STATE OF ALASKA DEPARTMENT OF ADMINISTRATION

Violent Crimes Compensation Board



FORTY FIFTH ANNUAL REPORT 2018

The Violent Crimes Compensation Board complies with Title II of the Americans with Disabilities Act and is an Equal Opportunity Employer.

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2018

STATE OF ALASKA VIOLENT CRIMES COMPENSATION BOARD FORTY FIFTH ANNUAL REPORT

GERAD GODFREYJEFF STUBBLEFIELDChairMember

NORA BARLOW, ESQ. Member

THE HONORABLE MICHAEL DUNLEAVY GOVERNOR OF THE STATE OF ALASKA

MEMBERS OF THE ALASKA STATE LEGISLATURE

Ladies and Gentlemen:

We are pleased to submit the Forty fifth Annual Report of the Violent Crimes Compensation Board for the period July 1, 2017 through June 30, 2018. This annual report is submitted to meet the requirements of Alaska Statute 18.67.170 and to highlight the efforts of the Administration, the members of the Thirtieth Legislature, law enforcement, public and private persons and agencies, and the Violent Crimes Compensation Board in helping innocent victims of violent crimes to pick up the pieces. While monetary compensation for losses does not make whole lives torn by violence, financial help does lessen the burden and can provide hope. The Violent Crimes Compensation Board and staff are thankful for the opportunity to serve the people of Alaska.

Respectfully,

The Violent Crimes Compensation Board

2018

STATE OF ALASKA VIOLENT CRIMES COMPENSATION BOARD FORTY FIFTH ANNUAL REPORT

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http://doa.alaska.gov/vccb

2018

STATE OF ALASKA VIOLENT CRIMES COMPENSATION BOARD FORTY FIFTH ANNUAL REPORT

BOARD MEMBERS

Chairperson and Public Member Gerad Godfrey February 19, 2003 to March 1, 2019

Member Nora Barlow March 1, 2010 to March 1, 2020

Member Jeffrey Stubblefield January 23, 2017 to March 1, 2021

BOARD ADMINISTRATIVE STAFF

Executive Director Kate Hudson

Administrative Assistant Pearl Younker

Paralegal Alana Marquardt

FISCAL YEAR 2018 ACTIVITY SUMMARY

956 new applications were received in Fiscal Year 2018.

499 applications were approved.

142 applications were denied.

applications were unable to be processed and were administratively closed.

The majority of victims applying for compensation were female (73%) and ages 18-64 (70%)

The total number of applications approved and paid out does not usually equal the number of new applications received. For example, claims received in the latter part of the fiscal year FY18 may not be reviewed or approved until July or August 2018 (the first few months of FY19) and therefore would be included in next year's report. Additionally, award payments may in some cases extend over several years, so that payments may have been made in FY18 for claims which were originally received in FY17 or earlier.

During FY2018 the Board received 956 new claims and paid out a total of \$1,313,673.36



Activity Summary

Type of Crime	No. of New Applications	% of Total	Total Paid
Child Abuse (Sexual and Ph	ysical) 328	34%	\$220,344.10
Domestic Violence	183	19%	\$178,995.48
Assault	121	12%	\$271,016.03
Sexual Assault	124	13%	\$48,623.22
Homicide	111	12%	\$411,486.93
DUI	19	2%	\$92,476.94
Other Eligible Crimes (e.g. Robbery, Arson, Traffic	32 cking)	3%	\$90,730.66
Ineligible	38	4%	
	956	100%	\$1,313,673.36

Some comments received from claimants assisted by the Board in 2018

"I am just so thankful for your organization making my life easier and better."

"..your assistance and hard work has made a huge difference in my lifeyour help will never be forgotten"

"Counseling has made such a huge difference for both of us and the lost wages you provided me so that I could take leave was instrumental in my healing process ...I have a new and personal appreciation of the support you provide"

"your help is huge as we get back on track"

"This program has been a lifeline and I appreciate all of the help and consideration I have been given through this trauma"

"This help provided by this program has been such a blessing. I truly don't know what I would have done without it"

"We wish we could shake each of your hands or hug you personally"

Demographics of Those Seeking Victim Compensation

The vast majority of applicants are direct victims who have been personally victimized. In addition, we receive applications from indirect victims (such as the parents of child victims of crime), or from family members or others who have incurred expense on behalf of a victim. Victim Demographics are voluntarily self-reported by crime victim applicants. The application form requests a description by race, gender and age at the time of the crime. This information is passed on to the Office for Victims of Crime for national reporting purposes.



