

STATE OF ALASKA

ANILCA IMPLEMENTATION PROGRAM

FRANK H MURKOWSKI
GOVERNOR

550 W. 7TH AVENUE, SUITE 1660
ANCHORAGE, ALASKA 99501
PH: (907) 269-7470 / FAX: (907) 269-3981
Sally_Gibert@dnr.state.ak.us

May 23, 2004

Joe Fowler
Superintendent
Katmai National Park and Preserve
P.O. Box 7
King Salmon, Alaska 99613

Dear Mr. Fowler:

The State of Alaska reviewed the Environmental Assessment for Naknek Lake Fill Removal, dated April, 2004. This letter contains the consolidated comments of the State's resource agencies and supplements the "No Review Required" letter from Amanda Dreyer with the Alaska Coastal Management Program, dated May 17, 2004.

General Comments

The State of Alaska supports the stated purpose of the proposed project to facilitate access to and from the Naknek Lake bulkhead for the landing craft and fuel barge serving the park facilities. The project involves removal of 20-60 cubic yards of fill in late spring from the shore of Naknek Lake, about 500 feet south of the mouth of the Brooks River. We understand the project may occur one or more years during the next five years.

State Permits Required

Please be advised that the Alaska Department of Natural Resources (DNR) requires three authorizations before the project commences:

- 1) Because Naknek Lake is listed in the *Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*, a DNR Fish Habitat Permit is required for the dredging project. Alaska Statute 41.14.870 (Anadromous Fish Act) requires that an individual or governmental agency provide prior notification and obtain approval from DNR for all activities within, across or affecting waterbodies included in the catalog including the placement, excavation, deposition, disposal, or removal of any material or use of wheeled, tracked or excavating equipment in the bed.
- 2) Since the materials are being removed from state shorelands and placed on federal uplands, a Limited Material Sale Permit is also required. Regulations restrict such sale contracts to a

term not to exceed one year. However, a new sale may be applied for each succeeding year. Because such a small amount of materials is at issue, the regulations at 11 AAC 71.050 do not require a formal application. Also, since the amount of material proposed for removal is small and the agency-sponsored project supports a public purpose, DNR will waive the fee – also pursuant to existing regulations at 11 AAC 05.010(e)(16)(A).

- 3) A Miscellaneous Land Use Permit is also required by AS 38.05.850 with no fee required under 11 AAC 05.010(e)(8). It can be issued for a term of up to five years.

If the Park completes and submits the required applications expeditiously, there is a good chance that DNR will be able to review and make a decision on the authorizations prior to the proposed commencement date of the project. For a Fish Habitat Permit Application, please contact Ed Weiss in the DNR Office of Habitat Management and Permitting (ed_weiss@dnr.state.ak.us 269-5901). For Material Sale and Miscellaneous Land Use permit information, please contact Robin Swinford (robin_swinford@dnr.state.ak.us 269-8555). Helen Lons on your staff may have received applicable permit applications already.

ANILCA Section 810 Analysis

The EA correctly points out that the Katmai National Park is closed to subsistence uses, so the proposed project would not impact subsistence uses inside the Park, or subsistence resources or activities outside the Park. We also agree there will be no effect on the limited harvest of spawned-out salmon at the mouth of Brooks River by authorized local residents, since the project would occur prior to this fishery taking place in the fall months. For these reasons, we concur with the conclusion in the ANILCA Section 810 analysis that the proposed action would not result in a significant restriction to subsistence uses.

Please contact me at 907-269-7477 if you have questions or need more information.

Sincerely,

/ss/

Sally Gibert
State ANILCA Coordinator

cc: Helen Lons, Katmai NEPA Project Coordinator