



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

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

March 6, 2003

Colonel Steven T. Perrenot  
District Engineer  
U.S. Army Corps of Engineers  
Alaska District  
P.O. Box 898  
Anchorage, Alaska 99506-0898

Re: Y-1984-0121  
Cook Inlet 317  
South Extension of the  
Coastal Trail

Attn: Mary Lee Plumb-Mentjes

Dear Colonel Perrenot:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by the Alaska Department of Transportation and Public Facilities (ADOT&PF). The proposed project involves discharge of approximately 150,000 cubic yards of fill into approximately 19.5 acres of wetlands to construct a multi-use trail between Kincaid Park and Potter Weigh Station in Anchorage, Alaska. Approximately 7.6 acres of the affected wetlands are tidally influenced.

The proposed trail would cross tidally influenced segments of Campbell Creek, Rabbit Creek, and Potter Creek. Clear-span bridges would be constructed to cross Campbell Creek and Rabbit Creek. An existing culvert would be used for the crossing of Potter Creek. Potter Marsh, principally open water connected to Rabbit Creek, Little Rabbit Creek, and Survival Creek, is Essential Fish Habitat (EFH) for salmon. Approximately 9.5 acres along the western edge of Potter Marsh would be filled by the proposed action. The proposed action is identified as the Preferred Alternative, also referred to as the "Orange Modified Alternative," in the South Extension of the Coastal Trail Draft Environmental Impact Statement (DEIS).

The Corps of Engineers (Corps) has made a determination that the project will adversely affect EFH due to the filling of 9.5 acres of EFH for juvenile/adult salmon at the western border of Potter Marsh. NMFS agrees with this determination.



The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) requires NMFS to make conservation recommendations regarding any federal action that would adversely affect EFH. The construction and operation of the proposed project would adversely affect EFH and associated salmonids if necessary conservation measures are not followed.

### **Background and Discussion**

Potter Marsh is comprised of palustrine emergent "A" designated wetlands that are contiguous with Rabbit Creek, Little Rabbit Creek, and Survival Creek. Rabbit Creek, Little Rabbit Creek, and Survival Creek provide EFH for the migration, spawning, rearing, and/or over-wintering chinook salmon (*Onchorynchus tshawytscha*), coho salmon (*Onchorynchus kisutch*), and pink salmon (*Onchorynchus gorbuscha*) and are listed as anadromous (ADF&G anadromous catalog). The wetlands of Potter Marsh 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 that buffers peak flows and attenuates low flows into the aforementioned streams. The wetlands also remove pollutants from water flowing off fill pads, paving, and buildings in the vicinity, and thereby protect incubating and young salmon.

The Clean Water Act section 404(b)(1) guidelines state "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge that would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences." Potter Marsh is part of the Anchorage Coastal Wildlife Refuge and is a "Special Aquatic Site" under the 404(b)(1) guidelines. As such, it is designated under State of Alaska ordinances "to be managed principally for the preservation and use of fish and wildlife resources." Further, the Anchorage Wetland Management Plan (AWMP) designates wetlands within the Municipality of Anchorage as "A," "B," or "C" quality based on wetland functions and the value of those functions within the context of the Anchorage Bowl. "A" wetlands are designated for preservation, and are to be maintained in their natural state to the maximum extent practicable. According to the AWMP, "maintain" means to keep in existing or natural conditions and functions and "preserve" means the strict prohibition of any

alteration of a wetland function. Minor encroachments for roads, utilities, and trails at the fringe of these wetlands will be considered if no alternatives exist.

Reasonable and prudent alternatives to filling wetlands and EFH in Potter Marsh exist. Routing the trail around the east side of Potter Marsh along the western toe slope of the Old Seward Highway would require little wetland fill, no loss of EFH, and would still meet the purpose and need of the project. In fact, three viable alternatives described in the DEIS, the Green, Yellow, and Red alternatives, meet these criteria. Further, as explained in a multi-agency meeting on December 6, 2002, any of the alternatives described in the DEIS and Corps Public Notice could be modified to route the trail along the east side of Potter Marsh, thereby avoiding fill of EFH.

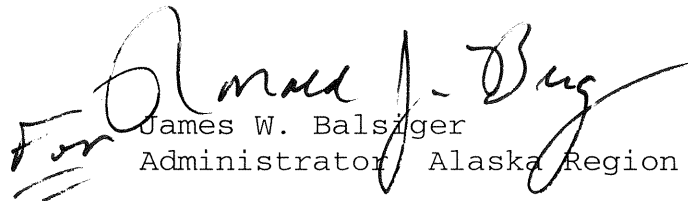
Because the proposed fill along the western boundary of Potter Marsh for a multi-use trail is neither water dependent nor water related, consideration should be given to the availability of upland alternatives. NMFS is concerned about the cumulative impacts to wetlands and loss of EFH and in the Anchorage area. The loss of important wetland functions such as floodwater storage, water quality enhancement, natural drainage ways, fish habitat (EFH), and other benefits critical to the Potter Marsh wetlands complex cannot be adequately replaced by the proposed compensatory mitigation and Best Management Practices. The loss of 9.5 acres of EFH is unacceptable, particularly when viable upland alternatives exist.

NMFS recommends the following **EFH Conservation Recommendation** pursuant to section 305(b)(4)(A) of the MSFCMA. The Corps should deny a permit for the proposed project. NMFS suggests the applicant adopt one of the alternatives that does not require filling of wetlands and EFH in Potter Marsh.

The project as proposed will result in substantial and unacceptable impacts on aquatic resources of national importance, in accordance with Part IV, paragraph 3(b) of the 1992 Memorandum of Agreement between the Department of Commerce and the Department of the Army under Section 404(q) of the Clean Water Act. Please notify our office of the Corps' decision regarding this project in accordance with Part IV, paragraph 3(c) of the 1992 Memorandum of Agreement.

Please note that under section 305(b)(4) of the Magnuson-Stevens Act, the Corps is required to respond in writing within 30 days to NMFS recommendations. If the Corps does not make a decision within 30 days of receiving NMFS EFH Conservation Recommendations, the Corps should provide NMFS with a letter to that effect, and indicate when a full response will be provided. Brian Lance is the NMFS contact for this project, and can be reached by telephone at (907) 271-1301.

Sincerely,

  
James W. Balsiger  
Administrator Alaska Region

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

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