Appointment

From: McLerran, Dennis [mclerran.dennis@epa.gov]
Sent: 7/21/2015 6:28:24 PM
To: McLerran, Dennis [mclerran.dennis@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Thiesing, Mary [Thiesing.Mary@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Bonifaci, Angela [Bonifaci.Angela@epa.gov]; Rylko, Michael [Rylko.Michael@epa.gov]; Byron, Carrie [Byron.Carrie@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Kowalski, Ed [Kowalski.Edward@epa.gov]; Kenknight, Jeff [Kenknight.Jeff@epa.gov]; Dunbar, Bill [dunbar.bill@epa.gov]
CC: Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Davies, Lauris [Davies.Lauris@epa.gov]; Psyk, Christine [Psyk.Christine@epa.gov]; Barber, Anthony [Barber.Anthony@epa.gov]

Subject: RA Briefing: Earthjustice CWA Jurisdiction Petition
Location: 21st Floor ET Conf Room + MML: Conference Line/Code / Ex. 6

Start: 8/10/2015 10:30:00 PM
End: 8/10/2015 11:15:00 PM
Show Time As: Tentative

Meeting Subject(s)/Title of the Meeting or Event:	*Earthjustice Clean Water Act jurisdiction petition for EPA/Corps to claim the area between the Mean High Water Mark (MHHW) and the Highest Astronomical High Tide line in Puget Sound.*
Program Office POC(s):	*ETPA: Linda Anderson-Carnahan, Michael Szerlog, Mary Anne Thiesing, Heather Dean, and Linda Storm.* *OWW/Puget Sound Program: Dan Opalski, Angela Bonifaci, Michael Rylko, Carrie Byron* *ORC: David Allnutt, Cara Steiner-Riley, Endre Szalay*
Priority: (High, Medium, Low)	*High*
Purpose of the meeting (informational, decisional, prep)	*Decisional (we will be providing Dennis with options for responding)*
If the meeting will involve external participants, what will the RA/DRA's role be? (site visit, presenter/speech, listening session)	*No external participants are expected at this time, however, the Army Corps, Northwest Division is the lead for responding to the joint petition.*
Brief background information:	*On June 24, 2015, EPA and Army Corps of Engineers, Seattle District received a formal petition from Earthjustice to "seek a formal agency resolution of the long-running dispute over the appropriate scope of Corps jurisdiction in marine shoreline areas of Puget Sound, Washington." Specifically Earthjustice is asking "EPA to use authorities established under interagency agreement to designate marine shorelines between MHHW and true high tide as "waters of the United States" under the CWA subject to § 404 permitting. Additionally, we ask the Corps to make formal jurisdictional determinations with respect to several specific shoreline armoring projects currently planned without federal CWA permits that will take place below high tide but above MHHW."* *The issue of appropriate methodology to determine the high tide line for the purposes of determining Jurisdiction has been raised to the Seattle District by EPA and the National Marine Fishery Services in the context of nationwide permit reauthorization and in discussions with the Puget Sound Partnership and their Action Agenda's efforts to reverse the trend in*

	shoreline armoring in Puget Sound. *The intent of this meeting is to determine how best to respond to the Earthjustice petition and to discuss options available to EPA to address the high tide line issue either nationally or regionally.*
Location and/or suggested travel plan if offsite:	*RA's conference room*
When would you like to have this meeting? Please indicate if there are deadlines.	*First week of August if possible.*
How long should the meeting last? (Typically, briefings last no more than 45 minutes)	*Because there will be a large number of options to discuss with Dennis, we would like to have a full hour.* ***We are only scheduling 45 minute briefings at the RA & DRAs request. If you would like more than 45 minutes, please contact the RA or DRA directly.***
Required attendees:	*ETPA: Linda Anderson-Carnahan, Michael Szerlag, Mary Anne Thiesing, Heather Dean, and Linda Storm.* *OWW/Puget Sound Program: Dan Opalski, Angela Bonifaci, Michael Rylko, Carrie Byron* *ORC: David Allnutt, Cara Steiner-Riley, Endre Szalay* *OCE: Ed Kowalski, Jeff Kenknight* *ORA: Bill Dunbar*
Optional Attendees:	*ORA: Michelle Pirzadeh, OWW: Christine Psyk, WA Ops Director – Interim: Anthony Barber, OCE: Lauris Davies.*
IT/AV Equipment Needed (laptop, VTC, mics, etc)	*Need to be able to use flat screen to show PowerPoint/documents*
Superfund Site Specific Charging:	*NA*

Message

From: Bonifaci, Angela [Bonifaci.Angela@epa.gov]
Sent: 2/4/2016 5:15:59 PM
To: Bonifaci, Angela [Bonifaci.Angela@epa.gov]; Bonifacino, Gina [Bonifacino.Gina@epa.gov]; Castner, Chris [Castner.Chris@epa.gov]; Chang, Lisa [Chang.Lisa@epa.gov]; Dunn, Ann [Dunn.Ann@epa.gov]; Hanft, Sally [Hanft.Sally@epa.gov]; Marshalonis, Dino [Marshalonis.Dino@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Richter, Randy [Richter.Randy@epa.gov]; Rylko, Michael [Rylko.Michael@epa.gov]; Whitaker, Melissa [Whitaker.Melissa@epa.gov]; Zachmann, Bill [Zachmann.Bill@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]
Subject: FYI - Puget Sound Hot Topics for this Week

Here are the Hot Topics submitted by our Program this week. Thanks everyone!
Angela

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Jurisdictional Limits (HAT): Each agency (EPA, NOAA, and the Corps) has assigned leads and technical staff to the issue, with the Corps as the lead. The group is tasked with developing a Course of Action by June 30, which will be presented to senior leadership at the Corps for consideration.
Two subgroups were formed (technical and legal) during the Jan 27 meeting. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 The next meeting is in-person on February 10 at the Corps' Seattle office. The agenda for that meeting is to discuss the preliminary decisions of the legal subgroup and the different datum definitions as they relate to the HTL legal interpretation. POC: Susan Meyer x1078

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Castner, Chris [Castner.Chris@epa.gov]
Sent: 6/29/2016 4:47:38 PM
To: Bonifaci, Angela [Bonifaci.Angela@epa.gov]
Subject: RE: Update and my schedule the rest of the week

Hey – Angela –

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Personal Matters / Ex. 6

Chris

Chris Castner
Puget Sound Geographic Program
US Environmental Protection Agency
Region 10, OWW -193
1200 Sixth Avenue, Suite 900
Seattle, WA 98101
(206) 553-6517
castner.chris@epa.gov

From: Bonifaci, Angela
Sent: Wednesday, June 29, 2016 9:39 AM
To: Castner, Chris <Castner.Chris@epa.gov>
Subject: RE: Update and my schedule the rest of the week

Hi Chris,

Personal Matters / Ex. 6

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line
A

From: Castner, Chris
Sent: Wednesday, June 29, 2016 9:30 AM
To: Bonifaci, Angela <Bonifaci.Angela@epa.gov>
Subject: RE: Update and my schedule the rest of the week

Hi Angela - Personal Matters / Ex. 6
Personal Matters / Ex. 6

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Personal Matters / Ex. 6

Chris

Chris Castner
Puget Sound Geographic Program
US Environmental Protection Agency
Region 10, OWW -193
1200 Sixth Avenue, Suite 900
Seattle, WA 98101
(206) 553-6517
castner.chris@epa.gov

From: Bonifaci, Angela
Sent: Wednesday, June 29, 2016 9:19 AM
To: Murchie, Peter <Murchie.Peter@epa.gov>; Bonifacino, Gina <Bonifacino.Gina@epa.gov>; Castner, Chris <Castner.Chris@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>; Dunn, Ann <Dunn.Ann@epa.gov>; Hanft, Sally <Hanft.Sally@epa.gov>; Marshalonis, Dino <Marshalonis.Dino@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>; Richter, Randy <Richter.Randy@epa.gov>; Rylko, Michael <Rylko.Michael@epa.gov>; Whitaker, Melissa <Whitaker.Melissa@epa.gov>; Zachmann, Bill <Zachmann.Bill@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Patheal-Centenera, Bella <Patheal-Centenera.Bella@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>; Greenamyer, Janice <Greenamyer.Janice@epa.gov>
Subject: RE: Update and my schedule the rest of the week

Thanks for the update, Peter!

All – Personal Matters / Ex. 6 I will be working from home today if you need me.

Thanks,

Angela

From: Murchie, Peter
Sent: Wednesday, June 29, 2016 8:21 AM
To: Bonifaci, Angela <Bonifaci.Angela@epa.gov>; Bonifacino, Gina <Bonifacino.Gina@epa.gov>; Castner, Chris <Castner.Chris@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>; Dunn, Ann <Dunn.Ann@epa.gov>; Hanft, Sally <Hanft.Sally@epa.gov>; Marshalonis, Dino <Marshalonis.Dino@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>; Richter, Randy <Richter.Randy@epa.gov>; Rylko, Michael <Rylko.Michael@epa.gov>; Whitaker, Melissa <Whitaker.Melissa@epa.gov>; Zachmann, Bill <Zachmann.Bill@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Patheal-Centenera, Bella <Patheal-Centenera.Bella@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>; Greenamyer, Janice <Greenamyer.Janice@epa.gov>
Subject: Update and my schedule the rest of the week

Puget Sounders,
After a whirlwind trip to Edmonds and DC and back I am on my way this morning to the PS Leadership Council in Georgetown (Seattle).

I will be in the office tomorrow Personal Matters / Ex. 6

My meetings in DC went well. They included meeting with OWOW leadership (Bernice and Ellen Gilinsky and briefly Joel B) to give an update on the Action Agenda process, funding model implementation, TRAR issue resolution with a focus on our HTL work with USACE and NOAA. OWOW is supportive of our push for moving from MHHW and is willing to provide support with DC USACE decision makers as needed. Joel asked Ellen Gilinsky to be the Puget Sound POC in his office Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

I hope you all are having a productive week. I will see you tomorrow but feel free to call (or email) if you need to talk with me today.

Thank you,
Peter

Peter Murchie
Manager
Puget Sound and NEP Programs
USEPA Region 10

murchie.peter@epa.gov
206-553-1148 w
206-419-0804 c

Message

From: Murchie, Peter [Murchie.Peter@epa.gov]
Sent: 10/3/2016 7:54:35 PM
To: Meyer, Susan [meyer.susan@epa.gov]
CC: Adams, Angela [Adams.Angela@epa.gov]
Subject: Re: Leadership Council meeting on Oct. 6

Great, yes lets touch base tomorrow. I think the LC itself does not know anything about the work you have been a part and it should not come up in the agenda topic.

Thank you,
Peter

From: Meyer, Susan
Sent: Monday, October 3, 2016 12:44:03 PM
To: Murchie, Peter
Cc: Adams, Angela
Subject: Leadership Council meeting on Oct. 6

Hi Peter,

Angela talked to me about the Leadership Council meeting this Thursday, and I am able and willing to attend. I would like to briefly discuss with you what they may or may not know about the HTL process and current status. Looks like we'll both be in the office tomorrow.

Thanks!

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Message

From: Meyer, Susan [meyer.susan@epa.gov]
Sent: 6/22/2016 6:45:13 PM
To: Bonifaci, Angela [Bonifaci.Angela@epa.gov]
Subject: RE: Proposed Puget Sound Team Agenda for Tomorrow

Great! I look forward to hearing about that!

From: Bonifaci, Angela
Sent: Wednesday, June 22, 2016 11:30 AM
To: Meyer, Susan <meyer.susan@epa.gov>
Subject: RE: Proposed Puget Sound Team Agenda for Tomorrow

Thanks, Susan. I appreciate any time that you can give to this, and bring the rest of the Team along on one of these.

Great discussion at SP today on how they might best engage, and how they will be reviewed.

Cheers,
Angela

From: Meyer, Susan
Sent: Wednesday, June 22, 2016 11:23 AM
To: Bonifaci, Angela <Bonifaci.Angela@epa.gov>
Subject: RE: Proposed Puget Sound Team Agenda for Tomorrow

Angela, I have finished reviewing it, but am now in crunch mode reviewing and editing the HTL document that will go to the Corps as the joint federal recommendation. I am happy to walk through and give the high points, but won't have much time to prepare anything.

Also, I think Gina had a topic she wanted input on, but can't remember, for the life of me, what it was.

Susan

From: Bonifaci, Angela
Sent: Wednesday, June 22, 2016 11:16 AM
To: Bonifaci, Angela <Bonifaci.Angela@epa.gov>; Bonifacino, Gina <Bonifacino.Gina@epa.gov>; Castner, Chris <Castner.Chris@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>; Dunn, Ann <Dunn.Ann@epa.gov>; Hanft, Sally <Hanft.Sally@epa.gov>; Marshalonis, Dino <Marshalonis.Dino@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Richter, Randy <Richter.Randy@epa.gov>; Rylko, Michael <Rylko.Michael@epa.gov>; Whitaker, Melissa <Whitaker.Melissa@epa.gov>; Zachmann, Bill <Zachmann.Bill@epa.gov>
Subject: Proposed Puget Sound Team Agenda for Tomorrow

Hi Team,

For tomorrow's agenda, I have the following so far. If there is anything that you would like to add, please let me know today. Thanks!

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

--

Angela Bonifaci | Team Lead
EPA Puget Sound National Estuary Program
206.553.0332 | bonifaci.angela@epa.gov

Appointment

From: Magorrian, Matthew [Magorrian.Matthew@epa.gov]
Sent: 8/3/2015 4:22:40 PM
To: Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Thiesing, Mary [Thiesing.Mary@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Bonifaci, Angela [Bonifaci.Angela@epa.gov]; Rylko, Michael [Rylko.Michael@epa.gov]; Byron, Carrie [Byron.Carrie@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Kowalski, Ed [Kowalski.Edward@epa.gov]; Kenknight, Jeff [Kenknight.Jeff@epa.gov]; Dunbar, Bill [dunbar.bill@epa.gov]
CC: Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Davies, Lauris [Davies.Lauris@epa.gov]; Psyk, Christine [Psyk.Christine@epa.gov]; Barber, Anthony [Barber.Anthony@epa.gov]

Subject: RA Briefing: Earthjustice CWA Jurisdiction Petition
Location: 21st Floor ET Conf Room + MML: Conference Line/Code / Ex. 6

Start: 8/10/2015 10:30:00 PM
End: 8/10/2015 11:15:00 PM
Show Time As: Tentative

Meeting Subject(s)/Title of the Meeting or Event:	*Earthjustice Clean Water Act jurisdiction petition for EPA/Corps to claim the area between the Mean High Water Mark (MHHW) and the Highest Astronomical High Tide line in Puget Sound.*
Program Office POC(s):	*ETPA: Linda Anderson-Carnahan, Michael Szerlog, Mary Anne Thiesing, Heather Dean, and Linda Storm.* *OWW/Puget Sound Program: Dan Opalski, Angela Bonifaci, Michael Rylka, Carrie Byron* *ORC: David Allnutt, Cara Steiner-Riley, Endre Szalay*
Priority: (High, Medium, Low)	*High*
Purpose of the meeting (informational, decisional, prep)	*Decisional (we will be providing Dennis with options for responding)*
If the meeting will involve external participants, what will the RA/DRA's role be? (site visit, presenter/speech, listening session)	*No external participants are expected at this time, however, the Army Corps, Northwest Division is the lead for responding to the joint petition.*
Brief background information:	*On June 24, 2015, EPA and Army Corps of Engineers, Seattle District received a formal petition from Earthjustice to "seek a formal agency resolution of the long-running dispute over the appropriate scope of Corps jurisdiction in marine shoreline areas of Puget Sound, Washington." Specifically Earthjustice is asking "EPA to use authorities established under interagency agreement to designate marine shorelines between MHHW and true high tide as "waters of the United States" under the CWA subject to § 404 permitting. Additionally, we ask the Corps to make formal jurisdictional determinations with respect to several specific shoreline armoring projects currently planned without federal CWA permits that will take place below high tide but above MHHW."* *The issue of appropriate methodology to determine the high tide line for the purposes of determining Jurisdiction has been raised to the Seattle District by EPA and the National Marine Fishery Services in the context of nationwide permit reauthorization and in discussions with the Puget Sound Partnership and their Action Agenda's efforts to reverse the trend in shoreline armoring in Puget Sound.*

	The intent of this meeting is to determine how best to respond to the Earthjustice petition and to discuss options available to EPA to address the high tide line issue either nationally or regionally.
Location and/or suggested travel plan if offsite:	*RA's conference room*
When would you like to have this meeting? Please indicate if there are deadlines.	*First week of August if possible.*
How long should the meeting last? (Typically, briefings last no more than 45 minutes)	*Because there will be a large number of options to discuss with Dennis, we would like to have a full hour.* ***We are only scheduling 45 minute briefings at the RA & DRAs request. If you would like more than 45 minutes, please contact the RA or DRA directly.***
Required attendees:	*ETPA: Linda Anderson-Carnahan, Michael Szerlog, Mary Anne Thiesing, Heather Dean, and Linda Storm.* *OWW/Puget Sound Program: Dan Opalski, Angela Bonifaci, Michael Rylka, Carrie Byron* *ORC: David Allnutt, Cara Steiner-Riley, Endre Szalay* *OCE: Ed Kowalski, Jeff Kenknight* *ORA: Bill Dunbar*
Optional Attendees:	*ORA: Michelle Pirzadeh, OWW: Christine Psyk, WA Ops Director – Interim: Anthony Barber, OCE: Lauris Davies.*
IT/AV Equipment Needed (laptop, VTC, mics, etc)	*Need to be able to use flat screen to show PowerPoint/documents*
Superfund Site Specific Charging:	*NA*

Appointment

From: Szerlog, Michael [Szerlog.Michael@epa.gov]
Sent: 7/13/2015 2:32:07 PM
To: Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Bonifaci, Angela [Bonifaci.Angela@epa.gov]; Rylko, Michael [Rylko.Michael@epa.gov]; Byron, Carrie [Byron.Carrie@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]; Thiesing, Mary [Thiesing.Mary@epa.gov]

Subject: Discuss next steps regarding Earthjustice Petition
Attachments: Earthjustice Petition re High Tide Line and Request for JD (July 24, 201....pdf
Location: R10Sea-Room-21Nisqually-Expand/R10-Rooms-Service-Center; R10Sea-ConfLineMM Conference Line/Code / Ex. 6

Start: 7/13/2015 3:00:00 PM
End: 7/13/2015 4:00:00 PM
Show Time As: Tentative

Conference code will be Conference Line/Code / Ex. 6

Draft Agenda (we may need to rebuild it at beginning of meeting)

1) Brief review of Petition to understand request - all
2) Discuss legal issues – Cara/Endre
3) Discuss options regarding responding/not responding – Linda AC, Angela, Michael Sz.
4) What is the Corps doing? – Michael Sz.
5) Next steps – Linda AC

Earthjustice Petition re High T...

Message

From: Bonifacino, Gina [Bonifacino.Gina@epa.gov]
Sent: 9/13/2016 7:22:51 PM
To: Adams, Angela [Adams.Angela@epa.gov]; Castner, Chris [Castner.Chris@epa.gov]; Chang, Lisa [Chang.Lisa@epa.gov]; Dunn, Ann [Dunn.Ann@epa.gov]; Hanft, Sally [Hanft.Sally@epa.gov]; Marshalonis, Dino [Marshalonis.Dino@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]; Richter, Randy [Richter.Randy@epa.gov]; Rylko, Michael [Rylko.Michael@epa.gov]; Whitaker, Melissa [Whitaker.Melissa@epa.gov]; Zachmann, Bill [Zachmann.Bill@epa.gov]
CC: Murchie, Peter [Murchie.Peter@epa.gov]
Subject: Summary notes from 9.8.16 Meetings

Hi all,

Please see the following summaries from the three 9.8.16 meetings. These are still being reviewed/draft so please do not share these notes outside of our team. Let me know if you have questions.

Thanks!

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Puget Sound Federal - State meeting on collaboration for Puget Sound protection and recovery

- Participants: EPA, NOAA, USACE and NRCS and key state agencies (WDFW, Gov's office, Ecology, PSP) and the NWIFC.
- Purpose: to begin to discuss specific areas for Fed and the State collaboration to protect/recover Puget Sound.
- Note: This meeting and follow up to meeting will help to inform Fed Task Force Action Plan
- Specific areas discussed included:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

1. Armoring/HAT (Ecology (Josh Baldi), DFW, USACE (Jesse Winkler), EPA (Michael Szerlog/Peter Murchie/Susan Meyer), NOAA(Elizabeth Babcock), Gov's office (Rob Duff))

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Zachmann, Bill [Zachmann.Bill@epa.gov]
Sent: 8/23/2016 7:23:48 PM
To: Meyer, Susan [meyer.susan@epa.gov]; Bonifacino, Gina [Bonifacino.Gina@epa.gov]
CC: Rylko, Michael [Rylko.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Chang, Lisa [Chang.Lisa@epa.gov]; Bonifaci, Angela [Bonifaci.Angela@epa.gov]; Castner, Chris [Castner.Chris@epa.gov]
Subject: RE: SDM comments on Federal Task Force workplan
Attachments: PSFC 2016 Draft Workplan 8-23-16 bz (2).docx

Thanks for this, Susan.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Carry on!

Bill Zachmann
Grants Project Officer-Puget Sound Team
Environmental Protection Agency - Region 10 - Office of Water and Watersheds
Washington Operations Office - 300 Desmond Dr. SE - Suite 102, Lacey, WA 98503
Desk: 360-753-9543
Cell: 360-704-9089

From: Meyer, Susan
Sent: Tuesday, August 23, 2016 12:06 PM
To: Bonifacino, Gina <Bonifacino.Gina@epa.gov>
Cc: Rylko, Michael <Rylko.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>; Bonifaci, Angela <Bonifaci.Angela@epa.gov>; Zachmann, Bill <Zachmann.Bill@epa.gov>; Castner, Chris <Castner.Chris@epa.gov>
Subject: SDM comments on Federal Task Force workplan

Gina,

My 2 cents on the areas you requested my review. **Personal Matters / Ex. 6** I will be in tomorrow and Thurs. I will look at the MOU tomorrow. Thanks for the opportunity to comment! ☺

<u>In the Habitat part of Section 2</u>

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line (HTL) Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Implement identified further actions to protect tidally influenced shorelines in Puget Sound above the Corps' CWA jurisdiction.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Puget Sound Federal Caucus
2016 -2021 Workplan

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

6.13.16 Draft

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Section 3. Coordinated Investments: Priority areas for coordination of Federal and State resources, programs, and policies.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Section 4. Treaty Rights at Risk: Six priority issues for Federal engagement and ongoing Federal involvement in Treaty issues

4.1 Six Issues

4.1.1 HAT/Jurisdictional : Explore alternatives to MHHW

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Storm, Linda [Storm.Linda@epa.gov]
Sent: 7/23/2015 4:42:29 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Bonifaci, Angela [Bonifaci.Angela@epa.gov]; Rylko, Michael [Rylko.Michael@epa.gov]; Byron, Carrie [Byron.Carrie@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Thiesing, Mary [Thiesing.Mary@epa.gov]
Subject: Here are the 2012 Nationwide Permits Regional General Conditions and area map for WRIA's excluded for New Bank Stabilization projects RE: Discuss next steps regarding Earthjustice Petition
Attachments: NWP Reauthorization 2012_RGC3&4+Figure.docx; ATT35708

HI Folks;
Following up with the information requested on the 2012 Nationwide Permits RGPs as they apply to excluded WRIAs (#'s 8, 9, 10, 11 and 12 within specifically identified areas see attached RGP #3 and Figure 2) and the specific requirements for any work in Waters of Washington State (Seattle District) involving Bank Stabilization (RGP #4) – this requirement goes beyond Puget Sound and is quite protective (and references OHWM or MHHWM as jurisdictional line)
To find the full set of all 2012 NWP Regional Conditions for Seattle District and 401 WQ Certification conditions see:

http://www.nws.usace.army.mil/Portals/27/docs/regulatory/NWPs/2012%20NWP%20Users%20Guide.pdf

NWP Reauthorization ...

All my best,
Linda

Linda E. Storm, Aquatic Ecologist
Office of Ecosystems, Tribal and Public Affairs
U.S. EPA, Region 10
1200 Sixth Avenue,Mail Stop ETPA-202-1
Seattle, Washington 98101-3140
Ofc: (206) 553-6384; Cell: (206) 437-2293
Email: storm.linda@epa.gov

From: Szerlog, Michael
Sent: Wednesday, July 15, 2015 8:40 AM
To: Anderson-Carnahan, Linda; Steiner-Riley, Cara; Szalay, Endre; Bonifaci, Angela; Rylko, Michael; Byron, Carrie; Dean, Heather; Storm, Linda; Thiesing, Mary
Subject: RE: Discuss next steps regarding Earthjustice Petition

Thanks again for a productive meeting on Monday. Below are the Action Items I captured during the meeting – hopefully they match your notes/understanding. Let's try to work on this so we have something ready by end of month – hopefully to coincide with a briefing for Dennis in early August.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

The linked image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.

-----Original Appointment-----
From: Szerlog, Michael
Sent: Wednesday, July 08, 2015 8:02 AM
To: Szerlog, Michael; Anderson-Carnahan, Linda; Steiner-Riley, Cara; Endre Szalay; Bonifaci, Angela; Rylko,

Michael; Byron, Carrie; Heather Dean; Storm, Linda; Mary Thiesing
Subject: Discuss next steps regarding Earthjustice Petition
When: Monday, July 13, 2015 8:00 AM-9:00 AM (UTC-08:00) Pacific Time (US & Canada).
Where: R10Sea-Room-21Nisqually-Expand/R10-Rooms-Service-Center; R10Sea-ConfLineMM- Conference Line/Code / Ex. 6

Conference code will be Conference Line/Code / Ex. 6

Draft Agenda (we may need to rebuild it at beginning of meeting)

1) Brief review of Petition to understand request - all
2) Discuss legal issues – Cara/Endre
3) Discuss options regarding responding/not responding – Linda AC, Angela, Michael Sz.
4) What is the Corps doing? – Michael Sz.
5) Next steps – Linda AC

Message

From: Murchie, Peter [Murchie.Peter@epa.gov]
Sent: 10/5/2016 1:55:10 PM
To: Adams, Angela [Adams.Angela@epa.gov]; Bonifacino, Gina [Bonifacino.Gina@epa.gov]; Castner, Chris [Castner.Chris@epa.gov]; Chang, Lisa [Chang.Lisa@epa.gov]; Dunn, Ann [Dunn.Ann@epa.gov]; Hanft, Sally [Hanft.Sally@epa.gov]; Marshalonis, Dino [Marshalonis.Dino@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]; Rylko, Michael [Rylko.Michael@epa.gov]; Whitaker, Melissa [Whitaker.Melissa@epa.gov]; Zachmann, Bill [Zachmann.Bill@epa.gov]
Subject: FW: OWW Management Meeting Highlights

FYI all, I talked with the OW management team and from now on the OWW managers notes will be sent out to the whole office every week.

Thank you,
Peter

From: Jennings, Marie
Sent: Tuesday, October 04, 2016 6:45 PM
To: R10-OWW Mail Group <R10OWW_Mail_Group@epa.gov>
Cc: Littleton, Christine <Littleton.Christine@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: OWW Management Meeting Highlights

OWW Thursday Afternoon Meeting 9/29/16- Meeting was cancelled

OWW Management Meeting Highlights – October 3, 2016

Immediate Office
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line
Enforcement, Media, Legal, and other Water Programs

Thanks,

Heather

From: Szerlog, Michael
Sent: Monday, December 14, 2015 5:10 PM
To: Dean, Heather <Dean.Heather@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Subject: Fwd: Prep for Wed meeting with ACE/NOAA/EPA

Sorry, no time to look at this.

Heather, can you attend for me?

Sent from my iPhone

Begin forwarded message:

> **From:** "Murchie, Peter" <Murchie.Peter@epa.gov>
> **Date:** December 14, 2015 at 12:48:14 PM EST
> **To:** "Allnutt, David" <Allnutt.David@epa.gov>, "Opalski, Dan" <Opalski.Dan@epa.gov>, "Szerlog, Michael" <Szerlog.Michael@epa.gov>
> **Cc:** "Chang, Lisa" <Chang.Lisa@epa.gov>, "Bonifacino, Gina" <Bonifacino.Gina@epa.gov>
> **Subject: Prep for Wed meeting with ACE/NOAA/EPA**
>
> David, Dan, and Michael (if you can call in),
> Find attached issue papers related to HAT, Cumulative Impacts and CZARA for our prep discussion this morning. There are two papers for each issue (one Federal and one Tribal)
>
> The meeting will be with Will, Col Buck, General Spellmon (is that right Dan?), Dan and myself. Focus of discussion is TRAR follow up from the Deputies meeting **Deliberative Process / Ex. 5**
>
> The meeting will be from 10-1 on Wed at Fed Center South Seattle.
>
> Peter

http://www.poa.usace.army.mil/Missions/Regulatory/JurisdictionalDeterminations.aspx

TIDAL DATA

Distinct from

LOCATION	EHW	HTL	MHHW	MHW
Adak	7.0	4.6	3.7	
Auke Bay	**22.0**	**20.3**	**15.8**	**14.8**
Anchorage	40.0	34.4	29.0	28.3
Angoon	**19.0**	**18.6**	**14.0**	
Atka	8.0	4.5		
Attu	7.0	4.9	3.6	3.6
Barrow		0.6	0.5	0.2
Berner's Bay		**21.5**	**16.1**	**15.2**
Bethel	7.0	4.1	4.0	2.7
Chignik	12.0	11.2	8.9	8.1
Cold Bay	11.5	9.1	7.6	6.9
Cordova	16.8	15.7	12.4	11.5
Craig	**14.0**	**12.8**	**10.0**	**9.2**
Cube Cove			**14.4**	**13.8**
Dillingham	25.0	23.6	19.8	18.0
Douglas	**22.5**	**20.8**	**16.4**	**15.4**

Definitions from site:

HTL High Tide Line: The intersection of the land with the water surface at the elevation of the EHT.

EHT Extreme High Tide: The highest elevation reached by the water in a given location due only to tidal forces.

EHW Extreme High Water: The highest elevation reached by the water in a given location. This includes the combined effects of tidal forces and storm surges.

http://www.poa.usace.army.mil/Portals/34/docs/regulatory/TidalData.pdf

Note: While the District clearly is using a much higher datum than MHHW, the elevation they identify as "HTL" does not equate to the current HAT at all stations listed. The table was already in use in 1990. It appears that the "HTL" identified most likely equates to the highest *annual* tide for an as yet determined year preceding that. Among the 36 harmonic tide stations in Alaska checked so far (22% of the total), HAT averages 3.9" higher than the highest annual tide.

Message

From: Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]
Sent: 2/10/2016 6:20:21 PM
To: Philip, Jeff [Philip.Jeff@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]
CC: Tyson, Linda [Tyson.Linda@epa.gov]
Subject: RE: hot issue meeting

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Linda Anderson-Carnahan, Associate Director
Office of Ecosystems, Tribal and Public Affairs
US EPA Region 10, ETPA-087, Suite 900
1200 Sixth Ave, Seattle, Wa. 98101
phone: (206) 553-2601
cell: (206) 291-6879

Follow @EPAnorthwest on Twitter! https://twitter.com/EPAnorthwest

---

From: Philip, Jeff
Sent: Wednesday, February 10, 2016 8:33 AM
To: Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: RE: hot issue meeting

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Jeff Philip
Public Affairs Manager, Region 10
206-553-1465

http://twitter.com/EPAnorthwest

From: Anderson-Carnahan, Linda
Sent: Monday, February 08, 2016 3:43 PM
To: Allnutt, David <Allnutt.David@epa.gov>
Cc: Philip, Jeff <Philip.Jeff@epa.gov>
Subject: RE: hot issue meeting

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Linda Anderson-Carnahan, Associate Director
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phone: (206) 553-2601
cell: (206) 291-6879

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From: Anderson-Carnahan, Linda
Sent: Monday, February 08, 2016 12:08 PM
To: Allnutt, David <Allnutt.David@epa.gov>
Cc: Philip, Jeff (Philip.Jeff@epa.gov) <Philip.Jeff@epa.gov>
Subject: RE: hot issue meeting

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Linda Anderson-Carnahan, Associate Director
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1200 Sixth Ave, Seattle, Wa. 98101
phone: (206) 553-2601
cell: (206) 291-6879

Follow @EPAnorthwest on Twitter! https://twitter.com/EPAnorthwest

From: Allnutt, David
Sent: Monday, February 08, 2016 12:06 PM
To: Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>
Subject: RE: hot issue meeting

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

R. David Allnutt, Director
Office of Ecosystems, Tribal and Public Affairs
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

From: Anderson-Carnahan, Linda
Sent: Monday, February 08, 2016 9:45 AM
To: Allnutt, David <Allnutt.David@epa.gov>
Subject: hot issue meeting

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

- High tide line meeting this week between EPA (404 and Puget Sound Team) and the Seattle District COE, NMFS.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Linda Anderson-Carnahan, Associate Director
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cell: (206) 291-6879

Follow @EPAnorthwest on Twitter! https://twitter.com/EPAnorthwest

Message

From: Philip, Jeff [Philip.Jeff@epa.gov]
Sent: 2/9/2016 1:40:33 AM
To: Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]
Subject: RE: hot issue meeting
Attachments: FOIA CJE.pdf; FOIA Team Transition.pptx; R10 FOIA SOP V Transition Team.pdf

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Jeff Philip
Public Affairs Manager, Region 10
206-553-1465

http://twitter.com/EPAnorthwest

From: Anderson-Carnahan, Linda
Sent: Monday, February 08, 2016 3:43 PM
To: Allnutt, David <Allnutt.David@epa.gov>
Cc: Philip, Jeff <Philip.Jeff@epa.gov>
Subject: RE: hot issue meeting

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Linda Anderson-Carnahan, Associate Director
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phone: (206) 553-2601
cell: (206) 291-6879

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From: Anderson-Carnahan, Linda
Sent: Monday, February 08, 2016 12:08 PM
To: Allnutt, David <Allnutt.David@epa.gov>
Cc: Philip, Jeff (Philip.Jeff@epa.gov) <Philip.Jeff@epa.gov>
Subject: RE: hot issue meeting

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

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cell: (206) 291-6879

Follow @EPAnorthwest on Twitter! https://twitter.com/EPAnorthwest

From: Allnutt, David
Sent: Monday, February 08, 2016 12:06 PM

To: Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>
Subject: RE: hot issue meeting

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

R. David Allnutt, Director
Office of Ecosystems, Tribal and Public Affairs
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

From: Anderson-Carnahan, Linda
Sent: Monday, February 08, 2016 9:45 AM
To: Allnutt, David <Allnutt.David@epa.gov>
Subject: hot issue meeting

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

- High tide line meeting this week between EPA (404 and Puget Sound Team) and the Seattle District COE, NMFS.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Linda Anderson-Carnahan, Associate Director
Office of Ecosystems, Tribal and Public Affairs
US EPA Region 10, ETPA-087, Suite 900
1200 Sixth Ave, Seattle, Wa. 98101
phone: (206) 553-2601

cell: (206) 291-6879

Follow @EPAnorthwest on Twitter! https://twitter.com/EPAnorthwest

Message

From: Szerlog, Michael [Szerlog.Michael@epa.gov]
Sent: 1/29/2016 2:05:44 AM
To: Allnutt, David [Allnutt.David@epa.gov]
CC: Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]
Subject: Re: ETPA Hot Topics

Not sure if it matters, but the NWP meeting is upcoming and the High tide line meeting happened this week.

Sent from my iPhone

On Jan 28, 2016, at 5:42 PM, Allnutt, David <Allnutt.David@epa.gov> wrote:

For the week of February 1, 2016

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line Discussions with Seattle District: On January 27, Region 10 staff from ETPA, OWW, and ORC attended an interagency kick-off conference call with the Army Corps of Engineers-Seattle District and NMFS-Fisheries Division on efforts to clarify determination of the "high tide line" for CWA § 404 purposes in Washington state. Jim Jacobson, Chief of the Corps' Natural Resources Mgmt. Section facilitated the call and is leading the effort for Colonel Buck. Major outcomes included: (1) agreement on a scope of work and the development of a project management plan with action items; (2) agreement that NOAA would provide a scientific representative from their Oceans Section; and (3) the development of both a technical and legal subgroup with representatives from each agency to begin to work on some action items and be ready to present during the February 10th face-to-face meeting at the Corps-Seattle District office. Contact: M. Szerlog (3-0279).

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

<image009.png>

R. David Allnutt, Director
Office of Ecosystems, Tribal and Public Affairs
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

<image003.png> <image004.png> <image005.png> <image006.png> <image007.png><image008.png>

Message

From: Szalay, Endre [Szalay.Endre@epa.gov]
Sent: 7/1/2015 4:28:20 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]
Subject: FW: COE definition of shoreline

Hi Dave and Michael – I want to get up to speed on the issue regarding the Earthjustice petition re definition of high tide line. I looked over our FOIA response and found the email chain below, which includes an email from Keith Cohon referencing an attachment with Keith's analysis on the subject. I would like to take a look at that, but I can't find that attachment. Hoping one of you has the original email and attachment.

Thanks,

Endre Szalay
US EPA Region 10
206-553-1073

From: Szerlog, Michael
Sent: Wednesday, November 06, 2013 7:14 AM
To: Allnutt, David
Subject: RE: COE definition of shoreline

David,

I will check with Linda Storm as she is the JD lead for WA.

Thanks
Michael J. Szerlog, Manager
Aquatic Resource Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-083
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Allnutt, David
Sent: Wednesday, November 06, 2013 7:13 AM
To: Anderson-Carnahan, Linda; Cohon, Keith
Cc: Szerlog, Michael; Byron, Carrie; Parkin, Richard
Subject: RE: COE definition of shoreline

Keith – I discussed this issue a bit with Dennis yesterday, Attorney Client / Ex. 5

Attorney Client / Ex. 5

Attorney Client / Ex. 5 Or Carrie or Michael, do you know the answer to that?

~~~~~~

R. David Allnutt, Director
Office of Ecosystems, Tribal and Public Affairs
U.S. EPA, Region 10
~~~~~~

1200 Sixth Avenue, Suite 900, Mail Stop ETPA-087
Seattle, Washington 98101-3140
(206) 553-2581
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
Follow @EPAnorthwest on Twitter! https://twitter.com/EPAnorthwest

---

From: Anderson-Carnahan, Linda
Sent: Wednesday, November 06, 2013 6:26 AM
To: Cohon, Keith
Cc: Szerlog, Michael; Allnutt, David; Byron, Carrie
Subject: RE: COE definition of shoreline

Great analysis Keith (makes me wonder if you're not a kayaker).

Deliberative Process / Ex. 5

Linda Anderson-Carnahan, Associate Director
Office of Ecosystems, Tribal and Public Affairs
US EPA Region 10, ETPA-087, Suite 900
1200 Sixth Ave, Seattle, Wa. 98101
phone: (206) 553-2601
cell: (206) 291-6879

Follow @EPAnorthwest on Twitter! https://twitter.com/EPAnorthwest

---

From: Allnutt, David
Sent: Monday, November 04, 2013 2:01 PM
To: Cohon, Keith
Cc: Steiner-Riley, Cara; Parkin, Richard; Opalski, Dan; Szerlog, Michael; Anderson-Carnahan, Linda
Subject: FW: COE definition of shoreline

Keith – this is super helpful. Thanks for pulling it together so quickly. I'm copying those with whom I have spoken about this issue over the past month or so. It's good to have confirmed that **Attorney Client / Ex. 5** **Attorney Client / Ex. 5** It sounds like there is still a factual disagreement, though, about whether the other west coast districts use the HAT (NMFS's claim) or whether they are just all over the map (Siri's claim).

As for next steps, I'll defer to Rick, Dan, and Michael. Dan, Rick and I spoke this morning about some of the strategic considerations in sending this to the Sr. Leadership group as opposed to using our existing tools (e.g. CWA 404(q) procedures).

~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
R. David Allnutt, Director
Office of Ecosystems, Tribal and Public Affairs
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900, Mail Stop ETPA-087
Seattle, Washington 98101-3140
(206) 553-2581
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
Follow @EPAnorthwest on Twitter! https://twitter.com/EPAnorthwest
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

From: Cohon, Keith
Sent: Monday, November 04, 2013 1:31 PM
To: Allnutt, David; Steiner-Riley, Cara
Subject: COE definition of shoreline

See attached summary. Attorney Client / Ex. 5

Attorney Client / Ex. 5 EPA HQ knows less about this than I now do, unless they have more expertise than what Karyn Wendelowski has tapped so far – but I've sent her my attached analysis and maybe I'll hear back at some point. What next?

==========
Keith E. Cohon, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Phone: 206-553-2149
cohon.keith@epa.gov

Message

From: Murchie, Peter [Murchie.Peter@epa.gov]
Sent: 9/6/2016 9:43:17 PM
To: Tyson, Linda [Tyson.Linda@epa.gov]
CC: Erikson, Linda [Erikson.Linda@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; McLerran, Dennis [mclerran.dennis@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]
Subject: RE: Any materials for PS MOU meeting at 8am tomorrow? Stan's office is asking <EOM>
Attachments: Puget Sound Draft MOU - CLEAN - 2 September 16-2.doc

Linda,
I saw that this was cancelled and heard from Dan that Joel may not be available.

If it is happening I would include the following as a proposed purpose and agenda and attach the MOU (attached here).

I have cc'd Dan and David who may also want to add to the agenda.

Purposes:
-High level review of the MOU content and process and plans related to CEQ visit end of September
-Overview of TRAR and specifically High Tide Line definition for Puget Sound with USACE

Proposed Agenda:
-MOU Overview and next steps (Stan, Ellen, Peter)
-TRAR update and HTL discussion (Dennis, David, Peter)
-Next Steps Review

Thank you,
Peter

From: Tyson, Linda
Sent: Tuesday, September 06, 2016 12:43 PM
To: Murchie, Peter <Murchie.Peter@epa.gov>
Cc: Erikson, Linda <Erikson.Linda@epa.gov>
Subject: Any materials for PS MOU meeting at 8am tomorrow? Stan's office is asking <EOM>
Importance: High

Linda Tyson, Executive Assistant
Office of the Regional Administrator
U.S. EPA, Region 10
1200 Sixth Avenue, Mail Stop RA-210
Seattle, Washington 98101-3140
(206) 553-1327

REGIONAL ADMINISTRATOR'S BRIEFING – Internal
7 September 2016

Event: Deliberative Process / Ex. 5
Time: 3:00-3:30 p.m.
Location:

Meeting Overview:

Deliberative Process / Ex. 5

Attendees: Dennis McLerran, Michelle Pirzadeh, David Allnutt, Lucy Edmondson, Dan Opalski, Cara Steiner-Riley, Peter Murchie, Michael Szerlog, Endre Szalay, Heather Dean, and Susan Meyer

Background:

- In the absence of adjacent wetlands, the HTL is the geographic limit of Clean Water Act (CWA) jurisdiction in tidally influenced waters. The placement of fill material below the HTL requires authorization from the Corps of Engineers.
- The Corps promulgated the regulatory definition of HTL in 1977, five years after passage of the CWA.

Deliberative Process / Ex. 5

- Analysis of records for six tide stations across Washington shows that tides exceed MHHW three to five times every week and surpass it by more than a foot as often as every ten days.
- Ongoing Washington Department of Fish and Wildlife (WDFW) beach surveys have confirmed widespread forage fish spawning well above MHHW. In addition, shallow waters provide refuge for juvenile salmon from predators. When shoreline property owners place fill at or above MHHW—for which the Corps does not currently require CWA authorization—the shallow water spawning and refuge habitat are lost without any federal environmental review or mitigation.
- Region 10 has attempted unsuccessfully for many years to engage the Seattle District in considering a change in its interpretation of HTL. Then, in 2015, Earthjustice, on behalf of its clients (including Sound Action, Friends of the San Juans, and Washington Environmental Council), petitioned Region 10 to exercise our authority to set policy on CWA jurisdiction by designating a "special case" at one or more sites on the Washington coast and, through that process, clarify that CWA jurisdiction extends above the MHHW. Earthjustice noted that the National Marine Fisheries Service (NMFS) has advocated use of the highest astronomical tide line (HAT), which, on average, is more than two feet higher than MHHW. Also recently, the

Northwest Indian Fisheries Commission (NWIFC), on behalf of its member tribes, began raising concern about the fisheries impacts through the Treaty Rights at Risk consultation process and have also urged EPA to clarify that jurisdiction extends to HAT.

- The interest of these two entities led to a commitment by the Seattle District to engage in an interagency workgroup with Region 10 and NOAA's West Coast Region (NMFS) to evaluate a possible change in its interpretation of the location of the HTL. At the outset, the workgroup agreed that the culmination of its effort would be a recommendation to the Corps' Northwest Division Engineer (General), with the understanding that Region 10 would reserve its right to designate a special case should we disagree with the outcome of that process.

Deliberative Process / Ex. 5

Status:

Deliberative Process / Ex. 5

Options:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Staff Contacts: Heather Dean (ARU), Susan Meyer (PSP), Endre Szalay (ORC)

Everybody Ready?

HTL, Where Are You?
A Collaborative Investigation

Obviously other people care, too, but the programs overseen by these unit managers are the ones most affected by the HTL.

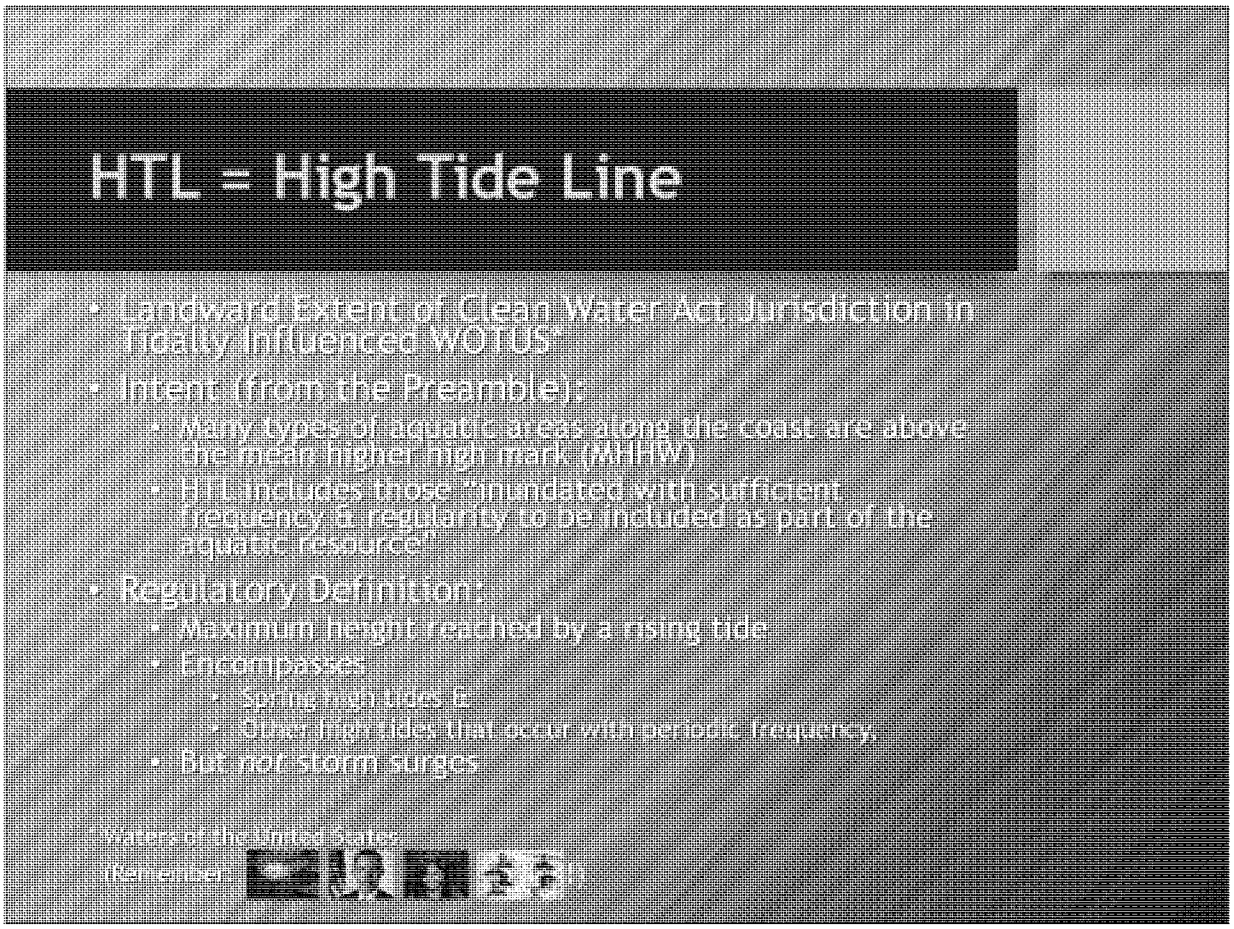
Those programs are the tie to the Corps & NMFS.

