



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
*National Marine Fisheries Service*  
P.O. Box 21668  
Juneau, Alaska 99802-1668

March 13, 2009

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

Re: POA-1995-41-M3  
Mendenhall River 46

Attn: John Leeds

Dear Colonel Wilson:

The National Marine Fisheries Service (NMFS) reviewed the above referenced proposal by Mr. Jeremy Sidney to discharge approximately 20,454 cubic yards of material into 3.11 acres of wetlands to construct a 24-stall horse stable, indoor riding arena, outdoor riding arena, 50-foot workout round pens, a riding area and a parking lot.

Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires Federal agencies to consult with NMFS on all actions that may adversely affect Essential Fish Habitat (EFH). NMFS is required to make conservation recommendations, which may include measures to avoid, minimize, mitigate or otherwise offset potential adverse effects. The Alaska Department of Fish and Game has identified two anadromous streams in the vicinity of the project including Casa Del Sol Creek and a second unnamed stream. These streams support summer rearing coho salmon, and spawning and rearing pink and chum salmon, and forage fish. These streams also are important tributaries to the Mendenhall River, which supports coho, pink, chum, and sockeye salmon and forage fish species including eulachon and Pacific herring.

NMFS has concluded the proposed project may adversely affect EFH. Based on the information provided in the permit application, the applicant's proposed mitigation would minimize and avoid adverse impacts to wetlands and streams to the extent practicable. Additionally, the applicant is proposing to compensate for unavoidable impacts by installing vegetated drainage swales around the perimeter of the property to channel runoff back into the adjacent wetlands.

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

1. Include the applicant's proposed avoidance, minimization and compensation measures as conditions in the final permit.



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.

Please contact Katharine Miller at (907) 586-7643 if you have any questions.

Sincerely,



Robert D. Mecum  
Acting Administrator, Alaska Region

cc: Applicant  
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