
Elim Subsistence Harbor Feasibility Study

Appendix G: Correspondence

Elim, Alaska



April 2020



**U.S. Army Corps
of Engineers**
Alaska District

Appendix G – Correspondence

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Correspondence:

Endangered Species Act, Section 7 & Fish and Wildlife Coordination Act

From: Floyd, Christopher B CIV USARMY CEPOA (US)
To: ["Henszey, Bob"](#)
Cc: [Amal Ajmi](#)
Subject: ESA species list - USACE Elim Subsistence Harbor project
Date: Wednesday, March 20, 2019 12:28:00 PM
Attachments: [SPEI CH and Elim.jpg](#)
[fig Elim project sites.jpg](#)

Hello -

The Corps is studying potential small boat harbor and/or barge landing options for the village of Elim, in eastern Norton Sound.

We don't have design alternatives yet, but have narrowed down the project site alternatives enough to develop a list of ESA-listed species in the area.

It is essentially the same as the list for the "Port of Nome" project:

- Steller's eider.
- Spectacled eider.
- Polar bear.

We will also be evaluating along an Anchorage-Nome-Elim barge route:

- Northern sea otter.
- Short tailed albatross.

MMPA species under USFWS jurisdiction:

- Pacific walrus.

> Please confirm or amend this list <

As you can see from the attached figures, the proposed project areas are just outside of designated critical habitat for spectacled eiders. A presumptive project barge route cuts across a small portion of the CH polygon. My understanding is that the actual concentration area for molting eiders within the designated CH is well to the south of Elim, more to the west of Unalakleet, and that they are seldom seen along the north coast off of Elim.

Thank you,
Chris Floyd
Environmental Resources Section
Alaska District
US Army Corps of Engineers
907-753-2700

From: Floyd, Christopher B CIV USARMY CEPOA (US)
To: [Greg Balogh - NOAA Federal](#)
Subject: ESA preliminary species list - USACE Elim Subsistence Harbor project
Date: Wednesday, March 20, 2019 12:54:00 PM
Attachments: [fig Elim project sites for NMFS.jpg](#)

Hi Greg -

The Corps is studying potential small boat harbor and/or barge landing options for the village of Elim.

Elim is located in northeastern Norton Sound, about 93 miles east of Nome, at roughly N64.62, W162.22.

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It is essentially the same as the list for the "Port of Nome" project:

ESA species:

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Bearded seal (Beringia DPS)

Ringed seal

Fin whale

Humpback whale (Mexico & Western No Pacific DPSs)

No Pacific right whale

Bowhead whale

MMPA species:

Spotted seal

Ribbon seal

Harbor porpoise

Beluga whale

Killer whale

Gray whale

Minke whale

Sei whale

Stejneger's beaked whale

The Corps will be evaluating project impacts at the project construction site, and also along a presumptive project vessel route from Anchorage to Nome to Elim.

We would like input from NOAA Protected Resources on the completeness of these lists, and to begin informal consultation on potential project impacts.

Thank you,
Chris Floyd
Environmental Resources Section
Alaska District
US Army Corps of Engineers
907-753-2700

From: [Greg Balogh - NOAA Federal](#)
To: [Floyd, Christopher B CIV USARMY CEPOA \(US\)](#)
Subject: [Non-DoD Source] Re: ESA preliminary species list - USACE Elim Subsistence Harbor project
Date: Wednesday, March 20, 2019 2:04:09 PM

List looks good, Chris. I assume that when you asked about beginning informal consultation, you meant it in the casual sense of "let's keep talking", in which case, I say "sure thing". If you meant it in the official "ESA S7, our LOC is due in 30 days" sense, we would obviously need more project details first.

On Wed, Mar 20, 2019 at 12:55 PM Floyd, Christopher B CIV USARMY CEPOA (US) <Christopher.B.Floyd@usace.army.mil <<mailto:Christopher.B.Floyd@usace.army.mil>> > wrote:

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Alaska District
US Army Corps of Engineers
907-753-2700

--

Greg Balogh

AKR PRD ANC Field Office Supervisor
NOAA Fisheries
222 W 7th Ave Rm 552, Box 43
Anchorage, AK 99513
907-271-3023 (w)
907-306-1895 (c)

To report a stranded or entangled marine mammal, contact the Stranding Network at 1-877-925-7773 <tel:
(877)%20925-7773>

From: [Amal Ajmi](#)
To: [Floyd, Christopher B CIV USARMY CEPOA \(US\)](#)
Cc: [Ted Swem](#)
Subject: [Non-DoD Source] RE: [EXTERNAL] ESA species list - USACE Elim Subsistence Harbor project
Date: Thursday, March 21, 2019 9:54:01 AM

Good Morning Mr. Floyd. The U.S. Fish and Wildlife Service confirms the list of ESA Species and Critical Habitat.

On October 4, 2017, the Service determined the Pacific walrus (*Odobenus rosmarus divergens*) does not warrant listing as threatened or endangered under the Endangered Species Act (82 FR 46618). Because walrus can occur in the action area; a small possibility exists the project would encounter individuals hauled out on land. Walruses are sensitive to disturbances when hauled out on land and when feeding in important habitat areas. We encourage the Corps to contact the Service's Marine Mammals Management (MMM) Office to develop an appropriate mitigation plan to minimize potential effects on walrus.

Mr. Floyd, with respect, while I am happy to assist you, Ted Swem is the ESA Consultation Branch Chief. All communications should be initiated with him. Please feel free to cc me if you like. Thank you.

Amal Ajmi
Fish & Wildlife Biologist
Planning and Consultation
US Fish & Wildlife Service
101 12th Ave, Room 110
Fairbanks, AK 99701
907-456-0324 (Office)
907-456-0208 (Fax)
amal_ajmi@fws.gov

"You haven't seen a tree until you've seen it's shadow from the sky".

Amelia Earhart

-----Original Message-----

From: Floyd, Christopher B CIV USARMY CEPOA (US)
<Christopher.B.Floyd@usace.army.mil>
Sent: Wednesday, March 20, 2019 12:28 PM
To: Henszey, Bob <bob_henszey@fws.gov>
Cc: Amal Ajmi <amal_ajmi@fws.gov>
Subject: [EXTERNAL] ESA species list - USACE Elim Subsistence Harbor project

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US Army Corps of Engineers
907-753-2700



**DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 6898
JOINT BASE ELMENDORF-RICHARDSON, AK 99506-0898**

November 18, 2019

Ted Swem
Endangered Species Branch Chief
US Fish & Wildlife Service
101 12th Ave, Room 110
Fairbanks, AK 99701

Dear Mr. Swem:

The U.S. Army Corps of Engineers Alaska District (USACE) is preparing an environmental assessment (EA) for the proposed "Elim Tribal Partnership" project, which evaluates several proposed alternatives for constructing a small boat harbor and freight barge access at Elim, Alaska (Figures 1 and 2). The purpose of this letter is to:

- provide an update on construction alternatives that are under consideration;
- present the USACE evaluation of the potential effects of these alternatives on species protected under the Endangered Species Act (ESA);
- and to request concurrence with our determination that the project may affect, but not adversely affect, endangered or threatened species under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS).



Figure 1. Elim location and vicinity.



Figure 2. Proposed project site at Elim.

1. Project Description

The USACE is currently evaluating four proposed construction alternatives (Alternatives 2 through 5; Figures 3-1 through 3-4; Alternative 1 is the mandatory “no action” alternative) to identify the most useful, cost-effective, and least environmentally-damaging project.

The sea floor in the vicinity of Elim is flat and sandy, but ridges of bedrock are believed to lie under the surface. At this stage of project planning, the USACE assumes that all the alternatives will require some amount of mechanical rock-breaking using an excavator with a hydraulic “ripping” attachment, along with more typical mechanical dredging techniques. Alternative 5 could potentially require a limited amount of subsurface blasting to break up bedrock at depth; the extent and location of any such blasting is Not known at this stage of planning and thus cannot be evaluated.

The dredged material is expected to be sand, gravel, and broken rock. There is no history of significant pollutant releases along the Elim shoreline. Wave action continues to redistribute the nearshore sediments; the dredging of sand and rock materials are expected to be free of chemical contamination. The dredged material would most likely be disposed of in Norton Bay to the southeast of Elim.

Because of the anticipated shallow bedrock, the proposed small sheet pile dock included in Alternatives 3, 4, and 5 will most likely be a closed or open-cell design, requiring minimal driving of the sheet pile into the substrate.

Alternative 2 (Figure 3-1). Two rubble mound breakwaters would provide a mooring basin approximately 3.9 acres with a required dredged depth of -8.0 feet Mean Lower Low Water (MLLW) with a maximum pay depth of -10.0 feet MLLW. The west breakwater would be 985 feet long and the east breakwater 457 feet long. The entrance channel and turning basin would also have a required dredged depth of -8.0 feet MLLW with a maximum pay depth of -10.0 feet MLLW. Local service facilities needed would include a single boat launch, uplands with an area of 3.2 acres for parking and turn-around at the boat launch, and a road connecting the uplands to Front St. to the harbor uplands. The road would be approximately 0.15 miles and relatively flat.

Alternative 2 would require a total of roughly 47,000 cubic yards of construction dredging, followed by about 10,000 cubic yards of maintenance dredging at estimated intervals of 10 years.

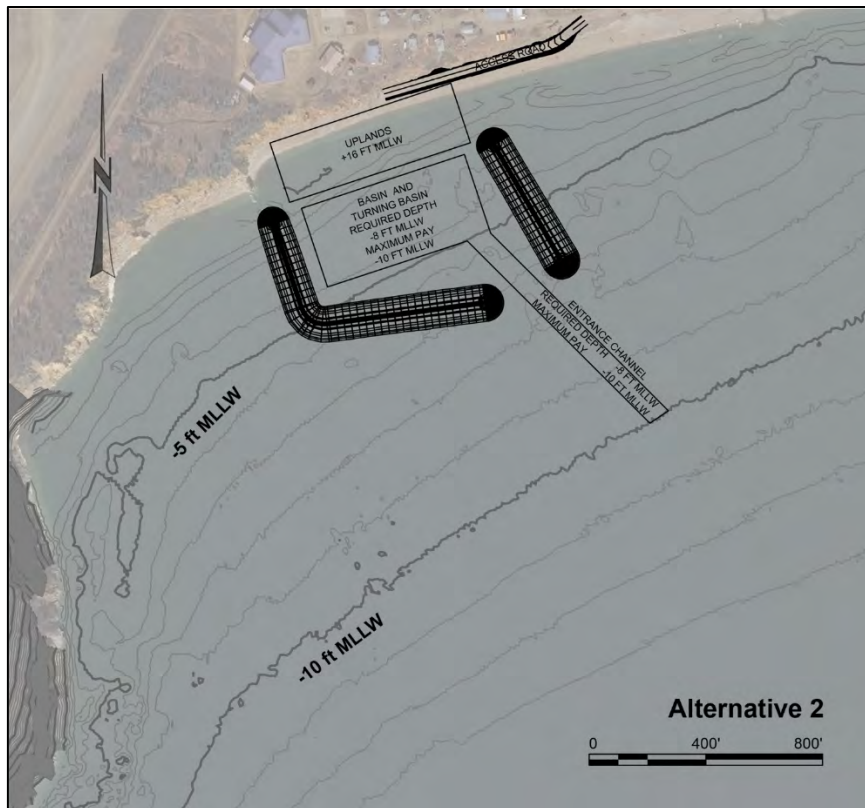


Figure 3-1. Alternative 2 layout.

Alternative 3 (Figure 3-2). Two rubble mound breakwaters would provide a mooring basin approximately 4.6 acres with a required dredged depth of -8.0 feet MLLW with a maximum pay depth of -10.0 feet MLLW. The west breakwater would be 1,068 feet long and the east breakwater 463 feet long. The entrance channel, tender dock access, and turning basin would also have a required dredged depth of -9.0 feet MLLW with a maximum pay depth of -11.0 feet MLLW. Local service facilities required would include a single boat launch, uplands with an area of 3.9 acres for parking and turn-around at the boat launch, a tender dock, and a road connecting the uplands to Front St. to the harbor uplands. The road would be approximately 0.15 miles and relatively flat. Construction of the tender dock would require about 200 linear feet of sheet pile.

Alternative 3 would require a total of roughly 53,000 cubic yards of construction dredging, followed by about 20,000 cubic yards of maintenance dredging at estimated intervals of 15 years.

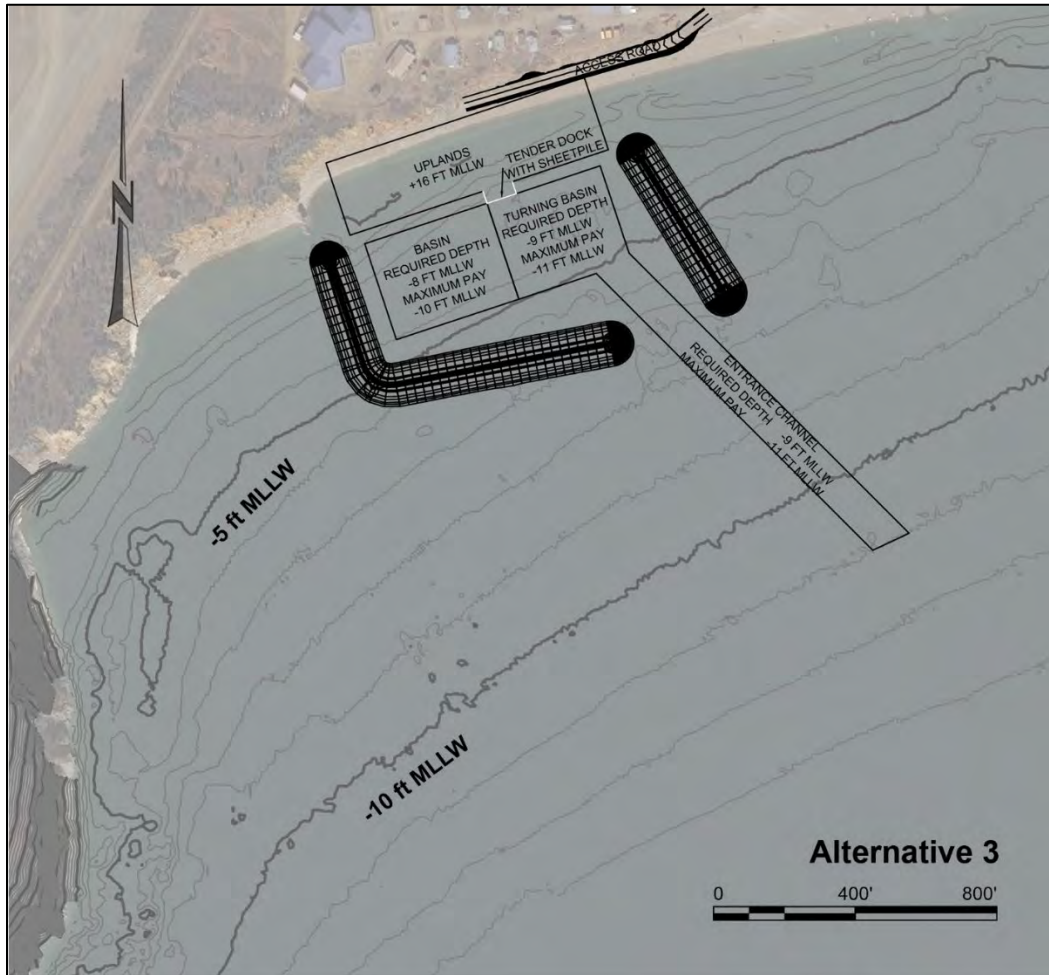


Figure 3-2. Alternative 3 layout.

Alternative 4 (Figure 3-3). Two rubble mound breakwaters would provide a mooring basin approximately 5.1 acres with a required dredged depth of -9.0 feet MLLW with a maximum pay depth of -11.0 feet MLLW. The west breakwater would be 1,099 feet long and the east breakwater 463 feet long. The entrance channel, tender dock access, and turning basin would also have a required dredged depth of -9.0 feet MLLW with a maximum pay depth of -11.0 feet MLLW. Local service facilities required would include a single boat launch, uplands with an area of 3.9 acres for parking and turn-around at the boat launch, a tender dock, and a road connecting the uplands to Front St. to the harbor uplands. The road would be approximately 0.15 miles and relatively flat. Construction of the tender dock would require about 200 linear feet of sheet pile.

Alternative 4 would require a total of roughly 73,000 cubic yards of construction dredging, followed by about 20,000 cubic yards of maintenance dredging at estimated intervals of 15 years.

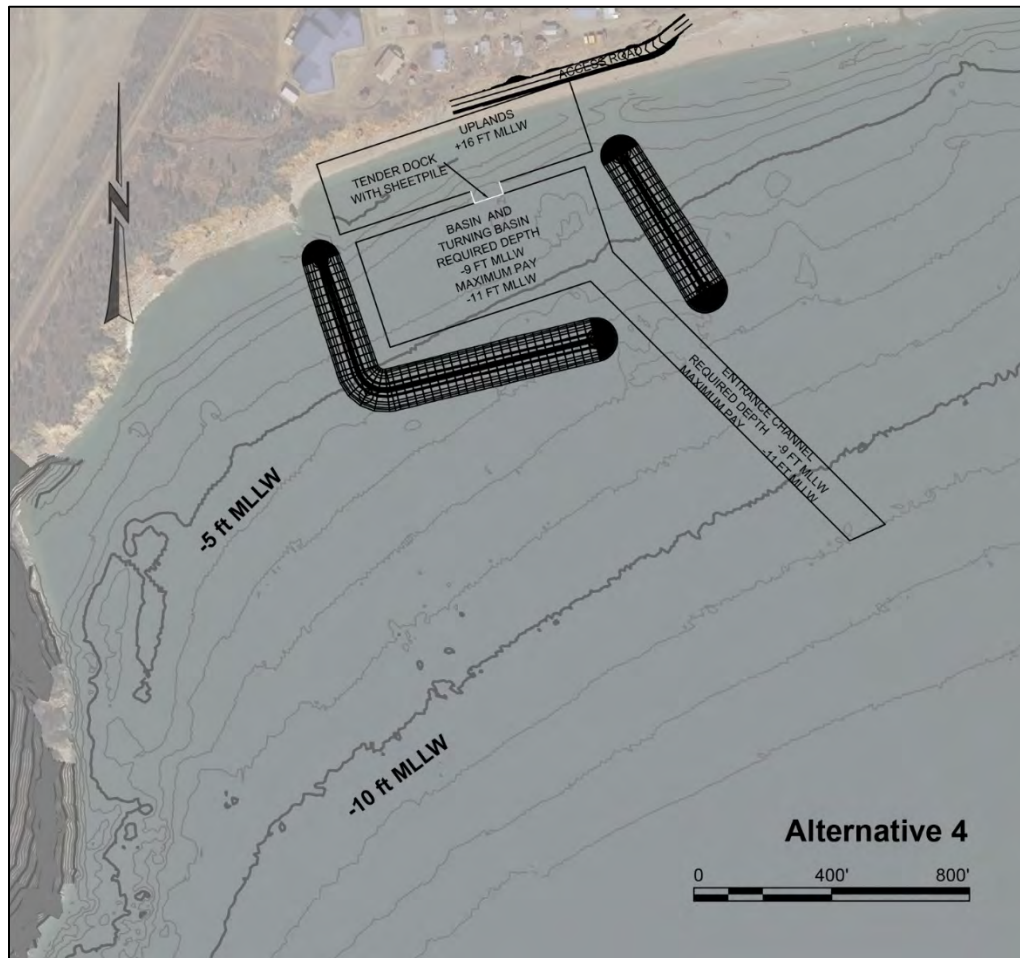


Figure 3-3. Alternative 4 layout.

Alternative 5 (Figure 3-4). Two rubble mound breakwaters would provide a mooring basin approximately 6.2 acres with a required dredged depth of -9.0 feet MLLW with a maximum pay depth of -11.0 feet MLLW. The west breakwater would be 1,082 feet long and the east breakwater 468 feet long. The entrance channel, tender dock access, barge landing access, and turning basin would have a required dredged depth of -12.0 feet MLLW with a maximum pay depth of -14.0 feet MLLW. Local service facilities required would include an extension to the fuel header located on Elim Beach, a single boat launch, uplands with an area of 3.9 acres for parking and turn-around at the boat launch, a tender dock, a barge landing, two mooring points, and a road connecting the uplands to Front St. to the harbor uplands. The road would be approximately 0.15 miles and relatively flat. Construction of the tender dock would require about 200 linear feet of sheet pile, and two moorage points (pilings) would be installed in the uplands adjacent to the barge landing.

