To: CN=Kathleen Goforth/OU=R9/O=USEPA/C=US@EPA[]
Cc: []
Bcc: []
From: CN=Tom Hagler/OU=R9/O=USEPA/C=US
Sent: Wed 1/23/2013 7:26:17 PM
Subject: EPA involvement in the BDCP DEIS - This is totally FYI

The following is a brief response to David Nawi (DOI counselor in the Region), who asked whether EPA could, at this late date, dive in and take over the review of some of the consultant products for the BDCP DEIS, which is supposed to be fast tracked to go out some time this summer (?).

I politely declined on EPA's behalf. We are a cooperating agency, but, as you know, that doesn't include preparing or even editing major portions of a document absent some further agreement and, from what I remember, some funding of EPA's resources.

Call me if you want to talk about this, but I think he will be OK with the answer.

(And be nice to Stephanie. She is probably shell shocked. 12,000 pages plus)

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Tom Hagler
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Email: hagler.tom@epamail.epa.gov
----- Forwarded by Tom Hagler/R9/USEPA/US on 01/23/2013 11:21 AM -----

From: Tom Hagler/R9/USEPA/US
To: David Nawi <david_nawi@ios.doi.gov>,
Cc: Stephanie Skophammer/R9/USEPA/US@EPA, Tim Vendlinski/R9/USEPA/US@EPA
Date: 01/23/2013 11:21 AM
Subject: Re: EPA - NEPA for the BDCP

Yes, I did. Talked to both Stephanie and the water division managers. And my prediction was correct.

We're looking at two different functions for EPA. First, we have a mandatory duty under CAA 309 to review and comment on other agencies' NEPA documents. That is Stephanie's job. Given the 12,000 or so pages involved, Stephanie will be very busy with that task.

We also, as here, sometimes get asked to be a cooperating agency on a NEPA document. This is completely independent of our "309 review." Occasionally, but rarely, the action agency will ask us as a cooperating agency to prepare or take responsibility for a section of the NEPA document where we have special expertise. That is a major resource commitment by EPA, and usually includes some kind of funded positions from the action agency funds (think DWR funding the Corps). Those more intense cooperating agency roles are usually hashed out early in the NEPA process, including identifying the EPA division with expertise and arranging mechanisms for assuring that EPA has editorial control over the sections for

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which we are "responsible" (and an elevation procedure for differences with the lead agencies or its consultants).

We simply haven't gone down that path in this process.

Further, given the "interesting" relationship between the federal action agencies, the state action agencies, the project proponents, and the consultants in this project, I doubt that we would be able to negotiate a more involved EPA relationship for editing part of the BDCP document, at least in a time frame that would help, rather than hurt, your schedule.

All of this is not to say that we haven't been looking at your materials. As you know, we have provided comments on a number of the incomplete drafts, and will expand on those comments as we review the DEIS. If you wish, I can pull together those EPA comments in one file, so that you are aware of concerns we have raised over the years.

Looking forward to this moving along.....

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From: David Nawi <david_nawi@ios.doi.gov>
To: Tom Hagler/R9/USEPA/US@EPA,
Date: 01/23/2013 10:54 AM
Subject: EPA - NEPA

Hi Tom – Did you connect with Stephanie after we spoke last week? Did you come to agreement with her on any role EPA could play in DEIS review?

David

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