



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

February 7, 2005

Colonel Timothy J. Gallagher
District Engineer, Alaska District
Army Corps of Engineers
Regulatory Branch (1145b)
Post Office Box 6898
Elmendorf AFB, Alaska 99506-6898

RE: Ref# POA-2005-71-1
Waterway: Thimbleberry Bay

ATTN: Ms. Serena Sweet

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the referenced permit application. The applicant, Mr. Donald Olson, is proposing to construct a pier and floating dock system using two driven steel pilings and an aluminum ramp connected to a floating dock. From the schematics provided in the application, it does not appear that the dock will ground at any tidal stage.

The Alaska Department of Fish and Game has cataloged an anadromous fish stream near the project site that supports runs of pink, chum and coho salmon (Sitka Quad A-4, #113-41-10200). Consequently, the inshore area of Thimbleberry Bay is used by juvenile salmon during spring and early summer for feeding and sheltering from predators before migration to sea. This area also provides important habitat for a number of marine species including: flathead sole, dusky rockfish, Pacific cod, Pacific ocean perch, rock sole, shorttraker rougheye rockfish, sablefish, sculpins, skates, and walleye pollock.

The Magnuson-Stevens Fishery Conservation and Management Act requires NMFS to make conservation recommendations regarding any federal action that would adversely affect Essential Fish Habitat (EFH). Accordingly, we offer the following EFH Conservation Recommendations pursuant to Section 305(b) (4) (A) of the Magnuson-Stevens Act.

1. Installation of piling and any other in-water work should not be conducted between March 15 and June 15 to protect outmigrating juvenile salmon from disturbance.
2. Oil or fuel should not be stored on the structure to reduce potential for oil spills.

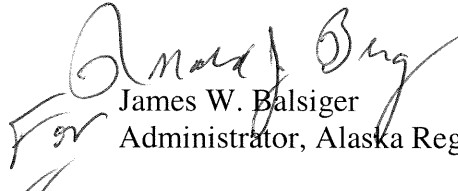


3. No surface-applied creosote or pentachlorophenol treatment should be used on any wooden structures.
4. No grounding of floating structures should occur at any tidal stage.

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 MFS with a letter within 30 days to that effect, and indicate when a full response will be provided.

If you have any questions, please contact Linda Shaw at 907-586-7510.

Sincerely,


James W. Balsiger
Administrator, Alaska Region

Cc: Applicant- Donald Olson, 208 Lakeview Drive, Sitka, AK 99835
ADEC, ADNR, USFWS, EPA