



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

September 17, 2004

Mr. Michael Carter
U. S. Department of Transportation
Maritime Administration
400 7th Street SW
Room 7209
Washington, D. C. 20590

Re: Anchorage Marine Terminal
Redevelopment Environmental
Assessment

Dear Mr. Carter,

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) has reviewed the draft Environmental Assessment (EA) for the Port of Anchorage Marine Terminal Redevelopment project. The project will utilize federal funding administered by the U. S. Department of Transportation Maritime Administration (MARAD). The proposed action will result in filling from 110 to 135 acres of tidelands. We offer the following comments.

Essential Fish Habitat and Fish Resources

The Magnuson-Stevens Fishery Conservation and Management Act requires NOAA Fisheries to make conservation recommendations regarding any federal action that would adversely affect Essential Fish Habitat (EFH). NOAA Fisheries will review the final EA (or a revised Draft EA addressing our comments below) and make recommendations pursuant to section 305(b)(4)(A) of the Magnuson-Stevens Act to minimize project impacts.

Chapter 1 Purpose and Need

NOAA Fisheries has no specific comments concerning Chapter 1 Purpose and Need for the Proposed Action.

Chapter 2 Description of the Proposed Action and Alternatives

The draft EA is incomplete with respect to presenting the full range of alternatives available for this project.

The EA should analyze as an alternative, or at least include in the section alternatives Considered but not Carried Forward, a 100% pile supported design. A 100% pile supported dock design would minimize impacts to marine habitat, and was examined in the March 2002 Intermodal Marine Facility report. The draft EA presents no pile supported dock alternative.



Referring to Alternative B as a “Pile Supported Dock” and Alternative C as a “Combination of Sheet Pile and Pile Supported Dock” is misleading. Under Alternative B, only the last 120 feet of the 400 feet of dock design is pile supported, so 70% is sheet pile and fill. The combination of sheet pile and pile-supported dock under Alternative C includes 131 acres of fill, only 4 acres less than alternative A at 135 acres. The one dock section (Area 4) comprising the pile support offers very little refuge habitat for migrating fish. Alternatives A and C are not sufficiently different from one another to merit calling them separate alternatives. A more accurate description of the alternatives would be: Alternative A – Sheet Pile Dock, Alternative B – Combination of Sheet Pile and Pile Supported Dock, and Alternative C – Sheet Pile Dock with one Section of Pile Supported Dock.

This section should identify the borrow sources for the 13.8 million tons of fill. It should also include a more thorough analysis of using dredged materials (6.2 million cubic yards from 2005 through 2010) as a source of fill. In other words, the EA should explain how much of the dredged material would be suitable for fill and explain the reasoning used in the analysis.

Section 2.4, Summary of Environmental Consequences, should be at the end of Chapter 3. Table 2-8 provides a summary of impacts based on physical resource categories, and should not precede the discussion of the consequences in the document. NOAA Fisheries disagrees with the Biological Resources component of Table 2.8, which states that Alternatives A, B and C would have no adverse impacts on fish. Filling in 110 to 135 acres of tidelands will eliminate habitat and have an adverse impact on fish. The degree of adverse impact can only be determined through studies. The current level of fisheries data for the area, referenced in the draft EA, is inadequate to make a determination of no significant impact.

Chapter 3 Affected Environment and Environmental Consequences

The last sentence of the section “Finfish (Non-Salmonid)” on page 3-66 states, “fish diversity within the project area is low.” NOAA Fisheries disagrees with this statement because previous studies in Knik Arm have documented the presence of at least 24 species of fish in the general vicinity. In addition, fish studies currently underway by Pentec Environmental for Knik Arm Bridge and Toll Authority (KABATA) suggest that juvenile salmon use Knik Arm at higher levels than previously thought. These recent findings raise concerns about the effects of the proposed project on juvenile fish movement and habitat use in the shallow littoral zone slated for fill under all currently proposed alternatives. In addition, the EA should discuss residence timing of juvenile salmon in Knik Arm.

The section on chum salmon life history on page 3-68 is not correct. Chum salmon in the Cook Inlet area migrate to saltwater shortly after hatching in the spring. They do not “rear in freshwater through the fall.” Juvenile chum salmon may spend several months in the near-shore intertidal area prior to heading out into the ocean.

