



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

February 8, 2005

Andy Hughes
Regional Planning Chief
Alaska Department of Transportation and Public Facilities
Southeast Region Planning
6860 Glacier Highway
Juneau, AK 99801-7999

RE: Sitka Access Environmental Impact Statement (EIS) Scoping Comments

Dear Mr. Hughes:

Thank you for hosting the Sitka Access EIS agency scoping meeting held in Juneau, Alaska on February 1. The National Oceanic and Atmospheric Administration's National Marine Fisheries Service, (NOAA Fisheries Service) has reviewed the information provided to date and offers the following comments.

Issues of Concern to NOAA Fisheries Service:

NOAA Fisheries Service has jurisdiction for living marine resources under the Fish and Wildlife Coordination Act, Magnuson-Stevens Fishery Conservation and Management Act, Marine Mammal Protection Act and Endangered Species Act. These statutes as they relate to the National Environmental Policy Act process are discussed in more detail below. Collectively, these laws require NOAA Fisheries Service to provide comment and consultation on the environmental impacts of alternatives to wetlands and streams that support anadromous fish, nearshore and marine resources that support commercial and recreational fish species and the habitats that support them, as well as marine mammals and federally listed endangered species.

For the Sitka Access project, we anticipate that proposed road corridors and ferry terminals will need to be examined for their impacts to wetlands and anadromous streams to eliminate or minimize direct impacts from construction as well as indirect effects of alterations to run-off patterns, sedimentation and erosion, oil spills, and introduction of invasive plant species. Nearshore resources will need to be accounted for and analyzed for direct and indirect impacts as well. Particular concern should be given to productive habitats such as mudflats, eelgrass and kelp beds. Potential use of explosives in Peril Strait may directly and indirectly affect a wide range of resources under our jurisdiction, including potential for harassment or harm to marine mammals and endangered species. The increased operation of ferries crossing Chatham Strait will also need to be examined for potential impacts to marine mammals and endangered species due to disturbance.



Some issues regarding the various alternatives may be addressed by site placement, design, or timing solutions, while others may result in unavoidable impacts to anadromous or marine resources.

Essential Fish Habitat and Fish and Wildlife Coordination Act:

The EIS needs to include an Essential Fish Habitat (EFH) Assessment, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). Section 305 (b) of the MSFCMA requires that Federal agencies consult with NOAA Fisheries Service on all actions that may adversely affect EFH. For any action that may adversely affect EFH, Federal agencies must provide NOAA Fisheries Service with a written assessment of the effects of that action on EFH. The EFH Assessment is preferably integrated into the EIS. The EFH assessment must contain:

1. A description of the proposed action.
2. An analysis of the potential adverse effects of the action on EFH and the managed species.
3. The Federal agency's conclusions regarding the effects of the action on EFH.
4. Proposed mitigation, if applicable.

If appropriate, the assessment should also include:

- a) The results of an on-site inspection to evaluate the habitat and site-specific effects of the project.
- b) The views of recognized experts on the habitat or species that may be affected.
- c) A review of the pertinent literature and related information.
- d) An analysis of alternatives to the action, including alternatives that could avoid or minimize adverse effects on EFH.
- e) Other relevant information.

Under Section 305 (b)(4) of the MSFCMA, NOAA Fisheries Service is required to provide EFH Conservation Recommendations to Federal agencies for actions that would adversely affect EFH. EFH Conservation Recommendations will be provided as part of the EFH consultation initiated upon receipt of the EFH Assessment. These recommendations may include measures to avoid, minimize, mitigate or otherwise offset adverse effects. Section 305(b)(4)(B) requires a Federal agency to provide a detailed response in writing to NOAA Fisheries Service which includes the measures proposed for avoiding, mitigating or offsetting the impact of the activity on EFH.

The Fish and Wildlife Coordination Act predates the EFH amendments to the MSFCMA and requires that fish and wildlife conservation receive equal consideration with other features of water resource development for federal permitting and licensing by requiring that federal agencies consult with the NOAA Fisheries Service before issuing a permit for activities that modify any body of water. This law therefore provides a nexus for NOAA Fisheries comment on U.S. Army Corps of Engineers permitting through the Clean Water Act and Rivers and Harbors Act and any such permits that will be required for the Sitka Access project, in addition to EFH.

Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA):

The MMPA and ESA prohibit the injury, harm or harassment of marine mammals and federally listed species, respectively. The ESA additionally requires, pursuant to Section 7, that federal agencies consult with NOAA Fisheries Service to determine if the project may affect listed species or critical habitat under our jurisdiction. This project is within the range of endangered humpback whales and threatened Steller sea lions, as well as harbor porpoises, harbor seals, minke whales and killer whales, which are protected under the MMPA.

