



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

March 27, 2008

Ben White
SE Region Environmental Manager
Alaska Department of Transportation & Public Facilities
6860 Glacier Highway, P.O. Box 112506
Juneau, Alaska 99811-2506

RE: Metlakatla-Walden Point Ferry Terminal, State Project # 72196 – Scoping Request

Attn: Amy McLeod

Dear Mr. White,

The National Marine Fisheries Service (NMFS) has reviewed the referenced scoping letter requesting comments concerning resources under our jurisdiction for your Environmental Assessment. Also requested are suggestions for mitigation opportunities. The proposed project will consist of dolphin supported mooring structures, a steel gangway, a public terminal building, an on-site sewage treatment and disposal facility, a vehicle staging area and short and long-term parking areas. A projected 0.25 acres of intertidal fill is proposed for the approximate 2.6 acre project.

The project site as viewed from NMFS' Alaska Shorezone Coastal Mapping and Imagery website <http://mapping.fakr.noaa.gov/Website/ShoreZone/viewer.htm> reveals a steep, rugged, rocky coastline. NOAA's on-line Office of Coast Survey Nautical Chart 17428 <http://www.charts.noaa.gov/OnLineViewer/17428.shtml> indicates that nearshore water depths are approximately 10 fathoms or about 60 feet, suggesting minimal potential for shallow intertidal habitat disturbance. The Alaska Department of Fish and Game's (ADF&G) Anadromous Waters Catalog identifies the nearest salmon supporting stream as FDD 101-41-10670, draining into Nadzaheen Cove on the northeast side of Annette Island and supporting runs of pink, coho, and chum salmon. On the west side of the island FDD streams 101-27-10090, 10100, and 10110 support runs of pink and coho salmon. Juvenile salmon use nearshore habitat during spring and early summer for feeding and predator avoidance prior to migration out to sea. Annette Island Reserve supports an increasing Pacific herring fishery on the east and south sides of the island during early spring where Steller sea lions may also be present in large numbers (ADF&G, 1998; ADF&G, 1999; ADF&G, 2005).

Essential Fish Habitat

The environmental analysis for the project should address the Essential Fish Habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act. Section 305(b)



of the Magnuson-Stevens Act requires federal agencies to consult with NMFS on all actions that may adversely affect EFH. Adverse effect means any impact that reduces the quality and/or quantity of EFH. Adverse effects may include direct or indirect physical, chemical, or biological alterations of the waters or substrate and loss of, or injury to, benthic organisms, prey species and their habitat, and other ecosystem components, if such modifications reduce the quality and/or quantity of EFH. Adverse effect to EFH may result from actions occurring within EFH or outside of EFH and may include site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions. For such actions, a written EFH Assessment must contain:

1. A description of the proposed action;
2. An analysis of the potential adverse effects of the action on EFH and the managed species;
3. The federal agency's conclusions regarding the effects of the action on EFH; and
4. Proposed mitigation, if applicable.

Additional guidance on EFH consultation can be found at:

<http://www.alaskafisheries.noaa.gov/habitat/efh.htm>. Upon review of the EFH assessment NMFS will provide EFH Conservation Recommendations to avoid, minimize, or mitigate for any adverse actions of the proposed project on EFH. The federal action agency then must respond to those recommendations in writing, and if it disagrees with NMFS recommendations, must explain why.

In order to ensure compliance with the Endangered Species Act (ESA), your Environmental Assessment should evaluate the potential effects of your project on ESA-listed species. NMFS offers the following information under the ESA and Marine Mammal Protection Act (MMPA).

Threatened and Endangered Species

Section 7(a)(2) of the ESA directs federal interagency cooperation "to insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species" or result in the destruction or adverse modification of critical habitat. NMFS is responsible for the administration of the ESA as it applies to listed cetaceans, pinnipeds, fish, and reptiles (sea turtles) in Alaska. An endangered species is defined under the law as a species that "is in danger of extinction throughout all or a significant portion of its range." The ESA defines a threatened species as one "that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." Additional information on ESA species under NMFS jurisdiction can be found at http://www.nmfs.noaa.gov/pr/species/esa_species.htm. Marine mammals in Alaska are also afforded protection under the MMPA. Information about the MMPA is available on our website at: <http://www.fakr.noaa.gov/protectedresources>.

