



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

August 12, 2005

Garth Zimbelman
Regulatory Specialist
U.S. Army Corps of Engineers
Regulatory Branch, East Section
8800 Glacier Highway, Suite 106
Juneau, AK 99801-8079

Re: POA-2005-1200-A
Auke Bay

Dear Mr. Zimbelman;

The National Marine Fisheries Service (NMFS) has reviewed your July 29, 2005, letter requesting comments and concerns on the installation of a new 12-foot by 400-foot concrete float system that would connect to the Satter Harbor dock in Auke Bay. The float would be anchored by steel pilings. The applicant is Bayhouse Properties, LLC. The purpose of the new float is to provide deep water access to load and unload tour boat passengers.

General Concerns

NMFS is concerned with how the new 400-foot dock may impact the navigability of research vessel use at the NMFS, Auke Bay Laboratory (ABL) facility's dock. NMFS would like reasonable assurance that vessels up to 125 feet in length will have maneuverability into the ABL dock under all weather conditions.

NMFS is also concerned with the potential impact additional vessel use near shore and near the research facility may have on the quality of the saltwater taken from the Bay and used for research purposes. The ABL has an existing salt water intake pipe near the laboratory at 80 feet mean low low water (mllw). ABL tests the purity of the water from this pipe and has baseline water quality information. To date, development in the harbor has not necessitated a change in the location of this intake pipe due to water quality. NMFS wants to bring this potential impact to the attention of the Corps and Bayhouse Properties LLC. in the event that increased vessel use may degrade water quality to necessitate moving the water intake to deeper water. NMFS may request mitigation if future conditions necessitate changing the location of the water intake pipe.

We offer the following comments specific to the essential fish habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA).

Essential Fish Habitat

Section 305(b) of the 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.

Marine species within the project area may be adversely affected by underwater sound pressure waves generated by pile driving and exposure to toxic materials (hydrocarbons).

The following EFH Conservation Recommendations are made pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Act:

1. Pile-driving can disrupt migration and cause physical damage to fish. To the extent possible, drive piles during low tide periods in intertidal and shallow subtidal areas to prevent injuries to fish. We recommend that a vibratory hammer be used to drive the steel piles. Under those conditions where impact hammers are required for reasons of seismic stability or substrate type, we recommend that the piles be driven as deep as possible with a vibratory hammer prior to the use of the impact hammer. If peak sound pressure levels from deepwater pile driving exceed the 180 dB re μ Pa threshold for injury to fish we recommend that measures be implemented to reduce sound pressure such as: surrounding the pile with an air bubble curtain, using a smaller hammer to reduce the sound pressure, or using a hydraulic hammer if impact driving cannot be avoided.
2. All work below the high tide line should be limited to low tidal stages to reduce turbidity.
3. No in-water work should be permitted from March 15 through June 15 of any year to protect out migrating salmon and spawning herring.
4. NMFS recommends that reasonable precautions be taken to prevent incidental and accidental discharge of petroleum products and other contaminants. An emergency oil spill response kit or other appropriate equipment such as absorbent pads should be available on site to allow fast response to small oil spills and accidental discharge of hydrocarbon contaminated bilge waters.

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 is unable to 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.

Threatened and Endangered Species/Marine Mammals

The project is within the range of endangered humpback whales and threatened Steller sea lions, as well as harbor porpoises, harbor seals and killer whales, which are protected under the Marine Mammal Protection Act. Both this Act and the Endangered Species Act prohibit the injury, harm or harassment of marine mammals.

Pile driving introduces high levels of noise into the water column, with the potential to harass or

injure marine mammals. Sound levels in the range of 130-135 decibels have been measured up to one kilometer from a pile driver (Johnson et. al., 1986). Steller sea lions and harbor seals occur in the project area and could be affected by this work. To reduce the possibility for harassment or injury to marine mammals, NMFS recommends that pile driving not occur if any marine mammals are observed within 200 meters of the platform. The operator must scan the area for the presence of marine mammals. If marine mammals are sighted within 200 meters of the sound source, pile driving must cease until the animals leave the immediate area.

Summary

Provided the above EFH Conservation Recommendations and marine mammal protection recommendations are incorporated through permit conditions, NMFS does not object to the issuance of this letter of permission. As stated above, NMFS has concerns with manoeuvrability of vessels into the dock at ABL and with potential water quality degradation at the salt water intake pipe. NMFS is seeking reasonable assurance that these concerns will be addressed in this review process.

If you have any questions regarding our comments and conservation recommendations for this project please contact Cindy Hartmann at (907) 586-7643.

Sincerely,



Sue Salveson
Acting Administrator, Alaska Region

cc: Mitch Falk, Manager, Bayhouse Properties, LLC., P.O. Box 210775, Auke Bay, AK
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Records

References:

Johnson, S.R., C.R. Greene, R.A. Davis, and W.J. Richardson. 1986. Bowhead whales and underwater noise near the Sandpiper Island drillsite, Alaskan Beaufort Sea, autumn 1985, Reprinted by LGL Limited Environmental Research Associates, King City, Ontario, and Greeneridge Sciences, Inc., Santa Barbara, CA, for Shell Western Exploration & Production Inc., Anchorage, AK. 130p.