



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

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

March 18, 2004

Alan Hanson, Manager  
Airway Facilities Division  
Federal Aviation Administration  
222 W. 7<sup>th</sup> Avenue #14  
Anchorage, Alaska 99513-7587

Re: Cape Yakataga ANAICS Project

Dear Mr. Hanson:

The National Marine Fisheries Service (NMFS) has reviewed your request for information regarding resources of NMFS concern. The Federal Aviation Administration (FAA) proposes to install an Alaska National Airspace Interfacility Communications System (ANAICS) project near the Cape Yakataga runway. The proposed ANAICS project would improve communications reliability and increase aircraft safety.

Based on the information you have provided NMFS offers the following information under the Endangered Species Act (ESA), and the Magnuson-Stevens Fishery Conservation and 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 (the fin, right, humpback, blue, sperm, sei and bowhead whale) and the endangered western population of Steller sea lion.

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 includes provisions related to fishery habitat. One such provision is the definition of Essential Fish Habitat (EFH). The Magnuson-Stevens Act mandates description

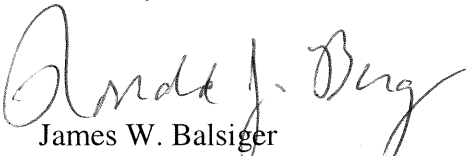


of EFH for all life stages of a federally managed species covered under a Fisheries Management Plan. EFH has been broadly defined as “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity”.

An EFH Final Rule [67 FR 2343] 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) 271-3023. Questions regarding EFH should be addressed to Ms. Jeanne Hanson at (907) 271-3029.

Sincerely,

  
James W. Balsiger  
Administrator, Alaska Region

*For*