HJR

15

<TARGET><BILL>HJR 15</BILL><SUBJECT>HJR 15</SUBJECT><COMM>SRES28</COMM></TARGET>

SENATE COMMITTEE REPORT

DATE: 2/18/14

FURTHER:

DATE TURNED IN TO OFFICE: 2/27/14

Resources Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 15(RES)

HJR 15-FEDERAL CONTAMINATION OF ANCSA LANDS

Supporting the introduction and enactment of federal legislation acknowledging that the federal government is financially responsible under the Alaska Native Claims Settlement Act for the remediation of contaminated land subject to conveyance under the Act.

and recommends:

[✓] be **replaced** with **SCS** HJR 15 (RES) *[ ] Same Title [ ] Technical Title Change [X] New Title/SCR No.*_____

[ ] adopt **previous SCS** SCS/CS- Forthcoming) *[ ] Same Title [ ] Technical Title Change [ ] New Title/SCR No.*_____

[ ] attached amendment(s)

[ ] adopt _____Letter of Intent

[ ] further referral to _____Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
LEG			✓	1

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	✓			
	MICCICHE	✓			
	Dyson	✓			
	Meyer	✓			
CHAIR:	Giessel	✓			

Alaska Legislature
Representative Charisse Millett

Session:
State Capitol Building, Room 403
Juneau, AK 99801
Phone (907) 465-3879
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Toll free (888) 269-3879

Interim:
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Anchorage, AK 99501
Phone (907) 269-0222
Fax (907) 269-0223

rep.charisse.millett.akleg.gov
District 24

Memorandum

To: **The Honorable Cathy Giessel Chair,**
Senate Resources Committee

From: **Charisse Millett,**
Alaska House of Representatives

Re: **Hearing Request for HJR 15 in Senate Resources**

Date: **February 19th, 2014**

Honorable Chair Giessel,

I respectfully request a hearing for House Joint Resolution 15 in the Senate Resources Committee on the week of February 24th-28th. The staffer assigned to this legislation is Akis Gialopsos. He can be reached at 465-4937.

Respectfully,
Charisse Millett

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 15(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES MILLETT, Johnson, Costello, Feige, Hawker, Austerman, Olson, LeDoux, Saddler, Herron, Lynn, Gara, Pruitt, Gattis, Tammie Wilson, Keller, Hughes, Foster, Tarr, Muñoz, Higgins, Thompson, Reinbold, Seaton, Tuck, Gruenberg, Stoltze, Neuman

A RESOLUTION

Supporting the introduction and enactment of federal legislation acknowledging that the federal government is financially responsible under the Alaska Native Claims Settlement Act for the remediation of contaminated land subject to conveyance under the Act; and urging the United States Department of the Interior to implement the six recommendations to identify and clean up the Alaska Native Claims Settlement Act lands in its 1998 report to the United States Congress.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS Alaska Native land claims were settled differently in the state than in the rest of the nation when, in the Alaska Native Claims Settlement Act, instead of adopting a reservation system, the federal government established Alaska Native village and regional corporations and granted the corporations ownership and other rights to surface and subsurface land; and

WHEREAS Alaska Native corporations were created under the Alaska Native Claims Settlement Act to manage land and resources for the benefit of Native shareholders in

settlement of certain aboriginal land claims; and

WHEREAS, under the Alaska Native Claims Settlement Act, the federal government conveyed to many Alaska Native corporations land that was contaminated by the federal government or by activities allowed or overseen by the federal government before the conveyance of the land under the Act; and

WHEREAS, in 1995, the United States Congress acknowledged that contaminated land was being conveyed to Alaska Native corporations under the Alaska Native Claims Settlement Act and, in sec. 103, P.L. 104-42 (43 U.S.C. 1629f), required the United States Secretary of the Interior to provide a detailed report on contaminated land before conveying the land to Alaska Native corporations and organizations; and

WHEREAS, in December 1998, the United States Department of the Interior submitted a report to the United States Congress that located approximately 650 contaminated sites on land conveyed under the Alaska Native Claims Settlement Act; and

WHEREAS, in that report, the United States Department of the Interior proposed six recommendations to "fully identify contaminated sites and clean-up needs of Alaska Native Claims Settlement Act lands"; and

WHEREAS the United States Department of the Interior has not fully implemented any of the six recommendations it proposed to the United States Congress; and

WHEREAS Alaska Native corporations, as landowners, are subject to liability under federal and state law for the contaminated condition of their land; and

WHEREAS several Alaska Native corporations have incurred considerable expense cleaning up contaminated sites, negotiating land exchanges, and battling with the federal and state governments to clean up sites on a case-by-case basis; and

WHEREAS, in recognition of this problem, United States Representative Don Young, on the floor of the United States House of Representatives on January 4, 1995, stated, "it was clearly not the intention of ANCSA to extinguish Native claims by conveying contaminated property to recipients";

BE IT RESOLVED that the Alaska State Legislature supports the introduction and enactment of federal legislation acknowledging that the federal government is financially responsible under the Alaska Native Claims Settlement Act for the remediation of contaminated land subject to conveyance under the Act; and be it

FURTHER RESOLVED that the Alaska State Legislature urges the United States Department of the Interior to fully implement the six recommendations to identify and clean up Alaska Native Claims Settlement Act lands in its 1998 report to the United States Congress.

COPIES of this resolution shall be sent to the Honorable Sally Jewell, United States Secretary of the Interior; the Honorable Mary Landrieu, Chair of the Energy and Natural Resources Committee of the U.S. Senate; the Honorable Maria Cantwell, Chair of the Indian Affairs Committee of the U.S. Senate; the Honorable Doc Hastings, Chair of the Natural Resources Committee of the U.S. House of Representatives; Neil Kornze, Principal Deputy Director, Bureau of Land Management, United States Department of the Interior; the Honorable Kevin K. Washburn, Assistant Secretary of Indian Affairs, United States Department of the Interior; Director, Alaska Affairs, United States Department of the Interior; and the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

SENATE CONCURRENT RESOLUTION NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Introduced:
Referred:

A RESOLUTION

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Joint Resolution No. 15, supporting the introduction and enactment of federal legislation acknowledging that the federal government is financially responsible under the Alaska Native Claims Settlement Act for the remediation of contaminated land subject to conveyance under the Act.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

That under Rules 49(a) and 54, Uniform Rules of the Alaska State Legislature, the provisions of Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, regarding changes to the title of a bill, are suspended in consideration of House Joint Resolution No. 15, supporting the introduction and enactment of federal legislation acknowledging that the federal government is financially responsible under the Alaska Native Claims Settlement Act for the remediation of contaminated land subject to conveyance under the Act.

28-LS0717\U.1
Nauman
2/25/14

AMENDMENT

OFFERED IN THE SENATE BY SENATOR GIESSEL

TO: CSHJR 15(RES)

Page 2, following line 9:

Insert new clauses to read:

"**WHEREAS**, in that report, the United States Department of the Interior proposed six recommendations to "fully identify contaminated sites and clean-up needs of Alaska Native Claims Settlement Act lands"; and

WHEREAS the United States Department of the Interior has not fully implemented any of the six recommendations it proposed to the United States Congress; and"

Page 2, line 22, following "Act":

Insert "; and be it

FURTHER RESOLVED that the Alaska State Legislature urges the United States Department of the Interior to fully implement the six recommendations in its 1998 report to the United States Congress"

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: BRGJR 14' QDR(
Fiscal Note Number: 1
(H) Publish Date: 2/12/14

Identifier: HJR15-LEG-SESS-02-10-14
Title: FEDERAL CONTAMINATION OF ANCSA LANDS
Sponsor: MILLETT
Requester: House Resources

Department: Alaska Legislature
Appropriation: Legislative Operating Budget
Allocation: Session Expenses
OMB Component Number: 782

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY 2015**	**FY 2015**	**FY 2016**	**FY 2017**	**FY 2018**	**FY 2019**	**FY 2020**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
Fund Source (Operating Only)							
None							
Total	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
Positions							
Full-time							
Part-time							
Temporary							
Change in Revenues							

Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial Version

Prepared By: Jessica Geary, Finance Manager Phone: (907)465-6626
Division: Legislative Affairs Agency Date: 02/10/2014 08:18 AM
Approved By: Pamela Varni, Executive Director Date: 02/10/14
Agency: Legislative Affairs Agency

FISCAL NOTE ANALYSIS #1

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSHJR 15(RES)

Analysis

This Legislative has zero fiscal impact on the Legislative Affairs Agency.

THE SECRETARY OF THE INTERIOR
WASHINGTON

JAN 1 0 2014

The Honorable Don Young
House of Representatives
Washington, DC 21515

Dear Representative Young:

Thank you for your letter of September 18, 2013, concerning the Department of the Interior (Department) 1998 Report to Congress: "Hazardous Substance Contamination of Alaska Native Claims Settlement Act Lands in Alaska." You cite several recommendations from the report and ask what implementation steps have subsequently been taken.

The Department recognizes the serious concerns of Alaskans who are potentially exposed to contaminated lands. During my August trip, Senator Murkowski and I had the opportunity to see firsthand the effects that leaking wells can have on the environment. The Department and I are particularly concerned that contaminated public lands may have been conveyed to Alaska Native Claims Settlement Act (ANCSA) corporations.

For over 40 years the Bureau of Land Management (BLM) has been charged with conveying public land under the terms of ANCSA. It is the BLM's longstanding policy not to transfer title to property known to be contaminated -- even when requested by a corporation. However, with nearly 43 million of the over 45 million acres of ANCSA entitlements already conveyed, some lands, usually former Department of Defense or Federal Aviation Administration sites, were conveyed before it was recognized that contaminants existed on the lands.

The BLM headed the Federal working group that conducted years of research in cooperation with the State of Alaska and ANCSA corporations to produce the 1998 Report. At this time, BLM is reviewing the sites listed in the report to better determine if the lands were ANCSA conveyances. It appears that not all are. Additionally, BLM has met with members of the Alaska Native Village Corporation Association to discuss this issue and has been working cooperatively with the Association on the review.

The Department is committed to determining what sites identified in the 1998 Report were conveyed under ANCSA in order to continue follow-up on the six recommendations. We will continue to work collaboratively with the Environmental Protection Agency, the State of Alaska, ANCSA corporations, and tribal governments as appropriate.

We will continue to keep you apprised of further actions on this matter. Similar letters are being sent to Senators Lisa Murkowski and Mark Begich.

Sincerely,

Sally Jewell

Sally Jewell

THE SECRETARY OF THE INTERIOR
WASHINGTON

JAN 10 2014

The Honorable Mark Begich
United States Senate
Washington, DC 21510

Dear Senator Begich:

Thank you for your letter of September 18, 2013, concerning the Department of the Interior (Department) 1998 Report to Congress: "Hazardous Substance Contamination of Alaska Native Claims Settlement Act Lands in Alaska." You cite several recommendations from the report and ask what implementation steps have subsequently been taken.

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Sincerely,

Sally Jewell

THE SECRETARY OF THE INTERIOR
WASHINGTON

JAN 10 2014

The Honorable Lisa Murkowski
United States Senate
Washington, DC 21510

Dear Senator Murkowski:

Thank you for your letter of September 18, 2013, concerning the Department of the Interior (Department) 1998 Report to Congress: "Hazardous Substance Contamination of Alaska Native Claims Settlement Act Lands in Alaska." You cite several recommendations from the report and ask what implementation steps have subsequently been taken.

The Department recognizes the serious concerns of Alaskans who are potentially exposed to contaminated lands and I appreciate the leadership you have shown on this issue. I am glad that you and I had the opportunity to view the leaking wells during my August trip. It helped me better understand the consequences contaminated lands have on the environment. The Department and I are particularly concerned that contaminated public lands may have been conveyed to Alaska Native Claims Settlement Act (ANCSA) corporations.

For over 40 years the Bureau of Land Management (BLM) has been charged with conveying public land under the terms of ANCSA. It is the BLM's longstanding policy not to transfer title to property known to be contaminated – even when requested by a corporation. However, with nearly 43 million of the over 45 million acres of ANCSA entitlements already conveyed, some lands, usually former Department of Defense or Federal Aviation Administration sites, were conveyed before it was recognized that contaminants existed on the lands.

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We will continue to keep you apprised of further actions on this matter. Similar letters are being sent to Senator Mark Begich and Representative Don Young.

Sincerely,

Sally Jewell

Sally Jewell

Appropriation of clean-up funds is urgently needed.

Our Story

On February 7, 1986, Ukpeaġvik Iñupiat Corporation and the United States of America, acting through the Secretary of the Navy, for and on behalf of the Secretary of Defense and the Secretary of the Interior, entered into a land exchange pursuant to Section 22(f) of ANCSA wherein the Navy determined that the Naval Arctic Research Laboratory (NARL) was "no longer needed for defense purposes" and exchanged NARL for some of UIC's selected lands "to promote important National interests, including arctic research, energy resource development, and continued provision of essential services to the remaining federal installations at Point Barrow, Alaska".

Section 15 of the agreement provides **"Navy shall undertake a program of restoration, demolition, and cleanup of environmental hazards at the NARL site.** All such work to be undertaken by the Navy is subject to the availability of funds appropriated by the Congress for such purpose. Navy will obligate the funds from fiscal year 1986 appropriations, once such funds have been appropriated; provided such appropriations are sufficient to complete the commitments herein. If the FY 1986 appropriations are not sufficient, Navy will obligate the funds to complete this work from the first subsequent appropriations under which funds become available....Nothing contained in this agreement relieves the United States from responsibility for environmental restoration or liability which may arise under existing or future Federal law. ...(j) The Navy will undertake a feasibility study and take any remedial actions to eliminate the leaching of fuels from the soil, south and east of the hangar (Building 136) into Imikpuk Lake, to the satisfaction of the State regulatory agencies."

Our Drinking Water is at risk

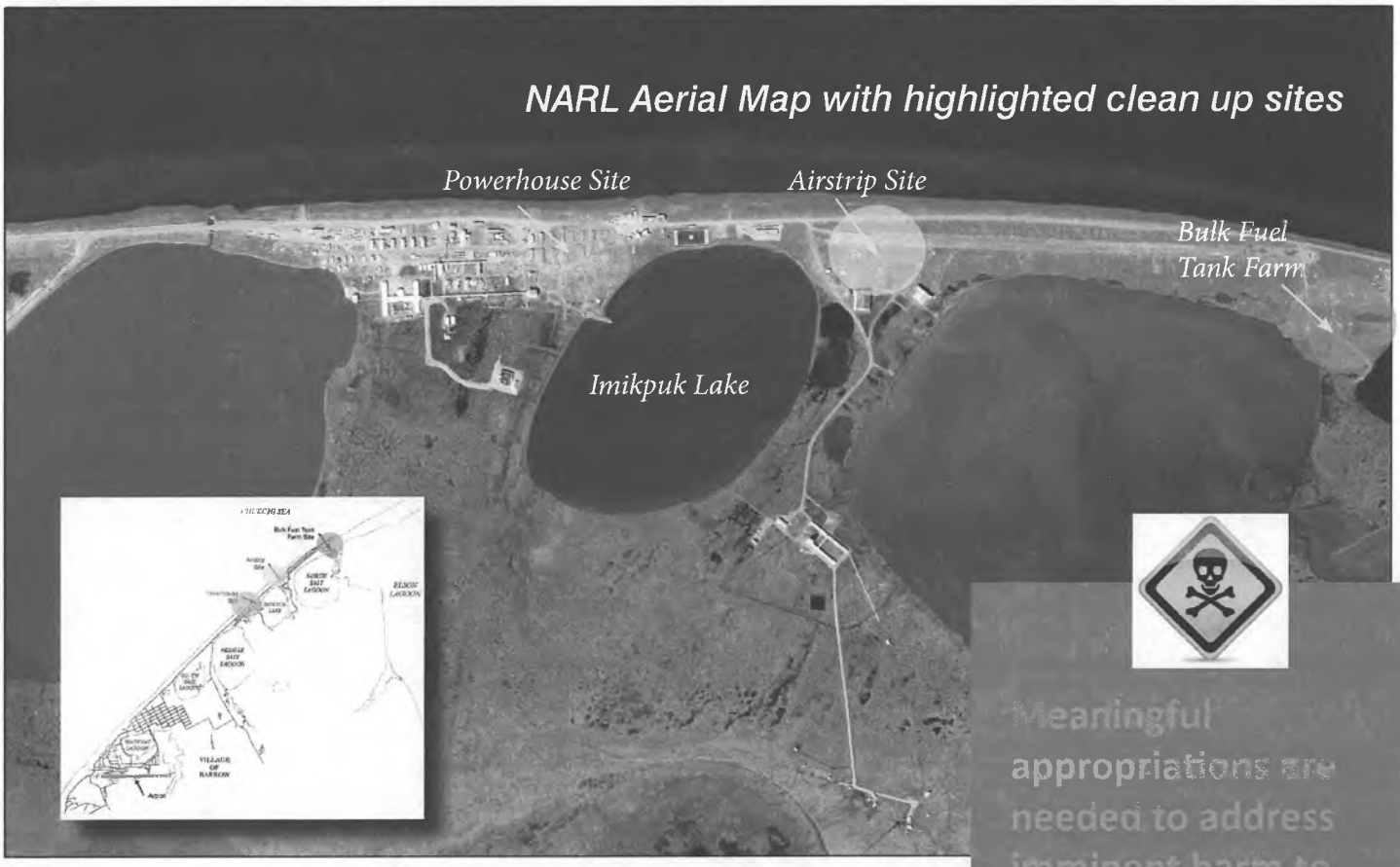
Contamination on old Navy sites is still a threat to Barrow's only fresh water source at Imikpuk Lake

The Navy has spilled more than 700,000 gallons of diesel and gasoline dating from the 1950s.

60 years later GRO, DRO, RRO, and Benzene remain contaminants of concern in amounts exceeding cleanup levels in active water zones threatening the primary fresh water source for Barrow, Alaska residents.

Questions? Contact Delbert Rexford, UIC Vice President of Lands (907) 852-4460 or
Erin Sedor, UIC Vice President Risk and Quality (907) 677-5200
// www.uicalaska.com

UKPEAĠVIK IÑUPIAT CORPORATION



Meaningful appropriations are needed to address imminent harm to Barrow's primary source of fresh drinking water.

Section 15 of the agreement provides "Navy shall undertake a program of restoration, demolition, and cleanup of environmental hazards at the NARL site. All such work to be undertaken by the Navy is subject to the availability of funds appropriated by the Congress for such purpose."

Timeline

1952: 15,000 gallons fuel spilled at Powerhouse

1958: 10,000 gallons JP-5 spilled at Powerhouse

1970: 100,000 gallons JP-5 spilled at Bulk Fuel Tank Farm

1976: 48,000 gallons gasoline spilled at Airstrip

1978: Over 300,000 gallons jet fuel and gasoline spilled at Airstrip

1986: Unknown quantity JP-5 floating on active zone water surface

1986: 16,000 gallon jet fuel spill at the airstrip

1986: Land Exchange Agreement executed between Navy and UIC

1995: US Navy Risk Evaluation ranked all three sites as "High"

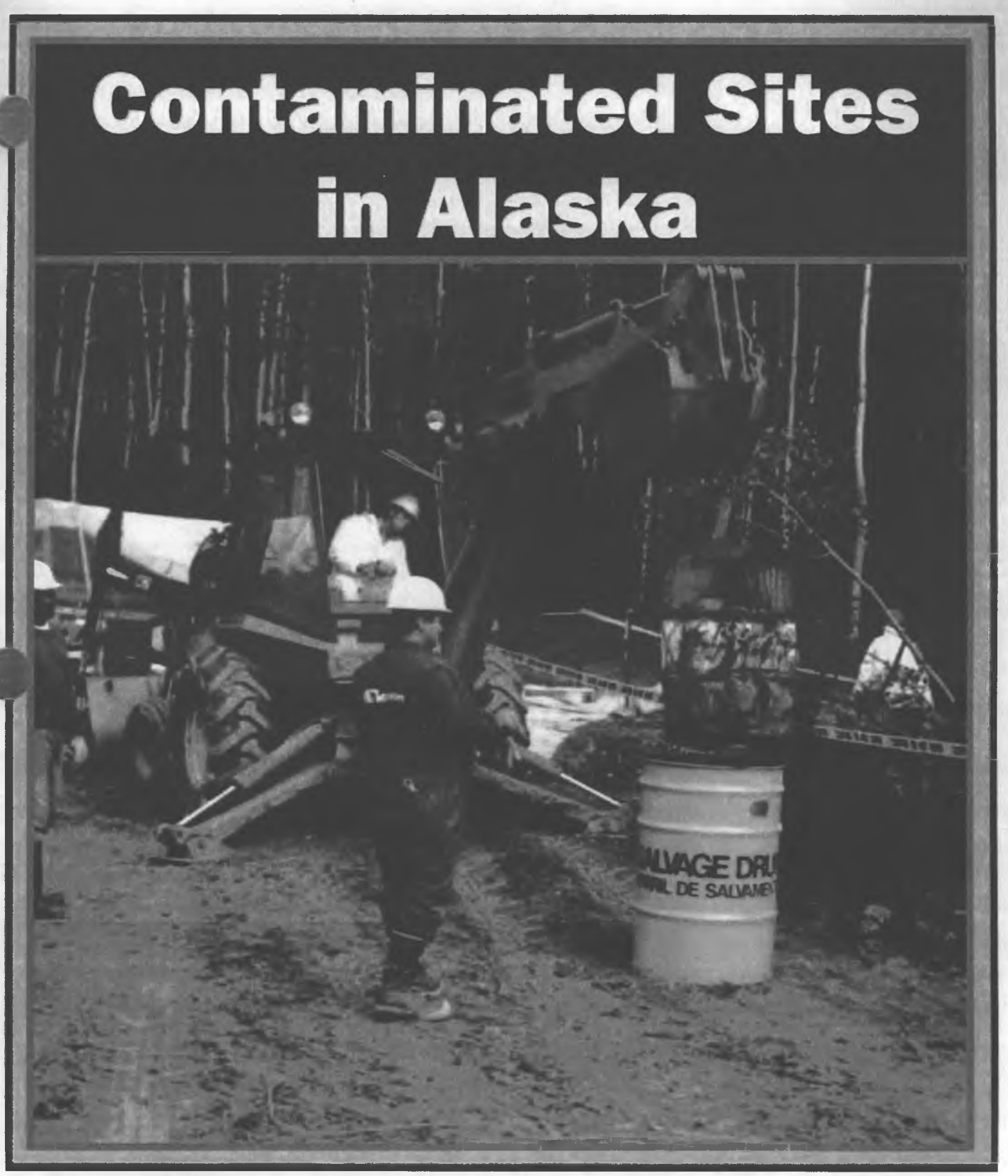
2002: ADEC Decision Document requiring remediation and monitoring to protect Imikpuk Lake -All three decision documents name the U.S. Navy as the party responsible for the contamination

2008: 1st 5-Year Monitoring Review shows majority of wells tested above acceptable levels

2012: 2nd 5-Year Monitoring Review show contamination levels increasing at many shoreline wells around Impikuk Lake

www.uicalaska.com

Contaminated Sites in Alaska



Alaska Department of Environmental Conservation

"What's in school site soil?"
Juneau Empire, September 9, 1996

"DEC expects response for voluntary cleanup program"
Alaska Journal of Commerce, November 25, 1996

"Contaminated soil threatens Wasilla Creek during runoff"
Anchorage Daily News, March 30, 1994

"State to check tainted Six Mile wells again."
Anchorage Daily News, June 17, 1996

"DOT has dug up some unpleasant surprises"
Peninsula Clarion
November 26, 1996

"Air Force to spend $20 million in cleanup"
Alaska Journal of Commerce, May 30, 1994

"Parties sign KPC cleanup agreement"
Ketchikan Daily News, January 1997

What is a Contaminated Site?

A contaminated site is a location where hazardous substances, including petroleum products, have been improperly disposed. Many of these sites resulted from disposal methods considered standard practices before the problems or hazards they can cause were known. Contaminated sites often threaten human health or the environment and can cause economic hardship to people and communities. The news headlines shown above provide just a few examples of Alaska's contaminated site problem.

Other contaminated sites may be associated with military, commercial or industrial activities, including oil production and storage operations, mining, and a wide variety of smaller enterprises where hazardous materials were used. In some instances, groundwater and surface waters have become so polluted that human health or the environment has been placed at risk or impaired. Some of these pollutants are known to cause increased incidence of cancer while others may contribute to health problems.

Leaking 55-gallon drums: the trademark of many contaminated sites.

The Contaminated Sites Remediation Program within the Alaska Department of Environmental Conservation (DEC) is charged with protecting human health and the environment from sites contaminated by oil or other hazardous substances. The program seeks to ensure that contaminated sites are evaluated and cleaned up in order of the greatest risk posed to human health and the environment. In most cases, this means overseeing companies or individuals who have taken responsibility for cleaning up contamination found on their property. In cases where a responsible person cannot be found or is unable to act, the DEC may take a direct role in cleaning up a site.

A remote Alaska site is marred by abandoned drums containing hazardous wastes.

Transformers containing PCBs can release hazardous chemicals into soils.

Abandoned military sites may become active contaminated sites.

What are the Problems?

How many sites are there?

The Contaminated Sites Remediation Program database listed 1,685 sites as of January 1997. This does not include sites resulting from leaks of commercial underground storage tanks, which are managed under a separate DEC program. Each year the Department provides a prioritized listing to the Legislature of active sites and those which have been closed. Sites are scored and ranked according to the severity of risk to human health and/or the environment. A total of 457 sites have been determined to be high priority for cleanup.

