Plan of Cooperation

Port of Nome Modification Project

Version 2

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Prepared for:

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ACRONYMS AND ABBREVIATIONS

4MP Marine Mammal Monitoring and Mitigation Plan

BA Biological Assessment

CAP Continuing Authorities Program

ESA Endangered Species Act

IFREA Integrated Feasibility Report and Environmental Assessment

IHA Incidental Harassment Authorization

MMPA Marine Mammal Protection Act NMFS National Marine Fisheries Service

NSB North Slope Borough

 $OCSP^{TM}$ OPEN CELL SHEET PILE TM

POC Plan of Cooperation

USACE U.S. Army Corps of Engineers

1. INTRODUCTION

1.1. Project Description

This Plan of Cooperation (POC) was developed in accordance with Marine Mammal Protection Act (MMPA) requirements for the issuance of an Incidental Harassment Authorization (IHA) for project activities (e.g., pile driving) during Year 1 of the U.S. Army Corps of Engineers (USACE) Port of Nome Modification project (Project). A Biological Assessment (BA) is being prepared in accordance with Section 7(c) of the Endangered Species Act (ESA) regarding the potential effects on federally listed species and marine mammals and their habitats. Additional details of the proposed project, environmental baseline, and potential impacts are described in the project's IHA Application linked below:

Incidental Harassment Authorization Application: https://www.fisheries.noaa.gov/s3/2023-05/USACE-PON-2023IHA-App-OPR1.pdf

1.1.1. Project Location

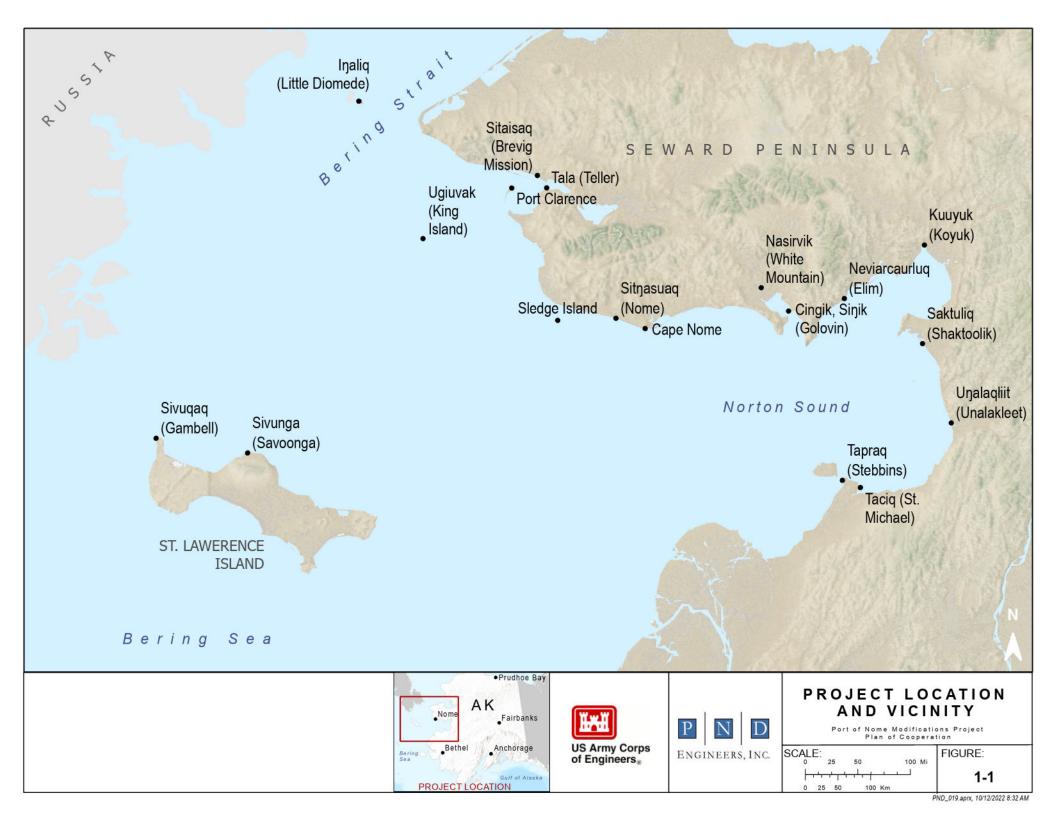
The Port of Nome, located in Sitŋasuaq (Nome) on the Seward Peninsula, Alaska, is a regional hub port situated on the Norton Sound coast of the Bering Sea (Figure 1-1). Nome is approximately 545 miles northwest of Anchorage and is not connected to Alaska's road system or Alaska Marine Highway.

In 2020, the USACE completed a feasibility study for the Project and is now re-engaging with agencies to move forward with Phase 1 of the Project. The City of Nome and USACE are proposing to expand the Port of Nome to provide much needed additional capacity to serve the Arctic as well as to alleviate congestion at the existing port facilities. The existing port facility consists of an outer harbor bounded by a stone causeway on the west, and a stone breakwater on the east, connected to a smaller inner harbor (Figure 1-2).

The proposed Project will extend the existing rubble mound causeway by approximately 3,500 feet in an L-shape as well as provide approximately 2,030 feet of additional sheet pile dock face and fendering for vessel traffic. The new dock will be constructed using an OPEN CELL SHEET PILETM system (OCSPTM) that consists of a bulkhead with flexible walls constructed of steel sheet pile with embedded tailwall diaphragms supported by the substrate, similar in design to the three sheet pile docks located in the existing harbor. The new rubble mound causeway will be constructed similarly to the existing causeway and east breakwaters consisting of large armor stone placed in layers to resist wave and ice loads. Armor stone on the exterior (non-harbor) side of the causeway will have some layers placed below the existing mudline, requiring dredging of the seafloor during construction.

The USACE proposes to implement the construction project in three phases spanning an estimated seven years. This POC covers just Year 1 of Phase 1 but may be revised as the project continues in subsequent years.

Owl Ridge 1 August 2023









EXISTING LAYOUT - PORT OF NOME

Port of Nome Modifications Project Plan of Cooperation

SCALE:

FIGURE:

NA

1-2

1.1.2. Planned Phase 1, Year 1 Activities

Phase 1 is described below. The subsequent Phases 2 and 3 are only conceptual at this time and briefly discussed in the IHA Application.

• **Phase 1**. Construct a 3,500-foot L-shaped extension of the existing west causeway, forming a new basin beyond the existing Outer Harbor. A continuous OCSP dock approximately 2,030 linear feet long would be constructed along the basin side of the causeway extension. Phase 1 would require four construction seasons to complete, starting in 2024.

