

ANCSA Partnership Group Public Meeting

ATCEM

March 22, 2023



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Agenda

- Introductions/Housekeeping
- Presentation
 - ANCSA Partnership Group background
 - Purpose of group
 - Current status of site inventory and funding
 - Potential for future funding



Agenda

- Community Feedback Exercise
- Break
- Exercise Results
- Future Partnership Group meetings
- Question and Answer session



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Introductions

Alaska Native Tribal Health Consortium (ANTHC)

ANCSA Contaminated Lands contact:

Lisa Griswold

Contamination Support Program Manager

Bailey Richards

Environmental Program Associate

Kevin Heller



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Introductions

Alaska Department of Environmental Conservation (ADEC)

ANCSA Contaminated Lands contact:
Nick Waldo



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Introductions

Environmental Protection Agency (EPA)

ANCSA Contaminated Lands contact:
Tami Fordham



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Housekeeping

- 1) Silence cell phones
- 2) Avoid side conversations/please mute yourself on zoom
- 3) Listen with an open mind
- 4) For questions:
 - Q&A at the end of the session
 - Online:
 - Send questions through zoom chat
 - *send a direct message to Kevin
 - In-person:
 - Bailey with microphone
 - *contact Lisa Griswold via email: Lgriswold@anthc.org*



The Alaska Native Claims Settlement Act

1867

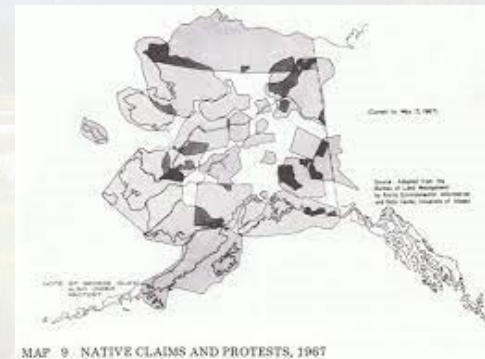


1959

1966



1971



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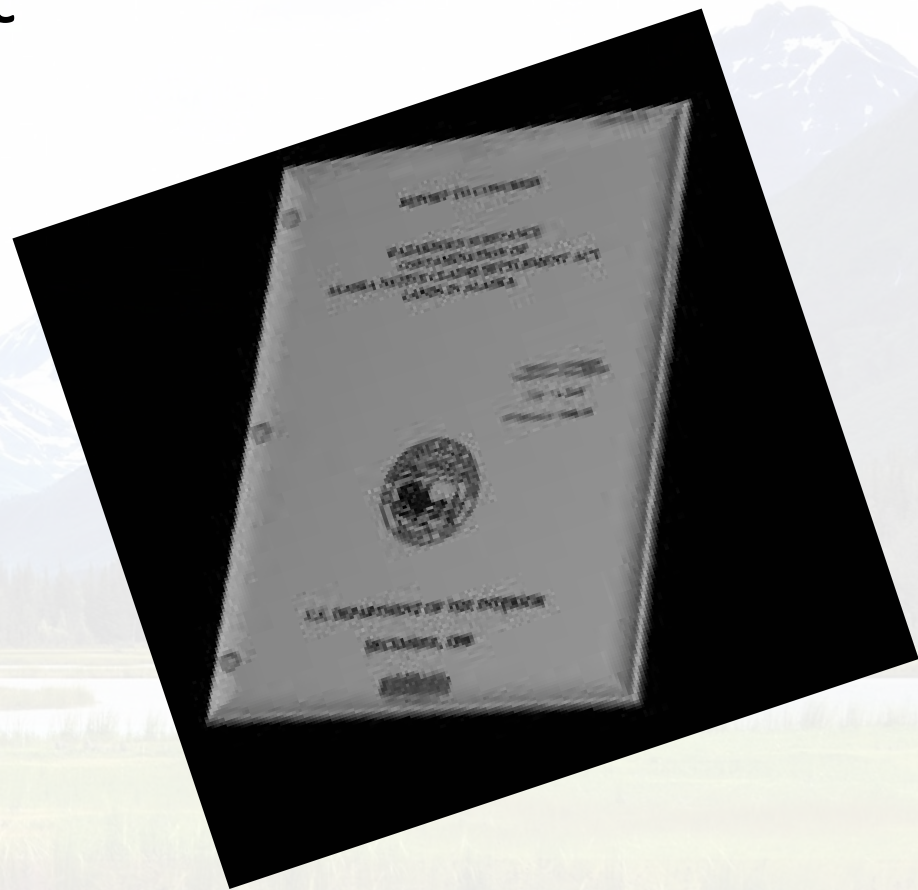
ANCSA Conveyed Contaminated Lands



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1998 BLM Report

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



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1998 BLM Report Recommendations

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



2018 BUILD Act

Brownfields Utilization, Investment, and Local Development Act (BUILD Act) Bill Summary

Overview

In March 2018, Congress passed the BUILD Act, which amends the Brownfields provisions of CERCLA, as part of the FY 2018 Omnibus Bill. In this factsheet, we explain the major changes to the Brownfields Amendments. The BUILD Act reauthorized the Brownfields Provisions through 2023.



