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**Re: United Tribes of Bristol Bay's Comments on Pebble Limited Partnership's Miscellaneous Land Use Permit Application LAS 32283**

Dear Ms. Valentine:

The United Tribes of Bristol Bay (UTBB) is a tribally chartered consortium representing fifteen tribal governments in the Bristol Bay region of Southwest Alaska. Acting as a political subdivision of its member tribal governments, UTBB exercises delegated government powers to represent and convene government-to-government consultation on behalf of its member Tribes on federal and state issues affecting their way of life. UTBB's mission is to protect the lands and waters that support the traditional way of life of the indigenous people of Bristol Bay.

UTBB provides these comments on the Miscellaneous Land Use Permit application for Pebble Limited Partnership's (PLP) geotechnical survey of its proposed port site near the ancestral village of Amakdedori on Kamishak Bay. These comments concern graves and cultural resources that may be disturbed by the drilling project proposed in this permit application.

PLP must comply with the Alaska Historic Preservation Act (AHPA) because this project occurs on state land (i.e., shore, tidal, and submerged). In relevant parts, the AHPA requires:

Before public construction or public improvement of any nature is undertaken by the state, or by a governmental agency of the state or by a private person under contract with or licensed by the state or governmental agency of the state, the department may survey the affected area to determine if the area contains historic, prehistoric, or archeological values. AS 41.35.70(b).

If the department determines that historic, prehistoric, or archeological sites, locations, or remains will be adversely affected by the public construction or improvement, the proposed public construction or improvement may not be commenced until the department has performed the necessary investigation, recording, and salvage of the site, location, or remains. All investigation, recording, and salvage work shall be performed as expeditiously as possible so that no state construction project will be unduly impaired, impeded, or delayed. AS 41.35.70(c).

Pebble Project Environmental Impact Statement (EIS) scoping comments by residents of Igiugig (USACE 2018a) and Kokhanok (USACE 2018b) indicate the presence of graves around Amakdedori village where PLP is planning to drill up to twelve geotechnical boreholes. Excerpts from the EIS scoping comments regarding graves and cultural resources around Amakdedori include:

I'm also worried about Amakdedori and the road there. The elders tell us that there are old *graves* there where the road would run. And there have been no archeological studies there. And I think that's something very important to look into. (USACE 2018a:12 (emphasis added))

What else concerns me is the Amakdedori port, not just the 4.5 miles of dredging that they will do, in addition is that is a historical landmark. Everyone, not just Kokhanok, use the Amakdedori as a subsistence place. And there was a settlement there. I've talked with elders, and there are *graves* that are there. And it's still used. In the film it says that it was not—they tried to go around subsistence use areas, but it is still used. We take our kids there for culture camps and for harvesting to teach them about our ways of the past. (USACE 2018a:25 (emphasis added))

On the Amakdedori site, it has been a long-used historical site, as aforementioned. And I talked to my uncle not long ago, and he said there could be *grave sites* out there, because people around Lake Iliamna were nomadic people. (USACE 2018a:45 (emphasis added))

And like everyone said about Amakdedori being a culture place, I used to go to Amakdedori as a child. My dad's cabin is still in Amakdedori. He's got a little, tiny

cabin with a stream right next to that creek. And we would go over there early in May right after school was out because we would set the net out because salmon came over there first before they came on this side. So Betsy and I used to go over as kids and spend a lot of time with my dad on that side. And there are *grave sites* over there. (USACE 2018a:48-49 (emphasis added))

And the traditional subsistence use area of Amakdedori on Cook Inlet side, this will be torn up and no longer be able to support the fish habitat that depend on Amakdedori Creek with the tailings storage not just 500 feet from the creek. Chenik, not five miles away that is used for clam gathering, will probably not survive, either. (USACE 2018b:17-18)

I like to say about Amakdedori where *graves* are, because when we were camping over there, I sleep on top of a *grave*. We didn't know. I used to sleep, I have a funny dream every night. And I told the teacher, every time we do it, I have some funny dreams. And he told me maybe I sleep on top of a *grave*. So the second time he moved me to a tent with the other people. Then I'm okay. I'm not from Amakdedori, but the first time I trip over there, and my dad used to tell me there is *graves* over there. And we don't know. It's flat, other side of—there is the ocean right there. There is a flat one, and right there just nice and flat. They had a *grave* there. Maybe other side, too. They said a long time ago they used to stay. People are there. You know, they—they come from, like, Kwethluk and from up north, you know. Our people used to come from up there, and when starvation come, they go, scattered all over, our people. And some of them go to Kodiak, and some of them go over to Amakdedori with the canoe. (USACE 2018b:46 (emphasis added))

UTBB has additional concerns about the project directly, indirectly, and cumulatively affecting cultural resources. Historical records (Black 2004, Porter 1893), previous archaeological surveys and modeling (Reger 1980, Klein 1999, Stephen R. Braund & Associates [SRB&A] 2013), and Alaska Heritage Resources Survey (AHRS) data (Office of History and Archaeology [OHA] 2018) document the high potential for archaeological sites in the project area.