Alternative 5 would require a total of roughly 159,000 cubic yards of construction dredging, followed by about 75,000 cubic yards of maintenance dredging at estimated intervals of 20 years.

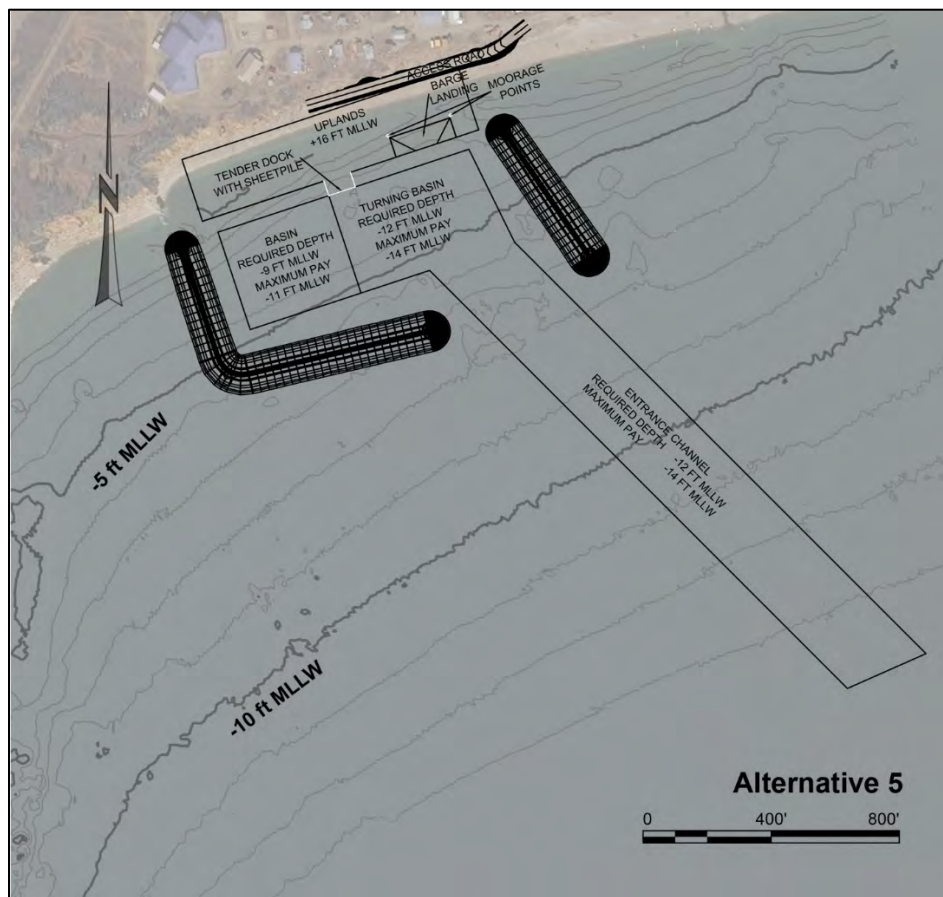


Figure 3-4. Alternative 5 layout.

2. Current Coordination

The USACE provided the USFWS Fairbanks Field Office with a provisional list of ESA species potentially within the project area, in an email dated 20 March 2019. The USFWS concurred with that list in an email dated 21 March 2019.

3. Potentially Affected Species

Based on discussions with the USFWS and queries on the USFWS's Information for Planning and Conservation (IPaC) website, the following species are identified as ESA-listed species under USFWS jurisdiction that may be affected by project activities:

- Polar bear (*Ursus maritimus*) – Threatened.
- Spectacled eider (*Somateria fischeri*) – Threatened.
- Steller's eider (*Polysticta stelleri*) – Threatened.
- Northern sea otter (*Enhydra lutris kenyoni*), Southwest Alaska Distinct Population Segment (DPS) – Threatened.
- Short-tailed albatross (*Phoebastria albatrus*) – Endangered.

The USACE has also evaluated project effects on ESA-listed species along a possible route of project vessels transiting between Anchorage and Elim (Figure 4). The base image of Figure 4 is a screen-shot from MarineTraffic.com showing the transit lines (dark blue) of all 2017 tugboat traffic within that view. The yellow dotted line traces a “most traveled” direct route from Anchorage to Nome to Elim, passing through Cook Inlet, hugging the protected south coast of the Alaska Peninsula, then turning north into the Bering Sea at Unimak Pass.

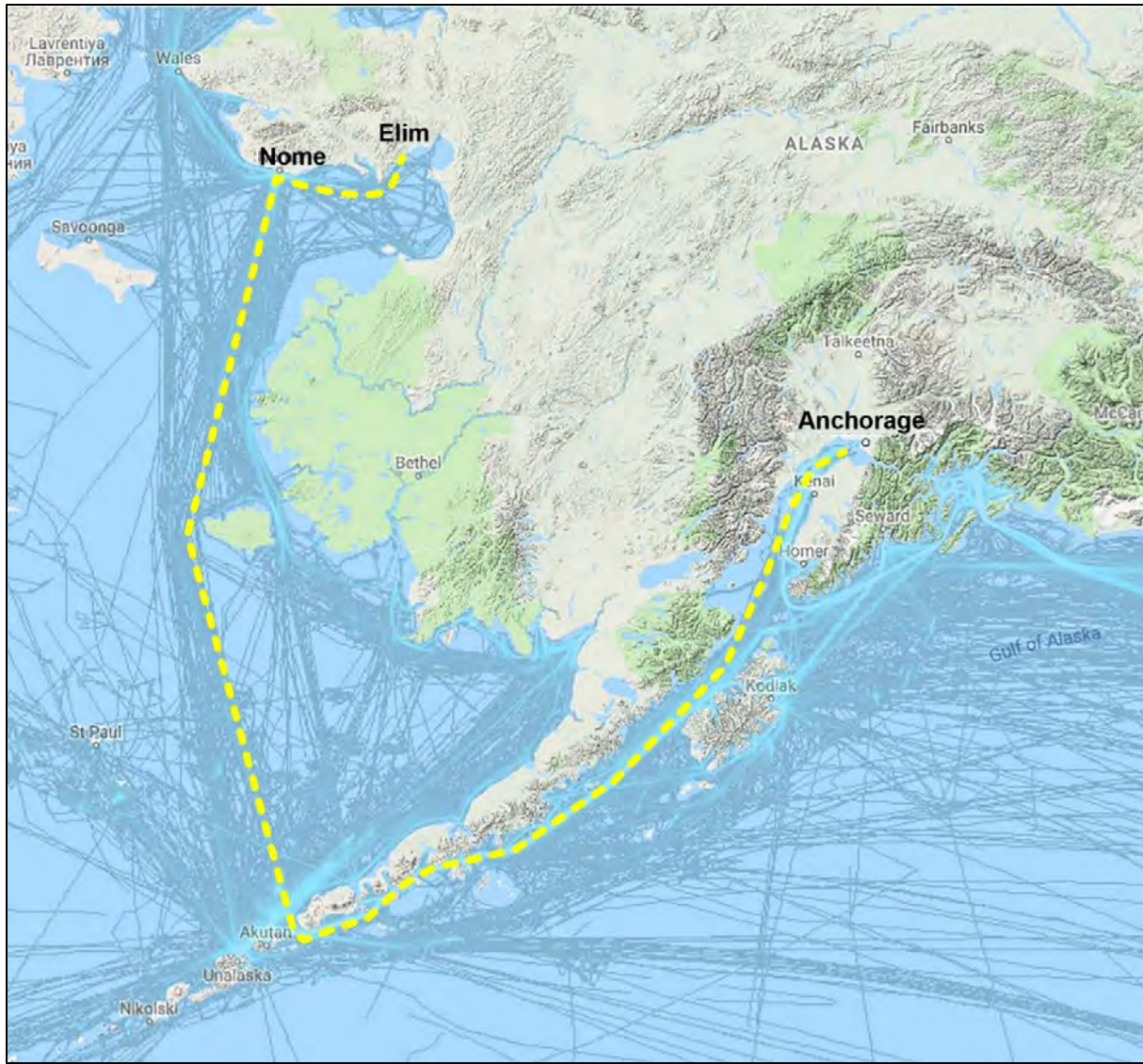


Figure 4. Presumptive route of a barge in support of construction at Elim.

3.1 Polar Bear

The polar bear is a maritime carnivore dependent on arctic sea ice and the associated assemblage of sea mammals. As a result of the observed and anticipated changes to its sea ice habitat in the United States, the polar bear is listed as a threatened species throughout its range (73 FR 28212). Marine Mammal Protection Act (MMPA) protects the polar bear. Polar bears are widely distributed throughout the arctic, with a worldwide population estimated at 20,000 to 25,000. Sea ice provides polar bears with a platform for hunting and feeding, breeding, and denning. The most productive hunting for ice seals, the polar bear's primary prey, is along ice edges and open leads, so polar bears tend to migrate seasonally with the sea ice edge as it advances in the autumn and retreats in spring (USFWS 2015).

The USFWS designated critical habitat for polar bears under the ESA in 2010 (75 FR 76086, USFWS 2010). Critical habitat (CH) is the geographic area that contains habitat features essential for the conservation of a threatened or endangered species and which may require special management considerations or protections. For polar bears, the designated CH includes three habitat units: barrier islands, sea ice, and terrestrial denning habitat. Coastal barrier islands and spits off the Alaska coast provide areas free from human disturbance and are important for denning, resting, and migration along the coast. Polar bears regularly use barrier islands to move along the Alaska coast as they traverse across the open water, ice, and shallow sand bars between the islands (USFWS 2010). Designated barrier island CH includes a 1-mile buffer zone to minimize disturbances to polar bears.

The geographical extent of the sea ice CH unit reaches from the Beaufort Sea to south of St. Lawrence Island in the Bering Sea and includes all of Norton Sound. Polar bears depend on sea ice to hunt and feed on seals, as habitat to seek mates, breed, and sometimes den, and as a vehicle to make long-distance movements. They show a preference for certain sea-ice stages and features, such as stable shore-fast ice, moving ice, and floe ice edges.

Polar bears move throughout the year along with the changing distribution of sea ice and seals, their primary food source. Sea ice disappears from the Bering Sea and Norton Sound in the summer, and polar bears that occupy these areas move as much as 600 miles to stay with the retreating pack ice (USFWS 2010, USFWS 2015).

Most pregnant female polar bears excavate dens in the fall to early winter period and give birth during midwinter. Females and cubs emerge from their dens in March and April, when the cubs are about three months old (USFWS 2015).

The only CH unit appearing at Elim is 'sea ice'. The nearest 'barrier island' CH exists within Golovnin Bay, roughly 30 miles northwest of Elim, and at Moses Point, about 8 miles east of Elim. There is no terrestrial denning habitat identified along the Norton Sound coast.

While polar bears may be present near Elim, population studies suggest that typical polar bear winter foraging and denning ranges do not extend far into Norton Sound and Elim is well east of the margin of those ranges (Figure 5; Smith *et al.*, 2017). The presence of a polar bear at Elim during a given year would, therefore, be very uncommon. The likelihood of a polar bear appearing near Elim would be highest when dense sea ice is present in Norton Sound, roughly November through May, and minimal

when sea ice is absent. Rarely, a polar bear may be stranded on the Norton Sound coast when the sea ice retreats in the spring (ADFG 2012).

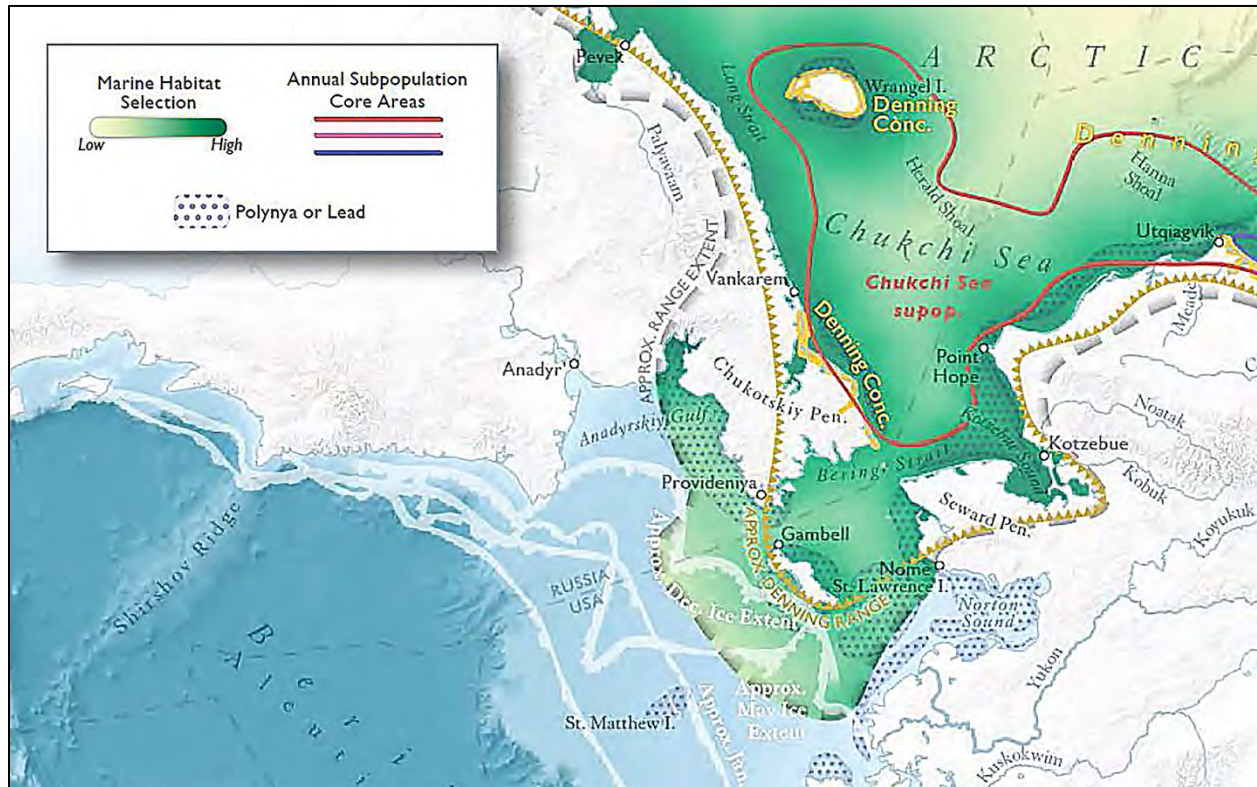


Figure 5. Extent of polar bear winter migration and denning ranges (adapted from Smith et al., 2017).

The vast majority of project construction or study activities would occur when ice is absent from the Elim area, therefore, when a polar bear is least likely to be present near Elim. Geotechnical studies needed before construction might be conducted in late winter from sea ice beyond the existing causeway. Rock quarrying in support of the project could occur in winter at the Cape Nome quarry site. This established quarry is relatively close to the designated barrier island CH fronting Safety Sound, but outside of the 1-mile no-disturbance zone associated with that CH. It is possible that the new rubble mound breakwaters at Elim may have a small, localized effect on the formation of shore-fast ice at Nome, and therefore on the local winter distribution of seals and other polar bear prey species.

3.2 Spectacled Eider

Spectacled eiders are large sea ducks that spend most of their life cycle in the arctic environment. They were listed as a threatened species throughout their range in 1993 based on indications of steep declines in the Alaska-breeding populations.

From November through March or April, spectacled eiders remain in open sea, polynyas, or open leads in the sea ice of the northern Bering Sea; the availability of sea ice as a resting platform is believed to be important for energy conservation. As open water becomes available in spring, breeding pairs move to nesting areas on wet coastal tundra along the Arctic Ocean coast, or along the Bering Sea coast of the Yukon-Kuskokwim Delta (Figure 6). Males return to the marine environment after incubation begins. Females move to molting areas in July if unsuccessful at nesting, or in August through September if successful. Spectacled eiders molt in several discrete areas of shallow coastal water during late summer and fall. Spectacled eiders generally depart all molting sites in late October to early November, migrating offshore in the Chukchi and Bering Seas to a single wintering area in openings in the pack ice of the central Bering Sea south/southwest of St. Lawrence Island (Figure 6).



Figure 6. Spectacled eider use areas and migration patterns (USFWS 2015).

Critical habitat designated for spectacled eiders consists of wintering habitat in the Bering Sea south of St. Lawrence Island, nesting habitat along the coast of the Yukon-Kuskokwim Delta, and molting areas in eastern Norton Sound, and Ledyard Bay on the Chukchi Sea coast (Figure 7). The closest CH unit to Elim is the Eastern Norton Sound Unit (also known as "Unit 3"), an autumn molting concentration area (Figures 7 and 8).

The northern boundary of this CH unit is defined by a line between the mouth of Quiktalik Creek and Point Dexter (Figures 2 and 8), and the western boundary is a line extending south from Cape Darby. Elim lies outside of this CH unit, but project vessels traveling to and from Elim would cross through a portion of the CH unit (Figure 8). However, a recent study (Sexon et al., 2016) of spectacled eider distribution within this CH unit suggests that the birds concentrate in areas roughly 20 miles or more to the south of Elim and away from likely project vessel transit routes (Figure 9).

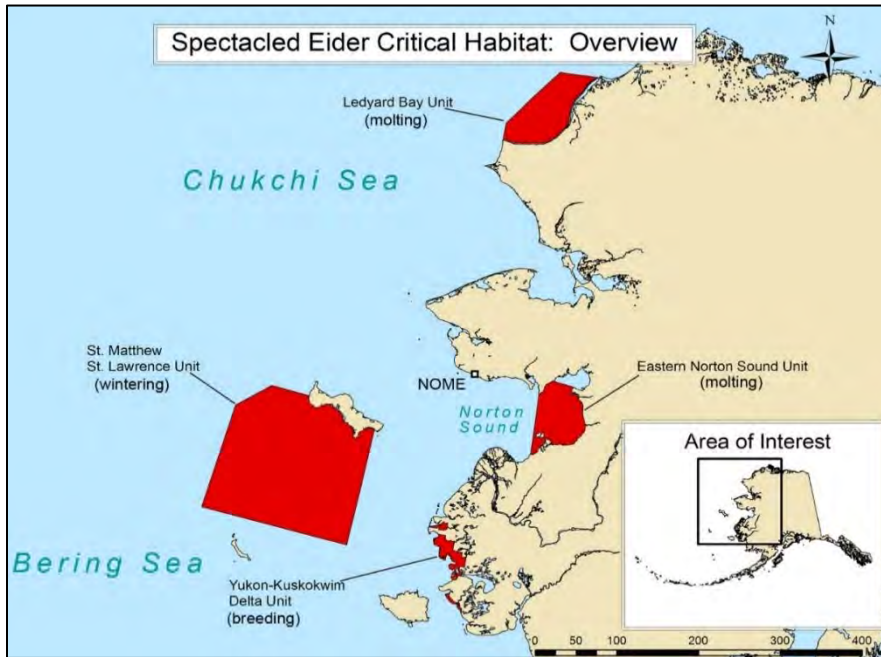


Figure 7. Spectacled eider critical habitat units (adapted from USFWS 2013).



Figure 8. Relationship of Norton Sound spectacled eider CH to expected project vessel routes.