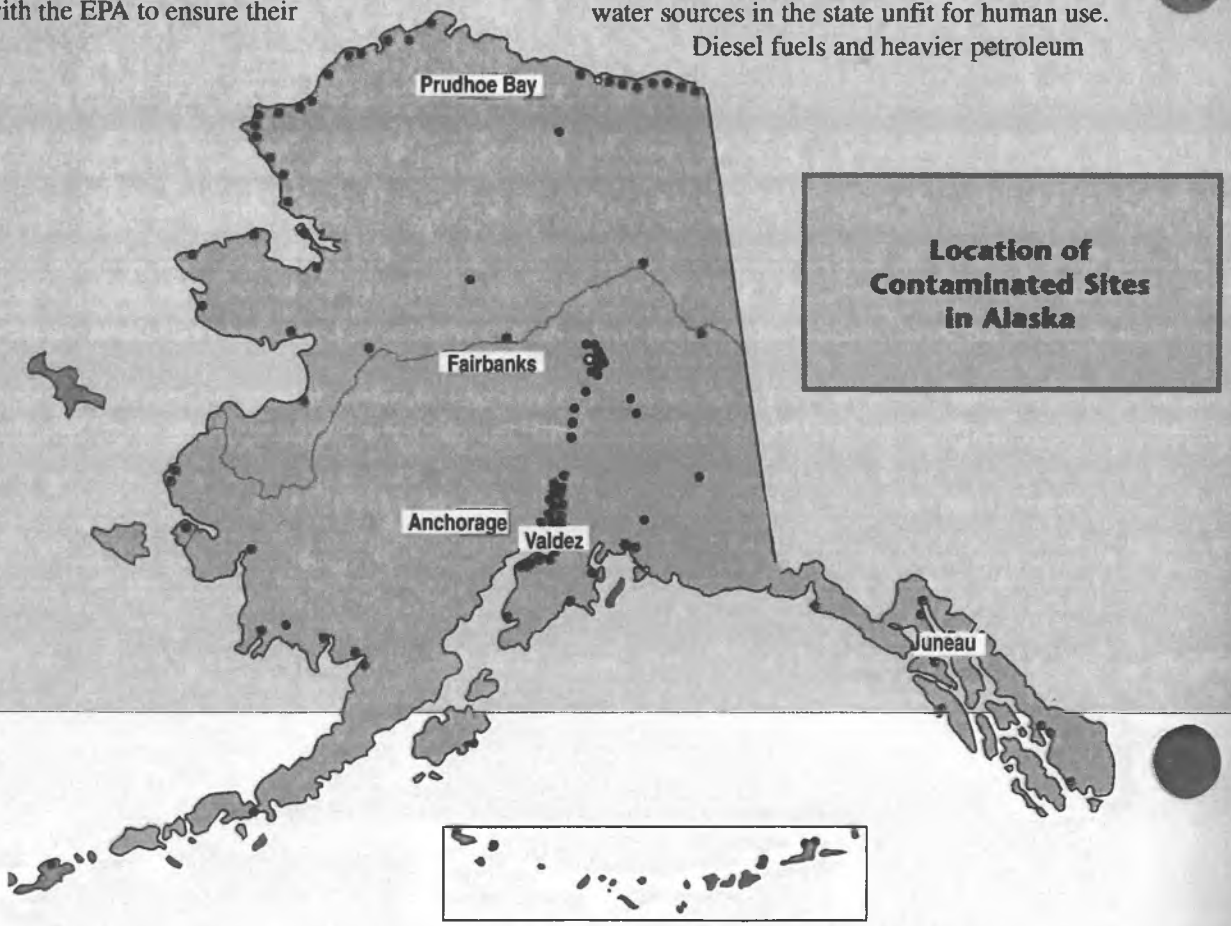
The federal Environmental Protection Agency (EPA) also ranks sites and maintains a list of those most seriously contaminated in the nation. These sites are placed on a "National Priorities List" and are commonly known as "Superfund" sites. At the eight Superfund sites in Alaska, DEC works in partnership with the EPA to ensure their cleanup.

Where are they?

Although the majority of sites are clustered around urban areas, it is also apparent that these sites have followed human activities of the last century throughout the state.

What hazardous substances are found at these sites?

Many different types of hazardous substances are found at contaminated sites in Alaska. Petroleum products are by far the most common. The toxic nature of petroleum compounds can be quite high for "light" products such as gasoline or aviation fuel, which contain high levels of the most harmful "aromatic" constituents such as benzene, ethylbenzene, toluene, and xylene. Benzene is a known cancer-causing agent (carcinogen). Aromatic compounds tend to be the most easily dissolved in water and are responsible for making many drinking water sources in the state unfit for human use. Diesel fuels and heavier petroleum



Location of Contaminated Sites in Alaska

products, although hazardous, have lower concentrations of the most harmful chemicals.

Other contaminated sites can have chlorinated solvents, heavy metals, synthetic organic pesticides, non-chlorinated solvents, and inorganic acids and bases. The most toxic of these tend to be the chlorinated compounds, including: chlorinated solvents, polychlorinated biphenyls (PCBs), and herbicides, including dioxin-containing herbicides. The banned pesticide DDT has also been found at several sites. Heavy metal contamination can also pose a serious threat to human health, such as where improper disposal of lead acid batteries has occurred, or where mercury was once used in mining retort operations. Cadmium, chromium and arsenic also show up as heavy metal contaminants.

Abandoned hazardous materials which are ignitable, corrosive, reactive, and toxic all can threaten health and welfare. Exposure to these chemicals can cause a wide range of acute and chronic health effects. In some cases the most important risks may be ecological rather than human health based, particularly in remote locations where human exposure is less likely.

Who is responsible for cleanup?

In Alaska, about one-third of the sites in the DEC inventory are on federal lands, most of these on military bases. Another third are privately owned commercial and/or industrial properties. The rest are owned by state and local governments. DEC participates with other local, state and federal agencies in cooperative cleanup operations.

In most cases, the responsible person contracts with an environmental consulting firm to clean up the site, with oversight provided by DEC. When a responsible person cannot be identified, however, and a site is a serious threat to human health or the environment, the state may bear the cost of site investigation and/or cleanup.

The Alaska Legislature created the Oil and Hazardous Substance Release Response Fund to cover the costs of oversight and cleanup. Alaska law requires that state funds be recovered from responsible parties, however the responsible person is not always able to pay.

How are Alaskans affected?

Contamination of groundwater is the most serious problem posed by contaminated sites, and the most costly to solve. Many sites currently listed on the inventory have drinking water which exceeds state and EPA health standards for contamination. Groundwater also enters into streams, rivers and oceans, and contamination could affect wildlife as well.

Populations of fish and other wildlife, on which many Alaskans depend for subsistence, sport, and commercial harvest, may be impaired.

Contamination may also result in significant economic losses. For example, property transfers can be delayed or may not occur if a site is suspected or known to be contaminated.

Contaminated sites must be thoroughly investigated and cleaned up to protect the quality of life that Alaskans deserve.

What is the state doing?

DEC's Contaminated Sites Remediation Program staff perform these tasks:

- Determine which sites pose the most immediate threat to humans, the environment or public resources such as groundwater.
- Contain and remove any contaminants that are an immediate danger to public health or the environment.
- Make sure that persons working or living in the vicinity of a cleanup operation are protected from harm and kept informed of the cleanup.
- Assess sites to determine if cleanup is needed.
- Investigate the nature and extent of contamination, including extensive soil and water sampling in many cases.
- Identify the responsible party; i.e., the party who actually spilled or dumped the material, the property owner or the public agency managing the property, and any other liable persons.
- Keep a current list of all contaminated sites in Alaska and track their progress toward cleanup.
- Select appropriate cleanup levels based on site specific criteria and data in scientific risk evaluations.
- Monitor the effectiveness of the containment, cleanup and disposal operations.
- Follow up on citizen complaints and review existing records on areas suspected to have been contaminated.
- Manage state-lead projects in cases where the responsible party has not been identified or is not financially able to clean up a site. This often includes direct contractor oversight.
- Develop innovative programs, such as the Voluntary Cleanup Program, to encourage responsible persons to clean up their sites.
- Develop new regulations and policy so responsible persons and DEC staff use the most scientifically advanced methods and information to clean up sites.
- Determine if cleanup actions and quality assurance procedures are adequate, and evaluate whether chosen technologies and methods are appropriate, by review of site assessments, risk assessments, and cleanup workplans and reports.

A worker at a cleanup operation dressed in "Level C" protective gear.

- Travel to the sites to document activities and ensure that site work proceeds according to the approved plan.
- Work with federal agencies to clean up military bases and other federal lands.
- Recover from the responsible party costs incurred by the state.

As of October 1996, a total of 353 contaminated sites have been cleaned up or closed out. An equally important goal to cleaning up existing sites is the prevention of future ones. If you know of contamination problems in your community please contact one of our offices listed on the back cover. DEC staff can also provide you with pollution prevention tips, update you on site remediation activities, and refer you to any other DEC programs that may be of assistance to you.

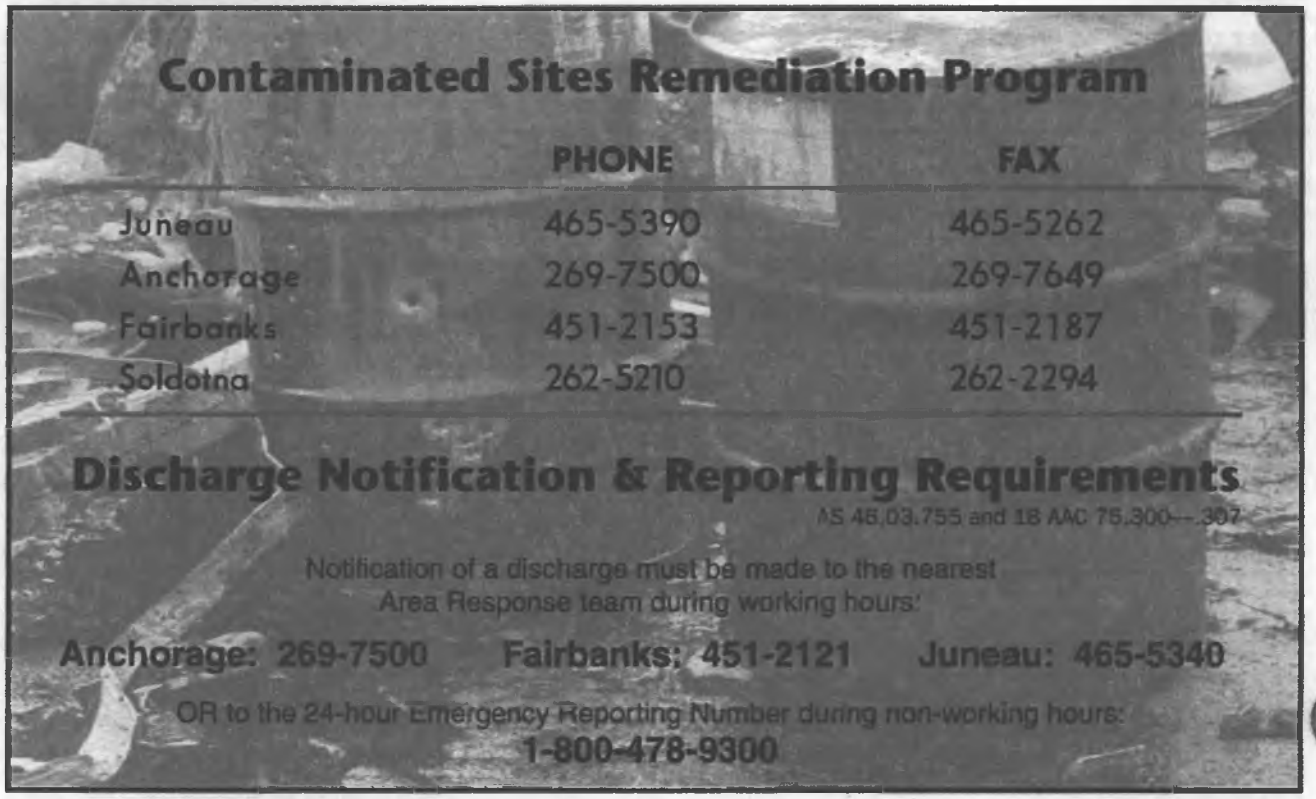
A commercial drilling contractor may be employed to collect core samples during the site investigation phase of a cleanup. This soil core sample will be analyzed in a laboratory to determine its properties and detect specific contaminants.

A lined trench intercepts contaminated substances during a major site cleanup.

Contaminated soil is aerated as part of some treatment processes.

For more information—

January 1997



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Printed on recycled paper

Contaminated Sites Remediation Program
Alaska Department of Environmental Conservation
410 Willoughby Avenue, Suite 105
Juneau, AK 99801-1795

Written Testimony

Testimony of Charlotte Brower
Mayor, North Slope Borough, Alaska
February 24, 2014

Before the
Senate Natural Resources Committee
Alaska State Legislature
Legislative Hearing on HJR26

Good afternoon. My name is Charlotte Brower. I am honored to be the Mayor of the North Slope Borough, the wife of a whaling captain, and am blessed with six children and twenty-five grandchildren.

Thank you for the opportunity to speak on HJR26, a resolution urging the United States Congress to provide for sharing with local areas the revenue from oil and gas development on our outer continental shelf.

On July 23rd of this past summer, I was invited to testify before the US Senate Energy Committee in support of S. 1273, known as the "Fixing America's Inequities with Revenues Act of 2013", or "FAIR Act".

Today I am here before you to express support for HJR26 as a way to help secure passage of measures like S. 1273 in Washington DC. By working together as

Alaskans, we need to send a message for receiving a fair and equitable distribution of revenues that come from energy development on our outer Continental Shelf (OCS).

Congress should pass legislation to ensure that State and local governments will have resources to keep up with infrastructure requirements, expand emergency response and search and rescue capabilities, take an active role in oil spill preparedness, and work to maintain healthy communities and a healthy ecosystem.

The North Slope Borough is the largest municipality in the United States, encompassing over 94,000 square miles, including more than 8,000 miles of Arctic coastline along the Beaufort and Chukchi Seas.

The majority of North Slope residents are Iñupiat Eskimos. We are heavily dependent upon marine mammals (such as bowhead and beluga whales, seals and walrus) to sustain our physical health and our cultural and spiritual well-being. The importance of Subsistence in our coastal communities and marine environment goes beyond the need for food. Our unique Iñupiat culture, our traditions and our links to our ancestors and history, are also tied to our Subsistence lifestyle, to our

custom of sharing with others, and to celebrating our connection to the land and the ocean.

We are always mindful of the critical need to protect the environment and preserve our culture and our resources. However, we also recognize that our ability to continue to provide even basic services to our communities depends upon revenue from the oil and gas industry, which today primarily operates on state land in our region. Without these revenues, the North Slope Borough would not be able to maintain the airstrips, healthcare facilities, water and sewer, search and rescue or other services we provide in our villages.

What many people in the Lower 48 do not understand is that the infrastructure enjoyed today by other coastal states – paved roads, deep water ports, and modern communications – those don't exist on the North Slope.

Most people do not understand the challenges Alaska's rural governments face. As one example, a gallon of milk costs $10 today in Barrow. That same gallon of milk might cost $18 or more in some of our villages. Other food items such as fresh fruits and vegetables are even more expensive relative to the Lower 48, or even other parts of Alaska. Why? Because the cost of transportation in our region is

very high. And now imagine the cost to the North Slope Borough for new roads, upgrades to airstrips, new health care facilities, or new sewer or water or gas lines that must be built through permafrost.

We also face threats to the infrastructure we have in place today. With the Arctic Ocean now ice-free for a longer period every spring and fall, storms are eroding the land around some of our villages - in some cases over 5-6 feet per year. Once moderate storm consumed more than a million dollars in response costs from our Borough. Over the last ten years, the coastline near Barrow has receded toward an old landfill that holds tens of thousands of barrels of Navy and Air Force waste. Ten years ago, the ocean was 200 feet away from the landfill – now it is 120 feet away.

Coastal erosion also threatens Barrow's "utilidor" system, which is an underground system of tunnels designed to protect the city's utilities from the cold. This system provides indoor plumbing to our residents and eliminates the need for outhouses and water delivery by truck. And like most other things in the Arctic, it is very expensive.

I would also note that the oil and gas industry, researchers, and federal agencies, including the U.S. Coast Guard, all use our local infrastructure – our airports and roads and hospitals. We welcome people to our community, and we were grateful for the Coast Guard's presence in Barrow during the 2012 drilling season, but Congress must recognize the cost to our community of maintaining and expanding critical infrastructure as industry develops offshore resources.

There is also a great deal of scientific research needed to understand how best to mitigate the impact of oil and gas development on the Arctic environment, and the North Slope Borough can and should be a part of that effort.

The last thing I would like to emphasize is the role of State and local governments in emergency preparedness associated with offshore energy development, including oil spill response. Let us pray that our Good Lord will prevent the need, but in the event of an emergency it will be the brave men and women from the North Slope Borough Search & Rescue Department and the Alaska Department of Public Safety troopers and village VPSO's who will most likely be first on the scene.

In summary, the people of the North Slope live in one of the most undeveloped regions in our nation. Investments must be made in the infrastructure necessary to ensure that OCS development can be conducted safely and responsibly. And the burden of providing such infrastructure should not fall solely on the people that have the most to lose in case of an oil spill.

Thank you for sponsoring HJR26 to help the people of the North Slope Borough send this message to the United States Congress.

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
222 W. 7th Avenue, #13
ANCHORAGE, ALASKA 99513-7599

1703 (931)

12 APR 1996

ANCSA Corporation Landowner:

Section 103 of Public Law No. 104-42, entitled "Settlement of Claims Arising From Hazardous Substance Contamination of Transferred Lands," requires the Secretary of the Interior to prepare a report to Congress which addresses certain issues presented by the presence of contaminants on lands conveyed or prioritized for conveyance to ANCSA Native Corporations.

The attachments provide some of the details of this effort, an action plan for accomplishing this project, and some information about hazardous materials.

There is a growing awareness of the need to address the public health, safety, and environmental impacts of past degradation and to reduce and repair those impacts. Congress recognized that locating and determining the nature and size of the potential problems is the first step toward solving them.

The Bureau of Land Management, as the lead agency for this project, requests your assistance and cooperation to help inventory the presence of contaminants on lands conveyed or prioritized for conveyance pursuant to ANCSA and provide input into this report to Congress. Please forward to us any information you may have no later than September 13, 1996. Attached is an example site assessment or inventory report to assist you. Your involvement is critical to the success of this effort.

There could be hundreds of sites around the state that may involve hazardous materials. Many of these sites have been identified by the Environmental Protection Agency, the U.S. Army Corps of Engineers, and the Alaska Department of Environmental Conservation, but specific details are lacking. If you have not identified any contaminated sites on your lands or do not feel this is an issue at this time, please indicate this on the self addressed letter enclosed and return it to us.

We understand some landowners may be reluctant to provide detailed information on the existence of contaminated sites due to concerns over potential liabilities associated with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended and other Federal or state laws. It seems impractical however, to think the problems can be addressed without a comprehensive inventory of some kind.

It is our intention to forward whatever information we obtain to Congress for their consideration and appropriate action.

Preparing a suitable report to Congress is a significant and important task. We look forward to your participation. If you have questions or need assistance please feel free to contact Mike Haskins in the Division of Lands, Minerals, and Resources at (907) 271-3351 or fax at (907) 271-5479.

Tom Allen

State Director

7 Attachments
1 - Action Plan (5 pp)
2 - Sample Potentially Contaminated Site Report (8 pp)
3 - Site Report Instruction Guide (6 pp)
4 - Section 103, P.L. 104-42 (1 p)
5 - Background Materials on Hazardous Materials and Toxic Substances (8 pp)
6 - Information on the restoration of formerly used defense sites (2 pp)
7 - Self Addressed Response Letter (1 p)

ACTION PLAN TO DEVELOP A REPORT TO CONGRESS

Subject: Claims Arising From Contamination of Transferred Lands to ANCSA Corporations

Background: This is a brief summary of events relating to this issue.

Certain lands conveyed to Alaska Native Corporations under ANCSA may contain hazardous wastes and toxic substances originating during Federal ownership. Congress is concerned about the inequities these contamination issues may present to the affected Native corporations and their shareholders.

In 1991, legislation was passed which required a report on lands which were transferred under ANCSA and subsequently discovered to be contaminated. Unfortunately only three months were provided to complete the work and the Bureau of Land Management (BLM) received only 22 responses out of more than 200 mail out inquiries. A report dated April 15, 1991, was never acted on by Congress.

The Department of the Interior (DOI) has worked with the Alaska Federation of Natives and others on the legislative language that resulted in Section 103 of Public Law 104-42.

Authority: Congress authorized and directed this report in November of 1995.

Section 103 of Public Law 104-42, dated November 29, 1995, requires the Secretary to prepare a report to Congress within 18 months (May 28, 1997) addressing certain issues presented by the presence of contaminants on lands 1) conveyed or 2) prioritized for conveyance to ANCSA Native corporations. The law does not require the Department to conduct on-the-ground field examinations or inventories and did not provide any funding to accomplish this project. The responsibility for preparing this report was assigned to the BLM as the lead agency.

Report Content: Congress specified that the following items would be addressed in the report.

1) Nature and types of contaminants present at the time of conveyance;
2) Existence and availability of potentially responsible parties for removal and remediation of the effects of any contaminants;
3) Identification of existing remedies;
4) Recommendations for any additional legislation to remedy the problems;
5) Identification of structures known to have asbestos present and recommendations on how to inform Native landowners on the containment of asbestos.

NOTE:

- Definition of "contaminant" - For the purposes of this report it means: hazardous substance harmful to public health or the environment, including friable asbestos.

- Consultation with the Secretary of Agriculture, State of Alaska, and appropriate Alaska Native Corporations and organizations is also required.

Known Native Concerns: Congress directed this report to address issues and concerns raised by ANCSA landowners over the presence of contaminants on lands conveyed to them under ANCSA.

Native corporations have indicated to Congress over the last several years that lands conveyed to them under ANCSA contain contamination. The presence of contaminants on conveyed lands create harmful economic, legal, and other conditions which serve to undermine the intent of ANCSA. This issue needs to be addressed by Congress.

Some Native corporations are reluctant to provide information due to the strict liability provisions of CERCLA (Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended). Under CERCLA 107, landowners are strictly liable for releases of hazardous wastes on their lands, without regard to actual fault. Accordingly, Native corporations become liable parties for any wastes that may have been deposited on conveyed lands at any time in the past.

Implementation Timeframes: Congress allowed 18 months for preparation of this report. The following is a breakdown of the critical steps and time allocated for each.

* April 15, 1996 - Mail out letter to ANCSA Corporations and Federal Agencies with action plan, example site inventory reports, copy of the act, and some information about asbestos, hazardous materials, and toxic substances.

* April, May, June, July, August, September 13th - Information gathering and feedback by Native landowners/agencies. All information should be submitted as soon as possible to the BLM, attention: Mike Haskins (931). Develop computerized program to record information received.

* September, October, November - Analysis of responses, data input into database, follow-up with corporations, etc.

* December, January, February - Write report.

* March 10, 1997 - Send report to Washington Office for review and surname.

* May 28, 1997 - Deadline for submitting report to Congress.

Implementation Strategy: Preparing this report is an important task that will require maximum involvement of all Native land owners and Federal land managers in Alaska.

-- Mike Haskins in the Division of Lands, Minerals, and Resources is the project leader. Questions or requests for assistance should be directed to Mike at (907) 271-3351 or fax at (907) 271-5479.

-- A core team of realty and hazardous materials specialists has been formed with representatives from the BLM, the National Park Service, the Fish and Wildlife Service, the Bureau of Indian Affairs, the U.S. Forest Service, and the DOI.

-- The basic components of the project are: 1) action plan/data base development, 2) data gathering/outreach/consultation, 3) analysis of responses, 4) development of remedies, 5) report preparation, and 6) transmittal to Congress.

-- All ANCSA landowners and affected Federal agencies will be contacted by a mailout consisting of a cover letter, site assessment/inventory reports with an instruction guide and example, and some information on hazardous substances. This mail out will begin in April 1996.

-- Approximately 5 months (April - September) will be provided for information gathering and input. The example site assessment/inventory reports are intended to assist landowners in recording important information about a site. A computerized data base is being developed to assist in collecting the information received.

-- A letter will be sent to: the Alaska Federation of Natives, Tanana Chiefs Conference, Association of Village Council Presidents, the Alaska Intertribal Council, Bristol Bay Native Association, Copper River Native Association, Aleutian/Pribilof Islands Native Association, and other Native organizations explaining the project strategy and timeframes and allow an opportunity for comments and suggestions. Informational press releases will be distributed to local newspapers and briefings will be provided upon request. The support and participation in this project by the Native community is important to the overall success of this project.

-- Contact will be made with the various branches of the military (Army, Navy, Air Force) and Coast Guard to explain our project and obtain any information they may have which will assist this project.

-- Contact will be made with the Environmental Protection Agency (EPA), the State Department of Environmental Conservation (DEC), the State Department of Natural Resources (DNR), the former Bureau of Mines (BOM), and the Army Corps of Engineers (COE) to obtain their registers of contaminated sites in Alaska and discuss our project.

-- Contact will be with other state or Federal agencies that have constructed or operated facilities on lands that have subsequently been transferred to Native landowners.

-- We will begin drafting sections of the report as soon as possible.

General Information:

The information submitted to the BLM by a landowner should not be considered confidential or proprietary in nature. It may be shared with interested parties, including regulatory agencies, as permitted under the Freedom of Information Act.

Properly used and maintained asbestos is not a danger to public health. Health concerns may arise when friable asbestos is released into the environment.

If a potentially dangerous situation or site is encountered, do not approach it. These sites should be evaluated from the perimeter. Do not take samples or try to pry open containers.

At this time, we do not know how Congress will use this report or what future action may be taken in this matter.

Types of Hazardous Wastes Common in Alaska:

Solvents	Mining Waste Chemicals
PCB's (polychlorinated biphenyls)	Spilled Fuels
Explosives (including Ordnance)	Antifreeze
Batteries	Oil and Gas Chemicals
Pesticides	Friable Asbestos
Mercury	Arsenic
Benzene	Lead

Types of Sites Which May be Reportable:

- Drum storage/disposal (above and below ground)
- Fuel tanks (above and below ground)
- Oil and Gas Wells
- Buildings which contain asbestos
- Mines
- Landfills
- Water treatment
- Power plants

Note: Photos may also be submitted.

Additional Information: Federal Workgroup Contacts

This core team of realty and environmental specialists from these agencies will assist in implementing Section 103 of the Act (Public Law 104-42, dated November 29, 1995).

Bureau of Land Management - Lead Agency

*Mike Haskins, Project Leader	271-3351	271-5479 (fax)
Wayne Svejnoha, Haz Mat Specialist	271-3807	271-5479 (fax)

U.S. Fish and Wildlife Service

*Sharon Janis, Chief Div. of Realty	786-3490	786-3901 (fax)
Lucy Blix, Realty	786-3566	786-3901 (fax)
Danielle Jerry, Biological Resources	786-3335	786-3901 (fax)

National Park Service

*Arvilla McAllister,Paralegal-Lands	257-2497	257-2510 (fax)
Alec Carter, Haz Mat Specialist	257-2627	257-2448 (fax)

Bureau of Indian Affairs

*Frank Andrews, Haz Mat Specialist	586-7616	586-7104 (fax)
Charlie Bunch, ANCSA Coordination	271-3695	271-4083 (fax)

U.S. Forest Service

*Jim Wolfe, Dir. Engineering/Aviation	586-7957	586-7555 (fax)

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DOI Regional Solicitor's Office

Regina Sleater, Attorney/Advisor	271-4131	271-4143 (fax)

DOI Office of the Secretary - Alaska

Doug Mutter, Env. Policy and Compliance	271-5011	271-4102 (fax)

*Principal Agency Contact

POTENTIALLY CONTAMINATED SITE REPORT

Purpose: The Secretary of the Interior must prepare a report to Congress on contamination issues affecting Alaska Native Claims Settlement Acts lands (Section 103 of H.R. 402, Public Law 104-42, dated November 29, 1995).

This form is intended to assist you in recording information. Please complete one form for each site and provide as much information as you can.

