



REGION 10

SEATTLE, WA 98101

April 9, 2025

Kayla Campbell, Biologist
Alaska District, U.S. Army Corps of Engineers
Environmental Resources Section, Civil Works Branch
P.O. Box 6898
Joint Base Elmendorf-Richardson, Alaska 99506-0898

Dear Kayla Campbell:

The U.S. Environmental Protection Agency received your request dated March 28, 2025 to confirm EPA's intent to continue our role as a Cooperating Agency for the Homer Navigation Improvement Study, a project to determine the feasibility in constructing navigation improvements to satisfy current moorage demand in Homer, Alaska. The USACE will prepare a document under the National Environmental Policy Act (NEPA).

The EPA previously accepted USACE's request to participate in this process as a Cooperating Agency (as defined in NEPA) in June 2023. Since then, the project was paused due to a lapse in federal funding. The EPA reaffirms our interest to continue serving as a Cooperating Agency as described in our attached June 2023 acceptance letter. Please note that our status as a Cooperating Agency has no effect on our authorities under Section 102(2)(C) of NEPA, Section 309 of the Clean Air Act, or the Clean Water Act. Similarly, our role as a Cooperating Agency does not imply that the EPA will necessarily concur with all aspects of the NEPA document.

Thank you for the opportunity to continue being involved in the development of this NEPA analysis. We look forward to virtually attending the April 24th Environmental Stakeholder Work Group meeting. If you have questions about this response, please contact Susan Sturges of my staff, at (206) 553-2117 or at sturges.susan@epa.gov.

Sincerely,

Rebecca Chu, Manager
NEPA Branch

From: [Weimer, Willow A \(DEC\)](#)
To: [Spaulding, Fern R CIV USARMY CEPOA \(USA\)](#)
Cc: [Rouse, Michael B CIV USARMY CEPOA \(USA\)](#); [Lee, Curtis D CIV USARMY CEPOA \(USA\)](#)
Subject: [Non-DoD Source] RE: 401 WQC letter of confirmation for Homer Harbor feasibility study; USACE Alaska District
Date: Wednesday, September 4, 2024 8:30:05 AM
Attachments: [image001.png](#)

Hello,

Thank you for the coordination. ADEC has received this notification and looks forward to reviewing the prefiling meeting application once submitted.

Please reach out if you need any further assistance when the time comes.

Thank you, WILLOW



Willow Weimer
Alaska Department of Environmental Conservation
Wastewater Discharge Authorization Program

DIVISION OF WATER
OFFICE 907.269.6096
WILLOW.WEIMER@ALASKA.GOV
555 CORDOVA STREET
ANCHORAGE, AK 99501

From: Spaulding, Fern R CIV USARMY CEPOA (USA) <Fern.R.Spaulding@usace.army.mil>
Sent: Thursday, August 29, 2024 10:55 AM
To: Weimer, Willow A (DEC) <willow.weimer@alaska.gov>
Cc: Rouse, Michael B CIV USARMY CEPOA (USA) <Michael.B.Rouse@usace.army.mil>; Lee, Curtis D CIV USARMY CEPOA (USA) <Curtis.D.Lee@usace.army.mil>
Subject: 401 WQC letter of confirmation for Homer Harbor feasibility study; USACE Alaska District

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Willow,

Please see the attached letter of confirmation regarding USACE Alaska District's intent to acquire a Section 401 Water Quality Certification for the Homer Harbor navigational improvements feasibility study.

USACE acknowledges the requirement to obtain certification from the State of Alaska under Section 401 of the Clean Water Act (CWA; 33 USC § 1341). However, at this time the conceptual level of project detail developed within the feasibility study does not allow for proper evaluation of all potential discharges under the CWA; specifically, the proposed dredging prisms have not yet been characterized, and potential discharge sites have not been assessed. Therefore, USACE cannot apply for a Section 401 Water Quality Certification at this time, but intends to once it has acquired sufficient site-specific information.

USACE requests written confirmation from your office acknowledging the coordination of this project with your agency, and its intent to obtain a water quality certification at a later date prior to project implementation.

Please reach out to either myself, Mike Rouse (Chief of Environmental Resources, cc'd), or Curtis Lee (Project Manager, cc'd) if you have any questions or concerns.

Best,

Fern Spaulding
Biologist
Alaska District, U.S. Army Corps of Engineers
1.907.753.2693



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Anchorage Fish & Wildlife Field Office
4700 Blm Road
Anchorage, AK 99507
Phone: (907) 271-2888 Fax: (907) 271-2786

In Reply Refer To:

06/05/2024 17:20:48 UTC

Project Code: 2023-0087942

Project Name: Homer Navigation Improvements Study, AK

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, and proposed species, designated critical habitat, and some candidate species that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.). Please note that candidate species are not included on this list. We encourage you to visit the following website to learn more about candidate species in your area: <https://www.fws.gov/library/collections/candidate-conservation>

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

Endangered Species: The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having

similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a Federal nexus) or a Bird/Eagle Conservation Plan (when there is no Federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle

Protection Act (16 U.S.C. 668 et seq.), and projects affecting these species may require development of an eagle conservation plan (<https://www.fws.gov/program/eagle-management/working-around-eagles>). Additionally, wind energy projects should follow the wind energy guidelines (<https://www.fws.gov/node/266177>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<https://www.fws.gov/media/recommended-best-practices-communication-tower-design-siting-construction-operation>
<http://www.towerkill.com>

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Marine Mammals

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Anchorage Fish & Wildlife Field Office

4700 Blm Road
Anchorage, AK 99507
(907) 271-2888

PROJECT SUMMARY

Project Code: 2023-0087942

Project Name: Homer Navigation Improvements Study, AK

Project Type: Breakwaters - New Construction

Project Description: The Homer Navigation Improvements Study, AK is located within the vicinity of Kachemak Bay and Homer, Alaska. Study alternatives are located near the end of the Homer Spit by the Current Homer Harbor. The current array of alternatives would develop breakwater(s)/infrastructure adjacent to the eastside of the Homer Spit between Fishing Lagoon and the Deep Water Dock. This study is a General Investigation feasibility study under the authority of the Flood Control Act Section 204.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@59.6217527,-151.46798965519653,14z>



Counties: Kenai Peninsula County, Alaska

ENDANGERED SPECIES ACT SPECIES

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

BIRDS

NAME	STATUS
Short-tailed Albatross <i>Phoebastria (=Diomedea) albatrus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/433	Endangered
Steller's Eider <i>Polysticta stelleri</i> Population: AK breeding pop. There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1475	Threatened

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

The following FWS National Wildlife Refuge Lands and Fish Hatcheries lie fully or partially within your project area:

FACILITY NAME	ACRES
ALASKA MARITIME NATIONAL WILDLIFE REFUGE <a %5c%22alaska+maritime+national+wildlife+refuge%5c%22\""="" href="https://www.fws.gov/our-facilities?keywords=\">https://www.fws.gov/our-facilities?keywords=\"%5C%22ALASKA+MARITIME+NATIONAL+WILDLIFE+REFUGE%5C%22\"	39,424.062

BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act¹ and the Migratory Bird Treaty Act².

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats³, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

Please refer to [Alaskas Bird Nesting Season](#) for recommendations to minimize impacts to migratory birds, including eagles.

1. The [Bald and Golden Eagle Protection Act](#) of 1940.
2. The [Migratory Birds Treaty Act](#) of 1918.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

There are likely bald eagles present in your project area. For additional information on bald eagles, refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Mar 1 to Aug 31
Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Mar 1 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

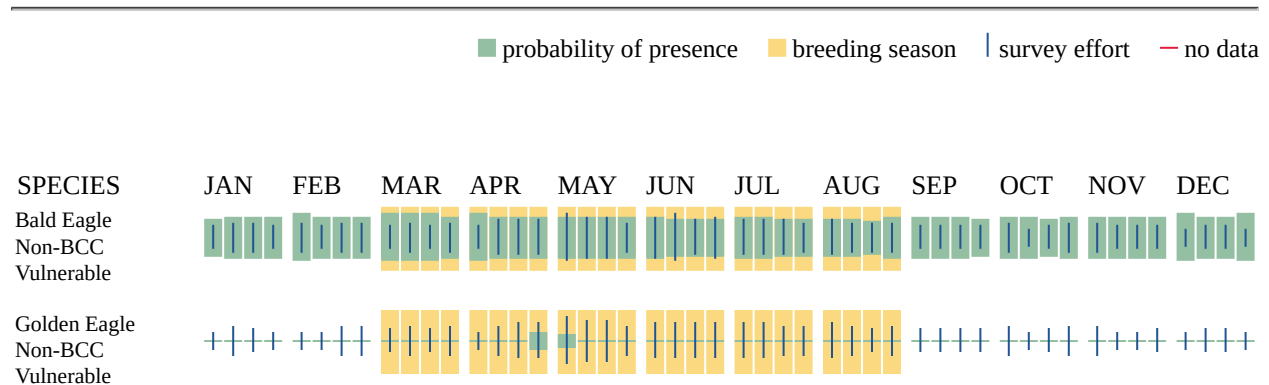
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (-)

A week is marked as having no data if there were no survey events for that week.



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats³ should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

There are migratory birds in your project area. Please refer to [Alaska's Bird Nesting Season](#) for recommendations to minimize impacts to migratory birds, including eagles.

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
<p>Aleutian Tern <i>Onychoprion aleuticus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9599</p>	Breeds May 1 to Aug 31
<p>American Golden-plover <i>Pluvialis dominica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10561</p>	Breeds May 20 to Aug 15
<p>Ancient Murrelet <i>Synthliboramphus antiquus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/11929</p>	Breeds elsewhere
<p>Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626</p>	Breeds Mar 1 to Aug 31
<p>Black Scoter <i>Melanitta nigra</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10413</p>	Breeds elsewhere
<p>Black-legged Kittiwake <i>Rissa tridactyla</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10459</p>	Breeds elsewhere
<p>Bristle-thighed Curlew <i>Numenius tahitiensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3913</p>	Breeds May 15 to Aug 15
<p>Common Eider <i>Somateria mollissima</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10457</p>	Breeds Jun 1 to Sep 30

NAME	BREEDING SEASON
<p>Common Loon <i>Gavia immer</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p> <p>https://ecos.fws.gov/ecp/species/4464</p>	Breeds Apr 15 to Oct 31
<p>Common Murre <i>Uria aalge</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p> <p>https://ecos.fws.gov/ecp/species/10453</p>	Breeds Apr 15 to Aug 15
<p>Double-crested Cormorant <i>Phalacrocorax auritus</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p> <p>https://ecos.fws.gov/ecp/species/3478</p>	Breeds Apr 20 to Aug 31
<p>Golden Eagle <i>Aquila chrysaetos</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p> <p>https://ecos.fws.gov/ecp/species/1680</p>	Breeds Mar 1 to Aug 31
<p>Hudsonian Godwit <i>Limosa haemastica</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p>https://ecos.fws.gov/ecp/species/9482</p>	Breeds May 15 to Jul 31
<p>Kittlitz's Murrelet <i>Brachyramphus brevirostris</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p>https://ecos.fws.gov/ecp/species/1633</p>	Breeds elsewhere
<p>Lesser Yellowlegs <i>Tringa flavipes</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p>https://ecos.fws.gov/ecp/species/9679</p>	Breeds May 1 to Aug 15
<p>Long-tailed Duck <i>Clangula hyemalis</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p> <p>https://ecos.fws.gov/ecp/species/7238</p>	Breeds elsewhere
<p>Olive-sided Flycatcher <i>Contopus cooperi</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p>https://ecos.fws.gov/ecp/species/3914</p>	Breeds May 20 to Aug 31

NAME	BREEDING SEASON
<p>Pomarine Jaeger <i>Stercorarius pomarinus</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p> <p>https://ecos.fws.gov/ecp/species/10458</p>	Breeds elsewhere
<p>Red-breasted Merganser <i>Mergus serrator</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p> <p>https://ecos.fws.gov/ecp/species/10693</p>	Breeds elsewhere
<p>Red-necked Phalarope <i>Phalaropus lobatus</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p> <p>https://ecos.fws.gov/ecp/species/10467</p>	Breeds elsewhere
<p>Red-throated Loon <i>Gavia stellata</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p> <p>https://ecos.fws.gov/ecp/species/9589</p>	Breeds elsewhere
<p>Short-billed Dowitcher <i>Limnodromus griseus</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p>https://ecos.fws.gov/ecp/species/9480</p>	Breeds Jun 1 to Aug 10
<p>Sooty Shearwater <i>Ardenna grisea</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p> <p>https://ecos.fws.gov/ecp/species/10417</p>	Breeds elsewhere
<p>Surf Scoter <i>Melanitta perspicillata</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p> <p>https://ecos.fws.gov/ecp/species/10463</p>	Breeds elsewhere
<p>Thick-billed Murre <i>Uria lomvia</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p> <p>https://ecos.fws.gov/ecp/species/10700</p>	Breeds Apr 15 to Aug 15
<p>Wandering Tattler <i>Tringa incana</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p>https://ecos.fws.gov/ecp/species/11941</p>	Breeds May 15 to Aug 15

