



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

September 15, 2003

Colonel Timothy J. Gallagher
U.S. Army Corps of Engineers
P.O. Box 6898
Elmendorf AFB, Alaska 99506-6898

Re: Draft EIS King Cove Access Project
Cold Bay 12
2-2000-0300

Attn: G. Leroy Phillips

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the Draft Environmental Impact Statement (DEIS) for the King Cove Access Project. The King Cove Health and Safety Act (§353) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (Public Law 105-277) provided the Aleutians East Borough (AEB) with \$20 million to construct a year round marine-road transportation system between the cities of King Cove and Cold Bay at the western end of the Alaska Peninsula.

The Corps of Engineers (Corps) and the U.S. Fish and Wildlife Service (USFWS) determined that an Environmental Impact Statement was required for the King Cove Access Project because of potential adverse impacts to the Izembek National Wildlife Refuge (NWR) Wilderness Area; potential beneficial impacts to the residents of King Cove; potential significant impacts to fish and wildlife resources of Izembek NWR, upper Cold Bay including Kinzarof Lagoon; and the extensive controversy over the effects of the action on a national and local level.

NMFS has been involved with the project during preliminary design stages and has previously provided comments under the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

We have the following specific comments on the DEIS and recommendation on the alternative which will have the least impact to NMFS trust resources, including endangered species, marine mammals, and Essential Fish Habitat (EFH) identified under the Magnuson-Stevens Act.

NMFS Recommended Alternative

Twenty-eight alternatives were considered during the scoping and development phase for this DEIS. Six alternatives were selected for further evaluation. NMFS recommends Alternative 6 - Isthmus Road as the alternative that affords the greatest protection of living marine resources and offers the least potential impact to the marine environment. The Isthmus Road removes any possible impacts to endangered marine mammals, other marine mammals, and sensitive marine



vegetated areas, such as eelgrass. Alternative 6 eliminates intertidal fill for barge landing areas and ramps, dredging of marine sediments for ferry terminals, in-water pile driving for docks and dock improvements, and any potential vessel accidents which may spill cargo or fuels into marine waters and tidal flats of Cold Bay.

Page ES-17 (Executive Summary of the DEIS) states that Alternative 6 is not a “practicable alternative” under the Clean Water Act § 404(b)(1) Guidelines because it would require construction of a new road through the Congressionally designated Wilderness Area within the Izembek NWR. The document states that “Although the evaluation is sufficient for comparison purposes, it does not constitute a complete evaluation required under NEPA and Title XI of ANILCA for issuance of a Federal right-of-way through Izembek NWR Wilderness Area.” The DEIS maintains that in order for Alternative 6 to be fully evaluated, a completed application under Title XI of ANILCA would be required, and the Aleutians East Borough has not sought a Title XI permit and has stated that they do not intend to submit such an application.

In addition, the DEIS states that if a Title XI permit application was filed for a right-of-way across the Izembek NWR Wilderness Area, the USFWS would be the lead Federal agency in preparation of a separate EIS. This is because such a project would require crossing the Izembek NWR Wilderness Area, and the Secretary of the Interior and both the Congress and the President must decide whether or not to authorize a road through the Izembek NWR Wilderness Area. However, page ES-4 refers to the Secretary of the Interior’s letter to the Chairman of the Senate Committee on Appropriations, dated October 14, 1998, stating the expectation that with appropriate planning and mitigation, a road on King Cove Corporation lands within the Izembek National Wildlife Refuge could be constructed.

Therefore, NMFS maintains that the EIS must fully consider Alternative 6. Consideration of an all-road access from King Cove to Cold Bay is important because an all-road alternative offers the least impact to marine resources. NMFS has offered this recommendation in previous comments for the project. NMFS continues to support this alternative because an all-road access meets the stated purpose and exceeds the need to provide safe, reliable, year round, maintainable, and accessible transportation between these cities. Furthermore, a road would be much more reliable than ferry, plane, hovercraft, or helicopter and provides for lessened handling of cargo in marine waters.

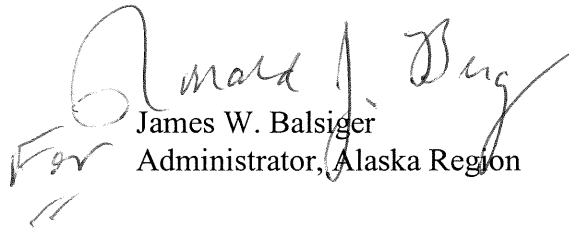
Additional Specific Comments

Page 43. Map 4 Incorrect citation. While this map was produced with contributions from the Aleutian East Borough, the map is also a NOAA source document. This is an Environmental Sensitivity Index (ESI) map for Cold Bay. ESI maps classify shoreline habitats, sensitive biological resources and human-use resources. EIS maps depict distributions of fish, birds, mammals, and nearshore vegetation types, if known. The correct citation would be “(from NOAA ESI Maps 6 & 9, Aleutians East Borough, 2001).”

- Page 72. Table 4 Table should include a list of marine intertidal and subtidal vegetation types.
- Appendix H. Fig 6. Remove non-EFH species from EFH Assessment, such as Dolly Varden and three-spine stickleback. EFH has not been described for these species or habitats.
- Appendix H. Pg 31. Remove “Non-Salmon Freshwater Fish” from EFH Assessment. EFH has not been described for these species or habitats.

Please direct any questions to Matthew P. Eagleton in our Anchorage field office at (907) 271-5006.

Sincerely,


James W. Balsiger
Administrator, Alaska Region

cc: COE, ADEC, ADFG, ADGC, EPA, USFWS - Anchorage
NOAA NEPA Coordinator-Joyce Wood

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