



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

*National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668*

October 25, 2006

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

Re: POA-2004-1733-M
Refuge Cove

Attn: Serena Sweet

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by Mr. Tim Jagusch to construct a dock including a 5-foot wide by 85-foot long pile supported pier, a 12-foot wide by 60-foot long floating section held in place by three steel piles, and a 5-foot wide by 75-foot long aluminum ramp to access the float. A permit was originally issued for this project on March 22, 2005. NMFS reviewed and commented on the original permit. Presently, Mr. Jagusch is requesting a permit modification that would authorize blasting to set as many as three piles at the proper depth.

Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires federal agencies to consult with NMFS on all actions that may adversely affect Essential Fish Habitat. NMFS is required to make Conservation Recommendations, which may include measures to avoid, minimize, mitigate or otherwise offset adverse effects. The Alaska Department of Fish and Game's Anadromous Waters Catalog identifies several streams to the north and south of the project site. Juvenile salmon use the inshore area of the project site 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 fish species including arrowtooth flounder, Pacific cod, sablefish, sculpins, walleye pollock, yellow rockfish, and Pacific Ocean perch. The project is within the range of endangered humpback whales and threatened Steller sea lions, as well as harbor porpoises, harbor seals and killer whales, which are protected under the Marine Mammal Protection Act (MMPA).

Blasting may adversely affect fish and marine mammals. NMFS offers the following recommendations pursuant to the MSA and MMPA to minimize such effects.

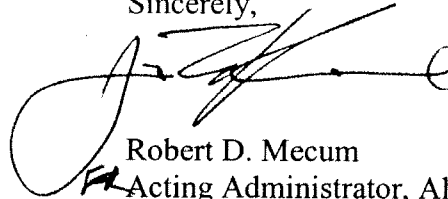
1. No in-water blasting or other in-water work should be permitted from April 1 through June 15 of any year to protect out-migrating salmon.



2. Fifteen (15) minutes prior to each blast, the water body surrounding the site should be continually observed for marine mammal activity. No blasting should occur if marine mammals are observed within a 600-foot radius of the blast point.

If you have any questions regarding our comments and Conservation Recommendations for this project, please contact John Hudson (907-586-7639).

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Mecum', written over a horizontal line.

Robert D. Mecum

Acting Administrator, Alaska Region

cc: Applicant
EPA Juneau, Chris Meade*
ADNR, Mark Manillo*
ADEC, USFWS, Juneau*

* e-mail PDF