The USACE estimates that Year 1 activities will occur during the open water season (i.e., May through October) and include mobilization (including construction-vessel transit from Anchorage to Nome), removal of the breakwater spur, development of the quarry for rock and gravel (i.e., fill), dredging of the causeway footprint to accommodate for amor stone installation, pile driving of temporary template piles, and an estimated 35 percent installation of the sheet piles (Table 1-1) for the OCSP dock. The remainder of the sheet pile installation, installation of fender and bollard piles, dock appurtenances and utilities, and removal of temporary template piles will occur in subsequent years of Phase 1.

1.1.3. Affected Species

Marine mammal species that may occur in the project area which are known to be harvested for subsistence during open-water months (May through October) include ringed seal, bearded seal, ribbon seal, and spotted seal (these four species are collectively known as ice seals), Steller sea lion, Pacific walrus, and beluga whale. This POC will be provided to both National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) as a requirement of the IHA because they have joint jurisdiction over marine mammals, thus Pacific walrus are included in the affected species.

1.1.3.1. Beluga Whale

The Eastern Bering Sea stock of beluga whales are harvested by nine Norton Sound communities (Elim, Golovin, Koyuk, Nome/Council, Saint Michael, Shaktoolik, Stebbins, Unalakleet, and White Mountain) (NSB 2022). Of the nine communities, Frost and Suydam (2010) reported the highest annual harvest at Koyuk (n=55) and an annual average of 0.6 belugas harvested by Nome. Hunters have reported to harvest beluga on the west side of Cape Nome, all the way from Cape Nome to Nome, and from Nome west to Sledge Island (Oceana and Kawerak 2014). Beluga subsistence areas between spring and fall are documented between Cape Nome to Cape Darby and around the east coastline of Norton Sound to Stewart Island (Oceana and Kawerak 2014).

1.1.3.2. Ice Seals

Ice seals, including bearded, ringed, spotted, and ribbon seals, are hunted within the Bering Strait region. Georgette et al. (1998) summarizes a subsistence survey of six Norton Sound-Bering Strait communities (Mainland coastal: Brevig Mission, Golovin, Shaktoolik, and Stebbins; Offshore: Savoonga and Gambell) between 1996 and 1997 and reports seals taken for subsistence in all months, with seasonal peaks in spring (May-June) and fall (September-October).

Bearded seals, preferred for their large size and quality of meat, were harvested by all communities, but Gambell had the highest harvest rate of any community. Bearded seals are typically harvested in early summer as they migrate northward.

Spotted seals, valued for their skins, are reported in large numbers during ice-free months (Georgette et al. 1998). Spotted seals occur closer to shore, allowing for easier harvesting than bearded seals or walrus, which occur further from shore and for a shorter window as they migrate north more quickly (Oceana and Kawerak 2014). Ringed seals, the most abundant and accessible, were harvested in all months and taken in higher numbers than other species from the mainland coastal communities.

Ribbon seals were reported to be present in Norton Sound "only occasionally" and are more common in the open areas near Brevig Mission, Gambell, and Savoonga. Ribbon seals are harvested less than other seals because their distribution does not overlap with most hunting areas and their taste is not preferred (Oceana and Kawerak 2014).

1.1.3.3. Steller Sea Lion

During the 1996-1997 survey, no Steller sea lions were reported as hunted, however, hunters in Gambell, Savoonga, and Brevig Mission reported they do hunt for them occasionally (Georgette et al. 1998). Additionally, only 20 Steller sea lions were reported taken between 1992 and 1998 (NMFS 2008, Wolf and Mishler 1998, Wolf and Hutchinson-Scarbrough 1999). Steller sea lions occasionally haul out on Sledge Island (Oceana and Kawerak 2014).

1.1.3.4. Pacific Walrus

Pacific walruses are harvested generally in the spring to early summer during migration north (occasionally fall and winter) by communities of the Bering Strait region with 84 percent of the harvest occurring in Little Diomede, Gambell, Savoonga, Shishmaref, and Wales (Snyder 2005). Communities of Norton Sound including Nome, Unalakleet, Stebbins, as well as King Island, report they hunt walrus (EWC 2022). Snyder (2005) reported seven walruses harvested from King Island and 17 walruses from the Nome Eskimo Community during 2004. Local knowledge indicates that the spring hunting is occurring earlier and for a shorter period then in the past (Oceana and Kawerak 2014). Walruses no longer come close to shore near Nome during migration and hunters have reported traveling 10 to 50 miles offshore to find them (Oceana and Kawerak 2014). Hunters have reported traveling to King Island where walruses are known to haul out (Oceana and Kawerak 2014).

1.2. Potentially Affected Subsistence Users

The Port of Nome is located in Sitŋasuaq¹ (Nome) on the Seward Peninsula, Alaska, on the Norton Sound coast of the Bering Sea (Figure 1-1). Norton Sound communities, including Nasirvik (White Mountain), Cingik or Siŋik (Golovin), Akauchak (Council), Erok (Solomon), Neviarcaurluq (Elim), Kuuyuk (Koyuk), Saktuliq (Shaktoolik), Uŋalaqliit (Unalakleet), Taciq (St. Michael), Mary's Igloo, and Tapraq

¹ Alaska Native place names as listed in the University of Alaska Fairbanks Alaska Native Language Archive (https://www.uaf.edu/anla/collections/map/names/).

(Stebbins). Other communities include Qigiqtaq (Shishmaref), Port Clarence, Tala (Teller), Sitaisaq (Brevig Mission), Ugiuvak (King Island), Kinigin (Wales), and Inaliq (Little Diomede). Sivunga (Savoonga) and Sivuqaq (Gambell) of St. Lawrence Island may also subsistence hunt in and near Norton Sound.

1.3. Potential Impacts to Subsistence Users

Primary effects of the action are anticipated to be increased underwater noise levels during construction, which may affect marine species within range of the project. No negative impacts to water quality are anticipated, and the project is not expected to significantly increase vessel traffic in the area. The project's IHA Application provides additional detail of all anticipated effects and species-by-species analysis of the impacts.

1.3.1. Underwater Noise

Sources of underwater noise for this project include pile driving/removal and fill placement. Anticipated sound source levels and their associated ensonification isopleths are summarized in Section 6 of the IHA Application. Details of source level and regulatory protocols are described in the project's IHA Application.

