



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

*National Marine Fisheries Service  
P.O. Box 21668  
Juneau, Alaska 99802-1668*

April 16, 2003

Colonel Steven T. Perrenot  
District Engineer  
U.S. Army Corps of Engineers  
Alaska District  
P.O. Box 898  
Anchorage, Alaska 99506-0898

Re: D-2003-0280, Togiak Bay  
Nationwide Permit #3

Attn: Allan Skinner

Dear Colonel Perrenot:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by Brady Environmental, LLC on behalf of North Pacific Processors, Inc. The proposed project is located in Togiak Bay, Alaska. The proposed work would include the repair of storm damage to an existing dock structure and the removal and subsequent replacement of contaminated sand and gravel substrate beneath the dock with clean sand and gravel excavated from on-site borrow sources.

The nearshore marine waters of Togiak Bay support juvenile rock and yellowfin sole, Pacific cod, and arrowtooth flounder. Also, juvenile red and king crab congregate on vertical relief structures such as pilings. Additionally, the Togiak River supports rearing and spawning populations of king, chum, coho, pink and sockeye salmon. As a result of the project, adverse impacts to these living marine resources may occur during extreme high tide conditions should contaminated sediment be resuspended into the water column. The Magnuson-Stevens Fishery Conservation and Management Act requires NMFS to make conservation recommendations regarding any federal action that would adversely affect Essential Fish Habitat (EFH). Therefore, NMFS offers the following EFH conservation recommendation:

**EFH Conservation Recommendation**

- The permit should require a sediment curtain to enclose the dredging operations. The curtain should remain in place until the work is completed or there is no possibility of any resuspension of contaminated material.

*Rationale - The sediment curtain would avoid the necessity for timing restrictions by assuring that petroleum contaminated sediments were not re-suspended into the water column, and isolating the site from living marine resources including federally managed species until the work is complete.*

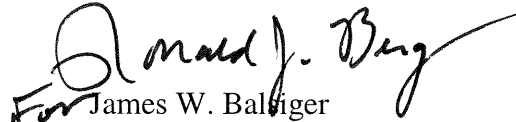
Please note that under section 305(b)(4) of the Magnuson-Stevens Act, the Corps is required to



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.

Lt. Mark Boland is the NMFS contact for this project, and can be reached at (907) 271-2373.

Sincerely,

  
For James W. Baltiger  
Administrator, Alaska Region

cc: USFWS, EPA, ADGC, ADFG, ADEC - Anchorage