



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

November 20, 2006

Michael F. Gearheard
Director, R10 Office of Water
U.S. Environmental Protection Agency
1200 Sixth Avenue, OWW-130
Seattle, WA 98101

Re: Proposed Log Transfer Facility
NPDES General Permits

Dear Mr. Gearheard:

The National Marine Fisheries Service (NMFS) has reviewed two proposed General Permits regulating the discharge of bark and wood debris into marine waters at log transfer facilities (LTFs) in Alaska:

NPDES Permit Number AK-G70-0000: Authorization to discharge under the National Pollutant Discharge Elimination System (NPDES) for Section 402 modifications of Section 404 Permits for Log Transfer Facilities which received a Section 404 permit prior to October 22, 1985, and

NPDES Permit Number AK-G70-1000: Authorization to discharge under the National Pollutant Discharge Elimination System for Log Transfer Facilities in Alaska

NMFS has also reviewed two supporting documents prepared for the Alaska Department of Environmental Conservation by Tetra Tech, Inc.: “Biological Evaluation of the NPDES General Permits for Southeast Alaska Log Transfer Facilities, T15815-01 Final Report”, and “Essential Fish Habitat Assessment of the NPDES General Permits for Southeast Alaska Log Transfer Facilities.”

The above permits authorize marine discharges of bark and wood debris associated with in-water log storage and transfer and establish, in part, Best Management Practices (BMPs), Monitoring and Reporting Requirements, Pollution Prevention Plan (PPP) Requirements, and Compliance Responsibilities for the operation of Log Transfer Facilities in Alaska.

Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires federal agencies to consult with NMFS on all actions that may adversely affect Essential Fish Habitat (EFH). NMFS is required to make EFH Conservation Recommendations, which may include measures to avoid, minimize, mitigate or otherwise offset adverse effects.

Nineteen MSA species, including 14 groundfish species and five Pacific salmon species, have EFH within the action area (Tetra Tech, December 2005). Additionally, many of these MSA species prey upon forage fish species that utilize nearshore habitats in areas where LTFs exist or are commonly sited. LTF operations discharge bark and wood debris to nearshore marine waters resulting in direct and indirect adverse impacts to EFH. The accumulation and decomposition of



resources. Accumulation of bark and wood debris on the seafloor can bury organisms, disrupt feeding activities or efficiencies, alter the mobility of organisms, and reduce the recruitment potential of the site. The decomposition of bark and wood debris can create anaerobic zones in sediments and reduce oxygen levels in the overlying water. Anaerobic sediments can in turn produce sulfide gases which are toxic to many marine organisms. Thus the deposition of bark and wood debris from the operation of LTFs can substantially degrade localized habitat values for MSA species. Where decomposition rates are slow or currents are not sufficient to disperse bark deposits, natural recovery of damaged EFH can require decades.

In accordance with Section 305(b)(4)(A) of the Magnuson-Stevens Act, NMFS makes the following EFH Conservation Recommendations:

1. The permits should require that LTF operators transfer logs directly from land to a barge or other suitable vessel. The proposed permits do not require operators of LTFs to use a specific transfer method. Current methods used to transfer logs directly to the water include cranes, A-frames, slides, chain conveyors, and direct dumping; bark loss rates from these methods range from 8 to 29% (Tetra Tech, December 2005). Direct transfer from land to barges would virtually eliminate discharges of bark and wood debris to marine waters, and consequently, the need for an allowable zone of deposit (ZOD) and associated adverse impacts to EFH. Facilities for the shore-side transfer of logs to barges have been constructed in Alaska and existing LTFs are being reconfigured to accommodate this type of log transfer method. The direct transfer of logs to barges meets the stated purpose of the PPP required by these permits: “[T]o identify and employ all reasonable practices to avoid the discharge of bark, wood debris and other pollutants to waters of the United States. . . .” Barge facilities that utilize a shore-side loading dock should employ the use of pile-supported structures in their design to avoid the discharge of fill into marine habitats.

2. If the permits will allow log transfer into marine waters, there should be an explicit limit on the size of the area of continuous coverage. NMFS is concerned that the proposed permit would allow bark and wood debris to accumulate, in continuous and discontinuous patches, over the entire project area without limit. The project area near LTFs can be extensive (tens of acres) and include not only the area in the immediate vicinity of the LTF, but the area required to transport log bundles to raft make-up and storage areas. In the “Effluent Limitations for Residues” section of the permit, NMFS recommends adding the following requirement to each permit:

“Within the authorized ZOD, a permittee shall not exceed 1.0 acre of continuous coverage of the seafloor by 100% bark and woody debris with a thickness of 10 cm or greater at any point.”

NMFS further recommends that violation of the continuous coverage limit should trigger immediate site restoration.

3. The threshold for the development and implementation of a PPP to avoid exceedence of the continuous coverage limit should be lowered. One of the BMP requirements of the permits states: “If continuous coverage of bark and wood debris exceeds both 1.0 acre and a thickness of 10 centimeters at any point, the operator shall submit...a statement describing remedial practices that will be used to minimize additional bark accumulation and shall immediately incorporate those practices in the Pollution Prevention Plan.” The stated purpose of the PPP is to “identify and employ all reasonable practices to avoid the discharge of bark [and] wood debris to waters of the United States...” If the operator is required to employ all reasonable practices to avoid discharging bark and wood debris into marine waters, it is unclear what remedial practices could be employed to minimize additional bark loss upon reaching the 1.0 acre continuous coverage threshold.

