



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

April 2, 2021

Agenda B3: NMFS EFH Consultation Report

Overview of Consultations on Actions that May Adversely Affect Essential Fish Habitat in Alaska

As part of the North Pacific Fishery Management Council's Essential Fish Habitat (EFH) consultation policy, the Council requested regular reports from the National Marine Fisheries Service (NMFS) on EFH consultations that may be of interest to the fishing industry, and/or that may affect habitats of direct concern to the Council. Our reports focus on major consultations, with a brief summary of routine activities with minor effects on EFH, and provide advance notice for those activities that could have major effects on EFH, so that the Council can decide whether to consult on the activity.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) provides a role for Fishery Management Councils in commenting on federal or state agency actions that would affect fish habitat. Under section 305(b)(3)(A) of the MSA, Councils may comment on and make recommendations to the Secretary and any federal or state agency concerning any activity or proposed activity authorized, funded, or undertaken by the agency that, in the view of the Council, may affect the habitat, including EFH, of a fishery resource under its authority. **In addition, under section 305(b)(3)(B) of the MSA, Councils must provide such comments and recommendations concerning any activity that, in the view of the Council, is likely to substantially affect the habitat, including EFH, of an anadromous fishery resource under Council authority.** The EFH regulations at 50 CFR 600.930(a) state that each Council should establish procedures for reviewing federal or state actions that may adversely affect the habitat, including EFH, of a species under its authority.

As part of the EFH consultation policy, the Council identified the following criteria to guide NMFS in determining whether an activity is likely to be of particular interest to the Council:

- The extent to which the activity would adversely affect EFH;
- The extent to which the activity would adversely affect Habitat Areas of Particular Concern or other areas established by the Council to protect sensitive habitat features;
- The extent to which the activity would be inconsistent with measures taken by the Council to minimize potential adverse effects of fishing on EFH; and
- The extent to which the activity would conflict with Council-managed fishing operations.

Every year, the NMFS Alaska Region receives in the range of 100 to 200 non-fishing actions proposed by Federal and State agencies that have the potential to affect living marine resources. The review of hundreds of actions is not feasible due to limited staff; therefore, we focus reviews on only those activities that may adversely affect EFH. In a typical year, actions include a wide



range of activities such as aquaculture sites, harbor improvement, navigation dredging, offshore disposal of materials, pollutant discharges, coastal construction, mining, forestry, oil and gas exploration, Naval training exercises, hydropower development, and transportation infrastructure projects (highways, bridges, airport expansions, etc.).

Federal action agencies include the U.S. Army Corps of Engineers (USACE), the Environmental Protection Agency (EPA), the Bureau of Ocean Energy and Management (BOEM), the Bureau of Land Management (BLM), the Federal Energy Regulatory Commission (FERC), the Federal Highway Administration, the Federal Aviation Administration, the U.S. Forest Service (USFS), and others. State action agencies include Alaska Department of Natural Resources (ADNR), Alaska Department of Transportation and Public Facilities (ADOT&PF), and Alaska Department of Environmental Conservation (ADEC).

During EFH consultations between NMFS and other agencies, we strive to provide reasonable and scientifically based recommendations for reducing the loss and degradation of habitats that sustain Council managed species. The consultations serve to inform agencies with relevant jurisdiction about potential consequences of their actions on EFH and ways to minimize adverse effects to Alaska's valuable fishery resources. Our EFH Conservation Recommendations are non-binding, as specified by the MSA. However, if the Federal agency does not follow NMFS's recommendations, the MSA requires that Federal agencies describe the measures they propose for avoiding, mitigating, or offsetting the impact of the activity on habitat.

Our habitat biologists are effective at avoiding or minimizing impacts to EFH during pre-consultation coordination with project proponents and action agencies. We provide written comments at various stages of projects including: project scoping, project permitting, during environmental impact statement comment periods, and at other times as requested. The formal EFH consultation occurs when the Federal agency provides NMFS with an EFH Assessment prepared under 50 CFR 600.920(e). NMFS then has 30 or 60 days to complete the EFH consultation. Additionally, we look for efficiencies by conducting consultations at the programmatic level when appropriate.

