

## **Manager's Update – October 6, 2022**

**Berthing Agreements:** Municipal staff have met several times with Norwegian Cruise Lines (NCL) to negotiate a 2-year berthing agreement for 2023 and 2024, and have started negotiations with other lines as well. The NCL agreement is close to being finalized, and the Assembly should have it for consideration this month. We also expect a draft agreement from Holland America Group soon.

**Governor's Disaster Declaration:** As you know, Governor Dunleavy has issued a disaster declaration for Skagway's multiple and ongoing rockslides on the east side of the port. Municipal staff are working to complete all of the documentation required in order to establish eligibility and start submitting expenses for reimbursement from State disaster funds. Due to the declaration, the State has \$1 million set aside for funding; additional funding may be made available with State authorization. We hope to offset the cost of short-term life, health, and safety protection measures that will be conducted prior to the 2023 season.

**Ore Dock Emergency Project for 2023 Alternative Mooring:** The Municipality is proceeding with planning and permitting for an emergency project to provide for alternative mooring prior to the 2023 season. The alternative plan would allow larger-class cruise ships to moor at the Ore Dock in 2023 while the rockslide risk on the east side of the port is being mitigated. Municipal staff have met with White Pass, Cruise Line Agencies Alaska, and multiple cruise lines to discuss mooring requirements and scheduling logistics. Port Director Jennings is in Seattle this week participating in simulations for docking larger-class vessels at the Ore Dock. We are on track to have permits in place in early 2023; however, we have been made aware that White Pass has also submitted a permit application to the Army Corps of Engineers to remove dock infrastructure, including pilings that would be used in the emergency project (application attached). Both permitting efforts are on the same timeline.

**Rockslide Update:** At this meeting, the Assembly will be considering a proposal for short-term measures to protect life, health, and safety due to the rockslide. Concurrently, Shannon & Wilson will be updating its 10% plan for longer-term rockslide mitigation this week, which we anticipate will lower the estimated cost from the original estimate of \$40 million. There are several potential sources of federal funding for this project, and municipal staff has reached out to the federal government and is working to develop the appropriate material for application.

**Marine Services Platform:** Municipal staff continues to meet with Yukon Government representatives regarding funding for constructing a Marine Services Platform (MSP) on the Ore Dock. The MSP would allow containerized ore to be exported from Skagway using a rotainer system. We appreciate the ongoing intergovernmental relationship we have with the Yukon Government and look forward to continued collaboration with them on this project.

**Ferry Terminal:** We want to thank the Department of Transportation & Public Facilities (DOT&PF) for working with the Municipality to develop the preliminary engineering agreement to share the cost of the 20% design to relocate the ferry terminal to the Ore Peninsula. The 20% design will allow both parties to evaluate the feasibility of the project, after which the Municipality can evaluate its next steps.

**SEARHC:** The Municipality received a draft lease agreement from SEARHC, which has been vetted initially through our legal counsel and is currently being considered again by SEARHC's legal counsel. We expect a draft sale agreement document from SEARHC soon, which will also need to be vetted by legal counsel.

**Little Dippers & Big Dippers:** The Municipality has extended its lease with Little Dippers for use of the municipal building at 23<sup>rd</sup> and Main through the winter, with the hope that Little Dippers will be able to staff its daycare through that time. I was contacted recently by the Fairbanks family, which proposed that the Municipality lease the former You Say Tomato building for use by Big Dippers. The Health, Education, and Welfare Committee will discuss this proposal at its next meeting and bring forward a recommendation to the Assembly.

**Zoning:** Pursuant to recommendations in the 2030 Comprehensive Plan, we would like to move forward with re-evaluating zoning within the Borough and will ask the Planning and Zoning Commission to hold an initial discussion on this topic soon.

#### **Skagway Public Library Update:**

As of October 1st, winter hours have begun at the library. This means that we will now be open Mondays to Thursdays from 11am to 7pm, Fridays from 11am to 6pm, and Saturdays and Sundays from 1:00 to 5:00 pm. Late Night Library will still take place every Friday night, but will now begin at 6:00 pm.

The Library is celebrating spooky season with a number of festive events and programs! Throughout the month of October, visitors can stop by to add the name of their favorite book to our Book Tree located in the front vestibule. Then, during Skagway's Fall Festival, the library will be a part of the Harvest Health Fair at the Presbyterian Church from 10:00 am to 1:00 pm on Saturday, October 22nd, and will be hosting a Book Page Pumpkin craft from 1:00 to 3:00 pm inside the library.

The Library's Book and Film Clubs will both be starting back up this month for the 2022/23 season with spooky picks to read and watch. The Book Club will be reading Gillian Flynn's Dark Places and will have its first meeting on Wednesday, October 26th at 6:00 pm, while Film Club will meet on Tuesday, October 25th at 6:00 pm after watching The Awakening. Lots more to come at the library as we head into a cozy winter season!

#### **Skagway Fire Department Update:**

Chief Rauscher completed her Advanced Technician Firefighter / NFPA Firefighter II at Illinois Fire Service Institute. Firefighter Rupprecht is at his midway point in Basic Firefighter Academy / NFPA Firefighter I through Illinois Fire Service Institute. Three other Alaskans from Ketchikan are also attending Basic Firefighter Academy in this candidate class. Chief Rauscher was asked to speak to the 54 candidates undergoing the Fall 2022 academy, to motivate and inspire them to finish their goal of completing one of the most challenging, both mentally and physically, academies in the nation.

