



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

August 23, 2007

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

Re: POA-2007-1120-1
Kendrick Bay

Attn: Nicole Hays

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) has reviewed the application by Mr. David Ausman to seasonally moor a floating facility with three floating docks affixed for the operation of a commercial fishing lodge or commercial work camp on the West Arm of Kendrick Bay (west side of Prince of Wales Island) between the months of May and September. The float camp is 140-foot long by 40-foot wide and will have two attached 40 by 10-foot floats and one 60 by 12-foot float totaling 7,120 square feet. The float will be secured by four mooring lines anchored to rock outcrops in the inter-tidal zone (MLLW to MHW).

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.

Specific information regarding the project location is incomplete but a sampling of fish species in the Bostwick Channel (<http://www.fakr.noaa.gov/habitat/fishatlas/>) of similar habitat reveals that this type of area is important habitat for several marine species listed in Alaska fishery management plans (Johnson, et al, 2003) including rock sole, English sole, great sculpin, copper rockfish, snake prickleback, Pacific sandlance and crescent gunnel.

In addition, two catalogued Alaska Department of Fish and Game anadromous fish streams, numbered 102-10-10150 and 102-10-10100, are located at the head of the West Arm of Kendrick Bay approximately 0.75 miles from the project area. These streams support spawning and rearing habitat for coho, chum, and pink salmon.

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

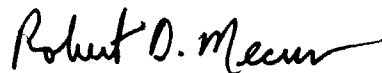


1. The float camp and accompanying floats should not be located over eelgrass or other submerged aquatic vegetation because sunlight necessary for plant growth would be blocked.
2. The use of any wood that has been surface or pressure-treated with creosote or treated with pentachlorophenol should be 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 should ground at any tidal stage. The float house should be moored in enough water 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 Tim Wilkins (907-586-7585, timothy.wilkins@noaa.gov).

Sincerely,



Robert D. Mecum
Acting Administrator, Alaska Region

cc: Applicant
EPA Juneau, Chris Meade*

ADNR, Mark Minnillo*
USFWS Juneau, Richard Enriquez*
ADEC Juneau, Brenda Krauss*
OHMP, Erin Allee*

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Literature Cited

NOAA National Marine Fisheries Service Nearshore Fish Atlas Southeast Alaska Region
<http://www.fakr.noaa.gov/habitat/fishatlas/>

Johnson, S.W., M.L. Murphy, D.J. Csepp, P.M. Harris, J.F. Thedinga. 2003. A Survey of Fish Assemblages in Eelgrass and Kelp Habitats of Southeastern Alaska. NOAA Technical Memorandum NMFS-AFSC-139, Alaska Fisheries Science Center, National Marine Fisheries Service, Department of Commerce. September, 2003. 48 pp.