UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

April 7, 2005

Mr. Michael Carter
U. S. Department of Transportation
Maritime Administration
400 7th Street SW
Room 7209
Washington, D. C. 20590

Re: Anchorage Marine Terminal Redevelopment Environmental Assessment

Dear Mr. Carter:

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) has reviewed the final Environmental Assessment (EA) and the Finding of No Significant Impact (FONSI) for the Port of Anchorage (POA) Marine Terminal Redevelopment project. The project will utilize federal funding administered by the U. S. Department of Transportation Maritime Administration (MARAD). The preferred alternative would result in filling 135 acres of tidelands.

General Comments Related to Fish

The final EA states numerous times that "in the vicinity of the POA, fish diversity and abundance are low." NMFS does not concur with this statement. Fifteen species of fish were captured in the limited sampling program conducted in 2004. A combined species list of all studies conducted in the last 25 years (USDOT 1983, Moulton 1997, Pentec 2004a, 2004b, 2004c, 2004d, 2004e, and 2004f) indicates there are over 20 species of fish in the POA vicinity. NMFS does not consider a community assemblage of over 20 species to be "low species diversity". In addition, NMFS does not consider abundance to be low. Large numbers of fish probably move through the POA vicinity at certain points in time. The limited sampling conducted could easily miss large pulses of fish that use the area seasonally.

Data from all Knik Arm studies would seem to indicate that juvenile salmonids use the mudflats as the tide moves in and out. What those fish are doing on the mudflats is speculative although in several studies food was found in the stomachs of fish (USDOT 1983 and Moulton 1997). Based on the apparent use over a wide time period, Knik Arm mudflats appear to serve an ecological role in juvenile salmonid life history.

The preferred alternative (Alternative A) would eliminate approximately 9,000 linear feet (66 acres) of tidal mudflats and habitat used by numerous species of fish. The entire length of the proposed structure would consist of sheet pile dredged to a depth of 48 feet below MLLW. Alternative B would maintain 120 feet of pile-supported dock along the entire face of the dock, with a strip of habitat under the dock that could serve as a shallower subtidal fish passage

corridor. Alternative C would have 120 feet of pile-supported dock for 1375 feet in the middle of the 9,000 foot structure. The rest of the structure would be sheet pile across the dock edge.

NMFS questions the determination in the EA that pile driving related noise impacts would be substantially greater for Alternative B than Alternative A. The primary difference between the two alternatives is that a vibratory driver would be used for sheet pile in Alternative A and an impact driver would be used for the pilings in Alternative B. However, a vibratory driver could be used to drive sheet pile for Alternative B. NMFS understands that an impact driver is required for latter stages of pile driving to set the piles. This approach has been taken on numerous other projects that NMFS has reviewed.

In summary, NMFS' primary concern with the proposed alternative is the elimination of almost 9,000 linear feet of functional tidal mudflats in the preferred alternative. Elimination of this 9,000 foot strip of tidal mudflats will force fish to move across the face of the sheet pile walls of the port and out into deeper water with more current. This disruption of ecological function could impact the movement of juvenile salmonids along the east side of Knik Arm. Thus, from the perspective of fish habitat, NMFS prefers Alternative B because a fish passage corridor would be provided beneath the dock.

Essential Fish Habitat Assessment

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires Federal action agencies to consult with NMFS on all actions, or proposed actions, authorized, funded, or undertaken by the agency, that may adversely affect EFH. An EFH Assessment is included as part of the EA. The EFH Assessment states "Based on the impact analysis, MARAD concludes that there would be adverse effects to EFH from the proposed action." NMFS agrees with this determination. However, a few inaccuracies occur in the EFH Assessment. Although sockeye salmon are mentioned numerous times in the analysis, that species is not included in the text and appropriate tables. The coho salmon life history information is incorrect. Most coho salmon spend 1 to 3 years in freshwater lakes and streams prior to migrating to sea, not 3 to 5 years as indicated. A few fish do spend as much as 5 years, but this is rare. Adults spend 6 to 18 months at sea before returning to spawn. No coho salmon spend 2 years at sea.

The EFH Assessment also states "However, the use of mitigation measures included within the proposed action and described above, would ensure that the effects would be less that significant." The term significant is routinely used in the NEPA process to determine the degree of project impact (Council on Environmental Quality Regulations, Sec. 1508.27). NMFS does not attempt to assess the significance of an adverse effect to EFH using the NEPA definition. Rather, based on the information describing the action and an analysis of the potential adverse effects on EFH and the managed species, we consider whether the adverse effects would be minimal, more than minimal but less than substantial, or substantial (see 50 CFR 600.920). Once an adverse effect determination is made, NMFS focuses on measures to avoid, minimize or mitigate the adverse effect.

The mitigation measures proposed by MARAD, other than Best Management Practices to be used during construction, do not reduce or adequately compensate for the loss of living marine resources, including EFH.

Alternatives

None of the proposed alternatives meet the project purpose and need without having an adverse impact to EFH. Alternative B would minimize the adverse effect by providing a small corridor underneath the 120-foot dock for fish passage. Consequently, as previously stated, NMFS prefers Alternative B. Based on information on pages 3-144 and 3-146, Alternative B would cost approximately $139 million more than Alternative A. NMFS is interested in discussing the basis for this cost estimate with MARAD and the POA.

Proposed Mitigation and Conservation Recommendations

A few of the mitigation measures offered in the EA may provide some level of compensation for adverse effects to EFH. NMFS cannot recommend appropriate mitigation measures until the project design is resolved. However, the proposal to modify 25 acres of mudflats south of Ship Creek is not an acceptable component of the overall mitigation plan. This mitigation project would eliminate functional EFH, not restore lost EFH to the area. The 25 acres would be changed to a habitat type (freshwater) not useable to living marine resources. NMFS is not opposed to a coastal trail extension, but any such trail should follow the base of the bluffs and not cross the mudflats.

The best way to minimize project impacts would be to select Alternative B. NMFS recommends continued collaboration with MARAD and POA on ways to minimize project impacts to EFH and develop suitable compensatory mitigation for unavoidable impacts.

If you have any questions regarding EFH or fish resources, please contact Brian Lance at (907) 271-1301 or Larry Peltz at (907) 271-1332.

Sincerely,

For James W. Balsiger
Administrator, Alaska Region

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References Cited:

Moulton, L.L. 1997. Early Marine Residence, Growth, and Feeding by Juvenile Salmon in Northern Cook Inlet, Alaska. Alaska Fishery Research Bulletin 4:154-177.

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Pentec. 2004c. Summary of September Sampling Activites – Knik Arm, Alaska. Prepared for HDR Alaska, Inc. 6 October.

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