



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

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

**January 8, 2004**

Christie Kearney  
Alaska Railroad Corporation  
327 West Ship Creek Avenue  
Anchorage, Alaska 99501

Re: T&E Review of ARRC/FEMA Projects

Dear Ms. Kearney:

The National Marine Fisheries Service (NMFS) has reviewed the Alaska Railroad Corporation's (ARRC) request for information on resources of NMFS concern for three projects. ARRC is requesting FEMA funds for the following Projects:

- 1) Mile 36 (USGS Quadrangles Seward C-6 and C-7, Section 3, T 5 N, R1E, SM) - This project involves raising the railroad track four feet, stabilizing the embankment, constructing and maintaining a flood control berm, and constructing a fish habitat channel at the south edge of the right-of-way.
- 2) MP 96.4 - Beluga Point (USGS Quadrangle Anchorage A-8, Section 25, T11N, R3W, SM) - This project involves repairing erosion from wind and wave actions along Turnagain Arm in the vicinity of Beluga Point along the Alaska Railroad at Milepost 96.4. The project will consist of keying in riprap along the embankment toe to stabilize the erosion that occurred from wind and wave actions in Oct. 2002.
- 3) MP 100.8 - Potter (USGS Quadrangle Anchorage A-8, Section 9, T11N, R3W, SM) - This project involves repairing erosion from wind and wave actions along Turnagain Arm north of Potter at the Alaska Railroad Milepost 100.8. The project will consist of keying in riprap along the embankment toe to stabilize the erosion that occurred from wind and wave actions in Oct. 2002.

NMFS offers the following information under the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Threatened and Endangered Species

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), the endangered western population of Steller sea lions, and the threatened eastern population of Steller sea lions. NMFS does not expect any threatened or endangered species under our jurisdiction to occur in the vicinity of the proposed projects. The Cook Inlet population of beluga whales is currently listed as a candidate species under the ESA.



## Marine Mammal Protection Act

The MMPA of 1972 is the principal Federal legislation that guides marine mammal protection and conservation policy. Under the MMPA, NMFS is responsible for the management and conservation of whales, dolphins, porpoise, seals, sea lions, and fur seals. Marine mammals that are found in Gulf of Alaska waters include killer, minke, gray, beaked, and beluga whales, harbor porpoise, Dall's porpoise, harbor seal, and northern elephant seal. The waters of Turnagain Arm provide important habitat for the Cook Inlet beluga whale (*Delphinapterus leucas*). The Cook Inlet beluga whale was listed as "depleted" under the Marine Protection Act in 2000, and NMFS continues to gather important life history information necessary to effectively manage this stock. Preliminary results indicated that beluga whales occupy portions of the Upper Cook Inlet year round. Additional information on beluga whales can be obtained by visiting our website at: <http://www.fakr.noaa.gov/protectedresources/whales/beluga.htm>

## Magnuson-Stevens Fishery Conservation and Management Act

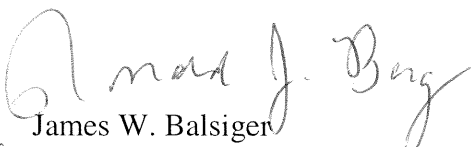
The Magnuson-Stevens Act includes provisions for the identification and conservation of Essential Fish Habitat (EFH) for species covered under a federal Fisheries Management Plan. EFH has been broadly defined as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth 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 Magnuson-Stevens Act 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. This area of Cook Inlet includes EFH for Pacific cod, sculpins, walleye pollock, and coho, pink and sockeye salmon. 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.

We look forward to working with you throughout the project and remain willing to meet with you to review more detailed project information and discuss potential adverse effects to living marine resources, and possible mitigating measures.

If you have questions concerning marine mammal and endangered species issues please contact Mr. Brad Smith at (907) 271-5006. Questions regarding EFH should be addressed to Mr. Brian Lance at the same number.

Sincerely,

  
James W. Balsiger  
For Administrator, Alaska Region