

APPENDIX A
ENVIRONMENTAL COORDINATION LETTERS
OUZINKIE, ALASKA

FINDING OF NO SIGNIFICANT IMPACT

In accordance with the National Environmental Policy Act of 1969, as amended, the U.S. Army Engineer District, Alaska, has assessed the environmental impacts of the following action:

Expanded Three-Float Plan Ouzinkie Small Boat Harbor, Alaska

Two previous environmental assessments for the harbor project in Ouzinkie were prepared and findings of no significant impact issued in 1993 and 1996. Both concluded that the harbor project in Ouzinkie would not have an adverse environmental impact. The expanded design at the same location will increase the affected area but will not cumulatively affect the surrounding environmental resources. This finding of no significant impact addresses the completion of the project as originally planned with the addition of approximately 8,300 cubic yards (yd³) of rock blasting/dredging. The discovery of rock requiring blasting has prevented completion of the project. The partial 320-foot rubblemound breakwater will be extended to 612 feet. The environmental effects of blasting have been mitigated by timing windows and blasting methods to limit impacts to aquatic organisms. Excess dredged material will be used for cover material in the local landfill. Maintenance dredging in the entrance channel and harbor basin is estimated to be approximately 8,000 yd³ every 10 years. Material dredged during maintenance will be disposed of at the landfill.

The proposed project was evaluated for environmental and engineering feasibility as well as consistency with pertinent environmental laws and regulations. I considered the following points pertinent to my evaluation:

Environmental Considerations. The proposed action was evaluated for its effects on water quality and on several significant resources: benthic invertebrates, birds, fish, and marine mammals. A breach between the toe of the breakwater and the shore is designed to permit circulation and fish passage. Dredging and breakwater construction will be timed to avoid the juvenile salmon migration period of March 15 through May 15. During the construction period between May 16 through September 1, a sediment curtain will be used in the immediate construction area to prevent the discharge of turbid water and sediment into the surrounding area. This provision is recommended by the Alaska Department of Fish and Game to protect salmon present in Ouzinkie Bay. Blasting will only be allowed from October 1 through March 31 to avoid peak fish and wildlife periods. Blasting will ensure that hydrostatic blast overpressures are limited to 2.7 psi/millisecond or less at mid water column depth 150 yards from the blast zone. Wildlife monitoring during blasting periods will be conducted. Updated Endangered Species Act consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service concluded that the project will have no effects to threatened or endangered species.

Consistency with Laws and Regulations. The environmental assessment documents and updated consultations ensure compliance with the National Historic Preservation Act, the Endangered Species Act of 1973, the Clean Water Act of 1977, and other applicable laws and regulations. The project is consistent with the Alaska Coastal Zone Management plan for the area.

The environmental review process has indicated to me that the proposal does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement will not be prepared for the completion of the Expanded Three-Float Plan, Ouzinkie Small Boat Harbor project.



Steven T. Perrenot
Colonel, Corps of Engineers
District Engineer

5 FEB 01

Date

STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION

TONY KNOWLES, GOVERNOR

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April 28, 2000

Ms. Lizette Boyer
U.S. Corps of Engineers, Alaska District
P.O. Box 898
Anchorage, Alaska 99506-0898

Dear Ms. Boyer:

SUBJECT: OUZINKIE SMALL BOAT HARBOR, MOD.
STATE I.D. NO. AK 0003-05AA
FINAL CONSISTENCY FINDING

The Division of Governmental Coordination (DGC) is coordinating the State's review of your proposed project for consistency with the Alaska Coastal Management Program (ACMP) and has developed this proposed consistency finding based on reviewers' comments. Because all parties with elevation and petition rights concurred with this project per the ACMP, I did not issue a proposed consistency finding.

Scope of Project Reviewed

The modification subject to this review is conducting rock blasting within the harbor basin to achieve the previously approved project depth. The location is T. 26S, R. 20W, Section 15, SM. Blasting specifications were revised on April 25, 2000. This final consistency determination reflects the revised specifications that include the changes requested by the Alaska Department of Fish and Game in its letter of April 3, 2000.

