



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

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

June 21, 2006

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

Re: Lemon Creek, POA-2006-318-4

Attn: Mr. Garth Zimbelman

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) reviewed the May 26, 2006, Public Notice regarding an application by the City and Borough of Juneau (CBJ), to place approximately 1,689 cubic yards of fill into approximately 0.794 acres of waters of the U.S. to install an access road, storm water facilities, sediment ponds, and materials storage site. The purpose of the project is to facilitate the operation of a hard rock quarry in adjacent uplands. All overburden would be removed and stored in an upland location for future reclamation use, or disposed of at an upland site.

Two stream drainages at the site would be impacted by the proposed work. They are tributaries to Lemon Creek, which is Alaska Department of Fish and Game catalogued anadromous fish stream number 111-40-10100, and supports runs of coho and chum salmon and Dolly Varden char. A culvert and vertical drop below the project area precludes anadromous access to the stream drainages in the project area. Therefore, water quality concerns are the only potential impacts to Lemon Creek anadromous fish from the proposed work.

NMFS offers the following EFH Conservation Recommendations pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Act:

1. The applicant should use best management practices during construction and operation to minimize impacts to water quality and develop and implement an Erosion and Sediment Control Plan (ESCP) to address control of stormwater from construction activities. The plan should include measures to contain and reduce sediment runoff such as halting construction during heavy rain events, using silt fencing, and seeding or covering exposed banks.
2. A site visit by NMFS and CBJ staff identified a perched culvert located above the haul road that appears undersized for the expected increase in flow. The existing culverts that collect water from drainages within the project area should be evaluated to determine if they are appropriately sized for the expected increase in flow, and replaced with larger culverts if necessary.



3. The applicant should ensure that reasonable precautions are taken to prevent incidental and accidental discharge of petroleum products and other contaminants. An emergency oil spill response kit or other appropriate equipment such as absorbent pads should be available on site to allow fast response to small oil spills and accidental discharge of hydrocarbons.

Under section 305(b)(4) of the Magnuson-Stevens Act, the Corps is required to respond to NMFS EFH 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 comments and conservation recommendations for this project, please contact Cindy Hartmann (907-586-7585, [cindy.hartmann@noaa.gov](mailto:cindy.hartmann@noaa.gov)).

Sincerely,



Robert D. Mecum  
Acting Administrator, Alaska Region

cc: Garth A. Zimbelman, COE, Regulatory Branch, Juneau Field Office, Suite 106, 8800  
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