



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

June 4, 2003

Colonel Timothy E. Griffith
District Engineer, Alaska District
Army Corps of Engineers
Regulatory Branch (1145b)
P.O. Box 898
Anchorage, Alaska 99506-0898

RE: Ref # M-1976-0099
Waterway: Lisianski Inlet 29

Attn: V. Glooschenko

Dear Colonel Griffith:

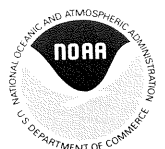
The National Marine Fisheries Service (NMFS) has reviewed the referenced permit application. The applicant, Mr. John Clauson, is proposing to install two 3-piling 60-foot by 15-foot dolphins northwest of Pelican, Alaska for the purpose of mooring a boat and scow.

The Magnuson-Stevens Fishery Conservation and Management Act requires NMFS to make conservation recommendations regarding any federal action that would adversely affect Essential Fish Habitat (EFH). Accordingly, we offer the following EFH Conservation Recommendation pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Act.

- Any wooden surface that comes into contact with the water shall not be painted or otherwise surface treated with creosote and shall not be treated with a preservative that contains pentachlorophenol. Creosote and pentachlorophenol are toxic to juvenile fish.

The Alaska Department of Fish and Game has cataloged one fish stream southeast of the town of Pelican that supports pink and chum salmon (Sitka D-7, #113-95-10030). The inshore area of the project location also provides important habitat for rock sole and sablefish. Anadromous, estuarine and marine fishery resources in the vicinity of the proposed project can be adequately protected under standard Department of Army permit conditions and the above EFH conservation recommendation.

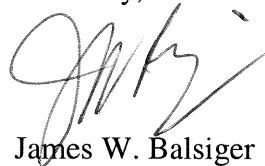
Under section 305(b)(4) of the Magnuson-Stevens Act, the Corps is required to respond to NMFS EFH recommendations in writing within 30 days. If the Corps will not make a decision within 30 days



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,

A handwritten signature in black ink, appearing to read 'J. Balsiger', written over a faint, illegible typed name.

James W. Balsiger
Administrator, Alaska Region

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