given that SD could have taken official action that would affect the giver, she should have reported the receipt of the gift to her designated ethics supervisor. AS 39.52.130(b). True, she did report the gift to her direct supervisor, RH. This report, however, is not sufficient to comply with the Act. Thus, we have concluded that SD committed two ethics violations, a violation of AS 39.52.130(a) in accepting the gift, and a violation of AS 39.52.130(b) in failing to report the gift.

Having established that two violations occurred, the next step was to determine whether this matter could be resolved under AS 39.52.330. This necessarily required a determination of whether the violations required imposition of a fine. Although the Department of Law will usually seek a fine in resolving an ethics violation, several factors mitigate against the necessity of a fine in this case. Most important of these is the fact that SD immediately reported the gift to two supervisory personnel, and was informed of facts that, if true, would have allowed her to accept the gift and would have obviated the need to report. She was told that the gift was paid for by many contributors, not just X\_\_. Had that been true, no violation would have occurred, as X\_\_ would not have paid more than \$50 toward the gift. AS 39.52.130(c); 9 AAC 52.060(a). Additionally, SD was fully cooperative in this investigation. Indeed, without her own testimony that was

adverse to her interests, it would not have been so apparent that the gift was a violation. True, SD should have known that she had to report the gift to her designated ethics supervisor, not her direct supervisor. Yet, had the facts been as she reasonably believed them to be, she would not have had to report the gift at all. Accordingly, no fine is necessary to enforce compliance with the Ethics Act.

Having determined that no fine is necessary, this office contacted SD and proposed a resolution of this complaint. The resolution required that SD return the gift. She also must read the Ethics Act, and certify that she understands it and will abide by it in the future. In addition, the matter is to be made public. This is important in that it assures the public that the Department of Law is not resolving ethics matters in secret in a manner adverse to the public interest, and it will allow the Department and the agencies to use these documents to educate public officers about the Ethics Act. SD readily agreed to the stipulation, and has complied with it.

A copy of the signed stipulation is enclosed. In addition, as required by the Ethics Act, copies of the stipulation and this letter are being sent to the complainant. A representative from the Department of Law will be available at your next general meeting to answer questions regarding this matter.

Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By:  
Stephen C. Slotnick  
Assistant Attorney General

SCS:bm

FN1: This is not to imply that FS has ever been disciplined or subject to adverse evaluations. In preparing this report and in interviewing witnesses, the Department of Law did not review FS's personnel file.

FN2: These facts do not implicate a potential violation of AS 39.52.140(b) related to FS's constitutional right to privacy under Article I, section 22 of the Alaska Constitution. First, it is far from clear to what extent this right would be implicated for purposes of AS 39.52.140(b) by disclosure of information not protected by AS 39.25.080. More important, however, is that fact that the relationship between FS and SD was common knowledge in Barrow, and that FS spoke freely of it to both state government employees and other members of the community. In these circumstances, expression of frustration with the complainant by SD cannot constitute disclosure of information that is confidential by law.

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**Law: Attorney General Opinions**  
**Questions following State v. Alaska Civil Liberties Union**

**Publish Date: 07/21/99**

**Archive Date: 07/30/99**

**Location: Statewide**

**Body of Notice:**

661-99-0513 06/22/99 Impact on campaign finance laws of State v. Alaska Civil Liberties Union, No. 5108 (04/16/99) (Jan DeYoung)

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**Natural Resources: Competitive & Other Solicitations**  
**Illinois Creek Gold Mine Leasing And/Or Site Reclamation Proj: Req For Proposal**

**Publish Date: 07/15/99**

**Archive Date: 07/30/99**

**Location: Statewide**

**Body of Notice:**

The Illinois Creek Gold Mine is an open-pit heap leach facility located on State land approximately 50 miles southwest of

Galena, Alaska. During 1996 & 1997 USMX of Alaska (USMXA) developed and operated the project. There is currently approximately 1.3 million tons of ore and 16 million gallons of leach solution contained in the heap facility. The underlying mineral lease is being terminated for financial and procedural violations, and because USMXA has informed the State it will stop maintenance at the site. The site is in compliance with applicable State permits in all other ways.

The Departments of Natural Resources (DNR) and Environmental Conservation (DEC) are soliciting detailed proposals to lease the Illinois Creek Mine and up to 64,000 acres of surrounding mineral property. The State expects that further mining will provide a return to an operator and generate additional funds to allow the site to be fully reclaimed.

If no appropriate lessee is identified, the State will choose a reclamation contractor to reclaim the site. The State will fund a contract for reclamation from the DNR and DEC bonds seized from USMXA (approximately \$1.6 million). Reclamation will require detoxification and reclamation of the heap and reclamation of other facilities at the site.

Copies of the Request for Proposal and additional information can be obtained by contacting the DNR offices at 3601 C St Suite 800 Anchorage, AK 99503 Attn: Christine Nekeferoff Tele: (907) 269-8600 Fax: (907) 563-1853. For questions about the RFP, contact Steve McGroarty in Fairbanks at (907) 451-2795. The State assumes no liability for incorrect addresses or delivery of RFP packages by public or private carriers.

Proposals must be received at the issuing office no later than 4:30 pm July 30, 1999.

The State of Alaska complies with Title II of the Americans With Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aids, services and/or special modifications to participate in this procurement should contact Steve McGroarty at the number listed, or TDD/TTY 907-451-2770, no later than July 21 to make any necessary arrangements.

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**Natural Resources: Public Notices**  
**Beaufort Sea Areawide 1999 Oil And Gas Lease Sale Announcement**

**Publish Date: 07/15/99**

**Archive Date: 10/15/99**

**Location: Anchorage**

**Body of Notice:**

The Department of Natural Resources, Division of Oil and Gas (DO&G), notices under AS 38.05.945(a)(4), that it will offer 516 state-owned tracts for lease in the Beaufort Sea Areawide 1999 Oil and Gas Lease Sale. The sale will be held in Anchorage at the Loussac public library's Wilda Marston Theatre at 8:30 a.m., Oct. 13, 1999. The sale area covers approximately two million acres of tide and submerged lands in the Beaufort Sea between the Canadian Border and Point Barrow. The state reserves the right to delete acreage or tracts at any time up to and including the day of the sale.

**Sale Terms**

Bidding for the sale will be a cash bonus with a minimum bid of ten dollars (\$10) per acre on all tracts. Leases on Tracts 40 through 77, 468 through 554, and Tract 556 will have a term of ten (10) years with a fixed royalty rate of twelve and one half percent, (12.5%). Leases issued on Tracts 79 and 80 will have a term of seven (7) years, with a fixed royalty rate of twenty percent, (20.0%). Leases issued on all other tracts will have a term of seven (7) years, with a fixed royalty rate of sixteen and two thirds percent, (16.6666%).

**Best Interest Finding and ACMP Consistency Determination**

The director, DO&G, has prepared a written final finding and decision under AS 38.05.035(e) and (g) for this sale. In addition, a determination has been made that this sale is consistent with the North Slope Borough and Alaska Coastal Management Programs (ACMP). The director's decision is a final administrative decision. A person who is aggrieved may, by 5:00 p.m. (Alaska Daylight Savings Time), Aug. 4, 1999, request the commissioner to reconsider the decision under AS 35.05.035(i) and (j). Only those who have previously commented are eligible to appeal. A request for reconsideration must be received by John Shively, Commissioner, DNR, 550 West 7th Avenue, Suite 1400, Anchorage, AK 99501, or received by FAX at (907) 269-8918. If the commissioner fails to act on a request for reconsideration by Aug. 16, 1999, the request is considered denied.

**Sale Information**

The following are available on DO&G's Webpage: [www.dnr.state.ak.us/oil](http://www.dnr.state.ak.us/oil): (Click on "Lease Sales")

- Sale Announcement w/Mitigation Measures
- Instructions to Bidders w/ Estimated acreage figures (Attachment A) and Bid form,
- Final Finding

-Tract maps

Paper copies of these documents are available from DO&G: 550 West 7th Avenue, Suite 800 Anchorage, Alaska 99501, Attn: Suzanne Gaguzis, or call (907) 269-8803. Copies of the finding are also available at the following libraries: Nuiqsut Public Library, North Slope Borough Library Media Center, Tuzzy Consortium Library in Barrow, Kaveolook School Library in Kaktovik and Loussac public library.

The State of Alaska, DNR, DO&G complies with Title II of the Americans with Disabilities Act 1990. This Publication will be made available in alternative communication formats upon request. Please contact Suzanne Gaguzis to make any necessary arrangements.

