



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

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

March 14, 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-2003-0167  
Waterway: Horse Island

Attn: Mr. Randal Vigil

Dear Colonel Perrenot:

The National Marine Fisheries Service (NMFS) has reviewed the referenced proposal to excavate a boat haulout and construct/bury an outfall structure below mean high water at Horse Island in Stephens Passage. The purpose of the haulout 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 and discharge of approximately 5 cubic yards of rock from 2500 square feet of intertidal zone. Burying a 4-inch diameter PVC wastewater outfall will require the excavation and discharge of 18.5 cubic yards of substrate from a 125-foot long by 2-foot wide by 2-foot deep trench. The Nationwide Permit pre-construction notice does not specify what machinery or methods will be used for excavation. Additionally, 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, the inshore areas of Horse Island are likely 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



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>)

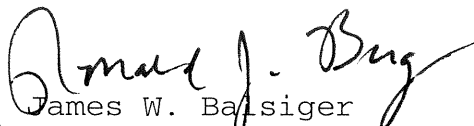

The MSFCMA requires NMFS to make conservation recommendations regarding any Federal action that would adversely affect EFH. We offer the following avoidance and mitigation measures as EFH Conservation Recommendations under the MSFCMA, and as our recommendations under the Fish and Wildlife Coordination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

  
For  James W. Bajsiger  
Administrator, Alaska Region

cc: EPA Juneau (Chris Mead)  
USFWS, ADF&G, ADEC, ADGC, ADNR, Juneau  
Scott and Sandy Spickler, applicant