POINT OF CONTACT:

1. Corporation Landowner: XYZ Denali Corporation
2. Contact Person: Mr. John Smith
3. Title: Land Manager
4. Address: P.O. Box 11 anywhere, Alaska 99999
5. Phone No.: 777-6666 6. Fax No.: 777-7777

SITE LOCATION: Please complete all that applies.

7. Site Name: Anchorage Power Station
former Federal Energy Commission withdrawal
8. Location: Meridian Seward Township 13N Range 3W
Section 21 Quarter Section SW¼ Survey Number _____
and/or
9. Latitude Degrees 49° Minutes 11 Seconds 09.213
Longitude Degrees 94° Minutes 52 Seconds 46.906

10. Lands are conveyed? [X] Yes [ ] No
11. Lands are prioritized? [ ] Yes [ ] No
12. Agency Reference/File No. Wdl File AA-076999 PLO XXXX

Comments: This site is 3 miles east of Anchorage.
Near U.S. Survey No. 333 on the west side
of Eagle River.

SITE INFORMATION: What is on the site? Complete all that applies.

BUILDINGS: Complete all that applies.

13. Are there buildings on the site? [X] Yes [ ] No How many? 3

14. If yes, year constructed? 1942 and 1967

15. Is the building(s) abandoned? [X] Yes [ ] No How many? 2

16. If yes, year abandoned? 1967

17. If abandoned, is it secured/barricaded? [X] Yes [ ] No

18. What was the building used for? Power plant operations office, mechanical and storage building.

19. What is the present condition?

[ ] Good/Useable [X] Fair/Needs work [ ] Poor/Unuseable

20. If it is being used, what is it used for? The operations office is still used. The other buildings are abandoned.

21. Is there asbestos materials in the building?

[X] Yes [ ] No [ ] Unknown

22. If yes: Is it friable[1]? [ ] Yes [X] No Damaged? [ ] Yes [X] No

Comments on building use and condition: The 1967 building needs some roof repairs but is still used. The shop and storage buildings should be removed and may be unsafe.

[1]Friable - When asbestos can be crushed by hand pressure, or the surface is not sealed to prevent small pieces from escaping, the material is considered friable.

DRUMS/TANKS: Complete all that applies.

	Drums		Tanks	
23. Number on site	12		2	
24. Approx. size (gallons/dimensions)	55 gallon		500gallons each	
25. Do any have materials in them?	[X] Yes	[ ] No	[X] Yes	[ ] No
26. Are any leaking now?	[ ] Yes	[X] No	[ ] Yes	[X] No
27. Have any leaked in the past?	[X] Yes	[ ] No	[ ] Yes	[X] No
28. If contents are known, what are they?	Fuel, Pesticides		diesel fuel	
29. Above ground?	[X] Yes	[ ] No	[X] Yes	[ ] No
30. Buried?	[X] Yes	[ ] No	[ ] Yes	[X] No
31. Are there markings present?	[X] Yes	[ ] No	[ ] Yes	[X] No
32. What are they?	Jet Fuel A, 24-D			
33. Currently used?	[ ] Yes	[ ] No	[X] Yes	[ ] No
34. What for?			generators	

Comments: There may be some buried drums behind the shop. It appears some drums have leaked in the past. The large fuel tanks look good.

LANDFILL/DUMPSITE: Complete all that applies.

35. Is there a landfill or dump site? [X] Yes [ ] No

36. Approximate size: _____ acres 50 feet x 100 feet

37. Is it permitted/authorized? [ ] Yes [ ] No By whom? Don't Know

38. Year use began? 1942

39. Year use ended/closed? 1967

40. If closed, has it been covered? [X] Yes [ ] No

Comments: It looks like a garbage pit was used behind the shop. It has now been covered over with 2-3 feet of soil. Unsure what is buried.

-- PIPELINE: Complete all that applies.

41. Is there a pipeline on the site? [X] Yes [ ] No

42. What type of pipeline? [ ] Sewer [ ] Gas [ ] Oil [ ] Water

[X] Other What? Diesel

43. Is it leaking? [ ] Yes [X] No

44. Is it above ground? [X] Yes [ ] No [ ] Partially

45. If there are markings, what are they? fuel line emergency shutoff

46. Approximate diameter: 4 inches

47. Length: 40 feet

48. What facilities does the pipeline serve? fuel tanks to generator

49. Is it in use? [X] Yes [ ] No

Comments: Some of the fittings look new. The line is in good condition

OIL OR GAS WELL: Complete all that applies.

50. Is there currently or was there an oil or gas well on site? [ ] Yes [X] No

51. What kind of well? [ ] Gas [ ] Oil

52. Is it active? [ ] Yes [ ] No

53. If abandoned, year: _____

54. Is there a reserve pit? [ ] Yes [ ] No

Comments: _____

-- MINE: Complete all that applies.

55. Is there a mine on the site? [ ] Yes [X] No

56. Is it active? [ ] Yes [ ] No

57. Abandoned? [ ] Yes [ ] No

58. If abandoned, what year? _____

59. What type of mineral was mined? _____

60. What type of mining operation was used?

[ ] Placer [ ] Open Pit [ ] Underground [ ] Floating Dredge

61. Are there mine tailings present? [ ] Yes [ ] No

62. Is there a mill present? [ ] Yes [ ] No

63. Is there a settling pond present? [ ] Yes [ ] No

Comments: _____

OTHER: Are there other sources of contamination not described above? Please describe.

There may be some misc. containers in the old shop building that contain pesticides, chemicals, and old motor oil.

SITE CONDITION: What is the condition of the site and what signs of contamination exist?

64. Is there stained soil at the site? [X] Yes [ ] No

65. Approximate size of the stained area: 25 ft. x 25 ft. dimensions; or

_____ acres

66. Is there dead/dying vegetation? [X] Yes [ ] No

67. How big an area is affected? 100 ft. x 100 ft. dimensions; or

_____ acres

68. Is there a pool of liquid, seepage, or a sheen on the surface? [X] Yes [ ] No

69. How big is the pool? 50 ft. x 100 ft. dimensions; or

_____ acres

70. Is there unusual chemical or other smell in the area? [ ] Yes [X] No

71. Are there signs the wildlife has been adversely affected? [ ] Yes [X] No

72. Are there warning signs posted at the site that indicate a known hazard? [X] Yes [ ] No

73. How close is the site to surface water? _____ feet 300 yards _____ miles

74. How close is the site to a water well or drinking source?

_____ feet _____ yards _____ miles Unknown

75. How close to the village is the site? [ ] In the village [ ] Less than 1 mile

[X] 1 to 5 miles [ ] Beyond 5 miles

76. Is there an environmental damage report available? [X] Yes [ ] No

77. Are there photos of the site? [X] Yes [ ] No

Comments: EPA did a report in 1982. I can send you a copy if you ask.

SITE USER/OPERATOR: List who constructed, operated, or used the site.

78. If known, who constructed building or facilities?

Agency Federal Power Authority Agency Representative John Doe ?

Contractor G. Construction Contractor Representative ?

Individual(s) There was a caretaker who did some work at the site from 1970 - 1973.

79. What was the period of use by each?

(Agency) 1940 year begin Present year end

(Contractor) 1940 year begin 1943 year end

(Individual/Operator) _____

80. Is the site still in use by anyone? [X] Yes [ ] No

81. Who? Agency Federal Power Auth Corporation _____

Other _____ Operator _____

82. Who is recognized as the owner/operator of the site within the local community?

federal government operates the site. XYZ Denali

Comments: Corp. owns the land.

Please return completed reports and information to:

Bureau of Land Management
Alaska State Office
Attention: Mike Haskins (931)
222 W. 7th Avenue, #13
Anchorage, Alaska 99513-7599

or fax to: (907) 271-5479

Thank you for your response!

ADDITIONAL COMMENTS:

There are two buildings on the land that are not being used. They should be torn down and the area cleaned up.

Someone should check to see what is buried behind the shop. No grass grows over this area 50' x 100'.

The stained area by the drums is probably from spilling contents and not from leaking.

The asbestos insulation is sealed tight but should be removed when the building is closed down.

Site Report Instruction Guide

The following is a guide to assist you in the completion of your *Potentially Contaminated Site Report*. If you have any additional questions, please contact Mike Haskins, Division of Lands, Minerals, and Resources at (907) 271-3351. Blank copies of the site report are available upon request.

Point of Contact: The purpose of this section is to identify the affected corporation/landowner and determine who has knowledge of the site and can be contacted if there are questions, or more information is needed.

Item #1: List name of corporation responding.
Item #2: Contact person or person completing site report.
Item #3: Title of contact person.
Item #4: Optional - Please provide if different from corporation address.
Item #5: Phone number of contact or corporation.
Item #6: Optional.

Site Location: The purpose of this section is that there may be several sites in a village or on Native lands and some sites have local names in addition to project names, etc. A legal description is critical for mapping purposes and to distinguish one site from another. At a minimum, the section, township, range, and meridian is needed. Maps may also be submitted.

Item #7: List the common site name which will be used in the report to identify the site. Other names can also be referenced to help identify the site.
Item #8: Section, Township, Range, and Meridian are critical elements in the description. Quarter sections, U.S. Survey numbers, and lot and block numbers are very helpful. If you have the survey number or longitude and latitude, you don't have to include Township and Range.
Item #9: Longitude and Latitude is optional if you completed #8. This information is usually not easily available.
Item #10: Confirms title has transferred from the United States.
Item #11: Indicates title has not been transferred to corporation but the corporation has prioritized lands and expects to receive title in the future.
Item #12: Reference any docket numbers used by the Environmental Protection Agency, the U.S. Army Corps of Engineers, the Department of Environmental Conservation, or Bureau of Land Management withdrawal casefile numbers that help identify the site and/or history of use.
Comments: Provide any explanations to a response or give additional information about a site's location.

Site Information: This information will tell us about possible sources of contamination or indicate potential problems. A site can contain several sources or types of contamination. We have created six standard categories plus a general category. Please give as much detailed information as possible. This is one of the most important sections. If you cannot answer "Yes" or "No" to a question, please write "Unknown".

Buildings:

Item #13: Indicate how many buildings are on the site, if any.
Item #14: Indicate approximate year of construction, if known. Estimates are acceptable.
Item #15: Indicate if any of the buildings are abandoned.
Item #16: Indicate the year or years the buildings were closed down.
Item #17: Indicate if the building was boarded up or locked to prevent use by anyone or reduce safety risks?
Item #18: Give the past use or uses of building.
Item #19: Indicate building condition. Use comments section, also, if needed.
Item #20: Give current use or uses of building.
Item #21: Indicate if asbestos is present in the building(s).
Item #22: If known, is asbestos friable or damaged. See information on asbestos provided in the mailout.
Comments: Provide additional information on past and present use of the building(s) and its present condition.

Drums and Tanks:

Item #23: Complete if either or both tanks and drums are on site. Give total numbers known either buried or on the surface. Also, specify other types of containers that may be present.
Item #24: Give the size of the drums and/or tanks in gallons, if known, or give the approximate dimensions.
Item #25: Are there contents in some or all of the tanks/drums? If known, you can specify if empty, full, or partially full.
Item #26: Indicate if you observe anything leaking now.
Item #27: If not leaking now, are there signs of a past leak based on stained soils or smells.
Item #28: Without testing or posing a danger to yourself, do you know what the contents are or is there a label. Indicate content materials, if known.
Item #29: Indicate if they are above ground.
Item #30: Indicate if they are buried below ground.
Item #31: Are there any markings which would show who placed them on the site or what the contents may be.
Item #32: Indicate what the markings are.

Item #33: Indicate if the drums or tanks are still actively used.
Item #34: Indicate what the current use is.
Comments: Give information to assist in determining who owns the drums/tanks, their purpose, use, and condition.

Landfill and Dumpsites:

Item #35: Indicate if there is any type of landfill, dump site, or garbage pit on the lands.
Item #36: Give approximate size or dimensions of the area.
Item #37: Indicate if a permit or other authorization was given for the site and who may have issued it.
Item #38: Tell us when the use began or when the materials were noticed on the land.
Item #39: Tell us when use ended, when the site was closed, or when the area was cleaned up or covered.
Item #40: Is the site covered with soil?
Comments: Give information about past and current uses, types of materials placed on the land, and if the site is active or inactive. Also, indicate how many are on the site, if more than one.

Pipeline:

Item #41 Indicate if there is a pipeline on the site.
Item #42: If there is a pipeline, indicate what kind it is.
Item #43: Indicate if the pipeline has any leaks now.
Item #44: Indicate if the pipeline is above ground, underground, or both.
Item #45: Indicate if there are any markings on the pipeline.
Item #46: Indicate the size of the pipeline in inches.
Item #47: Indicate the approximate length of the pipeline in feet or yards.
Item #48: Indicate the buildings or facilities served by the pipeline. Who benefits from or is the primary user of the pipeline?
Item #49: Indicate if the pipeline is actively used today.
Comments: Provide more information as needed about the condition and use of the pipeline.

Oil or Gas Well:

Item #50: Indicate if any type of well site was ever on the lands or if an exploratory or production well is now on the site.
Item #51: Indicate type of well drilled on the site, i.e., oil exploration, oil production, etc.
Item #52: Tell us if the well site is actively being worked and maintained.

Item #53: If the well was abandoned, indicate the approximate year this happened.
Item #54: Some of the old wells used a reserve pit for drilling muds, etc. Indicate if a reserve pit exists.
Comments: Indicate more information about the past or present activities and status of site if abandoned.

Mine:

Item #55: Indicate if there is a mine on the site.
Item #56: Indicate if the site is still regularly used. A mine may not be used every year but is still active because it has not been officially abandoned.
Item #57: Indicate if the site has been closed or abandoned by the claimant.
Item #58: If the mine was closed/abandoned, indicate the year this happened.
Item #59: Indicate the type of mineral or ore that was mined - Gold, Silver, asbestos, gravel, etc.
Item #60: Indicate the type of operation used to mine.
Item #61: Mine tailings can be the source of contaminants or cause problems if not properly rehabilitated. Indicate if mine tailings are on the site.
Item #62: Indicate if there is a mill present that may have been used to process minerals. A mill site could contained stored chemicals such as mercury which is used to separate gold.
Item #63: Indicate if there is a settling pond on the site which has not be fully restored or rehabilitated.
Comments: Please provide as much information as you can about the past and current mining operations, the condition of the lands, and the equipment that might be on the site. Also, indicate if there are any discharge or water quality problems.

Other:

We have tried to cover the basic sources of contamination that might be found in Alaska. Use this area to cover a contamination site/source not covered or use this to give more information about a site.

Site Condition: This is an important section that will give an indication of the signs or effects of a contamination problem. This information could be used to determine priorities for follow-up actions etc.

Item #64: Is there a patch of stained or discolored soils near tanks, drums, or work area?
Item #65: Indicate the approximate size of the stained area.

Item #66: Indicate if there is an area that grass or trees, etc. will not grow or they are a different color, or they look like they are dying for reasons besides a lack of water.

Item #67: Indicate the size of the affected area or dead zone.

Item #68: Indicate if there is a liquid or substance that will not sink into the ground or where the ground is saturated and is bubbling near the surface.

Item #69: Indicate the approximate size of the pool or problem area.

Item #70: Indicate if there is a strong chemical smell or a smell that is unusual or strong like fumes.

Item #71: Indicate if there are dead birds, rodents, or other small animals in the area or if other wildlife that frequent the area show signs of problems which may relate to contamination.

Item #72: Indicate if there are signs that indicate a chemical hazard exists or if someone has determined that an area may be unsafe for humans or a signs says to stay out of an area. Indicate what the sign says in comments.

Item #73: Surface water can be a pathway for contamination to get into the ground water. Indicate approximately how close to the site is the nearest lake, pond, river, or standing water.

Item #74 See #73. Indicate the approximate distance to a well or fresh water drinking source from the site.

Item #75: How close is the contaminated site or hazard from the community or population center.

Item #76: Has anyone done a hazardous materials report or environmental audit on the site to determine if a problem exists or if one did that it was resolved? You do not have to send a copy at this time but please indicate if a report does exist. We may ask for a copy later. Please indicate who did the report, when, and the general findings.

Item #77: Indicate if photos or negatives of the site exist. We may ask for copies later or you could provide either color or black and white photos of the site/facility.

Site User or Operator: Congress asked that this report identify to the extent practical, the existence and availability of potentially responsible parties for removal or clean-up of contaminated lands. Please give as much information as possible about who built, used, operated, or leased any buildings, facilities, improvements, mines, wells, etc. on the lands and when these actions were taken. In some cases, several parties may have been involved. Please list as many as is known.

Item #78: List the agency and specific agency employee who worked at the site, if known. List the contractor, company, or builder of the site and the individual foreman or supervisor, if known. List any individuals or groups of individuals that may have used the site.

Item #79: List the periods of time the lands were used by the agencies, individuals, or contractors listed above.
Item #80: Indicate if the site is still being used by anyone at all.
Item #81: Indicate who or which agency still maintains or uses a site.
Item #82: Indicate who is the recognized owner or operator of a site. Who would you get permission to use the site or facility from? Who do you think should take care of any problem that might exist?

Additional Comments: Use this back page for any additional information or clarification to a numbered question. Please provide any input you might think is important to consider in this report to Congress.

This guide is intended to help you record information about a site. Please provide whatever additional information you think is important to know.

SEC. 103. SETTLEMENT OF CLAIMS ARISING FROM HAZARDOUS SUBSTANCE CONTAMINATION OF TRANSFERRED LANDS.

The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is amended by adding at the end the following:

'CLAIMS ARISING FROM CONTAMINATION OF TRANSFERRED LANDS

'SEC. 40. (a) As used in this section the term 'contaminant' means hazardous substance harmful to public health or the environment, including friable asbestos.

'(b) Within 18 months of enactment of this section, and after consultation with the Secretary of Agriculture, State of Alaska, and appropriate Alaska Native corporations and organizations, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a report addressing issues presented by the presence of contaminants on lands conveyed or prioritized for conveyance to such corporations pursuant to this Act. Such report shall consist of–

'(1) existing information concerning the nature and types of contaminants present on such lands prior to conveyance to Alaska Native corporations;

'(2) existing information identifying to the extent practicable the existence and availability of potentially responsible parties for the removal or remediation of the effects of such contaminants;

'(3) identification of existing remedies;

'(4) recommendations for any additional legislation that the Secretary concludes is necessary to remedy the problem of contaminants on the lands; and

'(5) in addition to the identification of contaminants, identification of structures known to have asbestos present and recommendations to inform Native landowners on the containment of asbestos.'.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR THE PURPOSES OF IMPLEMENTING REQUIRED RECONVEYANCES.

Section 14(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(c)) is amended by adding at the end the following:

'There is authorized to be appropriated such sums as may be necessary for the purpose of providing technical assistance to Village Corporations established pursuant to this Act in order that they may fulfill the reconveyance requirements of section 14(c) of this Act. The Secretary may make funds available as grants to ANCSA or nonprofit corporations that maintain in-house land planning and management capabilities.'.

ASBESTOS

The following information was extracted from asbestos waste management materials prepared by the Environmental Protection Agency.

Asbestos is the name for a group of naturally occurring minerals that separate into strong, very fine fibers. The fibers are heat-resistant and extremely durable, and, because of these qualities, asbestos has become very useful in construction and industry. In buildings it may or may not pose a health hazard to the occupants, depending on its condition. When it can be crushed by hand pressure or the surface is not sealed, to prevent small pieces from escaping, the material is considered FRIABLE. In this condition fibers can be released and pose a health risk. However, as long as the surface is stable and well-sealed against the release of its fibers and not damaged, the material is considered safe until damaged in some way.

Asbestos tends to break down into a dust of microscopic size fibers. Because of their size and shape, these tiny fibers remain suspended in the air for long periods of time and can easily penetrate body tissues after being inhaled or ingested. Because of their durability, these fibers can remain in the body for many years and thereby become the cause of asbestos related diseases.

Asbestos had very little use until the early 1900's when it was employed as thermal insulation for steam engines. Since then, asbestos fibers have been mixed with various types of binding materials to create an estimated 3,000 different commercial products. Asbestos has been used in brake linings, floor tile, sealants, plastics, cement pipe, cement sheet, paper products, textile products, and insulation. The amount of asbestos contained in these products varies significantly, from 1 to 100 percent, depending on the particular use. (Refer to Table 1 for more information.)

The fibrous or fluffy spray-applied asbestos materials found in many buildings for fireproofing, insulating, sound proofing, or decorative purposes are generally considered friable. Pipe and boiler wrap are also friable and found in numerous buildings. Some materials, such as vinyl-asbestos floor tile, are considered nonfriable and generally do not emit airborne fibers unless subjected to sanding or sawing operations. Other materials, such as asbestos cement sheet and pipe, can emit asbestos fibers if the materials are subjected to breakage or crushing in the demolition of structures that contain such materials.

Points to Remember:

Asbestos is only dangerous when it's deteriorated to the point where its tiny fibers can be released into the air and inhaled. If the material is solid (in appearance and to touch) and maintained in good condition, it presents no problem.

If the asbestos-containing material has become deteriorated for some reason, there's a good chance you can solve the problem without removal. Removal is generally the last resort, because it involves disturbing the material and sending more fibers into the air.

The asbestos fibers that would cause health problems are much too small to be seen without a powerful microscope. In fact, an average human hair is approximately 1200 times thicker than an asbestos fiber.

TABLE 1

Summary of Asbestos-Containing Products

Product	Average percent asbestos	Binder	Dates used
Friction products	50	Various polymers	1910-present
Plastic products			
Floor tile and sheet	20	PVC, asphalt	1950-present
Coatings and sealants	10	Asphalt	1900-present
Rigid plastics	<50	Phenolic resin	?-present
Cement pipe and sheet	20	Portland cement	1930-present
Paper products			
Roofing felt	15	Asphalt	1910-present
Gaskets	80	Various polymers	?-present
Corrugated paper pipe wrap	80	Starches, sodium silicate	1910-present
Other paper	80	Polymers, starches, silicates	1910-present
Textile products	90	Cotton, wool	1910-present
Insulating and decorative products			
Sprayed coating	50	Portland cement, silicates, organic binders	1935-1978
Trowelled coating	70	Portland cement, silicates	1935-1978
Preformed pipe wrap	50	Magnesium carbonate, calcium silicate	1926-1975
Insulation board	30	Silicates	Unknown
Boiler insulation	10	Magnesium carbonate, calcium silicate	1890-1978
Other uses	<50	Many types	1900-present

Toxic Chemicals - What They Are, How They Affect You

This fact sheet was abstracted from materials prepared by the Environmental Protection Agency. It explains what harmful toxic chemicals are and what they're used for.

What Does Toxic Mean?

A chemical is toxic if it damages living tissue, impairs the central nervous system, or causes birth defects, illness, or death when eaten, drunk, inhaled, or absorbed through the skin.

How Much Exposure To A Chemical Causes Harm?

It depends on the chemical. The amount needed to trigger a toxic reaction varies with the nature of the substance, the route of exposure, the length of exposure, and individual tolerance. Acute toxicity refers to an exposure of short duration. Chronic toxicity refers to repeated or prolonged exposures - often in tiny doses - to substances that in any single exposure would cause little or no harm.

Some chemicals are so toxic that they are measured in parts per million (ppm) or even smaller parts per billion (ppb). One ppb would be one pound of a chemical in a billion pounds of soil.

Why Are Such Small Doses Of Some Toxic Chemicals Hazardous?

Besides being poisonous at low levels, Polychlorinated Biphenyls lead, and various other chemicals are also extremely persistent. These chemicals don't break down easily and therefore remain in the environment for years. Prolonged exposure to small doses of such chemicals are thought to cause a variety of health problems, including cancer.

Bioaccumulation:

Bioaccumulation is another reason why prolonged exposure to low-level doses can be dangerous. Chemicals such as Polychlorinated Biphenyls and mercury build up in the tissues of humans and animals through the process of bioaccumulation. It works like this: A chemical spilled into a river or lake is ingested and stored by small organisms like plankton; small fish eat the plankton; and larger fish eat the smaller fish. As the process works its way up the food chain, the chemical may become thousands of times more concentrated in the tissues of the large fish than in the plankton. That's why some fish from parts of the Great Lakes are unsafe to eat.

What Is the Environmental Protection Agency Doing About Toxic Wastes?

Three major Federal laws help the Environmental Protection Agency (EPA) control toxic substances. The Toxic Substances Control Act (TSCA) regulates the production of a substance that poses an unreasonable risk to human health or the environment. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly called Superfund, enables the Environmental Protection Agency to address immediate dangers, long-range hazards, and spills at old or abandoned waste sites. It establishes a process for identifying, reporting, investigating, and cleanup of hazardous releases from uncontrolled or abandoned waste sites. The Resource Conservation and Recovery Act (RCRA) allows the State and the Environmental Protection Agency to track hazardous wastes from generation through final disposal. It applies to anyone who generates, transports, treats, stores, or disposes of hazardous wastes. Hazardous wastes can be specific listed chemicals or characteristic wastes. (Refer to Table 2.) It also regulates underground & leaking storage tanks. There are various Federal and State laws which apply to hazardous materials and toxic waste management; including but not limited to the Clean Water Act, Clean Air Act, Federal Insecticide, Fungicide and Rodenticide Act, and Hazardous Materials Transportation Act.

Toxic Substances Commonly Found by EPA on Superfund Sites

Most toxic substances can be handled safely. Depending on the substance, however, certain methods of manufacturing, use, and disposal are preferable over others. High-temperature incineration, for example, is highly effective in destroying Polychlorinated Biphenyls and other toxic chemicals, but not toxic metals such as lead and mercury. Secure, lined landfills can be an acceptable disposal option for some toxic substances. Here are some of the toxic chemicals the Environmental Protection Agency often finds when studying or cleaning up a Superfund site.

Asbestos
Asbestos - a building and insulating material widely used for years. If not completely sealed in a product, asbestos can break into tiny fibers that float almost indefinitely in air. These fibers are smaller and more buoyant than ordinary dust particles and therefore are easily inhaled or swallowed. In 1972, asbestos was banned for use in clothing. In subsequent years it was banned in fire-proofing materials, in electric hair dryers, and in many other products.

Arsenic
Arsenic - a grayish white element found naturally in the environment. Arsenic has been used in the production of boric acid, pharmaceutical products, and pesticides. It is a byproduct of copper, zinc, and lead smelting.

Benzene
Benzene - used more and more in recent years in the synthesis of chemical compounds and drugs and in the rubber industry. It is also added to gasoline as an octane booster. Eight million tons are produced annually. Benzene is released into the air primarily through the distribution and use of petroleum products.

Cyanide
Cyanide - a poison that asphyxiates the cells in the body. Warning signs of cyanide poisoning include dizziness, numbness, rapid pulse, and nausea. A large dose can cause immediate unconsciousness. It is primarily used in the extraction of ore, in electroplating, and in metal treatment. It is also used in fumigation and in the manufacturing of pharmaceuticals.

