



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

*National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668*

January 5, 2009

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

Re: POA-2005-1813
Sitka Sound

Attn: John Klutz

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced application from Halibut Point Marina Services of Sitka, Alaska to reconstruct and expand their facility located approximately five miles north of Sitka along Halibut Point Road as follows: 1) replace an existing deteriorated travel lift, 2) remove a land area adjacent to the travel lift, 3) Construct an additional platform/wharf structure with support pilings adjacent to the proposed travel lift and re-locate an access ramp, 4) place a large floating concrete platform which would accommodate fueling operations, and allow commercial fishing vessels to load and unload gear, and a cargo transfer facility, 5) place floating breakwaters adjacent to the larger float to service and moor transient vessels.

The proposed work would include, for reconstruction of the boat lift area: 1) removal of the travel lift piers and steel piling, deteriorated steel sheet pile bulkhead, damaged sheet pile cell and remove 960 cubic yards of shot rock/riprap, of which 740 cubic yards is below the high tide line, and 2) placement of a 90-foot by 4-foot travel lift pier and associated support piling; a second travel lift pier combined with a 3,800 square foot platform/wharf with support pilings; a concrete retaining wall approximately 75 feet long containing 86 cubic yards of concrete (poured into forms); placement of 330 cubic yards of clean earthen materials behind the concrete retaining wall; placement of 100 linear feet of steel sheet piling where the steel bulkhead was removed and return of 74 cubic yards of shot rock/riprap materials to the waterway.

The proposed work would include, for expansion of the facility: 1) a 120-foot long by 16-foot wide steel transfer ramp, 2) a 1600 square foot transfer float, 3) a 40-foot by 300-foot floating concrete platform with associated pilings, 4) four berthing dolphins, 5) twelve 65-foot by 10-foot concrete floating breakwaters with associated pilings, 6) four mooring dolphins and 2 additional berthing dolphins, 7) utilities, power and water services would be run through the transfer ramp and the floating docks to accommodate vessels and to power lighting fixtures, 8) one 3 inch fuel line from the existing storage tanks to the float dispensers and 9) four diesel fuel dispensers with hose reels and meters.

According to construction plans, all pilings used in this project would be steel.



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 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 Streams Catalog indicates that anadromous streams supporting important habitat for chum, coho, and pink salmon and Dolly Varden char are located approximately 1 to 2 miles to the north and south of the project area (see USGS Quadrangle Sitka A-5: streams 113-41-10150, -10153, -10160, -10170 and -10175). Alaska Department of Fish and Game maps show that the immediate project area or area within .5-2 miles of the immediate project area, has been used by herring to spawn for every year from 1964 to 2008 except five. Our review of this site's characteristics as mapped by the Shorezone coastal habitat mapping project show that a continuous band of eelgrass, an important habitat feature that provides nurseries for juvenile rockfish and salmon and is used by herring as spawning substrate, begins immediately to the south of the project area. The project area itself contains biobands of barnacles and green algae and has an oil residency index of months to years.

We also consulted with marine mammal biologist Jan Straley, who reports that the herring spawn that occurs in March and/or April of each year attracts endangered humpback whales and threatened Steller sea lions to feed. While concentrations of these species are higher at these times, they may also occur at other times of year. Killer whales, harbor porpoise, harbor seals and sea otters are also known to frequent the project area.

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 spawning herring, and out-migrating salmon.
2. 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.
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).
4. Petroleum hydrocarbons are known to be extremely toxic to early life history stages of both herring and salmonids at extremely low levels, in the parts per billion ranges (Carls, et al., 1997; Marty, et al., 1997). Given the intensive use of this area by both spawning

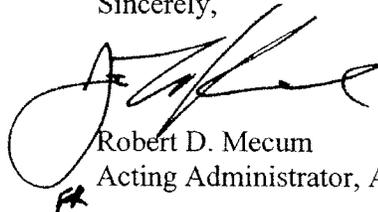
herring and salmonids with the proximity of eelgrass beds, particular care should be taken to understand, avoid, minimize and mitigate contamination of marine waters by hydrocarbons from fueling operations. The Alaska Coastal Management Program has published "Alaska Best Management Practices for Harbor, Marina and Boat Operations", that contains a section on petroleum leaks and spills (see <http://www.alaskaharbors.com/resources/HarborBMPmanual.pdf>). Assurance should be provided by Halibut Point Marine Services that these measures will be followed when carrying out their fueling operations to protect the marine productivity of the area. If assurance cannot be provided or enforced by the Corps, then alternative plans and mitigation possibilities for this project should be provided such as removing the new fueling operation component from the proposed project.

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.

Additionally, to reduce the possibility for harassment or injury to marine mammals, pile driving should not occur if any marine mammals are observed within 200 meters of the platform. A qualified marine mammal observer should 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 should cease until the animals leave the immediate area. Prohibiting in-water work during the herring spawning period, as recommended above, will also decrease the likelihood of conflicts with marine mammals feeding on aggregations of herring.

If you have any questions regarding our recommendations for this project, please contact Linda Shaw at 907-586-7643 or linda.shaw@noaa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert D. Mecum". The signature is stylized with a large loop at the beginning and a long horizontal stroke extending to the right.

Robert D. Mecum
Acting Administrator, Alaska Region

cc: Applicant
John Klutz, Corps*
EPA Juneau, Chris Meade*
ADNR, William Groom*
USFWS Juneau, Richard Enriquez*

ADEC Juneau, Brenda Krauss*
ADNR, Sitka, William Groom*
OHMP, Erin Allee*
Sitka ACMP, Marlene Campbell*
Sitka, Jan Straley*

* e-mail PDF

e-mails:

William.groom@alaska.gov

Literature Cited:

Carls, M.G., S.W. Johnson, R.E. Thomas, and S.D. Rice. 1997. Health and reproductive implications of exposure of Pacific herring (*Clupea pallasii*) adults and eggs to weathered crude oil, and reproductive condition of herring stock in Prince William Sound six years after the Exxon Valdez oil spill. Exxon Valdez Oil Spill Restoration Final Project Report (Restoration Project 95074), National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Auke Bay Laboratory, Juneau, Alaska.

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 + appendices.

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.

Marty, G.D., J.W. Short, D.M. Dambach, N.H. Willits, R.A. Heintz, S.D. Rice, J.J. Steeman and D.E. Hinton. 1997. Ascites, premature emergence, increased gonadal cell apoptosis, and cytochrome P4501A induction in pink salmon larvae continuously exposed to oil-contaminated gravel during development. Can. J. Zool. 75:989-1007.

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.

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.

Stotz, T. and J. Colby. 2001. January 2001 dive report for Mukilteo wingwall replacement project. Washington State Ferries Memorandum. 5 pp. + appendices.