1.3.2. Access to Subsistence Hunting Areas

Increasing the length and infrastructure of the port could impact hunters' ability to access subsistence areas by increasing the time and fuel needed to exit the harbor. USACE will coordinate with local subsistence groups during construction to avoid or mitigate potential limitations to accessing subsistence hunting areas.

1.3.3. Increased Vessel Activity

Increased vessel traffic at the port during construction may introduce larger obstacles for subsistence vessels to maneuver and may affect marine mammals and their movements. USACE will coordinate with the City of Nome and local subsistence groups during construction to avoid or mitigate potential limitations caused by increases in vessel activity.

1.3.4. Potential Impacts to Subsistence Species

Beluga whales have been traditionally hunted in Norton Sound; however, project impacts are not expected to reach traditional harvest areas. USACE will coordinate with local subsistence groups to avoid or mitigate impacts to beluga whale harvests.

Project activities avoid traditional ice seal harvest windows, so are not expected to negatively impact hunting of bearded seals or ringed seals. Although Pacific walruses have been harvested into June during spring harvests, most project activities will occur outside of traditional harvest windows. USACE will coordinate with local subsistence groups to avoid or mitigate impacts to ice seal and walrus harvests.

Steller sea lions are not frequently harvested in Norton Sound, but USACE will coordinate with local subsistence groups to avoid or mitigate potential impacts to Steller sea lion harvests.

2. SUBSISTENCE COMMUNITY ENGAGEMENT

2.1. Coordination/Engagement to Date

USACE has coordinated with potentially affected Federally-recognized Tribes, communities, and subsistence groups about this project since April 2018, as documented in the Integrated Feasibility Report and Environmental Assessment (IFREA) (USACE 2020) and summarized in Table 2-1. The coordination to date has been conducted prior to development of this POC. Following distribution of the POC (Table A-1, Appendix A. POC Distribution List), details of subsistence meetings will be retained, Table 2-2 will be updated, and information provided as appendices to this POC (excluding information requested to be held in confidence by Federally-recognized Tribes). Details pertaining to subsistence topics discussed as of this version of the POC are identified in Table 2-1 and proposed resolutions to the primary concerns are in Table 2-3. Each time the POC is revised, the Record of Distribution in Table 2-4 will be updated. USACE is continuing to conduct active coordination as this project moves towards construction in May 2024.

Table 2-1. Historical (prior to POC distribution) communication with subsistence communities.

Date	Communication Method	Meeting Attendees	Summary of MMPA Subsistence Topics Discussed ¹
April 24-25, 2018	Meeting: Planning Charette	 USACE (Alaska District, Pacific Ocean Division, Headquarters, and Deep Draft Navigation Planning Center of Expertise) City of Nome (non-Federal sponsor) Native Village of White Mountain Bering Straits Native Corporation Sitnasuak Native Corporation Nome Eskimo Community Kawerak, Inc. Crowley Howlett Engineering PND Engineering, Inc. Alaska Marine Pilot's Association University of Alaska Fairbanks – Alaska Sea Grant U.S. Coast Guard (USCG) U.S. Fish and Wildlife Service (USFWS) National Marine Fisheries Service (NMFS) EPA 	 Spotted seals have been found on Nome beaches. Question raised as to whether USACE will look at potential impacts to subsistence and social justice during study. Concern that larger ships would adversely impact the safety of small subsistence skiffs. Constraints of the project include the need to minimize adverse impacts to local food security and subsistence resource acquisition. The wave climate of the current harbor causes challenges to subsistence activities. Moving the port to Cape Nome or Safety Sound would be bad for many reasons, but especially because they are critical subsistence areas. Concern about potential impact of an oil spill to both subsistence and commercial harvests. Concern about project impacts to social and environmental justice, request that USACE do an EIS and conduct long-term studies of subsistence resources.
October 3, 2018	Meeting: Government to Government	 USACE Nome Eskimo Community Kawerak, Inc.	 Local access to the Snake River and Nome shoreline must be maintained as they are residents' only direct access to subsistence resources. Large vessels anticipated at the finished dock could make it difficult to maneuver small subsistence vessels in and out of the port.

Date	Communication Method	Meeting Attendees	Summary of MMPA Subsistence Topics Discussed ¹
			• The cost of the port modifications could induce the City of Nome to start requiring that small subsistence vessels pay for annual permits.
			• Increased ship traffic and larger vessels using the port may affect marine mammals and their migration movements.
March 27, 2019	Meeting: Government to	 USACE Nome Eskimo Community	• Local access to the Snake River and Nome shoreline must be maintained as they are residents' only direct access to subsistence resources.
	Government	• Kawerak, Inc.	• Large vessels anticipated at the finished dock could make it difficult to maneuver small subsistence vessels in and out of the port.
			• The cost of the port modifications could induce the City of Nome to start requiring that small subsistence vessels pay for annual permits.
			• Increased ship traffic and larger vessels using the port may affect marine mammals and their migration movements.
May 8 to June	Public Comment	N/A	Impacts to Native culture and subsistence resources.
7, 2019	Period of the draft IFREA document		• Increased fuel/time needed to get out of the harbor and reach subsistence use areas.
June 18, 2019	Meeting:	USACE (Alaska District)	Comment sheets from meeting included in Appendix L of USACE 2020.
	Community outreach and	Public attendees of Nome	• Access concerns; request a subsistence boat launching area at the western side of the design.
	public scoping meeting; public comments on the draft IFR EA document (public comment period closed June 7, 2019)		Safety Sound to the east of Nome is critically important to seals (especially pups and subadults).
December 31, 2019 to	Public Comment Period of the	• USACE (Alaska District)	• Impacts to subsistence are not adequately analyzed.
January 30, 2020	Second Draft IFR / Supplemental EA	• Public	 Public outreach and notification were not sufficient. The project must support subsistence vessels.

