

Agency: Commerce, Community and Economic Development**Grants to Municipalities (AS 37.05.315)****Grant Recipient: Anchorage****Project Title:**

Anchorage - Sand Lake Watershed Studies

State Funding Requested: \$ 250,000**House District: 27 - N**

Future Funding May Be Requested

Brief Project Description:

Map aquifers, understand groundwater flow systems, provide early detection monitoring for contaminants, assess risks to wells, and conduct contaminant prevention activities.

Funding Plan:**Total Cost of Project: \$250,000**Funding Secured*Amount FY*Other Pending Requests*Amount FY*Anticipated Future Need*Amount FY*

There is no other funding needed

Detailed Project Description and Justification:

The overall goal of this project is to prevent contamination of local water wells and identify wells that are at risk of contamination or that may become contaminated so that remedial action may be implemented. It is of critical importance to determine and monitor the surface aquifers influence on underlying aquifers.

The specific objectives of the Sand Lake watershed studies are to map aquifers, understand groundwater flow systems, provide early detection monitoring for contaminants, assess risks to wells, and conduct contaminant prevention activities. These objectives will be achieved through an inventory and sampling of existing wells, drilling and testing of new sentinel monitoring wells in multiple aquifers, and performing Source Water Assessments through established protocols. Public education will be an important component of the work at all stages.

Project Timeline:

FY 09

Entity Responsible for the Ongoing Operation and Maintenance of this Project:

Municipality of Anchorage

Grant Recipient Contact Information:

Contact Name: Will Watson

Phone Number:

Address:

Email: watson@alaska.net

Total Project Snapshot Report

FY 2009 Capital Budget

TPS Report 49692

Has this project been through a public review process at the local level and is it a community priority? Yes No

SAND LAKE WATERSHED STUDIES

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Proposed budget

Item	Number	Cost (each)	original 1-yr			3-yr total
			Total	Year 1	Year 2	
Source water assessments	9	\$7,000	\$63,000			\$63,000
Workplans and permitting	1	\$21,000	\$21,000	\$15,000	\$6,000	\$21,000
Access Development	1	\$30,000	\$30,000	\$30,000		\$30,000
Construct new monitoring well clusters (avg 500 ft ea @\$75/ft plus geologist 63 hr ea @85/hr)	7	\$42,857	\$300,000	\$85,000	\$215,000	\$300,000
Hydraulic testing and monitoring (aquifer test and dataloggers)	9	\$5,000	\$45,000	\$15,000	\$30,000	\$45,000
Water Sampling and laboratory analysis	100	\$1,500	\$150,000	\$30,000	\$120,000	\$150,000
Neighborhood and monitoring well database and Quality Assurance review	1	\$40,000	\$40,000	\$8,000	\$27,000	\$40,000
Contract Administration and Project Management (approx. 7% of total)	1	\$50,000	\$50,000	\$15,000	\$25,000	\$50,000
Data analysis and reporting (320 hrs @avg \$100/hr)	1	\$32,000	\$32,000	\$7,000	\$15,000	\$32,000
Contaminant prevention (public education, source reduction, etc.)	1	\$50,000	\$50,000	\$10,000	\$20,000	\$50,000
Administrative overhead (rent, utils, accounting, HR, etc.)	1	\$95,000	\$95,000	\$35,000	\$35,000	\$95,000
Total			\$876,000	\$250,000	\$493,000	\$876,000

Assumptions

1. funding will go to a nonprofit who will contract out the work to multiple contractors, administer the funds, and coordinate with other agencies.
2. all data obtained will be publicly available and property owners will cooperate.
3. All reports will be peer and publicly reviewed in draft form prior to completion.
4. No inflation adjustment