Have been working on this issue for years, but recent interest by entities outside the agencies

In particular, Earth Justice Petition & TRAR, funneled through NWIFC

Many reasons to care, but juvenile salmon & forage fish such as surf smelt & Pacific sand lance are among the biggest.

Predator refuge & spawning habitat

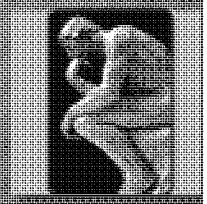


The Corps had a regulatory program long before passage of the CWA in 1972

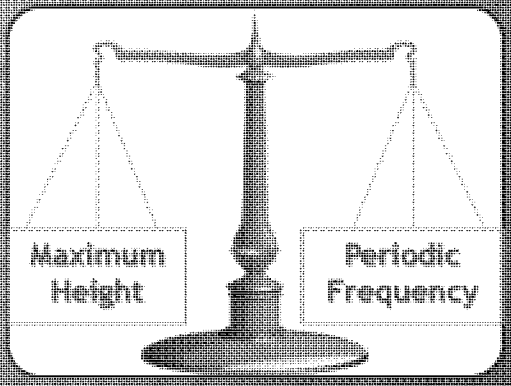
Don't need to go into all the details; suffice it to say, that program applied only to MHHW

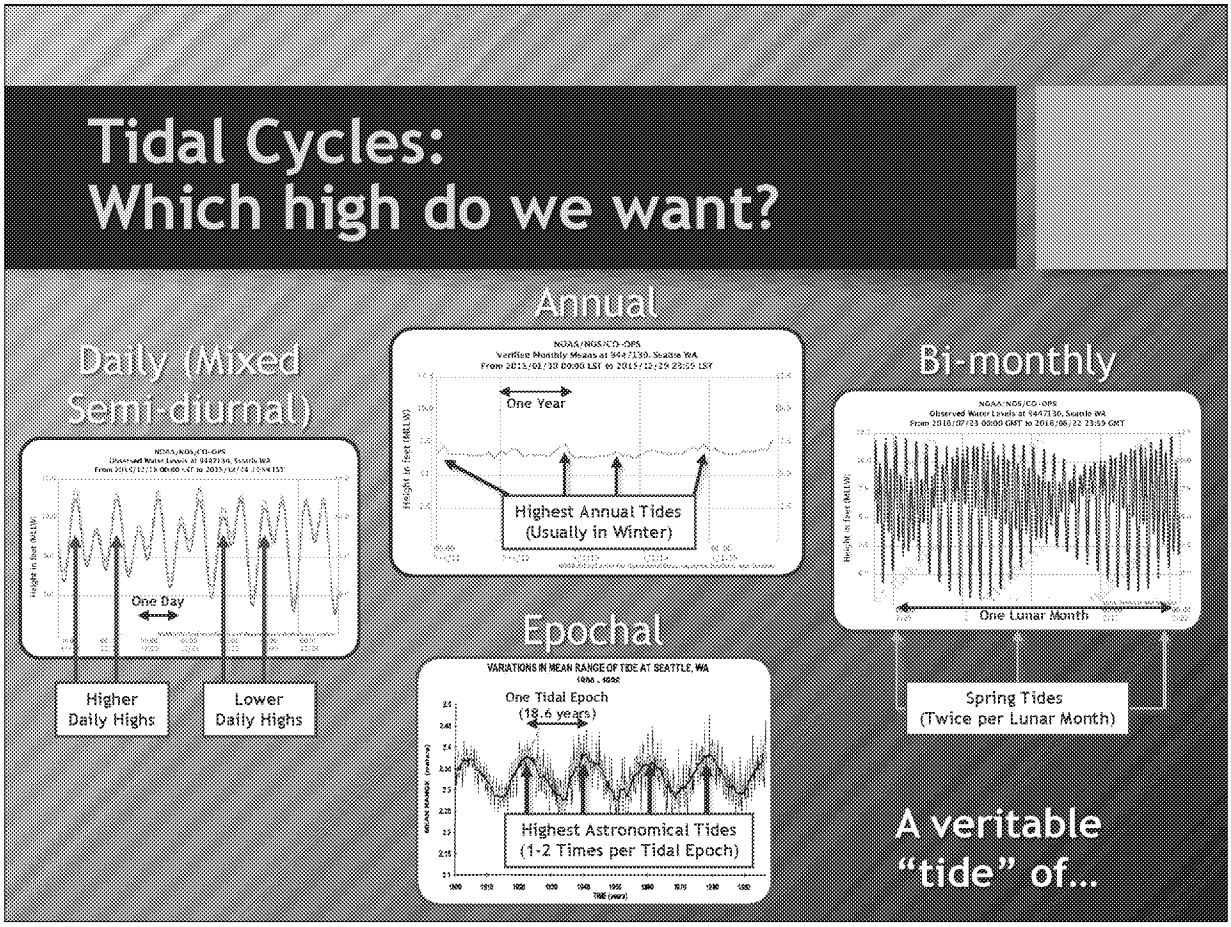
When the Corps found out from the Courts that CWA was much broader than the old program's, they had to come up with another jurisdictional limit

So, what's the problem?



- Not tied to a specific tidal datum
- Defined only in the Corps' regs, not EPA's
- So, how frequently maximum did they mean?





MHHW is the average of the daily higher high water levels
Observed, not predicted

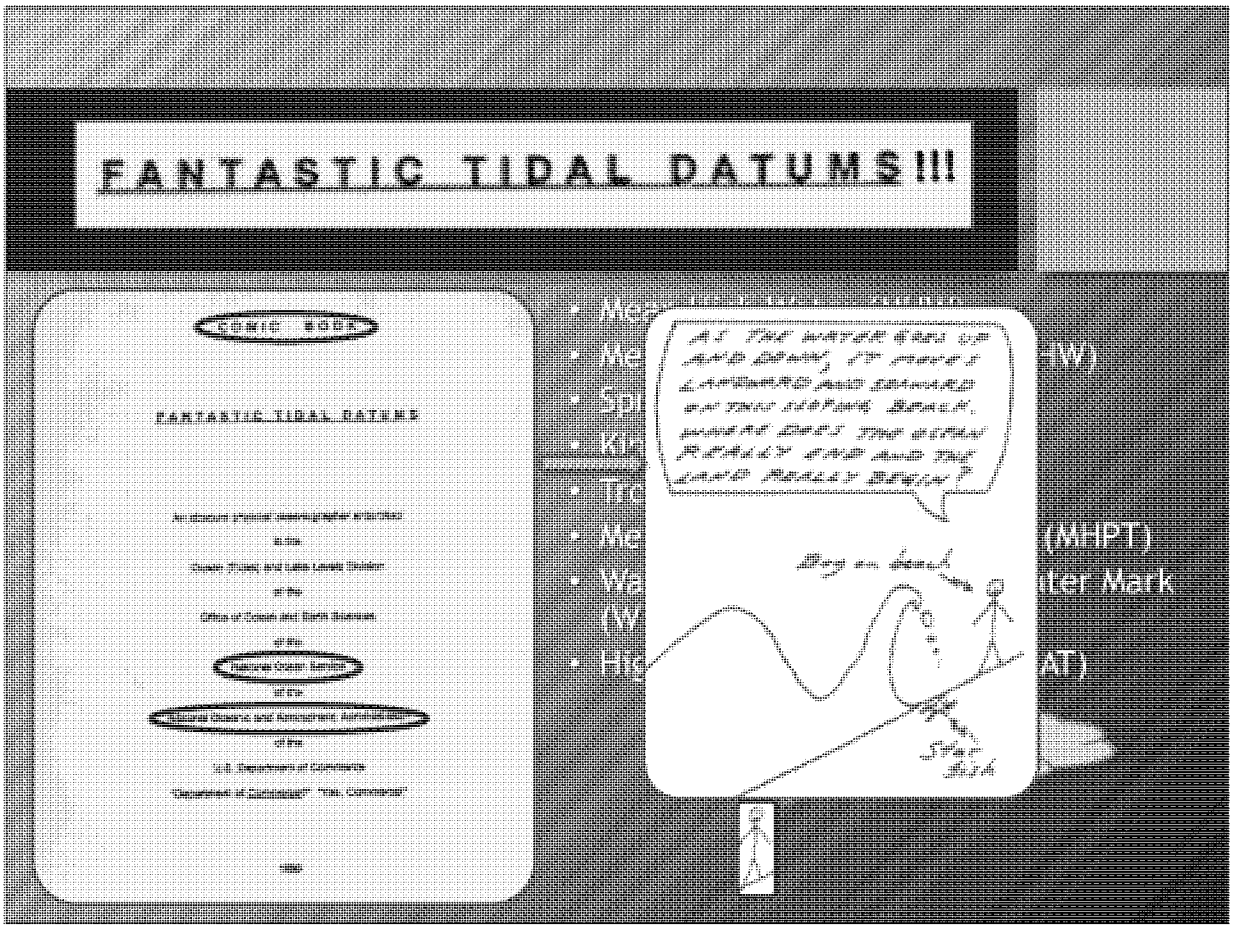
Spring tides occur when the Earth, sun, & moon are aligned

Tides higher in the winter, because we're closer to the sun

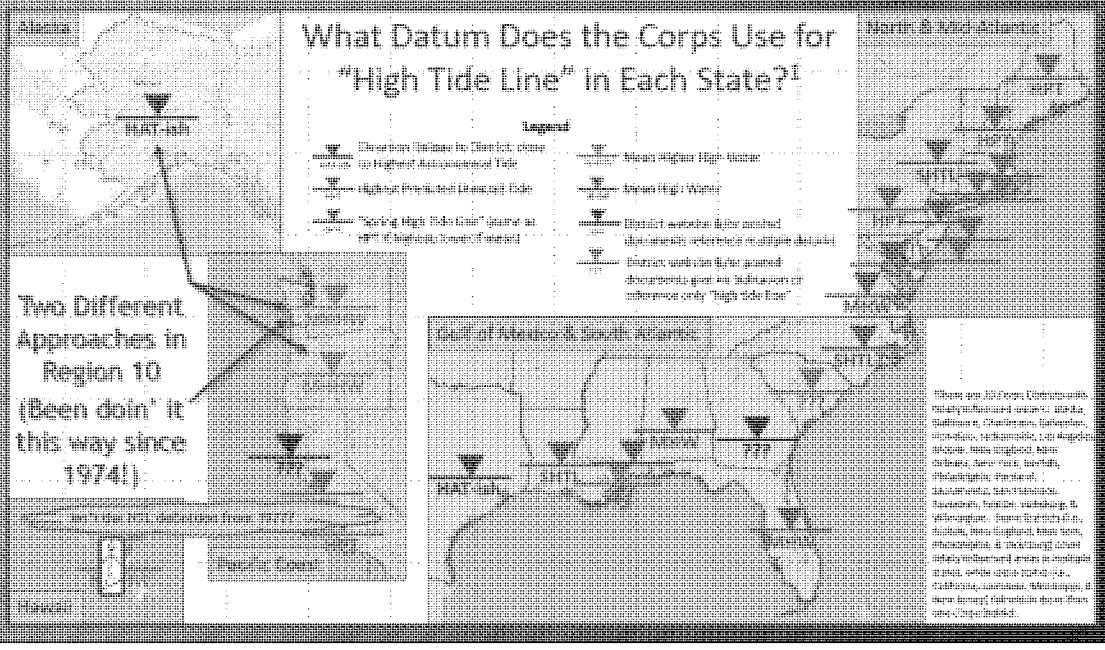
HAT is the highest predicted tide during the NTDE

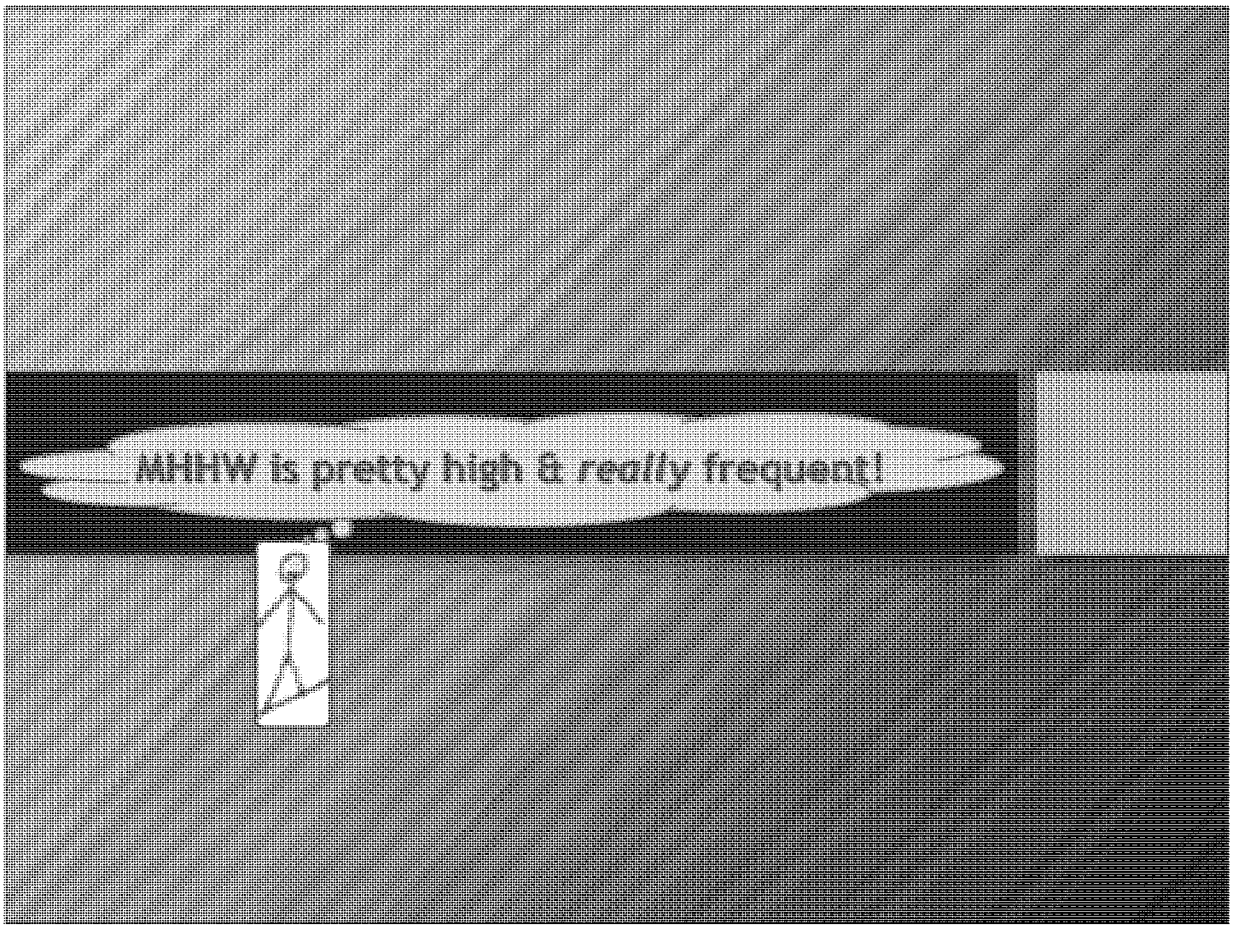
NTDE: 19 years, rounded up from 18.6
Encompasses the range of the moon's angle of declination (how high or low it is in the sky)
Graph shows effect on tides
Current NTDE is 1983-2001; considered for revision every 20-25 years
(except parts of AK & Gulf Coast)

All these highs lead to....


FANTASTIC TIDAL DATUMS!!!
COMIC BOOK
FANTASTIC TIDAL DATUMS
AS THE WATER GOES UP AND DOWN, IT MOVES LANDWARD AND SEAWARD ON THIS SLOPING BEACH. WHERE DOES THE OCEAN REALLY END AND THE LAND REALLY BEGIN?
Dog on beach
Star fish

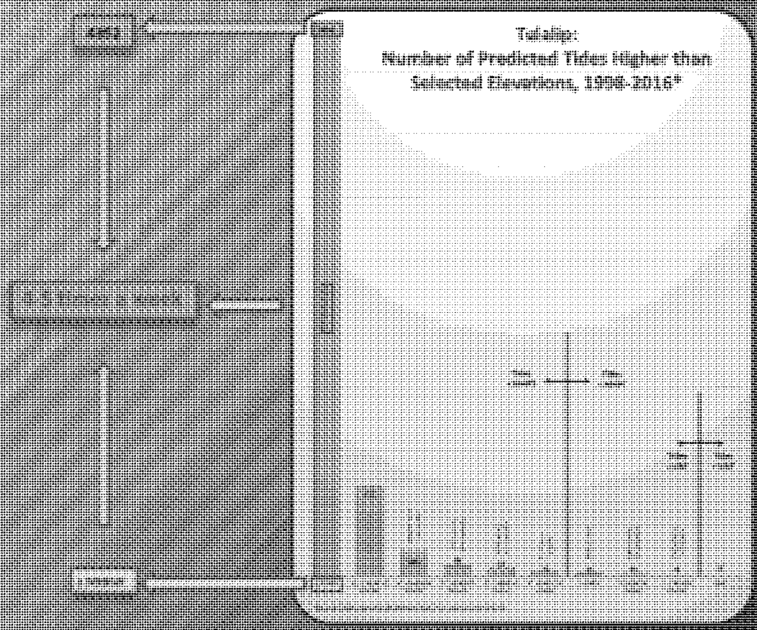
Six or More Different Answers!



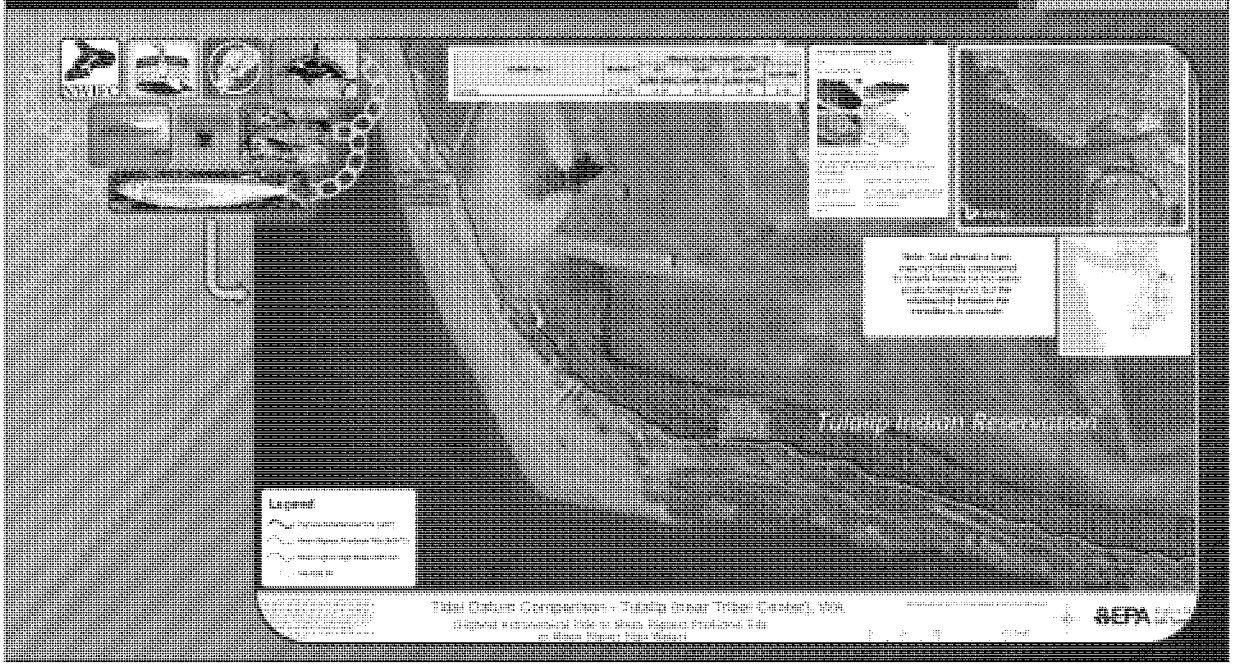

MHHW is pretty high & *really* frequent!

Yes, but it's <u>far</u> from the <u>maximum</u> tide…

And the tide is higher than MHHW pretty frequently…



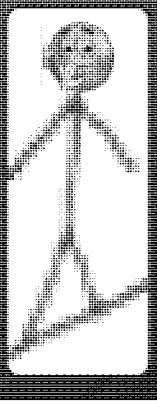
And, oh yeah...

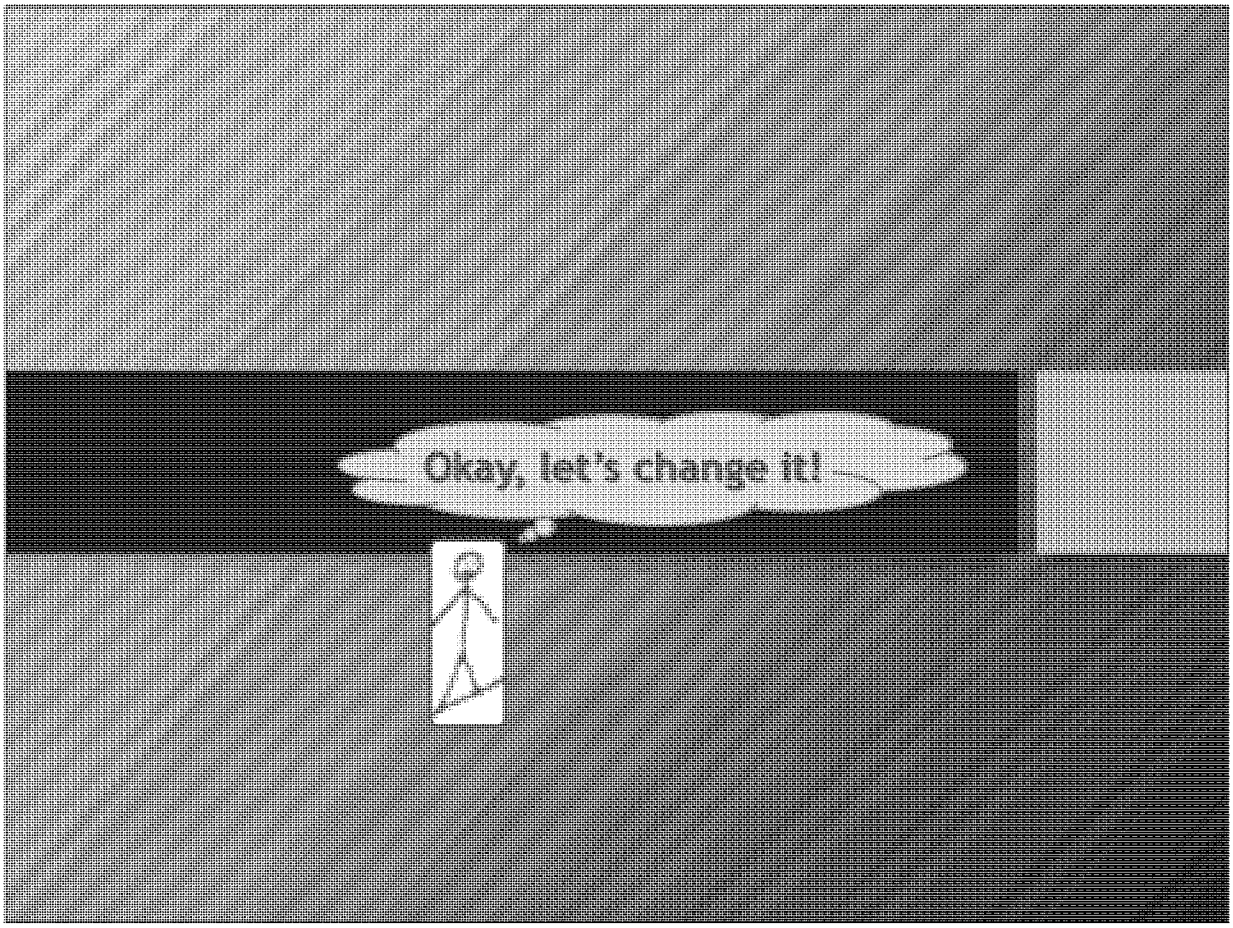

Legend:
Tidal Datum Comparison - Tulalip (near Tribe Center), WA
EPA

So, MHHW doesn't meet the definition & intent of HTL?

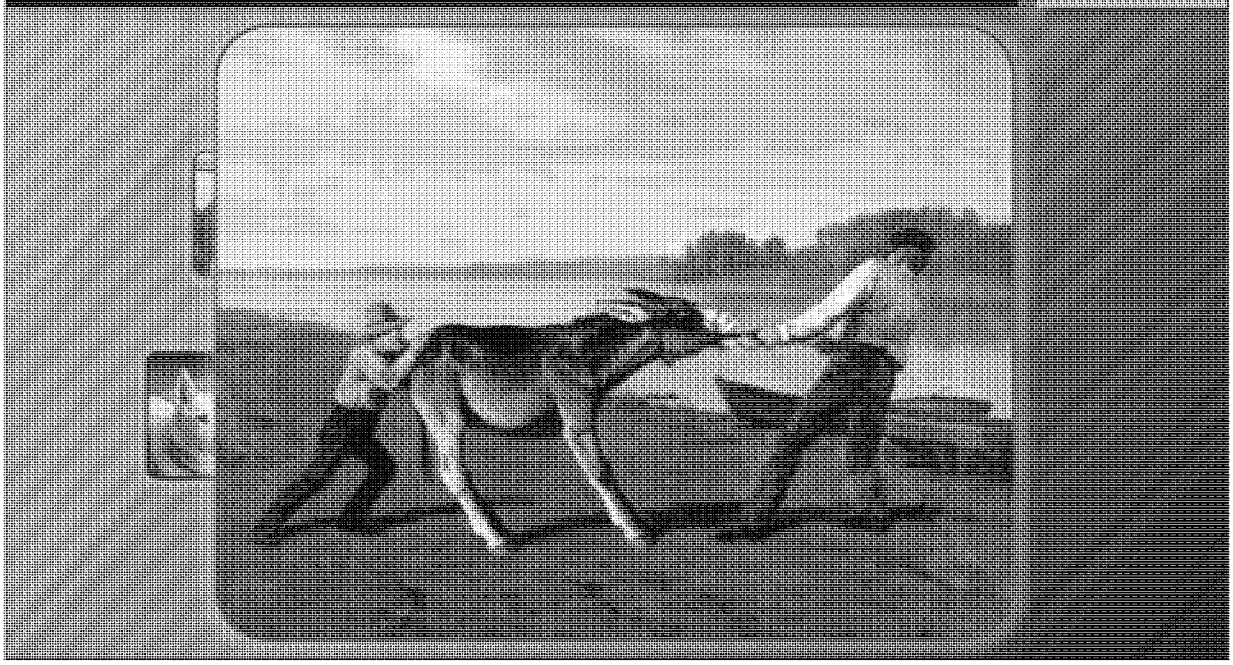
Uh...

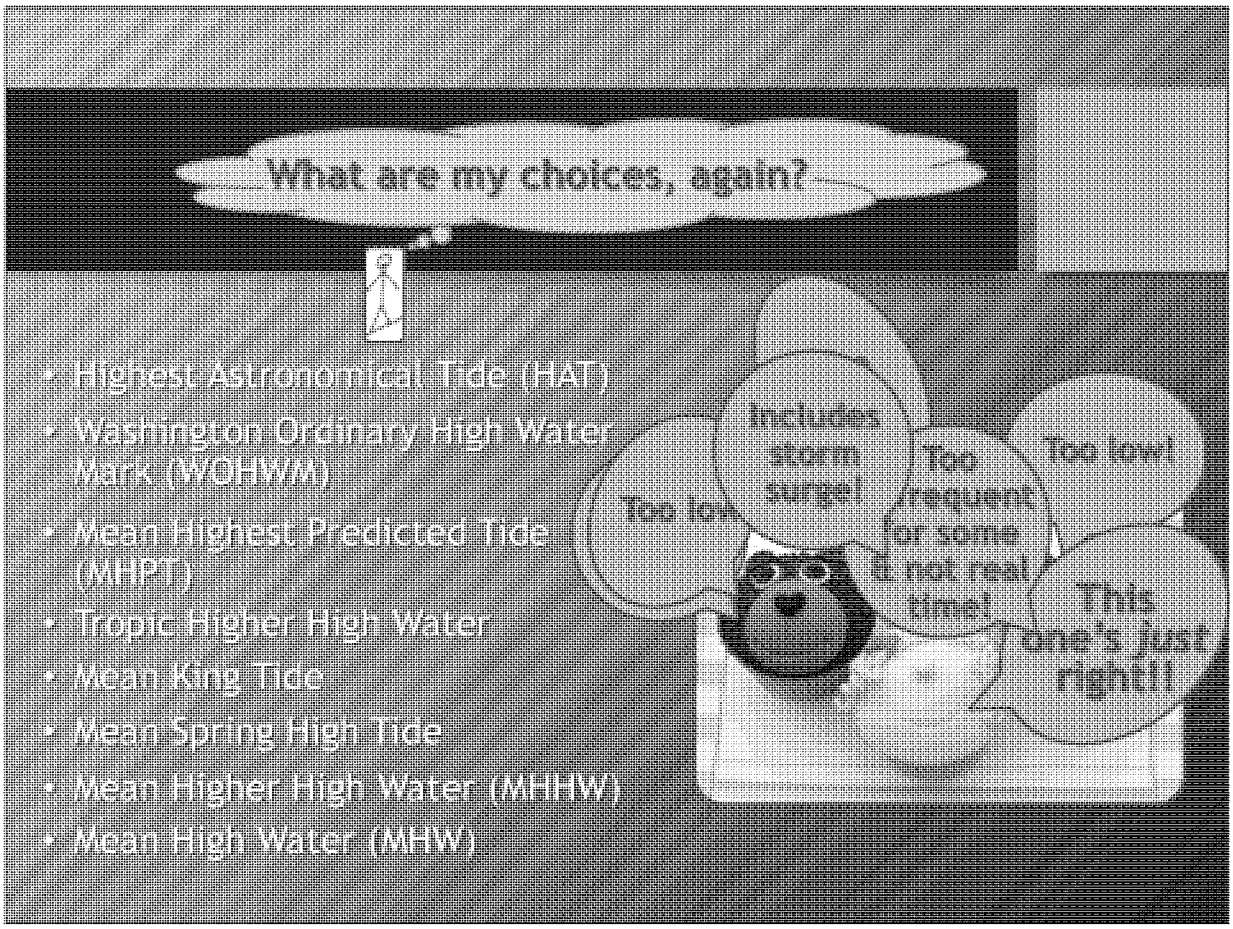
- Maximum height reached by a rising tide
- Encompasses spring high tides
- Encompasses other high tides that occur with periodic frequency
- Does *not* include storm surges
- Includes aquatic areas above MHHW
- Includes areas inundated with sufficient frequency & regularity to be included as part of the aquatic resource




Okay, let's change it!

Interagency Workgroup




What are my choices, again?
Highest Astronomical Tide (HAT)
Washington Ordinary High Water Mark (WOHWM)
Mean Highest Predicted Tide (MHPT)
Tropic Higher High Water
Mean King Tide
Mean Spring High Tide
Mean Higher High Water (MHHW)
Mean High Water (MHW)
Includes storm surge!
Too low!
Too frequent or some not real time!
Too low!
This one's just right!!

Deliberative Process / Ex. 5

Questions?

REGIONAL ADMINISTRATOR'S BRIEFING – Internal
7 September 2016

Event: Deliberative Process / Ex. 5
Time: 3:00-3:30 p.m.
Location:

Meeting Overview: Deliberative Process / Ex. 5

Attendees: Dennis McLerran, Michelle Pirzadeh, David Allnutt, Lucy Edmondson, Dan Opalski, Cara Steiner-Riley, Peter Murchie, Michael Szerlog, Endre Szalay, Heather Dean, and Susan Meyer

Background:

- In the absence of adjacent wetlands, the HTL is the geographic limit of Clean Water Act (CWA) jurisdiction in tidally influenced waters. The placement of fill material below the HTL requires authorization from the Corps of Engineers.
- The Corps promulgated the regulatory definition of HTL in 1977, five years after passage of the CWA.

Deliberative Process / Ex. 5

- Analysis of records for six tide stations across Washington shows that tides exceed MHHW three to five times every week and surpass it by more than a foot as often as every ten days.
- Ongoing Washington Department of Fish and Wildlife (WDFW) beach surveys have confirmed widespread forage fish spawning well above MHHW. In addition, shallow waters provide refuge for juvenile salmon from predators. When shoreline property owners place fill at or above MHHW—for which the Corps does not currently require CWA authorization—the shallow water spawning and refuge habitat are lost without any environmental review or mitigation.
- Region 10 has attempted unsuccessfully for many years to engage the Seattle District in considering a change in its interpretation of HTL. Then, in 2015, the non-profit environmental law organization Earth Justice petitioned Region 10 to exercise our authority to set policy on CWA jurisdiction by designating a "special case" at one or more sites on the Washington coast and, through that process, clarify that CWA jurisdiction extends to the highest astronomical tide line (HAT), which, on average, is more than two feet higher than MHHW. Concurrently, the Northwest Indian Fisheries Commission (NWIFC), on behalf of its member tribes, began raising

concern about the fisheries impacts through the Treaty Rights at Risk consultation process and have also urged EPA to clarify that jurisdiction extends to HAT.

- The interest of these two entities led to a commitment by the Seattle District to engage in an interagency workgroup with Region 10 and NOAA's West Coast Region (NMFS) to evaluate a possible change in its interpretation of the location of the HTL. At the outset, the workgroup agreed that the culmination of its effort would be a recommendation to the Corps' Northwest Division Engineer (General), with the understanding that Region 10 would reserve its right to designate a special case should we disagree with the outcome of that process.

Deliberative Process / Ex. 5

Status:

Deliberative Process / Ex. 5

Options:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Staff Contacts: Heather Dean (ARU), Susan Meyer (PSP), Endre Szalay (ORC)

Message

From: Szerlog, Michael [Szerlog.Michael@epa.gov]
Sent: 6/28/2016 4:51:12 PM
To: Allnutt, David [Allnutt.David@epa.gov]
Subject: FW: Deliberative Process / Ex. 5 FW: Public Notice for NWS-2015-0107-; U.S. Navy - Request for comments
Attachments: NWS-2015-107-PN.pdf

Thanks
Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

-----Original Message-----
From: Dean, Heather
Sent: Tuesday, June 28, 2016 8:58 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: FW: Deliberative Process / Ex. 5 FW: Public Notice for NWS-2015-0107-; U.S. Navy -Request for comments

Deliberative Process / Ex. 5

-----Original Message-----
From: Storm, Linda
Sent: Monday, June 27, 2016 5:44 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: Deliberative Process / Ex. 5 W: Public Notice for NWS-2015-0107-; U.S. Navy -Request for comments

Hi there Heather;
This Public Notice is for an individual permit for the Navy, Naval Base Kitsap at the U.S. Coast Guard Air station in Port Angeles. Its for the puposes of constructing a pier and upland support facilitation for the "Threat Protection System". It's of interest from a couple of standpoints.

Deliberative Process / Ex. 5

Let me know what you think.

Cheers,
Linda

Linda E. Storm, Aquatic Ecologist
U.S. EPA, Region 10 – Aquatic Resources Unit Office of Environmental Review and Assessment
1200 Sixth Avenue, Mail Stop OERA-202-1
Seattle, Washington 98101-3140
Ofc: (206) 553-6384; Cell: (206) 437-2293
Email: storm.linda@epa.gov

-----Original Message-----
From: Wilson, Shannon B NWS [mailto:Shannon.B.Wilson@usace.army.mil]
Sent: Thursday, June 23, 2016 12:57 PM
To: Hooper, Brian D NWS <Brian.D.Hooper@usace.army.mil>; CENWS Cultural Resources <Cultural.Resources@usace.army.mil>
Subject: Public Notice for NWS-2015-0107-; U.S. Navy -Request for comments

PLEASE DO NOT REPLY TO THIS EMAIL
For comments or questions regarding this Public Notice, please contact the project manager listed below.

CONTACT INFORMATION:
PROJECT NUMBER: NWS-2015-0107-, Clallam County, U.S. Navy PROJECT MANAGER: Brian Hooper
TELEPHONE: 206-764-7101
E-MAIL: Brian.D.Hooper@usace.army.mil

The attached PDF document is a Public Notice for a proposed project where a permit is being requested from the U.S. Army Corps of Engineers, Seattle District.

To view the attached document, you will need to use the Adobe Acrobat Reader. For a free copy of the Acrobat Reader please visit: http://www.adobe.com/products/acrobat/readstep2.html

To provide any project specific comments in writing or by e-mail, please visit the link below and follow the instructions outlined in the "How to Submit Comments" section.
Http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PublicNotices.aspx

For more Regulatory Program information, please visit
http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory.aspx

US Army Corps of Engineers
Seattle District

Joint Public Notice

Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and Coastal Zone Management Consistency Concurrence

US Army Corps of Engineers
Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone: (206) 316-3975
ATTN: Brian Hooper,
Project Manager

WA Department of Ecology
SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone: (360) 407-6068
ATTN: SEA Program,
Federal Permit Coordinator

Public Notice Date: June 23, 2016
Expiration Date: July 23, 2016

Reference No.: NWS-2015-107
Name: U.S. Navy (Pier and Support Facilities for Transit Protection System)

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the U.S. as described below and shown on the enclosed drawings dated June 10, 2016.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

APPLICANT: U.S. Navy, Naval Base Kitsap
Attention: Captain T.A. Zwolfer, Commanding Officer
120 South Dewy Street
Bremerton, Washington 98314-5020
Telephone: (360) 627-4000

AGENT: U.S. Navy, Naval Base Kitsap
Attention: Benjamin Keasler
7001 Finback Circle
Silverdale, Washington 98315
Telephone: (360) 396-5879

LOCATION: In Port Angeles Harbor at U.S. Coast Guard Air Station/Sector Field Office Port Angeles.

WORK: Construct a pier and upland support facilities for the Threat Protection System (TPS).

TPS Pier
The TPS pier would be designed to provide full hotel services (hotel services include electricity, potable water, sewer, internet, phone, fire protection, pier lighting, and fueling lines) and dedicated mooring for up to seven TPS vessels. There would be a total of six berths as the two blocking vessels would be moored side by side. The TPS pier would consist of a sheet pile abutment, approach trestle, fixed pier, three floats, and two mooring dolphins. Total overwater coverage of the TPS Pier would be 25,465 square feet. Nearshore coverage (lower than -30 feet mean lower low water) would be 8,650 square feet. There would be a total of

NWS-2015-107, U.S. Navy (Pier and Support Facilities for Transit Protection System)

144 in-water permanent piles that would displace 377 square feet of the seafloor. The total volume of concrete below mean higher high water poured into in-water piles would be 41.6 cubic yards. The majority of pile driving would be conducted with a vibratory pile driver. Impact pile driving would only be used to proof piles or under hard substrate conditions. All pile driving would occur over 75 days or less, with an estimated duration of impact pile driving ranging from a several minutes to a maximum of four hours per day. A bubble curtain would be used to attenuate underwater noise.

Sheet Pile Abutment Wall: A permanent 100-foot long sheet pile abutment would be constructed on the shoreline to protect the trestle connection to the land. This would require up to 60 steel sheet piles. The piles would be driven to a depth of 25 feet. The sheet pile abutment would be constructed landward of mean high water (MHW) and therefore would not be within the jurisdiction of the Corps.

Approach Trestle: The approach trestle would be up to 355 feet long and 24 feet wide. It would be constructed of precast concrete. The trestle would be supported by sixteen 18-inch, twelve 24-inch, and eight 36-inch diameter hollow steel pipe piles with concrete caps. The trestle piles would be driven to depths of approximately 75 to 80 feet. The trestle would be constructed between approximately +7 and -45 feet mean lower low water (MLLW).

Fixed Pier: The fixed pier at the end of the trestle would be constructed of precast concrete and be up to 160 feet long and 42 feet wide. The fixed pier would have two mooring dolphins that connect to the fixed pier via a catwalk. A total of 87 hollow steel pipes (ten 36-inch piles, forty-nine 30-inch piles, and twenty-eight 24-inch diameter piles with concrete caps) would be driven to support the fixed pier. The fixed pier piles would be driven to a depth of approximately 100 feet. The fixed pier would be constructed between -45 and -63 feet MLLW.

Floating Docks: Attached to the fixed pier would be three floating docks (floats). There would be two floats (80 feet long by 17 feet wide each) on the west side of the pier. These floats would be connected to each other and the fixed pier by a walkway and transfer span. On the east side of the fixed pier would be a single float (120 feet long by 12 feet wide) and that would be accessed via a transfer span from the pier.

Temporary Indicator Piles: The TPS pier would require up to 80 temporary 24-inch diameter steel indicator piles driven to a depth of 50 feet. The temporary piles would be installed for one to two weeks.

Upland Support Facilities
Upland support facilities would include a single-story sleeping and administration building; a Ready Service Armory (an ammunition and small-arms storage facility); a diesel fuel marine storage tank and distribution system; and site improvements including utilities, parking, lighting, security improvements, and landscaping. The upland support facilities would be constructed landward of MHW and therefore would not be within the jurisdiction of the Corps.

PURPOSE: The purpose of the project is to provide a staging location for TPS vessels and crews that escort Navy submarines to and from their dive/surface points in the Strait of Juan de Fuca and Naval Base Kitsap Bangor.

ADDITIONAL INFORMATION: The project is designed to comply with U.S. Coast Guard (USCG) limits for underway hours and required crew rest between escort missions. Underway hours are defined as the time required for USCG crews to prepare for, perform, and complete small boat operations. The hour limits vary by boat size and type, and are shorter during high sea states and foul weather conditions.

Pile driving would occur for up to 75 days. Overwater construction would be competed in approximately 15 months. The total construction period would be 18 months. To comply with the in-water work window

(July 16 through February 15) for Puget Sound Tidal Reference Area 10, in-water construction is estimated to begin in October 2016 and last through February 2017, begin again in July 2017 and finish in October 2017.

MITIGATION: The Navy proposes to remove a shoreline jetty and install native plants. A total of 7,650 cubic yards of fill affecting 24,600 square feet (0.56 acre) of aquatic tidelands off the south shoreline of inner Ediz Hook east of the USGC station entrance gate would be removed. The fill extends approximately 215 feet south from the shoreline and is protected by a rock and timber bulkhead capped by a concrete slab. The timber piles comprising the bulkhead would be cut off and capped below the mudline. The shoreline at the jetty site would be contoured to be consistent with the surrounding shoreline. A new, rock armored, embankment section would be tied into the exiting embankment by reusing the large rock removed from the jetty shoreline armoring to the extent possible. All other material removed from the jetty will be disposed of at an approved upland facility. All new armoring would be installed landward of MHW. 4,200 square feet of upland area located between the shoreline embankment and the adjacent access road that would be disturbed during removal of the jetty would be restored and planted with native plants.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. The U.S. Navy, as the lead agency for ESA consultation, will consult with the NMFS and the USFWS as required under Section 7 of the ESA.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action would impact EFH in the project area. The U.S. Navy, as the lead agency for a determination regarding EFH, will consult with the NMFS if necessary.

CULTURAL RESOURCES: The U.S. Navy, as the lead agency for determining compliance with Section 106 of the National Historic Preservation Act, will consult with the State Historic Preservation Officer and Native American Tribes as appropriate.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION – CORPS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species,

historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The described discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the U.S.

SOURCE OF FILL MATERIAL: The applicant has not yet identified the source of the fill material. Should a permit be issued, the Corps will evaluate the fill material source prior to the start of construction.

EVALUATION – ECOLOGY: Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to determine whether to certify or deny certification for the proposed project.

ADDITIONAL EVALUATION: As a Federal agency, the U.S. Navy will contact Ecology directly to ensure the work is consistent with the Coastal Zone Management Program.

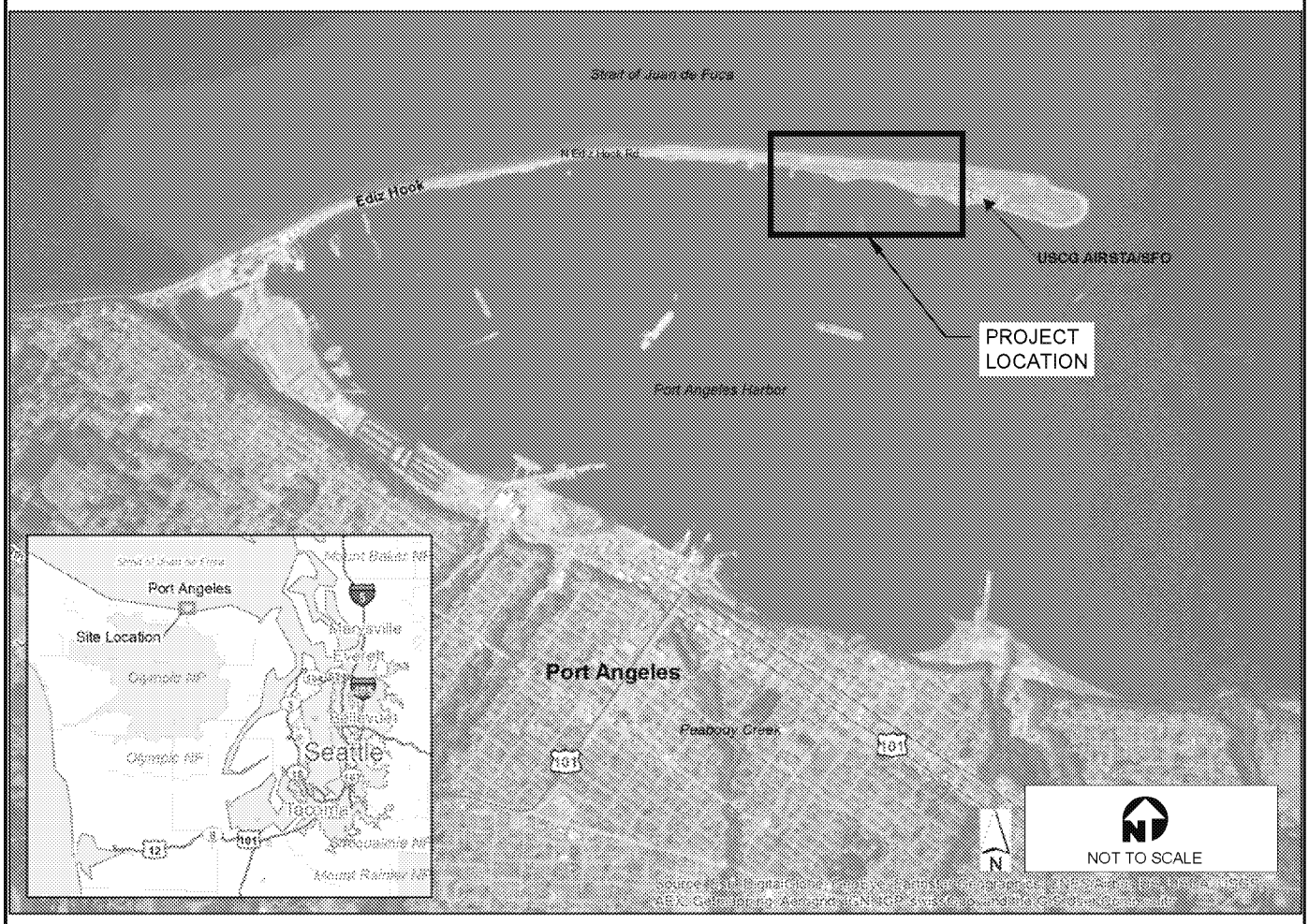
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether authorizing the work would not be contrary to the public interest. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commenter's name, address, and phone number. All comments, whether conventional mail or e-mail, must reach this office, no later than the expiration date of this public notice to ensure consideration.

CORPS COMMENTS: All e-mail comments should be sent to brian.d.hooper@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Mr. Brian Hooper, P.O. Box 3755, Seattle, Washington 98124-3755. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information such as names, phone numbers, and addresses.

ECOLOGY COMMENTS: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Washington State Department of Ecology, Attention: Federal Permit Coordinator, Post Office Box 47600, Olympia, Washington 98504-7600, or e-mail to ecyrefedpermits@ecy.wa.gov.

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: U.S. Navy (Transit Protection System), NWS-2015-107

Encl: Figures (7)



Horizontal datum for this project will be Washington State plane coordinate system, NAD27, North Zone, NAD83 (91).

