



March 2, 2010

Ms. Kaja Brix  
Assistant Regional Administrator  
Protected Resources, Alaska Region,  
National Marine Fisheries Service  
P.O. Box 21668  
Juneau, AK 99802-1668  
ATTN: Ellen Sebastian

Re: Proposed Designation of Critical Habitat for Cook Inlet Beluga Whale

Dear Ms. Brix,

On behalf of the Port of Anchorage (Port), I am providing our formal comments on the proposal to designate critical habitat for the Cook Inlet beluga whale (CIBW) as proposed by NOAA Fisheries in 74 Fed.Reg. 63080-63095 (December 2, 2009). At the outset, I would like to express our appreciation for the solid working relationship that we have established with the local staff of NOAA Fisheries on issues pertaining to the CIBW. We look forward to working in a constructive mode with NOAA Fisheries in the future. The Port considers itself to be a key stakeholder in the efforts to protect the CIBW. We have fully engaged the topic in all aspects of our operations and have, as explained below, made significant commitments of time, money, and effort to building an effective approach to doing our part to help the beluga. In providing our comments on the proposed designation, we wish to reiterate our commitment to continuing to do our part, and to adhere to the commitments we have made to NOAA Fisheries, to the U.S. Army Corps of Engineers, and to the Maritime Administration on helping the beluga populations in Cook Inlet.

The Port would like to lodge two specific requests of NOAA Fisheries as it refines the proposed designation in response to these comments and new information. We view these requests as complimentary and closely integrated:

1. **Grant Exclusion.** Our first request is that NOAA Fisheries exercise its considerable discretion under the Endangered Species Act (ESA) to exclude certain marine areas adjacent to the Port in the final designation. We believe that a limited exclusion is fully justified by the unique and vital functions of the Port, and the absence of any meaningful conservation benefits for the beluga that would result from designating these areas. In making this request, we at the Port do not intend to generate a big fuss or controversy over the issue of exclusions. However we believe this request is appropriately limited in scope, justified by the unique facts of our circumstances here in Cook Inlet, fully consistent with the requirements of the ESA, based upon solid scientific foundations, and closely mirrors other circumstances where NOAA Fisheries has crafted limited exclusions on similar grounds.

2. **Clarify Regulatory Implications.** Our second request is for significant clarification as to the role of this designation in the conservation program for the beluga under the ESA and its implications. More specifically, we request much clearer guidance on how the designation may or may not affect any take authorizations required through existing permits. In addition, further clarity is needed on how a ruling may affect navigation and operations in and around the Port. The current proposal is vague on these core points, and therefore is both confusing to the regulated public and an invitation to misuse.

Before elaborating on these two specific requests, I would like to provide a synopsis of the function and value of the services of the Port of Anchorage to the region and the nation, since these functions provide the proper context within which to understand our recommendations and requests.

## **The Port and its Vital Services**

### ***a. Economic Engine***

The services of the Port are vital to everyone in Alaska. As the northernmost deep draft intermodal port in the United States, the Port of Anchorage serves 85% of Alaska's population, excluding southeast Alaska, and is the gateway for about 90% of all merchandise cargo consumed in South-central and interior Alaska. The Port is, in effect, an economic engine that contributes more than \$1.3 billion annually to Alaska's economy. It provides 80% of the fuel used by Ted Stevens Anchorage International Airport. The Port also stages 100% of the exports of refined petroleum products from the state's largest refinery in Fairbanks and facilitates petroleum deliveries from refiners on the Kenai Peninsula and in Valdez. Additionally, the Port provides diesel heating and transportation fuel to over 140 rural villages throughout the state. It offers the only active Foreign Trade Zone services presently available in Alaska. Moreover, the State's transportation system is largely dependent on the Port of Anchorage. Limited warehouse space within the state makes most of Alaska a just-in-time supply chain. With less than a 7-day supply of many commodities, the State of Alaska relies for its basic needs on the Port of Anchorage.

### ***b. National Security***

The Port also plays a key military function for the U.S. Department of Defense, with important national security implications. The Port described this function in some detail in a letter to Mr. Brad Smith, NOAA Fisheries, dated September 23 2009.<sup>1</sup> As described there, the Port has been designated by the Maritime Administration as a "Strategic Military Seaport" --- one of 19 such designations nationally. This designation is assigned to those U.S. seaports that the Department of Defense utilizes for the quick movement of

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<sup>1</sup> Included herein as Attachment A.



military equipment and personnel overseas in times of crisis, and for military exercises. The designation is given to a seaport only after an intense evaluation process by the U.S. Transportation Command's Military Surface Deployment and Distribution Command (MSDDC) and the Department of Transportation's U.S. Maritime Administration (MARAD). In their deliberations, MSDDC and MARAD closely evaluate how a port's facilities, capabilities, inland access, and geographic location can serve the needs of the U.S. military when timely deployment of equipment and personnel is essential.<sup>2</sup>

Alaska has long been recognized for its strategic global position. There are five major military installations in the State. All U.S. Army Alaska deployments, to peacetime and wartime stations, go through the Port of Anchorage. Since 2005, almost 18,000 pieces of military-related cargo - combat vehicles, weaponry, and support equipment - have passed through the Port on their way to and from the Middle East and training grounds in the Lower 48 and the Western Pacific. Twenty-five military vessels have called on the Port to participate in these operations. Alaskan Command's ability to project this power to combat theaters around the globe is heavily dependent upon sealift, so the Port of Anchorage is critical to mission success.

