



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

May 11, 2007

Serena Sweet
Regulatory Specialist
U.S. Army Corps of Engineers
P.O. Box 6898
Anchorage, Alaska 99506-0898

Re: POA-1999-1368-N
Tongass Narrows

Dear Ms. Sweet:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposed permit modification from Mr. Geord Kleinschmidt. Mr. Kleinschmidt was previously issued permit number POA-1999-1638-M on October 11, 2006 to place a floating dock, ramp, and pile-supported pier; two boom sticks; and fill material to construct trails in Tongass Narrows. Mr. Kleinschmidt presently requests authorization to use in-water blasting for the placement of six piles. A 50-pound charge per piling will be required and the blasting will occur between July and August of 2007.

Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) 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 several anadromous streams in the vicinity of Tongass Narrows. These streams support runs of pink, coho, and chum salmon. 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 MSA, NMFS makes the following EFH Conservation Recommendation:

In-water blasting produces intense underwater sound pressure waves that can kill or injure fish (Keevin 1998). NMFS strongly encourages the use of drilling techniques or other mechanical means 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.

Additionally, to reduce the possibility for harassment or injury to marine mammals, in-water blasting should not occur if any marine mammals are observed within 200 meters of the platform. Prior to each blast, the blaster should scan the area for the presence of marine

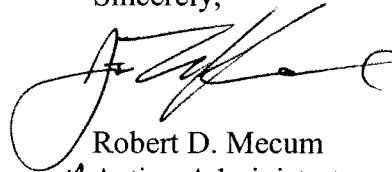


mammals. If marine mammals are sighted within 200 meters of the blast source or are observed to be disturbed by blasts at any distance, blasting should cease until the animals leave the immediate area.

Under section 305(b)(4) 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 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 recommendations for this project, please contact John Hudson at 907-586-7639 or john.hudson@noaa.gov.

Sincerely,



Robert D. Mecum

FR Acting Administrator, Alaska Region

cc: ACE, Serena Sweet*
EPA Juneau, Chris Meade*
ADNR, Mark Minnillo*
USFWS Juneau, Richard Enriquez*
ADEC Juneau, Brenda Krauss*
OPMP, Erin Allee*

* e-mail PDF

Literature cited

Keevin, T.M. 1998. A Review of Natural Resource Agency Recommendations for Mitigating the Impacts of Underwater Blasting. *Reviews of Fisheries Science*, 6(4): 281-313.

Rogers, P.H. and M. Cox. 1988. Underwater sound as a biological stimulus. pp. 131-149. *In* Sensory biology of aquatic animals. Atema, J, R.R. Fay, A.N. Popper, and W.N. Tavolga, eds. Springer-Verlag. New York.