



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

April 22, 2004

John Klutz
Project Manager
U.S. Army Corps of Engineers
Regulatory Branch
P.O. Box 898
Anchorage, Alaska 99506-0898

Re: PND letter-Cordova Boat Harbor

Dear Mr. Klutz:

The National Marine Fisheries Service (NMFS) has reviewed the letter PND Incorporated (PND) sent to you regarding NMFS comments on the Cordova Small Boat Harbor Improvements Project. Our comments contained 3 recommendations for minimizing the impact of the project on living marine resources in the area. The PND response to our comments addressed some important issues and brought out some good discussion points for each of the 3 recommendations. The intent of this letter is to provide more information to help further clarify these issues.

Issue 1 - Pile Driving

NMFS understands that a vibratory driver cannot be used for all pile driving. An impact driver is sometimes needed to seat pilings or drive pilings into a harder substrate. The intent of the NMFS recommendation is to minimize the potential impact of pile driving by using a vibratory driver for as much pile driving as is technically feasible. Our comments on future projects will contain modified language that clarifies this intent.

NMFS agrees that equating the proposed pile driving in Cordova to the pile driving for the San Francisco-Oakland Bay Bridge Project may be inappropriate. However, the information NMFS received to perform this environmental review did not contain enough information for us to make that determination. The Pre-Construction Notification (PCN) reviewed by NMFS stated the steel pipe size varied. No size distribution was listed. The depth the pipe needs to be driven was also listed as "varies." No depth distribution was provided. Likewise, the PCN contained no information on how the piles will be driven. The additional information PND provided is helpful, but as discussed below, we remain concerned about the effects of pile driving on fish in the Cordova Harbor.

Issue 2 - Timing Window

Essential Fish Habitat (EFH) is defined as those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity (16 U.S.C. 1802 (10)), and includes nearshore waters in Cordova. During certain times of the year, the Cordova harbor is used by large



numbers of fish. Just outside the harbor entrance is a row of processing plants. During the processing season, these plants grind up fish offal and discharge it into Orca Inlet not far from the harbor mouth. This slurry of fish waste attracts fish of all shapes and sizes as well as seabirds. The processors begin processing in April (Prince William Sound herring) and continue into September (Copper River coho salmon). The Cordova Small Boat Harbor is home to many fish during this time period. Large schools of juvenile herring are routinely seen in the harbor (Dan Sharp, Alaska Department of Fish and Game, personal communication). Fleming Spit supports an important local sport fishery about 1 mile from the harbor. Chinook and coho salmon smolt are stocked to provide salmon for harvest by local anglers. The smolt are stocked into Fleming Spit Lagoon in May and June. Once released, many of these fish can be seen swimming around the boat harbor for the rest of the summer. No one has conducted a comprehensive seasonal fish survey in the Cordova Small Boat Harbor. A partial list of species that are likely to be found in the harbor includes: Chinook salmon, coho salmon, pink salmon, Pacific herring, Pacific cod, arrowtooth flounder, walleye pollock, sablefish, sculpin, flathead sole, rex sole, and yellowfin sole. The numbers of fish in the harbor decline in the fall and winter as fish move out of the shallow coastal waters.

The use of timing windows for pile driving can minimize disturbance and harm to fish during periods of greatest fish abundance. As the PND letter accurately pointed out, the type and intensity of the sounds produced during pile driving depend on a variety of factors. Nonetheless, the driving of hollow steel piles as small as 14-inch diameter has been shown to produce sound pressure levels that can injure fish (Reyff 2003). Consequently, NMFS recommends prohibiting pile driving when fish are abundant. The period when fish are most abundant in the Cordova Small Boat Harbor is April 1 to September 30. NMFS is not opposed to other in-water activities occurring during this timing window. Dock demolition, work on the ramp, work on the grid, and piling removal could be scheduled after April 1 or prior to October 1. The Cordova Harbor is extremely busy during the fishing season. The fishing season starts with herring in April and runs through the coho season well into September. PND will likely not schedule much activity during this period because of the high volume of boat traffic in the harbor.

Issue 3 - Use of Creosote

Creosote application as a wood preservative for aquatic use has a long history. Creosote is an excellent wood preservative. Unfortunately, creosote leeches compounds that can be toxic to marine organisms. The debate over creosote use centers around management of its use and toxicity. Some agencies are comfortable minimizing the potential toxicity. The State of Alaska, Department of Environmental Conservation has approved the use of wood that is pressure treated with creosote. The pressure treatment makes the wood less prone to leaching and reduces the potential toxicity. Nonetheless, NMFS prefers that creosote not be used, thereby eliminating the potential toxicity.

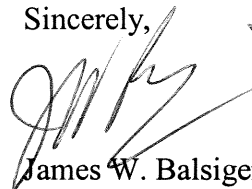
The PND letter points out that the existing harbor is full of creosote treated lumber. The proposed new harbor will have only a small amount of creosoted lumber. NMFS acknowledges that water quality in the proposed new harbor may improve as existing creosoted lumber is removed. NMFS also appreciates the frustration an applicant may feel when permitting agencies do not agree on permit stipulations. NMFS plans to work with other resource and permitting agencies to develop uniform standards for the use of treated wood in the aquatic environment in Alaska.

Future Projects

Environmental permitting is difficult, complicated and often contentious. NMFS and other permitting agencies have found that pre-application meetings can help alleviate problems. Early interaction between an applicant and permit reviewers can lead to better understanding of the project by permit reviewers and better applicant comprehension of potential agency concerns. Better understanding by all involved usually leads to quicker resolution of differences and fewer points of contention once an application is filed.

NMFS appreciates the opportunity to respond to PND's concerns. NMFS will continue to work with the Army Corps of Engineers and PND to resolve these issues.

Sincerely,



James W. Balsiger
Administrator, Alaska Region

cc: Francis Mann - USFWS Anchorage
Stewart Seaberg - ADNR Anchorage

Citations:

Reyff, J. A. 2003. Underwater sound levels associated with seismic retrofit construction of the Richmond-San Rafael Bridge. Document in support of Biological Assessment for the Richmond-San Rafael Bridge Seismic Safety Project. 18 p.