



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

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

February 23, 2005

Cindi Godsey
Alaska Mining Coordinator
U.S. Environmental Protection Agency
Region 10
222 W. 7th Avenue, #19
Anchorage, Alaska 99513-7588

RE: NPDES General Permits
Mechanical Placer Mining Operations
Medium-size Suction Dredges

Dear Ms. Godsey:

NOAA's 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 general permits (GPs) covering Mechanical Placer Mining Operations and Medium-size Suction Dredges. In addition, your letter requests information on EFH for a proposed 20-inch suction dredge offshore of Nome, Alaska. NMFS offers the following information under the Endangered Species Act (ESA) and the (EFH) provisions of the Magnuson-Stevens Fishery Conservation Management Act (Magnuson-Stevens Act).

Threatened and Endangered Marine Mammals

There are no marine mammals under NMFS jurisdiction that will be affected by mining operations in freshwater streams. If mining operations occur in salt water or estuaries they have the potential to affect marine mammals through noise and changes in water quality. Scope of operations and proximity to haulouts, rookeries, feeding areas and migration corridors would have to be assessed. Marine mammal species occurring in Alaska currently listed as endangered under the ESA include: blue whale, bowhead whale, fin whale, humpback whale, Northern right whale, Sei whale, sperm whale, Steller sea lion (Western stock, west of 144 degrees w. longitude). Marine mammal species occurring in Alaska currently listed as threatened under the ESA include: Steller sea lion (Eastern Stock, east of 144 degrees w. longitude). A detailed stock assessment report providing information on the marine mammals, including the stock's geographic range, can be found at:

http://www.nmfs.noaa.gov/prot_res/readingrm/MMSARS/sar2003akfinal.pdf

Essential Fish Habitat

Reauthorization of GPs Covering Mechanical Placing Mining Operations

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. Five fishery management plans exist for groundfish in the Gulf of Alaska, groundfish in the Bering Sea and Aleutian Islands, crab in the Bering Sea and Aleutian Islands, and salmon and scallops statewide. Please visit our web site at <http://www.fakr.noaa.gov/habitat> for additional information on habitat and EFH.

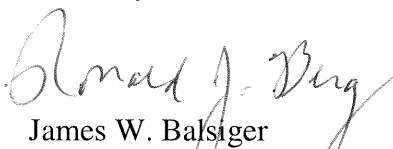
Your letter stated that in the Fact Sheets accompanying the 2000 re-issuance of the GPs, EPA made determinations that the work authorized by the GPs would not adversely affect EFH, and that a similar determination is likely for this re-issuance. We look forward to reviewing the draft Permits and their Fact Sheets and will reserve comment on possible adverse effects until that time.

Application from This Corporation

Your letter also referenced a mining operation recently permitted by the U.S. Army Corps of Engineers (Corps) off the coast of Nome in Norton Sound. Our conservation recommendations for this project did not take into account any work that would be authorized by the EPA that may adversely affect EFH. However, as a result of our consultation with the Corps, the conservation recommendations adopted as special conditions on the Corps permit avoid and minimize adverse affects to EFH. Therefore, it is unlikely that the discharge authorized by the EPA would adversely affect EFH. These conservation recommendations should not be taken as the standard for all mechanical placer mining and suction dredge activities, and therefore do not obviate the possible need for EPA to consult with NMFS on adverse effects to EFH for similar projects in the future.

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

Sincerely,

For 
James W. Balsiger
Administrator, Alaska Region

cc: Luke Boles, ADEC – Fairbanks
Victor Ross, Corps - Anchorage