

Tori Fleming

From: Hyslop, Jamie R CIV USARMY CEPOA (US) <Jamie.R.Hyslop@usace.army.mil>
Sent: Tuesday, November 28, 2017 9:21 AM
To: Dan Tadic; Robin Reich
Cc: Speerstra, Linda CIV USARMY CEPOA (US)
Subject: RE: FW: POA-2017-474, O'Connell Lightering Float Pile Replacement Expedited Informal ESA Consultation

Dan,
Thanks for discussing this project with me this morning. I understand the Endangered Species Act Consultation, and the potential to submit an application for Incidental Harassment Authorization, has caused the City of Sitka to temporarily delay the project. In the coming weeks or months you plan to have a more defined path forward as the City decides on funding and project timelines. As we discussed the Corps is withdrawing your permit application. This will not preclude you from reopening this project at a later date. Please keep me apprised as future plans develop for this project.

Respectfully,
Jamie Hyslop
Project Manager
907-753-2670

-----Original Message-----

From: Dan Tadic [mailto:dan.tadic@cityofsitka.org]
Sent: Monday, November 27, 2017 8:23 AM
To: Robin Reich <robin@solsticeak.com>; Hyslop, Jamie R CIV USARMY CEPOA (US) <Jamie.R.Hyslop@usace.army.mil>
Subject: [EXTERNAL] RE: FW: POA-2017-474, O'Connell Lightering Float Pile Replacement Expedited Informal ESA Consultation

Good morning,

Given that a 7000 meter observation and shutdown zone would make the project impractical at best and impossible at worst, I do not see any option other than an IHA. As a result of the additional project costs, I will need to ask the City Assembly for more money in order to move forward. I anticipate the funding request in December. If they approve the additional funds, at this time I anticipate making the IHA the responsibility of the Contractor (similar to GPIP dock). It's unfortunate that there is not a simpler process to allow us to reinstall these 6 piles a bit deeper, but I understand how the regulatory world has changed and appreciate both of your help in attempting to get us a more favorable outcome.

Thanks,

Dan Tadic, P.E.

Municipal Engineer

City and Borough of Sitka

Department of Public Works

100 Lincoln Street

Sitka, AK 99835

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dan.tadic@cityofsitka.org <mailto:dan.tadic@cityofsitka.org>

From: Robin Reich [mailto:robin@solsticeak.com]

Sent: Friday, November 24, 2017 10:07 AM

To: Dan Tadic <dan.tadic@cityofsitka.org>; Hyslop, Jamie R CIV USARMY CEPOA (US) <Jamie.R.Hyslop@usace.army.mil>

Subject: FW: FW: POA-2017-474, O'Connell Lightering Float Pile Replacement Expedited Informal ESA Consultation

Below is the response from NMFS.

Jamie-

Dan and I will get back to you soon on how the City plans to move forward, but I don't think that the City will be pushing informal consultation any further.

Thanks.

Robin Reich

Office: 907.929.5960

Cell: 907.903.0597

From: Suzie Teerlink - NOAA Federal [mailto:suzie.teerlink@noaa.gov]

Sent: Friday, November 24, 2017 9:48 AM

To: Robin Reich <robin@solsticeak.com <mailto:robin@solsticeak.com> >

Hi Robin,

I looked in to Petro Marine concurrence letter. I understand the point about the sources being similar, but main difference here being that the same land/shallow water obstructions don't exist as with the other project. We really don't have much good information on down-the-hole drilling in general, and the information that we do have suggests that level B sound could propagate much further than a 2,000 meter zone. Unfortunately, with the proposed action, we can't have any certainty that this would not cause take of listed marine mammals. Please let me know if you would like to set up a call to discuss this in more detail and discuss ways forward.

Thank you,

Suzie

On Thu, Nov 16, 2017 at 4:13 PM, Robin Reich <robin@solsticeak.com <mailto:robin@solsticeak.com> > wrote:

Suzie-

Thanks for the phone call yesterday regarding the request for initiation of informal consultation under Section 7(a)(2) of the Endangered Species Act for O'Connell Bridge Lightering Facility Pile Replacement Project. To summarize our conversation, NMFS is not convinced that the Level B harassment area described in our November 9 letter to NMFS is contained within a 2,000 meter zone. Based on this, you said that the City can either request an IHA or do a sound source verification study using a reputable firm to confirm the 2,000 meter action area. When I asked what would happen if the sound study finds that the zone is larger, and you said that the language of your concurrence letter would allow for the addition of protected species monitors to observe, and if necessary require shut downs, in a larger area.

