



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

July 23, 2007

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

Re: POA-2003-1371-2
Refuge Cove

Attn: Nicole Hayes

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by Mr. Wayne Brown to replace an existing log bulkhead with riprap, and to replace existing piles, float and ramp with a 12-foot by 20-foot concrete and steel dock, supported by two 12-inch galvanized steel piles, a 5-foot by 70-foot aluminum ramp and a 12-foot by 70-foot wood float. Additionally a 4-log breakwater would be installed and held in place by anchors.

Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires federal agencies to consult with NMFS on all actions that may adversely affect Essential Fish Habitat. NMFS is required to make Conservation Recommendations, which may include measures to avoid, minimize, mitigate or otherwise offset adverse effects. The Alaska Department of Fish and Game's Anadromous Waters Catalog identifies several streams to the north and south of the project site. Juvenile salmon use the inshore area of the project site during spring and early summer for feeding and predator avoidance prior to migration out to sea. The inshore area of the project location also provides important habitat for several marine fish species including arrowtooth flounder, Pacific cod, sablefish, sculpins, walleye pollock, yellow rockfish, and Pacific Ocean perch. The project is within the range of endangered humpback whales and threatened Steller sea lions, as well as harbor porpoises, harbor seals and killer whales, which are protected under the Marine Mammal Protection Act (MMPA).

The application does not indicate whether blasting will be required to set the pilings for the project. Because blasting may adversely affect fish and marine mammals, NMFS offers the following recommendations pursuant to the MSA and MMPA to minimize such effects should blasting be required.

1. No in-water blasting or other in-water work should be permitted from April 1 through June 15 of any year to protect out-migrating salmon.



2. Fifteen (15) minutes prior to each blast, the water body surrounding the site should be continually observed for marine mammal activity. No blasting should occur if marine mammals are observed within a 600-foot radius of the blast point.

If you have any questions regarding our comments and Conservation Recommendations for this project, please contact Katharine Miller (907-586-7643)

Sincerely,



Robert D. Mecum
Acting Administrator, Alaska Region

cc: Applicant
EPA Juneau, Chris Meade*
ADNR, Mark Minnillo*
ADEC, USFWS, Juneau*

* e-mail PDF