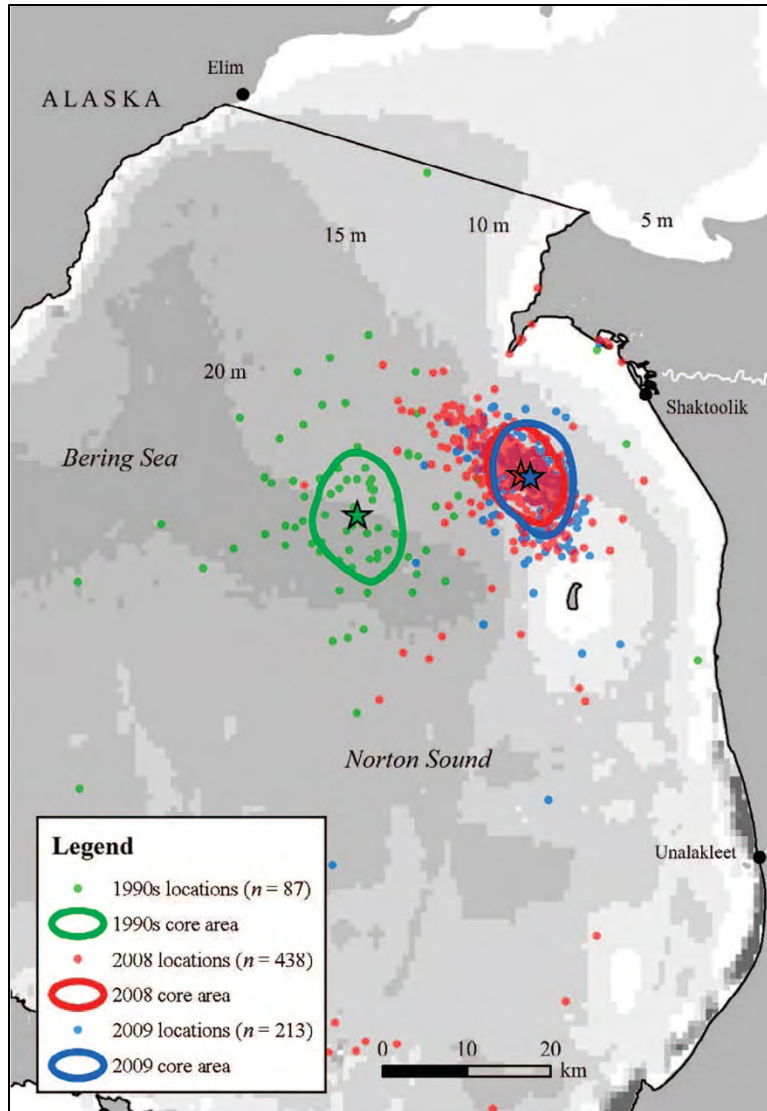


Figure 9. Distribution of spectacled eider sightings within eastern Norton Sound (from Sexon et al., 2016)

The waters immediately offshore of Elim or the north Norton Sound coastline do not appear to be a high-use area for spectacled eiders, even during the autumn molting period when they are most abundant in Norton Sound.

3.3 Steller's Eider

The Steller's eider is a sea duck that has both Atlantic and Pacific populations. The Pacific population consists of both a Russia-breeding population (which nests along the Russian eastern arctic coastal plain) and an Alaska-breeding population. The Alaska-breeding population of the Steller's eider was listed as threatened in July 1997 based on substantial contraction of the species' breeding range in Alaska, overall reduced numbers breeding in Alaska, and vulnerability of the Alaska-breeding population to extinction (USFWS 2015).

Most of the Pacific population winters in the Aleutian Islands and along the Alaska Peninsula then migrates along the Bristol Bay coast towards arctic nesting grounds in the spring. Steller's eiders arrive in small flocks of breeding pairs on the Alaskan arctic coastal plain (ACP) in early June and in similar habitat along the arctic coast of Russia (Figure 10). Nesting on the ACP is concentrated in tundra wetlands near Utqiagvik and occurs at lower densities elsewhere on the ACP. Hatching occurs from mid-July through early August. After rearing is complete, both the Russia- and Alaska-breeding populations depart for molting areas in southwest Alaska (such as Izembek Lagoon), where they remain for about 3 weeks. Following the molt, the Pacific-wintering Steller's eiders disperse throughout the Aleutian Islands, the Alaska Peninsula, and the western Gulf of Alaska (USFWS 2015).

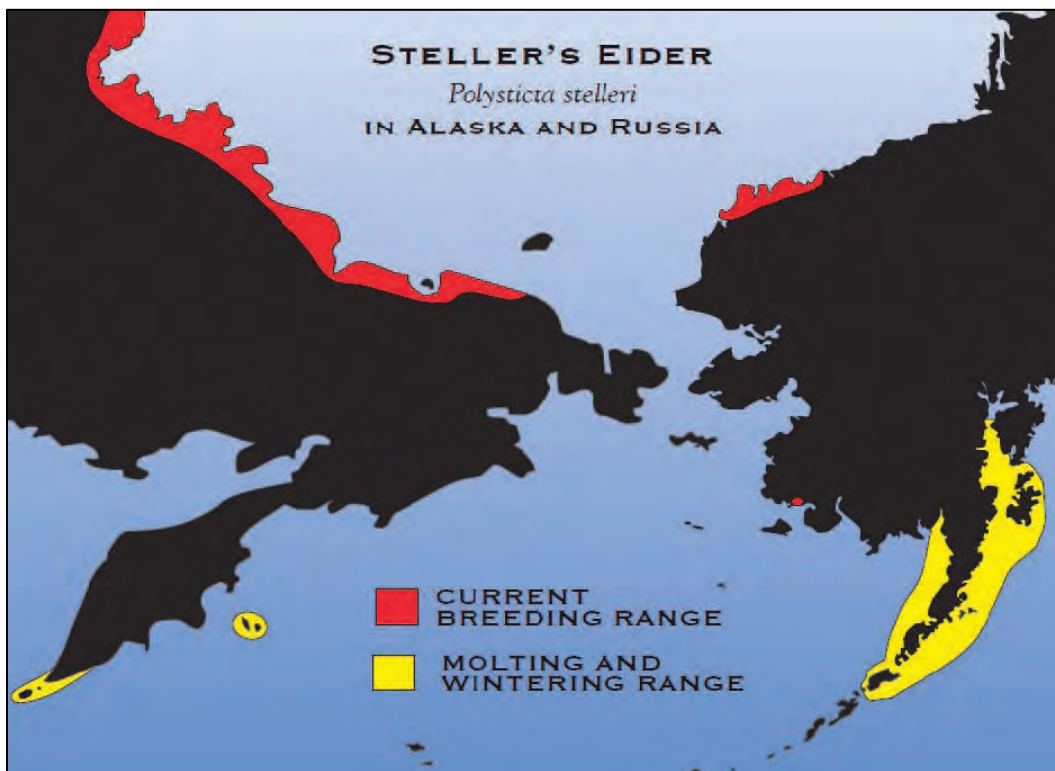


Figure 10. Breeding and wintering range of Steller's eider (USFWS 2013).

Critical habitat designated for Steller's eiders consists of breeding areas along the Bering Sea coast of the Yukon-Kuskokwim Delta, and molting areas along the north coast of the Alaska Peninsula (Figure 11).

As with spectacled eiders, no identified concentration areas or CH for Steller's eiders are in the vicinity of the project area; any Steller's eiders near Nome would likely be transients migrating between breeding, molting, and wintering areas.

Project potential impacts on Steller's eiders would be limited to disturbance of migrating birds that may pass close to Elim while construction is underway. Eiders attempting to settle and rest in nearby wetlands or nearshore waters might be displaced by construction noise and movement, but large areas of similar, disturbance-free habitat are readily available near the project site.

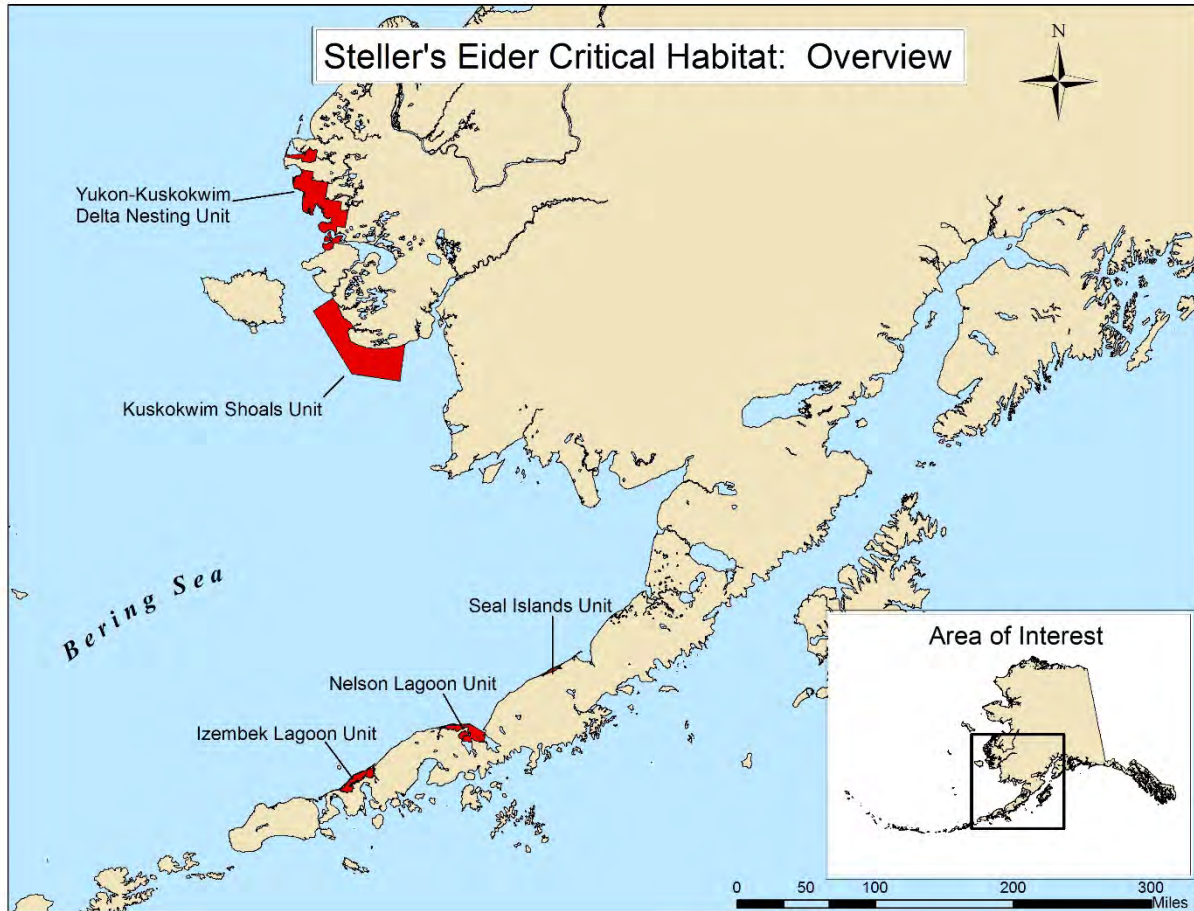


Figure 11. Steller's eider critical habitat (USFWS 2013).

3.4 Northern Sea Otter

Northern sea otters are found throughout the Aleutian Islands, along both the Bering Sea and Gulf of Alaska coasts of the Alaska Peninsula, and along much of the Alaska mainland Pacific coast. Figure 12 shows the critical habitat units designated for the threatened Southwest Alaska Distinct Population Segment (DPS); project vessels would pass sea otter habitat for a portion of their route along the Alaska Peninsula. Northern sea otters are primarily nearshore animals; the CH description (USFWS 2013) includes as a primary constituent element (PCE), "Nearshore waters that may provide protection or escape from marine predators, which are those within 100 m (328.1 feet) from the mean high tide line." A project vessel in transit between Anchorage and Elim is unlikely to pass within 100 meters from shore intentionally.

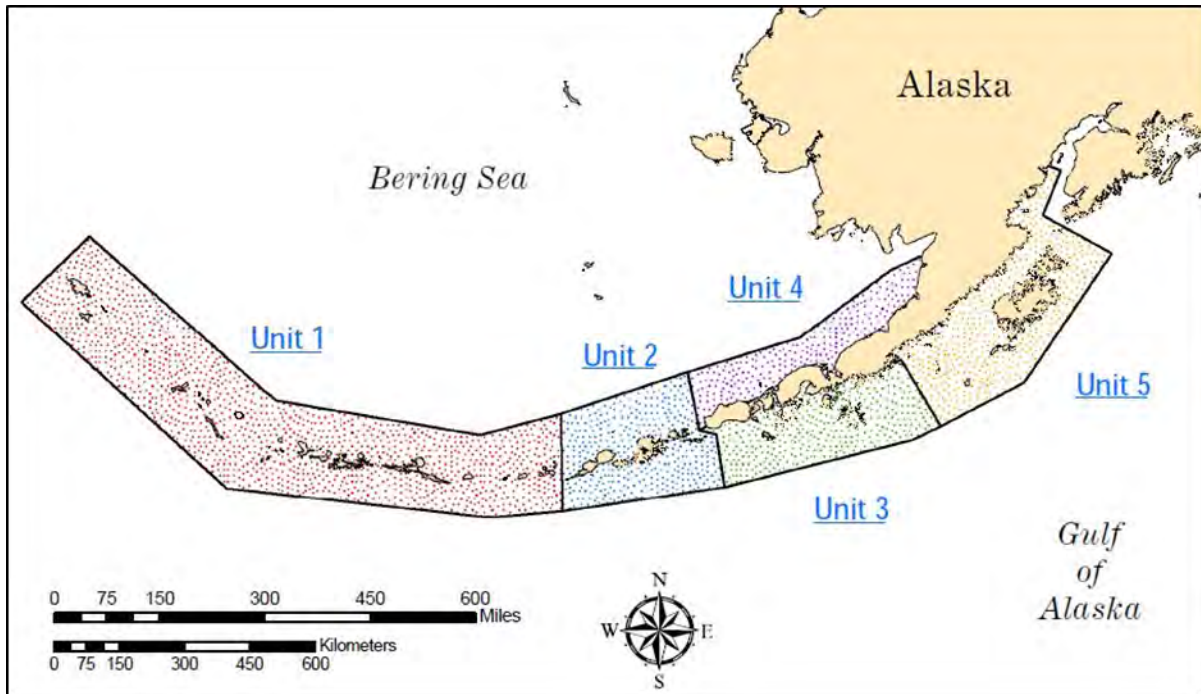


Figure 12. Critical habitat units of the northern sea otter, Southwestern Alaska DPS (USFWS 2013b)

3.5 Short-Tailed Albatross

Short-tailed albatross range across much of the North Pacific Ocean as adults and sub-adults, but tend to concentrate along the continental shelf edges of the Gulf of Alaska and Aleutian Basin, where upwelling and high primary productivity result in abundant food resources (Figure 13). Their only known breeding range is an isolated group of small islands off the coast of Japan. There is no ESA-designated critical habitat for this species (USFWS 2008). Project-related vessels traveling between Anchorage and Elim could travel close to areas where short-tailed albatross concentrate to feed. There is no designated CH for this species.

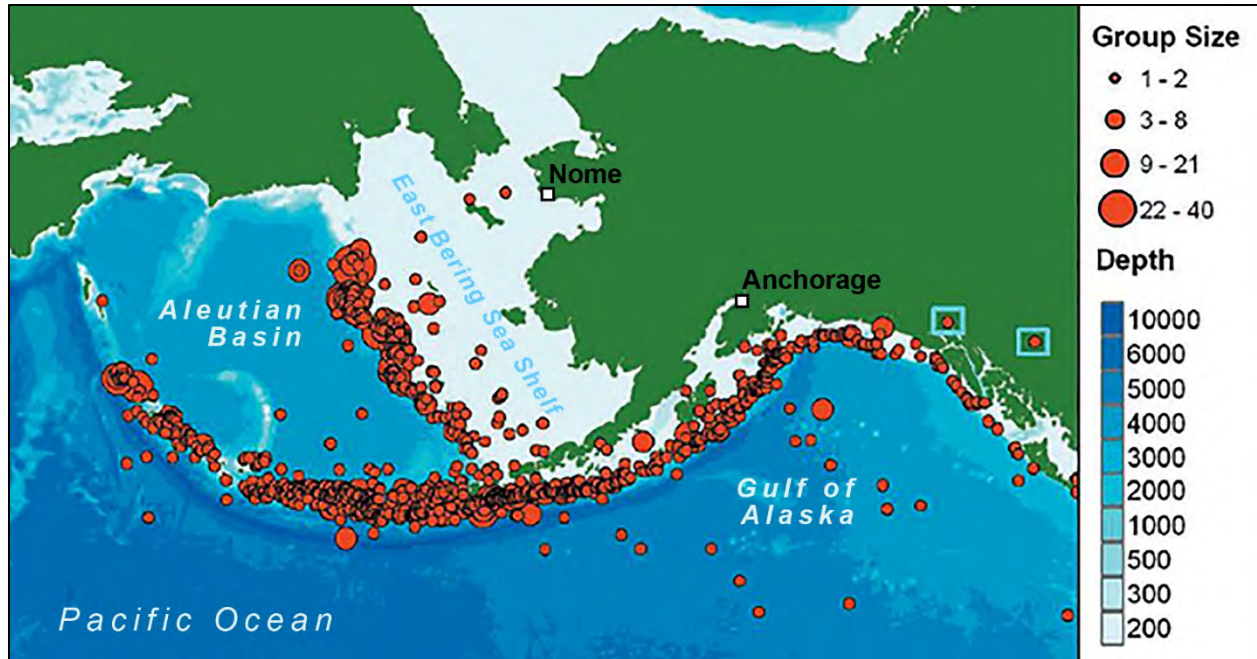


Figure 13. Opportunistic sightings of short-tailed albatross compiled 1944-2004 (adapted from USFWS 2008).

4. Summary

The proposed project areas are toward the outer limit of polar bear range, and any winter use of the Norton Sound coast by polar bears would coincide minimally with the expected May through November construction season. Winter construction or survey activities have the potential to encounter or disturb polar bears traveling on sea ice or the shoreline, with the likely result being that the bears are displaced to similar habitat nearby. Construction activities will be centered at the Port of Nome, a busy sea port and industrial area with no useful polar bear habitat. The finished project may have a long-term, but small and localized effect on the formation of shore-fast ice at Nome, and therefore on the local winter distribution of seals and other polar bear prey species, but no discernable long-term effect on sea ice CH is anticipated. No denning CH will be disturbed by project activities or the finished project.

Steller's and spectacled eiders would be present in the proposed project areas only as they migrate between breeding, molting, and winter concentration areas. Project potential impacts on eiders would be limited to disturbance of migrating birds that may pass close to Nome while construction is underway. Eiders attempting to settle and rest in nearby wetlands or nearshore waters might be displaced by construction noise and movement. The finished project will have no long-term effect on these species. No CH for Steller's or spectacled eiders would be affected.

Project vessels traveling between Anchorage and Nome would be following a well-traveled tug-and-barge route along the Alaska Peninsula (Figure 4) and will pass Northern sea otter habitat, but are unlikely to enter sea otter habitat or interact with sea otters. Slow-moving, shallow-draft barges would present little risk of a ship-strike to any otters that might venture into the shipping channel. The project vessels would be a small, incremental increase in the heavy non-federal vessel traffic that travels that route, and would have no short-term or long-term effect on Northern sea otter CH.

Short-tailed albatross are at significant risk from commercial fishing activities, through entanglement in nets and other fishing gear, but there is little evidence that they are adversely affected by general ship traffic (USFWS 2008). A project vessel is very unlikely to encounter, much less adversely affect, this rare and widely dispersed species.

Avoidance and Minimization Measures

- A Polar Bear Safety and Interaction Plan will be prepared by the Corps or its contractor for any winter activity that may be pursued on sea ice beyond the existing outer harbor.
- The contractor will prepare an Environmental Protection Plan, which will include an Oil Spill Prevention and Control Plan, and a plan for minimizing the spread of invasive species.

Determinations

The Corps determines that the proposed project may affect, but are not likely to adversely affect the following ESA-listed species:

- Polar bear
- Spectacled eider
- Steller's eider

The Corps requests concurrence from the USFWS on these determinations.
The Corps does not anticipate any impacts to critical habitat for those species.

The Corps determines that the proposed project will have no effect on the following ESA-listed species or their critical habitat:

- Northern sea otter
- Short-tailed albatross

We welcome any conservation recommendations the USFWS may have to offer for these or other species in our project area. The Corps does not propose any mitigation measures for transient spectacled or Steller's eiders at this time.

For more information about the project, please contact Mr. Chris Floyd at (907) 753-2700 or via email at Christopher.B.Floyd@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Salyer" with a stylized flourish at the end.