Applications by Age & Gender¹

70% of applicants were between 18 and 6428% of applicants were 0-172% of applicants were over 6527% of applicants were male73% of applicants were female

¹ Although VCCB's application limits its gender categories to "male" and "female" categories, it is acknowledged that some victims may not identify with either gender category.

Applications by Ethnicity

The majority of victims applying for compensation were white (36%), closely followed by Alaska Natives (35%). The following figure shows the self-reported racial and ethnic breakdown of the victim population applying for compensation in FY2018.



New Claims in 2018

The Board receives applications for compensation from all regions of the state. The following table shows the number of new applications received during the reporting period by location:

VIOLENT CRIMES COMPENSATION BOARD						
NEW CLAIMS RECEIVED BY LOCATION OF CRIME						
2018				A 1		
Community				Community		
Akiachak	7	Homer	11	Palmer	25	
Akiak	2	Hoonah	3	Petersburg	2	
Alakanuk	2	Hooper Bay	2	Pilot Station	2	
Anchor Point	3	Houston	2	Quinhagak	4	
Anchorage	393	Hydaburg	1	Sand Point	1	
Angoon	1	JBER	3	Savoonga	1	
Aniak	7	Juneau	34	Saxman	1	
Atka	1	Kake	2	Seward	8	
Barrow	3	Kasilof	1	Shishmaref	6	
Bethel	34	Kenai	19	Sitka	3	
Big Lake	7	Kenny Lake	4	Sleetmute	2	
Caribou Hills	1	Ketchikan	13	Soldotna	8	
Chefornak	2	Kipnuk	4	St. Paul Island	1	
Chugiak	5	Klukwan	2	Stebbins	8	
Cold Bay	1	Kodiak	8	Sterling	1	
Copper Center	1	Kongiganak	2	Talkeetna	1	
Cordova	1	Kotlik	4	Togiak	1	
Craig	4	Kotzebue	2	Tok	2	
Delta Junction	8	Koyuk	2	Toksook Bay	1	
		Kwethluk	1	Trapper Creek	2	
Dillingham	5	Levelock	3	Tuluksak	2	
Dot Lake	1	Lower Kalskag	1	Tuntutuliak	1	
Eagle River	13	Manley Hot Springs	2	Tununak	5	
Ekwok	2	Marshall	2	Two Rivers	6	
Emmonak	6	Mountain Village	2	Unalaska	3	
Fairbanks	84	Napakiak	3	Valdez	6	
Fort Wainright	2	Napaskiak	2	Wainwright	1	
Gambell	6	Nenana	1	Wales	2	
Golovin	1	Nikiski	1	Wasilla	34	
Haines	2	Nome	4	Whittier	2	
Healy	8	North Pole	29	Willow	1	
Hollis	1	Nunam Iqua	2	Wrangell	1	
Holy Cross	1	Nunapitchuk	4	Yakutat	1	
		T				
		Total Alaska	936			
		Out of State	20 956			

VCCB Program Overview

Victims of criminal violence may suffer physical injury, emotional and mental trauma and financial loss. For many victims and their families, the aftermath of crime can be a painful, difficult time, compounded by worry over whether income lost due to injury will affect the victim's capacity to pay for other essential living expenses. When a family member is killed, relatives not only have to deal with their grief, they may also face unexpected funeral bills and perhaps find some way to support dependents of the deceased victim.

The Violent Crimes Compensation Board (VCCB) was established by state law in 1972 to help mitigate the financial hardships innocent victims can suffer as a direct result of violent crime. As a key element in the recovery process, the VCCB endeavors to provide timely financial help to victims in need and can help play an important role in helping victims recover from the trauma and economic burden of criminal victimization.

The VCCB is the "payer of last resort" after primary sources of payment, such as health insurance, Medicaid, Medicare, Denali KidCare, Workers' Compensation or auto insurance. Compensation may only be awarded for expenses not covered by a collateral source.

