



Tungwenuk Family Qupak Design, used with permission

KAWERAK, INC.

REPRESENTING

Brevig Mission

Sitaisaq

Council

Akauchak

Diomede

Injaliq

Elim

Neviarcuarluq

Gambell

Sivuqaq

Golovin

Chinik

King Island

Ugiuvak

Koyuk

Kuuyuk

Mary's Igloo

Iglaaruk

Nome Eskimo

Sitnasuami Inuit

Savoonga

Sivungaq

Shaktoolik

Saktuliq

Shishmaref

Kigiqtaq

Solomon

Anjuutaq

St. Michael

Taciq

Stebbins

Tapraq

Teller

Tupqaqruk

Unalakleet

Uqalaqtiq

Wales

Kinjigin

White Mountain

Natchigvik

Date: June 1, 2023

To: Jolie Harrison
Chief, Permits and Conservation Division
Office of Protected Resources
National Marine Fisheries Service
Sent via email to: ITP.Davis.noaa.gov

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Subject: Kawerak Inc., King Island Native Community, Nome Eskimo Community, Native Village of Council, and Native Village of Solomon Public Comments on Incidental Harassment Authorization (IHA) Federal Register notice 88 FR 27464: "Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Port of Nome Modification Project in Nome, Alaska"

We represent the four federally-recognized Tribes based in Nome, Alaska— King Island Native Community, Nome Eskimo Community, Native Village of Council, and Native Village of Solomon— and the Bering Strait regional Tribal organization, Kawerak Incorporated. Kawerak Inc. is the Alaska Native non-profit Tribal consortium for the 20 federally recognized Tribes of the Bering Strait region with its main office in Nome. Kawerak's mission is "advancing the capacity of its people and Tribes for the benefit of the region."

KAWERAK, INC.

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Advancing the capacity of our people and tribes for the benefit of the region.

Our vision is “our people and Tribes are thriving.” The foundation of that vision is a thriving subsistence culture. Marine mammal harvests are essential to this culture. A 2022 survey commissioned by Kawerak from the McKinley Research Group found that Nome Census Area residents harvested about 388 pounds per person of wild foods annually. Most of that food was marine mammals.¹

Protecting and continuing subsistence is our highest priority. The comments in this letter are designed to safeguard our subsistence resources near Nome and to ensure that the Port of Nome remains accessible for subsistence users. Below are our recommendations and requests.

Add Nome-Based Experts to 2023 National Marine Fisheries Service (NMFS) Arctic Peer Review Panel and Extend Public Comment Process

We ask that the public comment process on the Incidental Harassment Authorization (IHA) be extended to allow Nome-based experts to provide input on the 2023 NMFS Arctic Peer Review Panel report. Without these Nome-based experts, the peer review panel lacks legitimacy for failing to include those who have direct local knowledge of the Nome port and its interaction with Norton Sound marine mammals. All five of the listed panelists live outside the Nome region. At least one lives outside Alaska. Only one panelist is Alaska Native.

We ask that this panel be expanded to include Nome-based experts. These experts, identified in the recommendations below, are prepared to provide meaningful and accurate analysis of the IHA. Without their input, the panel is basing its review on general knowledge of marine mammals’ interactions with construction noise. These Nome-based experts will add legitimacy to the review through their place-based experience and Traditional Knowledge that is specific to the project’s proposed location and subsistence use.

The current Peer Review Panel report does not appear properly vetted. The report includes recommendations specific to the Susitna Delta Exclusion Zone in Cook Inlet. This information in section 1.2.8 is irrelevant to a project proposed for the Port of Nome. The inclusion of this section raises questions about the thoroughness and accuracy of the other sections of the document.

Requests:

- That NMFS expand the Arctic Peer Review Panel to include representatives from Kawerak, Native Village of Solomon, King Island Native Community, Nome Eskimo Community, and Native Village of Council. We ask that the panel include Nome-based members of the Ice Seal Committee, Alaska Beluga Whale Committee, and Eskimo Walrus Commission. We also ask that Gay Sheffield with the UAF Alaska Sea Grant Marine Advisory Program be invited to join the panel.
- After these Nome-based experts have contributed to the peer review panel report, we ask that NMFS re-initiate its federally required public comment process for the IHA application.