NAME	BREEDING SEASON
White-winged Scoter <i>Melanitta fusca</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10462	Breeds elsewhere
Yellow-billed Loon <i>Gavia adamsii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8199	Breeds elsewhere

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

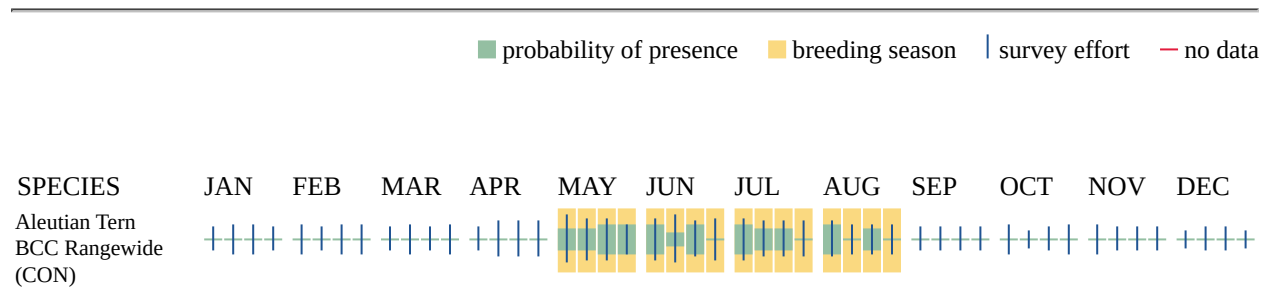
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

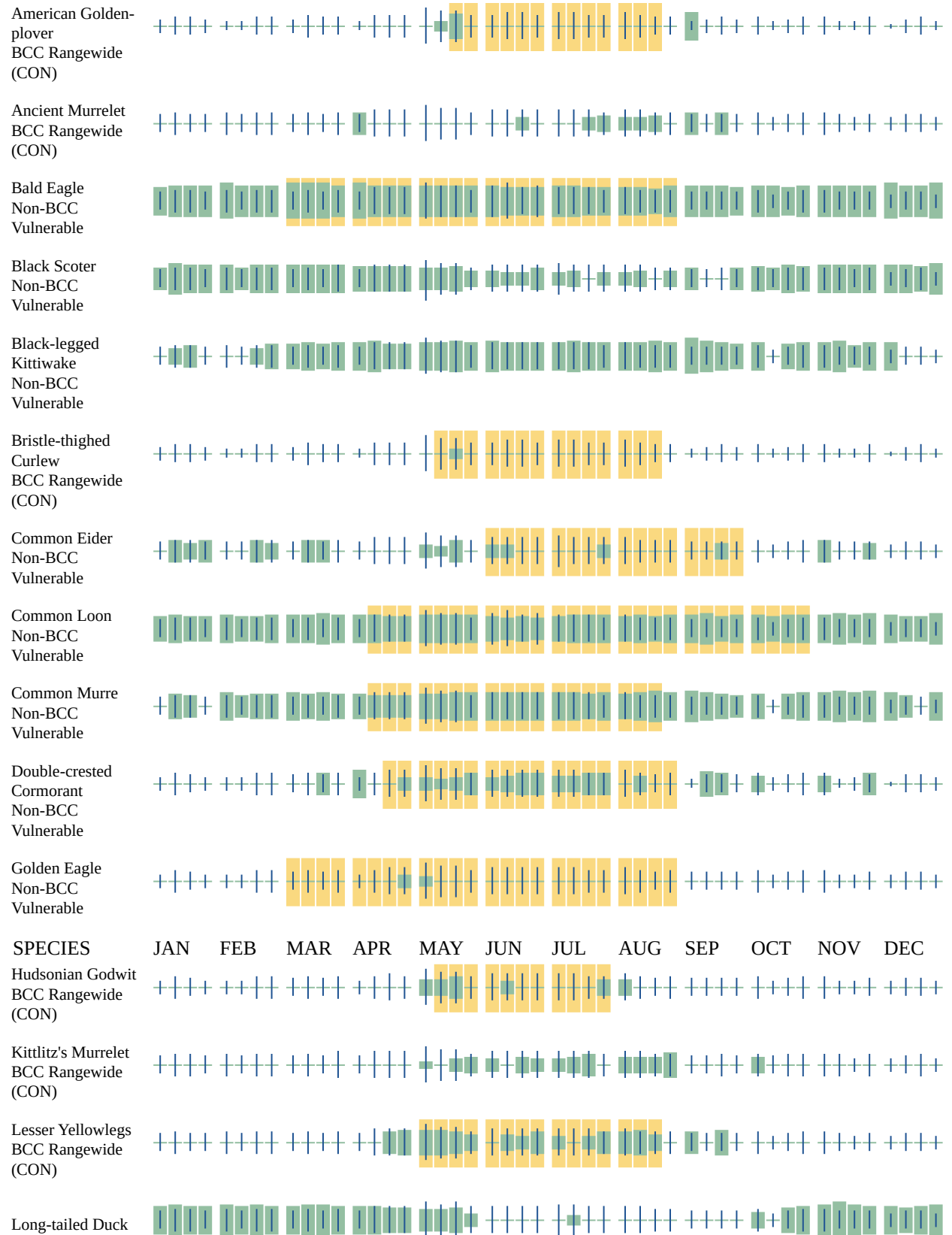
Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

A week is marked as having no data if there were no survey events for that week.







Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>

- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

MARINE MAMMALS

Marine mammals are protected under the [Marine Mammal Protection Act](#). Some are also protected under the Endangered Species Act¹ and the Convention on International Trade in Endangered Species of Wild Fauna and Flora².

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries³ [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the [Marine Mammals](#) page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

-
1. The [Endangered Species Act](#) (ESA) of 1973.
 2. The [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
 3. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

NAME

Northern Sea Otter *Enhydra lutris kenyoni*

Population: SCAK NSO

Species profile: <https://ecos.fws.gov/ecp/species/2884>

IPAC USER CONTACT INFORMATION

Agency: Army Corps of Engineers
Name: Kayla Campbell
Address: 2204 3rd Street
City: JBER
State: AK
Zip: 99506
Email: kayla.n.campbell@usace.army.mil
Phone: 9077532757



KENAITZE
INDIAN
TRIBE

March 1, 2024

Mr. Tyler Teece
Archaeologist
US Army Corps of Engineers
P.O. Box 6898
JBER, AK 99506-0898

Dear Tyler,

Thank you for the opportunity to comment on the proposed feasibility study for expansion of the Homer Harbor. The work consists of drilling offshore boreholes and collecting sediment samples to characterize the site for potential work. The Kenaitze Indian Tribe has no knowledge of culturally important properties within the Area of Potential Effect. We also agree with your assessment of No Historic Properties Affected by this work.

Thank you again. If you have any further questions please contact Mr. Michael Bernard, Cultural Resource Supervisor, at MBernard@kenaitze.org, or by phone at (907) 740-3780.

Sincerely,

DocuSigned by:
Chelsea Hendriks
C27A6B17A8A54B5
Chelsea Hendriks
Interim Executive Director

www.kenaitze.org

Phone: 907-335-7200 • FAX: 855-335-8865

P.O. Box 988 • Kenai, AK 99611

From: [Hellmich, Amy S \(DNR\)](#)
To: [Teese, Tyler J CIV USARMY CEPOA \(USA\)](#)
Cc: [Eldridge, Kelly A CIV USARMY CEPOA \(USA\)](#); [Lee, Curtis D CIV USARMY CEPOA \(USA\)](#)
Subject: [Non-DoD Source] RE: Section 106 Letter (Homer Geotech Investigations)
Date: Wednesday, February 28, 2024 4:13:49 PM

3130-1R COE-E / 2023-01122

Good afternoon,

The Alaska State Historic Preservation Office (AK SHPO) received your correspondence (dated January 31, 2024) concerning the subject project on February 6, 2024. Following our review of the documentation provided, we concur with the finding of No Historic Properties Affected. Please note that our office may need to re-evaluate our concurrence if changes are made to the project's scope or design.

As stipulated in 36 CFR 800.3, other consulting parties such as the local government and Tribes are required to be notified of the undertaking. Additional information provided by the local government, Tribes, or other consulting parties may cause our office to re-evaluate our comments and recommendations. Please note that our response does not end the 30-day review period provided to other consulting parties.

Should unidentified historical or archaeological resources be discovered in the course of the project, work must be interrupted until the resources have been evaluated in terms of the National Register of Historic Places eligibility criteria (36 CFR 60.4), in consultation with our office. Please note that some resources can be deeply buried or underwater, and that fossils are considered cultural resources subject to the Alaska Historic Preservation Act.

This email serves as our office's official correspondence for the purposes of Section 106. Thank you for the opportunity to review and comment. Please contact me at (907) 269-8724 or amy.hellmich@alaska.gov if you have any questions or we can be of further assistance.

Best regards,
Amy Hellmich

Amy Hellmich
Alaska State Historic Preservation Office
Office of History and Archaeology
Direct: (907) 269-8724

From: DNR, Parks OHA Review Compliance (DNR sponsored) <oha.revcomp@alaska.gov>
Sent: Tuesday, February 6, 2024 12:29 PM

To: Teese, Tyler J CIV USARMY CEPOA (USA) <Tyler.J.Teese@usace.army.mil>
Cc: Eldridge, Kelly A CIV USARMY CEPOA (USA) <Kelly.A.Eldridge@usace.army.mil>; Lee, Curtis D CIV USARMY CEPOA (USA) <Curtis.D.Lee@usace.army.mil>; Hellmich, Amy S (DNR) <amy.hellmich@alaska.gov>
Subject: Fw: Section 106 Letter (Homer Geotech Investigations)

Good afternoon,

Good afternoon,

The Office of History and Archaeology/Alaska State Historic Preservation Office received your documentation, and its review has been logged in with Amy Hellmich under 2023-01122. Our office has 30 calendar days after receipt to complete our review and may contact you if we require additional information. Please contact the project reviewer or me by email if you have any questions or concerns.

Best,

Sarah

Sarah Meitl

Review and Compliance Coordinator

Alaska State Historic Preservation Office

Office of History and Archaeology

907-269-8720

From: Teese, Tyler J CIV USARMY CEPOA (USA) <Tyler.J.Teese@usace.army.mil>
Sent: Wednesday, January 31, 2024 5:08 PM
To: DNR, Parks OHA Review Compliance (DNR sponsored) <oha.revcomp@alaska.gov>
Cc: Lee, Curtis D CIV USARMY CEPOA (USA) <Curtis.D.Lee@usace.army.mil>; Eldridge, Kelly A CIV USARMY CEPOA (USA) <Kelly.A.Eldridge@usace.army.mil>
Subject: Section 106 Letter (Homer Geotech Investigations)

You don't often get email from tyler.j.teese@usace.army.mil. [Learn why this is important](#)

CAUTION: This email originated from outside the State of Alaska mail system. Do not

click links or open attachments unless you recognize the sender and know the content is safe.

Dear SHPO,

Please find attached a letter regarding proposed geotechnical investigations in support of navigation improvement at Homer Harbor. The purpose of this letter is to notify you of a Federal undertaking and to seek your concurrence on an assessment of “no historic properties affected” in accordance with 36 CFR 800.4(D)(1).

Please feel free to reach out with any questions, comments, or concerns.

Very Respectfully,

Tyler Teese

Archaeologist, Alaska District

U.S. Army Corps of Engineers

Email: Tyler.J.Teese@usace.army.mil

Phone: (907) 753-2640



Ninilchik Traditional Council

P.O. Box 39070

Ninilchik, Alaska 99639

Ph: 907 567-3815 / Fax: 907 567-3816

E-mail: ntc@ninilchiktribe-nsn.gov

Website: www.ninilchiktribe-nsn.gov

December 21, 2017

Re: Ninilchik Traditional Council's THPO consultation and process.

