



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

April 10, 2007

Reply to
Attn Of: OWW-130

Kenneth Berg
U.S. Fish and Wildlife Service
510 Desmond Drive, SE
Lacey, Washington 98503

Steve Landino
National Marine Fisheries Service
510 Desmond Drive, SE
Lacey, Washington 98503

Dear Mr. Berg and Mr. Landino:

In accordance with Section 7 of the Endangered Species Act (ESA), the Environmental Protection Agency (EPA) is requesting formal consultation on its proposed approval of specific provisions of the Washington Water Quality Standards. These provisions are described in the enclosed biological evaluation, as are EPA's effect determinations for ESA listed species in Washington. Additionally, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act the biological evaluation contains EPA's Essential Fish Habitat analysis.

In August 2003, the Washington Department of Ecology (Ecology) adopted, and submitted to EPA, its 2003 Water Quality Standards (WQS) regulations revisions. In March 2006, after working extensively with the U.S. Fish and Wildlife Service, National Marine Fisheries Services, Washington Tribes, and the State, EPA disapproved the use designations and temperature criteria for specific stream segments because they did not protect the existing fish uses. As a result of EPA's action, Ecology revised its water quality standards in December 2006 to address the deficiencies, by adopting all the changes specified by EPA. Ecology's newly adopted water quality standards were submitted to EPA for approval on December 8, 2006.

The focus of this biological evaluation is the effects which may occur to threatened and endangered species if the water quality standards are achieved in a water body. The biological evaluation does not analyze the adequacy of the Clean Water Act implementation programs to attain water quality standards, nor does it analyze the effects of the incremental changes to criteria.

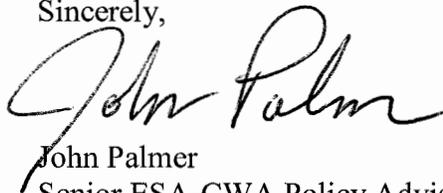
This biological evaluation provides EPA's analysis of the potential effects of our proposed action on threatened and endangered species and designated critical habitat and presents the effect findings for each species. Overall, we have concluded that our approval of the Washington's water quality standards will generally be beneficial to listed species and most provisions are not likely to lead to adverse affects. However, there are a few specific river segments and provisions where we have determined that our action is likely to adversely affect specific listed species; these instances are summarized in Tables 5-21 and 5-22 of the biological evaluation.

EPA is grateful for the constructive and cordial manner in which our agencies have worked together in reviewing and revising the water quality standards to ensure they are protective of listed species. We are also appreciative of your comments in helping us prepare the biological evaluation.

Given the significant level of coordination we have had with your agencies on this action since 2003, we are hopeful that the Biological Opinions can be completed within 135 days. To meet this goal, we look forward to our continued coordination as you proceed with the Opinions and, if needed, will offer additional clarification of our biological evaluation.

If you have any questions or wish to discuss this matter further, please call me at (206) 553-6521 or for technical matters call Lil Herger at (206) 553-1074.

Sincerely,

A handwritten signature in black ink that reads "John Palmer". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John Palmer
Senior ESA-CWA Policy Advisor
Office of Water and Watersheds

Enclosure

cc: Melissa Gildersleeve, Ecology
Fran Wilshusen, NWIFC