

# ANCSA Contaminated Lands

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**Alaska Native Village Association Conference - May 2018**

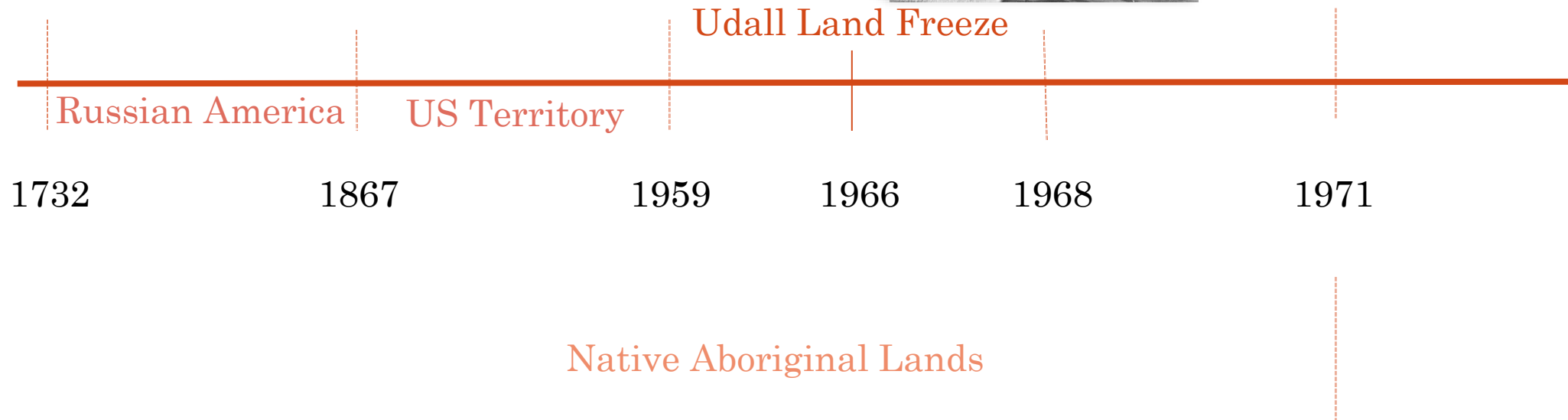


# Roadmap

- ANCSA Contaminated Lands Background
- Reports to Congress
- Inventory of Sites
- Resources for Site Work
- Paths Forward

