
Port of Nome Modification Feasibility Study
Nome, Alaska

Appendix G: Correspondence



**US Army Corps
of Engineers**

Alaska District

Appendix G – Correspondence

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

Correspondence

NMFS Protected Resources Division

USFWS Fairbanks Field Office

From: [Floyd, Christopher B CTV USARMY CEPOA \(US\)](#)
To: [Greg Balogh - NOAA Federal](#)
Subject: Nome Harbor Modifications - preliminary species lists
Date: Wednesday, May 09, 2018 3:12:00 PM
Attachments: [Port of Nome alt elements.jpg](#)

Hi Greg -

The Corps has restarted a study of expanding the port facilities at Nome ("Nome Harbor Modifications")

Using the NOAA ESA/MMPA mapper, and talking to local biologists at a planning charrette in Nome last month, I've come up with preliminary lists of ESA and MMPA species under NOAA jurisdiction that may be present in the project area:

ESA species:

Steller sea lion (Western DPS)
Bearded seal (Beringia DPS)
Ringed seal
Fin whale
Humpback whale (Mexico & Western No Pacific DPSs)
No Pacific right whale
Bowhead whale

MMPA species:

Spotted seal
Ribbon seal
Harbor porpoise
Beluga whale
Killer whale
Gray whale
Minke whale
Sei whale
Stejneger's beaked whale

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

The construction alternatives under development, but are expected to include all or some of the following general features (see attached graphic): Extension of the existing causeway into deeper water; construction of a dock for larger vessels at the end of the causeway; dredging of a new, deeper entrance channel; deepening of portions of the existing outer harbor.

The intent of the project is to allow larger vessels to moor safely at Nome, so the completed project would presumably cause some change in the numbers and size of vessels transiting to and from Nome. A local biologist at the charrette suggested regarding an area extending from the Bering Strait through Norton Sound to Unalakleet as the area of potential impact to marine mammals.

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

From: [Greg Balogh - NOAA Federal](#)
To: [Floyd, Christopher B CIV USARMY CEPOA \(US\)](#); [Jill Prewitt](#)
Subject: [Non-DoD Source] Re: Nome Harbor Modifications - preliminary species lists
Date: Friday, May 11, 2018 9:37:36 AM

Hi Chris,

Your list looks complete to me as far as T&E species goes. Jill Prewitt can be your POC for this project. She can double-check your lists, especially for the MMPA species. We can talk more about the action area when we get a better understanding of the scope of the project. You'll have to fill me and Jill in on the justification that was given to you regarding inclusion of a route to Unalakleet, but exclusion of other waters, such as from Unalaska to Nome. Jill should be back in her office on Monday, I believe.

On Wed, May 9, 2018 at 3:12 PM, Floyd, Christopher B CIV USARMY CEPOA (US) <Christopher.B.Floyd@usace.army.mil <<mailto:Christopher.B.Floyd@usace.army.mil>> > wrote:

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

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

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

From: [Floyd, Christopher B CIV USARMY CEPOA \(US\)](#)
To: ["Amal Ajmi"](#)
Cc: [Bob Henszey](#)
Subject: Port of Nome - ESA Sec 7 - USFWS species list confirmation
Date: Friday, May 25, 2018 11:02:00 AM

Amal -

We talked about this on Wednesday, but just to kick off my correspondence trail -

The Alaska District U.S. Army Corps of Engineers (Corps), through discussions with your office and online resources provided by the USFWS, has identified the following species protected under USFWS jurisdiction by the Endangered Species Act (ESA) whose ranges coincide with the 'Port of Nome Modifications' project area:

- Polar bear
- Steller's eider
- Spectacled eider

The following species is protected under USFWS jurisdiction by the Marine Mammal Protection Act (MMPA):

- Pacific walrus

The Corps requests that the USFWS confirm or modify this list, as part of the on-going ESA Section 7 informal consultation on this project.

As this project's feasibility study progresses, the Corps will prepare an ESA determination letter for the USFWS's review and concurrence.

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

From: [Amal Ajmi](#)
To: [Floyd, Christopher B CIV USARMY CEPOA \(US\)](#)
Cc: [Bob Henszey](#); [Ted Swem](#)
Subject: [Non-DoD Source] RE: [EXTERNAL] Port of Nome - ESA Sec 7 - USFWS species list confirmation
Date: Tuesday, May 29, 2018 7:50:20 AM

Good Morning Chris, we confirm the species and their status. Am not sure if you are aware, please know confirmation of species and status is not considered consultation. We look forward to working with the USACE. In the mean time, if you need any assistance, please don't hesitate to call or email. Have a great day.

Regards,

Amal Ajmi

Fish & Wildlife Biologist

Planning and Consultation

US Fish & Wildlife Service

101 12th Ave, Room 110

Fairbanks, AK 99701

907-456-0324 (Office)

907-456-0208 (Fax)

amal_ajmi@fws.gov

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

Amelia Earhart

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

From: Floyd, Christopher B CIV USARMY CEPOA (US)

<Christopher.B.Floyd@usace.army.mil>

Sent: Friday, May 25, 2018 11:03 AM

To: Amal Ajmi <amal_ajmi@fws.gov>

Cc: Bob Henszey <bob_henszey@fws.gov>

Subject: [EXTERNAL] Port of Nome - ESA Sec 7 - USFWS species list confirmation

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



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

Amal Ajmi
Fish & Wildlife Biologist
US Fish & Wildlife Service
101 12th Ave, Room 110
Fairbanks, AK 99701

26 December 2018

Dear Ms. Ajmi:

The U.S. Army Corps of Engineers Alaska District (Corps) is preparing an environmental assessment (EA) for the proposed “Port of Nome Modifications” project, an expansion of the existing port and harbor facilities at Nome, Alaska (figures 1 and 2). The purpose of this letter is to:

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



Figure 1. Project location and vicinity (aerial imagery dated Aug 2017, Google Earth).

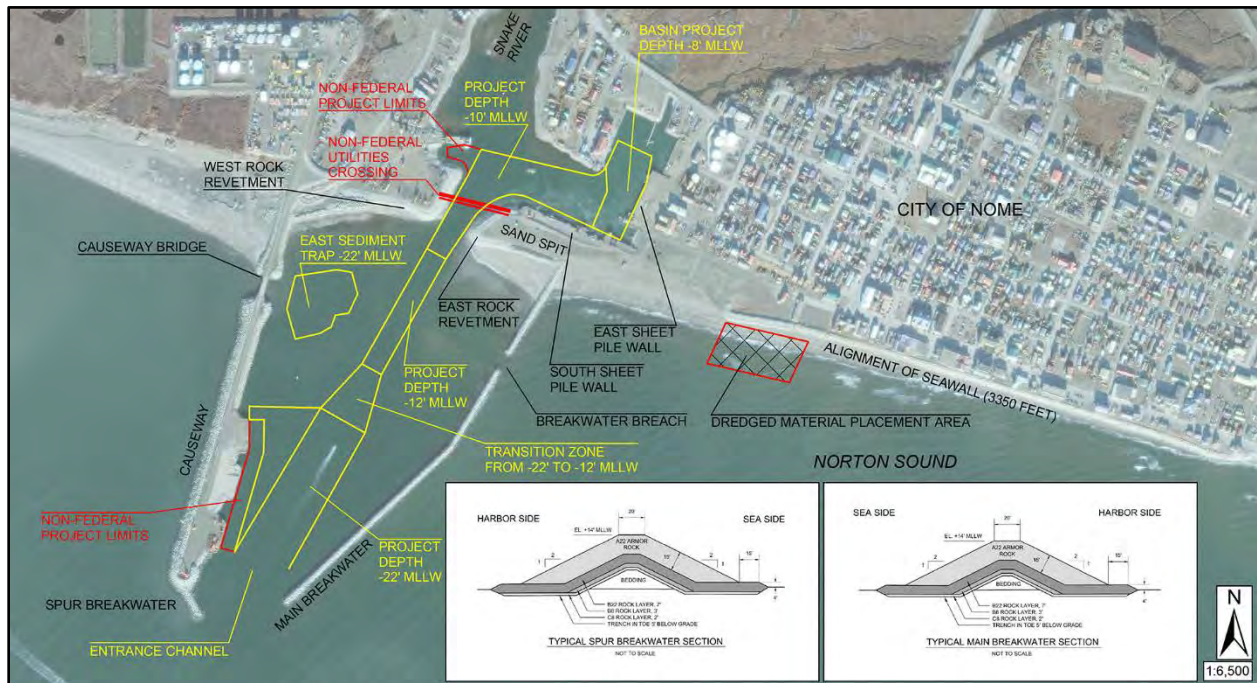


Figure 2. Layout of existing port facilities at Nome (adapted from USACE 2015).

Project Description

The Corps is currently studying six construction alternatives (Alternatives 3a, 3b, 3c, 4a, 8a, and 8b; figures 3-1 through 3-6) in an effort to identify the most useful, cost-effective, and least environmentally-damaging project. From an environmental perspective, the construction alternatives are all similar to one another, differing primarily in the extent, rather than type or location, of their impacts.

Each alternative includes several modification elements:

1. The existing west rubblemound causeway (figure 2) would be lengthened into an L-shaped structure extending into deeper water; the proposed extensions range from 2,340 to 3,937 linear feet (figures 3-1 to 3-6). One to three new concrete caisson docks would be added to the causeway extension. Alternatives 3a, 4a, 8a, and 8b also add a sheet pile dock to the existing causeway.
2. The existing east rubblemound breakwater (figure 2) would be:
 - a. modified to a minor degree (Alternatives 3a and 3c); or
 - b. removed, and a new rubblemound causeway constructed, tying into shore at the same location as the existing breakwater (Alternative 4a); or
 - c. removed, and a new rubblemound causeway constructed, tying into shore about 600 feet to the east of the existing breakwater location (Alternatives 3b, 8a, and 8b). A new east causeway would include one or two concrete caisson docks.

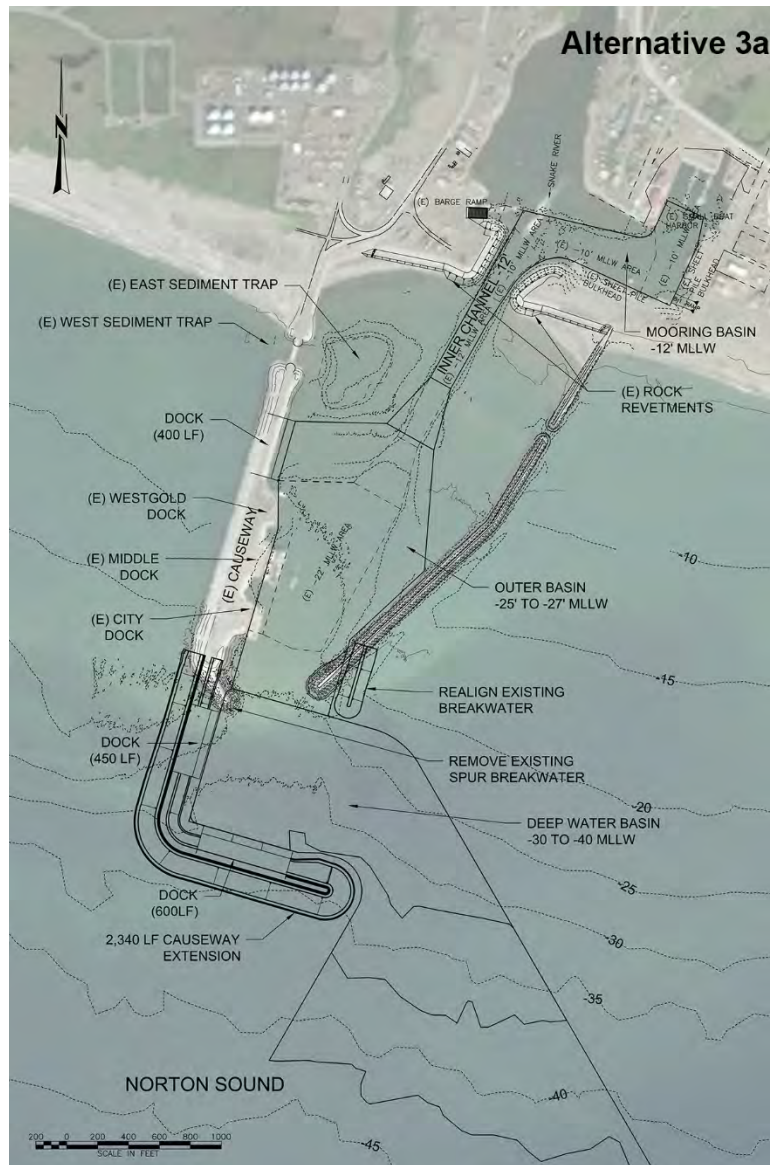


Figure 3-1. Alternative 3a

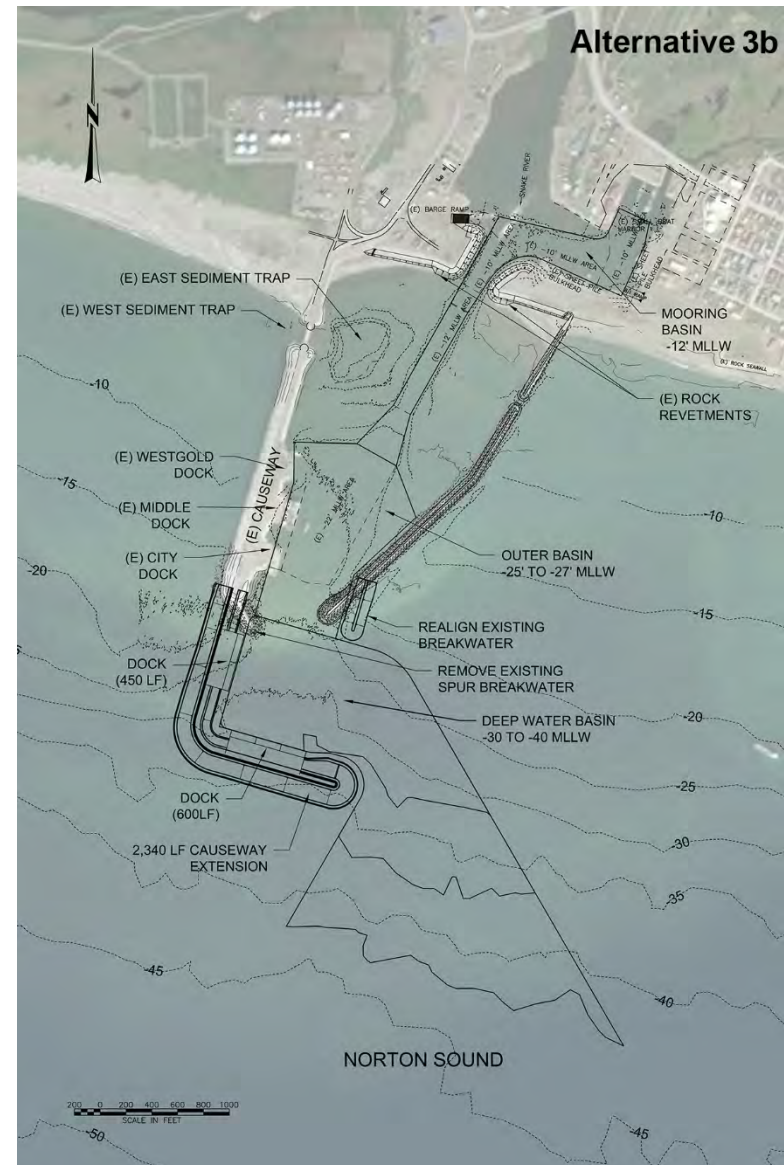


Figure 3-2. Alternative 3b

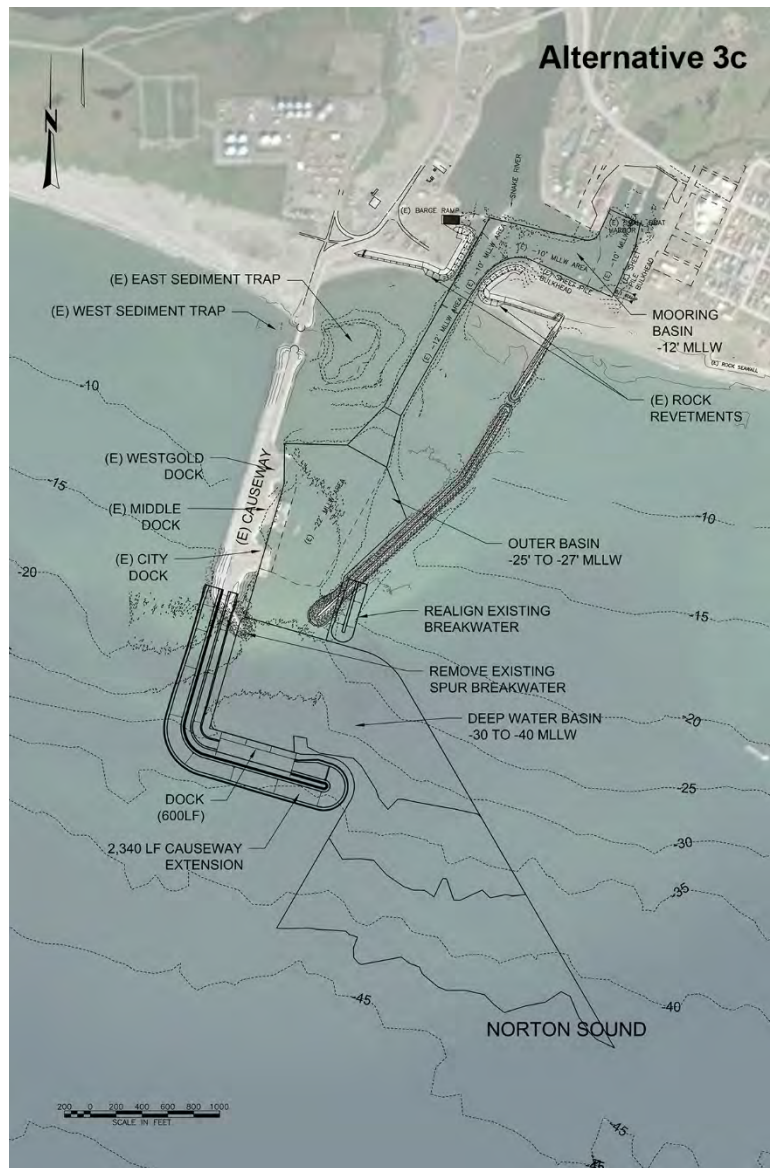


Figure 3-3. Alternative 3c

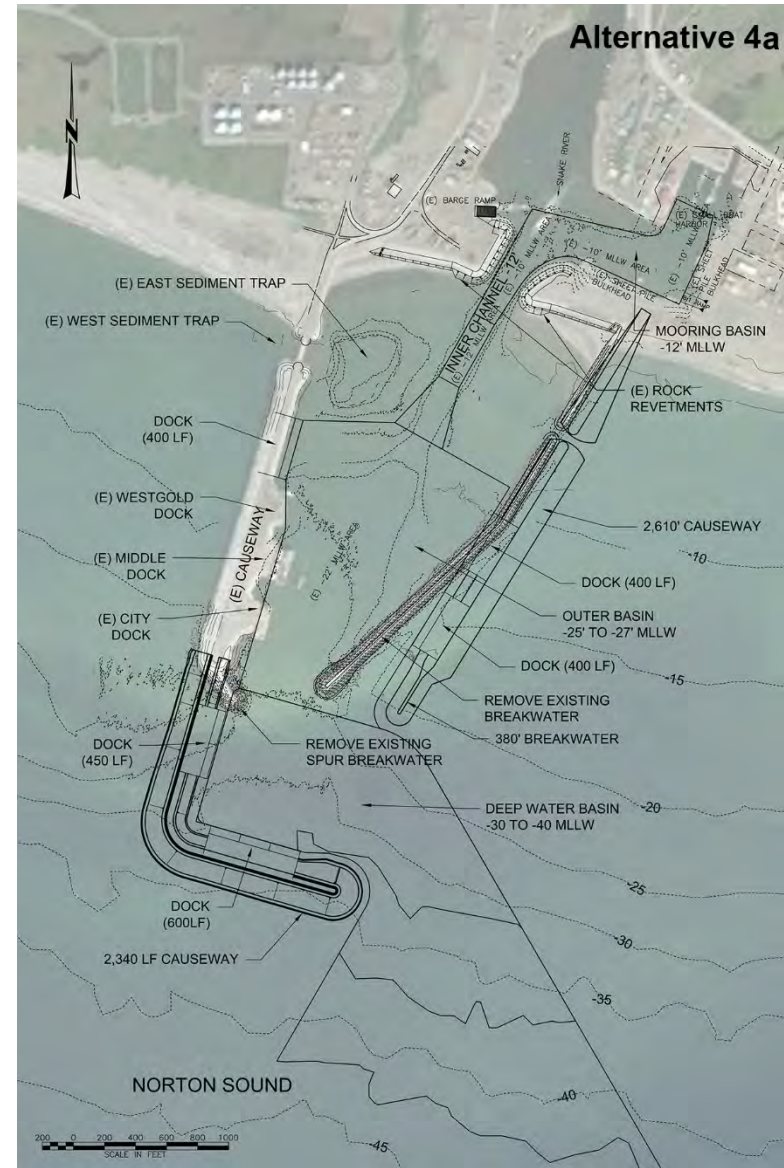


Figure 3-4. Alternative 4a

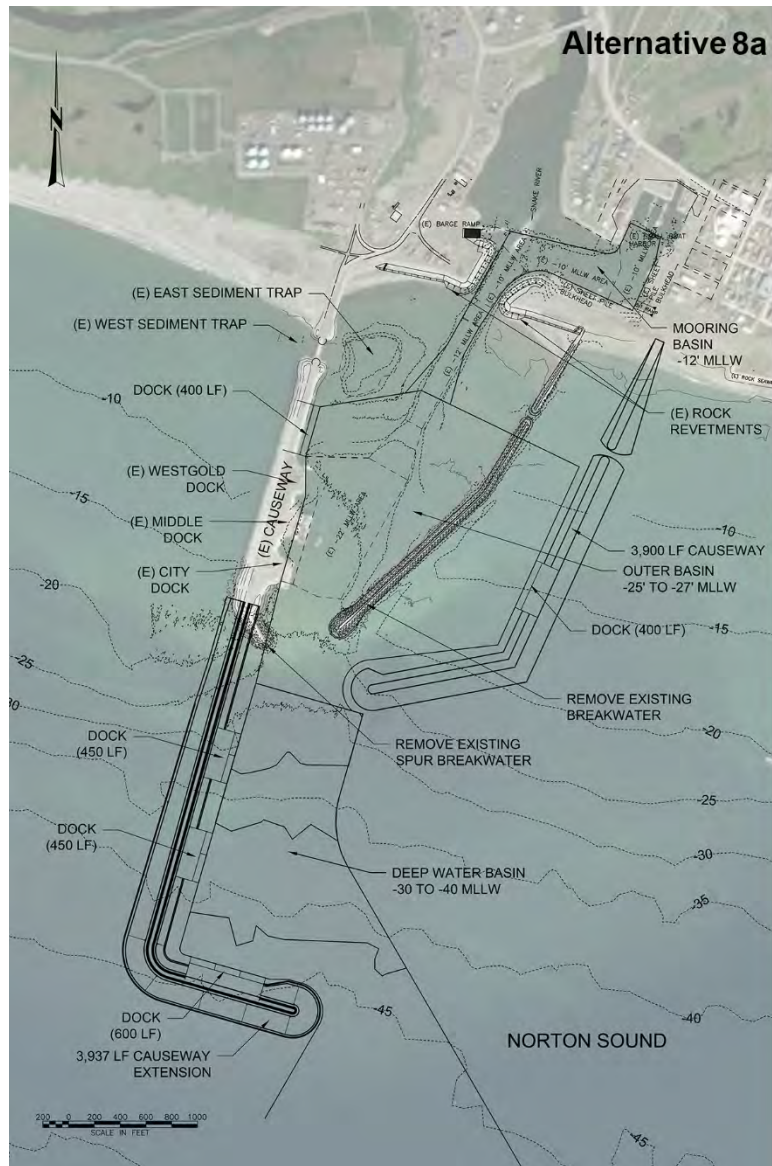


Figure 3-5. Alternative 8a

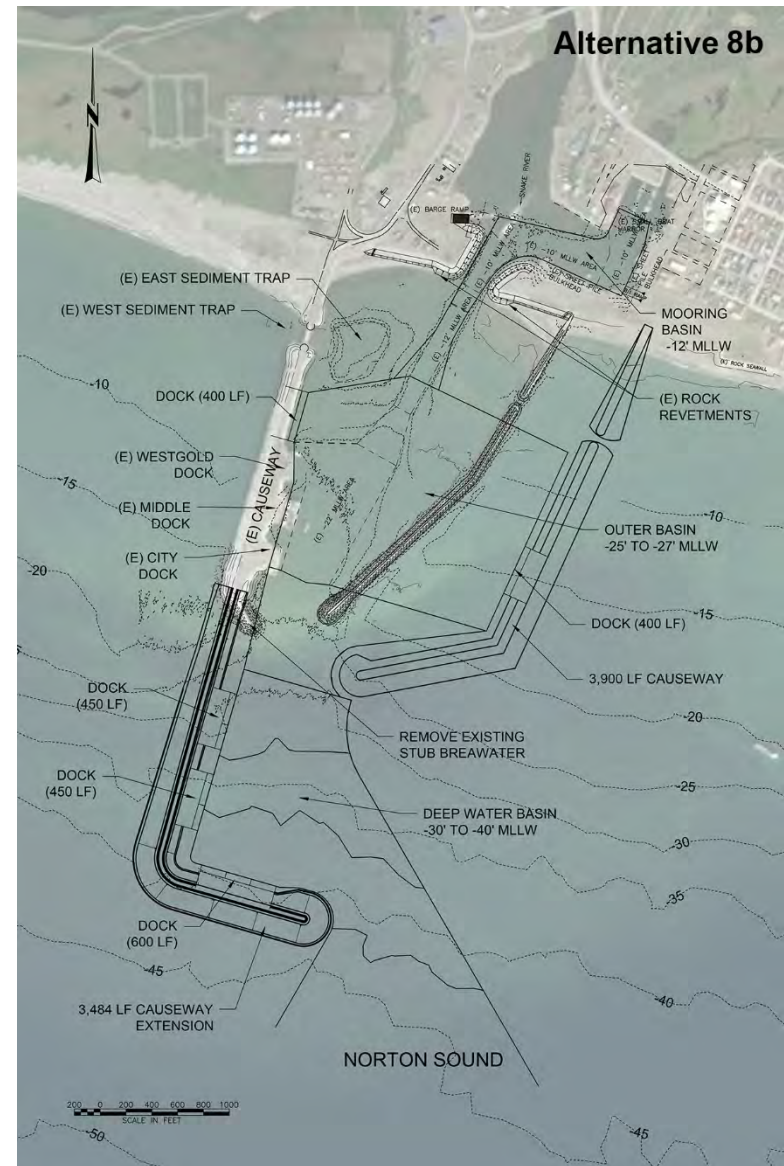


Figure 3-6. Alternative 8b

3. Several areas of sea floor would be deepened by dredging to allow passage of deeper-draft vessels:

- a. a new deep water basin at the end of the extended causeway would be dredged to depths of 30 to 40 feet below mean lower low water (MLLW);
- b. the existing outer basin would be deepened to 25–27 feet below MLLW, from the current depth of -22 feet MLLW;
- c. the existing entrance channel and mooring basin would be deepened to -12 feet MLLW, from the current depth of -10 feet MLLW.

Project construction dredging will remove roughly 700,000 to 2,000,000 cubic yards of sea floor material, depending on the alternative and design depths selected. All material to be dredged will be sampled and analyzed for physical characteristics and chemical content prior to dredging. The current assumption is that most of this material, if found suitable, will be placed for beach nourishment along the base of the Nome seawall, as is currently done with the material from annual maintenance dredging at Nome (figure 2). Alternate disposal methods, such as confined disposal, may be necessary for material not suitable for beneficial placement.

Previous and Current Coordination

Similar modifications to the Nome port facilities were proposed as part of the Arctic Deep Draft studies in 2013-2015. The Corps pursued ESA Section 7 informal consultation with the USFWS Fairbanks Field Office at that time, requesting species lists and providing study status updates, but does not appear to have sought concurrence on determinations of effect at that time (USACE 2015).

Chris Floyd of the Corps (Alaska District Project Management-Civil Works Branch, Environmental Resources Section) met with Amal Ajmi and Bob Henszey of the USFWS Fairbanks Field Office, in Fairbanks on 23 May 2018. The purpose of this meeting was to discuss the new study for Port of Nome Modifications, and future coordination between the Corps and the USFWS under the ESA and the Fish & Wildlife Coordination Act (FWCA).

Affected Species and Evaluation of Effects

Based on discussions with the USFWS and queries on the USFWS's Information for Planning and Conservation (IPaC) website, the following species are identified as ESA-listed species under USFWS jurisdiction that may be present in the project area; this list has been confirmed by the USFWS (USFWS 2018):

- Polar bear (*Ursus maritimus*) – Threatened
- Spectacled eider (*Somateria fischeri*) – Threatened
- Steller's eider (*Polysticta stelleri*) – Threatened

Polar Bear. The polar bear is a maritime carnivore dependent on arctic sea ice and the associated assemblage of sea mammals. It is listed as a threatened species throughout its

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

Critical habitat for polar bears was designated by the USFWS under the ESA in 2010 (75 FR 76086, USFWS 2010). Critical habitat (CH) is the geographic area that contains habitat features essential for the conservation of a threatened or endangered species and which may require special management considerations or protections. For polar bears, the designated CH includes three habitat units: barrier islands, sea ice, and terrestrial denning habitat. The only CH unit appearing at Nome itself is 'sea ice'. The nearest 'barrier island' CH exists at Safety Sound, roughly 17 miles southeast of Nome, and at Sledge Island, about 23 miles west of Nome (figure 4). No terrestrial denning habitat has been identified along the Norton Sound coast.

The geographical extent of the sea ice CH unit reaches from the Beaufort Sea to south of St. Lawrence Island in the Bering Sea, and includes all of Norton Sound. As mentioned above, polar bears depend on sea ice for a number of purposes, including as a platform from which to hunt and feed upon seals, as habitat on which to seek mates, breed, and sometimes den, and as a vehicle on which to make long-distance movements. They show a preference for certain sea-ice stages and features, such as stable shore-fast ice, moving ice, and floe ice edges. Polar bears must move throughout the year along with the changing distribution of sea ice and seals, their primary food source. Sea ice disappears from the Bering Sea and Norton Sound in the summer, and polar bears occupying these areas move as much as 600 miles to stay with the retreating pack ice (USFWS 2010, USFWS 2015).

Coastal barrier islands and spits off the Alaska coast provide areas free from human disturbance and are important for denning, resting, and migration along the coast. Polar bears regularly use barrier islands to move along the Alaska coast as they traverse across the open water, ice, and shallow sand bars between the islands (USFWS 2010). Designated barrier island CH includes a 1-mile buffer zone to minimize disturbances to polar bears (figure 4).

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

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

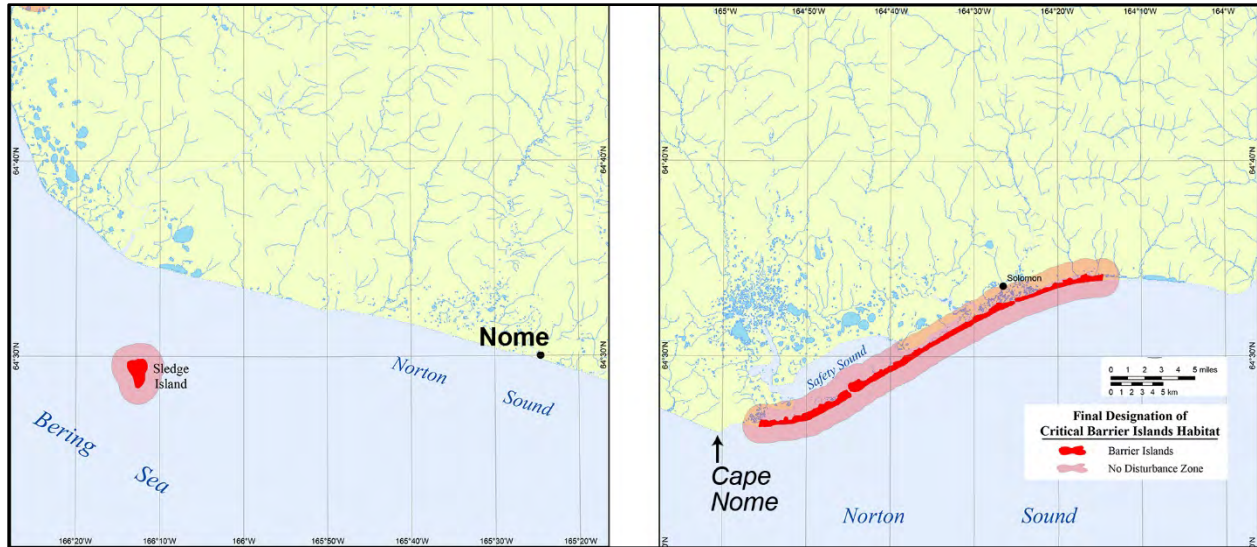


Figure 4. Barrier island polar bear CH identified near Nome (excerpted from maps provided at USFWS 2017).

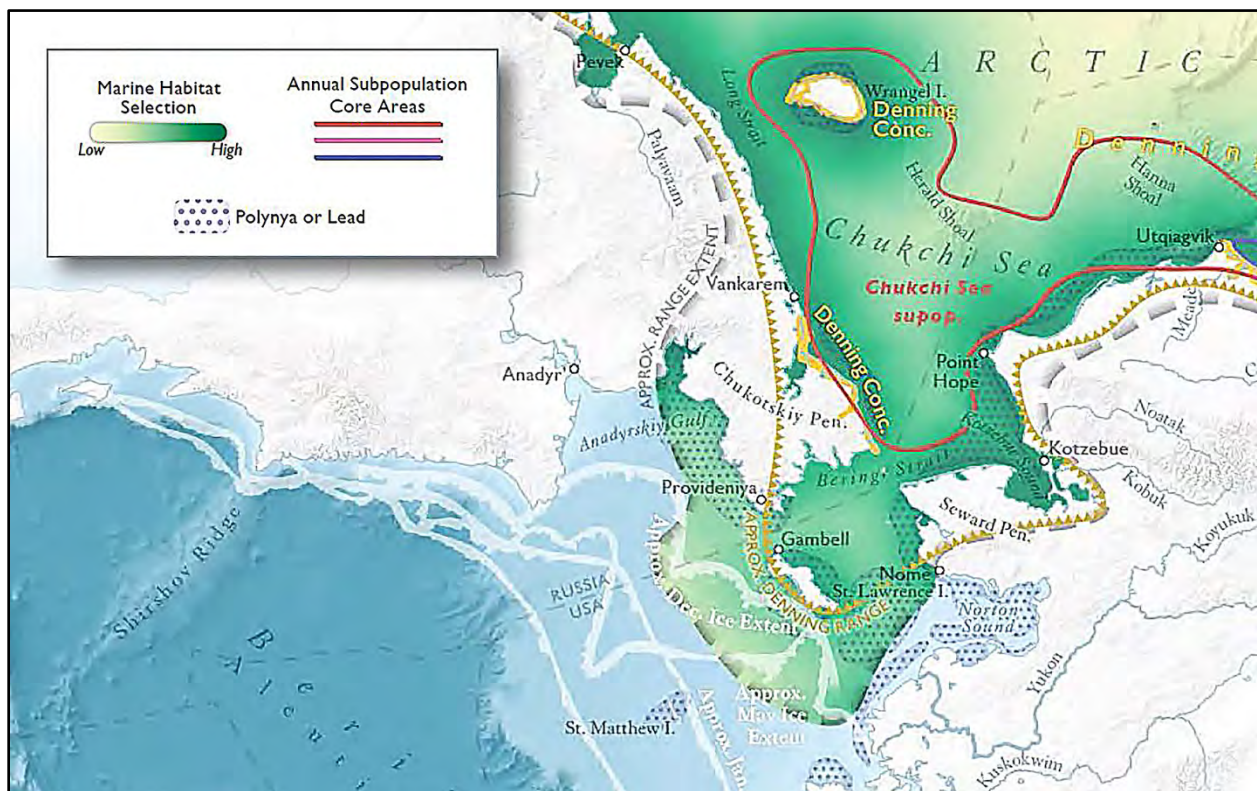


Figure 5. Extent of polar bear winter migration and denning ranges (adapted from Smith, *et al*, 2017).

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

The great majority of project construction or study activities would occur when ice is absent from the Port of Nome area, and therefore when a polar bear is least likely to be present near Nome. Geotechnical studies needed prior to the start of construction might be conducted in late winter from sea ice beyond the existing causeway. Rock quarrying in support of the project could occur in winter at the Cape Nome quarry site. This established quarry is relatively close to the designated barrier island CH fronting Safety Sound (figure 4), but outside of the 1-mile no-disturbance zone associated with that CH. A polar bear that found itself near Nome after sea ice has retreated in the spring would be in far more immediate danger from vehicles, hunters, and public safety officers than from construction of the proposed project. The project site is currently a busy sea port and industrial area, and both the construction disturbance and the finished project will be an incremental increase to the human activity and infrastructure that exist there now. It is possible that the extended causeway and altered breakwater may have a small, localized effect on the formation of shore-fast ice at Nome, and therefore on the local winter distribution of seals and other polar bear prey species.

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

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

Critical habitat designated for spectacled eiders consists of wintering habitat in the Bering Sea south of St. Lawrence Island, nesting habitat along the coast of the Yukon-Kuskokwim Delta, and molting areas in eastern Norton Sound, and Ledyard Bay on the Chukchi Sea coast (figure 7).

None of the identified spectacled eider concentration areas or CH is in the vicinity of Nome; the closest CH unit, the Eastern Norton Sound Unit, is roughly 80 miles to the east. Spectacled eiders found near Nome would most likely be transients migrating between breeding, molting, and wintering areas.

Project potential impacts on spectacled eiders would be limited to disturbance of migrating birds that may pass close to Nome while construction is underway. Eiders attempting to settle and rest in nearby wetlands or nearshore waters might be displaced by construction noise and



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

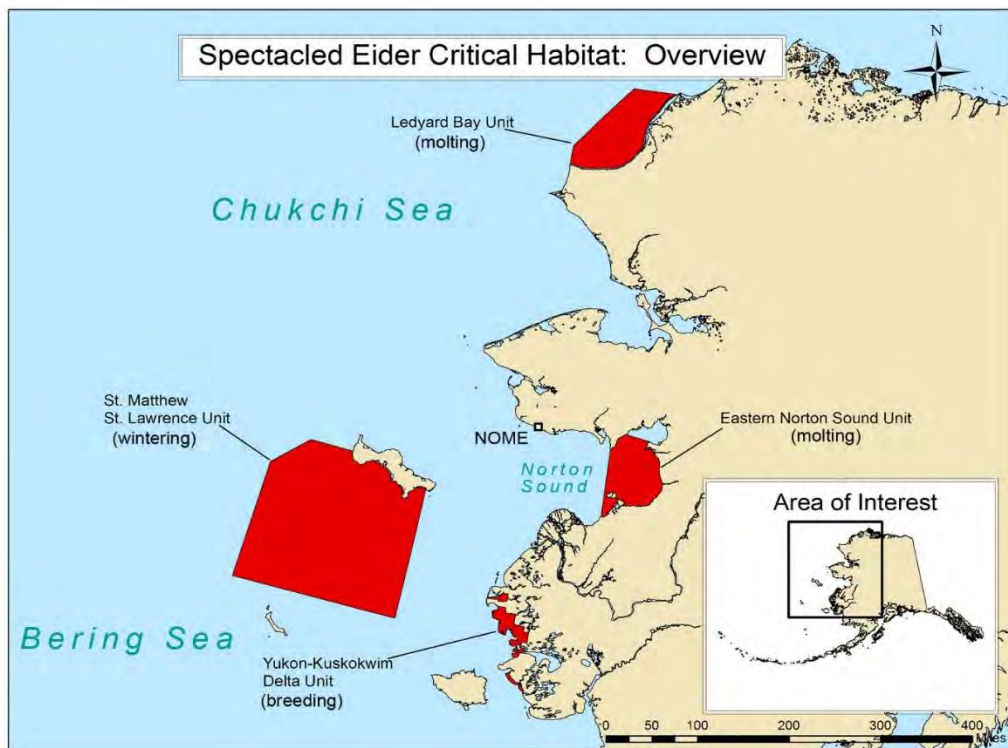


Figure 7. Spectacled eider critical habitat (adapted from USFWS 2013).

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

Most of the Pacific population winters in the Aleutian Islands and along the Alaska Peninsula, then migrates along the Bristol Bay coast towards arctic nesting grounds in the spring. Steller's eiders arrive in small flocks of breeding pairs on the Alaskan arctic coastal plain (ACP) in early June, and in similar habitat along the arctic coast of Russia (figure 8). Nesting on the ACP is concentrated in tundra wetlands near Utqiagvik and occurs at lower densities elsewhere on the ACP. Hatching occurs from mid-July through early August. After rearing is complete, both the Russia- and Alaska-breeding populations depart for molting areas in southwest Alaska (such as Izembek Lagoon), where they remain for about 3 weeks. Following the molt, the Pacific-wintering Steller's eiders disperse throughout the Aleutian Islands, the Alaska Peninsula, and the western Gulf of Alaska (USFWS 2015).

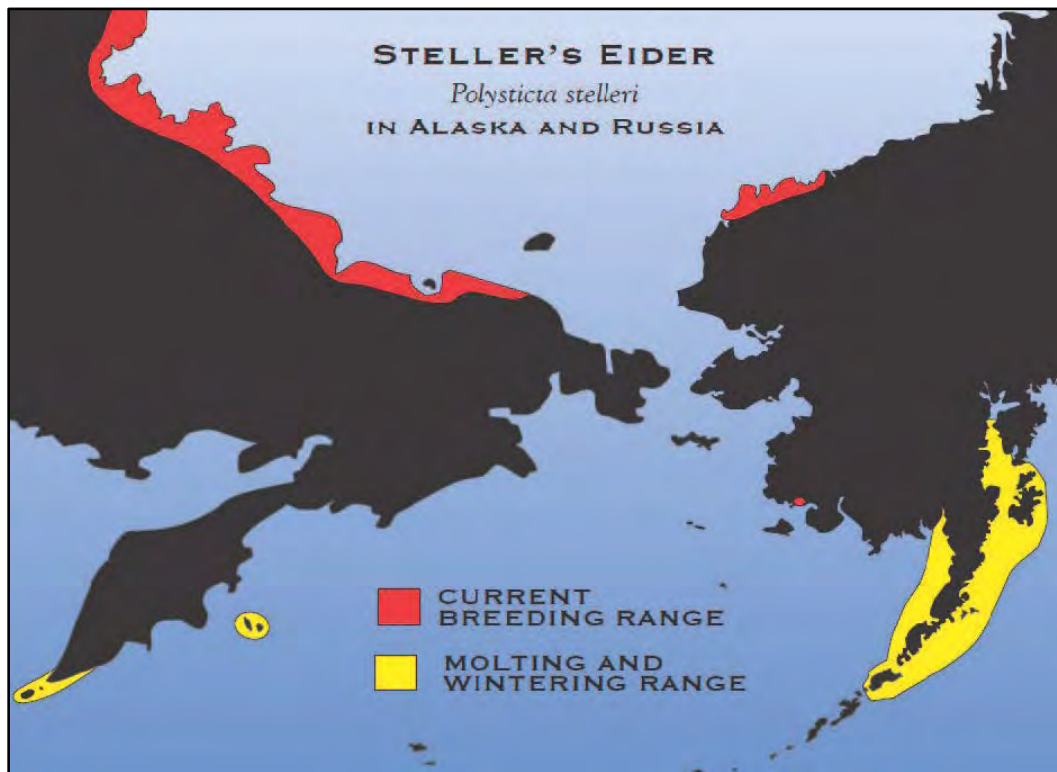


Figure 8. Breeding and wintering range of Steller's eider (USFWS 2013).