¹ McKinley Research Group LLC. (2022, March). Bering Strait Community Needs Assessment. *Kawerak Inc.*

- The public review process should be extended and notifications reissued regardless of the panel makeup. The comment period for the IHA application began on May 2, 2023, but the peer review panel report was not made available to the public through the IHA website until May 22, 2023, a little over a week before the end of the public comment period and after some public comments had already been submitted.

Plan of Cooperation

The US Army Corp of Engineers (USACE) has not engaged the subsistence users who have been affected by previous port activities and who will be most affected by the Port of Nome construction project in the development of the Plan of Cooperation (POC). Also, the POC does not meet the requirements for a POC as listed in the IHA application published on the Federal Register.

On the POC document, Table A-1 lists the distribution list for the POC. Every Norton Sound-based Tribe and Tribal organization lacks an identified point of contact, despite the USACE stating in the POC that it has been “coordinating” with these groups on this project since April 2018. The members of these Tribes and Tribal organizations are the subsistence users who will be most impacted by this project. Omitting a point of contact signals that the USACE did not make the effort to contact the entity and ask who the document should be shared with. Instead, one can assume, the document was mailed or emailed to the general addresses listed in the table. Mailing or emailing important information to general addresses without identifying a point of contact is a method for being able to check a box that the information was distributed, while at the same time, likely burying the information at its destination. By way of example, the POC documents sent to Kawerak, King Island Native Community, and Nome Eskimo Community cannot be located.

The distribution list fails to include certain subsistence users entirely. Table A-1 omits two Nome-based Tribes: Native Village of Solomon and Native Village of Council. The USACE claims that it has engaged and consulted with Tribes regarding the Port of Nome expansion project throughout the life of the project. Yet the USACE has consistently failed to recognize that there are four Tribes based in Nome. It excluded Native Village of Solomon and Native Village of Council both from the Plan of Cooperation and from the 2020 USACE Port of Nome modification Feasibility Study. Section 8.8.2.1 of that study states, “There are two Federally-recognized tribes based in Nome: the Nome Eskimo Community and the King Island Native Community.”

The USACE held an informational meeting on the Port of Nome project in Nome on May 17, 2023. At that meeting, USACE Project Manager Jathan Garrett said the POC would be a living document that the USACE works with subsistence users to update annually. The POC says that the construction project will span seven years. If the USACE wants to communicate meaningfully and consistently with the subsistence users who will be impacted by this construction project over seven years, then we recommend that the USACE establish a constructive relationship with those users before the project begins. As the POC is currently drafted it communicates a message of: “We (USACE) plan; you (Tribes and Tribal organizations) cooperate.” We want to change that message to: “We (USACE, Tribes, and Tribal organizations) plan; we cooperate.”

The POC for this project does not meet the requirements for a POC as listed in the Federal Register notice for this IHA application. According to the notice, a POC must include:

1. A statement that the applicant has notified and provided the affected subsistence community with a draft plan of cooperation;
2. A schedule for meeting with the affected subsistence communities to discuss proposed activities and to resolve potential conflicts regarding any aspects of either the operation or the plan of cooperation;
3. A description of what measures the applicant has taken and/or will take to ensure that proposed activities will not interfere with subsistence whaling or sealing; and
4. What plans the applicant has to continue to meet with the affected communities, both prior to and while conducting the activity, to resolve conflicts and to notify the communities of any changes in the operation.

As already stated, the affected subsistence communities have not received a POC that can be located. The POC does not include a schedule for meeting with these communities. It only lists a December 2022 meeting with the Alaska Eskimo Whaling Commission, a body which does not include any Nome representatives. The POC does not include a description of measures to ensure that the proposed activities will not interfere with subsistence whaling or sealing. And the POC does not identify how the USACE will resolve conflicts with communities.

