



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

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

September 22, 2008

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

Re: POA-2007-1136-233-M5  
Chilkoot River

Attn: John Leeds

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced permit application by the Chilkoot Indian Association to construct a subdivision for its members in Haines, Alaska. Construction of the subdivision would involve clearing forested land, discharging 25,000 cubic yards of fill material into 4.82 acres of waters of the U.S., and building roads, sidewalks, stream crossings, and a nature trail. Proposed mitigation includes: 1) storing material removed from the road bed and home sites off location, 2) obtaining fill material off location, 3) using sediment traps to control erosion during construction, 4) channeling stormwater runoff onto naturally vegetated areas instead of directly into streams, 5) installing an oversized culvert that will accommodate the natural streambed and its substrate, and 6) constructing a nature trail.

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 subdivision is located in the headwaters of Sawmill Creek. The Alaska Department of Fish and Game's Anadromous Waters Catalog indicates that Sawmill Creek supports coho salmon and Dolly Varden char. Numerous stream channels are located down slope of the proposed subdivision and one channel appears to border several of the proposed lots.

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

1. Portions of the nature trail consist of boardwalk. The use of any wood that has been surface or pressure-treated with creosote or treated with pentachlorophenol should be prohibited. 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



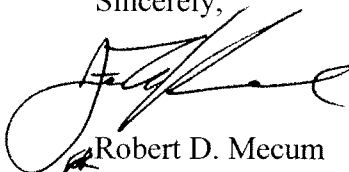
(ACQ), Copper Boron Azole (CBA) or Copper Azole (CA). Use wood treated with waterborne preservatives in accordance with Best Management Practices developed by the Western Wood Preservers Institute. Treated wood should be inspected before installation to ensure that no superficial deposits of preservative material remain on the wood.

2. According to project drawings, several lots appear to border a stream on the western edge of the proposed subdivision. To protect fish habitat as individual lots are developed, the applicant should include a “note” on the final plat that would require a 20-foot vegetative leave strip (i.e. buffer) along the stream bank.

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 recommendations for this project, please contact John Hudson at 907-586-7643 or [john.hudson@noaa.gov](mailto:john.hudson@noaa.gov).

Sincerely,



Robert D. Mecum  
Acting Administrator, Alaska Region

cc: Applicant  
Neil Stickert, USFWS, Juneau\*  
Teri Camery, CBJ, Juneau\*  
Chris Meade, EPA, Juneau\*  
Joe Donohue, ACMP\*  
Jackie Timothy, ADNR\*

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