



DEPARTMENT OF THE ARMY  
KANSAS CITY DISTRICT, CORPS OF ENGINEERS  
700 FEDERAL BUILDING  
KANSAS CITY, MISSOURI 64106-2896

REPLY TO  
ATTENTION OF:

Environmental Engineering Branch  
Environmental Engineering D Section

Mr. William Rice  
Acting Regional Administrator  
U.S. Environmental Protection Agency  
Region VII  
901 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101-2907

Dear Mr. Rice:

This letter acknowledges receipt of your May 21, 2001 letter and the Environmental Protection Agency's acceptance of our offer to participate in the Tuttle Creek Dam Safety Study as a Cooperating Agency.

Enclosed is a signed copy of the Memorandum of Agreement (MOA) prepared by EPA. We have retained one signed copy for our records.

We appreciate your preparation of the MOA and look forward to continuing cooperative efforts on this project.

Should you have any questions or comments, please feel free to contact William B. Empson, Project Manager at 816 983-3556.

Sincerely,

A handwritten signature in black ink, appearing to read "George H. Hazel".

George H. Hazel  
Colonel, Corps of Engineers  
District Engineer

Enclosure

**Cooperating Agency Agreement  
Between  
U.S. Army Corps of Engineers (COE), the Lead Federal Agency  
and  
Environmental Protection Agency (EPA), a Cooperating Agency**

Introduction

On May 1, 2001, Kansas City District, Corps of Engineers issued a letter requesting that EPA become a Cooperating Agency for the **Tuttle Creek Dam Seismic Stability Study, Kansas**. This agreement outlines the responsibilities agreed to by the above two agencies with respect to the preparation of an Environmental Impact Statement for this project. This agreement will be effective upon the date of signature, and will be terminated upon signature of the Record of Decision (ROD), or upon the written request (for cause) of either signatory agency.

COE Responsibilities

1. COE will expeditiously forward to EPA, draft documents prepared for the project to enable EPA to carry out its responsibilities under this agreement.
2. COE will consult with EPA, but will retain sole responsibility for determination of which alternative is selected and which mitigation measures will be included in the project.
3. COE will promptly inform EPA of any project design or schedule changes that affect responsibilities of this agreement.
4. COE will include a copy of this agreement in all public documents (DEIS, FEIS) relating to this project.

EPA Responsibilities

1. The EPA Region 7 NEPA team will provide single point-of-contact between COE, and EPA program offices (e.g., Wetlands, Drinking Water...). EPA project reference number: 00-0210. The contact person at EPA is Joseph Cothem, (913) 551-7148.
2. EPA will participate in Cooperating Agency Coordinating meetings and joint field reviews to the degree that staffing and scheduling allows. Verbal comments made by EPA in meetings will be advisory. Regulatory, jurisdictional or programmatic comments (e.g., Clean Water Act Section 404, Clean Air Act Section 309) will be issued to USACE, in writing, from the appropriate EPA program office.

3. EPA will provide:

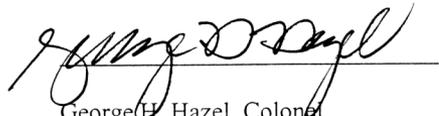
- Assistance with scoping
- Input on alternatives and mitigation development
- Review of pre-release drafts especially with regard to water quality, drinking water impacts and wetlands compliance with the 404(b) (1) guidelines
- Recommendations that facilitate NEPA compliance

4. Other needed assistance from EPA where EPA has jurisdiction by law or special expertise will be specifically negotiated, and secured as an amendment to this MOA.

The undersigned agree to the provisions of this MOA;



Leo J. Alderman, Director  
Environmental Services Division  
U.S. EPA, Region 7



George H. Hazel, Colonel  
Corps of Engineers  
District Engineer