The section on Essential Fish Habitat (EFH) on pages 3-69 and 3-70 has no discussion of salmon EFH. Knik Arm provides EFH for all salmon species. All the action alternatives for this project would result in the loss of substantial amounts (110-135 acres) of EFH.

The use of the term “extensive seine and trawl surveys” when referring to the fish studies in Upper Cook Inlet and Knik Arm from the Dames and Moore study in 1983 is misleading. This one-month baseline study raised more questions than it answered. In fact, John Morsell, the senior biologist on the study project stated, “Our 1983 investigation barely scratched the surface, leaving many unanswered questions” (Morsell, pers. com.) NOAA Fisheries’ Auke Bay research lab in Juneau conducts many habitat and fisheries assessment related studies in Southeast Alaska, and these studies are conducted throughout a year and over multiple years. The EA should use caution in drawing conclusions from the 1983 study due to the lack of specific data from the proposed project site and the study’s temporal limitations.

The second paragraph on page 3-75 states “there would be no significant impacts to local or regional finfish population with the reclamation of fill of 135 acre of subtidal and intertidal marine habitat under Alternative A.” NOAA Fisheries disagrees with this statement. As mentioned previously, the project would eliminate aquatic habitat and the extent of the impact for fish populations can only be determined after collecting biological information from the area. The draft EA does not provide an adequate basis upon which to draw a conclusion of no impact.

NOAA Fisheries disagrees with the statements on page 3-77 that claim no significant impacts to salmonids and EFH for marine species as a result of the proposed actions. The draft EA contains inadequate supporting data to make these statements.

NOAA Fisheries disagrees with the conclusion that recreation will not be impacted. The recreational fishery on Ship Creek and its importance is discussed on page 3-87. This development could impact survival of coho and Chinook salmon smolt from Ship Creek that could in turn impact the recreational fishery. This potential impact should be evaluated and documented in the EA.

This section of the draft EA does not discuss how or if the sheet pile and fill design alternatives could impact the near-shore migration of fish species. NOAA Fisheries prefers a pile-supported design because avoiding fill would maintain the protective migration corridor that exists with the current docks.

The draft EA is the first information NOAA Fisheries received that suggests the North Tideland area would be filled and developed first in the construction phase of the project. Many marine impact questions remain unanswered concerning this North Tideland area, but available information indicates that beluga whales use this shallow area for feeding. The EA should address the potential impacts to this area, or else the fill and development should be delayed until studies on habitat, fish, and marine mammal use are completed.

The impact footprint of all the proposed alternatives would extend beyond the fill acreage to include the additional area that would be dredged to -35 and -45 feet. The EA should discuss in greater detail the additional acreage that will be impacted due to the new dredging required.

Chapter 4 Cumulative Effects, Irreversible and Irretrievable Commitment of Resources

The draft EA is incomplete with respect to addressing cumulative effects and comes to no apparent conclusion regarding biological resources, specifically fish resources. In fact, the cumulative effects analysis does not directly assess fishery resources. The only mention of fish habitat is the statement, "NMFS and USFWS have expressed concerns that hydrodynamic changes due to construction of the Marine Terminal project, expansion at Port Mackenzie, and the Knik Arm Bridge could cumulatively affect fish habitat in Knik Arm." NOAA Fisheries remains concerned about the cumulative effects of fill from these three projects, considering the hundreds of acres in marine intertidal and estuarine wetlands that have been filled and lost to industrial development in the immediate vicinity of the current proposal. Past developments include the Port, adjacent businesses to the Port, and the Alaska Railroad on both sides of the mouth of Ship Creek. Estimates of acreage lost should be included in the cumulative effects analysis.

NOAA Fisheries disagrees with the statements on page 4-6 that most impacts from the proposed project are short-term and temporary or longer lasting, but negligible. The permanent loss of 110-135 acres of tideland and an unknown amount of subtidal acres to dredging is neither temporary nor negligible.

Marine Mammals

Harbor seals do not frequent upper Knik Arm, although they are observed in and around Ship Creek during the summer, likely following the salmon runs. Large groups of harbor porpoise have been reported in Turnagain Arm, and also in Knik Arm.

The Cook Inlet beluga whale population has decreased almost 50 percent since the mid 1990s and its abundance is now about 350 animals. Due to this decline, NMFS designated the population as depleted under the Marine Mammal Protection Act on 31 May 2000 (65 FR 34590). The Cook Inlet stock of beluga whales is genetically and geographically isolated from other Alaska populations of beluga whales. These whales range in upper Cook Inlet during much of the year, making them susceptible to potential effects from human interactions, including activities at the Port of Anchorage.

