



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

December 22, 2004

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

Re: POA-1968-49-N
Wrangell Harbor 87

Attn: Dr. Jan Stuart

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) reviewed the December 13, 2004, public notice of application for permit for the above referenced proposal by Delta Western, Inc. to discharge approximately 1950 cubic yards of rock material into 0.16 acre, of which approximately 0.08 acre is below the high tide line. The fill would create a 100 foot by 70 foot pad for an office/warehouse. We offer the following comments specific to the essential fish habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act.

Section 305(b) of the Magnuson-Stevens Act requires Federal agencies to consult with NMFS on all actions that may adversely affect EFH. NMFS is required to make conservation recommendations, which may include measures to avoid, minimize, mitigate or otherwise offset adverse effects.

Significant anadromous fish streams occur in the Wrangell area, including the Stikine River, Crittenden Creek and Mill Creek/Virginia Lake. Pink salmon fry and herring use the harbor in the spring (personal communication, Scott Forbes, Alaska Department of Fish and Game Assistant Area Management Biologist). Additionally, the inshore area of the project location provides habitat for several marine species including Pacific cod, arrowtooth flounder, walleye pollock, dusky rockfish, shortraker/roughey rockfish, yelloweye rockfish, skates, and sculpins.

The proposed project would fill intertidal habitat for fishery resources to support a non-water-dependent use. Avoiding or minimizing habitat loss may be practicable through the use of an upland site or construction on a pile supported platform.

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

1. NMFS recommends that the Corps and the applicant investigate lower impact alternatives such as building the office/warehouse on uplands or piles. The Corps should require the



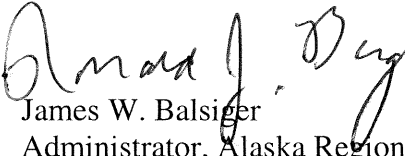

applicant to demonstrate that it has evaluated and fully considered options to avoid or minimize the proposed fill. The 404(b)(1) Guidelines prohibit discharges into waters of the U.S. where “there is a practicable alternative to the proposed discharge that would have less adverse effect on the aquatic ecosystem” [40 CFR 230.10(a)]. The Corps of Engineers (Corps) can only permit the least environmentally damaging practicable alternative for a proposed discharge of fill into jurisdictional wetlands or waterways.

2. If the Corps finds fill to be the only practicable alternative then all work below the extreme high water line should be limited to low tide stages to reduce turbidity and other construction related impacts to juvenile salmonids and herring.

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 questions regarding our comments and conservation recommendations for this project, please contact Cindy Hartmann (586-7585, cindy.hartmann@noaa.gov).

Sincerely,


For  James W. Balsiger
Administrator, Alaska Region

cc: Applicant, Delta Western, Inc., P.O. Box 50, Wrangell, AK 99929
Agent, Greg Scheff & Associates, P.O. Box 1331, Wrangell, AK 99929
EPA Juneau, Chris Meade
ADF&G, Tom Schumacher, Juneau
ADF&G, Scott Forbes, Wrangell
USFWS, Ed Grossman, Juneau
OHMP, Jim Cariello, Petersburg
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