

United States Department of the Interior



FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES
MONTANA FIELD OFFICE
585 SHEPARD WAY
HELENA, MONTANA 59601
PHONE (406) 449-5225, FAX (406) 449-5339

January 19, 2007

Karen Hamilton, Chief
Water Quality Unit
U.S. Environmental Protection Agency
999 18th Street, Suite 300
Denver, Colorado 80202-2466

Dear Ms. Hamilton:

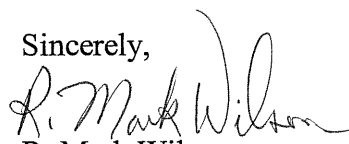
This is in response to your letter dated December 27, received in this office on January 8, 2007, transmitting the U.S. Environmental Protection Agency's (EPA) biological evaluation for the State of Montana's year 2006 Section 303(d) waterbody list. The biological evaluation considered the potential effects of the approval of Montana's 2006 list of impaired waters requiring development of total maximum daily loads (TMDLs) pursuant to Section 303(d) of the Clean Water Act. In particular, the biological evaluation analyzes the impacts of Section 303(d) list approval to federally listed aquatic and aquatic-dependent species, and candidate species.

The U.S. Fish and Wildlife Service (Service) concurs with EPA's finding that this action is not likely to adversely affect federally listed species, and formal consultation is not required. Should additional information on federally listed or proposed species become available, this determination may be reconsidered. Further, the Section 303(d) list approval should be re-analyzed if new information reveals effects of the action that may affect federally listed species or if the Section 303(d) list is modified in a manner that causes an effect not considered in this consultation. The Service bases its concurrence on information contained in the biological evaluation and through discussions with EPA staff and the Montana Department of Environmental Quality.

The above comments are provided in accordance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*). We look forward to working cooperatively with EPA and the State of Montana on water quality issues in the future to ensure they provide the necessary levels of protection for all fish and wildlife and their aquatic habitats. We also value continued discussion on determinations of potential adverse effects related to Section 303(d) list approval and TMDL development. This concludes informal consultation pursuant to regulations 50 CFR § 402.13 implementing the Endangered Species Act.

Should you have any questions about this letter, please contact Mr. Brent Esmoil within this office at (406)449-5225, extension 215.

Sincerely,

A handwritten signature in black ink that reads "R. Mark Wilson". The signature is written in a cursive style with a large, looping initial "R".

R. Mark Wilson
Field Supervisor