



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

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

September 26, 2003

William D. Steigers  
Chairman and CEO  
Steigers Corporation  
1510 West Canal Court, Suite 1000  
Littleton, CO. 80120-5639

Dear Mr. Steigers,

The National Marine Fisheries Service (NMFS) has reviewed your letter concerning construction and operation of an energy facility by Nuvista Light and Power Inc. (Nuvista) near Bethel Alaska. NMFS has two areas of concern regarding this project: the impact on Essential Fish Habitat (EFH) for salmon in the Kuskokwim River and all tributaries within the project boundaries, and the impact on marine mammals.

Federal agencies must prepare an EFH Assessment for any action that may adversely affect EFH. The EFH Assessment may be a separate document or clearly referenced in a support document, such as an environmental assessment (EA) or an environmental impact statement (EIS) for the project. An EFH Assessment is outlined in 50 CFR Part 600.920 (e) and includes the mandatory contents: (i) a description of the proposed action, (ii) an analysis of the effects on EFH, (iii) the agencies views regarding the effects of the action on EFH, and (iv) proposed mitigation. These contents should be included in the project environmental analysis pursuant to the Magnuson Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

Please note that an EFH assessment is to be completed by the federal agency that will be authorizing the project. Once the assessment is received by NMFS, we will review it and offer conservation recommendations, if any, to the action agency to protect EFH. We have established an EFH area on our Internet site <http://www.fakr.noaa.gov/habitat/efh.htm>, which includes the EFH Environmental Assessment, EFH Habitat Assessment Reports, EFH data sets, EFH maps and an EFH search for species by latitude/longitude tool. We continue to expand this site and hope the EFH information will assist your review.

Specific EFH concerns for this project are all potential impacts to the five species of Pacific salmon in the Kuskokwim River. The project description does not contain enough detail for NMFS to provide an explicit list of all project components that might negatively impact salmon EFH. Some general concerns include; cooling water source, fish species present in the proposed cooling pond, and proposed access road stream crossings.

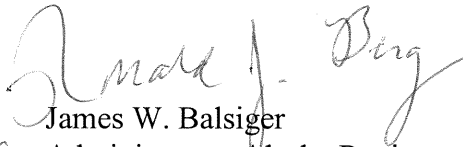
Any Federal agency which licenses, permits, or funds this work in whole or in part would be required to comply with the Endangered Species Act of 1973, as amended (ESA). Section 7 of



the ESA requires consultation between the Federal action agency and NMFS whenever a listed species or critical habitat may be affected by an action. This consultation must address both primary and secondary effects, which in this case would require analysis and consideration of any marine shipping component. Your preliminary design work should include a description of any endangered or threatened species which occur near Bethel as well as along those marine routes, and assess any potential impacts to these animals. We expect that normal shipping activity would not affect these resources. However, shipping large quantities of petroleum products may lead to fuel spills, and any traffic transiting the Beaufort Sea may impact the migration of the endangered bowhead whale. Your letter did not include information on marine routes, so you should determine whether potential conflicts exist in consideration of your specific plans.

NMFS looks forward to working with Nuvista to minimize the impact of this project on living marine resources. Please contact Larry Peltz at (907) 271-1332 if you need further assistance with your request.

Sincerely,

  
For **James W. Balsiger**  
Administrator, Alaska Region