



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

November 22, 2006

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

Re: POA-2006-1873-1
Port St. Nicholas

Attn: Nicole Hayes

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced application from Mr. Fred F. Ensign to construct a dock in Port St. Nicholas for the purpose of mooring a pleasure boat. The proposed work consists of constructing a 54-foot by 8-foot pile supported walkway with a 50-foot by 54-inch metal ramp, connected to a 40-foot by 16-foot float. The walkway and float would be held in place by 8 12-inch diameter creosote pilings and 2 12-inch diameter steel pilings, respectively.

Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires federal agencies to consult with NMFS on all actions that may adversely affect Essential Fish Habitat (EFH). NMFS is required to make EFH Conservation Recommendations, which may include measures to avoid, minimize, mitigate or otherwise offset adverse effects. The Alaska Department of Fish and Game's Anadromous Waters Catalog identifies several anadromous streams draining to Port St. Nicholas. These streams support runs of pink, coho, and chum salmon. Juvenile salmon use nearshore habitat during spring and early summer for feeding and predator avoidance prior to migration out to sea. The NMFS's Nearshore Fish Atlas indicates that the following MSA species utilize nearshore habitat in the vicinity of Port St. Nicholas: walleye pollock, Pacific sand lance, Pacific cod, juvenile rockfish, Pacific herring, and several species of sculpin.

In accordance with Section 305(b)(4)(A) of the MSA, NMFS makes the following EFH Conservation Recommendations:

1. No in-water work should be permitted from April 1 through June 15 of any year to protect out-migrating salmon.
2. No docks, ramps, or other structures should be placed in or over eelgrass beds.
3. All intertidal work below the high tide line should occur when tidelands are not submerged to reduce turbidity.



4. The use of any wood that has been surface or pressure-treated with creosote or treated with pentachlorophenol should be prohibited. Wood that comes in contact with water should be treated with waterborne preservatives approved for use in aquatic and/or marine environments. These include, but are not limited to: Chromated Copper Arsenic (CCA) Type C, Ammoniacal Copper Zinc Arsenate (ACZA), Alkaline Copper Quat (ACQ), Copper Boron Azole (CBA) or Copper Azole (CA). Use wood treated with waterborne preservatives in accordance with Best Management Practices developed by the Western Wood Preservers Institute. Treated wood should be inspected before installation to ensure that no superficial deposits of preservative material remain on the wood. All cutting and boring of treated wood should take place in upland areas; all wood waste materials should be kept out of the aquatic environment and properly disposed of. Any cut wood, wood chips, or sawdust from treated wood that enters the aquatic environment should be collected and promptly disposed of at an acceptable upland site.
5. Drive piles with a vibratory hammer. If an impact hammer is required because of substrate type or the need for seismic stability, piles should be driven as deep as possible with a vibratory hammer before the impact hammer is used. Vibratory hammers generally produce less intense sounds than impact hammers (NMFS 2005). Further, fish have been observed to avoid sounds similar to those produced by vibratory hammers and to remain within the field of harmful sound associated with an impact hammer (Dolat 1997).

Under section 305(b)(4) of the Magnuson-Stevens Act, the Corps is required to respond to NMFS EFH Conservation 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 recommendations for this project, please contact John Hudson at 907-586-7639.

Sincerely,



Robert D. Mecum
Acting Administrator, Alaska Region

cc: Applicant
EPA Juneau, Chris Meade*
ADNR, Mark Minnillo*
USFWS Juneau, Richard Enriquez*
ADEC

Literature cited

Dolat, S.W. 1997. Acoustic measurements during the Baldwin Bridge Demolition (final, dated March 14, 1997). Prepared for White Oak Construction by Sonalysts, Inc., Waterford, CT/34 pp + appendices.

National Marine Fisheries Service. 2005. Final Environmental Impact Statement, Essential Fish Habitat Identification and Conservation in Alaska, Vol. 2, Appendix G; National Marine Fisheries Service, Department of Commerce. April, 2005.