There is also a growing U.S. Navy presence in Gulf of Alaska in support of joint military training missions. Because all joint exercises are planned and run through the military staff in Anchorage, the ability to berth large naval ships at the Port will become necessary. The new, deeper-draft expanded Port will be capable of providing this support. Further, the Port of Anchorage supports the Alaska military as its primary source of daily operating supplies. All of the JP-8 jet fuel used on Elmendorf Air Force Base and Ft Richardson pass through the valve yard and fuels tanks at the Port. All of the commodities on the shelves of the base exchange, commissary, and troop stores that support the 55,500 military and family members come through the Port.

The vital importance of the Port for security purposes has been clearly affirmed by the Department of Defense by Lieutenant General Dana T. Atkins to NOAA Fisheries, where he unequivocally concludes that the Port is "critical to the success of military operations in, and deploying out of, the State of Alaska."<sup>3</sup>

### ***c. Need to Maintain Safe Navigation***

The Port has an essential interest in ensuring that regulatory initiatives do not prevent safe navigation to and from the Port. Cook Inlet is an extraordinarily dynamic marine environment that is simply unlike most other marine areas in the United States.

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<sup>2</sup> Please see letter from General McNabb, USAF and Commander, United States Transportation Command, to Secretary Raymond LaHood, Secretary of the U.S. Department of Transportation, dated 23 June 2009 (enclosed as Attachment B).

<sup>3</sup> Included herein as Attachment C.



Understanding these most basic characteristics about the area will bring with it an appreciation of the ever present demands of safe navigation to and from the Port. There are huge tidal changes constantly, swift currents, high winds, and ice conditions that often occur simultaneously in Cook Inlet and Knik Arm. As a result, vessels need to maintain certain minimum speeds in order to be able to maneuver safely, retain steering control, and ensure a safe turning radius. In addition, the naturally occurring and voluminous sediment loadings coming off the glaciers and out of the rivers require constant maintenance dredging. The Port is necessarily interested in ensuring that these conditions for safe and effective operation are maintained.

#### ***d. Critical Need for Port Redevelopment***

Further, the Port is in the process of implementing a Marine Terminal Development (MTR) Project that is imperative to its ability to fulfill its economic and military functions. The Port is old and structurally weak, and extremely vulnerable to seismic activity. As described on page 2 of the 2009 NOAA Fisheries Biological Opinion for the project, "The Port has exceeded the maximum sustainability point where the aging facility can maintain efficient operations. The existing dock no longer can be widened nor salvaged due to its advanced age and state of disrepair. The infrastructure and support facilities are substantially past their design life and have degraded to marginal levels."

Each year the Port spends millions of dollars putting sleeves over the corroded pilings that hold up the dock. Some sections of the dock have been condemned due to extensive corrosion. Engineering reports show if a high magnitude earthquake occurred, the existing infrastructure would likely fail, leaving most of Alaska with only seven days supply of food, fuel, and other life supporting goods. Corroded drainage pipes collapse annually. This represents a serious safety threat to the loaded trucks and other vehicles. The cathodic protection system for the Port dock has reached a point where there is an exponential decrease in its efficiency.

The principle redevelopment challenge facing the Port was how to remain open to the commercial traffic that is important to all Alaskans while at the same time replacing the aging and corroding docks. To resolve this situation, the Port undertook a phased approach to its development. Under this approach, new land is added to the north and south of the existing docks. Once that new infrastructure is completed, current operations will move either temporarily, in the case of container traffic, or permanently, in the case of dry bulk and petroleum operations, to these new areas while the old dock structures are removed and replaced with the same earth fill structures. When the container ship operators return to their redeveloped locations, the Port will have two new large container ship operating berths; increasing total overall berthing capacity from five to nine terminals including two barge berths we never had before.

The proposed MTR project addresses all these risks and will ensure the Port's continued operation in a safe and efficient way both while construction is underway and after the project is completed. For the reasons outlined, it is very important that the MTR project



continues to move ahead in an expeditious manner. Regulatory certainty will allow that to happen. By contrast, regulatory uncertainty could cause significant delays to this critical project. It is therefore crucial that, if NOAA Fisheries proceeds with the designation, that it provide clarity in its terms and its implications.

**Request #1: Exclude Certain Marine Areas Essential for Safe Navigation and in Support of Vital Economic and Military Functions**

Section 4(b)(2) of the ESA specifically authorizes NOAA Fisheries to exclude from critical habitat designations certain discrete areas that might otherwise qualify on the grounds that the exclusions are justified. In providing this authority to NOAA Fisheries, the law provides to the agency broad discretion, allowing it to engage in a reasoned, comparative analysis of the conservation benefits of including these areas as compared to the economic, national security or other benefits that might flow from an exclusion. The Port has examined this topic closely, and has determined that an exclusion of certain limited marine areas adjacent to the Port and vital to the safe operation of vessels landing and departing from the Port is fully justified and appropriate. The proposed exclusion is also consistent with the past practice of the agency in other circumstances.

Accordingly, the Port requests that the following areas be excluded from any final designation of critical habitat under the authority of section 4(b)(2) of the Act, its implementing regulations, and as confirmed by past practice: the navigation channel between Fire Island and Point MacKenzie; and the Port of Anchorage Operating Area, defined as the portion of Upper Cook Inlet and Knik Arm that extends from Point Woronzof to the south and Cairn Point to the north.

The coordinates of these areas stem from a range line above Fire Island that starts at a point at approximately N61°10.45' W150°19.35', takes a True Course of 077° for a distance of approximately 4.8 nautical miles and terminates at a point approximating N61°11.60' W150°05.40'. At the first range line terminus begins a second range line above Point Woronzof that takes a True Course of 062° for a distance of approximately 5.7 nautical miles and terminates at a point approximating N61°14.90' W149°54.30' in the vicinity of Cairn Point. These range lines are also depicted on the enclosed blow up of NOAA navigation chart no. 16665, "Cook Inlet – Approaches to Anchorage," included herein as Attachments D and E.