Michael L. Salyer
Chief, Environmental Resources Section

References

- Alaska Department of Fish and Game (ADFG). 2012. Alaska's Nome Area Wildlife Viewing Guide, Exploring the Nome Roadways.
- Sexson, Matthew G., Greg A. Breed, Margaret R. Peterson, & Abby N. Powell. 2016. Shifts in the Distribution of molting Spectacled Eiders (*Somateria fischeri*) indicate ecosystem change in the Arctic. *The Condor* 118(3):463-476. August 2016.
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- USFWS. 2008. Short-tailed Albatross Recovery Plan. September 2008.
- USFWS. 2001. Final Determination of Critical Habitat for the Spectacled Eider, Federal Register Vol. 66, No. 25. 6 February 2001.

From: [Floyd, Christopher B CIV USARMY CEPOA \(USA\)](#)
To: bob_henszey@fws.gov
Subject: USACE "Elim Tribal Partnership" project - FWCA? (UNCLASSIFIED)
Date: Tuesday, November 19, 2019 11:12:00 AM
Attachments: [Port of Nome Project - USFWS FWCA Respons.pdf](#)
[Elim det letter to USFWS 18Nov2019.pdf](#)

CLASSIFICATION: UNCLASSIFIED

Hi Bob -

The USACE has been studying this project for a while, but there has only been a preliminary design available since last month.

As the best summary of the project info I have at this point, I've attached a copy of the ESA determination letter I just sent to Ted and Amal.

When you've had a chance to look over the information, please let me know what level of Fish & Wildlife Coordination Act (FWCA) participation the USFWS wishes to pursue for this project.

If the USFWS will not be preparing a CAR, it would be very helpful for us to receive a letter stating so, similar to the letter your office prepared for the "Port of Nome" project (copy also attached).

Thank you,
Chris Floyd
Environmental Resources Section
Alaska District
US Army Corps of Engineers
907-753-2700

CLASSIFICATION: UNCLASSIFIED

CLASSIFICATION: UNCLASSIFIED

From: [Henszey, Bob](#)
To: [Floyd, Christopher B CIV USARMY CEPOA \(USA\)](#)
Cc: [Amal Ajmi](#)
Subject: [Non-DoD Source] Re: [EXTERNAL] USACE "Elim Tribal Partnership" project - FWCA? (UNCLASSIFIED)
Date: Tuesday, November 19, 2019 11:47:13 AM

Hi Chris,

I looked at the ESA letter yesterday when Amal called this to my attention. She is looking into some potential ESA questions, but from my initial brief review I don't think we will need a full CAR for this project. Most of the affected resources (other than eiders) appear to be marine. Do you know if NMFS plans to engage in reviewing this project? NMFS has more focused authorities to address anadromous fish issues than the FWS. I'll let you know what we decide after Amal gets a chance to consider the ESA issues.

Thanks for asking,

Bob

Branch Chief
Conservation Planning Assistance
US Fish & Wildlife Service
101 12th Avenue, Room 110
Fairbanks, AK 99701
Phone: 907-456-0323, Fax: 907-456-0208
Bob_Henszey@fws.gov <mailto:Bob_Henszey@fws.gov>

"Water Always Wins," Dr. Who 2009.11.15

On Tue, Nov 19, 2019 at 11:19 AM Floyd, Christopher B CIV USARMY CEPOA (USA)
<Christopher.B.Floyd@usace.army.mil <<mailto:Christopher.B.Floyd@usace.army.mil>> > wrote:

CLASSIFICATION: UNCLASSIFIED

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Thank you,
Chris Floyd
Environmental Resources Section
Alaska District
US Army Corps of Engineers
907-753-2700
CLASSIFICATION: UNCLASSIFIED
CLASSIFICATION: UNCLASSIFIED



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE
Fairbanks Fish and Wildlife Field Office
101 12th Avenue, Room 110
Fairbanks, Alaska 99701
December 17, 2019



Christopher Floyd
Environmental Resources Section
Alaska District
US Army Corps of Engineers

Re: Section 7 Endangered Species Act
determination for the Elim Tribal Partnership
Project.

Dear Mr. Floyd:

This letter is in response to your request for concurrence on your determination of effects of the proposed action to endangered and threatened species pursuant to section 7 of the Endangered Species Act (ESA) of 1973, as amended. The U.S. Fish and Wildlife Service (Service) has reviewed the proposed action to determine if it would adversely affect listed species under our jurisdiction. The proposed action is within the range of three species listed as threatened under the ESA: spectacled eiders [*Somateria fischeri*], Alaska-breeding Steller's eiders [*Polysticta stelleri*], and polar bears [*Ursus maritimus*], and within or near critical habitat designated for spectacled eiders (Unit 3, the Norton Sound Critical Habitat Unit [NSCHU]), and polar bears (Unit 1, Sea Ice).

THE PROPOSED ACTION

Based on information provided, we understand the USACE is proposing the Elim Tribal Partnership (Elim) action, which would result in constructing two breakwaters, and dredging between the breakwaters to provide a mooring basin for barges. Increases in vessel traffic to and from Elim are anticipated to result from the proposed action.

THE ACTION AREA

The action area includes the shallow marine environment in the immediate vicinity of Elim, and adjacent waters, and shipping routes affected by proposed action-related vessel traffic within the Norton Sound Region (Figures 1 and 2).

EFFECTS OF THE ACTION ON LISTED SPECIES

Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects

of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action.

Effects to listed eiders and critical habitat

The Service listed the spectacled eider as threatened on May 10, 1993 (58 FR 27474), and the Alaska-breeding population of the Steller's eider as threatened on June 11, 1997 (62 FR 31748). Both species migrate through the Norton Sound region during fall and spring, and neither species nests in the action area. Potential mechanisms by which the action could affect spectacled or Steller's eiders include collisions with structures, fuel spills, and disturbance.

The Service designated critical habitat for spectacled eiders on March 8, 2001 (66 FR 9145 – 9185). One of five units designated, Norton Sound (Unit 3), occurs in marine waters of eastern Norton Sound, where thousands of spectacled eiders molt in late summer, including many or most of the females that nest on the Yukon-Kuskokwim Delta. Physical and biological features¹ (PBFs) of critical habitat in Norton Sound include marine waters > 5 and ≤ 25 m in depth (16 and 82 ft., respectively) along with associated marine aquatic flora and fauna in the water column, and the underlying marine benthic community. Molting flocks of spectacled eiders occur primarily in the NSCHU between June and October (Petersen et al. 1999, Sexson et al. 2014). A potential mechanism by which the proposed action could affect critical habitat is through accidental fuel spills.

Listed eiders: Eiders migrating through the region or engaged in small-scale, local movements could conceivably collide with action-related infrastructure. Eiders generally fly low (< 10 m [32 ft.]), putting them at risk of striking even relatively low objects in their path. However, because we expect listed eiders to occur in the Action Area only infrequently and in low numbers, we anticipate the likelihood of mortality from collisions with action-related infrastructure would be low. Additionally, we expect eiders migrating through the region to remain well offshore, thereby avoiding nearshore structures (Johnson and Richardson 1982; Petersen et al. 1999).

Accidental fuel spills during barging operations would likely be limited to small spills originating from vessels during fuel transfers at Elim. Although listed eiders could rest and feed in the vicinity of Elim, we believe any spill and resulting disturbance-related clean-up effort would result in eiders moving away to a perceived safe distance. Therefore, we expect fuel spills to have insignificant effects.

Vessel traffic through the action area could disturb resting and feeding listed eiders. Telemetry data indicate spectacled eiders concentrate in a core area within the NSCHU (Sexson et al. 2016) (Figure 3). During molt, spectacled eiders are flightless and could be more sensitive to disturbance, and have higher energetic needs than during other non-breeding periods. Vessels traveling within the NSCHU could encounter flocks of molting spectacled eiders, and temporarily disturb them (i.e., interrupt natural behaviors). If molting eiders are disturbed repeatedly, or for long periods such that birds must cease

¹ Previously called "primary constituent elements".

feeding or expend energy to distance themselves from disturbance, fitness could be affected.

Since 2003, the U.S. Coast Guard (USCG) has posted the Local Notice to Mariners regarding the NSCHU. Vessels are advised to remain outside the core molting area between 1 August and 31 October to avoid disturbing large flocks of molting spectacled eiders (Figure 4). Maintaining slow vessel speeds (≤ 10 knots), and diverting the vessel if eiders are encountered, reduce the probability that spectacled eider flocks will be disturbed. Additionally, vessels associated with this action will only traverse a small portion of the NSCHU north of the core area; thus, the potential for encounters causing disturbance would be low. Further, the infrequent encounters that might occur would be brief, allowing disturbed eiders to quickly resume normal behavior after encounters end. Thus, we anticipate that these short-term disturbances would have insignificant effects on molting spectacled eiders. Therefore, we expect that vessel operations would have insignificant impacts to migrating and staging eiders.

NSCHU: Although barges associated with the proposed action would follow established marine transit routes that ordinarily avoid critical habitat, because the marine transit route passes through eastern Norton Sound, barges could conceivably encounter molting spectacled eiders during transit. However, given the slow speed of barges (≤ 10 knots), molting spectacled eiders would likely respond to vessels by moving to a perceived safe distance. In addition, given the size of the Norton Sound critical habitat unit and the small number of vessels that would operate at any one time, we do not anticipate barge traffic would appreciably affect spectacled eider access to, or use of, eastern Norton Sound such that the function and conservation value of the Norton Sound critical habitat unit for spectacled eiders would be reduced.

Accidental fuel spills during barging operations would likely be limited to small spills originating from vessels during fuel transfers. The core molting habitat in eastern Norton Sound is tens of kilometers away. Therefore, it is unlikely that any oil from small fueling spills would be carried into the core area of designated critical habitat, and we do not anticipate adverse impacts to spectacled eider critical habitat from small infrequent fueling spills.

Effects on polar bears and critical habitat

The Service listed the polar bear as a threatened species under the ESA on May 15, 2008 (73 FR 28212). Polar bears can be found in the Norton Sound region, although their density is low in the action area. Denning on the Alaskan coast has declined by 15% while denning on the western Chukchi Sea coast increased by 15% between two time periods, 1986 – 1995 and 2008 – 2013 (Rode et al. 2015). This study is consistent with traditional and local ecological knowledge (TEK) that reported in the past 10 years, dens have only been observed at the village of Point Lay and to the north, whereas historically some denning was observed south of Point Lay (Voorhees et al. 2014).

The Service designated critical habitat for polar bears on November 24, 2010 (75 FR 76086). The proposed action would occur within Unit 1 (sea ice) of designated polar bear critical habitat. Sea ice critical habitat serves as a platform for hunting, feeding, traveling, resting, and also (to a limited extent) denning.

Polar bear: Transient (non-denning) bears entering the action area could be disturbed by the presence of humans or equipment noise. However, we expect the effects of disturbance would be minor and temporary because transient bears would be able to move away from human presence or disturbance.

Female polar bears only very infrequently den on sea ice or in terrestrial habitat along the Alaskan Chukchi Sea coast region. Further, denning polar bears have not been observed south of Point Lay in over 10 years (Voorhees et al. 2014), therefore, denning near Elim would be extremely unlikely, and impacts to denning polar bears would be discountable.

Critical habitat: The vast majority of action-related construction or study activities would occur when ice is absent from the vicinity of Elim and impacts to critical habitat are unlikely to occur. Therefore because any impacts to the characteristics of critical habitat that support hunting, feeding, traveling, resting, and denning polar bears would likely be minor and temporary, the Service concludes temporary impacts to critical habitat associated with the proposed construction activities would not appreciably diminish the value of sea ice for the survival and recovery of polar bears.

CONCLUSION

The proposed action could conceivably present a minor collision risk to listed eiders moving through the action area. However, due to low densities of these species in the action area, we expect the effects of collision risk to be insignificant. Fuel spills are expected to be small and infrequent, and centered at the proposed Elim mooring site; therefore, we do not anticipate adverse impacts to listed eiders or to the NSCHU. The proposed action could also temporarily disturb listed eiders or polar bears; however, due to low densities of these species, we expect encounters would be unlikely. Therefore, the Service concurs the proposed action is not likely to adversely affect listed eiders, polar bears or designated critical habitat. Preparation of a Biological Assessment or further consultation under section 7 of the ESA is not necessary at this time.

Thank you for your cooperation in meeting our joint responsibilities under the Act. If you need further assistance, please contact Amal Ajmi at (907) 456-0324.

Sincerely,

Acting for:



Ted Swem

Consultation Branch Chief

Literature Cited

- Johnson, R., and W. Richardson. 1982. Waterbird migration near the Yukon and Alaska coast of the Beaufort Sea: II. Molt migration of seaducks in summer. *Arctic* 35:291-301.
- Sexson, M.G., J. M. Pearce, and M.R. Petersen. 2014. Spatiotemporal distribution and migratory patterns of Spectacled Eiders. OCS Study BOEM 2014-665. Bureau of Ocean Energy Management, Alaska Outer Continental Shelf Region, Anchorage, Alaska.
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<https://doi.org/10.1371/journal.pone.0142213>
- Voorhees H, Sparks R, Huntington HP, Rode KD (2014) Traditional knowledge of polar bears (*Ursus maritimus*) in Northwestern Alaska. *Arctic* 67(4): 523-536.



Figure 1. Elim proposed project site.



Figure 2. Location of shipping route from Norton Sound Critical Habitat.

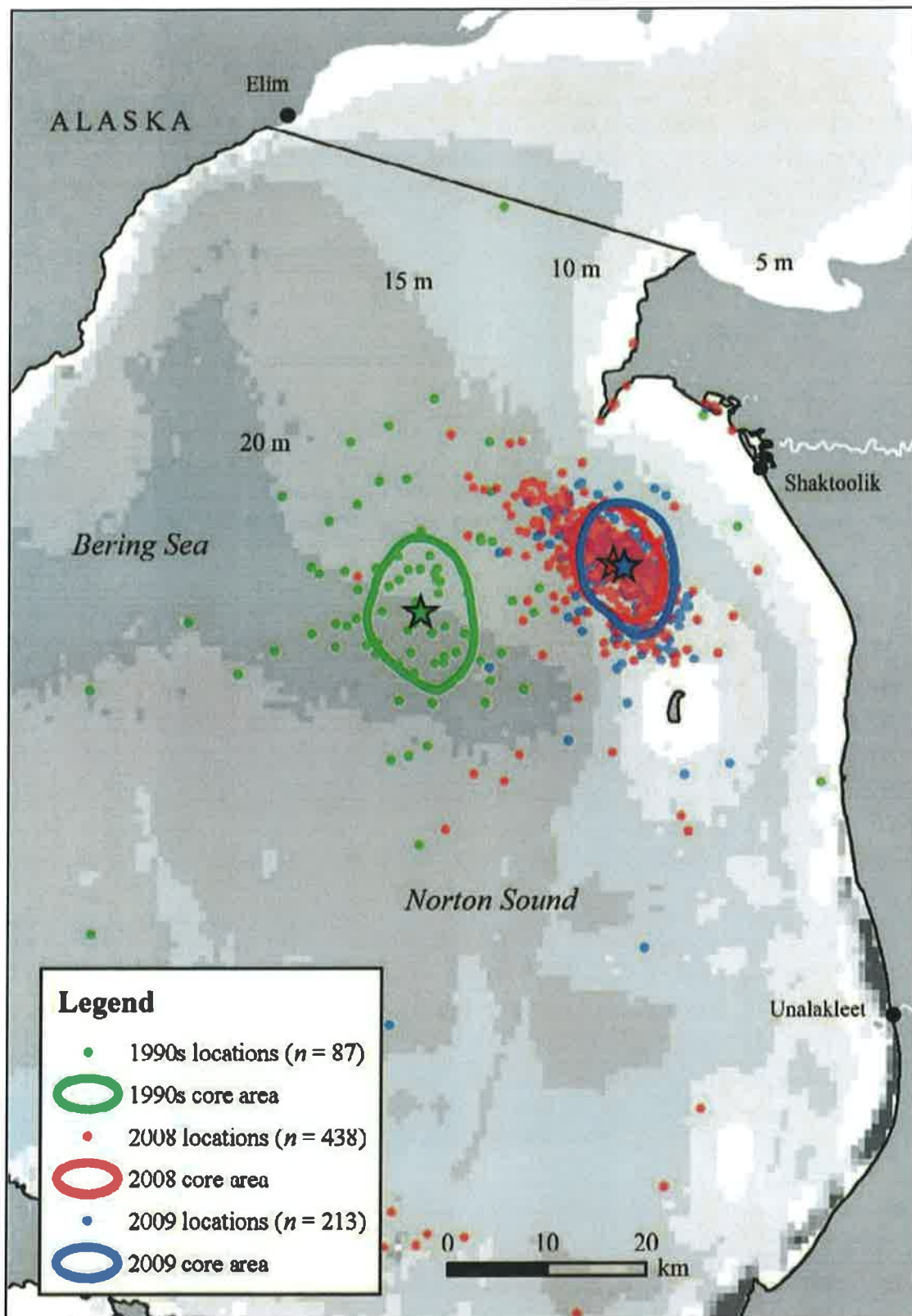


Figure 3. Distribution of spectacled eider sightings within eastern Norton Sound (from Sexon et al., 2016)

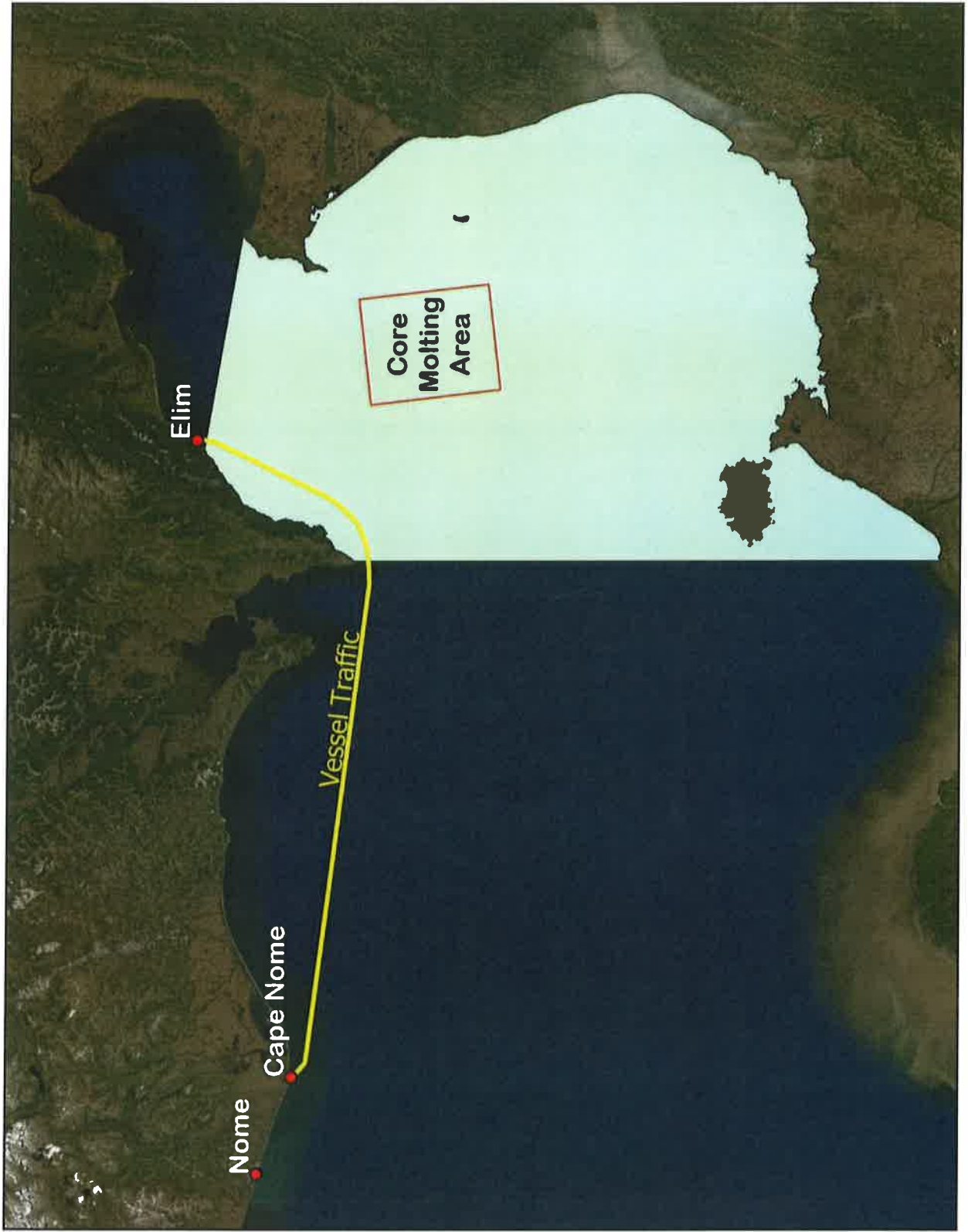


Figure 4. Proximity of vessel traffic to core molting area.

