



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

July 23, 2008

Heather L. Martinez
Project Manager
U.S. Army Corps of Engineers
P.O. Box 898
Anchorage, Alaska 99506-0898

Re: POA-2008-881
Saginaw Bay

Dear Ms. Martinez:

The National Marine Fisheries Service (NMFS) reviewed the July 9, 2008, agency reviewer letter concerning an application by the U. S. Forest Service (USFS), Tongass National Forest, for a permit to moor a barge at the head of Saginaw Bay. The USFS requests authorization to moor a seasonal barge to house work crews. The barge will have attached airplane floats. No information was provided on the size of the barge, the material it is constructed of, how it will be anchored, or on the habitat over which it will be anchored.

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. The inshore area of the project location provides important habitat for several marine species including Pacific cod, arrowtooth flounder, walleye pollock, Pacific ocean perch, dusky rockfish, shorttraker/rougheye rockfish, yelloweye rockfish, flathead sole, rex sole, sablefish, skates and sculpins. In addition, three catalogued Alaska Department of Fish and Game anadromous fish streams, numbers 109-42-10350, 10370, and 10390 are located at the head of Saginaw Bay near the project area. These streams support spawning and rearing habitat for coho, pink, and chum salmon; steelhead and cutthroat trout; and Dolly Varden char.

We offer the following EFH Conservation Recommendations pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Act.

1. The float camp and accompanying floats should not be located over eelgrass or other submerged aquatic vegetation because sunlight necessary for plant growth would be blocked.
2. The Corps should condition the permit to state that no portion of the barge and accompanying floats may ground at any tidal stage. The barge and floats should be moored in as deep of water as possible to prevent the possibility of grounding and to protect water quality and aquatic habitat by minimizing disturbance and introduction of suspended sediment and to provide for adequate mixing of any waste water discharge.

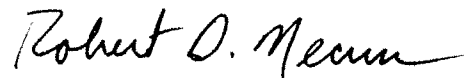


3. The exact distance of the barge from the catalogued anadromous streams at the head of the Saginaw Bay is not specified. The barge and airplane floats should be located at least 500 lineal feet from the mouth of anadromous fish streams, defined by the Alaska Department of Fish and Game as the seaward limits of the stream at mean lower low water.
4. 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.
5. Reasonable precautions should be taken to prevent accidental discharge of petroleum products. A dock-side emergency oil spill response kit or other appropriate equipment should be made available to allow fast response to small oil spills and accidental discharge of hydrocarbon contaminated bilge waters. NMFS understands the Corps of Engineers (Corps) does not have jurisdiction over fuel operations associated with floating residences. However, fueling operations, with the inherent risk of spills and threats to EFH, would not occur but for the Corps issuing a permit for the structure.

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.

If you have any questions regarding our comments and conservation recommendations for this project, please contact Cindy Hartmann (907-586-7585, cindy.hartmann@noaa.gov).

Sincerely,



Robert D. Mecum
Acting Administrator, Alaska Region

cc: USDA Forest Service, Attn. Michele Parker, P. O. 309, Petersburg, AK 99833
Richard Enruquez and Bill Hanson, USFWS, Juneau
Jim Cariello, ADF&G, Petersburg
Jackie Timothy and Tom Schumacher, ADF&G, Juneau
Chris Meade, EPA Juneau
Brenda Krauss, ADEC, Juneau