Port of Nome Modification Feasibility Study

Nome, Alaska

Appendix K: Draft Finding of No Significant Impact (FONSI)

US Army Corps of Engineers
Alaska District

DRAFT FINDING OF NO SIGNIFICANT IMPACT

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The U.S. Army Corps of Engineers, Alaska District (Corps) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The final Integrated Feasibility Report and Environmental Assessment (IFR/EA) dated DATE OF IFR/EA, for the Port of Nome Modification addresses navigational improvement opportunities and feasibility in Nome, Alaska. The final recommendation is contained in the report of the Chief of Engineers, dated DATE OF CHIEF'S REPORT.

The Final IFR/EA, incorporated herein by reference, evaluated various alternatives that would provide safe, reliable and efficient waterborne transportation systems for movement of commerce, national security, and recreation at the Port of Nome in the study area. The recommended plan is a cost-effective plan based on the cost effectiveness/incremental cost analysis, Alternative 8b, and includes:

Outer Basin Modification Components

- Remove the existing breakwater spur of the end of the existing west causeway to increase entrance width
- Remove the existing east breakwater (some of the rock can be reused in new east causeway/breakwater)
- Add a 3,900 foot (ft) east causeway/breakwater (2,400 ft causeway/1,500 ft breakwater) aligned with F Street and extending to approximately -25 ft mean lower low water (MLLW) (Outer Basin entrance width increases to 650 ft)
- Deepen the Outer Basin from -22 ft MLLW to -28 ft MLLW (dredge depth limited by existing sheet pile docks on west causeway)
- Add a 400 ft long dock to west causeway north of the West Gold Dock
- Add a 400 ft long dock with the new east causeway

Deep Water Basin Components

- Add approximately 3,484 ft of L-shaped causeway to the existing west causeway extended to approximately -45 ft MLLW
- Deepen the Deep Water Basin to -40 ft MLLW
- Add two 450 ft docks and one 650 ft dock to the L-shaped causeway
- Extend utilities to the new docks (fuel marine header, water, sewer with associated piping, and electrical service as needed)

Dredged Material Placement

- New work: mechanical dredge with placement at the nearshore in-water placement area (241 acres) east of the existing port in front of the city seawall at depths ranging between -15 ft to -30 ft MLLW. The total dredge quantity estimate is 2,015,800 cubic yards from the Outer Basin and 517,600 cubic yards from the Deep Water Basin (total volume = 2,533,400 cubic yards)
- Maintenance: the current Corps practice, hydraulic dredge with placement at the beach placement east of the existing port, is expected to continue. The annual dredge quantities are estimated at 88,000 cubic yards for the Outer Basin and 16,000 cubic yards for the Deep Water Basin (total volume = 104,000 cubic yards)

In addition to a “no action” plan, six structural alternatives were evaluated. The alternatives each included a combination of modifications, including extending the existing west causeway, modifying or replacing the existing east breakwater, additional docks, and several alternative depths for the Outer Basin and Deep Water Basin:

- Alternatives 3a, 3b, 3c. Add a 2,340 ft long L-shaped West Causeway extension to approximately -30 ft MLLW bottom elevation and modify the East Breakwater.
- Alternative 4. Similar to Alternative 3a-3c, except a portion of the East Breakwater is converted to causeway.
- Alternatives 8a, 8b. A 3,937 ft (Alt. 8a) or 3,484 ft (Alt. 8b) extension of the West Causeway to approximately the -45 ft MLLW (Alt 8a) or -40 ft MLLW (Alt 8b) benthic elevation, remove the East Breakwater, and construct new East Causeway aligned with F-Street).

Each alternative was evaluated for various navigation channel dredge depths. The dredge depth for the Outer Basin was limited by the sheet pile design along the existing causeway to a maximum of -28 ft MLLW; as a result the two dredge depths -26 ft MLLW and -28 ft MLLW (max pay) were evaluated for the Outer Basin. The Deep Water Basin was evaluated for dredge depths of -30 ft MLLW, -35 ft MLLW and -40 ft MLLW.

Several non-structural measures were considered; however, only dredging and installation of aids to navigation were carried forward. The Non-Federal Sponsor has stated that all of the non-structural measures not carried forward have already been implemented by the City of Nome. Environmental considerations were not a factor in determining if non-structural measures were to be carried forward.