Critical habitat designated for Steller's eiders consists of breeding areas along the Bering Sea coast of the Yukon-Kuskokwim Delta, and molting areas along the north coast of the Alaska Peninsula (figure 9).

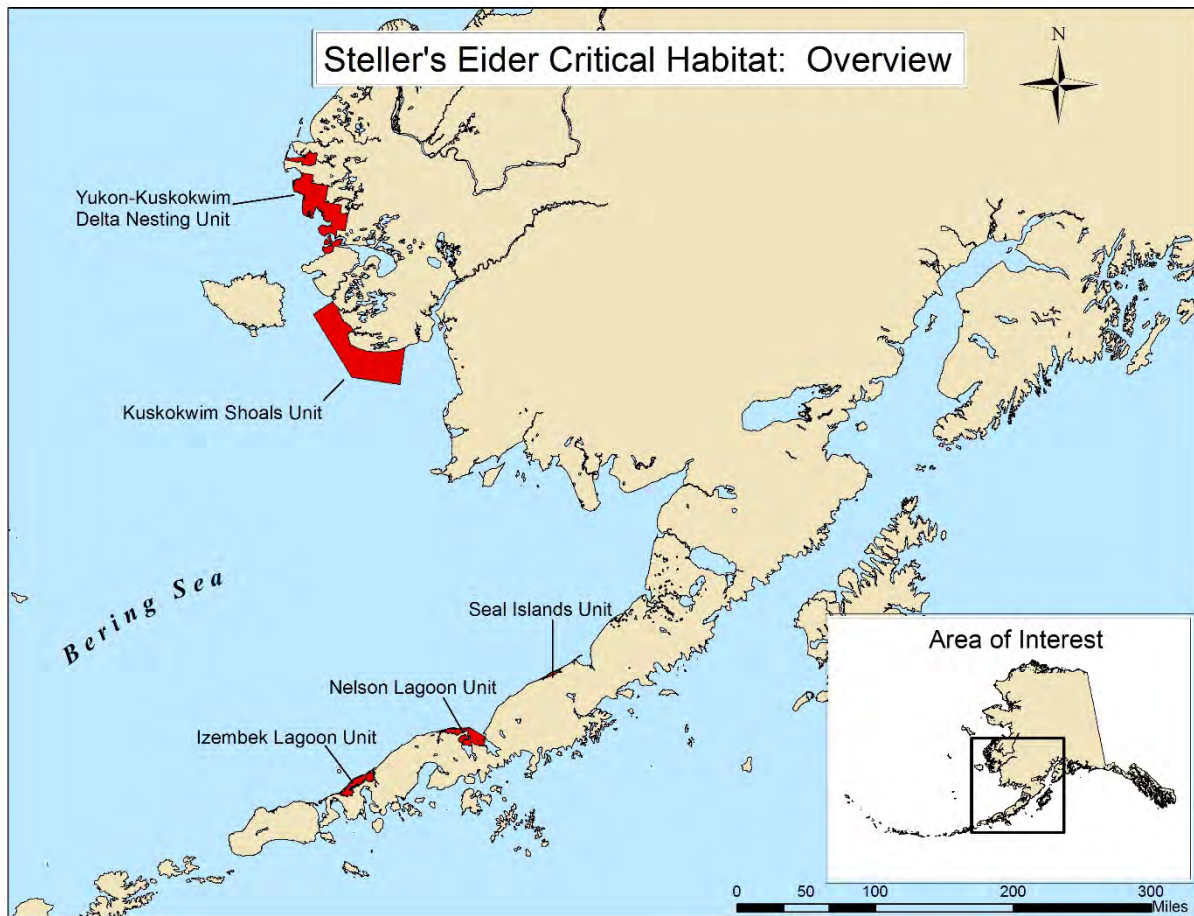


Figure 9. Steller's eider critical habitat (USFWS 2013).

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

Project potential impacts on Steller's eiders would be limited to disturbance of migrating birds that may pass close to Nome while construction is underway. Eiders attempting to settle and rest in nearby wetlands or nearshore waters might be displaced by construction noise and movement, but large areas of similar, disturbance-free habitat is readily available near the project site. The project site is currently a busy sea port and industrial area, and both the construction disturbance and the finished project will be an incremental increase to the human activity and infrastructure that exist there now.

Conclusion and Determinations

The Corps determines that the planned construction activities may affect, but are not likely to adversely affect the following ESA-listed species, or their critical habitat:

- Polar bears;
- Spectacled eiders;
- Steller's eiders.

The Corps requests concurrence from the USFWS on these determinations.

We welcome any conservation recommendations the USFWS may have to offer for these or other species in our project area. The Corps does not propose any mitigation measures for transient spectacled or Steller's eiders at this time. A Polar Bear Safety and Interaction Plan will be prepared by the Corps or its contractor for any project-related drilling or other activity that may be pursued on sea ice beyond the existing outer harbor.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Floyd for", is positioned above the typed name of Michael L. Salyer.

Michael L. Salyer
Chief, Environmental Resources Section

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

Mr. Greg Balogh
Field Office Supervisor, Protected Resources Division
National Marine Fisheries Service
222 W 7th Ave, Room 552
Anchorage, AK, 99513

31 December 2018

Dear Mr. Balogh,

The U.S. Army Corps of Engineers Alaska District (Corps) is preparing an environmental assessment (EA) for the proposed "Port of Nome Modifications" project, an expansion of the existing port and harbor facilities at Nome, Alaska (figures 1 and 2). The purpose of this letter is to:

- provide an update on construction alternatives that are under consideration;
- present the Corps' evaluation of the potential effects of these alternatives on species protected under the Endangered Species Act (ESA); and to
- request concurrence with our determination that the project may affect, but not adversely affect, endangered or threatened species under the jurisdiction of the National Marine Fisheries Service (NMFS).



Figure 1. Project location and vicinity (aerial imagery dated Aug 2017, Google Earth).

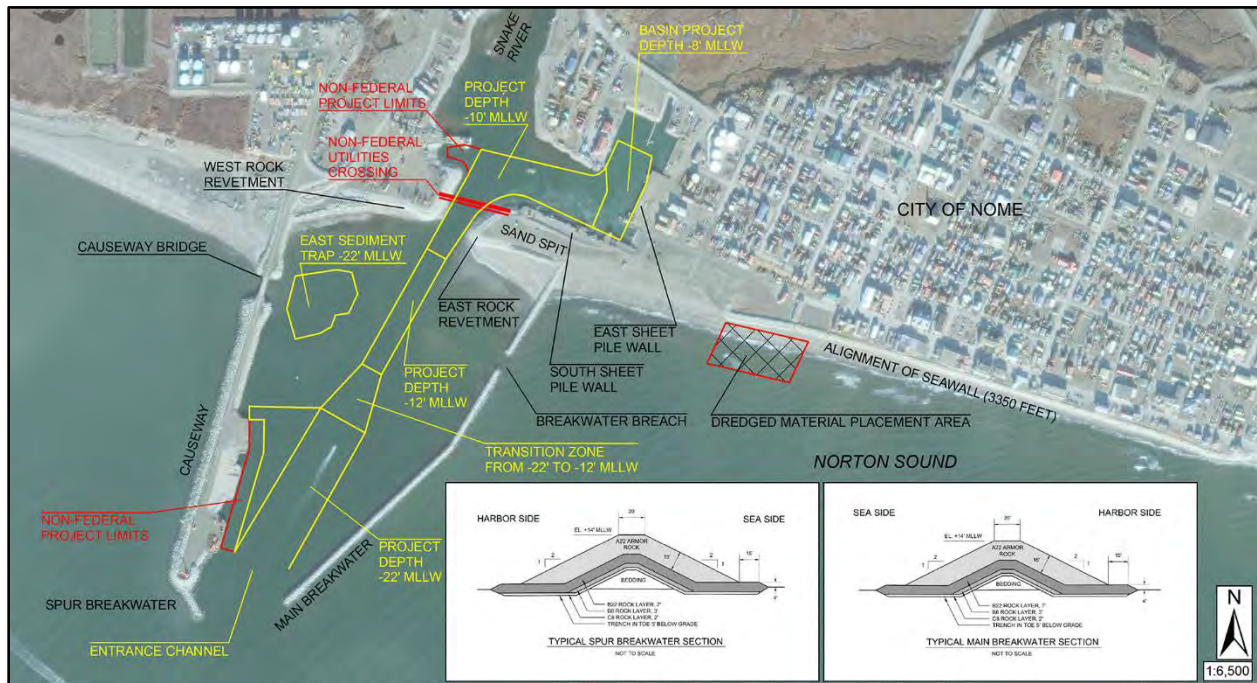


Figure 2. Layout of existing port facilities at Nome (adapted from USACE 2015).

1. Project Description

The Corps is currently studying six construction alternatives (Alternatives 3a, 3b, 3c, 4a, 8a, and 8b; figures 3-1 through 3-6) in an effort to identify the most useful, cost-effective, and least environmentally-damaging project. From an environmental perspective, the construction alternatives are all similar to one another, differing primarily in the extent, rather than type or location, of their impacts.

Each alternative includes several modification elements:

1. The existing west rubblemound causeway (figure 2) would be lengthened into an L-shaped structure extending into deeper water; the proposed extensions range from 2,340 to 3,937 linear feet (figures 3-1 to 3-6). One to three new concrete caisson docks would be added to the causeway extension. Alternatives 3a, 4a, 8a, and 8b also add a new sheet pile bulkhead dock to the existing causeway just south of the fish passage gap.

2. The existing east rubblemound breakwater (figure 2) would be:
 - a. modified to a minor degree (Alternatives 3a and 3c); or
 - b. removed, and a new rubblemound causeway constructed, tying into shore at the same location as the existing breakwater (Alternative 4a); or
 - c. removed, and a new rubblemound causeway constructed, tying into shore about 600 feet to the east of the existing breakwater location (Alternatives 3b, 8a, and 8b). A new east causeway would include one or two concrete caisson docks.

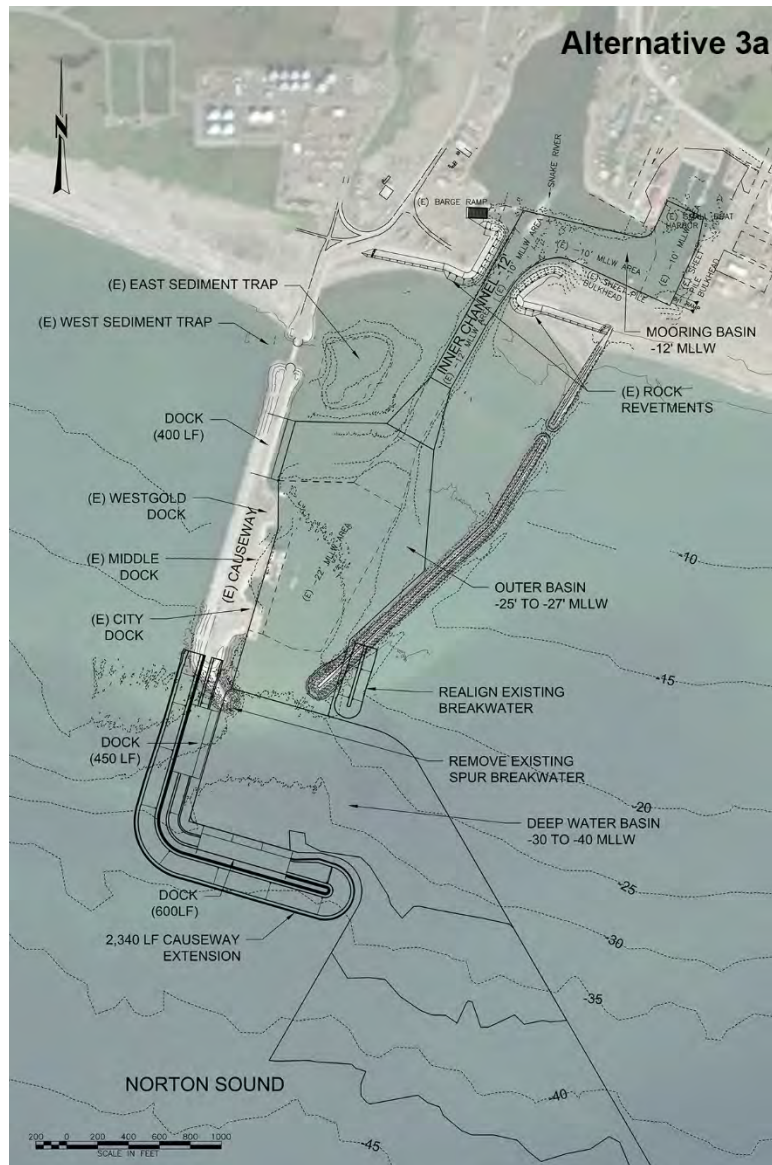


Figure 3-1. Alternative 3a

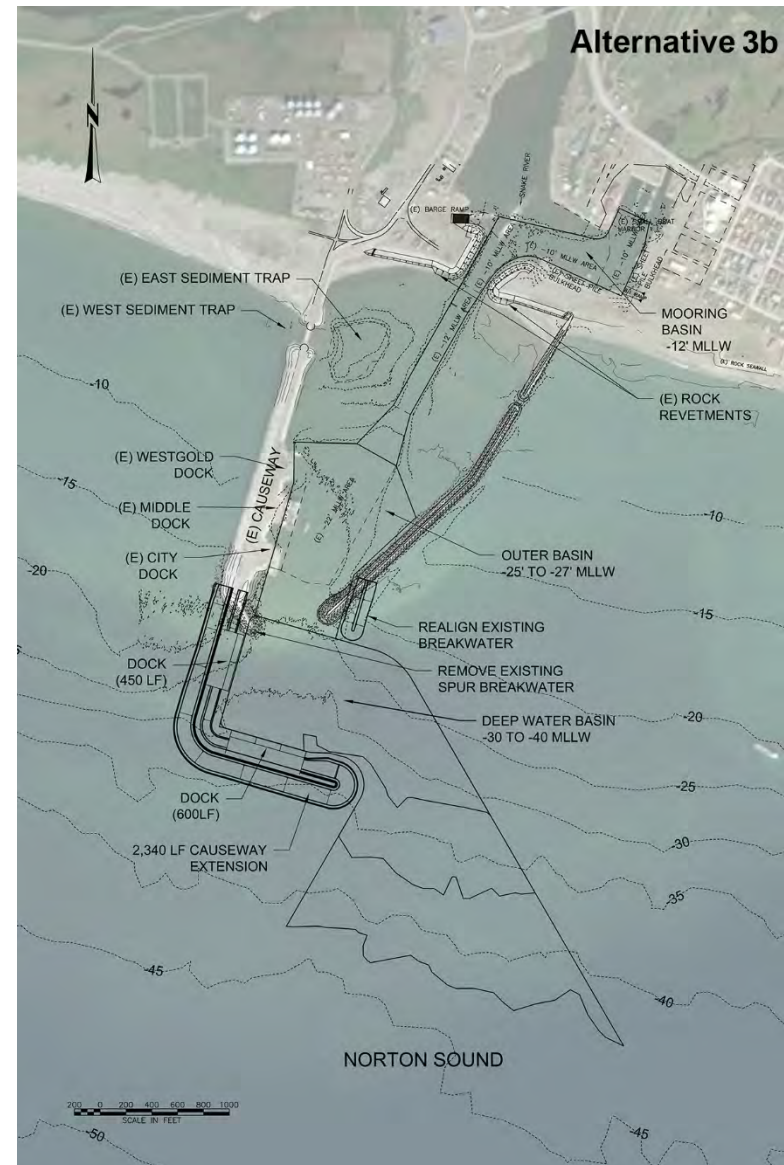


Figure 3-2. Alternative 3b

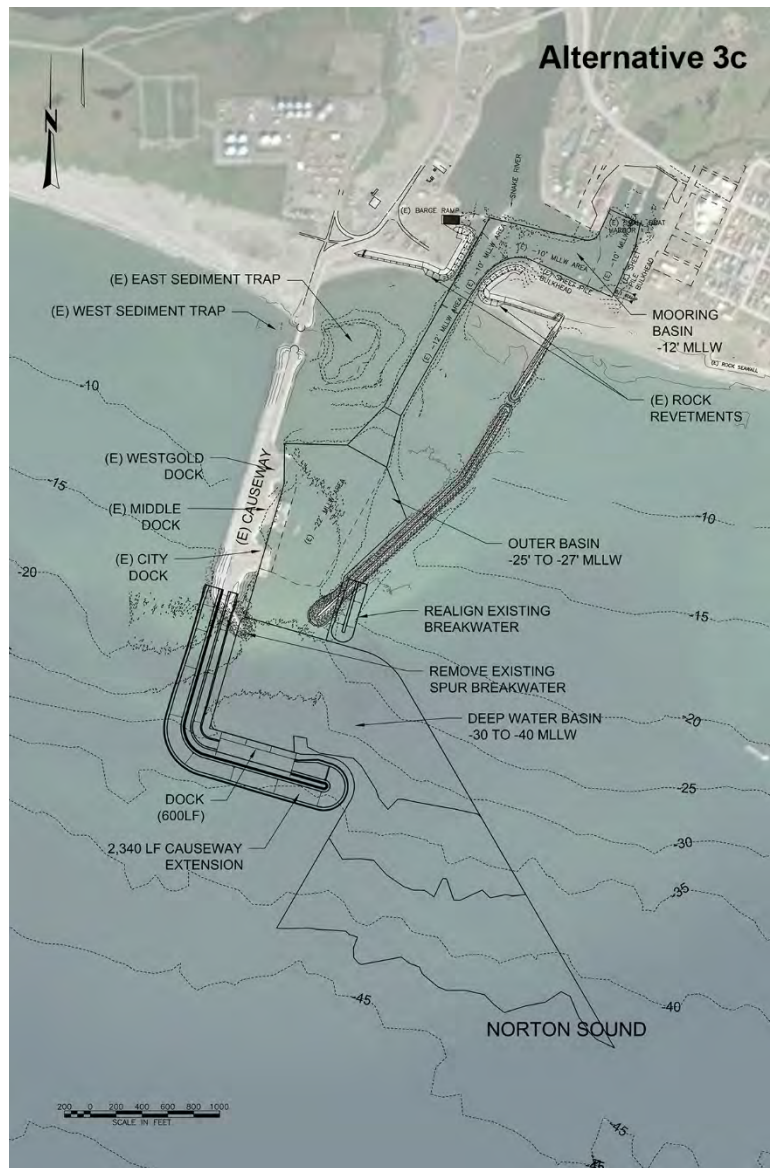


Figure 3-3. Alternative 3c

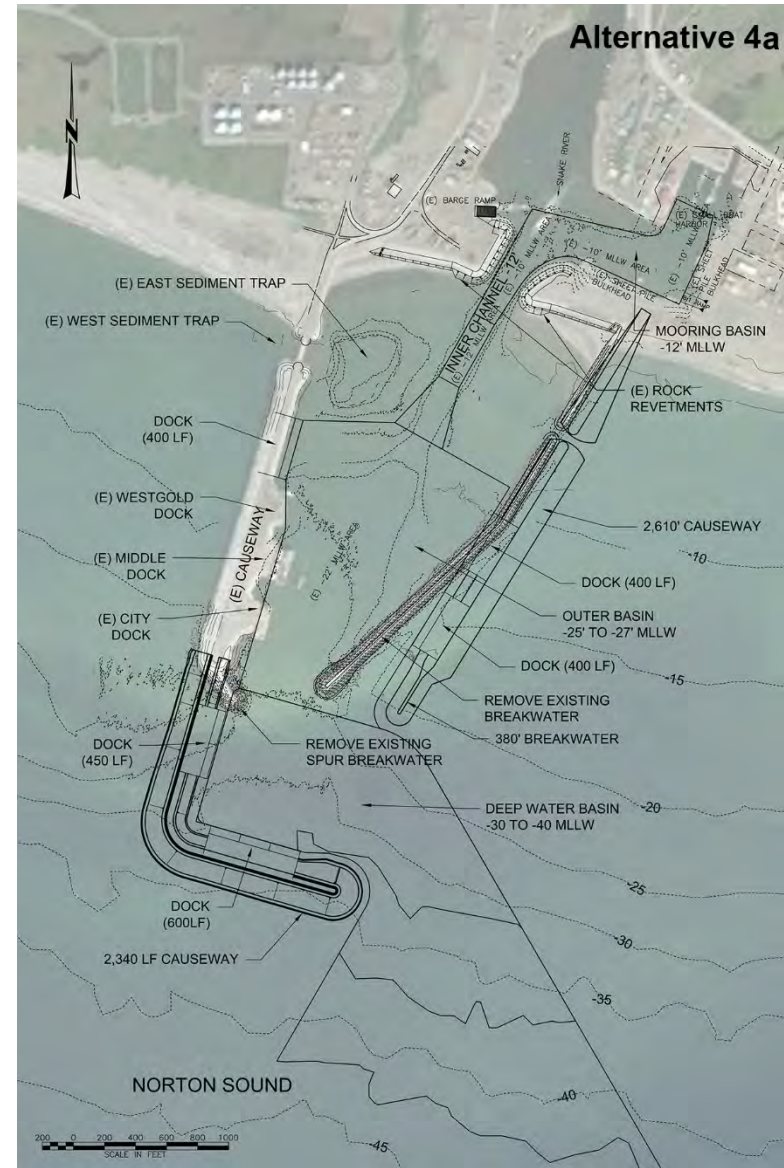


Figure 3-4. Alternative 4a

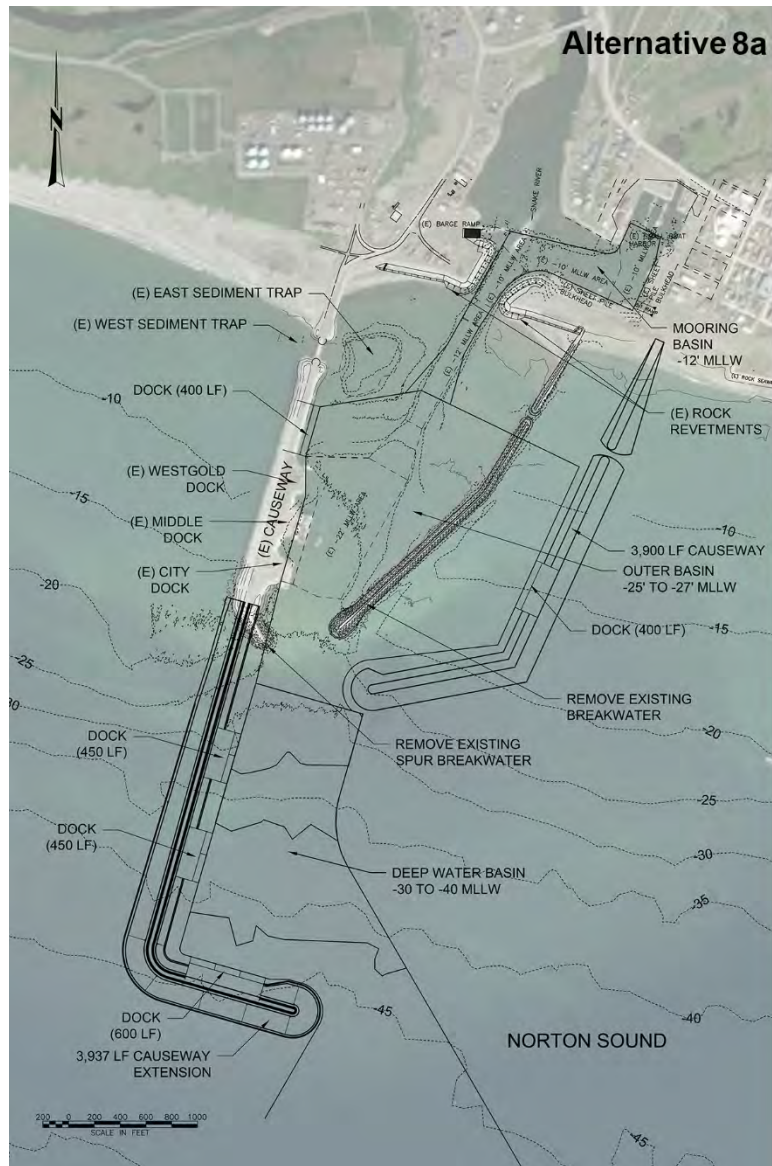


Figure 3-5. Alternative 8a

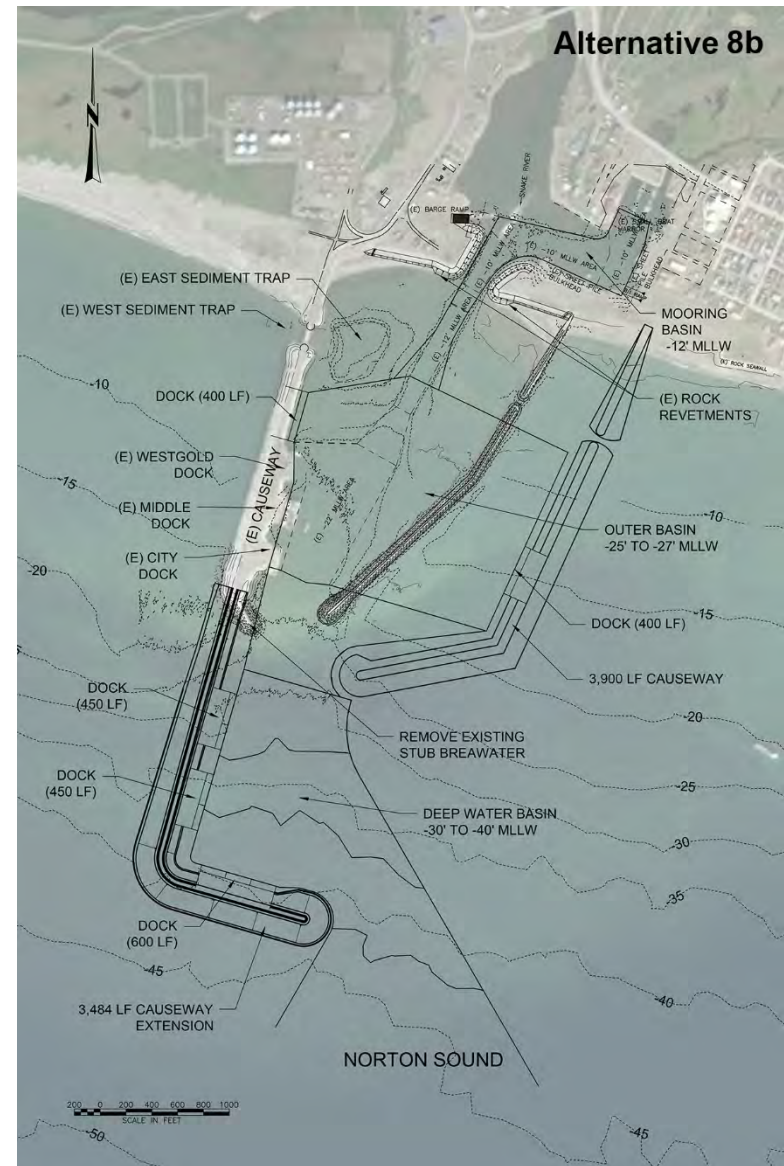


Figure 3-6. Alternative 8b

3. Several areas of sea floor would be deepened by dredging to allow passage of deeper-draft vessels:

- a. a new deep water basin at the end of the extended causeway would be dredged to depths of 30 to 40 feet below mean lower low water (MLLW);
- b. the existing outer basin would be deepened to 25–27 feet below MLLW, from the current depth of -22 feet MLLW;
- c. the existing entrance channel and mooring basin would be deepened to -12 feet MLLW, from the current depth of -10 feet MLLW.

Project construction dredging will remove roughly 700,000 to 2,000,000 cubic yards of sea floor material, depending on the alternative and design depths selected. All material to be dredged will be sampled and analyzed for physical characteristics and chemical content prior to dredging. The current assumption is that most of this material, if found suitable, will be placed for beach nourishment along the base of the Nome seawall, as is currently done with the material from annual maintenance dredging at Nome (figure 2). Alternate disposal methods, such as confined disposal, may be necessary for material not suitable for beneficial placement.

2. Affected Species

Based on discussions with the NMFS and online information provided by the NMFS, the species listed in Table 1 are identified as ESA-listed species under NMFS jurisdiction that may be present in the project area, or along the route of project construction-related vessels traveling a presumptive route between Anchorage, AK, and Nome; this list is expanded from one confirmed by the NMFS (NMFS 2018).

2.1 Ringed Seal and Bearded Seal

Ringed seals and bearded seals are ice seals, and are most commonly associated with ice floes and pack ice. The bulk of ice seal populations tend to move southward or northward in close association with the seasonal advancing and retreating of sea ice. The ringed seal is found in the Northern Hemisphere with a circumpolar distribution ranging from 35°N to the North Pole. There is only one recognized stock of ringed seals in U.S. waters: the arctic stock.

Bearded seals are found in the Northern Hemisphere with a circumpolar distribution that does not extend farther north than 80°N and inhabit waters less than 650 feet (200 m) deep. The Alaska stock of bearded seal is the only stock found in U.S. waters.

Arctic ringed seals and Beringia DPS bearded seals were listed as endangered on December 28, 2012; but the District Court of Alaska issued a decision vacating the listing. In October 2016, the Ninth Circuit Court of Appeals found that in light of the NMFS's robust rulemaking process, and pursuant to a highly deferential standard of review, the NMFS's final rule listing the Beringia distinct population segment of bearded seals as threatened was not arbitrary or capricious, and its listing was supported by substantial evidence (*Alaska Oil and Gas Association vs Pritzker*, 2016). The NMFS has also appealed the District Court of Alaska's decision to vacate the listing of Arctic ringed seals; the court's decision is pending at the time of this analysis. Critical habitat

Table 1. ESA-listed species

Species	Listed Population	ESA Status
Steller sea lion, <i>Eumetopias jubatus</i>	Western DPS	Endangered
Ringed seal, <i>Pusa hispida</i>	Arctic DPS	Threatened (under appeal)
Bearded seal, <i>Erignathus barbatus</i>	Beringia DPS	Threatened
Bowhead whale, <i>Balaena mysticetus</i>	All	Endangered
Humpback whale, <i>Megaptera novaeangliae</i>	W. Pacific DPS	Endangered
	Mexico DPS	Threatened
N. Pacific right whale, <i>Eubalaena japonica</i>	All	Endangered
Beluga whale, <i>Delphinapterus leucas</i>	Cook Inlet DPS	Endangered
Gray whale, <i>Eschrichtius robustus</i>	Western North Pacific	Endangered
Fin whale, <i>Balaenoptera physalus</i>	All	Endangered
Sperm whale, <i>Physeter macrocephalus</i>	All	Endangered
Blue whale, <i>Balaenoptera musculus</i>	All	Endangered

DPS: Distinct Population Segment

was proposed in conjunction with the listing of ringed seals in December 2014; the rule has not been finalized due to legal challenge to the listing of ringed seals as endangered (79 FR 73010).

Ringed seals are primarily associated with shore-fast ice, whereas other ice seals prefer moving ice. Near Nome, ringed seals are often seen using open water offshore from Cape Nome and Safety Sound in winter and spring. Most seals follow the ice pack north as it retreats in summer, but some remain in open water all summer (Oceana and Kawerak 2014).

Bearded seals are generally found in moving ice and areas of open water. They can be found in the Bering Strait region all year, although a large portion of the population migrates north into the Arctic Ocean during the summer and early fall. Many juveniles remain in the Bering Sea during summer, feeding in bays and estuaries. Like the ringed seals, bearded seals make use of the open water found near Cape Nome and Sledge Island in winter (Oceana and Kawerak 2014).

2.2 Steller Sea Lion

The Steller sea lion was listed as a threatened species under the ESA in November 1990 (55 FR 49204). In 1997, NMFS reclassified Steller sea lions into two DPSs based on genetic studies and other information (62 FR 24345); at that time, the eastern DPS was listed as threatened and the western DPS was listed as endangered (NMFS 2008).

Steller sea lions prefer the colder temperate to sub-arctic waters of the North Pacific Ocean. Haul outs and rookeries usually consist of beaches (gravel, rocky or sand), ledges, and rocky reefs. In the Bering Sea and Okhotsk Sea, sea lions may also haul out on sea ice, but this is considered atypical behavior. Critical habitat (CH) for Steller sea lions was designated in 1993 and is described in 50 CFR §226.202. Critical habitat in Alaska west of 144°W longitude consists of:

- a) Aquatic zones that extend 20 nautical miles (nm), or 37 km, seaward of each major haul out and major rookery (as listed in Tables 1 and 2 to 50 CFR §226).
- b) Terrestrial zones that extend 3,000 feet (0.9 km) landward from each major haul out and major rookery.
- c) Air zones that extend 3,000 feet (0.9 km) above the terrestrial zone of each major haul out and major rookery in Alaska.
- d) Three special aquatic foraging areas: the Shelikof Strait area, the Bogoslof area, and the Seguam Pass area, as specified at 50 CFR §226.202(c).

The great majority of designated CH sites for the Western DPS are along the Aleutian Islands and Alaska Peninsula; a project-related barge traveling from Anchorage to Nome would pass through the 20-nm aquatic zones of numerous CH haul outs and rookeries within Shelikof Strait and Unimak Pass, and also through the Shelikof Strait and Bogoslof special aquatic foraging areas. The nearest Steller sea lion CH to Nome is on the east shore of St. Lawrence Island, about 140 miles to the southwest. However, Steller sea lions, especially juveniles and non-breeding males, can range through waters far beyond their primary use areas. Steller sea lions are known to occasionally forage in Norton Sound and farther north, and have been seen hauled out in small numbers at Sledge Island, about 22 miles west of Nome (Oceana and Kawerak 2014). Observations suggest that Steller sea lions are becoming more common in the northern Bering Sea, adjusting their range perhaps in response to climate change-driven movement of pelagic fish prey species, such as Pacific cod, northward (Sheffield 2018).

2.3 Bowhead Whale

Bowhead whales are the most ice-adapted of large whales, living entirely within or near sea ice in the Arctic Ocean, Bering Sea, and Sea of Okhotsk. They are able to break through sea ice up to two feet thick to create breathing holes. Four distinct populations of bowheads are recognized worldwide; the only population found in U.S. waters is the Western Arctic stock, also known as the Bering-Chukchi-Beaufort stock. The United States listed all bowhead whales as endangered under the ESA in 1973 (NOAA 2018).

Western Arctic bowheads winter in the Bering Sea along the southern edge of pack ice or within polynyas. In March and April, most bowheads are thought to migrate along leads in the ice through the Chukchi Sea to summering areas in the Beaufort Sea. From August to October, they migrate back west to Point Barrow, and pass through the Bering Strait by November (ADFG 2008c).

Bowhead whales are most likely to be found in the vicinity of Nome during the winter, as sea ice extends into Norton Sound. No CH has been established for this species.

2.4 Humpback Whale

Humpback whales were originally listed as endangered with the passage of the ESA in 1973. The NMFS has recently reviewed the listing status of humpback whales; guidance from the NMFS on humpback whales occurring in Alaskan waters (NMFS 2016a) discusses three DPS:

1. Western North Pacific DPS (ESA endangered);
2. Mexico DPS (ESA threatened); and
3. Hawaii DPS (not listed under the ESA).

Whales from these three DPSs overlap to some extent in feeding grounds off Alaska. An individual humpback whale encountered in the Bering Sea has an 86.5 percent probability of being from the unlisted Hawaii DPS, an 11.3 percent chance of being from the threatened Mexico DPS, and a 4.4 percent chance of being from the endangered Western North Pacific DPS (Table 2). No CH is designated in Alaskan waters for humpback whales.

Table 2. Humpback Whale DPS Distribution in Alaskan Waters

Summer Feeding Areas	Hawaii DPS (not listed)	Mexico DPS (threatened)	Western North Pacific DPS (endangered)
Aleutian Islands, Bering, Chukchi, and Beaufort Seas	86.5%	11.3%	4.4%
Gulf of Alaska	89.0%	10.5%	0.5%

The humpback whale is seasonally migratory, mating and calving in tropical and subtropical waters in winter, but spending summers feeding in temperate and subpolar seas. In Alaskan waters, humpbacks concentrate in southeast Alaska, Prince William Sound, lower Cook Inlet, and along the Aleutian Islands in summer. Some humpback whales summer in the Bering Sea, even venturing into the Chukchi Sea. In 2007, humpbacks were spotted in the Beaufort Sea east of Utqiagvik, suggesting a northward expansion of their summer feeding range (ADFG 2018a). Humpback whales are most likely to be in the vicinity of Nome during the summer and fall.

2.5 North Pacific Right Whale

The North Pacific right whale is among the rarest of the great whale species. It was originally listed as the “northern right whale” under the Endangered Species Conservation Act, and continued to be listed as endangered following the passage of the ESA in 1973. The listing was later divided into two separate endangered species: North Pacific right whales and North Atlantic right whales.

Two areas of CH were designated for North Pacific right whales in 2008 (73 FR 19000; figure 4). One of these is in the Gulf of Alaska south of Kodiak Island; the other is within Bristol Bay

north of the Alaska Peninsula and eastern Aleutian Islands. Either of these critical habitat areas could potentially be along the route of project-related shipping, although barges are more likely to travel the more direct route through the relatively sheltered waters of Shelikof Strait rather than run south of Kodiak Island.

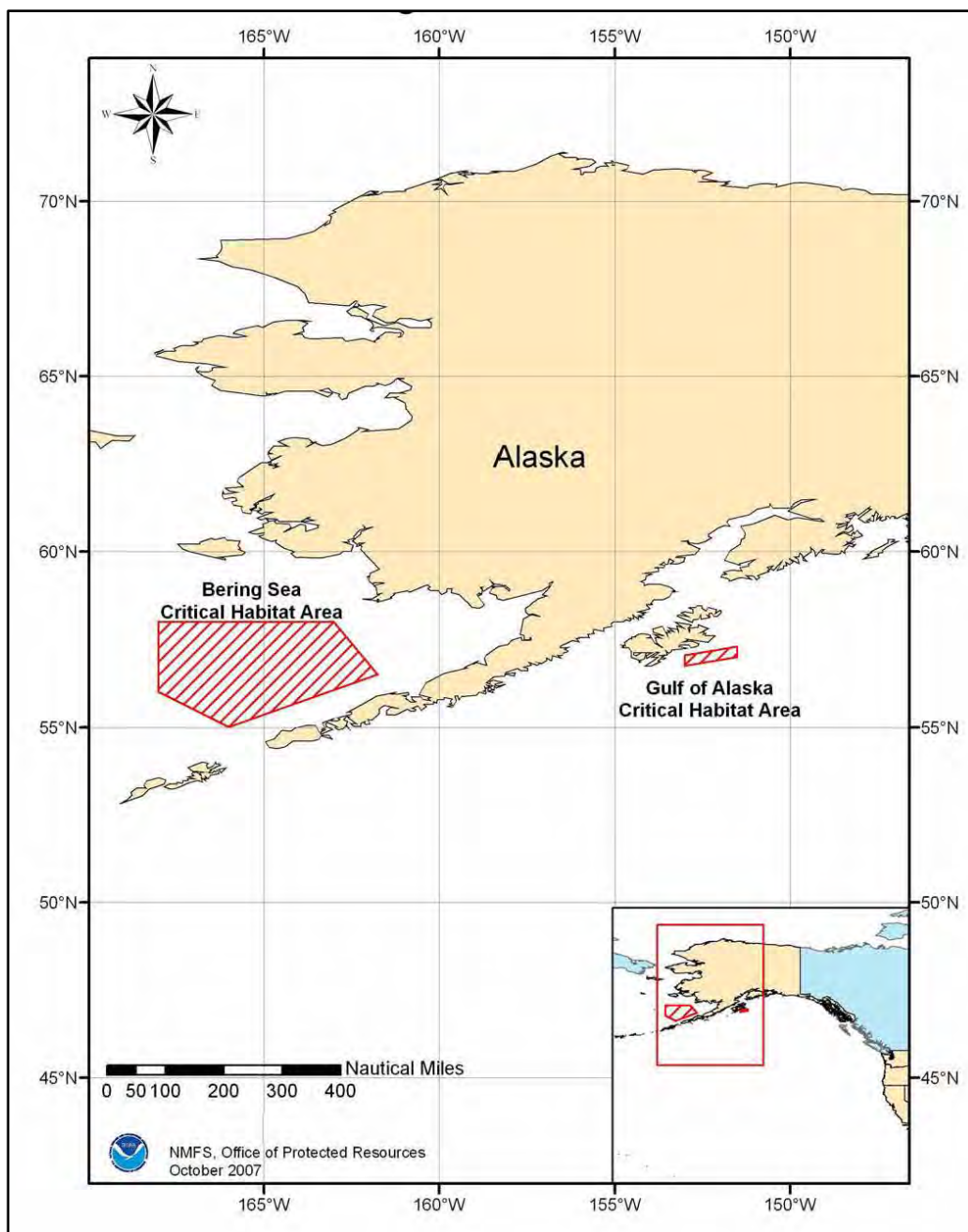


Figure 4. North Pacific Right Whale critical habitat.

North Pacific right whales are found from Baja California to the Bering Sea with the highest concentrations in the Bering Sea, Gulf of Alaska, Okhotsk Sea, Kuril Islands, and Kamchatka area. They are primarily found in coastal or shelf waters. Seasonal distribution of this species is

poorly understood (NMFS 2013). In the spring through the fall their movements follow the distribution of prey, primarily high densities of zooplankton. In the winter, pregnant females move to shallow waters in low latitudes to calve; the winter habitat of the rest of the population is unknown (ADFG 2018b). This species would most likely be present in the vicinity of Nome in the summer.

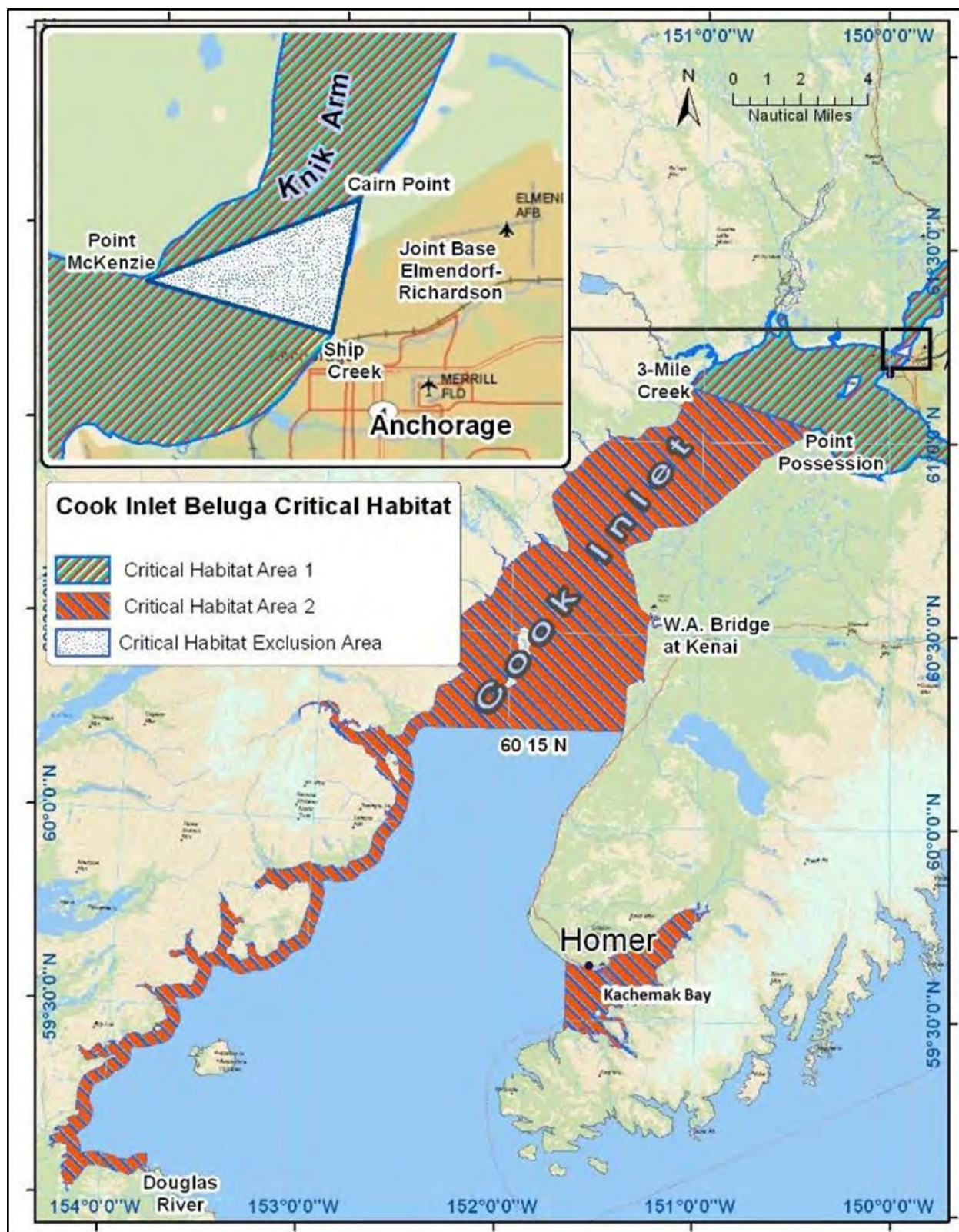
2.6 Western North Pacific Gray Whale

Gray whales occur in two isolated geographic distributions within the North Pacific Ocean: the Eastern North Pacific stock, found along the west coast of North America, and the Western North Pacific or "Korean" stock, found along the coast of eastern Asia. A small number of endangered Western North Pacific DPS of gray whales may make their way to the coastal waters of North America during the summer and autumn feeding season, mixing with the unlisted Eastern Pacific population (Moore and Weller 2013).