Kenneth A. Boyd  
Director

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**Natural Resources: Public Notices**  
**Decision To Issue A Tideland Lease-Adl 106446**

**Publish Date: 07/15/99**

**Archive Date: 08/24/99**

**Location: Petersburg**

**Body of Notice:**

In accordance with AS 38.05.075(c) the Division of Mining, Land & Water has made a preliminary decision under AS 38.05.035(e) to issue a 55 year tideland lease to Frank Stelmach, dba Island Point Lodge for the purpose of maintaining an existing commercial dock. The proposed lease parcel is located in the Wrangell Narrows, within Section 14, Township 60 South, Range 79 East, Copper River Meridian and contains approximately 0.6 acre of tide and submerged land. The proposed lease has been found consistent with the Alaska Coastal Management Program.

The public is invited to comment on the preliminary decision to issue this tideland lease. Copies of the preliminary decision are available from the Division of Mining, Land & Water, 400 Willoughby Avenue, Suite 400, Juneau, Alaska 99801. Any comments on the preliminary decision must be received in writing by the Division of Mining, Land & Water at the address above by August 23, 1999 in order to ensure consideration. Please include your mailing address and telephone number to ensure receiving a copy of the final finding. The preliminary decision sets out the schedule for the final finding as well as the appeal process. Pursuant to AS 38.05.035(i)-(j), to be eligible to appeal, a person must comment during the comment period. If you have any questions please contact Bob Palmer at 465-3432.

If public comment in response to this notice indicates the need for significant changes in the decision, additional public notice will be given on or about August 26, 1999. If no significant change is required, the preliminary decision, including any minor changes, will be issued as the final decision. A copy of the final decision will be sent to any person who comments on the preliminary decision.

The Division of Mining, Land & Water reserves the right to waive technical defects in this publication.

Ron Schonenbach  
Acting Regional Manager

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**Natural Resources: Public Notices**  
**Northstar Oil And Gas Pipelines**

**Publish Date: 07/15/99**

**Archive Date: 08/20/99**

**Location: Statewide**

**Body of Notice:**

NORTHSTAR OIL AND GAS PIPELINE RIGHT-OF-WAY APPLICATIONS,  
ANALYSIS AND COMMENT PERIOD  
ADL's 415700 and 415975  
and  
PROPOSED MINERAL ORDER #745

The Department of Natural Resources, State Pipeline Coordinator's Office, hereby gives notice to the public of the opportunity to provide comments on the following proposed actions:

1. approval of the Northstar Oil Pipeline right-of-way application and offer of right-of-way lease
2. approval of the Northstar Gas Pipeline right-of-way application and offer of right-of-way lease and,
3. issuance of Mineral Order #745 closing to mineral entry state lands adjacent to the Northstar Oil Pipeline.

#### Pipeline Right-of-Way Applications

Subject to the provisions of AS 38.35, and pursuant to regulations promulgated thereunder, the State Pipeline Coordinator's Office has received right-of-way lease applications from BP Exploration (Alaska) Inc., (BPXA) as agent for BP Transportation (Alaska) Inc., (BPTA) for the Northstar Oil Pipeline (ADL 415700) and the Northstar Gas Pipeline (ADL 415975).

BPTA proposes to construct a 10.75 inch diameter, 17.1 mile long oil pipeline to transport oil from the Northstar Production Facility on Seal Island within Section 11, Township 13 North, Range 13 East, Umiat Meridian to Pump Station 1 of the Trans-Alaska Pipeline System (TAPS) located within Section 4, Township 10 North, Range 14 East, Umiat Meridian.

BPTA also proposes to construct a 10.75 inch diameter, 16.3 mile long gas pipeline to transport gas from the Central Compression Plant (CCP) at Prudhoe Bay, within Section 11, Township 11 North, Range 14 East, Umiat Meridian to the Northstar Production Facility on Seal Island. The gas pipeline will occupy the same right-of-way as the Northstar Oil Pipeline for approximately 13 miles from Seal Island to the point where the gas pipeline turns east to the CCP. The offshore portions of the pipeline rights-of-way will be buried in a six-mile long trench from the Northstar Production Facility to approximately 150 feet south of the landfall near Point Storkersen.

Installation of the pipelines will occur from existing facilities and an ice road.

The Northstar Development Project will be located in the Stefansson Sound/Prudhoe Bay area to recover an estimated 145 to 172 million barrels of high quality crude oil from the Northstar oil field. Design capacity for the Northstar Gas Pipeline is 100 million cubic feet per day.

The public notices required under AS 38.35.070 were published in newspapers in the project area, Fairbanks, Seward, Cordova, Valdez, Anchorage and other area papers. Public notices were sent to post offices, villages and corporations in the vicinity of the project area. No party requested a public hearing within 30 days of those notices. The State Pipeline Coordinator's Office participated in a pre-application meeting in Anchorage (April 4, 1996) to hear presentations on the proposed Northstar Oil and Northstar Gas Pipeline Projects and listen to comments and concerns. Copies of the right-of-way lease applications were provided to coordinating agencies and other interested state and federal agencies.

Pursuant to AS 38.35.080, the State Pipeline Coordinator prepared a Commissioner's Analysis for the right-of-way lease applications, a Proposed Decision, and draft right-of-way leases for the Northstar Oil Pipeline and the Northstar Gas Pipeline. Copies will be furnished at cost to persons requesting them pursuant to AS 38.35. Requests for copies should be submitted to the State Pipeline Coordinator's Office at the above address.

#### Proposed Mineral Order #745

In accordance with AS 38.05.185(a) and as addressed in the AS 38.35 Commissioner's Analysis, the department proposes to close to mineral entry all state land within 150 feet of the centerline of the Northstar Oil Pipeline to prevent conflicts between the proposed surface and potential subsurface users. A copy of the proposed Mineral Order #745 can be obtained by writing to the State Pipeline Coordinator's Office at the above address.

#### Comment Period and Decisions

Persons desiring to submit written comments on the Commissioner's Analysis, the Proposed Decision, the draft right-of-way leases, and the proposed Mineral Order #745 are invited to do so. Any comment, objection or expression of interest pertaining to the proposed actions must be received in writing by the State Pipeline Coordinator's Office at the above address on or before close of business, 5:00 P.M., August 20, 1999. Comments may also be provided at public hearings on the right-of-way lease applications to be held pursuant to AS 38.35. The hearings will be held in Barrow at 1:30 P.M. on August 17, 1999, or the next available date, at the North Slope Borough's Assembly Chambers, and in Anchorage at 9:30 A.M. on August 20, 1999, at the Talking Book Center, located at 344 West 3rd Avenue. The scope of the hearings will include both the Northstar Oil and Northstar Gas Pipeline applications (ADL 415700 and 415975).

The Commissioner's Analysis will form the basis of the final decision required under AS 38.35.100. If the Commissioner, in his discretion, after review of comments received during the public comment period, does not find cause to amend his Analysis or Proposed Decision, the Analysis and Proposed Decision will become the Commissioner's final decision under AS 38.35.100 without further notice, the proposed Mineral Order #745 will be issued and BP Transportation (Alaska) Inc., will be offered right-of-way leases for the Northstar Oil and Gas Pipelines. A copy of the Commissioner's final decision, copies of the right-of-way leases, if offered, and Mineral Order #745, will be available at cost from the department. If public comment indicates the need for substantial changes or additional analysis, additional public notice will be given on or about November 1, 1999. It is anticipated that the Commissioner will issue a final decision within approximately 90 days of the close of the period of public comment.

The State of Alaska, Department of Natural Resources, State Pipeline Coordinator's Office, complies with Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aids, services, or special modifications to participate in this review may call (907) 271-5070 or 271-2902 TTY/TTD. Please provide sufficient notice in order for the department to accommodate your needs.

The State Pipeline Coordinator's Office reserves the right to waive technical defects in this publication.

William G. Britt, Jr.  
State Pipeline Coordinator

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**Natural Resources: Public Notices**  
**Shore Fishery Lease Adl 223261**

**Publish Date: 07/21/99**

**Archive Date: 09/20/99**

**Location: Kodiak**

**Body of Notice:**

Subject to the provisions of AS 38.05 and pursuant to the regulations promulgated thereunder, the Division of Mining, Land and Water proposes to issue a Shore Fishery (setnet) Lease Amendment to Alfred Naumoff, Jr., 411 Oklahoma St., Apt. 2, Anchorage, AK 99504. The proposed amendment, depicted as Tract(s) A and B of SFDI 1800, are located on Kodiak Island on the west side of Moser Bay in Snug Cove. Tract A is approximately 2,622 feet southwest of USGS Triangulation Station "SNUG". Tract B is approximately 6,820 feet southwest of USGS Triangulation Station "FAST", within Sections 3 and 10, respectively, Township 37 South, Range 31 West, Seward Meridian. These tracts were formerly shown on SFDI 1209 and 1208. The lease amendment, if issued, would be for the remainder of the original lease term.

A copy of Shore Fishery Diagram 1800 is available for \$2.00 from the Department of Natural Resources Public Information Center, 3601 C Street, Suite 200, Anchorage AK 99503-5929, (907) 267-8400, TDD (907) 269-8411. Other questions may be addressed to the Shore Fishery Leasing Office (907) 269-8545.

