



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Glennallen Field Office
P.O. Box 147
Glennallen, Alaska 99588-0147
<http://www.blm.gov/ak>

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

DECISION RECORD

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.

Decision

I have decided to select Alternative 2, the Proposed Action Alternative. This decision is based on specific analysis found within the SEND Recreation and Public Purposes Reversionary Clause Purchase and Sewage Lagoon Environmental Assessment (DOI-BLM-AK-A020-2015-0007-EA). This decision is further supported by management decisions contained in the East Alaska Resource Management Plan Record of Decision (ROD 2007).

Specifically, it is my decision to authorize:

- Sell at appraised fair market value the reversionary interest to SEND, North for their patented 210 acres of Recreation and Public Purposes Act land.
- To convey SEND, North at no additional cost the 2.5 acre patented parcel used as a sewage lagoon for the operations of the Cross Roads Medical Center.

The Finding of No Significant Impact (FONSI) indicates that the selected alternative has been analyzed in an Environmental Assessment (EA) and has been found to have no significant environmental effects. Therefore, an Environmental Impact Statement is not required and will not be prepared.

Rationale for the Decision

The No Action Alternative was not selected because it would not meet the purpose and need of the applicant.

Alternative 2 was selected because it meets the purpose and need of the applicant and objectives defined in the East Alaska Resource Management Plan Record of Decision. 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.

Laws, Authorities, and Land Use Plan Conformance

The EA and supporting documentation have been prepared consistent with the requirements of various statutes and regulations, including but not limited to:

- 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

Public Involvement, Consultation, and Coordination

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.

Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR § 4. To appeal you must file a notice of appeal at the BLM Glennallen Field Office, P.O. Box 147, Milepost 186.5 Glenn Highway, Glennallen, Alaska 99588-0147, within 30 days from receipt of this decision. The appeal must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the BLM Glennallen Field Office as noted above. *The BLM does not accept appeals by facsimile, email, or other electronic means.* The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR § 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards: (a) The relative harm to the parties if the stay is granted or denied, (b) The likelihood of the appellant's success on the merits, (c) The likelihood of immediate and irreparable harm if the stay is not granted, and (d) Whether the public interest favors granting the stay.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (see 43 CFR § 4.413); Office of the Regional Solicitor, Alaska Region, U.S. Department of the Interior, 4230 University Drive, Suite 300, Anchorage, Alaska 99508; at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

/s/ Dennis C. Teitzel

5/1/2015

Dennis C. Teitzel
Glennallen Field Manager

Date

Attachments

Finding of No Significant Impact (FONSI) for DOI-BLM-AK-A020-2015-0007-EA

SEND Recreation and Public Purposes Reversionary Clause Purchase and Sewage Lagoon, DOI-BLM-AK-A020-2015-0007-EA