
Port of Nome Modification Feasibility Study
Nome, Alaska

Appendix L: Public and Agency Comments



**US Army Corps
of Engineers**

Alaska District

Appendix L – Public and Agency Comments Table of Contents

1. Notification of Availability for Public Comment: Draft Integrated Feasibility Report & Environmental Assessment (08 May 2019)
2. Public Comments on Draft Integrated Feasibility Report & Environmental Assessment
 - 2.1. Comments Received (Comments were addressed in text of Supplemental EA)
 - 2.1.1. Sitnasuak Native Corporation (06 June 2019)
 - 2.1.2. T. Okleasik (18 June 2019)
 - 2.1.3. G. Sheffield (18 June 2019)
 - 2.1.4. B. Bardy (18 June 2019)
 - 2.1.5. A. Ahmasuk (19 June 2019)
3. Non-Federal Sponsor Comments on first Draft IFREA (03 July 2019)
 - 3.1. Comments Received
 - 3.1.1. City of Nome (03 July 2019)
4. Agency Comments on first Draft IFREA
 - 4.1. Comments Received and USACE Responses
 - 4.1.1. National Marine Fisheries Service (23 May 2019)
 - 4.1.2. U.S. Fish and Wildlife Service (31 May 2019)
 - 4.1.3. Environmental Protection Agency (20 June 2019)
5. Notification of Availability for Public Comment: Draft Integrated Feasibility Report & Supplemental Environmental Assessment (31 December 2019)
6. Public Comments on second Draft IFR/Supplemental EA
 - 6.1. Overview of Comments and USACE Responses
 - 6.2. Comments Received
 - 6.2.1. W. Gilpin (03 January 2020)
 - 6.2.2. W. Nason (06 January 2020)
 - 6.2.3. J. Keener (10 January 2020)
 - 6.2.4. Sitnasuak Native Corporation (21 January 2020)
 - 6.2.5. Pew Charitable Trusts (29 January 2020)
 - 6.2.6. Ocean Conservancy (30 January 2020)
 - 6.2.7. G. Bard (30 January 2020)
 - 6.2.8. Doyon, Limited (30 January 2020)
 - 6.2.9. Kawerak, Incorporated (03 February 2020)
 - 6.2.10. Nome Eskimo Community (06 February 2020)
7. Non-Federal Sponsor Comments on second Draft IFR/Supplemental EA
 - 7.1. Comments Received and USACE Responses
 - 7.1.1. City of Nome (30 January 2020)
8. Agency Comments on second Draft IFR/Supplemental EA
 - 8.1. Comments Received
 - 8.1.1. U.S. Coast Guard (09 March 2020)

Notification of Availability for Public Comment



Civil Project Management Branch
Public Notice

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

Date 8 May 2019 Identification No. ER-19-007
Please refer to the identification number when replying.

The U.S. Army Corps of Engineers, Alaska District (Corps), has prepared a Draft Integrated Feasibility Report and Environmental Assessment, and draft Finding of No Significant Impact for the following project:

**Port of Nome Modification
Nome, Alaska**

The proposed project and initial analysis of potential environmental impacts are described in the draft report. The report evaluates six structural alternatives, as well as the no-action alternative, proposed to improve navigational efficiencies at the Port of Nome. The recommended plan would extend the existing west causeway by 3,484 feet; remove the existing east breakwater and replace it with a new 3,900-foot causeway; deepen the existing Outer Basin to 28 feet below mean lower low water (MLLW); create a Deep Water Basin to 30 or 40 feet below MLLW; and construct 5 new docks. Dredged material would be placed in water near the shore to augment the beach adjacent to the Nome seawall.

The public and agency comment period on the draft report extends for 30 days from the date of this Public Notice. The report may be viewed on the Alaska District's website at: www.poa.usace.army.mil. Click on the *Reports and Studies* button on the right-hand sidebar, look under *Documents Available for Public Review*, the click on the Civil Works link.

A printed copy of the report will be available at the front desk of Nome City Hall, 102 Division Street, Nome, Alaska, (907) 443-6663.

Comments on the draft report may be submitted in writing to the postal address below, or by email to the contact email provided below.

U.S. Army Corps of Engineers, Alaska District
ATTN: CEPOA-PM-C-PL
P.O. Box 6898
Joint Base Elmendorf-Richardson, AK 99506-0898

For information on the proposed project, please contact Ms. Jenipher Cate, Project Manager, at Jenipher.R.Cate@usace.army.mil or (907) 753-2837.

STATE OF ALASKA WATER QUALITY CERTIFICATION

Notice is hereby given that the Corps will be applying for State Water Quality certification from the Alaska Department of Environmental Conservation (ADEC). ADEC may certify there is a reasonable assurance this proposed action and any discharge that might result will comply with the Clean Water Act, Alaska Water Quality Standards, and other applicable State laws. ADEC's certification may authorize a mixing zone and/or a short-term variance under 18 AAC 70, Water Quality Standards, amended as of April 6, 2018. ADEC may also deny or waive certification. Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments to the address below or to the email address dec-401cert@alaska.gov within 30 days of the date of this Public Notice. Mailed comments must be postmarked on or before the last day of the public comment period.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WDAP/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, AK 99501-2617
PHONE: (907) 269-2711 | EMAIL: dec-401cert@alaska.gov



Michael R. Salyer
Chief, Environmental Resources Section

Public Comments



June 6, 2019

Ms. Jenipher Cate, Project Manager
U.S. Army Corps of Engineers, Alaska District
ATTN: CEPOA-PM-C-PL
P.O. Box 6898
Joint Base Elmendorf-Richardson, AK 99506-0898

RE: Comments on USCOE Port of Nome Feasibility Study

Dear Ms. Cate:

On behalf of Sitnasuak Native Corporation (SNC), please consider these comments regarding the U.S. Army Corps of Engineers (USCOE) feasibility study and environmental assessment for the Port of Nome. Overall, SNC strongly supports the Port of Nome feasibility study as it develops critical U.S. Arctic infrastructure that will advance sustainable Arctic economic development, national security, rural Alaskan to global transportation services, and community-state-federal readiness for a changing Arctic.

As an introduction, SNC is proudly headquartered in Nome, Alaska, and is the largest of 16 Alaska Native village corporations in the Bering Straits region. SNC is owned by almost 2,900 Alaska Native shareholders. In the U.S. Arctic, Alaska Native corporations are unique entities created under federal law and represent notable Alaska Native and private entities for partnership in Arctic port developments.

SNC would recommend that Alaska Native Corporations (ANCs) be included and specifically acknowledged in the report as representing private economic, business and financial interests, as well as social-cultural interests of Arctic communities and indigenous peoples. At the same time, ANCs cooperatively—with tribes and regional nonprofit organizations—represent the indigenous peoples' particular interests in land ownership and management inclusive of subsistence use and concerns, which are equally important in ongoing and future Arctic port developments from an ANC partner perspective.

On alternatives 8a and 8b, SNC strongly supports and requests the USCOE to use -45 ft MLLW for the outer deep water basin on the west causeway extension. This will provide national security readiness and much needed Arctic deep water port infrastructure in the U.S. jurisdiction and cost effectively maximize or make a best buy plan for this overall improvement to the Port of Nome. As global and regional maritime commerce in the Arctic continues to grow, the need for a deep-water port with a depth of -45 ft MLLW in the U.S. Arctic is becoming critically important to promote sustainable economic development, ensure the safety and



operational efficiency of the vessels traversing our region's waters, as well as ensure the strategic positioning and servicing of military assets and other important resources. The -45 ft MLLW will also support sufficient depth during set-down weather conditions at the site associated with north winds.

SNC would like to emphasize that the Port of Nome is strategically positioned in the U.S. Arctic to cost-effectively enhance and serve diverse community, industry, state, national and international needs. One of the important characteristics of the Port of Nome is the multiple uses and benefits it currently provides and will be enhanced to offer in the future with this project.

On page four, SNC requests the significant project economic impacts for the study area be broadened and recognize that the Port of Nome historically, currently and in the future will continue to provide significant regional benefits within the Bering Strait region as well as to regions and villages that neighbor particularly the Southwest Alaska or Calista Region (particularly the villages of Kotlik, Emmonak, Nunam Iqua, Alakanuk, Mountain Village, Pitkas Point, Pilot Station, Marshall, and Russian Mission), the Northwest Arctic Borough (particularly the villages of Kotzebue, Deering, Buckland, Selawik, Noatak, Kivalina, and Kiana), and the North Slope Borough (particularly the villages of Point Hope, Point Lay, Wainwright, Utqiagvik, Nuiqsut, Prudhoe Bay, and Kaktovik).

On page ten of the report, the proposed project objectives include supporting multiple maritime missions which include cargo transportation, search and rescue, emergency and oil spill response, and natural resource exploration. SNC would like the following added to this listing (second bullet): Arctic marine research and science, commercial fisheries, subsistence uses, cruise ship tourism, independent tourism marine vessels (both national to international), sport and recreation vessels, natural resource development (beyond exploration), and national security.

On page 15-16, there is discussion of sea ice however it lacks a review of the recent changes in sea ice in the Nome and U.S. Arctic areas which are very significant and impact port development. The later sea ice freeze, earlier break up and reduced winter sea ice coverage are all notable sea ice trends that should be identified and discussed which will all increase the accessibility of and need for improvements at the Port of Nome with vessel traffic in the future.

On page 141 in section 8.4 and appendix D page 44, please note that SNC is one of the many historical, current and future users of the Port of Nome. Bonanza Fuel, LLC (Bonanza), a wholly owned subsidiary of SNC, manages the largest bulk fuel storage facility in Nome and has been located at the Port for over 20 years. Bonanza provides products and services to public and private maritime customers, commercial operations, and community residents and has also invested in oil spill response services that ultimately serve the broader community and growing Arctic maritime community. Bonanza currently has more than sufficient petroleum storage

capacity to support future growth with the Port of Nome and, as expanded demand dictates, is committed to continue our growth to serve the maritime community needs.

On page 201, SNC acknowledges the concern during the tribal consultation on housing and the comment that port construction contract companies should be required to provide their own camps for housing. However, SNC has a wholly owned subsidiary Nanuaq, LLC that provides and develops apartments, commercial office space and property lots since 1978. We would like to ensure communications via the USCOE report and with contractors in this project to include referrals to Nanuaq, LLC as a local resource and established business with capacity to develop camps, housing and office/warehouse/storage options. Supporting and working with established local and Arctic based businesses is an important component of sustainable Arctic development.

On page 201, SNC also acknowledges the comment on competition for subsistence resources in hunting. It should be noted that SNC is one of the largest landowners in Nome and the surrounding area and that hunting activities would need to comply with our Corporate land policies which can be an effective local control option in helping to manage such concerns.

On page 202, please note in the report that SNC is the landowner of the Sitnasuanmiut Qunjuwit (People of Sitnasuaq Cemetery) mentioned in the tribal consultation process. As background, the site was used as a cemetery during the early 1900s primarily for Alaska Native peoples. During the 1918 global flu pandemic, at least 175 Sitnasuanmiut (People of Sitnasuaq) who perished in Nome were buried at this cemetery site in a mass grave. Under the Alaska Native Claims Settlement Act (ANCSA), this land was selected by SNC to honor and recognize our past which is important in preserving the history of the Sitnasuanmiut. Today, this qunjuwit (cemetery) is considered historical and no additional burials are currently permitted. In 2018, SNC made improvements at the site including a viewing platform, signage, boulders for marking the boundaries, and large cross. It is a site of interest for tourism and helps to educate both local people and visitors on our Alaska Native history in the community.

On page 206, SNC supports the City of Nome's statement that the proposed improvements at the port will improve the passenger (or pedestrian or primarily tourism visitors) and industrial traffic. As marine tourism continues to grow in the Arctic this is a very important safety and visitor accommodation for supporting economic development. This is an important attribute of the Port of Nome improvements proposed.

In appendix D on page 35, the report reviews the export of rock from the Nome area. SNC would like to request additional information be added. Particularly the important value of the rock resource to rural Alaska infrastructure development such as, but not limited to, airports, housing and public building pads, road building, and community flood protection. The quality of the rock resource from the Nome area is unique in meeting the needs for properly engineered infrastructure as well as meeting project demands and specifications. The ability to export rock and gravel products from the Port of Nome to the Bering Strait, North Slope,

Northwest Arctic and Calista regions is often critical to communities which have high needs for public infrastructure development, repairs, improvements and/or maintenance. In many of these areas the specifications of rock and gravel is unavailable or inaccessible for community infrastructure and without the Nome resource the projects may not be possible. It is very important for the export at the Port of Nome as the next closest resources are in southern Alaska and/or the Lower 48 states – which would make many regional and village projects cost prohibitive.

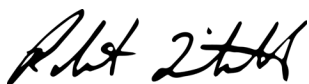
Also, in appendix D on page 35, SNC requests the importance of fuel to rural Alaskan communities should also be emphasized. In Arctic climates, fuel takes on critical importance and a key necessity for existence of communities. SNC requests for the section to better characterize and reflect the necessity for heating homes, businesses and public buildings – particularly as the fuel is needed for the majority of the year and shipped in summer seasonal time frames. Also, fuel is critical for electric energy as all rural Alaska communities in the study area are considered micro-grids and need fuel for this basic community and business service.

In appendix D attachment 1 on page seven, SNC appreciates the discussion on the overwater fuel transfer. SNC would recommend the discussion include that significant fuel transfers occur offshore seasonally during the summer in the Alaskan and U.S. Arctic. SNC recognizes there are transfers for supporting village fuel deliveries. However, SNC also recognizes there are refueling of vessels offshore that are transiting the Arctic and utilize the overwater fuel transfer system to bypass state and federal fueling taxes as well as onshore port tariffs such as those in place at the Port of Nome. These overwater sales and transfers are estimated to be in the hundreds of thousands to millions of gallons via offshore fuel barges and tankers. The environmental risk of these offshore marine fuel transfers is born by our Arctic communities, but the economic benefits reaped by such transactions go elsewhere. If there was a significant negative event associated with overwater fuel transfer, it should be noted there is limited federal and state response in the Arctic and such an offshore spill event would overwhelm the response systems and pose significant negative effects to our environment, community economy and subsistence way of life. Developing Arctic ports, such as the Port of Nome, will bring jobs, much needed public and private revenues, and an increase capacity for more economic development and environmental response capacities. SNC sees the Port of Nome improvements as an opportunity to support the sustainable development of our economy while safeguarding our marine environment by reducing the risk of overwater fuel transfers, which should be included in the report. With the proposed port improvements, ships should be able to utilize onshore infrastructure to discontinue offshore fuel transfers to improve environmental safety and support sustainable Arctic economic development.

In closing, SNC greatly appreciates the opportunity to comment with the USCOE in the feasibility study for the Port of Nome. The study is important, timely and supports much needed enhancements with the Port of Nome to meet demand in this underserved segment of U.S. Arctic transportation infrastructure.

If you need further information or 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.

Sincerely,



Roberta "Bobbi" Quintavell,
President & CEO

Cc: Honorable Mayor Richard Beneville, City of Nome

COMMENT FORM

Port of Nome Modification Feasibility Study
Public Meeting – Nome, AK – 18 June 2019

Comments

The Port of Nome is very important to the community, region, state & broader US-global Arctic. We need it to be a deep-draft Port, and support alternatives that include -45 MLLW.

It is an existing Port and cost-effective to improve in the US Arctic. Also benefits community, industry & can support military operations.

Support Alternative 8B with -45 MLLW to make sure maintains depth with winds and many types of ships/users for long-term development.

The Port is important for the community to be pro-active in growing Arctic shipping & traffic with Arctic base infrastructure & services. Supports sustainability.

Request a subsistence boat launching area/access in the designs for sustaining westward access.

Name (OPTIONAL) TOM OKLESIK
NOME, AK resident

Options for submitting written comments

1. Give completed form to any Army Corps of Engineers presenter;
2. Mail comments to: Jenipher R Cate, CEPOA-PM-C-PL, USACE Alaska District, PO Box 6898, JBER, AK 99506-0898;
3. Email comments to: Jenipher.R.Cate@usace.army.mil

COMMENT FORM

Port of Nome Modification Feasibility Study
Public Meeting – Nome, AK – 18 June 2019

Comments

- Steller sea lions are seen closer to Nome occasionally near the sea wall in front of turn E of the East jetty
- Please change Bering Straits region to Bering Strait region
- p. 250 change "Goyle" to "Bay" Sheffield
- Please note walrus is singular, walwses is plural. Please standardize correctly throughout.

Marine mammals section: ^{pups &} subadult ringed, bearded, & spotted seals utilize Nome and the surrounding nearshore marine environment throughout the year. Ringed, Bearded adults here fall → late spring. Spotted seals now here year round. ~~Ribbon seals~~ Safety Sound east of Nome is critically important to marine mammals (seals - especially pups and subadults)

- Please note: Ringed seal = (*phoca hispida*) ^{cite: Society for Marine Mammalogy}
- The ability to receive research vessels more allows Nome the opportunity to learn what is happening in our waters directly, having response vessels that could prevent/mitigate spills from vessels in distress would be a benefit to environmental security.

Name (OPTIONAL) GAY SHEFFIELD

Options for submitting written comments

1. Give completed form to any Army Corps of Engineers presenter;
2. Mail comments to: Jenipher R Cate, CEPOA-PM-C-PL, USACE Alaska District, PO Box 6898, JBER, AK 99506-0898;
3. Email comments to: Jenipher.R.Cate@usace.army.mil

COMMENT FORM
Port of Nome Modification Feasibility Study
Public Meeting – Nome, AK – 18 June 2019

Comments

A PRIMARY CONCERN FOR A DEEP DRAFT PORT FOR THE NOME HARBOR IS A POTENTIAL FOR LOCATING AND DISTURBING TERRESTRIAL DEPOSITS BURIED BELOW THE SEA FLOOR, WHICH MAY CONTAIN PLEISTOCENE AGE PLANT AND ANIMAL REMAINS, INCLUDING HUMAN REMAINS AND ARTIFACTS.

Name (OPTIONAL)

BRIAN BARDY NATIONAL PARK SERVICE

Options for submitting written comments

1. Give completed form to any Army Corps of Engineers presenter;
2. Mail comments to: Jenipher R Cate, CEPOA-PM-C-PL, USACE Alaska District, PO Box 6898, JBER, AK 99506-0898;
3. Email comments to: Jenipher.R.Cate@usace.army.mil

June 19, 2019
Austin Ahmasuk
P.O. Box 693
Nome, AK 99762

U.S. Army Corps of Engineers
Via: Jenipher.R.Cate@usace.army.mil

RE: Port of Nome Modification Feasibility Study

The following are my personal comments on the port of Nome and do not in any way reflect those of my employer. I was born and raised in Nome and am critical of many of the findings in the modification feasibility study and I am against the proposed port improvement plans.

The port of Nome has destroyed Alaska Native people and history and may significantly change Nome. The people that once lived at sandspit were evicted from the place called "sanispik" or place on the side as it is called in the Inupiaq dialect to make way for port improvements. My family home was destroyed as a result of port development and my family and fellow neighbors were evicted from the trailer court as it was called. The port of Nome brought offshore mining to Nome in a build and they will come scenario. Build it and they will come is a significant policy decision by the USACE and city of Nome to destroy the cultural fabric of the lives of Alaska Native people and may not be resolved with a FONSI. The only proper federal step is to undertake an EIS.

In section 2.8 the USACE makes the bold and unreferenced claim that without the port 11 of the 18 year round communities would be threatened without navigation improvements. In the same section the USACE claims two other bold and unreferenced benefits that the port will "improve the local economy" and "improve the welfare of the local population". Those three claims are totally laughable, the USACE has not satisfied any of those claims with factual basis and only made the barest of inquiry into how this port will impact the lives of people throughout the Bering Strait region or in the community of Nome. Our communities and people are strong they are threatened in many ways but there is no truth to the 3 claims of any community's health is tied to what happens to the port of Nome.

The USACE and the city of Nome have declared the redesign will mean better oil spill response in the future. That is not true because the modification feasibility study does not lay out any plans for such. The notion a bigger port will bring oil spill response equipment is wishful thinking. All TIERS of oil spill response equipment as defined by the international petroleum industry and American Petroleum Institute i.e. TIER 1, 2, & 3 can be here in Nome without any port improvement. The granddaddy "Responder Class" Oil Spill Response Vessel (OSRV) which is generally a 50 meter, 1,000 GT vessel is a low draft type and can be here in Nome now if the money and the will existed to get OSRV's like that here making a bigger and deeper port won't improve a thing, until there is a fundamental political change to care for animals, land, and water and the people. Endicott and Northstar on the north slope of Alaska produce 20,000 and 70,000 bbls of oil per day respectfully their ports are no bigger than Cape Nome's and they have skimmers, trained personnel, vessels galore, oil service pumps, an entire industry behind them to prevent oil spills and clean up oil spills. The Bering Strait region has very little oil spill response equipment because of politics not because of a small port. Our lack of oil spill response is absurd considering what is NOT spent on



Figure 1, example of the largest kind of responder class OSRV
<https://www.msrb.org/services/oil-spill-response/equipment/type/126>

our safety and security but could be. Yet we can't even have basic OSR equipment in our villages beyond absorbent pads. Better and more oil spill response equipment can be here now but it isn't and there is no proof in the port redesign that oil spill equipment will get here. Those wishful thoughts are City of Nome rhetoric and is false hope.

“The Final IFR/EA, incorporated herein by reference, evaluated various alternatives that would provide safe, reliable and efficient waterborne transportation systems for movement of commerce, national security, and recreation at the Port of Nome in the study area”

I would like to touch upon the notions of national security which comprise the backbone of the modification feasibility's design considerations and justification. In a May 1, 2019 Senate Defense Appropriations Subcommittee hearing to examine the Navy and Marine Corps Budget request for FY20, U.S. Senator Lisa Murkowski (R-AK) questioned witnesses on strategic objectives in the Arctic and the Navy's intentions regarding training in Alaska. Hon. Richard V. Spencer, Secretary of the U.S. Navy testified before the Senate regarding the need for a port in the Bering Sea. “we do not have a requirement for a port”^[1]. The USACE's speculation is inaccurate and now fully and totally debunked. The Russians pose no threat to the United States militarily because they have not shown much of any aggression except to drill for their own oil, their own minerals, and their own gas. Relations with Russians and Russian indigenous people exist but are constrained by distance and time but there is eagerness to work together on the warming Arctic. There is no Chinese military base in the Arctic consequently there is no national security concern.

In appendix C small subsistence boats are NOT considered in the design criteria, the word subsistence is used only once and is not referenced. If the causeway is lengthened and if an L shaped extension is added it will make getting into and out of the Port more dangerous for small subsistence boats. Nome's littoral zone is relatively narrow perhaps 3/8 to 1/2 mile which has decrease wave energy. Lengthening the causeway will bring the mouth of the port it into the faster and variable current noted in section 3.1.6.2. Subsistence boats tend to travel within or near the littoral zone because the water is smoother but not so close as to be in the surf zone if in windwaves. Having to go around a larger and longer port will mean that subsistence boats typically 18foot will have to travel farther out into a faster and more variable current and will have to go against the waves along the causeway extension, turn along the L and make a near 180 degree turn to get into the entrance if travelling from the west. In the kinds of wind waves that we subsistence hunters experience that can be dangerous.

^[1] <https://www.appropriations.senate.gov/hearings/review-of-the-fy2020-budget-request-for-the-navy-and-marine-corps>

Table 1 of the unnumbered transmittal letter is a crude summary of potential effects it only lists the category of insignificant effects, it is not referenced in any of the appendices or within the main body of the report. Its only reference is the claim that the feasibility study is in title a FONSI. It is biased and one sided and is not scientifically defensible. Take for instance the summary finding of “insignificant effects” to air quality in table 1. Nome is outside of the North American Emission Control Area (ECA), under the International Convention for the Prevention of Pollution from Ships (MARPOL) and ships can operate



without scrubbers and if any regulations apply they generally only apply within three miles of the coast. The only method for managing air pollution is via EPA method 9 maybe some AKDEC regulations and could only occur if an EPA person were stationed here to monitor and mitigate air pollution. For approximately two weeks the GSW Forward which was a Singapore flagged oil tanker was stationed offshore of Nome. It spewed massive pollution which I reported to DEC and EPA but nothing was done. I tracked its stack plume west of Nome for 11 miles on the morning of June 10, 2019.

Historic properties have and insignificant effect as a result of mitigation. From the 2005-2006 experience the Alaska Native people of Nome know that the USACE is OK with destroying Alaska Native culture and history.