Requests:

- That the USACE include the Native Village of Solomon and the Native Village of Council in its Plan of Cooperation.
- That the USACE establish a point of contact with each Norton Sound-based Tribe and Tribal organization listed on Table A-1 in the Plan of Cooperation.
- That the USACE produce a Plan of Cooperation that meets the four-point criteria as published in the Federal Register notice for this IHA application. We ask that the USACE develop this Plan of Cooperation in collaboration with Kawerak, Native Village of Solomon, King Island Native Community, Nome Eskimo Community, and Native Village of Council, and Nome-based members of the Ice Seal Committee, Alaska Beluga Whale Committee, and Eskimo Walrus Commission.

Tribal Engagement

Kawerak asks that the USACE respectfully and inclusively engage Tribes throughout the Port of Nome development project.

At the USACE May 17, 2023 public information meeting in Nome, City Mayor John Handeland delivered opening remarks from a prepared statement. The City of Nome is one of five governments based in Nome. There are also four Tribal governments. Tribal leaders from each of these Tribes— Nome Eskimo Community, King Island Native Community, Native Village of Solomon, and Native Village of Council—should also have been personally invited in advance to the public information meeting and asked to deliver opening remarks.

Requests:

- That Tribal leaders from King Island Native Community, Nome Eskimo Community, Native Village of Council, and Native Village of Solomon be invited to all decision-making meetings which the City of Nome is included regarding the Port of Nome development project.
- That the USACE request the City of Nome and the Nome Police Department provide us a plan for increased public safety needs during the seven-year construction period.

Protected Species Observers

Bering Strait and Norton Sound Tribes have deep relationships with and knowledge of marine mammal species.^{2,3} Regional marine mammal hunters are informed by both lived experience and thousands of years of Traditional Knowledge in both scoping for marine mammals and quickly identifying the various species. Many of these hunters also hold backgrounds in construction and know how to safely work in an active construction zone.

Employing regional Protected Species Observers (PSOs) will help provide confidence in the marine mammal disturbance reports issued by the port construction project. It will offer confidence in the conduct of the port construction overall in reducing impacts to marine mammals.

PSOs will only be effective if they are granted the autonomy and authority necessary to shut down construction operations when marine mammals are present within the designated shutdown zones. The PSOs must be insulated to the point of immunity from the pressure that their marine mammal reports might slow expensive and time-sensitive construction operations.

Requests:

- That regional residents with marine mammal subsistence hunting backgrounds be given hiring preference when employing PSOs.
- That regional residents be actively recruited for these PSO positions.
- That the USACE shares its plan with us for how the PSOs will be protected from the pressure to allow continued construction operations amid the presence of marine mammals.

Beluga Whale

Local subsistence hunters harvest multiple belugas near Nome annually. However, the Norton Sound beluga whale harvests are not required to be reported by any entity, so there is no accurate documentation of beluga whale harvest in Norton Sound.

² Gadamus, L. and J. Raymond-Yakoubian (2015) A Bering Strait indigenous framework for resource management: respectful seal and walrus hunting. *Arctic Anthropology*, 52(2):87-101.
Gadamus, L., J. Raymond-Yakoubian, R. Ashenfelter, A. Ahmasuk, V. Metcalf, G. Noongwook (2015) Building an indigenous evidence-base for tribally-led habitat conservation policies. *Marine Policy* 62:116-124.

³ Oceana and Kawerak, Inc. (2014) Bering Strait Marine Life and Subsistence Data Synthesis. Oceana. Juneau, AK.

Request:

- The Frost and Suydam 2010 publication’s assessment of 0.6 beluga harvested near Nome annually should not be used in the IHA considerations.

We want to ensure that Nome area subsistence hunters retain access to beluga whale hunting sites. In October, at the end of the barge season, Nome subsistence hunters use the end of the causeway as a look-out point for beluga.

Request:

- That use of the end of the causeway for subsistence hunting purposes continues.