South Anchorage Concerned Coalition (SACC) Chronology
February 2008

- 02/17/08 Alaska Journal of Commerce, quotes from Kristin Ryan, DEC manager. **“Ryan said residents should consider going on city water.” “Really, no one who lives in an urban area should be drinking well water.” This quote is not consistent with May 2003 DEC report.** It is problematic, and raises questions of internal cover-up as DEC staff was aware in 2003 of potential problems of development in porous gravel, as revealed in the 2003 FOIA request. See Fall 2003 newsletter quotes below.
- 02/11/08 Sand Lake Community Council passed Resolution stating support for Drinking Water and Soil Investigation & **for DEC to reconcile inconsistencies with UAA Findings.**
- 12/14/07 Two decisions from Alaska Supreme Court on two separate Developer plats. On Plat 1 Court found that the MOA Platting need not have technical expertise to decide science related issues. The Plat 2 decision remanded Plat 2 back to the MOA Board of Appeals for consideration.
- 12/10/07 Sand Lake Community Council passed Resolution **that an independent study**, exclusive of the DEC be conducted by qualified professionals, and the draft report be subjected to public review prior to a final report being issued.
- 12/07 Despite input from citizens and Sand Lake Community Council ADEC announces it will not revisit the DEC 2003 report.
- 08/07 SACC Summer 2007 Newsletter (and all prior newsletters) **sent to approximately 400 residents who live around the Pit.** Highlights relationship of Mayor Begich and Developer to Lobbyist Bill Bobrick, who lobbied on behalf of Developer.
- 04/07 SACC Supreme Court Appearance on Plat 2, Filling the aquifer option.
- 02/07 SACC Supreme Court Appearance on Plat 1, Not-filling the aquifer option. Approximately 40 residents attended.
- Summer 06 **UAF data collection program begins.** Primary Investigator Dr. Douglas Kane. Study funded by legislature, approximately \$175,000, administered by DNR.
- 01/07 SACC Winter Newsletter, notification of Supreme Court Appearance.
- 01/06 SACC Winter Newsletter, notification of MOA Mayor Begich coming to Sand Lake Community Council meeting, and **notice that Developer denies access to Pit for Testing.**
- 11/05 SACC appeals superior court decisions to Supreme Court.
- 09/05 Superior Court affirms Platting board decision. Superior Court denies SACC’s motion to include UAA Report that discredits DEC report because it came in after the record was closed.

- Winter 05 SACC newsletter reports AWWU coming to Calvary Church on upcoming meeting with community.
- 07/05 SACC newsletter reports opinion of Board of Adjustment member Mr. Mike Jenson's decision after considering the UAA report. **"Water quality is an important property right. A plat, which potentially affects this right, deserves special scrutiny. The Sand Lake neighboring properties contain as many as 217 wells serving over 1400 persons. I find the UAA report concludes that the ADEC's approval was flawed and that Terrasat's reports are not credible. The scientific evidence presented determines that additional test wells at greater depths are warranted. They would cause relatively little delay and expense in light of the important property right which deserves protection. (Etc.)"**
- 11/04 Anchorage Chronicle runs cover story reports problems with wells around Pit after the Developers graded the Pit in the summer. **Interviewed residents who had complaints about their wells after exposed aquifer barriers breached by heavy flooding.**
- 11/04 SACC newsletter to ask homeowners to report any changes in drinking water. **Also reports complaints regarding Kristin Ryan approving the publishing of unsubstantiated information to the public as if they were facts.** In addition informs public as to conclusions of UAA report that points out the conclusions of ADEC and MOA are without scientific basis.
- Fall 2004 **During the heavy rains of September 2004 when storm water controls failed, sending water, sediment and possibly toxic substances over fabric barriers into the exposed aquifer. The fall 2004 rains and sediment turned the color of the exposed aquifer to a distinctive reddish brown color** that was also seen in the color of sediment suddenly showing up for the first time (since the mid 1970s) on filters of residents around the pit. **Fourteen(14) complaints filed with DEC/DNR after this event as sediment caused many residents filters to clog and water to be contaminated.** Other residents did not file complaints due to trust factor with State and MOA. Community never received satisfactory response from DEC.
- 10/06/04 **UAA issues 3rd party review, "Review of Geologic and Hydrogeologic Studies Related to Proposed Kincaid Estates Subdivision. 70 pages, Principal Investigator Dr. Lee Ann Munk. Reported "Many findings and conclusions of our study are not consistent with the "Findings of Fact and Decision" that the Municipality of Anchorage Platting Board has listed."** The UAA report finds that the data are not present to conclude that the aquifers are protected in direct contradiction of 2003 DEC report
- 7/1/04 UAA begins comprehensive review of record, including ADEC report, MOA and Developer's reports. **Study cost approximately \$65,000, funded by legislature, contracted by legislature.**
- Summer 04 SACC newsletter reports on ongoing litigation and Rep. Rokeberg's work in the Community to protect citizens water.

