To: CN=Lynn Zipf/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Alexis Strauss/OU=R9/O=USEPA/C=US@EPA;CN=Karen Schwinn/OU=R9/O=USEPA/C=US@EPA;CN=Laura Yoshii/OU=R9/O=USEPA/C=US@EPA;CN=Mike Shapiro/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Roger Gorke/OU=DC/O=USEPA/C=US@EPA;CN=Suzanne Schwartz/OU=DC/O=USEPA/C=US@EPA;CN=Gregory Peck/OU=DC/O=USEPA/C=US@EPA[]; N=Karen Schwinn/OU=R9/O=USEPA/C=US@EPA;CN=Laura Yoshii/OU=R9/O=USEPA/C=US@EPA;CN=Mike Shapiro/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Roger Gorke/OU=DC/O=USEPA/C=US@EPA;CN=Suzanne Schwartz/OU=DC/O=USEPA/C=US@EPA;CN=Gregory Peck/OU=DC/O=USEPA/C=US@EPA[]; N=Laura Yoshii/OU=R9/O=USEPA/C=US@EPA;CN=Mike Shapiro/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Roger Gorke/OU=DC/O=USEPA/C=US@EPA;CN=Suzanne Schwartz/OU=DC/O=USEPA/C=US@EPA;CN=Gregory Peck/OU=DC/O=USEPA/C=US@EPA[]; N=Mike Shapiro/OU=DC/O=USEPA/C=US@EPA;CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Roger Gorke/OU=DC/O=USEPA/C=US@EPA;CN=Suzanne Schwartz/OU=DC/O=USEPA/C=US@EPA;CN=Gregory Peck/OU=DC/O=USEPA/C=US@EPA[]; N=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Roger Gorke/OU=DC/O=USEPA/C=US@EPA;CN=Suzanne Schwartz/OU=DC/O=USEPA/C=US@EPA;CN=Gregory Peck/OU=DC/O=USEPA/C=US@EPA[]; N=Roger Gorke/OU=DC/O=USEPA/C=US@EPA;CN=Suzanne Schwartz/OU=DC/O=USEPA/C=US@EPA;CN=Gregory Peck/OU=DC/O=USEPA/C=US@EPA[]; N=Suzanne Schwartz/OU=DC/O=USEPA/C=US@EPA;CN=Gregory Peck/OU=DC/O=USEPA/C=US@EPA[]; N=Gregory Peck/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Robert Wood/OU=DC/O=USEPA/C=US
Sent: Thur 9/17/2009 7:49:36 PM
Subject: Bay Delta Meeting Number 2 at CEQ This Afternoon

Hi Lynn:

I want to be sure the Administrator's Office is aware of the progress and timing of the MOU on Bay Delta. To that end, I'm forwarding summaries of meetings I attended for Pete Silva at CEQ on September 4 and 15 (below). The CEQ expectation is that the Administrator will sign an MOU before the end of September, along with the Secretaries of Agriculture and The Interior and Commerce (or NOAA Administrator), and Army. The MOU is scheduled to be announced September 30.

The next meeting at CEQ is Wednesday 9/23. A second draft of the MOU is being prepared by Interior for distribution before the next meeting.

Acting Region 9 RA Laura Yoshii and AA for Water Pete Silva are scheduled to discuss the MOU and Bay Delta tomorrow.