Pacific Walruses

Pacific walruses are regularly seen off the coast of Nome by local residents and are harvested by Alaska Natives for subsistence purposes. Subadult walruses have hauled out at the Nome Port in the past. Abandoned “orphan” walruses have also hauled out on mining dredges operating in the waters off the coast of Nome and have either been harvested for subsistence purposes or shipped to the authorized marine mammal response facility in Alaska.

Requests:

- Add Pacific walruses to the list on Table 2 of the Federal Register notice titled “Marine Mammal Species Likely To Occur Near The Project Area that Might be Taken by USACE’s Activities.”
- If walruses haul out at the Port of Nome, port authorities should notify the U.S. Fish and Wildlife Service (USFWS). If a walrus hauls out at the port and appears healthy, Kawerak asks that the USFWS makes it available for harvest.

Bowhead Whale

Bowhead whale are occasionally seen off the coast of Nome by local residents and by subsistence hunters.

Request:

- Add bowhead whales to the list on Table 2 of the Federal Register notice titled “Marine Mammal Species Likely To Occur Near The Project Area that Might be Taken by USACE’s Activities.”

Ice Seal Pups

Though the primary season for harvesting ice seals will have mostly ended when the sea ice clears and port construction begins, seal harvests can and do continue after the ice is gone. Spotted seals as well as subadult bearded and ringed seals remain in and around the Nome port and harbor area throughout the ice-free season. During late spring and early summer with the reduced sea ice presence, recently weaned ringed and spotted seal pups regularly come ashore to rest in and near the Nome port and harbor.

Recommendations:

- If live seal pups are found hauled out on the beach or in the port within the construction area, do not approach or touch the animals. The proper protocol is to contact Kawerak Natural Resources Department Vice President Brandon Ahmasuk, Kawerak Subsistence Program Director Chuck Menadelook, and/or Gay Sheffield with the UAF Alaska Sea Grant Marine Advisory Program. Sheffield is a NOAA Alaska Marine Mammal Responder. Sheffield and Ahmasuk are the only two people authorized by NOAA in the Norton Sound region to move live seal pups. Both have experience relocating live seal pups, both ESA and non-ESA listed species, when appropriate.

Marine Mammal and Bird Carcasses

Avian influenza and harmful algal bloom (HAB) biotoxins are growing concerns in the Northern Bering Sea. Both are a growing threat to human and marine wildlife health as well as to food security. We want to ensure that all dead marine mammals and birds are documented, inspected, and sampled by Kawerak Subsistence Program Director Chuck Menadelook and/or Gay Sheffield with the UAF Alaska Sea Grant Marine Advisory Program.

HABs have been the confirmed cause of isolated seabird die-offs in Alaska outside the Bering Strait region. Widespread, multispecies seabird die offs have occurred annually in the northern Bering Sea and Norton Sound since 2017. Emaciated bird carcasses have become a common site on Alaska shorelines. Changes in food availability, novel diseases, and HAB toxins could be contributing factors to the starvation.

Algal biotoxins are also a realistic factor in marine mammal deaths, including seals, walruses, sea lions, and whales. Algal biotoxins have been detected in dead walruses in the region. In 2017, 39 walrus carcasses in good body condition were found on Bering Strait beaches.⁴ Four of the walruses were sampled for algal biotoxins, and all four tested positive for saxitoxin. Most recently, from July to September 2022, the largest, most toxic algal bloom of *Alexandrium cantenella* ever documented in US waters occurred from the Northern Bering Sea to the Southern Chuckchi Sea.⁵ Concurrently to that timeframe of high toxicity in the Bering Strait, 30 dead walruses and two dead gray whales were documented stranded along the north shore of the

⁴ *What caused 39 walruses to wash ashore dead in western Alaska?* (2019, September 27). Alaska Sea Grant. <https://alaskaseagrant.org/2017/11/what-caused-39-walruses-to-wash-ashore-dead-in-western-alaska/>

⁵ *2022 Bering Sea algal bloom was one of the largest, most toxic ever observed nationwide.* (2023, April 20). The Nome Nugget. <http://www.nomenugget.com/news/2022-bering-sea-algal-bloom-was-one-largest-most-toxic-ever-observed-nationwide#:~:text=2022%20Bering%20Sea%20algal%20bloom,observed%20nationwide%20%7C%20The%20Nome%20Nugget>

Seward Peninsula.⁶ Multiple seal species are also at risk of severe negative health impacts from harmful algal toxin poisoning from consuming prey that eats algae, such as clams, crab, herring, smelt, tomcod, and other prey species.

