

**U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

Glennallen Field Office
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**SEND Recreation and Public Purposes Reversionary Clause Purchase and Sewage Lagoon
Environmental Assessment, DOI-BLM-AK-A020-2015-0007-EA**

Case File: A-042498 and A-058393
Applicant: SEND, North

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ACRONYMS

ADFG	Alaska Department of Fish and Game
ANILCA	Alaska National Interest Lands Conservation Act
ATV	All-Terrain Vehicle
BLM	Bureau of Land Management
CFR	Code of Federal Regulations
FLPMA	Federal Land Management Policy Act
EA	Environmental Assessment
EARMP	East Alaska Resource Management Plan
GFO	Glennallen Field Office
GMU	Game Management Unit
NORA	Notice of Realty Action

1.0 INTRODUCTION

1.1 Summary of Proposed Project

The Bureau of Land Management, Glennallen Field Office (BLM) is considering a request by SEND North (herein referred to as SEND) to sell the Federal Government's reversionary interest concerning 210 acres of partially developed lands established under the Recreation and Public Purposes Act (R&PP). The reversionary interests would be removed from the patent and allow the merger of property interest for the land by the patentee to occur. Concurrent with this action, the BLM is considering the removal of reversionary interest for a 2.5 acre patented parcel of land, authorized under the same R&PP act, which was used as a medical sewage pond by SEND. The result of this sale, if approved, would reduce the Federal Government and the BLM's liability in relation to both parcels and allow for the merger of property interest to occur.

1.2 Project Area Description and Land Status

These parcels of land are located within the heart of the Glennallen community, at approximately mile 186.5 of the Glenn Highway; there are two access roads that lead to the 210 acre parcel. First is the access road in front of Cross Roads Medical Center and the other is across the Glenn Highway from the Glennallen Fuel station. These all-weather gravel roads provide access to an array of buildings and facilities constructed by Send International. The 2.5 acre sewage lagoon is located on the south side of the Glenn Highway across the road from Cross Roads Medical Center. Both parcels are patented to SEND International and are currently private property.

1.3 Background

A non-profit organization originally named Central Alaska Missions Inc. (CAM), later to become SEND International, came to Glennallen in 1957 to begin development of not for profit services to assist the community of Glennallen and surrounding areas with a focus on education, medical and religious services. In 1958 the BLM issued an R&PP lease and approved a plan of development submitted by CAM to achieve their mission. Upon successful development they could request the land to be patented. BLM monitoring ensured the parcels 210 acres were developed according to the plan of development and in 1961 CAM completed its original infrastructure. At this time the BLM converted their lease into a patent, patent number 1221491, per guidance under the R&PP act.

During the development phase in the late 1950's CAM constructed a small hospital in Glennallen, known as Faith Hospital, which offered medical services to the Copper River Valley. CAM, in their efforts to create the new hospital, realized a need for sewer services associated with the facility. CAM applied for and received 2.5 acres to create a sewage lagoon for all the hospital/clinic liquid waste under the same R&PP act. In 1963 that 2.5 acre parcel was patented (patent 1232741) to SEND with a reversionary clause.

The R&PP act required a reversionary clause be included in the patents, which says if the lands are not used as stated within the patent document it will be revoked and the land will revert back to the Federal Government. Also within the R&PP program, there are provisions that permit a patent holder to request purchase of the reversionary interest. There is no time requirement to when or if they can submit such request.

SEND has requested from the BLM to purchase the rights the Government has in the reversionary clause within the patented document number 1221491. Additionally SEND has paid for an appraisal of the property. The BLM would sell SEND the reversionary interest in the 210 acres of land for the appraised fair market value as determined by the appraisal, less any funds already paid to the BLM for the patented parcel, and allow a merger of property interest to occur. Concurrently with this action the BLM would also remove reversionary interest for the 2.5 acre patented parcel of land utilized as a medical waste and sewage lagoon.

The BLM Handbook H-2740-1 and WO IM 94-65 give current guidance to BLM field offices to convey the reversionary interest in R&PP parcels that have liability for the

Release of a Hazardous Substance. The patented 2.5 acre sewage lagoon meets the criteria for the BLM to convey the reversionary interest to SEND per that guidance.

1.4 Purpose and Need

SEND, the Patentee, has requested to purchase the reversionary rights found within the patent 1221491 for 210 acres of R&PP land. The need for action is driven by the liability issues and property clean-up costs that would be incurred by the BLM if ownership reverted back to the government concerning patent 1221491, containing 210 acres and patent 1232741, containing 2.5 acres. Further the BLM needs to respond to the request to purchase the reversionary rights and conform to guidance found within Instructional Memorandum 2011-110 that states to give consideration to such actions and requests as well as BLM Handbook H-2740-1 with regards to reducing releases of hazardous substances. The purpose of the action (a sale of the land to SEND) would eliminate the BLM from any liabilities or costs incurred as a result of future ownership or interest in the property.