#### **Skagway Visitor Department Update:**

Tourism Director Jaime Bricker's report for September is attached, and can be found online [HERE](#).



# Explore Skagway Tourism Director Report September 2022

## A. New Video & Audio Equipment

- a. Waiting for projector, camera and speaker system arrival, installation, and training for staff through Alaska Technical Solutions

## B. Clean Sweep

- a. Scheduled for October 1<sup>st</sup> with bag pick up at AB Hall from 9:00am to 10:30am

## C. Town Hall for Bond

- a. Hosted at AB Hall on September 22<sup>nd</sup> at 6pm & Recorded via zoom
- b. <https://www.buzzsprout.com/1988680/11374265-september-22-2022-town-hall-presentation-revenue-bonds-port-development>

## D. Klondike Road Relay

- a. Thank you, Sport Yukon for bringing it back!
  - i. Thanks for MOS Public Works, Fire, EMS and Police Departments for your help!
  - ii. Thanks US Customs & Border Patrol!
  - iii. Thanks Fraser Border Services!
  - iv. Thanks to all the Visitors (and locals) that participated!
- b. Over 95% were satisfied with your race experience. Most challenges were (understandably) related to border delays.
- c. 75% enjoyed the party in the park and 11% didn't go to the park. We were provided with lots of suggestions for improvements.
- d. Over 73% want to keep registration fees reasonable and purchase any KRR memorabilia instead of raising costs significantly to have a gift for each participant.
- e. 100% of volunteers would recommend this experience to a friend and 6% feel more information would be helpful to do their jobs. We will address some of these challenges by hiring a volunteer coordinator and having a digital checkpoint binder ready the week before.

## E. Southeast Conference in Ketchikan

- a. Virtual attendance.
- b. Through August Cruise Ships were averaging 74% full.
- c. First Ship in SE Alaska is April 17<sup>th</sup> 2023.
- d. Healthcare workers are scarce commodity nationwide.

- e. 24% Decline in SE State Jobs in the last 10 years
- f. Tribal Government jobs are up 5%

#### **F. Haida Canoe Revitalization Group**

- a. Skagway Museum is working with the Haida Canoe Revitalization Group (a 501c3 non-profit organization) to complete 3D mapping on the rare Haida canoe on display there. Stormy Hamar is Haida Raven of the Kyaanuu Salii clan and lives in Kasaan. Jason Rucker worked as a boat builder, historic preservationist and captain of historic ships and worked 20 years at San Francisco Maritime National Historical Park. The line drawings and construction drawings will provide a history and context of the canoe. The drawings will be shared with Skagway Museum, STC and The Library of Congress via the National Park Service's Historic American Engineering Record.
- b. <https://www.facebook.com/HaidaCanoeRevitalizationGroup>

#### **G. Old-Growth Forest Network Designation for Denver Trail on August 10th**

- a. On August 10<sup>th</sup>, about 30 people attended
- b. <https://www.oldgrowthforest.net/ak-denver-glacier-trail>

#### **H. Alaska Outdoor Alliance Confluence in Haines September 7-9**

- a. <https://www.alaskaoutdooralliance.org/confluence-agenda>
- b. "70 leaders from local, state, territorial, federal and tribal governmental and non-profit outdoor, culture, tourism, economic development and land management organizations from around Alaska and the Yukon who worked together for three days discussing pathways to regenerative economic development. Key themes emerged including active transportation, transboundary collaborations, indigenous stewardship, funding sources and more. Ideas were seeded, honed in breakout groups, captured on sticky notes, and shared out loud. AOA's Lee Hart, with ongoing help from Spruce Root, is still processing all the great ideas and recommendations for action-oriented next steps." Per Lee Hart's e-mail
- c. Haines Skagway Fast Ferry Tour mentions many stories from Jeff Brady's "The True Story of Skagway" and even mentioned STC and SVD working together to add Tlingit language to the trail map.
- d. Senator Lisa Murkowski Keynote Speaker
- e. Interpretive Trail Walk & Low Income Housing Tour with Chilkoot Indian Association
- f. Fort Seward Vision tour with Chilkoot Indian Association

- i. <https://www.chilkatvalleynews.com/story/2022/09/15/news/cia-to-pursue-native-arts-tingit-language-in-forts-hospital-building/16408.html>

g. I am partnered with about 10 people from Southeast and the Yukon to continue discussion about how to help each other handle solid waste.