To be eligible, a person must:

- Be an innocent person victimized in Alaska; or
- Be an Alaska Resident victimized in a US territory without a compensation program
- Report the crime to law enforcement within 5 days of the crime or when a report could reasonably have been made
- File the application with the VCCB within 2 years from the date of the crime

Benefits may be denied if the victim:

- Participated in the crime or was otherwise engaged in criminal activity
- Contributed to the crime
- Did not cooperate fully with law enforcement and prosecution
- Knowingly or intentionally submitted false or forged information to the VCCB

What crimes are covered?

Crimes covered are those in which the victim suffers emotional injury, physical injury or death, or substantial threat of harm. Compensable crimes include homicide, assault, kidnapping, sexual assault, child abuse, robbery and sex trafficking. Vehicular crimes include DUI and using a vehicle as a weapon.

Types of Compensation Available

The VCCB attempts to mitigate the financial and emotional toll violent crime causes Alaskans and visitors to Alaska. The maximum payable per victim per incident is \$40,000, other than in the case of the death of a victim who has more than one dependent eligible for compensation, in which case total compensation may not exceed \$80,000.

Awards may be made in the following general categories for necessary and reasonable expenses related to the crime:

Crime Scene Clean Up costs must relate to the cleaning up of crime scene elements that may cause further trauma or pose a health or safety issue. This reimbursement is limited to \$5000.

Emergency Awards may be requested if a victim or claimant would suffer undue harm or hardship if an award is not expedited. The award limit is \$5000 and is deducted from any future awards.

Evidence Replacement awards may be made to replace items such as clothing, bedding or cell phones that have been seized by law enforcement for use in the investigation or prosecution of a case.

Funeral and Burial expenses include reimbursement for professional funeral home services, caskets, flowers, headstones etc. Costs for transporting the body to another state, or to pay for immediate family to travel to attend funeral services may be included. The award limit is \$10,000.

Loss of Support benefits are available to dependents of homicide victims. Awards are generally payable into an interest-bearing bank account, with annual support instalments paid to the dependent's guardian until they reach the age of 18.

Lost Wages may be paid to a victim who is unable to work as a result of physical or mental injuries related to the crime. Lost wages may also be awarded when a victim misses time from work to seek medical or mental health treatment related to the crime, or when they take part in the criminal justice process (other than subpoenaed testimony).

Medical expenses related to the crime may be paid after Medicaid, Medicare, or private insurance. Medical appliances may also be paid for including wheelchairs, prosthetics etc.

Mental Health counseling expenses may be offered to a claimant and will include children who witness domestic violence, or other children impacted by family violence. An initial award is made, limited to 6 months duration, but additional funds may be available if a treatment plan is provided by the counselor. Licensed counselor costs are capped at \$200 per hour, but psychiatric services are paid in full (as they are considered medical expenses).

Relocation expenses are available as a one-time award of up to $$5000^2$. This benefit typically provides victims of family violence and/or sexual assault or abuse with funds to pay for moving expenses, security deposit and rent, and utility deposits. Relocation may also be available where a credible threat to a victims' safety exists.

Security measures may be reimbursed up to a maximum of \$1000 if there is a credible safety threat or if it would improve the emotional wellbeing of the victim and/or claimant. Expenses may include security cameras, monitoring costs, new locks for exterior doors and windows, replacement cell phone and new Post Office box.

Travel expenses may be reimbursed for any travel necessitated as a result of the crime or its aftermath (for example to attend medical or mental health appointments, to participate in criminal justice proceedings, to attend a funeral etc). Travel may be limited to specific immediate family members.

Note: The Board does not compensate loss or damage to personal property except in extreme circumstances where the safety of a victim could be in jeopardy. In those instances, the Board may replace locks and doors, pay for emergency cell phone or mail box service, and/or pay for security system costs. The Board can also pay to replace medical items such as eyeglasses that are broken in the course of a violent crime. The Board cannot make any award for unspecified pain and suffering

² This may be exceeded in exceptional circumstances

Claims Received and Amounts Paid by Crime Type

Consistent with previous years, the single largest category of new applications was for child abuse, at 34%. Partly this can be explained by the fact that generally at least two applications are received per incident, the child, and a parent or guardian on their behalf. The next largest category was for domestic violence at 19% followed by sexual assault at 13%. Homicide applications were 12%, the same proportion as in the previous year.



