

01268-EPA-5017

**Richard Windsor/DC/USEPA/US**  
11/25/2009 10:29 AM

To Allyn Brooks-LaSure, David McIntosh, "Lisa Jackson", Bob Perciasepe  
cc "Seth Oster"  
bcc

Subject Re: COP 15 -- Cabinet Participation Announcement

So does that mean I won "Presidential Roulette?"

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**From:** Allyn Brooks-LaSure  
**Sent:** 11/25/2009 09:26 AM EST  
**To:** David McIntosh; Lisa Heinzerling; "Jackson, Lisa P." <windsor.richard@epa.gov>; Bob Perciasepe; "Sussman, Bob" <sussman.bob@epa.gov>; "Fulton, Scott" <fulton.scott@epa.gov>; Gina McCarthy  
**Cc:** "Oster, Seth" <Oster.Seth@epa.gov>; Adora Andy  
**Subject:** Fw: COP 15 -- Cabinet Participation Announcement

MABL.

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M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: 202-631-0415

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**From:** "Russell, Anthony L." <(b) (6) Privacy>  
**Sent:** 11/25/2009 09:09 AM EST  
**To:** "Ashley, Matt Lee" <Matt\_lee-ashley@ios.doi.gov>; "Brooks-LaSure, Allyn" <Brooks-LaSure.Allyn@epamail.epa.gov>; "Fendley, Edward J." <(b) (6) Privacy> "Glunz, Christine M." <(b) (6) Privacy> "Griffis, K" <KGriffis@doc.gov>; "Kobren, Ben" <KobrenBM@state.gov>; "LaBolt, Benjamin" <(b) (6) Privacy> "Leistikow, Dan" <dan.leistikow@hq.doe.gov>; "Mather, Chris" <Chris.Mather@oc.usda.gov>; "Reynolds, Christina" <(b) (6) Privacy>  
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Thanks,  
Tony

THE WHITE HOUSE  
Office of the Press Secretary

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FOR IMMEDIATE RELEASE  
November 25, 2009

**Cabinet Secretaries and Top Administration Officials to Attend Copenhagen, Keynote Series of Events**

*Diverse, high-ranking delegation underscores commitment to American leadership on clean energy*

WASHINGTON—Underscoring President Obama's commitment to American leadership on clean energy, the White House today announced that a host of Cabinet secretaries and other top officials from across the Administration will travel to Copenhagen for the United Nations Climate Change Conference. Interior Secretary Ken Salazar, Agriculture Secretary Tom Vilsack, Commerce Secretary Gary Locke, Energy Secretary Steven Chu, and Environmental Protection Agency Administrator Lisa P. Jackson are all scheduled to attend, along with Council on Environmental Quality Chair Nancy Sutley, and Assistant to the President for Energy and Climate Change Carol Browner.

For the first time, the U.S. delegation will have a U.S. Center at the conference, providing a unique and interactive forum to share our story with the world. In addition to working with other countries to advance American interests, U.S. delegates will keynote a series of events highlighting actions by the Obama Administration to provide domestic and global leadership in the transition to a clean energy economy. Topics will range from energy efficiency investments and global commitments to renewables policy and clean energy jobs. The following keynote events and speakers are currently scheduled:

- **Wednesday, December 9<sup>th</sup>** : Taking Action at Home, *EPA Administrator Lisa P. Jackson*
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These events will underline the historic progress the Obama Administration has made to address climate change and create a new energy future. In addition to passage of the American Clean Energy and Security Act in the House of Representatives this summer, Administration officials will highlight an impressive resume of American action and accomplishments over the last 10 months, including:

**DOMESTIC LEADERSHIP**

- **Recovery Act:** The U.S. is investing more than \$80 billion in clean energy through its Recovery Act – including the largest-ever investment in renewable energy, which will double our generation of clean renewable energy like wind and solar in three years.
- **Efficiency Standard for Automobiles:** President Obama announced the first ever joint fuel economy/greenhouse gas emissions standards for cars and trucks in May. The new standards are projected to save 1.8 billion barrels of oil over the life of the program with a fuel economy gain averaging more than 5 percent per year and a reduction of approximately 900 million metric tons in greenhouse gas emissions.
- **Advancing Comprehensive Energy Legislation:** Passing comprehensive energy and climate legislation is a top priority for the Administration and significant progress has been made. In June, The U.S. House of Representatives passed the American Clean Energy and Security Act that will promote clean energy investments and lower U.S. greenhouse gas emissions more than 80 percent by 2050. The Senate continues to advance their efforts to pass comprehensive legislation and move the U.S. closer to a system of clean energy incentives that create new energy jobs, reduce our dependence on oil, and cut pollution.
- **Appliance Efficiency Standards:** The Obama Administration has forged more stringent energy efficiency standards for commercial and residential appliances like refrigerators and microwaves. This common sense approach makes improved efficiency a manufacturing requirement for the everyday appliances used in practically every home and business, resulting in a significant reduction in energy use. Altogether, about two dozen new energy efficiency standards will be completed in the next few years.
- **Offshore Energy Development:** Within the Administration's first 100 days, a new regulatory framework was established to facilitate the development of alternative energy projects in an economic and environmentally sound manner that allows us to tap into the vast energy potential of the Outer Continental Shelf (OCS). The National Renewable Energy Lab estimates that development of wind energy alone on the OCS may provide an additional 1,900 gigawatts of clean energy to the U.S.
- **Emissions Inventory Rule:** For the first time, the U.S. will catalogue greenhouse gas emissions from large emission sources – an important initial step toward measurable and transparent reductions.

### INTERNATIONAL LEADERSHIP

- **The Major Economies Forum (MEF):** President Obama launched the MEF in March 2009, creating a new dialogue among developed and emerging economies to combat climate change and promote clean energy. At the July L'Aquila summit, MEF Leaders announced important new agreements to support the UN climate talks and launched a new Global Partnership to promote clean energy technologies.
- **Eliminating Fossil Fuel Subsidies:** The President spearheaded an agreement at

the Pittsburgh G20 summit for all G20 nations to phase out their fossil fuel subsidies over the medium term and to work with other countries to do the same. Asia-Pacific Economic Cooperation nations followed the G20 lead at their summit in Singapore, expanding the number of countries committing to these subsidies. According to the International Energy Agency, this measure alone could reduce global greenhouse gas emissions 10 percent or more by 2050.

- **Bilateral Energy and Climate Partnerships:** The U.S. is accelerating its collaboration with [China](#), India, [Mexico](#), [Canada](#) and other key international partners to combat climate change, coordinate clean energy research and development, and support the international climate talks.
- **[Energy and Climate Partnership for the Americas:](#)** President Obama proposed a partnership with our neighbors in the western hemisphere to advance energy security and combat climate change. An early product of this cooperation is Chile's Renewable Energy Center, which receives technical support from the U.S. Department of Energy.
- **[Phasing Down HFCs \(Hydrofluorocarbons\):](#)** The U.S. joined Canada and Mexico in proposing to phase-down HFC emissions, a very potent greenhouse gas, in developed and developing countries under the Montreal Protocol. This represents a down payment of about 10% of the emission reductions necessary to cut global greenhouse gas emissions to half their current levels by 2050.

01268-EPA-5018

**David  
McIntosh/DC/USEPA/US**  
11/25/2009 10:30 AM

To: Richard Windsor, Allyn Brooks-LaSure, "Lisa Jackson", Bob Perciasepe  
cc: "Seth Oster"  
bcc:  
Subject: Re: COP 15 -- Cabinet Participation Announcement

If it's true, yes, that's what it means.

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**From:** Richard Windsor  
**Sent:** 11/25/2009 10:29 AM EST  
**To:** Allyn Brooks-LaSure; David McIntosh; "Lisa Jackson" <windsor.richard@epa.gov>; Bob Perciasepe  
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01268-EPA-5019

**Seth Oster/DC/USEPA/US**  
11/25/2009 10:32 AM

To Richard Windsor  
cc  
bcc

Subject Re: COP 15 -- Cabinet Participation Announcement

Yup!

---

**From:** Richard Windsor  
**Sent:** 11/25/2009 10:29 AM EST  
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01268-EPA-5020

**David  
McIntosh/DC/USEPA/US**

11/25/2009 11:16 AM

To windsor.richard

cc oster.seth, depass.michelle, thompson.diane,  
goulding.robert, brooks-lasure.allyn, ellis.heidi  
bcc

Subject Fw: President to Attend Copenhagen Climate Talks

Pls see below. It's official. (b) (5)

----- Forwarded by David McIntosh/DC/USEPA/US on 11/25/2009 11:14 AM -----

From: "Lee, Hannah" <(b) (6) Privacy>  
 To: "Ahsha Tribble" <Ahsha.Tribble@noaa.gov>, "Andrea Mead" <Andrea.D.Mead@hud.gov>, "Brandon Hurlbut" <Brandon.hurlbut@hq.doe.gov>, <Brian\_Screnar@ios.doi.gov>, <Christine.koronides@sba.gov>, "Courtney Gregoire" <CGregoire@doc.gov>, "Emil Michael" <emil.michael@sd.mil>, "Fetter, Steven A." <(b) (6) Privacy>, <James.C.Lopez@hud.gov>, Jessica Gordon/DC/USEPA/US@EPA, <jim.sullivan@va.gov>, "John Conger" <John.Conger@osd.mil>, "Jonathan Cordone" <Jonathan.Cordone@exim.gov>, "Kate Brandt" <kate.brandt@navy.mil>, <kathryn.thomson@dot.gov>, "Kenneth Lane" <Kenneth\_lane@ios.doi.gov>, "Laura MacDonald" <MacDonald.Laura@dol.gov>, "Laura Tatum" <tatum.laura@dol.gov>, "Leslie Grant" <Grant.Leslie@osec.usda.gov>, "Lindsay Daschle" <Lindsay.Daschle@osec.usda.gov>, David McIntosh/DC/USEPA/US@EPA, "Megan Uzzell" <Uzzell.Megan@dol.gov>, "Missy Owens" <Missy.Owens@hq.doe.gov>, <Nate.Turnbull@Dot.Gov>, "Parita Shah" <PShah@doc.gov>, "Peter Ogden" <ogdenPR@state.gov>, "Pitzer, Karrie S." <(b) (6) Privacy>, "Rod O'Connor" <Rod.Oconnor@hq.doe.gov>, "Sandy Howard" <Sandra.Howard@hhs.gov>, <shelley.r.poticha@hud.gov>, Shira Sternberg/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, "Taylor Ferrell" <taylor.ferrell@navy.mil>, "Zofia Szykowski" <Zofia.Szykowski@exim.gov>, <jtoaleisen@doc.gov>, <Dan.Utech@hq.doe.gov>, <steve\_black@ios.doi.gov>, <Laura\_Davis@ios.doi.gov>, <Uzzell.Megan@dol.gov>, <beth.osborne@dot.gov>, <kathryn.thomson@dot.gov>, Stephanie Owens/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, <shelley.r.poticha@hud.gov>, "Ericsson, Sally C." <(b) (6) Privacy>, "Hurst, Kevin D." <(b) (6) Privacy>, <pershingj@state.gov>, <Judson.Jaffe@do.treas.gov>, <Grant.Leslie@osec.usda.gov>, <Robert.Bonnie@osec.usda.gov>

Cc: "Greenawalt, Andrei M." <(b) (6) Privacy>, "Maher, Jessica A." <(b) (6) Privacy>, "Belive, Lauren" <(b) (6) Privacy>, "Levine, Jacob C." <(b) (6) Privacy>, "Heimbach, James T." <(b) (6) Privacy>

Date: 11/25/2009 11:10 AM  
 Subject: FW: President to Attend Copenhagen Climate Talks

THE WHITE HOUSE  
 Office of the Press Secretary

FOR IMMEDIATE RELEASE

November 25, 2009

**President to Attend Copenhagen Climate Talks**  
*Administration Announces U.S. Emission Target for Copenhagen*

The White House announced today that President Obama will travel to Copenhagen on Dec. 9 to participate in the United Nations Climate Change Conference, where he is eager to work with the international community to drive progress toward a comprehensive and operational

Copenhagen accord. The President has worked steadily on behalf of a positive outcome in Copenhagen throughout the year. Based on the President's work on climate change over the past 10 months – in the Major Economies Forum, the G20, bilateral discussions and multilateral consultations – and based on progress made in recent, constructive discussions with China and India's Leaders, the President believes it is possible to reach a meaningful agreement in Copenhagen. The President's decision to go is a sign of his continuing commitment and leadership to find a global solution to the global threat of climate change, and to lay the foundation for a new, sustainable and prosperous clean energy future.

The White House also announced that, in the context of an overall deal in Copenhagen that includes robust mitigation contributions from China and the other emerging economies, the President is prepared to put on the table a U.S. emissions reduction target in the range of 17% below 2005 levels in 2020 and ultimately in line with final U.S. energy and climate legislation. In light of the President's goal to reduce emissions 83% by 2050, the expected pathway set forth in this pending legislation would entail a 30% reduction below 2005 levels in 2025 and a 42% reduction below 2005 in 2030. This provisional target is in line with current legislation in both chambers of Congress and demonstrates a significant contribution to a problem that the U.S. has neglected for too long. With less than two weeks to go until the beginning of the Copenhagen conference, it is essential that the countries of the world, led by the major economies, do what it takes to produce a strong, operational agreement that will both launch us on a concerted effort to combat climate change and serve as a stepping stone to a legally binding treaty. The President is working closely with Congress to pass energy and climate legislation as soon as possible.

Underscoring President Obama's commitment to American leadership on clean energy and combating climate change, the White House also announced today that a host of Cabinet secretaries and other top officials from across the Administration will travel to Copenhagen for the conference. Interior Secretary Ken Salazar, Agriculture Secretary Tom Vilsack, Commerce Secretary Gary Locke, Energy Secretary Steven Chu, and Environmental Protection Agency Administrator Lisa P. Jackson are all scheduled to attend, along with Council on Environmental Quality Chair Nancy Sutley, and Assistant to the President for Energy and Climate Change Carol Browner.

For the first time, the U.S. delegation will have a U.S. Center at the conference, providing a unique and interactive forum to share our story with the world. In addition to working with other countries to advance American interests, U.S. delegates will keynote a series of events highlighting actions by the Obama Administration to provide domestic and global leadership in the transition to a clean energy economy. Topics will range from energy efficiency investments and global commitments to renewables policy and clean energy jobs. The following keynote events and speakers are currently scheduled:

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- **Friday, December 11<sup>th</sup>** : Clean Energy Jobs in a Global Marketplace, *Commerce Secretary Gary Locke*

- **Monday, December 14<sup>th</sup>** : Leading in Energy Efficiency and Renewables, *Energy Secretary Steven Chu*
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- **Thursday, December 17<sup>th</sup>** : Backing Up International Agreement with Domestic Action, *CEQ Chair Nancy Sutley and Assistant to the President Carol Browner*

These events will underline the historic progress the Obama Administration has made to address climate change and create a new energy future. In addition to passage of the American Clean Energy and Security Act in the House of Representatives this summer, Administration officials will highlight an impressive resume of American action and accomplishments over the last 10 months, including:

### **DOMESTIC LEADERSHIP**

- **Recovery Act**: The U.S. is investing more than \$80 billion in clean energy through its Recovery Act – including the largest-ever investment in renewable energy, which will double our generation of clean renewable energy like wind and solar in three years.
- **Efficiency Standard for Automobiles**: President Obama announced the first ever joint fuel economy/greenhouse gas emissions standards for cars and trucks in May. The new standards are projected to save 1.8 billion barrels of oil over the life of the program with a fuel economy gain averaging more than 5 percent per year and a reduction of approximately 900 million metric tons in greenhouse gas emissions.
- **Advancing Comprehensive Energy Legislation**: Passing comprehensive energy and climate legislation is a top priority for the Administration and significant progress has been made. In June, The U.S. House of Representatives passed the American Clean Energy and Security Act that will promote clean energy investments and lower U.S. greenhouse gas emissions more than 80 percent by 2050. The Senate continues to advance their efforts to pass comprehensive legislation and move the U.S. closer to a system of clean energy incentives that create new energy jobs, reduce our dependence on oil, and cut pollution.
- **Appliance Efficiency Standards**: The Obama Administration has forged more stringent energy efficiency standards for commercial and residential appliances, including microwaves, kitchen ranges, dishwashers, lightbulbs and other common appliances. This common sense approach makes improved efficiency a manufacturing requirement for the everyday appliances used in practically every home and business, resulting in a significant reduction in energy use. Altogether, about two dozen new energy efficiency standards will be completed in the next few years.
- **Offshore Energy Development**: Within the Administration's first 100 days, a new regulatory framework was established to facilitate the development of alternative energy projects in an economic and environmentally sound manner that allows us to tap into the vast energy potential of the Outer Continental Shelf (OCS). The National Renewable Energy Lab estimates that development of wind energy alone on the OCS

may provide an additional 1,900 gigawatts of clean energy to the U.S.

- **Emissions Inventory Rule:** For the first time, the U.S. will catalogue greenhouse gas emissions from large emission sources – an important initial step toward measurable and transparent reductions.

### INTERNATIONAL LEADERSHIP

- **The Major Economies Forum (MEF):** President Obama launched the MEF in March 2009, creating a new dialogue among developed and emerging economies to combat climate change and promote clean energy. At the July L'Aquila summit, MEF Leaders announced important new agreements to support the UN climate talks and launched a new Global Partnership to promote clean energy technologies.
- **Eliminating Fossil Fuel Subsidies:** The President spearheaded an agreement at the Pittsburgh G20 summit for all G20 nations to phase out their fossil fuel subsidies over the medium term and to work with other countries to do the same. Asia-Pacific Economic Cooperation nations followed the G20 lead at their summit in Singapore, expanding the number of countries committing to these subsidies. According to the International Energy Agency, this measure alone could reduce global greenhouse gas emissions 10 percent or more by 2050.
- **Bilateral Energy and Climate Partnerships:** The U.S. is accelerating its collaboration with [China](#), [India](#), [Mexico](#), [Canada](#) and other key international partners to combat climate change, coordinate clean energy research and development, and support the international climate talks.
- **Energy and Climate Partnership for the Americas:** President Obama proposed a partnership with our neighbors in the western hemisphere to advance energy security and combat climate change. An early product of this cooperation is Chile's Renewable Energy Center, which receives technical support from the U.S. Department of Energy.
- **Phasing Down HFCs (Hydrofluorocarbons):** The U.S. joined Canada and Mexico in proposing to phase-down HFC emissions, a very potent greenhouse gas, in developed and developing countries under the Montreal Protocol. This represents a down payment of about 10% of the emission reductions necessary to cut global greenhouse gas emissions to half their current levels by 2050.

###



01268-EPA-5021

**Diane Thompson/DC/USEPA/US**  
11/25/2009 11:34 AM

To Richard Windsor, Michelle DePass, Lisa Heinzerling, David McIntosh, Gina McCarthy  
cc Bob Perciasepe, Allyn Brooks-LaSure, Seth Oster, Aaron Dickerson, Robert Goulding, Heidi Ellis  
bcc

Subject Fw: President to Attend Copenhagen Climate Talks

FYI

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 11/25/2009 11:33 AM -----

From: "Milakofsky, Benjamin E." <(b) (6) Privacy>  
To: "Lu, Christopher P." <(b) (6) Privacy> "Smith, Elizabeth S." <(b) (6) Privacy>  
<(b) (6) Privacy> "Kimball, Astri B." <(b) (6) Privacy>  
"French, Michael J." <(b) (6) Privacy> "Greenawalt, Andrei M." <(b) (6) Privacy>  
<(b) (6) Privacy> "Taylor, Adam R." <(b) (6) Privacy>  
Date: 11/25/2009 11:09 AM  
Subject: President to Attend Copenhagen Climate Talks

Dear Chiefs of Staff:

Please see the below release announcing that the President will attend the United Nations Climate Change Conference in Copenhagen.

--Cabinet Affairs

THE WHITE HOUSE  
Office of the Press Secretary

FOR IMMEDIATE RELEASE

November 25, 2009

**President to Attend Copenhagen Climate Talks**  
*Administration Announces U.S. Emission Target for Copenhagen*

The White House announced today that President Obama will travel to Copenhagen on Dec. 9 to participate in the United Nations Climate Change Conference, where he is eager to work with the international community to drive progress toward a comprehensive and operational Copenhagen accord. The President has worked steadily on behalf of a positive outcome in Copenhagen throughout the year. Based on the President's work on climate change over the past 10 months - in the Major Economies Forum, the G20, bilateral discussions and multilateral consultations - and based on progress made in recent, constructive discussions with China and India's Leaders, the President believes it is possible to reach a meaningful agreement in

Copenhagen. The President's decision to go is a sign of his continuing commitment and leadership to find a global solution to the global threat of climate change, and to lay the foundation for a new, sustainable and prosperous clean energy future.

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*Action, CEQ Chair Nancy Sutley and Assistant to the President Carol Browner*

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### **DOMESTIC LEADERSHIP**

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###

01268-EPA-5022

Allyn  
Brooks-LaSure/DC/USEPA/US

11/25/2009 12:32 PM

To "Jackson, Lisa P.", "Fulton, Scott", "Thompson, Diane",  
"Sussman, Bob", "Heinzerling, Lisa", "DePass, Michelle",  
"McCarthy, Gina", "McIntosh, David", "Ganesan, Arvin"  
cc "Oster, Seth", "Andy, Adora"

bcc

Subject Fw: POTUS Announcement Q&A and Top Line

MABL.

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M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: 202-631-0415

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**From:** "Russell, Anthony L." [REDACTED] (b) (6) Privacy  
**Sent:** 11/25/2009 12:29 PM EST  
**To:** "Ashley, Matt Lee" <Matt\_lee-ashley@ios.doi.gov>; "Brooks-LaSure, Allyn" <Brooks-LaSure.Allyn@epamail.epa.gov>; "Glunz, Christine M." [REDACTED] (b) (6) Privacy "Griffis, K" <KGriffis@doc.gov>; "Kobren, Ben" <KobrenBM@state.gov>; "Leistikow, Dan" <dan.leistikow@hq.doe.gov>; "Mather, Chris" <Chris.Mather@oc.usda.gov>  
**Cc:** "Fendley, Edward J." [REDACTED] (b) (6) Privacy "Reynolds, Christina" [REDACTED] (b) (6) Privacy "LaBolt, Benjamin" [REDACTED] (b) (6) Privacy  
**Subject:** POTUS Announcement Q&A and Top Line

Follow up on the two big announcements from WH today: (1) POTUS will be attending the international climate talks in Copenhagen in December; and (b) (5) [REDACTED]

Below is Top-Level guidance and attached are Q&A for these announcements.

(b) (5) Deliberative [REDACTED]

(b) (5) Deliberative

[Redacted text block]

(b) (5) Deliberative

01268-EPA-5023

"Munoz, Cecilia"

<[REDACTED] (b) (6) Privacy [REDACTED]>

12/01/2009 08:24 AM

To "Browner, Carol M.", "Sutley, Nancy H.", "Smith, Elizabeth S.", Richard Windsor  
cc "McGrath, Shaun L."

bcc

Subject FW: Governors energy meeting

At long last, we have a date on the President's schedule – January 12. (b) (5) [REDACTED]

[REDACTED]

Please let me know if you have any concerns – should be an interesting week.

(b) (5) Deliberative

Thanks! 01.12.10 - Energy govs meeting (Jarrett).doc

01268-EPA-5024

**"Rouse, Peter M."**

(b) (6) Privacy

12/01/2009 01:47 PM

To Richard Windsor

cc

bcc

Subject Growth Energy Release

**FYI****Growth Energy Welcomes EPA Letter on E15**

12/1/2009

**WASHINGTON, DC** – Growth Energy, the coalition of U.S. ethanol supporters that filed the Green Jobs Waiver seeking E15, described as a “strong signal” the Environmental Protection Agency’s announcement today that it was preparing to approve E15 upon the completion of ongoing tests early next year.

In response to the Growth Energy Green Jobs Waiver, the EPA has taken a positive step towards higher blends of clean, green, and homegrown ethanol. In [EPA’s letter](#), the agency states that its engineering assessments indicate that the “robust fuel, engine and emissions control systems on newer vehicles (likely 2001 and newer model years) will likely be able to accommodate higher ethanol blends, such as E15.” The letter notes that increasing the blend wall to E15, as per Growth Energy’s request, is a “critical issue” as the nation works toward “long-term introduction of more renewable fuels into the transportation sector.”

“This announcement is a strong signal that we are preparing to move to E15, a measure that will create 136,000 new U.S. jobs, cut greenhouse gas emissions and lessen America’s dependence on imported oil,” said Gen. Wesley Clark, Co-Chairman of Growth Energy

“While we believe the data included in the Green Jobs Waiver supports raising the blend to E15, critics have called for additional testing. We are confident the ongoing tests will further confirm the data we submitted in the Growth Energy Green Jobs Waiver and silence those critics, allowing more American-produced energy to enter the market.” said Tom Buis, CEO of Growth Energy.

“The Growth Energy Green Jobs Waiver brought to light the issue of the regulatory cap on ethanol and is responsible for moving this process forward. The importance of increasing the blend is now universally understood. Moving to E15 provides much-needed market opportunity for the domestic ethanol industry by adding seven billion new gallons of market potential. This expanded market opportunity is necessary to draw capital investment for cellulosic ethanol and allows the industry to comply with the Renewable Fuel Standard. EPA is also to be commended for its intent to begin the labeling and public education process sooner rather than later; this decision means we could begin to move to E15 as soon as engine testing is completed in the spring. Overall, EPA is making the right choice for our economy, our environment, and our national security,” Buis said.



Growth Energy was formed in November 2008. Its top priority was expanding market access for ethanol, and by March 2009, Growth Energy had submitted the Green Jobs Waiver to EPA on behalf of 54 ethanol producers. Since 1978, EPA has approved 11 waivers. The first waiver created the 10 percent ethanol blend. None of the previous 11 waivers approved by EPA was supported by as much independent analysis – scientific, technical and economic data – as the Growth Energy Green Jobs Waiver.

Read the [letter from EPA to Growth Energy](#).

###

Jake Levine  
Office of Energy and Climate Change  
202-456-6354

01268-EPA-5025

**Richard Windsor/DC/USEPA/US**  
12/01/2009 01:51 PM

To "Rouse, Peter M."  
cc  
bcc

Subject Re: Growth Energy Release

Tx!

---

**From:** "Rouse, Peter M." [REDACTED] (b) (6) Privacy  
**Sent:** 12/01/2009 01:47 PM EST  
**To:** Richard Windsor  
**Subject:** Growth Energy Release

**FYI**

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12/1/2009

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###

Jake Levine  
Office of Energy and Climate Change  
202-456-6354

01268-EPA-5026

Diane  
Thompson/DC/USEPA/US  
12/01/2009 08:31 PM

To "Richard Windsor"  
cc "Aaron Dickerson", "Robert Goulding"  
bcc  
Subject Fw: EMBARGOED: Remarks of President Barack Obama to the Nation on The Way Forward in Afghanistan and Pakistan--As Prepared for Delivery

Fyi

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**From:** "Milakofsky, Benjamin E." <(b) (6) Privacy>  
**Sent:** 12/01/2009 07:54 PM EST  
**To:** "Lu, Christopher P." <(b) (6) Privacy> "Smith, Elizabeth S." <(b) (6) Privacy>  
<(b) (6) Privacy> "Kimball, Astri B." <(b) (6) Privacy>  
<"French, Michael J." <(b) (6) Privacy> "Greenawalt, Andrei M." <(b) (6) Privacy>  
<(b) (6) Privacy> "Taylor, Adam R." <(b) (6) Privacy>  
<(b) (6) Privacy> "Milakofsky, Benjamin E." <(b) (6) Privacy>  
<(b) (6) Privacy>

**Subject:** EMBARGOED: Remarks of President Barack Obama to the Nation on The Way Forward in Afghanistan and Pakistan--As Prepared for Delivery

Dear Chiefs of Staff:

Please see the text of the President's speech on Afghanistan and Pakistan.

--Cabinet Affairs

THE WHITE HOUSE  
Office of the Press Secretary

EMBARGOED UNTIL DELIVERY  
December 1, 2009

**Remarks of President Barack Obama – As Prepared for Delivery  
The Way Forward in Afghanistan and Pakistan  
United States Military Academy at West Point  
December 1, 2009**

Good evening. To the United States Corps of Cadets, to the men and women of our armed services, and to my fellow Americans: I want to speak to you tonight about our effort in Afghanistan – the nature of our commitment there, the scope of our interests, and the strategy that my Administration will pursue to bring this war to a successful conclusion. It is an honor for me to do so here – at West Point – where so many men and women have prepared to stand up for our security, and to represent what is finest

about our country.

To address these issues, it is important to recall why America and our allies were compelled to fight a war in Afghanistan in the first place. We did not ask for this fight. On September 11, 2001, nineteen men hijacked four airplanes and used them to murder nearly 3,000 people. They struck at our military and economic nerve centers. They took the lives of innocent men, women, and children without regard to their faith or race or station. Were it not for the heroic actions of the passengers on board one of those flights, they could have also struck at one of the great symbols of our democracy in Washington, and killed many more.

As we know, these men belonged to al Qaeda – a group of extremists who have distorted and defiled Islam, one of the world’s great religions, to justify the slaughter of innocents. Al Qaeda’s base of operations was in Afghanistan, where they were harbored by the Taliban – a ruthless, repressive and radical movement that seized control of that country after it was ravaged by years of Soviet occupation and civil war, and after the attention of America and our friends had turned elsewhere.

Just days after 9/11, Congress authorized the use of force against al Qaeda and those who harbored them – an authorization that continues to this day. The vote in the Senate was 98 to 0. The vote in the House was 420 to 1. For the first time in its history, the North Atlantic Treaty Organization invoked Article 5 – the commitment that says an attack on one member nation is an attack on all. And the United Nations Security Council endorsed the use of all necessary steps to respond to the 9/11 attacks. America, our allies and the world were acting as one to destroy al Qaeda’s terrorist network, and to protect our common security.

Under the banner of this domestic unity and international legitimacy – and only after the Taliban refused to turn over Osama bin Laden – we sent our troops into Afghanistan. Within a matter of months, al Qaeda was scattered and many of its operatives were killed. The Taliban was driven from power and pushed back on its heels. A place that had known decades of fear now had reason to hope. At a conference convened by the UN, a provisional government was established under President Hamid Karzai. And an International Security Assistance Force was established to help bring a lasting peace to a war-torn country.

Then, in early 2003, the decision was made to wage a second war in Iraq. The wrenching debate over the Iraq War is well-known and need not be repeated here. It is enough to say that for the next six years, the Iraq War drew the dominant share of our troops, our resources, our diplomacy, and our national attention – and that the decision to go into Iraq caused substantial rifts between America and much of the world.

Today, after extraordinary costs, we are bringing the Iraq war to a responsible end. We

will remove our combat brigades from Iraq by the end of next summer, and all of our troops by the end of 2011. That we are doing so is a testament to the character of our men and women in uniform. Thanks to their courage, grit and perseverance, we have given Iraqis a chance to shape their future, and we are successfully leaving Iraq to its people.

But while we have achieved hard-earned milestones in Iraq, the situation in Afghanistan has deteriorated. After escaping across the border into Pakistan in 2001 and 2002, al Qaeda's leadership established a safe-haven there. Although a legitimate government was elected by the Afghan people, it has been hampered by corruption, the drug trade, an under-developed economy, and insufficient Security Forces. Over the last several years, the Taliban has maintained common cause with al Qaeda, as they both seek an overthrow of the Afghan government. Gradually, the Taliban has begun to take control over swaths of Afghanistan, while engaging in increasingly brazen and devastating acts of terrorism against the Pakistani people.

Throughout this period, our troop levels in Afghanistan remained a fraction of what they were in Iraq. When I took office, we had just over 32,000 Americans serving in Afghanistan, compared to 160,000 in Iraq at the peak of the war. Commanders in Afghanistan repeatedly asked for support to deal with the reemergence of the Taliban, but these reinforcements did not arrive. That's why, shortly after taking office, I approved a long-standing request for more troops. After consultations with our allies, I then announced a strategy recognizing the fundamental connection between our war effort in Afghanistan, and the extremist safe-havens in Pakistan. I set a goal that was narrowly defined as disrupting, dismantling, and defeating al Qaeda and its extremist allies, and pledged to better coordinate our military and civilian effort.

Since then, we have made progress on some important objectives. High-ranking al Qaeda and Taliban leaders have been killed, and we have stepped up the pressure on al Qaeda world-wide. In Pakistan, that nation's Army has gone on its largest offensive in years. In Afghanistan, we and our allies prevented the Taliban from stopping a presidential election, and – although it was marred by fraud – that election produced a government that is consistent with Afghanistan's laws and Constitution.

Yet huge challenges remain. Afghanistan is not lost, but for several years it has moved backwards. There is no imminent threat of the government being overthrown, but the Taliban has gained momentum. Al Qaeda has not reemerged in Afghanistan in the same numbers as before 9/11, but they retain their safe-havens along the border. And our forces lack the full support they need to effectively train and partner with Afghan Security Forces and better secure the population. Our new Commander in Afghanistan – General McChrystal – has reported that the security situation is more serious than he anticipated. In short: the status quo is not sustainable.

As cadets, you volunteered for service during this time of danger. Some of you have

fought in Afghanistan. Many will deploy there. As your Commander-in-Chief, I owe you a mission that is clearly defined, and worthy of your service. That is why, after the Afghan voting was completed, I insisted on a thorough review of our strategy. Let me be clear: there has never been an option before me that called for troop deployments before 2010, so there has been no delay or denial of resources necessary for the conduct of the war. Instead, the review has allowed me ask the hard questions, and to explore all of the different options along with my national security team, our military and civilian leadership in Afghanistan, and with our key partners. Given the stakes involved, I owed the American people - and our troops - no less.

This review is now complete. And as Commander-in-Chief, I have determined that it is in our vital national interest to send an additional 30,000 U.S. troops to Afghanistan. After 18 months, our troops will begin to come home. These are the resources that we need to seize the initiative, while building the Afghan capacity that can allow for a responsible transition of our forces out of Afghanistan.

I do not make this decision lightly. I opposed the war in Iraq precisely because I believe that we must exercise restraint in the use of military force, and always consider the long-term consequences of our actions. We have been at war for eight years, at enormous cost in lives and resources. Years of debate over Iraq and terrorism have left our unity on national security issues in tatters, and created a highly polarized and partisan backdrop for this effort. And having just experienced the worst economic crisis since the Great Depression, the American people are understandably focused on rebuilding our economy and putting people to work here at home.

Most of all, I know that this decision asks even more of you - a military that, along with your families, has already borne the heaviest of all burdens. As President, I have signed a letter of condolence to the family of each American who gives their life in these wars. I have read the letters from the parents and spouses of those who deployed. I have visited our courageous wounded warriors at Walter Reed. I have travelled to Dover to meet the flag-draped caskets of 18 Americans returning home to their final resting place. I see firsthand the terrible wages of war. If I did not think that the security of the United States and the safety of the American people were at stake in Afghanistan, I would gladly order every single one of our troops home tomorrow.

So no - I do not make this decision lightly. I make this decision because I am convinced that our security is at stake in Afghanistan and Pakistan. This is the epicenter of the violent extremism practiced by al Qaeda. It is from here that we were attacked on 9/11, and it is from here that new attacks are being plotted as I speak. This is no idle danger; no hypothetical threat. In the last few months alone, we have apprehended extremists within our borders who were sent here from the border region of Afghanistan and Pakistan to commit new acts of terror. This danger will only grow if the region slides backwards, and al Qaeda can operate with impunity. We must keep the pressure on al

Qaeda, and to do that, we must increase the stability and capacity of our partners in the region.

Of course, this burden is not ours alone to bear. This is not just America's war. Since 9/11, al Qaeda's safe-havens have been the source of attacks against London and Amman and Bali. The people and governments of both Afghanistan and Pakistan are endangered. And the stakes are even higher within a nuclear-armed Pakistan, because we know that al Qaeda and other extremists seek nuclear weapons, and we have every reason to believe that they would use them.

These facts compel us to act along with our friends and allies. Our overarching goal remains the same: to disrupt, dismantle, and defeat al Qaeda in Afghanistan and Pakistan, and to prevent its capacity to threaten America and our allies in the future.

To meet that goal, we will pursue the following objectives within Afghanistan. We must deny al Qaeda a safe-haven. We must reverse the Taliban's momentum and deny it the ability to overthrow the government. And we must strengthen the capacity of Afghanistan's Security Forces and government, so that they can take lead responsibility for Afghanistan's future.

We will meet these objectives in three ways. First, we will pursue a military strategy that will break the Taliban's momentum and increase Afghanistan's capacity over the next 18 months.

The 30,000 additional troops that I am announcing tonight will deploy in the first part of 2010 - the fastest pace possible - so that they can target the insurgency and secure key population centers. They will increase our ability to train competent Afghan Security Forces, and to partner with them so that more Afghans can get into the fight. And they will help create the conditions for the United States to transfer responsibility to the Afghans.

Because this is an international effort, I have asked that our commitment be joined by contributions from our allies. Some have already provided additional troops, and we are confident that there will be further contributions in the days and weeks ahead. Our friends have fought and bled and died alongside us in Afghanistan. Now, we must come together to end this war successfully. For what's at stake is not simply a test of NATO's credibility - what's at stake is the security of our Allies, and the common security of the world.

Taken together, these additional American and international troops will allow us to accelerate handing over responsibility to Afghan forces, and allow us to begin the transfer of our forces out of Afghanistan in July of 2011. Just as we have done in Iraq, we will execute this transition responsibly, taking into account conditions on the



ground. We will continue to advise and assist Afghanistan's Security Forces to ensure that they can succeed over the long haul. But it will be clear to the Afghan government – and, more importantly, to the Afghan people – that they will ultimately be responsible for their own country.

Second, we will work with our partners, the UN, and the Afghan people to pursue a more effective civilian strategy, so that the government can take advantage of improved security.

This effort must be based on performance. The days of providing a blank check are over. President Karzai's inauguration speech sent the right message about moving in a new direction. And going forward, we will be clear about what we expect from those who receive our assistance. We will support Afghan Ministries, Governors, and local leaders that combat corruption and deliver for the people. We expect those who are ineffective or corrupt to be held accountable. And we will also focus our assistance in areas – such as agriculture – that can make an immediate impact in the lives of the Afghan people.

The people of Afghanistan have endured violence for decades. They have been confronted with occupation – by the Soviet Union, and then by foreign al Qaeda fighters who used Afghan land for their own purposes. So tonight, I want the Afghan people to understand – America seeks an end to this era of war and suffering. We have no interest in occupying your country. We will support efforts by the Afghan government to open the door to those Taliban who abandon violence and respect the human rights of their fellow citizens. And we will seek a partnership with Afghanistan grounded in mutual respect – to isolate those who destroy; to strengthen those who build; to hasten the day when our troops will leave; and to forge a lasting friendship in which America is your partner, and never your patron.

Third, we will act with the full recognition that our success in Afghanistan is inextricably linked to our partnership with Pakistan.

We are in Afghanistan to prevent a cancer from once again spreading through that country. But this same cancer has also taken root in the border region of Pakistan. That is why we need a strategy that works on both sides of the border.

In the past, there have been those in Pakistan who have argued that the struggle against extremism is not their fight, and that Pakistan is better off doing little or seeking accommodation with those who use violence. But in recent years, as innocents have been killed from Karachi to Islamabad, it has become clear that it is the Pakistani people who are the most endangered by extremism. Public opinion has turned. The Pakistani Army has waged an offensive in Swat and South Waziristan. And there is no doubt that the United States and Pakistan share a common enemy.

In the past, we too often defined our relationship with Pakistan narrowly. Those days are over. Moving forward, we are committed to a partnership with Pakistan that is built on a foundation of mutual interests, mutual respect, and mutual trust. We will strengthen Pakistan's capacity to target those groups that threaten our countries, and have made it clear that we cannot tolerate a safe-haven for terrorists whose location is known, and whose intentions are clear. America is also providing substantial resources to support Pakistan's democracy and development. We are the largest international supporter for those Pakistanis displaced by the fighting. And going forward, the Pakistani people must know: America will remain a strong supporter of Pakistan's security and prosperity long after the guns have fallen silent, so that the great potential of its people can be unleashed.

These are the three core elements of our strategy: a military effort to create the conditions for a transition; a civilian surge that reinforces positive action; and an effective partnership with Pakistan.

I recognize that there are a range of concerns about our approach. So let me briefly address a few of the prominent arguments that I have heard, and which I take very seriously.

First, there are those who suggest that Afghanistan is another Vietnam. They argue that it cannot be stabilized, and we are better off cutting our losses and rapidly withdrawing. Yet this argument depends upon a false reading of history. Unlike Vietnam, we are joined by a broad coalition of 43 nations that recognizes the legitimacy of our action. Unlike Vietnam, we are not facing a broad-based popular insurgency. And most importantly, unlike Vietnam, the American people were viciously attacked from Afghanistan, and remain a target for those same extremists who are plotting along its border. To abandon this area now – and to rely only on efforts against al Qaeda from a distance – would significantly hamper our ability to keep the pressure on al Qaeda, and create an unacceptable risk of additional attacks on our homeland and our allies.

Second, there are those who acknowledge that we cannot leave Afghanistan in its current state, but suggest that we go forward with the troops that we have. But this would simply maintain a status quo in which we muddle through, and permit a slow deterioration of conditions there. It would ultimately prove more costly and prolong our stay in Afghanistan, because we would never be able to generate the conditions needed to train Afghan Security Forces and give them the space to take over.

Finally, there are those who oppose identifying a timeframe for our transition to Afghan responsibility. Indeed, some call for a more dramatic and open-ended escalation of our war effort – one that would commit us to a nation building project of up to a decade. I reject this course because it sets goals that are beyond what we can achieve at a

reasonable cost, and what we need to achieve to secure our interests. Furthermore, the absence of a timeframe for transition would deny us any sense of urgency in working with the Afghan government. It must be clear that Afghans will have to take responsibility for their security, and that America has no interest in fighting an endless war in Afghanistan.

As President, I refuse to set goals that go beyond our responsibility, our means, our or interests. And I must weigh all of the challenges that our nation faces. I do not have the luxury of committing to just one. Indeed, I am mindful of the words of President Eisenhower, who – in discussing our national security – said, "Each proposal must be weighed in the light of a broader consideration: the need to maintain balance in and among national programs."

Over the past several years, we have lost that balance, and failed to appreciate the connection between our national security and our economy. In the wake of an economic crisis, too many of our friends and neighbors are out of work and struggle to pay the bills, and too many Americans are worried about the future facing our children. Meanwhile, competition within the global economy has grown more fierce. So we simply cannot afford to ignore the price of these wars.

All told, by the time I took office the cost of the wars in Iraq and Afghanistan approached a trillion dollars. Going forward, I am committed to addressing these costs openly and honestly. Our new approach in Afghanistan is likely to cost us roughly 30 billion dollars for the military this year, and I will work closely with Congress to address these costs as we work to bring down our deficit.

But as we end the war in Iraq and transition to Afghan responsibility, we must rebuild our strength here at home. Our prosperity provides a foundation for our power. It pays for our military. It underwrites our diplomacy. It taps the potential of our people, and allows investment in new industry. And it will allow us to compete in this century as successfully as we did in the last. That is why our troop commitment in Afghanistan cannot be open-ended – because the nation that I am most interested in building is our own.

Let me be clear: none of this will be easy. The struggle against violent extremism will not be finished quickly, and it extends well beyond Afghanistan and Pakistan. It will be an enduring test of our free society, and our leadership in the world. And unlike the great power conflicts and clear lines of division that defined the 20<sup>th</sup> century, our effort will involve disorderly regions and diffuse enemies.

So as a result, America will have to show our strength in the way that we end wars and prevent conflict. We will have to be nimble and precise in our use of military power. Where al Qaeda and its allies attempt to establish a foothold – whether in Somalia or

Yemen or elsewhere – they must be confronted by growing pressure and strong partnerships.

And we cannot count on military might alone. We have to invest in our homeland security, because we cannot capture or kill every violent extremist abroad. We have to improve and better coordinate our intelligence, so that we stay one step ahead of shadowy networks.

We will have to take away the tools of mass destruction. That is why I have made it a central pillar of my foreign policy to secure loose nuclear materials from terrorists; to stop the spread of nuclear weapons; and to pursue the goal of a world without them. Because every nation must understand that true security will never come from an endless race for ever-more destructive weapons – true security will come for those who reject them.

We will have to use diplomacy, because no one nation can meet the challenges of an interconnected world acting alone. I have spent this year renewing our alliances and forging new partnerships. And we have forged a new beginning between America and the Muslim World – one that recognizes our mutual interest in breaking a cycle of conflict, and that promises a future in which those who kill innocents are isolated by those who stand up for peace and prosperity and human dignity.

Finally, we must draw on the strength of our values – for the challenges that we face may have changed, but the things that we believe in must not. That is why we must promote our values by living them at home – which is why I have prohibited torture and will close the prison at Guantanamo Bay. And we must make it clear to every man, woman and child around the world who lives under the dark cloud of tyranny that America will speak out on behalf of their human rights, and tend to the light of freedom, and justice, and opportunity, and respect for the dignity of all peoples. That is who we are. That is the moral source of America's authority.

Since the days of Franklin Roosevelt, and the service and sacrifice of our grandparents, our country has borne a special burden in global affairs. We have spilled American blood in many countries on multiple continents. We have spent our revenue to help others rebuild from rubble and develop their own economies. We have joined with others to develop an architecture of institutions – from the United Nations to NATO to the World Bank – that provide for the common security and prosperity of human beings.

We have not always been thanked for these efforts, and we have at times made mistakes. But more than any other nation, the United States of America has underwritten global security for over six decades – a time that, for all its problems, has seen walls come down, markets open, billions lifted from poverty, unparalleled

scientific progress, and advancing frontiers of human liberty.

For unlike the great powers of old, we have not sought world domination. Our union was founded in resistance to oppression. We do not seek to occupy other nations. We will not claim another nation's resources or target other peoples because their faith or ethnicity is different from ours. What we have fought for – and what we continue to fight for – is a better future for our children and grandchildren, and we believe that their lives will be better if other peoples' children and grandchildren can live in freedom and access opportunity.

As a country, we are not as young – and perhaps not as innocent – as we were when Roosevelt was President. Yet we are still heirs to a noble struggle for freedom. Now we must summon all of our might and moral suasion to meet the challenges of a new age.

In the end, our security and leadership does not come solely from the strength of our arms. It derives from our people – from the workers and businesses who will rebuild our economy; from the entrepreneurs and researchers who will pioneer new industries; from the teachers that will educate our children, and the service of those who work in our communities at home; from the diplomats and Peace Corps volunteers who spread hope abroad; and from the men and women in uniform who are part of an unbroken line of sacrifice that has made government of the people, by the people, and for the people a reality on this Earth.

This vast and diverse citizenry will not always agree on every issue – nor should we. But I also know that we, as a country, cannot sustain our leadership nor navigate the momentous challenges of our time if we allow ourselves to be split asunder by the same rancor and cynicism and partisanship that has in recent times poisoned our national discourse.

It is easy to forget that when this war began, we were united – bound together by the fresh memory of a horrific attack, and by the determination to defend our homeland and the values we hold dear. I refuse to accept the notion that we cannot summon that unity again. I believe with every fiber of my being that we – as Americans – can still come together behind a common purpose. For our values are not simply words written into parchment – they are a creed that calls us together, and that has carried us through the darkest of storms as one nation, one people.

America – we are passing through a time of great trial. And the message that we send in the midst of these storms must be clear: that our cause is just, our resolve unwavering. We will go forward with the confidence that right makes might, and with the commitment to forge an America that is safer, a world that is more secure, and a future that represents not the deepest of fears but the highest of hopes. Thank you, God Bless you, God Bless our troops, and may God Bless the United States of America.

01268-EPA-5027

"Holdren, John P."

<[REDACTED] (b) (6) Privacy [REDACTED]>

12/02/2009 07:32 AM

To Richard Windsor

cc

bcc

Subject Urgent request for brief phone conversation

Lisa –

It would be great if we could have a 3-minute phone conversation this morning before my 10 am testimony before the House Select Committee on Energy Independence and Climate Change. I'm at my desk (b) (6) Privacy now until 820, then heading for the WH Sr Staff meeting 830-9, then shortly heading for the hearing. If calling 820-830 or 9-945, please use (b) (5) Deliberative (WH cell) or (b) (6) Privacy (private cell). Many thanks.

Best,  
John

JOHN P. HOLDREN

Assistant to the President for Science and Technology  
and Director, Office of Science and Technology Policy  
Executive Office of the President of the United States

(b) (6) Privacy (b) (6) Privacy

Executive Assistant Pat McLaughlin

(b) (6) Privacy (b) (6) Privacy

01268-EPA-5028

"Orszag, Peter R."

<[REDACTED]> (b) (6) Privacy

12/02/2009 06:08 PM

To Richard Windsor

cc

bcc

Subject RE: Am I right in assuming

The one on coal?

If so, I had been planning for a broader group but happy to do one-on-one if you'd like

-----Original Message-----

From: Windsor.Richard@epamail.epa.gov  
[mailto:Windsor.Richard@epamail.epa.gov]  
Sent: Wednesday, December 02, 2009 6:08 PM  
To: Orszag, Peter R.  
Subject: Am I right in assuming

Our Monday mtg is one on one? Lisa

01268-EPA-5029

**Richard Windsor/DC/USEPA/US**  
12/02/2009 06:12 PM

To "Orszag, Peter R."  
cc  
bcc "Heidi Ellis"  
Subject Re: Am I right in assuming

I think one on one is best for the initial discussion.

----- Original Message -----

From: "Orszag, Peter R." [REDACTED] (b) (6) Privacy  
Sent: 12/02/2009 06:08 PM EST  
To: Richard Windsor  
Subject: RE: Am I right in assuming

The one on coal?

If so, I had been planning for a broader group but happy to do one-on-one if you'd like

-----Original Message-----

From: Windsor.Richard@epamail.epa.gov  
[mailto:Windsor.Richard@epamail.epa.gov]  
Sent: Wednesday, December 02, 2009 6:08 PM  
To: Orszag, Peter R.  
Subject: Am I right in assuming

Our Monday mtg is one on one? Lisa



01268-EPA-5030

**Lisa  
Heinzerling/DC/USEPA/US**  
12/02/2009 09:31 PM

To "Richard Windsor", "Bob Perciasepe"  
cc  
bcc

Subject Fw: P&G Release Set for Thursday

This is cool.

**From:** "Boots, Michael J." [REDACTED] (b) (6) Privacy

**Sent:** 12/02/2009 08:58 PM EST

**To:** <Ann.Mills@osec.usda.gov>; <joellen.darcy@us.army.mil>; <ascooper@tva.gov>; Lisa Heinzerling; Bob Sussman; <Anne\_Castle@ios.doi.gov>; Peter Silva; <david.sandalow@hq.doe.gov>; <jane.lubchenko@noaa.gov>; <kathryn.thomson@dot.gov>; <Chris.Cummiskey@dhs.gov>; <James.C.Lopez@hud.gov>; <John\_Tubbs@ios.doi.gov>; <dave.white@wdc.usda.gov>; "Margaret Spring" <margaret.spring@noaa.gov>

**Cc:** "Ericsson, Sally C." [REDACTED] (b) (6) Privacy "Breyman, Terrance L."

[REDACTED] (b) (6) Privacy "Hight, Courtney" [REDACTED] (b) (6) Privacy "Boling, Edward A."  
[REDACTED] (b) (6) Privacy "Carson, Jonathan K." [REDACTED] (b) (6) Privacy "Shah, Tarak  
N." [REDACTED] (b) (6) Privacy "Mertens, Richard A." [REDACTED] (b) (6) Privacy "Maher,  
Jessica A." [REDACTED] (b) (6) Privacy "Glunz, Christine M." [REDACTED] (b) (6) Privacy  
"Salzman, Amelia S." [REDACTED] (b) (6) Privacy

**Subject:** P&G Release Set for Thursday

Good Evening All,

I wanted to thank you again for all your efforts in getting the revised P&G ready for release to the public and the National Academy of Sciences for review. **The release will occur tomorrow morning (Thursday, December 3<sup>rd</sup>) at 10:00am**, with the draft P&G being posted to the CEQ website and a blast email to those who have shown interest to date. It will be sent to the Federal Register and the National Academy as well. We ask that you please not distribute this before that time.

In preparation for that release, I am providing you with a copy of the document that will be released, along with a one page summary that will refresh you on the document and help address any questions that may arise. Feel free to refer any and all questions to CEQ. The CEQ POC is Terry Breyman and he may be reached at [REDACTED] (b) (6) Privacy

Again, thank you for your participation in this process. I look forward to further collaboration on this important effort in the days and months ahead.

All the best,  
Mike

Michael Boots  
Associate Director for Land and Water Ecosystems  
White House Council on Environmental Quality  
730 Jackson Place NW  
Washington, DC 20530  
Main Line: [REDACTED] (b) (6) Privacy



Direct: [REDACTED] (b) (6) Privacy PG final document 120209.pdf PG onepager120209 (2).pdf

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**Proposed  
National Objectives, Principles and Standards for  
Water and Related Resources Implementation Studies**

**December 3, 2009**

# Proposed National Objectives for Water Resources Planning

These National Objectives and the supporting Planning Principles and Standards are established pursuant to the Water Resources Planning Act of 1965 (Public Law 89-8), as amended (42 U.S.C.1962a-2) and consistent with Section 2031 of the Water Resources Development Act of 2007 (Public Law 110-114). They supersede the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies dated March 10, 1983.

## 1. Purpose

These National Objectives and the supporting Planning Principles and Standards establish the National water resources planning policy and the framework for the planning process that supports decisions regarding the Federal implementation of solutions to water resources problems, needs and opportunities.

## 2. Applicability

These National Objectives, Principles and Standards apply to Federal water and related resources implementation studies completed 180 days after the publication of the supporting Interagency Guidelines. Such studies investigate and recommend Federal implementation of site-specific projects and project modifications to address water resources problems, needs and opportunities.

## 3. National Objectives of Water Resources Planning

Federal water resources planning and development should both improve the economic well-being of the Nation for present and future generations and protect and restore the environment. America's water resources – streams, rivers, wetlands, estuaries, lakes, and coasts – are at the heart of our economy, our environment and our history. These water resources support billions of dollars in commerce, provide drinking water for millions of Americans and supply needed habitat for fish and wildlife and other benefits. The National Objective for water resources planning is to develop water resources projects based on sound science that maximize net national economic, environmental, and social benefits. Consistent with this objective, the United States will demonstrate leadership by modernizing the way the Nation plans water resources projects by:

(1) protect and restore natural ecosystems and the environment while encouraging sustainable economic development;

1 (2) avoiding adverse impacts to natural ecosystems wherever possible and fully  
2 mitigating any unavoidable impacts; and  
3

4 (3) avoiding the unwise use of flood plains, flood-prone areas and other ecologically  
5 valuable areas.  
6

7

8 **4. Approval**

9

10 The National Objectives of Water Resources Planning and the accompanying Planning  
11 Principles and Standards are hereby approved.  
12

13

14

15

\_\_\_\_\_  
President of the United States

16

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\_\_\_\_\_  
Date

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**Proposed  
National Objectives, Principles and Standards for  
Water and Related Resources Implementation Studies**

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# Chapter I – Planning Principles

## 1. Principles

Water is a valued and limited natural resource that is an absolute requirement for life and vital to human health and our natural environment. The quality and quantity of water resources affect all levels of our society from the national to the individual citizen. Water resources support our local and national economies, provide environmental security, and support this Nation's vast cultural diversity. We depend upon these resources for a myriad of purposes including, drinking water, ecosystem services, irrigation, hydropower, manufacturing, recreation, fish and wildlife, sanitary waste disposal systems, transportation, and public health and safety. Equally important are the management of water to reduce flood risk and storage of water for future use. Therefore, the following principles are established to guide water resources implementation studies. It is the policy of the United States that all Federal water resources implementation studies shall:

- A. Protect and restore natural ecosystems and the environment while encouraging sustainable economic development;
- B. Account for ecosystem services;
- C. Avoid the unwise use of floodplains, flood-prone areas and other ecologically valuable areas;
- D. Utilize watershed and ecosystem based approaches;
- E. Utilize best available science, practices, analytical techniques, procedures and tools;
- F. Apply a level of detail commensurate with the potential decisions;
- G. Account for the benefits and costs in appropriate monetary and non-monetary terms;
- H. Account for significant effects and mitigate any unavoidable adverse impacts to natural ecosystems;
- I. Address risk and uncertainty, including the effects of climate change and future development;
- J. Incorporate public safety;
- K. Ensure environmental justice for low income, tribal and minority communities;

1 L. Ensure the planning process is fully transparent; and

2  
3 M. Collaborate implementation study activities broadly.

## 4 5 **2. Overview of the Planning Process**

6  
7 The above Principles shall be implemented in a deliberate planning process. The major  
8 steps in the planning process shall include:

9  
10 A. Identify the study objectives and ensure that Federal participation in the study is  
11 warranted based on the likelihood of fulfilling the National Water Resources Planning  
12 Objectives;

13  
14 B. Identify and assess the water and related resources problems, needs, and  
15 opportunities relevant to the planning setting associated with the study objectives;

16  
17 C. Inventory, analyze, and determine the existing and most likely future water and  
18 related resources conditions within the study area relevant to the identified problems  
19 and opportunities;

20  
21 D. Formulate alternatives, including identifying the No Action alternative, as well as  
22 nonstructural and structural alternatives, and combinations of nonstructural and/or  
23 structural measures to ensure that all reasonable solutions are considered;

24  
25 E. Evaluate the potential effects of all reasonable and viable alternatives;

26  
27 (1) Evaluate the potential effects, positive and negative, on the significant  
28 resources relative to the most likely conditions without action, and

29  
30 (2) Evaluate and display the potential effects of alternatives in a systematic  
31 manner.

32  
33 F. Compare alternatives; and

34  
35 G. Select and recommend the plan that:

36  
37 (a) Complies with existing statutes including, but not limited to, Clean Water Act,  
38 Endangered Species Act, National Environmental Policy Act, Fish and Wildlife  
39 Coordination Act, National Historic Preservation Act, Wild and Scenic Rivers Act;  
40 authorities; and policy; and

41  
42 (b) Provides the greatest net overall contribution to the National Water  
43 Resources Planning Objectives considering both monetary and non-monetary  
44 effects.

45  
46



### 3. Planning Guidelines and Procedures

The Council on Environmental Quality (CEQ), in cooperation with the Water Resources Council, shall issue Interagency Guidelines to implement these Principles and Standards. The Guidelines shall require that all Federal agencies conduct water resources implementation studies in a generally common manner and enable the public to comprehend and evaluate those studies. Each Federal agency shall develop and apply Agency-Specific Procedures to implement the Principles, Standards and Guidelines as needed for its respective water resources missions.

10  
11

## Chapter II – Planning Standards

### 1. Implementation Studies

A. Water and related resources implementation studies covered by these Principles and Standards investigate and recommend Federal implementation of site-specific projects and project modifications. “Projects” include significant structures and landform changes, and any nonstructural plans that might be implemented. Modifications include the reevaluation of implemented projects, as well as those authorized but not yet implemented. Modifications also include significant changes in features or operations that materially affect project impacts, rehabilitation, safety, reallocation, termination, and removal. Implementation studies include pre- and post authorization project formulation or evaluation studies undertaken by Federal agencies.

Implementation studies conducted by the following agencies to develop water resources project plans are explicitly covered by these Principles and Standards:

- (a) U.S. Army Corps of Engineers (Civil Works);
- (b) Bureau of Reclamation;
- (c) Tennessee Valley Authority;
- (d) Natural Resources Conservation Service; and
- (e) Any other Federal agency studies meeting the general criteria presented above.

B. The Principles and Standards do not apply to routine project operations, basic maintenance and minor repairs, or watershed plans or regulatory activities. Additionally, the Principles and Standards do not apply to grants, technical assistance, and other financial assistance or authorization for work implemented by non-Federal entities on facilities to which the United States does not hold title.

## 2. Planning Standards

The following standards are established to implement the Principles by further defining and guiding the conduct of Federal water resources implementation studies, which shall:

### **A. Protect and Restore Natural Ecosystems and the Environment while Encouraging Sustainable Economic Development**

Federal water resources implementation studies shall seek to protect and restore natural ecosystems and the environment while encouraging sustainable economic development. Proposals developed through such studies shall assure the appropriate use of these limited resources and avoid their unwise use. The appropriateness of modifying water resources shall be based on evaluations of the services gained and lost, and only those actions that provide a net national gain shall be considered further or selected. This is best done in accordance with the National Objectives by determining both economic and environmental outputs, as well as the likely impacts of one upon the other. The economic and environmental outputs are inextricably linked and both must be considered if the desired outputs are to be sustained.

### **B. Account for Ecosystem Services**

Ecosystem services are the direct or indirect contributions that ecosystems make to the environment and human populations. Ecosystems provide not only goods and services directly consumed by society such as food, fish and game, timber, and water, but also services such as flood and storm abatement, disease regulation, pollination, and disease, pest, and climate control. Ecosystem processes and functions contribute to the provision of ecosystem services, but they are not synonymous with ecosystem services. Ecosystem processes and functions describe biophysical relationships that have value regardless of whether humans recognize the benefits.

Consideration of ecosystem services can play a key role in evaluating water resource alternatives. Using the best available methods in the ecological, social, and behavioral sciences to develop an explicit list of the services derived from an ecosystem is the first step in ensuring appropriate recognition of the full range of potential impacts of a given alternative. This can help make the formulation and the analysis of alternatives more transparent and accessible and can help inform decision makers of the full range of potential impacts stemming from different options before them. The second step is establishing the significance or value of changes in the quality or quantity of services over time, with and without the effects of proposed alternatives on ecosystem services.

1 The concept of ecosystem services provides an approach to evaluating the ways in  
2 which ecological systems, and changes to those systems induced by human actions,  
3 affect human well-being. Ecosystems, however, can also be valued not only for the  
4 services they provide to humans directly or indirectly, but for other reasons, including  
5 intrinsic natural values such as biodiversity.  
6

7 In the context of these Standards, evaluations shall focus on identifying ecological  
8 service and intrinsic natural value **changes** and the significance of those changes,  
9 rather than attempting to assess the value of entire ecosystems.  
10

### 11 **C. Avoid the Unwise Use of Floodplains and Flood-prone Areas**

12  
13  
14 Water resources implementation studies, especially when seeking to reduce the  
15 Nation's vulnerability to floods and storms, must recognize floodplains as critical  
16 components of watersheds. Studies shall evaluate proposed alternatives for  
17 potential direct and indirect adverse effects on floodplain functions. Studies shall  
18 give full and equal treatment to nonstructural approaches that avoid and minimize  
19 actions and changes that are incompatible with or adversely impact floodplain  
20 functions. Studies shall further reflect sound floodplain management by formulating  
21 alternatives to:  
22

23 (1) Preserve and restore the hydrologic and natural resources functions and the  
24 integrity of floodplains to the extent practicable by avoiding and minimizing  
25 actions and changes, including induced development, that are incompatible with  
26 floodplain functions;  
27

28 (2) Help communities to move damageable properties and critical infrastructure  
29 out of flood-prone areas to reduce repetitive losses and risks to life;  
30

31 (3) Inform the public about floodplain impacts and the associated risks to life,  
32 health and property, including descriptions of historical and probable future flood  
33 and storm events, and how climate change may affect these events; and  
34

35 (4) Encourage communities to develop and use floodplain management and  
36 hazard mitigation plans in their community planning and decision making.  
37  
38

### 39 **D. Utilize Watershed and Ecosystem Based Approaches**

40  
41 (1) Watershed Perspective. Watershed planning addresses resource conditions  
42 and needs based on water and land uses, and multiple stakeholder interests  
43 throughout a watershed. By definition, watershed planning focuses on a  
44 watershed, a geographic area that is defined by a drainage basin. Most  
45 frequently this geographic area is described using hydrologic cataloging units.  
46 Watershed planning shall address a geographic area large enough to ensure that

1 plans address the cause and effect relationships among affected resources and  
2 activities that are pertinent to achieving the study objectives; i.e., evaluate the  
3 resources and related demands as a system. The scope and degree of  
4 evaluations across a watershed shall reflect the nature of these relationships and  
5 the study objectives. All aspects of a watershed may not necessarily require the  
6 same detailed level of analysis. Once a relationship is established as non-  
7 existent or insensitive, further analysis of that relationship may not be necessary.  
8 Also, while a watershed is generally the appropriate study area, individual  
9 analyses within a study may utilize other boundaries where appropriate. For  
10 example, political boundaries may be pertinent when evaluating regional impacts.  
11 The intent is to address watershed stressors and solutions in a rational and  
12 efficient manner rather than focus on a single waterbody segment or other  
13 narrowly defined areas, which would preclude a more holistic analysis. The  
14 scale selected shall also consider the probability of involvement by key  
15 stakeholders. As such, in some cases, aspects other than hydrologic interaction  
16 may contribute to defining the "study area." For example, the study area  
17 associated with an inland waterway or port project is likely to include the regional  
18 transportation sector, especially alternate modes of transportation, as well as  
19 other affected ports. If a species of interest is identified for a restoration plan, the  
20 ecoregion that defines the species habitat throughout its life cycle may not  
21 coincide with a watershed definition.  
22

23 The watershed approach provides a flexible perspective for managing water  
24 resource quality and quantity within affected drainage areas or watersheds. The  
25 watershed approach allows problems, needs and opportunities to be addressed  
26 in a holistic manner, including the interdependency of water uses, competing  
27 demands, and the desires of a wide range of stakeholders. The watershed  
28 approach is based on:

- 29
- 30 (a) Sustaining water resources;
  - 31
  - 32 (b) Integrating water and related resources management;
  - 33
  - 34 (c) Considering future water resources demands;
  - 35
  - 36 (d) Coordinating planning and management;
  - 37
  - 38 (e) Collaborating among governmental entities at all levels and ensuring  
39 broad stakeholder participation;
  - 40
  - 41 (f) Evaluating monetary and non-monetary trade-offs;
  - 42
  - 43 (g) Utilizing interdisciplinary teams;
  - 44

1 (h) Applying principles of adaptive management; and

2  
3 (i) Using sound science and data.

4  
5 A watershed perspective facilitates evaluation of a more complete range of  
6 potential solutions and is more likely to identify the most environmentally  
7 preferable, technically sound and economically efficient means to achieve  
8 multiple goals over the entire watershed.

9  
10 (2) Ecosystem-Based Management. Ecosystem-based management seeks to  
11 maintain an ecosystem in a healthy, productive, and resilient condition so that it  
12 can sustain necessary ecosystem services. Ecosystem-based management  
13 differs from approaches that usually focus on a single species, sector, activity, or  
14 concern; it considers the cumulative impacts of different sectors. Specifically,  
15 ecosystem-based management:

16  
17 (a) Emphasizes the protection of ecosystem structure, functioning, and key  
18 processes;

19  
20 (b) Is place-based in focusing on a specific ecosystem and the range of  
21 activities affecting it;

22  
23 (c) Explicitly accounts for the interconnectedness within systems, recognizing  
24 the importance of interactions between many target species or key services  
25 and other non-target species;

26  
27 (d) Acknowledges interconnectedness among systems, such as between air,  
28 land and sea; and

29  
30 (e) Integrates ecological, social, economic, and institutional perspectives,  
31 recognizing their strong interdependences.

32  
33 Ecosystem-based management focuses on sustaining the ability of any given  
34 ecosystem to continuously provide essential ecosystem services. It recognizes  
35 that natural ecosystem boundaries are more important for consideration in  
36 management efforts than political jurisdictions and that ecosystem boundaries  
37 are porous (that is one system overlaps into another). It also requires accounting  
38 for the cumulative human effects on ecosystems via explicit considerations of  
39 impacts and tradeoffs.

40  
41 (3) Spatial or Geographic Integration. It is important to define the geographic  
42 boundaries to encompass areas that are potentially affected by or that could  
43 affect candidate solutions so the solutions can be examined appropriately. The  
44 watershed is an appropriate geographic area to begin with because it usually  
45 encompasses the significant upstream and downstream impacts of an  
46 alternative. However, the larger the spatial zone of consideration – for example,

1 a coastal zone or ecoregion – the more likely it becomes possible to examine the  
2 full potential for water resources synergies and tradeoffs among all relevant  
3 resource elements.

4  
5 (4) Information Needs. The Agencies shall recognize the difficulty in obtaining  
6 watershed-related information and acknowledge that a balanced approach is  
7 needed to address this concern and challenge. However, reasonable efforts  
8 must be made to obtain and analyze relevant data, even where available data at  
9 the outset may be limited. In addition, watershed planning is an interactive and  
10 adaptive process and thus preliminary information may need to be updated over  
11 the course of an evaluation where appropriate and accompanied by mid-course  
12 corrections.

### 13 14 15 **E. Utilize Best Available Science, Practices, Analytical Techniques, 16 Procedures and Tools**

17  
18 (1) Water resources planners and decision makers shall utilize the best available  
19 principles, data, analytical techniques, procedures, and tools in hydrology,  
20 engineering, economics, biology, risk and uncertainty, and other sciences. Water  
21 resources planning shall use contemporary water resources paradigms such as  
22 integrated water resources management and adaptive management, and  
23 consider the effects of climate change. Planners shall continuously seek to  
24 modernize tools and analytical techniques and not simply rely upon those used in  
25 the past because they are familiar. The data used shall be the best available.  
26 No data over five years old, other than long-term data sets used to establish  
27 historical events, trends and patterns, shall be used to portray existing and future  
28 conditions, unless the data are clearly shown to remain valid and representative  
29 of current conditions, or unless no other data are available or can be reasonably  
30 developed.

31  
32 (2) Peer review of applied science and analytical techniques is a particularly  
33 valuable practice integral to successful water resources planning. Each agency  
34 shall adopt specific guidance on the type, scope and timing of peer review based  
35 on their respective types of studies and consistent with peer review standards in  
36 the community of practice. The levels of peer review may vary from internal  
37 reviews within local offices to fully independent external reviews conducted by  
38 third parties, such as the National Academy of Sciences.

### 39 40 41 **F. Apply a Level of Detail Commensurate with the Potential Decisions**

42  
43 The level of detail applied in implementation studies may vary, but shall not be  
44 greater than needed to inform the decision efficiently and effectively. The level of  
45 detail, scope and complexity of analyses shall be commensurate with the scale,  
46 impacts, costs, scientific complexities, uncertainties, risks, and other sensitivities

1 (e.g., public concerns) involved in potential decisions. Each agency shall develop  
2 procedures to specify the level of detail for the types of implementation studies that  
3 they typically undertake.  
4

#### 5 **G. Account for the National Benefits and Costs in Appropriate Monetary and** 6 **Non-monetary Terms** 7

8 The identification and enumeration of potential national benefits and costs are  
9 crucial in determining the feasibility of alternatives and selecting plans. In addition to  
10 fully documenting both monetary and non-monetary effects, planners shall strive to  
11 monetize currently non-monetized units to the extent possible as the ability to  
12 monetize various services becomes more well-established. Any application of non-  
13 monetary parameters must utilize consistent metrics in order to understand and  
14 compare alternatives.  
15  
16

#### 17 **H. Account for Significant Effects and Mitigate Unavoidable Impacts to** 18 **Ecosystem Services** 19

20 In the evaluation of alternatives (see paragraph 3.I. below), the following  
21 requirements for mitigation analyses shall be met:  
22

23 (1) Detailed alternatives shall not be considered viable unless they comply with  
24 all applicable environmental laws and authorities, including protection of the  
25 nation's environment by mitigation of the adverse effects as defined in the Code  
26 of Federal Regulations for Compensatory Mitigation for Losses of Aquatic  
27 Resources. Key laws on mitigation include, but are not limited to, Section 906(d)  
28 of the Water Resources Development Act of 1986, Section 404 of the Clean  
29 Water Act, and Section 2036 of the Water Resources Development Act of 2007,  
30 all as may be amended. Accordingly, each alternative shall include mitigation  
31 developed in coordination with responsible natural resource management  
32 authorities and determined to be appropriate by the decision maker. Adaptive  
33 management shall be evaluated and incorporated into alternatives to the greatest  
34 extent possible when it helps to further avoid and minimize adverse impacts and  
35 ensure that any required mitigation performs as intended.  
36

37 (2) The following sequence shall be followed to address adverse impacts to  
38 ecosystem services:  
39

40 (a) Avoid – Wherever possible, avoid adverse impacts by modifying the  
41 alternative or applying another practicable alternative with less adverse  
42 impact.  
43

44 (b) Minimize - If adverse impacts cannot be avoided, then minimize those  
45 impacts by modifying the alternative to the extent appropriate and practicable.  
46



1 (c) Compensate – If unavoidable adverse impacts remain, then compensatory  
2 mitigation is required to the extent practicable. Compensatory mitigation may  
3 not substitute for avoiding and minimizing impacts.  
4

5 (3) Compensatory mitigation shall be implemented, to the maximum extent  
6 practicable, in advance of or concurrent with the activities causing the impacts.  
7 In the rare instances where mitigation cannot be practicably implemented in  
8 advance or concurrently, then the reasons are to be presented in the decision  
9 document, including why other alternatives cannot more effectively avoid and  
10 minimize adverse impacts. The alternative shall show that mitigation will be  
11 implemented at the earliest opportunity.  
12  
13

#### 14 **I. Address Risk and Uncertainty, Including the Effects of Climate Change and** 15 **Future Development** 16

17 Decisions shall be made with knowledge of the degree of reliability of the available  
18 information; recognizing that even with the best available engineering and science,  
19 risk and uncertainty will always remain. Risks and uncertainties shall be identified  
20 and described in a manner that allows the public and decision makers to  
21 understand. This includes quantifying and describing the nature, likelihood,  
22 limitations, and magnitude of risks and uncertainties associated with key supporting  
23 data, projections, and evaluations for competing alternatives. This shall also include  
24 a concise discussion of what must happen, including the related probability or  
25 likelihood, in order to realize any projections. When uncertainties are about an  
26 alternative's ability to function as desired and/or to produce the desired outputs or  
27 other potential undesired outputs, and thus potentially affect the justification,  
28 selection, and/or acceptability of the alternative, improved data, models, and  
29 analyses should be pursued. Adaptive management measures should also be  
30 evaluated as part of the alternative in order to further reduce such uncertainty,  
31 particularly when more detailed information and better tools are not readily available.  
32

33 Climate change represents persistent uncertainty that should be addressed in the  
34 planning process. The increased variability in temporal and spatial patterns of  
35 precipitation and water availability will challenge water systems serving all human  
36 needs. From specification of existing problems and opportunities to the formulation,  
37 evaluation and selection of plans, the accelerating changes in aquatic systems  
38 caused by a changing climate should inform our understanding of what our water  
39 resource needs are and how we can realistically respond to those needs.  
40  
41

#### 42 **J. Incorporate Public Safety** 43

44 Threats to people, both loss of life and injury, from natural events must be assessed  
45 in the determination of existing and future conditions. Alternative solutions, including  
46 structural and nonstructural elements, must avoid, reduce and mitigate the risks of

1 such threats to the extent practicable. Alternatives shall include measures to  
2 manage residual risks. The impact and reliability of alternatives on these threats  
3 must be evaluated and shared with the public and decision-makers in an  
4 understandable manner.

5  
6 **K. Ensure Environmental Justice for Low Income, Tribal and Minority**  
7 **Communities**

8  
9 Evaluation methods shall eliminate any biases in analyzing projects affecting low-  
10 income communities by fully reflecting the benefits and costs (monetized and non-  
11 monetized) of alternatives to low-income communities.

12  
13 Planning studies shall identify any disproportionately high and adverse public safety,  
14 human health or environmental effects of projects on minority, tribal and low-income  
15 populations and decision makers shall seek solutions that would eliminate or avoid  
16 disproportionate adverse effects on low income, tribal or minority communities. In  
17 addition, specific efforts shall be made to provide opportunities for effective  
18 participation by minority and low-income communities in the planning process,  
19 including identifying potential effects and mitigation measures in consultation with  
20 affected communities and improving the accessibility of public meetings, documents,  
21 and notices.

22  
23  
24 **L. Ensure the Planning Process is Fully Transparent**

25  
26 Planning study results shall be provided to the public in a clear, concise, and timely  
27 manner during the planning process in order to ensure public understanding and  
28 both enable and solicit public participation. This is intended to ensure that studies  
29 reasonably address the needs, interests and concerns of stakeholders, Tribal  
30 governments, affected agencies, non-governmental organizations, and individuals;  
31 and provide adequate opportunities for all to participate throughout the planning  
32 process. The presentations shall summarize and explain the decision rationale  
33 leading from the identification of need through the recommendation of a specific  
34 alternative. This shall include the steps, basic assumptions, analysis methods and  
35 results, criteria and results of various screenings and selections of alternatives, peer  
36 review proceedings and results, and the supporting reasons for other decisions  
37 necessary to execute the planning process. The information shall enable the public  
38 to understand the decision rationale, confirm the supporting analyses and findings,  
39 and develop their own fully-informed opinions and/or decisions regarding the validity  
40 of the study and its recommendations. Opportunities shall be provided for public  
41 reaction and input prior to key study decisions, particularly the tentative and final  
42 selection of recommended plans. The above information shall be presented in a  
43 decision document or documents, and made available to the public in draft and final  
44 forms. The document(s) shall demonstrate compliance with the National  
45 Environmental Policy Act (NEPA) and other pertinent Federal statutes and  
46 authorities.

## **M. Collaborate Implementation Study Activities Broadly**

Federal agencies shall collaborate fully on water resources studies with other affected Federal agencies, and with Tribal, regional, state, local, and non-governmental entities to realize more comprehensive and better informed problem resolutions. The method and scope of the collaborative effort shall be driven by the nature of the study, problems, and likely solutions.

Collaboration in the Federal water resources planning process may include:

- (1) Sharing of data, analytical tools, or expertise unless protected from release by law;
- (2) Inclusion on interdisciplinary or inter-agency study teams;
- (3) Participation in independent or peer review of the study products;
- (4) Development and implementation of complementary projects and programs by others; and
- (5) Post-project review and development of adaptive management.

## **3. Overview of the Planning Process**

Planning is an orderly and systematic process for solving problems and reaching a rational, unbiased, and fully-informed recommendation for decision makers. Performed transparently, it enables the public to understand the rationale and critical information supporting the recommended decision, and in turn help inform the decision makers. The process is enduring and useful for virtually any public planning activity. The following framework outlines the planning process for Federal water resources implementation studies. It must be applied to ensure recommendations for Federal action are viable and warranted.

The planning process is a dynamic and iterative step-by-step process. Each step confirms, modifies or adds to the information developed in prior steps. New information, regardless of source, may cause prior steps to be reconsidered and revised at any point in the process. This includes adding and modifying objectives and alternatives as well as the many other aspects of studies. Agencies shall consider repeating any of the various steps when potential revisions are likely to significantly change the selection, composition and/or effects of the recommended plan.

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## **A. Initiating Implementation Studies**

The efforts preceding the initiation of a Federal water resources implementation study generally result in preliminary information to help guide the formation of a study. These efforts may include prior studies, coordination within the watershed, and efforts to secure the authorization and/or appropriations for a study. This preliminary information provides a basis for setting the initial study area, objectives, scope, scale, timeframe, tasks, topics for special attention, and sometimes potential solutions necessary to successfully complete a study.

Agencies are responsible, throughout the study process, for ensuring that each study warrants their continued participation based on their authorized missions, Executive Branch priorities, and Congressional directions.

## **B. Scoping Process**

Shortly after initiating the study, pertinent preliminary information regarding the study shall be shared with affected Federal, State, and local agencies, Tribal governments, and other interested groups or persons in an open forum. As a minimum, the forum shall address the tentative study area, problems and opportunities, any related current or future planning or implementation by the agency or others that is not part of the study, needed environmental assessments and consultations, and schedules for the study and decision-making. Input shall be solicited to identify likely significant issues and decision factors, and to help ensure unneeded studies are not undertaken. Plans for executing the study shall be revised as needed in response to this input. This process shall be conducted to fulfill the scoping process requirements described in CEQ's NEPA regulations.

## **C. Define the Study Area**

The study area shall encompass the significant resources affecting the potential need for action or likely to be affected by those potential actions, both directly and indirectly. The watershed, and its surrounding and connected ecosystems, including the coastal and ocean waters into which the watershed may be connected, is generally the most appropriate geographic area. The study area shall be extensive enough to consider synergies and tradeoffs among affected resources, and interactions among existing water resources projects and programs, including watershed planning efforts. This includes any current or future planning by the agency or others and expected implementation that is related to but not part of the study under consideration.

#### **D. Determine Existing and Future Conditions**

A determination of the existing conditions within the study area provides the basis for confirming the problems, needs, and opportunities to be addressed in the study, as well as the subsequent steps. Depictions of existing conditions shall be based on inventories and analyses of the quantity and quality of water and related resources in the study area. Aspects include significant hydrologic (surface and subsurface), topographic, geomorphic, economic, ecological, climatic, social, cultural, historic, and aesthetic conditions, including pertinent existing infrastructure. Inventories should include resources pertinent to the study, but not necessarily exhaustively list all resources in the area. They provide an opportunity to identify potential alternative solutions, including preserving and restoring the various resources. This step corresponds to the NEPA requirement to identify the affected environment.

The depiction of existing conditions provides the basis for projecting the future conditions that are the most likely to occur during the period of analysis – without the implementation of any alternatives considered in the study. The most likely without-plan future condition must be identified based on measurements, statistics, observations, and other evidence. Professional judgment may be applied where data are lacking, as long as the rationale and assumptions are displayed. The most likely without-plan future condition shall serve as the basis for evaluating and comparing the incremental effects of alternative solutions. The basis for projecting the changes from the existing condition to the most likely without-plan future condition, including what must happen and the probability or likelihood to realize the expected future condition must be transparent. The most likely without-plan future condition is synonymous with “No Action” as used in NEPA and the CEQ NEPA regulations.

Because the future is uncertain, alternative without-plan future conditions may be identified as separate scenarios. The scenarios shall only be used as sensitivity tests to assess the robustness of competing alternatives, inform the plan selection, and more fully depict the potential performance of the selected plan. The probability or likelihood of each future condition and its affects shall be presented. Key uncertainties for both existing and future conditions shall also be disclosed, such as uncertainties in the water and related resources, climate change, human activities, or in limited understanding of hydrologic, geomorphic or ecological processes. Such information will help establish the soundness of the study’s recommendations.

#### **E. Identify and Describe Problems and Opportunities**

Based on the most likely without-plan future conditions, identify the specific problems and opportunities to be addressed by the study. The problem and opportunity statements provide much of the basis for the study objectives and any study constraints developed below. The statements shall address the full range of

1 significant water and related resources problems and opportunities in the study area,  
2 particularly those declared to be in the National interest by the Congress or the  
3 Executive Branch. They shall reflect the perspectives of the scoping process  
4 participants. Statements shall be considered to address whether existing agency  
5 owned and operated projects or systems within the study area serve contemporary  
6 needs or may warrant modifications. This step corresponds to the requirement in  
7 the National Environmental Policy Act (NEPA) to define the purpose and need.  
8  
9

#### 10 **F. Specify the Study Objectives**

11  
12 Study objectives stating desired effects shall be specified to direct and focus study  
13 activities. One or more of the study objectives must clearly contribute to the National  
14 Objectives and one or more of the agency's missions. The study objectives must be  
15 broadly defined to avoid dictating a specific or narrow range of alternatives. They  
16 shall reflect the specific effects that are desired by groups and individuals external to  
17 the agency as well as any declared to be in the National interest by the Congress or  
18 the Executive Branch.  
19

#### 20 21 **G. Specify the Planning Constraints**

22  
23 Constraints on the planning effort shall be specified. They may include resource  
24 constraints, agency policy and mission constraints, legal constraints, actions or  
25 effects that must be excluded or avoided, and other limitations.  
26

#### 27 28 **H. Formulate Alternatives**

29  
30 (1) Alternative solutions or plans shall be formulated in a systematic manner to  
31 address the stated study objectives, consistent with the planning constraints.  
32 The range of alternatives must allow due consideration of all reasonably  
33 practicable solutions, including a full range of potential contributions, and ensure  
34 the one with the greatest net contribution to the National Objectives is identified.  
35 This includes consideration of incremental differences in scale and measures,  
36 and contributions to various mixes of the objectives.  
37

38 (2) The most likely without-plan future condition shall be automatically included  
39 as the "No Action" Alternative. At least one alternative with nonstructural  
40 measures shall be formulated and identified as the "*primarily nonstructural*  
41 *alternative.*" Various combinations of structural and nonstructural elements shall  
42 be formulated when reasonable to ensure the best alternative is identified. In  
43 some cases, a technically and environmentally viable, primarily non-structural  
44 alternative might not exist. If so, the study shall document efforts to identify such  
45 an alternative and explain why no such alternative other than the No Action

1 alternative could be formulated. Various schedules for implementing alternatives  
2 must be considered in order to further maximize net contributions to the National  
3 Objectives. Existing water and related resources plans developed by others,  
4 such as State water resources plans and watershed plans, shall be included as  
5 alternatives when reasonably consistent with the study objectives. Alternatives  
6 shall also be formulated as needed to adequately address other Federal, State,  
7 Tribal, local, and international concerns. If any reasonable and viable alternative  
8 is determined to be "*environmentally preferable*", then the appropriate NEPA  
9 documentation must identify it as such.

10  
11 (3) All alternatives shall be formulated to fulfill the following criteria:  
12 completeness, effectiveness, efficiency, and acceptability. An alternative must  
13 include appropriate compensatory mitigation in accordance with paragraph 2.H.  
14 above before it may be considered complete.

15  
16 (4) Potentially viable alternatives must also comply with existing Federal  
17 statutes, authorities, and policy including, but not limited to the Clean Water Act,  
18 Endangered Species Act, and the NEPA, or include proposed changes in any  
19 statutes, authorities, or policy that would otherwise preclude implementation.  
20 When a law or other institutional barrier would prevent implementation of an  
21 otherwise reasonable alternative, the alternative may include a proposal with  
22 supporting rationale to remove the barrier.

23  
24 (5) Each alternative shall be described in sufficient detail to permit the evaluation  
25 of effects described in paragraph 3.I. below. Each description shall discuss how  
26 the alternative meets the four formulation criteria described in paragraph 3.H. (3)  
27 above in this Section. When alternatives include elements that could be  
28 implemented collaboratively by other Federal agencies, State, local, and Tribal  
29 governments, and/or nongovernmental entities, the description shall identify each  
30 element, the implementing entity, and its respective role.