Essential Fish Habitat has an insignificant effect as a result of mitigation. USACE indicates that EFH effects will be minimized with 6 mitigation measures or what can be called harm reduction. USACE identifies the following measures in appendix H:

1. Within the [inner] harbor and entrance channel dredging will commence annually from as soon as practical after the ice goes out through June 30;
 - a. As of May 11, 2019 the USACE will not allow dredging shall be within 1 nautical mile of an anadromous stream or river between June 1st and July 15th via the Special Public Notice issued April 11, 2019.
https://www.poa.usace.army.mil/Portals/34/docs/regulatory/specialpns/2019/POA-2007-00372_Special%20Public%20Notice.pdf?ver=2019-04-10-131133-873×tamp=1554916333961
2. Within the breakwater there is no closed season for dredging;
 - a. The mitigation measure is not mitigation pure and simple.
3. Dredging within and at the mouth of the entrance shall be conducted in a manner that will either allow for continuous free passage of fish, or dredging [shall be conducted] for only a 12-hour period per 24-hours.
 - a. The manner is not well described
4. The USACE will conduct rubblemound surveys.
 - a. If the rubblemound surveys find destruction the public is not informed what the expectation will be. If destruction of rubblemound areas are found it seems the USACE will simply accept destruction or a negative impact because there is no other information in appendix H to reference what the USACE will do based upon what it finds

5. Rubblemound will be free of invasive species.
 - a. Good mitigation but there is no mentioned of other sources of invasive species
6. Oil spill plan
 - a. That is just good practice not mitigation. Merely requiring the contractor to follow the already existing law is not mitigation it is merely following the already existing law.

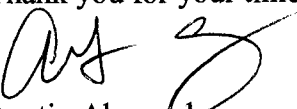
The USACE indicates that *"The proposed project would improve navigation efficiency to reduce the costs of commodities critical to the viability of communities in the region."*

It also indicates that *"coupled with limited marine infrastructure and available draft in Nome and the region, results in operational inefficiencies, vessel damages and decreased safety, increased costs of goods and services, and threats to the long-term viability of surrounding communities."*

In Appendix D Economics the word threatened is only mentioned twice in the 174 page economics appendix it is not referenced and is merely indicated with no factual backup. The cost of living in Nome has never gone down. State of Alaska economics figures since 2006 show that inflation has never been negative (<http://labor.alaska.gov/trends/jun19.pdf>). Significant economics in Nome are driven by a housing shortage and extraordinary housing cost both of which have the potential to increase with any new people coming to Nome as a result of port construction and other long term people living here. Those could contribute to an increased cost of living in Nome.

The port of Nome has been a destruction zone for Alaska Native people. The USACE linked welfare of our people to port improvements and is confusing. Other organizations in this community work for the welfare of our people and are accountable. For the USACE to use the word welfare as we might use it is a slap in the face. My take away from the port of Nome modification study is that its port development for the sake of port development. The port of Nome modification study and potential construction includes racialized policies that have destroyed Alaska Native people and history, the city government is not reflective of the racial makeup of the town. Port modification is just going to give Alaska Native people in Nome a bigger causeway to economic and social insecurity I am against and oppose the port modification feasibility study.

Thank you for your time and consideration



Austin Ahmasuk

Non-Federal Sponsor Comments

NOME DRAFT IFR/EA CITY COMMENTS

Draft FONSI:

1. Page 5 – top bullet: any requirement for the contractor to bring in man camps to house construction personnel would infringe on the ability for local housing merchants to provide that service. This would negatively impact the typical economic benefits normally realized by the lodging industry during large construction project in Nome. (Baker)

Executive Summary:

1. Page ii 1st paragraph – the Port of Nome also serves as a refueling site for tourism and research vessels, both foreign and domestic, transiting the Arctic. It is important to make this distinction in the text, as there is larger purpose beyond a regional commerce hub. (Baker)
2. Page vii: Demo Spur table - A1 stone size in spur demo (must account for larger size stone in place). (Baker)

Main Report:

1. Page 11, Section 2.6 Study Constraints; consideration should be given to limiting the -28 ft MLLW depth to the berthing areas adjacent to the existing west causeway docks, and dredge the Outer Basin at least 2 feet deeper for maneuvering purposes, since most of the shoaling in this area has historically shown to occur in the basin and not along the dock faces. (Baker)
2. Page 11, Section 2.7 Planning Considerations – last bullet; transportation cost savings should not be limited to supporting USCG activities as the only national security fleet that will operate in the Arctic region and need a port of convenience for fuel. (Baker)
3. Page 11, Section 2.7 – copy 2 paragraphs from DQC draft (why deleted?) (Baker)
4. Page 22, Section 3.1.6.2 – 2nd paragraph; measured current data was captured for the 2nd half of the 2018 season by a CDIP data buoy owned/operated by NOAA/AOOS, and redeployed on 10 June to capture the 2019 season. (Baker)
5. Page 71, Section 3.5.1 Demographics says: “According to a survey conducted by the Alaska Fisheries Science Center (AFSC) in 2011, community leaders reported that an additional 500 individuals are present in Nome as seasonal workers or transients. The leaders indicated that these seasonal workers are present in Nome throughout the year, and that Nome’s population typically peaks in July.” These are seasonal/transient workers who are NOT present in Nome all year, as the population peaks due to seasonal workers? (Cordova)
6. Page 74, Section 3.6 – end of 1st paragraph; many of the research vessels and icebreakers are in fact foreign flagged, but to our knowledge, there are few to none of the cutters and tugboats that fly anything but a U.S. flag. (Baker)
7. Page 75, Table 9; review details for vessel calls (Baker)
8. Page 78, Section 3.6.3 – 2nd paragraph; I think it’s important to clarify that the sole import reflects a load of rip rap being temporarily staged in Nome, while the construction company delivered project materials to a local coastal community, before returning to reload the rock for travel to Shishmaref as the additional time was needed for the ice to retreat. (Baker)
9. Page 80, Section 3.6.4; it is important to include that Alaska traditionally recovers more slowly from a recession than the rest of the nation by 1-3 years. (Baker)

**NOME DRAFT IFR/EA
CITY COMMENTS**

10. Page 81, Section 4.1 Assumptions says that the base year for the project is 2022 and the period of analysis ends in 2072. The economic appendix is showing a base year of 2020 for most of the analysis, though section 5.1 of the text refers to 2030 as the base year. Agreement on the base year and the period of analysis and/or clarification as to the differences would be good to add to this section. Does the economic analysis begin in 2020 while the base year for the project is 2022 due to the period of construction? Or is there some other explanation? (Cordova)
11. Page 90, Table 10; review details for vessel calls (Baker)
12. Page 90, Section 4.7 – end of 1st paragraph; the Port has received verifiable information that several of the tankers offshore in the last two seasons were in fact carrying HFO, so it is misleading to not make that distinction as the IMO is also considering banning the transport of HFO for ocean-sailing propulsion fuel. (Baker)
13. Page 91, Table 11; review details on projects – low number of calls (Baker)
14. Page 95, Table 13; last bullet New Deep Water Basin; is “Detached” the accurate term? (Baker)
15. Page 114, Table 17 does not match the economics appendix in Table 35. (Cordova)
16. Page 120, Table 21 does not match the economics appendix in Table 49. (Cordova)
17. Page 120, Tables 20 and 21; average annual costs from the CE/ICA analysis do not match the NED analysis. In each case, the NED annualized costs are more than the CE/ICA costs. (Cordova)

Plan	CE/ICA	NED	Difference \$1,000
	Annualized cost \$1,000	Annualized cost \$1,000	
No Action	\$ -	\$ -	\$ -
3c-30ft	\$ 13,753	\$ 14,719	\$ (966)
3b-30ft	\$ 14,519	\$ 14,944	\$ (425)
3a-30-ft	\$ 15,674	\$ 15,964	\$ (290)
3c-35ft	\$ 15,049	\$ 16,049	\$ (1,000)
3b-35ft	\$ 15,815	\$ 16,275	\$ (460)
3c-40ft	\$ 17,382	\$ 18,444	\$ (1,062)
3a-35ft	\$ 16,970	\$ 17,306	\$ (336)
3b-40ft	\$ 18,148	\$ 18,674	\$ (526)
3a-40ft	\$ 19,224	\$ 19,684	\$ (460)
4-30ft	\$ 18,595	\$ 18,942	\$ (347)
8b-30ft	\$ 21,454	\$ 21,830	\$ (376)
8a-30ft	\$ 28,206	\$ 28,677	\$ (471)
4-35ft	\$ 19,891	\$ 20,295	\$ (404)
8b-35ft	\$ 22,622	\$ 23,094	\$ (472)
8a-35ft	\$ 29,222	\$ 29,781	\$ (559)
4-40ft	\$ 22,164	\$ 22,721	\$ (557)
8b-40ft	\$ 24,600	\$ 25,171	\$ (571)
8a-40ft	\$ 31,209	\$ 32,042	\$ (833)

NOME DRAFT IFR/EA CITY COMMENTS

18. It is important that changes to the econ appendix are then carried forward to the main report. None of these numbers from tables 20 and 21 match Table 34 from the econ appendix or any of the CE/ICA tables in the econ appendix. (Cordova)
19. Page 127, Table 24 does not match the economics appendix in Table 35. (Cordova)
20. Page 130, Section 7.2.2 – dredge quantities do not match the cost appendix numbers. The cost appendix date is February 2019 while the main report says the costs are based on December 2019 cost estimates. The cost appendix also has an April 2019 cost estimate but these numbers do not match the main report either. (Cordova)
21. Page 131, Section 7.3 Operations and Maintenance; this section needs to be edited as it makes multiple references to the Corps being responsible for the breakwaters (except road prisms), then indicates the sponsor is responsible for the causeways. It has always been presented to the City, that the Corps will maintain responsibility of the rubble mound structures (with the exception of the City-owned Causeway), and the navigation channel/maneuvering basins (with the exception of the berthing areas adjacent to the docks). Further, it states the Corps is maintaining the entrance channel, but no reference to the entire navigation channel. (Baker)
22. Page 133, Section 7.7.1 – Project first costs do not match the cost appendix numbers. The cost appendix date is February 2019 while the main report says the costs are based on December 2019 cost estimates. The cost appendix also has an April 2019 cost estimate but these numbers do not match the main report either. (Cordova)
23. Page 137, Section 8.1 – end of 1st paragraph; the sentence implies that all the local retail sales are trucked to the airport. Please indicate that product is sold in town and at airport. (Baker)
24. Page 137, Section 8.1 – 3rd sentence in 3rd paragraph; a repeated comment regarding use of the descriptive word, “*very*” *uncertain* as being a subjective term inserted by the economist team, when a simple “uncertain” would relay the point sufficiently. (Baker)
25. Page 141, Table 28 - vessel traffic with project does not match Table 21 on page 79 of the economics appendix. Tables have same heading so should have same numbers. (Cordova)
26. Page 141, Table 28 – Future With-Project Fleet – this table is different from the economics appendix table 21 with the same title. (Cordova)
27. Page 145, Table 31 refers to the dredge depths with 2-foot over-dredge while page 111 talks about 1-foot over-dredge. Which figure were the dredge quantities based on? (Cordova)
28. Page 148, Section 8.7.2.6 – 1st paragraph; there may have not been a formal study done to examine the effectiveness of the beach nourishment placement, but it is obvious to many who saw the starved beach following the NIP construction, and how quickly it changed once the City and Corps worked out the beach nourishment arrangement – resulting in accreting beach that continues to this day. (Baker)
29. Page 186, Section 8.7.5 – 2nd paragraph, last sentence; it is unrealistic for the Corps to state that an enlarged outer basin might provide more safe conditions for the discharge of firearms. Discharging firearms within a facility that hosts numerous vessels, contractors and ancillary service providers, with residential units on 3 sides of the inner harbor could never be considered a safe condition to discharge a firearm. (Baker)
30. Page 190, Section 8.8.1.3 – statement regarding contractor being “required” to bring temporary housing in for construction – this requirement will exclude the local free-market industry that routinely provide local rental housing and apartments during seasonal construction. (Baker)
31. Page 201, Section 9.2.1; same comment as #31. (Baker)

NOME DRAFT IFR/EA CITY COMMENTS

32. Page 201, Section 9.2.3; training of local labor pool should be done by NACTEC, Northwest Campus and Kawerak, and not be a requirement for the contractor. (Baker)
33. Page 206, Section 9.5 – 2nd paragraph; CBP acronym is Customs & Border Protection – not “Canadian” Border Patrol. (Baker)
34. Page 208, Section 11.2 Recommendations – these numbers do not match Tables 26 and 27 showing the Federal and non-Federal cost shares. (Cordova)

Editorial Comments (Main Report):

1. Table 10 on pages 89-90 of main report has the incorrect number of medium cruise ship calls in 2017. This should be 3 and the total for the column should be 250, not 248. (Cordova)
2. Page 149 – Section 8.7.2.9 – “seal” level rise should be “sea” level rise. (Cordova)

Economics Appendix:

1. Page 3, Figure 1 – the Inner Harbor has a 10-foot depth, but Figure 1 shows -8-feet. (Baker)
2. Page 10, Section 4.0 -first paragraph. Project year one is 2030? Seems rather far off. Tables in the future with-project condition start at 2020. Page 44, Section 5.1, 4th paragraph repeats that the project year one is 2030. Shouldn't both of these show year one as 2020? (Cordova)
3. Page 11, Section 4.1 – last sentence, last two words are “career employment” and would more accurately described as “work for wages” as all the people living in these remote locations have “jobs”. Their challenge is that they don't always get paid for the work they do. (Cordova)
4. Page 12, Section 4.3 – second paragraph from bottom says: “Road or rail transport is not a realistic mode given the present level of infrastructure.” This is misleading as it implies something other than the fact that road/rail are nonexistent. Should rephrase. (Baker)
5. Page 19 – Section 4.3.3. – tidal stations from the 2015 report relied on the Golovnin Bay station rather than Nome because that had not yet been incorporated into the HarborSym model. It seems like it would be worthwhile to upgrade the HarborSym model so that it will be relevant for Alaska conditions and harbors where the Corps is conducting business. (Cordova)
6. Page 44 – Table 9 shows the future without project conditions. If the base year is 2020, why does this table go out to 2073? Previous discussion in this document says the project period of analysis is 50 years – though there is some question as to which year is project year one. Is it 2020 or 2030? If the project year one is 2030, then this table makes sense as the commodities appear constant after 2050. If the project year one is 2020, then the table does not make sense as the commodities continue to grow after 2040. (Cordova)
7. Page 50 – Section 5.2.4 – Layberth vessel forecast is based on three years of data while the commodities were based on 10 years of data. Why not 10 years of data for layberth vessels as well? This data is available from the Port of Nome. In addition, using Global Gross Domestic Product as a proxy for future layberth vessels seems an odd choice given that layberth vessels are related to Arctic traffic, research in the area, and potential for offshore oil and gas. Surely, there are more relevant proxies for future layberth vessel traffic. Perhaps the change in Arctic traffic in recent years would more accurately reflect the future layberth potential. (Cordova)
8. Page 58 – Section 5.4 says that weather (wind or fog) is a limitation of the model. Since the weather data is available, it seems that this should be incorporated into the model and/or modeled separately as needed. (Cordova) Weather impacts to delays are an important factor, and therefore the need to model separately should be elevated. (Baker)

**NOME DRAFT IFR/EA
CITY COMMENTS**

9. Page 59 – Section 5.4.1.2 – Vessel operating costs should not be extrapolated from larger vessels but based on the actual vessel. If IWR does not have the information, then it should be gathered to update the vessel database. This is especially important as the Nation looks at increased Arctic traffic and the need for Alaska infrastructure. (Cordova/Baker)
10. Page 60 – Table 14 – is the base year 2030? Or 2020? (Cordova)
11. Page 60 – Table 14 – shows the transportation costs by vessel class in the without-project condition. However, this table is missing the vessel classes of Cutter, Buoy Tender, Ice Breaker, Large Cruise Ship, Small Landing Craft, and Large Landing Craft as listed in Table 12 on page 56. Should these transportation costs not be included? (Cordova)
12. Page 61 – Section 6.1 last paragraph says the alternatives proposed would alleviate weather delays. However, Section 5.4 says that weather delays are a limitation of the HarborSym model so how has this been incorporated into future with-project condition? (Cordova)
13. Page 67 - Section 6.1.5 - Alternative 8(a) - the description of this alternative does not match the Figure 47. Correct Alternative figure and description are needed. (Baker)
14. Pages 68-69 - Section 6.1.5 - Alternative 8(b) - the description of this alternative does not match Figure 48. Correct Alternative figure and description are needed (Baker)
15. Page 73 - first paragraph - This describes a project base year of 2030 and goes through 2080. None of the previous tables and graphs show the project period of analysis going through 2080. Clarification of the project base year and consistency throughout the report is needed. Furthermore, the analysis is not clear as to start and stop dates so the reader cannot determine if the analysis was done correctly. (Cordova) This is our primary reason for reviewing the economics data and calculations to ensure it is reflective of Nome operations. (Baker)
16. Page 79 - Table 21 - the totals in this table do not add up. For instance, in 2020 adding all the vessel class ships, the total is 321, not 310. In addition, there is no explanation for the 2nd tanker scenario with less vessels. What is the 2nd tanker scenario and how does that change the totals? The column for 2030 shows a total of 378 but the numbers total to 392. And the column for 2040 shows a total of 449 but the numbers total 468. (Cordova/Baker)
17. Page 83, Section 6.7.1.2 Outputs says that the transportation costs are shown in FY19 dollars. However, the vessel costs are calculated using 2016 Vessel Operating Costs provided by IWR so what how are these transportation costs in FY19 dollars? (Cordova)
18. Page 98, Section 7.7 – says that the following tables describe the AAEQ benefits and AAEQ costs for the two scenarios. What two scenarios? There appears to be only one scenario in the tables. A second tanker scenario is mentioned on page 78 but there is no explanation as to how the second tanker fits into the project. (Cordova)
19. Pages 99-100, Table 35 – the average annual costs in this table do not match the average annual costs from Table 34 for alternatives 8(a) at 40, and 8(b) at 30, 35, and 40. This means that the calculations for the BCR in this table are likely incorrect. (Cordova)

Alternative #	Table 34 says:	Table 35 says:
Alt 8(a) – basin 40-ft	\$ 32,375,524	\$31,926,824
Alt 8(b) – basin 30-ft	\$ 22,163,737	\$22,709,778
Alt 8(b) – basin 35-ft	\$ 23,427,939	\$28,052,580
Alt 8(b) – basin 40-ft	\$ 25,505,076	\$29,629,128

20. Page 114 – 119, RED tables 39-44 have a star next to jobs column. What does the star mean?

NOME DRAFT IFR/EA CITY COMMENTS

Editorial Comments (economics appendix): (Cordova/Baker)

1. Page 1, Section 1.1 – third paragraph, sixth line should be Harbors and “Rivers” in Alaska not “Rives”
2. Page 8, Section 3.2. – first paragraph, first line. Migration patterns are determined with PFD and vital statistics data. Remove the words “tend to” as this is vague and inaccurate.
3. Page 8, Section 3.2 – second paragraph. It’s the Alaska “Department” of Labor and Workforce Development not “Division”.
4. Page 8, Section 3.2 – second paragraph. Remove the phrase “(county)” from the sentence as there are no counties in Alaska.
5. Page 11, Section 4.1 – last sentence. ...the population is primarily “Alaska Native”, not “native”. This would be the appropriate terminology.
6. Throughout the document – dredge depths are sometimes referred to with a minus sign (i.e. -22.5 ft) or the words “minus 22.5 ft.” Should be consistent.
7. Page 17, Figure 11 of the PDF is missing.
8. Page 27, last paragraph near the bottom. CDF should be spelled out the first time you use it.
9. Throughout document – Port of Nome should be capitalized.
10. Table 9 on page 45 should have a note saying that the layberth calls are not included in the totals. Table 17 on page 73 - same comment.
11. Throughout document – all references to project “life” should be changed to project “period of analysis”.
12. Figure 42 on page 57 seems to be missing the description for the map.
13. Throughout document – Is it with project or with-project? Is it without project or without-project?
14. Page 70 - first paragraph - UKC should be spelled out.
15. Tetra Tech CE/ICA appendix has bookmark errors in the Table of Contents.
16. Tetra Tech CE/ICA appendix section 3.3 bookmark error.
17. Tetra Tech CE/ICA appendix section 3.4.2 bookmark error.
18. Tetra Tech CE/ICA appendix section 4.2 bookmark error.

H & H Appendix:

1. Section 3
 - Table 3
 - Why use 29’ when a 31.2’ vessel was identified in the design vessel section?
 - The table only evaluates the channel dredged to -37’ – so is there an underkeel clearance being considered that’s not identified in this table?
 - Table 6
 - The title shows -30’ depth but should be -40’ channel depth.
 - Page C-25
 - 3rd paragraph, 2nd sentence. “ridge-ups” should be ride-ups.
 - Page C-37, Section 5.10
 - Face sheets are PS31, Tail walls are PS27.5 (or PS31)

NOME DRAFT IFR/EA CITY COMMENTS

Additional Comments:

The City believes there are extensive Port of Refuge benefits to be analyzed, captured and described within the report as part of a benefit category for the With-Project Scenario within both the 8a or 8b alternatives. The relocation of the east breakwater to a position further east will create a significant outer harbor basin that with the expansion of the Causeway, and position of that new east Causeway, will provide increased capacity for protected refuge during storm systems for vessels capable of utilizing a -28- foot basin. The design of the deep water basin will also enable deep draft vessel protected moorage during the prevalent southwest storm impacts, which presently do not exist either in depth or protection for this deeper fleet. It is critically important that this POR element be further explored and captured by the PDT during optimization of the selected alternative and finalization of the report.

Agency Comments



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

May 23, 2019

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

Re: Environmental Assessment for Port of Nome Modifications

Dear Colonel Borders:

The National Marine Fisheries Service (NMFS) Habitat Conservation Division (HCD) has received the United States Army Corps of Engineers' (USACE) Draft Integrated Feasibility Report, Environmental Assessment (EA), and Draft Finding of No Significant Impact for the Port of Nome Feasibility Study for Nome, Alaska. The proposed project seeks to improve marine infrastructure, reduce vessel congestion, vessel damage, and reduce the risk of fuel spills.

NMFS recognizes the USACE incorporated Essential Fish Habitat (EFH) mitigation measures in the preferred alternative selected in the EA. Some of the mitigation measures adopted by the USACE include:

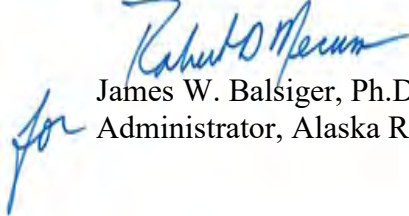
- A plan for the beneficial use of 700,000 to 2,000,000 cubic yards of dredge spoils,
- Long-term project monitoring of the new/extended rubblemounds for recolonization of habitat-forming organisms, and
- The collection of presence and absence fish species data.

Federally managed fish and crab species with designated EFH (e.g. sculpins, salmonids, crab) are known to be present in the Nome area. Please coordinate with NMFS HCD regarding information collected on the presence or absence of any federally managed species or prey species (a species list).



Should the project or preferred alternative change significantly, please inform NMFS 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,


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

cc: Christopher Floyd, USACE, Christopher.B.Floyd@usace.army.mil
Robert J. Henszey, Ph.D - USFWS - bob_henszey@fws.gov
Amal Ajmi - USFWS - amal_ajmi@fws.gov
Christopher Putnam - USFWS - christopher_putnam@fws.gov
Bridgette Lohrman - EPA - lohрман.bridgette@epa.gov
Betsy McCracken - EPA - mccracken.betsy@epa.gov
Erik Peterson - EPA - Peterson.Erik@epa.gov
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Julie Raymond-Yakoubian - Kawerak inc. juliery@kawerak.org
Gay Sheffield - Nome Port Commission - ggsheffield@alaska.edu
Charlie Lean - Nome Port Commission - charlie@nsedc.com
Joy Baker - City of Nome Port Director - jbaker@nomealaska.org



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

March 11, 2020

James W. Balsiger, Ph.D.
Administrator, Alaska Region
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

Re: Environmental Assessment for Port of Nome Modification

Dear Dr. Balsiger:

Thank you for your letter dated May 23, 2019, acknowledging the U.S. Army Corps of Engineers' (USACE) Draft Integrated Feasibility Report and Environmental Assessment (IFR/EA) for the Port of Nome Modification project. The USACE has been working with Seanbob Kelly and Lydia Ames of the National Marine Fisheries Service (NMFS) Habitat Conservation Division (HCD) with regards to the essential fish habitat (EFH) impacts and mitigatory measures since early in the development of this project. The USACE submitted an EFH Assessment to the NMFS HCD in January 2019; the NMFS concurred with the USACE determination of effects and mitigatory measures in a letter dated March 6, 2019. The USACE has also kept the NMFS HCD apprised of changes to the project scope, and has adopted additional mitigatory measures recommended by the NMFS MCD.

