



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

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

September 8, 2004

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

Re: POA-2004-1146-1  
Camp Coogan Bay

Attn: John Klutz

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by Mr. Kenneth and Ms. Monique Wilkinson to place a 100-foot by 30-foot float including an anchor system and two 8-foot by 50-foot floating docks and one 8-foot by 75-foot floating dock in Camp Coogan Bay. The float would support an 80-foot by 30-foot shop and a 30-foot by 20-foot living quarters. The float would be anchored to the shore on one side and to the ocean floor on the other side. The applicants would use the float for a private residence.

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 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/rougeye rockfish, yelloweye rockfish, flathead sole, rex sole, sablefish, skates and sculpins. In addition, a catalogued Alaska Department of Fish and Game anadromous fish stream, number 113-41-10350, is located at the head of Camp Coogan Bay near the project area. This stream supports spawning and rearing habitat for coho, pink and chum salmon.

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

1. The float house should not be located over eelgrass or any other submerged aquatic vegetation to avoid shading impacts that would degrade vegetated habitats.
2. The permit should not authorize the two proposed 8 foot by 50 foot floating docks unless the applicant provides sufficient justification. The remainder of the proposed facility



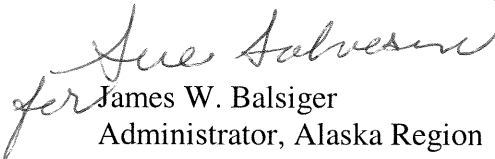
appears to provide ample docking space for boats, and reducing the total float area would decrease potential shading impacts.

3. The plans indicate that the float house will be moored in 24 feet of water at low water which should ensure no grounding. If the facility is moored in shallower water, the Corps should condition the permit to state that no portion of the float house and floating docks may ground at any tidal stage to avoid benthic habitat disturbance.
4. The location map shows the proposed mooring location close to the head of Camp Coogan Bay. The exact distance of the float house from the catalogued anadromous stream at the head of the Bay is not specified. The float house should be located at least 500 lineal feet from the mouth of the anadromous fish stream, defined by the Alaska Department of Fish and Game as the seaward limits of the stream at mean lower low water.
5. The use of any wood that has been surface or pressure-treated with creosote or treated with pentachlorophenol should be prohibited. Creosote contains numerous constituents that are toxic to aquatic organisms including polycyclic aromatic hydrocarbons (PAHs), phenolic compounds, and nitrogen- sulfur- or oxygenated heterocyclics (Poston, 2001). Leaching of these constituents continues throughout the life of the wood and has been associated with the development of tumors, immune system suppression, decreased fecundity and abnormal embryonic development. Pentachlorophenol has high chronic toxicity to aquatic life. Alternatives to treated wood that have no or reduced toxicity should be used wherever practicable. If treated wood must be used, any wood that comes in contact with marine or aquatic environments should be treated with waterborne preservatives approved for use in aquatic and/or marine environments. These include, but are not limited to: Chromated Copper Arsenic (CCA) Type C, Ammoniacal Copper Zinc Arsenate (ACZA), Alkaline Copper Quat (ACQ), Copper Boron Azole (CBA) or Copper Azole (CA). The applicant should only use wood that has been treated in accordance with best management practices developed by the Western Wood Preservers Institute. Treated wood should be inspected before installation to ensure that no superficial deposits of preservative material occur on the wood.
6. Reasonable precautions should be taken to prevent accidental discharge of petroleum products. A dock-side emergency oil spill response kit or other appropriate equipment should be made available to allow fast response to small oil spills and accidental discharge of hydrocarbon contaminated bilge waters. NMFS understands the Corps of Engineers does not have jurisdiction over fuel operations associated with floating residences. However, fueling operations, with the inherent risk of spills and threats to EFH, would not occur but for the Corps issuing a permit for the structure.

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 Cindy Hartmann at (907)586-7585.

Sincerely,

  
for James W. Balsiger  
Administrator, Alaska Region

cc: Mr. Kenneth and Ms. Monique Wilkinson, P. O. Box 6288 Sitka, Alaska 99835  
Chris Meade, EPA Juneau  
Janet Schempf, ADF&G  
Richard Enriquez, USFWS, Juneau  
ADNR-OHMP, Juneau  
ADNR-OPMP, Juneau

References:

Poston, Ted. 2001. *Treated Wood Issues Associated with Overwater Structures in Marine and Freshwater Environments*. White Paper, Washington Department of Fish and Wildlife.  
<http://wdfw.wa.gov/hab/ahg/overwatr.htm>