

Brownfields Resources for ANCSA Contaminated Lands

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Alaska Tribal Conference on Environmental Management

October 26, 2016



Roadmap

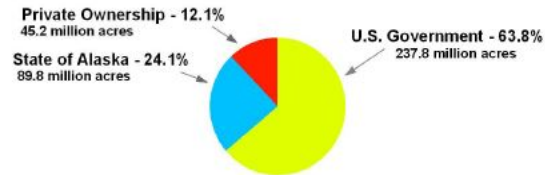
- DEC Brownfields
- ANCSA
- BLM Report
- ANCSA Contaminated Lands
- Brownfields Resources
- Other resources



EPA State Response Program

- Education outreach about brownfields in Alaska
 - Outreach materials
 - Presentations
 - Workshops/training
- Assist cities, villages, boroughs, and tribes in addressing reuse and redevelopment at brownfields sites around Alaska
 - DEC Brownfield Assessment & Cleanup services
 - Technical assistance
 - Regulatory guidance
 - Project facilitation, coordination, and oversight
 - Manage contaminated sites database

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 28% 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

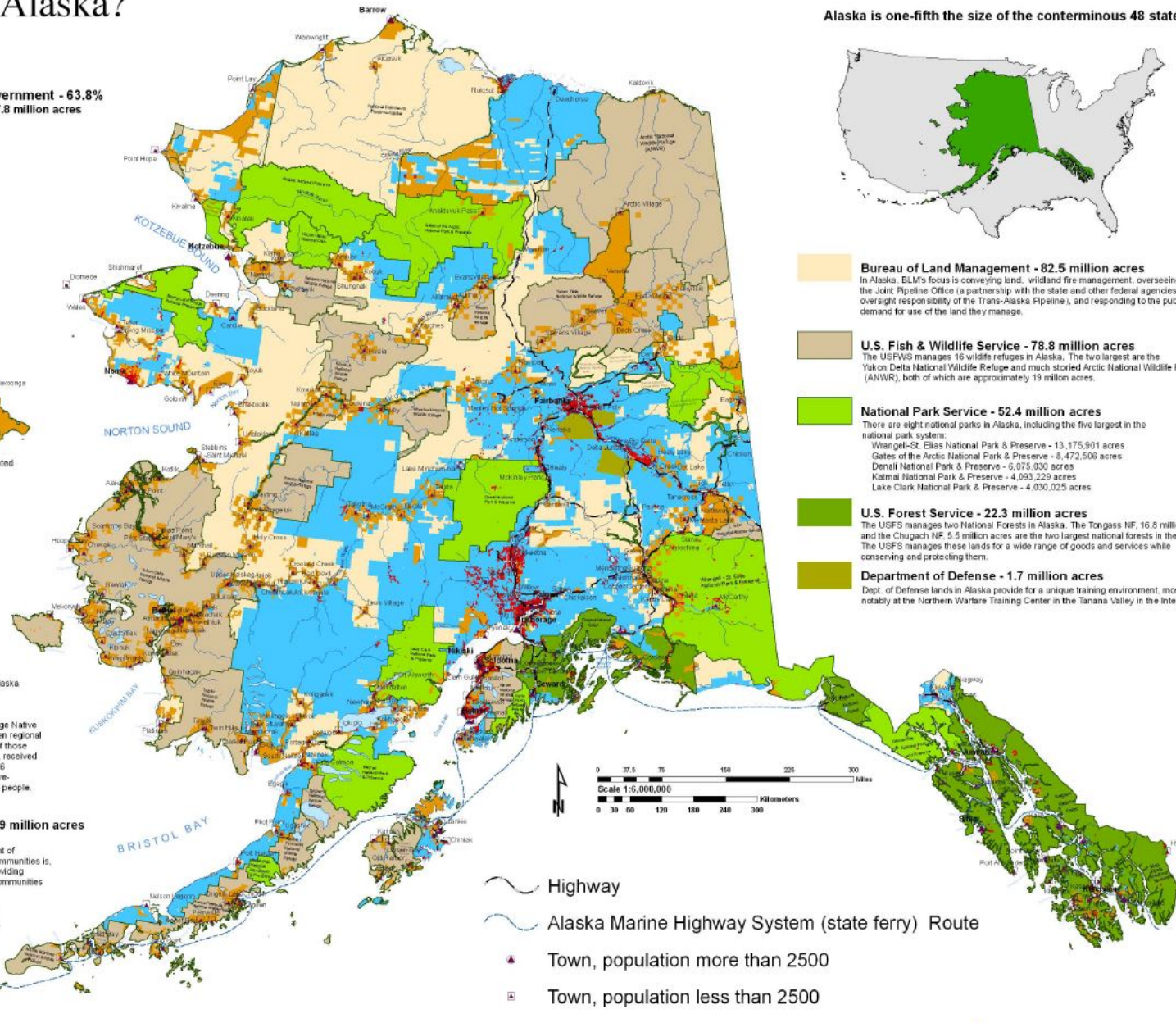
On December 18, 1971, P. L. 92-203, the Alaska Native Claims Settlement Act was signed into law. The purpose of ANCSA was to legislate the terms by which Alaska Natives could acquire title to their lands. This claim had been unexecuted for more than 100 years since the United States purchased Alaska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



