



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

February 28, 2003

Cindi Godsey

U.S. Environmental Protection Agency

222 W. 7th Ave #43

Anchorage, Alaska 99513

RE: NPDES re-issuance in
Norton Sound

Dear Ms: Godsey:

The National Marine Fisheries Service (NMFS) has reviewed your request for information on threatened and endangered species and Essential Fish Habitat (EFH) with regards to the proposed re-issuance of the National Pollutant Discharge Elimination System (NPDES) permit for a suction dredge operation in Norton Sound offshore of Nome, Alaska. We offer the following comments specific to section 7 of the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Endangered Species

Section 7(a)(2) of the ESA directs interagency cooperation "to insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species" or result in the destruction or adverse modification of critical habitat. NMFS Alaska Region is responsible for the administration of the ESA as it applies to certain cetaceans, pinnipeds, and marine fish. These include several species of whales (the fin, right, humpback, blue, sperm, sei and bowhead), Pacific salmon, and the Steller sea lion. We do not expect any threatened or endangered species to occur in the vicinity of the project site, and no critical habitat for the above listed species has been identified near the action area. We hope this information is useful to you in fulfilling any requirements under section 7 of the ESA.

Marine Mammals

Marine mammals near Nome may include bearded seals, ring seals, gray whales and beluga whales. NMFS does not expect marine mammals to occur within the vicinity of the project.



Essential Fish Habitat

A federal action that may adversely affect EFH must include an EFH assessment, as outlined in 50 CFR Part 600.920. The contents of an assessment are likely included already in your documentation for this project. However, a more clearly referenced EFH assessment will greatly facilitate our EFH consultation.

This area of Norton Sound includes EFH for Red King Crab (RKC), Alaska plaice, yellowfin sole, chum, coho, king, pink, and sockeye salmon. All of these species are found in nearshore waters of Norton Sound during certain stages of their life history. Adult yellowfin sole use shallow water substrates for spawning areas. RKC concentrate along shallow-water depth contours to form mating pairs, cluster, or release eggs. RKC laterally migrate along these shallow contours. The specific habitat associations for these species are explained in the EFH Environmental Assessment NMFS has provided your office. This information can also be found on our website: <http://www.fakr.noaa.gov/habitat>.

Alaska plaice, yellowfin sole, RKC and the five salmon species are commercial species regulated through the North Pacific Fishery Management Council and NMFS. These species are also important subsistence resources to the local residents of Nome. Recently, the public access area just offshore of Nome was closed to the commercial taking of RKC and remains open only for subsistence fishery uses to provide for the continued use of RKC by local residents. Subsistence fishing usually is done through the ice or through small ice leads. Therefore, any additional activities such as mining during the subsistence season for RKC may conflict with this use.

Your letter states that the fact sheet accompanying the draft permit will contain EPA's final determination on whether or not the proposed project will adversely affect EFH. This is an appropriate place for this information to be conveyed to NMFS, as outlined in our finding (dated November 7, 2000) that the existing NPDES permit process may be used to satisfy the consultation requirements of the Magnuson-Stevens Act. Also, in accordance with the November 7, 2000 finding, should EPA determine that the proposed project may adversely affect EFH, an EFH assessment should be provided as part of the draft permit/fact sheet. NMFS will provide conservation recommendations based on that assessment.

At this time NMFS does not have sufficient information on the proposed project to provide detailed EFH Conservation Recommendations. However, based on the map provided with your request for information we offer the following preliminary thoughts on conservation recommendations.

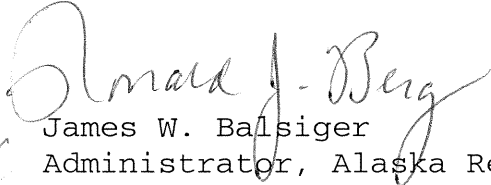
Initial EFH Conservation Recommendations

- RKC associate with the ice edge and its movement through break-up, and migrate into shallow nearshore areas for reproductive associations during this time. These associations include mating, pairing, molting, and egg extrusion. Therefore, we recommend that mining activities not be conducted from March 1 through May 31.
- The benthic community is more diverse at depths greater than 20 feet. This diversity provides stable habitat and food sources for groundfish and crab. Mining impacts from dredging benthic habitats in deeper waters have not been well documented. Some effect, however, is known to be evident several years after the disturbance. NMFS would recommend that in water depths deeper than 20 feet, the applicant initiate a monitoring effort. We would suggest that this be done prior, during, and after the activity and include transects across the mined area using videographic and still photography to document the effort. In addition, such a plan should also include means to record and document date, location and depth.
- To insure that dredge operations do not create a turbidity barrier to the out-migration of juvenile salmon, NMFS recommends that during the period of June 1 through July 15, no visible turbidity plume should occur within one mile of the mouth of any anadromous stream.

We look forward to working with you throughout the project and remain willing to meet with EPA to review more detailed project information and discuss potential adverse effects and possible mitigating measures.

Should you have any questions concerning EFH please contact Ms. Jeanne L. Hanson in the NMFS Anchorage office at (907) 271-5006. Questions regarding endangered species issues should be addressed to Mr. Brad Smith at the same number.

Sincerely,

For 
James W. Balsiger
Administrator, Alaska Region

cc: USFWS, ADGC, ADFG, ADEC, Corps - Anchorage
EPA, NPDES Program, Region 10, 1200 Sixth Avenue,
Seattle, WA., 98101.