



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

August 28, 2007

Colonel Kevin J. Wilson
U.S. Army Corps of Engineers
P.O. Box 898
Anchorage, Alaska 99506-0898

Re: POA-2004-1101-2
Chester Creek

Attn: Mary Lee Plumb-Mentjes

Dear Col. Wilson:

The National Marine Fisheries Service (NMFS) has reviewed your Public Notice dated August 10, 2007, regarding an application from the Municipality of Anchorage to provide fish passage for anadromous fish between Chester Creek and Knik Arm of Cook Inlet. This is Phase II of the Chester Creek Aquatic Habitat Restoration project. This phase includes constructing a new fish passage structure through the railroad embankment, constructing an intertidal channel to provide fish passage in Westchester Lagoon, installing a new weir and pedestrian bridge, adding a boardwalk for viewing salmon, restoring the existing lagoon weir, constructing a flood control channel, and providing landscaping.

NMFS supports the Chester Creek habitat restoration effort and we are aware of the amount of coordination that has taken place to make this project happen. We understand that funding for this project has long been a concern. Fortunately, the Municipality of Anchorage is a recipient of Pacific Coastal Salmon Recovery Funds and despite several design changes is now able to move forward.

Section 305(b) of the Magnuson-Stevens Fishery Conservation and 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 Corps of Engineers states in the Public Notice that *"Preliminarily, the described activity may temporarily affect EFH in the project area."* The Public Notice goes on to state that *"The benefits of restoring access to salmon spawning habitat in the headwaters of Chester Creek outweigh temporary effects to EFH during construction activities."*

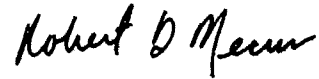
NMFS agrees that construction for this project would cause short term effects to EFH. We also agree that the project would ultimately enhance EFH, and the avoidance and minimization measures outlined in the Public Notice go far to reduce impacts to EFH. However, based on the project plans we are not clear as to what materials would be used to construct the proposed boardwalk. To reduce potential impacts to EFH, NMFS recommends using recycled plastic lumber to construct the boardwalks and observation platforms, rather than treated wood. Wood preservative chemicals (e.g., creosote and copper chromium acetate) are toxic and can leach into aquatic habitats with resultant damage to EFH. Plastic boardwalks are low maintenance, long



lasting, have no toxic preservatives, and have roughened texture for non-slip safety. Recycled plastic lumber is readily available and has been used successfully on numerous projects.

If you have questions regarding these comments, please contact Brian Lance at (907) 271-1301 or brian.lance@noaa.gov.

Sincerely,



Robert D. Mecum,
Acting Administrator, Alaska Region

cc:

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