Most of the Eastern North Pacific stock spends the summer feeding in the northern Bering and Chukchi Seas, but gray whales have also been reported feeding along the Pacific coast during the summer, in waters off Southeast Alaska, British Columbia, Washington, Oregon, and California. In the fall, gray whales migrate from their summer feeding grounds, heading south along the coast of North America to spend the winter in their breeding and calving areas off the coast of Baja California, Mexico. Calves are born in shallow lagoons and bays from early January to mid-February. From mid-February to May, the Eastern North Pacific stock of gray whales can be seen migrating northward with newborn calves along the West Coast of the U.S. No critical habitat is designated for this species.

2.7 Beluga Whale

Beluga whales are small, toothed whales generally found in shallow coastal and estuarine waters. The Cook Inlet DPS of beluga whales could be encountered anywhere in Cook Inlet year round, although they tend to concentrate at the northern end of Cook Inlet during the summer months, then disperse more widely through the inlet during autumn, winter, and spring (NMFS 2016b). Critical habitat designated for Cook Inlet belugas is accordingly divided into a CH Area 1 protecting the summer concentration area, and a CH Area 2 representing the broader coastal and estuarine habitat used in the rest of the year (figure 5).



2.8 Fin, Sperm, and Blue Whale

These great whales are deep-water oceanic species that range throughout the North Pacific Ocean and would be encountered only incidentally by project-related vessels. Fin whales are migratory, generally spending the spring and early summer in cold, high latitude feeding waters. Populations tend to return to low latitudes for the winter breeding season, though may remain in residence in their high latitude ranges if food resources remain plentiful. In the eastern Pacific, fin whales typically spend the winter off the central California coast and into the Gulf of Alaska. In summer, they migrate as far north as the Chukchi Sea (ADFG 2008).

Sperm whales generally venture no further north into the Bering Sea than about 62°N latitude, south of St. Lawrence Island, preferring to feed in the Gulf of Alaska and along the Aleutian Islands. There is no well-defined north-south migration of North Pacific sperm whales. The females and young remain in tropical and temperate waters year around, with males joining them in the breeding season, but ranging into higher latitudes to feed at other times (ADFG 2018c).

Blue whales in Alaskan waters are most likely to be found in the Gulf of Alaska and along the Aleutian Islands. They are thought to move into high-latitude waters in the spring, and spend winters in temperate or tropical areas, but little is known about population-wide movements (ADFG 2018d).

No CH has been designated for fin, sperm, or blue whales.

2.9 Non-Listed Marine Mammals

The Corps acknowledges that the following marine mammals, not currently listed under the ESA, may be present in the vicinity of the proposed project site (NMFS 2018). These species, as well as the ESA-listed species discussed above, are protected by the Marine Mammal Protection Act (MMPA), under NMFS jurisdiction:

- Spotted seal
- Ribbon seal
- Harbor porpoise
- Beluga whale (other than Cook Inlet DPS)
- Killer whale
- Gray whale (other than Western North Pacific DPS)
- Minke whale
- Sei whale
- Stejneger's beaked whale

3. Evaluation of Effects

As the proposed project may affect many of the species discussed above in similar ways, the evaluation of potential effects is organized here by type of effect, rather than individual species. The project may have short-term potential effects associated with construction, as well as long-term effects caused directly or indirectly by the finished project. None of the ESA-listed species in Table 1 are known to congregate at or preferentially use habitat in the project area. Any

project effects are likely to be on individual animals that are incidentally in the vicinity of construction activities or project-related vessel traffic.

Generally speaking, marine mammals face common threats from human activities:

- Vessel strikes
- Noise and disturbance
- Direct impacts from human fishing (e.g., entanglement in fishing gear)
- Indirect impacts from human fishing (e.g., competition for food resources)
- Contaminants and pollutants
- Habitat degradation caused by human activities
- Hunting and illegal killings

3.1 Short-Term Effects from Construction-Related Activities

The major in-water construction activities under all alternatives will consist of dredging material from the seabed to create and deepen navigation channels and basins, and placing rock for extended or new breakwaters/causeways. The main potential threats to marine mammals from these activities include noise and disturbance, vessel strikes, and release of pollutants. Virtually all construction work will be performed when ice is absent.

3.1.1 Noise and Disturbance: Since 1997, NMFS has used generic sound exposure thresholds to determine whether an activity produces underwater sounds that might result in impacts to marine mammals (70 FR 1871). The NMFS recently developed comprehensive guidance on sound levels likely to cause injury to marine mammals through onset of permanent and temporary threshold shifts (PTS and TTS; Level A harassment; 81 FR 51693). The NMFS is in the process of developing guidance for behavioral disruption (Level B harassment). However, until such guidance is available, NMFS uses the following conservative thresholds of underwater sound pressure levels (measured in micropascals, or μPa), expressed in root mean square (rms), from broadband sounds that cause behavioral disturbance, and referred to as Level B harassment under section 3(18)(A)(ii) of the MMPA.

Under the PTS/TTS Technical Guidance (NMFS 2016c), the NMFS uses the following thresholds for underwater sounds that cause injury, referred to as Level A harassment under section 3(18)(A)(i) of the MMPA. These acoustic thresholds are presented using dual metrics of cumulative sound exposure level (LE) and peak sound level (PK) for impulsive sounds and LE for non-impulsive sounds:

- impulsive sound: 160 dB re 1 $\mu\text{Pa}_{\text{rms}}$
- continuous sound: 120 dB re 1 $\mu\text{Pa}_{\text{rms}}$

Table 3. Marine Mammal Hearing Groups and Level A Acoustic Thresholds

Hearing Group	Relevant ESA Species	Generalized Hearing Range	PTS Onset Acoustic Thresholds	
			Impulsive	Non-Impulsive
Low-Frequency Cetaceans (LF)	Humpback whale NP right whale NWP gray whale Blue whale Fin whale	0.007 to 35 kHz	$L_{pk,flat}$: 219 dB $L_{E,LF,24h}$: 183 dB	$L_{E,LF,24h}$: 199 dB
Mid-Frequency Cetaceans (MF)	Sperm whale Beluga whale	0.15 to 160 kHz	$L_{pk,flat}$: 230 dB $L_{E,MF,24h}$: 185 dB	$L_{E,MF,24h}$: 198 dB
High-Frequency Cetaceans (HF)	Porpoises	0.275 to 160 kHz	$L_{pk,flat}$: 202 dB $L_{E,HF,24h}$: 155 dB	$L_{E,MF,24h}$: 198 dB
Phocid Pinnipeds (PW)	Ringed seal Bearded seal Harbor seal Spotted seal	0.05 to 86 kHz	$L_{pk,flat}$: 218 dB $L_{E,PW,24h}$: 185 dB	$L_{E,PW,24h}$: 201 dB
Otariid Pinnipeds (OW)	Steller sea lion	0.06 to 39 kHz	$L_{pk,flat}$: 232 dB $L_{E,OW,24h}$: 203 dB	$L_{E,OW,24h}$: 219 dB

PTS: Permanent Threshold Shift: a permanent reduction in the ability to hear.

kHz: kilohertz (sound frequency)

dB: Decibels, unweighted (sound intensity)

L_{pk} : Peak sound level; "flat" = unweighted within the generalized hearing range.

L_E : Cumulative sound level; "24h" = 24-hour cumulative period.

LF, MF, HF, PW, OW: defined in "Hearing Group" column

(Adapted from NMFS 2016c)

For air-transmitted noise, NMFS uses the following threshold for in-air sound pressure levels from broadband sounds that cause Level B behavioral disturbance under section 3(18)(A)(ii) of the MMPA:

- 90 dB re $20\mu\text{Pa}_{rms}$ for harbor seals
- 100 dB re $20\mu\text{Pa}_{rms}$ for non-harbor seal pinnipeds

The major sources of noise and disturbance expected during construction of this project are:

- project-related vessels (tugboats, barges, and scows);
- dredging;
- placement of rock material; and,
- driving of sheet pile (under some alternatives).

Tugboats may generate significant underwater noise, especially when maneuvering or holding a barge in position against a dock or the shore. During a 2001 acoustic survey of Cook Inlet (Blackwell and Greene 2002), the highest level underwater broad-frequency noise recorded (149 decibels (dB) re $1\mu\text{Pa}$, at a distance of 102 meters) was generated by a tugboat docking a gravel barge. The same tug/barge combination generated a maximum level of 125 dB re $1\mu\text{Pa}$, at a distance of 190 meters, when in transit. The underwater noise level generated by a tugboat can vary greatly with the size/horsepower of the tugboat engine and whether noise-reducing features, such as propeller cowlings, are present. Diesel-powered tugs typically generate underwater noise at relatively low frequencies, roughly in the 0.02 to 1 kHz range (USACE 1998).

At 0.02 to 1 kHz, the typical frequency range of underwater noise generated by a tugboat engine (USACE 1998) places it at the lower end of the generalized hearing range of low frequency (LF) cetaceans, and below or at the very lower limit of the hearing range of other marine mammals (Table 3). The noise generated by the tugboat engine is assumed to be non-impulsive/continuous; no source of impulsive noise from the tug and barge is anticipated other than brief, incidental sounds from docking or landing. The 125 dB re 1 μ Pa, at a distance of 190 meters, of a tug and barge in transit (Blackwell and Greene 2002) falls well below the Level A harassment (injury) acoustic thresholds for non-impulsive noise shown in Table 3, but slightly exceeds the 120 dB re 1 μ Pa_{rms} default conservative threshold for a Level B disturbance from continuous noise. There is the potential for LF cetaceans within a few hundred meters of proposed action-related vessels in transit to experience a Level B disturbance (behavioral disruption) due to underwater noise; other marine mammals would likely be insufficiently sensitive to the low-frequency engine noise to experience a disturbance.

Air-transmitted noise levels generated by tugboat diesel engines are comparable to those of large construction equipment, generally 70 to 100 A-weighted decibels (dBA) within 50 feet of the engine (Navy 1987; USACE 2011; Dyer and Lundgard 1983). Thornton (1975) measured in-air barge noise at levels between 88 and 93 dBA in the aft deck of two barges. These levels fall below the level B disturbance threshold for pinnipeds (excluding harbor seals).

The project dredging is expected to be performed by a combination of hydraulic suction dredging, and mechanical dredging with clamshell bucket, with the dredged material placed by scows in waters offshore of the Nome seawall. A recent study by the Corps of Engineers (McQueen, *et al*, 2018) found that underwater dredging sounds are typically low-intensity (i.e., sound pressure levels of less than 190 dB re 1 μ Pa at 1 m) and non-impulsive, with frequencies below 1,000 kHz, and do not pose a significant risk of injury or mortality to aquatic organisms. The low frequency sounds produced by dredging are similar to that produced by commercial ship traffic, and overlap the hearing frequency ranges of most marine animals, potentially posing a risk of temporary threshold shifts, auditory masking, and behavior response in marine mammals. However, a review by the study of available field observations found that whales and seals generally had no adverse reactions or avoidance behavior near active dredging operations. Bowhead whales sometimes exhibited avoidance or altered feeding behavior in experiments that broadcast simulated dredging sounds underwater (Richardson, *et al*, 1990). A one-year field study evaluating avoidance behavior in harbor porpoises revealed that there may be short-term avoidance of areas near dredging activity; however, these effects were short-term and porpoises return to the areas after the dredging activity was completed (Diederichs, *et al*, 2010). In other observational studies, seals did not exhibit avoidance or altered behavior near dredging activities (Gilmartin 2003).

Placement of rock material for causeways and breakwaters likewise produces low-intensity underwater sound; armor stone is typically maneuvered carefully into place rather than allowed to drop, to avoid damaging the armor stone or displacing the core material underneath.

The rock material may be placed by excavators or other heavy equipment working from barges or from shore. The intensity of air-transmitted noise from on-land construction equipment is most often expressed in decibels weighted for the human-hearing frequency range (“A-weighted” decibels, or dBA), whereas water-transmitted noise intensity is generally expressed in unweighted decibels (dB). The A-weighting convention was developed for human health and safety, and emphasizes the frequencies between 1 kHz and 6.3 kHz to simulate the relative response of human hearing. Table 4 shows typical averaged maximum (L_{max}) or time-weighted (L_{eq}) noise intensity levels generated by shore-based heavy construction equipment, expressed as dBA measured at a distances of 50 feet or 10 meters (33 feet; USDOT 2006; DEFRA 2005).

Table 4. Typical Air-Transmitted Noise Levels of Land Construction Equipment

Equipment	Averaged measured L_{max} @ 50 ft (dBA) ^a	Measured L_{eq} @ 33 ft (dBA) ^b
Bulldozer	82	81-86
Dump Truck	76	79-87
Excavator	81	69-89
Front End Loader	79	68-82

a. USDOT 2006; b. DEFRA 2005.

Studies of the frequency ranges of construction machinery noise tend to measure sound pressure levels in a general range of 0.063 to 8 kHz (Roberts 2009; DEFRA 2005), but this may again represent an emphasis on human hearing, and not the full range of frequencies generated by the equipment.

Air-transmitted noise levels generated by tugboat diesel engines are comparable to those of large construction equipment, generally 70-100 dBA within 50 feet of the engine (Navy 1987; USACE 2011; Dyer & Lundgard 1983).

The transmission of land-generated air-transmitted noise into an adjacent waterbody is not well studied. The transfer of sound energy from air into water via sound waves striking the air/water interface at a shallow angle is generally understood to be poor (Zhang 2002); noise generated on land at an elevation not far above the surface of an adjacent water body will be to a significant degree reflected off of the water’s surface, and not transmitted into the water. Sound energy can also be transmitted from ground-based sources into water via vibration. Vibration from non-impact construction machinery transmitted through the ground is typically very low frequency, in the 10-30 Hz (0.01-0.03 kHz) range (Roberts 2009).

Alternatives 3a, 4a, 8a, and 8b add a new sheet pile bulkhead dock to the existing causeway. The driving of the sheet pile for this feature has the potential to cause injurious noise to marine mammals. On the other hand, the location of the sheet pile installation is bounded on three sides by the nearby shoreline, and the rubblemound causeway and breakwater; this will substantially limit the propagation of harmful noise to the confines of the outer harbor. The shallow depth and limited extent of the outer harbor should allow effective visual monitoring for marine mammals during the installation of sheet pile.

3.1.2 Vessel Strikes: Project vessel activity during and in support of construction will likely consist of tugs, barges, and scows maneuvering around the immediate project area, transporting rock to project site from the quarry (presumably, the Cape Nome quarry), and transporting project equipment and supplies to Nome from a base port (presumably, Anchorage). The effects of proposed project vessels would be an incremental increase over the effects of very similar vessels that work out of Nome or travel between communities on the Gulf of Alaska and Bering Sea every year. The probability of strike events depends on the frequency, speed, and route of the marine vessels, as well as distribution of marine mammals in the area. An analysis of ship strikes in Alaskan waters (Neilson et al, 2012) found that whale mortalities are more likely when large vessels travel at speeds greater than 12 knots. Another study (Vanderlaan and Taggart 2007) used observations to develop a model of the probability of lethal injury based upon vessel speed, projecting that the chance of lethal injury to a whale struck by a vessel is approximately 80 percent at vessel speeds over 15 knots, but approximately 20 percent at 8.6 knots. The relatively low speed of a typical ocean-going barge and tug (typically no more than 9 knots), together with a barge's blunt prow and shallow draft, make it far less likely to strike and inflict injury upon a marine mammal than larger, faster ocean-going vessels such as cruise ships and cargo ships. The limited maneuverability and long stopping-distance of a barge and tug would make it difficult for the vessels to avoid an observed marine mammal, and in many circumstances unsafe for them to attempt to do so. Conversely, however, the vessels' low speed and consistent course would enable marine mammals to avoid the path of the barge and tug well before there was a danger of collision.

Project-related vessels en route between Anchorage and Nome would pass through the CH areas described above for North Pacific right whales and Cook Inlet beluga whales. They would also pass through the 20-nm nautical zone of numerous Steller sea lion rookeries and haul outs in the Gulf of Alaska, and through the Shelikof and Bogoslof Foraging Areas, but would not approach within 3 nm of any rookeries or haul outs.

3.1.3 Release of Contaminants: The increased vessel activity during project construction represents an increased risk of accidental leaks and improper discharges of fuel or other pollutants. Such releases may come from tugboats and survey vessels. Onshore discharges from land construction equipment could potentially also contaminate marine waters. Dredging of contaminated sediment in the inner harbor also has the potential to remobilize and spread pollutants.

3.2 Long-Term Effects of the Completed Project

The intent of the completed project is to relieve congestion in the Port of Nome, allow larger vessels to dock at Nome, and improve emergency response for marine spills and vessels in distress. The observed and anticipated increase in shipping through the Bering Strait has been a cause of considerable environmental concern in the region (Kawerak 2016). The proposed project is in part a response to the increasing Bering Strait shipping traffic, and the risks and opportunities it represents. An expanded Port of Nome is not expected, in of itself, to create a significant further increase in shipping traffic from the Arctic Ocean. The ability to berth larger ships is likely to attract only a handful of additional large ships through the Bering Strait each

year, primarily cruise ships and vessels in distress. An expanded Port of Nome is more likely to change the size and number of vessels traveling between Nome and other Alaskan ports, using established sea lanes. Larger vessels at Nome pose a risk of larger fuel spills and improper discharges; on the other hand, larger vessels may mean fewer vessel transits to deliver the same amount of goods. A specific aim of the port modification is to allow fuel tankers to moor while transferring fuel, and reduce the current risky practice of off-shore fuel transfers. A reduction in vessel congestion within the harbor during the busy ice-free season, and the improved and more orderly moorage that the project will allow, should reduce the risk of spills and improve enforcement of discharge regulations.

Another potential long-term effect of the finished project may be to provide a base for larger fishing and processing vessels. Such vessels would be able to exploit the changing Bering Sea and Arctic Ocean fisheries in new ways, and may have a negative and unpredictable impact on marine mammal prey species.

It is possible that the extended causeway and altered breakwater may have a small, localized effect on the formation of shore-fast ice at Nome, and therefore on the local winter distribution of seals and other ice-dependent species.

3.3 Proposed Avoidance and Minimization Measures

The NMFS has previously recommended the following general measures to minimize the risk and harm to protected marine species (ESA and MMPA):

- To reduce the risk of collisions with protected species, proposed action-related vessels will 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 CH areas; and
 - when transiting the Cook Inlet beluga whale CH areas.
- Vessel operators will strive not to approach within 100 yards of a marine mammal to the extent practicable, given navigational and safety constraints.
- The contractor performing the work will prepare an Oil Spill Prevention and Control Plan describing steps to avoid and mitigate releases of hazardous substances.

3.3.1 Cook Inlet Beluga Whales: The NMFS has recommended special conservation measures to minimize the impacts of vessel strikes on Cook Inlet beluga whales within their designated CH. Vessels should exercise special caution in the vicinity of the Susitna Delta to minimize the impacts of vessels within this seasonally vital Cook Inlet beluga whale habitat. The Susitna Delta Exclusion Zone (figure 6) is defined as the union of the areas defined by:

- a 10-mile (16 km) buffer of the Beluga River thalweg seaward of the mean lower low water (MLLW) line,
- a 10-mile (16 km) buffer of the Little Susitna River thalweg seaward of the MLLW line, and,

- a 10-mile (16 km) seaward buffer of the MLLW line between the Beluga River and Little Susitna River.
- The buffer extends landward along the thalweg buffers to include intertidal area up to mean higher high water (MHHW). The seaward boundary has been simplified so that it is defined by lines connecting readily discernable landmarks.

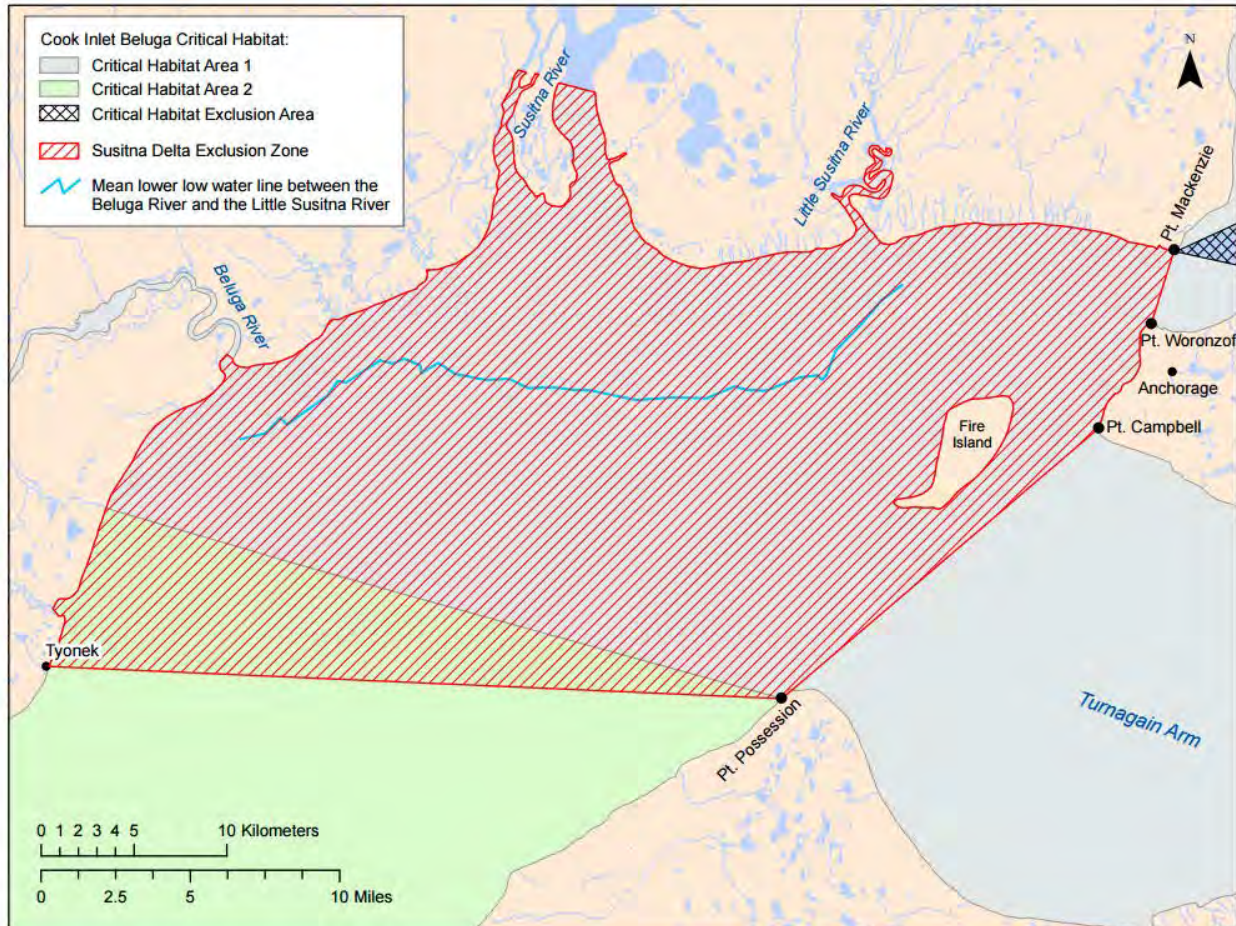


Figure 4. Boundaries of the Susitna Delta Exclusion Zone.

For vessels operating in the Susitna Delta Exclusion Zone, the following should be implemented:

- All vessels operating within the designated Susitna Delta area should maintain a speed below 4 knots. Crews must note the numbers, date, time, coordinates, and proximity to vessels of any belugas observed during operations, and report these observations to NMFS.
- Protected species observers (PSOs) must be in place to monitor for ESA-listed species prior to and during all vessel movements when vessels are under power (propellers spinning) within the Susitna Delta Exclusion Zone. PSOs are not required to be observing when vessels are not under power (in gear).

- PSOs must be located in a position that affords a view of all waters within a 100-meter radius of all vessels under power (in gear).
- Exercise special caution in the vicinity of the Susitna Delta to minimize the impacts of vessels within this seasonally vital Cook Inlet beluga whale habitat.
- Vessel operators must avoid moving their vessels when PSOs are unable to adequately observe the 100-meter zone around vessels under power (in gear) due to darkness, fog, or other conditions, unless necessary for ensuring human safety.
- If any vessels enter the Susitna Delta Exclusion Zone at any time, PSOs must record and email to NMFS: date, time, number, and geographic coordinates of ESA listed marine mammals observed during vessel movements, and descriptions of any deferred vessel movements or vessel re-directions.

3.3.3 North Pacific Right Whale: The vessel operator should avoid transits within designated North Pacific right whale CH (figure 4). If transit with North Pacific right whale CH cannot be avoided, NMFS recommends a route along the western boundary of the CH where historic and contemporary observations indicate that North Pacific right whales are not as concentrated as other areas in the CH. In addition, if transit with North Pacific right whale CH cannot be avoided, NMFS recommends that transit in right whale CH be limited to between September and March, a time of year right whales may be at lower numbers in the Bering Sea.

If transiting in North Pacific right whale CH, vessel operators are requested to exercise extreme caution and observe the 10-knot (18.52 km/h) vessel speed restriction. Operators transiting through North Pacific right whale CH should have trained Protected Species Observers (PSOs) actively engaged in sighting marine mammals. PSOs would increase vigilance and allow for reasonable and practicable actions to avoid collisions with North Pacific right whales. Operators will maneuver vessels to keep 800 meters away from any observed North Pacific right whales while within their designated CH, and avoid approaching whales head-on consistent with vessel safety. Vessels should take reasonable steps to alert other vessels in the vicinity of whale(s), and report of any dead or injured listed whales or pinnipeds.

4. Conclusion and Determinations

The Corps determines that the planned project may affect, but is not likely to adversely affect the following ESA-listed species, or their designated critical habitat:

- Steller sea lion (Western DPS)
- Ringed seal (Arctic DPS)
- Bearded seal (Beringia DPS)
- Bowhead whale
- Humpback whale (Western Pacific and Mexico DPSs)
- North Pacific right whale
- Beluga whale (Cook Inlet DPS)
- Gray whale (Western North Pacific DPS)

- Fin whale
- Sperm whale
- Blue whale

The Corps requests concurrence from the NMFS on these determinations, and welcomes any further conservation recommendations the NMFS may have to offer for these or other species in our project area.

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

Sincerely,

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

Michael L. Salyer
Chief, Environmental Resources Section

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From: [Jill Prewitt - NOAA Federal](#)
To: [Floyd, Christopher B CIV USARMY CEPOA \(US\)](#)
Cc: [Salzer, Michael R CIV USARMY CEPOA \(US\)](#)
Subject: Re: [Non-DoD Source] Re: Port of Nome - ESA determination letter for NMFS
Date: Wednesday, February 20, 2019 2:42:33 PM
Attachments: [Port of Nome Questions.docx](#)

Hi Chris,

I've taken a look through the Port of Nome request for consultation and would like to request more information on the project before I can continue with the consultation. The questions are in the attached document.

Please let me know if you have any questions.

Thanks!
Jill

On Tue, Jan 29, 2019 at 9:53 AM Floyd, Christopher B CIV USARMY CEPOA (US) <Christopher.B.Floyd@usace.army.mil <<mailto:Christopher.B.Floyd@usace.army.mil>> > wrote:

Thanks, Jill -

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

From: Jill Prewitt - NOAA Federal [<mailto:jill.prewitt@noaa.gov> <<mailto:jill.prewitt@noaa.gov>>]
Sent: Tuesday, January 29, 2019 9:19 AM
To: Floyd, Christopher B CIV USARMY CEPOA (US) <Christopher.B.Floyd@usace.army.mil <<mailto:Christopher.B.Floyd@usace.army.mil>> >; Greg Balogh - NOAA Federal <greg.balogh@noaa.gov> <<mailto:greg.balogh@noaa.gov>> >
Subject: [Non-DoD Source] Re: Port of Nome - ESA determination letter for NMFS

Hi Chris,

We've received your request for ESA consultation, and due to the shutdown, we will consider it as received on January 28. Right now I will keep it on my assignment list, but this may change as we are re-evaluating the workloads after the shutdown. Greg or I will let you know if it gets re-assigned to a different biologist.

I also now have a NOAA email, so please use this email for future correspondence.

Thank you!
Jill

On Mon, Jan 28, 2019 at 11:32 AM Jill Prewitt <jsprewitt@gmail.com <<mailto:jsprewitt@gmail.com>> <<mailto:jsprewitt@gmail.com>> > > wrote:

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

From: Floyd, Christopher B CIV USARMY CEPOA (US) <Christopher.B.Floyd@usace.army.mil <<mailto:Christopher.B.Floyd@usace.army.mil>> <<mailto:Christopher.B.Floyd@usace.army.mil>> > >
Date: Mon, Dec 31, 2018, 18:20
Subject: Port of Nome - ESA determination letter for NMFS
To: Jill Prewitt <jsprewitt@gmail.com <<mailto:jsprewitt@gmail.com>> <<mailto:jsprewitt@gmail.com>> > >
> Greg Balogh - NOAA Federal <greg.balogh@noaa.gov <<mailto:greg.balogh@noaa.gov>> > >

<mailto:greg.balogh@noaa.gov > > >

Attached please find the US Army Corps of Engineers' ESA Section 7 determination letter for the "Port of Nome Modifications" project.

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

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

From: Jill Prewitt [mailto:jsprewitt@gmail.com <mailto:jsprewitt@gmail.com>
<mailto:jsprewitt@gmail.com > >]
Sent: Friday, May 18, 2018 11:48 AM
To: Greg Balogh - NOAA Federal <greg.balogh@noaa.gov <mailto:greg.balogh@noaa.gov>
<mailto:greg.balogh@noaa.gov > > >
Cc: Floyd, Christopher B CIV USARMY CEPOA (US) <Christopher.B.Floyd@usace.army.mil
<mailto:Christopher.B.Floyd@usace.army.mil> <mailto:Christopher.B.Floyd@usace.army.mil > > >
Subject: [Non-DoD Source] Re: Nome Harbor Modifications - preliminary species lists

Hi Christopher

The ESA and MMPA species lists look complete for NMFS managed species. Can you send me the graphic that you mentioned in your May 9th email to Greg? It was not attached to the email I received.

Thanks,

Jill Prewitt

Contractor with Ocean Associates, Inc.
NOAA Fisheries
(907) 230-6098

On Fri, May 11, 2018 at 9:36 AM, Greg Balogh - NOAA Federal <greg.balogh@noaa.gov
<mailto:greg.balogh@noaa.gov> <mailto:greg.balogh@noaa.gov > > <mailto:greg.balogh@noaa.gov >
<mailto:greg.balogh@noaa.gov > > > > wrote:

Hi Chris,

Your list looks complete to me as far as T&E species goes. Jill Prewitt can be your POC for this project. She can double-check your lists, especially for the MMPA species. We can talk more about the action area when we get a better understanding of the scope of the project. You'll have to fill me and Jill in on the justification that was given to you regarding inclusion of a route to Unalakleet, but exclusion of other waters, such as from Unalaska to Nome.

Jill should be back in her office on Monday, I believe.

On Wed, May 9, 2018 at 3:12 PM, Floyd, Christopher B CIV USARMY CEPOA (US)
<Christopher.B.Floyd@usace.army.mil <mailto:Christopher.B.Floyd@usace.army.mil>
<mailto:Christopher.B.Floyd@usace.army.mil > > <mailto:Christopher.B.Floyd@usace.army.mil >

<<mailto:Christopher.B.Floyd@usace.army.mil>>>> wrote:

Hi Greg -

The Corps has restarted a study of expanding the port facilities at Nome ("Nome Harbor Modifications")

Using the NOAA ESA/MMPA mapper, and talking to local biologists at a planning charrette in Nome last month, I've come up with preliminary lists of ESA and MMPA species under NOAA jurisdiction that may be present in the project area:

ESA species:

Steller sea lion (Western DPS)

Bearded seal (Beringia DPS)

Ringed seal

Fin whale

Humpback whale (Mexico & Western No Pacific DPSs)

No Pacific right whale

Bowhead whale

MMPA species:

Spotted seal

Ribbon seal

Harbor porpoise

Beluga whale

Killer whale

Gray whale

Minke whale

Sei whale

Stejneger's beaked whale

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

The construction alternatives under development, but are expected to include all or some of the following general features (see attached graphic): Extension of the existing causeway into deeper water; construction of a dock for larger vessels at the end of the causeway; dredging of a new, deeper entrance channel; deepening of portions of the existing outer harbor.

The intent of the project is to allow larger vessels to moor safely at Nome, so the completed project would presumably cause some change in the numbers and size of vessels transiting to and from Nome. A local biologist at the charrette suggested regarding an area extending from the Bering Strait through Norton Sound to Unalakleet as the area of potential impact to marine mammals.

Thank you,

Chris Floyd

Environmental Resources

Alaska District

US Army Corps of Engineers

907-753-2700

--

Greg Balogh

AKR PRD ANC Field Office Supervisor

NOAA Fisheries

222 W 7th Ave Rm 552 <Blocked[https://maps.google.com/?](https://maps.google.com/?q=222+W+7th+Ave+Rm+552&entry=gmail&source=g)

q=222+W+7th+Ave+Rm+552&entry=gmail&source=g> , Box 43

Anchorage, AK 99513

907-271-3023 (w)

907-306-1895 (c)

To report a stranded or entangled marine mammal, contact the Stranding Network at 1-877-925-7773

<tel:(877)%20925-7773>

--

Jill Prewitt

Marine Mammal Specialist

NOAA Fisheries/Alaska Region/Protected Resources Division

(907) 271-5005

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Jill Prewitt

Marine Mammal Specialist

NOAA Fisheries/Alaska Region/Protected Resources Division

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

Amal Ajmi
Fish & Wildlife Biologist
US Fish & Wildlife Service
101 12th Ave, Room 110
Fairbanks, AK 99701

28 February 2019

Dear Ms. Ajmi:

This letter is an update of one provided to your office dated 26 December 2018, and discussed with you by telephone on 15 February 2019.

The U.S. Army Corps of Engineers Alaska District (Corps) is preparing an environmental assessment (EA) for the proposed “Port of Nome Modifications” project, an expansion of the existing port and harbor facilities at Nome, Alaska (figures 1 and 2). The purpose of this letter is to:

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



Figure 1. Project location and vicinity (aerial imagery dated Aug 2017, Google Earth).



Figure 2. Layout of existing port facilities at Nome (adapted from USACE 2015).

Project Description

The Corps is currently studying six construction alternatives (Alternatives 3a, 3b, 3c, 4a, 8a, and 8b; figures 3-1 through 3-6) in an effort to identify the most useful, cost-effective, and least environmentally-damaging project. From an environmental perspective, the construction alternatives are all similar to one another, differing primarily in the extent, rather than type or location, of their impacts.

Each alternative includes several modification elements:

1. The existing west rubblemound causeway (figure 2) would be lengthened into an L-shaped structure extending into deeper water; the proposed extensions range from 2,340 to 3,937 linear feet (figures 3-1 to 3-6). One to three new concrete caisson docks would be added to the causeway extension. Alternatives 3a, 4a, 8a, and 8b also add a sheet pile dock to the existing causeway.
2. The existing east rubblemound breakwater (figure 2) would be:
 - a. modified to a minor degree (Alternatives 3a and 3c); or
 - b. removed, and a new rubblemound causeway constructed, tying into shore at the same location as the existing breakwater (Alternative 4a); or
 - c. removed, and a new rubblemound causeway constructed, tying into shore about 600 feet to the east of the existing breakwater location (8a, and 8b). A new east causeway would include one or two concrete caisson docks.



Figure 3-1. Alternative 3a



Figure 3-2. Alternative 3b



Figure 3-3. Alternative 3c



Figure 3-4. Alternative 4a



Figure 3-5. Alternative 8a



Figure 3-6. Alternative 8b

3. Several areas of sea floor would be deepened by dredging to allow passage of deeper-draft vessels:

a. a new deep water basin at the end of the extended causeway would be dredged to depths of 30 to 40 feet below mean lower low water (MLLW);

b. the existing outer basin would be deepened to 25–27 feet below MLLW, from the current depth of -22 feet MLLW;

Project construction dredging will remove roughly 700,000 to 2,000,000 cubic yards of sea floor material, depending on the alternative and design depths selected. All material to be dredged will be sampled and analyzed for physical characteristics and chemical content prior to dredging. The current assumption is that most of this material, if found suitable, will be placed for beach nourishment along the base of the Nome seawall, as is currently done with the material from annual maintenance dredging at Nome (figure 2). Alternate disposal methods, such as confined disposal, may be necessary for material not suitable for beneficial placement; any alternate disposal methods would be coordinated with the USFWS.

As of the writing of this letter, the “tentatively selected plan” is expected to be Alternative 8b (figure 3-5), with the deep water basin dredged to a design depth of -40 feet MLLW, and the outer basin deepened to -27 feet MLLW. Deepening of the inner harbor mooring basin is no longer part of this project.

The intent of the completed project is to relieve vessel congestion and improve efficiency at the Port of Nome, allow larger vessels to dock at Nome, and provide a better platform for emergency responses to marine spills and vessels in distress. One specific aim of the port modification is to allow fuel tankers to moor while transferring fuel, and reduce the current risky practice of off-shore fuel transfers. The observed and anticipated increases in shipping through the Bering Strait region have been a cause of great environmental concern in the region. The proposed project is in part a response to the increasing Bering Strait shipping traffic, and the risks and opportunities it represents. Ship visits at Nome are expected to increase whether or not the Port of Nome is expanded; the proposed project is intended to manage these vessels more safely and efficiently. Project economic projections suggest that the finished project will *reduce* the rate at which Nome port-visits increase over time, as a result of being able to accommodate larger vessels that require fewer transits to deliver a given volume of commodities.

Previous and Current Coordination

Similar modifications to the Nome port facilities were proposed as part of the Arctic Deep Draft studies in 2013-2015. The Corps pursued ESA Section 7 informal consultation with the USFWS Fairbanks Field Office at that time, requesting species lists and providing study status updates, but does not appear to have sought concurrence on determinations of effect at that time (USACE 2015).

Chris Floyd of the Corps (Alaska District Project Management-Civil Works Branch, Environmental Resources Section) met with Amal Ajmi and Bob Henszey of the USFWS Fairbanks Field Office, in Fairbanks on 23 May 2018. The purpose of this meeting was to discuss the new study for Port of Nome Modifications, and future coordination between the Corps and the USFWS under the ESA and the Fish & Wildlife Coordination Act (FWCA).

Potentially Affected Species

Based on discussions with the USFWS and queries on the USFWS's Information for Planning and Conservation (IPaC) website, the following species are identified as ESA-listed species under USFWS jurisdiction that may be present in the project area; this list has been confirmed by the USFWS (USFWS 2018):

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

The general project area in this study is the nearshore marine habitat of Norton Sound from Cape Nome to the higher lands just west of Cripple River, and extending seaward to the 60-foot depth profile (roughly 2 nautical miles offshore). This area encompasses the project construction area at Nome within its setting of similar exposed, high-energy coastline at the north entrance of Norton Sound; the presumptive source of rock for the project at a Cape Nome quarry; and the marine interface of several anadromous streams discharging along that coast (figure 4).



Figure 4. Norton Sound project region of influence.

An additional project area identified is the presumptive route of project vessels transiting between Anchorage and Nome (figure 5); this is primarily intended to assess potential effects from project vessels on protected species beyond Norton Sound. The base image of figure 5 is a screen-shot from MarineTraffic.com showing the transit lines (dark blue) of all 2017 tugboat traffic within that view. The yellow dotted line traces a “most traveled” direct route from Anchorage to Nome, passing through Cook Inlet, hugging the protected south coast of the Alaska Peninsula, then turning north into the Bering Sea at Unimak Pass. As is discussed previously, the proposed project is not expected to contribute significantly to long-term increases in Bering Sea or Bering Strait ship traffic, so the transit area is confined to that route that may be affected by project-related vessel traffic.

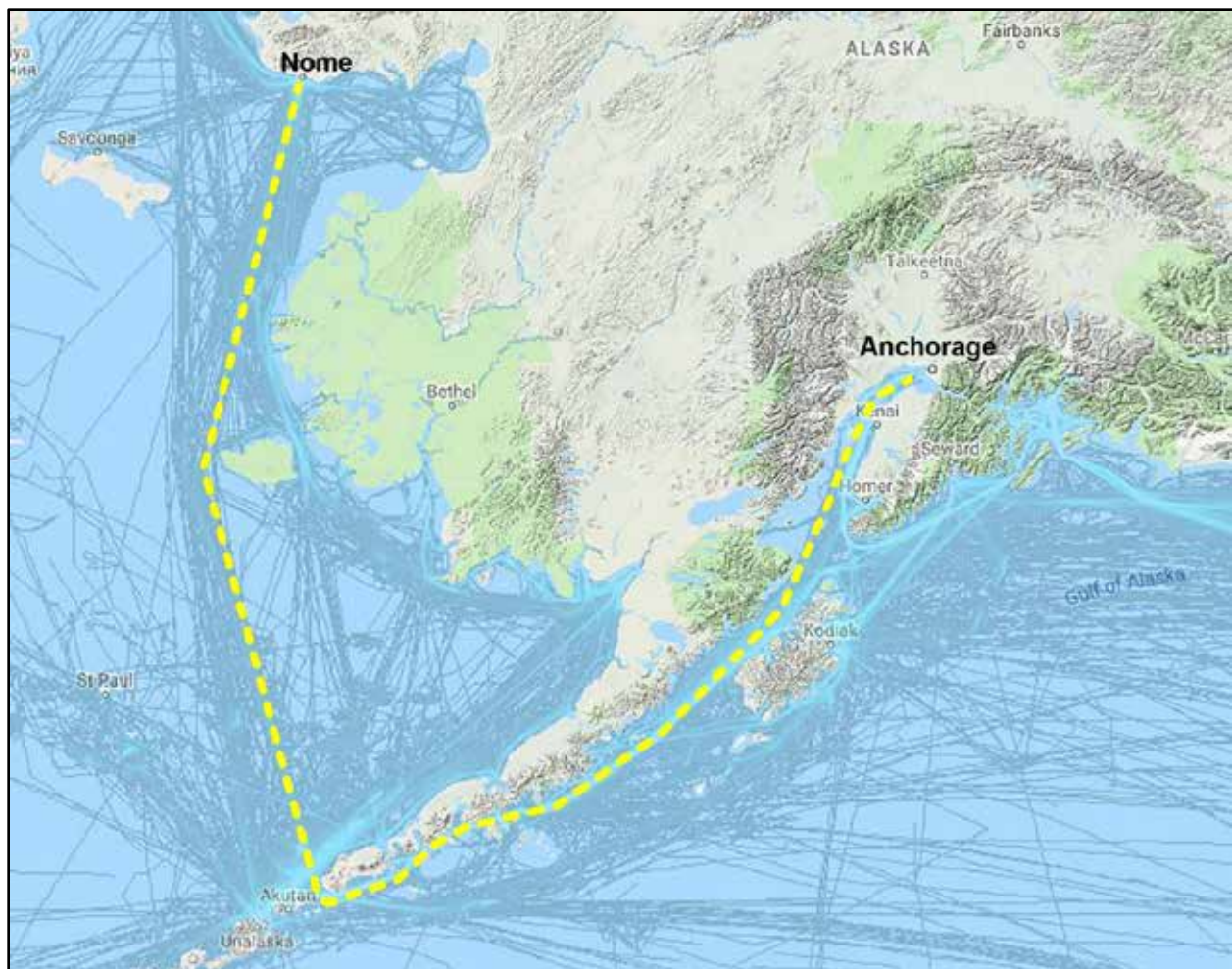


Figure 5. Project vessel route.