More Redevelopment Certainty for Governmental Entities

Local or state governments that take control of a contaminated site no longer has to be an "ordinary" acquisition.



Alaska Native Village and Native Corporation Liability Relief

Provides liability relief for Alaska Native Villages and Native Corporations for a facility received under the Alaska Native Claims Act, as long as the entity did not cause or contribute to the release of a hazardous substance from the facility.



Petroleum Brownfield Enhancement

Removed the language and requirement that petroleum brownfield sites be "of relative low risk" in order to be eligible for funding.



Prospective Purchasers and Lessees

Bona Fide Prospective Purchaser definition was amended to include language related to those who have tenancy or leasehold interests in the facility.



Expanded Eligibility for Non-Profit Organizations

Non-profits (including LLCs and community development entities that are non-profit) can now apply for assessment and RLF grants.



Certain Publicly Owned Brownfield Sites

Publicly owned sites acquired prior to January 11, 2002 can apply for assessment and remediation (RLF and cleanup) grants as long as the entity is not responsible for the contamination.



Increased Funding for Remediation Grants

Increased the cleanup grant funding amount to \$500,000 per site; eligible entities can also request a waiver to \$650,000 per site, based on the anticipated level on contamination, size, or ownership status of the site.



Multipurpose Brownfields Grants

Grant authority for multi-purpose grants (assessment and cleanup combination) was increased up to \$1,000,000. No more than 15% of the total appropriation can be awarded to multi-purpose grants.



Allowing Administrative Costs for Grant Recipients

Entities are now able to use up to 5% of grant awards on administrative costs.



Grant Applications

New ranking criteria focusing on renewable energy or energy efficiency projects and waterfront developments.



Small Community Technical Assistance Grants

Authorized a new grant program for states and tribes to provide training, technical assistance, or research for small communities (populations of 15,000 or less), Indian tribes, rural areas, and disadvantaged areas. Maximum of \$20,000 per community.

Liability relief for Alaska Native Corporations that received land and did not cause or contribute to contamination



2016 BLM Report

- Updated site inventory
- Based on ADEC data with data from federal agencies
- Attempted to remove duplicates
- Created separate BLM webmap



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2016 BLM Report Recommendations

- 1.The ADEC should finalize the comprehensive inventory and implement a remedial action process
- 2.Establish a formal contaminated lands working group
- 3.Initiate Site Clean-up process



ANCSA Contaminated Lands Working Groups

Statement of Cooperating Agencies Working Group

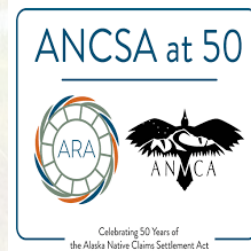


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ANCSA Contaminated Lands Partnership Group



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Purpose of the Partnership Group

- Goals of group:
 - Work towards consensus among partnership group members on the prioritization of existing sites
 - Verify accuracy of information on known/potential ANCSA sites
 - Incorporate input on known/potential ANCSA sites
 - Identify additional sites not listed on BLM inventory
 - Outreach to all ANCSA village/regional corporations and tribes for partnership group expansion
 - Identify partnerships and funding resources to assist in the assessment and cleanup of sites that are not in a cleanup program

Overarching theme of the group: Collaboration and information sharing

United States Environmental Protection Agency ANCSA Contaminated Lands Update



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FY23 EPA ANCSA Contaminated Lands Assistance Program

REGION 10 CONTAMINATED ANCSA LANDS PROGRAM UPDATE – MARCH 22, 2023



TEAM INTRODUCTIONS

Program Objectives

Work cooperatively with federal and state government agencies, Alaska Native Corporations, Alaska Tribes and tribal organizations to investigate, assess, and cleanup contaminated sites.

To achieve this overarching objective, we will:

- Issue ANCSA Contaminated Lands Assistance Agreements
- Conduct outreach on the program to understand priorities of Alaska Native Corporations and tribes
- Develop one consolidated ANCSA contaminated lands inventory/common operating picture.



Leverage Existing EPA Resources

GAP: Tribal Environmental Programs

CERCLA (Superfund) Site Assessment Program

- Use of existing CERCLA programmatic funds to further program goals

Brownfields:

- ADEC Brownfields – update contaminated sites database, outreach to Alaska Native Regional and Village Corporations, conduct environmental assessments.
- ANTHC: ANCSA Contaminated Lands Partnership Group & two orphan sites
- Eklutna, Kawerak, Unalaska



What is the EPA ANCSA Contaminated Lands Assistance Program?

FY23 Omnibus:

\$20,000,000 for the inventory, verification, assessment, and remediation of ANCSA contaminated sites, as well as related community outreach and involvement.