31  
32 (6) The NEPA process and alternative formulation are integrally related. As  
33 alternatives are developed in the planning process, they must be evaluated for  
34 reasonableness under NEPA as well as these standards. Even though  
35 alternatives are evaluated based on meeting the stated problems, needs, and  
36 opportunities as well as the Federal purposes related to the proposed action,  
37 alternatives do not need to be formulated specifically for each of the evaluation  
38 categories described below (e.g., Monetary Effects Category, Regional Economic  
39 subcategory, Natural Resources Subcategory, etc.). The evaluation categories  
40 are used to provide information for the alternative comparison and  
41 recommendation process, however, no single category shall be the principal  
42 driving factor considered in alternative formulation.

43  
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## I. Evaluate the Potential Effects of the Alternatives

Each alternative shall be evaluated for its effectiveness, completeness, acceptability, and efficiency in contributing to the National Objectives and each of the other study objectives in accordance with the following standards:

- (1) Evaluate the incremental effects of each alternative as the differences between the most likely future conditions with the alternative and the most likely without-plan future conditions (the No Action alternative);
- (2) To the extent practicable, quantify benefits and costs and express them in monetary terms and for quantified effects that are not monetized utilize metrics that allow comparisons and tradeoffs to be made evident;
- (3) Estimate the net overall contribution to each of the study objectives, quantitatively when possible; and
- (4) Report the scope and results of the evaluations in the categories described below. Report the positive and negative effects, including determinations of "no effect." The categories are organized by benefit type, either monetary or non-monetary. All monetized effects shall be included in the monetary category and excluded from the non-monetary category to avoid double-counting any effect, even when the effects were not ordinarily monetized in the past, such as many environmental effects. The use of standardized categories will assure consistency of displaying and reporting among the agencies, which will in turn make it easier to review documents and compare alternatives, plans and projects. The categories encompass all significant effects of an alternative on the human environment as required by NEPA. They also encompass social well-being as required by the Flood Control Act of 1970.
  - (a) Monetary Effects Category. Monetary effects include the part of the NEPA human environment that identifies effects on the economy. The monetary effects are the beneficial and adverse effects on the economy that can be measured as changes in the value of the output of goods and services, and expressed in monetary units. These can include methods for monetizing non-market goods and services such as ecosystem services and other social effects. "Opportunity cost" is the appropriate concept for valuing both benefits and costs. The principle of "willingness-to-pay" (WTP) captures the notion of opportunity cost by measuring what individuals are willing to forgo to enjoy a particular benefit. Willingness to pay for changes in the quantity or quality of a good or service may be estimated using both revealed and stated preference estimation methods that are theoretically correct in the economics valuation literature. When other considerations are equal, revealed preference data shall be used over stated preference data because revealed preference data are based on actual decisions, where market



1 participants enjoy or suffer the consequences of their decisions. (See OMB  
2 Circular A-4 for further discussion).

3  
4 Other monetary effect considerations include:

5  
6 1. For convenience of measurement and analysis, monetary costs shall  
7 be classified as implementation outlays, associated costs and other direct  
8 costs.

9  
10 2. The monetary effects shall include the incidental direct effects of an  
11 alternative that increases economic efficiency and are not otherwise  
12 accounted for in the evaluation.

13  
14 3. Each monetary effect, including any monetized ecological service or  
15 other social effects shall be displayed in one or both of the following  
16 categories:

17  
18 a. National Economic Subcategory. This subcategory includes the  
19 changes in the economic value of the output of goods and services,  
20 both market and non-market, and the value of using otherwise  
21 unemployed or under-employed labor resources. Adverse effects  
22 include the opportunity costs of resources used in implementing an  
23 alternative; i.e., implementation outlays, associated costs, and other  
24 direct costs. Beneficial and adverse effects on the National economy  
25 shall be determined and shall be displayed separately from regional  
26 monetary effects.

27  
28 b. Regional Economic Subcategory. This subcategory includes the  
29 changes in the distribution of regional monetary effects that result from  
30 each alternative shall be displayed when they are significant to local,  
31 state, and regional decision making, or needed to address other  
32 concerns of the public. A region may be defined as needed to address  
33 these concerns. Regional effects include the National effects that  
34 accrue within the region, plus transfers of income into or out of the  
35 region relative to the rest of the Nation. The monetary effects of an  
36 alternative not occurring within the defined region shall be displayed in  
37 a "Rest of Nation" category. Regional changes include National  
38 effects, income transfers, and employment effects.

39  
40 (b) Non-Monetary Effects Category. Non-monetary effects include that part  
41 of the NEPA human environment that identifies effects on ecological  
42 resources and attributes, risks to humans from natural disasters, and other  
43 types of social effects including aesthetics, cultural resources, and the portion  
44 of ecosystems that are not successfully monetized.  
45

1 1. Natural Resources Subcategory. This subcategory shall display the  
2 effects of alternatives on significant ecological resources and attributes of  
3 the NEPA human environment. Effects shall be measured as favorable  
4 and unfavorable changes in significant natural resource quality and  
5 quantity. Value is indicated by the scarcity and significance of ecosystem  
6 components. Significance shall be based on scientific, technical,  
7 institutional and other indication of public desire for certain ecological  
8 conditions.

9  
10 Relationships between short-term use of the human environment and the  
11 maintenance and enhancement of long-term productivity shall be  
12 displayed in this category. Any irreversible or irretrievable commitments of  
13 resources shall be displayed.

14  
15 2. Public Safety Subcategory. This subcategory shall display the effects  
16 of alternatives on risks to humans from floods, storms and droughts.  
17 These effects include changes in residual risk, the frequency or intensity  
18 of natural hazards, reliability of risk management measures, the number of  
19 people at risk in hazardous events, the number of potential fatalities that  
20 could result from the hazard, and the ability and means for affected people  
21 to evacuate or otherwise avoid injury and loss of life. This subcategory  
22 shall display all beneficial and adverse Public Safety effects for each  
23 alternative, particularly residual risks and measures necessary to address  
24 and communicate residual risks to the affected population. These effects  
25 shall generally be expressed numerically.

26  
27 3. Other Social Effects Subcategory. This subcategory displays effects  
28 that are not addressed monetarily or in the other two categories  
29 immediately above. These effects may be evaluated in terms of their  
30 impacts on separate regions and communities. They shall be expressed  
31 in numeric units, or non-numeric terms. This subcategory includes:

32  
33 - The Urban and Community impacts include effects on human  
34 population groups that are not addressed in the other subcategories,  
35 such as income distribution; employment distribution; population  
36 distribution and composition; the fiscal condition of the State, Tribal,  
37 and local governments; and the quality of community life, including  
38 community cohesion. It shall address any disproportionately high and  
39 adverse human health or environmental effects on minority  
40 populations. Effects on low-income populations shall be addressed in  
41 order to assure environmental justice. This category shall demonstrate  
42 that the alternatives would not exclude people (including populations)  
43 from participation or benefits, or subject them to discrimination  
44 because of their race, color, or national origin. Types and locations of  
45 significant impacts, broken down by salient population groups and  
46 geographic areas, may be reported here. It shall address the relative

1 value of alternatives to any potentially affected low-income  
2 communities.

3  
4 - The Life and Health impacts include effects on the quality of life and  
5 health as a result, for example, of potential loss of property and  
6 essential public services, and other environmental effects such as  
7 changes in air and water quality, as well as soil and solid waste not  
8 reported in the other categories. It also encompasses social well-  
9 being, as required by Section 122 of the Flood Control Act of 1970  
10 (Public Law 91-611, 84 Stat. 1823).

11  
12 - Displacement includes the displacement of people, businesses, and  
13 farms.

14  
15 - Long-Term Productivity includes sustaining and enhancing the  
16 productivity of resources, including the maintenance of ecosystem  
17 services, processes, and biodiversity,, for use by future generations.

18  
19 - Cultural and Historic Resources include effects on cultural and  
20 historic resources, including traditional cultural properties, and describe  
21 measures to preserve such resources and the mitigation of  
22 unavoidable adverse impacts.

23  
24 - Aesthetics include effects on perceptual stimuli that provide diverse  
25 and pleasant surroundings for human enjoyment and appreciation,  
26 including sights, sounds, scents, tastes, and tactile impressions and  
27 the interactions of these sensations, of and with natural, cultural and  
28 historic resources.

29  
30 (5) Alternatives shall be evaluated for their degree of integration with and  
31 contribution to established Federal, State, Tribal, and local watershed plans.

32  
33 (6) Other information that is required by law or that would have a material  
34 bearing on the decision making process shall be included within the above  
35 categories or in some other appropriate format used to organize information on  
36 effects.

37  
38 (7) Each category shall summarize the available assessments of risk or  
39 uncertainty regarding any of the effects addressed within the category in order to  
40 convey the likelihood that the alternative will actually produce the predicted  
41 effects and achieve the National Objectives and the rest of the study objectives.

42  
43 (8) An effect may be shown only once within a given category except that the  
44 Other Social Effects category may address an effect from more than one point of  
45 view. Beyond this exception, claiming the same benefit, cost, or effect more than

1 once in a given category would constitute double counting, which is  
2 unacceptable.

3  
4 (9) The period of analysis shall be the same for all alternatives, and shall reflect  
5 the period of time that alternatives would produce significant beneficial or  
6 adverse effects. The period of analysis begins when alternatives begin to  
7 produce substantial benefits, typically when basic implementation is completed.

8  
9 (10) All monetary values shall be converted to a common time basis. Cost  
10 estimates shall be presented as present values. Costs and benefits shall be  
11 presented as average annual equivalent values. Costs and benefits shall be  
12 discounted using rates prescribed by law or executive order.

## 13 14 15 **J. Compare and Screen Alternatives**

16  
17 (1) Alternatives shall be compared and, based on the differences in effects as  
18 determined in the evaluation phase above, either selected for further analysis or  
19 selected as the recommended plan for approval and implementation.  
20 Alternatives are considered potentially viable if they fulfill all of the criteria cited  
21 above – completeness, effectiveness, efficiency, and acceptability. Only  
22 potentially viable alternatives shall be carried through screening and selection  
23 steps. Alternatives may be reformulated and reevaluated as needed to help  
24 meet these criteria and the study objectives. A stepwise screening process to  
25 limit the alternatives subjected to more detailed analyses may reduce study time  
26 and cost. Any screening or selecting of alternatives shall apply common criteria  
27 and use a similar level of detail of information for all alternatives under  
28 consideration. When an alternative is added or altered, any prior screening or  
29 selection steps must be updated to reconfirm those actions. The criteria and  
30 other information used in comparisons shall be displayed to aid decision making  
31 and ensure transparency. The effects and related tradeoffs among the  
32 alternatives shall be clearly displayed using the five categories outlined in  
33 paragraph 3.i. above.

34  
35 (2) Multiple alternatives shall be carried forward into subsequent analyses if the  
36 choice of any alternative requires a significant tradeoff among the problems and  
37 opportunities to be served. The alternatives that could be recommended for  
38 implementation are identified as the final array of alternatives. As a minimum,  
39 the final array shall include the No Action alternative, the primarily nonstructural  
40 alternative, and the environmentally preferable alternative. The No Action and  
41 environmentally preferable alternatives may be the same.

42  
43 (3) The comparison, screening, and selection of alternatives shall consider both  
44 monetary and non-monetary impacts, including significant impacts that are not  
45 quantified. Trade-offs across all impacts should be fully displayed and explained  
46 to support all screening and selection decisions. In situations involving impacts

1 with different units of measurement and/or impacts that are not quantified,  
2 threshold or break-even analyses should be applied as needed to help compare  
3 alternatives and support tradeoff decisions. This includes the analysis and  
4 display of incremental changes in the various impacts due to incremental  
5 changes in the scale and composition of alternatives. Decisions to select  
6 alternatives for further consideration should emphasize contributions to the  
7 National Objectives and areas of special consideration, including achieving public  
8 safety, environmental justice, equal treatment for low income and minority  
9 communities, and the application of nonstructural solutions. When nonstructural  
10 alternatives or alternatives that would achieve environmental justice or equal  
11 treatment for low income and minority communities are screened from further  
12 consideration, the rationale shall be fully explained and highlighted in the  
13 decision document.  
14

## 15 **K. Recommend a Plan**

16  
17  
18 (1) The decision maker shall recommend the alternative for implementation that  
19 provides the greatest net combined contribution to the National Objectives,  
20 subject to the following:

21  
22 (a) The recommended plan must provide combined beneficial effects for the  
23 Nation that outweigh the combined adverse effects considering all significant  
24 monetary and non-monetary impacts, both quantified and unquantified;  
25

26 (b) If the recommended plan is not a primarily non-structural alternative, the  
27 decision maker must explicitly address the reasons why these objectives are  
28 not reasonably achievable; and  
29

30 (c) The recommended plan must not preclude other non-Federal plans that  
31 would likely be undertaken in the absence of the Federal plan and/or that  
32 would more effectively contribute to the National Objectives;  
33

34 (2) The Secretary or Independent Agency Head may grant an exception to allow  
35 the decision maker to recommend an alternative that does not provide the  
36 greatest net overall contribution to the National Objectives where there are  
37 overriding reasons for recommending another alternative, including other  
38 Federal, State, Tribal, local and international concerns, and to address  
39 environmental justice issues.  
40

41 (3) The basis for selection of the recommended plan shall be fully reported and  
42 documented, including the criteria and considerations used in the selection and  
43 the overriding reasons for any exception granted as described immediately  
44 above, to ensure the basis for the recommendation is fully transparent.  
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## 4. Glossary

**Acceptability** is the viability and appropriateness of an alternative from the perspective of the Nation's general public and consistency with existing Federal laws, authorities, and public policies. It does not include local or regional preferences for particular solutions or political expediency.

**Adaptive Management** is a deliberate, iterative, and scientific based process of designing, implementing, monitoring and adjusting a measure or project to reduce uncertainty and maximize one or more resource objectives over time.

**Associated Costs** are the costs, in addition to implementation outlays, for measures needed to achieve the benefits claimed during the period of analysis.

**Completeness** is the extent to which an alternative provides and accounts for all features, investments, and/or other actions necessary to realize the planned effects, including any necessary actions by others.

**Cost Effectiveness** is the extent to which an alternative achieves a set of objectives at the least cost.

**Ecological Attributes** are components of the environment and the interactions among all of its living (including people) and nonliving components that directly or indirectly sustain dynamic, naturally diverse, viable ecosystems. This includes functional and structural aspects that require special consideration.

**Ecological Resources** are natural forms, processes, systems, or other phenomena that are related to land, water, atmosphere, plants, or animals; and have one or more ecological attributes.

**Ecoregion** is a large area of land or water that contains a geographically distinct assemblage of natural communities that share a large majority of their species and ecological dynamics; share similar environmental conditions, and; interact ecologically in ways that are critical for their long-term persistence (from World Wildlife Fund).

**Ecosystem** is the dynamic complex of plant, animal, and microorganism communities and the non-living environment interacting as a system.

**Ecosystem-Based Management** is an integrated approach to management that considers the entire ecosystem, including humans.

**Ecosystem Functions** are the interactions among organisms and between organisms and their environment.

1 **Ecosystem Services** are the direct or indirect contributions that ecosystems make to  
2 the environment and human populations.

3 **Effectiveness** is the extent to which an alternative alleviates the specified problems  
4 and achieves the specified opportunities.

5  
6 **Efficiency** is the extent to which an alternative alleviates the specified problems and  
7 realizes the specified opportunities at the least cost.

8  
9 **Floodplain Functions** include, but are not limited to: a) water resources (natural flood,  
10 sedimentation and erosion control, water quality maintenance, groundwater recharge);  
11 b) living resources (fish, wildlife, plant resources and habitats); c) societal resources  
12 (open space, natural beauty, scientific study, outdoor education, archaeological and  
13 historic sites, recreation); and d) cultivated resource values (agriculture, aquaculture,  
14 forestry).

15  
16 **Implementation Outlays** are the financial outlays (including operation, maintenance  
17 and replacement costs) incurred by the responsible Federal entity and by other Federal  
18 or non-Federal entities for implementation of the alternative in accordance with sound  
19 management principles. These costs do not include transfer payments such as  
20 replacement housing assistance payments as specified in 42 U.S.C. 4623 and 4624.

21  
22 **Incidental Direct Effects** are National Economic effects that increase economic  
23 efficiency but are not otherwise accounted for in the evaluation. They are incidental to  
24 the purposes for which the alternative is formulated. They include incidental increases  
25 in output of goods and services and incidental reductions in production costs.

26  
27 **Incremental Cost Analysis** compares the incremental costs of measures to their  
28 incremental outputs in an orderly manner to identify the optimal scale or combination of  
29 measures. Increments continue to be added as long as the incremental benefits are  
30 judged to exceed the incremental costs. When the incremental costs are judged to  
31 exceed the incremental benefits, no further increments are added. The outputs may be  
32 monetary or non-monetary. When used in conjunction with cost effectiveness  
33 information, an incremental cost analysis can help decision makers compare  
34 alternatives and determine the most desirable level of output relative to costs and other  
35 decision criteria.

36  
37 **Integrated Water Resources Management** is a deliberate, systematic and balanced  
38 approach to making management and development decisions for water resources. It  
39 considers potential effects on all of the different yet interdependent uses of water  
40 resources. It accounts for the needs of a sustainable environment and the many  
41 different and competing social and economic interests.

42  
43 **No Action Alternative** is the set of future conditions that are the most likely to occur  
44 during the period of analysis without the implementation of any alternatives considered  
45 in the study; i.e., the most likely without-plan future condition.

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**Nonstructural Measures** generally avoid or minimize adverse changes to the existing hydrologic, geomorphic, and ecological processes, particularly for floodplain functions and the aquatic environment, by altering the use of existing infrastructure or by altering human activities (for example, revised operation plans, congestion pricing or green infrastructure techniques). Nonstructural measures include, but are not limited to, modifications in public policy, management practice, regulatory policy, and pricing policy.

**Operation and Maintenance** is the daily and annual routine work necessary for the safe and efficient functioning of a project to produce the benefits set forth in its authorization.

**Other Direct Costs** are the costs of resources directly required for an alternative, but for which no implementation outlays are made. These costs are uncompensated, unmitigated National Economic losses caused by the installation, operation, maintenance, or replacement of an alternative's measures.

**Period of Analysis** is the time duration used in the evaluation of impacts of the alternatives, particularly the economic costs and benefits. It normally begins on the date construction would end and/or the alternative would begin to produce a significant portion of its intended benefits. A period of analysis is not the service life, which may be longer or shorter, or the life of the project, which is generally indefinite for specifically authorized projects; i.e., until Congress deauthorizes the project and subsequent removal, abandonment, and/or divestiture actions are completed.

**Practicable** alternative, project or plan is if it is available and capable of being done after taking into consideration cost, existing technology and logistics in light of the project purpose.

**Study Objectives** are statements to alleviate specific problems and/or realize specific opportunities; i.e., achieve certain effects. They are statements of the study purpose and are intended to focus the study activities.

**Preserve** is to protect ecosystem resources from harm and destruction.

**Primarily Nonstructural Alternative** consists primarily, if not entirely, of nonstructural measures.

**Reallocation** is the reassignment of a resource, such as storage space in a reservoir, from one purpose to another, generally with measurable impacts on various resource users.

**Rehabilitation** refers to the activities necessary to bring a deteriorated project back to its original condition.



1 **Repairs** entail those activities of a routine nature that maintain the project in a well kept  
2 condition.

3 **Replacement** covers those activities taken when a worn-out element of a project or a  
4 portion of an element is replaced.

5  
6 **Restore** means to return to a less degraded state.

7  
8 **Separable Element** is any part of a project which has separately assigned benefits and  
9 costs, and which can be implemented as a separate action (at a later date or as a  
10 separate project). A separable element has independent utility.

11  
12 **Significance** means likely to have a material bearing on the decision making process.  
13 Significant non-monetary resources, attributes and/or effects are institutionally, publicly,  
14 and/or technically recognized as important to people. The criteria for significance may  
15 vary by resource, location and perspective.

16  
17 **Structural Measures** are those that intentionally modify existing hydrologic and/or  
18 geomorphic processes, often by constructing or modifying a hydraulic control structure  
19 such as a dam, levee or pumping plant.

20  
21 **Sustainable** means to create and maintain conditions, under which humans and nature  
22 can exist in productive harmony, that permit fulfilling the social, economic, and other  
23 requirements of present and future generations of Americans (Executive Order 13423,  
24 January 26, 2007).

25  
26 **Unwise Use** is any action or change that is incompatible with or adversely impacts one  
27 or more resources to the extent that it or they are no longer self-sustainable. For  
28 floodplains this includes floodplain functions.

29  
30 **Watershed** means a land area that drains to a common waterbody, such as a stream,  
31 lake, estuary, wetland, or ultimately the ocean.

32

**PROPOSED REVISIONS TO THE NATIONAL OBJECTIVES, PRINCIPLES AND STANDARDS  
FOR WATER AND RELATED RESOURCES IMPLEMENTATION STUDIES**

Demonstrating a commitment to modernize the nation's approach to water resources policy, the Obama Administration is proposing significant changes to the rules that govern federal water planning to ensure that such efforts both protect and restore the environment and improve the economic well-being of the Nation. America's water resources – streams, rivers, wetlands, estuaries, lakes, and coasts – are at the heart of our economy, our environment and our history. These water resources support billions of dollars in commerce, provide drinking water for millions of Americans and supply needed habitat for fish and wildlife and other benefits. As called for in the Water Resources Development Act of 2007, the Administration's proposal would overhaul these rules and require that water projects improve the economic well-being of the Nation for present and future generations, better protect communities from the effects of floods and storms, help communities and individuals make better choices about where to build based on an understanding of the risk, and protect and restore the environment.

**Background**

- Federal water planning has been guided by a process that has remained largely unchanged for over twenty-five years. The first set of "Principles and Standards" was issued in September 1973 to guide the preparation of river basin plans and to evaluate Federal water projects. Following a few attempts to revise those initial standards, the current principles and guidelines went into effect in March 1983.
- In the Water Resources Development Act of 2007, Congress instructed the Secretary of the Army to develop a new *Principles and Guidelines* for the U.S. Army Corps of Engineers (section 2031).
- In order to increase consistency and transparency, the Administration decided in the summer of 2009 that any effort to modernize its approach to water resources development should apply to the full suite of agencies doing such work – not just the four agencies (i.e., U.S. Army Corps of Engineers, Bureau of Reclamation, Natural Resources Conservation Service and the Tennessee Valley Authority) which are subject to the current *Principles and Guidelines*.
- The proposed revisions are based on science and recognize the role that well-functioning natural systems can play in water resource management.

**Key Provisions**

The revised *Principles and Guidelines* include a number of important changes that modernize the current approach to water resources development in this country:

- **Achieving Co-Equal Goals.** The Administration's proposal reiterates that Federal water resources planning and development should both protect and restore the environment and improve the economic well-being of the Nation for present and future generations. While the 1983 standards emphasized economic development alone, the new approach calls for development of water resources projects based on sound science that maximize net national economic, environmental, and social benefits.

- **Considering Monetary and Non-Monetary Benefits.** The revised *Principles and Guidelines* make an important shift away from the earlier approach to project selection. Specifically, this revised version will consider both monetary and non-monetary benefits to justify and select a project that has the greatest net benefits – regardless of whether those benefits are monetary or non-monetary. For example, the monetary benefits might capture reduced damages measured in dollars while the non-monetary benefits might capture increased fish and wildlife benefits, or biodiversity.
- **Avoiding the Unwise Use of Floodplains.** The new *Principles and Guidelines* represent a significant shift in the way we manage our floodplain resources. The decision to modify water resources and floodplains will be based on evaluations of the services gained and lost by such an action and only those actions that provide a net benefit shall be further pursued or recommended for construction. For the first time such evaluations must give full and equal consideration to nonstructural approaches that can solve the flooding problem without adversely impacting floodplain functions.
- **Increasing Transparency and “Good Government” Results to Protect American Taxpayers.** The revised *Principles and Guidelines* are intended to significantly increase the transparency of the planning and implementation process for water resource development projects in this country. The proposed changes were made to deliver “good government” results for the American people. It is expected that the use of best science, peer review, and full transparency will ensure that projects undergo a more rigorous study process, which should inform authorization and funding decisions.

### Next Steps

- With today’s announcement, the Administration is sending the new draft *Principles and Guidelines* to both the Federal Register for public comment and, in accordance with WRDA 2007, to the National Academy of Sciences (NAS) for its review. The NAS review is expected to be completed by November 2010. Additionally, CEQ will take public comment on the new draft Principles and Guidelines for 90 days via the CEQ website ([www.whitehouse.gov/ceq](http://www.whitehouse.gov/ceq)).
- The next step is the development of the “Procedures” which lay out the detailed methodology for conducting implementation studies under this new *Principles and Guidelines*. The interagency process to develop those procedures will begin almost immediately and will likely take more than a year to complete.
- The third step involves each agency developing its own “Implementation Guidance” to outline how the new *Principles and Guidelines* apply to their agency-specific missions. This step can likely be implemented concurrently with the second step mentioned above, finishing up just after the “Procedures” are completed in late 2010.

01268-EPA-5031

Richard Windsor/DC/USEPA/US  
12/02/2009 10:20 PM

To "Jon Carson", "Nancy Sutley"  
cc  
bcc

Subject Fw: P&G Release Set for Thursday

Very cool indeed. Thanks for all your efforts on this (Mike too).

---

**From:** Lisa Heinzerling  
**Sent:** 12/02/2009 09:31 PM EST  
**To:** Richard Windsor; Bob Perciasepe  
**Subject:** Fw: P&G Release Set for Thursday

This is cool.

---

**From:** "Boots, Michael J." <(b) (6) Privacy>  
**Sent:** 12/02/2009 08:58 PM EST  
**To:** <Ann.Mills@osec.usda.gov>; <joellen.darcy@us.army.mil>; <ascooper@tva.gov>; Lisa Heinzerling; Bob Sussman; <Anne\_Castle@ios.doi.gov>; Peter Silva; <david.sandalow@hq.doe.gov>; <jane.lubchenco@noaa.gov>; <kathryn.thomson@dot.gov>; <Chris.Cummiskey@dhs.gov>; <James.C.Lopez@hud.gov>; <John\_Tubbs@ios.doi.gov>; <dave.white@wdc.usda.gov>; "Margaret Spring" <margaret.spring@noaa.gov>  
**Cc:** "Ericsson, Sally C." <(b) (6) Privacy>; "Breyman, Terrance L." <(b) (6) Privacy>; "Hight, Courtney" <(b) (6) Privacy>; "Boling, Edward A." <(b) (6) Privacy>; "Carson, Jonathan K." <(b) (6) Privacy>; "Shah, Tarak N." <(b) (6) Privacy>; "Mertens, Richard A." <(b) (6) Privacy>; "Maher, Jessica A." <(b) (6) Privacy>; "Glunz, Christine M." <(b) (6) Privacy>; "Salzman, Amelia S." <(b) (6) Privacy>  
**Subject:** P&G Release Set for Thursday

Good Evening All,

I wanted to thank you again for all your efforts in getting the revised P&G ready for release to the public and the National Academy of Sciences for review. **The release will occur tomorrow morning (Thursday, December 3<sup>rd</sup>) at 10:00am**, with the draft P&G being posted to the CEQ website and a blast email to those who have shown interest to date. It will be sent to the Federal Register and the National Academy as well. We ask that you please not distribute this before that time.

In preparation for that release, I am providing you with a copy of the document that will be released, along with a one page summary that will refresh you on the document and help address any questions that may arise. Feel free to refer any and all questions to CEQ. The CEQ POC is Terry Breyman and he may be reached at (b) (6) Privacy

Again, thank you for your participation in this process. I look forward to further collaboration on this important effort in the days and months ahead.

All the best,  
Mike

Michael Boots

Associate Director for Land and Water Ecosystems  
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Washington, DC 20530  
Main Line: (b) (6) Privacy



Direct: (b) (6) Privacy PG final document 120209.pdf PG onepager120209 (2).pdf

See attachments to 01268-  
EPA-5030



- [REDACTED] (b) (5) Deliberative [REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

Q: [REDACTED] (b) (5) Deliberative

A: [REDACTED] (b) (5) Deliberative

[REDACTED]  
[REDACTED]  
[REDACTED]

01268-EPA-5033

**Adora Andy/DC/USEPA/US**

12/04/2009 04:52 PM

To "Richard Windsor"

cc

bcc

**Subject** Statement from the Press Secretary on the United Nations Climate Change Conference

---

**From:** "Nelson, Gregory S." [REDACTED] (b) (6) Privacy

**Sent:** 12/04/2009 04:46 PM EST

**To:** Adora Andy

**Subject:** Fw: Statement from the Press Secretary on the United Nations Climate Change Conference

---

**From:** bounce-779077-2268795@list.whitehouse.gov <bounce-779077-2268795@list.whitehouse.gov>

**To:** Nelson, Gregory S.

**Sent:** Fri Dec 04 16:42:46 2009

**Subject:** Statement from the Press Secretary on the United Nations Climate Change Conference

THE WHITE HOUSE  
Office of the Press Secretary

---

FOR IMMEDIATE RELEASE

December 4, 2009

STATEMENT FROM THE PRESS SECRETARY ON THE UNITED NATIONS CLIMATE CHANGE CONFERENCE

The President strongly believes that all nations have a responsibility to combat the threat of climate change. He has already taken unprecedented action to do so at home, including an historic investment in clean energy solutions that will reduce our dependence on oil and create jobs. Abroad, he has engaged leaders bilaterally and multilaterally on the issue of climate change, and agreed to participate in the climate conference in Copenhagen.

After months of diplomatic activity, there is progress being made towards a meaningful Copenhagen accord in which all countries pledge to take action against the global threat of climate change. Following bilateral meetings with the President and since the United States announced an emissions reduction target that reflects the progress being made in Congress towards comprehensive energy legislation, China and India have for the first time set targets to reduce their carbon intensity. There has also been progress in advancing the Danish proposal for an immediate, operational accord that covers all of the issues under



negotiation, including the endorsement of key elements of this approach by the 53 countries represented at the Commonwealth Summit last weekend.

This week, the President discussed the status of the negotiations with Prime Minister Rudd, Chancellor Merkel, President Sarkozy, and Prime Minister Brown and concluded that there appears to be an emerging consensus that a core element of the Copenhagen accord should be to mobilize \$10 billion a year by 2012 to support adaptation and mitigation in developing countries, particularly the most vulnerable and least developed countries that could be destabilized by the impacts of climate change. The United States will pay its fair share of that amount and other countries will make substantial commitments as well. In Copenhagen, we also need to address the need for financing in the longer term to support adaptation and mitigation in developing countries. Providing this assistance is not only a humanitarian imperative - it's an investment in our common security, as no climate change accord can succeed if it does not help all countries reduce their emissions.

Based on his conversations with other leaders and the progress that has already been made to give momentum to negotiations, the President believes that continued US leadership can be most productive through his participation at the end of the Copenhagen conference on December 18<sup>th</sup> rather than on December 9<sup>th</sup>. There are still outstanding issues that must be negotiated for an agreement to be reached, but this decision reflects the President's commitment to doing all that he can to pursue a positive outcome. The United States will have representation in Copenhagen throughout the negotiating process by State Department negotiators and Cabinet officials who will highlight the great strides we have made this year towards a clean energy economy.

###

01268-EPA-5034

"Lu, Christopher P."  
(b) (6) Privacy

12/04/2009 05:14 PM

To Richard Windsor, Diane Thompson

cc

bcc

Subject FW: Statement from the Press Secretary on the United Nations Climate Change Conference

FYI

**From:** bounce-779077-2259427@list.whitehouse.gov [mailto:bounce-779077-2259427@list.whitehouse.gov] **On Behalf Of** White House Press Office  
**Sent:** Friday, December 04, 2009 4:43 PM  
**To:** Lu, Christopher P.  
**Subject:** Statement from the Press Secretary on the United Nations Climate Change Conference

THE WHITE HOUSE  
Office of the Press Secretary

---

FOR IMMEDIATE RELEASE  
December 4, 2009

STATEMENT FROM THE PRESS SECRETARY ON THE UNITED NATIONS CLIMATE CHANGE CONFERENCE

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###

01268-EPA-5035

Diane  
Thompson/DC/USEPA/US  
12/04/2009 06:17 PM

To Richard Windsor  
cc dickerson.aaron, Robert Goulding  
bcc  
Subject Fw: Statement from the Press Secretary on the United Nations Climate Change Conference

FYI

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 12/04/2009 06:16 PM -----

From: "Milakofsky, Benjamin E." <(b) (6) Privacy>  
To: "Lu, Christopher P." <(b) (6) Privacy>, "Smith, Elizabeth S." <(b) (6) Privacy>  
<(b) (6) Privacy>, "Kimball, Astri B." <(b) (6) Privacy>  
"French, Michael J." <(b) (6) Privacy>, "Greenawalt, Andrei M." <(b) (6) Privacy>  
<(b) (6) Privacy>, "Taylor, Adam R." <(b) (6) Privacy>  
"Milakofsky, Benjamin E." <(b) (6) Privacy>  
Date: 12/04/2009 06:06 PM  
Subject: Statement from the Press Secretary on the United Nations Climate Change Conference

Dear Chiefs of Staff:

Please see the below statement on the United Nations Climate Change Conference.

--Cabinet Affairs

THE WHITE HOUSE  
Office of the Press Secretary

FOR IMMEDIATE RELEASE  
December 4, 2009

STATEMENT FROM THE PRESS SECRETARY ON THE UNITED NATIONS CLIMATE CHANGE CONFERENCE

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###

01268-EPA-5036

"Munoz, Cecilia"  
<(b) (6) Privacy>  
12/07/2009 10:19 AM

To "Feinberg, Sarah E.", "Reynolds, Christina"  
cc Richard Windsor  
bcc  
Subject Gov Manchin

Hi there – in the event there's any pickup of the op-ed below, (b) (5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

**Coal River Mountain will not be moved [Jeff Biggers - Charleston Gazette]**  
From Copenhagen to Charleston, the world will be watching Gov. Joe Manchin closely today. This week at the Copenhagen Climate Summit, Google Earth will take world leaders on a virtual flyover of Coal River Mountain, selected as one of a handful of "global crisis hotspots," accompanied by the narration of coal miner widow and Coal River Mountain resident Lorelei Scarbro...While Gov. Manchin says he never interferes in the mining permit process, the nation knows he contacted White House aide Valerie Jarrett in October to rein in EPA chief Lisa Jackson over the veto process for the Arch Coal's Spruce Mine No. 1 permit; and that Gov. Manchin traveled 500 miles to Philadelphia last May to deal with the EPA on a mining permit for Consolidation Coal Co. [link](#)

01268-EPA-5037

"Reynolds, Christina"

(b) (6) Privacy

12/07/2009 10:22 AM

To "Munoz, Cecilia", "Feinberg, Sarah E.", "Brundage, Amy"

cc Richard Windsor

bcc

Subject RE: Gov Manchin

Thanks Cecilia.

**From:** Munoz, Cecilia  
**Sent:** Monday, December 07, 2009 10:20 AM  
**To:** Feinberg, Sarah E.; Reynolds, Christina  
**Cc:** Windsor.Richard@epamail.epa.gov  
**Subject:** Gov Manchin

Hi there – in the event there's any pickup of the op-ed below, (b) (5)

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01268-EPA-5038

**Richard Windsor/DC/USEPA/US**  
12/07/2009 10:28 AM

To "Cecilia Munoz"  
cc  
bcc

Subject Re: Gov Manchin

Thanks Cecelia.

---

**From:** "Munoz, Cecilia" [redacted] (b) (6) Privacy  
**Sent:** 12/07/2009 10:19 AM EST  
**To:** "Feinberg, Sarah E." <[redacted] (b) (6) Privacy> "Reynolds, Christina"  
<[redacted] (b) (6) Privacy>  
**Cc:** Richard Windsor  
**Subject:** Gov Manchin

Hi there – in the event there's any pickup of the op-ed below, (b) (5) [redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]

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01268-EPA-5039

**Richard Windsor/DC/USEPA/US**  
12/07/2009 10:42 AM

To "Cecilia Munoz"  
cc  
bcc

Subject Re: Gov Manchin

And sorry for not spelling your name correctly. Tx.

---

**From:** "Munoz, Cecilia" [redacted] (b) (6) Privacy  
**Sent:** 12/07/2009 10:19 AM EST  
**To:** "Feinberg, Sarah E." [redacted] (b) (6) Privacy "Reynolds, Christina"  
<[redacted] (b) (6) Privacy >  
**Cc:** Richard Windsor  
**Subject:** Gov Manchin

Hi there – in the event there's any pickup of the op-ed below, (b) (5) [redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]

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01268-EPA-5040

"Munoz, Cecilia" <(b) (6) Privacy>  
 To: Richard Windsor  
 cc  
 bcc  
 12/07/2009 10:43 AM  
 Subject: RE: Gov Manchin

I didn't even notice – but I am sorry that this continues to be a problem.

**From:** Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
**Sent:** Monday, December 07, 2009 10:43 AM  
**To:** Munoz, Cecilia  
**Subject:** Re: Gov Manchin

And sorry for not spelling your name correctly. Tx.

---

**From:** "Munoz, Cecilia" <(b) (6) Privacy>  
**Sent:** 12/07/2009 10:19 AM EST  
**To:** "Feinberg, Sarah E." <(b) (6) Privacy> "Reynolds, Christina"  
 <(b) (6) Privacy>  
**Cc:** Richard Windsor  
**Subject:** Gov Manchin

Hi there – in the event there's any pickup of the op-ed below, (b) (5)  
 [Redacted]

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01268-EPA-5041

**Richard Windsor/DC/USEPA/US**  
12/07/2009 10:47 AM

To "Cecilia Munoz"  
cc  
bcc

Subject Re: Gov Manchin

Sen Byrd's editorial on this last week makes all worthwhile. Sorry you have to keep dealing with this.

---

**From:** "Munoz, Cecilia" [redacted] (b) (6) Privacy

**Sent:** 12/07/2009 10:43 AM EST

**To:** Richard Windsor

**Subject:** RE: Gov Manchin

I didn't even notice – but I am sorry that this continues to be a problem.

**From:** Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]

**Sent:** Monday, December 07, 2009 10:43 AM

**To:** Munoz, Cecilia

**Subject:** Re: Gov Manchin

And sorry for not spelling your name correctly. Tx.

---

**From:** "Munoz, Cecilia" [redacted] (b) (6) Privacy

**Sent:** 12/07/2009 10:19 AM EST

**To:** "Feinberg, Sarah E." [redacted] (b) (6) Privacy "Reynolds, Christina"

<[redacted] (b) (6) Privacy>

**Cc:** Richard Windsor

**Subject:** Gov Manchin

Hi there – in the event there's any pickup of the op-ed below, (b) (5)

[redacted]

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01268-EPA-5042

"Lu, Christopher P."

(b) (6) Privacy

12/08/2009 11:10 AM

To Richard Windsor

cc

bcc

Subject

Lisa – Just wanted to tell you that everyone was very happy with the press coverage of yesterday's endangerment finding. Good luck in Copenhagen.

--Chris

01268-EPA-5043

**Richard Windsor/DC/USEPA/US**  
12/08/2009 11:25 AM

To "Lu, Christopher P."  
cc  
bcc  
Subject Re:

Tx.

---

**From:** "Lu, Christopher P." [REDACTED] (b) (6) Privacy  
**Sent:** 12/08/2009 11:10 AM EST  
**To:** Richard Windsor

Lisa – Just wanted to tell you that everyone was very happy with the press coverage of yesterday's endangerment finding. Good luck in Copenhagen.

--Chris

01268-EPA-5044

**Richard Windsor/DC/USEPA/US**  
12/09/2009 02:39 AM

To "Carol Browner", "Philip M. Schiliro (Lauren)"  
cc  
bcc  
Subject Fw:

FYI. Cold and gray here in Copenhagen. Lisa

---

**From:** David McIntosh  
**Sent:** 12/09/2009 02:28 AM EST  
**To:** windsor.richard@epa.gov  
**Subject:** Fw:

FYI, please see below. Later in the night, we defeated the Tiahart amendment by a vote of 9 to 5.

---

**From:** "Scott, Delia" [Delia.Scott@mail.house.gov]  
**Sent:** 12/08/2009 07:34 PM EST  
**To:** Ed Walsh; David McIntosh

Ed and david.

I am at conference on the omnibus. Mr Tiahrt is offering an amendment that would prohibit funds in any act (including past acts) for epa to promulgate and implement the endangerment finding.

The way this works is he offers the amendment. The house conferees vote on whether or not to present to the senate conferees. If they vote no, it dies. If they vote yes, the senate votes on whether or not to accept.

I think we have the votes to defeat on our side..... But you never know. Thank god david briefed me on monday. I wrote a paper.

D

-----  
Sent using BlackBerry

01268-EPA-5046

"Browner, Carol M."

(b) (6) Privacy

12/09/2009 09:37 AM

To Richard Windsor

cc

bcc

Subject RE:

Heard you got a well deserved standing O when you met with the ngos!

**From:** Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]

**Sent:** Wednesday, December 09, 2009 2:39 AM

**To:** Browner, Carol M.; Schiliro, Philip M.

**Subject:** Fw:

FYI. Cold and gray here in Copenhagen. Lisa

---

**From:** David McIntosh

**Sent:** 12/09/2009 02:28 AM EST

**To:** windsor.richard@epa.gov

**Subject:** Fw:

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**Sent:** 12/08/2009 07:34 PM EST

**To:** Ed Walsh; David McIntosh

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D

-----  
Sent using BlackBerry



01268-EPA-5047

**Richard Windsor/DC/USEPA/US**  
12/09/2009 07:01 PM

To "Carol Browner"  
cc  
bcc  
Subject Re:

Hey - thanks. This was my first COP. Very charged atmosphere but folks deep down know the U.S. participation is key.

---

**From:** "Browner, Carol M." [redacted] (b) (6) Privacy  
**Sent:** 12/09/2009 09:37 AM EST  
**To:** Richard Windsor  
**Subject:** RE:

Heard you got a well deserved standing O when you met with the ngos!

**From:** Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
**Sent:** Wednesday, December 09, 2009 2:39 AM  
**To:** Browner, Carol M.; Schiliro, Philip M.  
**Subject:** Fw:

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**To:** windsor.richard@epa.gov  
**Subject:** Fw:

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D

-----  
Sent using BlackBerry

01268-EPA-5048

"Browner, Carol M."

(b) (6) Privacy

12/09/2009 07:10 PM

To Richard Windsor

cc

bcc

Subject Re:

[Interesting. How long are you there?](#)

---

**From:** Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>

**To:** Browner, Carol M.

**Sent:** Wed Dec 09 19:01:15 2009

**Subject:** Re:

Hey - thanks. This was my first COP. Very charged atmosphere but folks deep down know the U.S. participation is key.

---

**From:** "Browner, Carol M." [redacted] (b) (6) Privacy

**Sent:** 12/09/2009 09:37 AM EST

**To:** Richard Windsor

**Subject:** RE:

[Heard you got a well deserved standing O when you met with the ngos!](#)

**From:** Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]

**Sent:** Wednesday, December 09, 2009 2:39 AM

**To:** Browner, Carol M.; Schiliro, Philip M.

**Subject:** Fw:

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**From:** David McIntosh

**Sent:** 12/09/2009 02:28 AM EST

**To:** windsor.richard@epa.gov

**Subject:** Fw:

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D

-----

Sent using BlackBerry

01268-EPA-5049

**Richard Windsor/DC/USEPA/US**  
12/09/2009 07:21 PM

To "Carol Browner"  
cc  
bcc

Subject Re:

I just landed in Chicago. Arriving back in DC at midnight tonight. (b) (6) Privacy

I want to brief you and Nancy before you go on logistics. Even with staff assistance, certain logistical aspects are worth discussing.

---

**From:** "Browner, Carol M." (b) (6) Privacy  
**Sent:** 12/09/2009 07:10 PM EST  
**To:** Richard Windsor  
**Subject:** Re:

Interesting. How long are you there?

---

**From:** Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>  
**To:** Browner, Carol M.  
**Sent:** Wed Dec 09 19:01:15 2009  
**Subject:** Re:

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**Subject:** RE:

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D

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Sent using BlackBerry

01268-EPA-5050

"Browner, Carol M."

(b) (6) Privacy

12/09/2009 07:23 PM

To Richard Windsor

cc

bcc

Subject Re:

(b) (6) Privacy Whenever it is convenient to talk I am around.

**From:** Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>

**To:** Browner, Carol M.

**Sent:** Wed Dec 09 19:21:10 2009

**Subject:** Re:

I just landed in Chicago. Arriving back in DC at midnight tonight. (b) (6) Privacy

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**Subject:** Re:

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**To:** Browner, Carol M.

**Sent:** Wed Dec 09 19:01:15 2009

**Subject:** Re:

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**From:** "Browner, Carol M." (b) (6) Privacy

**Sent:** 12/09/2009 09:37 AM EST

**To:** Richard Windsor

**Subject:** RE:

Heard you got a well deserved standing O when you met with the ngos!

**From:** Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]

**Sent:** Wednesday, December 09, 2009 2:39 AM

**To:** Browner, Carol M.; Schiliro, Philip M.  
**Subject:** Fw:

FYI. Cold and gray here in Copenhagen. Lisa

---

**From:** David McIntosh  
**Sent:** 12/09/2009 02:28 AM EST  
**To:** windsor.richard@epa.gov  
**Subject:** Fw:

FYI, please see below. Later in the night, we defeated the Tiahart amendment by a vote of 9 to 5.

---

**From:** "Scott, Delia" [Delia.Scott@mail.house.gov]  
**Sent:** 12/08/2009 07:34 PM EST  
**To:** Ed Walsh; David McIntosh

Ed and david.

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D

-----  
Sent using BlackBerry



01268-EPA-5051

"Schiliro, Philip M."

(b) (6) Privacy

12/09/2009 07:27 PM

To Richard Windsor

cc

bcc

Subject RE:

[Just cold here!](#)

**From:** Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
**Sent:** Wednesday, December 09, 2009 2:39 AM  
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Sent using BlackBerry

01268-EPA-5052

**Richard Windsor/DC/USEPA/US**  
12/09/2009 07:44 PM

To "Carol Browner"  
cc  
bcc

Subject Re:

Thx so much Carol. Let's definitely connect late tomorrow morning. Lj

---

**From:** "Browner, Carol M." [REDACTED] (b) (6) Privacy  
**Sent:** 12/09/2009 07:23 PM EST  
**To:** Richard Windsor  
**Subject:** Re:

[REDACTED] (b) (6) Privacy Whenever it is convenient to talk I am around.

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**From:** Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>  
**To:** Browner, Carol M.  
**Sent:** Wed Dec 09 19:21:10 2009  
**Subject:** Re:

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Sent using BlackBerry

01268-EPA-5053

"Browner, Carol M."

(b) (6) Privacy

12/09/2009 07:45 PM

To Richard Windsor

cc

bcc

Subject Re:

Sounds good

**From:** Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>

**To:** Browner, Carol M.

**Sent:** Wed Dec 09 19:44:47 2009

**Subject:** Re:

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**From:** "Browner, Carol M." (b) (6) Privacy

**Sent:** 12/09/2009 07:23 PM EST

**To:** Richard Windsor

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-----  
Sent using BlackBerry

01268-EPA-5054

**Diane Thompson/DC/USEPA/US**  
12/10/2009 12:26 AM

To "Richard Windsor"  
cc  
bcc

Subject Fw: briefing?

See below. OECC wants a brgf on RFS2 at 10:00. I told gina u needed to be brfd first. Let me know if u want me to let them go.

---

**From:** Diane Thompson  
**Sent:** 12/10/2009 12:18 AM EST  
**To:** Gina McCarthy  
**Cc:** "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Subject:** Re: briefing?

Sorry, I just got this. I think u need to gv lisa the opportunity to be breifed before u brf carol. I don't see the urgency. U can call if u r still up, otherwise in the AM as early as u need. We r up by 6:30.

---

**From:** Gina McCarthy  
**Sent:** 12/09/2009 08:54 PM EST  
**To:** "Diane Thompson" <Thompson.Diane@EPA.GOV>  
**Subject:** Fw: briefing?

Left u a voice mail. I would recommend that Margo and I go over in the morning and keep it fairly high level - if that is ok to do. We can make it clear that all the details haven't been decided. Please let me know. Thx

---

**From:** "Freeman, Jody L." (b) (6) Privacy  
**Sent:** 12/09/2009 07:30 PM EST  
**To:** Gina McCarthy  
**Cc:** "Moilanen, Stephen S." <(b) (6) Privacy>  
**Subject:** briefing?

Gina,

Steve hasn't heard from your folks on a time to do the briefing tomorrow. It would need to be tomorrow a.m. Is that still possible? (I am away Friday and tomorrow afternoon is out for Carol.) Something like 10 a.m. would work if you think you are able. Just let us know. Many thanks.

Jody

Jody Freeman

Counselor for Energy and Climate Change

The White House

(b) (6) Privacy

01268-EPA-5055

**Richard Windsor/DC/USEPA/US**  
12/10/2009 12:29 AM

To Diane Thompson  
cc  
bcc  
Subject Re: briefing?

Let em go. Gina and I already had one mtg on this. Tx.

---

**From:** Diane Thompson  
**Sent:** 12/10/2009 12:26 AM EST  
**To:** Richard Windsor  
**Subject:** Fw: briefing?

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**To:** Gina McCarthy  
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Jody

Jody Freeman

Counselor for Energy and Climate Change  
The White House

(b) (6) Privacy



01268-EPA-5056

**Diane  
Thompson/DC/USEPA/US**  
12/10/2009 11:40 AM

To Richard Windsor, Bob Perciasepe  
cc Aaron Dickerson, Robert Goulding, Gina McCarthy, Peter  
Silva, Mathy Stanislaus, Steve Owens, Cynthia Giles-AA,  
Michelle DePass, paul.anastas, Bob Sussman, Lisa  
Heinzerling, Bob Sussman, Barbara Bennett, Larry Elworth,  
David McIntosh, Seth Oster, Arvin Ganesan, Allyn  
Brooks-LaSure, Scott Fulton  
bcc

Subject Fw: Remarks by the President at the Acceptance of the Nobel  
Peace Prize

FYI

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 12/10/2009 11:19 AM -----

From: "Milakofsky, Benjamin E." <(b) (6) Privacy >  
To: "Lu, Christopher P." <(b) (6) Privacy > "Smith, Elizabeth S." <(b) (6) Privacy >  
<(b) (6) Privacy > "Kimball, Astri B." <(b) (6) Privacy >  
"French, Michael J." <(b) (6) Privacy > "Greenawalt, Andrei M." <(b) (6) Privacy >  
<(b) (6) Privacy > "Taylor, Adam R." <(b) (6) Privacy >  
"Milakofsky, Benjamin E." <(b) (6) Privacy >  
Date: 12/10/2009 10:39 AM  
Subject: Remarks by the President at the Acceptance of the Nobel Peace Prize

Dear Chiefs of Staff:

Please see the below remarks by the President at the acceptance of the Nobel Peace Prize.

--Cabinet Affairs

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

December 10, 2009

REMARKS BY THE PRESIDENT  
AT THE ACCEPTANCE OF THE NOBEL PEACE PRIZE

Oslo City Hall  
Oslo, Norway

1:44 P.M. CET

THE PRESIDENT: Your Majesties, Your Royal Highnesses,

distinguished members of the Norwegian Nobel Committee, citizens of America, and citizens of the world:

I receive this honor with deep gratitude and great humility. It is an award that speaks to our highest aspirations -- that for all the cruelty and hardship of our world, we are not mere prisoners of fate. Our actions matter, and can bend history in the direction of justice.

And yet I would be remiss if I did not acknowledge the considerable controversy that your generous decision has generated. (Laughter.) In part, this is because I am at the beginning, and not the end, of my labors on the world stage. Compared to some of the giants of history who've received this prize -- Schweitzer and King; Marshall and Mandela -- my accomplishments are slight. And then there are the men and women around the world who have been jailed and beaten in the pursuit of justice; those who toil in humanitarian organizations to relieve suffering; the unrecognized millions whose quiet acts of courage and compassion inspire even the most hardened cynics. I cannot argue with those who find these men and women -- some known, some obscure to all but those they help -- to be far more deserving of this honor than I.

But perhaps the most profound issue surrounding my receipt of this prize is the fact that I am the Commander-in-Chief of the military of a nation in the midst of two wars. One of these wars is winding down. The other is a conflict that America did not seek; one in which we are joined by 42 other countries -- including Norway -- in an effort to defend ourselves and all nations from further attacks.

Still, we are at war, and I'm responsible for the deployment of thousands of young Americans to battle in a distant land. Some will kill, and some will be killed. And so I come here with an acute sense of the costs of armed conflict -- filled with difficult questions about the relationship between war and peace, and our effort to replace one with the other.

Now these questions are not new. War, in one form or another, appeared with the first man. At the dawn of history, its morality was not questioned; it was simply a fact, like drought or disease -- the manner in which tribes and then civilizations sought power and settled their differences.

And over time, as codes of law sought to control violence within groups, so did philosophers and clerics and statesmen seek to regulate the destructive power of war. The concept of a "just war" emerged, suggesting that war is justified only when certain conditions were met: if it is waged as a last resort or in

self-defense; if the force used is proportional; and if, whenever possible, civilians are spared from violence.

Of course, we know that for most of history, this concept of "just war" was rarely observed. The capacity of human beings to think up new ways to kill one another proved inexhaustible, as did our capacity to exempt from mercy those who look different or pray to a different God. Wars between armies gave way to wars between nations -- total wars in which the distinction between combatant and civilian became blurred. In the span of 30 years, such carnage would twice engulf this continent. And while it's hard to conceive of a cause more just than the defeat of the Third Reich and the Axis powers, World War II was a conflict in which the total number of civilians who died exceeded the number of soldiers who perished.

In the wake of such destruction, and with the advent of the nuclear age, it became clear to victor and vanquished alike that the world needed institutions to prevent another world war. And so, a quarter century after the United States Senate rejected the League of Nations -- an idea for which Woodrow Wilson received this prize -- America led the world in constructing an architecture to keep the peace: a Marshall Plan and a United Nations, mechanisms to govern the waging of war, treaties to protect human rights, prevent genocide, restrict the most dangerous weapons.

In many ways, these efforts succeeded. Yes, terrible wars have been fought, and atrocities committed. But there has been no Third World War. The Cold War ended with jubilant crowds dismantling a wall. Commerce has stitched much of the world together. Billions have been lifted from poverty. The ideals of liberty and self-determination, equality and the rule of law have haltingly advanced. We are the heirs of the fortitude and foresight of generations past, and it is a legacy for which my own country is rightfully proud.

And yet, a decade into a new century, this old architecture is buckling under the weight of new threats. The world may no longer shudder at the prospect of war between two nuclear superpowers, but proliferation may increase the risk of catastrophe. Terrorism has long been a tactic, but modern technology allows a few small men with outsized rage to murder innocents on a horrific scale.

Moreover, wars between nations have increasingly given way to wars within nations. The resurgence of ethnic or sectarian conflicts; the growth of secessionist movements, insurgencies, and failed states -- all these things have increasingly trapped civilians in unending chaos. In today's wars, many more

civilians are killed than soldiers; the seeds of future conflict are sown, economies are wrecked, civil societies torn asunder, refugees amassed, children scarred.

I do not bring with me today a definitive solution to the problems of war. What I do know is that meeting these challenges will require the same vision, hard work, and persistence of those men and women who acted so boldly decades ago. And it will require us to think in new ways about the notions of just war and the imperatives of a just peace.

We must begin by acknowledging the hard truth: We will not eradicate violent conflict in our lifetimes. There will be times when nations -- acting individually or in concert -- will find the use of force not only necessary but morally justified.

I make this statement mindful of what Martin Luther King Jr. said in this same ceremony years ago: "Violence never brings permanent peace. It solves no social problem: it merely creates new and more complicated ones." As someone who stands here as a direct consequence of Dr. King's life work, I am living testimony to the moral force of non-violence. I know there's nothing weak -- nothing passive -- nothing naïve -- in the creed and lives of Gandhi and King.

But as a head of state sworn to protect and defend my nation, I cannot be guided by their examples alone. I face the world as it is, and cannot stand idle in the face of threats to the American people. For make no mistake: Evil does exist in the world. A non-violent movement could not have halted Hitler's armies. Negotiations cannot convince al Qaeda's leaders to lay down their arms. To say that force may sometimes be necessary is not a call to cynicism -- it is a recognition of history; the imperfections of man and the limits of reason.

I raise this point, I begin with this point because in many countries there is a deep ambivalence about military action today, no matter what the cause. And at times, this is joined by a reflexive suspicion of America, the world's sole military superpower.

But the world must remember that it was not simply international institutions -- not just treaties and declarations -- that brought stability to a post-World War II world. Whatever mistakes we have made, the plain fact is this: The United States of America has helped underwrite global security for more than six decades with the blood of our citizens and the strength of our arms. The service and sacrifice of our men and women in uniform has promoted peace and prosperity from Germany to Korea, and enabled democracy to take hold in places like the Balkans.

We have borne this burden not because we seek to impose our will. We have done so out of enlightened self-interest -- because we seek a better future for our children and grandchildren, and we believe that their lives will be better if others' children and grandchildren can live in freedom and prosperity.

So yes, the instruments of war do have a role to play in preserving the peace. And yet this truth must coexist with another -- that no matter how justified, war promises human tragedy. The soldier's courage and sacrifice is full of glory, expressing devotion to country, to cause, to comrades in arms. But war itself is never glorious, and we must never trumpet it as such.

So part of our challenge is reconciling these two seemingly irreconcilable truths -- that war is sometimes necessary, and war at some level is an expression of human folly. Concretely, we must direct our effort to the task that President Kennedy called for long ago. "Let us focus," he said, "on a more practical, more attainable peace, based not on a sudden revolution in human nature but on a gradual evolution in human institutions." A gradual evolution of human institutions.

What might this evolution look like? What might these practical steps be?

To begin with, I believe that all nations -- strong and weak alike -- must adhere to standards that govern the use of force. I -- like any head of state -- reserve the right to act unilaterally if necessary to defend my nation. Nevertheless, I am convinced that adhering to standards, international standards, strengthens those who do, and isolates and weakens those who don't.

The world rallied around America after the 9/11 attacks, and continues to support our efforts in Afghanistan, because of the horror of those senseless attacks and the recognized principle of self-defense. Likewise, the world recognized the need to confront Saddam Hussein when he invaded Kuwait -- a consensus that sent a clear message to all about the cost of aggression.

Furthermore, America -- in fact, no nation -- can insist that others follow the rules of the road if we refuse to follow them ourselves. For when we don't, our actions appear arbitrary and undercut the legitimacy of future interventions, no matter how justified.

And this becomes particularly important when the purpose of military action extends beyond self-defense or the defense of one nation against an aggressor. More and more, we all confront

difficult questions about how to prevent the slaughter of civilians by their own government, or to stop a civil war whose violence and suffering can engulf an entire region.

I believe that force can be justified on humanitarian grounds, as it was in the Balkans, or in other places that have been scarred by war. Inaction tears at our conscience and can lead to more costly intervention later. That's why all responsible nations must embrace the role that militaries with a clear mandate can play to keep the peace.

America's commitment to global security will never waver. But in a world in which threats are more diffuse, and missions more complex, America cannot act alone. America alone cannot secure the peace. This is true in Afghanistan. This is true in failed states like Somalia, where terrorism and piracy is joined by famine and human suffering. And sadly, it will continue to be true in unstable regions for years to come.

The leaders and soldiers of NATO countries, and other friends and allies, demonstrate this truth through the capacity and courage they've shown in Afghanistan. But in many countries, there is a disconnect between the efforts of those who serve and the ambivalence of the broader public. I understand why war is not popular, but I also know this: The belief that peace is desirable is rarely enough to achieve it. Peace requires responsibility. Peace entails sacrifice. That's why NATO continues to be indispensable. That's why we must strengthen U.N. and regional peacekeeping, and not leave the task to a few countries. That's why we honor those who return home from peacekeeping and training abroad to Oslo and Rome; to Ottawa and Sydney; to Dhaka and Kigali -- we honor them not as makers of war, but of wagers -- but as wagers of peace.

Let me make one final point about the use of force. Even as we make difficult decisions about going to war, we must also think clearly about how we fight it. The Nobel Committee recognized this truth in awarding its first prize for peace to Henry Dunant -- the founder of the Red Cross, and a driving force behind the Geneva Conventions.

Where force is necessary, we have a moral and strategic interest in binding ourselves to certain rules of conduct. And even as we confront a vicious adversary that abides by no rules, I believe the United States of America must remain a standard bearer in the conduct of war. That is what makes us different from those whom we fight. That is a source of our strength. That is why I prohibited torture. That is why I ordered the prison at Guantanamo Bay closed. And that is why I have reaffirmed America's commitment to abide by the Geneva Conventions. We lose

ourselves when we compromise the very ideals that we fight to defend. (Applause.) And we honor -- we honor those ideals by upholding them not when it's easy, but when it is hard.

I have spoken at some length to the question that must weigh on our minds and our hearts as we choose to wage war. But let me now turn to our effort to avoid such tragic choices, and speak of three ways that we can build a just and lasting peace.

First, in dealing with those nations that break rules and laws, I believe that we must develop alternatives to violence that are tough enough to actually change behavior -- for if we want a lasting peace, then the words of the international community must mean something. Those regimes that break the rules must be held accountable. Sanctions must exact a real price. Intransigence must be met with increased pressure -- and such pressure exists only when the world stands together as one.

One urgent example is the effort to prevent the spread of nuclear weapons, and to seek a world without them. In the middle of the last century, nations agreed to be bound by a treaty whose bargain is clear: All will have access to peaceful nuclear power; those without nuclear weapons will forsake them; and those with nuclear weapons will work towards disarmament. I am committed to upholding this treaty. It is a centerpiece of my foreign policy. And I'm working with President Medvedev to reduce America and Russia's nuclear stockpiles.

But it is also incumbent upon all of us to insist that nations like Iran and North Korea do not game the system. Those who claim to respect international law cannot avert their eyes when those laws are flouted. Those who care for their own security cannot ignore the danger of an arms race in the Middle East or East Asia. Those who seek peace cannot stand idly by as nations arm themselves for nuclear war.

The same principle applies to those who violate international laws by brutalizing their own people. When there is genocide in Darfur, systematic rape in Congo, repression in Burma -- there must be consequences. Yes, there will be engagement; yes, there will be diplomacy -- but there must be consequences when those things fail. And the closer we stand together, the less likely we will be faced with the choice between armed intervention and complicity in oppression.

This brings me to a second point -- the nature of the peace that we seek. For peace is not merely the absence of visible conflict. Only a just peace based on the inherent rights and dignity of every individual can truly be lasting.

It was this insight that drove drafters of the Universal Declaration of Human Rights after the Second World War. In the wake of devastation, they recognized that if human rights are not protected, peace is a hollow promise.

And yet too often, these words are ignored. For some countries, the failure to uphold human rights is excused by the false suggestion that these are somehow Western principles, foreign to local cultures or stages of a nation's development. And within America, there has long been a tension between those who describe themselves as realists or idealists -- a tension that suggests a stark choice between the narrow pursuit of interests or an endless campaign to impose our values around the world.

I reject these choices. I believe that peace is unstable where citizens are denied the right to speak freely or worship as they please; choose their own leaders or assemble without fear. Pent-up grievances fester, and the suppression of tribal and religious identity can lead to violence. We also know that the opposite is true. Only when Europe became free did it finally find peace. America has never fought a war against a democracy, and our closest friends are governments that protect the rights of their citizens. No matter how callously defined, neither America's interests -- nor the world's -- are served by the denial of human aspirations.

So even as we respect the unique culture and traditions of different countries, America will always be a voice for those aspirations that are universal. We will bear witness to the quiet dignity of reformers like Aung Sang Suu Kyi; to the bravery of Zimbabweans who cast their ballots in the face of beatings; to the hundreds of thousands who have marched silently through the streets of Iran. It is telling that the leaders of these governments fear the aspirations of their own people more than the power of any other nation. And it is the responsibility of all free people and free nations to make clear that these movements -- these movements of hope and history -- they have us on their side.

Let me also say this: The promotion of human rights cannot be about exhortation alone. At times, it must be coupled with painstaking diplomacy. I know that engagement with repressive regimes lacks the satisfying purity of indignation. But I also know that sanctions without outreach -- condemnation without discussion -- can carry forward only a crippling status quo. No repressive regime can move down a new path unless it has the choice of an open door.

In light of the Cultural Revolution's horrors, Nixon's meeting with Mao appeared inexcusable -- and yet it surely helped set



China on a path where millions of its citizens have been lifted from poverty and connected to open societies. Pope John Paul's engagement with Poland created space not just for the Catholic Church, but for labor leaders like Lech Walesa. Ronald Reagan's efforts on arms control and embrace of perestroika not only improved relations with the Soviet Union, but empowered dissidents throughout Eastern Europe. There's no simple formula here. But we must try as best we can to balance isolation and engagement, pressure and incentives, so that human rights and dignity are advanced over time.

Third, a just peace includes not only civil and political rights -- it must encompass economic security and opportunity. For true peace is not just freedom from fear, but freedom from want.

It is undoubtedly true that development rarely takes root without security; it is also true that security does not exist where human beings do not have access to enough food, or clean water, or the medicine and shelter they need to survive. It does not exist where children can't aspire to a decent education or a job that supports a family. The absence of hope can rot a society from within.

And that's why helping farmers feed their own people -- or nations educate their children and care for the sick -- is not mere charity. It's also why the world must come together to confront climate change. There is little scientific dispute that if we do nothing, we will face more drought, more famine, more mass displacement -- all of which will fuel more conflict for decades. For this reason, it is not merely scientists and environmental activists who call for swift and forceful action -- it's military leaders in my own country and others who understand our common security hangs in the balance.

Agreements among nations. Strong institutions. Support for human rights. Investments in development. All these are vital ingredients in bringing about the evolution that President Kennedy spoke about. And yet, I do not believe that we will have the will, the determination, the staying power, to complete this work without something more -- and that's the continued expansion of our moral imagination; an insistence that there's something irreducible that we all share.

As the world grows smaller, you might think it would be easier for human beings to recognize how similar we are; to understand that we're all basically seeking the same things; that we all hope for the chance to live out our lives with some measure of happiness and fulfillment for ourselves and our families.

And yet somehow, given the dizzying pace of globalization, the

cultural leveling of modernity, it perhaps comes as no surprise that people fear the loss of what they cherish in their particular identities -- their race, their tribe, and perhaps most powerfully their religion. In some places, this fear has led to conflict. At times, it even feels like we're moving backwards. We see it in the Middle East, as the conflict between Arabs and Jews seems to harden. We see it in nations that are torn asunder by tribal lines.

And most dangerously, we see it in the way that religion is used to justify the murder of innocents by those who have distorted and defiled the great religion of Islam, and who attacked my country from Afghanistan. These extremists are not the first to kill in the name of God; the cruelties of the Crusades are amply recorded. But they remind us that no Holy War can ever be a just war. For if you truly believe that you are carrying out divine will, then there is no need for restraint -- no need to spare the pregnant mother, or the medic, or the Red Cross worker, or even a person of one's own faith. Such a warped view of religion is not just incompatible with the concept of peace, but I believe it's incompatible with the very purpose of faith -- for the one rule that lies at the heart of every major religion is that we do unto others as we would have them do unto us.

Adhering to this law of love has always been the core struggle of human nature. For we are fallible. We make mistakes, and fall victim to the temptations of pride, and power, and sometimes evil. Even those of us with the best of intentions will at times fail to right the wrongs before us.

But we do not have to think that human nature is perfect for us to still believe that the human condition can be perfected. We do not have to live in an idealized world to still reach for those ideals that will make it a better place. The non-violence practiced by men like Gandhi and King may not have been practical or possible in every circumstance, but the love that they preached -- their fundamental faith in human progress -- that must always be the North Star that guides us on our journey.

For if we lose that faith -- if we dismiss it as silly or naïve; if we divorce it from the decisions that we make on issues of war and peace -- then we lose what's best about humanity. We lose our sense of possibility. We lose our moral compass.

Like generations have before us, we must reject that future. As Dr. King said at this occasion so many years ago, "I refuse to accept despair as the final response to the ambiguities of history. I refuse to accept the idea that the 'isness' of man's present condition makes him morally incapable of reaching up for the eternal 'oughtness' that forever confronts him."

Let us reach for the world that ought to be -- that spark of the divine that still stirs within each of our souls. (Applause.)

Somewhere today, in the here and now, in the world as it is, a soldier sees he's outgunned, but stands firm to keep the peace. Somewhere today, in this world, a young protestor awaits the brutality of her government, but has the courage to march on. Somewhere today, a mother facing punishing poverty still takes the time to teach her child, scrapes together what few coins she has to send that child to school -- because she believes that a cruel world still has a place for that child's dreams.

Let us live by their example. We can acknowledge that oppression will always be with us, and still strive for justice. We can admit the intractability of depravation, and still strive for dignity. Clear-eyed, we can understand that there will be war, and still strive for peace. We can do that -- for that is the story of human progress; that's the hope of all the world; and at this moment of challenge, that must be our work here on Earth.

Thank you very much. (Applause.)

END

2:20 P.M. CET

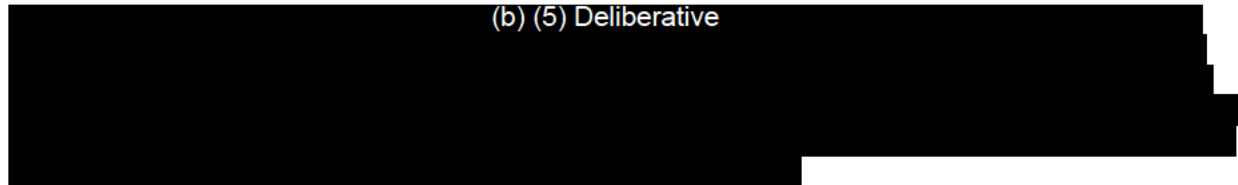
01268-EPA-5057

**Richard Windsor/DC/USEPA/US**  
12/10/2009 02:29 PM

To Diane Thompson  
cc  
bcc

Subject Re: Msg to POTUS

(b) (5) Deliberative



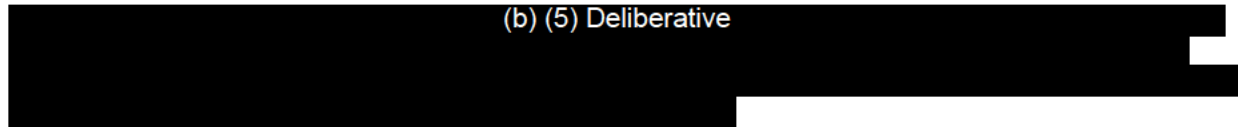
Diane Thompson **Suggestion:** (b) (5) Deliberative 12/10/2009 02:14:32 PM

From: Diane Thompson/DC/USEPA/US  
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>  
Date: 12/10/2009 02:14 PM  
Subject: Msg to POTUS

---

Suggestion:

(b) (5) Deliberative



01268-EPA-5058

**Adora Andy/DC/USEPA/US**  
12/10/2009 02:55 PM

To Richard Windsor, Bob Sussman, Lisa Heinzerling, Gina  
McCarthy, Bob Perciasepe, Diane Thompson, David  
McIntosh, Arvin Ganesan  
cc Allyn Brooks-LaSure, Seth Oster  
bcc

Subject **BREAKING NEWS: Kerry Lieberman Graham announce  
legislative framework**

----- Forwarded by Adora Andy/DC/USEPA/US on 12/10/2009 02:54 PM -----

From: "LaBolt, Benjamin" <[REDACTED]> (b) (6) Privacy  
To: undisclosed-recipients;;  
Date: 12/10/2009 02:52 PM  
Subject: News: Kerry Lieberman Graham announce legislative framework

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Folks: see attached, Senators Kerry, Lieberman, and Graham have announced a legislative framework to move comprehensive energy legislation forward in the Senate. This will be helpful to our efforts at home, and in Copenhagen this week. Make sure your bosses have seen it. Statement from the White



House shortly. Thanks. Climate Framework Final.pdf

United States Senate  
WASHINGTON, DC 20510

December 10, 2009

President Barack Obama  
The White House  
1600 Pennsylvania Ave, NW  
Washington, DC 20500

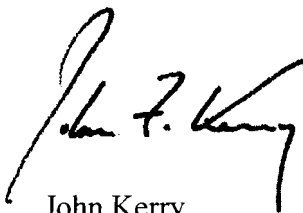
Dear Mr. President:

Over the past month, we have been working together to develop consensus on a comprehensive pollution reduction and energy independence plan. Support is building to simultaneously create jobs, protect our national security interests and improve our environment. As you depart for Copenhagen, we wanted to provide an assessment of where we see the debate heading in the United States Senate.

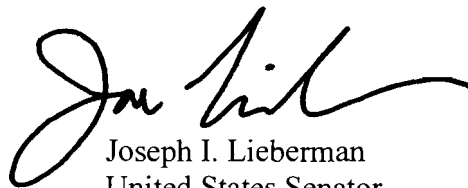
From the longest serving member in the history of Congress, Senator Robert Byrd, to James Murdoch, a senior officer of News Corporation, to General Anthony Zinni, former U.S. CENTCOM Commander, Americans are uniting to say that now is the time to address climate change and secure our energy independence. We are heeding these voices and intend to combine the very best ideas from the public and private sectors and from across the ideological spectrum to achieve the structurally simplest, most economically responsible and environmentally effective result possible.

Our discussions have led us to develop a basic framework for climate action, which is attached for your consideration. We look forward to working with you in the coming months to enact comprehensive pollution reduction and energy independence legislation.

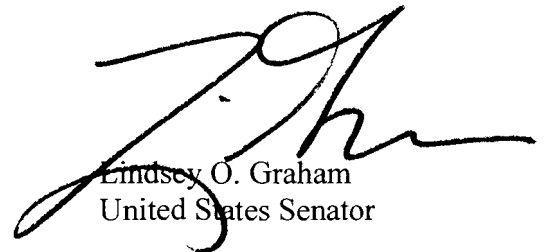
Sincerely,



John Kerry  
United States Senator



Joseph I. Lieberman  
United States Senator



Lindsey O. Graham  
United States Senator

## **Framework for Climate Action and Energy Independence in the U.S. Senate**

Carbon pollution is altering the earth's climate. The impacts have already been seen and felt throughout our country and around the world. Monday's endangerment finding by the Environmental Protection Agency (EPA) underscores the importance of Congressional action to address greenhouse gas emissions before the EPA moves unilaterally.

This document outlines the principles and guidelines that will shape our ongoing efforts to develop comprehensive climate change and energy independence legislation. It is a starting point, inviting our colleagues' constructive input.

Our efforts seek to build upon the significant work already completed in Congress. Earlier this year, the Senate Energy and Natural Resources Committee passed bipartisan legislation that will instruct our efforts to promote and achieve energy security. Important work to reduce carbon emissions has taken place in the Senate Environment and Public Works Committee, which additionally informs us. We also anticipate consideration of issues related to climate change by the Senate Finance, Commerce, and Agriculture Committees.

It is critical to emphasize that this framework is a work in progress. We will continue to engage with our constituents, colleagues in the Senate, and stakeholders outside Washington in our effort to build a consensus that will lead to the passage of comprehensive climate and energy legislation. The only way to succeed is through ongoing engagement and an honest effort to put all ideas on the table.

**Better jobs, cleaner air.** Our legislation will contain comprehensive pollution reduction targets that are both environmentally significant and achievable. It is our belief that a market-based system, rather than a labyrinth of command-and-control regulations, will allow us to reduce pollution economically and avoid the worst impacts of global climate change. It will also provide significant transition assistance to companies and consumers without using taxpayer dollars or driving up the national debt. We believe a near term pollution reduction target in the range of 17 percent below 2005 emissions levels is achievable and reasonable, as is a long term target of approximately 80 percent below 2005 levels. Finally, we believe a robust investment in the development and deployment of clean energy technologies will ensure that as pollution reduction targets become more rigorous, companies will be better equipped to meet their obligations in a cost effective manner.

Many business leaders have endorsed this approach. Just last week, David Cote, the CEO of Honeywell, as well as other business leaders, persuasively argued that setting a price on carbon would create demand for clean energy technologies and provide a tremendous opportunity for economic growth and job creation in America. He said: "There will be no jobs created without demand. This legislation would stimulate the demand for energy efficiency products and services and low carbon sources of energy. China and India are stimulating their domestic demand for these products and technologies much more aggressively than we are and will take the global competitiveness lead unless we act. Cap and trade enables businesses to use the market to most effectively and efficiently develop that 21<sup>st</sup> century global competitiveness." Mr. Cote's words have been echoed by other American business leaders including Jim Rogers, CEO of Duke Energy, who has said, "the sooner we pass climate change legislation – the better off our

economy, and the world's environment – will be. If we go about it the right way, we can not only avoid unnecessary economic harm and dislocation, but we can also ignite a lower carbon, green revolution and more rapidly put this recession in our rear view mirror.”

**Securing energy independence.** We find ourselves more dependent on foreign oil today than any other time in our nation's history, and that is unacceptable. Every day, we spend nearly \$1 billion to sustain our addiction to foreign energy sources – and we ship Americans' hard earned dollars overseas, some of which finds its way to extremist or terrorist organizations. Presidents and politicians have bemoaned this fact for decades; and now is the moment when we can – and must – break that habit. By spurring the development and deployment of new clean energy technologies and increasing our supply of domestically produced oil and natural gas on land and offshore, our legislation will ensure America's energy security. We will do so in a way that sends money back to the states that opt to drill and also provides new federal government revenues to advance climate mitigation goals. We will also encourage investments in energy efficiency because we believe that consuming less power will help keep energy bills down and simultaneously extend the life of our domestic energy resources. Finally, maintaining the ability to refine petroleum products in the United States is a national security priority. It is our belief that we can preserve our refining capacity without sacrificing our environmental goals. If energy independence is to be a priority, we must keep the entire energy cycle right here at home.

**Creating regulatory predictability.** By failing to legislate, Congress is ceding the policy reins to the EPA and ignoring our responsibility to our constituents. We are working with our colleagues, the Administration and outside stakeholders to strike a sensible balance and determine the appropriate way to provide regulatory predictability. We agree that providing the business community as much certainty as possible is essential to attract investment, create jobs and generate the confidence necessary to reach our goals. The absence of national greenhouse gas emissions standards has invited a patchwork of inconsistent state and regional regulations. Since it is not reasonable to expect businesses to comply with fifty different standards, it is imperative that a federal pollution control system be meaningful and be set by federally elected officials.

**Protecting consumers.** It is critical to provide transitional assistance to households and businesses to ease the shift to a low-carbon economy. We will provide support to help companies meet their compliance obligations and avoid driving up prices for energy consumers. We will include special protections for low- and middle-income Americans, who spend a disproportionately large amount of their income on energy. We are considering a number of mechanisms, including a price collar and strategic reserve, to moderate the price of carbon and prevent extreme market volatility while maintaining the environmental integrity of the pollution reduction program. Additionally, we support energy efficiency programs to help reduce energy bills long into the future.

**Encouraging nuclear power.** Additional nuclear power is an essential component of our strategy to reduce greenhouse gas emissions. We strongly support incentives for renewable energy sources such as wind and solar, but successful legislation must also recognize the important role for clean nuclear power in our low-emissions future. America has lost its nuclear technology manufacturing base, and we must rebuild it in order to compete in the global



marketplace. Our legislation will encourage the construction of new nuclear power plants and provide funding to train the next generation of nuclear workers. We will make it easier to finance the construction of new nuclear power plants and improve the efficiency of the licensing process for traditional as well as small modular reactors, while fully respecting safety and environmental concerns. In addition, we support the research and development of new, safe ways to minimize nuclear waste. We are working with our colleagues to create incentives for low-carbon power sources, including nuclear, that will complement the Energy and Natural Resource Committee's work to incentivize renewable electricity.

**Ensuring a future for coal.** Our country has plentiful, accessible coal resources and infrastructure. It is a key component of our current fuel mix. As Senator Byrd pointed out in a recent op-ed, "No deliberate effort to do away with the coal industry could ever succeed in Washington because there is no available alternative energy supply that could immediately supplant the use of coal for base load power generation in America." He also acknowledged that, "to deny the mounting science of climate change is to stick our heads in the sand and say 'deal me out'... The truth is that some form of climate legislation will likely become public policy because most American voters want a healthier environment." We agree with both statements. However, due to current regulatory uncertainty, it is increasingly challenging to site new coal facilities, and utilities are switching to other fuel sources. Earlier this month, an electric utility in North Carolina announced its plans to take 11 existing coal facilities out of operation. Coal's future as part of the energy mix is inseparable from the passage of comprehensive climate change and energy legislation. We will commit significant resources to the rapid development and deployment of clean coal technology, and dedicated support for early deployment of carbon capture and sequestration.

**Reviving American manufacturing by creating jobs.** Manufacturing is the backbone of our nation's economy, and we refuse to believe that the days of American leadership are behind us. Despite some initial success stories, such as North Dakota's 30 percent growth in clean energy jobs in the last decade, the United States is falling behind. Successful climate legislation will not send existing jobs overseas. Rather, pricing carbon will drive innovation – creating new opportunities for those who develop clean energy technologies, as well as those who build, install, and maintain them. We plan to provide significant assistance to manufacturers to avoid carbon leakage and ensure the continued competitiveness of American-made goods. Our legislation will also provide financial incentives to both large and small manufacturers to improve the efficiency of their processes, which will mean even more new jobs. In addition to employing thousands in the building trades, our envisioned development of nuclear and wind power will also mean jobs and growth for our steel industry. It is time to regain our leadership and create the jobs of the future here in America.

**Creating wealth for domestic agriculture and forestry.** While emissions from agriculture will not be regulated, climate legislation will provide farmers with new opportunities to benefit from reducing their carbon emissions. Offset projects and other incentives will enable farmers to develop new income streams, as environmentally-friendly farming practices dramatically increase in value once a price is placed on carbon. According to USDA Secretary Vilsack, "the economic opportunities for farmers and ranchers can potentially outpace, perhaps significantly, the costs from climate legislation." In addition, a new USDA study released last week shows that

this can be accomplished without an appreciable rise in food prices. While we are still discussing the details of the offset program with our colleagues, we have reached agreement that we will include significant amounts of real, monitored and verified domestic and international offsets and other incentives in our system in order to contain costs and create opportunities for farmers, ranchers and forest owners to benefit from climate change legislation.

**Regulating the carbon market.** We will support vigilant carbon market oversight, real-time transparency, adequate settlement requirements to control risk in the market and strong quality controls to ensure maximum effectiveness and clarity. We will not stand for market abuse or manipulation, and we believe it is essential that any comprehensive emissions reduction strategy include provisions to ensure openness and accountability within the carbon market.

**Climate change is a global problem that requires a global solution.** Ultimately, climate change must be addressed through a strong international agreement that includes real, measurable, reportable, verifiable and enforceable actions by all nations. American leadership is essential, but action by the developing world is necessary to maximize the benefits of our effort. To this end, we acknowledge the role the United States can play to help provide long-term financing to assist developing countries adapt to climate change, generate energy cleanly and reduce emissions from deforestation. Additional private climate finance provided through international offsets has the added benefit of reducing costs for American consumers. As we work collectively with other countries to reduce global emissions, we agree with nine of our colleagues who wrote earlier this month: "enhanced technology cooperation will benefit the United States but must be coupled with strong protections for intellectual property rights." Finally, we will include strong measures that are compatible with our obligations under the World Trade Organization to prevent our economic competitors from exploiting the American market if they shirk their responsibility to minimize carbon pollution.

**Building consensus.** We intend to continue to engage our Senate colleagues in the weeks ahead to develop sensible, effective climate change legislation that will create jobs, ensure our energy independence, restore America to a position of leadership in the clean energy economy and reduce pollution. We are inspired by the years of work that have already been done and we hope both to build on those efforts and to devise new, innovative ideas for resolving some of the issues that have long blocked the passage of a climate change bill in the Senate. Every perspective is valuable and we invite all of our colleagues, stakeholders and constituents to join us in this effort to find consensus. Together, we can and will pass climate change and energy independence legislation this Congress.

01268-EPA-5060

**Diane  
Thompson/DC/USEPA/US**  
12/14/2009 12:49 PM

To Richard Windsor  
cc Aaron Dickerson, Robert Goulding  
bcc  
Subject Fw: Dec 1-7 COP-15 meetings -- close hold

FYi

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 12/14/2009 12:49 PM -----

From: Kathy Petruccelli/DC/USEPA/US  
To: Assistant Administrators, DAA, Scott Fulton/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Date: 12/14/2009 12:49 PM  
Subject: Dec 1-7 COP-15 meetings -- close hold

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Michelle De Pass asked me to forward this summary of the 1st week of the COP-15 climate meetings in Copenhagen. It gives you a good idea of the breadth of the issues as well as the current status. We hope to provide another weekly report at the end of this week. We ask that you treat this as close hold due to the sensitivities surrounding these meetings. Thanks

(b) (5) Deliberative

COP-15\_2009\_US\_Nightly\_Report\_December\_Week\_1.doc

01268-EPA-5068

**David  
McIntosh/DC/USEPA/US**  
12/17/2009 05:04 PM

To windsor.richard  
cc depass.michelle, ellis.heidi  
bcc

Subject Fw: Briefing on Copenhagen

Administrator:

Michelle (cc'd here) and I sat in on this call in your absence. You didn't miss anything. They didn't provide any information beyond that which was reported already in this morning's newspapers.

-David

**From:** Moilanen, Stephen S.

**Sent:** Thursday, December 17, 2009 12:30 PM

**To:** 'georgette.brammer@dot.gov'; Ellis.Heidi@epamail.epa.gov; Padilla, Joan; 'megan.a.robertson@hud.gov'; Rediger, Tony; 'sally.cluthe@osec.usda.gov'; 'mosley.carolyn@dol.gov'; Avery, Kristin E.; McLaughlin, Patricia M.; 'chris.chan@sba.gov'; Ortiz, Michael; Fisk, Roger

**Subject:** Briefing on Copenhagen

**Importance:** High

All,

This afternoon, our office will be hosting a conference call to brief Cabinet members on recent developments at the climate summit in Copenhagen. We anticipate the Heather Zichal, who is Deputy Assistant to the President for Energy and Climate Change and is on the ground in Copenhagen, will lead the call, as the delegation's lead negotiators will be tied up throughout the afternoon and evening today.

We understand that Cabinet principals may be unavailable for this call, and would be happy to have your chiefs of staff participate in the call in lieu of – or in addition to – your principals.

This call will take place **today at 4:30 p.m. ET/10:30 p.m. Copenhagen local time**. The dial-in information can be found below. We have confirmed with our IT specialists that this dial-in will work for individuals dialing in from both the United States and from Europe.

