



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

JUL 18 2012

Susan M. Fry
Area Manager
Mid- Pacific Region
U.S. Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Subject: EPA Cooperating Agency Status on the Environmental Impact Statement for the Remanded Biological Opinions on the Coordinated Long-Term Operation of the Central Valley Project and State Water Project

Dear Ms. Fry:

Thank you for your recent letter inviting the U.S. Environmental Protection Agency (EPA) to be a cooperating agency for the preparation of the Environmental Impact Statement (EIS) for the Remanded Biological Opinions on the Coordinated Long-Term Operation of the Central Valley Project and State Water Project. We accept the invitation to participate in the development of the environmental analysis and documentation, consistent with our expertise and jurisdictional interests.

At this point in time, we anticipate involvement of staff from two EPA offices: the Environmental Review Office (within the Communities and Ecosystems Division) and the Water Division. The corresponding areas of expertise would be (1) compliance with the National Environmental Policy Act (NEPA), (2) protection of the entire range of designated uses as articulated in the Clean Water Act (CWA), (3) protection of drinking water quality under the federal Safe Drinking Water Act (SDWA), and (4) implementation of the CWA Section 404 program, which we cooperatively implement with the U.S. Army Corps of Engineers.

The goal of cooperating agency collaboration is to generate a thorough, high quality environmental impact assessment containing accurate scientific analysis and expert agency comments "to help public officials make decisions that are based on understanding environmental consequences, and take actions that protect, restore and enhance the environment" (40 CFR 1500.1(c)). Cooperating agency participation is intended to enable effective communication among government entities and provide relevant expertise and information to be used in the forthcoming NEPA process. In accepting your invitation to become a cooperating agency, EPA intends to:

- 1) Review the Preliminary versions of the Draft and Final EISs and provide comments to Reclamation to the extent time and resources allow;
- 2) Participate in cooperating agency meetings, conference calls, and field reviews to the extent time and resources allow;

- 3) Work with Reclamation to ensure that the EIS content is consistent with EPA program or agency requirements; if applicable.

As you know, EPA's resources are extremely limited. In the event that we identify a significant technical role for EPA in developing parts of the proposed analyses, we will need to work with you to identify the resources for that activity.

Finally, EPA will review the Draft and Final EISs pursuant to our review authority under Section 309 of the Clean Air Act (CAA). Please be aware that EPA's status as a cooperating agency does not affect our independent review under this authority. Participation as a cooperating agency does not imply endorsement of the proposed project, nor does it constitute formal or informal approval of any part of this project under any statute administered by EPA. EPA's cooperating agency status may be acknowledged in the EIS; but the EPA seal or symbol must not be used unless Reclamation receives prior written approval from EPA, and then only if a disclaimer is attached stating that the use of the Agency seal or symbol on this document does not imply any agency's endorsement of the project. Please reference or incorporate this acceptance letter into the Draft and Final EIS.

The lead contact for the project will be Stephanie Skophammer in the Environmental Review Office, which implements our independent NEPA/309 review obligations. At this time, we do not anticipate the need for a memorandum of agreement formalizing our participation. We look forward to participating in the project's Draft EIS development. Please contact Stephanie Skophammer at (415) 972-3098 or at skophammer.stephanie@epa.gov for further coordination with this project.

Sincerely,



Kathleen Martyn Goforth, Manager
Environmental Review Office
Communities and Ecosystems Division



Karen Schwinn, Associate Director
Water Division

cc: Maria Rea, National Marine Fisheries Service
Michael S. Jewell, U.S. Army Corps of Engineers
Dan Castleberry, U.S. Fish and Wildlife Service