EPA Region 10 is intending to issue a Request for Applications for projects that address contaminated ANCSA lands (tentative – April 2023)

CFDA: 66.965

Eligible Entities

Alaska Native Corporations: Village and Regional

Federally-recognized tribal governments in Alaska

Alaska Native Non-Profits Organizations

Inter-tribal consortium (comprised of Alaskan tribal entities)

Alaska Native Non-Profit Associations



FY23 ANCSA Contaminated Lands Assistance Agreement Objectives

Verify, assess, and conduct
planning and community
involvement activities
related to conveyed
contaminated ANCSA lands

Carry out cleanup activities
at ANCSA contaminated sites



FY23 Phase 1: Demonstration Projects

FY23 funding (non-competitive) will support the following:

- Roughly three (3) cooperative agreements for verification of sites and detailed site assessments
 - Estimated \$200K/site
 - Estimated \$600K total
- Roughly three (3) cooperative agreements to enable eligible activities to begin cleanup of properties (initial removal actions)
 - Estimated \$500K to \$1M to address two or more sites
 - Estimated \$3M total

**SUBJECT TO CHANGE*

8/1/23

Program Requirements

(subject to change)

Land(s)/Site(s) were contaminated at the time of conveyance

- Contaminated by hazardous substances, pollutants, contaminants, or petroleum

Land(s)/Site(s) listed on the Interim EPA Inventory of ANCSA Contaminated Lands

EPA will prioritize funding for sites to be considered “orphan” sites (or not currently included as part of another agency’s current cleanup program)

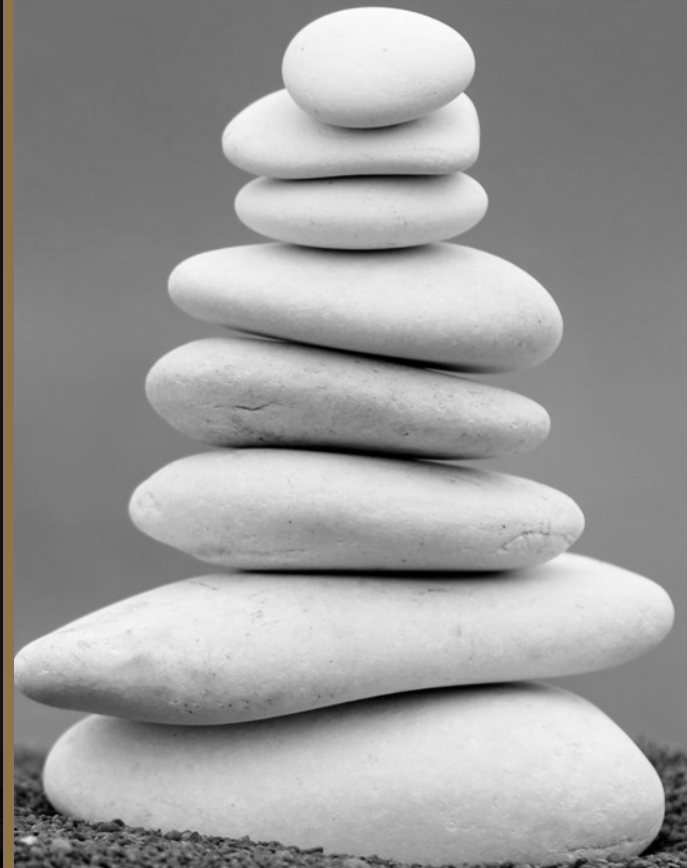
Capacity to achieve program objectives

- Clear right of access to listed site
- Management and staff with experience in site assessment and/or remediation
- Focus on less complex removal actions which demonstrate near-term results

Cooperative Agreement

EPA will negotiate the precise terms and conditions of “substantial involvement” as part of the award process, however the following is anticipated:

- Monitoring performance to verify results;
- Collaborating during performance of the scope of work;
- Approving qualifications of key personnel; and
- Reviewing and commenting on reports prepared under the cooperative agreement.





Anticipated Timeline

FY23 ANCSA Congressionally Directed Spending

- ▶ \$7M: State of Alaska for Inventory and Verification of ANCSA Contaminated Sites
- ▶ \$250K: ANTHC for Tribal Capacity for Inventory and Verification of ANCSA Contaminated Lands
- ▶ \$250K: ANVCA for Tribal Capacity for Inventory and Verification of ANCSA Contaminated Lands



ANCSA Contaminated Lands Inventory

Build on the work done to date by BLM, the State of Alaska and others

- Interim EPA inventory for FY23 grants proposals

Tool to include inventory and provide operational platform



Common
Operating
Picture:

Concept

Interactive GIS and web-based viewer

Provides situational awareness &
facilitates operational decision-making

Supports public communication

Site inclusion may be broader than
ANCSA Inventory

Benefits of a Common Operating Picture



Real-Time
Information



Single Source of
“Truth”