1.4.1 Decision to be Made

There are two decisions to be made yet analyzed concurrently within this document. The first decision is whether or not the BLM sell the Government rights of the reversionary interest found in patents 1221491 and 1232741 to SEND and allow the merger of property interest in the 210 acres of land established under the R&PP at the appraised fair market value. The second decision is whether or not to convey the reversionary interest in patent 1232741 to SEND at no cost and allow the merger of property interest in the 2.5 acre sewage lagoon.

1.5 Land Use Plan Conformance

The EARMP and FLPMA provide the overall long term management direction for the BLM Glennallen Field Office. The proposed action and alternatives are consistent with the EARMP and FLPMA. Specifically, the proposed action is consistent with the following sections of the EARMP (BLM 2007):

I. Lands and Realty

I-3-a: Management Actions (Disposals)

3. The following lands would not be disposed of:
 - Lands withdrawn from the public land laws or segregated by State or Native Selection;
 - Lands with mining claims of record under section 314 of FLPMA unless BLM policy is changed in the future to allow for their disposal;
 - Lands within the Delta and Gulkana Wild and Scenic River corridors.
4. Other Disposals:

- Lands identified for disposal under this authority that are selected by either the State or Native corporations would have to be fully adjudicated before the BLM would entertain a sale. In most instances, the BLM would first lease lands under this act and only convey the lands after the project is constructed in compliance with an approved development and management plan. An important exception to this would be tracts proposed as sanitary landfills, which would always be sold; they would not be leased. Application for tracts to be used as a sanitary landfill would be conveyed with a clause that would prohibit reversion to the Federal Government. Existing leases shall be converted to patents if the lands are used for sanitary landfills.

BLM Handbook H-2740-1 Chapter X

Chapter X. Solid Waste or Other Purposes That May Include the Disposal, Placement, or Release of a Hazardous Substance

A. Policy.

1. Landfills. In order to minimize the potential liability associated with landfills, it is the policy of the Bureau of Land Management to terminate all R&PP landfill operations as soon as possible. Field Offices should be working with lessees in an all out effort to stop waste collection and close the current landfills or to convey title to present landfill lease under either the R&PP Act, a FLPMA Section 203 sale, or a FLPMA Section 206 exchange. Because of the continuing liability of the BLM under the hazardous materials laws and the potential for long-term expenses associated with EPA regulations found at 40 CFR 258, landfill closures should be a high lands priority. Although lease termination is the ultimate goal, a lease constitutes a contract between the BLM and the lessee and may only be terminated when both parties agree or through operation of the lease terms and conditions. Therefore, where a lease has a number of years remaining and the lessee intends to continue operation, it is incumbent upon field officials to ensure that the lessee is fully aware of 40 CFR 258 requirements and that the landfill is being operated in compliance with the lease terms and conditions.
2. Other uses. The 1988 Recreation and Public Purposes Amendment Act allowed for the disposal of public land for solid waste or...for any other purposes that the authorized officer determines may include the disposal, placement, or release of any hazardous substance...The disposal action applies to both new sites and for sites presently leased on or before November 9, 1988, for recreation or public purposes.

1.6 Other Applicable Laws, Regulations, Policies, etc.

The following laws, regulations, and policies apply to the Proposed Action, however, this is not a comprehensive list:

- Alaska National Interest Lands Conservation Act of 1980 (ANILCA) Section 810
- National Historic Preservation Act as Amended 1992
- North America Wetlands Conservation Act of 1989 (as amended 1990 and 1994)
- Executive 11990 of May 1977 (Protection of Wetlands)
- BLM Instructional Memorandum 2011-110.
- BLM Instructional Memorandum 94-65
- BLM Handbook H-2740-1

1.7 Summary of Public Involvement

A public scoping letter was sent to organizations of the community in Glennallen in February offering a comment period that ended on February 25, 2015. And a public scoping notice was published in the Copper River Record, a local news publication offering the same period for members of the public to submit comments.

Two public comments were received in support of the proposed action, but were not substantive and were not considered to be within the scope of the proposed action.

1.8 Issues Identified / Issues Eliminated from Further Analysis

Two issues were identified through the interdisciplinary process and are further analyzed within this environmental assessment. These issues consisted of the following:

What are the effects of the loss of Federal interest in 212.5 acres of patented private property under the Recreation and Public Purposes act?