The USACE looks forward to working further with the NMFS on this project. Please direct questions and additional comments to Chris Floyd, at 907-753-2700 or Christopher.B.Floyd@usace.army.mil.

Sincerely,

Michael R. Salyer

Michael Salyer
Chief, Environmental Resources Section
Civil Works Project Management Branch



United States Department of the Interior
FISH AND WILDLIFE SERVICE
Fairbanks Fish and Wildlife Field Office
101 12th Avenue, Room 110
Fairbanks, Alaska 99701
May 31, 2019



U.S. Army Corps of Engineers, Alaska District
ATTN: CEPOA-PM-C-PL
P.O. Box 6898
Joint Base Elmendorf-Richardson, AK 99506-0898

Re: ER-19-007 Draft Report and EA for
Port of Nome Modifications

Dear Project Manager:

The U.S. Fish and Wildlife Service (Service) has reviewed the referenced draft Integrated Feasibility Report and Environmental Assessment (IFR/EA), and the Draft Finding of No Significant Impact (FONSI) for proposed modifications to the Port of Nome. The proposed modifications would improve navigation, and provide safe, reliable, and efficient waterborne transportation systems for commerce, national security, and recreation. The Tentatively Selected Plan (Alternative 8) would include modifications to the west causeway, construction of a new east causeway, and deepening the outer and deep basin by dredging.

Background: The Service has worked with the USACE on past Port Nome modification plans (USACE 1998 and 2015). We provided a final Coordination Act Report (CAR) in June 1998 for the proposed Nome Harbor Navigation Improvement Project, and in 2014 provided a draft CAR for the Alaska Deep Draft Arctic Port System Study. We reviewed the current proposed alternatives, provided comments regarding a request for an updated CAR on March 11, 2019, and provided a section 7 informal consultation on March 12, 2019.

Comments and Voluntary Recommendations: The Service appreciates the USACE's early coordination for this proposed project. We offer the following recommendations to help revise the IFR/EA for a thorough analysis of the proposed project.

Migratory Birds: The Service recommends considering bird collision risk when finalizing the causeway and dock designs. To help reduce bird strikes with structures and powerlines, we recommend a lighting plan with shielding to reduce outward radiating light, and placing powerlines in underground service conduits rather than exposed overhead wires. Migrating birds are at risk of collision with objects in their path, particularly when visibility is impaired during darkness or inclement weather, such as rain, drizzle, or fog (Weir 1976). The incidence of bird strikes appears to rise when objects are illuminated with constant diffuse light, and the tendency for birds to be drawn to diffuse light appears to increase during rainy or foggy weather. Accidental strikes of "hundreds" of unidentified eiders were reported to have occurred in association with the Bering Sea crab fishery, presumably influenced by the bright lights used on fishing vessels (Service, unpublished).

Invasive Species: The Service appreciates the IFR/EA discussion relating to marine invasives and encourages the addition of rats in the analysis. The proposed project could increase vessel traffic at Port Nome from ports with known rat populations, potentially causing a “rat spill” risk to the surrounding Seward Peninsula. Cliff and ground nesting birds are vulnerable to predation by rodents. Nonnative rats are highly effective predators that can decimate local populations of nesting seabirds, as well as waterfowl and shorebirds. Vessels with onboard rat infestations, or arriving from ports known to host rats, should not dock at Port Nome until prevention and quarantine efforts have been undertaken (see Johnson (2008), which is attached separately for reference).

Information for other invasive species in the Bering Sea can be found at: <https://accs.uaa.alaska.edu/invasive-species/bering-sea-marine-invasives/>. The Service would be happy to work with the USACE and the selected contractor to develop invasive species Best Management Practices (BMPs).

IFR/EA Analysis of Port Nome Usage: The EA should include the analysis of potential increases in port use that could reasonably be expected as development and travel in the Arctic increases. These potential developments include¹:

- Offshore Petroleum Exploration and Development
- Increase in Mining Activity
- Growth in Research Vessel Traffic
- Growth in Cruise Ship Traffic
- Additional Government Vessel Presence
- Moorage Facilities
- Commodity Movements
- Vessel Calls

A base case petroleum development scenario was developed for the 2015 Draft IFR/EA and the Draft (FONSI) for the Alaska Deep-Draft Arctic Port System Study, estimating an annual total of 930 vessels by 2040 (Table 17, Page 83). A presentation during the April 24 – 25th, 2018, planning charrette included a resource development scenario with an estimated 917 annual vessel calls (Slide 6, 5 Econ Presentation 1). The current 2019 document should therefore include the resource development analysis for a comprehensive evaluation of the proposed project.

Cited References: Upon reviewing Section 3.2.1.4 Coastal Birds, the Service was unable to locate “ADEC 2018” referenced on pages 37 and 38 in the References (Section 12). The body of the report references ADEC 2018 and ADEC 2018b, but not the ADEC 2018a listed in the References. We recommend providing the correct citation in the References.

Conclusion: The Service does not object to the activities as proposed in the draft Integrated Feasibility Report and Environmental Assessment (IFR/EA), and the draft Finding of No Significant Impact (FONSI).

¹ The categories are taken from Section 5.2 analysis in USACE 2015 (Pages 75 – 83).

These comments are submitted in accordance with provisions of the Endangered Species Act of 1973 (87 Stat. 844), the Fish and Wildlife Coordination Act (48 Stat. 401, as amended: 16 U.S.C. 661 et seq.), the Alaska National Interest Lands Conservation Act (Section 101 (a)(c), 102 (1) and Section 302(5)(B)), the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.), the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d), and the National Invasive Species Act of 1996 [P.L.104-332], as amended (NISA); and constitute the report of the Department of the Interior. These comments are also for use in your determination of 404 (b)(1) guidelines compliance (40 CFR 230), and in your public interest review (33 CFR 320.4) relating to protection of fish and wildlife resources.

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

Sincerely,

Robert J. Henszey
Branch Chief
Conservation Planning Assistance

Attachment: Johnson (2008)

ecc: Lucas Stotts, Nome Harbormaster
Jim Rypkema, ADEC, Anchorage
Matt LaCroix, EPA, Anchorage

Literature Cited:

- USACE (U.S. Army Corps of Engineers). 1998. Navigation Improvements Final Interim Feasibility Report and Environmental Assessment. Nome, Alaska. July 1998.
<http://www.poa.usace.army.mil/Portals/34/docs/civilworks/arcticdeepdraft/NomeNavImprovFeasRepandEAJul1998.pdf>
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- Weir, R.D. 1976. Annotated bibliography of bird kills at man-made obstacles: a review of the state-of-the-art and solutions. Canadian Wildlife Service, Ont. Reg., Ottawa. 85 pp.



DEPARTMENT OF THE ARMY
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March 11, 2020

Robert Henszey
Branch Chief, Conservation Planning Assistance
Fairbanks Fish and Wildlife Field Office
U.S. Fish and Wildlife Service
101 12th Avenue, Room 110
Fairbanks, Alaska 99701

Re: ER-19-007 Draft Report and EA for Port of Nome Modification

Dear Mr. Henszey:

Thank you for your letter dated May 31, 2019, providing comments and conservation recommendations for the U.S. Army Corps of Engineers' (USACE) Draft Integrated Feasibility Report and Environmental Assessment (IFR/EA) for the Port of Nome Modification project. The USACE has incorporated your recommendations as follows:

a. Migratory Birds. The USACE plan for modifications at the Port of Nome does not include lighting or other utilities, which will be solely the responsibility of the project local sponsor, the City of Nome. The USACE will pass along your recommendations for reducing bird collision risk to the City of Nome.

b. Invasive Species. The USACE has incorporated your observations on invasive species and the risk of additional "rat spill" risk to the Seward Peninsula into its latest version of the draft IFR/EA. We especially appreciate your bringing the 2017 University of Alaska Bering Sea invasive species report to our attention.

c. IFR/EA Analysis of Port of Nome Usage. The current draft IFR/EA includes the most recent analysis of future shipping activity at the Port of Nome, and summarizes that analysis in Section 8.8.3, "Cumulative & Long-Term Impacts.". Shipping traffic will increase in the northern Bering Sea and at the Port of Nome, independent of whether or not the project is built. The USACE recommended plan is based on projected increases in visits by the types of vessels served by the port at present (i.e., cargo vessels, fuel tankers, government vessels, and cruise ships), and accommodating those vessels as efficiently as possible. The USACE acknowledges that an expanded port may, in the future, be visited by petroleum exploration vessels or large ocean-going fishing vessels,

but those types of vessels were not included in the project design fleet, and are outside the scope of the USACE study.

d. Cited References: The erroneous reference citations have been corrected; thank you.

The USACE looks forward to working further with the USFWS on this project. Please direct questions and additional comments to Chris Floyd, at 907-753-2700 or Christopher.B.Floyd@usace.army.mil.

Sincerely,

Michael R. Salyer

Michael Salyer
Chief, Environmental Resources Section
Civil Works Project Management Branch



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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JUN 20 2019

REGIONAL
ADMINISTRATOR'S
DIVISION

U.S. Army Corps of Engineers, Alaska District
ATTN: CEPOA-PM-C-PL
P.O. Box 6898
Joint Base Elmendorf-Richardson, Alaska 99506-0898

Dear Mr. Floyd and Ms. Cate:

Thank you for the opportunity to review the U.S. Army Corps of Engineers May 2019 Draft Integrated Feasibility Report and Environmental Assessment and Draft Finding of No Significant Impact (Draft IFR/EA) for the Port of Nome Modification Feasibility Study (EPA Project Number: 19-0033-COE). The EPA's review was conducted pursuant to the National Environmental Policy Act, Section 309 of the Clean Air Act, the Clean Water Act, and the Marine Protection, Research, and Sanctuaries Act.

According to the U.S. Army Corps of Engineers' May 2019 Public Notice, the Draft IFR/EA evaluates alternatives proposed to improve navigational efficiencies at the Port of Nome. The recommended plan would extend the existing west causeway by 3,484 feet; remove the existing east breakwater and replace it with a new 3,900-foot causeway; deepen the existing Outer Basin to 28 feet below mean lower low water; create a deep-water basin to 30 or 40 feet below mean lower low water; and construct 5 new docks. The Corps proposes to place the dredged material in near-shore waters to augment the beach adjacent to the Nome seawall.

The EPA has identified concerns and related recommendations for the Draft IFR/EA in the areas of the environmental review under NEPA, evaluation of the proposed project under the Clean Water Act Section 404(b)(1) Guidelines, clear identification of the proposed disposal location, and whether the dredged material is suitable for beneficial use or ocean disposal under the MPRSA.

Thank you for this opportunity to comment. If you have any questions about our comments pursuant to NEPA, please contact Erik Peterson of my staff at (206) 553-6322 or peterson.erik@epa.gov. For dredged material management questions, please contact Bridgette Lohrman at (503) 326-4006 or lohrman.bridgette@epa.gov. You may also contact me at (206) 553-1841 or nogi.jill@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill A. Nogi for".

Jill A. Nogi, Chief
Policy and Environmental Review Branch

Enclosure

**U.S. Environmental Protection Agency Detailed Comments on the
Draft Integrated Feasibility Report and Environmental Assessment for the Port of Nome
Modification Feasibility Study**

NEPA Review

Based on our review of the Draft IFR/EA, the EPA offers the following comments and recommendations. Given the current information gaps, it is not clear that the analysis and record for the proposed project sufficiently supports the Draft Finding of No Significant Impact.

Fish passage

The EPA recommends that the IFR/EA include analyses of impacts to anadromous juvenile and adult fish migration and passage into and out of the Snake River. For each proposed alternative, we recommend the IFR/EA include analyses of seasonal fish immigration and/or outmigration of the Snake River and free and efficient passage during construction (short-term) and (long-term) operation for migrating species. We recommend that the analyses include the process for maintenance of fish passage and that the consequences from alterations to fish migration.

Alternatives 3a, 4, 8a, and 8b include the installation of a new sheet pile bulkhead dock to the existing causeway. The Draft IFR/EA states that the recommended planned east causeway (8b) would incorporate a serviceable fish passage breach.¹ We recommend the figures for each alternative depict the location and extent of the new sheet pile bulkhead and areas along the causeway that will allow for fish migration into the basin at the mouth of the Snake River.

Maintenance dredging

The Draft IFR/EA addresses maintenance dredging, indicating that it would be conducted on an “estimated 10-year cycle.”² The Draft IFR/EA also states that there may be a need for increased maintenance dredging after construction.³ We recommend that the IFR/EA analyze the baseline and anticipated maintenance dredging schedules and locations among the different alternatives, including dredging, and disclose the project’s impacts to maintaining fish passage.

Boat traffic

The Draft IFR/EA states that the port will remain open during construction. The anticipated timing, duration and magnitude of the construction activities concurrent with on-going boat traffic is important to fish species and other marine life in the project vicinity. We recommend that the IFR/EA include an analysis of the environmental consequences of diverting/accommodating boat traffic during the construction of the new infrastructure.

Ice

The Draft IFR/EA discloses the potential for the extended causeway and altered breakwater to have a localized effect on the formation of shore-fast ice at Nome, thereby impacting the local winter distribution of seals and other ice-dependent species, including fish species (e.g., pollock). We recommend the IFR/EA analyze these impacts and the associated consequences to ice-dependent species and subsistence use and access.

¹ Draft IFR/EA, p. 197.

² Draft IFR/EA, p. 130.

³ Draft IFR/EA, p. 179.

Species impacts

We understand that red king crab (or Alaska king crab, *Paralithodes camtschaticus*) is the most important Norton Sound benthic invertebrate for human use in the Port of Nome area. The Draft IFR/EA discloses that the Norton Sound red king crab population appears to be isolated from other Bering Sea populations of this species. It lives in relatively shallow water and is confined under the sea ice for five to six months each year. Adult and sub-adult crabs migrate into coastal waters near Nome in late fall and winter; then return to deeper waters when nearshore ice breaks up in spring, coastal water temperatures rise and salinities decrease. The EPA recommends that the IFR/EA include baseline characterization of crab habitat including a detailed locational map of the habitat. We recommend that Figure ES-1, Tentatively Selected Plan (Alternative 8b; page V), clearly depict the extent of red king crab habitat in relation to the proposed infrastructure development. A summary of available biological data (i.e., population densities, catch data, subsistence harvest data) would also be useful for disclosing the magnitude of potential impacts to the species. The Draft IFR/EA discloses plans to mitigate for nearshore crab habitat but does not include details of this proposal. We recommend that the details of the plan to mitigate crab habitat be included in the IFR/EA.

The Draft IFR/EA discloses the presence of groundfish species and pollock in the project area. We recommend baseline characterization of these species prior to impacts from this project, including maps of known species distribution as well as available catch or population data be evaluated and disclosed in the IFR/EA.

Mitigation and monitoring

The Council on Environmental Quality's January 14, 2011 guidance on the Appropriate Use of Mitigation and Monitoring addresses establishing, implementing, and monitoring mitigation commitments made during the NEPA process. We appreciate that the Draft IFR/EA states that long-term biological monitoring will be established.⁴

We recommend the following key concepts be addressed in the IFR/EA:

- Ensuring that mitigation commitments will be implemented;
- Monitoring the effectiveness of mitigation commitments;
- Remediating failed mitigation; and
- Involving the public in mitigation planning.

We recommend the IFR/EA include a discussion of how mitigation measures will be implemented and monitored, such as identification of the responsible parties, performance objectives, and enforcement clauses to ensure the commitments are stipulated through agency permits or other agreements (e.g., crab habitat mitigation).

Consultation and coordination with tribal governments

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments was issued to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and to strengthen the United States government-to-government relationships with Indian tribes.

We appreciate the discussion of the government-to-government consultations that has occurred to date with the Nome Eskimo Community and Kawerak, Inc. We recommend that the IFR/EA describe the

⁴ Draft IFR/EA, p. 181.

process and outcomes of the government-to-government consultations between the Corps and tribal governments, including the major issues raised, and how those issues will be addressed. For example, according to the Draft IFR/EA, the Native Community of Nome would like assurances that the project will not further displace Native residents nor limit their cultural practices. The Draft IFR/EA discloses that an MOU between the Corps, the Nome Eskimo Community and Kawerak, Inc. regarding the proposed navigation improvements at the Port of Nome will be established. We recommend that this MOU be included in the IFR/EA. If there is no MOU by the time of publication of the Final IFR/EA, we recommend that this information be disclosed.

Subsistence Use

The Draft IFR/EA does not sufficiently explain how the proposed project's potential impacts to subsistence access would not be expected to "...*substantially* interfere with harvestable access to subsistence locations..."⁵

The Draft IFR/EA discloses that subsistence activities are of vital importance to the individuals, families, communities, and cultures of the Norton Sound. We also appreciate the Draft IFR/EA's focus on access to subsistence resources and helpful definition of access (physical access, increases to the cost, increases in competition). It is also helpful to learn from the Draft IFR/EA that salmon subsistence fishing occurs further up the Snake River, or beyond the port in Norton Sound, to avoid the busy summer harbor. We also appreciate that the Draft IFR/EA discloses Kawarek, Inc.'s request for coordination to mitigate construction impacts on seal and beluga whale hunting during the important fall hunting season.

However, our review finds that it is not clear how operating the completed project would interfere with subsistence access over the longer term. The Draft IFR/EA states that draft language to disallow hunting in and around the Port of Nome out of safety concerns was put forth but withdrawn.⁶ The Draft IFR/EA does not indicate whether, over the longer term, limiting or disallowing hunting in and around the Port of Nome out of safety concerns would become more likely. We recommend that the IFR/EA include an analysis of the increased frequency and different kinds of vessel activity and the potential for increased hunting limitations near the Port of Nome.

The Draft IFR/EA describes the Port of Nome harbormaster forbidding a hunt in September 2018 because multiple vessels and crews were moored along the causeway.⁷ The Draft IFR/EA mentions that increased restrictions to subsistence hunting may result due to safety concerns. We recommend that the IFR/EA expand the analyses to include whether the project's construction and operations would lead to more circumstances forbidding hunting, and whether they would become increasingly likely over time given the proposed project. We recommend the IFR/EA discuss the potential for such restrictions to result in substantial interference with access to subsistence resources.

Similarly, the Draft IFR/EA states that the proposed project has the possibility to limit pedestrian access to traditional subsistence locations near and within the Port of Nome but does not disclose the likelihood of such limits. We are suggesting that disclosure of the likelihood of limited pedestrian access would aid in the ability of agency decision makers and the public to reach conclusions about the level of potential interference with subsistence activities.

⁵ Draft IFR/EA, p. 188.

⁶ Draft IFR/EA, p. 186.

⁷ Draft IFR/EA, p. 186.

The Draft IFR/EA discloses that regarding the long-term impacts to subsistence hunting and pedestrian access to subsistence use, the proposed project has the potential to impact access to subsistence resources. We agree with that conclusion. However, our review finds that the Draft EA does not sufficiently support the conclusion that the proposed project is not expected to substantially interfere with harvestable access to subsistence locations. As the no substantial interference determination provides the underlying rationale for concluding that impacts to subsistence use will be minor, we are concerned by the lack of supporting information in the Draft IFR/EA for this conclusion. Substantial interference with harvestable access to subsistence locations would amount to a significant adverse impact on the subsistence uses of vital importance to the individuals, families, communities, and cultures of Norton Sound.

Subsistence Use Recommendations:

- We recommend analyzing and disclosing a more detailed analysis of the potential for “substantial interference” for this proposed project. We acknowledge the Draft IFR/EA’s reliance on Section 810(a) of ANILCA and *Kunaknana v. Watt* [No. A83-337 CIV, D. Alaska Dec. 20, 1983] to inform subsistence use significance thresholds. We recommend further review of these or other appropriate references and including information supporting the conclusion regarding the proposed project’s subsistence use access interference.
- We recommend analyzing and disclosing in the IFR/EA the potential mitigation measures to minimize long-term indirect effects on access to traditional subsistence locations. See, for example, the CEQ FAQs 19b, “All relevant, reasonable mitigation measures that could improve the project are to be identified, even if they are outside the jurisdiction of the lead agency or the cooperating agencies, and thus would not be committed as part of the RODs of these agencies.”⁸

Clean Water Act Section 404 b(1) Guidelines

The Clean Water Act Section 404(b)(1) Guidelines are applicable to the specification of disposal sites for discharges of dredged or fill material into waters of the United States through the civil works program of the U.S. Army Corps of Engineers.⁹ The Guidelines are the substantive environmental criteria used to review proposed discharges of dredged or fill material into navigable waters inside the territorial sea baseline, and proposed discharges of fill material into the territorial sea.¹⁰ Though no CWA 404 permit is issued for discharges associated with Corps civil works projects, the administrative record for the project should document compliance with the Guidelines.

We appreciate that the Section 404(b)(1) analysis is included in the Draft IFR/EA as Appendix A. It is our understanding that the Corps used the analysis to inform the determination of the environmentally preferable alternative through the identification of the least environmentally damaging practicable alternative (LEDPA). Appendix A evaluates compliance with the restrictions on discharges found in the Guidelines at 40 C.F.R. § 230.10. However, Appendix A focuses on the placement of dredged material along the Nome waterfront. The Guidelines apply to the fill discharges to waters of the United States associated with the six structural alternatives evaluated in the Draft IFR/EA. We recommend that Appendix A evaluate the discharges of fill material for causeway construction and extension in sufficient detail to demonstrate compliance with the Guidelines.

⁸ Accessed online 6/20/19 at: <https://www.energy.gov/sites/prod/files/G-CEQ-40Questions.pdf>.

⁹ 40 C.F.R. § 230.2(a)(2).

¹⁰ 40 C.F.R. § 230.2(b).

Identification of the LEDPA

Under the Section 404(b)(1) Guidelines, “no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.”¹¹ Identification of the LEDPA is achieved by performing an alternatives analysis that estimates the direct, secondary, and cumulative impacts to jurisdictional waters resulting from each alternative considered. Project alternatives that are not practicable and do not meet the project purpose are eliminated from the analysis. An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in the context of the overall project purpose.¹²

The administrative record should be sufficiently detailed to identify the LEDPA. Appendix A states that beneficial-use placement of the construction dredged material within the littoral zone represents the LEDPA. Appendix A further states that upland disposal of the dredged material is not considered practicable due to the large volume of material that would have to be transported and managed. We recommend that Appendix A provide additional information to document that the selected alternative, 8b, is the LEDPA among the action alternatives.

The Draft IFR/EA identifies that the greatest direct impacts from project construction would be caused by the discharge of rock for new rubble mound structures, deepening of the seafloor by dredging and the placement of dredged material.¹³ The Draft IFR/EA further states that the environmental impacts of the six structural alternatives carried forward are similar, differing primarily in geographic extent. However, the selected Alternative 8b requires greater fill for construction of a new east causeway. Table 30 indicates that the selected Alternative 8b would require the second greatest net increase of fill material among the alternatives.¹⁴ The 50.4 acres occupied by new fill for Alternative 8b is 2.8 times greater than for Alternative 3c. Similarly, Table 31 shows that Alternative 8b would affect the most acres from dredging and would generate the greatest volume of dredged material of the six structural alternatives.¹⁵ Alternative 8b would affect 1.2 times the acreage of Alternative 3c and would generate 1.6 times the volume of dredged material for disposal. The differences in impacts between action alternatives appear to be more than incremental, and the current analysis in the Draft IFR/EA does not sufficiently demonstrate that Alternative 8b is the LEDPA. We recommend that the IFR/EA provide additional information on the alternatives and the project impacts based on each of those alternatives to more clearly identify the project LEDPA.

Significant Degradation

Under the Section 404(b)(1) Guidelines, discharges of dredged or fill material are not permitted if they will cause or contribute to significant degradation of the waters of the United States.¹⁶ The potential for significant degradation is evaluated through multiple factual determinations that assess the severity of direct, secondary, and cumulative impacts.

The Guidelines establish specific approaches to evaluate effects on:

¹¹ 40 C.F.R. § 230.10(a)

¹² 40 C.F.R. § 230.10(a)(2).

¹³ Draft IFR/EA, p. 144.

¹⁴ Draft IFR/EA, p. 145.

¹⁵ Draft IFR/EA, p. 145.

¹⁶ 40 C.F.R. § 230.10(c).

- 1) human health or welfare, including but not limited to effects on municipal water supplies, plankton, fish, shellfish, wildlife, and special aquatic sites;
- 2) the life stages of aquatic life, other wildlife dependent on aquatic environment including the transfer, concentration, and spread of pollutants or their byproducts outside of the disposal site through biological, physical, and chemical processes;
- 3) aquatic ecosystem diversity, productivity and stability. Such effects may include, but are not limited to, loss of fish and wildlife habitat or loss of the capacity of a wetland to assimilate nutrients, purify water, or reduce wave energy; and
- 4) recreational, aesthetic, and economic values.

