



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of  
Environmental Conservation

DIVISION OF SPILL PREVENTION & RESPONSE  
Contaminated Sites Program

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File No: 2245.38.007

October 23, 2012

Clifford Larson  
Alaska Department of Natural Resources  
Division of Mining, Land, and Water  
550 West 7<sup>th</sup> Avenue, Suite 900c  
Anchorage AK, 99501-3577

Kevin Brooks  
Alaska Department of Fish and Game  
Division of Administrative Services  
P.O. Box 115526  
Juneau, Alaska 99811-5526

Re: ADOT Knik River Rest Stop (aka Reflections Lake); Addendum to ILMA Exhibit C

Dear Mr. Larson and Mr. Brooks;

The purpose of this letter is to clarify and document requirements associated with Institutional Controls (ICs) which were placed upon the property known as ADOT Knik River Rest Stop (aka Reflections Lake) by the Alaska Department of Environmental Conservation (ADEC). These ICs are documented in Exhibit C of the Interagency Land Management Agreement (ILMA, Attachment 1) ADL 230614 between the Alaska Department of Natural Resources (ADNR) and the Alaska Department of Fish and Game (ADF&G) that was signed in April, 2010. The ILMA was put in place to facilitate the development of the Reflections Lake area into a recreational area by ADF&G. The ILMA pertains specifically to:

“A 70 acre parcel, more or less, located in SE1/4SW1/4 and SW1/4SE1/4 of Section 10, Township 16 North, Range 1 East, of the Seward meridian at Reflections Lake near Anchorage, Alaska”

ICs are required at this site because lead contamination is present in soil at concentrations that may, if disturbed, pose a risk to human health or the environment. The lead contamination resulted from unauthorized shooting activities conducted at the site until the early 2000's. ADEC conducted exposure mitigation in 2011 by placing geotextile fabric on top of the lead impacted areas, covering the fabric with gravel, then reseeding select areas to promote

revegetation and stabilization of the gravel cover. If the gravel cover is removed or if lead that is present in Reflections Lake is consumed by fish or aquatic organisms, the current risk evaluation may no longer be applicable. Therefore in order to mitigate exposure risk to human health or the environmental, it is important to maintain ICs on the property. Item 7 of Exhibit C states:

“If fish tissue sampling indicates an unacceptable level of contamination for human consumption (as determined by ADEC), ADF&G will work with ADEC and the Alaska Board of Fish to mitigate this threat by appropriate management actions (including but not limited to closing the sport fishery, designating the lake as catch-and-release fishery only, posting signs, etc.)

In May 2012, ADF&G requested approval to stock Reflections Lake with fish for public consumption. ADEC is working in consultation with State Veterinarian Dr. Robert Gerlach and the Epidemiology Section of the Division of Health and Social Services (DHSS) regarding the safety of fish consumption at Reflections Lake. ADEC approved the plan to stock Reflections Lake contingent upon ADF&G's adherence to a fish sampling plan as agreed upon by Dr. Gerlach and ADEC. The fish tissue sampling plan consists of the following.

1. Three to five fish from the stock placed into Reflections Lake in 2012 were sampled for lead to establish a baseline. The analytical results of these samples indicate lead was not detected above the method detection limit.
2. Fish tissue sampling must be conducted again in Spring 2013 by ADF&G, and then on an annual basis after that. Future fish tissue sampling must include three to five fish that are analyzed for lead.
3. The results of fish tissue samples will be reviewed by ADEC in consultation with Dr. Gerlach and DHSS who will determine if additional management actions (closing the sport fishery, catch and release only, posting signs, etc) are necessary.
4. This requirement will be reviewed in 2015 after three years of data have been collected.

If you have any questions or concerns about this site or the ICs placed on the property, you may contact me at 907-269-3057 or via email at [bill.oconnell@alaska.gov](mailto:bill.oconnell@alaska.gov).

