



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


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MEMORANDUM FOR: Distribution \*

FROM: F/AKR4 - Jon Kurland 

SUBJECT: Accomplishments of the Alaska Region's  
Habitat Conservation Division in Fiscal Year 2003

Attached for your information is a summary of accomplishments for the Habitat Conservation Division (HCD) from October 1, 2002 through September 30, 2003. We prepared this brief report to increase awareness of HCD's activities in support of the sustainable management of living marine resources. Please share this with others in your office, as appropriate.

Please contact me if you have questions about HCD or to share feedback on this report.

Attachment

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## **Accomplishments of the Alaska Region's Habitat Conservation Division in Fiscal Year 2003**

The Habitat Conservation Division (HCD) carries out NOAA Fisheries' statutory responsibilities for habitat conservation in Alaska under the Magnuson-Stevens Fishery Conservation and Management Act, Fish and Wildlife Coordination Act, National Environmental Policy Act, Federal Power Act, and other laws. HCD has two principal programs: identification and conservation of Essential Fish Habitat (EFH) through fishery management, and environmental review of non-fishing activities that may adversely affect EFH or other habitats for living marine resources. HCD also supports habitat restoration projects in conjunction with the NOAA Fisheries Restoration Center.

HCD has staff located in the Alaska Regional Office in Juneau and a field office in Anchorage. HCD coordinates extensively with other groups to facilitate habitat conservation. Within NOAA, such organizations include the Sustainable Fisheries Division and Protected Resources Division in the NOAA Fisheries Alaska Regional Office; the Alaska Fisheries Science Center; NOAA Fisheries Office of Habitat Conservation; NOAA General Counsel; and NOAA Ocean Service's Office of Response and Restoration. HCD also works in close partnership with other agencies and organizations, including the North Pacific Fishery Management Council; Army Corps of Engineers; Environmental Protection Agency; U.S. Fish and Wildlife Service; Minerals Management Service; Federal Energy Regulatory Commission; Alaska Department of Fish and Game; Alaska Department of Natural Resources; and a variety of industry and conservation groups.

This report provides a summary of HCD's activities in support of the sustainable management of living marine resources from October 1, 2002 through September 30, 2003.

### **Essential Fish Habitat and Fishery Management**

#### EFH Environmental Impact Statement

NOAA Fisheries and the North Pacific Fishery Management Council are developing an Environmental Impact Statement (EIS) to reexamine the identification of EFH in Alaska and the measures needed to minimize the effects of fishing on EFH. The EIS is very controversial because substantial differences of opinion exist as to the extent and significance of habitat alteration caused by bottom trawling and other fishing activities, which has led to litigation. Moreover, available scientific information provides an incomplete understanding of the interactions between managed species and their habitats, as well as the threats to those habitats from fishing and non-fishing activities.

HCD staff worked extensively with the Council's EFH Committee and various stakeholder groups to develop a broad range of management alternatives for analysis. Developing specific management alternatives is difficult because of competing pressures from fishing industry participants who are wary of restrictions that will affect their operations, and environmental interests seeking to change status quo fisheries. HCD provided policy guidance, technical

advice, spatial analyses, and other staff support to help the EFH Committee and the Council reach consensus on a suite of management options for analysis. HCD's contributions were instrumental in the Council's decision to approve the analysis of a wide range of very specific alternative measures for minimizing the effects of fishing on EFH, resulting in a more comprehensive EIS than might have been developed otherwise.

During the development of the alternatives to minimize the effects of fishing on EFH, HCD staff also revised descriptions of EFH for each species managed by the Council. The EFH descriptions incorporated updated scientific information and new Habitat Assessment Reports to reflect current knowledge of habitat use by managed species, as well as improved mapping based on novel analytical techniques. The resulting information will be an extremely valuable resource for the Council as well as for agencies that authorize, fund, or undertake various actions that may adversely affect EFH.