**I. USDA & US Forest Service Announcement September 23<sup>rd</sup>**

a. The USDA announced \$37 million dollars in investments from the Bipartisan Infrastructure Law for recreation sites like campgrounds and cabins on national forests and grasslands throughout the nation. The Forest Service Alaska Region will subsequently announce \$14.4 million in Bipartisan Infrastructure Law funding to help fund a mixture of new and reconstructed cabins and cabin repairs and operations on the Chugach and Tongass National Forests.

b. Opportunity for public input begins in October.

c. <https://www.fs.usda.gov/detail/r10/news-events/?cid=FSEPRD1062370>

**J. Alaska Power & Telephone Announcement**

a. AP&T was selected to receive a \$33m grant to move forward with a project that develops advanced high-speed broadband in areas of Skagway, Dyea, Klukwan, Mosquito Lake, and Haines over the next 5 years.

b. <https://www.aptalaska.com/wp-content/uploads/2022/09/Klukwan-Skagway-Fiber-Press-Release-9-22-2022.pdf>

**K. ATIA in Sitka on October 10<sup>th</sup>-13<sup>th</sup>**

a. <https://www.alaskatia.org/news-events/atia-convention>

b. Met with Government Relations Chair, Craig Jennison at AB Hall on August 11<sup>th</sup>

c. Voice of the Membership meeting on September 20<sup>th</sup>

**L. Explore Skagway's Fall Festival on October 21<sup>st</sup> – 23<sup>rd</sup>**

a. Hoping for more participation for this weekend

**M. Alaska Media Roadshow in Las Vegas on October 29<sup>th</sup>-31<sup>st</sup>**

a. Request e-mailed to businesses asking for information on their new business developments by October 15<sup>th</sup>.

**N. HAP Alaska Cruise & Travel Show in Scottsdale on November 5<sup>th</sup>**

a. Job Fair component

**O. Permission Granted to use Traditional Tlingit Location names and translations**

- a. PR Services is updating hiking trail map for 2023

**P. Southeast Shopping**

- a. Working with Alexandra Pierce, Juneau's Tourism Manager to brainstorm ideas for onboard maps produced by the community.

**Q. Elise Giordano**

- a. Awaiting deliverables

**R. Tourism Best Management Practices**

- a. Building a promotion plan to increase participation in 2023
- b. CTFN is interested in us adding a Yukon Section. Here are their visitor expectations
  - i. [https://www.ctfn.ca/media/documents/CTFN\\_TCoC.pdf](https://www.ctfn.ca/media/documents/CTFN_TCoC.pdf)
  - ii. <https://www.ctfn.ca/news-events/c-tfn-proclamation>

**S. Waterfront Development Update**

- a. Ordered "Port of Skagway" & "Explore Skagway" flags to utilize on Ore Dock upland sidewalk for next year.
- b. Port Revenue Bond on the ballot October 4<sup>th</sup>.

**T. Municipal Emergency Operations Plan Review**

- a. FEMA IS-29 – Public Information Officer training completed September 1st

**U. Shoreline Park Dedication**

- a. Good turnout on August 26<sup>th</sup> and should have some great photos and video from Elise.

**V. Cemetery Name Suggestions to Civic Affairs**

- a. Reviewed by Civic Affairs on July 27<sup>th</sup>
- b. Civic Affairs recommends to Assembly that the unnamed cemetery be called "Hillside Cemetery" via Resolution

**W. This Way**

- a. Reviewed by Civic Affairs on July 27<sup>th</sup>
- b. Civic Affairs moved to send back to SVAB noting they do not prefer "This Way" and would rather see it named with a utilitarian name or after a civil servant (deceased 5 years or more).

## X. Vision and Mission

- a. Work Session planned for November.

## Y. Visitor Statistics

- a. <https://www.skagway.org/svd/page/annual-arrival-statistics>

16C Monthly Stats for Port 3103 - Skagway, AK													
Data Element by Port	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Total
Trucks	129	192	293	200	159	252	336	373					1,934
Truck Passengers Arriving	129	192	293	200	159	252	336	373					1,934
Buses					531	966	1,013	1,359					3,869
Bus Passengers Arriving					10,025	13,546	14,898	16,021					54,490
POVs	230	252	337	1,684	6,543	5,269	5,443	4,877					24,635
POV Passengers Arriving	463	367	594	3,335	22,747	11,966	12,400	12,399					64,271
Pedestrians Arriving						4	77	24					105
Trains								1					1
Train Passengers Arriving								2					2
Source													
CBP- 16C													
73103-01X													
Cruise Ship	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Total
Passenger	-	-	-	3,167	116,452	159,172	165,866	154,191			-	-	598,848
Crew	-	-	-	2,315	70,968	85,051	83,966	78,618			-	-	320,918
Cruise Ship	-	-	-	2	78	92	93	87			-	-	352

August	
254,924	estimated passengers assuming double occupancy
52,396	estimated passengers lost due to lost sailings from rockslide
202,528	NEW estimated passenger assuming double occupancy
154,191	actual passengers
76%	Ship Passenger Capacity (actuals / NEW estimated maximum assuming double cabin occupancy)

### Visitor Comments:

"I loved our visit to Skagway! It took me back to years before when I lived in a log cabin my then boyfriend and I built on Lake Laberge, Yukon, and I travelled by Whitepass and Yukon route train to Skagway about 1977 or so. What a thrill to revisit Skagway and do the partial train ride (fabulous with sunshine and snow!) after all those years! I really enjoyed the walking tour with the good "Lady" of the Red Onion Hotel and Saloon! So informative, and slot of fun!! I was hoping to get the photos to the Tour people at the Saloon but I don't think they got them. I will try again as I think they might be interested."

