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Col. Damon Delarosa  
District Commander  
Leslie W. Tose  
Project Manager  
U.S. Army Corps of Engineers  
Alaska District  
Regulatory Division, CEPOA-RD  
2204 3rd Street, Post Office Box 6898  
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Sent via email to: [Leslie.W.Tose@usace.army.mil](mailto:Leslie.W.Tose@usace.army.mil)  
Re: POA-1983-00359-M42  
Request for Government-to-Government Consultation  
Comments on Project

Dear Col. Delarosa and Ms. Tose:

These comments are submitted on behalf of the Native Village of Kivalina IRA Council (Kivalina IRA) regarding the above-referenced permit for annual maintenance dredging and beach nourishment at the Red Dog Port. The Kivalina IRA appreciates the opportunity to comment. The IRA Council respectfully requests government-to-government consultation on this project with Col. Delarosa.

This project is on lands that are the aboriginal lands of the Native Village of Kivalina, and were part of the lands selected by our village corporation, Kivalina Sinuakmeut Corporation, prior to the merger with NANA. The Kivalina IRA can find no record of consultation or consent to activities in this area with the Tribe before the Red Dog port was built, or for the activities, including dredging activities, over the years. It was the Tribe's understanding that under the terms of the Alaska Native Claims Settlement Act and the terms of merger with NANA that the Kivalina IRA Council would be consulted about activities on our aboriginal land selections. The Tribe looks forward to consultation about this project.

One of the Tribe's main concerns is that Beluga no longer transit this area, adversely impacting the Tribe's subsistence. It is possible that the annual dredging has caused the beluga to avoid this area. The Tribe respectfully requests information about the potential impacts of this long-term dredging, including direct, indirect and cumulative impacts from the dredging in this area since 1994. The USACE Public Notice states:

The proposed dredging and disposal activities may adversely affect benthic and water column habitats known to support Essential Fish Habitat (EFH), particularly egg, larval or juvenile life stages. The dredging may eliminate habitat and food in the vicinity of the port, through burying or removing prey species. Mobile animals may move out of the area. Sedimentation and turbidity may reduce primary productivity, feeding ability of Essential Fish, or cause gill injury. There is the potential for re-suspension of lead, zinc, and cadmium, with re-uptake by marine organisms. The continuous noise generated by the dredge may cause fish and other aquatic organisms to leave the area. Finally, removal of material around the dock may alter substrate morphology, altering habitat for food species. Proposed disposal of dredged material may physically alter the near shore habitat: sedimentation and turbidity may reduce primary productivity, alter the feeding ability of Essential Fish, or cause gill injury. Hydrologic patterns such as current or circulation may be altered.

These are significant impacts. It is likely that beluga may similarly have been impacted by this activity. The composition of the dredged material is unknown, and the Tribe is concerned that the Port discharges coupled with the dredging and beach replenishment may be dispersing and disrupting metals and chemicals located in this area. Dredging 500,000 cubic yards is the equivalent of 50,000 dump trucks of material over ten years (5,000 dump trucks per year). That is a significant amount of dredge and fill for an area that was once the feeding grounds for Beluga.

The following comments are specific to the mitigation that is stated in the Public Notice:

(1) "The area to be dredged would be limited to the port basin and the smallest practicable beach footprint. The shallow water discharge area is designed to supply protection for the existing beach, wetlands, and cultural resources."

Comment: Please provide documentation that this is the "smallest practicable beach footprint" and how "wetlands and cultural resources" will be protected.

(2) "The applicant has implemented a Best Management Practices plan for minimizing release of lead, zinc and cadmium into the aquatic environment."

Comment:

Please provide a copy of the Best Management Practices and a calculation of how much lead, zinc and cadmium have been released into the aquatic environment.

(3) The applicant has implemented a Marine Sediment Monitoring Plan to detect, mitigate, and monitor fugitive dust-related changes in the sediment environment.

Comment:

Please provide a copy of the Marine Sediment Monitoring Plan, and provide the annual results of the Monitoring.

(4) The applicant has developed a plan for reducing impacts to protected endangered species.

Comment:

Please provide a copy of the applicant's plan for reducing impacts to protected endangered species.

Once the IRA Council receives this information, a government-to-government consultation meeting can be scheduled, at Col. Delarosa's convenience. Please contact Millie Hawley, Tribe Administrator [tribeadmin@kivaliniq.org](mailto:tribeadmin@kivaliniq.org) to coordinate that consultation.

Thank you for your consideration of this request and these comments.

Respectfully,



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Nancy S. Wainwright  
on behalf of  
Kivalina IRA Council

cc: Kivalina IRA Council

NSW: mmwj