Dioxin
Dioxin - a generic term for a group of 75 related compounds known as poly-chlorinated dibenzo-p-dioxins. The most toxic compound of this group is 2,3,7,8-tetrachloro-dibenzo-p-dioxin (2,3,7,8-TCDD). Nobody produces dioxin on purpose. It is an unwanted but almost unavoidable byproduct that comes from manufacturing several commercial substances, chiefly the pesticide 2,4,5-TCP. Dioxin was also a contaminant in Agent Orange, the defoliant used during the Viet Nam War.

Formaldehyde
Formaldehyde - a colorless, pungent gas used in plastics, plywood, foam insulation products, textiles, embalming fluids, room deodorants, and as a preservative in cosmetics.

Leachate
Leachate - a common term when talking about landfills. Leachate is not a specific chemical itself; it's a liquid that has formulated through waste and contains components of those wastes. For instance, water may mix with leaking wastes inside a landfill, become contaminated, and then seep into the water table, polluting drinking water wells.

Polychlorinated Biphenyls
Polychlorinated Biphenyls (PCB) - are a family of organic compounds used since 1926 in electric transformers as insulators and coolants, in lubricants, carbonless copy paper, adhesives, and caulking compounds. They are also produced in certain combustion processes. Polychlorinated Biphenyls are extremely persistent in the environment because they do not break down into new and less harmful chemicals. Polychlorinated Biphenyls are stored in the fatty tissues of humans and animals through the bioaccumulation process. The Environmental Protection Agency banned the use of Polychlorinated Biphenyls in 1976. In general, Polychlorinated Biphenyls are not as toxic in acute short-term doses as some other chemicals.

Heavy Metals

Cd
Cadmium - used in electroplating, in the manufacturing of batteries, and as a pigment.

Cr
Chromium - used in electroplating, in photography, and as a paint pigment. It may also be found in some drilling muds.

Pb
Lead - a byproduct of metal smelting, it is used in the manufacture of batteries and lead based paint.

Hg
Mercury - a silvery, liquid heavy metal. Mercury is highly toxic and can be absorbed through the skin. It is used in thermometers, batteries, florescent light bulbs, pharmaceuticals, and many other products. Mercury is sometimes used to separate gold in mining operations.

Chlorinated Organic Compounds

Carbon Tetrachloride is a colorless liquid used in refrigerants and metal degreasers.

Dichloroethane (EDC) is used in the production of vinyl chloride and as a chemical feedstock. It's also used as a lead scavenger, a leaded-gas additive, an extraction agent for caffeine, and a dry cleaning agent.

Dichloroethylene is a clear, colorless, volatile liquid used in lacquers, paper coatings, and certain fibers.

Tetrachloroethylene (PCE) is used in dry cleaning, metal degreasing, textile dyeing, and various pesticides.

Trichloroethylene (TCE) is used as an industrial degreaser; a solvent for oils, paints, and varnishes; a dry-cleaning agent; and an anesthetic. TCE is most often found in ground water because of spills at industrial facilities and other locations where TCE is used as a cleaning agent.

Vinyl Chloride is a gaseous raw material used in plastics, floor tiles, food packaging, and as a propellant in aerosol containers.

TABLE 2

Characteristic Hazardous Wastes

Ignitable

A liquid with a flash point of less than 140°, or

Not a liquid and capable of causing fire through friction, absorption of moisture, or spontaneous chemical change, or

An ignitable compressed gas, or

An oxidizer.

Examples may include:
paint, paint thinners, waste gasoline/fuel that is not recycled, discarded solvent

Corrosive

A liquid with a pH of less than or equal to 2.0 or greater than or equal to 12.5, or

A liquid that corrodes steel more than ¼ inch/year, or

A solid that when mixed with an equal weight of water results in a solution with a pH of less than or equal to 2.0 or greater than or equal to 12.5.

Examples may include:
rust removers, acids or caustics for surface preparation, acids from broken batteries.

Reactive

The waste is normally unstable and readily undergoes violent change without detonating, or

React violently, forms potentially explosive mixtures, or generates toxic fumes that pose a threat to human health when mixed with water, or

Is a cyanide-or sulfide-bearing waste.

Examples may include:
explosives, lithium cells such as radio batteries.

Toxic

The waste is tested using the Toxicity Characteristic Leaching Procedure (TCLP), and

Contains one or more of 40 metals, pesticides, or organics in the leachate and is at or above the regulatory level.

The TCLP, a laboratory analysis of the waste, is used to identify wastes that meet the Toxic Characteristic Definition.

Examples may include:
paints/coatings, solvents, treated wood products.

Where to call or write for information on asbestos or hazardous and Toxic Substances:

- U.S. Environmental Protection Agency, Region 10
  1200 Sixth Avenue
  Seattle, Washington 98101
  (800) 424-4372

- U.S. Environmental Protection Agency
  Alaska Operations
  222 West 7th Avenue, #19
  Anchorage, Alaska 99513
  (907) 271-5083

- Alaska Department of Environmental Conservation
  Southeastern Regional Office
  P.O. Box 32420
  Juneau, Alaska 99803
  (907) 789-3151

- Alaska Department of Environmental Conservation
  Southcentral Regional Office
  555 Cordova
  Anchorage, Alaska 99501-2617
  (907) 269-7500

- Alaska Department of Environmental Conservation
  Northern Regional Office
  1001 Noble Street, Suite 350
  Fairbanks, Alaska 99701
  (907) 452-1714

U.S. Army Corps of Engineers Environmental Restoration at Formerly Used Defense Sites

The Department of Defense (DOD) has established a program to correct environmental damage caused by its activities. The Defense Environmental Restoration Program (DERP) was established in 1983 to clean up formerly used defense sites (FUDS) which include former Army, Navy, Air Force, or other defense agencies' properties.

In Alaska, the manager for formerly used defense sites' clean-up under the Defense Environmental Restoration Program is the U.S. Army Corps of Engineers (COE), Alaska District on Elmendorf Air Base in Anchorage. The U.S. Army Corps of Engineers establishes each site as a project and uses both in-house U.S. Army Corps of Engineers personnel and contractors for assessment and clean-up work. There are an estimated 550 sites in Alaska.

The primary goals of formerly used defense sites clean-up are:

* Identification, investigation, and clean-up of contamination from the Department of Defense hazardous substances;

* Detection and disposal of unexploded ordnance; and

* Demolition and removal of unsafe buildings and structures, located on a formerly owned Defense property, currently owned by a state, a municipality, or a Native Corporation in Alaska.

Examples of formerly used defense sites in Alaska include: air bases/landing fields, fueling stops, Distant Early Warning (DEW) Line facilities, radar sites, Army camps, military landfills, docks, contracted manufacturing facilities, and National Guard and Reserve facilities.

Three major phases of the formerly used defense sites program:

Inventory: This phase includes record searches to verify previous Department of Defense ownership or use. A preliminary assessment is made to determine the site eligibility, the need for clean-up, and the severity of the environmental problems.

Study: This phase consists of a site inspection to confirm contamination and to determine how best to clean up the contamination. At sites where numerous parties may have contributed to the contamination, the share of Department of Defense liability is also determined.

Removal/Remediation: This phase consists of the engineering design and the necessary action to clean up the site. Sometimes it also includes additional operations and maintenance phases to eliminate contamination completely.

Program Management: Headquarters, U.S. Army Corps of Engineers is the overall program manager for the formerly used defense sites program. They develop policies based on Department of Defense guidance and provide funds to local Corps' districts to perform clean-up activities.

Work is accomplished on a priority basis, the worst sites are cleaned first. Priority funds go to the sites with the greatest potential danger to the human population. A typical project can take anywhere from 2 years to many years (5 to 10). It depends on how large the site is, what work is involved, and what level of funding is available.

After work on a site is completed, including regulatory agency review, it is inspected to confirm that it no longer poses a problem.

Other Agency Involvement: The Alaska Department of Environmental Conservation (ADEC) provides the U.S. Army Corps of Engineers and land managers with technical assistance and, in some instances, regulatory oversight. They may help determine when a site is clean and no longer a hazard. The Environmental Protection Agency (EPA) monitors the clean-up of hazardous waste sites on Federal lands through the listing of sites on the Federal Facility Docket. Sites on the Docket must be assessed and action taken according to a schedule.

Public Involvement: Public values and concerns are an important element of the clean-up process. The U.S. Army Corps of Engineers works closely with the current site owner and adjacent residents prior to and while working on a site. Through personal contacts, small group meetings, workshops, and public meetings, important information is gathered that assists with decision making.

A restoration advisory board can be established at a site where there is sufficient community interest. This board is usually comprised of representatives from the U.S. Army Corps of Engineers, the Environmental Protection Agency, the Alaska Department of Environmental Conservation, and members of the local community.

Further Information on formerly used defense sites in Alaska:

U.S. Army Corps of Engineers formerly used defense sites project managers in Alaska are:

- Greg Smith/Gail Braten, Program Manager (907) 753-5793
- Ron Pflum, Project Manager (907) 753-5785
- Don Bethel, Project Manager (907) 753-5789.

NOTE: This information was taken from U.S. Army Corps of Engineers publication (EP-200-1-3, dated August 1994).

Bureau of Land Management
Alaska State Office
Attention: Mike Haskins (931)
222 West 7th Avenue, #13
Anchorage, Alaska 99513

Regarding: ANCSA Contaminated Lands Report to Congress

This letter acknowledges receipt of the information package you sent us concerning preparation of a report which addresses certain issues relating to the presence of contaminants on lands conveyed or prioritized for conveyance to ANCSA Native Corporations.

Our response in this matter is checked below:

