



## Summary

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### Cargo Docks Pre-Application Inter-Agency Meeting

**Date:** July 27, 2022  
**Project Name:** Port of Alaska Modernization Program  
**Location:** Jacobs/Anchorage Office and Microsoft Teams  
**Participants:** See list below

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#### Distribution and Attendee List

Attendees	Organization
Bonnie Easley-Appleyard	NMFS
Brandee Ketchum	USACE
Brett Carrothers	HDR
Carley Lowe	NMFS
Caroline Cummings	NMFS
David Ames	Jacobs
Doug Playter	Jacobs
Eric Adams	Jacobs
Greg Balogh	NMFS
Jaclyn Daly	NMFS
James Reyff	I&R
James Rypkema	ADEC
Jessica Taylor	NMFS
Jill Seymour	NMFS
John Farthing	USCG
Julie Anderson	USACE
Kevin Doyle	HDR
Li Philips	HDR
Mandy Keogh	NMFS
McKenzie Johnson	ADNR
Melanie Corbett	USACE
Reny Tyson Moore	NMFS
Rob Pauline	NMFS
Robert Owens	MOA
Robyn Miller	HDR
Sarah Meitl	ADNR
Sarah Rygh	Jacobs
Scott Graziano	ADF&G

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Attendees	Organization
Shane McCoy	USACE
Shannon Johnson	USACE
Steve Ribuffo	POA
Suzann Speckman	HDR
Tami Crow	Jacobs
Taylor Horne	HDR

## Action Items

- NMFS has several comments pertaining to the Alternatives Analysis Report that they would like to share; submittal of their written comments is pending. Propose 15 August as due date.
- NMFS and USACE to have conversation at a later time on NMFS being a participating agency.
  - NMFS MMPA Point of Contacts (POCs): Reny Tyson Moore, Jaclyn Daly, Jessica Taylor.
  - NMFS Endangered Species Act (ESA) POCs: Mandy Keogh, Greg Balogh.
- HDR to set up a meeting with NMFS (Jaclyn Daly, Reny Tyson Moore, Jessica Taylor, and Greg Balogh) to discuss a proposal on take estimation; meeting has been scheduled for August 12, 2022.

## Meeting Notes

### Introductions

- David Ames, Program Manager with Jacobs, gave an overview of the presentation and gave introductions.

### Agenda and Purpose

- Mike Holley, Permitting Lead with HDR, summarized the agenda and purpose of the meeting.

### PAMP Overview

- David Ames presented a summary of the Port of Alaska Modernization Program (PAMP) and of the Cargo Docks/Terminals Project.
  - Steve Ribuffo, Port Director, emphasized some challenges to consider:
    - Maintaining ongoing operations during construction is a critical requirement of the Program. No other port can handle the container ships during the potential 5-7 years of construction.
    - The entire state depends on the Port of Alaska (POA) for incoming freight.
  - David Ames discussed how the threat of catastrophic failure due to a major seismic event would affect the entire state of Alaska and could create a crisis situation for food security since most grocery stores only keep 5-6 days-worth of food on the shelves.

### Alternative Evaluation Results

- Doug Playter, Design Engineer with Jacobs, presented a summary of the Alternative Foundation and Substructure System Analysis (Alternatives Analysis), included an overview of the noise attenuation systems and installation methods that were analyzed.
  - Doug Playter clarified that all temporary piles plan to be driven not drilled.
- Shane McCoy, South Section Chief with USACE, asked the National Marine Fisheries Service (NMFS) if they had any input or thoughts on what has been presented.

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- Jaclyn Daly, NMFS, expressed appreciation in the due diligence of looking into different alternatives and asked about the prospect of dewatering some areas for construction to reduce in-water noise.
  - Doug Playter explained that in order to dewater, there would have to be construction of a structure with its own sheetpile walls, similar to a cofferdam.
- **Action item:** NMFS has several comments pertaining to the Alternatives Analysis Report that they would like to share; submittal of their written comments is pending.
- Jaclyn Daly asked for further clarification on the modular alternative.
  - Doug Playter further explained what the modular pre-fabricated jacket system is, and that while there would be some reduction in permanent and temporary piles, there are limitations with procuring steel and purchasing material with federal funding (Buy America and Buy American Acts), transportation and logistical limitations (Jones Act), and that this new technology has not yet been implemented for similar projects in the United States or in the severe tidal and climate conditions experienced in Alaska.

