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Citizen Information

Citizen/Originator: **Curry, Tierra R**
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Control Information

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Subject: Daily Reading File Mountaintop Removal Mining Docket Comment - EPA-HQ-OW-2010-0315
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General Notes: N/A
CC: OEAEE - Office of External Affairs and Environmental Education
R3 - Region 3 - Immediate Office
R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Brenda Salvador	OEX	OW	Jul 26, 2011
Diane Jones-Coleman	OW	OW-OWOW	Jul 26, 2011

History

Action By	Office	Action	Date
Brenda Salvador	OEX	Forward control to OW	Jul 26, 2011
Diane Jones-Coleman	OW	Forwarded control to OW-OWOW	Jul 26, 2011

July 18, 2011

Secretary Kathleen Sebelius
U.S. Department of Health & Human Services
200 Independence Avenue, S.W
Washington, D.C. 20201

Director Thomas R. Frieden, MD, MPH
Center for Disease Control and Prevention
1600 Clifton Rd
Atlanta, GA 30333

Administrator Lisa P. Jackson
Environmental Protection Agency
Ariel Rios Building
Mail Code: 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Attorney General Eric Holder
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Secretary Sebelius, Director Frieden, Administrator Jackson, and Attorney General Holder:

I am writing to ask that you enact an immediate moratorium on mountaintop removal coal mining in Appalachia, and that the federal government undertake a comprehensive study of the public health effects of this devastating form of mining. Recent peer-reviewed scientific studies have found that mountaintop removal is associated with increased incidence of birth defects, cancer clusters, increased mortality rates, and lower quality of physical and mental health for citizens living near mountaintop removal mine sites. In light of this new information, I urge you to study and mitigate the public health crisis in Appalachia being caused by mountaintop removal. I also request that a federal investigation of environmental crimes in Appalachia be undertaken.

Recent scientific information, summarized below, demonstrates that mountaintop removal has serious negative health impacts on residents. A new study of birth defects found that, after controlling for socioeconomic and other factors, the rate of birth defects is significantly higher in mountaintop removal areas overall and for six types of birth

defects: circulatory/respiratory, central nervous system, musculoskeletal, gastrointestinal, urogenital and other (Ahern et al. 2011). Another recent study found that residents of mountaintop mining counties experience significant reductions in health-related quality of life including poorer physical and mental health (Zullig and Hendryx 2011). Coal mining in Appalachia has also been shown to be significantly associated with higher rates of cancer mortality and to cancer clusters corresponding to areas of high coal mining intensity (Hitt and Hendryx 2010). A study in the journal Science concluded that the impacts of mountaintop removal are pervasive and irreversible, that mitigation cannot compensate for losses, and that current regulations are inadequate to regulate mountaintop mining (Palmer et al. 2010).

The human cost of the Appalachian coal mining economy outweighs its economic benefits, as the areas with the highest levels of mining also have the highest human mortality rates (Hendryx and Ahern 2009). The environmental and public health effects of mountaintop removal are unacceptable and I ask that you take immediate action to ban this form of mining and to protect Appalachian communities from further harm.

Sincerely,

Tierra R. Curry
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References

Ahern, M.M., M. Hendryx, J. Conley, E. Fedorko, A. Ducatman, and K.J. Zullig. 2011. The association between mountaintop mining and birth defects among live births in central Appalachia, 1996-2003. Environmental Research 2011. In Press. doi:10.1016/j.envres.2011.05.019

Hendryx, M. and M.M. Ahern. 2009. Mortality in Appalachian coal mining regions: the value of statistical life lost. Public Health Reports 124: 541-550.

Hitt, N.P. and M. Hendryx. 2010. Ecological integrity of streams related to human cancer mortality rates. EcoHealth 2010. DOI: 10.1007/s10393-010-0297-y.

Palmer, M.A., E.S. Bernhardt, W.H. Schlesinger, K.N. Eshleman, E. Foufoula-Georgiou, M.S. Hendryx, A.D. Lemly, G.E. Likens, O.L. Loucks, M.E. Power, P.S. White, and P.R. Wilcock. 2010. Mountaintop mining consequences. Science 327: 148-149.

Zullig, K.J. and M. Hendryx. 2011. Health-related quality of life among central Appalachian residents in mountaintop mining counties. American Journal of Public Health 101(5): 848-853. doi:10.2105/AJPH.2010.300073

Correspondence Management System
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Citizen Information

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Instructions: For Your Information -- No action required
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CC: Christopher Busch - AO-IO
OCIR - Office of Congressional and Intergovernmental Relations
OEAEE - Office of External Affairs and Environmental Education
R4 - Region 4 -- Immediate Office
R6 - Region 6 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
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Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Eliska Postell	OEX	GCERTF	Jul 29, 2011

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Eliska Postell	OEX	Forward control to OEAEE	Jul 29, 2011

Strategy for Restoring the Gulf of Mexico

Recommendations to the Gulf Coast Ecosystem Restoration Task Force

Audubon

EDF Environmental Defense Fund

Texas A&M University Corpus Christi | Harte Research Institute

National Wildlife Federation

Lake Pontchartrain Basin Foundation
Save Our Coast! Save Our Lake

The Nature Conservancy
Protecting nature. Preserving life.

Ocean Conservancy

This document presents a strategy that maps the road to recovery for a healthy and resilient Gulf of Mexico.* This Strategy identifies four priorities for protection and restoration of the Gulf of Mexico with goals and outcomes supporting each priority. Several supporting activities are also identified that will create enabling conditions for a successful restoration program. These priorities and activities are intended to contribute to the protection and restoration of the Gulf after the Deepwater Horizon Oil Spill, while addressing the more systemic problems that are the result of decades of environmental decline. This Strategy integrates the vast knowledge of the numerous institutions and individuals that have been conserving and restoring the Gulf for more than 40 years.

Restoring the Gulf of Mexico for People and Nature

St. Joseph Peninsula, Florida. © Jeff Ripple

The Gulf of Mexico is ecologically and economically one of the most productive bodies of water on earth (Beck et al. 2000, Tunnell 2009). It provides the nation with valuable energy resources, abundant seafood, beautiful beaches, productive coastal wetlands, and a rich cultural heritage (Yoskowitz et al. 2010). But the Gulf has been mistreated for decades, as can be seen in degraded habitats, poor water quality, stressed fisheries, and altered coastal freshwater inflows (NOAA 2008, GOMA 2009).

This history of diminished ecological capacity in the Gulf has direct impacts on human communities. A weak, unhealthy Gulf ecosystem increases the vulnerability of human communities to a multitude of hazards. We call this reduced 'resilience,' or the reduced ability of biophysical and socioeconomic systems to adapt to and recover from change. In recent years, diminished coastal habitat has magnified hurricane impacts on remaining habitats, wildlife, and Gulf residents, and in 2010 the world's largest unintentional marine oil spill occurred here.

The coastal communities dotting the Gulf shoreline know well the threats that rising seas and habitat loss pose to their safety and livelihoods. All told, over half of the Gulf of Mexico's coastal habitats, roughly 4 million acres, have vanished—barrier islands, coastal marshes, mangroves and other coastal forests, seagrass beds and oyster reefs. For generations these habitats not only supported robust fisheries-based economies, but they also intercepted the surge created by strong storms, lessening their impact on human settlements. With sea levels rising and storms becoming more intense, the existence and health of these coastal habitats is more critical now than ever before. Unless society embraces a bold new restoration vision—one that restores habitats at an ecosystem scale—the future of the Gulf Coast is tenuous.

With public awareness of the Gulf of Mexico's economic and environmental value at an all-time high, now is the time for cohesive action to protect and restore this national treasure for future generations. The Gulf Coast Ecosystem Restoration Task Force has been established to address the damage caused by the Deepwater Horizon Oil Spill and begin planning for a more resilient Gulf Coast ecosystem. Development and implementation of a Gulf Coast Ecosystem Restoration Strategy ("Strategy") is the first step in this process. Our organizations offer these recommendations in the spirit of assisting the Task Force in the difficult job of coming up with a comprehensive strategy to restore the Gulf.

* The authors of this report recognize that the Gulf of Mexico system functions as a whole and activities in all countries are important, but, because the scope of work of the Gulf Coast Ecosystem Task Force is the northern Gulf, this report is limited to recommendations for the northern Gulf. In this report, "Gulf of Mexico" and "northern Gulf of Mexico" are often used interchangeably.

Background on the Strategy

Vision for a Healthy Gulf of Mexico

In developing the 'Strategy for Restoring the Gulf,' the authors of this document first envisioned what a healthy Gulf of Mexico would look like. Doing so allowed for focusing the strategy and setting measurable goals that inform progress toward recovery. The following is a proposed vision statement for a healthy Gulf of Mexico.

A healthy Gulf of Mexico ecosystem supports:

- sustainable populations of the full suite of native biodiversity;
- productive habitats that characterize a healthy Gulf, such as wetlands, coastal forests, mangroves, oyster reefs, seagrass beds, coral reefs, offshore banks and deep-water reefs, and other deep-water habitats, including deep-water corals, sponges and cold-seep communities, that benefit both the economy and local cultures;
- sustainable, healthy populations of commercially and recreationally important species;
- ample access to places and resources that provide for public benefit, including clean waters that are swimmable and beaches that sustain vibrant tourism-based economies in balance with nature;
- connectivity with coastal rivers and adequate freshwater inflows to maintain productive bays, estuaries and Gulf communities;
- healthy coastal habitats that are resilient to impacts from development, storms, and climate change, and;
- thriving cities, towns, and neighborhoods where citizens appreciate the full range of goods and services provided by a healthy Gulf ecosystem and are good stewards of nature.

Guiding Principles

Scientists and conservationists agree that an overarching goal of this Strategy should be restoration of the Gulf of Mexico ecosystem to a healthy and productive status, which maintains a full complement of biodiversity and sustains appropriate human uses. Development of the Strategy must be aligned with the reality that the Gulf knows no political boundaries. Indeed, it is one interconnected system from the barrier islands to the coral reefs and from the inner reaches of coastal marshes to the abyssal plain deep in the central Gulf.

Hence, the Gulf Coast Ecosystem Restoration Strategy should be Gulf-wide in scope and be based upon a clear synthesis of a functioning and productive Gulf ecosystem. While the Strategy should provide an overarching

Fisherman in late afternoon surf in Galveston, Texas. © Ron Wooten

framework to address injured natural resources and lost ecological services due to the Deepwater Horizon Oil Spill, the Strategy should also address more systemic problems, such as the on-going loss of coastal wetlands and formation of the hypoxic zone at the mouth of the Mississippi River, both of which are the result of decades of environmental degradation. Restoration and recovery of some resources, such as migratory birds and fishes, may require actions beyond United States' boundaries.

In light of the breadth and depth of past and ongoing degradation of the Gulf ecosystem, the authors of this report believe the Gulf Coast Ecosystem Restoration Strategy should recommend and support restoration action at the greatest scale practicable. Available funds for restoration should not be divided up among many small, isolated projects that will not, even when aggregated, address the scale of the problem.

We also stress the urgency of undertaking comprehensive Gulf-wide restoration. Although we support a robust investment in science to increase our collective understanding of Gulf processes, to assess the status of particular Gulf resources, to document possible longer term damage from the Deepwater Horizon Spill, and to monitor the effectiveness of restoration activities, we do not believe restoration should be delayed until we have perfect baseline data or complete knowledge of spill impacts. The decline of the Gulf ecosystem must be arrested; we know enough to take appropriate action in the near term. The monitoring and assessment can and should take place simultaneously.

To accomplish restoration at scale and with lasting impact will require cooperation and coordination across many boundaries, both geographic and organizational. Traditional lines of authority, jurisdiction and responsibility have limited the more holistic approach to Gulf-wide, ecosystem-based conservation required by this Strategy. Federal and state agencies should work together toward this common vision with perhaps unprecedented sharing of data, resources and responsibilities.

Understanding Ecosystem Drivers and Threats

Understanding the drivers and threats to the Gulf of Mexico ecosystem is critically important to the development and design of the Strategy. Varying kinds of drivers and threats from physical, chemical, geological, and biological/ecological, as well as socio-economic sources should all be considered, since any of them can have an influence on the success (or failure) of restoration efforts.

Major natural drivers in the Gulf of Mexico include the Loop Current, freshwater inflows (most notably the Mississippi River drainage), hurricanes/tropical storms, and ecological buffers and filters. These are all large scale drivers that effect large areas of the Gulf. Smaller scale currents, river drainages, and storms also have effects in more localized areas of the Gulf. Anthropogenic drivers often couple with natural drivers to compound threats and affects.

- **Loop Current**—source water and biologic connectivity enters from the Caribbean Sea into the Gulf of Mexico; trash and pollutants also follow this major current system.
- **Freshwater inflow**—freshwater, nutrients and sediments enter the Gulf via a number of drainages, bays estuaries, and rivers. These freshwater inflows provide nutrients to the Gulf system, and the freshwater/saltwater mix provides habitat conditions necessary for wintering waterfowl, reproductive nurseries for many marine species, and the brackish-water conditions needed for species such as oysters. There are negative effects as well with the massive Mississippi drainage providing an over-abundance of nutrients that has created a "dead zone" in the Gulf; as well as reduced sediments due to levying and damming that has starved Louisiana coastal marshes.
- **Hurricanes/tropical storms**—these large storms impact coastal natural resources and also damage or destroy the human built environment.
- **Ecological buffers and filters**—the Gulf's wetlands, oyster reefs, barrier islands and mangrove forests provide important buffers in the Gulf ecosystems, filtering nutrients, and providing unique habitats for many coastal species.

It was clear even before the Deepwater Horizon incident that the Gulf was in decline and that its future ability to sustain healthy fish and wildlife populations, economies and cultures is in question. Many threats at multiple scales have exerted a cumulative negative impact upon the Gulf (Kumpf et al. 1999). In some cases, the linkage between those factors and sources of stress is known, and in other cases, that linkage remains complex and elusive. Below is a list of threats to the Gulf of Mexico ecosystem, as well as some comments on direct effects on natural systems and resources.

- **Agricultural**—can cause problems with water quality and quantity, and habitat fragmentation and conversion.
- **Changes in freshwater inflow/discharge** (amount/rate/timing/channelization) into estuaries around the Gulf—Affects turbidity and salinity regimes and thus reproduction and recruitment of many estuarine-dependent species such as crabs, shrimp, fish and bivalves, and survival and recruitment of many habitats including seagrass, salt marsh/wetlands, and oyster reefs.
- **Channelization and dredging for navigation**—disrupts water flow; sediment disposal can cause sedimentation of natural habitats; constructing levees along rivers also affects sediment dispersion; affects deltaic (marsh) communities, their well-being, growth, and preservation; also sediment management programs not fully effective.
- **Coastal development and industrial development/expansion**—causes habitat loss due to land conversion from natural to human-built environment; reduces biodiversity, connectivity and resilience; increases habitat fragmentation and stormwater run-off.
- **Damaging fishing techniques**—habitat destruction, unintentional catches, and wasted by-catch.
- **Endocrine disruptors, pesticides, and other forms of pollution**—have their largest effect in estuaries and nearshore, primarily affecting early life history stages.
- **Engineered shoreline structures**—disrupts long-shore sediment flow, causes erosion elsewhere.
- **Global climate change**—affects intensity and duration of cold fronts, storm intensities, ranges and reproductive periods, and success of species, precipitation patterns and resulting freshwater inflows.
- **Harmful algal blooms**—can cause massive fish/invertebrate kills; often interact with increased nutrient discharge.
- **Invasive species**—includes non-native or invasive wetland and marine organisms as well as native species occurring outside of their natural range or in excess of historic abundance due to anthropogenic activities; food web disruption, displacement of native species.
- **Nutrient discharge into rivers and outflows into estuaries and the Gulf**—affects well-being of estuaries; generates oxygen minimum-zone and dead (or hypoxic, low oxygen) zones, both in estuaries and offshore.