We note that Appendix A includes the required factual determinations, although with the focus on the placement of dredged material along the Nome waterfront instead of the discharge of fill material. Appendix A acknowledges that “the enlarged and new rubble mound structures would permanently replace about 57.3 acres of existing sand and cobble benthic habitat with rocky, high-relief substrate, a habitat that is uncommon in the Nome area,” but does not articulate the impacts of this permanent change.

Section III. F. of Appendix A addresses compliance with 40 C.F.R. § 230.10(c) for effects on municipal water supplies, plankton, fish, shellfish, wildlife, and special aquatic sites (#1 above). We recommend that Appendix A also evaluate and address the other three categories of effects mentioned above, using applicable information from the factual determinations and analyses from the Draft IFR/EA.

Minimizing Potential Adverse Effects

Under 40 C.F.R. § 230.10(d), no discharge of dredged or fill material is permitted unless appropriate and practicable steps have been taken to minimize potential adverse effects to the aquatic ecosystem. Subpart H of the Guidelines identifies many possible steps to avoid, minimize, and compensate for direct and secondary adverse impacts.¹⁷ Taken together, these steps form the mitigation sequence: a mandatory, sequential process undertaken to “minimize potential adverse impacts of the discharge on the aquatic ecosystem.” Demonstrating compliance with 40 C.F.R. 230.10(d) requires identifying the appropriate and practicable steps that will be taken to avoid impacts, and then minimize and compensate for any remaining unavoidable impacts associated with discharges subject to the Guidelines.

Compensation must be commensurate with the amount and type of impact, and sufficient to replace the lost aquatic resource functions at a minimum one for one basis, with an adequate margin of safety to reflect the expected degree of success of the compensation project. All direct and secondary impacts should be offset, including the temporal functional loss from non-permanent impacts. Compensation projects must comply with all applicable provisions of Subpart J of the Guidelines.

Our review finds that Appendix A does not address compliance with 40 C.F.R. § 230.10(d), while the Draft Finding of No Significant Impact states that “All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan.” The Draft FONSI also states that “No compensatory mitigation is required as part of the recommended plan.” The Draft IFR/EA, however, does not appear to quantify the aquatic resource functional loss associated with the structural alternatives or include a discussion of whether offsetting this loss would be

¹⁷ 40 C.F.R. §§ 230.70 - 230.77.

practicable. We recommend that the IFR/EA include quantification of aquatic resources that will be lost due to the proposed project.

Dredged Material Management

The Corps proposes to use the material dredged from the construction, operation and maintenance of the federal navigation channel in a beneficial manner to protect the Nome seawall from erosion. The EPA supports the use of dredged material in a beneficial manner under Section 404 of the Clean Water Act.¹⁸ At this stage in the planning process, the Corps has not provided sufficient supporting data, characterization and analysis to support the proposed placement of dredged material in the nearshore environment.

The EPA notes the following concerns and provides recommendations for additional information. As mentioned earlier, the EPA cannot currently assess whether the selected Alternative 8b is the LEDPA, in compliance with the 404(b)(1) Guidelines. Furthermore, we hope that the recommendations provided will assist the Corps in substantiating the statement that all material from the proposed project would be used in a beneficial manner. If the Corps cannot use all of the material beneficially, the disposing of dredged material in ocean waters would be considered ocean dumping under the Marine Protection, Research and Sanctuaries Act. Engagement with the EPA would then be required to assess the need for an evaluation to manage the material either at an existing ocean disposal site or designating or selecting an ocean dredged material disposal site under Sections 102 or 103 of the MPRSA, respectively.

The EPA understands that the Corps is proposing to dispose of the dredged material as beach nourishment material along the Nome seawall. However, Figure 66 (page 162) of the Draft IFR/EA depicts the disposal location as a square within the Port of Nome in the designated disposal site. Figure 66 does not identify the disposal site as being along the seawall. Figure 7 (page 18) depicts the dredge disposal site at the Nome seawall. The proposed disposal site should be clarified on the figures and in the text of the IFR/EA. If other disposal options (e.g., upland disposal) are being considered, they should also be evaluated and disclosed in the IFR/EA.

According to the Corps' guidance for Civil Works projects, the IFR/EA needs to demonstrate that there is sufficient dredged material placement site capacity for a minimum of 20 years.¹⁹ The Corps would be able to meet this requirement with the development of a Dredged Material Management Plan. In Appendix C of the Draft EA, the Corps states that "a dredged material management plan would be developed for the project in which a long-term disposal option [for maintenance dredging] would be developed." We recommend that the IFR/EA include a dredged material management plan that addresses the management of construction and maintenance material. Without such a planning document, the EPA, the public and decision makers will not be able to fully evaluate the project's short and long-term effects on the environment.²⁰ Specific concerns with and recommendations regarding the current analysis are discussed below:

1. *Physical Characterization.* The Draft IFR/EA states that "geotechnical investigations will need to be performed within the project footprint during preconstruction engineering design to

¹⁸ USACE/EPA. 2007. The Role of the Federal Standard in the Beneficial Use of Dredged Material from U.S. Army Corps of Engineers New and Maintenance Navigation Projects: Beneficial Uses of Dredged Material, p.16.

¹⁹ Engineering Regulation ER 1105-2-100 Appendix E-15 of the Planning Guidance Notebook (April 22, 2000).

²⁰ See 40 C.F.R. Part 230, Subparts C, D, E and F.

properly characterize the proposed dredge material....”²¹ Based on this statement, it appears the Corps has not conducted a sufficient physical or chemical evaluation of the two million cubic yards of dredged material generated during construction that is proposed to be placed in the nearshore, as required by the Clean Water Act Section 404(b)(1) Guidelines.²² The Draft IFR/EA also states that the “thickness and character of soil stratum above the bedrock are not completely certain without performing additional field explorations.”²³ We note that the physical characteristics of the dredged material are an important factor in determining the appropriate and feasible disposal options. Without this information, the EPA cannot evaluate whether the material is suitable for beneficial use in the nearshore to protect the Nome seawall in our role as co-managers of dredged material under the MPRSA.

2. *Chemical characterization.* Our review finds that the Draft IFR/EA has not fully characterized the chemical nature of the material that would be dredged during construction. Even though the Corps would be dredging native materials at depth, elevated levels of metals may be present, as seen in previous analyses of sediments for arsenic from areas around the project site. Disturbing sediments that are high in metals and placing those sediments along the nearshore and on the beach may cause adverse impacts to benthic organisms that support local ecosystems and recreational, sport, and subsistence fishing. The EPA recommends the Corps conduct a chemical characterization of the dredge prism prior to finalizing a preferred alternative, and we note that the Draft IFR/EA acknowledges the need for this analysis on page 196.
3. *Dredging Method.* We recommend the IFR/EA clarify what type of machinery will be used for the dredging. Conflicting information as to whether dredging would occur with a cutterhead dredge or cranes with clamshell buckets and a scow is currently indicated.²⁴ The Draft IFR/EA also considers varying dredging methods by stating, “The anticipated dredging methods considered throughout the dredge sections would primarily be mechanical, but hydraulic dredging would be considered in certain areas. Mechanical dredging is considered the primary method due to the in-place denseness of the soil layers and presence of cobbles.”²⁵

Summary. The Draft IFR/EA relies on assumptions about the physical and chemical data of the dredged material to propose the LEDPA rather than sampling the material and incorporating data into the decision-making framework of various dredged material disposal alternatives. The Draft IFR/EA discloses that the deepening of the channel would occur using an excavator on a barge and dumping scow because of consolidated material at depth. The Draft IFR/EA also discloses that gravels and cobbles, in addition to sands and silty-sandy material, will be dredged. We recommend that the IFR/EA provide the anticipated volumes of consolidated material versus unconsolidated material that would be placed in the nearshore as well as an understanding of the volumes of coarse material versus sand/silt material. Once these characterizations are completed, the Corps will be able to better evaluate the ability of these materials to disperse in the nearshore by storm surges, wind waves, and bottom currents. This analysis may support the Corps’ assertion that all material dredged from the construction and operation and maintenance of the project would be beneficial for protection of the Nome seawall. Conversely, the analysis may

²¹ Draft IFR/EA, p. 19.

²² See 40 C.F.R. Part 230, Subpart G, 40 C.F.R. § 230.11(a).

²³ Appendix B to Draft IFR/EA, p. 3.

²⁴ Appendix C to Draft IFR/EA, p.C-38.

²⁵ Appendix B to Draft IFR/EA, p.3.

conclude that the energy in the nearshore may not distribute the consolidated material and cobbles/gravels from the placement area.

4. *Hydrodynamic and sediment transport modeling.* The EPA recommends that present-day data be used for inputs to the hydrodynamic and sediment transport modeling. The Corps used a 3-D physical model from 1998/1999 to assess wave, current, and shoaling conditions at the existing harbor and with the proposed navigation improvements. Due to changing ocean and atmospheric conditions, storm frequency and intensity are increasing, and sediment depositional and erosional patterns are changing and intensifying. We recommend the use of present-day data on nearshore and surface velocities, currents, storm surges, and wind-driven physical forcing on the nearshore environment around the Port of Nome to support the conclusion that the two million cubic yards of dredged material from construction of this expanded Port facility would move eastward along the Nome seawall. Appendix C of the Draft IFR/EA references an updated wave climate modeling effort for the purposes of selecting the causeway armor stone to ensure stability. The EPA recommends those data, in addition to nearshore and offshore current data, be incorporated into a sediment transport model to more accurately predict the dispersion volume and rates of the dredged material placed nearshore from the construction and 20-year maintenance dredging operation.

The predominant direction of littoral sediment movement along Nome's coastline is from west to east. In the sediment transport analysis, we recommend analyzing current sediment transport trends at the nearshore placement area, considering that the beach has been expanding because of on-going sediment placement activities. The placement of two million cubic yards may cause the creation of a nearshore seafloor mound because of the large volume of material, coarseness of the material, and placement method using a dump scow. Based on the information provided, the EPA cannot evaluate the rate at which the dredged material would disperse from the placement site. We recommend that the IFR/EA's alternatives analysis consider the volume of material that would be placed each dredging season and the dispersive capacity of the nearshore currents considering shore-fast ice creation. The IFR/EA should also discuss any anticipated shoaling that may occur in the nearshore placement area.

The Draft IFR/EA states that, "typically for deep draft navigation projects, physical and numerical modeling studies are recommended to analyze the hydrodynamics of proposed channel improvements. For this study, circulation was evaluated using the best available guidance and analytical techniques. Detention time, volume of water exchange, mixing, dilution, and stratification would not be expected to change significantly with the Nome causeway extension alternative."²⁶ From this statement, it is not clear why the Corps decided that physical and numerical modeling was not needed. We note that hydrodynamics can change when an alteration is made to the nearshore environment. The degree of that change is important to understand, as it plays an important role in the deposition and resuspension of sediment, as well as having potential effects on biological functions, including species adaptations, feeding, growth and habitat preference. The EPA recommends that the IFR/EA include physical and numerical modeling studies to fully inform the short and long-term effects of the preferred alternative.

5. *Potential Impacts to Navigation.* The IFR/EA should demonstrate through modeling, using present-day current, wind, and wave parameters, that the area chosen for dredged material

²⁶ Appendix C to Draft IFR/EA, p. C-24.

placement can transport the material in a timely manner such that adverse impacts to navigation do not occur. The analysis and determination regarding nearshore placement for beneficial use should clearly outline the physical nature of the material and the ability for the physical forces in the nearshore to transport the material (i.e., transporting large gravel requires more energy from bottom-currents and wave action than sand). In addition, the type of dredging equipment needed to remove the material may not be suitable for nearshore beneficial use placement. As mentioned previously, Draft IFR/EA does not sufficiently characterize the physical nature of the material in order to conclude whether dredging would occur with a cutterhead dredge and pipeline the material onto the beach or whether an excavator on a barge with a dump scow would be needed. An excavator with a dump scow may be needed if the material is too compacted and of sufficient size that a cutterhead is not suitable. Placing material nearshore in shallow water using a dump scow may not achieve the same results as a cutterhead hopper dredge or pipeline placing the material in shallow waters near or on the beach. Thus, a dump scow has a greater potential to create a mound on the seafloor after dispersal. The EPA recommends that the IFR/EA analyze the disposal capabilities of these two types of dredging equipment and their abilities to meet the needs of placing the material in a thin-layer manner such that the material can be swept up by the currents into the littoral cell.

6. *Additional modeling.* The IFR/EA states that there was not time or funding to conduct the appropriate physical modeling and ship simulator studies for designing a new navigation channel.²⁷ Field data of ship maneuvering, and wave motion were not collected. These data collection efforts and analyses are foundational aspects of engineering design. Therefore, the EPA recommends these modeling efforts and studies be conducted prior to proposing a navigation preferred alternative.

Similarly, the EPA supports the IFR/EA's "Recommended Further Design Studies" because several of them (i.e., ship simulation studies, geotechnical investigations and analysis of subsurface materials, and a detailed analysis of winds, wave, current climates) if conducted, would help to inform whether the proposed alternative in the IFR/EA is the LEDPA.²⁸

7. *Benthic organisms.* The EPA cannot evaluate effects to benthic organisms and the cascading impacts to higher trophic levels without understanding the current and proposed volume of material placed at the site, frequency of disturbance, physical and chemical nature of the construction and maintenance material, and the benthic characteristics of the proposed placement area. It is the EPA's understanding that less than 5,000 cubic yards of material is placed nearshore by the Corps currently. The Draft IFR/EA does not discuss how much material would be placed each year or how many years construction dredging, and disposal would occur with this project, therefore, the EPA cannot evaluate the degree of disturbance or change that would occur in the nearshore area from the disposal.

The Draft IFR/EA states that during construction dredging and placement of two million cubic yards, the material would be a more varied mix of fine sand, coarse sand, and gravel than current annual maintenance dredging of silty sand. If coarse material is placed in the nearshore, and future finer-material placed on top of it, the EPA anticipates the finer-material could be

²⁷ Appendix C to Draft IFR/EA, p. C-20.

²⁸ Appendix C to Draft IFR/EA, p. C-42.

resuspended into the littoral zone leaving behind a gravel bed that may attract crab to settle in the benthos. If young crabs are in the area during future maintenance disposal, they may be injured or killed from future dredged material disposal.

8. *Placement Area.* The EPA recommends that the IFR/EA delineate the area and location of the proposed placement site with the current bathymetry and substrate mapping, as presented in Figure 14 of the Draft Report. The EPA has concerns that the cobble and gravel from the construction dredging will not be distributed longshore eastward in the same manner as the annual maintenance dredging material because of the physical differences in the material. The Draft IFR/EA has not provided the data and modeling to demonstrate that there will be enough ice, wave, and current energy to transport the coarse and consolidated material longshore. The transport of this material is important to ensure that the benefits attributed to this action are being achieved, as well as to ensure that shoaling does not occur in the nearshore which would cause a hazard to navigation from changes to wave height. Without a clear map of the proposed placement area, the EPA cannot evaluate the alternatives analysis adequately when several disposal areas are being considered but not explicitly identified. The Draft IFR/EA states that dredged material would be placed in an “offshore disposal site” as well “onshore through direct placement, or in the nearshore environment inside of the zone of closure.”²⁹ The IFR/EA also states, “For purposes of this study, it is assumed that the outer channel and maneuvering area material would be disposed of in the nearshore disposal area east of the port. For the expanded inner maneuvering area, the material would likely be placed on the beach east of the main breakwater as is the current dredged material from the navigation improvements project.”³⁰ To provide clarity around these placement areas, we recommend that the IFR/EA include a map denoting the boundaries of these disposal sites (pursuant to 40 CFR 230.3(i)).

²⁹ Appendix C to Draft IFR/EA, p. C-38.

³⁰ Appendix C to Draft IFR/EA, p. C-41.



DEPARTMENT OF THE ARMY
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February 28, 2020

Ms. Jill A. Nogi
Chief, Policy and Environmental Review Branch
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue
Seattle, WA 98101

Dear Ms. Nogi:

Attached are responses from the U.S Army Corps of Engineers (USACE), Alaska District, to comments provided by you (via a letter dated 20 June 2019) on the May 2019 Draft Integrated Feasibility Report and Environmental Assessment (IFR/EA) for the Port of Nome Modification project. A second draft IFR/EA was released for public and agency review in January 2020. The second draft IFR/EA was deemed necessary due to changes in the project design that required a revision in the determination of effects for marine mammals. The EPA comments provided for the initial May 2019 draft have been included with the EPA comments received on the January 2020 draft IFR/EA.

The USACE looks forward to working further with the U.S. EPA on this project. Please direct questions and additional comments to Chris Floyd, at 907-753-2700 or Christopher.B.Floyd@usace.army.mil.

Sincerely,

Michael R. Salyer

Michael Salyer
Chief, Environmental Resources Section
Civil Works Project Management Branch

U.S. Environmental Protection Agency Detailed Comments on the Draft Integrated Feasibility Report and Environmental Assessment for the Port of Nome Modification Feasibility Study, dated 20 June 2019.

Responses entered by Chris Floyd, USACE, 27 February 2020.

Please note the comment numbers were generated by the USACE, and do not correspond to the EPA comment/recommendation. However, they are in the same order as presented in the EPA letter dated 20 June 2019.

1) ***FONSI***

Given the current information gaps, it is not clear that the analysis and record for the proposed project sufficiently supports the Draft Finding of No Significant Impact.

Response: Non-concur. The time constraints of the USACE Feasibility Phase generally limit our analyses to existing information, whether published or provided by local experts. The intent of the “environmental assessment” portion of the IFR/EA is to screen for major, significant impacts.

2) ***Fish passage***

The EPA recommends that the IFR/EA include analyses of impacts to anadromous juvenile and adult fish migration and passage into and out of the Snake River. For each proposed alternative, we recommend the IFR/EA include analyses of seasonal fish immigration and/or outmigration of the Snake River and free and efficient passage during construction (short-term) and (long-term) operation for migrating species. We recommend that the analyses include the process for maintenance of fish passage and that the consequences from alterations to fish migration.

Alternatives 3a, 4, 8a, and 8b include the installation of a new sheet pile bulkhead dock to the existing causeway. The Draft IFR/EA states that the recommended planned east causeway (8b) would incorporate a serviceable fish passage breach. We recommend the figures for each alternative depict the location and extent of the new sheet pile bulkhead and areas along the causeway that will allow for fish migration into the basin at the mouth of the Snake River.

Response: Non-concur. The time constraints of the USACE Feasibility Phase limited our analysis of fish migration to existing local knowledge. Based on comments from NMFS, the USACE recognizes that construction activities near shore may impact vulnerable out-migrating juvenile salmon. The USACE maintenance dredging program at Nome has work timing restrictions imposed by the ADFG for work in the inner harbor; the USACE will coordinate with the ADFG on the timing of any project activities that have the potential to block or inhibit fish passage in or out of Snake River.

Each of the five docks shown on drawings of Alt 8b will be constructed of sheet pile (as of the January 2020 iteration of the IFR/EA), and occupy approximately the same extend as shown on the drawings. The existing causeway breach and breakwater breach are labeled on Figure 3; the corresponding breaches are apparent on the drawings of each alternative.

3) **Maintenance dredging**

The Draft IFR/EA addresses maintenance dredging, indicating that it would be conducted on an "estimated 10-year cycle." The Draft IFR/EA also states that there may be a need for increased maintenance dredging after construction. We recommend that the IFR/EA analyze the baseline and anticipated maintenance dredging schedules and locations among the different alternatives, including dredging, and disclose the project's impacts to maintaining fish passage.

Response: Concur. The May 2019 IFR/EA was incorrect in stating that maintenance dredging would be conducted on a 10-year cycle; it is expected to occur annually (this has been corrected in the January 2020 IFR/EA).

The current annual maintenance dredging program varies greatly from year to year in terms of quantities and locations needing attention, and the USACE expects a similar variability in maintaining the new and expanded basins. The problem of maintaining the fish passage breaches will be the same for all alternatives. The USACE Operations and Maintenance Program for Nome Harbor is separately designing alterations to the existing west causeway breach intended to keep it and the east breach open more consistently.

4) **Boat traffic**

The Draft IFR/EA states that the port will remain open during construction. The anticipated timing, duration and magnitude of the construction activities concurrent with on-going boat traffic is important to fish species and other marine life in the project vicinity. We recommend that the IFR/EA include an analysis of the environmental consequences of diverting/accommodating boat traffic during the construction of the new infrastructure.

Response: Non-concur. The USACE has not yet worked out details with the City of Nome as how to best coordinate construction activities with necessary port activities. However, it is expected to be a matter simply of making sure (through continual communication) that construction vessels are not blocking access to and from the inner or outer harbors during high-traffic periods, or blocking an existing dock when it is needed by an incoming cargo vessel. No diversion of boat traffic into currently-unused areas is anticipated.

5) **Ice**

The Draft IFR/EA discloses the potential for the extended causeway and altered breakwater to have a localized effect on the formation of shore-fast ice at Nome, thereby impacting the local winter distribution of seals and other ice-dependent species, including fish species (e.g., pollock). We recommend the IFR/EA analyze these impacts and the associated consequences to ice-dependent species and subsistence use and access.

Response: Non-concur. The impact of the completed project on the extent of shore-fast ice is suppositional, based on local observations of how the existing rubble mound structures interact with shore-fast ice. The USACE is not aware of a means to predict how the new and expanded rubble mound structures will interact with the rapidly changing sea ice regime in the Bering Sea.

The USACE will make an effort to document the formation and duration of sea ice along the new structures, as part of its EFH post-construction monitoring of the finished project.

6) ***Species impacts***

We understand that red king crab (or Alaska king crab, *Paralithodes camtschaticus*) is the most important Norton Sound benthic invertebrate for human use in the Port of Nome area. The Draft IFR/EA discloses that the Norton Sound red king crab population appears to be isolated from other Bering Sea populations of this species. It lives in relatively shallow water and is confined under the sea ice for five to six months each year. Adult and sub-adult crabs migrate into coastal waters near Nome in late fall and winter; then return to deeper waters when near-shore ice breaks up in spring, coastal water temperatures rise and salinities decrease. The EPA recommends that the IPR/EA include baseline characterization of crab habitat including a detailed locational map of the habitat. We recommend that Figure ES-1, Tentatively Selected Plan (Alternative 8b; page V), clearly depict the extent of red king crab habitat in relation to the proposed infrastructure development. A summary of available biological data (i.e., population densities, catch data, subsistence harvest data) would also be useful for disclosing the magnitude of potential impacts to the species. The Draft IPR/EA discloses plans to mitigate for near-shore crab habitat but does not include details of this proposal. We recommend that the details of the plan to mitigate crab habitat be included in the IPR/EA.

The Draft IPR/EA discloses the presence of groundfish species and pollock in the project area. We recommend baseline characterization of these species prior to impacts from this project, including maps of known species distribution as well as available catch or population data be evaluated and disclosed in the IPR/EA.

Response: Thank you for your comment. The January 2020 version of the IFR/EA includes the results of a May 2019 underwater video survey of the project footprint, and estimates the quantity of potential juvenile red king habitat (Section 3.2.1.2 Benthic Habitat) directly impacted by the project. The newer IFR/EA also clarifies the intent of crab habitat mitigation (relocating cobbles and boulders removed during construction dredging to a deeper sandy area of sea bottom), but the practical details of how to carry this out will have to be developed in the next project phase, Pre-Construction Engineering and Design (PED).

Non-concur. Fisheries catch data for Norton Sound exists, but tends to cover large areas well away from the project site at Nome; the USACE did not see that it could be usefully tied to project impacts. Likewise, readily available subsistence data is reported regionally, and is difficult to tie to a specific location.

7) ***Mitigation and monitoring***

The Council on Environmental Quality's January 14, 2011 guidance on the Appropriate Use of Mitigation and Monitoring addresses establishing, implementing, and monitoring mitigation commitments made during the NEPA process. We

appreciate that the Draft IPR/EA states that long-term biological monitoring will be established.

We recommend the following key concepts be addressed in the IPR/EA:

- Ensuring that mitigation commitments will be implemented;
- Monitoring the effectiveness of mitigation commitments;
- Remedying failed mitigation; and
- Involving the public in mitigation planning.

We recommend the IPR/EA include a discussion of how mitigation measures will be implemented and monitored, such as identification of the responsible parties, performance objectives, and enforcement clauses to ensure the commitments are stipulated through agency permits or other agreements (e.g., crab habitat mitigation).

Response: Concur. This is a good idea that we will integrate into future IFRs. Mitigatory measures that occur during construction (e.g., marine mammal monitoring and work shut downs) are written into the project contract documents, and become the contractors' and USACE construction representatives' responsibility to implement and enforce. The USACE will continue to coordinate with the NMFS Habitat Division on implementing and monitoring the EFH mitigation and monitoring commitments described in the IFR/EA.

8) ***Consultation and coordination with tribal governments***

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments was issued to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and to strengthen the United States government-to-government relationships with Indian tribes.

