Message

From: Tomiak, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E43D67FE354A4D06BE80AFA6EB65E614-TOMIAK, ROB]
Sent: 4/20/2017 2:12:09 PM
To: Moutoux, Nicole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=574b3a85014d46d3965b59700a04a55e-NMOUTOUX]; Johnson, Kathleen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d36de0cd8ee14ff6a6aa2f1df9b159f6-KJOHNS05]
CC: Goforth, Kathleen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0821ccf0ea9e4c18a3d2a583158b713e-KGOFORTH]; Suriano, Elaine [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=470f2e90e6dc4f5fae5ed305ee2def58-Esuriano]; Knight, Kelly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=47fc4b0c90f94826a1d9a48381f4009f-Knight, Kel]; Marshall, Tom [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5d29134e5e32489b9ab0aeb262f55075-TMARSHAL]; Eisenberg, Mindy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cfb4c26bb6f44c7db69f9884628b3ef9-Eisenberg, Mindy]; Goodin, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3eac342f280a4b9db4079c81f66d1913-JGoodin]; Brush, Jason [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ade1a32824404ed5a333dcd77f2dfc4a-JBRUSH]
Subject: Re: Rosemont letter

Please forward our letter and the State's response (see my second para below) soonest.

Thanks, Rob

On Apr 14, 2017, at 10:00 AM, Tomiak, Robert <tomiak.robert@epa.gov> wrote:

One point, one ask, and one recommendation:

- <!--[if !supportLists]--><!--[endif]-->I think you need to speak to the part of the Governors letter that talks about the Corps not issuing a permit until the EPA's concerns (via April 14, 2015 memo) are resolved. The paper seems to go light on the 404 component.

Please send me the April 14, 2015 memo and the State's June 12th response. I fully understand this is a memo that went out from your OW office, but I think we all here at HQ need those two documents for the full picture.

Deliberative Process / Ex. 5

Thanks, Rob

From: Moutoux, Nicole
Sent: Thursday, April 13, 2017 6:24 PM
To: Tomiak, Robert <tomiak.robert@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Goforth, Kathleen <Goforth.Kathleen@epa.gov>; Suriano, Elaine <Suriano.Elaine@epa.gov>; Knight,

Kelly <knight.kelly@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>
Subject: Re: Rosemont letter

Hi Rob-
Per Kathleen's message below, here is the 1-pager on Rosemont that our Acting RA will send out later today.
Thanks
Nicole

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From: Tomiak, Robert
Sent: Wednesday, April 12, 2017 4:12:00 PM
To: Johnson, Kathleen
Cc: Moutoux, Nicole; Goforth, Kathleen; Suriano, Elaine; Knight, Kelly; Marshall, Tom; Eisenberg, Mindy; Goodin, John; Brush, Jason
Subject: Re: Rosemont letter

Good plan; thanks! Rob

On Apr 12, 2017, at 6:46 PM, Johnson, Kathleen <Johnson.Kathleen@epa.gov> wrote:

> I spoke with Alexis about this today. She puts together an email every Thursday and sends to the political team in Washington. She would like to provide the issue paper to the team through the mechanism of her Thursday email. FYI, yesterday, we hosted Ken Wagner, who is a newly installed political serving as a Regional Liaison to the Administrator. She gave Ken a heads up on this issue when he was here yesterday.
>
> We had created a one-pager on this to put in a briefing book for our new (anticipated) RA. We can dust off that paper and add the latest info.
>
> Kathleen H. Johnson
> Director, Enforcement Division
> U.S. EPA - Region 9
> 75 Hawthorne Street ENF-1
> San Francisco, CA 94015
> 415/972-3873
> johnson.kathleen@epa.gov
>
> ---
>
> **From:** Tomiak, Robert
> **Sent:** Wednesday, April 12, 2017 4:17 AM
> **To:** Moutoux, Nicole <Moutoux.Nicole@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Goforth, Kathleen <Goforth.Kathleen@epa.gov>
> **Cc:** Suriano, Elaine <Suriano.Elaine@epa.gov>; Knight, Kelly <knight.kelly@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Eisenberg, Mindy

<Eisenberg.Mindy@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Subject: Re: Rosemont letter

One follow up thought: would also appreciate your thoughts on who should forward an issue paper...OW, OECA, or R9....