Algae bloom © NOAA

Agricultural fertilizer © Thirteen of Clubs/Flickr creative commons

Coastal development © Gerry Ellis

- **Ocean acidification**—general decrease in ocean water pH due to elevated atmospheric carbon dioxide levels; another corollary of global climate change; will affect larval and adult survival; will affect sound transmission in water, hence sensory capabilities of many species.
- **Oil and gas exploration and development**—affects land use, causes environmental degradation in ways both direct (e.g., pollutants) and indirect (e.g., canals accelerating coastal erosion); offshore releases of oil can affect coastal lands and marine environments well beyond geography of source.
- **Overfishing**—affects food webs and trophic cascades; many non-target species are affected; biodiversity reduced.
- **Sea level rise**—another aspect of global climate change; impacts enhanced by groundwater and petroleum product extraction causing subsidence.
- **Treated and untreated sewage discharge**—untreated discharges cause water quality problems and diseases. Sewage treatment does not degrade many of the chemicals and drugs placed in waste water, e.g., prescription drugs, caffeine, and other chemicals that may have already passed through humans; can have unintended consequences on marine life.

Use of the Strategy

Restoration activities and projects that result from this Strategy should have demonstrable environmental and societal benefits and have clear, measurable, and feasible endpoints. Long-term monitoring and measurement should be a key element of restoring the Gulf of Mexico, and a Gulf of Mexico Ecosystem Scorecard is suggested as a relevant, and now widely used tool for judging the progress of implemented restoration projects. Sustaining a sound Gulf economy depends on a healthy Gulf ecosystem, and it is very important to coordinate and link state projects so that the sum of all projects advances progress towards a desired future condition in the Gulf.

The successful implementation of this Strategy or any other plan that targets recovery, resiliency, and long-term sustainability will depend on a strong recognition of the natural and socio-economic diversity of the Gulf. Long-term success will most likely be achieved when local, community-based approaches emerge from the regions and when local, regional and national efforts are all aligned and all parties are accountable for achieving the goals. Inter- and intra-agency approaches that break through traditional organizational and political silos are necessary to ensure the most comprehensive planning and implementation.

Development and implementation of restoration plans should be coordinated with external, independent peer review as an integral part of the planning and evaluation processes. This peer review should be periodically conducted by an interdisciplinary panel of scientists and practitioners—professionals who have no financial or professional stake in the decisions made.

The Strategy for Restoring the Gulf of Mexico

Focus of the Strategy—It is clear that achieving a healthy Gulf of Mexico will require a combination of well-defined goals and measurable outcomes, strong investment in scientific monitoring and adaptive management, and bold action with increased accountability.

The Strategy for Restoring the Gulf of Mexico focuses on:

- defining **essential priorities** to address threats and move toward a healthy Gulf,
- developing measurable **goals** using the best science available,
- identifying important **supporting activities**, and
- using a comprehensive approach that includes wildlife, people, and the places they live.

A NOTE ON OUTCOMES: This document attempts to identify specific, quantitative restoration outcomes in order to set clear, measurable goals. These numbers are derived from a consideration of the scale and magnitude of the habitats, species, and functions that have been lost from the Gulf over the last several decades. Thus, the outcomes represent an approach to restoration at a scale that will make a difference in the recovery of the Gulf.

Essential Priorities

The strategy proposes to focus on achieving tangible results in the following essential priorities:

- Recover Habitat
- Sustain Native Fish and Wildlife Populations
- Restore And Enhance Water Quality And Ensure Freshwater Inflows
- Conserve Special Places On Land And In Water

Recover Habitat

Goal: Restore priority upland, coastal and submerged ocean habitats that sustain biodiversity and ecosystem function and provide essential benefits to humans.

Why is it important? Healthy habitats provide essential supportive, provisioning, and regulating services that sustain human well-being (MEA 2005). Habitats provide the necessary structure for biodiversity to perform important functions that maintain system balance. Interconnectivity among habitats maintains the flow of resources and is essential to the health of the larger environment. Recovery of damaged and degraded habitats can bolster existing ecosystem services, increase resilience within and among habitats, and augment biodiversity. Thoughtful restoration may require shifts in management priorities, and the implementation of ecosystem-based strategies.

Outcomes:

Wetlands

Coastal wetlands are an essential component of a healthy Gulf of Mexico ecosystem. They trap and filter sediment and nutrients, moderate freshwater inflows, provide habitat for millions of resident and migratory wildlife, serve as nursery grounds for fish and shellfish, and help protect coastal communities by buffering storm surges. Wetlands have been documented as being one of the most productive habitats on earth, producing tons of organic matter per acre—as much productivity as a cornfield, providing the basis of a food-web that supports hundreds of wildlife species. According to the Gulf Coast Joint Venture, more than half the coastal wetlands in the lower 48 states lie along the Gulf of Mexico. These wetlands are disappearing at an alarming rate—8.9 square miles per year in Texas, 16.5 square miles per year in Louisiana—as a consequence of saltwater intrusion, channelization, erosion, subsidence, pollution, invasive species, sea level rise, and importantly, residential and commercial development. Unfortunately, over the past several decades, the Gulf has lost over 50 percent of its wetlands. Restoration strategies include acquisition and protection of key areas, restoration of hydrological processes to nourish and rebuild wetlands, creation and maintenance of salt water barriers, invasive species control, revegetation of key areas, pollution control measures, and others.

- **Outcome:** By 2013, develop an inventory (types, locations, status) of Gulf Coast wetlands, identify causes of wetland loss (including but not limited to development, sea level rise, and interference with deltaic processes of sediment deposition) and develop restoration goals and strategies to prevent further wetland loss and to recover and sustain fisheries and other populations of wildlife historically supported by these coastal waters.
- **Outcome:** Restore hydrological processes of Mississippi River to make available 80 percent of the sediment coming down the river to restore 5,000 acres per year to sustainability and create 500 acres of new wetlands per year by 2020.
- **Outcome:** To the maximum extent possible, prevent the loss of additional wetlands to sea level rise by creating buffer zones and otherwise managing coastal areas to enable coastal wetlands to migrate inland.
- **Outcome:** Prevent the loss of additional coastal wetlands to development through strict enforcement of section 404 permitting requirements.

Coastal Forests

As evidenced by hurricanes that have hit the Gulf Coast in recent years, coastal forests are an extremely important component of the coastal landscape for the ecosystem services they provide. Published studies bear this out (Danielsen et al. 2005; Kathiresan and Rajendran 2005; Reid and Whitaker 1976; Raupach and Thom 1981). In addition to protection against storms and surge, coastal forests offer important habitat for myriad wildlife species. The Gulf of Mexico provides critically important habitat for neotropical migratory bird species that utilize Gulf Coast forests as "stop-over" habitat before migrating further inland to nest and reproduce. Coastal forests provide habitat for numerous common and imperiled species, including black bear, and will attenuate climate change impacts through ongoing carbon sequestration.

Wholesale changes in hydrology, subsidence, and human development threaten the viability of these coastal forest systems. For example, while the chenier-plain coastal live oak-hackberry forests have been recognized as important for mitigating storm surge and preventing saltwater intrusion into freshwater ecosystems, many have been cleared and developed for mineral extraction, residential purposes, roads and utility construction. Likewise, dramatic changes in coastal hydrology and the coastal landscape in Louisiana have prevented many bald cypress swamps from naturally regenerating.

Transitional forested communities can play a critical role in supporting productivity, diversity and stability within the adjacent open marsh, as well as supporting their own endemic species. These forested areas are critical "stop-over" habitat for neotropical migrants, and serve to filter surface water entering the coastal systems. Relatively little attention has been directed to these integral habitats as compared to open marsh systems, ultimately with both the forested marsh and the open marsh habitats losing ground.

THE MISSISSIPPI RIVER DELTA

The Mississippi River Delta coastal ecosystem is the 7th largest in the world, reflecting sediment delivery from a watershed that is the 4th largest, encompassing 40 percent of the landmass of the continental US, and providing 65–90 percent of all riverborne freshwater to the U.S. Gulf coast. Most fish and wildlife species of the northern Gulf, particularly those that are commercially or recreationally important, are dependent on estuaries at some point in their life cycle. Sixty percent of the remaining U.S. estuarine wetlands along the Gulf are found within the Deltaic complex. (F. Moretzsohn et al. 2011; Binninger, J. and J. Allen 2010; Couvillion et al. 2011).

Pursuant to the 1928 Flood Control Act, the Corps of Engineers constructed flood control levees, navigation canals, and other works that extend from Cairo, Illinois, to the mouth of the Mississippi River. This program has prevented catastrophic river flooding for nearly a century, yet has starved the Delta of sediments and fresh water, leading to exacerbated wetland loss. Threats from hurricane flooding have become more severe and deep-draft navigation at the mouth of the river has required increased dredging. This system has also shunted inorganic nutrients from the vast agricultural areas of the Mississippi Basin into the Gulf, bypassing natural assimilation of nutrients by wetlands and creating a large anoxic or "dead zone" offshore that extends into Texas waters during summer months. Additionally, the vast supporting network of energy pipelines and canals has cumulatively contributed to saltwater intrusion and wetland loss.

The loss of 30 percent of Deltaic wetlands over the past century—1900 square miles—and ongoing annual loss rates of 16 square miles (Penland, S. and Campbell, T. 2004; Couvillion et al. 2011), has diminished the sustainability of the navigation, flood control and storm protection systems, as well as oil and gas, and transportation infrastructure. This loss is now understood to have acute regional impacts but also threatens nationally important economic and environmental assets.

Unleashing and leveraging the power of the Mississippi River to serve more fully as an engine for restoration should clearly be a part of the Gulf Coast restoration strategy.

Aerial view of wetlands and marshlands that comprise the Mississippi River Delta on the Louisiana Gulf Coast. © 2010 Bridget Besaw

- **Outcome:** Restore and protect sufficient coastal forest habitats to provide for protection of human communities and recover and sustain populations of wildlife historically supported by these habitats.
- **Outcome:** Utilize existing programs such as the Forest Legacy Program, the Coastal and Estuarine Land Conservation Program, Forest Stewardship Program, Forest Productivity Program, Forest Land Enhancement Program, Wildlife Habitat Incentives Program, and Coastal Impacts Assistance Program so that management of private forests is optimized to provide wildlife habitat and protection from storms.
- **Outcome:** Restore hydrology of coastal forests to conditions that support regeneration and maintenance of bald cypress swamps.
- **Outcome:** Pursue non-traditional sources of funding for coastal forest protection and restoration such as mitigation banking, carbon banking, and hazard avoidance funding (FEMA).

Mangroves

Mangroves dominate large coastal areas in the Gulf below 29°N latitude, and smaller stands of dwarf black mangroves can be found in areas above 29°N in Texas and Louisiana. However, the populations in Texas and Louisiana are occasionally reduced by stress from cold snaps, so are not generally included in management plans. It should be noted, however, that many predictions call for a significant increase in mangrove distribution as a result of elevated global temperatures in the future. Mangroves provide habitat to a wide variety of animals including two endangered species, the Key deer and the West Indian manatee (Spalding et al. 2010).

Mangrove loss in some areas has been significant. For example, in Tampa Bay mangrove area losses were estimated to be 44 percent in the late 1990s (Spalding et al. eds. 1997). Major threats to this habitat include development pressure, altered freshwater and tidal flow regimes, land-based sources of pollution, unsustainable pruning, and climate change (Florida Fish and Wildlife Conservation Commission 2005). Relevant strategies for conserving mangroves in the U.S. include management plans for the Florida Keys National Marine Sanctuary, Everglades National Park, Rookery Bay National Estuarine Research Reserve, Charlotte Harbor National Estuary Program, and the Tampa Bay National Estuary Program.

- **Outcome:** Fund and implement existing management plans.
- **Outcome:** Develop state plans to reduce land-based sources of pollution in Gulf coastal waters by 2015.
- **Outcome:** Reduce habitat loss and fragmentation resulting from conversion of natural or minimally impacted habitats.
- **Outcome:** Develop a plan to restore natural hydrology to impaired mangrove swamps by 2015.
- **Outcome:** Expand public education and law enforcement programs by 25 percent—focused on proper mangrove pruning and trimming in high priority areas by 2015.

Coastal wetland in Mississippi. Erika Nortemann/© 2010 The Nature Conservancy

A brown pelican with chicks, nesting in a mangrove forest rookery in Barataria Bay along the Louisiana Gulf Coast. © 2010 Bridget Besaw

A tricolored Heron hunts for small fish at low tide among the exposed oyster reefs along the Texas Gulf Coast. Erika Nortemann/© 2010 The Nature Conservancy

Oyster Reefs

Globally, oyster reefs are the single most impacted marine habitat (85 percent loss) due to overharvest, disease, sedimentation, pollution, and changing salinities. The Gulf of Mexico supports the only remaining significant wild oyster harvest in the world and has some of the best of the few remaining reefs. These reefs provide high quality habitat for aquatic life, benefit water quality, and protect shorelines. Oyster reefs also act as ecosystem engineers that allow for other plant and animal species to thrive. Even with significant reductions from the historic extent of oyster reefs, the Gulf of Mexico likely represents the last place in the world where large scale oyster reef conservation and sustainable fisheries may be possible now; as such it is of global significance (Beck et al. 2009; Beck et al. 2011).

- **Outcome:** By 2030, restore more than 50 percent of the historical area of oyster reefs Gulf-wide so that there are sufficient recruitment and densities of oysters that enable them to maintain a positive accretion rate (i.e., their growth exceeds local sedimentation rates and keeps pace with relative sea level rise).
- **Outcome:** Oyster reefs should be managed to support a suite of ecosystem services, including sustainable harvest, fish production, water filtration, nitrogen removal, and protection of shorelines and wetlands.
- **Outcome:** Improve protection measures for native oyster reefs by making them a priority for habitat restoration and conservation plans.

An aerial view of prop scar damage on a seagrass bed in Florida.
© Florida Department of Environmental Protection

Kemp's Ridley turtle hatchling on Padre Island along the Texas coast.
Erika Nortemann/© 2010 The Nature Conservancy

Seagrasses

Seagrass in the northern Gulf of Mexico represent more than 50 percent of the total U.S. distribution and is a valuable habitat in the Gulf because it provides a variety of benefits ranging from habitat for commercially, recreationally and ecologically important species to sediment stabilization (reducing turbidity) to providing important forage material for endangered species like the West Indian manatee and sea turtles. It has been estimated that 20 percent to 50 percent of seagrass beds have been lost in the Gulf in the past 50 years (Handley et al. 2007). This habitat is threatened by several factors including poor water quality and direct destruction by boat propellers. In 1992 it was estimated that the northern Gulf historically had 2.5 million acres of seagrass (Duke and Kruczynski 1992).

In 1999, the EPA Gulf of Mexico Program committed to restoring, enhancing, and protecting 20,000 acres of important coastal seagrass habitats within the northern Gulf of Mexico region by the year 2009 (Handley et al. 2007). Handley et al. (2007) estimated that in 2002 there were 1,246,408 acres in 14 of the largest estuaries in the northern Gulf. All 14 estuaries assessed have experienced some declines in seagrass habitat.

There are places in the Gulf where restoration of seagrass beds would be of Gulf and global significance. Big Bend, Florida, for example, and Laguna Madre, Texas, contain some of the largest and least impacted beds in the Gulf (Beck et al. 2000).

