



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

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

June 30, 2003

Ms. Shirley Gammon  
State Conservationist  
Natural Resource Conservation Service  
800 W. Evergreen, Suite 100  
Palmer, Alaska 99645

Re: North Forest Acres Levee/Road  
Project, Draft Environmental Assessment

Dear Ms. Gammon:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced Draft Environmental Assessment (DEA) by the Natural Resource Conservation Service (NRCS) and the City of Seward. The Preferred Action Alternative consists of two approaches: 1) West 2b Alternative with Creek Realignment and 2) East 3 Alternative. The preferred alternative described in the DEA would realign 900 feet of Japanese Creek, fill or isolate 9 acres of wetlands, and fill or isolate 60 acres of flood plain from Japanese Creek and Resurrection River.

NMFS has made several visits to the proposed project site and provided comments in a letter dated May 3, 2001. As we have stated previously if the project is implemented as proposed it will have an adverse effect on essential fish habitat (EFH) and the anadromous fish resources of the project area.

Japanese Creek and Resurrection River provide EFH for migrating, spawning, rearing, and/or overwintering chinook salmon (*Onchorynchus tshawytscha*), coho salmon (*O. kisutch*), sockeye salmon (*O. nerka*), pink salmon (*O. gorbuscha*), and chum salmon (*O. keta*). Japanese Creek and the Resurrection River are listed as anadromous (ADF&G anadromous catalog, Seward A-7). The wetlands in the project area have extensive pockets of standing water for rearing of juvenile salmon and are an integral part of healthy productive fish habitat. These wetlands provide short and long term water storage. These wetlands buffer peak flows and attenuate low flows into the streams. The wetlands also remove pollutants from water flowing off fill pads, paving, roads and buildings, which can severely impact incubating and juvenile salmon.

NMFS is primarily concerned about realignment of Japanese Creek, filling and isolation of flood plains of Japanese Creek and Resurrection River, and loss of wetlands contiguous with Japanese Creek and Resurrection River. The proposed alternative would impact fisheries and wetlands, and further compromise the Resurrection flood plain. The proposed alternative is not in compliance with Clean Water Act Section 404(b)(1) guidelines. These guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse environmental consequence." Reasonable and prudent alternatives



exist. The West 1 and East 1 alternatives, from a habitat perspective, are the preferred routes for minimizing impacts to anadromous fish streams, wetlands, and the flood plain in the project area. These alternatives protect the flood plain and do not require relocation of Japanese Creek. The West 1 and East 1 alternatives allow the applicant to meet the goal of flood control with the least effect on EFH. We offer the following recommendations pursuant to section 305(b)(4)(A) of the Magnuson-Stevens Fishery Conservation and Management Act.

## **EFH Conservation Recommendations**

1. Do not relocate Japanese Creek.

*Rationale - Japanese Creek is an anadromous fish stream. Alternatives exist (e.g., West 1 and East 1 alternatives) that would require no realignment of the creek and present the least impact to EFH while allowing flood control and road access.*

2. The road/levee should not cross Japanese Creek or side channels.

*Rationale - Japanese Creek is an anadromous fish stream. Water flow in Japanese Creek is year-round with flow augmented by snow melt and a large wetland complex. The project area is spawning and/or rearing habitat for chinook, coho, sockeye, pink, and chum salmon as listed in the ADF&G anadromous fish stream catalog. Realignment of the stream would impact these fish resources and EFH.*

3. Fill or isolation of wetlands located in the flood plain should be avoided and minimized.

*Rationale - Loss of wetlands would decrease water quality and low flow water quantity. Runoff with sediment and pollution from the adjacent road would no longer be captured in the wetlands and riparian zone, thereby reducing water quality and quantity necessary to sustain fisheries. Further, Executive Order 11988 provides guidance on flood plain management to prevent federal agencies from contributing to “the adverse impacts associated with the occupancy and modification of flood plains” and “the direct or indirect support of flood plain development.”*

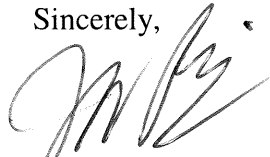
4. Fill or isolation of wetlands outside the flood plain, that are contiguous or hydrologically connected with Japanese Creek or Resurrection River should be avoided and minimized.

*Rationale - Contiguous surrounding vegetation serves to filter runoff, buffer peak flows, and trap sediments before reaching the main stream channel. Non-point source pollution can have deleterious effects on salmonids, particularly growth in juveniles.*

In summary, the proposed project would have substantial negative impacts on water quality, important wetlands, the flood plain and riparian zone of Japanese Creek and Resurrection River, ultimately affecting EFH and the long term health of these streams. The preferred alternative described in the DEA would require realigning 900 feet of Japanese Creek, is aligned closer to Japanese Creek and the Resurrection River than the other alternatives, impacts the largest amount of wetlands (9 acres filled or isolated), and fills or isolates the largest amount of flood plain of Japanese Creek and Resurrection River (60 acres). NMFS recommends the project avoid filling wetlands, be relocated outside the flood plain, and retain a wide riparian zone. Alternatives exist that meet these conservation measures as well as the goal of flood prevention.

Brian Lance is the NMFS contact for this project, and can be reached at (907) 271-1301.

Sincerely,



James W. Balsiger  
Administrator, Alaska Region

cc: ACOE, USFWS, EPA, ADGC, ADFG, ADEC, ADNR - Anchorage

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