



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

July 26, 2006

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

RE: POA -2006-948-2
Wrangell Narrows

Attn: Ms. Nicole M. Hayes

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) reviewed the July 5, 2006, public notice of application for permit for the above referenced proposal by Mr. David Rojcewicz for work near Petersburg, Alaska. Mr. Rojcewicz proposes to construct a single-family residence, two one-bedroom guest cottages, and a domestic wastewater system with a marine outfall. The proposed project would retain 286 cubic yards of shot rock in 0.065 acres of forested wetlands for a parking/storage pad and access road. In addition, 103 cubic yards of material would be discharged in 0.095 acres of forested wetlands, and 0.072 acres below the high tide line for the construction of a wastewater tank and marine outfall pipe. The marine outfall pipe would extend to -5.0 feet below mean lower low water.

We offer the following comments specific to the EFH provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). Section 305(b) of the MSFCMA (16 USC 1855 (b)) requires federal agencies to consult with NMFS when any activity proposed to be permitted, funded, or undertaken by a federal agency may have an adverse effect on designated EFH.

Extensive eelgrass beds grow in the vicinity of the Rojcewicz property and likely in the marine area of the proposed outfall pipe. The Walkush property on adjacent lots 13A, B, and C has extensive eelgrass beds according to Mr. Jim Cariello with the Alaska Department of Natural Resources. The applicant's agent, Mr. Kenneth Elmore, said that he couldn't walk below mid tide on Mr. Rojcewicz property because of the mud substrate. This type of substrate is conducive to eelgrass growth. Eelgrass is considered a special aquatic site under the Clean Water Act, and provides valuable habitat for a variety of commercially and ecologically important species.

The MSFCMA requires NMFS to make conservation recommendations regarding any federal or state agency action that would adversely affect EFH. Accordingly, we offer the following EFH Conservation Recommendations:

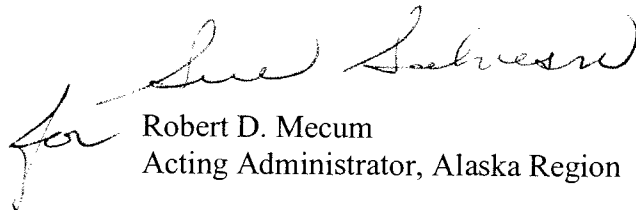


The proposed fill and habitat disturbance below the high tide line should be avoided by using an on-site septic system instead of an outfall pipe. Under the Clean Water Act Section 404 (b)(1) Guidelines (40 CFR 230), the Corps can only permit the least environmentally damaging practicable alternative for a proposed discharge of fill into jurisdictional wetlands or waterways. A septic system may be less damaging than the proposed outfall, and is practicable in most situations.

The MSFCMA requires the Corps to respond to NMFS within 30 days informing us of the agency's decision regarding these recommendations.

If you have any questions regarding our comments and conservation recommendations for this project, please contact Cindy Hartmann at 907-586-7585 or at cindy.hartmann@noaa.gov.

Sincerely,



Robert D. Mecum
Acting Administrator, Alaska Region

cc: Mr. David Rojcewicz, P.O. Box 371, Petersburg, AK 99833
Mr. Ken Elmore, P.O. Box 371, Petersburg, AK 99833
*EPA Juneau, Chris Meade
*ADNR, Petersburg, Jim Cariello
*USFWS, Juneau, Richard Enriquez and Bill Hanson
*ADF&G, Tom Schumacher, Juneau
Alaska Department of Environmental Conservation, Domestic Wastewater Program

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