Maps produced by the
Alaska Dept of Natural Resources
Division of Forestry

ANCSA



Udall Land Freeze

1867

1959

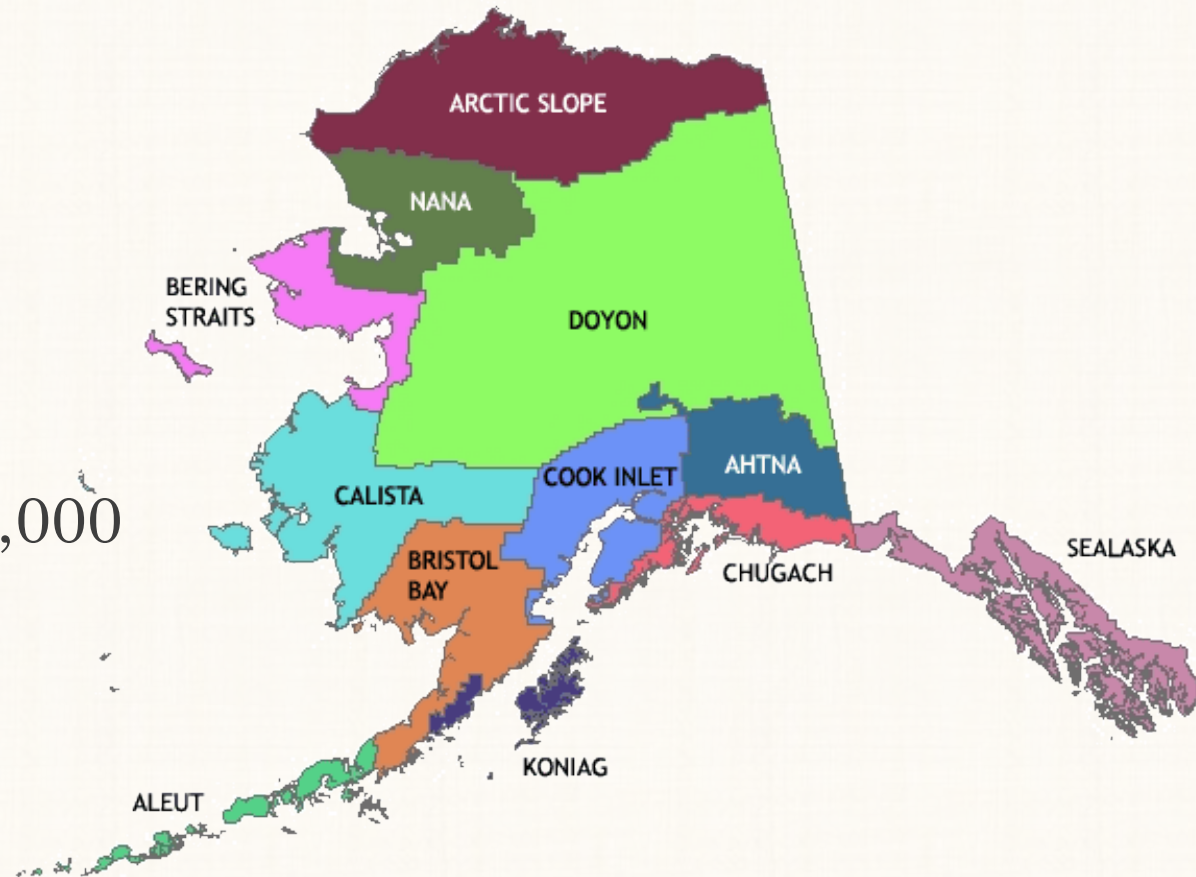
1966

1968

1971

ANCSA

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



ANCSA Contaminated Lands



White Alice Communication Site
