and conditions will be exempt from the ESA take prohibition. This document also includes the results of our analysis of the action's likely effects on essential fish habitat (EFH) pursuant to section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and includes five conservation recommendations to avoid, minimize, or otherwise offset potential adverse effects on EFH. Section 305(b) (4) (B) of the MSA requires Federal agencies to provide a detailed written response to NMFS within 30 days after receiving this recommendation.

If the response is inconsistent with the EFH conservation recommendation, the RRSNF must explain why the recommendations will not be followed, including the scientific justification for any disagreements over the effects of the action and the recommendations. In response to increased oversight of overall EFH program effectiveness by the Office of Management and Budget, NMFS established a quarterly reporting requirement to determine how many conservation recommendations are provided as part of each EFH response and how many are adopted by the action agency. Therefore, we request that in your statutory reply to the EFH portion of this consultation, you clearly identify the number of conservation recommendations accepted.

Please contact Michelle McMullin in the Oregon Coast Branch of the Oregon Washington Coastal Area Office, at 541-957-3378 or Michelle.McMullin@noaa.gov, if you have any questions concerning this section 7 consultation, or if you require additional information.

Sincerely,

William W. Stelle, Jr.
Regional Administrator

cc: Susan Maiyo, RRSNF
Karen Tarnow, ODEQ