As the Council neared agreement on the alternatives, HCD entered into negotiations to seek a time extension for the EFH EIS. A court-ordered schedule specified that the Draft EIS needed to be published by August 1, 2003. The time needed to develop the alternatives yielded a wider range of specific options than the Council and EFH Committee had considered previously, which set the stage for a more thorough analysis, but the delay meant more time would be needed to complete the EIS. The discussions initiated by HCD grew into formal negotiations through the Department of Justice, and eventually led to agreement on a new schedule to provide a preliminary draft EIS by September 15, 2003, a draft EIS by January 16, 2004, and a final EIS by June 1, 2005.

Unfortunately, the uncertainty as to whether a time extension would be granted meant that the staff work for the EIS needed to stay on the original schedule. HCD managed a team of approximately 75 people involved in conducting the analysis and writing and reviewing sections of the EIS. Contributors included staff from nearly every division in the Alaska Region and Alaska Fisheries Science Center plus Council staff, the Pacific States Marine Fisheries Commission, Alaska Department of Fish & Game, and contractors. The teamwork from this group was tremendous, and led to development and public release of the preliminary draft EIS ten days ahead of the revised court-mandated schedule.

### Programmatic Groundfish EIS

HCD staff assisted the team preparing a revised Draft Programmatic Supplemental EIS for the Alaska groundfish fisheries. HCD staff reviewed sections of the habitat analysis and provided recommendations to improve the evaluation of effects to EFH. HCD also coordinated with the Programmatic EIS team to develop a common section in both the Programmatic EIS and the EFH EIS to explain the relationship between the two documents, ensuring the public would be well informed regarding the apparent differences between the two habitat analyses.

### Other Fishery Management Actions

HCD staff advised and assisted staff from the Alaska Region's Sustainable Fisheries Division regarding a number of other fishery management actions during FY03. For example, HCD staff contributed to the draft EIS for rationalization of the crab fisheries, reviewed the Environmental Assessments and draft decision memoranda for a variety of in-season management actions and for the annual harvest specifications for the groundfish fisheries, and

completed an EFH consultation to evaluate potential effects on habitat from setting the annual specifications.

#### Habitat Area of Particular Concern (HAPC) Process

Towards the end of FY03, HCD formed an interdisciplinary team to assist the Council with developing and evaluating proposed HAPCs. The team, comprised of staff from HCD, the Alaska Region Analytical Team, the Alaska Fisheries Science Center, and the Council, will identify relevant data sources and develop HAPC proposals for NOAA Fisheries to submit to the Council.

### **Environmental Review to Minimize Habitat Losses**

#### Overview

HCD personnel conducted a wide variety of environmental review activities during FY03. HCD provided consultative services and technical assistance to regulatory agencies, industries, land owners, and others. Staff reviewed approximately 600 actions proposed by federal or state agencies and evaluated potential adverse effects to living marine resources and their habitats, including EFH. For about 100 of those actions, HCD prepared written conservation recommendations that NOAA Fisheries submitted to the agencies responsible for authorizing, funding, or undertaking the proposed actions. The remainder of this section provides examples of successful environmental reviews conducted by HCD staff.

#### Synthesis of Non-fishing Threats to EFH

HCD coordinated with staff from the NOAA Fisheries Southwest and Northwest Regions to prepare a comprehensive description of threats to EFH from non-fishing activities, as well as recommendations to conserve EFH. Sections for which HCD had the lead address disposal/fills, sand/gravel and mineral mining, oil and natural gas activities, fish processing waste, silviculture, habitat restoration, road building and maintenance, and utility lines/cables/pipeline installation. The purpose of the document is twofold. First, it provides NOAA Fisheries staff biologists with a desk reference on potential effects to EFH and conservation measures that may be appropriate for site-specific EFH consultations (and in some cases Endangered Species Act consultations). Second, a modified version of the document will be incorporated into the EFH EISs being prepared for Alaska fisheries and the Pacific groundfish fishery.

#### Sitka Ferry Terminal

HCD recommendations led the Alaska Department of Transportation to redesign a proposed ferry terminal project in Sitka, thereby avoiding considerable impacts to intertidal habitat and eelgrass beds. Based on HCD's advice and assistance, the modified project will meet the original purpose, require only minimal intertidal fill, and be less expensive to construct.