This final consistency finding, developed under 6 AAC 50, applies to the federal consistency determination required for the activity per 15 CFR 930 Subpart C.

The Alaska Departments of Environmental Conservation, Fish and Game, and Natural Resources and the Kodiak Island Borough coastal district have reviewed your activity, as revised on April 25, 2000. Based on that review, the State concurs with your determination that this proposed project is consistent with the ACMP to the maximum extent practicable.

April 28, 2000

Advisories.

Please be advised that although the State agrees the project is consistent with the ACMP, based on your project description and any alternative measures contained herein, you are still required to meet all applicable State and federal laws and regulations. Your consistency finding may include reference to specific laws and regulations, but this in no way precludes your responsibility to comply with other applicable laws and regulations.

This consistency finding may include reference to specific laws and regulations, but this in no way precludes your responsibility to comply with all other applicable State and federal laws and regulations.

This consistency finding is ONLY for the activity as described. If you propose changes to the approved activity, including its intended use, prior to or during its siting, construction, or operation, you must contact this office immediately to determine if further review and approval of the revised project is necessary. Changes may require amendments to this consistency finding.

If the proposed activities reveal cultural or paleontological resources, please stop any work that would disturb such resources and immediately contact the State Historic Preservation Office (907-269-8720).

This final consistency determination is a final administrative decision for purposes of Alaska Appellate Rules 601-612. Any appeal from this decision to the superior court must be made within 30 days of the date of this determination.

Please contact me at 269-7473 or email maureen_mccrea@gov.state.ak.us if you have any questions.

Sincerely,



Maureen McCrea
Senior Project Review Coordinator

cc: Jack Hewitt, COE Regulatory
Michele Jespersen, DNR/SHPO, Anchorage
Karlee Gaskill, ACMP Liaison, DNR/DOL, Anchorage
Don McKay, DFG/DHR, Anchorage
Tim Rumpfelt, DEC, Anchorage
Linda L. Freed, KIB, Kodiak

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
222 W. 7th Avenue, #43
Anchorage, Alaska 99513-7577

April 20, 1998

Guy McConnell
U.S. Army Corps of Engineers, Alaska
EN-CW-ER (Boyer)
P.O. Box 898
Anchorage, Alaska 99506-0898

Re: Ouzinkie Small Boat Harbor
Ouzinkie, Alaska

ATTN: Lizette Boyer

Dear Mr. McConnell,

Based on recent conversations with the Alaska Department of Fish and Game (ADFG) and your office (COE), National Marine Fisheries Service (NMFS) has learned that blasting may now be required to remove rock substrate from the inner harbor. NMFS feels in-water blasting may harm marine mammal and fish populations near the site. The endangered Steller sea lion is known to transit near shore areas near Ouzinkie harbor. Steller sea lion movements are not specifically known, but may correspond with anadromous fish returns in the Kodiak/Afognak Island area. Therefore, any activity, such as blasting, should be completed after juvenile fish out-migrations and before returning adult salmonids enter the near shore waters of Ouzinkie Harbor.

NMFS recommends the applicant first use higher energy mechanical dredging techniques, such as a hydraulic hammer. Blasting should be used a last resort. If blasting is to occur, NMFS requests the following conditions:

1. The COE and/or their contractor shall visibly survey the area prior to each blast. If a marine mammal is observed within 1/4nm of the site, blasting shall be postponed until the animal(s) have left the area.
2. The COE and/or their contractor shall immediately report any unintentional violation of (1) above, or any observed injury or death of a marine mammal to NMFS at (907) 271-5006.
3. Follow timing stipulations set by ADFG for the protection of fishery resources.

NMFS feels that if the permittee adheres to these conditions, then marine mammal populations will likely not be adversely affected.