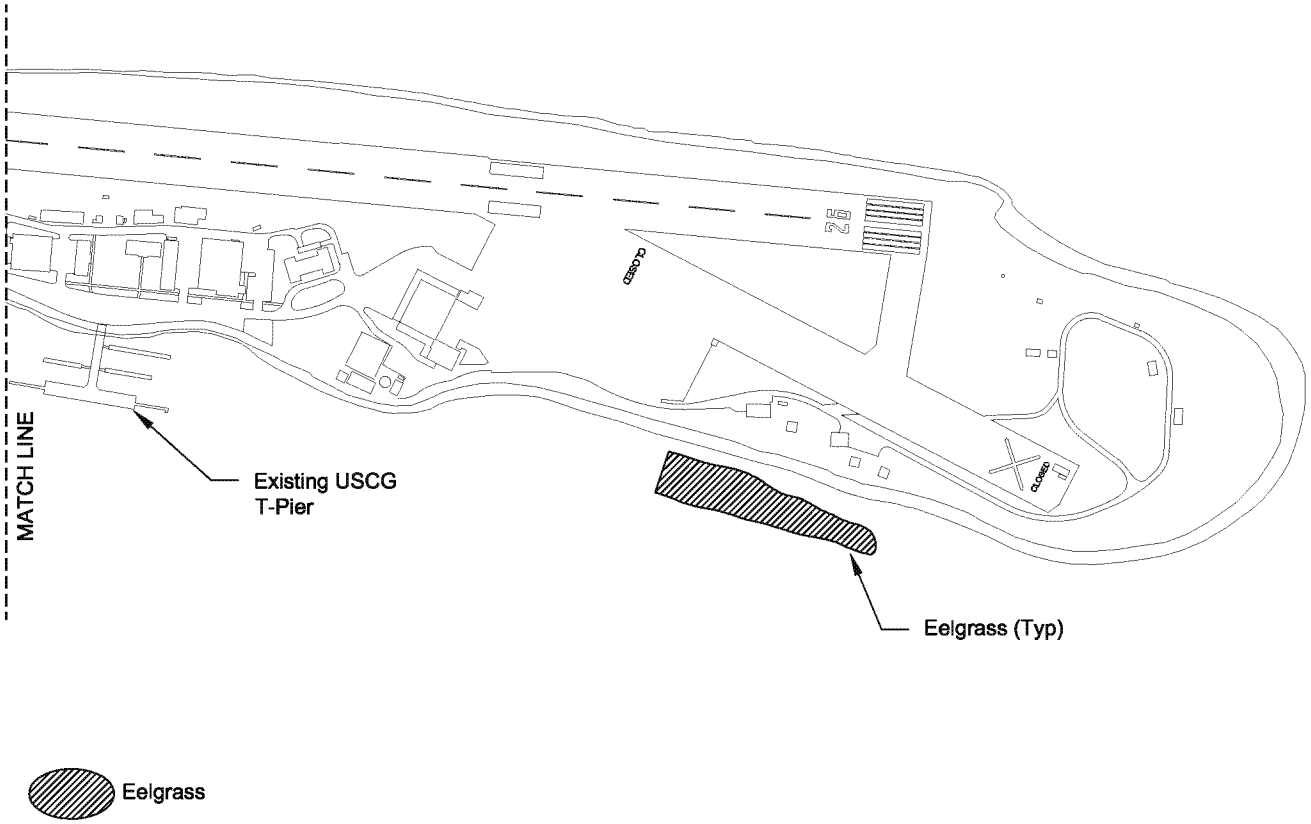
The vertical datum for this project will be tidal datum MLLW per National Geodetic Survey (NGS). NGS benchmark designation No. D471-1974 was held for elevation, and was 12.644 feet MLLW.

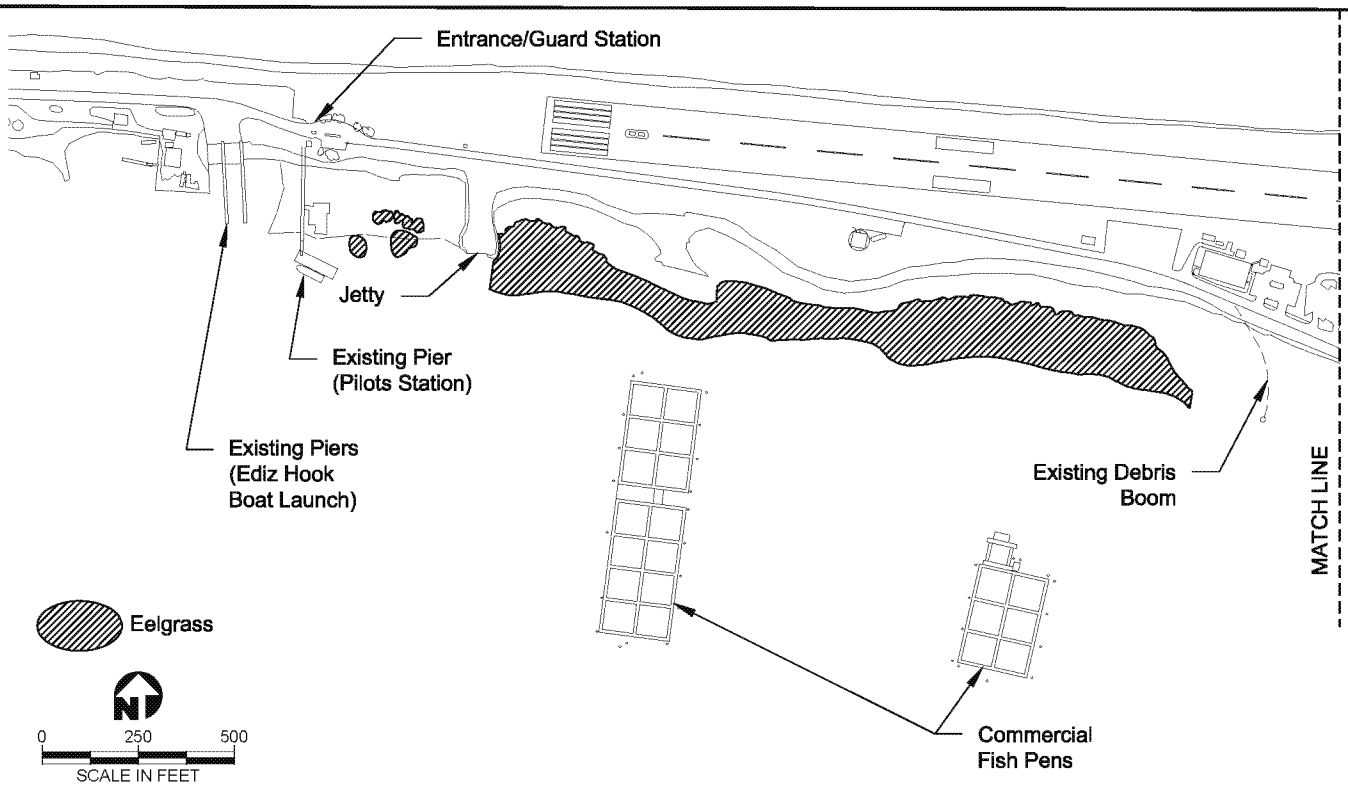
- Highest Observed Water Level (HOWL) = 10.51 feet
- Mean Higher High Water (MHHW) = 7.06 feet
- Mean High Water (MHW) = 6.51 feet
- Mean Tide Level (MTL) = 4.21 feet
- Mean Low Water (MLW) = 1.92 feet
- Mean Lower Low Water (MLLW) = 0.00 feet
- Lowest Observed Water Level (LOWL) = -4.84 feet

SHEET 1
VICINITY MAP

Applicant: U.S. Department of the Navy **Reference Number:** NWS-2015-107 **Adjacent Property Owners:** Washington State Department of Natural Resources	**Location:** U.S. Coast Guard Air Station/Sector Field Office Port Angeles, WA Ediz Hook Road Port Angeles, WA 98362-2201 **Lat/Long:** 48.14077° / -123.417164° **Sheet:** 1 of 7 Date: 06/10/2016	**Proposed Project:** Construct a pier and upland support facilities at the USCG AIRSTA/SFO Port Angeles **In:** Port Angeles Harbor **Near/At:** Port Angeles, WA **County:** Clallam **State:** WA

C:_ACM_WORKING\CG Transit Protect System\Sheet 01 (Site Location Plan).dwg
Mod: 06/09/2016, 19:09 | Plotted: 06/10/2016, 16:36 |





SHEET 2

EXISTING CONDITIONS

Applicant: U.S. Department of the Navy

Reference Number: NWS-2015-107

Adjacent Property Owners:
Washington State Department of Natural Resources

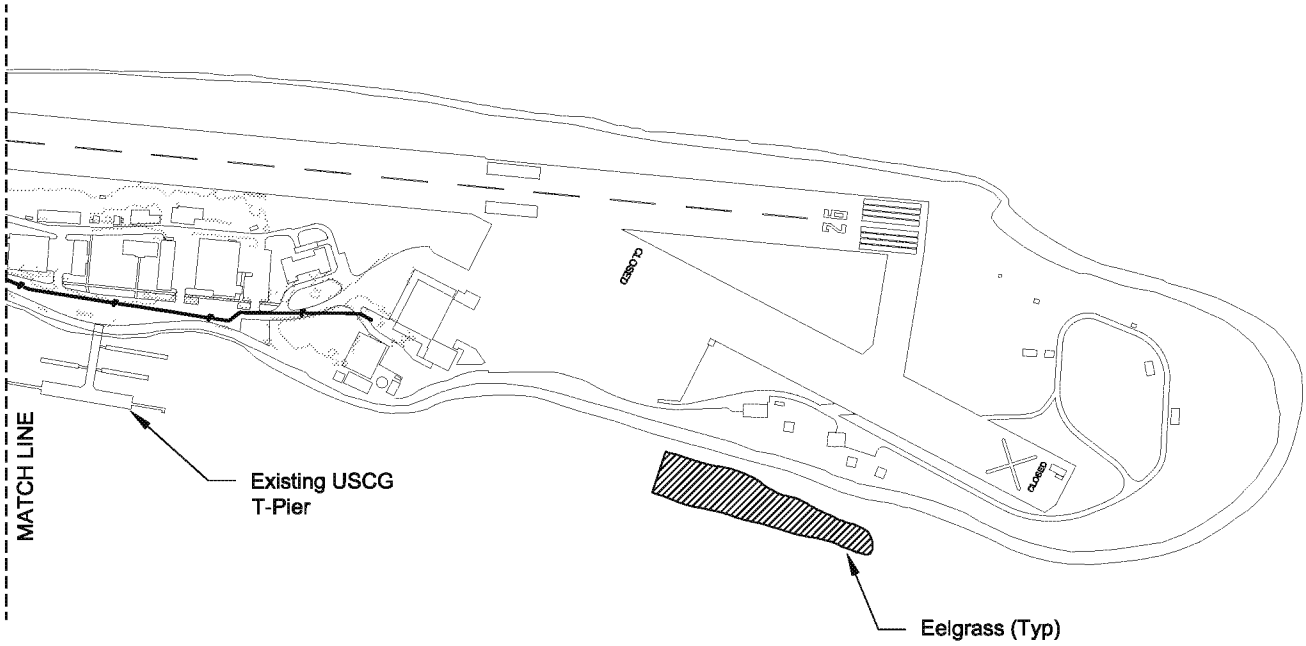
Location:
U.S. Coast Guard Air Station/Sector Field Office
Port Angeles, WA
Ediz Hook Road
Port Angeles, WA 98362-2201
Lat/Long: 48.14077° / -123.417164°

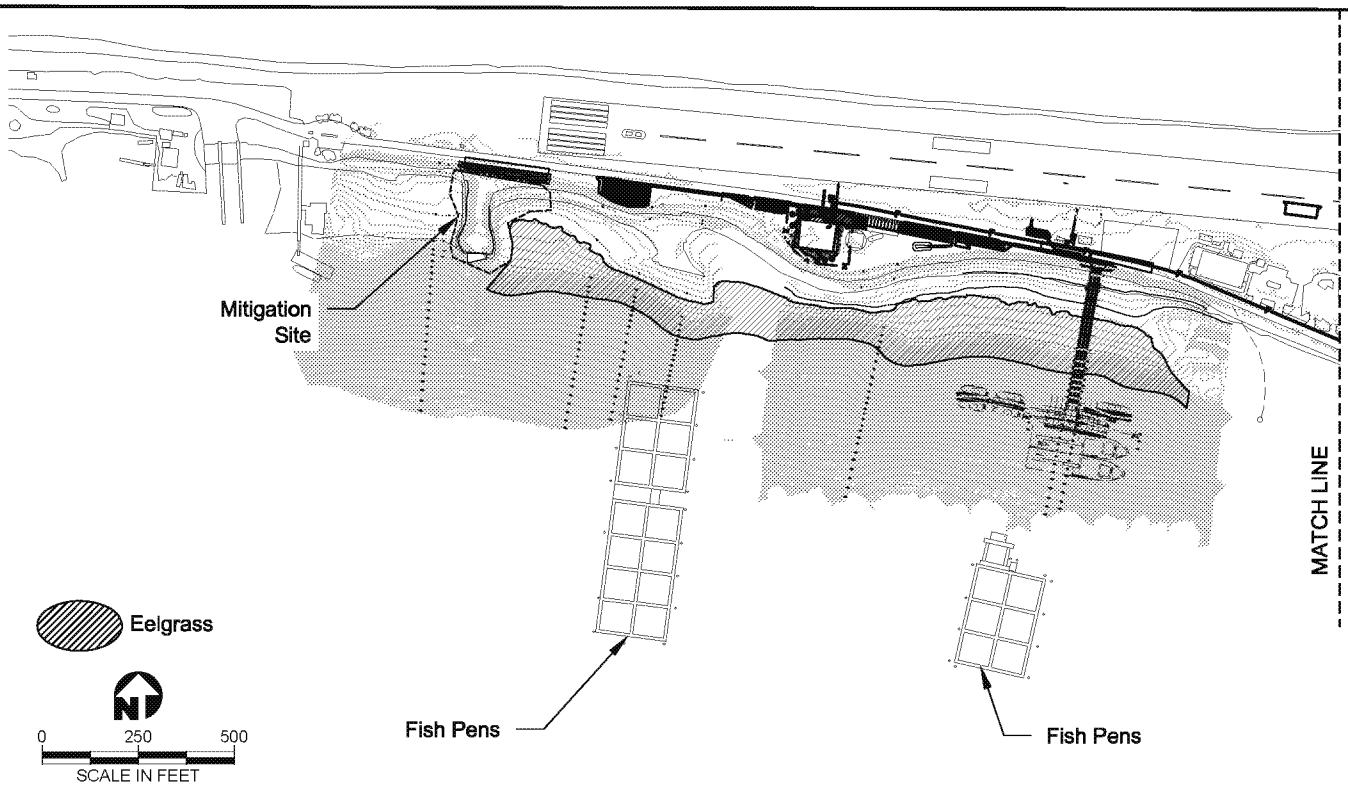
Sheet: 2 of 7 Date: 06/10/2016

Proposed Project:
Construct a pier and upland support facilities at the USCG AIRSTA/SFO Port Angeles

In: Port Angeles Harbor
Near/At: Port Angeles, WA
County: Clallam
State: WA

C:_ACM_WORKING\CG Transit Protect System\Sheet 02 (Exist Conditions).dwg
Mod: 06/09/2016, 19:08 | Plotted: 06/10/2016, 16:14 |





SHEET 3

PROPOSED PLAN OVERVIEW

Applicant: U.S. Department of the Navy

Reference Number: NWS-2015-107

Adjacent Property Owners:
Washington State Department of Natural Resources

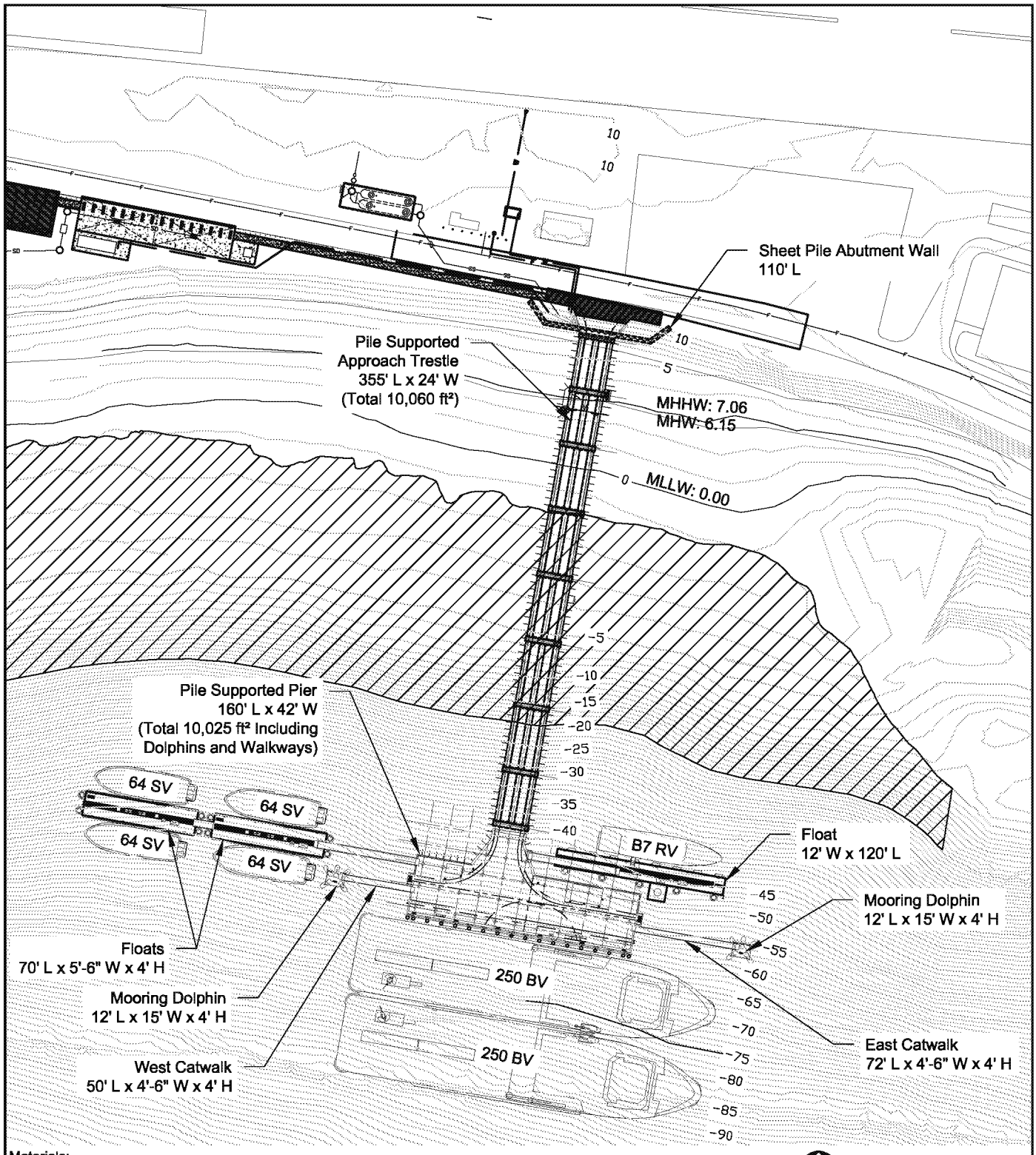
Location:
U.S. Coast Guard Air Station/Sector Field Office
Port Angeles, WA
Ediz Hook Road
Port Angeles, WA 98362-2201
Lat/Long: 48.14077° / -123.417164°

Sheet: 3 of 7 Date: 06/10/2016

Proposed Project:
Construct a pier and upland support facilities at the USCG AIRSTA/SFO Port Angeles

In: Port Angeles Harbor
Near/At: Port Angeles, WA
County: Clallam
State: WA

C:_ACM_WORKING\CG Transit Protect System\Sheet 03 (Proposed Plan Overview).dwg
Mod: 06/10/2016, 16:10 | Plotted: 06/10/2016, 16:55 |



Materials:
Mooring Dolphins: Reinforced Concrete
East Catwalk: Aluminum w/Aluminum Diamond Drip Deck Surface
West Catwalk: Aluminum w/Aluminum Diamond Drip Deck Surface
Float: Roughened concrete surface
Pier: Roughened concrete surface
Trestle: Hot mix-asphalt

Eelgrass

0 50 100
SCALE IN FEET

SHEET 4

SITE PLAN PROPOSED PLAN

Applicant: U.S. Department of the Navy

Reference Number: NWS-2015-107

Adjacent Property Owners:
Washington State Department of Natural Resources

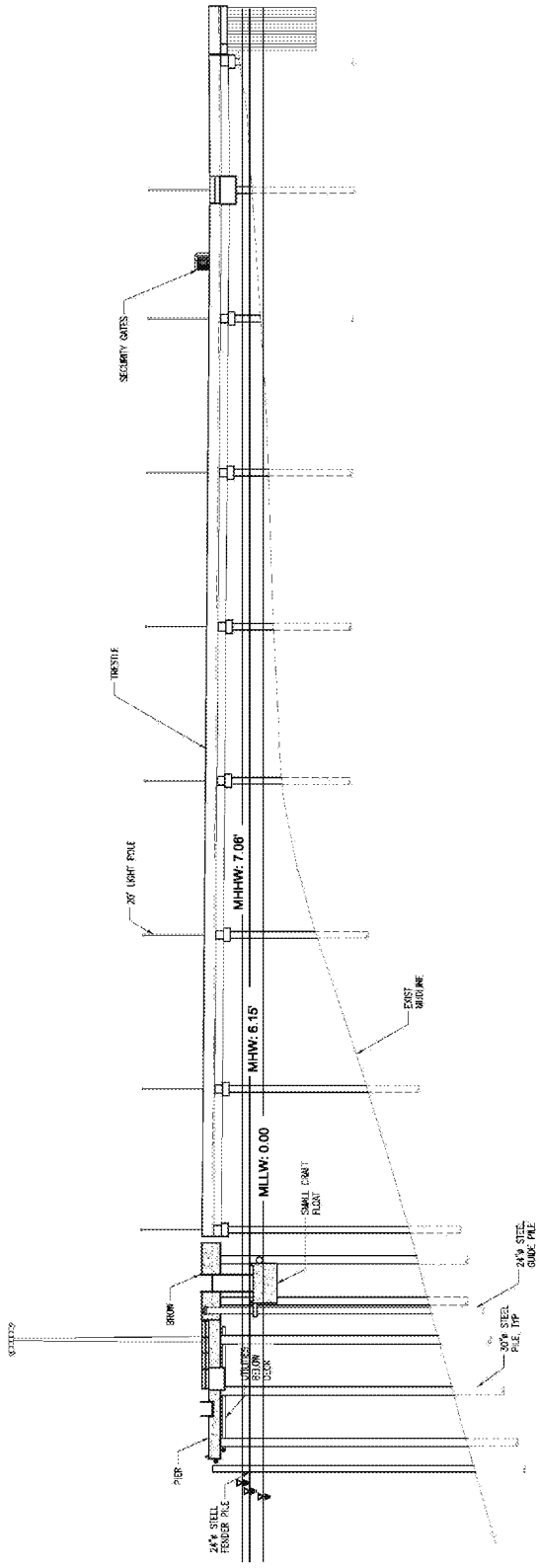
Location:
U.S. Coast Guard Air Station/Sector Field Office
Port Angeles, WA
Ediz Hook Road
Port Angeles, WA 98362-2201
Lat/Long: 48.14077° / -123.417164°

Sheet: 4 of 7 Date: 06/10/2016

Proposed Project:
Construct a pier and upland support facilities at the USCG AIRSTA/SFO Port Angeles

In: Port Angeles Harbor
Near/At: Port Angeles, WA
County: Clallam
State: WA

C:_ACM_WORKING\CG Transit Protect System\Sheet 04 (Proposed Plan).dwg
Mod: 06/09/2016, 18:58 | Plotted: 06/10/2016, 16:17 |



East Elevation

Notes:
Diameter of piles and quantity for East Elevation are as follows:

Driven In-Water Piles:
36-inch diameter steel piles: 30
30-inch diameter steel piles: 55
24-inch diameter steel piles: 43
18-inch diameter steel piles: 16

Concrete Used to Plug In-Water Piles
41.6 cubic yards

NOT TO SCALE

SHEET 5

SITE PLAN PROFILE VIEW
TRESTLE, TRANSFER SPAN, AND FIXED PIER

Applicant: U.S. Department of the Navy

Reference Number: NWS-2015-107

Adjacent Property Owners:
Washington State Department of Natural Resources

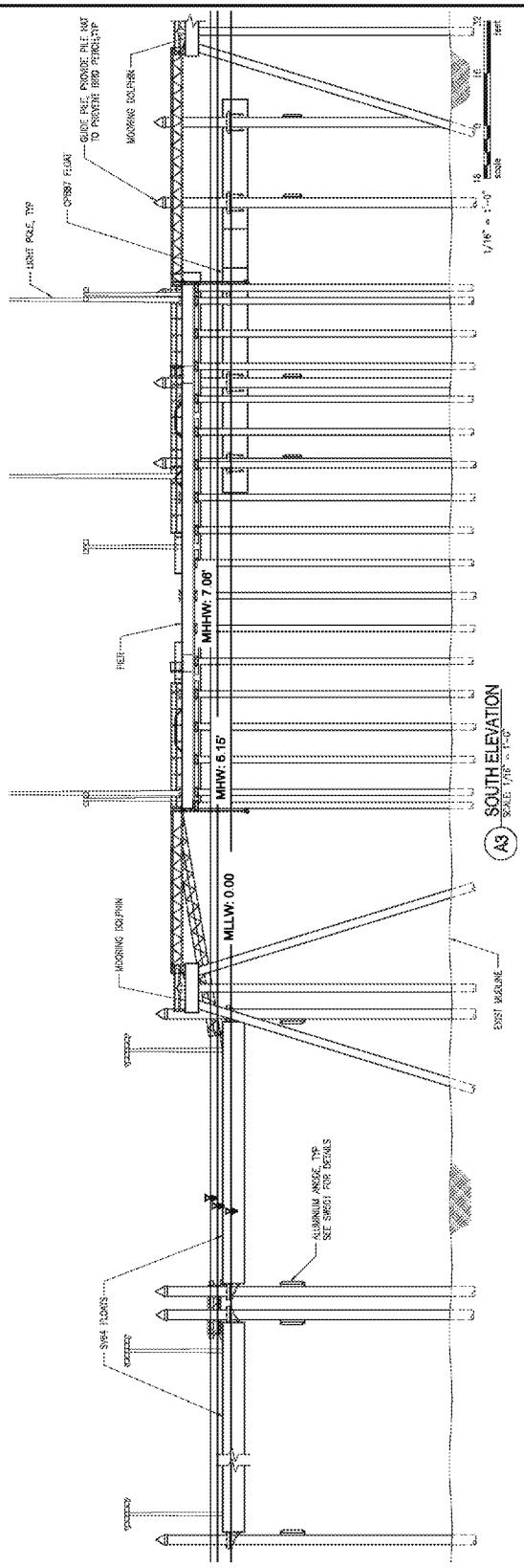
Location:
U.S. Coast Guard Air Station/Sector Field Office
Port Angeles, WA
Ediz Hook Road
Port Angeles, WA 98362-2201
Lat/Long: 48.14077° / -123.417164°

Sheet: 5 of 7 Date: 06/10/2016

Proposed Project:
Construct a pier and upland support facilities at the USCG AIRSTA/SFO Port Angeles

In: Port Angeles Harbor
Near/At: Port Angeles, WA
County: Clallam
State: WA

C:_ACM_WORKING\CG Transit Protect System\Sheet 05 (Profile).dwg
Mod: 06/09/2016, 19:03 | Plotted: 06/10/2016, 16:18 |



NOT TO SCALE

South Elevation

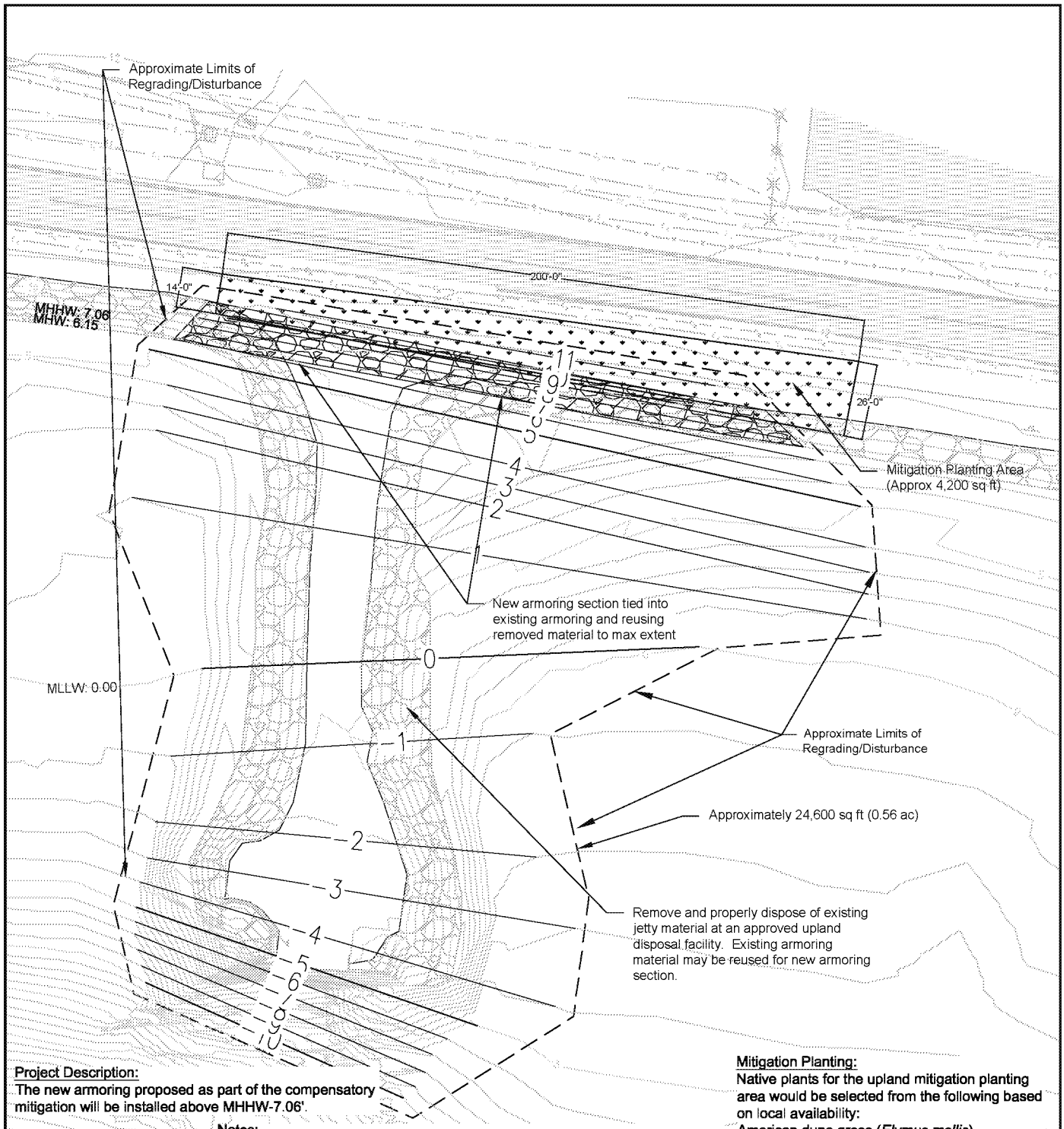
SHEET 6

SITE PLAN PROFILE VIEW

TRESTLE, TRANSFER SPAN, AND FIXED PIER

Applicant: U.S. Department of the Navy **Reference Number:** NWS-2015-107 **Adjacent Property Owners:** Washington State Department of Natural Resources	**Location:** U.S. Coast Guard Air Station/Sector Field Office Port Angeles, WA Ediz Hook Road Port Angeles, WA 98362-2201 **Lat/Long:** 48.14077° / -123.417164° **Sheet:** 6 of 7 Date: 06/10/2016	**Proposed Project:** Construct a pier and upland support facilities at the USCG AIRSTA/SFO Port Angeles **In:** Port Angeles Harbor **Near/At:** Port Angeles, WA **County:** Clallam **State:** WA

C:_ACM_WORKING\CG Transit Protect System\Sheet 06 (South Elevation).dwg
Mod: 06/10/2016, 15:22 | Plotted: 06/10/2016, 15:23 |



Project Description:
The new armoring proposed as part of the compensatory mitigation will be installed above MHHW-7.06'.

Notes:
1. The fill to be removed includes an estimated 4,450 cy of spall/crusshed rock, including dense to medium dense sand, and an estimated 3,200 cy of large rock used as shoreline armoring. Total amount of materials to be removed is 7,650 cy.
2. The beach regrading to occur on the east and west of the jetty will be made with the balance of the existing beach sand presently located on site. Net removal and installed is 0 cy.
3. The amount of material to be installed for the identified new armoring section is 58 cy.
4. Total of 24,600 sq ft of new habitat will be created.

Mitigation Planting:
Native plants for the upland mitigation planting area would be selected from the following based on local availability:
American dune grass (*Elymus mollis*)
Beach Pea (*Lathyrus japonicus*)
Coastal Mugwort (*Artemisia suksdorfii*)
Gumweed (*Grindelia integrifolia*)
Large Headed Sedge (*Carex macrocephala*)
Sand Verbena (*Abronia latifolia*)
Sea Thrift (*Armeria maritima*)
Silver Bur Ragweed (*Ambrosia chammosis*).

0 50 100
SCALE IN FEET

SHEET 7
P-993 MITIGATION

Applicant: U.S. Department of the Navy

Reference Number: NWS-2015-107

Adjacent Property Owners:
Washington State Department of Natural Resources

Location:
U.S. Coast Guard Air Station/Sector Field Office
Port Angeles, WA
Ediz Hook Road
Port Angeles, WA 98362-2201
Lat/Long: 48.14077° / -123.417164°

Sheet: 7 of 7 Date: 06/10/2016

Proposed Project:
Construct a pier and upland support facilities at the USCG AIRSTA/SFO Port Angeles

In: Port Angeles Harbor
Near/At: Port Angeles, WA
County: Clallam
State: WA

C:_ACM_WORKING\CG Transit Protect System\Sheet 07 (Excavate).dwg
Mod: 06/10/2016, 16:25 | Plotted: 06/10/2016, 17:01 |

Message

From: Gilinsky, Ellen [Gilinsky.Ellen@epa.gov]
Sent: 6/24/2016 9:51:07 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]
CC: Beauvais, Joel [Beauvais.Joel@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]
Subject: Re: Puget Sound

Hi Peter we will need a conference line so I am copying my assistant. Also to have the agenda. Should I have some of our folks at the meeting who have been working on these issues

Sent from my iPhone

On Jun 24, 2016, at 5:47 PM, Murchie, Peter <Murchie.Peter@epa.gov> wrote:

> Ellen and Joel,
> I look forward to meeting with you in person next week. Dan Opalski and David Allnutt will also be joining by phone.
>
> Suggested topics/agenda for our meeting:
>
> **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line**
>
> 2) <!--[if !supportLists]--><!--[endif]-->Puget Sound Treaty Rights At Risk progress – specifically concerning High Tide Line work
>
> **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line**
>
> Let me know if you have other agenda items/questions.
>
> Have a great weekend and see you Tuesday.
>
> Thank you,
> Peter

Peter Murchie, Manager
Puget Sound and National Estuary Programs
U.S. EPA, Region 10
1200 Sixth Avenue
Seattle, Washington 98101-3140
(206) 553-1148

murchie.peter@epa.gov
http://www.epa.gov/puget-sound

<puget-sound-federal-caucus-mou-2014.pdf>

<PUGET SOS One Pager.pdf>

<BILLS-114hr3630ih.pdf>

Message

From: Murchie, Peter [Murchie.Peter@epa.gov]
Sent: 6/24/2016 9:47:08 PM
To: Gilinsky, Ellen [Gilinsky.Ellen@epa.gov]; Beauvais, Joel [Beauvais.Joel@epa.gov]
CC: Opalski, Dan [Opalski.Dan@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]
Subject: Puget Sound
Attachments: puget-sound-federal-caucus-mou-2014.pdf; PUGET SOS One Pager.pdf; BILLS-114hr3630ih.pdf

Ellen and Joel,
I look forward to meeting with you in person next week. Dan Opalski and David Allnutt will also be joining by phone.

Suggested topics/agenda for our meeting:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

2) Puget Sound Treaty Rights At Risk progress – specifically concerning High Tide Line work

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Let me know if you have other agenda items/questions.

Have a great weekend and see you Tuesday.

Thank you,
Peter

Peter Murchie, Manager
Puget Sound and National Estuary Programs
U.S. EPA, Region 10
1200 Sixth Avenue
Seattle, Washington 98101-3140
(206) 553-1148
murchie.peter@epa.gov
http://www.epa.gov/puget-sound

Message

From: Szerlog, Michael [Szerlog.Michael@epa.gov]
Sent: 8/9/2016 6:08:09 PM
To: Allnutt, David [Allnutt.David@epa.gov]
CC: Dean, Heather [Dean.Heather@epa.gov]
Subject: FW: Document
Attachments: HTL Report- Deliberative Process / Ex. 5 w JB.pdf

David,

Good comment. Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 I put a call into Jim Jacobson to discuss and suggest removing or using generic language. If he still wants to keep it, I would recommend changes provided by Justine.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Barton, Justine
Sent: Tuesday, August 09, 2016 10:54 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Hoffman, Erika <Hoffman.Erika@epa.gov>
Subject: RE: Document

Here are some initial thoughts on the highlighted areas (I added a couple of highlights). Bottom line is we need to discuss some changes to the language – Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 JB

Justine Barton | U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue ms OERA 202-3 | Seattle, WA 98101 | 206.553.6051 | barton.justine@epa.gov

From: Szerlog, Michael
Sent: Tuesday, August 09, 2016 8:46 AM
To: Barton, Justine <Barton.Justine@epa.gov>
Subject: Document

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Allnutt, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6E28F5BF9CBF4B8B9EDA7751C2F10750-ALLNUTT, DAVID]
Sent: 11/30/2015 5:05:37 PM
To: Opalski, Dan [Opalski.Dan@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Bonifacino, Gina [Bonifacino.Gina@epa.gov]
CC: Murchie, Peter [Murchie.Peter@epa.gov]
Subject: RE: Latest version of issue papers

Deliberative Process / Ex. 5

R. David Allnutt, Director
Office of Ecosystems, Tribal and Public Affairs
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

From: Opalski, Dan
Sent: Monday, November 30, 2015 8:36 AM
To: Allnutt, David <Allnutt.David@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Bonifacino, Gina <Bonifacino.Gina@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>
Subject: RE: Latest version of issue papers

Deliberative Process / Ex. 5

Dan Opalski
Director
Office of Water and Watersheds
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101
206-553-1855
FAX: 206-553-1280

From: Allnutt, David
Sent: Monday, November 30, 2015 8:17 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>; Bonifacino, Gina <Bonifacino.Gina@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>
Subject: RE: Latest version of issue papers

Gina --Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

R. David Allnutt, Director
Office of Ecosystems, Tribal and Public Affairs
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

From: Szerlog, Michael
Sent: Monday, November 30, 2015 7:17 AM
To: Bonifacino, Gina <Bonifacino.Gina@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>
Subject: RE: Latest version of issue papers

Gina,

Deliberative Process / Ex. 5

My suggestion is not to add this language into the document.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Bonifacino, Gina
Sent: Friday, November 27, 2015 12:25 PM
To: Allnutt, David <Allnutt.David@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: FW: Latest version of issue papers
Importance: High

Hi all,

I have not received any revisions from the Corps to the HAT paper following our check in call on Wed with the Colonel and others. I am wondering if we would be ok with advancing the paper with a small change like the following (see added highlighted text below)? At this point, we really need to get something out to folks on Monday.

Deliberative Process / Ex. 5

Gina Bonifacino | Puget Sound Team
US EPA Region 10
Mail Stop OWW-193
1200 Sixth Avenue
Seattle, WA 98101
206.553.2970

From: Bonifacino, Gina
Sent: Wednesday, November 25, 2015 4:56 PM
To: 'Wilshusen, Fran'; 'jparker@nwifc.org'
Subject: Latest version of issue papers

Note: per the discussion on the call, the Colonel is revising the HAT paper to address EPA concerns in the remaining challenges section. The last two sentences in that section for us, are of particular concern. I think we could live with that section if it stated something like, "it is the Corps position that"...before that entire section to make it clear that it is not our position.

Thanks and have a great holiday and weekend!

Gina Bonifacino | Puget Sound Team

US EPA Region 10
Mail Stop OWW-193
1200 Sixth Avenue
Seattle, WA 98101
206.553.2970

Message

From: Allnutt, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6E28F5BF9CBF4B8B9EDA7751C2F10750-ALLNUTT, DAVID]
Sent: 9/8/2016 12:19:57 AM
To: Murchie, Peter [murchie.peter@epa.gov]
Subject: voicemail tag
Attachments: ATT25227; ATT20277; ATT14260; ATT63521; ATT05313; ATT39226; ATT08612

Peter -- After I left you my message, I got a copy of tomorrow's TRAR agenda from Linda T. Looks like the HTL discussion will occur during the 11am-noon slot, so I'll plan on joining that part of the meeting. May come at 10am for the intros as well.

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

Message

From: Allnutt, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6E28F5BF9CBF4B8B9EDA7751C2F10750-ALLNUTT, DAVID]
Sent: 9/2/2016 4:30:45 PM
To: R10-ORA [R10-ORA@epa.gov]
CC: Opalski, Dan [Opalski.Dan@epa.gov]; Edmondson, Lucy [Edmondson.Lucy@epa.gov]; Barber, Anthony [Barber.Anthony@epa.gov]; Soderlund, Dianne [Soderlund.Dianne@epa.gov]
BCC: Dean, Heather [Dean.Heather@epa.gov]; DeGering, Tracy [DeGering.Tracy@epa.gov]; Douglas, Mark [douglas.mark@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Martin, Gayle [Martin.Gayle@epa.gov]; Nadeau, Tracie [Nadeau.Tracie@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Thiesing, Mary [Thiesing.Mary@epa.gov]; Whitley, Annie [Whitley.Annie@epa.gov]; Young, Margo [Young.Margo@epa.gov]; Augustine, Scott [Augustine.Scott@epa.gov]; Elleman, Robert [Elleman.Robert@epa.gov]; Hall, Chris [Hall.Christopher@epa.gov]; Hayslip, Gretchen [hayslip.gretchen@epa.gov]; Hedgpeth, Zach [Hedgpeth.Zach@epa.gov]; Herger, Lillian [Herger.Lillian@epa.gov]; Islam, Mahbubul [Islam.Mahbubul@epa.gov]; Kotchenruther, Robert [Kotchenruther.Robert@epa.gov]; Leinenbach, Peter [Leinenbach.Peter@epa.gov]; Lopez-Baird, James [Lopez-Baird.James@epa.gov]; Siwiec, Tim [Siwiec.Tim@epa.gov]; Adams, Katie [Adams.Katie@epa.gov]; Billings, Melissa [Billings.Melissa@epa.gov]; Coogan, Patricia [Coogan.Patricia@epa.gov]; Dodo, Gerald [Dodo.Gerald@epa.gov]; Le, Stephanie [Le.Stephanie@epa.gov]; McBride, Theresa [McBride.Theresa@epa.gov]; Pace, Christopher [Pace.Christopher@epa.gov]; Reimer, Steve [Reimer.Steve@epa.gov]; Walker, Dana M. [walker.danam@epa.gov]; Wood, Doug [Wood.Doug@epa.gov]; Barton, Justine [Barton.Justine@epa.gov]; Curtis, Jennifer [Curtis.Jennifer@epa.gov]; Harris, Sydney [harris.sydney@epa.gov]; Hoffman, Erika [Hoffman.Erika@epa.gov]; Hood, Lynne [Hood.Lynne@epa.gov]; Kubo, Teresa [Kubo.Teresa@epa.gov]; Littleton, Christine [Littleton.Christine@epa.gov]; Lohrman, Bridgette [lohrman.bridgette@epa.gov]; Mbabaliye, Theogene [Mbabaliye.Theogene@epa.gov]; Meade, Chris [Meade.Chris@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Somers, Elaine [somers.elaine@epa.gov]; Cope, Ben [Cope.Ben@epa.gov]; Crawford, Jennifer [Crawford.Jennifer@epa.gov]; Eckley, Chris [Eckley.Chris@epa.gov]; Feddersen-Lethe, Karin [feddersen-lethe.karin@epa.gov]; Filippini, Mark [Filippini.Mark@epa.gov]; Januch, Jed [Januch.Jed@epa.gov]; Matheny, Don [Matheny.Don@epa.gov]; Pedersen, Rob [Pedersen.Rob@epa.gov]; Richmond, Brent [Richmond.Brent@epa.gov]; Sheldrake, Sean [sheldrake.sean@epa.gov]; Wu, Raymond [Wu.Raymond@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Brown, Donald M. [Brown.DonaldM@epa.gov]; Cox, Michael [Cox.Michael@epa.gov]; Duncan, Bruce [Duncan.Bruce@epa.gov]; Kelly, Christine M [kelly.christinem@epa.gov]; Manaloor, Valsala [Manaloor.Valsala@epa.gov]; Salazar, Viccy [Salazar.Viccy@epa.gov]; Talley, Dana [Talley.Dana@epa.gov]; Tyson, Linda [Tyson.Linda@epa.gov]; Bailey, Stephanie [Bailey.Stephanie@epa.gov]; Harris, Stephanie [harris.stephanie@epa.gov]; Leider, Jennifer [leider.jennifer@epa.gov]; Minisci, David [minisci.david@epa.gov]; Morris, Tony [morris.tony@epa.gov]; Pepich, Barry [Pepich.Barry@epa.gov]; Roach, Matthew [Roach.Matthew@epa.gov]; Allen, Elizabeth [allen.elizabeth@epa.gov]; Bachman, Brenda [bachman.brenda@epa.gov]; Bailey, Marcia [bailey.marcia@epa.gov]; Boateng, Kwasi [Boateng.Kwasi@epa.gov]; Fuentes, Rene [fuentes.rene@epa.gov]; Gerhart, Rebecca [Gerhart.rebecca@epa.gov]; Goulet, Joe [Goulet.Joe@epa.gov]; Jankowski, Mark [jankowski.mark@epa.gov]; Kissinger, Lon [Kissinger.Lon@epa.gov]; Latier, Andrea [Latier.Andrea@epa.gov]; Nwosu, Julius [nwosu.julius@epa.gov]; Repasky, Ted [repasky.ted@epa.gov]; Shephard, Burt [Shephard.Burt@epa.gov]; Stifelman, Marc [Stifelman.Marc@epa.gov]; Wroble, Julie [Wroble.Julie@epa.gov]; Zavala, Bernie [Zavala.Bernie@epa.gov]
Subject: OERA Hot Topics
Attachments: ATT50221; ATT04027; ATT30831; ATT49205; ATT14096; ATT54035; ATT91567

For the week of September 5, 2016

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line: On September 7, ARU and Puget Sound team staff will meet with Dennis to discuss additional options to pursue if General Spellmon does not accept the joint recommendation by EPA, the Seattle District, and NOAA Fisheries to revise the Seattle District's interpretation of the High Tide Line used to determine Clean Water Act jurisdiction. Contacts: Michael Szerlog (3-0279) and Heather Dean (1-3490).

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

For the ET Notes from August 29 ET Meeting Roundtable

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

R. David Allnutt, Director

Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

REGIONAL ADMINISTRATOR'S BRIEFING – Internal
7 September 2016

Event: Deliberative Process / Ex. 5
Time: 3:00-3:30 p.m.
Location:

Meeting Overview:

Deliberative Process / Ex. 5

Attendees: Dennis McLerran, Michelle Pirzadeh, David Allnutt, Lucy Edmondson, Dan Opalski, Cara Steiner-Riley, Peter Murchie, Michael Szerlog, Endre Szalay, Heather Dean, and Susan Meyer

Background:

- In the absence of adjacent wetlands, the HTL is the geographic limit of Clean Water Act (CWA) jurisdiction in tidally influenced waters. The placement of fill material below the HTL requires authorization from the Corps of Engineers.
- The Corps promulgated the regulatory definition of HTL in 1977, five years after passage of the CWA.

Deliberative Process / Ex. 5

- Analysis of records for six tide stations across Washington shows that tides exceed MHHW three to five times every week and surpass it by more than a foot as often as every ten days.
- Ongoing Washington Department of Fish and Wildlife (WDFW) beach surveys have confirmed widespread forage fish spawning well above MHHW. In addition, shallow waters provide refuge for juvenile salmon from predators. When shoreline property owners place fill at or above MHHW—for which the Corps does not currently require CWA authorization—the shallow water spawning and refuge habitat are lost without any federal environmental review or mitigation.
- Region 10 has attempted unsuccessfully for many years to engage the Seattle District in considering a change in its interpretation of HTL. Then, in 2015, Earthjustice, on behalf of its clients (including Sound Action, Friends of the San Juans, and Washington Environmental Council), petitioned Region 10 to exercise our authority to set policy on CWA jurisdiction by designating a "special case" at one or more sites on the Washington coast and, through that process, clarify that CWA jurisdiction extends above the MHHW. Earthjustice noted that the National Marine Fisheries Service (NMFS) has advocated use of the highest astronomical tide line (HAT), which, on average, is more than two feet higher than MHHW. Also recently, the

Northwest Indian Fisheries Commission (NWIFC), on behalf of its member tribes, began raising concern about the fisheries impacts through the Treaty Rights at Risk consultation process and have also urged EPA to clarify that jurisdiction extends to HAT.

