

Alaska Department of Natural Resources
Division of Mining Land and Water
Water Resources Section
550 W. 7th Avenue, Suite 1020
Anchorage, Alaska 99501

CRITICAL WATER MANAGEMENT AREA
MOOSE CREEK, ALASKA

Comments and Responses
Attachment D

Background

The proposed Critical Water Management Area (CWMA) for Moose Creek, Alaska, was noticed in the Fairbanks Daily Miner on June 15, June 22, June 29, and July 6, 2020. Notice was also sent to each property owner and appropriator of record within the proposed CWMA via certified mail with electronic return receipt. The notice included a description of the proposed designation, advertised a public meeting and hearing, and provided information on how to comment.

The public meeting and hearing was held on July 14, 2020 at Hotel North Pole meeting room, North Pole, Alaska. The purpose of the meeting and hearing was to provide information on the proposed CWMA designation and solicit comments. Sixteen members of the public attended the meeting. Two people provided comments that were recorded and transcribed by DNR. DNR provided comment cards, but no written comments were received at the meeting.

Per 11 AAC 93.510(3) the comment period was held open 30-days after the public meeting and hearing. The comment period closed on August 13, 2020 at 5:00pm. A total of five comment emails and oral comments were received during the comment period. Copies of comment emails and transcriptions of oral comments are provided in this attachment.

The following table provides a list of those who commented on the proposed Moose Creek CWMA designation, comment letter/transcription number, and the page number where the comment letter/transcription can be found. Comment letters are followed by DNR's Response to Comments (Table A2-2). Individual commenters are referred to by their initials and email addresses and mailing addresses have been block from the comment letters as a courtesy to respect commenters' privacy.

Table A2 – 1. List of Commenters

| Letter/ Transcription Number | Commenter Name | Submission Type | Comment Page Number |
|---|---------------------------------------|------------------------------|--------------------------------|
| 1 | Alaska Department of Fish and Game | Email | D-2 |
| 2 | K.S. and C.S. – Moose Creek Residents | Email | D-3 |
| 3 | L.L. – Moose Creek Residents | Email | D-4 to D-5 |
| 4 | M.S. – Estate Representative | Public Hearing (Transcribed) | D-6 |
| 5 | M.H. – Moose Creek Resident | Public Hearing (Transcribed) | D-7 |

Comment Letter/Transcription 1. ADF&G

From: [Brase, Audra L \(DFG\)](#)
To: [Creek CWMA, DNR Moose q \(DNR sponsored\)](#)
Cc: [Scannell, Heather L \(DFG\)](#); [Klein, Joseph P \(DFG\)](#); [Carter, Marla M \(DFG\)](#); [Ott, Alvin G \(DFG\)](#)
Subject: ADF&G Comments - Moose Creek CWMA
Date: Wednesday, July 1, 2020 10:36:02 AM

1-1 ADF&G has reviewed the proposed Critical Water Management Area (CWMA) designation in the vicinity of Moose Creek. ADF&G has no objections to the designation and asks to be notified when/if the final determination goes into effect as it may impact the waters ADF&G stocks with fish (Z Pit), public use of fish in a portion of Piledriver Slough, and/or ADF&G authorizations for withdrawals of surface waters for various uses including dust control.

1-2 We would encourage communication between the USAF and ADF&G to determine if there are any concerns for fish species in the portion of Piledriver Slough within the proposed CWMA, as this drainage is a popular area for local anglers.

Thank you for the opportunity to review and comment.

*Audra Brase
Regional Supervisor
ADF&G Habitat - Fairbanks
907-459-7282*

Comment Letter/Transcription 2. K.S. and C.S., Moose Creek Residents

From: [Redacted]
To: [Creek CWMA, DNR Moose q \(DNR sponsored\)](#)
Subject: DNR Web Site Comment: Question
Date: Friday, July 17, 2020 6:12:05 AM

IP Address From: 204.89.222.126
Date/Time Sent: 6:04:40 AM AKDT

Concerning a web page at:
<http://dnr.alaska.gov/mlw/water/cwma/>

[Redacted]

Message:

- 2-1 *Throughout all of this mess, where is the representation for the residents of Moose Creek?
- 2-2 *Who advocates for us and our interests?
- 2-3 *Why are we not invited or notified of these meetings with EAFB, DNR and the City of North Pole?
- 2-4 *Why were we never invited to be involved in the decision making that effects our lives and our futures?
- 2-5 *Will we have to pay for our water whether it be the from the City of North Pole or delivery when Eielson is able to wash their hands of us pesky Moose Creek residents? If so, how do you justify that?

