



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

February 14, 2007

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

Re: POA-1982-508-W
Thomas Bay
Frederick Sound 28

Attn: Nicole Hays

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the proposed modification to the above referenced permit. The USFS requests authorization to include a float camp at the Thomas Bay log transfer facility. The float camp is 85 by 32 feet and will have two 16 by 20-foot small boat floats, four 8 by 10-foot walkway service floats, and one 16 by 20-foot service float. The float will have both shore and sea anchors. The float camp will provide temporary housing facilities for field crews. Floating barge mooring will be seasonal in nature with barge moved to Petersburg for winter moorage.

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 adverse effects. The inshore area of the project location provides important habitat for several marine species including Pacific cod, arrowtooth flounder, walleye pollock, Pacific ocean perch, dusky rockfish, shortraker/rougheye rockfish, yelloweye rockfish, flathead sole, rex sole, sablefish, skates and sculpins. In addition, a catalogued Alaska Department of Fish and Game anadromous fish stream, number 110-12-10070, is located at the head of Thomas Bay Bay near the project area. This stream supports spawning and rearing habitat for coho salmon and Dolly Varden char.

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

1. The float camp and accompanying floats should not be located over eelgrass or other submerged aquatic vegetation because sunlight necessary for plant growth would be blocked.
2. The use of any wood that has been surface or pressure-treated with creosote or treated with pentachlorophenol should be prohibited. If treated wood must be used, any wood that comes in contact with water 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). Use wood treated with waterborne preservatives 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 remain on the wood.

3. No portion of the float house may ground at any tidal stage. The float house should be moored in as deep of water as possible to prevent the possibility of grounding and to protect water quality and aquatic habitat by minimizing disturbance and introduction of suspended sediment and to provide for adequate mixing of any waste water discharge.
4. Reasonable precautions should be taken to prevent accidental discharge of petroleum products. A dock-side emergency oil spill response kit or other appropriate equipment should be made available to allow fast response to small oil spills and accidental discharge of hydrocarbon contaminated bilge waters. NMFS understands the Corps of Engineers (Corps) does not have jurisdiction over fuel operations associated with floating residences. However, fueling operations, with the inherent risk of spills and threats to EFH, would not occur but for the Corps issuing a permit for the structure.

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).

Sincerely,



Robert D. Mecum
Acting Administrator, Alaska Region

cc: USDA Forest Service, Attn. Michele Parker, P. O. 309, Petersburg, AK
Richard Enrquez and Bill Hanson, USFWS, Juneau
Jim Cariello, ADNR-OHMP, Petersburg
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