For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the recommended plan are listed in Table 1:

Table 1: Summary of Potential Effects of the Recommended Plan

Resource Category	Insignificant effects	Insignificant effects as a result of mitigation	Resource unaffected by action
Climate	☐	☐	☒
Wind	☐	☐	☒
Sea Ice	☐	☐	☒
Bathymetry	☒	☐	☐
Geology	☒	☐	☐
Soils & Sediments	☒	☐	☐
Tides	☒	☐	☐
Currents	☒	☐	☐
Sea Level Rise	☐	☐	☒
Water Quality	☐	☒	☐
Air Quality	☒	☐	☐
Noise	☐	☒	☐
Visual Resources	☐	☐	☒
Habitat & Wildlife	☒	☐	☐

Resource Category	Insignificant effects	Insignificant effects as a result of mitigation	Resource unaffected by action
ESA-Species	☐	☒	☐
MMPA-Species	☐	☒	☐
Migratory Birds	☒	☐	☐
Essential Fish Habitat (EFH)	☐	☒	☐
Special Aquatic Sites	☐	☐	☒
Historic Properties & Cultural Resources	☒	☐	☐
Subsistence Use	☒	☐	☐
Environmental Justice	☒	☐	☐
Protected Tribal Resources	☒	☐	☐

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices (BMPs) as detailed in the IFR/EA will be implemented, if appropriate, to minimize impacts:

- Prior to the start of construction dredging, representative samples of the material to be dredged would be sampled and analyzed for a broad range of potential contaminants. The material would be tested for total organic carbon, ammonia, and sulfides. An elutriate test appropriate to the anticipated construction dredging conditions would also be performed. (Section 8.7.2.10)

- Dredging would be conducted so as to minimize the amount of suspended sediment generated. (Section 8.7.2.10)

- The contractor would be required to prepare and implement an Oil Spill Prevention and Control Plan. Reasonable precautions and controls would be used to prevent incidental and accidental discharge of petroleum products or other hazardous substances. (Section 8.7.2.10)

- The contractor would be required to use equipment that is in good repair and meets applicable emission standards. Best management practices such as wetting work surfaces would be applied if visible lofted dust is noted. (Section 8.7.2.11)

- High-noise activities, such as pile-driving, can be timed to minimize impacts on residential areas. Port workers can be informed of the location and timing of high-noise activities, and offered hearing protection. (Section 8.7.2.12)

- During all pile-driving, dredging, and other in-water work, qualified marine mammal observer(s) would be present. All observers must be able to spot and identify marine mammals, and record applicable data during all types of weather during all in-water activity. (Sections 8.7.3.2.1 and 8.7.3.2.2)

- Marine mammal observers would have the authority to enforce marine mammal exclusion zones as proposed in the draft Biological Assessment (Sections 8.7.3.2.1 and 8.7.3.2.2) and finalized during formal ESA consultation.

- To reduce the risk of collisions with protected species, proposed action-related vessels would be limited to a speed of 8 knots or the slowest speed above 8 knots, consistent with safe navigation:
    - when within 3 nautical miles of any Steller sea lion haul outs or rookeries;
    - when transiting the North Pacific right whale Critical Habitat areas; and
    - when transiting the Cook Inlet beluga whale Critical Habitat areas.

- Vessel operators would strive not to approach within 100 yards of a marine mammal to the extent practicable, given navigational and safety constraints. (Sections 8.7.3.2.1 and 8.7.3.2.2)

- The timing of the proposed construction activities would be coordinated with the Alaska Department of Fish and Game (ADFG). (Section 8.7.3.3)

- To the extent practicable, the existing fish passages in the causeway and breakwater would be kept passable during construction through removal of accumulated sediment as necessary. (Section 8.7.3.3)

- The recommended plan east causeway would incorporate a serviceable fish passage breach, and nearshore construction would be timed to minimize impacts on migrating fish. (Section 8.7.3.3)

- The Corps would continue to work with the National Marine Fisheries Service (NMFS) and the ADFG to develop opportunities to beneficially reuse cobbles recovered from the seafloor during construction dredging. The NMFS recommended that the Corps “pursue the beneficial ocean placement of appropriate coarse grain dredge spoils… (e.g., cobble and boulders) excavated during the project to mitigate the loss of EFH through the creation of habitat in deeper waters offshore that do not currently support living substrates or the critical life stages for species such as crab” (NMFS 2019). The NMFS has not advocated a specific quantitative goal for replacing lost hard-bottom habitat. (Sections 8.7.3.3).

- The Corps would conduct a survey of submerged portions of the existing rubblemound causeway and breakwater, and establish long-term monitoring of the new/extended rubblemound structures. (Section 8.7.3.3)

- Rock for new rubblemound construction would be free of contaminants and invasive species. To the extent practicable, rock material removed from the existing rubblemound structures in the course of construction would be reused at the project site. (Section 8.7.3.3).

- The Corps would follow, to the extent practicable, NMFS conservation recommendations to minimize the effects of pile-driving on EFH (Section 8.7.3.3).

- The contractor will be required, to the extent practicable, to provide and maintain temporary housing (i.e., a man-camp) for its project workers. (Section 8.8.1)

Public review of the draft IFR/EA and FONSI was completed on DATE OF COMPLETION. All comments submitted during the public review period were responded to in the Final IFR/EA and FONSI.