Any comments, expressions of interest, or protest must be submitted to the Regional Manager of the Southcentral Regional Office of the Division of Mining, Land and Water at the above address on or before September 20, 1999. Any protest regarding the issuance of a lease must be written. It should clearly state the nature and purpose of the protest in accordance with 11 AAC 64.450(a & b), and also be submitted by certified or registered mail to the applicant by September 20, 1999. Failure to protest by this date shall comprise a waiver. The postmark date of the statement of protest constitutes the date of protest. A lease shall not be issued until the protest period has ended.

The Division of Mining, Land and Water reserves the right to waive technical defects in this publication.

/s/ Richard B. Thompson, Regional Manager  
Division of Mining, Land and Water

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**Office of the Governor: Adopted Regulations - Text or Summary of Text**  
**6 Aac 90 - Broadcasting Of Public Notices Regulations Filed**

**Publish Date: 07/20/99**

**Archive Date: 07/29/99**

**Location: Statewide**

**Body of Notice:**

ADOPTED REGULATIONS OF THE  
OFFICE OF THE LIEUTENANT GOVERNOR

Notice is given that the Office of the Lieutenant Governor, under the authority of AS 44.19.020(3), adopted regulations in Title 6 of the Alaska Administrative Code, dealing with broadcasting of public notices, to implement AS 44.62.190 (3) including:

Title 6 is amended by adding a new chapter, 6 AAC 90, which establishes standards for state agency use of broadcast media (e.g. radio, television, cable network) to comply with legal requirements for certain public notices under AS 44.62.190 and 44.62.310(e). The standards would not apply to optional broadcasts (such as public service broadcasts) that would not be used to comply with legal requirements. The standards include the frequency of broadcast, timing of broadcasts, location of broadcasts, related matters, and definitions. The standards would allow for flexibility for certain broadcasts under unforeseen circumstances.

The regulations were filed by Lieutenant Governor Ulmer on July 20, 1999 and will be in effect on August 19, 1999, and appear in Register 151, the October supplement to the Alaska Administrative Code.

Copies of the regulation may be obtained by writing to Carol Collins, Special Assistant, P.O. Box 110015, Juneau, Alaska, 99811-0015.

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**Office of the Governor: Executive Orders & Administrative Orders**  
**Administrative Order No. 184**

**Publish Date: 07/21/99**

**Archive Date: 07/30/99**

**Location: Central Region,  
Juneau**

**Body of Notice:**

Administrative Order No. 184

Findings

I, Tony Knowles, Governor of the State of Alaska, make the following findings:

1. Based on the information I received from the Department of Military and Veterans' Affairs concerning the ice jam flooding of the village of Napaskiak on May 21 and 22, 1999, I have determined this event poses an imminent threat of sufficient magnitude and severity to justify state action.
2. The Department of Military and Veterans' Affairs, Division of Emergency Services, performed a preliminary damage assessment on June 2, 1999. This assessment found that floodwaters had floated refuse from the solid waste disposal site into habitable, commonly trafficked, and recreational sections of the village. The Department of Health and Social Services and the Department of Environmental Conservation concur that the disbursal of inorganic and organic hazards exacerbates health threats within the community, which if not remedied, will threaten the health and safety of the village.
3. I find it appropriate that money from the disaster relief fund (AS 26.23.300), be expended to cover the costs incurred by the Division of Emergency Services and other state agencies in response to this event.

Order

Under the authority of art. III, sec. 1, of the Alaska Constitution and AS 26.23.300(c), I, Tony Knowles, Governor of the State of Alaska, make the following orders:



1. The Department of Military and Veterans' Affairs, Division of Emergency Services, is to coordinate with the Department of Environmental Conservation to clean up the scattered dump hazards and debris caused by flooding in the village of Napaskiak on May 21 and 22, 1999.

2. Consistent with AS 26.23.010 - AS 26.23.220 (Alaska Disaster Act) and AS 26.23.300(c), I authorize that expenditures be made from the disaster relief fund to cover costs incurred by the Division of Emergency Services, Department of Environmental Conservation, and other state agencies after May 23, 1999, as a direct result of involvement in the village of Napaskiak's ice jam flood event.

This Order takes effect immediately.

Dated at Juneau, Alaska, this 19th day of July, 1999.

/s/Tony Knowles  
Governor

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**Office of the Governor: Public Notices**  
**ACMP Consistency Review, Peterson Bay Shellfish Farm Modification**

**Publish Date: 07/15/99**

**Archive Date: 09/14/99**

**Location: Anchorage, Homer**

**Body of Notice:**

Alaska Coastal Management Program  
Division of Governmental Coordination (DGC)

The following projects are proposed in your area and are being reviewed for consistency with the Alaska Coastal Management Program. Your comments, particularly on the proposed projects' consistency with the affected local coastal district management program, are requested.

Proposed Project & Location: Alteration of anchoring system for existing aquatic farm in Peterson Bay, Kachemak Bay

Applicant/Agent: Robert G. Hartley

Project Number: State Id # AK 9905-30AA

Project Name: Peterson Bay Shellfish Farm Modification

Deadline for written comments: 9/13/99

For More Information or to submit comments contact:

Division of Governmental Coordination  
Southcentral Regional Office  
3601 C. Street, Suite 370  
Anchorage, AK 99503-5930

Contact: Tom Atkinson

Phone: 269-7474

Fax: 561-6134

Email: [[tom\\_atkinson@gov.state.ak.us](mailto:tom_atkinson@gov.state.ak.us)]

Your comments, addressed directly to DGC, are required to preserve your rights to file a petition under Alaska Statute 46.40.100(B)(1). The State Of Alaska, Division of Governmental Coordination, complies with Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aids, services, or special modifications to participate in this review may contact the number above.

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**Office of the Governor: Public Notices**  
**Alcoholic Beverage Tax Initiative Certified**

**Publish Date: 07/16/99**

**Archive Date: 08/15/99**

**Location: Statewide**

**Body of Notice:**

Lieutenant Governor Ulmer certified on July 16, 1999, an application for an initiative petition which would increase the alcoholic beverage tax.

Under Alaska law an application for an initiative petition must have 100 signatures or more and comply with AS 15.45.030 and AS 15.45.040 to qualify for circulation of a petition. The following impartial summary has been prepared by the Department of Law for the petition booklets:

**Tax Increase On Alcoholic Beverages**

Imposes a tax increase on persons who make or sell in the state malt alcoholic beverages, wine, and hard or distilled alcoholic beverages, or consign shipments of these beverages into the state.

Should this initiative become law?

Sponsors must obtain 22,716 signatures from qualified voters, which equals ten percent of those who voted in the 1998 general election. Those voters must also reside in at least two-thirds of the election districts in the state. If the petition is certified, it will appear on the 2000 election ballot. However, if the Lieutenant Governor, in concurrence with the Attorney General, determines that the Alaska Legislature passes a law which is substantially similar in nature to the proposed bill, the petition will be void.

Alaska Statute 15.45.240 says that within 30 days of the date on which notice of the determination was given, any person "Aggrieved by a determination made by the Lieutenant Governor" may bring action in the superior court to have the determination reviewed.

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**Office of the Governor: Public Notices**  
**Minimum Wage Increase Initiative Application Certified**

**Publish Date: 07/20/99**

**Archive Date: 08/20/99**

**Location: Statewide**

**Body of Notice:**

MINIMUM WAGE INCREASE INITIATIVE APPLICATION CERTIFIED

Lieutenant Governor Ulmer certified on July 20, 1999, an application for an initiative petition which would increase Alaska's minimum wage to \$6.50 per hour effective January 1, 2001, \$6.75 per hour effective January 1, 2002 and thereafter, adjusted annually for inflation.

Under Alaska law an application for an initiative petition must have 100 signatures or more and comply with AS 15.45.030 and AS 15.45.040 to qualify for circulation of a petition. The following impartial summary has been prepared by the Department of Law for the petition booklets:

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**Bill Increasing Alaska's Minimum Hourly Wage**

This bill would increase Alaska's minimum hourly wage to \$6.50 per hour starting January 1, 2001. Then, on January 1, 2002, the minimum hourly wage would increase to \$6.75 per hour. Each year thereafter, the minimum hourly wage would be adjusted by the State. The yearly adjustment would be based on inflation using the Consumer Price Index for Anchorage.

Should this initiative become law?

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Sponsors must obtain 22,716 signatures from qualified voters, which equals ten percent of those who voted in the 1998 general election. Those voters must also reside in at least two-thirds of the election districts in the state. If the petition is certified, it will appear on the 2000 election ballot. However, if the Lieutenant Governor, in concurrence with the Attorney

General, determines that the Alaska Legislature passes a law which is substantially similar in nature to the proposed bill, the petition will be void.

Alaska Statute 15.45.240 says that within 30 days of the date on which notice of the determination was given, any person aggrieved by a determination made by the Lieutenant Governor@ may bring action in the superior court to have the determination reviewed.

