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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10
1200 Sixth Avenue
Seattle, WA 98101

SEP 13 2001

Reply To
Attn Of: ECL-115

Fritz Waghiyi, President
Native Village of Savoonga
P.O. Box 120
Savoonga, Alaska 99769

RE: Government-to-Government Consultation for the NE Cape Air Force Facility,
St. Lawrence Island

Dear President Waghiyi:

The Environmental Protection Agency (EPA) would like to thank you for the opportunity for a government-to-government consultation in Anchorage on August 8, 2001. This face-to-face meeting provided a good opportunity for EPA to gain a better understanding of your concerns over the NE Cape site, as well as the other Formally Used Defense (FUD) sites at Savoonga. The purpose of this letter is to reiterate our understanding of the many concerns you raised and to outline the next steps that EPA will be taking concerning the NE Cape site.

Both Tribes raised many concerns about the current work being conducted by the U.S. Army Corps of Engineers (ACOE). These concerns include:

- The site clean up at the NE Cape site needs to occur much more quickly. While there are many studies being done on the NE Cape site, little is being done to actually clean up the site.
- The cancer rates among the native people on the St. Lawrence are quite high. There is concern that these cancer rates are associated with the NE Cape site.
- There is concern that the food supply is contaminated. Of particular concern is that the fish collected from the Suqi River were contaminated with PCBs, and that they might migrate to other areas and be consumed by marine mammals where the PCBs would bioaccumulate. Marine mammals make up a large part of the native people's diet. Also, reindeer graze near NE Cape.
- The two Tribal governments do not have adequate input to the ACOE's planning for the NE Cape site. Sample plans are almost in their final version when they are made available for comments.



- The technical reports produced by the ACOE are difficult for the affected Tribes to understand. Without that understanding, they cannot participate fully in discussions with the ACOE.
- The Restoration Advisory Board (RAB) meetings are quite long and at inconvenient times. As expressed during the RAB meetings, the Tribes do not feel that the ACOE is adequately addressing their concerns. Through the RAB process, the ACOE communicates what is being done currently, or in the very near future, both of which already have established budgets with little flexibility. The Tribes would like to partner with the agencies earlier in the planning and budgeting phases in a cooperative manner.
- Nothing is being done about debris that is underground unless there is a release of hazardous substances, which is difficult to prove.
- There is a FUD site at Gambell which includes a great amount of buried debris. Some of this debris has surfaced due to erosion and is posing a safety problem. There is also concern that new homes are being built on top of the debris and it is not known if this debris contains hazardous substances.
- The Bering Straits Regional Housing Authority built several houses on top of the FUD site at Gambell, and is continuing to build more houses in the same area. During soil excavation for placement of water and sewer lines, a large amount of debris was uncovered, and the Village of Gambell was left with the responsibility of disposal. There is concern that this debris may contain hazardous substances. The Tribal governments would like to see the area investigated before any additional houses are built. Any debris that is uncovered should be removed by the ACOE, at ACOE expense.
- The ACOE has been unable to locate unexploded ordinance deposited by the military in Troutman Lake, at Gambell. The Tribes believe a more thorough investigation of Troutman Lake is necessary.
- The Tribal governments want the ACOE to provide an inventory of military materials that were buried at the NE Cape and Gambell sites.
- The Tribal governments want to understand the big picture regarding cleanup authorities. They specifically would like to know the difference in cleanup authorities and responsibilities among the various agencies involved - the Alaska Department of Environmental Conservation (ADEC), the ACOE and EPA - and how the agencies interact. The Tribal governments also want to know about the tribal policies of each individual agency.

- The Tribal governments would like the federal agencies to consult with the full Board of the Tribal Councils rather than just the Tribal President.

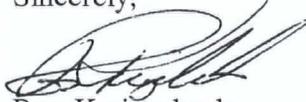
In response to these concerns, EPA has agreed to review the ACOE's work to date to determine whether EPA generally agrees with ACOE's approach. Because of the limits of our authority, our review and evaluation will focus on the adequacy and time line of ACOE's hazardous waste cleanup activities, not debris removal, health evaluations or petroleum contamination. As part of our review, EPA will review ACOE's existing reports and plans for the NE Cape site, and will discuss the ongoing cleanup activities with the ACOE, focusing on the schedule for site cleanup. As a preliminary step, EPA contacted the ACOE and conveyed some concerns raised at the meeting and EPA's plan to review the investigation and cleanup activities at the NE Cape site to date. EPA also informed the ACOE of the Tribal governments' desire to have the NE Cape site placed on the National Priority List (NPL). The ACOE was receptive to EPA's plan for a review of the NE Cape project and was interested in hearing EPA's evaluation. EPA will also coordinate with ADEC, the current agency overseeing the ACOE, to gain their perspective on the ACOE's activities at the NE Cape site. We estimate that this review will take about three months. Once this review is complete, EPA will provide a written evaluation to the Villages of Gambell and Savoonga, and discuss our findings with the Tribal governments.

With regard to your inquiry about listing the NE Cape site on the NPL, EPA has taken the first step to determine whether the site is eligible for the NPL. To do this, EPA has reevaluated the NE Cape site using the Hazard Ranking System (HRS). While the numerical score did indicate that this site could qualify for the NPL, EPA will need to consider additional factors to determine whether placement on the NPL is the best approach for cleaning up the site. For the NE Cape site, it will be necessary to determine if EPA involvement will improve the current activities at the site and promote a quicker cleanup. As was mentioned during the meeting, even if EPA were to list the site on the NPL, EPA could not provide additional funding for site investigation and cleanup. The ACOE must continue to provide the funding for cleanup. The main effect of NPL listing is that EPA, with ADEC, would oversee the ACOE's cleanup work at NE Cape.

Like EPA, the ACOE also has a federal trust responsibility to consult with Tribal governments. EPA understands that the Tribes have had the opportunity to interact with the ACOE through the RAB meetings. During our meeting with you, we agreed that the RAB meetings are not a substitute for Tribal consultation. EPA views consultation as respectful, meaningful, and effective two-way communication that works toward a consensus reflecting the concerns of the affected federally recognized tribe(s) before a decision is made. We encourage you to pursue formal government-to-government consultations with the ACOE.

Again, we appreciated the opportunity to meet with you. Should you have any additional questions or concerns regarding consultation or the site please do not hesitate to call me at (206) 553-1234, or Michelle Pirzadeh, Associate Director of the Office of Environmental Cleanup, at (206) 553-1272. Joanne LaBaw, the staff person assigned to the site, can be reached at (206) 553-2594. Richard Porter, the Tribal Coordinator assigned to coordinate future consultations, can be reached at (907) 271-1270.

Sincerely,



Ron Kreizenbeck

Acting Deputy Regional Administrator

cc: Scott Sufficool, EPA Tribal Office
Marcia Combes, EPA Alaska Operations Office
Richard Porter, EPA Alaska Operations Office
Richard Jackson, U.S. ACOE, Alaska District
Jerald M. Reichlin, Fortier & Mikko