Date	Communication Method	Meeting Attendees	Summary of MMPA Subsistence Topics Discussed ¹
February 28, 2020	Meeting: Government to Government	USACE (Alaska District) Nome Eskimo Community	 Protection of cultural heritage and for subsistence and cultural resources. Concern for impacts to marine mammal food sources. Could the new harbor cause beluga to change course? Concern that construction activity would increase disruption of normal marine mammal behavior patterns already being impacted by climate change. Concern about vessel strikes. Concern about the seals in the port. Development of the IHA.
February 28, 2020	Staff Level Meeting	 USACE Kawerak, Inc.	 Subsistence user access. Subsistence user use of Inner and Outer Harbor. Request for ANILCA Section 810 study. Request a meeting with subsistence hunters.
July 14, 2020	Meeting (virtual): Continuing Authorities Program (CAP) Charette	 USACE ADEC Alaska DNR Alaska Marine Pilot Alaska SHPO Bering Straits Native Corp. Bering Straits Native Corporation City of Nome Cook Inlet Tug/Barge Cordova Consulting Kawerak Kawerak, Inc. King Island Native Community Native Village of Council NEC NOAA 	 Subsistence fleet launches off Belmont Beach in the Inner Harbor, but also beaches in the Outer Basin during shoulder season. Some subsistence vessels go up the Snake River. Comment received that operational inefficiencies at the Port do not reduce subsistence opportunities because USACE/Port do not regulate subsistence activities. Dredging could have both negative and positive impacts to habitat and subsistence management. Concern that the project could have impacts on subsistence opportunities. Minimize impacts to subsistence vessels beached/moored along Belmont Beach. Minimize adverse impacts to threatened and endangered species, cultural resources, food security and access to natural resources.

Date	Communication Method	Meeting Attendees	Summary of MMPA Subsistence Topics Discussed ¹
		 NOAA/NMFS Nome Eskimo Community Phoenix Marine PND Port Nome Commission Sitnasuak Native Corp. Sitnasuak Native Corporation Solomon Traditional Council UAF Alaska Sea Grant US Coast Guard USFWS 	
May 19, 2021	Meeting	• USACE • Kawerak, Inc.	 Request for Town Hall style meeting in the future. Comment that the Port was a violation of state statute on subsistence because the statute requires a prioritization of subsistence over all other uses and city is prohibiting subsistence activities with their ordinance. Safety of hunters.
May 19, 2021	Government-to- Government Consultation	USACE Nome Eskimo Community	 Tribal priority that traditional customs and activities can continue peacefully and without interruption. Local Subsistence hunters feel that they are an afterthought. Subsistence hunters' access request to not be impacted on the causeway. Concern for vessel loss or damage traveling further around the causeway. Use and access of hunters to harbor must not be impacted. Request for a safe separate access area designated in the harbor just for hunters and/or coordination of vessel activity.
November 12, 2021	Meeting (virtual): CAP 107 National Historic Preservation Act (NHPA)	 USACE City of Nome SHPO Nome Eskimo Community Sitnasuak Native Corporation Kawerak, Inc. 	 Briefly discussed the fact that an analysis of impacts to subsistence use would be included in the Draft Environmental Assessment for the CAP 107 Feasibility Study, which was expected to be released for public review and comment in January 2023. Discussed idea that possible mitigation to resolve potential adverse effects on historic properties could be about modern subsistence use, if we tied it to subsistence activities at the ancient village site on the sandspit.

Date	Communication Method	Meeting Attendees	Summary of MMPA Subsistence Topics Discussed ¹
	Programmatic Agreement (PA)		
December 9, 2021	Meeting (virtual): CAP 107 NHPA PA	 USACE City of Nome SHPO Bering Straits Native Corporation Sitnasuak Native Corporation Kawerak, Inc. King Island Native Community Nome Eskimo Community Solomon Traditional Council Nome Port Commission/UAF Alaska Sea Grant 	 Continued discussion of the idea that possible mitigation to resolve potential adverse effects on historic properties could be a booklet or short documentary video about modern subsistence use of the Port of Nome area that would be tied back to the subsistence at the ancient village site on the sandspit. Concern that full scope of subsistence resources would be included in the possible booklet/documentary.
February 9, 2022	Meeting (virtual): Public meeting https://www.you tube.com/watch? v=jcj4G2HVSH U https://www.you tube.com/watch? v= 2tt0bfJMtw	 USACE Public Nome Eskimo Community Sitnasuak Native Corporation Bering Straits Native Corporation Kawerak, Inc. Nome Port Commission/UAF Alaska Sea Grant USCG Invited ALL Tribes in Bering Straits Region Appendix B. February 9, 2022 Public Meeting attendees list of this POC includes participant list. 	 Community-led subsistence hunters meeting. Access to harbor by subsistence hunters, especially in relation to seals. Subsistence hunter safety. Seasonal subsistence access. How disturbance to marine mammals will be handled during construction. Important that Port will be able to support SAR/spill response. Comment received that it would be better to put federal money towards controlling erosion at subsistence and fish camps, rather than expand the Port. Safety is the utmost concern of subsistence hunters. The Port creates opportunities for subsistence: tom cod, seals, beluga. Kawerak formally requested additional consultation regarding subsistence concerns. Customary and traditional practices of Alaska Natives must be allowed. It has always been the Port's intention that operations don't interfere with subsistence use, and that will continue.

Date	Communication Method	Meeting Attendees	Summary of MMPA Subsistence Topics Discussed ¹
February 23, 2022	Meeting: government-to- government	ASA-CWUSACENome Eskimo CommunitySitnasuak Native Corporation	 Protection of traditional way of life. Greater public engagement with public and local hunter and trappers. Increase discussion on subsistence and traditional customs and sustainability. Tribe offered to host a meeting with hunters (Tribe to send out invitations and choose participants). What is being done to protect surrounding coastlines from potential effects?
July 11, 2022	Meeting government to government	 USACE Nome Eskimo Community	A meeting specifically held to discuss a date for the subsistence meeting requested by NEC. September 27, 2022 was issued as the date.
May 17, 2023	Informal introductory discussion	 USACE Nome Eskimo Community Kawerek Village of Solomon	Meeting with new President and administrative staff. Port of Nome update, subsistence meeting scheduling date.
May 17, 2023	Port of Nome Public Meeting https://www.you tube.com/watch? v=SFm1MyWe9 5k	 USACE Kawerek City of Nome UMN-Duluth Trinity Sails and Repair Bering Straits Native Corp UAA Nome Community Members Nome Port Commission Graphite One Nome Nugget 	 Port design Overview of the Port of Nome Modification Project Three phase programmatic approach Tracking vessel traffic IHA Status, schedule Cost share changing to 90/10 WRDA 2023 Community concerns

¹ Not all meeting minutes are public. Only MMPA subsistence topics are included, although other topics may have been discussed.

Table 2-2. Communication with subsistence communities after POC distribution.

Date	Correspondence Type	Associated Documents	Meeting Attendees	Topics/Content	Summary of MMPA Subsistence-Related Topics Discussed
To be populated following distribution of this POC.					

Table 2-3. Detailed explanation and resolution of MMPA subsistence-related concerns.