Rob

Acting Deputy Director
Office of Wetlands Oceans and Watersheds
Room 7130A EPA West
202-566-1822

From: Robert Wood/DC/USEPA/US
To: Peter Silva/DC/USEPA/US@EPA
Cc: Laura Yoshii/R9/USEPA/US@EPA, Mike Shapiro/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Roger Gorke/DC/USEPA/US@EPA, Alexis Strauss/R9/USEPA/US@EPA, Karen Schwinn/R9/USEPA/US@EPA, Paul Cough/DC/USEPA/US@EPA, Suzanne Schwartz/DC/USEPA/US@EPA, Tanya Code/DC/USEPA/US@EPA, Darrell Brown/DC/USEPA/US@EPA, Lori Keyton/DC/USEPA/US@EPA, Linda Boornazian/DC/USEPA/US@EPA
Date: 09/15/2009 06:36 PM
Subject: Bay Delta Meeting Number 2 at CEQ This Afternoon

Pete:

Here's a quick report out from today's Bay Delta meeting at CEQ:

Chair: Mike Boots, Assoc. Dir. Land and Water Ecosystems, CEQ

Attendees:
Jo Ellen Darcy, ASA for Civil works
Rock Salt, Deputy ASA
Letty Belin, Counselor to Deputy Secretary of the Interior David Hayes
Mike Connor, commissioner Bureau of Reclamation
Monica Medina, Senior Advisor to NOAA Administrator Jane Lubchenco
Robert Wood, EPA (on behalf of Pete Silva)
Robert Bonnie, Senior Advisor for Environment and Climate to Secretary of Agriculture Tom Vilsack.
Laura Yoshii, Acting RA, EPA Region 9
Jay Reich, Deputy Chief of Staff, Department of Commerce
Kelly Denit, NOAA

Major Points and Outcomes:

The Administrator is expected to be a signatory to the MOU. MOU is to be announced on September 30. There is very little lead time to accomplish this! The Administrator's Office should be alerted ASAP.

The second Sate/Federal public meeting on California water issues will be September 30 from 9:30-12:30 at Interior South auditorium. CEQ expects to announce the signed Bay Delta Interagency MOU at the meeting. Agency leads are asked to be present. Details about participants roles, agenda and expectations will be forthcoming later this week from CEQ. Meeting will be chaired by Secretary Salazar. The only other agency confirming attendance so far is Army, Rock salt will be representing them.

We reviewed and commented on the first draft MOU. Region 9 provided comments in advance and they will be reflected in the second draft, to be distributed to participants by the end of the week. Region 9 comments are appended below.

Next Meeting: To be scheduled next week. Hopefully you will be able to call in--I'm copying Lori for scheduling purposes.

Prep for Next Meeting: Letty Belin will distribute a revised draft MOU for review in advance of next meeting. She will also provide details on agenda, roles, and expectation for public meeting on 9/30.

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Immediate Next Steps:

- Alert Office of the Administrator of CEQ expectation that Administrator will be a signatory to the MOU.
- Confirm EPA attendance at 9/30 public meeting

Please let me know if you have any questions

Acting Deputy Director
Office of Wetlands Oceans and Watersheds
Room 7130A EPA West
202-566-1822

EPA Region 9 Comments on 9/9/09 draft of MOU:

- in Section IV, the MOU gives DOI the role of "implementing federal policy and commitments in Bay-Delta matters." Given that an MOU cannot give any agency new authority or abridge or transfer existing agency authority, this phrase should be deleted. Rather, we suggest eliminating IV(a) and revising IV(b) to say "The Chair of the CEQ will work with the Secretary of the Interior as the lead federal agency to coordinate the development and implementation of federal policy and commitments in Bay-Delta matters."

- In IV(c), we would like to see the Fish and Wildlife Service and the Bureau of Reclamation themselves represented, as well as the DOI. We question the need to include the DOJ.

- In IV(e), we suggest eliminating the term "budget crosscut". PL108-361 included new authorities for some of the federal agencies, but not authority to do a cross-cut budget. The law required the agencies to participate in an annual budget cross-cut exercise, though no additional authority was needed to do so.

- In V, we suggest revising (d) to say "Expediting the development and implementation of a water quality monitoring and assessment program in the Delta estuary."

- In V, some elaboration on the objectives and scope of the "coordinated federal workplan" would be helpful. For instance, under (f), what types of "Recovery Act and other projects" are envisioned to be included?

