



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

January 24, 2005

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

Re: POA-2004-1663-O and
POA-2004-1661-2
Thorne Bay

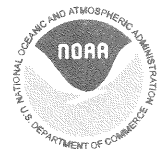
Attn: Garth A. Zimbelman

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposals by Ann and Pete Fama. One proposal would place 185 cubic yards of shot rock fill below Mean High Water (MHW) and 22 yards of shot rock fill below the High Tide Line (HTL) on Lot 6 Block 10 in Thorne Bay, Alaska to serve as a rock bulkhead, and install four treated timber pile bents to support an elevated walkway to connect the bulkhead to an existing float. The other proposal would place 889 cubic yards of material below MHW and 237 cubic yards of material below the HTL on Lot 3 to construct a rock bulkhead, and construct a pile anchored float with associated pile supported walkway ramp to the rock bulkhead.

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, sculpins, walleye pollock, yelloweye rockfish, dusky rockfish, and Pacific Ocean perch.

The Corps has concluded that the proposed project may adversely affect EFH. NMFS concurs with this conclusion. The intertidal fill for the proposed bulkheads will permanently remove intertidal habitat. The applicants are proposing to construct pile-supported walkways to their respective floats, so the need for the intertidal fill is unclear. The applicants could avoid the intertidal fill by extending the pile-supported walkways to above the HTL.

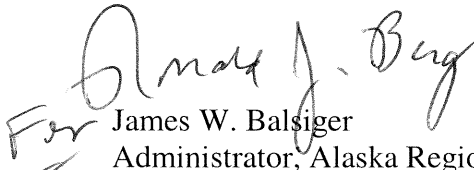


We offer the following EFH Conservation Recommendations in accordance with Section 305(b)(4)(A) of the Magnuson-Stevens Act:

1. The request for intertidal fill for the proposed bulkheads should be denied. Any bulkheads should be constructed at or above the HTL.
2. All work below the high tide line should be limited to low tidal stages to reduce turbidity.
3. No in-water work should be permitted from April 1 through June 15 of any year to protect out migrating salmon.
4. 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.
5. 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.
6. 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.
7. No docks, ramps or other structures should be placed in or over eelgrass beds.
8. 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*

* e-mail PDF