



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
1201 NE Lloyd Boulevard, Suite 1100
Portland, OR 97232

Refer to NMFS No.:
NWR-2008-148

December 3, 2015

Christine Psyk
Associate Director
Office of Water and Watersheds
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

Re: Implementation of Reasonable and Prudent Alternative for Acute and Chronic Copper in
2012 Biological Opinion on Oregon's Toxic Water Quality Criteria

Dear Ms. Psyk:

Your October 8, 2015 letter to us requests confirmation that the state of Oregon can comply with the reasonable and prudent alternatives (RPAs) for the acute and chronic copper aquatic life criteria specified in our 2012 biological opinion on EPA's approval of the state of Oregon's water quality standards for toxic substances by adopting EPA's 2007 biotic-ligand model (BLM) for copper or an updated copper BLM that is at least as stringent as the 2007 copper BLM. As we have explained in several conference calls and email exchanges during the year 2014, the use of the copper BLM to derive location-specific copper criteria or copper criteria based on averages by ecoregion is appropriate under the RPA, provided that the state of Oregon has the appropriate data to input into the BLM and appropriate procedures to develop the averages. Also, it will be important that the BLM-based criteria apply to all waters subject to the jurisdiction of the state of Oregon.

We are working with the state of Oregon through its technical advisory committee on the development of a technical support document (TSD) that will discuss approaches for deriving statewide copper criteria using the BLM. Development of a sound TSD is a key element in the eventual success of the RPA, and we encourage EPA to continue its participation in this project.

Thank you for your cooperation in addressing the ammonia RPA. We look forward to working with your agency's staff to address the remaining criteria in the RPA. If you have any questions, please contact Jeff Lockwood, Senior Fishery Biologist, at 503.231.2249.

Sincerely,

Kim W. Kratz, Ph.D.
Assistant Regional Administrator
Oregon Washington Coastal Office