***a. These areas do not have high values for the primary constituent elements of habitat for the CIBW.***

The 2009 Biological Opinion on the Port's activities addresses the value of PCEs that may exist in and around the area of the Port, including portions of the marine areas that are the subject of this proposed exclusion. These analyses demonstrate that the access and migration values of the habitat in these areas adjacent to the Port are unaffected by



the vessel movements in the vicinity, and that the navigation channels themselves are of low value to the beluga since they contain few prey species and are not located in the shallower intertidal or sub-tidal near-shore areas that the beluga prefer. These navigation areas and the vessel activities associated with them generate no loadings of pollutants or other contaminants of a type or quantity that may be harmful to the belugas. They furthermore have no affect on the abundance or availability of prey species for the beluga since they do not prevent or interfere with the passage or reduce the populations of primary prey species. Moreover, the dredging operations and the noise associated with both the dredging and vessel traffic associated with these marine areas have been explicitly and directly addressed by the existing authorizations, with the proper avoidance, monitoring and mitigation measures already in place. Accordingly, these discrete marine areas that are so vital for safe navigation are largely devoid of significant PCE characteristics of importance to the beluga.

***b. These areas are vital to safe and effective navigation.***

As outlined above, the natural geographic and hydrologic conditions in Cook Inlet and Knik Arm create enormous constraints on the safe and effective navigation for vessels arriving and departing the Port. Cook Inlet is an incredibly dynamic, energetic marine environment that is in its own class. The Inlet generally and the marine areas in the immediate vicinity of the Port experience huge tidal fluctuations daily that generate fast moving water in what is a very dynamic environment, coupled with high winds, and significant ice conditions—often simultaneously. Vessels must maintain certain minimum speeds and have the latitude to maneuver in order to safely and effectively navigate these waters. In particular, vessels that pass Fire Island Shoal in the open waters off Point MacKenzie require unencumbered passage into and out of the Port to safely maneuver within this narrow area. Vessels similarly require unencumbered passage in the area that extends from the mouth of Ship Creek, north to Cairn Point, out to a distance of 1-1/2 miles off the face of the future Port of Anchorage dock in order to allow for safe navigation and vessel maneuvering into and out of the Port of Anchorage. The very large sedimentation rates and vast amounts of material moving about in these high energy environments also dictates the need for continual reliable maintenance dredging in order to maintain safe passage to and from the Port for the very large commercial and military vessels transiting the Inlet.

***c. Excluding these areas is consistent with the statute and regulations and with past Agency practice.***

NOAA Fisheries has clear statutory authority under section 4(b)(2) of the ESA to exclude areas from the critical habitat designation if, taking into account the economic, national security or other impacts, the benefits of exclusion outweigh the benefits of inclusion. The Port provides a crucial role in the economy of the Municipality and the State, such that repeated consultations and even minor modifications could very quickly add significant cost. Added to this are the very real and serious costs to national security which are outlined above and which have been affirmed without reservation by the



Department of Defense. NOAA Fisheries has already concluded that the conditions in place to address Port activities in the proposed exclusion areas are sufficient to protect CIBW and their habitat. Any incremental benefits that may ensue from the designation of these areas are therefore necessarily insignificant.

Furthermore, the factual characteristics of these areas and their function are closely tailored to the explicit statutory criteria authorizing exemptions – significant economic or national security benefits associated with the exclusion and low conservation benefits associated with the inclusion of these areas -- and very consistent with past agency practice and precedent. For example, in the Southern Resident Killer Whale critical habitat designation, NOAA Fisheries excluded 18 military sites with respect to which the Department of Defense had affirmed concerns about direct and substantial impacts of the designation. 71 Fed Reg 69059 (November 29, 2006). In another example, NOAA Fisheries excluded shipping channels in the Gulf of Mexico from the Gulf Sturgeon designation, after weighing the low value PCEs and the potentially high economic costs of project modifications. 68 Fed Reg 13370 (March 19, 2003). In the Elkhorn and Staghorn Corals designation, NOAA Fisheries excluded all existing federally authorized and permitted navigation channels and harbors, which included the Port of Key West. 73 Fed Reg 72210, 72216 (November 26, 2008). Hence, we have concluded that this request is well justified both by the facts, by the law, and by past agency practice.

**Request #2: Provide Greater Clarity and Regulatory Certainty.**

As the Port has closely examined the proposed designation, we have come to the conclusion that properly construed, the practical impacts of the designation should be minimal: the simple reason is that habitat issues of importance to the beluga are already fully engaged and in play in the existing consultation processes. However, the proposed designation is deeply ambiguous on this point and creates substantial confusion about what it means and how it ought to relate in fact to the section 7 consultation processes and requirements already in place through the listing of the beluga.

The vagueness in the practical implications of the proposed designations makes it very vulnerable to mischaracterization and erroneous application. If NOAA Fisheries proceeds with this designation, there needs to be much greater clarity as to its effect on existing authorizations. In general, the effectiveness of the proposed designation would be much enhanced by greater attention to its regulatory implications, its costs, and the protective effect it is anticipated to have.