Dear Agency,

This letter to provide a formal notice and provide information about the Ninilchik Traditional Council's Historical Preservation process. The Ninilchik tribe is a federally recognized Indian tribe and has not assumed the functions of SHPO and the tribe reserves the right to consultation as per 36 CFR part 800. At this time the tribe has no consultation agreements. The tribe requires a minimum of a 30-day review process to provide a reasonable timeframe for the consultation process as defined by the tribal government and may require additional information and further consultation to determine if the consultation process is complete and received to begin the process.

The requirements to consult with Indian tribes in the section 106 review process are defined in the act and represents the trust responsibility and unique legal relationship between federally recognized Indian tribes and the federal government. These efforts have been made to strengthen these relationships and provide adequate review processes with all federal agencies.

We hope that this will help your agency meet the requirements of the NHPA review process with integrity and completeness. The Ninilchik Traditional Council, the governing body of the Ninilchik Village Tribe, and the Ninilchik Village Tribe is a federally recognized Indian Tribe in Alaska (Federal Register Volume 65, Number 49, March 13, 2000, Notices Pages 13298-13303). Please feel free to contact us regarding this correspondence according to the information provided on the letterhead.

Sincerely,

Ivan Encelewski
Executive Director

Board of Directors

Greg Encelewski
President

Dean Kvasnikoff
Vice president

Whitney Schollenberg
Secretary

Jamie Leman
Director

Kenneth Odman
Director

Executive Director
Ivan Encelewski



Ninilchik Traditional Council

P.O. Box 39070

Ninilchik, Alaska 99639

Ph: 907 567-3815 / Fax: 907 567-3816

E-mail: ntc@ninilchiktribe-nsn.gov

Website: www.ninilchiktribe-nsn.gov

Ninilchik Village Tribe THPO Record of Decision

Project: CEPOA-PMC-E

The Ninilchik Village Tribe following conclusion of the review for the proposed project, has determined, in accordance with 36 CFR part 800 appendix A, in our review of the provided information.

Has substantial impacts on important Tribal historic properties. This may include adverse effects on properties that possess a national level of significance or on properties that are of unusual or noteworthy importance or are a rare property type; or adverse effects to large numbers of historic properties, such as impacts to multiple properties within a historic district.

The project presents important questions of policy or interpretation. This may include questions about Tribes regulations being applied or interpreted, where the outcome will set a precedent affecting the Tribes policies or program goals; or the development of programmatic agreements that alter the way the section 106 process is applied to a group or type of undertakings and the extent of the review process.

Has the potential for presenting procedural problems. This may include cases with substantial public controversy that is related to historic preservation issues; with disputes among or about consulting or carried out by a Federal agency, that effect historical sites of the Ninilchik Village Tribe, or where the Tribe has previously identified problems with Section 106 compliance

Presents issues of concern to the Ninilchik Village Tribe. This may include cases where there have been concerns raised about the identification of, evaluation of, or assessment of effects on historic properties to which an Indian tribe attaches religious and cultural significance; where an Indian tribe has requested involvement to assist in the resolution of adverse effects.

Application Incomplete. The requested information to complete the review was not submitted and a review cannot be conducted.

The review ***has not*** identified historical sites or effects based on the information submitted.

The review ***has*** identified historical sites or effects based on the information submitted.

Darrel Williams
Environmental Resource Director

Signature: PP: 

Date: 2/20/2024

From: [Teese, Tyler J CIV USARMY CEPOA \(USA\)](#)
To: ["Jayke Cooper"](#)
Subject: RE: CEPOA-PMC-E Homer Harbour
Date: Tuesday, February 20, 2024 2:20:00 PM
Attachments: [image001.png](#)

Good afternoon,

Thank you for reviewing the Section 106 letter for the Geotechnical and environmental sampling within the project APE. This email is to confirm receipt of the Ninilchik Villages Tribes Record of Decision PDF.

Please feel free to reach out to me with any future questions, comments, or concerns on the Homer Harbor GI project.

Very Respectfully,

Tyler Teese
Archaeologist, Alaska District
U.S. Army Corps of Engineers
Email: Tyler.J.Teese@usace.army.mil
Phone: (907) 753-2640

From: Jayke Cooper <jcooper@nirilchiktribe-nsn.gov>
Sent: Tuesday, February 20, 2024 1:51 PM
To: Teese, Tyler J CIV USARMY CEPOA (USA) <Tyler.J.Teese@usace.army.mil>
Subject: [Non-DoD Source] CEPOA-PMC-E Homer Harbour

Hello,

Here is the Ninilchik Villages Tribes Record of Decision on project CEPOA-PMC.

Jayke Cooper
Resource Technician



Ninilchik Village Tribe
Environmental And Resource Department

P: (907) 567-3815

Ext: 2803

jcooper@niniichiktribe-nsn.gov

From: [Teese, Tyler J CIV USARMY CEPOA \(USA\)](#)
To: [Patricia Relay](#)
Cc: [Lee, Curtis D CIV USARMY CEPOA \(USA\)](#); [Eldridge, Kelly A CIV USARMY CEPOA \(USA\)](#); [Nadia Sethi](#)
Subject: RE: [Non-DoD Source] Fwd: Response to Homer Harbor Project in Homer AK
Date: Thursday, February 8, 2024 3:34:00 PM

Dear Patricia,

Thank you for your time and willingness to consult on the project. I look forward to working with you and our other stakeholders as we progress through the different stages of the Homer Harbor project!

Very Respectfully,

Tyler Teese
Archaeologist, Alaska District
U.S. Army Corps of Engineers
Email: Tyler.J.Teese@usace.army.mil
Phone: (907) 753-2640

From: Patricia Relay <prelay@prattmuseum.org>
Sent: Thursday, February 8, 2024 3:22 PM
To: Teese, Tyler J CIV USARMY CEPOA (USA) <Tyler.J.Teese@usace.army.mil>
Cc: Lee, Curtis D CIV USARMY CEPOA (USA) <Curtis.D.Lee@usace.army.mil>; Eldridge, Kelly A CIV USARMY CEPOA (USA) <Kelly.A.Eldridge@usace.army.mil>; Nadia Sethi <nsethi@thecirifoundation.org>
Subject: Re: [Non-DoD Source] Fwd: Response to Homer Harbor Project in Homer AK

Dear Tyler,

Thank you for the follow-up. In my haste, I missed page 12. It is good to know that the review is so inclusive.

I am good to go. I have nothing further.

On Thu, Feb 8, 2024 at 12:51 PM Teese, Tyler J CIV USARMY CEPOA (USA) <Tyler.J.Teese@usace.army.mil> wrote:

Good afternoon Ms. Relay,

I reached out to your office via phone and left a voicemail, however, I was unable to reach you. Thank you for reviewing my letter dated January 31, 2024. If you could please provide me a copy of the information that Judith Bitner provided you with I would appreciate it.

In regards to your concern about contacting the Federally Recognized Tribes and Alaska Native

Corporations in the Kachemak Bay region, please see the distribution list I included on page 12. The Seldovia Village Tribe, the Ninilchik Traditional Council, and CIRI are already among our stakeholders. Every stakeholder listed on page 12 was mailed a copy of the geotechnical section 106 letter that you also received. The 106 letter is currently under review with the SHPO's review and compliance team, as well as our other stakeholders. Thus far I have received comments back from one Tribal entity. I submitted our consultation letter for CIRI to President Swami Iyer; If you or Nadia have a better contact suggestion for CIRI I could send them a copy of the letter as well.

The purpose of the January 31st letter is to notify our stakeholders of the proposed geotechnical borings that the City of Homer will be contracting out later this year. The data collected through the geotechnical investigations will be considered during the feasibility study for the proposed Homer Harbor Improvements as the study continues over the next 2 years. Formal Section 106 consultation for the Homer Harbor Improvements have not yet begun; however, USACE has been holding Environmental Stakeholder Working Group meetings in collaboration with multiple environmental and Tribal entities.

Please let me know if need additional information or if you have any recommendations on specific points of contact that I should be reaching out to.

Very Respectfully,

Tyler Teese
Archaeologist, Alaska District
U.S. Army Corps of Engineers
Email: Tyler.J.Teese@usace.army.mil
Phone: (907) 753-2640

From: Patricia Relay <prelay@prattmuseum.org>
Sent: Thursday, February 8, 2024 11:54 AM
To: Teese, Tyler J CIV USARMY CEPOA (USA) <Tyler.J.Teese@usace.army.mil>; Nadia Sethi <nsethi@thecirifoundation.org>
Subject: [Non-DoD Source] Fwd: Response to Homer Harbor Project in Homer AK

***** Previous email bounced back*****

Dear Mr Teese,

I have reviewed your letter dated January 31, 2024, requesting comments on the Homer Harbor Project. After reviewing the information that Judith Bitner provided, I believe that the Pre-Contact section is incomplete. Now, more than ever it is important to contact the native villages who occupied the area before colonization. The Cook Inlet Region Inc. website provides information on the villages this project could impact. The link below includes the villages that CIRI represents, including Seldovia and Ninilchik.
<https://www.ciri.com/our-corporation/ciri-lands/cook-inlet-region-villages/>

I urge you to contact both Seldovia and Ninilchik as the lands that the Harbor Project could have some cultural significance. The Section 106 filing is not complete without advice from the tribes.

I have copied Nadia Sethi in on this email. She works at CIRI and potentially could connect you with the right people.

--

Error! Filename not specified.

Patricia Relay

Executive Director

Pratt Museum | prattmuseum.org

3779 Bartlett Street

Homer, Alaska 99603

(907) 235-8635

[DONATE](#) | [JOIN](#)

Error! Filename not specified.*Error! Filename not specified.***Error! Filename not specified.**

The Pratt Museum is located on the ancestral lands of the Sugpiaq, Alutiiq, and Denea'ina People. Our mission is to strengthen relationships between people and place through stories relevant to Kachemak Bay. The story of this place is incomplete without acknowledging the Alaska Native Nations upon whose land we live and work, and whose presence and guidance continues to shape our community and stories.

-

--

Patricia Relay

Executive Director

Pratt Museum | prattmuseum.org

3779 Bartlett Street

Homer, Alaska 99603

(907) 235-8635

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The Pratt Museum is located on the ancestral lands of the Sugpiaq, Alutiiq, and Denea'ina

People. Our mission is to strengthen relationships between people and place through stories relevant to Kachemak Bay. The story of this place is incomplete without acknowledging the Alaska Native Nations upon whose land we live and work, and whose presence and guidance continues to shape our community and stories.



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

January 31, 2024

CEPOA-PMC-E

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 (USACE), Alaska District, is conducting a study in cooperation with the City of Homer to determine the feasibility of navigation improvements at the Homer Harbor in Homer, Alaska (Seward Meridian, T6S, R13W, Section 35 and 36, and Seward Meridian, T7S, R13W, Section 1, USGS Quad Seldovia C-4 SW). The Homer Harbor is located at the end of Homer Spit (Figure 1). The proposed undertaking includes the collection of geotechnical data and environmental marine sediment sampling to inform potential navigation improvements. This letter evaluates the ground-disturbing effects of the geotechnical testing and marine sediment sampling. In compliance with Section 106 of the National Historic Preservation Act of 1966, the purpose of this letter is to notify you of a Federal undertaking [36 CFR § 800.3(c)(3)] and to seek your concurrence on our assessment of effect [36 CFR § 800.4(d)(1)].

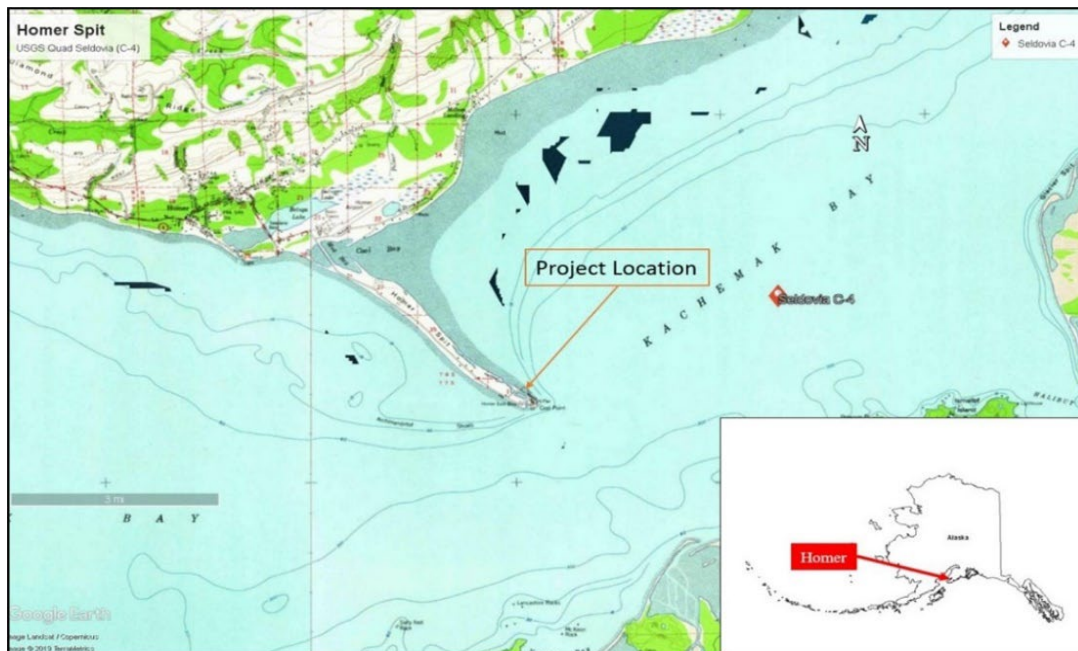


Figure 1. Project area overview of Homer Harbor.