The EIS should consider the potential impacts of all alternatives to marine mammals and endangered species under NOAA Fisheries Service jurisdiction that may occur in the project areas. Potential direct and indirect impacts such as noise, habitat loss (both to marine mammals and their prey) and toxic spills from ferries and ferry terminals during construction and operational phases, direct harm or loss of habitat from removal of physical obstructions in Peril, Olga and Neva Straits and Sergius, Kakul, and Whitestone Narrows, and indirect effects from increased harassment or take due to greater vessel activity and access to shorelines on the west side of Chatham Strait. NOAA Fisheries Service is available to assist you in determining the distribution of marine mammals and their habitats and potential impacts of the alternatives. As additional information is acquired and analyzed for the project alternatives, the determination of an appropriate Section 7 consultation level, as either informal (not likely to adversely affect), or formal (may affect), will be possible.

Information Resources and Needs:

Federally Managed Fisheries Species:

For information on federally managed fisheries species covered by EFH consultation requirements, please consult the following web sites.

<http://www.fakr.noaa.gov/habitat/efh.htm> , <http://www.fakr.noaa.gov/maps/default.htm> ,
and <http://www.fakr.noaa.gov/efh/download/efhshp.htm>

Anadromous Species:

The Alaska Department of Fish and Game's anadromous waters catalog should be consulted regarding anadromous fish streams and lakes that will occur at or near the road corridors and ferry terminals for the project.

Wetlands, and Nearshore Habitats:

NOAA Fisheries Service recommends that you work with the U.S. Army Corps of Engineers in locating jurisdictional wetlands.

Information on eelgrass and kelp habitats and their relationships to fish species, including for sites along the east side of Baranof Island, may be accessed from the following link.

<http://www.afsc.noaa.gov/Publications/AFSC-TM/NOAA-TM-AFSC-139.pdf>

Some archived dive reports (1970s and 1980s) from log transfer facilities investigations are available for the east side of Baranof Island (these are currently filed at the Alaska Regional Office). We will make copies of these reports and provide them under separate cover to Mr. Michael Downing and Ms. Jane Gendron of CH2M Hill.

Finally, to fill in the large gaps of information regarding the areas that need to be analyzed for this project, we recommend possible use of the ShoreZone mapping project currently under way for southeast Alaska. The ShoreZone mapping project, a collaborative effort of Mr. John Harper of Coastal and Ocean Resources, Inc. and Ms. Mary Morris, of Archipelago Marine Research, Ltd. uses aerial videography and photography to document and map physical, biological and habitat characteristics, of intertidal and subtidal shores. The project has already been completed for some sections of southeast Alaska successfully last year. We understand that your consultant, Ms. Jane Gendron, of CH2M Hill is following up directly with the contractors to assess the potential of this effort to support the needs of the Sitka Access EIS.

Marine Mammals and Endangered Species:

Information on marine mammals and endangered species under NOAA Fisheries Service jurisdiction is available at the following website:

<http://www.fakr.noaa.gov/protectedresources/default.htm>

Purpose Statement:

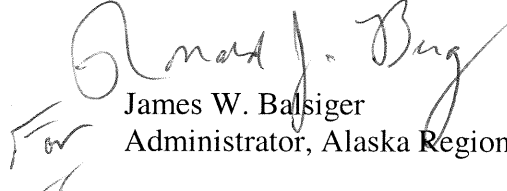
At the agency scoping meeting, we were asked to comment on the project's purpose statement. The purpose statement for the action currently reads:

“The purpose of this project is to improve transportation access to Sitka and Baranof Island by reducing identified transportation obstacles to providing safer, more frequent, reliable, efficient and cost effective transportation solutions.”

At the agency scoping meeting we discussed the incidental nature of including “Baranof Island” in the purpose statement because the intent of the action is clearly and exclusively to improve ferry access to the city of Sitka, whereas access to Baranof Island is a by-product of improving access to Sitka. We therefore recommend that “and Baranof Island” be removed from the statement. We also discussed the improved efficiency of operation that comes from services that are scaled to demand as well as the need to be responsive to public interests, for improved frequency, reliability, safety, vessel carrying capacity, and affordability.

We hope these comments are helpful and look forward to working with you to provide the information and analysis needed for a comprehensive and useful EIS. If you have any questions, please contact Linda Shaw at 907-586-7510.

Sincerely,


James W. Balsiger
Administrator, Alaska Region

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