- The interest of these two entities led to a commitment by the Seattle District to engage in an interagency workgroup with Region 10 and NOAA's West Coast Region (NMFS) to evaluate a possible change in its interpretation of the location of the HTL. At the outset, the workgroup agreed that the culmination of its effort would be a recommendation to the Corps' Northwest Division Engineer (General), with the understanding that Region 10 would reserve its right to designate a special case should we disagree with the outcome of that process.

Deliberative Process / Ex. 5

Status:

Deliberative Process / Ex. 5

Options:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Staff Contacts: Heather Dean (ARU), Susan Meyer (PSP), Endre Szalay (ORC)

Message

From: Allnutt, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6E28F5BF9CBF4B8B9EDA7751C2F10750-ALLNUTT, DAVID]
Sent: 11/29/2016 11:48:02 PM
To: Storm, Linda [Storm.Linda@epa.gov]
Subject: FW: OERA Hot Topics
Attachments: ATT13865; ATT62336; ATT70414; ATT34422; ATT36028; ATT02811; ATT36631

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

From: Anderson-Carnahan, Linda
Sent: Friday, November 04, 2016 7:02 AM
To: R10-ORA <R10-ORA@epa.gov>
Cc: Allnutt, David <Allnutt.David@epa.gov>; Bachman, Brenda <bachman.brenda@epa.gov>; Brown, Donald M. <Brown.DonaldM@epa.gov>; Cox, Michael <Cox.Michael@epa.gov>; Dodo, Gerald <Dodo.Gerald@epa.gov>; Duncan, Bruce <Duncan.Bruce@epa.gov>; Filippini, Mark <Filippini.Mark@epa.gov>; Islam, Mahbubul <Islam.Mahbubul@epa.gov>; Littleton, Christine <Littleton.Christine@epa.gov>; Pepich, Barry <Pepich.Barry@epa.gov>; Salazar, Viccy <Salazar.Viccy@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: OERA Hot Topics

For the week of November 7, 2016

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

For the ET Notes from October 31 ET Meeting Roundtable:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line (HTL): The interagency workgroup of staff and managers from the Corps of Engineers Seattle District, Region 10, and NOAA-Fisheries has not yet submitted its final HTL report and recommendations to senior leaders at each agency. NOAA-Fisheries has requested additional time to review the report. We remain hopeful that the final report will address questions raised by Army Corps General Spellmon and will retain a consensus recommendation to use Mean Annual Highest Tide as a better representative of the High Tide Line.

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Allnutt, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6E28F5BF9CBF4B8B9EDA7751C2F10750-ALLNUTT, DAVID]
Sent: 7/22/2016 4:21:36 PM
To: R10-ORA [R10-ORA@epa.gov]
CC: Opalski, Dan [Opalski.Dan@epa.gov]; Hastings, Janis [Hastings.Janis@epa.gov]; Werntz, James [Werntz.James@epa.gov]; Barber, Anthony [Barber.Anthony@epa.gov]; Edmondson, Lucy [Edmondson.Lucy@epa.gov]
BCC: Dean, Heather [Dean.Heather@epa.gov]; DeGering, Tracy [DeGering.Tracy@epa.gov]; Douglas, Mark [douglas.mark@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Martin, Gayle [Martin.Gayle@epa.gov]; Nadeau, Tracie [Nadeau.Tracie@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Thiesing, Mary [Thiesing.Mary@epa.gov]; Whitley, Annie [Whitley.Annie@epa.gov]; Young, Margo [Young.Margo@epa.gov]; Augustine, Scott [Augustine.Scott@epa.gov]; Edmond, Lorraine [Edmond.Lorraine@epa.gov]; Elleman, Robert [Elleman.Robert@epa.gov]; Hall, Chris [Hall.Christopher@epa.gov]; Hayslip, Gretchen [hayslip.gretchen@epa.gov]; Hedgpeth, Zach [Hedgpeth.Zach@epa.gov]; Herger, Lillian [Herger.Lillian@epa.gov]; Islam, Mahbubul [Islam.Mahbubul@epa.gov]; Kotchenruther, Robert [Kotchenruther.Robert@epa.gov]; Leinenbach, Peter [Leinenbach.Peter@epa.gov]; Lopez-Baird, James [Lopez-Baird.James@epa.gov]; Siwiec, Tim [Siwiec.Tim@epa.gov]; Adams, Katie [Adams.Katie@epa.gov]; Billings, Melissa [Billings.Melissa@epa.gov]; Coogan, Patricia [Coogan.Patricia@epa.gov]; Dodo, Gerald [Dodo.Gerald@epa.gov]; Le, Stephanie [Le.Stephanie@epa.gov]; McBride, Theresa [McBride.Theresa@epa.gov]; Pace, Christopher [Pace.Christopher@epa.gov]; Reimer, Steve [Reimer.Steve@epa.gov]; Walker, Dana M. [walker.danam@epa.gov]; Wood, Doug [Wood.Doug@epa.gov]; Barton, Justine [Barton.Justine@epa.gov]; Curtis, Jennifer [Curtis.Jennifer@epa.gov]; Hoffman, Erika [Hoffman.Erika@epa.gov]; Hood, Lynne [Hood.Lynne@epa.gov]; Kubo, Teresa [Kubo.Teresa@epa.gov]; Littleton, Christine [Littleton.Christine@epa.gov]; Lohrman, Bridgette [lohrman.bridgette@epa.gov]; Mbabaliye, Theogene [Mbabaliye.Theogene@epa.gov]; Meade, Chris [Meade.Chris@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Somers, Elaine [somers.elaine@epa.gov]; Cope, Ben [Cope.Ben@epa.gov]; Crawford, Jennifer [Crawford.Jennifer@epa.gov]; Eckley, Chris [Eckley.Chris@epa.gov]; Filippini, Mark [Filippini.Mark@epa.gov]; Januch, Jed [Januch.Jed@epa.gov]; Leaver, Walter [Leaver.Walter@epa.gov]; Matheny, Don [Matheny.Don@epa.gov]; Pedersen, Rob [Pedersen.Rob@epa.gov]; Richmond, Brent [Richmond.Brent@epa.gov]; Wu, Raymond [Wu.Raymond@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Brown, Donald M. [Brown.DonaldM@epa.gov]; Cox, Michael [Cox.Michael@epa.gov]; Duncan, Bruce [Duncan.Bruce@epa.gov]; Kelly, Christine M [kelly.christinem@epa.gov]; Manaloor, Valsala [Manaloor.Valsala@epa.gov]; Salazar, Viccy [Salazar.Viccy@epa.gov]; Talley, Dana [Talley.Dana@epa.gov]; Tyson, Linda [Tyson.Linda@epa.gov]; Bailey, Stephanie [Bailey.Stephanie@epa.gov]; Harris, Stephanie [harris.stephanie@epa.gov]; Leider, Jennifer [leider.jennifer@epa.gov]; Minisci, David [minisci.david@epa.gov]; Morris, Tony [morris.tony@epa.gov]; Pepich, Barry [Pepich.Barry@epa.gov]; Roach, Matthew [Roach.Matthew@epa.gov]; Allen, Elizabeth [allen.elizabeth@epa.gov]; Bachman, Brenda [bachman.brenda@epa.gov]; Bailey, Marcia [bailey.marcia@epa.gov]; Boateng, Kwasi [Boateng.Kwasi@epa.gov]; Fuentes, Rene [fuentes.rene@epa.gov]; Gerhart, Rebecca [Gerhart.rebecca@epa.gov]; Goulet, Joe [Goulet.Joe@epa.gov]; Jankowski, Mark [jankowski.mark@epa.gov]; Kissinger, Lon [Kissinger.Lon@epa.gov]; Latier, Andrea [Latier.Andrea@epa.gov]; Nwosu, Julius [nwosu.julius@epa.gov]; Repasky, Ted [repasky.ted@epa.gov]; Shephard, Burt [Shephard.Burt@epa.gov]; Stifelman, Marc [Stifelman.Marc@epa.gov]; Wroble, Julie [Wroble.Julie@epa.gov]; Zavala, Bernie [Zavala.Bernie@epa.gov]
Subject: OERA Hot Topics
Attachments: ATT04232; ATT86991; ATT81745; ATT55064; ATT11578; ATT83883; ATT94230

For the week of July 25, 2016

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Contacts: Michael Szerlog (3-0279) and Peter Murchie (3-1148).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

For the ET Notes from July 19 Extended ET Meeting Roundtable

High Tide Line: OERA and Puget Sound staff are providing final comments on the joint recommendation to revise the Seattle District's interpretation of the "high tide line" used to determine Clean Water Act jurisdiction. This week, EPA, the Seattle District, and NOAA will be making final substantive revisions to their recommendation to the Pacific Northwest Division of the Corps. EPA's graphic specialist will help make the document "camera ready" the week of July 25.

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

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1200 Sixth Avenue, Suite 900
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(206) 553-2581

Message

From: Allnutt, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6E28F5BF9CBF4B8B9EDA7751C2F10750-ALLNUTT, DAVID]
Sent: 6/23/2016 1:06:18 AM
To: Dean, Heather [Dean.Heather@epa.gov]; DeGering, Tracy [DeGering.Tracy@epa.gov]; Douglas, Mark [douglas.mark@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Martin, Gayle [Martin.Gayle@epa.gov]; Nadeau, Tracie [Nadeau.Tracie@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Thiesing, Mary [Thiesing.Mary@epa.gov]; Whitley, Annie [Whitley.Annie@epa.gov]; Young, Margo [Young.Margo@epa.gov]; Augustine, Scott [Augustine.Scott@epa.gov]; Edmond, Lorraine [Edmond.Lorraine@epa.gov]; Elleman, Robert [Elleman.Robert@epa.gov]; Hall, Chris [Hall.Christopher@epa.gov]; Hayslip, Gretchen [hayslip.gretchen@epa.gov]; Hedgpeth, Zach [Hedgpeth.Zach@epa.gov]; Herger, Lillian [Herger.Lillian@epa.gov]; Islam, Mahbubul [Islam.Mahbubul@epa.gov]; Kotchenruther, Robert [Kotchenruther.Robert@epa.gov]; Leinenbach, Peter [Leinenbach.Peter@epa.gov]; Lopez-Baird, James [Lopez-Baird.James@epa.gov]; Siwiec, Tim [Siwiec.Tim@epa.gov]; Adams, Katie [Adams.Katie@epa.gov]; Billings, Melissa [Billings.Melissa@epa.gov]; Coogan, Patricia [Coogan.Patricia@epa.gov]; Dodo, Gerald [Dodo.Gerald@epa.gov]; Le, Stephanie [Le.Stephanie@epa.gov]; McBride, Theresa [McBride.Theresa@epa.gov]; Pace, Christopher [Pace.Christopher@epa.gov]; Reimer, Steve [Reimer.Steve@epa.gov]; Walker, Dana M. [walker.danam@epa.gov]; Wood, Doug [Wood.Doug@epa.gov]; Barton, Justine [Barton.Justine@epa.gov]; Curtis, Jennifer [Curtis.Jennifer@epa.gov]; Hoffman, Erika [Hoffman.Erika@epa.gov]; Hood, Lynne [Hood.Lynne@epa.gov]; Kubo, Teresa [Kubo.Teresa@epa.gov]; Littleton, Christine [Littleton.Christine@epa.gov]; Lohrman, Bridgette [lohrman.bridgette@epa.gov]; Mbabaliye, Theogene [Mbabaliye.Theogene@epa.gov]; Meade, Chris [Meade.Chris@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Somers, Elaine [somers.elaine@epa.gov]; Cope, Ben [Cope.Ben@epa.gov]; Crawford, Jennifer [Crawford.Jennifer@epa.gov]; Eckley, Chris [Eckley.Chris@epa.gov]; Filippini, Mark [Filippini.Mark@epa.gov]; Januch, Jed [Januch.Jed@epa.gov]; Leaver, Walter [Leaver.Walter@epa.gov]; Matheny, Don [Matheny.Don@epa.gov]; Pedersen, Rob [Pedersen.Rob@epa.gov]; Richmond, Brent [Richmond.Brent@epa.gov]; Wu, Raymond [Wu.Raymond@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Brown, Donald M. [Brown.DonaldM@epa.gov]; Cox, Michael [Cox.Michael@epa.gov]; Duncan, Bruce [Duncan.Bruce@epa.gov]; Kelly, Christine M [kelly.christinem@epa.gov]; Manaloor, Valsala [Manaloor.Valsala@epa.gov]; Salazar, Viccy [Salazar.Viccy@epa.gov]; Talley, Dana [Talley.Dana@epa.gov]; Tyson, Linda [Tyson.Linda@epa.gov]; Bailey, Stephanie [Bailey.Stephanie@epa.gov]; Harris, Stephanie [harris.stephanie@epa.gov]; Leider, Jennifer [leider.jennifer@epa.gov]; Minisci, David [minisci.david@epa.gov]; Morris, Tony [morris.tony@epa.gov]; Pepich, Barry [Pepich.Barry@epa.gov]; Roach, Matthew [Roach.Matthew@epa.gov]; Allen, Elizabeth [allen.elizabeth@epa.gov]; Bachman, Brenda [bachman.brenda@epa.gov]; Bailey, Marcia [bailey.marcia@epa.gov]; Boateng, Kwasi [Boateng.Kwasi@epa.gov]; Fuentes, Rene [fuentes.rene@epa.gov]; Gerhart, Rebecca [Gerhart.rebecca@epa.gov]; Goulet, Joe [Goulet.Joe@epa.gov]; Jankowski, Mark [jankowski.mark@epa.gov]; Kissinger, Lon [Kissinger.Lon@epa.gov]; Latier, Andrea [Latier.Andrea@epa.gov]; Nwosu, Julius [nwosu.julius@epa.gov]; Repasky, Ted [repasky.ted@epa.gov]; Shephard, Burt [Shephard.Burt@epa.gov]; Stifelman, Marc [Stifelman.Marc@epa.gov]; Wroble, Julie [Wroble.Julie@epa.gov]; Zavala, Bernie [Zavala.Bernie@epa.gov]
Subject: RE: OERA Hot Topics
Attachments: ATT25456; ATT97929; ATT09609; ATT33601; ATT97759; ATT70943; ATT81580

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

From: Allnutt, David
Sent: Wednesday, June 22, 2016 5:57 PM
To: Dean, Heather <Dean.Heather@epa.gov>; DeGering, Tracy <DeGering.Tracy@epa.gov>; Douglas, Mark <douglas.mark@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Martin, Gayle <Martin.Gayle@epa.gov>; Nadeau, Tracie <Nadeau.Tracie@epa.gov>; Storm, Linda <Storm.Linda@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Thiesing, Mary <Thiesing.Mary@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Young, Margo <Young.Margo@epa.gov>; Augustine, Scott <Augustine.Scott@epa.gov>; Edmond, Lorraine <Edmond.Lorraine@epa.gov>; Elleman, Robert <Elleman.Robert@epa.gov>; Hall, Chris <Hall.Christopher@epa.gov>; Hayslip, Gretchen <hayslip.gretchen@epa.gov>; Hedgpeth, Zach <Hedgpeth.Zach@epa.gov>; Herger, Lillian <Herger.Lillian@epa.gov>; Islam, Mahbubul <Islam.Mahbubul@epa.gov>; Kotchenruther, Robert <Kotchenruther.Robert@epa.gov>; Leinenbach, Peter <Leinenbach.Peter@epa.gov>; Lopez-Baird, James <Lopez-Baird.James@epa.gov>; Siwiec, Tim <Siwiec.Tim@epa.gov>; Adams, Katie <Adams.Katie@epa.gov>; Billings, Melissa <Billings.Melissa@epa.gov>; Coogan, Patricia <Coogan.Patricia@epa.gov>; Dodo, Gerald <Dodo.Gerald@epa.gov>; Le, Stephanie <Le.Stephanie@epa.gov>; McBride, Theresa <McBride.Theresa@epa.gov>; Pace, Christopher <Pace.Christopher@epa.gov>; Reimer, Steve <Reimer.Steve@epa.gov>; Walker, Dana M. <walker.danam@epa.gov>; Wood, Doug <Wood.Doug@epa.gov>; Barton, Justine <Barton.Justine@epa.gov>; Curtis, Jennifer <Curtis.Jennifer@epa.gov>; Hoffman, Erika <Hoffman.Erika@epa.gov>; Hood, Lynne <Hood.Lynne@epa.gov>; Kubo, Teresa <Kubo.Teresa@epa.gov>; Littleton, Christine <Littleton.Christine@epa.gov>; Lohrman, Bridgette <lohrman.bridgette@epa.gov>; Mbabaliye, Theogene <Mbabaliye.Theogene@epa.gov>; Meade, Chris <Meade.Chris@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Somers, Elaine <somers.elaine@epa.gov>; Cope, Ben <Cope.Ben@epa.gov>; Crawford, Jennifer <Crawford.Jennifer@epa.gov>; Eckley, Chris <Eckley.Chris@epa.gov>; Filippini, Mark <Filippini.Mark@epa.gov>; Januch, Jed <Januch.Jed@epa.gov>; Leaver, Walter <Leaver.Walter@epa.gov>; Matheny, Don <Matheny.Don@epa.gov>; Pedersen, Rob <Pedersen.Rob@epa.gov>; Richmond, Brent <Richmond.Brent@epa.gov>; Wu, Raymond <Wu.Raymond@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Brown, Donald M. <Brown.DonaldM@epa.gov>; Cox, Michael <Cox.Michael@epa.gov>; Duncan, Bruce <Duncan.Bruce@epa.gov>; Kelly, Christine M <kelly.christinem@epa.gov>; Manaloor, Valsala <Manaloor.Valsala@epa.gov>; Salazar, Viccy <Salazar.Viccy@epa.gov>; Talley, Dana <Talley.Dana@epa.gov>; Tyson, Linda <Tyson.Linda@epa.gov>; Bailey, Stephanie <Bailey.Stephanie@epa.gov>; Harris, Stephanie <harris.stephanie@epa.gov>; Leider, Jennifer <leider.jennifer@epa.gov>; Minisci, David <minisci.david@epa.gov>; Morris, Tony <morris.tony@epa.gov>; Pepich, Barry <Pepich.Barry@epa.gov>; Roach, Matthew <Roach.Matthew@epa.gov>; Allen, Elizabeth <allen.elizabeth@epa.gov>; Bachman, Brenda <bachman.brenda@epa.gov>; Bailey, Marcia <bailey.marcia@epa.gov>; Boateng, Kwasi <Boateng.Kwasi@epa.gov>; Fuentes, Rene <fuentes.rene@epa.gov>; Gerhart, Rebecca <Gerhart.rebecca@epa.gov>; Goulet, Joe <Goulet.Joe@epa.gov>; Jankowski, Mark <jankowski.mark@epa.gov>; Kissinger, Lon <Kissinger.Lon@epa.gov>; Latier, Andrea <Latier.Andrea@epa.gov>; Nwosu, Julius <nwosu.julius@epa.gov>; Repasky, Ted <repasky.ted@epa.gov>; Shephard, Burt <Shephard.Burt@epa.gov>; Stifelman, Marc <Stifelman.Marc@epa.gov>; Wroble, Julie <Wroble.Julie@epa.gov>; Zavala, Bernie <Zavala.Bernie@epa.gov>
Subject: FW: OERA Hot Topics

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

<< OLE Object: Picture (Device Independent Bitmap) >>

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<< OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >>

From: Allnutt, David
Sent: Wednesday, June 22, 2016 5:42 PM
To: R10-ORA <R10-ORA@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Werntz, James <Werntz.James@epa.gov>; Soderlund, Dianne <Soderlund.Dianne@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>
Subject: OERA Hot Topics

For the week of June 27, 2016

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line: **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Contact: Michal Szerlog (3-0279) and Peter Murchie (3 -1148).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

For the ET Notes from June 20 ET Meeting Roundtable

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

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<< OLE Object: Picture (Device Independent Bitmap) >>

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<< OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >>

Message

From: Allnutt, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6E28F5BF9CBF4B8B9EDA7751C2F10750-ALLNUTT, DAVID]
Sent: 6/23/2016 12:56:48 AM
To: Dean, Heather [Dean.Heather@epa.gov]; DeGering, Tracy [DeGering.Tracy@epa.gov]; Douglas, Mark [douglas.mark@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Martin, Gayle [Martin.Gayle@epa.gov]; Nadeau, Tracie [Nadeau.Tracie@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Thiesing, Mary [Thiesing.Mary@epa.gov]; Whitley, Annie [Whitley.Annie@epa.gov]; Young, Margo [Young.Margo@epa.gov]; Augustine, Scott [Augustine.Scott@epa.gov]; Edmond, Lorraine [Edmond.Lorraine@epa.gov]; Elleman, Robert [Elleman.Robert@epa.gov]; Hall, Chris [Hall.Christopher@epa.gov]; Hayslip, Gretchen [hayslip.gretchen@epa.gov]; Hedgpeth, Zach [Hedgpeth.Zach@epa.gov]; Herger, Lillian [Herger.Lillian@epa.gov]; Islam, Mahbubul [Islam.Mahbubul@epa.gov]; Kotchenruther, Robert [Kotchenruther.Robert@epa.gov]; Leinenbach, Peter [Leinenbach.Peter@epa.gov]; Lopez-Baird, James [Lopez-Baird.James@epa.gov]; Siwiec, Tim [Siwiec.Tim@epa.gov]; Adams, Katie [Adams.Katie@epa.gov]; Billings, Melissa [Billings.Melissa@epa.gov]; Coogan, Patricia [Coogan.Patricia@epa.gov]; Dodo, Gerald [Dodo.Gerald@epa.gov]; Le, Stephanie [Le.Stephanie@epa.gov]; McBride, Theresa [McBride.Theresa@epa.gov]; Pace, Christopher [Pace.Christopher@epa.gov]; Reimer, Steve [Reimer.Steve@epa.gov]; Walker, Dana M. [walker.danam@epa.gov]; Wood, Doug [Wood.Doug@epa.gov]; Barton, Justine [Barton.Justine@epa.gov]; Curtis, Jennifer [Curtis.Jennifer@epa.gov]; Hoffman, Erika [Hoffman.Erika@epa.gov]; Hood, Lynne [Hood.Lynne@epa.gov]; Kubo, Teresa [Kubo.Teresa@epa.gov]; Littleton, Christine [Littleton.Christine@epa.gov]; Lohrman, Bridgette [lohrman.bridgette@epa.gov]; Mbabaliye, Theogene [Mbabaliye.Theogene@epa.gov]; Meade, Chris [Meade.Chris@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Somers, Elaine [somers.elaine@epa.gov]; Cope, Ben [Cope.Ben@epa.gov]; Crawford, Jennifer [Crawford.Jennifer@epa.gov]; Eckley, Chris [Eckley.Chris@epa.gov]; Filippini, Mark [Filippini.Mark@epa.gov]; Januch, Jed [Januch.Jed@epa.gov]; Leaver, Walter [Leaver.Walter@epa.gov]; Matheny, Don [Matheny.Don@epa.gov]; Pedersen, Rob [Pedersen.Rob@epa.gov]; Richmond, Brent [Richmond.Brent@epa.gov]; Wu, Raymond [Wu.Raymond@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Brown, Donald M. [Brown.DonaldM@epa.gov]; Cox, Michael [Cox.Michael@epa.gov]; Duncan, Bruce [Duncan.Bruce@epa.gov]; Kelly, Christine M [kelly.christinem@epa.gov]; Manaloor, Valsala [Manaloor.Valsala@epa.gov]; Salazar, Viccy [Salazar.Viccy@epa.gov]; Talley, Dana [Talley.Dana@epa.gov]; Tyson, Linda [Tyson.Linda@epa.gov]; Bailey, Stephanie [Bailey.Stephanie@epa.gov]; Harris, Stephanie [harris.stephanie@epa.gov]; Leider, Jennifer [leider.jennifer@epa.gov]; Minisci, David [minisci.david@epa.gov]; Morris, Tony [morris.tony@epa.gov]; Pepich, Barry [Pepich.Barry@epa.gov]; Roach, Matthew [Roach.Matthew@epa.gov]; Allen, Elizabeth [allen.elizabeth@epa.gov]; Bachman, Brenda [bachman.brenda@epa.gov]; Bailey, Marcia [bailey.marcia@epa.gov]; Boateng, Kwasi [Boateng.Kwasi@epa.gov]; Fuentes, Rene [fuentes.rene@epa.gov]; Gerhart, Rebecca [Gerhart.rebecca@epa.gov]; Goulet, Joe [Goulet.Joe@epa.gov]; Jankowski, Mark [jankowski.mark@epa.gov]; Kissinger, Lon [Kissinger.Lon@epa.gov]; Latier, Andrea [Latier.Andrea@epa.gov]; Nwosu, Julius [nwosu.julius@epa.gov]; Repasky, Ted [repasky.ted@epa.gov]; Shephard, Burt [Shephard.Burt@epa.gov]; Stifelman, Marc [Stifelman.Marc@epa.gov]; Wroble, Julie [Wroble.Julie@epa.gov]; Zavala, Bernie [Zavala.Bernie@epa.gov]
Subject: FW: OERA Hot Topics
Attachments: ATT94962; ATT37412; ATT90921; ATT83164; ATT21752; ATT67697; ATT88884; ATT78111; ATT55905; ATT23193; ATT81134; ATT99431; ATT77345; ATT25304

OERA – At the request of our office's management team, I plan to distribute OERA's weekly hot topics submission to each of you beginning with this week's installment. I hope you find these reports informative about some of the many activities being led by staff in our office. Please direct any complaints regarding the additional Outlook inbox loading caused by this decision to your unit manager.

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

From: Allnutt, David
Sent: Wednesday, June 22, 2016 5:42 PM
To: R10-ORA <R10-ORA@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Werntz, James <Werntz.James@epa.gov>; Soderlund, Dianne <Soderlund.Dianne@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>
Subject: OERA Hot Topics

For the week of June 27, 2016

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line: **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Contact: Michal Szerlog (3-0279) and Peter Murchie (3 -1148).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

For the ET Notes from June 20 ET Meeting Roundtable

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

Message

From: Allnutt, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6E28F5BF9CBF4B8B9EDA7751C2F10750-ALLNUTT, DAVID]
Sent: 6/16/2016 11:27:15 PM
To: R10-ORA [R10-ORA@epa.gov]
CC: Kelly, Christine M [kelly.christinem@epa.gov]; Tyson, Linda [Tyson.Linda@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Edmondson, Lucy [Edmondson.Lucy@epa.gov]; Soderlund, Dianne [Soderlund.Dianne@epa.gov]; Barber, Anthony [Barber.Anthony@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Bachman, Brenda [bachman.brenda@epa.gov]; Dodo, Gerald [Dodo.Gerald@epa.gov]; Filippini, Mark [Filippini.Mark@epa.gov]; Islam, Mahbubul [Islam.Mahbubul@epa.gov]; Littleton, Christine [Littleton.Christine@epa.gov]; Pepich, Barry [Pepich.Barry@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: OERA Hot Topics
Attachments: ATT40391; ATT06251; ATT24011; ATT37994; ATT39733; ATT28190; ATT94067

For the week of June 20, 2016

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:_

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

For the ET Notes from June 14 ET Meeting Roundtable

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Deliberative Process / Ex. 5

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

Appointment

From: Tyson, Linda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D7AD12AF04F64468B18E3960F2A77781-TYSON, LIND]
Sent: 6/8/2015 3:32:05 PM
To: r10-etpa [r10-etpa@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Philip, Jeff [Philip.Jeff@epa.gov]; Littleton, Christine [Littleton.Christine@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Thomas, Sally [Thomas.Sally@epa.gov]; Marcy, Ken [Marcy.Ken@epa.gov]; Conference Line/Code / Ex. 6 MacIntyre, Mark [Macintyre.Mark@epa.gov]; Gockel, Catherine [Gockel.Catherine@epa.gov]

Subject: Hot Issues
Attachments: Hot Issues; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Hot Issues
Location: R10Sea-Room-20Chinook/R10-Rooms-Service-Center

Start: 6/8/2015 5:00:00 PM
End: 6/8/2015 5:30:00 PM
Show Time As: Busy

Recurrence: Weekly
every Monday from 10:00 AM to 10:30 AM

Appointment

Subject: Hot Issues

Start: 2/8/2016 6:00:00 PM
End: 2/8/2016 6:30:00 PM
Show Time As: Busy

Recurrence: (none)

MMLine: Call Conference Line/Code / Ex. 6 CODE: Conference Line/Code / Ex. 6

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

- High tide line meeting this week between EPA and the Seattle District COE, NMFS.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Appointment

From: R10-OERA Calendar [R10-OERA_Calendar@epa.gov]
Sent: 5/13/2016 10:07:56 PM
To: R10-OERA Calendar [R10-OERA_Calendar@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Littleton, Christine [Littleton.Christine@epa.gov]; Pepich, Barry [Pepich.Barry@epa.gov]; Islam, Mahbubul [Islam.Mahbubul@epa.gov]; Filippini, Mark [Filippini.Mark@epa.gov]; Bachman, Brenda [bachman.brenda@epa.gov]; Salazar, Viccy [Salazar.Viccy@epa.gov]; Duncan, Bruce [Duncan.Bruce@epa.gov]; Cox, Michael [Cox.Michael@epa.gov]; Dodo, Gerald [Dodo.Gerald@epa.gov]

Subject: OERA Hot Issues
Attachments: Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center; R10Sea-ConfLineMM Conference Line/Code / Ex. 6

Start: 6/6/2016 6:30:00 PM
End: 6/6/2016 7:00:00 PM
Show Time As: Tentative

Recurrence: Weekly
every Monday from 11:30 AM to 12:00 PM

Start: 7/25/2016 6:30:00 PM
End: 7/25/2016 7:00:00 PM
Show Time As: Tentative

Recurrence: (none)

- Deliberative Process / Ex. 5
  Deliberative Process / Ex. 5
  Deliberative Process / Ex. 5
  Deliberative Process / Ex. 5 Site visits first week in August to Samish Bay shellfish operations. Preparing to brief COE General. Also looking at nationwide permit reauthorization – many would be impacted by this decision – identifying where current NWPs have inconsistencies and COE conditions will need to be addressed (Ecology may be willing to provide cert when it didn't before). Agree highest predicted annual tide which should incorporate climate change (slightly lower than Highest Astronomical Tide).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Appointment

From: McLerran, Dennis [mclerran.dennis@epa.gov]
Sent: 7/21/2015 6:28:23 PM
To: McLerran, Dennis [mclerran.dennis@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Thiesing, Mary [Thiesing.Mary@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Bonifaci, Angela [Bonifaci.Angela@epa.gov]; Rylko, Michael [Rylko.Michael@epa.gov]; Byron, Carrie [Byron.Carrie@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Kowalski, Ed [Kowalski.Edward@epa.gov]; Kenknight, Jeff [Kenknight.Jeff@epa.gov]; Dunbar, Bill [dunbar.bill@epa.gov]
CC: Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Davies, Lauris [Davies.Lauris@epa.gov]; Psyk, Christine [Psyk.Christine@epa.gov]; Barber, Anthony [Barber.Anthony@epa.gov]

Subject: RA Briefing: Earthjustice CWA Jurisdiction Petition
Location: 21st Floor ET Conf Room + Conference Line/Code / Ex. 6

Start: 8/10/2015 10:30:00 PM
End: 8/10/2015 11:15:00 PM
Show Time As: Tentative

Meeting Subject(s)/Title of the Meeting or Event:	*Earthjustice Clean Water Act jurisdiction petition for EPA/Corps to claim the area between the Mean High Water Mark (MHHW) and the Highest Astronomical High Tide line in Puget Sound.*
Program Office POC(s):	*ETPA: Linda Anderson-Carnahan, Michael Szerlog, Mary Anne Thiesing, Heather Dean, and Linda Storm.* *OWW/Puget Sound Program: Dan Opalski, Angela Bonifaci, Michael Rylko, Carrie Byron* *ORC: David Allnutt, Cara Steiner-Riley, Endre Szalay*
Priority: (High, Medium, Low)	*High*
Purpose of the meeting (informational, decisional, prep)	*Decisional (we will be providing Dennis with options for responding)*
If the meeting will involve external participants, what will the RA/DRA's role be? (site visit, presenter/speech, listening session)	*No external participants are expected at this time, however, the Army Corps, Northwest Division is the lead for responding to the joint petition.*
Brief background information:	*On June 24, 2015, EPA and Army Corps of Engineers, Seattle District received a formal petition from Earthjustice to "seek a formal agency resolution of the long-running dispute over the appropriate scope of Corps jurisdiction in marine shoreline areas of Puget Sound, Washington." Specifically Earthjustice is asking "EPA to use authorities established under interagency agreement to designate marine shorelines between MHHW and true high tide as "waters of the United States" under the CWA subject to § 404 permitting. Additionally, we ask the Corps to make formal jurisdictional determinations with respect to several specific shoreline armoring projects currently planned without federal CWA permits that will take place below high tide but above MHHW."* *The issue of appropriate methodology to determine the high tide line for the purposes of determining Jurisdiction has been raised to the Seattle District by EPA and the National Marine Fishery Services in the context of nationwide permit reauthorization and in discussions with the Puget Sound Partnership and their Action Agenda's efforts to reverse the trend in*

	shoreline armoring in Puget Sound. *The intent of this meeting is to determine how best to respond to the Earthjustice petition and to discuss options available to EPA to address the high tide line issue either nationally or regionally.*
Location and/or suggested travel plan if offsite:	*RA's conference room*
When would you like to have this meeting? Please indicate if there are deadlines.	*First week of August if possible.*
How long should the meeting last? (Typically, briefings last no more than 45 minutes)	*Because there will be a large number of options to discuss with Dennis, we would like to have a full hour.* ***We are only scheduling 45 minute briefings at the RA & DRAs request. If you would like more than 45 minutes, please contact the RA or DRA directly.***
Required attendees:	*ETPA: Linda Anderson-Carnahan, Michael Szerlag, Mary Anne Thiesing, Heather Dean, and Linda Storm.* *OWW/Puget Sound Program: Dan Opalski, Angela Bonifaci, Michael Rylko, Carrie Byron* *ORC: David Allnutt, Cara Steiner-Riley, Endre Szalay* *OCE: Ed Kowalski, Jeff Kenknight* *ORA: Bill Dunbar*
Optional Attendees:	*ORA: Michelle Pirzadeh, OWW: Christine Psyk, WA Ops Director – Interim: Anthony Barber, OCE: Lauris Davies.*
IT/AV Equipment Needed (laptop, VTC, mics, etc)	*Need to be able to use flat screen to show PowerPoint/documents*
Superfund Site Specific Charging:	*NA*

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Wa SMA goes 200 feet from ordinary high water mark shoreward, but there are many exemptions. Currently there is not extensive mitigation.

State gives deference to projects that have gone through the COE permitting process. Meeting with Portland, Seattle, and Alaska (datum on website – close to HAT). Elsewhere also how high tide line is determined is variable (by COE district and NOAA guidance) **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5 NOAA used to publish spring high tides; now only HAT (19 year period of data used for this region of the US – sea level rises an inch every 7 years; data collected based on mean lower low water). Nothing but HAT is available at this point. The differences in HAT are related to the period over which it is measured (HAT period in Alaska is shorter than in Seattle). Should climate change be part of the drivers for this discussion.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Next steps

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Appointment

From: Szerlog, Michael [Szerlog.Michael@epa.gov]
Sent: 7/8/2015 3:03:51 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Bonifaci, Angela [Bonifaci.Angela@epa.gov]; Rylko, Michael [Rylko.Michael@epa.gov]; Byron, Carrie [Byron.Carrie@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]; Thiesing, Mary [Thiesing.Mary@epa.gov]

Subject: Discuss next steps regarding Earthjustice Petition
Attachments: Earthjustice Petition re High Tide Line and Request for JD (July 24, 201 .pdf
Location: R10Sea-Room-21Nisqually-Expand/R10-Rooms-Service-Center; Conference Line/Code / Ex. 6

Start: 7/13/2015 3:00:00 PM
End: 7/13/2015 4:00:00 PM
Show Time As: Tentative

Draft Agenda (we may need to rebuild it at beginning of meeting)

Deliberative Process- Attorney Client / Ex. 5

5) What is the Corps doing? – Michael Sz. **Michael will call his contact to tell him of opportunities to resolve the issue.**
6) Next steps – Linda AC

Earthjustice Petition re High T...

June 24, 2015

Col. John G. Buck
District Commander
U.S. Army Corps of Engineers
PO Box 3755
Seattle, WA 98124-3755

Dennis J. McLerran
Regional Administrator
EPA Region 10
1200 Sixth Avenue
MC: RA-210
Seattle, WA 98101

PETITION FOR: (1) SPECIAL CASE DETERMINATION; AND (2) APPROVED JURISDICTIONAL DETERMINATION UNDER § 404 OF THE CLEAN WATER ACT

INTRODUCTION

This is a formal petition for agency action to Region 10 of the Environmental Protection Agency ("EPA") and U.S. Army Corps of Engineers, Seattle District ("Corps") pursuant to Clean Water Act, 33 U.S.C. § 1344, and its implementing regulations and agreements. The petitioning parties include Sound Action, Friends of the San Juans, and Washington Environmental Council (the "Requesting Parties"), which are all 501(c)(3) non-profit membership organizations dedicated to preserving and protecting Puget Sound and its imperiled wildlife and habitats.

The Requesting Parties seek a formal agency resolution of the long-running dispute over the appropriate scope of Corps jurisdiction in marine shoreline areas of Puget Sound, Washington. As discussed below, the Seattle District has adopted an impermissibly limited definition of the term "high tide line" for purposes of establishing its jurisdiction over navigable waters under § 404 of the federal Clean Water Act ("CWA"). Specifically, the Corps interprets the reach of the CWA to only extend to the Mean Higher High Water ("MHHW") line in Puget Sound shorelines, rather than the actual regulatory high tide line, which is substantially higher. As a result, the Corps is failing to satisfy its obligation to protect waters of the United States, leading to continued habitat degradation through shoreline armoring and other activities.

In this petition, we ask the EPA to use authorities established under interagency agreement to designate marine shorelines between MHHW and true high tide as "waters of the United States"

under the CWA subject to § 404 permitting. Additionally, we ask the Corps to make formal jurisdictional determinations with respect to several specific shoreline armoring projects currently planned without federal CWA permits that will take place below high tide but above MHHW. These projects are illustrative of the many projects taking place all over Puget Sound that the Corps is failing to regulate, leading to greater damage to the values that the CWA seeks to protect, in violation of the law.[1]

THE HARM CAUSED BY SHORELINE ARMORING IN PUGET SOUND

It is well recognized that bulkheading and armoring of Puget Sound shorelines causes significant ecological degradation. Due to its adverse effects, the Puget Sound Partnership, a state agency tasked with coordinating the recovery of Puget Sound, uses armoring as one of its indicators of Puget Sound recovery.[2] As the Partnership explained in its 2012 Status of the Sound Report:

> Armoring directly alters geologic processes that build and maintain beaches and spits. Bulkheads also impact erosion patterns on nearby beaches, alter beach substrate and hydrology, and reduce the availability of large wood. These physical changes to beaches can diminish the availability and condition of key shoreline habitats. Armoring can also directly impact organisms and ecological processes by burying or displacing upper beach habitat and altering the natural transition between terrestrial and aquatic ecosystems. Impacts of armoring differ from one coastal setting to another, but have been demonstrated both on Puget Sound and elsewhere to impact habitat for fish, birds, and invertebrates.[3]

Due to these negative impacts, the Puget Sound Partnership has articulated a goal of removing more shoreline armoring between 2011 and 2020 than the amount of new armoring installed

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[1] On November 21, 2014, we sent a letter to the Corps outlining our concerns and seeking a discussion around resolving them. No response to that letter was ever received. The letter is attached as Exh. 1 to this request.

[2] Puget Sound Vital Signs, *Shoreline Armoring, Is there progress? Indicators and Targets*, Puget Sound Partnership (February 26, 2014) (attached as Exh. 2).

[3] Puget Sound Partnership, 2012 State of the Sound: A Biennial Report on the Recovery of Puget Sound, at 69 (attached as Exh. 3); *see also* WDFW, Protecting Nearshore Habitat and Functions in Puget Sound (revised 2010) (explaining various key nearshore habitats and making recommendations for regulating common shoreline modification activities) (attached as Exh. 4); Department of Ecology, *Healthy shorelines equal a healthy Puget Sound*, February 2010, (explaining the individual and cumulative impacts of shoreline armoring and recommending "softer alternatives" to armoring) (attached as Exh. 5); Department of Ecology, *Marine Shoreline Armoring and Puget Sound*, February 2010 (explaining the negative ecological impacts of shoreline armoring and answering frequently asked questions about the process) (attached as Exh. 6).

during the same time span.[4] From 2005 to 2011, Puget Sound shorelines netted nearly one additional mile of armoring per year.[5]

In 2014, a coalition of Washington State resource management agencies developed the Marine Shoreline Design Guidelines to promote the protection of naturally-functioning shorelines based on scientific data.[6] According to this guidance, about one third of Puget Sound shorelines are armored, and these artificial barriers prevent important sediment, wood, and detritus transport needed for natural beach formation and erosion processes. *Id.* at 1-10 - 1-12. State agencies have further found that the loss of upper beach and introduction of an artificial barrier not only changes critical nearshore functions for humans, such as runoff drainage and recreational opportunities, but it also reduces the amount of spawning beach available for forage fish like sand lance and surf smelt, and reduces the amount of invertebrate prey available for nearshore fish to eat.[7] Forage fish are important prey for salmon, who themselves are prey for Southern Resident Killer Whales; Chinook salmon and orcas are listed under the federal Endangered Species Act.[8]

Other negative impacts of armoring include the destruction of habitat for juvenile salmon, changes in sediment and water temperatures due to loss of vegetation and reduced moisture retention on artificial structures, and reduction of habitat for shellfish and eelgrass.[9]
The Corps and other federal agencies have long recognized the adverse effects of armoring in Puget Sound. For example, an interagency briefing memo prepared by the Corps, NOAA, and EPA recognized that "hard shoreline armoring can have a negative effect on ecological processes and can reduce the quality of nearshore habitat thus impacting ESA listed species." Briefing Paper, Puget Sound Shoreline Armoring (*see* Exh. 14 at 1). The paper recognized that a significant percentage of the Sound is already armored, and recent data showed a net increase in new armoring of around a mile per year, despite increasing efforts to remove existing armoring. *Id.* Similarly, in a 2011 letter to the Corps regarding its Nationwide Permit program, NOAA

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[4] 2012 State of the Sound, *supra* note 3, at 68.
[5] Puget Sound Partnership, 2013 State of the Sound: A Biennial Report on the Recovery of Puget Sound, 94-95 (Oct. 15, 2013) (attached as Exh. 7).
[6] Washington State Aquatic Habitat Guidelines Program, Marine Shoreline Design Guidelines, 2014 (attached as Exh. 8).
[7] *Id.* at 1-12 - 1-13; *see also* Dan Penttila, Washington Department of Fish and Wildlife, "Marine Forage Fishes in Puget Sound" (attached as Exh. 9); Jason D. Toft et al., "Fish and Invertebrate Response to Shoreline Armoring and Restoration in Puget Sound" (attached as Exh. 10).
[8] *See* Washington State Recreation and Conservation Office, Salmon Species Listed Under the Federal Endangered Species Act (attached as Exh. 11); NOAA Fisheries, Killer whale (*Orcinus orca*) page (attached as Exh. 12).
[9] Sarah A. Morley et al., "Ecological Effects of Shoreline Armoring on Intertidal Habitats of a Puget Sound Urban Estuary," Feb. 14, 2012 (attached as Exh. 13); Department of Ecology, "Shorelands and Environmental Assistance Program Frequently Asked Questions, Marine Shoreline Armoring and Puget Sound," Feb. 2010 (*see* Exh. 6).

Fisheries called for more rigorous regulation of bank stabilization projects:

> The continued steady and substantial loss of shoreline aquatic functions directly attributable to the 'hardening' of shoreline areas through the placement of fill, rock or other structures has a direct and considerable negative impact on the long-term survival and recovery of [...] listed fish populations. Marine nearshore and freshwater shallow-water habitats are critical to the health of marine, estuarine and freshwater ecosystems. Shoreline alteration is one of the greatest threats to these aquatic resources. ... Given the existing degree of alteration, even relatively small shoreline stabilization activities will add to the already extensive cumulative impacts, and further incremental degradation. The trend towards increasingly altered shorelines limits the region's ability to restore and protect salmon populations.

Exh. 15 at 2 (emphasis added).

These concerns are also shared by the state: in 2012, the Governor of Washington and the Commissioner of Public Lands echoed NOAA's request to the Corps that it better protect shorelines from armoring. ("Shoreline armoring is a major concern for Washington State given the long-term adverse effects which are widely documented on habitat and species listed under the federal Endangered Species Act.") (attached as Exh. 16). The problem of shoreline armoring will likely become even more severe in the face of global sea level rise.[10] It is, therefore, critical that the Corps properly implement its authority to protect aquatic resources now.

THE CLEAN WATER ACT PROTECTS RESOURCES UP TO THE TRUE HIGH TIDE LINE

Under Section 404 of the CWA, 33 U.S.C. § 1344, it is unlawful to discharge "dredge or fill" materials in navigable waters without a permit from the U.S. Army Corps of Engineers. The CWA defines "navigable waters" as "the waters of the United States, including the territorial seas." *Id.* § 1362 (definitions). The Corps has defined "waters of the United States" via regulation: those regulations affirm that its jurisdiction extends to the limit of the "high tide line," 33 C.F.R. § 328.4, which is defined as follows:

> The term high tide line means the line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore

[10] Kirk L. Krueger, *et al.*, *Anticipated Effects of Sea Level Rise in Puget Sound on Two Beach-Spawning Fishes, in* PUGET SOUND SHORELINES AND THE IMPACTS OF ARMORING—PROCEEDINGS OF A STATE OF THE SCIENCE WORKSHOP, MAY 2009: U.S. GEOLOGICAL SURVEY SCIENTIFIC INVESTIGATIONS REPORT 2010-5254, 171-78 (Hugh Shipman, *et al.* eds. 2010) (attached as Exh. 17).

> or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. **The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm**.

Id. § 328.3(d) (emphasis added).[11]

After the CWA was adopted in 1972, the Corps initially adopted a much narrower definition of its jurisdiction, essentially conflating its Rivers and Harbors Act and CWA jurisdictional reach and limiting it to the traditional test for navigability. That regulatory definition was struck down in *Natural Resources Defense Council v. Callaway*, 292 F. Supp. 685 (D.D.C. 1975). Additionally, several courts in enforcement cases found that discharges into waters above the mean high water mark were meant to be covered by the CWA. For example, in *U.S. v. Holland*, the court found that the mean high water line was not a limit to federal authority under the CWA. 373 F. Supp. 665, 676 (M.D. Fla. 1974) ("Pollutants have been introduced into the waters of the United States without a permit and the mean high water mark cannot be used to create a barrier behind which such activities can be excused.").

In adopting its regulatory definition of high tideline in 1977, the Corps recognized that:

> [m]any aquatic areas along the coast are located above the mean or mean higher high tide lines but do not fit within the definition of "wetlands" discussed above. These include sandflats, mudflats, and similar areas, that, while not covered with vegetation, are inundated with sufficient frequency and regularity to be included as part of the aquatic resource.... The term [high tide line] is intended to include areas covered by spring high tides and other high tides that occur with periodic frequency, but does not include those areas that are covered by tidal water as a result of storm surges, hurricanes, or other intense storms.

42 Fed. Reg. 37122, 37129 (July 19, 1977). The current definition of high tide, formally adopted in 1986, was not meaningfully changed from the 1977 definition.

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[11] Note that CWA jurisdiction is considerably more expansive than jurisdiction under the Rivers and Harbors Act, which only "extends to the line on the shore reached by the plane of the mean (average) high water." 33 C.F.R. § 329.12(a); *see also Leslie Salt Co. v. Froehlke*, 578 F.2d 742, 754 (9th Cir. 1978) ("The district court's holding that the Corps' regulatory jurisdiction under the FWPCA is 'coterminous' with that under the Rivers and Harbors Act... is faulty... it is clear from the legislative history of the FWPCA that...Congress intended to expand the narrow definition of the term 'navigable waters...'").