In Southeast Alaska, endangered marine mammal species include the Steller sea lion (western stock, west of 144 degrees West longitude) and multiple whale species: fin, humpback, sei, and sperm whales. The endangered leatherback turtle has also been documented in Southeast Alaska

waters. All other marine turtles are rare or “casual” visitors to Alaska. The only threatened marine mammal species in Alaska under NMFS jurisdiction is the eastern population of Steller sea lion (eastern stock, east of 144 degrees West longitude). Fish from several ESA-listed populations of Pacific salmon may occur within Alaska waters. The list of these Evolutionarily Significant Units (ESUs) of salmon is available on our website at <http://www.fakr.noaa.gov/protectedresources/esaakspecies.pdf>.

We do not have detailed information on the frequency or magnitude of occurrence of ESA-protected species within the proposed project area. However, humpback whales have been observed in Tongass Narrows and Thorne Arm, and Steller sea lions are present in Nichols Passage and Revillagigedo Passage. The closest designated critical habitat is the Steller sea lion rookery/haulout complex at Forrester Island, approximately 80 miles southwest of Annette Island. Although not an ESA-protected species, harbor seals are an MMPA-protected species known to haulout in the vicinity of the proposed project, particularly on Walden Rocks. No haulouts are documented at the project site, but seals and sea lions may swim and forage near the project area on occasion.

Your ESA assessment should determine whether any of the ESA-listed species exist within the project area and whether the proposed action "may affect" or "will not affect" endangered and threatened species. If more than 90 days elapse between this letter and such a determination, please check with us to determine whether additional species have been listed or critical habitats designated.

Conclusion

In conclusion, the Environmental Assessment should specify the Best Management Practices to be used during construction and operation activities to protect EFH and protected species. It should also evaluate options to avoid placing fill material into nearshore marine waters if feasible and minimize any unavoidable fill. This project presents the possibility of pollutant discharge into marine waters from parking and vehicle staging area surface runoff, including discharge from the outfall pipe leading from the sewage treatment plant. The projected numbers of passengers, types and quantities of vehicles (busses, passenger, commercial, etc.) and expected duration of vehicle use (hourly, daily, weekly, and monthly) should be evaluated. Pollution discharge prevention devices should be incorporated such as mechanical oil-water separators and/or off-site collection ponds and drainage fields that inhibit pollutants from entering marine waters. Construction activities should be coordinated with timing windows that will not adversely impact EFH or protected marine mammal species.

Previously, NMFS addressed mitigation opportunities in our response to unavoidable adverse impacts from the Walden Point Road project (POA-1927-27-N, October 27, 2007) leading to the proposed ferry terminal site. The Metlakatla Indian Community had offered conservation easement protection in either Crab or Kwain Bay. The Corps of Engineers agreed to our recommendation of increasing the offered mitigation to a minimum 4:1 preservation to impact ratio. The Environmental Assessment should evaluate similar mitigation opportunities for this project

Thank you for the opportunity to provide comments for developing your Environmental Assessment concerning construction of the ferry terminal. If you have any questions regarding EFH concerns, please contact Tim Wilkins at 907-586-7643 or Timothy.Wilkins@noaa.gov. For questions regarding ESA concerns, please contact Erika Phillips at (907) 586-7312 or Erika.Phillips@noaa.gov.

Sincerely,



Robert D. Mecum
Acting Administrator, Alaska Region

Literature cited:

Alaska Department of Fish and Game, 1998. Ketchikan Area Fishery Update (Craig/Klawock, West Behm Canal, Kah Shakes Fisheries). Alaska Department of Fish and Game, Commercial Fisheries, Southeast Region. March 16-April 6, 1998.

<http://www.cf.adfg.state.ak.us/region1/finfish/herring/98ktn.php>

Alaska Department of Fish and Game, 1999. Ketchikan Area Fishery Update (Craig/Klawock, West Behm Canal, Kah Shakes Fisheries). Alaska Department of Fish and Game, Commercial Fisheries, Southeast Region. March 13-April 13, 1999.

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Woodby, D., D. Carlile, S. Siddeek, F. Funk, J. H. Clark, and L. Hulbert. 2005. Commercial Fisheries of Alaska. Alaska Department of Fish and Game, Special Publication No. 05-09, Anchorage. <http://www.sf.adfg.state.ak.us/FedAidPDFs/sp05-09.pdf>