Northeast Cape St. Lawrence Island



Naval Arctic Research Lab Barrow

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

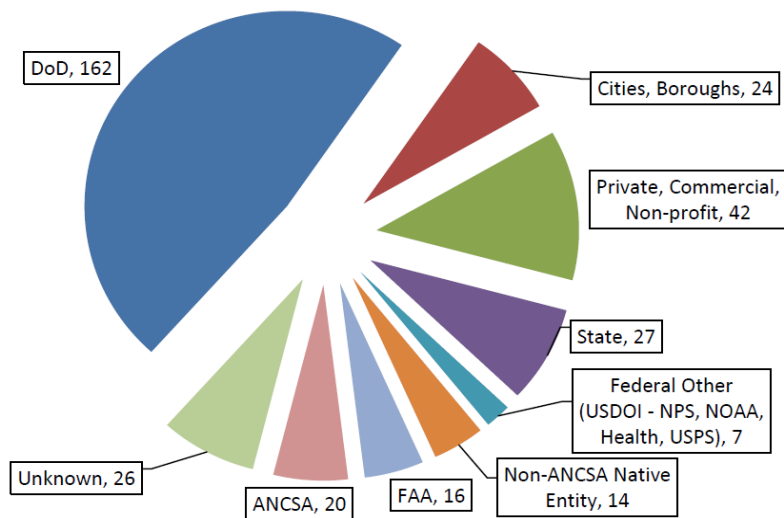
BLM Report

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

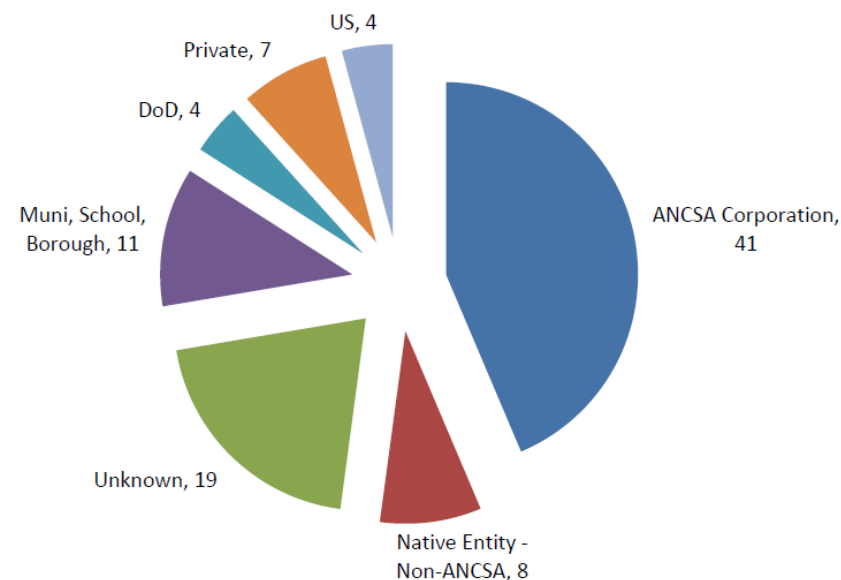


Who's Responsible?