My client has asked me to determine why a 2,000 meter action area applied to the nearby Petro Marine Dock replacement project, but not at the O'Connell facility. The project was very similar to the O'Connell project; however, Petro Marine involved placement and removal of four 30-inch diameter piles, while the O'Connell Facility will involve six 16-inch diameter piles. Both projects involve down hole drilling (Petro Marine for 16 total hours and O'Connell for 12 hours), vibratory hammering (Petro Marine for about 4 hours and O'Connell for about 1 hour), and impact hammer (Petro Marine for 12 minutes and O'Connell for 10 minutes). Further, O'Connell has committed to the same mitigation measures (including noise attenuation methods) as were implemented for the Petro Marine project.

I would ask you to look more closely at the Petro Marine concurrence letter (particularly pages 15 and 16) issued by your agency, attached. Please note that we understand that some of the Petro Marine hammer sound was attenuated by bottom type, land obstructions, and shallower water and many similar conditions exist near the O'Connell Facility.

Thanks you for your careful consideration.

Robin Reich

Office: 907.929.5960 <tel:(907)%20929-5960>

Cell: 907.903.0597 <tel:(907)%20903-0597>

From: Robin Reich

Sent: Thursday, November 9, 2017 3:11 PM

To: Jon Kurland - NOAA Federal <jon.kurland@noaa.gov <mailto:jon.kurland@noaa.gov> >

Cc: 'Hyslop, Jamie R CIV USARMY CEPOA (US)' <Jamie.R.Hyslop@usace.army.mil

<mailto:Jamie.R.Hyslop@usace.army.mil> >; Stephen Weatherman <stephen.weatherman@cityofsitka.org

<mailto:stephen.weatherman@cityofsitka.org> >; Dan Tadic <dan.tadic@cityofsitka.org

<mailto:dan.tadic@cityofsitka.org> >; Budnik, Roberta K CIV USARMY CEPOA (US) <Roberta.K.Budnik@usace.army.mil

<mailto:Roberta.K.Budnik@usace.army.mil> >; Carrie Connaker <carrie@solsticeak.com <mailto:carrie@solsticeak.com>

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Subject: POA-2017-474, O'Connell Lightering Float Pile Replacement Expedited Informal ESA Consultation

Mr. Kurland,

Please find the enclosed Expedited Informal ESA Consultation letter for the O'Connell Lightering Float Pile Replacement project in Sitka. Please feel free to contact me, if there are questions.

Thank you.

Robin Reich, President

Environmental Planner

Solstice Alaska Consulting, Inc.

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-----Original Message-----

From: Hyslop, Jamie R CIV USARMY CEPOA (US) [mailto:Jamie.R.Hyslop@usace.army.mil]

Sent: Tuesday, November 7, 2017 9:56 AM

To: Jon Kurland - NOAA Federal <jon.kurland@noaa.gov <mailto:jon.kurland@noaa.gov> >

Cc: Robin Reich <robin@solsticeak.com <mailto:robin@solsticeak.com> >; Stephen Weatherman <stephen.weatherman@cityofsitka.org <mailto:stephen.weatherman@cityofsitka.org> >; Dan Tadic <dan.tadic@cityofsitka.org <mailto:dan.tadic@cityofsitka.org> >; Budnik, Roberta K CIV USARMY CEPOA (US) <Roberta.K.Budnik@usace.army.mil <mailto:Roberta.K.Budnik@usace.army.mil> >

Subject: POA-2017-474, Sitka Channel, O'Connel Lightering Float Pile Replacement (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Mr. Kurland,

Please find the enclosed letter designating the City and Borough of Sitka as our non-Federal Designee to conduct ESA consultation. You can reach me by email or at the number below if you have questions.

Respectfully,

Jamie Hyslop

Project Manager

907-753-2670 <tel:(907)%20753-2670>

CLASSIFICATION: UNCLASSIFIED

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Suzie Teerlink

Marine Mammal Specialist

NOAA/NMFS - Protected Resource Division

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