



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

June 26, 2007

Mr. Dennis E. Bschor
Regional Forester
USDA Forest Service
P.O. Box 21628
Juneau, AK 99802

Dear Mr. Bschor:

Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each federal agency to consult with the Secretary of Commerce regarding all actions or proposed actions authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH). The National Marine Fisheries Service (NMFS) EFH regulations enable federal agencies to use existing consultation or environmental review procedures to satisfy the Magnuson-Stevens Act consultation requirements if the existing procedures meet the following criteria (50 CFR 600.920(f)): 1) the existing process must provide NMFS with timely notification of actions that may adversely affect EFH; 2) notification must include an assessment of impacts of the proposed action on EFH; and 3) NMFS must have made a finding that the existing process can be used to satisfy the EFH consultation requirements of the Magnuson-Stevens Act.

In May 2000 NMFS found that the National Environmental Policy Act (NEPA) process used by the Forest Service (FS) may be used to satisfy the EFH consultation requirements, and we worked with FS staff to develop an agreed upon consultation process. In recent months NMFS staff discussed this finding and process with FS staff and revised the process so it is consistent with the January 2002 final EFH regulations and changes in the FS environmental assessment process since 2000. NMFS appreciates the efforts of Don Martin, Dick Aho, and other Forest Service staff in developing this revised consultation process.

NMFS finds that the NEPA process used by the FS may be used to satisfy the consultation requirements of the Magnuson-Stevens Act provided the FS and NMFS adhere to the process in the enclosed document. If you concur please sign page six of the two enclosed documents and return one of the signed documents to us. If you have questions, or proposed changes contact Cindy Hartmann at 586-7585.

Sincerely,

Robert D. Mecum
Acting Administrator, Alaska Region

Enclosure

cc: Don Martin, FS, Juneau
Dick Aho, FS, Petersburg