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**Revenue: Agency Meetings**  
**Alaska Housing Finance Corporation Regular Board Meeting**

**Publish Date: 07/16/99**

**Archive Date: 07/29/99**

**Location: Anchorage,  
Fairbanks, Juneau,  
Teleconference**

**Body of Notice:**

The AHFC Board Of Directors will meet at 10:00 a.m. on July 28, 1999, in the AHFC Board Room, 1st Floor, 4300 Boniface Parkway, Anchorage, AK.

The agenda will include: A. Consideration of a \$14,500,000 loan request from Chester Park Cooperative for the refinancing of existing debt, and funds for an additional 41 units of cooperative senior housing; B. Consideration of a loan from McKinnon Apartments Limited Partnership for term financing for the rehabilitation of 23 units located in Juneau, Alaska; C. Consideration of a resolution approving the recommendation of the Investment Advisory Committee regarding the results of a review of responses to a solicitation for financing proposals to fund the First Time Homebuyers Program; D. Consideration of a resolution approving the recommendation of the Investment Advisory Committee regarding the results of a review of responses to a solicitation for financing proposals to refund/remarket General Mortgage Revenue Bonds, Series 1991-A and Series 1991-C; E. Any other matters to properly come before the Board.

One or more board members may participate in the meeting by utilizing telephonic communications (conference telephone) pursuant to AS 18.56.040(b).

The public is invited to participate by teleconference from the following locations: the Department of Revenue Conference Room, 11th Floor State Office Building, Juneau, AK. and the Legislative Information Office, 119 N. Cushman Street, Suite 101, Fairbanks, AK. Pertinent reference materials, if used, will be made available to those members of the public who wish to participate in the meeting.

AHFC complies with Title II of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973. Individuals with disabilities who may need auxiliary aids or services or special modifications to participate in this public meeting should contact Paula Graber at 338-6100 three days prior to the scheduled meeting date so that arrangements may be made.

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**Revenue: Competitive & Other Solicitations**  
**Invitation To Bid #4001/Image Viewing & Storage Software Package  
W/Maintenance**

**Publish Date: 07/21/99**

**Archive Date: 08/31/99**

**Location: Southeast Region**

**Body of Notice:**

Invitation to Bid No. 4001. The Department of Revenue Procurement Office, is soliciting bids for 75-user image viewing/storage software package with maintenance for the Division of Permanent Fund Dividend.

The bid opening date: August 12, 1999 at 1:30 PM.

Copies of this solicitation can be obtained by contacting Becky Gattung, Procurement Officer, 333 Willoughby Ave. 11th Fl., Juneau, AK 99801

phone: 907-465-3666; fax:907-465-2037;

email:rebecca\_gattung@revenue.state.ak.us.

SEALED BIDS MUST BE SUBMITTED TO THE DIVISION OF ADMINISTRATIVE SERVICES OFFICE FROM WHICH THEY WERE ISSUED AND MUST BE TIME AND DATE STAMPED BY THE PURCHASING SECTION PRIOR TO 1:30 PM ON AUGUST 12, 1999 AT WHICH TIME THEY WILL BE PUBLICLY OPENED.

DELIVERY LOCATION: 333 Willoughby Ave., 11th Floor, Juneau, Alaska 99801

DELIVERY DATE: September 10, 1999

FOB POINT: FINAL DESTINATION

IMPORTANT NOTICE: If you received this solicitation from the State's "Online Public Notice" web site, you must register with the Procurement Officer listed on this document to receive subsequent amendments. Failure to contact the Procurement Officer may result in the rejection of your offer.

BIDDER'S NOTICE: By signature on this form, the bidder certifies that:

(1) the bidder has a valid Alaska business license and has written the license number below or has submitted one of the following forms of evidence of an Alaska business license with the bid:

- a canceled check for the business license fee;
- a copy of the business license application with a receipt date stamp from the State's business license office;
- a receipt from the State's business license office for the license fee;
- a copy of the bidder's valid business license;
- a sworn notarized affidavit that the bidder has applied and paid for a business license;

(2) the price(s) submitted was arrived at independently and without collusion and that the bidder is complying with:

- the laws of the State of Alaska;
  - the applicable portion of the Federal Civil Rights Act of 1964;
  - the Equal Employment Opportunity Act and the regulations issued thereunder by the State and Federal Government;
- and
- all terms and conditions set out in this Invitation to Bid (ITB).

If any bidder fails to comply with (1) or (2) of this paragraph, the State may reject the bid, terminate the contract, or consider the contractor in default.

#### INSTRUCTIONS TO BIDDERS:

1. INVITATION TO BID (ITB) REVIEW: Bidders shall carefully review this ITB for defects and questionable or objectionable material. Bidders' comments concerning defects and questionable or objectionable material in the ITB must be made in writing and received by the purchasing authority at least ten (10) days before the bid opening date. This will allow time for an amendment to be issued if one is required. It will also help prevent the opening of a defective bid, upon which award cannot be made, and the resultant exposure of bidders' prices. Bidders' original comments should be sent to the purchasing authority listed on the front of this ITB.

2. BID FORMS: Bidders shall use this and attached forms in submitting bids. A photocopied bid may be submitted.

3. SUBMITTING BIDS: Envelopes containing bids must be sealed, marked, and addressed as shown in the example below. Do not put the ITB number and opening date on the envelope of a request for bid information. Envelopes with ITB numbers annotated on the outside will not be opened until the scheduled date and time.

4. PRICES: The bidder shall state prices in the units of issue on this ITB. Prices quoted for commodities must be in U.S. funds and include applicable federal duty, brokerage fees, packaging, and transportation cost to the FOB point so that upon transfer of title the commodity can be utilized without further cost. Prices quoted for services must be quoted in U.S. funds and include applicable federal duty, brokerage fee, packaging, and transportation cost so that the services can be provided without further cost. Prices quoted in bids must be exclusive of federal, state, and local taxes. If the bidder believes that certain taxes are payable by the State, the bidder may list such taxes separately, directly below the bid price for the affected item. The State is exempt from Federal Excise Tax except the following:

- Coal - Internal Revenue Code of 1986 (IRC), Section 4121 - on the purchase of coal;
- "Gas Guzzler" - IRC, Section 4064 - on the purchase of low m.p.g. automobiles, except that police and other emergency type vehicles are not subject to the tax;
- Air Cargo - IRC, Section 4271 - on the purchase of property transportation services by air;
- Air Passenger - IRC, Section 4261 - on the purchase of passenger transportation services by air carriers.

5. VENDOR TAX ID NUMBER: If goods or services procured through this ITB are of a type that is required to be included on a Miscellaneous Tax Statement, as described in the Internal Revenue Code, a valid tax identification number must be provided to the State of Alaska before payment will be made.

6. **FILING A PROTEST:** A bidder may protest the award of a contract or the proposed award of a contract for supplies, services, or professional services. The protest must be filed in writing and include the following information: (1) the name, address, and telephone number of the protester; (2) the signature of the protester or the protester's representative; (3) identification of the contracting agency and the solicitation or contract at issue; (4) a detailed statement of the legal and factual grounds of the protest, including copies of relevant documents; and (5) the form of relief requested. Protests will be treated in accordance with Alaska Statutes (AS)36.30.560-36.30.610.

#### CONDITIONS:

1. **AUTHORITY:** This ITB is written in accordance with AS 36.30 and 2 AAC 12.

2. **COMPLIANCE:** In the performance of a contract that results from this ITB, the contractor must comply with all applicable federal, state, and borough regulations, codes, and laws; and be liable for all required insurance, licenses, permits and bonds; and pay all applicable federal, state, and borough taxes.

3. **SUITABLE MATERIALS, ETC.:** Unless otherwise specified, all materials, supplies or equipment offered by a bidder shall be new, unused, and of the latest edition, version, model or crop and of recent manufacture.

4. **SPECIFICATIONS:** Unless otherwise specified in the ITB, product brand names or model numbers specified in this ITB are examples of the type and quality of product required, and are not statements of preference. If the specifications describing an item conflict with a brand name or model number describing the item, the specifications govern. Reference to brand name or number does not preclude an offer of a comparable or better product, if full specifications and descriptive literature are provided for the product. Failure to provide such specifications and descriptive literature may be cause for rejection of the offer.

5. **FIRM OFFER:** For the purpose of award, offers made in accordance with this ITB must be good and firm for a period of ninety (90) days from the date of bid opening.

6. **EXTENSION OF PRICES:** In case of error in the extension of prices in the bid, the unit prices will govern; in a lot bid, the lot prices will govern.

7. **BID PREPARATION COSTS:** The State is not liable for any costs incurred by the bidder in bid preparation.

8. **CONSOLIDATION OF AWARDS:** Due to high administrative costs associated with processing of purchase orders, a single low bid of \$50 or less may, at the discretion of the State, be awarded to the next low bidder receiving other awards for consolidation purposes. This paragraph is not subject to the protest terms enumerated in "INSTRUCTION TO BIDDERS", "FILING A PROTEST" above.