Betty Severs

September 22, 2022

Randy Vigil  
U.S. Army Corps of Engineers, Alaska District Regulatory Division  
P.O. Box 22270  
Juneau, AK 99802-2270

Transmitted via email to: [regpagemaster@usace.army.mil](mailto:regpagemaster@usace.army.mil) and [Randal.P.Vigil@usace.army.mil](mailto:Randal.P.Vigil@usace.army.mil)

Subject: Nationwide Permit 3(a) Maintenance  
Turnagain Marine Construction; Ore Dock and Broadway Dock Pile Removal Project

Dear Mr. Vigil:

Turnagain Marine Construction (TMC) is contracted by White Pass & Yukon Route (WP&YR) to remove previously installed piles and over-water components at the Ore Dock (POA-2010-00547 and POA-1981-00334) and Broadway Dock (Letter of Permission) in Skagway, Alaska. Solstice Alaska Consulting, Inc. (SolsticeAK) is under contract to TMC to provide regulatory agency consultations and documentation associated with this project. U.S. Army Corps of Engineers (USACE) authorization is required because the program would involve work in the marine environment.

To conduct the proposed project, USACE approval via Nationwide Permit 3(a) (Maintenance) is requested. The National Marine Fisheries Service (NMFS) has jurisdiction over Endangered Species Act (ESA)-listed marine mammals in Taiya Inlet. With this letter, we are requesting that the USACE delegate SolsticeAK the authority to conduct ESA consultation with NMFS on behalf of the USACE.

Enclosed is a USACE preconstruction notification for the proposed project and an expedited consultation request (including a Marine Mammal Monitoring and Mitigation Plan) for submittal to NMFS.

If you have questions or need additional information, please do not hesitate to call me at 907.929.5960 or email me at [emerald@solsticeak.com](mailto:emerald@solsticeak.com). Thank you for your efforts on this project.

Sincerely,



Emerald Hagy  
Solstice Alaska Consulting, Inc.

Attachments: Preconstruction Notification; Expedited Consultation Request; Marine Mammal Monitoring and Mitigation Plan







25. Is Any Portion of the Nationwide Permit Activity Already Complete?  Yes  No If Yes, describe the completed work:

26. List the name(s) of any species listed as endangered or threatened under the Endangered Species Act that might be affected by the proposed NWP activity or utilize the designated critical habitat that might be affected by the proposed NWP activity. (see instructions)  
Please see the attached project description.

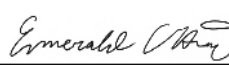
27. List any historic properties that have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic property or properties. (see instructions)  
Please see the attached project description.

28. For a proposed NWP activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, identify the Wild and Scenic River or the "study river":  
Not present in the proposed project footprint.

29. If the proposed NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, have you submitted a written request for section 408 permission from the Corps district having jurisdiction over that project?  Yes  No  
If "yes", please provide the date your request was submitted to the Corps District:

30. If the terms of the NWP(s) you want to use require additional information to be included in the PCN, please include that information in this space or provide it on an additional sheet of paper marked Block 30. (see instructions)  
Please see the attached project description.

31. Pre-construction notification is hereby made for one or more nationwide permit(s) to authorize the work described in this notification. I certify that this information in this pre-construction notification is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

<b>Jason Davis</b>	Digitally signed by Jason Davis Date: 2022.09.22 16:07:52 -08'00'	2022-09-22		Digitally signed by: 952eb09f-fd28-413c-a27b-9e4ed7eeef68 DN: CN = 952eb09f-fd28-413c-a27b-9e4ed7eeef68 Date: 2022.09.22 12:53:51 -09'00'	2022-09-22
SIGNATURE OF APPLICANT		DATE	SIGNATURE OF AGENT		DATE

The Pre-Construction Notification must be signed by the person who desires to undertake the proposed activity (applicant) and, if the statement in block 11 has been filled out and signed, the authorized agent.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

**Turnagain Marine Construction  
Ore Dock and Broadway Dock Pile Removal Project  
Taiya Inlet, Skagway, Alaska  
September 2022**

**OVERVIEW**

Turnagain Marine Construction (TMC) is contracted by White Pass & Yukon Route (WP&YR) to remove previously installed piles and over-water components at the Ore Dock and Broadway Dock in Skagway, Alaska. The installation of the piles at the Ore Dock was authorized under Individual Permits POA-1981-00334 and POA-2010-00547. Pile installation at the Broadway Dock was initially authorized under a Letter of Permission and two Nationwide Permit authorizations. It is expected that the removal of the piles falls under Nationwide Permit 3(a) maintenance including removal of previously permitted actions. No pile driving, dredging, filling, blasting, or additional in-water work is proposed as part of this effort.

**LOCATION**

The Ore Dock and Broadway Dock Pile Removal Project would be located in Skagway, Alaska at the head of Taiya Inlet (Figures 1 and 2; Project Drawings: Sheet 1) within Township 28S, Range 59E, Section 14, Copper River Meridian (USGS Quadrangle Skagway B1; Latitude 59.444722°, Longitude -135.347778°). The piles would be removed from tidelands owned by the Municipality of Skagway (MOS) along the downtown Skagway waterfront.