Broad Situational
Awareness



Tactical
Coordination



Predictive
Outcomes



Home

Region 10 Sites Dashboard

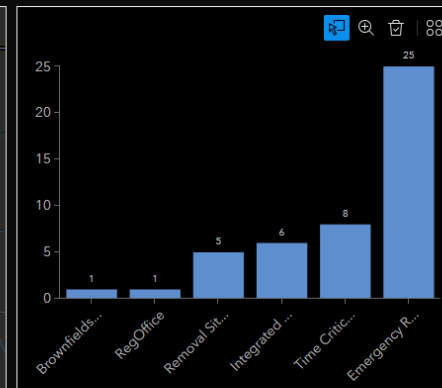
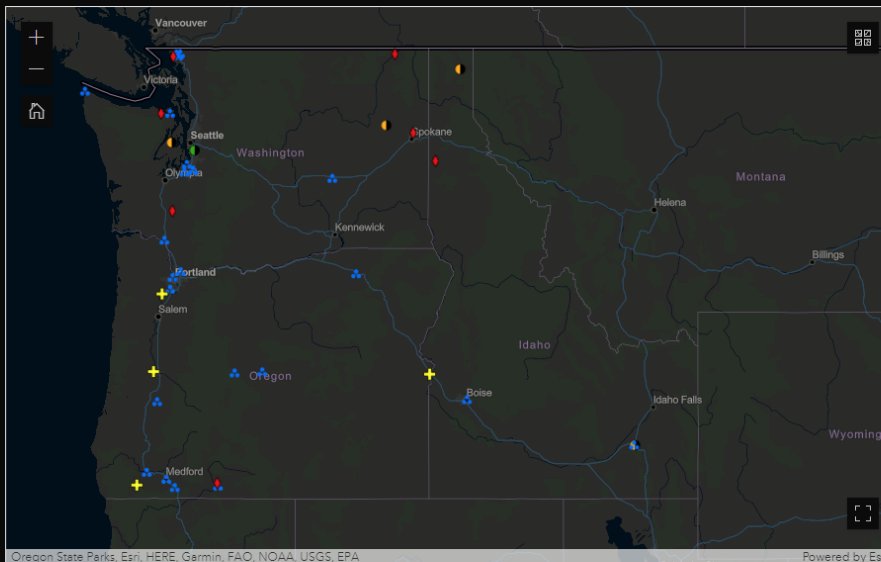
Add or Edit Site Action

Add New or Edit Site

46

Sites

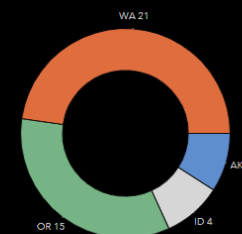
- End Date in FY 2022
- End Date in FY2023
- Current Field Work
- CERCLA
- Site Type
 - Action Type is
 - All -
- Site Status
 - Site Status is
 - All -
- State



Latest Site Action Data

Site Name	Type	EPA Project Manager	Action Type	STAR
Ambush Rock	Integrated Assessment	Marcy	Integrated Assessment	
Bahokus Peak Abandoned...	Emergency Response	Boykin	Emergency Response	
Bear Creek Oil Spill	Emergency Response	Stanfield	Emergency Response	
Chiceno Street Properties	Integrated Assessment	Perkins	Integrated Assessment	
Christenson Warehouse ER	Emergency Response	Nattis	Emergency Response	
Copper Lane Apartments ...	Emergency Response	Tonel	Emergency Response	
Custer Oil Train Derailment	Emergency Response	Fowlow	Emergency Response	

