

13.3. Statutory Response Requirement

Federal agencies are required to provide a detailed written response to NMFS' EFH conservation recommendations within 30 days of receipt of these recommendations (50 C.F.R. 600.920(j)(1)). The response must include a description of measures proposed to avoid, mitigate, or offset the adverse effects that the activity has on EFH. If the response is inconsistent with the EFH conservation recommendations, the response must explain the reasons for not following the recommendations, including the scientific justification for any disagreements over the anticipated effects of the proposed action and the measures needed to avoid, minimize, mitigate, or offset such effects.

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 consultation and how many are adopted by the action agency. Therefore, in your statutory reply to the EFH portion of this consultation, we ask that you clearly identify the number of conservation recommendations accepted.

13.4 Supplemental Consultation

The Corps must reinitiate EFH consultation with NMFS if the proposed action is substantially revised in a way that may adversely affect EFH, or if new information becomes available that affects the basis for NMFS' EFH conservation recommendations (50 C.F.R. 600.920(k)).

14. DATA QUALITY ACT DOCUMENTATION AND PRE-DISSEMINATION REVIEW

Section 515 of the Treasury and General Government Appropriations Act of 2001 (Public Law 106-554) ('Data Quality Act') specifies three components contributing to the quality of a document. They are utility, integrity, and objectivity. This section of the Opinion addresses these Data Quality Act (DQA) components, documents compliance with the DQA, and certifies that this Opinion has undergone pre-dissemination review.

Utility: This document records the results of an interagency consultation. The information presented in this document is useful to three agencies of the Federal government (NMFS, the Corps, and FWS), the sponsoring Ports (Portland and St. Helens, in Oregon, and Vancouver, Kalama, Longview and Woodland in Washington), and the general public. The information is useful and of interest to the general public as it describes the manner in which public trust resources are being managed and conserved. This consultation also fulfills multiple legal obligations of the named agencies and sponsoring Ports. The information presented in this Opinion and used to prepare it represents the best available scientific and commercial information and has been improved through interaction with the Corps.

Individual copies were provided to the Federal agencies. The Corps will provide a copy of the Opinion to the sponsoring Ports. This consultation will be posted on the NMFS Northwest Region website (<http://www.nwr.noaa.gov>). The format and naming adheres to conventional standards for style.

Integrity: This consultation was completed on a computer system managed by NMFS in accordance with relevant information technology security policies and standards set out in Appendix III, 'Security of Automated Information Resources,' Office of Management and Budget Circular A-130; the Computer Security Act; and the Government Information Security Reform Act.

Objectivity:

Information Product Category: Natural Resource Plan.

Standards: This consultation and supporting documents are clear, concise, complete, and unbiased; and were developed using commonly accepted scientific research methods. They adhere to published standards including the NMFS ESA Consultation Handbook, ESA Regulations, 50 C.F.R. 402.01 *et seq.*, and the MSA implementing regulations regarding EFH, 50 C.F.R. 600.920(j).

Best Available Information: This consultation and supporting documents use the best available information, as referenced in the Literature Cited section. The analyses in this Opinion/EFH consultation contain more background on information sources and quality.

Referencing: All supporting materials, information, data and analyses are properly referenced, consistent with standard scientific referencing style.

Review Process: This consultation was drafted by NMFS staff with training in ESA and MSA implementation, and reviewed in accordance with Northwest Region ESA quality control and assurance processes.