



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

February 4, 2004

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

Re: M-1988-0521
St. Paul Harbor 35

Attn: Ms. Nicole Hayes

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced public notice for proposed work by the City of Kodiak and offers the following comments specific to the Endangered Species Act and Essential Fish Habitat (EFH). The proposed project is located in St. Paul Harbor in Kodiak, Alaska. The proposed work consists of demolishing, removing, and reconstructing the old dock, pilings, and bulkhead of Pier II. The old 64 feet wide by 360 feet long dock, supported by 177 piles, will be replaced with a dock 72 feet wide by 455 feet long and supported by 140 steel pipe piles. The existing nine fenders would be removed, refurbished, and reinstalled. The existing outfall for the catch basin would be removed and replaced with a new outfall at the same location.

Endangered Species Act

The public notice for this project states incorrectly that "No threatened or endangered species are known to use the project area." Steller sea lions, which are endangered, frequent the docks of St. Herman Harbor and surrounding waters, including St. Paul Harbor. The Corps should contact Brad Smith of our Protected Resources staff at (907) 271-3023 to discuss the requirements for completing consultation under section 7 of the Endangered Species Act.

Essential Fish Habitat

The Corps has determined that the proposed activity may adversely affect EFH for juvenile/adult groundfish and scallops. NMFS' agrees with this determination. St. Paul Harbor includes EFH for arrowtooth flounder, Atka mackerel, flathead sole, Pacific cod, rock sole, sculpins, walleye pollock, weathervane scallop, yellowfin sole, and chum, coho, king, pink, and sockeye salmon. All of these federally managed species are found in these waters during certain stages of their life history.

Pile driving and removal activities may have adverse effects to EFH. Steel pile driving activities generate intense underwater sound pressure waves and the removal of old piles has the potential to resuspend sediments that can result in harmful levels of turbidity or release of any



contaminated sediment. We have enclosed a summary document titled "Potential Impacts to Fish From Pile Driving." This summary was prepared by NMFS staff to inform resource agencies and others about the potential impacts of pile driving and possible means of mitigating those impacts.

EFH Conservation Recommendations

We offer the following recommendations pursuant to section 305(b)(4)(A) of the Magnuson-Stevens Fishery Conservation and Management Act:

- 1) In-water work should be conducted between September 30 and April 1 of any year to avoid impacts to larval and juvenile fish species.

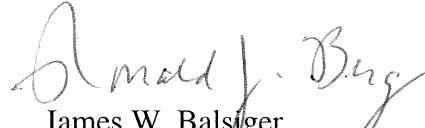
- 2) In-water work should be conducted at the lowest tide levels. As mentioned above, fish and marine mammals are sensitive to underwater sound pressure waves. Working in shallow water or when the site is dry reduces sound wave propagation and subsequent impacts to fish and marine species.

- 3) Wooden materials associated with the dock, pier, and fenders should not be treated with preservatives containing pentachlorophenol. Pentachlorophenol has high chronic toxicity to aquatic life. Specified wood treatments should be applied through pressure treatment rather than surface application. All treated wood used in conjunction with this project should be produced and installed in compliance with the most recent version of the Best Management Practices for the use of Treated Wood in Aquatic Environments published by the Western Wood Preservers Institute (<http://www.wwpinstitute.org/>).

Please note that under section 305(b)(4)(B) of the Magnuson-Stevens Act, the Corps is required to respond in writing within 30 days to NMFS' EFH Conservation Recommendations. If the Corps does not make a decision within 30 days, the Corps should provide NMFS with a letter to that effect, and indicate when a full response will be provided.

Should you have any questions or need additional information, please contact Lieutenant Mark Boland or Mr. Matt Eagleton at (907) 271-5006.

Sincerely,


For
James W. Balsiger
Administrator, Alaska Region

Enclosure

cc: USFWS, ADFG, ADEC, ADGC, EPA - Anchorage, City of Kodiak - Applicant.