The ancestral village of Amakdedori (AHRS record ILI-00044) is adjacent the project area and three more ancestral villages, Chenik (ILI-00007), Kamishak (ILI-00045), and Ashivak (AFG-00037), are on the southern coast of Kamishak Bay and must be assessed together as composing a district. Reger (1980:21) documented the remains of five ancestral sod houses and five other cultural features at Amakdedori. Archaeological remains of historic sea otter hunting camps may also be present on the beaches of Kamishak Bay according to the following historic account:

Along the shores of Kamishak bay, between St. Augustine island on the north and Cape Douglas on the south, numerous camps of sea-otter hunters can be found every season from early spring until late in the autumn. . . . But though the native hunter gladly turns his face homeward on the approach of the dismal [winter] season, a few white men can be found to brave it. Small camps of otter hunters exist on the low, barren island near the southern shore. (Porter 1893:72).

Geographical Information System (GIS) modeling (SRB&A 2013) of Kamishak Bay and adjacent coastlines for the presence of archaeological sites agrees with historical accounts and archaeological surveys that the project area has high potential for archaeological sites. This is because the sand and gravel beaches are favorable for landing skin boats and there is a concentration of subsistence resources in this area. (SRB&A 2013).

The drilling of twelve geotechnical boreholes and installation of twenty-foot by twenty-foot drilling deck for each drill location will cause ground disturbance that will adversely affect archaeological resources if present in the project area. Each drilling deck “would require the cutting of vegetation >1ft, and excavation of small areas under the deck to secure the structure.” (LAS 32283 PLP Permit Application) (Photos A-2, A-3).

UTBB requests that the state add the following conditions to this permit if approved, which will contribute to avoiding and minimizing direct, indirect, and cumulative effects:

- (1) PLP and its cultural resources contractor must use Ground Penetrating Radar (GPR) by a professional operator and historic human remains detection dogs. Using GPR and trained dogs will prevent unnecessary disturbance of graves through standard archaeological shovel testing and ground disturbance of the drilling program. The previous standard of archaeological survey using surface inspection and shovel testing that PLP and its cultural resource contractor have used for surveying geotechnical drill sites is not adequate for identifying graves without adversely impacting the peaceful rest of these ancestors. UTBB does not ask to a new precedent. Trained professionals have used GPR to identify buried human remains on the Alaska Peninsula, (Babcock 2018, Urban et al. 2017), and Archaeologists and trained handlers have used dogs to identify intact and cremated historic human remains in southcentral Alaska. (Boraas et al. 2015:98). The Department of Defense (DOD) (Baxter and Hargrove 2015) has studied and written guidance on the use of dogs in identifying historic human remains.
- (2) PLP, the State, and interested parties must develop an inadvertent human remains discovery protocol to ensure that if graves are disturbed, those interred will be treated respectfully, according to their descendants’ wishes.

- (3) Cultural advisors from Igiugig and Kokhanok must be on site during ground-disturbing activities and permitting-associated research. Having cultural advisors on site will help minimize effects to graves and cultural resources. Cultural advisors will assist work crews in identifying inadvertent discoveries of archaeological sites and reducing impacts to traditional resources (e.g., clams, fish, bears, marine mammals).
- (4) Project field crews and management must participate in human remains and cultural resource awareness training prior to fieldwork, so crews are prepared for dealing with human remains and cultural resources. There are likely graves in or near the project area. In addition, in 1998, artifacts were eroding onto the Kamishak Bay beaches. (Klein 1999:9). It is likely erosion is continuing to expose artifacts making them tempting to collect. Human remains and cultural awareness training and cultural advisors will ensure field crews and management are aware of, and properly treat, cultural resources during this project.

Should you have any questions, please feel free to contact us. Thank you for your consideration of these comments, and we look forward to hearing from you.

Quyana,



Alannah Hurley, Executive Director  
United Tribes of Bristol Bay

c.c.

Andrew T. Mack, Commissioner  
Department of Natural Resources

Richard VanderHoek, State Archaeologist  
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Matthew N. Newman, Senior Staff Attorney  
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While the below photographs depict diamond core drilling, the drill pad construction is similar to that employed for geotechnical drilling.

**Photograph A-2: Besides the sump pits shown in Photograph A-1, the wooden beams supporting the drill rig are ground disturbing in nature. These beams are set into the surface of the tundra and the sod conserved for reclamation.**



Source: SRB&A 2011: Appendix A, p. A-2.



**Photograph A-3: A worker is assisting in the process of leveling a drill rig. Helicopters are used to move the components of the drill rig and small excavators are used to dig the trenches and footings for the wooden beams that support the frame of the drill rig.**

Source: SRB&A 2011: Appendix A, p. A-3.