**Contaminated Sites - Conveyed & Active
PRP as Determined by ADEC - 338 sites
September 9, 2015**

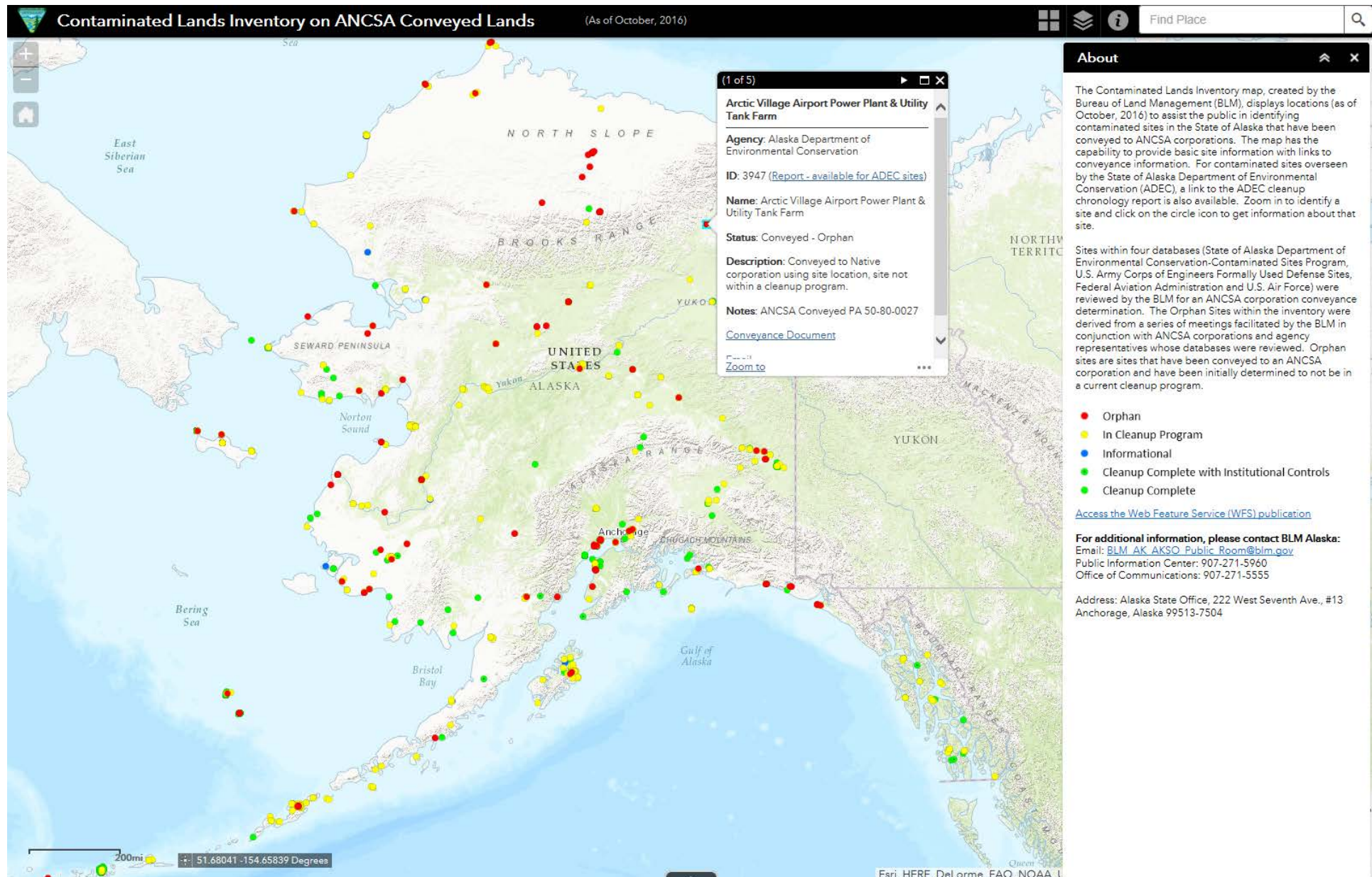


**Orphan Site List - 94 Sites
PRP - ADEC (September 9, 2015)**



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.



<http://blm-egis.maps.arcgis.com/apps/webappviewer/index.html?id=3af8be2b154c440abf4efb3702b1df5d>

St. Lawrence Island

- Northeast Cape
 - \$120 million
 - FUDS
- Gambell
 - \$7 million
 - FUDS/NALEMP



- Landowners
 - Sivuaq Native Corporation
 - Savoonga Native Coporation

White Mountain

- 1000 oil drums near old BIA school
- 1999 Preliminary assessment
 - 540 ppm DRO 4-acre site
- Community and IGAP have done some cleanup



Brownfields?

- Orphaned Sites
 - A site is considered an “orphan” if the following criteria are met:
 - Contamination was present at time of conveyance, and
 - the site is not currently within a cleanup program
- Smaller unknown contaminated sites

Brownfields may be an option for some of these sites provided they meet eligibility requirements

Federal Definition of Brownfields

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!

Brownfields

Brownfield

- ✓ real property
- ✓ perceived or actual contamination
- ✓ enhanced or new use exists
- ✓ meets the federal definition of a brownfield
- ✓ “mine-scarred lands”
- ✓ property contamination by “controlled substances”
- ✓ petroleum contamination

Not a Brownfield

- ≠ A site without an enhanced or new use
- ≠ Site with potentially responsible parties that don't meet the definition of a Brownfield
- ≠ Sites listed or proposed for the NPL
- ≠ Sites under an administrative order under CERCLA;
- ≠ Sites under the jurisdiction, custody, or control of the US

Liability Protections

State of Alaska

- Innocent Landowner
- Native Corporation receiving property under ANCSA
- State government receiving property under the Alaska Statehood Act
- Involuntary Acquisition of Property by a State or Local Government Unit

Federal (CERCLA 107*)

- Innocent Landowner
- Contiguous property owner
- Bona fide prospective purchasers
- Units of local government that acquire ownership or control involuntarily through bankruptcy, tax delinquency, or abandonment
- Government entities that acquire property by eminent domain

*If applying for federal funding must meet one of the liability protections under CERCLA

Continuing Obligations (CERCLA 107)

- Compliance with land use restrictions and institutional controls
- Taking reasonable steps with respect to hazardous substances on property
- Cooperation, assistance and access
- Compliance with information requests and administrative subpoenas
- Providing legally required notices
- Important Considerations
 - What activities have taken place at the site since conveyance?
 - Has the landowner contributed to the contamination?