The figures on the following page show the amounts paid broken down by type of crime (Figure 1) and by type of expense paid (Figure 2)



Although child abuse is the largest single category of claim type, only 13% of overall compensation was awarded in respect of that crime. That is largely due to the fact that most payments for child abuse claims are for mental health counseling, rather than for physical injuries requiring expensive medical treatment. It is the categories of assault and domestic assault that tend to have higher payments due to uninsured medical expenses. Homicide claims also result in relatively high compensation due to the Board's policy of paying loss of support to dependents of homicide victims. As in the previous fiscal year, the amount paid out for or on behalf of homicide victims and their surviving family members took up the greatest proportion (31% of the total payout).



The biggest single category of expense was medical/dental, making up 21% of the overall total. This correlates with previous years and results from both the number of crime victims who do not have health insurance, and the high cost of these services, resulting in considerable co-payments and out of pocket expense. The next biggest category is economic support, with both lost wages and loss of support for dependents of homicide victims at 16%. Loss of support and lost wages combined amount to 32% of the total paid out. By way of contrast, in 2017 payments for economic support came to 22% of the total paid. This is a grim indication of the toll being taken on Alaskan families due to homicide.

Negotiated Settlements

During 2018, the Violent Crimes Compensation Board continued practices designed to ensure the maximization of limited resources through receipt of restitution, subrogation, and settlement agreements.

The purpose of settlement negotiations with hospital providers is two-fold. First, negotiating settlements helps reduce the number of victims who may end up with poor credit records as a result of medical bills being transferred to collection agencies. In addition, reaching payment agreements with providers helps to stretch the Board's limited resources to serve more victims and claimants eligible for compensation under Alaskan law.

During FY18, Board staff successfully negotiated 28 hospital bills (93% of attempted negotiated settlements) for a total savings of \$311,150



	Amount of savings
2013	\$457,241.93
2014	\$1,997,751.33 ³
2015	\$820,486.33
2016	\$770,083.13
2017	\$119,644.78
2018	\$311,151.94

³ Numbers skewed because of a small number of cases where the total medical bills were in excess of \$500,000.00

Funding and Expenditures

The State's violent crimes compensation program is funded through both state and federal funds. Approximately 62% of the amount awarded annually in compensation comes from a legislative appropriation of state funds. These state funds are currently available because Permanent Fund dividends are withheld from certain persons convicted of crimes in Alaskan courts and earmarked for use by victim-focused programs such as the crime victim compensation program.

In 1984, the federal Victims of Crime Act established a Crime Victims Fund. This Fund is used to support both State crime victim compensation programs and State victim assistance programs. Funds are made available annually to state crime victim compensation programs by way of a formula grant program. Alaska's compensation program must qualify annually for its federal grant and has done so successfully since the federal fund's inception.

In FY18, 84% of the compensation program's budget went towards serving eligible innocent victims directly. Administrative overheads, including travel and personal services, amounted to only 16% of the Board's overall budget. Board members receive no stipend for their services and only receive travel expenses in very limited circumstances.

State Crime Victim Compensation Fund

At the inception of the Violent Crimes Compensation Board, a state Crime Victim Compensation Fund was established by statute (AS 18.67.162). In September 2008 the legislature's amendment to AS 18.67 took effect, allowing "donations, recoveries of or reimbursements for awards made from the fund, income from the fund, and other program receipts from activities under this chapter" to be included in money appropriated by the legislature to the fund. The amendment also ensured that appropriations to the fund do not lapse. Restitution monies received through the Alaska Court System are also paid into the Fund. In FY18 the amount of restitution received was approximately \$41,000.

Claims Processing

When a claim is received, minimum eligibility is determined as soon as possible. The claim must be related to one of the crimes listed by statute as compensable. The crime must have been reported to proper authorities within five days of the incident or as soon as it could reasonably have been reported. By statute, the application must have been received by the Board within two years of the incident. However, the Board has some discretion to waive the time filing requirement, if for example they are persuaded that the claimant had not been given information about the program in time. The claimant must have agreed to the state's repayment and subrogation agreement and must have given permission to the compensation program to seek and exchange necessary information.

Usually the same day an application is received, claim documentation begins and requests for information are sent to hospitals, doctors, employers, and other pertinent sources. The purpose of the information gathering process is to ensure claim compliance with all statutory requirements and to gain an understanding of the victim's needs.