We appreciate the discussion of the government-to-government consultations that has occurred to date with the Nome Eskimo Community and Kawerak, Inc. We recommend that the IPR/EA describe the process and outcomes of the government-to-government consultations between the Corps and tribal governments, including the major issues raised, and how those issues will be addressed. For example, according to the Draft IFR/EA, the Native Community of Nome would like assurances that the project will not further displace Native residents nor limit their cultural practices. The Draft IFR/EA discloses that an MOU between the Corps, the Nome Eskimo Community and Kawerak, Inc. regarding the proposed navigation improvements at the Port of Nome will be established. We recommend that this MOU be included in the IFR/EA. If there is no MOU by the time of publication of the Final IFR/EA, we recommend that this information be disclosed.

Response: Thank you for your comment. An updated description of project government-to-government consultation and of the MOU status has been prepared for the final IFR/EA.

9) **Subsistence Use**

The Draft IFR/EA does not sufficiently explain how the proposed project's potential impacts to subsistence access would not be expected to "...*substantially* interfere with harvestable access to subsistence locations ... "

The Draft IFR/EA discloses that subsistence activities are of vital importance to the individuals, families, communities, and cultures of the Norton Sound. We also appreciate the Draft IFR/EA's focus on access to subsistence resources and helpful definition of access (physical access, increases to the cost, increases in competition). It is also helpful to learn from the Draft IFR/EA that salmon subsistence fishing occurs further up the Snake River, or beyond the port in Norton Sound, to avoid the busy summer harbor. We also appreciate that the Draft IFR/EA discloses Kawarek, Inc.'s request for coordination to mitigate construction impacts on seal and beluga whale hunting during the important fall hunting season.

However, our review finds that it is not clear how operating the completed project would interfere with subsistence access over the longer term. The Draft IFR/EA states that draft language to disallow hunting in and around the Port of Nome out of safety concerns was put forth but withdrawn. The Draft IFR/EA does not indicate whether, over the longer term, limiting or disallowing hunting in and around the Port of Nome out of safety concerns would become more likely. We recommend that the IFR/EA include an analysis of the increased frequency and different kinds of vessel activity and the potential for increased hunting limitations near the Port of Nome.

The Draft IFR/EA describes the Port of Nome harbor master forbidding a hunt in September 2018 because multiple vessels and crews were moored along the causeway. The Draft IFR/EA mentions that increased restrictions to subsistence hunting may result due to safety concerns. We recommend that the IFR/EA expand the analyses to include whether the project's construction and operations would lead to more circumstances forbidding hunting, and whether they would become increasingly likely over time given the proposed project. We recommend the IFR/EA discuss the potential for such restrictions to result in substantial interference with access to subsistence resources.

Similarly, the Draft IFR/EA states that the proposed project has the possibility to limit pedestrian access to traditional subsistence locations near and within the Port of Nome but does not disclose the likelihood of such limits. We are suggesting that disclosure of the likelihood of limited pedestrian access would aid in the ability of agency decision makers and the public to reach conclusions about the level of potential interference with subsistence activities.

The Draft IFR/EA discloses that regarding the long-term impacts to subsistence hunting and pedestrian access to subsistence use, the proposed project has the potential to impact access to subsistence resources. We agree with that conclusion. However, our review finds that the Draft EA does not sufficiently support the conclusion that the proposed project is not expected to substantially interfere with harvestable access to subsistence locations. As the no substantial interference determination provides the underlying rationale for concluding that impacts to subsistence use will be minor, we are concerned by the lack of supporting information in the Draft IFR/EA for this conclusion.

Substantial interference with harvestable access to subsistence locations would amount to a significant adverse impact on the subsistence uses of vital importance to the individuals, families, communities, and cultures of Norton Sound.

Subsistence Use Recommendations:

- We recommend analyzing and disclosing a more detailed analysis of the potential for "substantial interference" for this proposed project. We acknowledge the Draft IFR/EA's reliance on Section SI0(a) of ANILCA and *Kunaknana v. Watt* [No. A83-337 CIV, D. Alaska Dec. 20, 1983] to inform subsistence use significance thresholds. We recommend further review of these or other appropriate references and including information supporting the conclusion regarding the proposed project's subsistence use access interference.
- We recommend analyzing and disclosing in the IFR/EA the potential mitigation measures to minimize long-term indirect effects on access to traditional subsistence locations. See, for example, the CEQ FAQs 19b, "All relevant, reasonable mitigation measures that could improve the project are to be identified, even if they are outside the jurisdiction of the lead agency or the cooperating agencies, and thus would not be committed as part of the RODs of these agencies."

Response: Non-concur. The USACE provided analysis on possible long-term consequences for subsistence in its Environmental Justice (Section 8.8.2) and Cumulative Impacts (Section 8.8.3) discussions. Several of the specific issues the EPA mentions above (e.g., hunting at the port) are addressed in these sections, if cursorily. In general, the future of subsistence access at Nome depends on factors that are well outside the purview or ability of the USACE to predict, control, or mitigate: the City of Nome's future development plans; the success of future cooperation between the Native community and the city; and long-term demographic and environmental trends.

10) Clean Water Act Section 404 b(1) Guidelines

The Clean Water Act Section 404(b)(1) Guidelines are applicable to the specification of disposal sites for discharges of dredged or fill material into waters of the United States through the civil works program of the U.S. Army Corps of Engineers. The Guidelines are the substantive environmental criteria used to review proposed discharges of dredged or fill material into navigable waters inside the territorial sea baseline, and proposed discharges of fill material into the territorial sea. Though no CWA 404 permit is issued for discharges associated with Corps civil works projects, the administrative record for the project should document compliance with the Guidelines.

We appreciate that the Section 404(b)(1) analysis is included in the Draft IFR/EA as Appendix A. It is our understanding that the Corps used the analysis to inform the determination of the environmentally preferable alternative through the identification of the least environmentally damaging practicable alternative (LEDPA). Appendix A evaluates compliance with the restrictions on discharges found in the Guidelines at 40

C.F.R. § 230.10. However, Appendix A focuses on the placement of dredged material along the Nome waterfront. The Guidelines apply to the fill discharges to waters of the United States associated with the six structural alternatives evaluated in the Draft IFR/EA. We recommend that Appendix A evaluate the discharges of fill material for causeway construction and extension in sufficient detail to demonstrate compliance with the Guidelines.

Response: Non-concur. The 404(b)(1) evaluation describes the source, character, quantities, and placement areas of the rubble mound material to the level of detail that is currently available.

Concur. The 404(b)(1) does describe only the selected alternative; the USACE will add to the 404(b)(1) evaluation the alternative comparison tables provided in Section 8.7.1 of the main report.

11) Identification of the LEDPA

Under the Section 404(b)(1) Guidelines, "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences." Identification of the LEDPA is achieved by performing an alternatives analysis that estimates the direct, secondary, and cumulative impacts to jurisdictional waters resulting from each alternative considered. Project alternatives that are not practicable and do not meet the project purpose are eliminated from the analysis. An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in the context of the overall project purpose.

The administrative record should be sufficiently detailed to identify the LEDPA. Appendix A states that beneficial-use placement of the construction dredged material within the littoral zone represents the LEDPA. Appendix A further states that upland disposal of the dredged material is not considered practicable due to the large volume of material that would have to be transported and managed. We recommend that Appendix A provide additional information to document that the selected alternative, 8b, is the LEDPA among the action alternatives.

The Draft IFR/EA identifies that the greatest direct impacts from project construction would be caused by the discharge of rock for new rubble mound structures, deepening of the seafloor by dredging and the placement of dredged material. The Draft IFR/EA further states that the environmental impacts of the six structural alternatives carried forward are similar, differing primarily in geographic extent. However, the selected Alternative Sb requires greater fill for construction of a new east causeway. Table 30 indicates that the selected Alternative 8b would require the second greatest net increase of fill material among the alternatives. The 50.4 acres occupied by new fill for Alternative 8b is 2.8 times greater than for Alternative 3c. Similarly, Table 31 shows that Alternative Sb would affect the most

acres from dredging and would generate the greatest volume of dredged material of the six structural alternatives. Alternative 8b would affect 1.2 times the acreage of Alternative 3c and would generate 1.6 times the volume of dredged material for disposal. The differences in impacts between action alternatives appear to be more than incremental, and the current analysis in the Draft IFR/EA does not sufficiently demonstrate that Alternative 8b is the LEDPA. We recommend that the IFR/EA provide additional information on the alternatives and the project impacts based on each of those alternatives to more clearly identify the project LEDPA.

Response. Thank you for your comment. The USACE Civil Works program is required to formulate and select the project alternative “with the greatest net economic benefit, consistent with protecting the Nation’s environment” (Engineering Regulation 1105-2-100). As described in Section 6.3 of the IFR/EA, the USACE generally uses four “accounts” to evaluate the costs and benefits of the different project alternatives: the National Economic Development (NED) Plan; the Regional Economic Development (RED) Plan; the Environmental Quality (EQ) account; and the Other Social Effects (OSE) account. As a result, water resource projects are formulated to the NED and not specifically a LEDPA, which is particular to the USACE Regulatory Program where USACE is evaluating permit applications and making a decision on a permit action as the “Federal Action”. On water resource projects within the Civil Works Program, the “Federal Action” can be the construction of a project (different from a permit decision to allow an action). However, USACE proposed water resource projects must also demonstrate that proposed discharges of dredged material or fill are consistent with the 404(b)(1) guidelines, and strives to evaluate the relative environmental impacts of the different alternatives under consideration. Comparisons of the environmental effects of the different alternatives are provided by resource category in the “Environmental Consequences” sections of the Integrated Feasibility Report/Environmental Assessment (IFR/EA).

The alternative selected as the USACE Recommended Plan, through this process may not always be the “least environmentally damaging” alternative. In practice, the USACE CW process of formulating and evaluating project alternatives incorporates (early in the planning phases) input from Federal and State agencies and stakeholders, the need to avoid and minimize impacts to environmental resources (as much as possible) and then compensate as necessary. The required NED analysis relies heavily on economic and funding considerations and tends to strongly favor the physically smallest alternative that will meet all project objectives to provide for the wisest use of taxpayer dollars. As a result, the Recommended Plan will frequently also be the “least

environmentally damaging practicable alternative”, although arrived at through a different process than in the USACE Regulatory Program.

The USACE will provide a summary of the relative environmental impacts in the 404(b)(1) evaluation.

12) Significant Degradation

Under the Section 404(b)(1) Guidelines, discharges of dredged or fill material are not permitted if they will cause or contribute to significant degradation of the waters of the United States. The potential for significant degradation is evaluated through multiple factual determinations that assess the severity of direct, secondary, and cumulative impacts.

The Guidelines establish specific approaches to evaluate effects on:

1. human health or welfare, including but not limited to effects on municipal water supplies, plankton, fish, shellfish, wildlife, and special aquatic sites;
2. the life stages of aquatic life, other wildlife dependent on aquatic environment including the transfer, concentration, and spread of pollutants or their byproducts outside of the disposal site through biological, physical, and chemical processes;
3. aquatic ecosystem diversity, productivity and stability. Such effects may include, but are not limited to, loss of fish and wildlife habitat or loss of the capacity of a wetland to assimilate nutrients, purify water, or reduce wave energy; and
4. recreational, aesthetic, and economic values.

We note that Appendix A includes the required factual determinations, although with the focus on the placement of dredged material along the Nome waterfront instead of the discharge of fill material.

Appendix A acknowledges that "the enlarged and new rubble mound structures would permanently replace about 57.3 acres of existing sand and cobble benthic habitat with rocky, high-relief substrate, a habitat that is uncommon in the Nome area," but does not articulate the impacts of this permanent change.

Section III. F. of Appendix A addresses compliance with 40 C.F.R. § 230.10(c) for effects on municipal water supplies, plankton, fish, shellfish, wildlife, and special aquatic sites (#1 above). We recommend that Appendix A also evaluate and address the other three categories of effects mentioned above, using applicable information from the factual determinations and analyses from the Draft IPR/EA.

Response: Non-concur. “Significant degradation” as discussed in 40 CFR 230.10(c) appears to be tied specifically to the “discharge of pollutants.” Items (c)(1) through (c)(4).

which the EPA paraphrases above, each begins, “Significantly adverse effects of the discharge of pollutants on...”. In the context of the Guidelines, the meaning of “pollutant” appears to be distinct from “fill” or “discharge”.... We will need to discuss this further with the EPA.

13) Minimizing Potential Adverse Effects

Under 40 C.F.R. § 230.10(d), no discharge of dredged or fill material is permitted unless appropriate and practicable steps have been taken to minimize potential adverse effects to the aquatic ecosystem.

Subpart H of the Guidelines identifies many possible steps to avoid, minimize, and compensate for direct and secondary adverse impacts. Taken together, these steps form the mitigation sequence: a mandatory, sequential process undertaken to "minimize potential adverse impacts of the discharge on the aquatic ecosystem." Demonstrating compliance with 40 C.F.R. 230.10(d) requires identifying the appropriate and practicable steps that will be taken to avoid impacts, and then minimize and compensate for any remaining unavoidable impacts associated with discharges subject to the Guidelines.

Compensation must be commensurate with the amount and type of impact, and sufficient to replace the lost aquatic resource functions at a minimum one for one basis, with an adequate margin of safety to reflect the expected degree of success of the compensation project. All direct and secondary impacts should be offset, including the temporal functional loss from non-permanent impacts. Compensation projects must comply with all applicable provisions of Subpart J of the Guidelines.

Our review finds that Appendix A does not address compliance with 40 C.F.R. § 230.10(d), while the Draft Finding of No Significant Impact states that "All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan." The Draft FONSI also states that "No compensatory mitigation is required as part of the recommended plan." The Draft IPR/EA, however, does not appear to quantify the aquatic resource functional loss associated with the structural alternatives or include a discussion of whether offsetting this loss would be practicable. We recommend that the IFR/EA include quantification of aquatic resources that will be lost due to the proposed project.

Response: For Information Only. The draft FONSI has been corrected with regards to “compensatory mitigation”. The January 2020 IFR/EA provides an estimate of juvenile king crab habitat that would be directly impacted by the project. The USACE is developing a mitigation plan in cooperation with the NMFS Habitat Division, as part of ongoing EFH consultation.

14) Dredged Material Management

The Corps proposes to use the material dredged from the construction, operation and maintenance of the federal navigation channel in a beneficial manner to protect the Nome seawall from erosion. The EPA supports the use of dredged material in a beneficial manner under Section 404 of the Clean Water Act. At this stage in the planning process, the Corps

has not provided sufficient supporting data, characterization and analysis to support the proposed placement of dredged material in the nearshore environment.

The EPA notes the following concerns and provides recommendations for additional information. As mentioned earlier, the EPA cannot currently assess whether the selected Alternative 8b is the LEDPA, in compliance with the 404(b)(1) Guidelines. Furthermore, we hope that the recommendations provided will assist the Corps in substantiating the statement that all material from the proposed project would be used in a beneficial manner. If the Corps cannot use all of the material beneficially, the disposing of dredged material in ocean waters would be considered ocean dumping under the Marine Protection, Research and Sanctuaries Act. Engagement with the EPA would then be required to assess the need for an evaluation to manage the material either at an existing ocean disposal site or designating or selecting an ocean dredged material disposal site under Sections 102 or 103 of the MPRSA, respectively.

The EPA understands that the Corps is proposing to dispose of the dredged material as beach nourishment material along the Nome seawall. However, Figure 66 (page 162) of the Draft IFR/EA depicts the disposal location as a square within the Port of Nome in the designated disposal site. Figure 66 does not identify the disposal site as being along the seawall. Figure 7 (page 18) depicts the dredge disposal site at the Nome seawall. The proposed disposal site should be clarified on the figures and in the text of the IFR/EA. If other disposal options (e.g., upland disposal) are being considered, they should also be evaluated and disclosed in the IFR/EA.

According to the Corps' guidance for Civil Works projects, the IFR/EA needs to demonstrate that there is sufficient dredged material placement site capacity for a minimum of 20 years. The Corps would be able to meet this requirement with the development of a Dredged Material Management Plan. In Appendix C of the Draft EA, the Corps states that "a dredged material management plan would be developed for the project in which a long-term disposal option [for maintenance dredging] would be developed." We recommend that the IFR/EA include a dredged material management plan that addresses the management of construction and maintenance material. Without such a planning document, the EPA, the public and decision makers will not be able to fully evaluate the project's short and long-term effects on the environment. Specific concerns with and recommendations regarding the current analysis are discussed below:

14.2 Physical Characterization. The Draft IFR/EA states that "geotechnical investigations will need to be performed within the project footprint during preconstruction engineering design to properly characterize the proposed dredge material...." Based on this statement, it appears the Corps has not conducted a sufficient physical or chemical evaluation of the two million cubic yards of dredged material generated during construction that is proposed to be placed in the nearshore, as required by the Clean Water Act Section 404(b)(1) Guidelines. The Draft IPR/EA also states that the "thickness and character of soil stratum above the bedrock are not completely certain without performing additional field explorations." We note that the physical characteristics of the dredged material are an important factor in determining the appropriate and feasible disposal options. Without this information, the EPA cannot evaluate whether the material is suitable for beneficial use in

the nearshore to protect the Nome seawall in our role as co-managers of dredged material under the MPRSA.

14.2 Chemical characterization. Our review finds that the Draft IPR/EA has not fully characterized the chemical nature of the material that would be dredged during construction. Even though the Corps would be dredging native materials at depth, elevated levels of metals may be present, as seen in previous analyses of sediments for arsenic from areas around the project site. Disturbing sediments that are high in metals and placing those sediments along the nearshore and on the beach may cause adverse impacts to benthic organisms that support local ecosystems and recreational, sport, and subsistence fishing. The EPA recommends the Corps conduct a chemical characterization of the dredge prism prior to finalizing a preferred alternative, and we note that the Draft IFR/EA acknowledges the need for this analysis on page 196.

14.3 Dredging Method. We recommend the IPR/EA clarify what type of machinery will be used for the dredging. Conflicting information as to whether dredging would occur with a cutterhead dredge or cranes with clamshell buckets and a scow is currently indicated. The Draft IFR/EA also considers varying dredging methods by stating, "The anticipated dredging methods considered throughout the dredge sections would primarily be mechanical, but hydraulic dredging would be considered in certain areas. Mechanical dredging is considered the primary method due to the in-place denseness of the soil layers and presence of cobbles."

Summary. The Draft IFR/EA relies on assumptions about the physical and chemical data of the dredged material to propose the LEDPA rather than sampling the material and incorporating data into the decision-making framework of various dredged material disposal alternatives. The Draft IPR/EA discloses that the deepening of the channel would occur using an excavator on a barge and dumping scow because of consolidated material at depth. The Draft IPR/EA also discloses that gravels and cobbles, in addition to sands and silty-sandy material, will be dredged. We recommend that the IPR/EA provide the anticipated volumes of consolidated material versus unconsolidated material that would be placed in the nearshore as well as an understanding of the volumes of coarse material versus sand/silt material. Once these characterizations are completed, the Corps will be able to better evaluate the ability of these materials to disperse in the nearshore by storm surges, wind waves, and bottom currents. This analysis may support the Corps' assertion that all material dredged from the construction and operation and maintenance of the project would be beneficial for protection of the Nome seawall. Conversely, the analysis may conclude that the energy in the nearshore may not distribute the consolidated material and cobbles/gravels from the placement area.

Response: Concur. The USACE Feasibility Study timeline requires the USACE project team to rely heavily on assumptions. The chemical and physical characterization of the dredging prism planned for PED will answer many of the data gaps identified above by the EPA. The USACE generally does not prescribe the type of equipment to be used by a contractor for a project, and can only make assumptions of equipment type based on similar projects.

14.4 Hydrodynamic and sediment transport modeling. The EPA recommends that present-day data be used for inputs to the hydrodynamic and sediment transport modeling. The Corps used a 3-D physical model from 1998/1999 to assess wave, current, and shoaling conditions at the existing harbor and with the proposed navigation improvements. Due to changing ocean and atmospheric conditions, storm frequency and intensity are increasing, and sediment depositional and erosional patterns are changing and intensifying. We recommend the use of present-day data on near shore and surface velocities, currents, storm surges, and wind-driven physical forcing on the near shore environment around the Port of Nome to support the conclusion that the two million cubic yards of dredged material from construction of this expanded Port facility would move eastward along the Nome seawall. Appendix C of the Draft IFR/EA references an updated wave climate modeling effort for the purposes of selecting the causeway armor stone to ensure stability. The EPA recommends those data, in addition to near shore and offshore current data, be incorporated into a sediment transport model to more accurately predict the dispersion volume and rates of the dredged material placed near shore from the construction and 20-year maintenance dredging operation. The predominant direction of littoral sediment movement along Nome's coastline is from west to east. In the sediment transport analysis, we recommend analyzing current sediment transport trends at the near shore placement area, considering that the beach has been expanding because of on-going sediment placement activities. The placement of two million cubic yards may cause the creation of a near shore seafloor mound because of the large volume of material, coarseness of the material, and placement method using a dump scow. Based on the information provided, the EPA cannot evaluate the rate at which the dredged material would disperse from the placement site. We recommend that the IFR/EA's alternatives analysis consider the volume of material that would be placed each dredging season and the dispersive capacity of the near shore currents considering shore-fast ice creation. The IFR/EA should also discuss any anticipated shoaling that may occur in the near shore placement area.

The Draft IFR/EA states that, "typically for deep draft navigation projects, physical and numerical modeling studies are recommended to analyze the hydrodynamics of proposed channel improvements. For this study, circulation was evaluated using the best available guidance and analytical techniques. Detention time, volume of water exchange, mixing, dilution, and stratification would not be expected to change significantly with the Nome causeway extension alternative." From this statement, it is not clear why the Corps decided that physical and numerical modeling was not needed. We note that hydrodynamics can change when an alteration is made to the nearshore environment. The degree of that change is important to understand, as it plays an important role in the deposition and resuspension of sediment, as well as having potential effects on biological functions, including species adaptations, feeding, growth and habitat preference. The EPA recommends that the IFR/EA include physical and numerical modeling studies to fully inform the short and long-term effects of the preferred alternative.

14.5 Potential Impacts to Navigation. The IFR/EA should demonstrate through modeling, using present-day current, wind, and wave parameters, that the area chosen for dredged material placement can transport the material in a timely manner such that adverse impacts to navigation do not occur. The analysis and determination

regarding nearshore placement for beneficial use should clearly outline the physical nature of the material and the ability for the physical forces in the nearshore to transport the material (i.e., transporting large gravel requires more energy from bottom-currents and wave action than sand). In addition, the type of dredging equipment needed to remove the material may not be suitable for nearshore beneficial use placement. As mentioned previously, Draft IFR/EA does not sufficiently characterize the physical nature of the material in order to conclude whether dredging would occur with a cutterhead dredge and pipeline the material onto the beach or whether an excavator on a barge with a dump scow would be needed. An excavator with a dump scow may be needed if the material is too compacted and of sufficient size that a cutterhead is not suitable. Placing material nearshore in shallow water using a dump scow may not achieve the same results as a cutterhead hopper dredge or pipeline placing the material in shallow waters near or on the beach. Thus, a dump scow has a greater potential to create a mound on the seafloor after dispersal. The EPA recommends that the IFR/EA analyze the disposal capabilities of these two types of dredging equipment and their abilities to meet the needs of placing the material in a thin-layer manner such that the material can be swept up by the currents into the littoral cell.

Response: Concur. The EPA's modeling recommendations will be taken into consideration by the USACE project engineers. Sediment transport modeling and a more detailed consideration of discharge methods will have to be deferred to PED phase.

14.6 Additional modeling. The IFR/EA states that there was not time or funding to conduct the appropriate physical modeling and ship simulator studies for designing a new navigation channel. Field data of ship maneuvering, and wave motion were not collected. These data collection efforts and analyses are foundational aspects of engineering design. Therefore, the EPA recommends these modeling efforts and studies be conducted prior to proposing a navigation preferred alternative.

Response: Concur. Navigation simulations were performed by USACE in April 2019, but the data was not available for the May 2019 IFR/EA. The results of the navigation simulations are discussed in Section 6.2 of the January 2020 IFR/EA.

Similarly, the EPA supports the IFR/EA's "Recommended Further Design Studies" because several of them (i.e., ship simulation studies, geotechnical investigations and analysis of subsurface materials, and a detailed analysis of winds, wave, current climates) if conducted, would help to inform whether the proposed alternative in the IFR/EA is the LEDPA.

Response: Acknowledged.