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, the Corps has coordinated the project with the NMFS and the U.S. Fish and Wildlife Service (USFWS). The Corps has made determinations of effect on ESA-listed species potentially affected by the proposed action, as shown in Table 2. The Corps has determined that the proposed action will have no adverse effect on any Critical Habitat designated under the ESA.

USFWS concurred with the Corps' determination of "may affect but not likely to adversely affect" polar bear, spectacled eider, and Steller's eider in a letter dated 12 March 2019. The Corps has been engaged in Section 7 informal consultation with the NMFS through most of Feasibility Phase, but will initiate formal consultation with the NMFS as more project-specific information on construction methods and materials is developed.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the Corps determined that historic properties would not be adversely affected by the recommended plan. Concurrence from the State Historic Preservation Officer (SHPO) was sought in a determination letter dated 8 April 2019; concurrence was received in a letter dated 7 May 2019.

Pursuant to the Magnuson Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Corps determined that the recommended plan would adversely affect EFH, but in minor, localized ways that can be offset through best management practices and conservation measures. The NMFS concurred with the Corps' determination in a letter dated 5 March 2019.

Pursuant to the Fish and Wildlife Coordination Act of 1934, as amended, the Corps offered to engage with and provide funding to the USFWS under the provisions of the FWCA. The USFWS declined engagement, and stated that no Coordination Act Report was necessary at this time in a letter dated 11 March 2019.

Pursuant to the Clean Water Act of 1972, as amended, the discharge of dredged or fill material associated with the recommended plan has been found to be compliant with Section 404(b)(1) Guidelines (40 CFR 230). The Clean Water Act Section 404(b)(1) Guidelines evaluation is found in Appendix A of the IFR/EA. A provisional water quality certification pursuant to Section 401 of the Clean Water Act was issued by the Alaska Department of Environmental Conservation (ADEC) Division of Water on 12 July 2019.

Table 2. ESA-Listed Species Potentially Affected by the Proposed Action.

Species	Listed Population	ESA Status	Agency Jurisdiction	CORPS Determination
Ringed seal, *Pusa hisipida*	Arctic DPS	Threatened	NMFS	**May affect, likely to adversely affect**
Bearded seal, *Erignathus barbatus*	Beringia DPS	Threatened	NMFS	**May affect, likely to adversely affect**
Steller sea lion, *Eumetopias jubatus*	Western DPS	Endangered	NMFS	**May affect, likely to adversely affect**
Humpback whale, *Megaptera novaeangliae*	W. Pacific DPS	Endangered	NMFS	**May affect, likely to adversely affect**
	Mexico DPS	Threatened		
Gray whale, *Eschrichtius robustus*	Western North Pacific DPS	Endangered	NMFS	**May affect, likely to adversely affect**
Beluga whale, *Delphinapterus leucas*	Cook Inlet DPS	Endangered	NMFS	May affect, but NOT likely to adversely affect
Bowhead whale, *Balaena mysticetus*	All	Endangered	NMFS	No effect
Sperm whale, *Physeter macrocephalus*	All	Endangered	NMFS	No effect
Fin whale, *Balaenoptera physalus*	All	Endangered	NMFS	No effect
Blue whale *Balaenoptera musculus*	All	Endangered	NMFS	No effect
N. Pacific right whale, *Eubalaena japonica*	All	Endangered	NMFS	No effect
Polar bear, *Ursus maritimus*	All	Threatened	USFWS	May affect, but NOT likely to adversely affect
Spectacled eider, *Somateria fischeri*	All	Threatened	USFWS	May affect, but NOT likely to adversely affect
Steller's eider, *Polysticta stelleri*	All	Threatened	USFWS	May affect, but NOT likely to adversely affect
Northern sea otter, *Enhydra lutris kenyoni*	Southwestern Alaska DPS	Threatened	USFWS	No effect
Short tailed albatross, *Phoebastria albatrus*	All	Endangered	USFWS	No effect

Note: DPS=Distinct Population Segment

By operation of Alaska State law, the federally-approved Alaska Coastal Management Program expired on 1 July 2011, resulting in a withdrawal from participation in the CZMA's National Coastal Management Program. The CZMA Federal consistency provision, Section 307, no longer applies in Alaska.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed, with the exception of formal consultations under the ESA and MMPA. A Policy Waiver Request (dated 26 November 2019) to defer completion of project ESA Section 7 consultation until the Preconstruction Engineering and Design (PED) phase has been approved by the ASA(CW).

Technical, environmental, and economic criteria used in the formulation of alternative plans were those specified in the Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on this report, the reviews by other Federal, State, and local agencies; Tribes; input of the public; and the review by my staff, it is my determination that the recommended plan would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

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Date

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Phillip J. Borders
Colonel, Corps of Engineers
District Commander