Schary, Claire

From: Schary, Claire
Sent: Tuesday, November 26, 2013 9:17 AM
To: Stewart, William C.; Poulsom, Susan; Park, Chae; Bott, Dustan; Rose, Bob; Psyk, Christine
Subject: FW: EPA comments on Nov 12 2013 Draft Discussion Guide - Baseline Section

I just wanted to share Marti Bridges' comments so that you can see how lively the discussion at the meeting will be! I don't agree with many of her points here, but I thought it's good for us to be ready with what we think needs to be in the permit and why.

-- Claire

Claire Schary
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From: Marti.Bridges@deq.idaho.gov [mailto:Marti.Bridges@deq.idaho.gov]
Sent: Tuesday, November 26, 2013 8:34 AM
To: Schary, Claire; NOMURA.Ranei@deq.state.or.us; FOSTER.Eugene@deq.state.or.us; Michael.Mcintyre@deq.idaho.gov; michie.ryan@deq.state.or.us; hbre461@ECY.WA.GOV; mgil461@ECY.WA.GOV
Subject: RE: EPA comments on Nov 12 2013 Draft Discussion Guide - Baseline Section

Thanks for sharing this, Claire. I've read the JRA baseline paper twice and still wrapping my head around it. I'll be honest and biased. I think separate "framework" documents that identify how the baseline will be determined, trade ratios and the like go a long ways to define these issues and get them out of a TMDL, or even an implementation plan. Our DMAs don't have any modelers. And their implementation plans are relatively weak. It's more a shopping list of BMPS and they don't and won't identify specific farmers due to USDA confidentiality. Idaho DEQ doesn't have any modelers per se, though we have two people who dabble in modeling, and you've met both of them. It's less than 20% of the work they do for all program areas. We don't do much in modeling and that's not likely to change in the future. I realize Oregon DEQ does all their TMDL with models and Washington State, in many cases.

The sole purpose of a TMDL is to allocate LA and WLAs. You don't need all the background information within the document either. I've seen TMDLs from other states that are a dozen pages. It's that simple. The document that EPA approves is not self implementing. It gets implemented through permits, and one hopes that non point sources will implement BMPs with or without a detailed implementation plan. Implementation plans aren't reviewed or approved by anyone in most states, that I'm aware of.

I think the JRA draft baseline document for trading is longer than many actual TMDLs. My mind is also boggled by the level of detail called for in permits. That also concerns me. Permits are already full of details that make them ridiculously long. Add trading to the mix, and you've got a nightmare of reading. If we want trading to be robust and operate more like a free market and less like a government bureaucracy we've got to let go of some of this level of micromanagement. I'm all for rules and regulations and making things clear, but some of this seems redundant and overkill.

I look forward to seeing everyone next week. I dare say we've got a lot to digest and cover in those two days.

Thanks for your efforts on reviewing this, Claire.

Marti Bridges
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From: Schary, Claire [mailto:Schary.Claire@epa.gov]
Sent: Monday, November 25, 2013 7:14 PM
To: NOMURA Ranei; FOSTER Eugene P; Michael Mcintyre; Marti Bridges; Ryan Michie; hbre461@ECY.WA.GOV; mgil461@ECY.WA.GOV
Subject: FW: EPA comments on Nov 12 2013 Draft Discussion Guide - Baseline Section

Hi,

I thought you should be aware of the comments we (EPA) sent Bobby & Carrie on the baseline document and Bobby's response.

See you in a week!

-- Claire

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From: Bobby Cochran [mailto:cochran@willamettepartnership.org]
Sent: Saturday, November 23, 2013 8:05 PM
To: Schary, Claire
Cc: Carrie Sanneman; Rose, Bob; Gable, Kelly; Psyk, Christine; Steiner-Riley, Cara
Subject: Re: EPA comments on Nov 12 2013 Draft Discussion Guide - Baseline Section

Thank you for these comments Claire. We really appreciate your feedback. We will completely re-work the framing of the upcoming Baseline conversation in early December, and work with the whole group to figure out the best way to frame what we want to say about Baseline--definitely one of the most challenging aspects of trading.

We're looking forward to the gathering in December too!

bobby

On Fri, Nov 22, 2013 at 5:24 PM, Schary, Claire <Schary.Claire@epa.gov> wrote:

Bobby & Carrie,

As Bobby knows from our phone call this afternoon, Christine Psyk, Bob Rose, and I have substantial concerns with the Baseline section of the draft Discussion Guide, dated Nov. 12, 2013, that you sent to the members of the JRA workgroup for early comment and feedback. We shared with you the significance of our concerns and strongly recommended that the memo prepared by The Freshwater Trust that served as the first part of this section's draft materials be deleted from the package that will be used at the meeting Dec. 2-3. We don't think it is an appropriate or constructive document to use in this meeting nor is it representative of the type of analysis and subsequent recommendations that we thought this project was pursuing.

On our phone call, we recommended the second part of the draft Baseline section undergo substantial editing, and perhaps be reworked altogether to indicate the differences in each state's programs and policies regarding nonpoint sources and implementation of Load Allocations. We also discussed how EPA cannot provide the legal answers that the discussion may require in this document or at the meeting as the document has not been reviewed by our attorney.

To help convey our concerns, here are comments from me and Bob Rose (in OW's Immediate Office) on the Nov. 12, 2013 draft of the Discussion Guide's Baseline section. We did not provide comment on the Freshwater Trust memo because we don't think it should be used in the meeting materials or as part of the project's documents. We inserted our comments and some suggested edits in Track Changes, which given the sheer number of comments we made, will make it very challenging to read. It shows that we have a lot of concerns with this document. Also, our comments haven't been reviewed by an EPA attorney, so please understand that it should not be considered a full and complete response but the basis for a conversation about our concerns with the document.

Thank you for your consideration of our comments, as well as your thoughtful and hard work on this project, and we look forward to an interesting discussion at the December meeting.

-- Claire

Claire Schary

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