Sites by State



HHW Assessment Dashboard

Round: All 1 2

Number of Parcels
104
with ROEs

Assessment
0
Needed

Phase I
102
Complete

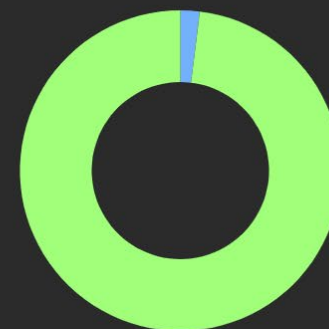
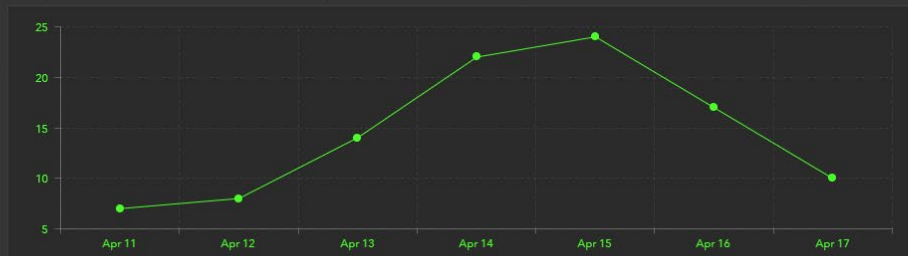
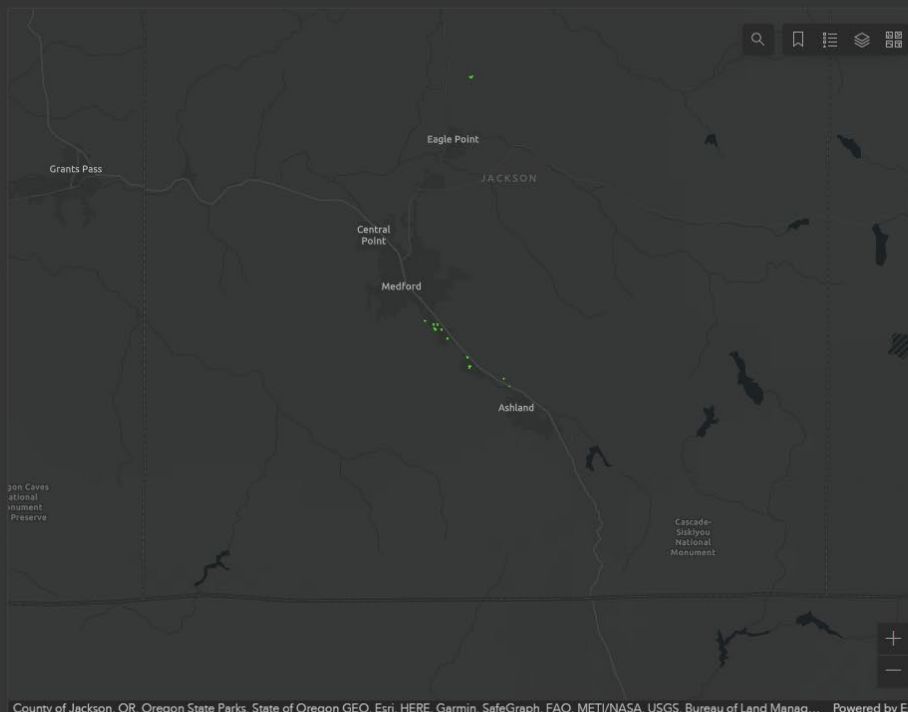
Phase I Complete
0
QC Pending

Revisit
0
High Haz

Revisit
0
Property Access

Temp Hold
0

No Access
2
No Follow Up



● No Access - No Follow Up Needed 2
 ● Phase 1 Complete 102

Status

ROEs by County Completions by Date


Site Actions

Action Name:

Action Type:

Emergency Response 

Authority:

-Please select- 


Mobilization Date:

 MM/DD/YYYY

End/Demob/Final POLREP Date:

 MM/DD/YYYY

Further Action Required?

-Please select- 

Common Operating Picture: Next Steps

Work with partners to collect and evaluate existing site data

Establish process for adding sites to COP

Establish common site-status definitions and a cross-walk of terminology among cleanup programs

Work with partners to understand operational decision-making data needs

Work with stakeholders to understand public communication needs

Establish data sharing agreements among partners to ensure Common Operating Picture reflects real-time site status

Goal --- publicly available Common Operating Picture, including the ANCSA contaminated sites inventory, by Sept 2023

Other Near-
Term EPA
ANCSA Program
Activities

Discussions with DEC, ANTHC and ANVCA on funding agreements to support the verification/assessment of sites for inclusion in the ANCSA site inventory

Working with DEC to identify sites for EPA-led field-based assessment and/or cleanup work this summer and beyond

Primary Points of Contact

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Interim ANCSA Program Manager

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Redevelopment Division

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Emergency Management Branch
Manager

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www.epa.gov/r10-tribal/ancsa

State of Alaska Department of Environmental Conservation ANCSA Contaminated Lands Update



