



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

December 10, 2007

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

Re: POA-1983-20-N
Lemon Creek

Attn: Richard Jackson

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) has reviewed the Corps' letter dated November 7, 2007, requesting NMFS review of an Essential Fish Habitat (EFH) Assessment for an application by Mr. Ralph Horecny to construct a temporary berm and access haul-ramp in Lemon Creek for the purpose of mining sand and gravel from the streambed. The applicant proposes to mine 200,000 cubic yards of sand and gravel from 9.55 acres below the ordinary high water mark. Construction of the ramp and dike would require placement of approximately 1,575 cubic yards of fill material obtained on-site into waters of the U.S., including wetlands. The dike would divert Lemon Creek around the proposed mining operation during mining activities. Gravel and sand from the site would be processed off-site at an upland location. Upon completion of mining activities, the haul ramp and a small portion of the berm would be removed; the remaining portion of the berm would be washed away by Lemon Creek.

In our review of Mr. Horecny's initial and revised proposals, NMFS advised the Corps of Engineers that an EFH analysis needed to be prepared before NMFS could complete its review of the proposed project and develop recommendations to avoid or minimize the effects of this action on EFH. Unfortunately the EFH Assessment provided by the applicant's agent does not contain the information we requested. The applicant has not provided a sufficient description of the project for NMFS to develop EFH conservation recommendations to avoid, minimize, mitigate, or otherwise offset adverse effects.

Our February 8, 2007, letter described the mandatory contents of an EFH Assessment under 50 CFR 600.920(e) as well as specific information needs for this project. In particular, the EFH Assessment should include a detailed mining and reclamation plan, management practices to minimize discharge of fine sediments during winter low-flow periods, description of the order of operations, and sediment and turbidity controls. To minimize adverse impacts to EFH, the proposed restoration plan should be specific and should include at least conceptual drawings of the proposed restored habitat, lists of plant species that will be used for revegetation, and numbers and sizes of each plant type that will be used. The plans should specify the size and amount of large wood that will be collected prior to mining each section of riverbed, and this wood should be placed in the mined sections to restore fish habitat as mining of each area is completed. Any damaged or degraded stream or riparian habitat should be effectively



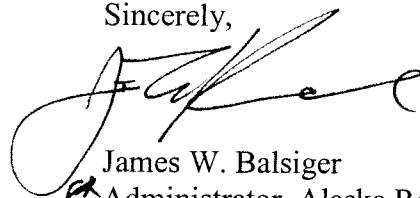
revegetated with adequate numbers of native species of trees, sedges, and forbes, and the success of such plantings should be monitored. Planting should be augmented if the original plantings fail to survive and grow.

For your information, NMFS conducted a salmon carcass count and tabulation of visible redds at the project site with the U.S. Fish and Wildlife Service on August 22, 2007. We also counted and photographed collections of large woody debris in the channel that were persistent enough to form downstream bars, side channels, overhanging cover, and/or small mid-channel or lateral scour pools. We conducted the counts in four sub-reaches roughly defined by the existing gravel bars and the thalweg crossovers in the channel. In summery, 808 chum salmon (live and carcasses), 2 pink salmon, and 121 redds were observed. Spawners generally were concentrated on the downstream tails and side channels of the gravel bars. We observed 19 aggregations of medium to large woody debris in this channel and much of it appeared persistent. Wherever a wood aggregation occurred there was an associated habitat feature, as described above. This brief survey validated several key points we have raised to the Corps and the applicant:

- 1) Chum salmon use this site extensively.
- 2) Observed spawners and redds were associated with gravel bars and side channels, which appear to be important habitat features to maintain and restore post-extraction.
- 3) Collections of woody debris in the channel contribute to habitat complexity for fish and are also important features to replicate post-extraction.
- 4) Examination of the gravel bar located immediately downstream of the site of Mr. Horecny's spring 2007 emergency gravel mining revealed that spawning gravels were fully embedded. No other gravels at the site were fully embedded. The cause of this habitat impairment may have been suspension of fines during gravel mining and subsequent armoring of gravel immediately downstream of the operation.

In summary, in-stream gravel extraction for this project would result in altered flows, simplification of the floodplain, loss or degradation of fish habitat in the immediate project area, and indirect effects both upstream and downstream. Additional information is necessary to evaluate the applicant's plans for mining and site restoration. NMFS continues to recommend that the Corps not issue a permit for the proposed project in the absence of this information, which is critical for our review of the project. Please contact Susan Walker at (907) 586-7646 if you have any questions.

Sincerely,



James W. Balsiger
Administrator, Alaska Region

cc: Applicant
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USFWS Juneau, Neil Stichert*
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comments POA-1983-20-N 12-10-07 shw.doc

Lemon Creek Foot Survey 08_22_07

Counts include carcasses and live fish

N. Stichert, USFWS

S. Walker, T. Wilkins, NMFS