The EA should include more information on the beluga whale distributions in and near Knik Arm, and should assess the impact of port expansion on beluga whales. Since 1994, NOAA Fisheries has conducted aerial surveys in Cook Inlet, with multiple efforts in upper Cook Inlet, including Knik and Turnagain Arms and the Susitna delta. Beluga whales are consistently found in Knik Arm. During recent years (2001-2004), nearly all beluga whale sightings in Cook Inlet have been in the northernmost areas, with about one

third (33.4 percent) in the Susitna delta, one third (35.7 percent) in Turnagain Arm and one third (30.6 percent) in Knik Arm.

Based on the survey data noted above, NOAA Fisheries has identified the Knik Arm area as high value/high sensitivity habitat. We have enclosed the following reports for your use to further explain the importance and use of Knik Arm to beluga whales, and we request that the pertinent details of these reports be incorporated into your EA:

- 1) Aerial surveys of beluga whales in Cook Inlet, Alaska, between June 2001 and June 2002, July 2004 (Enclosure 1).
- 2) Movements and area use of belugas, *Delphinapterus Lucas*, in Cook Inlet, Alaska, In Review (Enclosure 2).

Beluga whales use the Port area and Knik Arm extensively to feed and to rear their young. From winter aerial surveys and satellite-tracked beluga whales, NOAA Fisheries has determined upper Cook Inlet, particularly Knik Arm, is not a seasonal use area, but important throughout the year. Alteration of beluga whale movements or behavior could impact the reproductive success and recovery of this depleted population.

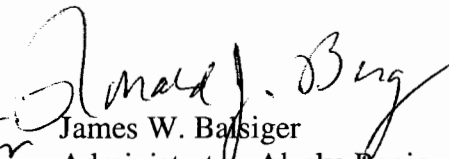
NOAA Fisheries hopes to work with the Port to assess and mitigate any potential impacts to Cook Inlet beluga whales from the port expansion. Potential impacts include direct habitat loss through filling, alteration of currents, prey availability, predator avoidance, changes in deposition areas, construction and operational impacts (primarily noise), changes in shipping traffic, and hazardous waste spills. A significant concern is alteration of beluga whale movement patterns due to noise during construction and operation. High beluga whale use times in Knik Arm are from May through November. We understand that the construction schedule, seasonal ice conditions, and on-going Port activity mean time and area restrictions to minimize impact to beluga whales generally are not feasible.

During a meeting with the Port on 19 May 2004 we discussed implementing a beluga whale monitoring plan associated with the project. Pre-project monitoring would consist of observing beluga whale movements throughout the year and recording background sound in the water. Beluga whale movements, timing, group size, locations, and patterns would be assessed. Project monitoring would be similar to pre-project monitoring with beluga whale movements and background sound recorded. Changes in beluga whale behavior could be associated with sound levels and assessed. If detrimental changes in beluga whale behavior were occurring, construction could be altered. Post-construction monitoring would be similar to pre-construction monitoring with movements and sound levels recorded. The monitoring would assess whether any long-term changes have occurred in beluga whale movements due to Port expansion and increased shipping traffic. NOAA Fisheries has had no further contact with the Port on beluga whale issues since the May meeting and we are not aware that the discussed pre-project monitoring has begun. NOAA Fisheries is available to meet again with the Port and their environmental representatives to develop a viable monitoring plan. We would like to involve our research arm, the National Marine Mammal Lab, in the study design and are

willing to meet at a mutually agreeable time and place. Given the proposed timing for the port expansion project, beluga whale monitoring should begin as soon as possible.

If you have any questions regarding Essential Fish Habitat or fish resources, please contact Brian Lance at (907) 271-1301. Questions concerning Cook Inlet beluga whales or other marine mammals should be directed to Barbara Mahoney at (907) 271-3448.

Sincerely,


For *James W. Balsiger*
Administrator, Alaska Region

Enclosures (2)

cc: ADEC, ADNR/OHMP, ADGC, EPA, USFWS, COE - Anchorage
Applicant – Port of Anchorage, Attn: Roger Graves, 2000 Anchorage Port Road,
Anchorage, Alaska

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b Mahoney 9/15/04
jdr