#### North Cove Harbor Dredge and Fill

An applicant for a Corps of Engineers wetlands permit in Craig proposed to dredge 1.84 acres of North Cove Harbor and fill 1.47 acres to provide a vessel haul-out facility. The dredging

would have occurred in an eelgrass bed that provides important habitat for a variety of managed fish species. HCD argued that the adjacent upland area owned by the applicant was a viable alternative for the vessel repair and maintenance facility. HCD also noted the lack of proposed mitigation to offset the proposed fill. The Corps of Engineers agreed with HCD's advice, acknowledged the importance of the eelgrass habitat, and denied the permit in favor of the upland alternative.

#### Jamestown Bay Parking Lot

HCD comments led a private permit applicant to withdraw a proposal to fill intertidal fish habitat to create a parking lot near Sitka. The applicant owned an adjacent upland lot and did not want to build the intertidal parking facility on pilings as HCD staff had suggested. The Corps of Engineers agreed with HCD's argument that the upland lot provided a practicable and less damaging alternative to the proposed fill, and the Corps acknowledged that NOAA Fisheries' comments were critical to the applicant's decision.

#### Resurrection Bay Submarine Cable

HCD reviewed two proposed projects that involved laying new submarine fiber optic telecommunications cables between Seward, Alaska and Oregon. The project proponents and the Corps of Engineers accepted all of HCD's recommendations to avoid and minimize impacts to EFH. In particular, they agreed to avoid laying cable over high relief bottom habitat and across sensitive habitats such as coral and sponge, and they agreed to consult and coordinate through the North Pacific Fishery Management Council to avoid conflicts with commercial fisheries.

#### Norton Sound Mining

HCD comments led the Environmental Protection Agency to condition a permit for mining in nearshore marine waters off Nome to protect red king crabs. The final permit included a timing window to avoid suction dredging during red king crab migration, as well as monitoring to assess the effects of mining on benthic species diversity. The area offshore of Nome was closed recently to the commercial harvest of red king crabs, although a subsistence harvest by local residents continues. The permit applicant acknowledged the importance of the fishery, and agreed to the permit conditions.

#### Cooper Lake and Chignik Hydroelectric Projects

The Federal Energy Regulatory Commission is beginning relicensing proceedings for hydropower projects at Cooper Lake and Chignik. HCD identified relevant fisheries issues and helped the applicants to formulate study plans for salmon habitat affected by the two projects. As results from the studies are assimilated, HCD staff will continue to work with the applicants to develop licensing criteria that improve habitat conditions for salmon in the project areas.

#### Gartina Creek Hydroelectric Development

In response to comments from HCD and the Alaska Department of Fish & Game, the Federal Energy Regulatory Commission reversed its previous position and required a license for the Gartina Creek hydroelectric project located near Hoonah, Alaska due to the effects of the project on a fishery that supports interstate commerce. FERC jurisdiction provides an avenue for

NOAA Fisheries' involvement in the licensing and ensures that the project will consider habitat destruction, effects on instream flows, and other concerns for salmon.

#### Anchorage Coastal Trail

Recommendations from HCD, combined with input from other reviewing agencies, led to the selection of an alternate route for a proposed coastal recreation trail and avoided the loss of 9 acres of tidal marsh that provides rearing habitat for coho, chinook, and pink salmon. The final alignment avoided higher value habitat areas, yet still met the original purposes of the project.

#### Knik Arm Ferry

HCD's input convinced the Federal Transit Administration to adopt a preferred alternative for the Knik Arm ferry terminal that avoids any filling of tidal mudflats. The Environmental Assessment for a ferry route between Anchorage and Point MacKenzie included other alternatives that would have filled between 3.5 and 9.2 acres of intertidal fish habitat. In addition to accepting HCD's suggestion to use existing uplands for the ferry terminal, the Federal Transit Administration adopted HCD's recommendations for minimizing disturbance to fish and marine mammals from in-water construction activities.

