



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

January 22, 2007

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

Re: POA-1995-1033-2
Lake Dorothy Hydro, Inc.

Attn: Garth Zimbleman

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced agency letter from Mr. Chad Strong of Lake Dorothy Hydro, Incorporated requesting modifications to the permitted project. Specifically, the permittee has requested relief from the in-water work closure for the Lake Dorothy Hydroelectric project.

Special Conditions #3 and #4 of the current Corps permit for this work require that placement of fill shall only occur at low tide when the intertidal area is exposed and no in-water pile driving, sheet pile driving, or filling shall occur between April 1 and June 15.


NMFS discussed this request with Alaska Department of Fish & Game area management biologists, and Alaska Department of Natural Resources – Office of Habitat and Management Permitting and Office of Permitting and Planning personnel and all agreed that the requirement limiting fill in the intertidal area to low tides could be eliminated with no significant adverse impacts to fishery resources. Regarding the timing window, we do not support eliminating the timing restriction completely, however, we agreed that the in-water work window could be extended by one month to allow work through April 30 without significant adverse impacts to coastal resources.

NMFS recommends eliminating special permit condition #3 and amending special permit conditions #4 as follows: "No in-water pile driving, sheet pile driving, or filling shall occur May 1 through June 15."



If you have any questions regarding our recommendations for this project, please contact Sue Walker at 907-586-7646.

Sincerely,


for Robert D. Mecum
Acting Administrator, Alaska Region

cc: Applicant
COE, Garth Zimbleman*
EPA, Chris Meade*
ADNR, Carl Schrader*
USFWS, Richard Enriquez*
ADEC, Brenda Krauss*
OHMP, Joe Donohue*

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