



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

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Atlanta, Georgia 30345

In Reply Refer To:  
FWS/R4/NRDAR

AUG 22 2013

Ken Kopocis  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Mail Code: 4101M  
Washington, DC 20460

Dear Mr. Kopocis:

The Department of the Interior (Department) is inviting the U.S. Environmental Protection Agency to participate as a cooperating agency in the Department's preparation of a Programmatic Environmental Impact Statement for early restoration (Early Restoration PEIS) related to the *Deepwater Horizon* (DWH) oil spill. In accordance with the National Environmental Policy Act (NEPA) of 1969, the Department is initiating the preparation of a PEIS to support development of early restoration alternatives and selection of proposed early restoration actions resulting from the DWH oil spill. The Early Restoration PEIS will support effective planning and decision-making for use of DWH early restoration funds as provided by the *Framework for Early Restoration Addressing Injuries Resulting from the Deepwater Horizon Oil Spill* (Early Restoration Framework Agreement). The PEIS will evaluate potential direct, indirect and cumulative impacts from the implementation of a wide range of proposed early restoration activities, and will facilitate decision-making in the early restoration planning process. This planning process complies with Council on Environmental Quality's (CEQ) NEPA regulations at 40 CFR 1502.9(c). The Early Restoration PEIS and subsequent accompanying documents are also intended to ultimately comply with the Oil Pollution Act's (OPA) restoration planning and public notice provisions found in 33 USC 2706.

To adequately prepare the Early Restoration PEIS and evaluate the potential environmental effects of the early restoration alternatives and selection of proposed actions, the Department is inviting the participation of the National Oceanic and Atmospheric Administration (NOAA), the U.S. Environmental Protection Agency (EPA), the U.S. Department of Agriculture (USDA), the U.S. Department of Defense (DOD), and the U.S. Army Corps of Engineers (CORPS) as Federal cooperating agencies (in accordance with CEQ regulation 40 CFR Part 1501 and CEQ Cooperating Agency guidance issue 1/30/2002). The Department is inviting each of the state Natural Resource Trustees for the DWH oil spill to serve as cooperating agencies in the Department's preparation of the PEIS: Alabama, Florida, Louisiana, Mississippi, and Texas, due to each state's natural resource trusteeship and special expertise regarding certain environmental issues related to the DWH oil spill.

Responsibilities of the lead agency (Department) and cooperating agencies have been outlined below.

### LEAD AGENCY RESPONSIBILITIES:

1. Assume primary responsibility for meeting the requirements of NEPA, including the preparation of the draft and final Early Restoration PEIS. In this capacity, the lead agency will ensure that the Early Restoration PEIS includes information needed to address state and federal compliance requirements.

2. Consult with cooperating agencies regarding issues of concern, range of Early Restoration PEIS alternatives, and mitigation measures to be analyzed in the Early Restoration PEIS.
3. Provide cooperating agencies with copies of the preliminary draft(s) of the Early Restoration PEIS and interim work products, such as individual sections or maps, in a timely manner.
4. Provide a schedule for review of the preliminary and final drafts of the Early Restoration PEIS by cooperating agencies.
5. Revise drafts of the Early Restoration PEIS in response to comments/concerns/issues identified by cooperating agencies.
6. Ensure that cooperating agencies receive copies of all comments received on the Early Restoration PEIS during the public comment periods and provide an initial identification of those comments pertaining to an agencies' expertise or regulatory authority. This may require cooperating agencies to prepare written responses for inclusion in the Early Restoration PEIS.
7. Ensure that the Early Restoration PEIS identifies cooperating agencies as such.

COOPERATING AGENCY RESPONSIBILITIES:

1. Participate in the development of the Early Restoration PEIS.
2. Provide special expertise on environmental issues associated with early restoration and the DWH oil spill.
3. Provide special expertise on environmental issues that fall under a cooperating agency's jurisdictional responsibilities.
4. Review preliminary documents and provide comments to the lead agency in accordance with specified timelines.
5. Provide the lead agency with timely identification of significant issues, range of potential Early Restoration PEIS alternatives, and mitigation measures for the lead agency to consider for inclusion in the Early Restoration PEIS based on each cooperating agency's special expertise on environmental issues and jurisdiction by law.

Thank you for your cooperation in this matter. We look forward to your earliest response. If you have any questions, please contact Ms. Colette Charbonneau at 303-236-4337 or by email at [colette\\_charbonneau@fws.gov](mailto:colette_charbonneau@fws.gov).

Sincerely yours,



Cynthia K. Dohner  
Authorized Official  
U.S. Department of the Interior