9. **CONTRACT FUNDING:** Bidders are advised that funds are available for the initial purchase and/or the first term of the contract. Payment and performance obligations for succeeding purchases and/or additional terms of the contract are subject to the availability and appropriation of funds.

10. **CONFLICT OF INTEREST:** An officer or employee of the State of Alaska may not seek to acquire, be a party to, or possess a financial interest in, this contract if (1) the officer or employee is an employee of the

administrative unit that supervises the award of this contract; or (2) the officer or employee has the power to take or withhold official action so as to affect the award or execution of the contract.

11. **ASSIGNMENT(S):** Assignment of rights, duties, or payments under a contract resulting from this ITB is not permitted unless authorized in writing by the State of Alaska, Department of Administration, Division of General Services. Bids that are conditioned upon the State's approval of an assignment will be rejected as nonresponsive.

12. **SUBCONTRACTOR(S):** Within five (5) working days of notice, the apparent low bidder must submit a list of the subcontractors that will be used in the performance of the contract. The list must include the name of each subcontractor and the location of the place of business for each subcontractor and evidence of each subcontractor's valid Alaska business license. Subcontractors can only be changed per AS 36.30.115 (b).

13. **FORCE MAJEURE: (Impossibility to perform)** The contractor is not liable for the consequences of any failure to perform, or default in performing, any of its obligations under this Agreement, if that failure or default is caused by any

unforeseeable Force Majeure, beyond the control of, and without the fault or negligence of, the contractor. For the purposes of this Agreement, Force Majeure will mean war (whether declared or not); revolution; invasion; insurrection; riot; civil commotion; sabotage; military or usurped power; lightning; explosion; fire; storm; drought; flood; earthquake; epidemic; quarantine; strikes; acts or restraints of governmental authorities affecting the project or directly or indirectly prohibiting or restricting the furnishing or use of materials or labor required; inability to secure materials, machinery, equipment or labor because of priority, allocation or other regulations of any governmental authorities.

14. LATE BIDS: Late bids are bids received after the time and date set for receipt of the bids. Late bids will not be accepted.

15. CONTRACT EXTENSION: Unless otherwise provided in this ITB, the State and the successful bidder/contractor agree: (1) that any holding over of the contract excluding any exercised renewal options, will be considered as a month-to-month extension, and all other terms and conditions shall remain in full force and effect and (2) to provide written notice to the other party of the intent to cancel such month-to-month extension at least thirty (30) days before the desired date of cancellation.

16. DEFAULT: In case of default by the contractor, for any reason whatsoever, the State of Alaska may procure the goods or services from another source and hold the contractor responsible for any resulting excess cost and may seek other remedies under law or equity.

17. DISPUTES: Any dispute arising out of this agreement shall be resolved under the laws of Alaska. Any appeal of an administrative order or any original action to enforce any provision of this agreement or to obtain any relief from or remedy in connection with this agreement may be brought only in the superior court for the First Judicial District of Alaska.

18. CONSUMER ELECTRICAL PRODUCT: AS 45.45.910 requires that "...a person may not sell, offer to sell, or otherwise transfer in the course of the person's business a consumer electrical product that is manufactured after August 14, 1990, unless the product is clearly marked as being listed by an approved third party certification program." Electrical consumer products manufactured before August 14, 1990, must either be clearly marked as being third party certified or be marked with a warning label that complies with AS 45.45.910(e). Even exempted electrical products must be marked with the warning label. By signature on this

bid the bidder certifies that the product offered is in compliance with the law. A list of approved third party certifiers, warning labels and additional information is available from: Department of Labor, Labor Standards & Safety Division, Mechanical Inspection Section, P.O. Box 107020, Anchorage, Alaska 99510-7020, (907)269-4925.

#### SPECIAL CONDITIONS:

1. ORDER DOCUMENTS: Except as specifically allowed under this ITB, an ordering agency will not sign any vendor contract. The State is not bound by a vendor contract signed by a person who is not specifically authorized to sign for the State under this ITB. The State of Alaska Purchase Order, Contract Award and Delivery Order are the only order documents that may be used to place orders against the contract(s) resulting from this ITB.

2. BILLING INSTRUCTIONS: Invoices must be billed to the ordering agency's address shown on the individual Purchase Order, Contract Award or Delivery Order, not to the Division of General Services. The ordering agency will make payment after it receives the merchandise or service and the invoice. Questions concerning payment must be addressed to the ordering agency.

3. CONTINUING OBLIGATION OF CONTRACTOR: Notwithstanding the expiration date of a contract resulting from this ITB, the contractor is obligated to fulfill its responsibilities until warranty, guarantee, maintenance and parts availability requirements have completely expired.

#### PREFERENCES:

1. ALASKAN BIDDER'S PREFERENCE: Award will be made to the lowest responsive and responsible bidder after an Alaskan bidder's preference of five percent (5%) has been applied. The preference will be given to a person who: (1) holds a current Alaska business license; (2) submits a bid for goods or services under the name on the Alaska business license; (3) has maintained a place of business within the state staffed by the bidder, or an employee of the bidder, for a period of six (6) months immediately preceding the date of the bid; (4) is incorporated or qualified to do business under the laws of the state, is a sole proprietorship, and the proprietor is a resident of the state or is a partnership, and all

partners are residents of the state; (5) if a joint venture, is composed entirely of venturers that qualify under (1) - (4) of this subsection. AS 36.30.170(b).

2. USE OF LOCAL FOREST PRODUCTS: In a project financed by state money in which the use of timber, lumber and manufactured lumber is required, only timber, lumber and manufactured lumber products originating in this state shall be used unless the use of those products has been determined to be impractical, in accordance with AS 36.15.010.

3. LOCAL AGRICULTURAL AND FISHERIES PRODUCTS PREFERENCE: When agricultural, dairy, timber, lumber, or fisheries products are purchased using state money, only those products harvested in Alaska, or in the case of fisheries products harvested or processed within the jurisdiction of Alaska, will be purchased, provided they are available, of comparable quality, and priced no more than seven percent (7%) higher than products harvested outside the state, or in the case of fisheries products harvested or processed outside the jurisdiction of the state, in accordance with AS 36.15.050.

4. ALASKA PRODUCT PREFERENCE: A bidder that designates the use of an Alaska Product which meets the requirements of the ITB specification and is designated as a Class I, Class II or Class III Alaska Product by the Department of Commerce & Economic Development shall receive a preference in the bid evaluation in accordance with AS 36.30.332 and 3 AAC 92.010.

5. EMPLOYMENT PROGRAM PREFERENCE: If a bidder qualifies for the Alaskan bidder's preference, under AS 36.30.170(b), and is offering goods or services through an employment program, as defined under 36.30.990(10), and is the lowest responsive and responsible bidder with a bid that is no more than fifteen percent (15%) higher than the lowest bid, the procurement officer will make the award to that bidder, in accordance with AS 36.30.170(c) and 2 AAC 12.050.

6. ALASKANS WITH DISABILITIES PREFERENCE: If a bidder qualifies for the Alaskan bidder's preference, under AS 36.30.170(b), is a qualifying entity as defined in AS 36.30.170(e) and (j), and is the lowest responsive and responsible bidder with a bid that is no more than ten percent (10%) higher than the lowest bid, the procurement officer will make the award to that bidder, in accordance with AS 36.30.170(e).

7. EMPLOYERS OF PEOPLE WITH DISABILITIES PREFERENCE: If a bidder qualifies for the Alaskan bidder's preference, under AS 36.30.170(b), and, at the time the bid is submitted, employs a staff that is made up of fifty percent (50%) or more people with disabilities, as defined in AS 36.30.170(j), and submits a responsive and responsible bid that is no more than ten percent (10%) higher than the lowest responsive and responsible bid, the procurement officer will make the award to that bidder, in accordance with AS 36.30.170(f).

8. PREFERENCE QUALIFICATION LETTER: Regarding preferences 5, 6, and 7 above, the Division of Vocational Rehabilitation in the Department of Education maintains lists of Alaskan; [1] employment programs that qualify for preference, [2] individuals who qualify for preference as Alaskan's with disabilities, and, [3] employers who qualify for preference as employers of people with disabilities. In accordance with AS 36.30.170(j), in order to qualify for one of these preferences, a bidder must add value by actually performing, controlling, managing, and supervising the services provided, or for supplies, a bidder must have sold supplies of the general nature solicited to other state agencies, governments, or the general public.

As evidence of an individual's or a business' right to a certain preference, the Division of Vocational Rehabilitation will issue a certification letter. To take advantage of the preferences 5, 6, or 7 above, an individual or business must be on the appropriate Division of Vocational Rehabilitation list, at the time the bid is opened, and must provide the procurement officer a copy of their certification letter. Bidders must attach a copy of their certification letter to their bid. The bidder's failure to provide the certification letter mentioned above, with their bid, will cause the State to disallow the preference.

