



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

March 7, 2003

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 # D-2003-0200
Waterway: Horse Island

Attn: Mr. Mike Hanley

Dear Colonel Perrenot:

The National Marine Fisheries service (NMFS) has reviewed the referenced proposal to excavate a boat haulout below mean high water at Horse Island in Stephens Passage. The purpose of the project is to improve beach access for vessels to a privately owned, recreational property. According to the proposal, establishing a haulout will require the excavation of approximately 20 cubic yards of rock from 1600 square feet of intertidal zone. The Nationwide Permit 19 pre-construction notice specifies that rock removal will be performed using an excavator. The pre-construction notice does not indicate that the applicant has proposed any avoidance or mitigation measures.

NMFS has considered the potential impacts of the project to Essential Fish Habitat (EFH) pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). The Alaska Department of Fish and Game has cataloged various anadromous fish streams located approximately 2-5 miles from the project site. They support runs of coho, pink and chum salmon, as well as steelhead trout, cutthroat trout and Dolly Varden char (Juneau Quad B-3 and B-2, #111-50-10800, Bear Creek, -10750, Peterson Creek, and unnamed creek 111-40-10600). Therefore, it is probable that the inshore areas of Horse Island are used by several species of juvenile salmonids for feeding and predator avoidance during the spring and early summer migration to sea. The waters surrounding Horse Island also provide important habitat for a number of marine species including dusky rockfish, Pacific cod, Pacific ocean perch, shortraker and rougheye rockfish, sablefish, yelloweye rockfish, skates and walleye pollock. (See NOAA/NMFS AK Region EFH mapping website accessible at: <http://www.fakr.noaa.gov/maps/default.htm>)



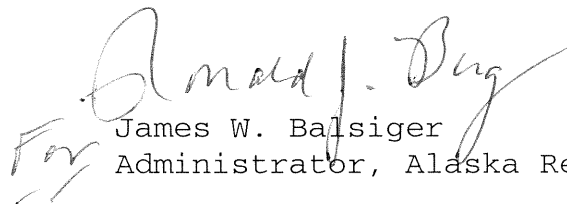
The MSFCMA requires NMFS to make conservation recommendations regarding any Federal action that would adversely affect EFH. We offer the following avoidance and mitigation measures as EFH Conservation Recommendations under the MSFCMA, and as our recommendations under the Fish and Wildlife Coordination Act.

1. No in-water work should occur from March 15 through May 31 to protect migrating juvenile salmonids from disturbance.
2. Excavation of materials using machinery should be limited in scope and duration to minimize turbidity, degradation of intertidal habitat and compaction of substrates. Thus we recommend removing rock only during low tide, clearing only as much area as needed to haul out a boat and confining any excavation machinery impacts to that limited area.
3. Dredged materials should be discarded on-shore, well above the mean high tide line, to prevent sedimentation of adjacent habitats.

Under section 305(b)(4) of the MSFCMA, 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
For Administrator, Alaska Region

cc: EPA Juneau (Chris Mead)
USFWS, ADF&G, ADEC, ADGC, ADNR, Juneau
Holombo, applicant