



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

September 30, 2002

Hank Baij
U.S. Army Corps of Engineers
Alaska District
P.O. Box 898
Anchorage, Alaska 99506-0898

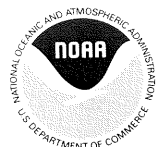
Re: 4-2002-0424
Campbell Creek 89

Dear Mr. Baij:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced public notice regarding an application from Mr. Mark G. Huber. The proposed project involves placement and grading of approximately 400 cubic yards of clean fill into approximately 0.1 acre of wetland to convert to dry land. Fill material will be placed into the wetland to match the grade on all existing fill slopes. Fill slopes exist in the area for housing and road development except on the south side where the Campbell Creek Greenbelt exists. The proposed fill design will gradually slope away from the existing slopes and drain toward the Campbell Creek wetlands. The applicant's stated purpose for the proposed project is to fill a wetland "hole" where water currently ponds. The applicant feels that this would prevent further erosion of the existing development side slopes that threaten degradation of the building foundation. The applicant also wants to eliminate this stagnant water area which he considers to be a local nuisance.

Background

Under Department of the Army permit file number 1993-0553, Conners Bog 1, issued to the Conners Group Limited, on December 13, 1993, the wetland area proposed to be filled in this permit application was restricted from development. The permit was conditioned to require a wetland protection easement to minimize impacts to aquatic resources from the construction of the Strawberry Meadows Subdivision. During subsequent construction of the subdivision, contractors violated the condition of the permit by placing fill in a portion of the wetland protection easement on two occasions. After both occasions, the Corps of Engineers (Corps) requested the Connor's Group to remove the fill placed in the wetland easement. However, because the property owner (the current



permit applicant) restricted access to the site, restoration was never completed. Thus, the current applicant was aware that a wetland easement existed as part of the original wetland protection easement.

Impacts

The proposed project would fill palustrine wetlands that have been designated as "A" wetlands under the Anchorage Wetlands Management Plan and are contiguous with the Campbell Creek Greenbelt. For local management and permitting purposes, wetlands are designated "A", "B", or "C" in the wetlands plan. Each wetland area has its own site-specific management strategy. "A" wetlands are considered of highest value. Campbell Creek is an important urban fishery that provides Essential Fish Habitat (EFH) for the migration, spawning, rearing, and/or over-wintering of chinook salmon (*Onchorynchus tshawytscha*), sockeye salmon (*Onchorynchus nerka*), coho salmon (*Onchorynchus kisutch*), and pink salmon (*Onchorynchus gorbuscha*), and is listed as an anadromous stream in the Alaska Department of Fish & Game anadromous catalog. The wetlands within the Campbell Creek basin provide important hydrologic functions such as recharging the aquifer, and floodwater storage. These wetlands, with their pockets of standing water, such as the applicant's property, play an integral part of healthy productive fisheries habitat. These wetlands also serve to filter sediments and remove pollutants from the water flowing off fill pads, pavement, and buildings in the vicinity, which can severely impact incubating and young salmon downstream within Campbell Creek.

NMFS believes that by permitting the proposed project, the Corps is not following through with the agreed upon wetlands easement plan, thus further contributing to the cumulative loss of wetlands and degradation of Campbell Creek and the fishery resources it supports. While this specific project arguably is small in scope, it should not be viewed individually. The wetlands within the Campbell Creek basin serve important functions such as filtering sediments and pollutants, recharging the aquifer, and flood water storage.

EFH Determination

The Corps has made a determination that the project will not adversely affect EFH. NMFS disagrees with this determination. The Magnuson-Stevens Fishery Conservation and Management Act requires NMFS to make conservation recommendations to the Corps if we believe the project would adversely affect EFH. Accordingly, we offer the following EFH Conservation Recommendations:

1. NMFS suggests the applicant investigate other means, besides wetland fill, to prevent erosion and degradation of the property and building.
2. If the corps permits the fill, the applicant should provide compensatory mitigation for the wetlands that will be lost.

Conclusion

Please note that under section 305 (b)(4) of the Magnuson-Stevens Act, the Corps is required to respond in writing within 30 days to NMFS recommendations. If the Corps does not make a decision within 30 days of receiving NMFS EFH Conservation Recommendations, the Corps should provide NMFS with a letter to that effect, and indicate when a full response will be provided. Brian Lance is the NMFS contact for this project, and can be reached at (907)271-1301.

Sincerely,



JW James W. Balsiger
Administrator, Alaska Region

cc: USFWS, EPA, ADGC, ADFG, ADEC - Anchorage