We hope this information is helpful in fulfilling your determinations. Please contact Mr. Matthew P. Eagleton at (907) 271-6354 or myself (907) 271-5006 if there are any questions or additional information is needed..

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne L. Hanson". The signature is fluid and cursive, with a large initial "J" and "H".

Jeanne L. Hanson
Acting Field Office Supervisor
Habitat Conservation Division

cc: ADFG, ADEC, ADGC, EPA, USFWS - Anchorage



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services Anchorage
605 West 4th Avenue, Room 62
Anchorage, Alaska 99501-2249

WAES

March 29, 2000

Guy R. McConnell
Chief, Environmental Resources Section
Department of the Army
U.S. Army Engineer District
P.O. Box 898
Anchorage, Alaska 99506-0898

RE: Request for Concurrence in a "Not Likely to Adversely Affect" Determination for the Ouzinkie Small Boat Harbor, Ouzinkie, Alaska

Dear Mr. McConnell:

On March 22, 2000, we received your request for concurrence with your determination that the Ouzinkie Small Boat Harbor project would not likely adversely affect species listed per section 7 of the Endangered Species Act of 1973, as amended (ESA). The species assessed for potential direct and indirect impacts were the Steller's eider (*Polysticta stelleri*) and the short-tailed albatross (*Phoebastria albatrus*).

Based on information contained in your letter the project would provide moorage for 72 vessels and involves the construction of a breakwater and dredging of a moorage basin. In addition, blasting will be necessary to complete dredging of the entrance channel as well as the mooring basin. The current Ouzinkie fleet is comprised of 36 commercial vessels, 10 subsistence vessels, as well as 4 other unidentified vessels which are currently moored at Kodiak. The additional space (i.e., for 22 vessels) is for transient vessel use during the herring and salmon fisheries.

Steller's Eider

In regards to direct impacts, as indicated in your letter, no Steller's eiders have been detected in the project area during surveys conducted this winter. In addition to site specific surveys, you indicated that a wildlife monitor would be present during blasting activities to ensure that listed

species would not be harmed. As for indirect impacts, you indicated that there would be no significant change in vessel use of this area due to the proposed project. That is, based on a review of information contained in your letter the project is designed for vessels which currently use this area as well as providing some space for transient vessels. In addition, you have indicated that the new harbor is not expected to change current fishing practices or alter locations fished.

Based on a review of information contained in our files, although we have general information regarding the presence of Steller's eider around Kodiak Island, we have no records of Steller's eiders at Ouzinkie. Therefore, based on the recent surveys of the project area, the presence of a wildlife monitor during blasting activities, no anticipated significant change in vessel use or areas fished due to harbor construction, and the lack of additional information regarding the specific use of Ouzinkie by Steller's eiders, we concur that this species is unlikely to be adversely affected due to this project.

Critical habitat was proposed for the Steller's eider on March 13, 2000 (65 FR 13262). Proposed critical habitat coincides with the project area. However, based on the approximate 3 acres size of the project (Corps of Engineers 1996; EA Expanded Three-Float Plan Ouzinkie Small Boat Harbor), and the apparent lack of Steller's eiders use of this area (based on this winter's survey), we have determined that the proposed project is not likely to result in destruction or adverse modification of proposed critical habitat. Therefore, conference per section 7 of the ESA is not required.

Short-tailed Albatross

Due to the location of the project, no direct impacts to Short-tailed albatross are anticipated. That is, direct impacts are not expected because the species is not anticipated to use or rely on this near-shore area. As for indirect impacts, you indicated that there would be no significant change in vessel use of the action area due to the proposed project. That is, based on a review of information contained in your letter, the project is designed for vessels which currently use this area as well as providing some space for transient vessels. Moreover, you have indicated that the new harbor is not expected to change current fishing practices or alter locations fished. In addition, it is important to note that fishing practices which may adversely affect this species have already been covered under a formal consultation completed with the National Marine Fisheries Service on March 19, 1999. Therefore, we concur in your determination that the proposed project is not likely to adversely affect the short-tailed albatross.

