



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

February 4, 2004

Brad Nickel
Environmental Engineer
NPDES Permits Unit, Region 10
U.S. Environmental Protection Agency
1200 Sixth Avenue
Seattle, WA 98101

RE: NPDES Permit #AK004951-4
City and Borough of Juneau A-J Mine Section 7
Consultation

Dear Mr. Nickel:

The National Marine Fisheries Service (NMFS) has received your letter of December 22, 2003 regarding the validity of information on threatened and endangered species in the Gastineau Channel/Gold Creek area. This species request is pursuant to the U.S. Environmental Protection Agency's reissuance of a NPDES permit for the A-J Mine in Juneau, Alaska.

In NMFS' August 10, 1998 letter we informed the EPA that the endangered humpback whale and threatened Steller sea lion remain the only listed species under NMFS jurisdiction that are likely to occur in the project area.

We continue to extend our concurrence with your biological assessment of January 31, 1995, that the action is not likely to adversely affect these listed species. This concludes our informal consultation for this action.

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA)(50 CFR 600.920, 67 FR 2380), the EPA will need to complete an Essential Fish Habitat (EFH) Assessment if the EPA finds that this action is likely to adversely affect EFH. EFH is present in Gastineau Channel for all five species of Pacific salmon (chinook, coho, chum, sockeye and pink), and the following species of groundfish: arrowtooth flounder, flathead sole, rex sole, rock sole, Dover sole, dusky rockfish, Pacific cod, Pacific ocean perch, shortraker rockfish, rougheye rockfish, sablefish, sculpins, skates, walleye pollock, and yelloweye rockfish.

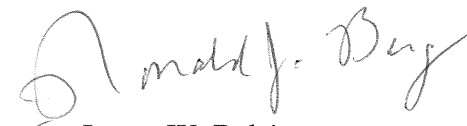
An EFH Assessment of the impacts of the proposed action should include 1) a description of the action; 2) an analysis of the potential adverse effects of the action on EFH and the managed species; 3) EPA's conclusions regarding the effects of the action on EFH and 4) proposed mitigation, if applicable.



Upon receipt of an EFH Assessment, NMFS would provide the EPA with EFH conservation recommendations that would avoid or minimize any adverse project effects to EFH. Upon receipt of NMFS EFH Conservation Recommendations, the MSFCMA would require the EPA to respond in writing to NMFS within 30 days.

Please contact Susan Walker (907-790-2602, susan.walker@noaa.gov) with any questions regarding this matter.

Sincerely,


For James W. Balsiger
Administrator, Alaska Region

cc: EPA Juneau (Chris Meade)
ADEC, USFWS Juneau
ADNR - OHMP, Juneau
Brandee Gerke, PR