Conference Line: (b) (6) Privacy

Passcode: (b) (6) Privacy

Please confirm your principal's and/or your chief of staff's participation in the call as soon as possible. Thanks!

Best,

Steve Moilanen

**Steve Moilanen**

Office of Energy and Climate Change

The White House

(b) (6) Privacy

(b) (6) Privacy

01268-EPA-5069

Charles  
Imohiosen/DC/USEPA/US  
12/17/2009 06:57 PM

To "Richard Windsor"  
cc  
bcc  
Subject Cash for Caulkers

Administrator,

After a nice turn of events, and we are back in the game (see forwarded message below). According to  
(b) (5) Deliberative

[Redacted]

We are meeting with Jody Freeman tomorrow to discuss further.

Regards,

Charles

Charles Imohiosen  
Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.

\*\*\*\*\*

Sent via Blackberry  
Joseph Goffman

----- Original Message -----

**From:** Joseph Goffman  
**Sent:** 12/17/2009 06:06 PM EST  
**To:** Ann Bailey  
**Cc:** Charles Imohiosen  
**Subject:** Fw: FW:

Jodie Freeman/OECC would like EPA to come in (b) (5)

[Redacted] Ann, I know you are off, but who from your shop should we include? Thanks.

Joseph Goffman  
Senior Counsel to the Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency  
202 564 3201

----- Forwarded by Joseph Goffman/DC/USEPA/US on 12/17/2009 06:05 PM -----

From: "Freeman, Jody L." <[Redacted] (b) (6) Privacy>  
To: Joseph Goffman/DC/USEPA/US@EPA  
Date: 12/17/2009 05:45 PM  
Subject: FW:

**From:** Freeman, Jody L.  
**Sent:** Thursday, December 17, 2009 5:45 PM  
**To:** 'McCarthy.Gina@epamail.epa.gov'; 'goffman.joseph@epamail.gov'  
**Cc:** Deese, Brian C.; Buffa, Nicole  
**Subject:**

Gina and Joe,

If possible, we'd like get together w EPA folks (b) (5) Deliberative

Can your team come to WH tomorrow at either 1 or 3?

Please send WAVES information to Steve, cc'd above (ss# and dob for everyone).  
Maybe Gina can call in?

Jody Freeman

Counselor for Energy and Climate Change  
The White House  
(b) (6) Privacy

01268-EPA-5070

**Richard Windsor/DC/USEPA/US**  
12/17/2009 11:15 PM

To Charles Imohiosen  
cc  
bcc  
Subject Re: Cash for Caulkers

Another gasp.  
Charles Imohiosen

----- Original Message -----

**From:** Charles Imohiosen  
**Sent:** 12/17/2009 06:57 PM EST  
**To:** Richard Windsor  
**Subject:** Cash for Caulkers

Administrator,

After a nice turn of events, and we are back in the game (see forwarded message below). According to  
(b) (5) Deliberative

We are meeting with Jody Freeman tomorrow to discuss further.

Regards,

Charles

Charles Imohiosen  
Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.

\*\*\*\*\*

Sent via Blackberry  
Joseph Goffman

----- Original Message -----

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**To:** Ann Bailey  
**Cc:** Charles Imohiosen  
**Subject:** Fw: FW:

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Joseph Goffman  
Senior Counsel to the Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency  
202 564 3201

----- Forwarded by Joseph Goffman/DC/USEPA/US on 12/17/2009 06:05 PM -----

From: "Freeman, Jody L." <[REDACTED] (b) (6) Privacy>  
To: Joseph Goffman/DC/USEPA/US@EPA  
Date: 12/17/2009 05:45 PM  
Subject: FW:

---

**From:** Freeman, Jody L.  
**Sent:** Thursday, December 17, 2009 5:45 PM  
**To:** 'McCarthy.Gina@epamail.epa.gov'; 'goffman.joseph@epamail.gov'  
**Cc:** Deese, Brian C.; Buffa, Nicole  
**Subject:**

Gina and Joe,

If possible, we'd like get together w EPA folks [REDACTED] (b) (5) Deliberative

[REDACTED]  
[REDACTED] Can your team come to WH tomorrow at either 1 or 3?

Please send WAVES information to Steve, cc'd above (ss# and dob for everyone).  
Maybe Gina can call in?

Jody Freeman

Counselor for Energy and Climate Change  
The White House  
[REDACTED] (b) (6) Privacy



01268-EPA-5071

**Charles Imohiosen/DC/USEPA/US**  
12/17/2009 11:17 PM

To Richard Windsor  
cc  
bcc  
Subject Re: Cash for Caulkers

Thanks again for hosting, and have a great Holiday!

Charles Imohiosen  
Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.

\*\*\*\*\*

Sent via Blackberry  
Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 12/17/2009 11:15 PM EST  
**To:** Charles Imohiosen  
**Subject:** Re: Cash for Caulkers

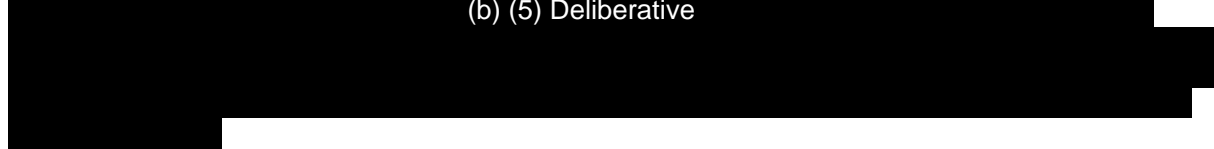
Another gasp.  
Charles Imohiosen

----- Original Message -----

**From:** Charles Imohiosen  
**Sent:** 12/17/2009 06:57 PM EST  
**To:** Richard Windsor  
**Subject:** Cash for Caulkers

Administrator,

After a nice turn of events, and we are back in the game (see forwarded message below). According to  
(b) (5) Deliberative



We are meeting with Jody Freeman tomorrow to discuss further.

Regards,

Charles

Charles Imohiosen  
Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.

\*\*\*\*\*

Sent via Blackberry  
Joseph Goffman

----- Original Message -----

**From:** Joseph Goffman  
**Sent:** 12/17/2009 06:06 PM EST  
**To:** Ann Bailey  
**Cc:** Charles Imohiosen  
**Subject:** Fw: FW:

Jodie Freeman/OECC would like EPA to come in (b) (5) [REDACTED].  
[REDACTED]. Ann, I know you are off, but who from your shop should we include? Thanks.

Joseph Goffman  
Senior Counsel to the Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency  
202 564 3201

----- Forwarded by Joseph Goffman/DC/USEPA/US on 12/17/2009 06:05 PM -----

**From:** "Freeman, Jody L." <[REDACTED] (b) (6) Privacy>  
**To:** Joseph Goffman/DC/USEPA/US@EPA  
**Date:** 12/17/2009 05:45 PM  
**Subject:** FW:

---

**From:** Freeman, Jody L.  
**Sent:** Thursday, December 17, 2009 5:45 PM  
**To:** 'McCarthy.Gina@epamail.epa.gov'; 'goffman.joseph@epamail.gov'  
**Cc:** Deese, Brian C.; Buffa, Nicole  
**Subject:**

Gina and Joe,

If possible, we'd like get together w EPA folks (b) (5) Deliberative [REDACTED]

[REDACTED] Can your team come to WH tomorrow at either 1 or 3?

Please send WAVES information to Steve, cc'd above (ss# and dob for everyone).  
Maybe Gina can call in?

Jody Freeman

Counselor for Energy and Climate Change  
The White House  
(b) (6) Privacy

01268-EPA-5072

**Richard Windsor/DC/USEPA/US**  
12/17/2009 11:20 PM

To Charles Imohiosen  
cc  
bcc  
Subject Re: Cash for Caulkers

You too!  
Charles Imohiosen

----- Original Message -----

**From:** Charles Imohiosen  
**Sent:** 12/17/2009 11:17 PM EST  
**To:** Richard Windsor  
**Subject:** Re: Cash for Caulkers

Thanks again for hosting, and have a great Holiday!

Charles Imohiosen  
Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.

\*\*\*\*\*

Sent via Blackberry  
Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 12/17/2009 11:15 PM EST  
**To:** Charles Imohiosen  
**Subject:** Re: Cash for Caulkers

Another gasp.  
Charles Imohiosen

----- Original Message -----

**From:** Charles Imohiosen  
**Sent:** 12/17/2009 06:57 PM EST  
**To:** Richard Windsor  
**Subject:** Cash for Caulkers

Administrator,

After a nice turn of events, and we are back in the game (see forwarded message below). According to  
(b) (5) Deliberative



We are meeting with Jody Freeman tomorrow to discuss further.

Regards,

Charles

Charles Imohiosen

Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.

\*\*\*\*\*

Sent via Blackberry  
Joseph Goffman

----- Original Message -----

**From:** Joseph Goffman  
**Sent:** 12/17/2009 06:06 PM EST  
**To:** Ann Bailey  
**Cc:** Charles Imohiosen  
**Subject:** Fw: FW:

Jodie Freeman/OECC would like EPA to come in (b) (5)  
Ann, I know you are off, but who from your shop should we include? Thanks.

Joseph Goffman  
Senior Counsel to the Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency  
202 564 3201

----- Forwarded by Joseph Goffman/DC/USEPA/US on 12/17/2009 06:05 PM -----

**From:** "Freeman, Jody L." <(b) (6) Privacy>  
**To:** Joseph Goffman/DC/USEPA/US@EPA  
**Date:** 12/17/2009 05:45 PM  
**Subject:** FW:

**From:** Freeman, Jody L.  
**Sent:** Thursday, December 17, 2009 5:45 PM  
**To:** 'McCarthy.Gina@epamail.epa.gov'; 'goffman.joseph@epamail.gov'  
**Cc:** Deese, Brian C.; Buffa, Nicole  
**Subject:**

Gina and Joe,

If possible, we'd like get together w EPA folks (b) (5) Deliberative  
Can your team come to WH tomorrow at either 1 or 3?

Please send WAVES information to Steve, cc'd above (ss# and dob for everyone).  
Maybe Gina can call in?

Jody Freeman

Counselor for Energy and Climate Change  
The White House

(b) (6) Privacy

01268-EPA-5074

David  
McIntosh/DC/USEPA/US  
12/18/2009 04:50 PM

To windsor.richard, oster.seth, depass.michelle  
cc  
bcc

Subject Fw: Copenhagen Update

----- Forwarded by David McIntosh/DC/USEPA/US on 12/18/2009 04:49 PM -----

From: "Zelman, Allison L." <(b) (6) Privacy>  
To: "Zelman, Allison L." <(b) (6) Privacy>, <Robert.Letteney@dot.gov>, "Aldy, Joseph E." <(b) (6) Privacy>, KevinJ Bailey/DC/USEPA/US@EPA, "Ben Kobren" <kobrenbm@state.gov>, "Brian Kennedy" <Kennedy.Brian@Dol.gov>, <Christine.koronides@sba.gov>, <Christopher\_Mansour@ios.doi.gov>, "Cobb Mixer" <Cobb.mixer@do.treas.gov>, "Courtney Gregoire" <CGregoire@doc.gov>, <Dan.Utech@hq.doe.gov>, <dana.gresham@dot.gov>, "Dave Turk" <TurkDM@state.gov>, <david.kim@dot.gov>, <David.Vandivier@do.treas.gov>, <Donny.R.Williams@hud.gov>, <emil.michael@sd.mil>, "Farrell, Diana" <(b) (6) Privacy>, "Fisher, Alyssa D." <(b) (6) Privacy>, "Givens, Shelia" <(b) (6) Privacy>, Jessica Gordon/DC/USEPA/US@EPA, <Grant.Leslie@osec.usda.gov>, <HobgoodTD@state.gov>, "Jimenez, Luis A." <(b) (6) Privacy>, <Joan.Evans@va.gov>, <john.gray@noaa.gov>, <John.Conger@osd.mil>, "Jonathan.Levy@hq.doe.gov" <Jonathan.Levy@hq.doe.gov>, "Morris, Jonathan G." <(b) (6) Privacy>, "Josh Jacobs" <Joshua.Jacobs@va.gov>, <Judson.Jaffe@do.treas.gov>, "Kalil, Thomas A." <(b) (6) Privacy>, <Krysta.harden@osec.usda.gov>, <Lauren.Kidwell@hhs.gov>, "Lee, Hannah" <(b) (6) Privacy>, <MacDonald.Laura@dol.gov>, David McIntosh/DC/USEPA/US@EPA, <Meghan\_Conklin@ios.doi.gov>, "Moilanen, Stephen S." <(b) (6) Privacy>, <OgdenPR@state.gov>, <Andrea.Palm@hhs.gov>, <PedersonED@state.gov>, <Peter.Kovar@hud.gov>, "Richard Verma" <vermarr@state.gov>, <Roberto.Rodriguez@do.treas.gov>, <Sarah\_Bittleman@ios.doi.gov>, "Schenewerk, Caryn B." <(b) (6) Privacy>, "Seamus Ahern" <Seamus.Ahern@osd.mil>, "Stacey Rolland" <Stacey.Rolland@do.treas.gov>, <Steve\_Black@ios.doi.gov>, <Tina.May@osec.usda.gov>, <Uzzell.Megan@dol.gov>, "Zichal, Heather R." <(b) (6) Privacy>, "Watkins, Kyle D." <(b) (6) Privacy>, "Lee, Hannah" <(b) (6) Privacy>, "Agnew, David P." <(b) (6) Privacy>, "Carson, Jonathan K." <(b) (6) Privacy>, "Dillon, Patrick" <(b) (6) Privacy>, "Glunz, Christine M." <(b) (6) Privacy>, "Lee, Hannah" <(b) (6) Privacy>, "Lee, Jesse C." <(b) (6) Privacy>, "Lehrich, Matthew A." <(b) (6) Privacy>, "Levine, Jacob C." <(b) (6) Privacy>, "McGrath, Shaun L." <(b) (6) Privacy>, "Moilanen, Stephen S." <(b) (6) Privacy>, "Nelson, Gregory S." <(b) (6) Privacy>, "Salzman, Amelia S." <(b) (6) Privacy>, "Shah, Tarak N." <(b) (6) Privacy>, "Wall intern, Mary" <(b) (6) Privacy>, "Wicks, Buffy" <(b) (6) Privacy>, "Zichal, Heather R." <(b) (6) Privacy>, "Ahsha Tribble" <Ahsha.Tribble@noaa.gov>, "Andrea Mead" <Andrea.D.Mead@hud.gov>, "Brandon Hurlbut" <Brandon.hurlbut@hq.doe.gov>, <Brian\_Srenar@ios.doi.gov>, <Christine.koronides@sba.gov>, "Courtney Gregoire" <CGregoire@doc.gov>, "Emil Michael" <emil.michael@sd.mil>, "Fetter, Steven A." <(b) (6) Privacy>, <James.C.Lopez@hud.gov>, Jessica Gordon/DC/USEPA/US@EPA, <jim.sullivan@va.gov>, "John Conger" <John.Conger@osd.mil>, "Jonathan Cordone" <Jonathan.Cordone@exim.gov>, "Kate Brandt" <kate.brandt@navy.mil>, <kathryn.thomson@dot.gov>, "Kenneth Lane" <Kenneth\_lane@ios.doi.gov>, "Laura MacDonald" <MacDonald.Laura@dol.gov>, "Laura Tatum" <tatum.laura@dol.gov>, "Leslie Grant" <Grant.Leslie@osec.usda.gov>, "Lindsay Daschle" <Lindsay.Daschle@osec.usda.gov>, David McIntosh/DC/USEPA/US@EPA, "Megan Uzzell" <Uzzell.Megan@dol.gov>, "Missy Owens" <Missy.Owens@hq.doe.gov>, <Nate.Turnbull@Dot.Gov>, "Parita Shah" <PShah@doc.gov>, "Peter Ogden" <ogdenPR@state.gov>, "Pitzer, Karrie S." <(b) (6) Privacy>, "Rod O'Connor" <Rod.Oconnor@hq.doe.gov>, "Sandy Howard" <Sandra.Howard@hhs.gov>, <shelley.r.poticha@hud.gov>, Shira Sternberg/DC/USEPA/US@EPA, Stephanie

Owens/DC/USEPA/US@EPA, "Taylor Ferrell" <taylor.ferrell@navy.mil>, "Zofia Szykowski" <Zofia.Szykowski@exim.gov>  
Cc: "Belive, Lauren" <(b) (6) Privacy> "Maher, Jessica A." <(b) (6) Privacy> "Heimbach, James T." <(b) (6) Privacy> "Greenawalt, Andrei M." <(b) (6) Privacy>  
Date: 12/18/2009 04:48 PM  
Subject: Copenhagen Update

---

Hi everyone,

Jess asked me to pass along this Copenhagen update below. The President is currently doing a press conference and we will send a press release along soon.

Thanks!

Allison

Allison Zelman  
Legislative Affairs  
White House Council on Environmental Quality  
(b) (6) Privacy work

Subject: Copenhagen Update

Wanted to make you aware of the following - later this evening, the President will be doing a press conference. During that press conference, he will be announcing the following breakthrough in international negotiations:

Today, following a multilateral meeting between President Obama, Premier Wen, Prime Minister Singh, and President Zuma a meaningful agreement was reached. It's not sufficient to combat the threat of climate change but it's an important first step.

We entered this negotiation at a time when there were significant differences between countries. Developed and developing countries have now agreed to listing their national actions and commitments, a finance mechanism, to set a mitigation target of two degrees Celsius and to provide information on the implementation of their actions through national communications, with provisions for international consultations and analysis under clearly defined guidelines.

No country is entirely satisfied with each element but this is a meaningful and historic step forward and a foundation from which to make further progress.

We thank the emerging economies for their voluntary actions and especially appreciate the work and leadership of the Europeans in this effort.

---

Sent by my Blackberry Wireless

01268-EPA-5075

David  
McIntosh/DC/USEPA/US  
12/18/2009 06:33 PM

To windsor.richard, oster.seth, depass.michelle  
cc  
bcc

Subject Fw: Remarks by the President during press availability in  
Copenhagen - ceq in the news

---

**From:** "Zelman, Allison L." <(b) (6) Privacy>  
**Sent:** 12/18/2009 06:31 PM EST  
**To:** "Zelman, Allison L." <(b) (6) Privacy <Robert.Letteney@dot.gov>;  
 "Aldy, Joseph E." <(b) (6) Privacy <KevinJ.Bailey>; "Ben Kobren"  
 <kobrenbm@state.gov>; "Brian Kennedy" <Kennedy.Brian@Dol.gov>;  
 <Christine.koronides@sba.gov>; <Christopher\_Mansour@ios.doi.gov>; "Cobb Mixter"  
 <Cobb.mixer@do.treas.gov>; "Courtney Gregoire" <CGregoire@doc.gov>;  
 <Dan.Utech@hq.doe.gov>; <dana.gresham@dot.gov>; "Dave Turk" <TurkDM@state.gov>;  
 <david.kim@dot.gov>; <David.Vandivier@do.treas.gov>; <Donny.R.Williams@hud.gov>;  
 <emil.michael@sd.mil>; "Farrell, Diana" <(b) (6) Privacy <"Fisher, Alyssa D."  
 <(b) (6) Privacy <"Givens, Shelia" <(b) (6) Privacy <  
 Jessica Gordon; <Grant.Leslie@osec.usda.gov>; <HobgoodTD@state.gov>; "Jimenez, Luis A."  
 <(b) (6) Privacy <Joan.Evans@va.gov>; <john.gray@noaa.gov>;  
 <John.Conger@osd.mil>; "Jonathan.Levy@hq.doe.gov" <Jonathan.Levy@hq.doe.gov>;  
 "Morris, Jonathan G." <(b) (6) Privacy <"Josh Jacobs"  
 <Joshua.Jacobs@va.gov>; <Judson.Jaffe@do.treas.gov>; "Kalil, Thomas A."  
 <(b) (6) Privacy <Krysta.harden@osec.usda.gov>;  
 <Lauren.Kidwell@hhs.gov>; "Lee, Hannah" <(b) (6) Privacy <  
 <MacDonald.Laura@dol.gov>; David McIntosh; <Meghan\_Conklin@ios.doi.gov>; "Moilanen,  
 Stephen S." <(b) (6) Privacy <OgdenPR@state.gov>;  
 <Andrea.Palm@hhs.gov>; <PedersonED@state.gov>; <Peter.Kovar@hud.gov>; "Richard  
 Verma" <vermarr@state.gov>; <Roberto.Rodriguez@do.treas.gov>;  
 <Sarah\_Bittleman@ios.doi.gov>; "Schenewerk, Caryn B."  
 <(b) (6) Privacy <"Seamus Ahern" <Seamus.Ahern@osd.mil>; "Stacey  
 Rolland" <Stacey.Rolland@do.treas.gov>; <Steve\_Black@ios.doi.gov>;  
 <Tina.May@osec.usda.gov>; <Uzzell.Megan@dol.gov>; "Zichal, Heather R."  
 <(b) (6) Privacy <"Watkins, Kyle D." <(b) (6) Privacy <  
 "Lee, Hannah" <(b) (6) Privacy <"Agnew, David P."  
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 Matthew A." <(b) (6) Privacy <"Levine, Jacob C."  
 <(b) (6) Privacy <"McGrath, Shaun L." <(b) (6) Privacy <  
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< (b) (6) Privacy "Russell, Anthony L." < (b) (6) Privacy "Salzman, Amelia S." < (b) (6) Privacy "Shah, Tarak N." < (b) (6) Privacy "Wall  
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 "Zichal, Heather R." < (b) (6) Privacy "Ahsha Tribble"  
 <Ahsha.Tribble@noaa.gov>; "Andrea Mead" <Andrea.D.Mead@hud.gov>; "Brandon Hurlbut"  
 <Brandon.hurlbut@hq.doe.gov>; <Brian\_Screnar@ios.doi.gov>;  
 <Christine.koronides@sba.gov>; "Courtney Gregoire" <CGregoire@doc.gov>; "Emil Michael"  
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 <Kenneth\_lane@ios.doi.gov>; "Laura MacDonald" <MacDonald.Laura@dol.gov>; "Laura  
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 Daschle" <Lindsay.Daschle@osec.usda.gov>; David McIntosh; "Megan Uzzell"  
 <Uzzell.Megan@dol.gov>; "Missy Owens" <Missy.Owens@hq.doe.gov>;  
 <Nate.Turnbull@Dot.Gov>; "Parita Shah" <PShah@doc.gov>; "Peter Ogden"  
 <ogdenPR@state.gov>; "Pitzer, Karrie S." < (b) (6) Privacy "Rod O'Connor"  
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 <taylor.ferrell@navy.mil>; "Zofia Szykowski" <Zofia.Szykowski@exim.gov>  
 Cc: "Belive, Lauren" < (b) (6) Privacy "Maher, Jessica A." < (b) (6) Privacy "Heimbach, James T." < (b) (6) Privacy "Greenawalt, Andrei M." < (b) (6) Privacy

**Subject:** FW: Remarks by the President during press availability in Copenhagen - ceq in the news

01268-EPA-5076

**Richard Windsor/DC/USEPA/US**  
12/18/2009 06:39 PM

To David McIntosh  
cc  
bcc

Subject Re: Remarks by the President during press availability in Copenhagen - ceq in the news

Remarks didn't come thru for some reason

---

**From:** David McIntosh  
**Sent:** 12/18/2009 06:33 PM EST  
**To:** windsor.richard@epa.gov; oster.seth@epa.gov; depass.michelle@epa.gov  
**Subject:** Fw: Remarks by the President during press availability in Copenhagen - ceq in the news

---

**From:** "Zelman, Allison L." <(b) (6) Privacy>  
**Sent:** 12/18/2009 06:31 PM EST  
**To:** "Zelman, Allison L." <(b) (6) Privacy> <Robert.Letteney@dot.gov>; "Aldy, Joseph E." <(b) (6) Privacy> KevinJ Bailey; "Ben Kobren" <kobrenbm@state.gov>; "Brian Kennedy" <Kennedy.Brian@Dol.gov>; <Christine.koronides@sba.gov>; <Christopher\_Mansour@ios.doi.gov>; "Cobb Mixter" <Cobb.mixter@do.treas.gov>; "Courtney Gregoire" <CGregoire@doc.gov>; <Dan.Utech@hq.doe.gov>; <dana.gresham@dot.gov>; "Dave Turk" <TurkDM@state.gov>; <david.kim@dot.gov>; <David.Vandivier@do.treas.gov>; <Donny.R.Williams@hud.gov>; <emil.michael@sd.mil>; "Farrell, Diana" <(b) (6) Privacy> "Fisher, Alyssa D." <(b) (6) Privacy> "Givens, Shelia" <(b) (6) Privacy> Jessica Gordon; <Grant.Leslie@osec.usda.gov>; <HobgoodTD@state.gov>; "Jimenez, Luis A." <(b) (6) Privacy> <Joan.Evans@va.gov>; <john.gray@noaa.gov>; <John.Conger@osd.mil>; "Jonathan.Levy@hq.doe.gov" <Jonathan.Levy@hq.doe.gov>; "Morris, Jonathan G." <(b) (6) Privacy> "Josh Jacobs" <Joshua.Jacobs@va.gov>; <Judson.Jaffe@do.treas.gov>; "Kalil, Thomas A." <(b) (6) Privacy> <Krysta.harden@osec.usda.gov>; <Lauren.Kidwell@hhs.gov>; "Lee, Hannah" <(b) (6) Privacy> <MacDonald.Laura@dol.gov>; David McIntosh; <Meghan\_Conklin@ios.doi.gov>; "Moilanen, Stephen S." <(b) (6) Privacy> <OgdenPR@state.gov>; <Andrea.Palm@hhs.gov>; <PedersonED@state.gov>; <Peter.Kovar@hud.gov>; "Richard Verma" <vermarr@state.gov>; <Roberto.Rodriguez@do.treas.gov>; <Sarah\_Bittleman@ios.doi.gov>; "Schenewerk, Caryn B." <(b) (6) Privacy> "Seamus Ahern" <Seamus.Ahern@osd.mil>; "Stacey Rolland" <Stacey.Rolland@do.treas.gov>; <Steve\_Black@ios.doi.gov>; <Tina.May@osec.usda.gov>; <Uzzell.Megan@dol.gov>; "Zichal, Heather R."

< (b) (6) Privacy "Watkins, Kyle D." < (b) (6) Privacy  
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 <Ahsha.Tribble@noaa.gov>; "Andrea Mead" <Andrea.D.Mead@hud.gov>; "Brandon Hurlbut"  
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 <James.C.Lopez@hud.gov>; Jessica Gordon; <jim.sullivan@va.gov>; "John Conger"  
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 <kate.brandt@navy.mil>; <kathryn.thomson@dot.gov>; "Kenneth Lane"  
 <Kenneth\_lane@ios.doi.gov>; "Laura MacDonald" <MacDonald.Laura@dol.gov>; "Laura  
 Tatum" <tatum.laura@dol.gov>; "Leslie Grant" <Grant.Leslie@osec.usda.gov>; "Lindsay  
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 <Uzzell.Megan@dol.gov>; "Missy Owens" <Missy.Owens@hq.doe.gov>;  
 <Nate.Turnbull@Dot.Gov>; "Parita Shah" <PShah@doc.gov>; "Peter Ogden"  
 <ogdenPR@state.gov>; "Pitzer, Karrie S." < (b) (6) Privacy "Rod O'Connor"  
 <Rod.Oconnor@hq.doe.gov>; "Sandy Howard" <Sandra.Howard@hhs.gov>;  
 <shelley.r.poticha@hud.gov>; Shira Sternberg; Stephanie Owens; "Taylor Ferrell"  
 <taylor.ferrell@navy.mil>; "Zofia Szykowski" <Zofia.Szykowski@exim.gov>  
 Cc: "Belive, Lauren" < (b) (6) Privacy "Maher, Jessica A."  
 < (b) (6) Privacy "Heimbach, James T."  
 < (b) (6) Privacy "Greenawalt, Andrei M."  
 < (b) (6) Privacy

**Subject:** FW: Remarks by the President during press availability in Copenhagen - ceq in the news

01268-EPA-5077

**David  
McIntosh/DC/USEPA/US**  
12/18/2009 06:45 PM

To Richard Windsor  
cc  
bcc

Subject Re: Remarks by the President during press availability in  
Copenhagen - ceq in the news

And here's the final part:

THE PRESIDENT: With respect to the appendix, these countries have set forth for the first time some very significant mitigation efforts, and I want to give them credit for that. I mean, if you look at a country like India, as I said, they've got hundreds of millions of people who don't have electricity, hundreds of millions of people who, by any standard, are still living in dire poverty. For them, even voluntarily to say, we are going to reduce carbon emissions relative to our current ways of doing business by X percent is an important step. And we applaud them for that. The problem actually is not going to be verification in the sense that this international consultation and analysis mechanism will actually tell us a lot of what we need to know. And the truth is that we can actually monitor a lot of what takes place through satellite imagery and so forth. So I think we're going to have a pretty good sense of what countries are doing. What I think that some people are going to legitimately ask is, well, if it's not legally binding what prevents us from, 10 years from now, looking and saying, you know, everybody fell short of these goals and there's no consequences to it? My response is that, A, that's why I think we should still drive towards something that is more binding than it is. But that was not achievable at this conference. And the second point that I'd make is that Kyoto was legally binding and everybody still fell short anyway. And so I think that it's important for us, instead of setting up a bunch of goals that end up just being words on a page and are not met, that we get moving -- everybody is taking as aggressive a set of actions as they can; that there is a sense of mutual obligation and information sharing so that people can see who's serious and who's not; that we strive for more binding agreements over time; and that we just keep moving forward. That's been the main goal that I tried to pursue today. And I think that as people step back, I guarantee you there are going to be a lot of people who immediately say, the science says you got to do X, Y, Z; in the absence of some sort of legal enforcement, it's not going to happen. Well, we don't have international government, and even treaties, as we saw in Kyoto, are only as strong as the countries' commitments to participate. Because of the differing views between developing countries and developed countries, in terms of future obligations, the most important thing I think we can do at this point -- and that we began to accomplish but are not finished with -- is to build some trust between the developing and the developed countries to break down some of the logjams that have to do with people looking backwards and saying, well, Kyoto said this, or Bali said that, or you guys need to do something but we don't need to do something; getting out of that mindset and moving towards a position where everybody recognizes we all have to move together. If we start from that position, then I think we're going to be able to make progress in the future. But this is going to be hard. This is hard within countries; it's going to be even harder between countries. And one of the things that I've felt very strongly about during the course of this year is that hard stuff requires not paralysis, but it requires going ahead and making the best of the situation that you're in at this point, and then continually trying to improve and make progress from there. Okay, thank you very much everybody. We'll see some of you on the

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---

**From:** Richard Windsor  
**Sent:** 12/18/2009 06:39 PM EST  
**To:** David McIntosh  
**Subject:** Re: Remarks by the President during press availability in Copenhagen - ceq in the news

Remarks didn't come thru for some reason

---

**From:** David McIntosh  
**Sent:** 12/18/2009 06:33 PM EST  
**To:** windsor.richard@epa.gov; oster.seth@epa.gov; depass.michelle@epa.gov  
**Subject:** Fw: Remarks by the President during press availability in Copenhagen - ceq in the news

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**From:** "Zelman, Allison L." <(b) (6) Privacy>  
**Sent:** 12/18/2009 06:31 PM EST  
**To:** "Zelman, Allison L." <(b) (6) Privacy> <Robert.Letteney@dot.gov>; "Aldy, Joseph E." <(b) (6) Privacy> KevinJ Bailey; "Ben Kobren" <kobrenbm@state.gov>; "Brian Kennedy" <Kennedy.Brian@Dol.gov>; <Christine.koronides@sba.gov>; <Christopher\_Mansour@ios.doi.gov>; "Cobb Mixer" <Cobb.mixer@do.treas.gov>; "Courtney Gregoire" <CGregoire@doc.gov>; <Dan.Utech@hq.doe.gov>; <dana.gresham@dot.gov>; "Dave Turk" <TurkDM@state.gov>; <david.kim@dot.gov>; <David.Vandivier@do.treas.gov>; <Donny.R.Williams@hud.gov>; <emil.michael@sd.mil>; "Farrell, Diana" <(b) (6) Privacy> "Fisher, Alyssa D." <(b) (6) Privacy> "Givens, Shelia" <(b) (6) Privacy> Jessica Gordon; <Grant.Leslie@osec.usda.gov>; <HobgoodTD@state.gov>; "Jimenez, Luis A." <(b) (6) Privacy> <Joan.Evans@va.gov>; <john.gray@noaa.gov>; <John.Conger@osd.mil>; "Jonathan.Levy@hq.doe.gov" <Jonathan.Levy@hq.doe.gov>; "Morris, Jonathan G." <(b) (6) Privacy> "Josh Jacobs" <Joshua.Jacobs@va.gov>; <Judson.Jaffe@do.treas.gov>; "Kalil, Thomas A."

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 <Uzzell.Megan@dol.gov>; "Missy Owens" <Missy.Owens@hq.doe.gov>;  
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 <shelley.r.poticha@hud.gov>; Shira Sternberg; Stephanie Owens; "Taylor Ferrell"  
 <taylor.ferrell@navy.mil>; "Zofia Szykowski" <Zofia.Szykowski@exim.gov>  
 Cc: "Belive, Lauren" <(b) (6) Privacy "Maher, Jessica A."  
 <(b) (6) Privacy "Heimbach, James T."  
 <(b) (6) Privacy "Greenawalt, Andrei M."  
 <(b) (6) Privacy

**Subject:** FW: Remarks by the President during press availability in Copenhagen - ceq in the news

01268-EPA-5078

**Richard Windsor/DC/USEPA/US**  
12/18/2009 07:23 PM

To David McIntosh  
cc  
bcc  
Subject Re: Remarks by the President during press availability in Copenhagen - ceq in the news

Tx

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**From:** David McIntosh  
**Sent:** 12/18/2009 06:45 PM EST  
**To:** Richard Windsor  
**Subject:** Re: Remarks by the President during press availability in Copenhagen - ceq in the news

And here's the final part:

THE PRESIDENT: With respect to the appendix, these countries have set forth for the first time some very significant mitigation efforts, and I want to give them credit for that. I mean, if you look at a country like India, as I said, they've got hundreds of millions of people who don't have electricity, hundreds of millions of people who, by any standard, are still living in dire poverty. For them, even voluntarily to say, we are going to reduce carbon emissions relative to our current ways of doing business by X percent is an important step. And we applaud them for that. The problem actually is not going to be verification in the sense that this international consultation and analysis mechanism will actually tell us a lot of what we need to know. And the truth is that we can actually monitor a lot of what takes place through satellite imagery and so forth. So I think we're going to have a pretty good sense of what countries are doing. What I think that some people are going to legitimately ask is, well, if it's not legally binding what prevents us from, 10 years from now, looking and saying, you know, everybody fell short of these goals and there's no consequences to it? My response is that, A, that's why I think we should still drive towards something that is more binding than it is. But that was not achievable at this conference. And the second point that I'd make is that Kyoto was legally binding and everybody still fell short anyway. And so I think that it's important for us, instead of setting up a bunch of goals that end up just being words on a page and are not met, that we get moving -- everybody is taking as aggressive a set of actions as they can; that there is a sense of mutual obligation and information sharing so that people can see who's serious and who's not; that we strive for more binding agreements over time; and that we just keep moving forward. That's been the main goal that I tried to pursue today. And I think that as people step back, I guarantee you there are going to be a lot of people who immediately say, the science says you got to do X, Y, Z; in the absence of some sort of legal enforcement, it's not going to happen. Well, we don't have international government, and even treaties, as we saw in Kyoto, are only as strong as the countries' commitments to participate. Because of the differing views between developing countries and developed countries, in terms of future obligations, the most important thing I think we can do at this point -- and that we began to accomplish but are not finished with -- is to

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**Sent:** 12/18/2009 06:39 PM EST  
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**Subject:** Re: Remarks by the President during press availability in Copenhagen - ceq in the news

Remarks didn't come thru for some reason

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<(b) (6) Privacy> "Greenawalt, Andrei M."  
<(b) (6) Privacy>

**Subject:** FW: Remarks by the President during press availability in Copenhagen - ceq in the news

01268-EPA-5079

**Bob Perciasepe/DC/USEPA/US**  
12/19/2009 10:45 AM

To "Richard Windsor", "Diane Thompson"  
cc  
bcc

Subject Fw: EPA Response to passback appeal settlement proposal

FYI

I'll keep you posted. I have reviewed this with Guzy at CEQ as well.

Bob  
Bob Perciasepe  
Office of the Administrator  
(o)202 564 4711  
(c)(b) (6) Privacy  
Bob Perciasepe

----- Original Message -----

**From:** Bob Perciasepe  
**Sent:** 12/19/2009 12:27 AM EST  
**To:** (b) (6) Privacy  
**Cc:** Barbara Bennett  
**t:** EPA Response to passback appeal settlement proposal

(b) (5) Deliberative

FY\_2011\_Appeal.pdf

Sally:

I want you to know how much we appreciate (b) (5) Deliberative

We also understand and support the overall need for budget constraint which is why we look to this approach to remedying the needs and commitments while staying within the pass-back level.

To support the Administration's FY 2011 budgetary goals, we accept the overall EPA FY 2011 funding level of \$9.9 billion. (b) (5) Deliberative

(b) (5) Deliberative

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(b) (5) Deliberative

We must continue to propel EPA closer to meeting our goals, such as GHG emissions reductions,

implementing the Chesapeake Bay Executive Order, reducing Chemical Risk and proceeding with Endocrine Disruptor efforts. [REDACTED] (b) (5) Deliberative [REDACTED]

Finally, to support basic EPA needs, funding is necessary for payroll, rent, IT and equipment.

Attached is the Administrator's proposal for moving forward on the final FY 2011 Budget for EPA.

We look forward to discussing this face-to-face.

Bob and Barbara

01268-EPA-5080

Peter Silva/DC/USEPA/US

12/22/2009 01:12 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane Thompson, Arvin Ganesan, Seth Oster

cc

bcc

Subject Fw: Bay-Delta rollout materials

I am forwarding the release of the federal inter-agency CA Bay Delta MOU. The press release is apparently set for 2 pm EST. (b) (5) Deliberative

(b) (5) Deliberative

Let me know if you have any questions.

Peter S. Silva  
 Assistant Administrator  
 Environmental Protection Agency  
 Office of Water  
 Telephone: (202) 564-5700  
 FAX: (202) 564-0488

Mailing Address: 1200 Pennsylvania Ave., NW, Mail Code 4101M, Washington, DC 20460-0001

Physical/FedEx/Courier Address: 1201 Constitution Ave., NW, Rm. 3219 EPA East Building, Washington, DC 20004-3302

----- Forwarded by Peter Silva/DC/USEPA/US on 12/22/2009 01:04 PM -----

From: "Klasen, Matthew N." <(b) (6) Privacy>  
 To: Roger Gorke/DC/USEPA/US@EPA, <joellen.darcy@us.army.mil>, <JReich@doc.gov>, <kelly.denit@noaa.gov>, <Monica.medina@noaa.gov>, <Robert.Bonnie@osec.usda.gov>, <rock.salt@us.army.mil>, Peter Silva/DC/USEPA/US@EPA, <tanya.dobrzynski@noaa.gov>, <Eileen\_Sobeck@ios.doi.gov>, <ann.mills@osec.usda.gov>, <mlconnor@usbr.gov>, <Lori\_Caramanian@ios.doi.gov>, <andrew.hagelin@conus.army.mil>, <jtoaleisen@doc.gov>, Karen Schwinn/R9/USEPA/US@EPA, Laura Yoshii/R9/USEPA/US@EPA, <Jessica.Kondel@noaa.gov>, <Ada.Benavides@usace.army.mil>, <Chip.Smith@HQDA.Army.Mil>, <Steven.L.Stockton@hq02.usace.army.mil>, "Ericsson, Sally C." <(b) (6) Privacy>  
 Cc: "Boling, Edward A." <(b) (6) Privacy>, "Ebner, Eugene M." <(b) (6) Privacy>, "Hight, Courtney" <(b) (6) Privacy>, "Mertens, Richard A." <(b) (6) Privacy>, <arnab.raychaudhuri@us.army.mil>, <Barbara\_Diehl@ios.doi.gov>, <Kat\_Pustay@ios.doi.gov>, "Siegel, Matthew J." <(b) (6) Privacy>, "Johnson, Barbara A." <(b) (6) Privacy>, "Abigail Gaudario/R9/USEPA/US@EPA, "Nuzum, Robert S." <(b) (6) Privacy>, "Fong, Tera L." <(b) (6) Privacy>, <david\_nawi@ios.doi.gov>, Tom Hagler/R9/USEPA/US@EPA, "Townsend, James M LRL" <James.M.Townsend@usace.army.mil>, "Belin, Letty" <Letty\_Belin@ios.doi.gov>, "Boots, Michael J." <(b) (6) Privacy>, "Ihenetu, Camilla" <Camilla\_Ihenetu@ios.doi.gov>, "Dean, Jennie H." <(b) (6) Privacy>, "Mesdag, Kira A." <(b) (6) Privacy>  
 Date: 12/22/2009 01:02 PM  
 Subject: Bay-Delta rollout materials

Hello everyone,

Attached are the documents for today's Bay-Delta rollout, which we expect to occur at 2 pm EST. Attached are the following:

- The final Federal Interim Action Plan;
- Press release (expected for 2 pm);
- One-page summary of the Plan (**not for release**); and
- Three-page Q&As for today's release (**not for release**)

Thanks to DOI for pulling together today's rollout materials, and thanks to all of you for helping pull this together.

Best,  
Matt

-----  
Matt Klasen  
White House Council on Environmental Quality  
736 Jackson Place NW  
Washington DC 20503

(b) (6) Privacy

(b) (6) Privacy



(b) (5) Deliberative

2009-12-22 Bay-Delta Interim Federal Action Plan.pdf fed\_work\_plan\_1\_pg\_summary-122209.doc



(b) (5) Deliberative

12-22-09\_FINAL Ca Water release.docx q\_a\_re\_fed\_work\_plan-1222.pdf



OFFICE OF THE SECRETARY  
**U.S. Department  
of the Interior**

[www.doi.gov](http://www.doi.gov)

## News Release

Date: December 22, 2009

Contact: Kendra Barkoff

(202) 208-6416

### **Obama Administration Officials Release Interim Federal Action Plan for Water Crisis in California Bay-Delta**

**WASHINGTON, D.C.** – The Obama Administration today released a coordinated interim action plan to address the water crisis in California. In accordance with a Memorandum of Understanding (MOU) signed by six federal agencies at the end of September, Secretary of the Interior Ken Salazar and Chair Nancy Sutley of the White House Council on Environmental Quality (CEQ) joined the Department of Commerce, Environmental Protection Agency (EPA), the Department of the Army and the Department of Agriculture to release a list of actions being taken by the six federal agencies.

“The California water crisis is a full-blown crisis that requires all hands on deck to help those who are suffering. We are moving aggressively to do our part to address the urgent need to provide reliable water supplies for 25 million Californians, while also protecting the Bay-Delta ecosystem upon which the supplies depend,” Secretary Salazar said. “Everything we do will be done in close partnership with the State of California and will build upon the path-breaking legislation recently enacted by the State.”

"The Obama Administration is committed to robust reengagement in restoring the Bay-Delta ecosystem and addressing California's water needs," said Nancy Sutley, Chair of the White House Council on Environmental Quality. "The actions that Federal agencies announce today will have real, on-the-ground impacts in 2010 and will complement the State of California's ongoing response."

#### **The coordinated federal action plan will:**

- **strengthen the federal government's coordination of actions with the state** – especially its commitment to more fully engage federal agencies in the Bay Delta Conservation Plan, the most significant effort currently underway to address critical long-term water issues in California.

- **help to meet water needs through actions that promote smarter water supply and use** such as constructing projects that increase flexibility in the water supply system; enhancing water transfers; ensuring that the best science is applied to water supply decisions; and intensifying and aligning Federal water conservation efforts with those of the state.

- **help ensure healthy ecosystems and improved water quality** through independent reviews of key scientific questions, including a review of all factors that are contributing to the decline of the Bay-Delta ecosystem; investigation and mitigation of other stressors affecting water quality in the Bay-Delta and impacts to its imperiled species; advancing ecosystem restoration projects, including near-term habitat projects in the Bay-Delta; accelerating the restoration and propagation of Delta smelt and other aquatic species; continuing construction of fish screens; and addressing climate change impacts on the Bay-Delta.

- **call for agencies to help deliver drought relief services and ensure integrated flood risk management**, including the prioritization of projects and activities for flood risk management and related levee stabilization projects and navigation.

Deputy Secretary of the Interior David J. Hayes today noted that the federal officials reviewed and considered public comments in preparing this interim plan. “This plan was produced on an expedited basis due to the crisis, and it will remain a living document that is updated and revised on a going-forward basis.”

The federal agencies will now begin to implement the actions contained in this plan, working in close partnership with the State of California to advance their shared priorities.

To view the draft plan, go here: <http://www.doi.gov/documents/CAWaterWorkPlan.pdf>

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# Interim Federal Action Plan for the California Bay-Delta

December 22, 2009



## Introduction

On September 29, 2009, six Federal agencies – the Department of the Interior (DOI), Department of Commerce, Department of Agriculture (USDA), Department of the Army, Environmental Protection Agency (EPA), and the Council on Environmental Quality – signed the California Bay-Delta Memorandum of Understanding (MOU). The MOU established a Federal Leadership Committee to coordinate the Federal response to the California water crisis and to facilitate a partnership with the State of California in addressing California's water supply and environmental challenges. The MOU also committed the Federal agencies to develop an Interim Action Plan on an expedited basis.

The MOU reflects the latest manifestation of the Administration's ongoing effort to address California's water issues in an aggressive and coordinated fashion. The Administration is giving priority attention to these issues because the Sacramento/San Joaquin River Delta-San Francisco Bay Estuary (Bay-Delta) is among the most important estuary ecosystems in the nation. The Bay-Delta is the hub of the nation's largest water delivery system, providing drinking water to 25 million Californians. The ecosystem sustains about \$400 billion of annual economic activity, including a \$28 billion agricultural industry and a robust set of recreational opportunities.<sup>1</sup> Until recently, it has supported a thriving commercial and recreational fishing industry that normally contributes hundreds of millions of dollars annually to the California economy. The Bay-Delta is home to 55 species of fish and 750 species of plants and wildlife.

The Bay-Delta is in crisis. After decades of steep and steady decline, the ecosystem has reached a point of collapse, with some imperiled fish species at all-time low population levels and threats from climate change and associated sea-level rise, seismic risks, and other stressors – such as pesticides, pollutant discharges, and invasive species – underscoring the system's vulnerability. California has experienced three consecutive years of drought during which annual reservoir recharge has been only one-half to two-thirds of average.<sup>2</sup> As a result, water supply managers are facing the potential of a fourth consecutive dry year with low reservoir levels, and both agricultural and urban water customers are being asked to make significant reductions in water use. Fisheries also continue to reflect the damaging effects of drought on top of many decades of environmental degradation of the Bay-Delta. The commercial fishing season continues its third year of painful restrictions, including the closure of the commercial salmon fishery. The State of California estimates that the fishery closure in 2009 alone caused the loss of 2,690 jobs and led to an economic loss of \$279 million.<sup>3</sup>

<sup>1</sup> Fact Sheet, Office of the Governor, State of California, <http://www.gov.ca.gov/index.php?fact-sheet/6969/>; News Release No. 03-083, California Department of Food and Agriculture, <http://www.cdfa.ca.gov>.

<sup>2</sup> "California Drought: Hydrological and Regulatory Water Supply Issues," Congressional Research Service (Dec. 7, 2009), p.1.

<sup>3</sup> April 21, 2009, Proclamation by Governor Arnold Schwarzenegger, "State of Emergency – Chinook Salmon."

The economic impacts of this crisis on the people of California have been severe, particularly in the Central Valley, which is among the lowest income regions of California. Already high as a result of the housing and economic crisis, unemployment in the Central Valley has increased as a result of the region's severe drought conditions, water use restrictions, and other complex factors. Both farmers and cities are facing continued uncertainty in their future water supplies.

It has become apparent that the State's water infrastructure, built many decades ago by the State and Federal governments to serve half the population it does today, is a system under considerable strain. With California's population expected to increase by another 20 million by 2050, it is imperative that everyone – the State, the Federal Government, local governments, farmers, urban residents, and all Californians – share responsibility for addressing this crisis and building a sustainable water future.

In the context of a broader effort to promote the restoration of important ecosystems nationwide (such as the Chesapeake Bay, Everglades, and Great Lakes), the Obama Administration has taken swift and wide-ranging action to move California water issues from the back burner to the forefront of Federal attention during 2009. The Federal Government has invested more than \$1 billion this year in addressing California's water needs. It has initiated independent review of the scientific issues associated with the continuing decline of Bay-Delta endangered and threatened species. It has expedited and expanded voluntary water transfers in the Central Valley to aid drought-stricken water districts. And it has dedicated more than \$40 million toward immediate drought relief projects. After several years of being on the sidelines, the Administration is working in close partnership with the State of California to develop both short-term actions and a long-term strategy for providing a sustainable water supply and successful ecosystem restoration.

## **The Interim Federal Action Plan**

This Interim Federal Action Plan (Interim Action Plan) has been developed to further the goals of the MOU entered into by six Federal agencies on September 29, 2009. The MOU sets out the Administration's vision of a healthy and sustainable Bay-Delta ecosystem that provides for a high-quality, reliable, and sustainable long-term water supply for California, and restores the environmental integrity and sustainability of the Bay-Delta ecosystem. As noted above, the MOU formally establishes the Bay-Delta Federal Leadership Committee to coordinate Federal efforts related to California's ongoing water crisis, and it specifically provides for the expeditious development of this Interim Action Plan.

With this Interim Action Plan, the Federal agencies are describing in a single document a variety of Federal actions and investments that the Administration is undertaking in a coordinated fashion to help address California's current water supply and ecological crises. The Federal Leadership Committee will be actively monitoring short, mid-term and long-term needs and developments. This Interim Action Plan will be subject to ongoing review and revision as circumstances warrant.

### Commitment to Work Closely With the State of California and Local Authorities

The most important aspect of the Interim Action Plan is the Federal Government's reaffirmation of its partnership with the State of California and local authorities, and its commitment to coordinate its actions with those of the State and local authorities. The Administration recognizes that the State of California bears the primary responsibility to address water needs in the State, and that many of the actions that must be taken to balance water supply and demand, and to restore environmental damage lie in the hands of State and local authorities. In that regard, we applaud the ongoing leadership that the Governor and the State legislature have demonstrated in ensuring a sustainable water supply and a healthy Bay-Delta ecosystem. In particular, the State has engaged in a series of long-term, stakeholder-driven planning efforts during the last several years, from the Delta Vision process to the Bay-Delta Conservation Plan (BDCP). The Governor and the California legislature also recently enacted a comprehensive package of water reforms that codifies the State's commitment to pursue enhanced water supply reliability and ecosystem restoration as co-equal goals. This Interim Action Plan embraces the pursuit of the co-equal goals that are now codified in State law: *"providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem."*<sup>4</sup>

This Interim Action Plan focuses primarily on a set of immediate near-term actions that complement the longer term planning processes already underway in California. Most important in that regard, as discussed further below, Federal agencies are eager to support the State of California's recently enacted water legislation, including its support for the BDCP process and its commitment to develop a new Delta plan pursuant to recently enacted State law. As these efforts develop, Federal agencies will continually reevaluate their priorities and actions to help ensure synergies between Federal, State, and local activities and to leverage resources.

### Promoting Science-Based Decisions

In addition to emphasizing the Federal commitment to work closely with the State of California on these issues, this Interim Action Plan reflects a Federal commitment to relying on science-based decisions in developing and implementing solutions for diverse Bay-Delta challenges, including water supply, ecosystem restoration, flood risk management, and drought relief. Federal agencies recognize that a variety of stressors have contributed to the current ecological and water supply crisis. They also recognize that a holistic, watershed-scale approach is critical for effectively addressing the impacts of these stressors. As manifested in this Interim Action Plan, Federal agencies believe that they must target their resources toward the full set of factors affecting the Bay-Delta system in order to see tangible improvements in water supply and ecosystem health.

<sup>4</sup> SBX7 1 (Simitian/Steinberg), signed into law on November 12, 2009), amending Cal. Pub. Res. Code Section 29702.

Promoting high-quality science will help ensure that decisions are not made on the basis of incomplete or speculative scientific analysis, which can lead to continued stakeholder conflict rather than sustainable science-based solutions. High-quality scientific information can help agencies and stakeholders understand the current status of the system, the causes of its decline, and the probable effects of alternative actions and policy choices.

This emphasis on science-based decisions permeates this Interim Action Plan and is a significant component of each of the agencies' key actions. Enhancing our scientific understanding through research activities in each of these areas – and making decisions based on this enhanced understanding – will ensure that Federal agencies are most effective in promoting a sustainable long-term future for the Bay-Delta.

### Ensuring Effective Performance

Federal agencies recognize and expect that their enhanced focus on Bay-Delta restoration and reliable water supply will translate into concrete, measurable, and timely results. Toward this end, this Interim Action Plan includes a list of specific actions that are designed to yield meaningful, quantitative results wherever possible. To gauge the success of specific initiatives in this Interim Action Plan – and to define the success of Federal activities overall – the agencies will develop clear and concrete milestones and measures of success.

Federal agencies recognize that this Interim Action Plan represents only one step in the Federal Government's renewed commitment to the Bay-Delta after a long period of relative detachment, and that this plan will require periodic re-evaluation and revision to be effective. Federal agencies will carefully monitor progress under this Interim Action Plan, gauge the success of existing efforts, and realign, curtail, or cancel projects not achieving results. Additionally, as Federal, State, and local priorities change and long-term planning processes under the BDCP and California's new legislative package move ahead, the Interim Action Plan and its actions will be revised to fit these evolving priorities.

On November 5, 2009, President Obama published a memorandum in the Federal Register that recognizes the unique legal and political relationship between the United States and Indian tribal governments, and that commits Federal agencies to meaningful consultation and collaboration with tribal officials. Consistent with this memorandum, Federal agencies recognize the need to coordinate and consult with tribal governments as agencies work to implement this Interim Action Plan.

## **Organization of this Interim Federal Action Plan**

This Interim Action Plan organizes the set of Federal actions into four interconnected priorities. These priorities cut across and coordinate among the program- or issue-specific "stovepipes" common to the Federal Government, emphasizing agencies' enhanced commitment to collaborative and interdisciplinary solutions both among Federal agencies and with State and

local authorities. Achieving meaningful results will require effective integration and prioritization of programs and resources across Federal and State agencies and with affected stakeholders.

Federal priorities are as follows:

*First*, agencies will **work in concert with the State of California and local authorities** in producing the Bay-Delta Conservation Plan (BDCP) and in developing joint planning activities with the State.

*Second*, agencies will work together to **encourage the smarter supply and use of Bay-Delta water**. Agencies will facilitate permitting and construction of the Delta-Mendota and California Aqueduct Intertie, enhance water transfers, implement scientific evaluation of turbidity and Delta smelt, conduct independent scientific reviews of the impact of Bay-Delta biological opinions, intensify and align Federal water conservation efforts with those of the State and affected communities, and support water efficiency and conservation in agriculture.

*Third*, agencies will work together on programs and projects to **ensure healthy Bay-Delta ecosystems and improve water quality**. Recognizing that Delta restoration will require a robust watershed approach, agencies will investigate and mitigate other stressors affecting Bay-Delta species, accelerate construction and upgrade of species restoration facilities, advance ecosystem restoration projects, prioritize projects that reduce fish-water supply interactions, address climate change, and diversify water supply for refuges.

*Fourth*, agencies will work together to **help deliver drought relief services and ensure integrated flood risk management**, including providing statutorily authorized drought relief programs and drought management tools for farmers, and developing more holistic plans for stabilizing existing flood control infrastructure and managing flood risk.

To implement these priorities, Federal agencies have targeted their resources toward a narrow set of ongoing, newly focused, and/or new initiatives. Several of these projects will yield tangible results soon, and several others will enhance our knowledge of the system in order to inform longer term decision-making. Highlighting a select number of these ongoing initiatives in this Interim Action Plan reaffirms their continued importance and reinforces agencies' commitment to getting the job done. The emerging or re-focused issues and initiatives included in this Interim Action Plan represent new efforts or priorities that will be launched as expeditiously as possible by Federal agencies to help address California's water crisis.

The actions and recommendations included in this Interim Action Plan represent those that the Federal Leadership Committee and its agencies currently propose to undertake with projected resources. The Committee has committed to using existing resources to begin implementation of this strategy wherever possible. Funds from other activities may be used to support these high-priority activities as available. The President's Budget for Fiscal Year (FY) 2011 is currently under development and will be released in February 2010. The completion of the FY 2011

President's Budget will help to inform the implementation of actions contained in this Interim Action Plan. In addition, the House of Representatives recently passed legislation that, if enacted, would impact activities that could be undertaken by the Federal Agencies.

This Interim Action Plan is not a final agency action subject to judicial review, nor is it considered a rule. Nothing in this Interim Action Plan is meant to, or in fact does, affect the substantive or legal rights of third parties or bind the Federal agencies.

## **I. Work in Close Partnership with the State of California and Local Authorities to Ensure Smarter Water Use and Restore Healthy Ecosystems**

### **A. Revitalize Federal-State-Local Partnership in Development of the Bay-Delta Conservation Plan**

**Federal agencies are committed to and will bolster their active participation in partnership with the State and local authorities in the collaborative, long-term Bay-Delta Conservation Plan (BDCP) process.** Federal agencies recognize the importance of cooperating closely with their State and local counterparts in addressing Bay-Delta issues. The BDCP is a collaborative process among diverse stakeholders that is intended to produce a science-based, long-term plan. It is the most significant effort currently under way to address the long-term critical water issues facing California. The BDCP intends to identify a set of water flow and habitat restoration actions to contribute to the recovery of endangered and sensitive species and their habitats in the Bay-Delta, thereby providing for both species/habitat protection and improved reliability and flexibility in water supply, while ensuring the vitality of communities and agriculture.

Federal agencies are fully committed to the BDCP process and will more fully engage in it in order to help set a long-term path for reliable water supply, habitat restoration, and response to the Delta's non-water-supply stressors. They will dedicate resources to develop and process the documents needed to expeditiously move the plan forward, including the draft of the plan itself, the associated Environmental Impact Statement (EIS), and permits under the Federal Endangered Species Act (ESA) and the Clean Water Act that comply with the provisions of these Federal laws.

### **B. Develop a Near-Term Coordinated Federal-State Plan to Help Implement Key Aspects of California's Recently Enacted Water Legislation**

**Federal agencies will work in partnership with California authorities to help implement key aspects of the State's new water legislation.** As noted above, the California legislature recently passed, and the Governor signed, a comprehensive package of water reforms that

addresses many of the underlying challenges facing this ecosystem. In particular, the legislation created a Delta Stewardship Council, established new State-wide water conservation targets, and called for improved groundwater monitoring and increased enforcement of illegal water diversions. The legislation also provides for a more comprehensive Delta Plan that furthers the co-equal goals of providing a more reliable water supply and protecting, restoring, and enhancing the Delta ecosystem. Federal agencies are reviewing this recently enacted California legislation to better understand where it can partner with the State of California to coordinate its restoration efforts.

As the State of California begins to implement this new legislation, Federal agencies will work in close partnership with their State counterparts to identify joint priorities and opportunities for more robust collaboration. These priorities and opportunities will be embodied in a Coordinated Federal-State Work Plan on California water issues to be developed by February 2010. The Coordinated Federal-State Work Plan will focus on near-term actions to be taken during 2010 and will complement this Interim Action Plan and add specificity to several actions described herein. The Coordinated Federal-State Work Plan will also address Federal involvement in aspects of the recently enacted California legislation, including the Delta Stewardship Council, the to-be-developed Delta Plan and its BDCP foundation, and the habitat restoration provisions of the Sacramento-San Joaquin Delta Conservancy's Strategic Plan. Federal agencies also recognize the need to work closely with the State and local authorities in developing mid- and longer term infrastructure options that can potentially address the chronic conflicts that led the Delta Vision report commissioned by the Governor to conclude that current water supply strategies are unsustainable in the face of Bay-Delta ecosystem collapse, climate change impacts, and seismic risks.

## **II. Encourage Smarter Supply and Use of Bay-Delta Water**

### **A. Expedite Permitting and Construction of the Delta-Mendota and California Aqueduct Intertie Project**

**In an effort to further improve water supply in this shared Federal-State water system, Federal agencies will expeditiously complete permitting and construction of the Delta-Mendota and California Aqueduct Intertie Project.** As proposed, the Intertie would further the Federal-State partnership in water operations by connecting the Delta-Mendota Canal (DMC) and the California Aqueduct via a new pipeline and pumping plant. This action would address DMC conveyance conditions that presently restrict full use of the C.W. "Bill" Jones Pumping Plant, which is the primary Federal water delivery facility that provides water to Central Valley Project (CVP) contractors south of the Bay-Delta.

The Intertie will allow for maintenance and repair activities that are less disruptive to water deliveries, provide the flexibility to respond to CVP and State Water Project (SWP) emergencies,



and potentially restore as much as 35,000 acre-feet of average annual supply to the CVP. The Intertie project is currently undergoing expedited environmental review by the Bureau of Reclamation (Reclamation) and other agencies. In December 2009, the Record of Decision (ROD) for the Intertie will be signed. Construction will likely commence in June 2010 and be completed by October 2011.

## **B. Enhance Water Transfers for Improved Water Supply**

In an effort to use existing water supplies in the smartest and most efficient ways possible, voluntary water transfers and efficiency improvements in operating the CVP and SWP will play an increasingly important role. In 2009, Reclamation and other Federal agencies (including, in particular, the US Fish & Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS)), working with the California Department of Water Resources (DWR), facilitated the transfer of over 600,000 acre-feet of water by and among CVP contractors and users of SWP water to ensure water was available to the highest-priority users.

Federal agencies are committed to building on the record-breaking transfer activity that they facilitated in 2009. Toward that end, Federal agencies will work with DWR to continue to devote priority attention to willing-buyer, willing-seller water transfers to help move water to areas that need it most. In 2010 and beyond, Federal agencies and DWR are developing a two-year water transfer program based in part on the 2009 Drought Water Bank. In 2012, the agencies are pursuing a ten-year Programmatic Water Transfer Program, which is intended to improve the environmental review associated with potential transfers in order to expedite the ability of the water market to meet outstanding needs in future years, consistent with the environmental provisions of applicable laws and the parameters and guidelines set forth in the Central Valley Project Improvement Act.

This effort will involve close coordination among Federal, State, and local water and wildlife managers to move the transferred water within available pumping periods to areas where the water is most needed. Also, to facilitate improved planning, Reclamation has issued rescheduling guidelines that will allow water contractors south of the Bay-Delta to carry-over stored water for use in 2010. Finally, Reclamation will work with DWR and other relevant entities to evaluate the need for a consolidated place of use permit from the State Water Resources Control Board (SWRCB) to better facilitate transfers. Under existing water rights permits, the application of CVP water is limited to geographic areas known as "places of use." The same applies to the SWP's permit. To facilitate water transfers in 2010, Reclamation and DWR propose to petition the SWRCB to allow for a merging of the combined CVP and SWP places of use, thereby allowing CVP water to be delivered to SWP areas and for SWP water to be delivered to CVP areas.

The specific goal for 2010 is to facilitate and expedite transfers of water between willing sellers and buyers. Reclamation is cooperating with DWR to obtain programmatic environmental

documentation that will cover north-to-south transfers for the 2010 water year. Consistent with current practices, Reclamation also will work to allow use of CVP facilities (via Warren Act contracts) to convey and store non-CVP water.

### **C. Implement the Scientific Evaluation Called for in the 2-Gates Project on an Expedited Basis**

- 1) 2-Gates Fish Protection Demonstration Project:** In an effort to better inform water supply decisions and improve water operations, Federal agencies have been pursuing a demonstration project related to the movement of delta smelt. This project was proposed as a scientific experiment to test the hypotheses that delta smelt follow turbidity and that smelt entrainment at the pumps could be prevented by keeping turbid water away from the pumps. The project called for the mounting of gate structures on barges and then the installation of such structures at Old River and Connection Slough. Once in place, the gates would be operated to reduce turbidity near the State and Federal pumps, and an evaluation could then be made of whether turbidity is, in fact, an accurate predictor of the presence of smelt. If such a correlation were established, the new information potentially could be used to allow for higher pumping levels during periods of clear water near the pumps.

Federal agencies have undertaken intensive review and permitting efforts on this project in recent months. As the reviews have proceeded, it has become clear that the project purpose could most expeditiously be advanced by first proving (or disproving) the underlying hypothesis that must be established for the 2-Gates project to be effective as a potential water supply enhancement. Indeed, if the hypothesis that smelt move with turbid waters can be demonstrated in the field, it may be possible to adjust pumping rates without the physical installation of the gates (for example, by increasing pumping rates during clear water periods).

These developments spurred the Federal agencies, through the U.S. Geological Survey (USGS), to immediately undertake and implement a new project (described below) to evaluate the smelt-turbidity relationship, with the hope that the project can provide information more quickly than waiting for the installation of the 2-Gates project.

- 2) Accelerated Field Study of a Potential Smelt-Turbidity Relationship:** The delta smelt Biological Opinion (BO) issued by FWS contains provisions prescribing a range of flow limitations that affect water exports from the Delta pumps. The flow limitations and levels at which the pumps may operate are to be determined by the interagency Smelt Working Group in consideration of hydrologic conditions and potential entrainment of the species at the pumps. USGS scientists, working together with other Federal and State agency scientists and independent scientists from UC Davis, have been working intensively over the last few months to implement a new project that will gather field-based data to evaluate a potential relationship between delta smelt and turbidity. The first phase of the project has

been implemented and included the installation of 14 real-time turbidity sensors in the Delta. These sensors now record and feed real-time turbidity measurements into a central location where they can be accessed for use in connection with water supply decision-making.

In the second phase of the study, USGS and partners will coordinate and oversee a pilot smelt sampling project before, during, and after major turbidity events that will help provide information on the location of delta smelt, the relationship between smelt and turbidity, and other factors relevant to smelt location, behavior, and movement. If the results of this USGS-coordinated project demonstrate that smelt tend to move with turbid waters, this new information could inform decision-making regarding allowable pumping during periods when the newly-installed sensors indicate that turbid waters will not be drawn into the pumps. The project results also may provide information about whether it would be a cost-effective strategy to install physical gates to attempt to diminish the interaction between turbid waters and the pumps and, if so, what the optimal location of such gates might be.

USGS anticipates that this study will be the initial step in an ongoing, long-term scientific effort to work with the Interagency Ecological Program (IEP) for the San Francisco Estuary, the CALFED Science Program (which will become the Delta Science Program), and other State and Federal partners to conduct comprehensive research to provide critical understandings about the relationship between water conditions and smelt movement. In future years, such research could yield new knowledge needed for water and fish management. Elements of the proposed work include turbidity/sediment models, hydrodynamic models, delta smelt life-cycle population modeling, integration of the physical and ecological models, and science for optimal multi-species management.

#### **D. Assist the National Academy of Sciences in Its Review of the Potential Availability of Alternative Water Supply Opportunities**

DOI and the Department of Commerce are sponsoring a scientific review that is being conducted by the National Academy of Sciences (NAS) to provide an independent scientific evaluation of the relationship between Bay-Delta endangered species and water supply from the Delta.

The first phase of the NAS review will explore the potential for scientifically supportable alternatives that would lessen impacts to water supply while providing a level of protection to relevant fish species and their designated critical habitats equal to or greater than the protection currently provided. This analysis by NAS is expected by March 15, 2010. Federal agencies are preparing materials to assist the NAS panel in undertaking this important analysis. Agencies are committed to working cooperatively with the NAS as it explores, on an expedited

basis, whether alternative strategies can be employed in this water year to meet the dual goals of water supply and endangered species protection.

## **E. Strengthen Federal Water Conservation Efforts**

**Federal agencies will align their water conservation programs and focus efforts to help reduce demand in targeted regions.** One of the most important features of the recently enacted State legislation is the adoption of State-wide conservation strategies as a part of a comprehensive water supply plan for California's future.

The Federal agencies embrace California's commitment to water conservation and, through this Interim Action Plan, commit to provide Federal support for the conservation effort. Federal agencies also recognize the importance of taking a holistic view of the San Joaquin and Sacramento River Basins and the critical role that private and public lands play in the health of the ecosystem. In particular, acting through a variety of programs operated by the Bureau of Reclamation, USDA's Natural Resources Conservation Service (NRCS), and EPA, Federal agencies will coordinate the funding that they are providing through cost-shared financial and technical assistance to the State, agricultural entities and municipal water agencies for water management improvements and to accelerate implementation of conservation activities. The U.S. Army Corps of Engineers (Corps) also has ongoing water conservation work underway at a project level.

As part of the Federal agencies' reinvigorated focus on the Bay-Delta, they will work to expeditiously align their project planning, conservation, and project operations activities to leverage limited resources and to maximize benefits of water conservation in areas served by the CVP and SWP. Working closely with State and local partners, this Federal partnership will address both agricultural and municipal water use, assist the regions most affected by the drought and regulatory restrictions on pumping, and help the State meet its recently legislated goals of reducing urban water use 20% by 2020 while continuing to improve agricultural water-use efficiencies across the State.

More specifically, agencies will:

- Host a roundtable in February 2010 with State and local agencies (including SWRCB, DWR and the Department of Public Health) to explore tangible opportunities to further align implementation and Federal-State funding priorities for water recycling and conservation efforts;
- By April 2010, work with the State and local authorities to initiate joint planning studies and demonstration projects in 5 targeted regions served by the CVP and SWP;
- Build upon the joint USDA-DOI "Bridging the Headgate" initiative to provide conservation assistance to irrigation districts;
- Strategically identify areas most amenable for accelerated planning assistance;

- Enhance data availability for improved agricultural water decision-making, including the National Oceanic and Atmospheric Administration (NOAA)'s Seven-Day Evapotranspiration Project, a cooperative initiative with the State and UC Davis on providing forecasts that ensure more effective planning for future fresh water use;
- Focus voluntary, on-farm efforts directed toward water conservation, sediment reduction, invasive species control, pesticide reduction, and wildlife habitat improvement; and
- Improve and protect the health of the Sacramento and San Joaquin River headwaters and surrounding forest lands by restoring resiliency of forests to reduce the threats of catastrophic fire and by increasing water storage capacity and the attenuation of flows through wet meadow restoration in the Shasta-Trinity National Forest, Mendocino National Forest, and Sierra National Forest.

## **F. Support Water Efficiency and Conservation in Agriculture**

Through permanent statutory authority, USDA provides farmers and ranchers with financial and technical assistance to adopt water efficiency and conservation practices. These practices help producers stretch limited available water to bring in a crop, or help maintain the life of permanent orchards, vineyards and pasture. These projects include drip irrigation systems, irrigation water management, pruning, and stock water distribution systems.

During 2009, the 30-county Bay-Delta region has received \$28.3 million in financial assistance through the Environmental Quality Incentives Program (EQIP), the Wetlands Reserve Program, and the Agricultural Watershed Enhancement Program for undertaking a mix of voluntary on-farm conservation and water use efficiency projects. USDA provided \$1.3 million from October 2008 to September 2009 in 13 Bay-Delta counties through the Cooperative Conservation Partnership Initiative (CCPI), which leverages resources of partners – Tribes, local governments, nongovernmental organizations, and producer organizations – to provide financial and technical assistance for conservation programs.

In 2010, USDA anticipates building upon its programs in 2009 by:

- Providing similarly robust conservation and water efficiency funding and programs; and
- Doubling participation rates of agricultural producers in the Bay-Delta region in the Wetland Reserve Program, Wetland Reserve Enhancement Program, and Wildlife Habitat Incentives Program.

### **III. Work in a Focused and Expedited Manner to Address the Degraded Bay-Delta Ecosystem**

#### **A. Investigate and Mitigate Stressors Affecting Bay-Delta Species**

**Federal agencies will target their efforts to investigate and mitigate the impacts of stressors on imperiled native species and the Bay-Delta ecosystem.** Water quality in the Delta and its tributaries is impaired, contributing to the ecological and water supply crisis in the Bay-Delta. While there is no question that pumping operations in the Bay-Delta are negatively impacting listed species, many other factors are contributing to the estuary's water quality degradation, including agricultural runoff, aquatic pesticides, urban stormwater and wastewater, legacy mercury from upstream historic mine sites, and non-native species introduced via ballast water and other routes. To address these other stressors, Federal agencies will do the following:

- 1) NAS Review:** NAS has committed to help evaluate the potential impacts that other stressors, including pesticides, discharges of urban pollutants (including ammonia), and invasive species, may be having on endangered species in the Bay-Delta. Federal agencies will work closely with NAS and supply the review panel with all relevant information that may be useful to its review of these important issues.
- 2) Water Quality:** EPA will assess the effectiveness of the current regulatory mechanisms designed to protect water quality in the Delta and its tributaries, including standards for toxics, nutrients, and estuarine habitat protection.

This assessment will be designed in consultation with the SWRCB and the Central Valley Regional Water Quality Control Board (CVRWQCB). In July 2008, these Water Boards adopted a Strategic Workplan for guiding their Bay-Delta activities.<sup>5</sup> EPA will continue to support many of the significant activities in that Workplan through technical and financial assistance. Over the next several years, the State anticipates multiple point-source permit renewals, new State standards for the Southern Delta and lower San Joaquin River, and Total Maximum Daily Loads (TMDLs) for pesticides in the Central Valley and mercury in the Delta. EPA's assessment will complement these ongoing State activities as well as new requirements in the recent California legislation.

EPA will work with the State Board in issuing an Advance Notice of Proposed Rulemaking (ANPR) to solicit public input on the array of water quality stressors and approaches to better protect water quality for all beneficial uses, including the interactive/additive effects of various stressors, which are difficult to address under the current regulatory

<sup>5</sup> [http://www.swrcb.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/strategic\\_plan/docs/baydelta\\_workplan\\_final.pdf](http://www.swrcb.ca.gov/waterrights/water_issues/programs/bay_delta/strategic_plan/docs/baydelta_workplan_final.pdf)

framework. EPA will evaluate and synthesize the input received to assist California regulators as they consider amending water quality standards and requirements. As part of this effort, EPA will work with the Water Boards to consider whether permitted point and nonpoint source dischargers are imposing unacceptable stresses on aquatic resources and, if so, what additional controls are appropriate. EPA will collaborate with NAS as this assessment proceeds.

- 3) Water Quality Monitoring:** EPA will work with other State and Federal agencies to establish a comprehensive water quality monitoring and assessment program in the Delta and its tributaries. Significant water quality monitoring is being done in the Delta watershed, but the efforts are fragmented. Information is being collected in incompatible formats, and there is no systematic attempt to analyze or effectively use the information. EPA and DOI will work with other Federal and State agencies to better integrate existing and planned monitoring programs and to develop long-term funding and governance agreements. Integration will include the following programs, at a minimum:
- The Interagency Ecological Program;
  - The Delta Regional Monitoring Program being developed by the Central Valley Water Regional Water Quality Control Board (CVWRWQCB);
  - EPA's under-development San Joaquin Basin Monitoring Strategy;
  - The Sacramento River Watershed Program;
  - Potential BDCP water quality monitoring requirements;
  - Future San Joaquin River Restoration Program monitoring activities; and
  - The CALFED Science Program (to become the Delta Science Program).
- 4) Pesticides:** Using its authority under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is addressing issues related to the potential effects of pesticides to threatened or endangered species in the Bay-Delta while, to the extent appropriate, continuing to keep pest control tools available. EPA will complete Biological Assessments and ESA consultations for 74 pesticides and eleven species in the Bay-Delta. Where adverse impacts to Bay-Delta aquatic resources are indicated, EPA will make necessary changes to pesticide application guidelines.
- 5) Invasive Species:** Federal agencies will reinforce their cross-agency collaboration in the FWS-led Bay-Delta Non-Native Invasive Species (NIS) program. The program will focus on preventing the introduction of new invasives (e.g., quagga mussels), limiting or eradicating existing invasives (e.g., *Egeria densa*), and reducing adverse impacts from infestations. Additionally, pursuant to the Clean Boating Act of 2008, EPA will promulgate regulations concerning cleaning of recreational boats as they move between waters in order to reduce potential for invasive species movement.

## **B. Accelerate Construction and Upgrade of Facilities to Restore Delta Smelt and Other Native Aquatic Species**

**Federal agencies will actively pursue options for restoring populations of delta smelt and other imperiled native aquatic species through a restoration hatchery.** Delta smelt populations have declined so severely that immediate intervention will likely be needed to prevent their extinction in the wild. To ensure future viable smelt populations, and to guard against extinction of other native aquatic species, such as longfin smelt, green sturgeon, and split-tail, it will be necessary both to resolve questions of how to maintain genetic diversity and to find methods to raise large numbers of the species in captivity for reintroduction into restored habitat.

- 1) Fish Restoration Facility:** A Federal-State and City partnership, led by FWS, has been formed to promote development of a restoration facility. The partnership is working to secure the funding needed for the engineering analysis and design of a larger permanent facility – the Bay Delta Center for Collaborative Science and Restoration Propagation of Native Imperiled Aquatic Species – to be located at Rio Vista, CA. This facility would be capable of maintaining genetic refugia of delta smelt and other imperiled native aquatic species and producing the volumes of fish necessary for restoration and recovery. Federal agencies expect to partner with the State and City in conducting initial engineering design, site demolition and preparation activities, planning and environmental compliance consultation, and other activities.
- 2) Backup Refugium:** A backup refugium also is needed to guard against a catastrophic event and loss of genetic diversity in delta smelt and to provide an interim restoration propagation facility until the Rio Vista Complex is operational. The existing UC Davis Delta Smelt Research and Culture Facility at Banks Pumping Plant was never envisioned as a long-term propagation facility, and considerable improvements are necessary to upgrade the facility to ensure operation, redundancy, and safety. Federal agencies will continue to work with UC Davis and the State to upgrade and ensure safety compliance for the existing facility at Byron.

## **C. Advance Delta Habitat Restoration Projects**

**Federal agencies will identify and prioritize key ecosystem restoration projects that help ensure the viability of the Bay-Delta ecosystem, protect endangered species, and contribute to sustainable water supplies.** Several completed or ongoing Bay-Delta planning processes have emphasized habitat restoration as a critical element in restoring the ecosystem and its fisheries, improving water quality, and finding smarter and more efficient ways to manage sources of existing water. However, most potential restoration projects still await approval and the necessary funds for construction and implementation before action occurs on the ground. To help encourage more aggressive action toward ecosystem restoration, agencies will:



- Establish a Task Force that, working with the State, will identify existing hurdles and take steps to streamline the process for implementing existing State and Federal restoration projects;
- Investigate a mechanism to “pool” resources among Federal agencies for specific types of restoration actions, where authorized, in order to speed up priority projects; and
- Explore new or expanded opportunities for leveraging non-profit land stewardship organizations to facilitate Federal land acquisition and ecosystem management.

Agencies will target their short-term habitat restoration efforts on the following areas:

**San Joaquin River:** Federal agencies will prioritize this comprehensive effort to restore flows to the San Joaquin River from Friant Dam to the confluence of the Merced River and to restore a self-sustaining Chinook salmon fishery while reducing or avoiding adverse water supply impacts from restoration flows. Reclamation began releasing interim flows from Friant Dam on October 1, 2009 and will pursue a variable flow approach in the future that mimics historical peak flows.

**Battle Creek:** In 1999, Reclamation, NMFS and FWS, the California Department of Fish and Game, and Pacific Gas and Electric Company entered into an MOU to implement a restoration project spanning Tehama and Shasta Counties that will reestablish approximately 42 miles of prime salmon and steelhead habitat on Battle Creek, plus an additional six miles on its tributaries. The species include the State- and Federally listed Central Valley spring-run Chinook salmon, the Sacramento River winter-run Chinook salmon, and the Central Valley steelhead. Restoration of this perennial cold-water habitat will protect these species during drought, contribute to the recovery of these fish populations, and improve water supply reliability. Phase 1A construction on the North Fork Battle Creek began in 2009. In April 2009, DOI committed \$26 million in ARRA funds for Phase 1B. Construction on Phase 1B will begin in June 2010 on the South Fork of Battle Creek.

**Cache Slough:** This area in the northern Bay-Delta has a high biodiversity of native aquatic species and sensitive habitat, and a high potential for restoration success. In 2007, it had the highest concentration of pre-spawning adult delta smelt. Restoration and preservation has begun through conservation easements and public lands. FWS has prioritized additional engineering work, habitat restoration, and purchase of easements at this site.

**Yolo Bypass Floodplain:** Increasing the frequency, duration, and extent of inundation of the Yolo Bypass, a critical part of the Delta flood protection system and part of the overall Sacramento River floodplain, will increase the availability of shallow floodplain habitat known to provide good spawning conditions for splittail and good rearing conditions for splittail and juvenile chinook salmon. The BDCP Habitat Restoration Technical Team is considering a modification to the existing Corps-operated Fremont Weir to allow greater frequency of floodplain activation in the Yolo Bypass from January

through April. The Yolo Bypass Management Strategy, developed in concert with local landowners and stakeholders within the Yolo Bypass, has also identified the potential for spring flooding of the bypass to provide habitat improvements for listed fish species. Federal agencies recognize that the Bypass supports existing agricultural, wetland, and flood control uses and are committed to working within the BDCP and Yolo Bypass Working Group processes to find ways to improve habitat for Delta fish species, with an eye toward flood risk and safety.

#### **D. Continue to Prioritize the Construction of Facilities that Reduce Fish-Water Supply Interactions**

**Federal agencies will continue to prioritize construction of facilities that reduce fish-water supply interactions.** Priority is being given to the following projects:

**Patterson Fish Screen:** Federal agencies are interested in supporting construction of a fish screen for the Patterson Irrigation District, whose existing 195 cubic feet per second (cfs) diversion represents the second-largest unscreened diversion on the San Joaquin River. Design and environmental compliance activities are complete, and \$7.2 million in Federal funds has been committed to the project. Construction is awaiting provision of the mandated cost-share by the District or the State. Patterson has submitted a request to the State for \$4.7 million to match a portion of the Federal cost share.

**Red Bluff Fish Passage:** This project includes construction of a new pumping plant that will provide water diversions to the Tehama-Colusa Canal, allowing the Red Bluff Diversion Dam gates to be permanently raised from the Sacramento River. Reclamation allocated \$110 million in Recovery Act funding to the project, which is a required action under the June 2009 NOAA biological opinion. Completion of this project would remove a long-recognized impediment to migration of listed species.

**Contra Costa Fish Screen:** Reclamation is applying more than \$30 million in Recovery Act funds to construct and install a fish screen that will prevent resident and migratory fish from being drawn into the Contra Costa Canal at the Rock Slough intake. This diversion is currently one of the largest unscreened Delta diversions. The project will be completed and operational in 2011.

#### **E. Augment the Analysis of Projected Climate Change-Related Impacts on the Bay-Delta**

**Federal agencies will leverage their climate science programs and expertise to better understand and more aggressively take into account and adapt to the impacts of climate change on water supply and Bay-Delta ecosystem restoration.** Climate change is expected to have considerable impacts on California, with the Federal Global Change Research Program

anticipating reduced precipitation and increased temperatures in California. Such impacts may have substantial effects on water quality and supply, ecosystem health, endangered species, agriculture, recreation, and flood risk management. To address this challenge, Federal agencies will take the following actions:

**Carbon Sequestration and Delta Subsidence Reversal Project:** Emerging marsh vegetation has tremendous carbon sequestration potential, estimated to be as much as ten times that of forests. USGS has provided seed funding to initiate a new project that builds upon the success of two pilot wetlands that have been in place on the Delta's Twitchell Island since 1997. This project would construct a larger demonstration wetland (300-600 acres) that would verify how this sequestration potential could be realized at a farm scale. Carbon sequestration and the accumulated vegetative residue also raise the surface of the soil, reversing land subsidence and reducing the vulnerability of island levees to failure and possible seawater intrusion. USGS looks forward to working with the State to identify funding that would enable continued development of this pilot project.

**Explore Opportunities for Ecosystem Services Marketing of Carbon Credits for Agriculture:** Significant opportunities for carbon sequestration linked to water quality improvements may exist in the Bay-Delta. Restoration of peatlands show promise for providing long-term carbon storage while potentially providing multiple water quality, levee stabilization, and habitat benefits. Currently, protocols for reporting carbon sequestration are being considered by the California Climate Action Registry (CAR), along with other agriculture-related sequestration protocols.

USDA will contribute technical assistance and data resources to CAR in order to support the development of the proposed carbon offset protocols that may be used in estuary and tidal wetlands restoration. Further, USDA will work with the California Air Resources Board to clarify and enhance the greenhouse gas offsets provisions in its current Proposed Draft Regulation that establishes California's cap-and-trade program. The Bay-Delta provides several opportunities to integrate water quality market development with potential greenhouse gas offsets by facilitating landowner participation in environmental markets and accelerating the application of conservation practices. NRCS and other USDA agencies will commit resources to working with local governments and Delta agricultural operations to increase opportunities for launching restoration projects, constructing irrigation tailwater ponds, restoring wetlands, and undertaking other multi-environmental services projects.

Use of methane digesters in dairy operations could accelerate carbon market participation for local landowners in the Bay-Delta region. Further, integration of carbon markets with renewable energy portfolio contributions, as well as water quality improvements, may provide USDA and California an opportunity to demonstrate how ecosystem services markets can work together. On December 15, 2009, Secretary Vilsack announced an agreement with U.S. dairy producers targeting a 25% reduction in

greenhouse gases in the dairy sector, initially emphasizing installation of anaerobic digesters for electricity production and methane gas destruction. As a result, USDA will:

- Work with the State to help integrate livestock and dairy management into greenhouse gas reduction and renewable energy programs;
- Prioritize dairy and other livestock operations in the Bay-Delta watershed for water quality mitigation projects. Several operations may be eligible for methane capture and destruction carbon credits under CAR's manure management protocol; and
- Work to increase enrollment and participation in these programs, including small business loans and other financial assistance programs.

**Salmon Reintroduction:** Reintroduction of salmon along with fish passage improvements to historically occupied habitats will help to restore access of salmon and steelhead to their historic, higher elevation habitats. These important efforts not only can help to improve population viability in the short term, but also will provide these species a cold water refuge under expected temperature and precipitation changes. While this action may not have immediate benefits, it will help the species become more resilient to future climate change impacts. Habitat evaluations for projects on the Sacramento, Yuba, and American Rivers are underway or will begin in 2010. Later phases of reintroduction are expected to begin in 2011 and 2012.

