



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

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

August 30, 2006

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

Re: POA-1994-107-M  
Keene Channel

Attn: Ms. Robin Leighty

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) reviewed the revised August 21, 2006, public notice of application for permit for the above referenced proposal by Mr. Harold Medalen. The proposed work includes the following: retain nine piles; install six additional piles; construct 400 feet of 6-foot wide access pier; and install a 10-foot wide by 90-foot long floating dock. The applicant proposes to remove the existing 30-foot by 80-foot floating dock; the 350-foot long access pier; and other in-water structures. The stated purpose of the project is to provide access to property from Keen Channel, and to provide moorage for boats and floatplanes.

NMFS provided comments on the July 20, 2006, public notice. We offer the following additional comments specific to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). 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.

The Alaska Department of Natural Resources, Area Manager, Jim Cariello, visited the site in August during a minus 2.5 foot tide and found eelgrass present from approximately a -1.0 foot to -6.0 foot tidal stage. Mr. Cariello observed both dense patches and sparse patches of eelgrass in the area. Past activities in the area, including the grounding of log bundles, may have resulted in the loss of eelgrass. The proposed float and access pier could have an adverse impact on the eelgrass. The growth of eelgrass could be adversely impacted by grounding and the resulting increased suspended sediment in the water; shading; and release of toxic chemicals from treated wood.

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

1. Design the access pier and dock below the 0.0 tidal stage so it does not ground at any tidal stage and allows light penetration.

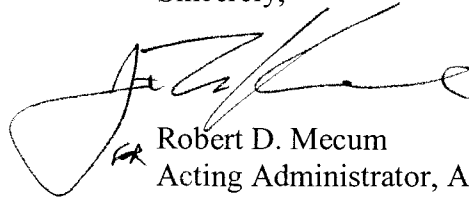


2. Dispose of removed treated wood in an approved upland site.
3. Take reasonable precautions to prevent incidental and accidental discharge of petroleum products and other contaminants. An emergency oil spill response kit or other appropriate equipment such as absorbent pads should be available on site to allow fast response to small oil spills and accidental discharge of hydrocarbon contaminated bilge waters.

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 questions regarding our comments and conservation recommendations for this project, please contact Cindy Hartmann (907-586-7585, [cindy.hartmann@noaa.gov](mailto:cindy.hartmann@noaa.gov)).

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Mecum', is written over a printed name and title.

Robert D. Mecum  
Acting Administrator, Alaska Region

cc: Mr. Harold Medalen, P.O. Box 821, Petersburg, AK 99833-0821  
\*Richard Enrquez, and Bill Hanson, USFWS, Juneau  
\*Chris Meade, EPA, Juneau  
\*Jim Cariello, ADNR-OHMP, Petersburg  
\*Tom Schumacher, ADF&G, Juneau  
\*Robin Leighty, ACOE, Anchorage

\*e-mail



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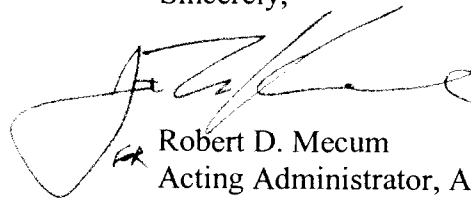


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