UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

JUN 0 7 2018

Jodi Charrier
Acting Island Team Leader
Maui Nui and Hawaii Island
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard
Honolulu, Hawaii 96850

SUBJECT: Designation of Non-Federal Representative under Section 7 of the Endangered Species Act (Reference: 01EPIF00-2018-TA-0275)

Dear Ms. Charrier:

The U.S. Environmental Protection Agency Region 9 (EPA) awarded a Special Appropriation Act Project (SAAP) grant to the County of Hawaii for the Pahala Community Large Capacity Cesspool (LCC) Replacement Project. This project triggers the application of the National Environmental Policy Act (NEPA) and numerous Federal cross-cutting authorities including the Endangered Species Act (ESA).

Pursuant to 50 C.F.R. §402.08, a Federal agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment by giving notice to the Director of such designation. In accordance with 50 C.F.R. §402.08, EPA hereby designates Eastern Research Group, Inc. (ERG) to act on EPA's behalf when initiating the ESA consultation process and prepare a biological assessment if needed in connection with the Pahala Community LCC Replacement Project. Effective immediately, ERG may consult with the Fish and Wildlife Service (FWS) to initiate the informal consultation process under Section 7 of the ESA, with responsibilities described herein.

EPA requires, through grant provisions for federally-assisted SAAP projects, that grant recipients implement such measures as are ultimately determined necessary or appropriate during the ESA Section 7 consultation process to avoid adverse effects to listed species or adverse modification of designated or proposed critical habitat. However, EPA will continue to be ultimately responsible for compliance with the Section 7 requirements of the ESA and will remain responsible for participating in the consultation process if:

- there is disagreement between relevant parties regarding the scope of the area of potential effects, identification of endangered species or habitats, or evaluation of effects; or,

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- there is an objection from consulting parties or the public regarding findings or determinations or the implementation of agreed provisions.

If you have any questions, please contact Kate Rao, Drinking Water Protection Section, at (415) 972-3533 or via email at rao.kate@epa.gov.

Sincerely,

Mike Montgomery
Assistant Director, Water Division

cc:

William Kurcharski, County of Hawaii
Dora Beck, County of Hawaii

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