



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

**Department of Fish and Game**

DIVISION OF HABITAT  
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October 12, 2012

Mr. Bob Shavelson  
Director of Advocacy  
Cook Inletkeeper  
3734 Ben Walters Lane  
Homer, AK 99603

Dear Mr. Shavelson:

Re: Mobile Offshore Drilling unit (MODU) Endeavour – Spirit of Independence

Thank you for your letters dated September 17 and September 21, 2012, regarding Buccaneer's moorage of the vessel Endeavour at the Homer Deep Water Dock. Within your letters you expressed concerns relating to possible introduction of invasive species, the Kachemak Bay and Fox River Flats Critical Habitat Areas Management Plan (Management Plan), and the Oil Drilling Rig Policy.

As you know by now, Buccaneer hired URS Alaska, LLC (URS) to complete a survey of the MODU for invasive species. Based on the report issued by URS (forwarded to you electronically), the Alaska Department of Fish and Game (ADF&G) feels the survey achieved the objectives it intended. It provided a reasonable survey and belied concerns about potential invasive species. The fact that the survey biologist observed no live nonindigenous animals or viable tissue suggests that the time the rig was out of the water, in transit to Alaska and/or in dry dock, proved adequate to desiccate any organisms that had attached to the Endeavour. Because URS did not detect live organisms, the ADF&G does not believe the observed remnant shells attached to the rig put Alaska waters at risk. The Management Plan does not include a policy on invasive species, and potential invasive species concerns are not cited as the basis supporting any of the policies in the plan.

Vessels, including oil tankers and jack-up rigs, are not prohibited entrance into the Kachemak Bay Critical Habitat Area (KBCHA). In fact, Kachemak Bay is a 'Harbor of Refuge' and many large vessels enter and anchor for a variety of reasons including safety from storms and access to upper Cook Inlet docking facilities. In addition, as in the case of the 'Escopeta Spartan' (August 2011), the U.S. Coast Guard directs vessels to Homer Harbor to finalize certain permitting requirements.

The ADF&G, Habitat Division implements the Management Plan for the KBCHA and requires, as appropriate, a Special Area Permit for certain proposed activities within the KBCHA. The ADF&G, Habitat Division does not require a Special Area Permit for vessels entering or using conventional anchoring methods in the KBCHA unless they are anchored for longer than two weeks. Similarly, the ADF&G does not require a Special Area Permit for vessels moored to the Deep Water Dock or within the Homer Harbor, regardless of their length of stay. However, for ground disturbing activities such as dredging, pile driving, and vessels anchored longer than two weeks, the ADF&G does require a Special Area Permit and reviews each of those proposed projects on a case-by-case basis.

As you are likely aware, the ADF&G, Division of Habitat reviewed the Buccaneer Alaska Operations, LLC proposed winter moorage project and issued a "no permit required" letter in April, 2011. That proposed project did not contemplate nor anticipate the need to lower the legs during its moorage. However, as described in the Situation Report submitted by Buccaneer Alaska Operations, LLC, they followed emergency procedures to stabilize the vessel by lowering the legs of the Endeavour during the high winds encountered in September. After reviewing the Situation Report, the ADF&G recognizes that temporarily lowering and pinning the legs of the vessel was appropriate and was the safest method for moorage during the wind events.

The vessel Endeavour is actively finalizing permitting requirements involving work to several systems and departure is scheduled prior to the end of October. The retraction of the Endeavour's legs and departure from the Deep Water Dock is not expected to adversely impact habitat values or fish and wildlife populations. At this time, the ADF&G is not planning to take enforcement action as a result of the Endeavour lowering its legs within the harbor, but we will reassess our options if necessary.

Sincerely,



Randy Bates  
Director

cc: Charles Swanton, Director, ADF&G, Division of Sport Fish  
Tammy Davis, Lead, ADF&G, Invasive Species Program  
Alvin Ott, Operations Manager, ADF&G, Habitat Division  
Ginny Litchfield, Area Manager, ADF&G, Habitat Division