



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

Jennifer Quan  
Regional Administrator  
West Coast Region Office  
National Marine Fisheries Service  
1201 Northeast Lloyd Boulevard, Suite 1100  
Portland, OR 97232

**SUBJECT:** Designation of Non-Federal Representative for Consultations under Section 7 of the Endangered Species Act and Section 305(b) of the Magnuson-Stevens Act

Dear Jennifer Quan:

I am writing to confirm that the U.S. Environmental Protection Agency, Region 9 (EPA) is designating the California State Water Resources Control Board (SWRCB) as our non-federal representative for purposes of conducting informal consultation and preparing a Biological Assessment or Biological Evaluation under Section 7 of the Endangered Species Act (ESA) and conducting Essential Fish Habitat consultation and preparing an Essential Fish Habitat Assessment under Section 305(b) of the Magnuson-Stevens Act (MSA) for certain projects that may be funded by the California Drinking Water State Revolving Fund (DWSRF), the California Clean Water State Revolving Fund (CWSRF), the Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) program, and the Small, Underserved and Disadvantaged Communities Grant (SUDC) program (collectively, the "Programs"). This designation applies to all projects in the state of California receiving assistance through the CWSRF, DWSRF, EC-SDC, and SUDC programs.

Projects supported with funds made available by federal CWSRF and DWSRF capitalization grants, and projects supported by EC-SDC and SUDC grant funds, referred to as federally-assisted projects, must comply with Section 7 of the ESA and Section 305(b) of the MSA and implementing regulations. Roles and responsibilities for EPA and the SWRCB for complying with the ESA and MSA are detailed in a letter from EPA to the Deputy Director of the Division of Financial Assistance at the SWRCB, Joe Karkoski, dated May 12, 2025, a copy of which is enclosed.

Per 50 CFR 402.08 and 50 CFR Section 600.920(c), if a Biological Assessment is prepared by a non-federal representative, EPA will continue to provide guidance and supervision and shall independently review and evaluate the scope and contents to ensure that it meets applicable standards and guidelines. EPA is ultimately responsible for compliance with Section 7 of the ESA and Section 305(b) of the MSA. In carrying out its responsibilities as EPA's designated non-federal representative, the SWRCB

will provide EPA with copies of consultation letters, all substantial communications with your agency and all associated analyses and recommendations.

If you require additional information or have questions regarding this designation, please contact Elizabeth Borowiec, State and Municipal Infrastructure Section Manager at (415) 972-3419 or Luis Garcia-Bakarich, Drinking Water Section Manager at (415) 972-3237.

Sincerely,

/s/ May 12, 2025

Hector Aguirre, acting on behalf of  
Tomás Torres, Director, Water Division

cc: Lisa Van Atta, California Coastal Office, NMFS  
Cathy Marcinkevage, California Central Valley Office, NMFS  
Rob Clapp, West Coast Region, NMFS  
Eric Schott, West Coast Region, NMFS  
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