

Notice of Proposed Designation of Critical Water Management Area
Moose Creek, Alaska

Please take notice that pursuant to 11 AAC 93.500(2), the United States Air Force (USAF) has petitioned the Commissioner of the Department of Natural Resources (DNR) to designate a Critical Water Management Area (CWMA) for the groundwater aquifer within the petitioned boundary lines around the community of Moose Creek, Alaska, which is located northwest of Eielson Air Force Base. Since the receipt of this petition on November 26, 2019, DNR has suspended the adjudication of water right applications for water sources within the proposed CWMA area.

The USAF's CWMA petition follows its discovery of per- and polyfluoroalkyl substances (PFAS), perfluorooctane sulfonate (PFOS), perfluorooctanoic acid (PFOA) contamination in the groundwater underlying and surrounding the community of Moose Creek, Alaska. This contamination has been found in water wells throughout the community of Moose Creek at concentration levels above the Environmental Protection Agency's (EPA) lifetime health advisory levels (HA). The consumption of water with contaminants that exceed EPA's HA for drinking water poses a risk to human health. Additionally, other water withdrawals, within the boundary line, from future or existing wells or from surface water bodies hydrologically connected with the aquifer would likely spread the contamination and increase the risk of exposure to the contamination.

Pursuant to AS 46.15 and the 11 AAC 93 regulations promulgated thereunder, notice is hereby given that DNR proposes to issue a Department Order formalizing a decision to designate a CWMA with respect to the groundwater aquifer and surface water bodies within the below described CWMA boundary. The Department Order may provide for the following actions:

1. Prohibit the acceptance of new water right applications, temporary water use applications, construction of new wells, and the issuance of new water right permits or certificates and temporary water use authorizations, and continue the suspension of application adjudication until such time as DNR revokes or amends the designation of the CWMA. The Department Order would specify when DNR will no longer accept applications for new or existing water uses, and for additional water quantities for existing appropriators.
2. Designate the use of any amount of water as significant and remove the application exemption under 11 AAC 93.035 for groundwater and surface water sources within the CWMA boundary.
3. Prosecution under AS 46.15.180 of anyone using groundwater or surface water within this designated area without a valid permit or certificate of appropriation, and immediate service of a cease and desist order pursuant to 11 AAC 93.290(a)(4). If necessary to prevent further violation, a court order would be obtained pursuant to 11 AAC 93.290 authorizing seizure or removal of structures or works of appropriation.
4. Establish additional conditions of water withdrawal, diversion, impoundment or use upon existing appropriators to protect against further deterioration of this public resource.
5. Any other action set forth in 11 AAC 93.530(b).

The legal description of the proposed CWMA boundary is:

Township 2 South, Range 2 East, Fairbanks Meridian

Section 23: That portion of the E1/2 located Southerly of the ordinary high-water line on the Southerly bank of Chena Slough and Southeasterly of the Southerly railroad right-of-way line;

Section 24: E1/2,

That portion of the W1/2 located Southerly and Easterly of the following described line:

Beginning at the intersection of the west boundary of Section 24 with the ordinary high-water line on the Southerly bank of Chena Slough; thence Easterly along the ordinary high-water line on the Southerly bank of Chena Slough to its intersection with the Southerly railroad right-of-way line; thence Southeasterly along the Southerly railroad right-of-way line to its intersection with the Northwesterly edge of the Chena River Lakes Flood Control Dike; thence Northeasterly along the Northwesterly edge of the Chena River Lakes Flood Control Dike to its intersection with the Southwesterly right-of-way line of the Richardson Highway; thence Northwesterly along the Southwesterly right-of-way line of the Richardson Highway to the Northwest corner of Fairbanks North Star Borough (FNSB) Tax Lot TL-2429, identical with the Northeast corner of Tax Lot TL-2423 as shown in the FNSB GIS, and described in Document No. 2017-018002-0, Fairbanks Recording District; thence Northeasterly across the right-of-way of the Richardson Highway to the former Southwest corner of Lot 10, Block A, Easy Living Estates Phase Three Subdivision, Plat No. 2002-45 Fairbanks Recording District (FRD), which is now a corner on the Southerly boundary of Lot 10A, Block A, Easy Living Estates Phase Three, as shown on Plat No. 2007-26 FRD; thence Easterly along the Southerly boundaries of Lots 10A, 11, 13, 14, and 15, Block A, Easy Living Estates Phase Three Subdivision, to the Southeast corner of Lot 15, Block A, Easy Living Estates Phase Three Subdivision; thence Easterly along the Southerly boundary of Tax Lot 2413 as shown in the FNSB GIS to the North-South centerline of Section 24.

Section 25: All;

Section 26: That portion located Easterly of the ordinary high-water line on the right bank of the Tanana River;

Section 27: That portion of the SE1/4 located Easterly of the ordinary high-water line on the right bank of the Tanana River.

Township 2 South, Range 3 East, Fairbanks Meridian

Sections 19, 20, 21, 28, 29, and 30: All;

Section 22: W1/2, W1/2E1/2;

Section 27: W1/2.

For a map of the proposed CWMA boundary visit <http://dnr.alaska.gov/mlw/water/CWMA> or if you have questions regarding the petition or proposed CWMA designation, please contact DNR at (907) 269-0899 or meghan.obrien2@alaska.gov.

A public meeting and hearing will be held July 14, 2020 from 6:00 pm to 8:00 pm at the Hotel North Pole Meeting Room, 449 North Santa Clause Lane, North Pole, Alaska. A presentation followed by a question and answer session will be held from 6:00 pm to 7:00 pm. Public testimony on the proposed CWMA designation will be taken from 7:00 pm to 8:00 pm. Attendance is subject to Health Mandates requirements and to Health Alerts recommendations then in effect as posted at covid19.alaska.gov.

Information presented at the public meeting will be made available on DNR's website at dnr.alaska.gov/mlw/water/CWMA.

Public comment on the proposed CWMA may be made in writing until 5:00 pm on August 13, 2020. Comments can be sent to MooseCreekCWMA@alaska.gov or DNR Water Section, 550 West 7th Ave, Suite 1020, Anchorage, Alaska 99501-3514.

DNR complies with Title II of the American with Disabilities Act of 1990. The State is prepared to accommodate individuals with disabilities by providing aids when requested. Individuals with audio impairments who wish to respond to this notice by telephone may call the DNR's Public Information Center in Anchorage between the hours of 10:00 AM and 5:00 PM, M-F at TDD # 269-8411.

DNR reserves the right to waive technical defects in this publication.