



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

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

February 9, 2005

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

Re: POA-2003-331-M  
Zimovia Strait

Attn: Dr. Jan Stuart

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the January 10, 2005, public notice of application for permit for the above proposal by the City of Wrangell and the February 7, 2005, nationwide permit pre-construction notification also for this proposal. The City of Wrangell proposes to fill approximately 2.48 acres of intertidal substrate and continuous forested wetlands with approximately 42,200 cubic yards of fill material and 1,500 cubic yards of shot rock slope fill. Approximately 0.46 acres would be filled between the high tide line of 19.7 feet and the mean high water of 14.8 feet, approximately 1.82 acres would be filled below the mean high water of 14.8 feet and approximately 0.20 acres would be filled between 19.7 feet and 20.0 feet (above the high tide line). A 30 foot wide by 750 foot long maintenance access road would be constructed at the top of the rock slope and surfaced with rock or paved. The stated purpose in the public notice is to protect Native burial sites and provide a buffer zone between the Heritage Harbor and the burial sites.

After public notice the City of Wrangell modified its purpose and need. The purpose as stated in the nationwide permit pre-construction notification is to create fast land for boat trailer parking and egress/ingress for boat launching and to create a boat ramp. The fill would be dredge spoils from creation of a new harbor. The dredge spoils consist of mixed substrate including wood bark debris from storing logs in the area. The City has proffered mitigation in the form of a fish cleaning facility to be constructed outside of the harbor to minimize water quality degradation due to the fish waste disposal. We offer the following comments specific to the essential fish habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act.

Section 305(b) of the Magnuson-Stevens Act requires Federal agencies to consult with NMFS on all actions that may adversely affect EFH. NMFS is required to make conservation recommendations, which may include measures to avoid, minimize, mitigate or otherwise offset adverse effects.

Significant anadromous fish streams occur in the Wrangell area, including the Stikine River, Crittenden Creek and Mill Creek/Virginia Lake. Pink salmon fry and herring use nearshore areas, near the City of Wrangell, in the spring. Additionally, the inshore area of the project location provides habitat for several marine species including Pacific cod, arrowtooth flounder,



walleye pollock, dusky rockfish, shortraker/ rougheye rockfish, yelloweye rockfish, Pacific Ocean Perch, skates, and sculpins.

The Corps has concluded that the described activity may adversely affect EFH for juvenile/adult salmon and groundfish. NMFS concurs with this conclusion. The intertidal fill for the proposed boat trailer parking and boat launch will permanently remove intertidal habitat. NMFS recognizes that this is in an area that has habitat impacts from previous use and current construction. The area was previously used for log raft storage. The breakwater constructed for the new harbor impacts the flow of water onto this section of shore. In addition, the area in front of this beach is being dredged to provide adequate boat moorage and the adjoining section of beach is being filled for parking. Heavy equipment is currently being used on this beach to dredge the harbor. In the near future the harbor will be actively used for boat moorage and water quality will decline. Nonetheless, intertidal habitat on the existing beach has ecological value. Compensatory mitigation for any unavoidable impacts to waters of the U.S. is appropriate for this action. The Clean Water Act 404 (b)(1) guidelines direct agencies first to avoid impacting waters, second to minimize any impacts and last to compensate for unavoidable adverse impacts.

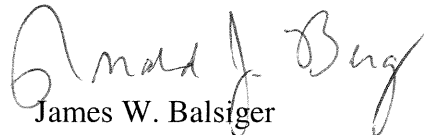
We offer the following EFH Conservation Recommendations in accordance with Section 305(b)(4)(A) of the Magnuson-Stevens Act:

1. The request for intertidal fill for the proposed buffer zone and access road should be denied. We believe the breakwater, which was constructed to protect the new harbor, adequately protects the Native burial site. NMFS does not oppose fill for a boat launching facility constructed in conjunction with the harbor and for use with the harbor. During the site visit on February 3, 2005, this option was discussed.
2. The Corps should require the applicant to demonstrate that they have evaluated and fully considered options to avoid and minimize the use of fill for boat trailer parking. The 404 (b)(1) guidelines prohibit discharges into waters of the U.S. where "there is a practicable alternative to the proposed discharge that would have less adverse effect on the aquatic ecosystem" [40 CFR 230.10(a)]. The Corps can only permit the least environmentally damaging practicable alternative for a proposed discharge of fill into jurisdictional wetlands or waterways.
3. At a February 3, 2005, site visit NMFS and the USFWS identified several potential on site mitigation projects. The applicant should consider: placing a fish cleaning station outside of the harbor, paving the top of the breakwater to provide a pedestrian walkway, connecting this walkway to the land with a foot bridge, and adding interpretative signs along the walkway or at the fish cleaning station. NMFS supports the mitigation proposed in the nationwide pre-construction notification. NMFS is willing to work with the Corps and the City of Wrangell to further discuss this or other compensatory mitigation projects.
4. No in-water work should be permitted from April 1 through June 15 of any year to protect out migrating salmon and spawning herring.

5. Construct a permanent retaining wall to keep the fill in place and minimize the need for future dredging in the harbor.

Please contact Cindy Hartmann at 907-586-7585 if you have any questions or for further coordination.

Sincerely,

*For*  
  
James W. Balsiger  
Administrator, Alaska Region

cc: City of Wrangell, Greg Meissner, Harbormaster, P.O. Box 531, Wrangell, AK 99929  
Kiewit Pacific Co., Jim Abramson, Project Manager, P.O. Box 2339, Wrangell  
EPA Juneau, Chris Meade  
ADNR, Petersburg, Jim Cariello  
USFWS, Juneau, Ed Grossman  
ADEC, AADGC, Juneau