



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

February 25, 2005

MEMORANDUM FOR: Susan Kennedy
NEPA Coordinator, NOAA Office of Strategic Planning

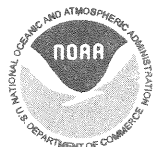
FROM: *For* James W. Balsiger
James W. Balsiger
Administrator, Alaska Region

SUBJECT: Tuxekan Island Timber Sale

Attached for your signature are comments by the National Marine Fisheries Service Alaska Region on the Draft Environmental Impact Statement (DEIS) for the Tuxekan Island Timber Sale. The comment period for this DEIS closes March 7, 2005. Please fax the comments to Dennis Sylvia, U.S. Forest Service (907) 828-3309 and mail a signed copy to our office for our records.

Please contact Katharine Miller at (907) 586-7643 if you have any questions.

Attachment



Dennis Sylvia
Zone Planning Officer
U.S. Forest Service
P.O. Box 19001
Thorne Bay, AK 99919-0001

Dear Mr. Sylvia:

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) has reviewed the Draft Environmental Impact Statement (DEIS) for the Tuxekan Island Timber Sale. The proposed timber sale encompasses all of Tuxekan Island, including two parcels of state land near Jinhi Bay. We have made several attempts to call you with questions on this timber sale, but none of our calls have been returned.

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 EFH. NMFS is required to make conservation recommendations, which may include measures to avoid, minimize, mitigate or otherwise offset adverse effects. For the purposes of this project, EFH includes all segments of streams where salmon reside during any life stage or period of the year, and the marine waters and substrates of Sea Otter Sound. The streams in the project area provide important habitat for pink, chum, coho, and sockeye salmon. The marine waters and substrates of Emerald Bay provide important habitat for a number of species including Pacific cod, arrowtooth flounder, Pacific ocean perch, walleye pollock, dusky rockfish, shortraker and rougheye rockfish, yelloweye rockfish, sablefish, flathead sole, rex sole, sculpin and skate. Chinook salmon are present in the marine waters adjacent to the project site, but do not spawn in the streams in the project area.

Scoping for the DEIS was conducted in 1999 and 2000 and the information in the document has not been updated since then. As a result, much of the information is out of date and does not reflect current circumstances or provide a complete picture of the potential impacts of each option. For example, in Chapter 3 under Existing Timber Harvest and Road Crossings, the DEIS identifies an inconsistency between the number of streams in the project area as recorded in the Road Condition Survey (RCS) of 1999 and the surveys undertaken for preparation of the DEIS in 2000. Page 154 of the document states:

The existing roads within the Tuxekan Project Area include 78 stream crossings 8 of which cross Class I streams; 6 cross Class II streams, 11 cross Class III streams, 3 cross Class IV streams, and 50 cross non-streams and roadside ditches (URS 2002a). However, the Road Condition Survey (RCS) (USDA Forest Service 1999) lists only one Class I and four Class II fish stream crossings. The differences are attributable to differing weather conditions at the time of the two surveys, the

inclusion of anecdotal information about the presence of fish in particular streams, and the occasional reliance on GIS map data.

This section goes on to state "Follow up surveys are scheduled for the summer of 2002 to reconcile the differences between the two surveys." As it is now 2005, presumably these follow up surveys have been completed and an accurate count of the anadromous streams in the project area should be available for inclusion in the DEIS. However, this updated information has not been provided and NMFS' requests for this information have gone unanswered.

The DEIS states that logs would be hauled to the existing log transfer facility (LTF) at Nichin Cove and then towed on barges or rafts to processing facilities in other areas. A review of the Nichin Cove area indicates that the depths at this LTF may not meet siting guidelines in the Forest Plan. An existing LTF at Peep Rock on the western side that was not considered in the DEIS although it appears to meet the Forest Plan siting guidelines. NMFS' requests for further information on these LTFs have gone unanswered.

The Forest Service has concluded that "harvesting near Class I streams, the construction or reconstruction of roads over Class I streams and the construction, reconstruction, or use of a LTF "may adversely affect" EFH." NMFS concurs with this finding. Among the mitigation and conservation measures the Forest Service is proposing are the following:

- BMPs described in the unit and road cards (Appendices B and C) would provide assurance of water quality and aquatic habitat protection for all freshwater streams affected by the project;
- Reconstruction and maintenance of existing stream crossings at Class I, II, and III streams would conform with Forest Plan Standards and Guidelines; and
- Reconstruction and maintenance of the LTF at Nichin Cove will be in the same footprint as the existing permitted LTF.

The proposed conservation and mitigation measures are not sufficient to avoid, minimize or mitigate impacts to EFH. The DEIS proposes to implement fish passage mitigation measures (F5 and F6) only on the newly constructed road (Unit 556-409) even though DEIS states that existing roads do not provide for adequate juvenile fish passage on the one Class I and two of the Class II streams identified in the RCS. The status of fish passage on the other seven Class I streams and four Class II streams identified during the project area surveys in the 1990s is unknown. The DEIS does not explain how the proposed level of mitigation is either adequately protective of EFH or in conformance with Forest Plan Standards and Guidelines.

The only place in the DEIS where reconstruction of the LTF at Nichin Cove is mentioned is in the EFH section. The proposed LTF apparently does not meet siting guidelines, so restricting reconstruction to the existing LTF footprint would not be adequate to protect EFH. Furthermore, 50 CFR 600.920(e)(3) requires EFH assessments to include a description of proposed actions and an analysis of the effect of the action on EFH and managed species. The DEIS contains no description of the proposal to reconstruct the Nichin Cove LTF nor a discussion of how this action may affect EFH.

In conclusion, NMFS finds the DEIS and EFH Assessment to be deficient in the description of the proposed actions, the resources affected and proposed mitigation for adverse effects. The Forest Service should provide NMFS:

- an accurate description of all actions that may adversely affect EFH, including proposed reconstruction of the Nichin Cove LTF and any roads that would affect anadromous streams;
- the results of on-site inspections (e.g. follow-up surveys on streams in the project area) to evaluate the habitat and the site-specific effects of the project in accordance with 50 CFR 600.920(e)(4)(i);
- an analysis of alternatives to the proposed Nichin Cove LTF that could avoid or minimize adverse effects on EFH in accordance with 50 CFR 600.920(e)(4)(iv); and
- an accurate description of the proposed mitigation and mitigation measures for impacts to EFH.

Until the above information is received, NMFS is unable to proceed with the EFH consultation on the project.

Please contact Katharine Miller at (907) 586-7643 if you have any questions.

Sincerely,

Susan Kennedy
NEPA Coordinator