



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

November 22, 2002

Colonel Steven T. Perrenot  
District Engineer, Alaska District  
Army Corps of Engineers  
Regulatory Branch (1145b)  
P.O. Box 898  
Anchorage, Alaska 99506-0898

RE: Ref # 4-2002-0025  
Waterway: Jamestown Bay 0049

Attn: Ms. Valanne Glooschenko

Dear Colonel Perrenot:

The National Marine Fisheries Service (NMFS) has reviewed the proposal by Mr. Michael Knauss to discharge 600 cubic yards of riprap, clean shot rock, and gravel below the high tide line and excavate 120 cubic yards of native beach below mean high water to create a private parking lot. The project is located in Jamestown Bay, in Sitka, Alaska. The applicant has indicated that he does not wish to put in a dock with pilings because of the expense and has not proposed any mitigation.

The U.S. Army Corps of Engineers (Corps) has determined that the project may adversely affect .028 acres of Essential Fish Habitat (EFH) for juvenile pink, coho, and chum salmon. The Indian River empties into Jamestown Bay, and is an Alaska Department of Fish and Game cataloged fish stream for the aforementioned salmonids, as well as steelhead trout and Dolly Varden char. In addition, the area is considered important for halibut and spawning herring. All of these species support commercial and recreational fisheries.

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), NMFS is required to make conservation recommendations to the Corps regarding permit issuance if we believe the project would adversely affect EFH. NMFS believes that this project would adversely affect EFH by direct loss of intertidal habitat and introduction of



hydrocarbons to marine waters from vehicle use of the parking lot. Petroleum hydrocarbons are highly toxic at levels in the parts per billion ranges to early life history stages of salmonids and herring that use the project area (Carls et al. (1997), Marty et al. (1997)).

In addition, parking lots are a non-water dependent use of marine waters that should undergo rigorous analyses for upland alternatives when they may impact sensitive areas, including known spawning and rearing habitat for juvenile salmonids and herring. The Public Notice for the project indicates that the applicant owns an adjacent upland parcel, but does not explain why that property cannot serve the function of a private parking lot. The Public Notice further shows that an adjacent lot to the proposed fill includes a pile supported structure, suggesting that while a pile supported structure may be more expensive than fill, it is a viable method of shoreline development for the area.

The NMFS recommends the following **EFH Conservation Recommendation** pursuant to section 305(b)(4)(A) of the MSFCMA.

**-The Corps should deny a permit for the proposed project and should advise the applicant to seek a less damaging alternative, such as using their adjacent upland property, or constructing a pile supported structure combined with an adequate stormwater runoff treatment method to prevent hydrocarbon pollution of marine waters.**


Please note that under section 305 (b)(4) of the MSFCMA, the Corps is required to respond in writing within 30 days to NMFS recommendations. If the Corps does not make a decision within 30 days of receiving NMFS EFH Conservation Recommendations, the Corps should provide NMFS with a letter to that effect, and indicate when a full response will be provided.

NMFS believes that the project as proposed will result in substantial and unacceptable impacts on aquatic resources of national importance, in accordance with Part IV, paragraph 3(b) of the 1992 Memorandum of Agreement between the Department of Commerce and the Department of the Army under Section 404(q) of the Clean Water Act. Please notify our

office of the Corps' decision regarding this project in accordance with Part IV, paragraph 3(c) of the 1992 Memorandum of Agreement.

Please contact Linda Shaw for further coordination regarding this project (907-586-7510, linda.shaw@noaa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Balsiger', written over a horizontal line.

*For* James W. Balsiger  
Administrator  
Alaska Region

cc: EPA Anchorage (Mark Jen)  
ADEC, AADGC, ADNR, USFWS, Juneau  
ADF&G, Sitka

#### LITERATURE CITED

- Carls, M.G., S.W. Johnson, R.E. Thomas, and S.D. Rice. 1997. Health and reproductive implications of exposure of Pacific herring (*Clupea pallasii*) adults and eggs to weathered crude oil, and reproductive condition of herring stock in Prince William Sound six years after the *Exxon Valdez* oil spill, *Exxon Valdez Oil Spill Restoration Final Report* (Restoration Project 95074), National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Auke Bay Laboratory, Juneau, Alaska.
- Marty, G.D., J.W. Short, D.M. Dambach, N.H. Willits, R.A. Heintz, S.D. Rice, J.J. Steman and D.E. Hinton. 1997. Ascites, premature emergence, increased gonadal cell apoptosis, and cytochrome P4510A induction in pink salmon larvae continuously exposed to oil-contaminated gravel during development. *Can. J. Zool.* 75:989-1007.