



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

August 27, 2004

Daniel Jones, P.E.
D.G. Jones Associates
P.O. Box 2186
Sitka, Alaska 99835

RE: Draft Environmental Assessment for Marine Outfall
Sawmill Creek Industrial Park, Sitka, Alaska

Dear Mr. Jones:

The National Marine Fisheries Service (NMFS) has reviewed your July 12, 2004 letter regarding the *Draft Environmental Assessment for Marine Outfall Sawmill Creek Industrial Park, Sitka, Alaska*, and your August 17, 2004, email message with revised project drawings. The City and Borough of Sitka's proposed marine outfall pipeline would extend from a location near the Sawmill Cove Industrial Park treatment plant approximately 2100 feet to a depth of -210 feet (referenced to MLLW = 0 ft.). The pipe is expected to be a mixture of ball and socket ductile iron pipe and weighted high density polyethylene pipe. Approximately 75 cubic yards of fill will be placed in the intertidal and subtidal area as bedding for the outfall pipe. This fill will be approximately six feet wide and approximately sixty feet long. Once submerged the outfall pipe will lie directly on the ocean floor with no cables or structures to hold the pipe in place.

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 and Game's Anadromous Stream Catalog indicates that Sawmill Creek provides important habitat for chum and coho salmon, steelhead trout and Dolly Varden char. Silver Bay provides habitat for a number of commercially important species, both salmon and groundfish species. Silver Bay provides EFH for the following groundfish species:

- Pacific Cod -- Adults, Late Juveniles
- Pacific Ocean Perch -- Adults, Late Juveniles
- Walleye Pollock -- Adults, Late Juveniles
- Dusky Rockfish -- Adults, Late Juveniles
- Shorthead and Rougheye Rockfish -- Adults, Late Juveniles
- Yelloweye Rockfish -- Adults, Late Juveniles
- Sculpin -- Adults, Late Juveniles
- Skate -- Adults, Late Juveniles
- Flathead Sole -- Adults, Late Juveniles
- Rex Sole -- Adults, Late Juveniles



Information on these groundfish species can be found on the NMFS Alaska Region web site at: <http://akr-mapping.fakr.noaa.gov/Website/EFH/>.

Species observed with a remotely operated vehicle in Silver Bay in August, 1998, by NMFS scientist Scott Johnson included:

- Black Rockfish
- Pacific cod
- Quillback Rockfish
- Yelloweye Rockfish
- Copper Rockfish
- Dusky Rockfish
- Yellowtail Rockfish

Depth range of observations was 8 to 145 feet. These species were observed in five dives.

Little impact is expected for marine species because the majority of the outfall pipe will lie on the ocean floor and not on fill. With the information available, our only EFH conservation recommendation is to limit the fill in the intertidal and subtidal area to the extent possible.

As stated in your letter, two marine mammal species in the project area are on the threatened and endangered species list: threatened Steller sea lion (*Eummetopia jubatus*) and the endangered humpback whale (*Megaptera novaeangliae*). NMFS agrees with your email comment that with the significant change in the design of the outfall there should be no measurable negative effect on marine mammal populations from the installation and operation of the outfall. However, we want to advise you of precautions to take while installing the pipe. We are enclosing a pamphlet titled *Alaska Marine Mammal Viewing Guidelines and Regulations*. Since Steller sea lions and humpback whales are likely to be in Silver Bay when the outfall pipe is installed we advise you to follow the marine mammal viewing "Code of Conduct" and the humpback whale approach regulations when installing the outfall pipe.

Marine Mammal Viewing "Code of Conduct"

1. Remain at least 100 yards from marine mammals.
2. Time spent observing individual(s) should be limited to 30 minutes.
3. Whales should not be encircled or trapped between boats, or boats and shore.
4. If approached by a whale, put the engine in neutral and allow the whale to pass.

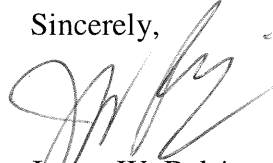
Humpback Whale Approach Regulations

Regulations require that you:

- Not approach within 100 yards of a humpback whale.
- Not place your vessel in the path of on-coming humpback whales causing them to surface within 100 yards of your vessel.
- Operate your vessel at a slow, safe speed when near a humpback whale.

Please contact Cindy Hartmann (907) 586-7585 if you have questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Balsiger', written over a faint, illegible typed name.

James W. Balsiger
Administrator, Alaska Region

Enclosure

cc: Kaja Brix, PR