



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

July 14, 2004

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

Re: POA-1999-1233-M
Tongass Narrows

Attn: Marcia Heer

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced application by Karen Mattle to construct a riprap wall along the Mean High Water (MHW) line and place approximately 1000 cubic yards of fill into .25 acres of waters of the U.S. in Ketchikan to create an area for float storage, boat storage, parking and a picnic area.

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 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 two streams within the vicinity of the project that provide habitat for pink salmon (Ketchikan Quad B-5, 101-90 10700 and 10705). Juvenile salmon use the inshore area of the project site during spring and early summer for feeding and predator avoidance prior to migration out to sea. The inshore area of the project location also provides important habitat for several marine species including arrowtooth flounder, Pacific cod, sablefish, sculpins, walleye pollock, yellow rockfish, and Pacific ocean perch.

The Corps has concluded that the proposed project may adversely affect EFH. NMFS agrees with this conclusion. The proposed project would permanently remove intertidal habitat that is used by commercially important fish species. The proposed fill is for storage and recreational areas that are not water dependent uses under Section 404 of the Clean Water Act. The applicant has not demonstrated that she has evaluated options to avoid or minimize the extent of the fill, such as relocating the proposed facilities further upland on the property. The applicant does not propose any mitigation for the habitat loss.

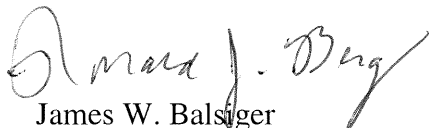
In accordance with Section 305(b)(4)(A) of the Magnuson-Stevens Act, NMFS offers the following conservation recommendation:



The request to place fill in the intertidal zone for float storage, boat storage, parking and a picnic area should be denied. The applicant should examine less damaging options for the proposed facilities such as locating them on the upland area of the property.

Please contact Katharine Miller at 907-586-7643 if you have any questions or for further coordination.

Sincerely,


James W. Balsiger
Administrator, Alaska Region
For

cc: Applicant
EPA Juneau, Chris Meade
ADF&G, Janet Schempf
ADEC, ADNR, USFWS, Juneau