



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

October 8, 2004

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

Re: POA-2000-450
Blind Slough

Attn: Mary Leykom

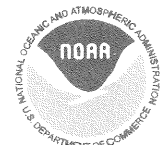
Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by the Alaska Department of Transportation and Public Facilities, Southeast Region (ADOT& PF) to place 71,450 cubic yards of fill material into 5.46 acres of waters of the U.S. to construct a new ferry terminal facility (2.94 acres) and access road (2.52 acres); to place 22,000 cubic yards of waste overburden material into 1.52 acres of forested road; to construct a 920-foot long by 24-foot wide pile supported trestle and a 143 foot long by 15 foot wide single berth floating dock; and to install seven mooring/berthing dolphins perpendicular to the trestle.

We offer the following comments specific to the essential fish habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA).

Essential Fish Habitat

Section 305(b) of the MSFCMA 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 inshore area of the project location provides important habitat for several marine species including Pacific cod, arrowtooth flounder, walleye pollock, Pacific ocean perch, dusky rockfish, shortraker/rougheye rockfish, yelloweye rockfish, flathead sole, rex sole, sablefish, skates and sculpins. In addition, three catalogued Alaska Department of Fish and Game anadromous fish streams are in Blind Slough and are located from two to three miles north and west of the site. They are stream number 108-40-10500, which supports coho, pink, chum and sockeye salmon, and non-EFH steelhead trout and Dolly Varden char; stream number 108-40-10450, which supports coho, pink and chum salmon, and non-EFH steelhead trout and Dolly Varden char; and stream number 1-840-10430, which supports coho salmon and non-EFH Dolly Varden char.



The Public Notice lists the EFH conservation measures that have been adopted by the applicant pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Act. We have no additional EFH Conservation Recommendations.

Wetlands Mitigation

The wetland avoidance and minimization measures incorporated into the preliminary design will reduce the impact on EFH. However, compensatory mitigation for the unavoidable impacts to wetlands and waters of the U.S. is appropriate for this action. The project site is pristine and has higher habitat value than the other proposed sites. Blind Slough is one of the only areas around Mitkof Island where eelgrass is found. The Clean Water Act 404 (B)(1) guidelines direct agencies first to avoid impacting wetlands, second to minimize any impacts to wetlands and last to compensate for unavoidable adverse impacts. Therefore, compensatory mitigation for unavoidable wetland impacts is appropriate for this action. We recommend that mitigation plans be coordinated with NMFS and other resource agencies

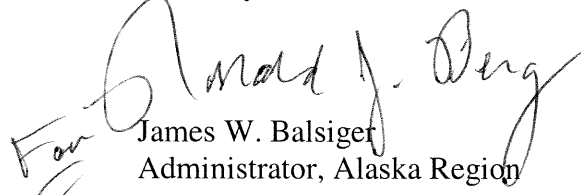
Threatened and Endangered Species/ Marine Mammals

The project is within the range of endangered humpback whales and threatened Steller sea lions, as well as harbor porpoises, harbor seals and killer whales, which are protected under the Marine Mammal Protection Act. The Marine Mammal Protection Act and the Endangered Species Act prohibit the injury, harm or harassment of marine mammals.

Pile driving introduces high levels of noise into the water column, with the potential to harass or injure marine mammals. Sound levels in the range of 130-135 decibels have been measured up to one kilometer from a pile driver (Johnson et. al., 1986). Humpback whales, killer whales, Steller sea lions, harbor seals, and harbor porpoises may occur in the project area and could be affected by this work. To reduce the possibility for harassment or injury to marine mammals, NMFS recommends that pile driving not occur if any marine mammals are observed within 200 meters of the platform. The operator must scan the area for the presence of marine mammals. If marine mammals are sighted within 200 meters of the sound source, pile driving must cease until the animals leave the immediate area.

If you have any further questions, please contact Cindy Hartmann at 907-586-7585.

Sincerely,


James W. Balsiger
Administrator, Alaska Region

cc: Van Sunberg, ADOT&PF Southeast Region, Juneau
Chris Meade, EPA Juneau

cc: Janet Schempf, ADF&G
Richard Enriquez, USFWS, Juneau
ADNR-OHMP, Petersburg
ADNR-OPMP, Juneau

References:

Johnson, S.R., C.R. Greene, R.A. Davis, and W. J. Richardson. 1986. Bowhead whales and underwater noise near the Sandpiper Island drillsite, Alaskan Beaufort Sea, autumn 1985, Reprinted by LGL Limited Environmental Research Associates, King City Ontario, and Greenridge Sciences, Inc., Santa Barbara, CA, for Shell Western Exploration & Production Inc., Anchorage, AK. 130p.