It is important to note that this letter relates only to endangered species under our jurisdiction. It does not address species under the jurisdiction of the National Marine Fisheries Service, or other legislation or responsibilities under the Fish and Wildlife Coordination Act, Clean Water Act, or National Environmental Policy Act. Therefore, compliance with other environmental regulations may be appropriate. In addition, if information becomes available indicating that Steller's eiders or other listed species may be affected in a manner or extent not previously considered then further consultation would be necessary per section 7 of the ESA.

If you have any questions regarding this letter please contact Arthur Davenport at (907) 271-2781; Fax: (907) 271-2786; e-mail: arthur_davenport@fws.gov.

Sincerely,

A handwritten signature in black ink that reads "Arthur E. Davenport". The signature is written in a cursive style with a large, sweeping initial "A" and a long horizontal stroke at the end.

Arthur E. Davenport
Endangered Species Biologist

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

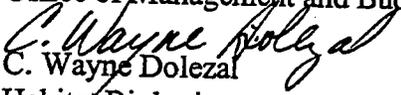
DEPARTMENT OF FISH AND GAME

Habitat and Restoration Division

333 Raspberry Road
Anchorage, AK 99518-1599
PHONE: (907) 267-2285
FAX: (907) 267-2464

MEMORANDUM

TO: Maureen McCrea
Senior Project Review Coordinator
Division of Governmental Coordination
Office of Management and Budget

FROM: 
C. Wayne Dolezal
Habitat Biologist
Region II

DATE: April 3, 2000

SUBJECT: Ouzinkie Small Boat Harbor Modification - Blasting Plan
SID AK0003-05AA

The Alaska Department of Fish and Game has reviewed the blasting plan submitted by the U.S. Army Corps of Engineers (USACE) for work that will be required to complete subject project. The small boat harbor project has been previously reviewed under SID AK 9311-02AA (i.e., conclusive consistency determination issued February 14, 1994) and SID AK9608-14AA (i.e., final consistency finding issued October 30, 1996). The following provides background information, comments related to the blasting plan, and then our coastal consistency recommendations.

Background Information

As part of the original project plans, dredging and inwater blasting were to occur. As such, to protect the locally produced salmon resources, marine mammals, and water birds found in the area, the ADF&G, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service recommended that no open water dredging occur during the periods March 15 through May 15 and July 16 through September 1. We also recommended that no inwater blasting occur during the period April 1 through September 30. During the coastal consistency review in February 1994, we commented on the environmental assessment (EA) for the project and provided standards for inwater blasting at the site. The EA contained in the *Small Boat Harbor, Detailed Project Report and Environmental Assessment Ouzinkie, Alaska* document specifically identified the need to avoid inwater blasting during biologically sensitive periods of the year, and identified the timeframe October 1 through March 31 as the period for dredging and

breakwater construction. This effectively established a no-inwater work and a no-blasting window of April 1 through September 30.

During 1996 the project design was modified to enlarge the moorage area. At that time the EA and Finding of No Significant Impact for the *Expanded Three-Float Plan Ouzinkie Small Boat Harbor* identified the need for an expanded dredging and breakwater installation schedule that would allow for some summer activities. The EA reiterated that the April through September timeframe is the sensitive period in the project area for salmon and other nearshore fish and wildlife resources. The period May 16 through July 15 was identified in the EA as the timeframe during which dredging and breakwater construction could occur. During our review of the modified project, we were informed that blasting would not be needed to complete the work. To accommodate the need for summer work and to increase the possibility that the project could be completed expeditiously, the state's final consistency finding for the expanded project contained a stipulation stating, "Dredge and fill operations may occur during the period May 16 through September 1, **provided** the dredge area and the fill area are surrounded by a sediment curtain which prevents the discharge of turbid water and sediment from the immediate area of the inwater construction activities." Because the project modification did not require the use of explosives, the no-blasting period of April 1 through September 30 from the previous EA continued as a condition for all inwater work at the site.

