



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

September 27, 2005

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

Re: POA-2005-1482-1
Thimbleberry Bay

Attn: Michelle Nordhougen

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by Mr. Steve Shaffer to construct a 10-foot by 90-foot floating wood dock, supported by five driven steel piles, with a 75-foot by 6-foot aluminum ramp attached to a 10-foot by 20-foot pier supported by four cement pilings.

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 potential adverse effects. Several anadromous fish streams are located within five miles of the project site. Consequently, juvenile salmon use the inshore areas of Sitka Sound during spring and early summer for feeding and predator avoidance prior to migration out to sea. Your public notice for this project further notes that the project location also provides important habitat for several marine fisheries species including dusky rockfish, flathead sole, Pacific cod, Pacific ocean perch, rex sole, rougheye rockfish, sablefish, sculpin, shortraker rockfish, skates, walleye Pollock and yelloweye rockfish. The public notice concludes that the project may adversely affect EFH, including associated species such as major prey or predator species not covered by a fishery management plan.

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

1. For the floating wood dock, the use of any wood that has been surface or pressure-treated with creosote or treated with pentachlorophenol should be prohibited and alternatives to treated wood that have no or reduced toxicity should be used wherever practicable.
2. If treated wood must be used for the floating wood dock, 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.



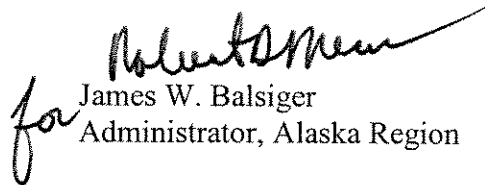
Treated wood should be inspected before installation to ensure that no superficial deposits of preservative material occur on the wood.

3. Over-water wood structures should be designed to prevent abrasion and splintering of wood.
4. 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.
5. No docks, ramps, or other structures should be placed in or over eelgrass beds.
6. All work below the high tide line should be limited to low tidal stages to reduce turbidity.
7. 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 Linda Shaw at 907-586-7643.

Sincerely,


for James W. Balsiger
Administrator, Alaska Region

cc: Applicant
*EPA Juneau, Chris Meade
*ADF&G, Tom Schumacher
ADEC, ADNR, USFWS, Juneau
*email