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ENERGY AND NATURAL RESOURCES
RANKING MEMBER
APPROPRIATIONS
HEALTH, EDUCATION, LABOR,
AND PENSIONS
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United States Senate

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The Honorable Daniel K. Inouye
Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Thad Cochran
Ranking Member
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Diane Feinstein
Chairman
Subcommittee on Interior, Environment,
and Related Agencies
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Lamar Alexander
Ranking Member
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and Related Agencies
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Chairman Inouye, Ranking Member Cochran, Chairman Feinstein, and Ranking Member Alexander:

As you prepare the FY11 Interior, Environment, and Related Agencies appropriations bill, I respectfully request that you include funding for the following projects and programs, which are of particular importance to the residents of my state:

Project: Village Safe Water

Recipients(s)/Location: State of Alaska

Amount Requested: \$20,000,000

Agency, Account: EPA, STAG, Alaska Native Village

Purpose: The Village Safe Water program provides grants to rural Alaska communities for the construction of new or improved drinking water and wastewater systems. This program is vital to extending basic sanitation to rural areas of Alaska where 24 percent of Alaska Native households still lack basic water and sewer services.

Project Benefit to Taxpayers: The requested funds will be used to extend basic sanitation to areas of rural Alaska.

Project: Tongass Timber Road Funding

Amount Requested: \$2,500,000

Recipients(s)/Location: U.S. Forest Service (USFS)

Agency, Account: USFS

Purpose: The requested funding will be used to construct 34 miles of multiple-use roads to implement timber sales being prepared to offer in 2011.

Project Benefit to Taxpayers: This funding is critical to support timber production in Southeast Alaska.

Project: Buckland Water and Sewer

Amount Requested: \$4,000,000.00

Recipients(s)/Location: Northwest Arctic Borough, AK

Agency, Account: EPA, STAG

Purpose: The requested funding will further the Buckland Water and Sewer project, which is entering its final phase. This phase includes completion of the water plant, tank and uptown piped system. When fully operational, this multi-year project will consist of a lagoon, water plant, water storage tank, river intake system, raw water line, underground circulating water mains and a gravity sewer system with three lift stations.

Project Benefit to Taxpayers: The correlation between piped water and a reduction of human illness is well documented. Improvement in hygiene will result in community wide-improvements in health and disease prevention.

Project: City of Palmer Water System Upgrades

Amount Requested: \$2,450,000

Recipients(s)/Location: City of Palmer, AK

Agency, Account: EPA, STAG

Purpose: The requested funds will support the City of Palmer's multi-year phased approach to replace the 55+ year old steel water mains and install storm drain improvements.

Project Benefit to Taxpayers: This city's water system is aging and at risk of failure. The requested funding will support needed upgrades to the system.

Project: South Denali Visitor Center

Amount Requested: \$5,000,000

Recipients(s)/Location: Matanuska-Susitna Borough, AK

Agency, Account: NPS, Construction

Purpose: Requested funds will be used to design and construct the South Denali Visitor Center. The State of Alaska has set aside \$8.9 million in local match funding for this project.

Project Benefit to Taxpayers: The proposed visitor center and ancillary improvements will offer visitors and Alaska residents a new venue to visit America's premier National Park. The South Denali Visitor Center will provide an additional point of access to Denali National Park, offer new camping, hiking, and viewing opportunities. In doing so, this project will help to diversify Alaska's tourism industry by providing another destination for travelers. This facility will support a variety of winter recreation pursuits and host 250,000 visitors annually.

Project: King Cove—Izembek EIS Funding

Amount Requested: \$500,000

Recipients(s)/Location: City of King Cove, AK

Agency, Account: USFWS

Purpose: This request would fund the Congressionally directed EIS for the proposed Izembek Land Exchange. The EIS will issue or deny federal permits to construct a single-lane gravel road

between the communities of King Cove and Cold Bay, Alaska for non-commercial purposes within one year after the Secretary of the Interior determines the Izembek land exchange is or is not in the public interest.

Project Benefit to Taxpayers: The requested funding would implement section 6402 of P.L. 111-11.

Project: Kenai Wastewater Treatment Plant Upgrades, Phase 1

Amount Requested: \$1,100,000

Recipients(s)/Location: City of Kenai, AK

Agency, Account: EPA, STAG

Purpose: Requested funds would be used to construct wastewater treatment plant improvements in accordance with the city's master plan. These improvements include installation of a new belt filter press, activated sludge system improvements, and an expansion to the existing control building.

Project Benefit to Taxpayers: The project will improve the quality of the effluent discharge, thereby benefiting the environment.

Project: Fish Passage / Culvert Replacement

Amount Requested: \$750,000

Recipients(s)/Location: Matanuska-Susitna Borough, AK

Agency, Account: USFWS

Purpose: Salmon and other fish need access to freshwater habitat for spawning/juvenile rearing. The Borough, the U.S. Fish and Wildlife Service, and the Nature Conservancy have evaluated 17 culverts in need of replacements for fish passage in different locations throughout the Borough. The Mat-Su Borough is a member of the Mat-Su Basin Salmon Habitat Partnership which is one of 4 nationally recognized fish partnerships by the National Fish Habitat Action Plan Board through the U.S. Fish and Wildlife Service.