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Status of Sites Inventory



Nick Waldo

Contaminated Sites Program
Division of Spill Prevention & Response



BLM 2016 Report

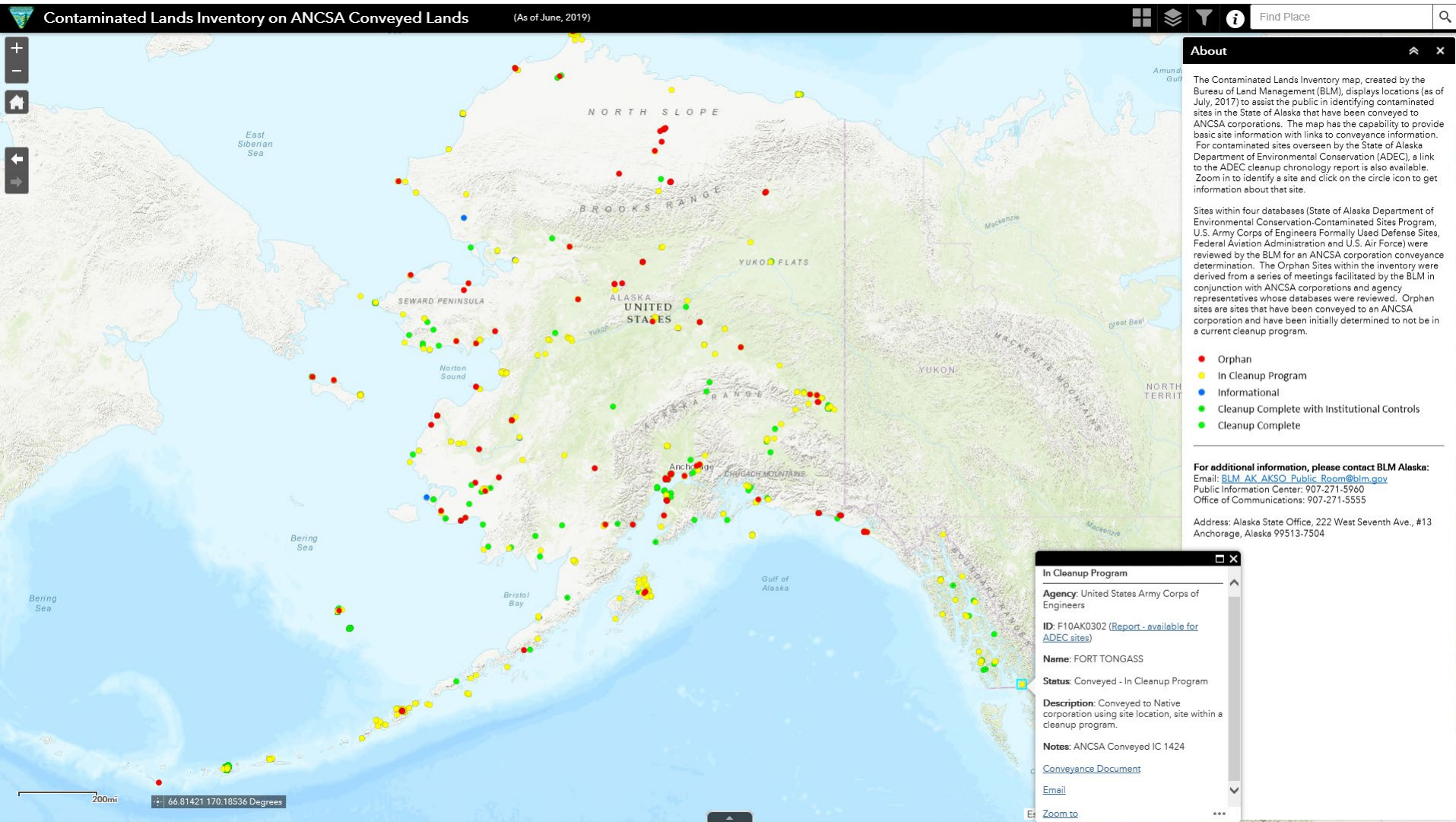
BLM's 2016 Report recommendations:

1. The Alaska Department of Environmental Conservation (DEC) should finalize the comprehensive inventory and implement a remedial action process.
2. The establishment of a formal contaminated lands working group.
3. The initiation of a site cleanup process.





BLM Webmap





What are the criteria for an ANCSA contaminated site?