Comment Letter/Transcription 3. L.L., Moose Creek Resident

From: [redacted]
To: [Creek CWMA, DNR Moose q \(DNR sponsored\)](#)
Subject: public comment on proposed CWMA in Moose Creek
Date: Wednesday, July 22, 2020 12:57:02 PM

Hello,

Thank you for taking the time to review my public comments on this issue. I really wanted to attend the public meeting July 16th, but as I was having symptoms of Covid-19 I couldn't responsibly attend that night.

My name is [redacted] and I will be directly impacted by the CWMA decision.

My main concern is that granting the Air Force at Eielson this decision will functionally remove accountability and incentive for them to actually fix or clean up the mess they made of our region's groundwater in any meaningful long-term way.

The active duty Air Force operates in some aspects with a very short-term mindset. For example, the residents of Moose Creek have experienced this when the Air Force limited their commitments to help with water contamination (ex: testing, supplying bottled water, maintaining GAC filters) to the current fiscal year, never promising to do more than what they had funding for in the current fiscal year. The short-term mindset is also a part of active-duty culture, where personnel stay at one duty station (like Eielson AFB) for roughly 3-6 years (based on standard practice of keeping moving personnel from base to base at regular intervals). I mention this not to malign any individuals at Eielson who oversee this water contamination issue, but to simply point out a fundamental difference in outlook. Many Moose Creek residents have lived here for decades, and as committed Alaskans, deliberately chose this out-of-the-way location to enjoy life in Alaska with all its freedoms. The people at Eielson who oversee clean-up efforts of our water are here for a comparatively short season. They address our issues for a few years, and then hand the mess off to someone else, who later hands the problem off again, and so on. It has been this way for years.

The sulfolane contamination issue in North Pole (from the local refinery), while not an apples to apples comparison, has an interesting contrasting point. North Pole residents who are impacted by the contamination plume are NOT being pressed to decommission their wells because the source of contamination has been stopped, the plume is expected to move past their properties after so many years, and they will be allowed to use their water again once the contamination plume has passed. I don't know all the details, but friends who live there are not faced with the same pressure to sign over water rights and cap their wells, because there is an end point to the impact of that environmental contamination.

3-1

3-2 | My concern about this CWMA and the impact of local long-term residents losing their water rights, is that whatever good intentions in the moment, whatever clean-up efforts are mandated by state or federal regulations, the practical impact will be an endless handing off of the PFOS/PFOA problem on the Air Force's to the next incoming personnel, with no real, actual, long-term cleaning up of our water.

3-3 | This is especially concerning since I've heard that the current firefighting foams used at Eielson, while not technically PFOS/PFOA based, are also environmentally problematic due to having very similar chemical traits. Similar to the BPA debacle in consumer plastics...plastics manufacturers quickly swapped out a known chemical "villian" for various new, untested, unknown chemicals which share enough traits with BPA to perform the same chemical functions in plastic products, but without the stigma OR ability for consumers to even know what new chemical is being used OR what impact it might have. That is an unresolved question in Moose Creek... what new chemicals are the new fire-fighting foams based on? How many concerning chemical traits do they share with PFOS/PFOA? Will they move just easily through our groundwater? Will they persist just as stubbornly in our environment? Will they accumulate in our bodies the same way? How many years will pass before the EPA and science even catches up to the current chemicals entering our water? What will the scope of impact look like then?

3-4 | The issue of the CWMA isn't going to answer those questions, but it does impact whether the current Air Force personnel will be motivated to address those questions. If our water rights are taken away long term, then the functional result is that the Air Force can do as it pleases long term, just as long as it carefully piles up contaminated soil (only worrying about known contaminants) for the next incoming personnel to deal with.

