



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

February 4, 2004

Colonel Timothy J. Gallagher
District Engineer
U.S. Army Corps of Engineers
P.O. Box 898
Anchorage, Alaska 99506-0898

Re: Gastineau Channel 492;
2-2003-1562

Attn: Randy Vigil

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by Aniakchak, Inc. to construct waterfront residential condominiums within Gastineau Channel in Juneau, Alaska. The twelve-unit condominium and associated parking area and access ramp would be constructed entirely over the intertidal and subtidal waters of Gastineau Channel atop forty-eight (48) 12-inch diameter galvanized steel piles supporting a 150-foot by 40-foot structure approximately sixty feet in height. The access ramp would involve discharge of approximately 75 cubic yards of gravel into intertidal waters to construct an approximately 125-foot long by 15-foot wide access ramp.

Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) 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 U.S. Army Corps of Engineers has determined that the project is likely to adversely affect approximately 0.04 acres of EFH for juvenile/adult salmon.

NMFS has determined that the proposed project is likely to have additional adverse effects on EFH. EFH is present in Gastineau Channel for all five species of Pacific salmon (chinook, coho, chum, sockeye and pink), and the following species of groundfish: arrowtooth flounder, flathead sole, rex sole, rock sole, Dover sole, dusky rockfish, Pacific cod, Pacific ocean perch, shorttraker rockfish, rougheye rockfish, sablefish, sculpins, skates, walleye pollock, and yelloweye rockfish. The proposed project could adversely affect the migration of adult and juvenile salmon. Adult salmon are likely to hold in the project area awaiting slack tides to pass through the channel area near the Juneau-Douglas bridge, where extreme currents occur. Construction of this over-water structure could cause fish to avoid this habitat area, affecting their ability to hold in the area awaiting favorable currents for passage to local spawning streams and DIPAC hatchery. The structure is likely to attract predatory fish such as starry flounder, yellowfin sole, staghorn sculpin and Dolly Varden char which could increase predation on juvenile salmon using the



nearshore habitat. Shading of the nearshore habitat is likely to cause fish to avoid the project site, interrupting or altering migration patterns.

Pursuant to the MSFCMA, the Corps will need to complete an Essential Fish Habitat (EFH) Assessment for this proposed action. An EFH Assessment of the impacts of the proposed action should include 1) a description of the action; 2) an analysis of the potential adverse effects of the action on EFH and the managed species; 3) the Corp's conclusions regarding the effects of the action on EFH, and 4) proposed mitigation, if applicable.

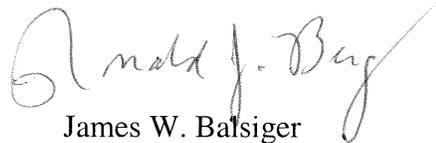
We offer the following draft EFH Conservation Recommendations pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Act.

1. No docks, ramps or other structures should be placed in or over eelgrass beds or soft coral colonies. A dive survey of the proposed project site, complete with videography, should be completed to ensure that an inventory of subtidal resources is available for project planning. This information will allow development of site-specific recommendations to avoid or minimize site-specific adverse effects to sensitive aquatic species.
2. All work below the high tide line should be limited to low tide stages to reduce turbidity, and in-water silt curtains should be installed to prevent siltation outside the project area.
3. No in-water work should be permitted from March 1 through June 15 of any year to protect out migrating juvenile salmon, nor from June 15 through September 30 to protect adult king salmon (mid-June to late July), chum salmon (mid-June to early August), and coho salmon (mid-August to late September).
4. Grounding of floating structures at any tidal stage should be prohibited to avoid damaging intertidal habitat.
5. Pile-driving can disrupt migration and cause physical damage to fish. Drive piles during low tide periods in intertidal and shallow subtidal areas to prevent injuries to fish. Use a vibratory hammer for driving hollow steel piles. If conditions require the use of impact hammers for seismic stability or due to substrate conditions, the pile should be driven as deep as possible with a vibratory hammer prior to use of the impact hammer. If peak sound pressure levels from deepwater pile driving exceed the 180 dB re μ Pa threshold for injury to fish (which is unlikely if 12-inch diameter piles are used) implement measures to reduce sound pressure such as: surrounding the pile with an air bubble curtain, using a smaller hammer to reduce the sound pressure, or using a hydraulic hammer if impact driving cannot be avoided.

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 further questions, please contact Susan Walker at 907-586-7646 or susan.walker@noaa.gov.

Sincerely,

A handwritten signature in cursive script that reads "James W. Balsiger". The signature is written in black ink and is positioned above the printed name.

James W. Balsiger
Administrator, Alaska Region

cc: Applicant
EPA Juneau, Chris Meade
ADEC, ADF&G, AADGC, ADNDR, USFWS, Juneau