**California Climate and Water Resources Handbook:** EPA will partner with DWR, SWRCB, and the Corps of Engineers in 2010 to develop a "handbook" to help integrate climate change considerations into California's Integrated Regional Water Management (IRWM) program. IRWM is a collaborative and multi-disciplinary approach used in California to manage all aspects of water resources in a region. Local entities, particularly smaller systems and municipalities, need assistance incorporating climate change considerations into their water resource planning in order to ensure that future investments are based on the best available information.

## F. Diversify Water Supply for Refuges

**Federal agencies will bolster efforts to diversify Refuge Level 2 water supply deliveries.** Reclamation continues to coordinate with Federal and State refuge managers to identify opportunities to schedule delivery of contracted water supplies to months outside the agricultural season. Further, \$5 million in Recovery Act funding is being made available in 2010 to install groundwater wells to help supply water to three refuges, freeing up CVP supplies for agricultural and urban use. Reclamation is also evaluating the feasibility of reusing drainage water in Grasslands Water District to produce some Level 2 water.

## **IV. Help Deliver Drought Relief Services and Ensure Integrated Bay-Delta Flood Risk Management**

### **A. Deliver Agricultural Drought Relief Services and Provide Farmers and Ranchers the Tools to Better Manage for Drought**

USDA provides drought relief to California farmers and ranchers adversely affected by ongoing drought conditions through multiple programs with permanent statutory authority, including several new programs authorized in the 2008 Farm Bill. Based on Governor Schwarzenegger's requests in 2009, the Secretary designated 57 of California's 58 counties as disaster-affected. Through the implementation of new disaster programs, USDA anticipates providing California producers suffering from drought timelier and greater levels of assistance. In addition to these USDA-delivered programs, producers also insure against losses from drought and other causes utilizing Federal crop insurance policies supported by USDA and delivered by private insurance companies. USDA's key drought relief programs for responding to current and future drought conditions include:

**Supplemental Revenue Assistance Payment Program (SURE):** SURE provides assistance to farmers who have suffered crop losses due to natural disasters, including drought. USDA will begin sign up for 2008 crop losses in late 2009 or early 2010. SURE has been enhanced to provide assistance for each year a producer suffers a qualifying loss (rather than only one out of every three years) and to provide increased coverage to producers who suffer yield declines due to long-term droughts. These changes will increase the likelihood that producers who have suffered during California's extended drought both qualify for a disaster payment and receive a higher payment.

**Livestock Forage Disaster Program (LFP):** LFP provides assistance to livestock producers during droughts and will provide substantial assistance to California producers. This new program contains notable advantages for California's livestock producers over previous disaster programs, including substantially higher payments, timelier payments (often within a few weeks of qualifying), and the ability to receive payments each year rather than only one out of three. To date, LFP has already provided California \$1.7 million, and payments continue to be made.

**Tree Assistance Program (TAP):** In early 2010, USDA's Farm Service Agency (FSA) intends to implement the Tree Assistance Program (TAP) in California. Farmers and orchardists who lose vines or trees due to drought will be able to use TAP to reestablish their orchards and vines.

**Emergency Assistance for Livestock, Honey Bees and Farm Raised Fish Program (ELAP):** Livestock producers, beekeepers and fish producers who suffer losses not covered under SURE, TAP, and LFP will be able to receive assistance from this program when FSA begins issuing ELAP payments in early 2010.

**Noninsured Crop Disaster Assistance Program (NAP):** NAP provides coverage to farmers who grow non-insurable crops and suffer natural disasters. California producers have received approximately \$4.8 million from NAP on 2009 losses.

**Emergency Conservation Program (ECP):** The ECP program provides emergency funding and technical assistance for farmers and ranchers to rehabilitate farmland damaged by natural disasters and for carrying out emergency water conservation measures in periods of severe drought. California received \$182,500 through ECP from October 2008 to September 2009.

**Emergency Farm Loans (EFL):** EFL funding is contingent upon Secretarial disaster designations. Emergency loans help producers recover from production and physical losses due to drought, flooding, other natural disasters, or quarantine. Loans may be used to help restore or replace essential property, pay all or part of production costs associated with the disaster year, pay essential family living expenses, reorganize the farming operation, or refinance certain debts. From October 2008 to September 2009, \$93 million in loans were provided to California producers, with \$1.1 million in the form of emergency loans.

**Environmental Quality Incentive Program (EQIP):** USDA launched a Special EQIP Drought Initiative in 2009 that provided an additional \$3.2 million in financial assistance to drought-stricken producers. This assistance allowed producers to provide temporary coverage in fallowed fields subject to severe wind erosion, to rehabilitate springs for stock water, and to undertake other critically needed conservation measures. If drought conditions persist in 2010, USDA is ready to develop and launch a successor EQIP effort to provide critical assistance to California producers.

## **B. Undertake Integrated Flood Risk Management Activities in Partnership with the State of California and Local Authorities**

**Federal agencies will coordinate closely with the State of California and local authorities and undertake holistic flood risk management activities to assess existing infrastructure conditions and rehabilitation needs, explore opportunities for improving operations, emphasize non-structural solutions, and identify new infrastructure options for protecting Bay-Delta and Central Valley communities.** The current water conveyance and flood protection systems were constructed over a long period by different entities and to serve diverse goals. As a result, water conveyances are often inefficient, many levees are degraded and have seepage issues, and the systems are not up to current standards. Nor are they capable of withstanding certain seismic events or the effects of climate change, including sea-level rise. To promote integrated flood risk management, Federal agencies will examine Bay-Delta and Central Valley challenges and opportunities to ensure reliability among water supply, the environment, and social and economic health. Agencies will prioritize the following activities:

- Taking into consideration the funding recently appropriated for levee stabilization and flood protection in the State legislative package, Federal and State agencies will identify a near-term process to coordinate their actions in 2010 and to maximize the projects' effectiveness and reach.
- Actively support the Central Valley Integrated Flood Management Study (CVIFMS), the CALFED Levee Stability Program, and other similar studies and processes to identify smarter and more effective ways to balance the myriad and often-competing uses of the floodplain. The Corps-led Delta Islands and Levees Feasibility Study will help assess flood risks and target opportunities for flood mitigation activities and ecosystem restoration. Public and agency scoping meetings for the Feasibility Study will be conducted before October 2010. Technical studies, including hydraulic and hydrologic data development and modeling, are planned between 2010 and 2012.
- Actively partner with the State on the Pinole Shoal Management, California Project (PSM), establishing a joint, long-term framework for Delta channel maintenance and construction activities while maximizing the beneficial reuse of dredged sediments. In 2010, the partners will establish a trial Delta Dredging and Reuse Management Team and formulate management alternatives for the Delta PSM.

01268-EPA-5083

**Chuck Fox/CBP/USEPA/US**

12/22/2009 07:30 PM

To Richard Windsor

cc Diane Thompson, perciasepe.bob, Shawn Garvin, Cynthia Giles-AA, Peter Silva, Allyn Brooks-LaSure, Seth Oster, Arvin Ganesan, Brendan Gilfillan, Bob Sussman

bcc

Subject Chesapeake Events, Announcements

There are several upcoming announcements and events, and we wanted to make sure you were both aware of and comfortable with what appears to be an emerging consensus.

(b) (5)  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Happy Holidays!

Chuck



(b) (5) Deliberative

Accountability Letter to OMB.doc

J. Charles Fox  
Senior Advisor to the Administrator  
Environmental Protection Agency  
410 Severn Avenue, Ste 109  
410-267-5730  
410-267-5777 (f)

01268-EPA-5084

**Richard Windsor/DC/USEPA/US**  
12/23/2009 04:58 PM

To "Orszag, Peter R."  
cc mabors, Bob Perciasepe, Barbara Bennett  
bcc  
Subject

Peter (and Rob),

I am writing to request that you give your personal consideration to EPA's 2011 Passback appeal. My staff and yours have been working on this issue but I believe it will take a policy decision at our level to reach a satisfactory resolution.

Peter, as we agreed, I have asked my staff to work within the passback amount (\$9.9B), that we got.

(b) (5) Deliberative  
[Redacted]

(b) (5) Deliberative  
[Redacted]

(b) (5) Deliberative  
[Redacted]

(b) (5) Deliberative  
[Redacted]

(b) (5) Deliberative  
[Redacted]

(b) (5) Deliberative  
[Redacted]

(b) (5) Deliberative

I would appreciate the opportunity to discuss this with you as soon as your schedule permits.

Lisa

01268-EPA-5085

**Richard Windsor/DC/USEPA/US**  
12/23/2009 04:59 PM

To Diane Thompson  
cc  
bcc  
Subject

----- Forwarded by Richard Windsor/DC/USEPA/US on 12/23/2009 04:59 PM -----

From: Richard Windsor/DC/USEPA/US  
To: "Orszag, Peter R." <(b) (6) Privacy>  
Cc: (b) (6) Privacy, Bob Perciasepe/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA  
Date: 12/23/2009 04:58 PM  
Subject:

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Peter (and Rob),

I am writing to request that you give your personal consideration to EPA's 2011 Passback appeal. My staff and yours have been working on this issue but I believe it will take a policy decision at our level to reach a satisfactory resolution.

Peter, as we agreed, I have asked my staff to work within the passback amount (\$9.9B), that we got.

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) Deliberative



I would appreciate the opportunity to discuss this with you as soon as your schedule permits.

Lisa

01268-EPA-5086

**Bob Sussman/DC/USEPA/US**  
01/03/2010 11:14 AM

To "Daniel Gerasimowicz", "Heidi Ellis"  
cc "Lisa P. Jackson"  
bcc

Subject Fw: Benefits Analysis and beneficial use

This is the CCR benefits analysis we submitted to OMB. The admin should have this in her book this week as we head into the orzag meeting.

Mathy Stanislaus

----- Original Message -----

**From:** Mathy Stanislaus  
**Sent:** 12/31/2009 12:57 PM EST

**To:** "Sunstein, Cass R." <(b) (6) Privacy>

**Cc:** Lisa Heinzerling; Lisa Feldt; Bob Sussman; "Hertz, Jessica R."

<(b) (6) Privacy> "Neyland, Kevin F."  
<(b) (6) Privacy> "Jones, Lisa M." <(b) (6) Privacy>  
"Fitzpatrick, Michael A." <(b) (6) Privacy> Barry Breen

**Subject:** Benefits Analysis and beneficial use

Cass:

Attached is the benefits analysis for the C, D and D' scenarios. Also, attached is a detailed breakout of beneficial uses that would continue under EPA's proposal.

(b) (5) Deliberative

Happy New Year! CCR\_uses\_OMB.doc

Mathy Stanislaus  
USEPA Assistant Administrator

(b) (5) Deliberative

Office of Solid Waste & Emergency Response CCR\_Benefits\_Costs\_Dec30\_v4.doc

01268-EPA-5087

Heidi Ellis/DC/USEPA/US

01/05/2010 06:52 PM

To "Lisa", "Seth Oster"

cc "David McIntosh"

bcc

Subject Fw: Dell Background

Here is some additional info for the Dell Meeting that was given to Browner.

Heidi M. Ellis  
Director of Scheduling  
Office of the Administrator  
U.S. Environmental Protection Agency  
202-564-3204 (office)  
202-355-5212 (cell)

---

**From:** "Nelson, Gregory S." [REDACTED] (b) (6) Privacy  
**Sent:** 01/05/2010 06:50 PM EST  
**To:** Heidi Ellis  
**Subject:** FW: Dell Background

**From:** Nelson, Gregory S.  
**Sent:** Tuesday, January 05, 2010 6:36 PM  
**To:** Moilanen, Stephen S.  
**Subject:** Dell Background

Steve –

Below is Dell's bio and the general items he'll want to discuss.

From CMB's side, [REDACTED] (b) (5) Deliberative  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dell has stepped out quite a bit in their own operations and has been tip-toeing into the political side of climate (see Dell's Forbes editorial pre-Copenhagen at <http://www.forbes.com/2009/12/02/copenhagen-energy-efficiency-technology-cio-network-michael-de ll.html>), and (b) (5) [REDACTED]

G.

- Climate Change
- General issues surrounding energy efficiency in IT products and how the use of IT is enabling greater energy efficiency and carbon reductions in all parts of our economy.

- Dell's leadership on data center and general IT efficiency (including our successful drive to go carbon neutral as a company) and our interest in working with the Administration in general in advancing these objectives.
- Commending the administration on issuance of EO 13514 (regarding green procurement) and offering to be a resource for implementing the EO;
- Dell's support of the Energy Star program and our interest in working with the Administration to advance the program

**Michael S. Dell**

Michael Dell, born in February 1965, is the chairman of the board of directors and chief executive officer of Dell, the company he founded in 1984 with \$1,000 and an unprecedented idea — to build relationships directly with customers. In 1992, Mr. Dell became the youngest CEO ever to earn a ranking on the Fortune 500.

Mr. Dell is the author of *Direct From Dell: Strategies That Revolutionized an Industry*, his story of the rise of the company and the strategies he has refined that apply to all businesses.

In 1998, Mr. Dell formed MSD Capital, and in 1999, he and his wife formed the Michael & Susan Dell Foundation to manage the investments and philanthropic efforts, respectively, of the Dell family.

Mr. Dell serves on the Foundation Board of the World Economic Forum, the executive committee of the International Business Council and is a member of the U.S. Business Council. Mr. Dell also serves on the Technology CEO Council and the governing board of the Indian School of Business in Hyderabad, India



01268-EPA-5088

David  
McIntosh/DC/USEPA/US  
01/06/2010 07:25 AM

To windsor.richard, mccarthy.gina  
cc  
bcc

Subject Fw: EPA's authority under CAA

FYI. Based on my read of the memo, [REDACTED] (b) (5) Deliberative

[REDACTED] The author's  
recommendation comes as the last paragraph of the memo.

----- Forwarded by David McIntosh/DC/USEPA/US on 01/06/2010 07:23 AM -----

From: "Maher, Jessica A." <[REDACTED] (b) (6) Privacy >  
To: David McIntosh/DC/USEPA/US@EPA  
Cc: "Heimbach, James T." <[REDACTED] (b) (6) Privacy > "Zichal, Heather R."  
<[REDACTED] (b) (6) Privacy >  
Date: 01/05/2010 05:15 PM  
Subject: EPA's authority under CAA

---

FYI.

An outside group gave the attached memo to someone here at CEQ.

Wanted to make sure you saw it.

Thanks.

Jess Maher  
CEQ Legislative Affairs



murkowski amendment memo.doc

January 4, 2009

Subject: Clean Air Act Authority to Regulate Greenhouse Gas Emissions

EPA recently issued an “endangerment” finding under the Clean Air Act for six air pollutants that may contribute to global warming; EPA declared that these pollutants endanger public health and public welfare. This finding will trigger several regulatory actions mandated under the Clean Air Act. To prevent these regulatory actions from going forward, Republicans in Congress have announced their intention to pursue legislative action to overturn the endangerment finding. The first action along these lines is expected to occur on January 20 when an amendment to set aside the finding will be offered by Senator Murkowski to a bill increasing the public debt limit. The purpose of this memo is to provide some background on the issues that will likely be debated and to make recommendations with respect to the XXX position on the Murkowski amendment.

### **The Endangerment Finding**

The formal endangerment finding resulted from a long series of events which began in the late 1990s. An EPA general counsel issued a ruling finding that carbon dioxide and other greenhouse gases [GHGs] could be considered air pollutants under the Clean Air Act. Several environmental organizations and states then petitioned EPA under authorities related to automobile air pollution asking the agency to find that GHGs endanger public health and welfare and asking that GHG emissions from automobiles be regulated. When EPA failed to act positively on the petition, the states and groups sued which culminated in a Supreme Court decision [*Massachusetts v. EPA*] finding that GHGs are legally potential air pollutants subject to regulation under the Clean Air Act.

Although the Bush Administration declined to act on the Supreme Court decision [and replaced the original OGC opinion with one saying that carbon dioxide could not be regulated under the Act], the Obama Administration issued a proposed finding that GHGs endanger public health and welfare in April 2009. The finding was made final in December. The finding is based on the work of the Intergovernmental Panel on Climate Change, the National Academy of Sciences declaration on the potential effects of increased greenhouse gas concentrations in the atmosphere, and the U.S. Global Climate Change Research Program.

### **California Tailpipe Standards**

In the interim, EPA was managing a long simmering dispute with the State of California on regulating GHGs emissions from automobiles. The Clean Air Act gives California authority to regulate air pollution from automobiles with standards that are more stringent than the standards imposed nationally by EPA. This was done originally because California’s air pollution problems were by far the most serious and much of its air pollution problem was caused by mobile sources. EPA must approve the tougher

California standards by granting a “waiver”. When California sets a standard for a pollutant that is more stringent than the federal standard and is granted a waiver, other states are authorized to adopt the California standard, as well.

California used this Clean Air Act authority in 2005 to propose GHG emissions standards for automobiles. Thirteen other states and the District of Columbia have enacted laws or regulations to follow California’s lead [as has the Province of Ontario]. The Bush Administration avoided making a decision on the California waiver request for several years, but ultimately issued a decision to deny the request on the theory that the air pollution problem caused by GHGs is not unique to California and, therefore, was not intended by Congress to be an exception under the Clean Air Act.

The Obama Administration negotiated with California and the automobile companies and produced an agreement that may result in federal regulation of GHG emissions from automobiles. The rule has been proposed and is expected to be promulgated as a final rule in March 2010. The rule, if implemented, will significantly reduce GHG emissions from the transportation sector while also reducing energy use and oil imports. It is a major achievement. And the endangerment finding is a necessary foundation for this regulation. If that were all there was to the story, everybody might be happy.

### **Other Regulation Is Triggered by Vehicle Standards**

However, the regulation of GHG emissions from automobiles will trigger other regulatory authorities under the Clean Air Act that apply to stationary sources. The endangerment finding is a necessary foundation for the vehicle emissions regulations that even the auto industry supports; but regulating pollutant emissions from vehicles means that emissions of the same pollutants from stationary sources must also be regulated—in some cases immediately and automatically without any further action by EPA. It is this connection to the endangerment finding that raises very serious questions for elements of the regulated community and members of Congress.

There are two stationary source permitting requirements under the Clean Air Act that apply to every “air pollutant regulated under this Act.” If carbon dioxide emissions from mobile sources are regulated beginning in March these authorities may be immediately triggered. One permitting program is called Prevention of Significant Deterioration or PSD. It applies to major sources of “all pollutants regulated under this Act.” Major sources are defined as emitting 100 to 250 tons per year of a pollutant [depending on the pollutant]. Each new major source or major source proposing a significant modification that results in [more than de minimis] additional emissions of these pollutants must undergo a PSD review and install best available control technology [BACT] for that pollutant before the increased emissions can occur. Currently, approximately 300 facilities per year go through a PSD/BACT permit review. EPA estimates that 40,000 facilities per year would need to be issued a PSD permit if the authority is applied to GHGs at the 250-ton level.

The other permitting authority of the Act that would be triggered is the general permit requirement of title V. All major sources of air pollution [in general 100 tons of criteria pollutants, but 10 tons of hazardous air pollutants] must obtain an ongoing operating permit that is to be renewed every five years. Currently, approximately 14,000 major sources have operating permits. EPA estimates that if the current “major source” definition and title V permitting requirements were applied to GHG emissions, 6 million facilities would be required to get permits including most major office buildings, hospitals and schools.

In September 2009, EPA proposed a “tailoring” rule that addressed to the problems that may be created in March when the automobile emissions regulations go final. This rule would raise the threshold for the PSD and title V programs to 25,000 tons of CO<sub>2</sub> equivalent emissions for the GHGs. EPA justifies the tailoring rule in the proposal by citing previous court decisions that allow agencies to ignore the plain meaning of the law when implementing it would cause administrative absurdity or impracticality. However, many observers are concerned that EPA’s justification for the tailoring approach will be overturned by the courts based on the very clear language of the statute. Some even think that it may cause the Supreme Court to ultimately reverse the impetus of the *Massachusetts* opinion. There is enough doubt about the tailoring rule that the environmental community made an extraordinary effort to generate public support for it. More than 500,000 citizens were recorded in letters and petitions in support of the rule—among the largest number of comments ever received by EPA.

In addition to these permitting issues, the Center for Biological Diversity and other partners have filed a petition with EPA asking that the agency establish a National Ambient Air Quality Standard [NAAQS] for carbon dioxide at 350 parts per million. In the first instance, NAAQS require air quality control regions [there are some 560 in the country] that are not attaining the standard [all are above 350 ppm] to prepare state implementation plans [SIPs] to make reasonable further progress toward reducing levels of the pollutant in their region. Since no region could do much to change the level of CO<sub>2</sub> in the air in their region, this would be an entirely fruitless exercise.

Quite apart from the train wrecks described above, there are authorities in the Clean Air Act that may prove very valuable in addressing global warming threats—even after a comprehensive cap and trade bill is enacted. These authorities include the automobile tailpipe standards described above and provisions of section 111 that authorize EPA to require the installation of pollution control technologies on stationary sources of emissions [such as methane and nitrous oxide that might not be fully addressed by a cap and trade bill] and authorities in title II authorizing the regulation of fuels that could be used to craft a low carbon fuel standard. If the endangerment finding is overturned by the Congress, these authorities could not be used.

## **Murkowski and Other Amendments**

Senator Murkowski has announced that she will attempt to overturn the endangerment finding with Congressional action. She had originally planned to offer a resolution of disapproval under the Congressional Review Act. She is now scheduled to offer an amendment to a bill to increase the statutory debt ceiling that will be debated on or about January 20. She has agreed to a 60-vote threshold for the adoption of her amendment.

If the intention [GHG emissions should not be regulated under the Clean Air Act] of the Murkowski amendment is ultimately enacted, it would be a set back. It would require a restart on the automobile regulations [as fuel economy standards to be issued by NHTSA] and it would eliminate the use of section 111 to reach sources of pollutants [methane and nitrous oxide] not currently contemplated for regulation under a cap and trade program. On the other hand, the politics of this debate are extraordinarily difficult: 1] people have been saying for awhile that the Clean Air Act is not well-suited to mitigate global warming emissions and that is why we need cap and trade program; 2] there really are potential horror stories lurking just around the corner if the courts adhere to a *Massachusetts* type reading of statute; and 3] groups arguing for full protection of current Clean Air Act authorities will look extreme in light of the conventional wisdom that the Act is not well-designed to address the threats posed by GHG emissions.

Some alternative approaches are being shopped around. Last fall, Senator Murkowski proposed an amendment to the Interior/EPA appropriations bill that would have prevented the agency from using any 2010 funds to regulate stationary sources under the Act. She said her focus was solely on stationary sources and that she wanted to let the vehicle emissions standards, carbon sequestration and GHG registry work go forward, but EPA argued that her amendment would stop that work, as well. The auto industry actually wrote a letter opposing the amendment for fear that it would derail the auto standards that had just been negotiated. It is also not clear that her amendment would have solved the PSD problem described above since it is triggered even without an EPA expenditure of funds. Ultimately, the Senate majority prevented her from offering the amendment.

Some industry groups are attempting to get Democratic support for a resurrection of a perfected amendment similar to the one that Senator Murkowski offered last fall. It would delay the regulation of stationary sources for two years or until such time as comprehensive climate legislation is enacted. There may be opposition from some in the environmental community to this approach; there is considerable sentiment in favor of automatically triggering the PSD BACT requirement for major new sources of GHG emissions [if "major source" is defined as 25,000 tons as the proposed tailoring rule would provide].

A better amendment would: 1] make clear that GHGs should not be regulated as criteria pollutants—there should be no NAAQS for carbon dioxide; 2] give the Administrator

discretion to set thresholds for the PSD and title V permitting requirements for GHG pollutants and 3] give states an appropriate amount of time to revise their permitting programs to incorporate these new pollutants. That would preserve a reasonable person's interpretation of what might be done under the Clean Air Act if Congress dithers for years to enact a comprehensive program. If people argue that they want to overturn *Massachusetts* altogether they are really arguing that Congress should have the prerogative to dither for years.

01268-EPA-5089

David  
McIntosh/DC/USEPA/US  
01/06/2010 08:25 AM

To Richard Windsor, thompson.diane, Gina McCarthy, Lisa  
Heinzerling  
cc  
bcc

Subject Fw: Ozone qualities rule

FYI

----- Forwarded by David McIntosh/DC/USEPA/US on 01/06/2010 08:24 AM -----

From: David McIntosh/DC/USEPA/US  
To: "Eltrich, Katherine A." <(b) (6) Privacy (b) (6) Privacy  
Cc: "Gill, Brian W." <(b) (6) Privacy "Schenewerk, Caryn B."  
<(b) (6) Privacy  
Date: 01/06/2010 08:23 AM  
Subject: Re: Ozone qualities rule

Hi All. Arvin will get back to you (b) (5) Deliberative  
[Redacted]

"Eltrich, Katherine A." Dave, we're trying to clear the oz... 01/05/2010 11:26:27 PM

From: "Eltrich, Katherine A." <(b) (6) Privacy  
To: David McIntosh/DC/USEPA/US@EPA  
Cc: "Schenewerk, Caryn B." <(b) (6) Privacy "Gill, Brian W."  
<(b) (6) Privacy  
Date: 01/05/2010 11:26 PM  
Subject: Ozone qualities rule

Dave, we're trying to clear the ozone qualities rule and had some questions from WH Leg.

(b) (5) Deliberative  
[Redacted]

Thanks for your help. - Kate

01268-EPA-5090

**Richard Windsor/DC/USEPA/US**  
01/06/2010 02:25 PM

To "Cass Sunstein"  
cc  
bcc

Subject Re: Just tried calling you at...

In a mtg with enviros on coal ash! Try u in a bit. Tx.

----- Original Message -----

From: "Sunstein, Cass R." [redacted] (b) (6) Privacy  
Sent: 01/06/2010 02:23 PM EST  
To: Richard Windsor  
Subject: Re: Just tried calling you at...

Hi Lisa! Try (b) (6) Privacy?

----- Original Message -----

From: Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>  
To: Sunstein, Cass R.  
Sent: Wed Jan 06 14:08:07 2010  
Subject: Just tried calling you at...

(b) (6) Privacy. Don't think that is the right number. What is? Anyway \_  
(b) (5). Lj



01268-EPA-5091

"Sunstein, Cass R."

<[REDACTED] (b) (6) Privacy [REDACTED]>

01/06/2010 02:26 PM

To: Richard Windsor

cc

bcc

Subject: RE: Just tried calling you at...

Art imitates life! Tx.

-----Original Message-----

From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
]

Sent: Wednesday, January 06, 2010 2:26 PM

To: Sunstein, Cass R.

Subject: Re: Just tried calling you at...

In a mtg with enviros on coal ash! Try u in a bit. Tx.

----- Original Message -----

From: "Sunstein, Cass R." [REDACTED] (b) (6) Privacy [REDACTED]

Sent: 01/06/2010 02:23 PM EST

To: Richard Windsor

Subject: Re: Just tried calling you at...

Hi Lisa! Try [REDACTED] (b) (6) Privacy?

----- Original Message -----

From: Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>

To: Sunstein, Cass R.

Sent: Wed Jan 06 14:08:07 2010

Subject: Just tried calling you at...

[REDACTED] (b) (6) Privacy. Don't think that is the right number. What is? Anyway \_

[REDACTED] (b) (5) [REDACTED]. Lj

01268-EPA-5092

"Blair, Maria E."

< (b) (6) Privacy >

01/07/2010 02:19 PM

To "Ericsson, Sally C.", "Abbott, Shere", david\_hayes, PershingJ, ron.sims, craig.fugate, jane.lubchenco, "Sutley, Nancy H.", Richard Windsor

cc "Silverman, Seth T.", "Penn, Kimberly M.", "Cagle, Regina M.", "Pembleton, Amber M.", "Pat.A.Simms@noaa.gov", "Coleman, Donna I.", "McPhillips, Alex", "Cynthia.M.Cawaling@hud.gov", "Kastenbergrl@state.gov", "Gage.Katharine@epamail.epa.gov", pamela.harris, "Avery, Kristin E.", Barbara\_Diehl, ahsha.tribble, "Ellis.Heidi@epamail.epa.gov", "Blair, Maria E.", "Kilduff, Daniel M.", "Bordoff, Jason E.", "DeCola, Philip L.", Monica.Medina, "Carson, Jonathan K.", "Shah, Tarak N."

bcc

Subject Adaptation Steering Committee Meeting and Interim Workgroup Reports (1 of 3)

EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON ENVIRONMENTAL QUALITY  
WASHINGTON, D.C. 20503

January 7, 2010

MEMORANDUM FOR:

LISA JACKSON  
Administrator  
Environmental Protection Agency

W. CRAIG FUGATE  
Administrator  
Federal Emergency Management Agency

DAVID HAYES  
Deputy Secretary  
Department of the Interior

JONATHAN PERSHING  
Deputy Special Envoy for Climate Change  
Department of State

RON SIMS  
Deputy Secretary  
Resource  
Department of Housing and Urban Development

SALLY ERICSSON  
Program Associate Director, Natural  
Programs  
Office of Management and Budget

(b) (5)

[Redacted]

[Redacted]

[Redacted]

(b) (5)  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

I am looking forward to our continued work together throughout the year.

Sincerely,

Maria Blair

COPY TO:

NANCY H. SUTLEY  
SHERE ABBOTT  
Chair  
Associate Director for Environment  
Council on Environmental Quality  
Office of Science and Technology Policy

JANE LUBCHENCO  
Administrator  
National Oceanographic and Atmospheric Administration

Maria E. Blair  
Deputy Associate Director for Climate Change Adaptation  
White House Council on Environmental Quality

p: (b) (6) Privacy | f: 202.456.6546 | (b) (6) Privacy

**(b) (5) Deliberative**

Agenda for Steering Committee Meeting #2 - 1 13 2009 final.doc

**(b) (5) Deliberative**

1 6 2009 Summary of Interim Workgroup Reports final.doc

01268-EPA-5093

"Blair, Maria E."

< (b) (6) Privacy >

01/07/2010 02:19 PM

To "Ericsson, Sally C.", "Abbott, Shere", david\_hayes, PershingJ, ron.sims, craig.fugate, jane.lubchenco, "Sutley, Nancy H.", Richard Windsor

cc "Silverman, Seth T.", "Penn, Kimberly M.", "Cagle, Regina M.", "Pembleton, Amber M.", "Pat.A.Simms@noaa.gov", "Coleman, Donna I.", "McPhillips, Alex", "Cynthia.M.Cawaling@hud.gov", "Kastenbergl@state.gov", "Gage.Katharine@epamail.epa.gov", pamela.harris, "Avery, Kristin E.", Barbara\_Diehl, ahsha.tribble, "Ellis.Heidi@epamail.epa.gov", "Blair, Maria E.", "Kilduff, Daniel M.", "Bordoff, Jason E.", "DeCola, Philip L.", Monica.Medina, "Carson, Jonathan K.", "Shah, Tarak N."

bcc

Subject Adaptation Steering Committee Meeting and Interim Workgroup Reports (2 of 3)

Attached please find interim reports from (b) (5)

We will also be delivering hard copies of the executive summary and the reports to each of you by the end of the day today, 1/7.

Maria E. Blair

Deputy Associate Director for Climate Change Adaptation  
White House Council on Environmental Quality

p: (b) (6) Privacy | f: 202.456.6546 | (b) (6) Privacy

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

This Email message contained an attachment named Agency and Water Reports.zip

which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

01268-EPA-5094

"Blair, Maria E."

< (b) (6) Privacy >

01/07/2010 02:19 PM

To "Ericsson, Sally C.", "Abbott, Shere", david\_hayes, PershingJ, ron.sims, craig.fugate, jane.lubchenco, "Sutley, Nancy H.", Richard Windsor

cc "Silverman, Seth T.", "Penn, Kimberly M.", "Cagle, Regina M.", "Pembleton, Amber M.", "Pat.A.Simms@noaa.gov", "Coleman, Donna I.", "McPhillips, Alex", "Cynthia.M.Cawaling@hud.gov", "KastenberRL@state.gov", "Gage.Katharine@epamail.epa.gov", pamela.harris, "Avery, Kristin E.", Barbara\_Diehl, ahsha.tribble, "Ellis.Heidi@epamail.epa.gov", "Blair, Maria E.", "Kilduff, Daniel M.", "Bordoff, Jason E.", "DeCola, Philip L.", Monica.Medina, "Carson, Jonathan K.", "Shah, Tarak N."

bcc

Subject Adaptation Steering Committee Meeting and Interim Workgroup Reports (3 of 3)

Attached please find interim reports from (b) (5)

We will also be delivering hard copies of the executive summary and the reports to each of you by the end of the day today, 1/7.

Maria E. Blair

Deputy Associate Director for Climate Change Adaptation  
White House Council on Environmental Quality

p: (b) (6) Privacy | (b) (6) | (b) (6) Privacy

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

This Email message contained an attachment named  
Science and International Reports.zip

which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

01268-EPA-5096

David  
McIntosh/DC/USEPA/US  
01/18/2010 04:13 PM

To Richard Windsor  
cc  
bcc

Subject Re: Tomorrow

Attached and pasted below is a memo to prepare you for the meeting. And I'll go with you.

(b) (5) Deliberative

CONFIDENTIAL MEMORANDUM.docx

**CONFIDENTIAL MEMORANDUM**

TO: Administrator Jackson  
FROM: David McIntosh  
DATE: January 18, 2010  
RE:

(b) (5) Deliberative

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



(b) (5) Deliberative

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED] (b) (5) Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

Richard Windsor Cool. Also - Would like you as my plus... 01/18/2010 04:03:40 PM

From: Richard Windsor/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 01/18/2010 04:03 PM  
Subject: Re: Tomorrow

Cool. Also - Would like you as my plus 1.

David McIntosh

----- Original Message -----

**From:** David McIntosh  
**Sent:** 01/18/2010 02:48 PM EST  
**To:** windsor.richard@epa.gov  
**Cc:** ellis.heidi@epa.gov; goulding.robert@epa.gov  
**Subject:** Fw: Tomorrow

FYI. I can write a short memo for you now if you'd like.

----- Forwarded by David McIntosh/DC/USEPA/US on 01/18/2010 02:47 PM -----

From: "Zichal, Heather R." <[REDACTED] (b) (6) Privacy>  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 01/18/2010 02:44 PM  
Subject: Tomorrow

As you know we have green cabinet meeting tomorrow. Can you work with the Administrator [REDACTED] (b) (5) Deliberative

[REDACTED] I think its likely we'll engage some folks as needed next week and it would be great if you all could give your perspective and a little briefing. Make sense?

01268-EPA-5097

**Diane  
Thompson/DC/USEPA/US**  
01/19/2010 10:24 AM

To "Richard Windsor"  
cc "Aaron Dickerson", "Robert Goulding"  
bcc  
Subject Fw: Internal Talking Points

FYI

---

**From:** "Milakofsky, Benjamin E." <[REDACTED]> (b) (6) Privacy  
**Sent:** 01/17/2010 07:33 PM EST  
**To:** "Lu, Christopher P." <[REDACTED]> (b) (6) Privacy "Smith, Elizabeth S." <[REDACTED]>  
<[REDACTED]> (b) (6) Privacy "Kimball, Astri B." <[REDACTED]> (b) (6) Privacy "French, Michael J." <[REDACTED]> (b) (6) Privacy  
<[REDACTED]> (b) (6) Privacy "Greenawalt, Andrei M." <[REDACTED]> (b) (6) Privacy  
"Taylor, Adam R." <[REDACTED]> (b) (6) Privacy "Milakofsky, Benjamin E." <[REDACTED]>  
<[REDACTED]> (b) (6) Privacy  
**Subject:** Internal Talking Points

Dear Cabinet Chiefs of Staff:

Attached are internal talking points on the U.S. Government response to the earthquake as well as a list of agency actions to date.

--Cabinet Affairs  
(b) (5) Deliberative  
[REDACTED]

(b) (5) Deliberative  
[REDACTED]

Interagency Actions.doc US Government Response to Haitian Earthquake.docx

01268-EPA-5099

**Diane Thompson/DC/USEPA/US**  
01/19/2010 06:03 PM

To "Richard Windsor"  
cc "Aaron Dickerson", "Robert Goulding"  
bcc

Subject Fw: TALKING POINTS Pre-State of the Union

FYI

Michael Moats

----- Original Message -----

**From:** Michael Moats  
**Sent:** 01/19/2010 04:51 PM EST  
**To:** moats.michael@epa.gov  
**Subject:** TALKING POINTS Pre-State of the Union

FYI -- Talking points for the lead-up to President Obama's scheduled State of the Union address next week.

-----

**TALKING POINTS: PRE-STATE OF THE UNION**

**(b) (5) Deliberative**

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

01268-EPA-5100

Diane  
Thompson/DC/USEPA/US  
01/20/2010 08:39 AM

To Richard Windsor  
cc Aaron Dickerson, Robert Goulding  
bcc

Subject Fw: Talking Points: Pre-State Of The Union

FYI

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 01/20/2010 08:38 AM -----

From: "Milakofsky, Benjamin E." <(b) (6) Privacy >  
To: "Lu, Christopher P." <(b) (6) Privacy >, "Smith, Elizabeth S." <(b) (6) Privacy >  
<(b) (6) Privacy >, "Kimball, Astri B." <(b) (6) Privacy >  
"French, Michael J." <(b) (6) Privacy >, "Greenawalt, Andrei M." <(b) (6) Privacy >  
<(b) (6) Privacy >, "Taylor, Adam R." <(b) (6) Privacy >  
"Milakofsky, Benjamin E." <(b) (6) Privacy >  
Date: 01/19/2010 05:03 PM  
Subject: Talking Points: Pre-State Of The Union

Dear Chiefs of Staff and WH Liaisons,

Please see the below talking points on the last year as we approach next week's State of the Union.

--Cabinet Affairs

**TALKING POINTS: PRE-STATE OF THE UNION**

**(b) (5) Deliberative**

[Redacted content]

(b) (5) - Derivative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

01268-EPA-5101

David  
McIntosh/DC/USEPA/US  
01/20/2010 03:11 PM

To Gina McCarthy  
cc Joseph Goffman, McIntosh.David, Richard Windsor  
bcc

Subject Re: Fw: CA -- May pull out of Agreement -- Free Press

(b) (5)

Gina McCarthy

(b) (5)

01/20/2010 03:07:09 PM

From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, McIntosh.David@EPA.GOV, Joseph Goffman/DC/USEPA/US@EPA  
Date: 01/20/2010 03:07 PM  
Subject: Fw: CA -- May pull out of Agreement -- Free Press

(b) (5)

----- Forwarded by Gina McCarthy/DC/USEPA/US on 01/20/2010 03:06 PM -----

From: "Freeman, Jody L." <(b) (6) Privacy>  
To: Gina McCarthy/DC/USEPA/US@EPA  
Date: 01/20/2010 02:31 PM  
Subject: FW: CA -- May pull out of Agreement -- Free Press

fyi

**From:** Roussel, Gerald (G.M.) [mailto:groussel@ford.com]  
**Sent:** Wednesday, January 20, 2010 12:54 PM  
**To:** Freeman, Jody L.  
**Subject:** FW: CA -- May pull out of Agreement -- Free Press  
**Importance:** High

Jody – I'm sure you have seen the story below – it is creating quite a stir within the Auto Industry. It would be nice to chat at some point.

Jerry Roussel  
202-962-5386  
Washington Affairs  
Ford Motor Company

---

## California: May pull out of fuel economy standard

Automakers worry about state-by-state regulations

BY JUSTIN HYDE  
FREE PRESS WASHINGTON STAFF

WASHINGTON -- California officials have threatened to pull out of a historic compromise with U.S. automakers and the Obama administration for a 35.5 m.p.g. fuel economy standard by 2016 unless federal regulators side with the state on two key disputes.

The warning from California has triggered concern among Detroit automakers that the state could decide to enforce its own rules for greenhouse gas emissions from cars and trucks, setting off a wave of state-by-state laws rather than the national standards set by the Obama administration.

President Barack Obama's political adviser, David Axelrod, on Tuesday named the compromise, announced at the White House last May, as one of the administration's top accomplishments in its first year.

In a recent federal filing, the California Air Resources Board said the Obama administration needs to address two concerns in the final rule due March 31 "to ensure California's continued support."

"What we wanted to do is convey the level of importance for these two issues," said CARB spokesman Stanley Young.

Young said it was "too early to say" whether CARB would reject the deal if its concerns aren't addressed.

A spokesman for the Alliance of Automobile Manufacturers, the trade group that includes General Motors, Ford, Chrysler and Toyota among others, said California should abide by the agreement.

"We'd be very disappointed if California or any other stakeholder were looking to back out or change the terms," said spokesman Charles Territo.

CARB wants federal regulators to lower proposed credits for zero-emissions vehicles, which include hybrids, plug-in hybrids and electric vehicles.

The administration's proposed rule would count such vehicles as having no carbon emissions while using electric power, and give automakers a credit toward their overall fuel economy targets for each one built.

Environmental groups and CARB contend the credits are too generous and could allow automakers to shirk improvements in non-electric models. CARB also argues that electric vehicles contribute some greenhouse gases because they draw electricity from carbon-generating power plants.

California regulators also want the administration to reject a proposal from the alliance to ease the phase-in of the standards between 2012 and 2015, with a larger increase for the 2016 model year to reach the 35.5 m.p.g. target.

Automakers said the change would ease the phase-in of new technology needed to meet the goals.

Contact JUSTIN HYDE: 202-906-8204 or [jhyde@freepress.com](mailto:jhyde@freepress.com)

01268-EPA-5102

Richard Windsor/DC/USEPA/US  
01/20/2010 03:13 PM

To David McIntosh, Gina McCarthy  
cc Joseph Goffman, "David McIntosh"  
bcc

Subject Re: Fw: CA -- May pull out of Agreement -- Free Press

(b) (5)

David McIntosh

----- Original Message -----

From: David McIntosh  
Sent: 01/20/2010 03:11 PM EST  
To: Gina McCarthy  
Cc: Joseph Goffman; McIntosh.David@EPA.GOV; Richard Windsor  
Subject: Re: Fw: CA -- May pull out of Agreement -- Free Press

(b) (5)

Gina McCarthy (b) (5) 01/20/2010 03:07:09 PM

From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, McIntosh.David@EPA.GOV, Joseph Goffman/DC/USEPA/US@EPA  
Date: 01/20/2010 03:07 PM  
Subject: Fw: CA -- May pull out of Agreement -- Free Press

(b) (5)

----- Forwarded by Gina McCarthy/DC/USEPA/US on 01/20/2010 03:06 PM -----

From: "Freeman, Jody L." <(b) (6) Privacy>  
To: Gina McCarthy/DC/USEPA/US@EPA  
Date: 01/20/2010 02:31 PM  
Subject: FW: CA -- May pull out of Agreement -- Free Press

fyi

From: Roussel, Gerald (G.M.) [mailto:groussel@ford.com]  
Sent: Wednesday, January 20, 2010 12:54 PM  
To: Freeman, Jody L.  
Subject: FW: CA -- May pull out of Agreement -- Free Press  
Importance: High

Jody – I'm sure you have seen the story below – it is creating quite a stir within the Auto Industry. It would be nice to chat at some point.

Jerry Roussel  
202-962-5386  
Washington Affairs  
Ford Motor Company

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# California: May pull out of fuel economy standard

## Automakers worry about state-by-state regulations

BY JUSTIN HYDE  
FREE PRESS WASHINGTON STAFF

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Contact JUSTIN HYDE: 202-906-8204 or [jhyde@freepress.com](mailto:jhyde@freepress.com)

01268-EPA-5103

Gina McCarthy/DC/USEPA/US

To David McIntosh

01/20/2010 03:13 PM

cc Joseph Goffman, McIntosh.David, Richard Windsor

bcc

Subject Re: Fw: CA -- May pull out of Agreement -- Free Press

(b) (5)

David McIntosh

(b) (5)

01/20/2010 03:11:39 PM

From: David McIntosh/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Cc: Joseph Goffman/DC/USEPA/US@EPA, McIntosh.David@EPA.GOV, Richard Windsor/DC/USEPA/US@EPA  
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Gina McCarthy

(b) (5)

01/20/2010 03:07:09 PM

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01268-EPA-5104

Richard Windsor/DC/USEPA/US  
01/20/2010 03:14 PM

To Gina McCarthy  
cc  
bcc

Subject Re: Fw: CA -- May pull out of Agreement -- Free Press

(b) (5)

Gina McCarthy

----- Original Message -----

From: Gina McCarthy  
Sent: 01/20/2010 03:13 PM EST  
To: David McIntosh  
Cc: Joseph Goffman; McIntosh.David@EPA.GOV; Richard Windsor  
Subject: Re: Fw: CA -- May pull out of Agreement -- Free Press

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David McIntosh (b) (5) 01/20/2010 03:11:39 PM

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01268-EPA-5105

David  
McIntosh/DC/USEPA/US  
01/20/2010 04:15 PM

To Richard Windsor  
cc Gina McCarthy, Joseph Goffman, "David McIntosh"  
bcc

Subject Re: Fw: CA -- May pull out of Agreement -- Free Press

"The California Air Resources Board is fully committed to the agreement to establish a national vehicle greenhouse gas standard announced last May by President Obama in the Rose Garden. There are still difficult technical issues to be [REDACTED] as is to be expected in developing any pioneering rule, but we are confident that they will be worked out successfully. We look forward to working with both the EPA and the DOT in a spirit of cooperation to ensure the complete success of the Rose Garden agreement." Mary D. Nichols, Chairman

Richard Windsor (b) (5) 01/20/2010 03:13:12 PM

From: Richard Windsor/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA  
Cc: Joseph Goffman/DC/USEPA/US@EPA, "David McIntosh" <mcintosh.david@epa.gov>  
Date: 01/20/2010 03:13 PM  
Subject: Re: Fw: CA -- May pull out of Agreement -- Free Press

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David McIntosh

----- Original Message -----

**From:** David McIntosh  
**Sent:** 01/20/2010 03:11 PM EST  
**To:** Gina McCarthy  
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**Subject:** Re: Fw: CA -- May pull out of Agreement -- Free Press

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**Sent:** Wednesday, January 20, 2010 12:54 PM  
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202-962-5386  
Washington Affairs  
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01268-EPA-5106

Richard Windsor/DC/USEPA/US  
01/20/2010 04:40 PM

To David McIntosh  
cc  
bcc

Subject Re: Fw: CA -- May pull out of Agreement -- Free Press

(b) (5)

David McIntosh

----- Original Message -----

**From:** David McIntosh  
**Sent:** 01/20/2010 04:15 PM EST  
**To:** Richard Windsor  
**Cc:** Gina McCarthy; Joseph Goffman; "David McIntosh"  
<mcintosh.david@epa.gov>  
**Subject:** Re: Fw: CA -- May pull out of Agreement -- Free Press

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01268-EPA-5107

**Richard Windsor/DC/USEPA/US**  
01/20/2010 05:47 PM

To "Nancy Sutley"  
cc  
bcc

Subject Fw: Huff Po: Coal Ash Tests Obama's Commitment to Health and Safety Regulation

Fyi

Adora Andy

----- Original Message -----

**From:** Adora Andy  
**Sent:** 01/20/2010 05:20 PM EST  
**To:** Richard Windsor; Seth Oster; Allyn Brooks-LaSure; Bob Sussman; Bob Perciasepe; Diane Thompson; Mathy Stanislaus; David McIntosh; Arvin Ganesan  
**Cc:** Betsaida Alcantara; Brendan Gilfillan; Michael Moats; Stephanie Owens  
**Subject:** Huff Po: Coal Ash Tests Obama's Commitment to Health and Safety Regulation

**[Rena Steinzor](#)**

President, Center for Progressive Reform

Posted: January 20, 2010 04:51 PM

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## **[Coal Ash Tests Obama's Commitment to Health and Safety Regulation](#)**

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**Read More:** [Barack Obama](#) , [Coal Ash](#) , [Environmental Protection Agency](#) , [Epa](#) , [Lisa Jackson](#) , [Robert Bullard](#) , [Green News](#)

A critical test of the Obama Administration's commitment to reviving the Environmental Protection Agency (EPA) is teeing up behind closed doors at the White House. Once again, the Office of Management and Budget (OMB) is cast in the role of regulation killer, supported by a slew of state and other federal agencies that are polluters in this scenario. Other players include a nearly hysterical segment of the electric utility industry, which argues that labeling coal ash as a hazardous waste will prove prohibitively expensive, as well as a coalition of public interest activists that includes [Robert Bullard](#), the father of the environmental justice movement.

The story has ample drama: a provable case of racial discrimination, companies as haughty as any on Wall Street, and an appealing heroine, Lisa Jackson, the embattled EPA Administrator, who is the public face of this Administration on the environment but, in a discordant replay of history, could be forced to fall on her sword by anonymous White House economists. (Remember Bush II's Christine Todd Whitman, former governor of New Jersey, pushed to resign

by the machinations of Vice President Dick Cheney? Jackson has less prominent opponents, but just as much on the line.)

An industry victory on the issue would suggest that presidential appointees, confirmed by the Senate and presented to the American people as accountable for everything from food and drug safety to toxic chemical exposures in the workplace, are not really in charge of their agencies but instead could be compelled to become puppets for a White House staff any time a powerful industry screams loudly enough.

The most recent chapter in this saga begins in Kingston, Tennessee three days before Christmas, 2008. A six-story-high earthen dam used to contain a coal ash waste pond at a power plant operated by the Tennessee Valley Authority (TVA) collapsed, releasing more than 1 billion gallons of jet black sludge laced with arsenic, cadmium, chromium, lead, mercury, selenium, and thallium. By volume, the spill was more than 100 times larger than the Exxon Valdez disaster, covering more than 400 acres of homes, farms, businesses, roads, rivers, and irreplaceable wetlands. (See table at end of this post listing the chemicals commonly found in coal ash and their negative health effects.)

According to [EPA data](#), nearly 600 similar earthen coal ash dams are spread across 35 states, including 50 so-called "high hazard" dams holding back tens of millions of tons of coal ash waste. In 2009 alone, U.S. coal-fired power plants produced more than 136 million tons of coal ash waste -- [more than enough to fill the boxcars of a train stretching from Washington, D.C., to Melbourne, Australia](#). By 2015, industry will produce [175 million tons per year](#). And the kicker is that [if you live within one mile of a coal ash disposal site](#), you are twice as likely to live below the poverty line as the average U.S. citizen and 30 percent more likely to be a person of color.

EPA has fiddled with the coal ash problem for a quarter of a century. In 1980, Congress enacted an exception to the tough federal statute directing EPA to regulate hazardous waste. So-called "Bevill wastes" were exempt from regulation until EPA studied their characteristics comprehensively. EPA was instructed to report back on coal ash by 1982. Throughout the 1980s and 1990s EPA extemporized, studying the problem, venturing the opinion that no strict regulation was needed, reversing itself and promising to regulate coal ash as a "contingent" hazardous waste, and ultimately shelving these efforts during the Bush II Administration. Years of work and millions of dollars later, we have amassed rock solid evidence that when coal ash waste is collected in unlined pits in the ground, it is extraordinarily dangerous to people, livestock, and wildlife, not to mention water quality. The record includes [EPA studies](#) and a [report](#) by a blue ribbon panel of scientific experts at the National Research Council. For an excellent summary of the issues, see [congressional testimony](#) by Earthjustice attorney Lisa Evans.

EPA Administrator Jackson, who has embraced environmental justice as one of her top priorities, promised to break this gridlock and propose a rule controlling the disposal of coal ash by the end of 2009. She sent the draft over to Cass Sunstein's Office of Information and Regulatory Affairs (OIRA) at OMB. The draft was never released to any member of the public, although I suspect that industry lobbyists have a copy because they have already invented multiple toothless counter-proposals. As we have reported before in these pages, Sunstein's staff

commenced a marathon of meetings with coal industry executives, their paid experts and lobbyists, state highway administrators who want to spread the stuff in road beds, and other opponents of the EPA rule -- [21 meetings](#) at last count, more than on any other subject that has engaged OIRA's attention for many years.

Obviously and sensibly embarrassed by how all this looks from the outside, the OMB issued a statement last week [asserting](#) something as silly as it is untrue: "By executive order," the official fantasized, "if a stakeholder on a proposal asks to meet with OMB (OIRA), they are required to take the meeting." Pressed on the point, OMB asserted that the executive order in question was [EO 12866](#), which says nothing of the sort.

In fact, the order, issued by Bill Clinton in 1993 and continued through the Bush II Administration, is scrupulous about demanding that the lead agency in charge of a regulatory proposal (that would be EPA in this instance) afford the public an opportunity for "notice" (by publishing the proposal in the *Federal Register* ) and "comment" (by receiving and reviewing all the written comments anyone may care to submit during a 30 to 90 comment period). Sometimes, lead agencies even hold public hearings on particularly controversial proposed rules. But this rule has not yet been proposed. If it had been, EPA would be obligated to hear from all the stakeholders in the debate, but not OIRA economists, until it had decided what it wanted to do. Not even the Bush Administration's OIRA offered such a novel and absurd interpretation of its obligations. If it had, it would have been a green light to industry to schedule meetings 24/7 for the rest of the Administration's term, thus delaying action forever.

I wish Jackson the best of luck in this grueling battle, as should anyone who hopes that the nation's environmental policy will be crafted with a minimum of special interest politics, by experts who have spent a lifetime studying the science and law of these issues. She does not deserve to get sandbagged by OIRA, and if she does, the American people, especially those living near coal ash catastrophes-in-waiting, will have much to lament. If OIRA establishes its primacy over EPA, we can look forward to many more such intrusions in the future - a very discouraging omen, indeed.

### **Human Health Effects of Coal Combustion Waste Pollutants**

Aluminum	Lung disease, developmental problems
Antimony	Eye irritation, heart damage, lung problems
Arsenic	Multiple types of cancer, darkening of skin, hand warts
Barium	Gastrointestinal problems, muscle weakness, heart problems
Beryllium	Lung cancer, pneumonia, respiratory problems
Boron	Reproductive problems, gastrointestinal illness
Cadmium	Lung disease, kidney disease, cancer
Chromium	Cancer, ulcers and other stomach problems
Chlorine	Respiratory distress
Cobalt	Lung/heart/liver/kidney problems, dermatitis
Lead	Decreases in IQ, nervous system, developmental and behavioral problems
Manganese	Nervous system, muscle problems, mental problems
Mercury	Cognitive deficits, developmental delays, behavioral problems
Molybdenum	Mineral imbalance, anemia, developmental problems
Nickel	Cancer, lung problems, allergic reactions
Selenium	Birth defects, impaired bone growth in children
Thallium	Birth defects, nervous system/reproductive problems
Vanadium	Birth defects, lung/throat/eye problems
Zinc	Gastrointestinal effects, reproductive problems

Adora Andy  
 Press Secretary  
 U.S. Environmental Protection Agency  
 Office of Public Affairs  
 202-564-2715  
 andy.adora@epa.gov

01268-EPA-5108

"Holdren, John P."

<[REDACTED] (b) (6) Privacy [REDACTED]>

01/22/2010 08:01 AM

To "Gibbs, Robert L.", "Pfeiffer, Dan", "LaBolt, Ben", "Weiss, Rick"

cc "Browner, Carol M.", "Axelrod, David M.", "Sutley, Nancy H."

bcc

Subject Responses to common arguments by climate-change contrarians

Colleagues – Please see the attached Word file. Best, John

JOHN P. HOLDREN

Assistant to the President for Science and Technology  
and Director, Office of Science and Technology Policy  
Executive Office of the President of the United States

[REDACTED] (b) (6) Privacy [REDACTED] (b) (6) Privacy

Executive Assistant Pat McLaughlin

[REDACTED] (b) (6) Privacy [REDACTED] (b) (6) Privacy

[REDACTED] (b) (6) Privacy [REDACTED] (b) (6) Representative

RESPONSES TO CLIMATE-CHANGE CONTRARIANS\_1-22-10.doc

01268-EPA-5109

**Richard Windsor/DC/USEPA/US**  
01/22/2010 12:45 PM

To "Holdren, John P."  
cc  
bcc  
Subject Re: Responses to common arguments by climate-change contrarians

Tx!

---

**From:** "Holdren, John P." <(b) (6) Privacy>  
**Sent:** 01/22/2010 08:01 AM EST  
**To:** "Gibbs, Robert L." <(b) (6) Privacy> "Pfeiffer, Dan" <(b) (6) Privacy> "LaBolt, Ben" <(b) (6) Privacy> "Weiss, Rick" <(b) (6) Privacy>  
**Cc:** "Browner, Carol M." <(b) (6) Privacy> "Axelrod, David M." <(b) (6) Privacy> "Sutley, Nancy H." <(b) (6) Privacy>  
**Subject:** Responses to common arguments by climate-change contrarians

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Assistant to the President for Science and Technology  
and Director, Office of Science and Technology Policy  
Executive Office of the President of the United States  
(b) (6) Privacy (b) (6) Privacy  
Executive Assistant Pat McLaughlin  
(b) (6) Privacy (b) (6) Privacy



II.

(b) (5) Deliberative

[Redacted text block containing multiple paragraphs of blacked-out content]

(b) (5) Deliberative

[Redacted text block containing multiple paragraphs of blacked-out content]

[Redacted text block containing a single paragraph of blacked-out content]



(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

(b) (5) Deliberative

(b) (5) Deliberative

01268-EPA-5111

Seth Oster/DC/USEPA/US  
01/26/2010 03:48 PM

To Richard Windsor, David McIntosh, Bob Perciasepe, Lisa  
Heinzerling, Gina McCarthy, Diane Thompson  
cc Arvin Ganesan, Allyn Brooks-LaSure, Adora Andy  
bcc

Subject Fw: Current Energy/Climate Messaging Guidance

Messaging guidance pre-State-of-Union on energy and climate. The sender works in Carol Browner's office.

Seth Oster  
Associate Administrator  
Office of Public Affairs  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

----- Forwarded by Seth Oster/DC/USEPA/US on 01/26/2010 03:47 PM -----

From: "Russell, Anthony L." <(b) (6) Privacy>  
To: "Ashley, Matt Lee" <'Matt\_lee-ashley@ios.doi.gov'>, "Brooks-LaSure, Allyn" <'Brooks-LaSure.Allyn@epamail.epa.gov'>, "Glunz, Christine M." <(b) (6) Privacy>, "Griffis, K" <'KGriffis@doc.gov'>, "Leistikow, Dan" <'dan.leistikow@hq.doe.gov'>, "Mather, Chris" <'Chris.Mather@oc.usda.gov'>, Seth Oster/DC/USEPA/US@EPA, "Weiss, Rick" <(b) (6) Privacy>  
Cc: "LaBolt, Ben" <(b) (6) Privacy>, "Levine, Jacob C." <(b) (6) Privacy>, "Greenawalt, Andrei M." <(b) (6) Privacy>, "Reynolds, Christina" <(b) (6) Privacy>  
Date: 01/26/2010 12:50 PM  
Subject: Current Energy/Climate Messaging Guidance

Energy/Climate Comms Team,

If you aren't already, it is likely you will see an uptick in press inquiries as a result of the State of the Union Address and the budget roll-out over the next two weeks. We thought it would be helpful to share with you some topline messages. Of particular note is the [report out by AWEA](#) today and the resulting [NY Times story](#). We urge you to pull from these great stats for upcoming speeches, opeds etc.

Topline

(b) (5) Deliberative  
[Redacted content]

(b) (5) Deliberative  
[Redacted text block]

[Redacted text block]

[Redacted text block]

(b) (5) Deliberative

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

(b) (5) Deliberative  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

01268-EPA-5112

**Richard Windsor/DC/USEPA/US**  
01/27/2010 11:07 AM

To Seth Oster, Allyn Brooks-LaSure, Michael Moats, David McIntosh, Gina McCarthy, Bob Perciasepe, Lisa Heinzerling, Bob Sussman, Arvin Ganesan

cc

bcc

Subject Fw: Responses to common arguments by climate-change contrarians

good, succinct stuff

----- Forwarded by Richard Windsor/DC/USEPA/US on 01/27/2010 11:07 AM -----

From: "Holdren, John P." <(b) (6) Privacy>  
 To: "Gibbs, Robert L." <(b) (6) Privacy> "Pfeiffer, Dan" <(b) (6) Privacy>  
 "LaBolt, Ben" <(b) (6) Privacy> "Weiss, Rick" <(b) (6) Privacy>  
 Cc: "Browner, Carol M." <(b) (6) Privacy> "Axelrod, David M." <(b) (6) Privacy>  
 <(b) (6) Privacy> "Sutley, Nancy H." <(b) (6) Privacy>  
 Date: 01/22/2010 08:01 AM  
 Subject: Responses to common arguments by climate-change contrarians

---

Colleagues – Please see the attached Word file. Best, John

JOHN P. HOLDREN

Assistant to the President for Science and Technology  
and Director, Office of Science and Technology Policy  
Executive Office of the President of the United States

(b) (6) Privacy (b) (6) Privacy  
Executive Assistant Pat McLaughlin

(b) (6) Privacy (b) (6) Privacy

[attachment "RESPONSES TO CLIMATE-CHANGE CONTRARIANS\_1-22-10.doc" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-5113

**Allyn  
Brooks-LaSure/DC/USEPA/US**

To Richard Windsor

cc

01/27/2010 11:13 AM

bcc

Subject Re: Fw: Responses to common arguments by  
climate-change contrarians

no attachment.

-----

M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

Richard Windsor    [good, succinct stuff ----- Forwarded by...](#)    01/27/2010 11:07:57 AM

From: Richard Windsor/DC/USEPA/US  
To: Seth Oster/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
Date: 01/27/2010 11:07 AM  
Subject: Fw: Responses to common arguments by climate-change contrarians

good, succinct stuff

----- Forwarded by Richard Windsor/DC/USEPA/US on 01/27/2010 11:07 AM -----

From: "Holdren, John P." <(b) (6) Privacy>  
To: "Gibbs, Robert L." <(b) (6) Privacy>, "Pfeiffer, Dan" <(b) (6) Privacy>  
"LaBolt, Ben" <(b) (6) Privacy>, "Weiss, Rick" <(b) (6) Privacy>  
Cc: "Browner, Carol M." <(b) (6) Privacy>, "Axelrod, David M." <(b) (6) Privacy>  
"Sutley, Nancy H." <(b) (6) Privacy>  
Date: 01/22/2010 08:01 AM  
Subject: Responses to common arguments by climate-change contrarians

Colleagues – Please see the attached Word file. Best, John

JOHN P. HOLDREN

Assistant to the President for Science and Technology  
and Director, Office of Science and Technology Policy  
Executive Office of the President of the United States

(b) (6) Privacy (b) (6) Privacy

Executive Assistant Pat McLaughlin

(b) (6) Privacy (b) (6) Privacy

[attachment "RESPONSES TO CLIMATE-CHANGE CONTRARIANS\_1-22-10.doc" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-5114

**Richard Windsor/DC/USEPA/US**  
01/27/2010 11:16 AM

To Allyn Brooks-LaSure, Seth Oster, Michael Moats, David McIntosh, Kevin Mccarty, Bob Perciasepe, Lisa Heinzerling, Bob Sussman, Arvin Ganesan

cc

bcc

Subject Fw: Responses to common arguments by climate-change contrarians

----- Forwarded by Richard Windsor/DC/USEPA/US on 01/27/2010 11:15 AM -----

From: "Holdren, John P." <(b) (6) Privacy>  
 To: "Gibbs, Robert L." <(b) (6) Privacy> "Pfeiffer, Dan" <(b) (6) Privacy>  
 "LaBolt, Ben" <(b) (6) Privacy> "Weiss, Rick" <(b) (6) Privacy>  
 Cc: "Browner, Carol M." <(b) (6) Privacy> "Axelrod, David M." <(b) (6) Privacy>  
 <(b) (6) Privacy> "Sutley, Nancy H." <(b) (6) Privacy>  
 Date: 01/22/2010 08:01 AM  
 Subject: Responses to common arguments by climate-change contrarians

---

Colleagues – Please see the attached Word file. Best, John

JOHN P. HOLDREN  
 Assistant to the President for Science and Technology  
 and Director, Office of Science and Technology Policy  
 Executive Office of the President of the United States  
 (b) (6) Privacy (b) (6) Privacy  
 Executive Assistant Pat McLaughlin  
 (b) (6) Privacy (b) (6) Privacy  
 (b) (5) Deliberative

RESPONSES TO CLIMATE-CHANGE CONTRARIANS\_1-22-10.doc

01268-EPA-5115

**Richard Windsor/DC/USEPA/US**  
01/27/2010 11:16 AM

To: Gina McCarthy  
cc  
bcc

Subject: Fw: Responses to common arguments by climate-change contrarians

----- Forwarded by Richard Windsor/DC/USEPA/US on 01/27/2010 11:16 AM -----

From: Richard Windsor/DC/USEPA/US  
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Kevin Mccarty, Bob Perciasepe/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
Date: 01/27/2010 11:16 AM  
Subject: Fw: Responses to common arguments by climate-change contrarians

---

----- Forwarded by Richard Windsor/DC/USEPA/US on 01/27/2010 11:15 AM -----

From: "Holdren, John P." <(b) (6) Privacy>  
To: "Gibbs, Robert L." <(b) (6) Privacy>, "Pfeiffer, Dan" <(b) (6) Privacy>  
Cc: "LaBolt, Ben" <(b) (6) Privacy>, "Weiss, Rick" <(b) (6) Privacy>  
"Browner, Carol M." <(b) (6) Privacy>, "Axelrod, David M." <(b) (6) Privacy>  
<(b) (6) Privacy>, "Sutley, Nancy H." <(b) (6) Privacy>  
Date: 01/22/2010 08:01 AM  
Subject: Responses to common arguments by climate-change contrarians

---

Colleagues – Please see the attached Word file. Best, John

JOHN P. HOLDREN  
Assistant to the President for Science and Technology  
and Director, Office of Science and Technology Policy  
Executive Office of the President of the United States  
(b) (6) Privacy (b) (6) Privacy  
Executive Assistant Pat McLaughlin  
(b) (6) Privacy (b) (6) Privacy  
(b) (5) Deliberative

RESPONSES TO CLIMATE-CHANGE CONTRARIANS\_1-22-10.doc



01268-EPA-5116

**Sarah Pallone/DC/USEPA/US**  
01/27/2010 07:04 PM

To "Richard Windsor", "Bob Sussman", "Arvin Ganesan", "Diane Thompson", "Bob Perciasepe"

cc

bcc

Subject Fw: Gov. Manchin and Coal Ash

It's not clear from Shaun McGrath's email to whom the Governor will address his letter.

---

**From:** "McGrath, Shaun L." <[REDACTED] (b) (6) Privacy >

**Sent:** 01/27/2010 06:57 PM EST

**To:** Sarah Pallone; "Carson, Jonathan K." <[REDACTED] (b) (6) Privacy > "Maher, Jessica A." <[REDACTED] (b) (6) Privacy > "Salzman, Amelia S." <[REDACTED] (b) (6) Privacy > "Zichal, Heather R." <[REDACTED] (b) (6) Privacy >

**Subject:** Gov. Manchin and Coal Ash

(b) (5)

[REDACTED]

01268-EPA-5117

Heidi Ellis/DC/USEPA/US

To Richard Windsor

01/28/2010 01:47 PM

cc

bcc

Subject Fw: Green Cabinet Retreat

Administrator-

They have picked a day for the retreat (see below). You are set to come back from Seattle on the red eye on Feb 4th. Do you want me to confirm your attendance for the retreat? Perhaps you can attend the retreat and then return home to prepare for the weekend.

----- Forwarded by Heidi Ellis/DC/USEPA/US on 01/28/2010 01:45 PM -----

From: "Moilanen, Stephen S." <(b) (6) Privacy>  
To: "Avery, Kristin E." <(b) (6) Privacy>, "Rediger, Tony" <Tony.Rediger@hq.doe.gov>, <georgette.brammer@dot.gov>, "Padilla, Joan" <Joan\_Padilla@ios.doi.gov>, "McLaughlin, Patricia M." <(b) (6) Privacy>, <mosley.carolyn@dol.gov>, Heidi Ellis/DC/USEPA/US@EPA, <chris.chan@sba.gov>, "Robertson, Megan A" <Megan.A.Robertson@hud.gov>  
Cc: "Greenawalt, Andrei M." <(b) (6) Privacy>, "Milakofsky, Benjamin E." <(b) (6) Privacy>  
Date: 01/28/2010 01:31 PM  
Subject: RE: Green Cabinet Retreat

---

All,

I know this time won't work for everyone, but we are going to move forward with **the morning** of next **Friday, February 5<sup>th</sup>** as the time for this **Green Cabinet retreat**. We don't have an exact time nailed down, but I would ask that everyone hold **9:00 a.m. to 2:00 p.m.** on their calendar for now.

Later this afternoon, our office will circulate a memo that fleshes out, in greater detail, what we're hoping to accomplish during the retreat. Thank you!

Best,

Steve Moilanen

**Steve Moilanen**

Office of Energy and Climate Change

The White House

(b) (6) Privacy

(b) (6) Privacy

**From:** Moilanen, Stephen S.  
**Sent:** Monday, January 25, 2010 2:54 PM  
**To:** Avery, Kristin E.; 'Rediger, Tony'; 'georgette.brammer@dot.gov'; 'Padilla, Joan'; McLaughlin, Patricia M.; 'mosley.carolyn@dol.gov'; 'Ellis.Heidi@epamail.epa.gov'; 'chris.chan@sba.gov'; 'Robertson, Megan A'  
**Cc:** Greenawalt, Andrei M.; Milakofsky, Benjamin E.  
**Subject:** RE: Green Cabinet Retreat

All,

It looks like February 3<sup>rd</sup> is a bad day for folks as well. I'd like to throw out two more dates for everyone's consideration:

- (1) The afternoon of **Thursday, February 4<sup>th</sup>**
- (2) The morning of **Friday, February 5<sup>th</sup>**

Thanks to everyone for their patience on this.

Best,

Steve Moilanen

**From:** Moilanen, Stephen S.  
**Sent:** Friday, January 22, 2010 3:02 PM  
**To:** Moilanen, Stephen S.; Avery, Kristin E.; 'Rediger, Tony'; 'georgette.brammer@dot.gov'; 'Padilla, Joan'; McLaughlin, Patricia M.; 'mosley.carolyn@dol.gov'; 'Ellis.Heidi@epamail.epa.gov'; 'chris.chan@sba.gov'; 'Robertson, Megan A'  
**Cc:** Greenawalt, Andrei M.; Milakofsky, Benjamin E.  
**Subject:** RE: Green Cabinet Retreat

All,

Thank you all for getting back to me so promptly. It looks as though, between the Cabinet meeting taking place and the travel some of your principals are doing, next Thursday and Friday are not the best days for this retreat. I'd like to propose the **morning of Wednesday, February 3<sup>rd</sup>** as a new date for this retreat. Can you let me know how that works with your principal's schedule?

Best,

Steve Moilanen

**From:** Moilanen, Stephen S.  
**Sent:** Wednesday, January 20, 2010 1:36 PM  
**To:** Avery, Kristin E.; Rediger, Tony; 'georgette.brammer@dot.gov'; Padilla, Joan; McLaughlin, Patricia

M.; 'mosley.carolyn@dol.gov'; 'Ellis.Heidi@epamail.epa.gov'; 'chris.chan@sba.gov'; Robertson, Megan A  
**Cc:** Greenawalt, Andrei M.; Milakofsky, Benjamin E.  
**Subject:** Green Cabinet Retreat

All,

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I would ask maximum flexibility from everyone as we try to schedule this meeting, recognizing how challenging it will be to get everyone's schedules to line up. We propose the following two times for this meeting:

- (1) The **afternoon** of **Thursday, January 28<sup>th</sup>**
- (2) The **morning** of **Friday, January 29**

Can you let me know how those times work for your principals?

Best,

Steve

**Steve Moilanen**

Office of Energy and Climate Change

The White House

(b) (6) Privacy

(b) (6) Privacy

01268-EPA-5118

**Richard Windsor/DC/USEPA/US**  
01/28/2010 02:14 PM

To Heidi Ellis  
cc "David McIntosh"  
bcc

Subject Re: Green Cabinet Retreat

Yes. Heaven help us. But Ray Lahood is with me so we will both have to do that. Is there an earlier flight back from Seattle? **(b) (5) Deliberative** ?

Heidi Ellis

----- Original Message -----

**From:** Heidi Ellis  
**Sent:** 01/28/2010 01:47 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: Green Cabinet Retreat

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To: "Avery, Kristin E." <**(b) (6) Privacy**>, "Rediger, Tony" <Tony.Rediger@hq.doe.gov>, <georgette.brammer@dot.gov>, "Padilla, Joan" <Joan\_Padilla@ios.doi.gov>, "McLaughlin, Patricia M." <**(b) (6) Privacy**>, <mosley.carolyn@dol.gov>, Heidi Ellis/DC/USEPA/US@EPA, <chris.chan@sba.gov>, "Robertson, Megan A" <Megan.A.Robertson@hud.gov>  
Cc: "Greenawalt, Andrei M." <**(b) (6) Privacy**>, "Milakofsky, Benjamin E." <**(b) (6) Privacy**>  
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**Steve Moilanen**

Office of Energy and Climate Change  
The White House

(b) (6) Privacy

(b) (6) Privacy

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**Sent:** Monday, January 25, 2010 2:54 PM

**To:** Avery, Kristin E.; 'Rediger, Tony'; 'georgette.brammer@dot.gov'; 'Padilla, Joan'; McLaughlin, Patricia M.; 'mosley.carolyn@dol.gov'; 'Ellis.Heidi@epamail.epa.gov'; 'chris.chan@sba.gov'; 'Robertson, Megan A'

**Cc:** Greenawalt, Andrei M.; Milakofsky, Benjamin E.

**Subject:** RE: Green Cabinet Retreat

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Steve Moilanen

**From:** Moilanen, Stephen S.

**Sent:** Friday, January 22, 2010 3:02 PM

**To:** Moilanen, Stephen S.; Avery, Kristin E.; 'Rediger, Tony'; 'georgette.brammer@dot.gov'; 'Padilla, Joan'; McLaughlin, Patricia M.; 'mosley.carolyn@dol.gov'; 'Ellis.Heidi@epamail.epa.gov';

'chris.chan@sba.gov'; 'Robertson, Megan A'

**Cc:** Greenawalt, Andrei M.; Milakofsky, Benjamin E.

**Subject:** RE: Green Cabinet Retreat

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**Sent:** Wednesday, January 20, 2010 1:36 PM

**To:** Avery, Kristin E.; Rediger, Tony; 'georgette.brammer@dot.gov'; Padilla, Joan; McLaughlin, Patricia M.; 'mosley.carolyn@dol.gov'; 'Ellis.Heidi@epamail.epa.gov'; 'chris.chan@sba.gov'; Robertson, Megan A

**Cc:** Greenawalt, Andrei M.; Milakofsky, Benjamin E.

**Subject:** Green Cabinet Retreat

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Best,

Steve

**Steve Moilanen**

Office of Energy and Climate Change

The White House

(b) (6) Privacy

(b) (6) Privacy

01268-EPA-5119

David  
McIntosh/DC/USEPA/US  
01/28/2010 02:41 PM

To Richard Windsor  
cc Heidi Ellis  
bcc  
Subject Re: Green Cabinet Retreat

Ugh is right. [REDACTED] (b) (5) Deliberative [REDACTED]

Richard Windsor Yes. Heaven help us. But Ray Lahood... 01/28/2010 02:14:44 PM

From: Richard Windsor/DC/USEPA/US  
To: Heidi Ellis/DC/USEPA/US@EPA  
Cc: "David McIntosh" <mcintosh.david@epa.gov>  
Date: 01/28/2010 02:14 PM  
Subject: Re: Green Cabinet Retreat

Yes. Heaven help us. But Ray Lahood is with me so we will both have to do that. Is there an earlier flight back from Seattle? [REDACTED] (b) (5) Deliberative [REDACTED] ?

Heidi Ellis

----- Original Message -----

**From:** Heidi Ellis  
**Sent:** 01/28/2010 01:47 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: Green Cabinet Retreat

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----- Forwarded by Heidi Ellis/DC/USEPA/US on 01/28/2010 01:45 PM -----

From: "Moilanen, Stephen S." <[REDACTED] (b) (6) Privacy [REDACTED]>  
To: "Avery, Kristin E." <[REDACTED] (b) (6) Privacy [REDACTED]>, "Rediger, Tony" <Tony.Rediger@hq.doe.gov>, <georgette.brammer@dot.gov>, "Padilla, Joan" <Joan\_Padilla@ios.doi.gov>, "McLaughlin, Patricia M." <[REDACTED] (b) (6) Privacy [REDACTED]>, <mosley.carolyn@dol.gov>, Heidi Ellis/DC/USEPA/US@EPA, <chris.chan@sba.gov>, "Robertson, Megan A" <Megan.A.Robertson@hud.gov>  
Cc: "Greenawalt, Andrei M." <[REDACTED] (b) (6) Privacy [REDACTED]>, "Milakofsky, Benjamin E." <[REDACTED] (b) (6) Privacy [REDACTED]>  
Date: 01/28/2010 01:31 PM  
Subject: RE: Green Cabinet Retreat

All,

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Later this afternoon, our office will circulate a memo that fleshes out, in greater detail, what we're hoping to accomplish during the retreat. Thank you!

Best,

Steve Moilanen

**Steve Moilanen**  
Office of Energy and Climate Change  
The White House  
(b) (6) Privacy  
(b) (6) Privacy

**From:** Moilanen, Stephen S.  
**Sent:** Monday, January 25, 2010 2:54 PM  
**To:** Avery, Kristin E.; 'Rediger, Tony'; 'georgette.brammer@dot.gov'; 'Padilla, Joan'; McLaughlin, Patricia M.; 'mosley.carolyn@dol.gov'; 'Ellis.Heidi@epamail.epa.gov'; 'chris.chan@sba.gov'; 'Robertson, Megan A'  
**Cc:** Greenawalt, Andrei M.; Milakofsky, Benjamin E.  
**Subject:** RE: Green Cabinet Retreat

All,

It looks like February 3<sup>rd</sup> is a bad day for folks as well. I'd like to throw out two more dates for everyone's consideration:

- (1) The afternoon of **Thursday, February 4<sup>th</sup>**
- (2) The morning of **Friday, February 5<sup>th</sup>**

Thanks to everyone for their patience on this.

Best,

Steve Moilanen

**From:** Moilanen, Stephen S.  
**Sent:** Friday, January 22, 2010 3:02 PM  
**To:** Moilanen, Stephen S.; Avery, Kristin E.; 'Rediger, Tony'; 'georgette.brammer@dot.gov'; 'Padilla, Joan'; McLaughlin, Patricia M.; 'mosley.carolyn@dol.gov'; 'Ellis.Heidi@epamail.epa.gov'; 'chris.chan@sba.gov'; 'Robertson, Megan A'  
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**Sent:** Wednesday, January 20, 2010 1:36 PM

**To:** Avery, Kristin E.; Rediger, Tony; 'georgette.brammer@dot.gov'; Padilla, Joan; McLaughlin, Patricia M.; 'mosley.carolyn@dol.gov'; 'Ellis.Heidi@epamail.epa.gov'; 'chris.chan@sba.gov'; Robertson, Megan A

**Cc:** Greenawalt, Andrei M.; Milakofsky, Benjamin E.

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- (1) The **afternoon of Thursday, January 28<sup>th</sup>**
- (2) The **morning of Friday, January 29**

Can you let me know how those times work for your principals?

Best,

Steve

**Steve Moilanen**

Office of Energy and Climate Change

The White House

(b) (6) Privacy

(b) (6) Privacy

01268-EPA-5120

Diane  
Thompson/DC/USEPA/US  
01/28/2010 02:44 PM

To Richard Windsor  
cc Aaron Dickerson, Robert Goulding  
bcc  
Subject Fw: UPDATED Talking Points: State of the Union

FYI

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 01/28/2010 02:44 PM -----

From: "Milakofsky, Benjamin E." <(b) (6) Privacy >  
To: "Lu, Christopher P." <(b) (6) Privacy >, "Smith, Elizabeth S." <(b) (6) Privacy >  
<(b) (6) Privacy >, "Kimball, Astri B." <(b) (6) Privacy >  
"French, Michael J." <(b) (6) Privacy >, "Greenawalt, Andrei M." <(b) (6) Privacy >  
<(b) (6) Privacy >, "Taylor, Adam R." <(b) (6) Privacy >  
Date: 01/28/2010 10:57 AM  
Subject: UPDATED Talking Points: State of the Union

Dear Chiefs of Staff and WH Liaisons:

Please see the below updated talking points on the State of the Union.

--Cabinet Affairs

SOTU Talking Points  
(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]



(b) (5) Deliberative

[Redacted text block]

01268-EPA-5121

Heidi Ellis/DC/USEPA/US

To David McIntosh

01/28/2010 03:15 PM

cc Richard Windsor

bcc

Subject Re: Green Cabinet Retreat

Your event is in the evening, so there are no earlier flights that you can get on.

Chu and Salazar are confirmed.

David McIntosh Ugh is right. (b) (5) Deliberative 01/28/2010 02:41:06 PM

From: David McIntosh/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Heidi Ellis/DC/USEPA/US@EPA  
Date: 01/28/2010 02:41 PM  
Subject: Re: Green Cabinet Retreat

Ugh is right. (b) (5) Deliberative

Richard Windsor Yes. Heaven help us. But Ray Lahood... 01/28/2010 02:14:44 PM

From: Richard Windsor/DC/USEPA/US  
To: Heidi Ellis/DC/USEPA/US@EPA  
Cc: "David McIntosh" <mcintosh.david@epa.gov>  
Date: 01/28/2010 02:14 PM  
Subject: Re: Green Cabinet Retreat

Yes. Heaven help us. But Ray Lahood is with me so we will both have to do that. Is there an earlier flight back from Seattle? (b) (5) Deliberative ?

Heidi Ellis

----- Original Message -----

From: Heidi Ellis  
Sent: 01/28/2010 01:47 PM EST  
To: Richard Windsor  
Subject: Fw: Green Cabinet Retreat

Administrator-

They have picked a day for the retreat (see below). You are set to come back from Seattle on the red eye on Feb 4th. Do you want me to confirm your attendance for the retreat? Perhaps you can attend the retreat and then return home to prepare for the weekend.

----- Forwarded by Heidi Ellis/DC/USEPA/US on 01/28/2010 01:45 PM -----

From: "Moilanen, Stephen S." <(b) (6) Privacy>  
To: "Avery, Kristin E." <(b) (6) Privacy> "Rediger, Tony"

<Tony.Rediger@hq.doe.gov>, <georgette.brammer@dot.gov>, "Padilla, Joan"  
<Joan\_Padilla@ios.doi.gov>, "McLaughlin, Patricia M." <(b) (6) Privacy  
<mosley.carolyn@dol.gov>, Heidi Ellis/DC/USEPA/US@EPA, <chris.chan@sba.gov>, "Robertson,  
Megan A" <Megan.A.Robertson@hud.gov>  
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Best,

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**Steve Moilanen**

Office of Energy and Climate Change

The White House

(b) (6) Privacy

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**Cc:** Greenawalt, Andrei M.; Milakofsky, Benjamin E.

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Office of Energy and Climate Change

The White House

(b) (6) Privacy

(b) (6) Privacy

01268-EPA-5122

Richard Windsor/DC/USEPA/US  
 01/28/2010 03:17 PM

To Heidi Ellis, David McIntosh  
 cc  
 bcc  
 Subject Re: Green Cabinet Retreat

I meant - (b) (5) Deliberative ?  
Heidi Ellis

----- Original Message -----

**From:** Heidi Ellis  
**Sent:** 01/28/2010 03:15 PM EST  
**To:** David McIntosh  
**Cc:** Richard Windsor  
**Subject:** Re: Green Cabinet Retreat

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**Steve Moilanen**

Office of Energy and Climate Change

The White House

(b) (6) Privacy

(b) (6) Privacy

01268-EPA-5124

**Richard Windsor/DC/USEPA/US**  
01/29/2010 08:01 AM

To "Carol Browner", "Nancy Sutley"  
cc  
bcc

Subject Fw: Breaking News: Bin Laden blasts U.S. for climate change

----- Original Message -----

From: "The Washington Post" [newsletters@email.washingtonpost.com]  
Sent: 01/29/2010 07:01 AM EST  
To: Richard Windsor  
Subject: Breaking News: Bin Laden blasts U.S. for climate change

-----  
News Alert: Bin Laden blasts U.S. for climate change  
06:49 AM EST Friday, January 29, 2010  
-----

Al-Qaeda leader Osama bin Laden has called in a new audiotape for the world to boycott American goods and the U.S. dollar, blaming the United States and other industrialized countries for global warming. In the tape, aired in part on Al-Jazeera television Friday, bin Laden warns of the dangers of climate change and says that the way to stop it is to bring "the wheels of the American economy" to a halt

For more information, visit [washingtonpost.com](http://link.email.washingtonpost.com/r/NQU5FR/QQ5ZI/EYF7OP/C92PX2/MPZ77/CM/t):  
<http://link.email.washingtonpost.com/r/NQU5FR/QQ5ZI/EYF7OP/C92PX2/MPZ77/CM/t>

-----  
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c/o E-mail Customer Care  
1515 N. Courthouse Road  
Arlington, VA 22201

01268-EPA-5125

**Sarah Pallone/DC/USEPA/US**

To: Richard Windsor

01/29/2010 11:32 AM

cc

bcc

Subject: Fw: From the Governor's Desk: We Must Work Together to Move Our Nation Forward

I inadvertently left you off of my forward list. I was anticipating a hard hitting criticism of EPA in is this Op-Ed based on a comment to me by the Governor's staff. The original intent was to make the case that science does not support regulating coal ash based on a threat to the environment. The Governor's office was under the false impression that we were making some sort of Coal Ash decision yesterday and was attempting to "respond to influence" that decision. I had assured the Governor's staff that no such announcement would be happening, and they apparently changed their Op-Ed.

Sarah Hospodor-Pallone  
Deputy Associate Administrator  
for Intergovernmental Relations  
Office of the Administrator  
202-564-7178  
pallone.sarah@epa.gov

----- Forwarded by Sarah Pallone/DC/USEPA/US on 01/29/2010 11:20 AM -----

From: Sarah Pallone/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA  
Date: 01/29/2010 11:13 AM  
Subject: Fw: From the Governor's Desk: We Must Work Together to Move Our Nation Forward

The much anticipated Op-Ed piece from Governor Manchin.