3-5 | In all likelihood, when science eventually catches up again with chemical manufacturers, we Alaskans might expect the same bland shrug of the shoulders from the Air Force at Eielson AFB, a sort of "well, we didn't know firefighting foam was that bad, but we'll try to help" with the unspoken, "it's not going to be my problem much longer anyways." Or down the road, with a CWMA in place already, would we get even that? More likely, the bland shrug and a "thankfully there's a CWMA already in place, not much else we can do at this point."

The bottom line is this...as an Alaskan and Moose Creek resident I desire accountability from the Air Force to actually clean up their mess. The Air Force wouldn't be asking for a CWMA if it didn't function in some way to their advantage, which in this area of water contamination, is not to Alaska's advantage.

Thank you again for your time and consideration of these thoughts.

Sincerely,

Comment Letter/Transcription 4. M.S., Estate Representative

Transcription of oral comments provided at public meeting and hearing, July 14, 2020. Original recording can be requested from DNR.

[Redacted]
[Redacted]
[Redacted]
[Redacted]

My name is [Redacted]

4-1

[Redacted] in Moose Creek, Alaska. And we would like to have a citation for water appropriation permits, whether their Alaska Statute or whether it's via the Alaska DEC. And we would also like

4-2

to be kept informed, once they are developed, the guidelines for reapplying for water use once the Critical Water Management Area is declared all clear.

Comment Letter/Transcription 5. M.H., Moose Creek Resident

Transcription of oral comments provided at public meeting and hearing, July 14, 2020. Original recording can be requested from DNR.

[Redacted]
[Redacted]
[Redacted]

5-1

My name is [Redacted] in Moose Creek, and I'm not sure exactly how to phrase this. People had at one particular time had mentioned about using mortality table to pay us for our water rights. I use a certain amount of water per period, and they would go ahead and calculate that using mortality tables and the cost of the water, and then come up with a final number with that, which I think would be a lot more advantageous and settling to myself, since I haven't been able, I haven't had to pay for water since I moved in the house 30 years ago. And now, now I've having to pay for the water, I'd rather be paid for the amount of water I have remaining, you know, theoretically in my life. I think it would go down simpler and it would be a lot more easy to, to swallow if I had that kind of compensation as opposed to being thrown a bone and saying now you get to pay for the water anyway. So that's a thought, maybe to go back and just recalculate it using my usage, my current age, the mortality tables, do the math and figure out what the bill would be for buying my water rights that way.

Table A2 – 2. Response to Comments

| Comment Letter/Transcription No. 1 – Alaska Department of Fish and Game (ADF&G) | |
|--|--|
| 1-1 | Department of Natural Resources (DNR) will provide notice to ADF&G regarding the final determination on the Moose Creek Critical Water Management Area (CWMA). |
| 1-2 | DNR recognizes ADF&G’s concern regarding the impacts of contamination on fish within Piledriver Slough. DNR will forward your comments to the United States Airforce (USAF) to help facilitate communication between the two agencies regarding contamination and monitoring efforts. |
| Comment Letter/Transcription No. 2 – K.S. and C.S. | |
| 2-1 | <p>The public meeting and hearing held July 14, 2020 and public comment period is your chance to let DNR know your thoughts about the proposed CWMA designation and how you believe you will be affected. Most individuals choose to represent themselves in the public comment process. Although seeking outside representation is an option, DNR does not provide outside representation for individuals commenting on proposed CWMAs.</p> <p>Your comment will be sent to USAF in case it is more broadly directed at the PFAS contamination, contaminate monitoring, or Interim Record of Decision (IROD) process.</p> <p>Your comment will also be sent to the City of North Pole in case it is more broadly directed at the Environmental Covenant Package they sent in July 2020.</p> |
| 2-2 | <p>There are several ways to advocate for your interest during the CWMA process. You can advocate for yourself, as you have done by participating in the public hearing and meeting and by submitting comments. You can also contact your local, state, and federal representatives, who are responsible for advocating for the best interest of their constituents through the legislative process. You may also hire an attorney or another outside advocate to represent you during the CWMA process. DNR does not provide outside representation for individuals for activities related to the CWMA process.</p> |
| 2-3 | <p>The USAF hosts a monthly meeting for the project managers coordinating Eielson Airforce Base (EAFB) Remediation. These are technical meetings that cover all remediation efforts at Eielson Airforce Base. The PFOS/PFOA portion of the meeting is an opportunity for project managers to provide updates on items such as sampling plans, hydrogeologic modeling, and construction timelines. This portion of the meeting is generally attending by Alaska Department of Environmental Contamination (ADEC), Environmental Protection Agency (EPA), USAF, United States Army Corps of Engineers (USACE), DNR, City of North Pole, and USAF consultants and contractors.</p> <p>Your comment will be sent to USAF, who hosts the meeting.</p> |
| 2-4 | DNR has invited participation in the decision-making process through holding a public meeting and hearing and inviting the public to provide input on the proposed CWMA designation through the public comment process. |
| 2-5 | In the CWMA petition, USAF stated they would provide access to alternative water supplies for Moose Creek Residents to cut off the PFOS/PFOA exposure pathway. It |

