



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

*National Marine Fisheries Service  
P.O. Box 21668  
Juneau, Alaska 99802-1668*

October 31, 2003

James Hanson  
Chief Petroleum Geophysicist  
Division of Oil and Gas  
3601 C Street, Suite 1380  
Anchorage, Alaska 88503-5948

Dear Mr. Hanson:

The National Marine Fisheries Service (NMFS) has reviewed the Request for Agency Information on the proposed Bristol Bay Basin Exploration License and the Alaska Peninsula Area wide Oil and Gas Lease Sale. NMFS is concerned with the individual and cumulative effects of oil and gas activity on living marine resources in the Bristol Bay area. We offer the following information under the Endangered Species Act, the Marine Mammal Protection Act, and the Magnuson-Stevens Fishery Conservation and Management Act.

Endangered Species Act

NMFS is responsible for the administration of the ESA as it applies to listed cetaceans and pinnipeds in Alaska. These include seven species of endangered whales (fin, right, humpback, blue, sperm, sei and bowhead whales) and the endangered western population of Steller sea lions. Right, humpback, sei, bowhead, and fin whales have been observed in Bristol Bay waters and mainly occur in offshore marine waters.

Additionally, Steller sea lions frequent the Bristol Bay. A major rookery site located within Bristol Bay is Sea Lion Rocks (near Amak Island) at the following geographic reference point: 55°28.0N/163°12.0W (50 CFR Part 223, Table 1). The rookery at Sea Lion Rocks and an associated 20nm aquatic buffer are designated as critical habitat, which has been determined to be essential to the conservation of the western population of Steller sea lions. NMFS would be particularly concerned with impacts to Steller sea lion critical habitat which occurs in the western edge of the proposed sale area.

Section 7(a)(2) of the ESA requires Federal agencies to consult with NMFS to ensure that they are not funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat. Absent Federal involvement, non-federal entities must consult with NMFS if these activities are likely to result in the 'take' of listed species. As defined in the ESA, 'take' includes harming or harassing listed species.



## Marine Mammal Protection Act

The Marine Mammal Protection Act of 1972 (MMPA) is the principal Federal legislation that guides marine mammal species protection and conservation policy. Under the MMPA, NMFS is responsible for the management and conservation of species of whales, dolphins, porpoise, seals, sea lions, and fur seals. Beluga whales frequent marine and estuarine areas of Bristol Bay, Nushagak Bay, and Kvichak Bay. Harbor seals are abundant in the proposed sale area and large harbor seal haulout areas exist throughout the nearshore areas of Bristol Bay.

Marine mammals or their habitats may not be directly impacted by the proposed activities. However, impacts to marine mammals are likely if a significant oil spill event were to be transported down river to Bristol Bay, where there are known haul outs of seals and concentrations of beluga whales. Secondary effects to marine mammals would occur if prey species were severely impacted by an oil spill event and then eaten by seals or other marine mammals.

## Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA)

The MSFCMA requires the identification of Essential Fish Habitat (EFH) for all species managed under a federal Fisheries Management Plan. EFH has been broadly defined as “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” Managed species range throughout Bering Sea and Bristol Bay waters, migrate into the nearshore and anadromous freshwater areas, or depend on water quality in estuarine and marine environments. Species of concern include five species salmon, over fifty species of commercially harvested marine groundfish and crab, and several species of forage fish. Larval, juvenile, and adult life stages of these fish depend on the water quality of the entire basin and estuary.

The MSFCMA requires federal agencies to consult with NMFS regarding any action that may adversely affect EFH. The MSFCMA does not require state agencies to consult with NMFS, however it does require NMFS to make conservation recommendations to state agencies whose actions adversely affect EFH. Therefore, subsequent exploration and/or development activities associated with this lease sale may be subject to EFH Conservation Recommendations. NMFS has compiled life history information for federally managed species and these species profiles are available on our website at <http://www.fakr.noaa.gov/habitat/seis/efheis.htm>, Appendix F. Regulations for EFH consultation and coordination are codified at 50 CFR 600, Subpart K.

## General Comments

### Exploration:

Description of the techniques used to drill and conduct seismic operations should be thorough and assess potential effects to migratory corridors, spawning substrate, and juvenile over-wintering areas utilized by anadromous fish.

### Oil Spill Response and Capabilities:

The potential for an oil spill, and the limitations of response technology, is one of the more contentious aspects of development. Mechanical recovery can often lead to serious disruption of wetland habitats and loss of water quality. NMFS has several questions,

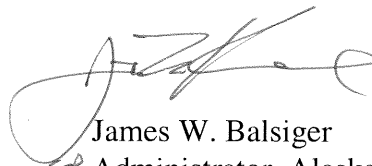
such as spill recovery and containment plans, that will need to be addressed once a tract has been identified for development. Any significant spill reaching anadromous waters, particularly during critical times for salmon life history, would result in the closure of commercial, subsistence, and recreational fishing for that season and possibly more. Oil spill related effects, as learned from the Exxon Valdez oil spill in Prince William Sound, could impact the area and resources for years.

Traditional Knowledge:

We recommend the incorporation of traditional and local knowledge into your review. The residents of Bristol Bay communities offer a large base for understanding the use and value of resources in the area.

Thank you for the opportunity to provide comments. For additional information on EFH, the ESA, and the MMPA, please direct any questions to our Anchorage field office at (907) 271-5006.

Sincerely,



James W. Balsiger  
for Administrator, Alaska Region

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