



**Waganakising Odawak**  
Little Traverse Bay Bands of Odawa Indians  
**Frank Ettawageshik, Tribal Chairman**  
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November 13, 2006

Docket Management Facility (USCG-2006-25767-525)  
U.S. Department of Transportation  
Room PL-401  
400 Seventh Street, SW  
Washington, D.C. 20590-0001

RE: Public comments for rulemaking Docket #CGD09-06-123

To Whom It May Concern:

The Little Traverse Bay Bands of Odawa Indians ("LTBB" or "Tribe") is a Federally recognized Indian Tribe reaffirmed by the United States Congress on September 21, 1994 in Public Law 103-324, as amended, which exercises sovereign governmental authority over the people, land, and water within its jurisdiction and administers a wide range of governmental programs. Please consider this the Little Traverse Bay Bands of Odawa Indians formal comments in regard to the proposed rulemaking, docket number referenced above: "Safety Zones; U.S. Coast Guard Water Training Areas, Great Lakes."

The Little Traverse Bay Bands of Odawa Indians (LTBB) is pleased to provide government-to-government comments to the United States Coast Guard (USCG) in regard to NPRM to establish permanent safety zones for the purpose of the USCG live gunnery exercises. LTBB currently enjoys a good working relationship with the USCG. However, LTBB has some concerns in regards to the USCG's proposed safety zones and associated live fire exercises.

As a tribal government, we have the responsibility to address concerns about issues that could impact our Tribal Citizens. While the USCG asserts that the risks associated with these activities are low to negligible, we do not accept these assertions for several reasons. Primarily, there is no baseline assessment for heavy metal contamination. No study has addressed the fact that many areas in our Great Lakes are already contaminated, specifically with heavy metals, and that at least one of the proposed zones are located very near a currently established EPA Area of Concern (St. Mary's River). The USCG has not prepared Environmental Assessments or Environmental Impact Statements for the proposed zones. The National Environmental Policy Act (NEPA) requires environmental impact reviews for major Federal actions significantly affecting the quality of the human environment. The proposed live-fire zones/exercises and the discharges of metal waste into the waters of the Great Lakes would significantly affect the quality of the human environment, and the USCG should not be exempt from complying with NEPA. Additionally, while the USCG has stated a desired level of activity, there is no stated limit to the amount of bullets that may be

discharged, or any reference to the environmental effects of other ammunition components such as casings, which is a matter of concern.

Furthermore, the risk assessments for human health impacts were based on average diets of recreational fisherman. No part of the study referred to the diets of subsistence fishermen, which may have significantly higher intakes of fish than recreational fishermen. Therefore, some Tribal Citizens would have a much higher health risk than was cited in the human risk assessment portion of the environmental study.

Another issue with this plan is that human and ecological risks were only assessed for a 5 year period, while the proposed activities would put contaminants in our waters that would be present for much longer than 5 years. However, the longer term implications of heavy metal contamination in the Great Lakes were not addressed. Although "realistic worst-case" assumptions were cited, site specific factors influencing environmental risk were not directly considered. For example, safety zones on Lake Erie would have different environmental conditions, such as water depth, temperature, pH, etc., than safety zones on Lake Superior.

According to the available data, the ecological criteria (Screening Quotient=0.96) for Lead in Surface Water Invertebrates and Fish nearly surpassed the threshold value of 1.00, which indicates an ecological risk. Also, the taxa of freshwater invertebrates and fish that were included in the risk determination were not clear in the public presentation/report. Without knowledge of the specific taxa included in the study, it is a concern that some environmentally-sensitive taxa, which are critical links in the aquatic food chain, may be significantly affected while other more-tolerant taxa may be influenced to a lesser extent.

Finally, the two hour notice given to boaters over marine radio is insufficient. If these activities are to take place, proper notice should be given to Tribal governments in advance. Other potential ways to inform boaters include placing a notice the local/regional newspaper and public service television and radio ads.

Based on the available data, it is impossible for the USCG to state that the human or ecological risks associated with these activities are negligible. The Little Traverse Bay Bands of Odawa Indians are opposed to proceeding with these activities until the aforementioned concerns are addressed.

If you should have any questions or responses regarding this correspondence, please contact me at 231.242.1402 or Jacqueline Pilette at 231.242.1570.

Sincerely,



Frank Ettawageshik  
LTBB Odawa Tribal Chairman