From: [Floyd, Christopher B CIV USARMY CEPOA \(USA\)](#)
To: [Henszey, Bob](#)
Cc: [Amal Ajmi](#)
Subject: RE: [Non-DoD Source] Re: [EXTERNAL] USACE "Elim Tribal Partnership" project - FWCA? (UNCLASSIFIED)
Date: Wednesday, February 5, 2020 3:26:00 PM

Hi Bob -

I will be completing the draft EA for the Elim project in the next week or so.

I was wondering if you had made a final decision on whether your office would be preparing a CAR for this project?

Thanks

Chris Floyd

-----Original Message-----

From: Henszey, Bob [mailto:bob_henszey@fws.gov]

Sent: Tuesday, November 19, 2019 11:46 AM

To: Floyd, Christopher B CIV USARMY CEPOA (USA) <Christopher.B.Floyd@usace.army.mil>

Cc: Amal Ajmi <amal_ajmi@fws.gov>

Subject: [Non-DoD Source] Re: [EXTERNAL] USACE "Elim Tribal Partnership" project - FWCA? (UNCLASSIFIED)

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Bob_Henszey@fws.gov <mailto:Bob_Henszey@fws.gov>

"Water Always Wins," Dr. Who 2009.11.15

On Tue, Nov 19, 2019 at 11:19 AM Floyd, Christopher B CIV USARMY CEPOA (USA) <Christopher.B.Floyd@usace.army.mil> <<mailto:Christopher.B.Floyd@usace.army.mil>> wrote:

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Thank you,
Chris Floyd
Environmental Resources Section
Alaska District
US Army Corps of Engineers
907-753-2700
CLASSIFICATION: UNCLASSIFIED
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United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE
Fairbanks Fish and Wildlife Conservation Office
101 12th Avenue, Room 110
Fairbanks, Alaska 99701
February 19, 2020



Chris Floyd
U.S. Army Corps of Engineers, Alaska District,
P.O. Box 6898
Joint Base Elmendorf-Richardson, Alaska 99506-0898

Re: Elim Small Boat Harbor

Dear Mr. Floyd:

The U.S. Fish and Wildlife Service (Service) has reviewed the USACE material sent to our office in December 2019, and the additional information submitted via email on 7 February 2020 for constructing a small boat harbor and freight barge access at Elim, Alaska. Based on the information provided, we understand the USACE is proposing to construct two breakwaters, and then dredge between the breakwaters to provide a mooring basin for barges. Increases in vessel traffic to and from Elim are anticipated to result from the proposed action.

Potentially Affected Fish and Wildlife Trust Resources: The Service's trust resources are natural resources we have been entrusted to protect for the benefit of the American people. Within the proposed project area these resources could include species listed as threatened or endangered under the Endangered Species Act and their designated critical habitat, migratory birds (including bald and golden eagles), certain marine mammals, inter-jurisdictional fish, wetland habitats used by these species, and lands managed by the Service (e.g., national wildlife refuges).

Threatened and Endangered Species: The purpose of the Endangered Species Act (ESA) is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend are conserved. Projects that may affect listed species or designated critical habitat should be evaluated under procedures of the ESA to ensure that those authorizing, funding, and conducting the projects remain in compliance with the ESA. In this case, ESA-listed species and/or designated critical habitat occur within the project area, and we understand consultation has been completed.

Pacific walrus: On October 4, 2017, the Service determined the Pacific walrus (*Odobenus rosmarus divergens*) does not warrant listing as threatened or endangered under the Endangered Species Act (82 FR 46618). Walrus can occur in the action area, so a small possibility exists the project would encounter walrus swimming offshore or encounter individuals hauled-out on land. We encourage the USACE to contact the Service's Marine Mammals Management Office to develop an appropriate mitigation plan to minimize potential effects on walrus.

Comments and Voluntary Recommendations: The Service appreciates the USACE's early coordination for this proposed project. We offer the following recommendations to help minimize the proposed project's impacts on fish and wildlife habitat.

Migratory Birds: The Service appreciates any voluntary mitigation measures intended to avoid and minimize adverse impacts to migratory birds and their habitats. Migratory bird nests, eggs, or nestlings could be destroyed if road work is conducted during the spring and summer breeding season, which is generally May 10 through July 20¹ at the proposed site. A common mitigation measure to help minimize impacts to nesting birds is to avoid land disturbing activities (e.g., clearing, excavation, gravel fill, brush hogging, etc.) during the breeding season. However, we also support project proponents finding other ways to minimize impacts to migratory birds.

Migrating birds are at risk of collision with objects in their path, particularly when visibility is impaired during darkness or inclement weather, such as rain, drizzle, or fog (Weir 1976). The incidence of bird strikes appears to rise when objects are illuminated with constant diffuse light, and the tendency for birds to be drawn to diffuse light appears to increase during rainy or foggy weather (Service, unpublished). Therefore, the Service recommends incorporating design features into a facility lighting plan (including shielding to reduce outward radiating light, light color choice and flash frequency [Weir 1976]) and powerline placement to decrease the potential for bird strikes.

Invasive Species: The Service encourages implementing Best Management Practices (BMPs) for minimizing the introduction and transport of invasive species into and out of the project area. This project could increase vessel traffic at Elim from ports with rat populations that could increase the risk of a "rat spill" on the Seward Peninsula. Cliff and ground nesting birds are vulnerable to predation by rodents. Nonnative rats are highly effective predators that can decimate local populations of nesting seabirds, as well as waterfowl and shorebirds. The Service recommends taking steps to prevent the introduction and spread of rats. Please find helpful BMPs (see Johnson 2008), attached separately for reference.

Information for other species that can become invasive in the Bering Sea area can be found at: <https://accs.uaa.alaska.edu/invasive-species/bering-sea-marine-invasives/>. The Service would be happy to work with the USACE to develop invasive species BMPs. For more assistance please contact our office.

Hazardous Material Spills: Unintentional releases of hazardous materials, including fuels and lubricants from construction equipment and vessels into marine waters could be a risk during construction and operations, and impact wildlife in Norton Sound. Due to the adverse impacts spills could cause to the environment, the Service encourages the USACE to develop a Spill Prevention, Control, and Countermeasure (SPCC) Plan once design plans are finalized. The purpose of the plan is to help prevent a discharge of oil and hazardous materials into navigable waters or adjoining shorelines. The SPCC should include an Emergency Response Plans (ERP) in the case of an accidental release during project construction and operation. More information

¹ Raptors may nest two or more months earlier than other birds. Black scoter are known to nest through August 10th.

on SPCC can be found at: <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations>.

Conclusion: After reviewing the information provided, we have no further concerns. The Service has no objections to the project as proposed; therefore, there is no need for a Fish and Wildlife Coordination Act investigation and subsequent report. However, should the proposed project undergo any significant changes in the design, siting, or management, please contact our office.

These comments are submitted in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended: 16 U.S.C. 661 et seq.), the Alaska National Interest Lands Conservation Act (Section 101 (a)(c), 102 (1) and Section 302(5)(B)), the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.), and the National Invasive Species Act of 1996 [P.L.104-332], as amended (NISA); and constitute the report of the Department of the Interior. These comments are also for use in your determination of 404 (b)(1) guidelines compliance (40 CFR 230), and in your public interest review (33 CFR 320.4) relating to protection of fish and wildlife resources.

We appreciate this opportunity for comment, and we would be happy to discuss our comments and recommendations with you. Should the project plans change, we would appreciate an opportunity to review the changes. Please contact Amal Ajmi at 907-456-0324 or amal_ajmi@fws.gov should you have any questions concerning these comments.

Sincerely,

Robert J. Henszey
Branch Chief
Conservation Planning Assistance

Attachment: Johnson (2008);
Land Disturbance Timing Recommendations (2017)

ecc: Kimberly Klein, MMM, USFWS

Literature Cited:

Lensink, C.J., and T. C. Rothe. 1986. Value of Alaskan wetlands for waterfowl. Unpublished. Report, U. S. Fish and Wildlife Service, Anchorage, AK 60pp.

Smith, M. A., M. S. Goldman, E. J. Knight, and J. J. Warrenchuk. 2017. Ecological Atlas of the Bering, Chukchi, and Beaufort Seas. 2nd edition. Audubon Alaska, Anchorage, AK.

Weir, R.D. 1976. Annotated bibliography of bird kills at man-made obstacles: a review of the state-of-the-art an

Correspondence:
Magnuson-Stevens Act Essential Fish Habitat



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 6898
JOINT BASE ELMENDORF-RICHARDSON, AK 99506-0898

Mr. Matt Eagleton
Regional Essential Fish Habitat Coordinator
Habitat Conservation Division
National Marine Fisheries Service – Alaska Region
222 W 7th Ave, Room 552
Anchorage, AK, 99513

7 January 2020

Dear Mr. Eagleton,

Attached please find an Essential Fish Habitat (EFH) Assessment for the U.S. Army Corps of Engineers (USACE) "Elim Tribal Partnership" project at Elim, Alaska. The Corps requests a review of this document and recommendations on EFH conservation from the National Marine Fisheries Service (NMFS). The USACE has determined that the project will not adversely affect EFH for Pacific salmon.

The USACE looks forward to working with the NMFS on this project. Please contact Chris Floyd at Christopher.B.Floyd@usace.army.mil, or by telephone at (907) 753-2700 if you need additional information.

Sincerely,

A handwritten signature in cursive script, reading "Michael R. Salyer", is positioned above the printed name.

Michael R. Salyer
Chief, Environmental Resources Section



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668
February 5, 2020

Colonel Phillip J. Borders
U.S. Army Corps of Engineers
P.O. Box 6898
JBER, Alaska, 99506-0898

Re: Essential Fish Habitat Assessment for Elim Small Boat Harbor

Dear Colonel Borders:

The National Marine Fisheries Service (NMFS) has reviewed the U.S. Army Corps of Engineers' (USACE) Essential Fish Habitat (EFH) Assessment for the proposed small boat harbor in Elim, Alaska. The purpose of the project is to provide the community of Elim with moorage for vessels and other marine transport infrastructure, such as a sheltered barge landing site and/or a tender dock. The USACE is currently evaluating four construction alternatives to identify the most useful, cost-effective, and least environmentally-damaging project. USACE assumes all the alternatives will require some amount of mechanical rock-breaking using an excavator with a hydraulic "ripping" attachment, along with more typical mechanical dredging techniques. The dredged material is expected to be sand, gravel, and broken rock. There is no history of significant pollutant releases along the Elim shorelines. The dredged material would most likely be disposed of in Norton Bay to the southeast of Elim and will likely be redistributed fairly quickly by natural forces, such as storm surge. Because of the shallow bedrock in the area, a small sheet pile dock is included in three of the four alternatives and thus, will require minimal driving of the sheet pile into the substrate. The different alternatives vary primarily in size: construction dredging amounts range from 47,000 cubic yards (CY) to 159,000 CY and maintenance dredging amounts range from 10,000 CY at an interval of 10 years to 75,000 CY at an interval of 20 years.

Nearshore marine waters in the vicinity of Elim include EFH for all five species of Pacific salmon. There are no anadromous rivers in the project area and the proposed harbor location is not designated as EFH for other species of groundfish or crab.

Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires federal agencies to consult with NMFS on all actions that may adversely affect EFH. NMFS is required to make EFH Conservation Recommendations, which may include measures to avoid, minimize, mitigate, or otherwise offset adverse effects. NMFS concludes any impacts will be avoided, minimized, or offset should the following Conservation Recommendations be followed.

EFH Conservation Recommendations


In accordance with Section 305(b)(4)(A) of the MSA, NMFS makes the following EFH Conservation Recommendations:



1. Piles should be driven with a vibratory hammer to the extent practicable. Pile driving can generate intense underwater sound pressure waves that can disrupt migration and injure or kill fish. Vibratory hammers produce less intense sounds than impact hammers (NMFS 2005). If an impact hammer is required because of substrate type or the need for seismic stability, piles should be driven as deep as possible with a vibratory hammer before the impact hammer is used.
2. In-water blasting should be avoided unless it is the only practicable method for setting piles in bedrock. In-water blasting produces intense underwater sound pressure waves that can kill or injure fish. NMFS strongly encourages the use of drilling techniques or other mechanical means for setting piles in bedrock. If underwater blasting must be used, mitigation measures (e.g. stemming) should be employed to contain the explosive energy within the bedrock to the greatest extent possible. Because potentially harmful sound pressure waves are attenuated more rapidly in shallow water than in deep water (Rogers and Cox 1988), blasts should be conducted during the lowest tide level practical.
3. Include an Oil Spill Prevention and Control Plan, and a plan for minimizing the spread of invasive species, in the Environmental Protection Plan.
4. Ensure rock for rubble mound construction will be free of contaminants and invasive species.

Further, under Section 305(b)(4)(B) of the MSA, the Federal action agency is required to respond to NMFS EFH Conservation Recommendations in writing within 30 days. If your response is inconsistent with our recommendations, please explain the reasons for not following our recommendations, including the scientific justification for any disagreements over the anticipated effects of the proposed action and the measures needed to avoid, minimize, mitigate, or offset such effects (50 CFR 600.920(k)). NMFS wishes to be informed when the USACE selects a preferred alternative in order to assess the need for further EFH consultation. We look forward to working with you as the project proceeds. If you have any questions regarding this consultation, please contact Seanbob Kelly at seanbob.kelly@noaa.gov or (907) 271-5195 or Lydia Ames at lydia.ames@noaa.gov or (907) 271-5002.

Sincerely,


for

James W. Balsiger
Administrator, Alaska Region

CC:

Robert J. Henszey, Ph.D - USFWS - bob_henszey@fws.gov

Amal Ajmi - USFWS - amal_ajmi@fws.gov

Christopher Putnam - USFWS - christopher_putnam@fws.gov

Colette Cairnes - NMFS - colette.cairns@noaa.gov

Greg Balogh - NMFS - greg.balogh@noaa.gov

Bridgette Lohrman - EPA - lohrman.bridgette@epa.gov

Betsy McCracken - EPA - mccracken.betsy@epa.gov
Erik Peterson - EPA - Peterson.Erik@epa.gov
Angela Hunt - ADEC Division of Water - angela.hunt@alaska.gov
Jim Menard - ADFG - jim.menard@alaska.gov
Tony Gorn - ADFG Fish and Game coordinator - tony.gorn@alaska.gov
Austin Ahmusuk - Kawerak Inc. Marine Advocate - aahmasuk@kawerak.org
Julie Raymond-Yakoubian - Kawerak inc. Program Director - juliery@kawerak.org
Gay Sheffield - Nome Port Commission - ggsheffield@alaska.edu
Charlie Lean - Nome Port Commission - charlie@nsedc.com
David Williams - CEPOA project manager - David.P.Williams@usace.army.mil

References

National Marine Fisheries Service (NMFS). 2005. Final Environmental Impact Statement, Essential Fish Habitat Identification and Conservation in Alaska, Vol. 2, Appendix G; National Marine Fisheries Service, Department of Commerce. April, 2005.

Rogers, P.H. and M. Cox. 1988. Underwater sound as a biological stimulus. pp. 131-149. In Sensory biology of aquatic animals. Atema, J, R.R. Fay, A.N. Popper, and W.N. Tavolga, eds. Springer-Verlag. New York.

From: [Seanbob Kelly - NOAA Federal](#)
To: [Floyd, Christopher B CIV USARMY CEPOA \(USA\)](#)
Subject: [Non-DoD Source] Fwd: Essential Fish Habitat Assessment for Elim Small Boat Harbor
Date: Thursday, March 12, 2020 9:21:34 AM
Attachments: [Elim Harbor EFH Letter_Final.pdf](#)

Here is the signed copy
Seanbob Kelly

NOAA/NMFS Alaska Region Habitat Division
222 West 7th Ave, Box 43, Room 552
Anchorage, Alaska 99513

Office (907) 271-5195

----- Forwarded message -----

From: Barb Lake - NOAA Federal <barb.lake@noaa.gov> <<mailto:barb.lake@noaa.gov>> >
Date: Wed, Feb 5, 2020 at 9:16 AM
Subject: Essential Fish Habitat Assessment for Elim Small Boat Harbor
To: <bob_henszey@fws.gov> <mailto:bob_henszey@fws.gov> >, <amal_ajmi@fws.gov> <mailto:amal_ajmi@fws.gov> >, <christopher_putnam@fws.gov> <mailto:christopher_putnam@fws.gov> >, <lohrman.bridgette@epa.gov> <<mailto:lohrman.bridgette@epa.gov>> >, <mccracken.betsy@epa.gov> <<mailto:mccracken.betsy@epa.gov>> >, <petererson.erik@epa.gov> <<mailto:petererson.erik@epa.gov>> >, <angela.hunt@alaska.gov> <<mailto:angela.hunt@alaska.gov>> >, <jim.menard@alaska.gov> <<mailto:jim.menard@alaska.gov>> >, <tony.gorn@alaska.gov> <<mailto:tony.gorn@alaska.gov>> >, <aahmasuk@kawerak.org> <<mailto:aahmasuk@kawerak.org>> >, <juliery@kawerak.org> <<mailto:juliery@kawerak.org>> >, Gay Sheffield <ggsheffield@alaska.edu> <<mailto:ggsheffield@alaska.edu>> >, <charlie@nsedc.com> <<mailto:charlie@nsedc.com>> >, <david.p.williams@usace.army.mil> <<mailto:david.p.williams@usace.army.mil>> >
Cc: Colette Cairns - NOAA Federal <colette.cairns@noaa.gov> <<mailto:colette.cairns@noaa.gov>> >, Greg Balogh - NOAA Federal <greg.balogh@noaa.gov> <<mailto:greg.balogh@noaa.gov>> >, Seanbob Kelly - NOAA Federal <seanbob.kelly@noaa.gov> <<mailto:seanbob.kelly@noaa.gov>> >, Lydia Ames - NOAA Federal <lydia.ames@noaa.gov> <<mailto:lydia.ames@noaa.gov>> >, Gretchen Harrington - NOAA Federal <gretchen.harrington@noaa.gov> <<mailto:gretchen.harrington@noaa.gov>> >

Please see the attached Essential Fish Habitat Assessment for Elim Small Boat Harbor.

--

Barb Lake

United States Department of Commerce

National Oceanographic and Atmospheric Administration

National Marine Fisheries Service - Alaska Region

Protected Resources & Habitat Conservation Divisions

709 West 9th St.

P.O. Box 21668

Juneau, AK 99802-1668

Barb.Lake@NOAA.gov <<mailto:barb.lake@noaa.gov>>

907-586-7236

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<Blocked<http://www.linkedin.com/company/noaa-fisheries>> <Blocked<http://www.pinterest.com/noaafisheries>>

To report an injured, stranded, entangled, or dead marine mammal contact the Statewide 24-Hour Stranding Hotline at 1-877-925-7773 or 877-9-AKR-PRD Blocked<https://www.fisheries.noaa.gov/alaska/marine-life-distress/alaska-marine-mammal-stranding-network>

From: [Floyd, Christopher B CIV USARMY CEPOA \(USA\)](#)
To: ["Seanbob Kelly - NOAA Federal"](#)
Cc: ["Lydia Ames - NOAA Federal"](#)
Subject: RE: USACE "Elim Tribal Partnership" - acknowledgment of EFH conservation recommendations
Date: Thursday, April 9, 2020 7:34:00 PM

Dear Seanbob -

Thank you for the letter from NMFS dated 5 Feb 2020 (received at our office 12 Mar 2020) re: Essential Fish Habitat Assessment for Elim Small Boat Harbor.