Highly Pathogenic Avian Influenza (HPAI, H5N1) has been detected in dead birds and terrestrial mammals in the Bering Strait.⁷ It is likely to jump to the regional marine mammals as it has in other areas of the globe. For example, in July 2022, NOAA declared an Unusual Mortality Event after mass strandings of harbor and gray seals along the coast of Maine. Some of these dead seals tested positive for H1N1 avian influenza.⁸ In February 2023, the Peruvian government announced that it had found 585 dead sea lions across seven marine-coastal natural protected areas. The sea lions tested positive for avian flu.⁹ Dead cetaceans in other parts of the world have also tested positive for the virus.¹⁰

Recommendation:

- If dead marine mammals or birds are found on the beach or in the proposed construction area, notify Kawerak Subsistence Program Director Chuck Menadelook and/or Gay Sheffield with the UAF Alaska Sea Grant Marine Advisory Program to ensure that all dead birds and marine mammals are documented, inspected, and sampled.

Salmon

⁶ AlaskaSeaGrant. (2022, September 29). *Harmful Algae in Western Alaska - Strait Science September 16th 2022* [Video]. YouTube. <https://www.youtube.com/watch?v=mUejlyjdaTE>

⁷ Berman, A. (2022, December 2). ‘This is totally unusual’: Highly pathogenic bird flu still spreading in Alaska, state veterinarian says. *Anchorage Daily News*. <https://www.adn.com/alaska-news/2022/12/01/this-is-totally-unusual-highly-pathogenic-bird-flu-still-spreading-in-alaska-state-veterinarian-says/>

⁸ Fisheries, N. (n.d.-b). *Frequent Questions—Maine Seal Stranding Event*. NOAA. <https://www.fisheries.noaa.gov/new-england-mid-atlantic/marine-life-distress/frequent-questions-maine-seal-stranding-event>

⁹ *Sernanp despliega protocolo de monitoreo ante casos de aves y lobos marinos afectados por influenza aviar en áreas naturales protegidas*. (n.d.). Noticias - Servicio Nacional De Áreas Naturales Protegidas Por El Estado - Plataforma Del Estado Peruano. <https://www.gob.pe/institucion/sernanp/noticias/697084-sernanp-despliega-protocolo-de-monitoreo-ante-casos-de-aves-y-lobos-marinos-afectados-por-influenza-aviar-en-areas-naturales-protegidas>

¹⁰ Anthes, E. (2022, September 8). Bird Flu Found in Dolphin in Florida and Porpoise in Sweden. *The New York Times*. <https://www.nytimes.com/2022/09/07/health/bird-flu-dolphins-cetaceans.html>

Western Alaska rivers are in the midst of multi-decadal, multi-species salmon crashes that jeopardize the food security, cultural and spiritual practices, and economic well-being of Tribes and Tribal members. Every single salmon is important, particularly amid this crisis—for both subsistence harvest and escapement. Communities in our region have both relied on and stewarded salmon populations for millennia. Salmon are a crucial and non-replaceable part of our food security.¹¹

Five Pacific salmon species migrate through the Snake River: Chum, king, coho, pink, and sockeye. The salmon migrate in and out of the river mouth from early June into September. Exact timing changes year to year. This migration spans most of the proposed construction season. Construction is expected to span seven years, creating an opportunity for the project to disrupt multiple salmon lifecycles. This is of grave concern to us, and every possible measure must be taken to ensure this does not happen.

Salmon escapement must not be diminished or eradicated due to port activities. Subsistence salmon harvesting also must not be disrupted or diminished in the Snake River due to port activities. The Snake River is the closest, most accessible location near Nome where Tribal members can harvest salmon. The location is especially important for subsistence users who do not have the means to harvest salmon further from town.

