

**From:** [Eisenhauer, John W COL NWP](#)  
**To:** [Mahar, James R NWP](#)  
**Cc:** [Brice, Kevin J NWP](#)  
**Subject:** RE: Regulatory Permit -- Coyote Terminal (UNCLASSIFIED)  
**Date:** Wednesday, September 12, 2012 8:52:00 AM

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Classification: UNCLASSIFIED  
Caveats: NONE

Jim,

I had thought about that and asked Mike about process. If we were to continue an EA, we have ESA, Section 106, and Tribal consultations to complete. We can do that, but at additional expense to the taxpayer. It comes down to, knowing we'll need an EIS, should the taxpayer foot the bill for the remainder of the EA with the same outcome or should the applicant foot the bill for information that will ultimately be included in the EIS?

It is left up to my judgment of whether or not to proceed with an EA, but I have the same question. Namely, even if we do fully complete the EA are we going to get additional pushback when it results in a determination to go to an EIS. One wonders.

COL Ike

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-----Original Message-----

**From:** Mahar, James R NWP  
**Sent:** Wednesday, September 12, 2012 8:49 AM  
**To:** Eisenhauer, John W COL NWP  
**Cc:** Brice, Kevin J NWP  
**Subject:** Regulatory Permit -- Coyote Terminal (UNCLASSIFIED)

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Colonel Eisenhauer;

A thought -- Regardless of the reasons for strong push-back from HQ the subject issue appears to hinge exclusively on process, namely completion of an EA first. After careful review of the draft "Requirements Analysis" for proceeding directly to an EIS there remains no doubt our current course of action is correct.

However, because the concern is process driven and not substantive, perhaps we acquiesce and complete the EA despite the fact we will conclude with several findings of significant impact and move forward with the EIS. It's not the best business practice but it may settle the politics and get on back on track toward meaningful progress.

Of course the risk is -- once an EA is complete and an EIS is directed we could end-up with the same debate over not issuing a FONSI.

Just a thought.

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