



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

June 16, 2008

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

Re: POA-2008-298
Orca Inlet

Attn: Marcia Heer

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced request by Mr. Kurt Esveldt of Trident Seafoods, to replace an existing 40 X 40 foot dock with a new 30 X 60 foot dock. The applicant is also requesting authorization of an existing 50 X 8 foot pier that is adjacent to the dock. The Corps of Engineers (Corps) has determined that a Letter of Permission is the most appropriate form of authorization for the proposed project. The project is located in at Latitude 60.5445° N., Longitude 145.7628° W., in Cordova, Alaska.

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. Orca Inlet has been designated as EFH for the following species: weathervane scallops, walleye pollock, Pacific cod, flathead sole, yellowfin sole, rock sole, arrowtooth flounder, sculpin spp., skates spp. and pink, chum, sockeye, Chinook and coho salmon.

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

1. No docks, ramps, or other structures that block sunlight should be placed in or over eelgrass beds.
2. 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.

3. Piles should be driven with a vibratory hammer to the extent practicable. Pile driving can generate intense underwater sound pressure waves that can disrupt migration and injure or kill fish. 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.

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 Jeanne Hanson at 271-3029 or Jeanne.Hanson@noaa.gov.

Sincerely,



Robert D. Mecum
Acting Administrator, Alaska Region

cc: Applicant*
Coastal Villages Region Fund, Mike Wilson *
USFWS Anchorage, Catherine Berg*
HCD – Doug Limpinsel*

*e-mail PDF



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Literature cited

Dolat, S.W. 1997. Acoustic measurements during the Baldwin Bridge Demolition (final, dated March 14, 1997). Prepared for White Oak Construction by Sonalysts, Inc., Waterford, CT. 34 pp plus appendices.

National Marine Fisheries Service. 2005. Final Environmental Impact Statement, Essential Fish Habitat Identification and Conservation in Alaska, Vol. 2, Appendix G; National Marine Fisheries Service, Department of Commerce. April, 2005.



COE Orca Inlet Trident Seafood POA 2008-298-jh-jk 6-13-08