



# Daily News-Miner

THE VOICE OF INTERIOR ALASKA SINCE 1903

**Inside Today** Interior finally starts inching toward average snow accumulation. » INTERIOR, A4

## Fire lawsuit could favor landowners

By Dorothy Chomicz  
DCHOMICZ@NEWSMINER.COM

The Alaska State Supreme Court has ruled that a group of landowners suing the state for burning their property during a wildfire suppression burnout may be eligible for compensation.

The landowners — William Brewer II, Donna Brewer, William Brewer III, Stephanie Brewer, Charles Gray, Margaret Gray and Allen Gray — sued the state for compensation in 2010, say-

ing the burning of their property during the Railbelt Complex wildfires in 2009 amounted to a use of the eminent domain provision of the Alaska Constitution. This provision, commonly known as the “takings clause,” states private property shall not be taken or damaged for public use without just compensation.

The landowners also filed claims against the state for negligence and intentional misconduct.

A Superior Court judge dis-

missed the eminent domain claim in December 2010, finding the state’s actions “did not constitute a taking because they were a valid exercise of its police powers,” and dismissed the negligence and intentional misconduct claims on the grounds of government immunity, according to court documents.

The landowners appealed the decision.

The Supreme Court’s ruling affirmed the Superior Court’s dismissal of the negligence and

intentional misconduct claims but reversed the dismissal of the eminent domain claim, “remanding it to the Superior Court for further consideration of whether the specific exercise of the state’s police powers at issue here was justified by the doctrine of necessity,” according to the opinion documents.

“The doctrine applies only if the state demonstrates the existence of ‘imminent danger and an actual emergency giving rise to actual necessity,’ an inquiry

that is fact-specific,” the Supreme Court’s 28-page ruling states.

The landowners’ attorney, William Satterberg, was pleased with the ruling and expects the case to now be decided by a jury. He said the state did not need to set the burnout fires on his clients’ properties and said the fire was “basically a fire of convenience.”

“It was easier to light it there than it was to do it a mile away,” he said. “We do know they had

BURN » A3

### GOOD MORNING



#### The weather.

Cloudy with a chance of a little more snow.

High today ..... 5

Low tonight ..... -1

WEATHER » A11

#### Aurora forecast.

Auroral activity will be low. Weather permitting, low displays will be visible overhead from Barrow to Fairbanks.

This information is provided by aurora forecasters at the Geophysical Institute at the University of Alaska Fairbanks. For more information about the aurora, visit <http://www.gi.alaska.edu/AuroraForecast>

...



### HOCKEY NIGHT

Nanooks face Northern Michigan.

SPORTS  
Page B1

...

SOURDOUGH JACK:

“I was still too full from Thanksgiving to go out shopping on Friday.”



## SHOPPING IN FULL FORCE



Customers check out at Old Navy while shopping during the annual Black Friday sale Friday afternoon. ERIC ENGMAN/NEWS-MINER PHOTOS



White mice peer out from their house at Petco. Left: Customers wait in line to check out at Old Navy.



Vehicles circle through the parking lot looking for parking spaces in the East Fairbanks shopping district on Black Friday.

## 2 die in separate vehicle crashes

Staff Report  
NEWSROOM@NEWSMINER.COM

Two people died in separate vehicle crashes this week in Interior Alaska.

In the first, a passenger died when he was ejected from a vehicle that had slid on an icy patch of the Parks Highway near Cantwell and rolled, according to Alaska State Troopers.

The victim, David Haynes, 45, of Anchorage, was one of four people in the Toyota sedan. The driver, identified as Jerome Simmons, 45, of Summerville, South Carolina, and the other two passengers were wearing seat belts and sustained injuries that were not life-threatening, troopers said. They were treated at Mat-Su Regional Hospital.

Haynes was not wearing a seat belt, according to troopers.

The collision occurred at 154 Mile of the highway. Troopers received a report of the accident at 10:02 p.m.

On Thursday, a Fairbanks woman died in a two-vehicle collision on Badger Road near the intersection of Holmes Road.

Troopers identified the victim as Jennifer Greenwood, 57.

COLLISIONS » A3

## Inauguration near, Walker knows tough days are ahead

By Becky Bohrer  
ASSOCIATED PRESS

JUNEAU — Bill Walker is coming into the governor’s office faced with high expectations for a renewed spirit of bipartisanship in Alaska politics and the grim reality of plunging oil prices and gaping budget holes.

Walker knows the months ahead will not be easy, but he said it doesn’t change his feelings about the job, which he won earlier this month on his second try against Republican Gov. Sean Parnell. He is excited for the opportunity.

“What people were telling us throughout the campaign was they wanted change and they were tired of the fights,” Walker said. “I think what we offered was an opportunity of working together.”

On Monday, Walker will be sworn in as the 11th governor of Alaska and its first not affiliated with a political party. Two governors, Bill Egan and Wally Hickel, each served separate, non-consecutive terms.



Walker

Hickel, Walker’s mentor, served his first term as a Republican and his second as a member of the Alaskan Independence Party.

Walker, who finished behind Parnell in the 2010 GOP gubernatorial primary, ran this time as an independent, saying it was time to put politics aside for the betterment of the state. The campaign picked up momentum when, faced with the potential of splitting the opposition vote with the Democratic candidate Byron Mallott, Walker and Mallott — who often found themselves at debates or forums without Parnell, agreeing on many issues — banded

together to create a “unity” ticket. As part of the package, Mallott abandoned his gubernatorial ambitions to become Walker’s running mate, and Walker changed his voter registration from Republican to undecleared.

No deals were cut with Democrats, and there can only be one governor, Walker said. However, he has made clear his intent to reach out to Mallott as part of his decision-making process.

Kay Brown, executive director of the state Democratic Party, said she hopes to see a coalition-type

WALKER » A3

### INSIDE

Classified » B9 | Comics » B8 | Dear Abby » B7 | Markets » B6 | Nation » A9 | Opinion » A8 | Sports » B1





**Shop Locally!**  
You’ll find Alaska-made artworks and other fine gifts at the **Museum Store.**

Parking is free on Saturdays!  
Open 9am – 5pm