A number of cases have applied these definitions to find unlawful discharge activities that occurred between the highest tide line and other markers like mean high water. For example, in *U.S. v. Malibu Beach*, 711 F. Supp. 1301 (D.N.J. 1989), ruling on a motion for a preliminary injunction, the Court ruled that the government was likely to succeed on its claim that defendants violated the CWA by filling in an area of dunes that could be inundated at high spring tide. The Court explicitly observed that the high spring tide was 1.6 feet higher than the mean high tide. In *U.S. v. Boccanfuso*, 882 F. 2d 666 (2nd Cir. 1989), the Court addressed a situation where fill activities took place above mean high water (the limit of RHA jurisdiction) but below "extreme high tide" (the limit of CWA jurisdiction). The Court found that even though a staff person had told the defendant no permit was necessary, the Corps would not be estopped from pursuing an enforcement action regarding defendant's failure to obtain a permit for activities in this zone.

However, the Seattle District Corps does not apply the regulatory definition of high tide line in implementing its CWA obligations in Puget Sound. Instead, it has adopted as its definition of "high tide line" the "mean higher high water" mark. *See, e.g.*, Seattle District, Online Permit Guidebook ("Under Section 404 of the Clean Water Act, the extent of Corps jurisdiction in tidal waters extends to the high tide line. Currently, the Seattle District uses the mean higher high water mark as the geographic limits of the high tide line."). The guidebook further defines mean higher high water ("MHHW") as "the average higher high tide at a benchmark over a period of 20 years."[12]

The difference between "true" high tide and MHHW in Puget Sound is significant. At a gentle shoreline gradient, this represents potentially hundreds of feet of shoreline that should be subject to Corps regulations but are not. The area between MHHW and true high tide is also ecologically significant. For example, the National Marine Fisheries Service ("NMFS") uses extreme high tide, not MHHW, in defining salmonid critical habitat. *See* Endangered and Threatened Species; Designation of Critical Habitat for 12 Evolutionarily Significant Units of West Coast Salmon and Steelhead in Washington, Oregon, and Idaho, 70 Fed. Reg. 52,630-01, 52,664 (September 2, 2005) ("We believe that the area inundated by extreme high tide is an appropriate delineation of the landward extent of critical habitat because it represents a regularly occurring intertidal fringe that is recognizable (e.g., vegetation and landform changes), and contains and includes PCE elements such as large wood, rocks and boulders and aquatic vegetation.")

[12] On the west coast, there are typically two high tides in a diurnal tidal cycle. Accordingly, MHHW refers to the mean of the higher of the two high tide cycles.

THE INTERAGENCY DISPUTE OVER THE CORPS' FAULTY APPROACH TO JURISDICTION

The subject of whether MHHW or high tide line is the appropriate limit of the Corps CWA § 404 jurisdiction has been the subject of extensive interagency discussion and disagreement. The National Marine Fisheries Service ("NMFS") has repeatedly emphasized the importance of asserting jurisdiction to the high tide line and requested action from the Corps. To date, however, no action has been taken to actually change the Corps' flawed approach.

NMFS staff produced a series of briefing papers laying out the problem and a path towards advocating that the Corps shift its approach to determining jurisdiction. For example, in an April 2, 2013 internal memo, NMFS observed that "much of the upper foreshore and perhaps all of the backshore of Puget Sound beaches are above MHHW" (attached as Exh. 18). The memo observed that "[m]ore than 1 mile of Puget Sound shoreline is newly armored each year, most without Corps permits and therefore without ESA consultation with NMFS." *Id.*; *see also id.* at 21 ("Many of these new and rebuilt bulkheads likely have adverse effects on designated salmon critical habitat, and this amount of shoreline armoring likely will continue without federal review or permitting unless the method for determining Corps jurisdiction is modified."). The memo recommended that the Seattle District use the "highest astronomical tide" ("HAT") rather than MHHW to establish the limit of its CWA jurisdiction.

NMFS also produced an "issue paper" laying out a number of concerns associated with the Corps' approach to determining its CWA jurisdictional boundaries in Puget Sound (attached as Exh. 19).[13] In it, NMFS explained how MHHW "is exceeded several days each month" and how the use of MHHW "results in many shoreline armoring actions in Puget Sound" being installed above MHHW, thereby avoiding compliance with the CWA and Endangered Species Act. *See id.* at 3 ("In Puget Sound, the MHHW is 1.5 to 2.5 feet below the high tide line.")

The document also produced a table laying out the difference between HAT and MHHW at a number of Puget Sound tidal stations. *Id.* at 2. The differences varied between 1.3 feet and 2.7 feet; the memo calculated that at a beach gradient of 1%, a difference of 2 feet in tidal elevation translated to 200 horizontal feet of shoreline "with functional aquatic habitat … outside federal regulatory review." *Id.* at 1. The paper went on to explain how a substantial portion of the tidal cycle is above MHHW, and how failure to regulate such projects will "impair" recovery of nearshore critical habitat. *Id.* at 3.

In a further briefing paper, NMFS stated bluntly that the Corps should use HAT, rather than MHHW, as the limit of its jurisdiction, noting that "the intertidal area between HAT and MHHW is biologically significant for the protection and recovery of ESA listed species and is essential fish habitat for salmon and other fishes" (*see Exh.* 20 at 1). The paper continued, "We are not

[13] Although labeled draft, the Issue Paper was sent to the Northwest Region Commander of the Army Corps in formal correspondence.

aware of any technical or legal support for the Corps' determination of jurisdictional boundary of MHHW. Instead, this appears to be an artifact of institutional knowledge." *Id.*

The Corps' own internal documentation reveals that the Seattle District considered whether to shift its approach to determining jurisdiction, but ultimately decided to take no action. In a May 17, 2013 internal memorandum, the Seattle District recognized the dispute over the appropriate definition of high tide, observing that each of the six Pacific Coast districts interprets the issue in different ways (attached as Exh. 21). The memo laid out a set of recommendations including a multi-year decision-making process to elevate and resolve the interagency dispute.

None of these recommendations were adopted. After extensive efforts to resolve the issue at a staff level proved unsuccessful, the issue was elevated to regional agency leadership. In an April 2, 2013 letter to Col. Bruce Estok, the District Commander of the Seattle District, NMFS Regional Administrator Will Stelle asked for the Colonel's help resolving the shoreline jurisdiction issue (attached as Exh. 22). In it, Stelle observed that the result of the Corps' approach to determining jurisdiction:

> is that many new projects and repairs to existing projects that directly affect the shoreline of Puget Sound are not reviewed, conditioned or permitted by your agency. The ecological effect is that extensive areas of intertidal and estuarine habitat that are important to ESA-listed salmon and multiple species of shellfish and other marine life are not adequately protected. Numerous scientific analyses have documented the important functions of these areas for both juvenile and adult salmonids, and the continuing loss of these habitats is an important limiting factor for rebuilding the productivity of the system for salmon and other trust resources.

It does not appear that the Corps ever responded to Stelle's letter. A March 16, 2015 letter from Stelle to Brigadier General John Kem, the Northwest Division Commander of the Corps, memorialized the paralyzed status of the interagency discussions (attached as Exh. 23). Even though "shoreline protection remains a priority for the [federal agencies in Puget Sound] and for the aquatic resources and habitats" subject to the agencies' trust responsibilities, the letter indicated that Gen. Kem had stated clearly that he "did not intend to change the Seattle District's approach to establishing jurisdiction." Again, it does not appear that any response to this letter was ever received.

EPA AUTHORITY TO DECIDE CWA § 404 JURISDICTION

It is well settled that it is the EPA, not the Corps, that has ultimate authority to determine the jurisdiction of the CWA § 404 program. In a 1979 Opinion issued to the Secretary of the Army, Attorney General Benjamin Civiletti concluded that the term "navigable waters" constitutes a "lynchpin" of the CWA, and that there could only be a single judgment as to whether and to what extent "any particular water body comes within the reach of the Federal Government's

pollution control authority." 43 Op. Att'y Gen. 197, 201 (1979) ("*Civiletti Memorandum*") (attached as Exh. 24). While the CWA gives the Corps authority to issue and assure compliance with § 404 permits, "it does not expressly charge [the Corps] with responsibility for deciding when a discharge of dredged or fill material into the navigable waters takes place so that the § 404 permit requirement is brought into play." *Id.* at 201. The final administrative authority for construing the reach of the program belongs with the administrator of the EPA, the Opinion concludes. *See also* EPA Office of General Counsel, *Jurisdiction of Sections 402 and 404 of the Clean Water Act Over Discharges of Solid Waste in Wetlands*, 1980 WL 30213 (Jan. 31, 1980) ("In case of disagreement between the Administrator [of the EPA] and the Secretary [of the Army], the Administrator has the ultimate authority to determine whether a discharge of solid waste in waters of the United States requires an NPDES permit or a § 404 permit.").

Consistent with this conclusion, the Corps and the EPA executed a Memorandum of Agreement in 1987 outlining a policy and procedures for addressing the agencies' respective roles in determining jurisdiction under § 404. *Memorandum of Agreement Between the Department of the Army and the Environmental Protection Agency Concerning the Determination of the Section 404 Program and the Application of the Exemptions under § 404(f) of the Clean Water Act* (Jan. 19, 1989) ("*1989 MOA*") (attached as Exh. 25). The *1989 MOA* recognizes that while the Corps will perform the majority of jurisdictional determinations for the § 404 program, "EPA will be considered the lead agency and will make the final decision if the agencies disagree." Under the Corps' own regulation, an EPA determination of jurisdiction divests the Corps of authority to determine jurisdiction for itself. 33 C.F.R. § 325.9.

Under the 1989 MOA, EPA has authority to make a "final determination as to the geographic scope of the waters of the United States for purposes of § 404," termed a "special case." Special cases may be project specific, or generic, "where significant issues … are anticipated or exist" concerning the scope of jurisdiction. Thereinafter, each regional administrator is to maintain a "regional list" of special cases within each region.

As discussed further in this petition, the Corps' failure to exercise jurisdiction over the area below high tide and above MHHW qualifies for special case treatment under the MOA. Accordingly, the undersigned organizations hereby petition EPA to make a generic special case determination for tidal waters within the areas of Puget Sound, Strait of Juan de Fuca, and Georgia Strait in Western Washington. The examples that are provided in this petition are illustrative of the need for a generic jurisdictional determination for the entire region, but are not the focus of the petition.

CORPS' DUTY TO RESPOND TO REQUESTS FOR JURISDICTIONAL DETERMINATIONS

An approved jurisdictional determination ("approved JD") is an official determination from the Corps that jurisdictional waters of the United States are either present or absent on a particular site, and identifies with precision the limits of those waters determined to be jurisdictional. 33

C.F.R. § 331.2; Regulator Guidance Letter No. 08-02 (26 June, 2008) ("*2008 RGL*"). The 2008 RGL lists three scenarios under which the issuance of an approved JD is mandatory: (a) when requested by the applicant, landowner, or other "affected party"[14]; (b) where such party contests jurisdiction; and (c) "where the Corps determines that jurisdiction *does not exist*." (emphasis added). In other words, a requested JD is mandatory, even where the applicant, landowner, or other "affected party" does not request it, and where the Corps' position is that jurisdiction does *not* exist. *Id.* at 2. Additionally, the Corps has discretion to issue an approved JD wherever it deems doing so "appropriate given the facts of a particular case."

The requesting parties hereby petition the Corps to make an approved JD on each of the projects described below. An approved JD is required because it appears that the Corps will conclude that CWA jurisdiction does not exist for these projects, given its current policy of limiting jurisdiction to the MHHW mark. Moreover, a JD is "appropriate" on the facts of this case, given that the proponents of these projects are potentially subject to citizen suit enforcement for failing to obtain Corps permits that the Corps has effectively informed them that they do not need.

To the best of our knowledge, each of the examples below involves fill material above the MHHW but below the true high tide line, and in each case the proponents appear to incorrectly believe, based on the Corps' guidance and policy statements, that the projects are not subject to Corps jurisdiction and do not require CWA permits prior to any work in waters of the United States.

1. Mason County Public Works Bank Stabilization

This project will repair rock wall bulkheads at three sections of North Shore Road along Hood Canal in Mason County, totaling about 178 feet. These repairs will require the placement of large rocks along the shore, and 34 cubic yards of rock will be placed approximately two feet below the ordinary high water mark. Large woody material and root wads will also be placed along the bulkhead, and fill will be used below the ordinary high water mark at all three sections of the road that need repairing. Mason County Public Works applied for a standard hydraulic project permit with the Washington Department of Fish and Wildlife ("WDFW"). The WDFW issued a hydraulic project approval ("HPA") on February 9, 2015 (HPA 2015-6-70+01). Forage fish spawn at or adjacent to each of the three repair sites. The JARPA and other permitting documents for this project are attached as Exh. 26.

2. Kitsap County Public Works Beach Drive Seawall Repair

This project will replace seawalls at five sites along Beach Drive near Port Orchard in Kitsap County, totaling about 465 feet. These repairs will require the placement of woven fabric and large rocks along the shore, and will also involve "beach nourishment" (the dumping of sand

[14] "Affected party" is defined in 33 C.F.R. § 331.2 for purposes of the appeal process, but not the process of requesting a JD.

from another place) as a mitigation measure.[15] Kitsap County Public Works applied for a standard hydraulic project permit with the WDFW. The WDFW issued a HPA on April 1, 2015 (HPA 2015-6-205+01). Forage fish spawn at all of the project sites, and Kitsap County stated in its HPA application that "[t]he project will be done during low tide and during the WDFW prescribed fish window for Sinclair Inlet." On February 19, 2015, Kitsap County received an exemption from a Shoreline Substantial Development Permit pursuant to KCC 22.87(2)(b) and an exemption from SEPA under the emergency exemption in WAC 197-11-880. The JARPA and other permitting documents for this project are attached as Exh. 27.

3. Kitsap County Public Works Big Beef Seawall Maintenance

This project will repair a seawall along Seabeck Highway near Seabeck in Kitsap County, totaling about 110 feet. These repairs will require the placement of rocks and loose rip rap below ordinary high water mark. Kitsap County Public Works applied for a standard hydraulic project permit with the WDFW. The WDFW issued a HPA on April 29, 2015 (HPA 2015-6-279+01). Forage fish spawn in adjacent areas to the project site. The JARPA and other permitting documents for this project are attached as Exh. 28.

4. Multiple Projects on Samish Island, Skagit County

Several private landowners, represented by a single contractor, are proposing a series of significant beach armoring efforts across multiple individual property frontages on Samish Island, Skagit County. The initial proposal, at the Goodan/Pennington residence, involved over two hundred linear feet of significant armoring, including logs, crushed gravel, and rock up to eight feet high. The project was authorized by Skagit County under PL14-0517. An email from the project contractor, John Ravnik, describes how he calculated MHHW and purports to explain how the project will take place landward of that elevation. Recently, a number of additional projects along that stretch of shoreline have also been proposed by the same contractor. These adjacent projects involve rearranging existing rock armoring and, in some places adding imported rocks to add size to the armoring in response to a storm that occurred on November 29, 2014. A "geotextile fabric" will be placed between the rocks and the ground, and concrete rubble will be removed. The projects propose to use a barge to transport equipment to the area and use of an excavator to perform the work. The project applications explain and provide

[15] Although the county considers beach nourishment to be a mitigation measure, the practice has multiple adverse environmental impacts, including "disturbance of species' feeding patterns; disturbance of species' nesting and breeding habitats; elevated turbidity levels; changes in near shore bathymetry and associated changes in wave action; burial of intertidal and bottom plants and animals and their habitats in the surf zone; … increased sedimentation in areas seaward of the surf zone as the fill material redistributes to a more stable profile" and "impacts to endangered species such as sea turtles and shorebirds which use the beach as nesting areas." *State, Territory, and Commonwealth Beach Nourishment Programs: A National Overview*, National Oceanic & Atmospheric Administration, March 2000 (attached as Exh. 30).

considerable detail for the contractor's claim that the work will be conducted landward of mean higher high water. The JARPA and other permitting documents for the Goodan/Pennington project are attached as Exh. 29a. Since most of the permitting documents for the other projects on this road are identical, a sample JARPA and accompanying materials is included as Exh. 28b. Additional documents can be provided on request.

PROPER CORPS JURISDICTION WILL PROTECT CWA, ESA, AND TRUST RESOURCES

If the Corps revises its approach to determining jurisdiction, as required by the CWA, to include projects involving fill up to the true high tide line, better protection for Puget Sound and its imperiled resources and wildlife will result. In one of its internal briefing memos, NMFS explained why constructing bulkheads without oversight by the Corps harms resources in Puget Sound:

> By not extending jurisdiction above MHHW, the Corps allows unpermitted structures, e.g., bulkheads, to be constructed without Corps oversight within waters of the United States. Constructing or reconstructing bulkheads or other structures between MHHW and HAT reduces the productivity of the nearshore environment, results in adverse effects on beach processes, reduces or removes riparian vegetation and fish-prey input to the nearshore, eliminates upper intertidal vegetation such as pickleweed, and increases predation risk for migrating and rearing juvenile salmonids by removing shallow areas of upper-intertidal. In addition, long-term adverse effects of substrate coarsening in front of bulkheads at higher intertidal sites are also likely to degrade and remove important spawning habitats for forage fishes. Surf smelt have been documented spawning above MHHW. Also, ESA-listed salmon emigrate particularly during spring tides in March through July and inhabit the inundated beaches above MHHW during emigration. Recovery of nearshore salmon habitats will be impaired by not extending Corps jurisdiction above MHHW.

See Exh. 20 at 6. There are several reasons why expanding jurisdiction will increase the protection of Puget Sound and its resources.

First, the Corps is required by the CWA to review applications for § 404 permits to ensure that they are consistent with the Act and its implementing regulations. *See, e.g.*, 40 C.F.R. pt. 230 (404(b) guidelines); 33 C.F.R. pt. 323. Since the purpose of the CWA is to restore the integrity of the nation's waters, and to protect and recover beneficial uses—which include salmonid spawning and rearing in Puget Sound—this review gives the Corps oversight to ensure that the cumulative effects of extensive new and replaced bank armoring are consistent with the Act. As the § 404(b) guidelines state:

> Fundamental to these Guidelines is the precept that dredged or fill material should not be discharged into the aquatic ecosystem, unless it can be demonstrated that

> such a discharge will not have an unacceptable adverse impact either individually or in combination with known and/or probable impacts of other activities affecting the ecosystems of concern.... [T]he degradation or destruction of special aquatic sites, such as filling operations in wetlands, is considered to be among the most severe environmental impacts covered by these Guidelines. The guiding principle should be that degradation or destruction of special sites may represent an irreversible loss of valuable aquatic resources.

40 C.F.R. § 230.1(c), (d). Corps regulations further call for an extensive review of whether requested Army permits serve the public interest, a review that explicitly includes "cumulative impacts." 33 C.F.R. § 320.4(a). The review gives the Corps discretion to balance a wide number of factors, including the relative need for the project and its benefits, against the impacts to CWA resources. *Id.* The guidelines also call for a determination of whether activities affecting coastal zones are consistent with approved coastal zone management programs. *Id.* 320(h). The Corps' CWA review over projects that fall between MHHW and true high tide should result in less shoreline armoring in Puget Sound, and better mitigation for projects that cannot be avoided.

Second, the Corps' permitting process is subject to NEPA, which includes, in part, a duty to examine alternatives to the proposed action. 33 C.F.R. § 230. In many cases, "hard" armoring of shorelines can be avoided or significantly reduced by reliance on more environmentally responsible practices. As the WDFW has observed, "[i]n reality, hard armor is typically not necessary to slow erosion throughout much of the sheltered shores of Puget Sound. Yet the extensive application of armor as a 'one size fits all' solution has resulted in widespread impacts to nearshore processes." Marine Shorelines Design Guidance, *supra* note 8, at xxv. Other alternatives could include more robust mitigation for new armoring that cannot be avoided, in order to achieve the goal of a net reduction in the amount of armoring and increase in functional habitat in Puget Sound.

Third, issuances of CWA permits by the Corps are federal actions subject to the interagency consultation provisions of the Endangered Species Act ("ESA"), 16 U.S.C. § 1536(a)(2). Accordingly, the Corps will have to ensure that shoreline armoring permits do not jeopardize listed species like salmon, or adversely modify their critical habitat. Indeed, recognizing that shoreline areas merit special attention and protection, the designated critical habitat for Puget Sound Chinook and other ESUs explicitly includes areas that are "inundated by extreme high tide." 70 Fed. Reg. 52637 (Sept. 2, 2005). NMFS has recognized that the Corps' truncated view of its jurisdiction means that it "does not provide NMFS with an opportunity to review a large number of shoreline armoring actions under" § 7(a)(2) of the ESA. *See* Exh. 19 at 3.

We recognize that the Corps has workload concerns about expanding its jurisdiction in a way that would include more projects. While these do not absolve the agency from complying with the CWA, there are ways in which those concerns could be managed. First, given the rigors of requiring projects to go through full CWA and ESA review, many applicants may simply opt to

avoid armoring in the first place. For projects that do go forward, the Nationwide Permit Program offers streamlined permitting for projects with insignificant effects. 77 Fed. Reg. 10184 (Feb. 21, 2014). NWP 13 addresses certain bank stabilization measures. NWP 3 deals with rehabilitation or repair of certain previously authorized and currently serviceable structures.

Of course, there should be significant limits on the use of NWPs to engage in bank stabilization measures in Puget Sound because of the significant effects. 33 C.F.R. § 330.2 (NWPs for actions with "minimal" effects). This is recognized by the Corps itself, which limits the use of new bank stabilization with certain portions of Puget Sound. Seattle District, 2012 Nationwide Permits Final Regional Condition #3 (March 19, 2012) (attached as Exh. 31). It also requires extensive information for any new or maintenance bank stabilization, including a demonstration that the proposed project "incorporates the least environmentally damaging practicable bank protection methods." *Id.* at Condition #4. EPA and NOAA, among others, have advocated for extending this restriction to all areas of Puget Sound, not just the urbanized areas around Seattle. *See* Exh. 14 at 2 (EPA and NOAA "have proposed that the Corps further restrict the use of nationwide permits for new bank stabilization projects in Puget Sound.") Moreover, use of streamlined NWP procedures does not absolve the Corps from complying with the ESA, 77 Fed. Reg. at 10283 (National General Condition 18), and other laws like the Magnuson-Stevens Fishery Management and Conservation Act. *See* Regional Conditions, at 3 (activity cannot be authorized under NWP "until essential fish habitat requirements have been met by the applicant and the Corps").

That said, however, we believe that CWA, along with programmatic consultation procedures under the ESA, gives the Corps sufficient flexibility to authorize certain categories of actions without significantly expanding the agency's workload. For example, in cooperation with NOAA, the Corps could define new regional general conditions that would allow repairs of existing structures that improve baseline conditions, or authorize certain soft-armoring approaches where needed, with appropriate mitigation (e.g., removal of other existing bank armoring). It appears that other agencies would welcome this conversation. *See* Exh. 14 at 2. (EPA and NOAA "would like to explore ways in which [Corps] permits can require that applicants undertake effective in-kind mitigation for impacts their projects may cause.")

Until these projects fall under the Corps' jurisdiction, however, the Corps and NOAA will simply not have the opportunity to review these projects for compliance with CWA and ESA, thereby allowing continued degradation of habitat in Puget Sound and the likely continued slide of imperiled species like salmon towards extirpation. Expanding jurisdiction to comply with the CWA will also better position the Corps to meet its obligations under federal treaties. *See* Exh. 20 at 6. ("NMFS believes the Corps could better meet their tribal trust responsibilities by recognizing jurisdiction for federal permitting that is based on tidal elevations that provide a greater level of ecological integrity and function than using MHHW.")

CONCLUSION

The Army Corps' failure to exercise jurisdiction to the true high tide line violates the CWA, reduces protection for important ecological and trust resources, and subjects landowners to the risk of CWA citizen suits. Several years of interagency discussions have failed to result in any change to the Corps' position. Accordingly, we ask EPA to utilize its authorities, consistent with its past statements, to define CWA § 404 jurisdiction in Western Washington up to the true high tide line. Additionally, we ask the Corps to make formal determinations with respect to the above listed projects. We believe that all these projects should be within the Corps' jurisdiction and the Corps should so find via an approved JD. However, if the Corps wishes to defend its continued position, it should formally find that such projects are not within its jurisdiction.

Sincerely,

Jan Hasselman
Anna Sewell

On behalf of Sound Action, Friends of the San Juans and Washington Environmental Council

Appointment

From: Tyson, Linda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D7AD12AF04F64468B18E3960F2A77781-TYSON, LIND]
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Subject: Hot Issues
Attachments: Hot Issues; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Hot Issues
Location: R10Sea-Room-20Chinook/R10-Rooms-Service-Center

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End: 6/8/2015 5:30:00 PM
Show Time As: Busy

Recurrence: Weekly
every Monday from 10:00 AM to 10:30 AM

MMLine: Call Conference Line/Code / Ex. 6 CODE: Conference Line/Code / Ex. 6

Appointment

Subject: Hot Issues

Start: 2/8/2016 6:00:00 PM
End: 2/8/2016 6:30:00 PM
Show Time As: Busy

Recurrence: (none)

MMLine: Call Conference Line/Code / Ex. 6 CODE: Conference Line/Code / Ex. 6

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

- High tide line meeting this week between EPA and the Seattle District COE, NMFS.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 5/4/2016 2:27:49 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]
Subject: Conversation with Szerlog, Michael

Anderson-Carnahan, Linda 7:23 AM:

Can you cover the Associate's meeting for me today at 8:30 (21A)?

Szerlog, Michael 7:24 AM:

Sorry, no. Have a meeting to discuss an enforcement case....pretty booked all day. :(

Anderson-Carnahan, Linda 7:26 AM:

Looks like we may not be represented unless Sally can help out.

Szerlog, Michael 7:27 AM:

Sorry. After that meeting I am in a meeting with Corps and NMFS on High Tide Line and running Adobe Connect Session so I can't reschedule.

Anderson-Carnahan, Linda 7:27 AM:

S'ok. Jeff's busy too.

Message

From: Allnutt, David [Allnutt.David@epa.gov]
Sent: 9/2/2016 4:30:45 PM
To: R10-ORA [R10-ORA@epa.gov]
CC: Opalski, Dan [Opalski.Dan@epa.gov]; Edmondson, Lucy [Edmondson.Lucy@epa.gov]; Barber, Anthony [Barber.Anthony@epa.gov]; Soderlund, Dianne [Soderlund.Dianne@epa.gov]
Subject: OERA Hot Topics
Attachments: ATT50221; ATT04027; ATT30831; ATT49205; ATT14096; ATT54035; ATT91567

For the week of September 5, 2016

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line: On September 7, ARU and Puget Sound team staff will meet with Dennis to discuss additional options to pursue if General Spellmon does not accept the joint recommendation by EPA, the Seattle District, and NOAA Fisheries to revise the Seattle District's interpretation of the High Tide Line used to determine Clean Water Act jurisdiction. Contacts: Michael Szerlog (3-0279) and Heather Dean (1-3490).

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

For the ET Notes from August 29 ET Meeting Roundtable

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

Message

From: Allnutt, David [Allnutt.David@epa.gov]
Sent: 7/22/2016 4:21:36 PM
To: R10-ORA [R10-ORA@epa.gov]
CC: Opalski, Dan [Opalski.Dan@epa.gov]; Hastings, Janis [Hastings.Janis@epa.gov]; Werntz, James [Werntz.James@epa.gov]; Barber, Anthony [Barber.Anthony@epa.gov]; Edmondson, Lucy [Edmondson.Lucy@epa.gov]
Subject: OERA Hot Topics
Attachments: ATT04232; ATT86991; ATT81745; ATT55064; ATT11578; ATT83883; ATT94230

Flag: Follow up

For the week of July 25, 2016

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line: **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Contacts: Michael Szerlog (3-0279) and Peter Murchie (3-1148).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

Message

From: Szerlog, Michael [Szerlog.Michael@epa.gov]
Sent: 6/22/2016 4:21:31 PM
To: Allnutt, David [Allnutt.David@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]
Subject: RE: ARU Hot Topics
Attachments: ATT11885

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Szerlog, Michael
Sent: Wednesday, June 22, 2016 8:45 AM
To: Allnutt, David <Allnutt.David@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>
Subject: ARU Hot Topics

David and Linda,

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Contact: Michal Szerlog (3-0279) and Peter Murchie (3 -1148).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

ARU Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov
<< OLE Object: Picture (Device Independent Bitmap) >>

Message

From: Szerlog, Michael [Szerlog.Michael@epa.gov]
Sent: 8/11/2016 8:47:06 PM
To: Allnutt, David [Allnutt.David@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]
CC: Thiesing, Mary [Thiesing.Mary@epa.gov]; Nadeau, Tracie [Nadeau.Tracie@epa.gov]
Subject: RE: ARU Hot Topics - correction

See below in red.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Szerlog, Michael
Sent: Thursday, August 11, 2016 12:10 PM
To: Allnutt, David <Allnutt.David@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>
Cc: Mary Thiesing <Thiesing.Mary@epa.gov>; Tracie Nadeau <Nadeau.Tracie@epa.gov>
Subject: ARU Hot Topics

This Week:

High Tide Line: **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Jim Jacobson, the chief of Seattle District's Water Management Section, is briefing COL Buck on August 12th before he meets with GEN Spellmon and Will Stelle on August 22nd for a NOAA/Corps meeting. According to Jim, they'll be covering other topics in addition to this one. Dennis will be calling into the meeting. Contacts: Michael Szerlog (3-0279) and Peter Murchie (3 - 1148).

Next Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

ARU Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Somers, Elaine [somers.elaine@epa.gov]
Sent: 9/21/2016 11:54:06 PM
To: Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]
Subject: FW: OERA Managers Meeting Notes

Hi, Linda,
Per the OERA Managers Meeting Notes below, it looks like you will be in DC during the week of the Region 10 NEPA Training? We had the 'go-ahead' for you to audit the course, and first to be assigned an opening if there were any cancellations. Just thought I should confirm with you that you won't be available for the training? (It would have been *great* to have you there!)
Elaine

From: Peterson, Erik
Sent: Wednesday, September 21, 2016 2:57 PM
To: Barton, Justine <Barton.Justine@epa.gov>; Curtis, Jennifer <Curtis.Jennifer@epa.gov>; Somers, Elaine <somers.elaine@epa.gov>; Harris, Sydney <harris.sydney@epa.gov>; Hoffman, Erika <Hoffman.Erika@epa.gov>; Hood, Lynne <Hood.Lynne@epa.gov>; Kubo, Teresa <Kubo.Teresa@epa.gov>; Littleton, Christine <Littleton.Christine@epa.gov>; Lohrman, Bridgette <lohrman.bridgette@epa.gov>; Mbabaliye, Theogene <Mbabaliye.Theogene@epa.gov>; Meade, Chris <Meade.Chris@epa.gov>; Wright, Wendy <Wright.Wendy@epa.gov>
Subject: OERA Managers Meeting Notes

Fresh off the presses, OERA Managers Meeting Notes!

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Personal Matters / Ex. 6 t **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line**

ARU – continue to work with Corps on high tide line. End of October is the deadline for their report. Tribes have asked to consult with EPA on our 401 certification of the Corps' Nationwide Permits. Nationwide Permit consultation with EPA is separate from Corps' consultation.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Erik Peterson, Life Scientist
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-6382

Message

From: Anderson-Carnahan, Linda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C34CC9BE6AB74896B7EA15338CBE41EB-ANDERSON-CARNAHAN, LINDA]
Sent: 5/27/2016 2:09:53 PM
To: Thomas, Sally [Thomas.Sally@epa.gov]
Subject: FW: OERA Hot Topics
Attachments: ATT05319; ATT85050; ATT55600; ATT91171; ATT75814; ATT59548; ATT29423

FYI – some tribal issues on interest

Linda Anderson-Carnahan, Associate Director
Office of Environmental Review and Assessment
US EPA Region 10, OERA-202-1, Suite 900
1200 Sixth Ave, Seattle, Wa. 98101
phone: (206) 553-2601
cell: (206) 291-6879

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---

From: Allnutt, David
Sent: Thursday, May 26, 2016 6:10 PM
To: R10-ORA <R10-ORA@epa.gov>
Cc: Tyson, Linda <Tyson.Linda@epa.gov>; Kelly, Christine <kelly.christinem@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Soderlund, Dianne <Soderlund.Dianne@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Werntz, James <Werntz.James@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Bachman, Brenda <bachman.brenda@epa.gov>; Dodo, Gerald <Dodo.Gerald@epa.gov>; Filippini, Mark <Filippini.Mark@epa.gov>; Islam, Mahbubul <Islam.Mahbubul@epa.gov>; Littleton, Christine <Littleton.Christine@epa.gov>; Pepich, Barry <Pepich.Barry@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: OERA Hot Topics

For the week of May 30, 2016

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

For the ET Notes from May 23 ET Meeting Roundtable

High Tide Line: Later today (May 23), David Allnutt, Dan Opalski, and Peter Murchie will be joining Dennis for a meeting with senior leadership from the Seattle District of the Corps of Engineers and NMFS to discuss the three agencies' ongoing evaluation of requests from environmental groups and tribes to change the District's interpretation of the "high tide line" for purposes of determining jurisdiction under the Clean Water Act. The Seattle District currently interprets the high tide line to be the mean higher high water line (MHHW); other approaches could include the more conservative highest astronomical tide line (HAT), the mean highest predicted tide (MHPT), or Washington's ordinary high water mark (OHWM).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

Message

From: Anderson-Carnahan, Linda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C34CC9BE6AB74896B7EA15338CBE41EB-ANDERSON-CARNAHAN, LINDA]
Sent: 8/10/2016 1:44:28 AM
To: Bachman, Brenda [bachman.brenda@epa.gov]; Barton, Justine [Barton.Justine@epa.gov]
Subject: RE: Snow Creek Estuary / Discovery Bay -- FW: OERA Hot Topics

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Linda Anderson-Carnahan, Associate Director
Office of Environmental Review and Assessment
US EPA Region 10, OERA-202-1, Suite 900
1200 Sixth Ave, Seattle, Wa. 98101
phone: (206) 553-2601
cell: (206) 291-6879

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---

From: Bachman, Brenda
Sent: Monday, August 08, 2016 1:08 PM
To: Barton, Justine <Barton.Justine@epa.gov>
Cc: Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>
Subject: RE: Snow Creek Estuary / Discovery Bay -- FW: OERA Hot Topics

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Brenda

From: Barton, Justine
Sent: Monday, August 08, 2016 1:03 PM
To: Bachman, Brenda <bachman.brenda@epa.gov>
Subject: FW: Snow Creek Estuary / Discovery Bay -- FW: OERA Hot Topics

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

---

Justine Barton | U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue ms OERA 202-3 | Seattle, WA 98101 | 206.553.6051 | barton.justine@epa.gov

---

From: Barton, Justine
Sent: Monday, August 08, 2016 10:47 AM
To: Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>
Subject: Snow Creek Estuary / Discovery Bay -- FW: OERA Hot Topics

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Justine Barton | U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue ms OERA 202-3 | Seattle, WA 98101 | 206.553.6051 | barton.justine@epa.gov

From: Allnutt, David
Sent: Friday, August 05, 2016 11:06 AM
To: R10-ORA <R10-ORA@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>
Subject: OERA Hot Topics

For the week of August 8, 2016

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:_

High Tide Line: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Jim Jacobson, the chief of Seattle District's Water Management Section, is briefing Col. Buck on August 12 in preparation for an August 22 meeting with Gen. Spellmon and Will Stelle. According to Jim, the August 22 meeting will cover other topics in addition to this one. Contacts: Michael Szerlog (3-0279) and Peter Murchie (3 -1148).

For the ET Notes from July 19 Extended ET Meeting Roundtable

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

<< OLE Object: Picture (Device Independent Bitmap) >>

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

<< OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >>

Message

From: Anderson-Carnahan, Linda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C34CC9BE6AB74896B7EA15338CBE41EB-ANDERSON-CARNAHAN, LINDA]
Sent: 7/28/2016 8:34:07 PM
To: Islam, Mahbubul [Islam.Mahbubul@epa.gov]
Subject: RE: Hot Issues

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Linda Anderson-Carnahan, Associate Director
Office of Environmental Review and Assessment
US EPA Region 10, OERA-202-1, Suite 900
1200 Sixth Ave, Seattle, Wa. 98101
phone: (206) 553-2601
cell: (206) 291-6879

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---

From: Islam, Mahbubul
Sent: Thursday, July 28, 2016 1:28 PM
To: Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: FW: Hot Issues

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Mahbubul Islam
Unit Manager, Environmental Characterization Unit
Office of Environmental Review and Assessment
US EPA Region 10
Tele: 206/553-6985
Cell: 206/330-6743

From: Hedgpeth, Zach
Sent: Thursday, July 28, 2016 1:26 PM
To: Islam, Mahbubul <Islam.Mahbubul@epa.gov>
Subject: FW: Hot Issues

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Zach Hedgpeth, PE
206-553-1217

From: Anderson-Carnahan, Linda
Sent: Thursday, July 28, 2016 12:59 PM
To: R10-ORA
Cc: Allnutt, David; Schuster, Cindy; Murchie, Peter; Edmondson, Lucy; Barber, Anthony; Augustine, Scott; Edmond, Lorraine; Elleman, Robert; Hall, Chris; Hayslip, Gretchen; Hedgpeth, Zach; Herger, Lillian; Islam, Mahbubul; Kotchenruther, Robert; Leinenbach, Peter; Lopez-Baird, James; Siwiec, Tim; Anderson-Carnahan, Linda; Brown, Donald M.; Cox, Michael; Manaloor, Valsala; Salazar, Viccy; Talley, Dana; Tyson, Linda; Allen, Elizabeth; Bailey, Marcia; Fuentes, Rene; Gerhart, Rebecca; Goulet, Joe; Jankowski, Mark; Kissinger, Lon; Latier, Andrea; Nwosu, Julius; Shephard, Burt;

Stifelman, Marc; Wroble, Julie; Zavala, Bernie; Bailey, Stephanie; Dodo, Gerald; Leider, Jennifer; Morris, Tony; Pepich, Barry; Roach, Matthew; Dean, Heather; DeGering, Tracy; Douglas, Mark; LaCroix, Matthew; Martin, Gayle; Nadeau, Tracie; Storm, Linda; Szerlog, Michael; Thiesing, Mary; Whitley, Annie; Young, Margo; Barton, Justine; Curtis, Jennifer; Hoffman, Erika; Hood, Lynne; Kubo, Teresa; Littleton, Christine; Lohrman, Bridgette; Mbabaliye, Theogene; Meade, Chris; Peterson, Erik; Somers, Elaine; Cope, Ben; Crawford, Jennifer; Eckley, Chris; Filippini, Mark; Januch, Jed; Matheny, Don; Pedersen, Rob; Richmond, Brent; Wu, Raymond; Adams, Katie; Billings, Melissa; Coogan, Patricia; Le, Stephanie; McBride, Theresa; Pace, Christopher; Reimer, Steve; Walker, Dana M.; Wood, Doug
Subject: Hot Issues

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:
High Tide Line **Deliberative Process / Ex. 5**
Deliberative Process / Ex. 5
Deliberative Process / Ex. 5 Jim Jacobson, Chief of Seattle District's Water Management Section, is briefing Colonel Buck on August 12, before meeting with General Spellmon and Will Stelle on August 22. According to Jim, the August 22 meeting will cover other topics as well. The Puget Sound Team is inquiring whether Dennis can call into that part of the meeting. Contacts: Michael Szerlog (3-0279) and Peter Murchie (3 -1148)

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

For the ET Notes from July 19 Extended ET Meeting Roundtable

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Anderson-Carnahan, Linda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C34CC9BE6AB74896B7EA15338CBE41EB-ANDERSON-CARNAHAN, LINDA]
Sent: 9/22/2016 9:24:58 PM
To: R10-ORA [R10-ORA@epa.gov]
CC: Allnutt, David [Allnutt.David@epa.gov]
Subject: hot issues

This week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

High Tide Line (HTL): The HTL interagency workgroup met to address the questions posed by Army Corps General Spellmon. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Contacts: Michael Szerlog (3-0279) and Heather Dean (1-3490)

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Anderson-Carnahan, Linda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C34CC9BE6AB74896B7EA15338CBE41EB-ANDERSON-CARNAHAN, LINDA]
Sent: 9/22/2016 12:08:24 AM
To: Somers, Elaine [somers.elaine@epa.gov]
Subject: Re: OERA Managers Meeting Notes

Yes, sadly I won't be able to attend now - sorry.

Sent from my iPhone

On Sep 21, 2016, at 4:54 PM, Somers, Elaine <somers.elaine@epa.gov> wrote:

> Hi, Linda,
> Per the OERA Managers Meeting Notes below, it looks like you will be in DC during the week of the Region 10 NEPA Training? We had the 'go-ahead' for you to audit the course, and first to be assigned an opening if there were any cancellations. Just thought I should confirm with you that you won't be available for the training? (It would have been *great* to have you there!)
> Elaine
>
> ---
>
> **From:** Peterson, Erik
> **Sent:** Wednesday, September 21, 2016 2:57 PM
> **To:** Barton, Justine <Barton.Justine@epa.gov>; Curtis, Jennifer <Curtis.Jennifer@epa.gov>; Somers, Elaine <somers.elaine@epa.gov>; Harris, Sydney <harris.sydney@epa.gov>; Hoffman, Erika <Hoffman.Erika@epa.gov>; Hood, Lynne <Hood.Lynne@epa.gov>; Kubo, Teresa <Kubo.Teresa@epa.gov>; Littleton, Christine <Littleton.Christine@epa.gov>; Lohrman, Bridgette <lohrman.bridgette@epa.gov>; Mbabaliye, Theogene <Mbabaliye.Theogene@epa.gov>; Meade, Chris <Meade.Chris@epa.gov>; Wright, Wendy <Wright.Wendy@epa.gov>
> **Subject:** OERA Managers Meeting Notes
>
> Fresh off the presses, OERA Managers Meeting Notes!

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Personal Matters / Ex. 6

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

ARU – continue to work with Corps on high tide line. End of October is the deadline for their report. Tribes have asked to consult with EPA on our 401 certification of the Corps' Nationwide Permits. Nationwide Permit consultation with EPA is separate from Corps' consultation.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

<image001.jpg>

Erik Peterson, Life Scientist
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-6382

Message

From: Anderson-Carnahan, Linda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C34CC9BE6AB74896B7EA15338CBE41EB-ANDERSON-CARNAHAN, LINDA]
Sent: 8/13/2015 7:55:15 PM
To: Allnutt, David [Allnutt.David@epa.gov]
Subject: RE: hot issues and schedule

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Linda Anderson-Carnahan, Acting Director
Office of Ecosystems, Tribal and Public Affairs
US EPA Region 10, ETPA-087, Suite 900
1200 Sixth Ave, Seattle, Wa. 98101
phone: (206) 553-2601
cell: (206) 291-6879

Follow @EPAnorthwest on Twitter! https://twitter.com/EPAnorthwest

From: Allnutt, David
Sent: Thursday, August 13, 2015 12:41 PM
To: Anderson-Carnahan, Linda
Subject: RE: hot issues and schedule

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

R. David Allnutt, Acting Regional Counsel
Office of Regional Counsel
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

From: Anderson-Carnahan, Linda
Sent: Thursday, August 13, 2015 11:56 AM
To: R10-ORA
Cc: Allnutt, David
Subject: hot issues and schedule

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

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Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Clean Water Rule: Region 10 will hold a meeting with all four Corps Districts and the NW Division on August 17 to develop a common understanding of specific Regional/District Clean Water Rule implementation issues and how they relate to the National Questions & Answers; and to agree on possible dates for in-person Corps/EPA meeting/field visits for problematic sites. The outcome of the meeting should inform the national Q&A effort. The outstanding high tide line issue has already been raised in different venues. Contact: Heather Dean (1-3490) and Michael Szerlog (3-0279)

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Soscia, Marylou [Soscia.Marylou@epa.gov]
Sent: 9/16/2015 5:33:48 PM
To: Poland, Melody [Poland.Melody@epa.gov]
CC: Barber, Anthony [Barber.Anthony@epa.gov]
Subject: FW: OWW Meeting Highlights 9/14-15/2015

Melody:

See my OWW report for hot issues you may want to use for this week's report.

ml

Mary Lou Soscia | Columbia River Coordinator | US EPA
805 S.W. Broadway, Suite 500 | Portland, OR 97205
503.326.5873
www.epa.gov/columbiariver | https://twitter.com/EPAcolumbia

From: Jennings, Marie
Sent: Tuesday, September 15, 2015 6:00 PM
To: Chung, Angela; Bonifacino, Gina; Psyk, Christine; Opalski, Dan; Croxton, Dave; Jennings, Marie; Lidgard, Michael; VanHaagen, Paula; Chin, Joanne; Fisher, Kenneth; Helder, Dirk; Henszey, Jo; Palmer, John; Patheal-Centenera, Bella; Reichgott, Christine; Salter, Joel; Soscia, Marylou; Steiner-Riley, Cara; Szerlog, Michael
Cc: Chan-Chau, Nora
Subject: OWW Meeting Highlights 9/14-15/2015

OWW Management Meeting Highlights – September 14, and 15, 2015

Immediate Office
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line
Enforcement, Media, Legal, and other Water Programs
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Aquatic Resource Unit – Michael Szerlog – We are continuing and now have interagency meetings with the COE every two weeks on Thursday. We are discussing the high tide line. What are regions and districts using for the high tide line? Deliberative Process / Ex. 5 Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Operations Offices

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

ET Download

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Marie J

Message

From: Lohrman, Bridgette [lohrman.bridgette@epa.gov]
Sent: 8/15/2016 5:26:27 PM
To: R10-OOO Mail Group [R10OOO_Mail_Group@epa.gov]
Subject: FW: OERA Hot Topics - EPA GeoPlatform GIS Training

Hi!

Just in case you didn't see the announcement on the R10 homepage. See information below for the webinar training from the Region's GIS team about EPA's GeoPlatform On-line.

-Bridgette

Bridgette Lohrman | Ecologist |U.S. Environmental Protection Agency
Oregon Operations Office | 805 SW Broadway, Suite 500 | Portland, OR 97205 | 503.326.4006 | lohrman.bridgette@epa.gov

---

From: Siwiec, Tim
Sent: Monday, August 15, 2016 10:10 AM
To: Lohrman, Bridgette <lohrman.bridgette@epa.gov>
Cc: Barton, Justine <Barton.Justine@epa.gov>; Hoffman, Erika <Hoffman.Erika@epa.gov>; Meade, Chris <Meade.Chris@epa.gov>; Harris, Sydney <harris.sydney@epa.gov>
Subject: RE: OERA Hot Topics

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Lohrman, Bridgette
Sent: Monday, August 15, 2016 10:03 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Cc: Barton, Justine <Barton.Justine@epa.gov>; Hoffman, Erika <Hoffman.Erika@epa.gov>; Lohrman, Bridgette <lohrman.bridgette@epa.gov>; Meade, Chris <Meade.Chris@epa.gov>; Harris, Sydney <harris.sydney@epa.gov>
Subject: FW: OERA Hot Topics

Hi Tim --

I saw your announcement about the GeoPlatform GIS tool session in the email below. Will this be held as a webinar so folks outside the Regional Office can participate? I would like to attend.

Thanks for putting this training together.

