



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

October 6, 2004

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

Re: Lynn Canal 28, POA-1986-106-O
Yankee Cove

Attn: Jeff Koshak

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by Mr. Marion Hobbs, Yankee Cove Development Company, to construct a permanent, year-round, watercraft staging and moorage facility for northern Lynn Canal communities and developers. Work would include dredging 20,800 cubic yards of marine sand and gravel to create a 1.6 acre moorage basin, discharging 9,300 cubic yards of the dredged material and 4,100 cubic yards of imported shot rock into a 0.69 acre wharf area contained by vertical seawalls supported by steel H-piles with concrete or fiberglass panel inserts, and construction of a 10-foot wide by 80-foot long timber decked dock. The dock would be supported by ten 12-inch diameter steel piles and 42-inch HDPE floats. Remaining dredged material would be hauled off-site for upland disposal.

The applicant has indicated that the project's effects will be mitigated by two actions, 1) all work would stay at least 100 feet way (southeast) of Bessie Creek, and 2) there would be no creosote or pentachlorophenol treated wood used in the dock.

The Corps has determined that this project will not adversely effect EFH. Given that Bessie Creek is immediately adjacent to the project site, NMFS disagrees with the Corps' determination. 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 Bessie Creek as an anadromous stream (#115-10-10250) that supports spawning runs of pink salmon and provides a small amount of coho salmon spawning and rearing habitat immediately adjacent to the project site. Juvenile salmon use the inshore area of Yankee Cove 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 limited 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.

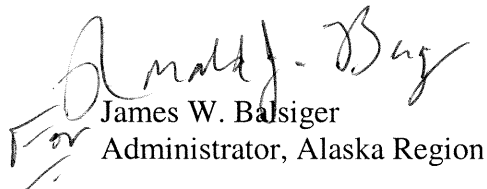


1. Alternatives to treated wood, such as concrete, steel or fiberglass, should be used wherever practicable.
2. If treated wood must be used, any wood that comes in contact with marine or aquatic environments should be treated with waterborne preservatives approved for use in aquatic and/or marine environments. 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. 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. Any cut wood, chips or sawdust from treated wood should be collected promptly and disposed of at an acceptable upland site.
3. All work below the high tide line should be limited to low tide stages to reduce turbidity and a silt curtain should be installed and maintained to prevent siltation of adjacent marine habitat.
4. No in-water work should be permitted from March 1 through June 15 of any year to protect out migrating salmon and spawning Pacific herring.
5. 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 Susan Walker at 907-586-7646 or susan.walker@noaa.gov.

Sincerely,


For James W. Balsiger
Administrator, Alaska Region

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