_____ At this time, we have not identified any known sources of contamination on our lands and have nothing to report.

Comments: _____

_____

_____ At this time, we do not have any unresolved contamination issues which affect our lands.

Comments: _____

_____

_____ Other: _____

_____

_____

_____ _____
(Signature/Title) (Date)

Corporation Name: _____

2435
UNC
Attn: Director
P.O. Box 33
Unalakleet AK 99684

359
Afognak Native Corporation
P.O. Box 1277
Kodiak AK 99615

1881
Afognak Native Corporation
Attn: Chief Forester
P.O. Box 1277
Kodiak AK 99615

2468
Afognak Native Corporation
Attn: Peter J. Olsen
P.O. Box 1277
Kodiak AK 99615

347
AHTNA Inc.
P.O. Box 649
Glennallen, AK 99588-0649

348
AK Federation of Natives
1577 C Street #100
Anchorage, AK 99501-5127

216
AK Native & American Indian
Attn: Sally Smith
222 W 7th Avenue, #23
Anchorage AK 99513

3431
AK Native Tourism Council
1577 C Street, Ste. 304
Anchorage AK 99501

360
Akiachak LTD
General Delivery
Akiachak AK 99551

361
Akutan Corporation
General Delivery
Akutan AK 99553

362
Alakanuk Native Corporation
Box 89
Alakanuk AK 99554

839
Alaska Indian Art Dist.
Rentals/AVA
P.O. Box 271
Haines AK 99827-0271

3907
Alaska Native Tourism Council
Attn. Ann Campbell, Exec. Dir.
1577 C Street, Suite 304
Anchorage, AK 99501

349
Aleut Corporation
4000 Old Seward Hwy, #300
Anchorage AK 99503-6087

363
Aleutian/Pribilof Islands
Association, Inc.
401 E. Fireweed Lane, #201
Anchorage AK 99503-2111

364
Alexander Creek, Inc.
8126 Wisteria
Anchorage AK 99502

1577
Native Village of Ambler
Attn: President
General Delivery
Ambler AK 99786

350
Arctic Slope Regional Corp.
P.O. Box 129
Barrow AK 99723-0129

365
Arviq, Incorporated
General Delivery
Platinum AK 99651

366
Askinuk Corporation
General Delivery
Scammon Bay AK 99662

3451
Fairbanks Native Association
201 1st Avenue
Suite 200
Fairbanks AK 99701

367
Atkasook Corporation
General Delivery
Atkasook AK 99723

368
Atmautluak LTD
Attn: President
General Delivery
Atmautluak AK 99559

197
ATXAM Corporation
Attn: Lawrence Prokopeuff
P.O. Box 47001
Atka AK 99547

369
Azachorok Corporation
Attn: President
Box 213
Mt. Village AK 99632

370
Baan Oyeel Kon Corporation
Attn: President
Box 74558
Fairbanks AK 99707

371
Bean Ridge Corporation
Attn: Dixie Dayo
General Delivery
Manley Hot Springs AK 99756

372
Becharof Corporation
Attn: President
Box 40
Egegik AK 99579

373
Belkofski Corporation
Attn: President
General Delivery
King Cove AK 99612

374
Bell Flats Natives, Inc.
Attn: President
Box 3473
Kenai AK 99611

2146
Bering Straits Native Corp.
P.O. Box 1008
Nome AK 99762

2343
Bering Straits Native Corp.
Attn: Lonnie O'Connor
P.O. Box 1008
Nome AK 99762

3775
Bering Straits Native Corp.
Attn: Jack Carpenter
P.O. Box 1008
Nome AK 99762

375
Bethel Native Corporation
Attn: President
Box 719
Bethel AK 99559

873
Bethel Native Corporation
Attn: George Cannelos
Box 719
Bethel AK 99559

1578
Village of Brevig Mission
Attn: President
General Delivery
Brevig Mission AK 99785

376
Brevig Mission Native Corp.
Attn: President
General Delivery
Brevig Mission AK 99785

352
Bristol Bay Native Assn.
P.O. Box 310
Dillingham AK 99576

377
Bristol Bay Native Assn.
Attn: Dugan Nielson
P.O. Box 238
Dillingham AK 99576

351
Bristol Bay Native Corp.
P.O. Box 100220
Anchorage AK 99510-0220

1973
Bristol Bay Native Corp.
Attn: Stephen P. Tolton
800 Cordova
Anchorage AK 99501

1579
Native Village of Buckland
Attn: President
General Delivery
Buckland AK 99727

353
Calista Corporation
601 W. 5th Avenue, #200
Anchorage AK 99501-2226

1363
Calista Corporation
Attn: June McAtee
601 W. 5th Avenue, Suite 200
Anchorage AK 99501

2358
Calista Corporation
Attn: Sue Gamache
601 W. 5th Avenue, Suite 200
Anchorage, AK 99501-2225

378
Cape Fox Corporation
Attn: President
Box 8558
Ketchikan AK 99901

379
Caswell Native Association
Attn: President
12020 Old Seward Highway
Anchorage AK 99515

380
Chalkyitsik Native Corp.
Attn: Woody Salmon
General Delivery
Chalkyitsik AK 99788

381
Chaluka Corporation
Attn: President
General Delivery
Nikolski AK 99638

382
Chefarnmute Incorporated
Attn: President
General Delivery
Chefornak AK 99561

383
Chenega Corporation
Attn: President
P.O. Box 60
Chenega Bay AK 99574-9999

1584
Chinik Eskimo Community
Attn: President
P.O. Box 62020
Golovin AK 99762

384
Chitna Native Corporation
Attn: President
Box 3
Chitna AK 99566

385
Chogglung LTD
Box 330
Dillingham AK 99576

354
Chugach Alaska Corporation
560 E. 34th Avenue, Suite 20
Anchorage AK 99503-4196

386
Chuloonawick Corporation
Attn: President
General Delivery
Emmonak AK 99581

3917
CIRI
Nancy Moses
P.O. Box 93330
Anchorage, AK 99509

355
Cook Inlet Region, Inc.
2525 C Street, #500
Anchorage AK 99509-2689

906
Cook Inlet Region, Inc.
Attn: Oil & Gas Department
P.O. Box 93330
Anchorage AK 99509-3330

387
Copper River Native Assn.
Attn: President
Drawer H
Copper Center AK 99573

3899
Copper River Native Assoc.
Natural Resources
Drawer H
Copper Center, AK 99573

388
Council Native Corporation
Attn: President
3106 Cottonwood
Anchorage AK 99501

389
Cully Corporation
Attn: President
General Delivery
Point Lay AK 99723

1580
Native Village of Deering
Attn: President
P.O. Box 36043
Deering AK 99736

390
Deloycheet, Inc.
Attn: S. Demientieff
Box 206
Holy Cross AK 99602

391
Dineega Corporation
Attn: Donald Honea, Sr.
Box 28
Ruby AK 99768

392
Dinyee Corporation
Attn: Dave Lacey, Gen. Mgr.
P.O. Box 71372
Fairbanks AK 99707-1372

1581
Native Village of Diomede
Attn: President
General Delivery
Diomede AK 99762

394
Dot Lake Native Corporation
Attn: President
Box 2275
Dot Lake AK 99737

356
Doyon LTD
201 1st Ave., Doyon Bldg.
Fairbanks AK 99701-4898

109
Doyon Newsletter
Attn: Editor
201 1st Avenue
Fairbanks AK 99701

395
Eklutna, Incorporated
Attn: President
510 L St. #200
Anchorage AK 99501-1449

396
Ekwok Natives LTD
Attn: President
Box 196
Dillingham AK 99576

1582
Native Village of Elim
Attn: President
P.O. Box 39070
Elim AK 99739

397
Emmonak Corporation
Attn: President
General Delivery
Emmonak AK 99581

398
English Bay Corporation
Attn: President
English Bay Via
Homer AK 99603

399
Eskimos, Incorporated
Attn: President
Box 536
Barrow AK 99723

400
Evansville, Inc.
Attn: President
214 2nd Avenue
Fairbanks AK 99701

401
Eyak Corporation
Attn: President
Box 340
Cordova AK 99574

1583
Native Village of Gambell
Attn: President
P.O. Box 133
Gambell AK 99742

402
Golovin Native Corporation
Attn: President
P.O. Box 62099
Golovin AK 99762

403
Gwitchyaa Zhee Corporation
Attn: President
Box 57
Fort Yukon AK 99740

404
Haida Corporation
Attn: President
Box 89
Hydaburg AK 99922

405
Hee-Yea-Lingde Corporation
Attn: Gabriel Nicholt
Box 9
Grayling AK 99590

406
Huna Totem Corporation
Attn: President
9309 Glacier Hwy. #A-103
Juneau AK 99801-9300

407
Hungwitchin Corporation
Attn: Ruth S. Ridley
Box 8
Eagle AK 99738

408
Igiugig Natives LTD
Attn: President
General Delivery
King Salmon AK 99613

409
Iliamna Natives Limited
Attn: President
Box 34
Iliamna AK 99606

393
Inalik Native Corporation
Attn: Manager
P.O. Box Dio
Diomede AK 99762

410
Inalik Native Corporation
Attn: President
General Delivery
Diomede AK 99762

411
Iqfijouaq Corporation
Attn: President
General Delivery
Eek AK 99570

412
Isanotski Corporation
Attn: President
General Delivery
False Pass AK 99583

993
Barbara Janitscheck
Manillaq Corp.
Box 235
Kotzebue AK 99952

438
K'oyitl'ots'ina LTD
Attn: President
1603 College Road
Fairbanks AK 99701

413
Kake Tribal Corporation
Attn: President
Box 263
Kake AK 99830

414
Kaktovik Inupiat Corp.
Attn: President
General Delivery
Kaktovik AK 99747

415
Kasigluk Incorporated
Attn: President
General Delivery
Kasigluk AK 99609

416
Kavilco Incorporated
Attn: President
P.O. Box KXA (Kasaan)
Ketchikan AK 99950-0340

231
Kawerak, Inc.
Reindeer Herders Assn.
Box 948
Nome AK 99762

417
Kawerak, Inc.
Attn: President
P.O. Box 948
Nome AK 99762

1585
Native Village of Kiana
Attn: President
P.O. Box 69
Kiana AK 99749

3464
Kijik Corporation
Attn: Sarah Clampitt
4155 Tudor Centre Dr. #104
Anchorage AK 99508

418
Kikiktagruk Inupiat Corp.
Attn: President
Box 1050
Kotzebue AK 99752

419
King Cove Corporation
Attn: President
General Delivery
King Cove AK 99612

1586
King Island Native Communit
Attn: Chief
P.O. Box 992
Nome AK 99762

420
King Island Native Corp.
Attn: President
Box 992
Nome AK 99762

421
Kiutsarak, Inc.
Attn: President
General Delivery
Goodnews Bay AK 99589

1587
Native Village of Kivalina
Attn: President
P.O. Box 32
Kivalina AK 99750

2467
Native Village of Kivalina
Attn: Tribal Administration
P.O. Box 50051
Kivalina AK 99750

3404
Village of Kivethluk
Attn: Realty Department
P.O. Box 129
Kivethluk AK 99621

422
Klawock Heenya Corporation
Attn: President
P.O. Box 129
Klawock AK 99925

423
Klukwan, Inc.
Attn: President
P.O. Box 1389
Haines AK 99827

424
Knikatnu, Inc.
Attn: President
Box 2130
Wasilla AK 99687

1588
Native Village of Kobuk
Attn: President
General Delivery
Kobuk AK 99751

425
Kodiak Area Native Assn.
402 Center Avenue
Kodiak AK 99615

426
Kokarmuit Corporation
Attn: President
General Delivery
Akiak AK 99552

427
Koliganek Natives LTD
Attn: President
General Delivery
Koliganek AK 99576

428
Kongnikilnomuit Yuita Corp.
Attn: President
General Delivery
Kotlik AK 99620

357
Koniag Incorporated
4300 B Street, #407
Anchorage AK 99503-5926

429
Kootzhoowoo, Inc.
Attn: President
Box 116
Angoon AK 99820

430
Kotlik Yupik Corporation
Attn: President
P.O. Box 20207
Kotlik AK 99620-0207

1589
Native Village of Kotzebue
Attn: President
P.O. Box 296
Kotzebue AK 99752

1590
Native Village of Koyuk
Attn: President
P.O. Box 81
Koyuk AK 99753

431
Koyuk Native Corporation
Attn: President
Box 50
Koyuk AK 99753

432
Kugkaktlik LTD
Attn: President
General Delivery
Kipnuk AK 99614

433
Kuskokwim Corporation
Attn: President
645 G Street, #305
Anchorage AK 99501-3451

434
Kuskokwim Native Assn.
Attn: Natural Resource Dir.
P.O. Box 127
Aniak AK 99557

1021
Kuskokwim Native Assn.
Attn: Sue Detwiler
Box 106
Aniak AK 99625

435
Kuugpik Corporation
Attn: President
General Delivery
Nuiqsut AK 99723

436
Kwethluk Inc.
Attn: President
General Delivery
Kwethluk AK 99621

4027
Kwethluk Inc.
Attn: George Guy
Box 109
Kwethluk. AK 99621

1022
Kwethluk Incorporated
Attn: Guy Phillip
General Delivery
Kwethluk AK 99621

437
Kwik Incorporated
Attn: President
General Delivery
Kwigillingok AK 99622

439
Levelock Natives LTD
Attn: President
General Delivery
Levelock AK 99625

440
Lime Village Company
Attn: President
General Delivery
McGrath AK 99627

441
Manokotak Natives LTD
Attn: President
General Delivery
Manokotak AK 99628

442
Manuneluk Assocation
Attn: President
Box 256
Kotzebue AK 99752

443
Marys Igloo Native Corp.
Attn: President
P.O. Box 572
Teller AK 99778

444
Maserculiq, Inc.
Attn: President
General Delivery
Marshall AK 99585

445
Mendas Chaag Native Corp.
Attn: President
Box 60300
Fairbanks AK 99706-0300

446
MTNT, Limited
P.O. Box 309
McGrath AK 99627

2347
Trad. Village of Mumtraq
Traditional Village Council
P.O. Box 70
Goodnews Bay AK 99589

358
NANA Regional Corporation
1001 E. Benson Boulevard
Anchorage AK 99508

447
Napakiak Corporation
Attn: President
General Delivery
Napakiak AK 99634

448
Napaskiak, Inc.
Attn: President
General Delivery
Napaskiak AK 99559

1554
National Congress of
American Indians
900 Pennsylvania Avenue SE
Washington DC 20003

1605
Native Village Mary's Igloo
Attn: President
P.O. Box 572
Teller AK 99778

1606
Native Village of Soloman
Attn: President
P.O. Box 243
Nome AK 99762

1601
Native Village of Teller
Attn: President
P.O. Box 548
Teller AK 99778

1603
Native Village of Wales
Attn: President
General Delivery
Wales AK 99783

1602
Native Village Unalakleet
Attn: President
P.O. Box 70
Unalakleet AK 99684

1604
Native Village White Mtn.
Attn: President
P.O. Box 82
White Mountain AK 99784

449
Natives of Kodiak, Inc.
Attn: President
Box 164
Kodiak AK 99615

450
Neechootaalichaagat Corp.
Attn: President
Box 24
Nenana AK 99760

451
Neets AL Corporation
Attn: Allen Trit
General Delivery
Arctic Village AK 99722

452
Nelson Lagoon Corporation
Attn: President
General Delivery
Nelson Lagoon AK 99695

453
Nerklikmute Native Corp.
Attn: President
General Delivery
St. Marys AK 99658

454
Newtok Corporation
Attn: President
General Delivery
Newtok AK 99559

455
Ngta Incorporated
Attn: President
General Delivery
Nightmute AK 99690

456
Nima Corporation
Attn: President
Box 52
Mekoryuk AK 99630

457
Ninilchik Native Assn.
Attn: President
703 W. Tudor, #101
Anchorage AK 99503

1591
Native Village of Noatak
Attn: President
P.O. Box 89
Noatak AK 99761

1592
Nome Eskimo Community
Attn: President
P.O. Box 401
Nome AK 99762

3044
Nome Eskimo Community
Attn: Nancy Patton
P.O. Box 401
Nome AK 99762

2350
Nondalton City Hall
Attn: Mayor
General Delivery
Nondalton AK 99640

2351
Nondalton Clinic
General Delivery
Nondalton AK 99640

1593
Noorvik Native Community
Attn: President
P.O. Box 71
Noorvik AK 99763

458
Northway Natives, Inc.
Attn: President
P.O. Box 401
Northway AK 99764

459
Nunakauiak Yupik Corp.
Attn: President
Nelson Island
Toksook Bay AK 99637

460
Nunamiut Corporation
Attn: President
General Delivery
Anaktuvik Pass AK 99721

461
Nunapigiluraq Corporation
Attn: President
General Delivery
Kotlik AK 99620

462
Nunapitchuk LTD
Attn: President
P.O. Box 129
Nunapitchuk AK 99641

463
Oceanside Corporation
Attn: President
Box 487
Perryville AK 99648

464
Olgoonik Corporation, Inc.
Attn: President
Main Street
Wainwright AK 99782

465
Oscarville Native Corp.
Attn: President
General Delivery
Oscarville AK 99695

466
Ounalashka Corporation
Attn: President
Box 149
Unalaska AK 99685

467
Ouzinkie Native Corporation
Attn: President
Box 1123
Ouzinkie AK 99644

468
Paimiut Corporation
Attn: President
General Delivery
Hooper Bay AK 99604

469
Paug-Vik Incorporated LTD
Attn: President
Box 61
Naknek AK 99633

470
Pedro Bay Corporation
Attn: Debi Wilson-Jacko
P.O. Box 47015
Pedro Bay AK 99647

471
Pilot Point Native Corp.
Attn: President
Box 482
Pilot Point AK 99649

472
Pilot Station Native Corp.
Attn: President
General Delivery
Pilot Station AK 99650

473
Pitka's Point Native Corp.
Attn: President
General Delivery
St. Marys AK 99658

474
Port Graham Corporation
Attn: President
P.O. Box 5569
Port Graham AK 99603-5569

475
Qanirtuug Incorporated
Attn: President
General Delivery
Quinhagak AK 99655

2518
Qawalangin Tribe of Unalask
P.O. Box 334
Unalaska AK 99685

476
Qeniralet Coast Corporation
Attn: President
General Delivery
Kongiganak AK 99559

477
Russian Mission Native Corp
Attn: President
General Delivery
Russian Mission AK 99657

478
Saguyak, Incorporated
Attn: President
General Delivery
Clark's Point AK 99569

479
Salamatof Native Assn.
Attn: Randy Johnson
Box 2682
Kenai AK 99611

480
Sanak Corporation
Attn: President
Box 76
Sand Point AK 99661

1595
Native Village of Savoonga
Attn: President
P.O. Box 129
Nome AK 99769

481
Sea Lion Corporation
Attn: President
Box 44
Hooper Bay AK 99604

258
Sealaska Corporation
1 Sealaska Plaza, Suite 400
Juneau AK 99801-1276

2459
Sealaska Corporation
Attn: E. Hillman
1 Sealaska Plaza, Suite 400
Juneau AK 99801-1276

1596
Native Village of Selawik
Attn: President
P.O. Box 59
Selawik AK 99770

482
Seldovia Native Association
Attn: President
Drawer L
Seldovia AK 99663

483
Seth-De-Ya-Ah Corporation
Attn: Ken Charlie
Box 849
Fairbanks AK 99707

1597
Native Village Shaktoolik
Attn: President
P.O. Box 75
Shaktoolik AK 99771

3116
Shaktoolik Native Corp.
P.O. Box 46
Shaktoolik AK 99771

484
Shan-Seet Inc.
Attn: President
Box 90
Craig AK 99921

1598
Native Village Shishmaref
Attn: President
General Delivery
Shishmaref AK 99772

485
Shishmaref Native Corp.
Attn: President
General Delivery
Shishmaref AK 99772

486
Shumagin Corporation
Attn: President
P.O. Box 189
Sand Point AK 99661

1599
Native Village of Shungnak
Attn: President
General Delivery
Shungnak AK 99773

487
Shuyak, Inc.
Attn: President
Box 727
Kodiak AK 99615

488
Sitnasuak Native Corp.
Attn: President
Box 905
Nome AK 99762

1348
Slana Alaskans Unite
P.O. Box 821
Slana, AK 99586

2464
Soil Conservation Service
Attn: Dan Laplant
949 E. 36th Ave., Suite 400
Anchorage AK 99508-4362

489
Solomon Native Corp.
Attn: President
Box 243
Nome AK 99762

491
St. George Tanaq Corp.
Attn: President
3000 C Street #201
Anchorage AK 99503-3914

490
St. Mary's Native Corp.
Attn: President
Box 162
St. Marys AK 99658

1594
Native Village St. Michael
Attn: President
P.O. Box 59090
St. Michael AK 99659

492
St. Michael Native Corp.
Attn: President
P.O. Box 59049
St. Michael AK 99659

1600
Stebbins Community Assn.
Attn: President
P.O. Box 42
Stebbins Ak 99761

493
Stebbins Native Corporation
Attn: President
P.O. Box 110
Stebbins AK 99671

494
Stuyahok LTD
Attn: President
General Delivery
New Stuyahok AK 99636

495
Swan Lake Corporation
Attn: President
General Delivery
Sheldons Point AK 99666

912
T&H Indian Delegate
Attn: Joe Paddock
Box 198
Sitka AK 99855

3916
Taheta Arts Cultural Group
Martin C. Smith, Manager
605 A Street
Anchorage, AK 99501

496
Tanacross Incorporated
c/o Robert L. Brean
333 W. 4th Ave., Suite 220
Anchorage AK 99501-2341

497
Tanadgusix Corporation
Attn: President
Box 88
St. Paul Island AK 99660

1138
Tanana Chiefs Conference
Attn: George Yaska
122 1st Avenue
Fairbanks AK 99701

1139
Tanana Chiefs Conference
Attn: Village Land Planner
Box 99
Togiak AK 99678

3463
Tanana Chiefs Conference
Attn: Perry R. Ahsogeak
122 1st Avenue
Fairbanks AK 99701-4897

498
Tatitlek Corporation
Attn: President
P.O. Box 650
Cordova AK 99574

499
Teller Native Corporation
Attn: President
P.O. Box 509
Teller AK 99778

1876
Teller Traditional Council
Native Village of Teller
Grantley Avenue
Teller AK 99778

3975
Thirteenth Regional Corp.
4370 NE Halsey St.
Portland, OR 97213-1566

500
Tigara Corporation
Attn: President
General Delivery
Point Hope AK 99766

501
Tihteet'all Incorporated
Attn: President
Birch Creek
Ft. Yukon AK 99740

893
Tlingit & Haida Central Cnl
Attn: Teresa Cato
320 W. Willoughby Ave., #300
Juneau AK 99801

502
Toghotthele Corporation
Attn: Winnie Atwood
P.O. Box 249
Nenana AK 99760

503
Togiak Natives LTD
Attn: President
Box 109
Togiak AK 99678

504
Tulkisarmute Incorporated
Attn: President
General Delivery
Tuluksak AK 99679

505
Tuntutuliak Land LTD
Attn: President
General Delivery
Tuntutuliak AK 99680

506
Tununrmiut Rinit Corp.
Attn: President
General Delivery
Tununak AK 99681

507
Twin Hills Native Corp.
Attn: President
General Delivery
Twin Hills AK 99576

508
Tyonek Native Corporation
Attn: President
200 W. 34th Ave., #731
Anchorage AK 99503

510
Ukpeagvik Inupiat Corp.
Attn: President
Box 427
Barrow AK 99723

511
Umkumiute LTD
Attn: President
General Delivery
Nightmute AK 99690

512
Unalakleet Native Corp.
Attn: President
Box 100
Unalakleet AK 99684

513
Unga Corporation
Attn: President
P.O. Box 130
Sand Point AK 99661

3092
United Consv. Alliance
1101 14th Street, NW #725
Washington DC 20002

514
Uyak Natives, Inc.
Attn: President
Box 136
Kodiak AK 99615

515
Wales Native Corporation
Attn: President
P.O. Box 529
Wales AK 99783

516
White Mountain Native Corp.
Attn: President
General Delivery
White Mountain AK 99784

517
Yak-Tat Kwaan, Incorporated
Attn: President
Box 416
Yakutat AK 99689

518
Zho-Tse, Incorporated
Attn: President
General Delivery
Shageluk AK 99665

Congress of the United States
Washington, DC 20510

September 18, 2013

The Honorable Sally Jewell
Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Jewell:

Section 103 of Public Law 104-42, dated November 2, 1995, directed the Secretary of the Interior to prepare a report on the extent of hazardous substance contamination on lands in Alaska transferred to Alaska Native corporations under the Alaska Native Claims Settlement Act (ANCSA) of 1971, (Public Law 92-203, 85 Stat. 688) as amended. In December of 1998, the Department submitted a report to Congress entitled *Hazardous Substance Contamination of Alaska Native Claims Settlement Act Lands in Alaska.*

In that report, the Department acknowledged conveying approximately 650 contaminated sites to Alaska Native corporations. Apparently recognizing the unjustness of conveying contaminated lands to Alaska Native corporations in settlement of aboriginal rights to land, the report (at page 2) "recommends an approach to fully identify contaminated sites and cleanup needs on ANCSA lands," including the following six recommendations:

1. Establish a forum of ANCSA landowners 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; and

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 cleanup efforts.

The Department stated that it would "coordinate the implementation of these recommendations…."

After 15 years, the Department has had sufficient time to act on the six recommendations in its own report to address contamination on Native lands. We believe it is imperative that progress be made now to clean these lands so they can fulfill the goals of the aboriginal lands claims settlement. We hope for a timely reply listing the actions the Department has and intends to undertake in the future to remedy federal contamination of these lands.

Sincerely,

Mark Begich	Lisa Murkowski	Don Young
United States Senator	United States Senator	United States Representative

cc: Neil Kornze, Acting Director, BLM
Bud Cribley, Alaska State Director, BLM

THE KUSKOKWIM CORPORATION

cutting a path to a better future

RED DEVIL MINE:
A Threat to Our Health and Traditions

What is Red Devil?

Red Devil is an abandoned cinnabar and mercury mine site at the mouth of Red Devil Creek on the Kuskokwim River. From 1933 to 1971, mining operations included extensive underground and surface mining, onsite processing and waste disposal. The Bureau of Land Management assumed control of the site in 1987.

Legacy of Contamination

Piles of mine tailings, leaking underground fuel tanks, and processing chemicals were left on site. These hazardous materials have been leaking mercury, arsenic and other toxins into the groundwater and surrounding river system for more than four decades.

Unprecedented Fish Consumption Warning

For the first time in the history of fish and wildlife management in Alaska, officials issued guidelines restricting the consumption of fish in the middle Kuskokwim River area. Tests show dangerously elevated levels of mercury in pike, lush, Dolly Varden, Arctic grayling and other subsistence fish, as well as in the snails, larvae and small fish they eat.

Mercury can cause brain damage in infants and young children. That means women who are or can become pregnant, mothers who are nursing babies, and children 12 and under are at risk. Depending on the type and size of the fish, women and children are limited to 12 to 16 portions of fresh fish and one to four portions of dried fish per month.

The Math

Three meals a day for 30 days is 90 meals. If women of childbearing age and children eat pike or lush for only 16 meals, that leaves 74 meals to account for. In the winter, when dried fish provides the staple of the traditional diet, they are effectively cut off from the region's primary food source.

Who is Responsible for Cleanup?

THE SHORT ANSWER: BLM. As manager of the mine site, BLM is obligated under CERCLA to conduct a remedial investigation and feasibility study and address clean up alternatives. BLM has been conducting this investigation since 2009 but has yet to issue reports or recommendations.

The Kuskokwim Corporation and the State of Alaska have repeatedly requested the Red Devil Mine site be placed on the EPA's NPL for comprehensive evaluation and cleanup, with appropriate public input. Congressional oversight and funding. It has been over two years and the BLM and EPA have yet to reach an agreement. Meanwhile, mercury at Red Devil continues to leach into our waters.

ANCSA Land Conveyance

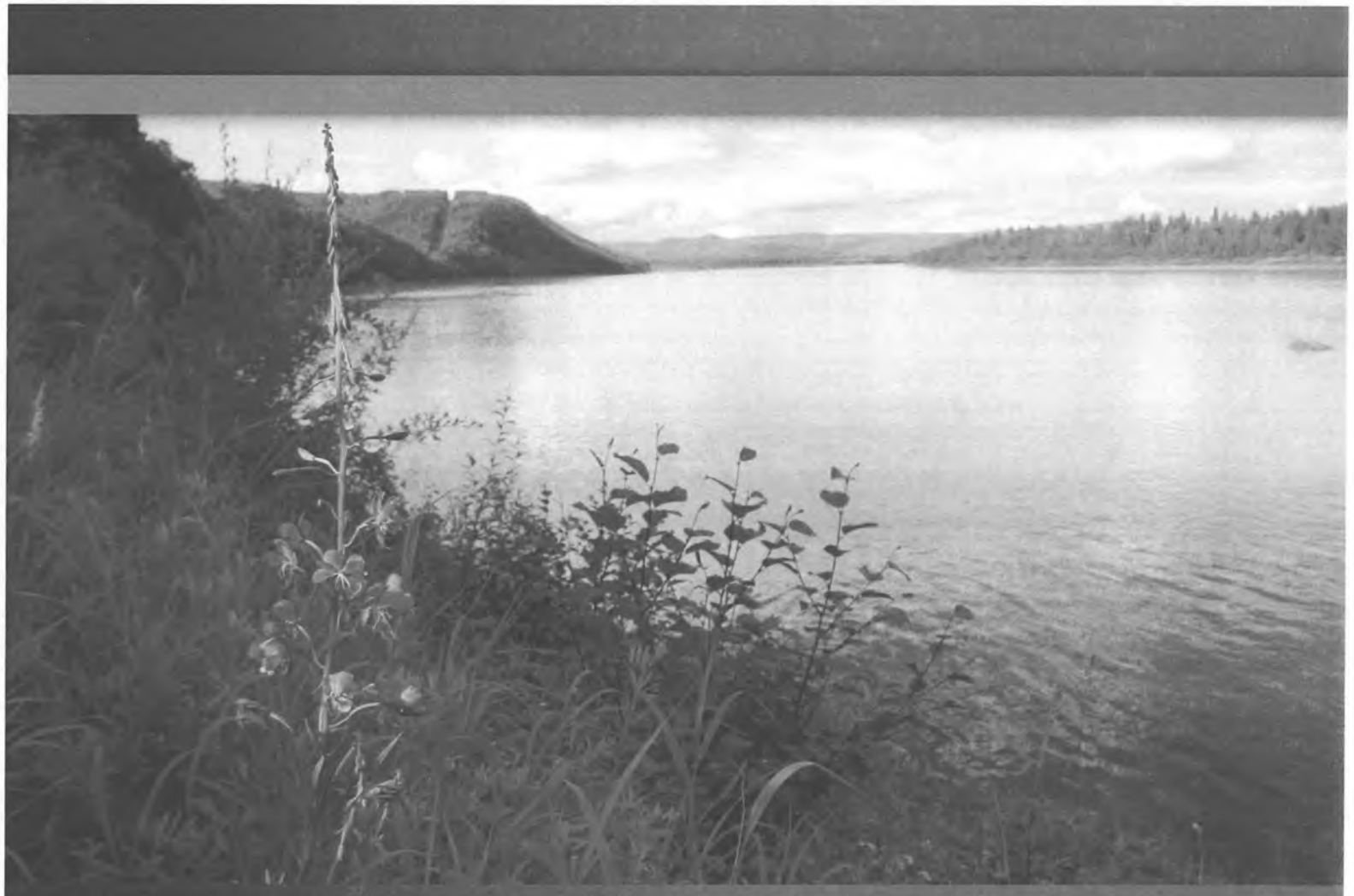
The Kuskokwim Corporation and Calista Corporation have selected the lands on and around the Red Devil Mine site for conveyance pursuant to ANCSA. Thanks to past congressional action, the Department of the Interior was required to provide information on contaminated lands that were conveyed to ANCs as part of the ANCSA land settlement. Its report estimated 650 contaminated sites on such lands.

As the future holder of the surface estate, we have a vested interest in the status of the investigation and mitigation of contamination on this site. Federal and state law subjects ANCs to liability for these lands once conveyed. The State of Alaska has required several ANCs to clean up similar sites, at considerable expense, even though contamination occurred prior to the land conveyance. We will not accept the Red Devil Mine site and surrounding lands in their current toxic state.

Congressional Action Is Needed

SHORT TERM: TKC requests the assistance of Alaska's congressional delegation to place the Red Devil Mine site on the NPL.

LONG TERM: TKC stands by Resolution 12-42, passed at the 2012 Alaska Federation of Natives Convention, supporting the introduction and enactment of federal legislation to acknowledge the financial responsibility of the federal government to remediate contaminated lands conveyed pursuant to ANCSA.



The Kuskokwim Corporation (TKC) was formed in 1977 when 10 ANCSA (Alaska Native Claims Settlement Act) village corporations located along the middle region of the Kuskokwim River merged. The villages include Lower Kalskag, Upper Kalskag, Aniak, Chuathbaluk, Napaimute, Crooked Creek, Red Devil, Georgetown, Sleetmute and Stony River.

THE KUSKOKWIM CORPORATION

cutting a path to a better future

Contact Us:

The Kuskokwim Corporation
4300 B St., Suite 207
Anchorage, AK 99503

Toll Free: 1-800-478-2171
Main: (907) 243-2944
Fax: (907) 243-2984

KUSKOKWIM.COM

Contaminated Lands on Pribilof Islands Cleaned by TDX Corporation Emulate Model for Success

Our Story

The Pribilof Islands are remote islands located on the Bering Sea, where military debris was stored and left without remediation.

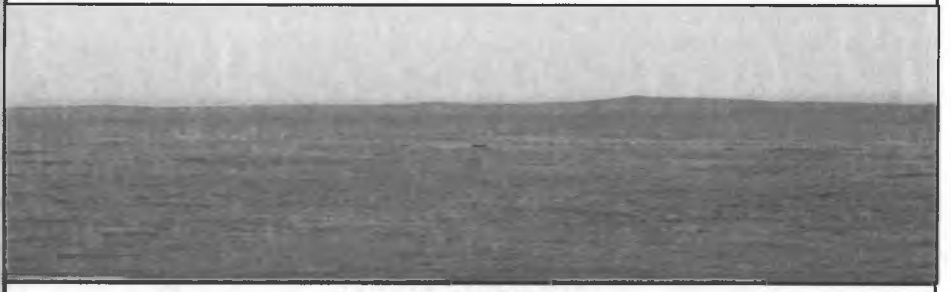
The islands are 240 miles north of the Aleutian Islands, 300 miles west of the Alaska mainland, and 750 air miles west of Anchorage. Petroleum contamination was detected at a number of properties currently and formerly owned and operated by National Oceanic and Atmospheric Administration (NOAA) and its predecessor agencies. Some of these sites occur within the two cities (St. Paul and St. George), and others are scattered across each island. NOAA's National Ocean Service Office of Response and Restoration is responsible for site restoration activities at St. George and St. Paul Islands in Alaska. NOAA is the last of a series of federal agencies which managed the fur trade on the islands.

The contamination posed risks to the human health, safety, welfare, and the local environment. Much of the contamination included petroleum whereby people may have been exposed to pollutants through vapor inhalation, direct contact with the skin, or accidental ingestion of contaminated soil at the sites. Clean-up was also required to facilitate the land transfers to the local entities of Tanadgusix Corporation (TDX) and the St. Paul Island stakeholders.

In and effort to clean up the mess left by the federal government, TDX Corporation created an 8(a) subsidiary called Bering Sea Eccotech Inc. (BSE). BSE conducted several large environmental clean-up operations for the community of Saint Paul primarily under the Formerly Used Defense Sites (FUDS) and NOAA/Alaska Department of Environmental Conservation two party agreements. The clean-up employed 99% local shareholder hire. Some $76 million has been spent on cleaning up the islands since the mid-1990s.

The cleanup operations varied in size and scope which included removal and recycling of many tons of decrepit vehicles and heavy equipment, disposal of hazardous materials, removal of above and underground storage tanks, and the removal of stockpiling and treatment of several thousands of cubic yards of Petroleum Contaminated Soils (PCS).

Starting in the mid-1960s, an area on St. Paul Island known as the vehicle bone yard site was used to dispose of vehicle and equipment hulks. The bone yard site included debris burial and surface dumping of fur seal carcasses.



Same site Post Clean-up.

Timeline:

1786: Pribilof Islands first encounter with Russian fur traders.

1870-1946: U.S. government controlled commercial seal harvest.

1983: Congress passed the Fur Seal Act Amendments, ending government control of the commercial seal harvest and federal presence on the island.

1985: Commercial seal harvesting ceased.

1986-1997: Preliminary clean-up of the Pribilof Islands began.

1999-2000: NOAA performed additional debris removal and investigation work.

Issue: The U.S. Government caused contamination on the Pribilof Islands that created many health risks for the inhabitants. TDX Corporation cleaned up the debris with federal funds.

Requested Action: Meaningful appropriations are needed to emulate the clean-up process used via remediation on the Pribilof Islands and on other Alaska Native Corporation lands.

Questions? Contact Julie Shane,

President, TDX LLC (907) 278-2312

www.tanadgusix.com

TANADGUSIX

PCBs Contamination Continues to Affect the Health of Unalakleet's Residents

> "Parkinson's disease had not been seen in the Alaska Native population in the past. I believe PCBs and other toxics left behind by the military contributed to the disease I and others have been diagnosed with." - *Stephen Ivanoff, Unalakleet resident*

Unalakleet, population 800, is located on the Norton Sound at the mouth of the Unalakleet River, which is 395 miles northwest of Anchorage, Alaska.

From 1958 to 1978, the U.S. Air Force operated the North River Radio Relay Station (RRS) in the Unalakleet area for defense and civilian communications. When military activities in the surrounding area ended, buildings, debris, and thousands of 55-gallon drums were left behind, saturating the tundra and infecting the local food and water sources.

In fact, the land around the former RRS is used for hunting, berry picking, and recreation. Soil contaminated by polychlorinated biphenyls (PCBs) was discovered on the site on July 10, 2003.

The presence of PCBs is a significant environmental concern. Local residents are regularly exposed to these PCBs through direct contact with the contaminated soil. In the late 1950s and early 1960s, all Unalakleet residents received their local drinking water from below the air force base installation of RRS. Residents are concerned that the early exposure to PCBs have led to degenerative diseases and death.

Issue: The U.S. Government left contaminated debris on traditional subsistence hunting lands in Unalakleet, Alaska.

Requested Action: Meaningful appropriations are needed to expedite clean-up of PCBs contamination in Unalakleet. Further studies need to occur to test for exposure of PCBs amongst Unalakleet's residents and their possible side effects.

Timeline:

1958-1978: U.S. Air Force operated the North River Radio Relay Station.

1986-1989: U.S. Army Corps of Engineers investigated the site and published three sampling reports.

1993-1995: Two Army Corps contractors demolished buildings at North River RRS and buried all debris.

2002: An Army Corps contractor removed approximately 3,300 drums scattered across a 10-square mile area, including Alaska Native allotment sites.

July 10, 2003: Air Force was notified by Emily Nanouk, a Native allotment owner, that she suspected there was contaminated soil on her property. The Air Force personnel confirmed high levels of PCBs on her soil. In September the Air Force removed 31,350 pounds of contaminated soil from near her property.

2004: Clean-up actions for the remainder of the sites near RRS began in the summer of 2004, but a larger volume than estimated was found and logistical complications prevented the removal of all contaminated soil. The contaminated soil still exists with fencing and warning signs around it.

August 2, 2013: Native allotment resident, Emily Nanouk, wrote to the Alaska delegation requesting new allotment lands due to the continued contamination on her soil.

August 27, 2013: Unalakleet resident, Stephen Ivanoff, testified in front of the Environmental Protection Agency that PCBs still exist on Unalakleet homelands and may have contributed to his autoimmune disease.

Questions?

Contact Stephen Ivanoff, Village Transportation Planner,
Kawerak (907) 624-3299

Alaska Oil and Gas Association

AOGA

121 W. Fireweed Lane, Suite 207
Anchorage, Alaska 99503-2035
Phone: (907) 272-1481 Fax: (907) 279-8114
Kara Moriarty, President/CEO

February 26, 2014

Senator Cathy Giessel
Chair, Senate Resources Committee
State Capitol Room 427
Juneau, Alaska 99811

Re: HJR 26, Offshore Oil and Gas Revenue Sharing

Dear Senator Giessel,

The Alaska Oil and Gas Association (AOGA) formally supports HJR 26, Offshore Oil and Gas Revenue Sharing. AOGA is the business trade organization representing the majority of oil and gas producers, explorers, refiners, transporters and marketers in Alaska. With 15 member companies, we represent both large and small companies with interests on the North Slope, in the Cook Inlet and in the Outer Continental Shelf (OCS) often referred to as the "Offshore".

We appreciate the focus on developing our offshore resources in a way that recognizes Alaskans' interest in advancing the issue, because the Offshore is what we call the "next generation" of oil and gas development in Alaska; with more than 27 billion barrels of oil to produce, it is truly a world-class resource.

AOGA can say at a high level that we support an OCS revenue sharing program as long as additional costs are not passed on to the offshore oil and gas industry in the form of bonuses, rents or royalties.

We appreciate legislators' efforts to keep the Offshore Revenue Sharing idea alive at the federal level, as well as those of our Congressional delegation, which has made similar efforts in Washington, D.C.

Thank you.

Sincerely,

Kara Moriarty

KARA MORIARTY
President/CEO

REPORT TO CONGRESS

HAZARDOUS SUBSTANCE CONTAMINATION OF ALASKA NATIVE CLAIMS SETTLEMENT ACT LANDS IN ALASKA

U.S. DEPARTMENT OF THE INTERIOR

DECEMBER, 1998

Report to Congress

Hazardous Substance Contamination of Alaska Native Claims Settlement Act Lands In Alaska

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Glossary of Acronyms and Abbreviations

AAC	Alaska Administrative Code
ADEC	Alaska Department of Environmental Conservation
AFN	Alaska Federation of Natives
ANA	Administration for Native Americans
ANCSA	Alaska Native Claims Settlement Act
AS	Alaska Statute
ATSDR	Agency for Toxic Substances and Disease Registry
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Information System
CFR	Code of Federal Regulations
CIRI	Cook Inlet Region, Incorporated
COE	Corps of Engineers
DERA	Defense Environmental Restoration Account
DERP	Defense Environmental Restoration Program
DEW	Distant early warning
DOD	Department of Defense
DOI	Department of the Interior
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FTE	Full time equivalent
FWS	Fish and Wildlife Service
FUDS	Formerly Used Defense Site(s)
GIS	Geographic Information System(s)
IHS	Indian Health Service
JRETC	Joint Regional Environmental Training Center
LD	Lands Decisions
NPL	National Priorities List(s)
NOAA	National Oceanic and Atmospheric Administration
PCB	Polychlorinated biphenyl
PLO	Public Land Order
POL	Petroleum, oil, lubricants
PRP	Potentially responsible party
RCRA	Resource Conservation and Recovery Act
SARA	Superfund Amendments and Reauthorization Act
U.S.C.	United States Code

EXECUTIVE SUMMARY

Contamination of ANCSA Lands

Section 103 of Public Law 104-42, dated November 2, 1995, directed the Secretary of the Interior to prepare this report on the extent of hazardous substance contamination on lands in Alaska transferred to Alaska Native corporations under the Alaska Native Claims Settlement Act of 1971, (Public Law 92-203, 85 Stat. 688) as amended.

ANCSA was enacted in 1971 to provide a fair and just settlement of aboriginal land claims in Alaska. ANCSA directed the conveyance of 44 million acres of land and payment of $962.5 million to Alaska Natives as compensation for the extinguishment of claimed aboriginal title. As of September 30, 1998, all of the funds and approximately 37.3 million acres of land had been conveyed to ANCSA Native Corporations. (Approximately 6.7 million acres remained to be conveyed.) Over the last several years, the Native community has expressed concerns over health, safety, and economic issues relating to the presence of hazardous materials or other forms of contamination and hazards such as abandoned buildings, bunker structures, abandoned equipment and so forth, on lands conveyed to them under ANCSA. There is no accurate means of knowing precisly the extent of environmental contamination that existed on public lands at the time of conveyance from the United States. The law did not require DOI to conduct physical inspections of Federal lands or property before transferring them to Native corporations; the lands to be conveyed were vast (the equivalent of nearly half the State of California); and the concepts of what constitutes contamination have evolved with the passage of various environmental laws since ANCSA was passed.

