



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

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

December 3, 2003

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

Re: Back Chuck 001

Attn: Lloyd H. Fanter

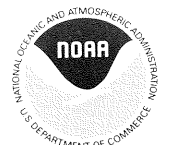
Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by Mr. David Grantham to construct a 16-foot by 96-foot floating dock supported by two (2) 80-foot steel pilings, a 4-foot by 50 foot long ramp, and a 6-foot wide by 60-foot long wooden pier in the Back Chuck of Meyer's Chuck.

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 conservation recommendations, which may include measures to avoid, minimize, mitigate or otherwise offset adverse effects. The Alaska Department of Fish and Game has cataloged an anadromous stream at the head of the Back Chuck (Craig Quad C-1, #102-80-10050). This stream provides spawning habitat for Chinook and pink salmon, and spawning and rearing habitat for coho salmon. Several other anadromous streams are located within five miles of the project site. Consequently, juvenile salmon use the inshore area of the Back Chuck during spring and early summer for feeding and predator avoidance prior to migration out to sea. The inshore area of the project location also provides important habitat for several marine species including Pacific cod, arrowtooth flounder, Pacific ocean perch, dusky rockfish, shortraker rougheye rockfish, yelloweye rockfish, sablefish and sculpins.

Accordingly, we offer the following EFH Conservation Recommendations pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Act.

1. The application states that the applicant proposes to use pressure treated wood for construction of the 6-foot by 60-foot pier and pilings. The use of any wood that has been painted or otherwise surface treated with creosote or that has been treated with a preservative that contains pentachlorophenol should be prohibited. Creosote and pentachlorophenol are toxic to juvenile fish. The applicant should be required to use steel for all pilings that will come into contact with marine water.

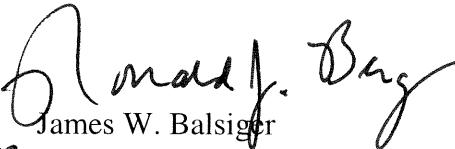


2. The proposed 6-foot by 60-foot pier and the 16-foot by 96-foot floating dock should be constructed to allow light transmission to intertidal and subtidal vegetation below the dock and pier. This vegetation, which requires light in order to grow, is important habitat for salmon, marine fish, and their prey.
3. No intertidal or subtidal fill or structures should be placed in or over eelgrass beds.
4. Discharge of fill/backfilling below the high tide line should be limited to low tide stages to limit turbidity.
5. No in-water work should be permitted from March 1 through June 15 of any year to protect out migrating salmon.
6. Oil and/or fuel should not be stored on dock or pier to reduce the potential for spills.

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 further questions, please contact Katharine Miller at 907-586-7643.

Sincerely,


James W. Balsiger
Administrator, Alaska Region

cc: Applicant
EPA Juneau, Chris Meade
ADEC, ADF&G, AADGC, ADNR, USFWS, Juneau