NMFS recommends modifying the Threshold Requirement under Best Management Practices (BMPs) to read:

“If continuous coverage of bark and wood debris exceeds both 0.75 acre and a thickness of 10 centimeters at any point, the operator shall submit, along with the bark monitoring survey required under Section (insert section number specific to each permit) of this permit, a statement describing pollution prevention practices that will be used to minimize additional bark accumulation and shall immediately incorporate those practices into its PPP (insert section number specific to each permit) and implement the revised PPP.”

This modification would help prevent exceedence of the limit on continuous bark coverage at LTFs by requiring development and implementation of pollution prevention practices before the continuous coverage limit is reached. This modification would also justify triggering immediate site restoration upon exceeding the continuous coverage limit because operators should implement pollution control measures prior to exceeding the limit.

4. The term “log rafts” should be added to the BMP requirement concerning log retention timing (AK-G70-0000, pg. 3; AK-G70-1000, pg. 6). This requirement states:

“Logs or log bundles shall be moved out of the log raft make-up and storage areas at the earliest possible time to minimize the retention time of logs in the water.”

Although the term “log bundles” is likely meant to include log rafts (i.e. log rafts are comprised of multiple log bundles), it is not clear if this requirement applies to log rafts, which represent a potential significant source of bark and wood debris discharges to the marine environment. If so, add the term “log rafts” to this requirement to read: “Logs, log bundles, and log rafts shall be moved out of the log raft make-up and storage areas at the earliest possible time to minimize the retention time of logs in the water.”

5. Under BMPs, strengthen the wording of the following requirement to read: “The log transfer device shall be operated to avoid minimize the discharge of petroleum and lubrication products into receiving waters.”

6. The Notice of Intent in General Permit AK-G70-1000 requires a pre-discharge survey “to document the biological resources which may be affected by the discharge...” NMFS recommends that the pre-discharge survey (Part V(D)(7), pg. 11) should require biological resource surveys at multiple potential discharge sites in the project area.

As currently written, the methods for a pre-discharge survey imply that only a single site, the discharge site, must be surveyed to assess the biological resources present. Requirement (c) of the Pre-discharge Survey states that the objective of the survey is to “provide adequate site-specific information to indicate whether the discharge meets the requirements of Part III of this permit ...” Under Part III of the permit, requirement (B)(3) states: “Sites for log transfer and log storage should be located in areas having the **least ecologically productive** (emphasis added) intertidal and subtidal zones. As written, the methods for conducting the pre-discharge survey do not provide a means for identifying the least ecologically productive site in the project area. Only after conducting surveys at several sites can the least ecologically productive site be identified as required under Part III (B)(3).

7. The following BMP requirement should be added to Permit Number AK-G70-0000:

“Rafting and/or storage shall be in water at least 40 feet deep at Mean Lower Low Water (MLLW), in an area with currents strong enough to disperse wood debris.”

Surveys of former log storage areas indicate that substantial amounts of bark and wood debris can remain on the sea floor for decades. Siting LTFs in areas where local currents are sufficient to disperse material will minimize adverse impacts on EFH.

8. The scope of the PPP should include an element that specifically addresses the prevention and management of stormwater runoff from LTF facilities and associated access roads. Activities associated with stormwater management should be described in the plan and the devices or structures used to control, treat, reduce, or eliminate sediment transport to the marine environment should be described and depicted on site maps.

The potential for sediment transport from LTFs to the marine environment is high in the geographic area covered by this permit. The combination of high precipitation levels in the region, use of fine-grained materials in the construction of roads and pads, and high volumes of heavy, multi-wheeled trucks at LTF facilities can result in stormwater and general surface runoff that is high in suspended sediments. Consequently, storm water and surface runoff from LTFs can deliver sediment to the marine environment where it can adversely impact EFH by increasing turbidity, burying or fouling marine organisms, or altering natural substrates.

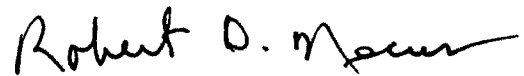
Other comments

1. In tables 5.3 and 5.4 (Biological Evaluation of the NPDES General Permits for Southeast Alaska Log Transfer Facilities, T15815-01 Final Reprt), include the type of transfer method used at each LTF and volume of logs transferred through the facility up to the date on which it was last surveyed. This information will help the reader to understand relationships between transfer methods, transfer volumes, and the size and depth of continuous bark coverage.
2. The term SWPPP in General Permit AK-G70-000 (Part VI(E), Scope) does not appear to be defined in the permit.

Under section 305(b)(4) of the Magnuson-Stevens Act, the EPA is required to respond to NMFS EFH Conservation Recommendations in writing within 30 days. If the EPA will not make a decision within 30 days of receiving NMFS EFH Conservation Recommendations, the EPA should provide NMFS with a letter within 30 days to that effect, and indicate when a full response will be provided.

If you have any questions regarding our recommendations for this project, please contact John Hudson (907-586-7639).

Sincerely,



Robert D. Mecum
Acting Administrator, Alaska Region

cc: ADEC Juneau, Chris Foley
EPA Juneau, Chris Meade*
ADNR, Mark Minnillo*
USFWS, Juneau*

* e-mail PDF

Literature cited

Essential Fish Habitat Assessment of the NPDES General Permit for Southeast Alaska Log Transfer Facilities. Prepared for the Alaska Department of Environmental Conservation. December 2005. Tetra Tech, Inc.