



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3188

WATER DIVISION

August 11, 2020

Reply to
Attn of: WD-19-C04

Ms. Christina Hacker
U.S. Fish and Wildlife Service
Idaho Fish and Wildlife Office - Spokane
11103 East Montgomery Drive
Spokane Valley, Washington 99206

Mr. Kenneth Troyer
National Marine Fisheries Service - West Coast Region
800 East. Park Blvd, Plaza IV, Suite 220
Boise, Idaho 83712-7768

Re: Request for Concurrence on ESA Determination and EFH Assessment of Two (2) National Pollutant Discharge Elimination System (NPDES) Permits for Municipal Stormwater Discharges in Lewiston, Idaho

Dear Ms. Hacker and Mr. Troyer:

The U. S. Environmental Protection Agency has proposed to issue two NPDES permits for the facilities identified above authorizing the discharges from the municipal separate storm sewer systems (MS4s) owned and/or operated by the for the City of Lewiston and Lewis-Clark State College, Permit No. IDS028061 and the Idaho Transportation Department District 2, Permit No. IDS028258, located in the U.S. Census defined Lewiston, Idaho, Urbanized Area.

Pursuant to the Endangered Species Act (ESA) Section 7, EPA developed the enclosed Biological Evaluation (BE) analyzing the potential consequences of the proposed NPDES permitting actions to ESA listed species and their critical habitat present within the Action Area. The analysis and format of this BE are consistent with the revised ESA regulations, (84 FR 44976 – 45018 [August 27, 2019]). We request concurrence from your offices on our effect determination for each species, as summarized in the table below.

<i>Effects Determinations</i>			
Species	Population	Effects Determination Species	Effects Determination Critical Habitat
Chinook salmon	Snake River Spring/Summer ESU	NLAA	NLAA
	Snake River Fall ESU	NLAA	NLAA
Sockeye salmon	Snake River ESU	NLAA	NLAA
Bull trout	Columbia River DPS	NLAA	NLAA
Steelhead	Snake River ESU	NLAA	NLAA
Spalding's catchfly	West-central Idaho	NE	CH not designated
NE = No Effect; NLAA = Not Likely to Adversely Affect			
ESU = Evolutionary Significant Unit; DPS = Distinct Population Segment			

Additionally, the Magnuson-Stevens Fisheries Conservation and Management Act Section 305(b)(2) requires federal agencies to consult with NMFS on proposed actions that may adversely affect Essential Fish Habitat (EFH). Based on the EFH Assessment, which is included as Section 8 in the BE, EPA has determined made the determination that the discharges authorized under the two proposed NPDES Permits are not likely to adversely affect EFH or either Chinook salmon or Coho salmon in the Action Area.

EPA proposed each permit for public review and accepted public comment in early 2019. The draft permits, technical fact sheets that explain the conditions in each permit, and public notices can be found at the following website addresses:

Permit No. IDS028061 - City of Lewiston and Lewis-Clark College MS4s:

<https://www.epa.gov/npdes-permits/draft-npdes-stormwater-permit-city-lewiston-and-lewis-clark-state-college-idaho>

Permit No. IDS028258 – ID Transportation Department District 2:

<https://www.epa.gov/npdes-permits/draft-npdes-stormwater-permit-idaho-transportation-department-district-2>

If you and your staff are interested, EPA would like to offer the opportunity to meet with appropriate personnel in your respective offices to provide an overview of the BE analysis and discuss the consultation on the proposed NPDES permits.

Consistent with 40 CFR § 402.13(c), we would appreciate your response to this request for concurrence within 60 days. If you have any questions, please contact me at 206-553-6334 or martinson.mathew@epa.gov. You may also contact the permit writer, Misha Vakoc, for technical questions at (206) 553-6650 or via email at vakoc.misha@epa.gov.

Sincerely,

Mathew J. Martinson
CAPT, USPHS
Chief, Permitting, Drinking Water and
Infrastructure Branch

Enclosure:

Biological Evaluation and Essential Fish Habitat Assessment For Endangered Species Act Section 7 Consultation On National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permits Located In The Lewiston, Idaho Urbanized Area: City Of Lewiston & Lewis-Clark State College (NPDES Permit No. IDS028061) and Idaho Transportation Department District #2 (NPDES Permit No. IDS028258), August 2020.

cc: Ms. Cara Christofferson, USFWS (via email)
Ms. Christy Johnson Hughes, USFWS (via email)
Mr. David Arthaud, NMFS (via email)

