



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

January 28, 2003

Guy McConnell
U.S. Army Corps of Engineers
Alaska District
EN-CW-ER (Bartlett)
P.O. Box 898
Anchorage, Alaska 99506

Re: Dredged Material Management
Plan for Dillingham Small
Boat Harbor

Attn: Larry Bartlett

Dear Mr. McConnell:

Thank you for requesting information and compliance with the applicable environmental laws which National Marine Fisheries Service (NMFS), Alaska Region (AKR), administers in regard to your project. NMFS has reviewed your preliminary information and offers the following comment specific to section 7 of the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), and Essential Fish Habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act.

Endangered Species Act

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 AKR is responsible for the administration of the ESA as it applies to certain cetaceans, pinnipeds, and marine fish. These include several species of whales, Pacific salmon¹, and Steller sea lions.

¹ Several Northwest Pacific salmon stocks grow to maturity in offshore areas of Alaska. Several of these stocks are listed as an endangered species. Please see the Summary of Salmon & Steelhead Listings at <http://www.nwr.noaa.gov/> for further information. Any consultation requirements will need to be coordinated with the NMFS Northwest Region, Habitat Division, Portland, Oregon at (503) 231-6880.



We do not expect any endangered marine mammals to occur in the vicinity of the project site, and no critical habitat for the above listed species has been identified within this project area.

Marine Mammal Species

Marine mammals protected under the MMPA of 1972, as amended, 16 U.S.C. 1361 *et seq.* (not endangered or threatened under the ESA of 1973, as amended, 16 U.S.C. 1531 *et seq.*), range throughout Alaskan waters.

Marine mammal species which associate with marine waters near Dillingham include minke, killer, and beluga whales, Dalls' and harbor porpoises, and bearded, harbor, spotted and ringed seals. However, we feel beluga whales, harbor porpoises and harbor seals are more frequently observed in the Nushagak River and near the boat harbor area.

Essential Fish Habitat (EFH)

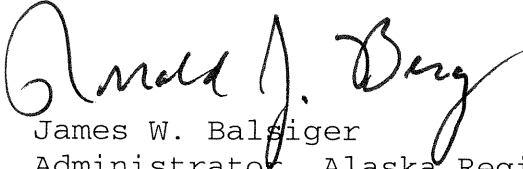
The upland dredge disposal area is not considered EFH. However, the in-water disposal area would be considered EFH. EFH has been designated in waters for anadromous fish, specifically salmon, and certain life stages of marine fish under NMFS's jurisdiction. For specific EFH information regarding your project area, please visit our web site at:

<http://www.fakr.noaa.gov/habitat/>

Dredging activities and the placement of dredge spoils in the open water site may have some impact to EFH. *Preliminarily, NMFS recommends the project utilize upland areas for disposal before in-water disposal.* Any action that may adversely affect EFH should include an EFH assessment in either a separate document or be clearly referenced in a support document, such as an environmental assessment for the project. An EFH assessment is outlined in 50 CFR Part 600.920. A clearly referenced EFH assessment will satisfy the requirements of the provisions regarding EFH within the administration of the Magnuson-Stevens Act.

We hope this information is useful to you in fulfilling any requirements under section 7 of the ESA, the MMPA, and EFH requirements under the Magnuson-Stevens Act. Please direct any questions to Matthew P. Eagleton at (907) 271-5006.

Sincerely,


James W. Balsiger
Administrator, Alaska Region

Attachment

cc: EPA, ADGC, ADEC, USFWS, ADFG - Anchorage

Table 1: The following species² and critical habitat occur in Alaska waters and have been provided protection under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*):

<i>Listed species</i>	<i>Stock</i>	<i>Latin Name</i>	<i>Status</i>
Blue whale		<i>Balaenoptera musculus</i>	Endangered
Bowhead whale		<i>Balaena mysticetus</i>	Endangered
Fin whale		<i>Balaenoptera physalus</i>	Endangered
Humpback whale		<i>Megaptera novaeangliae</i>	Endangered
Right whale		<i>Balaena (=Eubalaena) glacialis</i>	Endangered
Sei whale		<i>Balaenoptera borealis</i>	Endangered
Sperm whale		<i>Physeter macrocephalus</i>	Endangered
Steller sea lion	Western population	<i>Eumetopias jubatus</i>	Endangered
Steller sea lion	Eastern population	<i>Eumetopias jubatus</i>	Threatened
Chinook salmon	Puget Sound	<i>Oncorhynchus tshawytscha</i>	Threatened
	Lower Columbia River		Threatened
	Upper Columbia River Spring		Endangered
	Upper Willamette River		Threatened
	Snake River spring/summer		Threatened
	Snake River fall		Threatened
Sockeye salmon	Snake River	<i>Oncorhynchus nerka</i>	Endangered
Steelhead	Upper Columbia River	<i>Onchorynchus mykiss</i>	Endangered
	Middle Columbia River		Threatened
	Lower Columbia River		Threatened
	Upper Willamette River		Threatened
	Snake River Basin		Threatened

²In its definition of species, the Endangered Species Act of 1973, as amended, includes the traditional biological species concept of the biological sciences and “any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature” (16 USC 1532). NMFS uses the term *evolutionarily significant unit* as synonymous with *distinct population segment* and lists Pacific salmon accordingly. For the purposes of section 7 consultations, these are all “species.”

Leatherback sea turtle		<i>Dermochelys coriacea</i>	Endangered
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Designated critical habitat

Species Group	General Reference Area
Whales	No critical habitat has been designated for the above referenced whales in Alaskan waters.
Steller sea lion	Shelikof Strait Area, Bogoslof Area, and Seguam Pass Area (50 CFR Part 226.12)
Pacific Salmon	No critical habitat has been designated for salmon species in Alaskan waters.

The short-tailed albatross, spectacled eider, and Steller's eider are under the jurisdiction of the U.S. Fish and Wildlife Service.

All salmon species are under the jurisdiction of NMFS, Northwest Regional Office, Seattle, Washington.