**Figure 1. Ore Dock and Broadway Dock Pile Removal Project Location and Vicinity Map**



(Source: Southeast Alaska Tourism Council 2014)

**Figure 2. Location of Proposed Project**

(Source: CruiseHive 2021)

## PURPOSE AND NEED

The purpose of this project is to remove sections of Pacific and Arctic Railway and Navigation Company (PARN; doing business as WP&YR) improvements from MOS-owned tidelands. The proposed removal is needed to fulfill conditions in the lease agreement between MOS and PARN.

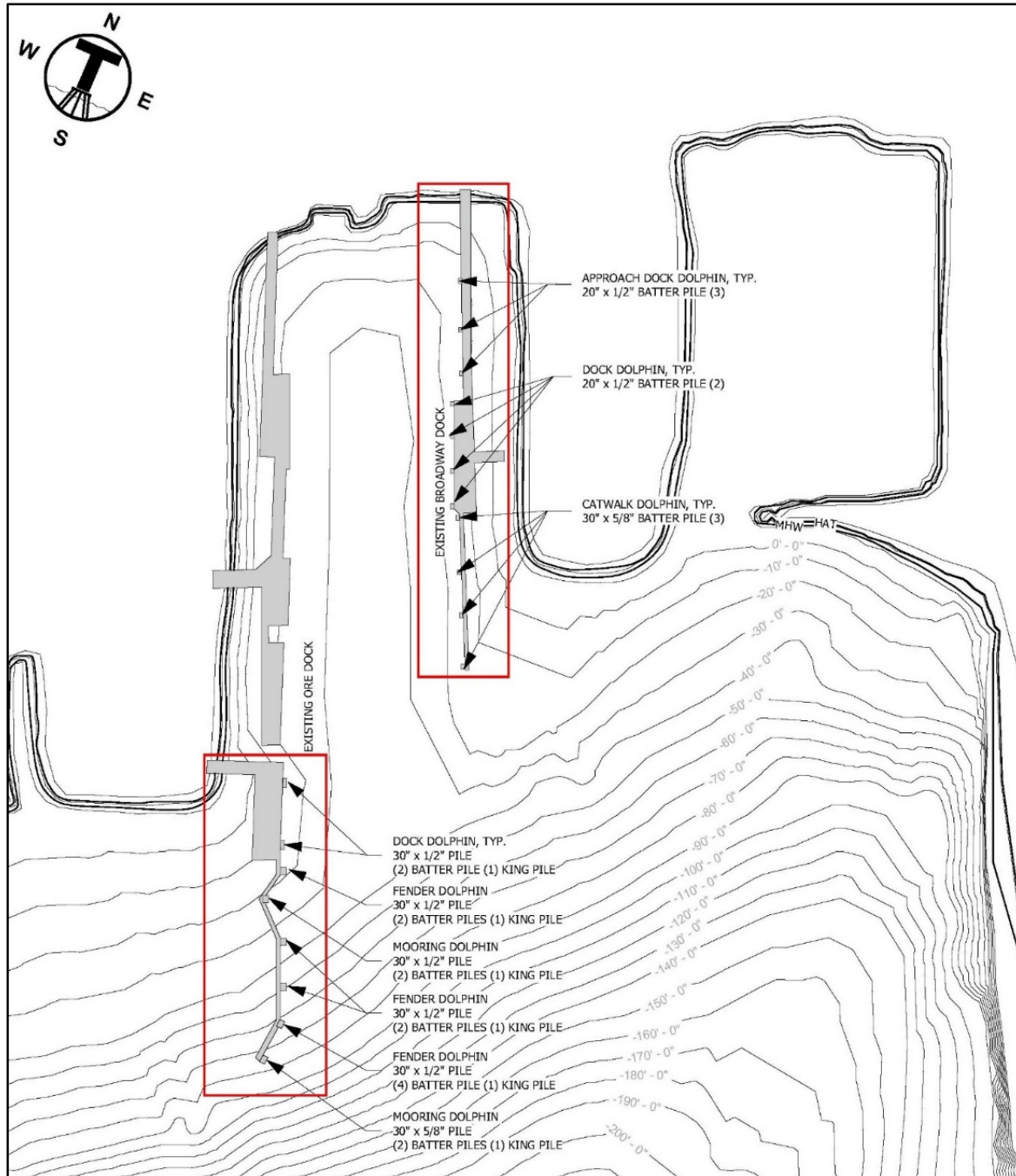
On March 19, 1968, MOS leased a tract of tidelands to PARN through midnight on March 18, 2022. The lease permitted PARN to dredge, fill, and place structures over and within the tidelands. Over the past 55-years, PARN and its subsidiaries have made improvements within the parameters of their lease including, but not limited to construction of the Ore Dock (1998) and Broadway Dock (1989). In 2015, MOS voted to not renew the lease and as a result PARN has until 60 days after the expiration of the lease (March 18, 2023) to remove any improvements (MOS 2022; MOS 2018; MOS Ordinance No. 229; Skagway News 2022).



### PROPOSED ACTION

The proposed action would require the removal of existing piles from the Ore Dock and Broadway Dock (Figure 3).

**Figure 3. Proposed Ore Dock and Broadway Dock Pile Removal Plan<sup>1</sup>**



<sup>1</sup> The 16-inch existing steel fender piles along the face of the Broadway Dock are not shown in this figure. They have been accounted for in Table 1 and are shown in the attached 1989 Broadway Dock Drawings.