Polar Bear. The polar bear is a maritime carnivore dependent on arctic sea ice and the associated assemblage of sea mammals. It is listed as a threatened species throughout its range (73 FR 28212), due to observed and anticipated changes to its sea ice habitat; in the United States, the polar bear is also protected under the Marine Mammal Protection Act

(MMPA). Polar bears are widely distributed throughout the arctic, with a worldwide population estimated at 20,000 to 25,000. Sea ice provides polar bears with a platform for hunting and feeding, breeding, and denning. The most productive hunting for ice seals, the polar bear's primary prey, is along ice edges and open leads, so polar bears tend to migrate seasonally with the sea ice edge as it advances in the autumn and retreats in spring (USFWS 2015).

Critical habitat for polar bears was designated by the USFWS under the ESA in 2010 (75 FR 76086, USFWS 2010). Critical habitat (CH) is the geographic area that contains habitat features essential for the conservation of a threatened or endangered species and which may require special management considerations or protections. For polar bears, the designated CH includes three habitat units: barrier islands, sea ice, and terrestrial denning habitat. The only CH unit appearing at Nome itself is 'sea ice'. The nearest 'barrier island' CH exists at Safety Sound, roughly 17 miles southeast of Nome, and at Sledge Island, about 23 miles west of Nome (figure 6). No terrestrial denning habitat has been identified along the Norton Sound coast.

The geographical extent of the sea ice CH unit reaches from the Beaufort Sea to south of St. Lawrence Island in the Bering Sea, and includes all of Norton Sound. As mentioned above, polar bears depend on sea ice for a number of purposes, including as a platform from which to hunt and feed upon seals, as habitat on which to seek mates, breed, and sometimes den, and as a vehicle on which to make long-distance movements. They show a preference for certain sea-ice stages and features, such as stable shore-fast ice, moving ice, and floe ice edges. Polar bears must move throughout the year along with the changing distribution of sea ice and seals, their primary food source. Sea ice disappears from the Bering Sea and Norton Sound in the summer, and polar bears occupying these areas move as much as 600 miles to stay with the retreating pack ice (USFWS 2010, USFWS 2015).

Coastal barrier islands and spits off the Alaska coast provide areas free from human disturbance and are important for denning, resting, and migration along the coast. Polar bears regularly use barrier islands to move along the Alaska coast as they traverse across the open water, ice, and shallow sand bars between the islands (USFWS 2010). Designated barrier island CH includes a 1-mile buffer zone to minimize disturbances to polar bears (figure 6).

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

While polar bears may be present near Nome, population studies suggest that typical polar bear winter foraging and denning ranges do not extend far into Norton Sound, and that Nome is near the margin of those ranges (figure 7; Smith *et al*, 2017). The presence of a polar bear at Nome during a given year would therefore be uncommon. The likelihood of a polar bear appearing near Nome would be highest when dense sea ice is present in Norton Sound, roughly November through May, and minimal when sea ice is absent. Rarely, a polar bear may be stranded on the Norton Sound coast when the sea ice retreats in the spring (ADFG 2012).

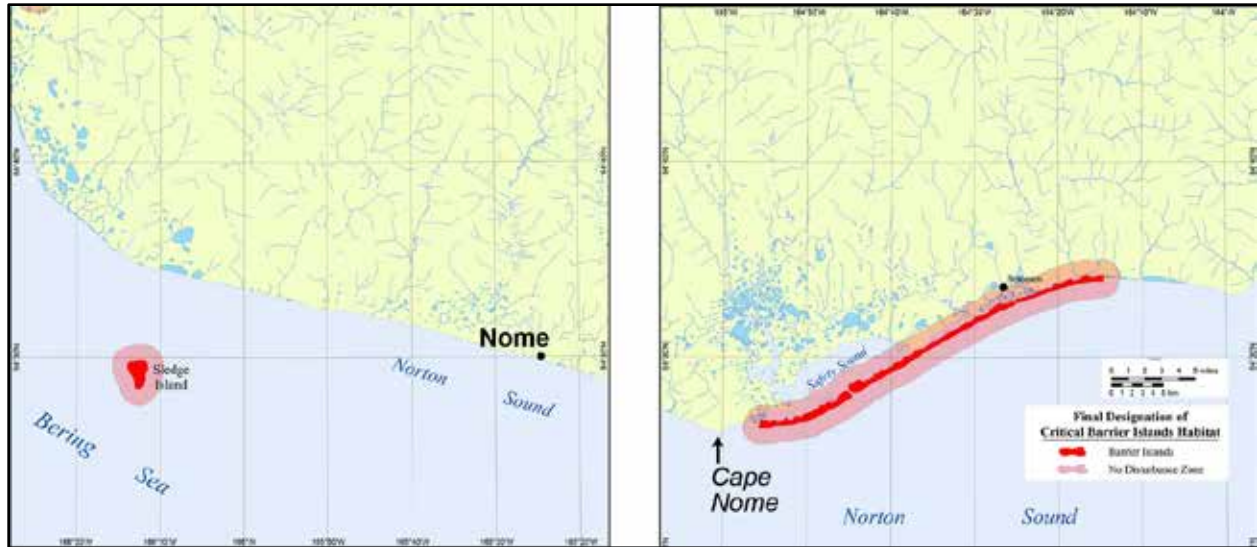


Figure 6. Barrier island polar bear CH identified near Nome (excerpted from maps provided at USFWS 2017).

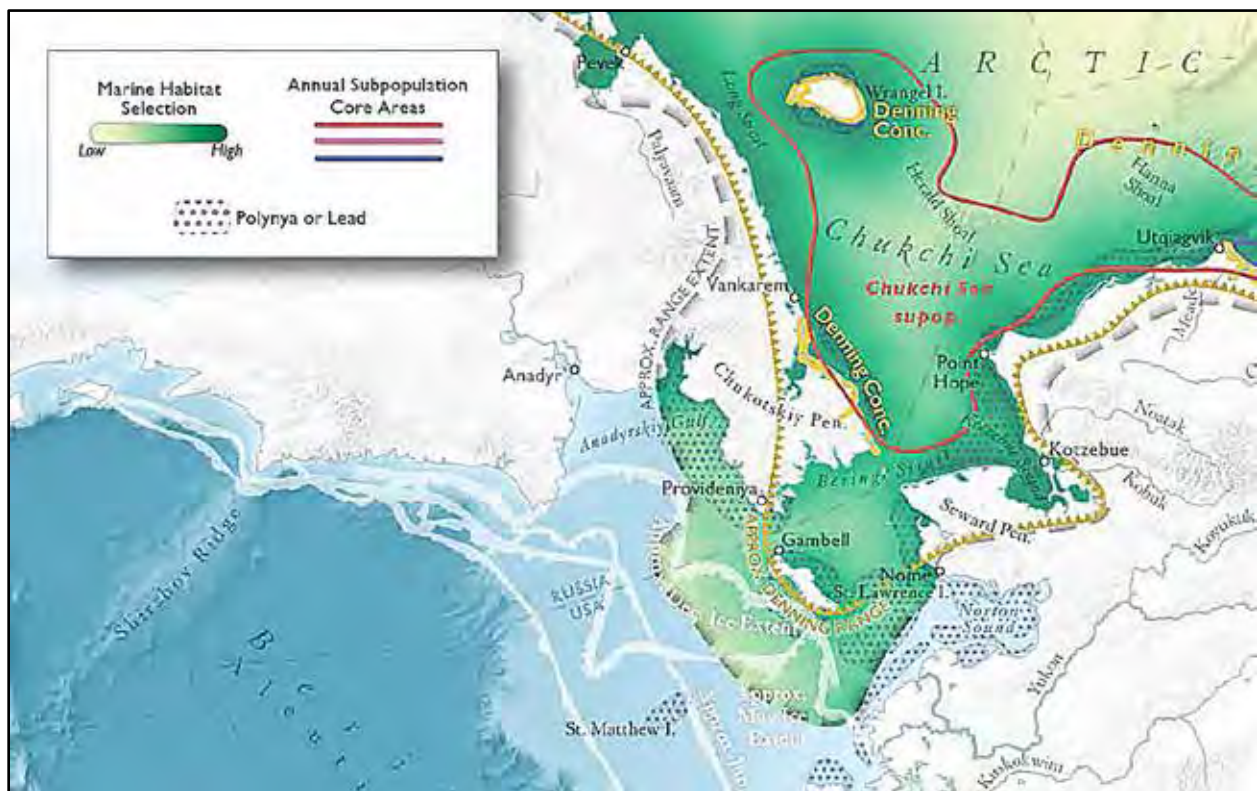


Figure 7. Extent of polar bear winter migration and denning ranges (adapted from Smith, *et al*, 2017).

The great majority of project construction or study activities would occur when ice is absent from the Port of Nome area, and therefore when a polar bear is least likely to be present near Nome. Geotechnical studies needed prior to the start of construction might be conducted in late winter from sea ice beyond the existing causeway. Rock quarrying in support of the project could occur in winter at the Cape Nome quarry site. This established quarry is relatively close to the designated barrier island CH fronting Safety Sound (figure 4), but outside of the 1-mile no-disturbance zone associated with that CH. A polar bear that found itself near Nome after sea ice has retreated in the spring would be in far more immediate danger from vehicles, hunters, and public safety officers than from construction of the proposed project. The project site is currently a busy sea port and industrial area, and both the construction disturbance and the finished project will be an incremental increase to the human activity and infrastructure that exist there now. It is possible that the extended causeway and altered breakwater may have a small, localized effect on the formation of shore-fast ice at Nome, and therefore on the local winter distribution of seals and other polar bear prey species.

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

From November through March or April, spectacled eiders remain in open sea, polynyas, or open leads in the sea ice of the northern Bering Sea; the availability of sea ice as a resting platform is believed to be important for energy conservation. As open water becomes available in spring, breeding pairs move to nesting areas on wet coastal tundra along the Arctic Ocean coast, or along the Bering Sea coast of the Yukon-Kuskokwim Delta (figure 6). Males return to the marine environment after incubation begins. Females move to molting areas in July if unsuccessful at nesting, or in August-September if successful. Spectacled eiders molt in several discrete areas of shallow coastal water during late summer and fall. Spectacled eiders generally depart all molting sites in late October to early November, migrating offshore in the Chukchi and Bering Seas to a single wintering area in openings in pack ice of the central Bering Sea south/southwest of St. Lawrence Island (figure 8).

Critical habitat designated for spectacled eiders consists of wintering habitat in the Bering Sea south of St. Lawrence Island, nesting habitat along the coast of the Yukon-Kuskokwim Delta, and molting areas in eastern Norton Sound, and Ledyard Bay on the Chukchi Sea coast (figure 9). None of the identified spectacled eider concentration areas or CH is in the vicinity of Nome. The closest CH unit, the Unit 3 fall molting area, is in the eastern one-third of Norton Sound. During construction, project vessels operating within Norton Sound would be shuttling back and forth between the project site and the presumptive rock source at the Cape Nome quarry, but would have no reason to venture any further east into Norton Sound than Cape Nome. Project



Figure 8. Spectacled eider use areas and migration patterns (USFWS 2015).



Figure 9. Spectacled eider critical habitat units (adapted from USFWS 2013).

vessels would therefore not approach the Unit 3 CH boundary any closer than about 67 miles (figure 10). Spectacled eiders found near Nome would most likely be transients migrating between breeding, molting, and wintering areas.

Project potential impacts on spectacled eiders would be limited to disturbance of migrating birds that may pass close to Nome while construction is underway. Eiders attempting to settle and rest in nearby wetlands or nearshore waters might be displaced by construction noise and movement.



Figure 10. Relationship of Norton Sound spectacled eider CH to expected project vessel routes.

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

Most of the Pacific population winters in the Aleutian Islands and along the Alaska Peninsula, then migrates along the Bristol Bay coast towards arctic nesting grounds in the spring. Steller's eiders arrive in small flocks of breeding pairs on the Alaskan arctic coastal plain (ACP) in early June, and in similar habitat along the arctic coast of Russia (figure 11). Nesting on the ACP is concentrated in tundra wetlands near Utqiagvik and occurs at lower densities elsewhere on the ACP. Hatching occurs from mid-July through early August. After rearing is complete, both the

Russia- and Alaska-breeding populations depart for molting areas in southwest Alaska (such as Izembek Lagoon), where they remain for about 3 weeks. Following the molt, the Pacific-wintering Steller's eiders disperse throughout the Aleutian Islands, the Alaska Peninsula, and the western Gulf of Alaska (USFWS 2015).

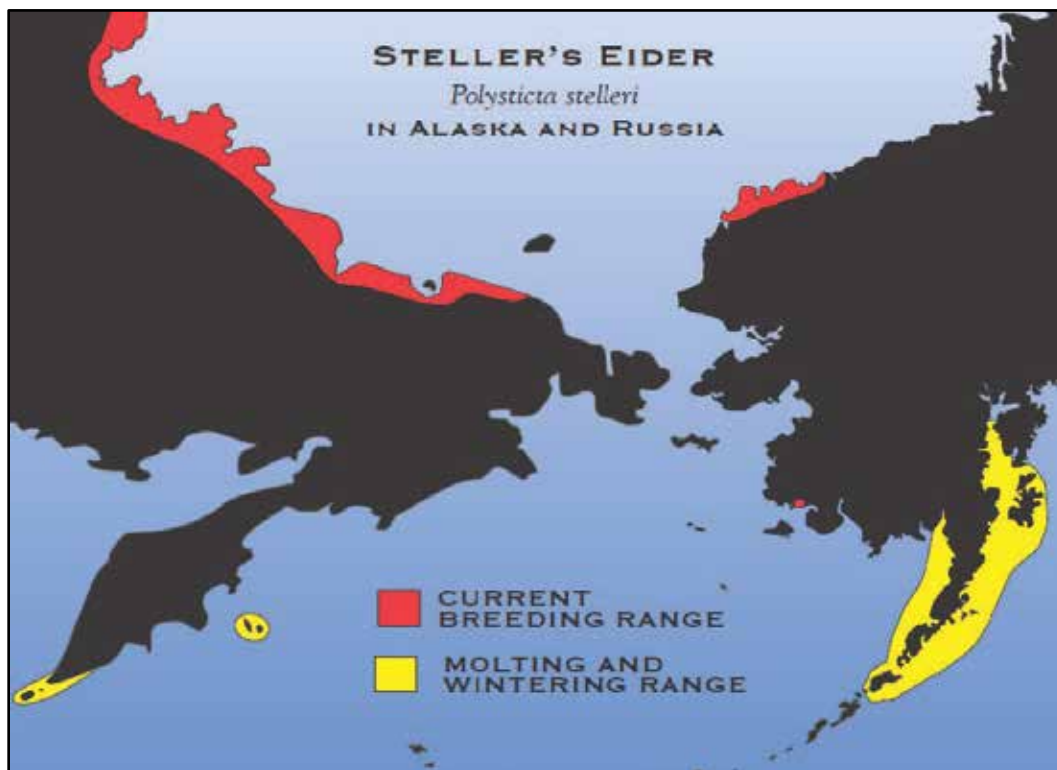


Figure 11. Breeding and wintering range of Steller's eider (USFWS 2013).

Critical habitat designated for Steller's eiders consists of breeding areas along the Bering Sea coast of the Yukon-Kuskokwim Delta, and molting areas along the north coast of the Alaska Peninsula (figure 9).

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

Project potential impacts on Steller's eiders would be limited to disturbance of migrating birds that may pass close to Nome while construction is underway. Eiders attempting to settle and rest in nearby wetlands or nearshore waters might be displaced by construction noise and movement, but large areas of similar, disturbance-free habitat is readily available near the project site. The project site is currently a busy sea port and industrial area, and both the construction disturbance and the finished project will be an incremental increase to the human activity and infrastructure that exist there now.

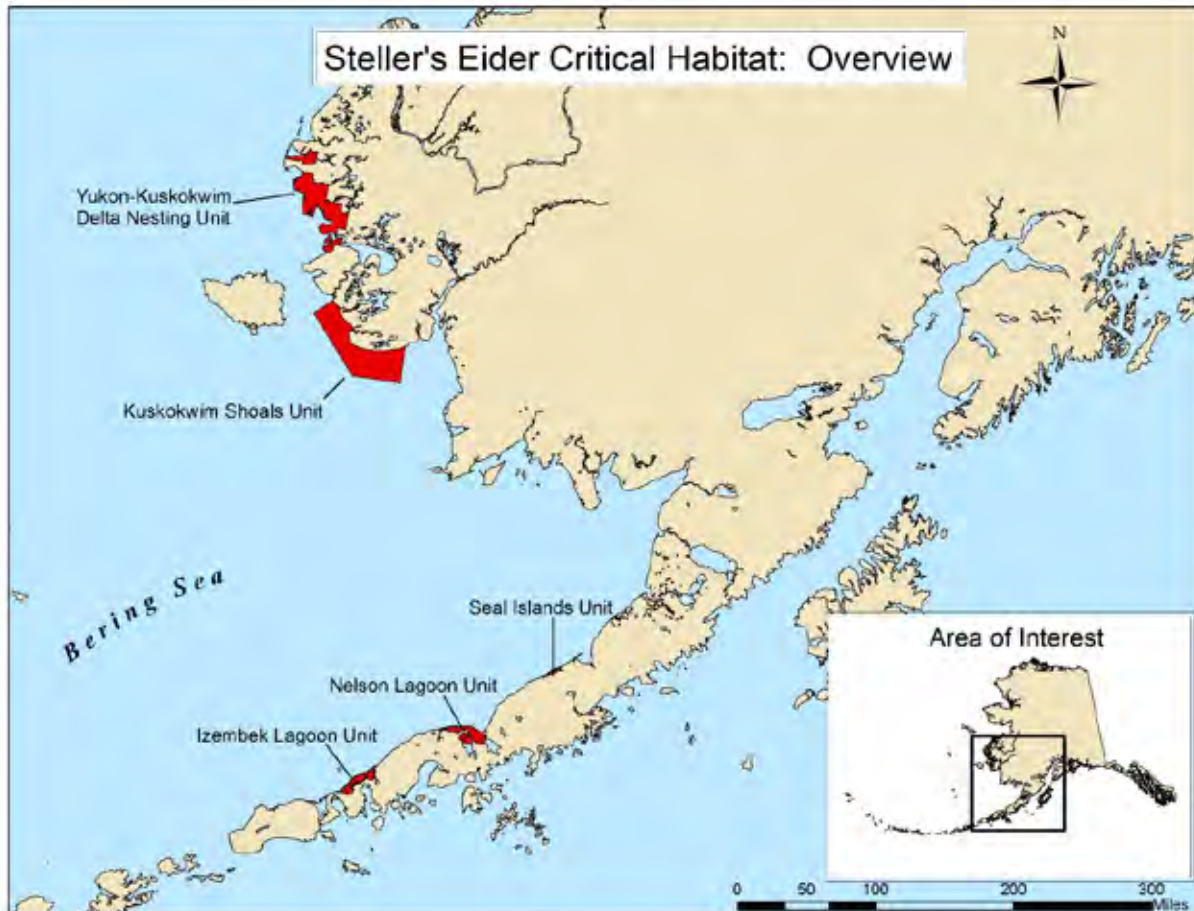


Figure 12. Steller's eider critical habitat (USFWS 2013).

Northern Sea Otter

Northern sea otters are found throughout the Aleutian Islands, along both the Bering Sea and Gulf of Alaska coasts of the Alaska Peninsula, and along much of the Alaska mainland Pacific coast. Figure 13 shows the critical habitat units designated for the threatened Southwest Alaska Distinct Population Segment (DPS); project vessels would pass sea otter habitat for a portion of their route along the Alaska Peninsula. Northern sea otters are primarily nearshore animals; the CH description (USFWS 2013) includes as a primary constituent element (PCE), *"Nearshore waters that may provide protection or escape from marine predators, which are those within 100 m (328.1 ft.) from the mean high tide line."* A project vessel in transit is unlikely to intentionally pass within 100 meters from shore.

Short Tailed Albatrosses

Short-tailed albatross range across much of the North Pacific Ocean as adults and sub-adults, but tend to concentrate along the continental shelf edges of the Gulf of Alaska and Aleutian Basin, where upwelling and high primary productivity result in abundant food resources (figure 14). Their only known breeding range is an isolated group of small islands off the coast of

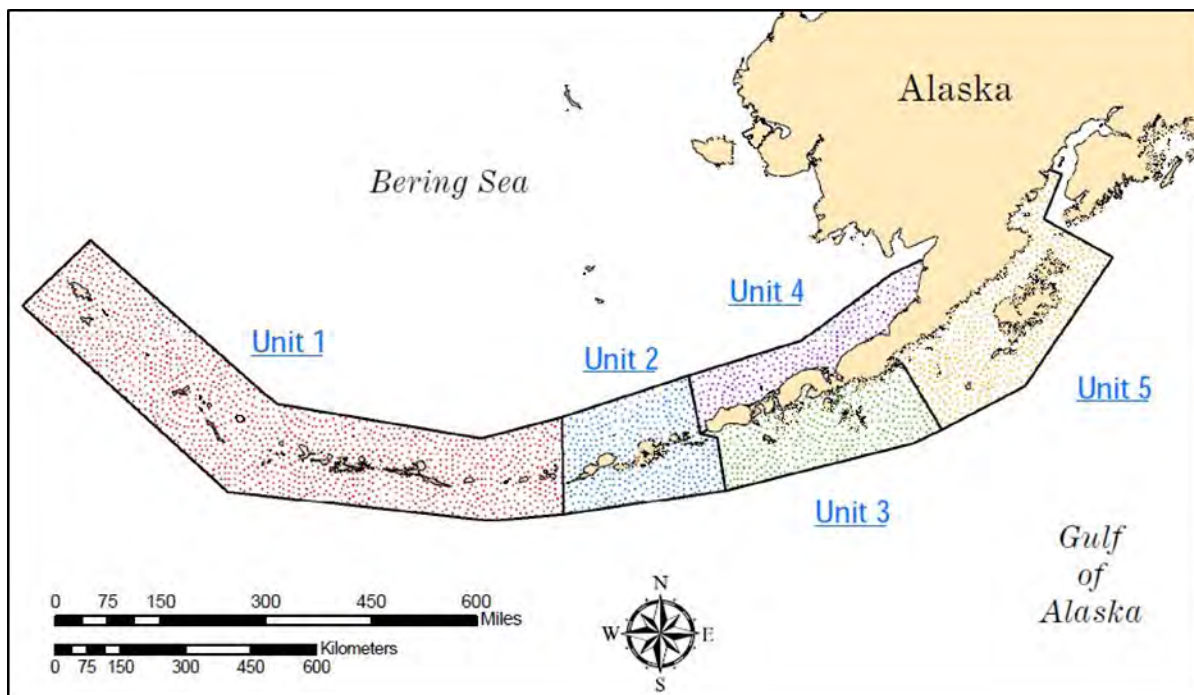


Figure 13. Critical habitat units of the northern sea otter, Southwestern Alaska DPS (USFWS 2013b)

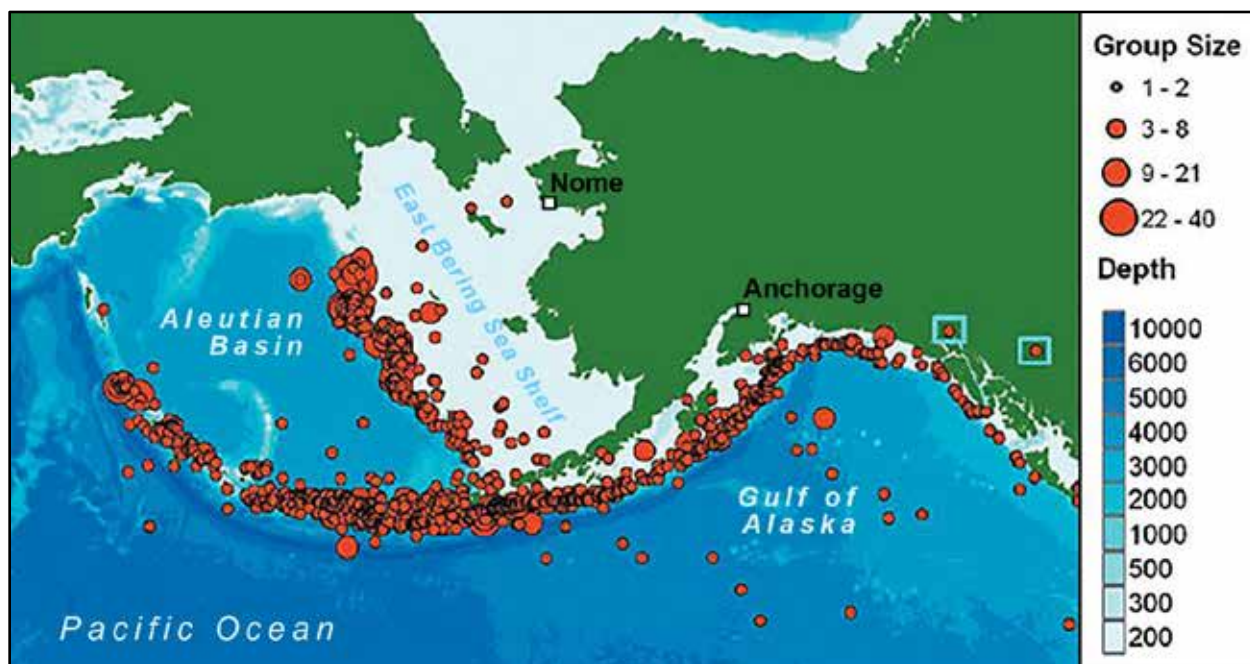


Figure 14. Opportunistic sightings of short-tailed albatross, compiled 1944-2004 (adapted from USFWS 2008).

Japan. There is no ESA-designated critical habitat for this species (USFWS 2008). Project related vessels traveling to Nome could travel close to areas where short-tailed albatross concentrate to feed. There is no designated CH for this species.

Summary

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

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

Project vessels traveling between Anchorage and Nome would be following a well-travelled tug-and-barge route along the Alaska Peninsula (figure 5) and will pass Northern sea otter habitat, but are unlikely to enter sea otter habitat or interact with sea otters. Slow-moving, shallow-draft barges would present little risk of a ship-strike to any otters that might venture into the shipping channel. The project vessels would be a small, incremental increase in the heavy non-federal vessel traffic that travels that route, and would have no short-term or long-term effect on Northern sea otter CH.

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

Avoidance and Minimization Measures

- A Polar Bear Safety and Interaction Plan will be prepared by the Corps or its contractor for any winter activity that may be pursued on sea ice beyond the existing outer harbor.

- The contractor will prepare an Environmental Protection Plan, which will include an Oil Spill Prevention and Control Plan, and a plan for minimizing the spread of invasive species.

Determinations

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

- Polar bear
- Spectacled eider
- Steller's eider

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

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

- Northern sea otter
- Short-tailed albatross

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

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

Sincerely,

A handwritten signature in blue ink that reads "Michael R. Salyer". The signature is fluid and cursive, with the first name "Michael" being the most prominent.

Michael R. Salyer
Chief, Environmental Resources Section

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Fairbanks Fish and Wildlife Field Office
101 12th Avenue, Room 110
Fairbanks, Alaska 99701
March 11, 2019



U.S. Army Corps of Engineers
Attn: Colonel Phillip J. Borders
District Engineer, Alaska District
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

Re: Port of Nome Modifications
Fish and Wildlife Coordination Act Report

Dear Colonel Borders:

The U.S. Fish and Wildlife Service (Service) Conservation Planning Assistance Branch has reviewed the proposed six construction alternatives for the Port of Nome Modifications project (Alternatives 3a, 3b, 3c, 4a, 8a, and 8b). All the alternatives focus primarily on modifying the causeway and breakwater configurations, and dredging within the confines of the causeways and the Nome harbor to accommodate deeper-draft boats.

The Service does not believe a Fish and Wildlife Coordination Act Report (CAR) is required at this time. The Service began preparing a CAR when previous alternatives included potentially using Port Clearance near Teller, Alaska, as part of the Alaska Deep-Draft Port System. We submitted to the U.S. Army Corps of Engineers (USACE) a draft CAR (May 10, 2014) for this effort that focused on potentially affected environmental resources, but we did not provide recommendations since a preferred alternative was not selected. The Port of Nome Modifications project is much narrower in scope, and likely would have been our recommended alternative for the Alaska Deep-Draft Port System.

The proposed project, however, is within the range of five species listed as threatened or endangered under the Endangered Species Act of 1973 (ESA), as amended: spectacled eider (*Somateria fischeri*), Alaska-breeding population of the Steller's eider (*Polysticta stelleri*), polar bear (*Ursus maritimus*), Southwest Alaska district population segment of the northern sea otter, (*Enhydra lutris kenyoni*), and short-tailed albatross (*Phoebastria albatrus*). Although a CAR under the Fish and Wildlife Coordination Act is not required, because the project would occur within the range of ESA-listed species, it does not preclude the requirement for project-specific consultation under section 7 of the ESA. The Service's Endangered Species Branch is currently consulting with the USACE regarding potential impacts to these species by the proposed project.

On October 4, 2017, the Service determined the Pacific walrus (*Odobenus rosmarus divergens*) does not warrant listing as threatened or endangered under the Endangered Species Act (82 FR 46618). A small possibility exists Port Nome related vessel traffic in the Bering Sea would encounter walrus swimming offshore. We encourage the USACE to contact the Service's Marine

Mammals Management (MMM) Office to develop an appropriate mitigation plan to minimize potential effects on walrus.

In summary, after reviewing the Port of Nome Modifications, we have no further concerns when consultation under section 7 of the ESA, and coordination with the MMM Office is completed. The Service has no objections to the project as proposed; therefore, there is no need for a Fish and Wildlife Coordination Act investigation and subsequent report. However, should the proposed project undergo any significant changes in the design, siting, or management, please contact our office.

We appreciate the offer to prepare a CAR, and we would be happy to continue providing recommendations to avoid and minimize adverse impacts to fish, wildlife and their habitats as the project progresses. Please contact Amal Ajmi at 907-456-0324 or amal_ajmi@fws.gov, or me, should you have any questions concerning these comments.

Sincerely,

**ROBERT
HENSZEY**

Robert J. Henszey

Conservation Planning Assistance Branch Chief

Digitally signed by ROBERT
HENSZEY
Date: 2019.03.11 16:11:45
-08'00'

ecc: Christopher Floyd, USACE, ERS, Christopher.B.Floyd@usace.army.mil
Kimberly Klein, USFWS, MMM, Kimberly_Klein@fws.gov



United States Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Fairbanks Fish and Wildlife Field Office
101 12th Avenue, Room 110
Fairbanks, Alaska 99701
March 12, 2019



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

Re: Section 7 Endangered Species Act
determination for the Port of Nome
Modifications Project.

Dear Mr. Floyd:

Thank you for inquiring about endangered and threatened species and critical habitats pursuant to section 7 of the Endangered Species Act of 1973 (ESA), as amended.

THE PROPOSED ACTION

The U.S. Fish and Wildlife Service (Service) has reviewed the proposed six construction alternatives for the Port of Nome Modifications project (Alternatives 3a, 3b, 3c, 4a, 8a, and 8b). All the alternatives focus primarily on modifying the causeway and breakwater configurations, and dredging within the confines of the causeways and harbor to accommodate deeper-draft boats. Increases in shipping traffic through the Bering Sea region are anticipated with the proposed expansion of Port Nome.

THE ACTION AREA

The action area includes Port Nome, and the major ship routes affected by project-related vessel traffic within the Bering Sea of Alaska (Figure 1).

EFFECTS OF THE ACTION ON LISTED SPECIES

Effects of the action include direct effects, which are those with an immediate effect on listed species or habitat, and indirect effects, which are caused by or result from the proposed action, are later in time, are reasonably certain to occur, and may occur outside of the area directly affected by the action.

Project effects on listed eiders

The Service listed the spectacled eider on May 10, 1993 (58 FR 27474), and the Alaska-breeding population of the Steller's eider as threatened on June 11, 1997 (62 FR 31748). Although low numbers of listed eiders may migrate through the project area, neither species currently nests in the region. While migrating listed eiders may rest and feed

within the Port Nome area, we expect disturbance to them would be minor because these individuals can respond to human presence or disturbance by moving to a safe distance.

Migrating eiders or those making local movements could conceivably collide with the new infrastructure. Eiders are known to fly at low altitudes (less than 32 ft. [10 m]), putting them at risk of striking even relatively low objects in their path. However, due to the low density of listed eiders in the Action Area, we anticipate the risk of mortality from collisions with new structures would be low. Additionally, we expect most migratory eiders would fly offshore, thereby avoiding onshore structures (Johnson and Richardson 1982; Petersen et al. 1999; USGS unpublished data).

The Y-K Delta spectacled eider breeding population molts and stages in eastern Norton Sound Critical Habitat (CH). USACE stipulates the Bering Sea shipping route associated with the project is located > 67 miles west of Norton Sound CH and therefore will not impact molting spectacled eiders in the fall (Figure 2).

In summary, we do not anticipate an appreciable increase in injury or death to listed eiders from the proposed project because (1) listed eider density in the action area is low, (2) impacts from disturbance to listed eiders are not expected, and (3) migratory eiders are expected to make flights offshore.

Project effects on polar bears

The Service listed the polar bear as threatened under the ESA on May 15, 2008 (73 FR 28212). Polar bears may occasionally pass through or den in the Action Area, although their density is low and encounters are expected to be extremely rare. Transient (non-denning) bears entering the Action Area could be disturbed by the presence of humans or equipment noise. However, we expect disturbances would be minor and temporary because transient bears would be able to respond to human presence or disturbance by departing the area. Furthermore, the Service is providing standard Polar Bear Interaction Guidelines (attached) for personnel to follow in the unlikely event polar bears are encountered during authorized activities.

Polar bears in the Chukchi Sea subpopulation primarily den in Russia, and only very rarely den in Alaska. Additionally, there is a lack of preferred denning habitat near the Action Area. These factors combined with the existing levels of human activity and development make it extremely unlikely that polar bears would den in or near the Action Area.

We expect effects of the proposed action on polar bears would be insignificant because (1) the density of polar bears in the Action Area is very low, (2) encounters with polar bears are expected to be infrequent, (3) behavioral effects to transient bears would be minor and temporary, (4) mitigation measures included in the attached interaction guidelines would minimize potential impacts in the event transient polar bears are encountered, and (5) the probability of polar bears denning in the Action Area is extremely low.

CONCLUSION

The proposed action could conceivably present a minor collision risk to listed eiders moving through the project area. However, due to low densities of these species and the presence of existing structures, we expect the effects of collision risk to be insignificant. The proposed action could also temporarily disturb listed eiders or polar bears; however, due to low densities of these species and minimization measures included in the attached interaction guidelines, we expect these disturbances would be insignificant. Therefore, the Service concurs the proposed action is not likely to adversely affect listed eiders or polar bears. Preparation of a Biological Assessment or further consultation under section 7 of the ESA is not necessary at this time. However, should the proposed project undergo any significant changes in the design, siting, or management, please contact our office.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Swem".

Ted Swem
Consultation Branch Chief

Literature Cited

Johnson, R., and W. Richardson. 1982. Waterbird migration near the Yukon and Alaska coast of the Beaufort Sea: II. Molt migration of seaducks in summer. *Arctic* 35:291-301.

Petersen, M., WW Larned, and D.C. Douglas. 1999. At-sea distribution of spectacled eiders: a 120-year-old mystery resolved. *The Auk* 116(4):1009–1020.

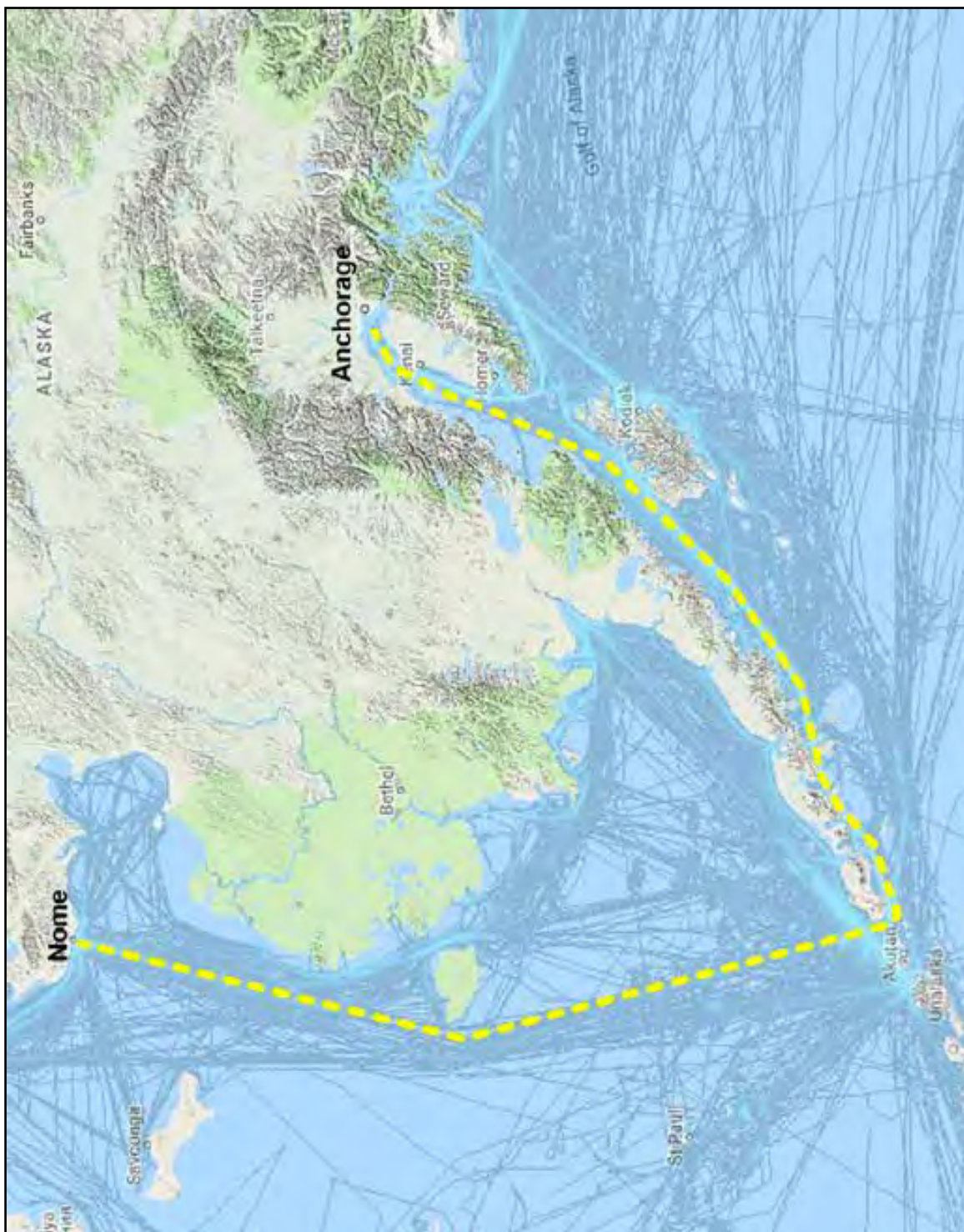


Figure 1. Action Area for the Port of Nome Modifications Project.

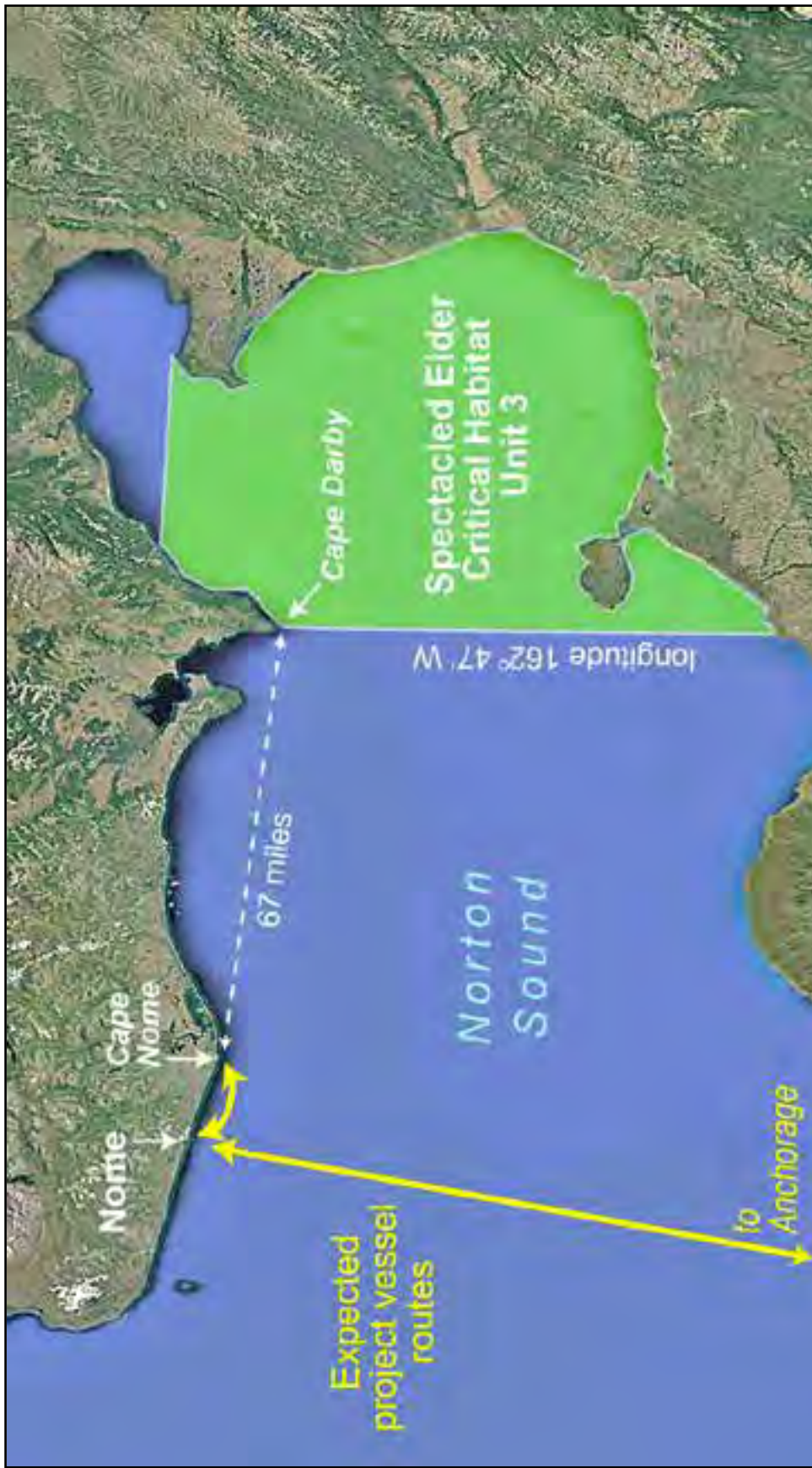


Figure 2. Location of shipping route from Norton Sound Critical Habitat.

POLAR BEAR INTERACTION GUIDELINES

These Polar Bear Interaction Guidelines (Guidelines) were developed to ensure that activities are conducted in a manner that avoids conflicts between humans and polar bears. Polar bears are protected under the Marine Mammal Protection Act (MMPA), and were listed as a threatened species under the Endangered Species Act (ESA) in 2008. The MMPA and ESA both prohibit the “take” of polar bears without authorization. Take includes disturbance/harassment, as well as physical injury and killing of individuals.

