



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

April 4, 2008

Colonel Kevin J. Wilson
District Engineer, Alaska District
U.S. Army Corps of Engineers
P. O. Box 898
Anchorage, Alaska 99506-6898

Re: POA-1979-412
Knik Arm

Attn: Skip Joy

Dear Col. Wilson:

National Marine Fisheries Service (NMFS) has reviewed the above referenced public notice regarding a proposal by the Matanuska-Susitna Borough to modify the existing 150' wide by 200' long deep draft, pile supported dock by extending the structure 450' (to be 150' x 650') and constructing a 33' wide by 535' long pile supported exit trestle. The proposal also includes installing two additional mooring dolphins and extending the existing catwalk.

The described activities could have an adverse impact on the marine resources in the project area. Specifically, the Cook Inlet beluga population is a small stock that has been shown to be geographically isolated and genetically distinct from other Alaskan beluga stocks. The Cook Inlet beluga's range appears to be confined to Cook Inlet, with high-density concentrations in the upper Inlet, including Knik Arm. The Cook Inlet beluga population was estimated at 1,300 animals as recently as the 1970s. The population was severely reduced by unregulated subsistence harvests during the 1980s and 1990s, and the 2007 population is estimated at 375 whales. The annual subsistence harvest by Alaska Natives during 1995 through 1998 averaged 77 belugas each year; but is now regulated at 0-2 strikes annually. During NMFS annual abundance surveys since 1994 the population has not recovered, with a 2.7 percent annual decline since 1999 when the harvest was regulated and a 26 percent probability the population will be extinct in 100 years. Recovery may be impaired by any or all of several factors, including: killer whale predation, strandings, illegal harvests, restrictions to prime habitat, noise, prey availability, and habitat loss or alteration.

The Cook Inlet beluga population was designated as depleted under the Marine Mammal Protection Act in 2000 (65 FR 34590). NMFS received a petition to list Cook Inlet belugas as endangered under the Endangered Species Act (71 FR 44614, August 7, 2006). After a second Status Review, NMFS proposed listing the Cook Inlet beluga stock as endangered under the ESA (72 FR 19854, April 20, 2007).

We are concerned that pile driving associated with the proposed project may have adverse impacts to living marine resources, including Cook Inlet belugas. The Marine Mammal

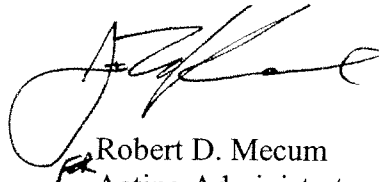


Protection Act prohibits the take of all marine mammals, and “take” is defined as to harass, hunt, capture, or kill or attempt to harass, hunt, capture, or kill. Belugas and seals are known to occur in this area, and belugas are often reported in and around lower Knik Arm. NMFS is very concerned the project construction will “take” marine mammals. The applicant has proposed mitigation to address potential impacts to Cook Inlet belugas. However, we have not had the opportunity to assess their construction plan, consult with the appropriate expert staff within NMFS, and meet with the applicant to address the adequacy of the proposed mitigation.

Scheduling for these activities will require additional review time. Therefore, we request that the public notice comment period be extended for thirty days. If you are unable to grant this request, we recommend denial of the permit. Based on the limited available information, NMFS concludes that this project will have a substantial and unacceptable impact on aquatic resources of national importance, per the Clean Water Act section 404(q) Memorandum of Agreement between our agencies.

We look forward to working with you to address the issues discussed above and are willing to meet with the applicant to discuss our concerns. Questions regarding this time extension request should be directed to Ms. Barbara Mahoney or Mr. Doug Limpinsel at (907) 271-5006.

Sincerely,



Robert D. Mecum
Acting Administrator, Alaska Region

cc: Phil_Brna@fws.gov
Lacroix.Matthew@epa.gov
Mark.Fink@alaska.gov
Kenneth.Bouwens@alaska.gov
Marc.VanDongen@matsugov.us
Curtis.Jennifer@epa.gov
Heather.L.Martinez@usace.army.mil
Mandy.Migura@noaa.gov
Jeanne.Hanson@noaa.gov