



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-2004-1222-2
Tongass Narrows

Attn: Jan Stuart

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced application by Al Segovia to place 4410 cubic yards of riprap and 1960 cubic yards of clean shot rock within 0.16 acres below the high tide line to create a parking area associated with a 12-foot by 244-foot float and a 6-foot by 80-foot access ramp.

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. No information on the location of the site, other than its proximity to Tongass Narrows, was provided in the public notice. However, Alaska Department of Fish and Game's Anadromous Streams Catalog identifies several streams that drain into Tongass Narrows. Juvenile salmon use the inshore area of the project site 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, yellow rockfish, and Pacific Ocean perch.

The Corps has concluded that the proposed project will not adversely affect EFH. NMFS disagrees with this conclusion. The proposed project would permanently remove intertidal habitat that is used by commercially important fish species. The proposed fill is for parking which is not a water dependent use under Section 404 of the Clean Water Act. The applicant has not demonstrated that he has evaluated options to avoid or minimize the extent of the fill, such as relocating the proposed parking facilities to an upland area. The applicant does not propose any mitigation for the habitat loss.

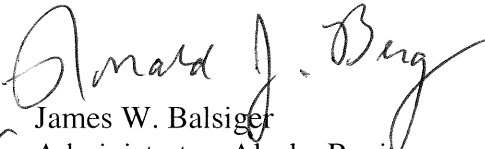
In accordance with Section 305(b)(4)(A) of the Magnuson-Stevens Act, NMFS offers the following conservation recommendation:



The request to place fill in the intertidal zone for construction of a parking area should be denied. The applicant should examine less damaging options for the proposed facility such as locating it in an upland area.

Please contact Katharine Miller at 907-586-7643 if you have any questions or for further coordination.

Sincerely,

For 
James W. Balsiger
Administrator, Alaska Region

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