Sincerely,



Bill O'Connell  
Project Manager

Attachment 1- 2010 ILMA (text only)

Attachment 2- Site Figure

Cc: Richard Thompson, ADNR DMLW, Anchorage  
Clark Cox, ADNR DMLW, Anchorage  
Joe Meehan, ADF&G, Anchorage  
Doug Hill, ADF&G, Anchorage

**Attachment A- 2010 ILMA**

November 14, 2012



2245, 38, 007  
 ADEC File No

**STATE OF ALASKA**  
**Department of Natural Resources**  
**Division of Mining, Land and Water**

**RECEIVED**

**APR 22 2010**

**DEPT. OF ENVIRONMENTAL  
 CONSERVATION**

**INTERAGENCY LAND MANAGEMENT ASSIGNMENT**  
**ADF&G Reflections Lake Recreation Development**  
**ADL 230614**

The Department of Natural Resources, Division of Mining, Land and Water, Southcentral Region, 550 W. 7th Ave., Suite 900C, Anchorage, AK 99501-3577, hereinafter known as the Assignor, assigns to the Department of Fish and Game, Division of Wildlife Conservation, 333 Raspberry Road, Anchorage, AK. 99511, hereinafter known as the Assignee, certain jurisdiction and management rights to the land described on the attached Exhibit "A".

Jurisdiction and management includes the authority to manage the surface and so much of the subsurface as specified in the development plan approved by the Division of Mining, Land and Water, attached and made part of this document as Exhibit "D", in order to make use of the land as visitor facilities at Reflections Lake for the Alaska Department of Fish and Game, the jurisdiction of the Assignee.

The right of the Assignee or Assignee's contractor(s) to construct, maintain, or improve and remove buildings, roads, airports, and works of other description, and to use or remove sand, gravel, timber or other materials on or near the surface for purposes directly related to the project is limited to those expressly stated in the approved development plan, and is subject to the stipulations attached and made part of this document as Exhibit "B" & Exhibit "C".

The right to grant or permit the creation of third party interests for utilities or other public works (such as roads, pipelines, etc.) that are extensions of improvements from adjoining lands and do not interfere with the approved use of the tract is subject to the written approval of the Division of Mining, Land & Water. The assignment, grant or any other creation of third party interest for any use other than those specified is not permitted unless such uses are specified on Exhibit "B" & Exhibit "C" attached to this document or are specifically authorized in writing by the Division of Mining, Land & Water. The Division of Mining, Land & Water reserves jurisdiction and management of all minerals including oil and gas in the above described land. Lands that are in excess of the Assignee's needs shall be returned to the management jurisdiction of the Division of Mining, Land & Water upon a finding that the site has been rehabilitated to the satisfaction of the Regional Manager of the Division of Mining, Land & Water.

This Interagency Land Management Assignment (ILMA) will remain in effect for thirty years from the date of signing.

*Signature Page to Follow*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010

*Richard B. Thompson*

Richard Thompson, Southcentral Region Manager  
DNR - Division of Mining, Land and Water



State of Alaska)  
3rd Judicial District)

THIS IS TO CERTIFY that on this 14th day of April, 2010 before me personally appeared Richard B. Thompson of the Department of Natural Resources of the State of Alaska, who executed the foregoing Interagency Land Management Assignment and acknowledged he/she voluntarily signed the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year shown above.

*Phaedra Morgan*

Notary Public in and for the State of Alaska  
My commission expires: with office

The terms and conditions of the interest conveyed herein are hereby accepted by the State of Alaska, Department of Fish and Game, for public purposes this 14th day of April, 2010.

*for J. White*

Director  
Division of Administrative Services  
Department of Fish and Game

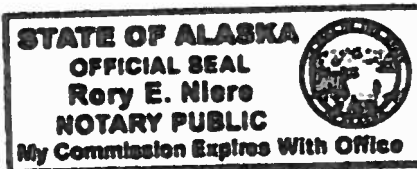
State of Alaska)  
3rd Judicial District)

THIS IS TO CERTIFY that on this 14th day of April, 2010 before me personally appeared John White of the Department of Fish and Game, of the State of Alaska, who executed the foregoing Interagency Land Management Assignment and acknowledge he/she voluntarily signed the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year shown above.