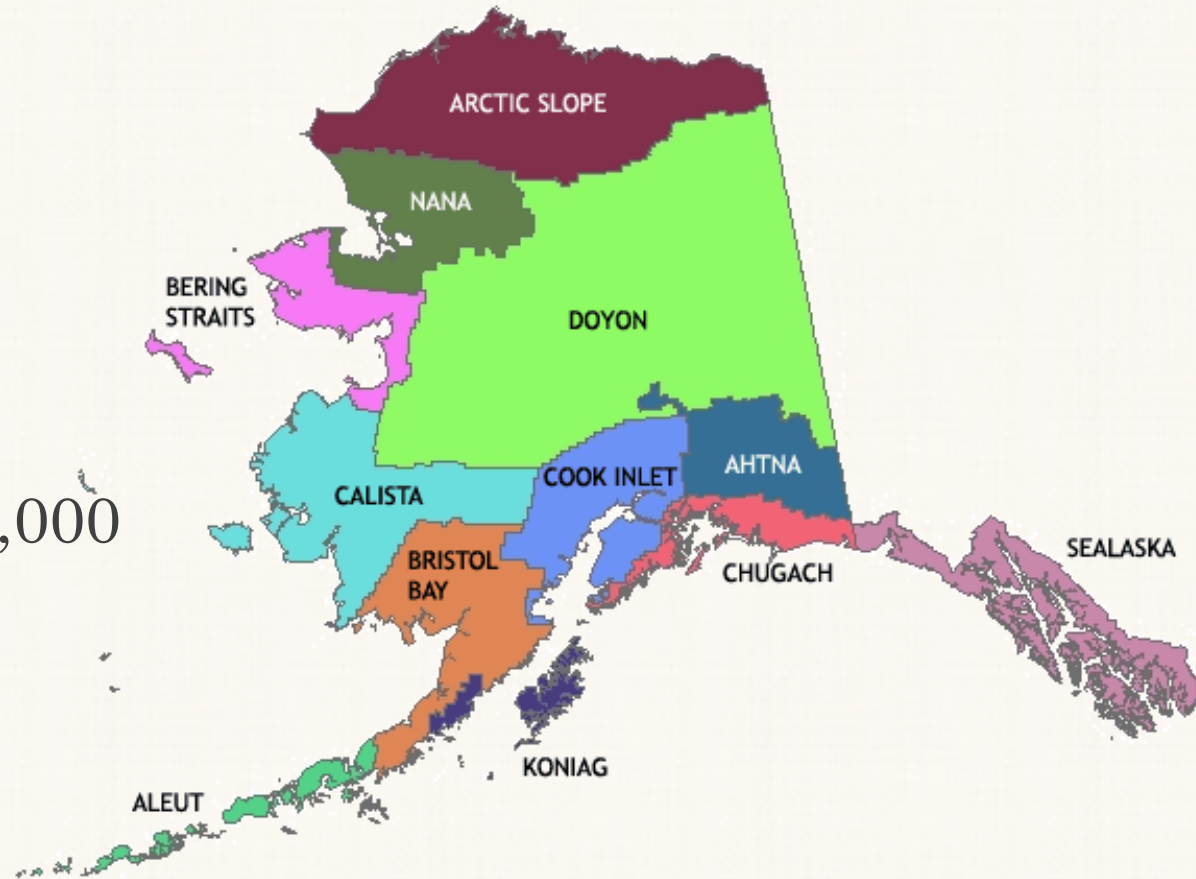


# ANCSA



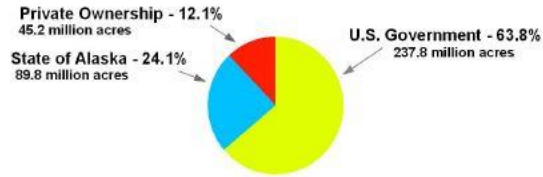
# ANCSA

- December 18, 1971
- 13 Regional Corporations
- 224 Village Corporations
- 44 million acres + \$962,000,000





# Who Owns/Manages Alaska?



Russian traders arrived in Alaska in the mid-1700's and established small, scattered trading posts and settlements. Alaska Natives (the Eskimo, Indian, and Aleut peoples) continued as the primary landowners during this period of Russian occupation. On October 18, 1867, Russia sold Alaska to the United States government. As a result, the federal government owned the Alaska Territory, approximately 373 million acres - about one-fifth the size of the rest of the U.S.



**State of Alaska - 89.8 million acres**

Under the terms of the Alaska Statehood Act of 1959, the federal government granted the new state 20% ownership of its total area. Approximately 103,350,000 acres were to be elected under three types of grants:

- 1) Community - 400,000 acres
- 2) National Forest Community - 400,000 acres
- 3) General - 102,550,000 acres

Additional territorial grants for schools, university and mental health trust lands, totaling 1.2 million acres were confirmed with statehood.

All grants combined gave the State of Alaska approximately 105 million acres. To date, 89.9 million acres has been granted with the balance expected to be granted by 2009.

**ANCSA Native Corporation (Private)**  
39.3 million acres

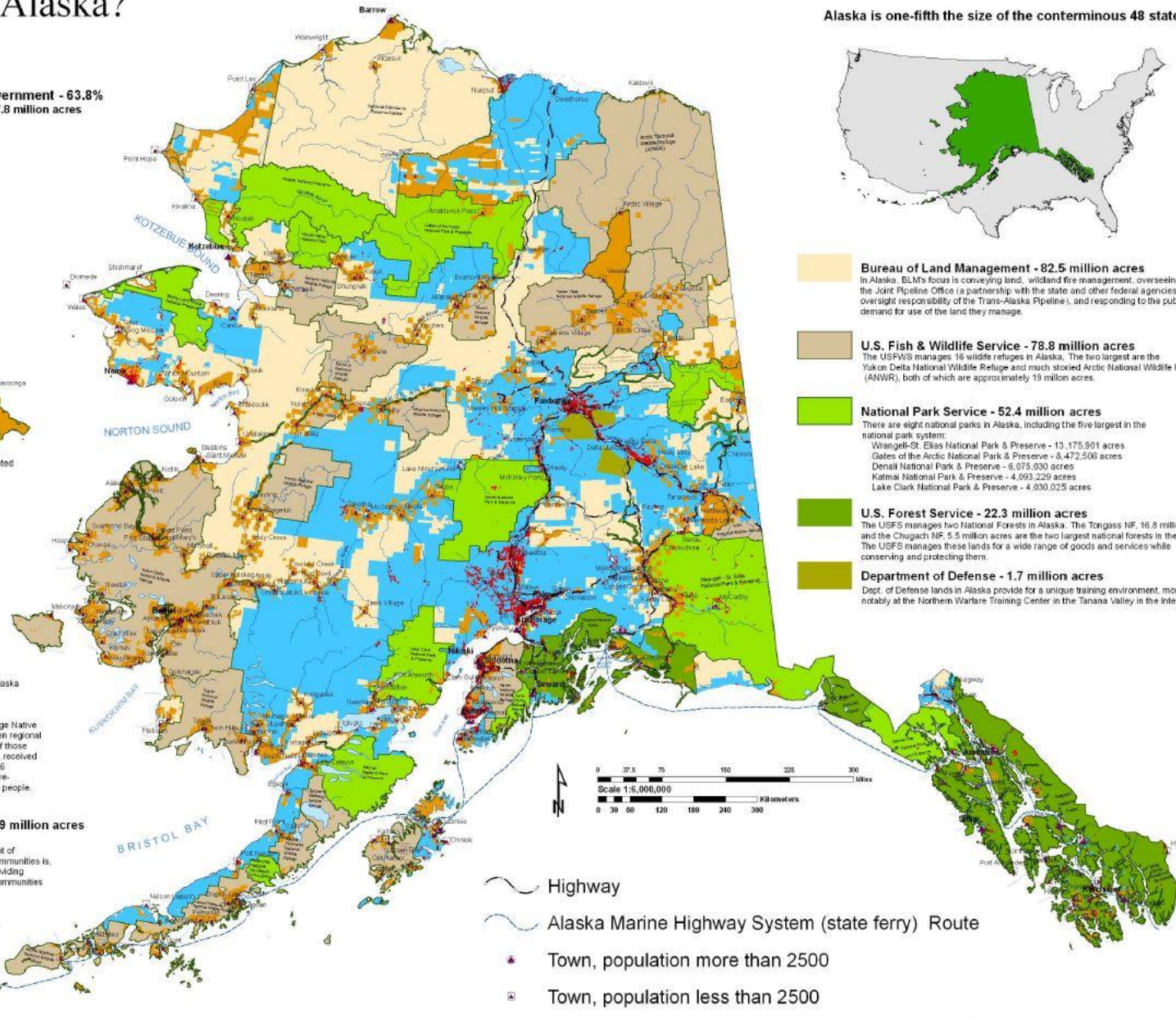
On December 18, 1971, P. L. 92-203, the Alaska Native Claims Settlement Act was signed into law. The purpose of ANCSA was to legislate the terms by which Alaska Natives could acquire title to their lands. This claim had been unrescinded for more than 100 years since the United States purchased Alaska from Russia in 1867.