In addition to sea ice, polar bears use marine waters and lands in northern Alaska for resting, feeding, denning, and seasonal movements. They are most likely to be encountered within 25 miles of the coastline, especially along barrier islands during July-October. Polar bears may also be encountered farther inland, especially females during the denning period (October-April). Polar bears may react differently to noise and human presence. The general methods for minimizing human-bear conflicts are to: 1) avoid detection and close encounters; 2) minimize attractants; and 3) recognize and respond appropriately to polar bear behaviors. These Guidelines provide information for avoiding conflicts with polar bears during air, land, or water-based activities.

Unusual sightings or questions/concerns can be referred to: Christopher Putnam, Marine Mammals Management Office (MMM Office), (907) 786-3844; or to Sarah Conn (907) 456-0499 of the Fairbanks Fish & Wildlife Field Office (FFWFO).

When operating aircraft:

- If a polar bear(s) is encountered, divert flight path to a minimum of 2,000 feet above ground level or ½ mile horizontal distance away from observed bear(s) whenever possible.

When traveling on land or water:

- Avoid surprising a bear. Be vigilant—especially on barrier islands, in river drainages, along bluff habitat, near whale or other marine mammal carcasses, or in the vicinity of fresh tracks.
- Between October and April special care is needed to avoid disturbance of denning bears. If activities are to take place in that time period the MMM Office should be contacted to determine if any additional mitigation is required. In general, activities are not permitted within one mile of known den sites.
- Avoid carrying bear attractants (such as strongly scented snacks, fish, meat, or dog food) while away from camp; if you must carry attractants away from camp, store foods in air-tight containers or bags to minimize odor transmission until you return them to “bear-resistant” containers.*
- If a polar bear(s) is encountered, remain calm and avoid making sudden movements. Stay downwind if possible to avoid allowing the bear to smell you. Do not approach polar bears. Allow bears to continue what they were doing before you encountered them. Slowly leave the vicinity if you see signs that you’ve been detected. Be aware that safe

viewing distances will vary with each bear and individual situation. Remember that the closer you are to the animal, the more likely you are to disturb it.

- If a bear detects you, observe its behavior and react appropriately. Polar bears that stop what they are doing to turn their head or sniff the air in your direction have likely become aware of your presence. These animals may exhibit various behaviors:
 - *Curious* polar bears typically move slowly, stopping frequently to sniff the air, moving their heads around to catch a scent, or holding their heads high with ears forward. They may also stand up.
 - *A threatened or agitated* polar bear may huff, snap its jaws together, stare at you (or the object of threat) and lower its head to below shoulder level, pressing its ears back and swaying from side to side. These are signals for you to begin immediate withdrawal by backing away from the bear. If this behavior is ignored, the polar bear may charge. Threatened animals may also retreat.
 - In rare instances you may encounter a *predatory* bear. It may sneak or crawl up on an object it considers prey. It may also approach in a straight line at constant speed without exhibiting curious or threatened behavior. This behavior suggests the bear is about to attack. Standing your ground, grouping together, shouting, and waving your hands may halt the bear's approach.
- If a polar bear approaches and you are in the bear's path—or between a mother and her cubs—get out of the way (without running). If the animal continues to approach, stand your ground. Gather people together in a group and/or hold a jacket over your head to look bigger. Shout or make noise to discourage the approach.
- If a single polar bear attacks, defend yourself by using any deterrents available. If the attack is by a surprised female defending her cubs, remove yourself as a threat to the cubs.

When camping:

- Avoid camping or lingering in bear high-use areas such as river drainages, coastal bluffs and barrier islands.
- Store food and other attractants in “bear-resistant” containers*. Consider the use of an electric fence as additional protection. Do not allow the bear to receive food as a reward in your camp. A food-rewarded bear is likely to become a problem bear for you or someone else in the future.
- Maintain a clean camp. Plan carefully to: minimize excess food; fly unnecessary attractants out on a regular basis (i.e. garbage, animal carcasses, excess anti-freeze or petroleum products); locate latrines at least ¼ mile from camp; and wash kitchen equipment after every use.
- If a polar bear approaches you in camp, defend your space by gathering people into a large group, making noise and waving jackets or tarps. Continue to discourage the bear until it moves off. Have people watch the surrounding area in case it returns later,

keeping in mind that polar bears are known to be more active at night. Additional measures to protect your camp, such as electric fences or motion sensors can be used.

Harassment of polar bears is not permissible, unless such taking (as defined under the MMPA) is imminently necessary in defense of life, and such taking is reported to FWS within 48 hours.

*Containers must be approved and certified by the Interagency Grizzly Bear Committee as "bear-resistant." Information about certified containers can be found at <http://www.igbconline.org/html/container.html>.

FOR DEPARTMENT OF INTERIOR EMPLOYEES ONLY

Use of Deterrents

In addition to following the Guidelines above, all U.S. Fish and Wildlife Service (Service) employees must have completed the Department of the Interior's (DOI) Bear and Firearm Safety Training course and be current in certification before engaging in field activities. Service staff must practice with and know how to use deterrents prior to conducting field work. If working in bear habitat, Service staff must anticipate and plan for possible scenarios of encountering polar bears, and identify appropriate responses, prior to initiating field work. Use of non-lethal polar bear deterrents by Service staff is only permissible if it is done in a humane manner and is for the purposes of protection or welfare of the bear or the public. Service staff has the right to use lethal methods to protect the public from polar bears in defense of life situations, and may do so when all reasonable steps to avoid killing the bear(s) have been taken.

Notification of Use of Deterrents

The Department of the Interior Bear Incident Report Form will be used to record and report polar bear-human interactions *that require use of deterrents*. These incidents will be reported to the MMM Office. This information will be used to track interactions over time and improve polar bear conservation and management.

From: [Floyd, Christopher B CIV USARMY CEPOA \(US\)](#)
To: ["Colette Cairns - NOAA Federal"](#)
Cc: [Salyer, Michael R CIV USARMY CEPOA \(USA\)](#)
Subject: RE: [Non-DoD Source] Port of Nome: ESA determination letter/LOC Request
Date: Tuesday, April 02, 2019 6:35:00 PM
Attachments: [PoN 400ft dock piling plan 2Apr2019.pdf](#)

Hi Colette -

I'm able to provide some details on the types and numbers of pilings that would go into the proposed 400-foot sheet-pile dock; please see the attached document.

Thanks,
Chris Floyd

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

From: Colette Cairns - NOAA Federal [<mailto:colette.cairns@noaa.gov>]
Sent: Thursday, March 28, 2019 11:36 AM
To: Floyd, Christopher B CIV USARMY CEPOA (US) <Christopher.B.Floyd@usace.army.mil>
Subject: Re: [Non-DoD Source] Port of Nome: ESA determination letter/LOC Request

Hi Chris,

Thanks for your response on my earlier questions. Good information on the position of the breakwater, I'll keep that in mind. I'm trying to evaluate the effects of the action and potential exposure, and it would be helpful for me if you could provide a more detailed description of the action.

I'm particularly interested in details on the sheet piling. As I mentioned before, we need to be able to predict the extent of the sound caused by the sheet piling. How many piles, what size will they be?

If it would be easier for you, and you're able to share it, the description of the action from the draft NEPA document would be very helpful. I'm available at my desk most of today if you'd like to talk.

Thanks,

Colette

On Tue, Mar 26, 2019 at 11:46 AM Floyd, Christopher B CIV USARMY CEPOA (US) <Christopher.B.Floyd@usace.army.mil <<mailto:Christopher.B.Floyd@usace.army.mil>> > wrote:

Okay, thanks.

Something to bear in mind is that the sheetpile dock may well be constructed after other project elements.

The preferred alternative is 8b, which removes the existing east rubblemound breakwater and replaces it with a rubblemound structure several hundred feet further east... i.o.w., there will still be a noise-attenuating stone structure to the east, but farther away from the proposed pile-driving.

Chris Floyd

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

From: Colette Cairns - NOAA Federal [<mailto:colette.cairns@noaa.gov> <<mailto:colette.cairns@noaa.gov>>]
Sent: Tuesday, March 26, 2019 11:16 AM
To: Floyd, Christopher B CIV USARMY CEPOA (US) <Christopher.B.Floyd@usace.army.mil <<mailto:Christopher.B.Floyd@usace.army.mil>> >
Subject: Re: [Non-DoD Source] Port of Nome: ESA determination letter/LOC Request

Hi Chris,

Thanks for your prompt responses. I looked over the 2012 Permit; it's good to have that reference. One thing I should point out about the 350 meter exclusion zone is that in 2012, the new marine mammal acoustic guidance had not come out yet (that happened in 2016). So, the exclusion zone distances may change based on the 2016 guidance for this action. I have to look into it to get an idea of what an exclusion zone distance would look like (which is why we were asking about the sound source levels), so I will be in touch with you about that as I find out more.

Thanks,

Colette

On Mon, Mar 25, 2019 at 2:50 PM Floyd, Christopher B CIV USARMY CEPOA (US) <Christopher.B.Floyd@usace.army.mil <mailto:Christopher.B.Floyd@usace.army.mil> <mailto:Christopher.B.Floyd@usace.army.mil > > > wrote:

_____ Thank you for your note, Colette -

_____ 1. I haven't worked up any noise scenarios for the proposed dock. It would be very similar to a dock the city of Nome built recently on the same causeway, and I was hoping, for simplicity's sake, we could adopt the same marine mammal Special Conditions for our project as were stipulated in the DA Permit for the City's action (attached).

_____ 2. For the purposes of the Corps' current NEPA and agency coordination, we are including the sheetpile dock construction as part of our overall action.

_____ 3. I think I told Jill that 2022 was the earliest conceivable year that construction could start; it would probably be later than 2022. Definitely not starting in 2020.

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

_____ -----Original Message-----
_____ From: Colette Cairns - NOAA Federal [mailto:colette.cairns@noaa.gov
_____ <mailto:colette.cairns@noaa.gov> <mailto:colette.cairns@noaa.gov > >]
_____ Sent: Monday, March 25, 2019 12:43 PM
_____ To: Floyd, Christopher B CIV USARMY CEPOA (US) <Christopher.B.Floyd@usace.army.mil
_____ <mailto:Christopher.B.Floyd@usace.army.mil> <mailto:Christopher.B.Floyd@usace.army.mil > > >
_____ Subject: [Non-DoD Source] Port of Nome: ESA determination letter/LOC Request

_____ Hi Chris,

_____ I am on a detail to the NMFS Anchorage Office, and I wanted to introduce myself. I am taking over the USACE's Port of Nome LOC request from my colleague, Jill Prewitt. Jill brought me up to speed on your request, and I have been reviewing your materials. I had a few questions, and I hope they are not too redundant to anything you've covered previously with Jill.

_____ --In your 2.20.19 email exchange with Jill, you talked about possibly providing a generic scenario for noise levels related to the sheet-pile driving. Do you have that information?

_____ --In the same email, you mention that the dock construction might actually be conducted by the City of Nome. Is dock construction not part of your proposed action now? Would the Corps be authorizing any part of the City's dock construction?

--Can you confirm the start date (spring 2022)? I thought Jill mentioned 2020 as a start date. Just want to make sure I have that correct.

If you'd like to chat, I can be reached by phone (907-271-1692).

Thanks, and I look forward to working with you.

Colette

100

Colette Cairns

National Marine Fisheries Service

on detail

Alaska Regional OfficeProtected Resources Division

Anchorage

222 West 7th Avenue Rm 552

Anchorage, AK 99513

907-271-1692

colette.cairns@noaa.gov <mailto:colette.cairns@noaa.gov> <mailto:colette.cairns@noaa.gov>>
<mailto:colette.cairns@noaa.gov> <mailto:colette.cairns@noaa.gov>>>

Colette Cairns

National Marine Fisheries Service

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

April 22, 2019

Mr. Michael Salyer
Chief, Environmental Resources Section
Alaska District
U.S. Army Corps of Engineers
PO Box 6898
Joint Base Elmendorf-Richardson, AK 99506-0898

Dear Mr. Salyer:

Thank you for providing a request for informal consultation under the Endangered Species Act (ESA) for the Port of Nome Modifications project to expand the existing port and harbor facilities starting in the spring of 2022. The National Marine Fisheries Service (NMFS) understands that the U.S. Army Corps of Engineers is currently undertaking a feasibility study to choose one of six possible construction alternatives at the Port of Nome. As discussed below, we recommend initiating ESA Section 7 consultation only after the Corps can provide sufficient certainty and precision regarding project details to allow for a meaningful analysis of project effects upon ESA-listed species.

In order to engage in ESA section 7 consultation, NMFS will need sufficient details on the proposed action, including those regarding the timing and duration of the activities, specifics on the dredging, pile-driving and dock construction activities, and an analysis of the effects of the proposed action on ESA-listed species. Because your request lacks important details regarding this project that are not currently available, we recommend that the Corps submit a revised request for concurrence once sufficient project details are known to enable the Corps to provide a justification for its determination of project effects on threatened and endangered species.

This approach – completing the ESA consultation later in the planning process when additional project details are known, such that you can submit a complete request for informal consultation – is appropriate for any Corps Civil Works projects that involve ESA-listed species.

Sincerely,

Jonathan M. Kurland
Assistant Regional Administrator
for Protected Resources



Magnuson-Stevens Act Essential Fish Habitat

Correspondence

NMFS Habitat Conservation Division



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

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

15 January 2019

Dear Mr. Eagleton,

Attached please find an Essential Fish Habitat (EFH) Assessment for the U.S. Army Corps of Engineers (Corps) "Port of Nome Modifications" project at Nome, Alaska. The Corps requests a review of this document and recommendations on EFH conservation from the National Marine Fisheries Service (NMFS). The attached EFH Assessment determines that the project may have adverse, but minor and localized, effects on EFH for Pacific salmon, red king crab, and several species of Bering Sea groundfish.

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

Sincerely,

A handwritten signature in blue ink, reading "Michael L. Salyer", is positioned above the printed name.

Michael L. Salyer
Chief, Environmental Resources Section



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

March 6, 2019

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

Re: Essential Fish Habitat Assessment for Port of Nome Modifications

Dear Colonel Borders:

The National Marine Fisheries Service (NMFS) Habitat Conservation Division (HCD) has received the United State Army Corps of Engineers' (USACE) request for agency review comments on the Essential Fish Habitat (EFH) Assessment for the Port of Nome Modifications Project located in Nome, Alaska. The proposed project seeks to improve marine infrastructure by 1) extending the rock causeway and breakwater, and 2) dredging the Port of Nome to a deeper maximum depth. The proposed project intends to reduce vessel congestion, vessel damage, and risk of fuel spills. One goal of this project is to increase operational efficiencies in the Port of Nome and the surrounding region.

NMFS acknowledges that although the USACE is considering six construction alternatives, all alternatives are similar to one another with respect to environmental impact. While some of the alternatives involve the demolition of the existing eastern breakwater and its subsequent reconstruction, most construction-related impacts will be localized and short term. NMFS appreciates that the USACE includes fish passageways and construction timing windows in each alternative to mitigate the short-term impacts to EFH caused by construction.

All alternatives under consideration include the beneficial use of the 700,000 to 2,000,000 cubic yards of dredge spoils. Fine sediments can negatively impact EFH by smothering and covering existing fish habitat; however, NMFS agrees beach nourishment is a beneficial use of these dredge yields. The base of the Nome seawall supports nearshore habitat that is highly ephemeral due to natural alongshore transport of fine sediments, wave action, and seasonal ice gouging. Although some effect will likely occur, the fish habitat will likely recover in the short term given the shallow depth and storm frequency in the area.

NMFS recognizes that the USACE has consulted with local biologists, Alaska Native representatives, and other stakeholders about the potential impacts of beach nourishment on local subsistence crab fisheries. NMFS notes the USACE does not expect beach nourishment to affect crab fishing or habitat. NMFS highlights that disposal is only possible if the material is deemed suitable for open-water placement under Section 404(b)(1) of the Clean Water Act, which will not be determined until the Project Engineering Design phase of the project.

NMFS recognizes the mitigation measures that USACE included in the EFH Assessment. Additionally, NMFS proposes the following EFH conservation recommendations. NMFS recommends the USACE:




- establish long-term monitoring of the new/extended rubblemounds for recolonization of habitat-forming organisms as well as any abundance information on predator species (e.g., sculpin) that may impact species with designated EFH in the Nome area (e.g. juvenile salmonids, crab);
- provide NMFS HCD with any information on the presence or absence of any fish or prey of fish overtime; and,
- pursue the beneficial ocean placement of appropriate coarse grain dredge spoils.

The USACE offers to use appropriate clean project dredge materials (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 agrees this would be a beneficial use of these materials.

The USACE has determined the proposed project “may have adverse, but minor and localized, effects on EFH.” NMFS agrees with the USACE’s determination. However, the USACE offers mitigation that may lessen project effects on EFH. In accordance with Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act, the USACE is required to consult with NMFS on activities that may adversely affect EFH. Thus, Section 305 of the Magnuson-Stevens Act and associated EFH consultation is satisfied.

Should the project or preferred alternative change significantly, NMFS wishes to be informed of any such changes in order to reassess the determination. If you have any questions regarding this consultation, please contact Seanbob Kelly at seanbob.kelly@noaa.gov or (907) 271-5195 or Lydia Ames at lydia.ames@noaa.gov or (907) 271-5002.

Sincerely,


for James W. Balsiger, Ph.D.
Administrator, Alaska Region

cc: Christopher Floyd, USACE, Christopher.B.Floyd@usace.army.mil

From: Seanbob Kelly - NOAA Federal
To: Floyd, Christopher B CIV USARMY CEPOA (USA)
Cc: lydia.ames@noaa.gov; Matthew Eagleton
Subject: [Non-DoD Source] Re: "Port of Nome" EFH Assessment - noise issues (UNCLASSIFIED)
Date: Monday, November 25, 2019 1:22:18 PM

Hello Chris and thank you for your continued coordination with our office on this project. I agree with your way forward on this project, as long as the pile driving recommendations from the non-fishing effect document are incorporated in the EA/IRFA and the timing windows for fish passage are still in place.

I will be in and out today but feel free to call my cell if you have any questions or concerns.

Seanbob

907-687-5288

Seanbob Kelly

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

Office (907) 271-5195

On Thu, Nov 21, 2019 at 4:35 PM Floyd, Christopher B CIV USARMY CEPOA (USA)
<Christopher.B.Floyd@usace.army.mil <<mailto:Christopher.B.Floyd@usace.army.mil>> > wrote:

CLASSIFICATION: UNCLASSIFIED

Hi -

We are finalizing the Integrated Feasibility Report/Environmental Assessment (IFR/EA) for the "Port of Nome" project.

The EFH Assessment you reviewed and commented on (see attached) will be appended to that document.

1. I realized recently that the USACE never responded in writing to the conservation recommendations provided in the NMFS letter dated 5 March 2109. The USACE does in fact accept those recommendations, and has begun implementing several of them.

2. Since the draft IFR/EA went out in May 2019, the scale of pile driving expected for the project has increased greatly.

The "tentatively selected plan" (Alternative 8a) will include 5 new sheet pile docks, each with 2 hollow-steel-pile mooring-dolphins.

The January 2019 EFH Assessment describes a single sheet pile dock and no mooring-dolphins, and does not address pile driving effects on EFH.

I apologize for not realizing this deficiency in the EFH Assessment sooner.

Much of the construction detail necessary to develop site-specific noise profiles is not available yet. The docks and mooring-dolphins would be installed after the new rubble mound causeways are constructed. As you can see from the attached Alt 8b figure, those rubble mound structures will greatly limit noise propagation in most directions, except to the southeast of the new entrance.

In lieu of generating a revised EFH Assessment, I would like to propose that I incorporate into the final IFR/EA the generic "recommended conservation measures for pile driving" in Section 4.5.1.2 of the "Impacts to EFH from Nonfishing Activities in Alaska".

If that is acceptable, it would help our paper-trail if NMFS could provide a supplemental concurrence letter recommending the addition of the piledriving-related measures.

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

National Historic Preservation Act Section 106

Correspondence

State Historic Preservation Officer



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

CEPOA-PM-C-ER

08 APR 2019

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, Civil Works (CW) Program, is planning to implement measures to improve navigation at the Port of Nome, Alaska (Section 26, T11S, R34W, Kateel River Meridian, USGS Quad Nome C-1; Figure 1). 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 review regarding our determination of effect on historic properties from the proposed undertaking [36 CFR § 800.4(d)(1)].



Figure 1. Location of Nome, Alaska, and details of the Port of Nome.

Context

The City of Nome is located at the northern edge of Norton Sound, which forms the southern boundary of the Seward Peninsula. Norton Sound is the geographic break between two peoples: the Iñupiat to the north and the Yup'ik to the south. The Seward Peninsula has been occupied for at least 10,000 years (Keene et al. 2009; Larsen 1968); Norton Sound has been occupied for at least 5,000 years, as demonstrated by the Iyatayet site on Cape Denbigh (Mason et al. 2007). Previous archaeological research in the general vicinity of Nome includes Hrdlicka's (1930:90) survey of Safety Sound in 1926, and limited excavations at Cape Nome and Safety Sound by Rainey 1950, Hopkins in 1951, and Hadleigh-West in 1960 (Bockstoce and Rainey 1970:42-43), Townsend in 1969 (Townsend 1969:4-5), and Bockstoce in 1972 (Bockstoce 1979:24).

The mouth of the Snake River at Nome was the site of a permanent village, known now as the Snake River Sandspit Site, approximately 200 years ago (Eldridge 2014). Euroamericans began impacting the region in the nineteenth century. Beginning in the late 1940s, whaling fleets roamed the Bering Strait. In 1848, Captain Thomas Roys entered the Bering Strait on the whaling ship *Superior* and encountered massive numbers of humpback whales (Bockstoce 1986). This event resulted in a significant increase in whaling activity in the region, which in turn led to increased contact between Euroamericans and the indigenous peoples of Norton Sound.

Between 1848 and 1854, more regular foreign incursions into the Bering Strait region occurred as part of the search for the missing British Arctic expedition of Sir John Franklin (Bockstoce 1979), and in the 1860s, members of the Western Union Telegraph Expedition surveyed the Bering Strait and Norton Sound in an effort toward establishing a telegraph link between America and Europe (Sherwood 1965).

In 1897, gold was discovered on the Seward Peninsula during an expedition led by Daniel Libby. Additional discoveries just a few miles from the current location of Nome the following year resulted in a major influx of wealth seekers to the area, and in 1900 the population had increased from approximately 12,000 to 20,000 residents in less than 6 months. This early mining settlement was known as Anvil City; the name of the community was changed to Nome in 1899. In April of 1901 the City of Nome was officially incorporated, and soon thereafter the town possessed electric lights, piped water, a public library, three churches, and a 50-bed hospital. However, the original platting of the town was problematic in terms of its confined layout and proximity to the Bering Sea. Devastating fires in 1901, 1905, and 1934 and severe Bering Sea storms in 1902 and 1913 resulted in the decision to redraw the city plat further inland (Phillips-Chan 2019). In 1904, a private company was granted permission to dredge the mouth of the Snake River out to the open beach and to protect the resulting channel with jetties; however after a year's preliminary work, the project was dropped. In 1915 and 1916, the USACE examined the community's navigation problem. This study resulted in dredging and the completion of two jetties at the mouth of the Snake River in 1923 (USACE 1976).

The Nome Kennel Club was organized in 1907 for the purpose of advancing the proper conditioning of sled dogs and to promote sled dog racing; from 1908 to 1917 they sponsored the All Alaska Sweepstakes race, which ran from Nome to Candle and back (Phillips-Chan 2019).

Another significant event in Nome's history involving sled dogs was the the 1925 Serum Run. An outbreak of diphtheria in the town required the transport of the antitoxin by dog sled relay over 674 miles from Nenana to Nome (Coppock 2006). This event is the predecessor to the well-known Iditarod Trail Sled Dog Race, which first ran in 1973. The Iditarod Trail extends between Willow and Nome and covers 1,049 miles.

During World War II, Nome was the final stop for airplanes flying from the United States to the Soviet Union for the Lend-Lease Program. The Lend-Lease policy was enacted on March 11, 1941 to facilitate the defeat of Germany, Japan and Italy by distributing food, oil, warships, warplanes, and other weaponry to Allied nations between 1941 and August 1945 (Ebbert and Hall 1999). It is estimated that approximately 10,000 aircraft came through Nome through this program (<http://www.alaska.org/detail/nomes-military-history>). During the Cold War, the White Alice Communications System (WACS) was constructed across Alaska. A tropo station linking Granite Mountain and Northeast Cape was built on Anvil Mountain at Nome. Construction began on the facility in 1957; the Anvil Mountain WACS was operations from 1958 to 1978 (USACE 1994). The WACS antennas dominate the city skyline today, serving as an important historical marker and navigational aid.

Project Description

The feasibility study for the proposed project is being conducted under authority granted by Section 204 of the Flood Control Act of 1948 (P.L. 80-858, as amended), which authorizes the preliminary examination of navigation improvements in the harbors and rivers of Alaska, and authority granted by Section 2006 of the Water Resources Development Act of 2007 (P.L. 110-114, as amended). The limited marine infrastructure and available draft at the Port of Nome and the region result in vessel congestion, operation inefficiencies, vessel damages and decreased safety, increased costs of goods and services, and threats to the long-term viability of the region. The proposed navigation improvements will alleviate these issues. The City of Nome is the Non-Federal Sponsor for this study.

The proposed project involves creating a larger and deeper Outer Harbor at the Port of Nome. The eastern breakwater will be removed and replaced with a causeway approximately 400 feet to the east, and the western causeway will be extended approximately 4,000 feet to the south, and a 600 foot "L-shaped" addition will be added onto it (Figure 2). The rocks removed from the eastern breakwater will be used to form the majority of the new eastern causeway. Any additional rock needed for the eastern causeway or the western causeway extension will be obtained from the commercial quarry at Cape Nome.

During construction of the proposed eastern causeway, the causeway footprint will be excavated shallowly to a maximum depth of 2 feet below ground surface. Rocks will then be placed in the prepared depression by excavators and dump trucks. Construction of the western causeway extension will be conducted from the existing causeway and barges. Materials and equipment will be staged in commercial parking areas at the Port of Nome or on barges. An archaeological monitor will be present during all on-land construction efforts.

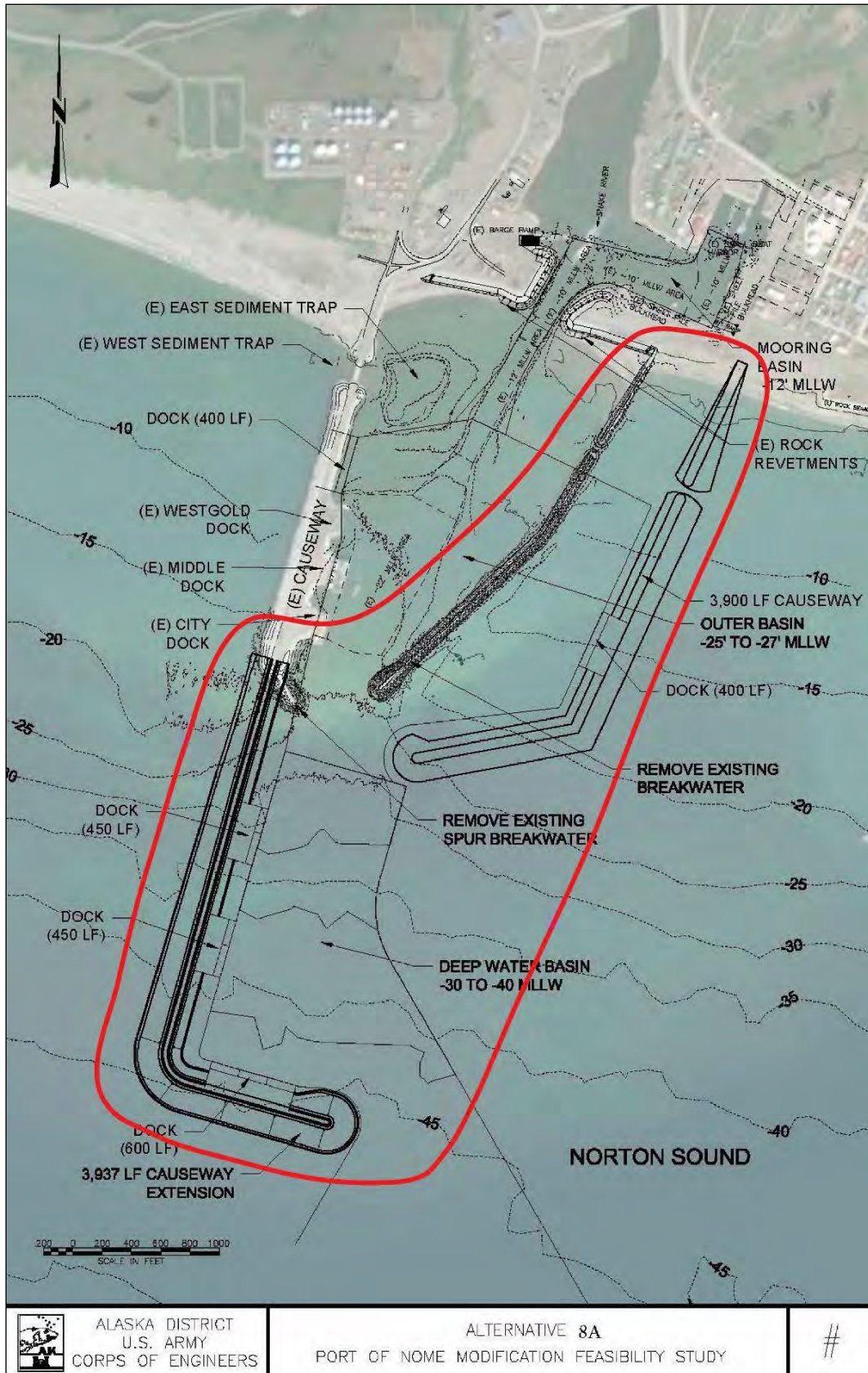


Figure 2. Proposed improvements to the Port of Nome. APE identified in red.

Assessment of Effect

There are 27 known cultural resources in the vicinity of the proposed project's Area of Potential Effect (APE; Table 1). Two of these resources occur within the APE: the Snake River Sandspit Site (NOM-146) and the Nome Subsurface Historic District (NOM-158).

Table 1. Known cultural resources in the vicinity of the APE.

AHRS #	Site Name	NRHP Status	In APE
NOM-025	Sitnasuak	Unevaluated	
NOM-032	Carrie McLain House	De-listed [Destroyed]	
NOM-033	Catholic Hospital	Unevaluated [Destroyed]	
NOM-035	Methodist Church	Unevaluated [Destroyed]	
NOM-036	LT C.V. Donaldson	De-listed [Destroyed]	
NOM-040	Old St. Joseph's Catholic Church	Listed	
NOM-083	Ft. Davis Guardhouse	Not Eligible	
NOM-146	Snake River Sandspit Site	Eligible	X
NOM-158	Nome (Subsurface Historic District)	Unevaluated	X
NOM-167	Nome Historic District	Closed	
NOM-176	Belmont Point Cemetery	Not Eligible	
NOM-177	Cowin Hut – North Example	Unevaluated [Destroyed]	
NOM-178	Cowin Hut – South Example	Not Eligible	
NOM-179	Valve/Pumphouse	Unevaluated [Destroyed]	
NOM-225	1003 Seppala Dr.	Unevaluated	
NOM-226	Garage on Seppala Dr.	Unevaluated	
NOM-227	Blue-Green House on Belmont St.	Unevaluated	
NOM-228	308 Belmont St.	Unevaluated	
NOM-229	312 Belmont St.	Unevaluated	
NOM-230	Belmont Apartments	Unevaluated	
NOM-231	315 McLain Ln.	Unevaluated	
NOM-244	Samuelson Trail	Eligible	
NOM-264	Nome Eskimo Cemetery (Sitnasuanmiut Qunjuwit Cemetery)	Unevaluated	
NOM-286	Small House 1	Not Eligible	
NOM-287	Small House 2	Not Eligible	
NOM-291	710 Seppala Dr.	Unevaluated	
NOM-307	Single-story Building	Unevaluated	

The Snake River Sandspit Site (NOM-146) is a subsurface prehistoric site that was first identified during USACE navigation improvements to the Port of Nome in 2005. Due to its information potential, it was determined to be eligible for the National Register of Historic Places (NRHP) under Criterion D.

It is unknown whether NOM-146 actually extends into the proposed project's APE. When the eastern breakwater was constructed in 2005, no cultural materials associated with the site were identified. Additionally, due to the fact that the known site features (House A, House B, Midden) were deeply buried at approximately 14 feet below ground surface, it is unlikely that any site features that exist within the APE would be disturbed by the 2-foot deep excavations.

According to the AHRS (2019), the Nome Subsurface Historic District (NOM-158) is a

subsurface historic district primarily identifiable as building foundations, boardwalks, refuse middens, and isolated elements of the Euro-American settlement of the city of Nome in the late-19th and early-20th century. The exact boundaries are unknown, but could conceivably cover the entire original 40 acre townsite [east] of the mouth of the Snake River (and beyond) as well as the southern areas of the original 40 acres townsite N of the river. It is located directly on the settlement era ground surface and may extend up to 10" below surface... Throughout Nome, it has been covered by up to 7' of fill, which contains scattered historic artifacts... Additionally, modern items are being incorporated into the horizon as outlying areas are covered with fill (AHRS 2019).

For the purposes of this undertaking, the USACE proposes to treat NOM-158 as eligible for the NRHP.

It is unknown whether NOM-158 actually extends into the proposed project's APE. When the eastern breakwater was constructed in 2005, no intact historic cultural materials were identified. Additionally, the proposed area was the location of "beach nourishment" in 2008 and 2009, *i.e.* the where sediment dredged from the harbor was placed during normal operational maintenance. The beach nourishment location was moved eastward from this original location after 2009 due to the fact that too much accretion was occurring. Therefore, it is highly unlikely that any of the approximate 10-inch layer of historic materials (building foundations, boardwalks, artifacts, etc.) associated with NOM-158 which may be in the APE will be disturbed by the proposed 2-foot deep excavations.

Conclusion

The proposed navigation improvements at the Port of Nome have the potential to affect the Snake River Sandspit Site (NOM-146) and the Nome Subsurface Historic District (NOM-158); however, the USACE proposes construction methods to ensure that neither site is adversely impacted. In addition to the proposed construction methods, the USACE will have an archaeological monitor who meets the Secretary of Interior's Professional Qualifications Standards [62 FR 33708] present during all terrestrial ground-disturbing activities. As such, and per 36 CFR § 800.5(b), the USACE requests your review regarding our determination that the proposed undertaking will have **no adverse effect** on historic properties.

If you have any questions about this project, please contact me by phone at 907-753-2672, or by email at kelly.a.eldridge@usace.army.mil.

Sincerely,



Kelly A. Eldridge
Archaeologist
Environmental Resources Section

Cc:

Tiffany Martinson, Executive Director, Nome Eskimo Community
Jacob Martin, Tribal Resource Director, Nome Eskimo Community
Benjamin Payenna, King Island Native Community
Ukallaysaaq Okleasik, VP of Corporate Affairs, Sitnasuak Native Corporation
Austin Ahmasuk, Marine Advocate, Kawerak, Inc.
Julie Raymond-Yakoubian, Social Science Program Director, Kawerak, Inc.
Kevin Bahnke, Lands and Resources Department, Bering Straits Native Corporation
John Handeland, City Manager, City of Nome
Joy Baker, Port Director, City of Nome
Amy Phillips-Chan, Museum Director, Carrie M. McLain Memorial Museum

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

CEPOA-PM-C-ER

Tiffany Martinson
Executive Director
Nome Eskimo Community
P.O. Box 1090
Nome, AK 99762

Dear Ms. Martinson:

The U.S. Army Corps of Engineers (USACE), under the Civil Works Program, is planning to construct navigation improvements at the Port of Nome, Alaska. The feasibility study is being conducted in partnership with the City of Nome. In compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 [36 CFR § 800.2(a)(4)], the purpose of this letter is to notify you of a Federal undertaking and to invite consultation on an assessment of effect.

You are receiving this letter because we believe that Nome Eskimo Community may have an interest in cultural resources in the project area. A letter addressed to the Alaska State Historic Preservation Officer (SHPO), which assesses the proposed undertaking, is enclosed. It describes the present state of identification and evaluation of cultural resources in the area and the impact that the proposed undertaking may have on those resources. Per Section 101(b)(3) of the NHPA, the SHPO advises and assists Federal agencies in carrying out their Section 106 responsibilities and cooperates with such agencies, local governments, organizations, and individuals to ensure that historic properties in Alaska are taken into consideration at all levels of Federal planning and development.

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

Sincerely,

A handwritten signature in dark ink, reading "Michael R. Salyer", is positioned above the typed name.

Michael R. Salyer
Chief
Environmental Resources Section



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

CEPOA-PM-C-ER

Jacob Martin
Tribal Resource Director
Nome Eskimo Community
P.O. Box 1090
Nome, AK 99762

Dear Mr. Martin:

The U.S. Army Corps of Engineers (USACE), under the Civil Works Program, is planning to construct navigation improvements at the Port of Nome, Alaska. The feasibility study is being conducted in partnership with the City of Nome. In compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 [36 CFR § 800.2(a)(4)], the purpose of this letter is to notify you of a Federal undertaking and to invite consultation on an assessment of effect.

You are receiving this letter because we believe that Nome Eskimo Community may have an interest in cultural resources in the project area. A letter addressed to the Alaska State Historic Preservation Officer (SHPO), which assesses the proposed undertaking, is enclosed. It describes the present state of identification and evaluation of cultural resources in the area and the impact that the proposed undertaking may have on those resources. Per Section 101(b)(3) of the NHPA, the SHPO advises and assists Federal agencies in carrying out their Section 106 responsibilities and cooperates with such agencies, local governments, organizations, and individuals to ensure that historic properties in Alaska are taken into consideration at all levels of Federal planning and development.

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

Sincerely,

A handwritten signature in cursive script, reading "Michael R. Salyer", is written over the typed name.

Michael R. Salyer
Chief
Environmental Resources Section



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

CEPOA-PM-C-ER

Benjamin Payenna
King Island Native Community
P.O. Box 682
Nome, AK 99762

Dear Mr. Payenna:

The U.S. Army Corps of Engineers (USACE), under the Civil Works Program, is planning to construct navigation improvements at the Port of Nome, Alaska. The feasibility study is being conducted in partnership with the City of Nome. In compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 [36 CFR § 800.2(a)(4)], the purpose of this letter is to notify you of a Federal undertaking and to invite consultation on an assessment of effect.

You are receiving this letter because we believe that King Island Native Community may have an interest in cultural resources in the project area. A letter addressed to the Alaska State Historic Preservation Officer (SHPO), which assesses the proposed undertaking, is enclosed. It describes the present state of identification and evaluation of cultural resources in the area and the impact that the proposed undertaking may have on those resources. Per Section 101(b)(3) of the NHPA, the SHPO advises and assists Federal agencies in carrying out their Section 106 responsibilities and cooperates with such agencies, local governments, organizations, and individuals to ensure that historic properties in Alaska are taken into consideration at all levels of Federal planning and development.

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

Sincerely,

A handwritten signature in blue ink that reads "Michael R. Salyer".

Michael R. Salyer
Chief
Environmental Resources Section



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

CEPOA-PM-C-ER

Ukallaysaaq Okleasik
Vice President of Corporate Affairs
Sitnasuak Native Corporation
P.O. Box 905
Nome, AK 99762

Dear Mr. Okleasik:

The U.S. Army Corps of Engineers (USACE), under the Civil Works Program, is planning to construct navigation improvements at the Port of Nome, Alaska. The feasibility study is being conducted in partnership with the City of Nome. In compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 [36 CFR § 800.2(a)(4)], the purpose of this letter is to notify you of a Federal undertaking and to invite consultation on an assessment of effect.

You are receiving this letter because we believe that Sitnasuak Native Corporation may have an interest in cultural resources in the project area. A letter addressed to the Alaska State Historic Preservation Officer (SHPO), which assesses the proposed undertaking, is enclosed. It describes the present state of identification and evaluation of cultural resources in the area and the impact that the proposed undertaking may have on those resources. Per Section 101(b)(3) of the NHPA, the SHPO advises and assists Federal agencies in carrying out their Section 106 responsibilities and cooperates with such agencies, local governments, organizations, and individuals to ensure that historic properties in Alaska are taken into consideration at all levels of Federal planning and development.

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

Sincerely,

A handwritten signature in cursive script that reads "Michael R. Salyer".

Michael R. Salyer
Chief
Environmental Resources Section



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

CEPOA-PM-C-ER

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

Dear Ms. Raymond-Yakoubian:

The U.S. Army Corps of Engineers (USACE), under the Civil Works Program, is planning to construct navigation improvements at the Port of Nome, Alaska. The feasibility study is being conducted in partnership with the City of Nome. In compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 [36 CFR § 800.2(a)(4)], the purpose of this letter is to notify you of a Federal undertaking and to invite consultation on an assessment of effect.

You are receiving this letter because we believe that Kawerak, Incorporated may have an interest in cultural resources in the project area. A letter addressed to the Alaska State Historic Preservation Officer (SHPO), which assesses the proposed undertaking, is enclosed. It describes the present state of identification and evaluation of cultural resources in the area and the impact that the proposed undertaking may have on those resources. Per Section 101(b)(3) of the NHPA, the SHPO advises and assists Federal agencies in carrying out their Section 106 responsibilities and cooperates with such agencies, local governments, organizations, and individuals to ensure that historic properties in Alaska are taken into consideration at all levels of Federal planning and development.

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

Sincerely,

A handwritten signature in cursive script, reading "Michael R. Salyer", is written over a horizontal line.

Michael R. Salyer
Chief
Environmental Resources Section



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

CEPOA-PM-C-ER

Austin Ahmasuk
Marine Advocate
Kawerak, Inc.
P.O. Box 948
Nome, Alaska 99762

Dear Mr. Ahmasuk:

The U.S. Army Corps of Engineers (USACE), under the Civil Works Program, is planning to construct navigation improvements at the Port of Nome, Alaska. The feasibility study is being conducted in partnership with the City of Nome. In compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 [36 CFR § 800.2(a)(4)], the purpose of this letter is to notify you of a Federal undertaking and to invite consultation on an assessment of effect.

You are receiving this letter because we believe that Kawerak, Incorporated may have an interest in cultural resources in the project area. A letter addressed to the Alaska State Historic Preservation Officer (SHPO), which assesses the proposed undertaking, is enclosed. It describes the present state of identification and evaluation of cultural resources in the area and the impact that the proposed undertaking may have on those resources. Per Section 101(b)(3) of the NHPA, the SHPO advises and assists Federal agencies in carrying out their Section 106 responsibilities and cooperates with such agencies, local governments, organizations, and individuals to ensure that historic properties in Alaska are taken into consideration at all levels of Federal planning and development.

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

Sincerely,

A handwritten signature in cursive script, reading "Michael R. Salyer", is written over a horizontal line.

Michael R. Salyer
Chief
Environmental Resources Section



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

CEPOA-PM-C-ER

Kevin Bahnke
Lands and Resources Department
Bering Straits Native Corporation
P.O. Box 1008
Nome, AK 99762

Dear Mr. Bahnke:

The U.S. Army Corps of Engineers (USACE), under the Civil Works Program, is planning to construct navigation improvements at the Port of Nome, Alaska. The feasibility study is being conducted in partnership with the City of Nome. In compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 [36 CFR § 800.2(a)(4)], the purpose of this letter is to notify you of a Federal undertaking and to invite consultation on an assessment of effect.

You are receiving this letter because we believe that Bering Straits Native Corporation may have an interest in cultural resources in the project area. A letter addressed to the Alaska State Historic Preservation Officer (SHPO), which assesses the proposed undertaking, is enclosed. It describes the present state of identification and evaluation of cultural resources in the area and the impact that the proposed undertaking may have on those resources. Per Section 101(b)(3) of the NHPA, the SHPO advises and assists Federal agencies in carrying out their Section 106 responsibilities and cooperates with such agencies, local governments, organizations, and individuals to ensure that historic properties in Alaska are taken into consideration at all levels of Federal planning and development.