In particular, NOAA Fisheries has already spoken to the impact of Port activities on CIBW habitat, and the necessary protections, in the July 2009 Biological Opinion on the Port's activities. Yet, the relationship of the proposed critical habitat designation to our existing authorizations as provided by last year's Biological Opinion is unclear. The proposed designation identifies port development and marine transportation as activities that may affect CIBW (74 Fed Reg 63089). The Draft Economic Report (Entrix 2009) implies that a critical habitat consultation on the Port's MTR project would not result in



any project modification costs. Entrix 2009 at 6-104. In a Table setting out the costs for "Future Section 7 Consultations and Potential Project Modifications" there are no modifications noted for the MTR project, whereas there are for other activities. Entrix (2009) at 6-102, 107-108. If NOAA Fisheries believes there would be no adverse modification associated with the Port's activities, then it needs to expressly so state in the preamble to the final rule and explain the basis for its conclusions both in the preamble and in the Economic Report.

For its part, the Port believes that such a conclusion would be well-founded. The Port is already fully engaged in doing its part to protect CIBW and its habitat. From the Port's perspective, the proposed designation simply reinforces existing commitments and the thoroughness of last year's consultations in addressing the issues of importance to the beluga. More specifically, the Port believes the existing measures in its U.S. Army Corps of Engineers 404 permit, the Letter of Authorization (LOA), and the existing authorizations for incidental take of CIBW associated with its Biological Opinion from NOAA Fisheries, are sufficient. The 2009 Biological Opinion addresses the Port's MTR project and Corps of Engineers dredging at the Port. Each of the primary constituent elements (PCEs) of the proposed critical habitat designation is evaluated in that document.

- ***Shallow waters near fish streams:*** The Biological Opinion assesses loss of intertidal/subtidal habitat and states that the action is not expected to result in loss of habitat.
- ***Primary prey species:*** The Biological Opinion assesses impacts on primary prey species and concludes that Port impacts are not expected to result in reduced availability of prey for CIBW.
- ***Absence of harmful toxins:*** The Biological Opinion also assesses the potential for harmful toxins and concludes that any impacts are "insignificant and discountable."
- ***Unrestricted passage:*** The Biological Opinion assesses impacts on passage and concludes that CIBW would not alter their behavior in a way that prevents them from entering and/or transiting throughout Knik Arm.
- ***Absence of noise causing abandonment:*** The Biological Opinion assesses noise impacts and concludes that they would not result in impacts to vital life function, provided certain conditions are met.

Under the terms of the Biological Opinion, the LOA, and the 404 permit, the Port is already committed to more than 25 measures to protect the CIBW and their habitat. These existing commitments represent a cost of approximately \$15 million - up to \$5 million per year in additional annual operating costs and an additional \$10 million in capital costs built into the MTR project. The Port takes these commitments seriously and fully complies with them. Moreover, and very importantly for current purposes, it would appear that NOAA Fisheries has already addressed the Port's impacts on CIBW critical habitat. If NOAA Fisheries agrees, it is very important to provide the Port with that regulatory clarity.



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## Conclusion

The Port intends to continue working with NOAA Fisheries in a positive and constructive manner to maintain its commitment to protecting the CIBW while at the same time continuing with its Marine Terminal Redevelopment project at a responsible pace. There is a justifiable basis for excluding certain discrete marine areas adjacent to the Port that are essential for its mission. We urge NOAA Fisheries to exclude these discrete areas. Furthermore, it is very important to the Port that the proposed designation contain significantly greater clarity about what it means in practical terms. NOAA Fisheries needs to do more work on this issue in order to avoid needless confusion, litigation, and delay to legitimate development critical to the Port of Anchorage, the State of Alaska, and the military defense of our nation as a result of the CIBW designation of critical habitat.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bill Sheffield", written over a horizontal line.

William J. Sheffield, Port Director

Enclosures

cc. Mayor Dan Sullivan, Municipality of Anchorage  
Senator Lisa Murkowski, United States Senate  
Senator Mark Begich, United States Senate  
Representative Don Young, United States House of Representatives



## Attachment A





September 23, 2009

Mr. Brad Smith  
NOAA Fisheries, Alaska Region  
Protected Resources Division  
222 West 7th Avenue, Box 43  
Anchorage, Alaska 99517

Dear Mr. Smith:

Thank you very much for the opportunity to provide you input into the importance of the Port of Anchorage to the Department of Defense (DoD) and to national security in response to NOAA's proposed rule on beluga whale critical habitat.

As one of 19 National Strategic Ports, the Port of Anchorage plays a major role in support of Alaska-based military forces stationed at all five installations, as well as the U.S. Coast Guard. Alaska has long been recognized for its strategic global position. And as the DoD implements its plans to pull U.S. forces as much as possible back to U.S. soil, but to locations from which those forces can still quickly deploy to "hot spots" around the world, Alaska is expected to play an even larger role in our Nation's defense. For, even now, all U.S. Army – Alaska deployments, to peacetime and wartime stations, go through this port—without exception. Since 2005, almost 18,000 pieces of military-related cargo—combat vehicles, weaponry, and support equipment—have passed through the Port on their way to and from the Middle East and training grounds in the Lower 48 and the Western Pacific. Twenty-five military vessels have called on the Port to participate in these operations. With the recent changes in Army posture around the world, Alaska is now home to a Stryker brigade, an airborne brigade, and an aviation task force, with the likelihood of more forces being home-stationed here in the future. Alaska has long been recognized for its strategic global position—that's why we have 5 major military installations in the State. Alaskan Command's ability to project this power to combat theaters around the globe is heavily dependent upon sealift, so the Port of Anchorage is critical to mission success.

