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

April 6, 2009

Kate Kanouse
Habitat Biologist
Alaska Department of Fish and Game
P.O. Box 240020
Douglas, Alaska 99824-0020

Re: ACMP Consistency Review
East Alsek River and Estuary

Dear Ms. Kanouse:

The National Marine Fisheries Service (NMFS) reviewed the Alaska Coastal Management Program (ACMP) consistency review Startup Packet for Mr. Andrew Varni's proposed all-terrain vehicle (ATV) use in the East Alsek River and estuary. Mr. Varni is requesting a permit to operate an ATV and tow equipment on the banks and riverbed of the East Alsek and other streams in the Dry Bay area from May 1 to October 1. The purpose of the activity is to access set net sites and to investigate potential new set net sites. The ATV will not be used for recreational purposes.

We offer the following comments specific to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Essential Fish Habitat

Section 305(b) of the Magnuson-Stevens Act requires NMFS to provide Essential Fish Habitat (EFH) Conservation Recommendations to federal and state agencies concerning actions that may adversely affect EFH. EFH Conservation Recommendations may include measures to avoid, minimize, mitigate or otherwise offset adverse effects to EFH.

In Alaska, EFH has been designated for salmon and marine species of groundfish, crab, and scallops under NMFS' jurisdiction. Several anadromous fish streams enter the East Alsek estuary, including the East Alsek River. King, sockeye, pink, chum, and coho salmon are species with designated EFH, which utilize the East Alsek River and estuary waters and substrate at various life stages. Salmon fry use nearshore areas in the spring and summer. Near shore habitats are particularly important to juvenile salmon migrating as fry or smolts from fresh water to salt water. Juvenile salmon use near shore habitats for feeding and predator avoidance prior to migration out to sea. Ground fish and forage fish species also utilize nearshore marine waters and estuaries at various life stages. The East Alsek estuary is utilized by forage fish for broadcast spawning.

To minimize the impacts of Mr. Varni's proposed ATV activity on EFH, NMFS offers the following EFH Conservation Recommendations pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Act:

1. Prohibit use of the ATV in the wetted bed of the river; and

2. Prohibit use of the ATV in the estuary during the time determined by Alaska Department of Fish and Game when fry are out-migrating from the Alsek River and when forage fish eggs (herring and eulachon) are present in the estuary.

If you have any questions regarding our habitat recommendations for this project, please contact Cindy Hartmann Moore at 907-586-7585.

Sincerely,

Robert D. Mecum
Acting Administrator, Alaska Region

cc: ADNR, Juneau, kate.kanouse@alaska.gov
ADNR, Juneau, dnr.dcomprajnu@alaska.gov
USFWS, Juneau, Richard Enriquez*
NMFS, AKR, HCD, Cindy Hartmann Moore

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