The USACE appreciates the EHF conservations recommendations that NMFS has provided; we intend to implement them to the extent practicable, and incorporate the avoidance and minimization measures into our study documents.

Thank you,

Chris Floyd, Biologist
Environmental Resources Section
Civil Works Project Management Branch
Alaska District
US Army Corps of Engineers

Correspondence:
National Historic Preservation Act, Section 106



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 6898
JBER, AK 99506-0898

Ms. Judith Bittner
State Historic Preservation Officer
Office of History and Archaeology
550 West 7th Avenue, Suite 1310
Anchorage, AK 99501-3565

OCT 31 2018

Dear Ms. Bittner,

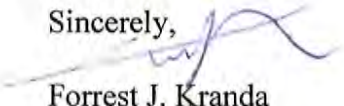
The Alaska District, U.S. Army Corps of Engineers (USACE), is conducting a study to determine the feasibility of constructing a small boat harbor near Elim in Norton Bay. The USACE is currently reviewing four potential locations for boat harbor placement. These locations are Moses Point (Sections 22 and 23, T9S, R17W, Kateel River Meridian, USGS Quad Solomon C1), Iron Creek (Sections 35 and 36, T9S, R17W and 18W, Kateel River Meridian, USGS Quad Solomon C1), Elim beach (Sections 15 and 21, T10S, R18W, Kateel River Meridian, USGS Quad Solomon C1), and Airport (Elim) Point (S21, T9S, R18W, Kateel River Meridian, USGS Quad Solomon C1).



Figure 1. Project area overview.

Formal section 106 consultation will be initiated as project planning progresses. If you have any questions about this project, please contact Forrest Kranda by phone at 907-753-2736, or by email at forrest.j.kranda@usace.army.mil.

Sincerely,



Forrest J. Kranda
Archaeologist
Environmental Resources Section



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ALASKA DISTRICT
P.O. BOX 6898
JBER, AK 99506-0898

February 18, 2020

CEPOA-PM-C-ER

Ms. Judith Bittner
State Historic Preservation Officer
Office of History and Archaeology
550 West 7th Avenue, Suite 1310
Anchorage, AK 99501-3565

Dear Ms. Bittner,

The U.S. Army Corps of Engineers, Alaska District (USACE) Civil Works Branch is conducting a feasibility study on the construction of a small boat harbor in Elim, Alaska (Sections 15 and 21, T10S, R18W, USGS Quad Solomon C1, Kateel River Meridian; Figure 1). This study is being conducted in partnership with the Native Village of Elim and Kawerak, Incorporated. In compliance with Section 106 of the National Historic Preservation Act of 1966, the purpose of this letter is to notify you of a proposed Federal undertaking [36 CFR § 800.3(c)(3)] and to seek your concurrence on an assessment of effect [36 CFR § 800.4(d)(1)].

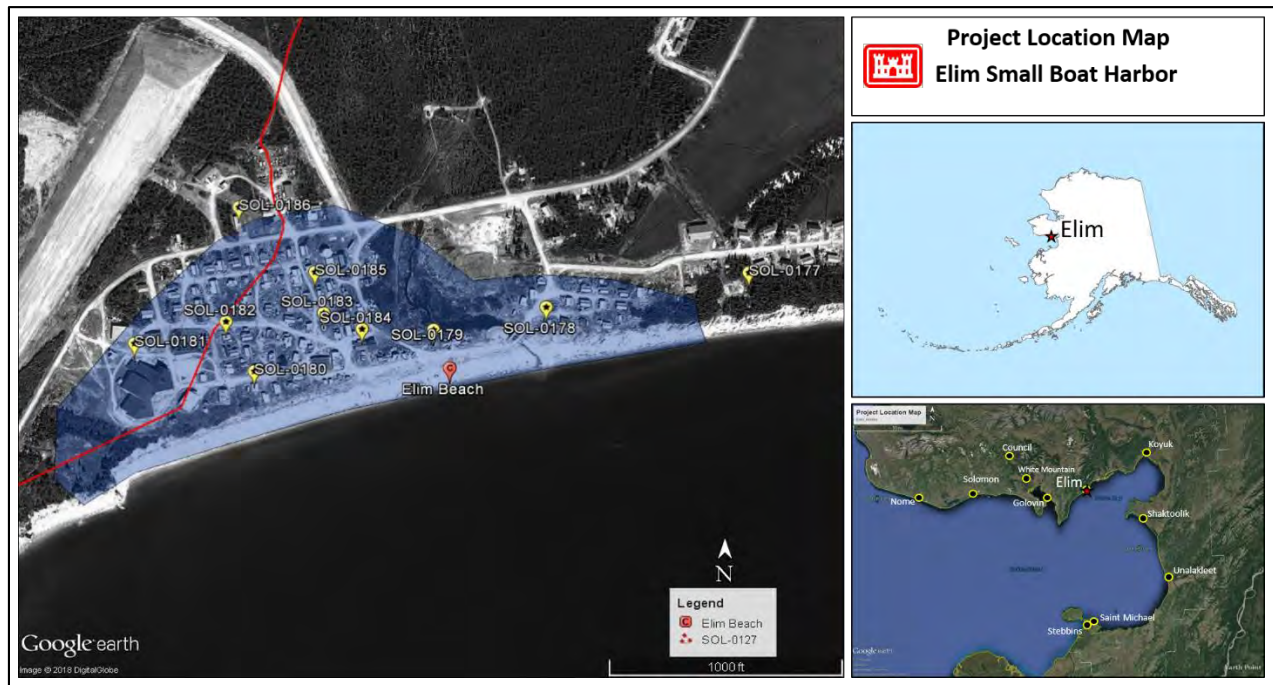


Figure 1. Elim Small Boat Harbor project location map.

Authority

This undertaking is being conducted under Section 203, Tribal Partnership Program, of the Water Resources Development Act (WRDA) of 2000 as amended by Section 1031(a) of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), and Section 1121 of the Water Infrastructure Improvements for the Nation Act of 2016 (WIIN/WRDA 2016). These statutes provide authority for the USACE, in cooperation with Federally-recognized Tribes and other Federal agencies, to study and determine the feasibility of carrying out projects that will substantially benefit Federally-recognized Tribes.

Purpose and Need

The community of Elim has no navigation improvements; presently, incoming barges wait for high tide and discharge fuel via a floating line to a 2-inch pipeline header on the beach west of Elim Creek. Dry goods are unloaded from barges onto the beach east of Elim Creek (Figure 2). In addition to tidal impacts, beach access changes depending on the location of shifting sand bars. Currently, both subsistence and commercial fishing vessels are either beached in front of the community or 9 miles away at Moses Point beach. Lack of moorage adversely impacts the subsistence and commercial fishing fleet; if left unattended during a storm, vessels are often swamped or damaged. The USACE and its partners have identified a tentatively selected plan (TSP) to construct a small boat harbor at Elim's beach in order to improve navigation and moorage for the community.



Figure 2. Barge unloading cargo onto Elim Beach in 2018.

Historic Context

People began to migrate into eastern Beringia, modern-day Alaska, during the Pleistocene. The earliest known archaeological sites in Alaska are concentrated in the Tanana River basin, and date to approximately 14,000 years ago. The earliest known archaeological site on the Seward Peninsula is Trail Creek Caves (BEN-00001), which dates to approximately 10,000 years ago (Goebel and Potter 2016). Artifacts from this site were used to help define the American Paleoarctic tradition (Anderson 1984; Dixon 2013). The earliest-known archaeological site in the vicinity of Elim is Iyatayet (NOB-00002), the type site of both the Denbigh Flint Complex and the Norton tradition. Iyatayet is located on Cape Denbigh, approximately 25 miles southeast of Elim across Norton Bay. The oldest occupations at this multicomponent site date to about 4,000 years ago; however, the site was periodically occupied until about 500 years ago (Tremayne et al. 2018). Multiple archaeological sites in the region demonstrate that the shores of Norton Sound have been continuously occupied for the past 2,000 years.

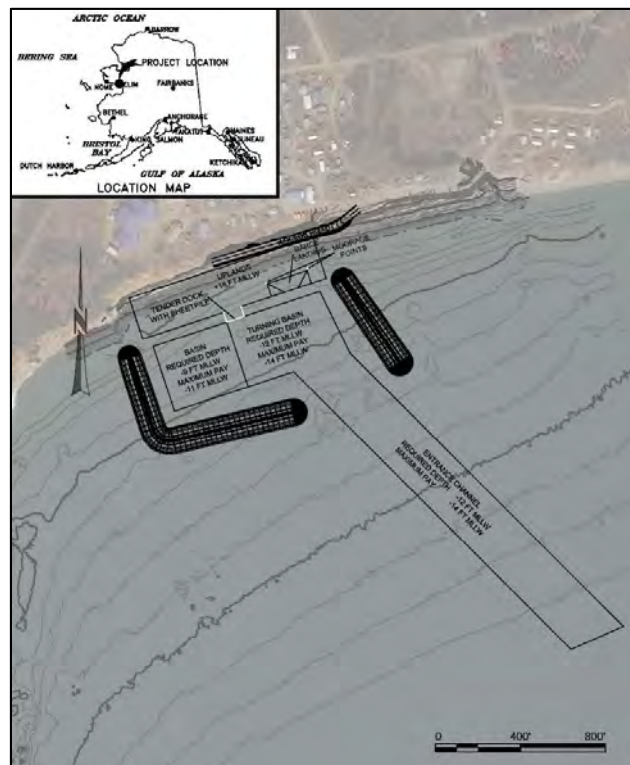
Norton Sound was first visited by European explorers in 1778, when James Cook sailed into the sound. This was followed by Joseph Billings in 1791 and Otto von Kotzebue in 1816 (Bockstoe 1979). In 1822, the Russian-American Company established a trading post at Saint Michael, approximately 80 miles south of Elim across Norton Sound. Encroachment of outsiders into the region impacted local communities in multiple ways, including the migration of individuals from further north into the area in order to take advantage of trade opportunities, and a decrease in area population due to multiple epidemics. The 1867 Treaty of Cession transferred Russian possession of the Alaska Territory to the United States. The late 1800s saw a further influx of outsiders into Norton Sound, with the establishment of multiple missions in the area and the discovery of gold near Nome (Ray 1975; Ganley 1995; Phillips-Chan 2019; Raymond-Yakoubian 2019).

In 1913, the Golovin Evangelical Covenant mission was relocated to what is now the City of Elim. The Covenant mission and children's home was established at this new location by Reverend Ludwig Evald Ost and his wife Ruth Ost, who called it the Elim Mission Roadhouse. The name "Elim" was chosen by Reverend Ost for its biblical associations. In 1917, 350,000 acres of land around Elim were set aside in an Executive Order and designated the Norton Bay Reservation for use by the U.S. Bureau of Education and the inhabitants of Elim (Raymond-Yakoubian 2019). In 1929, under pressure from mining lobbyists, 50,000 acres were removed from the reserve via another Executive Order. The City of Elim was incorporated in 1970. When the Alaska Native Claims Settlement Act (ANCSA) was passed in 1971, Elim chose the "opt-out" option through section 19b of ANCSA. In lieu of other ANCSA benefits, Elim gained title to 298,000 acres of the former reserve (Case and Voluck 2002; Raymond-Yakoubian 2019).

Project Description

The tentatively selected plan (TSP) is to build a harbor at the beach located south of Elim (Figure 3). The harbor will be sized to accommodate one 160 foot (ft) barge and associated 86 ft tug, two fish/crab tenders, and 50 vessels varying in size from 18 – 32 ft in length. Docks will consist of two removable floating docks, each approximately 245 ft long with two 50 ft-long gangways. An 87 ft-long tender dock would also be installed, as will a single small boat launch. Two rubblemound breakwaters will provide a mooring basin of approximately 6.2 acres. The west breakwater will be 819 ft long and the east breakwater will be 418 ft long. The breakwaters will be constructed of rock from the established commercial quarry at Cape Nome. A 0.15 mile-long access road running parallel to the beach, connecting Front Street with a 3.9 acre upland turn-around and parking space, will also be constructed. No staging area is expected for the rock as it will be placed into the water directly from the barge; however, some equipment will likely be staged along Front Street and the beach.

The required dredge depth of the mooring basin will be -9.0 ft Mean Lower Low Water (MLLW) with a maximum pay depth of -11.0 ft MLLW. The entrance channel and turning basin will require a dredge depth of -8.0 ft MLLW with a maximum pay depth of -10.0 ft MLLW. The material at Elim Beach consists of poor to well-graded gravel with sand, cobbles, boulders, weathered bedrock, and bedrock outcroppings. A combination of mechanical dredging and heavy ripping, drilling, or blasting will be required to remove material from the proposed entrance channel and mooring basin. Dredged materials will be placed in-water approximately 2 miles southeast of the project area (Figure 4).



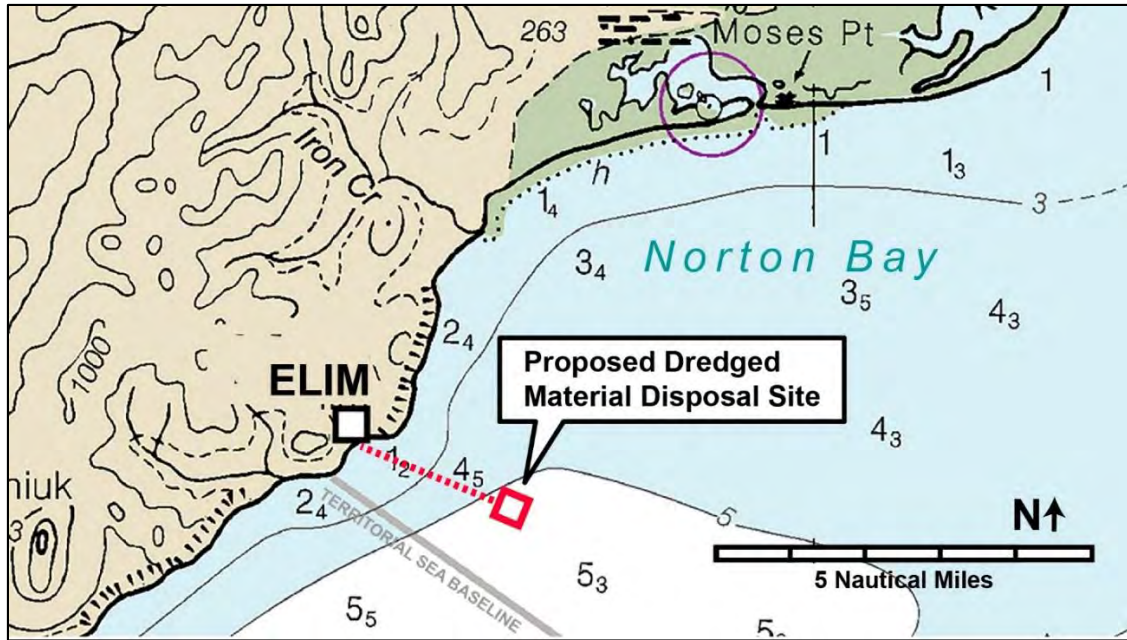


Figure 4. Location of proposed dredged material disposal site.

Area of Potential Effect and Assessment of Effect

The Area of Potential Effect (APE) for the proposed Federal undertaking includes the beach on the south side of Elim, the waters in front of the beach, and the waters of the disposal area for the dredged materials (Figure 5). The APE is approximately 45 acres and occurs mostly in water.



Figure 5. APE (blue) in relation to known cultural resources on the AHRS (pink).

The Alaska Heritage Resources Survey (AHRS) database documents twelve known cultural resources within the vicinity of Elim. The AHRS identifies Elim itself as the historic village of *Nuviakchak* (Table 1). A search of the shows no known wrecks or obstructions within the vicinity of the Elim Beach project location. A search of both the Bureau of Ocean and Energy Management's (BOEM) database and the National Oceanic and Atmospheric Administration's (NOAA) Wrecks and Obstructions database showed no known shipwrecks or other obstructions within the APE (BOEM 2011; NOAA 2018).

Table 1. Known cultural resources within general vicinity of Area of Potential Effect (APE).

AHRS No.	Site Name	NRHP Status	In APE
SOL-00038	Nuviakchak (Elim)	Unevaluated	YES
SOL-00127	Unalakleet-Nome Trail	Eligible	No
SOL-00177	Cabin 1	Unevaluated	No
SOL-00178	Cabin 2	Unevaluated	No
SOL-00179	Outbuilding 1	Unevaluated	No
SOL-00180	Cabin 3	Unevaluated	No
SOL-00181	Old High School	Unevaluated	No
SOL-00182	Dog House	Unevaluated	No
SOL-00183	Cabin 4	Unevaluated	No
SOL-00184	U.S. Post Office	Unevaluated	No
SOL-00185	Cabin 5	Unevaluated	No
SOL-00186	Meeting House	Unevaluated	No

There have been at least six cultural resources surveys conducted in the Elim area. In 2002, the Army National Guard (ARNG) conducted a study on the Elim ARNG Armory in preparation for potential future undertakings at the facility (Morris and Ream 2002). No historic properties were identified during the survey (ARNG 2002). In 2004, the Alaska Native Tribal Health Consortium (ANTHC) coordinated service line replacements to ten homes in Elim. The 2004 undertaking received concurrence from the SHPO that the project would not affect historic properties due to the lack of ground disturbance (ANTHC 2004). In 2006, the ANTHC coordinated service connection replacements for 30 homes in Elim. The undertaking, which entailed replacing existing subsurface service connections, also received concurrence from the SHPO that the project would not affect any historic properties (ANTHC 2006). In 2014, Walking Dog Archaeology conducted a survey of Elim in preparation for a Kawerak Transportation Project to rehabilitate the major roads and parking in the community. All major roadways and the beach were surveyed. Pipkin (2014) reported negative findings on all walked roadways and along the beach.

In 2016, GCI Communications Corporation (GCI) conducted an archaeological and architectural survey of Elim as a part of the TERRA Terrestrial Backbone Telecommunications System Project. Results of the inventory and survey included recommendations of eligibility for listing in the National Register of Historic Places for the village of *Nuviakchak* (SOL-00038) and ten buildings in Elim (GCI 2016). The status of these structures is listed as pending on the associated AHRS Cards, and the SHPO did not concur with the eligibility of SOL-00038 due to insufficient documentation of

eligibility under Criteria A or C (AHRS 2019). In 2018, a USACE archaeologist surveyed the four potential boat harbor locations: Moses Point, Iron Creek, Elim Beach, and Airport Point. No cultural resources were identified during the survey.

According to the AHRS, the eligibility of SOL-00038 for listing in the NRHP is still pending. For the purposes of the proposed Federal undertaking, the USACE will assume that SOL-00038 is eligible for listing in the National Register of Historic Places. Given the history of occupation at the site, there is potential for unknown subsurface cultural resources within the community footprint. The proposed small boat harbor would impact approximately 4 acres of uplands along the beach, and 41 acres of Norton Sound. The beach area has historically been subject to active erosion and weathering; major storm surges in 2004 and 2005 damaged the bridge and septic lines above the beach, as well as the fuel headers and six subsistence cabins. In addition to natural events, the area has been impacted construction, fueling operations, barge landings, boat launchings, materials storage, and other community events. In April 2019, the USACE met with community members in Elim to consult on the presence of cultural resources. No one was aware of any subsurface cultural resources along the beach; therefore, the likelihood of impacting subsurface cultural resources associated with SOL-00038 within the APE is low. As there are no known in-water cultural resources in the vicinity of Elim, in-water construction, dredging, and dredged materials placement is not expected to impact any cultural resources.

Conclusion

The APE of the proposed Federal undertaking falls within the boundaries of SOL-00038, the historic village of Elim. Consultation with community members did not identify any cultural resources concerns within the APE. And, due to the history of impacts to the Elim Beach from storm surges, construction, barge landings, and other activities, it is unlikely that unknown subsurface cultural resources would be impacted by the placement of the small boat harbor along the beach. Following 36 CFR § 800.6(b), the USACE seeks your concurrence on the determination that the proposed undertaking will result in **no adverse effect** on historic properties. If you have any questions about this project, please contact Kelly Eldridge by phone at 907-753-2672, or by email at kelly.a.eldridge@usace.army.mil.