Native lands are private lands. ANCSA mandated the creation of regional and village Native corporations to manage 44 million acres and payment of one billion dollars. Thirteen regional corporations were created for the distribution of ANCSA land and money. Twelve of those shared in selection of 16 million acres, the thirteenth corporation, based in Seattle, received a cash settlement only. 224 village corporations, of 25 or more residents, shared 26 million acres. The remaining acres, which include historical sites and existing Native-owned lands, went into a land pool to provide land to small villages of less than 25 people. To date, 39.3 million acres have been transferred to ANCSA corporations.

**Non-ANCSA Private & Local Government - 5.9 million acres**

Land in private ownership (other than Native land) comprises less than one percent of the total land in Alaska. Much of the best land for development around Alaska's communities is, or will be, privately owned. Private land development meets people's needs by providing places to live, work, shop and recreate. It also provides a tax base for cities and communities to help support public services.

Because local governments in Alaska have individual methods of transferring land into private ownership, land currently owned by them is grouped into this category.



Alaska is one-fifth the size of the conterminous 48 states.



- Bureau of Land Management - 82.5 million acres**  
In Alaska, BLM's focus is conveying land, wildland fire management, overseeing the Joint Pipeline Office (a partnership with the state and other federal agencies with oversight responsibility of the Trans-Alaska Pipeline), and responding to the public demand for use of the land they manage.
- U.S. Fish & Wildlife Service - 78.8 million acres**  
The USFWS manages 16 wildlife refuges in Alaska. The two largest are the Yukon Delta National Wildlife Refuge and much storied Arctic National Wildlife Refuge (ANWR), both of which are approximately 19 million acres.
- National Park Service - 52.4 million acres**  
There are eight national parks in Alaska, including the five largest in the national park system:  
Wangank-St. Elias National Park & Preserve - 13,175,901 acres  
Gates of the Arctic National Park & Preserve - 8,473,506 acres  
Denali National Park & Preserve - 6,075,030 acres  
Katmai National Park & Preserve - 4,093,229 acres  
Lake Clark National Park & Preserve - 4,030,025 acres
- U.S. Forest Service - 22.3 million acres**  
The USFS manages two National Forests in Alaska. The Tongass NF, 16.8 million acres, and the Chugach NF, 5.5 million acres are the two largest national forests in the U.S. The USFS manages these lands for a wide range of goods and services while conserving and protecting them.
- Department of Defense - 1.7 million acres**  
Dept. of Defense lands in Alaska provide for a unique training environment, most notably at the Northern Warfare Training Center in the Tanana Valley in the Interior.

- Highway
- Alaska Marine Highway System (state ferry) Route
- Town, population more than 2500
- Town, population less than 2500