-Bridgette

Bridgette Lohrman | Ecologist |U.S. Environmental Protection Agency
Oregon Operations Office | 805 SW Broadway, Suite 500 | Portland, OR 97205 | 503.326.4006 | lohrman.bridgette@epa.gov

---

From: Allnutt, David
Sent: Thursday, August 11, 2016 6:03 PM
To: R10-ORA <R10-ORA@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>
Subject: OERA Hot Topics

For the week of August 15, 2016

This Week:

High Tide Line: On August 22, Gen. Spellmon of the Army Corps of Engineers' Pacific Northwest Division is meeting with Will Stelle and Col. Buck of the Corps' Seattle District. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Dennis will be calling into the meeting. Contacts: Michael Szerlog (3-0279) and Peter Murchie (3 -1148).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

For the ET Notes from August 8 ET Meeting Roundtable

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line: Today (August 8), Heather Dean briefed management of OW's Wetlands Division on th Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

R. David Allnutt, Director

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Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

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Message

From: Barton, Justine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6ECA89E73A464FD287A64622A9CB5C74-BARTON, JUSTINE]
Sent: 8/9/2016 7:38:25 PM
To: Littleton, Christine [Littleton.Christine@epa.gov]
Subject: FW: Document
Attachments: HTL Report-Final Draft (003) Dredged Material Management w JB.pdf

Teena – Here's the document discussing jurisdiction for 404. JB

Justine Barton | U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue ms OERA 202-3 | Seattle, WA 98101 | 206.553.6051 | barton.justine@epa.gov

From: Barton, Justine
Sent: Tuesday, August 09, 2016 10:54 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Erika Hoffman <Hoffman.Erika@epa.gov>
Subject: RE: Document

Here are some initial thoughts on the highlighted areas (I added a couple of highlights). Bottom line is we need to

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 JB

Justine Barton | U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue ms OERA 202-3 | Seattle, WA 98101 | 206.553.6051 | barton.justine@epa.gov

From: Szerlog, Michael
Sent: Tuesday, August 09, 2016 8:46 AM
To: Barton, Justine <Barton.Justine@epa.gov>
Subject: Document

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Barton, Justine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6ECA89E73A464FD287A64622A9CB5C74-BARTON, JUSTINE]
Sent: 8/9/2016 2:30:35 PM
To: Bachman, Brenda [bachman.brenda@epa.gov]
CC: Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]
Subject: RE: Snow Creek Estuary / Discovery Bay -- FW: OERA Hot Topics

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Justine Barton | U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue ms OERA 202-3 | Seattle, WA 98101 | 206.553.6051 | barton.justine@epa.gov

From: Bachman, Brenda
Sent: Monday, August 08, 2016 1:08 PM
To: Barton, Justine <Barton.Justine@epa.gov>
Cc: Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>
Subject: RE: Snow Creek Estuary / Discovery Bay -- FW: OERA Hot Topics

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Brenda

From: Barton, Justine
Sent: Monday, August 08, 2016 1:03 PM
To: Bachman, Brenda <bachman.brenda@epa.gov>
Subject: FW: Snow Creek Estuary / Discovery Bay -- FW: OERA Hot Topics

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Justine Barton | U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue ms OERA 202-3 | Seattle, WA 98101 | 206.553.6051 | barton.justine@epa.gov

From: Barton, Justine
Sent: Monday, August 08, 2016 10:47 AM
To: Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>
Subject: Snow Creek Estuary / Discovery Bay -- FW: OERA Hot Topics

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Justine Barton | U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue ms OERA 202-3 | Seattle, WA 98101 | 206.553.6051 | barton.justine@epa.gov

From: Allnutt, David
Sent: Friday, August 05, 2016 11:06 AM
To: R10-ORA <R10-ORA@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>
Subject: OERA Hot Topics

For the week of August 8, 2016

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:_

High Tide Line: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Jim Jacobson, the chief of Seattle District's Water Management Section, is briefing Col. Buck on August 12 in preparation for an August 22 meeting with Gen. Spellmon and Will Stelle. According to Jim, the August 22 meeting will cover other topics in addition to this one. Contacts: Michael Szerlog (3-0279) and Peter Murchie (3 -1148).

For the ET Notes from July 19 Extended ET Meeting Roundtable

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

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OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

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R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

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Message

From: Barton, Justine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6ECA89E73A464FD287A64622A9CB5C74-BARTON, JUSTINE]
Sent: 8/11/2015 8:39:54 PM
To: Reichgott, Teena [reichgott.christine@epa.gov]
Subject: FW: Briefing materials for RA briefing on Monday afternoon--
Attachments: 1979-civiletti-memorandum.pdf; Earthjustice Petition re High Tide Line and Request for JD (July 24, 201....pdf; Ltr to WA Gov Inslee re CWA MHHW HAT-JUL 16 2015.pdf; Ltr. to Will Stelle re. ESA, CWA, MHHW, HAT-JUL 16, 2015.pdf; OHWM v MHHW on high energy marine.ppt; RA briefing Earthjustice petition V 8-5-15.docx; Sea level rise, tidal datums.docx

I haven't had the chance to go through these yet but thought I would pass along. I can share a summary with the unit once I have a chance to review. JB

From: Szerlog, Michael
Sent: Monday, August 10, 2015 1:56 PM
To: Barton, Justine
Subject: FW: Briefing materials for RA briefing on Monday afternoon--

Justine,

Besides these materials, we plan to provide some GIS maps.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Thiesing, Mary
Sent: Thursday, August 06, 2015 10:18 AM
To: Magorrian, Matthew
Cc: Szerlog, Michael; Anderson-Carnahan, Linda; Dean, Heather; Storm, Linda; Szalay, Endre; Steiner-Riley, Cara; Allnutt, David; Opalski, Dan; Bonifaci, Angela; Rylko, Michael; Kowalski, Ed; Kenknight, Jeff; Byron, Carrie; Dunbar, Bill; Pirzadeh, Michelle; Psyk, Christine; Barber, Anthony; Davies, Lauris
Subject: Briefing materials for RA briefing on Monday afternoon--

Matt,

Attached are the briefing materials for our 3:15 8/10 afternoon briefing with Dennis on the response to the Earthjustice petition (Use of HAT vs. MHHW). The briefing paper pretty much covers everything; however, the other materials may be useful as reference. We also expect to be able to provide GIS mapping of the differences between Hightest Astronomical Tide vs. Mean High Higher Water for a couple of different reference points around Puget

Sound—OEA is working on these now, and I will forward copies as soon as I have them. Please don't hesitate to contact me with any questions. And thanks for all your help.

Mary Anne Thiesing
Regional Wetland Ecologist
(206) 553-6114
(b) (6) cell)
thiesing.mary@epa.gov

Message

From: Goodin, John [Goodin.John@epa.gov]
Sent: 8/23/2016 5:32:41 PM
To: Nandi, Romell [Nandi.Romell@epa.gov]; Miller, Clay [Miller.Clay@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
CC: Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Downing, Donna [Downing.Donna@epa.gov]
Subject: RE: Region 10 Finalizing agenda topics

Got it! I'll plan to go.

Sent from my Windows Phone

From: Nandi, Romell
Sent: 8/23/2016 1:23 PM
To: Goodin, John; Miller, Clay; Eisenberg, Mindy
Cc: Best-Wong, Benita; Downing, Donna
Subject: RE: Region 10 Finalizing agenda topics

John – the meeting is today. At 3pm.

From: Goodin, John
Sent: Tuesday, August 23, 2016 1:23 PM
To: Nandi, Romell <Nandi.Romell@epa.gov>; Miller, Clay <Miller.Clay@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Cc: Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>
Subject: RE: Region 10 Finalizing agenda topics

Short answer: Topic OK and we have some info. I can attend tomorrow if helpful.

Sent from my Windows Phone

From: Nandi, Romell
Sent: 8/23/2016 12:14 PM
To: Goodin, John; Miller, Clay; Eisenberg, Mindy
Cc: Best-Wong, Benita
Subject: FW: Region 10 Finalizing agenda topics

John/Clay:

I left John a VM on this: Benita is attending a R10 Review meeting that was just put on the calendar for **today at 3pm**, with Mike Shapiro and Dan Opalski on the line. See Laura Drummond's email below – Mike will want a HQ perspective on the 404 issue submitted by the Region (including whether this is important enough to have on the agenda proper).

Can you send Benita (and cc me) something on this so she can give our perspective to Mike? John – if you would like to accompany Benita at 3pm to talk about this, let me know – I will forward you the invite. But if you cannot make it, WD should send us some brief TPs ASAP, in time for the 3pm meeting.

Thanks.

Romell
566-1203

From: Drummond, Laura
Sent: Tuesday, August 23, 2016 11:48 AM
To: Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>
Cc: Nandi, Romell <Nandi.Romell@epa.gov>
Subject: RE: Region 10 Finalizing agenda topics

Hello,

During the pre-brief with Mike this morning, he specifically wanted a headquarters perspective on:

- CWA 404 Jurisdiction Issue – Clarification of High Tide line in WA – Puget Sound
    - Interagency workgroup (EPA (404 and Puget Sound), NOAA, and Corps (Seattle District)) to evaluate what tidal datum or elevation to use for High Tide Line.
    - Tribes raising this as a Treaty Rights at Risk issue. In addition, EarthJustice sent EPA a petition on the issue.
    - Sea level rise and new science showing use of tidally-influenced shoreline habitat by forage fish warrant relook at current interpretation.
- CZARA in the states

His primary question is if HQ believes that this topics are important enough for including in the agenda. Please give these topics some though for the meeting this afternoon.

Laura Drummond
Program Analyst – Presidential Management Fellow
U.S. Environmental Protection Agency
Office of Water – Resource Management Staff
Phone – (202) 564-6561

Message

From: Nandi, Romell [Nandi.Romell@epa.gov]
Sent: 8/23/2016 5:23:40 PM
To: Goodin, John [Goodin.John@epa.gov]; Miller, Clay [Miller.Clay@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
CC: Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Downing, Donna [Downing.Donna@epa.gov]
Subject: RE: Region 10 Finalizing agenda topics

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From: Goodin, John
Sent: Tuesday, August 23, 2016 1:23 PM
To: Nandi, Romell <Nandi.Romell@epa.gov>; Miller, Clay <Miller.Clay@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Cc: Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>
Subject: RE: Region 10 Finalizing agenda topics

Short answer: Topic OK and we have some info. I can attend tomorrow if helpful.

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From: Nandi, Romell
Sent: 8/23/2016 12:14 PM
To: Goodin, John; Miller, Clay; Eisenberg, Mindy
Cc: Best-Wong, Benita
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Romell
566-1203

From: Drummond, Laura
Sent: Tuesday, August 23, 2016 11:48 AM
To: Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>
Cc: Nandi, Romell <Nandi.Romell@epa.gov>
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Laura Drummond
Program Analyst – Presidential Management Fellow
U.S. Environmental Protection Agency
Office of Water – Resource Management Staff
Phone – (202) 564-6561

Message

From: Goodin, John [Goodin.John@epa.gov]
Sent: 8/23/2016 5:22:56 PM
To: Nandi, Romell [Nandi.Romell@epa.gov]; Miller, Clay [Miller.Clay@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
CC: Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Downing, Donna [Downing.Donna@epa.gov]
Subject: RE: Region 10 Finalizing agenda topics

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Sent from my Windows Phone

From: Nandi, Romell
Sent: 8/23/2016 12:14 PM
To: Goodin, John; Miller, Clay; Eisenberg, Mindy
Cc: Best-Wong, Benita
Subject: FW: Region 10 Finalizing agenda topics

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Thanks.

Romell
566-1203

From: Drummond, Laura
Sent: Tuesday, August 23, 2016 11:48 AM
To: Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>
Cc: Nandi, Romell <Nandi.Romell@epa.gov>
Subject: RE: Region 10 Finalizing agenda topics

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- CZARA in the states

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Laura Drummond
Program Analyst – Presidential Management Fellow
U.S. Environmental Protection Agency
Office of Water – Resource Management Staff
Phone – (202) 564-6561

Message

From: Wall, Tom [Wall.Tom@epa.gov]
Sent: 8/23/2016 4:49:43 PM
To: Nandi, Romell [Nandi.Romell@epa.gov]; Best-Wong, Benita [Best-Wong.Benita@epa.gov]
Subject: RE: Region 10 Finalizing agenda topics

I had not accepted as it's during the staff consultation time; I'll call in.

From: Nandi, Romell
Sent: Tuesday, August 23, 2016 12:15 PM
To: Wall, Tom <Wall.Tom@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>
Subject: RE: Region 10 Finalizing agenda topics

3pm today. I see it on your calendar.

From: Wall, Tom
Sent: Tuesday, August 23, 2016 12:14 PM
To: Nandi, Romell <Nandi.Romell@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>
Subject: RE: Region 10 Finalizing agenda topics

What time is the call w/ Mike and Dan on agenda topics?

From: Nandi, Romell
Sent: Tuesday, August 23, 2016 12:07 PM
To: Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>
Subject: RE: Region 10 Finalizing agenda topics
Importance: High

I'll get input from John on the first issue; presumably, Tom you can get input from Lynda or Don on CZARA (are you attending this afternoon?).

Romell

From: Drummond, Laura
Sent: Tuesday, August 23, 2016 11:48 AM
To: Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>
Cc: Nandi, Romell <Nandi.Romell@epa.gov>
Subject: RE: Region 10 Finalizing agenda topics

Hello,

During the pre-brief with Mike this morning, he specifically wanted a headquarters perspective on:

- CWA 404 Jurisdiction Issue – Clarification of High Tide line in WA – Puget Sound
    - Interagency workgroup (EPA (404 and Puget Sound), NOAA, and Corps (Seattle District)) to evaluate what tidal datum or elevation to use for High Tide Line.
    - Tribes raising this as a Treaty Rights at Risk issue. In addition, EarthJustice sent EPA a petition on the issue.

    - Sea level rise and new science showing use of tidally-influenced shoreline habitat by forage fish warrant relook at current interpretation.
- CZARA in the states

His primary question is if HQ believes that this topics are important enough for including in the agenda. Please give these topics some though for the meeting this afternoon.

Laura Drummond
Program Analyst – Presidential Management Fellow
U.S. Environmental Protection Agency
Office of Water – Resource Management Staff
Phone – (202) 564-6561

From: Drummond, Laura
Sent: Tuesday, August 23, 2016 11:17 AM
To: Nagle, Deborah <Nagle.Deborah@epa.gov>; Frace, Sheila <Frace.Sheila@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Behl, Betsy <Behl.Betsy@epa.gov>; Hisel-Mccoy, Sara <Hisel-McCoy.Sara@epa.gov>
Cc: Greene, Ashley <Greene.Ashley@epa.gov>; Nandi, Romell <Nandi.Romell@epa.gov>; Conerly, Octavia <Conerly.Octavia@epa.gov>; Eddy, Elizabeth <Eddy.Elizabeth@epa.gov>; Gollan, Christopher <Gollan.Christopher@epa.gov>; Vazquez, Sharon <Vazquez.Sharon@epa.gov>
Subject: Region 10 Finalizing agenda topics

Hello,

I apologize for the late notice on this meeting, but Mike would like you to attend the conference call with Region 10 this afternoon to discuss agenda topics for the upcoming Region 10 visit. This way if any Office specific issues arise, you are able to provide feedback in the room. Attached are several documents that will be discussed during the meeting including a comparison chart of the different regional and headquarters proposed topics and a "mind map" of the different topics. Please let me know if you have any additional questions.

Thanks!
Laura Drummond
Program Analyst – Presidential Management Fellow
U.S. Environmental Protection Agency
Office of Water – Resource Management Staff
Phone – (202) 564-6561

Message

From: Goodin, John [Goodin.John@epa.gov]
Sent: 4/26/2016 1:29:01 PM
To: Beauvais, Joel [Beauvais.Joel@epa.gov]; Best-Wong, Benita [Best-Wong.Benita@epa.gov]
CC: Peck, Gregory [Peck.Gregory@epa.gov]; Gilinsky, Ellen [Gilinsky.Ellen@epa.gov]; Wright, Felicia [Wright.Felicia@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Downing, Donna [Downing.Donna@epa.gov]
Subject: FW: Daily Reading File: April 25, 2016
Attachments: Daily Reading File.4.25.16.pdf

Thanks, Joel. Region 10 has been engaging with their Corps Districts, NOAA, and others to see if they could agree on an approach to the high tide line issue, given the variety of views, data available, and historical application here. We will coordinate with OGC and Region 10 on their response to the incoming, which may also serve to prompt a briefing for you in the next couple of weeks.
Thanks
John

From: Beauvais, Joel
Sent: Tuesday, April 26, 2016 9:06 AM
To: Peck, Gregory <Peck.Gregory@epa.gov>; Gilinsky, Ellen <Gilinsky.Ellen@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Wright, Felicia <Wright.Felicia@epa.gov>
Subject: FW: Daily Reading File: April 25, 2016

See attached letter from NW Indian Fisheries Commission

Correspondence Management System
Control Number: AX-16-000-7241
Printing Date: April 25, 2016 03:17:23

Citizen Information

Citizen/Originator: **Green, Jennifer**
Organization: Northwest Indian Fisheries Commission
Address: 6730 Martin Way East, Olympia, WA 98516

Loomis, Lorraine
Organization: Northwest Indian Fisheries Commission
Address: 6730 Martin Way East, Olympia, WA 98516-5540

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

Control Information

Control Number:	AX-16-000-7241	**Alternate Number:**	N/A
Status:	Pending	**Closed Date:**	N/A
Due Date:	May 10, 2016	**# of Extensions:**	0
Letter Date:	Apr 22, 2016	**Received Date:**	Apr 22, 2016
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	EML (E-Mail)	**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 - Daily Reading File - Federal Obligation to Interpret Section 404 Geographic Scope to the Highest Astronomical Tide Line to Help Protect Treaty Rights
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: Matthew Klasen - OCIR-CA-WPTT
OITA - Office of International and Tribal Affairs
OPA - Office of Public Affairs
OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Jacqueline Leavy	OEX	R10	Apr 25, 2016	May 10, 2016	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.			

Northwest Indian Fisheries Commission

6730 Martin Way E., Olympia, Washington 98516-5540
Phone (360) 438-1180 www.nwifc.org FAX # 753-8659

April 22, 2016

Ms. Gina McCarthy, Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Mail Code 1101A
Washington, D.C. 20460

Mr. Dennis McLerran, Regional Administrator
U.S. EPA, Region 10
1200 6th Avenue, Suite 900
Seattle, WA 98101

Re: Federal Obligation to Interpret Section 404 Geographic Scope to the Highest Astronomical Tide Line to Help Protect Treaty Rights

Dear Administrator McCarthy and Regional Administrator McLerran:

Since the inception of Treaty Rights at Risk, the Northwest Indian Fisheries Commission and its member tribes have been working with the EPA, Corps of Engineers, National Marine Fisheries Service, and Natural Resources Conservation Service to better align federal actions and programs with protection and restoration of tribal treaty rights and achievement of water quality standards. This is necessary because current federal and state salmon protection efforts have placed the lion's share of the burden of protecting naturally produced salmon on treaty fisheries while failing to require reasonable and commensurate conservation actions by those who would damage the habitat on which treaty fisheries depend. An important initial step to begin rectifying this imbalance is for EPA to require that the Corps of Engineers Seattle District fully apply the Clean Water Act's jurisdiction to issue section 404 permits to protect marine shorelines up to the level of the highest astronomical tide.

Since 1979 with the publication of the Civiletti Memorandum, EPA has been acknowledged as the agency responsible for interpretation of the geographic scope of the Corps' jurisdiction under Clean Water Act Section 404.[1] In exercising its authorities under the Clean Water Act, EPA has a trust responsibility to uphold relevant Indian treaties. This means that, in using its authorities to construe the Clean Water Act, EPA must do so in a manner that is consistent with meeting the letter and spirit of the federal government's treaties with Indian tribes. EPA acknowledges this in its recently-adopted Policy on Consultation and Coordination with Indian tribes where it states that treaties are part of the supreme law of the land and that "treaties should be construed liberally in

[1] *See* 43 Op. Att'y Gen. 197 (1979) (Civiletti Memorandum)

favor of tribes, giving effect to the treaty terms as tribes would have understood them, with ambiguous provisions interpreted for their benefit."[2]

EPA's policy is careful to note that its treaty rights guidance does not "expand the authorities granted by EPA's underlying statutes." Recognizing EPA's position on this matter, the Commission is not asking EPA to take action beyond that already authorized by the Clean Water Act. Instead, we are simply requesting that EPA – and the Corps of Engineers – fully utilize all of their existing authorities in a manner that gives full effect to the treaty terms as tribes would have understood them. At a minimum, this means two things. First, EPA must not cede to the Corps its Clean Water Act authority to make final jurisdiction determinations on matters that affect treaty rights. Second, it means the substance of these determinations must implement treaty rights to the maximum extent possible consistent with the authorities that have been granted to EPA (and the Corps). Consequently, as stated in the Civiletti Memorandum and also reflected in EPA's Memorandum of Agreement with the Corps of Engineers, it must be EPA – not the Corps of Engineers – that makes final determinations regarding the geographic scope of the Corps' permitting authority under Section 404. Similarly, the determination of jurisdiction made by EPA must protect treaty resources – salmon and shellfish and the habitat on which they depend – to the maximum extent possible under the Clean Water Act.

Why it is important that the Corps employs the full geographic scope of its Section 404 Authority

The Corps of Engineers' past and present exercise of its Clean Water Act Section 404 permitting authority has resulted in significant impacts to marine shorelines and harm to ESA-listed and treaty-reserved salmon.[3] Harm to marine shorelines is such a serious problem that the Puget Sound Partnership, the state agency charged with facilitating and coordinating recovery of Puget Sound, has identified a key goal of reversing the ongoing process of armoring shorelines by 2020.[4] In 2011, to help implement this goal, the Commission, NMFS, EPA, and the State of Washington all called for the Corps of Engineers to stop expediting shoreline armoring via nationwide permits and other general permits in the marine waters of Puget Sound due to the need to restore nearshore habitat necessary for salmon recovery.[5] The Corps partially complied in 2012 by concluding that

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[2] *See* EPA, Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights (February 2016) at 1.

[3] *See e.g.*, Corps of Engineers, Seattle District, Supplement to the National Decision Document for 2012 Nationwide Permits 11-21 (March 19, 2012) at electronic pages 126-133 (discussing impacts of shoreline armoring). *See also* Petition to Colonel John Buck, Corps of Engineers, Seattle District, and Dennis McLerran, Regional Administrator, EPA, from Earth Justice, Regarding (1) Special Case Determination; and (2) Approved Jurisdictional Determination under §404 of the Clean Water Act (June 24, 2015) at 2-4 (referencing studies and reports documenting the impacts of marine shoreline armoring).

[4] *See e.g.*, Puget Sound Partnership, Report on Puget Sound Vital Signs (2015) at 49.

[5] *See* Letter to Colonel Bruce Estok, Seattle District, Corps of Engineers, from Kate Kelly, Director, Office of Ecosystems, Tribal and Public Affairs, EPA Region 10 (Oct. 3, 2011) at 2 (recommending barring the use of NWP 13 along both marine waters and fish-bearing freshwaters); Letter to Michelle Walker, Regulatory Branch Seattle District, Corps of Engineers, from Steven Landino, Washington State Habitat Director, NMFS (December 20, 2011) at 2 (recommends precluding new shoreline armor or bank stabilization activities in all designated critical habitat and all waters containing ESA-listed species); Letter from Washington Governor Christine Gregoire and Peter Goldmark, Commissioner of Washington Public Lands, to Christine Godfrey , Acting Chief, Environmental Community of Practice, Corps of Engineers, and General John McMahon, Division Commander, Corps of Engineers

nationwide permits had caused cumulative effects on marine shorelines and halting the use of nationwide permits for authorizing new bank stabilization activities in some of the most heavily developed shorelines in Puget Sound, because the Clean Water Act did authorize permits causing such impacts.[6] Unfortunately, the Corps continues to allow streamlined permitting of new shoreline armoring in the best and most important remaining nearshore habitat in Puget Sound and along the coast. In addition – and of critical importance to our current request – at the same time as the Corps continues to streamline incremental degradation of nearshore salmon habitat, it also refuses to exercise jurisdiction over shoreline armoring projects that occur above the mean higher high water jurisdictional limit chosen by the Seattle District, even though such projects can harm salmon habitat.

For some time, NMFS has been urging the Corps to utilize its Section 404 authority and regulate shoreline activities located up to the elevation reached by the highest astronomical tide (HAT). The HAT is the highest level that the tide is expected to reach (in the absence of wind or storm surge) during the 19 year tidal cycle. This is the same elevation that NMFS uses to delineate the upper boundary of its critical habitat designation for salmon in Puget Sound marine waters. As elaborated by NMFS in a letter to the Corps, the marine shoreline area between MHHW and HAT "provides habitat for ESA-listed salmon for migration, feeding, and refuge. It also supports the food webs of salmon and other species."[7] Among these other species are forage fish such as surf smelt and Pacific sand lance. Surf smelt spawning studies in the San Juan Islands [northern Puget Sound] found that 80 percent of incubating eggs were in the upper third of the beach.[8] They can even spawn at the highest part of the beach at the toe of the upland bank, and nearly a third of the eggs were found above the MHHW line.[9]

Additional analysis indicates that existing shoreline armor, when combined with the effects of sea level rise, will likely eliminate a large amount of existing Puget Sound forage fish habitat by the turn of the century. A recent study, making conservative assumptions[10] found that 75% of surf smelt eggs located on armored shorelines would be inundated.[11] In addition to this large loss of surf

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(March 7, 2012) (requesting that all new marine shoreline armoring projects be processed via individual permits rather than NWP 13); Letter to Kristina Tong, Seattle District, Corps of Engineers, from Michael Grayum, Executive Director, NWIFC (April 8, 2011) at 3-6 (documenting the impacts of shoreline armor and bank stabilization actions and recommending that no new projects be authorized by nationwide permit within the fresh or marine waters of the Seattle District).

[6] Corps of Engineers Seattle District, Nationwide Permit Regional General Condition 3 (2012).

[7] *See* Letter to John Kem, Brigadier General, Corps of Engineers, from William Stelle, Jr., Regional Administrator, National Marine Fisheries Service (March 16, 2015) at 2.

[8] Whitman, T., D. Penttila, K. Krueger, P. Dionne, K. Pierce, Jr. and T. Quinn. 2014. Tidal elevation of surf smelt spawn habitat study for San Juan County Washington. Friends of the San Juans, Salish Sea Biological and Washington Department of Fish and Wildlife.

[9] Penttila, D. 2011. Pilot tidal elevation of Surf Smelt spawn study. Prepared for Friends of the San Juans. Friday Harbor, WA.

[10] These assumptions include that: (1) beach morphology (shape and substrate) would remain unchanged by sea level rise; (2) shoreline armor is located at MHHW +1.5 feet; and (3) sea level would not rise more than 27.3 inches. *See infra*, note 11.

[11] *See* Krueger, K.L, Pierce, Jr., K.B., Quinn, Timothy., and Penttila, D.E., 2010 Anticipated Effects of Sea Level Rise in Puget Sound on Two Beach-Spawning Fishes, *in* Shipman, H., Dethier, M.N., Gelfenbaum, G., Fresh, K.L., and Dinicola, R.S., eds., 2010, Puget Sound Shorelines and the Impacts of Armoring – Proceedings of the State of the

smelt spawning habitat, it can also be expected that sea level rise will provoke additional calls for new shoreline armor, thereby exacerbating the predicted impacts further. These direct, indirect, and cumulative effects pose significant threats to the food web and habitat upon which treaty-protected salmon rely. All of this underscores the need for EPA (and the Corps) to implement the geographic scope of the Corps' Section 404 jurisdiction to the full extent of the authority granted by Congress in the Clean Water Act.

The Current Federal Process for Assessing the Corps' Section 404 Jurisdiction Is Not Consistent with EPA's New Treaty Rights Policy.

At the March 8 meeting with representatives of the Commission and several member tribes, the regional representatives of EPA, NMFS, and the Corps announced that their agencies had initiated a closed process to evaluate alternative demarcations of the Corps of Engineers Seattle District's Section 404 geographic permitting jurisdiction. They also stated that the end result will be a recommendation to the General in charge of the Corps' Pacific Northwest Division who will make the final decision. Rather than committing to fully implement the authority granted by Congress to achieve the goals of the Clean Water Act and protect treaty-reserved resources, EPA and the other agencies have offered up a process of indeterminate duration with unidentified criteria whereby they may consider alternative jurisdictional boundary lines, including maintaining the inadequate status quo, and then allowing the Corps to make the final decision. This approach ignores EPA's statutory and trust obligations to interpret the Clean Water Act to fully protect both the designated uses and the tribes' treaty-reserved rights.

Accordingly, we respectfully request that EPA use its existing statutory authority to require the Corps of Engineers to fully utilize the geographic jurisdiction available to it under §404 to maximize the protection of water quality and treaty resources under the Clean Water Act, both within Puget Sound and along the Washington coast. We would appreciate hearing back from you by May 31st so that we can assess whether our request needs to be elevated further as an important issue raised by the tribes' Treaty Rights at Risk initiative.

Sincerely,

Lorraine Loomis

Lorraine Loomis,
Chairperson

cc: NWIFC Commissioners
William Stelle, Jr., NOAA Fisheries
Colonel John Buck, Corps of Engineers Seattle District

Science Workshop, May 2009: U.S. Geological Survey Scientific Investigations Report 2010-5224, p.171-178 (accessed on April 21, 2016 at: http://pubs.usgs.gov/sir/2010/5254/pdf/sir20105254_chap17.pdf).

Correspondence Management System
Control Number: AX-16-000-7256
Printing Date: April 25, 2016 03:25:41

Citizen Information

Citizen/Originator: **Cook, Kenneth A.**
Organization: Environmental Working Group
Address: 1436 U Street NW Suite 100, Washington, DC 20009

Cluderay, Thomas
Organization: Environmental Working Group
Address: 1436 U Street, NW, Washington, DC 20009

Walker, Bill
Organization: Environmental Working Group
Address: 1436 U Street, NW, Washington, DC 20009

Andrews, Dave
Organization: Environmental Working Group
Address: 1436 U Street, Washington, DC 20009

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

Control Information

Control Number:	AX-16-000-7256	**Alternate Number:**	N/A
Status:	Pending	**Closed Date:**	N/A
Due Date:	May 9, 2016	**# of Extensions:**	0
Letter Date:	Apr 25, 2016	**Received Date:**	Apr 25, 2016
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	AA-OW-Assistant Administrator - OW	**Signature Date:**	N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.
Subject: DRF - Daily Reading File - EPA's efforts to protect the public from widespread PFOA contamination
Instructions: AA-OW-Prepare draft response for signature by the Assistant Administrator for OW
Instruction Note: N/A
General Notes: N/A
CC: Matthew Klasen - OCIR-CA-WPTT
OCIR-ORO - Office of Regional Operations
OPA - Office of Public Affairs
R1 - Region 1 -- Immediate Office
R2 - Region 2 -- Immediate Office
R3 - Region 3 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Ken Labbe	OEX	OW	Apr 25, 2016	May 9, 2016	N/A
	Instruction: AD-Prepare draft response for the Administrator's signature				

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
Ken Labbe	OEX	Assign OW as lead office	Apr 25, 2016
Ken Labbe	OEX	Changed Signature AD-Administrator AA-OW-Assistant Administrator - OW	Apr 25, 2016
Ken Labbe	OEX	Changed Instruction AD-Prepare draft response for the Administrator's signature AA-OW-Prepare draft response for signature by t	Apr 25, 2016

Comments

Commentator	Comment	Date
No Record Found.		

April 25, 2016

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: EPA's Efforts to Protect the Public from Widespread PFOA Contamination

Dear Administrator McCarthy,

We respectfully submit this letter on behalf of the Environmental Working Group to raise concerns about the U.S. Environmental Protection Agency's handling of the ongoing public health crisis stemming from perfluorooctanoic acid (PFOA) contamination of drinking water. In the 15 years since PFOA contamination first came to the agency's attention, the known scope of contamination has gone from a regional problem to a national public health crisis that continues to widen, with no apparent end in sight:

- EPA was *first alerted in 2001* to the severe PFOA contamination of public water systems in the vicinity of DuPont's Washington Works plant in Parkersburg, W.Va., located in the heart of the mid-Ohio River Valley.[1] That revelation prompted a class-action lawsuit against DuPont on behalf of 70,000 residents of the region, the settlement of which is funding the filtration of six public water system in an effort to make the water drinkable. Of course, it should be noted that two of the largest and currently most contaminated systems were excluded from that mitigation effort. Further, the pollution remains widespread in the surrounding environment.
- Regulators are now detecting PFOA contamination in a growing string of small towns and private wells in New England, after a private citizen discovered the chemical in the drinking water of Hoosick Falls, N.Y.[2] EPA has issued a special advisory to Hoosick Falls citizens, urging them not to drink water contaminated at a level *75 percent lower* than the Agency's 2009 nationwide provisional health advisory level. EPA has not issued the lower-level advisory for other locations, even though the agency is well aware of the ongoing problem in Parkersburg and recent test results collected throughout the country.
- Since 2013, testing under EPA's "Unregulated Contaminant Monitoring Rule" has detected PFOA in more than 100 public water systems serving almost seven million people in 27 states, at average levels *five to 174 times more* than current independent

[1] Letter from Robert A. Bilott, Partner, Taft, Stettinius & Hollister LLP, to Christine T. Whitman, Administrator, U.S. Envtl. Prot. Agency, et al. (Mar. 6, 2001) (on file with Envtl. Working Group).
[2] Cameron McWhirter & Mike Vilensky, "Vermont Officials Find Widespread Contamination in Water Wells Near Chemical Plant," Wall St. J., Mar. 15, 2016, http://www.wsj.com/articles/vermont-officials-find-widespread-contamination-in-water-wells-near-chemical-plant-1458081521.

peer-reviewed research says is safe.[3] Although those findings are disconcerting in and of themselves, the unfortunate truth is that the full extent of nationwide PFOA contamination remains unknown — not only due to EPA's decision to overlook levels of PFOA below a certain threshold in its testing protocols, but also the fact that the UCMR only covers a miniscule number of small public water systems, and does not encompass private wells.

EWG, which has been investigating, analyzing and reporting on PFOA and related issues since 2002, fully appreciates the magnitude and complexity of this issue. That said, we remain deeply troubled by the agency's glacial pace and uneven approach to protecting the public from this highly persistent, bioaccumulative and toxic chemical. In particular, it escapes all logic as to why EPA would issue conflicting health advisory levels for PFOA, which are leading to confusion and varied responses to the problem. We therefore urge the agency to expeditiously take the following steps:

1. **Act swiftly to establish an enforceable drinking water standard for PFOA as a contaminant under the federal Safe Drinking Water Act;**
2. **At minimum, issue a uniform, health-protective health advisory level for PFOA;**
3. **Utilize results from state-of-the-art testing capabilities to detect PFOA in water without discarding or discounting low-level findings; and**
4. **Draw on available production, use, and disposal information, as well as all available water testing results, to enhance and expand sample testing of community water systems to determine what other localities may be at risk and identify and remediate the sources of water contamination. The agency should not only use all available information, but employ the full extent of its regulatory authority to supplement that information with whatever additional manufacturing, processing, and use data it can compel from companies, voluntarily or otherwise.**

EWG is a national environmental health organization dedicated to empowering people to live healthier lives in a healthier environment. For more than two decades, the organization has used groundbreaking research, education, and advocacy to shape public policy and hold polluters accountable in an effort to protect communities from exposures to toxic chemicals. One of the principal chemicals EWG is concerned with is PFOA. Until recently in the United States, PFOA was used in vast quantities to make Teflon, a substance commonly associated with nonstick cookware, among other products. Its use in a wide array of consumer and industrial products, combined with its remarkable persistence and bioaccumulation, is why the chemical can be found in just about everyone's bodies and bloodstream, as evidenced through biomonitoring.[4] At

[3] Envtl. Working Group, Teflon Chemical Harmful at Smallest Doses (2015), http://www.ewg.org/research/teflon-chemical-harmful-at-smallest-doses [hereinafter Envtl. Working Group, Smallest Doses].
[4] Antonia Calafat et al., "Polyfluoroalkyl Chemicals in the U.S. Population: Data from the National Health and Nutrition Examination Survey (NHANES) 2003–2004 and Comparisons with NHANES 1999–2000," Envtl. Health

the same time, there is clear consensus in the scientific literature that PFOA is linked to cancer, hormone disruption, heart disease, and other adverse health effects.[5]

The reality is that the chemical industry has known about PFOA's potential health effects for decades, yet withheld that information from regulators and the general public — at least until it was uncovered through private litigation. In 2002, EWG published internal company documents unearthed by plaintiffs' attorney Robert Bilott[6] revealing that DuPont, one of the world's biggest chemical producers, secretly tested tap water in Parkersburg, W.Va., near the company's Teflon plant, and found alarming levels of PFOA.[7] DuPont also withheld a study it conducted of plant workers showing that at least two of them had children with birth defects potentially linked to PFOA exposure.[8] True to mission, EWG sought to hold DuPont accountable for its secrecy, petitioning EPA to investigate the company's withholding of those studies,[9] a blatant violation of Section 8(e) of the federal Toxic Substances Control Act,[10] which requires companies to publicly submit such information to the agency. EWG's petition prompted EPA to levy a then-record $16.5 million fine against DuPont[11] — a paltry amount compared to the company's multi-billion dollar annual revenue — yet left unresolved what to do about the widespread contamination in the mid-Ohio River Valley.

Since the agency's fine against DuPont, Mr. Bilott and the public interest community have continued to seek justice for local residents. Litigation continues against DuPont for ravaging the communities' water supplies. Through it, and related settlement efforts, scientists have published even stronger evidence of PFOA's harms to human health.[12] In the face of such information,

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Perspectives, Aug. 29, 2007, http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2072821/ [hereinafter Calafat, "Polyfluoroalkyl"].

[5] Philippe Grandjean & Richard Clapp, "Perfluorinated Alkyl Substances: Emerging Insights Into Health Risks," New Solutions, June 17, 2015, http://new.sagepub.com/content/25/2/147.

[6] Nathaniel Rich, "The Lawyer Who Became DuPont's Worst Nightmare," N.Y. Times, Jan. 6, 2016, http://www.nytimes.com/2016/01/10/magazine/the-lawyer-who-became-duponts-worst-nightmare.html?_r=0. While investigating livestock deaths on a farm near Parkersburg, Mr. Bilott had the prescience to connect the dots back to DuPont's nearby plant, setting in motion one of the most significant efforts to hold big polluters accountable in recent times.

[7] Envtl. Working Group, DuPont Hid Teflon Pollution for Decades (2002), http://www.ewg.org/research/dupont-hid-teflon-pollution-decades.

[8] Id.

[9] Letter from Ken Cook, President, President, Envtl. Working Group, to Christine T. Whitman, Administrator, U.S. Envtl. Prot. Agency (Apr. 11, 2003), http://www.ewg.org/news/testimony-official-correspondence/ewg-tsca-8e-petition-us-epa.

[10] 15 U.S.C. § 2607(e) (Anyone "who manufactures . . . a chemical . . . and who obtains information which reasonably supports the conclusion that such substance . . . presents a substantial risk . . . shall immediately inform the [EPA].").

[11] Press Release, Envtl. Working Grp., EPA Fines Teflon Maker DuPont for Chemical Cover-Up (Dec. 14, 2005), http://www.ewg.org/news/news-releases/2005/12/14/epa-fines-teflon-maker-dupont-chemical-cover.

[12] C8 Science Panel, C8 Probable Link Reports, http://www.c8sciencepanel.org/prob_link.html (last updated Oct. 29, 2012) (last visited Apr. 22, 2016).

eight chemical makers agreed to cease production of PFOA by the end of 2015,[13] although production continues abroad by different manufacturers[14] and it is unclear if products made with PFOA are still being imported into the country. Despite phasing out PFOA, DuPont continues to forestall its promises to clean up the residents' water and provide them with necessary medical monitoring.[15] Further, the environment surrounding the Parkersburg plant remains polluted with the chemical.

For more than a decade, Mr. Bilott, EWG and other stakeholders have written or petitioned EPA to raise concerns similar to those addressed in this letter, urging the agency to do more to protect the health of Americans in the mid-Ohio Valley and elsewhere in the country.[16] Yet, EPA has failed to make any real headway toward establishing a national drinking water standard for PFOA, even though such action would go a long way toward protecting communities from exposures to the chemical. To be fair, in 2009, EPA published a provisional health advisory for the chemical in water.[17] It has since released a draft assessment of PFOA's health effects in 2014,[18] which could lead to the agency updating its advisory or pursuing additional action. However, EPA remains years away at best from establishing a legally enforceable limit.

As the case unfolding in Hoosick Falls, N.Y., illustrates, EPA's action is far too little and far too late, especially considering limitations in the way *unregulated* contaminants are monitored under the Safe Drinking Water Act.[19] The village in upstate New York is too small to have its water system included for testing under the UCMR, which is required only of public water systems serving at least 10,000 customers (plus a limited sampling of smaller systems).[20] In 2014, a resident of Hoosick Falls paid for private testing of his tap water after his father died of kidney cancer.[21] The results showed high levels of PFOA.[22] Although health officials initially

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[13] U.S. Envtl. Prot. Agency, 2010/2015 PFOA Stewardship Program, https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/20102015-pfoa-stewardship-program (last visited Apr. 21, 2016).
[14] Sharon Lerner, "Teflon Toxin Contamination Has Spread Throughout the World," Intercept, Apr. 19, 2016, https://theintercept.com/2016/04/19/teflon-toxin-contamination-has-spread-throughout-the-world/.
[15] Envtl. Working Group, Poisoned Legacy: Holding DuPont to Its Promises (2015), http://www.ewg.org/research/poisoned-legacy/holding-dupont-its-promises.
[16] See, e.g., Letter from Robert A. Bilott, Partner, Taft, Stettinius & Hollister LLP, to Gina McCarthy, Administrator, U.S. Envtl. Prot. Agency, et al. (Mar. 1, 2016) (on file with Envtl. Working Group) (request for immediate investigation, abatement, monitoring, and testing in response to PFOA contamination of cities of Vienna and Parkersburg, W.Va.'s drinking water supply).
[17] U.S. Envtl. Prot. Agency, Provisional Health Advisories for Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) (2009), https://www.epa.gov/sites/production/files/2015-09/documents/pfoa-pfos-provisional.pdf [hereinafter Envtl. Prot. Agency, 2009 Advisory].
[18] U.S. Envtl. Prot. Agency, **Draft**: Health Effects Document for Perfluorooctanoic Acid (PFOA) (2014), https://peerreview.versar.com/epa/pfoa/pdf/Health-Effects-Document-for-Perfluorooctanoic-Acid-(PFOA).pdf.
[19] See infra note 44.
[20] See infra note 45.
[21] Jesse McKinley, "Fears About Water Supply Grip Village That Made Teflon Products," N.Y. Times, Feb. 28, 2016, http://www.nytimes.com/2016/02/29/nyregion/fears-about-water-supply-grip-village-that-made-teflon-products.html [hereinafter McKinley, "Fears"].
[22] Id.

downplayed those results,[23] media coverage and complaints from citizens spurred further testing that found PFOA contamination in nearby North Bennington, Vt., and subsequently in other communities in the region.[24] Analyses have since revealed that the chemical came from two chemical plants in the area formerly operated by Saint-Gobain Performance Plastics, now owned by Honeywell International.[25] That knowledge in turn has informed state officials' testing of other public systems or private wells in locations where Saint-Gobain or related companies are known to have used PFOA. It is reasonable to suspect that further contamination is lurking in other communities' water nationwide, but without complete and reliable information about the locations of all facilities that made, used or disposed of PFOA, state and local authorities do not know where they should conduct additional testing.[26]

Given the magnitude of this problem, EWG again calls on EPA to effectively protect the public from the harms of PFOA contamination. Specifically, we ask EPA to take the following steps:

1. **Act swiftly to establish an enforceable drinking water standard for PFOA under the Safe Drinking Water Act.**

Congress passed the Safe Drinking Water Act in 1974 so that EPA could protect the public from threats to clean drinking water.[27] Under the Act, EPA must establish an enforceable limit for a contaminant when it is likely to harm people; it is widely found in water supplies at levels associated with adverse health effects; and creating a limit would present a "meaningful opportunity" for EPA to improve public health.[28] The agency has used that authority over the years to limit more than 90 toxic pollutants such as arsenic, benzene, lead, and mercury. More than a decade has passed since EPA last established an enforceable limit for a new chemical under the Act, even though PFOA poses *precisely* the kind of hazard Congress intended for it to address.[29]

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[23] Scott Waldman, "State Health Commissioner Questioned on Handling of Upstate Water Issue," POLITICO New York, Jan. 26, 2016, http://www.capitalnewyork.com/article/albany/2016/01/8589033/state-health-commissioner-questioned-handling-upstate-water-issue.
[24] Brad Evans, "More Wells Test Positive for PFOA, Sampling Area Expands," WPTZ.com, Mar. 21, 2016, http://www.wptz.com/news/more-wells-test-positive-for-pfoa-sampling-area-expands/38618884.
[25] McKinley, "Fears," supra note 21.
[26] In contrast, the U.S. Defense Department, after learning that PFOA from firefighting foam had contaminated water at two naval airfields, launched an effort to test water at more than 600 sites nationwide. Jennifer McDermott, "Military to Check for Water Contamination at 664 Sites," Assoc. Press, Mar. 10, 2016, http://bigstory.ap.org/article/3fddbe0cefc04d9bb6af184749f095b0/military-check-water-contamination-664-sites.
[27] U.S. Envtl. Prot. Agency, Understanding the Safe Drinking Water Act Fact Sheet (2004), https://www.epa.gov/sites/production/files/2015-04/documents/epa816f04030.pdf.
[28] 42 U.S.C. § 300g–1(b)(1)(A) ((1) "may have an adverse effect on the health of persons"; (2) "is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern"; and (3) "in the sole judgment of the Administrator, regulation of such contaminant presents a meaningful opportunity for health risk reduction for persons served by public water system").
[29] U.S. Envtl. Prot. Agency, Regulation Timeline: Contaminants Regulated Under the Safe Drinking Water Act, https://www.epa.gov/sites/production/files/2015-10/documents/dw_regulation_timeline.pdf (last updated Sept. 2015).

First, the scientific literature leaves little room for doubt — PFOA causes harm to people. According to studies, there is a probable link between PFOA in drinking water and cancer, birth defects and heart disease.[30] Further, PFOA is ubiquitous, with the chemical detectable in just about every American's blood.[31] Expecting mothers exposed to the chemical pass it on to their children, often before they even take their first breath, or early on through breast feeding.[32] Several studies suggest PFOA may also weaken the immune system, prompting the National Toxicology Program to initiate a systematic review of such effects on human health.[33] To make matters worse, new evidence indicates that it can be hazardous even in trace amounts. Although EPA guidance has suggested that people should avoid drinking water with 400 parts per trillion or greater of PFOA — lowered to 100 parts per trillion only for the advisory to Hoosick Falls — a drinking water level protective of health should be *0.3 parts per trillion or lower*, suggesting that EPA may be way off on its mark with respect to identifying a safe drinking water level to avoid potential harm.[34]

Second, PFOA frequently contaminates public water systems at levels exceeding those that present risks to human health. Although research indicates that PFOA can be toxic at much lower concentrations than previously thought, EPA continues to underestimate the public's exposure through drinking water. EPA's national testing has found PFOA in more than 100 public water systems. According to test results, almost seven million Americans in 27 states drink water laced with PFOA. Of course, in reality, PFOA is likely found in many more systems than EPA has reported.

Finally, setting an enforceable limit for PFOA in drinking water would greatly reduce the contaminant's threat to communities *nationwide*, regardless of the size of the community served by its water system, since most smaller community water systems have never tested for PFOA, currently being an unregulated contaminant.

Accordingly, EPA must finally set a legally enforceable limit for PFOA, one that reflects the latest science about its harmful effects. As for timing, EPA estimated in 2014 that it will take somewhere between five to seven years to determine whether to even pursue a limit on PFOA.[35] Respectfully, that timeframe — in the face of the crisis we are seeing with respect to PFOA — borders on an abdication of the agency's responsibility to protect public health. The time to act is *now*.

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[30] Envtl. Working Group, Smallest Doses, supra note 3.
[31] Calafat, "Polyfluoroalkyl," supra note 4.
[32] Envtl. Working Group, Smallest Doses, supra note 3.
[33] Systematic Review of Immunotoxicity Associated with Exposure to PFOA or PFOS, 80 Fed. Reg. 48,886 (Aug. 14, 2015), https://www.gpo.gov/fdsys/pkg/FR-2015-08-14/pdf/2015-20122.pdf.
[34] Envtl. Working Group, Smallest Doses, supra note 3.
[35] Suzanne Yohannan, "EPA Proposes First-Time Risk Values for Chronic PFC Exposures," InsideEPA.com, Feb. 28, 2014, insideepa.com/daily-news/epa-proposes-first-time-risk-values-chronic-pfc-exposures.

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2. **At the very least issue a uniform, health-protective health advisory level for PFOA.**

If EPA fails to establish an enforceable limit, the agency should at least update its guidance to issue a truly health-protective and consistent advisory that reflects PFOA's risks to health. EPA's advice to the public has thus far been inadequate and frankly confusing. EPA's 2009 provisional health advisory states that the public should not drink water contaminated with 400 parts per trillion of PFOA,[36] yet its recent advisory to residents of the Town of Hoosick and the Village of Hoosick Falls advised residents not to consume water from wells contaminated with 100 parts per trillion — one-fourth of the amount of the 2009 advisory.[37] Meanwhile, EPA's 2014 draft assessment of PFOA's health effects would translate to a limit of 100 parts per trillion in drinking water.[38]

On Mar. 10, 2016, the governors of New York, Vermont and New Hampshire wrote a joint letter regarding PFOA contamination in their respective states to EPA. The governors said they were "deeply concerned for the health and well-being of our communities grappling with this contaminant" and noted:

> It is clear that PFOA contamination is not a state problem or a regional problem — it's *a national problem that requires federal guidelines and a consistent, science-based approach.*
>
> The EPA's PFOA health advisory was recently lowered in one village in New York by the EPA's Regional Office, though the higher advisory remains in the rest of the country. We urge the EPA, under your leadership, to expeditiously review the best available science on this contaminant, and *provide uniform guidance to states that our health and environmental officials can use in assessing the safety of our drinking water.* In addition, we seek your help and support for additional drinking water testing and analysis in communities exposed to PFOA.[39] (Emphasis added.)