- **Outcome:** Develop an inventory (types, locations, status, etc.) to facilitate establishment of seagrass restoration goals.
- **Outcome:** Ensure protection of existing seagrass beds by decreasing new scarring of seagrass beds resulting from boat activity, reducing dredging and improving water quality in bays and estuaries.
- **Outcome:** Given losses of 20 percent to 50 percent of the historic estimate of 2.5 million acres in bays in the Gulf, restore at least 500,000 acres of seagrass by 2030.

Barrier Islands and Beaches

Barrier islands are formations of sand, shell, and gravel that exist along coasts, forming a defense against winds and waves and providing habitat for many species of animals. An undisturbed beach community has a unique faunal and floral composition. The organisms in this habitat are important for the biological functionality and physical stability of natural beach habitats. Activities such as development, beach raking, and vehicle traffic have a direct negative effect on the viability of these communities, thus many species endemic to beaches have experienced dramatic population declines.

Beaches and barrier islands in the Gulf of Mexico provide globally important habitat for a variety of wildlife and are critical to the survival of 13 federally threatened and endangered species. Padre Island, Texas, is 113 miles long and is the world's longest barrier island. The Kemp's Ridley sea turtle, which has long been considered the most endangered sea turtle in the world, is known to nest there. About 80 percent of the threatened loggerhead turtles in the southeastern U.S. nest in only six Florida counties, making this their most important nesting site in the western hemisphere (Erhart et al. 2003). The northern Gulf of Mexico also provides critical breeding, wintering, and migratory habitat for a number of birds with high conservation concern including Wilson's plover, snowy plover, red knot, and least tern. This region is home to about 70 percent of the wintering population of the threatened piping plover (Elliott-Smith et al. 2009).

Things to consider in protecting beaches and barrier islands are the uniqueness of beach communities, potential nesting areas for sea turtles and diamond back terrapins, shorebird foraging and nesting habitat (e.g. plovers, red knots, wading birds), species of tiger beetles, and other interstitial invertebrate organisms that are functionally important to the physical environment. Dune habitat should be included as well, and species like beach mice, kangaroo rats and sea oats should be considered. Beaches are habitat and should be managed as such whenever possible.

- **Outcome:** Increase publicly owned beach property via fee simple and conservation easements for the protection of beach invertebrate communities, associated flora and fauna, and long term public use by 2020.
- **Outcome:** Maintain, re-establish or mitigate anthropogenically disrupted upland and coastal sand source systems to allow barrier islands the ability to maintain their natural sand budget and natural geomorphology by 2020.
- **Outcome:** Have 50 percent of Gulf Coast public beaches follow best management practices for beach maintenance by 2020.

Coral Reefs

The Gulf of Mexico is home to a variety of coral habitats including hard-bottom, patch reefs, deep-sea, offshore mid-water reefs, and shallow water reefs (Tunnell et al. 2007). Shallow water reefs can be found in the U.S. in the Florida Keys National Marine Sanctuary (FKNMS), which includes roughly 6,000 coral reefs between Key Biscayne and Dry Tortugas as well as the only emergent coral reefs in the continental U.S. (Florida Dept of Environmental Protection 2009) Mid-water corals are generally found in waters between 100 to 600 feet deep along the western coast of Florida (US Coral Reef Task Force 2011) and in waters between 60 to 400 feet deep directly south of the Texas, Louisiana, and Alabama border at the edge of the continental shelf (Waddell

and Clarke eds, 2008). The latter area includes a unique ecological feature known as the Flower Garden Banks National Marine Sanctuary (FGBNMS). The banks are composed of coral reef structures that have grown on salt domes, and have the highest coral cover in the western hemisphere, with greater than 50 percent cover (Puglise and Kelty eds. 2007). Deep-sea corals are found distributed throughout the Gulf at depths of 600 feet or greater (NOAA 2008), and are generally slow growing and fragile (CoRIS 2011). In some cases little is known about the biology of these corals and the extent of their distribution. Worldwide, coral reefs are considered biodiversity hotspots, providing habitat, spawning, and nursery ground for a wide variety of animals, including many economically valuable reef fish (US Dept of Commerce 2010). Coral reefs below the southern tip of Florida are also habitat for threatened elkhorn and staghorn corals.

Coral cover in South Florida has dramatically declined over the last 30 years. Some fishing practices have impacted deep-sea, mid-, and shallow-water corals through mechanical damage from gear. Furthermore, overfishing of predators and grazing fish has had negative impacts on Florida's mid- and shallow-water coral. Additional threats to shallow- and mid-water coral reefs in the Gulf include boat groundings and anchoring, coastal development, land-based sources of pollution, and climate change. Relevant strategies for conserving coral reefs in the U.S. include the Florida Keys National Marine Sanctuary Management Plan, Flower Garden Banks National Marine Sanctuary Plan, Dry Tortugas National Park Management Plan, NOAA Coral Reef Ecosystem Research Plan, the National Action Plan to Conserve Coral Reefs, and Florida's Comprehensive Wildlife Conservation Strategy (Waddell and Clarke eds. 2008; Florida Fish and Wildlife Conservation Commission 2005).

- **Outcome:** Fund and implement existing management plans.
- **Outcome:** Complete coral habitat mapping in the Gulf of Mexico using high-resolution bathymetric surveys, to document and track distribution of all coral reefs by 2020.
- **Outcome:** Identify priority areas for expanding current, or create new measures to protect corals in the Gulf by 2015.
- **Outcome:** Finish development of recovery plans for threatened elkhorn and staghorn corals, implement and fund the plans.
- **Outcome:** Develop a research plan and fund scientists to investigate the range and biology of deep-sea corals.

Tending to a crop of staghorn coral in the waters off Key Largo, Florida.
© 2009 Tim Calver

Ocean Habitats (including pelagic and deep-water benthic)

Healthy and diverse offshore ocean environments should be sustained as major components of a biologically diverse, productive, and resilient Gulf ecosystem. Existing management plans that can be used to inform this conservation effort include those of the National Marine Sanctuaries in the Gulf of Mexico and federal fishery management plans (identify essential fish habitat, habitat areas of particular concern and minimize the impacts of fishing on essential fish habitat).

- **Outcome:** Using existing information, identify sensitive and outstanding habitats by 2012 and protect from incompatible human uses by 2015. Based on the mapping and monitoring outcome below, protect a matrix of offshore habitats, including sensitive and outstanding habitats, from incompatible human uses by 2025.
- **Outcome:** Document the Gulf-wide distribution, diversity, condition, and management status of offshore habitats in Mexican, Cuban and U.S. waters by 2020. Identify and prioritize sensitive and outstanding habitats by 2020.

Sustain Native Fish and Wildlife Populations

Goal: Sustain healthy populations of fish and other wildlife that contribute to a productive and diverse ecosystem and thriving economy.

Why is it important? The Gulf of Mexico is home to valuable finfish and shellfish species that contribute to a large regional fishing-based economy (Yoskowitz 2008). Therefore, the human communities in the Gulf States are substantially dependent on the productivity of living resources and ecosystems in the region. Over the past several decades some species have been over-fished, and this unsustainable activity has contributed to a decline in the health of the Gulf's resources.

The Gulf is home to more than 15,000 marine species (Felder and Camp 2009) from bacteria to invertebrates to marine mammals. The Gulf supports globally significant populations of many species of migratory birds, colonial nesting birds, commercially important finfish, sharks and marine mammals. This diversity contributes to the stability and resilience of these wildlife species. Significant reductions in populations of fish and wildlife negatively impact on this stability and resilience, and often cause cascading effects throughout ecosystems.

The threatened Gulf sturgeon can live over 60 years and are found in coastal rivers from Louisiana to Florida. In the winter they use bays, estuaries and the open waters of the Gulf. © Paul A. Lang/USFWS

Outcomes:

Fish

The Gulf of Mexico is home to an outstanding collection of marine and coastal fish species, many of them commercially and recreationally important. Unfortunately past management and fishing practices and the reduction and degradation of essential fish habitat has taken a toll on the region's fish populations, impacting coastal communities dependent upon these resources. For example, red snapper spawning abundance has been reduced to less than five percent of historic spawning abundance. The Gulf is also home to several federally protected fish species. In addition, migratory species such as the Alabama shad—a NOAA "species of concern"—were likely a historically important prey species and trophic link between marine and fresh waters before severe population declines in the Gulf of Mexico. In 2000 the American Fisheries Society identified species at risk of extinction in the U.S. and identified the northern Gulf of Mexico as a "hot spot" of at-risk species. Fortunately, it's not too late to reverse this trend. While Gulf fisheries currently support $22 billion in economic activity, future sustainable yields and economic benefits can be much higher if fisheries are restored to and maintained at optimal levels. Several existing management plans can help support this goal: management plans for federally managed fish species developed by the National Marine Fisheries Service and U.S. Fish & Wildlife Service; fishery management plans developed by the Gulf States Marine Fisheries Commission and Gulf states; the Smalltooth Sawfish Recovery Plan; and the Gulf Sturgeon Recovery/Management Plan.

- **Outcome:** Management of Target Populations—All federally managed fish species are managed at optimum yield, overfishing is prevented, and rebuilding of depleted populations is completed within the timelines designated in fishery management plans. All state managed species are managed to achieve optimum yields, end and prevent overfishing, and rebuild depleted populations.

- **Outcome:** Management of at-risk populations—Identify at-risk marine and coastal species and develop restoration plans by 2015. Restore the smalltooth sawfish population consistent with the federal recovery plan pursuant to the Endangered Species Act. Reduce fishery by-catch including fishing interactions with protected species. Restore Gulf sturgeon consistent with the Gulf Sturgeon Recovery and Management

Plan, including conserving and restoring habitat, reducing incidental mortality, and minimizing dredging impacts on Gulf sturgeon habitats.

- **Outcome:** Population Health Assessment—By 2015, double the number of formal assessments for managed fish species annually. By 2020, double the number of managed species with formal assessments. Identify management metrics for unmanaged, incidentally caught fish species by 2020. Develop a data-poor species management framework by 2012.
- **Outcome:** Future of Fisheries Management—By 2020, ensure U.S. fishery policy better accounts for ecological interactions in decision-making.
- **Outcome:** Conservation and Restoration of Migratory Fish Species—By 2020, improve migratory fish populations by stabilizing at least 25 percent of unpaved roads and riverbanks at sites impairing riverine spawning habitat. By 2020, develop a conservation action plan for providing longitudinal connectivity at every dam or in-stream barrier impeding migratory fish access to essential riverine habitat. By 2020, determine the impact of recreational and commercial fisheries and by-catch of Alabama shad, Gulf sturgeon, and other migratory fishes.

Birds

The Gulf of Mexico is important for 395 migratory, breeding, wintering, and resident bird species (National Biological Information Infrastructure). Specifically, the Gulf Coast provides critical breeding, stopover, or wintering habitat for 34 species of shorebirds, five of which are Highly Imperiled, including the snowy plover, Threatened piping plover, and possibly extinct Eskimo curlew. Another 13 species are of High Concern (Brown et al. 2001). There are an additional 36 waterbirds with high regional conservation priority, and 17 of these, including American oystercatcher and sanderling, are of continental concern (Hunter et al. 2006). Gulf of Mexico wetlands have been identified as critical for migratory waterfowl and support globally important populations of rapidly declining species like redhead, northern pintail, and lesser scaup. The resident mottled duck relies upon these wetlands as well, in addition to upland prairies and associated grasslands (U.S. Fish and Wildlife Service 1986, Abraham et al. 2007).

In the northern Gulf of Mexico, National Audubon Society has identified 71 Important Bird Areas (IBA) with a total area the size of Maryland and Connecticut combined. Many of these IBAs support globally important populations of birds, including waterfowl, pelagic birds, pelicans, wading birds, birds of prey, rails, plovers, shorebirds, gulls, terns, and sparrows. Beach-nesting birds and marsh birds, in particular, are already in decline in the Gulf, and other species will be at increasing risk due to threats such as climate change. Many of the species meet the criteria as birds of conservation concern and appear on a number of watch lists.

There is a critical need to increase monitoring of all coastal waterbirds and restoration of imperiled habitats on which they depend. Birds are a relatively well-studied group, and regional population declines in some species are well documented. Even in species experiencing population increases since banning DDT and similar organochlorines (e.g. brown pelican; Butcher et al. 2007), nest sites are limited, making them vulnerable to catastrophic events like hurricanes and oil spills. Unfortunately, efforts to restore coastal habitats have been

Whooping crane. © Kendal Larson

Roseate spoonbill. © Bill Stripling

Brown pelican.
© Bill Stripling

Surveying waterbirds © Gerry Ellis

too localized and small scale to have significant impacts on population growth. Capacity is lacking to detect population changes for all species of conservation concern. It is critical to support and establish standardized regional monitoring for all species, especially for those of conservation concern, and to restore and create sufficient habitat to support stable populations at a level that reduces extinction risk.

- **Outcome:** Protect and restore critical bird habitats. Restoring natural hydrologic processes will renourish and reestablish productive marshes, stabilize and restore barrier islands, and provide additional breeding, wintering, foraging, and migratory stopover habitat to compensate for historic habitat loss. The National Audubon Society has identified 71 Important Bird Areas along the Gulf coastal as focal areas for conservation.
- **Outcome:** Develop and implement standardized regional monitoring protocols and integrate into a centralized, publicly accessible database to monitor coastal bird populations at scale by 2015. Science-based monitoring and conservation will follow recommendations from regional and national recovery plans, including the North American Waterfowl Management Plan, Southeast U.S. Regional Waterbird Plan, U.S. Shorebird Conservation Plan, and Endangered Species Plans.
- **Outcome:** Identify and protect critical habitat for threatened and endangered species, such as least tern and piping plover, whose habitats are at greatest risk of development, by acquiring appropriate and available lands by 2030, with the goal of reducing probability of extinction in 100 years to <1 percent.
- **Outcome:** Stabilize and recover populations of declining and vulnerable species, including threatened and endangered species, marsh- and beach-nesting birds, and other conservation priority species, to healthy levels by 2030. Assess population size of declining species and possible need for listing under Endangered Species Act for candidate species, like Wilson's plover; ensure listing where appropriate by 2020.
- **Outcome:** Identify and protect colonially nesting and beach-nesting bird sites, which include at-risk species like reddish egret, brown pelican, black skimmer, and snowy plover, from human and nuisance animal disturbance through stewardship, public education programs, and science-based monitoring at critical sites (IBAs) by 2020.
- **Outcome:** Maintain stable populations of birds, assessed through effective monitoring.

Dolphins in Galveston, Texas. © Ron Wooten

Florida manatee. © Ethan Daniels

Marine Mammals

The Gulf of Mexico is home to a variety of marine mammals including two species protected under the Endangered Species Act, sperm whales and the West Indian manatee, and 20 of which are managed pursuant to the Marine Mammal Protection Act. These species include: Bryde's whale, Cuvier's beaked whale, Blainville's beaked whale, Gervais' beaked whale, bottlenose dolphin (including 38 distinct stocks), Atlantic spotted dolphin, Pantropical spotted dolphin, striped dolphin, spinner dolphin, rough toothed dolphin, Clymene dolphin, Fraser's

dolphin, killer whale, False killer whale, pygmy killer whale, dwarf sperm whale, pygmy sperm whale, melon-headed whale, Risso's dolphin and pilot whale (short-finned) (Wursig et al 2000). For the majority of these species, there are insufficient data to determine stock structure, abundance, distribution, trends, health status or vital rates (survival and reproduction); obtaining this information requires coordinated and cooperative efforts at the state, federal and international level.