Sincerely,



Kelly A. Eldridge
Archaeologist
Environmental Resources Section

cc:

Robert Keith, President, Native Village of Elim

Charles Saccheus, Sr., Mayor, City of Elim
Eric Daniels, Sr., President, Elim Native Corporation
Julie Raymond-Yakoubian, Social Science Program Director, Kawerak, Inc.
Gail R. Schubert, President and CEO, Bering Straits Native Corporation

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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ALASKA DISTRICT
P.O. BOX 6898
JBER, AK 99506-0898

February 18, 2020

CEPOA-PM-C-ER

Robert Keith
President
Native Village of Elim
P.O. Box 39070
Elim, AK 99739

Dear Mr. Keith:

The U.S. Army Corps of Engineers (USACE), under the Civil Works Program, is conducting a feasibility study on the construction of a small boat harbor in Elim, Alaska. The feasibility study is being conducted in partnership with the Native Village of Elim and Kawerak, Inc. In compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 [36 CFR § 800.2(a)(4)], the purpose of this letter is to notify your organization of a Federal undertaking and to invite consultation on an assessment of effect.

You are receiving this letter because the Native Village of Elim is a sponsor of the project and interested in cultural resources within the general project area. A letter addressed to the Alaska State Historic Preservation Officer (SHPO), which assesses the proposed undertaking, is enclosed. It describes the present state of identification and evaluation of cultural resources in the area and the impact that the proposed undertaking may have on those resources. Per Section 101(b)(3) of the NHPA, the SHPO advises and assists Federal agencies in carrying out their Section 106 responsibilities. The SHPO cooperates with agencies, local governments, organizations, and individuals to ensure that historic properties in Alaska are taken into consideration at all levels of Federal planning and development. Per 36 CFR § 800.3(c)(4), the SHPO has 30 days to respond to the USACE's notification; within this time period, we invite you to bring any cultural resources concerns or information to our attention.

If you have questions or concerns about this project, or would like to share information with us, please email me at kelly.a.eldridge@usace.army.mil or call at 907-753-2672.

Sincerely,

A handwritten signature in cursive script, reading "Kelly A. Eldridge", is written above the typed name.

Kelly A. Eldridge
Archaeologist
Environmental Resources Section



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ALASKA DISTRICT
P.O. BOX 6898
JBER, AK 99506-0898

February 18, 2020

CEPOA-PM-C-ER

Charles Saccheus, Sr.
Mayor
City of Elim
P.O. Box 39070
Elim, AK 99739

Dear Mr. Saccheus,

The U.S. Army Corps of Engineers (USACE), under the Civil Works Program, is conducting a feasibility study on the construction of a small boat harbor in Elim, Alaska. The feasibility study is being conducted in partnership with the Native Village of Elim and Kawerak, Inc. In compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 [36 CFR § 800.2(a)(4)], the purpose of this letter is to notify your organization of a Federal undertaking and to invite your consultation on an assessment of effect.

You are receiving this letter because we believe that the City of Elim may have an interest in cultural resources in the general project area. A letter addressed to the Alaska State Historic Preservation Officer (SHPO), which assesses the proposed undertaking, is enclosed. It describes the present state of identification and evaluation of cultural resources in the area and the impact that the proposed undertaking may have on those resources. Per Section 101(b)(3) of the NHPA, the SHPO advises and assists Federal agencies in carrying out their Section 106 responsibilities. The SHPO cooperates with agencies, local governments, organizations, and individuals to ensure that historic properties in Alaska are taken into consideration at all levels of Federal planning and development. Per 36 CFR § 800.3(c)(4), the SHPO has 30 days to respond to the USACE's notification; within this time period, we invite you to bring any cultural resources concerns or information to our attention.

If you have questions or concerns about this project, or would like to share information with us, please email me at kelly.a.eldridge@usace.army.mil or call at 907-753-2672.

Sincerely,

A handwritten signature in cursive script, reading "Kelly A. Eldridge", is positioned above the typed name.

Kelly A. Eldridge
Archaeologist
Environmental Resources Section



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ALASKA DISTRICT
P.O. BOX 6898
JBER, AK 99506-0898

February 18, 2020

CEPOA-PM-C-ER

Eric Daniels, Sr.
President
Elim Native Corporation
P.O. Box 39010
Elim, AK 99739

Dear Mr. Daniels,

The U.S. Army Corps of Engineers (USACE), under the Civil Works Program, is conducting a feasibility study on the construction of a small boat harbor in Elim, Alaska. The feasibility study is being conducted in partnership with the Native Village of Elim and Kawerak, Inc. In compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 [36 CFR § 800.2(a)(4)], the purpose of this letter is to notify your organization of a Federal undertaking and to invite consultation on an assessment of effect.

You are receiving this letter because we believe that the Elim Native Corporation may have an interest in cultural resources in the general project area. A letter addressed to the Alaska State Historic Preservation Officer (SHPO), which assesses the proposed undertaking, is enclosed. It describes the present state of identification and evaluation of cultural resources in the area and the impact that the proposed undertaking may have on those resources. Per Section 101(b)(3) of the NHPA, the SHPO advises and assists Federal agencies in carrying out their Section 106 responsibilities. The SHPO cooperates with agencies, local governments, organizations, and individuals to ensure that historic properties in Alaska are taken into consideration at all levels of Federal planning and development. Per 36 CFR § 800.3(c)(4), the SHPO has 30 days to respond to the USACE's notification; within this time period, we invite you to bring any cultural resources concerns or information to our attention.

If you have questions or concerns about this project, or would like to share information with us, please email me at kelly.a.eldridge@usace.army.mil or call at 907-753-2672.

Sincerely,

A handwritten signature in cursive script, reading "Kelly A. Eldridge", is positioned above the typed name.

Kelly A. Eldridge
Archaeologist
Environmental Resources Section



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ALASKA DISTRICT
P.O. BOX 6898
JBER, AK 99506-0898

February 18, 2020

CEPOA-PM-C-ER

Julie Raymond-Yakoubian
Social Science Program Director
Kawerak, Inc.
P.O. Box 948
Nome, AK 99762

Dear Dr. Raymond-Yakoubian,

The U.S. Army Corps of Engineers (USACE), under the Civil Works Program, is conducting a feasibility study on the construction of a small boat harbor in Elim, Alaska. The feasibility study is being conducted in partnership with the Native Village of Elim and Kawerak, Inc. In compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 [36 CFR § 800.2(a)(4)], the purpose of this letter is to notify your organization of a Federal undertaking and to invite consultation on an assessment of effect.

You are receiving this letter because Kawerak, Inc. is a sponsor of the project and interested in cultural resources within the general project area. A letter addressed to the Alaska State Historic Preservation Officer (SHPO), which assesses the proposed undertaking, is enclosed. It describes the present state of identification and evaluation of cultural resources in the area and the impact that the proposed undertaking may have on those resources. Per Section 101(b)(3) of the NHPA, the SHPO advises and assists Federal agencies in carrying out their Section 106 responsibilities. The SHPO cooperates with agencies, local governments, organizations, and individuals to ensure that historic properties in Alaska are taken into consideration at all levels of Federal planning and development. Per 36 CFR § 800.3(c)(4), the SHPO has 30 days to respond to the USACE's notification; within this time period, we invite you to bring any cultural resources concerns or information to our attention.

If you have questions or concerns about this project, or would like to share information with us, please email me at kelly.a.eldridge@usace.army.mil or call at 907-753-2672.

Sincerely,

A handwritten signature in cursive script, reading "Kelly A. Eldridge", is written over a horizontal line.

Kelly A. Eldridge
Archaeologist
Environmental Resources Section



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ALASKA DISTRICT
P.O. BOX 6898
JBER, AK 99506-0898

February 18, 2020

CEPOA-PM-C-ER

Gail R. Schubert
President and CEO
Bering Straits Native Corporation
3301 C Street, Suite 400
Anchorage, AK 99503

Dear Ms. Schubert:

The U.S. Army Corps of Engineers (USACE), under the Civil Works Program, is conducting a feasibility study on the construction of a small boat harbor in Elim, Alaska. The feasibility study is being conducted in partnership with the Native Village of Elim and Kawerak, Inc. In compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 [36 CFR § 800.2(a)(4)], the purpose of this letter is to notify your organization of a Federal undertaking and to invite consultation on an assessment of effect.

You are receiving this letter because we believe that the Bering Straits Native Corporation may have an interest in cultural resources in the general project area. A letter addressed to the Alaska State Historic Preservation Officer (SHPO), which assesses the proposed undertaking, is enclosed. It describes the present state of identification and evaluation of cultural resources in the area and the impact that the proposed undertaking may have on those resources. Per Section 101(b)(3) of the NHPA, the SHPO advises and assists Federal agencies in carrying out their Section 106 responsibilities. The SHPO cooperates with agencies, local governments, organizations, and individuals to ensure that historic properties in Alaska are taken into consideration at all levels of Federal planning and development. Per 36 CFR § 800.3(c)(4), the SHPO has 30 days to respond to the USACE's notification; within this time period, we invite you to bring any cultural resources concerns or information to our attention.

If you have questions or concerns about this project, or would like to share information with us, please email me at kelly.a.eldridge@usace.army.mil or call at 907-753-2672.

Sincerely,

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Kelly A. Eldridge
Archaeologist
Environmental Resources Section



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ALASKA DISTRICT
P.O. BOX 6898
JBER, AK 99506-0898

3130-1R COE-E

February 18, 2020

CEPOA-PM-C-ER

RECEIVED

FEB 21 2020

OHA

Ms. Judith Bittner
State Historic Preservation Officer
Office of History and Archaeology
550 West 7th Avenue, Suite 1310
Anchorage, AK 99501-3565

Dear Ms. Bittner,

The U.S. Army Corps of Engineers, Alaska District (USACE) Civil Works Branch is conducting a feasibility study on the construction of a small boat harbor in Elim, Alaska (Sections 15 and 21, T10S, R18W, USGS Quad Solomon C1, Kateel River Meridian; Figure 1). This study is being conducted in partnership with the Native Village of Elim and Kawerak, Incorporated. In compliance with Section 106 of the National Historic Preservation Act of 1966, the purpose of this letter is to notify you of a proposed Federal undertaking [36 CFR § 800.3(c)(3)] and to seek your concurrence on an assessment of effect [36 CFR § 800.4(d)(1)].



Figure 1. Elim Small Boat Harbor project location map.

2020-00221

Authority

This undertaking is being conducted under Section 203, Tribal Partnership Program, of the Water Resources Development Act (WRDA) of 2000 as amended by Section 1031(a) of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), and Section 1121 of the Water Infrastructure Improvements for the Nation Act of 2016 (WIIIN/WRDA 2016). These statutes provide authority for the USACE, in cooperation with Federally-recognized Tribes and other Federal agencies, to study and determine the feasibility of carrying out projects that will substantially benefit Federally-recognized Tribes.

Purpose and Need

The community of Elim has no navigation improvements; presently, incoming barges wait for high tide and discharge fuel via a floating line to a 2-inch pipeline header on the beach west of Elim Creek. Dry goods are unloaded from barges onto the beach east of Elim Creek (Figure 2). In addition to tidal impacts, beach access changes depending on the location of shifting sand bars. Currently, both subsistence and commercial fishing vessels are either beached in front of the community or 9 miles away at Moses Point beach. Lack of moorage adversely impacts the subsistence and commercial fishing fleet; if left unattended during a storm, vessels are often swamped or damaged. The USACE and its partners have identified a tentatively selected plan (TSP) to construct a small boat harbor at Elim's beach in order to improve navigation and moorage for the community.

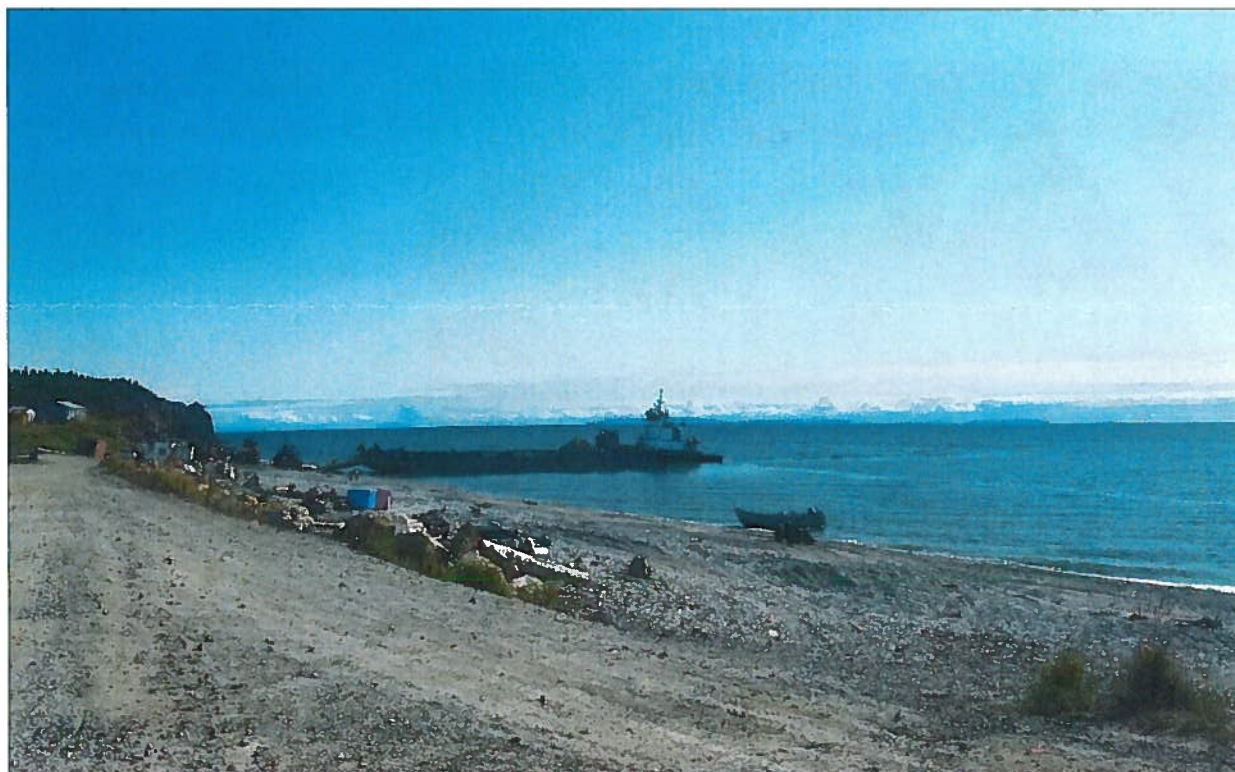


Figure 2. Barge unloading cargo onto Elim Beach in 2018.

Historic Context

People began to migrate into eastern Beringia, modern-day Alaska, during the Pleistocene. The earliest known archaeological sites in Alaska are concentrated in the Tanana River basin, and date to approximately 14,000 years ago. The earliest known archaeological site on the Seward Peninsula is Trail Creek Caves (BEN-00001), which dates to approximately 10,000 years ago (Goebel and Potter 2016). Artifacts from this site were used to help define the American Paleoarctic tradition (Anderson 1984; Dixon 2013). The earliest-known archaeological site in the vicinity of Elim is Iyatayet (NOB-00002), the type site of both the Denbigh Flint Complex and the Norton tradition. Iyatayet is located on Cape Denbigh, approximately 25 miles southeast of Elim across Norton Bay. The oldest occupations at this multicomponent site date to about 4,000 years ago; however, the site was periodically occupied until about 500 years ago (Tremayne et al. 2018). Multiple archaeological sites in the region demonstrate that the shores of Norton Sound have been continuously occupied for the past 2,000 years.

Norton Sound was first visited by European explorers in 1778, when James Cook sailed into the sound. This was followed by Joseph Billings in 1791 and Otto von Kotzebue in 1816 (Bockstoe 1979). In 1822, the Russian-American Company established a trading post at Saint Michael, approximately 80 miles south of Elim across Norton Sound. Encroachment of outsiders into the region impacted local communities in multiple ways, including the migration of individuals from further north into the area in order to take advantage of trade opportunities, and a decrease in area population due to multiple epidemics. The 1867 Treaty of Cession transferred Russian possession of the Alaska Territory to the United States. The late 1800s saw a further influx of outsiders into Norton Sound, with the establishment of multiple missions in the area and the discovery of gold near Nome (Ray 1975; Ganley 1995; Phillips-Chan 2019; Raymond-Yakoubian 2019).

In 1913, the Golovin Evangelical Covenant mission was relocated to what is now the City of Elim. The Covenant mission and children's home was established at this new location by Reverend Ludwig Evald Ost and his wife Ruth Ost, who called it the Elim Mission Roadhouse. The name "Elim" was chosen by Reverend Ost for its biblical associations. In 1917, 350,000 acres of land around Elim were set aside in an Executive Order and designated the Norton Bay Reservation for use by the U.S. Bureau of Education and the inhabitants of Elim (Raymond-Yakoubian 2019). In 1929, under pressure from mining lobbyists, 50,000 acres were removed from the reserve via another Executive Order. The City of Elim was incorporated in 1970. When the Alaska Native Claims Settlement Act (ANCSA) was passed in 1971, Elim chose the "opt-out" option through section 19b of ANCSA. In lieu of other ANCSA benefits, Elim gained title to 298,000 acres of the former reserve (Case and Voluck 2002; Raymond-Yakoubian 2019).

Project Description

The tentatively selected plan (TSP) is to build a harbor at the beach located south of Elim (Figure 3). The harbor will be sized to accommodate one 160 foot (ft) barge and associated 86 ft tug, two fish/crab tenders, and 50 vessels varying in size from 18 – 32 ft in length. Docks will consist of two removable floating docks, each approximately 245 ft long with two 50 ft-long gangways. An 87 ft-long tender dock would also be installed, as will a single small boat launch. Two rubblemound breakwaters will provide a mooring basin of approximately 6.2 acres. The west breakwater will be 819 ft long and the east breakwater will be 418 ft long. The breakwaters will be constructed of rock from the established commercial quarry at Cape Nome. A 0.15 mile-long access road running parallel to the beach, connecting Front Street with a 3.9 acre upland turn-around and parking space, will also be constructed. No staging area is expected for the rock as it will be placed into the water directly from the barge; however, some equipment will likely be staged along Front Street and the beach.

The required dredge depth of the mooring basin will be -9.0 ft Mean Lower Low Water (MLLW) with a maximum pay depth of -11.0 ft MLLW. The entrance channel and turning basin will require a dredge depth of -8.0 ft MLLW with a maximum pay depth of -10.0 ft MLLW. The material at Elim Beach consists of poor to well-graded gravel with sand, cobbles, boulders, weathered bedrock, and bedrock outcroppings. A combination of mechanical dredging and heavy ripping, drilling, or blasting will be required to remove material from the proposed entrance channel and mooring basin. Dredged materials will be placed in-water approximately 2 miles southeast of the project area (Figure 4).

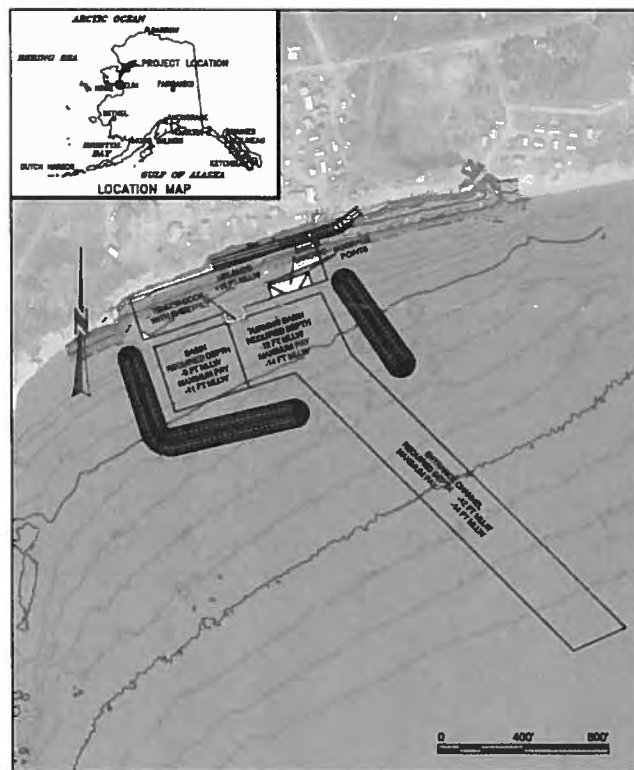


Figure 3. Elim Small Boat Harbor TSP.