This report contains four sections:

- 1. EFH Consultations**
- 2. Tools for EFH Consultations**
- 3. NOAA Restoration Center work in Alaska**
- 4. Staff changes in HCD**

1. EFH Consultations

Since our October, 2020, report to the Council we have completed EFH consultations on—

- Aquaculture farms for oysters and kelp throughout the Gulf of Alaska (ADNR & USACE).
- Groundfish Harvest Specifications
- US Coast Guard Base upgrades in Ketchikan and Kodiak
- Proposed Nuyakuk hydropower project near Dillingham, which has the potential to affect large Sockeye and Chinook runs in the Nushagak River
- Ketchikan cruise ship dock (USACE)
- Mendenhall Visitor Center expansion (USFS)
- US Naval Training Exercises in Gulf of Alaska (Navy)
- New seaplane base in Sitka (FAA)
- Docks and Harbors in Port St. Nicholas, Petersburg, Hoonah, Elim, and Latouche Island

Currently, HCD is engaging with other Federal and State of Alaska agencies on the following proposed projects—

- Mining activities near Nome (USACE)
- Unicom AU-Aleutian Fiber Optic Cable (USDA)
- Proposed project to mine the Bonanza Channel and tidal lagoon, near Nome (USACE)
- Hecla Greens Creek Mining Company North Extension Project (USFS)
- Kensington mine expansion (USFS)
- USN Military Cold Bay Expeditionary Air Operations Exercise (DOD)
- Ocean Dumping Act Actions for offshore (>12nm) vessel scuttling and discards of tainted fish (EPA).
- Onshore Seafood Processors in Alaska Wastewater Discharge General Permit (ADEC)

We provide some additional information on the ongoing consultations that may be of interest to the Council; mining activities near Nome, the Unicom AU-Aleutian Fiber Optic Cable, and Ocean Dumping.

Mining activities near Nome: This proposed project would mine the Bonanza Channel and Tidal Lagoon, near Nome, using a suction dredge that is specifically designed for shallow water estuary dredging and gold recovery. We informed the Council of this project in the June 2020 NMFS B Report and presented the proposed mine to the Ecosystem Committee in January 2021. Since 2018, NMFS has provided early coordination comments to the USACE on exploration activities.

IPOP, the gold mining company, proposes to dredge and discharge 5 million cubic yards of spoils from 173 acres of estuarine and stream habitat over a 5 year period. The project has the potential to impact the marine tidal estuary, including eelgrass beds and transition zones that are important to EFH for Council-managed species. EFH in and adjacent to the action area includes all five species of Pacific salmon; and, EFH for red king crab and many groundfish species has been designated outside the lagoon in Norton Sound.



Figure 1. Photo of the Bonanza Channel and Tidal Lagoon, near Nome, Alaska.

IPOP plans to continue exploration, by core samples, in 2021. NMFS has commented that we need a completed EFH Assessment before USACE permits the full-scale mining operation. At this time, we have not received an EFH Assessment or even a complete project description.

Unicom AU-Aleutian Fiber Optic Cable: USDA, Rural Utilities Service Re-Connect Program, on behalf of Unicom Inc., has contacted NMFS regarding coordination on a project that will deliver fast terrestrial internet service to six rural Alaska Native Aleut villages. The proposed fiber optic cable project will be run from Kodiak to Unalaska. Terrestrial activities are expected to begin on March 1, 2020, and aquatic (freshwater and marine) activities by May 1, 2021. The Project is estimated to be completed by December 1, 2021. NMFS has provided USDA with the *Impacts to Essential Fish Habitat from Non-Fishing Activities in Alaska* document and access to subject matter experts to aid in formation of conservation measures. NMFS is currently reviewing the draft EFH Assessment.

From the draft EFH Assessment: “The proposed 1,735 km (1,078 mi) fiber optic cable extension will be 1.9 to 3.8 centimeters (0.75 to 1.5 inches) in diameter, similar to GCI cables deployed throughout Southeast Alaska, Prince William Sound, Lake Iliamna, and Cook Inlet. The cable will lie on top of the sea floor except in areas where physical conditions or human activities could affect the line (e.g. areas with oil exploration, trawling (or other bottom contact fisheries), anchoring, etc.). In these areas (exact locations to be determined), the fiber optic cable will be buried up to approximately 1.5 meter (m) (5 ft) using a plow up to 4.6 m (15 feet [ft]) wide. No other anchors or structures will be needed.”