Data collected during this and an earlier study indicate that there are at least 383 sites in existing Federal cleanup programs on ANCSA lands (see table, p.18). This represents most known sites. While we believe most hazardous sites have been identified and placed on Federal cleanup program lists, it is difficult to determine the exact number of sites because there is no comprehensive inventory, agencies have not all focused equally as yet on inventory of such sites, and the several existing inventories of Federal and State agencies are incomplete and in incompatible formats, resulting in inaccuracies and duplication. It is also not known how many of these sites existed prior to conveyance. Another problem complicating site identification is the concern of landowners for potential legal liability attached to contamination on their land to which they may not have contributed. Thus, ANCSA landowners[1] are understandably reluctant to report potential sites. We believe that these concerns can be alleviated by a better understanding of EPA's policies concerning transferees of federal property, described further in section 5 and Appendix K.

[1] For purposes of this report, Native or ANCSA landowner refers to the current owner of land originally transferred to an Alaska Native corporation pursuant to the Alaska Native Claims Settlement Act.

This report recommends an approach to fully identify contaminated sites and cleanup needs on ANCSA lands. With respect to lands yet to be conveyed, we will take all practicable steps to avert the future conveyance of contaminated land. With active involvement by Native, State of Alaska, Federal, and other stakeholders, an accurate inventory will be developed identifying as yet unknown and currently known, but possibly unreported, sites that are not covered by an existing program. This will enable the Department to report back to Congress regarding additional action that may be required for sites that are not covered in current cleanup programs. The report recommends in Section 7.0 that six steps be taken.

1. Establish a forum of ANCSA landowners 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; and

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 cleanup efforts.

The Department of the Interior will coordinate implementation of these recommendations, although other agencies such as EPA and the Corps of Engineers may take the lead in certain aspects of the recommendations. See section 7 for further details.

1.0 PURPOSE OF THE REPORT

In November, 1995, Congress passed Section 103 of Public Law 104-42 amending ANCSA.[2] This amendment resulted, in part, from concerns put forward by Alaska Native corporations about the presence of hazardous wastes on lands transferred from Federal ownership to the Native corporations pursuant to ANCSA. In this amendment to ANCSA, Congress directed the Secretary of the Interior, who is responsible for the transfer of ANCSA lands, to examine and report back to Congress on this issue. We regret that for a variety of reasons, including the complexity of the subject matter, the need to search and organize a large amount of information from many scattered sources, the number of agencies involved, and the difficulty of resolving policy considerations and possible cost impacts of the report, the report has taken longer than the established time. Section 103 defined the issues to be addressed in this report.

Public Law 104-42, Section 103
Settlement of Claims Arising from Hazardous Substance Contamination of Transferred Lands

The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq) is amended by adding at the end the following:

Claims Arising From Contamination of Transferred Lands
Sec. 40. (a) As used in this section the term "contaminant" means hazardous substance harmful to public health or the environment, including friable asbestos.

(b) Within 18 months of enactment of this section, and after consultation with the Secretary of Agriculture, State of Alaska, and appropriate Alaska Native corporations and organizations, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a report addressing issues presented by the presence of contaminants on lands conveyed or prioritized for conveyance to such corporations pursuant to this Act. Such report shall consist of:

(1) existing information concerning the nature and types of contaminants present on such lands prior to conveyance to Alaska Native corporations;

(2) existing information identifying to the extent practicable the existence and availability of potentially responsible parties for the removal and remediation of the effects of such contaminants;

(3) identification of existing remedies;

(4) recommendations for any additional legislation that the Secretary concludes is necessary to remedy the problem on the lands; and

(5) in addition to the identification of contaminants, identification of structures known to have asbestos present and recommendations to inform Native landowners on the containment of asbestos.

[2] 43 U.S.C. 1601

2.0 PERSPECTIVE ON ALASKA NATIVE LANDS

When the Alaska Statehood Act was enacted in July, 1958, approximately 99 percent of the land in Alaska was Federally owned.

ANCSA was enacted in 1971 to provide a fair and just settlement of aboriginal land claims in Alaska. ANCSA directed the conveyance of 44 million acres of land and payment of $962.5 million to Alaska Natives as compensation for the extinguishment of claimed aboriginal title. Native corporations formed under ANCSA had to select the lands to which they would obtain title from lands withdrawn from the public domain by the Secretary of the Interior. The majority of the lands received under ANCSA were traditionally used and occupied by the respective Native villages. The land transfer process is administered by the Bureau of Land Management (BLM).

Under ANCSA, the Native village corporations are entitled to receive surface rights to approximately 22 million acres of land. Individual village corporations are entitled to receive between 69,120 to 161,230 acres, depending on the Native population of the village in 1970. The Native regional corporations, generally speaking, hold subsurface rights to the lands selected by the village corporations. Those regional corporations that had small enrolled populations, but covered large land areas, were entitled to select, under a complex "land lost" formula, an additional 16 million acres to which they hold surface and subsurface rights.

Another 4 million acres was conveyed to Village Corporations occupying former reservations. Any village corporation which elected to receive its former reservation did not receive any money or other benefits under ANCSA. Native village corporations were given a three-year period to make their selections and Native regional corporations were given an overlapping four-year period to select their lands. Originally there were 213 village corporations. Because of mergers, there are now 173 village corporations and 13 regional corporations.[3]

A report entitled *Alaska Natives and the Land*, a study mandated by Congress to assess the current status of Alaska Natives, states that in 1966 about 70 percent of Alaska's 53,000 Native people lived in 178 predominantly Native communities. The communities were small, the median size was 155 people. They were remote, with fewer than a dozen on the State's limited road network, and only 23 had telephone service linking them to other places. The people relied on hunting, fishing, trapping, and other food-gathering activities for their livelihood.

The legislative history of ANCSA indicates that it was intended to compensate Alaska Natives for the extinguishment of title to lands they claimed. At the same time, Congress intended to address the social, cultural, and economic history of the Native people. The majority of Native

[3] The thirteenth Native regional corporation is a landless corporation.

communities are remote and the people continue to depend on the lands for their sustenance and cultural traditions.

ANCSA required Native village corporations to select all available public lands within the core townships surrounding their villages. Section 3(e) of ANCSA defines the term public lands as "all Federal lands and interests therein located in Alaska except: 1) the smallest practicable tract, as determined by the Secretary of the Interior, enclosing land actually used in connection with the administration of any Federal installation ..." "Public lands," as defined by Section 3(e), were available for selection by Native corporations, except where such lands were reserved for military or park purposes. To implement Section 3(e), each Federal agency in Alaska with any landholdings was requested by BLM in 1972 to determine which, if any, lands could be relinquished without adversely affecting their programs or goals. In response, the FAA, military departments, and other Federal agencies made some of their holdings available for Native selection. In some instances, Federal improvements were conveyed to Native corporations. Also, some Federal improvements, including former military sites, were conveyed to CIRI, pursuant to a property pool agreement, so that CIRI's land entitlement could be fulfilled (Subsection 12(b)(6) of the Act of January 2, 1976).

Once a Native village corporation receives its land conveyances it is obligated to reconvey up to 1,280 acres of land, unless mutually agreed otherwise by the parties, for present or future municipalities for use as community developments or for future community expansion. In addition, the village must reconvey to individual residents for primary place of residence, business, headquarter sites, reindeer husbandry and subsistence campsites; to nonprofit corporations for hospitals, churches, etc.; and to the State of Alaska for existing airports and air navigation facilities.

ANCSA fashioned a complex settlement for a complex situation. The claims resolution ANCSA formulated was unprecedented in spirit, in scope, and in substance. Nevertheless, few realized at the time of passage how long and difficult the implementation of ANCSA would be. This has necessitated various amendments to ANCSA.

The first ANCSA conveyance occurred in March, 1974. As of September 30, 1998, approximately 37.3 million acres of land had been conveyed to ANCSA Native Corporations. Approximately 6.7 million acres remained to be conveyed.

Over the last several years, the Native community has expressed concerns over health, safety, and economic issues relating to the presence of hazardous materials or other forms of contamination and hazards such as abandoned buildings, bunker structures, abandoned equipment and so forth, on lands conveyed to them under ANCSA. It is hoped that this report will lead to understanding the scope of the problem and its resolution. It is important that local concerns and life-styles be considered in the identification and remediation of contaminated sites, because of the closeness of the Native people to the land in both proximity and ideology. With respect to lands yet to be conveyed, we will take all practicable steps to avert the future conveyance of contaminated land.

Cash and budgets are critical issues. Most communities faced with several important competing priorities and limited resources are not likely to identify contamination issues to be the most critical need requiring attention. For instance, it is estimated by the Indian Health Service that needed water and wastewater projects alone will cost approximately $880 million to complete.

The maps in Appendix B show the extent of ANCSA transferred lands in Alaska. Since priorities for selection may vary by Native corporations over time, it is not feasible to identify lands "prioritized for conveyance."

FIGURE 1

Native Corp. Boundaries

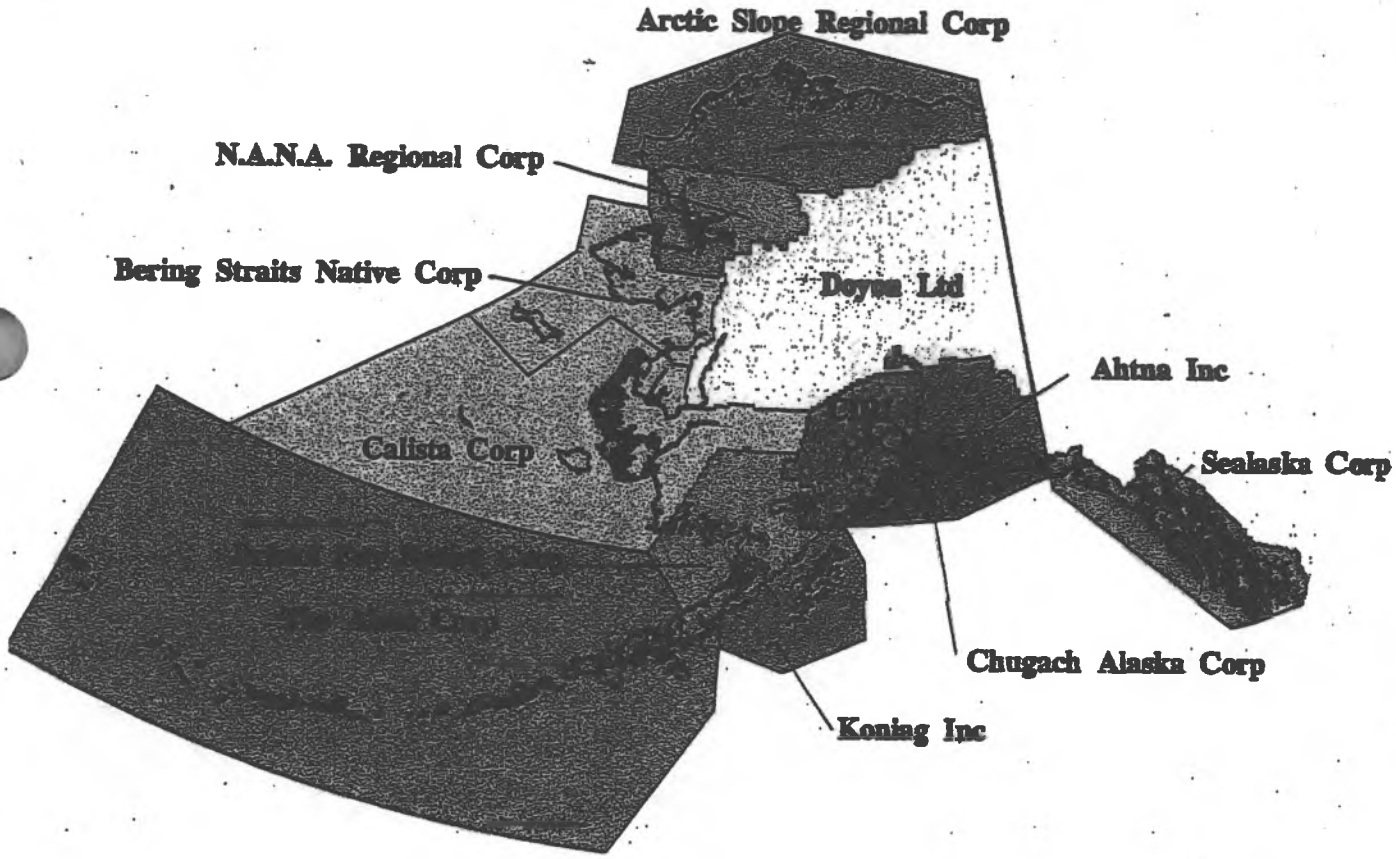

Table 1.

Native Population by ANCSA Region

Source: 1990 Census Data

CORPORATION	NATIVE POPULATION	TOTAL POPULATION (INCLUDING NON-NATIVE)
AHTNA, INC.	592	3,089
ALEUT CORP.	2,118	11,942
ARCTIC SLOPE	4,336	5,979
BERING STRAITS	6,418	8,288
BRISTOL BAY	4,639	7,028
CALISTA CORP.	16,775	19,447
CHUGACH ALASKA	1,550	11,450
COOK INLET REGION	18,581	302,473
DOYON, LTD.	10,793	91,936
KONIAG, INC.	2,126	13,309
NANA	5,209	6,113
SEALASKA CORP.	11,622	67,520
TOTAL	84,489	548,574

Total Native Population is 84,489 or 15.4% of the total State population as of the 1990 Census.

3.0 NATURE AND TYPES OF CONTAMINANTS PRESENT AT THE TIME OF CONVEYANCE

There is no accurate means of knowing precisely the extent of environmental contamination that existed on the public lands at the time of conveyance from the United States to ANCSA Native corporations. Many sites were known. However, the law did not require DOI to conduct physical inspections of Federal lands or property before transferring them to Native corporations; the lands to be conveyed were vast (the equivalent of nearly half the State of California); and the concepts of contamination have evolved with the passage of various environmental laws since ANCSA was passed.

The nature and types of contamination that may exist on ANCSA conveyed lands varies depending on the type of site and previous history of use. It is possible some sites that are now posing contamination issues were not contaminated at the time of conveyance. This could be true in cases involving: storage tanks that may be leaking now but were not at the time of conveyance; buildings containing asbestos that may be friable now but was not friable or damaged at the time of conveyance; or open dump sites that have been established after conveyance.

In many cases, the signs of contamination are obvious; in other cases, it is much less obvious. The detection and measurement of contamination at a site takes place in many steps over a period of time. Determining the nature and size of the problem is the first step toward solving it; however, determining the full cost of environmental cleanup is time consuming and involves an assessment of potential problems at each site.

Contamination of lands is often the result of uses to which the land was put. Section 3.2 discusses military land uses in Alaska, and Section 3.3 discusses civilian uses. The land uses discussed in these sections have the potential for leaving contaminated sites on ANCSA transferred lands. Except for the formerly used defense sites program, many Federal agencies have focused their efforts on inventorying lands they currently manage. Many are just beginning to assess contamination issues on formerly owned or used facilities. Uncertainty remains as to what contaminants lie on the millions of acres of lands conveyed to Native corporations. The possible examinations can be quite difficult and costly, given the great distances, remoteness, and difficult conditions in many cases in Alaska. Deployment alone, even for assessments, can be very costly.

3.1 Potential Types of Contamination

Types of hazardous wastes which may be found on ANCSA conveyed lands include: solvents, mining waste chemicals, PCBs, spilled fuels, explosives (including ordnance), antifreeze, batteries, oil and gas exploration wastes, pesticides, friable asbestos, mercury, arsenic, benzene, lead and leaded paint, dioxin, and POL.

Buildings containing friable asbestos, leaded paint, or other hazardous materials are another source of potential contamination. Some of these buildings are still in use today, and where they have been properly maintained, they do not pose an immediate hazard. If buildings containing asbestos were not maintained after ownership transfer, they may pose a hazard. (Where facilities have been transferred in good condition and have been allowed to deteriorate by the transferee, the Department would maintain that the responsibility for any resulting hazard should rest with the transferee.) In most cases, lands containing improvements or other facilities were conveyed at the request of the respective Native corporation. These types of sites include formerly used defense sites, FAA sites, and former BIA school sites.

Also, naturally occurring mineralized areas in some regions of the State have the potential to form acid and metal-rich waters that can carry high concentrations of toxic metals such as lead, zinc, and cadmium. Mercury-rich mineral deposits are another type of deposit scattered over a wide region in southwestern Alaska. The primary sources of mercury are naturally occurring mineral deposits (cinnabar), rocks, soils, and volcanic eruptions. We do not believe there is liability attached to naturally occurring minerals.[4] See Appendix G.

Causes of contamination can include: above and underground fuel storage tanks, landfills and open dump sites, storage areas (fuels, chemicals, barrels, batteries, and so on), disposal pits (oil and gas exploration and development), surface impoundments and sewage lagoons, improvements with asbestos and/or leaded paint, pipelines, mine sites, formerly used defense sites, and airports.

The extent of contamination is generally of concern in five media, which could impact human health and the environment: ground water, soils, surface water, sediments, and air.

Generally, to begin to investigate a site one must determine the location and boundaries of the site, how the property has been used in the past, the type of hazardous substances that may have been released, and whether there is an obvious or known release that occurred which warrants immediate action. If immediate action is necessary, a removal action should be done according to applicable statute. If a removal action is not needed, a site investigation may need to be done to determine the extent of impacts from any releases. Depending on the magnitude of the potential problems at a site, it may be appropriate to start cleanup actions concurrently with the site investigation work. In more complex cases, a remedial investigation and baseline risk assessment may be needed. Remedial investigations are done to define the extent of contamination. Risk assessments include: 1) an exposure assessment; 2) a toxicity assessment; and 3) risk

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[4] CERCLA §104(a)(3) Limitations on Response

"The President shall not provide for a removal or remedial action under this section in response to a release or threat of release—"

"(A) of a naturally occurring substance in its unaltered form, or altered solely through naturally occurring processes or phenomena, from a location where it is naturally found."

characterization. The risk assessment results are used to make risk management decisions on whether a cleanup is necessary and to help establish cleanup levels. Assessments should analyze potential risks through the subsistence consumption of fish, wildlife, or plants.

Field investigations are necessary to characterize the nature and extent of contamination and to determine if contamination occurred prior to, or after, conveyance to an ANCSA Native corporation. Federal facilities were usually authorized by land withdrawals via PLOs or by Federal appropriations under the principles of 44 LD 513. If a PLO was issued, case file records are available that may provide some information on the Federal agency's use. Past aerial photography may also be helpful to determine contamination at the time of conveyance. However, precisely identifying the sources of particular contaminants can be very difficult in some cases; for instance, in cases of landfill sites in continuous use before and after transfer.

3.2 Military Land Uses

World War II, the Japanese invasion of the Aleutians, and the Cold War had profound influence on military activities in Alaska. The military in Alaska played a significant role in the development of the territory and State. In many areas, military improvements concurrently supported civilian economic development. This was especially true in the areas of highway construction, port construction, airfield/airport expansion, and communications.

The Federal government spent over $1.25 billion in Alaska between 1941 and 1945 in military activities and the construction of installations and facilities for the defense of the nation and in support of offensive operations. The military buildup in Alaska grew rapidly during this time. In addition, the Navy's construction battalions constructed facilities for submarines, aircraft and surface vessels in southeastern Alaska and out along the Aleutian chain. Meanwhile, numerous defense installations in central and southeastern Alaska had been completed and manned with infantry, coast artillery, and supporting branches. Before World War II had ended over 300,000 soldiers had seen duty in Alaska.

Soon after the Alaska National Guard was established in 1949, National Guard Armories were constructed in 48 remote villages, often of surplus World War II Quonset huts.

The end of the Cold War and the accompanying military drawdown has resulted in an increase in the number of closed and abandoned Alaskan military facilities. Even before the collapse of the Berlin Wall and Communism in 1989, there were about 150 closed and abandoned Cold War facilities in Alaska. A report by the General Accounting Office prepared in September, 1980, estimated that about $110 million worth of military improvements were reported as no longer being needed.

According to the EPA, an approximate survey of what was abandoned by the military included over 6,100 Quonset and Pacific huts, 2,100 wood frame buildings, tens of thousands of POL

barrels, and countless bits and pieces of military debris. This debris includes the remains of troop quarters, mess halls, gymnasiums, warehouses, power plants with engines and generators, ammunition magazines and bomb dumps, fuel depots, garages, and workshops, runways, gun emplacements, bunkers, and miscellaneous material including live and detonated ordnance, vehicles and heavy machinery, pierced steel airstrip matting, barbed wire, communications and utility poles, cable, and pipelines. In many cases, it was cheaper to junk surplus material where it was than to remove it.

The numbers given here are statewide totals and do not represent the totals on ANCSA-conveyed lands. The following are examples of the types of facilities and the extent they were constructed throughout the State.

White Alice sites. The White Alice tropospheric communications system was "state of the art" when introduced in 1955 but became obsolete with the introduction of satellite communications in the 1970s. White Alice communications sites were used from 1955 through 1979. There were 23 sites of varying designs. The White Alice stations were deactivated and abandoned.

Alaska Communication System sites. The Alaska Communications System was built by the Army in the early 1900s to provide communications to the military and civilian communities of Alaska. It was transferred to the Air Force in 1962 and sold to RCA Alascom in 1971, pursuant to special legislation. The 24 sites included station buildings (wood frame, concrete, or prefabricated metal), radio towers, and homes for operators.

Aircraft Control and Warning Intelligence Radar sites. The Aircraft Control and Warning Intelligence Radar was used from 1949 through 1984. The design of the 18 sites consisted of a complex of 10 to 15 wood frame buildings. The central features were the radomes and operations building; however a complete complex also included: an administration building, quarters and dormitories, recreation buildings, enclosed walkways, power plant and water systems, garages, shops, warehouses and storage, an airstrip, a weather building, and a tramway. These complexes were too large and inefficient to remain in service, and the U.S. Air Force buried a number of them *in situ*.

DEW Line stations. DEW Line stations were used from 1953 through 1985. There were 19 sites of three types of DEW line stations (Main, Auxiliary, and Intermediate). The features of a main station were: a radome, four module trains of prefabricated plywood panels (for operations and living), a steel power generation building, steel hangars, a steel air terminal, a steel recreation building, a radio building, and storage warehouses and maintenance shops.

Aleutian DEW Line and White Alice Sites. Consisted of: concrete composite buildings, four billboard antennas, a steel garage, two ammunition bunkers, airstrip, a weather/terminal building, and a water pumphouse. There were 8 sites.

Testing and Monitoring Sites. There were several sites used for monitoring and material development, including three nuclear sites and four seismic sites. Nuclear activities in Alaska included nuclear tests, nuclear experiments, and seismic stations to monitor Soviet nuclear explosions.

Airbases, Ports, Loran Stations, and Garrisons. A number of airfields, navy bases, army forts, and related defense sites have been abandoned throughout the State. These sites are potential ANCSA land selections.

The process used to close some former Federal facilities has reduced opportunities for reuse or has driven up environmental restoration costs. For example, when some sites were closed and abandoned, equipment and supplies were sometimes left behind. Among the supplies were containers of hazardous substances such as brake fluid, fuel drums containing petroleum products, antifreeze, and even containers of 100 per cent PCBs. Above and underground fuel tanks containing fuel were sometimes abandoned in place. Left on site were transformers which have since been shot-up or broken open to remove copper from inside, letting cooling oils containing PCBs spill onto the ground. Vandalism, the severe Alaskan climate, and a lack of proper maintenance combined to reduce the value and opportunity for reuse of some sites.

3.3 Civilian Land Uses

Personal and community uses. ANCSA village residents have been living on and using the lands in the vicinity of their village for many years before title transferred to the respective Native corporations. Very few land use permits were ever granted to rural villages for common uses such as dump sites, fuel storage areas, power plants, and so on. In some cases, these uses by individuals, nonprofit organizations, and local governments qualified them to receive title to the land from the respective ANCSA corporation.

Approximately 140 BIA schools were formerly operated in various communities in Alaska. Upon statehood in 1959, the BIA began a process of transferring these sites to the State of Alaska. School sites were also transferred to local governments and school districts, and approximately 13 to Native corporations. These buildings typically contained asbestos and leaded paint, but were in good condition at the time of transfer. They may also have had power plants and fuel storage facilities associated with them. Appendix C provides information on the history of DOI schools in Alaska.

Airports and airstrips. Extensive development began in 1940 throughout Alaska for World War II, including the establishment of landing areas and airstrips under the coordinated effort of the War Department and numerous other federal agencies. The result was a network of airfields and runways. While some later became useful as civilian and military aviation grew, others were transferred to other ownership and use.

Storage tanks. Leaking storage tanks, both above and underground, and related pipelines, can cause ground water contamination. Leaking tanks must be removed. The procedures and technology for removing them are proven. Many small businesses and regulators perform this task on a routine basis. In some cases, even tanks that are not leaking should be removed within a reasonable period of time because of degradation over the years. Underground storage tanks are regulated under RCRA[5] and by ADEC, which also regulates above-ground tanks at bulk fuel storage facilities with a non-crude oil storage capacity of 420,000 or more gallons, or a crude oil storage capacity of 210,000 or more gallons.

Active and Abandoned Mines. The 1872 Mining Law encouraged the exploration and production of minerals from the public lands by providing for minimal governmental involvement. As a result, miners have drilled, blasted, or excavated many areas of public domain without the activity or location being recorded or subject to any permit requirements by the United States. If the mines did not produce any valuable minerals or after production ceased, the miners often left the site with open adits (entrances), pits, tailings, and spoil piles. As the adits and piles are exposed to rain and snow the materials may break down and leach into the surrounding environment. Resulting drainage from these areas may contain heavy metals, sulfur compounds and chemicals, such as mercury and arsenic, used in the mining process. Liquid mercury has been used for the extraction of gold (amalgamation) for many years in placer operations because the gold is fine grained. While gold amalgamation is rarely used today, some liquid mercury may remain in streams near old placer operations because it was sometimes spilled, lost, or discarded.

In Alaska, the mining of gold and other valuable mineral deposits has been a major industry since the early 1900s. Many mine sites have not been located since they did not have to be recorded with the Federal government until October of 1976, at the earliest. Also, because of the vast size of the State, the time and expense of conducting field surveys are prohibitive. The map in *Appendix B shows the locations of some known sites with potential mercury. Generally, mine* sites are identified when a problem arises, such as pollution of a water course, which causes State or Federal regulatory agencies to investigate an active pollution source. The issue of identification and cleanup of abandoned mine sites is a statewide problem for all lands. See Appendix G for more information about environmental issues related to mineral deposits.

Dumps and solid waste disposal sites. These sites consist of general purpose landfills, as well as sludge ponds, dry wells and hazardous waste disposal areas. Some dump sites contain everything from household wastes, to batteries, pesticides, and industrial chemicals. Some landfills also include building and other debris. Site characterization, waste removal, containment, or on-site treatment are largely technical and financial issues. Typically, landfills are capped with low permeability covers, surface water diversion and leachate collection and treatment may be necessary; and in some cases, removal may be viable. Appropriate institutional controls should be established for inactive disposal sites to minimize future exposure and risks to human health.

