



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

April 1, 2004

Colonel Timothy J. Gallagher
District Engineer
U.S. Army Corps of Engineers
P.O. Box 898
Anchorage, Alaska 99506-0898

Re: POA-2004-267
Cholmondeley Sound

Attn: Mr. Dennis A. Stone

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by the U.S. Forest Service (USFS) to place 5,841 cubic yards of fill and 1,089 cubic yards of riprap into 0.62 acres of waters of the United States for the purpose of developing a low angle ramp and access float as part of a log transfer facility.

Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act requires Federal agencies to consult with NMFS on all actions that may adversely affect Essential Fish Habitat (EFH). NMFS is required to make conservation recommendations, which may include measures to avoid, minimize, mitigate or otherwise offset adverse effects. The Alaska Department of Fish & Game (ADF&G) has cataloged several anadromous streams in Cholmondeley Sound that support runs of coho, sockeye, and pink salmon. Juvenile salmon use the inshore area of Cholmondeley Sound during spring and early summer for feeding and predator avoidance prior to migration out to sea. The inshore area of the project location also provides important habitat for several marine species including arrowtooth flounder, Pacific cod, sculpins, walleye pollock, dusky rockfish, shortraker/rougheye rockfish, yelloweye rockfish, and Pacific ocean perch.

The Corps has concluded that the proposed activity may adversely impact approximately 42.7 acres of EFH for juvenile/adult salmon and groundfish. The applicant proposes to mitigate the impact on EFH by constructing the LTF in an area of low marine sea floor diversity with good flushing action and by following the Forest Plan Standards and Guidelines on Log Transfer Facilities.

NMFS concurs with the finding that the proposed action may adversely affect EFH. An August 1997 dive survey conducted by the U.S. Fish and Wildlife Service (USFWS) found that the proposed site had already been degraded by previous unpermitted log storage activities. In addition to the proposed mitigation measures, we offer the following conservation recommendation pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Act.



1. No in water construction shall occur from the period of March 1 to June 1 to protect spawning herring and migrating salmonids from disturbance.

sites in Clover Bay; the proposed site and a site further west. The USFWS surveys described the two sites in Clover Bay as having high marine productivity characterized by dense stands of kelp (*Lamniaria saccharina* and *Agarum fuibriatum*). NMFS has also received a report from a dive survey conducted by the USFWS at Island Point in November 2001. In this report, the USFWS concludes that the Island Point site "appears to offer significant advantages over the Clover Bay site" because Island Point has lower biological diversity and productivity.

NMFS concurs with the finding that the proposed action may adversely impact EFH. Based on the information available, the proposed LTF site does not appear to meet the mitigation criteria included in the DEIS' EFH Assessment and this public notice. Therefore, NMFS concludes that selection of this site is a modification to the actions in the EFH assessment with which NMFS concurred and will require additional consultation as indicated in our June 2002 letter.

Accordingly, we offer the following EFH Conservation Recommendations pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Act.

- 1) NMFS recommends that the application be denied on the basis that a less damaging, practicable alternative (Island Point) exists for the proposed LTF. The proposed LTF does not comply with the mitigation measures proposed in the DEIS' EFH Assessment or in this public notice.

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

If you have any further questions, please contact Katharine Miller at 907-586-7643.

Sincerely,



James W. Balsiger
Administrator, Alaska Region

ACTING

cc: Applicant
EPA Juneau, Chris Meade
ADF&G, Janet Schempf
ADEC, AADGC, ADNDR, USFWS, Juneau