Alaska is home to more than 1.5 million acres of remote ground maneuver area and 62,000 square miles of airspace—more than can be found in existing Lower 48 DoD training areas combined. To date the DoD, has already recently invested significant dollars, beyond the Tanana River Crossing, into the Alaska Range complexes themselves on facilities, telemetry technology and other improvements needed to make the ranges even more effective as training tools. Additionally, recent DoD investments in Alaska Railroad infrastructure will make these training grounds open year round. The new training capacity, referred to as *Alaska Joint Training Strategic Vision 2030*, will make Alaska's remoteness far superior to traditional range complexes in the continental United States for conducting all types of joint combat training. In fact, only in Alaska can the military train in all five warfare domains simultaneously: land, air, water, cyber, and space. Because of the vast expanse of available training area, and its location, there is no conflict or interference with population centers or communications spectrums. This advantage allows the DoD to build training scenarios that "stitch together" battle plans that

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require movement in all 5 domains simultaneously. The Alaska military leadership refers to these scenarios as "high end" applications. Nowhere else in the U.S. can this be done. The Port of Anchorage will become port of entry for all units deploying to Alaska to participate in this growing array of exercise scenarios.

In addition, we have been informed by Headquarters Alaskan Command of what will be a growing U.S. Navy presence in Gulf of Alaska in support of growing joint military training missions. Because all joint exercises are planned and run through the military staff here in Anchorage, the ability to berth large naval ships at the Port will become necessary. Our new, deeper-draft expanded Port will be capable of providing this support.

The Port of Anchorage further supports the Alaska military as its primary source of daily operating supplies. All of the JP-8 jet fuel used on Elmendorf Air Force Base and Ft Richardson pass through the valve yard and fuels tanks at the Port. All of the commodities on the shelves of the base exchange, commissary, and troop stores that support the 55,500 military and family members come through the Port. Without a viable and operating Port of Anchorage, support to this important DoD operation is as hindered as is support to the 80 percent of the Alaska population we also serve!


Attachment 1 is a letter addressed to Transportation Secretary Robert LaHood from Sen. Daniel Inouye of Hawaii highlighting the importance of the Port of Anchorage to the country's defense mission.

You also requested a list of names of Department of Defense individuals who you might contact to request information regarding the importance of the Port of Anchorage to both the Alaska military mission and to national security in general. You will find that list in Attachment 2 to this letter.

Finally, in Attachment 3 is our response to your request for us to suggest an acceptable Port of Anchorage-related critical habitat exclusion area. You will find that it was necessary to ensure that critical and necessary vessel traffic into and out of the Port had an area of assured passage to Knik Arm from the entrance to Cook Inlet, and that sufficient safe and navigable maneuvering area was allowed in the near vicinity of the Port's current and projected docks.

Once again, I thank you very much for the opportunity to make these comments to you. Please contact me at any time for further clarification of our responses.

Sincerely,

  
William J. Sheffield  
Port Director



DANIEL K. INOUE  
HAWAII

COMMITTEE ON APPROPRIATIONS,  
CHAIRMAN  
SUBCOMMITTEE ON DEFENSE,  
CHAIRMAN

COMMITTEE ON INDIAN AFFAIRS

DEMOCRATIC STEERING AND COORDINATION  
COMMITTEE

COMMITTEE ON RULES AND ADMINISTRATION

JOINT COMMITTEE ON PRINTING

## United States Senate

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April 28, 2009

The Honorable Raymond LaHood  
Secretary  
United States Department of Transportation  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

Dear Secretary LaHood:

Public Law 111-5, the American Recovery and Reinvestment Act of 2009 (ARRA), provided the Department of Transportation with \$1.5 billion to be awarded through a new surface transportation competitive grant program. This new program provides the Department and the nation with a unique opportunity to competitively finance significant transportation infrastructure projects, regardless of transport mode, that will enhance national, regional, or metropolitan mobility, while putting Americans back to work.

This program is particularly important to addressing the diverse needs and unique transportation demands of the states and territories in the non-contiguous trades. These states and territories heavily depend on maritime and intermodal transportation infrastructure which has, historically, received little federal investment when compared to federal spending for our nation's highway or aviation infrastructure. I urge you to ensure that the maritime and intermodal needs of these states and territories will be given significant consideration in this new grant program, both on the water side as well as the land side of the ports. Additionally, I hope that this grant program will be used, in part, to fund port projects which traditionally have received little federal investment, despite their significant economic and military importance to our nation.

For example, the Port of Anchorage is vital to our national defense. The expansion project that is underway will provide future economic opportunities and further strengthen the military and diplomatic mission of the United States. The Port of Anchorage is one of only 19 ports designated by the Department of Defense as a Strategic Port. There are five military bases strategically located in Alaska (Elmendorf AFB, Ft. Richardson, Eielson AFB, Ft. Wainwright, and Ft. Greely),



The Honorable Raymond LaHood

April 28, 2009

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and the Port is essential in serving the thousands of Army and Air Force personnel, that call Alaska home. Alaska is playing a larger role in the training of military personnel with more than 2 million acres of training grounds, where troops can train with close air support in live fire exercises. Without the Port of Anchorage, these key military bases and activities would be out of business.

As the focus of the strategic location of our military forces changes, we must ensure that states have the critical infrastructure necessary to support military movement. The State of Hawaii and the Port of Anchorage are each seeking \$179 million in stimulus funds for their port and intermodal expansion plans. I fully support these requests for improvements on the water side as well as the land side of the ports, and hope that you will agree these projects are worthy investments.

Your efforts and those of your agencies are essential to the ARRA's effectiveness in creating jobs and promoting our nation's economic recovery. Investments in key ports such as those in Hawaii and Alaska will provide long term economic and strategic benefits.

Aloha,

A handwritten signature in dark ink, appearing to read 'D. Inouye', with a long vertical line extending downwards from the end of the signature.