¹¹ Ahmasuk, Austin, Eric W. Trigg, James S. Magdanz, Brad Robbins. 2008. “Bering Strait Region Local and Traditional Knowledge Pilot Project: A Comprehensive Subsistence Use Study of the Bering Strait Region.” Kawerak, Inc., Nome, North Pacific Research Board Project Final Report, Project #643.

Kawerak, Inc., Brenden Raymond-Yakoubian, and Julie Raymond-Yakoubian. 2015. “‘Always Taught Not to Waste’: Traditional Knowledge and Norton Sound/Bering Strait Salmon Populations. 2015 Arctic-Yukon-Kuskokwim Sustainable Salmon Initiative Project 1333 Final Product.” Kawerak, Inc., Nome, AK. <https://kawerak.org/wp-content/uploads/2018/04/TK-of-Salmon-Final-Report.pdf>

ADFG 2007 Technical paper 328. James Magdanz, Sandra Tahbone, Austin Ahmasuk, David Koster and Brian Davis. Customary Trade and Barter in Fish in the Seward Peninsula Area, Alaska.

Raymond-Yakoubian, J. M. 2019. Salmon, cosmology, and identity in Elim, Alaska. Dissertation. Department of Anthropology, University of Alaska Fairbanks, Fairbanks, Alaska. [online] URL: <https://scholarworks.alaska.edu/handle/11122/10531>
Carothers, C., J. Black, S. J. Langdon, R. Donkersloot, D. Ringer, J. Coleman, E. R. Gavenus, W.

Justin, M. Williams, F. Christiansen, C. Stevens, B. Woods, S. Clark, P. M. Clay, L. Mack, J. Raymond-Yakoubian, A. Akall'eq Sanders, B. L. Stevens, and A. Whiting. (2021) Indigenous peoples and salmon stewardship: a critical relationship. *Ecology and Society* 26(1):16.

The 2020 USACE Port of Nome modification Feasibility Study lists a myriad of ways that port construction activities can disrupt, harm, or kill salmon through underwater noise, dredging, and modification of breakwater and causeway rocks.

Requests:

- That the USACE release updated and more comprehensive salmon mitigation measures for public comment for the Port of Nome construction project that address the salmon hazards identified in the 2020 USACE Port of Nome modification Feasibility Study, and which we further identify above.
- Install a temporary jetty to the east of the port for migrating salmon to access the Snake River, thereby avoiding the main port channel during construction.
- Institute “no work” windows for salmon migrating in and out of the Snake River mouth.

Migratory Birds

The Seward Peninsula is a destination for migratory birds, including Spectacled eider and Steller’s eider ducks. Due to population decline, both species are listed as threatened under the Endangered Species Act and are State of Alaska species of concern.

Request:

- That the USACE release for public comment its plan for mitigating bird collisions with construction equipment, especially during foggy and low light conditions.

Man Camp

On the first Friday in May of 2023, Nome-based Tribal members and community residents gathered in the Nome Recreation Center to commemorate Missing and Murdered Indigenous People’s (MMIP) Day. During the event, people publicly shared their stories of family members and friends who have gone missing or who were murdered. The speakers voiced concerns that more MMIP cases could follow the opening of a man camp in Nome to house an influx of port construction workers.

The USACE is requiring that contractors establish a temporary workers camp, colloquially known as a man camp, in Nome to prevent burdening Nome’s strained housing shortage and to avoid inflating rental costs. We appreciate this requirement and want to ensure that everyone in Nome, especially Alaska Native women and girls, not only are safe but feel safe with the establishment of a man camp in the community.

