

Millions of public dollars spent to dam and maintain “private” Campbell Lake

OCTOBER 9, 2019 BY JEFF LANDFIELD AND PAXSON WOELBER

On September 20, 2019, the Alaska Landmine published an investigative article “[The bizarre story of Campbell Lake, the private lake that isn’t.](#)” In that article we reported that the State of Alaska considers Campbell Lake, long claimed to be “private” by lakeside residents, to be a public navigable waterway under State law. Now, the Landmine has learned through emails, interviews, and public records requests that millions of dollars of State and Municipal funds have been spent to dam, dredge, maintain, and engineer utilities in the “private” lake.

Decades of harassment on Campbell Lake

Following the publication of the Landmine’s initial article, many individuals reported that they have been yelled at, threatened, or escorted off of the lake by Campbell Lake residents. While some lakeside residents told the Landmine that they support community use of the lake, individual statements show a decades-long pattern of widespread and persistent conflict with the public.

Carrie Polacek



AMEN! I have been paddleboarding this creek and lake for years and gotten in many arguments with residents of the lake about public access. Luckily there are some friendly people that let me park on thier property to get out of the lake at the end of our journey. But most... well let’s just say I tend not to vote for politicians, see and drs/dentists, nor give \$ to any business owner with a house on that lake.

+ 3 -

Reply

Edit Stick Close

Stephen Corven



Friends and I have kayaked on Campbell Lake this summer, accessing via the creek, and was confronted several times by people on the lake asking if I was a resident. I was told by them that this was a private lake and I couldn't use it because of the floatplanes. (Lots of homes with boats!). We were even yelled at from the window of one of the mcmansions that "This is a private lake!" It simply makes me want to bring more friends out there! I say we have a "Riff Raff Float" down Campbell Creek and celebrate by meeting at Campbell Lake. Sounds like fun.

+ 106 -

Reply

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Campbell Lake experiences shared by Alaska Landmine readers.

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The lack of developed public access to Campbell Lake has caused particular problems for those who enter it via Campbell Creek and find themselves effectively trapped by a wall of private property. Anchorage boater Rob Pabel told the Landmine that several years ago he paddleboarded into Campbell Lake and, unable to paddle back up the creek against the current, repeatedly circled the lake looking for an exit. According to Pabel, multiple groups ignored his requests for assistance exiting the lake, and two men working on a floatplane repeatedly told Pabel, "This is a private lake." A frustrated Pabel told the men he "just wanted to go home." Eventually the men relented, after the three of them repeated in unison: *"This is a private lake!"*

Several members of the public reported harassment during winter months by Campbell Lake residents on snowmachines. On Twitter, Alaska climate scientist Brian Brettschneider reported that a resident on a snowmachine demanded that he leave the lake. According to Brettschneider, he told the snowmachiner to leave him alone. Another commenter reported being escorted off the lake by two snowmachiners who claimed to live on Campbell Lake.

Campbell Lake HOA asserts Campbell lake is “private” and has worked to block public access

The belief that Campbell Lake is private is not exclusive to a few individuals. Documents obtained by the Landmine show that for decades the Campbell Lake HOA has claimed that the lake is “private” and has been party to numerous legal agreements designed to block public access to the lake.

In 1972, the Campbell Lake HOA took ownership of the lakebed from Campbell Lake, Inc. A [four-page contract](#) listing the terms of the sale includes the stipulation that Campbell Lake Owners will not “voluntarily sell, or dedicate Campbell Lake, to the public or to public use.”

11. First Party reserves the right to fill in and raise any portion of the real estate described in Paragraph 9 hereof, which may be presently submerged, and to build a retainer wall or cofferdam to retain such fill in place.

12. Second Party agrees that it will not voluntarily sell, or dedicate Campbell Lake, to the public or to public use.

13. This agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have set their hands this 11 day of October, 1972.

Excerpt from contract transferring ownership of Campbell Lake to the HOA. For the full document, [click here](#).

A 1976 quitclaim deed between Borough-City Development Inc. and the Campbell Lake HOA establishing the HOA’s ownership of Tract A, Campbell Lake Heights Subdivision, states that the land may not be dedicated for parkland or other “public purposes.”

which are included within the above property. The Anchorage Municipality, as owner of upstream portions of Campbell Creek, shall have the same right.

Nothing in this conveyance shall be construed to be a dedication of property to a governmental entity for park and open space purposes or other public purposes.

DATED in Anchorage, Alaska this 4 day of August, 1976.

Excerpt of 1976 quitclaim between Borough-City Development, Inc. and the Campbell Lake HOA.

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Municipal property records list Jim Jansen, a well-known Anchorage businessman and Chairman of Lynden Transport, as the current owner of a tract of wetland spanning Campbell Creek adjacent to the Campbell Lake dam. In 2016, Jansen signed an agreement with the HOA stipulating that he will not allow public access to the lake via his property. Jansen accepted a payment of \$16,900 from the Campbell Lake HOA for entering into the agreement.

