

National Park Service

August 3, 2023

Alaska Department of Environmental Conservation (DEC)
Wastewater Discharge Authorization Program/§401 Certification
555 Cordova Street, Anchorage AK9501-2617
DEC-401Cert@alaska.gov

RE: POA-2023-00115 v1.0, Johnson River JT Mining Johnson Tract Access

To Whom It May Concern:

Thank you for the opportunity for the National Park Service (NPS) to review the Notice of Application for State Water Quality Certification for the Johnson Tract project (POA-2023-00115 v1.0, Johnson River JT Mining Johnson Tract Access).

We have offered our comments within this letter and have submitted them via the Alaska DEC Comment Input website. Our comments come from NPS Alaska Region and Lake Clark National Park and Preserve subject matter experts. They are copied following the signature on this letter. Our comments are as follows:

- 1) The NPS hopes to underline the importance of this area in supporting fish and brown-bear habitat, and the resulting bear-viewing industry. Roads, culverts, and bridges have the potential to impact anadromous fish species that use the Johnson River system, by changing the quality or quantity of spawning and rearing habitat. While surveys to date have not found Pacific salmon species present at the project site itself, anadromous Dolly Varden (*Salvelinus malma*) are known to spawn in waters adjacent to and upstream of the proposed bridge on the Johnson River in the preferred alternative. Salmonids in this system contribute directly to the high-density brown bear population in the area, which supports a robust and growing part of the greater Cook Inlet bear-viewing industry. The area between Kona and Ore Creek is known bear denning habitat which would be adjacent to segments of road in all alternatives.
- 2) While there is acknowledgment of the need for a culvert design to allow fish passage, there is no mention of the intent to consider culvert designs that prevent impacts to stream corridors up and downstream from the proposed road, specifically to stream geomorphology and sedimentation. Culverts should be designed and located to support the road and prevent stream impacts beyond the placement of fill in the wetland.
- 3) No detailed wetland impact analysis (using hydrogeomorphic [HGM] approach or HGM or equivalent methodology) or specific wetlands data were included in the application. While the permit states that "material sites and appurtenances" will be reclaimed, there are still irreversible impacts to wetlands and wetland function that should require compensation. While there may not be any local mitigation banks or restoration opportunities in the impacted watershed, there are opportunities for compensation elsewhere. The US Army Corps of Engineers (USACE) and the US Environmental Protection Agency (EPA) recognize limited compensation opportunities in Alaska and allow out-of-basin and restoration that is not strictly in-kind.
- 4) Using ordinary high-water marks in determining bridge abutment locations does not take into account the tremendous potential for rain- or snowmelt-induced flood events in this system,

which United States Geological Survey (USGS) gage data (https://nwis.waterdata.usgs.gov/usa/nwis/peak/?site_no=15294700) documented in 2003 (when peak streamflow tripled in magnitude relative to the previous 8 years on record). Sporadic flood events, like that recorded in 2003, are projected to recur more frequently with climate warming.

5) Stating that selection of the least impactful alternative was made to "avoid" impacts does not adequately demonstrate the typical USACE permit requirements: "In order for a project to be permitted, it must be demonstrated that, to the extent practicable: steps have been taken to avoid impacts to wetlands and other aquatic resources, potential impacts have been minimized, and compensation will be provided for any remaining unavoidable impacts." The permit application does not adequately address any analysis of the alternatives, their effects on water quality and related resources, and what data sources were used in the determination of the preferred proposed action.

6) The NPS requests that a public hearing be held regarding water quality concerning the issuance of this permit. This public hearing could be held concurrently or combined with a public hearing on the parallel process of application for a Clean Water Act (CWA) Section 404 permit to USACE. The NPS expects the USACE will prepare an Environmental Assessment to support decisions around permit issuances and will welcome the opportunity to participate in the process and to provide comments during a public comment period and during a public hearing.

7) While the Stormwater Pollution Prevention Plan (SWPPP) is noted later on in the notice of permit application on page 4, we recommend including it with the applicant's list on page 2 of the permits required for this project.

We would be pleased to answer any questions or provide additional specific information to ensure the protection of park lands and resources adjoining the Johnson Tract project site. Please contact our Regional External Review Coordinator, Emily Johnson, at emily_a_johnson@nps.gov or 907-202-3258 if additional assistance is needed.

Sincerely,
Susanne Fleek-Green
Superintendent, Lake Clark National Park and Preserve



United States Department of the Interior

NATIONAL PARK SERVICE

Alaska Region

240 West 5th Avenue, Room 114

Anchorage, Alaska 99501

IN REPLY REFER TO I.A.2 (LACL)

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Sincerely,

Susanne Fleek-Green
Superintendent, Lake Clark National Park and Preserve
CC:

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