- Summer 04 SACC notifies public by mail and email as to the DNR providing a Temporary Water Use Permit to Kincaid LLC to withdraw 80,000 gallons per day from a deep well on tract 1.
- 05/04 SACC newsletter stating status of upcoming hearings.
- 04/04 SACC newsletter reports that **the MOA board of appeals found there was insufficient evidence to support the prior Platting Board's decision that the drinking water of Sand Lake residents would be protected by the proposed development.** Plat #2 was remanded back to the Platting Board with an order to have a public hearing and deliberate on the evidence. Reports Rep. Rokeberg, Rep. McGuire and Sen. Stevens procure funding for 3rd party review.
- 04/04 SACC coordinated letter campaign to Mayor Begich asking for postponement of other Plats being brought forward by the developer for the same piece of land. The Mayor did not agree with the public even though the Board found them not to protect the health and safety of the community.
- Spring 04 SACC newsletter: Informs public about a Ch. 11 as lead story stating a **"Cover Up" regarding the ADEC management not representing the scientific data and opinions of the ADEC professional staff.**
- 02/04 Sand Lake Community Council overwhelmingly passes resolution on February 9, 2004, **"The SLCC strongly disapproves the approval of all plats, conditional use permits and fill and grading permits for the Sand Lake Gravel Pit because of serious questions regarding the health and safety of neighborhoods.** The SLCC asks the MOA to retract all the plats (approved and pending), conditional use permit (lift station) permits and fill and grading permits for the Sand Lake Pit because of DEC and MOA improprieties."
- 01/04 SACC newsletter discusses meeting with Rep. Norm Rokeberg and his assertion that the ADEC made unfounded claims. **Rep. Rokeberg has asked the ADEC to retract the report based on unsubstantiated findings as well as non-factual information.**
- 12/03 Mayor Begich attends SLCC meeting December 8, 2003, and tells community **he is not going to follow through on promise of 3rd party review,** stating "That opportunity has been lost." Many were concerned as his Representative at the October Sand Lake Community Council stated the 3rd party review would go forward as promised.
- Winter 03 **SACC newsletter notifies public that the building industry proposed ordinance that would prevent citizens from appealing the Platting Board decisions to the Assembly.** (Subsequently after Mark Begich being elected, he advocated a non-elected board settle appeals brought by the public. Soon after it became law and the public no longer had elected officials deciding appeals.)

