UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

October 29, 2003

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

Re: 2-1983-0465 Thorne Bay 21

Attn: Mike Hanley

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by the City of Thorne Bay to construct a dock facility composed of 13 galvanized steel pilings, one 6' by 84' metal ramp, one 60' by 40' airplane float, one 10' by 150' dock, one 80' by 12' dock, two 20' by 80' skiff ramps and 3,238 cubic feet of shot rock to create a 235' by 20' by 24' deep walkway to connect the dock facility to shore.

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 one stream in the immediate vicinity of the project site. It supports a run of coho and pink salmon (Craig Quad C-2, #102-70-10550). Several other anadromous streams are located within five miles of the project site. Consequently, the inshore area of Thorne Bay is used by juvenile salmon 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 arrowtooth flounder, Pacific cod, sablefish, sculpins, walleye pollock, dusky rockfish, and Pacific ocean perch.

After contacting the applicant, NMFS has learned that the existing dock facility authorized under Corps permit No. 1-830465 will be removed and the proposed facility will be constructed in its place. The existing facility is connected to land via a 390' by 6' stiffleg. The current application would replace this stiffleg with 3,238 cubic feet of intertidal and subtidal shot rock fill to create a 235' long by 20' wide by 24' deep walkway to connect the dock facility to shore. The applicant stated that there is intertidal vegetation in the area of the proposed fill. The amount of the proposed fill is significant and it will have an adverse impact on intertidal resources and EFH by directly removing benthic habitat and potentially by altering currents in the project area.

NMFS offers the following EFH Conservation Recommendations:

1. Intertidal and subtidal fill for the proposed walkway should not be permitted. This fill will directly remove EFH in the project area. In addition, this fill could adversely affect currents in the project area resulting in loss or damage to EFH both upstream and downstream of the project site by disrupting the transport of nutrients and sediment.

2. In lieu of the proposed intertidal and subtidal fill, NMFS recommends that the applicant install a steel pile-supported, grated walkway. A pile supported walkway will have less direct impact on intertidal and subtidal habitat than the proposed fill and will meet the project's needs. In addition, the use of metal or plastic grating material in design plans will allow light transmission to 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 to adulthood.

3. Installation of pilings and any other in-water work should not be conducted between March 15 and June 15 to protect out migrating juvenile salmon from disturbance.

4. Oil or fuel should not be stored on the floating dock or walkway to reduce any potential for spills.

5. No pentaclorophenol treatment should be used on wooden structures, and any treatment of wood should be limited to pressure injected preservatives only.

6. 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 Katharine Miller at 907-586-7643.

Sincerely,

James W. Balsiger
FOR Administrator, Alaska Region

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