Detailed MMPA Subsistence-Related Concern Raised	Resolution of MMPA Subsistence-Related Concern (or explanation of why concern was not resolved)
Concerns over access to subsistence areas including increased time and fuel needed to exit the harbor. Large vessels anticipated at the finished dock could make it difficult to maneuver small subsistence vessels in and out of the port. Suggested including a subsistence boat launching area to allow for westward access.	These specific concerns are outside of the time-period of this IHA (e.g., after dock completion), but the City of Nome and USACE are aware of this concern and will continue to discuss mitigation options during discussions with Tribal Leadership and subsistence groups.
Concern over access to the end of the causeway to use as a look-out point for beluga whales. Concern over access to harbor by subsistence hunters, especially in relation to seals.	The harbor is outside of the project area and given that the Port is owned and operated by the City of Nome, permission from the City is required to access the causeway and harbor. The Port's ability to grant access to the causeway and harbor outside of the construction period is constrained by safety concerns when the Port is active, and construction activities at the Port of Nome are expected to increase the time when safety concerns are present. Therefore, during some periods, it may not be possible to grant causeway and harbor access to subsistence users. However, when construction activities are not causing safety concerns, the Port anticipates being able to grant causeway and harbor access to subsistence users under the same conditions that it would when the Port of Nome Modification Project is not underway. The USACE is aware of these concerns regarding access to subsistence areas and will continue to discuss access options during discussions with Tribal Leadership and subsistence groups.
Impacts to subsistence have not been adequately analyzed	Through this POC process, USACE will continue to coordinate with local subsistence groups and Tribal Leadership. The project's Incidental Harassment Authorization will also address impacts to subsistence through the MMPA process with NMFS.
Increased ship traffic and larger vessels using the port may affect marine mammals and their migration movements.	During construction, protected species observers (PSOs) will be onsite to mitigate impacts from construction activities (e.g., pile driving, dredging, etc.). USACE will coordinate with the City of Nome and local subsistence groups during construction to avoid or mitigate potential impacts from increases in vessel activity.
Port construction workers need to be informed that Alaska Natives have the right to customary and traditional harvest of marine mammals in marine waters, in and around the Port area when subsistence opportunities present themselves.	USACE will be coordinating with Tribal Leadership to develop culturally appropriate information and educational materials for the Port of Nome construction workforce. These materials will include that Alaska Natives have the right to customary and traditional harvest of marine mammals in marine waters in and around the Port area when subsistence opportunities present themselves.
Concern about potential impact of an oil spill to both subsistence and commercial harvests.	USACE's contractor would be required to prepare an Oil Spill Prevention and Control Plan. Reasonable precautions and controls would be used to prevent incidental and

Detailed MMPA Subsistence-Related Concern Raised	Resolution of MMPA Subsistence-Related Concern (or explanation of why concern was not resolved)
	accidental discharge of petroleum products or other hazardous substances. Fuel storage and handling activities for equipment would be sited and conducted so there is no petroleum contamination of the ground, surface runoff, or waterbodies. Equipment would be inspected on a daily basis for leaks. If leaks are found, the equipment would not be used and would be pulled from service until the leak is repaired. During construction, spill response equipment and supplies such as sorbent pads shall be available and used immediately to contain and clean up oil, fuel, hydraulic fluid, antifreeze, or other pollutant spills. Any spill amount would be reported in accordance with Discharge Notification and Reporting Requirements (AS 46.03.755 and 18 AAC 75 Article 3).
Concerns over Snake River access. Local access to the Snake River and Nome shoreline must be maintained as they are the only direct access to subsistence resources for residents. The subsistence fleet launches off Belmont Beach in the Inner Harbor, but also beaches in the Outer Basin during shoulder season and some subsistence vessels go up the Snake River. Concern over access to subsistence areas,	The Snake River and beach landing area is outside of the project area; however, the City of Nome will continue to ensure that subsistence hunters have unfettered beach access to launch subsistence vessels, as desired. The USACE is aware of these concerns regarding access to subsistence areas and will continue to discuss access options during discussions with Tribal Leadership and subsistence groups.
including the western side of the design; request a subsistence boat launching area at the western side of the design.	
Concern about project impacts to social and environmental justice, request that USACE do an EIS and conduct long-term studies of subsistence resources.	The USACE conducted an Integrated Feasibility Report and Final Environmental Assessment (IFR/EA) (USACE 2020). In the IFR/EA the USACE provided analysis on Subsistence Use (Section 8.7.5), and possible long-term consequences for subsistence in its Environmental Justice (Section 8.8.2) and Cumulative Impacts (Section 8.8.3) discussions. Several of the specific subsistence issues (e.g., hunting at the port) are addressed in these sections. The USACE would continue to consult with local Alaska Native communities and Tribal Leaders to avoid and minimize the effects of construction on access to subsistence species, particularly with regards to the timing of construction operations. Excerpt from the IFR/EA specific to long-term effects on subsistence use (p. 235): The impact from long-term effects
	are difficult to quantify due to the lack of subsistence use data; however, those data available indicate that subsistence areas westward of the Port of Nome are not frequently used. Therefore, the impact is not expected to constitute a substantial reduction in the opportunity to continue subsistence uses of renewable resources. Potential indirect effects on access to traditional subsistence locations are largely a land-use issue between the Native community and local government; it is beyond the scope of this study to recommend mitigation for such effects. Although the

Detailed MMPA Subsistence-Related Concern Raised	Resolution of MMPA Subsistence-Related Concern (or explanation of why concern was not resolved)
	proposed project has the potential to impact access to subsistence resources in the Nome area, it is not expected to substantially interfere with harvestable access to subsistence locations or cause a major increase in non-rural resident use of subsistence resources.
Concern that the Port Modification is a violation of state statute on subsistence because the statute requires a prioritization of subsistence over all other uses and the city is prohibiting subsistence activities with their ordinance.	The City does not have an ordinance that prohibits subsistence activities in the Port and Harbor.

Table 2-4. Record of distribution of POC.

Date	Version	Description
October 2022/April 2023	Version 1	Initial version submitted with IHA application; revised in April 2022 per guidance from NMFS.
August 2023	Version 2	Revision following public comment period of the proposed IHA.

2.2. Plans for Future Coordination/Engagement

USACE will continue to schedule meetings with Federally recognized Tribes, the community, and subsistence users to discuss the construction activities, the potential effects on subsistence from construction activities, and proposed mitigation measures for any effects from construction activities. Currently planned meetings are outlined in Table 2-5, which will be updated as more meetings are scheduled. This POC will be updated to provide community feedback and responses. Community-requested mitigation will be incorporated into the project to the extent permitted by USACE authorities and applicable laws.

