To: Jill Nogi (nogi.jill@epa.gov)[nogi.jill@epa.gov]; Molly Vaughan (Vaughan.Molly@epa.gov)[Vaughan.Molly@epa.gov]
From: McGrath, Patricia
Sent: Fri 2/16/2018 12:59:03 AM
Subject: FW: Pebble - cooperating agency status

fyi

From: Allnutt, David
Sent: Wednesday, February 14, 2018 12:44 PM
To: Hladick, Christopher <hladick.christopher@epa.gov>
Cc: Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>
Subject: FW: Pebble - cooperating agency status

Chris – this responds to your request from a few days ago for information about other agencies' receptiveness to the Alaska District's cooperating agency invitations. You'll see in Patty's msg below that, of the eight agencies invited to cooperate, four have accepted, two have declined, and two (EPA and Alaska) have not yet formally responded. We understand that some at both USFWS and the State share our concerns with the Corps' approach, but both entities have nevertheless decided to cooperate. Also, we are aware of at least one tribal government (Nondalton Tribal Council) has formally requested govt-to-govt consultation with the Corps and an invitation to become a cooperating agency under NEPA.

We have not heard from our HQ-OW colleagues whether Lee has been able to discuss with his Corps HQ contacts. It sounds like you'll be in the office Friday; I'll try to find you to discuss next steps. Thanks and safe travels.

R. David Allnutt, Director

Office of Environmental Review and Assessment

U.S. EPA, Region 10

1200 Sixth Avenue, Suite 900

Seattle, Washington 98101-3140

(206) 553-2581

From: McGrath, Patricia
Sent: Wednesday, February 14, 2018 11:51 AM
To: Allnutt, David <Allnutt.David@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: Pebble - cooperating agency status

Hi David-

Based on a call with Sheila, following is the status of agency responses to the Corps cooperating agency invite letters.

Federal Action agencies:

DOI/BSEE – accepted

USCG – accepted

PHMSA – declined since a special permit is not needed for the pipeline as proposed so PHMSA has no permitting or NEPA responsibilities

Special Expertise agencies:

USFWS – accepted

NMFS – declined to be a cooperating agency due to limited resources

ACHP – accepted

State of Alaska – verbally accepted, but is still working on its response letter

EPA

Sheila emphasized the following points:

- She has support from Corps HQ in that Corps HQ is allowing the Alaska district to make decisions about how it manages NEPA

- The Corps would like our assistance with alternatives development and evaluation of aquatic resource impacts (wetlands, waters, fisheries). She did say that our involvement could be "further developed" as the Corps moves through the process (this is new information).

- The Corps is moving forward with developing the scoping package and scoping could start the first week in March.

- Alternatives discussions with cooperating agencies are also starting

- Until there is a response from EPA, the Corps is assuming that EPA is not a cooperating agency. The Corps may be sending us a letter to that effect

As you know, scoping is a public process. The scoping package generally describes the project, NEPA process, preliminary issues, and agency roles. In terms of timing, we should strive for a decision on our role soon since this question will likely be raised during scoping.

Also, I want to let you know that I will be out of the office next Monday – Wednesday, back in on Thursday.

Let me know if you want to discuss.

Patty

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