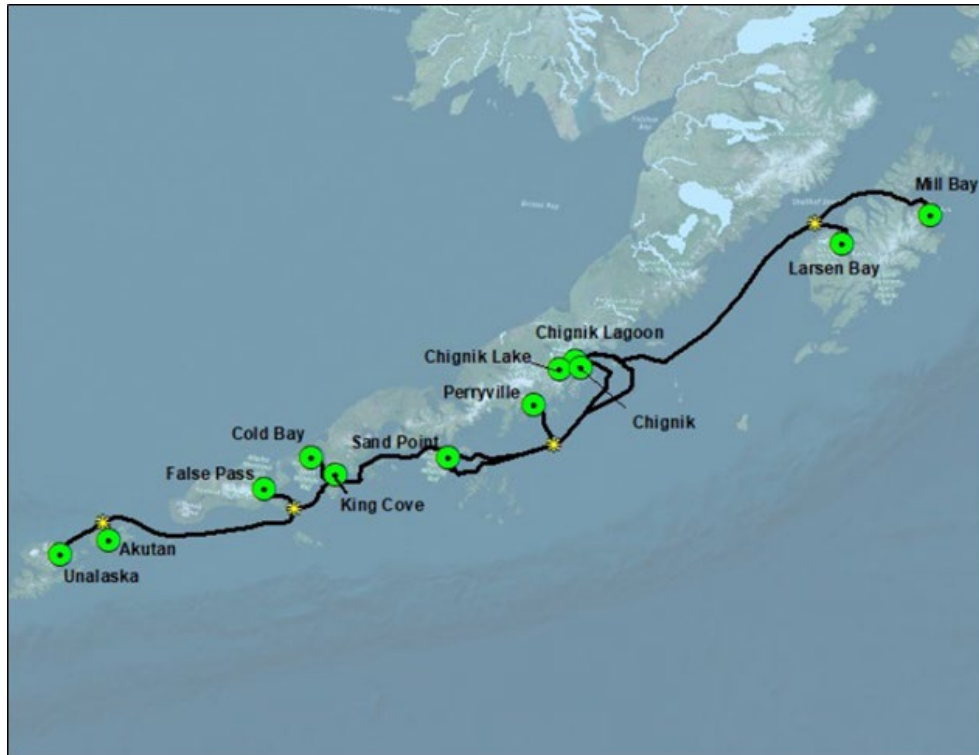


Figure 2. Map of the proposed Unicom AU-Aleutian Fiber Optic Cable.

Ocean Dumping Act Actions: We are also coordinating with the EPA specific to its authorities under the Ocean Dumping Act for offshore (>12nm) vessel scuttling and discards of tainted fish. Specifically, the EPA must contact NOAA Fisheries and take into account the location of any scuttle or discard that may interfere, alter, or disrupt commercial fishing. Currently, two vessels are proposed for scuttling in offshore waters: 1) south of Kodiak Island; 2) south of the Fairweather Grounds off South Eastern Alaska. We usually recommend these actions occur offshore, are located deeper than ‘fishable’ depths (>1,000m), are clean of oils, and completed as to not attract birds or marine mammals. Consultation is ongoing and exact sites are still being discussed.

2. Tools for EFH Consultations

We have developed some tools to assist Federal and State agencies in conducting their EFH Assessments and to assist in EFH consultations.

Alaska EFH Web Application: We launched a new [NOAA Fisheries Alaska EFH Web Application](#) in December 2018. The “AK EFH Mapper” is an ESRI-powered ArcGIS online platform that hosts the complete collection of Alaska EFH maps, including the species distribution model-based maps of EFH Level 1 and 2 information for species in the Council’s Fishery Management Plans. This new online map interface is intended to provide an improved, efficient, and effective way to view, search, and query EFH map information. Alaska EFH maps are also available on the National EFH Mapper, although with reduced interactive user function to query information and without ability to distinguish between EFH Levels. We are currently conceptualizing updates to the AK EFH Mapper to improve user accessibility and function of this first launch. Alaska EFH maps are also available from our website as polygon shapefiles for GIS and R statistical software (R Core Team) users.