*Rory E. Niere*

Notary Public in and for the State of Alaska  
My commission expires: with office



**Interagency Land Management Assignment: ADL # 230614**

**EXHIBIT A**

The following state owned uplands are covered under this management assignment.

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**A 70 acre parcel, more or less, located in SE1/4SW1/4 and SW1/4SE1/4 of Section 10, Township 16 North, Range 1 East, of the Seward Meridian at Reflections Lake, near Anchorage, Alaska.**

**Interagency Land Management Assignment: ADL 230814**  
**Special Stipulations**  
**EXHIBIT B**

1. **Public Access Easements.** This ILMA is subject to all platted easements, valid existing rights, or rights of way and reservations of record. Additional easements and rights of way may be dedicated or vacated through normal surveying and platting processes, which involve both agencies. This assignment is also subject to the provisions of the Public Trust Doctrine. The Alaska Constitution guarantees any citizen of the United States or resident of the state the right of access to navigable and public waters of the state. The Public Trust Doctrine further guarantees the public right to use navigable waters and the land beneath them for navigation, commerce, fishing, and other purposes.
2. **Return/Relinquishment.** The Alaska Department Fish and Game (ADF&G) will provide written notification of their intent to return management authority to Division of Mining, Land and Water (DMLW). Notification shall be given a minimum of 90 days prior to expected return of the lands and will clearly identify all improvements, interest and active authorizations on site and a plan for dealing with these improvements/interests.
3. **Returned Land.** Land returned by the assignee to the Department of Natural Resources (DNR), DMLW, for any reason shall be returned in an environmental and physical condition acceptable to the Regional Manager of the, DMLW. Site rehabilitation may require the removal of improvements, equipment, and material.
4. **Review of Assignment.** Pursuant to AS 38.04.060(b), this assignment is subject to review every five (5) years by the DMLW for possible utilization other than for the purposes assigned when considered in the best interest of the state. This assignment is subject to cancellation in whole or any part within sixty days upon written notice to the assignee. If a review shows the site is abandoned; has significant non use relative to an approved development plan; has a violation of the terms and conditions of the assignment, such as a new use not authorized in an approved development plan; or if the site is needed for a different state interest, the division may revoke the ILMA in whole or part and require rehabilitation of the site to a condition satisfactory to the Regional Manager. The assignee shall, upon request, provide assistance in the form of written verification that the lands are still required for public recreation purposes.
5. **Inspections.** The assigned land is subject to inspection by the DMLW during the term of this assignment to determine compliance with the assignment stipulations and conformance with the development plan.
6. **Project Development.** The diversion or other modification of any drainages, or the addition of a fuel or chemical storage area will be developed, at a minimum, in concurrence with EPA and DEC standards.
7. **Fire Liability.** The assignee shall maintain the tract area in a fire safe manner and shall assume full liability for any damages to state land resulting from the negligent use of fire.
8. **Fuel and Hazardous Substances.** Fuel storage containers shall not be stored within 100 feet of the ordinary high-water mark of any water body. Fuel containers with a capacity of more than 6 gallons must be stored within an impermeable diked area or portable containment unit capable of containing 110 percent capacity of the largest independent container plus 12 inches freeboard. No more than 2000 gallons of fuel are to be stored on site. All fuel storage containers must be clearly marked with the contents and the name of the responsible party. Drip pans and absorbent pads must be available to contain and clean up spills from any transfer or handling of fuel.

