



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

February 21, 2003

Colonel Steven T. Perrenot
District Engineer
U.S. Army Corps of Engineers
Alaska District
P.O. Box 898
Anchorage, Alaska 99506-0898

Re: Anchor River 13
4-2000-0381

Attn: Ryan Winn

Dear Colonel Perrenot:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by Mr. Carl Glanville. The proposed project involves diverting a portion of the Anchor River to a former channel and replacing a temporary bridge with a permanent one. Approximately 10,000 cubic yards of material would be dredged from a 75 ft. x 600 ft. portion of the original channel. The dredged material would be stockpiled on a gravel bar between the original and current channel in order to divert the water back to the original channel. Once the current channel is dewatered, a 14 ft. x 56 ft. bridge abutment would be installed there. Approximately 8,000 cubic yards of the stockpiled material would then be used to fill the current channel.

The U.S. Army Corps of Engineers (Corps) has made a determination that the project will adversely affect essential fish habitat (EFH). The adverse effect is principally due to the dredging and filling of 1.03 acres of EFH for juvenile/adult salmon and movement of the channel of the Anchor River. NMFS agrees with this determination of adverse effect. The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) requires NMFS to make conservation recommendations regarding any federal action that would adversely affect EFH.

The Anchor River provides EFH for migrating, spawning, rearing, and/or over-wintering chinook salmon (*Onchorynchus tshawytscha*), coho salmon (*Onchorynchus kisutch*), and pink salmon (*Onchorynchus gorbuscha*) and is listed as anadromous (ADF&G anadromous catalog, Seldovia D-5). The Anchor River chinook salmon population is considered a stock of management concern by the Alaska Department of Fish and Game based on the inability to meet escapement goals in four of six years (1996-2001).



The applicant's description of "restoring the Anchor River to its original (prior to recent floods) channel" is misleading. The "original" channel referenced is an old remnant channel within the floodplain and not the main channel prior to the floods of October and November 2002. Diversion of the main channel, as proposed, would destroy valuable EFH, is inadvisable due to the dynamic long-term nature of stream hydrology, and is at best a short-term fix to the applicant's access problems. As stated in a site visit report on December 12, 2002, by Paul Janke, Alaska Department of Transportation (ADOT) Hydraulic Engineer, "Do not try to force the river into a specific channel because such work will require significant continuing maintenance to perpetuity." As the river works the channel the applicant would be required to conduct maintenance dredging, probably on a yearly basis, with consequential repeated disturbance to EFH. To maintain quality fish habitat the river should be allowed to work the floodplain and not be confined to a single channel.

The Clean Water Act Section 404(b)(1) guidelines state "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge that would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences." The loss of important stream and floodplain functions such as overflow channels, water quality enhancement, natural drainage ways, and fisheries habitat (EFH) are inevitable if the project proceeds as proposed. This level of habitat loss and repeated disturbance is unacceptable when reasonable and prudent alternatives exist.

One alternative is described in the ADOT site visit report referenced above: "If it is decided to rebuild the Glanville driveway bridge in the vicinity of the existing bridge, the best site for bank stability purposes is upstream of the existing bridge about 100 to 200 feet. This location is selected because it is expected to have the most stable banks in this vicinity in the short term. Other locations upstream and downstream are expected to be actively attacked in the short term by natural river processes." This option could be very cost effective, especially if Mr. Glanville obtains an existing bridge donated from the Alaska Conservation Fund. The donated bridge is currently located on the Anchor River, approximately 1 mile upstream and is no longer needed. Installation of this bridge at the aforementioned alternative site would give the applicant access to the property, probably save the applicant money on construction costs, and avoid long-term maintenance problems (i.e., repeated dredging) with associated impacts to fish habitat.

NMFS is concerned about the cumulative impacts to EFH in the Anchor River. The reach of the Anchor River within the project area serves as important rearing habitat for chinook and coho salmon and the reach just downstream of the temporary bridge is spawning habitat for chinook and coho salmon. In fact, 50% of the chinook salmon spawning in the South Fork of the Anchor River occurs just downstream of the proposed project site. Because the flooding in all likelihood caused major mortality to fish and eggs throughout the Anchor River system, and placed great stress on any surviving fish and eggs, providing as much protection as possible for the remaining habitat in the system is prudent. NMFS recommends minimizing the amount of in-stream disturbance for this project.

On February 18, 2003, NMFS, the Corps, and other resource agencies met with the applicant to discuss the proposed project and as well as alternatives. At this meeting, the applicant stated he did not want to consider any of the alternatives suggested by the resource agencies and preferred to proceed with the project as proposed.


NMFS recommends the following **EFH Conservation Recommendation** pursuant to section 305(b)(4)(A) of the MSFCMA. The Corps should deny a permit for the proposed project. The loss of 1.01 acres of in-stream EFH and destabilizing this reach of the Anchor River, with high likelihood of repeated in-water maintenance, is unacceptable, particularly when alternatives exist. NMFS suggests the applicant investigate access alternatives that do not require dredging and filling within the Anchor River and re-alignment of the stream channel. NMFS would be happy to meet with the applicant to discuss less environmentally damaging alternatives.

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.

Additionally, the project as proposed will result in substantial and unacceptable impacts on aquatic resources of national importance, in accordance with Part IV, paragraph 3(b) of the 1992 Memorandum of Agreement between the Department of Commerce and the Department of the Army under Section 404(q) of the Clean Water Act. Please notify our office of the Corps' decision regarding this project in accordance with Part IV, paragraph 3(c) of the 1992 Memorandum of Agreement.

Brian Lance is the NMFS contact for this project, and can be reached by telephone at (907) 271-1301.

Sincerely,



James W. Balsiger
Administrator, Alaska Region

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