



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

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

February 13, 2009

Colonel Kevin J. Wilson  
District Engineer  
U.S. Army Corps of Engineers  
P.O. Box 6898  
Anchorage, Alaska 99506-0898

Re: POA-2005-1647-M  
Lake Two Creek

Attn: John C. Leeds

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) reviewed the above referenced application from Mr. Brent Howell to discharge fill material into wetlands near Auke Lake in Juneau, Alaska (58.395 N, 134.622 W). The purpose of the discharge is to provide stable ground for building driveways and house pads in a proposed 10-lot residential subdivision. Approximately 3,077 cubic yards of fill material would be discharged into 0.83 acres of wetlands. Seven lots and a portion of the subdivision access road would be located in Category A wetlands as designated in the Juneau Wetland Management Plan. According to that management plan, development within Category A wetlands requires that all individual functional values (e.g., surface hydrologic control, riparian support, groundwater recharge, etc.) be maintained.

To minimize impacts to waters of the United States, the applicant increased the proposed lot size above that required by zoning laws, thereby reducing the number of driveways and house pads. The applicant also reduced the length of the proposed subdivision access road and designed the driveway and house pads to be as small as possible. Finally, in lots proposed to be located on Category A wetlands, the applicant shifted driveways and house pads out of the wetlands as much as possible.

Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires federal agencies to consult with NMFS on all actions that may adversely affect Essential Fish Habitat (EFH). NMFS is required to make EFH Conservation Recommendations, which may include measures to avoid, minimize, mitigate or otherwise offset adverse effects. The proposed subdivision lies within a small watershed draining to Auke Lake via a stream identified as Hanna Creek in the Juneau Fish Habitat Assessment (Bethers et al. 1993). According to the Alaska Department of Fish and Game's Anadromous Waters Catalog, this stream (111-50-10420-2006) supports coho salmon, Dolly Varden char, and cutthroat trout. Sockeye, chum, and pink salmon, in addition to the previously mentioned species, are found in Auke Lake.

NMFS is concerned that the proposed project will result in the impairment or loss of important wetland functions. Nearly half of the proposed subdivision would be located on Category A wetlands, which drain east to Hanna Creek via groundwater and small surface flows originating



from seeps. Although the applicant has designed the subdivision to minimize impacts to wetlands, seven of the ten proposed lots would be partially located in Category A wetlands, and five driveways and house pads would be constructed entirely on these wetlands. Filling these wetlands could have adverse impacts on EFH as they likely provide important hydrologic control and discharge functions to Hanna Creek and the larger Auke Lake watershed.

NMFS has several concerns about the effectiveness of the applicant's efforts to avoid or minimize impacts to wetlands. First, the applicant shortened the subdivision access road to reduce wetland fill. However, it appears that a shorter access road requires longer driveways to reach the housing pads, which may not achieve a net reduction in fill. Second, although the applicant shifted driveways and house pads out of Category A wetlands as much as possible, the subdivision drawings suggest these pads could be shifted closer to the access road. Shorter driveways would require less fill in wetlands while providing for a larger buffer between the subdivision and Hanna Creek.

While NMFS appreciates the applicant's efforts to minimize wetland loss, we believe that the loss of important wetlands and their functions can be further reduced. In accordance with Section 305(b)(4)(A) of the MSA, NMFS makes the following EFH Conservation Recommendations:

1. To reduce the amount of fill discharged into wetlands, move the house pads on lots 6-9 as close to the access road as practicable (e.g., as in lots 10 and 11). Lots 6-9 occur entirely on Category A wetlands and are closest to Hanna Creek.
2. When practicable, consider using shared driveways to further reduce wetland fill.
3. To protect wetland integrity within the subdivision, preserve with a conservation easement all natural vegetative cover that remains within Category A wetlands after constructing driveways and house pads.

Under section 305(b)(4) of the MSA, the Corps is required to respond to NMFS EFH Conservation Recommendations in writing within 30 days. If the Corps will not make a decision within 30 days of receiving NMFS EFH Conservation Recommendations, the Corps should provide NMFS with a letter within 30 days to that effect, and indicate when a full response will be provided.

If you have any questions regarding our recommendations for this project, please contact John Hudson at 907-586-7643 or [john.hudson@noaa.gov](mailto:john.hudson@noaa.gov).

Sincerely,



Robert D. Mecum  
Acting Administrator, Alaska Region

cc: Applicant  
Neil Stickert, USFWS, Juneau\*  
Teri Camery, CBJ, Juneau\*  
Chris Meade, EPA, Juneau\*  
Joe Donohue, ACMP\*  
Jackie Timothy, ADNR\*

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## **Literature cited**

Bethers, M., K. Munk and C. Seifert. 1993. Juneau Fish Habitat Assessment. Alaska Department of Fish and Game. Division of Sport Fish. Douglas, Alaska.

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