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

Sincerely,

A handwritten signature in blue ink, reading "Michael R. Salyer", is positioned above the typed name.

Michael R. Salyer
Chief
Environmental Resources Section



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

CEPOA-PM-C-ER

Amy Phillips-Chan
Museum Director
Carrie M. McLain Memorial Museum
100 W. 7th Ave.
Nome, AK 99762

Dear Dr. Phillips-Chan:

The U.S. Army Corps of Engineers (USACE), under the Civil Works Program, is planning to construct navigation improvements at the Port of Nome, Alaska. The feasibility study is being conducted in partnership with the City of Nome. In compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 [36 CFR § 800.2(a)(4)], the purpose of this letter is to notify you of a Federal undertaking and to invite consultation on an assessment of effect.

You are receiving this letter because we believe that the Carrie M. McLain Memorial Museum may have an interest in cultural resources in the project area. A letter addressed to the Alaska State Historic Preservation Officer (SHPO), which assesses the proposed undertaking, is enclosed. It describes the present state of identification and evaluation of cultural resources in the area and the impact that the proposed undertaking may have on those resources. Per Section 101(b)(3) of the NHPA, the SHPO advises and assists Federal agencies in carrying out their Section 106 responsibilities and cooperates with such agencies, local governments, organizations, and individuals to ensure that historic properties in Alaska are taken into consideration at all levels of Federal planning and development.

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

Sincerely,

A handwritten signature in cursive script, reading "Michael R. Salyer", is written over the typed name.

Michael R. Salyer
Chief
Environmental Resources Section



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

CEPOA-PM-C-ER

Joy Baker
Port Director
Port of Nome
City of Nome
P.O. Box 281
Nome, AK 99762

Dear Ms. Baker:

The U.S. Army Corps of Engineers (USACE), under the Civil Works Program, is planning to construct navigation improvements at the Port of Nome, Alaska. The feasibility study is being conducted in partnership with the City of Nome. In compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 [36 CFR § 800.2(a)(4)], the purpose of this letter is to notify you of a Federal undertaking and to invite consultation on an assessment of effect.

As our primary point of contact with the City regarding the proposed undertaking, you are receiving this letter to invite further consultation, beyond what may have occurred during our Project Delivery Team meetings, on cultural resources in the project area. A letter addressed to the Alaska State Historic Preservation Officer (SHPO), which assesses the proposed undertaking, is enclosed. It describes the present state of identification and evaluation of cultural resources in the area and the impact that the proposed undertaking may have on those resources. Per Section 101(b)(3) of the NHPA, the SHPO advises and assists Federal agencies in carrying out their Section 106 responsibilities and cooperates with such agencies, local governments, organizations, and individuals to ensure that historic properties in Alaska are taken into consideration at all levels of Federal planning and development.

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

Sincerely,

A handwritten signature in blue ink, reading "Michael R. Salyer", is written over the typed name.

Michael R. Salyer
Chief
Environmental Resources Section



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

CEPOA-PM-C-ER

John Handeland
City Manager
City of Nome
P.O. Box 281
Nome, AK 99762

Dear Mr. Handeland:

The U.S. Army Corps of Engineers (USACE), under the Civil Works Program, is planning to construct navigation improvements at the Port of Nome, Alaska. The feasibility study is being conducted in partnership with the City of Nome. In compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 [36 CFR § 800.2(a)(4)], the purpose of this letter is to notify you of a Federal undertaking and to invite consultation on an assessment of effect.

You are receiving this letter because we believe that the City may have an interest in cultural resources in the project area. A letter addressed to the Alaska State Historic Preservation Officer (SHPO), which assesses the proposed undertaking, is enclosed. It describes the present state of identification and evaluation of cultural resources in the area and the impact that the proposed undertaking may have on those resources. Per Section 101(b)(3) of the NHPA, the SHPO advises and assists Federal agencies in carrying out their Section 106 responsibilities and cooperates with such agencies, local governments, organizations, and individuals to ensure that historic properties in Alaska are taken into consideration at all levels of Federal planning and development.

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

Sincerely,

A handwritten signature in cursive script, reading "Michael R. Salyer", is written over a horizontal line.

Michael R. Salyer
Chief
Environmental Resources Section

5-7-19

3130-1R COE-E



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

CEPOA-PM-C-ER

RECEIVED

APR 12 2019

OHA

APR 02 2019

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, Civil Works (CW) Program, is planning to implement measures to improve navigation at the Port of Nome, Alaska (Section 26, T11S, R34W, Kateel River Meridian, USGS Quad Nome C-1; Figure 1). 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 review regarding our determination of effect on historic properties from the proposed undertaking [36 CFR § 800.4(d)(1)].

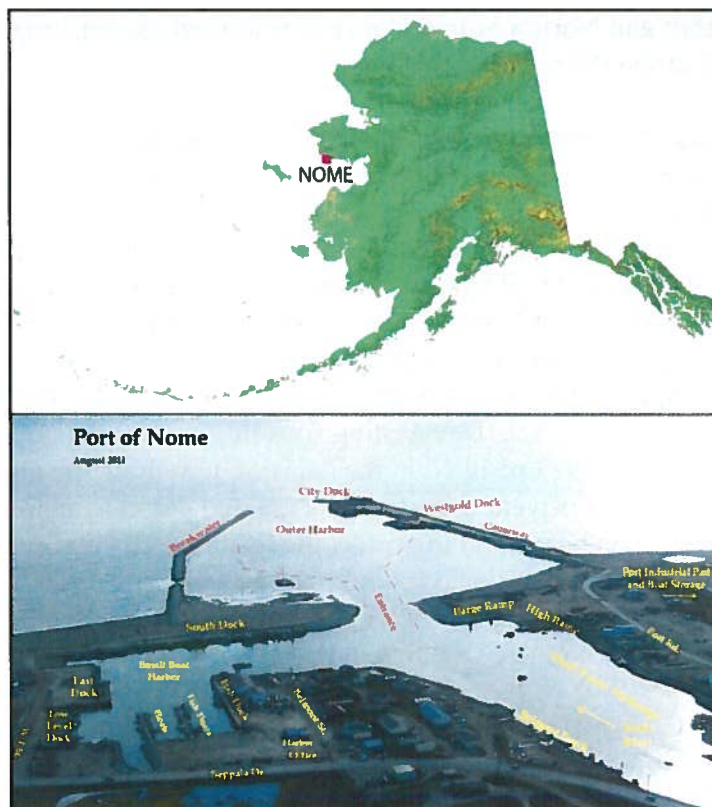


Figure 1. Location of Nome, Alaska, and details of the Port of Nome.

2019-00486

Context

The City of Nome is located at the northern edge of Norton Sound, which forms the southern boundary of the Seward Peninsula. Norton Sound is the geographic break between two peoples: the Iñupiat to the north and the Yup'ik to the south. The Seward Peninsula has been occupied for at least 10,000 years (Keene et al. 2009; Larsen 1968); Norton Sound has been occupied for at least 5,000 years, as demonstrated by the Iyatayet site on Cape Denbigh (Mason et al. 2007). Previous archaeological research in the general vicinity of Nome includes Hrdlicka's (1930:90) survey of Safety Sound in 1926, and limited excavations at Cape Nome and Safety Sound by Rainey 1950, Hopkins in 1951, and Hadleigh-West in 1960 (Bockstoce and Rainey 1970:42-43), Townsend in 1969 (Townsend 1969:4-5), and Bockstoce in 1972 (Bockstoce 1979:24).

The mouth of the Snake River at Nome was the site of a permanent village, known now as the Snake River Sandspit Site, approximately 200 years ago (Eldridge 2014). Euroamericans began impacting the region in the nineteenth century. Beginning in the late 1940s, whaling fleets roamed the Bering Strait. In 1848, Captain Thomas Roys entered the Bering Strait on the whaling ship *Superior* and encountered massive numbers of humpback whales (Bockstoce 1986). This event resulted in a significant increase in whaling activity in the region, which in turn led to increased contact between Euroamericans and the indigenous peoples of Norton Sound.

Between 1848 and 1854, more regular foreign incursions into the Bering Strait region occurred as part of the search for the missing British Arctic expedition of Sir John Franklin (Bockstoce 1979), and in the 1860s, members of the Western Union Telegraph Expedition surveyed the Bering Strait and Norton Sound in an effort toward establishing a telegraph link between America and Europe (Sherwood 1965).

In 1897, gold was discovered on the Seward Peninsula during an expedition led by Daniel Libby. Additional discoveries just a few miles from the current location of Nome the following year resulted in a major influx of wealth seekers to the area, and in 1900 the population had increased from approximately 12,000 to 20,000 residents in less than 6 months. This early mining settlement was known as Anvil City; the name of the community was changed to Nome in 1899. In April of 1901 the City of Nome was officially incorporated, and soon thereafter the town possessed electric lights, piped water, a public library, three churches, and a 50-bed hospital. However, the original platting of the town was problematic in terms of its confined layout and proximity to the Bering Sea. Devastating fires in 1901, 1905, and 1934 and severe Bering Sea storms in 1902 and 1913 resulted in the decision to redraw the city plat further inland (Phillips-Chan 2019). In 1904, a private company was granted permission to dredge the mouth of the Snake River out to the open beach and to protect the resulting channel with jetties; however after a year's preliminary work, the project was dropped. In 1915 and 1916, the USACE examined the community's navigation problem. This study resulted in dredging and the completion of two jetties at the mouth of the Snake River in 1923 (USACE 1976).

The Nome Kennel Club was organized in 1907 for the purpose of advancing the proper conditioning of sled dogs and to promote sled dog racing; from 1908 to 1917 they sponsored the All Alaska Sweepstakes race, which ran from Nome to Candle and back (Phillips-Chan 2019).

Another significant event in Nome's history involving sled dogs was the the 1925 Serum Run. An outbreak of diphtheria in the town required the transport of the antitoxin by dog sled relay over 674 miles from Nenana to Nome (Coppock 2006). This event is the predecessor to the well-known Iditarod Trail Sled Dog Race, which first ran in 1973. The Iditarod Trail extends between Willow and Nome and covers 1,049 miles.

During World War II, Nome was the final stop for airplanes flying from the United States to the Soviet Union for the Lend-Lease Program. The Lend-Lease policy was enacted on March 11, 1941 to facilitate the defeat of Germany, Japan and Italy by distributing food, oil, warships, warplanes, and other weaponry to Allied nations between 1941 and August 1945 (Ebbert and Hall 1999). It is estimated that approximately 10,000 aircraft came through Nome through this program (<http://www.alaska.org/detail/nomes-military-history>). During the Cold War, the White Alice Communications System (WACS) was constructed across Alaska. A tropo station linking Granite Mountain and Northeast Cape was built on Anvil Mountain at Nome. Construction began on the facility in 1957; the Anvil Mountain WACS was operations from 1958 to 1978 (USACE 1994). The WACS antennas dominate the city skyline today, serving as an important historical marker and navigational aid.

Project Description

The feasibility study for the proposed project is being conducted under authority granted by Section 204 of the Flood Control Act of 1948 (P.L. 80-858, as amended), which authorizes the preliminary examination of navigation improvements in the harbors and rivers of Alaska, and authority granted by Section 2006 of the Water Resources Development Act of 2007 (P.L. 110-114, as amended). The limited marine infrastructure and available draft at the Port of Nome and the region result in vessel congestion, operation inefficiencies, vessel damages and decreased safety, increased costs of goods and services, and threats to the long-term viability of the region. The proposed navigation improvements will alleviate these issues. The City of Nome is the Non-Federal Sponsor for this study.

The proposed project involves creating a larger and deeper Outer Harbor at the Port of Nome. The eastern breakwater will be removed and replaced with a causeway approximately 400 feet to the east, and the western causeway will be extended approximately 4,000 feet to the south, and a 600 foot "L-shaped" addition will be added onto it (Figure 2). The rocks removed from the eastern breakwater will be used to form the majority of the new eastern causeway. Any additional rock needed for the eastern causeway or the western causeway extension will be obtained from the commercial quarry at Cape Nome.

During construction of the proposed eastern causeway, the causeway footprint will be excavated shallowly to a maximum depth of 2 feet below ground surface. Rocks will then be placed in the prepared depression by excavators and dump trucks. Construction of the western causeway extension will be conducted from the existing causeway and barges. Materials and equipment will be staged in commercial parking areas at the Port of Nome or on barges. An archaeological monitor will be present during all on-land construction efforts.

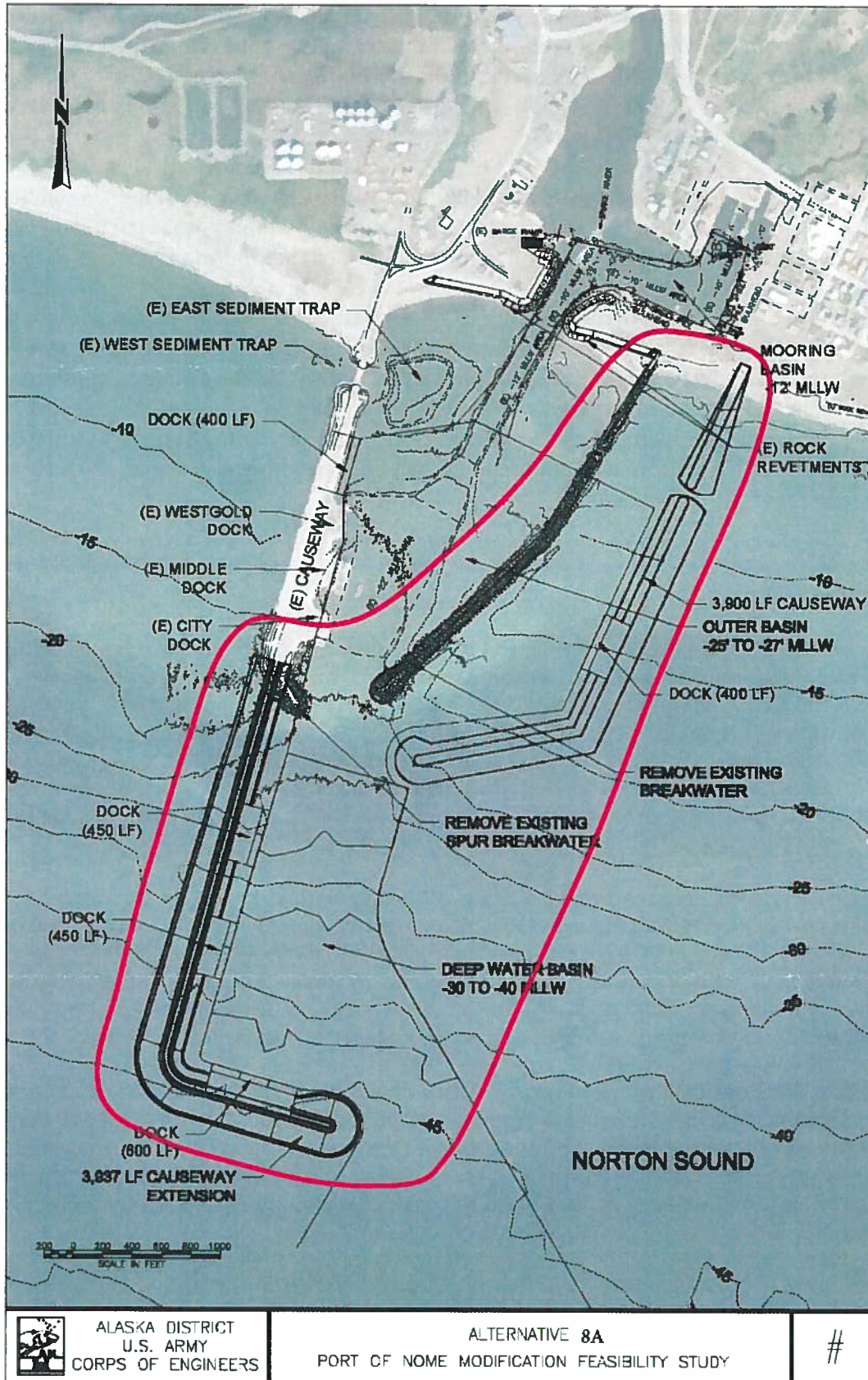


Figure 2. Proposed improvements to the Port of Nome. APE identified in red.

Assessment of Effect

There are 27 known cultural resources in the vicinity of the proposed project's Area of Potential Effect (APE; Table 1). Two of these resources occur within the APE: the Snake River Sandspit Site (NOM-146) and the Nome Subsurface Historic District (NOM-158).

Table 1. Known cultural resources in the vicinity of the APE.

AHRS #	Site Name	NRHP Status	In APE
NOM-025	Sitnasuak	Unevaluated	
NOM-032	Carrie McLain House	De-listed [Destroyed]	
NOM-033	Catholic Hospital	Unevaluated [Destroyed]	
NOM-035	Methodist Church	Unevaluated [Destroyed]	
NOM-036	LT C.V. Donaldson	De-listed [Destroyed]	
NOM-040	Old St. Joseph's Catholic Church	Listed	
NOM-083	Ft. Davis Guardhouse	Not Eligible	
NOM-146	Snake River Sandspit Site	Eligible	X
NOM-158	Nome (Subsurface Historic District)	Unevaluated	X
NOM-167	Nome Historic District	Closed	
NOM-176	Belmont Point Cemetery	Not Eligible	
NOM-177	Cowin Hut – North Example	Unevaluated [Destroyed]	
NOM-178	Cowin Hut – South Example	Not Eligible	
NOM-179	Valve/Pumphouse	Unevaluated [Destroyed]	
NOM-225	1003 Seppala Dr.	Unevaluated	
NOM-226	Garage on Seppala Dr.	Unevaluated	
NOM-227	Blue-Green House on Belmont St.	Unevaluated	
NOM-228	308 Belmont St.	Unevaluated	
NOM-229	312 Belmont St.	Unevaluated	
NOM-230	Belmont Apartments	Unevaluated	
NOM-231	315 McLain Ln.	Unevaluated	
NOM-244	Samuelson Trail	Eligible	
NOM-264	Nome Eskimo Cemetery (Sitnasuarpmiut Qunuwit Cemetery)	Unevaluated	
NOM-286	Small House 1	Not Eligible	
NOM-287	Small House 2	Not Eligible	
NOM-291	710 Seppala Dr.	Unevaluated	
NOM-307	Single-story Building	Unevaluated	

The Snake River Sandspit Site (NOM-146) is a subsurface prehistoric site that was first identified during USACE navigation improvements to the Port of Nome in 2005. Due to its information potential, it was determined to be eligible for the National Register of Historic Places (NRHP) under Criterion D.

It is unknown whether NOM-146 actually extends into the proposed project's APE. When the eastern breakwater was constructed in 2005, no cultural materials associated with the site were identified. Additionally, due to the fact that the known site features (House A, House B, Midden) were deeply buried at approximately 14 feet below ground surface, it is unlikely that any site features that exist within the APE would be disturbed by the 2-foot deep excavations.

According to the AHRS (2019), the Nome Subsurface Historic District (NOM-158) is a

subsurface historic district primarily identifiable as building foundations, boardwalks, refuse middens, and isolated elements of the Euro-American settlement of the city of Nome in the late-19th and early-20th century. The exact boundaries are unknown, but could conceivably cover the entire original 40 acre townsite [east] of the mouth of the Snake River (and beyond) as well as the southern areas of the original 40 acres townsite N of the river. It is located directly on the settlement era ground surface and may extend up to 10" below surface... Throughout Nome, it has been covered by up to 7' of fill, which contains scattered historic artifacts... Additionally, modern items are being incorporated into the horizon as outlying areas are covered with fill (AHRS 2019).

For the purposes of this undertaking, the USACE proposes to treat NOM-158 as eligible for the NRHP.

It is unknown whether NOM-158 actually extends into the proposed project's APE. When the eastern breakwater was constructed in 2005, no intact historic cultural materials were identified. Additionally, the proposed area was the location of "beach nourishment" in 2008 and 2009, *i.e.* the where sediment dredged from the harbor was placed during normal operational maintenance. The beach nourishment location was moved eastward from this original location after 2009 due to the fact that too much accretion was occurring. Therefore, it is highly unlikely that any of the approximate 10-inch layer of historic materials (building foundations, boardwalks, artifacts, etc.) associated with NOM-158 which may be in the APE will be disturbed by the proposed 2-foot deep excavations.

Conclusion

The proposed navigation improvements at the Port of Nome have the potential to affect the Snake River Sandspit Site (NOM-146) and the Nome Subsurface Historic District (NOM-158); however, the USACE proposes construction methods to ensure that neither site is adversely impacted. In addition to the proposed construction methods, the USACE will have an archaeological monitor who meets the Secretary of Interior's Professional Qualifications Standards [62 FR 33708] present during all terrestrial ground-disturbing activities. As such, and per 36 CFR § 800.5(b), the USACE requests your review regarding our determination that the proposed undertaking will have **no adverse effect** on historic properties.

If you have any questions about this project, please contact me by phone at 907-753-2672, or by email at kelly.a.eldridge@usace.army.mil.

Sincerely,



Kelly A. Eldridge
Archaeologist
Environmental Resources Section

155
No Historic Properties Adversely Affected
Alaska State Historic Preservation Officer
Date: 5.7.19 **File No.:** 3130-1R COE-B
2019-00486
Please review: 36 CFR 800.13 A.S. 41.35 070(d)

Cc:

Tiffany Martinson, Executive Director, Nome Eskimo Community
Jacob Martin, Tribal Resource Director, Nome Eskimo Community
Benjamin Payenna, King Island Native Community
Ukallaysaaq Okleasik, VP of Corporate Affairs, Sitnasuak Native Corporation
Austin Ahmasuk, Marine Advocate, Kawerak, Inc.
Julie Raymond-Yakoubian, Social Science Program Director, Kawerak, Inc.
Kevin Bahnke, Lands and Resources Department, Bering Straits Native Corporation
John Handeland, City Manager, City of Nome
Joy Baker, Port Director, City of Nome
Amy Phillips-Chan, Museum Director, Carrie M. McLain Memorial Museum

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US Army Corps of Engineers (USACE)

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Website

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Government-to-Government Memoranda

**MEMORANDUM OF AGREEMENT
AMONG
THE U.S. ARMY CORPS OF ENGINEERS, NOME ESKIMO COMMUNITY,
AND KAWERAK, INCORPORATED
REGARDING
THE PROPOSED NAVIGATION IMPROVEMENTS AT
THE PORT OF NOME, ALASKA**

- 1 **WHEREAS**, the U.S. Army Corps of Engineers, Alaska District (USACE) and the City of Nome partnered on a Feasibility Study to investigate potential navigation improvements at the Port of Nome, Alaska; and
- 2 **WHEREAS**, the resulting Feasibility Report recommends navigation improvements at the Port of Nome, Alaska; and
- 3 **WHEREAS**, the Nome Eskimo Community (NEC) requested Government-to-Government consultation regarding the proposed navigation improvements pursuant to Executive Order 13175, the Department of Defense American Indian and Alaska Native Policy, and the USACE Tribal Consultation Policy; and
- 4 **WHEREAS**, the NEC invited the regional non-profit corporation, Kawerak, Incorporated (Kawerak), to also participate in consultation; and
- 5 **WHEREAS**, the proposed navigation improvements occur in the vicinity of a known deeply-buried village site on the Snake River Sandspit; and
- 6 **WHEREAS**, the NEC and Kawerak have identified concerns regarding potential unintended discoveries of human remains and/or cultural materials during construction of the proposed navigation improvements; and
- 7 **WHEREAS**, the NEC is the Federally-recognized Tribe associated with any potential human remains and/or cultural materials; and
- 8 **WHEREAS**, Kawerak is the Alaska Native non-profit regional corporation which provides cultural advocacy services throughout the region associated with the proposed navigation improvements; and
- 9 **NOW, THEREFORE**, in order to address tribal rights and protected cultural resources, the signatories to this Memorandum of Agreement (MOA) agree that the following articles will be applied to the proposed navigation improvements project until the end of construction or this MOA is terminated.

ARTICLES

The following articles are agreed upon:

I. MONITORING

- A.** During construction of the navigation improvements, the USACE will provide for a Secretary of the Interior (SOI)-qualified Archaeological Monitor on site. Responsibilities will include those described in Articles II.A and II.B of this document.

II. DISCOVERY AND NOTIFICATION

- A.** Should any previously unknown cultural site or object be discovered during construction, the Federally-recognized tribe, ANCSA corporations, landowner, and SHPO will be notified within 24 hours of the discovery and all work that may affect the cultural site or object, as determined by a SOI-qualified individual, shall cease until:
 - 1.** The USACE determines the site's eligibility for the National Register of Historic Places (NRHP) in consultation with the NEC, Kawerak, SHPO, and other interested parties; and
 - 2.** The USACE assesses the potential effect of the navigation improvements on the newly discovered cultural site in consultation with the NEC, Kawerak, SHPO, and other interested parties; and
 - 3.** If the navigation improvements will adversely affect the newly discovered cultural site, mitigation measures developed in consultation with the NEC, Kawerak, SHPO, and other interested parties will be completed.
 - a.** The USACE will notify the ACHP of any newly discovered NRHP-eligible properties that will be adversely affected and the mitigation measures that have been carried out.
 - b.** Work that does not impact the cultural site may continue.
 - c.** Work may resume at the cultural site after mitigation measures have been completed.
 - 4.** Consultation under Section 106 of the National Historic Preservation Act with the NEC, Kawerak, SHPO, and other interested parties will be carried out in an expeditious manner so as to avoid unnecessary delays to the navigation improvements.

- B.** Should there be an inadvertent discovery of human remains during construction, the USACE will follow standard operating procedures in accordance with *Alaska Statute (AS) 12.65.005(a)(1)*, *AS 18.50.250*, and the *Memorandum of Understanding among the Alaska Office of History and Archaeology, Alaska State Medical Examiner, and Alaska State Troopers*, and the USACE's *Guidelines for Human Remains Discovery*.
1. Upon discovery all activity in the vicinity of the human remains must cease and the site will be secured against further disturbance.
 2. The person making the discovery will immediately inform the Archaeological Monitor and Site Supervisor, who will immediately stop work at the discovery site and contact the USACE archaeologist by phone, to be followed by written notification.
 - a. If the USACE archaeologist is not available, the Site Supervisor will contact the USACE project manager.
 3. The USACE archaeologist or project manager will immediately notify the NEC and Kawerak by phone.
 4. As per *AS 12.65.005(a)(1)*, the USACE archaeologist or project manager will immediately notify a peace officer (Alaska State Trooper/Missing Persons Clearinghouse), the Alaska State Medical Examiner, the landowner, and the SHPO by phone. Notifications will be completed within 48 hours of discovery.
 5. A qualified person with the appropriate level of expertise as decided by the USACE archaeologist and the State Medical Examiner or SHPO must examine the remains to determine postmortem interval.
 - a. If remains are determined to be "ancient" (postmortem interval >100 years), the USACE will notify the NEC, Kawerak, the landowner, and SHPO by phone, followed by written notification. The USACE will consult with the above parties regarding treatment and disposition of the remains, and will comply with all appropriate Federal and State regulations.
 - b. If remains are determined to be "recent" (postmortem interval <100 years), the USACE will notify the NEC, Kawerak, the landowner, and SHPO by phone, and follow the direction of the Alaska State Troopers, State Medical Examiner, or local peace officer regarding their treatment and disposition, in accordance with appropriate Federal and State regulations.

6. Regardless of their likely age, no photographs shall be taken of the remains without express permission of the NEC.
7. Should the remains need to be removed, relocated, transported, or reburied, the USACE archaeologist will contact the Alaska Bureau of Vital Statistics, Alaska Department of Health and Social Services, to obtain a disinterment and reinterment permit and/or burial-transit permit as per *AS 18.50.250*.
 - a. The NEC shall be invited to monitor the disinterment.
 - b. Regardless of their likely age, the NEC shall determine the final disposition of the remains.

III. TIMING AND SUBMITTALS

A. Monitoring.

1. The USACE will submit a draft Monitoring Plan to the NEC and Kawerak for comment no later than 90 days prior to implementation.
 - a. Upon receipt, the NEC and Kawerak shall have 30 days to review the draft and submit comments to the USACE. The USACE will take into consideration timely comments when drafting the final Monitoring Plan. If no comments are received, then the draft will be considered final.
2. The USACE will submit a Monitoring Report to the NEC and Kawerak no later than 180 days after construction ends. Final report submittals will consist of:
 - a. One printed color copy and one digital copy submitted to each of the signatories.

IV. DISPUTE RESOLUTION

Should any party to this MOA object to any actions proposed or completed pursuant to this agreement, the USACE shall consult with such party to resolve any objections. If the USACE determines that such objection cannot be resolved, the USACE will initiate the Amendment process.

V. AMENDMENT

Any signatory to this MOA may request in writing that this MOA be amended, whereupon all signatories will consult with the USACE to consider such amendment.

- A. An amendment shall take effect when the USACE and the other signatories have signed and executed the amendment.

VI. PUBLIC OBJECTION

If at any time during implementation of the articles identified in this MOA, should any objection to any such measure or its manner of implementation be raised by a member of the public, the USACE will take the objection into account and consult as needed with the objecting party, the NEC, or Kawerak to resolve the objection.

VII. TERMINATION

Any signatory to this MOA may propose to terminate this agreement by providing 30-calendar days' notice to the other signatories explaining the reasons for the proposed termination.

- A. The USACE will consult with the parties during this 30-calendar day period to seek agreement on amendments or other actions that will avoid termination.

VIII. ANTI-DEFICIENCY ACT

All requirements set forth in this MOA requiring the expenditure of USACE funds are expressly subject to the availability of appropriations and the requirements of the Anti-Deficiency Act (31 U.S.C. Section 1341). No obligation undertaken by the USACE under the terms of this MOA will require or be interpreted to require a commitment to expend funds not obligated for a particular purpose.

- A. In the event that any obligation under the MOA cannot be performed due to the unavailability of funds, the USACE agrees to utilize its best efforts to renegotiate the provision.

IX. MUTUAL AGREEMENTS AND UNDERSTANDINGS

- A. Nothing contained in this MOA shall be construed or interpreted in any way so as to waive the sovereign immunity of any party.
- B. Nothing contained in the MOA shall be construed or interpreted in any way so as to diminish or alter the USACE's trust responsibility to NEC as a sovereign nation.
- C. Points of Contact are listed in Appendix A.
- D. This MOA may be executed in counterparts, with a separate page for each signatory.

X. APPLICABLE LAWS


This MOA and all documents and actions pursuant to it shall be governed by the applicable statutes, regulations, directives, and procedures of the United States of America.

XI. DURATION

This MOA shall become effective upon execution by the signatories to this MOA and shall remain in effect until amended in accordance with Article V or terminated in accordance with Article VII, or 10 years from the date of execution or until the end of construction of the proposed navigation improvements.

SIGNATORY PAGE

**Memorandum of Agreement
Among the U.S. Army Corps of Engineers, Nome Eskimo Community,
and Kawerak, Incorporated
Regarding
the Proposed Navigation Improvements at
the Port of Nome, Alaska**



Phillip J. Borders
Colonel, Corps of Engineers
District Commander, Alaska District

FEB 23 2020

Date

SIGNATORY PAGE

**Memorandum of Agreement
Among the U.S. Army Corps of Engineers, Nome Eskimo Community,
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Regarding
the Proposed Navigation Improvements at
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Shane Smithhisler
President
Nome Eskimo Community

3/17/2020

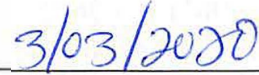
Date

SIGNATORY PAGE

**Memorandum of Agreement
Among the U.S. Army Corps of Engineers, Nome Eskimo Community,
and Kawerak, Incorporated
Regarding
the Proposed Navigation Improvements at
the Port of Nome, Alaska**



Melanie Bahnke
President & CEO
Kawerak, Incorporated



Date

APPENDIX A: Points of Contact

U.S. Army Corps of Engineers

Ms. Kelly Eldridge
Alaska District Archaeologist
U.S. Army Corps of Engineers
CEPOA-PM-CW-ER (Eldridge)
P.O. Box 6898
Joint Base Elmendorf Richardson, Alaska 99506
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U.S. Army Corps of Engineers

Ms. Kendall Campbell
Alaska District Tribal Liaison
U.S. Army Corps of Engineers
CEPOA-R (Campbell)
P.O. Box 6898
Joint Base Elmendorf Richardson, Alaska 99506
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Nome Eskimo Community

Ms. Tiffany Martinson
Executive Director
Nome Eskimo Community
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Nome Eskimo Community

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Nome Eskimo Community
P.O. Box 1090
Nome, AK 99762
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Email: jacob.martin@necalaska.org

Kawerak, Incorporated

Mr. Austin Ahmasuk
Marine Advocate
Kawerak, Incorporated
P.O. Box 948
Nome, Alaska 99762
Phone: (907) 443-4368
Email: aahmasuk@kawerak.org

Alaska State Historic Preservation Officer

Ms. Sarah Meitl
Review and Compliance Coordinator
Alaska Department of Natural Resources
Office of History and Archaeology
550 W. 7th Avenue, Suite 1310
Anchorage, Alaska 99501
Phone: (907) 269-8720
Email: sarah.meitl@alaska.gov

USACE Policy Waiver

Correspondence

Assistant Secretary of the Army (Civil Works)



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON, DC 20310-0108

DEC 17 2019

MEMORANDUM FOR THE COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Port of Nome Feasibility Study/Environmental Assessment, Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) Policy Exception Request

1. Reference memorandum, CECW-POD, 26 Nov 2019, subject: Policy Waiver Request for Port of Nome Feasibility Study/Environmental Assessment, Nome, Alaska, Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) Compliance.
2. I am responding to your memorandum requesting a waiver to the policy requirement to complete ESA Section 7 consultation prior to completion of the feasibility study for the Nome, Alaska project and defer completion until the Preconstruction Engineering and Design (PED) Phase.
3. My staff has reviewed the memorandum and recommendations by the Alaska District and Pacific Ocean Division, and the assessment by Corps Headquarters. Completing the Nome ESA consultation in PED will allow the Corps to develop the necessary information to inform the services of impacts to marine mammals, while avoiding unnecessary costs and time during the feasibility study. I approve the requested policy waiver for Nome Harbor.
4. If there are any questions, your staff may contact Mr. Douglas Gorecki, Project Planning and Review at (202) 761-0028.

R.D. JAMES
Assistant Secretary of the Army
(Civil Works)

CF:
CECW-ZA
CECW-ZB

Water Quality Certification – Clean Water Act, Section 401

Correspondence

State of Alaska Department of Environmental Quality

Division of Water



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Environmental Conservation

DIVISION OF WATER
Wastewater Discharge Authorization Program

555 Cordova Street
Anchorage, Alaska 99501-2617
Main: 907.269.6285
Fax: 907.334.2415
www.dec.alaska.gov/water/wwdp

July 12, 2019

U.S. Army Corps of Engineers, Alaska District
Attn: CEPOA-PM-C-ER, Mr. Floyd
P.O. Box 6898
JBER, Alaska 995066-0898

Re: USACE, AK District, Port of Nome Modification
ER-19-007, Port of Nome

Dear Mr. Floyd:

In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation (DEC) is issuing the enclosed Certificate of Reasonable Assurance for placement of dredged and/or fill material in waters of the U.S., including wetlands and streams, associated with navigational improvements at the Port of Nome.

DEC regulations provide that any person who disagrees with this decision may request an informal review by the Division Director in accordance with 18 AAC 15.185 or an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340. An informal review request must be delivered to the Director, Division of Water, 555 Cordova Street, Anchorage, AK 99501, within 20 days of the permit decision. Visit <http://dec.alaska.gov/commish/ReviewGuidance.htm> for information on Administrative Appeals of Department decisions.

An adjudicatory hearing request must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, AK 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

By copy of this letter we are advising the U.S. Army Corps of Engineers of our actions and enclosing a copy of the certification for their use.

Sincerely,

A handwritten signature in black ink that reads "James Rypkema".

James Rypkema
Program Manager, Storm Water and Wetlands

Enclosure: 401 Certificate of Reasonable Assurance

cc: (with encl.)

Jenipher Cate, USACE, Anchorage
Betsy McCracken, EPA, AK Operations

Audra Brase, ADF&G/Habitat, Fairbanks
Fairbanks USFWS Field Office

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE

In accordance with Section 401 of the Federal Clean Water Act (CWA) and the Alaska Water Quality Standards (18 AAC 70), a Certificate of Reasonable Assurance, is issued to the U.S. Army Corps of Engineers, Alaska District (Attention: CEPOA-PM-C-ER, Mr. Floyd) at P.O. Box 6898, JBER, Alaska 995066-0898, for placement of dredged and/or fill material in waters of the U.S. including wetlands and streams, in association with navigational improvements at the Port of Nome. The Alaska District circulated a Draft Finding of No Significant Impact during the public notice period for the proposed project.

Vessel traffic in the Arctic, coupled with limited marine infrastructure and available draft in Nome results in operational inefficiencies, vessel damage, and decreased safety, increased costs of goods and services, and threats to the long-term viability of surrounding communities. The existing port facilities in the region are over-crowded and have insufficient draft to accommodate new, deeper drafting vessel traffic. The Port of Nome is also over-crowded due to the high number of barges and ships attempting to use the existing dock space. Large vessels delivering fuel and cargo to Nome for transshipment to other vessels for delivery to surrounding villages are often forced to anchor offshore or lighter goods to the port. Commercial fishing vessels also add to the demand for space and services during the short open water season.

The Port of Nome has limited refuge capacity for larger vessels due to the relatively low shallow basins, limited berthing and open area within the basins suitable for anchorage. A modification to the Port of Nome would improve navigation and provide safe, reliable, and efficient waterborne transportation systems for movement of commerce, national security, and recreation at the Port of Nome. The project would involve the following activities:

- Extending the existing west causeway by 3,484 feet;
- Removing the existing east breakwater and replace it with a new 3,900-foot causeway;
- Deepening the existing Outer Basin to 28 feet below mean lower low water (MLLW);
- Creating a Deep Water Basin to minus 30 or 40 feet below MLLW; and
- Constructing five new docks.

Pending results of the chemical characterization of the sediments, the proposed placement of dredged material will likely be a combination of beach placement in front of the seawall, in the near shore area within the depth of closure (which is believed to be from shore to within 20-30 ft depth), and potentially using some of the material as fill within the newly constructed causeway and caisson docks. Table 1 lists the proposed disposal coordinates.

Table 1: Proposed Disposal Coordinates

	Latitude (NAD83)	Longitude (NAD83)
Northwest	64 29'27.28N/64.490911	165 25'30.33W/-165.425092
Southwest	64 29'50.52N/64.480625	165 25'4.20W/-165.417833
Northeast	64 29'34.96N/64.493044	165 23'16.67W/-165.387964
Southwest	64 29'10.37N/64.486214	165 23'39.74W/-165.394372

The Alaska District has applied for a state issued water quality certification under Clean Water Act Section 401 for the discharge of pollutants to waters of the U.S. The Alaska District will construct the project and a discharge of pollutants to waters of the U.S. located in the State of Alaska may result from the proposed activity. Public notice of the application for this certification was given as required by 18 AAC 15.180 in the Corps Public Notice ER-19-007 posted from May 8 to June 8, 2019.

The proposed activity is located within Section 26, T. 11 N., R. 34 W., Kateel River Meridian; Latitude 64.500797° N. Longitude -165.424597° W; in Nome, Alaska.

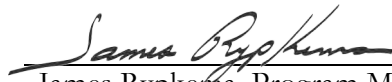
The Department of Environmental Conservation (DEC) reviewed the application and certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, will comply with applicable provisions of Section 401 of the CWA and the Alaska Water Quality Standards, 18 AAC 70, provided that the following additional measures are adhered to.

1. The permittee must perform chemical characterization of the sediment within the dredging prism. The permittee must submit a Sampling and Analysis Plan to DEC (Angela Hunt, 269-7599, Angela.Hunt@alaska.gov) for review and approval prior to beginning sampling.
2. Reasonable precautions and controls must be used to prevent incidental and accidental discharge of petroleum products or other hazardous substances. Fuel storage and handling activities for equipment must be sited and conducted so there is no petroleum contamination of the ground, subsurface, or surface waterbodies.
3. During construction, spill response equipment and supplies such as sorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze, or other pollutant spills. Any spill amount must be reported in accordance with Discharge Notification and Reporting Requirements (AS 46.03.755 and 18 AAC 75 Article 3). The applicant must contact by telephone the DEC Area Response Team for Northern Alaska at (907) 451-2121, during work hours or 1-800-478-9300 after hours. Also, the applicant must contact by telephone the National Response Center at 1-800-424-8802.
4. Construction equipment shall not be operated below the ordinary high water mark if equipment is leaking fuel, oil, hydraulic fluid, or any other hazardous material. Equipment shall be inspected and recorded in a log on a daily basis for leaks. If leaks are found, the equipment shall not be used and pulled from service until the leak is repaired.
5. The permittee must stabilize any dredged material (temporarily or permanently) stored on upland property to prevent erosion and subsequent sedimentation into jurisdictional waters of the United States. The material must be contained with siltation control measures to preclude reentry into any waters of the U.S., including wetlands.
6. All dredging shall be conducted so as to minimize the amount of dredge material and suspended sediments that enter the Norton Sound. Appropriate Best Management Practices (BMPs) will be employed to minimize sediment loss and turbidity generation during dredging. BMPs may include, but are not limited to, the following:
 - Eliminating multiple bites while the bucket is on the seafloor
 - No stockpiling of dredged material on the seafloor
 - No seafloor leveling

- Slowing the velocity (i.e., increasing the cycle time) of the ascending loaded clamshell bucket through the water column
- Pausing the dredge bucket near the bottom while descending and near the water line while ascending
- Placing filter material over the barge scuppers to clear return water
- If dewatering runoff is discharged from the barge, silts must be removed prior to direct or indirect discharge to Norton Sound.

This certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under U.S. Army Corps of Engineers Permit will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18 AAC 15.100).

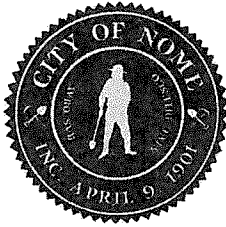
Date: July 12, 2019



James Rypkema, Program Manager
Storm Water and Wetlands

Letters of Support and Intent from Sponsor

Letters of Support from Others



P.O. Box 281 • Nome, Alaska 99762

December 27, 2019

Alaska District, US Army Corps of Engineers
CEPOA-PM-C
Attention: Mr. Bruce Sexauer
P.O. Box 6898
JBER, AK 99506-6898

RE: Transmittal of Nome MFS Letter of Intent/Financial Certification Form

Dear Mr. Sexauer,

Attached you will find the City of Nome's Letter of Intent and Financial Certification form for inclusion in the Port of Nome Modification Feasibility Study Final Report.

Please contact me at (907)304-1905 or jbaker@nomealaska.org if you require further information.

Sincerely,

CITY OF NOME

Joy Baker
Port Director (Project Manager)

Cc: Glenn Steckman – City Manager
Nickie Crowe – Acting Finance Director
Steve Howard – USACE/POA Project Manager



December 26, 2019

Alaska District, US Army Corps of Engineers
CEPOA-PM-C
Attention: Mr. Bruce Sexauer
P.O. Box 6898
JBER, AK 99506-6898

Dear Mr. Sexauer,

This letter formalizes the City of Nome's intent to partner with the U.S. Army Corps of Engineers in the design and construction for deep-draft navigation improvements at Nome. The City of Nome concurs with the findings of the draft Port of Nome Modification Feasibility Study ("the Study") and based on the preliminary cost share identified in the Draft Integrated Feasibility Report and Environmental Assessment section of the Study stands ready to enter a Design and Construction Cost Sharing Agreement with the Corps for the selected alternative 8(b) with a draft of minus 40-feet upon project authorization and funding.

The amended language of Section 2006 "Remote and Subsistence Harbors" allows for consideration of the long-term viability and welfare of communities in a *region*, as well as a project's social and cultural value. These are major factors in justification of a navigation improvements project at Nome. As you are aware, dozens of communities in Norton Sound and the Bering Strait region rely upon the hub port at Nome for transshipment of fuel and supplies. Many of the communities in this rural region are legitimately threatened by climate change and the high price of fuel and goods. Enabling larger vessels to call on Nome could lead to lower costs of commodities, a savings that could be passed on to the residents of these surrounding communities, many of whom are Alaska Native and practice a subsistence-based way of life. Nome has the opportunity to change the standard for the delivery of goods and services in the region.