# ANCSA Contaminated Lands

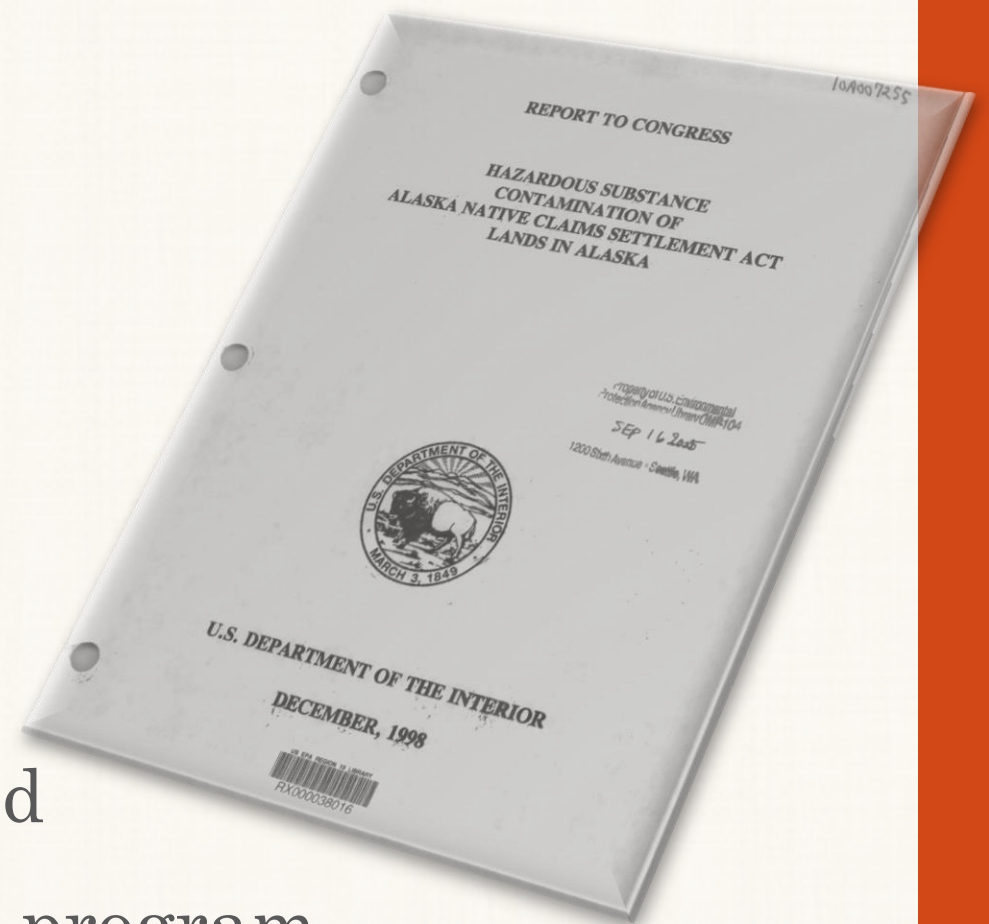


## Congressman Don Young:

“It was clearly not the intention of ANCSA to extinguish Native claims by conveying contaminated property to recipients”

# 1998 BLM Report

- ~37.3 million acres conveyed
- ~650 contaminated sites transferred
- 383 contaminated sites in a federal program
- Unclear how many other sites of concern
- Reluctance to report due to liability concern



