



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

*National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668*

August 25, 2005

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

Re: POA-1991-566-4
Vanderbilt Creek

Attn: Randy Vigil

Dear Colonel Gallagher;

This letter responds to the Corps August 10, 2005 letter regarding Mr. Hugh Grant's request to reopen Department of the Army permit application Number POA-1991-566-4. This permit application proposed discharge of about 9,300 cubic yards of fill material into 2.3 acres of waters of the U.S. below the high tide line. The purpose proposed for filling these emergent estuarine wetlands is construction of a commercial/retail store and parking lot.

The National Marine Fisheries Service (NMFS) and other agencies reviewed this proposal in 1998 and in 2003 and recommended permit denial due to the proposed action's unacceptable impacts to aquatic resources of national importance, as noted in your letter. The applicant withdrew the permit application in 1998 and 2003, and has not responded to any agency comments. NMFS concerns remain the same as in 1998 and 2003. The proposed project would eliminate a large area of wetlands that supports fishery resources, and less damaging alternatives are available. We continue to recommend permit denial per Part IV 3(b) of our 404(q) Memorandum of Agreement. Should this permit action proceed further, we request the applicant review and respond to all agency concerns from the 1998 and 2003 reviews. The response should be included in the appropriate Public Notice for Permit Application for full public and agency review.

If you have any questions regarding our comments and conservation recommendations for this project please contact Sue Walker at (907) 586-7646.

Sincerely,

Sue Salveson
Acting Administrator, Alaska Region



cc:

DNR-OPMP, Joe Donohue, joe_donohue@dnr.state.ak.us

CBJ, Teri Camery, teri_camery@ci.juneau.ak.us

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Records