Historical Background

Precontact

The western coast of the Kenai Peninsula has been inhabited for a substantial period of time, with semi-nomadic groups inhabiting multiple areas between summer and winter camps (Langdon 2002). Archaeological investigations of the area have provided radiocarbon dates identifying initial occupation of Kachemak Bay at approximately 8,200 years ago (Klein and Zollars 2004). These groups populated the region during what archaeologists define as the Paleoarctic tradition; over time they developed regionally-specialized tools which evolved through trade and contact with other coastal and inland groups. Tool types identified as Dena'ina Athabascan have been recognized in the Upper Cook Inlet basin from 1,500 to 1,000 years ago (Reger 2003). Although these groups were mobile, they avoided marshy inland areas of the Kenai Peninsula in favor of staying near salmon rivers. Group mobility followed subsistence patterns, with summer camps occupied during salmon runs, and winter camps focusing on hunting terrestrial mammals (Klein 2008). As Russian fur traders and British explorers began to enter the Cook Inlet region in the mid-to-late 1700s, they encountered Dena'ina from the Upper Kenai Peninsula to Kachemak Bay. It is thought that the Dena'ina had migrated into the Cook Inlet region from the north approximately 700 years earlier, about 1,000 years ago (Klein 1996).

History of Homer

Russian American Company records indicate that Captain Mikhail Tebenkov's crews built at least one cabin on what is now called the Homer Spit and established trading posts at nearby Yukon Island and Halibut Cove in the late 1840s and early 1850s (Wood 1995). In 1880, William H. Dall mapped the spit, but did not observe anyone living there. Homer Pennock and his crew arrived at the spit on April 13, 1896. They observed a log cabin built by Russian trappers, two collapsed shacks, and a ship's galley at the end of the spit. They repaired the buildings and built several more that became the headquarters for the Alaska Gold Mining Company. Homer Pennock left the spit after hearing of the Klondike gold rush (Klein 2008).

When the Harriman Expedition arrived at the Homer Spit in June 1899, they observed four or five abandoned buildings at the end of the landform. A few months later, the Cook Inlet Coal Field Company arrived at the Homer Spit, bringing with them all they needed to build a new town (Klein 1981). The buildings belonging to the coal company were wood-frame construction and sheathed in tin. They laid almost 8 miles of track to the small wharf at the end of the spit. Work in the coal fields stopped in 1902, and the spit was again abandoned (Klein and Lane 1986).

A U.S. Geologic Survey team recorded 20 standing buildings on the spit in 1904, but only two men living there. The railroad tracks and coal cars were removed from the spit between 1913 and 1915. In 1930, there were many abandoned buildings still on the end of Homer Spit. The buildings were eventually moved, disassembled for their

lumber, or collapsed (Klein 1981). In 1934, a coal car was set on fire, burning down nearly all the buildings and the pier (Lord 1973).

The Homer Airstrip was built in 1942, and the Sterling Highway was completed in 1951 (Klein 1981). Before that, people came and went by boat via the pier at the end of the Homer Spit. There have been a series of piers throughout time. The original pier was built by the Cook Inlet Coal Field Company in 1899 and destroyed by fire in 1934. The second was built in 1939 and owned and operated by the people of Homer. Every few years, the pier was destroyed by sea ice and would have to be entirely rebuilt (Lord 1973).

The population of Homer grew dramatically during and just after World War II, but this growth was not observed on the spit. Its remaining structures included small shacks, a cannery, and a few other buildings. The railroad grade was still there, but the tracks had been disassembled and stacked nearby. Homer Spit was covered with tall grass at the time and between 20 and 40 horses and cattle would winter there. The pier built in 1947 lasted until the 1964 Good Friday Earthquake. It was the only pier in the earthquake zone left standing but was so severely damaged that it had to be replaced (Lord 1973; Figures 2 and 3).



Figure 2. Properties on the Homer Spit after the Good Friday Earthquake of 1964. (Alaska Digital Archives, UAA-HMC-0461)



Figure 3. Flooding and subsiding of the Homer Spit after the Good Friday Earthquake, 1964. (Alaska Digital Archives, AMRC-b70-15-39).

In 1961–1962, USACE constructed the Homer Harbor along the northern side of the Homer Spit. The city government of Homer was incorporated in March 1964, shortly before the Good Friday Earthquake. The U.S. Coast and Geologic Survey observed fractures up to 18 inches wide and determined that the spit had subsided 6–11 feet during the earthquake (Klein 1981). After the earthquake, Homer Harbor was restored and expanded by USACE in 1964–1965. The expansion dimensions were 180 feet (ft) x 672 ft with a 840 ft rock-mound jetty. The basin and protective jetty were extended 100 ft by local interests in 1968. A year later, in 1969, the basin and protective jetty were extended 600 ft by the local government in cooperation with USACE (USACE 1981). In 1984, work began on a major harbor expansion project to increase the boat basin from 16.5 acres to 50 acres. The expansion was completed by USACE in 1985 and included a 30-acre staging area and the addition of 130,000 cubic yards of armor rock. In 2002, a new ferry terminal and U.S. Coast Guard (USCG) berth were constructed by local interests (USACE 2023). Maintenance dredging operations at the Homer Harbor began in 1961 by USACE and continue to the present (Table 1).

Table 1. Progress of Work Homer Harbor Dredging (USACE 2022).

Year	Description
1961–1962	Dredging and construction begin in September and are curtailed in November. Work resumes in May 1962 and is completed in September.
1972	Maintenance dredging of the entrance channel becomes an annual event.
1977–1988	Maintenance dredging of federal projects is conducted by the Corps' pipeline dredge "Warren George".

1984	Work begins on a major harbor expansion project to increase the boat basin from 16.5 acres to 50 acres.
1985	The harbor expansion project is complete to 50 acres including the construction of a 30-acre staging area and the placement of 130,000 cubic yards of armor rock.
1989	Starting this fiscal year maintenance dredging is accomplished by contract.
2002	Entrance channel dredged under contract.
2003	USCG berth dredged for a total of 1,938 cubic yards. Annual maintenance dredging of the entrance channel removes 4,438 cubic yards.
2004	USCG berth dredged in winter with 8,530 cubic yards removed and again in September with 2,270 cubic yards for a total of 10,800 yards. Annual maintenance dredging of the entrance channel removes 7,289 cubic yards.
2005	USCG berth dredged for a total of 5,305 cubic yards. Annual maintenance dredging of the entrance channel removes 8,500 cubic yards.
2006	USCG berth dredged in April and September for a total of 7,702 cubic yards. Annual maintenance dredging of the entrance channel removes 5,000 cubic yards.
2007	USCG berth dredged in April and September for a total of 8,000 cubic yards. Annual maintenance dredging of the entrance channel removes 8,500 cubic yards.
2008	4,218 cubic yards of material are removed from the entrance channel. 3,025 cubic yards are removed from the USCG berth.
2009	USCG berth dredged, removing 5,240 cubic yards of material. Entrance channel is not dredged due to no approved disposal site.
2010	USCG berth is dredged, removing 8,200 cubic yards of material. Entrance channel is dredged, removing 8,600 cubic yards of material.
2011	USCG berth is dredged, removing 1,177 cubic yards of material. 4,427 cubic yards of material are removed from the entrance channel and 4,578 cubic yards are removed from the -20 inner harbor channel. In November, 10,000 cubic yards of material are dredged to create a sediment trap.
2012	USCG berth is dredged, removing 1,956 cubic yards. Entrance channel is dredged, removing 4,662 cubic yards and 8,613 cubic yards from the -15 portion of the inner harbor.
2013	USCG berth dredging removes 1,005 cubic yards of material. The entrance channel dredging removes 1,381 cubic yards of material.
2014	Dredging occurred at the entrance channel, inner channel, and USCG berth. Material removed was dewatered and moved to the Homer Stockpile
2015	USCG berth dredged, removing 3,658 cubic yards of material. The entrance channel is dredged, removing 1,665 cubic yards.
2016	USCG berth dredged, removing 2,732 cubic yards of material. The entrance channel is dredged, removing 2,503 cubic yards.
2017	USCG berth dredged, removing 1,085 cubic yards of material. The entrance channel is dredged, removing 2,158 cubic yards.
2018	USCG berth dredged, removing 6,160 cubic yards of material. The entrance channel is dredged, removing 2,796 cubic yards.
2019	USCG berth dredged, removing 6,366 cubic yards of material. The entrance channel is dredged, removing 4,242 cubic yards. Four obstructions identified in 2015 (2 tires and 2 rocks) were removed from the entrance channel. Dredged material is cleared for beach nourishment starting in 2020.

2020	USCG berth dredged, removing 9,046 cubic yards of material. The entrance channel is dredged, removing 3,932 cubic yards.
2021	USCG berth dredged, removing 6,929 cubic yards of material. The entrance channel is dredged, removing 2,868 cubic yards.
2022	USCG berth dredged, removing 7,161 cubic yards of material. The entrance channel is dredged, removing 4,503 cubic yards.

Project Description

The proposed undertaking, which will inform the design of the Navigation Improvements' components, will consist of characterization of site conditions based on geotechnical borings and laboratory testing of recovered soil, sediment, and rock samples. Additionally, marine sediments will be collected to analyze the chemical constituents and physical characteristics of the seafloor sediments. Methods for the geotechnical boring and sediment sampling are discussed in detail below.

Geotechnical Testing

In order to collect data that will support planning decisions during the Homer Navigation Improvements Feasibility Study, up to thirteen (13) boreholes will be drilled within the footprints of the potential alternatives. All boreholes will be drilled offshore to a depth of 80 feet below the mudline or 10 feet into bedrock. The borehole locations will be at the discretion of the contractor with the stipulation that they are within the "favored" and "other" alternative footprints identified in Figure 4. Boreholes will be a minimum of 3 inches in diameter and may be drilled with percussion, sonic, or rotary-type drilling equipment. Drilling will be done from either a barge platform during the open-water season or from stable ice during the winter.

Sediment Sampling

In addition to geotechnical borings, marine sediments from within the top 24 inches of the seafloor will be collected with a barrel sampler or hand auger for chemical and physical analyses. The barrel sampler and hand auger descriptions are as follows:

- **Barrel Sampler:** The stainless steel barrel sampler is 30 inches long and 8 inches in diameter, with a capacity of about 2 gallons (Figure 5). The barrel sampler would be lowered from a small vessel and/or fixed platform to the seafloor and dragged, open end first, in a tight arc until full to collect the sediment sample.
- **Hand Auger:** The stainless steel hand auger would be up to 4 inches in diameter and no more than 24 inches in length. It is open at both ends with the bottom edge designed to advance from a fixed platform perpendicular to the seafloor with a twisting motion into unconsolidated sediment. The auger has a T-shaped handle attached to the top of the cylinder.

Whether a barrel sampler or hand auger are used will depend on water depth and on-site conditions at the time of sampling. The barrel sampler is the preferred mechanism as it allows the collection of a broader range of sediment particle sizes than

a hand auger. Marine sediment sampling locations will be collected within the proposed footprints based off on-site observation and local activities at the time of sampling.



Figure 4. Geotechnical and marine sediment sampling footprint.



Figure 5. Stainless Steel Barrel Sampler.

