



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

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

May 22, 2007

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

Re: POA-1972-90-D  
Naukati Bay - Tuxekan Passage

Attn: Tiffany A. Smodey

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced application from Naukati West Inc., a homeowners Association, to install two additional steel pilings (12 – 16 inch) to an existing community dock in Naukati Bay. The additional pilings would secure existing floats.

We offer the following comments specific to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA).

#### Essential Fish Habitat

Section 305(b) of the MSFCMA requires federal agencies to consult with NMFS on all actions that may adversely affect Essential Fish Habitat (EFH). NMFS is required to make EFH 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 large anadromous fish streams (Yatuk, Naukati, and Gutchi Creeks) and several small anadromous fish streams in the vicinity of Naukati. These streams support runs of pink, coho, and chum salmon, Dolly Varden char and steelhead trout. Juvenile salmon use nearshore habitat during spring and early summer 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/ rougheye rockfish, yelloweye rockfish, Pacific Ocean Perch, skates, and sculpins. Wrangell Harbor provides habitat for transient populations of Pacific herring, smelt, and juvenile salmon.

In accordance with Section 305(b)(4)(A) of the MSFCMA, NMFS makes the following EFH Conservation Recommendations:



1. No in-water work should be permitted from March 1 through June 15 of any year to protect out-migrating salmon and spawning and rearing Pacific herring.
2. Drive piles with a vibratory hammer. Pile driving can generate intense underwater sound pressure waves that can injure or kill fish (Longmuir and Lively 2001, Stotz and Colby 2001). Vibratory hammers produce less intense sounds than impact hammers (NMFS 2005). Fish have been observed to avoid sounds similar to those produced by vibratory hammers and to remain within the field of harmful sound associated with an impact hammer (Dolat 1997). If an impact hammer is required because of substrate type or the need for seismic stability, piles should be driven as deep as possible with a vibratory hammer before the impact hammer is used.
3. Drive piles during low tide when they are located in intertidal areas. Potentially harmful sound pressure waves are attenuated more rapidly in shallow water than in deep water (Rogers and Cox 1988).

#### Threatened and Endangered Species/Marine Mammals

The project is within the range of the endangered humpback whale and the threatened Steller sea lion, as well as harbor and Dall's porpoises, harbor seals, and minke and killer whales, which are protected under the MMPA. All of these species may occur in the marine waters near Naukati at any time of year on an opportunistic basis.

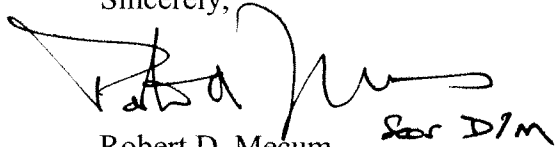
The MMPA and the ESA prohibit the injury, harm or harassment of marine mammals. Pile driving introduces high levels of impulsive noise into the water column, with the potential to harass or injure marine mammals. Sound pressure levels (SPLs) in the range of 130-135 dB re: 1 $\mu$ Pa have been measured up to one kilometer from an active pile driver (Johnson et. al., 1986). Humpback whales have been observed to react to SPLs greater than 115-129 dB re: 1 $\mu$ Pa within 200 meters of a sound source. Reyff (2003) measured SPLs of 159 dB re: 1 $\mu$ Pa about 200 meters from a pile driver driving 14-inch diameter hollow steel piles. NMFS normally considers harassment takes to begin at received levels of 160 dB.

NMFS recommends that pile driving not occur if any marine mammals are observed within 200 meters of the platform to reduce the possibility for harassment or injury to marine mammals. The operator must scan the area for the presence of marine mammals. If marine mammals are sighted within 200 meters of the sound source or are observed to be disturbed by the activity at any distance, pile driving must cease until the animals leave the immediate area.

Under section 305(b)(4) of the Magnuson-Stevens Act, the Corps is required to respond to NMFS EFH Conservation 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 recommendations for this project, please contact Cindy Hartmann at 907-586-7585 or cindy.hartmann@noaa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Mecum', with a stylized flourish at the end. To the right of the signature, the initials 'RDM' are written in a cursive script.

Robert D. Mecum  
Acting Administrator, Alaska Region

cc: Naukati West Inc., Andy Richter- President, PO Box NKI-1, Ketchikan, AK 99950  
Hal Sheppate, PO Box NKI-425, Ketchikan, AK 99950  
EPA Juneau, Chris Meade\*  
ADNR, Mark Minnillo\*  
USFWS Juneau, Richard Enriquez\*  
ADEC Juneau, Brenda Krauss\*  
OPMP, Erin Allee\*  
ADF&G, Juneau, Tom Schumacher\*  
COE, Anchorage, Tiffany A. Smodey (907 753-2727)  
NMFS, Protected Resources Division, Juneau, Kaja Brix and Aleria Jensen\*

\* e-mail PDF

## Literature cited

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Longmuir, C. and T. Lively. 2001. Bubble curtain systems for use during marine pile driving. Report by Fraser River Pile & Dredge Ltd., New Westminster, British Columbia. 9 pp.

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Reyff, J.A. 2003. Underwater sound levels associated with seismic retrofit construction of the Richmond-San Rafael Bridge. Document in support of Biological Assessment for the Richmond-San Rafael Bridge Seismic Safety Project. January 31, 2003. 18pp.

Rogers, P.H. and M. Cox. 1988. Underwater sound as a biological stimulus. pp. 131-149. *In* Sensory biology of aquatic animals. Atema, J, R.R. Fay, A.N. Popper, and W.N. Tavolga, eds. Springer-Verlag. New York.

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