To: CN=Keith Takata/OU=R9/O=USEPA/C=US@EPA[]
From: CN=Jared Blumenfeld/OU=R9/O=USEPA/C=US
Sent: Tue 6/29/2010 7:09:50 PM
Subject: Re: Fw: California Bay Delta Conservation Plan

He said he was?!
Jared Blumenfeld
Sent by EPA Wireless E-Mail Services

----- Original Message -----
From: Keith Takata
Sent: 06/29/2010 12:08 PM PDT
To: Jared Blumenfeld
Subject: Re: Fw: California Bay Delta Conservation Plan
Yes, I'll sit in. I guess Bob isn't going to the Summer Event at the White House?

From Keith Takata
Email: takata.keith@epa.gov
Phone: 415-947-8702

From: Jared Blumenfeld/R9/USEPA/US
To: Keith Takata
Date: 06/29/2010 12:05 PM
Subject: Fw: California Bay Delta Conservation Plan

Can you sit in on this call.
Jared Blumenfeld
Sent by EPA Wireless E-Mail Services

----- Original Message -----
From: Karen Schwinn
Sent: 06/29/2010 12:03 PM PDT
To: Teri Porterfield
Cc: Jared Blumenfeld; Alexis Strauss; Enrique Manzanilla; Keith Takata
Subject: California Bay Delta Conservation Plan
Teri -

Here's a couple paragraphs to give further context to the issue we'll be talking with Bob about today at 6:00 EST. Thank you for setting this up. - Karen

The Bay Delta Conservation Plan (BDCP), an HCP under ESA, is one of the critical efforts for agencies and stakeholders working towards Delta water supply reliability and ecosystem restoration. DWR and some of the larger water districts are preparing the BDCP. BOR, FWS and NOAA-Fisheries are leading the NEPA effort on the BDCP, with EPA and the Corps serving as Cooperating Agencies. Over the last couple of years, Region 9 commented during NEPA scoping. After the Federal Bay Delta MOA was signed in September 2009, EPA became more engaged with our federal peers in the BDCP efforts.

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DOI has urged all agencies to identify BDCP issues early and elevate those not rapidly resolved. Last year, the NEPA "Purpose Statement" changed to include a goal of "delivering full contract amounts...", with caveats for hydrology and regulation. We flagged this as an issue last year and have gradually gotten more formal with our input. Region 9's June 10 letter (attached below) to the federal lead NEPA agencies is the latest documentation of our concerns. Our action point on this issue doesn't come until the DEIS is published (early 2011), and then later when any 404 permit for conveyance is public noticed. Our NEPA concern in the interim is its constraint on the range and analysis of alternative. Our larger policy concern is over potentially increasing exports from an already stressed system.

Although our federal partners do not disagree with us on this issue, they are unwilling/unable to change the Purpose Statement without the agreement of the State DWR, their partner on the EIS/R. However, the issue may be resolved within the State given the State legislature has raised the issue with DWR, as has the Delta Stewardship Council (a new state agency) and the environmental community.

Unfortunately, we failed to copy any Congressionals on our letter. Last week, we received calls from two offices - Congresswoman Napolitano (Dave Wegner) and Senator Feinstein (Leah Russin). Wegner was positive. Leah Russin, as one of the primary Congressional staff engaged in Delta issues, believed she should have been informed in advance. She did not raise substantive issues. In our conversation with Leah last week, we committed to keep her informed as we take future action

Alexis and I look forward to talking to Bob at 6:00 EST today.

[attachment "BDCP.pdf" deleted by Keith Takata/R9/USEPA/US]
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