



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

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

August 14, 2008

Colonel Kevin J. Wilson  
District Engineer  
P O Box 6898  
Anchorage, Alaska 99506-0898

Re: POA-2007-1640, Herman Creek,  
Northern Southeast Regional  
Aquaculture Association

Attn: Richard Jackson

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) has reviewed Northern Southeast Regional Aquaculture Association's (NSRAA) proposed project. The proposed project is located within Section 28, T. 28 S., R. 55 E., Copper River Meridian; USGS Quadrangle Map Skagway B3; Latitude 59.41621° N., Longitude 136.05304° W., near Klukwan, Alaska. Herman Creek, a catalogued anadromous stream (115-32-10250-2007-3061), is used by chum and coho salmon (Johnson and Dqaigneault 2008). The project would be funded by a State of Alaska grant.

NSRAA is proposing to construct a spawning channel approximately 1500 feet long which would connect with Herman Creek a short distance upstream from its confluence with the Klehini River. The channel would be constructed within uplands. Approximately nine cubic yards of fill would be placed in the existing stream bank, below the ordinary high water (OHW) mark, where the channel would connect with Herman Creek. The new channel would resemble a natural spring creek and include instream fish habitat features such as pools, glides, riffles, runs, floodplains, and gravel bars. The spawning channel would meander between cottonwood trees and other existing native vegetation. Excavated materials would be deposited on both sides of the channel and formed into terraces which would be vegetated by nearby native plants.

In order to prevent siltation into Herman Creek, excavation would begin approximately 20 feet inland from the banks of Herman Creek and proceed toward the head of the stream. After sediment in the new channel has settled an excavator would be used to connect the spawning channel to Herman Creek. About 100 feet of the bank of Herman Creek would be disturbed to connect the channel and the stream, and nine cubic yards of fill (two-foot diameter boulders) would be placed below the OHW line. The fill would serve to stabilize the connection between the creek and the spawning channel. Excavated material would be trucked away from the new connection, deposited upland, and colonized by native vegetation.

Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires interagency consultation for any proposed federal action that may adversely affect Essential Fish Habitat (EFH). EFH is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity (MSA § 3(10)). For the purpose of interpreting the definition of EFH: "Waters" include aquatic areas and their associated physical, chemical, and biological properties that are used by fish and may include aquatic areas historically used by fish where appropriate; "substrate" includes sediment, hard bottom,



structures underlying the waters, and associated biological communities; “necessary” means the habitat required to support a sustainable fishery and the managed species’ contribution to a healthy ecosystem; and “spawning, breeding, feeding, or growth to maturity” covers a species’ full life cycle (MSA § 600.10). Under the Clean Water Act (CWA) Section 404 (b)(1) Guidelines (40 CFR 230), only the least environmentally damaging practicable alternative for a proposed discharge of fill into jurisdictional wetlands or waterways can be permitted by the US Army Corps of Engineers. We offer the following conservation recommendations pursuant to section 305(b)(4)(A) of the MSA and section 404(b)(1) of the CWA.

1. If any trees are felled during the construction of the spawning channel they should be incorporated into the channel design to provide large woody debris (LWD) habitat. Instream LWD creates channel structure and cover for fish and provides shade which helps to control stream temperatures (Koski 1992).
2. Excavation along the bank of Herman Creek banks (to connect the spawning channel and place armoring fill) should be done when there are no salmon present, in order to avoid impacts to salmon from increased sedimentation.
3. The applicant should develop and implement a monitoring plan to document the success of the project, and to inform any changes to future project design.

The project purpose is to create new spawning habitat for anadromous salmon. The project design would mimic natural conditions and minimize impacts to water quality and EFH. All of these activities would enhance the function and value of existing EFH and create additional new spawning habitat. Excavation of the spawning channel would be done in a way to minimize siltation and impacts to water quality. The proposed project appears to be well designed and will probably result in additional fish habitat. The positive long term effects of creating new EFH should outweigh any short term effects from the placement of fill or disruption of shore habitat to connecting the new channel with Herman Creek. Thank you for the opportunity to comment on your project, and we look forward to hearing how the new channel is functioning.

If you have any questions regarding our habitat recommendations for this project, please contact Chiska Derr at 907-586-7345 or by email at [Chiska.Derr@noaa.gov](mailto:Chiska.Derr@noaa.gov).

Sincerely,



Robert D. Mecum  
Acting Administrator, Alaska Region

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NMFS, AKR, Records  
\* electronic copy

References:

- Johnson, J. and M. Dqaigneault. 2008. Catalogue of waters important for spawning, rearing, or migration of anadromous fishes—Southeastern Region, Effective June 2, 2008. Alaska Department of Fish and Game, Special Publication No. 08-06, Anchorage.
- Koski, K.V. 1992. Restoring stream habitats affected by logging activities. *In*: Restoring the nation's marine environment (G.W. Thayer, ed.), pp. 343-404. Maryland Sea Grant College, College Park, MD. 716 pp.

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