



Chickaloon Village Traditional Council (Nay'dini'aa Na' Kayax)

VIA EMAIL

Chief Gary Harrison,
Chairman/Elder

10 February 2023

Philip Ling,
Vice-Chair

Nick Dallman

Cheryl Sherman,
Secretary

ADEC, Div. of Water
Wastewater Discharge Authorization Program

Doug Wade,
Treasurer/Elder

nicholas.dallman@alaska.gov

Emily Ling,
Member

Re: Comments on Small Suction Dredge General Permit AKG375000

Ugheli Dzaen (Good Day) Mr Dallman:

Lisa Wade,
Executive Director

Chickaloon Native Village (CNV) is a federally recognized Tribal Government governed by Chickaloon Village Traditional Council (CVTC), with all the inherent powers of a sovereign Ahtna Dene (Athabaskan) Nation. CNV is located in the Matanuska River watershed of upper Cook Inlet in south-central Alaska, where CNV's Tribal citizens have thrived for thousands of years. The region's fish and wildlife are critical to human health and welfare, including cultural and spiritual health. Actions that occur within our traditional ancestral territory and customary area of use impact our environment, our cultural resources, and the health of our Tribal citizens and community members.

Serena Martino,
Executive Assistant

Suction dredge mining occurs on creeks and rivers within our traditional territory, including on anadromous waters. The General Permit AKG375000 applies to in-stream suction dredge mining with equipment nozzles less than 6-inch, and also to "highbankers". The permit requires that there be no discharge within 500-feet of spawning fish or redds of any fish. It also requires operators to move mercury, lead, or other pollutants encountered during operations to a storage area, that all equipment be free of invasive species (draft permit section 2.1), and that operators stop when they observe cultural resources (draft permit section 1.15). The property should be cleared of any cultural resources by trained archaeologists with Tribal representatives in the field BEFORE permits are given since mine operators and personnel are not trained to recognize archaeological resources.

The draft permit would rely on self-monitoring and self-reporting for enforcement. The General Permit allows the dredge operator to obtain a Fish Habitat Permit from ADF&G, or to apply through DNR's APMA process and provide information on the ADF&G person they contacted, without actually needing a Fish Habitat Permit, or to go forward with neither an APMA nor a Fish Habitat Permit as long as an ADF&G contact and the information ADF&G gave them is provided (draft permit section 1.5).

Comments on General Permit

The draft permit assumes that operators will know when they are looking at cultural resources. Are they familiar with culturally modified trees, cache pits, and what the ground surface looks like where a traditional house has been? Are operators familiar with the old trails made by people moving between areas for thousands of years, and the types of sites where people would likely

have set up camps, including winter homes? Where there is water, there likely have been people who stewarded the area. The act of reaching gold dredging sites, as well as the act of dredging, may damage cultural artifacts.

The draft permit states that mining equipment must be free of invasive species, but provides no method of determining the types of invasive species (land plants, aquatic organisms, etc.) that they may encounter nor appropriate methods to clean equipment.

The draft permit states that monitoring would consist of collecting effluent samples. This assumes an operator would be familiar enough with the potential contaminants that could be released (based presumably on the geology and past use of the stream), proper method of collection and timing to provide samples to a laboratory (if needed, depending on contaminant), and the legal limits for contaminants. The mandate to move contaminated water into settling areas is a good one, but ineffective if operators don't know that water is contaminated. Section 2.1.5 states "Information on how to safely handle, store, and dispose of mercury or other pollutants can be obtained by contacting DEC at the address in Appendix A, Part 1.1.1". The website provided in Part 1.1.1 (<https://dec.alaska.gov/water/wwdp>) is a broken link. The draft permit provides a foundation for regulators to fine or stop a small suction dredge operation, but does not appear to provide much guidance to operators on how to stay in compliance.

The proposed monitoring mechanism is subjective, and puts streams at potential risk while at the same time putting dredge operators at risk of being out of compliance.

Recommendations

We make the following suggestions.

Provide information with registration

When an operator registers their operation, DEC should contact the local Tribe to determine whether cultural artifacts are known to be, or very likely to be, in the area the operator proposes to use. The Tribe should advise DEC on whether there are areas that should be avoided entirely, or areas that they would like to walk for cultural information prior to the operation. DEC should honor Tribal guidance and inform the operator of areas to be avoided and whether operations need to be delayed until surveys are complete.

When an operator registers their site, DEC should provide them with relevant information on likely contaminants based on past history of the area and geology, along with guidance on sampling and likely invasive species based on the area and route that will be taken, along with guidance on cleaning equipment. This could be through geographically-relevant brochures.

Settling ponds

Suction dredge water could be run through one or more settling ponds before re-entering the stream to reduce or eliminate turbidity and settle particles that could contain contaminants such as lead and mercury. The only turbidity would be what is running naturally in the creek. Pond water would be drained, with solids settled, when they are no longer needed (operation has moved on, or season has ended). Samples of solids could be sent to a lab to determine whether they contained contaminants.

Public notice

DEC should have a process for public notification, either online or through targeted mailings to the local community, so the public knows when a suction dredge operation is expected to be active on specific water bodies. All waters in the state of Alaska are a public good, for multiple public use. It appears that operators may submit an APMA (Application for Permits to Mine in Alaska) as sufficient. Will this show the discharge location(s)? Will it show the expected discharge relative to stream flow discharge? It appears that a Fish Habitat Permit may not be required, if an ADF&G contact is provided, but it is not clear whether that would only be allowed in areas that are not used by fish, in areas not used by anadromous fish, or how the public would know any of this information.

Closing

In general, we do not object to small-scale suction dredging that is conducted in a manner that honors and respects cultural and historical artifacts and locations, the water, and the life within the water. We offer these suggestions as a way for operators to maintain a good relationship with the water they work in and with state water quality regulations.

CVTC appreciates the opportunity to comment on this project with ADEC Division of Water, to steward Dene land, particularly in these culturally sensitive areas. We look forward to working with you, if you have any questions please contact Angela Wade, Tribal Historic Preservation Officer at alwade@chickaloon-nsn.gov or Norma Johnson, Deputy Tribal Historic Preservation Officer at nmjohanson@chickaloon-nsn.gov and THPO@Chickaloon-nsn.gov.

May Nek'eltaeni (Creator) Guide our Footsteps,



[Chief Gary Harrison \(Mar 26, 2023 14:15 AKDT\)](#)

Traditional Chief Gary Harrison, Chairman
Chickaloon Village Traditional Council

2023.02.10 Suction dredge letter to DEC.DRAFT

Final Audit Report

2023-03-26

Created:	2023-03-26
By:	Angie Wade (alwade@chickaloon-nsn.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAYS4AOggIldvcAhXMAyoGP2sMGRvCFjLs

"2023.02.10 Suction dredge letter to DEC.DRAFT" History

-  Document created by Angie Wade (alwade@chickaloon-nsn.gov)
2023-03-26 - 7:22:23 PM GMT- IP address: 72.165.55.98
-  Document emailed to chiefgaryharrison@chickaloon-nsn.gov for signature
2023-03-26 - 7:22:50 PM GMT
-  Email viewed by chiefgaryharrison@chickaloon-nsn.gov
2023-03-26 - 10:11:18 PM GMT- IP address: 216.152.186.162
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2023-03-26 - 10:15:25 PM GMT- IP address: 216.152.186.162
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Signature Date: 2023-03-26 - 10:15:27 PM GMT - Time Source: server- IP address: 216.152.186.162
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2023-03-26 - 10:15:27 PM GMT

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