UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ENVIRONMENTAL REVIEW
AND ASSESSMENT

January 11, 2018

Sheila Newman
U.S. Army Corps of Engineers Alaska District
Regulatory Division, CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506

Dear Ms. Newman:

The U.S. Environmental Protection Agency has reviewed the December 20, 2017 U.S. Army Corps of Engineers-Alaska District-Regional Regulatory Division Draft Cooperating Agency Coordination Plan for the Pebble Project EIS (EPA Region 10 Project Number 18-0002-COE). We understand that the Corps will be the lead federal agency under the National Environmental Policy Act for completion of the EIS and that you have identified a number of potential cooperating agencies on the Pebble Project EIS, including the EPA. We have received the formal invitation to serve as a cooperating agency, and we will be responding to the invitation after our January 18 meeting. Per your request that the potential cooperating agencies review and provide comments on the Draft Cooperating Agency Coordination Plan, we have reviewed the document and offer the enclosed comments.

Overall, we note that the purpose of the Cooperating Agency Coordination Plan is to describe the roles and responsibilities of the various cooperating agencies and establish protocols for communication, early identification, and resolution of issues that could impact the completion of the EIS and federal record of decision. We agree with these goals, and we recommend that the Corps and the EPA enter into a formal Memorandum of Understanding to establish lead and cooperating agency roles and procedures, which is the framework that our agencies have used for other EISs in Alaska. The MOUs that the EPA has entered into when agreeing to serve as a cooperating agency on an EIS typically also contain provisions for confidentiality of information, FOIA request coordination, and resolution of issues, among others. As discussed in the enclosed comments, we believe that investing in the development of an MOU between our agencies will ensure a shared understanding of roles, responsibilities, and expectations at the beginning of this project, thereby fostering an efficient EIS development process.

We also recommend including local and tribal governments as potential cooperating agencies and describing that inclusion in the Cooperating Agency Coordination Plan. We are aware that local and tribal governments are typically invited to participate as cooperating agencies for other projects in Alaska, including projects where the Corps is the lead federal agency.

These and other comments on the Draft Cooperating Agency Plan are included in the enclosure. We appreciate the opportunity to comment on this document and would also appreciate the opportunity to meet with the Corps and other agencies on January 18 to discuss the issues raised. Please feel free

to contact me at (206) 553-2581 or email at Allnutt.David@epa.gov, or Patty McGrath at (206) 553-6113 or email at McGrath.Patricia@epa.gov should you have questions regarding our comments.

Sincerely

R. David Allnutt, Director
Office of Environmental Review and Assessment