



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

April 16, 2009

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

Re: POA-2009-71
Tongass Narrows

Attn: Steve Lindamood

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced permit application from Ms. Betsey Burdett to perform maintenance and repairs to an existing deteriorated deck structure. The applicant is proposing to replace twenty (20) existing wood pilings, their support structures, and the wood deck.

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 identifies numerous anadromous streams draining to Tongass Narrows. These streams support runs of pink, chum, and coho salmon. Juvenile salmon use nearshore habitat during spring and early summer for feeding and predator avoidance prior to migration out to sea.

The applicant is proposing to minimize the potential adverse impacts of the proposed actions by replacing piling footings with similar materials in their current location, and to conduct work at the lowest tide possible. 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

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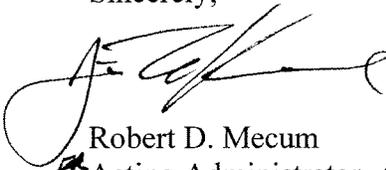
Arsenate (ACZA), Alkaline Copper Quat (ACQ), Copper Boron Azole (CBA) or Copper Azole (CA). Use wood treated with waterborne preservatives in accordance with Best Management Practices developed by the Western Wood Preservers Institute. Treated wood should be inspected before installation to ensure that no superficial deposits of preservative material remain on the wood.

4. Piles should be driven with a vibratory hammer to the extent practicable. 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.
5. In-water blasting should be avoided unless it is the only practicable method for setting piles in bedrock. If underwater blasting must be used, mitigative measures (e.g. stemming) should be employed to contain the explosive energy within the bedrock to the greatest extent possible. Because potentially harmful sound pressure waves are attenuated more rapidly in shallow water than in deep water (Rogers and Cox 1988), blasts should be conducted during the lowest tide level practical.

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 Katharine Miller at 907-586-7643 or Katharine.miller@noaa.gov.

Sincerely,



Robert D. Mecum

Acting Administrator, Alaska Region

cc: Applicant
EPA Juneau, Chris Meade*
ADNR, Mark Minnillo*
USFWS Juneau, Richard Enriquez*
ADEC Juneau, Brenda Krauss*
OHMP

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