



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

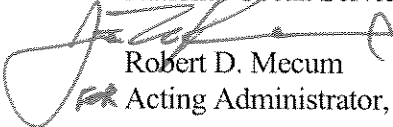
*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

November 7, 2005

MEMORANDUM FOR: Helen Bass  
Office of Coastal Resource Management  
National Ocean Service

FROM:   
Robert D. Mecum  
FOR Acting Administrator, Alaska Region

SUBJECT: Draft Environmental Impact Statement for Amendments to  
the Alaska Coastal Management Program

The National Marine Fisheries Service (NMFS) has reviewed the Draft Environmental Impact Statement (DEIS) prepared by the Office of Coastal Resource Management (OCRM) for amendments to the Alaska Coastal Management Program (ACMP). The proposed federal action is OCRM's review of changes to the ACMP pursuant to NOAA regulations on amendments to approved coastal management programs.

The DEIS considers three alternatives. Alternative One, the preferred alternative, consists of OCRM approval of Alaska's request to incorporate amendments to the ACMP established by recent state legislation and regulations. Alternative Two proposes that OCRM either take no action or delay action on approving the ACMP amendments. The third alternative considered is OCRM denial of the ACMP amendments. The DEIS contains a thorough description of the affected environment, a summary of the ACMP amendments, and a brief analysis of the effects of the amendments on the human environment.

The DEIS could be improved by thoroughly analyzing the specific effects of the proposed changes rather than simply describing the changes. The analysis should address the following: list which district policies will no longer be enforceable; identify what actions covered by these policies are or are not adequately addressed in existing state or federal law; describe planned or pending changes to some of the key laws affecting coastal waters (e.g., proposed changes to state water quality standards, and state assumption of authority for authorizing pollutant discharges under the Clean Water Act); describe the district programs, Areas Which Merit Special Attention, and Special Area Management Plans that will likely sunset due to the ACMP amendments; and analyze cumulative impacts of the changes on the day-to-day implementation of coastal zone management that would result from adopting the ACMP amendments.

We understand that a major purpose of the proposed ACMP amendments is to reduce duplication and streamline the program. These goals are laudable. NMFS is concerned, however, that the proposed program changes have the potential to result in significant adverse effects to living marine resources and their habitats, and such potential adverse effects warrant broader analysis in the final EIS.



Specifically, the proposed changes to the ACMP habitats standard would establish a high threshold for assessing the effects of various actions that could harm valuable coastal habitats. The revised ACMP would allow identification of important habitats only in cases where the habitat is deemed “biologically and significantly productive habitat” under 11 AAC 114.250(h), and such habitats would be the only ones that could form the basis for an enforceable policy under a coastal district’s management plan. Similarly, the standard for “significant adverse effects” to habitat in 11 AAC 112.300 may be difficult to implement because few actions would cause such severe impacts on their own, and the method for controlling against significant cumulative effects of habitat loss remains unclear. Also, the requirement for coastal districts to refrain from using a sequencing process to “avoid, minimize, or mitigate” (11 AAC 112.990) impacts to sensitive resources will make it very difficult for coastal districts to address threats to those resources. Finally, the consolidation of authority within a single state office represents a fundamental change in the structure of the ACMP, and has the potential to make decisions more susceptible to political influence (either for or against development) than under the existing structure, which emphasizes the role of the local coastal districts. We recommend addressing each of these issues in more detail in the final EIS.