- **Outcome:** For ESA-listed species (sperm whale and manatee), restore populations to a level at which the probability of extinction in the next 100 years is less than 1 percent, consistent with federal recovery plans, by 2025. This includes acquiring additional information on population size and trends in abundance; protecting designated critical habitat; minimizing anthropogenic threats that may result in serious injury or mortality; and implementing measures to monitor recovery over the long-term (until 2025).
- **Outcome:** For non ESA-listed marine mammals, ensure populations are at or above optimum sustainable population levels by 2025. This includes acquiring additional information on stock structure, population size, spatial distribution, and movement patterns; minimizing anthropogenic threats that may result in serious injury or mortality; and implementing measures to monitor trends in abundance.

Sea Turtles and Terrapins

The five species of sea turtles found in the Gulf of Mexico are protected by the Endangered Species Act as threatened or endangered species and include Kemp's Ridleys, loggerheads, leatherbacks, greens and hawksbills. These sea turtles migrate to within and outside the Gulf from nesting beaches to foraging grounds (Girard et al. 2009). Threats to all species include loss and alteration of nesting and foraging habitat, interactions with fishing, encounters with dredging equipment, and marine pollution. The current status of loggerheads and Ridleys, the majority of which spend their lives in the Gulf, are of special concern. Sea turtles are long-lived species which require many years to mature (12-35 years). Recovering these populations is complicated by a lack of information on growth rates and survival at different life stages and the need to safeguard both terrestrial and marine turtle habitat.

- **Outcome:** Consistent with federal recovery plans, restore green, hawksbill, leatherback, loggerhead, and Kemp's Ridley sea turtle populations to levels that support removal from the federal list of endangered and threatened wildlife.
- **Outcome:** In turtle nesting areas, reduce artificial beachfront lighting, which confuses the sea-finding ability of hatchlings emerging from their nests, by 50 percent by 2020.
- **Outcome:** In turtle nesting areas, reduce mammalian predation of nests to less than 10 percent by 2020.
- **Outcome:** Eliminate vehicular driving on major sea turtle nesting beaches during nesting season.
- **Outcome:** Arrest nesting declines for the four loggerhead recovery units in U.S. waters and ensure the annual rate of increase over a 50-year generation is 1-3 percent or greater.
- **Outcome:** Consistent with the Kemp's Ridley turtle federal recovery plan, achieve 10,000 nesting females in a season by 2015 and on average 40,000 nesting females per season over a six-year period by 2038.
- **Outcome:** Categorize all beach armoring and shoreline stabilization on sea turtle nesting beaches and develop and implement a strategy to ensure that an adequate number remain available for nesting; maintain at least 1,000 miles of loggerhead nesting beaches and adjacent uplands within public or private conservation lands for sea turtles.
- **Outcome:** Reduce sea turtle mortalities cause by interactions with fisheries in the Gulf of Mexico.

Four of seven subspecies of the diamondback terrapin can be found in the Gulf of Mexico. The species is under pressure from a variety of sources including drowning in commercial crab traps and loss of suitable nesting habitat. Terrapin drowning deaths have been well documented throughout their range. Excluder devices have been tested in several states along the Atlantic Coast and have led to some states adopting excluder regulations

Kemp's Ridley hatchlings. Erika Nortemann/© 2010 The Nature Conservancy

of one type or another. For example, the Mississippi Department of Marine Resources (DMR) has introduced excluders to local fishermen by including them on crab traps that DMR distributed after Hurricane Katrina. In addition to drowning deaths, lack of nesting habitat is likely to be the greatest limiting factor on the species. Purchase of appropriate nesting habitat will provide Louisiana protection. Terrapin nesting areas are not always sandy beaches and terrapins have been documented nesting in a variety of habitats.

- **Outcome:** Protect terrapin habitat by minimizing anthropogenic disruption of habitat and by acquiring appropriate and available lands from willing sellers.
- **Outcome:** Reduce by-catch drowning in crab traps through implementation of a terrapin excluder device program. Encourage compatible fishing practices and proper disposal of derelict crab traps.

Restore Water Quality and Hydrologic Function

Goal: Improve water quality in coastal, near-shore, and offshore waters and ensure sufficient freshwater inflows into coastal waters and sediment deposition into coastal wetlands to maintain healthy, productive habitat for fish and wildlife.

Why is it important? Freshwater flow is critical to healthy coastal ecosystems. In the Gulf of Mexico, the existence and health of many estuaries is directly linked with riverine processes that deliver fresh water, sediment, and nutrients to coastal waters to moderate salinity, build and sustain floodplain habitats, and support coastal fisheries. Without this connection, the effects of saltwater intrusion and subsidence seriously threaten wetland habitat. The quality of the water flowing into the Gulf is likewise important. At present, a hypoxic zone covering 6,000 to 8,000 square miles develops in the Gulf each summer just off the Mississippi River Delta. This "dead zone" arises from a combination of agriculture-driven nutrient loading upstream and levee-induced funneling of water, sediment, and nutrients into the deep waters of the Gulf of Mexico (Rabalais and Turner 1996). Without these alterations, a good amount of these nutrients would be distributed (along with water and sediment) into the Mississippi Delta wetlands. The "dead zone," disappearing wetlands, and imperiled estuaries all demonstrate the importance of managing rivers, streams, floodplains and watersheds (both coastal and upstream) to re-establish healthy freshwater inflow processes and ensure the beneficial delivery of sediments and nutrients to coastal systems. These corrections are particularly important in light of the fact that the population of this region is expected to double in the next 40 years.

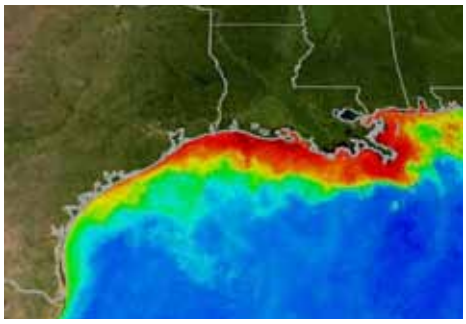
- **Outcome:** Review, revise, and implement the Environmental Protection Agency's Hypoxia Action Plan to dramatically reduce the size and harmful impact of the "dead zone" in the Gulf of Mexico.
- **Outcome:** Meet water quality standards for pathogens and nutrients, using Total Maximum Daily Loads (TMDLs) established for bay systems all along the Gulf Coast to reduce hypoxic zones and harmful algal blooms.

- **Outcome:** Guided by a scientifically sound flow regime established for each bay and estuary system along the Gulf Coast, ensure the delivery of freshwater inflows sufficient to maintain healthy populations of ecologically and economically important species characteristic of each bay, and sufficient to maintain estuaries as functional ecosystems.

- **Outcome:** In Louisiana, improve the management of existing freshwater diversion structures to increase their ability to build and sustain wetlands.

- **Outcome:** In Louisiana, construct and operate a series of large-scale diversions of freshwater and sediment from the Mississippi River capable of building and sustaining Delta wetlands. (See section on Wetlands.)

- **Outcome:** In Louisiana, improve water management in the Atchafalaya River to improve water quality, benefit coastal forest and wetland habitats, and reduce Gulf hypoxia.



"Dead zone" in the Gulf. © NASA

Conserve special places on land and in water

Goal: Conserve a network of special landscapes and seascapes in the Gulf to reverse the trend of habitat loss and to serve as special examples of Gulf habitats and cultural values associated with the Gulf's communities. Increase area-based conservation and public access to special places through adequate policy.

Why is it important? Connectivity is a process of ecological linkage resulting from geographical movement of individuals of a population from one habitat site to another during any life stage. In conserving marine biodiversity in the Gulf of Mexico, connectivity helps maintain a network of functional seascapes that support a healthy flow of benefits to biodiversity (e.g. marine aggregations in nursery areas and feeding grounds), and to human communities (e.g. regulating biological interactions that lead to healthy fish stocks). Connectivity represents an ecological insurance policy providing populations with resilience to substantial disturbances, whether they are natural or anthropogenic.

In the Gulf, near-shore coastal (e.g. bays and estuaries) and offshore oceanic habitats (e.g. reefs and banks) constitute 'stepping stones,' representing ecological nodes that are connected via passive and active movements throughout the Gulf and Caribbean (Ritchie and Keller 2008). In addition to planktonic organisms, some highly migratory species demonstrate active movement throughout the Gulf and Wider Caribbean following connectivity paths that include local and regional post-settlement movement and larger migrations that can span long distances. Good examples of such are whale sharks movements along the Northern Gulf, the Yucatan Straight and the Mesoamerican Barrier Reef in the Caribbean (Hueter et al. 2009); and sea turtles, movements between foraging grounds and nesting beaches from the U.S., Mexico and Cuba (Girard et al. 2009).

Decades of significant development and degradation of the Gulf's coastal areas have led to large-scale loss of habitats and their associated species and services. Conservation efforts should focus on key sites and areas, as well as functional networks of protected areas (Ritchie and Keller 2008) defined by stakeholders and informed by science to sustain social, economic and environmental values.

The Gulf region has a vast maritime heritage that is a vital economic engine for the nation, supplying trillions of dollars to the economy of the United States. These special cultural and maritime sites should be protected so that their cultural and ecological "sense of place" is maintained.

- **Outcome:** Form and empower local and regional partnerships to promote sustainable management of coastal landscapes, seascapes, and cultural areas for conservation and public access.

- **Outcome:** Using the best available science and an open and transparent stakeholder process, identify key marine aggregations and stepping stone areas that are connected in the Gulf that need additional conservation efforts. Conserve 30 percent of these key areas by 2020. These areas support critical processes and provide essential benefits to biodiversity and human communities.
- **Outcome:** Identify key marine aggregations and stepping stone areas in Mexican and Cuban waters, together with stakeholders and partners from these two countries, and promote and support their conservation by 2015.
- **Outcome:** Support and develop an international network of coastal and marine managed areas in the Gulf of Mexico, with different levels of protection, that in total provide essential benefits to biodiversity and human communities by 2030.

Oyster tonging at Grand Bay National Wildlife Refuge. © Lynda Richardson

Fishing off the Texas coast. Erika Nortemann/© 2010 The Nature Conservancy

Supporting Activities

Develop an Environmental Report Card and Long-term Monitoring Plan

Objective: To assure that there are scientifically sound measures to monitor and report the progress of restoration projects and to report on the health of the Gulf of Mexico.

Why is it important? Monitoring and reporting the outcomes of restoration projects and meeting long-term ecosystem goals for the Gulf of Mexico are critical tools for informing policy makers and the public. Transparency in planning, restoration, monitoring, and reporting keeps all parties informed about large investments in ecosystem processes and services. Since monitoring all aspects of an ecosystem is impractical, even impossible, certain ecological indicators can be monitored that represent the entire system. Leading Gulf of Mexico scientists should select these indicators, and all of them should have strong scientific data to support their long-term analysis and utilization. The Harte Research Institute for Gulf of Mexico Studies at Texas A&M University-Corpus Christi has initiated the development of just such a Gulf of Mexico report card framework (McKinney et al. 2011).

Strengthen Science-Based Adaptive Management

Objective: Support science-based adaptive management through the establishment of a long-term and stable research and monitoring program. Use monitoring and science results to evaluate the effectiveness of restoration activities and make adjustments to future plans and priorities based on the results.

Why is it important? We must continually look at the results the Strategy is achieving and make whatever adjustments are necessary to ensure that Gulf restoration makes good progress and improves results over time. This will require setting measurable goals, ensuring sufficient monitoring programs are in place, and developing processes where the monitoring results are fed back into future decision-making. This will promote accountability and ensure that we are getting the best results for the Gulf that we can with the resources available to implement the Strategy.

Incorporate the Impacts of Climate Change into Restoration Planning, Design and Implementation

Objective: Incorporate impacts from climate change into planning, design and implementation, and promote the use of ecosystems' infrastructure for natural and human communities to adapt to the threats posed by climate change.

Why is it important? Climate change will continue to exert a growing influence on the Gulf of Mexico. Changes such as sea level rise, ocean acidification, warming waters, more intense storms, altered precipitation patterns, and other climate-related impacts will need to be taken into account both in the development of the Strategy and the implementation of projects. Promoting resilience of natural systems will need to be an important part of this consideration because healthy ecosystems benefit humans and other natural systems by regulating the disturbances created by climate-related hazards. Functional ecosystems can enhance the resilience of communities living in the coastal areas by reducing the vulnerability of the threats posed by storms, sea level rise and other climate-related impacts. Promoting the resilience of natural systems will help promote the resilience of human communities along the Gulf coast. To promote resilience, local decision-makers are in need of high resolution topographic information and accurate models so they can easily visualize and assess the vulnerability of communities, habitats, and infrastructure. Decision-makers also need decision support tools so they can fully account for costs and benefits to thoughtfully make tradeoffs between policy options.

Develop A Restoration Economy

Objective: Ensure that there is a local infrastructure in place to support restoration activities.

Why is it important? The Gulf Coast region is potentially facing a major opportunity to create a restoration economy that could inextricably link economic development, such as job creation and technological innovation, to restoration activities. Much work needs to be done to prepare the region for a large influx of restoration funding such as identifying and determining how to meet the potential need for labor, materials, and technologies to support restoration activities on a large scale. By supporting economic development and job development on the front end, we can ensure that we have the infrastructure ready to support large-scale restoration and the restoration dollars that flow into the Gulf are putting people in the region to work.

Boat People SOS and other members of the 100-1000: Restore Coastal Alabama coalition are partnering to employ out-of-work members of the local Southeast Asian fishing community to help construct materials for oyster reef restoration in Mobile Bay. © 2010 Andrew Kornylak

Develop Market-based Solutions to Help Protect the Value of Nature

Objective: Investigate and develop market-based solutions to incorporate the value of ecosystem services the Gulf of Mexico provides.

Why is it important? Ecosystem services are the benefits that humans obtain from natural infrastructure. In the Gulf, people benefit from abundant fisheries, coastal wetlands that increase protection from storm surge, and clean beaches that provide recreational opportunities, just to name a few. Due to the lack of economic markets for most of these services, they are usually not adequately taken into account in the decision-making process, which can result in the unaccounted for degradation of the services natural systems provide. Market-based approaches (e.g. carbon sequestration) may provide innovative solutions to adequately capture the values that nature provides to society. The Strategy should include a component where market-based solutions are investigated, developed and incorporated where appropriate in relevant decision-making processes related to Gulf natural resources

Paddling in Aransas Pass, Texas. Erika Nortemann/© 2010 The Nature Conservancy

Promote Citizen Science and Stewardship through Expanding Environmental Education and Outreach

Objective: Foster environmental education and outreach needed to increase the number of citizens participating in science and stewardship initiatives.

Why is it important? People value what they know. Education programs that help people understand linkages between nature and their own well-being engage citizens in appreciating and stewarding their environment. Likewise, when citizens acquire specific expertise through data collection—a process known as citizen science—they are more likely to develop a strong stewardship ethic toward nature. The value of citizen science is to facilitate the collection of reliable data across extensive geographic areas as a critical component of understanding anthropogenic effects on wildlife and habitats.

Engaging citizens in stewardship through habitat restoration, wildlife and habitat monitoring, trail maintenance, and beach clean-ups will also create relationships between communities and their environment, enhancing an appreciation of natural communities. Existing programs that engage citizens in stewardship utilizing partnerships between state and federal agencies, universities, non-profits, and community organizations form the basis for ongoing citizen science, which should be expanded to address current and future conservation needs.

