



Memorandum

Date: February 26, 2007 **W.O.#:** 927600
To: Dan Miller, P.E., Inter-Fluve **cc:** Raymond Plummer III, P.E.
From: Sara Lindberg, USKH Environmental Division
Subject: Ship Creek Dam Removal Feasibility Study: Permitting Analysis

The following is a summary of permits and clearances anticipated for the proposed Ship Creek Dam Removal Project to be included in the Dam Removal Feasibility Study. The study considers several removal/modification alternatives for two dams on Ship Creek at the Elmendorf and Fort Richardson hatcheries in Anchorage, Alaska. The purpose of the proposed project is to improve fish passage to upper areas of Ship Creek.

All of the proposed removal/modification alternatives (except for the No Action alternative) for both dams would require work below the ordinary high water (OHW) of Ship Creek, and therefore, require the same set of permits and clearances. Early coordination with permitting agencies on the proposed design alternatives will be key to the project schedule. The permits and clearances for the proposed work will take approximately 3-6 months to obtain once a preferred alternative is selected and public and agency coordination is initiated. If a modification to the hatchery's existing Water Rights or additional Water Rights are required, an additional 6-12 months will be necessary to obtain all permits and clearances for the project (see #3 below).

The following Federal, State and Local permits and clearances are anticipated for the proposed project:

Permits and Clearances:

1. Alaska Coastal Management Program's Coastal Project Review by the Alaska Department of Natural Resources (ADNR) Office of Project Management and Permitting (OPMP) will be required for work within the Municipality of Anchorage Coastal Zone to determine consistency with State and Local coastal zone policies.
2. A Section 404 Permit from U.S Army Corps of Engineers (USACE) will be required for the placement of fill or dredged material into waters of the U.S.
3. A modification of the hatchery's existing Water Rights or an appropriation of additional Water Rights would be required from ADNR Division of Mining, Land, and Water for any alternative that involves permanent or seasonal diversion of water such as a fish ladder, bypass channel, or partial dam removal. If the full removal alternative diminishes the functionality of the existing water intake structures for the hatcheries, a modification or additional Water Rights may also be required. We recommend a review of the existing water rights applications and approvals as the project progresses to determine the best course of action.

4. A Certificate of Approval to Construct, Modify, Remove, or Abandon a Dam will not be required from ADNR Division of Mining, Land, and Water as the dams are federally owned and not subject to State regulation.
5. Title 41 Fish Habitat Permit from ADNR Office of Habitat Management and Permitting (OHMP) will be required for any work below the OHW of Ship Creek.
6. Coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) from the U.S. Environmental Protection Agency is required for construction activities creating a land disturbance of one or more acres in Alaska. Creation of a Storm Water Pollution Prevention Plan (SWPPP) and filing a Notice of Intent (NOI) is required to obtain coverage under the CGP.
7. Section 401 Certificate of Reasonable Assurance will be required from the Alaska Department of Environmental Conservation (ADEC) for activities requiring coverage under Section 404 of the Clean Water Act. ADEC issues a 401 Certificate to accompany the Section 404 USACE permit.
8. Section 106 review by the ADNR State Historic Preservation Office is required for all federally funded projects that require federal permits. The State Historic Preservation Officer will make a determination as to the project's impacts on known cultural resources. A cultural survey may be required.
9. A Municipality of Anchorage Flood Hazard permit will be required for construction of structures within the boundaries of the 100-year flood plain, as mapped by the Federal Emergency Management Agency (FEMA).

Agency Consultation:

1. Consultation with National Marine Fisheries Service regarding the proposed project's effects to Essential Fish Habitat (EFH) will be required. An EFH assessment and proposed conservation measures will be required.
 2. Consultation with the U.S. Fish and Wildlife Service is recommended to assess the project's potential impact to nesting migratory birds. A no vegetation removal "window" from May 1 to July 15 may be recommended by the agency.
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