DANIEL K. INOUE  
United States Senator

DKI:vl

## **Recommended List of Military Contacts for Brad Smith:**

### **Commander, United States Transportation Command:**

Gen Duncan J. McNabb  
HQ USTRANSCOM/CC  
508 Scott Drive  
Scott AFB, IL 62225-5357

### **Air Force Chief of Staff:**

Gen Norton A. Schwarz  
HQ USAF/CC  
1670 Air Force Pentagon  
Washington, D.C. 20330-1670  
(703) 697-9225

### **Air Force Vice Chief of Staff:**

Gen Carrol H. Chandler  
HQ USAF/CV  
1670 Air Force Pentagon  
Washington, D.C. 20330-1670  
(703) 697-9225

### **Commander, Alaskan Command:**

Lt Gen Dana T. Atkins  
HQ ALCOM/CC  
10471 20<sup>th</sup> Street, Suite 139  
Elmendorf AFB, Alaska 99506  
(907) 552-2100

### **Corps of Engineers Commanding General:**

LTG Robert L. Van Antwerp  
HQUSACE: Attn: CECG  
441 G Street NW  
Washington, D.C. 20314-1000  
(202) 761-0000

### **Deputy Chief Counsel, HQ Corps of Engineers:**

Mr. Lloyd D. Pike  
Office of Chief Counsel  
441 G Street NW  
Washington, D.C. 20314-1000  
(202) 761-0018



**Commander, Corps of Engineers Pacific Ocean Division:**

BG Mark W. Yenter  
US Army Engineer Division, Pacific Ocean  
Building 525, Suite 300  
Fort Shafter, Hawaii 96858-5400

**Commanding General, Surface Deployment and Distribution Command:**

MG James L. Hodge  
Commanding General, SDDC  
709 Ward Drive, Bldg 1990  
Scott AFB, IL 62225  
(618) 220-5000

**U.S. Army Alaska Commanding General:**

MG William J. Troy  
724 Postal Service Loop #5000  
Ft. Richardson, Alaska 99505-5000  
(907) 384-2163

**Commandant of the U.S. Coast Guard:**

ADM Thad W. Allen  
Coast Guard Headquarters (CG-00)  
Commandant, U.S. Coast Guard  
2100 Second St., SW  
Washington, D.C. 20593  
(202) 372-4411

**Commander, Coast Guard District 17:**

Commander (D)  
17th Coast Guard District  
P.O. Box 25517  
Juneau, AK 99802-5517  
ATTN: RADM Christopher Colvin  
(907) 463-2025

**Commander, 3d Wing:**

Col Thomas W. Bergeson  
3 WG/CC  
11550 Heritage Circle, #200  
Elmendorf AFB, Alaska 99506-2850  
(907) 552-0300

**Commander, Corps of Engineers Alaska District:**

COL Reinhard W. Koenig

PO Box 6898

Elmendorf Air Force Base, Alaska 99506-0898

(907) 753-2504



Operating Areas Requiring Exclusion:

1. The navigation channel between Fire Island Shoal and Point MacKenzie Shoal – Open waters off Point MacKenzie must be excluded because vessels that pass Fire Island Shoal must be allowed unencumbered passage into and out of the Port to safely maneuver within this narrow area.
2. Port of Anchorage Operating Area (defined as the portion of Upper Cook Inlet and Knik Arm that extends from Point Woronzof to the south and Cairn Point to the north) – In order to allow for safe navigation and vessel maneuvering into and out of the Port of Anchorage, the area that needs to be excluded must extend from the mouth of Ship Creek, north to Cairn Point, out to a distance of 1-1/2 miles off the face of the future Port of Anchorage dock.

Vessel Speed Restriction Limitations: Because Cook Inlet and Knik Arm experience large tidal changes, swift currents, high winds, and ice conditions—sometimes all of these simultaneously—vessel speeds cannot be reduced to the point where ships are incapable of maintaining safe maneuvering speeds and running the risk of losing steering control or the ability to maintain a safe turning radius. Consequently, any vessel speed limitations directed in the proposed critical habitat announcement should not direct speeds lower than harbor maneuvering speed at any time.

## Attachment B





**UNITED STATES TRANSPORTATION COMMAND**

508 SCOTT DRIVE  
SCOTT AIR FORCE BASE, ILLINOIS 62225-6357

23 June 2009

**The Honorable Raymond H. LaHood**  
**Secretary**  
**United States Department of Transportation**  
**1200 New Jersey Ave SE**  
**Washington DC 20590**

**Dear Secretary LaHood**

**I am writing to request the Department of Transportation award Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grants to our Nation's commercial seaports for intermodal and other port infrastructure improvements.**

**The Department of Defense (DoD) relies heavily on the Nation's commercial freight transportation system to support military operations worldwide. Fifteen commercial seaports in the continental United States and Alaska are designated as Strategic Seaports, based on their ability to support military surge operations.**

**We collaborated with the U.S. Maritime Administration to assess Strategic Seaport infrastructure. The results are summarized in the enclosed "DoD Report to Congress on Projected Requirements for Military Throughput at Strategic Seaports." Since we rely on commercial infrastructure to support Defense needs, infrastructure projects that improve the capability to receive, stage, and load commercial freight onto ocean-going vessels tend to also benefit DoD. Table 2 of the report provides examples of port infrastructure projects that could mitigate projected military throughput constraints.**

**As you and your Department consider these grant requests, respectfully request that to the extent possible you make funding available to those seaports whose ready-to-execute projects not only provide long-term commercial and economic benefit, but also enhance our Nation's defense posture. Thank you in advance for your consideration.**

**Sincerely**

A handwritten signature in dark ink, reading "Duncan J. McNabb", is positioned above the printed name.

