STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

DIVISION OF HABITAT

SEAN PARNELL, GOVERNOR

Douglas Island Center Building
802 W. 3rd Street, Douglas
P.O. BOX 110024
JUNEAU, AK 99811-0024
PHONE: (907) 465-4105
FAX: (907) 465-4759

MEMORANDUM

TO: Jackie Timothy

DATE: September 11, 2009

SUBJECT: Nelson Creek Crossing
Site Visit 9/4/09

FROM: Sheila Cameron
Habitat Biologist

TELEPHONE NO: 465-4182

Background:
On May 22, 2009, I received an email from Rich Chapell (ADF&G Sport Fish Haines Area Management Biologist), reporting vehicles crossing Nelson Creek (anadromous stream no: 115-34-10230-2011) by a Mr. Robert Murphy. Mr. Murphy owns property on the west side of Nelson Creek. I did not find any record of a Fish Habitat Permit issued to anyone for fording Nelson Creek. A few weeks later, I received a message from Alicia Wendlandt of the Taiya Inlet Watershed Council that they were working with Mr. Murphy to install a bridge at the crossing, and she asked if ADF&G would partner with the Council for the project. I informed her that we generally do not partner in such a project, but that we would assist in designing the project during permitting. I have not heard from Rich or Alicia since June about this crossing.

Observations:
On Friday, September 9, 2009, I visited Skagway, Alaska for several site inspections. Marj Harris of the Municipality of Skagway accompanied me during the inspections as we were looking primarily at Municipality projects. During the course of our inspections, we arrived on the Dyea flats and observed Nelson Slough. While in the area, I looked at the reported crossing location.

There is a small pedestrian bridge across the creek just upstream of the crossing location. The crossing is visibly rutted (photos 1 & 2) and I observed adult pink salmon at the crossing footprint as well as up and down stream (photo 3). I did not observe any spawning behavior or redds. The crossing is located at latitude 59.4973° N, longitude 135.3610° W (NAD 83).

Photo 1: Nelson Creek Crossing Location

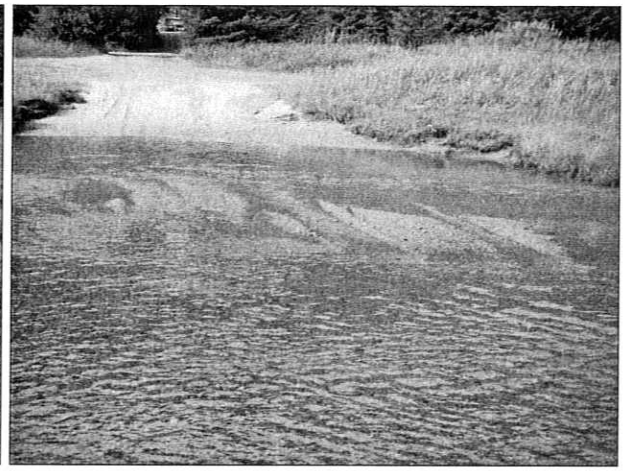

Photo 2: Ruts midstream in Nelson Creek

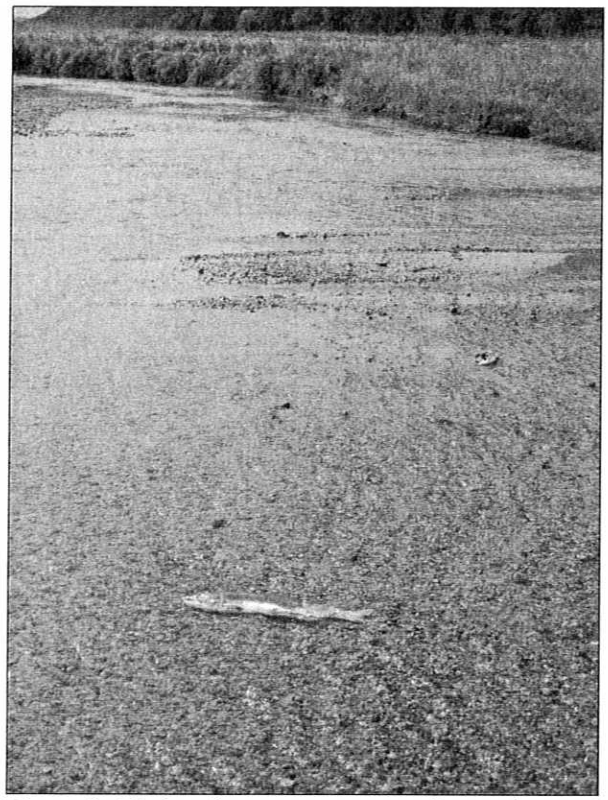

Photo 3: Pink salmon upstream of rutted crossing

Follow up actions:

After returning to Juneau, I reviewed the *Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes* (Catalog) to identify the stream number and identify the crossing location. The Catalog shows Nelson Creek as a tributary to the Taiya River flowing east/west, however this is not what I observed onsite, which was a stream flowing north/south. I researched the historical nominations for both Nelson Creek (Stream no: 115-34-10230-2011). The nomination for Nelson Creek in 1985 shows the creek as a separate system (not a tributary of the Taiya River) and even says in the narrative that "this creek meanders through the flats of the Taiya River, but is a separate system" (attachment 1). I contacted J Johnson (ADF&G SF) about this Catalog discrepancy and he will correct the stream location in the Catalog. I will also submit a nomination for this stream to include pink salmon presence.

On September 11, 2009, I spoke with Trooper Rick Merritt in Haines about the unauthorized crossing and I am providing him additional information by way of this trip report for his investigation. I will attempt to contact the land owner (Robert Murphy) per Trooper Merritt's suggestion and discuss the unauthorized vehicle crossings with him. Any further action will be done by or at the request of Trooper Merritt.

After speaking with Trooper Merritt, I found a file from 2002 with a Notice of Violation (NOV) and a letter to Mr. Murphy about this crossing (attachment 2). The NOV required him to install a bridge on Nelson Creek for accessing his property and restore the streambanks by June 1, 2003. Unfortunately, this is the only historical information we have regarding the unauthorized crossing activity, and it appears Habitat staff did not follow-up with Mr. Murphy following issuance of the NOV.

Enclosures:

Attachment 1: Nomination 85-314
Attachment 2: Notice of Violation and letter to R. Murphy 2002

CC Via email:

Al Ott, ADF&G Habitat, Fairbanks
Rich Chapell, ADF&G SF, Haines
Randy Bachman, ADF&G CF, Haines
Rick Merritt, DPS, Haines
Marj Harris, Skagway Coastal District Coordinator
Alicia Wendlandt, Taiya Inlet Watershed Council, Skagway
Carrie Bohan, DNR DCOM, Juneau