Project Benefit to Taxpayers: Removing fish-barriers is important to the restoration of fish habitats and salmon recovery efforts.

Project: BLM: Alaska Land Conveyances

Amount Requested: \$5,000,000

Recipients(s)/Location: BLM

Agency, Account: BLM

Purpose: In 2004, Congress authorized, through PL 108-452, increased funding for land surveys and conveyance efforts to transfer the 104 million acres of land that the Alaska State government received at Statehood and the 44 million acres that Native corporations were granted by the Alaska Native Claims Settlement Act of 1971. Now 50 years after Statehood, nearly 10 million acres still need to be conveyed and patented to the State, nearly 14 million acres are still awaiting conveyance and patenting to Native corporations, and several thousand Native allotment parcels are still pending conveyance under the 1906 Alaska Native Allotment Act.

Project Benefit to Taxpayers: This request would fund additional survey efforts and land transfer work to continue mandated land transfers/conveyances in Alaska.

Project: Alaska Volcano Observatory/USGS

Amount Requested: \$1,000,000

Recipients(s)/Location: USGS

Agency, Account: USGS

Purpose: This request would support volcano research and monitoring in Alaska. The Alaska Volcano Observatory (AVO) is a three partner entity providing 24/7 volcano monitoring. Recent year funding shortfalls are resulting in volcano monitors being left unmaintained and inoperable and decreased manpower.

Project Benefit to Taxpayers: The AVO serves the public via its notices of impending eruptions or the status of existing ones. These functions allow the FAA to decide whether to issue flight advisories, diversions and/or grounding.

Project: Homer New Water Source Feasibility and Design

Amount Requested: \$2,000,000

Recipients(s)/Location: City of Homer, AK

Agency, Account: EPA, STAG

Purpose: Population growth and the increased number of tourists visiting Homer have strained the city's existing water system. The strain is exacerbated by more stringent federal water quality guidelines. The city has been proactive in addressing the looming water problem by commissioning a Water and Sewer Master Plan based on projected population growth. The plan recommends that Homer develop a new water source. This request would fund planning and design of this project.

Project Benefit to Taxpayers: This project will help city address the known limitations with the current water system and prepare for future growth.

Project: Wrangell Drinking Water System Upgrades

Amount Requested: \$750,000

Recipients(s)/Location: Wrangell Borough, AK

Agency, Account: EPA, STAG

Purpose: These funds would help the community of Wrangell replace its water reservoir infrastructure. Modifications to the current drinking water treatment facility can help address water shortages. A new water line is needed to the upper reservoir along with another storage tank. Additional filtration is also needed to address high levels of lead, copper, and disinfectant byproducts. Furthermore, there is no backup generator or sand recycler to address filtration. Lastly, EPA rules require establishment of a fenced settling pond for back-flush water.

Project Benefit to Taxpayers: This project will upgrade the drinking water system in Wrangell, AK.

Project: Tongass Timber Pipeline Funding

Amount Requested: \$2,500,000

Recipients(s)/Location: USFS

Agency, Account: USFS, NFS, FP

Purpose: This program will fund the USFS plan and promise to ensure a viable timber sale program by preparing a number of ten-year timber sales. This volume is to be an addition to the regular program so that Region 10 can restore the volume of timber under contract to a level that will support the mills in Southeast Alaska. The Forest Service must prepare several ten-year timber sales in order to restore the timber pipeline in Region 10 and to provide sufficient assured

timber supply to allow investors to borrow money to build and upgrade manufacturing facilities and to purchase logging and road construction equipment.

Project Benefit to Taxpayers: This funding is critical to support timber production in Southeast Alaska.

Project: Staffing Package for the Bethel Hospital

Amount Requested: \$3,660,550

Recipients(s)/Location: Yukon Kuskokwim Delta Regional Hospital; Bethel, AK

Agency, Account: IHS

Purpose: The requested funding would be used to provide staffing at Yukon Kuskokwim Delta Regional Hospital. Although Congress funded construction of the hospital and appropriated the staffing package to the IHS, the staffing package was never funded to the Yukon Kuskokwim Delta Regional Hospital. This request would fund 63 additional positions.

Project Benefit to Taxpayers: With increased staff, the hospital will be able to reduce wait times for appointments. More importantly, it will be better positioned to address the region's health disparities and increase screens for breast and colon cancers, reduce unintentional injuries, and improve alcohol and tobacco cessation programs.

In addition to the requests for funding, I urge the Subcommittee to include language to address to areas of concern that are explained below:

Project: Clean-up and Transfer of BIA Site

Amount Requested: \$0

Recipients(s)/Location: Yukon-Kuskokwim Health Corporation; Bethel, AK

Agency, Account: BIA

Purpose: Section 13 of Public law 102-497 transferred to the Yukon-Kuskokwim Health Corporation 27 acres of the U.S. Air Force "White Alice" site for uses related to the provision of health care. Although the transfer was mandated by Congress, it has yet to be completed. The Bureau of Indian Affairs currently holds the land. The requested report language simply urges the BIA to take the necessary steps to transfer the parcel to YKHC as Congress had intended.