In addition, WIIN 2016 amends Section 2105 of WRRDA 2014 "Arctic Deep-Draft Port Development Partnerships" to require the Secretary of the Army to consult with DOD and the Coast Guard to consider benefits to national security or Coast Guard missions, when determining whether an Arctic Deep-Draft Port is feasible. These DOD benefits, while not forming the basis for a National Economic Development decision, can be used to support the selected plan. The City of Nome is appreciative that the process to arrive at the selected plan also coincides with what the City believes is needed for Alaska and the Nation.

The City of Nome currently has funds to proceed directly from the feasibility study to the Preconstruction Engineering and Design phase. The City is working with several consultants to secure funding for the ultimate construction of the project. We understand a separate cost-sharing agreement will be needed for the construction phase. Current expectations for construction funding based on about \$292 million in non-Federal sponsor funding is described in the following table:

"There's no place like Nome"

www.nomealaska.org

**NON-FEDERAL SPONSOR'S
SELF-CERTIFICATION OF FINANCIAL CAPABILITY
FOR DECISION DOCUMENTS**

I, Nichole Crowe, do hereby certify that I am the Acting Finance Director of the City of Nome (the "Non-Federal Sponsor"); that I am aware of the financial obligations of the Non-Federal Sponsor for the Port of Nome Outer Harbor Modification Project; and that the Non-Federal Sponsor will have the financial capability to satisfy the Non-Federal Sponsor's obligations for that project. I understand that the Government's acceptance of this self-certification shall not be construed as obligating either the Government or the Non-Federal Sponsor to implement a project.

IN WITNESS WHEREOF, I have made and executed this certification this 17th day of March, 2020.

BY: Nichole Crowe

TITLE: Acting Finance Director

DATE: March 17, 2020



Source:	Potential Amount	Percent of Total
State of Alaska grants ¹	\$65 million	22 %
Federal grants ¹	\$125 million	43 %
Anchor Tenant ²	\$25 million	9 %
Significant Port User(s) ³	\$5 million	2 %
City funds ⁴	\$10 million	3 %
Native Corps P3 ⁵	\$33 million	11 %
Financing through Corps ⁶	\$29 million	10 %
Total Funding:	\$292 million	100%

*Based on Potential \$292 million share to the City of Nome

Notes:

1. State of Alaska and Federal grants depend on funding availability. Both the State and the Federal government have shown strong support for this project and have qualifying programs.
2. The Port is in discussion with a potential anchor tenant also looking for uplands facilities. Details are confidential.
3. There are several significant port users identified as potentially willing to engage in preferential berthing options in exchange for funding contributions.
4. The City has the capacity to obtain general obligation bonds issued by the state.
5. Discussions continue with Alaska Native corporations wishing to invest in the project.
6. The 10 percent financing option with the Corps over 30 years will be considered if full funding falls short.

There is strong local, regional, state and Federal legislative support for this project and the City of Nome stands ready to take this project to its final construction completion and looks forward to managing the increased Arctic traffic arriving at Nome.

Thank you for your consideration. We understand this letter is a statement of intent, not a binding contract. Should you have any questions, please contact me at (907)443-6600, or Joy Baker at (907)304-1905 for further information.

Sincerely,

CITY OF NOME

Glenn Steckman
City Manager

Cc: Brooks Chandler – City Attorney
Joy Baker – Port Director



September 9, 2019

Colonel Philip Borders
Alaska District Corps of Engineers
CEPOA-PM-CW
P.O. Box 6898
JBER, AK 99506-0898

RE: Nome Modification Feasibility Study – Alaska Marine Pilots' Ship Simulation Report

Dear Colonel Borders,

The City of Nome respectfully submits the attached pilot report prepared by Alaska Marine Pilots, Captain Bill Gillespie and Captain Rick Entenmann. These pilots were present for the ship simulations held at the USACE Engineer Research and Development Center (ERDC) in Vicksburg, MS, in April 2019 in support of the Nome Modification Feasibility Study.

In reviewing the report, the City asks that the District give particular attention to the navigational constraints and maneuverability limitations described within the report, before decisions are made on any particular alternative that does not support the project design vessel. Specifically, Alternative 4(a) which the District is currently considering as the selected plan does not work for Nome's conditions, according to the pilots. Any plan layout that restricts Nome's ability to maximize use of the additional docks to be developed in the project, will conflict with Nome's objectives to expand the Port.

The City appreciates the ongoing collaboration with the District to develop the first Arctic Deep-Draft Port, and looks forward to a timely completed feasibility report that can be included in the 2020 Water Resources and Development Act (WRDA) legislation. However, the City has grave concerns about the project schedule that was recently pushed back an additional 2 months, a delay that negatively impacts inclusion in the WRDA 2020 bill. It is the City's hope that there will be opportunities to make up time in the present schedule, and believe that sharing this report will assist in expediting the final plan selection for the Agency Decision Milestone Meeting.

The City remains available to assist with all elements of the study, and again, appreciates the District's commitment to the project. Please advise if any questions.

Sincerely,

CITY OF NOME

Richard Beneville
Mayor

Cc: Bruce Sexauer – Chief, Civil Works Planning
Jenipher Cate – Chief, Project Management
John Handeland – City Manager (Interim)
Joy Baker – Port Director



ALASKA MARINE PILOTS LLC

P.O. Box 920226 - Dutch Harbor, AK 99692
Office (907)581-1240 - Fax (907)581-1372
www.alaskamarinepilots.com

August 26, 2019

Subject: Nome Port Expansion Project – Marine Pilot Report.

The City of Nome and the Army Corps of Engineers contracted Captain Rick Entenmann and Captain Bill Gillespie of Alaska Marine Pilots, to evaluate port designs under consideration for the Nome Port Expansion Project. The designs were tested using the marine simulator in Vicksburg, MS. Simulations were completed over a period of 10 days in April 2019.

Port configuration 8b:

The **8b** design proved to be the best option in every respect. **8b** is a well-designed port with satisfactory safety parameters. **8b** will be available for operations most days of the ice-free season and can handle the seasonal weather conditions.

The deep-water basin depth of 40 feet is of a sufficient depth for the design vessel. The design vessels maximum draft is 31.2 feet. The design vessels under keel clearance requirement (UKC) would be 3.12 feet for squat and 3 feet for weather. Adding 2 feet for hard bottom clearance, a total of 8.1 feet of UKC is required for the design vessel. The 8.1-foot UKC indicates that a charted depth of 40 feet in the deep-water basin is correct for the design vessel. It should be noted that if the design vessel, a tanker, is restricted in its arrival draft by the dredged depth, the vessel will be required to lighten cargo at anchor. Lightering can increase environmental risk to the area.

Port configuration 4a:

The 4a design severely restricts port operations and it is difficult to maintain satisfactory safety parameters for vessel movements. 4a does not have adequate maneuvering room for the design vessel.

4a allows operations only in the best of weather conditions. Vessels calling on the port of Nome will have to wait several days for calm weather before entering port. In several 4a simulations, the maneuver could only be accomplished in winds of 10 knots or less. Vessels will have difficulty planning the duration of their port stays. An assumption can clearly be made that the Port of Nome will be restricted to fair weather maneuvering only. The unpredictable nature of 4a will have an economic impact on all port users.

The confining nature of 4a also creates another problem that must be managed and will become a life long characteristic of the port. When the designed vessel is maneuvered in to or out of the port, every dock along the route must be vacated of any moored vessels.



ALASKA MARINE PILOTS LLC

P.O. Box 920226 - Dutch Harbor, AK 99692

Office (907)581-1240 - Fax (907)581-1372

www.alaskamarinepilots.com

This will be required in order to increase the maneuvering room available to the design vessel.

The constricted design of the deep-water basin of 4a is of particular concern. The loaded design vessel must transition through the offshore currents before berthing in the deep-water basin. The vessel must move at a controllable speed through the offshore current zone. Simulations have shown that full stopping power was required from the assist tug and the vessel astern engine to stop the vessel within the deep-water basin. This is a very unsafe condition and any machinery failure during the approach maneuver would cause unacceptable damage.

If 4a is built, Alaska Marine Pilots will have to institute severe and restrictive port parameters that will limit port operations. These parameters would include wind speed limits, wind direction limits, daylight restrictions and tug horsepower requirements.

Generally comments:

A satisfactory safety parameter is defined as adequate distances within the berthing area to maneuver a vessel and still maintain safe distances from hazards. In the case of Nome, the safety parameters are of particular concern. Nome is a coastal port subject to strong weather conditions. To insure that Nome is a reliable working port, sufficient room must be available for a ship maneuvering to the berth during seasonal weather conditions.

If the berths in 4a must be vacant for the design vessel to enter port, what is the benefit of having multiple docks for simultaneous use? It does not seem to be cost effective to build extra docks if these docks cannot be used while a design vessel is maneuvering in the area.

4a will always be restricted to the design vessel length or shorter. **8b** will allow larger vessels to call on the port. It can be foreseen that large cruise ships could access the inner berth of the east breakwater design of **8b**.

Tug type and horsepower availability must be taken into consideration when selecting a port design. 4a will never generate strong maritime trade to the region. This weakness in the 4a design will make it difficult for port users to attract adequate ship assist tugs required to mitigate the inherent weakness of the 4a design.



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P.O. Box 920226 - Dutch Harbor, AK 99692

Office (907)581-1240 - Fax (907)581-1372

www.alaskamarinepilots.com

In conclusion, 4a will always and forever be a difficult port to manage, to operate and to pilot within. **8b** will be a well designed, smooth functioning, high capacity port that will immediately be recognized as the international port for this Arctic region.

Sincerely,

William A. Gillespie
(907) 831-2244 cell
gillespie@ampilots.com

Richard Entenmann



THE STATE
of ALASKA
GOVERNOR MICHAEL J. DUNLEAVY

Department of Transportation and
Public Facilities

OFFICE OF THE COMMISSIONER
John MacKinnon, Commissioner

3132 Channel Drive
PO Box 112500
Juneau, Alaska 99811-2500
Main: 907.465.3900
dot.alaska.gov

September 10, 2019

The Honorable Lisa Murkowski
United States Senate
709 Hart Senate Office
Washington, DC 20510

The Honorable Dan Sullivan
United States Senate
111 Russell Senate Office Building
Washington, DC 20510

The Honorable Don Young
United States House of Representatives
2314 Rayburn House Office Building
Washington, DC 20515

Dear Senator Murkowski, Senator Sullivan, and Representative Young:

During deliberations in late April and early May, the Alaska Legislature almost unanimously passed House Joint Resolution 14 (HJR 14): Urging Support for Nome Deep-Draft Port. One House member opposed the resolution and one Senate member was absent from the floor session during the vote. I've enclosed a copy of HJR 14 for your convenience.

I write to you today to express the Department of Transportation & Public Facilities' (DOT&PF) support for the Nome Deep-Draft Port project. The resolution itself is a testament to the importance of this project. The retreat of Arctic sea ice is impacting seasonal navigability of the Arctic Ocean by decreasing intercontinental shipping distances and increasing marine traffic in the circumpolar Arctic. The time for a Nome Deep-Draft Port project is now. It is a project of national security and energy supply significance.

Thank you in advance for your advocacy efforts toward congressional funding for this project. I appreciate all that you do for Alaska's transportation infrastructure.

Sincerely,

A handwritten signature in blue ink, appearing to read "John MacKinnon".

John MacKinnon
Commissioner

Enclosure

Cc: The Honorable Michael J. Dunleavy, Governor, State of Alaska
The Honorable Bryce Edgmon, Alaska House of Representatives
The Honorable Cathy Giessel, Alaska State Senate

"Keep Alaska Moving through service and infrastructure."

ALASKA STATE LEGISLATURE



Senator Donald C. Olson
Room 514
(907) 465-3707

Alaska State Capitol
Juneau, Alaska 99801-1182

Representative Neal Foster
Room 505
(907) 465-3789

Bruce Sexauer
Alaska District Corps of Engineers
Civil Works Project Management Branch
CEPOA-PM-C
P.O. Box 6898
JBER, AK 99506-0898

RE: SUPPORT FOR ARCTIC DEEP DRAFT PORT AT NOME

Dear Mr. Sexauer,

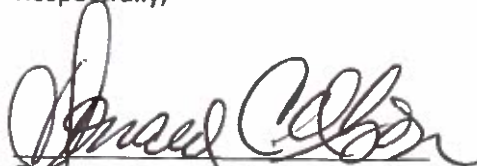
I was very pleased to hear that the project study for the Arctic Deep-Draft Port at Nome is on track, and that a final feasibility report is expected soon. It has been a long road to get us where we are, and I'm hopeful the report can be completed in time to be included in the 2020 Water Resources Development Act. As you know, the longer it takes a project to start the more expensive it gets; so making it into this year's bill has significant fiscal impacts.

There is strong support for this project statewide. Last year, I sponsored House Joint Resolution 14 (attached) supporting the Arctic Deep-Draft Port at Nome. The measure passed all its committees unanimously. It passed the Senate and House floors with a near unanimous vote. I and 58 of my fellow Alaska legislators support an expanded deep-draft port at Nome.

Funding is always an issue when it comes to projects of this size, and for the State of Alaska this project is large indeed. There will always be a matching component for federal funds, as there should be. However, I would ask that you and your colleagues take into consideration both the small local economy and the State of Alaska's strained fiscal situation when considering the non-federal match.

Thank you for your consideration and work on this important project.

Respectfully,


Senator Donald Olson


Representative Neal Foster

STATE OF ALASKA THE LEGISLATURE

2019

Source

HJR 14

Legislative
Resolve No.

4



Urging the Alaska Congressional delegation to pursue infrastructure funding for a deep draft Arctic port in Nome; requesting the Department of Transportation and Public Facilities to send a letter from the state to the Alaska Congressional delegation supporting a deep draft Arctic port in Nome; and requesting the Department of Transportation and Public Facilities to work collaboratively with the City of Nome on a deep draft Arctic port in Nome.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS Alaska is the only state in the United States that borders the Arctic Ocean; and

WHEREAS the retreat of Arctic sea ice is increasing the seasonal navigability of the Arctic Ocean, which has resulted in an influx of marine traffic in the circumpolar Arctic; and

WHEREAS the other seven Arctic nations have been very proactive in addressing the changing situation in the Arctic and have begun to assert their interest in the region; and

WHEREAS the United States Army Corps of Engineers launched the Alaska Deep-

Draft Arctic Port System study in 2012 to evaluate potential locations for a deep draft Arctic port on the northern and western coasts of the state and determine the feasibility of constructing navigation improvements as part of a large system of port facilities in the Arctic and subarctic regions; and

WHEREAS, in 2015, the United States Army Corps of Engineers released a draft feasibility report and environmental assessment that selected the Port of Nome as the preferred site to establish a deep draft Arctic port; and

WHEREAS the state, the Alaska State Legislature, and the Arctic Policy Commission realize that access to newly open Arctic waterways is vitally important to the state; and

WHEREAS the Alaska State Legislature appropriated \$1,600,000 in the fiscal year ending June 30, 2017, and \$1,600,000 in the fiscal year ending June 30, 2019, to fund the City of Nome's 50/50 match requirement for the United States Army Corps of Engineers feasibility and design studies; and

WHEREAS the first year of the accelerated two-year study is almost complete, and the selection of a preferred project design alternative is scheduled for March 2019; and

WHEREAS the timeline for developing a deep draft Arctic port is fairly short, with construction potentially beginning in 2023 or 2024 if the project is authorized by Congress in 2020; and

WHEREAS the Alaska State Legislature recognizes the urgency of developing key infrastructure and defense capabilities in the Arctic;

BE IT RESOLVED that the Alaska State Legislature urges the Alaska Congressional delegation to pursue all infrastructure funding that recognizes the region's importance in addressing the nation's critical security concerns, vital energy supply, and significant opportunities to decrease intercontinental shipping distances; and be it

FURTHER RESOLVED that the Alaska State Legislature requests the Department of Transportation and Public Facilities to send a letter from the state to the Alaska Congressional delegation supporting a deep draft Arctic port in Nome; and be it

FURTHER RESOLVED that the Alaska State Legislature requests the Department of Transportation and Public Facilities to work collaboratively with the City of Nome to provide technical support through the completion of the feasibility and design phases of establishing a deep draft Arctic port and assist the City of Nome in developing innovative

funding strategies for the city's construction cost share.

COPIES of this resolution shall be sent to the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

"Where Southerly East Wind Blows"

(907) 624-3411
(907) 624-3833 Fax



Unalakleet Native Corporation

P.O. Box 100
Unalakleet, Alaska 99684

Bruce Sexauer
Alaska District Corps of Engineers
Civil Works Project Management Branch
CEPOA-PM-C
P.O. Box 6898
JBER, AK 99506-0898

January 15, 2020

RE: SUPPORT FOR ARCTIC DEEP DRAFT PORT AT NOME

Dear Mr. Sexauer,

Unalakleet Native Corporation would like to convey its support for an Arctic Deep Draft Port at Nome. This project will encourage economic development and reduce shipping costs to the Bering Strait region. It will also expand an existing logistics marine transportation hub, bringing economic opportunity to the region through jobs, training, education, and increased commerce for marine and other businesses. More importantly, it encourages our young people to seek careers as skilled professionals and tradesmen supporting the marine industry. These jobs allow the region's residents to earn a reliable income with which to raise a family while continuing to live on their traditional lands.

The Port of Nome is the region's hub. Communities in this region are connected through an invisible network, supporting each other during shortages of medical supplies, fuel, and other resources. Unalakleet, like many other area coastal communities, relies upon the Port of Nome to provide the critical transshipping link for the supply of fuel, building materials, vehicles, equipment, and supplies to maintain our commercial enterprises, as well as our traditional home and cultural practices.

The Bering Strait region is remote, with small communities that are dependent on the ability of the maritime industry to deliver goods through the marine transportation network. Moving equipment, modular homes, vehicles, and fuel can be very costly. Some of these items can only be moved over water during the ice-free shipping season as they exceed air transportation limits.

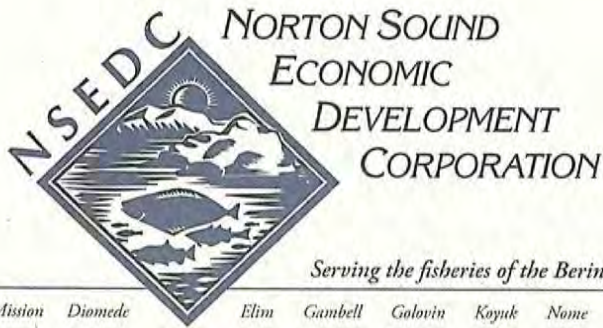
Unalakleet Native Corporation strongly supports the construction of a deep-water port at Nome for the purpose of bringing economic benefit and lower shipping costs to the Bering Strait region.

Sincerely,

Steve Ivanoff
President

President: Steve Ivanoff
CEO: Mark Johnson

Letters of Support for the Arctic Deep Draft Study (2015–2017)



Brevig Mission Diomedes Elim Gambell Golovin Koyuk Nome Saint Michael Savoonga Shaktolik Stebbins Teller Unalakleet Wales White Mountain

September 3, 2015

Mr. Bruce Sexaur
Alaska District Corps of Engineers
Civil Works Project Management Branch
CEPOA-PM-C
P.O. Box 6898
JBER, Alaska 99506-0898

RE: LETTER OF SUPPORT FOR EXPANSION OF PORT OF NOME MARINE INFRASTRUCTURE

Dear Mr. Sexaur,

I write this letter in support of the City of Nome's efforts to expand the Port of Nome's infrastructure to include a deep draft dock and protected moorage. With no deep draft ports beyond Dutch Harbor, the Port of Nome's expansion would not only provide a variety of benefits imperative to the community of Nome and Norton Sound Economic Development Corporation's (NSEDc) member communities, but to the nation.

NSEDc is a private 501(c)(4) non-profit corporation representing 15 member communities, including Nome, and more than 8,700 people in the Bering Strait region of Northwestern Alaska. As a leading economic development organization in the region, NSEDc provides economic development through education, employment, training and financial assistance to our member communities. Our biggest economic driver is in the investments we've made in regional fisheries, providing commercial crab, halibut, salmon and baitfish fisheries. With three processing plants, a fleet of tender vessels and more than 150 committed regional fishermen, NSEDc understands the need for maritime resources in the Norton Sound region.

The Port of Nome's deep draft port expansion would not only provide vital infrastructure to support the increased marine traffic, but also provide for the staging of oil spill response resources. Our member communities are in the middle of, and surrounding, the Bering Strait. A region reliant on marine resources for commercial and subsistence purposes, NSEDc understands the United States currently does not have the Arctic infrastructure necessary for adequate spill response. With oil well drilling now open in the Chukchi Sea, residents in our communities increasingly see the need for security and response measures not yet in place. The Port of Nome's plans would help to address the nation's need for marine infrastructure support and spill response in the Arctic.

"NSEDc will participate in the Bering Sea fisheries to provide economic development through education, employment, training and financial assistance to our member communities."

Residents in our communities have seen the increase in marine traffic through waters depended upon for their unique lifestyles. A deep draft port located near the "choke point" of Wales and Little Diomede would allow for the staging of much-needed search and rescue resources should an incident ever occur. While surrounding communities and the Alaska State Troopers have search and rescue capabilities and operations, there is a growing need with the increase in international research vessels, cargo barges and container ships, and cruise and pleasure vessels traveling through the Bering Strait to have a deep draft port to support the activity and respond accordingly when needed.

The Port of Nome's plan for expansion will not only bring with it economic stability, resources and services not yet provided for Nome and the surrounding communities, but it will support all current Arctic strategies identified by the United States Coast Guard (USCG), United States Navy, the Arctic Council and various commissions and organizations. It is for these reasons NSEDC wholly supports the City of Nome's plan for expanding the Port of Nome's infrastructure to include a deep draft port and protected moorage. I ask that you strongly consider supporting this project.

Thank you for your consideration. If you have any questions regarding the project, please contact me at 907-274-2248.

Sincerely,



Janis D. Ivanoff
President & CEO

cc: Don Stiles, NSEDC Board Member

September 3, 2015



Bruce Sexauer
Alaska District Corps of Engineers
Civil Works Project Management Branch
CEPOA-PM-C
PO Box 6898
JBER, AK 99506-0898

Dear Bruce,

Please accept this letter as support for the expansion of the Port of Nome to transition into an Arctic Deep Draft Port. Alaska Logistics LLC is a marine transportation company which services Western Alaska. We frequently use the Nome harbor for our hub port for the base of our operations in up north during the months from June-October. We are usually in port once, twice and sometimes more per week loading, offloading and storing freight.

It would be wonderful to see the Nome port eventually offer space for deep draft vessels in the future. Often these huge container ships that come into Nome have to use tenders to offload their freight to the shore so by expanding the harbor it would benefit our company and many others so we wouldn't have to fight for dock space with the tenders/ferries.


Another addition would be that freight carriers can bring in mass quantities of fuel and gas which would in turn bring down the cost of those commodities down by ordering in bulk.

This would also support economic growth in the communities up north as well. More jobs would be supplied to people on the dock expansion. Nome is asking for \$77 million from the government for this project and having that money go back into the community in supplies and job creation would help tremendously.

It could specifically help our company because our vessels could be used to help transport building materials up to Nome. As well our services could also be used to assist in dredging the harbor for the -36' MLLW, which is needed in order to meet the Arctic fleet needs.

Please feel free to contact me with any regards to this matter. We would love to support this project with any means necessary.

Respectfully,


Allyn Long
General Manager
206-767-2555

P.O. BOX 3512. • SEATTLE, WA 98124-3512
PHONE: (206) 767-2555 • FAX: (206) 767-5222
EMAIL: INFO@ALASKA-LOGISTICS.COM
WEBSITE: WWW.ALASKA-LOGISTICS.COM



September 3, 2015

Vitus Energy

Nome Harbor

Re: Nome Port Expansion

To Whom It May Concern,

Vitus Energy, LLC has been and will continue to be a stalwart advocate of port development in the Arctic region. The increased infrastructure dramatically decreases net cost to the consumer of necessary goods, including essential fuels required for power generation and general use. Ultimately, this cost savings can both assist the local community while aiding the operational challenges inevitable in Western Alaska.

Specifically addressing design, ingress and egress from the Port of Nome has been difficult for ships negotiating the channel in a westerly wind, and completely untenable in a strong southerly gale. The proposed extension to the causeway would alleviate these very substantial delays. Draft restrictions for laden tankers have also increased the time required for operations, adding significant cost. Increasing the controlled depth to 36' would exponentially increase operational efficiency and further cut cost to the end user.

Another advantage of Port of Nome improvement will be less congestion and therefore fewer wasted days of demurrage. Maritime users and ultimately Northwest Alaska residents will benefit from more efficient use of vessel time.

It has been our pleasure to work with the City of Nome to meet community needs. Vitus applauds the foresight in continuing to develop a more suitable infrastructure for the growing marine industry in the Arctic. Vitus Energy, LLC whole heartedly supports the proposed development.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Smith", is written over a light blue rectangular background.

Mark Smith
Vitus Energy LLC, CEO



CAPT Murray Stein, Director
Seward Marine Center
907-224-4305
907-224-3392 fax
mstein10@alaska.edu
www.uaf.edu

Seward Marine Center

P.O. Box 730, Seward, Alaska 99664

September 8, 2015

Alaska District, US Army Corps of Engineers

Civil Works Project Management Branch

CEPOA-PM-C

P.O. Box 6898

JBER, Alaska 99506-0898

Dear Mr. Sexauer,

The Seward Marine Center is the logistical and administrative support center for the R/V Sikuliaq, the University of Alaska's new ice-breaking research vessel. We ardently support the Port of Nome expansion project.

In addition to the needed additional berths and the improved protection from southerly weather, we urge you to increase the project depth to -36 feet. Deep draft berths at Nome will improve logistical support for a variety of missions and shipping, by allowing deeper vessels to access the dock for fueling, resupply, crew changes, medical emergencies and vessel repair, thereby reducing travel time and costs to facilities further south. This increased deep draft capacity allows more vessels to stay alongside longer to conduct their business.

We view this expansion project as a first step in the infrastructure development that is needed to support the growth of maritime activity in the Arctic.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in cursive script that reads "Murray Stein".

Capt. Murray Stein
Director, UAF, Seward Marine Center



*Lynden Incorporated
6400 S. Airpark Place, Suite 1
Anchorage, AK 99502
(907)245-1544*

September 9, 2015

Bruce Sexauer
Alaska District Corps of Engineers
Civil Works Project Management Branch
CEPOA-PM-C
P.O. Box 6898
JBER, AK 99506-0898

Dear Mr. Sexauer,

Lynden is a multi-modal transportation and logistics company, providing transportation and construction services for all segments of the economy throughout Alaska. We recognize the benefits of infrastructure development to support increased commerce and safety in Alaska's arctic environment.

This letter is to express Lynden's support of the USACE proposal to construct an extension of the Nome Harbor allowing for more efficient and deeper vessel access.

Lynden companies including: Knik Construction, Alaska Marine Lines and Bering Marine Corporation regularly use the Nome port for our commercial activity. We were very supportive of the mid-dock expansion as well. We see continued growth in this region. Our plans for accessing the Port of Nome next year anticipate tug/barge every other day during the 100 day season, and moving in excess of 250,000 tons.

We look forward to economic growth in the region, and support Arctic Deepwater Port expansion and development.

Kind Regards,

BERING MARINE CORPORATION

A handwritten signature in black ink that reads 'Rick Gray'.

Rick Gray
President

Cc: Joy Baker, Port of Nome



COPY

September 9, 2015

Bruce Sexauer
Alaska District Corps of Engineers
Civil Works Project Management Branch
CEPOA-PM-C
P.O. Box 6898
JBER, AK 99506-0898

Dear Mr. Sexauer,

I have been following the interest, discussions, and studies concerning a deep water port in the Northwest region of Alaska. It seems the need is certainly there already and will grow considerably in the next several years with more freighters, tankers, and cruise ships using the northern routes. In addition, if the oil exploration and production activity grow, so will the need for more services.

Nome seems to be a great choice for the deep water port, with existing infrastructure including roads, housing, airport, retail, medical facilities, and fuel tankage. While there last week I saw a fuel ship that had to anchor offshore while smaller barges lightered the fuel to Nome in several trips. Of course this adds cost to the price of fuel in the City of Nome.

The current plan of dredging to -28' is a good start, but another 8' of depth would greatly enhance the possibilities and capabilities of the Nome harbor. It would offer a safe harbor for vessels in distress, allow large vessels to wait out storms in a place of refuge, wait out late spring's breakup, and offer new commerce to the citizens of Nome. The earlier the better, as increased environmental research and mapping efforts for new routes should precede the actual increase in freighter and tanker traffic. In addition to the freighters, tankers, and research vessels, more numerous cruises and military exercises can be expected. With increased traffic, the need for ice breakers will similarly increase. Nome with a deep draft would be a perfect location for fueling and supplies as it is hundreds of miles closer than Dutch Harbor.

As a marine contractor, we and others would be interested in utilizing the deeper draft vessels to bring in large components and provide cheaper mobilization for potential developments in the northern waters. Larger loads could be hauled and staged in Nome till the northern waters are



ice free and available for construction activities. The extra 8' just gives us and/or our vendors additional options at larger scale operations.

The minus 36' dredging depth would preferably be inside the breakwaters for protection during stormy weather. However, as a cheaper solution, a "fair weather", heavy duty dock or mooring structures with short trestles could be constructed outside the breakwater on the south side. Dredging a maximum of 4' from the existing mudline would be required, drastically reducing the total dredging quantity.

I have spoken to many Nome residents that all seem to welcome this deeper port, so from my perspective it appears there would be little local opposition. That alone seems to be a good indication of the need for this port, as these days it seems politically correct to oppose any development.

Sincerely,

ORION MARINE CONTRACTORS

Bryce Erickson

Vice President



09/09/2015

Bruce Sexauer
Alaska District Corps of Engineers
Civil Works Project Management Branch
CEPOA-PM-C
P.O. Box 6898
JBER, AK 99506-0898

Dear Mr. Sexauer,

My name is Gary Faber, Executive Vice President of Marine Transportation for Foss Maritime Company. Foss is part of the privately held Saltchuk family of companies which operates a diverse network of transportation companies in the lower 48 and Alaska. The Saltchuk Alaska network consists of Foss Maritime, Totem Ocean, Northern Air Cargo, Delta Western, and Carlile Transportation.

Foss has been operating in Alaska for nearly a century and is expanding operations in the Arctic to meet industry demand. We are also investing in new equipment such as 3 new Arctic Class tugs being built in our Rainier, Oregon shipyard.

Foss recognizes the strategic importance of the Port of Nome and would like to express our support for expanding the marine infrastructure to include a deep draft dock specifically to a draft basin of -36' MLLW. Allowing deeper vessels to access the dock for fueling, resupply, crew changes, medical emergencies and vessel repair will reduce travel time and costs to facilities further south which is essential as activity increases in the region. Due to existing port infrastructure, Nome also makes economic sense and will allow for shorter planning/design & construction timeline.

The Foss moto is "Always Safe, Always ready." A true deep water port in Nome is an example of what this statement exemplifies as it will allow for the staging of Search & Rescue resources to enable quicker response and provide refuge during heavy storm surge events to reduce/minimize risk of catastrophic events.

On behalf of Foss Maritime Company, thank you for the opportunity to voice our support of expanding the marine Infrastructure at the Port of Nome.

Sincerely,



Alaska Maritime Agencies

4341 B Street, Suite 202, Anchorage, AK 99503

Tel: (907) 562-8808 Fax: (907) 782-4110 Email: ancoffice@alaskamaritime.com



September 10, 2015

Mr. Bruce Sexauer
Alaska District Corps of Engineers
Civil Works Project Management Branch
CEPOA-PM-C
P.O. Box 6898
JBER, AK 99506-0898

To Whom It May Concern:

This letter is being written to express our whole-hearted support for expanding the Port of Nome including a deep draft dock and protected moorage to support Arctic maritime commerce. As vessel agents for a wide variety of maritime interests, we have been in a unique position to see first-hand the increase in maritime traffic in Nome and the need for a deep-draft port.

The significant trends we have observed and have been involved with include:

- An increase in cruise activity in Western Alaska and the Arctic. Some cruise companies market the Arctic transits as a regular part of the summer promotions.
- The continued exploration of the Arctic for oil and gas. Upwards of twenty different vessels are currently stationed offshore near the Burger J prospect or in transit to/from Dutch Harbor.
- Increases in support, scientific/research, exploration and seismic vessels.

These trends will continue and undoubtedly grow as companies seek untapped resources in the Arctic and Western Alaska.

We feel that not only is a deep-draft port essential for development, but it also adds an element of safety for vessel traffic working and transiting the area. The ability for a vessel to moor alongside a deep water dock near a community that is currently serviced by year-round airline service cannot be understated.

We hope you give serious consideration to the expansion plans for the Port of Nome.

Sincerely,

Robert J. Arts
Vice President

Alaska Maritime Agencies
4341 B Street, Suite 202
Anchorage, AK 99503



P.O. Box 905 • Nome, Alaska 99762
(907) 387-1200 • Fax (907) 443-3063

September 10, 2015

Joy Baker, Port Director
City of Nome
P.O. Box 281
Nome, Alaska 99762

RE: Letter of Support for a Arctic Deep Draft Port

Dear Ms. Baker,

Sitnasuak Native Corporation would be pleased to tender this letter of support for the Arctic Deep Draft Port proposal being advanced by the Port of Nome. Our corporation represents 2,874 shareholders of Alaska Native descent, both original enrollees and descendants from the community of Nome.

For many generations, the Inupiaq people of our region knew the mouth of the Snake River ("Siqnazuaq") as a "good place to rest" as they traveled throughout the Bering Straits region. The maritime community now knows this advantageous place as the Port of Nome. We at Sitnasuak Native Corporation continue to believe in the strategic location of the Port of Nome, as a both within our region, and as a gateway to the Arctic Ocean.

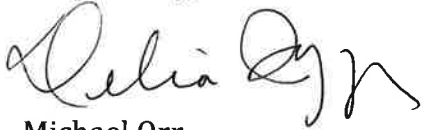
Beyond being a strategic location in close proximity to the Bering Straits, the community of Nome now offers many other amenities that would support the Arctic Port, to include:

- A 6,175' asphalt runway with regularly scheduled air service, both freight and passenger, that can support crew rotations
- A general and surgical care hospital that can provide a wide range of medical services
- Abundant potable water, a landfill and sewage treatment facilities
- Full service marine fueling capability from two shore based providers, including our subsidiary Bonanza Fuel (which has 142,000 barrels of storage capacity). This shore-based refueling infrastructure substantially reduces the risk of environmental contamination from ship to ship transfers.

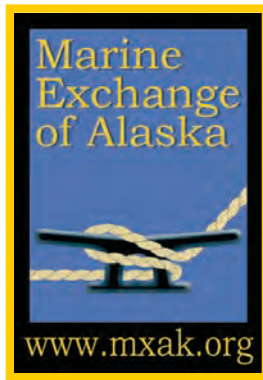
- Multiple established retailers that can support the re-provisioning of vessels as they pass through to the Arctic
- An extensive stock of private housing to support a local workforce, as well as schools and other community facilities
- Law enforcement, judiciary services and a regional correctional facility

We support the initiative of the Port of Nome to provide a national gateway to the Arctic, as well as a northern port on the Bering Sea. Should you have any questions or comments on our letter of support, please do not hesitate to contact me at (907) 387-1200.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael Orr", written in a cursive style.

for Michael Orr
President



Making Maritime Connections Across Alaska

1000 Harbor Way, Suite 204, Juneau, Alaska 99801

Ph: (907) 463-3064 Fax: (907) 463-2593

September 11th, 2015

Mr. Bruce Sexauer
Alaska District Corps of Engineers
Civil Works Project Management Branch
CEPOA-PM-C
P.O. Box 6898
JBER, AK 99506-0898

Dear Mr. Sexauer,

The Marine Exchange of Alaska endorses the expansion of the Port of Nome's infrastructure to support increasing vessel traffic in the U.S. Arctic regions. As vessel traffic continues to increase in the northern latitudes, it will be an asset to the maritime community to have a more capable port closer to the Bering Strait and the Chukchi and Beaufort Seas. A port with closer proximity is needed to accommodate the growth of maritime operations in support of U.S. national security interests, offshore exploration and development, intra- and international commerce and protection of natural resources, as well as preserving the indigenous, cultural subsistence lifestyle of Alaska Natives.

The Port of Nome's existing infrastructure facilitates accelerated planning and construction timelines to enhance maritime support capabilities that will keep pace with the increasing vessel traffic emerging from the Arctic. And Nome's location offers closer access to the region to support such activities as search and rescue, offshore research, resupply and crew changes to exploration and production companies, fueling, commerce, maritime law enforcement and defense, and eco-tourism.

We have observed through the operation of our vessel tracking system an increase in maritime traffic to and from the Arctic over the last several years and have noted most studies indicate climate change and the reduction in ice will lead to a steady increase in maritime traffic in the future. Investing in the Port of Nome will be a keystone to preserving U.S. and Alaska's arctic maritime interests.

Respectfully,

Ed Page
Director, Marine Exchange of Alaska

Cc: Joy Baker, Port Director, City of Nome

To be good Stewards over the waters which we are licensed to protect



ALASKA MARINE PILOTS LLC

P.O. Box 920226 - Dutch Harbor, AK 99692

Office (907)581-1240 - Fax (907)581-1372

www.alaskamarinepilots.com

To be good Stewards over the waters which we are licensed to protect

September 14, 2015

Port of Nome Expansion Project

Bruce Sexauer
Alaska District Corps of Engineers
Civil Works Project Management Branch
CEPOA-PM-C
JBER, AK 99506-0898

Dear Mr. Sexauer,

We at Alaska Marine Pilots would like to offer our full support to this project that would include a deep draft moorage facility in the Port of Nome. Many obvious reasons fore mentioned in print support the critical expansion of this Port to meet the growing demands in the Arctic.

Nome is without doubt the major hub of the Far North, and has all the potential for further growth to meet the increased demand that is upon the Arctic Region. The ships we typically move to and from Nome have grown in tonnage over the years, some of which now have limited options for mooring. We have heavier, larger Product Tankers with deeper bottoms of 30 plus feet. More frequently Cruise Ships have been unable to dock when exposed to Southerly weather in Nome; thus requiring the loading and offloading of passengers/personnel during inclement weather conditions via Zodiacs to the beach somewhere else other than Nome. These are but a small glimpse of a much larger scenario. Research vessels and Oil industry aside, this region has seen and will continue to see an influx of marine traffic, as vessels calling on this region continue to increase in numbers, as well as size. We have seen this first hand over the 30 plus years of our business in Western Alaska, but the growing demands have at least tripled in the last 8 years.

This Region is far and wide. It would be paramount to expand this port 650 plus miles to the North of Dutch Harbor, therefore assuring Mariners a reliable, secure port that would then offer consistent access. The writing on the wall so to speak, makes this project imperative to all concerned.

Thank you for allowing our voice and support to a potential project that addresses the much needed expansion to the Port of Nome.

Captain Richard Entenmann
President
Alaska Marine Pilots

September 15, 2015

Joy L. Baker
Port of Nome
P.O. Box 281
Nome, AK 99762

Dear Joy,

Crowley supports the Port of Nome's plans to add a deeper draft berth at the Port. Crowley vessels have called at the Port of Nome for over 60 years, and with the increased arctic activity, we see Nome as a strategic port for the region.

As the operations at the Port of Nome have grown, so has the congestion. Vessels standing by for berth availability drive up costs. Efficient port operations with additional berthing are important to the regional economy, and ultimately lowers cost for the region.

For Crowley's operations, a deeper draft berth will allow access for larger fuel deliveries with deeper draft tank vessels, bringing cost efficiency to the current operations of lightering vessels offshore.

Additionally, a deeper draft berth will allow for safer operations inside the breakwater versus offshore.

Sincerely,



Craig N Tornga
Vice President



Bethel Native Corporation

Subsidiary Companies

Bethel Services Inc.
Bethel Solutions Inc.
Bethel Builders LLC
Bethel Contracting LLC
Bethel Engineering and Consulting LLC
Bethel Environmental Solutions LLC
Bethel Federal Services LLC

Bruce Sexauer
Alaska District Corps of Engineers
Civil Works Project Management Branch
CEPOA-PM-C
P.O. Box 6898
JBER, AK 99506-0898

September 29, 2015

RE: SUPPORT FOR ARCTIC DEEP DRAFT PORT AT NOME


Dear Mr. Sexauer,

As a fellow coastal community reliant on shipping for commerce and development, Bethel Native Corporation is in full support of your efforts to establish an Arctic Deep Draft Port at Nome, Alaska. The coastal communities of Alaska serve as life lines to nearby villages and full functioning ports bring goods and services needed for construction, health delivery and trade diversity. Deepening the basin at the Port to -36 feet to provide a deep water dock for accessing shore would enhance overall safety and provide the community of Nome and the region with opportunities for economic growth and sustainability.

In addition to accommodating deep draft cargo vessels, this expansion would provide opportunities for cruise vessels to moor at the facility, bringing new opportunities for tourism and marketing to Nome. This valuable improvement within the community of Nome will bring long term viability to the region. The benefits of this port will be immediate.

Bethel Native Corporation strongly supports the expansion of the facility through the construction of a deep water port at Nome. There is a significant need for this port in Western Alaska to ensure safety and propel our state for growth. The proposed location to service the Northwestern region in Nome is strategic and necessary to protect people, resources and the environment.

Sincerely,



Ana Hoffman, President/CEO

Mailing Address

PO Box 719
Bethel, Alaska 99559

Physical Address

460 Ridgecrest Drive, Suite 211
Bethel, Alaska 99559

Tel: 907.543.2124

Fax: 907.543.2897

www.bethelnativecorp.org

October 31, 2015

The Honorable Lisa Murkowski
United States Senate
709 Hart Building
Washington, DC 20510

Dear Senator Murkowski:

Lisa -

It was with great regret that we recently learned that the Army Corps of Engineers is planning on putting a hold on their plans to study the creation of the deep-water port at Nome. I believe the Corps is mistaken in their premise that this project should be delayed because of Shell's announcement to stop drilling in the region.

It is shortsighted of the Corps to base their decision on just one company's oil and gas exploration plans. There are many other entities, businesses and communities who will benefit to having a deep water port in the Arctic, let alone the navigational safety factor to be considered.

The only way we are ever going to be able to bring down infrastructure, commodity and energy costs in the Northwest Region of Alaska is by having a viable and large-enough port to accommodate ships bringing in these needed items. Rather than looking at the Nome Port as something that has been recommended for the oil industry, the Corps needs to refocus their attention on the fact that it is needed not only for the communities and residents of the Region, but also for the safety and benefit of all ships transiting the Arctic.

It is well understood that as the Northwest Passage sea route continues to see ships in transit, there needs to be facilities available to service this transportation mode – whether for fueling and supply stops, medical or emergency care, connections to air transport or response to a disaster at sea. It makes good sense, not only for the Nome region, but for all of Alaska and the United States, that this port be expanded and put into service as quickly as possible to meet the demands that are inevitable.

Please do all you can to reason with the Corps and encourage them to continue with the draft feasibility study so that this project can move forward. Thank you for your support on this project and your commitment to making sure Alaska is not left "out in the dark" when it comes to moving forward on critical projects like the Nome Deep-water Port Expansion.

Sincerely,

Gail
Gail Phillips

1231 W. Northern Lights Blvd., #906
Anchorage, Alaska 99503
gailphil@alaska.net

*Thanks, Lisa, for all
your help on this.*

cc: The Honorable Richard Beneville, Mayor – City of Nome
Joy Baker, Port Director – City of Nome



P.O. Box 281 o Nome, Alaska 99762
phone 907.443.6663 fax 907.443.5349

December 10, 2015

Governor Walker:

First of all, I want to commend you on your budget presentation. It was very insightful and provided us with a true picture of the budget shortfall options.

