



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

March 2, 2009

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

Re: POA-2006-1811-M1
Auke Lake

Attn: Richard Jackson

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) reviewed the above referenced United States Army Corps of Engineers (USACE) public notice for the permit application submitted by Mr. Dick Somerville, PND Engineers, Inc. (PND), agent for the City and Borough of Juneau (CBJ). We also reviewed additional information provided by the agent during the time extension you granted NMFS and the United States Fish and Wildlife Service (FWS). The project site is located within Section 23, T. 40 S., R. 65 E., Copper River Meridian; United States Geological Survey Quadrangle Map Juneau B-2 NW; Latitude 58.382,550° N., Longitude 134.632,382° W.; at the Auke Lake Wayside just south of Fritz Cove Road on Glacier Highway, in Juneau, Alaska.

Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens 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 applicant has proposed to construct a new boat launch ramp facility at Auke Lake, and to rehabilitate the old ramp access point. As initially proposed, approximately 1,230 cubic yards (cy) of clean shot rock, rip rap, small crushed rock, and precast concrete ramp planks would be placed into approximately 0.11 acres of Auke Lake below ordinary high water (OHW).

In a letter dated January 30, 2009, NMFS provided preliminary comments and EFH Conservation Recommendations, and requested a time extension to discuss the possibility of reducing the fill footprint and modifying the ramp configuration. The agent hosted a meeting with CBJ, FWS, USACE, and NMFS on February 17, 2009. On February 18, 2009, PND provided design sheets that addressed our concerns by further reducing the fill footprint from the originally proposed 0.11 acres to about 0.066 acres. The agent also modified the project design to more closely follow the Alaska Department of Fish and Game (ADF&G) Boat Ramp Facility Planning Guide minimum design criteria for freshwater ramps. We appreciate CBJ's and PND's willingness to discuss our EFH concerns and to address them with design modifications.



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

1. Adopt the design sheets dated February 18, 2009, as the final design for the new boat ramp. These modifications address our recommendation to minimize the fill footprint by utilizing the ADF&G Boat Ramp Facility Planning Guide minimum design criteria for freshwater ramps.
2. Condition the permit to require the applicant to:
 - a. Limit in-water construction to the periods between June 15th and July 5th, and between October 15th and lake freeze up, to protect outmigrating smolt and pre-spawning adult salmon that use nearshore habitat in the immediate project area. These in-water construction windows are based on data from the Auke Creek Weir 2006 Annual Report (Taylor et al. 2007).
 - b. Close the existing ramp into Auke Creek mouth to eliminate sedimentation from the old ramp site.
 - c. Restore riparian vegetation at the old ramp site by prohibiting vehicular access, planting the stream bank with native emergent wetland vegetation, and planting the upland portion of the old ramp with native upland vegetation.
 - d. Apply topsoil and plant native vegetation over the new riprap and shotrock fill along the edges of the new ramp between OHW and the top of the slope. This newly created riparian habitat will partially offset the loss of habitat due to placement of fill into 0.066 acres of Auke Lake.
 - e. Hydroseed any slopes that are disturbed during construction with native seeds and plant native upland trees and shrubs where appropriate.
 - f. Minimize sedimentation input during construction by utilizing silt curtains.

Finally, we ask the applicant to consider initiating the formal process to restrict motorized use in Auke Lake to four-stroke engines or fuel-injected two-stroke engines. Increased usage of motorized watercraft due to enhanced access to Auke Lake will result in additional hydrocarbon pollution of the lake's waters. The applicant could implement this special condition by amending their existing ordinance #2008-26(b), "An Ordinance Amending the boundaries Limiting Motorized Vessel Use on Auke Lake". A similar restriction has been successfully implemented on other sensitive Alaskan waters, such as the Kenai River, to protect water quality. The United States Environmental Protection Agency has tested and concluded that older two-stroke engines contribute 12 to 20 times more unburned fuel into the environment than a four-stroke engine of a similar size.

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 conservation recommendations for this project, please contact Chiska Derr at 907-586-7345 or Chiska.derr@noaa.gov.

Sincerely,



Robert D. Mecum
Acting Administrator, Alaska Region

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References

Taylor, S.G. 2007. Auke Creek Weir 2006 Annual Report, Operations, Fish Counts, and Historical Summaries. Unpublished Report. National Marine Fisheries Service, Auke Bay Fisheries Laboratory, 11305 Glacier Highway, Juneau, Alaska 99801. 28p.

G: COE 2009 Auke Late TE response POA 2006-1811-M1 cd 2/30/09
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