**DUNCAN J. McNABB**  
**General, USAF**  
**Commander**

**Attachment:**  
**DoD Report to Congress, April 2007**

## Attachment C





HEADQUARTERS  
ALASKAN COMMAND (ALCOM)  
ELMENDORF AIR FORCE BASE, ALASKA 99506

JAN 26 2010

Lieutenant General Dana T. Atkins  
Commander, Alaskan Command  
10471 20th Street, Suite 139D  
Elmendorf AFB AK 99506-2200

Ms. Ellen Sebastian  
Assistant Regional Administrator, Protected Resources, Alaska Region  
National Marine Fisheries Service  
P.O. Box 21668  
Juneau, AK 99802-1668

Ref: RIN 0648-AX50

Dear Ms. Sebastian

I would like to take this opportunity to inform you of the critical importance of the Port of Anchorage to national security and to Alaska's five major military installations.

In 2004, the Maritime Administration designated the Port of Anchorage as one of America's 19 National Strategic Ports. The Port of Anchorage supports our mission and requirement to receive and deploy combat forces stationed in Alaska. Alaska is now home to an Army Stryker brigade, an airborne brigade, and a combat aviation brigade, with the likelihood of additional forces being home-stationed here in the future. Since 2005, almost 18,000 pieces of military cargo in the form of combat vehicles, weaponry, and support equipment have passed through the Port. Over 33 million gallons of military aviation fuel is received annually by barge and tankers offloading via the Port. Our ability to project this power to combat theaters around the globe depends heavily upon sealift through the Port of Anchorage.

The Port of Anchorage's commitment under the Strategic Port program to provide at least 25 acres of land area within its boundaries during a deployment is critical to the efficient staging and loading of our combat equipment. Due to the high worldwide operations tempo, we have executed several large military movements through the Port recently.

The Port of Anchorage is not only the strategic hub for military deployments and operations, it is also one point of throughput for the commodities we stock in our base exchanges, commissaries, and troop stores in support of 55,000 military and family members in Alaska.

As you can see, the Port of Anchorage is critical to the success of military operations in, and deploying out of, the State of Alaska. I want to echo General Duncan McNabb, Commander of U. S. Transportation Command, when he stated that *"Since we rely on commercial infrastructure*

*to support defense needs, infrastructure projects that improve the capability to receive, stage, and load commercial freight into ocean-going vessels tend to also benefit DoD."* I ask that any proposed critical habitat designation take this information into account, especially when NMFS is considering implementing measures which could constrain the movement of equipment and material flowing through the Port of Anchorage in the future.

Sincerely

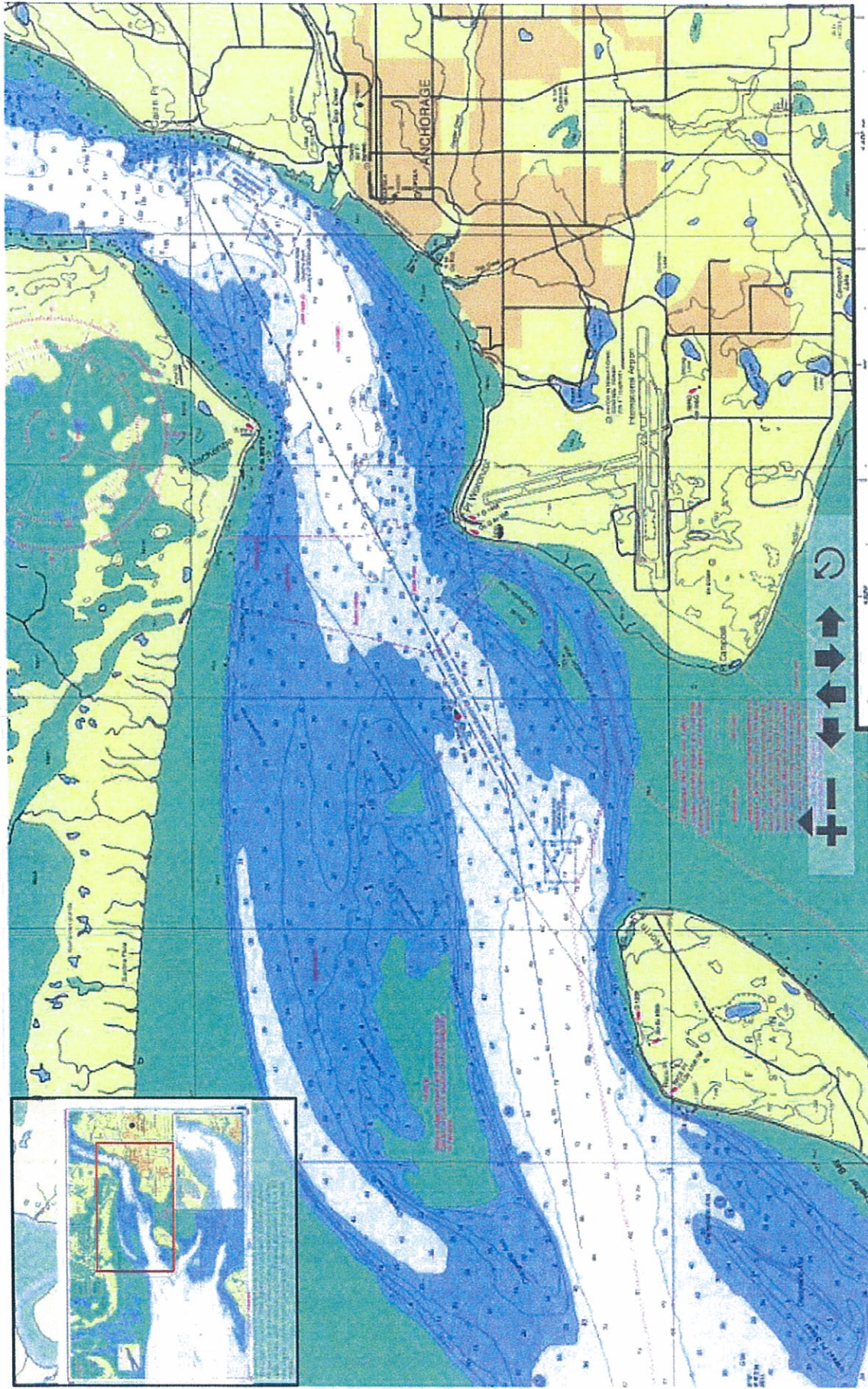
A handwritten signature in black ink, reading "Dana T. Atkins". The signature is written in a cursive, flowing style.