## ORE DOCK AND BROADWAY DOCK PILE REMOVAL METHODS

### Construction Vessels

The following vessels would support construction and protected species monitoring:

- One construction barge (*Swiftwater* crane barge [230 ft by 60 ft by 15.5 ft]) onsite to support pile removal.
- One material barge to store and transport removed piles.
- Two 24-foot tugs with a 250-horsepower motors, transported to the site on the construction barge for localized movements.
- Two 25-foot skiffs with 90-horsepower outboard motors, transported to the site on the construction barge.
- One 85-foot tug with a 3800-horsepower engine to transport the construction and material barge.

### *Transport of Materials and Equipment*

The empty material barge would travel from Seattle over the course of approximately 6 days. The construction barge would travel from another project site in Southeast Alaska over about 5 days. Each barge will be transported by an 85-foot-long tug travelling between 6 knots and 8 knots. These types of barges and tugs frequently travel the route to and from Alaska following known vessel routes.

Once at the project site, the construction barge would be secured in place by either four mooring anchors, two spuds, or moored to the existing Ore Dock or Broadway Dock<sup>2</sup>. The anchors and spuds would be below the surface and would not be a hazard to navigation. The material barge would be tied to the construction barge or the existing Ore Dock or Broadway Dock. Removed piles would be moved by a crane onto the material barge. Local barge moves to the next pile removal area (in approximately 100-foot increments) would occur at a speed of less than 2 knots.

### *Transport of Workers to and from Work Platform*

Two 25-foot skiffs would support construction and transport of workers. Workers would be transported from a local harbor to the barge the skiffs. There could be multiple shore-to-barge trips during the day; however, the area of travel would be relatively small and close to shore. On average, these vessels will travel at approximately 15 knots and would only operate near the construction site.

The PSOs may use a skiff to observe the action area. Observer protocols including potential skiff-based monitoring will be approved by National Marine Fisheries Service (NMFS) and is described in the Marine Mammal Monitoring and Mitigation Plan (4MP) that will be submitted

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<sup>2</sup> Spuds will be used in water depths less than 85 feet, mooring anchors will be used in depths greater than 85 feet, and construction barges will be moored to the existing railroad dock when proposed components are reachable from that position.

with the Section 7(a)(2) Endangered Species Act (ESA) Expediated Informal Consultation Request Letter.

### **Construction Equipment**

The following equipment will be used to remove piles:

- Vibratory Hammer: ICE 44B
  - Static Weight: 12,250 pounds
  - Centrifugal Force: 202 tons
  - Driving Force: 207 tons

### **Existing Pile Removal**

Piles will be removed using the deadpull method. If this is not successful, the vibratory hammer will be used to extract the temporary piles.

### **Construction Sequence**

Removal of the existing piles at the Ore Dock and Broadway Dock will follow the below sequence:

- 1) Remove over-water components, including decking, piles caps, catwalks, etc.
- 2) Attempt to deadpull an existing pile, and if not successful, vibrate out the pile.
- 3) Place removed pile directly on the material barge.
- 4) Move offshore to the next pile and repeat process until all piles are removed.
- 5) Transport removed piles to a proper disposal site in Seattle.

Please see Table 1 for a conservative estimate of the amount of time required for pile removal.

### **DATES AND DURATION**

The project would begin in December 2022 or as soon as approvals are received and last through February 2023. Pile installation and removal activities are expected to occur for 58 hours over 25, not necessarily consecutive, days (Table 1).

The project duration accounts for the mobilization of equipment and resources and completion of pile removal activities. It also accounts for potential delays, equipment maintenance, inclement weather, and shutdowns to prevent impacts to marine mammals.



**Table 1. Ore Dock and Broadway Dock Pile Removal Summary**

Description	Project Component		
	Existing Pile Removal	Existing Pile Removal	Existing Pile Removal
Diameter of Steel Piles (inches)	16	20	30
Material	Steel	Steel	Steel
Number of Piles	24	36	56
Vibratory Pile Removal			
Piles Per Day	5	5	5
Duration Per Pile (minutes)	30	30	30
Duration Per Day (minutes)	150	150	150
Total Duration (hours)	12	18	28
Total Number of Days	5	8	12

## POTENTIAL IMPACTS

### Wetlands and Waters of the United States

The proposed project will not impact coastal or freshwater wetlands. The project will temporarily impact Taiya Inlet, a navigable water under Federal jurisdiction. No filling, dredging, or additional in-water work outside of the existing docks' structure footprint is associated with this effort.

### ESA and MMPA Protected Species

The NMFS Species Distribution Mapper (NMFS 2022) and the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPaC) tool (USFWS 2022) were used to identify protected species and critical habitats that may occur in the project area. Table 2 lists eight marine mammal species under NMFS jurisdiction and one species under USFWS jurisdiction, that may occur in the project vicinity.

Two ESA-listed marine mammal species may occur in the action area: the threatened Mexico DPS humpback whale and endangered Western DPS Steller sea lion. Critical habitat has been designated for Mexico DPS humpback whales and western DPS Steller sea lion, but is not present in the project area. Other species detailed in Table 2 are protected under the Marine Mammal Protection Act (MMPA).

