



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

September 26, 2006

Colonel Kevin J. Wilson
District Engineer
U.S. Army Corps of Engineers
P.O. Box 6898
Anchorage, Alaska 99506-0898

Re: POA-2006-893-1
Sitka Sound

Attn: Serena Sweet

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by Mr. Wayne Dye to construct a private dock system for small boat moorage on tidelands adjacent to Middle Island Subdivision on Middle Island, near Sitka, Alaska. We offer the following comments specific to 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 Essential Fish Habitat (EFH). NMFS is required to make conservation recommendations, which may include measures to avoid, minimize, mitigate or otherwise offset adverse effects. Some of the Magnuson-Stevens Act species that occur near Middle Island or in Sitka Sound include pink, chum, and coho salmon; Pacific cod; and sand lance (Johnson et. al. 2005).

The proposed project is located in Sitka Sound, an important spawning area for Pacific herring (*Clupea harengus*). Sitka Sound herring stocks support the largest herring sac roe fishery in southeastern Alaska as well as subsistence harvest of herring roe. Although herring spawn throughout Sitka Sound, historically spawning has been concentrated along the shores of Middle Island and the city of Sitka waterfront. According to the Alaska Department of Fish and Game, herring spawned in the proposed project area every year between 1979 and 2006.

Pacific herring are important prey for Magnuson-Stevens Act species such as Pacific salmon, sablefish, and yelloweye rockfish. Herring spawn in intertidal and subtidal habitats where eggs adhere to seaweeds and other vegetation. Waterfront development and associated boat moorage facilities can adversely impact herring spawning habitat. The application states the floating portion of the dock may ground during extreme low tides. Grounding of the dock could damage or kill vegetation used by spawning herring or, during the spring, herring embryos.

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



NMFS recommends that the floating portion of the dock be designed to minimize impacts to intertidal vegetation and associated substrates from physical damage during grounding events. For example, legs fixed to the dock would elevate the structure above sensitive habitat and thereby reduce damage to or dislodging of vegetation during extreme low tides.

Under section 305(b)(4) of the Magnuson-Stevens Act, the Corps is required to respond to NMFS EFH Conservation 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 questions regarding our comments and Conservation Recommendations for this project, please contact John Hudson (907-586-7637).

Sincerely,



Robert D. Mecum *for D/M*
Acting Administrator, Alaska Region

- cc: *Richard Enriquez, USFWS
*Jackie Timothy, ADNR
*Tom Schumacher, ADFG
*Chris Meade, EPA

*e-mail

Literature cited

Johnson, S. W., A. D. Neff and J. F. Thedinga. 2005. An atlas on the distribution and habitat of common fishes in shallow nearshore waters of southeastern Alaska. NOAA Technical Memorandum NMFS-AFSC-157. 98 pp.