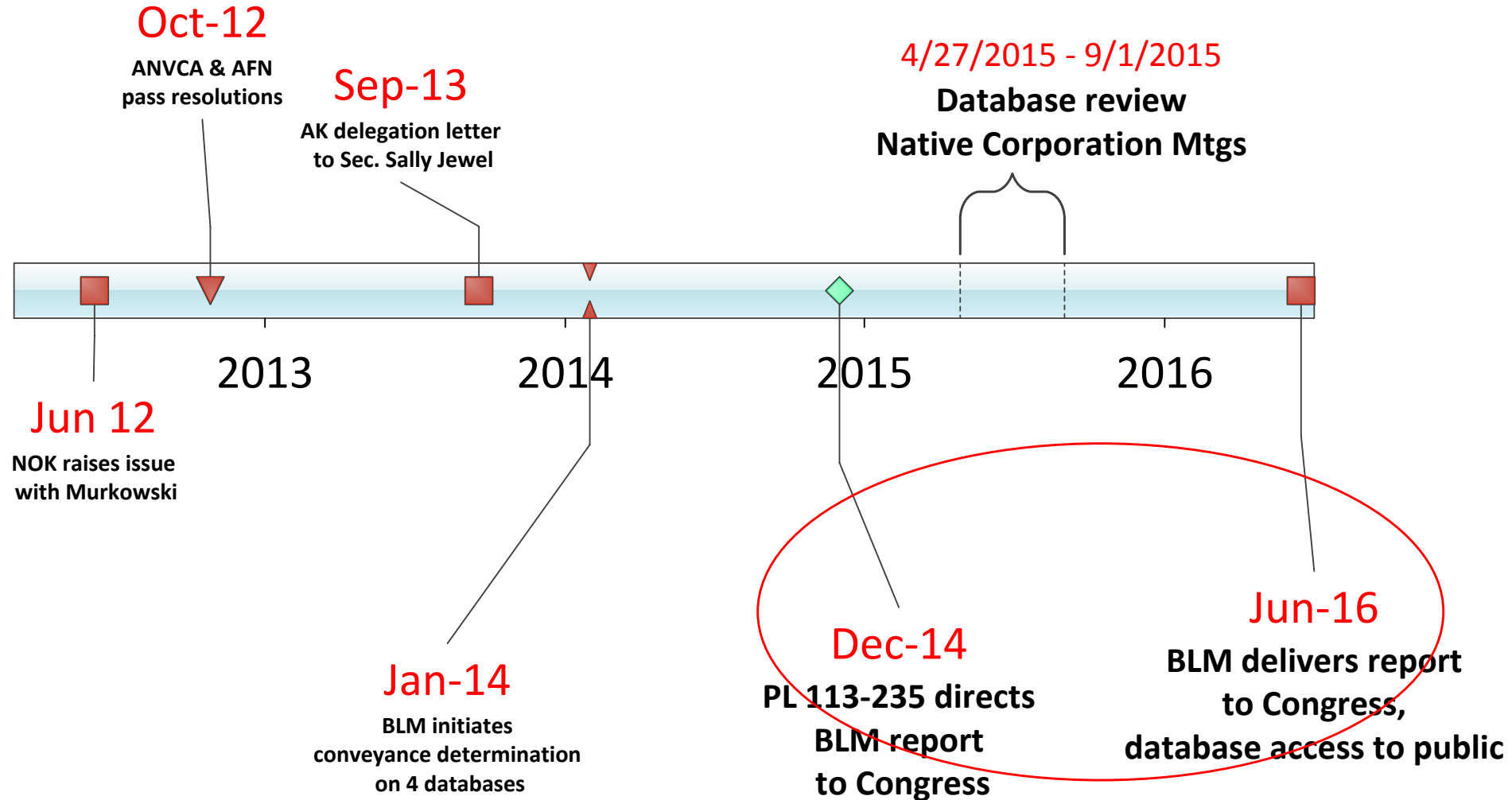


# 1998 Recommendations

1. Establish a forum of ANCSA land owners and Federal, State, local, and Tribal agencies for exchanging information, discussing issues, and setting priorities.
2. Compile a coordinated, comprehensive inventory of contaminated sites with input from all parties.
3. Apply EPA policies to ANCSA landowners, not to impose landowner liability to Federal transferees for contamination existing at the time of conveyance, where the landowner has not contributed to the contamination
4. Analyze the data collected and report to Congress on sites not covered in existing programs and recommend whether further Federal programs or actions are needed.
5. Modify policies, where needed, to address contaminants and structures that may affect public health and safety on ANCSA lands.
6. Continue to develop, under the leadership of the EPA and any other relevant agencies, a process to train and enable local residents to better participate in clean-up efforts.



# June 2012 – June 2016



# 2016 BLM Report

- Follow up to the 1988 *Report to Congress of Hazardous Substance Contamination of Alaska Native Claims Settlement Act Lands in Alaska*
- Purpose:
  - Comprehensive inventory of contaminated sites conveyed through ANCSA
  - Updated status on the six recommendations listed in 1988 report; and
  - A detailed plan on how the DOI intends to complete cleanup of each contaminated site



# 2016 BLM Report

- 920 contaminated sites
- 328 cleanup complete
- 242 institutional controls
- 338 still required cleanup
  - 94 orphaned sites
- 104+ may be added