Thanks, Rob

On Apr 12, 2017, at 7:12 AM, Tomiak, Robert <tomiak.robert@epa.gov> wrote:

> Very helpful; I appreciate the update. Given the visibility, I think we need to provide a status update to Byron; perhaps a one page issue paper. I will vet whatever you all draft with OW here before anything is sent forward by either of us.
>
> Thanks, Rob
>
> On Apr 11, 2017, at 3:08 PM, Moutoux, Nicole <Moutoux.Nicole@epa.gov> wrote:
>
>> Hello all
>>
>> As we previously mentioned, we met with our senior leadership team regarding issues at Rosemont yesterday afternoon. As you know, the AZ Governor sent a letter to Administrator Pruitt expressing his support the project. In addition, our acting RA received a call from Cal Joyner, the Regional Forester for Southwestern Region of the USFS, letting us know their intent to move forward with a ROD.
>>
>> You may be aware that we held bi-weekly calls with all of the federal agencies on this project for months, chaired by CEQ. CEQ was interested in making sure the various agency actions coincided, so that we would not be put in the position of reacting to the Forest Service ROD before the Army Corp permit decision was made. (The FS ROD does not allow the mine to move forward if the proponent is not granted a permit from the Corp). We are a bit unclear at this point what the timing of the ROD actually is since we have not received anything in writing.
>>
>> The USACE has organized a meeting on April 18 which will include representatives from USACE, USFS, EPA, ADEQ, Pima County, and the project proponent. The purpose of the meeting is provide a forum where the agencies that have developed and analyzed hydrologic models (upon which the USACE will rely to make their 404 permit decision) to present their technical rationales and conclusions of their modeling. EPA will have representatives from both our Water Division and our NEPA office at this meeting. After the presentations, the federal families (EPA, USFS, and USACE) will discuss their viewpoints.

We think it is premature for any HQ USACE engagement at this point. We appreciate your support and will provide further updates after we meet with USACE and others next week.

Please feel free to call us with any questions or if you'd like more information.

Thanks

Nicole

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From: Tomiak, Robert
Sent: Friday, April 07, 2017 5:18 AM
To: Moutoux, Nicole <Moutoux.Nicole@epa.gov>; Goforth, Kathleen <Goforth.Kathleen@epa.gov>; Suriano, Elaine <Suriano.Elaine@epa.gov>
Cc: Knight, Kelly <knight.kelly@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Subject: RE: Rosemont letter

My first read of the letter led me to check in with Mindy Eisenberg (OW) who indicated that Jason Brush (I assume he's in your OW section?) is coordinating, so please, if appropriate, loop him in as well.

Kelly and Tom are out today, but Elaine and I could be available before noon (est); I have to head over to CEQ NLT 12:30.

It would be helpful if you have the following and can send in advance:

- ? <!--[if !supportLists]--><!--[endif]-->Our DEIS and FEIS comments letter
- ? <!--[if !supportLists]--><!--[endif]-->The letter R9 sent to USACE regarding the 404 permit concerns
- ? <!--[if !supportLists]--><!--[endif]-->A summary of discussions R9 and USACE's DE have had since then, and where both agencies stand on a response to the State rebuttal

If you all have an outline of a proposed way ahead, that would also be helpful. I'll also look for you all to signal

to me/Mindy that engagement with USACE HQ would be helpful.

Thanks, Rob

From: Moutoux, Nicole
Sent: Thursday, April 06, 2017 5:54 PM
To: Tomiak, Robert <tomiak.robert@epa.gov>
Subject: RE: Rosemont letter

Ok – please let me know a good time and number and we'll call you.

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From: Tomiak, Robert
Sent: Thursday, April 06, 2017 2:51 PM
To: Moutoux, Nicole <Moutoux.Nicole@epa.gov>
Cc: Knight, Kelly <knight.kelly@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>
Subject: Re: Rosemont letter

I don't think Kelly will be in, but yes, let's discuss.

Rob

On Apr 6, 2017, at 5:46 PM, Moutoux, Nicole <Moutoux.Nicole@epa.gov> wrote:

> Hi Rob-
> Thanks for the conversation today. I know you are all are juggling a lot – I think it helps for staff to hear the context. On another note, I'm checking in on Rosemont. We received a copy of a letter sent to Administrator Pruitt from AZ governor and there are few other things going on related to the project. Are you and Kelly available tomorrow to speak with me and Kathy Goforth.
>
> Thanks
> Nicole

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