

degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering (50 CFR 17.3). NMFS' definition of harm includes significant habitat modification or degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, spawning, migrating, rearing, and sheltering (64 FR 60727, November 8, 1999).

Section 10 of the ESA contains provisions for the issuance of incidental take permits to non-Federal landowners for the take of endangered and threatened species, provided that all

permit issuance criteria are met, including the requirement that the take is incidental to otherwise lawful activities, and will not appreciably reduce the likelihood of the survival and recovery of the species in the wild. In addition, the applicant must prepare and submit to the Services for approval, an HCP containing a strategy for minimizing and mitigating all take associated with the proposed activities to the maximum extent practicable. The applicant must also ensure that adequate funding for the HCP will be provided.

King County needs permits because some its activities have the potential to take listed species. Therefore, King

County intends to request permits from NMFS and FWS for Chinook salmon (*Oncorhynchus tshawytscha*), bull trout (*Salvelinus confluentus*), and five other listed species (see table below). King County also plans to seek coverage for approximately 22 currently unlisted fish and wildlife species including Dolly Varden (*Salvelinus malma*), proposed for listing under the ESA's similarity of appearance provisions, and the Western yellow-billed cuckoo (*Coccyzus americanus*), a candidate for listing under the ESA under specific provisions of the proposed incidental take permits, should these species be listed in the future.

#### FEDERALLY LISTED SPECIES PROPOSED FOR COVERAGE

Common Name	Scientific Name	Status	Responsible Agency
Chinook salmon .....	<i>Oncorhynchus tshawytscha</i>	Threatened	NMFS
Bull trout .....	<i>Salvelinus confluentus</i>	Threatened	USFWS
Leatherback sea turtle .....	<i>Dermochelys coriacea</i>	Endangered	USFWS/NMFS
Marbled murrelet .....	<i>Brachyramphus marmoratus</i>	Threatened	USFWS
Bald eagle .....	<i>Haliaeetus leucocephalus</i>	Threatened	USFWS
Steller's sea lion .....	<i>Eumetopias jubatus</i>	Endangered	NMFS
Humpback whale .....	<i>Megaptera novaeangliae</i>	Endangered	NMFS

King County owns and operates a regional wastewater conveyance and treatment system that serves 1.3 million people in the greater Seattle area. The system receives wastewater from a 420-square-mile area in King County and parts of Snohomish and Pierce Counties. Using an extensive network of pipes and pumps, King County currently conveys wastewater collected from local sewer districts to one of two regional treatment plants, where it undergoes both primary and secondary treatment before it is discharged into Puget Sound through outfalls located offshore of West Point and Duwamish Head.

In response to projected population growth within the Puget Sound region, King County has developed the Regional Wastewater Services Plan (RWSP), which enumerates the new and expanded facilities that King County will need throughout its three-county service area to meet increased demand for its wastewater conveyance and treatment services over the next 40 years. The RWSP is the subject of a Washington State Environmental Policy Act document entitled "Final Environmental Impact Statement for the Regional Wastewater Services Plan, April 1998," prepared by the Wastewater Treatment Division of the King County Department of Natural Resources. Construction, operation, and maintenance activities associated with

some new or expanded facilities called for in the RWSP, as well as those same activities associated with some existing King County facilities, have the potential to impact species subject to protection under Section 9 of the ESA.

King County has initiated discussions with the Services regarding the possibility of receiving permits that would cover take of listed species incidental to the following otherwise lawful activities:

(1) King County's existing and proposed secondary treated effluent discharges permitted under the National Pollutant Discharge Elimination System;

(2) Construction, operation, and maintenance activities associated with King County's existing and proposed effluent discharge outfalls;

(3) Construction, operation, and maintenance activities associated with King County's existing and proposed wastewater treatment facilities;

(4) Construction, operation, and maintenance activities associated with King County's existing and proposed conveyance facilities;

(5) King County habitat restoration projects, water quality improvement projects, water quality and fish habitat monitoring programs, and adaptive management activities intended to avoid, minimize, and mitigate the impacts of King County activities (1)-(4) on the proposed covered species, to the maximum extent practicable.

The King County Wastewater Treatment Division is currently considering the following types of conservation measures for the proposed Habitat Conservation Plan:

(a) A program of land conservation for the preservation, enhancement, or creation of suitable habitats for species addressed in the HCP to mitigate impacts associated with proposed construction activities;

(b) Development of new construction best management practices to avoid or minimize construction impacts on species addressed in the HCP;

(c) Commitment to continuing certain wastewater source control activities that are currently voluntary, targeted at reducing potential environmental risks by removing wastes before they are discharged into the sewer system;

(d) Implementation of an adaptive management program with ongoing monitoring and adjustment of covered activities.

Under NEPA, a reasonable range of alternatives to a proposed project must be developed and considered in the Services' environmental review. At a minimum, the alternatives developed must include: (1) A No Action alternative, and (2) the Proposed Action, with thorough descriptions of its management features and anticipated resource conservation benefits and potential impacts. For the present environmental review, the Services