



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

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

October 9, 2008

Colonel Kevin J. Wilson  
District Engineer  
U.S. Army Corps of Engineers  
P.O. Box 6898  
Anchorage, Alaska 99506-0898

Re: POA-2001-1315-M1  
Ward Cove, Loggerville

Attn: Shannon Morgan

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced permit application submitted by Mr. Trevor Sande, R&M Engineering, the applicant's agent. The project site is located within Section 33, T. 74 S., R. 90 E., Copper River Meridian; United States Geological Survey Quad Map Ketchikan B-6; Latitude 55.405° N., Longitude 131.729° W.; approximately 3.5 miles north of Ketchikan, Alaska. The applicant's stated purpose is to provide a commercial business and tourist site utilizing an existing floating logging camp (dubbed "loggerville"). Existing usable buildings would be located on fill pads and would house businesses and commercial shops. The remainder of the floats would be refurbished and anchored to show their historic condition and significance to the logging industry in Southeast Alaska. The marina and dock would be used for public moorage.

The applicant proposes to:

- Place 680 cubic yards of stacked rock and shot rock fill material in 0.07 acre of waters of the United States (US) below the high tide line, including 240 cubic yards below the mean high water line, to construct pads for the old float houses;
- Construct a 320 foot long by 10 foot wide wood boardwalk supported by 32, 12 inch diameter wood pilings seaward of the mean high water line;
- Construct a 570 foot long by 10 foot wide wood float supported by 13, 16 inch steel piling and two 6 foot by 6 foot by 6 foot concrete anchors and cable, connected to shore in two locations by a 54 foot long by 5 foot wide ramp and an 80 foot long by 6 foot wide ramp;
- Moor nine, 15 foot long by 4 foot wide finger floats;
- Moor six, 30 foot long by 4 foot wide finger floats;
- Moor seven, 20 foot long by 4 foot wide finger floats;
- Moor five loggerville log floats supporting an old floating camp, with total dimensions of 441 feet by 80 feet;
- Construct a 670 foot long by 10 foot wide wood float supported by nine, 6 foot by 6 foot by 6 foot concrete anchors and cable, connected to a 32 foot long 10 foot wide wood float, connected by a 70 foot long by 6 foot wide ramp, and supported by a pile supported pier with three 12 inch steel pilings; and



- Install two mooring dolphins.

The applicant's agent further states that:

- Road access would be via an upland access road;
- Fill would be obtained from a local commercial quarry; and
- Pilings would be driven using a double-acting hammer (vibratory hammer through softer substrate and then an air hammer to further set the piles).

The original permit (1-2001-135, Ward Cove 34) was issued on May 10, 2002. It contained the following conditions, which the Corps Public Notice states would be included on this proposed permit modification (POA-2001-1315-M1):

1. No portion of the structure shall ground at any tidal state; and
2. No pentachlorophenol treatment shall be used on wooden portions of the structure, and any treatment of wood shall be limited to pressure injected preservatives.

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 EFH Conservation Recommendations, which may include measures to avoid, minimize, mitigate or otherwise offset adverse effects. The nearshore 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/roughey rockfish, yelloweye rockfish, flathead sole, rex sole, sablefish, skates and sculpins. There are also several important catalogued anadromous fish streams (including Ward Creek) in the project area that support spawning and rearing coho, chum, sockeye and pink salmon, and steelhead and Dolly varden.

The proposed project is located in Ward Cove, which was declared an Environmental Protection Agency (EPA) Superfund site because of toxic sedimentation from years of Ketchikan Pulp Company (KPC) operations. In 2000 EPA selected a cleanup plan for about 80 acres of bottom sediments that are toxic to some marine animals that live in sediments. The objective of the clean up was to reduce toxicity to bottom-dwelling animals and to enhance recolonization of the sediments to support a healthy community of marine organisms (Lindsay and Keeley 2000). EPA implemented a combination of thin-layer capping with clean sand, navigational dredging of contaminated sediments, and the natural recovery and recolonization process to clean up the contaminants (Lindsay and Keeley 2000). Although the proposed projects is within the boundaries of the Superfund cleanup in Ward Cove, the proposed project would not be located directly above an area that was capped with clean sand (Keeley pers. comm. 2008). The proposed project is in an area where natural recovery is occurring and where samples are collected and analyzed as part of a long-term monitoring program (Keeley pers. comm. 2008).