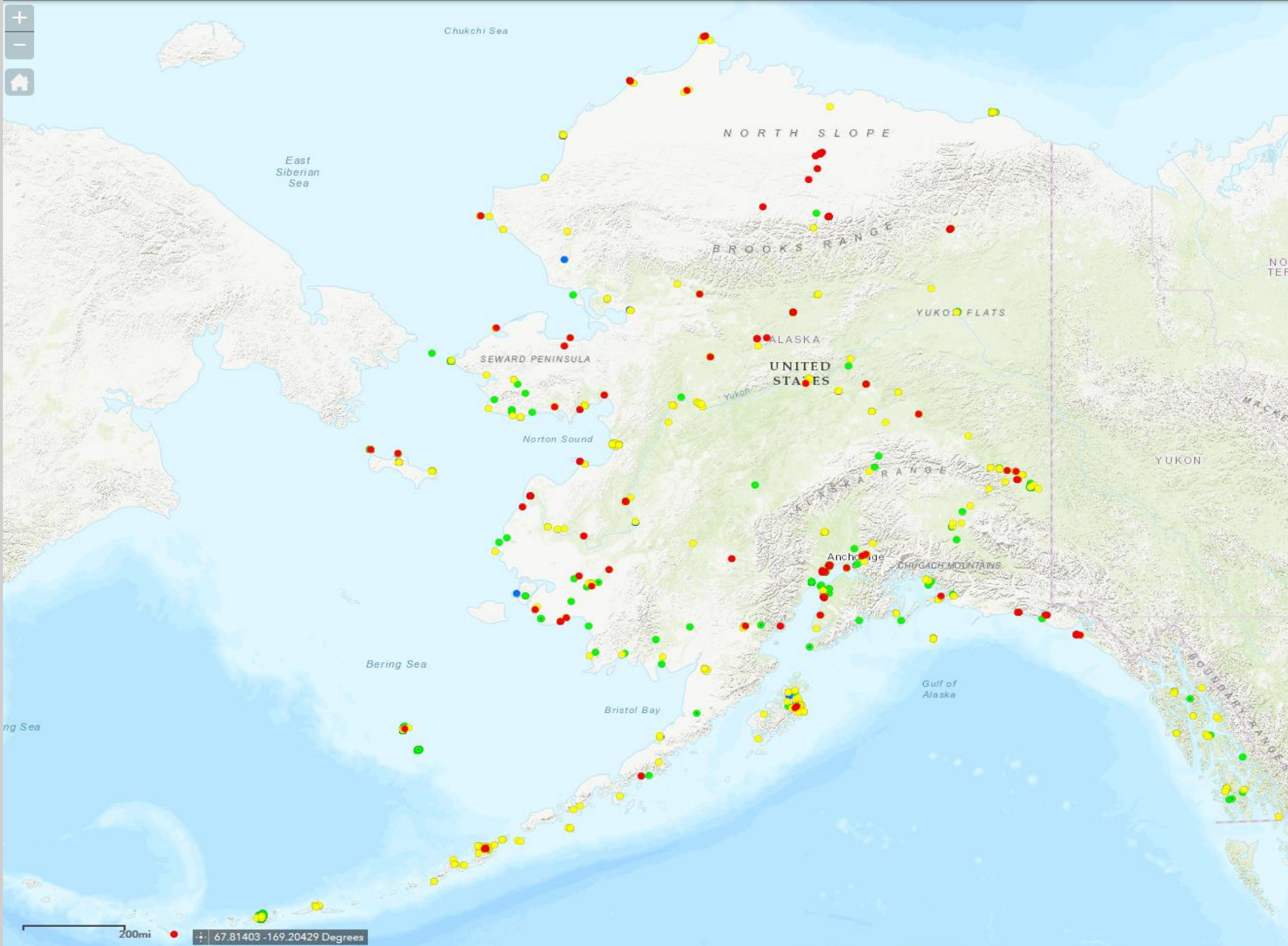


# 2016 Recommendations

The ADEC should finalize the comprehensive inventory and implement a remedial action process.

Establish a formal contaminated lands working group.

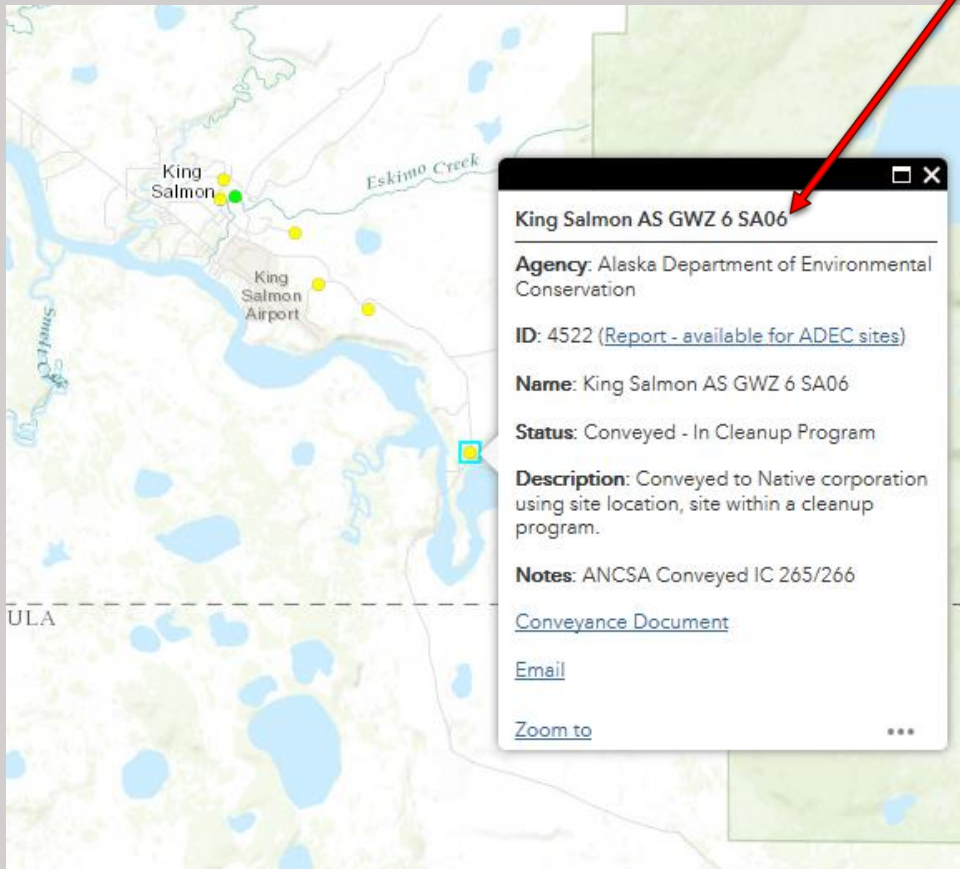
Initiate site clean-up process.



