



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

August 30, 2005

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

Re: POA-2005-1144-1
Auke Bay

Attn: Garth Zimbelman

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the proposal by Mr. Lawrence D. Foster to construct a 30-foot by 4-foot wide metal gangway attached to three sections of floating dock, each 35-feet long by six-feet wide, and each supported by an 18-inch pressure injected creosote treated timber piling at Dock Street in Fritz Cove, Juneau, Alaska.

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 several streams in the vicinity of the project site that support spawning and rearing chum, coho, sockeye, and pink salmon, Dolly Varden char and steelhead trout (Mendenhall River, Montana Creek, Peterson Cree, McGinnis Creek, Steep Creek, Duck Creek, Jordan Creek, Auke Creek, Lake Creek, Waydelich Creek, etc). Juvenile salmon use the inshore area of Fritz Cove 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, dusky rockfish, shortraker/rougheye rockfish, yelloweye rockfish, flathead sole, rex sole, sablefish and sculpins, and their prey.

Accordingly, we offer the following EFH Conservation Recommendations pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Act.

1. The use of any wood that has been surface or pressure-treated with creosote or treated with pentachlorophenol should be prohibited.
2. Alternatives to treated wood that have no or reduced toxicity should be used wherever practicable such as steel, coated or wrapped treated wood or concrete.
3. If treated wood must be used, any wood that comes in contact with marine or aquatic environments should be treated with waterborne preservatives approved for use in aquatic and/or marine environments. These include, but are not limited to: Chromated Copper Arsenic (CCA) Type C, Ammoniacal Copper Zinc Arsenate (ACZA), Alkaline Copper



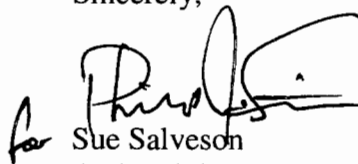
Quat (ACQ), Copper Boron Azole (CBA) or Copper Azole (CA). The applicant should only use wood that has been treated in accordance with best management practices developed by the Western Wood Preservers Institute. Treated wood should be inspected before installation to ensure that no superficial deposits of preservative material occur on the wood.

4. Over-water structures should be designed to prevent abrasion and splintering of wood.
5. All cutting and boring of treated wood should take place in upland areas; all waste materials must be kept out of the aquatic environment and be properly disposed of upland. Treated wood materials should not be stored in-water. Any cut wood, chips or sawdust from treated wood should be collected promptly and disposed of at an acceptable upland site.
6. No docks, ramps or other structures should be placed in or over eelgrass beds.
7. All work below the high tide line should be limited to low tidal stages to reduce turbidity.
8. 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.

If you have any further questions, please contact Sue Walker at 907-586-7646.

Sincerely,

A handwritten signature in black ink, appearing to read "Sue Salveson". The signature is written in a cursive style with a large initial "S".

Sue Salveson
Acting Administrator, Alaska Region

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