Brownfields Reuse

- ❖ Traditional use
- ❖ Recreation
- ❖ Affordable housing
- ❖ Greenspace
- ❖ Community gathering area

DEC Brownfields Assessment & Cleanup (DBAC)

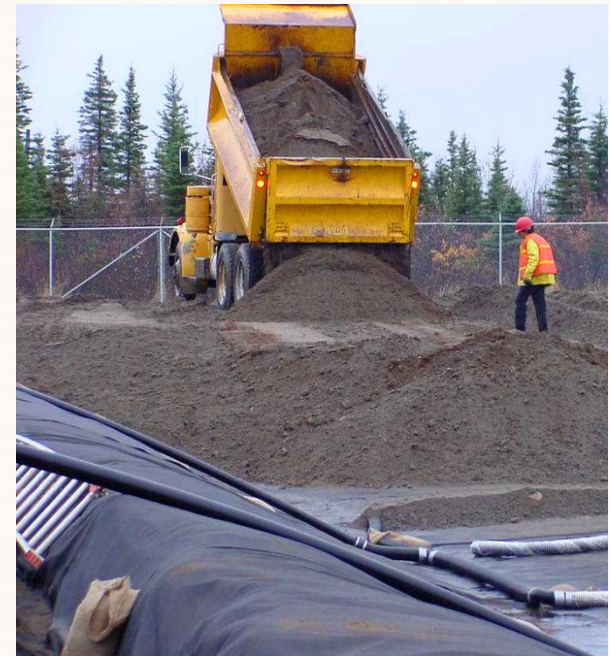


- ❖ Assessment or cleanup for eligible brownfields properties
- ❖ Services awarded
- ❖ Competitive statewide
- ❖ 3 step process
 - ❖ Questionnaire
 - ❖ Pre-application meeting
 - ❖ Final application package
- ❖ Application period closes January 31, 2017 5pm.

<http://dec.alaska.gov/spar/csp/bf-dbac.htm>

DBAC Objectives

- ❖ Determine if 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



2016 DBAC - Ruby



Brownfields Resources – EPA Competitive



- Application deadline – December 20, 2016
- Competitive nationwide
- Assessment Grants
 - Community-wide or site specific – up to \$200,000 in hazardous substances or \$200,000 in petroleum
 - Assessment Coalition – up to \$600,000 in hazardous substances and/or petroleum funding
- Cleanup Grants
 - Up to \$200,000 per brownfield site
 - Can submit up to three separate, site-specific cleanup proposals

<https://www.epa.gov/brownfields/apply-brownfields-grant-funding>

EPA Competitive Grants - Alaska

- Brownfields Assessment Grants
 - Matanuska-Susitna Borough 2016
 - Community wide
 - \$550,000
- Cleanup Grants
 - Cook Inlet Housing Authority 2016
 - Tesoro –Olson/Alpina Auto Repair Shop
 - \$200,000

<https://www.epa.gov/brownfields/types-brownfields-grant-funding>

Targeted Brownfields Assessment (TBA)

- Assistance provided by EPA, not a grant
- Open year round
- Activities
 - Investigating site history
 - sampling for environmental contaminants
 - Cleanup options and planning
 - Cost estimates

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TBA - Alaska

- Delta Junction – Delta River Parks & Trails
- Kodiak – Buskin Beach Sites
- Northway – Skate Lake
- Quinhagak – Old School Storage Building
- Kake – Keku Cannery

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

The background image is a faded photograph. In the upper center, a helicopter is shown in flight, dropping a large, dark, rectangular object from its hoist. Below the helicopter, a vast field of rusted, cylindrical metal barrels is visible, stretching towards the horizon. The barrels are densely packed and appear to be in various states of decay. In the distance, there are rolling hills under a hazy sky. The overall tone of the image is somber and industrial, suggesting a site of environmental remediation or waste management.

Other resources

- Funding
 - Native American Lands Environmental Mitigation Program (NALEMP)
 - Formerly Used Defense Sites (FUDS)

Technical Assistance

- Indian General Assistance Program (IGAP)
- EPA Tribal Response Programs

Final Points

Every site is different!



Questions about brownfields, eligibility, contaminated sites? – Call us!

Thank you!

- Questions?

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<http://dec.alaska.gov/spar/csp/brownfields.htm>