Battery Storage: Batteries containing hazardous liquids should be completely sealed, valve regulated, spill proof, leak proof, and mounted in suitable containers. Batteries lacking the preceding properties must have a drip pan designed to hold 110% of the total liquids held by the battery/batteries that are not in use must be marked with the name of the responsible party, dated, and transported in accordance with 49 CFR 172 (EPA Hazardous Material Regulations) and 18 AAC 62. Hazardous substance storage by the assignee must be done in accordance with existing federal, state and local laws, regulations and ordinances. Debris (such as soil) contaminated with used motor oil, solvents, or other chemicals may be classified as a hazardous

substance and must be removed and disposed of in accordance with existing federal, state and local laws, regulations and ordinances

**a. Definitions.**

**"Containers"** is defined as any item which is used to hold fuel or hazardous substances including, tanks, drums, fuel tanks on small equipment such as light plants and generators, flow test holding tanks, slop oil tanks, bladders and bags. Manifold tanks must be considered as a single independent container. Vehicles are not intended to be included under this definition.

**"Hazardous Substances"** is defined under AS 46.03.828(5) as (a) an element or compound which, when it enters the atmosphere, water, or land, presents and imminent and substantial danger to public health or welfare, including fish, animals or vegetation, (b) oil, or (c) a substance defined as a hazardous substance under 42 U.S.C. 9601(14).

- 9. Notification of Unauthorized Discharge.** The assignee shall immediately notify DEC by telephone, and immediately afterwards send DEC a written notice by facsimile, hand delivery, or first class mail, informing DEC of: any unauthorized discharges of oil to water, any discharge of hazardous substances other than oil; and any discharge or cumulative discharge of oil greater than 55 gallons solely to land and outside an impermeable containment area. If a discharge, including a cumulative discharge, of oil is greater than 10 gallons but less than 55 gallons, or a discharge of oil greater than 55 gallons is made to an impermeable secondary containment area, the assignee shall report the discharge within 48 hours, and immediately afterwards send DEC a written notice by facsimile, hand delivery, or first class mail. Any discharge of oil, including a cumulative discharge, solely to land greater than one gallon up to 10 gallons must be reported in writing on a monthly basis. The posting of information requirements of 18 AAC75.305 shall be met. Scope and Duration of Initial Response Actions (18 AAC 75.310) and reporting requirements of 18 AAC 75, Article 3 also apply.

The assignee shall supply DEC with all follow-up incident reports. Notification of a discharge must be made to the nearest DEC Area Response Team during working hours: Anchorage (907) 289-3083, fax (907) 289-7648; Fairbanks (907) 451-2121, fax (907) 451-2362; Juneau (907) 465-5340, fax (907) 465-2237. The DEC oil spill report number outside normal business hours is (800) 478-9300.

- 10. Waste Disposal.** On-site disposal of solid waste is prohibited. All solid waste and foreign debris must be eliminated by removal to an off-site DEC approved disposal facility or by burning (if a paper product). Waste, in this paragraph means all discarded matter, including, but not limited to, trash, garbage, litter, oil drums, petroleum, and discarded equipment. The site must be kept clean at all times. Hazardous waste must not be disposed of on site, but instead must be hauled out for disposal in an approved disposal site.
- 11. State and Federal Statutes and Regulations.** The Assignee shall comply with applicable state and federal statutes and regulations and local ordinances.
- 12. Indemnification.** In connection with the entry on or use of assigned lands, subject to the limitations and provisions of AS 09.50.250-270 and AS 37.05.170, the Assignee shall ensure that its contractors and subcontractors shall indemnify, save harmless, and defend the state, its agents and its employees from any and all claims or actions for injuries or damages sustained by any person or property arising directly or indirectly from the construction or the contractor's performance of the contract, except when the sole proximate cause of the injury or damage is the state's negligence.
- 13. Transfer of Rights.** The subject property will not be subdivided, sold, leased, exchanged or otherwise transferred without written approval from the DMLW.
- 14. Liens and Assessments.** The Assignee is responsible for paying all liens, assessments or other encumbrances against property.