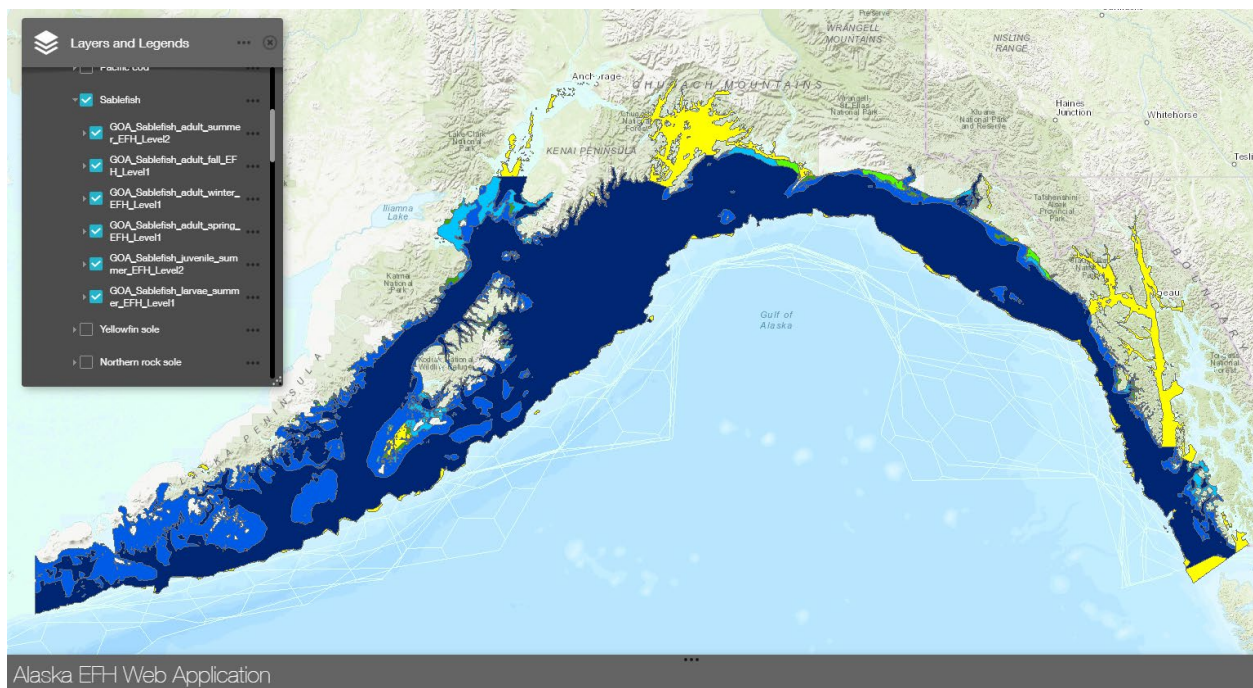


Figure 3. Sablefish EFH maps for life stages in the Gulf of Alaska from the AK EFH Mapper.

ShoreZone: For the coastal-nearshore environment, we have the *ShoreZone* mapping system. *ShoreZone* has mapped more than 120,000 km of shoreline in Alaska, Oregon, Washington, and British Columbia. Approximately 95% of Alaska's extensive coastline is imaged and mapped. *ShoreZone* catalogs both geomorphic and biological resources at mapping scales of better than 1:10,000. The high resolution, attribute-rich dataset is a useful tool for extrapolation of site data over broad spatial ranges for creating a variety of habitat models and oil spill response tools. Low tide, oblique aerial imagery sets this system apart from other mapping efforts of this type. You can “fly the coastline” (aerial video), view and download still photos, and access physical and biological data using our interactive website. *ShoreZone* is available at: <https://www.fisheries.noaa.gov/alaska/habitat-conservation/alaska-shorezone>



Figure 4. Example photo from ShoreZone.

Nearshore Fish Atlas: The Nearshore Fish Atlas catalogs the distribution, relative abundance, and habitat use of nearshore fishes in Alaska. Shallow, nearshore waters are some of the most productive habitats in Alaska and the most vulnerable to human disturbance. Using a beach seine as the primary sampling method, more than 100 fish species in a variety of nearshore habitats have been documented throughout Alaska in an effort to identify EFH. This collection was expanded in 2020 with 25 new fish survey data sets from 7 organizations, including and not limited to an additional 3,800 beach seine hauls (total 5,154) and 768 nearshore trawls (total 1,017) spanning from 1995-2018. **NMFS will publically launch the expanded version in 2021.** The Nearshore Fish Atlas database, information, and contacts are available at <https://www.fisheries.noaa.gov/alaska/habitat-conservation/nearshore-fish-atlas-alaska>.