Area of Potential Effect

In accordance with 36 CFR § 800.4(a), USACE has identified the proposed undertaking’s area of potential effects (APE). It includes all potential underwater geotechnical and marine sediment testing locations in the “favored” and “other” alternatives polygons shown in Figure 6. A review of the Alaska Heritage Resources Survey (AHRs), Bureau of Ocean and Energy Management (BOEM) database, and National Oceanic and Atmospheric Administration (NOAA) Obstructions & Wrecks mapper revealed multiple known cultural resources and shipwrecks within 1,000 feet the “favored” and “other” alternative footprints (Tables 2, 3, and 4); however, none are within the APE.

Table 2. Known Cultural Resources within 1,000 feet of the APE

Site Number	Site Name	Description	NRHP Status	In APE?
SEL-00019	Homer	This town appears to have been established on or near Homer Spit in November 1895. Both the town and spit were named for Homer Pennock, a prospector who worked in the Cook Inlet area. A post office was established in the town in 1896.	Unevaluated	No
SEL-00077	Homer Spit 1	Reger originally reported a very discontinuous, 6" thick mussel shell midden, heavily disturbed by earthmoving equipment. Workman	Unevaluated	No

		later conducted further investigation, collecting a number of undiagnostic artifacts, and concluded that the site was not of NRHP significance.		
SEL-00116	Salty Dawg Saloon	This saloon complex is a composite of 3 small log structures. The oldest portion may have been built as early as 1897. The Salty Dawg Saloon, and the nearby Salty Dawg Cafe, originally opened in 1957. The complex was moved to the present location after the 1964 earthquake.	Unevaluated	No
SEL-00379	Sterling Highway	The Sterling Highway is approximately 138 miles long and runs from the Seward Highway to the end of the Homer Spit. Construction began in 1947 and the highway was formally opened to the public in 1950. A portion of the Sterling Highway designated as Interstate Highway System is under the Interstate Exemption [2005] and is exempt from Section 106 Review.	Not Eligible	No
SEL-00400	Homer Harbor	The harbor is along the northern side of the Homer Spit, and includes the immediate area around the basin of the harbor and the entrance channel. Also included in the site is the extended parking area and Port Terminal which was constructed and extended past the natural boundary of the spit. After the 1964 earthquake the small boat harbor was restored and expanded by USACE in 1964–1965, expanded by local interests in 1968–1969, then expanded again by USACE in 1984–1985.	Not Eligible	Yes

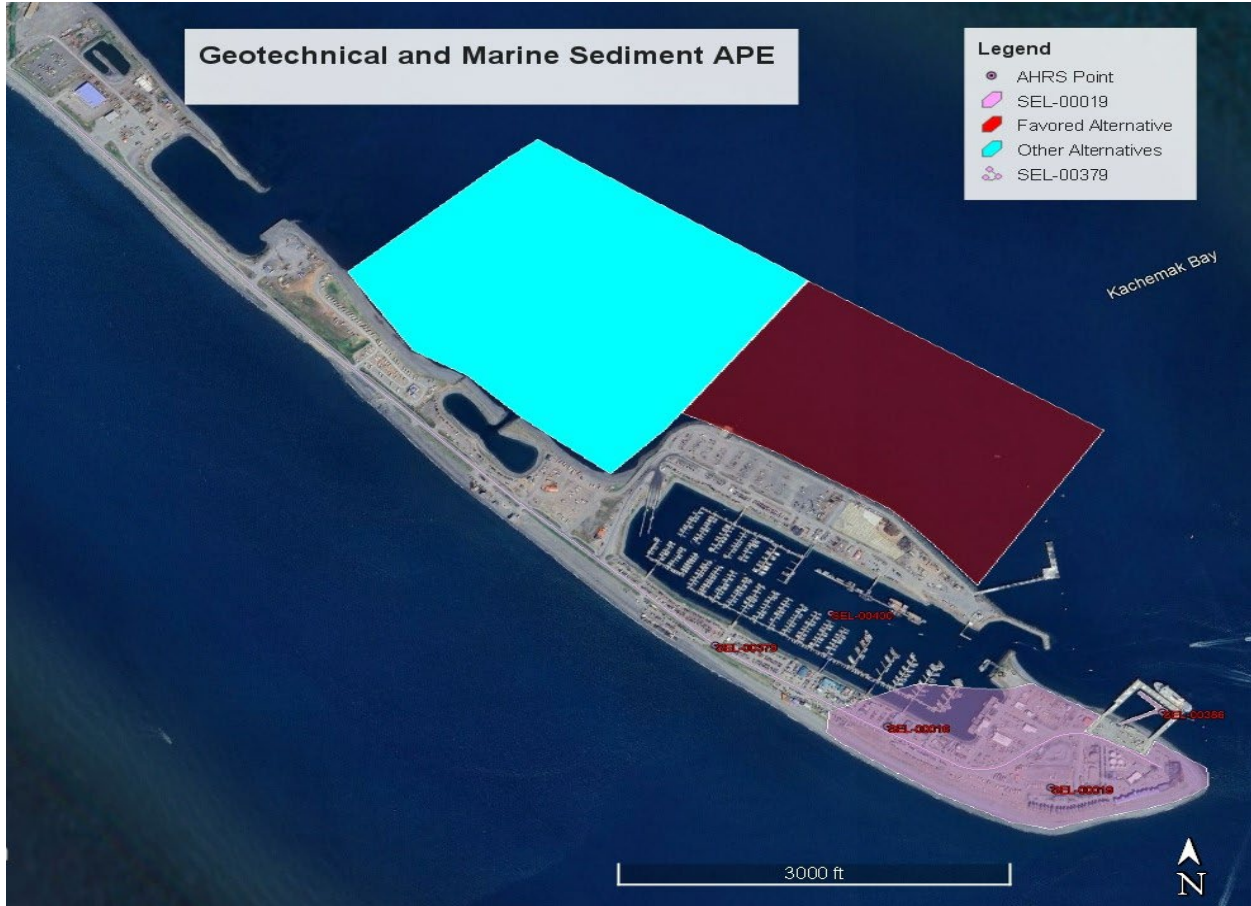


Figure 6. AHRs Sites within the project vicinity.

A search of the BOEM Shipwreck Database shows 14 shipwrecks within the general vicinity of the Homer Spit (Table 3). These shipwrecks are not located within the APE, nor do they seem to be in the vicinity of the Homer Spit or the heavily used waterways within that area of Kachemak Bay. The BOEM Shipwreck Database was last updated in May 2011.

Table 3. BOEM Shipwrecks in project vicinity (BOEM 2011).

Vessel Name	Type	Year	Location	Narrative
<i>Nelsine</i>	Gas Screw	1950	At Homer Spit	Stranded and lost
<i>Larry</i>	Fish Packer	1951	At Homer	Sank after explosion
<i>Trygve</i>	Gas Screw	1953	On beach of Homer Spit	Stranded and lost
<i>Peggy L.</i>	Gas Screw	1961	Near Homer	Foundered
<i>Eunice</i>	Oil Screw	1962	At Homer	Burned
<i>Shelly K</i>	Cabin Cruiser	1965	Off Lands End, Homer Spit	Shattered by explosion and beached
<i>Flying Shark</i>	Oil Screw	1966	Amess Dock, Homer	Destroyed by storm
<i>John D</i>	Gas Screw	1968	Near small boat harbor, Homer	Burned
<i>Stag</i>	Crabber	1971	Off Lands End, Homer	Sank in rough water
<i>Easy Nick</i>	Small Boat	1984	Homer Harbor	Exploded
<i>Dit Out</i>	Fiberglass Boat	1985	Just of Homer Harbor fuel dock	Engine exploded; boat totaled

<i>Warren George</i>	Army Corps Dredging Boat	1986	Homer Harbor	Sank but later salvaged
<i>Melody</i>	Fishing vessel	1989	Near Homer	Capsized and lost
<i>Vigor</i>	Longliner Cod	2000	End of Homer, Spit near Seafarer Memorial and Lands End Resort	Boat rammed Homer Spit, later recovered

A search of the NOAA Wrecks & Obstructions mapper shows no known wrecks or obstructions in the immediate project area. Three visible wrecks are shown just northwest of the harbor outside the APE; the vessels are listed as always dry and the coordinates place them on land (Table 4). However, updated Google Earth imagery (2022) shows that the wrecks are no longer visible. The NOAA Wrecks & Obstruction Database was last updated in 2016.

Table 4. NOAA Wrecks and Obstructions in the Vicinity of the APE (NOAA 2016).

Type	Visible	Notes	Latitude	Longitude
Wreck	Visible	Always Dry	59.609127	-151.435898
Wreck	Visible	Always Dry	59.610226	-151.438309
Wreck	Visible	Always Dry	59.610466	-151.438309

Assessment of Effect

The proposed geotechnical borings and marine sediment sampling will occur in waters along the northeastern side of the Homer Spit. The APE for the proposed undertaking encompasses both the "favored" and "other" alternative footprints associated with the Homer Navigation Improvements Feasibility Study (see Figure 4 above). USACE has made a reasonable and good-faith effort to identify historic properties per 36 CFR § 800.4(b)(1). The Homer Harbor and Homer Spit area have had numerous archaeological surveys and have been heavily disturbed through modern construction.

Conclusion

There are no known cultural resources in the APE for the proposed geotechnical testing and marine sediment sampling along the northeast side of Homer Spit in Homer Alaska. The proposed undertaking will occur in the water and will not affect any known cultural resources in the vicinity. Following 36 CFR § 800.4(d)(1), USACE seeks your concurrence on the finding that the proposed undertaking will result in **no historic properties affected**. If you have any questions about this project, please contact Tyler Teese by phone at 907-753-2640, or by email at Tyler.J.Teese@usace.army.mil

Sincerely,



Tyler Teese
Archaeologist
Environmental Resources Section

cc:

Ken Castner, Mayor, City of Homer
Bryan Hawkins, Port Director, City of Homer
Peter A. Micciche, Borough Mayor, Kenai Peninsula Borough
Crystal Collier, President, Seldovia Village Tribe
Don Kashevarof, President, Seldovia Native Association
Bernadine Atchison, Chair, Kenaitze Indian Tribe
Chelsea Hendriks, Executive Director, Kenaitze Indian Tribe
John Kvasnikoff, First Chief, Native Village of Nanwalek
Tribal Administrator, Native Village of Nanwalek
Ivan Enclelewski, Executive Director, Ninilchik Traditional Council
Darrel Williams, Resource & Environmental Director, Ninilchik Traditional Council
Richard Enclelewski, President, Ninilchik Traditional Council
Richard Enclelewski, President, Ninilchik Native Association
Patrick Norman, First Chief, Port Graham Village Council
Francis Norman, Tribal Administrator, Port Graham Village Council
Robert Bargerion, President, Port Graham Corporation
Eric Morrison, Executive Director, Salamatof Tribal Council
Chris Monfor, President, Salamatof Native Association Inc.
Swami Iyer, President & CEO, Cook Inlet Region, Inc.
Gloria O'Neill, President & CEO, Cook Inlet Tribal Council
John Johnson, Cultural Resources Project Coordinator, Chugach Alaska Corporation
Nathan Lojewski, Forestry Manager, Chugachmiut
Patricia Relay, Executive Director, Homer Society of Natural History/Pratt Museum

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From: [Hellmich, Amy S \(DNR\)](#)
To: [Teese, Tyler J CIV USARMY CEPOA \(USA\)](#)
Cc: [Lee, Curtis D CIV USARMY CEPOA \(USA\)](#)
Subject: [Non-DoD Source] RE: Homer Harbor Notification Letter
Date: Thursday, October 26, 2023 9:56:08 AM

File No. 3130-1R COE-E / 2023-01122

The Alaska State Historic Preservation Office received your correspondence (dated September 21, 2023) on September 26, 2023. Following our review of the documentation provided in the initiation letter, we have no objections to the defined area of potential effects (APE), or level of effort proposed for identification at this time given the early stage of project design and development. Our office recommends that the APE, and the need for additional historic properties identification, be revisited as the project moves towards finalization or construction and other aspects of the project, such as staging areas and material sources, are known.

Thank you for sending a Section 106 consultation initiation letter to our office. Please let me know if we can be of further assistance.

Amy Hellmich
Alaska State Historic Preservation Office
Office of History and Archaeology
Direct: (907) 269-8724

From: DNR, Parks OHA Review Compliance (DNR sponsored) <oha.revcomp@alaska.gov>
Sent: Tuesday, September 26, 2023 4:21 PM
To: Teese, Tyler J CIV USARMY CEPOA (USA) <Tyler.J.Teese@usace.army.mil>
Cc: Lee, Curtis D CIV USARMY CEPOA (USA) <Curtis.D.Lee@usace.army.mil>; Hellmich, Amy S (DNR) <amy.hellmich@alaska.gov>
Subject: Re: Homer Harbor Notification Letter

Hi Tyler,

Thank you for sending the notification to our office. The project has been logged in with Amy under 2023-01122. Feel free to send future correspondence about the project directly to Amy.