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[5] 42 U.S.C. 6901–6992k

The Indian Health Service has identified, in a report to Congress pursuant to the Open Dumps on Indian Lands Act of 1994 (Public Law 103-399), 153 sites that appear to be on ANCSA conveyed lands. Not all of these sites are necessarily contaminated, and, it should be noted, communities will continue to need landfills.

Oil and Gas Exploration. Abandoned oil and gas wells and survey sites are located in various places throughout the State. The primary sources of contamination are the drilling mud and reserve pits, if any exist. Heavy metals, petroleum products, or solvents are the primary contaminants that may be found.

Contaminated Buildings. The primary source of contamination in buildings is leaded paint and asbestos, although some buildings may be found to have been contaminated by other hazardous materials.

3.4 Contaminated Site Inventories

Under Federal law, if anyone has knowledge of, or discovers a release of a hazardous substance as defined in CERCLA[6] or RCRA, that information should be reported to the EPA. The EPA maintains an inventory of those sites. Under Alaska Statutes, hazardous releases are to be reported to ADEC, which also maintains a site inventory. It would be a useful management tool to have a database with mapping capabilities to record every known contaminated site in the State.

The inventories and databases identified below were used, along with the survey of Native corporations, to compile information about the nature and extent of potential contamination on lands transferred to Native corporations pursuant to ANCSA. The tables in Appendix A and maps in Appendix B are based on known information. The information depicted in the maps was acquired from various inventories. Data have not been reviewed for accuracy or field-proofed. These graphics are intended for illustrative purposes only, and do not indicate that there exists contamination at any location depicted.

Developing this information was complicated by the fact there is not a single database in the State that contains a comprehensive inventory of contaminated sites in Alaska. Often, current landowners are not identified and there is duplication between agency listings resulting from overlapping jurisdictions and varying site names.

U. S. Army Corps of Engineers (COE), Formerly Used Defense Sites (FUDS). The COE maintains a database of FUDS on all lands in Alaska, including those on Native corporation lands. The inventory for Alaska currently lists 545 sites and identifies the project name, location (by community), site number, landowner, list of contaminants, and cleanup schedule. There are approximately 112 identified FUDS on lands conveyed to ANCSA corporations. This

[6] 42 U.S.C. 9601–9675

represents 19 percent of the statewide FUDS total. In addition, there are approximately 77 identified FUDS on ANCSA selected lands. The COE has inspected almost all eligible FUDS and has determined that no further action is required relative to hazardous materials cleanup on 80 percent of the total sites, and investigation or cleanup is in progress on most of the remaining sites. Either the COE or the EPA plans to revisit a number of these sites to verify no further action is required. The Environmental Justice Program of the EPA prepared a report in July, 1996, titled *The Alaska Military Sites Project*, (see Appendix F), which used the FUDS database and identified past and present military sites in Alaska. A number of former military sites were sought by and granted to Alaskan Native corporations.

IHS Facility Data System. This system was established by the Office of Environmental Health and Engineering to help identify health service workloads, and it identifies solid waste disposal sites. There are currently 153 open dump sites identified for purposes of compliance with the Indian Lands Open Dump Cleanup Act of 1994 (Public Law 103-399). The system includes facilities or sites where solid waste is disposed of: a sanitary landfill, open dump, and modified landfill that is not a facility for the disposal of hazardous waste. All sites are one-half acre or larger in size. Not all of these pose hazardous material issues or risks. The IHS data provides an inventory and overview of open dump sites on Native lands and does not reflect a comprehensive analysis of each site.

State of Alaska Department of Environmental Conservation—Contaminated Sites Database. Approximately 2,200 open sites are listed in this database. The majority of sites in this database involve petroleum releases, most of which were reported after the lands were conveyed to ANCSA Native corporations. At many sites where historic releases have occurred, it is nearly impossible to accurately determine when the actual release(s) occurred. This database identifies site locations by longitude and latitude coordinates for a community or known geographic area, and does not identify the current landowner. Approximately 317 sites appear to affect ANCSA-conveyed lands. This information includes sites listed in other inventories.

State of Alaska Department of Natural Resources. This list identifies of 586 petroleum exploration/production wells, water wells, injection wells, and gas wells plugged and abandoned that are onshore and not on State land that have been reported or discovered in Alaska over the years. This report lists the operator, well name, legal description, lease number, status, date completed, and other information. It is difficult to know which of these sites are located on ANCSA conveyed lands. It appears the majority are on Federal or State lands.

Environmental Protection Agency Lists. CERCLIS is a database used by EPA to list sites which have the potential for releasing hazardous substances into the environment. EPA learns of these sites through notification by the owner, citizen complaints, State and local government identification, and other EPA programs. Of the 1,676 sites listed in Region 10 EPA, 80 sites are in Alaska. A preliminary review of this list indicates there are not any sites that have been transferred to Native corporations.

EPA maintains the Federal Facilities Hazardous Waste Compliance Docket, which lists Federal facilities that require assessment to determine if they pose a threat to public health or the environment. The Docket, which lists the official name and location of all known contaminated Federal facilities, was created by Section 120(c) of CERCLA and is updated approximately twice each year. All Docket updates are published in the *Federal Register* and only deal with Federal lands, including those that may be selected for transfer to Native corporations.

1991 ANCSA Contaminated Lands Inventory. An earlier survey on this issue resulted in a report to Congress on April 15, 1991. In 1991, Section 326 of Public Law 101-512, The Interior Appropriations Bill, required the Secretary of the Interior to report to Congress information concerning lands and properties which: 1) at the time of transfer were represented or disclosed by the Federal government as being free from contaminants and subsequent to transfer, were discovered to be contaminated; or, 2) were knowingly transferred to Alaska Native corporations with contaminants. The BLM received 22 responses out of more than 200 mail-out inquiries to Native landowners and other interested parties (see Appendix A).

1996 ANCSA Contaminated Lands Inventory. As a result of over 236 mail-out inquiries sent to Native landowners and organizations as part of this project, 98 potentially contaminated sites were generally identified by 14 Native entities. Sixty-seven of these sites were found to actually be located on Native conveyed or selected lands. The reported sites involve a small number of acres situated in close proximity to some villages. Many of these sites have been identified by the COE, EPA, ADEC, other Federal or State agencies (see Appendix A).

Table 2.

Summary of Potentially Contaminated ANCSA Lands[1]

Source: see Appendices A, B, and C

Site Type/Inventory	Estimated Number of Sites on Conveyed Lands
Alaska Department of Environmental Conservation Database	317[2]
Formerly Used Defense Sites (U.S. Army Corps of Engineers)	112[3] 77 (selected lands)
Indian Health Service Open Dump Sites Inventory	153[4]
Mining Sites with Mercury	30[5]
Federal Aviation Administration Database	25[6]
U.S. Air Force Inventory	13[7]
U.S. Coast Guard Inventory	3[8]

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[1] Estimates of known and potential sites are based on an analysis of the inventory databases discussed herein. Duplicate sites may exist. Site investigation may be required to determine whether contamination exists and if it was present at the time of conveyance.

[2] Includes duplicates of other sites, e.g., FUDS.

[3] Included in an active program.

[4] Included in an active program.

[5] Includes naturally occurring instances.

[6] Funding requested for 13 sites in FY 1999.

[7] Included in an active program.

[8] Included in an active program.

Figure 2.
FUDS Project Before Cleanup of 35,000 Drums at Prince of Wales

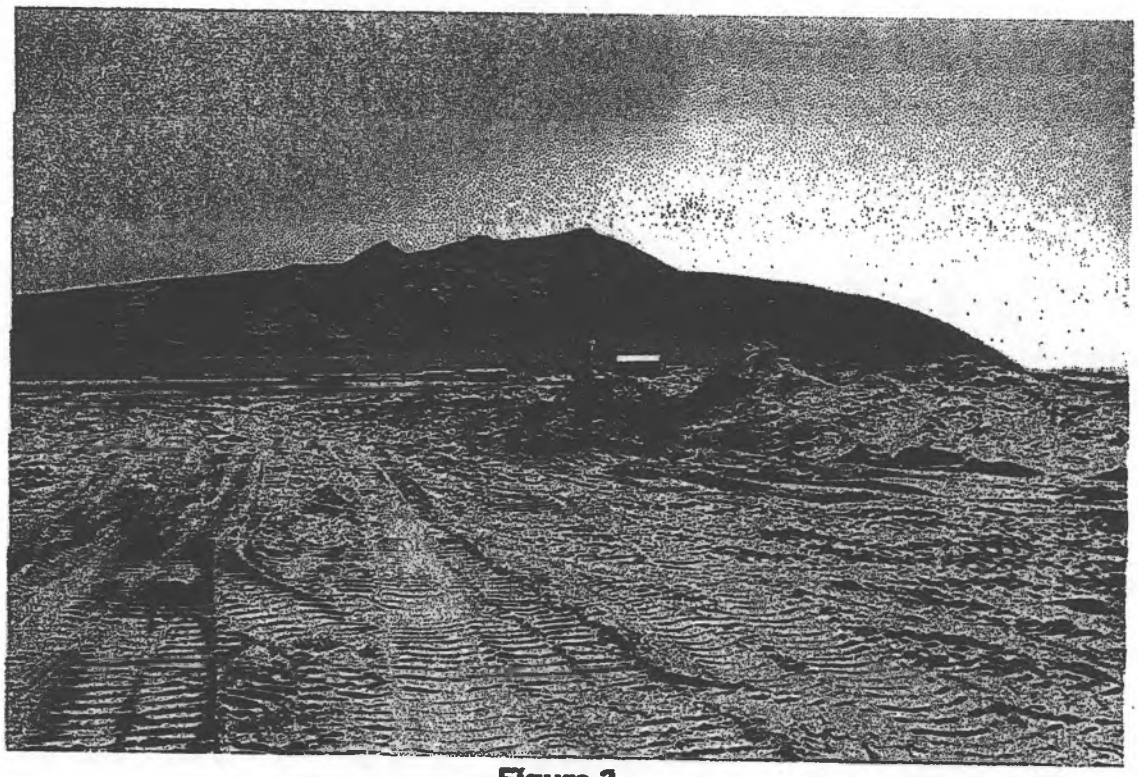

Figure 3.
FUDS Project After Cleanup of Drums at Prince of Wales

Figure 4.
Former FAA Site
at Middleton Island

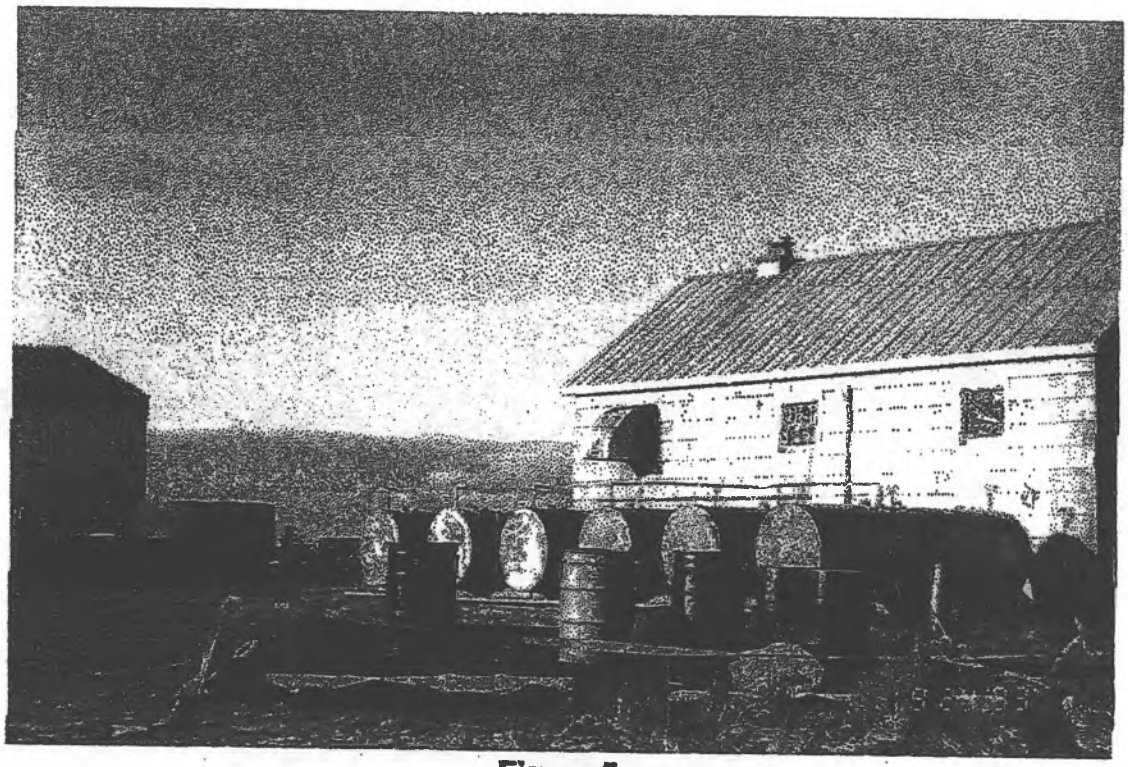

Figure 5.
Tank Farm/Power Generation Building
at Middleton Island

Figure 6.
DEW Line Site at Port Heiden
(ANCSA selected, not conveyed)

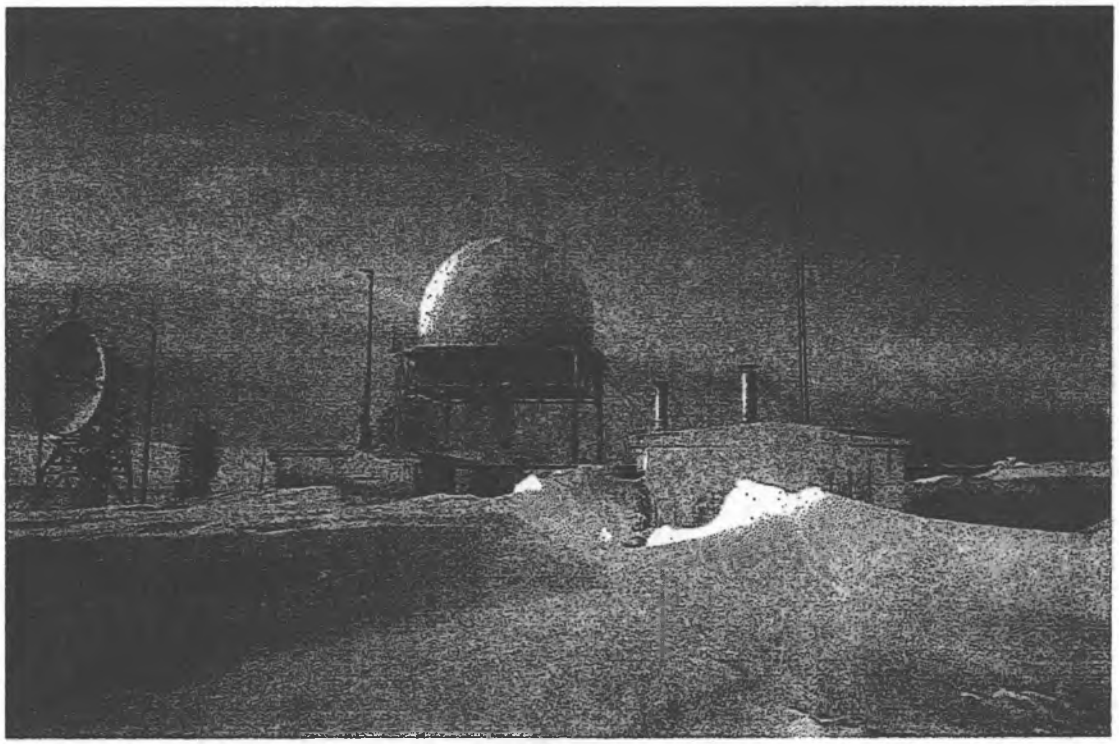

Figure 7.
Typical Radome at a
DEW Line Site in Winter

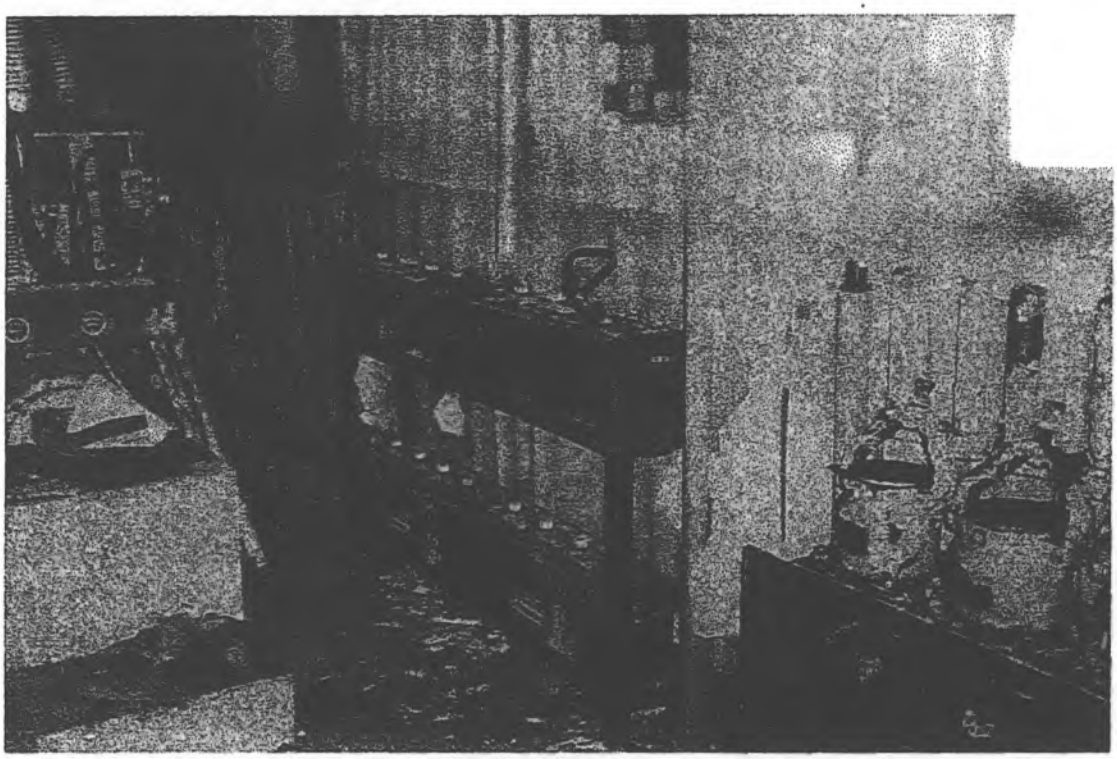

Figure 8.
Batteries inside Building (since removed)
at Middleton Island

Figure 9.
Transformers Containing PCB's at Driftwood Bay
(ANCSA selected, not conveyed)

Figure 10.
Remote FUDS in Alaska

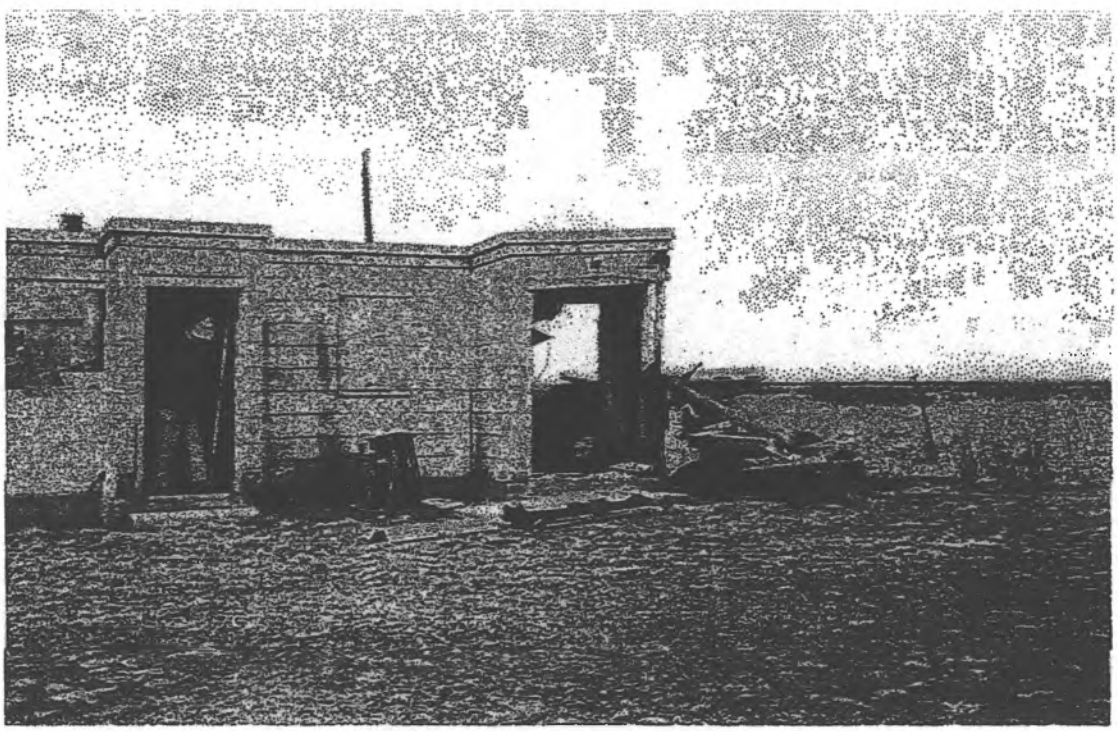

Figure 11.
Former FAA Site at Middleton Island
Known to Contain Asbestos

4.0 STRUCTURES KNOWN TO HAVE ASBESTOS

Asbestos is the name for a group of naturally occurring minerals that separate into strong, very fine fibers. Because asbestos is heat resistant and extremely durable, it was commonly used in pipe insulation, wallboards, and floor and ceiling tiles.

The regulations of the EPA and the Occupational Safety and Health Administration regard asbestos that is free in the air as a hazard, but generally do not consider properly used asbestos products to be a hazard. There is generally no remedial responsibility for asbestos that is properly contained or maintained and we believe that generally there should be no Federal responsibility where asbestos was properly contained upon transfer. Responsibility is more likely in the case of a release or potential release to the environment of friable asbestos.

Structures Known to Have Asbestos Present. Most of the buildings in Alaska constructed between the 1940s and the 1970s contain asbestos. Some are still in regular use without violating any law or regulation. It is difficult to give a precise total, but it would be the exception for a building constructed in Alaska between the 1940s and 1970s not to contain some asbestos.

Conveyed to ANCSA corporations, there are at least 13 former BIA school sites, 47 buildings from former FAA sites, and 30 buildings from former defense sites. The 1996 ANCSA contaminated lands survey reported an estimated 45 buildings suspected to contain asbestos.

Recommendations to Inform Native Landowners on the Containment of Asbestos. Native landowners and Corporations were provided general information about asbestos through the mail-out package sent out in April of 1996 (see Appendix I). This mailout contained information prepared by EPA about the nature of asbestos and when it becomes hazardous. Also included was a list of possible products that could be sources of asbestos, and a list of State and Federal agencies that have knowledge of asbestos problems and how to solve them.

Additional information about BIA schools is provided in Appendix C. Most of these school sites have been conveyed to the State of Alaska. Some were also conveyed to municipal corporations and ANCSA Native corporations. The Federal records do not indicate that hazardous materials and contaminants were present on the sites at the time of conveyance. However, asbestos was present in the building materials of the schools, since many of the sites were constructed when asbestos was not known to be hazardous and was commonly used and may now be friable if not properly maintained.

The EPA and other agencies or contractors regularly provide workshops on asbestos management, safety, and abatement. More information about asbestos is available from the EPA Region 10 Asbestos Division.

It is recommended that the EPA consider an agreement with the U.S. Army's Joint Regional Environmental Training Center[7] in Anchorage, Alaska, to make its training programs available to employees or representatives from ANCSA Native corporations and Tribes. Training could be provided on environmental issues, policies, regulations, and practices involving asbestos monitoring, abatement, management, inspection, and assessment.

[7] This training center was established in June of 1994 as a consortium of fourteen Federal, State, and local agencies to train their respective personnel on environmental and hazardous materials matters. The JRETC became operational the fall of 1997. It provides resident and nonresident environmental training in a state-of-the-art multi-media environmental training facility with fully trained and certified faculty members.

5.0 INFORMATION ABOUT POTENTIALLY RESPONSIBLE PARTIES

It is clear from the examination of past civilian and military land uses on ANCSA transferred or selected lands that both government agencies and private parties may have responsibility for cleanup of contaminated sites on ANCSA land.

One problem this study identified is the fact that ANCSA Native corporations were given this land by the United States under ANCSA as an equitable settlement based on historic interests and use, and now, under certain circumstances, ANCSA Native corporations believe they may be responsible as landowners under Federal and State environmental laws for the cleanup of contamination that was present on the lands at the time of conveyance.

However, on June 13, 1997, EPA distributed the "Policy Towards Landowners and Transferees of Federal Facilities." (Copy attached as Appendix K) The policy addresses EPA's intent to exercise their enforcement discretion and not to initiate enforcement actions against landowners and transferees for contamination existing as of the date of the conveyance of the property. The policy provides that where a person or entity acquires property from the United States that is subject to the covenants provided by section 120(h)(3) or (4) of CERCLA, EPA will not take enforcement action against a person or entity, or its transferees or successors to require the performance of response action or payment of response costs incurred to respond to contamination existing as of the date that person or entity acquires the property from the United States. EPA is also aware that even preliminary assessment and evaluation can be burdensome and expensive to a landowner, and will not seek to impose these costs against ANCSA landowners relative to contamination or potential contamination that was on their property at the time of conveyance. (However, EPA may take a CERCLA enforcement action against landowners and transferees who cause, contribute to, or exacerbate the release or threat of release of any hazardous substance, through act or omission, and EPA may seek information and access from any person pursuant to CERCLA.)

Many land transfers under ANCSA were finalized before CERCLA was enacted and the statutory covenants were required. However, EPA applies this policy to transferees and successors that acquired property from the United States in this type of situation in which the property transferred before CERCLA was enacted.[8]

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[8] Other EPA policies concerning enforcement discretion may apply to ANCSA-specific transferred lands and landowners, such as " Final Policy Toward Owners of Property Containing Contaminated Aquifers," May 24, 1995) ; "Interim Policy on CERCLA Settlements Involving Municipalities and Municipal Wastes," (December 6, 1989); "Policy for Municipal and Municipal Solid Waste CERCLA Settlement at NPL Co-Disposal Sites," (February 5, 1998); or "Policy Towards Owners of Residential Property at Superfund Sites," (July 3, 1991).

