



KAWERAK, INC.

- REPRESENTING
- Brevig Mission
- Sitaisaq
- Council
- Diomede
- Injalik
- Elim
- Niviarcaurluq
- Gambell
- Sivuqaq
- Golovin
- Chinik
- King Island
- Ugiuvak
- Koyuk
- Kuuyuk
- Mary's Igloo
- Qawiaraq
- Nome Eskimo
- Sitnasuak Inuit
- Savoonga
- Sivunqaq
- Shaktoolik
- Saktuliq
- Shishmaref
- Qikiqtaq
- Solomon
- Anjuutaq
- St. Michael
- Taciq
- Stebbins
- Tapraq
- Teller
- Tala
- Unalakleet
- Uᅇalaqᅇiq
- Wales
- Kinigin
- White Mountain
- Iᅇaluik /
- Nutchirviq

April 11, 2024

Jaime Pinkham, Acting Assistant Secretary of the Army for Civil Works
 Headquarters, U.S. Army Corps of Engineers
 441 G Street NW
 Washington, DC 20314-1000

RE: Request for Tribal Consultation regarding reversal decision by U.S. Army Corps of Engineers, Pacific Ocean Division; IPOP, LLC; Bonanza Channel Placer Project Permit # POA-2018-00123 Near Nome, AK.

Dear Mr. Pinkham:

On behalf of King Island Native Community, Village of Solomon, Nome Eskimo Community, Native Village of Council (federally recognized Tribes) and Kawerak Inc. (including all Tribes within our consortium) we are respectfully requesting Tribal Consultation with your office regarding the U.S. Army Corps of Engineers (USACE); Pacific Ocean Division's recent decision to reverse the U.S. COE; Alaska Division opposing IPOP, LLC's permit application, in accordance with Presidential Executive Order 13175 "Consultation and Coordination with Indian Tribal Governments," and the USACE Tribal Policy Principles (see: <https://www.usace.army.mil/Missions/Civil-Works/Tribal-Nations/>).

Kawerak, Inc. (Kawerak) is a regional Tribal consortium comprised of the 20 federally recognized Tribes in the Bering Strait region of Alaska. Kawerak's mission is to advance the capacity of its people and Tribes for the benefit of the region. Kawerak provides numerous social and other programs to Tribes and the Native people of this region. Specifically for purposes of this consultation request, Kawerak operates a Subsistence Resources Program - advocating for subsistence resources and subsistence uses, as well as a Land Management Services Program which helps Native Allotment owners, potential heirs to a Native Allotments and more recently, Vietnam Veterans eligible under the Dingell Act for Native Allotment selections. Kawerak also works with and advocates on behalf of all of the 20 tribes within our consortium, including the named Tribes signing on to this consultation request. King Island Community, Village of Solomon, Nome Eskimo Community, and the Native Village of Council all are located in the vicinity of the area impacted by the USACE Reversal decision and have Native residents who will be severely negatively impacted with subsistence access and opportunities. We write on their behalf, as well as the other Tribes in our consortium. The Village Corporations of Solomon and King Island are also partnering with Kawerak to request this consultation.

We are very concerned by the process and the decision to reverse the original decision to rejecting IPOP's mining permit. We question the timeframe and the quick turnaround it took for the Pacific Ocean Division to make a decision. For tens of thousands of years, the Native people have been the stewards of the air, land and sea - living in harmony with what nature has to provide, never taking more than what is needed. Families in the area have harvested everything from salmon to seals, birds to moose. We are amidst a multi species salmon decline, two species of which are chum and chinook

KAWERAK, INC.

PO Box 948 • Nome Alaska 99762 • 907.443.5231 • www.kawerak.org

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

salmon which have been in decline on the southern Seward Peninsula since the late 70's to early 80's. During that time, we faced a chum salmon crash that lasted nearly 30 years and we were not allowed to harvest one chum salmon to put on our tables. One river to this day that still has diminished returns of chum salmon due to mining is the Solomon River, just east of where IPOP intends to mine. It is the last river to feed into the Bonanza Channel on the east end. In some years the Solomon River does not meet escapement goals. Just under a mile and a half away from where IPOP is being permitted to mine is the mouth of the Bonanza River. This area is noted by the State of Alaska, Alaska Dept. of Fish and Game as spawning grounds for chum salmon and is listed in the State of Alaska, Anadromous Body of Water Catalog. A fact that in our opinion was severely overlooked.

