



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

June 5, 2006

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

Re: Nationwide Permit # 13
Pre-Construction Notification
Salmon River in Gustavus, Alaska

Attn: Mr. Garth Zimbelman

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) reviewed the May 26, 2006, Nationwide Permit (NWP) Pre-Construction Notification for bank stabilization work in the Salmon River in Gustavus, Alaska. The applicant, Mr. James Martell, proposes to place approximately 5.55 cubic yards of fill material (banded spruce trees) along approximately 150 linear feet of the lower Salmon River and plant local willows and beach wildrye above the mean high tide level. His objective is to stabilize the bank with a bio-technical solution to protect his property from erosion. The proposed project is located below the High Tide Line of an anadromous waterway.

We offer the following comments specific to the Magnuson-Stevens Fishery Conservation and Management Act. 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 Salmon River is an Alaska Department of Fish and Game (ADF&G) catalogued anadromous fish stream, number 114-23-10080. It supports runs of chum, pink and coho salmon, Dolly Varden Char, and steelhead. Chum salmon migrate into northern southeast Alaska streams from the end of June through October with peak runs in July. Pink salmon migrate into streams from July through September with peak runs in July. Coho salmon migrate into streams from September through November with peak runs in September and October. Adult anadromous Dolly Varden Char are at their peak in streams in July and August. Adult steelhead are at their peak in streams in April and May.

A September 28, 2005, letter from Neil Stichert to Mr. Martell describes the existing conditions at the project site as: *"The lower Salmon River is a low gradient tidally influenced floodplain channel largely contained within vegetated sand banks with intermittent bands of marine clay. The outside bend at your property varies from 10 to 15 feet high by at least 400 ft long, and extends onto an adjacent landowner. Clumps of sod and vegetation have eroded recently and have fallen into the river, and tide elevations were evident in the sand riverbank."*

The applicant proposes to use a spruce tree revetment technique to help provide toe support for bank revegetation. The technique has been used elsewhere in Alaska and is described in



ADF&G's Streambank Revegetation and Protection Guide at the following web site: <http://www.sf.adfg.state.ak.us/sarr/restoration/techniques/sprucetree.cfm>. The ADF&G streambank restoration techniques guide states: "Anchor spruce tree revetment into well-vegetated and non-sloughing banks at both upstream and downstream ends." "Consultation with a streambank revegetation specialist is necessary to determine site needs and revetment design."

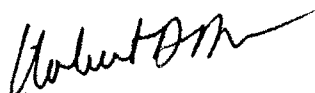
NMFS has concerns with potential bank destabilization resulting from adding bank stabilization structures along a relatively small portion (150 feet) of the steep river bank (approximately 400 feet). Generally bank stabilization structures are tied into the more stable portions of the stream bank at the upstream and downstream ends or extend the length of the arc. Anchoring into stable streambanks helps ensure against scour which could undercut the structures. It appears that the applicant is not planning to extend the revetment structures into the more stable portions of the stream bank. Adding structures along only a portion of the steep stream bank may exacerbate the erosion problem on his property or adversely impact adjacent properties.

NMFS offers the following EFH Conservation Recommendations:

1. Instream work should occur in June after steelhead have entered the system and smolts have out migrated and before adult salmon return to spawn. If instream work must be conducted outside of this window it should only be done during dewatered times at low tide/low flow and when adult fish are not present.
2. The applicant's design should follow ADF&G guidance and be anchored into well-vegetated and non-sloughing banks at both upstream and downstream ends or his plans should be reviewed and approved by a qualified geofluvial engineer, stream hydrologist with experience in bank stabilization projects, or streambank revegetation specialist prior to construction.

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 questions regarding our comments and conservation recommendations for this project, please contact Cindy Hartmann (907-586-7585, cindy.hartmann@noaa.gov).

Sincerely,



Robert D. Mecum
Acting Administrator, Alaska Region

cc: Mr. James Martell, P.O. Box 231, Gustavus, AK, 99826-0231
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*Richard Enriquez, Bill Hanson, Neil Stichert, USFWS, Juneau
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Cindy Hartmann