



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

August 29, 2003

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

Re: Seldovia Bay 72, #1-2000-1200

Attn: Jack Hewitt

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by the City of Seldovia. The proposed project involves renovation and construction of a 1500 square foot addition to an existing dock. The renovation proposal will include replacing 5 support pilings, 100% of the fender pilings, cross bracing, decking, walkways, and handrails. The proposal to expand the dock will include driving 11 support pilings and 32 fender pilings.

The U.S. Army Corps of Engineers (Corps) has made a determination that the project may adversely affect Essential Fish Habitat (EFH). NMFS agrees with this determination. The Magnuson-Stevens Fishery Conservation and Management Act requires NMFS to make conservation recommendations regarding any federal action that would adversely affect EFH. The construction and operation of the proposed project would adversely affect EFH, and marine and anadromous fish, if necessary conservation measures are not followed.

A number of anadromous fish streams are located within Seldovia Bay and support runs of coho salmon (*Onchorynchus kisutch*), pink salmon (*O. gorbuscha*) and chum salmon (*O. keta*). There is also a hatchery run of chinook salmon (*O. tshawytscha*). In addition, the area provides EFH for several species of groundfish, including flathead sole (*Hippoglossoides elassodon*), rock sole (*Lepidopsetta polyxystra*), arrowtooth flounder (*Atheresthes stomias*), Pacific cod (*Gadus macrocephalus*), walleye pollock (*Theragra chalcogramma*), yellowfin sole (*Limanda aspera*) and sculpins (Cottidae). NMFS' primary concern is the potential impact of construction activities on outmigrating salmonid smolts that use the project area as EFH during the critical osmoregulatory shift from fresh to salt water.

We offer the following recommendations pursuant to section 305(b)(4)(A) of the Magnuson-Stevens Act to minimize the impact of pile driving.

EFH Conservation Recommendations

1) Follow the conservation measures listed in the enclosure: Potential Impacts to Fish From Pile Driving. This summary was prepared by NMFS staff to inform resource agencies and others about the impact of pile driving and possible means of mitigating those impacts. For example, fish are sensitive to underwater sound pressure waves. Larger pressure waves are created by



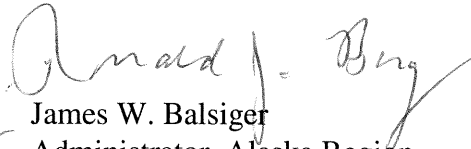

impact drivers than by vibratory drivers. Vibratory drivers work well in soft substrate. The project area contains mostly soft substrate. Pressure wave impact resulting from this project should be minimized by using a vibratory driver.

2) In-water work should be conducted between September 15 and March 15. Project impact by pile driving can also be reduced by the timing of pile driving. More fish are present in the project area during the summer. Marine juvenile fish often use shallow waters during the summer months, moving to deeper waters during winter. Salmon smolts will also be in these nearshore marine waters in mid-March and April. This in-water work window will help avoid potential impacts to these EFH species.

3) Wooden materials associated with the dock, pier, and trestle should not be treated with preservatives containing pentachlorophenol, chromated copper arsenate (CCA), or creosote. Specified wood treatments should be applied through pressure treatment rather than surface application. All treated wood used in conjunction with this project should be produced and installed in compliance with the most recent version of the Best Management Practices for the use of Treated Wood in Aquatic Environments published by the Western Wood Preservers Institute (<http://www.wwpinstitute.org/>).

Please note that under section 305(b)(4) of the Magnuson-Stevens Act, the Corps is required to respond in writing within 30 days to NMFS recommendations. If the Corps does not make a decision within 30 days of receiving NMFS EFH Conservation Recommendations, the Corps should provide NMFS with a letter to that effect, and indicate when a full response will be provided. Brian Lance is the NMFS contact for this project, and can be reached by telephone at (907) 271-1301.

Sincerely,


For  James W. Balsiger
Administrator, Alaska Region

Enclosure

cc: USFWS, EPA, ADGC, ADFG, ADEC, ADNR - Anchorage

City of Seldovia
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Seldovia, Alaska 99633