UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

April 6, 2006

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

RE: POA –2006-412-2
Wrangell Narrows

Attn: Ms. Mary Leykom

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) reviewed the March 20, 2006, public notice of application for permit for the above referenced proposal by Icicle Seafoods, Inc. for work in Petersburg, Alaska. Icicle Seafoods, Inc. proposes to: install seven 1 foot diameter steel fender pilings along their cold storage building and secure four 40 foot long by 1 foot diameter recycled creosote-treated boom logs to the fender pilings; and add a new 16 foot by 74 foot concrete float and relocate an existing 16 foot by 74 foot concrete float and steel access ramp to create a new float extending approximately 150 feet. Four 1 foot diameter steel pilings will secure the new float. All pilings will be installed from a floating barge using a crane-mounted vibratory hammer.

We offer the following comments specific to the EFH provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA).

Essential Fish Habitat

Section 305(b) of the MSFCMA (16 USC 1855 (b)) requires federal agencies to consult with NMFS when any activity proposed to be permitted, funded, or undertaken by a federal agency may have an adverse effect on designated EFH.

The Alaska Department of Fish and Game (ADF&G) anadromous waters catalogue lists two catalogued anadromous fish streams in the Petersburg harbor area. These streams are: 106-44-10010 (pink and coho salmon and Dolly Varden char) and 114-31-10012 (coho salmon). Nearshore habitats are particularly important to juvenile salmon migrating as fry or smolts from fresh water to salt water in the spring and summer. Juvenile salmon use nearshore marine habitats in 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 the following groundfish species: Pacific cod; Pacific Ocean perch;

walleye pollock; dusky, shortraker, yelloweye, and rougheye rockfish; sablefish; arrowtooth flounder; flathead and rex sole; skates, sculpins, and various forage fish.

Marine species within the project area may be adversely affected by increased sedimentation and turbidity created during construction, underwater sound pressure waves generated by pile driving, exposure to toxic materials, and loss of habitat.

NMFS has determined that the project, as proposed, may adversely affect EFH. We offer the following EFH Conservation Recommendations pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Act:

1. Eleven steel piles will be installed to support the float and boom logs. 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 support the planned use of a vibratory hammer to drive the steel piles. If peak sound pressure levels from deepwater pile driving exceed the 180 dB re *u*Pa threshold for injury to fish or are anticipated to exceed acceptable limits implement appropriate mitigation measures when practicable (Appendix G page G-32, NMFS 2005). Measures to reduce sound pressure include: surrounding the pile with an air bubble curtain system or air-filled coffer dam; using a smaller hammer to reduce the sound pressure (because the sound produced has a direct relationship to the force used to drive the pile); or using a hydraulic hammer if impact driving cannot be avoided. The force of the hammer blow can be controlled with hydraulic hammers; reducing the impact force will reduce the intensity of the resulting sound.

2. The use of any wood that has been surface or pressure-treated with creosote or treated with pentachlorophenol should be prohibited. Creosote contains numerous constituents that are toxic to aquatic organisms including polycyclic aromatic hydrocarbons (PAHs), phenolic compounds, and nitrogen, sulfer, or oxygenated heterocyclics (Poston, 2001). Leaching of these constituents continues throughout the life of the wood and has been associated with the development of tumors, immune system suppression, decreased fecundity and abnormal embryonic development. 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. 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. We recommend that construction activities not be conducted during periods of peak use by juvenile salmonids and herring. No in-water work should be

permitted from March 15 through June 15 to protect salmon smolts and to reduce the potential impact to schooling and spawning herring.

4. All work below the high tide line should be limited to low tidal stages to reduce turbidity.

5. Reasonable precautions should be taken to prevent incidental and accidental discharge of petroleum products and other contaminants. A dock-side emergency oil spill response kit or other appropriate equipment should be made available to allow fast response to any accidental discharge of petroleum hydrocarbons and other contaminants.

Upon receipt of these EFH Conservation Recommendations, the MSFCMA requires the Corps to respond to NMFS within 30 days informing us of the agency's decision regarding these recommendations.

Threatened and Endangered Species/Marine Mammals

The project is within the range of the endangered humpback whale and the threatened Steller sea lion, as well as harbor and Dall's porpoises, harbor seals, and minke and killer whales, which are protected under the MMPA. All of these species may occur in the marine waters near Petersburg at any time of year on an opportunistic basis.

The MMPA and the ESA prohibit the injury, harm or harassment of marine mammals. Pile driving introduces high levels of impulsive noise into the water column, with the potential to harass or injure marine mammals. Sound pressure levels (SPLs) in the range of 130-135 dB re: 1*u*Pa have been measured up to one kilometer from an active pile driver (Johnson et. al., 1986). Humpback whales have been observed to react to SPLs greater than 115-129 dB re: 1*u*Pa within 200 meters of a sound source. Reyff (2003) measured SPLs of 159 dB re: 1*u*Pa about 200 meters from a pile driver driving 14-inch diameter hollow steel piles. NMFS normally considers harassment takes to begin at received levels of 160 dB.

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 or are observed to be disturbed by the activity at any distance, pile driving must cease until the animals leave the immediate area.

If you have any questions regarding our comments and conservation recommendations for this project, please contact Cindy Hartmann (907-586-7585, cindy.hartmann@noaa.gov).

Sincerely,

Robert D. Mecum
Acting Administrator, Alaska Region

cc: Icicle Seafoods, Inc., P.O. Box 1147, Petersburg, AK 99833
Rick Braun, P.O. Box 211, Petersburg, AK 99833
*Richard Enruquez, USFWS, Juneau
*Bill Hanson, USFWS, Juneau
*Chris Meade, EPA, Juneau
*Jim Cariello, ADNR-OHMP, Petersburg
*Tom Schumacher, ADF&G, Juneau
*Kaja Brix, NMFS, Protected Resources Division, Juneau
*Cindy Hartmann, NMFS Habitat Conservation Division, Juneau
*Serena Sweet, ACOE, Anchorage

References:

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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

NMFS. (2005). "Final Environmental Impact Statement for Essential Fish Habitat Identification and Conservation in Alaska." USDOC, NOAA, NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802.

Reyff, J.A. 2003. Underwater sound levels associated with seismic retrofit construction of the Richmond-San Rafel Bridge. Document in support of Biological Assessment for the Richmond-San Rafael Bridge Seismic Safety Project. January 31, 2003. 18pp.