The Nearshore Fish Atlas:

- Provides a quick reference for identifying species in areas designated for development or impacted by human disturbance (e.g., oil spill).
- Helps resource managers identify EFH for life stages of commercially important and forage fish species and prepare biological opinions for ESA species.
- Allows resource managers to track long-term and large-scale changes in fish distribution and habitat use that may result from regional impacts of climate change.

Non-Fishing Activities in Alaska: We published [*Impacts to Essential Fish Habitat from Non-Fishing Activities in Alaska*](#) to inform decision makers and the public on activities that may affect EFH, summaries of potential effects on fish habitat, and possible EFH Conservation Recommendations to conserve healthy fish stocks and their habitat. The Council and its Scientific and Statistical Committee reviewed this report during the Council’s most recent EFH 5-Year Review, implemented in May 2018. NMFS intends to update this non-fishing report during the next 5-year review, currently scheduled for 2022. NMFS habitat biologists use the non-fishing report as a reference, along with information from many other sources, when reviewing proposed actions for potential impacts to EFH and when considering possible ways to avoid or minimize adverse effects. Federal action agencies also use this report as a reference when preparing the EFH Assessments they provide to NMFS as a part of EFH consultations.

3. NOAA Restoration Center and partner restoration work in Alaska

The NOAA Restoration Center (RC) serves as the Alaska NOAA lead for the National Fish Habitat Partnership. Alaska has four partnerships with geographies exclusively in Alaska. These partnerships are Southeast Alaska Fish Habitat Partnership, Kenai Peninsula Fish Habitat Partnership, Mat-Su Basin Salmon Habitat Partnership, and the Southwest Alaska Salmon Habitat Partnership. In 2021, the partnerships received a total of \$830,000 of federal funding for fish habitat restoration, education and protection actions across the state.

NOAA RC is co-lead with Alaska Department of Fish and Game (ADFG) for Cook Inlet Beluga Whale Recovery Implementation Task Force; Habitat and Threats Management Committee. This Committee was formed in recognition that the successful recovery of Cook Inlet Belugas will require a multifaceted approach, including mitigating or abating threats to the population's recovery (i.e., habitat and threats management). In this committee the focus has been on improving access to information on current mitigation efforts in Cook Inlet as well as identifying beneficial mitigation. In 2021 there will be increased focus on restoration efforts that are beneficial to Cook Inlet Beluga whales and their prey.

American President Lines Buskin River Diesel Spill: On March 15-16, 2019, an oil spill occurred due to a leak in a fuel line to a refrigeration unit at an American President Lines LTD yard in Kodiak, Alaska. An estimated 1,369-gallons of oil from the leaking diesel tank entered the Lake Louise Tributary, the Buskin River, and St. Paul Harbor. NOAA RC is working with Trustee Agencies USFWS, ADFG, and ADEC and the Responsible Party to identify restoration options for the oil spill.

4. Staff Changes in HCD

Since our last EFH Consultation report, HCD has selected Jodi Pirtle and Sean McDermott as new supervisors in the Habitat Conservation Division.

Dr. Jodi Pirtle is the new supervisor in Juneau and will serve as the Deputy ARA for HCD. Dr. Pirtle has been with us since 2016. Many of you know her exemplary work on habitat science and integrating habitat into Ecosystem Based Fisheries Management. Jodi's work is integral to how we identify, describe, and map essential fish habitat. A key part of that has been Jodi's keen ability to develop projects that advance habitat science, secure funding, and manage those projects to achieve results. Through this work, Jodi has hosted and supervised three postdoctoral research associates and an Alaska Sea Grant Fellow. Her passion, expertise, and commitment to teamwork and collaboration will help us chart our future course in HCD.

Sean McDermott is the new supervisor for HCD in the Anchorage Office. Sean joined the Alaska Region on March 15, 2021. Sean was the Hydropower Coordinator in the Greater Atlantic Region and he has a broad professional background across regulatory, program, scientific, and policy areas. With Sean's training, mentorship, and team-oriented leadership, the hydropower review activities in the Greater Atlantic Region have become a model of success for cross-divisional coordination and producing results. We were lucky to have Sean join us for a five month detail in 2019 to help us in strategic and succession planning for our AKR Hydropower Program. Sean will apply these skills to managing the essential fish habitat consultation and related work in the Anchorage Office.