15. **Alaska Historic Preservation Act.** The Alaska Historic Preservation Act (AS 41.35.200) prohibits the appropriation, excavation, removal, injury, or destruction of any state owned historic, prehistoric (paleontological) or archaeological site without a permit from the commissioner. Should any sites be discovered during the course of field operations, activities that may cause damage will cease and the Office of History and Archaeology (907) 269-8721, Fax: (907) 269-8908 and the appropriate coastal district shall be notified immediately.
16. **Survey and Site Diagrams Prior to Development.** At any time during this authorization if additional improvements are planned a survey, site diagram, engineering drawing, or site plan must be submitted to DNR a minimum of 90 days prior to planned date of construction.
17. **Project Construction and Survey.** The Permittee is responsible for compliance with AS 38.95.160 (i.e. project will be supervised by a registered professional per AS 08.48 and documented by a recorded plat). In addition, the Permittee is responsible for compliance with the survey requirements of the platting authority as it relates to this project.

**Interagency Land Management Assignment: ADL 230814**  
**Institutional Controls**  
**EXHIBIT C**

***ADF&G agrees to manage this parcel, consistent with the terms of the following Institutional Controls, which shall run with the land ownership.***

- 1. Obtain approval from ADEC-Contaminated Sites Program prior to conducting any ground disturbing activities at this site.**
- 2. Halt approved ground disturbing activity and contact ADEC-Contaminated Sites Program if signs of contamination are observed (e.g. – discovery of shell casing, lead pellets, etc).**
- 3. Work with DEC-Contaminated Sites Program to either cap Excavation Area B1 (as identified on the attached site plan) to the satisfaction of ADEC; or remove the source of lead contamination in Excavation Area B1 so that it does not pose a risk to human health or the environment. If capped, ADF&G agrees to maintain the cap in perpetuity.**
- 4. Work with DEC-Contaminated Sites Program to either upgrade the existing cap in Shooting Area A1 (as identified on the attached site plan) to the satisfaction of ADEC; or remove the source of lead contamination in Shooting Area A1 so that it does not pose a risk to human health or the environment. If capped, ADF&G agrees to maintain the cap in perpetuity. If ADF&G hardens a boat launch at Shooting Area A1 (with gravel and Geo-block), it will be only be done with the review and approval of ADEC.**
- 5. Prohibit movement or use of contaminated material in a manner that results in a violation of 18 AAC 70.**
- 6. Request approval from ADEC prior to transporting soil or groundwater offsite in accordance with 18 AAC 75.325 (I). (A "site" [as defined by 18 AAC 75.990 (115)] means an area that is contaminated, including areas contaminated by the migration of hazardous substances from a source area, regardless of property ownership.)**
- 7. If fish tissue sampling indicates an unacceptable level of contamination for human consumption (as determined by ADEC), ADF&G will work with ADEC and the Alaska Board of Fish to mitigate this threat by appropriate management actions (including but not limited to closing the sport fishery, designating the lake as a catch-and-release fishery only, posting signs, etc).**
- 8. Manage this site consistent with the terms of Institutional Controls agreed to by ADF&G and ADEC now or hereafter identified against this property.**
- 9. If land use and/or ownership changes, current institutional controls may not be protective and ADEC may require additional remediation and/or institutional controls. Therefore, ADEC must be notified as soon as there is any change in the land ownership and/or use.**

