



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

*National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668*

October 3, 2002

Colonel Steven T. Perrenot
District Engineer, Alaska District
Army Corps of Engineers
Regulatory Branch (1145b)
P.O. Box 898
Anchorage, Alaska 99506-0898

RE: Ref # 2-2002-0811
Waterway: Auke Bay 138

Attn: Mr. Randal P. Virgil

Dear Colonel Perrenot:

The National Marine Fisheries Service (NMFS) has reviewed the proposal by the Juneau Dive Club to sink a ferro-concrete sailboat hull in the vicinity of Auke Village Recreational Area in Juneau, Alaska. Work includes towing the approximately 48-foot long sailboat to a pre-marked site approximately 291 feet offshore and sinking the hull to a depth of 45 feet below mean low water.

The Corps has determined that this activity may adversely affect Essential Fish Habitat (EFH). Provisions of the Magnuson-Stevens Fishery Conservation Management Act (MSFCMA), EFH amendments of 1996, require NMFS to make conservation recommendations to the U.S. Army Corps of Engineers (ACOE) regarding permit issuance if we believe the project could adversely affect EFH. The applicant has suggested that in order to mitigate for adverse effects to EFH the applicant will:

1. Clean the vessel by removing all loose debris, dewatering the bilge, remove the engine and fuel tanks, pressure wash the bilge and upper decking to remove oil residue and paint chips.
2. Remove wooden bulkheads, hatches and floorboards to eliminate floatable debris.

We believe that if these actions are taken, adverse effects to EFH will be minimal.




NMFS recommends these conservation recommendations be incorporated as permit conditions pursuant to provisions of both the Fish and Wildlife Coordination Act, the Clean Water Act 404 (b)(1) guideline compliance and MSFCMA EFH provisions.

Under section 305 (b)(4) of the MSFCMA, the Corps is required to respond in writing within 30 days to NMFS recommendations. If the Corps does not make a decision within 30 days of receiving NMFS EFH Conservation Recommendations, the Corps should provide NMFS with a letter to that effect, and indicate when a full response will be provided.

Ms. Susan Walker is the NMFS contact for this project.
(907 586-7646, susan.walker@noaa.gov)

Sincerely,


for James W. Balsiger
Administrator, Alaska Region

cc:

ADEC Anchorage
USFWS Juneau
USDA Forest Service, Juneau Ranger District
ADF&G Juneau