**Table 2. Protected Species with Ranges that Extend into the Ore Dock and Broadway Dock Pile Removal Action Area**

Species	Status	Agency
Minke Whale ( <i>Balaenoptera acutorostrata</i> )	MMPA	NMFS
Humpback Whale (Mexico DPS; <i>Megaptera novaeangliae</i> )	Threatened under ESA	NMFS
Humpback Whale (Hawaii DPS; <i>M. novaeangliae</i> )	MMPA	NMFS
Killer Whale ( <i>Orcinus orca</i> )	MMPA	NMFS
Pacific White-Sided Dolphin ( <i>Lagenorhynchus obliquidens</i> )	MMPA	NMFS
Dall's Porpoise ( <i>Phocoenoides dalli</i> )	MMPA	NMFS
Harbor Porpoise ( <i>Phocoena phocoena</i> )	MMPA	NMFS
Harbor Seal ( <i>Phoca vitulina</i> )	MMPA	NMFS
Steller Sea Lion (Western DPS overlap into Eastern DPS; <i>Eumetopias jubatus</i> )	Endangered under ESA	NMFS
Steller Sea Lion (Eastern DPS; <i>E. jubatus</i> )	MMPA	NMFS
Northern sea otter ( <i>Enhydra lutris kenyonii</i> )	MMPA	USFWS
DPS= Distinct Population Segment; ESA=Endangered Species Act; MMPA= Marine Mammal Protection Act Sources: NMFS 2022 and USFWS 2022		

To more accurately determine species that may occur in the project action area in Taiya Inlet the following information was gathered and reviewed:

- Documents associated with the WP&YR Railroad Dock Dolphin Installation (NMFS 2019).
- Documents associated with the Skagway Gateway Initiative Project (withdrawn application; NMFS 2016).
- Anecdotal evidence about marine mammal presence within Taiya Inlet and Upper Lynn Canal.

Based on the review of the above resources, minke whales and Pacific white-sided dolphins are not expected to occur in the project area. Humpback whales, killer whales, Dall's porpoise, harbor porpoise, harbor seals, and Steller sea lions occur with varying frequency in the action area. TMC does not plan to request an Incidental Harassment Authorization (IHA) for in-water work (i.e., pile removal) noise harassment of these species because the project will implement shutdowns during pile removal if any marine mammal species appears likely to approach the Level B harassment zone.

To ensure compliance with the ESA, Section 7 consultation with NMFS for the listed Mexico DPS humpback whale and western DPS Steller sea lion will be conducted. Mitigation measures arising from consultation will be implemented during the pile removal effort and included in the project's 4MP.

## Magnuson-Stevens Fishery Conservation and Management Act/Essential Fish Habitat

### *Essential Fish Habitat*

Taiya Inlet is deep with steep sides and receives high volumes of freshwater and silt. While the Inlet does provide some habitat for marine fish and shellfish, high levels of freshwater and silt result in a noticeably less productive area than the rest of Lynn Canal (MOS 2007).

Taiya Inlet is designated as Essential Fish Habitat (EFH) under the Magnuson Stevens Fisheries and Conservation Management Act for 15 species (Table 6). There are no Habitat Areas of Particular Concern (HAPC) or EFH Areas Protected from Fishing (EFHA) (NMFS 2022a).

**Table 3. EFH Species with Ranges that Extend into the Ore Dock and Broadway Dock Pile Removal Action Area**

Species	Lifestage(s)	Seasonality
Alaska Plaice ( <i>Pleuronectes quadrituberculatus</i> )	Egg and Larvae	Summer
Dover Sole ( <i>Microstomus pacificus</i> )	Egg and Larvae	Summer
Rex Sole ( <i>Glyptocephalus zachirus</i> )	Egg and Larvae	Summer
Walleye Pollock ( <i>Theragra chalcogramma</i> )	Egg and Larvae	Summer
Yellowfin Sole ( <i>Limanda aspera</i> )	Egg	Summer
Arrowtooth Flounder ( <i>Atheresthes stomias</i> )	Larvae	Summer
Flathead Sole ( <i>Hippoglossoides elassodon</i> )	Larvae	Summer
Pacific Ocean Perch ( <i>Sebastes alutus</i> )	Larvae	Summer
Sablefish ( <i>Anoplopoma fimbria</i> )	Larvae	Summer
Southern Rock Sole ( <i>Lepidopsetta bilineata</i> )	Larvae	Summer
Chinook Salmon ( <i>Oncorhynchus tshawytscha</i> )	Marine Immature Adult and Marine Mature Adult	Year-round
Chum Salmon ( <i>Oncorhynchus keta</i> )	Marine Juvenile, Marine Immature Adult and Marine Mature Adult	Year-round
Pink Salmon ( <i>Oncorhynchus gorbuscha</i> )	Marine Juvenile and Marine Mature Adult	Year-round
Sockeye Salmon ( <i>Oncorhynchus nerka</i> )	Marine Juvenile, Marine Immature Adult and Marine Mature Adult	
Coho Salmon ( <i>Oncorhynchus kisutch</i> )	Marine Juvenile and Marine Mature Adult	

### *Anadromous Streams*

There are four anadromous streams that flow into the action area that support at least one of the five Pacific Salmon species (Figure 4 and Table 4).