14.7 Benthic organisms. The EPA cannot evaluate effects to benthic organisms and the cascading impacts to higher trophic levels without understanding the current and proposed volume of material placed at the site, frequency of disturbance, physical and chemical

nature of the construction and maintenance material, and the benthic characteristics of the proposed placement area. It is the EPA's understanding that less than 5,000 cubic yards of material is placed nearshore by the Corps currently. The Draft IFR/EA does not discuss how much material would be placed each year or how many years construction dredging, and disposal would occur with this project, therefore, the EPA cannot evaluate the degree of disturbance or change that would occur in the nearshore area from the disposal.

The Draft IFR/EA states that during construction dredging and placement of two million cubic yards, the material would be a more varied mix of fine sand, coarse sand, and gravel than current annual maintenance dredging of silty sand. If coarse material is placed in the nearshore, and future finer-material placed on top of it, the EPA anticipates the finer-material could be resuspended into the littoral zone leaving behind a gravel bed that may attract crab to settle in the benthos. If young crabs are in the area during future maintenance disposal, they may be injured or killed from future dredged material disposal.

Response: Non-concur. Recent annual maintenance dredging quantities for the existing harbor are shown in Table 40 (Section 8.7.1) of the January 2020 IFR/EA; they have varied from 28,000 to 116,505 cubic yards over the last several years. Future maintenance dredging of the enlarged harbor will likely be similarly variable. Initially, the new Deep Water Basin will need little or no maintenance dredging, so the maintenance dredging of the expanded harbor will be comparable to current annual volumes for years or decades to come.

Juvenile king crab are planktonic before they settle, and any that drift into the near shore environment offshore of Nome are not going to survive the turbulent conditions regardless of whether they have a hard bottom to settle on, or whether dredged material is placed there.

14.8 *Placement Area.* The EPA recommends that the IFR/EA delineate the area and location of the proposed placement site with the current bathymetry and substrate mapping, as presented in Figure 14 of the Draft Report. The EPA has concerns that the cobble and gravel from the construction dredging will not be distributed longshore eastward in the same manner as the annual maintenance dredging material because of the physical differences in the material. The Draft IFR/EA has not provided the data and modeling to demonstrate that there will be enough ice, wave, and current energy to transport the coarse and consolidated material longshore. The transport of this material is important to ensure that the benefits attributed to this action are being achieved, as well as to ensure that shoaling does not occur in the nearshore which would cause a hazard to navigation from changes to wave height. Without a clear map of the proposed placement area, the EPA cannot evaluate the alternatives analysis adequately when several disposal areas are being considered but not explicitly identified. The Draft IFR/EA states that dredged material would be placed in an "offshore disposal site" as well "onshore through direct placement, or in the nearshore environment inside of the zone of closure". The IFR/EA also states, "For purposes of

this study, it is assumed that the outer channel and maneuvering area material would be disposed of in the nearshore disposal area east of the port. For the expanded inner maneuvering area, the material would likely be placed on the beach east of the main breakwater as is the current dredged material from the navigation improvements project.” To provide clarity around these placement areas, we recommend that the IFR/EA include a map denoting the boundaries of these disposal sites (pursuant to 40 CFR 230.3(i)).

Response: Concur. An improved discussion of dredged material management options is provided in Section 6.1 of the January 2020 IFR/EA, and illustrated in Figure 69.

Notification of Availability for Public Comment



**US Army Corps
of Engineers®**

Civil Project Management Branch

Public Notice

Date: 31 Dec 2019. Identification No.: ER-PN-20-001.
Please refer to the identification number when replying.

The U.S. Army Corps of Engineers, Alaska District (USACE), has prepared a Draft Integrated Feasibility Report and Supplemental Environmental Assessment for the following project:

**Port of Nome Modification
Nome, Alaska**

The proposed project and initial analysis of potential environmental impacts are described in the draft report. The report evaluates six structural alternatives, as well as the no-action alternative, proposed to improve navigational efficiencies at the Port of Nome. The recommended plan would extend the existing west causeway by 3,484 feet; remove the existing east breakwater and replace it with a new 3,900-foot causeway; deepen the existing Outer Basin to 28 feet below mean lower low water (MLLW); create a Deep Water Basin to 40 feet below MLLW; and construct 5 new docks. Dredged material would be placed to augment the beach along the toe of the Nome seawall.

The public and agency comment period on the draft report extends for 30 days from the date of this Public Notice. The report may be viewed on the Alaska District's website at: www.poa.usace.army.mil. Click on the *Reports and Studies* button on the right-hand sidebar, look under *Documents Available for Public Review*, then click on the *Civil Works* link.

Comments on the draft report may be submitted in writing to the postal address below, or by email to Mr. Brent Howard at brent.s.howard@usace.army.mil.

U.S. Army Corps of Engineers, Alaska District
ATTN: CEPOA-PM-C
P.O. Box 6898
Joint Base Elmendorf-Richardson, AK 99506-0898

STATE OF ALASKA WATER QUALITY CERTIFICATION

Notice is hereby given that the USACE will be reapplying for State Water Quality certification from the Alaska Department of Environmental Conservation (ADEC). ADEC may certify there is a reasonable assurance this proposed action and any discharge that might result will comply with the Clean Water Act, Alaska Water Quality Standards, and other applicable State laws. ADEC's certification may authorize a mixing zone and/or a short-term variance under 18 AAC 70. ADEC may also deny or waive certification. Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments to the address below or

to the email address dec-401cert@alaska.gov within 30 days of the date of this Public Notice. Mailed comments must be postmarked on or before the last day of the public comment period.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WDAP/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, AK 99501-2617
PHONE: 907-269-2711 | EMAIL: dec-401cert@alaska.gov

For information on the proposed project, please contact Mr. Brent Howard, Project Manager, at brent.s.howard@usace.army.mil or 907-753-5729.

Very Respectfully,

A handwritten signature in black ink, appearing to read 'Bruce Sexauer', with a large, stylized initial 'B'.

Bruce Sexauer, P.E.
Chief, Civil Works Branch

Public Comments

Overview of Public Comments on the 2nd Draft IFR/Supplemental EA

Entity	Date	Comment	USACE Response
Kawerak, Incorporated	2/3/2020	A small subsistence boat harbor design alternative needs to be included in this project for it to be exempted from national economic development benefit standards.	Project justification as written meets the standards of the Remote and Subsistence Authority.
Kawerak, Incorporated	2/3/2020	The full national economic development benefit standards should be incorporated along with an economic study to address increased costs of maintenance that accompany the proposed expansion. Withdraw the feasibility study and duplicate the effort to incorporate national standards.	Maintenance costs of the recommended plan have been included and considered during alternative selection. The study will not be withdrawn.
Kawerak, Incorporated	2/3/2020	The study's "Project First Cost" should include local inflation.	Construction costs were based on local labor and material rates that take local costs into account.
Kawerak, Incorporated; Nome Eskimo Community	2/3/2020; 2/6/2020	The project will increase the need for non-local labor. This in-migration will drive up the cost of living and impact the local housing and job markets. The study should provide a stronger narrative on the socio-economic impacts, such as housing shortages that have occurred due to the increase in offshore mining, and whether the small police department and volunteer ambulance and fire crew will meet future needs.	This project could displace local workers. But it could also offer employment they wouldn't have otherwise had. Non-local workers could have both positive and negative socioeconomic impacts to the local community. Any strain on public services would likely be confined to the short-term during project construction. The potential strain on local housing during project construction will be considered during contracting. Long-term tourist or population increases would likely be addressed by infrastructure or public service expansion. Further evaluation than what is currently in the report is beyond the scope of the study.
Kawerak, Incorporated	2/3/2020	The official Federal poverty threshold does not meet basic needs for living in this high cost region; this should be considered in the analysis.	Use of the Federal poverty guidelines is a standard approach under NEPA to conduct an Environmental Justice analysis. The report acknowledges the unique hardships in the region in its discussion of "distressed communities" as identified by the Denali Commission (Sections 1.4, 2.10.2).
Nome Eskimo Community	2/6/2020	The USACE must ensure that this project will not drive up the cost of living, impacting housing and job markets.	USACE has no control over the market prices for goods and services in Nome. If project construction causes an influx of workers, then prices may rise until supply stabilizes to meet the increased, short-term, demand. At that point, prices may stabilize, or not. On the other hand, the market for housing and jobs may be so depressed at Nome that an increase in demand spurs the use of underutilized labor and services, causing no price rise at all and positive impacts on the market. The only way to ensure no negative impact to the local labor or housing market is to recommend No Action.
Kawerak, Incorporated; Nome Eskimo Community	2/3/2020; 2/6/2020	The study mischaracterizes the long-term viability of remote and subsistence communities. Preservation and continuation of Nome and the region's cultural heritage is not dependent on this project.	The study found that the proposed project could improve the viability of regional communities. The proposed project will improve navigation efficiency of cargo vessels, which is expected to decrease the cost of fuel and other cargo. It should not significantly impede travel by small boats through the Outer and Deep Water basins. The project intention of developing a deeper harbor can support those who participate in a subsistence lifestyle by lowering the transportation cost of fuel and goods in the region. Lower costs for fuel and goods coming

			into the region has the potential to lower the cost of these goods required to access subsistence area as well as lower living costs (e.g., heating oil) so that more money is available for other expenses, including those associated with subsistence activities. A viability discussion is presented in Section 2.10 (Long-Term Viability) and clarification of subsistence access is presented in Section 2.5 (Project Objectives).
Kawerak, Incorporated	2/3/2020	Impacts to air quality are not fully considered or addressed in the study. Reporting air quality violations in rural Alaska is tremendously difficult and burdensome, and enforcing local air quality impacts is also difficult because there are no local air quality enforcement agents in the region. Ideally local people would be trained and certified using a standardized national method to report violations. Also, the USACE's contractor must prohibit significant violation of air quality standards that would result in air quality health impacts.	There is no air quality baseline data for the Port of Nome; the USACE is unaware of an existing air quality problem at the Port. The USACE's modeling of future ship visits to Nome indicates that the number of annual ship visits is not expected to increase faster with the project than without the project. Some of the visiting ships will be larger, and could potentially generate more emissions individually than the visiting ships they would replace. State of Alaska air quality regulations provide standards only for "visible emissions" within three miles of the coast (18 AAC 50.070). The recommended plan would increase the number of docks at the port from three to eight, providing more ships the opportunity to dock and presumably reduce their engine power (and therefore their emissions). Current Port of Nome rules require rafted vessels to be ready to move at short notice, and therefore keep their engines at sufficient power to maneuver; one of the goals of the expanded port is to reduce the need for rafting within the harbor. The construction contractor will be required to follow all applicable air quality regulations.
Kawerak, Incorporated; Nome Eskimo Community	2/3/2020; 2/6/2020	The USACE must ensure that cultural and archeological resources are protected. Execute the MOA.	A Memorandum of Agreement among USACE, Kawerak, and Nome Eskimo Community regarding the protection of cultural resources was executed on March 17 th , 2020.
Kawerak, Incorporated; Nome Eskimo Community	2/3/2020; 2/6/2020	Increases in tourism have the potential to damage cultural resources and disrupt cultural practices.	The known physical cultural and historic resources near the Port of Nome are all subsurface, and are not expected to be damaged by tourists walking or driving around. In the Subsistence Use section (Section 8.7.5), we determine that, although there is a potential for tourists to impact subsistence use by competing with local residents for limited resources (e.g., salmon), tourists are not expected to significantly impact local community member's subsistence opportunities.
Pew Charitable Trusts	1/29/2020	The study's environmental analyses are limited to the construction phase, and do not consider cumulative impacts of increased vessel traffic on the region and its inhabitants. Cumulative impacts of increase ship traffic should be considered and coupled with appropriate mitigation measures.	The Cumulative Impact section (Section 8.8.3) discusses the increasing shipping traffic within the Bering Straits region and at Nome. The increases in shipping traffic are happening independently of the proposed project. The project is, in fact, a response to the growing number of ship visits at Nome and the increasingly crowded and over-utilized existing harbor. The HarborSym projections discussed in Section 8.8.3 show that the proposed project is not expected to increase the rate at which Nome ship visits grow in future years. The project on its

			own is not anticipated to increase vessel traffic; the project is designed to respond to already increasing traffic issues.
Ocean Conservancy; Kawerak, Incorporated; Nome Eskimo Community	1/30/2020; 2/3/2020; 2/6/2020	Withdraw the Finding of No Significant Impact and issue an Environmental Impact Statement.	An Environmental Assessment (EA), as was prepared for this study, is intended to be a concise document that screens a Federal action for potential significant impacts. If a significant impact is identified, then an EIS would be prepared. Analyzing the best available data, the USACE has not identified significant impacts warranting the preparation of an EIS. The USACE has identified where there is incomplete or unavailable information throughout the report.
Kawerak, Incorporated; Nome Eskimo Community	2/3/2020; 2/6/2020	Impacts to Alaska Native indigenous people are not fully considered in this study. Environmental Justice is not fully considered or addressed in the study. Undertake an environmental justice analysis including a subsistence analysis and evaluation of effects.	An Environmental Justice (EJ) analysis was undertaken in Section 8.8.2. Although potential disproportionate impacts on EJ populations were identified, only the possible temporary housing shortage during construction was determined to be significant. In response, the USACE will be conducting a Housing Marketing Analysis during PED in order to determine whether the contractor would be required to provide their own temporary worker's camp or something similar. Section 3.4 discusses the available subsistence data for the Nome area, and Section 8.7.5 analyses the project's potential impact on subsistence use. The project is not expected to have any significant impacts on subsistence use. The future of subsistence use within Nome depends on factors that are outside the purview or ability of the USACE to predict, control, or mitigate. The City of Nome's future development plans, future cooperation between the Native community and the city, and long-term demographic and environmental trends will play a role in future subsistence use.
Kawerak, Incorporated; Nome Eskimo Community	2/3/2020; 2/6/2020	All of the alternatives, including the no action alternative, may result in a restriction of subsistence activities for Nome residents. The study identified at least 100 impacts to subsistence.	This study analyzed impacts to subsistence use, but did not identify any impacts that would significantly limit the abundance of, availability of, or access to subsistence resources more than they currently are. The project is not expected to substantially interfere with harvestable access to subsistence locations or cause a major increase in non-rural resident use of subsistence resources.
Ocean Conservancy; Kawerak, Incorporated; Nome Eskimo Community	1/30/2020; 2/3/2020; 2/6/2020	The study needs a more rigorous analysis on the extent to which the project could create new or additional impacts from the discharge of contaminants, including oil spills, into the water.	The risk of fuel spills is an ongoing problem in the region. The project offers opportunities to help reduce that risk, including providing more dock space and reducing the need for offshore fuel lightering. Enforcement of marine discharge regulations and proper oil spill response will be easier for the harbor master to manage and the USCG to regulate if fuel transfer occur within the Port. The USACE's modeling of future ship visits to Nome indicates that the number of annual ship visits is not expected to increase faster with the project than without the project; therefore, the number of discharge sources at the finished project is not expected to increase relative to "future without project" conditions.

Kawerak, Incorporated	2/3/2020	The USACE must undertake an ANILCA Section 810 subsistence analysis and evaluation of effects.	ANILCA Section 810 analyses are only conducted for projects on Federal lands; this potential project occurs on private and state lands.
Wesley Nason	1/6/2020	Port expansion will increase beach erosion and impoverishment to the east. Include an aggressive and ongoing beach nourishment east of the west breakwater and extend it to at least the Nome River mouth.	The existing causeway and breakwater at the Port of Nome interrupt long shore current transport of sediment. The proposed project is not expected to change this condition. The in-water nearshore placement of the construction dredged material and the placement of the annual dredged material will be beneficial to promote beach nourishment. See Appendix C, Figure 27.
Kawerak, Incorporated	2/3/2020	None of the structural alternatives provide for small vessel access to traditional subsistence resources or harvest areas from the Port.	The proposed project is not expected to greatly change current subsistence vessel access through the Port of Nome. Small boat access was not a project objective. Small boat access is being studied as part of a separate USACE study under the Continuing Authorities Program (CAP).
Pew Charitable Trusts	1/29/2020	Design should include the additional infrastructure required to service vessels visiting the expanded port in order to reduce harm from potential pollution (e.g., oil spill response services, waste reception).	The City of Nome is planning to extend utilities to service docked vessels. These services will be designed during the design phase. Local service facilities and harbor best management practices are managed by the harbor operator.
George Bard	1/30/2020	A few years ago, the USACE said only about 400k CY of dredged sediment can be safely deposited in front of town. Alternative 8B requires that about 2.5M CY are dredged. I checked the math on Section 7.2.2, and it comes out to about 400k CY. Where will the remaining dredged materials be deposited?	Section 7.2.2. has been modified for clarity. Appendix C, Fig. 27 describes the correct nearshore placement area (241 acres) for the dredged materials.
Ocean Conservancy	1/30/2020	The study should analyze whether construction of a port reception facility would be appropriate.	The City of Nome is planning to extend utilities to service docked vessels. Local service facilities and harbor best management practices are managed by the harbor operator.
Nome Eskimo Community	2/6/2020	Allow for subsistence use in the project design.	Harbor best management practices, regarding the subsistence use of the basin areas, are managed by the harbor operator.
William Gilpin	1/3/2020	Nome has an east-west current and the "L"-shaped causeway will catch the sand that is being moved by sea/wind action. Recommend talk with Knik, who has the same problem, and change the "L" from east to west-facing.	The west causeway extension was designed to protect from waves from the southwest and south. Our data indicate that the predominant longshore sediment transport is from west to east; therefore, the "L" should not collect sediment.
Kawerak, Incorporated	2/3/2020	The Port does not need to be expanded to accommodate oil spill response vessels, as most oil spill response vessels have drafts less than 22 ft. Most, if not all, of the kinds of oil spill response assets can be in Nome without port modification.	The report has been modified to reflect that it is not just a matter of draft but also mooring space and more efficient transportation of oil spill response materials.
Kawerak, Incorporated	2/3/2020	The study does not meet the exceptions under Remote & Subsistence Harbors because no small vessel access is included in the design. The USACE must provide for subsistence use in the feasibility design. This should be in the form of a small subsistence boat harbor.	The small boat harbor concept was not part of this study, and the project as proposed should not significantly impede travel by small boats through the Outer and Deep Water basins. The project intention of developing a deeper harbor can support those who participate in a subsistence lifestyle by lowering the transportation cost of fuel and goods in the region. Lower costs for fuel and goods coming into the region has the potential to lower the cost of those goods required to access subsistence

			areas as well as lower living costs (e.g., heating oil) so that more money is available for other expenses, including those associated with subsistence activities.
Kawerak, Incorporated	2/3/2020	The project must ensure that subsistence users are not subjected to further access prohibitions or further limited in access of port areas.	Harbor best management practices, regarding the subsistence use of the basin areas, are managed by the harbor operator.
Ocean Conservancy; Kawerak, Incorporated; Nome Eskimo Community	1/30/2020; 2/3/2020; 2/6/2020	The USACE has not published any public notice for this study in <i>The Nome Nugget</i> and no public meeting was offered in Nome prior to the comment deadline. Procedures to facilitate public engagement must be improved. Extend or re-open comment period. Publish notifications in the Federal Register and regulations.gov. Publish notifications where they are accessible and obvious to residents of Nome and the region.	The USACE issued press releases to 17 newspapers, 7 magazine/online outlets, 3 TV news stations, and 22 radio stations on December 31 st . This included <i>The Nome Nugget</i> and KNOM. KNOM ran a news story about the project and associated public comment period on January 3 rd . <i>The Nome Nugget</i> ran an article on the project and associated public comment period on January 9 th . Additionally, emails about the public comment period were sent directly to 42 interested individuals and entities on December 31 st , including ANCSA corporations, Federally-recognized Tribes, and State and Federal agencies.
Wesley Nason	1/6/2020	Supports general concept and plan for port expansion.	Thank you for your comment.
Jeff Keener	1/10/2020	Recommends moving forward on improvements and expansion.	Thank you for your comment.
Doyon, Limited	1/30/2020	The expansion of the Port is a safe, reliable, and efficient solution that would enhance infrastructure in the State of Alaska, support job opportunities, and encourage economic development.	Thank you for your comment.
Sitnasuak Native Corporation	1/21/2020	Glad that Alternative 8B is the recommended plan, and looking forward to the much-needed improvements at the Port of Nome for a prepared Arctic in this period of climate change and ongoing globalization.	Thank you for your comment.
Pew Charitable Trusts; Ocean Conservancy	1/29/2020; 1/30/2020	The USACE should meaningfully address the concerns of subsistence users and review comments from representative organizations in the region, including Kawerak, Inc. and Nome Eskimo Community.	Thank you for your comment. Please see above responses and Section 9.1 (Public / Scoping Meetings) and Section 9.2 (Government to Government) of the report.

Deick, Jan F CIV USARMY CEPOA (USA)

From: WILLIAM GILPIN <wwgilpin@aol.com>
Sent: Friday, January 03, 2020 3:26 PM
To: Howard, Brent S (Steven) CIV USARMY CEPOA (USA)
Subject: [Non-DoD Source] Nome port project

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Dear Sir

I live in Nome and have for 12 years we have a East-West current and the way in which the picture shows I think is backwards you will literally catch the sand that is migrated by sea/wind action Knik has the same problem I would recommend you talk with them and change the hook to point west rather than East. Jmho

Thank you for all your help,
William F Gilpin

Deick, Jan F CIV USARMY CEPOA (USA)

From: wpnason <wpnason@aol.com>
Sent: Monday, January 06, 2020 4:48 PM
To: Howard, Brent S (Steven) CIV USARMY CEPOA (USA)
Subject: [Non-DoD Source] Proposed Port of Nome Expansion

Dear Mr. Howard,

The following comments are my personal comments and do not represent those of my employer, Michael Baker International. I mistakenly sent these comments from my work email and would appreciate if you could delete that email and show my comments from my personal email.

My comments are based on years of living in Nome and observing the beach dynamics there. Thank you for your consideration.

Regards,
Wesley Nason
2175 Arcadia Drive
Anchorage, Alaska
99517
907-227-1802

To whom it may concern:

While I support the general concept and plan for port of Nome expansion, the plan should include mitigation of the ongoing beach erosion east of the Snake River jetty and the existing port causeway.

Significant beach erosion from the Snake River jetty east to Fort Davis at the mouth of the Nome River has been ongoing since the jetty was constructed. City lots from the original Nome City Plat are in the ocean on the east end of the sea wall. The sea wall was in fact required to mitigate beach erosion along the Nome waterfront.

Because littoral movement of beach sediments along this coastline is west to east, the Snake River jetty and current port causeway act as a damn and impound beach sediments west of the port, causing beach erosion and impoverishment on the east side. The proposed port expansion will only aggravate this situation.

Any proposed port expansion should include an aggressive and ongoing beach nourishment east of the current jetty and port and extending at least to the Nome River mouth.

On a separate but related matter, note also the Bering Straits Native Corporation deep water dock causeway at Cape Nome is probably causing active beach erosion east of Cape Nome to the Safety Sound Bridge.

Wesley Nason
2175 Arcadia Drive
Anchorage, Alaska
99517
907-227-1802

Deick, Jan F CIV USARMY CEPOA (USA)

From: Jeff Keener <jeffkeener@hotmail.com>
Sent: Friday, January 10, 2020 3:58 PM
To: Howard, Brent S (Steven) CIV USARMY CEPOA (USA)
Subject: [Non-DoD Source] Comment on Nome Harbor improvements

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Mr. Howard - I've worked in the Nome area for over 30 years and have ramrodded projects that combined, are probably worth well over \$20M. I've seen a big change in Nome over these years. It's gone from a rough frontier mining town to a fairly sophisticated small city. They've really cleaned up their act, in my opinion. There have been 3 or 4 cruise ships that have been pulling into Nome over the last few summers and it seems to be growing as a tourist destination. Considering the significant increase in ship traffic and the potential for much greater traffic through Northwest Passage, I would think that the current causeway and harbor will be insufficient to accommodate and thus, recommend moving forward on improvements and expansion to plan for the next 50 years for Nome. Nome is a major hub of commerce for this part of western Alaska and we need to treat it that way.

Thanks for your consideration,

Jeff Keener

Geologist

From: [Thomas Okleasik](#)
To: [Eldridge, Kelly A CIV USARMY CEPOA \(USA\)](#)
Subject: [Non-DoD Source] RE: Public Notice: Draft Port of
Nome Report and EA available for review
Date: Tuesday, January 21, 2020 11:23:24 AM

Uvlaallautaq (good morning) Kelly,

Quyaana for the notice - appreciate the communications.

Glad alternative 8b is recommended in the study and looking forward to the much needed improvements at the Port of Nome for a prepared Arctic in this period of climate change and ongoing globalization.