#### North Slope Oil and Gas Development

HCD staff participated in interagency team discussions and site visits for the proposed Alpine Satellite oil and gas development on the North Slope of Alaska near the Beaufort Sea. The proposal includes building new roads, bridges, pipelines, and drilling pads near major rivers and smaller streams that support anadromous fish harvested by residents of a native village. HCD helped to identify relevant issues for analysis in the pending EIS, and suggested design modifications that would reduce impacts to fish habitat.

#### Mitigation Banking

HCD staff had a significant influence on the refinement of a mitigation banking program sponsored by Sealaska Corporation. The proposal involved an umbrella agreement to govern the operation of several different mitigation banks in southeast Alaska. The mitigation banks would allow Sealaska to restore and preserve riparian habitat adjacent to salmon streams, and then sell bank credits to other groups that need to provide mitigation to offset wetlands destroyed elsewhere. HCD's recommendations persuaded the Corps of Engineers to require additional safeguards to ensure that restoration or preservation of non-tidal wetlands may not be used to compensate for impacts to tidal wetlands; to provide irrevocable protection for bank lands and prohibit incompatible uses; and to provide adequate financial assurances and contingency plans to ensure successful habitat conditions. As a result, the interagency mitigation banking review team anticipates that Sealaska will be able to implement the first entrepreneurial mitigation banks in Alaska.

#### Greens Creek Mine

During the review of an EIS for the proposed expansion of a gold and silver mine on Admiralty Island, HCD staff identified a problem with contaminated sediments near the existing mine facility and enlisted help from an ecotoxicologist with the NOAA Fisheries Northwest

Fisheries Science Center. Sediment monitoring at the facility had not been designed to address the effects of contaminated sediments on fish, and the NOAA Fisheries staff team was not certain that remediation was needed, so HCD recommended an enhanced monitoring program. The Forest Service accepted the recommendation and agreed to work with HCD to develop the monitoring protocol and determine whether further action is warranted.

#### Cook Inlet Oil and Gas Lease Sales

HCD staff coordinated with the Minerals Management Service (MMS) to complete a programmatic EFH consultation for two five-year oil and gas lease sales for exploration in Cook Inlet. The programmatic consultation provides recommendations and information to assist MMS in evaluating the effects of individual lease sales on EFH for federally managed fish species.

#### Streamlining the Environmental Review of Transportation Projects

HCD staff worked with the Alaska Department of Transportation and Public Facilities (ADOT&PF) to develop streamlined procedures for reviewing road, airport, ferry terminal, and harbor projects. The streamlining initiative involved general coordination between federal and state regulatory and resource agencies, as well as project-specific understandings between NOAA Fisheries and ADOT&PF for particularly complicated and high profile projects. The goal is to identify resource issues early in project planning, develop thorough environmental analyses, and avoid problems during the latter stages of project development and permitting.

### **Habitat Restoration**

#### Kenai Peninsula Riparian Habitat Restoration

HCD staff assisted the NOAA Restoration Center and Regional Office grants management staff with the establishment of a three year grant for the Kenai Peninsula Fish Habitat Protection and Restoration Program. NOAA Fisheries transferred a total of \$657,000 to the Alaska Department of Fish & Game to support landowners conducting small projects to reduce erosion, maintain stream habitat, and restore riparian vegetation. NOAA Restoration Center and HCD personnel will provide technical assistance and oversight for the program, which will improve salmon habitat on the Kenai River and tributaries.

#### Regional Restoration Funding

HCD staff worked with the NOAA Restoration Center to identify regional habitat restoration priorities and secure \$25,000 from the national program to support habitat restoration projects in Alaska. The three funded projects are: redesigning a culvert in Haines to improve passage for salmon to inaccessible spawning and rearing habitat; conducting a hydrologic assessment of fish passage conditions at road crossings on the Kenai Peninsula; and redesigning a road crossing in the Matanuska-Susitna Borough to restore passage for juvenile salmon to more than 50 acres of rearing habitat. All three funded projects will improve habitat conditions for living marine resources.