Requested Report Language: "The Committee urges the Bureau to conduct an environmental response and conveyance of the buildings and lands of the Bureau of Indian Affairs Bethel Agency, Bethel, Alaska site as authorized by Section 13 of Public Law 102-497. The Committee further requests that it be provided a copy of the environmental response and conveyance plan upon completion."

Project: Small Mining Claim Waiver

Amount Requested: \$0

Recipients(s)/Location: Holders of Small Mining Claims. In particular, the transition rule included below would solve two pending cases in Alaska, one where a holder of nine claims near Hope, Alaska, lost title to claims that he had held from 1982 to 2004. In this case, John Trautner had a consistent record of having paid the annual labor assessment fee for the previous 22 years, and the local BLM office did have a time-date-stamped record that the maintenance fee waiver certification form had been filed weeks before the deadline but not a record that the affidavit of annual labor had arrived. In the second case Don and Judy Mullikin of Homer, Alaska, are in the

process of losing title to nine claims outside of Nome, Alaska because the Anchorage BLM office has no record of them receiving the paperwork, even though the owners have computer time stamps of them having completed the paperwork five months before the deadline, but no other evidence of filing to meet BLM regulations in support of an appeal. These are claims that have been worked in Alaska yearly since 1937.

Agency, Account: USGS

Purpose: Under revisions to the Federal Mining Law of 1872 (30 U.S.C. 28(f)), holders of unpatented mineral claims must pay a claim maintenance fee, currently \$125, per claim by September 1st each year. However, Congress has provided a claim maintenance fee waiver for "small" miners, those who hold 10 or fewer claims, that they do not have to submit the fee but must file to renew their claims and submit an affidavit by Dec. 31st each year certifying that they had performed more than \$100 of work on the claim in the preceding year (30 U.S.C. 28f(d)(1)). The waiver provision further states: "If a small miner waiver application is determined to be defective for any reason, the claimant shall have a period of 60 days after receipt of written notification of the defect or defects by the Bureau of Land Management to: (A) cure such defect or defects or (B) pay the \$100 claim maintenance fee due for such a period."

Since the last revision to the law last decade, there have been a series of incidents where miners argued that they submitted their applications and affidavits of annual labor in a timely manner, but due to clerical error by BLM staff or for unexplained reasons, the applications or documents were not recorded as having been received in a timely fashion – and that BLM then moved to terminate the claims, deeming them null and void. While mining claim holders have argued that the law provides them time to cure claim defects, BLM has argued that the cure only applies when applications or fees have been received in a timely manner. Thus, there is no administrative remedy for miners who believe that clerical errors by BLM resulted in loss or the late recording of claim applications.

The requested bill language would clarify the intent of Congress that miners do have to be informed that their claims are in jeopardy of being voided and given 60 days notice to cure defects, including giving them time to submit their applications and to submit affidavits of annual labor, should they not be received and processed by BLM officials.

Requested Bill Language:

"(a) IN GENERAL.—Section 10101(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(d)(3)) is amended by striking "for any reason, the claimant shall have a period of 60 days after receipt of written notification of the defect or defects by the Bureau of Land Management to:" and inserting "for any reason (including the failure to timely file a small miner's maintenance fee waiver application or an affidavit of annual labor associated with the application and required application fees), the claimant shall have a period of 60 days after receipt of written notification of the 1 or more defects provided by the Bureau of Land Management by registered mail to".

(b) TRANSITION RULES.—

(1) The claimholder of claims numbered AA023149, AA023163, AA047913, AA047914, AA047915, AA047916, AA047917, AA047918, and AA047919 (as of December 29, 2004) shall be considered—

(A) to have received a first half final certificate for application AA072648 (associated with the claims) before September 30, 1994; and

(B) to qualify for relief under section 10101(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(d)(3)) and have the opportunity to cure under that section for any prior period for which 1 or more defects existed or there was a failure to pay claim maintenance fees.

(2) The claims numbered AAFF057833, AKFF057834, AKFF057840, AKFF084389, AKFF085204, AKFF096323, AKFF086324, AKFF086267, AKFF084387, and AKFF084388 shall be—

(A) considered to qualify for relief under section 10101(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(d)(3)); and

(B) given notice of defect and the opportunity to cure.

I certify that to the best of my knowledge neither I nor my immediate family has a pecuniary interest in any of the congressionally directed spending item(s) that I have requested, consistent with the requirement of paragraph 9 of Rule XLIV of the Standing Rules of the Senate. I further certify that I have posted a description of the items requested on my official website, along with the accompanying justification.

Thank you for your consideration of my requests. I look forward to working with you as the Committee develops this bill. If you have any questions, please contact Elizabeth McDonnell from my staff by phone at (202) 224-9306 (direct) or via email at elizabeth_mcdonnell@murkowski.senate.gov.

Sincerely,



Lisa Murkowski
United States Senator