UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
1201 NE Lloyd Blvd., Suite 1100
PORTLAND, OREGON 97232-1274

Refer to NMFS No: WCRO-2019-00175

May 3, 2019

Hanh Shaw
Water Quality Standards Unit Section Chief
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3123

Re: Endangered Species Act Section 7 Formal Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the U.S. Environmental Protection Agency Proposed Approval of the Snake River Hells Canyon Site Specific Temperature Criterion, Hells Canyon Subbasin, HUC 17060101, Idaho and Adams Counties, Idaho (One Project)

Dear Ms. Shaw:

On April 4, 2019, NOAA's National Marine Fisheries Service (NMFS) received your request to initiate formal consultation for the U.S. Environmental Protection Agency (EPA) proposed approval of the Snake River Hells Canyon site specific temperature criterion pursuant to section 7(a)(2) of the Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.). The U.S. Environmental Protection Agency (EPA) also requested consultation pursuant to section 305(b) of the Magnuson-Stevens Fishery Conservation Management Act. Your submittal included a final biological evaluation (BE) that analyzed the effects of the proposed action on Snake River Basin steelhead (*Oncorhynchus mykiss*), Snake River spring/summer Chinook salmon and fall Chinook salmon (*O. tshawytscha*), Snake River sockeye salmon (*O. nerka*), Southern Resident killer whale (*O. orca*), designated critical habitat for all of these species, and essential fish habitat for Chinook salmon.

On April 24, 2019, NMFS requested EPA clarify and provide an analysis of their effects determinations for the Southern Resident killer whale designated critical habitat. EPA responded on April 25, 2019. This response, coupled with information contained in the BE is sufficient to

initiate consultation, and any additional information we require is otherwise accessible for our consideration and reference. As such, the initiation date for formal consultation under the ESA is April 25, 2019. During the consultation process, we may occasionally request EPA to provide clarification or additional information that we determine is necessary to complete our evaluation. We thank you in advance for your collaboration. We have assigned NMFS number **WCRO-2019-00175** to this consultation. Please refer to this number in any future correspondence regarding this consultation.

Section 7 of the ESA prescribes 90 calendar days for interagency consultation, plus 45 days to prepare a biological opinion, unless we mutually agree to an extension. Considering this, the regulatory deadline for issuing a final biological opinion is September 7, 2019. As a reminder, the ESA requires that prior to completion of this consultation, the action agencies should not make any irreversible or irretrievable commitments of resources that would preclude any reasonable and prudent alternative to the proposed action that NMFS might require.

If you have any questions about this consultation, please contact Johnna Sandow, Fish Biologist in the Southern Snake Branch Office, at (208) 378-5737 or at johnna.sandow@noaa.gov.

Sincerely,

Michael P. Tehan
Assistant Regional Administration
Interior Columbia Basin Office
NOAA Fisheries, West Coast Region

cc: R. Labiosa – EPA
M. Morse – USFWS
J. Flory - USFWS
M. Lopez – NPT
C. Colter – SBT