IPOP's mining operation will clearly obstruct salmon from entering their home spawning river(s) both to the east and to the west that feed into Bonanza Channel/Safety Sound. The State of Alaska Dept. of Natural Resources, Nome Dredgers Resource Guide, has listed in their procedures for ocean mining that no vessel shall operate within a certain distance of any anadromous river mouth to allow for safe salmon passage. It is also listed in their rules that subsistence salmon fisherman will have priority over mining operations and that any mining vessel will stay at least 300 feet away. If subsistence salmon fishermen are in the area, miners have to steer clear and wait until after fishing is done. The area in question here is not the ocean, it is a very narrow body of water, in some areas as narrow as 200 to 300 yards, surrounded by huge wetlands that are home to tens of thousands of migratory birds, some of which are Spectacled Eiders and they have been noted in the area, and are on the ESA list as threatened due to population size.

Ringed & Bearded Seals, in particular pups and subadults, are also on the Endangered Species Act list as threatened and are noted by National Marine Fisheries Service to inhabit the area during the ice-free months. The area being permitted to mine consists of huge wetlands that house all types of aquatic vegetation including eel grass, and our understanding of this is that this area is also the northern most eel grass bed in North America. The surrounding barrier islands as well as part of the main track of land leading to where IPOP intends to mine is the only road access. This track of land adjacent to the proposed mining area is also listed as part of the Bering Sea/Aleutian Island National Maritime Wildlife Refuge. This is another area we believe to have been severely overlooked in considering whether the application should be approved.

The entire Safety Sound and Bonanza Channel area has been chosen by numerous Native Allotment owners, camp site users, bird watchers from all over the world, and fishing enthusiasts, for its close proximity to subsistence resources. The main spit includes a road system to the outlying communities of White Mountain and Golovin, which may be put in jeopardy by the mining operation. With the new regulation that came into effect recently regarding Vietnam Veterans and Native Allotment selection, they now have the opportunity to select lands which they previously did not have the opportunity to do so as they were overseas in active duty during that time and missed the deadline to apply. Vietnam Veterans who previously may have wanted to apply for a Native Allotment in the Safety Sound/Bonanza Channel area may not want or be able to choose this area now since it may no longer be a pristine environment or hold subsistence resources.

IPOP's mining permit application lists three priority areas 1) A Television show 2) Merchandising from the television show & 3) Mine for gold. IPOP has made it abundantly clear that gold is not their priority. Also listed in IPOP's mining application, they indicate a maximum cutter head depth of 30 feet, yet it is our understanding from the old and recent drill samples that any gold is located 80-100 feet below the surface. IPOP's equipment is incapable of reaching any gold if it is even there.

The area that IPOP has been approved to mine also houses many families that not only use it for subsistence purposes but also call it their home away from home. Many of these families have been there for decades, some even before statehood. This area has little to no law enforcement. Yet in rural Alaska we have some of the highest criminal acts against native people and missing and murdered indigenous people in the nation.

The decision to reverse the initial decision and approve IPOP's permit by USACE came no meaningful notice or opportunity for consultation, and with little to no consideration of impacts to the environment, the ecosystem, social well-being, fish & wildlife populations, local residents both non-Native and Native. Several other federal agencies have provided input recommending rejection of the permit. IPOP mining in this area will destroy a very sensitive environment in the blink of an eye, what took mother nature to create since time immemorial.

We respectfully request Tribal Consultation and more importantly, a review of the reversal of the USACE Alaska Region's decision, and finally, an overturning of that reversal by USACE Headquarters.

Please contact me at president@kawerak.org or 907-443-4329 at your earliest convenience. For more information, you can also contact Brandon Ahmasuk, Natural Resources Vice President at bahmasuk@kawerak.org

Sincerely,



Melanie Bahnke; President, Kawerak, Inc.




Kirsten Timbers; President, Village of Solomon



Heather Payenna, Chief, King Island Native Community



Barb Gray, President, Native Village of Council



Rena Greene, Deputy Director, Nome Eskimo Community

cc:

Teresa Clemmer <tclemmer@trustees.org>