VICE-PRESIDENT, NATURAL RESOURCES, SHAREHOLDER & CORPORATE RELATIONS
UKALLAYSAAQ T. OKLEASIK
PO BOX 905
NOME, AK 99762
www.snc.org

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

From: Eldridge, Kelly A CIV USARMY CEPOA (USA) <Kelly.A.Eldridge@usace.army.mil>
Sent: Tuesday, December 31, 2019 4:16 PM
To: Howard, Brent S (Steven) CIV USARMY CEPOA (USA) <Brent.S.Howard@usace.army.mil>
Subject: Public Notice: Draft Port of Nome Report and EA available for review

This message was sent from outside the company. Please DO NOT click links or open attachments unless you recognize the source of the email and know the content is safe.

Good afternoon,

The U.S. Army Corps of Engineers Alaska District has released the draft Port of Nome Harbor Modification Integrated Feasibility Study and Environmental Assessment (IFREA) for review and comments (please see attached Public Notice).

You can view and download the IFREA and its appendices on the USACE Alaska District Website:

Blocked<https://nam10.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.poa.usace.army.mil%2FLibrary%2FReports-and-Studies%2F&data=02%7C01%7Ctokleasik%40snc.org%7C63ab9ada74e407c7a3d08d78e582f9b%7Ce970b0df0604490eade72144fd25fc4%7C0%7C0%7C637134382420184493&sd=Z0KqHPc3tXSt24o0a183zAvfuWknIT1%2FhQeQ4sk9val%3D&reserved=0>

Under "Documents Available for Review," click on "Civil Works," and the documents are listed under "Nome."

If you have any access questions, please don't hesitate to contact me. If you have any questions about the project itself, please contact the Project Manager, Brent Howard, by phone (907-753-5729) or email (brent.s.howard@usace.army.mil).

Thank you, and Happy New Year!

Kelly

Kelly A. Eldridge, MA
Archaeologist, Alaska District
U.S. Army Corps of Engineers
Email: kelly.a.eldridge@usace.army.mil
Phone: 907-753-2672



2005 Market Street, Suite 1700 215.575.9050 Phone
Philadelphia, PA 19103-7077 215.575.4939 Fax
901 E Street NW, 10th Floor 202.552.2000 Phone
Washington, DC 20004 202.552.2299 Fax
www.pewtrusts.org

U.S. Army Corps of Engineers, Alaska District
ATTN: CEPOA-PM-C
P.O. Box 6898
Joint Base Elmendorf-Richardson, AK 99506-0898
Submitted via email: brent.s.howard@usace.army.mil

January 29, 2020

RE: Comments on the Draft Integrated Feasibility Report and Supplemental Environmental Assessment,
Port of Nome Modification Feasibility Study: ER-PN-20-001

Mr. Brent Howard,

The Pew Charitable Trusts appreciates the opportunity to comment on the Army Corps of Engineer's latest Port of Nome Draft Integrated Feasibility Report and Supplemental Environmental Assessment. Given the length of the report and considerable technical information involved, we request the comment period be extended an additional 90 days to allow for a thorough review.

Pew's U.S. Arctic program has highlighted the issue of increasing vessel traffic in the region and the associated risks of oil spills, air, water, and noise pollution; as well as measures needed to ensure the people and marine environment are protected.¹ The Army Corps should include in its feasibility analysis the additional infrastructure that would be required to service vessels visiting the expanded port to reduce harm from potential pollution including, but not limited to, oil spill response services and waste reception facilities.

The Army Corp's feasibility report appears to spend considerable analyses on the economic justifications for this project and its various alternatives over a 50-year period; however, the analyses of environmental and ecosystem impacts are limited to the construction phase. The Bering Sea and its people are experiencing rapid ecological change² and the expansion of the port to accommodate more and larger vessels would consequently add air, water, and noise pollution to this already stressed ecosystem. The Army Corps' original Finding of No Significant Impact did not consider cumulative impacts of increased vessel traffic on the region and its inhabitants. The cumulative impacts of increased

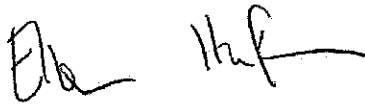
¹ The Pew Charitable Trusts, Arctic vessel traffic in the Bering Strait, 2014. https://www.pewtrusts.org/-/media/legacy/oceans_north_legacy/arctic_vessel_for_print_200copiesmay20141.pdf and The Pew Charitable Trusts, Vessel waste: a growing challenge in the northern Bering Sea, 2018. <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/10/vessel-waste-a-growing-challenge-in-the-northern-bering-sea-and-bering-strait>

² Slats, R. et al., 2019: Voices from the front lines of a changing Bering Sea: An Indigenous perspective for the 2019 Arctic Report Card. *Arctic Report Card 2019*, J. Richter-Menge, M.L. Druckenmiller, and M. Jeffries, Eds., <http://www.arctic.noaa.gov/Report-Card>.

ship traffic should be considered in the development of this proposal coupled with appropriate mitigation measures.

Finally, we encourage the Army Corps to continue consultation with Kawerak, Inc. and the Nome Eskimo Community to ensure their concerns about the plan, port development and cumulative impacts are meaningfully addressed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ela Huff', written in a cursive style.

Eleanor Huffines
Senior Officer, U.S. Arctic
The Pew Charitable Trusts

750 W. 2nd Avenue
Suite 206
Anchorage, AK 9950



Ocean Conservancy

907.258.0224 Telephone
904.258.0223 Facsimile
www.oceanconservancy.org

January 30, 2020

U.S. Army Corps of Engineers, Alaska District
Attn: CEPOA-PM-C-ER (Howard)
PO Box 6898
Joint Base Elmendorf-Richardson, Alaska 99506-0898

VIA EMAIL: brent.s.howard@usace.army.mil

Re: Port of Nome Modification Feasibility Study Draft Integrated Feasibility Report and Supplemental Environmental Assessment

Mr. Howard:

Thank you for the opportunity to submit comments on the U.S. Army Corps of Engineers' Draft Integrated Feasibility Report and Supplemental Environmental Impact Assessment (SEIA) for the Port of Nome Modification project. Ocean Conservancy¹ submits these comments on behalf of our members and supporters. As explained below, we encourage the Corps to withdraw its finding of no significant impact, prepare an EIS that includes more rigorous analysis of key issues, and improve its procedures to facilitate public engagement. Preparation of an EIS is appropriate where, as here, there is substantial controversy as to the degree of impact the proposed project will have on the human environment.²

We encourage the Corps to prepare an EIS to more carefully analyze issues related to potential impacts to subsistence resources and the ability of local residents to engage in subsistence hunting and fishing. In determining the scope of this additional analysis, we urge the Corps to review comments from subsistence users and representative organizations in the region, including comments from Kawerak, Inc.

¹ Ocean Conservancy works to protect the ocean from today's greatest global challenges. Together with our partners, we create science-based solutions for a healthy ocean and the wildlife and communities dependent on it.

² See, e.g., 40 C.F.R. §1508.27(a)(4) (requiring agencies to consider "[t]he degree to which the effects on the quality of the human environment are likely to be highly controversial.")

In an EIS, the Corps should more rigorously analyze the extent to which modifications to the Port of Nome could create new or additional impacts from the discharge of contaminants into the water. The SEIA notes that some outcomes related to modification to the port could result in increased risk of oil spills and discharges, while other outcomes could reduce those risks.³ Instead of actually analyzing these competing possibilities, the SEIA assumes there will be a net benefit.⁴ That assumption is not based on an actual analysis of the alternatives. The Corps should prepare an EIS to undertake such an analysis and use it to determine if its assumption is warranted. An EIS should also analyze whether construction of a port reception facility would be appropriate for the Port of Nome.

The Corps also must take a hard look at impacts to air quality that may arise from the proposed modifications to the Port. The SEIA's analysis of impacts to air quality is based on multiple assumptions (i.e., that visiting vessels at port would power down and run off shore facilities, that the composition of vessels delivering cargo "may not" increase emissions significantly).⁵ The Corps should probe these assumptions to see whether they are valid, and if not, how air quality would be affected. The SEIA also claims that increased use of Arctic shipping routes would decrease overall air pollution from vessels,⁶ but it fails to explain how this increased use would affect air quality in and around Nome. The Corps should analyze this issue in an EIS.

The Corps should also improve its public comment procedures to facilitate public participation. If nothing else, the Corps should extend or re-open the comment period to allow more time for public input. More than 30 days is needed to read, analyze and develop meaningful comments on an SEIA that is more than 250 pages long. That is especially true when the Corps of Engineers released the SEIA at a time when many members of the public were taking time off to spend with their families. For a proposal of this scope and scale, the Corps should allow at least 90 days for public review and comment.

In addition, the Corps made it difficult for the public to find information about the SEIA deadline and how to submit comments. As of January 30, 2020, the Corps' website lists a link to "Nome Modification

³ See, e.g., SEIA at 205 (noting that modification could result in more larger vessels and a concomitant increase in risk of spills and discharge, and that modification could result in fewer vessel transits to deliver goods).

⁴ SEIA at 186 (assuming without justification that although modifications to the port may "indirectly create the potential for larger marine spills," those impacts "should be offset" by benefits of the modifications.) While the SEIA notes that one benefit of the proposed port modification could be a reduction in risky lightering activities, it is not clear whether the Corps has undertaken any analysis to determine that modification of the port would, in fact, result in reduced lightering activity.

⁵ SEIA at 188.

⁶ *Id.* at 189.

Study Review Plan” on its website, but clicking on that link returns an error message.⁷ Moreover, information about the project, comment deadlines, and submission procedures cannot be found via other typical online sources, such as the Federal Register or the U.S. government’s regulatory portal “Regulations.gov.” These failings make it difficult for members of the public to find information about the SEIA deadline and commenting procedures, which in turn impairs the public’s ability to participate effectively in the decision-making process.⁸ The Corps should revise its public notice and outreach procedures so that it is not a challenge for the public to find relevant information.

Respectfully submitted,



Andrew Hartsig
Director, Arctic Program
Ocean Conservancy

⁷ Clicking on the Nome Modification Study Review Plan link brings up the following page: <https://poa.usace.army.mil/Portals/34/docs/civilworks/reports/NomeRPAppMem.pdf?ver=2018-12-13-185206-687> (last visited Jan. 30, 2020). That page displays an error message reading “This site can’t be reached poa.usace.army.mil’s server IP address could not be found.”)

⁸ See, e.g., 40 C.F.R. 1500.1(b) (“NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.”)

Deick, Jan F CIV USARMY CEPOA (USA)

From: george bard <georgebard1@yahoo.com>
Sent: Thursday, January 30, 2020 10:54 AM
To: Howard, Brent S (Steven) CIV USARMY CEPOA (USA)
Subject: [Non-DoD Source] Port of Nome Modification Feasibility Study

Follow Up Flag: Follow up
Flag Status: Flagged

Greetings,

A few years ago, when the folks from the USACE held a public meeting in Nome to discuss plans for port expansion, we were told that the size any project would be constrained by the amount of dredged sediment that can safely be deposited in front of town without causing harm. The quantity that I seem to recall was 400,000 cubic yards. "Alternative 8B" is a much larger plan than what we were previously told was possible, with a new work dredge material quantity of approximately 2,533,400 cubic yards.

I checked the math on section 7.2.2 of the study labeled "New Work Dredging and Material Placement". According to my calculations, the section describes a prism of only about 372,222 cubic yards for dredged material placement. (2000 feet wide) x (670 feet long) x (7.5 feet thick { average thickness of fill between -15' MLLW and -30' MLLW }) / (27 cubic feet/ cubic yard). My calculation is consistent with what the corps told us in the past. Where does the corps plan to deposit the remaining 2,161,178 yards?

Thank you,
George Bard
Nome, Alaska resident



LEADER in All We Do

January 30, 2020

U.S. Army Corps of Engineers
Alaska District
ATTN: CEPOA-PM-C-ER (Howard),
P.O. Box 6898,
Joint Base Elmendorf-Richardson,
Alaska 99506-0898

Sent electronically via email to: Brent.S.Howard@usace.army.mil

RE: December 2019 Draft Port of Nome Modification Feasibility Study

To whom it may concern,

Thank you for providing Doyon, Limited ("Doyon") the opportunity to submit the following comments in response to the December 2019 Draft Port of Nome Modification Feasibility Study. Doyon supports the expansion for use in addition to mineral exportation for an Ambler Road alternative.

Doyon is one of the thirteen Native regional corporations established by Congress under the terms of the Alaska Native Claims Settlement Act ("ANCSA"), 43 U.S.C. §§ 1601 *et seq.*, as amended. Headquartered in Fairbanks, Doyon has more than 20,000 shareholders. Doyon is the largest private landowner in Alaska, with a land entitlement under ANCSA of more than 12.5 million acres. Doyon's lands extend from the Brooks Range in the north to the Alaska Range in the south. The Alaska-Canada border forms the eastern border and the western portion almost reaches the Norton Sound.

Doyon's mission is to promote the economic and social well-being of our present and future shareholders, to strengthen our Native way of life, and to protect and enhance our land and resources.

The Alaska Industrial Development and Export Authority proposes to construct a 211-mile road to provide access to the Ambler Mining District from the Dalton Highway. The road is proposed to cross approximately ten to twelve miles of Doyon-owned lands, although Doyon expects to see little, if any, direct or indirect economic benefit from the project.

Doyon participated in the Bureau of Land Management (BLM) Environmental & Economic Assessment for the ROW, encouraging BLM and AIDEA to consider a western route from the Ambler Mining District to the Port of Nome. Via the proposed expansion, the City of Nome

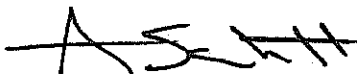
and Nome Port would benefit from a route connecting the port with the Ambler Mining District.

Doyon is aware of the potential for *additional* economic benefit of a western route, including access to the Ambler Mining district as well as to a number of additional mining districts including Koyuk District, Fairhaven District, Kougarok District, Council District, Nome District and Port Clarence District. These districts have known potential for resource development and could each benefit from port and road infrastructure.

Doyon defers to Nome and the surrounding community for the development of resources and transportation infrastructure, acknowledging the importance of understanding local impacts and local management. Doyon does believe that the City of Nome and the USACE has found, through the expansion of the Nome Port, a safe, reliable, and efficient solution that would enhance infrastructure in the State of Alaska, support job opportunities, and encourage economic development.

Again, thank you for considering our comments, and if you have any questions about this letter, please contact our office by calling 907-459-2092 or emailing info@doyon.com.

Respectfully,

A handwritten signature in black ink, appearing to read 'A. Schutt', with a horizontal line drawn through the middle of the letters.

Aaron M. Schutt
President and CEO
Doyon, Limited



February 3, 2020

Brent Howard
U.S. Army Corps of Engineers, Alaska District
ATTN: CEPOA-PM-C
P.O. Box 6898
Joint Base Elmendorf-Richardson, AK 99506-0898

RE: Draft Integrated Feasibility Report and Supplemental Environmental Assessment for the following project: Port of Nome Modification Nome, Alaska

Dear Mr. Howard,

Kawerak Inc. is the regional tribal consortium composed of 20 federally recognized tribes in the Bering Strait region with its main office in Nome, Alaska. Kawerak received the notice dated December 31, 2019 that requested input from the public on the Draft Integrated Feasibility Report. This comment letter is in answer to that call for information.

This project is being developed under the authority of the Remote and Subsistence Harbors and consequently is then exempted from national economic development benefit standards. Kawerak believes the full national economic development benefit standards should be incorporated along with an economic impacts study to address increased costs of maintenance that accompany expansion. Historically costs have been borne by local users and local taxpayers. A solution would be to withdraw the feasibility study and duplicate the effort to incorporate national standards.

Kawerak does not currently have a stance on construction of port expansion. However, we want to ensure that the process and final decision does not negatively impact the community or region. Kawerak's offers the following comments for public consideration.

Recommendation #1: Extend the public comment period

The USACE must extend the public comment period for this complex project to at least 90 days. The Arctic is at low risk for conflict^{1,2} and there is no urgency to rush the comment period. Adequate time must be made for the nation to thoroughly review this project. It is clear that this project is a national political and infrastructure issue and requires careful consideration and critical review as reflected in our following comments.

There are many aspects of this project that are not fully considered and addressed, such as impacts to air quality, impacts to the community of Nome and Alaska Native indigenous people, and environmental justice considerations. The public may not have the time within the 30-day comment period to address the complex issues in a satisfactory manner unless a public comment extension is granted.

¹ <https://www.arctictoday.com/the-us-writes-but-does-not-implement-arctic-strategies/>

² <https://www.gao.gov/assets/700/695312.pdf>

Recommendation #2: Withdraw the Finding of No Significant Impact

The USACE must withdraw the Finding of No Significant Impact for this project and issue an Environmental Impact Statement. This project has the potential to affect the community of Nome and the Bering Strait region in many ways.

Recommendation #3: Provide for Subsistence Uses in the Design

The USACE must provide for subsistence uses in the feasibility design. This should be in the form of a small subsistence boat harbor, reserved for small subsistence vessels, and must be incorporated into the design alternatives. If this provision is not incorporated, it seriously jeopardizes exemption from national criteria under the authority of the Remote and Subsistence Harbors and creates negative impacts for subsistence users. The design and structural alternatives need to have features that facilitate subsistence uses and activities and the welfare of the local and regional populations must be supported to include the social and cultural values of the area for subsistence. Per Section 2006 of the Water Resources Reform and Development Act (WRRDA) of 2007, as amended by Section 2104 of WRRDA 2014³, in determining whether to recommend a project under the Remote and Subsistence Harbor criteria, the Secretary must consider: *the benefits of the project; public health; safety of the local community and communities that are located in the region to be served by the project and that will rely on the project, including access to facilities designed to protect public health and safety; access to natural resources for subsistence purposes; local and regional economic opportunities; and the welfare of the regional population to be served by the project.* The subsistence users of the region and the community must be served by this project and a small boat design alternative needs to be included in this project for it to be exempted from national economic development benefit standards.

None of the structural alternatives provides for small skiff access to traditional subsistence resources or harvest areas from the Port of Nome. As noted previously, this study uses the authority of Remote and Subsistence Harbors, as modified by Section 2104 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014) and further modified by Section 1105 of WRDA 2016, but this study project does not design a port that meets the exceptions afforded under remote and subsistence harbors because no small skiff access is designed. The use of that authority must demonstrate that the project is justified by national economic development benefit standards, and meet the following considerations:

- a. public health and safety of the local community and communities that are located in the region to be served by the project and that will rely on the project, including access to facilities designed to protect public health and safety;
- b. access to natural resources for subsistence purposes;
- c. local and regional economic opportunities;
- d. welfare of the regional population to be served by the project; and
- e. social and cultural value to the local community and communities that are located in the region to be served by the project and that will rely on the project.

Recommendation #4: Provide for Public Health and Safety of the Local Community

This study must provide for public health and safety of the local community from the potential harm caused by an oil spill. The present port is able to handle and berth most oil spill response vessels as they have drafts less than 22 feet.

"Due to a lack of available draft along the western and northern coasts, USCG activity is limited to small vessels and helicopters, with the nearest USCG station to Nome about

³ <https://www.law.cornell.edu/uscode/text/33/2242>

*800 miles away on Kodiak Island. However, because of long sailing times through remote and often rough waters, safety and security concerns are paramount for vessels traveling through the study area. In addition, a large percentage of vessels working in the Arctic that travel through the region are oil and gas transport vessels. There are limited facilities and potentially supplies available to support clean-up activities, should a spill occur at sea, or at the coastal communities during fuel transfer. Currently, if a critical need for supplies arises, the USCG uses the Port of Nome to lighter goods to their deep-draft vessels. **Spill response vessels with a draft requirement greater than 22 ft. would need to do the same.**" (USACE IFRSEA page 10)*

There are few oil spill response vessels that have drafts greater than 22 feet. Most OSRV's can already dock in Nome and because of their inherent low draft design, can station in most places in the Arctic now; a port does not need to be built to accommodate these vessels.

Recommendation #5: Support Access to Natural Resources for Subsistence Harvest

The study must support access to natural resources for subsistence. Study objective 2.5, bullet point 3 does NOT meet the criteria to support access to natural resources for subsistence purposes within Nome and the region by "increasing navigation efficiency with the region." The USACE indicates that any plan that is implemented as part of this study should take into account cultural, historic, subsistence, and other natural resources. The plan needs to ensure subsistence users in Nome aren't subject to further access prohibitions and that the citizens of the community aren't further limited to access port areas. Currently we are limited even when waters are frozen and there is no activity at the port. In section, 2.8 of the study the USACE notes the additional benefits that the Secretary may consider include social and cultural values, through increased access to subsistence activities, which support teaching activities, traditional foods, and food sharing. Though Alaska Natives are a majority group in this region, there are many arenas where Alaska Natives aren't fairly represented in order to highlight their values, culture, and traditional practices.

Recommendation #6: Ensure that the Port Does Not Increase the Cost of Living

The USACE must ensure that this project does NOT negatively affect the residents of Nome by driving up the cost of living and impacting the housing and job markets. The USACE proposes that more efficient fuel and goods delivery from this project will tie directly into the considerations of Section 2006 WRDA 2007. However, highly seasonal jobs from this project, combined with small pools of local workers that cannot meet demand, will drive the need for non-local labor, which may not have the effect the USACE proposes - such as making equipment used for subsistence (boats, snow machines, ATVs) more accessible, and free up other resources or funds to utilize on subsistence. A further increase in non-local people because of this project may additionally affect cultural and archeological resources particularly as climate change causes more erosion and exposes cultural and archeological sites to looting and disturbance. The USACE's "Project First Cost" does not include inflation. Nome's inflation has steadily increased and for 2020, a large inflation and cost of living adjustment occurred. It is clear that project construction will cause a temporary (perhaps long lasting and permanent) inflation of rental costs and potentially decrease the availability of affordable housing in the community.

Recommendation #7: Do Not Create Additional Challenges for Nome Residents

The USACE project must not add to the challenges that Nome residents face. The USACE indicates several challenges that Nome residents face: 1) the need to replace aging or threatened infrastructure; 2) economic distress in the region; 3) food security; 4) outmigration has already resulted in the loss of one village, King Island; and 5) climate change impacts. Workers from diverse areas of the state and

nation in-migrate to the Nome census area for work at higher rates than out-migration occurs⁴. This results in and contributes to a non-local workforce impact on local people. In-migration results in housing shortages, the USACE should indicate stronger narratives on socio-economic impacts as happened with the housing shortage because of the increase in offshore mining.

The Alaska Native population in Nome and the region are impacted by poverty and projects like the port modification could further displace local workers. In Nome, poverty also results in homelessness, with a disproportionate effect on Alaska Natives.⁵ Nome's poverty issues are relevant to the challenges identified by the USACE. The official poverty thresholds do not meet basic needs for living in this high cost region and job displacement would further push our already high poverty rate higher. Nome residents and residents of the region likely suffer at least one material hardship that is not different from those below the poverty line and so there must be some inclusion of those predicted hardships because of this project. The Trump administration is now considering a policy that would lower the poverty threshold even further by switching to the United States Consumer Price Index that may be less accurate for low income people, which would weaken assistance programs by reducing the number of eligible individuals and make the poverty line itself an even less accurate indicator of poverty.^{6,7}

Recommendation #8: Avoid Impacts to Cultural and Archaeological Resources

The USACE must ensure cultural and archeological resources are protected. Cumulative cultural impacts continue to be felt from the failure to properly mitigate archeological impacts. Though aspects of the cultural and historical importance of the port location may have been destroyed, there are continued efforts by the Alaska Native community to demonstrate the value of the area, and their concern has already been expressed to the USACE. Kawerak supports the draft memorandum of understanding being considered by the USACE for mitigation of archeological impacts as a step in the right direction.

Recommendation #9: Avoid Impacting and Mischaracterizing the Viability of Region Communities

The USACE must not affect or mischaracterize the long-term viability of remote and subsistence communities. Under the Community Viability Units (CVU) summary table and the Cargo Delivery Reliability (CDR) metric, the USACE should re-consider the essential factor of residents' participation in subsistence activities and the ability to maintain the region's unique cultural heritage. Preservation and continuation of Nome and the region's cultural heritage is not dependent on this project.

