



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

September 24, 2003

Robert Grandinetti  
NPDES Permits Unit  
U.S. Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

Re: Kodiak Alaska NPDES Permit  
AK528000

Dear Mr. Grandinetti:

The National Marine Fisheries Service (NOAA Fisheries) recently responded to a request from the Environmental Protection Agency (EPA) for information on threatened or endangered species which may occur near the discharges of several seafood processing facilities at Kodiak, Alaska. Additionally, NOAA Fisheries is responsible for administering the Essential Fish Habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 et seq.). Under Section 305(b)(2) of the Magnuson-Stevens Act, federal agencies are required to consult with the Secretary of Commerce on any action that may adversely affect EFH.

St. Paul Harbor and Near Island Channel include EFH for: Atka mackerel, arrowtooth flounder, flathead sole, Pacific cod, rock sole, sculpins, walleye pollock, weathervane scallop, yellowfin sole, and chum, coho, chinook, pink, and sockeye salmon. All of these federally managed species are found in these waters during certain stages of their life history. The specific habitat associations for these species are explained in the EFH Environmental Assessment NOAA Fisheries has previously provided your office. This information can also be found on our website: <http://www.fakr.noaa.gov/habitat>.

The continuous addition of organic debris from fish processing can adversely affect EFH and federally managed species. To determine the extent of adverse effects, ascertaining whether benthic habitat at the outfall might be used by managed species if an anoxic zone did not exist, the extent of that zone, and whether that zone is increasing is important. Inputs, organic debris, and dissolved solids might have a substantial cumulative effect over many years of accumulation, and should be considered in EPA's determination as to whether authorization of these ten seafood processing facilities under the Kodiak General National Pollutant Discharge Elimination System (NPDES) permit would adversely affect EFH.

If the effects of all discharges under the general permit would be minor, EPA may wish to consider working with NOAA Fisheries to develop a General Concurrence. No further



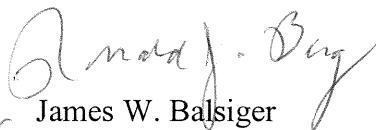
consultation is generally required for actions that fall within a General Concurrence. General Concurrences should be used for categories of federal actions that are similar in nature and similar in their impact on EFH, and that will not cause greater than minimal impacts on EFH, either individually or cumulatively. A General Concurrence is comparable to a categorical exclusion under the National Environmental Policy Act in that it dispenses with the need for more formal environmental review for identified types of actions with minimal effect that can be evaluated as a group and for which NOAA Fisheries can conclude, based on an evaluation of potential effects to EFH, that case-by-case consultation is not necessary.

Actions that qualify for a General Concurrence would not cause more than minimal adverse effects to EFH, and therefore do not require NOAA Fisheries to develop separate EFH conservation recommendations for individual actions pursuant to Section 305(b)(4) of the Magnuson-Stevens Act. However, EFH conservation recommendations may be provided as part of a General Concurrence in cases where actions would normally cause more than minimal effect but, if modified (e.g., a seasonal restriction), would not cause more than a minimal effect. In addition, actions qualifying for a General Concurrence must be tracked to ensure that their cumulative adverse effects on EFH are no more than minimal.

A General Concurrence should include the following information: a description of the types of actions covered; the approximate number (e.g., annually) of individual actions that would occur; a list of the specific actions (if known); the species and life stages for which EFH may be affected; a conclusion that the actions meet the criteria in 50 CFR 600.920(g)(2); and any applicable requirements for notifying NOAA Fisheries of individual actions pursuant to 50 CFR 600.920(g)(4). Also, NOAA Fisheries may require further consultation and/or may provide additional EFH conservation recommendations on a case-by-case basis. Finally, NOAA Fisheries will periodically review each General Concurrence and may revise or revoke it if new information indicates that the covered actions are having more than minimal adverse effects on EFH.

Please contact Jeanne L. Hanson at (907) 271-3029 if you are interested in pursuing a General Concurrence for the Kodiak shore based seafood processors General NPDES Permit to fulfill the EFH consultation requirements of the Magnuson-Stevens Act. Brad Smith remains the point of contact on Endangered Species issues. He may be reached at (907) 271-3023.

Sincerely,

  
For James W. Balsiger  
Administrator, Alaska Region