



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Washington Fish and Wildlife Office
510 Desmond Dr. SE, Suite 102
Lacey, Washington 98503

OCT 16 2009

In Reply Refer To:
13410-2009-F-0175

Hanh Shaw, NEPA Compliance Coordinator
Region 10, U.S. Environmental Protection Agency
1200 Sixth Avenue
Seattle, Washington 98101

Dear Ms. Shaw:

This correspondence transmits the U.S. Fish and Wildlife Service's (Service) Biological Opinion, which is based on our review of the Arlington Wastewater Treatment Plant Upgrades and Expansion Project, located in Snohomish County, Washington. You requested initiation of formal consultation regarding anticipated adverse effects from the proposed action on the Puget Sound interim recovery unit of the bull trout (*Salvelinus confluentus*). The attached Biological Opinion describes the effects of the action on the bull trout in accordance with Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

The Service received your letter requesting initiation of formal consultation and the final Biological Assessment for the Project on September 17, 2009. The materials you submitted to the Service to initiate consultation and a complete record for this consultation are on file in our Washington Fish and Wildlife Office, Lacey Washington.

* Our analysis of project effects, described in the attached Biological Opinion, leads us to conclude that implementation of the proposed action will not jeopardize the continued existence of the bull trout. The enhanced treatment technology that will be employed at the wastewater treatment plant includes a membrane bioreactor, biological nutrient removal and ultraviolet disinfection. Application of these technologies are considered significant beneficial effects of the proposed action. The Service believes that the city of Arlington is taking a leadership role and exemplifying commendable environmental stewardship in their implementation of these worthwhile technologies.

The incidental take statement accompanying our Biological Opinion provides the Environmental Protection Agency with an exemption from the Section 9 prohibitions against take of listed species described in the Endangered Species Act. Please note that this incidental take statement also includes mandatory "reasonable and prudent measures" and "terms and conditions" that are designed to minimize incidental take. We also offer several "conservation recommendations" that are non-binding and are designed to minimize risks to listed species associated with Project implementation.

Thank you for helping to conserve listed species. If you have questions about this biological opinion or your responsibilities under the Endangered Species Act, please contact Andrea LaTier at (360) 753-9593 or Martha Jensen at (360) 753-9000.

Sincerely,



for Ken S. Berg, Manager
Washington Fish and Wildlife Office

Enclosure

cc:

NOAA Fisheries, Seattle, WA (T. Sibley)

City of Arlington, Arlington, WA (J. Kelly)