The increased violence against Indigenous people, especially women and girls, in the United States and Canada following the opening of man camps is well documented.¹² These particular

¹² Stern, J. (2022). Pipeline of Violence: The Oil Industry and Missing and Murdered Indigenous Women | Immigration and Human Rights Law Review. *Immigration and Human Rights Law Review / the Blog*. <https://lawblogs.uc.edu/ihr/r/2021/05/28/pipeline-of-violence-the-oil-industry-and-missing-and-murdered-indigenous-women/>

man camps have been established to support extraction projects, which differentiates them from the proposed Nome construction man camp. However, the extraction camps and Nome camp would share similarities by employing mostly non-Indigenous, non-local men and bringing them to a rural area in Indigenous territory that lacks adequately sized law enforcement capabilities for the size and needs of the community.

We can assume that the Nome construction project will employ mostly non-Indigenous, non-local men. In 2019, the Alaska Department of Labor and Workforce Development calculated that 13 percent of Alaska resident construction workers are women.¹³ The state of Alaska does not collect workers' race or ethnicity data. But the US Bureau of Labor Statistics does, and in a 2020 report, the percentage of Alaska Native and Native American workers in construction is so minimal that it does not even appear as a represented demographic.¹⁴ The USACE forecasts that the Nome port expansion project will produce 818 regional jobs during construction. The Nome region does not have enough trained workers to fill those positions, which will result in an influx of non-local workers from outside the region.

The region already has high rates of violence. The 2020 Alaska Victimization Survey from the University of Alaska Anchorage found that over half, or 51 percent, of women in the Nome census area have experienced sexual and/or intimate partner violence in their lifetime.¹⁵ An Alaska Section of Epidemiology bulletin looking at Alaska homicide rates over a 10-year period from 2011 to 2020 reported that the Northern region of Alaska has the state's second-highest homicide rate at 9.8 homicides per 100,000 people.¹⁶

Request:

- That the USACE convene a working group with Kawerak, Native Village of Solomon, King Island Native Community, Nome Eskimo Community, and Native Village of Council to develop educational materials that lay out behavioral rules and cultural expectations for port project workers. We ask that the USACE require contractors to adopt these materials and agree to abide by them.

¹³ *The Gender Wage Gap in 2019*. (n.d.). <https://live.laborstats.alaska.gov/trends-articles/2021/10/the-gender-wage-gap-in-2019>

¹⁴ Gallagher, C. M. (2022, April 11). *The Construction Industry: Characteristics of the Employed, 2003–20 : Spotlight on Statistics: U.S. Bureau of Labor Statistics*. <https://www.bls.gov/spotlight/2022/the-construction-industry-labor-force-2003-to-2020/home.htm>

¹⁵ *Regional Results from the AVS | Justice Center | University of Alaska Anchorage*. (n.d.). <https://www.uaa.alaska.edu/academics/college-of-health/departments/justice-center/avs/regional-results/>

¹⁶ Hull-Jilly, D., & Hannigan, A. (2023). AKVDRS Homicide Victims Update — Alaska, 2011–2020. *State of Alaska Epidemiology Bulletin Recommendations and Reports*, 23(1). http://www.epi.alaska.gov/bulletins/docs/rr2023_01.pdf?utm_medium=email&utm_source=govdelivery

Cultural Awareness Training

The Port of Nome construction project will bring an influx of workers from outside the region into Nome.

Requests:

- That incoming workers attend cultural awareness training from Kawerak's Katirvik Cultural Center to better understand the cultural history and practices of the region and its Tribes.
- That port workers be informed that Alaska Native have the right to customary and traditional harvest of marine mammals in marine waters, including in and around the port area when subsistence opportunities present themselves.

Emergency Services

Nome relies on a volunteer fire department and volunteer ambulance department to respond to emergency service calls. We do not want the Port of Nome construction project to strain these already precarious volunteer services.

Request:

- Just as the USACE is requiring contractors to establish a temporary workers camp to prevent straining Nome's housing market, we ask that the USACE instate requirements for contractors to prevent stressing Nome's volunteer emergency services.