As the project start date approaches, USACE will provide regular updates to the potentially affected communities and subsistence groups and will consult during the POC process to ensure consistency and application of the preferred communications for project updates.

Table 2-5. Upcoming meetings for future engagement.

Date	Communication Method	Meeting Attendees (applicant and subsistence groups)	Topics/Content
TBD – Postponed following October 2022 storm damage in Nome	Meeting	USACE Nome Eskimo Community	Discuss coordination and planning of a subsistence hunters meeting.
August 2023 – Postponed due to agenda limitations.	Meeting	 USACE Nome Eskimo Community King Island Village of Solomon Native Village of Council 	Subsistence hunters meeting schedule date.

3. MITIGATION FOR SUBSISTENCE USES OF MARINE MAMMALS

In addition to this POC, the proposed Project includes the following measures to mitigate potential impacts on subsistence use of marine mammals.

- USACE will continue to coordinate with local subsistence groups and take action to avoid or mitigate impacts to subsistence harvests throughout the duration of project activities.
- USACE will coordinate with Tribal Leadership to develop culturally appropriate information and educational materials for the Port of Nome construction workforce.
- USACE will station observers as described in the Marine Mammal Monitoring and Mitigation Plan (4MP) accompanying the IHA Application. In-water work will stop if a protected species enters a shutdown zone, as described in the 4MP.
- Noise levels will be minimized during construction using appropriately sized piles. The use of
 vibratory pile driving methods will also reduce sound levels entering the water during
 construction and reduce the impacts to marine mammals, fish, and seabirds. Properly sized
 equipment will be used to drive piles.
- Impacts from vessel interactions with marine mammals will be minimized through appropriate crew training; crews aboard project vessels will follow agency-provided marine mammal viewing guidelines and regulations as practicable (e.g., https://alaskafisheries.noaa.gov/protectedresources/mmv/guide.htm).

4. REFERENCES

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- National Marine Fisheries Service (NMFS). 2008. Recovery Plan for the Steller Sea Lion (*Eumetopias jubatus*). Revision. National Marine Fisheries Service, Silver Spring, MD. 325 pages.
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- Oceana & Kawerak. 2014. Bering Strait Marine Life and Subsistence Use Data Synthesis.
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- U.S. Army Corps of Engineers (USACE). 2020. Integrated Feasibility Report and Final Environmental Assessment, Port of Nome Modification Feasibility Study, Nome, Alaska. Prepared by USACE Alaska District. March 2020.
- Wolfe, R.J., and C. Mishler. 1998. The subsistence harvest of harbor seal and sea lion by Alaska Natives in 1997. Alaska Dep. of Fish and Game, Juneau, AK, Subsistence Div. Tech. Paper No. 246. 70 pp.
- Wolfe, R.J., and L.B. Hutchinson-Scarbrough. 1999. The subsistence harvest of harbor seal and sea lion by Alaska Natives in 1998. Alaska Dept. of Fish and Game, Juneau, AK, Subsistence Div. Tech. Paper No. 250. 72 pp.

APPENDICES

APPENDIX A. POC DISTRIBUTION LIST

The distribution list below includes community organizations near Nome and Norton Sound as well as several entities or groups NMFS recommended be consulted for *all* projects in the Arctic, including some located outside of the project area region (indicated by *italics*). These groups will be provided with a copy of the POC when distributed and USACE will modify the distribution list if any groups request to be removed considering their proximity to and interest in this project. Phone numbers are not presented in the table as a privacy measure. USACE will post the most recent version of the POC to their website: https://www.poa.usace.army.mil/Library/Reports-and-Studies/Port-of-Nome-Modification-Project/ and contacts without an email listed below can access via the link.

Table A-1. POC Distribution List.

Agency/ Affiliation	POC	Physical Address	Email	
Cities, Villages, Nati	Cities, Villages, Native Corporations, and IRA Councils			
Bering Straits Native Corporation	Gail Schubert, President & CEO	Mailing: P.O. Box 1008, Nome, AK 99762; Physical: 110 Front St. Suite 300, Nome, AK 99762	gschubert@beringstraits.com	
Brevig Mission Native Corporation	Lucy Olanna, President	Mailing: P.O. Box 85024, Brevig Mission, AK 99785	Bnnc3382@gmail.com	
Chinik Eskimo Community	Irene Navaro, President	Mailing: P.O. Box 62020, Golovin, AK 99762	Tc.glv@kawerak.org	
City of Nome	Joy Baker, Port Director	102 Division St., Nome, AK 99762	jbaker@nomealaska.org	
City of Point Hope	Daisy Sage, Mayor	Mailing: P.O. Box 169, Point Hope, AK 99766	akphogov@hotmail.com	
Council Native Corporation	Larry Pederson, President	Mailing: P.O. Box 1183, Nome, AK 99762	lwpederson@gmail.com	
Diomede Native Corporation	Samantha Ozenna, General Manager	Mailing: P.O. Box 7040, Diomede, AK 99762	nialik@outlook.com	
Elim Native Corporation	Eric Daniels, President	Mailing: P.O. Box 39010, Elim, AK 99739	elimnativecorp@gci.net	
Golovin Native Corporation	Martin Aukongak, President	Mailing: P.O. Box 62099, Golovin, AK 99762	gnclandplanner@gci.net	
Kawerak, Inc	Melanie Bahnke, President	Physical: 500 Seppala Dr. Nome, AK 99762 Mailing: P.O. Box 948, Nome, AK 99762	mbahnke@kawerak.org	
King Island Native Community	Heather Payenna, Tribal Chief, Janice Knowlton, Tribal Administrator	Mailing: P.O. Box 682, Nome, Ak 99762	Tc.ki@kawerak.org	