Staff maintains a close liaison with relevant law enforcement agencies and District Attorney's offices throughout the claim verification process. The types of compensation which can be awarded are set out in Alaskan law (AS 18.67.110). The losses claimed must be reasonable and incurred as a direct result of the crime on which the claim is based. Other collateral sources such as Workers' Compensation, Social Security, and medical insurance are considered, as the Board awards compensation only for expenses and losses not covered through other sources.

Once the claim documentation is completed, the Executive Director prepares a recommendation to the Board. All claim decisions except for emergency award requests are made at Board meetings. The Board makes the claim determination and may conclude any of the following:

- The claim cannot be fully determined yet due to incomplete documentation or information – claim is deferred;
- The claim is eligible for compensation either for the full or lesser amount requested claim is **awarded** (if a lesser amount is requested, the claimant has the opportunity to request a hearing);
- The claim cannot be determined due to conflicting information and advises that a hearing is required prior to a final decision – claim is sent to hearing; or
- The claim is ineligible for compensation by statute in which case the claimant is notified of the statutory basis for the denial and given information on the appeal process – claim is **denied**.

Policies and Procedures

For an up to date listing of the Board's award policies and procedures, visit the website located at <u>http://doa.alaska.gov/vccb</u>

Outreach

The Board continues to work with law enforcement, victim assistance agencies, prosecuting officials, service providers and other persons and agencies to ensure crime victims are informed of their rights to compensation under Alaskan law.

To obtain program brochures, order posters for display or request training, call the Board at 800-764-3040, or from Juneau call 465-3040.

BREAKDOWN OF CLAIMS BY LEGISLATIVE DISTRICTS

SENATE DISTRICT A – SCOTT KAWASAKI SENATE DISTRICT B – JOHN COGHILL SENATE DISTRICT C – CLICK BISHOP HOUSE DISTRICT 1 – BART LeBON HOUSE DISTRICT 2 – STEVE THOMPSON HOUSE DISTRICT 3 – TAMMIE WILSON HOUSE DISTRICT 4 – GRIER HOPKINS HOUSE DISTRICT 5 – ADAM WOOL

TOTAL NO. NEW CLAIMS RECEIVED 115

Communities:

Fairbanks North Pole Fort Wainwright



SENATE DISTRICT C – CLICK BISHOP HOUSE DISTRICT 6 – DAVID TALERICO

TOTAL NO. NEW CLAIMS RECEIVED 25

Communities:

Copper Center
Dot Lake
Healy
Kenny Lake
Manley Hot Spring
Nenana
Tok
Two Rivers



SENATE DISTRICT D – DAVID WILSON HOUSE DISTRICT 7 – COLLEEN SULLIVAN-LEONARD

TOTAL NO. NEW CLAIMS RECEIVED34

Communities:

Wasilla



SENATE DISTRICT D – DAVID WILSON SENATE DISTRICT E – MICHAEL SHOWER HOUSE DISTRICT 8 – MARK NEUMAN HOUSE DISTRICT 9 – GEORGE RAUSCHER

TOTAL NO. NEW CLAIMS RECEIVED 23

Communities:

Big Lake Delta Junction Valdez Whittier



SENATE DISTRICT E – MICHAEL SHOWER HOUSE DISTRICT 10 – DAVID EASTMAN

TOTAL NO. NEW CLAIMS RECEIVED 6

Communities:

