



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

September 15, 2003

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

Re: 2-2003-0363  
Coffman Cove 15

Attn: Steve Duncan

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by Mr. Leif Eric Johansen to construct a pile supported dock and access walkway. The walkway would be 200' long and 5' wide with a 40' long and 3' wide aluminum access ramp to the float. The float would be 40' by 16' constructed of pressure treated wood, styrofoam and galvanized steel. The permit would also cover excavation of 435 sq. ft. of tidelands for a 290' sewer outfall.

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 several anadromous fish streams in the vicinity of the project area. The nearshore area is likely used by juvenile salmonids during spring migration for feeding, resting, and predator avoidance. The inshore area of the project location also provides important habitat for several marine species including arrowtooth flounder, dusky rockfish, flathead sole, and Pacific ocean perch.

Accordingly, we offer the following EFH Conservation Recommendations pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Act.

- (1) The use of any wood that has been painted or otherwise surface treated with creosote or that has been treated with a preservative that contains pentachlorophenol should be prohibited. Creosote and pentachlorophenol are toxic to juvenile fish. The applicant should be required to use steel for all pilings that will come into contact with marine

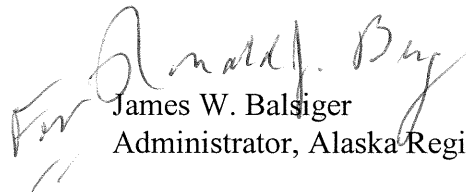


- water.
- (2) Grounding of floating structures at any tidal stage should be prohibited to avoid damaging intertidal habitat.
  - (3) No intertidal or subtidal fill should be placed in or over eelgrass beds.
  - (4) Discharge of fill/backfilling below the high tide line should be limited to low tide stages
  - (5) No in-water work should be permitted from March 1 through June 15 of any year to protect out migrating salmon.

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 Katharine Miller at 907-586-7643.

Sincerely,

  
James W. Balsiger  
Administrator, Alaska Region

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