Best,
Sarah

Sarah Meitl

Review and Compliance Coordinator

Alaska State Historic Preservation Office

Office of History and Archaeology

907-269-8720

From: Teese, Tyler J CIV USARMY CEPOA (USA) <Tyler.J.Teese@usace.army.mil>
Sent: Thursday, September 21, 2023 1:50 PM
To: DNR, Parks OHA Review Compliance (DNR sponsored) <oha.revcomp@alaska.gov>
Cc: Lee, Curtis D CIV USARMY CEPOA (USA) <Curtis.D.Lee@usace.army.mil>
Subject: Homer Harbor Notification Letter

CAUTION: This email originated from outside the State of Alaska mail system.
Do not click links or open attachments unless you recognize the sender and know
the content is safe.

Good Afternoon,

Attached is a Notification of a federal undertaking for the Homer Harbor Navigation Improvements Project. This general investigation project is being conducted under Section 204 of the Flood Control Act of 1948, Public Law 80-858, as amended.

Please feel free to contact me with any questions, comments, or concerns.

Very Respectfully,

Tyler Teese
Archaeologist, Alaska District
U.S. Army Corps of Engineers
Email: Tyler.J.Teese@usace.army.mil
Phone: (907) 753-2640



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

September 21, 2023

CEPOA-PMC-E

Mr. 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 (USACE), Alaska District, is conducting a study to determine the feasibility of navigation improvements at the Homer Harbor, Alaska (Section 1, T7S, R13W, Seward Meridian, USGS Quad Seldovia C-4; Figure 1). In compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (54 USC § 306108), the purpose of this letter is to notify you of a Federal undertaking and initiate consultation in accordance with 36 CFR § 800.3(c)(3).

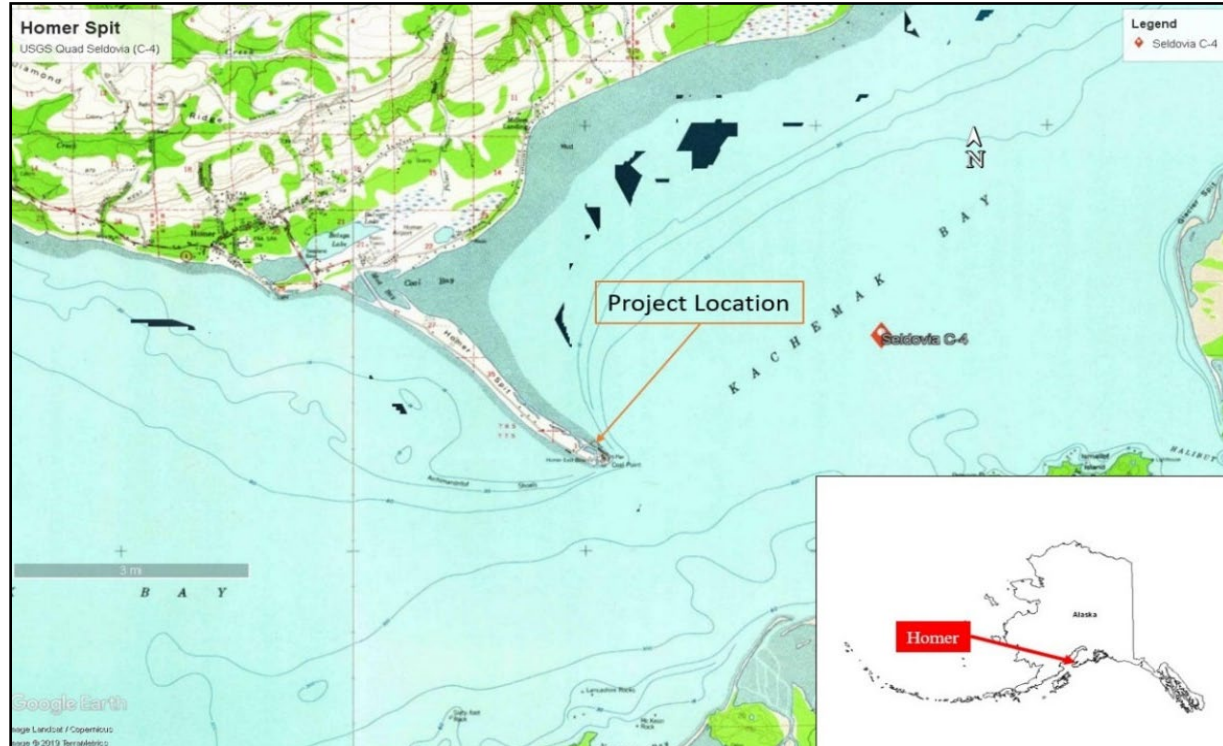


Figure 1. Project location, Homer, AK.

Study Authority

USACE is conducting this study under Section 204 of the Flood Control Act of 1948, as amended (P. L. 80-858). Section 204 authorizes investigations of harbors and rivers in Alaska. The Federal Cost Share Agreement for this project was approved by the Non-Federal Sponsor, the City of Homer, and USACE Pacific Ocean Division on March 29, 2023. The study is meant to comply with USACE Engineering Pamphlet 1105-2-61.

Study Timeline

On May 17–19, 2023, USACE held a charette in Homer, Alaska and conducted a site visit at some of the potential proposed project areas to delineate the extent of the port expansion and clarify study boundaries. Over the next few months, USACE and the City of Homer will develop an array of alternatives that could address the existing navigation problem. We anticipate that these potential alternatives will be narrowed down to a Tentatively Selected Plan (TSP) in 2024.

At that time, USACE will assess the potential effect of the proposed TSP on historic properties within the Area of Potential Effect and will seek your concurrence on our assessment in accordance with 36 CFR § 800.4(d). If you have any questions or concerns about this study, please contact me by phone at 907-753-2640 or by email at Tyler.J.Teese@usace.army.mil.

Sincerely,



Tyler J. Teese
Archaeologist
Environmental Resources Section

Seldovia village Tribe	Seldovia Native Association, Inc.
Kenaitze Indian Tribe IRA	Kenai Native Association
Native Village of Nanwalek	Ninilchik Traditional Council
Ninilchik Native Association	Port Graham Village Council
Port Graham Corporation	Salamatof Tribal council
Salamatof Native Association inc	CIRI (Cook Inlet Region, Inc.)
Cook Inlet Tribal Council	Chugach Alaska Corporation
Chugachmiut	City of Homer
KPB Mayor	Homer museum

Notification letters sent to list above.



United States Department of the Interior



U.S. FISH AND WILDLIFE SERVICE
Southern Alaska Fish and Wildlife Field Office
4700 BLM Road
Anchorage, Alaska 99507

In Reply Refer to:
FWS/R7/SAFWFO

Kayla Campbell
Biologist, National Environmental Policy Act Coordinator
U.S. Army Corps of Engineers
P.O. Box 6898
Joint Base Elmendorf-Richardson, Alaska 99506

Subject: Homer Harbor Modification Study, Homer, Alaska (Consultation Number 2023-0092316)

Dear Kayla Campbell:

Thank you for inviting the U.S. Fish and Wildlife Service (Service) to participate under the Fish and Wildlife Coordination Act in the Homer Harbor Modification study, preconstruction planning, and project development. The U.S. Army Corps of Engineers (Corps) aims to determine a feasible alternative for meeting the navigational needs of Homer, Alaska, by expanding harbor capacity. The Service has jurisdiction over trust resources in the study area. These include Steller's eiders (*Polysticta stelleri*) listed under the Endangered Species Act (ESA) and their designated Critical Habitat, birds protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, and northern sea otters (*Enhydra lutris kenyoni*) protected under the Marine Mammal Protection Act.

Harbor development and operations have the potential to impact Service trust resources through disturbance (noise, visual, vibration); habitat loss; habitat degradation and food web changes (including through changes in currents and sedimentation); and increased risk of oil spills, vessel collision (sea otters and migratory birds, including listed eiders), light attraction and collision (migratory birds); and introduction and spread of invasive species. At this stage of the planning process, there are insufficient details to allow a thorough evaluation of the proposed harbor project in terms of impacts to trust resources. The Service's concerns and recommendations are based on known wildlife presence and habitat use in the project area.

Kachemak Bay

Kachemak Bay is considered one of the most productive estuaries in Alaska¹, hosting some of the richest marine invertebrate communities in Cook Inlet² and providing important rearing habitat for several species of forage fish³. It is recognized for its ecological importance through several designations, including as a National Estuarine Research Reserve, a State Critical Habitat Area, an Important Bird

¹ <https://coast.noaa.gov/nerrs/reserves/kachemak-bay.html>

² <https://www.adfg.alaska.gov/index.cfm?adfg=kachemakbay.main>

³ https://coast.noaa.gov/data/docs/nerrs/Reserves_KBA_SiteProfile.pdf

Area (IBA) of Global Significance, and a Western Hemisphere Shorebird Reserve Network (WHSRN) Site of International Importance.

Northern Sea Otters

Sea otters belonging to the Southcentral Alaska Stock reside year-round in Kachemak Bay, including in the area of the existing harbor. A recent population survey (which took place in May 2017) revealed the harbor area is frequently used by large groups of sea otters, including numerous mom and pup pairs⁴. An Incidental Take Authorization under the Marine Mammal Protection Act may be warranted for the project development phase to provide coverage of incidental take (e.g., disturbance or injury related to pile driving and construction activities) of sea otters in the area. The Corps should coordinate with the Service early in project planning to determine whether an Incidental Take Authorization is needed and identify measures to mitigate impacts on sea otters. Although there is no Critical Habitat in the study area, Kachemak Bay hosts large expanses of kelp forest³, and harbor expansion has the potential to impact sea otter foraging habitat. Sedimentation and in-water noise during pile driving and changes in current circulation patterns caused by harbor modifications may impact benthic invertebrates and affect sea otter prey availability.

Threatened Steller's Eider

Individual Steller's eiders belonging to the threatened Alaska-breeding population winter in Kachemak Bay, and a small population regularly uses the waters offshore of Homer Spit, near the existing harbor⁵. The Corps will need to make an effects determination for this project, and depending on the determination may need to consult with the Service under section 7 of the ESA.

Non-Listed Migratory Birds

Kachemak Bay provides important year-round habitat for diverse migratory bird species. The Homer Spit IBA supports a significant assemblage of rock sandpipers during the non-breeding season⁴, and Kachemak Bay hosts 90 percent of the seabirds and seaducks overwintering in Cook Inlet², including species such as pelagic cormorant (*Phalacrocorax pelagicus*) and white-winged and black scoters (*Melannita deglandi* and *M. americana*)⁵. Kachemak Bay also supports the highest seabird densities in Cook Inlet during the spring and summer months² and is an important breeding area for Kittlitz's and marbled murrelets (*Brachyramphus brevirostris*)⁶. Black-legged kittiwakes (*Rissa tridactyla*) are known to regularly nest in the harbor, on the piers of the deepwater dock. The shoreline and mudflats of Kachemak Bay provide migration stopover habitat for approximately 36 species of shorebirds⁷, including surfbirds (*Aphriza virgata*), dowitchers (*Limnodromus* spp.), godwits (*Limosa* spp.), black-bellied plovers (*Pluvialis squatarola*), dunlin (*Calidris alpina*), and hundreds of thousands western sandpipers (*Calidris mauri*). The WHSRN recognizes Mud Bay as especially critical foraging habitat, providing abundant and diverse benthic macroinvertebrates.

Invasive Species

Increased harbor capacity could result in increased marine traffic, heightening the risk of introducing and spreading invasive species in Kachemak Bay and beyond. Species of concern include marine invasives

⁴ Garlich-Miller, J. L., G. G. Esslinger, and B. P. Weitzman. 2018. Aerial surveys of sea otters (*Enhydra lutris*) in Lower Cook Inlet, Alaska, May 2017. Marine Mammals Management Technical Report MMM 2018-01, U.S. Fish and Wildlife Service, Anchorage, Alaska, USA.

⁵ <https://netapp.audubon.org/iba/Reports/1089>

⁶ <https://netapp.audubon.org/iba/Reports/4419>

⁷ https://whsrn.org/whsrn_sites/kachemak-bay/

such as European green crab (*Carcinus maenas*) and non-native tunicates, and rodents such Norway rat (*Rattus norvegicus*).