Correspondence Management System
Control Number: AX-11-001-2693
Printing Date: July 29, 2011 02:43:36

Citizen Information

Citizen/Originator: **West, Shelton**
Organization: Mount Pleasant/Titus County Chamber of Commerce
Address: 1604 North Jefferson, Mount Pleasant, TX 75455

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-11-001-2693	**Alternate Number:**	N/A
Status:	For Your Information	**Closed Date:**	N/A
Due Date:	N/A	**# of Extensions:**	0
Letter Date:	Jul 20, 2011	**Received Date:**	Jul 29, 2011
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	N/A	**Signature Date:**	N/A

File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File-The Mount Pleasant/Titus County Chamber of Commerce is writing in support of AEP and against the time regulations set out in the US EPA Hazardous Air Pollutants Rule.
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OEAEE - Office of External Affairs and Environmental Education
OP - Office of Policy
R6 - Region 6 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Eliska Postell	OEX	OAR	Jul 29, 2011

History

Action By	Office	Action	Date
Eliska Postell	OEX	Forward control to OAR	Jul 29, 2011

Mount Pleasant / Titus County
CHAMBER of COMMERCE

RECEIVED
2011 JUL 28 PM 12: 19
OFFICE OF THE
EXECUTIVE SECRETARIAT

July 20, 2011

Administrator Lisa P. Jackson
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson:

The Mount Pleasant/Titus County Chamber of Commerce is writing in support of AEP and against the time regulations set out in the U.S. EPA's Hazardous Air Pollutants Rule. The EPA's proposed HAPs rule does not provide AEP with enough time to permit, design, construct and install the pollution controls needed to comply.

By not providing AEP with the needed extension of time, Mount Pleasant and Titus County will be directly affected. In order to comply with these unrealistic time constraints, AEP will be forced to retire one of the existing units from Welsh Power Plant located in Titus County. This will have devastating effects on Titus County and Northeast Texas including lost jobs, property tax decreases, raise in electricity costs and potential for a shortage of electricity. These effects are only a small part of the massive impact this type of regulation within this time frame would cause.

The same results can be achieved at much lower cost if the compliance deadline is extended and more latitude is given on how plants operate. As an agency dedicated to the public welfare, please enact regulations that involve the least cost to the public.

Please do everything you can to keep energy prices affordable and keep the economy alive in Northeast Texas.

Sincerely,

Mount Pleasant/Titus County Chamber of Commerce
Board of Directors

Shannon Norfleet
Shelton West
Sheila Donnelly
Dr. Lynn Rehart

1604 N. Jefferson Mount Pleasant, TX 75455
Phone 903.572.8567 *Fax* 903.572.0613 *e-mail* info@mtpleasanttx.com *web site* www.mtpleasanttx.com

Correspondence Management System
Control Number: AX-11-001-2694
Printing Date: July 29, 2011 12:18:28

Citizen Information

Citizen/Originator: **Bell, Michael P**
Organization: City of Toledo
Address: Our Government Center, Toledo, OH 43604

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-11-001-2694	**Alternate Number:**	N/A
Status:	Pending	**Closed Date:**	N/A
Due Date:	Aug 12, 2011	**# of Extensions:**	0
Letter Date:	Jul 20, 2011	**Received Date:**	Jul 28, 2011
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	DX-Direct Reply	**Signature Date:**	N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.
Subject: Daily Reading File DOT and EPA developing national fuel economy standards for 2017-2025 share views.
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAEE - Office of External Affairs and Environmental Education
OP - Office of Policy
OSBP - Office of Small Business Programs
R5 - Region 5 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Brenda Salvador	OEX	OAR	Jul 29, 2011	Aug 12, 2011	N/A
	Instruction: DX-Respond directly to this citizen's questions, statements, or concerns				
Sabrina Hamilton	OAR	OAR-OTAQ	Jul 29, 2011	Aug 9, 2011	N/A
	Instruction: OAR - Prepare response for the signature of Gina McCarthy, Assistant Administrator for the Office of Air and Radiation (OAR).				

Supporting Information

Supporting Author: N/A

MICHAEL P. BELL
MAYOR
City of Toledo

RECEIVED
2011 JUL 28 PM 12: 19
OFFICE OF THE
EXECUTIVE SECRETARIAT

July 20, 2011

The Honorable Ray LaHood
Secretary
Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

Dear Secretary LaHood and Administrator Jackson:

In today's economy, jobs and energy security are upmost on the minds of every American. As the mayor of the city of Toledo, I am focused on creating proactive policies to address these critical issues and to thereby grow my city toward a more secure future. Transportation is a critical component in our economic vitality and, given that your agencies are now developing national fuel economy standards for 2017-2025, I want to share my views with you.

Safe, efficient and reliable transportation greatly impacts each individual, family and business in my city. Regardless of industry or commercial sector, all jobs are tied to cost effective transportation. With the recent increase in gas prices and the turmoil in the Middle East, reducing fuel use and dependence upon foreign oil are also important. While I support your efforts to improve fuel economy by "laying out" a long-term program, I must encourage you to carefully consider a balanced and comprehensive approach.

I encourage NHTSA and USEPA to adopt a single, national fuel economy standard that considers America's needs for increased fuel economy while still preserving the choices for families and business people to meet their transportation needs without sacrificing affordability, safety or jobs. NHTSA and USEPA have already set strong standards for 2012-2016 that raise the fleet mileage average by 40% to 35 miles per gallon. Looking forward, technological improvements should continue to support increases in fuel economy and greenhouse gas standards. Nevertheless, I recognize that overreaching regulations can place a significant cost burden on individuals, families and businesses in my city.

One Government Center Suite 2200 Toledo, Ohio 43604
Office (419) 245-1004 Fax (419) 245-1370
E-mail mayor@toledo.oh.gov

It is important that standards for 2017-2025 support a broad range of consumer needs in terms of utility and function. Americans need a range of vehicles to meet their family and business needs. Large families require automobiles with sufficient passenger space, including room for multiple child-safety seats in the back. Small businesses need vans and utility vehicles to conduct commerce. Agriculture depends on pickups as do the construction industry and local trades. The auto industry is an important source of revenue for my city and its success depends on appropriate vehicles to carry out our day-to-day business needs.

My residents all share the need for affordable transportation. The next phase of fuel economy standards should not pick "winners and losers," but should support a variety of technologies and diversity of fuels to ultimately preserve affordability. If fuel economy standards increase too quickly, it may result in more expensive vehicles being produced. If so, many consumers can be expected to defer buying new cars which again could put auto jobs across the country at risk and ultimately delay compliance with federal air quality standards. Affordability, customer choice and job preservation should be as high a priority as raising fuel economy.

As a mayor, I must think about job creation and security for my city every day. As policymakers, you know that effective regulations and laws are often a "balancing act" which must satisfy competing demands. Therefore, I encourage you to carefully balance the factors that will impact sensible fuel economy standards including consumer choice, affordability and the overall economic concerns that will impact our nation's fragile recovery.

Sincerely,

Michael P. Bell
Mayor

Correspondence Management System
Control Number: AX-11-001-2695
Printing Date: July 29, 2011 07:47:35

Citizen Information

Citizen/Originator: **Moon, Jay C.**
Organization: Mississippi Manufacturers Association
Address: 720 North President Street, Jackson, MS 39202

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-11-001-2695	**Alternate Number:**	N/A
Status:	Pending	**Closed Date:**	N/A
Due Date:	Aug 12, 2011	**# of Extensions:**	0
Letter Date:	Jul 22, 2011	**Received Date:**	Jul 28, 2011
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	DX-Direct Reply	**Signature Date:**	N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.
Subject: Daily Reading File DOT and EPA developing national fuel economy standards for 2017-2025 share views.
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OEAEE - Office of External Affairs and Environmental Education
OP - Office of Policy
OSBP - Office of Small Business Programs
R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Brenda Salvador	OEX	OAR	Jul 29, 2011	Aug 12, 2011	N/A
	Instruction: DX-Respond directly to this citizen's questions, statements, or concerns				

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

MMA
Mississippi Manufacturers Association

RECEIVED
2011 JUL 28 PM 12: 19
OFFICE OF THE
EXECUTIVE SECRETARIAT

Mississippi's Manufacturing Advocate

July 22, 2011

The Honorable Ray LaHood
Secretary
Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

Dear Secretary LaHood and Administrator Jackson:

As the economy continues to slowly pull out of the recent downturn, the focus of every American remains firmly on jobs, the economy and energy security. As President and CEO of the Mississippi Manufacturers Association (MMA), representing over 2,200 manufacturers and affiliated companies, I am also focused on policies that will improve the business climate and protect jobs and investment in the State of Mississippi. Given that transportation is such a critical component of our economic vitality, I wanted to express my views on your agencies' efforts to develop national fuel economy standards for 2017-2025.

Safe, efficient and reliable transportation is a top priority of the MMA because it affects every one of our members, large and small. Economic development and expansion in Mississippi is directly tied to effective transportation. The current movement toward reducing our dependence on foreign sources of oil is a welcome trend, not only because this promotes domestic energy development, but also because we will break our reliance on unstable areas of the world for our energy needs. Therefore, we support your efforts to improve fuel economy by developing a long-term program, but we encourage you to carefully consider a balanced and thoughtful approach.

We encourage NHTSA and EPA to adopt a single, national fuel economy standard that considers America's needs for increased fuel economy without sacrificing affordability, safety or jobs. NHTSA and EPA have already set strong standards for 2012-2016 that raised the fleet average by 40% to 35 miles per gallon. Looking forward, technology improvements should continue to support increases in fuel economy and greenhouse gas standards. However, we want to emphasize that onerous regulations can place a significant cost burden on business and industry that will make us less competitive in the global economy.

The next phase of fuel economy standards should not pick winners and losers, but should support a variety of technologies and fuel diversity to preserve affordability. If fuel economy standards increase too quickly, resulting in more expensive vehicles, many of our state's

720 North President Street • P.O. Box 22607 • Jackson, MS 39225-2607
Office 601 948-1222 • Fax 601 948-1475 • www.mma-web.org

consumers can be expected to hold on to their older vehicles longer and defer buying a new car, which could put jobs across the country at risk and delay compliance with new federal air quality standards. Economic considerations such as affordability, consumer choice and job preservation should be given just as much consideration in these deliberations as raising fuel economy.

The Mississippi Manufacturers Association continually strives to promote and protect business and industry in our state, which ultimately translates into jobs. We encourage you to carefully balance any changes to the national fuel economy standards, with the negative impact on job creation that overreaching regulations may cause.

Thank you for your time and consideration of my views.

Sincerely,

Jay C. Moon, CEcD, FM
President and CEO

Correspondence Management System
Control Number: AX-11-001-2697
Printing Date: July 29, 2011 02:53:07

Citizen Information

Citizen/Originator: **Rossiter, Gary**
Organization: Nobel County Commissioners
Address: Court House, Caldwell, OH 43724-1294

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-11-001-2697	**Alternate Number:**	N/A
Status:	Pending	**Closed Date:**	N/A
Due Date:	Aug 12, 2011	**# of Extensions:**	0
Letter Date:	Jul 14, 2011	**Received Date:**	Jul 28, 2011
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	DX-Direct Reply	**Signature Date:**	N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.
Subject: Daily Reading File-I am writing to express my concerns about the new corporate average fuel efficiency standards being proposed for 2017-2025.
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAEE - Office of External Affairs and Environmental Education
OP - Office of Policy
R5 - Region 5 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Eliska Postell	OEX	OAR	Jul 29, 2011	Aug 12, 2011	N/A
	Instruction: DX-Respond directly to this citizen's questions, statements, or concerns				

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

NOBLE COUNTY COMMISSIONERS

ROOM 210 - COURT HOUSE
CALDWELL, OHIO 43724-1294
PHONE (740) 732-2969

RECEIVED
2011 JUL 28 PM 12: 19
OFFICE OF THE
EXECUTIVE SECRETARIAT

July 14, 2011

The Hon. Ray LaHood
Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

The Hon. Lisa Jackson
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20004

Dear Mr. LaHood and Ms. Jackson,

I am writing to express my concern about the new corporate average fuel efficiency (CAFE) standards being proposed for 2017 through 2025. This policy will inevitably have a major impact on our public services, as well as businesses in Noble County that rely on fleets of cars and trucks.

Like most parts of the U.S, we have struggled through the recent economic difficulties. I am astounded that the administration would even consider these new regulations at a time when local government services are struggling to cope with depleted budgets. The last thing we need in Noble County is to have to replace all our public sector vehicles at an extortionate cost to the taxpayer so that they conform to new CAFE standards. We cannot afford it, and there is no urgent need for it.

Small business owners and companies in the county that use fleets of cars and trucks are furious. Many are not aware of the proposals or their financial consequences, but they too are still struggling to get back onto a sure footing following the recession. Businesses cannot afford to replace functioning vehicles; any attempt to force them to do so will, I am sure, lead to job losses and closures.

I urge you not to pursue this course of action, and at the very least delay the introduction of the new policy until a comprehensive consultation has taken place between the government, the car industry and those people like those in my county, who will be affected most.

Yours sincerely,

Gary L Rossiter

Gary Rossiter
Commissioner
Noble County, Ohio

Correspondence Management System
Control Number: AX-11-001-2711
Printing Date: July 29, 2011 09:49:39

Citizen Information

Citizen/Originator: **Wilson, Woodrow**
Organization: The Parish of Caddo Administration
Address: 505 Travis Street, P.O. Box 1127, Shreveport, LA 71163-1127

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-11-001-2711	**Alternate Number:**	N/A
Status:	Pending	**Closed Date:**	N/A
Due Date:	Aug 12, 2011	**# of Extensions:**	0
Letter Date:	Jul 21, 2011	**Received Date:**	Jul 28, 2011
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	DX-Direct Reply	**Signature Date:**	N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.
Subject: DRF - Docket No. EPA-HQ-OAR-2011-0044
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAEE - Office of External Affairs and Environmental Education
R6 - Region 6 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Jacqueline Leavy	OEX	OAR	Jul 28, 2011	Aug 12, 2011	N/A
	Instruction: DX-Respond directly to this citizen's questions, statements, or concerns				
Sabrina Hamilton	OAR	OAR-OAQPS	Jul 29, 2011	Aug 10, 2011	N/A
	Instruction: OAQPS - Prepare response for the siganture of Steven Page, Director of the Office of Air Quality Planning and Standards (OAQPS).				

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

DAILY READING FILE

7/28

DAT

THE PARISH OF CADDO

ADMINISTRATION

Woodrow Wilson, Jr.
ADMINISTRATOR/CEO

Randy M. Lucky
ASSISTANT ADMINISTRATOR

Telephone • 318.226.6900
Fax • 318.429.7630

GOVERNMENT PLAZA
505 Travis Street • Suite 800
P.O. Box 1127
Shreveport, Louisiana 71163-1127

July 21, 2011

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave. N.W.
Washington, DC 20460

RECEIVED
2011 JUL 28 PM 12: 19
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Administrator Jackson:

Re: Docket No. EPA-HQ-OAR-2011-0044

On behalf of the Caddo Parish Commission and the citizens of Northwest Louisiana, in which we represent, I am writing to express my concerns about new environmental proposals that will negatively impact the price of electricity.

We understand the need to improve the quality of our air and to protect our environment, but we also are concerned about the cost of new regulations. We have been advised by our electric utilities that the hazardous air pollutants rule and other proposed rules could result in double-digit price increases. We also are told that these price increases could be deferred or mitigated if the EPA adopts more flexible regulations.

For the public sector, energy costs are a significant consideration. A 10-to-20-percent increase in our price of electricity will cost the city and our citizens tens, if not hundreds, of thousands of dollars and can mean the difference between economic vitality and adding jobs or letting people go. The purpose of environmental regulation should not be to hold back our economy or our ability to make a living. The most effective way to protect our environment is to ensure that our economy prospers so that the resources will be available to make improvements.