Sarah Hospodor-Pallone  
Deputy Associate Administrator  
for Intergovernmental Relations  
Office of the Administrator  
202-564-7178  
pallone.sarah@epa.gov

----- Forwarded by Sarah Pallone/DC/USEPA/US on 01/29/2010 11:12 AM -----

From: "McGrath, Shaun L." <(b) (6) Privacy>  
To: "Maher, Jessica A." <(b) (6) Privacy>, "Salzman, Amelia S." <(b) (6) Privacy>, "Carson, Jonathan K." <(b) (6) Privacy>, "Levine, Jacob C." <(b) (6) Privacy>, "Zichal, Heather R." <(b) (6) Privacy>, Sarah Pallone/DC/USEPA/US@EPA, "Lehrich, Matthew A." <(b) (6) Privacy>  
Date: 01/29/2010 11:01 AM  
Subject: FW: From the Governor's Desk: We Must Work Together to Move Our Nation Forward

Gov Manchin's statement on SOTU and "clean coal." (pretty positive!)

**From:** Castleberry, Emily [mailto:Emily.B.Castleberry@wv.gov]  
**Sent:** Friday, January 29, 2010 10:13 AM  
**To:** McGrath, Shaun L.  
**Subject:** FW: From the Governor's Desk: We Must Work Together to Move Our Nation Forward

Shaun,

Please see the article below from the Governor's weekly column. As I mentioned, this will go out later today. If you wouldn't mind passing this around, I would greatly appreciate it. Should anyone have any questions, please feel free to contact Sara Payne Scarbro at the number listed below.

Thanks,

Emily

**From:** Payne, Sara  
**Sent:** Friday, January 29, 2010 9:21 AM  
**To:** Castleberry, Emily  
**Subject:** From the Governor's Desk: We Must Work Together to Move Our Nation Forward

Emily – Please pass this along. This will go statewide to all of the print publications and will also be emailed out to the governor's email list. If anyone has any questions, they are welcome to contact me directly. Thanks.

**Sara Payne Scarbro**  
*Press Secretary*

Office of Gov. Joe Manchin  
State of West Virginia  
*Office: 304-558-3848*  
*Cell: 304-546-1726*  
*Fax: 304-558-1558*  
*Email: [sara.e.payne@wv.gov](mailto:sara.e.payne@wv.gov)*

For Immediate Release  
Contact: Press Secretary Sara Payne Scarbro, 304-558-2000  
Jan. 29, 2010

## We Must Work Together to Move Our Nation Forward

*From The Governor's Desk: A weekly column by Gov. Joe Manchin*

In his State of the Union Address, I was pleased President Obama talked about many of the same issues West Virginians have been working to accomplish the last few years. Those topics include creating jobs, working across party lines, being financially responsible and achieving a balance between our environment and the need for energy.

In addition to the safety of our citizens, my top priority is creating jobs for West Virginia families. The president's jobs bill and tax incentives for small businesses should help create more jobs across our nation and could have a real impact in the Mountain State.



In West Virginia, more than 70 percent of business firms have fewer than 10 employees and almost 50 percent have fewer than four employees, so it is important to give our small businesses the tools they need to grow.

Considering all the discussion of the future of coal in West Virginia, it was great to hear the president discuss "continued investments in clean coal technologies." As a nation, we must commit to the development of technology that enables us to use our tremendous coal resources in a more environmentally responsible manner. With our technical expertise and our coal, West Virginia will continue to play a key role in our nation's energy future.

West Virginia has come a long way since 2005 because we have recognized the importance of working together toward the common goal of moving our state ahead. We will always have our differences, but in West Virginia, when it comes to the road to economic prosperity, the results are greatest when Republicans, Democrats and Independents work together to improve our state. I was encouraged President Obama asked Congress to put our citizens first and work together to move our nation forward.

I think most Americans and members of Congress understand the importance of being financially responsible. In West Virginia, we continue to operate state government in partnership with our citizens and businesses, managing our finances responsibly and treating our taxpayers like good customers, a concept I call "Retail Government."

We have the results to prove this concept is working. Last year, West Virginia was a national leader in personal income growth, and we ranked second overall in the most recent index of state economic momentum. Since 2005, 243 companies have located or expanded in West Virginia and they have invested more than \$9 billion here. West Virginia's cost of living is below the national average and our Rainy Day fund is strong.

More than half of our states have laid off or furloughed workers, and at least 32 states have raised taxes or cut aid to local governments, but not West Virginia. Bipartisanship and responsible planning are paying off for our state, and it will work for our nation, as well.

I look forward to working with our president and our congressional delegation to move our state and nation forward.

01268-EPA-5126

**Richard Windsor/DC/USEPA/US**  
01/29/2010 01:50 PM

To Barbara Bennett  
cc  
bcc

Subject Re: SEC / Climate Change

Maybe you should shoot Aneesh an email? (b) (6) Privacy  
Barbara Bennett

----- Original Message -----

**From:** Barbara Bennett  
**Sent:** 01/29/2010 01:13 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Scott Fulton  
**Subject:** SEC / Climate Change

I have put in a call to some contacts at the Big 4 accounting firms for their take on the SEC guidance issued this week re: climate change impact discussion in corporate MD&A. It's not a new regulation, but it does call for increased disclosure of environmental impact both by and to a corporation and is very broad: it covers legislative impact to consumer demand and all points in between. (b) (5) Deliberative

Just as fyi....the subject was also picked up in yesterday's E-Clips....pages 13-15 in case you're curious and have a few moments.

[attachment "E-Clips - Thursday, January 28, 2010.doc" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-5127

**Barbara Bennett/DC/USEPA/US**  
01/29/2010 02:24 PM

To Richard Windsor  
cc  
bcc  
Subject Re: SEC / Climate Change

Will do. Thanks.

Richard Windsor [Maybe you should shoot Aneesh an e...](#) 01/29/2010 01:50:27 PM

From: Richard Windsor/DC/USEPA/US  
To: Barbara Bennett/DC/USEPA/US@EPA  
Date: 01/29/2010 01:50 PM  
Subject: Re: SEC / Climate Change

Maybe you should shoot Aneesh an email? (b) (6) Privacy

Barbara Bennett

----- Original Message -----

**From:** Barbara Bennett  
**Sent:** 01/29/2010 01:13 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Scott Fulton  
**Subject:** SEC / Climate Change

I have put in a call to some contacts at the Big 4 accounting firms for their take on the SEC guidance issued this week re: climate change impact discussion in corporate MD&A. It's not a new regulation, but it does call for increased disclosure of environmental impact both by and to a corporation and is very broad: it covers legislative impact to consumer demand and all points in between. (b) (5) Deliberative

Just as fyi....the subject was also picked up in yesterday's E-Clips....pages 13-15 in case you're curious and have a few moments.

[attachment "E-Clips - Thursday, January 28, 2010.doc" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-5128

**Sarah Pallone/DC/USEPA/US**

02/02/2010 05:08 PM

To David McIntosh, Diane Thompson, Bob Sussman, Bob Perciasepe, Richard Windsor

cc

bcc

Subject Fw: Material from Gov. Manchin

FYI, Governor Manchin is requesting a separate meeting with WH Staff to discuss "ongoing regulatory concerns with EPA."

Sarah Hospodor-Pallone  
Deputy Associate Administrator  
for Intergovernmental Relations  
Office of the Administrator  
202-564-7178  
pallone.sarah@epa.gov

----- Forwarded by Sarah Pallone/DC/USEPA/US on 02/02/2010 05:06 PM -----

From: "McGrath, Shaun L." <[REDACTED] (b) (6) Privacy>  
To: Sarah Pallone/DC/USEPA/US@EPA  
Date: 02/02/2010 05:04 PM  
Subject: FW: Material from Gov. Manchin

---

FYI

**From:** Mollohan, Travis [mailto:Travis.T.Mollohan@wv.gov]  
**Sent:** Tuesday, February 02, 2010 4:02 PM  
**To:** McGrath, Shaun L.  
**Subject:** Material from Gov. Manchin

Shaun,

Here is the material that the Governor will present to the President tomorrow.

Thanks,

**Travis Mollohan**  
**Senior Aide to the Governor**  
**Office of Governor Joe Manchin III**  
**State of West Virginia**



Pres Obama letter FEB 3 2010 scanned.pdf



WH energy flyer FEB 3 2010.pdf

West Virginia  
*Energy*



**POWERING AMERICA'S FUTURE**



**WEST VIRGINIA**

*West Virginia*

# EXECUTIVE SUMMARY

## KEY RECOMMENDATIONS

Energy availability for the United States faces three daunting problems. The first is to guarantee our energy supply. The second is that we harness this energy in an environmentally responsible way. Finally, we need to work to ensure that domestic energy resources can be fully utilized in meeting our national energy needs.

### Sustainability

Our country should diversify its energy portfolio to reduce the carbon footprint of electric generation; we should be committed to solving coal's environmental issues while transitioning to new fuels and technologies.

### Environmental Responsibility

The CO<sub>2</sub> challenge in coal fired power can – and is – being solved by technology. This investment in technology should continue. All wealth generated by a carbon tax policy should be directed to these efforts, including value-added coal products and technology.

### Independence and Security

Our energy security and economic competitiveness has been fostered by reliable, dependable and affordable domestic energy supplies. Future fuels must also have these attributes.

The innovation and entrepreneurship of our country should be encouraged in all ways to develop our energy future through using our existing resources. This both fuels the economy as well as protects our nation's security.

## SUPPLY AND DEMAND

- U.S. derives most of its energy from fossil fuels such as coal, petroleum and natural gas
- U.S. imports 60 percent of its oil
- U.S. has the world's largest coal reserves – and West Virginia is the second-leading state for coal production
- West Virginia is second in the nation in net interstate electricity exports
- West Virginia exports 72 percent of its coal
- West Virginia exports 65 percent of its natural gas

- West Virginia is an energy leader. We are committed to fixing the CO<sub>2</sub> problem through the use of technology
- West Virginia's coal and electric generation capacity helped build this nation and power it through two world wars
- Coal mining provided 22,578 direct West Virginia jobs in 2009 at an annual average wage above \$72,000, generating more than \$1.7 billion in wages
- Annually in West Virginia, the coal mining industry also generates approximately \$8.8 billion in industrial output and accounts for \$831 million in state and local taxes (November, 2007)
- West Virginia coal is crucial to our nation's security and reducing our dependence on foreign oil. It must be the transition fuel, as it is economically viable, reliable and affordable, and it can be environmentally responsible through investment in technology
- In West Virginia, we are developing the world's most advanced technology that will let us use domestic energy resources – our coal – until we make the transition to the fuel of the future
- We are finding the necessary balance between jobs, the environment and meeting our nation's energy needs

## OUR CONCERNS

- Proposed cap and trade legislation will hinder economic recovery in our nation
- Thousands of West Virginians count on these jobs
- Our schools and our communities count on the tax funding provide by coal mining
- Clarification from EPA regarding valley fills/surface mine permits
- Let us do the jobs we do best – including regulation of mining. Don't shut us down, but let us work with you and our operators and investors to resolve the problems
- Support carbon capture and continued development of clean coal technologies

## IMPACT OF PROPOSED CAP AND TRADE LEGISLATION

Based on information in the U.S. Energy Information Administration's (EIA) report Energy Market and Economic Impacts of H.R. 2454, the American Clean Energy and Security Act of 2009 (basic case):

- H.R. 2454 will reduce West Virginia's Gross Domestic Product (GDP) by \$750 million by 2020 and over \$1.75 billion by 2030
- By the year 2030, West Virginia will lose more than 22,000 jobs – not just in mining but in health care, retail and government as well
- Investments needed to address the carbon concerns while maintaining energy supply:
  - » \$100 million by AEP for initial 1.5 percent carbon dioxide (CO<sub>2</sub>) capture and sequestration demonstration at its Mountaineer Plant
  - » Cost for carbon capture and storage (CCS) technology could add 73 percent to current electric rates
  - » At this technology stage, CO<sub>2</sub> will have to be more than \$90/ton to justify CCS technology
  - » Cost of carbon abatement to U.S. Gross Domestic Product (GDP) could approach \$122 billion annually after cap and trade is adopted
  - » Increases in energy supply needed to sustain growth by 2030 include nuclear power, 38 percent; oil production, 43 percent; renewable energy, 61 percent; natural gas production, 64 percent; and coal production, 74 percent
  - » A national cap and trade system would add unnecessary volatility to the energy market, compared to the predictability of a carbon tax



## REGULATORY CONCERNS

West Virginia has shared its concerns regarding EPA's lack of consultation and the intrusion on the state's regulatory authority.

- Instead of applying the state's narrative water quality standards in the state's Clean Water Act (CWA) 402 permitting process, EPA implemented its own interpretation in the federal 404 permitting process
- Although the Army Corps of Engineers has historically relied on fill minimization and cumulative hydrologic impact assessment conducted by the state in the Surface Mining Control and Reclamation Act, EPA revisited these aspects of the mine permits
- This has resulted in duplication of efforts and differing interpretations of regulations and permits, which may in turn lead to reduced investment in mining operations within the United States
- A reduction in domestic production could force utility companies to turn to foreign sources to meet coal demand by increasing dependence upon foreign sources
  - » The top countries to import coal to the United States are Venezuela, Columbia and Indonesia
  - » Environmental regulations in those countries are reportedly far less protective than those in the United States
- Therefore, in its efforts to better protect the environment and the global climate, the EPA may have the unintended effect of supporting foreign mining operations that have far less effective environmental regulations





## WEST VIRGINIA'S ENERGY INITIATIVES

West Virginia is finding new and better ways to use our coal. There is a balance between coal and the environment and West Virginia is a worldwide leader in finding that balance.

### Fossil Fuel Technology and Improvements

- 2009 alternative and renewable energy portfolio legislation requires 25 percent of the energy consumed in our state to come from an alternative or renewable energy source by the year 2025
- Substantial investment in new technologies is being made but we need more investment to continue this progress
- September 2009: The world's first project to both capture and store CO<sub>2</sub> at a coal-fired power plant began operation at American Electric Power's existing power plant in New Haven, W.Va.
- November 2009: Alstom and Dow partner to demonstrate carbon capture technology at Dow's chemical production facility in South Charleston, W.Va.
- Nation's first Reference Coal to Liquid facility in Mingo County, W.Va., is scheduled to become operational in 2013 and will be carbon-capture ready
- Passed Land Use Planning legislation to use post mine land for economic development purposes
- Working directly with Chinese government on advanced coal technologies
- Exploring and developing tremendous new natural gas resources from Marcellus Shale formation
- Charleston is the only state capital that has a vehicle hydrogen fuel station

### Renewable and Alternative Energy

- Over 1,000 megawatts of wind power in service or in development
- Third-largest wind capacity of any state in the eastern United States
- Largest wind farm east of the Mississippi
- Advancing co-firing and biomass plants as part of state's energy mix
- Supplies 264 MW of power from hydroelectric power plants with an additional 127 MW in the FERC permit process. Virtually all of our hydropower resources are being used

### Managing Our Carbon Footprint

- 18 percent of West Virginia's CO<sub>2</sub> emissions sequestered naturally through the state's extensive forests
- Passed legislation adopting 2009 energy building codes
- Statewide mapping of carbon sequestration opportunities under way within the state
- Over 1,000 megawatts of renewable energy projects in West Virginia contribute to energy portfolio of PJM states





*State of West Virginia*  
*Joe Manchin III*  
*Governor*

Office of the Governor  
State Capitol  
1900 Kanawha Boulevard, East  
Charleston, WV 25305

Telephone: (304) 558-2000  
Toll Free: 1-888-438-2731  
FAX: (304) 342-7025  
[www.wv.gov.org](http://www.wv.gov.org)

February 3, 2010

The Honorable Barack Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear Mr. President:

Thank you for meeting with governors to discuss our nation's energy policy. I know that, together, we can formulate a responsible and reasonable approach that will secure our nation's energy independence, create a cleaner environment and keep our people working.

While coal remains a dependable and affordable energy source, we must invest in the research and technology that will enable it to continue as part of our national strategy until we transition to the fuel of the future. In West Virginia we have diversified our state's energy portfolio with two progressive and historic pieces of legislation: 1) the Alternative and Renewable Energy Portfolio and 2) the Post-Mine Land Use Plan.

The Mountain State is determined to help shape our nation's future. Coal will continue to provide a reliable domestic resource to meet our energy needs until a dependable and affordable fuel of the future is brought on line. I am asking that you make available your top staff to meet with the West Virginia congressional delegation and me to discuss these issues and our ongoing regulatory concerns with EPA.

With your leadership, we can address these challenges and advance clean domestic energy sources to fuel our nation's factories, homes and vehicles. I look forward to working with you on America's energy future.

With warmest regards,

A handwritten signature in black ink, appearing to read "Joe Manchin III".

Joe Manchin III  
Governor

01268-EPA-5129

**Richard Windsor/DC/USEPA/US**  
02/02/2010 05:13 PM

To Seth Oster, Allyn Brooks-LaSure, Adora Andy  
cc Peter Silva, Nancy Stoner, Diane Thompson, Bob Perciasepe, David McIntosh, Shawn Garvin  
bcc

Subject Fw: Material from Gov. Manchin

FYI - If history is any guide, he will probably do a release or statement after the meeting.

----- Forwarded by Richard Windsor/DC/USEPA/US on 02/02/2010 05:11 PM -----

From: Sarah Pallone/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
Date: 02/02/2010 05:08 PM  
Subject: Fw: Material from Gov. Manchin

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Sarah Hospodor-Pallone  
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Office of the Administrator  
202-564-7178  
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From: "McGrath, Shaun L." <[REDACTED] (b) (6) Privacy>  
To: Sarah Pallone/DC/USEPA/US@EPA  
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**Senior Aide to the Governor**  
**Office of Governor Joe Manchin III**  
**State of West Virginia**



Pres Obama letter FEB 3 2010 scanned.pdf WH energy flyer FEB 3 2010.pdf

See attachments to 01268-  
EPA-5128

01268-EPA-5130

**Richard Windsor/DC/USEPA/US**  
02/02/2010 05:14 PM

To nsutley  
cc  
bcc

Subject Fw: Material from Gov. Manchin

fyi

----- Forwarded by Richard Windsor/DC/USEPA/US on 02/02/2010 05:13 PM -----

From: Sarah Pallone/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
Date: 02/02/2010 05:08 PM  
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**Senior Aide to the Governor**  
**Office of Governor Joe Manchin III**  
**State of West Virginia**



Pres Obama letter FEB 3 2010 scanned.pdf WH energy flyer FEB 3 2010.pdf

See attachments to 01268-  
EPA-5128

01268-EPA-5131

**Seth Oster/DC/USEPA/US**

02/03/2010 07:26 AM

To "Lisa Jackson"

cc David McIntosh, "Bob Perciasepe", "Diane Thompson",  
"Robert Goulding"

bcc

Subject Fw: TP/QA

Good morning.

Further background for today's meeting.....

Attached are the draft, but likely final, talking points and QandAs for today's press event after the Governor's meeting. Included are the materials we provided on RFS2, as well as similar materials from USDA and DOE for the three other pieces. Carol's remarks for the introduction of the press event are included (it's basic messaging -- nothing new or surprising).

It now appears Salazar will be joining too.

(b) (5) Deliberative

Seth

---

**From:** "Russell, Anthony L." [REDACTED] (b) (6) Privacy

**Sent:** 02/02/2010 10:20 PM EST

**To:** Seth Oster; "Mather, Chris" <Chris.Mather@oc.usda.gov>; "Ashley, Matt Lee" <Matt\_lee-ashley@ios.doi.gov>; "Leistikow, Dan" <dan.leistikow@hq.doe.gov>; <justin.dejong@oc.usda.gov>

**Subject:** TP/QA

Hey guys,

Thanks so much with all the help today! Attached are the collective TP/QA you all sent. Note, Carol's remarks are a draft, but hopefully pretty close.

I think we have everything we need for tomorrow. Let me know if you have any other questions/concerns.

Not sure if I mentioned it before, but Sec. Salazar will also be participating in the press call as well.

(b) (5) Deliberative

Tony CollectiveTPs.doc

01268-EPA-5132

Allyn  
Brooks-LaSure/DC/USEPA/US

To Richard Windsor, "Perciasepe, Bob", "Thompson, Diane",  
"Heinzerling, Lisa", "Ganesan, Arvin", "McCarthy, Gina",  
"Elworth, Larry", "McIntosh, David"

02/03/2010 09:02 AM

cc

bcc

Subject Fw: POTUS Guidance

Guidance on climate bill matters.

MABL.

-----

M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: 202-631-0415

---

**From:** "Levine, Jacob C." [REDACTED] (b) (6) Privacy

**Sent:** 02/03/2010 08:57 AM EST

**To:** "LaBolt, Ben" <[REDACTED] (b) (6) Privacy> "Glunz, Christine M."  
<[REDACTED] (b) (6) Privacy <Dan.Leistikow@hq.doe.gov>;  
<Matt\_Lee-Ashley@ios.doi.gov>; Allyn Brooks-LaSure; "Zichal, Heather R."  
<[REDACTED] (b) (6) Privacy <Betsy\_Hildebrandt@ios.doi.gov>;  
"Weiss, Rick" <[REDACTED] (b) (6) Privacy <Seth Oster; Adora Andy; "Mather, Chris"  
<Chris.Mather@oc.usda.gov>; <Kendra\_Barkoff@ios.doi.gov>; "Kobren, Benjamin M"  
<KobrenBM@state.gov>; <justin.kenney@noaa.gov>; "Gilson, Shannon" <SGilson@doc.gov>;  
<Uzzell.Megan@dol.gov>; "Lehrich, Matthew A." <[REDACTED] (b) (6) Privacy  
"Shah, Parita" <PShah@doc.gov>; "Griffis, Kevin" <KGriffis@doc.gov>; "USDA"  
<david.sandretti@oc.usda.gov>; "Russell, Anthony L." <[REDACTED] (b) (6) Privacy

Seth Oster

**Cc:** "Russell, Anthony L." <[REDACTED] (b) (6) Privacy

**Subject:** POTUS Guidance

Hi All –

As you may have seen yesterday at a town hall in Nashua, President Obama answered a question regarding the new foundation we're laying for a clean energy economy. In his answer, the President referenced a legislative strategy being floated by some lawmakers in the Senate to separate energy and climate pieces from one comprehensive bill into two distinct bills. Many mistakenly interpreted this as a sign that the President was advocating such a position.

This is not the case.

(b) (5)

(b) (5)  
[Redacted text block]

Please see clips below, and guidance to follow if asked this morning:

Question and Answer:

(b) (5) Deliberative  
[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

Key SOTU Clip:

"...But to create more of these clean energy jobs, we need more production, more efficiency, more incentives. That means building a new generation of safe, clean nuclear power plants in this country. It means making tough decisions about opening new offshore areas for oil and gas development. It means continued investment in advanced biofuels and clean coal technologies. And yes, it means passing a comprehensive energy and climate bill with incentives that will finally make clean energy the profitable kind of energy in America.

I am grateful to the House for passing such a bill last year. This year, I am eager to help advance the bipartisan effort in the Senate. I know there have been questions about whether we can afford such changes in a tough economy; and I know that there are those who disagree with the overwhelming scientific evidence on climate change. But even if you doubt the evidence, providing incentives for energy efficiency and clean energy are the right thing to do for our future – because the nation that leads the clean energy economy will be the nation that leads the global economy. And America must be that nation..."

Full quote:

<http://www.whitehouse.gov/the-press-office/remarks-president-town-hall-meeting-nashua-new-hamps-hire>

Now, here's the only thing I would say. The most controversial aspects of the energy debate that



we've been having -- the House passed an energy bill and people complained about, well, there's this cap and trade thing. And you just mentioned, let's do the fun stuff before we do the hard stuff. The only thing I would say about it is this: We may be able to separate these things out. And it's conceivable that that's where the Senate ends up. But the concept of incentivizing clean energy so that it's the cheaper, more effective kind of energy is one that is proven to work and is actually a market-based approach. A lot of times, people just respond to incentives. And no matter how good the technology is, the fact of the matter is if you're not factoring in the soot that's being put in the atmosphere, coal is going to be cheaper for a very long time. For the average industry, the average company, we can make huge progress on solar, we can make huge progress on wind, but the unit costs -- energy costs that you get from those technologies relative to coal are still going to be pretty substantial. They're going to get better, but it might take 20-30-40 years of technology to get better.

And so the question then is: Does it make sense for us to start pricing in the fact that this thing is really bad for the environment? And if we do, then can we do it in a way that doesn't involve some big bureaucracy in a control and command system, but just says, look, we're just going to -- there's going to be a price to pollution. And then everybody can adapt and decide which are the -- which are the best energies. And that's -- that's, by the way, remember acid rain? That's how that got solved, was basically what happened -- the Clean Air Act slapped a price on sulfur emissions. And what ended up happening was all these companies who were saying this was going to be a jobs killer, et cetera, they figured it out. They figured it out a lot cheaper than anybody expected. And it turns out now that our trees are okay up here in New Hampshire. That's a good thing. So we should take a lesson from the past and not be afraid of the future. (Applause.)

#### Press

"A White House spokesman said the president still supported comprehensive climate and energy legislation as one package."

<http://www.reuters.com/article/idUSTRE6115V820100202>

"A White House spokesman downplayed the comments, saying that Mr. Obama still favored a bill that would combine measures to encourage jobs in green-energy fields with the establishment of a trading mechanism for greenhouse-gas emissions."

[http://online.wsj.com/article/SB10001424052748704022804575041632860721438.html?mod=googlenews\\_wsj](http://online.wsj.com/article/SB10001424052748704022804575041632860721438.html?mod=googlenews_wsj)

01268-EPA-5133

Seth Oster/DC/USEPA/US  
02/03/2010 09:25 AM

To Richard Windsor, Diane Thompson, David McIntosh, Bob Perciasepe  
cc Allyn Brooks-LaSure  
bcc  
Subject Fw: POTUS Guidance

FYI.

Seth Oster  
Associate Administrator  
Office of Public Affairs  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

----- Forwarded by Seth Oster/DC/USEPA/US on 02/03/2010 09:25 AM -----

From: "Levine, Jacob C." <(b) (6) Privacy>  
To: "LaBolt, Ben" <(b) (6) Privacy>, "Glunz, Christine M." <(b) (6) Privacy>, <Dan.Leistikow@hq.doe.gov>, <Matt\_Lee-Ashley@ios.doi.gov>, Allyn Brooks-LaSure/DC/USEPA/US@EPA, "Zichal, Heather R." <(b) (6) Privacy>, "Betsy Hildebrandt" <Betsy\_Hildebrandt@ios.doi.gov>, "Weiss, Rick" <(b) (6) Privacy>, Seth Oster/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, "Mather, Chris" <Chris.Mather@oc.usda.gov>, <Kendra\_Barkoff@ios.doi.gov>, "Kobren, Benjamin M" <KobrenBM@state.gov>, <justin.kenney@noaa.gov>, "Gilson, Shannon" <SGilson@doc.gov>, <Uzzell.Megan@dol.gov>, "Lehrich, Matthew A." <(b) (6) Privacy>, "Shah, Parita" <PShah@doc.gov>, "Griffis, Kevin" <KGriffis@doc.gov>, "USDA" <david.sandretti@oc.usda.gov>, "Russell, Anthony L." <(b) (6) Privacy>, Seth Oster/DC/USEPA/US@EPA  
Cc: "Russell, Anthony L." <(b) (6) Privacy>  
Date: 02/03/2010 08:57 AM  
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(b) (5)

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

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<http://www.reuters.com/article/idUSTRE6115V820100202>

“A White House spokesman downplayed the comments, saying that Mr. Obama still favored a bill that would combine measures to encourage jobs in green-energy fields with the establishment of a trading mechanism for greenhouse-gas emissions.”

[http://online.wsj.com/article/SB10001424052748704022804575041632860721438.html?mod=googlenews\\_wsj](http://online.wsj.com/article/SB10001424052748704022804575041632860721438.html?mod=googlenews_wsj)

01268-EPA-5134

Heidi Ellis/DC/USEPA/US

To "Lisa", "Diane Thompson"

02/03/2010 06:36 PM

cc

bcc

Subject Fw: Green Cabinet Retreat

OMG!

---

**From:** "Moilanen, Stephen S." <(b) (6) Privacy>  
**Sent:** 02/03/2010 06:34 PM EST  
**To:** "Moilanen, Stephen S." <(b) (6) Privacy> "Avery, Kristin E." <(b) (6) Privacy> "Rediger, Tony" <Tony.Rediger@hq.doe.gov>; <georgette.brammer@dot.gov>; "Padilla, Joan" <Joan\_Padilla@ios.doi.gov>; "McLaughlin, Patricia M." <(b) (6) Privacy> <mosley.carolyn@dol.gov>; Heidi Ellis; <chris.chan@sba.gov>; "Robertson, Megan A" <Megan.A.Robertson@hud.gov>; "Cluthe, Sally" <Sally.Cluthe@osec.usda.gov>; "Ortiz, Michael" <(b) (6) Privacy>  
**Cc:** "Greenawalt, Andrei M." <(b) (6) Privacy> "Milakofsky, Benjamin E." <(b) (6) Privacy> "Levine, Jacob C." <(b) (6) Privacy> "Russell, Anthony L." <(b) (6) Privacy>  
**Subject:** RE: Green Cabinet Retreat

All,

I'm so sorry to do this to everyone at the last minute, especially given the sacrifices you all made to work Friday work for the retreat, but we're unfortunately going to **need to reschedule the retreat we had planned for this Friday**. We had a number of Cabinet principals who, as it turns out, cannot attend on Friday, and we want to ensure that we get the entire Green Cabinet together for this retreat.

I will circle back with everyone tomorrow and try to settle on a new time. Again, my apologies to everyone.

Best,

Steve Moilanen

Steve Moilanen | White House Office of Energy and Climate Change | (b) (6) Privacy |  
 (b) (6) Privacy

**From:** Moilanen, Stephen S.**Sent:** Monday, February 01, 2010 10:15 AM**To:** Moilanen, Stephen S.; Avery, Kristin E.; 'Rediger, Tony'; 'georgette.brammer@dot.gov'; 'Padilla,

Joan'; McLaughlin, Patricia M.; 'mosley.carolyn@dol.gov'; 'Ellis.Heidi@epamail.epa.gov';  
'chris.chan@sba.gov'; 'Robertson, Megan A'  
**Cc:** Greenawalt, Andrei M.; Milakofsky, Benjamin E.; Levine, Jacob C.; Russell, Anthony L.  
**Subject:** RE: Green Cabinet Retreat

All,

Please find an agenda for this Friday's retreat attached. We're still in the process of determining the timing of the meeting.

Best,

Steve

**From:** Moilanen, Stephen S.  
**Sent:** Thursday, January 28, 2010 3:44 PM  
**To:** Avery, Kristin E.; 'Rediger, Tony'; 'georgette.brammer@dot.gov'; 'Padilla, Joan'; McLaughlin, Patricia M.; 'mosley.carolyn@dol.gov'; 'Ellis.Heidi@epamail.epa.gov'; 'chris.chan@sba.gov'; 'Robertson, Megan A'  
**Cc:** Greenawalt, Andrei M.; Milakofsky, Benjamin E.  
**Subject:** RE: Green Cabinet Retreat

I wanted to clarify a couple of things for everyone:

- (1) If your principal is unable to attend, they are welcome to send a surrogate. In addition, your principal/surrogate is welcome to bring a +1 with them
- (2) Because we are hosting this retreat on February 5<sup>th</sup>, we will not be holding our regular biweekly meeting next Tuesday, February 2<sup>nd</sup>

Best,

Steve

**From:** Moilanen, Stephen S.  
**Sent:** Thursday, January 28, 2010 1:31 PM  
**To:** Avery, Kristin E.; 'Rediger, Tony'; 'georgette.brammer@dot.gov'; 'Padilla, Joan'; McLaughlin, Patricia M.; 'mosley.carolyn@dol.gov'; 'Ellis.Heidi@epamail.epa.gov'; 'chris.chan@sba.gov'; 'Robertson, Megan A'  
**Cc:** Greenawalt, Andrei M.; Milakofsky, Benjamin E.  
**Subject:** RE: Green Cabinet Retreat

All,

I know this time won't work for everyone, but we are going to move forward with **the morning** of next **Friday, February 5<sup>th</sup>** as the time for this **Green Cabinet retreat**. We don't have an exact time nailed down, but I would ask that everyone hold **9:00 a.m. to 2:00 p.m.** on their calendar for now.

Later this afternoon, our office will circulate a memo that fleshes out, in greater detail, what we're hoping

to accomplish during the retreat. Thank you!

Best,

Steve Moilanen

**Steve Moilanen**

Office of Energy and Climate Change

The White House

(b) (6) Privacy

(b) (6) Privacy

**From:** Moilanen, Stephen S.

**Sent:** Monday, January 25, 2010 2:54 PM

**To:** Avery, Kristin E.; 'Rediger, Tony'; 'georgette.brammer@dot.gov'; 'Padilla, Joan'; McLaughlin, Patricia M.; 'mosley.carolyn@dol.gov'; 'Ellis.Heidi@epamail.epa.gov'; 'chris.chan@sba.gov'; 'Robertson, Megan A'

**Cc:** Greenawalt, Andrei M.; Milakofsky, Benjamin E.

**Subject:** RE: Green Cabinet Retreat

All,

It looks like February 3<sup>rd</sup> is a bad day for folks as well. I'd like to throw out two more dates for everyone's consideration:

- (1) The afternoon of **Thursday, February 4<sup>th</sup>**
- (2) The morning of **Friday, February 5<sup>th</sup>**

Thanks to everyone for their patience on this.

Best,

Steve Moilanen

**From:** Moilanen, Stephen S.

**Sent:** Friday, January 22, 2010 3:02 PM

**To:** Moilanen, Stephen S.; Avery, Kristin E.; 'Rediger, Tony'; 'georgette.brammer@dot.gov'; 'Padilla, Joan'; McLaughlin, Patricia M.; 'mosley.carolyn@dol.gov'; 'Ellis.Heidi@epamail.epa.gov';

'chris.chan@sba.gov'; 'Robertson, Megan A'

**Cc:** Greenawalt, Andrei M.; Milakofsky, Benjamin E.

**Subject:** RE: Green Cabinet Retreat

All,

Thank you all for getting back to me so promptly. It looks as though, between the Cabinet meeting taking place and the travel some of your principals are doing, next Thursday and Friday are not the best days for this retreat. I'd like to propose the **morning of Wednesday, February 3<sup>rd</sup>** as a new date for this retreat. Can you let me know how that works with your principal's schedule?

Best,

Steve Moilanen

**From:** Moilanen, Stephen S.

**Sent:** Wednesday, January 20, 2010 1:36 PM

**To:** Avery, Kristin E.; Rediger, Tony; 'georgette.brammer@dot.gov'; Padilla, Joan; McLaughlin, Patricia M.; 'mosley.carolyn@dol.gov'; 'Ellis.Heidi@epamail.epa.gov'; 'chris.chan@sba.gov'; Robertson, Megan A

**Cc:** Greenawalt, Andrei M.; Milakofsky, Benjamin E.

**Subject:** Green Cabinet Retreat

All,

We'd like to find a time during the next week or so to host a half-day retreat with the members of the Green Cabinet. The idea behind this meeting is to discuss, in depth, the Green Cabinet's outlook and agenda for 2010. We'd like to have both your principals and a +1 of their choosing participate in this meeting.

I would ask maximum flexibility from everyone as we try to schedule this meeting, recognizing how challenging it will be to get everyone's schedules to line up. We propose the following two times for this meeting:

- (1) The **afternoon of Thursday, January 28<sup>th</sup>**
- (2) The **morning of Friday, January 29**

Can you let me know how those times work for your principals?

Best,

Steve

**Steve Moilanen**

Office of Energy and Climate Change

The White House

(b) (6) Privacy

(b) (6) Privacy



01268-EPA-5135

**Richard Windsor/DC/USEPA/US**  
02/04/2010 06:46 AM

To Seth Oster, Diane Thompson, David McIntosh, Bob Perciasepe  
cc Allyn Brooks-LaSure  
bcc

Subject Re: POTUS Guidance

Love the line "We should take a lesson from the past and not be afraid of the future."  
Seth Oster

----- Original Message -----

**From:** Seth Oster  
**Sent:** 02/03/2010 09:25 AM EST  
**To:** Richard Windsor; Diane Thompson; David McIntosh; Bob Perciasepe  
**Cc:** Allyn Brooks-LaSure  
**Subject:** Fw: POTUS Guidance

FYI.

Seth Oster  
Associate Administrator  
Office of Public Affairs  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

----- Forwarded by Seth Oster/DC/USEPA/US on 02/03/2010 09:25 AM -----

**From:** "Levine, Jacob C." <(b) (6)>  
**To:** "LaBolt, Ben" <(b) (6)>, "Glunz, Christine M." <(b) (6)>, <Dan.Leistikow@hq.doe.gov>, <Matt\_Lee-Ashley@ios.doi.gov>, Allyn Brooks-LaSure/DC/USEPA/US@EPA, "Zichal, Heather R." <(b) (6)>, "Betsy Hildebrandt" <Betsy\_Hildebrandt@ios.doi.gov>, "Weiss, Rick" <(b) (6)>, Seth Oster/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, "Mather, Chris" <Chris.Mather@oc.usda.gov>, <Kendra\_Barkoff@ios.doi.gov>, "Kobren, Benjamin M" <KobrenBM@state.gov>, <justin.kenney@noaa.gov>, "Gilson, Shannon" <SGilson@doc.gov>, <Uzzell.Megan@dol.gov>, "Lehrich, Matthew A." <(b) (6)>, "Shah, Parita" <PShah@doc.gov>, "Griffis, Kevin" <KGriffis@doc.gov>, "USDA" <david.sandretti@oc.usda.gov>, "Russell, Anthony L." <(b) (6)>, Seth Oster/DC/USEPA/US@EPA  
**Cc:** "Russell, Anthony L." <(b) (6)>  
**Date:** 02/03/2010 08:57 AM  
**Subject:** POTUS Guidance

Hi All –

As you may have seen yesterday at a town hall in Nashua, President Obama answered a question regarding the new foundation we're laying for a clean energy economy. In his answer, the President referenced a legislative strategy being floated by some lawmakers in the Senate to separate energy and climate pieces from one comprehensive bill into two distinct bills. Many mistakenly interpreted this as a sign that the President was advocating such a position.

This is not the case.

(b) (5) [Redacted]

(b) (5) [Redacted]

Please see clips below, and guidance to follow if asked this morning:

Question and Answer:

(b) (5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

Key SOTU Clip:

"...But to create more of these clean energy jobs, we need more production, more efficiency, more incentives. That means building a new generation of safe, clean nuclear power plants in this country. It means making tough decisions about opening new offshore areas for oil and gas development. It means continued investment in advanced biofuels and clean coal technologies. And yes, it means passing a comprehensive energy and climate bill with incentives that will finally make clean energy the profitable kind of energy in America.

I am grateful to the House for passing such a bill last year. This year, I am eager to help advance the bipartisan effort in the Senate. I know there have been questions about whether we can afford such changes in a tough economy; and I know that there are those who disagree with the overwhelming scientific evidence on climate change. But even if you doubt the evidence, providing incentives for energy efficiency and clean energy are the right thing to do for our future – because the nation that leads the clean energy economy will be the nation that leads the global economy. And America must be that nation..."

Full quote:

<http://www.whitehouse.gov/the-press-office/remarks-president-town-hall-meeting-nashua-new-hamps>

hire

Now, here's the only thing I would say. The most controversial aspects of the energy debate that we've been having -- the House passed an energy bill and people complained about, well, there's this cap and trade thing. And you just mentioned, let's do the fun stuff before we do the hard stuff. The only thing I would say about it is this: We may be able to separate these things out. And it's conceivable that that's where the Senate ends up. But the concept of incentivizing clean energy so that it's the cheaper, more effective kind of energy is one that is proven to work and is actually a market-based approach. A lot of times, people just respond to incentives. And no matter how good the technology is, the fact of the matter is if you're not factoring in the soot that's being put in the atmosphere, coal is going to be cheaper for a very long time. For the average industry, the average company, we can make huge progress on solar, we can make huge progress on wind, but the unit costs -- energy costs that you get from those technologies relative to coal are still going to be pretty substantial. They're going to get better, but it might take 20-30-40 years of technology to get better.

And so the question then is: Does it make sense for us to start pricing in the fact that this thing is really bad for the environment? And if we do, then can we do it in a way that doesn't involve some big bureaucracy in a control and command system, but just says, look, we're just going to -- there's going to be a price to pollution. And then everybody can adapt and decide which are the -- which are the best energies. And that's -- that's, by the way, remember acid rain? That's how that got solved, was basically what happened -- the Clean Air Act slapped a price on sulfur emissions. And what ended up happening was all these companies who were saying this was going to be a jobs killer, et cetera, they figured it out. They figured it out a lot cheaper than anybody expected. And it turns out now that our trees are okay up here in New Hampshire. That's a good thing. So we should take a lesson from the past and not be afraid of the future. (Applause.)

Press

"A White House spokesman said the president still supported comprehensive climate and energy legislation as one package."

<http://www.reuters.com/article/idUSTRE6115V820100202>

"A White House spokesman downplayed the comments, saying that Mr. Obama still favored a bill that would combine measures to encourage jobs in green-energy fields with the establishment of a trading mechanism for greenhouse-gas emissions."

[http://online.wsj.com/article/SB10001424052748704022804575041632860721438.html?mod=googlenews\\_wsj](http://online.wsj.com/article/SB10001424052748704022804575041632860721438.html?mod=googlenews_wsj)

01268-EPA-5136

**"Munoz, Cecilia"**

&lt;[REDACTED] (b) (6) Privacy

&gt;

02/04/2010 09:30 AM

To Richard Windsor, "Sutley, Nancy H.", "Browner, Carol M."

cc

bcc

Subject FW: White House statement

Hi there – hope everybody was content with how the meeting went yesterday. [REDACTED] (b) (5) Deliberative  
[REDACTED] Manchin's statement  
is below – enjoy!

C

**From:** Mollohan, Travis [mailto:Travis.T.Mollohan@wv.gov]**Sent:** Thursday, February 04, 2010 8:03 AM**To:** McGrath, Shaun L.**Cc:** Turner, Matt; Payne, Sara; Smith, Melvin**Subject:** FW: White House statement

## GOV. JOE MANCHIN TODAY JOINED PRESIDENT OBAMA, VICE PRESIDENT BIDEN, TOP WHITE HOUSE OFFICIALS AND A BIPARTISAN GROUP OF 10 OTHER GOVERNORS IN A MEETING ABOUT ENERGY POLICY AT THE WHITE HOUSE

### STATEMENT FROM THE GOVERNOR REGARDING THE MEETING AT THE WHITE HOUSE:

“I want to thank the president and vice president and the environmental officials for their time today. We had a very open dialogue unlike anything I’ve participated in at this level. I had the opportunity to ask everything and say everything that is on my mind with regard to our energy future. I shared with them that in West Virginia, we care about the environment, but also the security of our nation, energy independence and the economy and the jobs that go with that.

“The discussion from all the governors present was very frank, and I think the president took it in and I think the administration has a better idea of where we are coming from.

“From West Virginia’s standpoint, I don’t think the administration realized the efforts we’ve undertaken to diversify our energy portfolio and use our natural resources in more environmentally friendly ways, as we make the transition to the energy fuels of the future. Those programs include our alternative and renewable energy portfolio act and our post-mine land use bill.

“I am encouraged about our discussion of more investment in technology that will allow us to use our coal in more environmentally friendly ways and I support the president’s establishment

of an Interagency Task Force on Carbon Capture and Storage that I hope will speed the development and use of clean coal technologies.

“Overall, I’m very pleased with the candid discussion we had today and I think through continued dialogue like this, we will have a better understanding and be able to accomplish many of the shared goals with regard to our state’s and our nation’s energy future.”

- Gov. Joe Manchin

01268-EPA-5137

**Richard Windsor/DC/USEPA/US**  
02/04/2010 10:04 AM

To "Cecilia Munoz", "Sutley, Nancy H.", "Browner, Carol M."  
cc  
bcc

Subject Re: White House statement

You did a good job.

---

**From:** "Munoz, Cecilia" [redacted] (b) (6) Privacy  
**Sent:** 02/04/2010 09:30 AM EST  
**To:** Richard Windsor; "Sutley, Nancy H." <[redacted] (b) (6) Privacy> "Browner, Carol M."  
<[redacted] (b) (6) Privacy>  
**Subject:** FW: White House statement

Hi there – hope everybody was content with how the meeting went yesterday. [redacted] (b) (5) Deliberative  
[redacted] Manchin's statement  
is below – enjoy!

C

**From:** Mollohan, Travis [mailto:Travis.T.Mollohan@wv.gov]  
**Sent:** Thursday, February 04, 2010 8:03 AM  
**To:** McGrath, Shaun L.  
**Cc:** Turner, Matt; Payne, Sara; Smith, Melvin  
**Subject:** FW: White House statement

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- Gov. Joe Manchin

01268-EPA-5138

"Munoz, Cecilia" <(b) (6) Privacy>  
 To: Richard Windsor  
 cc  
 bcc  
 02/04/2010 10:06 AM  
 Subject: RE: White House statement

Thanks – I know this was hardest on you, but I hope you felt supported throughout.

**From:** Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
**Sent:** Thursday, February 04, 2010 10:04 AM  
**To:** Munoz, Cecilia; Sutley, Nancy H.; Browner, Carol M.  
**Subject:** Re: White House statement

You did a good job.

---

**From:** "Munoz, Cecilia" <(b) (6) Privacy>  
**Sent:** 02/04/2010 09:30 AM EST  
**To:** Richard Windsor; "Sutley, Nancy H." <(b) (6) Privacy> "Browner, Carol M."  
 <(b) (6) Privacy>  
**Subject:** FW: White House statement

Hi there – hope everybody was content with how the meeting went yesterday. (b) (5) Deliberative  
 <(b) (6) Privacy>. Manchin's statement  
 is below – enjoy!

C

**From:** Mollohan, Travis [mailto:Travis.T.Mollohan@wv.gov]  
**Sent:** Thursday, February 04, 2010 8:03 AM  
**To:** McGrath, Shaun L.  
**Cc:** Turner, Matt; Payne, Sara; Smith, Melvin  
**Subject:** FW: White House statement

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- Gov. Joe Manchin

01268-EPA-5139

**Richard Windsor/DC/USEPA/US**  
02/04/2010 02:02 PM

To "Cecilia Munoz", "Valerie Jarrett", "Carol Browner", "Nancy Sutley"  
cc  
bcc

Subject Re: White House statement

I felt more than supported. I was actually a bit embarrassed at the President's words. I know you, Valerie, Carol and Nancy really supported me and I am very grateful for that. Lisa

---

**From:** "Munoz, Cecilia" [REDACTED] (b) (6) Privacy  
**Sent:** 02/04/2010 10:06 AM EST  
**To:** Richard Windsor  
**Subject:** RE: White House statement

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**From:** Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
**Sent:** Thursday, February 04, 2010 10:04 AM  
**To:** Munoz, Cecilia; Sutley, Nancy H.; Browner, Carol M.  
**Subject:** Re: White House statement

You did a good job.

---

**From:** "Munoz, Cecilia" [REDACTED] (b) (6) Privacy  
**Sent:** 02/04/2010 09:30 AM EST  
**To:** Richard Windsor; "Sutley, Nancy H." <[REDACTED] (b) (6) Privacy> "Browner, Carol M."  
<[REDACTED] (b) (6) Privacy>  
**Subject:** FW: White House statement

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**Sent:** Thursday, February 04, 2010 8:03 AM  
**To:** McGrath, Shaun L.  
**Cc:** Turner, Matt; Payne, Sara; Smith, Melvin  
**Subject:** FW: White House statement

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- Gov. Joe Manchin

01268-EPA-5140

Sarah Pallone/DC/USEPA/US

02/05/2010 09:30 AM

To Bob Perciasepe, Bob Sussman, Arvin Ganesan, Diane Thompson, Richard Windsor

cc

bcc

Subject Fw: Meeting with Gov. Manchin

Good morning to all,

I just received the attached email from Governor Manchin's staff. I have indicated that our scheduling office will be in contact shortly. In the mean time, we should talk about when and how this meeting should happen. (b) (5)

Thank you!

Sarah Hospodor-Pallone  
Deputy Associate Administrator  
for Intergovernmental Relations  
Office of the Administrator  
202-564-7178  
pallone.sarah@epa.gov

----- Forwarded by Sarah Pallone/DC/USEPA/US on 02/05/2010 09:25 AM -----

From: "Mollohan, Travis" <Travis.T.Mollohan@wv.gov>  
To: Sarah Pallone/DC/USEPA/US@EPA, "McGrath, Shaun L." <(b) (6) Privacy>  
Cc: "Turner, Matt" <Matthew.R.Turner@wv.gov>, "Payne, Sara" <Sara.E.Payne@wv.gov>, "Kimble, Nelda" <Nelda.M.Kimble@wv.gov>, "Stone, Sherrie" <Sherrie.L.Stone@wv.gov>, "Huffman, Randy C" <Randy.C.Huffman@wv.gov>, "Castleberry, Emily" <Emily.B.Castleberry@wv.gov>  
Date: 02/05/2010 09:14 AM  
Subject: Meeting with Gov. Manchin

---

Sarah,

Governor Manchin mentioned that Lisa Jackson told him she'd be happy to meet on the issues he presented Wednesday. Our Secretary of Environmental Protection, Randy Huffman, would be attending too. Attached for your convenience is the information that the Governor presented.

First, the letter that he presented to the President.

Second, the flyer of WV resources, concerns and progress in the area of renewable & alternative energy.

Third, the talking points about permit issues with the EPA.

We understand it may take a while to review this information. Governor welcomes the opportunity to meet with Ms. Jackson. Look forward to working with you on this important meeting.

Thanks,

**Travis Mollohan**  
**Senior Aide to the Governor**

**Office of Governor Joe Manchin III**  
**State of West Virginia**



Pres Obama letter FEB 3 2010 scanned.pdf WH energy flyer FEB 3 2010.pdf white house talking points 020310.doc

West Virginia  
*Energy*



**POWERING AMERICA'S FUTURE**



**WEST VIRGINIA**

*West Virginia*

# EXECUTIVE SUMMARY

## KEY RECOMMENDATIONS

Energy availability for the United States faces three daunting problems. The first is to guarantee our energy supply. The second is that we harness this energy in an environmentally responsible way. Finally, we need to work to ensure that domestic energy resources can be fully utilized in meeting our national energy needs.

### Sustainability

Our country should diversify its energy portfolio to reduce the carbon footprint of electric generation; we should be committed to solving coal's environmental issues while transitioning to new fuels and technologies.

### Environmental Responsibility

The CO<sub>2</sub> challenge in coal fired power can – and is – being solved by technology. This investment in technology should continue. All wealth generated by a carbon tax policy should be directed to these efforts, including value-added coal products and technology.

### Independence and Security

Our energy security and economic competitiveness has been fostered by reliable, dependable and affordable domestic energy supplies. Future fuels must also have these attributes.

The innovation and entrepreneurship of our country should be encouraged in all ways to develop our energy future through using our existing resources. This both fuels the economy as well as protects our nation's security.

## SUPPLY AND DEMAND

- U.S. derives most of its energy from fossil fuels such as coal, petroleum and natural gas
- U.S. imports 60 percent of its oil
- U.S. has the world's largest coal reserves – and West Virginia is the second-leading state for coal production
- West Virginia is second in the nation in net interstate electricity exports
- West Virginia exports 72 percent of its coal
- West Virginia exports 65 percent of its natural gas

- West Virginia is an energy leader. We are committed to fixing the CO<sub>2</sub> problem through the use of technology
- West Virginia's coal and electric generation capacity helped build this nation and power it through two world wars
- Coal mining provided 22,578 direct West Virginia jobs in 2009 at an annual average wage above \$72,000, generating more than \$1.7 billion in wages
- Annually in West Virginia, the coal mining industry also generates approximately \$8.8 billion in industrial output and accounts for \$831 million in state and local taxes (November, 2007)
- West Virginia coal is crucial to our nation's security and reducing our dependence on foreign oil. It must be the transition fuel, as it is economically viable, reliable and affordable, and it can be environmentally responsible through investment in technology
- In West Virginia, we are developing the world's most advanced technology that will let us use domestic energy resources – our coal – until we make the transition to the fuel of the future
- We are finding the necessary balance between jobs, the environment and meeting our nation's energy needs

## OUR CONCERNS

- Proposed cap and trade legislation will hinder economic recovery in our nation
- Thousands of West Virginians count on these jobs
- Our schools and our communities count on the tax funding provide by coal mining
- Clarification from EPA regarding valley fills/surface mine permits
- Let us do the jobs we do best – including regulation of mining. Don't shut us down, but let us work with you and our operators and investors to resolve the problems
- Support carbon capture and continued development of clean coal technologies

## IMPACT OF PROPOSED CAP AND TRADE LEGISLATION

Based on information in the U.S. Energy Information Administration's (EIA) report Energy Market and Economic Impacts of H.R. 2454, the American Clean Energy and Security Act of 2009 (basic case):

- H.R. 2454 will reduce West Virginia's Gross Domestic Product (GDP) by \$750 million by 2020 and over \$1.75 billion by 2030
- By the year 2030, West Virginia will lose more than 22,000 jobs – not just in mining but in health care, retail and government as well
- Investments needed to address the carbon concerns while maintaining energy supply:
  - » \$100 million by AEP for initial 1.5 percent carbon dioxide (CO<sub>2</sub>) capture and sequestration demonstration at its Mountaineer Plant
  - » Cost for carbon capture and storage (CCS) technology could add 73 percent to current electric rates
  - » At this technology stage, CO<sub>2</sub> will have to be more than \$90/ton to justify CCS technology
  - » Cost of carbon abatement to U.S. Gross Domestic Product (GDP) could approach \$122 billion annually after cap and trade is adopted
  - » Increases in energy supply needed to sustain growth by 2030 include nuclear power, 38 percent; oil production, 43 percent; renewable energy, 61 percent; natural gas production, 64 percent; and coal production, 74 percent
  - » A national cap and trade system would add unnecessary volatility to the energy market, compared to the predictability of a carbon tax



## REGULATORY CONCERNS

West Virginia has shared its concerns regarding EPA's lack of consultation and the intrusion on the state's regulatory authority.

- Instead of applying the state's narrative water quality standards in the state's Clean Water Act (CWA) 402 permitting process, EPA implemented its own interpretation in the federal 404 permitting process
- Although the Army Corps of Engineers has historically relied on fill minimization and cumulative hydrologic impact assessment conducted by the state in the Surface Mining Control and Reclamation Act, EPA revisited these aspects of the mine permits
- This has resulted in duplication of efforts and differing interpretations of regulations and permits, which may in turn lead to reduced investment in mining operations within the United States
- A reduction in domestic production could force utility companies to turn to foreign sources to meet coal demand by increasing dependence upon foreign sources
  - » The top countries to import coal to the United States are Venezuela, Columbia and Indonesia
  - » Environmental regulations in those countries are reportedly far less protective than those in the United States
- Therefore, in its efforts to better protect the environment and the global climate, the EPA may have the unintended effect of supporting foreign mining operations that have far less effective environmental regulations







## WEST VIRGINIA'S ENERGY INITIATIVES

West Virginia is finding new and better ways to use our coal. There is a balance between coal and the environment and West Virginia is a worldwide leader in finding that balance.

### Fossil Fuel Technology and Improvements

- 2009 alternative and renewable energy portfolio legislation requires 25 percent of the energy consumed in our state to come from an alternative or renewable energy source by the year 2025
- Substantial investment in new technologies is being made but we need more investment to continue this progress
- September 2009: The world's first project to both capture and store CO<sub>2</sub> at a coal-fired power plant began operation at American Electric Power's existing power plant in New Haven, W.Va.
- November 2009: Alstom and Dow partner to demonstrate carbon capture technology at Dow's chemical production facility in South Charleston, W.Va.
- Nation's first Reference Coal to Liquid facility in Mingo County, W.Va., is scheduled to become operational in 2013 and will be carbon-capture ready
- Passed Land Use Planning legislation to use post mine land for economic development purposes
- Working directly with Chinese government on advanced coal technologies
- Exploring and developing tremendous new natural gas resources from Marcellus Shale formation
- Charleston is the only state capital that has a vehicle hydrogen fuel station

### Renewable and Alternative Energy

- Over 1,000 megawatts of wind power in service or in development
- Third-largest wind capacity of any state in the eastern United States
- Largest wind farm east of the Mississippi
- Advancing co-firing and biomass plants as part of state's energy mix
- Supplies 264 MW of power from hydroelectric power plants with an additional 127 MW in the FERC permit process. Virtually all of our hydropower resources are being used

### Managing Our Carbon Footprint

- 18 percent of West Virginia's CO<sub>2</sub> emissions sequestered naturally through the state's extensive forests
- Passed legislation adopting 2009 energy building codes
- Statewide mapping of carbon sequestration opportunities under way within the state
- Over 1,000 megawatts of renewable energy projects in West Virginia contribute to energy portfolio of PJM states



*State of West Virginia*  
*Joe Manchin III*  
*Governor*

Office of the Governor  
State Capitol  
1900 Kanawha Boulevard, East  
Charleston, WV 25305

Telephone: (304) 558-2000  
Toll Free: 1-888-438-2731  
FAX: (304) 342-7025  
[www.wv.gov](http://www.wv.gov)

February 3, 2010

The Honorable Barack Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear Mr. President:

Thank you for meeting with governors to discuss our nation's energy policy. I know that, together, we can formulate a responsible and reasonable approach that will secure our nation's energy independence, create a cleaner environment and keep our people working.

While coal remains a dependable and affordable energy source, we must invest in the research and technology that will enable it to continue as part of our national strategy until we transition to the fuel of the future. In West Virginia we have diversified our state's energy portfolio with two progressive and historic pieces of legislation: 1) the Alternative and Renewable Energy Portfolio and 2) the Post-Mine Land Use Plan.

The Mountain State is determined to help shape our nation's future. Coal will continue to provide a reliable domestic resource to meet our energy needs until a dependable and affordable fuel of the future is brought on line. I am asking that you make available your top staff to meet with the West Virginia congressional delegation and me to discuss these issues and our ongoing regulatory concerns with EPA.

With your leadership, we can address these challenges and advance clean domestic energy sources to fuel our nation's factories, homes and vehicles. I look forward to working with you on America's energy future.

With warmest regards,

A handwritten signature in black ink, appearing to read "Joe Manchin III".

Joe Manchin III  
Governor

## February 3, 2010 Talking Points

### JANUARY – MARCH 2009

First EPA changes -- EPA issued objection letters on three 404 permit applications between January and March of 2009.

- Caught everyone off guard.
- Objection letters stated EPA's concerns but **provided no detail regarding how those concerns should be addressed.**

### MARCH 2009 – PRESENT

**At least 12 additional objection letters** have been issued by the EPA since last March.

- All of the letters either contain the threat of veto action by EPA or have otherwise served to **indefinitely** delay issuance by the Corps of Engineers.
- The EPA has only vetoed twelve 404 permits in the history of the Clean Water Act -- nearly 40 years.

This sudden change of direction by EPA stalled numerous permit applications that were nearing the end of the review process by the Corps.

### 23 PERMITS NOW UNDER ADDITIONAL "REVIEW"

- In WV, **23 have been identified as subject to the new Enhanced Coordination Process (ECP).**
- There were only a handful of applications last year that EPA did not comment on or subject to the ECP.
- All future permits are subject to the ECP.

The Huntington District generally reviews and approves over a dozen Individual (IP) 404 permits in WV each year. **Since January 2009 only three IPs have been approved, including Hobet 45.**

## **NEW APPROVAL PROCESS LACKS CLARITY**

The most recent approval of the Hobet 45 permit was successfully negotiated between the EPA, the Corps and the company. *The state regulatory program was excluded from these negotiations.*

- Hobet 45 approval presumably would be the new model around which future permits could be structured.
- EPA said the Hobet 45 approval was not a model. From a legal, regulatory, and scientific perspective, this is difficult to understand.

## **SPRUCE MINE PERMIT DELAYS**

The Spruce Mine is a permit that was approved by the Corps of Engineers in January 2007.

- It was the most scrutinized surface mining permit in Appalachian coal mining history, **undergoing reviews, including a robust Environmental Impact Statement, for over 10 years.**
- EPA issued an objection letter for Spruce nearly two years *after permit issuance* and intends to veto the permit if changes are not made.

## **LACK OF CLARITY CREATES UNCERTAINTY IN THE INDUSTRY**

These abrupt changes and unclear regulatory process since January 2009 have created uncertainty in the mining industry.

- EPA has still not provided guidance for how the industry can alleviate any of the EPA's environmental concerns.
- **EPA has not provided guidance or standards to which the industry should be held.**
- This lack of clarity hinders investment decisions and environmental permitting processes, both of which begin years in advance of the startup of a mining operation.

## **WEST VIRGINIA IS ASKING FOR CLARITY IN THE PROCESS**

WV has been asking for clarity for over a year and has received none.

- **Clarity DOES NOT MEAN a pass on environmental protection.**
- Addressing EPA's concerns on 404 permits will require changes in other state-issued environmental permits.
- EPA holds all the cards on establishing the new culture of mining.
- WV simply wants to know what the new culture is going to look like.
- WV has never argued the position of status quo.

**EPA has chosen to engage at the end of a lengthy process without respect for the rules as they were understood during the process.**

\*all information in this document is related to activities regulated under the authority of the Huntington District Corps of Engineers.

01268-EPA-5141

**Bob Sussman/DC/USEPA/US**  
02/05/2010 03:08 PM

To Richard Windsor, Diane Thompson, Bob Perciasepe  
cc  
bcc

Subject Fw: Meeting with Cass after the 4:00 meeting on Monday,  
February 8

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Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 02/05/2010 03:05 PM -----

From: "Jones, Lisa M." <(b) (6) Privacy>  
To: Bob Sussman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA  
Cc: Georgia Bednar/DC/USEPA/US@EPA, Janet Means-Thomas/DC/USEPA/US@EPA, Antoinette Powell-Dickson/DC/USEPA/US@EPA  
Date: 02/05/2010 09:49 AM  
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Please let me know if this is ok. I'll be leaving between 10:30 and 11:00. Thanks.

01268-EPA-5142

**Richard Windsor/DC/USEPA/US**  
02/05/2010 03:13 PM

To Bob Sussman, Diane Thompson, Bob Perciasepe  
cc  
bcc  
Subject Re: Meeting with Cass after the 4:00 meeting on Monday, February 8

Yes. And I have intel too.  
Bob Sussman

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01268-EPA-5143

**Bob Sussman/DC/USEPA/US**

To Richard Windsor

02/05/2010 03:21 PM

cc

bcc

Subject Re: Meeting with Cass after the 4:00 meeting on Monday, February 8

Should i call you?

Robert M. Sussman  
 Senior Policy Counsel to the Administrator  
 Office of the Administrator  
 US Environmental Protection Agency

Richard Windsor	Yes. And I have intel too.	----- Original Message -----	02/05/2010 03:13:14 PM
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 To: Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
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01268-EPA-5144

**Richard Windsor/DC/USEPA/US**  
02/05/2010 03:22 PM

To Bob Sussman  
cc  
bcc

Subject Re: Meeting with Cass after the 4:00 meeting on Monday, February 8

Can't talk now. It can wait til Monday for sure.  
Bob Sussman

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 02/05/2010 03:21 PM EST  
**To:** Richard Windsor  
**Subject:** Re: Meeting with Cass after the 4:00 meeting on Monday, February

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01268-EPA-5145

**Bob  
Perciasepe/DC/USEPA/US**  
02/05/2010 04:04 PM

To Richard Windsor, Bob Sussman, Diane Thompson  
cc  
bcc

Subject Re: Meeting with Cass after the 4:00 meeting on Monday,  
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One additional note. Gary Guzy left a message for me wanting to talk about this. May be follow up from Nancy? I will call him shortly.

Bob Perciasepe  
Office of the Administrator  
(o)202 564 4711  
(c)(b) (6) Privacy  
Richard Windsor

----- Original Message -----

**From:** Richard Windsor  
**Sent:** 02/05/2010 03:13 PM EST  
**To:** Bob Sussman; Diane Thompson; Bob Perciasepe  
**Subject:** Re: Meeting with Cass after the 4:00 meeting on Monday, February

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01268-EPA-5146

**Richard Windsor/DC/USEPA/US**  
02/05/2010 05:25 PM

To Bob Perciasepe, Bob Sussman, Diane Thompson  
cc  
bcc  
Subject Re: Meeting with Cass after the 4:00 meeting on Monday, February 8

Likely the same things  
Bob Perciasepe

----- Original Message -----

**From:** Bob Perciasepe  
**Sent:** 02/05/2010 04:04 PM EST  
**To:** Richard Windsor; Bob Sussman; Diane Thompson  
**Subject:** Re: Meeting with Cass after the 4:00 meeting on Monday, February 8

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Richard Windsor

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01268-EPA-5147

**Cameron Davis/R5/USEPA/US**

To "Lisa Jackson"

02/08/2010 01:17 PM

cc

bcc

Subject Fw: FINAL VERSION - Asian Carp Control Strategy Framework

Framework attached.

---

**From:** "Shah, Tarak N." [REDACTED] (b) (6) Privacy  
**Sent:** 02/08/2010 08:17 AM EST  
**To:** Cameron Davis; Bill Bolen  
**Cc:** "Hand, Bethany" <bethany.hand@tetrattech.com>; "Carson, Jonathan K." [REDACTED] (b) (6) Privacy  
**Subject:** FW: FINAL VERSION - Asian Carp Control Strategy Framework

**From:** Shah, Tarak N.  
**Sent:** Monday, February 08, 2010 8:17 AM  
**To:** Carson, Jonathan K.; Glunz, Christine M.; Maher, Jessica A.; Salzman, Amelia S.; Boots, Michael J.; Breyman, Terrance L.; Boling, Edward A.  
**Cc:** Zelman, Allison L.; Mesdag, Kira A.; Hight, Courtney  
**Subject:** FINAL VERSION - Asian Carp Control Strategy Framework

Hi Team,

Please find the Final version of the Asian Carp Control Strategy Framework attached. This Framework and the summary spreadsheet will become public on [asiancarp.org](http://asiancarp.org) at 2:45p.

Thank you,



TarakAsian Carp Control Strategy Framework\_2-8.pdfAppendix\_ACMatrix.pdf



**Appendix A**  
**Asian Carp Control Strategy Matrix**

## Asian Carp Control Strategy Matrix

February 7, 2010

Draft

Action Item	Workgroup	Action	Agency	Point of Contact	Funding	Funding Source	Implementation Goal <sup>1</sup>	Start Date	Planned Completion	Comments
1	IC	Ongoing Operation of Asian Carp demonstration Barrier and Barrier IIA	USACE	Col Vincent Quarles, USACE	\$3,750,000	Funded USACE appropriation	Ongoing	FY 2010	NA	Barrier IIA maintenance scheduled for Oct 2010
2	IC	Expedited construction of Barrier IIB	USACE	Col Vincent Quarles, USACE	\$13,000,000	Funded USACE appropriation	Ongoing	2009	Sept /Oct 2010	Scheduled completion in forth quarter FY2010 Goal: Place into operation before IIA requires maintenance shutdown in Fall 2010
3	IC	Implementation of Interim Efficacy Study (Interim Report I) recommendation (the wall/fence along the DesPlaines River and blocking the I&M canal at the flow divide)	USACE	Col Vincent Quarles, USACE	\$13,200,000	Funded Existing USACE FY2010 GLRI funding	Short-term	FY 2010 2nd Quarter	FY 2011 1st Quarter	Construction Complete first quarter of FY2011 (Oct-Dec )
4	IC	Efficacy Study (Interim Report III) - Modified Operations of CAWS structures as impediments to Asian carp migration Study approach will utilized 3-phased implementation approach	USACE/ USCG/MWRD/ SFWS/ IL DNR/ City of Chicago (MWRD/ USACE Co-lead)	Col Vincent Quarles, USACE Richard Lanyon, MWRD	NA	Funded USACE appropriation	Short-term	FY 2010 2nd Quarter	NA	Controlled operational openings and closings in conjunction with proactive fish management measures potentially to include toxicants, dissolved oxygen control, and intensive conventional measures (netting / electro-fishing) Note: Efficacy Study Report II is an internal study evaluating additional research as it relates to fish behavior under a variety of condition in an electrical field Exemption needed for emergency response vessel passage
5	IC	Efficacy Study (Final Study Report) to determine need for and location of additional barriers and impediments to include controlled operations of structures in concert with proactive fish management measures include study of physical separation for the Little and Grand Calumet Rivers and fish detecting systems	USACE	Col Vincent Quarles, USACE	\$1,100,000 Study implementation costs	Funded USACE appropriation	Long-term	2009	TBD	Corps will complete Final Efficacy Study using Section 3061 WRDA 07 in Sept 2010 that will assess Corps structures and operational changes, assess preliminary impacts of any Federal actions for economic and environmental impacts, and study the feasibility of additional barriers & impediments in the CAWS including the Little Calumet River, Grand Calumet River, and Authority for implementation is Section 126 (if extended) or specific Congressional authorization It is intended that NEPA requirements will be met
6	IC	Inter-basin Feasibility Study (prioritization at Barrier Site / Chicago Waterway)	USACE (future co-leads TBD)	Col Vincent Quarles, USACE	\$1,000,000 total \$500,000 USACE \$500,000 GLRI	Funded USACE base funding \$0.5M - FY2010 GLRI allocation \$200K is immediately available, \$300K remainder may be re-prioritized based on further discussions	Long-term	FY 2010	TBD	Corps will focus expedited first phase of Inter-Basin EIS on CAWS and migration of Asian carp and other ANS Lock closure impacts will be evaluated as an alternative under this study All information obtained through the efficacy studies will inform actions to be considered under this study It is intended that NEPA requirements will be met
7	IC	Modified Structural Operations	USACE	MG John Peabody, USACE	NA	No Funding Necessary	Long-term	FY 2010 2nd Quarter	NA	A three phased approach to change the manner in which existing CAWS structures such as locks & dams, sluice gates and pumping stations are operated, in combination with other management actions, to assist in impeding the migration of Asian Carp into the Great Lakes
8	IC	Enhancement of commercial market for Asian carp for population suppression and job creation with a portion of the proceeds to create a revenue stream for GLRI or invasive species prevention	IL DNR	John Rogner, IL DNR	\$3,000,000	Funded GLRI	Long-term	FY 2010	NA	

## Asian Carp Control Strategy Matrix

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Action Item	Workgroup	Action	Agency	Point of Contact	Funding	Funding Source	Implementation Goal <sup>1</sup>	Start Date	Planned Completion	Comments
9	IC	Additional Rotenone Treatment, when required for maintenance shutdown (as determined by USACE's analysis of recent site upgrade) Possible June / August 2010 time frame (rotenone application, detoxification, monitoring and collection, and logistics support)	IL DNR, USFWS, USCG, others	John Rogner, IL DNR	\$5,000,000	Not Funded Federal funding may be needed if catastrophic failure of existing barriers occurs	Long-term	FY 2010 4th Quarter	NA	Low probability of occurrence as Barrier IIB is expected to be constructed and fully functional before next maintenance shutdown cycle
10	IC	Investigate certification requirements for Asian Carp products to be designated suitable for use in US humanitarian relief efforts	IL DNR, USDA, USAID	John Rogner, IL DNR	NA	No Funding Necessary	Long-term	FY 2010 2nd Quarter	NA	IL DNR will work with Illinois Congressional delegation to identify certification procedures necessary for Asian carp to be declared suitable for use in US sponsored Humanitarian relief efforts
11	MRR	Feasibility Assessment of interbasinal transfer of invasive species through fractures in bedrock and overland flow between the Des Plaines river, CSSC and I&M Canal	USGS	Leon Carl, USGS	\$500,000	Funded USGS GLRI appropriations GLRI template #69	Long-term	FY 2010 2nd Quarter	NA	Coordination of efforts with USACE to avoid duplication underway; possible hurdles of access issues
12	MRR	Targeted removal of Asian carp within CAWS, including identification, containment and removal using toxicants, nets, etc	Rapid Response Team	John Rogner, IL DNR	\$2,000,000	Funded GLRI	Short-term	FY 2010 2nd Quarter	NA	Costs include rotenone, electrofishing, seining, netting, mobile BAFF, light-sound system, etc Note: Costs may change depending on the number and geographic extent of areas to be treated
13	MRR	eDNA technology enhancement and increased capacity (Coordination of monitoring programs and subsequent response actions)	USACE, IL DNR, USFWS	Col Vincent Quarles, USACE John Rogner, IL DNR Charles Wooley/Mike Weimer, USFWS	\$940,000	Funded USEPA/USACE \$340,000 GLRI \$600,000 USACE	Short-term	Ongoing	NA	Evaluate suite of validation technology for type and size of populations \$3.5 million enhanced eDNA from ACE This action may continue into the next several fiscal years
14	MRR	More robust detection through eDNA testing, intensive netting and conventional monitoring to include electro fishing, gill netting, and side-scan sonar Fish sampling will target selected locations of the canal/Des Plaines River complex, high-risk locations in southern Lake Michigan (warm water outfalls, shallow water/ near shore locations, etc), O'Brien Lock to confluence of CSSC, CSSC from confluence of Cal Sag Channel back to barrier, the north shore channel at the Wilmette pumping station, above the barrier, or other high priority areas	IL DNR, USFWS, USACE	John Rogner, IL DNR	\$2,600,000	Funded USACE, USFWS, IL DNR (\$900,000 for IL DNR action will be GLRI funded)	Short-term	FY 2010 2nd Quarter	NA	Note from DINER: this is entire length of Cal Sag below O'Brien all the way to barrier because eDNA was detected throughout (\$5M USFWS for conventional monitoring and \$9M commercial fishing / electro fishing from IL DNR) This action will continue into the next several fiscal years Estimate by DNR for O'Brien work: Based on 3 days/week from March through October, 33 weeks total, 99 days total, @ \$3,000/day (2 crews for entire length) - \$300,000
15	MRR	Investigate and study the potential vector of towboats and barges for transporting Asian carp across the ANS dispersal barrier Sample barge and towboats tanks and voids to assess risk and implement risk mitigation measures if warranted	USCG, EPA, IL DNR, USFWS, USACE, towing industry, academia, fishery biologists	Capt Lorne Thomas, USCG	\$500,000	Funded GLRI	Long-term	FY 2010 2nd Quarter	FY 2011 1st Quarter	Funding source not identified Since this workgroup will include towing industry representatives and the outputs of this study could result in regulatory action, due to FACA limitations, the USCG (or other federal agencies) cannot lead the workgroup
16	MRR	Additional tagged fish research using common carp in vicinity of barrier to assess effectiveness of barrier system DIDSON to observe fish behavior at barrier and to look for any fish penetrating/crossing barrier	IL DNR, USFWS, USACE	John Rogner, IL DNR	\$400,000	Funded GLRI	Long-term	TBD	NA	DIDSON - 1 mobile unite and 1 recess mounted into canal at barrier

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Action Item	Workgroup	Action	Agency	Point of Contact	Funding	Funding Source	Implementation Goal <sup>†</sup>	Start Date	Planned Completion	Comments
17	CO	Assessment of Northeast Illinois Bait Shops collection and utilization of Asian Carp as bait	IL DNR	John Rogner, IL DNR	NA	No Funding Necessary	Short-term	TBD	TBD	IL DNR will conducting a friendly investigation of bait shops in NE Illinois to identify whether Asian carp are collected and sold as bait in the Chicago area
18	MRR/IC	Commercial fishing for removal below Lockport L&D in Brandon Road and Dresden pools to reduce propagule pressure on Lockport Pool and barrier	IL DNR, USCG, and others	John Rogner, IL DNR	\$300,000	Funded GLRI	Long-term	FY 2010 3rd Quarter	NA	
19	MRR/IC	Prevention/Interdiction of illegal transport of Injurious Wildlife (including Asian carp) through implementation and enforcement of the Lacey Act	USFWS	Charles Wooley/Mike Weimer, USFWS	\$400,000	Funded USFWS/GLRI Allocation - "aquatic invasive species prevention program" (GLRI template #24)	Long-term	FY 2010	NA	Support Federal law enforcement activities to enforce the Lacey Act, and to work in coordination with State LE partners to enforce State statutes and regulations related to AIS prevention and control. Support efforts to finalize all requirements in advance of proposed rulemaking to list Bighead carp as "injurious species" under the Lacey Act
20	MRR/IC	Technology Development - approaches for targeted oral delivery platforms to increase species-specific control	USGS	Leon Carl, USGS	\$1,553,000	Funded USEPA FY2010 GLRI funding "GLRI template #66"	Short-term	FY 2010	TBD	
21	MRR/IC	Expand research on the identification of Asian carp attraction/repellent pheromones	USGS	Leon Carl, USGS	\$300,000	Funded GLRI	Short-term	FY 2010 3rd quarter	NA	Better define the active pheromone components; additional research to define the response of Asian carps to pheromone products; develop conceptual models in which pheromones could be integrated into management programs to control or limit Asian carps; develop methods to synthesize active pheromone components. Timely funding will allow work to begin in current field season
22	MRR/IC	Identify potential compounds for inclusion in a toxicant screen program to identify potential selective toxicants for control of Asian carp	USGS	Leon Carl, USGS	\$300,000	Funded GLRI	Short-term	FY 2010 3rd quarter	TBD	USGS will develop cooperative research and development agreements to access pharmaceutical or agrochemical company chemical libraries to identify potential candidate toxicants. Potential toxicants will be identified either through structure activity relationships or through known activity models. Studies will be required to assess selective toxicity of candidate toxicants between Asian carp versus native fishes. Additional data sets would be required to support registration. Efforts would be made to target those compounds/formulations with present agricultural/pesticide use
23	MRR/IC	Evaluate novel physical methods to disrupt spawning behavior and decrease egg viability of Asian carp	USGS	Leon Carl, USGS	\$200,000	Funded GLRI	Short-term	FY 2010 3rd quarter	TBD	Research will be conducted to evaluate potential methods to disrupt Asian carp spawning aggregations and to alter Asian carp egg viability. Identification of sound wave amplitude and frequency which elicit silver carp avoidance behavior may disrupt spawning aggregations and limit recruitment; Evaluation of Asian carp egg response to electrical fields, sonication, etc. to develop methods to reduce egg viability while the eggs drift downstream of Asian carp spawning areas. Timely funding will allow work to begin in current field season

Asian Carp Control Strategy Matrix

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Action Item	Workgroup	Action	Agency	Point of Contact	Funding	Funding Source	Implementation Goal <sup>†</sup>	Start Date	Planned Completion	Comments
24	MRR/IC	Identification of organism-level target delivery system	USGS	Leon Carl, USGS	\$200,000	Funded GLRI	Short-term	FY 2010 3rd quarter	TBD	Research will be conducted to identify and characterize potential bioactive agent delivery sites within Asian carps including the gill, skin, and gastrointestinal tract. Research will focus on collection of data on the physiological characteristics of both Asian carps and native species (e.g., enzyme, protein, lipid, carbohydrate components, pH) to provide an understanding of factors that might affect delivery of a bioactive agent. While some basic research is available, additional basic and applied research will lead to development of optimized delivery components to enhance selectivity and sensitivity. Research planned to characterize Asian carp gastrointestinal pH and digestive enzyme profiles will be expanded to include identification and characterization of native fish gastrointestinal tracts.
25	MRR/IC	Assessing river tributaries of the Great Lakes for suitability as spawning habitat for Asian carps	USGS	Leon Carl	\$275,000	Funded GLRI	Short-term	FY 2010 3rd quarter	9/30/2013	Tributaries that would be suitable for bigheaded carp spawning need to be identified to focus management efforts for evaluating invasion success, as well as sites to launch control actions. Recent USGS research has determined the developmental stage at which bigheaded carp larvae are capable of swimming and migrating laterally from flowing water into nursery habitats. This knowledge can be used in a model of river velocity and temperature to describe an actual river length required and, taken together with the temperature and velocity regimes of individual rivers, can be used to more accurately determine which rivers are suitable for spawning and recruitment of bigheaded carps.
26	MRR/IC	Assessing risk of bighead and silver carp establishment in the Great Lakes, based on available planktonic and detrital food sources	USGS	Leon Carl	\$250,000	Funded GLRI	Short-term	FY 2010 3rd quarter	6/1/2014	Bigheaded carps have yet to become established in waters as oligotrophic as the open waters of the Great Lakes. However, under varying conditions bigheaded carps have been observed to diversify their diet beyond their preferred pelagic plankton sources and feed on detritus. Feeding studies are needed under controlled conditions where the flexibility in the carp diet can be defined thus establishing their ability to maintain large populations in the Great Lakes.
27	MRR/IC	Understanding bigheaded carp/blue green algae dynamics	USGS	Leon Carl	\$225,000	Funded GLRI	Long-term	FY 2010 June	6/1/2012	1 Blue green algae (primarily Microcystis) blooms resulting from the dreissenid invasion may provide an excellent food source for bighead carp, enhancing their invasion. 2 Noxious blue green algae blooms can under some circumstances be enhanced by interaction with bigheaded carps. The risk of enhanced noxious algal blooms, and the possibility that use of blue green algae blooms might enhance bigheaded carp invasiveness, could be assessed by modeling, parameterized with mesocosm experiments that fill in some of the holes in our understanding of this relationship.

Asian Carp Control Strategy Matrix

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Action Item	Workgroup	Action	Agency	Point of Contact	Funding	Funding Source	Implementation Goal <sup>†</sup>	Start Date	Planned Completion	Comments
28	MRR/IC/CO	Integrated Pest Management for priority species	USFWS, States, Tribes, NGO's, Communities	Charles Wooley/Mike Weimer, USFWS	\$4,223,000	Funded USEPA FY2010 GLRI (USFWS Allocation) / "Integrated Pest Management for priority species" and FWS AIS surveillance program/rapid response activities (GLRI template #25 and #26)	Long-term	FY 2010	NA	Integrated Pest Management is an approach that uses a combination of physical, chemical and biological methods to control invasive species. This program would develop, test, implement and adapt methods to reduce abundance of aquatic invasive species, such as Asian carp and other species. This includes \$200,000 to advance public outreach (Stop Aquatic Hitchhikers Campaign)
29	MRR/IC/CO	State and Interstate Aquatic Nuisance Species Management Plans	USFWS 8 GL states	Charles Wooley/Mike Weimer, USFWS	\$11,000,000	Funded USEPA FY2010 GLRI (nonfederal Template coordinated via USFWS) (GLRI template #189)	Long-term	FY 2010	NA	\$11 million for enhanced support of State and Interstate ANS Management Plans and for support of State-led rapid response actions under new rapid response plans developed by states and approved by the ANS Task Force. Impediments: 25% non-federal match required. IL DNR portion to include \$200,000 for Illinois to advance public outreach. IL DNR adds 2 employees and will continue to update plan.
30	MRR/IC/CO	Activities to support Aquatic Nuisance Species priorities under the Great Lakes Fish and Wildlife Restoration Act	USFWS/States/Tribes/Academia/NGOs	Charles Wooley/Mike Weimer, USFWS	\$8,500,000	Funded \$500,000 base appropriation, \$8,000,000 GLRI under template #27	Long-term	FY 2010	NA	Existing authorization ceiling of \$16,000,000 annually to FWS. Current FY2010 appropriation of \$9.7 million total.
31	MRR/IC/CO	Competitive Funding Opportunities	USEPA/ USFWS	Charles Wooley/Mike Weimer, USFWS Bill Bolen, USEPA	\$8,800,000	Funded USEPA GLRI RFP - FY2010 Funding may support additional actions, including technology development, based on the competitive process (GLRI Template #150, #26, and #25)	Long-term	FY 2010	FY 2010	State to assist in ecological separation – complement to Corps Inter-Basin Study, specifically assessing State interests/needs for ecological separation.

NOTES

† To highlight immediate actions to be taken - Short-term Feb. - May 2010, Long-term beyond May 2010, Ongoing

AN	Aquatic Nuisance Species	MRR	Monitoring and Rapid Response
BAFF	Bio-acoustic Fish Fence	MWRD	Metropolitan Water Reclamation District of Greater Chicago
CAWS	Chicago Area Waterway System	NA	Not Applicable
CO	Communication and Outreach	NEPA	National Environmental Policy Act
CSSC	Chicago Sanitary and Ship Canal	NGO	Non-governmental Organization
eDNA	Environmental DNA (Deoxyribose Nucleic Acid)	NOAA	National Oceanic and Atmospheric Administration
EIS	Environmental Impact Statement	OE	Outreach and Education
EPA	United States Environmental Protection Agency	SPA	Sound Projector Array
FY	Fiscal Year	TBD	To Be Determined
GL	Great Lakes	USACE	United States Army Corps of Engineers
GLRI	Great Lakes Regional Initiative	USCG	United States Coast Guard
IC	Invasion Control	USGS	United States Geological Service
IL DNR	Illinois Department of Natural Resources	USFWS	United States Fish and Wildlife Service
		WRDA	Water Resources Development Act

February 2010

*DRAFT*

# ASIAN CARP

# Control Strategy Framework



**United States Coast Guard**  
U.S. Department of Homeland Security



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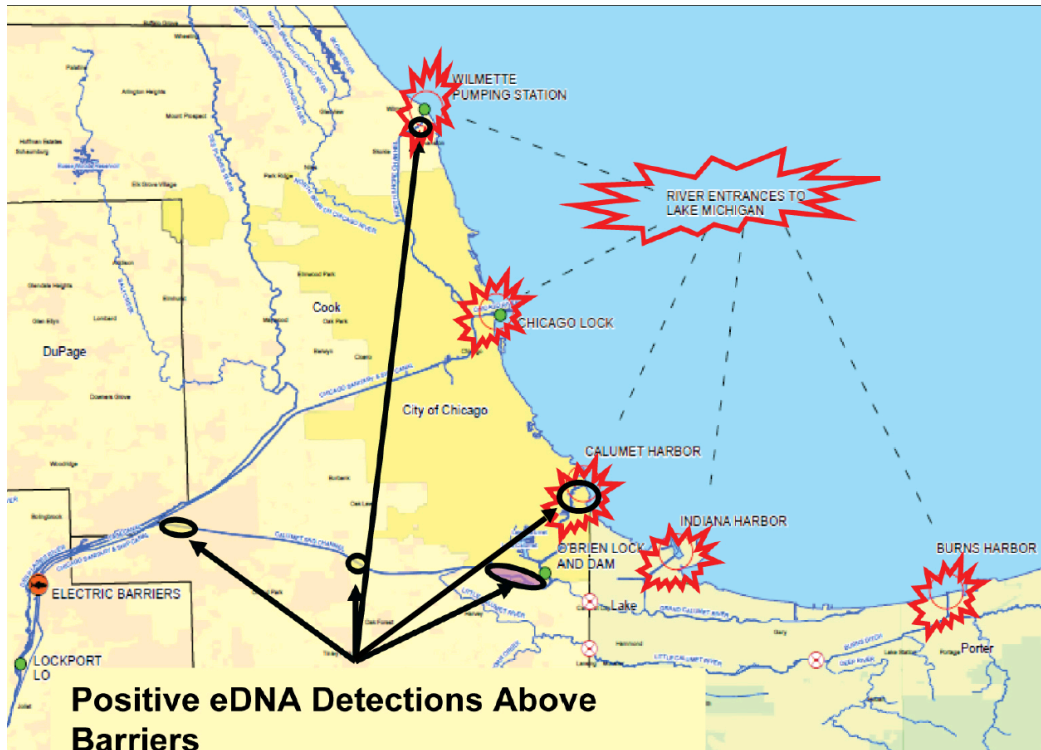
**APPENDIX A**

ASIAN CARP CONTROL STRATEGY MATRIX

## EXECUTIVE SUMMARY

The Great Lakes food web has been significantly degraded in recent decades and years by aquatic invasive species (AIS). The migration of Asian carp into and through the Illinois and Des Plaines River and Chicago Area Waterway System (CAWS) is the most recent and likely most acute AIS threat facing the Great Lakes today. Exhibit 1 below highlights the area of focus, the electric barriers in relationship to Lake Michigan, specific entry points into Lake Michigan, and recent locations where Asian carp environmental DNA (eDNA), which indicates the potential existence of Asian carp species, was present in the water.