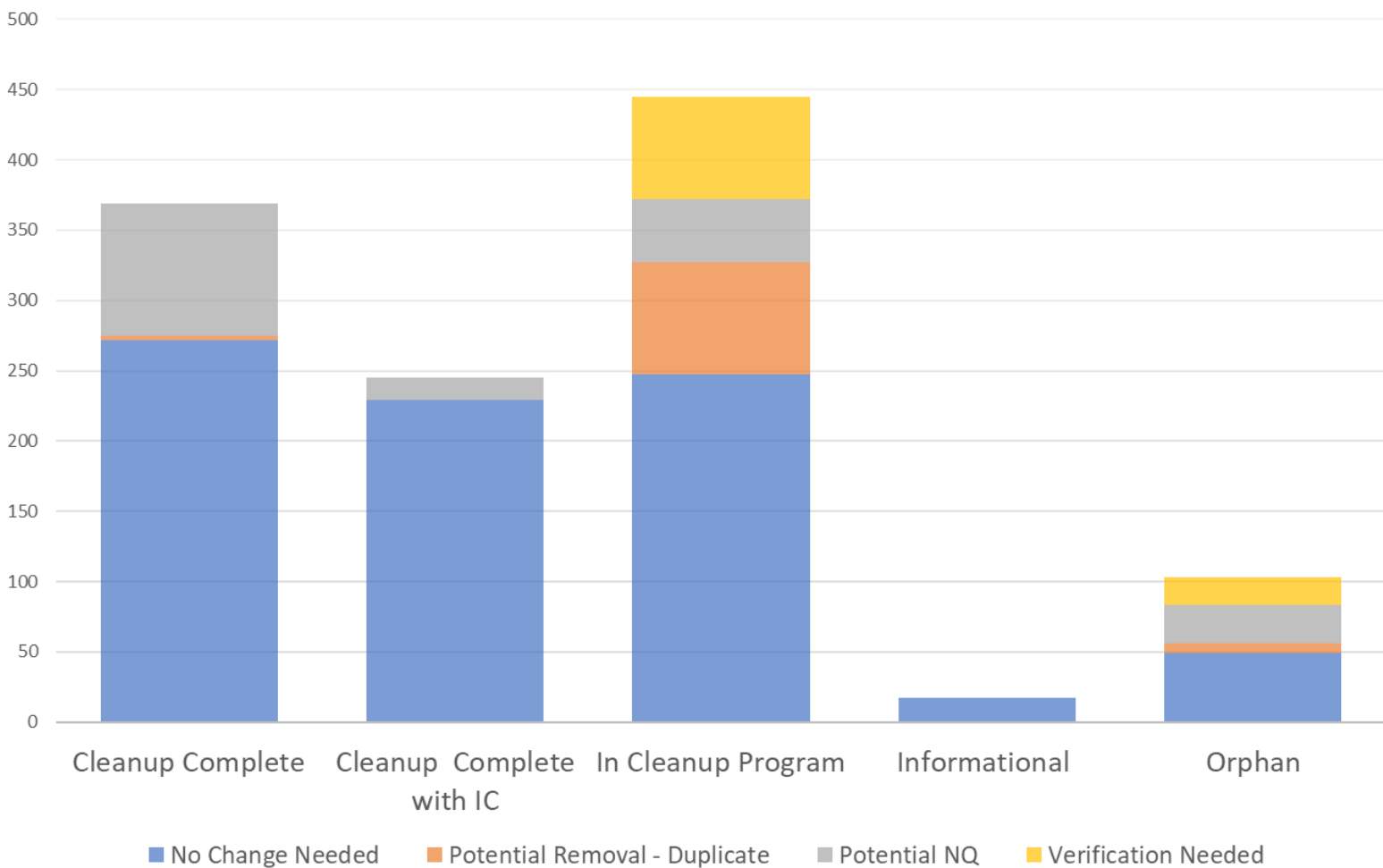
- 1) Documented contamination,
- 2) Release date prior to conveyance date, and
- 3) Located on ANCSA-conveyed land.

All three can be problematic to verify...

Many sites on BLM's list needs verification of at least 1 of the 3 criteria.