**Table 4. Anadromous Streams that Flow into the Ore Dock and Broadway Dock Action Area**

Name/ AWC Code	Species Present	Distance from Pile Removal (km)
Nelson Creek (115-34-10228)	Coho (r) and Pink Salmon (s)	4 northwest
Taiya River (115-34-10230)	Chum (p), Coho (p), Chinook (p), and Pink (p) Salmon; Dolly Varden (p); Eulachon (p)	3.6 northwest
Skagway River (115-34-10300)	Chum (p), Coho (p), and Chinook Salmon (p); Dolly Varden (p); Eulachon (p)	0.5 west
Pullen Creek (111-40-10890)	Chum (p) Coho (sr), and Pink Salmon (s); Dolly Varden (sr)	0

p-present; s-spawning; r-rearing

**Figure 4. Anadromous Streams in the Program Action Area**



(Source ADF&G 2022)

According to the ShoreZone Mapper (NMFS 2022b), the shoreline at the proposed project site in Taiya Inlet has the following characteristics:

- Habitat Class: protected/partially mobile/sediment or rock and sediment
- Coastal Class: sand and gravel flat or fan
- Biological Wave Exposure: protected

The mouth of the closest stream, Pullen Creek, is within the footprint of the Broadway Dock and within 50 meters of the closest pile removal location. However, the Ore Dock and Broadway Dock Pile Removal Project is not likely to adversely impact EFH because in-water pile removal (known to impact fish species) will be localized, temporary, and occur during winter months. Conservation measures, developed in consultation with NMFS, will be implemented to avoid and minimize impacts.

### **Contamination**

A number of discharges pollute the marine waters of Alaska every year. Intentional sources of pollution, including domestic, municipal, and industrial wastewater discharges, are managed and permitted by the Alaska Department of Environmental Conservation (ADEC). There are no ADEC-permitted discharge sites within the project action area (ADEC 2022).

The ADEC Water Quality Map does not identify Taiya Inlet as an impaired waterbody. However, a section of beach next to the Ore Dock and Pullen Creek are identified as impaired areas with recovery plans in place (ADEC 2022a; Skagway News 2022a).

The ADEC Contaminated Sites Database also identified the *active* Ore Terminal site (Hazard ID: 401; 0.12 kilometers from closest pile removal), Skagway Wharf Tank Area (*active*; Hazard IDs: 2694; 0.4 kilometers from the project), and *cleanup complete* Alaska Marine Highway Service Ferry Terminal site (Hazard ID: 27383; 0.07 kilometers from closest pile removal) (ADEC 2022b; ADEC 2015).

### **National Historic Preservation Act**

Based on previous efforts in the area, there is one designated National Historic Landmark, Skagway & White Pass Historic District (SKG-00013), in the vicinity of the proposed project (approximately 400 meters inland). However, there are no known historic resources within the footprint of the proposed Ore Dock and Broadway Dock Pile Removal (NMFS 2019; USACE: POA-2015-371 and POA-2012-00215).

## **AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES**

### **Waters of the United States Mitigation Statements**

#### *Avoidance of impacts to waters of the United States:*

Fill and no new structures will not be placed for this project. To meet the purpose and need, the project must be conducted in and over Waters of the United States; however, the project will be removing piles from two previously authorized and constructed structures.

*Minimization of unavoidable impacts to waters of the United States, including wetlands:*

The project will remove previously installed piles and will not result in permanent impacts to waters of the United States.

*Compensation for unavoidable impacts to waters of the U.S.*

Compensatory mitigation is not proposed for this project because no fill would be placed within waters of the U.S.

**Protected Species and EFH Mitigation Measures**

The following measures will be incorporated to avoid and minimize impacts to protected species and habitat:

*General Construction Mitigation Measures*

General mitigation measures are:

- The project does not install new structures in or over water.
- The project does not require blasting.
- The project does not require dredging or filling.
- Plans for avoiding, minimizing, and responding to releases of sediments, contaminants, fuels, oil, and other pollutants will be developed and implemented.
- Spill response equipment will be kept on the barge during pile removal and barge operation.
- The barge and associated vessels will not be grounded at any tidal stage.

*General Pile Driving Measures*

- The proposed project uses the shortest duration practicable to remove the piles.
- Noise associated with in-water pile driving will be localized and temporary (about 58 hours over 25 days).

*Marine Mammal Mitigation Measures*

- A 4MP has been drafted for the project and will be modified as needed through the ESA consultation.

**LIST OF ADDRESSES OF ADJOINING PROPERTY OWNERS, LESSEES, ETC., WHOSE PROPERTY ADJOINS THE WATERBODY.**

The following information and addresses were compiled from the MOS Land Ownership Map (2019):

Municipality of Skagway  
P.O. Box 415  
Skagway, Alaska 99840

U.S. Forest Service  
PO Box 21628  
Juneau, AK 99802

Bureau of Land Management  
222 W 7<sup>th</sup> Avenue #13  
Anchorage, Alaska 99513

Alaska Mental health Trust Authority  
2600 Cordova Street, Suite 201  
Anchorage, AK 99503

Burro Creek Lodge  
P.O. Box 796  
Skagway, Alaska 99840

White Pass & Yukon Railroad  
P.O. Box 435  
Skagway, Alaska 99840

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