

Intra-Service Section 7 Biological Evaluation Form - Region 7

Originating Person: Veronica Varela Date Submitted: February 22, 2013

Telephone Number: 907-786-3866

I. **Service Program and Geographic Area or Station Name:**

Natural Resource Damage Assessment and Restoration Program,
Alaska Region

II. **Flexible Funding Program** (e.g. Joint Venture, etc) if applicable: n/a

III. **Location of the project:**

Helmet Creek, tributary to Sweeper Cove, Adak Island, Alaska

IV. **Species/Critical Habitat:** List federally endangered, threatened, proposed, and candidate species or designated or proposed critical habitat that may occur within the action area.

Adak Island is located in the zone of designated critical habitat for the Northern Sea Otter (*Enhydra lutris kenyoni*), Southwest Alaska Distinct Population Segment, listed as Threatened under the federal Endangered Species Act (ESA).

Adak Island is the only known existing location for the endangered Aleutian Shield Fern (*Polystichum aleuticum*).

The Yellow-billed Loon (*Gavia adamsii*) is a candidate species, which can occur in the marine waters surrounding Adak Island during overwintering.

V. **Project Description:** Describe proposed project or action or, if referencing other documents, prepare an executive summary (attach additional pages as needed):

The project will improve water quality and fish habitat in Helmet Creek by removing man-made impediments to fish passage from the stream channel (e.g., trash grates presently attached to road culverts) and metal bulkhead material (i.e., rusted 55-gal drums) and creosote pilings from the streambanks. The project will occur ¼-kilometer or farther from the mouth of Helmet Creek (i.e., in freshwater habitat). Some disturbance of the stream bed in a short section of the Creek may occur as sediments find a new natural equilibrium after impediments such as the trash grates are removed. The trash grates will be removed by hand, as will creosote pilings and metal bulkhead material that is currently located in the the riparian zone of the Creek. Any voids in the streambank created by removing the piling or bulkhead material will be filled with the soil that surrounded or was contained in the removed items. Lastly, part of the headwaters of Helmet Creek, which are currently diverted needlessly into a long culvert, will be restored to the natural stream channel by plugging the entrance to the culvert with earthen materials. The project includes pre-construction testing of soils and sediments for contamination and post-construction monitoring to ensure a successfully functioning project.

VI. **Determination of Effects:**

(A) Description of Effects: Describe the action(s) that may affect the species and critical habitats listed in item IV. Your rationale for the Section 7 determinations made below (B) should be fully described here.

Helmet Creek is not habitat of the sea otter, but it is a tributary to Sweeper Cove, an estuary which is in the zone of sea otter critical habitat. Construction of the restoration project will occur roughly ¼-kilometer and farther upstream from the mouth of Helmet Creek and has the potential to release small amounts of contamination such as diesel oil sheen if present in the sediments in the work area. However, the restoration implementation plan includes safeguards to protect against the transport of contamination downstream. First, the plan calls for testing of the sediment/soil in the construction area, and if hazardous levels of contamination are present, the construction will not occur in that area. Second, if sheens are inadvertently generated by the restoration construction, containment equipment such as sorbent pads/boom will be immediately deployed to prevent contamination from reaching the estuary. Also, such sheens are required to be reported to response agencies such as the Alaska Department of Environmental Conservation, who would launch a response effort if warranted. These actions should be sufficient to protect against any adverse impacts to individual sea otters. The project would not affect sea otters on a population (or Distinct Population Segment) level.

The same potential risk pathway exists for the yellow-billed loon as for the northern sea otter, except less so for the loon. The yellow-billed loon is a large loon, very similar to the common loon (*Gavia immer*). Common loons need large open areas to take flight, so generally do not enter relatively small, enclosed water bodies. Thus, the yellow-billed loon is not expected to enter the Helmet Creek estuary (i.e., small boat harbor), and it is possible but not likely that the loon could be exposed to contamination potentially generated by the project construction.

The Aleutian shield fern is restricted to moderately protected, moist spots in crevices, beneath overhangs, and at the edges of vegetation mats along rock walls on Mt. Reed on Adak Island. Mt. Reed is approximately four kilometers away from the proposed restoration site, so there is no chance of trampling the plant. No appropriate habitat for the plant exists in the proposed project area of Helmet Creek.

(B) Determination: Determine the anticipated effects of the proposed project on species and critical habitats listed in item IV. Check all applicable boxes and list the species (or attach a list) associated with each determination.

Determination

No Effect: This determination is appropriate when the proposed project will not directly or indirectly affect (neither negatively nor beneficially) individuals of listed/proposed/candidate species or designated/proposed critical habitat of such species. **No concurrence from ESFO required.**



Aleutian Shield Fern

May Affect but Not Likely to Adversely Affect: This determination is appropriate when the proposed project is likely to cause insignificant, discountable, or wholly beneficial effects to individuals of listed species and/or designated critical habitat. **Concurrence from ESFO required.**



Northern Sea Otter
Yellow-Billed Loon

May Affect and Likely to Adversely Affect: This determination is appropriate when the proposed project is likely to adversely impact individuals of listed species and/or designated critical habitat. **Formal consultation with ESFO required.**

May affect but Not Likely to Jeopardize candidate or proposed species/critical habitat: This determination is appropriate when the proposed project may affect, but is not expected to jeopardize the continued existence of a species proposed for listing or a candidate species, or adversely modify an area proposed for designation as critical habitat. **Concurrence from ESFO optional.**

Likely to Jeopardize candidate or proposed species/critical habitat: This determination is appropriate when the proposed project is reasonably expected to jeopardize the continued existence of a species proposed for listing or a candidate species, or adversely modify an area proposed for designation as critical habitat. **Conference with ESFO required.**

Signature Sonja Jahrsdoerfer
[Supervisor at originating station]

Date 3/6/13

Reviewing Ecological Services Office Evaluation (check all that apply):

A. **Concurrence** X

Nonconcurrence _____

Explanation for nonconcurrence/concurrence:

The temporary nature of the proposed removal of fish passage barriers in Helmet Creek and the impact minimization measures that have been built into the project will minimize the potential for impacts to listed species. The most likely cause of impacts would be release of contaminants during construction, which may be carried downstream and released into the marine habitat of the sea otter and yellow-billed loon. Spill prevention and response measures, such as contaminants testing and ready deployment of spill response equipment such as booms and sorbent pads, will reduce the possibility that amounts of contaminants would be discharged that would be sufficient to impair water quality, affect food resources, or affect listed species directly.

B. **Formal consultation required** _____

List species or critical habitat unit

C. **Conference required** _____

List species or critical habitat unit

Name of Reviewing ES Office Anchorage Fish and Wildlife Field Office

Signature

Date

 March 7, 2013