Recommendations

- Consider a study to test sediment in the harbor area and determine the level of contaminants that may be released in the water column during harbor expansion activities.
- Consider a study to determine the composition (i.e., diversity and abundance) of the benthic invertebrate community in Kachemak Bay, including in the tidal flats of Mud Bay and in deeper water areas used by sea ducks.
- Use model-based predictions to consider how changes to baseline circulation and patterns of sediment transport and deposition could affect: kelp forests and sea otter foraging habitat; the abundance and diversity of benthic food resources for overwintering sea ducks; the abundance and diversity of invertebrate food resources in Mud Bay.
- Develop Early Detection and Rapid Response plans for marine invasive species and rats.

This Planning Aid Letter is based on preliminary information provided by the Corps during an inter-Agency meeting on June 9, 2023, during which seven conceptual alternatives were introduced. The Service does not anticipate providing the Corps with a full Coordination Act Report at this time but could become more actively engaged, should subsequent information reveal likely changes in environmental conditions so that impacts to the Service's trust resources will be more severe than currently anticipated. The Corps plans to model potential changes in Kachemak Bay currents and sediment transport and deposition to Mud Bay, and the Service will be especially interested in these results.

These comments are offered under the authority of the Fish and Wildlife Coordination Act, Endangered Species Act, Migratory Bird Treaty Act, Marine Mammal Protection Act, Clean Water Act, and the National Environmental Policy Act.

For questions regarding the Service's comments relative to sea otters or to request technical assistance under the Marine Mammal Protection Act, please contact Service Biologist Shauna McBride-Kebert (shauna_mcbride-kebert@fws.gov). For all other questions or technical assistance requests, please contact Service Biologist Megan Boldenow (megan_boldenow@fws.gov). Thank you for coordinating on this project, and we look forward to working together.

Sincerely,

Douglass M. Cooper
Ecological Services Branch Chief

From: [Greg Balogh - NOAA Federal](#)
To: [CAMPBELL, KAYLA N CIV USARMY CEPOA \(USA\)](#)
Subject: [URL Verdict: Neutral][Non-DoD Source] Re: FW: Homer Navigation Improvements Study, AK - Cooperating Agency and NMFS Status Species List Letters
Date: Wednesday, July 19, 2023 6:23:16 AM

Hi Kayla,

The species list looks complete to me. I was unaware that fur seals got up into Cook Inlet. I will also note that there is Cook Inlet beluga whale critical habitat and Steller sea lion critical habitat in the area, and Mexico and Western North Pacific humpback whale critical habitat right up to the mouth of Cook Inlet.

Sorry if I missed your letter. It arrived just as I was leaving Alaska after 35 years and headed to Idaho. I may have dropped a few balls in the transition.

On Tue, Jul 18, 2023 at 5:56 PM CAMPBELL, KAYLA N CIV USARMY CEPOA (USA) <Kayla.N.Campbell@usace.army.mil> wrote:

Good afternoon Greg,

A species list was sent to NMFS on June 2, 2023, via email (see below) and mail. At the time, the email also provided the Cooperating Agency Request Letter.

I am tracking your response to the Cooperating Agency Request. However, I wanted to follow-up on whether NMFS concurs with the species list that was also provided.

If you could let me know, I would greatly appreciate it. Thank you!

Very Respectfully,

Kayla Campbell

Biologist, Environmental Resources Section

Civil Works Branch

U.S Army Corps of Engineers, Alaska District

Joint Base Elmendorf-Richardson, Alaska

Office Phone: 907.753.2757

Personal Cell: 309.397.4534

E-mail: Kayla.N.Campbell@usace.army.mil

From: CAMPBELL, KAYLA N CIV USARMY CEPOA (USA)
Sent: Friday, June 2, 2023 2:39 PM
To: Greg Balogh - NOAA Federal <greg.balogh@noaa.gov>
Cc: Rouse, Michael B CIV USARMY CEPOA (USA)
<Michael.B.Rouse@usace.army.mil>
Subject: Homer Navigation Improvements Study, AK - Cooperating Agency and NMFS
Status Species List Letters

Good afternoon Greg,

I hope you have been well.

Attached are letters that were sent by mail today. Due to potential lag from mailing, I wanted to share them via email as well to ensure they were received in a timely manner.

Specific to the Cooperating Agency Letter, I have sent one to both yourself and Charlene Felkley from NMFS for this study as USACE will be coordinating and consulting with both the Protected Resources and Habitat Conservations Divisions.

Please let me know if you have any questions or concerns, and thank you for your time!

Very Respectfully,

Kayla Campbell

Biologist, Environmental Resources Section

Civil Works Branch

U.S Army Corps of Engineers, Alaska District

Joint Base Elmendorf-Richardson, Alaska

Office Phone: 907.753.2757

Personal Cell: 309.397.4534

E-mail: Kayla.N.Campbell@usace.army.mil

--

Greg Balogh

ESA Section 7 Coordinator

Branch Chief

NOAA Fisheries | U.S. Department of Commerce

Mobile: (907) 306-1895 (best bet)

Interwebs: (323) 372-3309 (maybe this number will work. maybe it won't)

Office: (907) 271-3023 (auto-forwards, usually)

www.fisheries.noaa.gov



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Fish and Game

HABITAT SECTION
Southcentral Region Office

514 Funny River Road
Soldotna, Alaska 99669-8255
Main: 907.714.2475
Fax: 907.260.5992

July 10, 2023

Dear Kayla Campbell,

The Alaska Department of Fish and Game (ADF&G), Habitat Section received your request to participate as a cooperating agency under the National Environmental Policy Act (NEPA) process for a Homer Navigation Improvements Study.

The Alaska Department of Fish and Game (ADF&G), Habitat Section, has not determined if an ADF&G Special Area permit will be required for this project.

Habitat Section Kenai Peninsula Area staff plan to review and provide comment when draft NEPA documents become available.

Sincerely,

Tony Munter

Tony Munter
Kenai Peninsula Area Manager
Habitat Section

Email cc:
Al Ott, ADF&G Habitat



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3188

REGIONAL
ADMINISTRATOR'S
DIVISION

June 23, 2023

Kayla Campbell, Biologist / NEPA Coordinator
Alaska District, U.S. Army Corps of Engineers
Environmental Resources Section, Civil Works Branch
P.O. Box 6898
Joint Base Elmendorf-Richardson, Alaska 99506-0898

Dear Kayla Campbell:

The U.S. Environmental Protection Agency received your letter dated June 2, 2023, to participate as a cooperating agency in the development of National Environmental Policy Act (NEPA) analysis for a General Investigation feasibility study of navigation improvements at Homer, Alaska. The USACE will prepare a document under the NEPA.

EPA accepts USACE's request to participate in this process as a Cooperating Agency (as defined in NEPA). Please note that our status as a cooperating agency has no effect on our authorities under Section 102(2)(C) of NEPA, Section 309 of the Clean Air Act, or the Clean Water Act. Similarly, our role as a cooperating agency does not imply that the EPA will necessarily concur with all aspects of the NEPA document.

Contingent upon agency resources, EPA agrees to provide preliminary agency feedback on areas in which we have expertise. We will provide meaningful and early input, participate in coordination meetings, and conduct timely review of documents provided for our agency's input during the environmental review process. USACE should ensure that information relevant to providing comments will be provided to the EPA promptly, allowing sufficient time for review. Additionally, the information provided should have levels of detail necessary for meaningful feedback.

Thank you for the opportunity to be involved in the development of this NEPA analysis. We look forward to virtually attending the June 30, 2023, cooperating and participating agency workshop. Your primary point of contact will be Susan Sturges of my staff at (206) 553-2117 and sturges.susan@epa.gov. If you have questions about this review, please contact Rebecca Chu, Policy and Environmental Review Branch Chief at (206) 553-1774 or at chu.rebecca@epa.gov.

Sincerely,

Andrew J. Baca
Director

From: [Charlene Felkley - NOAA Federal](#)
To: [CAMPBELL, KAYLA N CIV USARMY CEPOA \(USA\)](#)
Cc: [Rouse, Michael B CIV USARMY CEPOA \(USA\)](#); [Sean McDermott - NOAA Federal](#)
Subject: [URL Verdict: Neutral][Non-DoD Source] EFH Response: NEPA Cooperating Agency Request for Flood Control Act Section 204 General Investigation Feasibility Study at Homer, Alaska; INQ-2023-00169
Date: Wednesday, June 21, 2023 2:22:39 PM

Dear Ms. Kayla Campbell:

Thank you for your letter dated June 2, 2023, inviting the National Marine Fisheries Service to participate as a cooperating agency in the development of the feasibility study for Homer Harbor Expansion. The purpose of this study is to investigate the feasibility of navigation improvements at Homer, Alaska, and provide a basis from which to recommend an alternative for implementation and/or construction. We have evaluated your request and must decline at this time. We will participate to the extent practicable to support the development of the environmental analysis during the National Environmental Policy Act (NEPA) review. If your NEPA analysis indicates that this action may adversely affect essential fish habitat (EFH), we will also consult with you under Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

Section 305(b)(2) of the MSA requires Federal action agencies to consult with us on any action they authorize, fund, or carry out that may adversely affect EFH. EFH is defined as, “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” An adverse effect is defined as “any impact which reduces the quality and/or quantity of EFH.” Adverse effects may include direct or indirect physical, chemical or biological alterations of the waters or substrate and loss of, or injury to, benthic organisms, prey species and their habitat and other ecosystems components, and may result from actions occurring within EFH or outside EFH. They may also include site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions.

Additional information regarding the EFH consultation process can be found in our [EFH Fact Sheet](#), our [Regional website](#) and our **[*recently updated Impacts to Essential Fish Habitat from Non-Fishing Activities in Alaska report*](#)**. We look forward to updates from your Division’s staff on this feasibility study and the preparation of the NEPA documents as necessary. Questions regarding these comments should be directed to Charlene Felkley at charlene.felkley@noaa.gov.

Respectfully,

Charlene

On Fri, Jun 2, 2023 at 2:43 PM CAMPBELL, KAYLA N CIV USARMY CEPOA (USA) <Kayla.N.Campbell@usace.army.mil> wrote:

Good afternoon Charlene,

I hope you have been well.

Attached is a letter that was sent by mail today. Due to potential lag from mailing, I wanted to share it via email as well to ensure it was received in a timely manner.

I have sent a Cooperating Agency Request Letter to both Greg Balogh and yourself from NMFS for this study as USACE will be coordinating and consulting with both the Protected Resources and Habitat Conservation Divisions.

Please let me know if you have any questions or concerns, and thank you for your time!

Very Respectfully,

Kayla Campbell

Biologist, Environmental Resources Section

Civil Works Branch

U.S Army Corps of Engineers, Alaska District

Joint Base Elmendorf-Richardson, Alaska

Office Phone: 907.753.2757

Personal Cell: 309.397.4534

E-mail: Kayla.N.Campbell@usace.army.mil

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[Charlene Felkley](#) (pronouns: [she/her](#))

Alaska Region Habitat Division

[NOAA Fisheries](#) | U.S. Department of Commerce

Cell: 423-277-6811

<https://www.fisheries.noaa.gov/>

Victim Advocate Liaison, [WVPR](#)

I respectfully acknowledge that [I live and work on](#) Dena'ina land.





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

June 2, 2023

SUBJECT: Request for Concurrence of NMFS Status Species List, General Investigation Feasibility Assessment, Homer Navigation Improvements Study, AK in Homer, Alaska.

