

Alaska Governor Dunleavy Turns to Courts to Compel Feds to Address Contaminated Lands Conveyed under ANCSA

For Immediate Release

July 15, 2022, (Anchorage, AK) – Alaska Governor Mike Dunleavy said Alaska has exhausted all options before filing a complaint today in U.S. District Court to compel the U.S. government to take responsibility for and address contaminated sites that it conveyed to Alaska Natives beginning some 50 years ago as part of the land exchanges under the Alaska Native Claims Settlement Act (ANCSA).

“The transfer of contaminated sites to Alaska Natives is one of if not the most significant environmental injustices perpetuated by the federal government in Alaska,” **said Governor Dunleavy**. “It’s time for the United States to make good on its bargain.”

Alaska Natives agreed to relinquish their aboriginal land rights in exchange for 44 million acres of land from the federal government under ANCSA in 1971. Neither Alaska Native people nor Alaska residents expected that these lands would be contaminated.

Federal and State law are both clear that federal agencies are responsible for the cleanup of these sites because, for example, the federal government owned and, in many cases, operated the ANCSA Lands when releases of hazardous and/or toxic materials and other contamination occurred.

Despite repeated direction from Congress since 1990 and persistent requests from the State of Alaska, no action has been taken. Through half-measures and delay tactics, the U.S. Department of the Interior (DOI) and the U.S. Bureau of Land Management (BLM) have shirked responsibility and perpetuated this injustice for decades. For example, despite direct Congressional orders to do so, the DOI and BLM have not yet completed a comprehensive site inventory, nor have they meaningfully identified the types of contamination present on the ANCSA Lands, provided information on their knowledge of the contamination at the time the sites were transferred, or prepared cleanup plans for each of the contaminated sites.

Today, the State of Alaska is also filing comprehensive Freedom of Information Act requests with the DOI/BLM, the Federal Aviation Administration, the United States Air Force, and the United States Army to obtain information that the DOI and BLM have not voluntarily shared with the State, including information regarding the nature and extent of any response activities at the identified contaminated sites.

“Interior Secretary Deb Haaland has pledged to address the concerns of those who have suffered from pollution and environmental degradation, especially in America’s minority populations. There is no greater environmental justice issue in Alaska than this and I hope today’s lawsuit and the Secretary’s leadership will finally inspire action from DOI,” **said Alaska Dept. of Environmental Conservation Commissioner Jason Brune**.

“When Alaska Natives agreed to the historic ANCSA land settlement, few could’ve imagined they would receive lands polluted by the very federal government they were negotiating with. That’s not fair, and it’s not right,” **said Senator Dan Sullivan**. “As a member of the Environment

and Public Works committee, I've been able to make progress with my colleagues by exempting Alaska Natives from this liability in law, but the Interior Department continues to drag its feet on the actual clean-up. Alaska Natives and the state have been left with no other choice but to file in court to hold the feds to their responsibilities and finally correct this injustice, which I fully support.”

“Alaska Native Village Corporation Association (ANVCA) has been advocating on this issue since our inception,” **said Hallie Bissett, Executive Director of ANVCA.** “It has been 50 years since the passage of the Alaska Native Claims Settlement Act (ANCSA) and too many sites remain contaminated. ANCSA was supposed to transfer meaningful lands that provided economic opportunity, not lands littered with toxins that continue to creep into our water and food systems. How many of our family members have to get cancer before we see some action? How many glow-in-the-dark fish? The Federal Government contaminated these sites, they need to clean them up. We are grateful that Governor Dunleavy and his team are passionate about this issue, we hope to see a proper resolution.”

“While we regret that the situation has come to this point, the federal government has continued to avoid its responsibility for the contaminated lands transferred to Alaska Native people through the Alaska Native Claims Settlement Act,” **said Kim Reitmeier, ANCSA Regional Association President.** “We support Governor Dunleavy’s decision to turn to the courts and push the federal government to do what is long overdue — clean up these previously contaminated sites that to this day are polluting our ground and waters.”

Today’s filed complaint is the latest in a series of actions taken by the State to urge the federal government to take responsibility for contaminated lands it transferred to Alaska Natives.

- In May 2021, Governor Dunleavy, Alaska Attorney General Treg Taylor, and DEC Commissioner Jason Brune sent letters to President Biden and DOI requesting action.
- In December 2021, the Alaska (DEC), issued 548 notices of intent to sue the Interior Dept. for failing to clean up contamination on lands transferred to Alaska Native corporations.

The federal government, however, has disclaimed any responsibility in letters sent on January 6, 2022 and April 8, 2022.

To read a copy of the complaint click [here](#).

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