Blasting Plan Comments

(1) Paragraph 3.4.9 - This section outlines requirements for testing explosive charge size using trial blasts and recording seismographs to check ground vibration. We recommend that the section be expanded or a new paragraph developed to require inwater explosive detonation test monitoring using recording hydrophones or equivalent technology. At a minimum, the monitoring should occur at the locations identified in paragraph 3.4.10.2. The instruments for inwater blast testing should be capable of measuring and recording hydrostatic pressure wave impulse strengths measured as either pounds per square inch per millisecond or bars per millisecond. ✓ 3.4.3

(2) Paragraphs 3.4.10.1 and 3.4.10.2 - These paragraphs describe the use of air bubble curtains to diminish the hydrostatic pressure waves resulting from blasting. It is not clear whether the use of the method will be optional or mandatory. If the air bubble curtain is optional, paragraph 3.4.10.1 should include performance standards, or references to such standards, that must be met if a bubble curtain is not used. We note that the performance standards in 3.4.10.2 are appropriate for the Ouzinkie project for the timeframe October 1 through March 31. Also, if these impulse strengths can be attained through explosives charge sizing, decking, stemming, or detonation delays, then bubble curtains would not be needed. ✓

(3) Paragraph 3.4.11.1 - This paragraph addresses pre-blasting site inspection and removal of live animals before explosive charge detonations can occur. The last sentence states that, "A 45-minute delay will be used to move animals to safety." We recommend that this sentence be deleted. Depending on the animal, hazing or capture may not be permitted or even possible within the timeframe identified. In any case, the blasting must not occur until it is safe, regardless of how long a wait is required to "clear" the area of animals. ✓

(4) Paragraph 3.4.11.2 - This paragraph outlines requirements for monitoring production blasts. Although the term "peak pressure (impulse)" is included, the paragraph should be reworded to specify that "hydrostatic pressure wave impulse strengths" will be recorded. In addition to post-blast observations for birds or mammals in the area, injured or dead fish beyond the zone identified in paragraph 3.4.10.2 should also be observed. If damage to fish resources beyond this zone is observed, the recorded information must be used to recalculate subsequent explosive charges so as to eliminate the damage.

(5) Paragraph 3.4.11.3 - This paragraph identifies the inwater blast-timing window for the project. The paragraph has incorrectly identified the original March 15 through May 15 and July 16 through September 1 no-dredging (without sediment curtain) timing window. To clearly identify when blasting can occur, the paragraph must be replaced with the following:

Either inwater blasting or nearshore blasting capable of creating hydrostatic pressure waves in the water shall not occur during the period April 1 through September 30. At other times of the year the maximum allowable shock wave impulse strengths identified in paragraph 3.4.10.2 shall not be exceeded.

ACMP Comments

Provided the administrative recommendations in (1) through (4), above, and the condition detailed in (5), above, are incorporated in project approvals, the ADF&G finds the project to be consistent with the standards of the Alaska Coastal Management Program (ACMP).

RATIONALE: The above changes to the blasting plan are necessary according to the Habitats Standard (6 AAC 80.130) and the Transportation and Utilities Standard (6 AAC 80.080) of the ACMP, and Industrial Development enforceable policy 5 of the Kodiak Island Borough Coastal Management Program. These changes to the plan provide for adequate protection of the juvenile and adult fish, water bird, and marine mammal resources found in the project area.

No permits from the ADF&G will be required for this project. We appreciate the opportunity to comment. If you have any questions, please contact me at 267-2333.

cc: J. McCullough, ADF&G
L. Schwarz, ADF&G
J. Ferguson, ADF&G
L. Boyer, USACE
M. Eagleton, NMFS
K. Gaskill, DNR/DMLW
K. Swaggart, ADOT&PF

D. Prokopowich, ADF&G
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