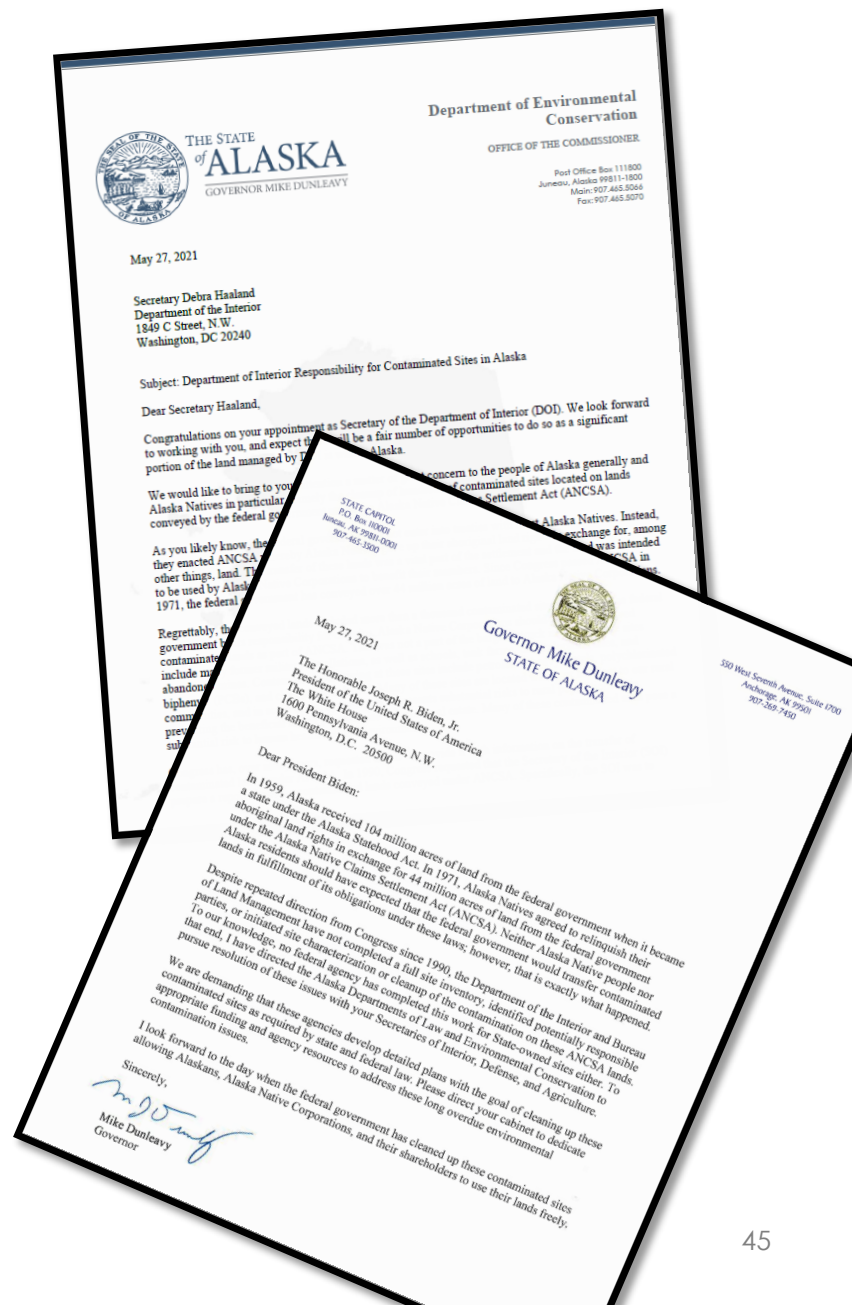
SUMMARY OF DEC'S REVIEW OF BLM 2019 ANCSA CONVEYED CONTAMINATED SITES LIST





State Action

- Reviewed BLM's inventory
- Identifying sites needing on-the-ground verification
- May 2021 letters
 - Governor Dunleavy to President Biden
 - DEC to Secretaries Haaland (DOI), Vilsack (Agriculture), and Austin (DoD)





State Action: Verification

- Site Discovery Grant
 - Non-petroleum Contaminants
 - In development
- Brownfields Pilot Project
 - All contaminants, focus on petroleum
 - Limited to confirmation
 - Contract awarded for 3 sites



The Hadley Smelter site has hazardous levels of heavy metals in mine waste, but the mines themselves have never been investigated



State Action: Coordination

- Provided review of BLM inventory to ANTHC and federal partner agencies
- Coordinate with EPA & ANTHC on development of appropriation programs
 - DEC appropriation specified for verification and inventory



Alaska Native Tribal Health Consortium ANCSA Contaminated Lands Update



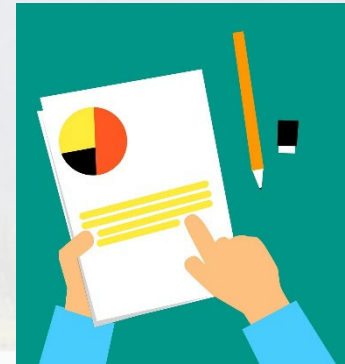
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ANTHC's Future Work

128 (a) · Bipartisan Infrastructure Law · ANCSA Appropriation

Site Specific Work

- Funds dedicated for assessment work on two ANCSA sites
- Likely limited to initial Phase I and Phase II Environmental Site Assessments
- Host meetings within communities about sites



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ANTHC's Future Work

128 (a) · Bipartisan Infrastructure Law · ANCSA Appropriation

Further Develop Inventory

- Community travel to conduct in-person outreach
- Conduct Brownfield education on BUILD Act liability relief
- Potential to assist in verifying some site information
- Coordinate with EPA, ADEC, and ANVCA on appropriation funds



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Potential funding

EPA Environmental Justice Grants

Multiple made available

- Possible to use for site assessment
- Possible to use for site cleanup
- See EPA [website](https://www.epa.gov/ej-grants) for more information



The screenshot shows the EPA's Environmental Justice Grants website. The header includes the EPA logo and navigation links for Environmental Topics, Laws & Regulations, Report a Violation, and About EPA. The main content area is titled "Environmental Justice Grants, Funding and Technical Assistance". It features a sidebar with links to Environmental Justice (EJ) Home, Learn About Environmental Justice, Equity Action Plan, and Grants and Resources. The main content area includes a section for "On this page" with links to EJ Grants, Other Funding Opportunities, and Technical Assistance. Below this is a section for "EJ Grants" titled "The Environmental Justice Thriving Communities Grantmaking (EJ TCGM) Program", which describes the program's purpose and provides a link to "EJ TCGM 2023 grant opportunities now available!". There is also a section for "Environmental and Climate Justice (ECJ) program Request for Information (RFI)". A "Popular Resources" sidebar on the right lists links to an informational video, how-to-apply guide, EJ program funded projects map, other community grants, grants.gov, and current funding opportunities.



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Community Feedback Exercise



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Community Feedback Exercise Results



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Future Proposed Partnership Group meetings



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Question & Answer



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Thank you for Attending Today!



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