



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

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

December 31, 2007

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

Re: POA-2007-1492-4  
Zimovia Straits

Attn: John R. Klutz

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced application by Mr. Robin Taylor and his agent Mr. George Woodbury to discharge 3,400 cubic yards of clean rock and riprap materials. Approximately 155.6 cubic yards of this material will be placed at an average distance of 3 feet below the high tide line. The purpose of the fill is to expand two lots to provide buildable areas.

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.

Significant anadromous fish streams occur in the Wrangell area, including the Stikine River, Crittenden Creek and Mill Creek/Virginia Lake. Salmon fry and herring use nearshore areas, near the City of Wrangell, in the spring and summer. Near shore habitats are particularly important to juvenile salmon migrating as fry or smolts from fresh water to salt water. Juvenile salmon use near shore habitats for feeding and predator avoidance prior to migration out to sea. Additionally, the inshore area of the project location provides habitat for several marine species including Pacific cod, arrowtooth flounder, walleye pollock, dusky rockfish, shortraker/roughey rockfish, yelloweye rockfish, Pacific Ocean Perch, skates, and sculpins.

The Corps has concluded that the proposed project will not adversely affect EFH. NMFS disagrees with this conclusion. The proposed project would permanently remove intertidal habitat. The proposed fill is for a house, which is not a water dependent use under Section 404 of the Clean Water Act. The applicants must demonstrate that they have evaluated options to avoid or minimize the extent of the fill, such as building a piling supported structure. Compensatory mitigation should be considered for unavoidable impacts.



In accordance with Section 305(b)(4)(A) of the Magnuson-Stevens Act, NMFS offers the following conservation recommendation:

The request to place fill in the intertidal zone for a house pad should be denied. The applicant should examine less damaging options for building the house, including building a pile-supported structure.

Please contact Cindy Hartmann at 907-586-7585 if you have any questions or for further coordination.

Sincerely,



James W. Balsiger  
Administrator, Alaska Region

for JWB

cc: Mr. Robin Taylor, 535 North Waugh Road, Mount Vernon, WA  
Mr. George Woodbury, P.O. Box 1934, Wrangell, AK  
ACOE, Anchorage, John R. Klutz\*  
EPA Juneau, Chris Meade\*  
ADF&G, Tom Schumacher\*  
ADNR, Petersburg, Jim Cariello\*  
USFWS, Juneau, Richard Enruquez\*  
NMFS, AKR, Records  
NMFS, AKR, HCD, Cindy Hartmann\*