EWG is aware that EPA is working to finalize a new advisory.[40] However, in the meantime, having different advisories applying to different communities sends mixed signals to communities threatened by PFOA contamination, which is likely to result in disparate responses by public health officials to address the problem.

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[36] Envtl. Prot. Agency, 2009 Advisory, supra note 17.
[37] U.S. Envtl. Prot. Agency, EPA Statement on Private Wells in the Town of Hoosick and Village of Hoosick Falls, NY (Jan. 28, 2016) (on file with Envtl. Working Group); Letter from Govs. Margaret Wood Hassan, Andrew M. Cuomo, and Peter Shumlin to Gina McCarthy, Administrator, U.S. Envtl. Prot. Agency (Mar. 10, 2016) (on file with Envtl. Working Group) [hereinafter Governors Letter].
[38] Envtl. Working Group, Smallest Doses, supra note 3.
[39] Governors Letter, supra note 37.
[40] Laura Arenschield, "DuPont's Toxic C8 Chemical Still Unchecked, Group Says," Columbus Dispatch, Mar. 27, 2016, http://www.dispatch.com/content/stories/local/2016/03/27/groups-say-ohio-feds-not-doing-enough-to-protect-against-toxic-dupont-chemical.html.

For example, on Mar. 16, 2016, Vermont officials issued an interim enforcement standard of 20 parts per trillion for PFOA in drinking water, and said their decision was based on studies cited in the EPA's 2014 draft assessment. At the same time, Saint-Gobain is challenging the state's standard in court because it differs from the one being applied in surrounding states.[41]

Further, given that a health-protective level may actually be 0.3 parts per trillion, EPA should exercise the precautionary principle when issuing a new advisory, one that adequately takes into account studies that show adverse effects at such low levels.

3. **Utilize results from state-of-the-art testing capabilities to detect PFOA in water without discarding or discounting low-level findings**

EPA should be obligated to collect and account for all available testing results when monitoring for unregulated contaminants. The minimum reporting levels EPA requires for laboratories participating in testing of perfluorinated chemicals in the most recent UCMR unnecessarily discarded critically important information on the prevalence of those contaminants. EPA stated that the minimum levels "were established" based on the capability of the analytical methods used for monitoring, not based on a level established as "significant" or "harmful" to public health.[42] The minimum level for PFOA in this UCMR was 20 parts per trillion. Years earlier, in 2009, the state of New Jersey was able to use a reporting limit of only *5 parts per trillion* using an equivalent testing method to the one used by EPA.[43]

As our scientific understanding on the interaction of industrial chemicals and biological systems increases we are finding health concerns regarding exposures at lower and lower doses. Although detection limits and minimum reporting levels should be set based on the limitations of current detection methods, EWG disagrees with EPA about what the minimum reporting level is for detecting perfluorinated chemicals — which clearly should be lower as evidenced by the tests used in New Jersey.

EPA therefore should strengthen its criteria for determining the minimum reporting level for PFOA to be more reflective of the best available techniques and limit approved laboratories to those that can meet that better standard. Further, EPA should document the limit of detection and the reported test value for all samples results independent of the minimum reporting or detection limit required for certification as an EPA-approved testing laboratory.

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[41] See Neal P. Goswami, "Saint-Gobain Appeals State's Enforcement Level for PFOA," Vermont Press Bureau, Apr. 19, 2016, http://www.vermontpressbureau.com/2016/04/19/saint-gobain-appeals-states-safe-level-for-pfoa/.
[42] U.S. Envtl. Prot. Agency, The Third Unregulated Contaminant Monitoring Rule (UCMR 3): Data Summary (2016), https://www.epa.gov/sites/production/files/2015-11/documents/ucmr3_data_summary.pdf [hereinafter Envtl. Prot. Agency, Data Summary].
[43] N.J. Dep't Envtl. Prot., Occurrence of Perfluorinated Chemicals in Untreated New Jersey Drinking Water Sources (2014), http://www.nj.gov/dep/watersupply/pdf/pfc-study.pdf.

4. **Draw on available production, use, and disposal information, as well as all available water testing results, to enhance and expand sample testing of community water systems to determine what other localities may be at risk and identify and remediate the sources of water contamination. The agency should not only use all available information but employ the full extent of its regulatory authority to supplement that information with whatever additional manufacturing, processing, and use data it can compel from companies, voluntarily or otherwise.**

Every five years, EPA is required to develop a list of contaminants for community water systems to monitor, which may be present in drinking water, but are not yet subject to national drinking water standards.[44] The information EPA obtains through this listing and monitoring process is critical to understanding the occurrence of unregulated contaminants in drinking water and detecting associated health threats. However, the process is an imperfect tool for systematically assessing the country's drinking water for such contaminants. For example, the Safe Drinking Water Act only requires a "representative sample" of community water systems serving 10,000 or fewer people to monitor for unregulated contaminants on the list.[45] Further, private wells, which serve roughly 15 percent of the country's population, fall outside of the agency's purview altogether.[46]

Notwithstanding those limitations, EWG urges EPA to take several steps to enhance the way it monitors water systems for unregulated contaminants. First, when the agency is developing a statistical design for sample selection, it should incorporate production, use, and disposal information received through the Toxic Substances Control Act.[47] Further, the agency should cull similar information from other available sources, collaborating with local and state authorities, surveying import data, reviewing trade publications, and encouraging chemical companies to volunteer input, as well. The agency should not only use all available information but employ the full extent of its regulatory authority to supplement that information with whatever additional manufacturing, processing and use data it can compel from companies, voluntarily or otherwise.

Together, this additional information would go a long way toward refining EPA's precision with respect to water system sampling and monitoring, especially in situations where only a handful of companies use(d) or produce(d) chemicals. Then, once EPA has received initial monitoring results, it should cross-reference again its inventory information and conduct additional testing of water systems that neighbor places of concern. Relatedly, the agency should employ innovative modeling techniques to track these systems' source waters. Doing so, will likely unveil additional clues about the origins, path and ultimate trajectory of unregulated contaminants, allowing EPA to alert communities in their wake.

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[44] 42 U.S.C. § 300j-4(a)(2).
[45] Id. ("only a representative sample of systems serving 10,000 persons or fewer are required to monitor").
[46] U.S. Envtl. Prot. Agency, About Private Wells, https://www.epa.gov/privatewells/about-private-water-wells (last visited Apr. 22, 2016).
[47] 15 U.S.C. § 2607.

With respect to PFOA, EWG was heartened when EPA listed the chemical in 2012 in its most recent UCMR.[48] Through the UCMR, EPA found PFOA above the minimum reporting level in roughly one percent of its results, none of which exceeded the agency's 2009 health advisory concentration of 400 parts per trillion.[49] Notwithstanding those results, the recent revelations of PFOA contamination in Hoosick Falls and other New England communities clearly show that this problem is more widespread and serious than EPA's results suggest. Therefore, in order to more fully grasp the extent of PFOA contamination, the agency should follow up with monitoring of systems near localities where results showed elevated levels — either by relisting the chemical in its next UCMR or simply drawing on its broad authority to protect public health. Again, that effort would be greatly improved if EPA accounted for PFOA inventory information and investigated the origins of these localities' source waters. What will not do is the slow and uneven response EPA has employed ever since the public learned of DuPont's unconscionable harms to the people of Parkersburg, and more recently of the contamination caused by Saint-Gobain in Hoosick Falls and other New England communities where PFOA has been detected.

In closing, the public health crisis generated from years of PFOA contamination is grave indeed. Time is therefore of the essence and comprehensive agency action is paramount. We look forward to hearing from you with an update on EPA's efforts to address this widespread disaster.

Sincerely,

Ken Cook
President
Environmental Working Group

Thomas Cluderay
General Counsel
Environmental Working Group

Bill Walker
Investigations Editor
Environmental Working Group

Dave Andrews
Senior Scientist
Environmental Working Group

[48] Envtl. Prot. Agency, Data Summary, supra note 42.
[49] Id. (345 of 35,060 results exceeded minimum reporting level of 0.02 μg/L for PFOA, none of which exceeded 0.4 μg/L.).

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Message

From: Bonifacino, Gina [Bonifacino.Gina@epa.gov]
Sent: 8/1/2016 7:17:54 PM
To: Chang, Lisa [Chang.Lisa@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]
Subject: Re: Update on CZARA issue

Draft Agenda TRAR Principals Call (8.2.16)

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Bullet point updates for call

Six Issues

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

2. HAT (now referred to as High Tide Line -HTL)- **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

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From: Bonifacino, Gina
Sent: Monday, August 1, 2016 10:51:06 AM
To: Chang, Lisa; Meyer, Susan
Subject: Re: Update on CZARA issue

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

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From: Chang, Lisa
Sent: Monday, August 1, 2016 10:50 AM
To: Meyer, Susan; Bonifacino, Gina
Subject: RE: Update on CZARA issue

Hi Susan,

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Lisa

From: Meyer, Susan
Sent: Friday, July 29, 2016 3:10 PM
To: Bonifacino, Gina <Bonifacino.Gina@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>
Subject: RE: Update on CZARA issue

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

HAT (now referred to as High Tide Line -HTL) Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

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From: Murchie, Peter
Sent: Friday, July 29, 2016 10:27 AM
To: Bonifacino, Gina <Bonifacino.Gina@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>
Cc: Mendelman, Krista <Mendelman.Krista@epa.gov>
Subject: RE: Update on CZARA issue

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line
P

From: Bonifacino, Gina
Sent: Friday, July 29, 2016 9:35 AM
To: Murchie, Peter <Murchie.Peter@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>
Cc: Mendelman, Krista <Mendelman.Krista@epa.gov>
Subject: Re: Update on CZARA issue

Hi all

I am wondering if we should type up bullet points for the TRAR call since Peter will not be joining and we have not briefed Dennis or Dan. Contrary to what I said when we met, I am probably not going to be able to join either as I will be driving back from a meeting with DFW.

Lisa, did you take notes during our meeting on TRAR earlier this week? If so, could you pass them on.

Thx!
Gina

From: Bonifacino, Gina
Sent: Tuesday, July 26, 2016 11:37:42 AM
To: Murchie, Peter; Chang, Lisa; Meyer, Susan
Cc: Mendelman, Krista
Subject: Update on CZARA issue

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Meyer, Susan [meyer.susan@epa.gov]
Sent: 10/11/2016 11:23:48 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]
CC: Bonifacino, Gina [Bonifacino.Gina@epa.gov]
Subject: RE: shoreline effectiveness messaging for CEQ visit
Attachments: State-Fed-Tribal Coord.docx

Peter, Here is what I have so far from the notes and from the email from Cecelia to Gina. I have not included what Josh just sent, although some of it may be included based on the meeting notes. Let me know what you want me to do. I will be working at home tomorrow **Personal Matters / Ex. 6**

Also, do you want to review the final HTL report before Thurs. afternoon?

Thanks, Susan

From: Murchie, Peter
Sent: Tuesday, October 11, 2016 3:56 PM
To: Baldi, Josh (ECY) <JBAL461@ECY.WA.GOV>
Cc: Meyer, Susan <meyer.susan@epa.gov>; White, Gordon (ECY) <gwhi461@ECY.WA.GOV>; Bonifacino, Gina <Bonifacino.Gina@epa.gov>
Subject: RE: shoreline effectiveness messaging for CEQ visit

Yes - thanks
P

From: Baldi, Josh (ECY) [mailto:JBAL461@ECY.WA.GOV]
Sent: Tuesday, October 11, 2016 3:54 PM
To: Murchie, Peter <Murchie.Peter@epa.gov>
Cc: Meyer, Susan <meyer.susan@epa.gov>; White, Gordon (ECY) <gwhi461@ECY.WA.GOV>; Bonifacino, Gina <Bonifacino.Gina@epa.gov>
Subject: RE: shoreline effectiveness messaging for CEQ visit

FYI that Gordon is working on the floodplains piece (I'm offering a bit on that one). Am I also correct that I owe you a tune up of stormwater messages?

From: Murchie, Peter [mailto:Murchie.Peter@epa.gov]
Sent: Tuesday, October 11, 2016 3:53 PM
To: Baldi, Josh (ECY) <JBAL461@ECY.WA.GOV>
Cc: Meyer, Susan <meyer.susan@epa.gov>; White, Gordon (ECY) <gwhi461@ECY.WA.GOV>; Bonifacino, Gina <Bonifacino.Gina@epa.gov>
Subject: RE: shoreline effectiveness messaging for CEQ visit

Thank you Josh, getting others as well and will cc you on the compiled narrative tomorrow. I will be working with Sheida tomorrow as well on the final draft that we hope to send out tomorrow afternoon to have for the Thursday meeting.

Peter

From: Baldi, Josh (ECY) [mailto:JBAL461@ECY.WA.GOV]
Sent: Tuesday, October 11, 2016 3:39 PM
To: Murchie, Peter <Murchie.Peter@epa.gov>

Cc: Meyer, Susan <meyer.susan@epa.gov>; White, Gordon (ECY) <gwhi461@ECY.WA.GOV>
Subject: FW: shoreline effectiveness messaging for CEQ visit

Peter ~ suggested shorelines messaging from Ecology ~ jb

Improving Oversight of Shorelines

- Goal is to align local, state and federal programs to achieve no net loss of shorelines – notably, reducing unnecessary armoring.
- In a broad sense, state would like to align shoreline oversight responsibilities with federal government similar to how Corps and Ecology oversee wetlands to improve ecological function.

Specific actions:

- Ensure Army Corps' jurisdiction meets or exceeds state authorities to create regulatory alignment (i.e., move Corps' jurisdiction to Highest Astronomical Tide or something similar).
- End Nationwide Permit coverage for new shoreline armoring in all of Puget Sound for fresh and marine waters.
- Create consistency in how armoring projects are assessed in the permitting process, similar to the Regional General Permits being implemented on Lake Washington docks and piers (note: as an example, Kirkland is keeping data on improved environmental performance). This would include consistent interpretation and implementation of programs to define impacts, avoidance, minimization, mitigation, no net loss, green/living shores, etc.
- As experienced with Lake Washington docks and piers RGP, projects that align with ESA-approved conditions create better environmental outcomes and should be permitted more efficiently, thereby allowing agencies to prioritize and direct resources toward those projects that are more complicated and/or of greater concern.
- Mechanisms for Corps to implement this work include: Regional General Permits and/or Nationwide Permits and/or "State Programmatic General Permit"– any/all approaches will require consultation with NOAA and Tribes.
- Increase federal [FEMA/NRCS/FHWA/COE/NOAA] technical and financial assistance to pilot green infrastructure (i.e., green/living shores) in support of enhanced coastal resiliency.

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Josh Baldi | Regional Director, Northwest | WA State Department of Ecology | 425.649.7010 d | 425.647.3581 m
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State, Federal and Tribal Coordination- How can CEQ help?

Improve Regulatory Alignment

- Corps' High Tide Line jurisdiction is at the Mean Higher High Water, whereas the state's is at the Ordinary High Water Mark, approx. 1.5 feet in elevation above the Corps'. EPA, NOAA Fisheries and the Corps are working on a joint recommendation for changing the Corps' High Tide Line jurisdiction to be very close to the State's (as well as local government's) jurisdiction. State Fish and Wildlife have been contributing technical fisheries knowledge. Tribes have asked for the Corps to adopt HAT.
- State plans to work through the legislature to align Hydraulic Project Approvals, the Shoreline Management Act and the Growth Management Act requirements to be the same or similar, e.g., asking for a repeal of the single family residence exemption on bulkheads and requiring a demonstration of need before any new or replaced bulkhead would be allowed. The Tribes support this.
- The Corps and State Dept. of Ecology are working together to update the Nationwide Permits and Regional and State Conditions to be protective of nearshore habitats, with consideration of workload constraints. Corps has withdrawn Nationwide Permit 13 for New bulkheads in the Salish Sea. The Tribes have asked for revocation of this Nationwide Permit in freshwater areas. Tribes and EPA (also NMFS?) wrote comment letters to the Corps to revoke Nationwide Permit 13 and 3 for repair and maintenance of bulkheads in marine waters of the Salish Sea. Corps is currently sifting through all comments received. Tribes would like to be notified by the Corps for all permit activities within the Boldt case area and EPA is in support of that request.

Increase Capacity Funding

- State agencies proposing to ask for increased budget from the General Fund to support HPA enforcement, SMA implementation, streamlined permitting of restoration projects, and other strategies to increase shoreline management effectiveness. Plan to get input from NWIFC. This was presented to the Leadership Council on 10/6/16 and they were

supportive
- Federal asks? Tribal support?

Increase Transparency and Accountability around Regulatory Programs
- State to develop shoreline guidance to be used at the local government permitting counter including a definition for No Net Loss of Ecological Function.
- EPA, NOAA, Corps, Tribes and state resource agencies need to coordinate on a method to assess the cumulative effects of shoreline armoring from local, state and federal permit programs and use adaptive management protocols to amend those programs accordingly.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Meyer, Susan [meyer.susan@epa.gov]
Sent: 7/26/2016 7:13:40 PM
To: Bonifacino, Gina [Bonifacino.Gina@epa.gov]
Subject: RE: TRAR Section of Fed Caucus work plan - does this language work?

Gina, In 4.1 you say there are 6 treaty issues, but you only have 5 listed – HAT is not there. You could insert something saying ... Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Also, I have a revision, in red below.

From: Bonifacino, Gina
Sent: Tuesday, July 26, 2016 11:04 AM
To: Chang, Lisa <Chang.Lisa@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>
Subject: TRAR Section of Fed Caucus work plan - does this language work?

Hi Lisa and Susan,

Please see below for current draft and let me know if this language is accurate. Thanks!

Gina

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Greenamyer, Janice [Greenamyer.Janice@epa.gov]
Sent: 10/5/2016 6:56:04 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]
CC: Chin, Joanne [Chin.Joanne@epa.gov]; Bonifacino, Gina [Bonifacino.Gina@epa.gov]
Subject: Peter, Gina's voucher for her Korea trip is still holding for your approval. If you would like me to have another manager approve while your out, let me know. Much appreciated. Janice X1152

Importance: High

From: Greenamyer, Janice
Sent: Thursday, September 29, 2016 12:35 PM
To: Murchie, Peter <Murchie.Peter@epa.gov>
Cc: Bonifacino, Gina <Bonifacino.Gina@epa.gov>
Subject: Peter, Gina has signed her voucher for her trip to Korea. Do you have time to approve it or should I ask Mike Lidgard. Janice X1152
Importance: High

From: Murchie, Peter
Sent: Wednesday, June 29, 2016 8:21 AM
To: Bonifaci, Angela <Bonifaci.Angela@epa.gov>; Bonifacino, Gina <Bonifacino.Gina@epa.gov>; Castner, Chris <Castner.Chris@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>; Dunn, Ann <Dunn.Ann@epa.gov>; Hanft, Sally <Hanft.Sally@epa.gov>; Marshalonis, Dino <Marshalonis.Dino@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>; Richter, Randy <Richter.Randy@epa.gov>; Rylko, Michael <Rylko.Michael@epa.gov>; Whitaker, Melissa <Whitaker.Melissa@epa.gov>; Zachmann, Bill <Zachmann.Bill@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Patheal-Centenera, Bella <Patheal-Centenera.Bella@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>; Greenamyer, Janice <Greenamyer.Janice@epa.gov>
Subject: Update and my schedule the rest of the week

Puget Sounders,
Personal Matters / Ex. 6 I am on my way this morning to the PS Leadership Council in Georgetown (Seattle).

I will be in the office tomorrow Personal Matters / Ex. 6

My meetings in DC went well. They included Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line TRAR issue resolution with a focus on our HTL work with USACE and NOAA. OWOW is supportive of our push for moving from MHHW and is willing to provide support with DC USACE decision makers as needed. Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thank you,
Peter

Peter Murchie
Manager
Puget Sound and NEP Programs
USEPA Region 10
murchie.peter@epa.gov
206-553-1148 w
206-419-0804 c

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 11/24/2015 4:48:24 PM
To: Bonifacino, Gina [Bonifacino.Gina@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Issue Papers for HAT and Cumulative Effects plus the revised attendee list!

Hi, Gina. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Bonifacino, Gina
Sent: Monday, November 23, 2015 3:18 PM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>
Subject: FW: Issue Papers for HAT and Cumulative Effects plus the revised attendee list!
Importance: High

Michael and Heather, can you take a look at the HAT paper that was reviewed by the Corps and NOAA and let me know if you have changes/comments? Also, there is a paper that the Corps and NOAA authored on cumulative effects of shoreline armoring. Are you interested in that one as well?

Thanks!

Gina

Gina Bonifacino | Puget Sound Team
US EPA Region 10
Mail Stop OWW-193
1200 Sixth Avenue
Seattle, WA 98101
206.553.2970

From: Elizabeth Babcock - NOAA Federal [mailto:elizabeth.babcock@noaa.gov]
Sent: Friday, November 20, 2015 5:01 PM
To: Morris, Frances NWS
Cc: Bonifacino, Gina
Subject: Re: Issue Papers for HAT and Cumulative Effects plus the revised attendee list!

Lori -
Thank you for getting these cleaned up and ready for review. Please see my edits. You are welcome to take or leave these as you wish. My intent was to "sharpen" them as Will requested a few weeks ago. I can look at them again as they mature over the weekend and on Monday.

Personal Matters / Ex. 6

Personal Matters / Ex. 6

Elizabeth

On Fri, Nov 20, 2015 at 1:02 PM, Morris, Frances NWS <Frances.Morris@usace.army.mil> wrote:

Here you go, Ladies. Let me know your thoughts on the issue papers today if possible.

Gina ~

I have the edits to the attendee list attached.

Finally, I have not received an invite to the TRAR meeting and I would like to listen in.

Thanks~

v/r,

Lori Morris
Tribal Liaison
US Army Corps of Engineers
Seattle District
4735 East Marginal Way South
Seattle, WA 98124-3755
(206) 764-3625
cell (206)-799-7311

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Elizabeth Babcock
Puget Sound Salmon Recovery Coordinator
NOAA National Marine Fisheries Service
7600 Sandpoint Way NE
Seattle, WA 98040
Office (206) 526-4505
Mobile (206) 276-7029
Fax (206) 526-6426

Message

From: Bonifaci, Angela [Bonifaci.Angela@epa.gov]
Sent: 2/4/2016 5:15:59 PM
To: Bonifaci, Angela [Bonifaci.Angela@epa.gov]; Bonifacino, Gina [Bonifacino.Gina@epa.gov]; Castner, Chris [Castner.Chris@epa.gov]; Chang, Lisa [Chang.Lisa@epa.gov]; Dunn, Ann [Dunn.Ann@epa.gov]; Hanft, Sally [Hanft.Sally@epa.gov]; Marshalonis, Dino [Marshalonis.Dino@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Richter, Randy [Richter.Randy@epa.gov]; Rylko, Michael [Rylko.Michael@epa.gov]; Whitaker, Melissa [Whitaker.Melissa@epa.gov]; Zachmann, Bill [Zachmann.Bill@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]
Subject: FYI - Puget Sound Hot Topics for this Week

Here are the Hot Topics submitted by our Program this week. Thanks everyone!
Angela

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

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Jurisdictional Limits (HAT): Each agency (EPA, NOAA, and the Corps) has assigned leads and technical staff to the issue, with the Corps as the lead. The group is tasked with developing a Course of Action by June 30, which will be presented to senior leadership at the Corps for consideration.
Two subgroups were formed (technical and legal) during the Jan 27 meeting. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 The next meeting is in-person on February 10 at the Corps' Seattle office. The agenda for that meeting is to discuss the preliminary decisions of the legal subgroup and the different datum definitions as they relate to the HTL legal interpretation. POC: Susan Meyer x1078

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Bonifacino, Gina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2497CAD4ED6046B398F2BA5D13345242-BONIFACINO, GINA]
Sent: 8/2/2016 4:31:01 PM
To: Chang, Lisa [Chang.Lisa@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: Talking points for today?

Hi Lisa, I sent them out yesterday, I think Peter may have forgotten to copy you when he sent to Dennis. I will forward, thanks!

From: Chang, Lisa
Sent: Tuesday, August 02, 2016 9:02 AM
To: Bonifacino, Gina <Bonifacino.Gina@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>
Subject: Talking points for today?

Hi Susan and Gina! Just following up on this thread from yesterday -- did someone put together talking points/bullets? If nobody has time this morning, I can do it. Would they just go to Peter and Dennis? Will you guys be able to call in like Peter? I am here in the office today.

From: Bonifacino, Gina
Sent: Monday, August 01, 2016 10:51 AM
To: Chang, Lisa <Chang.Lisa@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>
Subject: Re: Update on CZARA issue

All, I was planning to do today and share with you all and Peter but Susan if you have time and want to that would be great too!

From: Chang, Lisa
Sent: Monday, August 1, 2016 10:50 AM
To: Meyer, Susan; Bonifacino, Gina
Subject: RE: Update on CZARA issue

Hi Susan,

If you are able to compile all the TPs that would be great. I don't think we have them all in one place yet.

Lisa

From: Meyer, Susan
Sent: Friday, July 29, 2016 3:10 PM
To: Bonifacino, Gina <Bonifacino.Gina@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>
Subject: RE: Update on CZARA issue

Lisa and Gina, Here is my summary of the TRAR issues. Let me know if you want anything more or if you would like me to compile all talking points. I will be offline for a bit. Thanks!

HAT (now referred to as High Tide Line -HTL)- J

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

From: Murchie, Peter
Sent: Friday, July 29, 2016 10:27 AM
To: Bonifacino, Gina <Bonifacino.Gina@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>
Cc: Mendelman, Krista <Mendelman.Krista@epa.gov>
Subject: RE: Update on CZARA issue

I will be calling in but bullet points would be helpful. Thanks,
P

From: Bonifacino, Gina
Sent: Friday, July 29, 2016 9:35 AM
To: Murchie, Peter <Murchie.Peter@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>
Cc: Mendelman, Krista <Mendelman.Krista@epa.gov>
Subject: Re: Update on CZARA issue

Hi all

I am wondering if we should type up bullet points for the TRAR call since Peter will not be joining and we have not briefed Dennis or Dan. Contrary to what I said when we met, I am probably not going to be able to join either as I will be driving back from a meeting with DFW.

Lisa, did you take notes during our meeting on TRAR earlier this week? If so, could you pass them on.

Thx!
Gina

From: Bonifacino, Gina
Sent: Tuesday, July 26, 2016 11:37:42 AM
To: Murchie, Peter; Chang, Lisa; Meyer, Susan

Cc: Mendelman, Krista
Subject: Update on CZARA issue

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Bonifacino, Gina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2497CAD4ED6046B398F2BA5D13345242-BONIFACINO, GINA]
Sent: 2/18/2016 6:13:44 PM
To: Chang, Lisa [Chang.Lisa@epa.gov]
CC: Murchie, Peter [Murchie.Peter@epa.gov]
Subject: RE: Draft Talking points for Thursday TRAR Principals' Call - please review!

Thanks Lisa, I added a few details.

Gina

Gina Bonifacino | Puget Sound Team
US EPA Region 10
Mail Stop OWW-193
1200 Sixth Avenue
Seattle, WA 98101
206.553.2970

From: Chang, Lisa
Sent: Thursday, February 18, 2016 7:48 AM
To: Bonifacino, Gina <Bonifacino.Gina@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>
Subject: Draft Talking points for Thursday TRAR Principals' Call - please review!
Importance: High

Gina –

Here are draft talking points. I am at a meeting off-site but should be back in the office by 10 am and can finalize them then. Can you please review/edit/improve? Thank you!!

Lisa

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Jurisdictional Limits (HAT): Each agency (EPA, NOAA, and the Corps) has assigned leads and technical staff to the issue, with the Corps as the lead. The group is tasked with developing a Course of Action by June 30, which will be presented to senior leadership at the Corps for consideration. Two subgroups were formed (technical and legal) during the Jan 27 meeting. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 he next meeting is in-person on February 10 at the Corps' Seattle office. The agenda for that meeting is to discuss the preliminary decisions of the legal subgroup and the different datum definitions as they relate to the HTL legal interpretation. POC: Susan Meyer x1078

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 8/4/2016 4:56:13 PM
To: Brown, Kevin [Brown.Kevin@epa.gov]
Subject: RE: Graphics Support Requested by Michael Szerlog

Hey, Kevin. Just checking on your timeline for these last tweaks to the document. Thanks!

From: Dean, Heather
Sent: Wednesday, August 03, 2016 4:27 PM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Hi, Kevin.

I've heard from only one other reviewer so far, but he's the project lead, so I'm going with just his & mine. Besides the two I sent earlier, we also have:

1) I'm attaching four photos for the cover.
2) We need to add NOAA's logo to the cover.
3) Could you move each figure/set of figures up, so that they appear on the next page after the reference to them?
4) Can you add a title to the table with the tiny print (which you fixed beautifully!) in Appendix B: Implementation Implications for Each Datum/Elevation?

Thanks!

Heather

From: Brown, Kevin
Sent: Wednesday, August 03, 2016 9:05 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

I see the problem in the figure, I'll fix it for the next draft. In the meantime, here is a reduced size version of the first draft.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

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From: Dean, Heather
Sent: Wednesday, August 03, 2016 8:58 AM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Looks good, Kevin. I see only one issue & have one request, as well: Figure 5b is missing its columns & can you insert "title pages" for the appendices?

I am also finding myself unable to send it to other reviewers; getting an error message that the attachment is too large, yet you were able to send it to me. Any suggestions?

From: Brown, Kevin
Sent: Tuesday, August 02, 2016 2:51 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Attached is a first draft.

Notes in no particular order:

1. Need to fix page numbers on the appendix with the big tables.
2. For the cover, I appropriated images from the example document you'd sent a while back. Let me know if you have any better ideas.
3. All images/graphs/figures are low-resolution, I'll swap them out for high-rez at the very end. My computer is too weak to display high-resolution images while I'm actually working.
4. There's no table of contents, I typically do this at the end once the page count/positioning are certain.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

From: Dean, Heather
Sent: Monday, August 01, 2016 9:54 AM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Hi, Kevin.

Here's the last thing I owed you (I think), the six maps that comprise Appendix A.

Thanks,

Heather

From: Brown, Kevin
Sent: Thursday, July 28, 2016 12:24 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

I'll get started on this today, but I don't expect to have a draft ready until early next week. I can work without the missing pieces, I'll just mentally plan for the space they'll take up.

Addressing your questions:

1. Yes, I'll make a cover/title page and a table of contents.
2. I'll fix the table, you don't have to be concerned about that.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**

From: Dean, Heather
Sent: Thursday, July 28, 2016 9:45 AM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Hi, again, Kevin.

Looks like Figure 5 will be a little later in getting to you. I will be mostly away from e-mail for the rest of today & tomorrow morning. If you have any questions for me during that time, please call me at 907-271-3490.

Thanks!

From: Dean, Heather
Sent: Wednesday, July 27, 2016 4:19 PM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Hi, Kevin.

Attached are all but two parts of the report you are going to format for us. They are:

- The body of the report (14-page Word document)
- Table 1 (one-page Excel spreadsheet)
- Figure 1 (one-slide PowerPoint file)
- Figure 2 (two-slide PowerPoint file)
- Figure 3 (one-slide PowerPoint file)
- Figure 4 (two-slide PowerPoint file)
- Appendix B, Part 1 (two-page Word document)
- Appendix B, Part 2 (four-page Word document)
- Appendix C (four-page Word document)
- Appendix D (one-page Word document).

I am holding back one other figure & Appendix A for final tweaks. Should be able to get you the former tomorrow morning; the latter may be a touch later. Please advise if your hands are tied until you have absolutely everything.

I also have a couple of questions for you:

1) The main report has three highlighted areas, which I think are to draw your attention to creating a title page, leaving a blank page, & creating a table of contents. Are the first & last items things that you typically do; &
2) Appendix B, Part 2 is a document that the Corps produced. It's a table with tiny print & has some formatting issues such as cells bleeding over to the next page, etc. Is that something you "fix" or do I need to?

Thanks much!

Heather

From: Brown, Kevin
Sent: Tuesday, July 26, 2016 7:27 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Looks like they want something pretty simple, I think I can have it turned around pretty quick.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

From: Dean, Heather
Sent: Monday, July 25, 2016 3:09 PM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Hi, Kevin.

The Corps is just about ready to turn over to us the document you are going to format for us; we may have it all tomorrow (Tuesday). They have shared a link to a document they would like us to use as a sample for the format. Here it is: http://www.nws.usace.army.mil/Portals/27/docs/environmental/resources/2016EnvironmentalDocuments/PSNERP/Puget%20Sound%20Nearshore%20Final-Feasibility-Report-EIS_2016.pdf.

Please let me know if you have any questions or concerns & whether you still think 3-4 days will be your turnaround time. I will include final versions of the sample graphics I sent you once I have the stuff from the Corps.

Thanks!

Heather

From: Brown, Kevin
Sent: Wednesday, July 20, 2016 2:50 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

I can generally work from any graphic format; that's probably not a concern.

Personal Matters / Ex. 6 if you have something preliminary to send, I can take a look at it and see what needs to be done.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

From: Dean, Heather
Sent: Wednesday, July 20, 2016 2:43 PM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: Graphics Support Requested by Michael Szerlog

Hi, Kevin.

Michael tells me you're going to help us finalize a report we are doing with the Corps & NOAA on high tide line. Thanks! The Corps is the lead author & have advised that they expect to have it ready for that next step in a few days. I've been putting together most of the graphics for the report & wanted to check in with you about what you might need that I am not anticipating. For example, do you want the graphics in a particular format? Do you want a "sneak peak" at them before the Corps puts the ball in our court?

Thanks,

Heather

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 8/1/2016 2:20:09 PM
To: Brown, Kevin [Brown.Kevin@epa.gov]
Subject: RE: Graphics Support Requested by Michael Szerlog
Attachments: Figure 5-Tide Occurrence by Elevation.pptx

Thanks, Kevin. Here's Figure 5.

From: Brown, Kevin
Sent: Thursday, July 28, 2016 12:24 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

I'll get started on this today, but I don't expect to have a draft ready until early next week. I can work without the missing pieces, I'll just mentally plan for the space they'll take up.

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Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

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Heather

From: Brown, Kevin
Sent: Tuesday, July 26, 2016 7:27 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

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Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

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From: Dean, Heather
Sent: Monday, July 25, 2016 3:09 PM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

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From: Brown, Kevin
Sent: Wednesday, July 20, 2016 2:50 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

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Personal Matters / Ex. 6 if you have something preliminary to send, I can take a look at it and see what needs to be done.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

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From: Dean, Heather
Sent: Wednesday, July 20, 2016 2:43 PM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: Graphics Support Requested by Michael Szerlog

Hi, Kevin.

Michael tells me you're going to help us finalize a report we are doing with the Corps & NOAA on high tide line. Thanks! The Corps is the lead author & have advised that they expect to have it ready for that next step in a few days. I've been putting together most of the graphics for the report & wanted to check in with you about what you might need that I am not anticipating. For example, do you want the graphics in a particular format? Do you want a "sneak peak" at them before the Corps puts the ball in our court?

Thanks,

Heather

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 10/21/2016 6:28:45 PM
To: Brown, Kevin [Brown.Kevin@epa.gov]
Subject: RE: Shoreline Protection report
Attachments: Figure 5-Tide Occurrence by Elevation-Revised.pptx

And, here's Figure 5. Thanks again!

From: Brown, Kevin
Sent: Friday, October 21, 2016 7:36 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Shoreline Protection report

I retained all the files from before, so I'd just need whatever's been changed.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

From: Dean, Heather
Sent: Thursday, October 20, 2016 9:14 AM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Shoreline Protection report

Hi, Kevin. I believe Michael Szerlog may have checked with you about making revisions to the High Tide Line report…?

There are changes to the text & some, but not all, of the graphics. Do you need me to send you everything or just the things that had changes?

From: Brown, Kevin
Sent: Thursday, August 11, 2016 2:36 PM
To: Meyer, Susan <meyer.susan@epa.gov>
Cc: Jacobson, James R NWS <James.R.Jacobson@usace.army.mil>; Dean, Heather <Dean.Heather@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: Shoreline Protection report

Attached is the report with the corrections made.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

From: Meyer, Susan
Sent: Tuesday, August 09, 2016 3:17 PM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Cc: Jacobson, James R NWS <James.R.Jacobson@usace.army.mil>; Dean, Heather

<Dean.Heather@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: Shoreline Protection report for your FINAL magic touch

Hi Kevin, **Deliberative Process / Ex. 5** There are little sticky notes and some small red edits throughout, which may be hard to see. When you are finished, please send it back to me, so I can repost it on the Corps' sharepoint site.

Thanks so much for doing this. It looks great!

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Message

From: Brown, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=738902A9478F47B7B8477E510DA8E839-BROWN, KEVIN_ECDDCDF5B4]
Sent: 10/26/2016 9:36:14 PM
To: Dean, Heather [Dean.Heather@epa.gov]
CC: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Shoreline Protection report
Attachments: federalshorelinehabitat oct2016.pdf

The report is attached. **Deliberative Process / Ex. 5**

The main text document appears to have been generated by taking the pervious PDF, exporting it to Word format, and then editing... which does not Track Changes from the original Word document from back in August. Since I couldn't see what was added/changed, I had to cut&paste everything, which sometimes loses things like subscript/superscript -- I don't recall there being any chemical formulae, for example, but if there are they need to be checked. Exporting from a PDF also introduces a number of unavoidable formatting errors into the resulting Word document (primarily, hard returns at the end of lines of text, among other things). I fixed all of them I could see, comparing this version side by side with the August version, but I may have overlooked something.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

From: Dean, Heather
Sent: Wednesday, October 26, 2016 8:21 AM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: Shoreline Protection report

Awesome; thanks!

From: Brown, Kevin
Sent: Wednesday, October 26, 2016 7:24 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Shoreline Protection report

I'm working on it, I should be finished this afternoon.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

From: Dean, Heather
Sent: Wednesday, October 26, 2016 7:16 AM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: Shoreline Protection report

Good morning, Kevin. I know Susan Meyer e-mailed you an inquiry yesterday on the status of your production of the HTL report, but she advised me she'll be away from e-mail today, so I am, with this inquiry, transferring the e-mail chain back to me. How's it going?

From: Dean, Heather
Sent: Friday, October 21, 2016 11:29 AM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Shoreline Protection report

And, here's Figure 5. Thanks again!

From: Brown, Kevin
Sent: Friday, October 21, 2016 7:36 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Shoreline Protection report

I retained all the files from before, so I'd just need whatever's been changed.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

---

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Subject: RE: Shoreline Protection report

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Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

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Cc: Jacobson, James R NWS <James.R.Jacobson@usace.army.mil>; Dean, Heather <Dean.Heather@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: Shoreline Protection report for your FINAL magic touch

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Thanks so much for doing this. It looks great!

Susan Meyer
EPA Region 10
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1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Message

From: Brown, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=738902A9478F47B7B8477E510DA8E839-BROWN, KEVIN_ECDDCDF5B4]
Sent: 8/5/2016 8:25:08 PM
To: Dean, Heather [Dean.Heather@epa.gov]
Subject: RE: Graphics Support Requested by Michael Szerlog
Attachments: federalshorelinehabitat draft2 lowrez.pdf

Updated PDF for your review.

thanks

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

From: Dean, Heather
Sent: Thursday, August 04, 2016 9:56 AM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Hey, Kevin. Just checking on your timeline for these last tweaks to the document. Thanks!

From: Dean, Heather
Sent: Wednesday, August 03, 2016 4:27 PM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Hi, Kevin.

I've heard from only one other reviewer so far, but he's the project lead, so I'm going with just his & mine. Besides the two I sent earlier, we also have:

1) I'm attaching four photos for the cover.
2) We need to add NOAA's logo to the cover.
3) Could you move each figure/set of figures up, so that they appear on the next page after the reference to them?
4) Can you add a title to the table with the tiny print (which you fixed beautifully!) in Appendix B: Implementation Implications for Each Datum/Elevation?

Thanks!

Heather

From: Brown, Kevin
Sent: Wednesday, August 03, 2016 9:05 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

I see the problem in the figure, I'll fix it for the next draft. In the meantime, here is a reduced size version of the first draft.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

From: Dean, Heather
Sent: Wednesday, August 03, 2016 8:58 AM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Looks good, Kevin. I see only one issue & have one request, as well: Figure 5b is missing its columns & can you insert "title pages" for the appendices?

I am also finding myself unable to send it to other reviewers; getting an error message that the attachment is too large, yet you were able to send it to me. Any suggestions?

From: Brown, Kevin
Sent: Tuesday, August 02, 2016 2:51 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Attached is a first draft.

Notes in no particular order:

1. Need to fix page numbers on the appendix with the big tables.
2. For the cover, I appropriated images from the example document you'd sent a while back. Let me know if you have any better ideas.
3. All images/graphs/figures are low-resolution, I'll swap them out for high-rez at the very end. My computer is too weak to display high-resolution images while I'm actually working.
4. There's no table of contents, I typically do this at the end once the page count/positioning are certain.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

From: Dean, Heather
Sent: Monday, August 01, 2016 9:54 AM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Hi, Kevin.

Here's the last thing I owed you (I think), the six maps that comprise Appendix A.

Thanks,

Heather

From: Brown, Kevin
Sent: Thursday, July 28, 2016 12:24 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

I'll get started on this today, but I don't expect to have a draft ready until early next week. I can work without the missing pieces, I'll just mentally plan for the space they'll take up.

Addressing your questions:

1. Yes, I'll make a cover/title page and a table of contents.
2. I'll fix the table, you don't have to be concerned about that.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

From: Dean, Heather
Sent: Thursday, July 28, 2016 9:45 AM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Hi, again, Kevin.

Looks like Figure 5 will be a little later in getting to you. I will be mostly away from e-mail for the rest of today & tomorrow morning. If you have any questions for me during that time, please call me at 907-271-3490.

Thanks!

From: Dean, Heather
Sent: Wednesday, July 27, 2016 4:19 PM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Hi, Kevin.

Attached are all but two parts of the report you are going to format for us. They are:

- The body of the report (14-page Word document)
- Table 1 (one-page Excel spreadsheet)
- Figure 1 (one-slide PowerPoint file)
- Figure 2 (two-slide PowerPoint file)
- Figure 3 (one-slide PowerPoint file)
- Figure 4 (two-slide PowerPoint file)
- Appendix B, Part 1 (two-page Word document)
- Appendix B, Part 2 (four-page Word document)
- Appendix C (four-page Word document)
- Appendix D (one-page Word document).

I am holding back one other figure & Appendix A for final tweaks. Should be able to get you the former tomorrow morning; the latter may be a touch later. Please advise if your hands are tied until you have absolutely everything.

I also have a couple of questions for you:

1) The main report has three highlighted areas, which I think are to draw your attention to creating a title page, leaving a blank page, & creating a table of contents. Are the first & last items things that you typically do; &
2) Appendix B, Part 2 is a document that the Corps produced. It's a table with tiny print & has some formatting issues such as cells bleeding over to the next page, etc. Is that something you "fix" or do I need to?

Thanks much!

Heather

From: Brown, Kevin
Sent: Tuesday, July 26, 2016 7:27 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Looks like they want something pretty simple, I think I can have it turned around pretty quick.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

---

From: Dean, Heather
Sent: Monday, July 25, 2016 3:09 PM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Hi, Kevin.

The Corps is just about ready to turn over to us the document you are going to format for us; we may have it all tomorrow (Tuesday). They have shared a link to a document they would like us to use as a sample for the format. Here it is: http://www.nws.usace.army.mil/Portals/27/docs/environmental/resources/2016EnvironmentalDocuments/PSNERP/Puget%20Sound%20Nearshore%20Final-Feasibility-Report-EIS_2016.pdf.

Please let me know if you have any questions or concerns & whether you still think 3-4 days will be your turnaround time. I will include final versions of the sample graphics I sent you once I have the stuff from the Corps.

Thanks!

Heather

From: Brown, Kevin
Sent: Wednesday, July 20, 2016 2:50 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

I can generally work from any graphic format; that's probably not a concern.

Personal Matters / Ex. 6 if you have something preliminary to send, I can take a look at it and see what needs to be done.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

From: Dean, Heather
Sent: Wednesday, July 20, 2016 2:43 PM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: Graphics Support Requested by Michael Szerlog

Hi, Kevin.

Michael tells me you're going to help us finalize a report we are doing with the Corps & NOAA on high tide line. Thanks! The Corps is the lead author & have advised that they expect to have it ready for that next step in a few days. I've been putting together most of the graphics for the report & wanted to check in with you about what you might need that I am not anticipating. For example, do you want the graphics in a particular format? Do you want a "sneak peak" at them before the Corps puts the ball in our court?

Thanks,

Heather

Message

From: Kwok, Rose [Kwok.Rose@epa.gov]
Sent: 11/15/2013 7:41:20 PM
To: Cohon, Keith [Cohon.Keith@epa.gov]; Wendelowski, Karyn [wendelowski.karyn@epa.gov]
CC: Downing, Donna [Downing.Donna@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]
Subject: RE: Waters of the U.S. boundary - shoreline side

I think Russ is going to be in the best position to give some insight into Corps practices. I can also pose this to the Geographic Jurisdiction Workgroup to see if other Regions have had experience with this.

From: Cohon, Keith
Sent: Friday, November 15, 2013 2:27 PM
To: Wendelowski, Karyn
Cc: Downing, Donna; Kwok, Rose; Kaiser, Russell
Subject: RE: Waters of the U.S. boundary - shoreline side

Thanks, Karyn. FYI, it's going to a high level, probably on Monday. The Colonel from the Seattle District is involved, and a briefing paper went to CEQ in preparation for a meeting on Monday with Agency Deputies and staff from the Senate Committee on Indian Affairs.

From: Wendelowski, Karyn
Sent: Friday, November 15, 2013 11:19 AM
To: Cohon, Keith; Kwok, Rose
Cc: Downing, Donna; Kaiser, Russell
Subject: RE: Waters of the U.S. boundary - shoreline side

Keith – Sorry, this got a little lost in the shuffle as we've all been crazy busy. I'll confess to having no experience with this particular issue, so I'm going to put this back on Rose, Donna and Russ' radar to see if the program has any experience with it.