Exhibit 1. Area Map and eDNA Locations



This draft Asian Carp Control Strategy Framework (Framework) is a dynamic document, reflecting an ever-increasing body of knowledge gathered from ongoing research and monitoring, as well as the December 2009 deployment of federal, state, local, and Canadian resources to conduct an eradication effort in the Chicago Sanitary and Ship Canal (CSSC). Many actions described in this Framework, such as research and feasibility studies, are expected to provide additional data that may inform future management decisions. However, the main objectives of this initial Framework are to:

- Establish the need for participating agencies to act urgently to prevent Asian carp from becoming established in the Great Lakes.
- Integrate and unify the future actions of participating agencies.
- Transition from a single point defense (electric barriers) to a multi-tiered approach.
- Provide general direction while recognizing that the pattern of Asian carp migration demands a measure of flexibility on the part of participating agencies to act.
- Recognize potential hurdles that might complicate Framework implementation.
- Suggest an approach for stakeholders and other agencies to actively collaborate in future efforts.

The best science available underscores this Framework. According to one of the leading scientists on the subject, University of Notre Dame Professor David M. Lodge, the "establishment of a self sustaining population of either silver carp or bighead carp in Lake Michigan--what biologists would refer to as an invasion--is not a foregone conclusion." As such, widespread agreement exists among stakeholders that minimizing the escape of Asian carp into Lake Michigan is critical to reducing the probability of such an establishment.

In December 2009, while the U.S. Army Corps of Engineers' (USACE) Barrier IIA was down for maintenance, over 400 responders from local, state, provincial, federal and binational organizations came together to execute the successful effort to use chemical applications to defend the CSSC against carp migration. In that spirit, this document provides actions (encompassing actions that are or will occur and potential action options) through which agencies can collaborate. This Framework is designed to be inclusive, allowing new agencies to engage in the process of implementing, developing and consulting on other possible control actions.

The Framework presented here includes a matrix of action items that are currently underway or will be implemented. While several of the actions will be conducted by a single agency or governmental unit, most demand cooperation between two or more agencies. The proposed action items are grouped into two categories: (1) Short-term Actions and (2) Long-term Actions. These actions will be in full compliance with all National Environmental Policy Act (NEPA) regulations. Environmental considerations will be integrated into the decision making process and appropriate environmental review will be prepared as necessary for all proposed actions.

To address the clear threat Asian carp pose to the Great Lakes, the federal, state, and local strategy will be to move quickly on proven solutions, and consider, develop, and test potential solutions and employ those that are most sound.

#### Short-term Actions

There is urgent need to reduce the number of carp that may be available to infiltrate Lake Michigan. As such, the following actions are either underway or are expected to commence by May 15, 2010.

1. Operations to confirm and reduce carp populations
  - Utilize chemical, netting and other mechanisms in known eDNA priority zones (Cal-Sag Channel, O'Brien Lock and Dam, Wilmette pumping station, and Calumet Harbor).
  - Ensure Rotenone (a piscicide) supplies and fishing capabilities are adequate for possible responses.
  - Prepare for immediate rapid response operations by procuring equipment, providing training and exercises for personnel, and creating stand-by capability for rapid deployment.
2. Increased fish collection effort for confirmation of eDNA results and carp populations
  - Deploy more frequent and intense harvesting methods in conjunction with rotenone applications where feasible and coordinate efforts with eDNA sampling to increase likelihood of successful collection.
3. eDNA indicator refinement
  - Increase capacity to 120 samples per week by April of eDNA results to guide efforts.
4. Modified structural operations
  - Change the manner in which existing CAWS structures, such as locks & dams, sluice gates and pumping stations, are operated in combination with other management actions, to impede the migration of Asian carp into the Great Lakes. This concept is likely to be incrementally executed as capabilities become available. The impacts of this as well as the potential

efficacy of any actions will be evaluated pursuant to applicable laws such as the National Environmental Policy Act

- Implement an approach with three phases
  - i. Phase 1: Concept Development – Integrate agencies' efforts to develop methods to suppress Asian carp population growth while USACE and U.S. Coast Guard (USCG) simultaneously determine how to optimize/reduce the number of lock openings, and the Metropolitan Water Reclamation District (MWRD) considers how to operate the Wilmette Pumping Station to impede Asian carp movement. This will occur after engaging the navigation industry. The goal for this phase is to complete concept development and recommended actions by early March 2010;
  - ii. Phase 2: Initial Implementation – Execute modified structural operations as quickly as possible once methodologies are ready, with initial elements underway by April 30, 2010;
  - iii. Phase 3: Additional Implementation – Adjust initial methodologies based on field results to sustain longer term operations. In conjunction with continued population suppression, continue to field new methodologies as they become available, such as acoustic bubble barriers or electric barriers, as well as addition of screens at sluice gates and bulkheads for use during flood damage reduction operations with goal of full implementation by the end of 2010.
- 5. Construct emergency engineering measures to block passage of water and fish between (1) Des Plaines River and CSSC and (2) Illinois and Michigan (I&M) Canal and CSSC.
- 6. Increased biological control efforts
  - With increased funding and capacity, expedite research on targeted control, including pheromone attractants, disruption of spawning behavior, and decreasing egg viability.
- 7. Barrier operations
  - Sustained operations of the current electric dispersal barriers and construction of the new planned electric barrier, both important impediments to the Asian carp expansion in the Great Lakes.

#### Long-term Actions

The Long-term Actions are also integral to the success of preventing Asian carp from establishing a self-sustaining population in Lake Michigan. Examples of actions are shown below in five sub-categories; however the set of proposed actions, listed later in this document, is more comprehensive.

1. Structural:
  - Efficacy studies to investigate the construction and implementation of additional barriers such as electric, light, and/or bio-acoustic bubble barriers
2. Chemical:
  - Additional possible rotenone applications where testing suggests Asian carp presence
3. Biological:
  - Suppression of Asian carp populations in CAWS and in downstream areas utilizing a variety of methods
  - Development of biological controls similar to those used for lamprey suppression
4. Operational:
  - Sustained operations of electric barriers
  - Enhanced monitoring programs via traditional or new methods

## 5. Other:

- Controlled lock operations using chemical and other means to reduce migration
- Promotion of Asian carp market development
- Integration of the Great Lake States, Provincial, and Tribal capabilities and expertise into the proposed framework actions
- Technology enhancement programs

Funding sources, detailed later in this document, have been secured for each of these proposed actions to further underscore the seriousness of Asian carp movement into the Great Lakes. This collection of action items represents the collaborative efforts of the participating agencies and is what is being done to defend against Asian carp migration into the Great Lakes. While recognizing the severity of the situation, efforts have been made to maintain inter-basin movement of boat traffic. Please refer to sections [2.1.4](#) and [2.2.3](#) for further narrative the proposed action for sustained lock operations.

In addition to the above actions, the U.S. Fish and Wildlife Service's (FWS) Midwest Region is currently coordinating implementation of the nationwide Management and Control Plan for Bighead, Black, Grass, and Silver Carp in the United States (Plan), which was approved by the Aquatic Nuisance Species Task Force in 2007. The four species addressed by the Plan present a serious threat to North American ecosystems, including the Great Lakes, if self-sustaining populations become established elsewhere in the wild. A subset of the 133 priority management actions contained within the Plan specifically addresses the challenge of protecting the Great Lakes basin from the establishment and impacts of Asian carp.

This Framework recognizes potential hurdles to accomplishing many of the actions. Nevertheless, this Framework establishes a baseline condition for collaboration among stakeholder agencies and the interested communities from which a compelling plan of action can be launched. While preventing the establishment of a self-sustaining Asian carp population requires an understanding of ecological, economic and hydrological complexities, one conclusion is clear: a comprehensive approach is needed to reduce the risk of Asian carp invasion.

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## 1.0 INTRODUCTION

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The Great Lakes food web has been significantly degraded in recent decades and years by AIS. The migration of four species of carp not native to the United States (bighead, black, grass, and silver), also known as Asian carp, into and through the Illinois and Des Plaines River and CAWS is the most recent and possibly most acute AIS threat facing the Great Lakes today.

This report has been prepared by the Regional Coordination Committee's participating agencies to outline the Asian Carp Control Strategy Framework (Framework) that will be implemented to control impacts from the Asian carp migration.

This section briefly presents the problem of the Asian carp migration toward the Great Lakes ecosystem, reviews the multi-faceted purpose of the Framework, identifies the many agencies and stakeholders that may play a role in the Framework, and presents additional work being completed outside of this Framework. Section 2.0 introduces the Control Strategy Framework Matrix (Table 1), which presents the proposed actions and gives brief narrative summaries of the actions and action items. The actions are divided into three categories: Invasion Control (IC), Monitoring and Rapid Response (MRR), Communication and Outreach (CO), and/or a combination of the three. Section 3.0 describes the Communication and Outreach actions likely to supplement the Framework by involving the public and additional stakeholders outside the immediate circle of participating agencies. The coordination structure of the Framework Workgroup is presented in Section 4.0.

### 1.1 PURPOSE

The Framework is a dynamic document, reflecting an ever-increasing body of knowledge gathered from ongoing research and monitoring, as well as the December 2009 deployment of federal, state, local, and Canadian resources to conduct an eradication effort in the Chicago Sanitary and Ship Canal (CSSC). Many actions described in this Framework, such as research and feasibility studies, are expected to provide additional data that may be included in future Framework updates. However, the main objectives of this initial Framework are:

- Establish the need for participating agencies to act urgently to apply full authorities, capabilities, and resources in order to prevent Asian carp from becoming established in the Great Lakes. While scientific opinion is not unanimous that Asian carp will devastate the ecology of the Great Lakes, and not all studies have concluded that Asian carp would cause substantial ecosystem degradation, the participating agencies agree that we cannot wait for perfect certainty and must act preemptively with comprehensive measures to prevent carp from becoming established in the Great Lakes or their tributaries. Experience has shown that controlling populations of AIS, once established in the Great Lakes, is far more expensive and difficult than preventing their entry to the Great Lakes in the first place.
- To integrate and unify the impending actions of participating agencies. While agencies have coordinated significantly in the past, this Framework is a comprehensive, integrated approach to address the Asian carp threat to the Great Lakes, and helps to further to unify the participating agencies by:
  1. Describing actions to prevent carp migration.
  2. Identifying lead agencies.
  3. Establishing funding options for the actions.
  4. Determining the most effective plan for implementing the actions.

- To transition from a single point defense to a multi-tiered approach. The electric barriers remain the most important defense mechanism against Asian carp expansion. However, success in defeating Asian carp depends on the ability to transition from this single technology, located at one geographic point, to a multi-tiered defense encompassing all aspects of monitoring, surveillance, structural solutions, biological controls, and eradication response options.
- To provide direction while recognizing that the history of Asian carp migration demands a degree of flexibility by participating agencies. This Framework signals the intent and direction of participating agencies. It should not serve to limit them if adjustments in plans are needed to better serve the goal of preventing carp migration to the Great Lakes. As such, this is meant to be a living document subject to change as the situation dictates.
- To identify technical and regulatory hurdles that might complicate Framework implementation. This analysis would also improve future efforts to prevent AIS from migrating through other artificially connecting waterways of the Great Lakes watershed.
- To identify opportunities for existing stakeholder agencies to actively engage additional stakeholders' cooperation. The Great Lakes region has a proud and vibrant history of cooperation, as evidenced by the *Great Lakes Regional Collaboration Strategy*, *Great Lakes Restoration Initiative Action Plan*, and the multi-jurisdictional contributions to the December 2009 effort to prevent Asian carp from penetrating the USACE electric barriers. Cooperation is crucial to keep Asian carp out of the Great Lakes. Aggressive outreach at key milestones in this Framework's development process will result in (1) innovative and effective ideas, (2) more solid stakeholder commitments, and (3) a better chance at lowering the risk of invasion.

Additionally, the intent is that this Framework and the actions presented here will facilitate cooperation by additional agencies, not yet participating, to achieve the common goal of preventing the establishment of Asian carp in the Great Lakes. While Asian carp migration through CAWS may represent the most urgent need to control AIS through an artificially connecting waterway, it certainly is not the only need. Several artificially-connecting waterways in the states such as Michigan, Wisconsin, New York and Ohio may present conduits through which AIS are threatening or may threaten the Great Lakes. Exhibit 2 below highlights these connections, while Exhibit 3 presents the annual water flow through selected connections. While prioritizing an assessment of CAWS, the USACE Inter-basin Transfer Feasibility Study (see 2.1.6, below) will analyze these waterways as potential AIS vectors. As such, another purpose of this Framework is to provide an analog for some of the control measures that may be helpful for controlling AIS at these locations.

Exhibit 2. Artificial Connections to the Great Lakes

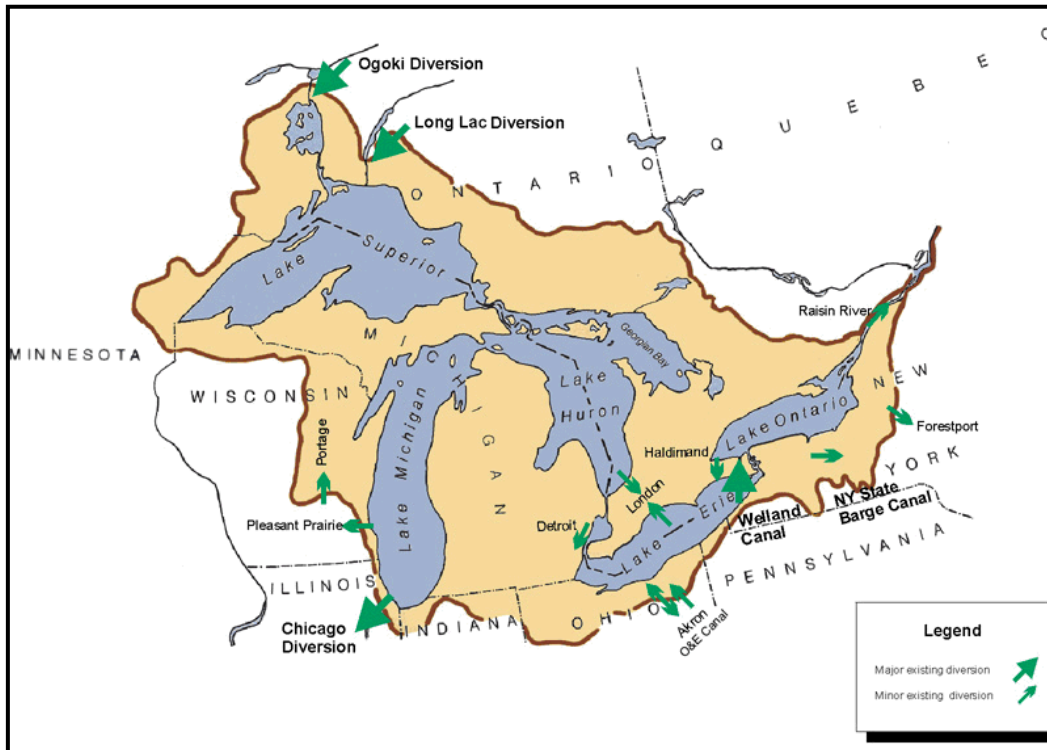


Exhibit 3. Annual Flow through Existing Great Lakes Diversions

Existing Diversions in the Great Lakes Basin	Operational Date (original project)	Average Annual Flow	
		(cms)	(cfs)
<b>1. Interbasin</b>			
Long Lake (into Lake Superior basin)	1939	45	1,590
Ogoki (into Lake Superior basin)	1943	113	3,990
Chicago (out of Lake Michigan basin)	(1848)1900	91	3,200
Forestport (out of Lake Ontario basin)	1825	1.4	50
Portage Canal (into Lake Michigan basin)	1860	1	40
Ohio & Erie Canal (into Lake Erie basin)	1847	0.3	12
Pleasant Prairie (out of Lake Michigan basin)	1990	0.1	5
Akron (out of and into Lake Erie basin)	1998	0.01	0.5
<b>2. Intra-basin</b>			
Welland Canal	(1829)1932	260	9,200
NY State Barge Canal (Erie Canal)	(1825)1918	20	700
Detroit	1975	4	145
London	1967	3	110
Raisin River	1968	0.7	25
Haldimand	1997	0.1	2



## 1.2 PROBLEM STATEMENT

The potential invasion of Asian carp into the CAWS and the Great Lakes has numerous ecological and economic impacts which have been recognized and extensively studied. The first excerpt is from the Asian Carp Rapid Response Workgroup Rapid Response Plan (RRP) completed and implemented in December 2009. The RRP details the emergency actions taken to prevent Asian carp migration into Lake Michigan during routine maintenance on the USACE operated electric barrier that deters Asian carp passage through the CSSC. The excerpts provide a brief background of invasive species in the Great Lakes and inland waterways, explain the main ecological impacts from the Asian carp, and list other supporting information regarding the concern of Asian carp expansion.

### Background

The introduction of aquatic invasive species (AIS) into the Great Lakes and inland waterways throughout the United States is occurring at an alarming rate. Since the beginning of 19<sup>th</sup> century, over 180 species of AIS have made their way into the Great Lakes region. These fish, macrophytes, invertebrates, viruses, bacteria, and parasites can devastate native populations, as well as cause great economic damage to the Great Lakes commercial, sport, and tribal fisheries collectively valued at more than \$7 billion annually (Barnhart 2005). Of critical concern currently are Asian carp, a term used to describe a group of exotic fish originating in eastern Asia, that are expanding their range north through the Mississippi River basin towards the Great Lakes. Historically, successful control of AIS has resulted from focusing on small water bodies or critical control points in a system. The CSSC, which links the Great Lakes with the Mississippi River basin, is one such critical control point.

Historically, poor water quality in Chicago's urban waterways had controlled the transfer of invasive species between the Great Lakes and Mississippi River watersheds. Over the last three decades, newly created legislation and regulations aimed at improving water quality, combined with government projects focused on habitat restoration, have considerably improved water quality, resulting in an increased abundance of aquatic life in Chicago's waterways (Friends of the Chicago River 2006). The artificially connecting waterways in Chicago now form pathways for invasive species to expand their distribution between the Great Lakes and the Mississippi River System.

Asian carp are members of the family Cyprinidae. The three species identified for action under this plan for rapid response are the silver carp, bighead carp, and black carp. These fish were originally imported, along with grass carp, to southern United States aquaculture and wastewater treatment facilities to keep retention ponds clean and to serve the food fish industry. There are many potential ways by which Asian carp may have escaped. The prevailing theory is flooding which allowed for overland flow into the Mississippi River basin. The bighead and silver species of carp are expanding their range north toward the Great Lakes. During 2002 monitoring efforts, Asian carp were detected in the upper Illinois River, just 60 miles from Lake Michigan (Conlin 2002), and in 2009, a Bighead carp was retrieved considerably closer, within the Lockport Pool of the CSSC. Exhibit 1 below highlights the area of focus, the electric barriers in relationship to Lake Michigan, specific entry points into Lake Michigan, and recent locations where Asian carp eDNA was present in the water.

Bighead carp can grow to very large sizes of over 5 feet in length and 100 pounds or more. These filter-feeding fishes have "gill rakers," which are specially adapted for filter feeding plankton, one of the bases of the food chain, and are capable of consuming up to 20% of their own body weight in food each day. In the wild their eating habits allow them to quickly out-compete both small and large native fish such as the paddlefish, gizzard shad, perch, and buffalo fish. Sexual maturity is reached between 2-7 years dependent on the climate of the region (U.S. Geological Survey [USGS] 2005). Upon reaching sexual maturity, they begin spawning anytime between April and September, and can spawn multiple times during each season for the remainder of their lives. These fish live up to 20 years.

Silver carp are generally smaller than bighead carp. These highly prolific fish are similar to bighead carp in their feeding and spawning habits. Silver carp are often referred to as "flying fish" and pose a great danger to boaters, anglers, and other recreational users—of great concern on the Great Lakes. These fish are disturbed by boat motors and will jump from the water when startled. A motor boat traveling at high speeds causes these fish to jump from the water, potentially causing damage to boats and serious injuries to humans onboard.

Black carp differ from bighead and silver carp in both diet and appearance. They have large distinctive scales that are darker in color than those of the grass carp. Their pharyngeal teeth are large, resemble human molars, and are specially adapted for crushing mollusk shells. The largest black carp on record in its native China is over 7 feet long and 150 pounds. Black carp were originally introduced in the United States accidentally in shipments of grass carp. The diet of the black carp, though different from the bighead and silver carp, makes them an equally deadly threat to the waters of the Great Lakes. Black carp consume mollusks and snails; adults can consume an average of 3 to 4 pounds of mussels per day. A single black carp could eat more than 10 tons of mollusks during its life. Black carp could aid in the reduction of invasive zebra and quagga mussel populations throughout the Great Lakes; however, native mussel populations (some of which are already known to be threatened or endangered) would also be negatively impacted. The USGS has two documented reports of black carp in Illinois. The first specimen was caught in Horseshoe Lake, the second along the Mississippi River at Lock and Dam 24 in Calhoun County in 2004. Though not as widely distributed as the silver and bighead species, black carp remain a threat because juveniles are not readily distinguished from grass carp, which are sold and distributed throughout the United States and may be released into open waters (Nico 2007).

#### Ecological and Economic Impacts to the Great Lakes

The Great Lakes cover over 94,000 square miles and is source of an at least \$7 billion annual sport fishing industry. Following introduction of Asian carp into the Great Lakes basin, controlling their spread throughout these areas would be nearly impossible. Establishment of Asian carp in the Great Lakes would have lasting and potentially negative effects. Under the conditions found in the Great Lakes such as water temperature, food abundance, slow moving wetland regions, expansive area for migration, and lack of natural predators of the Asian carp, the Asian carp populations could expand very quickly. These species could significantly impact local ecosystems.

The Great Lakes are home to many important species of food and sport fish such as whitefish, bloater chubs, yellow perch, and rainbow smelt, as well as sport fish including trout, salmon, and walleye. The potential impact of Asian carp on the Great Lake's sport and commercial fishing industry can be seen now along the Mississippi River basin—where in just a few short years following introduction of Asian carp into an area, many commercial fishing locations have been abandoned, as native fish have nearly disappeared from the catch, replaced by Asian carp. The presence of Asian carp is a concern because they are prolific, grow and mature quickly, and feed on plant and animal plankton. They may alter energy flow in a semi-oligotrophic system such as the Great Lakes, which in turn could lead to undesirable consequences for sport and commercial fisheries. A 2002 workshop convened by the Great Lakes Protection Fund as well as the 2003 Aquatic Invasive Species Summit convened by Chicago Mayor Richard Daley and the U.S. Fish and Wildlife Service determined that introduction of Asian carp into the Great Lakes ecosystem would threaten the sport and commercial fisheries, and could result in ecological and economic damages exceeding those caused by the sea lamprey and zebra mussel invasion. (Chick 2002)

The Great Lakes are home to nearly 80 federally listed threatened or endangered fish, mollusks, plants, mammals, insects, and reptiles, and many more species listed as threatened or endangered at the state level. The current invaders of the Great Lakes have been implicated in adverse effects upon up to 46% of the local federally listed endangered plant and animal species. Introduction of Asian carp to the region could further harm these organisms

and perhaps lead to their extirpation. One such fish of concern is the Lake Sturgeon, *Acipenser fluvescens*, which is protected by the State of Michigan because its remaining populations are less than 1 percent of the original population due to overfishing and habitat loss. These fish age to nearly 25 years for females and 12 years for males before reaching sexual maturity, and are bottom feeders with a diet including snails, mussels, and crustaceans (Michigan Sea Grant 2009). They would be especially vulnerable to the introduction of black carp, with which they would directly compete for food. As described in the declaration submitted by the USFWS prior to the recent Supreme Court hearing, it is believed that if Asian carp populations reach self-sustaining levels at or near the confluence of the Lake Michigan tributaries and canals in the Chicago vicinity, it is highly likely that range expansion within the lake's watershed would occur over time as a result of density-dependant dispersal. As higher concentrations of fish are realized within an established area, fish will move to new areas seeking suitable habitat and resources. Through this natural dispersal process, populations of Asian carp may become established in embayments, estuaries, lagoons, and river mouths of medium to large rivers and streams proximal to the home range of an established population. These types of water bodies are found within Lake Michigan and throughout the entire Great Lakes basin.

Some studies suggest that Asian carp would have difficulty becoming established in the Great Lakes. According to a report to Illinois-Indiana Sea Grant titled, "Evaluating Asian Carp Colonization Potential and Impact in the Great Lakes:

It is not clear that Asian carp could grow feeding on the relatively sparse plankton typical of most of the Great Lakes. Filter-feeding carp are usually found in more productive waters with higher plankton abundances. Using a combination of laboratory experiments and modeling, we conclude that filter-feeding Asian carp will be unable to colonize most open water regions within the Great Lakes because of limited amount of food (plankton) available there. Productive embayments and wetlands are more likely to support Asian carp growth, and we suggest that resource managers focus monitoring and preventative efforts in these more limited areas of the Great Lakes.

While the results of various scientific studies suggest a varied range of impacts from Asian carp infestation, we cannot wait to act. State, local, and federal agencies are acting to taking pre-emptive actions to deny carp from establishing a population in the Great Lakes or their tributaries.

### Evaluating Lock Closure

An often discussed solution to preventing Asian from entering the Great Lakes is closure of locks and sluice gates in the CAWS. The locks and structures in the CAWS connect the world's two largest freshwater basins, and serve as the sole or primary water connection and route by which many goods travel downstream for dissemination to the central U.S.

#### *Description of Locks and their Function*

The O'Brien Lock has a single chamber of 110' X 1000' with a six barge capacity. This lock, on the Calumet River, currently operates in a "show and go" pattern, which means that vessels are locked through when they arrive.

Much of the Chicago region's petroleum, coal, road salt, cement, and iron travel through this lock; approximately 14.6 million tons of these and other commodities transit through the Calumet River System and Harbor (includes the Cal-Sag Channel and reach above Lockport Lock) each year at a value in excess of \$2 billion. In addition, over 15,000 recreational vessels traverse this lock. The lock is also used to control the water flow between the lake and river and is both a piece of the overall flood control plan and the local water treatment process to comply with regulatory requirements. Finally, the lock is used by the Coast Guard as well as the City of Chicago for emergency uses.

Chicago Lock, the nation's second busiest, has a single chamber of 80' X 600' with a 22.4 foot depth. Constructed in 1938 in order to regulate the diversion of water from Lake Michigan, this lock has a 1 to 4 foot lift connecting Lake Michigan to the Chicago River. MWRD constructed the lock and transferred it to USACE in 1984. The lock is operated by gravity through partially opened lock sector gates and operates 24 hours a day, 7 days a week, year round.

The lock has over 11,500 annual lockages composed of over 50,000 commercial and recreational boat and 900,000 passengers. Commodities handled include general cargo, petroleum, newsprint, road salt, and cement. The harbor is a safe refuge on southern Lake Michigan for barges and vessels traveling north from or south to the Port of Chicago. The Lock itself provides flood protection on the Chicago River for the downtown area protecting over \$1B in real estate.

#### *Authorities*

Various agencies have authorities over the involved waterways and projects. USACE has direct authority over O'Brien Lock and the navigation channel through various Congressional acts for navigation (commercial and recreational) and flood control. The Chicago Lock is authorized under the Rivers and Harbors Acts of 1870, 1880, 1912, 1919 and 1962. The Federal channel is authorized to be maintained at 21 feet between the Chicago Lock, into the Chicago River and north to the North Avenue Turning Basin. USACE has the authority to undertake emergency operational measures based on Section 126 of the FY 10 Energy and Water Appropriations Act subject to approval by the Assistant Secretary of the Army for Civil Works. Section 126 may be used to close locks during certain periods upon a justification that doing so will serve to eliminate or reduce Asian carp migration.

The Coast Guard has the responsibility for transportation and safety in these same bodies of waters. The Coast Guard enforces various laws and regulations about what can pass through the lock, how the lock is to be closed to shippers even for a short time, and actions USACE can take in the water that may affect the public. For example, the Coast Guard has propagated safety rules in cooperation with USACE so that it may operate the electric barriers effectively while human activity in the area, especially navigation, can continue with minimal risk. MWRD is charged with meeting certain regulatory discharges from the city and, through section 402 permits, uses the water released from the lock to meet its discharge criteria.

MWRD has flood control, water quality, social and commercial authorities tied to these waterways.

#### *Effect of Lock Operations on carp mitigation*

Locks may serve as a barrier to impede carp migration through the Chicago and Calumet Rivers into Lake Michigan, but by themselves they are not completely effective for this purpose. When the O'Brien and Chicago Locks are closed, they do not completely stop water flow. As with most locks, there is leakage around and through the gates. Because Lake Michigan and the Chicago River are very close in elevation, O'Brien Lock is designed to control water flow, not accommodate a change in water elevation. That means it is possible for fish to swim through the lock into the lake even when the locks are "closed."

If USACE were to close the locks and take measures to make the lock more water tight, there are other ways that fish can get into the lake such as the unregulated access point through the Grand Calumet and Little Calumet Rivers in Indiana. Other access includes leaking sluice gates at both federal and non-federal facilities, release of live adult fish into the Great Lakes, the transfer of juveniles in bait buckets, or the replenishment of ballast water in marine vessels.

In major flood events in central Chicago, the Chicago and O'Brien locks and their associated controlling works serve to prevent or minimize flood damage by allowing water to flow in reverse into Lake Michigan. In the event of future flooding, USACE is considering installing grates in the bulkhead slots in locks and sluice

gates to block the potential migration of any Asian carp that may be present, while allowing water levels to subside. If the structures were permanently closed, in flooding situations, lock and sluice gates would likely not contain Asian carp, as floodwaters carrying fish in the overflow could overtop the structures and flow unrestricted to Lake Michigan. Modified structural operations discussed in this Framework and being considered under the Efficacy Study, may be able to limit the migration of Asian Carp during flooding or operation of locks, dams and pumping stations.

#### *Risks and cost associated with closure*

Assessments of potential economic impacts of lock closure, whether intermittent or permanent, are still in the preliminary stages. However, all the initial information available indicates that the consequences could be serious. For example, in 2008 an estimated \$192 million in transportation savings to shippers resulted from utilization of the O'Brien and Chicago locks versus the least cost overland routing. Much of the Chicago region's oil, cement, iron, and coal travels through this lock. Without an alternate route that can accommodate the high level of traffic, key industrial building blocks of the regional economy could be damaged and exports could be delayed, face significant increases in shipping costs or, in a worst case scenario, stop the flow of critical commerce. This does not account for secondary and tertiary effects that consumers will likely face in the form of higher costs, shortages, loss of services, and loss of jobs. Indefinitely closing the Chicago Lock would also greatly affect companies that rely on the waterway for tourism.

Closing O'Brien Lock would lead to serious difficulties in delivering products in several ways. First, diverting vessel traffic from the Calumet River will deprive barges of much of the fleeting area available in the Chicago Region, increasing congestion. Currently, there are very limited fleeting areas for barges in the vicinity of Chicago Lock, the main alternative to O'Brien Lock. This would result in having as many as several hundred barges in stationary positions for indefinite periods of time while waiting to be loaded or unloaded, a major safety concern.

Accessing Calumet Harbor via the Chicago Lock is not a matter of choosing a different route. Arriving at Calumet Harbor without going through O'Brien Lock would require transit through Lake Michigan. Existing regulations preclude carrying liquids such as petroleum products. In addition, the use of Calumet Harbor would require the barges to clear low railroad bridges, which would require ballasting and de-ballasting, which could add \$500 to \$1,000 per barge transit, a cost that is likely to be prohibitive to barge operators and their customers.

According to the MWRD, which serves as the wastewater and stormwater management agency for Chicago and 124 municipalities across the region, permanent closure of lock and sluice gates along the CAWS, without additional deep tunnel or reservoir capacity, would likely result in devastating flooding throughout the region.

Impacts to the economy such as jobs and businesses, the environment, and other modes of transportation amongst other issues will be evaluated in the environmental review process as part of the USACE Inter-Basin Feasibility Study, expedited to 2012 for the CAWS.

#### *Decision Making Process and Timeline*

A study is underway to assess the concept of "modified structural operations." Alternatives are under consideration to modify lock operations from constant availability for vessel lockage to scheduled intermittent periods of operation for transit. Periods of non-operation would be synchronized with efforts by other agencies to take steps to suppress, eliminate, or reduce Asian carp populations that may be present in a target area of action. Modified lock operations would not impact emergency operation of O'Brien or Chicago Locks for flooding or public health & safety. It is anticipated an interim III report to the Efficacy Study would be submitted in early March to address modified structural operations. This concept, if it is

found to be feasible, would continue to evolve and be improved over the next few months and into warmer weather, in combination with fish suppression activities such as Rotenone, electro shocking & netting, and fish diversion technologies, such as bubble and acoustic barriers. Structural modification to locks such as installation of screens is also under consideration.

While Section 126 emergency authority does allow USACE to temporarily close the locks, inadequate information is available at this time to be able to make a decision regarding indefinite or extended temporary (several weeks or more) lock closure. The impacts of such an action to the environment (sewer overflow could back up into Lake Michigan), from flooding, to public health and safety and marine emergency uses, and to the economic activity of the greater Chicago area (such as transportation of critical commodities, recreational traffic, harbor owners and operators, commercial and sport fisheries, and neighboring businesses) connected to the Chicago and O'Brien locks, need to be assessed against the expected impact to the Great Lakes recreation and fisheries industries based on scientific research to develop data on the expected manner and extent to which Asian Carp are likely to affect the Great Lakes.

### **1.3 PARTICIPATING AGENCIES – ROLES/AUTHORITIES/JURISDICTIONS**

This section generally describes the jurisdictions, authorities, and roles of the agencies and governmental units participating in this Framework. This is meant to be an informal description of these agencies with respect to the actions discussed in this Framework, and is not meant to restrict or assign responsibilities and authorities belonging to the agencies under their implementing statutes and regulations.

- **City of Chicago**

Jurisdiction: Exercises home rule authority within municipal limits

Authority: Municipal

Role: Supports the work of other agencies, particularly those actions taking place within the City of Chicago, and performs law enforcement, patrol, and emergency response duties along the lakefront and inland waterways within the City's jurisdiction.

- **Great Lakes Fishery Commission**

Jurisdiction: Great Lakes Fishery Convention Act allowing implementation of a convention of Great Lakes Fisheries between Canada and the United States

Authority: Bi-lateral treaty

Role: Coordinate, communicate, and conduct fishery resources on the Great Lakes

- **Illinois Department of Natural Resources (IL DNR)**

Jurisdiction: Investigations pertaining to the natural history, entomology, zoology, and botany of the State; the geology and natural resources of the State; the water and atmospheric resources of the State; and the archeological and cultural history of the State of Illinois.

Authority: State

Role: Lead agency for work relating to monitoring, sampling, fish removal actions, and rapid response activities within the State.

- **Metropolitan Water Reclamation District of Greater Chicago (MWRD)**

Jurisdiction: Surface water, municipal wastewater treatment for the metropolitan Chicago area (including almost all of Cook County), control of combined sewer overflow, dry and wet weather operation of the Chicago Area Waterways.

Authority: Regional

Role: Supports the work of other agencies and implements designated action items to the extent allowed by its statutory wastewater and stormwater authority.

- **United States Army Corps of Engineers (USACE)**

Jurisdiction: Planning, construction and operation of navigation and flood damage reduction projects; recovery of structures throughout the Great Lakes Basin; hydropower operations, environmental protection and restoration, water conservation, recreation, and disaster assistance

Authority: Federal

Role: Operation of the CAWS Lock and Dam System and the Electric Dispersal Barrier
- **United States Coast Guard (USCG)**

Jurisdiction: Navigable waterways.

Authority: Federal Authority; Port and Waterways Safety Act of 1972 and 14 U.S.C. 89 among others

Role: Ensure the safety, security and environmental protection of the Great Lakes and the Western Rivers. The Coast Guard manages waterways through Regulated Navigation Areas, safety and security zones. Regulates the marine industry and supports the marine transportation system
- **United States Environmental Protection Agency (USEPA)**

Jurisdiction: Lead coordination agency.

Authority: Federal Great Lakes protection and restoration policy and efforts under CWA 118 and Executive Order 13340.

Role: Lead coordination agency and funding authority.
- **United States Fish and Wildlife Service (FWS)**

Jurisdiction: Implementation of activities in support and enforcement of the Lacey Act, Endangered Species Act, Fish and Wildlife Coordination Act, Great Lakes Fish and Wildlife Restoration Act, and the Non-indigenous Aquatic Nuisance Prevention and Control Act as amended; and supporting activities to include fish and AIS monitoring, risk assessment, law enforcement, etc.

Authority: Federal

Role: Coordination with Federal, State, Tribal, and non-governmental partners on actions to prevent the introduction and establishment of aquatic invasive species, or to mitigate resource impacts from introduce species
- **United States Geological Survey (USGS)**

Jurisdiction: NA

Authority: Federal

Role: Provide leadership and technical expertise in collaborating efforts to prevent and mitigate the risk of introduction and establishment of ANS or AIS
- **White House Council on Environmental Quality**

Jurisdiction: NA

Authority: Federal - CEQ coordinates Federal environmental efforts and works closely with agencies and other White House offices in the development of environmental policies and initiatives.

Role: CEQ is closely monitoring the development and execution of the Asian Carp Control Strategy Framework.

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## 1.4 ADDITIONAL ASIAN CARP WORK

In addition to the actions proposed within this framework, the U.S. Fish and Wildlife Service's (FWS) Midwest Region is currently coordinating implementation of the Management and Control Plan for Bighead, Black, Grass, and Silver Carp in the United States (Plan), which was approved by the Aquatic Nuisance Species Task Force in 2007. The four species addressed by the Plan present a serious threat to North American ecosystems, including the Great Lakes, if self-sustaining populations become established in the wild. A subset of the 133 priority management actions contained within the Plan specifically addresses the challenge of protecting the Great Lakes basin from the establishment and impacts of Asian carp. As lessons are learned through implementation of this plan elsewhere in the region and throughout the nation, applicable solutions will be adopted for the Great Lakes.

The Plan contains specific actions to prevent Asian carp from entering the Great Lakes; or to contain, control, and mitigate impacts in the event of their access into the basin. The strategy uses a multi-tiered, "integrated management" approach based on timely data and current or emerging tactics and tools. Actions include the following:

- Develop and refine effective methods for sampling populations of Asian carp, and for predicting abundance and distribution (as a risk assessment and risk management decision support tool).
- Constrain Asian carp range expansion/population growth via development and deployment of physical and behavioral barriers to fish movement at critical geographic locations (including sonic, bubble, light, velocity, and chemical barriers).
- Control (remove Asian carp) through:
  1. Strategic and intensive "recruitment overfishing"
  2. Development and application of chemical control tools and piscicide delivery systems to control bighead and silver carp in an effective, efficient, and work with partners to develop and implement a coordinated Asian carp public outreach and education campaign focused on preventing movement of fish.



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## 2.0 UNIFIED ACTIONS FOR PREVENTING ASIAN CARP MIGRATION

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Table 1 provides the Control Strategy Matrix (Matrix) of the many aspects of the actions proposed in this Framework to prevent migration of the Asian carp to the Great Lakes. The narratives below are descriptive highlights of the actions outlined in more detail in the Matrix. The actions have been divided into short and long-term implementation goals. Short-term is defined by actions that can be implemented between February and May 15, 2010; the remaining actions are considered long-term goals. Each action was further divided into three subcategories that, either alone or in combination, roughly correspond to the efforts by each workgroup: (1) Invasion Control (IC), (2) Monitoring and Rapid Response (MRR), or (3) Communication and Outreach (CO).

For the most part, the narratives were developed by the lead agencies for each action and were reviewed by the participating agencies.

The "Action" column in the Matrix identifies efforts that are, will or can be undertaken by participating agencies.

The "Agency" column in the Matrix identifies in bold the agency(ies) responsible for the action narratives below and for acting as the lead agency in implementing the action. In some cases, more than one lead agency has been designated. Agencies not identified in bold will support the lead agencies in implementing the action.

The Funding, Funding Source, Start Date, and Planned Completion columns generally represent estimates by the lead agency and may change as the actions are undertaken and funding is secured. The "Comments" column may provide qualifiers or other pertinent information about the above.

### 2.1 SHORT-TERM ACTIONS / ACTION OPTIONS

While a number of actions are needed to control carp in the long-run, there is urgent need to limit the possibility of carp imminently infiltrating Lake Michigan. As such, the following actions are needed between February and April, 2010:

- Operations to reduce propagule pressure
- Increased fish collection effort for confirmation of eDNA results and population suppression
- eDNA indicator refinement
- Modified structural operations
- Emergency measures to create ecological separation between (1) Des Plaines River and CSSC and (2) I&M Canal and CSSC
- Increased biological control efforts
- Barrier operations

Specific proposed actions in support of these short-term actions include the following:

### 2.1.1 Targeted Removal within Chicago Area Waterway System (CAWS)

Workgroup: MRR

Lead Agency: Rapid Response Team (IL DNR, USFWS, USACE, USCG, etc.)

Estimated Funding: \$2,000,000

Funding Source: Great Lakes Restoration Initiative (GLRI) monies

**Problem:** Asian carp eDNA has been detected upstream of the barrier in several locations. Although no fish have been collected or seen on the lakeside of the barrier, the presence of eDNA strongly suggests that fish may be present. In addition to random and systematic sampling throughout the system to detect Asian carp, future sampling should also have a strategic and intensive component designed to seek and destroy/capture Asian carp above the barrier.

**Action:** This action will include eDNA sampling in likely locations with rapid analysis of samples. Depending on the season, likely locations will include areas adjacent to warmwater discharges, wastewater treatment plant outfalls, tailwaters of locks and dams, marina basins, barge slips, and other slackwater areas. If positive hits are encountered, the intent would be to concentrate and confine individuals into an area where they would be susceptible to removal through toxicants or nets. Fish would be driven with electrofishing gear and/or light/sound systems against lock and dam structures or into basins and inlets where they could be confined with block nets and removed with rotenone. Commercial fishermen would also be deployed to set block nets and trap fish within short segments of the waterway where they could then be driven into gill and trammel nets or removed with rotenone. This effort will be conducted beginning in February and continuing through November or until no further evidence of Asian carp is seen. This project could deploy up to 15 conventional electrofishing boats and state/federal fisheries crews as well as multiple commercial fishing companies. Costs also include rotenone and the detoxifying agent sodium permanganate, substantial fishing gear of multiple types, and additional electrofishing rigs and crews beyond those already available to state and federal agencies. Field work would be conducted by IDNR, USFWS, USACE, and other state agencies who agree to participate.

#### **Expected Milestones:**

- 2<sup>nd</sup> quarter 2010 – initiation of field work

#### **Potential Hurdles:**

- Weather conditions.
- Field crew availability.

### 2.1.2 Enhanced eDNA Testing, Contract Commercial Fishing, and Conventional Monitoring in "High Risk" Locations

Workgroup: MRR

Lead Agency: IL DNR, USFWS, USACE

Estimated Funding: \$2,600,000

Funding Source: USACE, USFWS, IL DNR GLRI monies

**Problem:** Capture and/or direct observation provides the most solid confirmation of the presence of Asian carp; however efforts to the present have been limited and unable to yield results. Enhanced monitoring via traditional and new approaches must be ramped up in an effort to yield Asian carp and to verify eDNA results.

**Action:** Increased eDNA capacity, commercial fishing, and conventional monitoring will target selected locations adjacent to and above the electrical barriers, including the Cal-Sag Channel near O'Brien Lock and Dam, the North Shore Channel near the Wilmette Pumping Station, and Lake Michigan. Multiple agencies have and will continue to participate in and fund the monitoring efforts. FWS, IDNR, and the Illinois Natural History Survey will deploy dedicated field crews to conduct Asian carp monitoring in specified locations within the CSSC, Cal-Sag Channel, Chicago River, North-Shore Channel, portions of the Des Plaines River, and selected near-shore areas of southern Lake Michigan in the vicinity of metropolitan Chicago (areas adjacent to industrial/municipal water and other warm-water discharges, tributaries, and near-shore embayments). Additional support will be sought from the DNR's of other Great Lakes States. Multiple boats and crews will be allocated to each target area (up to eight 6-person teams of two boats each) will sample monthly over a 1-2 week period each month. During each of these sampling periods, one or more commercial fishing crews will be deployed to work in concert with state and federal crews or to sample locations unsuitable for standard fisheries sampling gear. Monitoring will include gill and trammel netting and electro fishing at all locations, side-scan or DIDSON sonar, and/or trained observation divers, where possible. Early monitoring efforts will focus on areas that previously yielded positive eDNA results, locations sampled with sonar that demonstrate multiple large fish targets (possible Asian carp), areas with visual sightings of suspected Asian carp, or other locations determined to be "high-risk." Enhanced sampling will be used to document the extent of Asian carp population dynamics within the canal system and connecting waterways, to provide data for modeling potential population movements (range expansion), and to determine life stages of Asian carp potentially present. Monitoring activities will be conducted in cooperation with IL DNR, USACE, and other partners.

**Expected Milestones:**

- Early 2010 – Enhanced monitoring to begin (dependent on weather conditions)

**Potential Hurdles:**

- Weather conditions.
- Staffing concerns which include hiring additional employees for both field and lab work.

**2.1.3 eDNA Calibration Methodology and Increased Capacity**

Workgroup: MRR

Lead Agency: USACE, IL DNR, FWS

Estimated Funding: \$940,000

Funding Source: USEPA and USACE GLRI monies



**Problem:** eDNA analysis is an emerging and cutting edge science for predicting the presence and tracking the movement of Asian carp through a waterway. To further validate its use as an effective tool, its methodology must be further refined and its analysis capacity increased.

**Action:** eDNA sampling and processing will be a joint effort of the University of Notre Dame and the research laboratory of USACE, as directed by USACE, in collaboration with the FWS and IL DNR. eDNA capacity is being increased with the addition of sampling and processing capability at USACE research laboratory in cooperation with the University of Notre Dame. eDNA validation efforts are underway. Field tests are being conducted in conjunction with Rotenone application, electro fishing and netting, and commercial fishing. Future eDNA sampling will be synchronized with conventional monitoring and possible

response actions in specific geographic areas, in a collaborative effort among the primary agencies engaged in monitoring and response activities.

**Expected Milestones:**

- February 2010 – EPA completes laboratory quality control analysis and submits final report.
- April 2010 – Laboratory testing to confirm eDNA accuracy in detecting Asian carp
- April 2010 – Initiation of new synchronized sampling program.
- Summer 2010 – Comprehensive field experiments to consider effectiveness of eDNA analysis in determining both presence and estimated population abundance.

**Potential Hurdles:** None

**2.1.4 Modified Structural Operations - Efficacy Study - Interim Report III**

Workgroup: IC

Lead Agency: USACE, USCG, MWRD, FWS, IL DNR, Chicago

Estimated Funding: NA

Funding Source: USACE Appropriation

**Problem:** Modified lock and attendant works (sluice gates and pumping stations) operations could impede the opportunity for Asian carp to enter the Lake Michigan. All potential impacts must be considered to ensure public health and safety, and the purposes of these structures are maintained as authorized in law.

**Action:** As part of the effort to address the threat that Asian carp pose to the Great Lakes, USACE intends to assess the potential use of "modified structural operations" on the CAWS, in collaboration with agencies that use the CAWS. "Modified structural operations" are defined as operating the locks and attendant works of the CAWS such as sluice gates and pumping stations to impede Asian carp migration into the Great Lakes consistent with public health and safety and maintenance of navigation. The potential impacts of controlled operations, as well as the specific parameters of such operations, would be assessed and understood under any applicable laws such as the National Environmental Policy Act prior to deciding to proceed with implementation. Modified operations would be executed through a comprehensive plan, broad collaborative participation and use of resources, integrated continuous management and decision-making, and documented procedures agreed to by relevant agencies and effectively communicated to CAWS users.

Four general goals for modified structural operations:

- To ensure, to the fullest extent possible, that no Asian carp migrate into Lake Michigan
- To preserve emergency use of the CAWS, locks and structures, as well as other uses essential to public health and safety
- To maintain navigation through the locks
- To modify operations and cooperate with vessel users as CAWS structures are changed.

Three phased approach

- Phase 1: Concept Development - Integrate agencies' efforts to develop methods to suppress Asian carp population growth while USACE and USCG simultaneously determine, after engaging the navigation industry, how to optimize/reduce the number of lock openings, and MWRD considers how to operate the Wilmette Pumping Station, to impede Asian carp movement. The

- goal for this phase is to complete concept development and recommend actions by early March 2010.
- Phase 2: Initial Implementation – Execute modified structural operations as quickly as possible once methodologies are ready, with most elements underway by April 30, 2010. Some methodologies currently under consideration include:
    - Closing both sets of lock gates between lockages
    - Reducing the frequency of lock openings by consolidating barge and recreation traffic
      - Four scenarios are being assessed, as follows:
        - Alternative 1 – No action; Chicago and O’Brian Locks operate as normal
        - Alternative 2 – Modified Structural Operations – Close each week; Chicago and O’Brian Locks open 3-4 days every week, a significant reduction from current “show and go” operations. Checking potential to place screens on the sluice gates and the lock gates during periods of closure.
        - Alternative 3 – Modified Structural Operations – Close one week / month; Chicago and O’Brian Locks closed to navigation one week per month starting in April 2010.
        - Alternative 4 – Modified Structural Operations – Close every other week; Chicago and O’Brian Locks closed to navigation two weeks per month starting in April 2010.
    - Applying technologies to “herd” and reduce Asian carp populations that may be present, to include rotenone
    - Intensified and synchronized monitoring (eDNA, electro fishing, and netting).
  - Phase 3: Additional Implementation – adjust initial methodologies based on field results for longer sustainable operations. Continue to field new workable and appropriate methodologies as they become available such as acoustic and electric barriers, as well as addition of screens to sluice gates and bulkheads

**Expected Milestones:**

- Early March, 2010 – Complete concept development and recommend actions
- April 30, 2010 – Implement methodologies as ready for modified lock/structure operations
- End: FY 2010 – Full implementation

**Potential Hurdles:**

- Development and implementation of controlled operations plan under a compressed timeline to execute by onset of warmer weather.
- Public health and safety impacts.
- Economic impacts.
- Need for rulemaking and public notice.
- Establishment of a Vessel Traffic Management System.
- Requirement of additional resources (manpower and vessels) for enforcement of waterway restrictions.

### 2.1.5 Des Plaines River and I&M Canal Barriers

Workgroup: IC  
Lead Agency: USACE  
Estimated Funding: \$13,200,000  
Funding Source: USACE FY2010 GLRI monies

**Problem:** Physically block known bypasses around the fish barriers from the Des Plaines River and the I&M canal caused by flooding.

**Action:** On January 12, 2010, the Assistant Secretary of the Army for Civil Works (ASA CW) approved the interim efficacy study report recommendations addressing potential structural solutions, such as bypasses between the Des Plaines River and the CSSC, and the I&M Canal and the CSSC during high water events. The structural solutions include 13.5 miles of concrete barriers and ¼-inch chain link heavy duty fence between the Des Plaines River and the CSSC, and blockage of the Illinois and Michigan (I&M) Canal at the natural flow divide.

**Expected Milestones:**

- March 2010 – Scheduled contract award
- October 2010 – Construction completion

**Potential Hurdles:**

- Real estate acquisition/easements.

### 2.1.6 Technologies Using Oral Delivery Platforms for Species-Specific Control

Workgroup: MRR/IC  
Lead Agency: USGS  
Estimated Funding: \$1,553,000  
Funding Source: USEPA FY2010 GLRI monies

**Problem:** The technology does not currently exist to specifically target Asian carp for control within aquatic ecosystems. Methods with high specificity for Asian carp are necessary to control or eradicate them without harm to native species and habitat.

**Action:** Development of a targeted oral delivery platform using novel incorporation technologies that have the capacity to deliver biocides to specific target sites in AIS may increase the selectivity and specificity of both current and potential new management chemicals. This large integrated project will focus on developing these approaches for application throughout the Great Lakes. In FY 2010, work will focus on initiating development of new integrated pest management approaches for Asian carp and other invasive aquatic species of concern to Great Lakes managers, including researching candidate bioactive agents, pathogens, and specific targeted delivery platforms.

**Expected Milestones:**

- 2<sup>nd</sup> quarter 2010 – Research work expected to begin dependent on available funds.

**Potential Hurdles:**

- Long lead time from development to field testing.

### 2.1.7 Expand Research on the Identification of Asian Carp Attraction/Repellent Pheromones

Workgroup: MRR/IC  
Lead Agency: USGS  
Estimated Funding: \$300,000/yr  
Funding Source: GLRI monies

**Problem:** Technologies presently do not exist to specifically target Asian carp for control within aquatic ecosystems. Current applications of non-selective toxicants (e.g. Rotenone) harm native fish species and must be applied to broad expanses of aquatic habitat if they are to have effect. The lack of a species-specific method of attraction (e.g. pheromones) limits the ability to achieve maximal control while minimizing risk to native fishes. Developing attractants/repellents with high specificity for Asian carp are necessary to control or eradicate them without further harm to native species and habitat.

**Action:** USGS will conduct research to better define the active pheromone components and the response of Asian carp to pheromone products. Conceptual models will be developed in which pheromones could be integrated into management programs to control or limit Asian carp. Methods will be developed to synthesize active pheromone components.

#### Expected Milestones:

- Preliminary work done
- Utilize electrophysiology to identify the most active pheromonal substances and attractant pheromones in silver and bighead carp
- Attempt chemical synthesis of the most effective pheromonal substances

#### Potential Hurdles:

- Chemical tool research and development recently initiated; long lead time for field testing.
- Scale-up of pheromone production.
- Potential competition with natural hormones to prevent 100% efficacy.

### 2.1.8 Identify Potential Compounds for Inclusion in a Toxicant Screening Program to Identify Potential Selective Toxicants for the control of Asian Carp

Workgroup: MRR/IC  
Lead Agency: USGS  
Estimated Funding: \$300,000/yr  
Funding Source: GLRI monies

**Problem:** Current toxicants used to control aquatic invasive species are general toxicants with limited to no selectivity (e.g. Antimycin, Rotenone). Agrichemical and pesticide laboratories create thousands of new chemical compounds yearly. Although toxicity information is generally not available for these new compounds in aquatic organisms, structure activity relationship analysis could identify likely candidates for inclusion in a toxicant screening program.

**Action:** USGS will develop cooperative research and development agreements to access pharmaceutical or agrochemical company chemical libraries to identify potential candidate toxicants. Identification of potential toxicants will either be through structure activity relationships or through known activity models. Studies will be required to assess selective toxicity of candidate toxicants between Asian carp versus native fishes. Additional data sets would be required to support registration. Efforts would be made to target those

compounds/formulations with present agrichemical/pesticide use to reduce costs and time required to obtain full registration.

**Expected Milestones:** Unknown

**Potential Hurdles:**

- Development of cooperative research and development agreements.
- New compounds will require development of full registration dossier before widespread use.

### **2.1.9 Evaluate Physical Methods to Disrupt Asian Carp Spawning Behavior and Decrease Egg Viability**

Workgroup: MRR/IC  
Lead Agency: USGS  
Estimated Funding: \$200,000/yr  
Funding Source: GLRI monies

**Problem:** Technologies presently do not exist to specifically target Asian carp for control within aquatic ecosystems. Current physical controls (e.g. electro shocking, netting) are of limited success in altering populations. The development of physical methods to disrupt Asian carp spawning activities in identified tributaries coupled with attractant/dispersal pheromones has the potential to limit Asian carp reproduction success.

**Action:** Research will focus on identification of sound wave amplitude and frequency which elicit silver carp avoidance behavior to disrupt spawning aggregations and limit recruitment. Research will also be conducted to evaluate the response of Asian carp eggs to electrical fields, sonication, etc. to develop methods to reduce egg viability while the eggs drift downstream of Asian carp spawning areas. The research will enable integrated approaches to prioritize locations of potential physical controls in identified spawning habitat coupled with the application of attractant/dispersal pheromones.

**Expected Milestones:**

- Earliest field application would be in 18 to 24 months. Field application may/may not require permit application/approval from various environmental regulatory agencies.

**Potential Hurdles:**

- Scaling equipment from laboratory application to field trials.

### **2.1.10 Identification of Organism-Level Target Delivery Sites – ‘Bio-Bullets’**

Workgroup: MRR/IC  
Lead Agency: USGS  
Estimated Funding: \$200,000/yr  
Funding Source: GLRI monies

**Problem:** Current toxicants used to control aquatic invasive species are non-selective and applied as immersion exposures – resulting in equal exposure of native and invasive species to the toxicant. Development of a targeted delivery system, so-called ‘bio-bullets’, which reduces non-target species exposure to the toxicant, could greatly enhance selectivity and reduce effects to non-target species. Development of such delivery methodologies will require full understanding of native and invasive species



gill and gut enzyme activity and physiology since a targeted delivery system will likely use an oral or gill adhesion delivery route.

**Action:** Research will be conducted to identify and characterize potential bioactive agent delivery sites within Asian carp including the gill, skin, and gastrointestinal tract (gastric or post-gastric). Research will focus on collection of data on the physiological characteristics of both Asian carp and native species (e.g., enzyme, protein, lipid, carbohydrate components, pH) to provide an understanding of factors that might affect delivery of a bioactive agent. While some basic research is available in this area, additional basic and applied research will lead to development of optimized delivery components to enhance selectivity and sensitivity. Research planned to characterize Asian carp gastrointestinal pH and digestive enzyme profiles will be expanded to include identification and characterization of native fish gastrointestinal tracts.

**Expected Milestones:**

- Identification and characterization of gastrointestinal pH and digestive enzyme profiles of native phytoplanktivorous and zooplanktivorous fishes

**Potential Hurdles:**

- Potential seasonal enzyme profiles (e.g. enzymes adjusted to match food resources) may require delivery platforms to be seasonally adjusted to match enzyme activity.

### 2.1.11 Great Lakes' Tributary Assessment for Asian Carp Habitat Suitability

Workgroup: MRR/IC

Lead Agency: USGS

Estimated Funding: \$275,000/yr

Funding Source: GLRI monies

**Problem:** Tributaries that would be suitable for bighead carp spawning need to be identified to focus management efforts for evaluating invasion success, as well as sites to launch control actions.

**Action:** Although bighead carps are preferentially inhabitants of lakes and slow moving waters, they are thought to require a long river for spawning and recruitment. An often-cited value in the literature is a minimum length of 100 km. Kolar et al. (2007) identifies 22 rivers on the USA boundaries of the Great Lakes that have a minimum undammed river length of 100 km, and an Asian carp risk assessment performed by the Canadian Department of Fisheries and Oceans includes an inventory of the Canadian Rivers with a minimum length of 50 km. However, the estimates of river length required are based on locations where populations of bighead carps are known to be found, and thus do not describe a true minimum. Recent research has determined the developmental stage at which bighead carp larvae are capable of swimming and migrating laterally from flowing water into nursery habitats. This knowledge can be used in a model of river velocity and temperature to describe an actual river length required. This more accurate minimum river length, taken together with the temperature and velocity regimes of individual rivers, can be used to more accurately determine which rivers are suitable for spawning and recruitment of bighead carps.

**Expected Milestones:**

- Determine more exact timeline for Asian carp to achieve required key developmental stages
- Determine the minimum velocities needed to keep Asian carp early, non-swimming life stages, adrift

- Determine using Doppler current profile data, the mean velocities and longitudinal particle dispersion coefficient of rivers most likely to be used as spawning habitat by Asian carp
- Model the transport of Asian carp eggs and larvae to assess spawning habitat suitability

**Potential Hurdles:**

- Temperature and hydrograph variability will require wide variety in models.
- The exact source of mortality in eggs and larvae that precipitate to the bottom of a river are not known.

**2.1.12 Risk Assessment of Asian Carp Establishment in the Great Lakes, Based on Available Food Sources**

Workgroup: MRR/IC

Lead Agency: USGS

Estimated Funding: \$250,000/yr

Funding Source: GLRI monies

**Problem:** Asian carps have yet to become established in open waters in the United States. However, under varying conditions Asian carp have been observed to diversify their diet beyond their preferred pelagic plankton sources and feed on detritus. Feeding studies are needed under controlled conditions where the flexibility in the carp diet can be defined thus establishing their ability to maintain large populations in the Great Lakes.

**Action:** USGS has observed bighead carp feeding on sediment detritus in ponds, and silver carp feeding on attached algae in aquaria. Also, silver carp are thought to derive substantial nutrition from bacteria, both consumed and cultured in the gut. However, it is not known whether these food sources are adequate for carp growth and survival. It is unknown whether they could feed adequately on planktonic resources currently found in the Great Lakes, or if they could exploit sediment detritus or attached algae (like *Cladophora*, now a substantial problem in parts of the Great Lakes because of the dreissenid mussel invasion) to a degree that would allow them to maintain large populations. USGS proposes investigating these questions using laboratory (juvenile fish) and pond (adult or sub-adult fish) mesocosm studies combined with bioenergetic techniques, to assess the risk of bighead carp establishment in the Great Lakes based on these food sources.

**Expected Milestones:**

- Offer non-planktonic resources such attached organic substrate on zebra mussel shells as found in the Great Lakes
- Predict if the conditions found in the Great Lakes will prove adequate for growth and survival when planktonic resources are unavailable
- Focused studies on role of bacterial consumption as potential nutrition for Asian carp.

**Potential Hurdles:**

- Time required for behavioral and physiological adaptations to new foods.

### 2.1.13 Continued Operation of Demonstration Barrier and Barrier IIA

Workgroup: IC  
 Lead Agency: USACE  
 Estimated Funding: \$4,750,000  
 Funding Source: USACE Appropriation

**Problem:** The electrical barrier is the best tool we have right now to stop large-scale movement of Asian carp from the Illinois River.

**Action:** Barrier I (Demonstration Barrier) operates at 1 volt/inch. Barrier IIA operates at 2 volts/inch, at the pulse rate and width supported by optimal operating parameters research as preventing passage of adult and juvenile Asian carp. The maintenance cycle scheduled for October 2010 should coincide with operation of Barrier IIB so that additional treatment of the waterway will not be necessary during shutdown. Operations and necessary maintenance are funded by USACE.

#### Expected Milestones:

- October 2010 – required maintenance shutdown for Barrier IIA

**Potential Hurdles:** None

### 2.1.14 Expedited Construction of Barrier IIB

Workgroup: IC  
 Lead Agency: USACE  
 Estimated Funding: \$13,000,000  
 Funding Source: USACE Appropriation

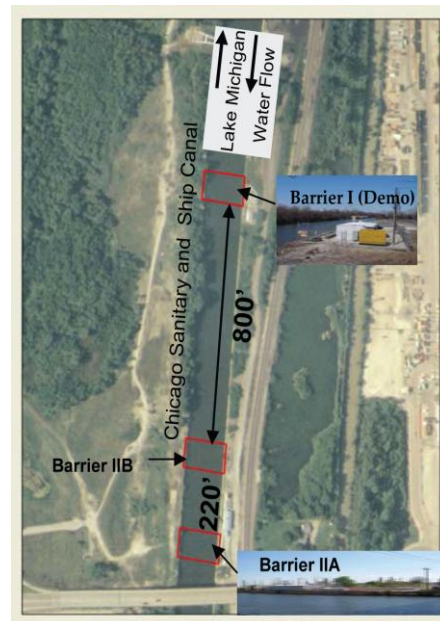
**Problem:** To further fortify the existing dispersal barrier with a second barrier capable of running at voltage levels high enough to repel all fish is necessary. A second barrier will ensure sustained operation during scheduled maintenance and in the event of catastrophic failure.

**Action:** Design of Barrier IIB electronics is ongoing, with award for supply and installation pending.

#### Expected Milestones:

- October 2009 – Contract for construction of Barrier IIB awarded through Recovery Act funds
- May 2010 - Award of electronics and contract
- September 2010 – Barrier IIB completed
- October 2010 – Barrier IIB fully operational

**Potential Hurdles:** None



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## 2.2 LONG-TERM ACTIONS / ACTION OPTIONS

### 2.2.1 Final Efficacy Study Report

Workgroup: IC  
Lead Agency: USACE  
Estimated Funding: \$1,100,000  
Funding Source: USACE Appropriation

**Problem:** Continued transfer of AIS between the Great Lakes and the Mississippi River Basins in spite of the Dispersal Barrier. Additional hydraulic connections between the two basins could provide transfer and need to be addressed.

**Action:** Evaluation of other potential emergency measures to deter the migration of the Asian carp is proceeding via the Final Efficacy Study report. Other electrical barriers, other types of behavioral barriers, and use of existing structures are being considered. In addition, this report will discuss other assisted transits (bait buckets, ballast water), and Asian carp population control, as well as provide a preliminary assessment of impacts. The efficacy study is underway with USACE funding.

**Expected Milestones:**

- September 2010 – Study completion

**Potential Hurdles:**

- Extension of Section 126 emergency authority.
- Authorization for implementation of longer term recommendation and funding.
- Waterway vessel impacts require rulemaking and public notice.
- Enforcement of waterway restrictions requires additional resources (manpower and vessels).

### 2.2.2 Inter-Basin Feasibility Study which will consider Lock Closure and Ecological Separation

Workgroup: IC  
Lead Agency: USACE  
Estimated Funding: \$1,000,000  
Funding Source: USACE base funding and FY 2010 GLRI monies

**Problem:** Continued transfer of Aquatic Invasive Species between the Great Lakes and the Mississippi River Basins. Additional hydraulic connections between the two basins could provide transfer and need to be addressed.

**Action:** The Inter-basin Transfer Study is the long-term effort of USACE, in collaboration with federal, state, regional, and local agencies and non-governmental organizations (NGO), to explore all options and technologies that could be applied to reduce the risk of AIS transfer between the Great Lakes and Mississippi River basins. The study will provide a thorough identification of potential hydraulic connections between the two basins, exploration of potential invasive species, and comprehensive analysis of AIS control technologies, including but not limited to physical or ecological separation. Ecological separation is a concept that would prohibit the movement or interbasin transfer of aquatic organisms by permanently separating the Mississippi and Great Lakes basins through a closure or blockage in the CSSC. This action would severely impact the flow of goods and vessels, and may have far reaching economic impacts.

The study will also evaluate the potential for extended (temporary or permanent) closure of locks and other physical structures to impede the continued migration of invasive species.

The Feasibility Study will analyze the environmental impacts and the impacts that each alternative plan would have on the current uses of the CAWS, as well as other identified hydraulic connections, including flood damage reduction, stormwater management, effluent conveyance, commercial and recreational navigation, and others identified. The initial steps will be identification of problems and opportunities and data collection to inventory existing conditions. An interim report will focus on the Asian carp and the CAWS. Authority and funding for implementation will be addressed on completion of the study.

**Expected Milestones:**

- 2012 – Expected completion of interim Feasibility Study and EIS on CAWS

**Potential Hurdles:**

- Strong collaborative participation.
- Implementation authority.

### 2.2.3 Modified Structural Operations

Workgroup: IC

Lead Agency: USACE

Estimated Funding: NA

Funding Source: No funding necessary

**Problem:** Hydraulic connections between the Mississippi River Basin and the Great Lakes offer potential pathways for invasive species.

**Action:** Potential for extended (temporary or permanent) closure of locks and other physical structures to impede the continued migration of invasive species. This action will be fully evaluated as an alternative during the Inter-basin Feasibility Study. In lieu of permanent lock closure, MWRD will propose (to USACE) the fabrication and installation at MWRD expense, fine-mesh screens to be placed in-line with the sluice gates at the two locks for discretionary diversion May through October. MWRD will use the pump at Wilmette only for discretionary diversion.

**Expected Milestones:** Unknown

**Potential Hurdles:**

- Lock closure alone won't completely prevent water transfer or impede migration of juvenile fish.
- Enforcement of waterway restrictions requires additional resources (manpower and vessels).

## 2.2.4 Commercial Market Enhancement

Workgroup: IC  
Lead Agency: IL DNR  
Estimated Funding: \$3,000,000  
Funding Source: GLRI monies

**Problem:** Most if not all biologists agree that there is an urgent need to dramatically suppress Asian carp populations in the Illinois River watershed, including CAWS. Yet with governmental budgets limited, a sustainable mechanism for suppressing carp populations has been evasive.

**Action:** Expand the commercial market for Asian carp in Illinois and beyond, with a portion of proceeds from carp filets going to fund ecosystem restoration and invasive species prevention. This provides more than one or two benefits. It could provide a "win-win-win:" (1) suppression of carp populations, (2) job creation, (3) enhanced revenue source for programs designed to restore ecosystems, such as the Great Lakes. These monies would be utilized to provide funding opportunities to enhance marketing within the U.S. and export opportunities outside the U.S.

**Expected Milestones:** Unknown

**Potential Hurdles:**

- Ensuring that market enhancement does not lead to fishery sustenance, but instead meets the desired biological suppression results, using legal and penal mechanisms.

## 2.2.5 Rotenone Treatment for Maintenance Shutdowns

Workgroup: IC  
Lead Agency: Rapid Response Team (IL DNR, FWS, USCG, etc.)  
Estimated Funding: \$5,000,000  
Funding Source: Federal funding may be needed if failure of existing barriers occurs

**Problem:** The barrier system requires periodic maintenance during which the system must be shut down for a period of days. This occurred in December of 2009 and was accompanied by a rotenone application of the Chicago Sanitary and Ship Canal from the barrier 6 miles downstream to the Lockport Lock and Dam. If existing barriers fail or if barrier IIB is not operational by October 2010 then this action would be necessary. Note that this is a contingency scenario.

**Action:** Barrier 2B is scheduled for completion by October 2010. If USACE determines that Barrier IIA must undergo maintenance before IIB is completed, another Rotenone treatment may be necessary. This action item is calculated to include all costs of this operation (rotenone application, detoxification, monitoring and collection, and logistics support), including both material and labor costs similar to those donated by many partner organizations in 2009. Additionally, a smaller application of rotenone is anticipated when Barrier IIB is completed and barrier IIA undergoes maintenance.

**Expected Milestones:**

- October 2010 – Barrier IIA maintenance

**Potential Hurdles: None**

## 2.2.6 Investigation of Certification Requirements for Asian Carp Usage

Workgroup: IC  
Lead Agency: IL DNR, USDA, USAID  
Estimated Funding: NA  
Funding Source: No funding necessary

**Problem:** Most if not all biologists agree that there is an urgent need to dramatically suppress Asian carp populations in the Illinois River watershed, including CAWS. Yet with governmental budgets limited, a sustainable mechanism for suppressing carp populations has been evasive.

**Action:** IDNR will work with Illinois Congressional delegation to identify certification procedures necessary for Asian carp to be declared suitable for use in US sponsored Humanitarian relief efforts.

**Expected Milestones:** Unknown

### Potential Hurdles:

- Ensuring that market enhancement does not lead to fishery sustenance, but instead meets the desired biological suppression results, using legal and penal mechanisms.

## 2.2.7 Feasibility Assessment of Inter-Basin transfer of AIS

Workgroup: MRR  
Lead Agency: USGS  
Estimated Funding: \$500,000/yr  
Funding Source: USGS GLRI monies

**Problem:** Continued transfer of Aquatic Invasive Species between the Great Lakes and the Mississippi River Basins in spite of the Dispersal Barrier. Additional hydraulic connections between the two basins could provide transfer and need to be addressed.

**Action:** 1) Determine the frequency via the surface-water pathway that there was the potential for migration of invasive species from the Des Plaines River to the CSSC during flooding conditions observed previously. 2) Determine the potential for migration of invasive species from the Des Plaines River and/or the I&M Canal to the SSC via groundwater flow through the fractured bedrock that is present between these surface water bodies. The area of investigation is where the Des Plaines River, CSSC, and I&M Canal are located near each other in the vicinity of Lockport, Illinois, which includes the area surrounding the electric fish barrier. The investigation will involve a review of the life cycle of the Asian carp; surface topographic mapping; characterization of the bathymetry and water levels in the Des Plaines River, SSC, and I&M canal; assessment of the fracture network in the karstic bedrock system between these surface-water bodies; characterization of groundwater flow through the fracture network; and assessment of select water-quality parameters in the bedrock. Coordination efforts with USACE to avoid duplication are underway.

### Expected Milestones:

- Start Date - FY2010, 2<sup>nd</sup> Quarter

### Potential Hurdles:

- Access issues for field operations.

## 2.2.8 Investigate Tow Boats and Barges as Potential Vectors

Workgroup: MRR

Lead Agency: USCG, USEPA, IL DNR, FWS, USACE

Estimated Funding: \$500,000

Funding Source: GLRI monies

**Problem:** A possible AIS dispersal barrier bypass vector has been identified through the transport of Asian carp eggs, gametes, or juvenile fish in ballast/bilge/rake/void water. When tows/barges take on water in ballast operations or through other means south of the barrier, eggs, gametes, or juvenile fish might be inadvertently carried across the barrier and discharged through de-ballasting or dewatering operations. It is important to note that in the interim that USCG has prohibited ballast/bilge water discharge on the lake side of the barrier effective 2009.

**Action:** Establish a Cooperative Working Group with towing industry reps, fishery biologists, scientists, and agency officials to investigate and study the potential vector of tow boats and barges for transporting Asian carp across the AIS dispersal barrier. Sample barge and tow boats tanks and voids to assess risk and implement risk mitigation measures if warranted.

### Expected Milestones:

- February 2010 – Initial convening of working group. Identify leader.
- March 2010 – Develop objectives, methodology and sampling protocols. Identify towing industry participants/locations.
- April 2010 – Complete Statement of Work.
- May 2010 – Secure Funding/Award Contract
- September 2010 – Complete sampling and testing for evidence of Asian carp.
- October 2010 – Report findings and determine risk.
- November 2010 – Implement additional risk mitigation measures if necessary.

### Potential Hurdles:

- Finding necessary evidence of species bypass—not just Asian carp eDNA.
- Establishing methodology acceptable to all parties.
- Control of vector pathways during effort to prevent cross-contamination.
- Authority to exceed the IL DNR allocation for discretionary diversion.

## 2.2.9 Tagged Fish Research to Test Dispersal Barrier Effectiveness

Workgroup: MRR

Lead Agency: IL DNR, FWS, USACE

Estimated Funding: \$400,000

Funding Source: GLRI monies

**Problem:** Asian carp DNA has been detected above the barrier in several locations. Although no fish have been collected or seen, the presence of DNA strongly suggests that fish may be present. Potential pathways must be identified and evaluated, including the possibility that some fish may be moving through the barrier.



**Action:** Preliminary work using tagged common carp was conducted by the Illinois Natural History Survey to determine if the demonstration barrier was able to prevent fish from moving across. That project used a very small number of carp and did not have ideal field conditions to permit strong conclusions. Additional work should be directed at Barrier IIA using a much larger sample size, more controlled field conditions, and potentially using sterile Asian carp as test fish. A complementary approach would include use of DIDSON sonar equipment at the barrier site to observe fish behavior and to look for any fish penetrating or crossing the barrier.

**Expected Milestones:** Unknown

**Potential Hurdles:** None

### 2.2.10 Minnow Trade Investigation of Northeast Illinois' Bait Shops

Workgroup: CO

Lead Agency: IL DNR

Estimated Funding: NA

Funding Source: No funding necessary

**Problem:** In working to prevent Asian carp establishment in the Great Lakes every possible avenue for entrance needs to be addressed while reaching out to the public for assistance and educating them on the dangers.

**Action:** IDNR will conducting an investigation of bait shops in NE Illinois to identify whether Asian carp are collected and sold as bait in the Chicago area to further reduce the risk of distribution of Asian carp minnows.

**Expected Milestones:** Unknown

**Potential Hurdles:**

- Bait shop/public compliance.

### 2.2.11 Commercial Fishing for Removal Below Lockport

Workgroup: MRR/IC

Lead Agency: IL DNR, USCG, etc.

Estimated Funding: \$300,000

Funding Source: GLRI monies

**Problem:** In some areas downstream of Lockport Pool, the population density of Asian carp is very high; these fish may be seeking to expand their areas and spread out. By decreasing the numbers downstream, thereby decreasing the propagule pressure; the pressure to expand may also be decreased.

**Action:** An accepted principle of invasive species control is to remove propagule pressure that would otherwise hasten dispersal of fish into new areas and increase likelihood of invasion. This action will employ commercial fishermen in the pools below the barrier in a sustained program of catch and removal of Asian carp from the system.

**Expected Milestones:** Unknown

**Potential Hurdles:** None

### 2.2.12 Efficacy Study for Toxic Zones Using Plant Effluent

Workgroup: MRR/IC  
Lead Agency: MWRD  
Estimated Funding: NA  
Funding Source: No Federal funding necessary

**Action:** Use of MWRD plant effluent to create an anoxic zone has been determined unworkable because Asian carp are known to gasp air when in water with low dissolved oxygen (DO) and possibly could survive and transit through an anoxic zone. Wet weather operations would also disrupt an anoxic zone. Another possible approach is to create a toxic zone through the bypass of ammonia-laden primary effluent to the CSSC at the Stickney plant and the Little Calumet River at the Calumet plant. This would create toxic zones to kill fish migrating upstream. These two zones would block passage to the lakefront control structures and serve to assist in the plan for controlled lock operations. The length of the toxic zone, as well as other operating parameters, would have to be determined through study, including the method to remove the ammonia toxicity at the downstream end of the toxic zone. Full-scale testing would be included in the study and would be necessary to verify that the toxicity is present across the entire channel cross-section throughout the zone. Instream mixing may be necessary to accomplish complete dispersal. MWRD envisions a collaborative approach to this applied research with other academic institutions.

#### Expected Milestones:

- 2011 – Complete literature research
- 2012 – Complete modeling of toxic zones and method of ammonia removal
- 2013 – Full-scale testing in channel

#### Potential Hurdles:

- Selection of this option would require significant policy considerations related to the Clean Water Act for study and full-scale trials.
- MWRD NPDES permits for these two plants do not include discharge of toxic concentrations of ammonia.

### 2.2.13 Increased Lacey Act Enforcement of Illegal Transport of Injurious Wildlife

Workgroup: MRR/IC  
Lead Agency: USFWS  
Estimated Funding: \$400,000  
Funding Source: USFWS allocation of GLRI monies

**Problem:** Although transfer of AIS is currently illegal, and stricter enforcement is necessary to mitigate the risk of transfer.

**Action:** The FWS will support law enforcement activities related to implementation of the Lacey Act (16 U.S.C. § 3371-3378), as applicable. FWS will support implementation of the injurious wildlife provisions (18 § U.S.C. 42) through regulations contained in 50 *Code of Federal Regulations* (CFR), Part 16. FWS law enforcement personnel will work cooperatively and in coordination with State officials and agencies within the Great Lakes and surrounding region to enforce Federal and State statutes and regulations to support prevention and control of AIS, including Asian carp. Additionally, the FWS will work toward completion of actions needed in advance of rulemaking for listing of bighead carp as injurious under the Lacey Act (black and silver, and large-scale silver carp currently listed). The agency completed some of the steps required in

the rulemaking processes for bighead carp, including a risk assessment, the Initial Regulatory Flexibility Analysis, and an economic analysis, although not all have gone through public review.

**Expected Milestones:** Unknown

**Potential Hurdles:**

- Enforcement personnel.
- Timeframe requirements for finalization and approval of injurious wildlife listing for bighead carp through established rulemaking process.

### 2.2.14 Understanding Bighead Carp and Bluegreen Algae Dynamics

Workgroup: MRR/IC  
Lead Agency: USGS  
Estimated Funding: \$225,000/yr  
Funding Source: USGS GLRI monies

**Problem:** 1. Bluegreen algae (primarily *Microcystis*) blooms resulting from the dreissenid invasion may provide an excellent food source for bighead carp, enhancing their invasion. 2. Noxious bluegreen algae blooms can under some circumstances be enhanced by interaction with bighead carps.

**Action:** The risk of enhanced noxious algal blooms, and the possibility that use of bluegreen algae blooms might enhance bighead carp invasiveness, could be assessed by modeling, and parameterized with mesocosm experiments that fill in some of the holes in our understanding of this relationship.

**Expected Milestones:**

- Map the spatial and temporal extent and cell density of bluegreen algae blooms in the Great Lakes
- Determine bioenergetics of bighead and silver carp feeding on *Microcystis* blooms
- Determine at what densities and conditions bighead carp feeding on *Microcystis* enhances or ameliorates blooms and toxin production by *Microcystis*.

**Potential Hurdles:**

- Raising *Microcystis* in adequate concentrations in the laboratory environment.
- Hydroclimatic variability of bluegreen algae blooms.

### 2.2.15 Integrated Pest Management

Workgroup: IC/MRR/CO  
Lead Agency: USFWS, states, Tribes, NGOs, local communities  
Estimated Funding: \$4,223,000  
Funding Source: USFWS allocation of GLRI monies

**Problem:** Limited funding opportunities for state development of programs specific to AIS.

**Action:** FWS will provide funds allocated through the Great Lakes Restoration Initiative in FY2010 to states, Tribes, and others to support activities to prevent the introduction of AIS into the Great Lakes. Specific funding has been made available to support activities including implementation of State Aquatic

Nuisance Species Management Plans and related to AIS control within the Great Lakes watershed. This would include development of state-led rapid response actions conducted under new rapid response plans developed by the Great Lakes states and approved by the AIS Task Force. Additionally, funding has been made available through the GLRI in FY2010 to support application of integrated pest management (a combination of physical, chemical, and biological methods) to control invasive species, including Asian carp. Using this program, FWS and its partner agencies would develop, test, implement, and adapt existing and new methods to reduce the abundance of aquatic invasive species, such as Asian carp, in the Illinois Waterway and adjacent waters. Also, funding has been allocated through the GLRI in FY2010 to support activities under the Great Lakes Fish and Wildlife Restoration Act. Through this existing authority and funding mechanism, states, Tribes, and academia may submit proposals for funding consideration through a competitive proposal review process. Projects targeting prevention and control of Asian carp in Great Lakes waters can be submitted for consideration.

**Expected Milestones:** Unknown

**Potential Hurdles:** None

### 2.2.16 State and Interstate Aquatic Nuisance Species (ANS) Management Plans

Workgroup: IC/MRR/CO

Lead Agency: USFWS and eight Great Lake states

Estimated Funding: \$11,000,000

Funding Source: USFWS allocation of GLRI monies

**Problem:** Limited funding opportunities for state development of programs specific to Aquatic Nuisance Species Management Plans.

**Action:** FWS will provide funds allocated through the Great Lakes Restoration Initiative in FY2010 to states, Tribes, and others to support activities to prevent the introduction of aquatic invasive species into the Great Lakes. Specific funding has been made available to support activities including implementation of State Aquatic Nuisance Species Management Plans and related to AIS control within the Great Lakes watershed. This would include development of state-led rapid response actions conducted under new rapid response plans developed by the Great Lakes states and approved by the AIS Task Force. Additionally, funding has been made available through the GLRI in FY2010 to support application of integrated pest management (a combination of physical, chemical, and biological methods) to control invasive species, including Asian carp. Using this program, FWS and its partner agencies would develop, test, implement, and adapt existing and new methods to reduce the abundance of aquatic invasive species, such as Asian carp, in the Illinois waterway and adjacent waters. Also, funding has been allocated through the GLRI in FY2010 to support activities under the Great Lakes Fish and Wildlife Restoration Act. Through this existing authority and funding mechanism, states, Tribes, and academia may submit proposals for funding consideration through a competitive proposal review process. Projects targeting prevention and control of Asian carp in Great Lakes waters can be submitted for consideration.

**Expected Milestones:** Unknown

**Potential Hurdles:**

- States must provide a 25% match (non-Federal funds) as a requirement for receiving annual funding allocation for support of activities identified in approved State AIS management plans.

### 2.2.17 Activities to support AIS priorities under the Great Lakes Fish and Wildlife Restoration Act

Workgroup: IC/MRR/CO

Lead Agency: USFWS, states, Tribes, Academia, NGOs

Estimated Funding: \$8,500,000

Funding Source: USFWS allocation of GLRI monies

**Problem:** Limited funding opportunities for state development of programs specific to AIS.

**Action:** FWS will provide funds allocated through the Great Lakes Restoration Initiative in FY2010 to states, Tribes, and others to support activities to prevent the introduction of AIS into the Great Lakes. Specific funding has been made available to support activities including implementation of State Aquatic Nuisance Species Management Plans and related to AIS control within the Great Lakes watershed. This would include development of state-led rapid response actions conducted under new rapid response plans developed by the Great Lakes states and approved by the AIS Task Force. Additionally, funding has been made available through the GLRI in FY2010 to support application of integrated pest management (a combination of physical, chemical, and biological methods) to control invasive species, including Asian carp. Using this program, FWS and its partner agencies would develop, test, implement, and adapt existing and new methods to reduce the abundance of aquatic invasive species, such as Asian carp, in the Illinois Waterway and adjacent waters. Also, funding has been allocated through the GLRI in FY2010 to support activities under the Great Lakes Fish and Wildlife Restoration Act. Through this existing authority and funding mechanism, states, Tribes, and academia may submit proposals for funding consideration through a competitive proposal review process. Projects targeting prevention and control of Asian carp in Great Lakes waters can be submitted for consideration.

**Expected Milestones:** Unknown

**Potential Hurdles:** TBD

### 2.2.18 Competitive Funding Opportunities

Workgroup: MRR/IC/CO

Lead Agency: USEPA, FWS

Estimated Funding: \$8,800,000

Funding Source: USFWS allocation of GLRI monies

**Problem:** Additional funding opportunities for state development of programs specific to Aquatic Nuisance Species are necessary.

