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## **FINDING OF NO SIGNIFICANT IMPACT**

### **Kenai Bluffs Bank Stabilization Section 116 Feasibility Study CITY OF KENAI, ALASKA**

The U.S. Army Corps of Engineers, Alaska District (Corps) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The final Integrated Feasibility Report and Environmental Assessment (IFR/EA) dated 22 March 2019, for the Kenai Bluffs Bank Stabilization addresses storm damage and coastal erosion opportunities and feasibility in the City of Kenai, Alaska. The final recommendation is contained in the report of the Director of Civil Works, dated 10 April 2019.

The Final IFR/EA, incorporated herein by reference, evaluated various alternatives that would limit the extent of erosion-caused property damage in the study area. The recommended plan is the Other Social Effects (OSE) and includes:

- A protective rock berm, approximately 5,000 feet long, constructed along the base of the eroding bluff. The crest elevation of the berm will gradually decrease in height from west to east to account for the decrease in wave height upstream. The protective berm will require 42,400 cubic yards of armor rock, 33,200 cubic yards of B-rock, and 13,100 cubic yards of gravel base.

In addition to a "no action" plan, 5 alternatives were evaluated. The alternatives included

- a) Relocating the mouth of the Kenai River away from the bluff.
- b) Revegetating and revetting the bluff face with a buried-toe revetment.
- c) Revegetating and revetting the bluff face with a weighted-toe revetment.
- d) Protective berm at the bluff toe.
- e) Relocating threatened structures at top of bluff (non-structural).

For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the recommended plan are listed in Table 1:

**Table 1: Summary of Potential Effects of the Recommended Plan**

	Insignificant effects	Insignificant effects as a result of mitigation	Resource unaffected by action
Aesthetics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aquatic resources/wetlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Invasive species	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fish and wildlife habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Threatened/Endangered species/critical habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Historic properties	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Subsistence Use	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous, toxic & radioactive waste	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land use	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Navigation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise levels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public infrastructure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Socio-economics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tribal trust resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climate change	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices (BMPs) as detailed in the IFR/EA will be implemented, if appropriate, to minimize impacts.

As recommended by the US Fish and Wildlife Service (USFWS) in its Coordination Act Report, the following measures will be adopted by the USACE (Section 8.1.6):

- The USACE will conduct a pre- and post-construction assessment of the intertidal mud flat environment in the vicinity of the project site. The assessment should evaluate intertidal community in the vicinity of the proposed project to determine whether or not the intertidal environments have been altered from their preconstruction condition. The USACE will work with the USFWS develop performance criteria to assess success or failure based on the surveys.

- The USACE will comply with USFWS land clearance timing guidelines for the region to reduce the potential for take of migratory birds through the destruction of active bird nests, eggs, or nestlings, from project activities.
- The USACE will conduct a survey for bald eagle nests within 0.25 mile of the project, and comply with published USFWS guidelines if a potential nest site is identified.

To avoid and minimize project impacts on Endangered Species Act (ESA) listed Cook Inlet beluga whales and their critical habitat, the USACE will implement following measures developed with the National Marine Fisheries Service (NMFS; Section 9.2.2.1):

- No in-water work will be performed, and no large project vessels (e.g., barges and tugs) will operate, within the Kenai River estuary during March 15 through May 15, to avoid the period in which Cook Inlet beluga whales are most likely to be foraging within the Kenai River estuary.
- The Corps will establish a monitoring (shutdown) zone for all marine waters within a radius of 492 ft. (150 meters) of the vessel noise. The zone will be monitored by a dedicated, trained marine mammal observer (MMO). If marine mammals are observed approaching the intended route of any project vessel, the vessel will stop or slow, to the extent practical while maintaining control, and allow the animal(s) to pass. Vessels may also divert their heading towards the rear of the marine mammals' direction of travel.
- Vessel captains and crewmembers shall be trained to: [a] Assist with the detection of protected marine mammals; [b] Use binoculars to facilitate marine mammal observations; [c] Continuously scan the monitoring zone (492 ft. [150 meters]) while vessels are underway to help ensure that protected species do not enter the monitoring zone; [d] Implement mitigation measures.
- The Corps will ensure that pilots of the barges and tugs will have clear views of the monitoring zone (492 ft. [150 meters]) around each vessel to facilitate effective monitoring for marine mammals. These pilots will enforce the established monitoring zones.
- The Corps will ensure that barges will not travel at speeds exceeding 6 knots (7 miles per hour [mph]).
- The Corps will submit a monitoring report to NMFS (see Mitigation Measure 9) within 90 days after all in-water activity has ceased. The report will provide details about marine mammal observations and interactions that occurred during the construction of the protective rock berm. Monitoring reports and all instances of marine mammal take shall be provided to NMFS AKR Protected Resources Division
- The selected contractor will include an Oil Spill Prevention and Control Plan in their Environmental Protection Plan, to be submitted to the Corps for review and approval.

No compensatory mitigation is required as part of the recommended plan.



Public review of the draft IFR/EA and FONSI was completed on 17 July 2017. All comments submitted during the public review period were responded to in the Final IFR/EA and FONSI.

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, the U.S. Army Corps of Engineers determined that the recommended plan may affect but is not likely to adversely affect the following federally listed species or their designated critical habitat:

- Beluga whale (Cook Inlet Distinct Population Segment).

The National Marine Fisheries Service (NMFS) concurred with the Corps' determination on 2 March 2019

Pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that historic properties would not be adversely affected by the recommended plan. The SHPO concurred with the determination on 21 June 2016.

Pursuant to the Clean Water Act of 1972, as amended, the discharge of dredged or fill material associated with the recommended plan has been found to be compliant with section 404(b)(1) Guidelines (40 CFR 230). The Clean Water Act Section 404(b)(1) Guidelines evaluation is found in Appendix A of the IFR/EA.

A water quality certification pursuant to section 401 of the Clean Water Act was obtained from the Alaska Department of Environmental Conservation Division of Water. All conditions of the water quality certification shall be implemented in order to minimize adverse impacts to water quality.

By operation of Alaska State law, the federally approved Alaska Coastal Management Program expired on July 1, 2011, resulting in a withdrawal from participation in the CZMA's National Coastal Management Program. The CZMA Federal consistency provision, section 307, no longer applies in Alaska.

Technical, environmental, economic, and cost effectiveness criteria used in the formulation of alternative plans were those specified in the Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on this report, the reviews by other Federal, State and local agencies, Tribes, input of the public, and the review by my staff, it is my determination that the recommended plan would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

OCT 31 2019

Date



Phillip J. Borders  
Colonel, Corps of Engineers  
District Commander