### Community-Based Restoration Projects

HCD and NOAA Restoration Center staff coordinated with various local, regional, state, and federal agencies as well as non-governmental organizations to evaluate potential community based habitat restoration opportunities in the Matanuska-Susitna Borough, Kenai peninsula, Anchorage, and Juneau. HCD staff also reviewed numerous proposals for funding from the NOAA Community-based Restoration Program and provided comments and funding recommendations.

### Watershed Councils

HCD and NOAA Restoration Center staff assisted the Alaska Department of Fish & Game Southeast Sustainable Salmon Fund Program in the selection and establishment of three new watershed councils in southeast Alaska. These councils, as well as two existing councils, received financial support from Alaska's Pacific Coastal Salmon Recovery Fund, and will pursue a variety of activities to restore degraded salmon habitat.

## **Personnel**

### Personnel Changes

HCD had several personnel changes in FY03. Janet Herr transferred from the Regional Office to the Anchorage field office, where she provides administrative support for staff in HCD, the Protected Resources Division, and the Analytical Team. HCD welcomed three new hires: Katharine Miller is a marine habitat resource specialist focusing on projects in southeast Alaska, Mary Goode is the new division secretary, and John Hill is a new student assistant in the Anchorage field office.

### Training and Development

HCD staff participated in a wide variety of training and developmental opportunities during FY03. National workshops and conferences attended by HCD staff included a wetlands workshop (Savannah), habitat restoration and creation conference (Baltimore), fishing effects on benthic habitat conference (Tampa), west coast eelgrass biology workshop (Seattle), Instream Incremental Flow Methodology workshop (Denver), mitigation banking conference (San Diego), gravel mining workshop (Portland), workshop on collaborative problem solving for transportation projects (Portland), habitat economics workshop (Long Beach), Coastal Zone 03 (Baltimore), hydropower workshop (Portland), Alaska Forum on the Environment (Anchorage), Coastal America annual retreat (San Diego), and an American Fisheries Society meeting (Montreal). HCD staff also participated in many training opportunities, including National Environmental Policy Act (NEPA) training for analysts, NEPA training for project leaders, training in functional assessment of riparian wetlands, first aid and CPR training, safety training for supervisors, and media training. Additionally, HCD cosponsored a successful interagency training session on culvert design for fish passage, which brought two experts to Alaska to increase awareness of culvert design problems and solutions to improve access to valuable fish habitat.

## **Other Noteworthy Activities**

### Vessel Safety

In response to NOAA Administrative Order 217-103, HCD staff drafted a Regional Small Boat Management Policy, which contains the Alaska Region's first formal policies on vessel operations and safety. HCD also took initiative to develop a Small Boat Operational Risk Assessment for marine conditions specific to Alaska's cold-water environments, which is being used as an example by other NOAA small boat programs. Both of these efforts will improve safety for the small vessels used by HCD and the Protected Resources Division.

### Diving Operations

HCD divers participated in a multi-month monitoring program for a faulty cathodic protection system on a railroad structure in Prince William Sound near Whittier that was causing significant groundfish mortalities. As a result of the monitoring and HCD's advice, the facility owner is taking corrective steps to protect fishery resources.

HCD divers participated in a research cruise aboard the NOAA Ship John N. Cobb and provided dive assistance for eelgrass assessment and instrument recovery as part of an eelgrass monitoring and mapping study conducted by the Alaska Fisheries Science Center.

HCD divers also conducted a variety of routine dives to assess habitats at risk from proposed development activities in southeast and south central Alaska, and conducted monthly proficiency dives during non-operational periods.

### Assistance to the Alaska Fisheries Science Center

In addition to the diving assistance mentioned above, HCD staff assisted the Alaska Fisheries Science Center with three research projects. HCD staff helped with beach seining for an eelgrass monitoring and mapping study; participated in a research cruise aboard the F/V Auriga to investigate the success of an experimental salmon excluder device in commercial trawl nets; and participated in nearshore benthic habitat investigations aboard the NOAA Ship John N. Cobb, including trawl surveys to assess the species composition of fish using different mapped habitats.