

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

### HABITAT AND RESTORATION DIVISION

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#### MEMORANDUM

TO: Lorraine Marshall  
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Juneau

DATE: December 20, 2002

FILE: AK 0211-07JJ

FROM: Ben Kirkpatrick  
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SUBJECT: Skagway River 5 (Gravel Extraction)

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The Department of Fish and Game (ADF&G) is reviewing the proposal to extract gravel from USS 1805 in the Skagway River. This includes excavating 50,000 cubic yards over a 5-year period, or 10,000 cy per year; on 4.44 acres in USS 1805 between the ordinary high water (OHW) lines as defined in the 2001 OHW survey. This work will be conducted during periods of low flow and will cross the active channel with three five-foot culverts. Temporary roads and dikes would occur each year and be removed at the end of each season.

Habitats in the project area that are subject to the Alaska Coastal Management Program (ACMP) and the Skagway Coastal Management Program (SCMP) standards include the Skagway River and Dairy Creek. The City of Skagway has developed an Area Meriting Special Attention (AMSA) Plan for managing the Skagway River. AMSA policies K-1 through K-7, for mining and gravel extraction, apply to this project. Under the ACMP and SCMP these habitats must be managed so as to maintain or enhance the biological, physical and chemical characteristics of the habitat that contribute to its capacity to support living resources (6 AAC 80.130 [a] and [b]). In addition, rivers, streams and lakes must be managed to protect natural vegetation, water quality, important fish or wildlife habitat and natural water flow. Projects that do not meet the habitat standards may be allowed if a significant public need is demonstrated; there is no feasible or prudent alternative; and all feasible and prudent steps to maximize conformance with the standards will be taken.

The Skagway River (ADF&G Stream #115-34-10300) has been specified as being important for the spawning, rearing or migration of anadromous fish pursuant to AS 16.05.870(a). The proposed project site is located in or near essential chum and coho salmon, and Dolly Varden char spawning, rearing and/or migration habitat. During the Skagway Airport runway construction rearing coho salmon and Dolly Varden char were documented using the mainstem of the Skagway River just below the proposed project area. Eulachon eggs have also been documented in the Skagway River, indicating spawning occurs in the intertidal area of the river.

The appropriate construction timing will minimize impacts during the most sensitive life stage of these fish: spawning, emergence from the gravel and smolt outmigration. Spawning is not expected to occur in the project area, the lifestages that could be affected are migration of adult fish to spawning areas in late summer and fall, and outmigration of smolts in the spring.

AMSA Policy K-1 states that resource extraction activity “be limited to a single material site until this resource is exhausted.” There is a provision for exceptions and ADF&G accepts that this proposal could be considered such. Our concern is that DNR has an active site below the Skagway River Bridge that could be available for use. If the City of Skagway agrees that the proposed project qualifies as an exception, this means the DNR site will be unavailable for use while USS 1805 remains an active material extraction site.

The Skagway Flood Control Project has recently been reviewed and overlaps this proposed project area. This flood control project, proposed excavating 17,900 cubic yards of material from within USS 1805 in the floodplain to fill and reclaim commercial and industrial land, as well as 17,700 cubic yards of excavated riverbed material for the dike and revetment structures. Much of the gravel was to come from USS 1805. The portion related to reclaiming land was not approved. However, with stipulations, the flood control project was given a proposed consistency finding on November 13, 2002. There has been an elevation of this proposed finding and a final consistency has not yet been issued. Any long-term gravel extraction in the Skagway River will be tied to the flood control project and the maintenance of adequate storage capacity between the dikes. **Because the existing floodplain and flow dynamics of the Skagway River will be significantly altered by the flood control project, this consistency determination should only be valid until the flood control project is constructed. The Fish Habitat Permit will only be issued for one season.**

#### Gravel Extraction Plan

The proposed gravel extraction plan submitted by the applicant does not meet the Habitat Standard (6 AAC 80.130) or AMSA policy I-2 River Channel Stability. The proposed plan would skim off all the gravel bars within the floodplain, which would widen the channel of the Skagway River and could destabilize this portion of the riverbed. A revised mining plan must be submitted prior to inwater work beginning or a Fish Habitat Permit issued. The revised plan will proscribe mining outside of the active channel and the mining area be left in a stable configuration that will be free draining once the river reoccupies this area. This is similar to how the Skagway Airport project river mining was completed.