Agency/ Affiliation	POC	Physical Address	Email
King Island Native Corporation	Michael Thomas, President	Mailing: P.O. Box 992, Nome, AK 99762	kingisland@gci.net
Koyuk Native Corporation	Morris Nassuk, President	Mailing: P.O. Box 53050, Koyuk, AK 99762	knc1973@outlook.com
Kukulget, Inc	Brian Rookok, President	Mailing: P.O. Box 160, Savoonga, AK 99769	rookakb@yahoo.com
Mary's Igloo Native Corporation	Dora Hughes, President	Mailing P.O. Box 650, Teller, AK 99778	Contact pending
Native Village of Barrow	Fannie Suvlu, Executive Director	6090 Boxer St, Utqiagvik, AK 99723	Fannie.Suvlu@nvb-nsn.gov.
Native Village of Brevig Mission	Gilbert Tocktoo, President	Mailing: P.O. Box 85039, Brevig Mission, AK 99785	Tc.kts@kawerak.org
Native Village of Council	Barbara Gray, Chairman Rhonda West, Tribal Administrator	Mailing: P.O. Box 2050, Nome, AK 99762	Tc.cou@kawerak.org
Native Village of Diomede	Robert Soolook, President	Mailing: P.O. Box 7079, Diomede, AK 99762	Tc.dio@kawerak.org
Native Village of Elim	Robert Keith, President	Mailing: P.O. Box 39070, Elim, AK, 99739	Tc.eli@kawerak.org
Native Village of Gambell	Lucy Apatiki, President Sarah Campbell, Tribal Administrator	Mailing: P.O. Box 90, Gambell, AK 99742	Tc.gam@kawerak.org nvg.sarahc@gmail.com
Native Village of Koyuk	Leo Charles, President	Physical: 200 Birch Street, Koyuk, AK 99753 Mailing: P.O. Box 53030, Koyuk, AK 99753	Tc.kka@kawerak.org
Native Village of Mary's Igloo	Lucy Oquillukm President	Mailing: P.O. Box 546, Teller, AK 99778	Tc.mi@kawerak.org
Native Village of Point Hope	Alzred Oomittuk, Executive Director	916 Ippiq Street, Pt. Hope, AK, 99766	executive.director@tikigaq.org
Native Village of Point Lay/ Point Lay IRA	James Henry, President	Mailing: P.O. Box 59031, Point Lay, AK 99759 Physical: 217 Qigalik Avenue Point Lay, AK 99759	nvpl.ira@gmail.com; ptlay.ira@gmail.com
Native Village of Saint Michael	Robyn Steve, President	Physical: South Old Airport, ST Michael, AK 99659 Mailing: P.O. Box 59050, Saint Michael, AK 99659	Tc.smk@kawerak.org

Agency/ Affiliation	POC	Physical Address	Email
Native Village of Savoonga	Ben Pungowiyi, President	Mailing: P.O. Box 120, Savoonga, AK 99769	Tc.sva@kawerak.org
Native Village of Shaktoolik	Axel Jackson, President	Physical: 100 Main Street, Shaktoolik, AK 99771-0100 Mailing: P.O. Box 100, Shaktoolik, AK 99771-0100	Tc.skk@kawerak.org
Native Village of Shishmaref	Stella Havatone, President	Physical: 72029 Lagoon View, Shishmaref, AK 99772 Mailing: P.O. Box 72110, Shishmaref, AK 99772	Tc.shh@kawerak.org
Native Village of Solomon	Kirsten Timbers, President	Mailing: P.O. Box 2053, Nome, AK 99762	ktimbers@nshcorp.org
Native Village of Teller	Dolly Kosbruk, President	Mailing: P.O. Box 567, Teller, AK 99778	Tc.tla@kawerak.org
Native Village of Unalakleet	Frank Katchatag, President	Physical: 270 Main Street, Unalakleet, AK 99684 Mailing: P.O. Box 270, Unalakleet, AK 99684	president@unkira.org
Native Village of Wales	Anna Oxereok, President	Physical: 500 Airport Way, Wales, AK 99783 Mailing: P.O. Box 549, Wales, AK 99783	Tc.waa@kawerak.org
Native Village of White Mountain	Amos Brown, President	Physical: 101 White Mountain Hill Road, White Mountain, AK 99784 Mailing: P.O. Box 84090, White Mountain, AK 99784	Tc.wmo@kawerak.org
Nome Eskimo Community	Loretta Bullard, President Marie Tozier, Executive Director	Mailing: P.O. Box 1090, Nome, AK 99762; Physical: 200 W. 5 th Ave, Nome, AK 99762	loretta.bullard@necalaska.org marie.tozier@necalaska.org
Shaktoolik Native Corporation	Eugene Asicksik, President	Physical: 1404 Main Street, Shaktoolik, AK 99771	sncgm99771@gmail.com
Shishmaref Native Corporation	Karen Tocktoo, President	Mailing: P.O. Box 72151, Shishmaref, AK 99772	shhnativecorp@gmail.com
Sitnasuak Native Corporation	Charles Fagerstrom, CEO Charles Ellanna, Lands and Resources Administrator	Mailing: P.O. Box 905, Nome, AK 99762; Physical: 214 Front St. 2 nd Floor, Nome, AK 99762	CFagerstrom@snc.org cellanna@snc.org
Sivuqaq, Inc	Jordan James, President	Mailing: P.O. Box 101, Gambell, AK 99742	Sivuqaq2022@gmail.com
Solomon Native Corporation	Elizabeth Johnson, President	Mailing: P.O. Box 243, Nome, AK 99762	solomonnativecorporation@gmail.com

Agency/ Affiliation	POC	Physical Address	Email
St. Mary's Native Corporation	Florence Busch, President	Mailing: P.O. Box 149 Saint Mary's, AK 99658; Physical: 100 Yupik Rd, Saint Mary's, AK 99658	fbusch@stmnc.net
St. Michael's Native Corporation	Norbert Otten, President	Mailing: P.O. Box 59049, Saint Michael, AK 99659	smknativecorp@gmail.com
Stebbins Community Association	Jolene Steve, President	Physical: 731 Uphill Drive, Stebbins, AK 99671 Mailing: P.O. Box 71002, Stebbins, AK 99671	Tc.wbb@kawerak.org
Stebbins Native Corporation	Thomas Kirk, COO	Mailing: P.O. Box 71010, Stebbins, AK 99671	Kirktommy64@gmail.com
Teller Native Corporation	Kacey Okbaok, President	Mailing: P.O. Box 649, Teller, AK 99778	tellernativecorp@gmail.com
Teller Traditional Council	Jenny Lee, President Janelle Menadelook, Tribal Coordinator	Mailing: P.O. Box 629, Teller, AK 99778	Tc.tla@kawerak.org
Unalakleet Native Corporation	Steve Ivanoff, President Mark Johnson, CEO	Mailing: P.O. Box 100, Unalakleet, AK 99684	johnsoncpa@gci.net
Wales Native Corporation	Ellen Richards, President	Mailing: P.O. Box 529, Wales, AK 99783	Tcrisci_wnc@yahoo.com
White Mountain Native Corporation	Roy Ashenfelter, President	Mailing: P.O. Box 84089, White Mountain, AK 99784	Wmnc.mgr@gmail.com
Subsistence-related	Organizations		
Alaska Beluga Whale Committee (ABWC)	Willie Goodwin; Kathy Frost; Secretary, Exec. Committee	Alaska Beluga Whale Committee, P.O. Box 334, Kotzebue, AK 99752	argagiaq@gmail.com; kjfrost@hawaii.rr.com
Alaska Eskimo Whaling Commission (AEWC)	Lesley Hopson, Executive Director	Mailing: P.O. Box 570, Barrow, AK 99723	LHopson@aewc-alaska.com
Alaska Nannut Co- Management Council	Katya Gray, Executive Director	Mailing P.O. Box 2027, Nome, AK 99762; Physical: 400 Bering St., Suite 205, Nome, AK 99762	info@nannut.org

