



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

April 9, 2008

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

Re: POA-2008-80-A
Whale Passage

Attn: Steve Lindamood

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced application by Robert and Marjorie Meyer to construct a 100-foot long high tide pier consisting of a 12 x 30-foot staging deck and a 6 x 70-foot long high tide pier deck. Pilings will be hand set with concrete footings. The project is located near Whale Pass.

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 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 (AWC) identifies several anadromous streams in the vicinity of the project, AWC stream numbers, 106-30-10703, -10750, -10770, -18803, and Big Creek, 106-30-18800. These streams support runs of pink, coho, and chum salmon. Big Creek also has steelhead and Dolly Varden trout and sockeye salmon. Juvenile salmon use nearshore habitat during spring and early summer for feeding and predator avoidance prior to migration out to sea. In addition to Pacific salmon, the NMFS Nearshore Fish Atlas indicates that the following species utilize nearshore habitat in the vicinity of the project: bay pipefish, crescent gunnel, juvenile greenling, kelp greenling, shiner perch, snake prickleback, threespine stickleback, tubenose poacher, and a variety of sculpins.

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

1. No in-water work should be permitted from April 1 to June 15 of any year to protect out-migrating salmon.
2. No docks, ramps, or other structures that block sunlight should be placed in or over eelgrass beds.



3. 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.

Under section 305(b)(4)(B) 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 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 Tim Wilkins at (907) 586-7643 or timothy.wilkins@noaa.gov.

Sincerely,



Robert D. Mecum
Acting Administrator, Alaska Region

cc: USACE, Steve Lindamood, Steve.D.Lindamood@usace.army.mil*
EPA Juneau, Chris Meade, meade.chris@epa.gov , *
ADNR Craig, Mark Minnillo, mark_minnillo@alaska.gov *
USFWS Juneau, Richard Enriquez, richard_enriquez@fws.gov*
ADEC Juneau, Brenda Krauss, Brenda_Krauss@alaska.gov *
ADNR, Sadie Wright, sadie.wright@alaska.gov*
ADNR, Steve Winker, steve.winker@alaska.gov*
DCOM Juneau, Claire Batac, claire.batac@alaska.gov*
ADEC Juneau, Jackie Timothy, jackie.timothy@alaska.gov*

* e-mail PDF