Recommendation #10: Conduct an ANILCA Section 810 Evaluation and Analysis

Subsistence is the traditional way of life for residents of Nome. Major subsistence activities include the hunting of birds, large game, marine mammals, fishing, trapping, harvesting of plants and berries, and gathering logs for firewood. There are as many as 40 marine mammal hunting crews in Nome and hundreds more of other kinds of subsistence users. **Because of the immeasurable importance of subsistence to Nome, the USACE must undertake an Alaska National Interests Lands Conservation Act (ANILCA) subsistence analysis and evaluation of effects as required by ANILCA Section 810.** All of the alternatives, including the no action alternative, may result in a restriction of subsistence activities for

⁴ Alaska Department of Labor and Workforce Development, Research and Analysis Section. Last updated September 2016

⁵ <https://www.nomecc.org/nome-emergency-shelter-team.html>

⁶ <https://www.federalregister.gov/documents/2019/05/07/2019-09106/request-for-comment-on-the-consumer-inflation-measures-produced-by-federal-statistical-agencies>

⁷ <https://www.cbpp.org/blog/trump-proposal-to-lower-poverty-line-draws-broad-opposition>

Nome residents. The study identified at least 100 impacts to subsistence ranging from city efforts to restrict subsistence through city ordinances; losing access; impacts to a culturally significant area; larger vessels displacing subsistence users; risk of pollution from numerous sources (oil spill, air pollution, discharge, etc.); displacement of subsistence species; more difficulty exiting and entering the port in small skiffs; socio-economic and cost factors that may make subsistence activities more expensive; and additional bureaucracies to manage subsistence activities at the port, just to name a few. Additionally, there are many more impacts that have not been analyzed for effect as required by ANILCA. The USACE is required to at least conduct an ANILCA Section 810 Evaluation of the effects of its federal decision for each alternative when there may be a significant restriction to the abundance of, availability of, or access to subsistence resources. The USACE referenced the proper and necessary ANILCA 810 guideline in section 12 but did not incorporate any evaluation of effects in the main body of the study or any of the appendices and has no plan to conduct an ANILCA evaluation of effects. **That is not acceptable and is a significant and fatal flaw of the study. The USACE is obligated to explain why an ANILCA 810 evaluation of effects was disregarded and subsequently not completed.** The USACE must at least hold separate public ANILCA hearings in the community facilitated and moderated by subsistence experts and must prepare and publish an ANILCA 810 evaluation of effects since the study is woefully inadequate in that regard. The USACE depended on a few local persons for community perspectives and thus was incapable of including the rich and valued culture, history, and practice of subsistence in Nome. To more accurately determine the effects of this management decision, the USACE must first analyze subsistence use (which the USACE did not adequately do) through an analysis of the impacts to subsistence resources and subsistence uses relied upon by Nome residents, especially the Alaska Native population. Regulation and conversation around subsistence use of the many species in Nome are passionate issues between the federal government, state government, local government and residents.

Recommendation #11: Properly Evaluate Air Quality Impacts

The USACE has underestimated air quality impacts from this project. In rural Alaska, reporting air quality violations is tremendously difficult and burdensome. Enforcing air quality impacts is also difficult because there are no local air quality enforcement agents in Nome or the region. Environmental Protection Agency (EPA) Method 9 would likely be used to monitor vessels. Ideally local people would be trained and certified using a standardized national method to report violations but that solution is neither planned for nor considered in long range planning. Even though ship air quality problems have been reported and identified, formal opacity readings that visually differentiate the opacity of the emissions requires trained personnel. The USACE's requirement for contractors during construction is as follows (pg. 267):

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

The USACE's contractor requirements for mitigation must be referenced and must prohibit significant violation of air quality standards that would result in air quality health impacts.

Air pollution from shipping is a significant issue. When docked, cruise ships emit exhaust that can rival hundreds if not thousands of vehicles⁸. The entire coast of western Alaska is not within any IMO designated emission control area. If western Alaska were subject to the emission control requirement, vessels operating in Emission Control Areas would meet certain requirements such as:

1. Fuel-sulfur concentration limits, or vessels may use an approved equivalent method (such as SOx scrubbers, also known as exhaust gas cleaning systems).
2. Engines above 130 kW installed on vessels built (or modified) since 2000 must be certified to meet appropriate emission standards corresponding to the vessel's build date (or modification date). As of January 1, 2016, engines installed on new and modified vessels are subject to the Annex VI Tier III NOx standards while those engines are operating in the ECA.⁹

CONCLUSION

The *Draft Integrated Feasibility Report and Supplemental Environmental Assessment for the Port of Nome Modification* is incomplete.

Informing the residents of Nome and the region about the impacts of this project is very important. The public must be involved and informed at each stage as the community and region will ultimately live with the long lasting impacts of this project, and their concerns/comments/questions must be considered and addressed.

As of the writing of this comment letter, the USACE has not published any public notice for this study in the Nome Nugget and no public meeting is scheduled in Nome prior to the comment deadline (Brent Howard, USACE, via e-mail of 1-15-2020). Nome and regional residents expect to find public notice in places that are accessible and obvious. Otherwise, it appears the USACE sought to avoid public notice and public engagement for this important project. Local people across Nome's diverse socio-economic sectors must be educated on aspects of this project.

Protecting the environment and environmental compliance should be top priorities of the USACE. Regional residents have indicated repeatedly that our ocean should never be subject to pollution as they considered increased shipping in the Arctic.¹⁰

Kawerak works to protect and advance the economic sustainability of our communities. As Kawerak examines the possibilities of expanded tourism markets with increased shipping, it is clear the economic opportunities from tourism need to be considered as a whole. The small villages in rural Alaska lack the necessary water, sewage, and transportation services to accommodate the possibility of boosting tourism markets. Though this project may bring in economic opportunities, the regional impact is narrow unless village infrastructure needs are considered. Additionally, the USACE must consider the potential environmental damage to cultural and historic places brought on by tourism. For example, cruise ships dump large amounts of waste into the sea and could easily disturb different aspects of current cultural practice.¹¹ Unfortunately, there are numerous examples of cruise ships illegally

⁸ <https://blog.elomatic.com/en/sulphur-emissions-does-one-ship-pollute-as-much-as-50-million-cars>

⁹ <https://www.epa.gov/regulations-emissions-vehicles-and-engines/international-standards-reduce-emissions-marine-diesel>

¹⁰ <https://kawerak.org/wp-content/uploads/2018/04/BSVAS-report2016.pdf>

¹¹ <https://www.sciencedirect.com/science/article/pii/S0308597X18308315>

dumping waste, and because of the highly remote aspect of our coast and oceans, enforcement may be difficult and lacking. It is Kawerak's sincere concern that this project and increased shipping will not degrade our environment.

Besides waste discharge, threats of oil spills with increased ship traffic loom ahead. Western Alaska has been subject to thousands of gallons of spilled oil for decades.¹² Some oil spills have directly impacted subsistence resources such as marine mammals.¹³ The USACE proposes there are draft limitations for oil spill response assets, but as this letter has clearly demonstrated most, if not all, of the kinds of oil spill response assets can be in Nome without port modification.

Kawerak advocates for peace, safety, clean oceans and environments as authorities deliberate on this project. There are ways to reduce the impact of this project we therefore ultimately recommend an EIS.

Thank you for your time and consideration. Please contact me if you have any questions.

Sincerely,

KAWERAK, INC.



Melanie Bahnke, President

CC: Senator Lisa Murkowski
Senator Dan Sullivan
Representative Don Young
Senator Roger Wicker
Senate Committee on Transportation
House Committee on Transportation
USACE General Todd T. Semonite
Marine Mammal Commission
National Marine Fisheries Service, Alaska
United States Fish and Wildlife Service, Alaska
Representative Neal Foster
Senator Donald Olson
Senator Angus King

ATTACHMENT: 2007 Kawerak Resource Development Policy

¹² file:///C:/Users/marine.advocate/Downloads/fy18-spar-annual-report%20(1).pdf

¹³ <https://dec.alaska.gov/spar/ppr/spill-information/response/2012/18-stlawrence/>



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February 6, 2020

Mr. Brent Howard
U.S. Army Corps of Engineers, Alaska District
ATTN: CEPOA-PM-C
P.O. Box 6898
Joint Base Elmendorf-Richardson, AK 99506-0898
VIA EMAIL: brent.s.howard@usace.army.mil

Dear Mr. Howard,

Nome Eskimo Community (NEC) was formed in 1939 under the Indian Reorganization Act as a federally recognized Tribe and became the tribal governing body of Nome, Alaska and represents the political, social, and cultural interests of our tribal membership. In addition to our responsibility as the tribal governing body, NEC provides social services and programs to improve the quality of life for more than 3,000 tribal members.

NEC received the notice dated December 31, 2019 that requested input from the public on the draft Port of Nome Harbor Modification Integrated Feasibility Study and Environmental Assessment. Although NEC does not have an official stance on this project at this time, we have a strong interest in ensuring the final decision does not negatively impact our Tribe, our traditional customs, our community and our region. This response is in answer to that call for information and we hope you will consider it even though it submitted after deadline.

Please consider the following recommendations.

- 1. Extend the public comment period:** The USACE has not published a public notice for this study in the local paper, The Nome Nugget and a public meeting was not offered prior to the comment deadline. This is a complex project and adequate time should be provided to thoroughly review the report. Please consider extending the comment period to at least 90 days.
- 2. Withdraw the Finding of No Significant Impact:** This project has the potential to affect the community of Nome and our region of Alaska in many ways.
- 3. Impacts to Cultural and Archaeological Resources:** The USACE must ensure cultural and archeological resources are protected. In 2004-2006 the Snake River Sandspit archaeological site (NOM-146) was discovered during construction of the Nome Navigation Improvements Project in Nome, Alaska. Cultural remains and artifacts were discovered during construction and the discovery was not managed properly. Should there be an inadvertent discovery of human remains or cultural artifacts during construction, the USACE should 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. Though aspects of the cultural and historical importance of the port location may have been destroyed, there are continued efforts by the Alaska Native community to demonstrate the value of the area.

4. **Allow for Subsistence Use in the Design:** Nome is very much an Alaskan Native Community and none of the structural alternatives provides for small skiff access to traditional subsistence resources or harvest areas from the Port of Nome. There should be some sort of opportunity provided to our local subsistence users to continue practicing their customs and traditions.
5. **Environmental Justice:** Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” provides that “each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.” The Executive Order makes clear that its provisions apply fully to programs involving Native Americans, which includes Alaska Natives. The Executive Order provides for agencies to collect, maintain, and analyze information on patterns of subsistence consumption of fish, vegetation, or wildlife where an agency action may affect fish, vegetation, or wildlife, that agency action may also affect subsistence patterns of consumption and indicate the potential for disproportionately high and adverse human health or environmental effects on low-income populations, minority populations, and Indian tribes. Furthermore, mitigation measures identified as part of an environmental assessment (EA), a finding of no significant impact (FONSI), an environmental impact statement (EIS), or a record of decision (ROD), should, whenever feasible address significant and adverse impacts of proposed federal actions on minority populations, low-income populations, and Indian tribes.

Nome’s population is over 50% Alaska Native, much of this population lives at or below the federal poverty level. Subsistence is the traditional way of life for residents of Nome. Major subsistence activities include the hunting of birds, large game, marine mammals, fishing, trapping, harvesting of plants and berries, and gathering logs for firewood. There are as many as 40 marine mammal hunting crews in Nome and hundreds more of other kinds of subsistence users. Because of the immeasurable importance of subsistence to Nome, the USACE must undertake an environmental justice analysis to include a subsistence analysis and evaluation of effects. All of the alternatives, including the no action alternative, may result in a restriction of subsistence activities for Nome residents. The study identified at least 100 impacts to subsistence ranging from city efforts to restrict subsistence through city ordinances; losing access; impacts to a culturally significant area; larger vessels displacing subsistence users; risk of pollution from numerous sources (oil spill, air pollution, discharge, etc.); displacement of subsistence species; more difficulty exiting and entering the port in small skiffs; socio-economic and cost factors that may make subsistence activities more expensive; and additional bureaucracies to manage subsistence activities at the port, just to name a few. Evaluation of the effects of its federal decision for each alternative when there may be a significant restriction to the abundance of, availability of, or access to subsistence resources.

6. **Avoid Impacting and Mischaracterizing the Viability of Region Communities:** The USACE must not affect or mischaracterize the long-term viability of remote and subsistence communities. Under the Community Viability Units (CVU) summary table and the Cargo Delivery Reliability (CDR) metric, the USACE should re-consider the essential factor of residents’ participation in subsistence activities and the ability to maintain the region’s unique cultural heritage. Preservation and continuation of Nome and the region’s cultural heritage is not dependent on this project.

7. **Do Not Create Additional Challenges for Residents:** The USACE indicates several challenges that Nome residents face. This project will likely bring a non-local workforce impact which will put a strain on programs and services such as Public Safety and contribute the housing shortage the community is already facing. Also, The Alaska Native population in Nome and the region are impacted by poverty and projects like the port modification could further displace local workers. The USACE should indicate stronger narratives on socio-economic impacts this project will have on our community.
8. **Public Health and Safety:** The study should address potential harm caused by an oil spill or other possible disasters and emergencies that could occur. Western Alaska has been subject to thousands of gallons of spilled oil for decades. Some oil spills have directly impacted subsistence resources such as marine mammals. The USACE proposes there are draft limitations for oil spill response assets, but as this letter has clearly demonstrated most, if not all, of the kinds of oil spill response assets can be in Nome without port modification. Besides waste discharge, threats of oil spills with increased ship traffic loom ahead. In addition, the community of Nome has a very small Police Department as well as a very dedicated Volunteer Ambulance and Fire Crew which may not meet future needs.
9. **Cost of Living:** The USACE must ensure that this project does not negatively affect the residents of Nome by driving up the cost of living and impacting the housing and job markets.
10. **Properly Evaluate Air Quality Impacts:** The USACE has underestimated air quality impacts from this project. In rural Alaska, reporting air quality violations is tremendously difficult and burdensome. Enforcing air quality impacts is also difficult because there are no local air quality enforcement agents in Nome or the region.
11. **Historic and Cultural Preservation:** This project will likely lead to increased vessel traffic and expand tourism. The USACE should consider the potential environmental damage to cultural and historic places brought on by tourism. For example, cruise ships dump large amounts of waste into the sea and could easily disturb our cultural practices. There are numerous examples of cruise ships illegally dumping waste and because of the highly remote aspect of our coast and oceans, enforcement may be difficult and lacking. It is NEC's sincere concern this project will degrade our environment.

There are ways to reduce the impact of this project. We ultimately recommend an Environmental Impact Statement.

Properly informing the residents of Nome and the region about the impacts of this project is very important. The public should be involved and informed at each stage as the community and region will ultimately live with the long-lasting impacts of this project and their concerns, comments, questions should be considered and addressed. Nome is a small town and our residents expect to find public notice in places that are accessible and obvious in the local community. Otherwise, it appears the USACE sought to avoid public notice and public engagement for this important project. Local people across Nome's diverse socio-economic sectors must be educated on aspects of this project.

Thank you for your time and consideration. Please contact me if you have any questions.

Sincerely,



Tiffany Martinson
Executive Director

CC: Senator Lisa Murkowski
Senator Dan Sullivan
Representative Don Young
Senator Roger Wicker
Senate Committee on Transportation
House Committee on Transportation
USACE General Todd T. Semonite
Marine Mammal Commission
National Marine Fisheries Service, Alaska
United States Fish and Wildlife Service, Alaska
Representative Neal Foster
Senator Donald Olson
Senator Angus King

Non-Federal Sponsor Comments



January 30, 2020

Mr. Brent (Steve) Howard
Alaska District Corps of Engineers
CEPOA-PM-CW
P.O. Box 6898
JBER, AK 99506-0898

RE: Draft Port of Nome Modification Feasibility Study – City of Nome Comments

Dear Mr. Howard,

The City of Nome respectfully submits the attached comments on the Port of Nome Draft Integrated Feasibility Report and Supplemental Environmental Assessment (IFREA), as solicited by the Alaska District on 31 December 2019.

The City understands the Project Development Team (PDT) is diligently working on an accelerated timeline and appreciates the concerted effort being made to deliver the completed feasibility report to USACE Headquarters on a schedule that allows opportunity to align with the 2020 Water Resources and Development Act (WRDA) legislation.

Please advise if there is any additional information the City can provide to assist with this effort.

Sincerely,

CITY OF NOME

Joy Baker
Port Director

Cc: Glenn Steckman – City Manager
Nome Port Commission

**DRAFT NOME MODIFICATION FEASIBILITY STUDY
CITY OF NOME COMMENTS**

Report	Page No.	Concern	Legislation/ reference	Recommendation
Correspond.	Sect 6.0 – page 116	Exclusion of support letters gathered from regional and industry stakeholders for this specific project, with the intent	Sec 2006/RSB authorization is on the viability of the region – as stated in support letters.	Significant level of support missing with the exclusion of these 2015/2017 letters, all of which support a deep-water port at Nome and are therefore relevant to this study.
Hydraulic	Sect 2.4 – page C-10-C20	Complete exclusion of all results of the 2013-2014 PND Wave, Current & Ice AWAC Deployment Results		This research was paid for with public funds from the SOA & CON, and as such, warrants use by the USACE within the PED phase of the Nome project. The data was captured offshore of Nome and is valid
Econ	Sect 5.2.1 – pages 50-52	This section forecasts fuel imports to be flat while fuel exports are rising by 3% based on GDP. You can't sell more fuel if you are not taking in more fuel.		Recommend that fuel imports rise in coordination with fuel exports.
Econ	Sect 6.6 – page 88	The Alaska Marine Pilots have said that "every dock along the route would need to be vacated in Alt 4 in order for design vessel to maneuver. It is unclear from the HarborSym analysis if this was incorporated into the criteria for the evaluation.	Marine Pilot report dated Aug 26, 2019	This would be a good place to list any other criteria that was used in the HarborSym modeling. And if there was not a rule for vacating the other docks when a tanker calls under Alt 4, that needs to be added and evaluation results updated.
Econ	Sect 7.1 – page 98	Analysis does not mention the times that vessels wait at roadstead for dock space as a measure of need.		Delays are a disincentive for commerce and result is traffic delaying or going elsewhere. Bottleneck affects region and delays construction. Address in analysis.
Econ	Sect 7.4.4	Page 111 – Nautical miles used in the 2026 exercise are incorrect.	NOAA charts	Correct nautical miles from Dutch Harbor to Port Clarence is 720 nm, not 390 nm. Correct nautical miles from Dutch Harbor to Nome is 660 nm, not 330 nm. Update scenario benefits as needed.

**DRAFT NOME MODIFICATION FEASIBILITY STUDY
CITY OF NOME COMMENTS**

Econ	Sect 7.4.4.	Page 112 – same issue with the 2028 and 2030 exercises	NOAA charts	Correct nautical miles from Dutch Harbor to Port Clarence is 720 nm, not 390 nm. Correct nautical miles from Dutch Harbor to Nome is 660 nm, not 330 nm. Update scenario benefits as needed.
Econ	Sect 7.4.4.	Page 113-114 – Real world scenarios also using incorrect mileage.	NOAA charts	Correct nautical miles from Dutch Harbor to Port Clarence is 720 nm, not 390 nm. Correct nautical miles from Dutch Harbor to Nome is 660 nm, not 330 nm. Update real world scenario benefits as needed.
Main Report	Exec Summary - xiii	CVU and NS/NSU missing from list of acronyms		Add CVU and NS/NSU to list of acronyms
Main Report	Page 50	Habitat typical of the area – as the way the rock at the port is laid creates a reef much like that at Cape Nome or just west of Cripple River		Consider including additional language regarding habitat typical throughout area
Main Report	Page 80	Mature pink and sockeye salmon missing from table		Include mature pink and sockeye salmon in table
Main Report	Page 98 - FWOP	Main report says the project period of analysis is 50 years with a base year beginning in 2022. The Econ appendix, page 49, says the base year is 2030. This affects how benefits are calculated and discounted.		Recommend that the main report and economics appendix cite the same base year. If economics report is changed to 2022 as the main report states, then the economic benefits need to be recalculated using this date.
Main Report	Sect. 4.7.2 – Page 102	This section taken from the Econ appendix forecasts fuel imports to be flat while fuel exports are rising by 3% based on GDP. You can't sell more fuel if it is not being imported.		Recommend that fuel imports rise in coordination with fuel exports.

**DRAFT NOME MODIFICATION FEASIBILITY STUDY
CITY OF NOME COMMENTS**

Main Report	Page 105 – Figure 56	Data shows graphite exports but not supply & equipment imports		Account for imports of graphite equipment and supplies in cargo tables
Main Report	Sect. 4.10 - Page 109	“The number of transits through the Arctic does not ultimately affect this study’s without-project condition;” This quote is in the main report several times and doesn’t make sense. Transits through the Arctic already affect commerce at Nome. Why is not future Arctic traffic considered for the without-project condition?		Recommend inclusion of future Arctic traffic in the evaluation as this traffic is already impacting operations at Nome.
Main Report	Sect. 5.5 – page 118 – Table 20	No mention made of the 4a plan requiring all docks to be vacated in order for large ship to come in or out of port		Include mention of navigation limitations with this alternative
Main Report	Sect. 6.5 – pages 147-151	Tables 74-77 are confusing to the average reader		Tables 72 & 73 on page 145 are much easier to discern
Main Report	Sect. 6.5 – page 148	“Alternative 8a (40ft), which was a best buy without NSUs considered had the same output as 8a (40ft) but at a higher cost, sot it was not cost-effective.” One of these should not be the same.		Second mention of Alternative 8a (40ft) should probably be 8b (40ft).
Main Report	Section 7.1 – page 158	Stating the width of the port is an inessential improvement, fails to address the impact laid out by the pilots – if a vessel can’t be turned in port, they must either back in or out.		Safety requires clearing other docks so the capacity of the port would be reduced. Clearly state limitation in Main Report and account for it in Economics model.
Main Report	Section 7.0 – page158	“Alternative 8b was identified in the CE/ICA as a cost-effective plan		A previous version of this analysis showed that 8b was a best buy with NSUs but

**DRAFT NOME MODIFICATION FEASIBILITY STUDY
CITY OF NOME COMMENTS**

		without national security benefits and a best buy with national security benefits.” This is inconsistent with Table 32 on page 154 which says that 8b is cost-effective both with and without NSUs.		either that has changed or the table on page 154 has not been updated. Need to fix.
Main Report	Section 8.1 – page 168	Statements made regarding fuel industry shippers to have no need for port expansion are dated and should be revised. A major carrier has recently indicated to Nome that max depth and length capacity are likely to be a deciding factor in the near-future delivery model to maximize deliveries and minimize lost weather days.		This dynamic is essentially critical to the study based on viability being a justifying target of the 2006/RSH authority. If a major carrier has already changed their position to take advantage of dropping large volumes of product at the Nome dock versus sitting at anchor offshore of Nome for 30-75 days at a time, it should be addressed right away in the report and economics adjusted to account for revised assumptions.
Main Report	Section 8.7.2.6 – page 180	Disagree with statements made on littoral zone and bathymetry supports this opinion. Essentially, as drift accumulates at base of the causeway, the littoral zone moves out the causeway. Drift is transported to the drop off and continues to advance the zone. There is both this migrating zone and a berm building at the entrance of the port today. If the littoral drift is not intercepted more effectively than it is now, this will continue to be a problem		Investigate better solution to intercepting the littoral drift.

DRAFT NOME MODIFICATION FEASIBILITY STUDY CITY OF NOME COMMENTS

Editorial comments:

1. Tables throughout the economics appendix are hard to read because the dollar amounts break across the cells where they are located. Recommend reducing the font size so the amounts appear as one number.
2. Tables throughout the economics appendix also break across pages – recommend that you limit this where possible and/or add the header to the following page where the table is located.

Agency Comments

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2703 Martin Luther King Jr. Ave
Washington, DC 20593-7509
Staff Symbol: CG-5PW
Phone: (202) 372-1558
Email: zachary.n.schulman2@uscg.mil

11410 **MAR 09 2020**

Major General Scott A. Spellmon
Department of the Army
Deputy Commanding General for Civil and Emergency Operations
U. S. Army Corps of Engineers
441 G Street, NW
Washington, DC 20314-1000

Dear Major General Spellmon:

Thank you for your letter of 24 June 2019 regarding your feasibility report and environmental assessment (FE/EA) to assess the Federal interest for navigation improvements at the Port of Nome, Alaska. Staff elements in Alaska as well as at Coast Guard Headquarters have reviewed the FE/EA and documentation of the Cost Effectiveness and Incremental Cost Analysis (CE/ICA). The Coast Guard has no concerns with the methodology the Army Corps of Engineers implemented to meet the congressional direction provided in Section 1202(c) of WRDA 2016. However, we believe that several of the assumptions upon which current incremental benefits are calculated do not accurately reflect the Coast Guard's true operational profile. The enclosed comment matrix provides detailed comments.

At this time, the Coast Guard does not currently have a requirement for a deep draft port in the U.S. Arctic. However, the Coast Guard will leverage any infrastructure in the region to enhance our operational effectiveness and efficiencies. The Coast Guard remains fully committed to assisting you in meeting the congressional mandates contained in the 2016 WRDA, and we will continue to work with your staff as you finalize the FE/EA and CE/ICA.

My staff point of contact is Mr. Zachary Schulman. He can be reached at (202) 372-1558 and will remain in contact with our District 17 staff and the Alaska District's project officer as we coordinate comments for the FE/EA.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael D. Emerson".

Michael D. Emerson
U.S. Coast Guard
Director, Marine Transportation Systems

Copy: USCG PACAREA
CEPOA-PM-C
(Attn: Jenipher Cate)
USCGD 17
CG-751