



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

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

June 10, 2003

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

RE: Ref # 1-2003-0396  
Waterway: Thimbleberry Bay 3

Attn: Mr. John Klutz

Dear Colonel Griffith:

The National Marine Fisheries Service (NMFS) has reviewed the referenced permit application. The applicant, Mr. Gregory Charlton, is proposing to install a ramp measuring 5 feet by approximately 80 feet to a previously permitted dock measuring 15 feet by 21 feet in Thimbleberry Bay near Sitka. The facility will extend shoreward from a recreational lot owned by the applicant. The floating dock and ramp are designed so that no grounding will take place at low tides.

The Alaska Department of Fish and Game has cataloged one fish stream near the project site. It supports runs of pink, chum, and coho salmon. (Sitka Quad A-4, #113-41-10200). Consequently, the inshore area of Thimbleberry Bay is used by juvenile salmon during spring and early summer for feeding and predator avoidance prior to migration out to sea. This area also provides important habitat for a number of marine species including: flathead sole, dusky rockfish, Pacific cod, Pacific ocean perch, rock sole, shortraker rougheye rockfish, sablefish, sculpins, skates, and walleye pollock.

The permit application indicates that "intertidal seaweed" is found under the area of the proposed ramp. The amount of light that reaches aquatic vegetation is important to the growth and maintenance of healthy marine habitat. Use of metal or plastic grating material in design plans is preferable to allow light transmission to sensitive marine vegetation. Early stages of marine species are dependant on primary production through photosynthesis as a source of food. Food availability during immature life stages affects survivability and success to adulthood.

The Magnuson-Stevens Fishery Conservation and Management Act requires NMFS to make conservation recommendations regarding any federal action that would adversely affect Essential Fish Habitat (EFH). Accordingly, we offer the following EFH Conservation Recommendations pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Act.

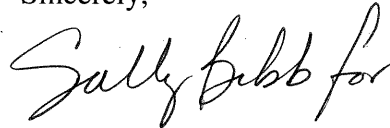


1. Installation of piling and any other in-water work should not be conducted between March 15 and June 15 to protect outmigrating juvenile salmon from disturbance.
2. The dock walkway should allow light transmission through the water column.
3. Oil or fuel should not be stored on the floating dock or walkway to reduce any potential for spills.
4. No pentachlorophenol treatment is to be used on wooden structures, and any treatment of wood is to be limited to pressure injected preservatives only.
5. No grounding of floating structures should occur at any tidal stage.

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 Linda Shaw at 907-586-7510.

Sincerely,



James W. Balsiger  
Regional Administrator, Alaska Region

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