



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

December 21, 2004

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

Re: POA-1982-276-N
Kaigani Strait 7

Attn: Serena Sweet

Dear Colonel Gallagher;

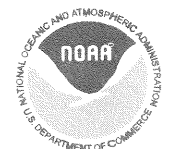
The National Marine Fisheries Service (NMFS) has reviewed the above referenced application to extend an existing natural rock outcrop by placing approximately 3,870 cubic yards of material below mean high water to construct a breakwater 33.5 feet high by 80 feet long.

Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) 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. Juvenile salmon use the inshore area of Kaigani Strait 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, walleye pollock, dusky rockfish, shorttraker and roughey rockfish, yelloweye rockfish, sablefish, sculpin, skate, and flathead sole.

The Corps has concluded that the project may adversely affect EFH. NMFS concurs with this conclusion. NMFS personnel spoke with applicant regarding the project and the habitat in the project area. Based on this conversation, NMFS concludes that EFH can be adequately protected by incorporation of the following EFH Conservation Recommendations made pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Act:

1. All work below the high tide line should be limited to low tidal stages to reduce turbidity.
2. No in-water work should be permitted from April 1 through June 15 of any year to protect out migrating salmon.

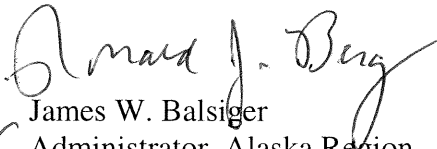

Under Section 305(b)(4) of the Magnuson-Stevens Act, the Corps is required to respond to NMFS EFH recommendations in writing within 30 days. If the Corps will not make a decision



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.

Please contact Katharine Miller at (907) 586-7643 if you have any questions.

Sincerely,


For  James W. Balsiger
Administrator, Alaska Region

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