



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

June 14, 2007

Colonel Kevin J. Wilson
District Engineer
U.S. Army Corps of Engineers
P.O. Box 6898
Anchorage, Alaska 99506-0898

Re: POA-2007-618-4
Wrangell Narrows

Attn: Ms. Mary Leykom

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) reviewed the May 14, 2007, public notice of application for permit for the above referenced proposal by Mr. James Russell. The applicant proposes to place 2,085 cubic yards of shot rock and gravel to create a 14-foot wide by 480-foot driveway and 80-foot by 100-foot house foundation pad. All work related to the project will occur above elevation plus 23 feet mean low low water (MLLW). A wastewater treatment system will be designed and submitted for approval at a later date. Accommodation for that facility is included in the fill dimensions of this project. The applicant's stated purpose is to construct a home, driveway, and garden area.

We offer the following comments specific to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). Section 305(b) of the MSFCMA (16 USC 1855 (b)) requires federal agencies to consult with NMFS when any activity proposed to be permitted, funded, or undertaken by a federal agency may have an adverse effect on designated Essential Fish Habitat (EFH).

The Alaska Department of Fish and Game (ADF&G) anadromous waters catalogue lists several catalogued anadromous fish streams in the vicinity of the proposed fill. Twin Creek is to the north of the proposed project, ADF&G stream number 106-44-10040 with coho, chum and pink salmon; ADF&G stream number 106-44-10051 is in the immediate vicinity of the proposed project with coho and pink salmon. Nearshore habitats are particularly important to juvenile salmon migrating as fry or smolts from fresh water to salt water in the spring and summer. Juvenile salmon use nearshore marine habitats in 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 species, including Pacific cod, Pacific Ocean perch, walleye pollock, dusky rockfish, shortraker rockfish, yelloweye rockfish, rougheye rockfish, sablefish, arrowtooth flounder, rex sole, skates, sculpins, and various forage fish. Marine species within the project area may be adversely affected by increased turbidity created during construction and by permanent removal of intertidal habitat. Intertidal habitats are important to the



marine ecosystem because they provide primary productivity, nutrient recycling functions, and rearing habitat for a variety of commercially and ecologically important species.

The proposed project will occur above plus 23 MLLW which should avoid impacts to intertidal habitat. Accommodation for a wastewater treatment system is included in the fill dimensions for the project however the application does not specify the type of treatment that will be constructed.

NMFS offers the following EFH Conservation Recommendations pursuant to Section 305(b)(4)(A) of the MSFCMA:

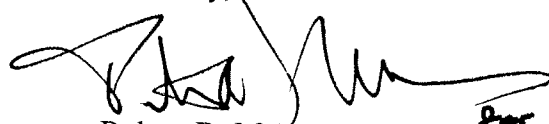
1. NMFS recommends that future construction avoid the use of an outfall pipe for sewage. Development plans should be designed to accommodate a wastewater septic system. State regulations for drain fields require a separation distance of 100 feet from mean high water. For a three-bedroom home approximately, 400 - 450 square feet of land is needed for the drainage bed. A 10-foot by 40-foot absorption bed with the appropriate engineered fill slope would encompass approximately 28 by 68 feet on flat ground.

Under the Clean Water Act Section 404 (b)(1) Guidelines (40 CFR 230), the Corps can only permit the least environmentally damaging practicable alternative for a proposed discharge of fill into jurisdictional wetlands or waterways. A septic system may be less damaging than the proposed outfall, and is practicable in most situations.

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.

We look forward to working with you to address the issues discussed above to minimize the effects of this project on living marine resources, including EFH. Cindy Hartmann is the contact for this project and can be reached at 907-586-7585.

Sincerely,



for D/M

Robert D. Meum
Acting Administrator, Alaska Region

cc: Mr. James. M. Russell, 333 Wortman Loop, Sitka, AK 99835
Reid Brothers Construction Inc., P.O. Box 1187, Petersburg, AK 99833
*Richard Enriquez, USFWS, Juneau

- *Chris Meade, EPA, Juneau
- *Jim Cariello, ADNR-OHMP, Petersburg
- *Joe Donohue, ADNR, Juneau
- *Sally Wanstall, ADEC, Water Division
- *Tom Schumacher, ADF&G, Juneau
- *Mary Leykom, COE, Anchorage
- *regpagemaster@poa02.usace.army.mil
- *Cindy Hartmann, NMFS, Juneau

*e-mail