



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

November 21, 2008

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

Re: POA-1983-20-M3
Lemon Creek, Colaska Inc.,
DBA SECON

Attn: Richard Jackson

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced permit application modification submitted by Bryce Kidd, Colaska Incorporated, doing business as (DBA) SECON. The previous permit modification (POA-1983-20 N) was issued on February 20, 2008, to Mr. Ralph S. Horecny, to place fill into water of the United States (U.S.) to serve as water diversion dikes in Lemon Creek used in conjunction with a permitted gravel mining operation in the creek bed, and to construct a temporary ramp from the shoreline to provide access to the instream gravel. Permit POA-1983-20 N was subsequently transferred to Colaska Inc., DBA SECON, on April 17, 2008. The project site is located within Section 34, T. 40 S., R. 66 E., Copper River Meridian; United States Geological Survey Quad Map Juneau B-2; Latitude 58.359° N., Longitude 134.488° W.; on Parcel 2, Mendota Park Subdivision, United States Survey 204, Plat #2005-13, adjacent to Anka Street, Juneau, Alaska.

In the new permit modification application SECON proposes to change the fill location from the currently permitted access ramp to either one or two locations downstream. Access from the new location(s) would connect adjacent upland lots to streambed gravel bars, allowing for heavy equipment access to the streambed. The two proposed access points are located at 1721 and 1791 Anka Street, depicted in the application packet. The applicant is arranging for permission to use either (or both) locations for access, and has asked that both sites be included in the permit modification.

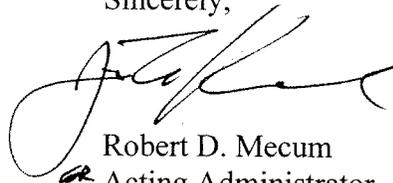
The permit modification would authorize placement of approximately 30 cubic yards of material into approximately 450 square feet of waters of the U.S. (gravel bars below the ordinary high water mark) at each proposed location, for a total of either approximately 30 or 60 cubic yards into approximately 450 or 900 square feet of waters of the U.S. This proposed fill material would support the instream end of a 60 foot long open span bridge (possibly a railcar) at either or both sites. The new access bridge(s) would replace the currently permitted access ramp. Site topography negates use of the access method at the currently permitted access point. The Corps has determined that this permit modification proposal is substantially similar to the original authorization and is therefore consistent with the Alaska Coastal Management Plan Final Consistency Determination.



NMFS has evaluated the permit modification and has no objections to the modification as proposed. Overall, the proposed modification would minimize the impacts to essential fish habitat from the placement of fill material. The modified application has a smaller fill footprint than what is currently permitted, and the single span bridges can be removed during high water events, minimizing the amount of sediment input into Lemon Creek.

If you have any questions regarding our evaluation of this project, please contact Chiska Derr at 907-586-7345 or Chiska.Derr@noaa.gov.

Sincerely,



Robert D. Mecum

Acting Administrator, Alaska Region

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