



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

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

August 8, 2005

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

RE: POA -2005-111, POA-1998-M,  
and POA-1999-757-M  
Wrangell Narrows

Attn: Ms. Mary Leykom

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) reviewed the July 7, 2005, public notice of application for permit for the above referenced proposal by Mr. William Menish for work near Petersburg, Alaska. Mr. Menish proposes to construct one driveway extension and parking pad per lot, in each of Minish Subdivision's 6 lots. The driveway bottom width would be 23-feet and the driveway lengths vary from 40-feet in Lot 15B, to 240-feet in Lot 15F. Total acreage impacted by the proposed improvements would be 0.51 acres of forested wetland. Residences built on the lots likely would require additional wetland fill for development. The purpose of the driveway extensions and parking pads is to improve the selling potential of the lots.

We offer the following comments specific to the EFH provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA).

Essential Fish Habitat

Section 305(b) of the MSFCMA (16 USC 1855 (b)) requires federal agencies to consult with NMFS when any activity proposed to be permitted, funded, or undertaken by a federal agency may have an adverse effect on designated EFH.

The MSFCMA requires NMFS to make conservation recommendations regarding any federal or state agency action that would adversely affect EFH. Accordingly, we offer the following EFH Conservation Recommendations:

1. Any future construction of residences on the Minish subdivision Lots 15A, 15B, 15C, and 15D should avoid the use of an outfall pipe for sewage. The adjoining tidelands below these lots have extensive mud flats with eelgrass. It would be damaging to this sensitive habitat to dig an outfall trench. Therefore design of an on-site septic system is preferred.



It is NMFS' understanding that future development plans on these lots can accommodate a wastewater septic system if development is far enough off the beach to keep the septic system on the lot. State regulations for drain fields require a separation distance of 100 feet from mean high water. For a three-bedroom home approximately, 400 - 450 square feet of land is needed for the drainage bed. A 10-foot by 40-foot absorption bed with the appropriate engineered fill slope would encompass approximately 28 by 68 feet on flat ground.

To accommodate the space needed for a drain field at least 450 square feet should be left undeveloped between the residences and 100 feet from mean high water and development should be no more than approximately 200 feet off the road.

It appears that Lots 15A, 15C, and 15D as proposed may not have sufficient area to have a septic drainage field and meet State of Alaska standards. A waste water system should be incorporated into the design of these lots before further development is approved.

Upon receipt of these EFH Conservation Recommendations, the MSFCMA requires the Corps to respond to NMFS within 30 days informing us of the agency's decision regarding these recommendations.

Under the Clean Water Act Section 404 (b)(1) Guidelines (40 CFR 230), the Corps can only permit the least environmentally damaging practicable alternative for a proposed discharge of fill into jurisdictional wetlands or waterways. The applicant has not demonstrated that they have minimized the fill to the extent practicable. Since these lots are not sold, the fill may be considered speculative. In addition, building the water front lots as designed may preclude the ability of the lot owner to use a drain field septic system, which is preferable to an outfall system that could negatively impact eelgrass.

Based on the concerns discussed above NMFS recommends the permit be denied or redesigned to minimize fill and avoid the need for an outfall system.

If you have any questions regarding our comments and conservation recommendations for this project, please contact Cindy Hartmann at 907-586-7585 or at [cindy.hartmann@noaa.gov](mailto:cindy.hartmann@noaa.gov).

Sincerely,



Sue Salvesson  
Acting Administrator, Alaska Region

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