Dust Mitigation

Road dust is a public health and safety threat in Nome and a degradant to quality of life. It damages lung tissue and irritates eyes, noses, and throats. It can cause and exacerbate respiratory and heart conditions.¹⁷ The people who are most susceptible are also our most vulnerable: Elders, children, and people with asthma and heart conditions. For people with heart disease, breathing in particulates can cause heart attacks and other serious problems.¹⁸ Dust can contain harmful chemicals, bacteria, fungi, and heavy metals.¹⁹ Dirt or gravel can contain crystalline silica. When inhaled, the silica lodges deep into the lungs and can cause a range of chronic and fatal diseases, including silicosis, lung cancer, chronic obstructive pulmonary disease, kidney disease, and autoimmune disease.²⁰

¹⁷ Sources, A. N. & M. (n.d.). *Dust Information*. <https://dec.alaska.gov/air/anpms/dust/info/>

¹⁸ *Particle Pollution | Air | CDC*. (n.d.). https://www.cdc.gov/air/particulate_matter.html

¹⁹ *Road Dust*. (2018, April). Alaska Native Health Consortium. Retrieved May 26, 2023, from <https://anhc.org/wp-content/uploads/2018/04/Road-Dust.pdf>

²⁰ *Crystalline Silica: Health Risks | NIOSH | CDC*. (n.d.). <https://www.cdc.gov/niosh/topics/silica/risks.html>

Dust contaminates our subsistence foods. It coats our precious greens and berries that we harvest. It coats our subsistence meats that we hang on traditional racks outside our homes and camps to dry beluga, seal, bird, salmon, fish, and other meats.

Dust is a driving hazard. Large vehicles can kick up dust so thick that the air turns opaque. Drivers behind the large vehicle cannot see the front end of their own vehicles. These drivers must stop and hope that no other drivers hit them until visibility returns.

Dust is a degradant to quality of life. It irritates and sickens our bodies, making us unwell and aggravating chronic health conditions. It dirties our homes and offices and places of business. It damages computers and other electronic devices with fine moving parts. And it can keep people indoors who would otherwise be outside.

The City of Nome Public Works Department and the Alaska Department of Transportation cannot reliably control and tamp down the current levels of road dust. The port construction activities would exacerbate dust levels by increasing the frequency of vehicle passage and the size of vehicles.

In a public meeting on May 17, 2023 in Nome, USACE personnel said that they could not comment on the specifics of the Port of Nome construction project dust mitigation plan least it gives a contractor an unfair advantage during the bidding process. Withholding this information might help create a level bidding field, but it disadvantages the residents of Nome who are not allowed input in the process but will be living with the health and safety consequences of increased road dust.

Request:

- That the USACE share its dust mitigation plan for the Port of Nome construction project and open the document to public comment. We ask that we and the community of Nome be able to provide input on the measures to control the additional dust that will otherwise fill our lungs and town.

Thank you and Follow up

Thank you for considering these recommendations for protecting our subsistence resources near Nome and ensuring that the Port of Nome remains accessible for maritime subsistence users. Please reply to this letter to let us know what process is in place to ensure our requests and recommendations are addressed, how we will be informed of the steps taken to address our concerns, and how we will be engaged in this project in a more meaningful way.

We are aware that some of the comments in this letter are broader than the scope of the IHA. However, we want to ensure that they are taken into consideration and addressed. If there is a more appropriate forum for submitting concerns outside the scope of the IHA, please let us know.

If you have any questions or concerns, please reach out to Kawerak Inc. Marine Advocate Anna Rose MacArthur at armacarthur@kawerak.org or 907-443-4368.

Sincerely,

Melanie Bahnke

Melanie Bahnke, President Kawerak Inc.

Kirsten Timbers

Kirsten Timbers, President, Native Village of Solomon

LORETTA BULLARD

Loretta Bullard, President, Nome Eskimo Community

Heather Payenna

Heather Payenna, Chief, King Island Native Community

Barbara Gray

Barbara Gray, President, Native Village of Council

Cc: Mary David, Vice President, Kawerak Inc.
Brandon Ahmasuk, Vice President Natural Resources, Kawerak Inc.
Chuck Menadelook, Subsistence Program Director, Kawerak Inc.
Julie Raymond-Yakoubian, Social Science Director, Kawerak Inc.
Gay Sheffield, UAF Alaska Sea Grant Marine Advisory Program