*15-minute break*

## Permitting Discussion

- Mike Holley asked if anyone had any questions or comments on what has been presented so far.
  - David Ames added that the team would present clarification on the modular system towards the end of the presentation.
- Mike Holley continued by moving on to the permitting discussion.
- Steve Ribuffo emphasized the importance of building resiliency so that you know what you have will be there the day after a catastrophic event, especially since seismic events are unpredictable.
- Mike Holley opened the discussion to the level of NEPA that would be required for this project.
  - Mike Holley explained the concept of an “expanded” EA, which is what the U.S. Army Corps of Engineers (USACE) has used to look at all practicable alternatives.
  - Kevin Doyle, PAMP Program Manager with HDR, gave an overview of the Hilcorp lawsuit (litigation of an Incidental Harassment Authorization [IHA]).
    - Kevin Doyle explained that we looked at what the elements were in the Hilcorp lawsuit that could be built into this NEPA document, which includes the need to take a “hard look” at all reasonable alternatives and the emphasis on Cook Inlet beluga whales based on the judge’s ruling, including cumulative impacts and a rigorous analysis of the least practicable adverse impact under MMPA regulations.
  - Mike Holley discussed the Environmental Evaluation Document (EED) that is being written to provide background information and critical elements, excluding any decisional language, for the Agencies.
  - Brandee Ketchum, Office of Counsel with USACE, brought up that an Environmental Impact Statement (EIS) would allow for additional public comment opportunities, and if there is already a lot of effort going into writing an EED or EA that is of similar level to an EIS, why would we not just go with an EIS?
    - Kevin Doyle explained that the basis of an EIS is on having significant environmental impacts, and that this project does not appear to reach that threshold, especially with the updated design and significant reduction in pile numbers by approximately 65%. An EIS would be a more lengthy process and there is a timeline urgency with this project. NEPA requires a “hard look” at alternatives and impacts, and regardless of the class of action, we have and will continue to extensively evaluate conceptual engineering alternatives, pile installation

