



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

September 23, 2019

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

Re: POA-2018-00123 Bonanza Channel/Safety Sound

Dear Colonel Borders:

The National Marine Fisheries Service (NMFS) Habitat Conservation Division (HCD) has received the U.S. Army Corps of Engineers' (USACE) General Permit Agency Coordination (GPAC) for the re-verification process of the Individual Permit issued under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. On September 24, 2018, NMFS submitted formal comments on the original GPAC for IPOP, LLC exploration program consisting of GeoProbe drilling and environmental baseline studies in several mining claims located in Safety Sound, near Nome, Alaska. The re-verification process is necessary due to changes made to original permit stipulations, specifically two new boring locations, new access points, and the timing of the drilling.

Essential Fish Habitat

The Fishery Management Plan (FMP) for the Bering Sea/Aleutian Islands King and Tanner Crabs (Crab FMP) identifies EFH for Norton Sound red king crab (*Paralithodes camtschaticus*) in marine waters near the proposed project site. This EFH does not overlap with the project area as currently proposed; however, HCD recommends the USACE consider the importance of this fishery when analyzing the effects of any future large scale mining project in Safety Sound.

Additionally, NMFS has designated EFH for Chinook salmon (*Oncorhynchus tshawytscha*), Coho salmon (*Oncorhynchus kisutch*), Chum salmon (*Oncorhynchus keta*), Sockeye salmon (*Oncorhynchus nerka*) and Pink salmon (*Oncorhynchus gorbuscha*) in the FMP for the Salmon Fisheries in the EEZ Off Alaska (Salmon FMP). NMFS does not define EFH for Dolly Varden or humpback whitefish.

NMFS notes the project described in this revised GPAC would occur during salmon spawning migrations to the local anadromous waters and not during ice covered months as previously required. Moreover, two new proposed boreholes would be drilled within 0.5 miles of the mouth to the salmon bearing Solomon River. Both of these new actions do not comply with our initial EFH Conservation Recommendations in our 2018 letter. Therefore, NMFS concurs with the USACE determination that the described activity may adversely affect EFH in the project area.

However, the adverse effects would be minimal and temporary because of the small scale of the activities and they would be limited to Safety Sound, thus limiting the impact footprint. Further, NMFS recognizes Alaska Department of Fish and Game's Fish Habitat permits FH19-III-0145 and FH19-III-0166 authorize these changes within the State of Alaska's Title 16 Permit process.



After considering the EFH information provided within the new GPAC, NMFS maintains its September 24, 2018 determination; an EFH Assessment is not necessary at this time. HCD would like to be informed of any findings from the exploration program that have relevance to the following:

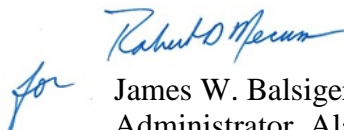
- Results from environmental baseline studies, including bathymetric, eelgrass, and water quality information
- Any observations of red king crab or saffron cod, and approximate locations of those observations if possible

In anticipation of larger scale activities planned for this project area in the future, HCD is providing the following information to USACE, in the event an Individual Permit application and resultant EFH consultation occur:

- Any action that *may adversely affect* EFH requires a clearly referenced EFH Assessment in either a separate document or a support document (50 CFR Part 600.920(e)).
- The mandatory contents of an EFH Assessment should be labelled accordingly and include: (i) a description of the action, (ii) an analysis of the potential adverse effects of the action on EFH and the managed species, (iii) the Federal agency's conclusions regarding the effects of the action on EFH, and (iv) proposed mitigation, if applicable.
- Please note an EFH Assessment is to be completed by the action agency, if needed. Once an EFH Assessment is received by NMFS, HCD will then review and offer EFH Conservation Recommendations, if applicable. We recommend referencing the recent publication, [*Impacts to EFH from Non-fishing Activities in Alaska*](#), when developing an EFH Assessment.

In accordance with Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act, the USACE is required to consult with NMFS on activities that may adversely affect EFH. We look forward to your findings and any response to our concerns. Should the proposed action, its effects on EFH, or mitigation measures change significantly, NMFS wishes to be informed of any such changes in order to reassess our determination. If you have any questions regarding our recommendations for this project, please contact Seanbob Kelly at seanbob.kelly@noaa.gov or (907) 271-5195.

Sincerely,



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

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