Pete:

I represented you at this morning's CEQ meeting on Bay Delta and wanted to give a quick report out with copies to appropriate parties. You'll see immediate actions and next steps below. In my view, the most immediate next step for EPA is to identify EPA HQ and Region 9 principals and lead staff and let Mike Boots know if our HQ principal can make it to a CEQ meeting Wednesday 9/9 or Thursday 9/10. Please let me know if you have any questions. In the interest of quickly circulating information, I'm copying several folks in OW, OWOW and Region 9.

Rob

Chair: Mike Boots, Assoc. Dir. Land and Water Ecosystems, CEQ

Attendees:
Jo Ellen Darcy, ASA for Civil works
Rock Salt, Deputy ASA
John Hurley, Army

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Letty Belin, Counselor to Deputy Secretary of the Interior David Hayes
Mike Connor, commissioner Bureau of Reclamation
Monica Medina, Senior Advisor to NOAA Administrator Jane Lubchenco
Robert Wood, EPA (on behalf of Pete Silva)
Robert Bonnie, Senior Advisor for Environment and Climate to Secretary of Agriculture Tom Vilsack (Could not attend).

Purpose: To discuss federal re-engagement in Bay Delta. This was the first of regular weekly meetings at this level on state and federal activities and how to best structure and pursue federal agency work in the Bay Delta.

Major Points and Outcomes: The agencies, under CEQ leadership will begin work on a Memorandum of Understanding that will articulate the means for interagency coordination and substantive, coordinated actions the agencies will take in Bay Delta. Target signature date in September 30, 2009. Nancy Sutley is interested in developing a set of concrete coordinated federal actions to help manage and resolve the intersecting Bay Delta issues including water supply, drought, water conservation, water quality and ecosystem restoration, habitat conservation, agricultural irrigation and public safety. CEQ and Interior had preliminary discussions about preparing an MOU to begin the process. Attendees agreed to pursue this approach. Signatories agencies would be: EPA, Army, Interior, NOAA, and USDA.

Next Meeting: CEQ intends to schedule the next meeting for Wednesday, 9/9 or or Thursday 9/10 with the same agencies present. This would be the next in a series of intended weekly meetings.

Prep for Next Meeting: Letty Belin will distribute a rough draft outline for the MOU next week in advance of next week's meeting. The outline will be based roughly based on the Interagency MOU from some years ago on Everglades restoration. In the meantime, the agencies were asked to caucus with regions for input for the draft MOU.

Immediate Actions and Next Steps:

1. Identify EPA HQ Principal: My thoughts are Pete Silva or Bob Perciasepe.
2. Identify EPA Regional principal: Karen Schwinn? Alexis Strauss?
3. Identify HQ and Regional lead staff persons: ?
4. Caucus with Region 9 in advance of next week's meeting to:
    A. Identify current EPA activities on Bay Delta--characterize current federal and state coordination on these activities
    B. Characterize how EPA current activities might fit into MOU
    C. Identify what we believe to be biggest opportunities for coordinated federal/state actions in Bay Delta

Additional Information:

- Deputy Interior Secretary David Hayes and Director California Department of Water Resources Lester Snow hosted a public meeting on Bay Delta in Sacramento in August. 300-400 were in attendance
- Next joint State-Federal meeting is scheduled for September 30 in DC. Agenda to include: climate change adaptation and seismic forecasts and related issues.
- Jo Ellen Darcy and Rock salt will be visiting Bay Delta for a tour September 16, 17 or 18.
- Recent letter from Governor to Secretaries of Commerce and the Interior criticizing federal agencies for failing to resolve conflicting science and policy in and blaming agencies for looming crisis.
- Strong responses for Secretaries seen as an important beginning of correct message that water demand and related ecological collapse have been years in the making.
- CA Legislature is active right now.
- Recent "Delta Vision" Report and anticipated Bay Delta Conservation Plan report represent important efforts that content of MOU should compliment.

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