**Action:** FWS will provide funds allocated through the Great Lakes Restoration Initiative in FY2010 to states, Tribes, and others to support activities to prevent the introduction of aquatic invasive species into the Great Lakes. Specific funding has been made available to support activities, including implementation of State Aquatic Nuisance Species Management Plans related to AIS control within the Great Lakes watershed. This would include development of state-led rapid response actions conducted under new rapid response plans developed by the Great Lakes states and approved by the AIS Task Force. Additionally, funding has been made available through the GLRI in FY2010 to support application of integrated pest management (a combination of physical, chemical, and biological methods) to control invasive species, including Asian carp. Using this program, FWS and its partner agencies would develop, test, implement and adapt existing and new methods to reduce the abundance of aquatic invasive species, such as Asian carp, in the Illinois waterway and adjacent waters. Also, funding has been allocated through the GLRI in FY2010 to support activities under the Great Lakes Fish and Wildlife Restoration Act. Through this existing authority

and funding mechanism, states, Tribes, and academia may submit proposals for funding consideration through a competitive proposal review process. Projects targeting prevention and control of Asian carp in Great Lakes waters can be submitted for consideration.

**Expected Milestones:**

- 2<sup>nd</sup> quarter 2010 – Review of proposals
- 3<sup>rd</sup> quarter 2010 – FWS/EPA grants and begin implementation of work

**Potential Hurdles:**

- Agencies have little control over what is submitted; Asian carp proposal may be lacking.

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### 3.0 GREAT LAKES STATES INVOLVEMENT

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This Framework and its proposed actions should serve as a stepping stone from which to strengthen the relationship with the Great Lakes states to reach the common goal of protecting the Great Lakes against Asian carp. As a result of these proposed actions, the Great Lakes states are in a unique position to enhance the unified front throughout each state's individual jurisdiction.

There are several proposed actions contained in the Matrix that are specifically targeted at increasing Great Lakes States programmatic capacity against AIS, by providing a funding vehicle for progress. This would allow the other Great Lakes states an opportunity to leverage their resources and expertise in short-term and long-term actions to keep the Asian carp from establishing themselves in the basin. These measures include:

- Funding opportunities for AIS and prevention program development (See section [2.2.15](#)). There are existing funds, such as the Wild Life and Sport Fish Restoration Grants Program, through which states can apply for grants for AIS, specifically Asian carp, program development within their state or through multi-state collaborations and grants.
- Competitive funding for State response operations and response plan implementation (See section [2.2.18](#)). Additional competitive funding opportunities for FY2010 for state implementation of AIS and Asian carp specific control activities to be implemented.
- Increased pest management program implementation using a combination of physical, chemical and biological methods. (See section [2.2.17](#)) it's important to note that this program addresses one of the nine priorities of the Council of Great Lakes Governors and directly supports State and Interstate Management of Aquatic Nuisance Species Plans approved by the Aquatic Nuisance Species Task Force.
- Preparation of AIS Management Plans (See section [2.2.16](#)). Additional funds have been allocated for FY2010 through GLRI due to the significance of Asian carp control. States are strongly encouraged to utilize these funds to prepare and implement these AIS specific plans and other supporting activities.

USFWS and the Regional Coordinating Committee workgroups will work closely with Great Lakes states to provide assistance where applicable in program development and plan preparation through the Nonindigenous Aquatic Nuisance Prevention and Control Act (NANPACA). As amended, it has authorized Federal Support, via USFWS, for State and Interstate AIS Management Plans. Draft plans are approved by the AIS Task Force. All Great Lakes states are implementing, with USFWS grants, either or both State and Interstate AIS Management Plans. Great Lakes States are the primary recipients of the grants, but others can be invited by States to share in grant allocations.

Additional examples of measures states could adopt to protect their waters from Asian carp establishment include:

- Holding consensus building forums with other state and federal agencies. For example, a series of Governor's Policy Summits could be held across the basin to provide solid scientific information to decision makers and the general public on the nature and scope of the issue, and accomplishments and plans to deal with problem, including alternative approaches and impacts. The objective is to begin dialogue that may lead to collaborative regional approaches.
- Considering multi-state coordinated actions to prevent the establishment of Asian carp in the Great Lakes. This will allow actions on a larger scale with potentially pooled resources to increase the effects and reach these potential actions may have.

- Along with provinces, tribes, and local municipalities, investigating the passage of ordinances/laws prohibiting the sale and import/export of live Asian carp (similar to the law already in place in Chicago).



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## 4.0 COMMUNICATION AND OUTREACH

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The efficacy of the actions described above and summarized in the Matrix can be significantly enhanced through increased outreach to and participation by other agencies and stakeholders. For example, recreational water sports groups can play a direct role in educating their members and the general public about how they can participate in ways to prevent the transport of invasive species through the Great Lakes watershed. Additionally, NGO volunteers can report any potential sightings of Asian carp to appropriate resource agencies. Many precedents for effective natural resource education programs in the U.S. could be adapted by the agencies participating in this Framework.

Outreach actions that can be implemented concurrently with the programs in the Matrix include:

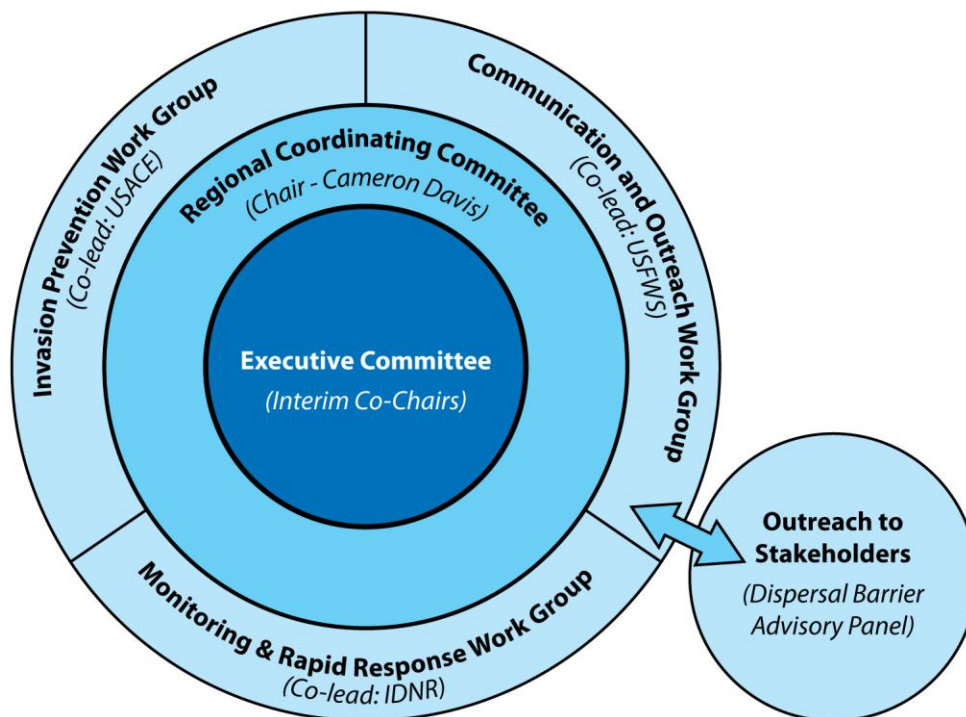
- Inviting participation by stakeholders and user groups in the further development of this Framework. The participating agencies eagerly acknowledge that impeding Asian carp migration is a process, will be impossible to achieve by themselves, and will require stakeholder assistance. As such, outreach meetings are being developed to solicit input. Moreover, ongoing stakeholder participation must continue for both individual actions in this Framework and on the Framework itself.
- Developing and implementing a Community Outreach Plan as part of this Framework. The plan could be similar to Community Involvement Plans developed for the Superfund program. A plan could be subsequently adapted by each agency responsible for outreach. The plan would lay out established facts and consistent definitions from this Framework that each agency must use in its outreach material.
- Identifying a single communications or outreach point of contact (POC) for each agency, with specific responsibilities for briefing elected officials.
- Identifying a single agency contact for media interaction; this POC would likely be USFWS, the lead agency for the Communication and Outreach Workgroup identified in Section 4.0. The Communication and Outreach Workgroup will continue to use [www.asiancarp.org](http://www.asiancarp.org) and media advisories to disseminate validated information.
- Developing informational material on species recognition and transport prevention for anglers.
- Ready community groups to be employed to disseminate information about the Framework and educate motivated individuals who will also avidly participate in informal monitoring, detection, and reporting programs.

In support of community outreach, the FWS has a public outreach campaign planned which will focus on prevention and control of Asian carp. It will be developed and implemented based on the model of the national "Stop Aquatic Hitchhikers" program. This program will include production and distribution of educational materials including species ID and reporting cards, radio and television public service announcements, billboards, print ads, public displays and exhibits, and web pages.

## 5.0 COORDINATION STRUCTURE

Exhibit 4 depicts the relationship of the seven primary agency or governmental groups involved in the implementation of the Framework. The relationship is decidedly non-linear because of the need for harmonized input from each group in all facets of the Framework. The Executive Committee consists of the heads of the seven participating agencies listed in Section 1.3; it will be chaired by one or more of the agency heads. The Regional Coordinating Committee is made up of the Senior Executives of the agencies and is chaired by the USEPA. The three work groups surrounding the Regional Coordinating Committee are tasked with the specific responsibilities laid out in the Control Strategy Matrix. Each of the three work groups will be led by representatives from the agencies identified, although the work groups themselves are expected to be comprised of several staff members from each agency. To ensure a unified message for the entire Framework, the function of outreach to additional stakeholders (including the media and government officials) will be the sole responsibility of the Communication and Outreach Workgroup.

**EXHIBIT 4. Coordination Structure**



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## 6.0 ACRONYMS

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AFWA	Association of Fish and Wildlife Agencies
AIS	Aquatic Invasive Species
ANS	Aquatic Nuisance Species
ASA CW	Assistant Secretary of the Army for Civil Works
BAFF	Bio-acoustic Fish Fence
CAWS	Chicago Area Waterway System
CFR	<i>Code of Federal Regulations</i>
CO	Communication and Outreach
CSSC	Chicago Sanitary and Ship Canal
DO	Dissolved oxygen
eDNA	Environmental DNA (Deoxyribose Nucleic Acid)
EIS	Environmental Impact Statement
EPA	United States Environmental Protection Agency
FACA	Federal Advisory Committee Act
FY	Fiscal Year
GLFC	Great Lakes Fishery Commission
GLRI	Great Lakes Regional Initiative
IL DNR	Illinois Department of Natural Resources
I&M	Illinois and Michigan
IP	Invasion Prevention
MSCGP	Multistate Conservation Grant Program
MWRD	Metropolitan Water Reclamation District of Greater Chicago
MRR	Monitoring and Rapid Response
NA	Not Applicable
NEPA	National Environmental Protection Act
NGO	Non-governmental organization
NOAA	National Oceanic and Atmospheric Administration
POC	Point of Contact
RFP	Request for Proposal
RRP	Rapid Response Plan
SPA	Sound Projector Array
TBD	To be determined
USACE	United States Army Corps of Engineers
USCG	United States Coast Guard
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Service
WRDA	Water Resources Development Act

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## 7.0 REFERENCES

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- Barnhart, G. 2005. *The Threat Posed to the Great Lakes Basin by Asian Carp*. On-line address: [http://www.glfrc.org/fishmgmt/testimony\\_AsianCarp.pdf](http://www.glfrc.org/fishmgmt/testimony_AsianCarp.pdf). Accessed: November 3, 2009.
- Brammeier, J., Polls, I., Mackey, S. November 2008. Preliminary Feasibility of Ecological Separation of the Mississippi River and the Great Lakes to Prevent the Transfer of Aquatic Invasive Species.
- Chick, J. H. 2002. Establishment of Asian Carp in the Upper Mississippi River and potential threats to the Great Lakes. Illinois Waterway Barrier Workshop hosted by the Great Lakes Protection Fund, in Chicago. June.
- Conlin, M. (2002, Summer/Fall). Asian carp poised to invade the great lakes. *News from the Great Lakes Panel on Aquatic Nuisance Species: ANS Update*, 8(3).
- Friends of the Chicago River. 2006. *Clean Water and Healthy Fish*. On-line address: [http://www.chicagoriver.org/projects/clean\\_water\\_and\\_healthy\\_fish/](http://www.chicagoriver.org/projects/clean_water_and_healthy_fish/). Accessed: September 15, 2009.
- Michigan Sea Grant. 2009. *Lake Sturgeon*. On-line address: [http://www.miseagrant.umich.edu/downloads/sturgeon/fs\\_Sturgeon.pdf](http://www.miseagrant.umich.edu/downloads/sturgeon/fs_Sturgeon.pdf). Accessed: September 2, 2009.
- Nico, L. G. 2007. *Mylopharyngodon piceus*. USGS Nonindigenous Aquatic Species Database, Gainesville, FL. On-line address: <http://nas.er.usgs.gov/queries/FactSheet.asp?speciesID=573>. July 20.
- Tetra Tech, Inc. (Tetra Tech). 2009. *Illinois Department of Natural Resources – Rapid Response Plan*. December.
- U.S. Geological Survey (USGS) – Florida Integrated Science Center. 2005. *Bighead carp*. On-line address: [http://fisc.er.usgs.gov/Carp\\_ID/html/hypophthalmichthys\\_nobilis.html](http://fisc.er.usgs.gov/Carp_ID/html/hypophthalmichthys_nobilis.html). February 3.

01268-EPA-5148

**"Browner, Carol M."**

(b) (6) Privacy

02/08/2010 07:34 PM

To Richard Windsor

cc

bcc

Subject Happy Birthday! Hope you had a wonderful day! Go Saints

---

**From:** Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>  
**To:** Munoz, Cecilia; Jarrett, Valerie; Browner, Carol M.; Sutley, Nancy H.  
**Sent:** Thu Feb 04 14:02:07 2010  
**Subject:** Re: White House statement

I felt more than supported. I was actually a bit embarrassed at the President's words. I know you, Valerie, Carol and Nancy really supported me and I am very grateful for that. Lisa

---

**From:** "Munoz, Cecilia" [(b) (6) Privacy]  
**Sent:** 02/04/2010 10:06 AM EST  
**To:** Richard Windsor  
**Subject:** RE: White House statement

Thanks – I know this was hardest on you, but I hope you felt supported throughout.

**From:** Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
**Sent:** Thursday, February 04, 2010 10:04 AM  
**To:** Munoz, Cecilia; Sutley, Nancy H.; Browner, Carol M.  
**Subject:** Re: White House statement

You did a good job.

---

**From:** "Munoz, Cecilia" [(b) (6) Privacy]  
**Sent:** 02/04/2010 09:30 AM EST  
**To:** Richard Windsor; "Sutley, Nancy H." <(b) (6) Privacy> "Browner, Carol M." <(b) (6) Privacy>  
**Subject:** FW: White House statement

Hi there – hope everybody was content with how the meeting went yesterday. (b) (5) Deliberative  
 [redacted]. Manchin's statement  
 is below – enjoy!

C

**From:** Mollohan, Travis [mailto:Travis.T.Mollohan@wv.gov]  
**Sent:** Thursday, February 04, 2010 8:03 AM  
**To:** McGrath, Shaun L.  
**Cc:** Turner, Matt; Payne, Sara; Smith, Melvin

**Subject:** FW: White House statement

**GOV. JOE MANCHIN TODAY JOINED PRESIDENT OBAMA, VICE PRESIDENT BIDEN, TOP WHITE HOUSE OFFICIALS AND A BIPARTISAN GROUP OF 10 OTHER GOVERNORS IN A MEETING ABOUT ENERGY POLICY AT THE WHITE HOUSE**

**STATEMENT FROM THE GOVERNOR  
REGARDING THE MEETING AT THE WHITE HOUSE:**

“I want to thank the president and vice president and the environmental officials for their time today. We had a very open dialogue unlike anything I’ve participated in at this level. I had the opportunity to ask everything and say everything that is on my mind with regard to our energy future. I shared with them that in West Virginia, we care about the environment, but also the security of our nation, energy independence and the economy and the jobs that go with that.

“The discussion from all the governors present was very frank, and I think the president took it in and I think the administration has a better idea of where we are coming from.

“From West Virginia’s standpoint, I don’t think the administration realized the efforts we’ve undertaken to diversify our energy portfolio and use our natural resources in more environmentally friendly ways, as we make the transition to the energy fuels of the future. Those programs include our alternative and renewable energy portfolio act and our post-mine land use bill.

“I am encouraged about our discussion of more investment in technology that will allow us to use our coal in more environmentally friendly ways and I support the president’s establishment of an Interagency Task Force on Carbon Capture and Storage that I hope will speed the development and use of clean coal technologies.

“Overall, I’m very pleased with the candid discussion we had today and I think through continued dialogue like this, we will have a better understanding and be able to accomplish many of the shared goals with regard to our state’s and our nation’s energy future.”

- Gov. Joe Manchin

01268-EPA-5149

**Richard Windsor/DC/USEPA/US**  
02/08/2010 08:08 PM

To "Browner, Carol M."  
cc  
bcc  
Subject Re: Happy Birthday! Hope you had a wonderful day! Go Saints

Thx!

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“The discussion from all the governors present was very frank, and I think the president took it in and I think the administration has a better idea of where we are coming from.

“From West Virginia’s standpoint, I don’t think the administration realized the efforts we’ve undertaken to diversify our energy portfolio and use our natural resources in more environmentally friendly ways, as we make the transition to the energy fuels of the future. Those programs include our alternative and renewable energy portfolio act and our post-mine land use bill.

“I am encouraged about our discussion of more investment in technology that will allow us to use our coal in more environmentally friendly ways and I support the president’s establishment of an Interagency Task Force on Carbon Capture and Storage that I hope will speed the development and use of clean coal technologies.

“Overall, I’m very pleased with the candid discussion we had today and I think through continued dialogue like this, we will have a better understanding and be able to accomplish many of the shared goals with regard to our state’s and our nation’s energy future.”

- Gov. Joe Manchin



01268-EPA-5150

Heidi Ellis/DC/USEPA/US

To "Lisa"

02/09/2010 03:24 PM

cc

bcc

Subject Fw: Call on Coal Ash

You clearly have time- should I say yes?

----- Original Message -----

From: "Avery, Kristin E." [REDACTED] (b) (6) Privacy

Sent: 02/09/2010 03:16 PM EST

To: Heidi Ellis

Cc: "Thomson, John F." <[REDACTED] (b) (6) Privacy

Subject: Call on Coal Ash

Hi Heidi,

Nancy would like to have a quick call tomorrow re: coal ash. Does the Administrator have any time in the morning?

Thanks,  
Kristin

01268-EPA-5151

**Richard Windsor/DC/USEPA/US**  
02/09/2010 03:31 PM

To Heidi Ellis  
cc "Bob Sussman", "Lisa Heinzerling", "Mathy Stanislaus",  
"Scott Fulton"  
bcc  
Subject Re: Call on Coal Ash

Yep

----- Original Message -----  
From: Heidi Ellis  
Sent: 02/09/2010 03:24 PM EST  
To: "Lisa" <windsor.richard@epa.gov>  
Subject: Fw: Call on Coal Ash

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----- Original Message -----  
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Sent: 02/09/2010 03:16 PM EST  
To: Heidi Ellis  
Cc: "Thomson, John F." <[REDACTED]> (b) (6) Privacy  
Subject: Call on Coal Ash

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Thanks,  
Kristin

01268-EPA-5152

Richard Windsor/DC/USEPA/US  
02/10/2010 02:05 PM

To "Sutley, Nancy H."  
cc  
bcc

Subject Fw: CCR Article in Grist - 1 of 2

----- Forwarded by Richard Windsor/DC/USEPA/US on 02/10/2010 02:07 PM -----

From: Mathy Stanislaus/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA  
Date: 02/10/2010 11:05 AM  
Subject: CCR Article in Grist

**the limits of voluntarism**

# Are utilities' plans for shoring up hazardous coal ash dams good enough? [2](#)



9 Feb 2010 9:10 AM

by [Sue Sturgis](#)

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The U.S. Environmental Protection Agency has released action plans submitted by 22

coal-fired power plants to improve the safety of the massive dammed surface impoundments where they store toxic coal ash, but environmental advocates question whether the plans do enough to protect the public from disaster.

That's because in the absence of federal regulations treating coal ash as hazardous waste, the EPA lacks authority to strictly enforce the plans.

The utilities submitted the plans to EPA in response to the agency's on-site assessments of the impoundments, ordered after the catastrophic December 2008 [collapse of a coal ash impoundment at the Tennessee Valley Authority's Kingston power plant](#) in eastern Tennessee. The agency made the plans available to the public last week.

"EPA is committed to making communities across the country safer places to live," [said](#) Mathy Stanislaus, assistant administrator for EPA's Office of Solid Waste and Emergency Response. "The information we are releasing today shows that we continue to make progress in our efforts to prevent future coal ash spills."

The plans made public so far address recommendations for 43 impoundments at 22 plants. Altogether, the agency has [identified](#) 49 coal ash impoundments at 30 different plants as high-hazard, meaning that a failure would probably cause a loss of human life. Not all of the action plans submitted to date are for the highest-hazard facilities.

Attorney Lisa Evans, a coal ash specialist with the environmental law firm Earthjustice, praised EPA for sharing the companies' plans with the public. But she questioned whether these voluntary plans for shoring up the structures are adequate given the potential threat to communities.

"Where are the administrative orders to the facilities with enforceable time lines?" asked Evans. "Unless these things are formalized, enforceable and tracked by the agency, I don't think there's much use to them."

EPA stated that if facilities "fail to take sufficient measures, EPA will take additional action, if the circumstances warrant"—but it does not specify what that action might be. Evans pointed out that unless coal ash is declared hazardous, there cannot be strict federal enforcement. And to date, the EPA has declined to designate coal ash as hazardous waste.

"We can't fault EPA for not issuing orders in lieu of accepting voluntary agreements, since the law is not there for them to enforce," Evans acknowledged. "This clearly illustrates an important gap that could have life-or-death consequences."

Since last May, EPA has been conducting on-site assessments of coal ash impoundments and similar waste storage facilities at electric utilities nationwide. It hired contractors with expertise in dam safety to assess all of the known units with a dam hazard potential rating of "high" or "significant" as reported by the electric utilities themselves (except for those owned by the federally overseen Tennessee Valley Authority, which are being evaluated on a separate schedule).

Evans also questioned the adequacy of the inspections, which were based on visual assessments of the sites, interviews with on-site personnel and reviews of technical reports and other documents where available. "No new core samples or really invasive and diagnostic testing was conducted," she said.

In some cases, the companies' vague plans to address serious problems seem to justify concerns about EPA's lack of enforcement authority. For example:

\* The [final inspection report](#) [pdf] for **Alabama Power/Southern Co.'s Plant Gorgas in Walker County, Ala.** noted "minor" seepage at one location on the dam. In response, the company said it "intends to monitor this issue and take any measure as [it] may deem necessary

to ensure the continued integrity of the structure,” but it did not offer any specifics. Plant Gorgas is [located on the Mulberry Branch of the Black Warrior River](#), which along with its tributaries is a major source of drinking water for cities including Tuscaloosa and Birmingham, Ala.

\* The [final inspection report](#) [pdf] for **Duke Energy’s Allen plant in Gaston County, N.C.** documented the presence of scarps—large cracks cause by erosion—near the crest of a dam as well as seepage, and recommended maintenance work to detect stability issues. In its [action plan](#) [pdf], the company said that the “scarps and seepage noted in this inspection report have been identified in previous inspections performed by independent engineering consultants” and that it “will continue to monitor these areas.” The Allen plant sits on Lake Wylie, a human-made reservoir on the Catawba River, which was [named the most endangered U.S. river](#) in 2008 by American Rivers.

\* Inspectors [recommended](#) [pdf] that the **LG&E/E.ON US Trimble plant near Bedford, Ky.** develop plans to establish a firm schedule for maintenance at its ash pond. But the company’s [action plan](#) [pdf] said only that it is “currently considering development” of such plans. The plant is located on the Ohio River 50 miles northeast of Louisville, Ky.

\* At **Progress Energy’s Cape Fear plant in Chatham County, N.C.**, [inspectors found](#) [pdf] an area of ponded water at the edge of one dike and recommended improving the grading or, if the area couldn’t be fully drained, buttressing the structure. Progress Energy [responded](#) [pdf] that it needed to gain permission from an adjacent landowner to access the problem area and would make the necessary improvements “[p]roviding access is allowed.” The plant sits alongside the Haw River, a tributary of the Cape Fear.

\* Meanwhile, EPA is getting push-back on [inspectors’ recommendations](#) for the impoundments at **American Electric Power’s Philip Sporn plant along the Ohio River in Mason County, W.Va.** The company has indicated its willingness to conduct some stability studies, but said the recommended [liquefaction tests](#)—another assessment of stability—would not be necessary since the company has conducted generic liquefaction tests. However, EPA’s inspector for the site continues to believe liquefaction studies should be conducted for the plant’s two impoundments, which have been designated high-hazard facilities. On Nov. 13, 2009, EPA sent a letter to AEP requesting the tests, but there is no indication that the company will conduct them.

The EPA had promised to release proposed federal regulations for coal ash by the end of 2009, but in December said that it was [delaying the release](#) “due to the complexity of the analysis.” The utility industry has been [lobbying hard](#) to keep coal ash from being designated as hazardous waste, even though the material contains potentially dangerous levels of toxins including arsenic, lead, and mercury.

To see the action plans submitted by the utilities, click [here](#) and scroll down to the documents marked “New.”

Mathy Stanislaus  
USEPA Assistant Administrator  
Office of Solid Waste & Emergency Response

01268-EPA-5153

Richard  
Windsor/DC/USEPA/US  
02/10/2010 02:16 PM

To "Sutley, Nancy H."  
cc  
bcc  
Subject #2 OF 2



### Latest News - 2/10/2010

#### [Rejecting EPA Call, NAS Panel Seeks Rewrite Of Long-Delayed Perc Study](#)

A National Academy of Sciences' (NAS) panel is calling on EPA to rewrite key portions of its long-delayed assessment of the risks posed by the dry-cleaning chemical tetrachloroethylene (perc), advice that backs EPA calls to avoid broad changes to risk methods but that will nevertheless delay completion of a study that a key official says is urgently needed to quickly regulate the ubiquitous chemical.

#### [Refiners, Truckers File Lawsuit Over California Low-Carbon Fuel Standard](#)

The National Petrochemical & Refiners Association (NPRA), American Trucking Association and other industry groups have filed suit over California's low-carbon fuel standard (LCFS), alleging it violates the U.S. Constitution's supremacy and commerce clauses by regulating interstate and foreign commerce.

#### [Industry To Press EPA, Congress For Relief From California Diesel Rules](#)

State construction and trucking industry groups plan to partner with national industry associations to press EPA and Congress for relief from the California air board's controversial diesel regulations governing construction equipment and trucks, possibly by asking EPA to relax air quality mandates and deadlines for California.

#### [EPA To Play Key Role In Obama CCS Plan Drawing From Stalled Bills](#)

President Obama's call for a new interagency task force to examine regulatory and other barriers to carbon capture and storage (CCS) sets the stage for greater engagement by EPA and other agencies on the issue, echoing similar mandates for a federal plan on boosting CCS included in climate and energy bills that remain stalled on Capitol Hill.

#### [Agencies Take Small Steps To Increase Focus On Environmental Justice](#)

Obama administration officials are taking some small steps toward increased consideration of environmental justice in federal decisions but are not yet taking the bigger steps activists say are needed to address historical discrimination resulting from environmental decisions in poor and minority communities.

### The Inside Story

#### [Industry Touts EPA Coal Ash Review](#)

Industry officials say utility companies' coal ash disposal plans -- recently released by EPA -- show that additional hazardous waste regulations are unnecessary because the industry is moving quickly to

address any safety concerns with coal ash disposal ponds.

#### [Filling Top EPA Enforcement Slot](#)

A key California EPA (Cal/EPA) enforcement official who helped in the early stages of designing the state's climate cap-and-trade program is moving to the federal EPA to fill the role of deputy assistant administrator in the agency's Office of Enforcement & Compliance Assurance (OECA).

#### [Defending EPA's Climate Rules](#)

Proponents of climate controls may have to shift their strategy away from describing EPA Clean Air Act greenhouse gas (GHGs) as a last-resort threat to spur Congress to pass a climate bill and toward arguing that agency climate rules may be a defensible option to reduce GHGs.

---

#### **About this message**

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01268-EPA-5154

Heidi Ellis/DC/USEPA/US

To "Lisa"

02/12/2010 12:27 PM

cc

bcc

Subject Fw: Coal Ash

Would you be up for a call at 5PM in lieu of a meeting (see below)?

---

**From:** "Avery, Kristin E." [REDACTED] (b) (6) Privacy

**Sent:** 02/12/2010 12:17 PM EST

**To:** Heidi Ellis

**Cc:** Katharine Gage

**Subject:** Coal Ash

Hi Heidi,

Sorry for the late notice but would the Administrator have any time this afternoon for a meeting on coal ash. Attendees would be Nancy and Gary Guzy, our deputy director.

Thanks,  
Kristin



01268-EPA-5155

**Richard Windsor/DC/USEPA/US**  
02/12/2010 12:44 PM

To Heidi Ellis  
cc  
bcc  
Subject Re: Coal Ash

K

---

**From:** Heidi Ellis  
**Sent:** 02/12/2010 12:27 PM EST  
**To:** "Lisa" <windsor richard@epa.gov>  
**Subject:** Fw: Coal Ash

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01268-EPA-5156

**"Browner, Carol M."**

(b) (6) Privacy

02/13/2010 08:41 AM

To Richard Windsor

cc

bcc

Subject Tonight

Lisa -- I am so sorry we are not going to be able to make the party. We are still without a car. Hope you have a wonderful time. Best Carol.

---

**From:** Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>**To:** Browner, Carol M.**Sent:** Mon Feb 08 20:08:51 2010**Subject:** Re: Happy Birthday! Hope you had a wonderful day! Go Saints

Thx!

---

**From:** "Browner, Carol M." [redacted] (b) (6) Privacy**Sent:** 02/08/2010 07:34 PM EST**To:** Richard Windsor**Subject:** Happy Birthday! Hope you had a wonderful day! Go Saints

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**From:** Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>**To:** Munoz, Cecilia; Jarrett, Valerie; Browner, Carol M.; Sutley, Nancy H.**Sent:** Thu Feb 04 14:02:07 2010**Subject:** Re: White House statement

I felt more than supported. I was actually a bit embarrassed at the President's words. I know you, Valerie, Carol and Nancy really supported me and I am very grateful for that. Lisa

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**From:** "Munoz, Cecilia" [redacted] (b) (6) Privacy**Sent:** 02/04/2010 10:06 AM EST**To:** Richard Windsor**Subject:** RE: White House statement

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You did a good job.

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**From:** "Munoz, Cecilia" [REDACTED] (b) (6) Privacy  
**Sent:** 02/04/2010 09:30 AM EST  
**To:** Richard Windsor; "Sutley, Nancy H." <[REDACTED] (b) (6) Privacy> "Browner, Carol M."  
<[REDACTED] (b) (6) Privacy>  
**Subject:** FW: White House statement

Hi there – hope everybody was content with how the meeting went yesterday. [REDACTED] (b) (5) Deliberative  
[REDACTED] Manchin's statement  
is below – enjoy!

C

**From:** Mollohan, Travis [mailto:Travis.T.Mollohan@wv.gov]  
**Sent:** Thursday, February 04, 2010 8:03 AM  
**To:** McGrath, Shaun L.  
**Cc:** Turner, Matt; Payne, Sara; Smith, Melvin  
**Subject:** FW: White House statement

**GOV. JOE MANCHIN TODAY JOINED PRESIDENT OBAMA,  
VICE PRESIDENT BIDEN, TOP WHITE HOUSE OFFICIALS AND  
A BIPARTISAN GROUP OF 10 OTHER GOVERNORS IN A  
MEETING ABOUT ENERGY POLICY AT THE WHITE HOUSE**

**STATEMENT FROM THE GOVERNOR  
REGARDING THE MEETING AT THE WHITE HOUSE:**

“I want to thank the president and vice president and the environmental officials for their time today. We had a very open dialogue unlike anything I’ve participated in at this level. I had the opportunity to ask everything and say everything that is on my mind with regard to our energy future. I shared with them that in West Virginia, we care about the environment, but also the security of our nation, energy independence and the economy and the jobs that go with that.

“The discussion from all the governors present was very frank, and I think the president took it in and I think the administration has a better idea of where we are coming from.

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“Overall, I’m very pleased with the candid discussion we had today and I think through continued dialogue like this, we will have a better understanding and be able to accomplish many of the shared goals with regard to our state’s and our nation’s energy future.”

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01268-EPA-5157

**Richard Windsor/DC/USEPA/US**  
02/13/2010 09:03 AM

To "Browner, Carol M."  
cc  
bcc

Subject Re: Tonight

Sorry you can't come! It should be fun. We are within an easy taxi ride if you change your mind.  
Lisa

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01268-EPA-5158

**Craig Hooks/DC/USEPA/US**

02/15/2010 03:10 PM

To LisaP Jackson, Peter Silva, Gina McCarthy, Mathy Stanislaus, Regional Administrators  
 cc Allyn Brooks-LaSure, Diane Thompson, Bob Perciasepe, Seth Oster, Beth Craig, Barry Breen, Renee Wynn, Mike Shapiro, Nanci Gelb, Jim Hanlon, Cynthia Dougherty, Jordan Dorfman, Susan Hazen, Susan Hazen, Sherry Kaschak, Marian Cooper, Caroline Klos, Adora Andy, David McIntosh, Arvin Ganesan  
 bcc Richard Windsor

Subject Fw: Recovery Clips 2/15/10

As you all prepare to go out this week for Stimulus related events, I thought I'd send you Stimulus Act related articles and videos from the past couple of days to give you a sense of how it is being perceived in the media. I will send these clips to you over the next few days. Talking points will be shared with you tomorrow. Thanks and good luck on your events!

If you need any additional information over the next few days, please don't hesitate to call my office. Thx.

Craig E. Hooks, Assistant Administrator  
 Office of Administration and Resources Management  
 U.S. Environmental Protection Agency  
 1200 Pennsylvania Ave NW (3101A)  
 Rm 3330 Ariel Rios North  
 Phone - 202 564-4600

----- Forwarded by Craig Hooks/DC/USEPA/US on 02/15/2010 02:51 PM -----

From: "Schlom, Evan N." <(b) (6) Privacy>  
 To: "Alberta Manley" <manleya@state.gov>, "Amy Shlossman" <amy.shlossman@dhs.gov>, "Ana Ma" <ana.ma@sba.gov>, "Andrea Fisher" <Andrea.fisher@do.treas.gov>, "Andrea Mead" <andrea.d.mead@hud.gov>, "Andrew Williams" <Andrew.Williams@do.treas.gov>, "Bernstein, Jared" <(b) (6) Privacy>, "Bill Adams" <Bill.Adams@dot.gov>, "Brian de Vallance" <brian.devallance@hq.dhs.gov>, <Jett@osec.usda.gov>, "Cathy Solomon" <Cathy.Solomon@ed.gov>, "Chris Henderson" <chris\_henderson@ios.doi.gov>, "Claudia Tornblom" <claudia.tornblom@us.army.mil>, Craig Hooks/DC/USEPA/US@EPA, "Dan Tangherlini" <Dan.Tangherlini@do.treas.gov>, "Danny Werfel" <(b) (6) Privacy>, "Deborah Bittinger" <deborah.bittinger@va.gov>, "Dennis Williams" <dennis.williams@hhs.gov>, "Ed Hugler" <hugler.edward@dol.gov>, "Ed Montgomery" <montgomery.edward@dol.gov>, "Elizabeth Willmott" <Elizabeth.S.Willmott@hud.gov>, "Ellen Herbst" <eherbst@doc.gov>, "Erin Cummings" <Erin.Cummings@dhs.gov>, "Geoff Morrell" <geoff.morrell@osd.mil>, "Glyer, Peter C HQ02" <Peter.C.Glyer@usace.army.mil>, "Greer, Jennifer A HQ02" <Jennifer.A.Greer@usace.army.mil>, "Hannah August" <hannah.august@usdoj.gov>, "Hannah Lee" <hannah.lee@hq.doe.gov>, "Helaine Greenfeld" <Helaine.Greenfeld@usdoj.gov>, "Hidalgo, Beatrice M" <Beatrice.M.Hidalgo@hud.gov>, "Jake Heller" <jacob.heller@dhs.gov>, "Jenny Backus" <jenny.backus@hhs.gov>, "Jill McCabe" <jill.mccabe@dot.gov>, "Jill Zuckman" <Jill.Zuckman@dot.gov>, "Jim Brownlee" <Jim.Brownlee@oc.usda.gov>, "Jim McMullen" <mcmullen.james@dol.gov>, "Joel Szabat" <joel.szabat@dot.gov>, "John Porcari" <john.porcari@dot.gov>, <johnr.gingrich@va.gov>, "Judith Larsen" <judith.larsen@gsa.gov>, "Julia Fox" <Julia.Fox@dhs.gov>, "Karen Cowles-Pullen" <kcpullen@doc.gov>, "Karen Mills" <kmills@sba.gov>, "Kristin Ward" <Kristin.Ward@do.treas.gov>, "Lana Hurdle" <lane.hurdle@dot.gov>, "Lew, Shoshana M." <(b) (6) Privacy>, "lindsay daschle" <Lindsay.Daschle@osec.usda.gov>, Lisa Schlosser/DC/USEPA/US@EPA, "Loew, Gary A HQ02" <Gary.A.Loew2@usace.army.mil>, "Louis Mauney" <louis.a.mauney@us.army.mil>, "Luis Rosero" <Luis.Rosero@hhs.gov>, "Mann, Kathryn K." <(b) (6) Privacy>, "Marguerite Coffey" <CoffeyM@state.gov>, "Marty Melone" <martin.melone@do.treas.gov>, "Mary Pletcher" <Mary\_Pletcher@ios.doi.gov>, "Matt Lee-Ashley" <matt\_lee-ashley@ios.doi.gov>, "Matt Rogers" <Matt.rogers@hq.doe.gov>, "Melanie Roussel" <Melanie.N.Roussel@hud.gov>, "Mike



McCord" <mike.mccord@osd.mil>, "Mugler, Mark W HQ02" <Mark.W.Mugler@usace.army.mil>, "Nani Coloretti" <Nani.coloretti@do.treas.gov>, "Pasquantino, John" <(b) (6) Privacy>, "Patrick Kennedy" <kennedy@state.gov>, "Paul Craven" <Craven.Paul@dol.gov>, "Paul Prouty" <paul.prouty@gsa.gov>, "Pawlik, Eugene A HQ02" <Eugene.A.Pawlik@usace.army.mil>, "Peter Gage" <Peter.Gage@hq.doe.gov>, "Peter Grace" <Peter.j.grace@hud.gov>, "Policelli, Maura" <Maura.Policelli@ed.gov>, "Rachel Arndt" <ArndtRM@state.gov>, "Richard French" <French.Richard@dol.gov>, "Richard Turman" <richard.turman@hhs.gov>, "Sandra Richardson" <Sandra.Richardson@osd.mil>, "Sean Smith" <sean.smith@dhs.gov>, "Shah, Parita" <pshah@doc.gov>, "Sharon Parrott" <sharon.parrott@hhs.gov>, "Stephanie Speirs" <Stephanie.Speirs@dhs.gov>, "Steve Leeds" <steve.leeds@gsa.gov>, Susan Hazen/DC/USEPA/US@EPA, "Taryn Benarroch" <Taryn.Benarroch@ed.gov>, "Thomas Perrelli" <Thomas.J.Perrelli@usdoj.gov>, "Tom Mason" <Tom.Mason@dhs.gov>, "Tony Miller" <Tony.Miller@ed.gov>, "Williams, Tesia D HQ02" <Tesia.D.Williams@usace.army.mil>, "Yvette Meftah" <Meftah.Yvette@dol.gov>, "Yvonne Prettyman" <Yvonne.J.Prettyman@usace.army.mil>, "Zach Russem" <Zachary.Russem@hq.doe.gov>, "Ziskend, Herbert M." <(b) (6) Privacy>

Date: 02/15/2010 09:42 AM  
Subject: Recovery Clips 2/15/10

## RECOVERY ACT

### [Vice President Biden on NBC's 'Meet the Press' \(NBC, 2/14\)](#)

On NBC's 'Meet the Press', Vice President Biden said: "...we use the same econometric models economists have been using for the last 25 years to measure growth and to measure loss. That--you cannot say with absolute certainty what the job loss is either. It's based on an estimate of who files and how and when. Look, David, there is no reasonable economist that I know of, no econometric model that suggests that we have not created a minimum of 1.6 million to 2.4 million jobs. Even The Wall Street Journal last quarter acknowledged that the significant reason for the growth in the third quarter was because of the investments of the recovery package. They went on to say, but that's not good because once the recovery money is not there things are going to change. That--so you can't have it both ways."

See also: [Video of Vice President Biden on 'Meet the Press'](#)

### [Maddow, Schock spar over stimulus \(Eric Zimmermann, The Hill \(blog\), 2/14\)](#)

Rep. Aaron Schock (R-Ill.) made his first appearance on Meet the Press [Sunday], and got into a sparring match with Rachel Maddow over stimulus spending and charges of hypocrisy. Maddow drew first blood by charging Schock with hypocrisy for touting a project in his district that was funded by the stimulus, that he opposed. "That's happening a lot with Republicans sort of taking credit for things that Democratic bills do and then Republicans simultaneously touting their votes against them and trashing them," Maddow said. "That, I think, is a problem that needs to be resolved within your caucus. Because you seem like a very nice person but that is a very hypocritical stance to take." Schock argued it would be foolish to deny his district funds that would be appropriated anyway. And responding to Maddow's charge of hypocrisy, he asked the MSNBC host if she had returned to the IRS all the tax cuts she got under the Bush administration.

### [Schools face big budget holds as stimulus runs out \(Terence Chea, AP, 2/15\)](#)

The nation's public schools are falling under severe financial stress as states slash education spending and drain federal stimulus money that staved off deep classroom cuts and widespread job losses. School districts have already suffered big budget cuts since the recession began two years ago, but experts say the cash crunch will get a lot worse as states run out of stimulus dollars. The result in many hard-hit districts: more teacher layoffs, larger class sizes, smaller paychecks, fewer electives and extracurricular

activities, and decimated summer school programs... In California, school districts have already laid off thousands of teachers, increased class sizes and slashed academic programs. But state officials are warning the worst is yet to come because the state has already handed out most of its \$6 billion in stimulus money....

**[Romer: Historians will praise stimulus](#) (Walter Alarkon, The Hill, 2/13)**

Senior White House economist Christina Romer said that historians will judge President Barack Obama's stimulus more favorably than is a public still struggling through an economic downturn. "I think when we're through this, when scholars actually sit and look at this, they will say, 'My goodness, look at all of the trajectory, look at where we were going, my goodness, it would have been dramatically worse [without the stimulus],' " Romer said Friday. Romer, at a breakfast with reporters organized by *The Christian Science Monitor* , acknowledged public frustration over the \$787 billion stimulus, the centerpiece of the Obama administration's effort to turn the economy around. A *New York Times* /CBS poll released Thursday found that... just 6 percent believe the stimulus had already created jobs. The White House estimates that the stimulus has created or saved up to 2 million jobs. Independent estimates by the Congressional Budget Office and private economists suggest that the massive package of spending programs and tax cuts has led to more than a million jobs that wouldn't have existed otherwise.... Romer said frustration partly stems from the fact that Americans haven't been able to compare the current economic situation to one that would have been more dire if the stimulus hadn't been enacted....

See also: [Washington Times](#)

**[US, Canada Sign Government Procurement Agreement](#) (Tom Barkley, Dow Jones, 2/12)**

United States Trade Representative Ron Kirk signed an agreement Friday with Canada to provide reciprocal access to their government procurement programs, seeking to end a dispute over "Buy American" provisions in the U.S. stimulus package. The deal, which was signed earlier in the week by Canadian Minister of International Trade Peter Van Loan, gives companies on both sides of the border access to government procurement contracts below the federal level. "This agreement resolves key outstanding U.S.-Canada government procurement issues and creates tens of billions of dollars worth of new job-supporting export opportunities for American companies and workers," said Kirk. Under the agreement, which goes into effect Feb. 16, the countries agreed to permanently give reciprocal treatment in the Canadian territories and provinces and 37 U.S. states covered by the WTO's procurement agreement. Canadian suppliers would receive access to state and local public-works projects in seven stimulus programs on a temporary basis through September 2011, when Recovery Act funds are set to expire. U.S. suppliers would also get temporary access to a range of construction contracts in some Canadian provinces and municipalities not covered by the WTO pact.

**[Stimulus funds boost research in Georgia](#) (Jeremy Redmon, Atlanta Journal-Constitution, 2/13)**

Several Georgia Tech professors are seeking to understand how jazz, avant-garde art and Indian classical musicians improvise. Another Tech researcher will study elderly people playing video games, hoping her work could help create guidelines for developing other "brain games" for seniors. Meanwhile, a University of West Georgia professor is investigating the political consequences of climate change in the Arctic. All three of these research projects have something in common: they are among hundreds at Georgia universities that are being funded with federal economic stimulus dollars. Most focus on conventional subjects: cancer, AIDS, computer science, solar energy. But a fraction of them stick out. Their benefits are less obvious — especially in terms of how they could help stimulate the economy. Congress set aside \$21 billion of the \$787 billion stimulus program for research and development, and scientific-related equipment and construction... Proponents say the spending is creating some jobs now

and pumping up the nation's scientific know-how, which will pay dividends for years to come. Critics, however, say the nation can't afford the spending in the middle of a recession, and should find ways to create many more jobs quickly.

**[Feds deny \\$70 million in stimulus money for BART rail extension to Oakland airport](#) (Denis Cuff, San Jose Mercury News, 2/13)**

BART's plan for a rail extension to the Oakland International Airport was dealt a major blow Friday when the federal government denied \$70 million in economic stimulus funds for the project because of concerns it may discriminate against low-income and minority residents. In a blunt letter, the Federal Transit Administration said it was pulling the plug on the grant because BART cannot possibly meet deadlines for a required analysis to determine whether the \$492 million project has discriminatory impacts. The study is required for major transit projects to get federal funds. "I am required to now inform you that the plan is rejected," Peter Rogoff, administrator of the federal agency, wrote in a two-page letter to BART General Manager Dorothy Dugger....

See also: [San Francisco Chronicle](#)

**[Pa., N.J. have millions in stimulus aid for jobs](#) (Jane M. Von Bergen, Philadelphia Inquirer, 2/13)**

At a time when the nation's unemployment rate is nearly 10 percent and 14.8 million are unemployed, Pennsylvania and New Jersey are sitting on hundreds of millions of federal stimulus dollars that could be used to create jobs. "We have \$330 million and nothing has been done with it," said John Dodds, director of the Philadelphia Unemployment Project, an advocacy group. "We think we can use it to create 10,000 jobs at \$10 an hour." The money is part of a \$5 billion emergency fund created by the American Recovery and Reinvestment Act under the Temporary Assistance for Needy Families block grant. TANF money typically funds welfare programs. The TANF stimulus money also can be used for basic assistance to individuals, such as providing more food stamps, or for special one-time uses, such as reducing utility bills. Some states, including Delaware, California, and Tennessee, have used TANF stimulus money to create programs that subsidize the salaries of employees hired by businesses, public agencies, and nonprofit groups. But that has not happened in Pennsylvania or New Jersey - and there is a catch. The money has to be used by Sept. 30, when the funding expires....

See also: [Philadelphia Inquirer](#), [Huffington Post Op-Ed by San Francisco Mayor Gavin Newsom](#)

**[Biden will visit Saginaw on Tuesday](#) (Kathleen Gray, Detroit Free Press, 2/14)**

Vice President Joe Biden will be in Michigan Tuesday, traveling to Saginaw to discuss the stimulus act and how it's helped communities in the state. He will be at Dela College in University Center for an 11:45 a.m. program with U.S. Sen. Carl Levin and Small Business Administration Administrator Karen Mills.

**[Stimulus money is headed to Minnesota for health care](#) (Bob Von Sternberg, Minneapolis Star Tribune, 2/13)**

Several local, state and regional groups are in line to receive nearly \$44 million in federal stimulus money. The grants, announced Friday, are designed to help health care providers adopt information technology, a key part of the Obama administration's attempt to overhaul the health care system. The money, part of nearly \$1 billion being awarded nationwide, also will be used to train as many as 15,000 health care workers.

See also: [Salt Lake Tribune](#)

**[Stimulus money is difficult to track](#) (Scott Kraus, Allentown Morning Call, 2/15)**

The Pennsylvania Department of Transportation spent \$11.11 in federal stimulus money in the last three months of 2009 to preserve the Eighth Street bridge in Plainfield Township. So what type of work can be

done for just \$11.11? It's not spelled out on the federal accountability report on the project, but it turns out the money went to pay the salary of a PennDOT administrator who did some design work relating to a construction contract. "We try to minimize any administrative costs billed to the projects," said James Creedon, the state's general services secretary. "It is very, very minimal. It is just contract administration." That strange piece of data is just one of the oddities contained in new electronic records released in January by the federal government's Recovery Accountability and Transparency Board. While it provides scads of figures -- and in many cases detailed descriptions of projects -- the federal data has its limits. For many of the projects, the records provide almost no way to effectively track in detail how tens of millions of dollars flowing into the Lehigh Valley region through the federal stimulus are being spent. "There is no mechanism to check," said Jerry Brito, senior fellow at George Mason University's Mercatus Center. "Let's say you see something that looks really weird. You can report it to the Recovery Act Transparency board, they will investigate fraud. But they have no authority to investigate misreporting."...

### **[U.S. Housing Aid Winds Down, and Cities Worry](#) (David Streitfeld, New York Times, 2/15)**

...Elkhart, in the northeast corner of Indiana, became a symbol of distressed Middle America after Mr. Obama chose it as the place to introduce his stimulus plan last February. The region is a hub of recreational vehicle manufacturing, one of the first industries to falter in the recession. In less than a year, the unemployment rate tripled, peaking at 18.9 percent last March. Mr. Obama returned in August to promote the effectiveness of the stimulus program and of government grants for the manufacture of battery-powered electric vehicles. Several companies have announced they are hiring. Unemployment in December was down to 14.8 percent. No such improvement is visible with housing

## **OPINION/EDITORIAL**

### **[ABC, CBS, NBC Cite Stimulus Supporters Nearly Three Times as Often as Critics](#) (Dan Gainor, Wall Street Journal Op-Ed, 2/13)**

President Barack Obama's \$787 billion stimulus plan was the most expensive bill in history. Still, it received strong media support - blazing the way for the controversial bill to pass. Network journalists didn't just back the bill during that debate. Once it had passed, ABC, NBC and CBS spent nearly a year promoting "President Obama's stimulus cavalry," as NBC's Lisa Myers put it.... The Business & Media Institute analyzed 172 stories about the stimulus from Feb. 17, 2009, when the bill was signed, to Jan. 31, 2010. In those stories, the three evening news shows turned to proponents nearly three times as often as opponents of the plan (269 to just 111). Reporters called the Obama program or its many offshoots "good news," or turned to others whose positive views on the stimulus went further, with one calling the program a "lifesaver."... That pro-stimulus approach impacted the reporting. All three broadcast networks promoted the stimulus prior to the vote. The same news media that backed Barack Obama during the election then turned to his "bold" push for a stimulus plan. Two broadcast networks - ABC and NBC - showed particularly strong support for the president by relying on pro-stimulus voices by a more-than 2-to-1 ratio (139 to 56).... In the year following the passage of the stimulus package, network journalists embraced both the spending and the programs that went along with it. Story after story detailed how a few hundred thousand dollars or a few million dollars would aid essential programs and, in Obama's words, "save or create" millions of jobs....

Evan Schlom

Recovery Implementation Office

(b) (6) Privacy (Office)

(b) (6) Privacy (Mobile)

(b) (6) Privacy

01268-EPA-5159

**Richard Windsor/DC/USEPA/US**  
02/16/2010 02:09 PM

To "Sutley, Nancy H.", "Rouse, Peter M.", "Sutphen, Mona K."  
cc gguzy, Mathy Stanislaus  
bcc Bob Sussman, Cynthia Giles-AA, Bob Perciasepe, Diane Thompson  
Subject Background Information for Our Meeting

Hi Folks,

I understand today's meeting is being rescheduled for later in the week. I thought it might help if I sent along the following 3 documents today.

Here is a matrix that summarizes the various concepts we have been (b) (5)

[Redacted]

(b) (5) Deliberative

[Redacted]

CCR Matrix.doc

Here is a summary of EPA's current thinking on a proposal.

(b) (5) Deliberative

[Redacted]

OVERVIEW OF EPA PROPOSAL TO REGULATE COAL COMBUSTION RESIDUEv2.doc

And here is a preliminary analysis (b) (5) Deliberative

[Redacted]

(b) (5) Deliberative

[Redacted]

Legal Analysis of CCR Co-Proposals.xml

I will also be prepared to give a summary of our current and planned oversight efforts under existing authorities. Thanks.

Lisa



(b) (5) Deliberative

[Redacted]

[Redacted]



01268-EPA-5161

Richard Windsor/DC/USEPA/US  
02/16/2010 02:12 PM

To gguzy  
cc  
bcc

Subject Fw: Background Information for Our Meeting

Sorry - typed your address wrong.

----- Forwarded by Richard Windsor/DC/USEPA/US on 02/16/2010 02:11 PM -----

From: Richard Windsor/DC/USEPA/US  
To: "Sutley, Nancy H." <(b) (6) Privacy> "Rouse, Peter M." <(b) (6) Privacy> "Sutphen, Mona K." <(b) (6) Privacy>  
Cc: (b) (6) Privacy Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 02/16/2010 02:09 PM  
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Lisa

01268-EPA-5162

Bob Sussman/DC/USEPA/US

To Richard Windsor

02/16/2010 02:21 PM

cc Mathy Stanislaus

bcc

Subject Re: Background Information for Our Meeting

Even though the meeting is being delayed, we should still send to Cass so he doesn't hear about these documents from others. Agree?

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Richard Windsor

Hi Folks, I understand today's meeting...

02/16/2010 02:09:06 PM

From: Richard Windsor/DC/USEPA/US  
To: "Sutley, Nancy H." <(b) (6) Privacy> "Rouse, Peter M." <(b) (6) Privacy> "Sutphen, Mona K." <(b) (6) Privacy>  
Cc: (b) (6) Privacy Mathy Stanislaus/DC/USEPA/US@EPA  
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[attachment "CCR Matrix.doc" deleted by Bob Sussman/DC/USEPA/US]

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[attachment (b) (5) deleted by Bob Sussman/DC/USEPA/US]

And here is a preliminary analysis (b) (5) Deliberative  
[Redacted]

[attachment (b) (5) deleted by Bob Sussman/DC/USEPA/US]

I will also be prepared to give a summary of our current and planned oversight efforts under existing authorities. Thanks.

Lisa

01268-EPA-5163

**Richard Windsor/DC/USEPA/US**  
02/16/2010 02:22 PM

To Bob Sussman  
cc  
bcc

Subject Re: Background Information for Our Meeting

Yes  
Bob Sussman

----- Original Message -----

**From:** Bob Sussman  
**Sent:** 02/16/2010 02:21 PM EST  
**To:** Richard Windsor  
**Cc:** Mathy Stanislaus  
**Subject:** Re: Background Information for Our Meeting

Even though the meeting is being delayed, we should still send to Cass so he doesn't hear about these documents from others. Agree?

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Senior Policy Counsel to the Administrator  
Office of the Administrator  
US Environmental Protection Agency

Richard Windsor [Hi Folks, I understand today's meeting...](#) 02/16/2010 02:09:06 PM

From: Richard Windsor/DC/USEPA/US  
To: "Sutley, Nancy H." <(b) (6) Privacy> "Rouse, Peter M." <(b) (6) Privacy>  
<(b) (6) Privacy> "Sutphen, Mona K." <(b) (6) Privacy>  
Cc: (b) (6) Privacy Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 02/16/2010 02:09 PM  
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And here is a preliminary analysis (b) (5) Deliberative  
[Redacted]

[attachment (b) (5) deleted by Bob Sussman/DC/USEPA/US]

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Lisa

01268-EPA-5164

"Guzy, Gary S." To Richard Windsor  
 <(b) (6) Privacy> cc  
 > 02/16/2010 02:43 PM bcc  
 Subject RE: Background Information for Our Meeting

Thanks kindly Richard for this information. Gary

Gary S. Guzy  
 Deputy Director and General Counsel  
 Council on Environmental Quality  
 (b) (6) Privacy

-----Original Message-----

From: Windsor.Richard@epamail.epa.gov  
 [mailto:Windsor.Richard@epamail.epa.gov]  
 Sent: Tuesday, February 16, 2010 2:13 PM  
 To: Guzy, Gary S.  
 Subject: Fw: Background Information for Our Meeting

Sorry - typed your address wrong.

----- Forwarded by Richard Windsor/DC/USEPA/US on 02/16/2010 02:11 PM  
 -----

From: Richard Windsor/DC/USEPA/US

To: "Sutley, Nancy H." <(b) (6) Privacy> "Rouse,  
 Peter M." <(b) (6) Privacy> "Sutphen, Mona  
 K." <(b) (6) Privacy>

Cc: (b) (6) Privacy Mathy Stanislaus/DC/USEPA/US@EPA

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(b) (5) [Redacted]

(See attached file: CCR Matrix.doc)

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(See attached file: (b) (5) [Redacted])

And here is a preliminary analysis (b) (5) Deliberative [Redacted]

(b) (5) [Redacted]

I will also be prepared to give a summary of our current and planned oversight efforts under existing authorities. Thanks.

Lisa

01268-EPA-5165

Richard Windsor/DC/USEPA/US  
02/16/2010 03:21 PM

To "Guzy, Gary S."  
cc  
bcc

Subject Re: Background Information for Our Meeting

Its Lisa Jackson and that's my private email. Lj

----- Original Message -----

From: "Guzy, Gary S." [REDACTED] (b) (6) Privacy  
Sent: 02/16/2010 02:43 PM EST  
To: Richard Windsor  
Subject: RE: Background Information for Our Meeting

Thanks kindly Richard for this information. Gary

Gary S. Guzy  
Deputy Director and General Counsel  
Council on Environmental Quality  
[REDACTED] (b) (6) Privacy

-----Original Message-----

From: Windsor.Richard@epamail.epa.gov  
[mailto:Windsor.Richard@epamail.epa.gov]  
Sent: Tuesday, February 16, 2010 2:13 PM  
To: Guzy, Gary S.  
Subject: Fw: Background Information for Our Meeting

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Cc: [REDACTED] (b) (6) Privacy Mathy Stanislaus/DC/USEPA/US@EPA

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And here is a preliminary analysis (b) (5) Deliberative [Redacted]

(See attached file: (b) (5) [Redacted])

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Lisa



01268-EPA-5166

"Guzy, Gary S." To Richard Windsor  
 <(b) (6) Privacy> cc  
 > bcc  
 02/16/2010 04:49 PM  
 Subject RE: Background Information for Our Meeting

Even better! Thanks Lisa. Gary

-----Original Message-----

From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
 ]  
 Sent: Tuesday, February 16, 2010 3:21 PM  
 To: Guzy, Gary S.  
 Subject: Re: Background Information for Our Meeting

Its Lisa Jackson and that's my private email. Lj

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From: "Guzy, Gary S." <(b) (6) Privacy>  
 Sent: 02/16/2010 02:43 PM EST  
 To: Richard Windsor  
 Subject: RE: Background Information for Our Meeting

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Gary S. Guzy  
 Deputy Director and General Counsel  
 Council on Environmental Quality  
 (b) (6) Privacy

-----Original Message-----

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 [mailto:Windsor.Richard@epamail.epa.gov]  
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From: Richard Windsor/DC/USEPA/US

To: "Sutley, Nancy H." <(b) (6) Privacy> "Rouse,  
 Peter M." <(b) (6) Privacy> "Sutphen, Mona  
 K." <(b) (6) Privacy>

Cc: (b) (6) Privacy Mathy Stanislaus/DC/USEPA/US@EPA

Date: 02/16/2010 02:09 PM

Subject: Background Information for Our Meeting

Hi Folks,

I understand today's meeting is being rescheduled for later in the week. I thought it might help if I sent along the following 3 documents today.

Here is a matrix that summarizes the various concepts we have been

(b) (5)

(See attached file: CCR Matrix.doc)

Here is a summary of EPA's current thinking on a proposal.

(See attached file: (b) (5)

And here is a preliminary analysis (b) (5) Deliberative

(See attached file: (b) (5)

I will also be prepared to give a summary of our current and planned oversight efforts under existing authorities. Thanks.

Lisa

01268-EPA-5167

Sarah Pallone/DC/USEPA/US  
02/20/2010 06:04 PM

To "Richard Windsor", "Diane Thompson"  
cc  
bcc

Subject Fw: Conference Call on NGA

FYI

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**From:** "McGrath, Shaun L." <(b) (6) Privacy>  
**Sent:** 02/20/2010 05:59 PM EST  
**To:** "McGrath, Shaun L." <(b) (6) Privacy> <Patrick.Maloney@do.treas.gov>; "Ver, Aaron - OCIA" <Ver.Aaron@dol.gov>; <bermejo.elmy@dol.gov>; "Dioguardi, Paul \(\HHS/OS\)\" <Paul.Dioguardi@hhs.gov>; "Wolff, Kate \(\HHS/IGA\)\" <Kate.Wolff@hhs.gov>; "Yezak, Jennifer" <Jennifer.Yezak@osec.usda.gov>; "Faeth, Lori" <Lori\_Faeth@ios.doi.gov>; "Kayyem, Juliette" <Juliette.Kayyem@dhs.gov>; "Greene, Katie" <Kathryn.Greene@dhs.gov>; <meaghan.burdick@sba.gov>; "Garcia, Lisa A." <(b) (6) Privacy> <(b) (6) Privacy> "Gallegos, Sky" <Sky.Gallegos@hq.doe.gov>; <joanna.turner@dot.gov>; "Jordan, Stacey" <Stacey.Jordan@ed.gov>; "Ramos, William" <WRamos@doc.gov>; Sarah Pallone  
**Cc:** "Munoz, Cecilia" <(b) (6) Privacy>  
**Subject:** RE: Conference Call on NGA

Hello IGA'ers,

First off, Cecilia and I were at the Governors' Chiefs of Staffs meeting this afternoon, and the Chiefs paid a very nice compliment to the work that all of the IGA offices in the agencies are doing. It was said as nice compliment and was truly a tribute to your efforts. Nice work!

Secondly, here are the events memos that we submitted to the President for Sunday night and Monday morning.

With regard to the Monday meeting with POTUS at WH, unfortunately, due to the limited capacity of the State Dining Room, we will not be able to do +1 for Cabinet members. On the positive side, it should be on the T.V., so hopefully you will be able to watch.

Thanks,

Shaun

(b) (5) Deliberative

NGA POTUS events memo - Governors Dinner 2-21-10 (final).docx

(b) (5) Deliberative

NGA POTUS event m

01268-EPA-5168

**Richard Windsor/DC/USEPA/US**  
02/23/2010 09:58 AM

To "Carol Browner"  
cc  
bcc

Subject Fw: this article pretty much sums up the impact of the letter

David McIntosh

----- Original Message -----

**From:** David McIntosh  
**Sent:** 02/23/2010 08:24 AM EST  
**To:** Richard Windsor  
**Cc:** Seth Oster; Arvin Ganesan

**Subject:** this article pretty much sums up the impact of the letter

It is also interesting in that it reveals the fissures between the staffs and the actual Senators (Rockefeller and Murkowski).

**CLIMATE: EPA's gradual phase in of GHG regs garners qualified praise from senators (Tuesday, February 23, 2010)**  
**Robin Bravender and Darren Samuelsohn, E&E reporters**

Facing mounting pressure from congressional lawmakers on both sides of the aisle, the Obama administration yesterday vowed to gradually phase in climate regulations for industrial sources.

U.S. EPA Administrator Lisa Jackson said that no stationary sources will face greenhouse gas regulations this year and that small sources will not be subject to permitting requirements any sooner than 2016. EPA is also considering "substantially" raising the thresholds in its proposed "tailoring" rule to exempt more facilities from requirements that they minimize their greenhouse gas emissions.

The announcement is seen as a step forward by both Republican and Democratic lawmakers who have expressed concerns about the possible economic consequences of regulating carbon dioxide and other gases, but several senators said they still plan to move forward with efforts to handcuff EPA's regulatory authority.

Jackson's [comments](#) came in response to a letter sent last week by eight moderate Senate Democrats pressing for answers on how and when EPA plans to begin regulating the heat-trapping gases, warning that the costs may be too much for their states.

"I share your goals of ensuring economic recovery at this critical time and of addressing greenhouse-gas emissions in sensible ways that are consistent with the call for comprehensive energy and climate legislation," Jackson wrote.

EPA will begin to phase in permitting requirements and regulating large stationary sources of greenhouse gases in 2011, Jackson said. In early 2011, only facilities that must already apply for Clean Air Act permits for other pollutants will need to address those emissions. Fewer than 400 facilities would be subject to those requirements, she said. The agency will begin to require permits from other large sources in the latter half of 2011.

Senators who are backing efforts to hamstring EPA's regulatory authority said the gradual schedule was a positive signal.

"It helps," said Commerce Chairman Jay Rockefeller (D-W.Va.), who was one of the lead signatories on the letter sent last week to EPA.

Still, Rockefeller said that EPA regulations would have enormous implications on coal state economies and should be handled by Congress instead of a federal agency. Rockefeller said he remains committed to "presenting legislation that would provide Congress the space it needs to craft a workable policy that will protect jobs and stimulate the economy."

Rockefeller has said he plans to introduce a bill that would halt EPA's rules for between two and five years.

"I can't say this with total authority, but I think that to some extent Lisa [Jackson] and to more extent the White House wants this," Rockefeller said of his bill. "We probably ask for more time than they want," he added, but when drafting the bill, "we talked as we went along with the EPA and the White House."

Sen. Lisa Murkowski (R-Alaska), who is pushing a separate resolution aimed at blocking EPA climate rules, also welcomed EPA's announcement.

Murkowski aides read the EPA letter for the first time just off the Senate floor. "It's a pretty substantial backing off," one staffer said, referring to Jackson's plan to delay until 2011 any climate-related stationary permits.

"Well, considering where we were yesterday, absolutely," Murkowski added. "Absolutely."

Murkowski, the ranking member of the Senate Energy and Natural Resources Committee, said EPA's planned schedule was "good" but said she had a number of questions as well.

"One of the unknowns is, if they're in agreement they're not going to be moving on stationary, that's certainly helpful, but what happens to permits in the meantime?" Murkowski said. "Will any permits be issued? Are they just kind of put on hold? I suppose you can expect to see litigation against EPA failing then to

move on the stationary sources? What does that do to the permits then to move on the stationary sources?

"What we're trying to do is gain a little certainty here," she added. "I'd be curious to know whether they actually believe we'll have more certainty or less."

Late yesterday, Murkowski said her resolution remains the best path because it uses the Congressional Review Act -- which requires 51 votes to pass the Senate -- to block EPA, rather than Rockefeller's bill, which would require 60 votes to pass and for a shorter timer period.

"A temporary timeout isn't sufficient," said Murkowski spokesman Robert Dillon. "Bad regulations today are bad regulations tomorrow."

Sen. Mark Begich (D-Alaska), who also signed on to the letter questioning EPA's regulatory plans, said the calendar laid out by Jackson "makes me feel a lot more comfortable." Begich noted that he had not yet read EPA's response.

## **States laud timeline**

State and local air regulators also applauded EPA's plans to gradually roll out the permitting requirements.

"We are extremely pleased that EPA is providing states with the additional time and flexibility outlined in Administrator Jackson's letter," said Bill Becker, executive director of the National Association of Clean Air Agencies. "It will result in a much smoother transition and allow states to tailor their rules to comport to the federal regulations in a seamless manner."

EPA's proposed tailoring rule would have raised emission thresholds for facilities that need permits from 100 or 250 tons of pollution per year -- the Clean Air Act's thresholds for conventional pollutants -- to 25,000 tons of carbon dioxide equivalent per year.

Jackson said yesterday that EPA's final tailoring rule -- expected next month -- will include a "substantially higher" threshold than the proposal.

But while the draft rule seeks to raise the permitting thresholds across the country, state regulators and some industry groups have warned that states will need additional time to change lower thresholds that they have on the books.

Nearly 40 states operate under EPA-approved "State Implementation Plans" (SIPs) that establish a 100- or 250-ton threshold for the permitting requirements, according to an association of state and local air regulators. Those state limits would remain in place until state laws and regulations are modified, the group said.

01268-EPA-5169

"Freeman, Jody L."

<[REDACTED] (b) (6) Privacy [REDACTED]>

02/24/2010 10:44 AM

To Richard Windsor

cc

bcc

Subject

Dear Administrator Jackson,

I wanted to let you know that I will soon be leaving the White House to return to Harvard and pursue some new opportunities that have recently [REDACTED] (b) (6) Privacy

[REDACTED]

[REDACTED]

[REDACTED]

If I can ever be helpful, please do not hesitate to call on me at Harvard. I am happy to do whatever I can to assist EPA.

Very best wishes,  
Jody

Jody Freeman

Counselor for Energy and Climate Change  
The White House  
[REDACTED] (b) (6) Privacy

01268-EPA-5170

Diane  
Thompson/DC/USEPA/US  
02/24/2010 12:15 PM

To Richard Windsor, Bob Perciasepe  
cc Aaron Dickerson, Robert Goulding, Daniel Kanninen  
bcc  
Subject Fw: EMBARGOED: Remarks of the President to the  
Business Roundtable

FYI

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 02/24/2010 12:15 PM -----

From: "Milakofsky, Benjamin E." <(b) (6) Privacy >  
To: "Lu, Christopher P." <(b) (6) Privacy >, "Smith, Elizabeth S." <(b) (6) Privacy >  
<(b) (6) Privacy >, "Kimball, Astri B." <(b) (6) Privacy >  
"French, Michael J." <(b) (6) Privacy >, "Greenawalt, Andrei M." <(b) (6) Privacy >  
<(b) (6) Privacy >, "Taylor, Adam R." <(b) (6) Privacy >  
"Milakofsky, Benjamin E." <(b) (6) Privacy >  
Date: 02/24/2010 11:54 AM  
Subject: FW: EMBARGOED: Remarks of the President to the Business Roundtable

Dear Chiefs of Staff and WH Liaisons:

Please see the embargoed text of the President's remarks to the Business Roundtable.

--Cabinet Affairs

THE WHITE HOUSE  
Office of the Press Secretary

**EMBARGOED UNTIL DELIVERY**  
February 24, 2010

**Remarks of President Barack Obama - As Prepared for Delivery  
Speech to the Business Roundtable  
Wednesday, February 24, 2009  
Washington, DC**

It is great to be back here with the men and women of the Business Roundtable. Over the last year, we have worked together on a number of issues - from economic recovery and tax policy to education and health care. And more often than not, we've found common ground.



This is important, because we meet at a time of great economic anxiety and sharp political divisions. We are still emerging from the worst economic crisis since the Great Depression. Eight million Americans have lost their jobs over the last two years. Home values in too many parts of the country have plummeted. Too many businesses are still reluctant to invest and expand.

What's more, this recession follows what some have called a "lost decade" – a decade in which the average family income fell while the costs of health care and tuition skyrocketed; a decade in which a continued erosion of America's manufacturing base hollowed out many communities and put too many good jobs out of reach.

No wonder, then, people are frustrated with both business and government. They're angry at a financial sector that took exorbitant risks in pursuit of short-term profits, and they're angry at a government that failed to catch the problem in time. They're angry at the price they paid to prevent a financial meltdown they didn't cause, and they're angry that recovery in their own lives seems to be lagging the recovery of bank profitability. They're angry at the lobbyists who use their influence to put their clients' special interests ahead of the public interest. And although both parties are predictably scrambling to align themselves with people's frustrations, neither the usual answers from the left or right seem to inspire much confidence.

So we have big challenges before us. And I think all of us know that we cannot meet them by returning to the pre-crisis status quo – an economy too dependent on a housing bubble, consumer debt, financial speculation, and growing deficits. That's not sustainable for American workers, and it's not sustainable for American businesses.

Instead, we need to build an economy where we borrow less and produce more. We need an economy where we generate more jobs here at home and send more products overseas. We need to invest and nurture the industries of the future, and we need to train our workers to compete for those jobs.

Nations around the world, from Asia to Europe, have already realized this. They're putting more emphasis on math and science. They're building high-speed railroads and expanding broadband access. They're making serious investments in clean energy because they want those jobs.

These countries know what's required to compete in the 21<sup>st</sup> century. But so do we. And as I said in the State of the Union, I do not accept second place for the United States of America.

We did not achieve global leadership in the last century by luck or happenstance. We earned it by working together to define our own destiny and seize the future. And to maintain our leadership in this new century, we must summon that same resolve.

A thriving, competitive America is within our reach. But only if we move forward as one nation; only if we move past the old debates and crippling divides between left and right; business and labor; private enterprise and the public sector. Whatever differences we have in this country, all of us have a stake in meeting the same goal: an America in which a growing prosperity is shared widely by its people.

So today I want to spend most of my time talking about the specific steps we need to take to build this more competitive America. But before I do, I want to talk about the relationship between business and government in promoting economic growth.

Contrary to the claims of some of my critics, I am an ardent believer in the free market. I believe businesses like yours are the engines of economic growth in this country. You create the jobs. You develop new products and cutting-edge technologies. And you create the supply chains that make it possible for smaller businesses to open their doors. So I want everyone in this room to succeed. I want your shareholders to do well, and I want your workers to do well. Because I firmly believe that America's success in large part depends on your success.

But I also believe this: government has a vital, if limited, role to play in fostering sustained economic growth. Throughout our history, it has done so in three ways.

First, government has set up basic rules of the marketplace - from the enforcement of contracts and managing the money supply to maintaining airline safety standards and creating federal deposit insurance. On balance, these rules have been good for business, not bad. For they ensure honest competition, fair dealing, and a level playing field.

Second, only government can make those investments in common goods that serve the general welfare but are too expensive for any individual or firm to buy on their own. Our Armed Forces is the most obvious example. But government has also built infrastructure - roads and ports; railways and highways that enabled commerce and spurred entire industries. Government has invested in basic research that led to new crop yields for farmers and the Internet. Government has invested in our people, through land grant colleges and the GI Bill.

Finally, government has provided a social safety net to guarantee a basic level of security for all of our citizens. This last role has obviously been a source of great controversy over the last several decades. But I think most Americans and business leaders would agree that programs like Social Security, Medicare, Medicaid and unemployment insurance have not only saved millions from poverty; they have helped secure broad-based consensus that is so critical to a functioning market economy.

The Business Roundtable has always understood that in each of these instances,

government hasn't stepped in to supplant private enterprise, but to catalyze it – to create the conditions for entrepreneurs and new businesses to adapt and thrive.

But I take the time to make these points because we have arrived at a juncture in our politics where reasonable efforts to update our regulations, or make basic investments in our future, are too often greeted with cries of “government takeover” or even “socialism.”

Not only does that kind of rhetoric deny our history, but it prevents us from asking hard questions about the right balance between the private and public sectors. Too little investment in a competitive infrastructure or education system and we risk falling behind countries that are making these investments today. On the other hand, if we just throw money at poorly-planned projects or failing schools, we will remain in debt to those same countries for decades to come. If we do not pass financial reform, we can expect more crises in the future. But if we design the new rules carelessly, they could choke off the supply of capital to businesses and families. If we allow our safety net to be weakened, or lose a sense of fairness in our tax code, we can expect more anger and frustration from citizens across the political spectrum; at the same time, if an exploding entitlement state is gobbling up more and more of our tax dollars, there is no way we will retain our competitive edge.

Rather than hurling accusations about big government liberals or mean-spirited conservatives, we will have to answer these tough questions. And getting this balance right has less to do with big government or small government than it does smart government. It's not about being anti-business or pro-government; it's about being pro-growth and pro-jobs. And while there are no simple formulas or bumper-sticker slogans, let me discuss a few specific areas where we have to get this right.

Our first and most immediate task is to complete the economic recovery by taking additional steps to bolster demand and keep credit flowing. Along with our efforts to unfreeze credit and stabilize the housing market, the Recovery Act helped do this, and it's one of the main reasons our economy has gone from shrinking by 6% to growing by nearly 6%. But we need to do more. We should make it easier for small businesses to get loans and give them a tax credit for hiring new workers or raising wages. We should invest in infrastructure projects that lead to new jobs in the construction industry and other hard-hit businesses. And we should provide a tax incentive for large businesses like yours to invest in new plants and equipment. That would make a difference now.

We need businesses to support these efforts. The Business Roundtable supported the Recovery Act, and for that I'm grateful. But I think one of the reasons businesses haven't been as vocal about their support is a belief that extraordinary measures like the Recovery Act or our financial stability plan represent a lasting increase in government

intervention. Let me assure you – they do not.

One year ago, we were looking at the possible end of General Motors. Today, GM has increased production and is paying us back ahead of schedule. One year ago, there was a chance we would lose most of the \$700 billion we spent to rescue the banks. Today, most of that money has been repaid. The financial fee we've proposed is simply designed to recover the rest and close the books on government's involvement.

And let me say a word here about compensation. Most Americans – including myself – don't begrudge reasonable rewards for a job well done. What has outraged people are the outsized bonuses at firms that so recently required massive public assistance. Once that money is fully repaid, I don't believe it's appropriate for the government to be in the business of setting compensation levels. What I do believe is that shareholders should have a say in the compensation packages given to top executives, and that those packages should be based on long-term performance instead of short-term profits. That's particularly important in the financial industry, where reckless risks in pursuit of short-term gains helped create a crisis that engulfed the world economy.

So the steps we took last year were about saving the economy from collapse, not expanding government's reach into the economy. The jobs bills now working through Congress is similarly designed to be targeted and temporary, and I am pleased that a few hours ago, the Senate just passed a series of tax cuts for small businesses that hire more workers. This is an important step forward in putting more Americans back to work as soon as possible.

But the larger question is this: beyond the immediate requirements of recovery, how do we lay the foundation for a more competitive America?

I believe it starts with investments in innovation, education, and a 21<sup>st</sup> century infrastructure. To build the infrastructure of tomorrow, we're investing in expanded broadband access, health information technology, clean energy facilities, and the first high-speed rail network in America.

To spur the discovery of services, products, and industries we have yet to imagine, we are devoting more than three percent of our GDP to research and development – an amount that exceeds the level achieved at the height of the Space Race. We've also proposed making the research and experimentation tax credit permanent – a tax credit that helps companies like yours afford the high costs of developing new technologies and new products.

To train our workers for the jobs of tomorrow, we've made education reform a top priority in this administration. Last year, we launched a national competition to improve our schools based on a simple idea: instead of funding the status quo, we only

invest in reform – reform that raises student achievement, inspires students to excel in math and science, and turns around failing schools that steal the future of too many young Americans. I just met with the nation’s governors this week, and education reform is one of those rare issues where both Democrats and Republicans are enthusiastic.

And to achieve my goal of ensuring America again has the highest proportion of college graduates in the world by 2020, I’m urging the Senate to pass a bill that will make college more affordable by ending the unnecessary taxpayer-subsidies that go to financial intermediaries for student loans. It’s a bill that will also revitalize our community colleges, which this organization has recognized are a career pathway to the children of so many working families. And just as government needs to support young people eager to learn, I’m pleased to see that the business community has already begun to bet on the next generation of American talent. Just yesterday, seventeen high-tech companies announced plans to hire over 10,000 recent college graduates this year.

Finally, we’re investing in innovation that will lead to a more efficient, affordable, and consumer-friendly federal government. Many of you have harnessed new technologies to build thriving businesses and provide better services to your customers. There’s no reason government shouldn’t do the same, and give taxpayers a better bang for their buck.

With new technology, we’re creating a single electronic medical record for our men and women in uniform that will follow them from the day they enlist until they day they are laid to rest. We’re cutting down the time it takes to get a patent approved by cutting out unnecessary paperwork and modernizing the process. We’re working to give people the chance to go online and book an appointment at the Social Security office or check the status of their citizenship application – services countless businesses already provide.

In all of these areas – infrastructure, research, education, and government reform – we are making investments that will lead to new products and services that will help America compete on the world stage.

Of course, winning that competition also means we need to export more of our goods and services to other nations – something that supports more jobs here in America. Unfortunately, the federal government has not done a good enough job advocating for companies’ exports abroad.

That’s why in the State of the Union, I set a goal of doubling our exports over the next five years, an increase that will support two million jobs. To help meet this goal, my Secretary of Commerce, Gary Locke, recently announced that we’re launching a

National Export Initiative where the federal government will significantly ramp up its advocacy on behalf of U.S. exporters. We are substantially expanding the trade financing available to exporters, including small and medium-sized companies. While always keeping our security needs in mind, we will reform export controls to eliminate unnecessary barriers. And we will pursue a more strategic and aggressive effort to open up new markets for our goods.

Now, I know that trade policy has been a longstanding divide between business and labor; Democrats and Republicans. But to those who would reflexively support every trade deal, I would say that our competitors have to play fair and our agreements have to be enforced. We simply cannot cede more jobs or markets to unfair trade practices. And to those who would reflexively oppose every trade agreement, they need to know that if America sits on the sidelines while other nations sign trade deals, we will lose the chance to create jobs on our shores. Other countries, whether China or Germany or Brazil, have been able to align the interests of workers, businesses, and government around trade agreements that open new markets and create new jobs. We must do the same.

That's why we launched the Trans Pacific Partnership to strengthen our trade relations with Asia, the fastest growing market in the world. That's why we will work to resolve outstanding issues so that we can move forward on trade agreements with key partners like South Korea, Panama, and Colombia. And that's why we will try to conclude a Doha trade agreement - not just any agreement, but one that creates real access to key global markets.

A competitive America is also an America that finally has a smart energy policy. We know there is no silver bullet here - that to reduce our dependence on oil and the damage caused by climate change, we need more production, more efficiency, and more incentives for clean energy.

Already, the Recovery Act has allowed us to jumpstart the clean energy industry in America - an investment that will lead to 720,000 clean energy jobs by 2012. To take just one example, the United States used to make less than 2% of the world's advanced batteries for hybrid cars. By 2015, we'll have enough capacity to make up to 40% of these batteries.

We've also launched an unprecedented effort to make our homes and businesses more energy efficient. We've announced loan guarantees to break ground on America's first new nuclear plant in nearly three decades. We are supporting three of the largest solar plants in the world. And I've said that we're willing to make tough decisions about opening new offshore areas for oil and gas development.

But to truly transition to a clean energy economy, I've also said that we need to put a

price on carbon pollution. Many businesses have embraced this approach – including some here today. Still, I am sympathetic to those companies that face significant transition costs, and I want to work with organizations like this to help with those costs and get our policies right.

What we can't do is stand still. The only certainty of the status quo is that the price and supply of oil will become increasingly volatile; that the use of fossil fuels will wreak havoc on weather patterns and air quality. But if we decide now that we're putting a price on this pollution in a few years, it will give businesses the certainty of knowing they have time to plan and transition. This country has to move towards a clean energy economy. That's where the world is going. And that's how America will remain competitive and strong in the 21<sup>st</sup> century.

We'll also be more competitive if we address those costs and risks that are preventing our economy from reaching its full potential – outdated financial regulations, crushing health care costs, and a growing deficit.

Right now, we have a financial system with the same vulnerabilities that it had when this crisis began. As I said in the State of the Union, my goal is not to punish Wall Street. I believe that most folks in the financial sector are looking to make money in an honest, transparent way.

But if there aren't rules in place to guard against the recklessness of a few, and they are allowed to exploit consumers and take on excessive risk, it starts a race to the bottom that results in all of us losing.

That's what we need to change. We cannot repeat the mistakes of the past. We cannot allow another AIG or another Lehmann to happen again. We can't allow financial institutions, including those that take your deposits, to make gambles that threaten the whole economy. We must ensure consolidated supervision of all institutions that could pose a risk to the system. We must close loopholes that allow financial firms to evade oversight and circumvent rules of the road. And we need robust consumer and investor protections.

I ask the members of the Business Roundtable to support these efforts. The lobbyists up on the Hill right now are trying to kill reform by claiming that it would undermine businesses outside the financial sector. That couldn't be further from the truth. This is about putting in place rules that encourage drive and innovation instead of short-cuts and abuse. And those are rules that will benefit everyone.

Another undeniable drag on our economy is the cost of health care. Now, I appreciate the willingness of the Business Roundtable to work with us on health care reform, and when you've had concerns about specific measures or policies, we've listened and in

some cases, made changes.

Still, I know there are many who have been skeptical of our reform efforts. In the wake of the extraordinary measures we took to rescue our economy, it's been an easy political tactic to characterize any effort at health reform as a "big government takeover."

But the truth is just the opposite. We have not called for the elimination of private insurance or our employer-based system. What we've called for is an insurance exchange where individuals and small businesses can pool together in order to get a better deal from insurance companies. In return for getting more customers, we would require insurance companies to stop discriminating based on preexisting conditions or arbitrarily jacking up premiums. We've also incorporated almost every serious idea from across the political spectrum about how to contain the rising cost of health care. As a result, our proposal would reduce the deficit by as much as \$1 trillion over the next two decades.

These steps would provide more certainty for businesses, not less. Because there is no certainty in a future where premiums rise without limit; a future where companies are forced to drop coverage or cutback elsewhere. That can't be good for business. Our proposal contains good ideas from Democrats, Republicans, and experts from across the spectrum. And tomorrow, I look forward to a good exchange of ideas at the Blair House. I hope everyone comes with a shared desire to solve this challenge, and I hope the Roundtable supports our efforts to finally pass this reform.

Now, one of benefits of health care reform is that by bringing down the cost of Medicare and Medicaid, it would significantly reduce our deficit. I know this an issue of great concern to many of you. Believe me - it's been on my mind too.

I walked into office facing a massive deficit, most of which was the result of not paying for two wars, two tax cuts, and an expensive prescription drug program. And the lost revenue from the recession put us in an even deeper hole.

The steps we took to save the economy from depression last year have necessarily added to the deficit - about \$1 trillion, compared to the \$8 trillion we inherited. But I've also said that we intend to pay for what we added. My administration is doing what families and businesses all across the country are doing during these difficult times: we're tightening our belts and making tough decisions. We're investing only in what we need and sacrificing what we can do without. We've gone line by line through the federal budget, and identified more than 120 programs for elimination - a total of \$20 billion in savings for next year. And starting in 2011, I've proposed a freeze on non-security, discretionary government spending for three years - something that was never enacted in the last administration.