BIDDERS WITH DISABILITIES: The State of Alaska complies with Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aids, services, and/or special modifications to participate in this procurement should contact the Division of Administrative Services at one of the following numbers no later than ten days prior to closing date of this ITB to make any necessary arrangements.

Telephone: (907) 465-3666  
Fax: (907) 465-2037  
TDD: (907) 465-3678

COMPLIANCE WITH ADA: By signature of their bid the bidder certifies that they comply with the Americans with

Disabilities Act of 1990 and the regulations issued thereunder by the federal government.

Services or activities furnished to the general public on behalf of the State must be fully accessible. This is intended to ensure that agencies are in accordance with 28 CFR Part 35 Section 35.130 and that services, programs or activities furnished to the public through a contract do not subject qualified individuals with a disability to discrimination based on the disability.

**PREFERENCE QUALIFICATION:** In order to qualify for the an Employment Program Preference, an Alaskans With Disabilities Preference or an Employers Of People With Disabilities Preference, a bidder must add value by actually performing, controlling, managing, and supervising the services provided, or a bidder must have sold supplies of the general nature solicited to other state agencies, governments, or the general public.

**LIMITED LIABILITY COMPANY:** In order to be considered an Alaska Bidder and entitled to the Alaska Bidder Preference, a limited liability company (LLC) organized under AS 10-50-010 - 10.50.995 must meet the requirements of AS 36.30.170(b) and the manager of the LLC must be a resident of the State of Alaska.

**CONTRACT INTENT:** This Invitation to Bid (ITB) is intended to result in the purchase of an image viewer software package with maintenance, at Juneau, Alaska for the Department of Revenue.

**NOTICE OF INTENT TO AWARD:** After the responses to this ITB have been opened and evaluated, a tabulation of the bids will be prepared. This tabulation, called a Notice of Intent to Award, serves two purposes. It lists the name of each company or person that offered a bid and the price they bid. It also serves as notice of the State's intent to award a contract(s) to the bidder(s) indicated. A copy of the Notice of Intent will be mailed to each company or person who responded to the ITB. Bidders identified as the apparent low responsive bidders, are instructed not to proceed until a Purchase Order, Contract Award, Lease, or some other form of written notice is given by the contracting officer. A company or person who proceeds prior to receiving a Purchase Order, Contract Award, Lease, or some other form of written notice from the contracting officer does so without a contract and at their own risk.

**PAYMENT FOR STATE PURCHASES:** Payment for agreements under \$500,000 for the undisputed purchase of goods or services provided to a State agency, will be made within 30 days of the receipt of a proper billing or the delivery of the goods or services to the location(s) specified in the agreement, whichever is later.

A late payment is subject to 1.5% interest per month on the unpaid balance. Interest will not be paid if there is a dispute or if there is an agreement which establishes a lower interest rate or precludes the charging of interest.

**CONTRACT ADMINISTRATION:** The administration of this contract is the responsibility of Laurie Perkins, Contracting Officer, Department of Revenue.

**SHIPPING DAMAGE:** The State will not accept or pay for damaged goods. The contractor must file all claims against the carrier(s) for damages incurred to items in transit from the point of origin to the ultimate destination. The State will provide the contractor with written notice when damaged goods are received. The State will deduct the cost of the damaged goods from the invoice prior to payment. The contractor must file all claims against the carrier(s) for reimbursement of the loss.

**INDEMNIFICATION:** The Contractor shall indemnify, hold harmless, and defend the contracting agency from and against any claim of, or liability for error, omission or negligent act of the Contractor under this agreement. The Contractor shall not be required to indemnify the contracting agency for a claim of, or liability for, the independent negligence of the contracting agency. If there is a claim of, or liability for, the joint negligent error or omission of the Contractor and the independent negligence of the Contracting agency, the indemnification and hold harmless obligation shall be apportioned on a comparative fault basis. "Contractor" and "Contracting agency", as used within this and the following article, include the employees, agents and other contractors who are directly responsible, respectively, to each. The term "independent negligence" is negligence other than in the Contracting agency's selection, administration, monitoring, or controlling of the Contractor and in approving or accepting the Contractor's work.

**INSURANCE:** Without limiting Contractor's indemnification, it is agreed that Contractor shall purchase at its own expense and maintain in force at all times during the performance of services under this agreement the following policies of insurance. Where specific limits are shown, it is understood that they shall be the minimum acceptable limits. If the Contractor's policy contains higher limits, the state shall be entitled to coverage to the extent of such higher limits. Certificates of Insurance must be furnished to the Contracting Officer prior to beginning work and must provide for a 30-day prior notice of cancellation, nonrenewal or material change of conditions. Failure to furnish satisfactory evidence



of insurance or lapse of the policy is a material breach of this contract and shall be grounds for termination of the Contractor's services. All insurance policies shall comply with, and be issued by insurers licensed to transact the business of insurance under AS 21.

Proof of insurance is required for the following:

**Workers' Compensation Insurance:** The Contractor shall provide and maintain, for all employees engaged in work under this contract, coverage as required by AS 23.30.045, and; where applicable, any other statutory obligations including but not limited to Federal U.S.L. & H. and Jones Act requirements. The policy must waive subrogation against the State.

**Commercial General Liability Insurance:** covering all business premises and operations used by the Contractor in the performance of services under this agreement with minimum coverage limits of \$300,000 combined single limit per occurrence.

**Commercial Automobile Liability Insurance:** covering all vehicles used by the Contractor in the performance of services under this agreement with minimum coverage limits of \$300,000 combined single limit per occurrence.

Failure to supply satisfactory proof of insurance within the time required will cause the State to declare the bidder nonresponsive and to reject the bid.

**BRAND AND MODEL OFFERED:** Unless otherwise specified, when brand names and model numbers are used to specify the type and quality of the goods desired, bidders must clearly indicate the brand names and model numbers they intend to provide. The bidder's failure to identify the brand and model offered will cause the State to consider the offer nonresponsive and reject the bid.

**ANNOTATED LITERATURE:** Bidders must annotate their product literature to identify for the State the location of the supporting information regarding each product specification set out in this ITB. A bidder's failure to comply with this clause, within the time set by the State, will cause the State to consider the offer nonresponsive and reject the bid.

**SUPPORTING INFORMATION:** The State strongly desires that bidders submit all required technical, specification, and other supporting information with their bid, so that a detailed analysis and determination can be made, by the contracting officer that the product offered meets the ITB specifications and that other requirements of the ITB have been met. However, provided a bid meets the requirements for a definite, firm, unqualified, and unconditional offer, the State reserves the right to request supplemental information from the bidder, after the bids have been opened, to ensure that the products offered completely meet the ITB requirements. The requirement for such supplemental information will be at the reasonable discretion of the State and may include the requirement that a bidder will provide a sample product(s) so that the State can make a first-hand examination and determination.

A bidder's failure to provide this supplemental information or the product sample(s), within the time set by the State, will cause the State to consider the offer nonresponsive and reject the bid.

**FIRM, UNQUALIFIED AND UNCONDITIONAL OFFER:** Bidders must provide enough information with their bid to constitute a definite, firm, unqualified and unconditional offer. To be responsive a bid must constitute a definite, firm, unqualified and unconditional offer to meet all of the material terms of the ITB. Material terms are those which could affect price, quantity, quality, or delivery. Also included as material terms are those which are clearly identified in the ITB and which, for reasons of policy, must be complied with at risk of bid rejection for nonresponsiveness.

**YEAR 2000 WARRANTY:** The contractor warrants that each hardware, software, or firmware product or item delivered or developed under this contract shall accurately process date data (including, but not limited to calculating, comparing, and sequencing) from, into, during, and between the twentieth and twenty-first centuries, including leap year calculations, when used in accordance with the documentation provided by the contractor.

If the contract requires that specific products or items perform as a system, then this Year 2000 Warranty shall also apply to those listed items as a system.

The duration and remedies available to the State for breach of the Year 2000 Warranty shall be as defined in, and

subject to, the terms and limitations of any general warranty provisions contained in this solicitation. In the absence of any such general warranty provision(s), the remedies available to the State shall include repair or replacement, without any cost to the State, of any listed product or item whose non-compliance is discovered and made known to the contractor in writing within one (1) year after acceptance, or within the time limits of the contractor's warranty, whichever is longer. Nothing in this Year 2000 Warranty shall be construed to limit any rights or remedies the State may otherwise have under the Uniform Commercial Code, State or Federal law, or with respect to defects other than Year 2000 performance.

ALASKA PRODUCT PREFERENCE: Bidders who offer products which have received certification by the Department of Commerce and Economic Development and that are listed

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**Transportation & Public Facilities: Competitive & Other Solicitations**  
**Bragaw Street Safety Improvements**

**Publish Date: 07/20/99**

**Archive Date: 08/04/99 01:00:00  
PM**

**Location: Anchorage**

**Body of Notice:**

Project No. HRO-0001(85)/51681 Sealed bids for Bragaw Street Safety Improvements, East 20th Avenue to DeBarr, will be received until 2:00 p.m., August 4, 1999 in the main conference room at 4111 Aviation Avenue, Anchorage, Alaska.