The applicant's agent states that due to the surrounding topography at the shoreline, avoidance of placing fill into waters of the US for the proposed fill pads is not practicable because onshore blasting would be required. They also considered locating the buildings on pilings rather than on

floats, but rejected that idea as unsafe since the old (formerly) floating houses are not structurally sound enough to put on pilings, but can be placed on fill. The Corps public notice states that aside from minimizing the proposed fill footprint along the shore, no additional mitigation has been proposed. In particular, no mitigation has been proposed for potential adverse impacts to submerged marine EFH near the proposed fill footprint. If permitted, EFH that has already been degraded by KPC's operations will be further adversely impacted by the placement of 0.07 acre of fill and shading from docks, finger floats, and the loggerville floating complex. NMFS encourages the applicant to consider EFH mitigation for this project.

In accordance with Section 305(b)(4)(a) of the Magnuson-Stevens Act, NMFS makes the following EFH Conservation Recommendations:

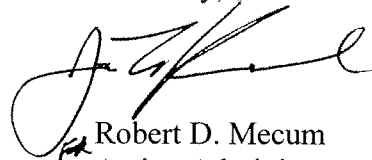
1. Rinse fines from any commercial fill material used before the fill is placed into waters of the US, preferably under Alaska Department of Environmental Conservation oversight to ensure that the rock has been adequately rinsed. The EPA has documented elevated arsenic levels in rocks from several of the local quarries in the Ward Cove area (Exponent 1998) (Keeley pers. comm. 2008). The concentrations of arsenic in quarried rock exceed the maximum and median arsenic concentrations that have been reported for Ward Cove sediments (Keeley pers. comm. 2008). Fines from arsenic laden rock can be a source of contaminants to the marine environment, and suffocate marine organisms and/or alter habitat characteristics for sediment dwelling marine organisms. (Keeley pers. comm. 2008). It is also particularly important that the natural recovery part of the remediation stipulated by EPA (Lindsay and Keeley 2000) continues to progress without avoidable impacts.
2. Monitor levels of arsenic in bottom sediment near the toe of the proposed fill, and compare those levels against background levels for Ward Cove. Coordinate with Alaska Department of Environmental Conservation to determine the best arsenic monitoring protocol to implement.
3. The use of any wood that has been surface or pressure-treated with creosote or treated with pentachlorophenol should be prohibited, as stipulated in the 2000 permit. If treated wood must be used, any wood that comes in contact with water 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). Use wood treated with waterborne preservatives 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 remain on the wood.
4. Allow EPA and/or their designee to continue monitoring at the four natural recovery monitoring stations that are located near the proposed project. Established monitoring protocols should continue, or protocols should be adapted as EPA and/or their designee

specifies. Based on the information provided by the agent, these four monitoring stations should be accessible during future monitoring events.

Under section 305(b)(4)(B) of the Magnuson-Stevens Act the Corps is required to respond to NMFS EFH Conservation Recommendations in writing within 30 days. If the Corps will not make a decision within 30 days 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 conservation recommendations for this project, please contact Chiska Derr at 907-586-7345 or [Chiska.derr@noaa.gov](mailto:Chiska.derr@noaa.gov).

Sincerely,



Robert D. Mecum  
Acting Administrator, Alaska Region

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References:

- Exponent. 1998. Technical Approach for Evaluating Arsenic Bioavailability in Soil and Crushed Rock. Technical Memorandum No. 9. May 15, 1998. Exponent, 15375 SE 30<sup>th</sup> Place, Suite 250, Bellevue, Washington, 98007.
- Keeley, K. Environmental Protection Agency, Seattle, Washington. Email communication, 16 September 2008.
- Lindsay, A. and K. Keeley. 2000. Ketchikan Pulp Company Site, Ward Cove Sediment Remediation Project, Ketchikan, Alaska. Environmental Protection Agency, Seattle, Washington.