

RESPONSE TO COMMENTS
AK-005331-7

EPA received one comment on the draft permit from the Alaska Department of Natural Resources (ADNR). EPA also received further information pertaining to the Endangered Species Act and Essential Fish Habitat (EFH).

Endangered Species Act

In a letter dated December 23, 2002, the National Marine Fisheries Service (NMFS) stated that any threatened or endangered species are unlikely to occur with the project area.

Essential Fish Habitat

EPA requested concurrence on its determination that the discharge was not likely affect essential fish habitat when the permit went to public notice on November 21, 2002. NMFS replied to EPA in the December 23, 2002, letter referenced above. NMFS requested timing restrictions from February 1st until May 31st to lessen the potential impacts on red king crab mating pairs and egg-laden females. The NPDES permit now contains timing restrictions from February 1st until May 31st with a condition that mining may start in May if the videographic survey indicates there are no crabs located in the area to be mined. The permittee had already agreed to videographic or photographic surveys as part of the consistency determination by the Alaska Division of Governmental Coordination.

§ 401 Certification

EPA received a copy of ADEC's § 401 Certification dated February 5, 2003. All stipulations listed in the Certificate of Reasonable Assurance were contained in the draft permit and will be included in the final permit.

