



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

December 16, 2002

Mr. Fred S. Salinas
Deputy Forest Supervisor
Tongass National Forest
Alaska Region
204 Siginaka Way
Sitka, Alaska 99835

ATTN: Ms. Mary Beth Nelson

RE: Tongass National Forest (USFS) Shoreline Outfitter/Guide
Draft Environmental Impact Statement (DEIS) Comments

Dear Mr. Salinas:

Thank you for the opportunity to provide comments for the referenced project. The National Marine Fisheries Service (NMFS) focused our review of the DEIS on the Essential Fish Habitat (EFH) assessment and impacts to marine mammals. Our comments are given below.

Essential Fish Habitat:

The DEIS concludes that the project may adversely affect EFH by both individual and cumulative effects from outfitter/guide activities in the riparian zone and indicates that the level of adverse effects would need to be determined through site evaluation and monitoring. Mitigation of the effects if proposed through compliance with Best Management Practices (BMPs) and mitigation measures outlined in the document. The ECH assessment further asserts that application of Best Management Practices (BMPs) will eliminate adverse effects to ECH.

The USES has taken an approach to EFH in the DEIS that blends both a proactive preventative and reactive corrective approaches to the adverse effects of EFH. Proactive approaches include the camping restriction from 100 feet from bodies of water, and the requirement that outfitter/guides and their clients travel only between high and low water marks of streams, when practical. A reactive, corrective approach includes the list of possible restrictions of motorized water craft use in streams. The restrictions would be implemented



only if the adverse effects of water craft become measurable by visual observation of stream bank erosion during permit administration, on a site-specific basis.

NMFS believes that the reactive, corrective approach for motorized water craft use associated with outfitter/guide permits should be replaced with the proactive, preventative approach. This would prevent damage to EFH before it occurs, allow for consistent implementation of measures among users, and define rules for use of sensitive habitats up front to outfitter guides.

The use of visual impacts to the stream bank (i.e. stream bank erosion) proposed as a diagnostic reactive measure of water craft damage to habitat would not prevent damage to stream banks. Further, NMFS does not believe this approach would be sufficient, even as a reactive approach, to protect fish spawning gravels and eggs from impacts due to the turbulence created by the power head of motorized water craft. This is because the impacts are in another area of the stream than the proposed diagnostic and may never be detected.

According to the DEIS, motorized water craft are known to cause severe mortality to fish eggs and juveniles in certain situations. The proposed restrictions to motorized water craft directly address these situations in a preventative manner.

The proposed restrictions are:

- 1) Permit motorized water craft use only in May and June (the period between emergence and spawning);
- 2) restrict boat size and power;
- 3) limit use to water depths of three feet or more;
- 4) limit speeds to no wake;
- 5) exclude motorized use on specific sensitive portions of streams

NFS recommends, as our first **ECH Conservation Recommendation**, that these suggested restrictions for motorized water craft be further developed and required for all anadromous fish streams with known spawning activity.

Establishment of large group area and 15% areas to direct large tours is included in the DEIS. Although the USFS does not have jurisdiction for tidelands, subtitle habitats or waters, indirect effects of establishing the large group and 15% areas may affect resources under NMFS jurisdiction, including EFH. Areas of concern would include sensitive habitats including estuaries areas, mudflats, areas with submerged aquatic vegetation (eelgrass or surfgrass), or nearshore kelp beds. Heavy use of these areas for embarking and disembarking visitors may increase environmental degradation by repeated anchoring, trampling or accidental oil/chemical spills. NMFS recommends, as our second **EFH Conservation Recommendation**, that establishment of each large group and 15% area should include an analysis of the sensitivity of the area to these potential impacts, and any areas that could cause adverse impacts to the sensitive areas listed above should be removed from consideration.

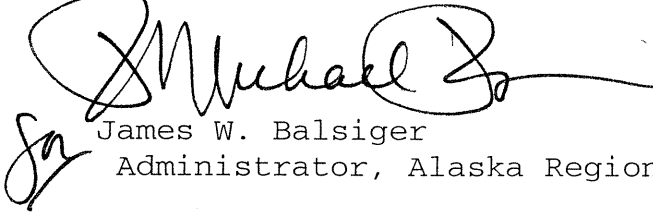
Please note that under section 305(b) (4) of the MSFCMA, the USFS is required to respond in writing within 30 days to NMFS EFH Conservation Recommendations. If the USFS does not make a decision within 30 days of receiving EFH Conservation Recommendations, the USFS should provide NMFS with a letter to that effect, and indicate when a full response will be provided.

Impacts to Marine Mammals:

The "Marine Mammals" section of Appendix C, Mitigation Measures, needs to be updated to include reference to regulations that protect humpback whales from approach by vessels. These regulations became effective July 2, 2001. An insert to the NMFS Marine Mammal Viewing Guidelines that summarizes the regulations is enclosed. Please include this updated information in the Final EIS and future USFS environmental documents.

Please direct any questions you may have regarding these comments to Linda Shaw at (907) 586-7510.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Balsiger". The signature is stylized with large loops and a long horizontal flourish extending to the right. To the left of the main signature, there is a smaller, more compact handwritten mark that looks like "Ja".

James W. Balsiger
Administrator, Alaska Region

cc: Mark Jen, EPA, Anchorage
ADEC, AADGC, ADNR, ADF&G, USFWS, Juneau