Please work with the nation's electric utilities to enact environmental regulations that will allow them to operate as efficiently as possible. Businesses need certainty to plan effectively. Please establish and publicize the conditions under which you will grant the one-year compliance extension so that utilities will know how much time they have to comply. We suggest that you extend the time to adopt any proposed rules until 2020 to spread the impact of these changes over a longer time frame.

We all want a cleaner environment, but we need common sense regulation to keep our economy going. Overly stringent, inflexible regulations will harm our businesses, our communities, and our nation.

Thank you for the opportunity to comment.

Very truly yours,

Woodrow Wilson, Jr.
Administrator & CEO

WWjr/kb

Correspondence Management System
Control Number: AX-11-001-2737
Printing Date: July 29, 2011 03:07:08

Citizen Information

Citizen/Originator: **Kerlikowske, R. G.**
Organization: Executive Office of the President Office of National Drug Control Policy
Address: 750 17th N.W., Washington, D.C. 20503

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-11-001-2737	**Alternate Number:**	N/A
Status:	For Your Information	**Closed Date:**	N/A
Due Date:	N/A	**# of Extensions:**	0
Letter Date:	Jul 21, 2011	**Received Date:**	Jul 29, 2011
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	SNR-Signature Not Required	**Signature Date:**	N/A

File Code: 401_127_a General Correspondence Files Record copy
Subject: DRF - 2011 National Drug Control Strategy
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Linda Huffman - OECA
OARM - OARM -- Immediate Office
OCSPP - OCSPP - Immediate Office
OEAEE - Office of External Affairs and Environmental Education
OECA - OECA -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Jacqueline Leavy	OEX	OSWER	Jul 29, 2011
Wanda McLendon	OSWER	OSWER-ORCR	Jul 29, 2011

History

Action By	Office	Action	Date
Jacqueline Leavy	OEX	Control Created	Jul 29, 2011

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF NATIONAL DRUG CONTROL POLICY
Washington, D.C. 20503

July 21, 2011

RECEIVED
2011 JUL 29 AM 9:43
DAILY READING FILE
OFFICE OF THE
EXECUTIVE SECRETARIAT

Ms. Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rio Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

I am pleased to transmit the 2011 *National Drug Control Strategy (Strategy)*. In the inaugural *Strategy* published last year, our Administration embarked upon a new approach to the problem of drug use in the United States, an approach founded on scientific evidence and informed by extensive consultation with substance abuse experts, representatives of law enforcement, and our Federal, state, tribal, and local partners. This year, we continue our call for a balanced approach—one that draws upon prevention, treatment, recovery support, law enforcement, interdiction, and international partnerships—to achieve a 15 percent reduction in the rate of drug use and its consequences over 5 years. The *Strategy* is available online at www.whitehousedrugpolicy.gov/strategy. Thank you for your assistance in the *Strategy's* development and your continued partnership in its effective implementation.

The Administration is focusing its drug-control efforts in three areas: (1) reducing prescription drug abuse; (2) reducing drugged driving; and (3) expanding community-based prevention. We are also focusing on populations with unique challenges and needs in addressing their substance use issues, such as: active duty military, veterans, and their families; women and their families; college and university students; and those in the criminal justice system.

Prescription drug abuse is the Nation's fastest growing drug problem. With your help, the Obama Administration is educating parents, prescribers, and patients about the dangers of prescription drug abuse; enhancing prescription drug monitoring programs; allowing for easier, environmentally sound disposal of controlled substances; and reducing the number of pill mills.

Drugged driving is a serious threat to public safety and public health. To help reduce this challenge, the Administration is encouraging states to explore legal responses, such as *per se* laws which make it illegal to drive with illicit drugs in the system. We are also providing increased training to law enforcement to better identify drugged drivers and promoting efforts to develop standard screening methodologies for drug-testing labs to detect drugs among drivers.

Lastly, scientific evidence has made it clear that substance abuse prevention is the most cost-effective, common-sense approach to promoting safe and healthy communities. Substance abuse prevention is unique from other kinds of prevention and requires drug-focused approaches.

I appreciate your continued support of ONDCP, and again thank you for your commitment and help in the development and implementation of the *National Drug Control Strategy*. With your assistance, we can expand the collaborative and balanced approach necessary for the achievement of the *Strategy's* 115 action items. I look forward to furthering our partnership and working together for the development of the 2012 *National Drug Control Strategy*.

Respectfully,

R. Gil Kerlikowske
Director

Correspondence Management System
Control Number: AX-11-001-2739
Printing Date: July 29, 2011 02:36:40

Citizen Information

Citizen/Originator: **Peterson, Dana J**
Organization: National Association of Wheat Growers
Address: 415 Second Street NE, Washington, DC 20002

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-11-001-2739	**Alternate Number:**	N/A
Status:	For Your Information	**Closed Date:**	N/A
Due Date:	N/A	**# of Extensions:**	0
Letter Date:	Jul 22, 2011	**Received Date:**	Jul 29, 2011
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	SNR-Signature Not Required	**Signature Date:**	N/A

File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File Thank you for hearing concerns and to continue periodic discussions between USDA EPA and your farmer stakeholders.
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Lawrence Elworth - AO-IO
Noah Dubin - OEX
OCIR - Office of Congressional and Intergovernmental Relations

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Brenda Salvador	OEX	OCSPP	Jul 29, 2011
Zelma Taylor	OCSPP	OCSPP-OPP	Jul 29, 2011

History

Action By	Office	Action	Date
Brenda Salvador	OEX	Forward control to OCSPP	Jul 29, 2011
Zelma Taylor	OCSPP	Forwarded control to OCSPP-OPP	Jul 29, 2011

National Association of Wheat Growers

415 Second Street, N.E., Suite 300 • Washington, D.C. 20002 • (202) 547-7800 • www.wheatworld.org

DAILY READING FILE

July 22, 2011

RECEIVED
2011 JUL 29 AM 9:43
OFFICE OF THE
EXECUTIVE SECRETARIAT

Lisa Perez Jackson, Administrator
Environmental Protection Agency
Ariel Rios Federal Building
1200 Pennsylvania Avenue, N.W. Rm. 3000
Washington, DC 20460

Dear Administrator Jackson:

Thank you for meeting with Wayne Hurst, Mark Gaede and I last month. We appreciate the opportunity to discuss with you directly our concerns about the impact of EPA regulations on the wheat industry.

As we mentioned during the meeting, NAWG places a high priority on bolstering the ESA consultation process on pesticide approvals that is under attack. While we recognize that the EPA's pesticide approval process is science based, some environmental groups are using uncertainties in the process to ultimately skew perceptions around the approval of many of our essential crop protection tools. This puts both EPA and agricultural producers at risk.

We are encouraging the Department of Commerce and the National Marine Fisheries Service in particular, to modify its pesticide review process with regard to endangered species consultation. We would like them to make it transparent, open to stakeholder input and based on actual environmental data on the effects of the pesticides on endangered species.

To this end, we would like to take this opportunity to again strongly encourage you to convene a cabinet level meeting between yourselves, Secretary of Commerce, Secretary of Interior and stakeholders to discuss this consultation process. We have very much appreciated the opportunity to discuss our concerns with you one-on-one and would look forward to establishing similarly strong relationships with the Commerce and Interior secretaries.

On behalf of wheat growers across the United States thank you for taking time to hear our concerns and to continue periodic discussions between USDA, EPA and your farmer stakeholders.

Sincerely,

Dana Peterson

Dana J. Peterson
Chief Executive Officer

cc: Senator Debbie Stabenow, Senator Pat Roberts, Congressman Collin Peterson, Congressman Frank Lucas

Correspondence Management System
Control Number: AX-11-001-2741
Printing Date: July 29, 2011 11:34:50

Citizen Information

Citizen/Originator: **Gant, Jon L**
Organization: HUD
Address: 451 7th St S. W., Washington, DC 20410

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-11-001-2741	**Alternate Number:**	N/A
Status:	For Your Information	**Closed Date:**	N/A
Due Date:	N/A	**# of Extensions:**	0
Letter Date:	Jul 22, 2011	**Received Date:**	Jul 29, 2011
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	SNR-Signature Not Required	**Signature Date:**	N/A

File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File- I want to thank you for your personal involvement in the National Healthy Homes Conference
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: N/A

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Ken Labbe	OEX	OEAEE	Jul 29, 2011

History

Action By	Office	Action	Date
Ken Labbe	OEX	Forward control to OEAEE	Jul 29, 2011

Comments

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-3000

OFFICE OF HEALTHY HOMES AND
LEAD HAZARD CONTROL

July 22, 2011

DAILY READING FILE
RECEIVED
2011 JUL 29 AM 9:43
OFFICE OF THE
EXECUTIVE SECRETARIAT

Mr. Bob Perciasepe
Deputy Administrator
U.S. Environmental Protection Agency
EPA Headquarters Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code 1101A
Washington, DC 20460

Dear Bob:

I want to thank you for your personal involvement in the National Healthy Homes Conference. Your keynote was inspiring and greatly appreciated by all. We know that the mission to create healthy housing for American families cannot be achieved without the efforts of many. Having the U.S. Environmental Protection Agency (EPA) co-host the Conference is a testament to that fact, and serves as a reminder that our concerns are shared by such highly respected organizations as EPA. Together we can continue to reduce health hazards in housing for children and our most vulnerable.

I appreciate all you did for us at the Department of Housing and Urban Development. Please share my gratitude with your team for their part in making the Conference so exceptional. I look forward to future collaboration with you and the Environmental Protection Agency in this important endeavor.

Sincerely,

Jon L. Gant
Director

Cc:
Peter Grevatt, Director, Office of Children's Health Protection
Michael P. Flynn, Director, Office of Radiation and Indoor Air
Tala Henry, Director, Office of Pollution Prevention and Toxics, Chemical Control Division

Correspondence Management System
Control Number: AX-11-001-2742
Printing Date: July 29, 2011 10:55:47

Citizen Information

Citizen/Originator: **Rosevear, Ken**
Organization: Yuma County Chamber of Commece
Address: 180 West 1st Street, Yuma, AZ 85364

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number: AX-11-001-2742 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Aug 15, 2011 **# of Extensions:** 0
Letter Date: Jul 16, 2011 **Received Date:** Jul 29, 2011
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: DX-Direct Reply **Signature Date:** N/A
File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.
Subject: DRF - National Fuel Economy Standards
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OARM - OARM -- Immediate Office
OEAEE - Office of External Affairs and Environmental Education
OP - Office of Policy
OSBP - Office of Small Business Programs
R9 - Region 9 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Jacqueline Leavy	OEX	OAR	Jul 29, 2011	Aug 15, 2011	N/A
	Instruction: DX-Respond directly to this citizen's questions, statements, or concerns				

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Yuma County
CHAMBER OF COMMERCE
Since 1905

July 16, 2011

DAILY READING FILE
2011 JUL 29 AM 9:43
OFFICE OF THE EXECUTIVE SECRETARIAT

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

Dear Administrator Jackson

Today jobs, the economy and energy security are on the minds of every American. The Yuma County Chamber of Commerce and its' 1,000 members, we are focused on proactive policies to address these critical issues and grow Southwestern Arizona toward a more secure future. Transportation is a critical component of our economic vitality and given that your agencies are now developing national fuel economy standards for 2017-2025, I wanted to share my views.

Safe, efficient and reliable transportation impacts each individual, family and business in my city. Jobs in Yuma County are all tied to cost effective transportation. With the recent increase in fuel prices and turmoil in the Middle East, reducing fuel use and dependence on foreign oil are on all our minds. We support your efforts to improve fuel economy by laying out a long-term program, but encourage you to carefully consider a balanced and thoughtful approach.

We encourage NHTSA and EPA to adopt a **single, national fuel economy standard** that considers America's needs for increased fuel economy while preserving the choices for families and businesses to meet their transportation needs without sacrificing affordability, safety, or jobs. NHTSA and EPA have already set strong standards for 2012-2016 that raise the fleet average by 40% to 35 miles per gallon. Looking forward, technology improvements should continue to support increases in fuel economy and greenhouse gas standards. However, we recognize that overreaching regulations can place a significant cost burden on individuals, families and businesses in our region.

It is important that standards for 2017-2025 support a broad range of consumer needs in terms of utility and function. Americans need a range of vehicles to meet their family and business needs. Large families require automobiles with sufficient passenger space, including room for multiple child-safety seats in the back. Small businesses need vans and utility vehicles to conduct commerce. Agriculture depends on pickups, both light and heavy duty, as does the construction industry and local trades. Agriculture and logistics are an important source of revenue for my city, and it depends on vehicles to carry out day-to-day business needs.

180 West 1st Street, Suite A • Yuma, Arizona 85364 • T 928.782.2567 • F 928.343.0038
info@yumachamber.org • www.yumachamber.org

Our region's businesses all share the need for affordable transportation. The next phase of fuel economy standards should not pick winners and losers, but should support a variety of technologies and fuel diversity to preserve affordability. If fuel economy standards increase too quickly, it will result in more expensive vehicles, many of our region's consumers can be expected to hold on to their older vehicles longer and defer buying a new car or truck, which could put jobs across the country at risk and delay compliance with federal air quality standards. Affordability, customer choice and job preservation is as much as priority as rising fuel economy.

As the "Business Voice of Yuma County", we think every day about ways to promote job creation and security for our region. We encourage you to carefully balance the factors that impact sensible fuel economy standards, including consumer choice, affordability and the economic concerns that weigh on our nation's fragile recovery. Please don't over regulate during these tough economic times.

Sincerely,

Ken Rosevear
Executive Director

Correspondence Management System
Control Number: AX-11-001-2751
Printing Date: July 29, 2011 02:40:09

Citizen Information

Citizen/Originator: **Rhodes, William R.**
Organization: Gila River Indian Community
Address: 525 West Gu u Ki Post Office Box 97, Sacaton, AZ 85247

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-11-001-2751	**Alternate Number:**	AL-11-001-2453 William Rhodes
Status:	Pending	**Closed Date:**	N/A
Due Date:	Aug 12, 2011	**# of Extensions:**	0
Letter Date:	Jul 14, 2011	**Received Date:**	Jul 29, 2011
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	DX-Direct Reply	**Signature Date:**	N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.
Subject: Request for Consultation regarding the Utility Mact Rulemaking
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAEE - Office of External Affairs and Environmental Education
OITA - Office of International and Tribal Affairs
OP - Office of Policy
R9 - Region 9 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Brenda Salvador	OEX	OAR	Jul 29, 2011	Aug 12, 2011	N/A
	Instruction: DX-Respond directly to this citizen's questions, statements, or concerns				
Sabrina Hamilton	OAR	OAR-OAQPS	Jul 29, 2011	Aug 9, 2011	N/A
	Instruction: OAR - Prepare response for the signature of Gina McCarthy, Assistant Administrator for the Office of Air and Radiation (OAR).				
Jean Walker	OAR-OAQPS	OAR-OAQPS-SPPD	Jul 29, 2011	Aug 8, 2011	N/A
	Instruction: N/A				

Supporting Information

GILA RIVER INDIAN COMMUNITY

Executive Office of the Governor & Lieutenant Governor

DAILY READING FILE

William R. Rhodes
Governor

Joseph Manuel
Lieutenant Governor

July 14, 2011

Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W. Mail Code 1101A
Washington, DC 20460

Re: Request for Consultation Regarding the Utility MACT Rulemaking

Dear Administrator Jackson:

On May 3, 2011, the U.S. Environmental Protection Agency (EPA) published its Proposed Rule, *National Emission Standards for Hazardous Air Pollutants From Coal and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units*, in the Federal Register (76 Fed. Reg. 24976) (commonly known as the Utility MACT). As a tribe that will be dramatically affected by this proposed rule, the Gila River Indian Community ("Community") hereby requests that consultation be initiated on the Utility MACT rulemaking pursuant to the May 4, 2011 EPA *Policy on Consultation and Coordination with Indian Tribes.*

As discussed in more detail below, government-to government consultation on the Utility MACT is appropriate and necessary prior to EPA taking any further action to advance the rulemaking, given the grave implications that EPA's rule could have on the economies and cultures of tribes, the continued viability of Congressionally-approved water rights settlements, and EPA's federal trust obligations. Consistent with EPA's Consultation Policy, the gravity of tribal concerns necessitates that this consultation take place with tribal leaders through a series of face to face meetings with the most senior EPA officials.

