



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

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

January 13, 2004

Brian Gastrock
CRW Engineering Group, LLC
3900 Arctic Blvd., Suite 203
Anchorage, Alaska 99503

Re: Proposed Bulk Fuel
Upgrade Project Atka, Alaska

Dear Mr. Gastrock:

The National Marine Fisheries Service (NMFS) has reviewed your request on behalf of the City of Atka and the Alaska Energy Authority for information on living marine resources for the above referenced project. NMFS offers the following information under the Endangered Species Act (ESA) and the Magnuson-Stevens Fishery Conservation Management Act (Magnuson-Stevens Act).

Threatened and Endangered Species

Section 7(a)(2) of the ESA directs federal 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 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), the endangered western population of Steller sea lions, and the threatened eastern population of Steller sea lions.

Due to the inland location of the proposed project, threatened or endangered marine mammals will not occur in the vicinity of the proposed project, and critical habitat for the above listed species would not be affected. Additional information regarding the ESA is available on our website at <http://www.fakr.noaa.gov/protectedresources/default.htm>.

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Act requires the identification of Essential Fish Habitat (EFH) for species covered 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.”

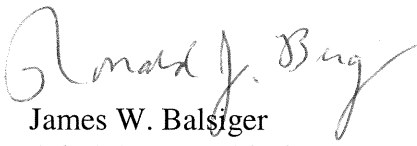
An EFH Final Rule [50 CFR Part 600; 01/17/2002] implements the Magnuson-Stevens Act requirements for EFH. The Final Rule includes procedures for coordination and/or consultation on federal and state activities that may adversely affect EFH. The trigger for an EFH



consultation is a federal action agency's determination that the action may adversely affect EFH. From the information you have provided, we do not expect the proposed project to adversely affect EFH. NMFS does not offer any EFH conservation recommendations at this time. Further EFH consultation is not necessary, and we have no objection to the proposed project. Additional information regarding EFH is available on our website at <http://www.fakr.noaa.gov/habitat/efh.htm>.

If you have questions concerning endangered species issues please contact Mr. Brad Smith at (907) 271-5006. Questions regarding EFH should be addressed to Ms. Jeanne Hanson at the same number.

Sincerely,

For

James W. Balsiger
Administrator, Alaska Region