# BLM Web Map



# BLM Map Links go to DEC web site



Alaska Department of Environmental Conservation  
SPILL PREVENTION AND RESPONSE

DEC State of Alaska

CONTAMINATED SITES PREVENTION PREPAREDNESS & RESPONSE RESPONSE FUND ADMIN REPORT A SPILL

You are here: DEC / SPAR / CSP / SPAR Online Services / Contaminated Sites Search / Site Report

## Site Report: King Salmon AS GWZ 6 SA06

**SITE NAME:** King Salmon AS GWZ 6 SA06

**ADDRESS:** SA06 3.5 MI SE of King Salmon Air Station, Groundwater Zone 6 (OT32), King Salmon, AK 99613

**FILE NUMBER:** 2569.38.020.05

**HAZARD ID:** 4522

**STATUS:** Active

**STAFF:** Linda (Qi) Liu, [linda.liu@alaska.gov](mailto:linda.liu@alaska.gov)

**LATITUDE:** 58.641965

**LONGITUDE:** -156.565005

**HORIZONTAL DATUM:** NAD83

[View CS Map](#) [New Search](#)

[Print Report](#) [Glossary / Acronyms](#)

*We make every effort to ensure the data presented here is accurate based on the best available information currently on file with DEC. It is therefore subject to change as new information becomes available. We recommend contacting the assigned project staff prior to making decisions based on this information.*

[Site Chronology](#) [IC / Closure Details](#) [Documents](#)

### Problems/Comments

The site is at the former Rapid's Camp Helicopter Pad located approximately 3.5 miles southeast of the King Salmon Air Station (KSAS). SA06 is located in Ground Water Zone 6. This area was used for drum storage and disposal at the time that the KSAS was an active installation. Several intact and empty drums were found buried in the side of the bluff in June 2006. Several of the drums had military markings on them and were marked with "Unleaded Gasoline". A total of 77 drums were counted but it is suspected that additional drums are present in the bluff. Also a large amount of wood debris and other solid waste was found at the site. A total of 5

# 2017-18 Agency Follow-up

- Committee chaired by DEC, EPA, DOI
- Membership: BLM, Corps of Engineers, Air Force, FAA, Coast Guard, Army, Navy, Forest Service, National Guard
- Quarterly meetings in 2017 and 2018
- Coordination with Denali Commission and ANTHC

# Inventory

- Reconciling site lists
- Researching “Orphan Sites”
- Updating DEC database



# Establish a Contaminated Lands Working Group

- Denali Commission Outreach
- Alaska Native Tribal Health Consortium (ANTHC)

# Initiate Site Cleanup Process

- Underway on most sites
- Need ANC input on sites that are in a program
  - Prioritizing ANCSA sites for response
  - Current and future land use plans
  - Adequacy of cleanup
- Verification sites – need more information

# Orphan Sites

- Potentially Responsible Party (PRP) Research
- Negotiation over shared responsibilities
- Enforcement
- Other Resources

# DEC Brownfields

EPA State Response Program grantee

- Education and outreach about brownfields in Alaska
- Technical assistance
- DEC Brownfields Assessment & Cleanup service (DBAC)



