



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Northwest Region  
7600 Sand Point Way N.E., Bldg. 1  
Seattle, WA 98115

NMFS Tracking No.:  
2006/00472

October 23, 2008

Mr. Mark Eberlein  
Regional Environmental Officer  
U.S. Department of Homeland Security  
Federal Emergency Management Agency  
Region X  
130-228<sup>th</sup> Street SW  
Bothell, Washington 98021-97963755

Re: Notice of Error and Correction in Endangered Species Act Section 7 Formal Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the on-going National Flood Insurance Program carried out in the Puget Sound area in Washington State. HUC 17110020 Puget Sound.

Dear Mr. Eberlein:

The referenced biological opinion prepared by the National Marine Fisheries Service and provided to the Federal Emergency Management Agency in September, 2008 contains an error in Reasonable and Prudent Alternative Element 6. This element describes floodplain mitigation activities, and refers to potential funding sources that FEMA could access for mitigation purposes. The NMFS was in error when it stated that FEMA has the direct authority to use Flood Assistance Account Program funds for floodplain related actions.

Please note that NMFS intended to refer instead to the Flood Mitigation Assistance Program (42 U.S.C. 4104(c)).

If you have questions, please contact DeeAnn Kirkpatrick of National Marine Fisheries Service's Washington State Habitat Office at (206) 526-4452 or via email at [deeann.kirkpatrick@noaa.gov](mailto:deeann.kirkpatrick@noaa.gov).

Sincerely,

Steven W. Landino  
Washington State Director  
for Habitat Conservation