



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

March 22, 2005

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

Re: POA-2005-202-1
Tongass Narrows

Attn: Carlos Paez

Dear Colonel Gallagher;

The National Marine Fisheries Service (NMFS) has reviewed the above referenced application from Ms. Sharon Preston to construct a 220-foot long by 8-foot wide pier or walkway, a 60-foot long by 8-foot wide ramp, and a 20-foot by 60-foot float. The pier will be supported by 40 piles 12 to 18-inches in diameter made of a mixture of new pressure treated creosote and "old weathered creosote."

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. Juvenile salmon use the inshore area of Tongass Narrows 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 arrowtooth flounder, Pacific cod, sablefish, sculpins, walleye pollock, yellow rockfish, and Pacific ocean perch.

NMFS is concerned with the proposal to use creosote-treated pilings, particularly "old, weathered creosote." Creosote is a wood preservative typically composed of 85% polycyclic aromatic hydrocarbons (PAH), 10% phenolics, and 5% heterocyclic compounds (Munro, K.A. 2001). Creosote can be a significant source of PAH to marine water. Diffusion of PAH from creosote treated wood is a long-term process that may last the life of the product (Poston, 2001). Pilings over 50 years old still contain sufficient amounts of creosote to kill herring embryos (Vines, et. al., 2000). NMFS research has shown that herring and salmon embryos are sensitive to PAH contamination with morphological defects occurring at PAH concentrations of 3 parts per billion and lower. Based on these findings, NMFS has concluded that use of creosote would adversely affect EFH.

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

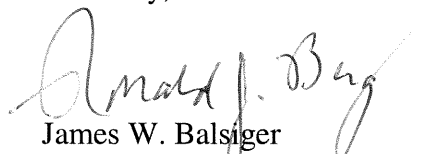


1. The use of any wood that has been surface or pressure-treated with creosote or treated with pentachlorophenol should be prohibited. Alternatives to treated wood that have no or reduced toxicity should be used wherever practicable.
2. If treated wood must be used, any wood that comes in contact with marine or aquatic environments should be treated with waterborne preservatives approved for use in aquatic and/or marine environments.
3. 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 that enters the aquatic environment should be collected promptly and disposed of at an acceptable upland site.
4. No docks, ramps or other structures should be placed in or over eelgrass beds.
5. All work below the high tide line should be limited to low tidal stages to reduce turbidity.
6. No in-water work should be permitted from April 1 through June 15 of any year to protect out migrating salmon.
7. 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 NMFS with a letter within 30 days to that effect, and indicate when a full response will be provided.

Please contact Katharine Miller at (907) 586-7643 if you have any questions.

Sincerely,



James W. Balsiger
Administrator, Alaska Region

cc: Applicant: Sharon Preston, PO Box 5592, Ketchikan, AK 9901
*EPA Juneau, Chris Meade
*ADF&G, Janet Schempf
ADEC, AADGC, ADNR, USFWS, Juneau
* e-mail

References:

Munro, K.A. 2002. Population-level and suborganismal responses in fish due to chronic creosote exposure in aquatic microcosms (*Pimephases promelas*, *Carassius auratus*). Masters Abst. Int. Vol. 40, no. 2, p. 444.

Poston, Ted. 2001. *Treated Wood Issues Associated with Overwater Structures in Marine and Freshwater Environments*. White Paper, Washington Department of Fish and Wildlife. <http://wdfw.wa.gov/hab/ahg/overwatr.htm>

Vines, Carol A. et. al. 2000. The effects of diffusible creosote-derived compounds on development in Pacific herring (*Clupea pallasii*). *Aquatic Toxicology* 51 (2000) 225–239