



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

January 23, 2003



Bob Robichaud, Manager
NPDES Permits Unit
USEPA Region 10 (OW-130)
1200 Sixth Avenue
Seattle, Washington 98101

ATTN: Linda Donahue

RE: Alaskan LTF Public Comments for Proposed Modification of
and Request for Additional Public Comment on the General
National Pollutant Discharge Elimination System Permits for
Log Transfer Facilities in Alaska: AK-G70-0000 and AK-G70-1000

Dear Mr. Robichaud:

The National Marine Fisheries Service (NMFS) has reviewed the public notice for proposed modifications to the general National Pollutant Discharge Elimination System (NPDES) permits for log transfer facilities (LTFs) in Alaska. The Environmental Protection Agency (EPA) has classified the modifications as major and minor. EPA has further proposed two alternatives for consideration regarding LTF Zones of Deposits (ZODS). The first alternative would establish a one acre *threshold* on continuous bark coverage that, once exceeded, would require the development and implementation of a remediation plan overseen by the Alaska Department of Environmental Conservation (ADEC). The second alternative would require a one acre *limit* on continuous bark coverage that, once exceeded, would be a violation of the permit. These two alternatives are tied to proposed major modification #3. NMFS provides comments on proposed major modifications #3, #4, and #5 as follows.

Proposed Modification #3: Include an explicit limit that the continuous coverage of bark at a thickness greater than 10 cm at any point shall not exceed 1.0 acre.

NMFS agrees with this proposed modification, which would require a *limit* on continuous bark coverage that, once exceeded, would be a violation of the permit. The deposition of bark by LTFs is a well-documented damaging and persistent



pollutant that reduces both the quantity and quality of habitat available for living marine resources. NMFS supports the 1985 LTF siting, construction, operation and monitoring/reporting guidelines (hereinafter referred to as the "1985 guidelines"), but adherence to the guidelines alone does not eliminate adverse effects to marine resources. Further, the remediation plan process developed by ADEC (2002) is inadequate for restoring LTFs because it allows for "natural recovery," as a remediation plan goal, to be determined at the discretion of the operator. NMFS maintains that for ZODs that exceed one acre of continuous coverage, the overall remediation objective should be to return the ZOD exceeded area to the original habitat conditions as measured by bottom type and substrate. Since this goal was not adopted as a requirement of remediation plans by ADEC, NMFS supports the *limit* alternative as the most protective of marine resources. NMFS also recommends that violation of the permit should trigger immediate site restoration.

Proposed Modification #4: Reduce the threshold for the development and implementation of pollution prevention practices to control bark deposits from 1.0 acres to 0.75 acres and apply it to both shore-based and offshore LTFs in AK-G70-1000; add this condition to AK-G70-0000.

NMFS agrees with this proposed modification. The modification would help prevent actual exceedence of the limit on continuous bark coverage at LTFs by requiring development and implementation of pollution practices when they are needed to prevent long-term effects. This modification would also justify triggering immediate site restoration upon violation of proposed modification #3 because operators should implement pollution control before exceeding the ZOD.

Proposed Modification #5: Modify the maximum depth for the monitoring of continuous bark deposits from -60 feet mean lower low water to -100 feet, without reference to mean lower low water.

This proposed modification would bring the general permits into compliance with the U.S. Occupational Safety and Health Administration limit for commercial scuba diving without an on-site compressor. The modification would further extend the area investigated for monitoring requirements of bark surveys to provide additional information on the impacts of LTFs to

the environment. NMFS supports the change, and further suggests that dive surveys be extended to 100 feet for assessment of both continuous and discontinuous bark deposits. In addition, NMFS suggests that, if reference to mean lower low water is removed, dive surveys be conducted at low tides to maximize the extent of survey coverage.

Subsequent to development of the 1985 guidelines, in 1996 Congress amended the Magnuson-Stevens Fishery Management and Conservation Act (MSFCMA) to provide for the conservation of Essential Fish Habitat (EFH). A number of the over 70 commercial fishery species for which EFH has been defined are groundfish, known to range in waters that are promoted as desirable siting depths by the guidelines (40 feet and deeper). Little is known of the effects of LTFs to these species despite the persistence of some bark deposits for over 30 years.

Following are NMFS **EFH Conservation Recommendations** on the proposed modifications, pursuant to section 305(b)(4)(A) of the MSFCMA. Please note that under section 305(b)(4), the EPA is required to respond in writing within 30 days to NMFS recommendations. If the EPA does not make a decision within 30 days of receiving NMFS EFH Conservation Recommendations, the EPA should provide NMFS with a letter to that effect, and indicate when a full response will be provided.

1) Proposed Modification #3 should be adopted, choosing the one acre permit *limit* alternative. In addition, violation of the permit should trigger required site restoration to return the affected area to its original habitat type. Operators should be allowed to use experimental methods to achieve this result as long as monitoring and reporting of the effectiveness of methods is also required.

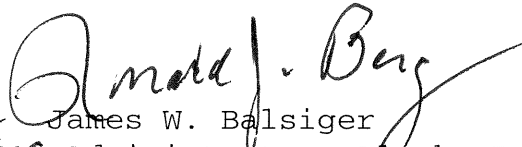
2) Proposed Modification #4 should be adopted.

3) Proposed Modification #5 should extend the maximum depth for the monitoring of both continuous and discontinuous bark to -100 feet. If references to mean lower low water are removed, dive surveys should be conducted at low tides to maximize the extent of survey coverage.

4) The 1985 guidelines are nearly 20 years old. EPA should lead an effort to revisit the guidelines, and update them for consideration of deepwater impacts.

Please contact Linda Shaw for further coordination regarding the proposed modifications at 907-586-7510 or linda.shaw@noaa.gov.

Sincerely,


For James W. Balsiger
Administrator, Alaska Region

cc: ADEC, ADGC, ADNDR, ADF&G, USFWS, Juneau

LITERATURE CITED

Alaska Department of Environmental Conservation (ADEC). 2000. Guidance for Preparing Remediation Plans Under Alaska's General Permits for Log Transfer Facilities.

Log Transfer Guidelines Technical Subcommittee. 1985. Log Transfer Facility Siting, Construction, Operation and Monitoring/Reporting Guidelines.