



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

May 15, 2008

Colonel Kevin J. Wilson
District Engineer, Alaska District
U.S. Army Corps of Engineers Alaska District
P. O. Box 898
Anchorage, Alaska 99506-6898

Re: POA-1979-412
Knik Arm

Attn: Skip Joy

Dear Colonel Wilson:

National Marine Fisheries Service (NMFS) has reviewed the above referenced public notice regarding a proposal by the Matanuska-Susitna Borough to modify an existing 150 ft wide by 200 ft long deep draft, pile supported dock by extending the structure 450 ft, (to 150 ft x 650 ft), and constructing a 33 ft wide by 535 ft long pile supported exit trestle. The proposal also includes installing two additional mooring dolphins and extending the existing catwalk. The project site is located on the southwest side of Knik Arm, Latitude: 61.2891 and Longitude: 149.9177.

NMFS believes that, the described activities would adversely impact marine resources in the project area, in particular, Cook Inlet beluga whales. The Cook Inlet beluga population has been shown to be geographically isolated and genetically distinct from other Alaskan beluga stocks. In 2000, NMFS completed a Status Review and found the Cook Inlet beluga population to be depleted, as defined under the Marine Mammal Protection Act (MMPA) (65 FR 34590). NMFS received a petition to list Cook Inlet belugas as endangered under the Endangered Species Act (71 FR 44614, August 7, 2006). After a second Status Review, NMFS proposed to list the Cook Inlet beluga stock as endangered under the Endangered Species Act (ESA) (72 FR 19854, April 20, 2007).

The Port MacKenzie expansion project may adversely impact beluga whales because of habitat degradation from noise during construction and increased ship traffic during operation. The MMPA prohibits the take of all marine mammals. Take is defined as harass, hunt, capture, or kill or attempt to harass, hunt, capture, or kill. Belugas are known to occur in this area and they are often reported in and around lower Knik Arm. The Port MacKenzie expansion project may also contribute to the cumulative impacts on Cook Inlet belugas and their habitat, especially in Knik Arm.

NMFS requests that all mitigation, monitoring, and reporting be included as Special Conditions to the COE permit. Below, we have listed our recommendations for this permit, including mitigative measures (mitigation for habitat loss and/or value should



follow the “avoid, minimize, and compensate” hierarchy) and we request monitoring and reporting as needed to validate the effectiveness of mitigation. These measures are to ensure that Port MacKenzie expansion project and operation permit will not result in significant adverse impacts on the recovery of the Cook Inlet beluga stock.

Purpose and Need

The purpose and need for the project are not clear in the Corps public notice and appear speculative. NMFS recommends that the applicant prepare an analysis that outlines and explains the proposed project in detail. The document should include a defensible purpose and need and alternatives analysis, with particular attention to cumulative effects on marine and anadromous fish in the upper Cook Inlet environment. The analysis document should provide sufficient detail to support the need for additional port services in upper Cook Inlet, in light of the Port of Anchorage expansion project.

Mitigation Recommendations for Cook Inlet Beluga Whales

The Port MacKenzie expansion project will need a Small Take Authorization under section 101 (a)(5) of the MMPA from NMFS. ‘Taking,’ as defined under the MMPA, is highly likely during in-water pile driving and other activities capable of producing received levels of 160 dB re: 1 μ Pa. Without a Small Take Authorization, there is a high probability that Port MacKenzie construction work will violate the MMPA. Therefore, all NMFS beluga comments are premised on the condition that Port MacKenzie will operate under a Small Take Authorization.

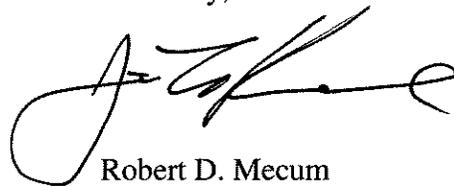
1. In-water pile driving (i.e., excluding work when the entire pile is out of the water due to shoreline elevation or tidal stage) should not occur within two (2) hours on both sides of each low tide.
2. Belugas shall not be exposed to sound levels in excess of 180 dB re: 1 μ Pa. The radius surrounding such noise sources should be determined empirically and established based on propagation loss equations fit to the data.
3. No ships or boats working with Port MacKenzie should anchor or travel north of Cairn Point in Knik Arm.
4. Minimize beluga exposure to construction, vessel, dredging, and operational noise resulting from Port Mackenzie. Develop, in consultation with NMFS, an underwater noise reduction plan through the use of structural design, operational procedures, and encouraging vessel modifications to reduce propeller cavitation noise.

Conclusion

NMFS is concerned about the Port MacKenzie expansion project because of the potential impacts of construction and operation on Cook Inlet Belugas as well as the cumulative effects on their habitat. Therefore, unless all mitigation recommendations for Cook Inlet beluga whales are followed, we recommend the requested permit be denied.

We look forward to working with you to address the issues discussed above and are willing to meet with the applicant to discuss our concerns. Questions regarding our requests should be directed to Ms. Barbara Mahoney (907) 271-5006.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Mecum', with a large, stylized initial 'R'.

Robert D. Mecum
Acting Administrator, Alaska Region