The Community's grave concerns regarding the Utility MACT and the need for consultation stem directly from the assumptions included in the Proposed Rule and its accompanying Regulatory Impact Analysis (RIA) regarding the closure of the Navajo Generating Station (NGS). Specifically, the RIA and supporting documentation presume that two of the three NGS generation units will retire in 2015 even without implementation of the Utility MACT and that

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Telephone: 520-562-9840 · Fax: 520-562-9849 · Email: executivemail@gric.nsn.us

the economic and regulatory burdens imposed by the Utility MACT will force the third and final NGS unit to close.[1]

NGS is located on the Navajo Indian Reservation, and is fueled by coal jointly owned by the Navajo Nation and Hopi Tribe from the Kayenta Coal mine, which is also located on the Navajo Reservation. NGS provides the majority of the power for the Central Arizona Project (CAP), which pumps Colorado River water to Central and Southern Arizona. The implementation of eight Congressionally-approved Indian water rights settlements, where tribes relinquished their long-held Federal Indian reserved water rights, rely upon the continued availability and delivery of affordable CAP water. Closure of NGS, as stated in the RIA, would deprive the tribes of their CAP water allocations. In addition, revenue would be lost from NGS power not needed for CAP pumping, which is sold pursuant to federal law and policy to help repay the construction costs of the CAP and fund water delivery costs pursuant to the Indian water rights settlements. Thus, the Utility MACT presents a very real threat to the economies and cultures of tribes, the continued viability of existing water rights settlements in Arizona, and the ability of the United States to settle with other Tribes in on-going water rights settlement negotiations.

In short, there is no other electrical generating facility in the Nation with such strong and vital ties to tribal economies and ways of life, to tribes' legal rights guaranteed by Federal legislation, and to EPA's fiduciary obligations to protect trust resources and responsibilities. The need for consultation with the Community, and other affected tribes, is undeniable.

EPA should be well aware of the importance of NGS to the Community and other tribes from EPA's ongoing Best Available Retrofit Technology (BART) Rulemaking for NGS. In connection with that rulemaking, the Community has submitted a detailed consultation request letter that explained the significance of NGS to the Community, and you have since determined that consultation should occur. In addition, the U.S. House of Representatives Subcommittee on Water and Power and the Subcommittee on Indian and Alaskan Native Affairs held a Joint Subcommittee Oversight Hearing on NGS ("*Protecting Long-Term Tribal Energy Jobs and Keeping Arizona Water and Power Costs Affordable: The Current and Future Role of the Navajo Generating Station*"). In connection with that hearing, EPA sent a letter to Congressman Markey responding directly to questions concerning NGS.[2] More recently, EPA sent a letter to the Community expressly acknowledging the important role NGS serves to the Central Arizona Project.[3]

Despite what EPA must clearly know about the significance of NGS from the BART rulemaking, EPA is now proposing another rule that by EPA's own admissions, will force NGS to close. Of equal concern is EPA's assumption that even absent the Utility MACT, two of the three NGS

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[1] *See* EPA, *Regulatory Impact Analysis of the Proposed Toxics Rule: Final Report* (March 2011) at 8-18, Figure 8-8 (Geographic Distribution of Incremental Retirements from Proposed Toxics Rule, 20150); see also Technical Support Document entitled "planned projected_retire_03211.xlsx" (projecting NGS Units 1 and 2 to retire in 2015 as "base retirements" – irrespective of the Utility MACT - and projecting NGS Unit 3 to close as a result of the Utility MACT requirements).

[2] Letter from Gina McCarthy, EPA, to Congressman Ed Markey (D-MA), dated May 20, 2011 ("Markey Letter") (attached as Exhibit A), at 3.

[3] Letter from Jared Blumenfelder, EPA's Regional Administrator, to The Honorable William Rhodes, Governor of the Gila River Indian Community, dated June 30, 2011 (attached as Exhibit B).

units will close by 2015. EPA's Utility MACT is completely at odds with the agency's position in its May 20, 2011 letter to Representative Markey, which stated that "it is not EPA's intention to require shutdown, directly or indirectly, of any boilers at NGS" and that "EPA has not proposed to close NGS."[4] Consultation is needed to address the catastrophic impacts that the Utility MACT will have on the Community and other Arizona tribes, and to attempt to address how EPA will reconcile its diametrically-opposed positions within its two concurrent rulemakings, in a way that upholds both EPA's trust obligations and the Arizona Water Rights Settlement Act's[5] mandates.

Consultation is needed to address other questionable aspects of the Utility MACT rulemaking as well. For example, the rulemaking's RIA attempts to marginalize the generation units that EPA projects will close in 2015, by describing them as "[u]neconomic units [that] are, for the most part, . . . older, smaller, and less frequently used generating units . . . ."[6] The RIA also assumes that the retired units simply deliver power to larger grids, where the loss of such power can be easily replaced by other units within the region. EPA should be well aware from the BART Rulemaking that due to its unique nature, NGS does not properly fit within the generating units that the RIA assumes will close. Unlike EPA's classification:

- NGS is the sole generator of electricity that powers the delivery of CAP water, a trust resource, to fulfill the mandate of eight Congressionally-approved Indian water rights settlements;

- NGS is a key source of revenue for funding the infrastructure needed to deliver CAP water;

- NGS provides power used to deliver CAP water that, due to NGS' remote location, cannot be easily replaced by substitute power generation;

- NGS provides approximately 545 full-time jobs, almost 80 percent of which are held by Native Americans, and hundreds of part time jobs for Native Americans during maintenance activities;

- NGS is the sole customer – and the only viable customer – for Navajo Tribe and Hopi Nation coal from the Kayenta Coal Mine, which provides 415 jobs, 90 percent of which are held by Native Americans;

- NGS and the coal mine contributed approximately $140 million in revenue and wages to the Navajo Nation and its tribal members; and

- Payments to the Hopi Tribe totaled $14 million in 2009, representing eighty-eight percent of the Hopi annual budget that funds the Tribe's governmental and social programs.

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[4] Markey Letter at 3.

[5] Arizona Water Settlements Act, Public Law 108-45-Dec. 10, 2004, Sec. 204(a)(2), 118 STAT. 3494.

[6] RIA at 8.17.

Finally, consistent with EPA's trust obligations, consultation is critical for the agency to fully understand and properly consider the impacts of and the trust-imposed boundaries on its Utility MACT rulemaking. As a federal agency, EPA has "moral obligations of the highest responsibility and trust" when dealing with tribal monies and property.[7] One of the key principles of EPA's formal Policy on working with Tribes is that the agency "will assure that tribal concerns and interests are considered whenever EPA's actions and/or decisions affect reservation environments."[8] EPA must also protect trust resources in its decision-making. Here, water rights provided by the Arizona Water Settlement Act[9] and the coal of the Hopi Tribe and Navajo Nation are trust resources. As trustee of these water rights and mineral resources, EPA can't make a regulatory determination that limits, suppresses or otherwise undermines the tribes' rights to receive and use these resources. Thus, EPA's trust obligation all but mandates further consultation.

To ensure the "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications," as required by the Consultation Policy, now is the appropriate time to initiate consultation, especially since we understand that EPA intends to complete its Utility MACT by November 2011. As the Consultation Policy states, Tribes must be given the "opportunity to provide meaningful input that can be considered prior to EPA deciding whether, how, or when to act . . . ." Consistent with the agency's trust obligations, impacts of EPA's decision on tribes must be a key factor in the Utility MACT rulemaking. In addition, given the nature of the interests at stake, the implications of EPA's BART determination, and EPA's federal trust obligations, consultation must be among senior-level EPA officials and tribal leaders. Consistent with EPA's Consultation Policy, the NGS determination is sufficiently important to require senior management attention. For the tribes, the elected leaders that are responsible for Tribal decision-making and reporting on the NGS issue to tribal members should participate in consultation meetings and discussions.

We look forward to EPA initiating this important consultation.

Sincerely,

William R. Rhodes
Governor

cc: Senator Jon Kyl
Senator John McCain
Secretary Ken Salazar

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[7] *Seminole Nation v. U.S.*, 316 U.S. 286, 297 (1942).

[8] *EPA Policy for the Administration of Environmental Programs on Indian Reservations* (Nov. 8, 1984).

[9] Arizona Water Settlements Act (emphasis added). Section 204(a)(2) of the AWSA states: "the water rights and resources described in the Gila River Agreement shall be held in trust by the United States on behalf of the Community . . . ."

EXHIBIT A

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 20 2011

OFFICE OF
AIR AND RADIATION

The Honorable Edward J. Markey
United States House of Representatives
2108 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Markey:

Thank you for your letter of May 17, 2011, to Administrator Lisa Jackson regarding questions in preparation for a joint oversight hearing on "Protecting Long-Term Tribal Energy Jobs and Keeping Arizona Water and Power Costs Affordable: The Current and Future Role of the Navajo Generating Station," scheduled for May 24, 2011 by the Subcommittees on Water and Power and Indian and Alaska Native Affairs. The Administrator asked that I respond on her behalf.

We reproduced your questions below in italicized text and provided our responses below each question.

Navajo Generating Station

What is the current pollution emissions profile of the Navajo Generating Station (NGS)? How does it compare to other power plants in the United States? How many Class I Federal areas (national parks greater than six thousand acres in size and national wilderness areas) does NGS emissions impact?

- Based on 2010 emissions, NGS was the third largest emitter of oxides of nitrogen (NO_x) in the nation (24,000 tons), with a facility-wide average NO_x emission rate of 0.28 lb/MMBtu, with two of three units operating new combustion controls, Low NO_x Burners and Separated Overfire Air (LNB/SOFA), installed in 2009 and 2010.

- NGS impacts eleven Class I Federal areas, including Grand Canyon National Park.

Has EPA made a Best Available Retrofit Technology (BART) determination for the Navajo Generating Station (NGS) yet? What is the estimated timeline in which EPA is expected to release a draft and final BART determination? Once a final BART determination is made, what is the approximate time that the owners will have to retrofit the plant with the pollution abatement technology?

- EPA has not yet proposed a BART determination for NGS. We intend to issue a proposal in 2011 and a final BART determination in 2012.

- The Clean Air Act requires facilities to comply with a final BART determination within 5 years of the effective date of the final rule. Emissions reductions that are required under an alternative to the BART program must be achieved within the first regional haze planning period, which ends July 31, 2018.

Is EPA aware of a stakeholder process initiated by the Salt River Project (SRP), the operator and partial owner of NGS, to develop a BART proposal? Should a BART proposal emerge from the SRP process, will the EPA assess their proposal as a part of EPA's BART determination process? What other opportunities will the public have to comment on EPA's BART determination?

- EPA is aware of the stakeholder process initiated by SRP. If the stakeholders develop a proposal and submit it to EPA, EPA will take the information into consideration. When EPA proposes our BART determination in the Federal Register, EPA will request public comment on our proposal. We plan to hold open houses and public hearings in locations near Navajo Generating Station, both on the Navajo Nation, and in Arizona. All information will be available on www.regulations.gov.

Given that the electricity generated by NGS is used for both power and water delivery in Arizona and other Western states, what is the EPA doing to evaluate the impact on electricity and water prices as part of the "five factor" analysis for BART determinations?

- EPA is evaluating the potential impact on electricity prices to consumers of NGS power and the potential impact on water prices to consumers of water from the Central Arizona Project (CAP). Under the Regional Haze Rule, a BART analysis must include consideration of five factors: (1) the costs of compliance, (2) the energy and non-air quality environmental impacts of compliance, (3) the existing pollution controls at the source, (4) the remaining useful life of the source and (5) the degree of visibility improvement which may reasonably be anticipated to result from the use of such technology. EPA will evaluate the impacts to electricity and water consumers under Factor 2: Energy and Non-Air Quality Environmental Impacts of Compliance.

Could you please outline the process in which that EPA has consulted, and will continue to consult, with the tribes regarding the NGS BART determination? How will EPA take into account the potential economic impact on the tribes of a proposed BART determination?

- During EPA's preliminary work on its BART determination for the Four Corners Power Plant (FCPP) and NGS, EPA periodically updated Navajo Nation EPA on our analyses during annual meetings on air issues. Before signing the ANPRM in 2009, our Acting Regional Administrator called President Shirley to inform him of the ANPRM and offer consultation. We understand the importance of FCPP to the Navajo Nation, and the importance of NGS to both the Navajo and the Hopi Tribe.

- EPA met with representatives of the Navajo Nation in September 2009 to initiate consultation for both power plants. In November 2009, we sent letters to all Arizona Tribes offering to consult on NGS and requested feedback on how each Tribe would like the consultation process to occur. In December 2009, EPA provided a briefing and presentation to the members of the InterTribal Council of Arizona. We received consultation requests from the Gila River Indian Community, Hopi Tribe, Ak-Chin Indian Community, and Tohono O'odham Nation and met with those Tribes individually. In addition to a direct consultation meeting with EPA, the Hopi Tribe submitted a report it commissioned from ICF International on potential impacts of several potential regulatory requirements on NGS. We are reviewing that report as part of our economic analysis for NGS. EPA extended the time period for Tribes to review and comment on the ANPRM to March 1, 2010, over 6 months after Federal Register publication of the ANPRM.

- EPA is considering the potential economic impact to Tribes in our analysis of the potential impacts to electricity and water rates. We are providing the opportunity to Tribes to submit water volume and cost information so that our analyses can specifically focus on impacts to individual Tribes, as all Tribes have different water settlement agreements and sources of water.

Concerns have been raised about closing the NGS. Has EPA proposed closing the NGS? In EPA's Advanced Notice of Proposed Rulemaking (ANPR) published in the Federal Register on August 28, 2009, none of the scenarios that EPA outlines for comment include shutting down any of the 3 boilers at NGS. As part of the BART determination, are you considering scenarios beyond those outlined in the ANPR? If so, do any of those scenarios involve shutting down any or all of the boilers at NGS?

- EPA has not proposed to close NGS. EPA's goal is to conduct a thorough analysis to determine on a case-by-case basis the appropriate level of control as BART that is cost effective, improves visibility, and does not harm Tribes. EPA did not discuss any scenarios in our ANPRM that involved closing any of the boilers at NGS because it is not EPA's intention to require shutdown, directly or indirectly, of any boilers at NGS or FCPP. If the facility's owners propose to EPA an alternative to BART, EPA will consider the alternative proposal, whether or not it involves closing one or more units.

The scenarios proposed in the August ANPR examine the impact of installing a variety of control technologies including Low NOx Burners (LNB), Separated Overfire Air (SOFA) and Selective Catalytic Reduction (SCR). Are these technologies in common use at other power plants in the United States? How many U.S. plants have these technologies installed? How many will be installing these technologies in the next 5 years? Does EPA factor in the construction jobs associated with installing these technologies in their economic analyses for the BART determination?

- The NO_x control technologies discussed in the ANPRM, LNB/SOFA and SCR, are common technologies that are used at coal-fired power plants throughout the United States and the world. LNB and SOFA are controls that reduce NO_x during the

combustion process and are often known as "combustion controls". SCR is a post-combustion control technology that removes NO_x formed during combustion by converting it to inert atmospheric nitrogen (N_2). The combined use of LNB/SOFA and SCR typically represents Best Available Control Technology (BACT), required for the construction of any new coal-fired power plant.