Generally, under section 107(a) of CERCLA, the following four classes of parties may be held liable for response costs or natural resource damages without regard to fault:

1) The current owner and/or operator of the facility;

2) Past owner(s) or operator(s) of the facility at the time of hazardous substance disposal, or release;

3) Any person who arranged for disposal, treatment or transport of hazardous substances (commonly known as "generators"); and

4) Any person who accepted hazardous substances for transportation to the facility selected by that person.

The potentially responsible party (PRP) search process includes gathering information on the past history and uses of the site with a focus on those activities that may have used or disposed of hazardous substances. Previous owners and/or operators are identified and, if they are extant and can be located, they may be sent a request for information pursuant to CERCLA section 104(e). Federal, State, and local land records and archives will also be examined. If former employees of the facility can be identified, they may be interviewed. All of this information is compiled into a chronological history of the site.

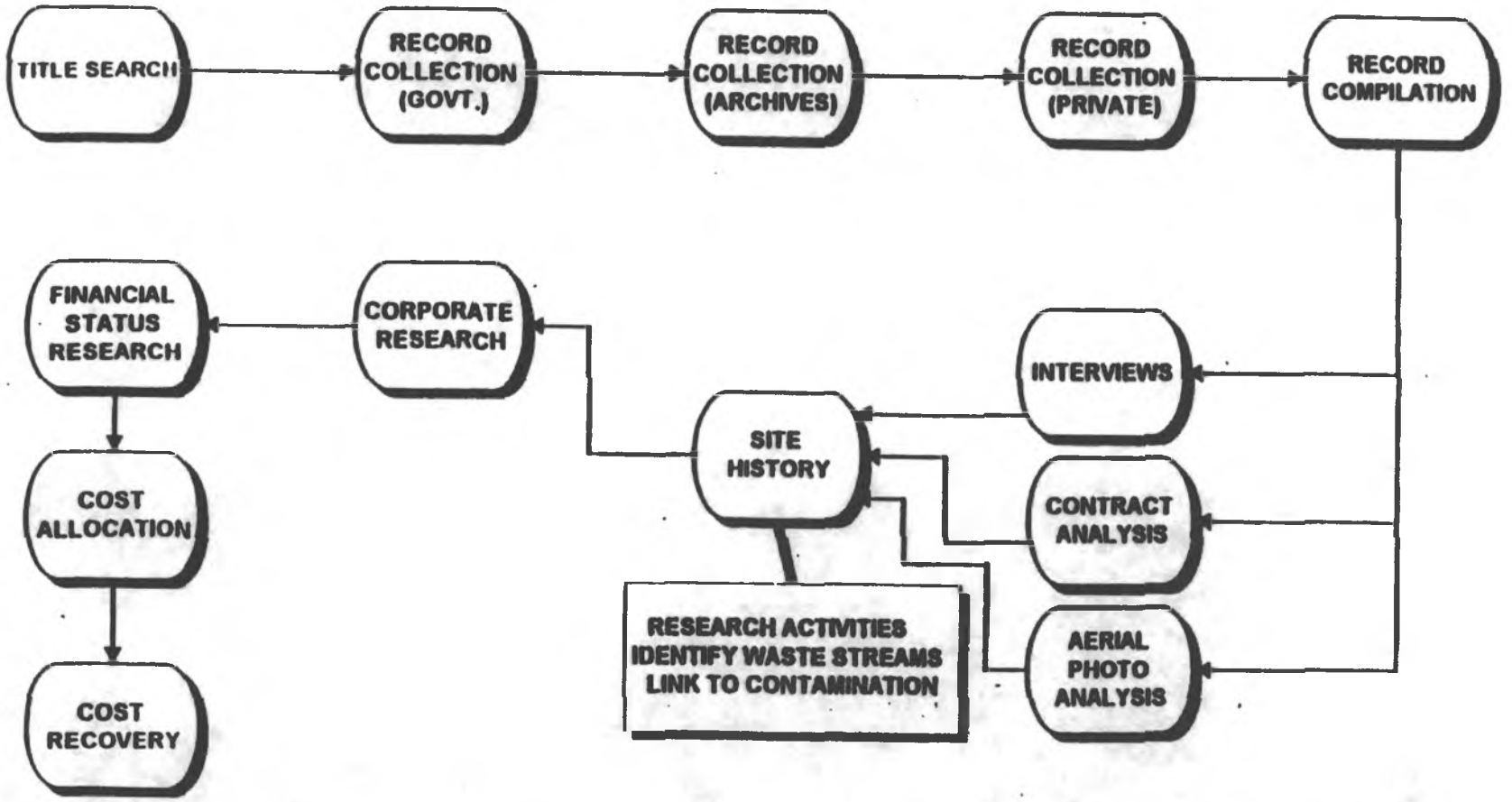
In order to perform a thorough evaluation of responsibility, every party associated with the property should, if possible, be identified and the activities of each party at the site should be determined. These activities can then be evaluated for generation of waste streams that may have resulted in the release or potential release of hazardous substances to the environment. The legal relationship of each party to the site should also be characterized so that legal responsibility can be assigned appropriately.

When contaminated sites are identified, often the party responsible for the contamination is either unknown or economically unviable. The Federal government may not be a PRP for cleanup, for instance, where it had no authority to prevent or deny permission to conduct a polluting activity by another party, such as mining activity under the Mining Law of 1872.

Appendix D includes tables identifying currently available sources of information about PRPs from local and State governments, Federal government agencies, the military, archives and libraries, recording offices, universities, museums and historical societies, and private businesses and organizations.

FIGURE 12

PRP SEARCH ELEMENTS



Source: *Potentially Responsible Party Searches* (February 1995) Techlaw Inc. Prepared for Department of the Interior, Office of Environmental Policy and Compliance.

6.0 EXISTING REMEDIES

The following are the remedies provided by Congress for dealing with hazardous substances cleanup.

CERCLA. In 1980, Congress passed CERCLA to address the cleanup of sites contaminated with hazardous substances. CERCLA has two key components. The first is a program for cleanup of hazardous waste sites. Secondly, CERCLA has a comprehensive liability scheme that enables the government or a private party to recover money spent on the cleanup, or in the case of the government, order cleanup, of a site. CERCLA established a trust fund to allow the government to conduct cleanups of hazardous substance sites. CERCLA was later amended by the SARA of 1986.

For More Information Contact:

U.S. Environmental Protection Agency
Alaska Operations
(907) 271-5083 or Fax (907) 271-3424

RCRA. RCRA was adopted as an amendment to the Solid Waste Disposal Act of 1965. It was passed in order to establish a combined Federal and State regulatory program for hazardous waste sites. RCRA provides for citizen suits to abate some types of pollution.

For More Information Contact:

U.S. Environmental Protection Agency
Alaska Operations
(907) 271-5083 or Fax (907) 271-3424

Alaska Department of Environmental Conservation
South Central Regional Office
(907) 269-7500 or Fax (907) 269-7649

DERP. In 1983, DERP[9] was formally established by Congress. It provides centralized management for the cleanup of DOD hazardous waste sites. DERP also provides for limited activities to reduce the amount of hazardous waste generated and disposed and for building demolition and debris removal at FUDS. DERP is funded by five special accounts, DERA (Army, Navy, Air Force, and Defense) and the FUDS Account. This program covers cleanup of the following contaminants:

1. **Hazardous and Petroleum Waste.** This group covers identification, investigation, and cleanup of contamination at installations (including areas off the installation where

[9] 10 U.S.C. 2701–2707 and 2810

contamination has migrated), and at FUDS. This program is focused on cleanup of contamination associated with past DOD activities to ensure that threats to public health and the environment are eliminated. The term "contaminant" is as defined in CERCLA, and also includes petroleum, oil and lubricants, and unique materials, such as biological/chemical warfare materials. This group also includes toxicological data collection.

2. **Ordnance and Explosive Waste.** This group covers identification, investigation, and removal of DOD owned and abandoned ordnance and explosives wastes that present an explosive hazard to human safety. This does not include targets and ordnance debris. This group is limited to FUDS unless specific approval is obtained. Remediation or cleaning of active ranges/disposal sites are another DOD component's responsibility.

3. **Building Demolition/Debris Removal.** This includes demolition and removal of unsafe buildings or structures at FUDS properties that were unsafe at the time of the transfer and that have not had beneficial use since transfer to State or local governments or Alaska Native corporations.

For More Information Contact:

U.S. Army Corps of Engineers
Alaska District
Formerly Used Defense Sites, Project Manager
(907) 753-5782 or Fax (907) 753-5626

Administration for Native Americans (ANA) and Department of Defense Environmental Mitigation Program. Congress recognized that DOD activities may have caused environmental problems for Indian Tribes and Alaska Native village governments and provided for the ANA to administer an Indian Lands Mitigation Program.

The program was started pursuant to the DOD Appropriations Act of November 11, 1993. This program continues under Public Law 103-335, dated September 30, 1994. Section 8094 of the Act states, "Of the funds appropriated to the DOD for Operations and Maintenance Defense-Wide, not less than $8,000,000 shall be made available until expended to the Administration for Native Americans..."

ANA promotes the goal of social and economic self-sufficiency. ANA, through its policy and *programs, supports self-determination and self-governance in accordance with the government-to-*government relationship between the Federal government and the Tribes. The ANA administers several national programs and initiatives.

In 1994, Congress made $8 million available through the ANA to provide financial assistance to Tribal entities and corporations for the express purpose of addressing site cleanup issues as a result of DOD activities. In 1995, funds were announced in the ANA's Program Announcement No. 93612-952, *Availability of Financial Assistance for the Mitigation of Environmental Impacts*

to Indian Lands due to Department of Defense Activities. Tribes were not expected to match the funding. The program was divided into four phases, covering research, planning, development, and implementation of an environmental mitigation strategy. The purpose of the announcement was to invite one to three-year proposals to undertake "any or all of the phases" of the program.

Of the 29 applications received under the first program announcement, 20 were funded. Seven grants were awarded to Native organizations in Alaska. They were as follows: Aleutian Pribilof Islands Association, Inc. ($200,000 two year grant); Bethel Native Corporation ($100,000 two year grant); Kuigpagmuit, Incorporated ($100,000 one year grant); Louden Village Council ($99,793 two year grant); Metlakatla Indian Community ($299,020 one year grant); Uwalangin Tribe of Unalaska ($34,945 one year grant); and Tanana Chiefs Conference, Incorporated ($50,000 one year grant). In 1996, funds were announced in the ANA's Program Announcement No. 93612-972. Of the 25 applications receive under the second program announcement, 12 were funded. These grants were awarded to Tribes in Alaska, as follows: Arctic Slope Native Association, Limited ($170,000 two year grant), Hughes Village Council ($50,000 one year grant), and Yakutat Tlingit Tribe ($174,230 one year grant).

For More Information Contact:

Administration for Native Americans
Department of Health and Human Services
(202) 690-7777 or Fax (202) 690-7441

The Indian Lands Open Dump Cleanup Act of 1994. Public Law 103-399, was enacted on October 22, 1994, to: 1) identify the location of open dumps on Indian and Alaska Native lands; 2) assess the relative health and environmental hazards posed by such dumps; and 3) provide financial and technical assistance to Indian Tribal governments and Alaska Native entities, either directly or by contract, to close such dumps in compliance with applicable Federal standards and regulations, or standards promulgated by an Indian Tribal government or Alaska Native entity, if such standards are more stringent than the Federal standards.

The Director of the Indian Health Service, in cooperation with the Administrator of the EPA, is to carry out the functions and purposes of this act. Among other things, the Act required a study and inventory to be completed within 12 months from enactment; annual updates to Congress concerning priorities, funding, and progress on addressing deficiencies; and a 10-year plan addressing Indian and Alaska Native solid waste deficiencies.

For More Information Contact:

Alaska Area Native Health Service
Office of Environmental Health & Engineering
(907) 729-3500 or Fax (907) 271-4734

Department of Commerce—Pribilof Islands. Section 3(a) of Public Law 104-91, dated January 6, 1996, provides that the Secretary of Commerce shall, subject to the availability of appropriations, cleanup landfills, wastes, dumps, debris, storage tanks, property, hazardous or

unsafe conditions, and contaminants, including petroleum products and their derivatives left by the National Oceanic and Atmospheric Administration on the Pribilof Islands, Alaska.

For More Information Contact:

National Oceanic and Atmospheric Administration
Facilities and Logistics Division
Western Administrative Service Center
(206) 526-6191

FAA—Environmental Remediation Program. In accordance with RCRA section 3016, the FAA Alaskan Region has established a continuing program to compile and submit to the EPA an inventory of current and formerly owned or operated FAA sites at which hazardous waste is stored, is treated or has been released. In accordance with CERCLA section 120, preliminary assessments have been and continue to be conducted at sites with suspected contamination. Additional investigations and removal actions are performed when required, within the risk parameters established by EPA and the State of Alaska. To date, the majority of work conducted by this program has been on currently owned or operated FAA sites, with adjacent former sites incorporated when applicable. Because of the nature of established reporting requirements, information gathered to date has not included a designation of whether sites addressed or considered were on ANCSA lands. The FAA Alaskan Region continues to proactively work with EPA, ADEC, and colocated Federal agencies to address all environmental requirements.

For More Information Contact:

Federal Aviation Administration
Alaska Region Program Manager
Environment and Safety
(907) 271- 5373 or Fax (907) 271-4470

FY 1996 Defense Authorization Act. Congress directed the Department of Defense to provide for: "the mitigation of environmental impacts, including training and technical assistance to Tribes, related administrative support, the gathering of information, documenting environmental damage, developing a system for prioritization of mitigation on Indian land resulting from Department of Defense activities."

For More Information Contact: Office of Environmental Security
Conservation Team
(703) 604-0518/1747 or Fax (301) 607-3124

State of Alaska Mini-CERCLA Statute. This statute (AS 46.03.822) was amended in 1990 to address cleanup and damages resulting from the release of oil and other hazardous substances. Unlike CERCLA, Alaska's statute specifically includes liability for releases of oil and other petroleum products. AS 46.03.822 adopts CERCLA categories of parties liable for cleanup costs but also includes the owner of a hazardous substance at the time of release. AS 46.03.822 enables the State or a private party to recover money spent on the cleanup of a site. AS 46.03.822(c)(3) provides for a limited defense to liability for a Native corporation that acquired a contaminated

site under ANCSA, if the corporation begins operations to contain and cleanup the hazardous substance within a reasonable time of learning of the release.

For More Information Contact: Alaska Department of Environmental Conservation
Contaminated Sites Remediation Program
(907) 269-7664 or Fax (907) 269-7649

State of Alaska Oil and Hazardous Substance Release Prevention and Response Fund. The Alaska Legislature created this fund (AS 46.08) to provide, in part, for the cleanup of oil and hazardous substances at sites that pose an imminent and substantial threat to public health or welfare, or to the environment. ADEC can use these funds for cleanup actions, but is required to seek recovery of monies expended for site cleanup from those parties responsible under Federal or State law.

For More Information Contact: Alaska Department of Environmental Conservation
Contaminated Sites Remediation Program
(907) 269-7664 or Fax (907) 269-7649

State of Alaska Underground Storage Tank Requirements. These statutes and regulations (AS 46.03.360–AS 46.03.450, and 18 AAC 78) govern the cleanup of releases from regulated underground storage tanks. There is a financial assistance program in place for owners and operators of underground storage tank systems. The State also updated its Above Ground Storage Tank Master Plan and Issued an August, 1997, report with recommendations for bulk fuel storage improvements throughout the State.

For More Information Contact: Alaska Department of Environmental Conservation
Storage Tank Program
(907) 451-2182 or Fax (907) 451-2188

State of Alaska Solid Waste Disposal. The operation and closure of active and nonactive solid waste disposal sites are regulated by these regulations (18 AAC 60). Limited financial assistance is available in the form of solid waste facility grants (AS 46.03.030).

For More Information Contact: Alaska Department of Environmental Conservation
Division of Environmental Health
(907) 465-5162 or Fax (907) 465-5164

Other sources of information continue to evolve. For instance the University of Alaska Anchorage, Institute of Social and Economic Research, through a grant from the Environmental Protection Agency, is compiling information about contaminants in the subsistence food chain. Part of this project will entail developing a computer data base showing information that is available for each community. The Tanana Chiefs Conference is also gathering contaminants *information for Native allotment lands within their region.*

Agency for Toxic Substances and Disease Registry. This agency carries out public health activities required under CERCLA section 104(i) for sites where hazardous substances have been released into the environment. These activities include public health assessments and health consultations for individual sites, and, if necessary, follow-up public health studies, health surveillance, and health education for exposed communities and their health care providers.

For More Information Contact: Associate Administrator for Federal Programs
Agency for Toxic Substances and Disease Registry
(404) 639-0730

7.0 RECOMMENDED REMEDIES

Much has been done to identify and cleanup sites under the existing remedies discussed earlier. However, the full extent of the contaminated ANCSA lands cannot be reliably determined today and additional contaminated sites may be identified. A majority of currently known sites are being addressed under existing Federal agency programs, within available funding that must be allocated by agencies with cleanup responsibilities among the contiguous 48 states as well as in Alaska. DOI will continue to work with these programs to ensure that cleanup efforts will continue.

This report represents the compilation of available information through 1996. There is a need to do more. There have been several barriers to more complete information on the extent of the contaminated lands problem. There have been no comprehensive hazardous material surveys conducted on the bulk of the ANCSA conveyed lands. The information systems of the various Federal and State entities involved in the cleanup programs identified in Section 6.0 are not compatible or coordinated. Thus, complete information, even among current programs, may not be fully compiled. Also, under the principles of CERCLA, land ownership alone can carry with it legal responsibility for hazardous waste remediation, ANCSA landowners have been understandably reluctant to even collect, much less report to the Federal government such information concerning lands that have been conveyed to them. We need information from the affected ANCSA landowners in order to develop a suitable program.

This report recommends that the ANCSA landowners be fully informed of EPA's policy toward transferees of Federal property with respect to contamination that was on the land at the time of conveyance. We hope this will make owners more comfortable with participating in the information process. It may be that a comprehensive approach toward resolving the cleanup of ANCSA lands is needed. However, without an accurate inventory it is not possible to know if an additional Federal program is necessary. A common statewide inventory would assist in identifying sites that are not covered by an existing program. If a new program to clean up sites is necessary (phase two), it could be proposed by DOI at the end of the inventory period (phase one).

Therefore, DOI recommends the following (phase one), to be coordinated by DOI with full participation of ANCSA landowners and appropriate Federal and State agencies, to enable development of a program based on accurate data. DOI estimates currently identifiable and unfunded total costs to all Federal agencies over a three fiscal year period to accomplish phase one will be at least $1,200,000, and possibly much more.

1. Establish a forum for ANCSA landowners and Federal, State, local, and Native agencies in Alaska. Members will include representatives of ANCSA landowners, regional and village corporations and, where appropriate, Tribes, and Federal and State regulators and cleanup program managers. DOI will establish and coordinate

this forum. The forum will meet at least four times a year to exchange information on existing cleanup programs; to discuss issues related to identification, assessment, and cleanup of contaminated sites; to identify a funding strategy; and to generally inform Native landowners about contaminants issues. This will not replace other statutory programs in place dealing with cleanup of contamination at existing sites. It is, likewise, consistent with the recommendations for stakeholder participation put forth in the Federal Facilities Environmental Restoration Dialogue Committee Final Report.

Estimated minimum costs to create and operate the ANCSA landowner/government forum (assume 14 members at 4 two-day meetings per year in Anchorage for 3 years at a cost of $10,000 per meeting for travel and *per diem* for non-Federal members, and ¼ FTE DOI staff support at $22,600 per year): $187,800.

2. Create and maintain a coordinated, comprehensive inventory database of contaminated sites in Alaska, based on an existing system, such as the Corps of Engineers database, which is linked to a GIS and has Internet access, and already includes detailed information about several hundred sites, many of which are on ANCSA lands. We suggest that other agencies convert site data on their inventories to a compatible format and provide this for inclusion in the comprehensive inventory. (The integrity of the existing data bases of the participating agencies would, of course, be maintained.) DOI will compile and input ANCSA landowner data into the database. An interagency database offers reduced costs and improved sharing of information by users, as well as reduced duplication of data consistent with the Information Technology Management Reform Act. Randomly sampled site visits to evaluate and verify the database would be established pursuant to the Government Performance and Results Act.

   Estimated minimum costs to compile a coordinated comprehensive inventory of contaminated sites, add sites to an existing GIS database, eliminate duplicate site records, prepare and distribute reports (assume ¼ FTE Federal staff for data input/manipulation at $22,600 per year and $50,000 for software support and computer operations and supplies, site visits and inventory review at $500,000): $617,800.

   Contaminated sites shall be reported to the responsible agency within 18 months after provision of funds for implementation of this recommendation. (The time frame chosen should allow for two summers in order to gain meaningful information.)

3. Provide ANCSA landowners full knowledge of the EPA's policy not to apply CERCLA landowner liability to transferees of federal lands containing contamination at the time of ANCSA conveyance where transferees did not cause, contribute to, or *exacerbate the contamination. (Estimated costs, minimal)*

Sections 120(h)(3) and (4) of the CERCLA or "Superfund" address contaminated real property owned by the United States and conveyed to another party. The EPA has promulgated a related policy, Policy Towards Landowners and Transferees of Federal Facilities. EPA believes it appropriate to apply this policy to former Federal lands and facilities[10] in Alaska that have been conveyed to ANCSA Native Corporations. See Section 5 for further discussion. A copy of the policy is attached as Appendix K.

4. Direct that within 30 months (12 months after the 18-month reporting period), DOI report back to Congress on sites that were identified and not covered by existing programs, and whether an additional Federal program is necessary to address those sites. Copies of the report should be forwarded to all appropriate agencies and interested parties. If sites are identified during the site inventory period that appear imminently hazardous, an analysis of the situation will be conducted to determine what response is necessary. This analysis will be carried out by the Department or agency which formerly operated the facility; if the release appears to have been created by a private party or if the earlier governmental operator cannot be identified, the analysis will be done by the EPA.

   Estimated minimum costs to provide a DOI point of contact for ANCSA landowners during the project, analyze newly collected site data from the landowners and from agency site visits, coordinate with other agencies, and develop recommendations and a report on the level of program required to cleanup sites not covered in existing programs (assume ½ FTE DOI staff at $45,200 plus $5,000 administrative expenses per year for 3 years): $150,600.

5. Review and, where appropriate, revise relevant policies covering existing programs that clean up contaminated ANCSA lands to address, as appropriate, the remediation of petroleum, oil, and lubricants; leaded paints; friable asbestos; and the removal of unsafe or unwanted buildings, structures, and debris. Policy adjustments to address issues of local concern would be consistent with the Federal government's special relationship with Native Americans.

   Estimated costs for Federal agencies to evaluate and expand cleanup parameters for existing programs: unknown cost.

6. *Continue to develop, through the EPA Tribal assistance program and in coordination* with EPA and any other appropriate agencies, a process involving technical training, education, and presentation of public information in written, video, and oral formats,

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[10] The term "facility" is defined in CERCLA §101(9) to include "any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located."

to enhance the ability of local residents to participate in cleanup programs. Specific needs will be identified through the Forum.

Estimated minimum costs for EPA to train and educate ANCSA landowners through a variety of media (assume preparation of educational materials and a video at $70,000; and instructors, materials and student travel and *per diem* for 2 classes of 30 persons each in Anchorage per year for 3 years): $250,000.

8.0 CONSULTATIONS

This project was undertaken by the BLM, as the lead bureau for DOI, in cooperation with various Federal agencies, and with a goal of involving all ANCSA Native landowners and related Native organizations.

A Federal working group was formed that consisted of representatives from the Bureau of Indian Affairs, National Park Service, U.S. Fish and Wildlife Service, DOI Regional Solicitor's Office, and DOI Office of Environmental Policy and Compliance. The Department of Agriculture, U.S. Forest Service, also had a representative on the working group. The Federal Aviation Administration, U.S. Army Corps of Engineers, Environmental Protection Agency, and Indian Health Service were also consulted and provided assistance to this project.

Efforts made to notify, consult with, and inform all Native, Federal, and State stakeholders in this matter, Include the following actions: (see also Appendices I and J).

1. A formal press release discussing the legislation (Public Law 104-42) and this project was distributed to all Alaska newspapers and radio stations in the State.

2. A radio interview discussing the project was taped on April 26, 1996, with the Alaska Public Radio Network. This interview was aired during two prime-time slots across more than 300 communities in the State.

3. More than five months were provided for information gathering and input from all ANCSA landowners and Native organizations. More than 236 project surveys were sent (see Appendix I). Responses were received from 18 Native entities; however, only 14 reported specific sites.

4. Before the survey was mailed out, the Alaska Federation of Natives was consulted and briefed on the project; and they reviewed the final draft survey package before it was distributed.

5. Information about the goals and objectives of this project, along with the site surveys were sent to: the Alaska Federation of Natives, the Tanana Chiefs Conference, the Association of Village Council Presidents, the Alaska Intertribal Council, the Bristol Bay Native Association, the Copper River Native Association, the Aleutian/Pribilof Islands Native Association, and many other Native organizations and Tribal entities. An explanation of the project strategy, and time frames, were included, as well as an opportunity for comments and suggestions.

6. Nearly 30 telephone calls were received from ANCSA landowners, attorneys, or individuals to discuss this project. Information packages were distributed upon request.

7. Contact was made with branches of the military (Army, Navy, and Air Force) and the Coast Guard to inform them of this project and seek their assistance in providing data.

8. Contact was made with the Regional Forester's Office, U.S. Forest Service, as representative of the Department of Agriculture.

9. The Alaska Departments of Law, Environmental Conservation, and Natural Resources were consulted.

10. Several meetings were held with the U.S. Army Corps of Engineers.

11. All Alaska Native corporations were contacted.

12. The Alaska Native organizations listed in Appendix I were contacted.

13. Preliminary Draft Report was prepared on February 20, 1997. Copies of this preliminary draft were sent for review and comment to the Federal agency working group, the Alaska Departments of Law and Environmental Conservation, and several Native corporations and associations for review and comment.

14. A meeting with the AFN Land Committee to discuss the preliminary draft report was convened in Anchorage, March 13, 1997 (see Appendix J for a meeting summary).

15. A Federal interagency review of the final draft report was held during the spring and summer of 1997. Review meetings were held with: Environmental Protection Agency, Department of Justice, Department of Health and Human Services, Indian Health Service, Department of Defense, Corps of Engineers, Office of Management and Budget, Federal Aviation Administration, and various DOI bureaus and offices.

16. A January 15, 1998, meeting with the Alaska Department of Environmental Conservation was held to discuss the latest revisions to the draft report.

17. At the January 16, 1998, meeting of the AFN Land Committee, the latest revisions to the draft report recommendations were presented and discussed.

18. February 6 and 12, 1998, Federal interagency reviews of modifications made since August, 1997 were held.

19. February 11 and 12, 1998, meetings with the Environmental Protection Agency were held to discuss report recommendations.

20. March 3-5, 1998, an interagency coordination meeting was held with EPA, ADEC, NOAA, COE, FWS, FAA, BLM, U.S. Air Force, and Department of Defense representatives; followed up by a discussion session with ANCSA landowner and Tribal representatives.

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