Houston Trappers Creek Willow Talkeetna



SENATE DISTRICT F – SHELLEY HUGHES SENATE DISTRICT G – LORA REINBOLD SENATE DISTRICT H - BILL WIELESCHOWSKI SENATE DISTRICT I – ELVI GRAY-JACKSON SENATE DISTRICT J – TOM BEGICH SENATE DISTRICT K - MIA COSTELLO SENATE DISTRICT L – NATASHA VON IMHOF SENATE DISTRICT M - CHRIS BIRCH SENATE DISTRICT N – CATHY GIESSEL HOUSE DISTRICT 11 – DELENA JOHNSON HOUSE DISTRICT 12 - CATHY TILTON HOUSE DISTRICT 13 - SHARON JACKSON HOUSE DISTRICT 14 – KELLY MERRICK HOUSE DISTRICT 15 – GABRIELLE LEDOUX HOUSE DISTRICT 16 - IVY SPOHNHOLZ HOUSE DISTRICT 17 - ANDREW JOSEPHSON HOUSE DISTRICT 18 - HARRIET DRUMMOND HOUSE DISTRICT 19 – GERAN TARR HOUSE DISTRICT 20 - WILLIAM FIELDS HOUSE DISTRICT 21 - MATT CLAMAN HOUSE DISTRICT 22 - SARA RASMUSSEN HOUSE DISTRICT 23 – CHRIS TUCK HOUSE DISTRICT 24 – CHARLES KOPP HOUSE DISTRICT 25 – JOSH REVAK HOUSE DISTRICT 26 – LADDIE SHAW HOUSE DISTRICT 27 – LANCE PRUITT HOUSE DISTRICT 28 – JENNIFER JOHNSTON

TOTAL NO. NEW CLAIMS RECEIVED 439

Communities:

Anchorage Chugiak Eagle River Palmer JBER



SENATE DISTRICT O – PETER MICCICHE HOUSE DISTRICT 29 – BENJAMIN CARTER

TOTAL NO. NEW CLAIMS RECEIVED 10

Communities:

Nikiski Seward Sterling



SENATE DISTRICT O – PETER MICCICHE HOUSE DISTRICT 30 – GARY KNOPP

TOTAL NO. NEW CLAIMS RECEIVED 27

Communities:

Kenai Soldotna



SENATE DISTRICT P – GARY STEVENS HOUSE DISTRICT 31 – SARAH VANCE

TOTAL NO. NEW CLAIMS RECEIVED 16

Communities:

Caribou Hills Anchor Point Homer Kasilof



SENATE DISTRICT P – GARY STEVENS HOUSE DISTRICT 32 – LOUISE STUTES

TOTAL NO. NEW CLAIMS RECEIVED10

Communities:

Cordova Kodiak Yakutat



SENATE DISTRICT Q – JESSE KIEHL HOUSE DISTRICT 33 – SARA HANNAN HOUSE DISTRICT 34 – ANDI STORY

TOTAL NO. NEW CLAIMS RECEIVED 38

Communities:

Juneau Klukwan Haines



SENATE DISTRICT R – BERT STEDMAN HOUSE DISTRICT 35– JONATHAN KREISS-TOMKINS

TOTAL NO. NEW CLAIMS RECEIVED 16

Communities:

Kake Angoon Craig Sitka Hoolis Hoonah Petersburg



SENATE DISTRICT R – BERT STEDMAN HOUSE DISTRICT 36 – DANIEL ORTIZ

TOTAL NO. NEW CLAIMS RECEIVED 16

Communities:

Ketchikan Hydaburg Saxman Wrangell



SENATE DISTRICT S – LYMAN HOFFMAN HOUSE DISTRICT 37 – BRYCE EDGMON

TOTAL NO. NEW CLAIMS RECEIVED 21

Communities:

Atka Dillingham Cold Bay Ekwok Holy Cross Levelock St. Paul Togiak Unalaska Sand Point Sleetmute



SENATE DISTRICT S – LYMAN HOFFMAN HOUSE DISTRICT 38 – TIFFANY ZULKOSKY

TOTAL NO. NEW CLAIMS RECEIVED 84

Communities:

Akiachak
Akiak
Aniak
Bethel
Chefornak
Kwethluk
Kipnuk
Kongiganak
Lower Kalskag

Marshall Napakiak Napaskiak Nunapitch Quinhagak Toksook Bay Tuluksak Tuntutuliak Tununak



SENATE DISTRICT T – DONALD OLSON HOUSE DISTRICT 39 – NEAL FOSTER

TOTAL NO. NEW CLAIMS RECEIVED 50

Communities:

Alakanuk Emmonak Gambell Golovin Kotlik Koyuk Hooper Bay Nome Nunam Iqua Savoonga Shishmaref Mountain Village Stebbins Pilot Station Wales



SENATE DISTRICT T – DONALD OLSON HOUSE DISTRICT 40 – JOHN LINCOLN

TOTAL NO. NEW CLAIMS RECEIVED 6

Communities:

Barrow Kotzebue Wainwright

