
Elim Subsistence Harbor Feasibility Study Appendix J: Finding of No Significant Impact Elim, Alaska



November 2020



**US Army Corps
of Engineers**

Alaska District

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FINDING OF NO SIGNIFICANT IMPACT

ELIM SUBSISTENCE HARBOR ELIM, ALASKA

The U.S. Army Corps of Engineers, Alaska District (USACE) has conducted an environmental analysis in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended. The Final Integrated Feasibility Report and Environmental Assessment (IFR/EA) dated November 2020 for the Elim Subsistence Harbor address the feasibility of navigational improvement opportunities in Elim, Alaska. The final recommendation is in the Chief of Engineers' report, dated DATE OF CHIEF'S REPORT.

The Final IFR/EA, incorporated herein by reference, evaluated various alternatives that would provide safe, reliable, and efficient waterborne transportation systems for commercial and subsistence activities in the study area. The recommended plan has been justified through cost-effectiveness/incremental cost analysis (CE/ICA) plan and includes:

- Dredge entrance channel approximately 1,358 feet (ft) by 300 ft to -12 ft Mean Lower Low Water (MLLW)
- Dredge 2.5-acre turning and maneuvering basin to -13 ft MLLW
- Dredge 1.4-acre moorage basin to -9 ft MLLW
- Add west breakwater 986 ft long
- Add east breakwater 820 ft long
- Add tender dock to accommodate two tenders
- Add two moorage points
- Add boat launch
- Add 1.0-acre parking lot for vehicle and trailer parking
- Add 250-ft access road connecting the parking area to Front Street
- Extend fuel header
- Relocate fish buying station from Moses Point to Elim

In addition to a "no action" plan, four alternatives were evaluated. The alternatives included a combination of modifications, including adding west and east breakwaters, dredging an entrance channel and basin, and various types of landing areas:

- Alternative 2. Elim Beach: Commercial and Subsistence Fleet
- Alternative 3. Elim Beach: Commercial and Subsistence Fleet with One Tender
- Alternative 4. Elim Beach: Commercial and Subsistence Fleet with Two Tenders



- Alternative 5. Elim Beach: Commercial and Subsistence Fleet with Two Tenders and Fuel and Freight Barge Access

Full descriptions of the alternatives can be found in Section 5.5 of the IFR/EA. For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the recommended plan is listed in Table 1:

Table 1. Summary of Potential Effects of the Recommended Plan

	Insignificant effects	Insignificant effects as a result of mitigation	Resource unaffected by the action
Bathymetry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Soils & Sediments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Air Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aesthetics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Habitat & Wildlife	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Endangered Species Act Species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marine Mammal Protection Act Species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Migratory Birds	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Essential Fish Habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Special Aquatic Sites	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Subsistence Use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Protected Tribal Resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Justice & Protection of Children	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices (BMPs), as detailed in the IFR/EA, will be implemented, if appropriate, to minimize impacts. A compilation of avoidance and minimization measures is provided in Section 8.6.6 of the IFR/EA. The measures include dredging controls, the preparation of an Oil Spill Prevention and Control Plan to minimize impacts to water quality, construction BMPs to minimize impacts to air quality, measures to prevent the introduction and spread of invasive species; preliminary observation, exclusion zone, and vessel handling requirements to minimize impacts to marine mammals; and pile driving and blasting recommendations to minimize impacts to Essential Fish Habitat (EFH). No compensatory mitigation is required as part of the recommended plan.



Public review of the draft IFR/EA and FONSI was completed on 28 May 2020. All comments submitted during the public review period were responded to in the Final IFR/EA and FONSI.

Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, USACE has coordinated the project with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS). USACE has made determinations of effect on ESA-listed species potentially affected by the proposed action. USACE has determined that the recommended plan may affect, and is likely to adversely affect, the following Federally listed species under NMFS jurisdiction:

- Ringed seal (*Pusa hispida*, Arctic Distinct Population Segment (DPS))
- Bearded seal (*Erignathus barbatus*, Beringia DPS)
- Steller sea lion (*Eumetopias jubatus*, Western DPS)
- Humpback whale (*Megaptera novaeangliae*, W. Pacific and Mexico DPSs)
- Gray whale (*Eschrichtius robustus*, Western North Pacific DPS)

USACE has determined that the recommended plan may affect, but is not likely to adversely affect, the following species under NMFS jurisdiction:

- Beluga whale (*Delphinapterus leucas*, Cook Inlet DPS)

USACE has been engaged in Section 7 informal consultation with the NMFS and will initiate formal consultation with the NMFS as more project-specific information on construction methods and materials is developed. A policy exception to allow deferral of ESA and Marine Mammal Protection Act (MMPA) compliance to Preconstruction Engineering and Design (PED) was approved by the Assistant Secretary of the Army (Civil Works) [ASA(CW)] in a memorandum dated 5 October 2020. The USACE has determined that the proposed action would have no adverse effect on any Critical Habitat designated for these species under the ESA.

The USACE determined that the recommended plan may affect but is not likely to adversely affect the following Federally listed species or their designated critical habitat:

- Polar bear (*Ursus maritimus*)
- Spectacled eider (*Somateria fischeri*)
- Steller's eider (*Polysticta stelleri*, Alaska breeding population)

The USFWS concurred with USACE determination of "may affect but not likely to adversely affect" polar bear, spectacled eider, and Steller's eider in a letter dated 19 February 2020.

Pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, USACE determined that historic properties would not be adversely affected by the



recommended plan. The Alaska State Historic Preservation Officer concurred with the determination on 20 March 2020 (correspondence located in Appendix G).

Pursuant to the Magnuson Stevens Fishery Conservation and Management Reauthorization Act of 2006, the USACE determined that the recommended plan would not adversely affect EFH in an EFH Assessment submitted to the NMFS. The NMFS reviewed the EFH Assessment and provided conservation recommendations.

Pursuant to the Clean Water Act of 1972, as amended, the discharge of dredged or fill material associated with the recommended plan has been found to be compliant with section 404(b)(1) Guidelines (40 CFR 230). The Clean Water Act Section 404(b)(1) Guidelines evaluation is found in Appendix A of the IFR/EA.

A water quality certification pursuant to section 401 of the Clean Water Act was issued dated 26 June 2020 by the Alaska Department of Environmental Conservation (ADEC) Division of Water. All conditions of the water quality certification will be implemented to minimize adverse impacts on water quality.

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

All applicable environmental laws have been considered, and coordination with appropriate agencies and officials has been completed, except for formal consultations under the ESA and MMPA. A Policy Waiver Request to defer completion of project ESA Section 7 consultation until the PED phase is under development.

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

Date

DAMON A. DELAROSA
COLONEL, Corps of Engineers
District Commander