What are the liabilities associated each parcel and possible accompanying hazardous materials?

The following are issues the interdisciplinary team identified but eliminated from further analysis:

One issue was identified and eliminated from further analysis. This consisted of assignment of the patented land to another qualifying entity under the R&PP program. This is an allowed action for patented parcels requiring similar work and analysis, but was eliminated. The reason was that we had a specific request from the patent holder to purchase the reversionary interest rather than to assign them. To assign the patent and transfer the land the current holder of the patent, SEND, would have to seek out and negotiate a sale of all the realty upon the property as well as all the developments, nearly 50 structures, roads, wells, and many other improvements.

2.0 ALTERNATIVES

2.1 Alternative 1 - No Action Alternative

Under the No Action Alternative the BLM would not sell the reversionary interest in the 210 acres of land. The BLM would begin working with SEND to ensure the R&PP uses continue to be within compliance of allowed uses found in the patent document. Additionally the reversionary interest in the 2.5 acre sewage lagoon would not be conveyed to SEND leaving the BLM liable for the contents of the sewage lagoon should future cleanup be required.

2.2 Alternative 2 - Proposed Action Alternative

With the Proposed Action alternative, the BLM would sell the reversionary interest in the 210 acres of land in patent 1221491 allowing the merger of property interest to SEND. The sale would be at the established fair market value set by the appraisal performed to the Department of Interior's Yellow Book standards, less any funds that have already been paid during the patent process which occurred in the early 1960's.

Additionally, this alternative would convey the reversionary interest in the 2.5 acres of land patent 1232741 which contain a sewage lagoon. Property interest would be merged and the government's liability concerning the lagoon would no longer exist.

2.3 Design Features Common to All Action Alternatives

There are no design features which are considered common to all action alternatives.

2.4 Alternatives Considered but not Analyzed in Detail

An alternative considered but not analyzed was to require SEND to seek a qualified purchaser for the R&PP parcels. This alternative was not analyzed in detail because it does not meet the Purpose and Need. Additionally the request was made by SEND to purchase the parcel, not assist them in seeking a different owner.

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

3.1 Alternative 1, what are the effects of the loss of Federal interest in 212.5 acres of patented private property under the Recreation and Public Purposes act?

3.1.1 Affected Environment

There are two parcels, parcel one is patent number 1221491 and is a 210 acre contiguous parcel of land for SEND's operations. Parcel two is patent number 1232741 and is a 2.5 acre sewage lagoon. Both are currently private property which were patented in the 1960's and have been utilized as private property in support of the missions their organizations were established since being patented.

3.1.2 Direct and Indirect Effects from Alternative 1 - No Action Alternative

Directly, with the no action alternative, there would be no loss of Federal interest in the land, and it would trigger actions that will require the BLM to require SEND to ensure the uses of the patented property remain in compliance with the allowed uses spelled out in the patent document. This alternative does not address the request to purchase the reversionary rights made by the patent holder. This would require SEND to continue utilizing the parcel as described within the patent document. Further this alternative does not comply with the guidance of Instructional Memorandum 2011-110 for R&PP requests to purchase reversionary interest.

Indirectly, the conveyance of this parcel was done in 1961, and compliance with the terms of the patent will continue to be difficult for SEND if the no action alternative is chosen. SEND's failure to comply with these terms of the patent could cause the BLM to invoke the reversionary clause and be a detrimental action to the patent holder and its sub-organizations and the BLM could eventually have to mitigate the property should these organizations liquidate and become insolvent.

3.1.3 Direct and Indirect Effects from Alternative 2 – Proposed Action Alternative

The primary direct effect would be in the reduction of potential for liability incurred by BLM associated with hazards present on the parcels. Since SEND began development under the R&PP program on these parcels, they have built an inventory of infrastructure to meet their needs. Nearly 50 individual structures, several water wells, sewer and water lines, septic systems, buried power cables and communication cables, concrete foundations, radio antenna anchors, roads, and culverts are located within the parcel. Within this alternative SEND would keep and become responsible for the infrastructure they have built since BLM would be selling them the final piece (reversionary interest) to own the land in total.

Direct effects of the loss of federal interest in the two parcels for a total of 212.5 acres would be minimal. These 212.5 acres have been operated as private property since conveyed in the late 1950's and early 1960's. The Government's interest has been present in a minimal manner, to monitor the parcels use based upon the R&PP patent, and since conveyance SEND has been within patented requirements.

Indirect effects would consist of the BLM performing minor actions to close the associated case file and ensure all actions taken are properly documented within the file. SEND, as owners of both parcels with reversionary interest, would not

have to seek any permission from BLM to perform future actions that may vary from what the parcels were patented for.

