



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

November 9, 2004

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

Attn: John Klutz

Dear Colonel Gallagher;

The National Marine Fisheries Service (NMFS) has reviewed the Public Notice of Application for Permit by Kiewit Pacific Company to excavate up 250,000 cubic yards of material from 23 acres in the Lowe River. Work is proposed to be accomplished below the Ordinary High Water Mark on the riverbed by moving materials by blading, bull dozing, and stockpiling before removal. Materials are proposed to be sidecasted (discharged) from the excavation to create a dewatering channel and to block existing flow channels in the river.

The U.S. Army Corps of Engineers (Corps) has determined that the proposed work may adversely affect Essential Fish Habitat (EFH). The proposed work may affect approximately 23 acres of EFH for juvenile/adult salmon. NMFS agrees with this determination. The Magnuson-Stevens Fishery Conservation and Management Act requires NMFS to make conservation recommendations regarding any federal action that would adversely affect EFH. The adverse effects of the proposed project can be reduced by incorporating the proposed conservation measures into the project permit. NMFS offers the following recommendations pursuant to section 305(b) (4) (A) of the Magnuson-Stevens Act to minimize project impacts.

EFH Conservation Recommendations

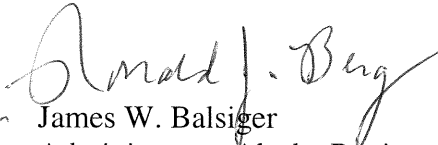
1. All work in the Lowe River channel shall be performed during the low water period from October 15 to April 1. This work window will minimize in-water activity and reduce impacts to salmon adults moving upstream in the fall and salmon fry/smolt moving downstream in the spring.
2. Photographic records of the site should be maintained by photographing the excavation site before, during and after completion of excavation. This will allow agencies to monitor recovery and/or changes to the original stream morphometry.

Please note that under section 305(b) (4) of the Magnuson-Stevens Act, the Corps is required to respond in writing within 30 days to NMFS recommendations. If the Corps does not make a



decision within 30 days of receiving NMFS Conservation Recommendations, the Corps should provide NMFS with a letter to that effect, and indicate when a full response will be provided. Larry Peltz is the NMFS contact for this project, and can be reached at (907) 271-1332.

Sincerely,

For 
James W. Balsiger
Administrator, Alaska Region

Enclosure

cc: Francis Mann - USFWS Anchorage
Stewart Seaberg - ADNR Anchorage