



**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 the Homer Small
Boat Harbor

Attn: Larry Bartlett

Dear Mr. McConnell:

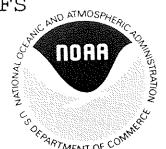
The Corps of Engineers, Alaska District (Corps) has requested comments from the National Marine Fisheries Service (NMFS) on its proposal to develop alternatives for a 20-year Dredged Material Management Plan (DMMP) for the Homer small boat harbor. The Corps is requesting NMFS provide a species list under the Endangered Species Act (ESA), and preliminary recommendations concerning potential impacts to Essential Fish Habitat (EFH).

Endangered Species Act (ESA)

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 Alaska Region is responsible for the administration of the ESA as it applies to certain cetaceans, pinnipeds, and marine fish. These include several species of whales (the fin, right, humpback, blue, sperm, sei and bowhead), Pacific salmon¹, and the western population of Steller sea lions.

Steller sea lions occur in marine waters near Homer and within Kachemak Bay. However, no significant haulouts or rookeries

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.



are recorded near the proposed site. The nearest Steller sea lion major haulout and rookery are located on Ushagat and Sugarloaf Islands, respectively, some 50 nautical miles southwest of Homer in the Barren Island group.

If Steller sea lions are present within the project area, NMFS requests that any in-water activities cease and for you to contact our office at (907) 271-5006 for further guidance. In the event of an emergency, or after normal work hours and on weekends, please contact our local Homer NOAA Fisheries Office of Enforcement at (907) 235-2337 for detailed assistance.

Endangered humpback whales occur in the near shore waters of Cook Inlet, mostly during the spring through fall months. However, they are very rarely observed near this area and would not be expected to occur at the project site.

No critical habitat for the above listed species has been identified within this project area.

Marine Mammals Species

Marine mammal species which associate with marine waters near Homer include minke, killer, and beluga whales, Dalls' and harbor porpoises, and harbor seals. However, none of these marine mammals are likely to be present within the project area.

Essential Fish Habitat (EFH)

EFH is not identified for upland areas. However, in the proposed project area, any 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' jurisdiction. For specific EFH information regarding your project area, please visit our web site at:

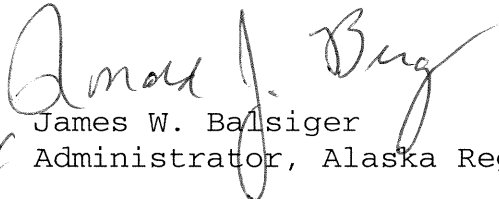
<http://www.fakr.noaa.gov/habitat/>

The trigger for EFH consultation is a federal action agency's determination that an action may adversely affect EFH. If a federal action agency determines that an action will not adversely affect EFH, no consultation is required, and the federal action agency is not required to contact NMFS about its determination. Any action that may adversely affect EFH

should include an EFH assessment in either a separate document or be clearly referenced in a supporting 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 Fishery Conservation and Management Act. At this time, we do not offer any opinion regarding the effects of the activity on EFH resources.

We hope this information is useful to you in fulfilling any requirements under section 7 of the ESA and EFH requirements under the Magnuson-Stevens Act. We look forward to working with you throughout the project. Please direct any questions to Matthew P. Eagleton in our Anchorage field office at (907) 271-5006.

Sincerely,


For James W. Balsiger
Administrator, Alaska Region

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