



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

April 25, 2005

Colonel Timothy J. Gallagher
District Engineer
U.S. Army Corps of Engineers
P.O. Box 898
Anchorage, Alaska 99506-0898

Re: POA-2005-201-2
Portland Canal

Attn: Serena Sweet

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by the Hyder Community Association to resurface an existing road, widen an existing causeway and replace a deteriorating trestle with a causeway to access the small boat harbor.

Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act requires Federal agencies to consult with NMFS on all actions that may adversely affect Essential Fish Habitat (EFH). NMFS is required to make conservation recommendations, which may include measures to avoid, minimize, mitigate or otherwise offset adverse effects. The project is adjacent to the Salmon River and downstream of several other anadromous streams that provide spawning and rearing habitat for coho, chum and pink salmon. Juvenile salmon use the inshore area of the project site during spring and early summer for feeding and predator avoidance prior to migration out to sea. The inshore area of the project location also provides important habitat for several marine species including Pacific cod, sablefish, sculpins, walleye pollock, and rockfish.

The Corps has concluded that the proposed project may adversely affect EFH. NMFS concurs with this conclusion. The applicant proposes to remove the existing pile supported trestle and replace it with intertidal fill to construct a causeway with an approximately 150-foot wide toe width and a 1007-foot length (approximately 3.5 acres). The amount of the proposed fill is significant. The fill would have an adverse impact on intertidal resources and EFH by removing benthic habitat and by altering currents in the project area. The applicant proposes to place culverts under the causeway for fish passage and circulation, but this will not mitigate for the loss of approximately 3.5 acres of high value intertidal EFH.

The Alaska Department of Natural Resources Central/Southern Southeast Area plan describes the proposed project area as having "extensive intertidal habitats and sedge-meadow marshlands." It further states that:

This undeveloped nearshore area helps to support the productivity of the salmon runs of the Salmon River, Bear River, Marx Creek, Fish Creek, Rainey Creek, and other streams



on both sides of the bo[a]rder (*sic*) in upper Portland Canal. Juvenile salmonids outmigrating from these freshwater streams heavily utilize the sedge marshlands and intertidal areas of HT-01 during the early phases of their life history. This sedge marshland and shallow estuarine intertidal habitat is utilized by juvenile salmonids for food and shelter during their first few weeks or months following their freshwater emigration. Additionally, these estuarine waters and tideflats are also important resting and feeding areas for a major bird migration traversing coastal Alaska. Due to the importance of the area to juvenile salmonids rearing in the Salmon River tidal marshlands and the sensitivity of this shallow offshore habitat to many species of fish and wildlife, developments impacting the area shall be of limited extent and impact. *In particular, intertidal fills should be avoided* (emphasis added).

Furthermore, while the application states that the existing trestle is deteriorating, the public notice contains no justification for replacing this pile-supported structure with fill as opposed to building a new pile supported structure. Thus, the applicant apparently has not followed required sequencing under Section 404 of the Clean Water Act.

In light of the above information, NMFS offers the following EFH Conservation Recommendation:

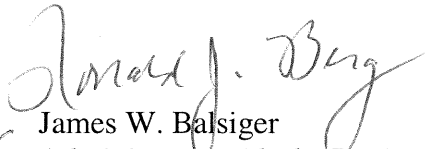
The proposed intertidal and subtidal fill for the causeway should be denied. This fill will directly remove a large and valuable area of EFH. Even with the proposed mitigation, this fill will result in loss or damage to EFH both upstream and downstream of the project site by disrupting the transport of nutrients and sediment.

In lieu of the proposed intertidal and subtidal fill, NMFS recommends that the applicant install a steel pile-supported, grated causeway. A pile-supported causeway will have less direct impact on intertidal and subtidal habitat than the proposed fill and will meet the project's needs. In addition, the use of grating in design plans will allow light transmission to marine vegetation. Early stages of marine species are dependant on primary production through photosynthesis as a source of food. Food availability during immature life stages affects survivability to adulthood.

NMFS has concluded that the project, as proposed, will result in substantial and unacceptable impacts to aquatic resources of national importance as defined in 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 permit application in accordance with Part IV, paragraph 3(c) of this Agreement.

Please contact Katharine Miller at 907-586-7643 if you have any questions or for further coordination.

Sincerely,

For 
James W. Balsiger
Administrator, Alaska Region

cc: Applicant
EPA Juneau, Chris Meade*
ADF&G, Tom Schumacher*
ADEC, AADGC, ADNR, USFWS, Juneau*

* e-mail PDF