UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

January 29, 2003

Guy McConnell
U.S. Army Corps of Engineers
Alaska District
EN-CW-ER (Crayton)
P.O. Box 898
Anchorage, Alaska 99506-0898

Re: Port Lions, Alaska

Attn: Wayne Crayton

Dear Mr. McConnell:

Thank you for requesting compliance with applicable environmental laws for which the National Marine Fisheries Service (NMFS) administers in regard to your navigational harbor project in Port Lions, Alaska. NMFS has reviewed your preliminary information and offers the following comments specific to section 7 of the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), and Essential Fish Habitat (EFH) provisions of the the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Endangered Marine Mammal Species

NMFS is responsible for the administration of the ESA as it applies to certain cetaceans and pinnipeds in Alaska. These include seven species of whales (fin, right, humpback, blue, sperm, sei and bowhead), and western population of Steller sea lions.

Steller sea lion rookeries occur on Sugarloaf Island (Barren Islands), and the eastern shore of Marmot Island. Also, major Steller sea lion haulouts occur on Tonki Cape, Sealion Rocks, Cape Chiniak, Ugak Island, and Gull Point.

We do not expect these marine mammals to be affected by your proposed activity. However, we may need to discuss with your agency and contractor the placement of a trained marine mammal observer during construction activities. This would ensure that no harm occurs to endangered marine mammals during in-water construction activities.

Marine Mammal Species

Marine mammal species which associate with marine waters near Port Lions may include minke and killer whales, Dalls' and harbor porpoises, and harbor seals. However, harbor porpoises and harbor seals are more frequently observed in the bay. We do not expect the activity to affect any of these marine mammals.

Essential Fish Habitat (EFH)

EFH has been designated for certain life stages of marine fish under NMFS jurisdiction in the waters of Akutan Bay. For specific EFH information regarding your project area please visit our web site at:

http://www.fakr.noaa.gov/habitat/

A federal action that may adversely affect EFH must include an EFH assessment in either a separate document or be clearly referenced in a support document, such as an environmental assessment for the project that is prepared by the federal agency taking the action. An EFH assessment is outlined in 50 CFR Part 600.920. The contents of an assessment are likely included already in some form of your document. However, a clearly referenced EFH assessment will satisfy the requirements of the provisions regarding EFH within the administration of the Magnuson-Stevens Act. A federal action which does not adversely affect EFH will not require consultation with NMFS.

In-water construction activities and the placement of fill may have some impact to EFH. Therefore, we suggest any in-water activities be timed as to avoid out-migrating juvenile and returning adult salmonid migrations.

We hope this information is useful to you in fulfilling any requirements under section 7 of the ESA and EFH requirements under the Magnuson-Stevens Act.

Please direct any questions to Matthew P. Eagleton in our Anchorage field office at (907) 271-5006.

Sincerely,

For James W. Balsiger
Administrator, Alaska Region

cc: COE, ADEC, ADFG, ADGC, EPA, USFWS - Anchorage