



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

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

February 18, 2004

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

Re: Dora Bay

Attn: Mr. Carlos Paez

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by Mr. Tom Rosadiuk and Ms. Judith Slajer to construct a floating dock 10 feet by 40 feet anchored by two steel piles and accessed by an elevated walkway approximately 70 feet by 4.5 feet and an angled access ramp 60 feet by 4.5 feet. The applicants propose using pressure treated wood for the elevated walkway and dock and aluminum for the ramp.

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 has cataloged an anadromous stream in the immediate vicinity of the project site (Craig Quad A-1, #102-40-10370) that support a run of pink salmon. Juvenile salmon use the inshore area of Dora Bay and 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 Pacific cod, arrowtooth flounder, walleye pollock, Pacific ocean perch, dusky rockfish, shorttraker rougheye rockfish, yelloweye rockfish, sablefish and sculpins.

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

1. The use of any wood that has been surface or pressure-treated with creosote or treated with pentachlorophenol should be prohibited. Creosote contains numerous constituents that are toxic to aquatic organisms including polycyclic aromatic hydrocarbons (PAHs), phenolic compounds, and nitrogen- sulfur- or oxygenated heterocyclics (WDF&G 2001). Leaching of these constituents continues throughout the life of the wood and has been associated with the development of tumors, immune system suppression, decreased fecundity and abnormal embryonic development. Pentachlorophenol has high chronic toxicity to aquatic life.

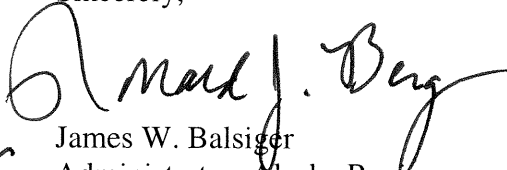



2. Alternatives to treated wood, such as concrete or steel, should be used wherever practicable.
3. If treated wood must be used, any wood that comes in contact with marine or aquatic environments should be treated with waterborne preservatives approved for use in aquatic and/or marine environments. These include: Chromated Copper Arsenic (CCA) Type C, Ammoniacal Copper Zinc Arsenate (ACZA), Alkaline Copper Quat (ACQ), Copper Boron Azole (CBA) or Copper Azole (CA). Wood should be treated in accordance with best management practices developed by the Western Wood Preservers Institute. Treated wood should be inspected before installation to ensure that there are no superficial deposits of preservative material on the wood.
4. All cutting and boring of treated wood should take place in upland areas; all waste materials must be kept out of the aquatic environment and be properly disposed of upland.
5. Any cut wood, chips or sawdust from treated wood should be collected promptly and disposed of at an acceptable upland site.
6. No docks, ramps or other structures should be placed in or over eelgrass beds.
7. All work below the high tide line should be limited to low tide stages to reduce turbidity.
8. No in-water work should be permitted from March 1 through June 15 of any year to protect out migrating salmon.
9. Grounding of floating structures at any tidal stage should be prohibited to avoid damaging intertidal habitat.

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,


For  James W. Balsiger
Administrator, Alaska Region

cc: Applicant
EPA Juneau, Chris Meade
ADEC, ADF&G, AADGC, ADNR, USFWS, Juneau

References:

Poston, Ted. 2001. *Treated Wood Issues Associated with Overwater Structures in Marine and Freshwater Environments*. White Paper, Washington Department of Fish and Wildlife.
<http://wdfw.wa.gov/hab/ahg/overwatr.htm>