I'm also grateful that Congress responded to my request and restored a simple budgeting rule that every family and business understands: Pay-as-you-go. And I've established a bipartisan, Fiscal Commission that will provide a specific set of solutions by the fall to deal with our medium and long-term deficit.

Of course, as many of you have reminded us, budget cuts aren't the only step we've proposed this year to help bring down the deficit. Which brings me to everybody's favorite topic: taxes. You'll notice I saved the best for last.

I want to set the record straight on this issue, because it's been one of the largest sources of tension between our administration and the business community.

During the campaign, I promised a tax cut for 95% of working Americans. I have kept that promise. We've provided over \$150 billion in tax cuts to small businesses and families. We haven't raised anyone's income taxes by a single dime. This year, I expect to sign into law another \$70 billion worth of business tax cuts for 2010 and 2011 - a more than ten percent cut in corporate taxes.

But I also made two other promises during the campaign. I promised that folks making over \$250,000 a year would go back to paying the tax rates they did in the 1990s - a time when businesses did well and many millionaires were made. I'm not doing this to be punitive - I'm doing it because at a time of two wars and massive deficits, I just can't justify continuing to give billionaires massive tax cuts.

The other promise I made during the campaign was to ensure that our tax code doesn't provide relief and a competitive advantage to companies that move jobs and investment outside of the United States. Now, a number of you have made the point that we shouldn't discourage anyone from keeping headquarters and operations in America and that we have to balance your need to compete overseas. So after listening to you, we've made some modifications in our proposal. But as president of the United States, my interest is to reward - or at least not disadvantage - companies who are creating more jobs and doing more business within the borders of this country. That's not anti-business, it's pro-America, and I don't apologize for it.

On all of these issues - from education to health care to taxes - my first question can't be "Is this good for business?" or "Is this good for labor?" It can't be "Is this good politics?" or "Will this tag me as liberal or conservative?" It has to be, "Is this good for America? Does it help us compete? Does it grow our economy? Does it create jobs for the middle-class and those trying to join it? That's my job as President.

But what I also know is that government can't meet all of these challenges on its own. When it comes to education, we need parents who are willing to read to their children and help with their homework. When it comes to energy, we need consumers who are

willing to buy more efficient appliances and automobiles, and conserve where they can. And when comes to an economy that works for every American, we need business leaders like you who understand that private enterprise comes with a public responsibility.

Andy Grove, who most of you know was the CEO of Intel, once gave an interview where he said, "Those of us in business have two obligations in my opinion. The one that's un-debatable is that we have a fiduciary responsibility to...the shareholders who put us in our place...There is another obligation that I feel personally, given that everything I have achieved in my career, and a lot of what Intel has achieved in its career, were made possible by a climate of democracy, an economic climate and investment climate provided by our domicile, the United States."

It is undoubtedly in the short-term interest of individual corporations to pay less in taxes and deal with fewer regulations. But it is in the long-term interest of all companies to do business in a nation that maintains the world's best research facilities and universities; a nation with public schools that graduate highly-skilled, highly-educated workers; a nation with functioning railways and airports; a nation that is not dragged down by crushing debt.

If you pay your workers a salary they can raise a family on, they will feel more loyalty to your company. If we have rules of the road that guard against recklessness in our financial system, it will protect the interests of everyone from the wealthiest CEOs to the lowest-paid workers. If we give a child in the Bronx a world-class education, it doesn't just benefit that child, it benefits the company that might hire him down the road and the country he lives in.

To put it simply, we are all in this together. We face some very big and difficult challenges as a nation right now. And the only way we'll get through them - the only way we ever have - is if we align the interests of workers and businesses and government around a common purpose; if we all pick up an oar and start rowing in the same direction.

At a time of such economic angst, it is tempting, and perhaps easier, to turn against one another, and find scapegoats to blame. Politicians can rail against Wall Street or against each other. Businesses can fault Capitol Hill. And all of it makes for easy talking points and good political theater. But it doesn't solve our problems. It doesn't move us forward. It only traps us in the same debates and divides that have held us back for far too long.

We can't afford that kind of politics anymore. Not now. We know the way forward. We know what the future can be. And I am confident we can get there. I am confident because we have the hardest-working, most productive citizens in the world. I am

confident because our universities and research facilities are second to none. And I am confident because of the caliber of the leaders and businesses represented in this room.

We will not always agree on every issue or support the same policies. But I will never stop listening to your concerns and your ideas. Because we are in this together. All of us. And whether we rise or fall as nation does not depend on some economic forces beyond our control. It depends on us - on the ingenuity of our entrepreneurs, the determination of our workers, and the strength of our people. I will always believe in that strength, and remain hopeful about our future. Thank you.

##

01268-EPA-5171

Richard Windsor/DC/USEPA/US  
02/24/2010 12:50 PM

To "Freeman, Jody L."  
cc  
bcc  
Subject Re:

Jody,

First and foremost, congratulations on what seems like (and indeed must be) an extraordinary opportunity. (b) (6) Privacy

[Redacted]

[Redacted]

Thanks for your kind words and your support. I would be thrilled if you would keep my cell number and home address at the ready in case I can ever be of assistance.

Lj

(b) (6) Privacy  
(b) (6) Privacy

---

**From:** "Freeman, Jody L." [Redacted] (b) (6) Privacy  
**Sent:** 02/24/2010 10:44 AM EST  
**To:** Richard Windsor

Dear Administrator Jackson,

I wanted to let you know that I will soon be leaving the White House to return to Harvard and pursue some new opportunities that have recently emerged-- (b) (6) Privacy

[Redacted]

[Redacted]

[Redacted]

If I can ever be helpful, please do not hesitate to call on me at Harvard. I am happy to do whatever I can to assist EPA.

Very best wishes,  
Jody

Jody Freeman

Counselor for Energy and Climate Change  
The White House  
(b) (6) Privacy

01268-EPA-5172

"Freeman, Jody L." To Richard Windsor  
 <(b) (6) Privacy> cc  
 02/24/2010 12:54 PM bcc  
 Subject RE:

(b) (6) Privacy

Jody Freeman

Cell: (b) (6) Privacy

(b) (6) Privacy

**From:** Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
**Sent:** Wednesday, February 24, 2010 12:50 PM  
**To:** Freeman, Jody L.  
**Subject:** Re:

Jody,

First and foremost, congratulations on what seems like (and indeed must be) an extraordinary opportunity. (b) (6) Privacy

(b) (6) Privacy

(b) (6) Privacy

Thanks for your kind words and your support. I would be thrilled if you would keep my cell number and home address at the ready in case I can ever be of assistance.

Lj

(b) (6) Privacy

(b) (6) Privacy

---

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**Sent:** 02/24/2010 10:44 AM EST  
**To:** Richard Windsor

Dear Administrator Jackson,

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(b) (6) Privacy

(b) (6) Privacy

If I can ever be helpful, please do not hesitate to call on me at Harvard. I am happy to do whatever I can to assist EPA.

Very best wishes,  
Jody

Jody Freeman

Counselor for Energy and Climate Change  
The White House  
(b) (6) Privacy

01268-EPA-5173

Richard Windsor/DC/USEPA/US  
02/24/2010 01:02 PM

To "Gina (Sheila) McCarthy"  
cc  
bcc  
Subject Fw:

Fyi

---

**From:** "Freeman, Jody L." [REDACTED] (b) (6) Privacy  
**Sent:** 02/24/2010 12:54 PM EST  
**To:** Richard Windsor  
**Subject:** RE:

[REDACTED] (b) (6) Privacy [REDACTED]

[Jody Freeman](#)

Cell: (b) (6) Privacy

[REDACTED] (b) (6) Privacy

**From:** Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]  
**Sent:** Wednesday, February 24, 2010 12:50 PM  
**To:** Freeman, Jody L.  
**Subject:** Re:

Jody,

First and foremost, congratulations on what seems like (and indeed must be) an extraordinary opportunity. (b) (6) Privacy

[REDACTED]

[REDACTED]

Thanks for your kind words and your support. I would be thrilled if you would keep my cell number and home address at the ready in case I can ever be of assistance.

Lj

(b) (6) Privacy

[REDACTED] (b) (6) Privacy

---

**From:** "Freeman, Jody L." [REDACTED] (b) (6) Privacy



**Sent:** 02/24/2010 10:44 AM EST  
**To:** Richard Windsor

Dear Administrator Jackson,

I wanted to let you know that I will soon be leaving the White House to return to Harvard and pursue some new opportunities that have recently emerged--

(b) (6) Privacy

[Redacted]

[Redacted]

[Redacted]

If I can ever be helpful, please do not hesitate to call on me at Harvard. I am happy to do whatever I can to assist EPA.

Very best wishes,  
Jody

Jody Freeman

Counselor for Energy and Climate Change  
The White House  
(b) (6) Privacy

01268-EPA-5174

**Richard Windsor/DC/USEPA/US**  
02/24/2010 04:56 PM

To "Nancy Sutley"  
cc  
bcc

Subject Fw: New EJ/EIP Report on CCW Damage Cases

FYI

----- Original Message -----

From: Mathy Stanislaus  
Sent: 02/24/2010 04:39 PM EST  
To: Bob Sussman; Lisa Heinzerling; Richard Windsor  
Subject: Fw: New EJ/EIP Report on CCW Damage Cases

----- Original Message -----

From: Lisa Evans [levans@earthjustice.org]  
Sent: 02/24/2010 01:13 PM PST  
To: Mathy Stanislaus  
Subject: New EJ/EIP Report on CCW Damage Cases

Hi Mathy,

Just wanted to give you the heads up on a report we released today describing 31 new coal ash damage cases.

You can view the report at:

[http://www.environmentalintegrity.org/news\\_reports/news\\_02\\_24\\_10.php](http://www.environmentalintegrity.org/news_reports/news_02_24_10.php)

Please let me know if you have any questions.

Sincerely,

Lisa

Lisa Evans  
Senior Administrative Counsel  
Earthjustice  
21 Ocean Ave.  
Marblehead, MA 01945  
T: (781) 631-4119  
F: (212) 918-1556  
[www.earthjustice.org](http://www.earthjustice.org)

\*please consider the environment before printing

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01268-EPA-5175

Gina McCarthy/DC/USEPA/US

To Richard Windsor, McIntosh.David

02/25/2010 05:22 PM

cc Joseph Goffman, mccabe.janet

bcc

Subject Fw: EPA letter

fyi

----- Forwarded by Gina McCarthy/DC/USEPA/US on 02/25/2010 05:22 PM -----

From: "Rupp, Mark (GOV)" <mark.rupp@gov.wa.gov>  
 To: Gina McCarthy/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA,  
 <(b) (6) Privacy >  
 Date: 02/25/2010 04:32 PM  
 Subject: Fw: EPA letter

---

So, they've gone through some revisions...now [more] actively gathering...

**From:** Castleberry, Emily <Emily.B.Castleberry@wv.gov>  
**To:** dga.caucus@cch-llc.com <dga.caucus@cch-llc.com>  
**Sent:** Thu Feb 25 13:28:06 2010  
**Subject:** EPA letter

All –

Attached you will find a revised version of the EPA letter from Governor Manchin and Governor Barbour that we discussed at caucus on Wednesday. Please send an email to Tess Moore at [tmoore@nga.org](mailto:tmoore@nga.org) if your governor would like to sign by close of business Monday, March 1, 2010. If you could please copy me on the email to Tess, I would greatly appreciate it. If you have any questions, please feel free to give me a call at (304) 558-3150 extension 1514 or my cell (b) (6)

Thanks,

Emily

**Emily Castleberry**  
 Deputy Director of Policy  
 Office of Governor Joe Manchin III  
 (304) 558-2000  
 (304) 558-4983  
[Emily.B.Castleberry@wv.gov](mailto:Emily.B.Castleberry@wv.gov)



EPA letter (4).doc

February XX, 2010

Dear Congress:

The Environmental Protection Agency (EPA) has initiated efforts to impose greenhouse gas regulations that could be harmful to our economies at an especially critical time. As Governors and Chief Economic Developers of our States, we are gravely concerned about such regulation.

EPA is not equipped to consider the very real potential for economic harm when regulating emissions. Without that consideration, regulation will place heavy administrative burdens on state environmental quality agencies, will be costly to consumers and could be devastating to the economy and jobs.

Economists estimate that states will face their worst fiscal situations within the next two years. As governors, we have the responsibility to protect jobs, promote economic growth, and mitigate any threats to financial stability in our states. We oppose EPA regulation of greenhouse gases that fails to account for these responsibilities. A simple delay of EPA action will do nothing to provide relief to Americans looking for jobs or businesses looking to make new investments in our states. Furthermore, such delay of EPA action only creates more uncertainty in a difficult fiscal environment.

We believe that EPA should offer input regarding complex energy and environmental policy initiatives, like reducing greenhouse gas emissions, but feel that these policies are best developed by elected representatives at the state and national level, not by single federal agency. There is no question that broad bipartisan support exists to reduce greenhouse gas emissions while taking into consideration the difficult fiscal situation that our states and the nation face.

We feel compelled to guard against a regulatory approach that would increase the cost of electricity and gasoline prices, manufactured products, and ultimately harm the competitiveness of the U.S. economy. As governors, we strongly urge Congress to stop harmful EPA regulation of greenhouse gas emissions that could damage those vital interests. We ask that Congress continue its work to pass comprehensive legislation that balances the role of conservation and climate security with the production of abundant and affordable American energy.

Governors

01268-EPA-5177

Arvin Ganesan/DC/USEPA/US

To Richard Windsor, Bob Perciasepe, Lisa Heinzerling, Diane Thompson

03/02/2010 09:44 PM

cc

bcc

Subject FW: 4 Republicans to Cass letter - Request for info - EPA reg process

Evening,

As you know, House Judiciary (who has jurisdiction over OIRA) has asked us to testify on our relationship with OIRA. They are structuring the hearing in the following way:

Panel 1: Cass

Panel 2: EPA (Bob P.), Ag, a CRS Staffer and a Republican witness.

(b) (5) [redacted], but it also appears that one of the areas that they want to focus on is the (b) (5) [redacted]. The attached letter to Cass is signed by the Ranking Member of this subcommittee.

It is unclear why the Chairman would hold this hearing. (b) (5) Deliberative [redacted]

OMB has also asked that (b) (5) [redacted]. I think (b) (5) Deliberative [redacted]

I wanted to update you about this. Any thoughts or questions?

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
[Ganesan.Arvin@epa.gov](mailto:Ganesan.Arvin@epa.gov)  
(p) 202.564.5200  
(f) 202.501.1519

-----Forwarded by Arvin Ganesan/DC/USEPA/US on 03/02/2010 09:17PM -----

To: Arvin Ganesan/DC/USEPA/US@EPA  
From: "Schenewerk, Caryn B." <(b) (6) Privacy [redacted]>  
Date: 03/02/2010 07:29PM  
Subject: FW: 4 Republicans to Cass letter - Request for info - EPA reg process

Attached.

Caryn Schenewerk

OMB Legislative Affairs

(b) (6) Privacy [redacted]



- 012110 Sunstein Letter Packet.pdf

**Congress of the United States**  
**Washington, DC 20515**

January 21, 2010

The Honorable Cass R. Sunstein  
Administrator  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
Washington, D.C. 20503

Dear Administrator Sunstein,

On December 7, 2009, the U.S. Environmental Protection Agency took one of the most far-reaching actions ever taken by a federal agency. That action was EPA's rule finding that carbon dioxide endangers public health and welfare.<sup>1</sup> To protect jobs and small businesses, we request that the Office of Information and Regulatory Affairs (OIRA) take steps to ensure that this action and related actions and proposals are reconsidered and, at a minimum, withdrawn unless and until EPA complies with the Regulatory Flexibility Act (RFA).

On the basis of EPA's endangerment finding, virtually every economic activity undertaken in America stands to come under the thumb of federal regulation. The first wave of follow-on regulatory actions, in fact, is already underway or foreordained by the terms of the Clean Air Act. These actions begin with EPA's and the Department of Transportation's proposed new light vehicle emission standards,<sup>2</sup> continue through greenhouse gas (GHG) pre-construction and operating permit requirements for stationary sources and extend as far as the mind can contemplate.

In these ways, EPA threatens to burden our economy with vastly expanded regulation not contemplated by Congress when it passed the Clean Air Act. In the depths of the current, historic recession and in the face of dramatically high levels of unemployment, this is unwise and injures America's workers and economy.

The burdens of EPA's actions will fall especially heavily on small businesses – employers that are critical to the job creation on which America depends to recover from recession. Because the Clean Air Act imposes permitting requirements on sources that emit as low as 100 or 250 tons of identified pollutants per year, by EPA's own estimate, millions of small sources never before required to be under Clean Air Act permits will now have to be covered.<sup>3</sup>

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<sup>1</sup> "Endangerment and Cause or Contribute Findings for Greenhouse Gases under Section 202(a) of the Clean Air Act," EPA Docket No. EPA-HQ-OAR-2009-0171, RIN 2060-ZA14 (Dec. 7, 2009).

<sup>2</sup> "Proposed Rulemaking to Establish Light-Duty Vehicle Emission Standards and Corporate Average Fuel Economy Standards," 74 Fed. Reg. 49,454 (Sept. 28, 2009).

<sup>3</sup> "Proposed Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule," 74 Fed. Reg. 55292, 55302 (Oct. 27, 2009) ("Tailoring Rule").

The Hon. Cass R. Sunstein  
January 21, 2010  
Page Two

The permitting regimes will be expensive, many small businesses may not be able to obtain permits readily, and state and federal authorities will be overwhelmed by the administrative challenges of absorbing these businesses into the Clean Air Act regulatory scheme.

In a nod to the difficulties small businesses will confront, EPA proposes a "Tailoring Rule" through which it seeks to delay for a handful of years the imposition of requirements on sources emitting less than 25,000 tons of carbon dioxide per year. This limited delay is plainly insufficient. Moreover, it and EPA's other GHG actions appear to be in violation of the RFA, which Congress passed specifically to protect small businesses from excessively burdensome regulation. As the Office of the Chief Counsel for Advocacy within the Small Business Administration (SBA-OA) pointed out to the EPA Administrator (and, by copy, to OIRA) on December 23, 2009, EPA has failed to convene Small Business Advocacy Review Panels before imposing its rules, failed to develop and evaluate regulatory alternatives to minimize its actions' impacts on small businesses and inappropriately certified that its GHG actions will not impact small businesses.<sup>4</sup>

The need for RFA compliance could hardly be plainer. On the very face of EPA's proposed Tailoring Rule, EPA claims that the rule will avoid more than *\$38 billion* of impacts that would otherwise fall on small sources during the suspension of the CAA's 100 and 250 tons-per-year standards.<sup>5</sup> What is more, the Tailoring Rule itself may be intended to serve as an end run around the RFA's requirements. In that, it fails both statutorily and practically. As the Office of the Chief Counsel for Advocacy points out, even the Tailoring Rule undershoots the mark, leaving more than a thousand small entities outside the scope of its exception.<sup>6</sup>

It need not and should not be this way. The Office of Management and Budget and OIRA hold substantial authority over the federal regulatory process under Executive Order 12866, Executive Order 13422 and other authorities. Executive Order 12866, for example, requires that agencies write their regulations to impose the least burden on society, including businesses of different sizes. It would be impossible for OIRA to ensure compliance with this basic tenet of E.O. 12866 if EPA and other agencies were not to assess the impacts of their rules under the RFA. OIRA could and should have exercised its authority to guide the EPA to an outcome that protected small business consistent with the requirements of the RFA and as directed by the SBA's Office of the Chief Counsel for Advocacy.

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<sup>4</sup> Letter from Susan Walthall, Acting Chief Counsel, Office of the Chief Counsel for Advocacy, Small Business Administration to the Honorable Lisa Jackson, Administrator, U.S. Environmental Protection Agency (Dec. 23, 2009) (SBA-OA Letter). A copy of this letter, which contains a detailed discussion of EPA's violations, is attached at Tab A.

<sup>5</sup> Tailoring Rule, 74 Fed. Reg. at 55,338.

<sup>6</sup> SBA-OA Letter at 7.

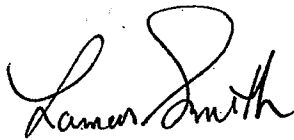


The Hon. Cass R. Sunstein  
 January 21, 2010  
 Page Three

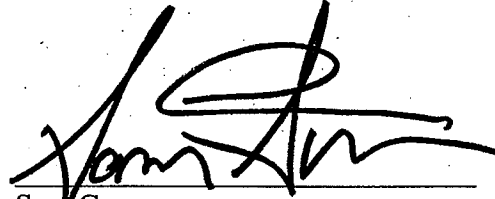
At a minimum, OIRA should now exercise that authority to ensure that EPA will reconsider its actions and, at a minimum, not impose its massive contemplated regulatory burdens on small businesses unless and until it complies with the RFA. We request OIRA to do so and provide us with all relevant information and documents concerning OIRA's role in the review and approval of EPA's actions to date with regard to RFA compliance and the assessment of impacts on small business.

We look forward to your prompt response to these requests, which we ask you to provide no later than February 1, 2010. If you have any questions concerning our requests, please feel free to contact Daniel Flores, Minority Chief Counsel for the Committee on the Judiciary's Subcommittee on Commercial and Administrative Law and Barry Pineles, Minority Chief Counsel for the Committee on Small Business. Mr. Flores may be reached at (202) 226-8685 and Mr. Pineles may be reached at (202) 225-5821.

Sincerely,



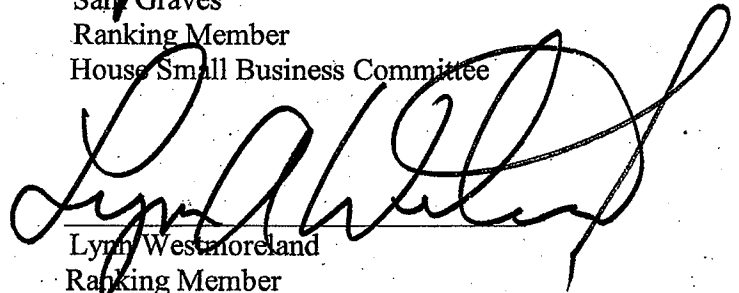
Lamar Smith  
 Ranking Member  
 House Judiciary Committee



Sam Graves  
 Ranking Member  
 House Small Business Committee



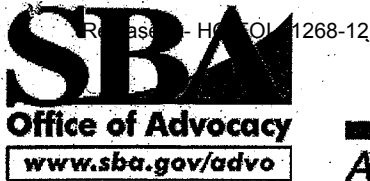
Trent Franks  
 Ranking Member  
 Judiciary Subcommittee on Commercial  
 and Administrative Law



Lynn Westmoreland  
 Ranking Member  
 Small Business Subcommittee on  
 Regulations and Healthcare

cc: The Hon. John Conyers, Jr.  
 The Hon. Nydia M. Velázquez  
 The Hon. Steve Cohen  
 The Hon. Kathy Dahlkemper

Enclosure



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**Advocacy: the voice of small business in government**

December 23, 2009

BY ELECTRONIC MAIL

The Honorable Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

**RE: Comments on EPA's Proposed Rule, "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule," 74 Fed. Reg. 55,292 (October 27, 2009), Docket No. EPA-HQ-OAR-2009-0517**

Dear Administrator Jackson:

The Office of Advocacy of the U.S. Small Business Administration (Advocacy) submits the following comments in response to the U.S. Environmental Protection Agency's proposed rulemaking, "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule" ("GHG Tailoring Rule"), 74 Fed. Reg. 55,292 (October 27, 2009). EPA has certified that the GHG Tailoring Rule, along with two interrelated rules that will result in the federal regulation of greenhouse gases for the first time,<sup>1</sup> will not have a significant economic impact upon a substantial number of small entities. We disagree.

As discussed below, whether viewed separately or together, it is clear that EPA's Clean Air Act greenhouse gas rules will significantly affect a large number of small entities. EPA was therefore obligated under the Regulatory Flexibility Act to convene a Small Business Advocacy Review Panel (or Panels) prior to proposing these rules.<sup>2</sup> By failing to do so, EPA also lost its best opportunity to learn how its new greenhouse gas rules would actually affect small businesses, small communities and small non-profit associations. These small entities are concerned that EPA has not adequately considered

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<sup>1</sup> "Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act," 74 Fed. Reg. 18,886 (April 24, 2009), and "Proposed Rulemaking to Establish Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards," 74 Fed. Reg. 49,454 (September 28, 2009).

<sup>2</sup> See 5 U.S.C. § 609(b).

regulatory alternatives that could achieve greenhouse gas emission reductions without imposing heavy new compliance burdens on large numbers of small entities.

### The Office of Advocacy

Congress established the Office of Advocacy under Pub. L. No. 94-305 to advocate the views of small entities before Federal agencies and Congress. Because Advocacy is an independent body within the U.S. Small Business Administration (SBA), the views expressed by Advocacy do not necessarily reflect the position of the Administration or the SBA.<sup>3</sup> The Regulatory Flexibility Act (RFA),<sup>4</sup> as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA),<sup>5</sup> gives small entities a voice in the federal rulemaking process. For all rules that are expected to have a "significant economic impact on a substantial number of small entities,"<sup>6</sup> EPA is specifically required by the RFA to conduct a Small Business Advocacy Review (SBAR) Panel to assess the impact of the proposed rule on small entities,<sup>7</sup> and to consider less burdensome alternatives.

### Background

EPA began developing a framework to regulate greenhouse gases (GHGs) under the Clean Air Act in the wake of the U.S. Supreme Court's 2007 decision in *Massachusetts v. EPA*.<sup>8</sup> The Court found in *Massachusetts v. EPA* that GHGs are air pollutants under section 302 of the Clean Air Act,<sup>9</sup> and, consequently, that EPA has the authority to regulate GHGs under the Clean Air Act. On July 30, 2008, EPA published an Advance Notice of Proposed Rulemaking (ANPR) entitled "Regulating Greenhouse Gas Emissions under the Clean Air Act," 73 Fed. Reg. 44,354 (July 30, 2008). EPA discussed several Clean Air Act regulatory programs in the ANPR that could provide a means for regulating GHGs.<sup>10</sup> The ANPR requested comment on whether these Clean Air Act programs would be appropriate mechanisms for addressing climate change, and whether

<sup>3</sup> 15 U.S.C. § 634a, *et. seq.*

<sup>4</sup> 5 U.S.C. § 601, *et. seq.*

<sup>5</sup> Pub. L. 104-121, Title II, 110 Stat. 857 (1996)(codified in various sections of 5 U.S.C. § 601, *et. seq.*).

<sup>6</sup> See 5 U.S.C. § 609(a), (b).

<sup>7</sup> Under the RFA, small entities are defined as (1) a "small business" under section 3 of the Small Business Act and under size standards issued by the SBA in 13 C.F.R. § 121.201, or (2) a "small organization" that is a not-for-profit enterprise which is independently owned and operated and is not dominant in its field, or (3) a "small governmental jurisdiction" that is the government of a city, county, town, township, village, school district or special district with a population of less than 50,000 persons. 5 U.S.C. § 601.

<sup>8</sup> 549 U.S. 497 (2007).

<sup>9</sup> 42 U.S.C. § 7602.

<sup>10</sup> 73 Fed. Reg. 44,476-44,520 (stationary sources), 44,432-44,476 (mobile sources) (July 30, 2008). These programs include National Ambient Air Quality Standards (NAAQS) for CO<sub>2</sub> and possibly other GHGs, New Source Review/Prevention of Significant Deterioration (NSR/PSD)(preconstruction/pre-modification permits), New Source Performance Standards (NSPS)(emission control requirements for certain industrial categories), section 112 (hazardous air pollutant requirements), Title V (federal operating permits), and Title II (mobile source requirements).

EPA should find that GHGs contribute to climate change and endanger public health and welfare. On November 28, 2008, Advocacy submitted comments on the ANPR, recommending that EPA refrain from regulating GHGs under the current Clean Air Act because of the potential impacts on small entities.<sup>11</sup> On April 24, 2009, EPA published its proposed endangerment determination – that six greenhouse gases<sup>12</sup> in the atmosphere may reasonably be anticipated to endanger public health and welfare.<sup>13</sup> With respect to the RFA, the agency stated “[b]ecause this proposed action will not impose any requirements, the Administrator certifies that this proposed action will not have a significant economic impact on a substantial number of small entities.”<sup>14</sup> Subsequently, on September 28, 2009, EPA published proposed GHG emissions standards for light-duty vehicles under section 202(a) of the Clean Air Act.<sup>15</sup> For this rule, the agency stated

EPA has not conducted a Regulatory Flexibility Analysis or a SBREFA SBAR Panel for the proposed rule because we are proposing to certify that the rule would not have a significant economic impact on a substantial number of small entities. EPA is proposing to defer standards for [vehicle] manufacturers meeting SBA’s definition of small business as described in 13 CFR 121.201 due to the short lead time to develop this proposed rule, the extremely small emissions contributions of these entities, and the potential need to develop a program that would be structured differently for them (which would require more time). EPA would instead consider appropriate GHG standards for these entities as part of a future regulatory action.<sup>16</sup>

In other words, EPA certified that the GHG emissions standards rule would not have a significant economic impact on small entities because it only regulates larger vehicle manufacturers; small manufacturers are deferred from regulation. Significantly, however, regulating GHGs as pollutants for the first time under *one part* of the Clean Air Act means that GHGs are automatically regulated under *the entire* Clean Air Act. For stationary sources, therefore, the Clean Air Act would immediately require GHG preconstruction permits and GHG operating permits for businesses or facilities with emissions exceeding 100 or 250 tons per year of carbon dioxide (CO<sub>2</sub>). At these statutory applicability thresholds, EPA has estimated that over six million facilities would need to apply for GHG permits once the vehicle emission rule takes effect.<sup>17</sup> EPA acknowledged that small entities are concerned about the potential impact on them of GHG permitting:

<sup>11</sup> This comment letter is available at [http://www.sba.gov/advo/laws/comments/epa08\\_1128.html](http://www.sba.gov/advo/laws/comments/epa08_1128.html).

<sup>12</sup> The six gases are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>).

<sup>13</sup> “Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act,” 74 Fed. Reg. 18,886 (April 24, 2009). Advocacy submitted comments on the proposed endangerment determination on June 23, 2009. The comment letter is available at [http://www.sba.gov/advo/laws/comments/epa09\\_0623.html](http://www.sba.gov/advo/laws/comments/epa09_0623.html).

<sup>14</sup> 74 Fed. Reg. 18,909 (April 24, 2009).

<sup>15</sup> “Proposed Rulemaking to Establish Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards,” 74 Fed. Reg. 49,454 (September 28, 2009).

<sup>16</sup> 74 Fed. Reg. 49,629 (September 28, 2009).

<sup>17</sup> 74 Fed. Reg. 55,301, 55,302 (October 27, 2009).

EPA recognizes that some small entities continue to be concerned about the potential impacts of the statutory imposition of PSD [preconstruction permitting] requirements that may occur given the various EPA rulemakings currently under consideration concerning greenhouse gas emissions . . . EPA is using the discretion afforded to it under section 609(c) of the RFA to consult with OMB and SBA, with input from outreach to small entities, regarding the potential impacts of PSD regulatory requirements that might occur as EPA considers regulations of GHGs.<sup>18</sup>

On October 27, 2009, EPA published the proposed GHG Tailoring Rule, which is designed to temporarily raise GHG permitting applicability thresholds to 25,000 tons per year (tpy) of carbon dioxide equivalent (CO<sub>2</sub>e) so that smaller sources would not have to immediately apply for permits.<sup>19</sup> Concerning the RFA, EPA stated that:

I certify that this rule will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities . . . We believe that this proposed action will relieve the regulatory burden associated with the major PSD [preconstruction permits program] and title V operating permits program for new or modified major sources that emit GHGs, including small businesses. . . . As a result, the program changes provided in the proposed rule are not expected to result in any increases in expenditure by any small entity.<sup>20</sup>

In response to EPA's publication of the three GHG proposals, many small entity representatives have contacted Advocacy and expressed their concerns about EPA's regulation of GHGs through the Clean Air Act's regulatory framework. These small entity representatives have also communicated their frustration that EPA has not convened a Small Business Advocacy Review Panel or Panels on these proposals. On October 13, 2009, and December 11, 2009, Advocacy hosted small business roundtables to obtain additional small business input on this issue, and Advocacy participated in EPA's November 17, 2009 Greenhouse Gas Public Outreach Meeting held in Crystal City, Virginia.

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<sup>18</sup> 74 Fed. Reg. 49,629 (September 28, 2009).

<sup>19</sup> "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule," 74 Fed. Reg. 55,292 (October 27, 2009). The proposed GHG Tailoring Rule would defer GHG sources below this threshold from PSD and Title V permitting for six years.

<sup>20</sup> 74 Fed. Reg. 55,349 (October 27, 2009).

## **EPA Improperly Certified Under the RFA That the GHG Rules Will Not Have A Significant Economic Impact On A Substantial Number of Small Entities**

As discussed below, whether viewed separately or together, EPA's RFA certifications for the three GHG rule proposals lack a factual basis and are improper. The GHG rules are likely to have a significant economic impact on a large number of small entities. Small businesses, small communities, and small non-profit associations will be affected either immediately or in the near-term. For the following reasons, EPA should have convened one or more Small Business Advocacy Panels to properly consider the small entity impacts of these rules.

### ***Proposed Endangerment Finding***

EPA's RFA certification accompanying the proposed GHG endangerment finding is grounded on the narrow, technical argument that the finding, in and of itself, does not actually impose any direct requirements on small entities. Once finalized, however, the GHG finding legally and irrevocably commits the agency to regulating GHGs under the Clean Air Act.<sup>21</sup> Given this entirely new regulatory program, EPA should have recognized the potential economic impact of the endangerment finding and conducted an SBAR Panel.<sup>22</sup> In the months immediately preceding its issuance of the proposed endangerment finding in April 2009, EPA had sufficiently detailed information about (1) the basis for the endangerment finding, (2) the section 202(a) GHG emissions standards for vehicles, and (3) the regulatory consequences that the vehicle rule would trigger for stationary sources. Accordingly, an SBAR Panel at that time would have been useful and timely.

### ***GHG emission standards from Light-Duty Vehicles***

EPA's RFA certification accompanying the GHG emission standards rule for light-duty vehicles is based on the argument that because small vehicle manufacturers are not covered by the rule, the rule will have no impact on small entities. This narrow interpretation ignores the fact that the GHG emissions standards rule, when finalized, immediately and automatically triggers the regulation of GHGs from stationary sources, including a panoply of small entities. As EPA explains in the preamble to the Tailoring Rule:

When the light-duty vehicle is finalized, the GHGs subject to regulation under that rule would become immediately subject to regulation under the PSD [preconstruction permit] program, meaning that from that point forward, prior to constructing any new major source or major modification

<sup>21</sup> EPA published its final endangerment determination on December 15, 2009. 74 Fed. Reg. 66,496 (December 15, 2009).

<sup>22</sup> EPA recognized in the 2008 GHG ANPRM that the regulation of GHGs under the Clean Air Act is unprecedented in its scope and has significant consequences for regulated entities of all sizes and types. See generally "Regulating Greenhouse Gas Emissions under the Clean Air Act," 73 Fed. Reg. 44,354 (July 30, 2008).

that would increase GHGs, a source owner would need to apply for, and a permitting authority would need to issue, a permit under the PSD program that addresses these increases. Similarly, for title V it would mean that any new or existing source exceeding the major source applicability level for those regulated GHGs, if it did not have a title V permit already, would have 1 year to submit a title V permit application.<sup>23</sup>

Thus, by operation of law, the final vehicle GHG rule will trigger the imposition of PSD and Title V GHG permitting requirements, and on a large scale. EPA estimates that the number of facilities that would have to obtain GHG PSD permits because of construction or modifications could increase from the current level of about 280 each year to almost 41,000 per year.<sup>24</sup> For Title V operating permits, EPA estimates that "more than six million facilities . . . would become newly subject to title V requirements because they exceed the 100 ton per year threshold for GHG but did not for previously regulated pollutants."<sup>25</sup> A large number of facilities facing these new GHG permitting requirements are small businesses, along with small communities and small non-profit associations. Thus, it is clear that the GHG emissions standards rule for light-duty vehicles directly and immediately triggers regulatory impacts for small entities.<sup>26</sup> If this were not true, EPA would not need to finalize the GHG Tailoring Rule prior to finalizing the GHG emission standards rule. Under section 609(b) of the RFA, EPA was therefore required to convene a SBAR Panel before proposing the GHG emission standards rule.

<sup>23</sup> 74 Fed. Reg. 55,294 (October 27, 2009).

<sup>24</sup> *Id.* at 55,301.

<sup>25</sup> *Id.* at 55,302.

<sup>26</sup> This situation is somewhat analogous to the automatic imposition of rules triggered by the removal (delisting) of the bald eagle from the List of Endangered and Threatened Wildlife under the Endangered Species Act (ESA). In anticipation of the delisting, the U.S. Fish and Wildlife Service (FWS) proposed a definition of "disturb" under the Bald and Golden Eagle Protection Act (BGEPA) to guide post-delisting bald eagle management. 71 Fed. Reg. 8,265 (February 16, 2006). Upon delisting as an endangered species, the bald eagle would immediately fall under the protection of the BGEPA. In considering the potential costs to small entities of delisting, FWS included the costs imposed by the BGEPA-based regulations (71 Fed. Reg. at 8266-67), recognizing that those costs were a direct result of the delisting. Similarly, when the National Institute for Occupational Safety and Health (NIOSH) published a proposed rule establishing Approval Tests and Standards for Closed-Circuit Escape Respirators, 73 Fed. Reg. 75,027 (December 10, 2007), NIOSH included the cost of replacing CCERs in its economic analysis, recognizing that its proposed rule would directly trigger regulatory costs under separate Mine Safety and Health Administration respiratory standards. 73 Fed. Reg. 75,038. While NIOSH's proposed rule on its face would apply only to manufacturers of CCERs, it would also automatically trigger MSHA requirements for mine operators to provide their workers with the most current NIOSH-approved products. Accordingly, some CCERs used in mines would have to be replaced before their normal product life cycle, triggering additional costs to mine operators. *See also Aero. Repair Station Ass'n v. F.A.A.*, 494 F.3d 161 (D.C. Cir. 2007) (Court rejected agency's assertion that small business subcontractors were not directly regulated for RFA purposes by drug and alcohol testing requirements; while the regulation on its face applied only to employer air carriers who operate aircraft, employees of contractors and subcontractors were also subject to the requirements and should have been considered in the RFA analysis).

### ***GHG Tailoring Rule***

EPA's RFA certification of the GHG Tailoring Rule is based on the assertion that the rule is deregulatory in nature and that "the program changes provided in the proposed rule are not expected to result in any increases in expenditure by any small entity."<sup>27</sup> Applying the Tailoring Rule's temporary GHG applicability threshold of 25,000 tpy CO<sub>2e</sub>, EPA believes, would shield all small entities from GHG compliance costs, at least until the expiration of the tailoring period. In reality, however, several small entities and their representatives have informed Advocacy that their anticipated GHG emissions will exceed the 25,000 tpy CO<sub>2e</sub> threshold; accordingly, they will immediately become subject to PSD and Title V permitting requirements for GHGs. Examples of affected small entities, based on conversations with Advocacy, include:

- More than 100 small brick manufacturers;
- 400-500 small foundries;
- 150 small pulp and paper mills;
- Over 100 small coal mines;
- 80 small lime manufacturers;
- 350 small municipal utilities;
- More than 40 small electric cooperatives; and
- At least 16 small petroleum refineries.

Some of these 1,200+ small entities (e.g., brick manufacturers) report that they will be required to obtain Title V permits for the first time solely because of their GHG emissions. EPA estimates the cost of obtaining a first-time Title V permit for industrial facilities at \$46,350 per permit, and new PSD permits are estimated to cost \$84,530 per permit.<sup>28</sup> These estimates do not include the costs of project delays and potential operational modifications required by permitting authorities. In total, these costs may exceed 3 per cent of annual operating expenditures for some small entities (e.g., electrical distribution cooperatives). Under EPA's RFA Guidance, rules with 3 percent or greater economic impact on more than 1,000 small entities are presumed to be ineligible for certification under the RFA.<sup>29</sup> Had EPA thoroughly analyzed the potential reach of the GHG permitting requirements on small entities, it would have learned that the GHG Tailoring Rule will not benefit a substantial number (over 1,200) of small entities. The fundamental basis for EPA's RFA certification – that the GHG Tailoring Rule will

<sup>27</sup> 74 Fed. Reg. 55,349 (October 27, 2009).

<sup>28</sup> *Id.* at 55,339.

<sup>29</sup> EPA, *Final Guidance for EPA Rulewriters: Regulatory Flexibility Act* (November 2006) at 24.



completely relieve the regulatory burden associated with PSD and Title V permitting for all small entities – is not factually supported. Under section 609(b) of the RFA, EPA was required to convene an SBAR Panel before proposing the GHG Tailoring Rule.

### ***The Combined GHG Rulemaking***

While EPA clearly could have convened a SBAR Panel for any of the three individual GHG rules, there is no doubt that the agency was required by the RFA to conduct a Panel for the combined GHG rulemaking. EPA's effort to regulate GHGs under the Clean Air Act is a major regulatory undertaking and is unlike previous EPA programs. This new regulatory program should not have been launched without the benefit of a thorough review of the potential small entity impacts, as required by the RFA.

### **EPA's GHG Public Outreach Efforts Are Not A Substitute for SBAR Panels**

While Advocacy acknowledges that EPA has made a concerted effort to reach out to small entities concerning GHG regulation under the Clean Air Act, public outreach by itself is not legally or functionally equivalent to conducting an SBAR Panel. Such outreach does not typically result in the identification of significant regulatory alternatives, which is one of the primary objectives of the Panel process. Similarly, consultation between EPA, OMB and Advocacy does not take the place of the deliberative process that occurs between Panel members. Finally, and perhaps most importantly, informal consultation and public outreach do not result in a written Panel report with formal recommendations to the EPA Administrator.

When a planned rule or rules will have a significant economic impact on a substantial number of small entities, which Advocacy believes is the case with the three GHG rules, EPA cannot rely on outreach campaigns to satisfy its Panel obligation under the RFA. Nevertheless, in the GHG emissions standards rule for light-duty vehicles, the agency stated that "EPA is using the discretion afforded to it under section 609(c) of the RFA to consult with OMB and SBA, with input from outreach to small entities, regarding the potential impacts of PSD regulatory requirements that might occur as EPA considers regulations of GHGs."<sup>30</sup> Section 609(c) of the RFA provides that "an agency may in its discretion apply subsection (b) [i.e., section 609(b), the SBAR Panel requirement] to rules that the agency intends to certify under subsection 605(b), but the agency believes may have a greater than de minimis impact on a substantial number of small entities."<sup>31</sup> Advocacy interprets section 609(c) to allow (and encourage) an agency that can properly certify a proposed rule to elect to conduct a full SBAR Panel, even though the agency is not required to do so.<sup>32</sup> As such, an agency proceeding under section 609(c) would be

<sup>30</sup> 74 Fed. Reg. 49,629 (September 28, 2009). EPA relied on similar language in the GHG Tailoring Rule, 74 Fed. Reg. 55,349 (October 27, 2009), and in another recent proposed rule concerning the interpretation of the regulatory phrase "subject to regulation" (74 Fed. Reg. 51,535 (October 7, 2009)).

<sup>31</sup> 5 U.S.C. § 609(c).

<sup>32</sup> Under the RFA's current definitions, EPA and the Occupational Safety and Health Administration are the only federal agencies that must conduct SBAR Panels when their planned rules will have a significant economic impact on a substantial number of small entities. See 5 U.S.C. § 609(d).

expected to meet all of the Panel requirements in section 609(b), not something less. Here, where EPA could not properly certify the GHG rules and already had the obligation to conduct a Panel, section 609(c) does not give EPA the legal discretion to do anything less than a full Panel. Otherwise, EPA could choose in any rulemaking to "certify" the rule and use the "discretion" of section 609(c) to conduct informal consultation and outreach. This strained interpretation would effectively vitiate the RFA's Panel requirement.

### **EPA Had No Legal Basis To Avoid Conducting A Panel**

Although there are rare situations where an agency may have a legitimate reason for not conducting the small business impact analysis required by the RFA (which in this case would include a SBAR Panel), none of those situations are present here. Congress has not exempted these rulemakings from the Administrative Procedure Act<sup>33</sup> or the RFA. EPA is not acting under a court-ordered deadline for rulemaking that precludes the time needed to complete the Panel process. Likewise, EPA has not received a Congressional directive to complete these rulemakings by a date that makes compliance with the Panel requirement impossible.<sup>34</sup> EPA has not demonstrated that these rulemakings are eligible for a waiver of the SBAR Panel requirements, as provided in section 609(e) of the RFA.<sup>35</sup> More specifically, EPA has not shown that special circumstances exist that would make a Panel impractical or unnecessary. On the contrary, available evidence suggests that EPA would have greatly benefited from receiving additional advice from small entities before proposing these rules.<sup>36</sup>

### **Advocacy's Recommendations**

Advocacy recommends that EPA adopt the following with respect to GHG regulations under the Clean Air Act.

- EPA should reconsider its Finding on Endangerment for GHGs. EPA published its final endangerment finding for GHGs on December 15, 2009.<sup>37</sup> EPA should

<sup>33</sup> 5 U.S.C. §§ 551-559.

<sup>34</sup> For example, in 2006 the Department of Homeland Security (DHS) published a draft interim final rule, *Chemical Facility Anti-Terrorism Standards*. 71 Fed. Reg. 78,276 (December 28, 2006). The draft interim final rule implemented Section 550 of the Homeland Security Appropriations Act of 2007, which required DHS to promulgate interim final regulations for the security of certain chemical facilities in the United States within six months of its passage.<sup>34</sup> See Pub. L. 109-295, sec. 550. In this instance, DHS did not assess the impact of this proposed rule on small entities or prepare an IRFA because Congress directed it to issue "interim final regulations" within six months. While Congress did not specifically instruct the agency to bypass the proposed rule stage, the short timeframe and "interim final" language arguably gave the agency good cause to bypass the traditional notice and comment rulemaking process and the RFA.

<sup>35</sup> 5 U.S.C. § 609(e).

<sup>36</sup> At a minimum, small entity representatives could have provided EPA with additional regulatory alternatives, and more detailed information about the real-world impacts of the PSD and title V permitting programs.

<sup>37</sup> 74 Fed. Reg. 66,496 (December 15, 2009).

reconsider this finding and/or delay the effective date of the finding in order to allow the agency to conduct an SBAR Panel on endangerment and the other GHG rules.

- EPA should adopt an interpretation of the effective date of the GHG emissions standards rule for light-duty vehicles that gives EPA, the states, and small entities additional time to prepare for the new GHG requirements. Several states and state air permitting authorities have commented that they will have great difficulty implementing GHG requirements at the state level.<sup>38</sup> Specifically, state authorities are concerned that they will not be able to incorporate the GHG Tailoring Rule thresholds for PSD and Title V permits into state law on an expedited basis. Small GHG sources would not be deferred from having to submit permit applications, which will overwhelm the state agencies. Moreover, states are concerned that they lack the resources and the trained personnel to process large volumes of permit applications. To help alleviate this situation, it has been suggested that EPA interpret the regulatory phrase "subject to regulation" in the context of the GHG emissions standards rule for light-duty vehicles so that that GHG emissions are subject to regulation only at such time as Model Year (MY) 2012 vehicles are certified, which would be an additional 15 months.<sup>39</sup> States will need this time to amend their state laws to reflect the applicability and significance thresholds of the GHG Tailoring Rule, and to hire and train additional permitting personnel.
- EPA must conduct an SBAR Panel on the GHG rulemakings. Whether or not EPA interprets the "subject to regulation" phrase as allowing an additional 15 months before the PSD and Title V permitting requirements become applicable, EPA needs to conduct a Panel on the GHG regulatory program, as required by the RFA. The Panel process would give EPA critical information about the impacts of GHG rules on small entities, while allowing the agency to consider alternative ways to achieve its regulatory objectives without injuring small entities.<sup>40</sup> The Panel could also address the issue of how EPA should determine what constitutes Best Available Control Technology for GHGs. The issue of determining BACT is critically important, particularly for the more than 1 million facilities in the U.S. that have boilers and may have to go through the PSD review process.

<sup>38</sup> See, e.g., Letter from South Carolina Department of Health and Environmental Control to the U.S. EPA (November 24, 2009); Letter from the National Association of Clean Air Agencies to the U.S. EPA (December 7, 2009).

<sup>39</sup> Letter from the National Association of Clean Air Agencies to the U.S. EPA (December 7, 2009) at 4 ("NACAA suggests that when Title II regulations are the trigger for PSD and Title V permitting, it may be permissible for EPA to interpret "subject to regulation" to mean when the regulation "takes effect" under the CAA. In this instance, EPA is proposing that its GHG regulation of light-duty vehicles would "take effect" in MY 2012. Since MY 2012 vehicles would ordinarily be certified in the summer of 2011, this interpretation would likely provide an additional 15 months after the anticipated promulgation of the regulation for states to take critical actions to respond to the initial impacts of the new programs." (citations omitted)).

<sup>40</sup> 5 U.S.C. § 603 (c) explicitly requires that any alternatives to a regulatory proposal that would minimize the impact on small entities must "accomplish the stated objectives of applicable statutes."

- EPA should adopt higher tailoring thresholds in the GHG Tailoring Rule. Small businesses have told EPA that the proposed 25,000 tpy CO<sub>2e</sub> applicability threshold in the GHG Tailoring Rule is too low.<sup>41</sup> Similarly, there is concern that the applicability threshold for modifications under the PSD program should be higher than the proposed 10,000 to 25,000 tpy CO<sub>2e</sub>. EPA should adopt a higher applicability threshold for PSD and Title V (such as 100,000 tpy CO<sub>2e</sub>), and it should adopt a significance threshold for PSD purposes of at least 50,000 tpy CO<sub>2e</sub>. EPA should also consider longer phase-in periods for these applicability and significance thresholds to apply. EPA needs to explain more clearly how it will apply the GHG significance threshold to routine operational changes and clarify how PSD modifications could be triggered by such operational changes.
- GHG regulations should focus on facilities' actual emissions, not on their potential to emit. The difference between actual and potential emissions at a facility can be substantial. EPA's Greenhouse Gas Reporting Rule<sup>42</sup> requires sources to report their actual annual GHG emissions, not their potential emissions based on a facility's design capacity. To be consistent with the GHG Reporting Rule, facilities should not be required to obtain PSD or Title V permits solely because of potential GHG emissions.<sup>43</sup> This regulatory approach would yield real benefits, and avoid unnecessarily burdening facilities whose actual emissions are only a small fraction of their potential emissions.

## Conclusion

Whether viewed separately or together, it is clear that EPA's Clean Air Act greenhouse gas rules will significantly impact a large number of small entities. EPA was therefore obligated under the RFA to convene a Panel (or Panels) prior to proposing these rules. EPA now needs to conduct a Panel to gain informed input and develop well-considered regulatory alternatives as the agency seeks to address one of the most important and challenging environmental issues of this decade.

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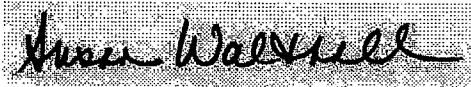
<sup>41</sup> See, e.g., Comments of American Public Power Association Regarding Proposed EPA GHG Rules Affecting Small Entities (December 1, 2009) (Association representing small municipal utilities asserts that proposed GHG Tailoring Rule's applicability threshold is too low to benefit over 350 small municipal utilities).

<sup>42</sup> "Mandatory Reporting of Greenhouse Gases" 74 Fed. Reg. 56,260 (October 30, 2009).

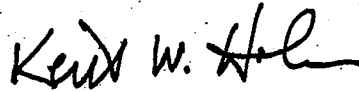
<sup>43</sup> Methods exist to allow a source to limit its potential to emit, such as federally enforceable state operating permits. EPA should develop streamlined procedures to allow GHG sources to limit their potential emissions.

Please do not hesitate to call me or Assistant Chief Counsel Keith Holman ([keith.holman@sba.gov](mailto:keith.holman@sba.gov) or (202) 205-6936) if you have questions or if we can be of assistance.

Sincerely,



Susan M. Walthall  
Acting Chief Counsel for Advocacy



Keith W. Holman  
Assistant Chief Counsel for  
Environmental Policy

cc: Cass R. Sunstein, Administrator  
Office of Information and Regulatory Affairs  
Office of Management and Budget

01268-EPA-5178

**Richard Windsor/DC/USEPA/US**  
03/02/2010 09:48 PM

To Arvin Ganesan  
cc  
bcc  
Subject Re: 4 Republicans to Cass letter - Request for info - EPA reg process

Whatever you think. Crazy.

---

**From:** Arvin Ganesan  
**Sent:** 03/02/2010 09:44 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Lisa Heinzerling; Diane Thompson  
**Subject:** FW: 4 Republicans to Cass letter - Request for info - EPA reg process

Evening,  
As you know, House Judiciary (who has jurisdiction over OIRA) has asked us to testify on our relationship with OIRA. They are structuring the hearing in the following way:

Panel 1: Cass  
Panel 2: EPA (Bob P.), Ag, a CRS Staffer and a Republican witness.

(b) (5) [redacted], but it also appears that one of the areas that they want to focus on is the (b) (5) [redacted]. The attached letter to Cass is signed by the Ranking Member of this subcommittee.

It is unclear why the Chairman would hold this hearing. (b) (5) Deliberative [redacted]

OMB has also asked that we (b) (5) [redacted] I think (b) (5) Deliberative [redacted]

I wanted to update you about this. Any thoughts or questions?

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
[Ganesan.Arvin@epa.gov](mailto:Ganesan.Arvin@epa.gov)  
(p) 202.564.5200  
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-----Forwarded by Arvin Ganesan/DC/USEPA/US on 03/02/2010 09:17PM -----

To: Arvin Ganesan/DC/USEPA/US@EPA  
From: "Schenewerk, Caryn B." <(b) (6) Privacy [redacted]>  
Date: 03/02/2010 07:29PM  
Subject: FW: 4 Republicans to Cass letter - Request for info - EPA reg process

Attached.

Caryn Schenewerk

OMB Legislative Affairs

**(b) (6) Privacy**

01268-EPA-5179

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

03/02/2010 09:50 PM

cc

bcc

Subject Re: 4 Republicans to Cass letter - Request for info - EPA reg process

Hopefully this will resolve itself...but that rarely happens.

-----  
 ARVIN R. GANESAN  
 Deputy Associate Administrator  
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 Office of the Administrator  
 United States Environmental Protection Agency  
[Ganesan.Arvin@epa.gov](mailto:Ganesan.Arvin@epa.gov)  
 (p) 202.564.5200  
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-----Richard Windsor/DC/USEPA/US wrote: -----

To: Arvin Ganesan/DC/USEPA/US@EPA  
 From: Richard Windsor/DC/USEPA/US  
 Date: 03/02/2010 09:48PM  
 Subject: Re: 4 Republicans to Cass letter - Request for info - EPA reg process

Whatever you think. Crazy.

---

**From:** Arvin Ganesan  
**Sent:** 03/02/2010 09:44 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Lisa Heinzerling; Diane Thompson  
**Subject:** FW: 4 Republicans to Cass letter - Request for info - EPA reg process

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Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
[Ganesan.Arvin@epa.gov](mailto:Ganesan.Arvin@epa.gov)  
(p) 202.564.5200  
(f) 202.501.1519

-----Forwarded by Arvin Ganesan/DC/USEPA/US on 03/02/2010 09:17PM -----

To: Arvin Ganesan/DC/USEPA/US@EPA  
From: "Schenewerk, Caryn B." <(b) (6) Privacy>  
Date: 03/02/2010 07:29PM  
Subject: FW: 4 Republicans to Cass letter - Request for info - EPA reg process

Attached.

Caryn Schenewerk

OMB Legislative Affairs

(b) (6) Privacy

01268-EPA-5180

**Richard Windsor/DC/USEPA/US**  
03/04/2010 10:28 AM

To Bob Sussman, Bob Perciasepe, Peter Silva, Seth Oster, Stan Meiburg, Shawn Garvin, "Sutley, Nancy H.", Diane Thompson

cc

bcc

Subject Fw: Google Alert - EPA Lisa jackson

----- Forwarded by Richard Windsor/DC/USEPA/US on 03/04/2010 10:27 AM -----

From: (b) (6) Privacy  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 03/04/2010 09:57 AM  
Subject: Fw: Google Alert - EPA Lisa jackson

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Sent via BlackBerry by AT&T

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**From:** Google Alerts <googlealerts-noreply@google.com>  
**Date:** Thu, 04 Mar 2010 13:48:13 +0000  
**To:** <(b) (6) Privacy>  
**Subject:** Google Alert - EPA Lisa jackson

Google News Alert for: **EPA Lisa jackson**

[EPA's Lisa Jackson and the Science of Mountaintop Removal](#)

[Natural Resources Defense Council](#) (blog)

**Jackson** readily acknowledged the established body of evidence suggesting mountaintop removal coal mining harms water quality. How can it not? ...

[See all stories on this topic](#)

Tip: Use a minus sign (-) in front of terms in your query that you want to exclude. [Learn more.](#)

[Remove](#) this alert.  
[Create](#) another alert.  
[Manage](#) your alerts.

01268-EPA-5181

David McIntosh/DC/USEPA/US  
03/04/2010 10:51 AM

To Richard Windsor, Gina McCarthy, Seth Oster, Scott Fulton  
cc  
bcc

Subject Fw: Introduction of Rockefeller EPA 2-year suspension bill

----- Forwarded by David McIntosh/DC/USEPA/US on 03/04/2010 10:51 AM -----

From: "Heimbach, James T." <(b) (6) Privacy>  
To: "Zichal, Heather R." <(b) (6) Privacy> "Kennedy, Sean D." <(b) (6) Privacy>  
<(b) (6) Privacy> "Maher, Jessica A." <(b) (6) Privacy>  
David McIntosh/DC/USEPA/US@EPA  
Date: 03/04/2010 10:49 AM  
Subject: Fw: Introduction of Rockefeller EPA 2-year suspension bill

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Sent using BlackBerry

**From:** Dower, Tom (Commerce) <Tom\_Dower@commerce.senate.gov>  
**To:** Heimbach, James T.  
**Sent:** Thu Mar 04 10:40:01 2010  
**Subject:** Introduction of Rockefeller EPA 2-year suspension bill

JAY  
ROCKEFELLER  
UNITED STATES SENATOR FOR WEST VIRGINIA



NEWS RELEASE

<http://rockefeller.senate.gov>  
FOR IMMEDIATE RELEASE  
March 4, 2010

Contact Rebecca Gale  
202-224-6101

**ROCKEFELLER INTRODUCES LEGISLATION TO SUSPEND  
EPA ACTION AND PROTECT CLEAN COAL STATE  
ECONOMIES**

*Legislation Calls for Two Year Suspension of EPA Action  
On Greenhouse Gas Regulations to Protect Jobs and Coal  
Industry*

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“Two weeks ago, I sent a letter to EPA Administrator Lisa Jackson challenging EPA’s potential regulation of greenhouse gases. Administrator Jackson responded quickly and showed some willingness to move the agency’s timetable for regulation to the end of 2010. This is a positive change and good progress, but I am concerned it may not be enough time. We must set this delay in stone and give Congress enough time to consider a comprehensive energy bill to develop the clean coal technologies we need. At a time when so many people are hurting, we need to put decisions about clean coal and our energy future into the hands of the people and their elected representatives, not a federal environmental agency.”

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###



Rockefeller EPA Suspension.pdf

File could not be inserted.

01268-EPA-5182

David  
McIntosh/DC/USEPA/US  
03/04/2010 10:52 AM

To Richard Windsor, Gina McCarthy, Seth Oster, Scott Fulton  
cc  
bcc

Subject Fw: Introduction of Rockefeller EPA 2-year suspension bill

----- Forwarded by David McIntosh/DC/USEPA/US on 03/04/2010 10:51 AM -----

From: "Zichal, Heather R." <(b) (6) Privacy>  
To: "Heimbach, James T." <(b) (6) Privacy> "Kennedy, Sean D." <(b) (6) Privacy>  
<(b) (6) Privacy> "Maher, Jessica A." <(b) (6) Privacy>  
David McIntosh/DC/USEPA/US@EPA  
Date: 03/04/2010 10:50 AM  
Subject: RE: Introduction of Rockefeller EPA 2-year suspension bill



FOR IMMEDIATE RELEASE  
MARCH 4, 2009

CONTACT: ROBERT DILLON (202) 224-6977  
or ANNE JOHNSON (202) 224-7875

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**From:** Heimbach, James T.  
**Sent:** Thursday, March 04, 2010 10:48 AM  
**To:** Zichal, Heather R.; Kennedy, Sean D.; Maher, Jessica A.; 'McIntosh.David@epamail.epa.gov'  
**Subject:** Fw: Introduction of Rockefeller EPA 2-year suspension bill

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Sent using BlackBerry

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**From:** Dower, Tom (Commerce) <Tom\_Dower@commerce.senate.gov>  
**To:** Heimbach, James T.  
**Sent:** Thu Mar 04 10:40:01 2010  
**Subject:** Introduction of Rockefeller EPA 2-year suspension bill

JAY  
**ROCKEFELLER**  
UNITED STATES SENATOR FOR WEST VIRGINIA



N E W S R E L E A S E

<http://rockefeller.senate.gov>

FOR IMMEDIATE RELEASE

March 4, 2010

Contact: Rebecca Gale

202-224-6101

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###

01268-EPA-5183

Richard Windsor/DC/USEPA/US  
03/04/2010 11:00 AM

To Eric Wachter  
cc  
bcc

Subject Fw: Introduction of Rockefeller EPA 2-year suspension bill

fyi

----- Forwarded by Richard Windsor/DC/USEPA/US on 03/04/2010 11:00 AM -----

From: David McIntosh/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA  
Date: 03/04/2010 10:52 AM  
Subject: Fw: Introduction of Rockefeller EPA 2-year suspension bill

----- Forwarded by David McIntosh/DC/USEPA/US on 03/04/2010 10:51 AM -----

From: "Zichal, Heather R." <(b) (6) Privacy>  
To: "Heimbach, James T." <(b) (6) Privacy>, "Kennedy, Sean D." <(b) (6) Privacy>, "Maher, Jessica A." <(b) (6) Privacy>  
David McIntosh/DC/USEPA/US@EPA  
Date: 03/04/2010 10:50 AM  
Subject: RE: Introduction of Rockefeller EPA 2-year suspension bill



FOR IMMEDIATE RELEASE  
MARCH 4, 2009

CONTACT: ROBERT DILLON (202) 224-6977  
or ANNE JOHNSON (202) 224-7875

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**Sent:** Thursday, March 04, 2010 10:48 AM  
**To:** Zichal, Heather R.; Kennedy, Sean D.; Maher, Jessica A.; 'McIntosh.David@epamail.epa.gov'  
**Subject:** Fw: Introduction of Rockefeller EPA 2-year suspension bill

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Sent using BlackBerry

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**From:** Dower, Tom (Commerce) <Tom\_Dower@commerce.senate.gov>  
**To:** Heimbach, James T.  
**Sent:** Thu Mar 04 10:40:01 2010  
**Subject:** Introduction of Rockefeller EPA 2-year suspension bill



<http://rockefeller.senate.gov>

FOR IMMEDIATE RELEASE

March 4, 2010

Contact: Rebecca Gale

202-224-6101

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###

01268-EPA-5184

Richard Windsor/DC/USEPA/US  
03/04/2010 11:01 AM

To Arvin Ganesan  
cc David McIntosh  
bcc

Subject Fw: Introduction of Rockefeller EPA 2-year suspension bill

FYi - I know some Senators have been asking you about this.

----- Forwarded by Richard Windsor/DC/USEPA/US on 03/04/2010 11:01 AM -----

From: David McIntosh/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA  
Date: 03/04/2010 10:52 AM  
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From: "Zichal, Heather R." <(b) (6) Privacy>  
To: "Heimbach, James T." <(b) (6) Privacy>, "Kennedy, Sean D." <(b) (6) Privacy>, "Maher, Jessica A." <(b) (6) Privacy>  
David McIntosh/DC/USEPA/US@EPA  
Date: 03/04/2010 10:50 AM  
Subject: RE: Introduction of Rockefeller EPA 2-year suspension bill



FOR IMMEDIATE RELEASE  
MARCH 4, 2009

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**Sent:** Thursday, March 04, 2010 10:48 AM  
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[Sent using BlackBerry](#)

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<http://rockefeller.senate.gov>

FOR IMMEDIATE RELEASE

March 4, 2010

Contact: Rebecca Gale

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###

01268-EPA-5185

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

03/04/2010 12:37 PM

cc David McIntosh

bcc

Subject Re: Introduction of Rockefeller EPA 2-year suspension bill

I think [redacted] (b) (5) Deliberative [redacted]

Shall I arrange a followup call or meeting with you and her?

Sent from my Blackberry Wireless Device  
Richard Windsor

----- Original Message -----

From: Richard Windsor

Sent: 03/04/2010 11:01 AM EST

To: Arvin Ganesan

Cc: David McIntosh

Subject: Fw: Introduction of Rockefeller EPA 2-year suspension bill

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----- Forwarded by Richard Windsor/DC/USEPA/US on 03/04/2010 11:01 AM -----

From: David McIntosh/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA  
Date: 03/04/2010 10:52 AM  
Subject: Fw: Introduction of Rockefeller EPA 2-year suspension bill

----- Forwarded by David McIntosh/DC/USEPA/US on 03/04/2010 10:51 AM -----

From: "Zichal, Heather R." <[redacted] (b) (6) Privacy>  
To: "Heimbach, James T." <[redacted] (b) (6) Privacy>, "Kennedy, Sean D." <[redacted] (b) (6) Privacy>, "Maher, Jessica A." <[redacted] (b) (6) Privacy>  
Date: 03/04/2010 10:50 AM  
Subject: RE: Introduction of Rockefeller EPA 2-year suspension bill



FOR IMMEDIATE RELEASE  
MARCH 4, 2009

CONTACT: ROBERT DILLON (202) 224-6977  
or ANNE JOHNSON (202) 224-7875

Sen. Murkowski Comments on Rockefeller Bill to Delay EPA Climate

## Regulation

WASHINGTON, D.C. – U.S. Sen. Lisa Murkowski, R-Alaska, today released the following statement regarding legislation introduced by Sen. Jay Rockefeller, D-W.V., to prohibit the Environmental Protection Agency (EPA) from regulating stationary sources of greenhouse gases for two years – twice as long as the delay sought by Sen. Murkowski last September:

“Senator Rockefeller’s legislation is further evidence of the growing, bipartisan, and bicameral resistance to EPA’s back-door climate regulations. Given the overwhelming opposition to these actions, I’m hopeful that this bill will draw additional support and advance quickly,” Murkowski said.

“If that does not occur, the disapproval resolution is guaranteed consideration in the Senate. It's imperative that senators have an opportunity to vote on whether or not they support EPA's costly, unilateral and unprecedented attempt to impose these command-and-control regulations.”

The disapproval resolution (S.J.Res.26) was introduced Jan. 21, 2010, by Sens. Murkowski and Blanche Lincoln, D-Arkansas, along with 39 bipartisan cosponsors. Under the Congressional Review Act, the measure can be discharged from committee with the signatures of 30 senators, placed on the calendar, provided 10 hours of debate, and voted on with a simple majority required for passage.

####

**From:** Heimbach, James T.  
**Sent:** Thursday, March 04, 2010 10:48 AM  
**To:** Zichal, Heather R.; Kennedy, Sean D.; Maher, Jessica A.; 'McIntosh.David@epamail.epa.gov'  
**Subject:** Fw: Introduction of Rockefeller EPA 2-year suspension bill

-----  
[Sent using BlackBerry](#)

---

**From:** Dower, Tom (Commerce) <Tom\_Dower@commerce.senate.gov>  
**To:** Heimbach, James T.  
**Sent:** Thu Mar 04 10:40:01 2010  
**Subject:** Introduction of Rockefeller EPA 2-year suspension bill

---

JAY  
**ROCKEFELLER**  
UNITED STATES SENATOR FOR WEST VIRGINIA



N E W S R E L E A S E

<http://rockefeller.senate.gov>

FOR IMMEDIATE RELEASE

March 4, 2010

Contact: Rebecca Gale

202-224-6101

## **ROCKEFELLER INTRODUCES LEGISLATION TO SUSPEND EPA ACTION AND PROTECT CLEAN COAL STATE ECONOMIES**

### *Legislation Calls for Two Year Suspension of EPA Action On Greenhouse Gas Regulations to Protect Jobs and Coal Industry*

Washington, D.C.—Senator John D. (Jay) Rockefeller IV today introduced legislation to suspend potential Environmental Protection Agency (EPA) regulation of greenhouse gases from stationary sources for two years.

“Today, we took important action to safeguard jobs, the coal industry, and the entire economy as we move toward clean coal technology,” said Senator Rockefeller. “This legislation will issue a two year suspension on EPA regulation of greenhouse gases from stationary sources—giving Congress the time it needs to address an issue as complicated and expansive as our energy future. Congress, not the EPA, must be the ideal decision-maker on such a challenging issue.

“Two weeks ago, I sent a letter to EPA Administrator Lisa Jackson challenging EPA’s potential regulation of greenhouse gases. Administrator Jackson responded quickly and showed some willingness to move the agency’s timetable for regulation to the end of 2010. This is a positive change and good progress, but I am concerned it may not be enough time. We must set this delay in stone and give Congress enough time to consider a comprehensive energy bill to develop the clean coal technologies we need. At a time when so many people are hurting, we need to put decisions about clean coal and our energy future into the hands of the people and their elected representatives, not a federal environmental agency.”

Congressman Nick Rahall (D-WV) is introducing the House of Representatives companion legislation, with Reps. Alan Mollohan (D-WV) and Rick Boucher (D-VA) as original cosponsors.

#### **Background**

Senator Rockefeller has been working to protect West Virginia clean coal and secure the economies in clean coal states. Rockefeller’s legislation will allow two years for Congress to consider comprehensive energy legislation before EPA could begin consideration of regulations. The legislation directs that for two years after enactment the EPA can take no regulatory action and that no stationary source shall be subject to any requirement to obtain a permit or meet a New Source Performance Standard under the Clean Air Act with respect to carbon dioxide or methane, except for the widely-supported motor vehicle emission standards.

The bill will give Congress the time it needs to design and pass well thought-out legislation. Comprehensive energy legislation should be crafted with a combination of certainty and incentives to create the right business atmosphere for coal's continued use well into the 21st century. In order to give businesses, energy company CEOs, and investors a reason to invest in technology, they need to know there will be a market for that technology and some level of comfort around the certainty of future environmental regulations.

In April 2007, the Supreme Court ruled in *Massachusetts v. EPA* that EPA must make a determination when it comes to regulating motor vehicle emissions. On December 15, 2009, EPA published its final rule in the *Federal Register*, stating: "The Administrator finds that greenhouse gases in the atmosphere may reasonably be anticipated both to endanger public health and to endanger public welfare."

The Supreme Court ruling gives the EPA the authority to regulate greenhouse gases under the Clean Air Act. If Congress wants to change or alter that authority—or suspend it long enough to pass comprehensive legislation—Congress must be able to pass a bill that addresses the real life economic impacts that EPA is not equipped to consider.

To address concerns about EPA's unmitigated authority in regulating stationary sources and the impact on jobs and local economies, Senator Rockefeller recently led a group of eight Senators from clean coal and manufacturing states in sending a letter to EPA Administrator Lisa Jackson.

The letter conveyed concerns and questions about how the Clean Air Act could be used to regulate a host of greenhouse gas emission sources ranging from coal-burning power plants to factories to oil refineries and many other types of facilities that collectively employ millions of Americans. Link to the letter to Administrator Jackson here ([LINK](#)).

Administrator Jackson indicated in her expedient reply that EPA is moving forward with motor vehicle regulations, but the stationary source regulations that are likely to have far-reaching economic consequences will not be acted upon in 2010, but phased-in beginning in 2011. Link to the letter from Administrator Jackson here ([LINK](#)).

Senator Rockefeller's legislation gets to the heart of the matter by providing time for Congress to debate a comprehensive approach to energy policy and its effect on jobs and our economy without hampering EPA's ability to move forward with important vehicle efficiency rules. Link to the legislation here ([LINK](#)).

###

01268-EPA-5186

**Diane  
Thompson/DC/USEPA/US**  
03/04/2010 03:39 PM

To Richard Windsor  
cc  
bcc  
Subject msg to POTUS?

I completed our FY11 budget hearings this week. As expected, there was much interest in the steps we are taking to regulate greenhouse gas emissions. I believe [REDACTED] (b) (5) Deliberative

\*\*\*\*\*

Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

01268-EPA-5187

**Richard Windsor/DC/USEPA/US**  
03/04/2010 03:43 PM

To Diane Thompson  
cc  
bcc  
Subject Re: msg to POTUS?

Yup  
Diane Thompson

----- Original Message -----

**From:** Diane Thompson  
**Sent:** 03/04/2010 03:39 PM EST  
**To:** Richard Windsor  
**Subject:** msg to POTUS?

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[REDACTED]

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Diane E. Thompson  
Chief of Staff  
U. S. Environmental Protection Agency  
202-564-6999

01268-EPA-5189

David  
McIntosh/DC/USEPA/US  
03/05/2010 06:15 PM

To Richard Windsor  
cc  
bcc

Subject Fw: UK initiative: High Level Group on Carbon Markets

Hi Administrator. FYI, please see below and attached. (b) (5) Deliberative  
[Redacted]

-- On Wed, 3/3/10, David.Thomas@fco.gov.uk <David.Thomas@fco.gov.uk> wrote:

From: David.Thomas@fco.gov.uk <David.Thomas@fco.gov.uk>  
Subject: UK initiative: High Level Group on Carbon Markets  
To: davidgreggmcintoshdc@yahoo.com, OgdenPR@state.gov  
Cc: (b) (6) Privacy TalleyT@state.gov  
Date: Wednesday, March 3, 2010, 5:50 PM

Pete/David

I've been asked to pass on this concept note which recommends representatives from key countries get together at senior (boss) to discuss carbon markets. This would look to go beyond the technical discussions (that one might see in ICAP for with are EPA and State? If the US interested, I wasn't sure if it would be more Envoy's office or Trigg's team and in the EP Goffman?).

Grateful if whoever feels they have a lead on this could let me know initial views. London are keen to talk through in person DECC Carbon Markets team.

cheers

**Dave**

Dave Thomas  
First Secretary Climate Change and Energy (Federal)  
British Embassy Washington  
FTN: 8430 6682  
Tel: 1 202 588 6682  
BB mobile: 1 202 288 3593  
BB email: [david.thomas@fconet.fco.gov.uk](mailto:david.thomas@fconet.fco.gov.uk)

Please note my BB email address has changed from [david.thomas@britainusa.com](mailto:david.thomas@britainusa.com) which is now closed.

\*\*\*\*\*  
Visit <http://www.fco.gov.uk> for British foreign policy news and travel advice and <http://blogs.fco.gov.uk> to read

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with the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000.

\*\*\*\*\*



High Level Group01032010.docx

**Concept Note: High Level Dialogue on Carbon Markets****Why are we looking to meet on carbon markets:**

- Copenhagen failed to offer any concrete reassurances for the future of the "Global Carbon Market" and there is a real risk that 2010 will be a difficult year for investment and international business confidence
- In the run up to Cancun and to build progress outside of international negotiation fora, we felt it would be a good idea to begin a dialogue with some of the key partner countries who are taking forward their own domestic emissions trading schemes
- We already have a good international technical body at official level to discuss detailed implementation questions – the International Carbon Action Partnership, or ICAP.
- We believe a meeting of high level senior officials - closely linked to the development of carbon markets in their own countries - could usefully meet to make progress on some of the issues we will be facing over the next couple of years such as common standards for offsets, piloting new market mechanisms and overcoming political barriers to linking of trading schemes.
- Action at a political level could help to gain momentum for practical action on carbon markets from the bottom up.

**Draft Objectives:**

- To share knowledge and lessons learned from the implementation of carbon market mechanisms at a political level, and to compare future challenges
- To examine how participant countries can coordinate positions in areas which can maximise the efficiency and environmental integrity of the global carbon market on issues such as common standards for offsets.
- To agree on the key criteria for designing in interoperability between ETSs (e.g. around definitions and rules) so as to make it easier for ETSs to be linked up over time

**Proposed Attendance:**

Participation will be at a senior government level (equivalent to Director General) from each country. We believe this group can work in parallel to ICAP and the international negotiations and discuss the wider political issues surrounding emissions trading - our initial thoughts are for membership to be: UK, Germany, France, European Commission, US, Japan, Australia, South Korea, and Mexico.

**Proposed timing and location of meeting:**

12 or 13 April 2010, in London (after UNFCCC Intercessional in Bonn).

If senior officials wish to stay longer in London, we can offer tailored programs on a variety of UK policies such as renewables, energy, transport etc

01268-EPA-5190

Richard Windsor/DC/USEPA/US  
03/06/2010 07:03 AM

To David McIntosh  
cc  
bcc

Subject Re: Fw: UK initiative: High Level Group on Carbon Markets

Yes it does. Yes - please pass on to Michelle and Gina. I would imagine Michelle will deal with State who is undoubtedly fielding incoming on this too.

David McIntosh Hi Administrator. FYI, please see below... 03/05/2010 06:15:49 PM

From: David McIntosh/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 03/05/2010 06:15 PM  
Subject: Fw: UK initiative: High Level Group on Carbon Markets

Hi Administrator. FYI, please see below and attached. (b) (5) Deliberative

-- On Wed, 3/3/10, David.Thomas@fco.gov.uk <David.Thomas@fco.gov.uk> wrote:

From: David.Thomas@fco.gov.uk <David.Thomas@fco.gov.uk>  
Subject: UK initiative: High Level Group on Carbon Markets  
To: (b) (6) Privacy OgdenPR@state.gov  
Cc: (b) (6) Privacy TalleyT@state.gov  
Date: Wednesday, March 3, 2010, 5:50 PM

Pete/David

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Grateful if whoever feels they have a lead on this could let me know initial views. London are keen to talk through in person DECC Carbon Markets team.

cheers

*Dave*

Dave Thomas  
First Secretary Climate Change and Energy (Federal)  
British Embassy Washington  
FTN: 8430 6682  
Tel: 1 202 588 6682  
BB mobile: 1 202 288 3593  
BB email: [david.thomas@fconet.fco.gov.uk](mailto:david.thomas@fconet.fco.gov.uk)

Please note my BB email address has changed from [david.thomas@britainusa.com](mailto:david.thomas@britainusa.com) which is now closed.

\*\*\*\*\*

Visit <http://www.fco.gov.uk> for British foreign policy news and travel advice and <http://blogs.fco.gov.uk> to read

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\*\*\*\*\*



High Level Group01032010.docx

See attachment to  
01268-EPA-5189

01268-EPA-5191

**Richard Windsor/DC/USEPA/US**  
03/06/2010 07:12 PM

To carol\_m.\_browner, nsutley  
cc  
bcc

Subject Here is the draft speech

for the Nat'l Press Club on Monday. Still needs a few tweaks but mostly there. Let me know what you think. TX!

(b) (5) Deliberative

NPC Speech - lpj revisions 3-6.doc

01268-EPA-5192

Heidi Ellis/DC/USEPA/US

To Richard Windsor

03/08/2010 03:58 PM

cc

bcc

Subject Fw: Green Cabinet Retreat

Hi Administrator,

You are able to bring a +1 for the Green Cabinet retreat tomorrow. Who would like to bring?

Thanks!

---

Heidi M. Ellis  
 Director of Scheduling  
 Office of the Administrator  
 US Environmental Protection Agency  
 Phone: 202-564-3204  
 Cell: 202-355-5212  
 Fax: 202-501-1480

----- Forwarded by Heidi Ellis/DC/USEPA/US on 03/08/2010 03:57 PM -----

From: "Moilanen, Stephen S." <(b) (6)>  
 To: "Moilanen, Stephen S." <(b) (6)>, "Avery, Kristin E." <(b) (6)>, "Gonzalez, Caroline" <CGonzalez@doc.gov>, "Rediger, Tony" <Tony.Rediger@hq.doe.gov>, <georgette.brammer@dot.gov>, "Padilla, Joan" <Joan\_Padilla@ios.doi.gov>, <mosley.carolyn@dol.gov>, Heidi Ellis/DC/USEPA/US@EPA, "Robertson, Megan A" <Megan.A.Robertson@hud.gov>, <chris.chan@sba.gov>, "McLaughlin, Patricia M." <(b) (6)>, "Ortiz, Michael" <(b) (6)>, "Cluthe, Sally" <Sally.Cluthe@osec.usda.gov>, "Pitzer, Karrie S." <(b) (6)>  
 Cc: "Russell, Anthony L." <(b) (6)>, "Milakofsky, Benjamin E." <(b) (6)>, "Levine, Jacob C." <(b) (6)>, "Greenawalt, Andrei M." <(b) (6)>, "Paulsen, Joseph B." <(b) (6)>  
 Date: 03/08/2010 03:53 PM  
 Subject: RE: Green Cabinet Retreat

---

Just to clarify, we're still waiting confirmation on a conference room for the retreat. We should have that nailed down shortly.

**From:** Moilanen, Stephen S.**Sent:** Monday, March 08, 2010 3:33 PM**To:** Avery, Kristin E.; 'Gonzalez, Caroline'; 'Rediger, Tony'; 'georgette.brammer@dot.gov'; 'Padilla, Joan'; 'mosley.carolyn@dol.gov'; 'Ellis.Heidi@epamail.epa.gov'; 'Robertson, Megan A'; 'chris.chan@sba.gov'; McLaughlin, Patricia M.; Ortiz, Michael; 'Cluthe, Sally'; Pitzer, Karrie S.**Cc:** Russell, Anthony L.; Milakofsky, Benjamin E.; Levine, Jacob C.; Greenawalt, Andrei M.; Paulsen, Joseph B.**Subject:** RE: Green Cabinet Retreat

All,

I wanted to pass along some additional information about the retreat. Attached are 1) an updated agenda that we will use to guide the discussion on Wednesday and 2) a digest of the 2010 outlooks your agencies submitted to Cabinet Affairs at the beginning of the year, which should be provided to your principals as a read-ahead for the retreat. Please note that we are asking that, at the beginning of the retreat, your agencies provide a very brief presentation on your energy and environment priorities for 2010.

Again, your principal is welcome to bring a +1 with them. If your principal's +1 needs to be cleared into the building, please send me their vitals, if you've not already done so.

Our current plan is to provide attendees with a light breakfast at the beginning of the retreat, but we do not anticipate that we will be breaking for or serving lunch.

Please let me know if you have any questions.

Best,

Steve

**From:** Moilanen, Stephen S.

**Sent:** Thursday, March 04, 2010 12:43 PM

**To:** Moilanen, Stephen S.; Avery, Kristin E.; 'Gonzalez, Caroline'; 'Rediger, Tony'; 'georgette.brammer@dot.gov'; 'Padilla, Joan'; 'mosley.carolyn@dol.gov'; 'Ellis.Heidi@epamail.epa.gov'; 'Robertson, Megan A'; 'chris.chan@sba.gov'; McLaughlin, Patricia M.; Ortiz, Michael; 'Cluthe, Sally'

**Cc:** Russell, Anthony L.; Milakofsky, Benjamin E.; Levine, Jacob C.; Greenawalt, Andrei M.; Paulsen, Joseph B.

**Subject:** RE: Green Cabinet Retreat

All,

I wanted to give everyone a sense of the timing of the retreat next week. We'll begin the retreat at **9:30 a.m.** next Wednesday, and look to wrap up by **1:00 p.m.** There is certainly a chance the retreat may run long, however, so please take that into account as you think about your principals' schedules.

Further information about the retreat is forthcoming.

Best,

Steve Moilanen

**Steve Moilanen** | White House Office of Energy and Climate Change | (b) (6) |  
(b) (6)

**From:** Moilanen, Stephen S.  
**Sent:** Monday, February 22, 2010 10:59 AM  
**To:** Moilanen, Stephen S.; Avery, Kristin E.; 'Gonzalez, Caroline'; 'Rediger, Tony'; 'georgette.brammer@dot.gov'; 'Padilla, Joan'; 'mosley.carolyn@dol.gov'; 'Ellis.Heidi@epamail.epa.gov'; 'Robertson, Megan A'; 'chris.chan@sba.gov'; McLaughlin, Patricia M.; Ortiz, Michael; 'Cluthe, Sally'  
**Cc:** Russell, Anthony L.; Milakofsky, Benjamin E.; Levine, Jacob C.; Greenawalt, Andrei M.; Paulsen, Joseph B.  
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All,

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Best,

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**Sent:** Wednesday, February 17, 2010 3:25 PM  
**To:** Avery, Kristin E.; 'Gonzalez, Caroline'; Rediger, Tony; 'georgette.brammer@dot.gov'; Padilla, Joan; 'mosley.carolyn@dol.gov'; Ellis.Heidi@epamail.epa.gov; 'Robertson, Megan A'; 'chris.chan@sba.gov'; McLaughlin, Patricia M.; Ortiz, Michael; 'Cluthe, Sally'  
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All,

Once more, I'd like to take a run at scheduling the Green Cabinet retreat. How does the morning of **Wednesday, March 10** work for all of your principals?

Once we confirm the meeting, I'll send out a meeting location and re-circulate the agenda. Thanks everyone!

Best,

Steve

**Steve Moilanen** | White House Office of Energy and Climate Change | (b) (6) |  
(b) (6)



01268-EPA-5193

**Richard Windsor/DC/USEPA/US**  
03/08/2010 04:00 PM

To Heidi Ellis  
cc  
bcc

Subject Re: Green Cabinet Retreat

David M if he is available  
Heidi Ellis

----- Original Message -----

**From:** Heidi Ellis  
**Sent:** 03/08/2010 03:58 PM EST  
**To:** Richard Windsor  
**Subject:** Fw: Green Cabinet Retreat

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Director of Scheduling  
Office of the Administrator  
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Phone: 202-564-3204  
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Steve Moilanen | White House Office of Energy and Climate Change | (b) (6) Privacy |  
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All,

Once more, I'd like to take a run at scheduling the Green Cabinet retreat. How does the morning of **Wednesday, March 10** work for all of your principals?

Once we confirm the meeting, I'll send out a meeting location and re-circulate the agenda. Thanks everyone!

Best,

Steve

**Steve Moilanen** | White House Office of Energy and Climate Change | (b) (5), (b) (6) |  
(b) (6)