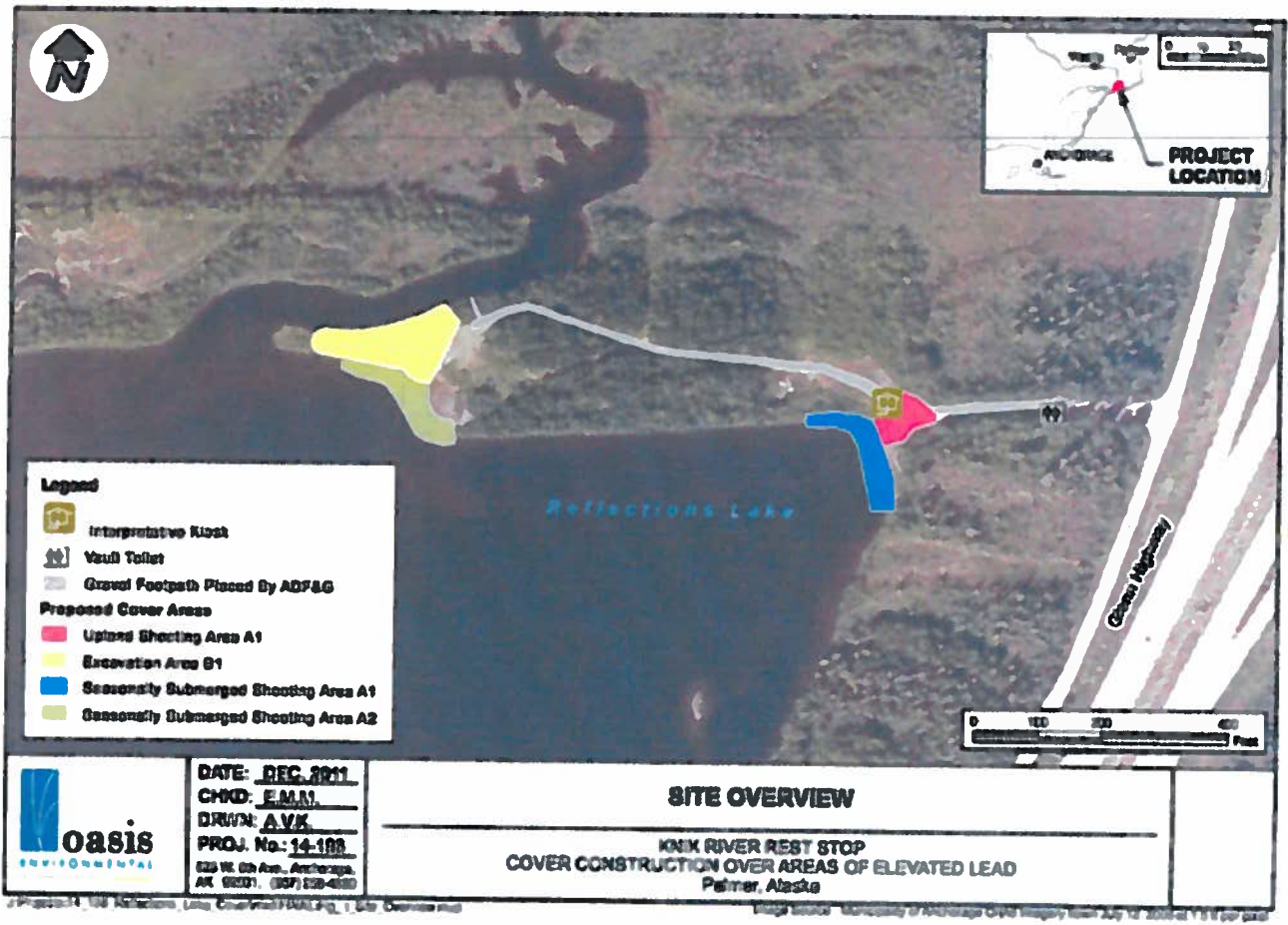
**Interagency Land Management Assignment: ADL 230613  
Development Plan  
EXHIBIT D**

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**The following maps and illustrations depict the location of the ADF&G recreation development at Reflections Lake located within the Palmer Hay Flats State Game Refuge near Palmer, Alaska. This approved development plan authorizes all existing improvements currently on site, in addition to the proposed improvement identified herein.**

**Please note-the maps and illustrations included in the ILMA, have been removed from this document. To view these maps and illustrations, please contact the ADEC Contaminated Sites Program, reference ADOT&PF Knik River Rest Stop, File # 2245.38.007**

**Attachment B- Site Figure**



J:\Projects\14\_100\_Archives\_Lake\_Cover\Final\FINAL\_Site\_Overview.mxd

Image Source: Municipality of Anchorage Open Registry from July 12, 2012 at 11:11 am local