



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

December 2, 2004

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

Re: POA-2004-1105
Indian River

Attn: Mr. John Klutz

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) reviewed the Pre-Construction Notification for the proposed activity under Nationwide Permit (NWP) number 6, Survey Activities. The applicant, Sitka Counseling and Prevention Services, Inc., requests to take soil samples to determine the suitability of construction on the lot. The applicant proposes to accomplish up to 10 sample pits about 6 feet deep with a backhoe bucket. Excavated materials would be temporarily sidecasted and returned to the pits. The pits would be located in a grid pattern over the property. We offer the following comments specific to the essential fish habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA).

Essential Fish Habitat

Section 305(b) of the MSFCMA requires Federal agencies to consult with NMFS on all actions that may adversely affect EFH. NMFS is required to make conservation recommendations, which may include measures to avoid, minimize, mitigate or otherwise offset adverse effects.

The Alaska Department of Fish and Game (ADF&G) cataloged anadromous stream number 113-41-10190 (Indian River) borders the property on two sides. The Indian River supports runs of pink, chum and coho salmon and steelhead trout. Water from Indian River is used in the Sheldon Jackson College fish hatchery and it is a back-up water supply for the city of Sitka. The streams within the borders of the property were field inspected by Bob Chadwick of Alaska Department of Fish and Game, Sport Fish Division in Sitka. Bob reported that the streams on the property were intermittent streams and were not fish streams (personal communication with Cindy Hartmann, December 1, 2004).

The coastal zone plan for Sitka contains a policy to protect habitats along anadromous and resident fish streams. The *City and Borough of Sitka Coastal Management Program Enforceable and Administrative Policies* (Effective Date: 5/31/89) section 10.1 states:



existing habitat or mitigate adverse impacts.” “To prevent unnecessary encroachment upon these stream channels, their banks, and associated floodplains, new construction and land clearing shall, where feasible and prudent, be buffered by a natural vegetation zone within a minimum of 25 feet along either side of the 100-year floodplain.” “A wider buffer is encouraged where appropriate to provide greater protection.”

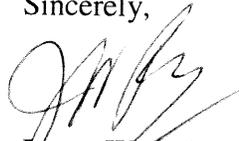
We offer the following EFH Conservation Recommendations pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Act.

1. No test pit should fall within a vegetated buffer which is a minimum of 25 feet from the 100-year floodplain of Indian River.

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 questions regarding our comments and conservation recommendations for this project, please contact Cindy Hartmann (586-7585, cindy.hartmann@noaa.gov).

Sincerely,



James W. Balsiger
Administrator, Alaska Region

cc: Applicant, Sitka Counseling and Prevention Services, Inc., Sitka
EPA Juneau, Chris Meade
ADF&G, Juneau, Tom Schumacher
USFWS, Juneau, Richard Enriquez
ADEC, Juneau
ADNR, OHMP, Juneau, Jackie Timothy
ADF&G, Sport Fish Division, Sitka, Bob Chadwick

References:

Sitka, City and Borough (1989). "City and Borough of Sitka Coastal Management Program Enforceable and Administrative Policies" (5/31/89). 31pp.
<http://www.alaskacoast.state.ak.us/Explore/EPSPdf/Sitkacmp.pdf>