Area of Potential Effect and Assessment of Effect

Figure 5. APE (blue) in relation to known cultural resources on the AHRs (pink).

The Alaska Heritage Resources Survey (AHRs) database documents twelve known cultural resources within the vicinity of Elim. The AHRs identifies Elim itself as the historic village of *Nuviakchak* (Table 1). A search of the shows no known wrecks or obstructions within the vicinity of the Elim Beach project location. A search of both the Bureau of Ocean and Energy Management's (BOEM) database and the National Oceanic and Atmospheric Administration's (NOAA) Wrecks and Obstructions database showed no known shipwrecks or other obstructions within the APE (BOEM 2011; NOAA 2018).

Table 1. Known cultural resources within general vicinity of Area of Potential Effect (APE).

AHRs No.	Site Name	NRHP Status	In APE
SOL-00038	Nuviakchak (Elim)	Unevaluated	YES
SOL-00127	Unalakleet-Nome Trail	Eligible	No
SOL-00177	Cabin 1	Unevaluated	No
SOL-00178	Cabin 2	Unevaluated	No
SOL-00179	Outbuilding 1	Unevaluated	No
SOL-00180	Cabin 3	Unevaluated	No
SOL-00181	Old High School	Unevaluated	No
SOL-00182	Dog House	Unevaluated	No
SOL-00183	Cabin 4	Unevaluated	No
SOL-00184	U.S. Post Office	Unevaluated	No
SOL-00185	Cabin 5	Unevaluated	No
SOL-00186	Meeting House	Unevaluated	No

There have been at least six cultural resources surveys conducted in the Elim area. In 2002, the Army National Guard (ARNG) conducted a study on the Elim ARNG Armory in preparation for potential future undertakings at the facility (Morris and Ream 2002). No historic properties were identified during the survey (ARNG 2002). In 2004, the Alaska Native Tribal Health Consortium (ANTHC) coordinated service line replacements to ten homes in Elim. The 2004 undertaking received concurrence from the SHPO that the project would not affect historic properties due to the lack of ground disturbance (ANTHC 2004). In 2006, the ANTHC coordinated service connection replacements for 30 homes in Elim. The undertaking, which entailed replacing existing subsurface service connections, also received concurrence from the SHPO that the project would not affect any historic properties (ANTHC 2006). In 2014, Walking Dog Archaeology conducted a survey of Elim in preparation for a Kawerak Transportation Project to rehabilitate the major roads and parking in the community. All major roadways and the beach were surveyed. Pipkin (2014) reported negative findings on all walked roadways and along the beach.

In 2016, GCI Communications Corporation (GCI) conducted an archaeological and architectural survey of Elim as a part of the TERRA Terrestrial Backbone Telecommunications System Project. Results of the inventory and survey included recommendations of eligibility for listing in the National Register of Historic Places for the village of *Nuviakchak* (SOL-00038) and ten buildings in Elim (GCI 2016). The status of these structures is listed as pending on the associated AHRs Cards, and the SHPO did not concur with the eligibility of SOL-00038 due to insufficient documentation of

eligibility under Criteria A or C (AHRs 2019). In 2018, a USACE archaeologist surveyed the four potential boat harbor locations: Moses Point, Iron Creek, Elim Beach, and Airport Point. No cultural resources were identified during the survey.

According to the AHRs, the eligibility of SOL-00038 for listing in the NRHP is still pending. For the purposes of the proposed Federal undertaking, the USACE will assume that SOL-00038 is eligible for listing in the National Register of Historic Places. Given the history of occupation at the site, there is potential for unknown subsurface cultural resources within the community footprint. The proposed small boat harbor would impact approximately 4 acres of uplands along the beach, and 41 acres of Norton Sound. The beach area has historically been subject to active erosion and weathering; major storm surges in 2004 and 2005 damaged the bridge and septic lines above the beach, as well as the fuel headers and six subsistence cabins. In addition to natural events, the area has been impacted construction, fueling operations, barge landings, boat launchings, materials storage, and other community events. In April 2019, the USACE met with community members in Elim to consult on the presence of cultural resources. No one was aware of any subsurface cultural resources along the beach; therefore, the likelihood of impacting subsurface cultural resources associated with SOL-00038 within the APE is low. As there are no known in-water cultural resources in the vicinity of Elim, in-water construction, dredging, and dredged materials placement is not expected to impact any cultural resources.

Conclusion

The APE of the proposed Federal undertaking falls within the boundaries of SOL-00038, the historic village of Elim. Consultation with community members did not identify any cultural resources concerns within the APE. And, due to the history of impacts to the Elim Beach from storm surges, construction, barge landings, and other activities, it is unlikely that unknown subsurface cultural resources would be impacted by the placement of the small boat harbor along the beach. Following 36 CFR § 800.6(b), the USACE seeks your concurrence on the determination that the proposed undertaking will result in **no adverse effect** on historic properties. If you have any questions about this project, please contact Kelly Eldridge by phone at 907-753-2672, or by email at kelly.a.eldridge@usace.army.mil.

Sincerely,



Kelly A. Eldridge
Archaeologist
Environmental Resources Section

No Historic Properties Adversely Affected
Alaska State Historic Preservation Officer
Date: 3.20.20 **File No.:** 3130-1200E
Please review: 36 CFR 800.13 / A.S. 41.35.070(d)

cc:

Robert Keith, President, Native Village of Elim

Charles Saccheus, Sr., Mayor, City of Elim
Eric Daniels, Sr., President, Elim Native Corporation
Julie Raymond-Yakoubian, Social Science Program Director, Kawerak, Inc.
Gail R. Schubert, President and CEO, Bering Straits Native Corporation

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Correspondence:
Clean Water Act, Section 401

From: [Floyd, Christopher B CIV USARMY CEPOA \(USA\)](#)
To: mccracken.betsy@epa.gov; james.rypkema@alaska.gov
Cc: lohrman.bridgette@epa.gov; angela.hunt@alaska.gov
Subject: RE: USACE "Elim Tribal Partnership" - WQ info dump - CONTAMINATED SITES INFO
Date: Friday, January 3, 2020 2:29:00 PM
Attachments: [ADEC CS report AVEC tank farm.pdf](#)
[ADEC CS report Elim school.pdf](#)
[ADEC ConSites map.png](#)

Looks like there are *two* documented contaminated sites at the Elim town site.

The former tank farm site (blue triangle on the attached map) was never cleaned up, but is known from a small area of surface staining.

The "Problems/Comments" section at the beginning of the AVEC report states that the ASTs are still on site, but the report later says the tanks were removed by AVEC in 2013.

The current tank farm is located out of the town center, towards the west end of the airfield.

The Elim School site (yellow triangle on the map) was a diesel spill discovered when ground was broken for the new school building. A cleanup was performed, but some diesel contamination remains in deep bedrock fissures.

There is no evidence or reports of chemical contamination from these sites migrating into the marine environment. Any contaminated groundwater seepage or surface water run-off would be conspicuous as it reached the exposed bedrock and sand of the beach. The local residents are extremely sensitive to environmental contamination issues, and would have brought any known contaminant migration to our attention during our numerous meetings with them. Any chemical contamination that may have entered the dredging prism in the past would be very unlikely to have been retained in the coarse sediments.

Thanks,
Chris Floyd

-----Original Message-----

From: Floyd, Christopher B CIV USARMY CEPOA (USA)
Sent: Friday, January 3, 2020 11:27 AM
To: mccracken.betsy@epa.gov; james.rypkema@alaska.gov
Cc: lohrman.bridgette@epa.gov; angela.hunt@alaska.gov
Subject: USACE "Elim Tribal Partnership" - WQ info dump - GEOTECH INFO

Following up on the email from yesterday, I've attached an excerpt from the project draft geotechnical report.

The USACE sampled 7 test-pits along Elim Beach in October 2018.

The samples were all over 90% sands and gravels, with a maximum of 2.4% fines (in the "Summary of Laboratory Test Results" table at the end of the attached PDF, only samples 1-1 through 1-8 were collected from Elim Beach; the remainder were from alternate sites at Iron Creek and Moses Point, several miles away).

These geotech samples were collected for hydraulics and hydrology analyses, so our engineers apparently thought the beach material was sufficiently representative of offshore sediments.

Thanks,
Chris Floyd

-----Original Message-----

From: Floyd, Christopher B CIV USARMY CEPOA (USA)
Sent: Thursday, January 2, 2020 3:43 PM
To: mccracken.betsy@epa.gov; james.rypkema@alaska.gov
Cc: lohrman.bridgette@epa.gov; angela.hunt@alaska.gov
Subject: USACE "Elim Tribal Partnership" - WQ info dump

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taken up much of my attention the last few months.

Hard on that project's heels is the feasibility study for "Elim Tribal Partnership", a new-construction small multi-purpose harbor for the Village of Elim.

The attached "info dump" is a collection of maps, figures, and project descriptions I've raked together from various draft and incomplete documents, in the interest of getting potential Clean Water Act issues out in front of you as soon as possible.

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The USACE believes that this project site is a good candidate for a Tier 1 exclusion from chemical testing:

- a. A review of site histories shows little cause to believe that the dredged material may be contaminated. The ADEC Contaminated Sites database lists only a former tank farm site near the developed center of Elim, about 150 yards north of the Elim Beach shoreline, and 300 yards west of Elim Creek. The site is small, perhaps 130 feet by 100 feet. State records of the site discuss small areas of surface soil staining; there is no evidence of contamination having migrated from the former tank farm site. We have found no reports of releases at the beach itself, or from the fuel header located on a bluff overlooking the project site. A significant leak or spill from the header would be quickly obvious to the residents.
- b. The site is "subject to strong current and/or tidal energy".
- c. The dredged materials are expected to be sand, and crushed rock from hydraulic ripping of bedrock ridges. I believe we may have particle-size analyses of beach material collected last year.
- d. The USACE has not yet selected a dredged material disposal site, but it is probable that there are areas of seafloor nearby with a material composition very similar to that of the project site. The project site and any disposal site will be within Inland Waters (just barely; see Figure 2 of the attached).

Thank you,
Chris Floyd, Biologist
Environmental Resources Section
Civil Works Project Management Branch
Alaska District
US Army Corps of Engineers
907-753-2700

From: [Rypkema, James \(DEC\)](#)
To: [Floyd, Christopher B CIV USARMY CEPOA \(USA\)](#); [McCracken, Betsy W.](#)
Cc: [Lohrman, Bridgette](#); [Hunt, Angela M \(DEC\)](#)
Subject: [Non-DoD Source] RE: USACE "Elim Tribal Partnership" - WQ info dump
Date: Friday, January 10, 2020 4:07:41 PM

Chris,
I have no objection to your Tier 1 approach.

Jim Rypkema
Program Manager, Storm Water & Wetlands
Wastewater Discharge Authorization Program
Div of Water, Alaska Dept of Environmental Conservation
555 Cordova St; Anchorage, AK 99501-2617
(907) 334-2288 direct; (907) 301-1836 cell
james.rypkema@alaska.gov
Blocked<http://dec.alaska.gov/water/wastewater/stormwater>
Blocked<http://dec.alaska.gov/water/wastewater/wetlands>

-----Original Message-----

From: Floyd, Christopher B CIV USARMY CEPOA (USA) [<mailto:Christopher.B.Floyd@usace.army.mil>]
Sent: Friday, January 10, 2020 12:12 PM
To: McCracken, Betsy W. <mccracken.betsy@epa.gov>; Rypkema, James (DEC) <james.rypkema@alaska.gov>
Cc: Lohrman, Bridgette <lohrman.bridgette@epa.gov>; Hunt, Angela M (DEC) <angela.hunt@alaska.gov>
Subject: RE: USACE "Elim Tribal Partnership" - WQ info dump

Hi Betsy -

The full draft Geotechnical Report is about 93 MB; I will need to upload it somewhere for you to access.

The main intent of my 2 January email was to float the idea that the proposed dredging and dredged material disposal at Elim may qualify for a Tier I exclusion from chemical testing, re the Clean Water Act.

We are in the midst of preparing an integrated EA and Feasibility Report for this project, which will cover all the considerations you propose below.

We have submitted an EFH Assessment to NMFS Habitat, concluded ESA informal consultation with the USFWS, and are preparing a draft Biological Assessment under the ESA for the NMFS.

The Native Village of Elim, and Kawerak, Inc., are the "non-federal sponsors" for this project; they originally requested the USACE studies, and have been closely involved in project scoping.

Iron Creek and Moses Point were at one time alternative locations considered for this project, but were dropped as alternatives in part because of the more substantial biological resources in those locations.

The coastline near Elim consists of alternating sandy beaches and rocky headlands, which inhibits the sort of long-distance littoral sediment transport you see at Nome. Storm surges may carry large loads of sediment into Elim Beach, or may wash it away; the local residents talk about entire clamming beds being relocated that way. The proposed breakwaters will dissipate some wave energy within the shallow cove in front of Elim, but are not expected to have any effect on sediment transport beyond the two headlands defining the cove.

We have not yet identified or evaluated a dredged material disposal site. Discharging into deeper water is usually has less impact, but "deeper" in Norton Bay means only about 30 feet, as compared to 10 feet or less. We are assuming that the seabed in open Norton Bay off of Elim is the same sort of mobile, unconsolidated sand we saw closer to Elim; we can verify this with an underwater camera, but not until May or June. We are open to other

dredged material placement possibilities, including beneficial use.

Thanks,
Chris Floyd

-----Original Message-----

From: McCracken, Betsy W. [<mailto:mccracken.betsy@epa.gov>]

Sent: Wednesday, January 8, 2020 12:19 PM

To: Floyd, Christopher B CIV USARMY CEPOA (USA) <Christopher.B.Floyd@usace.army.mil>;

james.rypkema@alaska.gov

Cc: Lohrman, Bridgette <lohrman.bridgette@epa.gov>; angela.hunt@alaska.gov

Subject: [Non-DoD Source] RE: USACE "Elim Tribal Partnership" - WQ info dump

Hi Chris,

I appreciate the "take-home message" regarding the predominance of sandy substrate in the proposed project area.

As I continued to review the materials provided, a few more questions/considerations for the Elim Harbor project came to mind:

Will you please send over the complete Geotechnical Report, as opposed to the excerpt from the report?

Iron Creek (AWC # 333-30-10520) appears to be down the shore line in the general vicinity the proposed project site; and the "summary" indicates juvenile salmonids in the project area. Iron Creek supports spawning and migrating Pink and Chum Salmon. We will want to understand how the project may impact these resources, and proposed mitigation to avoid and minimize potential impacts (for example, water quality impacts from blasting and dredging). Will juvenile or adult fish migration pathways be interrupted? What is the timeline for the proposed work?

Has the COE investigated the use of the area by marine mammals? The literature reports, at a minimum, that there may be seals in the area that feed off herring within the pressure ridge that develops across Norton Sound between Moses Point and Dexter Point. We will want to understand this dynamic as it relates to potential project impacts.

Have there been any recent wave action/storm surge/circulation studies completed to help understand how the shoreline may be affected from the construction of the two proposed breakwaters (e.g., shoreline erosion)? While the breakwaters may protect the shoreline immediately behind them, we want to understand the potential to alter or displace impacts along the adjacent shoreline. Sandy substrate is also highly erodible. The west coast of Alaska, in particular, is increasingly experiencing coastal erosion with wave fetch and coastal flooding increasing with climate change. There is a 2008 Baseline Coastal Erosion Assessment for Elim found at:

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Is there any available sediment sampling, or other information available related to the proposed dredge material disposal site?

The "Elim WQ Info Dump...." document states that the likely disposal site "would likely be in relatively deep (30 feet or more) waters found roughly a mile to the southeast of Elim, but east of the Territorial Sea baseline" (i.e., "inland waters"; Figure 2)- but is not indicated on Figure 2.

Thanks very much for the coordination,
Betsy

Betsy McCracken
U. S. Environmental Protection Agency

Water Division/Regional Administrators Division
222 W. 7th Avenue
Anchorage, Alaska
99513
Work: (907) 271-1206
Cell: (907) 360-3553

-----Original Message-----

From: Floyd, Christopher B CIV USARMY CEPOA (USA) <Christopher.B.Floyd@usace.army.mil>
Sent: Monday, January 6, 2020 9:56 AM
To: McCracken, Betsy W. <mccracken.betsy@epa.gov>; james.rypkema@alaska.gov
Cc: Lohrman, Bridgette <lohrman.bridgette@epa.gov>; angela.hunt@alaska.gov
Subject: RE: USACE "Elim Tribal Partnership" - WQ info dump

Thanks, Betsy

The broken purple line in Figure 6 denotes (highly conceptualized and approximated) areas of "High-relief rocky habitat; extensive marine growth" as logged from viewings of our underwater videos.

I used the term "extensive marine growth" to describe the dense growth of multiple species of marine algae, sponges, bryozoans, anemones, and other marine invertebrates found on high-relief rock (e.g., bottom two photos in Figure 7), as opposed to the minimal growth on low-relief rock surfaces (e.g., the upper-right photo in Figure 7).

The transects K>L and M>N were run near "Airport Point" when that was still a potential project location. The Airport Point alternatives have since been dropped from consideration (primarily because they would require extensive cutting and blasting of the uplands to create access to a harbor there).

The project EA will describe the marine growth in more detail. The take-home from my info dump is that the currently proposed project site (Figure 4) is predominantly in an area of sandy benthic substrate.

Chris Floyd

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Hi Chris,

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- 1) On page 5, of the WQ info. Document, what does the broken purple line represent? What is meant by "extensive marine growth"?
- 2) Is the COE proposing any mitigation for the project?

I will take a look at the geotechnical report and the chemical contaminants materials as well.

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Betsy

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Thank you,
Chris Floyd, Biologist
Environmental Resources Section
Civil Works Project Management Branch
Alaska District
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907-753-2700

From: [McCracken, Betsy W.](#)
To: [Floyd, Christopher B CIV USARMY CEPOA \(USA\)](#)
Cc: [Lohrman, Bridgette](#)
Subject: [Non-DoD Source] RE: USACE "Elim Tribal Partnership"
Date: Wednesday, January 29, 2020 2:47:19 PM

Hi Chris,

As follow up to the Elim Harbor project, EPA has the following recommendations as a result of our further review of available project materials:

Based on the information provided and where the USACE is in this process, stating that no additional evaluation of the dredged material is premature. A full Tier 1 evaluation has not yet occurred. The EPA recommends collecting additional information to support the Tier 1 conclusion that no chemical testing would be needed.

The proposed action by the USACE is a significant new work construction action that will generate a large volume of dredged material, 160,000 cy, from an area that has not been dredged before. Besides the visual observations of the seafloor, the USACE should include in their analysis representative sediment samples of the dredge prism. The USACE sampling of the 7 test pits onshore only captured sediment from 2.4 inches to 1.3 feet beneath the surface. This sampling is not sufficient to characterize the material that will be dredged. The dredge prism may be as deep as 6 to 9 feet in the nearshore area, thus, visual indication of the seafloor substrate type is not sufficient to characterize the material at depth. The EPA expects the USACE would need to collect these physical data for this project to determine: 1) project cost estimates; 2) construction operation sequences; 3) information for biological evaluations under the Endangered Species Act; 4) appropriate disposal area for consolidated and unconsolidated material, amongst other needs.

In addition, there are known sources, and potential sources, of contaminants nearby, i.e. sewer outfall, former tank farm site, Elim school site. Given this information, EPA does not support concluding the Tier 1 evaluation process is completed. The USACE should consider the data from the physical evaluation of the dredge prism from representative samples in their analysis to discuss the presence of consolidated versus unconsolidated material, proportion of fine-grained versus coarse-grained material, and potential presence of mineral deposits present in higher levels and how these factors would or would not relate to potential contaminant concerns.

Please let us know if you have any questions or would like to have a call to discuss this project further.

Thank you very much,

Betsy

Betsy McCracken
U. S. Environmental Protection Agency
Water Division/Regional Administrators Division
222 W. 7th Avenue
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99513
Work: (907) 271-1206
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