

MAY -4 2000

Stephanie Hallock, Director
Oregon Department of Environmental Quality
811 SW Sixth Avenue
Portland, OR 97204

Dear Ms. Hallock:

The U.S. Environmental Protection Agency, the U. S. Army Corps of Engineers (Corps), and the Bureau of Reclamation have discussed workable processes for Use Attainability Analyses (UAAs) for Federal dams, and have collaborated upon an acceptable approach. Specifically, we agree upon what elements we consider to be appropriately addressed in a UAA conducted under 40 CFR 131.10(g)(4). We are pleased to be able to provide you with our perspective.

We encourage the Oregon Department of Environmental Quality to include these elements in preparing your Oregon Use Attainability Analysis Internal Management Directive for public comment. The process we envision and agree upon is:

1. Federal dam owners/operators would prepare an evaluation package for submittal to the State or Tribe for the purpose of initiating the UAA process;
2. The evaluation package would be developed for purposes of analyzing whether potential structural and/or operational modifications to the dam would result in the attainment of the use;
3. The evaluation package would consider potential technological limitations, beneficial and adverse environmental effects, and/or economic factors;
4. The dam operating agency would use its professional and technical judgment and expertise to conduct good faith and diligent analyses of the range of reasonably available structural and/or operational modifications considered. These analyses would be presented to the State or Tribe, as appropriate, and include the dam operating agency's conclusions of how the potential modifications may affect the attainability of the designated use;
5. The evaluation should be appropriate for the facility and the waterbody in question;
6. The evaluation should, where possible, rely upon existing information and evaluations; and



**US Army Corps
of Engineers**



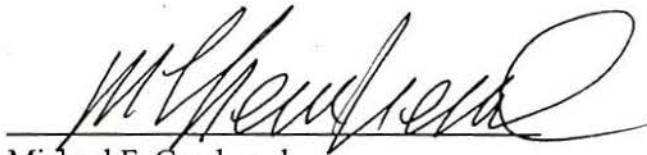
7. The dam operating agency would provide the evaluation to the State or Tribe, as appropriate, as part of the process by which the State or Tribe would determine whether attaining the use is not feasible for purposes of establishing a sub-category or removal of a designated use.

In offering our perspectives on the proper conduct of a UAA for Federal dams, we note that for the Federal activities we contemplate under the UAA process and for the related projects, each of the undersigned agencies must meet all requirements of our authorizing statutes and implementing regulations. Nothing in the UAA process alters the specific statutory or regulatory authorities or responsibilities assigned to EPA, the Corps, the Bureau of Reclamation, or the State or authorized Tribe, nor alters existing statutory roles and responsibilities of other agencies, or statutory requirements.

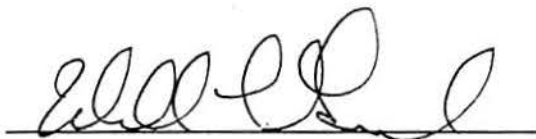
We recommend the approach outlined above as the best and most practical way to conduct Use Attainability Analyses for Federal dams under 40 CFR 131.10(g)(4), consistent with all of our obligations.

Thank you very much for your favorable consideration. If you would like to discuss this approach, we would be pleased to meet with you.

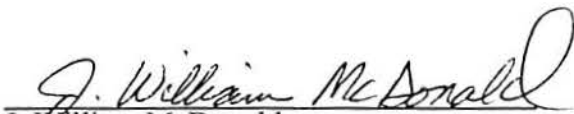
Sincerely,



Michael F. Gearheard
Director
Office of Water and Watersheds
U.S. Environmental Protection Agency - Region 10



Brigadier General William T. Grisoli
Division Engineer
U.S. Army Corps of Engineers
Northwestern Division



J. William McDonald
Regional Director
U.S. Bureau of Reclamation