To: Erin Foresman/R9/USEPA/US@EPA;Karen Schwinn/R9/USEPA/US@EPA;Tom Hagler/R9/USEPA/US@EPA[]; aren Schwinn/R9/USEPA/US@EPA;Tom Hagler/R9/USEPA/US@EPA[]; om Hagler/R9/USEPA/US@EPA[]
From: "Nepstad, Michael G SPK"
Sent: Mon 4/4/2011 8:47:18 PM
Subject: RE: FW: BDCP EIS (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Project=just the new conveyance facility and operations.

I believe what she means is that for all categories of review except footprint features, the Corps would be basing its permit decision on a cumulative effects analysis only. For example: while we would know that the project specific footprint impacts to wetlands are, we would only know the cumulative impacts of the entire BDCP on fisheries, water levels, and water quality. So our permit on the new conveyance and operations would be based on analyses which included their habitat restoration actions, but the permit would allow them to build and operate their new conveyance facilities prior to the habitat restoration actions being permitted, created and functioning. Because of the modeling and complexity, no reader, including us, would be able to look at those cumulative effects analyses and figure out the effects of just the project proposed for permitting.

I should also add that the Corps never told anyone that the applicants would not be able to get a permit for the Operations and Conveyance alone.

Since I haven't seen what is in the draft EIS, or the scope of work for the development of the EIS, I can't judge whether there's an issue with Reclamation's answer for Question #1.

Michael G. Nepstad
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-----Original Message-----
From: Foresman.Erin@epamail.epa.gov [mailto:Foresman.Erin@epamail.epa.gov]
Sent: Monday, April 04, 2011 10:43 AM
To: Nepstad, Michael G SPK
Cc: Schwinn.Karen@epamail.epa.gov; Hagler.Tom@epamail.epa.gov
Subject: Re: FW: BDCP EIS (UNCLASSIFIED)

Michael,
I'm confused about the two analyses Patti discusses in the second to last paragraph.

****
Erin Foresman
Environmental Scientist & Policy Coordinator, US EPA Region 9 C/O Army Corps of Engineers
1325 J Street, 14th floor Sacramento, CA 95814-2922
Phone: (916) 557 5253; Fax: (916) 557 6877

http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html
<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>

From: "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>
To: Karen Schwinn/R9/USEPA/US@EPA, Erin Foresman/R9/USEPA/US@EPA, Tom Hagler/R9/USEPA/US@EPA
Date: 04/04/2011 10:17 AM
Subject: FW: BDCP EIS (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Michael G. Nepstad
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-----Original Message-----
From: Idlof, Patricia S [mailto:PIdlof@usbr.gov <mailto:PIdlof@usbr.gov>]
Sent: Monday, April 04, 2011 9:57 AM
To: Nawi, David
Cc: Barajas, Federico; Schwinn.Karen@epamail.epa.gov; Nepstad, Michael G SPK; Maria Rea; Chotkowski, Michael A; Michael Tucker; Fry, Susan M; Victorine, Rebecca A
Subject: RE: BDCP EIS

David,
Per your request, attached is a write-up regarding Reclamation's understanding of the integration of BDCP NEPA and Clean Water Act Section 404 permitting issues. Perhaps we can take some time to discuss these issues at our Federal coordination meeting on Thursday or we could schedule a separate meeting or conference call at your convenience. Please let me know if you have any immediate questions or concerns.

Patti Idlof
Bureau of Reclamation
Mid-Pacific Region, MP-152
916-992-3566 (c)
pidlof@usbr.gov

From: Nawi, David
Sent: Friday, March 25, 2011 11:42 AM
To: Idlof, Patricia S
Cc: Barajas, Federico; Schwinn.Karen@epamail.epa.gov; Nepstad, Michael G SPK; Maria Rea; Chotkowski, Michael A; Michael Tucker
Subject: BDCP EIS

Patti - Would you please put together a short write-up - either email or attachment - outlining your view (no doubt the enlightened and correct view) of the extent to which there will be a need for further NEPA review by the Corps in connection with its permitting actions? It would be helpful if you would address:

Since the BDCP EIS is project specific for the conveyance and water operations, will USACE have to conduct further review for those actions?

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What is the relation between the EIS Purpose and Need Statement, and the 404 Purpose Statement, and which actions does each apply to?

Please include anything else that you think germane. I paste in below a sentence from an email that Jerry Meral sent to EPA. The federal agencies need to have a clear and uniform understanding of all this and communicate that understanding to the state and others.

From Jerry's email: I would like to confirm our desire to avoid Clean Water Act sequential permitting. I want to be absolutely sure that our environmental document serves the needs of all our state and federal partners, including USEPA, COE, and SWRCB.

Please feel free to discuss for clarification or any other reason.

Thanks.

David

Classification: UNCLASSIFIED
Caveats: NONE

[attachment "BDCP_NEPA_404_Permitting_Integration_4-4-11.doc" deleted by Erin Foresman/R9/USEPA/US]

Classification: UNCLASSIFIED
Caveats: NONE

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