



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

October 8, 2004

Hanh Gold
Project Coordinator
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Dear Mr. Hanh:

The National Marine Fisheries Service (NMFS) has received your letter requesting information on threatened or endangered species and Essential Fish Habitat (EFH) in Cook Inlet, Alaska. This information is to be used in your determinations under section 7(a)(2) of the Endangered Species Act of 1973, as amended (ESA) and the EFH provisions of the Magnuson-Stevens Fishery Conservation Management Act (Magnuson-Stevens Act) for the Environmental Protection Agency's (EPA) Area-wide environmental assessment for new sources under the general NPDES permit for Cook Inlet, Alaska.

Threatened and Endangered Species/Marine Mammals

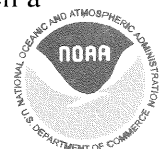
The following is list of the Federally-listed threatened and endangered species which may occur in Cook Inlet and for which the National Marine Fisheries Service is responsible:

fin whale (endangered)	<i>Balaenoptera physalus</i>
humpback whale (endangered)	<i>Megaptera novaeangliae</i>
Steller sea lion - western stock *	<i>Eumetopias jubatus</i>

*The Steller sea lion is listed as endangered west of 144 degrees west longitude, and threatened east of this line.

There are now many species (evolutionary significant units) of Pacific coast salmonids listed under the ESA. While we have no information on the occurrence of these species in Cook Inlet, EPA should consider these species specifically in making any determination under section 7 of the ESA. Information on these species may be obtained from the National Marine Fisheries Service web site at: <http://www.nwr.noaa.gov/>. Additionally, several sites near the entrance to Cook Inlet have been designated as critical habitat for the Steller sea lion. Detailed descriptions of these areas are provided in 50 CFR part 226.12 , or see the web site <http://www.fakr.noaa.gov/regs/226202h.pdf>. <http://www.fakr.noaa.gov/regs/226202h.pdf>

EPA should now determine whether the proposed action "may affect" or "will not affect" endangered and threatened species. If more than 90 days elapses between this letter and such a



determination, please check with us to ascertain whether additional species have been listed or critical habitat designated.

Marine mammals protected under the Marine Mammal Protection Act of 1972, as amended, 16 U.S.C. 1361 *et seq.* (MMPA) (not endangered or threatened under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*), that are found in these waters may include:

harbor seal (*Phoca vitulina*)
killer whale (*Orcinus orca*)
harbor porpoise (*Phocoena phocoena*)
Pacific white-sided dolphin (*Lagenorhynchus obliquidens*)
Dall's porpoise (*Phocoenoides dalli*)
Baird's beaked whale (*Berardius bairdii*)
Stejneger's beaked whale (*Mesoplodon stejnegeri*)
Cuvier's beaked whale (*Ziphius cavirostris*)
gray whale (*Eschrichtius robustus*)
minke whale (*Balaenoptera acutorostrata*)

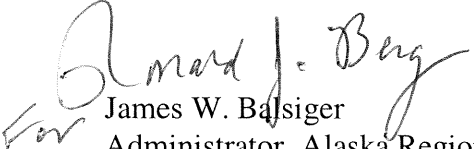
Essential Fish Habitat

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. The trigger for EFH consultation is a federal action agency's determination that an action may adversely affect EFH. We offer the following information to assist you in making your determination.

EFH has been designated in waters for anadromous fish, specifically salmon, and certain life stages of marine fish under NMFS' jurisdiction. Five fishery management plans (FMPs) exist for fisheries in Alaska. They cover groundfish in the Gulf of Alaska, groundfish in the Bering Sea and Aleutian Islands, crab in the Bering Sea and Aleutian Islands, and salmon and scallops Statewide. Those relating to Cook Inlet include the Gulf of Alaska groundfish and Statewide salmon and scallop management plans. Please visit our web site at <http://www.fakr.noaa.gov/habitat/> for additional EFH information regarding your project area.

We hope this information is useful in fulfilling your requirements under Section 7 of the ESA and the EFH consultation requirements under the Magnuson-Stevens Act. Please direct any questions regarding protected species and/or the section 7 to Mr. Brad Smith at (907) 271-3023, and questions regarding EFH to Ms. Jeanne Hanson at 271-3029.

Sincerely,


James W. Balsiger
Administrator, Alaska Region