- In the United States, based on 2010 total coal steam capacity (315,900 MW), LNB was installed on 240,627 MW (76% of capacity) to reduce emissions of NO_x. As stated previously, several NO_x control technologies are often used in combination with each other. Because many coal-fired power plants using LNB also employ other technologies to further reduce NO_x, the reported percentages will exceed 100%. Overfire air is used on 80,339 MW (25% of the coal steam capacity), and SCR is used on 122,947 MW (39% of capacity). In 2014, EPA expects the total coal steam capacity equipped with LNB to increase to 263,834 MW (83% of expected 2014 coal steam capacity of 317,700 MW), OFA to increase to 100,814 MW (32%), and SCR to increase to 147,986 MW (47%).

- EPA does not factor the construction jobs associated with installing these technologies into the economic analysis for BART.

<u>Four Corners Power Plant and Desert Rock</u>

Did EPA require the shutting down of any boilers at the Four Corners Power Plant (FCPP) in its proposed October 2010 BART determination? Did the proposal to shut boilers 1-3 at FCPP originate with EPA or the owners of FCPP? How is the EPA evaluating the alternative proposal put forward by the FCPP owners? What opportunities have the public had to comment on the two proposals? What consultation has EPA done with the affected tribes?

- EPA did not require the closure of any boilers at FCPP in the October 2010 proposed BART determination. The proposal to close Units 1 – 3 at FCPP originated with the owners of FCPP, and was facilitated by, and is contingent upon, the sale of Southern California Edison's 48% share of Units 4 & 5 (1500 MW total) to Arizona Public Service, which owns 100% of Units 1 – 3 (560 MW total). EPA evaluated the alternative proposal put forth by the owners of FCPP in our February 25, 2011 Supplemental Notice, which proposed to allow the owners of FCPP the flexibility to either comply with our October 2010 proposed BART determination, or the Alternative to BART proposed by FCPP's owners. EPA determined that the alternative proposal put forth by the owners of FCPP, if implemented by July 31, 2018, meets the requirements of a BART Alternative under the Regional Haze Rule because it will result in more emissions reductions, not only of NO_x, but also sulfur dioxide, particulate matter, and mercury, compared to our October 2010 proposed BART determination.

- The comment period for the October 2010 proposal and the February 2011 Supplemental proposal closed on May 2, 2011. Thus, the public had over 6 months to review and comment on the October 2010 BART proposal and over 3 months to review and comment on the February 2011 Supplemental proposal. EPA held four open house and public hearing events in March 2011: two events were held on the Navajo Nation, in

Shiprock and Fruitland, New Mexico, near FCPP, one event was held in Farmington, New Mexico, also near FCPP, and the final event was held in Durango, Colorado, at the request of environmental groups due to its location downwind of FCPP. We provided Dine Interpretation services at the Shiprock, Fruitland, and Farmington events. Three of the events were held in the late afternoon and evening (e.g., open house from 3 – 5 PM, public hearing from 6 – 9PM), and one event, at the Nenahnezad Chapter House (Fruitland, New Mexico), was held in the morning (combined open house and public hearing 9 AM – 1PM). All open house and public hearing events were well attended. The Navajo Nation EPA attended the open house and public hearing events at all four locations.

- EPA consulted with the Navajo Nation EPA on the format, locations, and timeframes for the open house and public hearings, and Navajo Nation EPA participated in all events with EPA representatives. The Navajo Nation recently requested formal government-to-government consultation with EPA on the Four Corners Power Plant, and EPA Region 9 will be meeting the President Shelly and other representatives of the Navajo Nation on May 19, 2011.

There has been controversy surrounding the issuing and rescinding of the air permits for the Desert Rock power plant that was proposed to be built on Navajo land near Farmington, New Mexico. Please outline the major milestones in permitting the plant. Has EPA indicated to the developers what additional actions are needed to secure the necessary air permits to move forward with the development of the plant? Are there actions EPA needs to take before the developers can complete the requirements to secure the necessary permits?

- EPA wishes to clarify that its air program staff did not rescind the Prevention of Significant Deterioration (PSD) permit for the Desert Rock Energy Facility. Rather, after EPA issued the permit on July 31, 2008, several environmental organizations and the State of New Mexico (petitioners) appealed the decision to EPA's Environmental Appeals Board (EAB), which subsequently remanded the permit back to EPA's Region 9 office for further review on September 24, 2009. The EAB's remand was based on two separate grounds. First, the EAB concluded that it was appropriate to grant a motion filed by EPA for a voluntary remand of the permit. Second, based on the administrative record for the permit, the EAB independently concluded that the entire permit should be remanded because of one overarching issue related to the Best Available Control Technology (BACT) analysis conducted by the Region.

- The EAB was established in 1992 to function as an administrative appeals court within EPA and serves as the final Agency decision maker on administrative appeals under all major environmental statutes that the Agency administers. The EAB consists of four environmental appeals judges, which generally sit in a three-judge panel for a particular case. The EAB is an impartial body independent of all Agency components outside the immediate Office of the Administrator.

- Upon review of the facts contained in the permit record for this case, briefs filed by the Petitioners, and reply briefs submitted by both the permit applicant (Sithe Global Power,

LLC) and counsel for EPA, the EAB independently found that the permit was deficient because the applicant and the Region failed to properly consider the use of integrated gasification combined cycle (IGCC) technology as an emissions control measure in the required BACT analysis. Because of the fundamental nature of this deficiency, in September 2009, the EAB remanded the permit in its entirety to the Region for further review. In addition, the EAB granted a motion filed by Region 9 at the request of staff in the Administrator's office in April 2009 that the EAB remand the permit to Region 9 so EPA could voluntarily reconsider its approach to several issues raised in the appeal of the permit; the consideration of IGCC technology in the BACT analysis was also among the issues cited in Region 9's voluntary remand request. Before granting the Region's remand request, the EAB considered arguments about fairness and due process that had been made by the permit applicant in a written motion in opposition to the April 2009 request. The EAB concluded that the April 2009 request was not made in bad faith and that granting the request would not violate the due process requirements of the United States Constitution.

- Following issuance of the remand order from the EAB in September 2009, EPA made several attempts to work with the permit applicant to discuss how it could amend its permit application to address the deficiencies identified by the EAB, the matters that EPA had sought to reconsider, and other requirements that had arisen since the permit was initially proposed. The applicant has not amended its permit application to provide the information that EPA must have in order to proceed. We note that no further action on EPA's part is necessary before the applicant can submit its amended application. Nevertheless, EPA remains willing to work with the applicant to address these issues at any time. Upon receipt of an amended permit application, EPA would have to review that application, revise its analyses and the permit to address the issues identified in the EAB's remand order and applicable Clean Air Act requirements, provide the public with notice of the revised permit and an opportunity for comment, and make a final permit decision. In addition, prior to making a final decision to issue the permit, EPA would also have to ensure that its obligations under Section 7 of the Endangered Species Act (ESA) were met. Throughout our permitting process for this facility, the Bureau of Indian Affairs has been the lead federal agency with respect to the Section 7 ESA consultation with the Fish and Wildlife Service. It is our understanding that consultation has not been completed.

Could you please outline the process in which that EPA has consulted, and will continue to consult, with the tribes regarding the development of the Desert Rock power plant?

- Leading up to issuance of the permit on July 31, 2008, EPA conducted an extensive public involvement process, during which we contacted 41 Native American Indian Tribes to offer tribal consultation. Seven tribes responded to our consultation letter and/or submitted comments on the proposed permit. In addition, representatives of the Navajo Nation's Dine Power Authority regularly participated in meetings and conference calls between EPA staff and the permit applicant, and EPA Administrator Jackson had a number of conference calls with (then) President Shirley of the Navajo Nation. In the event the permit applicant submits an amended application for the Desert Rock facility,

EPA will continue to work closely with the Native American Tribes in the area as we have in the past.

We trust that this information will be responsive to your questions. If you need further information, please contact me, or have your staff contact Cheryl Mackay in the Office of Congressional and Intergovernmental Relations at (202) 564-2023.

Sincerely,

Gina McCarthy
Assistant Administrator

EXHIBIT B

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

RECEIVED
JUL 06 2011
GILA RIVER INDIAN COMMUNITY
EXEC. VP

OFFICE OF THE
REGIONAL ADMINISTRATOR

JUN 30 2011

The Honorable William Rhodes
Governor of the Gila River Indian Community
525 West Gu u Ki
P.O. Box 97
Sacaton, Arizona 85147

Dear Governor Rhodes:

Thank you for your letter of May 20, 2011 to Administrator Lisa P. Jackson requesting government-to-government consultation to discuss the potential impacts to Indian Tribes of an upcoming rulemaking on the Navajo Generating Station and for your letter of February 23, 2010 providing comments on the U.S. Environmental Protection Agency's Advanced Notice of Proposed Rulemaking on NGS. Because, the EPA Region IX office is developing the Federal Implementation Plan to implement the Best Available Retrofit Technology requirement of the Regional Haze Rule for NGS, Administrator Jackson has determined that consultation should occur within the Region. My staff will be working with your office to schedule a meeting with you and your advisors to initiate consultation, to occur in August 2011 in Phoenix, Arizona.

By letter dated November 13, 2009, the Acting Regional Administrator of Region IX invited each Tribe in Arizona to engage in consultation on NGS. From the resulting discussions in 2009 and 2010 and from your recent letter, I understand that the Gila River Indian Community and other Federally-recognized Indian Tribes may be affected by the EPA's implementation of BART for NGS. For this reason, and in accordance with the Federal trust obligation to Indian Tribes and the EPA's May 4, 2011 consultation policy, consultation between Tribal leaders and senior management at the EPA is critical for the EPA to fully understand the unique impact this rulemaking may have on Tribes.

As suggested in your letter, my staff will be notifying the other Indian Tribes in Arizona of our upcoming rulemaking on NGS to provide another opportunity for government-to-government consultation to Tribes that may also be affected by our action. I understand that in your letter of June 21, 2011 to Ms. Colleen McKaughan, Associate Director for the Air Division at the EPA Region IX, you proposed a detailed consultation format comprised of four phases: initiation, scoping sessions, substantive sessions, and reconciliation prior to EPA action. Thank you for providing this outline. To facilitate efficient consultation with Tribes concerned about our rulemaking, my staff will coordinate individual meetings for me with each interested Tribe during my visit to Phoenix in August. At your request, my staff will also invite representatives from the Department of Interior to participate in any or all of our consultation meetings.

We understand the important role NGS serves to the Central Arizona Project, and my staff is working to more fully understand the relationship between CAP and the water settlement agreements that are unique to each Tribe in Arizona. To that end, I am enclosing a spreadsheet that requests information on

your Tribe's water sources, as well as projected volume and cost estimates from 2009 – 2035 for each water source. This information will help us document and assess the potential impacts of our rulemaking options on all Indian Tribes receiving water from CAP. We respectfully request to receive this information early in the consultation process and we are committed to consulting with all affected Tribes that request government-to-government consultation prior to our proposed rulemaking.

I look forward to our upcoming discussions as a continuation of the relationship between the Gila River Indian Community and the EPA. In the meantime, please do not hesitate to contact me at (415) 947-8702, or have your staff contact Ms. McKaughan at (520) 498-0118, or Mr. Nate Lau, Associate Director for the Communities and Ecosystems Division, at (415) 972-3839.

Sincerely,

Jared Blumenfeld

Enclosure

cc: The Honorable Ken Salazar
Secretary, United States Department of Interior
The Honorable Jon Kyl
United States Senate
The Honorable John McCain
United States Senate
The Honorable Jeff Flake
United States House of Representatives
The Honorable Paul Gosar
United States House of Representatives
The Honorable Raul Grijalva
United States House of Representatives
The Honorable Ed Pastor
United States House of Representatives
The Honorable David Schweikert
United States House of Representatives
The Honorable Trent Franks
United States House of Representatives
The Honorable Ben Quayle
United States House of Representatives
The Honorable Gabrielle Giffords
United States House of Representatives

Water Sources & Costs by Year

Color indicates input cells

VOLUMES (Delivered in acre feet per year)	HISTORICAL		ESTIMATED >>						
Source & Description	2009	2010	2011	2012	2013	2014	2015	2016	2017
CAP Supply	-	-	-	-	-	-	-	-	-
All Non-CAP Supply									
#1 *Description*	-	-	-	-	-	-	-	-	-
#2 *Description*	-	-	-	-	-	-	-	-	-
#3 *Description*	-	-	-	-	-	-	-	-	-
#4 *Description*	-	-	-	-	-	-	-	-	-
#5 *Description*	-	-	-	-	-	-	-	-	-
Subtotal (Non-CAP Deliveries)	-	-	-	-	-	-	-	-	-
Total Deliveries	-	-	-	-	-	-	-	-	-

ANNUAL COST (Dollars per year)	HISTORICAL		ESTIMATED >>						
Source & Description	2009	2010	2011	2012	2013	2014	2015	2016	2017
CAP Supply (from above)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
CAP Water $/AF	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
All Non-CAP Supply (from above)									
#1	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
#2	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
#3	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
#4	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
#5	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Subtotal (Non-CAP Cost)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Non-CAP Water $/AF	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Total Cost	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
All Water Sources $/AF	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!

Water Sources & Costs by Year

VOLUMES (Delivered in acre feet per year)									
Source & Description	2018	2019	2020	2021	2022	2023	2024	2025	2026
CAP Supply	-	-	-	-	-	-	-	-	-
All Non-CAP Supply									
#1 *Description*	-	-	-	-	-	-	-	-	-
#2 *Description*	-	-	-	-	-	-	-	-	-
#3 *Description*	-	-	-	-	-	-	-	-	-
#4 *Description*	-	-	-	-	-	-	-	-	-
#5 *Description*	-	-	-	-	-	-	-	-	-
Subtotal (Non-CAP Deliveries)	-	-	-	-	-	-	-	-	-
Total Deliveries	-	-	-	-	-	-	-	-	-

ANNUAL COST (Dollars per year)									
Source & Description	2018	2019	2020	2021	2022	2023	2024	2025	2026
CAP Supply (from above)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
CAP Water $/AF	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
All Non-CAP Supply (from above)									
#1	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
#2	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
#3	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
#4	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
#5	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Subtotal (Non-CAP Cost)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Non-CAP Water $/AF	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Total Cost	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
All Water Sources $/AF	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!

Water Sources & Costs by Year

VOLUMES (Delivered in acre feet per year)

Source & Description	2027	2028	2029	2030	2031	2032	2033	2034	2035
CAP Supply	-	-	-	-	-	-	-	-	-
All Non-CAP Supply									
#1 *Description*	-	-	-	-	-	-	-	-	-
#2 *Description*	-	-	-	-	-	-	-	-	-
#3 *Description*	-	-	-	-	-	-	-	-	-
#4 *Description*	-	-	-	-	-	-	-	-	-
#5 *Description*	-	-	-	-	-	-	-	-	-
Subtotal (Non-CAP Deliveries)	-	-	-	-	-	-	-	-	-
Total Deliveries	-	-	-	-	-	-	-	-	-

ANNUAL COST (Dollars per year)

Source & Description	2027	2028	2029	2030	2031	2032	2033	2034	2035
CAP Supply (from above)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
CAP Water $/AF	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
All Non-CAP Supply (from above)									
#1	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
#2	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
#3	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
#4	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
#5	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Subtotal (Non-CAP Cost)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Non-CAP Water $/AF	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Total Cost	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
All Water Sources $/AF	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!