This Federally funded project will reconstruct approximately one half mile of Bragaw Street including channelization and signing Reka Street intersection. Work includes curb and pavement removal, asphalt concrete paving, storm drain modification, signal modification, curb ramps, highway lighting system and other miscellaneous items. Contract time will be 120 calendar days. The Engineer's Estimate is between \$1,500,000 and \$2,500,000.

Bidding documents may be viewed at the DOT&PF offices in Anchorage, Fairbanks, and Juneau and purchased for \$100.00 per set, payable to the State of Alaska, from the Central Region Plans Room, 4111 Aviation Avenue, Anchorage, Alaska, 907-269-0408. Select "Contracting and Procurement" on the DOT/PF web site for additional information ([WWW.DOT.STATE.AK.US](http://WWW.DOT.STATE.AK.US)).

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**Transportation & Public Facilities: Competitive & Other Solicitations**  
**Fairbanks Public Over Crossing Roof Repairs**

**Publish Date: 07/20/99**

**Archive Date: 08/06/99 09:00:00  
AM**

**Location: Fairbanks**

**Body of Notice:**

Project No. 00-25-2-26. Sealed bids in single copy for performing all work for each of the above named projects described herein, will be received until 10:00 a.m. prevailing time, August 6, 1999, at the Dept. of Transportation and Public Facilities (DOT&PF), 2301 Peger Road (Maintenance Bldg.), Fairbanks, at which time bids will be publicly opened and read.

Description of Work: Provide all labor, materials, traffic control, equipment and supervision to remove built up roof assemblies, damaged wood roof decking and flashing; Install new watertight and weatherproof EPDM assemblies; add new Structo Deck recovery board and elastomeric sheet roofing and flashings as required at three public over crossings in Fairbanks, Alaska. All work to be done in accordance with the contract documents and technical specifications. Contract Period shall be upon Notice to Proceed to September 1, 2000. Engineer's Estimate is under \$100,000. Sets of plans, specifications and other bidding documents may be obtained for bidding purposes from DOT&PF, Building Maintenance Office, 2301 Peger Road, Fairbanks, AK 99709-5399. Phone (907)451-2204. Persons with hearing and speech disabilities can call 451-2363 for assistance in obtaining bidding documents.

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**Transportation & Public Facilities: Competitive & Other Solicitations**  
**Juneau Property Management**

**Publish Date: 07/21/99**

**Archive Date: 08/21/99**

**Location: Juneau**

**Body of Notice:**

Project Number 69846 Juneau Property Management

The Department of Transportation and Public Facilities intends to execute a two (2) year lease, to the following real property, located on Telephone Hill, in Juneau, Alaska: 203 W. 3rd St., 135 W. 2nd St., 124 Dixon St., 125 Dixon St., 128 Dixon St., 211 Dixon St., and 214 Dixon St.

A copy of the proposed lease is available during working hours at the Southeast Regional Office of the Department of Transportation and Public Facilities, 6860 Glacier Highway, Right of Way Section.

Parties wishing to comment on this proposed lease may do so by submitting comments at the address, phone, fax, or e-mail noted below.

The Department reserves the right to modify, vacate, postpone or adjourn this proposed action in whole or in part.

Parties wishing to submit alternative proposals to this proposed action must do so within thirty (30) days of the first date of publication of this notice.

Address:

6860 Glacier Highway  
Juneau, AK 99801-7999  
ATTN: Right of Way  
Phone: (907) 465-4540  
or: 1-800-575-4540  
Fax: (907) 465-6212  
E-Mail: Frank\_Mielke@dot.state.ak.us

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**Transportation & Public Facilities: Competitive & Other Solicitations**  
**Ketchikan-South Tongass Highway Overlay**

**Publish Date: 07/21/99**

**Archive Date: 07/29/99 01:00:00  
PM**

**Location: Ketchikan**

**Body of Notice:**

Project No. 67811/STP-0402(26) Sealed bids in single copy for furnishing all labor, materials, and equipment, and performing all work on Project No. 67811/STP-0402(26), Ketchikan-South Tongass Highway Overlay, described herein, will be received until 2:00 p.m. prevailing time July 29, 1999, at the Construction Contracts Office, 1st Floor, 6860 Glacier Highway, Juneau, Alaska.

The project is located along South Tongass Highway near Ketchikan, between Deermount Street (M.P. 0.5) and Kilometer Post 3.7 (M.P. 2.3). The work includes 3,500 MG of asphalt concrete pavement, 210 MG of asphalt cement, 23,550 square meters of asphalt cold planing, adjustment of various utility appurtenances, various traffic control items, and methyl methacrylate traffic marking.

The Engineer's Estimate is between \$500,000 and \$1,000,000. All work shall be completed by October 1, 1999.

Plans, specifications and other bidding documents may be obtained for bidding purposes from Southeast Regional Contracts, 6860 Glacier Highway, Juneau, Alaska, 99801-7999. Telephone Number: (907) 465-8904, Text Phone Number (hearing impaired): (907) 465-4647. Please include your company name, mailing address, phone number and fax number with your order. Companies owned by women, minorities, and people with disabilities are encouraged to bid.

Do not send payment now. You will be invoiced a non-refundable document fee of \$100.00 per plan set ordered. Bid results will not be available until after 4:00 PM on the bid opening day. The results can be obtained by calling (907) 465-8904.

Bidding Documents are available for inspection at the office of the Regional Department of Transportation and Public Facilities offices in Anchorage, Fairbanks and Juneau.

All technical questions regarding design and construction of this project should be directed to the office of Jim Lowell, Construction Group Chief, telephone number (907) 465-1799. All questions regarding bidding and award procedures should be directed to the office of Marcine Tune, Contracts Officer, telephone number (907) 465-4489.

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**Transportation & Public Facilities: Competitive & Other Solicitations**  
**Lease/Permit Bettles Vor Lake**

**Publish Date: 07/20/99**

**Archive Date: 08/31/99 03:30:00  
PM**

**Location: Northern Region**

**Body of Notice:**

The Department of Transportation and Public Facilities, State of Alaska has acquired the Bettles VOR Lake "float pond" effective June 29, 1999. Bettles VOR Lake is a public-use facility. Until leases or permits can be issued, pending department review and the required 30-day public notice period(s), all operations shall be conducted on a first come, first serve basis. Parties wishing to acquire a lease or permit for use of land at the Bettles VOR Lake float pond should submit an application to the Leasing and Property Management office at the address below.

Files related to Bettles VOR Lake are available for inspection during regular business hours, Monday through Friday, at the Department of Transportation and Public Facilities, 2301 Peger Road, Fairbanks, Alaska 99709-5399. Written comments must be submitted to: Leasing and Property Management, Department of Transportation and Public Facilities, 2301 Peger Road, Fairbanks, Alaska 99709-5399 on or before 4:30 p.m. on August 31, 1999.

The Department reserves the right to correct technical defects in this notice, and may reject any or all applications or comments. Persons with a disability who may need special accommodations to comment on this matter should contact Becky Iles, 2301 Peger Road, Fairbanks, Alaska 99709-5399, telephone number (907) 451-5227, Text Telephone (TDD) (907) 451-2363.

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**Transportation & Public Facilities: Competitive & Other Solicitations**  
**Northern Region Road Surface Treatment - Taylor Highway Mp 23-44**

**Publish Date: 07/20/99**

**Archive Date: 08/17/99 01:00:00  
PM**

**Location: Northern Region**

**Body of Notice:**

Category: Competitive & Other Solicitations

Sealed bids in single copy for furnishing all labor, materials, equipment and performing all work on Project No. MGL-0785(13)/60664, Northern Region Road Surface Treatment - Taylor Highway MP 23-44, described herein, will be received until 2:00 p.m. prevailing time, August 17, 1999, in the Office of the Contracts Coordinator, Engineering Services Building, Room 3, 2301 Peger Road, Fairbanks, Alaska.

The project will consist of reconditioning, re-leveling low areas and re-establishing crowns and super elevations. The reconditioned surface will then be topped with four inches of crushed aggregate base course then High float. Two cross culverts at approximate mileposts 27 and 36 that are damaged and impeding drainage will be replaced. Several hundred feet of guardrail at various locations will be repaired or replaced. Guardrail will be removed where no longer warranted under current standards.

Engineer's Estimate is between \$2,500,000 and \$5,000,000. The project completion date is August 15, 2000.

Bidding documents may be obtained for bidding purposes from the Contracts Section, Department of Transportation &

Public Facilities, Engineering Services Building, Room 3, 2301 Peger Road, Fairbanks, Alaska 99709, telephone number (907) 451-2247; TDD (907) 451-2363 (for Hearing Impaired, requires special equipment). There is a charge of \$100, per set. Checks and money orders must be made payable to the State of Alaska.

