



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

September 24, 2018

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

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

Dear Col. Borders:

On September 18, 2018, the National Marine Fisheries Service (NMFS) Habitat Conservation Division (HCD) received a General Permit Agency Coordination (GPAC) letter from the U.S. Army Corps of Engineers (USACE) for activities associated with Nationwide Permits (NWP) 6, 18, and 19 (POA-2018-00123). These three NWPs apply to Survey Activities, Minor Discharges, and Minor Dredging, respectively.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires federal agencies to consult with NMFS on any action that may adversely affect Essential Fish Habitat EFH [50 CFR 600.920 (a)(1)]. The USACE is receiving agency comments on the proposed action until September 28, 2018, unless additional time is requested. HCD also reviewed the Draft EFH Assessment provided by the applicant in April 2018, but the project has been substantially scaled down since preparation of that document, and no other EFH Assessments were received. Thus, based on the information provided by USACE during early coordination from April to August 2018, and described in the GPAC, we offer the following comments pursuant to the MSA.

Proposed Action

IPOP, LLC proposes an exploration program consisting of GeoProbe drilling and environmental baseline studies in mining claims 30, 31, and 32, located in Safety Sound, near Nome, Alaska. A pontoon boat will be used to conduct soil sample borings at up to 13 locations within a two week period, weather permitting. Environmental baseline studies will include bathymetric surveys to record water depths on a 100 by 100 foot grid, and eelgrass delineation, if present.

IPOP, LLC also proposes to operate a scale model dredge to collect and monitor water quality data during operations; this will also allow assessment of potential environmental impacts of the larger scale operation, which has not yet been permitted. The proposed project would result in minor dredging and discharge of approximately 25 cubic yards of fill below ordinary high water, into approximately one-tenth acre within Safety Sound. Exploratory dredging will occur in up to 5 locations using a Keene dial-engine mini 6-inch dredge.

HCD understands that all project activities at this stage will be conducted in brackish waters of Safety Sound and Bonanza Channel between the existing roadway and mainland; no activities are planned for nearshore or offshore marine waters.



Essential Fish Habitat

The Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (BSAI 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 as currently proposed, however HCD recommends that USACE considers the importance of this fishery when analyzing effects of the anticipated future large scale project.

Additionally, EFH for all five species of Pacific salmon (*Oncorhynchus* spp.) are identified in the FMP for the Salmon Fisheries in the EEZ off Alaska. Saffron cod (*Eleginus gracilis*) EFH is not designated in the project area, but anecdotal accounts of saffron cod presence were mentioned several times during early agency scoping.

EFH Requirements

The USACE did not make a determination on potential adverse effects of the proposed action on EFH in the GPAC. During our review, HCD has determined that the proposed action may adversely affect EFH. Adverse effects would be minimal and temporary because they would be localized to the area and time period associated with the exploratory survey activities covered under NWP 6, 18, and 19. Further, the proposed action will occur in water depths of less than 30 feet, which is the North Pacific Fishery Management Council and HCD's joint recommendation to the USACE for mining activities.

After review, HCD determined that an EFH Assessment is not necessary at this time. However, 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.

EFH Conservation Recommendations

IPOP, LLC has included measures to mitigate impacts to EFH, including adherence to best management practices and relevant regulatory permitting requirements. HCD recognizes the following conservation measures put forth in the GPAC:

- Avoiding any sensitive habitats or eelgrass beds during drilling or dredging activities, including a half mile;
- Adhering to seasonal restrictions to minimize impacts to aquatic resources and subsistence activities;
- Using a drill with a footprint of less than one foot diameter;
- Minimizing the number of drill sites to accomplish the project;

- Conducting work in dynamic estuarine waters, as opposed to directly within wetlands or marine habitat;
- Limiting dredged material to a 10-foot diameter and 5-foot depth area; and
- Adhering to stipulations set forth in Alaska Department of Fish and Game Fish Habitat Permit FH-18-III-0167

As stated previously, after considering the EFH information provided during early coordination and within the GPAC, HCD does not require a separate EFH Assessment for the project as currently proposed. However, 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

NMFS HCD understands that IPOP, LLC is only proposing to conduct exploration activities and environmental baseline data collection at this time under the USACE NWP process. Should the proposed action change significantly, HCD wishes to be informed of any such changes in order to reassess our response. Further, HCD is willing to provide additional resources or guidance regarding EFH resources, requirements, or process at any time.

HCD appreciates the early coordination efforts and clear communication offered by USACE throughout this project. If you have any questions regarding this project, please contact Samantha Simpson at samantha.simpson@noaa.gov or (907) 271-1301.

Sincerely,



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

cc: Leslie Tose, USACE Project Manager, Leslie.W.Tose@usace.army.mil

G:USACE EFH Bonanza Channel Safety Sound POA 2018-00123 ss 9-24-2018