



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

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

September 28, 2005

Michael Lidgard
Manager, NPDES Permits Unit
U.S. Environmental Protection Agency
Region 10
1200 Sixth Ave.
Seattle, Washington 98101

RE: Reissuance of General NPDES
Permits for Eagle River
Wastewater Treatment Facility
Permit No. AK-002254-3

Dear Mr. Lidgard:

The National Marine Fisheries Service (NMFS) has reviewed the Environmental Protection Agency's (EPA) draft General National Pollutant Discharge Elimination System Permits (NPDES) and supporting Fact Sheets for the discharge from activities associated with Eagle River Wastewater Treatment Facility (AKG-002254-3). NMFS offers the following information under the Endangered Species Act (ESA) and the Essential Fish Habitat (EFH) provisions of 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, pinnipeds and Pacific salmon 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 for anadromous salmon and certain life stages of marine fish under NMFS' jurisdiction. For future reference in accordance with our finding with the EPA on how to conduct EFH consultations, should you determine your action *may adversely affect EFH* then an EFH assessment is required as outlined in 50 CFR Part 600.920. Otherwise, an EFH assessment



is *not* required. The EPA has determined that reissuance of this NPDES permit will not adversely affect EFH. Based on information in the Draft Permit and the attachments, NMFS concurs with this determination. Please visit our web site at <http://www.fakr.noaa.gov/habitat> for additional information on habitat and EFH information.

We hope this information is useful in fulfilling your requirements under the ESA and the Magnuson-Stevens Act. Please contact Mr. Brad Smith with any questions about endangered species at (907) 271-3023, and Ms. Jeanne Hanson with any questions about EFH at (907) 271-3029.

Sincerely,

for 
James W. Balsiger
Administrator, Alaska Region

cc: OHMP, OPMP, – Anchorage
Records