- methods, and noise attenuation systems. The required Letter of Authorization (LOA) under the Marine Mammal Protection Act (MMPA) would allow for two public comment periods, and since beluga whales are the epicenter of the environmental concerns with this project, there will be plenty of public involvement opportunities during the LOA. There are really no other potential environmental resources involved that would approach the significant impact category. USACE previously permitted the earlier Port expansion project involving 130 acres of fill under an EA, and piling is less impactful in consideration of wetlands or Waters of the U.S. Also, NMFS can only issue an LOA if the criteria of small numbers and negligible impact are met. If we successfully meet that requirement for beluga whales, then impacts should not be at the significant impact level. NMFS input is pending and will be critical for this decision. Jaclyn D. added that NMFS would also make their NEPA document publicly available for comment.
- Jaclyn Daly asked if this is meant to just cover the Cargo Docks/Terminals, or other phases of the PAMP, and asked for clarity on the “expanded” EA terminology.
    - Mike Holley responded that this is only for the Cargo Docks (two cargo terminals)
    - Clarification that the term “expanded” EA is what is internally used sometimes at USACE Alaska District, but that it is basically an EA with a robust evaluation of a reasonable range of alternatives and emphasis on other critical NEPA categories such as Cumulative Impacts.
  - Discussion with NMFS and USACE on whether NMFS would be a cooperating agency
    - USACE commented that they do not generally have cooperating agencies on an EA, but would rely on NMFS’s Biological Opinion (BiOp) and added that NMFS could be invited to be a participating agency like the Maritime Administration (MARAD) and that USACE would encourage NMFS to help write the analysis.
      - **Action item:** NMFS and USACE to have conversation at a later time on NMFS being a participating agency.
        - NMFS MMPA Point of Contacts (POCs): Reny Tyson Moore, Jaclyn Daly, Jessica Taylor.
        - NMFS Endangered Species Act (ESA) POCs: Mandy Keogh, Greg Balogh.
    - Jaclyn D. said that NMFS could adopt EAs and write their own Finding of No Significant Impact (FONSI).
      - NMFS to consult with in-office NEPA experts if this goes EA.
      - **NMFS** process is to make EA available for 30-day public comment period.
    - David Ames asked if NMFS would like to participate in the weekly agency meeting between USACE and POA, which the local NMFS office attends monthly.
      - **NMFS** is happy with current frequency of meeting, and can attend more if there are specific meetings that pertain to NMFS.
  - Mike Holley resumed the discussion on the permitting schedule and asked what submittals, if any, would be needed to engage NMFS.
    - Jaclyn Daly commented that the Alternatives Analysis Report was very helpful for early coordination, and that while the current take numbers are too high, it is a great starting point to engage in conversation. Kevin D. commented that the purpose of the Alternatives Analysis Report was to start a conversation with only a rough-order-of-magnitude for impacts in order to compare the alternatives, and we would need to work closely with NMFS to develop an appropriate take methodology.
  - Suzann Speckman, Marine Science Lead with HDR, asked what would be the options if a sixth year of in-water construction was required.
    - Jaclyn Daly responded that there are no options for renewal with LOA regulations, and that if more time were needed then POA could apply for another LOA or IHA.

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- Greg Balogh commented that the BiOp considers the project as a whole and would not need to be extended.
- Bonnie Easley-Appleyard asked if the North Expansion Stabilization (NES) project is dependent on the Cargo Docks/Terminals project.
  - Mike Holley responded that the NES project is required regardless of the Cargo Docks/Terminals project due to its instability.
- Suzann Speckman added that the POA would be happy to show people around at any time for a site visit.
- Suzann Speckman gave a recap of the program's long history of success with the marine mammal monitoring program and proposed a new sighting rate take estimation methodology.
  - Suzann Speckman requested input from NMFS and invited NMFS to work together to develop a sighting rate based on best available data.

**Action Item:** HDR to set up a meeting with NMFS (Jaclyn Daly, Reny Tyson Moore, Jessica Taylor, and Greg Balogh) to discuss a proposal on take estimation; meeting has been scheduled for August 12, 2022.

- David Ames provided further explanation on what a modular pre-fabricated system looks like and what the limitations for this technology would be at the POA, including lack of regional contractors with experience working with such a system
- Mike Holley brought up the reimbursable agreement with NMFS and that it could be feasible with properly crafted language.
  - Greg Balogh indicated that it might be possible for his group as long as the MOU was carefully crafted.
  - Reny Tyson Moore commented that there may not be enough workload to justify this position.
  - Mike Holley responded that there is no need to pursue this option if it is not helpful.
- David Ames invited receipt of comments on the Alternatives Analysis Report from the Agencies.
- Jaclyn Daly commented that NMFS are happy to meet but are also very busy so will it is critical to put together a schedule that everyone agrees on. Kevin emphasized the need to meet by mid-August to confirm the take estimation calculation methodology because without this the LOA application cannot be advanced. Jaclyn suggested provided meeting dates and times and they will check their calendars for availability.

### Action Items/Feedback/Next Steps

- Li Phillips and Brett Carrothers, both Marine Science team members with HDR, identified three action items (listed above).
- Mike Holley asked for feedback from the Agencies if this meeting was helpful and asked for suggestions for improvement.
  - Concurrence from USACE and NMFS that it was helpful to have this conversation with everyone in the same (virtual) room.
- David Ames asks if NMFS would like to be included on more POA meetings. Greg B. responds that additional meetings may not be helpful but to include him on any meetings that are essential. Jaclyn D. agreed.
- Meeting Adjourned.