Governor, I was disappointed to hear the design phase for an Arctic Deep Draft Port at Nome will not be included in your Capital Budget package. I certainly understand the need for budget constraint; however, this is a project that will bring HUGE benefits to Alaska and the Nation. Opening the Arctic shipping route is key to diversifying our economy and putting Alaska at the forefront on vital national issues such as trade, defense and shipping. We cannot accept the Corps decision to place this project on hold. While Shell's pullout is disappointing news, we must not allow corporate decisions to dictate Alaska's future. I would not be reaching out to you if Nome could complete this project alone. We are a first-class city that pays our fair share of our education costs and for all local community infrastructure.

Governor, the \$3.25 million budget request will allow the project to be submitted to Congress for authorization and appropriation. We are close to the finish line, PLEASE help us complete the design work needed to move this project forward. We both understand Alaska has several large projects that must be brought on-line to secure our state's future. THE DEEP DRAFT ARCTIC PORT AT NOME IS ONE OF THESE PROJECTS. You, of course, are already working on the other one.

I stand ready to discuss this project with you further if you wish.

Thank you for your time, Governor.

Sincerely,

CITY OF NOME

Richard Beneville
Mayor



Out of Session:
Legislative Information Office
P.O. Box 1630
Nome, AK 99762-1630
(907) 443-3707
(907) 443-2162 (Fax)

In Session:
State Capitol
Juneau, AK 99801-1182
(800) 597-3707
(907) 465-3707
(907) 465-4821 (Fax)

SENATOR DONALD C. OLSON

DISTRICT T

December 11, 2015

Alakanuk
Ambler
Anaktuvuk Pass
Atkasuk
Barrow
Brevig Mission
Browerville
Buckland
Chevak
Deering
Diomed
Elim
Emmonak
Gambell
Golovin
Hooper Bay
Kaktovik
Kiana
Kivalina
Kobuk
Kotlik
Kotzebue
Koyuk
Mountain Village
Noatak
Nome
Noorvik
Nuiqsut
Nunam Iqua
Pilot Station
Pitka's Point
Point Hope
Point Lay
St. Mary's
St. Michael
Savoonga
Scammon Bay
Selawik
Shaktolik
Shishmaref
Shungnak
Stebbins
Teller
Unalakleet
Wainwright
Wales
White Mountain

Governor Walker
Office of the Governor
P.O. Box 110001
Juneau, AK 99811-0001

Sent Via email

Governor Walker,

I applaud your actions on tackling the budget, it is certainly tough fiscal times and you have shown the state that you are ready for open dialogue regarding the budget.

I am very concerned regarding the Nome Deep Draft Arctic Port. The US Army Corps of Engineers, DOT&PF, and the City of Nome have been diligently working towards completing this project. Due to Shell's decision to stop Arctic exploration, the Corps of Engineers had to halt the project because of federal law. The City of Nome has now taken over as the non-federal sponsor.

Nome is required to finish the critical design phase and the project study which will cost \$3.25 million, before it can be submitted to Congress for authorization. This project will support our state and national defense, allow for safer maritime travel, and help secure our state's future.

I call on you to do what is best for the State of Alaska, Nome, and the United States by including funding in the budget, which will allow this project to move forward.

Please feel free to contact me with any questions.

Regards,

Senator Donald Olson

Bering Sea Alliance, LLC
Art Ivanoff, CEO
Box 100
Unalakleet, Alaska 99684

Bruce Sexauer
Alaska District Corps of Engineers
Civil Works Project Management Branch
CEPOA-PM-C
P.O. Box 6898
JBER, AK 99506-0898

RE: A CALL TO EXPEDITE PROCESS & SUPPORT FOR ARCTIC DEEP DRAFT PORT AT NOME

Dear Mr. Sexauer,

The Bering Sea Alliance, LLC is composed of seven village corporations in the Bering Straits. Our goal is to invest collectively while building our infrastructure and rural economies. To that end, the Bering Sea Alliance, LLC unequivocally supports the City of Nome's effort to construct the 36 foot MLLC to accommodate ice breakers and more. This effort will ensure our national security, scientific research, commercial shipping, and environmental protection goals are achieved. The 2015 USACE Deep Draft Port Study recommends -28 foot MLLW project and this falls short of meeting our national interest needs and our ability to provide a Place of Refugee. Without a doubt, Nome has significant positive attributes that calls for reconsideration to construct a 36 foot MLLC such as a new hospital, a runway system that meets requirements for jet service, hotels, plus a well-equipped surplus of goods and services few villages can boast.

We want to be explicitly clear; 1. We urge the Army Corps of Engineers to expedite process for developing the Port of Nome, any delay will prevent definite positive benefits for the City of Nome and our surrounding communities. 2. We call on the need to construct a 36 foot MLLC verses the -28 foot MLLW, as it would be a significant mistake for our country to take processes this far and only meet our country's need half way!

Marine Exchange of Alaska documented the Port of Nome calls from 2009 through 2014; the increase in port calls is remarkable. Nome's Port is the Gateway to the Arctic and has tremendous value and potential to the United States.

We call on the Army Corps of Engineers to deepen the basin at the Port to -36 feet and provide a deep water dock for accessing shore. This expansion would provide the needed

infrastructure for our expedition cruise vessels to moor at the facility, and conduct not only ship resupply and refueling, but reduce the risks of moving our passengers and crew via small boat each time we visit Nome. This is a huge benefit to the safety and efficiency of our operations, and could go a long way in allowing us to expand our activities, number of calls and length of stay due to a more streamlined and secure operations.

Therefore, we strongly support the expansion of the facility through the construction of a deep water port at Nome. As maritime commerce in the Arctic continues to grow, the need for a deep water port in Western Alaska is becoming more important to ensure operational safety and efficiency, as well as the strategic location of necessary resources. The measures to delay processes to explore and designate Nome as the Arctic Port and to build a port that doesn't meet requirements for our national security would be a grave strategic error. We humbly call for reconsideration.

Clearly, we can't delay processes on developing our country's Arctic Ports, the time to act is now!

Sincerely,



Art Ivanoff

CEO BSA


Cc: Honorable Mayor Richard Beneville
Bob Evans, Chairman, Sitnasuak, Inc.
BSA Board of Directors
Gail Schurbert, BSNC
Governor Bill Walker
Office of Senator Murkowski
Office of Senator Sullivan

To whom it may concern:

Alaska Marine Lines is in support in the expansion of the Port of Nome to include a deep draft dock and protected moorage to support Arctic maritime commerce. Due to the increased marine traffic in the Arctic region and specifically Nome we feel additional facilities are needed to accommodate the growth and minimize congestion for vessel traffic.

As the primary barge carrier in the area we feel the deep draft port initiative by the Port of Nome would be a benefit for our ability to deliver cargo to Nome in a safe and timely manner. This would also enhance our ability to use the port as a hub for making cargo deliveries to the outlying villages in the region.

Regards,



Michael M. Clevenger
VP Operations Western Alaska
Alaska Marine Lines



February 3, 2017

State of Alaska Congressional Delegation:

The Honorable Lisa Murkowski, United States Senate
The Honorable Dan Sullivan, United States Senate
The Honorable Don Young, United States House of Representatives

Bruce Sexauer
Alaska District Corps of Engineers
Civil Works Project Management Branch
CEPOA-PM-C
P.O. Box 6898
JBER, AK 99506-0898

RE: PORT OF NOME – SUPPORT & REQUEST RESTART OF STUDIES & DESIGN

Dear Senator Murkowski, Senator Sullivan, Congressman Young and Mr. Sexauer:

On behalf of Sitnasuak Native Corporation, I want to express our strong support for the future development and expansion of the Port of Nome. Sitnasuak Native Corporation also strongly supports and requests federal action to restart and complete the US/Alaska Deep-Draft Arctic Port System feasibility study by the US Army Corps of Engineers – Alaska District.

As an introduction, Sitnasuak Native Corporation (SNC) is one of the Alaska Native corporations created in 1971 under the Alaska Native Claims Settlement Act (ANCSA). SNC is proudly headquartered in Nome, Alaska, with operations in Anchorage, California, Virginia Beach and Puerto Rico. Today, SNC is the largest of 16 village corporations in the Bering Straits region with over \$130 million in annual revenues. SNC is owned by approximately 2,900 Alaska Native shareholders.

As you may know, the Port of Nome is a strategically situated and existing Arctic port with the ability to be cost effectively expanded to serve private, state, national and international needs. In addition, there is already developed and available shore-based infrastructure with proven capacity and services which include the following: fuel storage, marine refueling via a shore based header, United States Customs office, comprehensive utilities (water, sewer and electricity), and telecommunications with a future upgrade to fiber connectivity expected to be completed in 2017-18. There is also publicly maintained road access to the community of Nome where infrastructure and services include the following: State of Alaska maintained airport with TSA staffing, surgical care hospital facilities, retail grocery and supply stores, hotels and lodging, restaurants, meeting space rentals, banking, library-museum-culture center, National Park Service visitor center, and Nome Convention and Visitors Bureau. Furthermore, the

community provides extensive public safety infrastructure with courthouse, regional correctional center, State of Alaska Troopers, and local police.

The Port of Nome is a publicly maintained facility with a current depth of -22.5 feet (MLLW) accommodating multiple users while directly benefitting the community including the 16 villages in the Bering Strait Region, our neighboring Arctic regions of Southwest/Calista, Northwest Arctic/NANA, and North Slope/Arctic Slope Regions. The inter-regional support includes the shipment or export of gravel and rock from quality Nome resources that facilitates community infrastructure and housing development in the above listed regions. The Port of Nome has a strong history of community engagement including the City of Nome Port Commission with seven commissioners that is staffed by a City Port Director and Harbor Master.

The Port of Nome facilities and operations serve various maritime users and represent significant economic and quality of life value to the people and communities as well as the private industry users. Maritime users include fisheries, marine transport of commercial barge services for transshipment of goods and fuel, research vessels, tourism and cruise ships, subsistence users, and resource development including mining and oil/gas industries. It should also be noted that the Port of Nome currently represents one of the few publicly available U.S. ports north of Dutch Harbor and supports critical access to the Arctic.

SNC is one of the many users of the Nome Port. SNC operates Bonanza Fuel, LLC (Bonanza), as a wholly owned subsidiary that manages the largest bulk fuel storage facility in Nome and is located at the Port of Nome for over 20 years. Bonanza offers shore-based fueling services to maritime customers, commercial operations, and community residents. The marine fueling services utilize the Port of Nome fuel header for transfers of 41,000 gallons in approximately 2 hours. This also allows the simultaneous delivery of potable water, sewage pump-out, refuse removal, resupply of stores, and crew changes. This is a long-term private investment of SNC and an important service to the community and Port of Nome as an existing Arctic port. As an existing user of the Port of Nome, SNC supports the ongoing port infrastructure improvements to best serve the community and greater Arctic community and transportation network. Bonanza also has built capacity in oil spill response that is an important benefit to the Port – particularly as a rural community that networks closely together.

In regards to the federal support for the Port of Nome's future development, SNC supports and requests immediate action be taken by the US Army Corps of Engineers to restart and complete the *Alaska Deep Draft Arctic Port Study*, which was started in 2011 and was paused on October, 23, 2015, for a strategic interval of 12-months. This resuming of the project is supported with the passage of additional federal provisions contained within the Water Infrastructure Improvements for the Nation (WIIN) Act of 2016, and the National Defense Authorization Act (NDAA) of 2016.

According to Section 2006 of the WIIN 2016, there are specific and important provisions for updating project factors regarding the long-term viability and welfare of the communities in a region, as well as a project's social and cultural value to those regional communities. This is a new and major consideration that supports justification for an Arctic Deep Draft Port in Nome, in that there are numerous communities in Norton Sound and the Bering Strait region that rely heavily upon the Port of Nome as a transshipment point for fuel, equipment and supplies. Many

of these communities are legitimately threatened by the high price of fuel, construction and goods/equipment in the region, and would greatly benefit by lower cost commodities to be realized as a result of larger vessels ability to call at Nome.

According to Section 1095 of the NDAA 2016, there are specific provisions related to the strategic importance of Arctic infrastructure, such as the Port of Nome, into the discussion by requiring an assessment of the future security requirements for one or more strategic ports in the Arctic be compiled by the Secretary of Defense in a report delivered to Congress within 180 days after becoming law. The results of this effort will clearly highlight the existing and growing capabilities in Nome and further justify federal investment into the development as critically needed to protect the Alaska coastline and U.S. national security.

The exponential growth in vessel traffic transiting the Bering Strait and calling at the Nome Port is clearly discernible. The following presents historical maritime transits and Port of Nome vessel statistics provided by the Marine Exchange of Alaska and City of Nome, respectively:

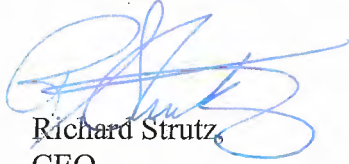
	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Bering Strait Transits	242	239	316	344	255	452	369
Port of Nome Vessel Calls	296	271	444	496	498	635	751

These figures make it clear that maritime activity has significantly increased with future trends and indications of ongoing growth. The Port of Nome expansion is needed preparation in the Alaskan and US Arctic for safety, infrastructure and economic development, and national security.

In regards to the expansion needs at the Port of Nome, SNC fully supports the evolving scope of design concepts that deepen the existing basin to -28 feet, and extend the Causeway out to a depth of -36 feet for constructing a much-needed deep draft dock. These enhancements to the existing port infrastructure are cost effective and timely to allow for safe resupply and shore access for the deeper draft ships, working in, and transiting through, Arctic waters. The expanded facility would provide more efficient resupply of the larger vessels, and significantly reduces the risk of moving people and supplies via lightering or on small boats to ships anchored offshore of Nome. This would significantly increase safety and reduce schedule delays experienced even in the mildest, yet typical 2-3 foot swells in Nome.

In closing, SNC strongly supports the expansion of the Port of Nome as a deep-water Arctic port in the United States. As maritime commerce in the Arctic continues to grow, the need for a deep-water port in the Arctic is becoming critically important to ensure operational safety and efficiency of the vessels and souls traversing the waters, as well as the strategic placement of military assets and other resources necessary to the nation. If you have any questions, please feel free to contact myself or Ukallaysaaq T. Okleasik, Vice-President of Corporate Affairs at (907) 387-1200 or via e-mail at ukallaysaaq@snc.org. We look forward to your support for the development of the Port of Nome.

Respectfully,



Richard Strutz,

CEO

Sitnasuak Native Corporation

Cc: Robert "Bobby" Evans, Chairman, Sitnasuak Native Corporation
Mike Orr, Senior Vice President, Alaska Operations
Ukallaysaaq Okleasik, Vice President, Corporate Affairs
Scot Henderson, CEO Bonanza Fuel, LLC
Joy Baker, Port Director at the Port of Nome
The Honorable Bill Walker, Governor of the State of Alaska
The Honorable Marc Luiken, C.M., Commissioner of the State of Alaska Department of
Transportation and Public Facilities
The Honorable Richard Benneville, Mayor of the City of Nome



5555 Chilkoot Ct. #1
Anchorage, AK 99504
February 4, 2017

Bruce Sexauer
Alaska District Corps of Engineers
Civil Works Project Management
Branch CEPOA-PM-C
P.O. Box 6898
JBER, AK 99506-0898

Alaska Congressional Delegation
Congressman Young;
Senator Murkowski;
Senator Sullivan;

REGIONAL ADDP SUPPORT

RE: ARCTIC DEEP DRAFT PORT AT NOME – SUPPORT PROJECT
STUDY RESTART AND DESIGN

Dear Honorable Members of Congress and Mr. Sexauer,

Alaska Response Co, LLC (ARC) supports immediate action to restart and complete the *Alaska Deep Draft Arctic Port Study*, in order to fully capture the intent of the additional provisions contained within the Water Infrastructure Improvements for the Nation (WIIN) Act of 2016, and the National Defense Authorization Act (NDAA) of 2016.

Section 2006 of the WIIN 2016 specifically addresses viability and welfare of communities in a region, and a project's social and cultural value to affected communities. There are numerous communities in Norton Sound and the Bering Strait region that rely heavily upon the



5555 Chilkoot Ct. #1
Anchorage, AK 99504
February 4, 2017

Port of Nome. Many of these communities would greatly benefit by lower cost commodities resulting from larger vessels calling at Nome.

Alaska Response Co, LLC is in the oil spill planning and response business and is dependent on Arctic infrastructure. Strategic ports in the Arctic are critical to our business. There are already basic infrastructure capabilities at Nome, that justify federal investment into the development so critically needed to protect the Alaska coastline and U.S. national security.

ARC strongly supports the expansion of the facility through the construction of a deep water port at Nome. As maritime commerce in the Arctic continues to grow, the need for a deep water port in Western Alaska is becoming critically important to ensure operational safety and efficiency of the vessels and souls traversing the waters, as well as the strategic placement and deployment of spill response assets.

Sincerely,

Judith A. Miller, Alaska Response Company, LLC



February 9, 2017

Mr. Bruce Sexauer
Alaska District Corps of Engineers
Civil works Project Management Branch
P.O. Box 6898
JBER, AK 99506-0898

State of Alaska Congressional Delegation:
The Honorable Lisa Murkowski, Senator
The Honorable Dan Sullivan, Senator
The Honorable Don Young, Congressman

RE: PORT OF NOME – ARCTIC DEEP DRAFT PORT STUDY NEW START per WIIN ACT SECTION 2006

Dear Mr. Sexauer,

The City of Nome respectfully requests the Army Corps of Engineers take immediate action to expedite a new start on a Deep Draft Arctic Port at Nome, in order to fully capture the intent of the additional provisions contained within the Water Infrastructure Improvements for the Nation (WIIN) Act of 2016, and the National Defense Authorization Act (NDAA) of 2016.

Nome's strategic location enables the Port to serve a vital role in supporting a wide variety of marine industries necessary to support the needs of the regional communities across the Western Alaska coastline, as well as the Arctic maritime fleets working in and transiting through Arctic waters. Section 2006 of the WIIN 2016 specifically provides for consideration of the long-term viability and welfare of the communities in a region, as well as a project's social and cultural value to those regional communities as they rely heavily upon the Port of Nome as a transshipment point for fuel, equipment and supplies.

Section 1095 of the NDAA 2016 brings forth the strategic importance of Arctic infrastructure by requiring an assessment of the future security requirements for one or more strategic ports in the Arctic be compiled by the Secretary of Defense in a report delivered to Congress within 180 days after becoming law. The City of Nome looks forward to the collaboration between the Army Corps and the Department of Defense staff in this effort that will clearly highlight the growing capabilities at Nome and further justify federal investment into the development critically needed to protect the Alaska coastline and U.S. national security.

As stated in a January 16, 2017 Letter of Intent, the City stands ready to enter into a Feasibility Cost-Share Agreement with the Alaska District, and has sufficient funds on hand to meet the 50/50 match, with total costs not to exceed \$3 million. I look forward to working with the Army Corps on the development of a Deep Draft Arctic Port in Nome.

Sincerely,
CITY OF NOME

Richard Beneville
Mayor



Bethel Native Corporation

Subsidiary Companies

Bethel Services Inc.
Bethel Solutions Inc.
Bethel Builders LLC
Bethel Contracting LLC
Bethel Engineering and Consulting LLC
Bethel Environmental Solutions LLC
Bethel Federal Services LLC

Bruce Sexauer
Alaska District Corps of Engineers
Civil Works Project Management Branch
CEPOA-PM-C
P.O. Box 6898
JBER, AK 99506-0898

February 16, 2017

RE: SUPPORT FOR ARCTIC DEEP DRAFT PORT AT NOME

Dear Mr. Sexauer,

I am writing to renew support for the proposed Arctic Deep Draft Port in Nome, Alaska. As a fellow coastal community reliant on shipping for commerce and development, Bethel Native Corporation is in full support of Nome's efforts. The coastal communities of Alaska serve as life lines to nearby villages and full functioning ports bring goods and services needed for construction, health delivery and trade diversity. Deepening the basin at the Port to -36 feet to provide a deep water dock for accessing shore would enhance overall safety and provide the community of Nome and the region with opportunities for economic growth and sustainability.

In addition to accommodating deep draft cargo vessels, this expansion would provide opportunities for cruise vessels to moor at the facility, bringing new opportunities for tourism and marketing to Nome. This valuable improvement within the community of Nome will bring long term viability to the region. The benefits of this port will be immediate.

Bethel Native Corporation strongly supports the expansion of the facility through the construction of a deep water port at Nome. There is a significant need for this port in Western Alaska to ensure safety and propel our state for growth. The proposed location to service the Northwestern region in Nome is strategic and necessary to protect people, resources and the environment. Benefits from this proposed port in Nome would be felt across Western Alaska.

Sincerely,

Ana Hoffman, President/CEO

Mailing Address

PO Box 719
Bethel, Alaska 99559

Physical Address

460 Ridgcrest Drive, Suite 211
Bethel, Alaska 99559

Tel: 907.543.2124

Fax: 907.543.2897

www.bethelnativecorp.org



Bruce Sexauer
Alaska District Corps of Engineers
Civil Works Project Management Branch
CEPOA-PM-C
P.O. Box 6898
JBER, AK 99506-0898

Alaska Congressional Delegation
Congressman Young
Senator Murkowski
Senator Sullivan

RE: SUPPORT FOR ARCTIC DEEP DRAFT PORT AT NOME

Dear Honorable Members of Congress and Mr. Sexauer,

Alaska Response Company, LLC (ARC) and Aleutians Spill Control, Inc. (ASCI) strongly support immediate action be taken by the Army Corps of Engineers' to restart and complete the *Alaska Deep Draft Arctic Port Study*, to fully capture the intent of the additional provisions contained within the Water Infrastructure Improvements for the Nation (WIIN) Act of 2016, and the National Defense Authorization Act (NDAA) of 2016. ARC and ASCI operate an approved Alternative Planning Criteria for oil spill prevention and response under the Oil Pollution Act of 1990 in Western Alaska.

ARC and ASCI's goals, along with prevention and response, include the social and economic development and support for rural Alaska. The protection of this area, its people, and its economy are central to our mission. Section 2006 of the WIIN 2016 specifically provides for consideration of the long-term viability and welfare of the communities in a region, as well as a project's social and cultural value to those regional communities. This is a major factor in showing justification for an Arctic Deep Draft Port at Nome. There are numerous communities in Norton Sound and the Bering Strait region that rely heavily upon the Port of Nome as a transshipment point for fuel, equipment and supplies. Many of these communities are legitimately threatened by the high price of fuel and goods to the region, and would greatly benefit by lower cost commodities to be realized by allowing larger vessels to call at Nome, for transshipping throughout the region. ARC and ASCI want to help contribute to lower costs for the citizens of this region, and we strongly support the Arctic Deep Draft Port at Nome as a large step in that direction. Demand is already outstripping capacity; it is time to act.

ARC and ASCI see port development in Nome as a critical initial step in a much larger system of Arctic infrastructure that is ultimately necessary to cover the expansive area of Arctic waters and exposed coastline. Development of trade routes and national security risks is outpacing our preparedness to handle the traffic and/or place the assets needed. Therefore, we believe these first steps must be taken quickly if the Arctic is to become a safe maritime corridor for vessels to

transit with reduced risks to life safety, the environment, and cultural food resources. The promise held by the Arctic deep draft port at Nome is huge for Alaska and the nation as a whole.

Section 1095 of the NDAA 2016 brings the strategic importance of Arctic infrastructure into the discussion by requiring an assessment of the future security requirements for one or more strategic ports in the Arctic be compiled by the Secretary of Defense in a report delivered to Congress within 180 days after becoming law. The results of this effort will clearly highlight the growing capabilities at Nome and further justify federal investment into the development so critically needed to protect the Alaska coastline and U.S. national security. We believe that it is in all our interests to continue to invest in support for the critical Bering and Arctic areas.

Maritime activity at the Port of Nome is exponentially growing. It makes sense. Arctic Ice Melt and many other factors are driving more traffic and increasingly highlighting the importance of development at the Port of Nome. ARC and ASCI fully support the evolving scope of design concepts that deepen the existing basin to -28 feet, and extend the Causeway out to a depth of -36 feet for constructing at least one deep water dock to allow for resupply and shore access for the deeper draft fleet, working in, and transiting through, Arctic waters. The expanded facility would not only provide more efficient resupply of the larger vessels, but significantly reduce the risk of moving people and supplies via small boats to ships anchored offshore of Nome. This would significantly reduce schedule delays experienced even in the mildest, yet typical 2-3 foot swell at Nome. And ARC and ASCI are committed to any support we may provide as a prevention and response organization to reduce these risks as part of a Deep Draft Port project.

Therefore, we at Alaska Response and Aleutians Spill Control strongly support the construction of a deep water port at Nome. As maritime commerce in the Arctic continues to grow, which nature itself is driving, the need for a deep water port in Western Alaska is becoming critically important to ensure operational safety and efficiency of the vessels and souls traversing the waters. In addition, the strategic placement of military assets and other resources necessary to the nation are becoming much more critical in this area as routes open up to additional vessel traffic. We want to join with you in support Alaskan and American preparedness for growth in economy and risk. We urge a restart and completion of the *Study* and quick move to construction of an Arctic Deep Draft Port at Nome.

Yours sincerely,

A handwritten signature in dark ink, reading "Erik S. Newton". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Erik S. Newton

Alaska Response Company, LLC &
Aleutians Spill Control, Inc.

TEL: (907) 222-7500



23 February 2017

Bruce Sexauer
Alaska District Corps of Engineers
Civil Works Project Management Branch
CEPOA-PM-C
P.O. Box 6898
JBER, AK 99506-0898

Alaska Congressional Delegation
Congressman Young
Senator Murkowski
Senator Sullivan

RE: FURTHER SUPPORT FOR THE ARCTIC DEEP DRAFT PORT AT NOME

Dear Honorable Members of Congress, Mr. Sexauer, and members of the U.S.C.G. delegation,

Alaska Response Company, LLC (ARC) and Aleutians Spill Control, Inc. (ASCI) strongly support immediate action Arctic Deep Draft Port at Nome as per my prior letter (attached hereto). I write to further emphasize a couple of critical points.

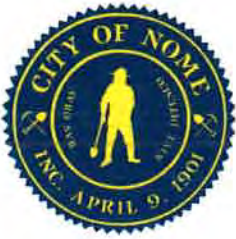
We must prepare for the new reality that is dawning in the Arctic. The math backs up this new reality: traffic to the Nome port is increasing, despite the lack of suitable new infrastructure. The only question is how soon will be too late. Many infrastructure projects are based on a Field of Dreams thought that if it's built, they'll come. In this case, they are already coming, the globe is changing, routes are opening, and *we must build it*.

We understand that there has been some hesitation with Shell's pullout and the recent drilling ban. But there is more to this than oil and gas exploration. There are global shipping routes involved, and each vessel on that journey, while not carrying oil as cargo, carries substantial oil and diesel for fuel. Every one of those vessels is a risk, a necessary one, but a risk nonetheless. We must proceed with the Arctic Deep Draft Port at Nome in order to help mitigate that risk and build up the response infrastructure needed to be prepared for all probabilities.

We strongly urge that immediate action be taken.

Yours sincerely,

Erik S. Newton
Alaska Response Company, LLC &
Aleutians Spill Control, Inc.
TEL: (907) 222-7500



March 1, 2017

The Honorable William Walker
Office of the Governor
P.O. Box 110001
Juneau, Alaska 99811-0001

RE: ARCTIC DEEP DRAFT PORT STUDY RESCOPING AND DESIGN SUPPORT

Dear Governor,

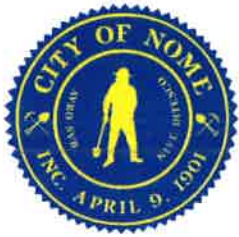
This past month the City of Nome sent a delegation to Washington D.C. to meet with members of the Army Corps of Engineers' Regional Integration Team regarding forward movement on the Arctic Deep Draft Port at Nome. We are happy to report that based on the additional provisions approved in Section 2006 of the Water Infrastructure Improvements for the Nation (WIIN) Act 2016, the Corps is developing Implementation Guidance that will rescope the original study results into a Nome-specific study. This action will finally allow the broader benefits of the project for the region to be captured in full.

While in D.C., our team also met with the Alaska Congressional Delegation regarding the Corps' anticipated progress on the Arctic Deep Draft Port Study, and we were reassured that pressure on the Corps will persist until the new provisions in Section 2006 are implemented, and the Nome project moves forward. The City is very appreciative of the support of the Alaska Delegation, and would like to work with you and your staff to send a strong, complementary signal to the Corps from the State of Alaska.

As you are aware, Nome's strategic location enables the Port to serve a vital role in supporting a variety of marine industries that are necessary for the regional communities across the Western Alaska coastline, as well as the Arctic maritime fleets working in and transiting through Arctic waters. Section 2006 of the WIIN 2016 specifically provides for consideration of the long-term viability and welfare of the communities in a region, as well as a project's social and cultural value to those regional communities, all who rely heavily upon the Port of Nome as a transshipment point for fuel, equipment and supplies.

Additionally, legislation reflected in section 1095 of the National Defense Authorization Act (NDAA) 2016 brings forth the strategic importance of Arctic infrastructure by requiring that an assessment of the future security requirements for one or more strategic ports in the Arctic be compiled by the Secretary of Defense in a report delivered to Congress within 180 days after becoming law. The City of Nome looks forward to contributing to this process to highlight the growing capabilities in Nome and further justify federal and state investment into the development critically needed to protect the Alaska coastline and U.S. national security.

Lastly, the City *sincerely* appreciates the grant funds authorized by the State of Alaska in the last budget year that allows the upcoming execution of a Feasibility Cost-Share Agreement with the Alaska District to complete the rescoping study. In an effort to be prepared for the next phase of the project, the City respectfully requests an additional \$1.6M to allow the City to cost-share with the Alaska District to enter into the Preconstruction, Engineering & Design (PED) phase, which must proceed immediately after the study, in order to expedite design and construction of an Arctic Deep Draft Port.



P.O. Box 281 o Nome, Alaska 99762

phone 907.443.6663 fax 907.443.5349

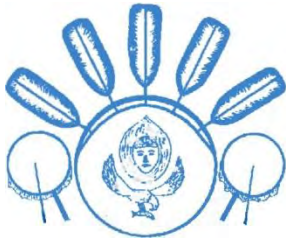
The City looks forward to continued support from the State of Alaska in the pursuit of an Arctic Deep Draft Port at Nome. This expansion will significantly improve the outlook for economic development along Alaska's Arctic coastline, as well as help to diversify all of Alaska's economy, while serving to protect our natural resources and the nation's security.

Sincerely,

CITY OF NOME

Richard Beneville
Mayor

CC: Senator Donald Olson
Representative Neal Foster



St. Mary's Native Corporation

St. Mary's
P.O. Box 149 • St. Mary's, AK 99658
Phone 907-438-2315 • Fax 907-438-2961

Anchorage
203 W. 15th Ave., Ste. 207 • Anchorage, AK 99501
Phone 907-793-3140

March 3, 2017

Sitnasuak Native Corporation
PO Box 905
Nome, Alaska 99762

RE: Letter of Support for the Port of Nome Project

To Whom It May Concern:

St. Mary's Native Corporation (SMNC) is in support of Sitnasuak's Native Corporation efforts in expanding the Port of Nome's Project.

The Lower Yukon region is accessible by airplane and summer barge like much of rural Alaska which makes the cost-of-living very high. A gallon of gasoline in St. Mary's cost \$5.91 with a gallon of milk at \$14.90 is up from \$7.45 per gallon last May. St. Mary's has 550 people living in the village. The few federal, state, city or corporate jobs are supplemented with subsistence activities.

Like many Alaska Native Corporations, our mission statement is holistic and captures profit, people, land, and culture. In today's fiscal environment, it prudent to work together for the benefit of all and that would include Alaska Native Corporations, tribal entities, non-profits, city, federal, and state governments.

Expanding the Port of Nome would be definitely being a strategic transportation hub for the State of Alaska and the United states.

SMNC looks forward to collaboration, innovation, and strengthened infrastructure for the State of Alaska and the United States. If you have any questions, please call or email me at 907-793-3140 or nandrew@stmnc.net.

ST. MARY'S NATIVE CORPORATION
Sincerely,

Nancy Andrew, CEO

CC file

BERING SEA ALLIANCE, LLC
BOX 100
UNALAKLEET, ALASKA 99684
907 625-1711

Bruce Sexauer
Alaska District Corps of Engineers
Civil Works Project Management Branch
CEPOA-PM-C
P.O. Box 6898
JBER, AK 99506-0898

Alaska Congressional Delegation
Congressman Young
Senator Murkowski
Senator Sullivan

RE: ARCTIC DEEP DRAFT PORT AT NOME – SUPPORT PROJECT STUDY RESTART AND DESIGN

Bering Sea Alliance, LLC supports immediate action be taken by the Army Corps of Engineers' to restart and complete the *Alaska Deep Draft Arctic Port Study*, in order to fully capture the intent of the additional provisions contained within the Water Infrastructure Improvements for the Nation (WIIN) Act of 2016, and the National Defense Authorization Act (NDAA) of 2016. We cannot stress enough the urgency to take immediate action.

Section 2006 of the WIIN 2016 specifically provides for consideration of the long-term viability and welfare of the communities in a region, as well as a project's social and cultural value to those regional communities. This is a major factor in showing justification for an Arctic Deep Draft Port at Nome, in that there are numerous communities in Norton Sound and the Bering Strait region that rely heavily upon the Port of Nome as a transshipment point for fuel, equipment and supplies. Many of these communities are legitimately threatened by the high price of fuel and goods to the region, and would greatly benefit by lower cost commodities to be realized by allowing larger vessels to call at Nome, for transshipping throughout the region.

Section 1095 of the NDAA 2016 brings the strategic importance of Arctic infrastructure into the discussion by requiring an assessment of the future security requirements for one or more strategic ports in the Arctic be compiled by the Secretary of Defense in a report delivered to Congress within 180 days after becoming law. The results of this effort will clearly highlight the growing capabilities at Nome and further justify federal investment into the development so critically needed to protect the Alaska coastline and U.S. national security.

The exponential growth in vessel traffic transiting the Bering Strait and calling at Nome is clearly discernible, based on the statistics below provided by the Marine Exchange and Port of Nome, respectively:

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Bering Strait Transits	242	239	316	344	255	452	369
Port of Nome Vessel Calls	296	271	444	496	498	635	751

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These figures make it clear that maritime activity is increasing, with little indication of slowing.

Our organization fully supports the evolving scope of design concepts that deepen the existing basin to -28 feet, and extend the Causeway out to a depth of -36 feet for constructing at least one deep water dock to allow for resupply and shore access for the deeper draft fleet, working in, and transiting through, Arctic waters. The expanded facility would not only provide more efficient resupply of the larger vessels, but significantly reduce the risk of moving people and supplies via small boats to ships anchored offshore of Nome. This would significantly reduce schedule delays experienced even in the mildest, yet typical 2-3 foot swell at Nome.

Therefore, BSA, LLC strongly supports the expansion of the facility through the construction of a deep water port at Nome. As maritime commerce in the Arctic continues to grow, the need for a deep water port in Western Alaska is becoming critically important to ensure operational safety and efficiency of the vessels and souls traversing the waters, as well as the strategic placement of military assets and other resources necessary to the nation.

We believe there is a need to propel this project forward, Nome has many positive attributes above all other port sites and this alone calls for the Nome project to be expedited and moved rapidly without hesitation. We support multi ports, but do not support any process the slows down or hinders the immediate funding and construction for the Nome project.

We hope you take our convictions seriously.

Sincerely,



Art Ivanoff

Cc; BSA, LLC Board of Directors
Honorable Richard Beneville
Governor Bill Walker

STATE OF ALASKA POSITION PAPER



Support for an Arctic Deep Draft Port at Nome to -36' MLLW through \$1.6M in Design Funds

The Bering Straits Leadership Team requests support from the Alaska Legislature, the State of Alaska, the Congressional Delegation, and various federal agencies that drive US Arctic Policy¹ and the State of Alaska's Arctic Policy Commission's recommendations², to authorize and fund the design and construction of an Arctic Deep Draft Port at Nome, as part of a larger maritime infrastructure system in the U.S. Arctic. This project would extend the existing Causeway structure to a depth of -36' MLLW, provide a deep water dock and multiple mooring positions, extend the utilities, and deepen the navigational channel and maneuvering basin at the Port of Nome. Based on the existing community and marine infrastructure in place at Nome, the timeline for bringing an Arctic Deep Draft Port online is reasonably short, with construction potentially occurring as soon as 2021 if the project is authorized and funded in 2017. The Bering Straits Leadership Team seeks to adhere to this timeline by requesting \$1.6M in funds from the State of Alaska to carry the project through completion of the design phase, allowing for a construction-ready project to be presented to Congress for authorization and funding.

The newly amended language of Section 2006 of the Water Infrastructure Improvements for the Nation Act of 2016, which allows for consideration of the long-term viability and welfare of communities in a *region*, as well as a project's social and cultural value to

¹ President's National Strategy for the Arctic, the Department of Defense's Arctic Strategy, The Committee on Marine Transportation's US Arctic Marine Transportation Priorities, the US Coast Guard's Arctic Strategy, NOAA's Arctic Vision and Strategy, the Alaska Arctic Policy Commission's Recommendations and the Arctic Council's Arctic Marine Assessment Report 2009 Recommendations for Arctic infrastructure.

² Alaska Arctic Policy Commission, Final Report and Implementation Plan January 30, 2015

regional communities, is a major factor in justification of navigation improvements at Nome. There are dozens of communities in the Norton Sound and the Bering Strait region that rely heavily upon the Port of Nome as a transshipment point for fuel, equipment and supplies, and many of them are legitimately threatened by the high price of fuel and goods. Enabling larger vessels to call on Nome would lead to lower costs of commodities, a savings that could be passed on to the residents of these surrounding communities, many of whom are Alaska Native and practice a subsistence-based way of life. Nome has the opportunity to change the standard for the delivery of goods and services in the region.

Additionally, the newly amended language in Section 1095 of the National Defense Authorization Act of 2016 concerning Strategic Arctic Ports outlines the requirement that the national security role of these facilities be thoroughly investigated during any project study, and shows a clear opportunity to highlight those growing capabilities at Nome. The results of this effort will provide for the additional justification needed to further develop an expanded Arctic Port facility at Nome. The Port of Nome stands ready to move forward in a cost-share agreement with the Army Corps of Engineers to investigate these additional criteria in our joint pursuit for an Arctic Deep Draft Port.

The Port of Nome, due to its geographic location, is a strategic transportation hub that meets the needs of US Arctic Policy by strengthening the Arctic Marine Domain Awareness system as well as search and rescue capabilities through an expanded port. The USCG study³ concurs that a deep-draft port in the Arctic will provide benefits, including economic development, intermodal transit, energy independence, national security, and marine safety. The increase in vessel traffic seen over recent years will be compounded in the near future as demand of global markets for resource development in the Arctic continues to rise, and foreign cargo companies increase the shipment of commodities through the Arctic routes.

In August 2015 in Seward, Alaska, the President of the United States emphasized the need for port infrastructure north of Dutch Harbor, and followed that statement with action that will assist in facilitating the pursuit of an additional icebreaker, estimated to be online by 2020. This accelerated pace of normal ship procurement highlights the urgency for developing vital Arctic infrastructure to ensure the United States maintains a critical role in the Arctic. The Port of Nome would embrace the possibility to be the homeport for the new icebreaker and serve as its regional base of operations.

No other medium or deep draft port infrastructure capabilities exist from Northwest Alaska (Nunivak Island) to the Canadian border. Nome's existing 3,162' Causeway is dredged to -22.5' MLLW with a 3,025' protecting breakwater to the east. Extending the causeway to -36' MLLW will accommodate fuel tankers and line haul barges, ice breakers, USCG National Security Cutters, Navy ships, NOAA and foreign scientific research vessels, oil and gas support vessels, as well as larger cruise ships, support tugs, sailboats and yachts.

³ US Coast Guard, "Feasibility of Establishing an Arctic Deep-draft Seaport", Report to Congress February 11, 2014.

As the opening of the Arctic continues, the increase in ocean vessel traffic through the Bering Strait and Nome provides economic development opportunities in resource development, international and domestic scientific research, and tourism. Transit data from the Marine Exchange of Alaska and Port of Nome clearly depict the increase:

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Transits recorded through the Bering Straits	430	410	480	440	340	540	485
Port of Nome Vessel Calls	296	271	444	496 ⁴	498	635	751

As a Port of Refuge, Nome is located close to designated shipping lanes, and provides intermodal transportation connections through jet service to Anchorage, and commuter flights to coastal communities, as well as emergency services for crew and passengers. The Bering Straits Leadership Team believes this to be a national priority for the United States and State of Alaska, and wishes to have Nome serve the country and state in this capacity to significantly improve mariner safety and enhance protection of the environment. Built in 2012, the Norton Sound Regional Hospital is a state-of-the-art facility constructed to provide medical care to the region's 10,000 residents spread across 44,000 square miles. The 150,000-square-foot facility allows intermediate medical care without traveling to Anchorage.

As world events continue to demonstrate a heightened need for expanding U.S. military strategies abroad, the increased Arctic activity by Russia and China demands equal attention in order to protect the U.S. Arctic coastline, its residents, and the natural resources that are at risk. The Bering Straits Leadership Team respectfully requests continued support from the Alaska Congressional Delegation for the pursuit of federal authorization of an Arctic Deep Draft Port at Nome, as well as a federal funding appropriation for construction that will reduce the non-federal cost-share to a level manageable for a rural Alaska municipality.

Although the Army Corps' decision to pause the Arctic Deep Draft Port study was based on Shell's decision to suspend exploration activities in 2015, industry experts have indicated it is only a matter of time before the oil and gas markets and new discoveries dictate the development of the deposits known to be located in the Arctic waters. In the meantime, the Washington decision makers must take immediate action to ensure the accelerated development of Arctic maritime infrastructure to protect national security, environmental protection, resource conservation, mariner safety, and scientific research, as well as international cooperation with the global community. Russia and Canada are establishing Emergency Response Centers along their coastline, while the U.S. has not begun planning for any Emergency Response Center in the U.S. Arctic. Nome can serve as the United States' Emergency Response Center in the Arctic, and mitigate maritime risks to life safety and the environment.

The Bering Straits Leadership Team supports infrastructure development across the entire Arctic region. To that end, the Port of Nome seeks to demonstrate the effectiveness and efficiency of development dollars in this region by continuing to solicit P3 investments in the Port facility, touting the significant cost-saving mechanism for the

⁴ 143 vessels waited at Road Stead to dock, 39 had drafts deeper than -22'.

private sector's operations in saving several days of sailing for commodity movement and resource development. An immediate and vital benefit of this investment will be the increased efficiency in logistical support throughout the Bering Sea and Arctic Ocean.

Nome is poised to play a critical role in ensuring the United States is a leader in the Arctic in national security, international trade, and geopolitical influence. As the only existing marine trade center in the Arctic, expansion of the Port of Nome is critical to ensure the timely development of an Arctic deep draft port as a support facility for military assets. A deep draft port in Western Alaska will not only serve the country's national interests, but expand on an existing logistics hub for many Alaskan coastal communities, creating an intermodal transit point for global commerce. This will assist in providing the energy independence needed in the Arctic and Northwest Alaska, to effectively reduce the cost of living and create economic opportunity throughout Alaska and the Pacific Northwest.

River and Harbor Act, Section 107 – CAP Study Approval

Correspondence

USACE Pacific Ocean Division



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CEPOD-PDC

DEC 16 2019

MEMORANDUM FOR Commander, Alaska Engineer District (CEPOA-PM-C/Jenipher Cate), P.O. Box 6898, JBER, AK 99506-0898

SUBJECT: Approval to continue a Continuing Authority Program (CAP) study and Investigations study at the Port of Nome

1. References:

a. Memorandum, CEPOA-PM-C, 25 Nov 19, subject: Approval to continue a Continuing Authority Program (CAP) study and Investigations study at the Port of Nome (Encl).

b. EP 1105-2-58, Continuing Authorities Program, 1 Mar 19.

2. As detailed in reference 1.a., I approve your request to continue with both the Investigations and CAP studies as two separate navigation projects at the Port of Nome. The policy requirements specified in reference 1.b. have been satisfied.

3. POC for this action is Ms. Sharon Ishikawa, POD CAP Manager, Civil Works Integration Division, at 808-835-4621 or sharon.m.ishikawa@usace.army.mil.

Encl

THOMAS J. TICKNER, PMP
Brigadier General, USA
Commanding