



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

March 4, 2009

David Navecky
 Surface Transportation Board
 395 E Street, SW
 Washington D.C. 20423-0001

Re: Port Mackenzie Rail Extension
 STB Finance Docket No. 35095

Dear Mr. Navecky:

The National Marine Fisheries Service (NMFS) has received your letter requesting information on threatened or endangered species and Essential Fish Habitat (EFH) associated with the proposed the Port Mackenzie Rail Extension. Although the letter also requested NMFS confirms the project-related indirect effects, as per our discussion, we cannot evaluate such information until receipt of your assessment of the effects. NMFS offers the following information under the ESA and the 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 administration of the Endangered Species Act (ESA) for cetaceans, sea turtles, anadromous fish, marine fish, seals, sea lions, marine plants and corals. All other species (including polar bears, walrus and sea otters) are administered by the U. S. Fish and Wildlife Service. Further information on NMFS ESA species can be found at http://www.nmfs.noaa.gov/pr/species/csa_species.htm.

Cook Inlet beluga whales are listed as endangered under the ESA and are frequently observed in the waters adjacent to the project and must be considered when evaluating the effects of this project. At this time, critical habitat for Cook Inlet beluga whales has not been designated, however, as stated in your letter, the project is adjacent to Valuable Habitat Type 1, as defined by the 2008 Conservation Plan for the Cook Inlet Beluga Whale. Please be aware that harbor seals have also occasionally been documented in the area. All marine mammals are protected under the Marine Mammal Protection Act.

Several ESA-listed stocks of Pacific salmon occur within Alaskan waters. These include the following Evolutionarily Significant Units (ESU): Snake River fall Chinook, Snake River spring/summer Chinook, Puget Sound Chinook, Upper Columbia River spring Chinook, Lower Columbia River spring Chinook, Upper Columbia River steelhead, Upper Willamette River



steelhead, Middle Columbia River steelhead, Lower Columbia River steelhead, and Snake River basin steelhead. These stocks are mainly found in the North Pacific, south of the Bering Sea. However, the specific occurrence of listed salmonids within the project area is highly unlikely.

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 Essential Fish Habitat (EFH). EFH has been designated in waters used by anadromous salmon and various life stages of marine fish under NMFS' jurisdiction. Five fishery management plans exist for fisheries in Alaska. They cover 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 information.

We hope this information is useful to you in fulfilling any requirements under section 7 of the Endangered Species Act and section 305(b)(2) of the Magnuson-Stevens Act. Please direct any marine mammal questions to Mandy Migura at 907-271-1332, and questions regarding EFH to Doug Limpinsel at 907-271-6379.

Sincerely,



Robert D. Mecum
Acting Administrator, Alaska Region

cc: Doug Limpinsel