



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

September 28, 2005

Cindi Godsey
Alaska Mining Coordinator
U.S. Environmental Protection Agency
Alaska Operations Office
222 West 7th Ave. #19
Anchorage, AK 99513

RE: Red Dog Mine NPDES permit

Dear Ms. Godsey:

Thank you for your letter requesting information on the presence of threatened or endangered species and Essential Fish Habitat (EFH). The Environmental Protection Agency (EPA) plans to re-issue a National Pollutant Discharge Elimination System (NPDES) permit for Teck-Cominco's Red Dog Mine near Kotzebue. The permit will contain limitation for discharges from two outfalls, one from the treatment plant which treats mine drainage for the discharge to the Middle Fork of Red Dog Creek and the second from a camp domestic wastewater discharge to tundra wetlands. The National Marine Fisheries Service (NMFS) offers the following information under the Endangered Species Act (ESA), and the EFH provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Threatened and Endangered Species

Section 7(a)(2) of the ESA directs federal 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 is responsible for the administration of the ESA as it applies to listed cetaceans, pinnipeds and Pacific salmon in Alaska.

There are no threatened or endangered species listed under the Federal Endangered Species Act under the National Marine Fisheries Service (NMFS) jurisdiction in this area. We hope this information will be useful in your section 7 determinations. Additional information regarding the ESA is available on our website at <http://www.fakr.noaa.gov/protectedresources/default.htm>.

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. EFH has been designated for anadromous salmon and certain life stages of marine fish under NMFS' jurisdiction. Should you determine your action *may adversely affect EFH* then an EFH assessment is required as outlined in 50 CFR Part 600.920. Otherwise, an EFH assessment is *not*



required. Please visit our web site at <http://www.fakr.noaa.gov/habitat> for additional information on habitat and EFH information.

We hope this information is useful in fulfilling your requirements under the ESA and the Magnuson-Stevens Act. We look forward to reviewing the new draft permits. Please direct any questions regarding endangered species to Mr. Brad Smith at (907) 271-3023, and questions regarding EFH to Ms. Jeanne Hanson at 271-3029.

Sincerely,


for James W. Balsiger
Administrator, Alaska Region

cc: OHMP, OPMP – Anchorage
Records