- Fall 03 SACC newsletter reports DEC **Freedom of Information Act (FOIA)** Request highlights including from a Jan. 29, 03' memo from DEC scientist Abigail McQueen to James Weise manager stating **"In fact, any development in an existing gravel site could result in a significant potential to cause the contamination of public water systems."** Also from the FOIA: Feb. 19, 2002, From Janice Adair (DEC scientist) to Keven Kleweno (engineer) & James Weise (Manager), **"However, there is no way to know just how many private source wells there are in the area and their impact on the deeper aquifer."** **"...there could be a pressure drop that would allow contaminates to move from the upper unconfined aquifer surfacing in the gravel pits to contaminate the deeper aquifer."**
- Sept. 2003 J.A. Munter Consulting and Prof. Anne Pasch review of 2003 ADEC report demonstrates numerous errors and deficiencies. **Despite multiple requests never responded to by ADEC or MOA.**
- Late
Summer 03 SACC newsletter reports on July 7, 2003 Anchorage Planning and Zoning denied the Developer a conditional use permit
- Summer 03 SACC newsletter states the remand of appeal to the Anchorage Assembly serving as Board of Adjustment for two reasons 1)Inadequate drinking water studies provided by Hultquist 2) No covenants were provided by the developer. The newsletter also states that Keven Kleveno who was appointed as lead engineer for the project, and according to James Weise has resigned with over 10 years on the job. **The newsletter states that DEC manager James Weise, signatory to the 2003 DEC report is a no-show at the Community Council meeting.**
- Spring 03 SACC newsletter says **"Representative Rokeberg conducted a survey of Sand Lake citizens. The survey results demonstrated 80% of the residents feel that both the MOA and ADEC did a poor job serving as regulators for the proposed Sand Lake development."** The newsletter also states developer pursuing multiple plats for same piece of ground.
- 05/13/03 Board of Adjustment Finding of Fact & Decision. **Board found in favor of citizens remanding to Platting Board for "additional testing of potential contaminants and mapping of aquifers and water flow" and ordered a public hearing.** MOA decision made without consideration of DEC report; DEC report issued simultaneous to Board's report.
- 05/12/03 **ADEC releases controversial report,** "A Summary of the Engineering and Hydrogeologic Assessment of the Proposed Kincaid Estates S/D and the Potential Impact to Surrounding Public Drinking Water Systems and Ground Water Resources of the Area." **No public comments were responded to or incorporated into DEC report.** UAA subsequently discredited the DEC report.
- 01/03 SACC letter to Community addressing the problems and health and safety issues that confront the public with proposed development of over 700 homes in the Pit.
- 12/02 Letter from the ADEC dated December 9, 2002 states, **"... the DW/WW Program (ADEC) has chosen to provide oversight for this project in particular."**

- 11/02 Letter from the ADEC dated November 22, 2002 states the following, "... there could be a condition that has a significant potential to cause or allow the pollution or contamination of public water systems in the area."
- Sept. 02 SACC newsletter stating "Mayor Wuerch Stonewalls Citizens." During a July 29, 2002 meeting with Rep. Andrew Halcro, Eric Wohlforth, Will Watson and Dee Essert, the mayor stated, "**I will condemn your wells if I have to.**" A less than veiled threat to the community if they pursue a path of challenging the MOA, Developers and mortgage holders.
- 05/16/02 SACC notifies MOA of intention to Appeal MOA Action.
- 05/15/02 Platting Board approves Plat on hydrology and water protection issues.
- 05/08/02 J.A. Munter Consulting, Inc. letter to Will Watson Re: Review of groundwater analyses related to proposed Kincaid Estates S/D. Munter is a consulting hydrologist and former DNR principal hydrologist. Munter Criticizes Terrasat's analysis as inadequate and disagrees with MOA Planning Dept. recommendation.
- 05/01/02 Platting Board issues Findings of Fact for 10873. Plat is conditionally approved pending further examination of hydrology, water quality and groundwater resources issues.
- 04/17/02 Terrasat, "Final Review of Ground Water Occurrences & Potential Impacts Due to Development of the Proposed Kincaid Estates S/D."
- 3/20/02 Platting Board initial hearing on Case 10873, a/k/a Plat 1, for entire Pit.
- 3/14/02 Rep. Andrew Halcro, Alaska Legislature, review of Terrasat report "Groundwater Resource Evaluation for Proposed Kincaid Estates Subdivision."
- 12/17/01 Hultquist submits preliminary plat application to MOA for a 233 acre parcel, for 640 lots in the Sand Lake gravel Pit.

*Please note, this chronology is not comprehensive. It is aimed at providing some detail as to events over the years of controversy.