



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
1315 East-West Highway  
Silver Spring, Maryland 20910  
THE DIRECTOR

Ms. Cynthia K. Dohner  
Regional Director Southeast Region  
U.S. Fish and Wildlife Service  
1875 Century Boulevard Northeast  
Suite 400  
Atlanta, GA 30345

Dear Co-Trustees:

In accordance with the National Environmental Policy Act (NEPA) of 1969, the National Oceanic and Atmospheric Administration (NOAA) is initiating the preparation of a Programmatic Environmental Impact Statement (PEIS) to support development of restoration alternatives and selection of proposed actions resulting from the Deepwater Horizon (DWH) oil spill. The PEIS will aide in the effective planning for use of DWH restoration funds. Because of the magnitude and geographic scope of the DWH oil spill, we believe a PEIS is the appropriate document to develop for this case, because it will allow for the consideration of categories of restoration actions, rather than attempting to identify all of the restoration projects that may ultimately be taken to compensate for ecological losses resulting from the spill. The restoration planning process will be used to solicit public and agency comment to aid in restoration planning. This planning process complies with Council on Environmental Quality's (CEQ) NEPA regulations at 40 CFR 1502.9 (c). The PEIS and subsequent accompanying documents are also intended to ultimately comply with the Oil Pollution Act's (OPA) restoration planning and public notice provisions found in 33 USC 2706.

In order to adequately prepare the PEIS and evaluate the potential environmental effects of the restoration alternatives and selection of proposed actions, NOAA is inviting the participation of the U.S. Department of the Interior (DOI) and the U.S. Department of Defense (DOD) as Federal cooperating agencies (in accordance with CEQ regulation 40 CFR Part 1501 and CEQ Cooperating Agency guidance issue 1/30/2002); as well as each of the affected states: Alabama, Florida, Louisiana, Mississippi, and Texas, due to your agencies' trusteeship and expertise regarding certain natural resources that may have been injured as the result of DWH oil spill.

Responsibilities of the lead agency (NOAA), and cooperating agency, have been outlined below.

#### LEAD AGENCY RESPONSIBILITIES:

1. Assume primary responsibility for meeting the requirements of NEPA, including the preparation of the draft and final PEIS. In this capacity, the lead agency will ensure that the PEIS includes information needed to address state and federal compliance requirements.
2. Consult with cooperating agencies regarding issues of concern, range of PEIS alternatives, and mitigation measures to be analyzed in the PEIS.



3. Provide cooperating agencies with copies of the preliminary draft(s) of the PEIS and interim work products, such as individual PEIS sections or maps, in a timely manner.
4. Provide a minimum of fifteen working days (unless a different, agreed upon-time frame is established) for review of the preliminary and final drafts of the PEIS by cooperating agencies.
5. Revise drafts of the PEIS in response to comments/concerns/issues identified by cooperating agencies.
6. Ensure that cooperating agencies receive copies of all comments received on the PEIS during the public comment periods and provide an initial identification of those comments pertaining to your agencies' expertise or regulatory authority. This may require cooperating agencies to prepare a written response for inclusion in the PEIS.
7. Ensure that the PEIS identifies cooperating agencies as such.

COOPERATING AGENCY RESPONSIBILITIES:

1. Participate in the development of the PEIS.
2. Provide expertise relating to the natural resources injured by DWH under cooperating agencies' trusteeship.
3. Review preliminary documents and provide comments to the lead agency in accordance with specified timelines.
4. Provide the lead agency with timely identification of significant issues, range of PEIS alternatives, and mitigation measures for the lead agency to consider for inclusion in the PEIS related to each cooperating agency's responsibilities and authorities.

Thank you for your cooperation in this matter. We look forward to your earliest response. If you have any questions, please contact me at 301-713-2239 x 195 or by email at [Eric.schwaab@noaa.gov](mailto:Eric.schwaab@noaa.gov). Comments can also be sent to Brian Hostetter at [Brian.Hostetter@noaa.gov](mailto:Brian.Hostetter@noaa.gov).

Sincerely,



Eric C. Schwaab  
Assistant Administrator  
for Fisheries

Cc: Pat Montanio, OHC  
Members of the Deepwater Horizon Oil Spill  
Trustee Council Restoration Subgroup