



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

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

January 22, 2004

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

Re: Port St. Nicholas 39

Attn: Mike Hanley

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by Mr. Randall Wortman to construct a 16-foot wide by 40-foot long float supported by two galvanized steel piles connected to a 6-foot wide by 50-foot long galvanized steel gangway, connected to the shore by an 8-foot wide by 95-foot long pressure treated (creosote) timber approach dock in Port St. Nicholas.

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 several streams across the bay from the project site (Craig Quad B-4, #103-60-10520, 10560, 10550) that support runs of pink, chum and coho salmon. Consequently, juvenile salmon use the inshore area of Port St. Nicholas 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, Pacific ocean perch, dusky rockfish, shortraker roughey rockfish, yelloweye rockfish, flathead sole, rex sole, 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.

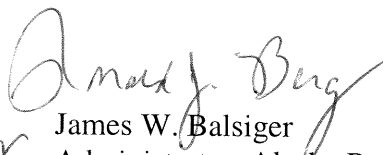


2. Alternatives to treated wood, such as concrete or steel, should be used wherever practicable.
3. If treated wood must be used, any wood that comes in contact with marine or aquatic environments should be treated with waterborne preservatives approved for use in aquatic and/or marine environments. 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 that enters the aquatic environment 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>