(the Property); and

WHEREAS, Campbell Lake Owners, Inc. (CLO) is responsible for maintaining the Campbell Lake dam and Campbell Lake; and

WHEREAS, Owner and CLO wish to ensure that the Property is not used by or for members of the public to access the Campbell Lake dam, its spill way, or Campbell Lake;

NOW, THEREFORE, in consideration of the mutual promises and representations contained herein, the parties agree as follows:

- Use Restriction.** It is hereby agreed between Owner and CLO that no ingress, access, or egress shall be allowed to members of the public on, over, across or through the Property to the Campbell Lake dam, its spillway, or to Campbell Lake. This restriction shall not prohibit Owner from allowing occasional personal guests to access Campbell Lake while visiting Owner.
- Enforceability.** This is a covenant that runs with the land and shall be binding on all successors, heirs, and transferees. CLO shall have the right to enforce this

Excerpt of 2016 agreement between Jim Jansen and the Campbell Lake HOA. To read the full agreement, [click here](#).

But perhaps the most striking legal document involving Campbell Lake is a March 1990 “Maintenance and Access Agreement” entered into by the Campbell Lake HOA and the Municipality of Anchorage. This agreement repeatedly describes the lake as “private” and subject to “private ownership.”

tions.

2.05 Access

It is the intent of this document not to interfere with the private ownership of Campbell Lake. Access is provided for construction and maintenance of the improvements only.

2.06 Maintenance

The Municipality and the Corporation shall share respon-

1.04 Allocation of Liability

Insofar as Campbell Lake remains a private lake, the Corporation shall hold the Municipality harmless and indemnify it from claims including reasonable attorney fees resulting from the continued operation of Campbell Lake and Campbell Lake Dam.

WITNESSETH:

WHEREAS, Campbell Lake Dam is a man-made dam on private land constructed in the late 1950's and reconstructed after the 1964 earthquake; and

WHEREAS, Campbell Lake is a lake created for private use; and

WHEREAS, Campbell Lake Dam is near where Campbell Creek

Excerpts from contract between the Municipality of Anchorage and the Campbell Lake HOA.

Why would the Campbell Lake HOA enter into a lengthy legal contract with the Municipality of Anchorage?

As it turns out, the answer is that this 1990 agreement allowed the Campbell Lake HOA to have their "private" lake maintained, in part, at taxpayer expense. Over the following decades, Municipality of Anchorage taxpayers would spend millions of dollars on an artificial lake dedicated to the exclusive use of some of the city's most affluent residents.

Municipality of Anchorage agrees to rebuild Campbell Lake dam and dredge lake using public funds

As [previously reported by the Landmine](#), Campbell Lake was built by developers David Alm and George McCullough in 1959. The area flooded by the unpermitted dam was largely comprised of low-lying intertidal wetlands, and the extremely shallow nature of the lake makes it highly vulnerable to filling with aquatic plants (called *macrophytes*) and sediment. A [2006 Alaska Department of Fish and Game report](#) by Mark Somerville and Megan Marie explains:

"The earthen dam that created Campbell Lake altered the sediment transport capability of Campbell Creek. Sediments normally transported to Turnagain Arm by Campbell Creek are gradually filling the lake. Campbell Lake has become shallower over time, and macrophyte growth appears to have accelerated over the past 3-5 years. Some areas of the lake have become choked with natural or introduced macrophytes, which impede boat and float plane traffic on the lake."

In 1989, heavy rains caused the Campbell Lake dam to fail. The Campbell Lake HOA argued that the Municipality of Anchorage bore responsibility for sediment accumulation and the dam failure because the MOA had directed several storm drains into the watershed. In the 1990 contract, the

Municipality agreed to bear the entire cost of engineering, permitting, and building a new “dam weir structure with over flow capacity.” Upon completion of the project, the MOA agreed to pay to cover the construction area with two inches of topsoil and wildflower seeds.

The Municipality agreed to share costs for dredging the lake in perpetuity, and not to alter the depth of the lake (per the agreement: “the Municipality will not raise or lower the lake without the Corporation’s approval”). In return, the Campbell Lake HOA would “allow” the Municipality to continue channeling water into the Campbell Creek drainage. As James Strutz, a longtime friend of George McCullough, told the Landmine: “It was an arguable case at the time, but the Muni decided it was less expensive to not argue about it in court.”

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According to an October 8, 2019 email from MOA Project Management & Engineering Director Kent Kohlhase, the Municipality of Anchorage spent \$441,680 dredging the lake between 2004 and 2012. This money came from 2002, 2003, 2008, and 2011 Municipal bonds. Multiple Municipality of Anchorage employees told the Landmine that it would be difficult to calculate the total amount that taxpayers have spent on previous dredging efforts and the rebuilding of the Campbell Lake dam in 1990.

According to the [2006 Alaska Fish and Game report](#), Campbell Lake has an average depth of under five feet. During a September 28, 2019 fact-finding float on Campbell Lake, the Landmine found that portions of the lake are so shallow that they are easier to walk than paddle. Dredging the artificial lake may be a generations-long financial commitment for Anchorage taxpayers.