#### Vegetated Island

The ownership of part of this island is in dispute between the applicant and the State of Alaska. This island also plays a key role in mitigation for the proposed Skagway Flood Control Project. To ensure there is no conflict between these two projects this island should not be mined until all issues with the flood control project are resolved. Additionally, this island contributes significantly to the habitat values of this portion of the Skagway River. Riparian vegetation contributes not only to fisheries values, but is also important for passerine and small mammal habitat.

### Mitigation

If conducted in a responsible manner there should be acceptable unavoidable impacts to the Skagway River from this operation. However, there will be unavoidable impacts from placing the culverts for the access road, compaction of the riverbed in the location of the temporary roads, disturbance to the riverbanks where vehicle access is gained. To mitigate for these impacts ADF&G will require the applicant to remove any foreign debris accessible from the mining area without crossing the active river channel. This material must be removed to an approved upland location that will not impact fish habitat. If it is determined that some debris cannot be removed without creating more disturbance ADF&G must be notified.

Therefore, pursuant to 6 AAC 50 of the Alaska Coastal Management Program, the department recommends the project be found consistent provided the following stipulations are incorporated in the state's consistency determination:

**Anadromous Fish Act Requirements.** In accordance with AS 16.05.870(d) and to ensure that your project is consistent with the ACMP (6 AAC 80.130 (c)(7) HABITATS), project approval is hereby given subject to the following stipulations:

1. In-water work shall occur in the Skagway River only between November 1 and April 30. This includes placing and removing temporary culverts. If work is to be performed outside of this window, prior written approval from ADF&G is required. DGC must be informed of the request for modification.
2. A work plan shall be submitted to ADF&G prior to start of project construction in the Skagway River. This plan must include details for how work would be accomplished to: (a) avoid the mining in the active channel; (b) maintain free passage and movement of resident and anadromous fishes; (c) stabilize disturbed areas affected by the project, such as slopes, fills and bank cuts; (d) maintain a stable channel configuration after the project is completed and (e) show that the excavation area will be free draining once the river reoccupies this area.
3. The excavation area will be staked and available for inspection by ADF&G one week before instream work is to begin. ADF&G will be notified when the site is available for inspection.
4. Any foreign debris located in the mining area or accessible to the mining area without crossing an active river channel, shall be removed from the project area and placed in an approved upland disposal site.

**Coastal Consistency.** Pursuant to 6 AAC 50 [Project Consistency with the ACMP] the following stipulations are necessary to ensure that your project is consistent with the ACMP (6 AAC 80.130 (c)(7) HABITATS).

5. The applicant must provide a letter of concurrence from the City of Skagway or their Coastal District Coordinator that there is no objection to the establishment of this new material site and the proposed excavation of 10,000 cubic yards per year. It should be understood that removal from AMSA Material Site No. 1, downstream of the bridge, may then be prohibited under the provisions of AMSA policy K-1 while the new site is active.

Stipulation 5 is necessary to meet AMSA Policy K-1, Siting Material Sources, which encourages consolidation of resource extraction activity.

6. The vegetated island on the east side of the project area will not be disturbed.

Stipulation 6 is necessary to protect fish habitat by preventing removal of riparian habitat within the floodplain (6 AAC 80.130). This will also minimize changes to channel hydraulics (AMSA K-2) and minimize clearing of riparian vegetation and disturbance of natural banks (AMSA K-3b).

7. Alteration of streambanks must be minimized and restricted to that necessary to construct the project. Immediate and practicable measures must be taken to maintain water quality in and adjacent to anadromous fish streams.

Stipulation 7 is necessary to protect water quality and fish habitat by preventing erosion and sedimentation into the stream. (Also see the summary rationale following the stipulations.)

8. Excavation, temporary storage of excavated material, and fill placement must be conducted so that suspension of sediment in water is minimized.
9. Precautions and controls must be used to prevent incidental and accidental discharge of petroleum products. Sorbent pads and other spill cleanup materials must be available on-site, and must be used to contain and cleanup any incidental petroleum products spilled as a result of construction activity.

These stipulations are necessary to protect riverine water quality and habitat by minimizing the disturbance of the river channel, and adjacent lands and minimizing the introduction of suspended material and petroleum products into waters, per 6 AAC 80.130 Habitats, 6 AAC 80.140 Air, Land, and Water Quality, and 18 AAC 70 Water Quality Standards.

Thank you for the opportunity to comment.

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