Bidding documents are available for inspection at the DOT&PF regional offices in Fairbanks, Anchorage, and Juneau.

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**Transportation & Public Facilities: Competitive & Other Solicitations**  
**Proposal To Lease On The King Salmon Airport**

**Publish Date: 07/20/99**

**Archive Date: 08/16/99 03:30:00  
PM**

**Location: Central Region**

**Body of Notice:**

The Alaska Department of Transportation and Public Facilities proposes to lease Lot 2, Block 700, consisting of 29,004 square feet of land on the King Salmon Airport under ADA-07662 (Applicant: Dragnet Fisheries Co., Inc.) for 5 years. Annual rent: \$4,176.58. Authorized uses: The continued operation and maintenance of a building for storage of fish related gear; boat storage; and vehicle parking in support of a seafood processing business.

The Department reserves the right to correct technical defects in the premises description, lease term, or the purposes of any agreement issued and may reject any or all applications. A public hearing will be held, if in the opinion of the Commissioner, a hearing is justified.

This is an application filed under AS 02.15.090(c), which allows the Department to grant the proposed lease without competition. Written comment must be received by 4:30 p.m., August 16, 1999 after which the Department will determine whether or not to execute the lease. Information regarding this file is available from Leasing and Property Management, Department of Transportation and Public Facilities, P.O. Box 196900, Anchorage, Alaska 99519-6900. Persons with a disability who may need special accommodations may call (TDD) (907)-269-0473.

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**Transportation & Public Facilities: Competitive & Other Solicitations**  
**Proposal To Lease On The Seldovia Airport**

**Publish Date: 07/20/99**

**Archive Date: 08/23/99 03:30:00  
PM**

**Location: Central Region**

**Body of Notice:**

The Alaska Department of Transportation and Public Facilities proposes to lease Lot 2B, Block 300, consisting of approximately 22,500 square feet of land on the Seldovia Airport under ADA-07654 (Applicant: Smokey Bay Air, Inc) for 5 years. Annual rent: \$1,035.00. Authorized uses: FAR Part 135 air taxi business; aircraft loading and unloading of passengers and freight; construction and operation of a small office/waiting room; vehicle and aircraft parking.

The Department reserves the right to correct technical defects in the premises description, lease term, or the purposes of any agreement issued and may reject any or all applications. A public hearing will be held, if in the opinion of the Commissioner, a hearing is justified.

Competing applications or written comment must be received by 4:30 p.m., August 23, 1999 after which the Department will determine whether or not to execute the lease. Information regarding this file is available from Leasing and Property Management, Department of Transportation and Public Facilities, P.O. Box 196900, Anchorage, Alaska 99519-6900. Persons with a disability who may need special accommodations may call (TDD) (907)-269-0473.

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**Transportation & Public Facilities: Competitive & Other Solicitations**  
**Proposal To Lease State Airport Land-Petersburg Seaplane Float**

**Publish Date: 07/21/99**

**Archive Date: 08/23/99 03:30:00  
PM**

**Location: Petersburg**

**Body of Notice:**

Proposal to Lease State Airport Land-Petersburg Seaplane Float

The Department of Transportation and Public Facilities, State of Alaska, proposes to execute a land lease summarized as follows:

File No.: ADA-50376  
Applicant: Steve Pierce  
Term: 1 year  
Area: Pull-up space #4  
Use: Parking and storage of Lessee's private aircraft  
Rate: \$500 per year

This file is available for inspection during regular business hours, Monday through Friday at the Department of Transportation and Public Facilities, Maintenance and Operations, 6860 Glacier Highway, Juneau, Alaska 99801. Competing applications and comments must be submitted in writing to DOT&PF, Leasing and Property Management, 6860 Glacier Highway, Juneau, Alaska 99801 and must be received at this office on or before the close of business Monday, August 23. The department will then determine whether or not to execute the contract.

Persons with a disability who may need special accommodations for information on this file should contact the Office of the Southeast Regional Director, at telephone number (907) 465-1763, text telephone (TTY/TDD) (907) 465-4647.

The department reserves the right to correct technical defects in the premises description, lease term, or the purposes of any lease issued and may reject any or all applications.

A public hearing regarding this contract will be held, if in the opinion of the commissioner, a hearing is justified.

By: Linda Keikkala  
Title: Chief, Leasing and Property Management  
Date: 7/19/99

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**Transportation & Public Facilities: Competitive & Other Solicitations  
Proposal To Lease State Airport Land - Petersburg Seaplane Float**

**Publish Date: 07/21/99**

**Archive Date: 08/16/99**

**Location: Petersburg**

**Body of Notice:**

Title: Proposal to Lease State Airport Land - Petersburg Seaplane Float

The Department of Transportation and Public Facilities, State of Alaska, proposes to execute a land lease summarized as follows:

File No.: ADA-50381  
Applicant: Darryl P. Olson  
Term: 1 year  
Area: Space #4  
Use: Parking and storage of Lessee's private aircraft  
Rate: \$500.00 per year

This file is available for inspection during regular business hours, Monday through Friday at the Department of Transportation and Public Facilities, Maintenance and Operations, 6860 Glacier Highway, Juneau, Alaska 99801. Competing applications and comments must be submitted in writing to DOT&PF, Leasing and Property Management, 6860 Glacier Highway, Juneau, Alaska 99801 and must be received at this office on or before the close of business

August 16, 1999. The department will then determine whether or not to execute the contract.

Persons with a disability who may need special accommodations for information on this file should contact the Office of the Southeast Regional Director, at telephone number (907) 465-1763, text telephone (TTY/TDD) (907) 465-4647.

The department reserves the right to correct technical defects in the premises description, lease term, or the purposes of any lease issued and may reject any or all applications.

A public hearing regarding this contract will be held, if in the opinion of the commissioner, a hearing is justified.

By: Linda Keikkala  
Title: Chief, Leasing and Property Management  
Date: July 12, 1999

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**Transportation & Public Facilities: Competitive & Other Solicitations**  
**Whittier Ferry Access Road**

**Publish Date: 07/20/99**

**Archive Date: 08/04/99 01:00:00  
PM**

**Location: Central Region**

**Body of Notice:**

Notice: Project No. MGS-0001(167)/53858 - Sealed bids will be received until 2:00 p.m., August 4, 1999 in the main conference room at 4111 Aviation Avenue, Anchorage, Alaska.

This Federally funded project consists of reconstructing and paving 2.3 kilometers of roadway from Portal 2 of the Railroad tunnel into the city of Whittier. Included in the construction is a 4.3-meter multi-plate culvert for Shakespeare Creek, a 3.8 hectare paved wayside area with landscaping amenities in Whittier. The material for the embankment and a 1200 square meter MSE wall will be generated from a estimated 100,000 cubic meter rock excavation adjacent to the Alaska Railroad. Contract time will be 150 calendar days. The engineer's estimate is between \$2,500,000 and \$5,000,000.

Bidding documents may be viewed at the DOT&PF offices in Anchorage, Fairbanks, and Juneau and purchased for \$100.00 per set, payable to the State of Alaska, from the Central Region Plans Room, 4111 Aviation Avenue, Anchorage, Alaska, 907-269-0408. Select "Contracting and Procurement" on the DOT/PF web site for additional information ([WWW.DOT.STATE.AK.US](http://WWW.DOT.STATE.AK.US)).

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**Transportation & Public Facilities: Public Notices**  
**Preliminary Design Public Meeting On Palmer-Wasilla Highway**

**Publish Date: 07/20/99**

**Archive Date: 07/30/99**

**Location: Wasilla**

**Body of Notice:**

The Alaska Department of Transportation & Public Facilities will be hosting a Preliminary Design Public Safety Building meeting, located at 680 North Seward Meridian on Thursday, July 29, 1999 from 6:00 p.m. to 8:00 p.m.

The preliminary scope of work for the project is to repave the roadway, provide left turn lanes, shoulder widening, vertical sight distance improvements, and pedestrian facility improvements.

The public meeting will be held in an open house format and participants may attend at any time during the scheduled hours. Alaska Department of Transportation & Public Facilities staff will be available to discuss the project and take public comment.

Persons wishing to submit written statements for the public record may deliver them to the Open House Public Meeting

or mail them to the following address: Miriam Tanaka, P.E., Project Manager, Alaska Department of Transportation & Public Facilities, Preliminary Design Section, P.O. Box 196900, Anchorage, Alaska 99519-6900.

Comments must be received by 4:00 p.m. on September 2, 1999 to become part of the official record.

For additional information please contact Miriam Tanaka at (907) 269-0546. Individuals with a hearing impairment can contact Alaska Department of Transportation & Public Facilities at our Telephone Device for the Deaf (TDD) number, 269-0473. We are able to offer, upon request, reasonable accommodations for special needs related to other disabilities.