Alaska Landmine Creative Director Paxson Woelber standing in Campbell Lake.

The Campbell Lake HOA has also paid a considerable amount of money toward dredging efforts via assessments on the 168 properties bordering the lake. According to Kohlhasse's October 8 email, the Campbell Lake HOA contributed \$150,000 to 2004-2012 dredging efforts and property owners were assessed a further \$1,433,486 (approximately \$8,533 per property). On September 30, 2019 the Landmine emailed Campbell Lake HOA property manager Leo to inquire about the assessments. Our message was not returned.

State of Alaska funds used to maintain Campbell Lake

The State of Alaska has also dedicated public money for projects on the lake.

The Landmine uncovered a capital appropriation in Fiscal Year (FY) 2004 for \$80,000 for "Campbell Lake Dam Erosion." This appropriation was vetoed by then-Governor Frank Murkowski. However, it was added back just two years later in the FY 2006 budget in a \$73,895 re-appropriation. Murkowski did not veto the re-appropriation. According to the MOA, \$73,895 of State money was spent on a dredging project that began in 2004 and ended in 2012.

The State of Alaska has also spent public money conducting dam reviews, studying fish populations, and conducting other efforts related to the lake. The Landmine was informed that calculating the sum of these expenses would be prohibitively difficult.

The Landmine also discovered a FY 1994 capital appropriation for \$100,000 for "Campbell Lake Area Trunk Repair Rehabilitation." The budget description reads:

It is the intent of the legislature that funding of the Municipality of Anchorage AWWU C-S-7 Trunk Project be matched with FY94 matching funds from the Department of Environmental Conservation Natural Resource Management Fifty Percent Municipal Matching Grants

Program to the Municipality of Anchorage for Water/Wastewater/Solid Waste Facilities Design and Construction.

This appropriation was made in conjunction with the Anchorage Water and Wastewater Utility (AWWU) and the Department of Environmental Conservation to repair a sewage line that runs under the lake.

Anchorage Water and Wastewater Utility (AWWU) spends millions on Campbell Lake project

In spring 2019, Anchorage Water and Wastewater Utility (AWWU), a utility owned and operated by the Municipality of Anchorage, spent \$2.5 million draining Campbell Lake and re-anchoring a sewer main dislodged by the November 30, 2018 earthquake. The Landmine requested information from AWWU related to 2019 expenditures and operations on Campbell Lake.

AWWU Public Outreach Coordinator Sandra Baker told the Landmine that “AWWU’s infrastructure is not directly related to the lake and the dam... This trunk line is part of the regional benefit, and not specific to Campbell Lake residents.”

The Landmine was surprised by the claim that a multimillion-dollar project involving the lake and dam was “not directly related to the lake and the dam.” We responded by citing an [April 29, 2019 KTUU news segment](#) that shows AWWU operating heavy machinery to open the dam’s gates and using pumps to drain the lake. The segment reports that AWWU staff went out in boats to chip ice off of the surface of the lake, and features Baker [standing in front of an excavator](#) at the Campbell Lake dam. A [May 3, 2019 KTVA news segment](#) shows heavy machinery and pumps removing “millions of gallons of water” from the lake. An [April 30, 2019 ADN article](#) title states that, “The utility put divers in the water to make sure there weren’t any other problems with the sewer line, and verified that there weren’t any leaks, Baker said.”



Screenshot of [KTUU news segment](#) showing AWWU-operated machinery lifting gates to the Campbell Lake dam.

Baker was adamant that these expenses were unrelated to the lake *per se*:

“The expenditure was caused by the earthquake. AWWU runs pipes underground and sometimes that means the pipes go under roads or lakes or other locations which may be difficult to get at. Had this pipe been located under a road, say Northern Lights Boulevard, we would have had expenditures related to the closing road, diverting traffic and repairing the road.”

How much public money has been sunk into “private” Campbell Lake?

Multiple Municipal employees, State employees, and property law experts told the Landmine that it would be nearly impossible to determine exactly how much public money has been spent since 1959 on projects related to Campbell Lake. These expenditures span decades and come from a wide variety of sources. It is clear that a great deal of public money has been spent damming, maintaining, and conducting a variety of projects on and around Campbell Lake—all while the public has been routinely excluded from accessing or using it. Exactly how much money the public has spent on Campbell Lake projects will likely never be determined.

Why has the Municipality of Anchorage declined to develop access to Campbell Lake, even after spending millions of public dollars there? Why has the State of Alaska, which aggressively defends access rights in many other situations, apparently neglected to assert a public right to utilize the lake?

The Landmine will address these questions in a follow-up article. This is a developing story.

CAMPBELL LAKE SERIES

This article is part of the Alaska Landmine's coverage of Campbell Lake access

SPECIAL FEATURE

The bizarre story of Campbell Lake, the private lake that isn't

ARTICLE



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