Mr. Greg Balogh
 Protected Resources Division
 NOAA Fisheries
 222 West 7th Avenue
 P.O. Box 43
 Anchorage, Alaska 99813

Dear Mr. Balogh

United States Army Corps of Engineers (USACE) is conducting a feasibility assessment of navigational improvements proposed for the City of Homer in Homer, Alaska. Under the provisions set forth for interagency consultation and coordination under Endangered Species Act (ESA) Section 7, and of the National Environmental Policy Act (NEPA), USACE has compiled a Status Species List (Table 1) derived from the Alaska Endangered Species and Critical Habitat Mapper Web Application for your interpretation and approval moving forward

Table 1. NMFS Status Species List

Species	Population / Stock / Region	MMPA Status	ESA Status
Beluga whale (<i>Delphinapterus leucas</i>)	Cook Inlet	Protected, Depleted	Endangered
Dall's porpoise (<i>Phocoenoides dalli</i>)	Alaska	Protected	-
Fin whale (<i>Balaenoptera physalus</i>)	Northeast Pacific	Protected, Depleted	Endangered
Gray whale (<i>Eschrichtius robustus</i>)	Eastern North Pacific	Protected	-
Harbor porpoise (<i>Phocoena phocoena</i>)	Gulf of Alaska	Protected	-
Harbor seal (<i>Phoca vitulina richardsi</i>)	Gulf of Alaska	Protected	-
Humpback whale (<i>Megaptera novaeangliae</i>)	Western North Pacific	Protected, Depleted	Endangered
	Hawaii		-
	Mexico	Protected	Threatened
Killer whale (<i>Orcinus orca</i>)	Eastern North Pacific Alaska Resident	Protected	-
	GOA/AI/BS Transient Stock		
Minke whale (<i>Balaenoptera acutorostrata</i>)	Alaska	Protected	-
Northern fur seal (<i>Callorhinus ursinus</i>)	California	Protected	-
	Eastern Pacific	Protected,	

Species	Population / Stock / Region	MMPA Status	ESA Status
		Depleted	
Pacific white-sided dolphin (<i>Lagenorhynchus obliquidens</i>)	North Pacific	Protected	-
Steller sea lion (<i>Eumetopias jubatus</i>)	Eastern U.S. DPS	Protected	-
	Western U.S. DPS	Protected. Depleted	Endangered

USACE currently envisions its navigational improvements to manifest in the construction of breakwater and/or harbor extension adjacent to Homer Harbor on the east side of the Homer Spit within Kachemak Bay. USACE currently does not have a tentatively selected nor preferred alternative for these navigation improvements as it is in its early stages of the study. However, the selected alternative would likely involve dredging to a depth that will enable larger vessels to moor in Homer, Alaska. USACE will continue to coordinate and consult with NMFS as the potential alternatives become more defined.

USACE appreciates NMFS's coordination in determining the appropriate species list for consideration in forthcoming analyses. Please address any questions or concerns to Ms. Kayla Campbell, Biologist / NEPA Coordinator of the Environmental Resources Section, Civil Works Branch, Alaska District, USACE, at 907-753-2757, or at Kayla.n.campbell@usace.army.mil.

Sincerely,

Kayla Campbell
Biologist / NEPA Coordinator
United States Army Corps of Engineers



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

June 2, 2023

SUBJECT: National Environmental Policy Act Cooperating Agency Request for Flood Control Act Section 204 General Investigation Feasibility Study at Homer, Alaska.

Charlene Felkley
Habitat Conservation Division
NOAA Fisheries
222 West 7th Avenue
P.O. Box 43
Anchorage, Alaska 99813

Dear Ms. Charlene Felkley,

United States Army Corps of Engineers (USACE), the non-Federal sponsor (City of Homer) and the Stakeholders are in the preliminary phases of preparing a General Investigation (GI) feasibility study under the Flood Control Act (FCA) of 1948 Section 204 (P.L. 80-858) at Homer, Alaska. The purpose of the GI is to investigate the feasibility of navigation improvements at Homer, Alaska, and provide a basis from which to recommend an alternative for implementation and/or construction. As part of the feasibility, USACE is preparing appropriate documentation to comply with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. § 4321).

Pursuant to NEPA Section 1501.8 (40 C.F.R. § 1501.8) and Section 1005 of the Water Resources Reform and Development Act (WRRDA) of 2014 (P.L. 113-121), we are formally requesting that your agency serve as a cooperating agency in the development of the feasibility study, including the NEPA documentation. We are requesting your participation in the feasibility study, because your agency has jurisdiction over fish and wildlife under the Fish and Wildlife Coordination Act (FWCA). The feasibility study will require compliance with the FWCA prior to completing the final feasibility study report and NEPA document and signing of the Chief of Engineer's Report.

The Council on Environmental Quality (CEQ) Regulations for implementing Procedural Provisions of NEPA (40 C.F.R. §§ 1500-1508) encourage agency cooperation in this process. Specifically, 40 C.F.R. § 1501.8 provides for the lead agency to request participation in the NEPA process of other Federal agencies with jurisdiction and/or special environmental expertise related to the study. In addition, Section 1005(e) of WRRDA 2014 requires that any Federal agency invited to participate shall be designated as a cooperating agency unless the invited agency informs the lead agency in writing by the deadline specified in the invitation that the agency: (A)(i)(I) has no jurisdiction or authority with respect to the project; (II) has no expertise or information relevant to the project; or (III) does not have adequate funds to participate in the project; and (ii) does not intend to submit comments on the project; or (B) does not intend to submit comments on the project (Section 1005(e)(5)(A)(ii)). Please respond in

writing to our request for your agency to serve as a cooperating agency within 30 days of receipt of this letter.

We respectfully request your agency's attendance at a cooperating agency and participating agency workshop to be held virtually, 9:00 am to 4:00 pm AKST, 30 June 2023. The meeting invite/link will be available upon request. During the meeting, we will discuss the feasibility study, existing information to inform the study; cooperating agencies concerns, issues, and needs to complete the study, including obtaining all environmental compliance permits. In addition, pursuant to Section 1501.8(b)(6) of NEPA and Section 1005(g)(1) of WRRDA 2014, we will develop a schedule for reviewing the feasibility study and complying with applicable environmental laws and regulations.

Furthermore, we sincerely appreciate your willingness to participate in USACE's feasibility study that will explore practical alternatives for navigation improvements at Homer, Alaska. Any question or concerns that you have may directed to Ms. Kayla Campbell, Biologist / NEPA Coordinator of the Environmental Resources Section, Civil Works Branch, Alaska District, USACE, at 907-753-2757, or at Kayla.n.campbell@usace.army.mil.

Sincerely,

Kayla Campbell
Biologist / NEPA Coordinator
United States Army Corps of Engineers



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

June 2, 2023

SUBJECT: National Environmental Policy Act Cooperating Agency Request for Flood Control Act Section 204 General Investigation Feasibility Study at Homer, Alaska.

Charlene Felkley
Habitat Conservation Division
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222 West 7th Avenue
P.O. Box 43
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Furthermore, we sincerely appreciate your willingness to participate in USACE's feasibility study that will explore practical alternatives for navigation improvements at Homer, Alaska. Any question or concerns that you have may directed to Ms. Kayla Campbell, Biologist / NEPA Coordinator of the Environmental Resources Section, Civil Works Branch, Alaska District, USACE, at 907-753-2757, or at Kayla.n.campbell@usace.army.mil.

Sincerely,

Kayla Campbell
Biologist / NEPA Coordinator
United States Army Corps of Engineers



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Anchorage Fish & Wildlife Field Office
4700 Blm Road
Anchorage, AK 99507
Phone: (907) 271-2888 Fax: (907) 271-2786

In Reply Refer To:
Project Code: 2023-0087942
Project Name: Homer Navigation Improvements Study, AK

May 31, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, and proposed species, designated critical habitat, and some candidate species that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.). Please note that candidate species are not included on this list. We encourage you to visit the following website to learn more about candidate species in your area:

http://www.fws.gov/alaska/fisheries/fieldoffice/anchorage/endangered/candidate_conservation.htm

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

Endangered Species: The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect

threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see:

<https://www.fws.gov/birds/policies-and-regulations.php>

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a Federal nexus) or a Bird/Eagle Conservation Plan (when there is no Federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see:

<https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>

In addition to MBTA and BGEPA, Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both

migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>

<http://www.towerkill.com>

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Migratory Birds
 - Marine Mammals
-

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Anchorage Fish & Wildlife Field Office

4700 Blm Road

Anchorage, AK 99507

(907) 271-2888

PROJECT SUMMARY

Project Code: 2023-0087942

Project Name: Homer Navigation Improvements Study, AK

Project Type: Breakwaters - New Construction

Project Description: The Homer Navigation Improvements Study, AK is located within the vicinity of Kachemak Bay and Homer, Alaska. The study has yet to screen alternatives. However, the current alternatives that were developed at the Charette with the community of Homer currently include the expansion of the current harbor through breakwaters/infrastructure adjacent to the east of the Homer Spit and the potential construction off the coast of Homer to the east and west (not along the spit). This study is a General Investigation feasibility study under the Flood Control Act Section 204. The project description and region of influence will be adjusted as more information is gathered and the alternatives become more defined. Additionally, should project-dedicated vessel movements be used, then the area will be expanded to include those routes.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@59.6274227,-151.47325500212028,14z>



Counties: Kenai Peninsula County, Alaska

ENDANGERED SPECIES ACT SPECIES

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

BIRDS

NAME	STATUS
Short-tailed Albatross <i>Phoebastria (=Diomedea) albatrus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/433	Endangered
Steller's Eider <i>Polysticta stelleri</i> Population: AK breeding pop. There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1475	Threatened

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

The following FWS National Wildlife Refuge Lands and Fish Hatcheries lie fully or partially within your project area:

FACILITY NAME	ACRES
ALASKA MARITIME NATIONAL WILDLIFE REFUGE https://www.fws.gov/refuges/profiles/index.cfm?id=74500	13,523,051.337

MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

There are migratory birds in your project area. Please refer to [Alaska's Bird Nesting Season](#) for recommendations to minimize impacts to migratory birds, including eagles.

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\)](#) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Aleutian Tern <i>Sterna aleutica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9599	Breeds May 1 to Aug 31
American Golden-plover <i>Pluvialis dominica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Aug 15

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Feb 1 to Sep 30
Black Scoter <i>Melanitta nigra</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds elsewhere
Black-legged Kittiwake <i>Rissa tridactyla</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds elsewhere
Bristle-thighed Curlew <i>Numenius tahitiensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3913	Breeds May 15 to Aug 15
Common Eider <i>Somateria mollissima</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Jun 1 to Sep 30
Common Loon <i>gavia immer</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/4464	Breeds Apr 15 to Oct 31
Common Murre <i>Uria aalge</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Apr 15 to Aug 15
Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31
Hudsonian Godwit <i>Limosa haemastica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 15 to Jul 31
Kittlitz's Murrelet <i>Brachyramphus brevirostris</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/1633	Breeds elsewhere

NAME	BREEDING SEASON
<p>Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679</p>	Breeds May 1 to Aug 15
<p>Long-tailed Duck <i>Clangula hyemalis</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/7238</p>	Breeds elsewhere
<p>Olive-sided Flycatcher <i>Contopus cooperi</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3914</p>	Breeds May 20 to Aug 31
<p>Pomarine Jaeger <i>Stercorarius pomarinus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p>	Breeds elsewhere
<p>Red-breasted Merganser <i>Mergus serrator</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p>	Breeds elsewhere
<p>Red-necked Phalarope <i>Phalaropus lobatus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p>	Breeds elsewhere
<p>Red-throated Loon <i>Gavia stellata</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p>	Breeds elsewhere
<p>Short-billed Dowitcher <i>Limnodromus griseus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9480</p>	Breeds Jun 1 to Aug 10
<p>Surf Scoter <i>Melanitta perspicillata</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p>	Breeds elsewhere
<p>Thick-billed Murre <i>Uria lomvia</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p>	Breeds Apr 15 to Aug 15

NAME	BREEDING SEASON
White-winged Scoter <i>Melanitta fusca</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds elsewhere
Yellow-billed Loon <i>Gavia adamsii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8199	Breeds elsewhere

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

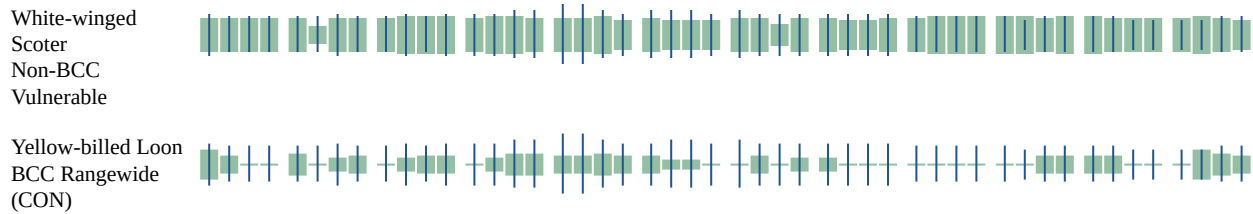
Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)



Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

MIGRATORY BIRDS FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

MARINE MAMMALS

Marine mammals are protected under the [Marine Mammal Protection Act](#). Some are also protected under the Endangered Species Act¹ and the Convention on International Trade in Endangered Species of Wild Fauna and Flora².

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries³ [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the [Marine Mammals](#) page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

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1. The [Endangered Species Act](#) (ESA) of 1973.
 2. The [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
 3. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

NAME

Northern Sea Otter *Enhydra lutris kenyoni*

Population: SCAK NSO

Species profile: <https://ecos.fws.gov/ecp/species/2884>

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