3.1.4 Cumulative Effects

At this time, no other past, present, or reasonably foreseeable reversionary interest purchases impacting existing Recreation and Public Purposes parcels are known to be developing as a result of this proposed action. No cumulative effects are identified in regards to the loss of interest in the 212.5 acres of public land.

3.2 Alternative 2 - The liabilities associated with each parcel-and possible hazardous materials.

3.2.1 Affected Environment

Since obtaining the R&PP lease in 1958 SEND and its sub-organizations have worked to establish housing units and other facilities and infrastructure on the 210 acres of land associated with patent 1221491. SEND installed sewage lines, septic systems, power lines, telephone lines, water pipes, and a cemetery within the boundaries of the parcel. Concrete foundations were used to place houses, culverts installed to assist in the draining of surface water, and buildings were constructed for various uses and purposes.

Maintenance facilities ensuring everything SEND constructed and utilized were developed. These facilities likely contained an array of petroleum products, cleaning and other solvents, generators, and other machinery. Over 50 separate structures have been placed within the parcel. These range from homes, to shops, to dorms, and also include a radio tower and support structure. There are roads and driveways between the infrastructure providing a developed transportation network.

Faith Hospital operated for many years utilizing the sewage and medical waste lagoon located on the 2.5 acres within patent 1232741. Eventually they were able to get the facility connected to the community sewage system. It is not known if a proper environmental cleanup was conducted of the lagoon facility after sewage and waste service were transferred to the community system.

3.2.2 Direct and Indirect Effects from Alternative 1 - No Action Alternative

Under this alternative, the direct effects would be that all the liability for hazards will remain upon the public lands and the BLM remains indirectly connected to the responsibility and potential mitigations should any be required. Although SEND would be directly held responsible for these hazards and their mitigation, their financial capabilities could hinder complete mitigation and result in potential responsibility upon the BLM to step in and complete the process.

There are nearly 50 individual structures, several water wells, sewer and water lines, septic systems, buried power cables and communication cables, concrete foundations, radio antenna anchors, roads, culverts, and the list can go on extensively, there is a large amount of work associated with the cleanup of that list, and the costs to mitigate them could be high.

The indirect effects to the potential for liability and the hazards as listed above if no action is taken would be rather small. It would continue a monitoring activity for the BLM in regards to the patented uses and monitoring for the reversionary interests in both parcels. SEND would continue to be the patent holder, which does not currently have any offices in Glennallen and should the sub-organizations associated with SEND stop operating, pose a potential management issue for compliance to deal with the liability and hazards.

3.2.3 Direct and Indirect Effects from Alternative 2 - Proposed Action Alternative

The direct effects the proposed action have on liability and hazards effects the BLM positively, it removes a direct connection to all the hazards and liability that can be identified within the two parcels and reduces the potential for risk to mitigate any of these hazards should SEND be unable to.

The indirect effect of the proposed action would be very little if any. The removal of BLM interest in the parcel does not reduce the amount of hazard or liability for it on SEND, they have ownership of all the products placed on the parcels. This cannot be considered a real effect, as they have always had a direct connection to the hazards placed and any mitigation should it be required. The clear indirect effect would be that should EPA or ADEC find a reason to require mitigation of any hazards found on either parcel, they would only require SEND and not be able to associate BLM any further with these parcel for that mitigation.

3.2.4 Cumulative Effects

There is potential in the reasonably foreseeable future for liability and increased hazards on these parcels and this may have nominal impacts to other such R&PP development of parcels. However, at this time, no other past, present, or reasonably foreseeable potential and hazards for existing Recreation and Public Purposes parcels have been identified. No cumulative effects are identified.

4.0 CONSULTATION AND COORDINATION

A public scoping package was created and sent out to include local Native Corporations and State and U.S. Government agencies. Notice was published in the local news publication, the Copper River Record. And a public announcement was placed with the local radio station, KCAM, asking for public comments and

gave the details for this EA. To date, we have not heard from any of the Native Corporations, State or U.S. Government agencies.

We did receive two comments from members of the public and they were found to be outside the scope of this proposed action and were not responded to in this document.

5.0 LIST OF PREPARERS

The BLM’s interdisciplinary team responsible for the preparation of this EA consisted of the following resource specialists:

Sarah Bullock	Subsistence and Wildlife Biologist
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Joseph Hart	Realty Specialist, Project Lead
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Laurie Thorpe	(acting) Assistant Field Manager

6.0 REFERENCES CITED

APPENDICES / ATTACHMENTS

ANILCA 810 REVIEW
SECTION 106 REVIEW