



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

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

April 25, 2005

Lisa Olson  
NPDES Permits  
U.S. Environmental Protection Agency  
Region 10, OWW-130  
1200 Sixth Avenue  
Seattle, WA 98101

RE: NPDES Permit No.AK-002254

Dear Ms. Olson:

The National Marine Fisheries Service (NMFS) has received your letter requesting information on threatened or endangered species and Essential Fish Habitat (EFH). The Environmental Protection Agency (EPA) intends to reissue the National Pollutant Discharge Elimination System (NPDES) permit for the Municipality of Anchorage's Eagle River Wastewater Treatment Facility. NMFS offers the following information under the Endangered Species Act (ESA) and the Essential Fish Habitat (EFH) provisions of 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.

EPA has concluded no such listed species occur within the project area, and that this project would have no effect on listed species. NMFS agrees with these conclusions. Additional information regarding the ESA is available on our website at <http://www.fakr.noaa.gov/protectedresources/default.htm>.

#### Essential Fish Habitat

Under Section 305(b)(2) of the Magnuson-Stevens Act, federal agencies are required to consult with the Secretary of Commerce on any action that may adversely affect EFH. EFH has been designated in waters for anadromous fish, specifically salmon, and certain life stages of marine fish under NMFS' jurisdiction. Please visit our web site at <http://www.fakr.noaa.gov/habitat> for additional information on habitat and EFH information.

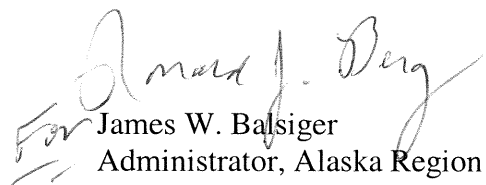
Your information request letter stated that in 1999 during the re-issuance process for the current NPDES permit EPA made determinations that the work authorized by the permit would not



adversely affect EFH. Further you state that it is likely that a similar determination will be made for this re-issuance. We look forward to reviewing the draft Permits and their Fact Sheets and will reserve comment on possible adverse effects until that time.

We hope this information is useful in fulfilling your requirements under Section 7 of the ESA and the EFH consultation requirements under the Magnuson-Stevens Act. We look forward to reviewing the new draft permits. Please direct any questions regarding endangered species to Mr. Brad Smith at (907) 271-3023, and questions regarding EFH to Ms. Jeanne Hanson at 271-3029.

Sincerely,

  
For James W. Balsiger  
Administrator, Alaska Region

cc: OHMP, OPMP – Anchorage  
Records