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| | <p>is our understanding from the IROD that USAF is providing payment for participation in their program to help offset the cost of water service. However, it is also our understanding that this will not cover water use in perpetuity.</p> <p>We will send your comment to USAF and City of North Pole because they are in a better position to discuss future water service costs. They can also advise you on their future planned actions regarding Moose Creek.</p> |
| Comment Letter/Transcription No. 3 – L.L. | |
| 3-1 | <p>The efforts to investigate and cleanup PFAS contamination at Eielson will be overseen by EPA and DEC. The 12 source areas at Eielson Air Force Base will be investigated in a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) regulated remedial investigation (RI). The RI will be completed to delineate the nature and extent of contamination, and to assess the site risks in a risk assessment (RA). A feasibility study (FS) will be developed from the information collected during the RI-RA, and remedial alternatives will be developed to identify cleanup approaches, monitoring plans and land use controls for the sites. The Air Force will select a remedy and identify it to the public in a CERCLA Proposed Plan (PP). The public will have a chance to ask questions and comment on the proposed plan. All public comments for the proposed plan will be appended to a responsiveness section in a CERCLA Record of Decision (ROD).</p> <p>While not specific to groundwater remediation, the CERCLA process will ensure long-term clean-up actions occur regardless of EAFB staff turnover.</p> <p>We will send your comment to USAF so they can respond to your concern regarding long-term commitments.</p> |
| 3-2 | <p>Those with valid certificates of appropriation are not required to forfeit those under the proposed CWMA. It is our understanding that the USAF is offering to pay certificate holders and applicants to voluntarily relinquish their water rights/applications. However, that would be a contractual agreement between you and the USAF and is a separate process for the CWMA.</p> <p>Please see response 3-1 for information about long-term clean up and remediation requirements.</p> |
| 3-3 | <p>We will forward your comment to USAF so they can address what firefighting products they are currently using and address questions regarding the safety of those chemicals.</p> |
| 3-4 | <p>Please see response 3-2 and 3-1 for information about water rights and clean up and remediation requirements.</p> |
| 3-5 | <p>The purpose of the CWMA is to cut off an exposure pathway to a chemical with negative human health impacts. However, cutting off the exposure pathway is an interim step in dealing with the contamination issue.</p> <p>Please see response 3-1 for information about clean up and remediation requirements.</p> |

| Comment Letter/Transcription No. 4 – M.S. | |
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| 4-1 | The Alaska water code, which provides for water rights management in Alaska is Alaska Statute 46.15. Please contact us if you have any specific questions about water rights in Alaska. |
| 4-2 | If the CWMA is designated, we would notify all landowners within the area of any proposed revocation or amendment to the CWMA. If the CWMA is designated, new water right applications for domestic use would only be accepted when the CWMA is revoked. Revocation would occur once there is no longer a risk to human health from using the ground and surface water within the CWMA boundary. |
| Comment Letter/Transcription No. 5 – M.H. | |
| 5-1 | We will forward your comment to USAF and City of North Pole, as they are in a better position to discuss future water service costs and their covenant package. |