DANA T. ATKINS  
Lieutenant General, USAF  
Commander



## Attachment D





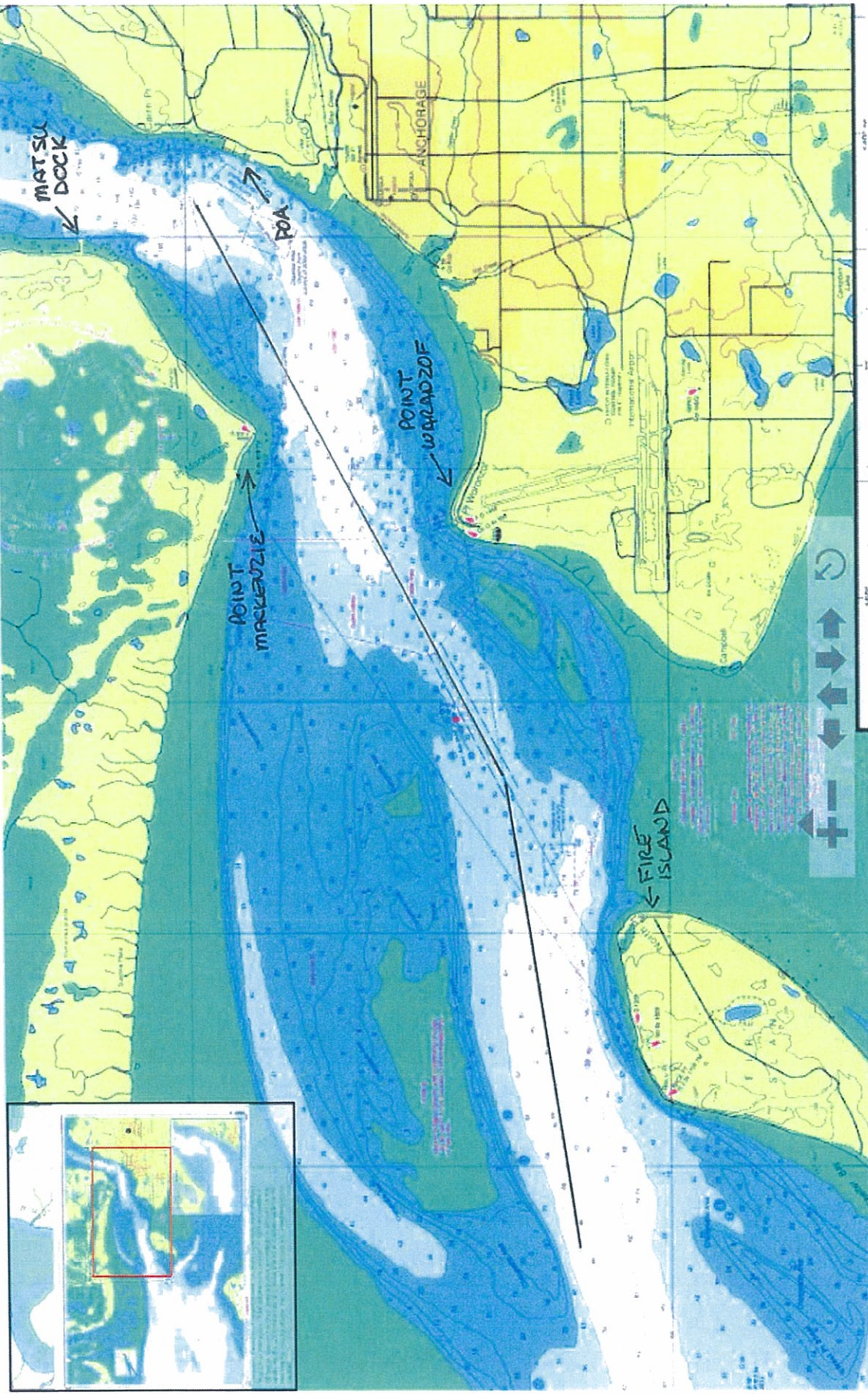
- Click the +/- buttons and drag the slider tool (solid triangle) to zoom in and out.
- Click the arrow buttons to pan left/right and up/down.
- Drag the navigation box in the upper left hand corner to move around the chart image.

This chart display or derived product can be used as a planning or analysis tool and may not be used as a navigational aid.

**NOTE:** Use the official, full scale NOAA nautical chart for real navigation whenever possible. These are available from authorized NOAA



## Attachment E



- Click the +/- buttons and drag the slider tool (solid triangle) to zoom in and out.
- Click the arrow buttons to pan left/right and up/down.
- Drag the navigation box in the upper left hand corner to move around the chart image.

This chart display or derived product can be used as a planning or analysis tool and may not be used as a navigational aid.

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