



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

January 29, 2009

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

Re: POA-2006-1979-M2
Gastineau Channel

Attn: John C. Leeds III

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced public notice from Mr. Tom Mortensen, agent for Alaska Marine Lines Inc. (AML). The project site is located within Section 25, T. 41 S., R. 67 E., Copper River Meridian; United States Geological Survey Quadrangle Map Juneau B-2; Latitude 58.265° N., Longitude -134.388° W.; adjacent to the AML Dock, Rock Dump Site, Juneau, Alaska.

The purpose of the proposed project is to change the existing configuration of a marine terminal cargo yard to increase the volume, speed and efficiency of cargo handling and transfer. The proposed project would discharge approximately 50,000 cubic yards of fill material into approximately 2.75 acres of water and navigable waters of the United States. The fill material, a combination of sand, gravel, and shot rock, would consist of about 10,000 cubic yards of material excavated on site, plus about 40,000 cubic yards brought in from upland sources.

The applicant states that there are no adjacent uplands to use as additional cargo handling space. Their proposed fill footprint uses the least amount of fill possible, and when combined with existing fill areas the proposed cargo yard configuration will utilize the available space in the most efficient manner possible. In addition to minimizing the amount of proposed fill, the applicant would leave unfilled over an acre of tidelands that they own, to mitigate the impacts of the project. They also propose, as additional mitigation, to create approximately one quarter acre of tidelands by dredging roughly 10,000 cubic yards of existing fill to a depth of about five feet above the mean low low water line (MLLW).

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 Alaska Department of Fish and Game's Anadromous Waters Catalog identifies streams 111-40-10200 (Gold Creek, pink and chum salmon present) and -10890 (Lawson Creek, pink salmon present) within a mile of the proposed project site (Johnson and Dqaigneault 2008).



There are several other anadromous streams and two salmon hatcheries that produce chum, Chinook and coho salmon present within a few mile radius of the proposed project area. Juvenile salmon use nearshore habitat during spring and early summer for feeding and predator avoidance prior to migration out to sea.

In accordance with Section 305(b)(4)(A) of the Magnuson-Stevens Act, NMFS offers the following EFH Conservation Recommendations, which we request the Corps include as special conditions of the permit:

1. Avoid in-water work between April 1 and June 15 to protect out-migrating salmon.
2. Permanently mitigate the loss of EFH, as proposed by the applicant, by:
 - a. Conserving as unfilled tidelands the one acre parcel of AML-owned tidelands identified by the applicant in the project area; and
 - b. Creating and conserving an additional one quarter acre of tidelands by removing about 10,000 cubic yards of upland fill to a depth of about five feet above the MLLW.

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

cc: Alaska Marine Lines, Inc.
100 Mount Roberts Street
Juneau, Alaska 99801-7700

Mr. Tom Mortensen, Agent
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References

Johnson, J. and M. Dqaigneault. 2008. Catalogue of waters important for spawning, rearing, or migration of anadromous fishes—Southeastern Region. Effective June 2, 2008. Alaska Department of Fish and Game, Special Publication No. 08-06, Anchorage.

G:COE Gastineau Channel-1 POA 2006-1979-M2 AML JNU dock cd 1-29-09