# ALASKA STATE & TRIBAL RESPONSE PROGRAMS

## Primary Office Locations



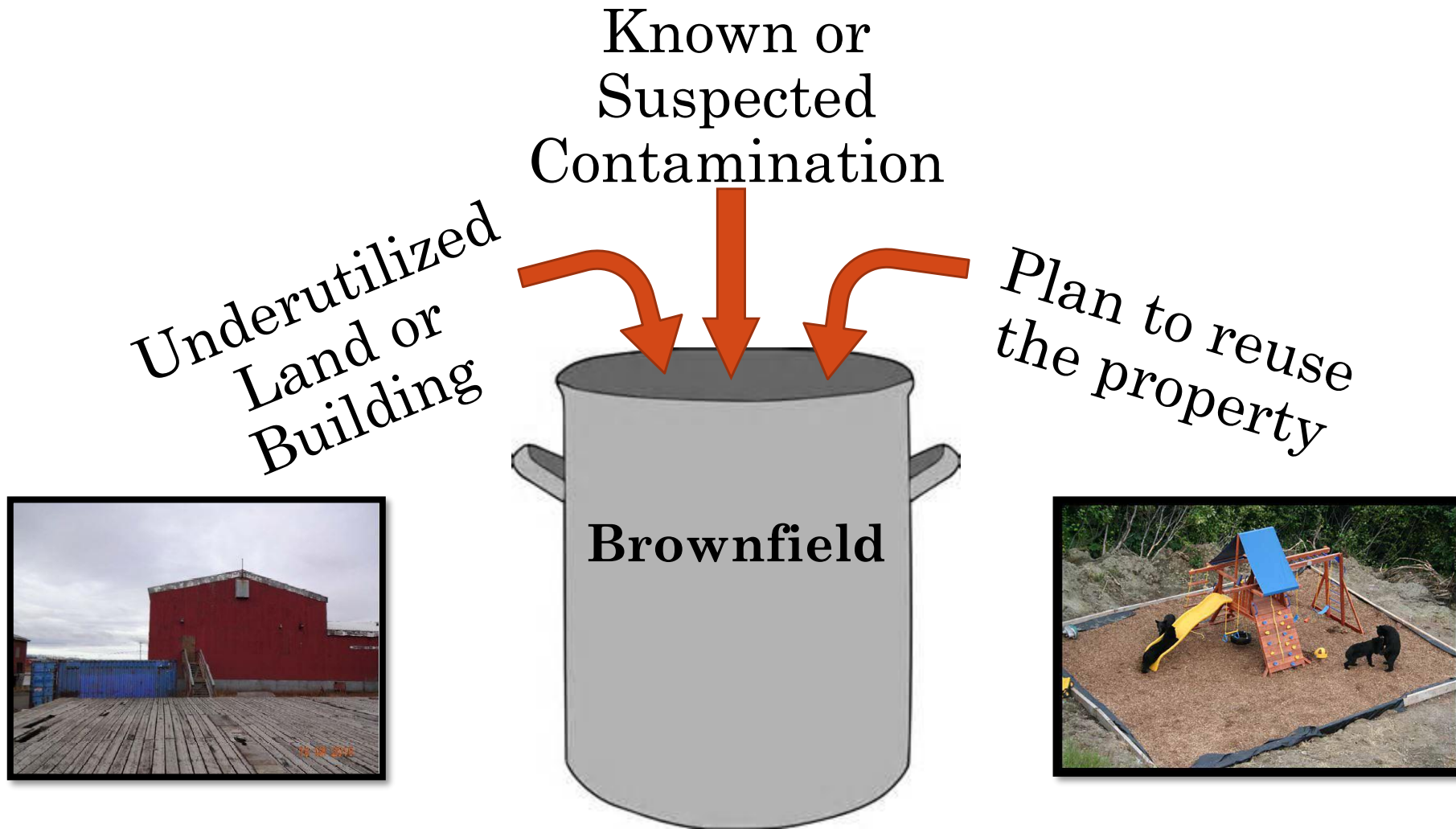
# Federal Definition of a Brownfield

Defined as “real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.”

**Funding depends on meeting this definition!**



# Ingredients of a Brownfield





# Reuse







Google Earth

Image Landsat / Copernicus  
Data SIO, NOAA, U.S. Navy, NGA, GEBCO  
Image IBCAO





# DEC Brownfields Assessment & Cleanup (DBAC)

- ❖ Assessment or cleanup for eligible brownfields properties
- ❖ Services awarded
- ❖ Competitive statewide
- ❖ Application period will open October 2018





# DBAC Objectives

- Determine if an environmental problem is limiting reuse
- Identify nature and extent of contamination
- Make recommendations for additional assessment
- Identify cleanup options and cost estimates
- Conduct cleanup activities to enable site reuse

# 2009 DBAC - McGrath

- City of McGrath - Community Development Block grant
- McGrath Native Village Corp – Indian Community Development Block grant
- DBAC

**Raised over \$2 million dollars**





# Eligibility

	DBAC	EPA Competitive	TBA
Native Corporations	Yes	Yes	Yes
Federally Recognized Tribes	Yes	No*	Yes
Local Governments	Yes	Yes	Yes

\*Federally Recognized Tribes can partner with Alaska Native Regional Corporations, Alaska Native Village Corporations

# Resources

## Assessment/Cleanup

- Department of Defense (DoD)
- Native American Lands Environmental Mitigation Program (NALEMP)
- Brownfields (EPA ARC grants, TBA, DBAC)
- EPA Preliminary Assessment/Site Inspection (PASI)

## Technical Assistance

- EPA Tribal Response Programs (TRPs)
- DEC Contaminated Sites/Brownfields staff



# Brownfields Legislation

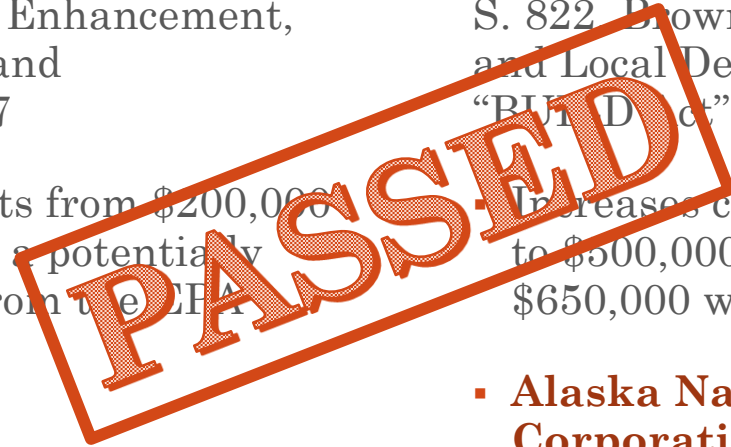
H.R. 3017, the Brownfields Enhancement, Economic Redevelopment, and Reauthorization Act of 2017

- Increases cleanup amounts from \$200,000 to \$500,000 per site, with a potentially \$750,000 with a waiver from the EPA

S. 822 Brownfields Utilization, Investment, and Local Development Act of 2017, or the “BUIID Act”.

- Increases cleanup amounts from \$200,000 to \$500,000 per site, with a potentially \$650,000 with a waiver from the EPA

- **Alaska Native Village and Native Corporation relief**



# Thank you!

- Questions?

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