



ANCSA Contaminated Lands

Contaminated Sites Program

What is ANCSA?

In 1971, the **Alaska Native Claims Settlement Act (ANCSA)** was signed into law by President Nixon to address claims by Native Americans that they rightfully owned lands claimed by the United States. At the time it was passed, ANCSA was the largest land claims settlement in United States history.

The settlement was to create a “fair and just” settlement of aboriginal land claims to more than 360 million acres of land. Alaska Natives were to receive 44 million acres of land as consideration for the rights taken. ANCSA also established 12 regional corporations and 224 village corporations and distributed \$962,500,000 among the village corporations.

Unfortunately, the selection and transfer of ownership, or **conveyance**, process did not include screening for and addressing environmental contaminants. Almost 1200 sites have been identified by the **Bureau of Land Management (BLM)** as being contaminated at conveyance.

In 1990, again in 1995, and once more in 2014, Congress recognized that Alaska Natives did in fact receive contaminated lands. Congress instructed BLM to investigate these sites and prepare a clean-up plan for **every** contaminated site with express timelines to do so.

In 1990, Congress instructed the **Department of the Interior (DOI)** to report on ANCSA conveyed lands that were subsequently discovered to be contaminated. In 1995, Congress directed the DOI to prepare a report on the extent of hazardous contamination on ANCSA conveyed lands. This resulted in the **1998 Report to Congress**, which acknowledged the unjustness of conveying contaminated lands in the settlement of aboriginal rights.

Unfortunately, the recommendations of the 1998 report were only partially implemented, leaving much of the

problem unresolved. Finally, in 2014 Congress requested another report and required that DOI report on:



- 1) a comprehensive inventory;
- 2) an updated status on the six items requested in 1995; and
- 3) “[a] detailed plan on how the Department intends to complete cleanup of each contaminated site.”

The resulting 2016 report by BLM provided an updated, yet still not comprehensive, inventory of contaminated sites conveyed to Alaska Native Corporations through ANCSA. The inventory was updated by BLM in 2019. The 2019 update indicated there were 1,179 contaminated sites conveyed to an

ANCSA corporation under ANCSA.

What is the State doing?

DEC’s Contaminated Sites Program is actively overseeing the cleanup of approximately 40% of the known ANCSA contaminated sites where cleanup has begun. About half of then known ANCSA sites are “closed” – cleanup complete, or cleanup complete with institutional controls. The other half – 548 sites – are either identified by the BLM as “orphan” sites or sites in a state cleanup program. Orphan sites are sites that are not in any cleanup program, state or federal.

For the past several years, DEC has been evaluating the list of sites included on the BLM’s 2016 report and reviewing available information regarding the status of contamination. DEC found a number of sites that need

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50 years after the passage of ANCSA, the contamination that the federal government left behind still threatens the health of Alaska Natives and limits the use of lands that were meant to be a resource for them in exchange for their aboriginal rights. Alaska Native people did not expect that the federal government would transfer contaminated lands in fulfillment of its obligations under ANCSA, but that is what happened.
 – Alaska Governor Mike Dunleavy

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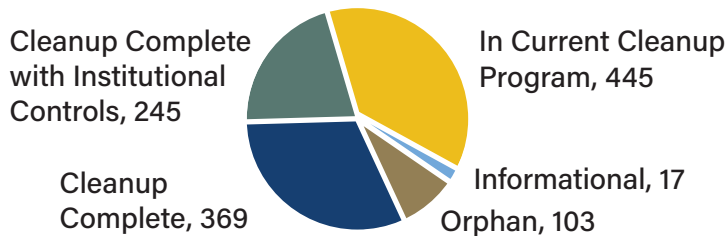
additional investigation to determine the contamination status.

Although **it is the responsibility of the federal government**, DEC, with funding from EPA, has begun conducting additional research and preliminary assessment activities at some of those sites. There is still a lot of work to be done.

Figure: Current clean-up status of conveyed contaminated sites, as of November 2019, from DEC data. The figure below shows the clean-up status of the 1,179 known contaminated sites that have records that show they were conveyed to an ANCSA corporation, based on DEC data as of November 2019.

Conveyed Contaminated Sites - November 2019

1,179 Sites Total



Federal Responsibilities

Congress clearly tasked the federal government with completing a comprehensive inventory of contaminated sites conveyed through ANCSA and developing a detailed plan on how the federal government intends to complete cleanup of each site.

Congress clearly tasked the federal government with completing a **comprehensive inventory** of contaminated sites conveyed through ANCSA and developing a **detailed plan** on how the federal government intends to complete cleanup of each site.

Alaskans have waited for



decades for contaminated sites on federally conveyed lands to be fully addressed. On May 27, 2021, Governor Dunleavy, Alaska Attorney General Treg Taylor, and DEC Commissioner Jason Brune sent letters to President Biden and the Department of Interior requesting action on these sites. On December 17, 2021, DEC issued 548 notices of intent to sue the Interior Department for

failing to cleanup contamination on lands transferred to Alaska Native corporations.

After exhausting all options, the State of Alaska (SOA) filed a complaint in U.S. District Court on

July 15, 2022 to compel the U.S. government to take responsibility for and address the conveyance of these contaminated sites under ANCSA. This lawsuit is the latest in a series of actions taken by Governor Dunleavy and the SOA to urge the federal government to take responsibility for contaminated lands it transferred to Alaska Natives.

What do federal agencies need to do?

In an effort to move forward with this long-standing problem, the federal government needs to faithfully and diligently perform duties identified by Congress in the 1990, 1994 and 2014 directives including, but not limited to:

- 1) Immediately begin investigating contaminated sites and verify sites suspected of contamination;
- 2) Develop a cleanup plan for all contaminated ANCSA sites;
- 3) Coordinate with the State of Alaska and ANCSA Corporations to prioritize and cleanup;
- 4) Begin cleaning up sites;
- 5) Refine and maintain working inventory of ANCSA contaminated sites.

“Interior Secretary Deb Haaland has pledged to address the concerns of those who have suffered from pollution and environmental degradation, especially in America’s minority populations. There is no greater environmental justice issue in Alaska than this and I hope today’s lawsuit and the Secretary’s leadership will finally inspire action from DOI.”

- DEC Commissioner Jason Brune

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