



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

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

February 11, 2008

Colonel Kevin J. Wilson  
District Engineer, Alaska District  
U.S. Army Corps of Engineers  
P.O. Box 898  
Anchorage, Alaska 99506-6898

Re: POA-2004-253-S  
Colville River

Attn: Keith Gordon

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced public notice regarding a permit for ConocoPhillips Alaska, Inc. to construct a 325-foot access road, install a boat launch bulkhead into a tapped lake, install two gangway support piles and a seasonal gangway to access a seasonal float, and dredge the existing drainage between the Nigliq Channel and the tapped lake. The channel's dimensions would be roughly 30 feet wide at depth, 75 feet wide at the top of bank, 925 feet long, and 5 feet deeper than the existing channel.

Under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation Management Act (Magnuson-Stevens Act), federal agencies are required to consult with the Secretary of Commerce on any action that may adversely affect EFH. The Corps has made a determination that the project may adversely affect EFH. The Magnuson-Stevens Act requires NMFS to make conservation recommendations regarding any federal action that would adversely affect EFH. NMFS has recently made conservation recommendations for a similar project on the Sagavanirktok River. The construction of the proposed project should not adversely affect EFH and anadromous fish if these measures are followed.

1. The applicant should use vegetated swales or an oil and water separator (or equivalent system) to remove total suspended solids (TSS) and oil and grease from the road. The applicant should also implement maintenance and monitoring plans for this system. Non-point source pollution can have deleterious effects on salmonids, particularly growth in juveniles. Petroleum hydrocarbons damage developing salmonid eggs, larvae, and fry at extremely low concentrations.
2. In water work should be avoided from August 15 to September 15 of any year.

Please note that under section 305(b)(4) of the Magnuson-Stevens Act, the Corps of Engineers is required to respond in writing within 30 days to NMFS Conservation Recommendations. If the Corps does not make a decision within 30 days, the Corps should provide NMFS a letter to that effect, and indicate when a full response will be provided. We look forward to working with you to address the issues discussed above and are willing to meet with the applicant to discuss our



concerns. Additional questions regarding this project and our recommendations should be directed to LTJG Jonathan Taylor at our Anchorage field office, telephone (907) 271-5006.

Sincerely,



James W. Balsiger  
Administrator, Alaska Region

for

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