Agency/ Affiliation	POC	Physical Address	Email
Arctic Safety Waterways Committee	Willie Goodwin, Chairman	P.O. Box 92326, Anchorage, AK 99509	argagiaq@gmail.com
Arctic Slope Native Association	Martha Monnin, President & CEO	7000 Uula St. Utqiagvik, AK 99723	martha.monnin@asnaalaska.com
Arctic Slope Regional Corp.	Eric Kenning, Senior Director of Land & Natural Resources	3900 C Street, Suite 801, Anchorage, AK 99503	ekenning@asrc.com
Barrow Whaling Captains Association	Michael Donovon, President	Mailing: P.O. Box 674, Barrow AK 99723	mdonovan@asrc.com
Eskimo Walrus Commission	Vera Metcalf, EWC Director; Sierra Smith, Natural Resources Specialist	P.O. Box 948, Nome, AK 99762	vmetcalf@kawerak.org ssmith@kawerak.org
Ice Seal Committee	John Goodwin; NSB-DWM; Andy Von Duyke; Executive Manager	Alaska Ice Seal Committee, P.O. Box 413, Kotzebue, AK 99752	jgoodwin@otz.net Andrew.vonduyke@north-slope.org
Indigenous People's Council for Marine Mammals (IPCoMM)	Carol Torsen, IPCoMM, Executive Director	800 E Dimond Blvd, Suite 3-615, Anchorage, AK 99515	ctorsenipcomm@alaska.net
Kaktovik Whaling Captains Association	Christopher Gordon, President	Mailing: P.O. Box 74, Kaktovik, AK 99747	chrisgordon99747@gmail.com
Northwest Arctic Borough (NAB)	Siikauraq Martha Whiting, Planning Director	163 Lagoon Street, Kotzebue, AK 99752	mwhiting@nwabor.org
The NSB Department of Wildlife Management	Todd Sformo, John Citta	Mailing: P.O. Box 69, Utqiagvik, AK 99723; Physical: 1274 Agvik Street	Todd.Sformo@north-slope.org john.citta@north-slope.org
The NSB Planning Department	Chastity Olemaun, Planning Director	Mailing: P.O. Box 69, Utqiagvik, AK 99723; Physical: 1274 Agvik Street	Chastity.Olemaun@north-slope.org
Voice of the Arctic Inupiat	Nagruk Harcharek, President	Mailing: P.O. Box 240241, Anchorage, AK 99503; Physical: 914 Ippiq Street, Point Hope, AK 99766	info@inupiatvoice.org

APPENDIX B. FEBRUARY 9, 2022 PUBLIC MEETING ATTENDEES LIST

Participant Name	Affiliation	Participant Name	Affiliation
Clark Milne	Engineer	Greg Brown	Finance & Accounting
Brian Ward		Hunter Merritt	Facilitator
CDR Frank McBride	Maritime Planner	Jan Deick	Planner
MAJ Alex Trousdale	Arctic Planner, JBER	Jathan Garrett	Project Manager
Shane Holtz	Arctic Planner, JBER	Jennifer Gosh	Contracting
Mike Erdman		John Budnik	Public Affairs
Doug Johnson	City Council	Kelly Eldridge	Environmental Resources, Archaeology
Glenn Steckman	City Manager	Kendall Campbell	Tribal Liaison
John Handeland	Mayor	LTC Virginia Brickner	Deputy Commander
Joy Baker	Port Director	Matt Collins	Cost Engineering
Ken Hughes	Planning Commission, Chair	Merlin Peterson	H&H Engineer
Lucas Stotts	Harbormaster	Michael Salyer	Environmental Resources, Chief
Drew McCann	Port Commission	Michael Tencza	Operations, Project Manager
Jerald Brown	City Council	Nathan Epps	H&H, Chief
David Ridge	Mariner Operations	Nathan Machacek	Construction Support
Karl Hulse	Project manager	Ronald Green	Real Estate
Mike Leguineche		Steve Howard	CW Project Management, Chief
Brett Gunderson		Dave Seris	
Luke Parham		LCDR Chris Salerno	Polar Program Manager
Anahma Shannon	Environmental Program Director	Shannon Jenkins	Arctic Policy Advisor
Brandon Ahmasuk	Vice President of Natural Resources	Jay Sterne	President
Jessica Farley	College & Career Navigator	9073****00	
Pamela Cushman	Community Education Director	9073****68	
Sean Milligan	Journalist	9073****69	
LCDR Rob Berkstresser	N&NCJ81	9074****26	
Misty Garrett-Clugston	Arctic Program Analyst	9074****67	
Jeanette Koelsch	Superintendent, BELA	9289****02	
Robin Johnson		Bryant	

Affiliation

Participant Name	Affiliation
Gloria Ann Karmun	President
Shane Smithhisler	Tribal Council
Ken Morton	
Diana Haecker	Editor/Reporter
Carol Gales	
Jim Dory	
John Grimes	
Todd Boesdorf	Booz Allen supporting N&NC/J8
Ukallaysaaq Tom Okleasik	Owner
Jason Aristides	Director
Bryan Hudson	
Doug Kenley	Vice President of Civil Engineering
Lou Feaman	HillVets Fellow
Juliet Shepherd	CEO
Charles Ellanna	Land & Resource Administrator
Charles Fagerstrom	CEO
Barb Amarok	Board of Directors
Brennan Walsh	President
Will Wallgren	Dredging Business Manager
Gay Sheffield	Marine Advisory Agent / Port Commission
Mark Johnson	Professor?
Bruce Sexauer	Civil Works, Chief
Chris Floyd	Environmental Resources, NEPA Planner
Coleman Chalup	Geomatics, Engineer
Cynthia Upah	CW Planning, Chief
Emily Amato	Engineer Intern

Participant Name

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Janice
Melissa
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Rolland
Sekren