



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

January 12, 2005

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

Re: POA-2004-1733-1
Refuge Cove

Attn: Serena Sweet

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by Tim Jagusch to construct a dock composed of a 5-foot by 85-foot pile supported pier, a 12-foot by 60-foot floating section and a 5-foot by 75-foot aluminum ramp to access the float.

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's Anadromous Streams Catalog identifies several streams to the north and south of the project site. Juvenile salmon use the inshore area of the project site during spring and early summer for feeding and predator avoidance prior to migration out to sea. The inshore area of the project location also provides important habitat for several marine species including arrowtooth flounder, Pacific cod, sablefish, sculpins, walleye pollock, yellow rockfish, and Pacific Ocean perch.

The Corps has concluded that the proposed project may adversely affect EFH. NMFS concurs with this conclusion. Incorporation of the following EFH Conservation Recommendations made in accordance with Section 305(b)(4)(A) of the Magnuson-Stevens Act will minimize the impacts of this project on EFH:

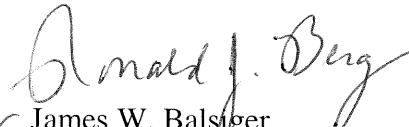
1. All work below the high tide line should be limited to low tidal stages to reduce turbidity.
2. No in-water work should be permitted from April 1 through June 15 of any year to protect out migrating salmon.
3. The use of any wood that has been surface or pressure-treated with creosote or treated with penachlorophenol should be prohibited. Alternatives to treated wood that have no or reduced toxicity should be used wherever possible.
4. 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.



5. All cutting and boring of treated wood should take place in upland areas; all waste materials should be kept out of the aquatic environment and properly disposed of. Any cut wood, chips or sawdust from treated wood that enters the aquatic environment should be collected and promptly disposed of at an acceptable upland site.
6. No docks, ramps or other structures should be placed in or over eelgrass beds.
7. No grounding of floating structures should occur at any tidal stage.

Please contact Katharine Miller at 907-586-7643 if you have any questions or for further coordination.

Sincerely,


For James W. Balsiger
Administrator, Alaska Region

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

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