Karyn

Karyn Wendelowski
Attorney-Advisor
Water Law Office
Office of General Counsel
(202)564-5493

From: Cohon, Keith
Sent: Thursday, November 07, 2013 8:16 PM
To: Wendelowski, Karyn; Kwok, Rose
Cc: Downing, Donna; Kaiser, Russell
Subject: RE: Waters of the U.S. boundary - shoreline side

Thanks Karyn -- did you get my earlier reply? Attorney Client / Ex. 5

Attorney Client / Ex. 5

Attorney Client / Ex. 5

Thanks!
Keith

From: Wendelowski, Karyn
Sent: Monday, November 04, 2013 11:33 AM
To: Cohon, Keith; Kwok, Rose
Cc: Downing, Donna; Kaiser, Russell
Subject: RE: Waters of the U.S. boundary - shoreline side

Attorney Client / Ex. 5

Karyn Wendelowski
(202)564-5493

From: Cohon, Keith
Sent: Monday, November 04, 2013 12:13 PM
To: Kwok, Rose; Wendelowski, Karyn
Subject: Waters of the U.S. boundary - shoreline side

Attorney Client / Ex. 5

Thanks!
Keith

==========
Keith E. Cohon, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Phone: 206-553-2149
cohon.keith@epa.gov

Message

From: Cohon, Keith [Cohon.Keith@epa.gov]
Sent: 11/15/2013 7:26:38 PM
To: Wendelowski, Karyn [wendelowski.karyn@epa.gov]
CC: Downing, Donna [Downing.Donna@epa.gov]; Kwok, Rose [Kwok.Rose@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]
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Attorney Client / Ex. 5

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Hi Keith - Attorney Client / Ex. 5

Attorney Client / Ex. 5

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Attorney Client / Ex. 5

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Seattle, WA 98101

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1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Phone: 206-553-2149
cohon.keith@epa.gov

Appointment

From: Magorrian, Matthew [mclerran.dennis@epa.gov]
Sent: 8/3/2015 4:22:40 PM
To: McLerran, Dennis [mclerran.dennis@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Thiesing, Mary [Thiesing.Mary@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Bonifaci, Angela [Bonifaci.Angela@epa.gov]; Rylko, Michael [Rylko.Michael@epa.gov]; Byron, Carrie [Byron.Carrie@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Kowalski, Ed [Kowalski.Edward@epa.gov]; Kenknight, Jeff [Kenknight.Jeff@epa.gov]; Dunbar, Bill [dunbar.bill@epa.gov]
CC: Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Davies, Lauris [Davies.Lauris@epa.gov]; Psyk, Christine [Psyk.Christine@epa.gov]; Barber, Anthony [Barber.Anthony@epa.gov]

Subject: RA Briefing: Earthjustice CWA Jurisdiction Petition
Location: 21st Floor ET Conf Room + Conference Line/Code / Ex. 6

Start: 8/10/2015 10:30:00 PM
End: 8/10/2015 11:15:00 PM
Show Time As: Busy

Meeting Subject(s)/Title of the Meeting or Event:	*Earthjustice Clean Water Act jurisdiction petition for EPA/Corps to claim the area between the Mean High Water Mark (MHHW) and the Highest Astronomical High Tide line in Puget Sound.*
Program Office POC(s):	*ETPA: Linda Anderson-Carnahan, Michael Szerlog, Mary Anne Thiesing, Heather Dean, and Linda Storm.* *OWW/Puget Sound Program: Dan Opalski, Angela Bonifaci, Michael Rylko, Carrie Byron* *ORC: David Allnutt, Cara Steiner-Riley, Endre Szalay*
Priority: (High, Medium, Low)	*High*
Purpose of the meeting (informational, decisional, prep)	*Decisional (we will be providing Dennis with options for responding)*
If the meeting will involve external participants, what will the RA/DRA's role be? (site visit, presenter/speech, listening session)	*No external participants are expected at this time, however, the Army Corps, Northwest Division is the lead for responding to the joint petition.*
Brief background information:	*On June 24, 2015, EPA and Army Corps of Engineers, Seattle District received a formal petition from Earthjustice to "seek a formal agency resolution of the long-running dispute over the appropriate scope of Corps jurisdiction in marine shoreline areas of Puget Sound, Washington." Specifically Earthjustice is asking "EPA to use authorities established under interagency agreement to designate marine shorelines between MHHW and true high tide as "waters of the United States" under the CWA subject to § 404 permitting. Additionally, we ask the Corps to make formal jurisdictional determinations with respect to several specific shoreline armoring projects currently planned without federal CWA permits that will take place below high tide but above MHHW."* *The issue of appropriate methodology to determine the high tide line for the purposes of determining Jurisdiction has been raised to the Seattle District by EPA and the National Marine Fishery Services in the context of nationwide permit reauthorization and in discussions with the Puget Sound Partnership and their Action Agenda's efforts to reverse the trend in*

	shoreline armoring in Puget Sound. *The intent of this meeting is to determine how best to respond to the Earthjustice petition and to discuss options available to EPA to address the high tide line issue either nationally or regionally.*
Location and/or suggested travel plan if offsite:	*RA's conference room*
When would you like to have this meeting? Please indicate if there are deadlines.	*First week of August if possible.*
How long should the meeting last? (Typically, briefings last no more than 45 minutes)	*Because there will be a large number of options to discuss with Dennis, we would like to have a full hour.* ***We are only scheduling 45 minute briefings at the RA & DRAs request. If you would like more than 45 minutes, please contact the RA or DRA directly.***
Required attendees:	*ETPA: Linda Anderson-Carnahan, Michael Szerlag, Mary Anne Thiesing, Heather Dean, and Linda Storm.* *OWW/Puget Sound Program: Dan Opalski, Angela Bonifaci, Michael Rylko, Carrie Byron* *ORC: David Allnutt, Cara Steiner-Riley, Endre Szalay* *OCE: Ed Kowalski, Jeff Kenknight* *ORA: Bill Dunbar*
Optional Attendees:	*ORA: Michelle Pirzadeh, OWW: Christine Psyk, WA Ops Director – Interim: Anthony Barber, OCE: Lauris Davies.*
IT/AV Equipment Needed (laptop, VTC, mics, etc)	*Need to be able to use flat screen to show PowerPoint/documents*
Superfund Site Specific Charging:	*NA*

Message

From: Dean, Heather [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=544264942F0644FEAF7C86ABAEBCD3DF-DEAN, HEATHER]
Sent: 5/6/2015 5:50:48 PM
To: Michael Szerlog [Szerlog.Michael@epa.gov]
Subject: Special Case vs. Policy Elevation

Okay, here you go:

Policy Elevation

Deliberative Process / Ex. 5

Special Case

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Message

From: Dean, Heather [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=544264942F0644FEAF7C86ABAEBCD3DF-DEAN, HEATHER]
Sent: 8/31/2016 2:13:55 PM
To: Pepich, Barry [Pepich.Barry@epa.gov]; Morris, Tony [morris.tony@epa.gov]
Subject: PowerPoint for OERA Picnic Presentation
Attachments: WTH is HTL.pptx

Good morning, gentlemen. Attached is my PowerPoint file for today's presentation.

Thanks!

Heather

Message

From: Dean, Heather [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=544264942F0644FEAF7C86ABAEBCD3DF-DEAN, HEATHER]
Sent: 8/31/2016 6:22:39 AM
To: Michael Szerlog [Szerlog.Michael@epa.gov]
Subject: Draft RA Briefing Paper
Attachments: RA Briefing-HTL vs MHHW.docx

Jim Jacobson recently told me that "COB" meant before he got in the next morning. So, here's my first cut. Other than when I'm giving my presentation, I can find somewhere to sequester myself tomorrow, as necessary, to get it further along. I'll also need to find some time to massage it into one for HQ's upcoming visit.

I'll be in around 7ish.

REGIONAL ADMINISTRATOR'S BRIEFING – Internal
7 September 2016

Event: Deliberative Process / Ex. 5
Time: 3:00-3:30 p.m.
Location:

Meeting Overview: Deliberative Process / Ex. 5

Attendees: Dennis McLerran, Michelle Pirzadeh, David Allnutt, Lucy Edmondson, Dan Opalski, Cara Steiner-Riley, Peter Murchie, Michael Szerlog, Endre Szalay, Heather Dean, and Susan Meyer

Background:

- In the absence of adjacent wetlands, the HTL is the geographic limit of Clean Water Act (CWA) jurisdiction in tidally influenced waters. The placement of fill material below the HTL requires authorization from the Corps of Engineers.
- The Corps promulgated the regulatory definition of HTL in 1977, five years after passage of the CWA.

Deliberative Process / Ex. 5

- Analysis of records for six tide stations across Washington shows that tides exceed MHHW three to five times every week and surpass it by more than a foot as often as every ten days.
- Ongoing Washington Department of Fish and Wildlife (WDFW) beach surveys have confirmed widespread forage fish spawning well above MHHW. In addition, shallow waters provide refuge for juvenile salmon from predators. When shoreline property owners place fill at or above MHHW—for which the Corps does not currently require CWA authorization—the shallow water spawning and refuge habitat are lost without any environmental review or mitigation.
- Region 10 has attempted unsuccessfully for many years to engage the Seattle District in considering a change in its interpretation of HTL. Then, in 2015, the non-profit environmental law organization Earth Justice petitioned Region 10 to exercise our authority to set policy on CWA jurisdiction by designating a "special case" at one or more sites on the Washington coast. Concurrently, the Northwest Indian Fisheries Commission (NWIFC), on behalf of its member tribes, began raising concern about the fisheries impacts through the Treaty Rights at Risk consultation process.
- The interest of these two entities led to a commitment by the Seattle District to engage in an interagency workgroup with Region 10 and NOAA's West Coast

Region (NMFS) to evaluate a possible change in its interpretation of the location of the HTL. At the outset, the workgroup agreed that the culmination of its effort would be a recommendation to the Corps' Northwest Division Engineer (General), with the understanding that Region 10 would reserve its right to designate a special case should we disagree with the outcome of that process.

Deliberative Process / Ex. 5

Status:

Deliberative Process / Ex. 5

Options:

Deliberative Process / Ex. 5

Staff Contacts: Heather Dean (ARU), Susan Meyer (PSP), Endre Szalay (ORC)

Message

From: Dean, Heather [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=544264942F0644FEAF7C86ABAEBCD3DF-DEAN, HEATHER]
Sent: 3/16/2016 3:15:10 PM
To: Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: Tidal Datum paper

Hi, Susan. Didn't have a chance to look at yesterday, but will do so today. Thanks....

From: Meyer, Susan
Sent: Tuesday, March 15, 2016 4:12 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: FW: Tidal Datum paper

Heather, I am wondering if you are thinking what I am. That It would be good to talk to Peter Stone before the next meeting to try to figure out where those other elevations fit in to the scheme of things? It would be great to have those matrices finished by the next meeting. BTW, did the ecological information I provided meet your expectations? I just did what I thought made sense, so please let me know if not. Thanks!

Susan

From: Matthew Longenbaugh - NOAA Federal [mailto:matthew.longenbaugh@noaa.gov]
Sent: Tuesday, March 15, 2016 2:25 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; elizabeth.babcock@noaa.gov
Subject: Re: Tidal Datum paper

And Peter Stone from the NOS has agreed to join our conf calls to answer Q. Not sure if he can be available for entire 9-11.

ML

On Tue, Mar 15, 2016 at 9:39 AM, Matthew Longenbaugh - NOAA Federal <matthew.longenbaugh@noaa.gov> wrote:

Hi Heather, i relayed your Q to our NOS contact and will let you know when someone could be available.

Perhaps it would help for me to explain my view of the datum # provided by NOS for Seattle station.

9447130 Seattle, WA

HAT: 6.461m HAT is ca from tidal obsv and measured above the Station Datum of 0, which is 2.419 m below MLLW.

Gc: 6.366m This range is TcHHW -- TcLLW. And TcHHW and TcLLW are ca from harmonic constituents.

Gt: 6.182m Ca from MTL (4.451 m) + ½ of range (MHHW 5.882 minus 2.410 MLLW)

MHHW: 5.882m This is msrd above Station Datum.

Pn: 5.872m Calculated from harmonic constituents

Sg: 5.853m Calculated from harmonic constituents

►Note that each of the ranges (Gc, Gt, Pn, Sg) are estimated by taking ½ of the specific range and adding Mean Tide Level (which is 4.451 m at Seattle). See example above for Gt.

ML

On Tue, Mar 15, 2016 at 8:15 AM, Dean, Heather <Dean.Heather@epa.gov> wrote:

Good morning, Matt.

As part of the work to update the HTL matrix, we have some questions for NOS on the paper that they provided on calculation of various high water elevations at the six different tide stations. Have you been able to get an appropriate NOS contact for the group, yet?

Thanks,

Heather

From: Murchie, Peter
Sent: Friday, February 26, 2016 11:58 AM
To: Meyer, Susan <meyer.susan@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Subject: FW: Tidal Datum paper

See attached

From: Elizabeth Babcock - NOAA Federal [mailto:elizabeth.babcock@noaa.gov]
Sent: Friday, February 26, 2016 11:44 AM

To: Murchie, Peter <Murchie.Peter@epa.gov>
Subject: Tidal Datum paper

Peter - I just reviewed this document from Matt and am sending to you FYI - It includes examples of the differences between HAT, MHHW and Great Tropic range at 6 stations. Please share with Susan and Heather as I don't have their emails at the ready.

Matt - would you please provide Susan and Heather with the contact information for the right person at NOS so they can direct questions to him/her if they have them?

Thanks all -

Elizabeth

--

Elizabeth Babcock

Acting North Puget Sound Branch Chief

Puget Sound Salmon Recovery Coordinator

NOAA National Marine Fisheries Service

7600 Sandpoint Way NE

Seattle, WA 98040

Office (206) 526-4505

Mobile (206) 276-7029

Fax (206) 526-6426

--
Matt Longenbaugh

Central Puget Sound Branch Chief
NOAA Fisheries West Coast Region
US Department of Commerce
Office: 360-753-7761
Mobile: 360-951-4906

--

Matt Longenbaugh
Central Puget Sound Branch Chief
NOAA Fisheries West Coast Region
US Department of Commerce
Office: 360-753-7761
Mobile: 360-951-4906

Message

From: Dean, Heather [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=544264942F0644FEAF7C86ABAEBCD3DF-DEAN, HEATHER]
Sent: 8/30/2016 10:18:54 PM
To: Dean, Heather [Dean.Heather@epa.gov]
Attachments: Determining High Tide Line.docx; What is the HTL-Updated 15 Dec 15.docx

Message

From: Dean, Heather [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=544264942F0644FEAF7C86ABAEBCD3DF-DEAN, HEATHER]
Sent: 8/30/2016 8:38:17 PM
To: Dean, Heather [Dean.Heather@epa.gov]
Attachments: HAT Briefing Paper 6 NOV 2015 (00000002)-HED edits.docx; RA Briefing-HTL vs MHHW.docx

Message

From: Dean, Heather [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=544264942F0644FEAF7C86ABAEBCD3DF-DEAN, HEATHER]
Sent: 10/26/2016 10:27:51 PM
To: Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: Shoreline Protection report

Oh, duh.

From: Meyer, Susan
Sent: Wednesday, October 26, 2016 3:27 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Shoreline Protection report

No worries. I just did it.

From: Dean, Heather
Sent: Wednesday, October 26, 2016 3:26 PM
To: Meyer, Susan <meyer.susan@epa.gov>
Subject: RE: Shoreline Protection report

Woo hoo; thanks! I also asked him to upload it back to Sharepoint, but he hasn't responded.

From: Meyer, Susan
Sent: Wednesday, October 26, 2016 3:25 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Shoreline Protection report

Got it. I'll send it tonight, with Kevin's caveat.

From: Dean, Heather
Sent: Wednesday, October 26, 2016 2:43 PM
To: Meyer, Susan <meyer.susan@epa.gov>
Subject: FW: Shoreline Protection report

Here ya go....

From: Brown, Kevin
Sent: Wednesday, October 26, 2016 2:36 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: Shoreline Protection report

The report is attached. **Deliberative Process / Ex. 5**

The main text document appears to have been generated by taking the pervious PDF, exporting it to Word format, and then editing... which does not Track Changes from the original Word document from back in August. Since I couldn't see what was added/changed, I had to cut&paste everything, which sometimes loses things like subscript/superscript -- I don't recall there being any chemical formulae, for example, but if there are they need to be checked. Exporting from a PDF also introduces a number of unavoidable formatting errors into the resulting Word document (primarily, hard

returns at the end of lines of text, among other things). I fixed all of them I could see, comparing this version side by side with the August version, but I may have overlooked something.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

From: Dean, Heather
Sent: Wednesday, October 26, 2016 8:21 AM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: Shoreline Protection report

Awesome; thanks!

From: Brown, Kevin
Sent: Wednesday, October 26, 2016 7:24 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Shoreline Protection report

I'm working on it, I should be finished this afternoon.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

From: Dean, Heather
Sent: Wednesday, October 26, 2016 7:16 AM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: Shoreline Protection report

Good morning, Kevin. I know Susan Meyer e-mailed you an inquiry yesterday on the status of your production of the HTL report, but she advised me she'll be away from e-mail today, so I am, with this inquiry, transferring the e-mail chain back to me. How's it going?

From: Dean, Heather
Sent: Friday, October 21, 2016 11:29 AM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Shoreline Protection report

And, here's Figure 5. Thanks again!

From: Brown, Kevin
Sent: Friday, October 21, 2016 7:36 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Shoreline Protection report

I retained all the files from before, so I'd just need whatever's been changed.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

From: Dean, Heather
Sent: Thursday, October 20, 2016 9:14 AM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Shoreline Protection report

Hi, Kevin. I believe Michael Szerlog may have checked with you about making revisions to the High Tide Line report...?

There are changes to the text & some, but not all, of the graphics. Do you need me to send you everything or just the things that had changes?

From: Brown, Kevin
Sent: Thursday, August 11, 2016 2:36 PM
To: Meyer, Susan <meyer.susan@epa.gov>
Cc: Jacobson, James R NWS <James.R.Jacobson@usace.army.mil>; Dean, Heather <Dean.Heather@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: Shoreline Protection report

Attached is the report with the corrections made.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

From: Meyer, Susan
Sent: Tuesday, August 09, 2016 3:17 PM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Cc: Jacobson, James R NWS <James.R.Jacobson@usace.army.mil>; Dean, Heather <Dean.Heather@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: Shoreline Protection report for your FINAL magic touch

Hi Kevin, **Deliberative Process / Ex. 5** There are little sticky notes and some small red edits throughout, which may be hard to see. When you are finished, please send it back to me, so I can repost it on the Corps' sharepoint site.

Thanks so much for doing this. It looks great!

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140

206-553-1078
Meyer.susan@epa.gov

Message

From: Dean, Heather [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=544264942F0644FEAF7C86ABAEBCD3DF-DEAN, HEATHER]
Sent: 3/16/2016 2:24:36 PM
To: Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: Tidal Datum paper

Absolutely. I have his e-mail address, I'm just trying to decide if I should contact him directly to request a phone conversation or if I should go through Matt. Your thoughts?

From: Meyer, Susan
Sent: Tuesday, March 15, 2016 4:12 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: FW: Tidal Datum paper

Heather, I am wondering if you are thinking what I am. That it would be good to talk to Peter Stone before the next meeting to try to figure out where those other elevations fit in to the scheme of things? It would be great to have those matrices finished by the next meeting. BTW, did the ecological information I provided meet your expectations? I just did what I thought made sense, so please let me know if not. Thanks!

Susan

From: Matthew Longenbaugh - NOAA Federal [mailto:matthew.longenbaugh@noaa.gov]
Sent: Tuesday, March 15, 2016 2:25 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; elizabeth.babcock@noaa.gov
Subject: Re: Tidal Datum paper

And Peter Stone from the NOS has agreed to join our conf calls to answer Q. Not sure if he can be available for entire 9-11.

ML

On Tue, Mar 15, 2016 at 9:39 AM, Matthew Longenbaugh - NOAA Federal <matthew.longenbaugh@noaa.gov> wrote:

Hi Heather, i relayed your Q to our NOS contact and will let you know when someone could be available.

Perhaps it would help for me to explain my view of the datum # provided by NOS for Seattle station.

9447130 Seattle, WA

HAT: 6.461m HAT is ca from tidal obsv and measured above the Station Datum of 0, which is 2.419 m below MLLW.

Gc: 6.366m This range is TcHHW -- TcLLW. And TcHHW and TcLLW are ca from harmonic constituents.

Gt: 6.182m Ca from MTL (4.451 m) + ½ of range (MHHW 5.882 minus 2.410 MLLW)

MHHW: 5.882m This is msrd above Station Datum.

Pn: 5.872m Calculated from harmonic constituents

Sg: 5.853m Calculated from harmonic constituents

►Note that each of the ranges (Gc, Gt, Pn, Sg) are estimated by taking ½ of the specific range and adding Mean Tide Level (which is 4.451 m at Seattle). See example above for Gt.

ML

On Tue, Mar 15, 2016 at 8:15 AM, Dean, Heather <Dean.Heather@epa.gov> wrote:

Good morning, Matt.

As part of the work to update the HTL matrix, we have some questions for NOS on the paper that they provided on calculation of various high water elevations at the six different tide stations. Have you been able to get an appropriate NOS contact for the group, yet?

Thanks,

Heather

From: Murchie, Peter
Sent: Friday, February 26, 2016 11:58 AM
To: Meyer, Susan <meyer.susan@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Subject: FW: Tidal Datum paper

See attached

From: Elizabeth Babcock - NOAA Federal [mailto:elizabeth.babcock@noaa.gov]
Sent: Friday, February 26, 2016 11:44 AM

To: Murchie, Peter <Murchie.Peter@epa.gov>
Subject: Tidal Datum paper

Peter - I just reviewed this document from Matt and am sending to you FYI - It includes examples of the differences between HAT, MHHW and Great Tropic range at 6 stations. Please share with Susan and Heather as I don't have their emails at the ready.

Matt - would you please provide Susan and Heather with the contact information for the right person at NOS so they can direct questions to him/her if they have them?

Thanks all -

Elizabeth

--

Elizabeth Babcock

Acting North Puget Sound Branch Chief

Puget Sound Salmon Recovery Coordinator

NOAA National Marine Fisheries Service

7600 Sandpoint Way NE

Seattle, WA 98040

Office (206) 526-4505

Mobile (206) 276-7029

Fax (206) 526-6426

--
Matt Longenbaugh

Central Puget Sound Branch Chief
NOAA Fisheries West Coast Region
US Department of Commerce
Office: 360-753-7761
Mobile: 360-951-4906

--

Matt Longenbaugh
Central Puget Sound Branch Chief
NOAA Fisheries West Coast Region
US Department of Commerce
Office: 360-753-7761
Mobile: 360-951-4906

Message

From: Dean, Heather [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=544264942F0644FEAF7C86ABAEBCD3DF-DEAN, HEATHER]
Sent: 6/6/2016 8:05:02 PM
To: DeGering, Tracy [DeGering.Tracy@epa.gov]
Subject: RE: OWW Management Meeting Highlights from 5/26/16 and 5/31/16

Yep; I were there, too, but thanks for checking!

From: DeGering, Tracy
Sent: Monday, June 06, 2016 11:23 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: FW: OWW Management Meeting Highlights from 5/26/16 and 5/31/16

Hopefully you know about this:

> **Puget Sound Team** - Peter Murchie - Peter is out with NOAA and the COE at Tulalip Bay and looking at how they develop high tide line today (Tuesday).

From: Lidgard, Michael
Sent: Friday, June 03, 2016 6:03 PM
To: Abbotts, John <Abbotts.John@epa.gov>; Brick, David <brick.david@epa.gov>; Burgess, Karen <Burgess.Karen@epa.gov>; DeGering, Tracy <DeGering.Tracy@epa.gov>; Drabek, John <Drabek.John@epa.gov>; Gockel, Catherine <Gockel.Catherine@epa.gov>; Godsey, Cindi <Godsey.Cindi@epa.gov>; Greenamyer, Janice <Greenamyer.Janice@epa.gov>; Grompe, Ashley <grompe.ashley@epa.gov>; Guzzo, Lindsay <Guzzo.Lindsay@epa.gov>; Helder, Dirk <Helder.Dirk@epa.gov>; Keenan, Dru <keenan.dru@epa.gov>; Le, Michael <Le.Michael@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; McCauley, Margaret <McCauley.Margaret@epa.gov>; Nickel, Brian <Nickel.Brian@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Pollow, George <Pollow.George@epa.gov>; Poulsom, Susan <Poulsom.Susan@epa.gov>; Seyfried, Erin <Seyfried.Erin@epa.gov>; Shum, Kai Hon <Shum.Kai@epa.gov>; Stoddard, Jamey <Stoddard.Jamey@epa.gov>; Vakoc, Misha <Vakoc.Misha@epa.gov>; Washington, Audrey <Washington.Audrey@epa.gov>
Subject: FW: OWW Management Meeting Highlights from 5/26/16 and 5/31/16

fyi

From: Jennings, Marie
Sent: Tuesday, May 31, 2016 8:22 PM
To: Chung, Angela <Chung.Angela@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Croxton, Dave <Croxton.David@epa.gov>; Jennings, Marie <Jennings.Marie@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Chin, Joanne <Chin.Joanne@epa.gov>; Fisher, Kenneth <Fisher.Kenneth@epa.gov>; Helder, Dirk <Helder.Dirk@epa.gov>; Henszey, Jo <Henszey.Jo@epa.gov>; Littleton, Christine <Littleton.Christine@epa.gov>; Palmer, John <Palmer.John@epa.gov>; Patheal-Centenera, Bella <Patheal-Centenera.Bella@epa.gov>; Salter, Joel <Salter.Joel@epa.gov>; Soscia, Marylou <Soscia.Marylou@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Chan-Chau, Nora <Chan-Chau.Nora@epa.gov>
Subject: OWW Management Meeting Highlights from 5/26/16 and 5/31/16

OWWET Thursday Afternoon Management Meeting 5/26/16

ET download – Dan

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

David Allnutt – mentioned high tide line meeting with the COE that took place this week.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OWWET Management Meeting Highlights – May 31, 2016

Immediate Office
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line
Enforcement, Media, Legal, and other Water Programs
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line
OWW Units

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Puget Sound Team - Peter Murchie - Peter is out with NOAA and the COE at Tulalip Bay and looking at how they develop high tide line today (Tuesday). **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line**

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Operations Offices

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Marie J

Message

From: Dean, Heather [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=544264942F0644FEAF7C86ABAEBCD3DF-DEAN, HEATHER]
Sent: 6/2/2016 11:20:54 PM
To: Rave-Perkins, Krista [Rave-Perkins.Krista@epa.gov]
Subject: RE: Projects in the Intertidal

Thanks.

From: Rave-Perkins, Krista
Sent: Thursday, June 02, 2016 10:58 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Projects in the Intertidal

I will try and remember – I don't recall anything so far. ☺

From: Dean, Heather
Sent: Wednesday, May 25, 2016 11:16 AM
To: Rave-Perkins, Krista <Rave-Perkins.Krista@epa.gov>
Subject: Projects in the Intertidal

Hey, Krista. Can you let me know if you get either a permit application (IP, GP, or NWP) or pre-app notice involving work in the intertidal? It's related to our efforts on clarifying the location of the high tide line.

Thanks,

H

Message

From: Dean, Heather [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=544264942F0644FEAF7C86ABAEBCD3DF-DEAN, HEATHER]
Sent: 8/9/2016 11:12:30 PM
To: Meade, Chris [Meade.Chris@epa.gov]
Subject: Cook Inlet Data

Hi, Chris.

So, Alaska & Florida are the two states where I have not yet looked at all of the harmonic tide stations (because they have so many). Alaska has 181, of which I've looked at 20%. Also, at the time I was doing that, I looked only at the highest predicted tide for 2015; the mean highest predicted tide, which we've calculated for 1998-2016 in WA, would be somewhat different. Anyway, three of the stations I've looked at are "Cook Inlet" stations (Anchorage, Kalgin Island, & Seldovia). Across those three, the highest astronomical tide (HAT) averaged 1.8 inches higher than the highest predicted tide for 2015 & 5.1 feet higher than MHHW. Over the 36 total stations I looked at in AK (which do, at least, span the whole state), HAT averaged 3.9 inches higher than MHPT & 2.8 feet higher than MHHW.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Probably a lot more info than you were looking for, but let me know if you have any more questions.

H

Message

From: Nandi, Romell [Nandi.Romell@epa.gov]
Sent: 8/23/2016 4:17:45 PM
To: Downing, Donna [Downing.Donna@epa.gov]
Subject: FW: Region 10 Finalizing agenda topics

Importance: High

Donna:

I should have cc'd you – see below.

Romell

From: Nandi, Romell
Sent: Tuesday, August 23, 2016 12:14 PM
To: Goodin, John <Goodin.John@epa.gov>; Miller, Clay <Miller.Clay@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Cc: Best-Wong, Benita <Best-Wong.Benita@epa.gov>
Subject: FW: Region 10 Finalizing agenda topics
Importance: High

John/Clay:

I left John a VM on this: Benita is attending a R10 Review meeting that was just put on the calendar for **today at 3pm**, with Mike Shapiro and Dan Opalski on the line. See Laura Drummond's email below – Mike will want a HQ perspective on the 404 issue submitted by the Region (including whether this is important enough to have on the agenda proper).

Can you send Benita (and cc me) something on this so she can give our perspective to Mike? John – if you would like to accompany Benita at 3pm to talk about this, let me know – I will forward you the invite. But if you cannot make it, WD should send us some brief TPs ASAP, in time for the 3pm meeting.

Thanks.

Romell
566-1203

From: Drummond, Laura
Sent: Tuesday, August 23, 2016 11:48 AM
To: Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>
Cc: Nandi, Romell <Nandi.Romell@epa.gov>
Subject: RE: Region 10 Finalizing agenda topics

Hello,

During the pre-brief with Mike this morning, he specifically wanted a headquarters perspective on:

- CWA 404 Jurisdiction Issue – Clarification of High Tide line in WA – Puget Sound
  - Interagency workgroup (EPA (404 and Puget Sound), NOAA, and Corps (Seattle District)) to evaluate what tidal datum or elevation to use for High Tide Line.
  - Tribes raising this as a Treaty Rights at Risk issue. In addition, EarthJustice sent EPA a petition on the issue.

    - Sea level rise and new science showing use of tidally-influenced shoreline habitat by forage fish warrant relook at current interpretation.
- CZARA in the states

His primary question is if HQ believes that this topics are important enough for including in the agenda. Please give these topics some though for the meeting this afternoon.

Laura Drummond
Program Analyst – Presidential Management Fellow
U.S. Environmental Protection Agency
Office of Water – Resource Management Staff
Phone – (202) 564-6561

Message

From: Downing, Donna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D853E50D3A2B489DAF2CC498C052E3D6-DDOWNING]
Sent: 5/19/2016 4:08:00 PM
To: Goodin, John [Goodin.John@epa.gov]
CC: Kaiser, Russell [Kaiser.Russell@epa.gov]
Subject: Any comments on NW Indian Fish Commission letter? Region 10 letter due soon!
Attachments: Rsp to NWIFC-MS&ES&DD.DOCX

Hi John:

Early last week I talked with you about the draft letter from Region 10 to the Northwest Indian Fish Commission regarding high tide line. As we discussed briefly, I reviewed the letter and while it was very well written asked Heather to focus the letter on the ongoing collaboration among EPA, Corps, MNFS

Deliberative Process / Ex. 5

Attached is the latest version of the letter reflecting comments from me as well as a variety of Region 10 reviewers.

You had asked for an opportunity to review the letter as well, and the Region got an extension in CMS to make that possible. The new deadline is next Monday. Might you have an opportunity to review the letter today or early tomorrow? Michael and company will be traveling to NCTC on Sunday, and he'd really like to finalize the letter before hitting the road.

Thanks!

Donna

-----Original Message-----
From: Downing, Donna
Sent: Monday, May 09, 2016 2:32 PM
To: Dean, Heather <Dean.Heather@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Szalay, Endre <Szalay.Endre@epa.gov>
Subject: RE: CMS New Assignment - Julianne McLeod - AX-16-000-7241

Sorry to be slow, Heather. This came after I'd left Thursday, Personal Matters / Ex. 6 and have been in a lot of meetings today. I'm on a call as I type (double-tasking!), but will take a look as soon as the call ends. With this email I'm also cc'ing John Goodin Personal Matters / Ex. 6

Donna

-----Original Message-----From: Dean, Heather
Sent: Monday, May 09, 2016 2:19 PM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Szalay, Endre <Szalay.Endre@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>
Subject: RE: CMS New Assignment - Julianne McLeod - AX-16-000-7241

Thanks. I have nothing from Endre or Donna, yet. (Guys- I need to get it to David today.)

Do we need to get input from the Puget Sound &/or tribal folks, or is sharing a copy after it goes out sufficient?

-----Original Message-----
From: Szerlog, Michael
Sent: Monday, May 09, 2016 11:15 AM
To: Dean, Heather <Dean.Heather@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Cc: Downing, Donna <Downing.Donna@epa.gov>
Subject: RE: CMS New Assignment - Julianne McLeod - AX-16-000-7241

Heather,

Good job. My thoughts are attached. Did you get any comments from Endre? Or Donna?

I will let David know you will be sending to him through Linda Tyson.

Thanks
Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2 Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

-----Original Message-----
From: Dean, Heather
Sent: Thursday, May 05, 2016 2:26 PM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Cc: Downing, Donna <Downing.Donna@epa.gov>
Subject: FW: CMS New Assignment - Julianne McLeod - AX-16-000-7241

Good afternoon.

I would rather have been at the beach with you guys, but instead was drafting this response (Word file) to the Northwest Indian Fisheries Commission (pdf file). My instructions were to have it to David next Monday, so the letter could go out the next day. As usual, Personal Matters / Ex. 6 so please have any comments back to me by Monday morning.

I am cc'ing Donna, but don't know who else to provide the draft &/or when, so please forward it to whomever else you think needs to review, along with my request for input by Monday morning.

Thanks,

Heather

-----Original Message-----
From: Tyson, Linda
Sent: Wednesday, April 27, 2016 11:52 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: FW: CMS New Assignment - Julianne McLeod - AX-16-000-7241

Hi Heather,

I'm being told that you are lead on response to this CMS, in coordination with Susan Meyer and Endre Szelay. Documents are attached. Response is due in CMS by 5/10 but will need routing/review for David's signature (recommend NLT 5/9 for routing).

LT

-----Original Message-----
From: cmsadmin@epa.gov [mailto:cmsadmin@epa.gov]
Sent: Tuesday, April 26, 2016 1:47 PM
To: Schuster, Cindy <Schuster.Cindy@epa.gov>; Manaloor, Valsala <Manaloor.Valsala@epa.gov>; Tyson, Linda <Tyson.Linda@epa.gov>
Subject: CMS New Assignment - Julianne McLeod - AX-16-000-7241

Control AX-16-000-7241 has been assigned to your office on 4/26/16 4:46 PM by Julianne McLeod. Please go to the CMS webpage to view the details of the control.

Summary Information -
Control Number: AX-16-000-7241
Control Subject: DRF - Daily Reading File - Federal Obligation to Interpret Section 404 Geographic Scope to the Highest Astronomical Tide Line to Help Protect Treaty Rights
From: Green, Jennifer; Loomis, Lorraine

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at https://cms.epa.gov/cms. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

HIGH TIDE LINE

Issue Overview: Corps regulations have defined "high tide line" (HTL) for years, and the term has been implemented differently among Districts. The issue has been a particular challenge in the Pacific Northwest. In June 2015, Earth Justice filed a petition asking for formal agency resolution how to implement the term when determining jurisdiction in marine shoreline areas of Puget Sound, Washington. In April 2016, the Northwest Indian Fisheries Commission wrote Administrator McCarthy calling for EPA to ensure the Corps uses an environmentally protective approach to HTL. Region 10, Seattle District, and NMFS Seattle Office have been discussing available tide data for several months and

Deliberative Process / Ex. 5

Potential Next Steps:

Deliberative Process / Ex. 5

Background:

- The longstanding regulatory definition of "high tide line" is "the line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of the water against a coast by strong winds such as those accompanying a hurricane or other intense storm." CWR: 33 CFR 328.3(c)(7); previously located at 33 CFR 323.2(h).
- HTL has been interpreted a variety of ways by Corps Districts during implementation. (see map) For example,
  - Mean Higher High Water is used by Districts in the Pacific Northwest.
  - Mean High Water is used frequently by Districts in the Southeast.
  - Highest Predicted (Annual) Tide is used in much of California.
- In June 2015, EarthJustice petitioned Region 10 and Seattle District to formally resolve how HTL would be interpreted in the Pacific Northwest, indicating that Mean Higher High Tide (MHHW) is lower than the actual regulatory high tide line, and thus is insufficiently protective. EarthJustice calls for EPA to use its Civiletti authority to designate marine shorelines between MHHW and true high tide line as waters of the United States.
- EPA Region 10, the National Marine Fisheries Service (NMFS) Seattle office, and the Seattle District began discussions earlier this year regarding data on HTL and how best to interpret the concept along the Puget Sound. They have surveyed how HTL is interpreted across Corps Districts, and surveyed available tide data. Region 10 staff indicate discussions have been fruitful, focusing in on Mean Highest Annual Tide, with support from agencies' local staff and attorneys. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

- On April 22, 2016, the Northwest Indian Fisheries Commission asked Administrator McCarthy to regulate as waters of the US up to the highest astronomical tide (HAT). Hat is the highest level that the tide is expected to reach during the 19 year tidal cycle, in the absence of wind or storm surge. This is the same elevation that National Marine Fisheries Service (NMFS) uses to delineate the upper boundary of its critical salmon habitat designation.

HIGH TIDE LINE
DRAFT TALKING POINTS

Overview:

- Corps regulations have defined "high tide line" (HTL) for years, and the term has been implemented differently among Districts.
- The issue has been a particular challenge in the Pacific Northwest.
  - In June 2015, Earth Justice filed a petition asking for formal agency resolution how to implement the term when determining jurisdiction in marine shoreline areas of Puget Sound, Washington.
  - In April 2016, the Northwest Indian Fisheries Commission wrote Administrator McCarthy calling for EPA to ensure the Corps uses an environmentally protective approach to HTL.
  - Region 10, Seattle District, and NMFS Seattle Office have been discussing available tide data for several months Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Some Background:

- The longstanding regulatory definition of "high tide line" is "the line of intersection of the land with the water's surface at the maximum height reached by a rising tide." The definition indicates that when data is lacking, a regulatory can look along the shore for a line of oil or scum, fine shell, debris, or other physical markings that help delineate the general height reached by a rising tide. Marks left by storm surges are not to be considered.

- HTL has been interpreted a variety of ways by Corps Districts. Discussions of HTL quickly evolves into terms that sound similar but result in different levels of aquatic resource protection depending on the approach.
  - Districts have sought and used available tide data differently during implementation, resulting in CWA jurisdiction being higher or lower along a shoreline depending on the approach. (see map). For example,
    - Mean Higher High Water is used by Districts in the Pacific Northwest.
    - Mean High Water is used frequently by Districts in the Southeast.
    - Highest Predicted (Annual) Tide is used in much of California.

- In June 2015, EarthJustice petitioned Region 10 and Seattle District to formally resolve how HTL would be interpreted in the Pacific Northwest, indicating that Mean Higher High Tide (MHHW) is lower than the actual regulatory high tide line, and thus is insufficiently protective.

- EPA Region 10, the National Marine Fisheries Service (NMFS) Seattle office, and the Seattle District began discussions earlier this year regarding available tide data on HTL and how best to interpret the concept along the Puget Sound.
  - They have surveyed how HTL is interpreted across Corps Districts, and surveyed available tide data.
  - Region 10 staff indicate discussions have been fruitful, focusing in on Mean Highest Annual Tide, with support from agencies' local staff and attorneys.

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

Potential Next Steps:

Deliberative Process / Ex. 5

Northwest Indian Fisheries Commission

6730 Martin Way E., Olympia, Washington 98516-5540
Phone (360) 438-1180 www.nwifc.org FAX # 753-8659

April 22, 2016

Ms. Gina McCarthy, Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Mail Code 1101A
Washington, D.C. 20460

Mr. Dennis McLerran, Regional Administrator
U.S. EPA, Region 10
1200 6th Avenue, Suite 900
Seattle, WA 98101

Re: Federal Obligation to Interpret Section 404 Geographic Scope to the Highest Astronomical Tide Line to Help Protect Treaty Rights

Dear Administrator McCarthy and Regional Administrator McLerran:

Since the inception of Treaty Rights at Risk, the Northwest Indian Fisheries Commission and its member tribes have been working with the EPA, Corps of Engineers, National Marine Fisheries Service, and Natural Resources Conservation Service to better align federal actions and programs with protection and restoration of tribal treaty rights and achievement of water quality standards. This is necessary because current federal and state salmon protection efforts have placed the lion's share of the burden of protecting naturally produced salmon on treaty fisheries while failing to require reasonable and commensurate conservation actions by those who would damage the habitat on which treaty fisheries depend. An important initial step to begin rectifying this imbalance is for EPA to require that the Corps of Engineers Seattle District fully apply the Clean Water Act's jurisdiction to issue section 404 permits to protect marine shorelines up to the level of the highest astronomical tide.

Since 1979 with the publication of the Civiletti Memorandum, EPA has been acknowledged as the agency responsible for interpretation of the geographic scope of the Corps' jurisdiction under Clean Water Act Section 404.[1] In exercising its authorities under the Clean Water Act, EPA has a trust responsibility to uphold relevant Indian treaties. This means that, in using its authorities to construe the Clean Water Act, EPA must do so in a manner that is consistent with meeting the letter and spirit of the federal government's treaties with Indian tribes. EPA acknowledges this in its recently-adopted Policy on Consultation and Coordination with Indian tribes where it states that treaties are part of the supreme law of the land and that "treaties should be construed liberally in

[1] *See* 43 Op. Att'y Gen. 197 (1979) (Civiletti Memorandum)

favor of tribes, giving effect to the treaty terms as tribes would have understood them, with ambiguous provisions interpreted for their benefit."[2]

EPA's policy is careful to note that its treaty rights guidance does not "expand the authorities granted by EPA's underlying statutes." Recognizing EPA's position on this matter, the Commission is not asking EPA to take action beyond that already authorized by the Clean Water Act. Instead, we are simply requesting that EPA – and the Corps of Engineers – fully utilize all of their existing authorities in a manner that gives full effect to the treaty terms as tribes would have understood them. At a minimum, this means two things. First, EPA must not cede to the Corps its Clean Water Act authority to make final jurisdiction determinations on matters that affect treaty rights. Second, it means the substance of these determinations must implement treaty rights to the maximum extent possible consistent with the authorities that have been granted to EPA (and the Corps). Consequently, as stated in the Civiletti Memorandum and also reflected in EPA's Memorandum of Agreement with the Corps of Engineers, it must be EPA – not the Corps of Engineers – that makes final determinations regarding the geographic scope of the Corps' permitting authority under Section 404. Similarly, the determination of jurisdiction made by EPA must protect treaty resources – salmon and shellfish and the habitat on which they depend – to the maximum extent possible under the Clean Water Act.

Why it is important that the Corps employs the full geographic scope of its Section 404 Authority

The Corps of Engineers' past and present exercise of its Clean Water Act Section 404 permitting authority has resulted in significant impacts to marine shorelines and harm to ESA-listed and treaty-reserved salmon.[3] Harm to marine shorelines is such a serious problem that the Puget Sound Partnership, the state agency charged with facilitating and coordinating recovery of Puget Sound, has identified a key goal of reversing the ongoing process of armoring shorelines by 2020.[4] In 2011, to help implement this goal, the Commission, NMFS, EPA, and the State of Washington all called for the Corps of Engineers to stop expediting shoreline armoring via nationwide permits and other general permits in the marine waters of Puget Sound due to the need to restore nearshore habitat necessary for salmon recovery.[5] The Corps partially complied in 2012 by concluding that

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[2] *See* EPA, Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights (February 2016) at 1.

[3] *See e.g.*, Corps of Engineers, Seattle District, Supplement to the National Decision Document for 2012 Nationwide Permits 11-21 (March 19, 2012) at electronic pages 126-133 (discussing impacts of shoreline armoring). *See also* Petition to Colonel John Buck, Corps of Engineers, Seattle District, and Dennis McLerran, Regional Administrator, EPA, from Earth Justice, Regarding (1) Special Case Determination; and (2) Approved Jurisdictional Determination under §404 of the Clean Water Act (June 24, 2015) at 2-4 (referencing studies and reports documenting the impacts of marine shoreline armoring).

[4] *See e.g.*, Puget Sound Partnership, Report on Puget Sound Vital Signs (2015) at 49.

[5] *See* Letter to Colonel Bruce Estok, Seattle District, Corps of Engineers, from Kate Kelly, Director, Office of Ecosystems, Tribal and Public Affairs, EPA Region 10 (Oct. 3, 2011) at 2 (recommending barring the use of NWP 13 along both marine waters and fish-bearing freshwaters); Letter to Michelle Walker, Regulatory Branch Seattle District, Corps of Engineers, from Steven Landino, Washington State Habitat Director, NMFS (December 20, 2011) at 2 (recommends precluding new shoreline armor or bank stabilization activities in all designated critical habitat and all waters containing ESA-listed species); Letter from Washington Governor Christine Gregoire and Peter Goldmark, Commissioner of Washington Public Lands, to Christine Godfrey , Acting Chief, Environmental Community of Practice, Corps of Engineers, and General John McMahon, Division Commander, Corps of Engineers

nationwide permits had caused cumulative effects on marine shorelines and halting the use of nationwide permits for authorizing new bank stabilization activities in some of the most heavily developed shorelines in Puget Sound, because the Clean Water Act did authorize permits causing such impacts.[6] Unfortunately, the Corps continues to allow streamlined permitting of new shoreline armoring in the best and most important remaining nearshore habitat in Puget Sound and along the coast. In addition – and of critical importance to our current request – at the same time as the Corps continues to streamline incremental degradation of nearshore salmon habitat, it also refuses to exercise jurisdiction over shoreline armoring projects that occur above the mean higher high water jurisdictional limit chosen by the Seattle District, even though such projects can harm salmon habitat.

For some time, NMFS has been urging the Corps to utilize its Section 404 authority and regulate shoreline activities located up to the elevation reached by the highest astronomical tide (HAT). The HAT is the highest level that the tide is expected to reach (in the absence of wind or storm surge) during the 19 year tidal cycle. This is the same elevation that NMFS uses to delineate the upper boundary of its critical habitat designation for salmon in Puget Sound marine waters. As elaborated by NMFS in a letter to the Corps, the marine shoreline area between MHHW and HAT "provides habitat for ESA-listed salmon for migration, feeding, and refuge. It also supports the food webs of salmon and other species."[7] Among these other species are forage fish such as surf smelt and Pacific sand lance. Surf smelt spawning studies in the San Juan Islands [northern Puget Sound] found that 80 percent of incubating eggs were in the upper third of the beach.[8] They can even spawn at the highest part of the beach at the toe of the upland bank, and nearly a third of the eggs were found above the MHHW line.[9]

Additional analysis indicates that existing shoreline armor, when combined with the effects of sea level rise, will likely eliminate a large amount of existing Puget Sound forage fish habitat by the turn of the century. A recent study, making conservative assumptions[10] found that 75% of surf smelt eggs located on armored shorelines would be inundated.[11] In addition to this large loss of surf

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(March 7, 2012) (requesting that all new marine shoreline armoring projects be processed via individual permits rather than NWP 13); Letter to Kristina Tong, Seattle District, Corps of Engineers, from Michael Grayum, Executive Director, NWIFC (April 8, 2011) at 3-6 (documenting the impacts of shoreline armor and bank stabilization actions and recommending that no new projects be authorized by nationwide permit within the fresh or marine waters of the Seattle District).

[6] Corps of Engineers Seattle District, Nationwide Permit Regional General Condition 3 (2012).

[7] *See* Letter to John Kem, Brigadier General, Corps of Engineers, from William Stelle, Jr., Regional Administrator, National Marine Fisheries Service (March 16, 2015) at 2.

[8] Whitman, T., D. Penttila, K. Krueger, P. Dionne, K. Pierce, Jr. and T. Quinn. 2014. Tidal elevation of surf smelt spawn habitat study for San Juan County Washington. Friends of the San Juans, Salish Sea Biological and Washington Department of Fish and Wildlife.

[9] Penttila, D. 2011. Pilot tidal elevation of Surf Smelt spawn study. Prepared for Friends of the San Juans. Friday Harbor, WA.

[10] These assumptions include that: (1) beach morphology (shape and substrate) would remain unchanged by sea level rise; (2) shoreline armor is located at MHHW +1.5 feet; and (3) sea level would not rise more than 27.3 inches. *See infra*, note 11.

[11] *See* Krueger, K.L, Pierce, Jr., K.B., Quinn, Timothy., and Penttila, D.E., 2010 Anticipated Effects of Sea Level Rise in Puget Sound on Two Beach-Spawning Fishes, *in* Shipman, H., Dethier, M.N., Gelfenbaum, G., Fresh, K.L., and Dinicola, R.S., eds., 2010, Puget Sound Shorelines and the Impacts of Armoring – Proceedings of the State of the

smelt spawning habitat, it can also be expected that sea level rise will provoke additional calls for new shoreline armor, thereby exacerbating the predicted impacts further. These direct, indirect, and cumulative effects pose significant threats to the food web and habitat upon which treaty-protected salmon rely. All of this underscores the need for EPA (and the Corps) to implement the geographic scope of the Corps' Section 404 jurisdiction to the full extent of the authority granted by Congress in the Clean Water Act.

The Current Federal Process for Assessing the Corps' Section 404 Jurisdiction Is Not Consistent with EPA's New Treaty Rights Policy.

At the March 8 meeting with representatives of the Commission and several member tribes, the regional representatives of EPA, NMFS, and the Corps announced that their agencies had initiated a closed process to evaluate alternative demarcations of the Corps of Engineers Seattle District's Section 404 geographic permitting jurisdiction. They also stated that the end result will be a recommendation to the General in charge of the Corps' Pacific Northwest Division who will make the final decision. Rather than committing to fully implement the authority granted by Congress to achieve the goals of the Clean Water Act and protect treaty-reserved resources, EPA and the other agencies have offered up a process of indeterminate duration with unidentified criteria whereby they may consider alternative jurisdictional boundary lines, including maintaining the inadequate status quo, and then allowing the Corps to make the final decision. This approach ignores EPA's statutory and trust obligations to interpret the Clean Water Act to fully protect both the designated uses and the tribes' treaty-reserved rights.

Accordingly, we respectfully request that EPA use its existing statutory authority to require the Corps of Engineers to fully utilize the geographic jurisdiction available to it under §404 to maximize the protection of water quality and treaty resources under the Clean Water Act, both within Puget Sound and along the Washington coast. We would appreciate hearing back from you by May 31st so that we can assess whether our request needs to be elevated further as an important issue raised by the tribes' Treaty Rights at Risk initiative.

Sincerely,

Lorraine Loomis

Lorraine Loomis,
Chairperson

cc: NWIFC Commissioners
William Stelle, Jr., NOAA Fisheries
Colonel John Buck, Corps of Engineers Seattle District

Science Workshop, May 2009: U.S. Geological Survey Scientific Investigations Report 2010-5224, p.171-178 (accessed on April 21, 2016 at: http://pubs.usgs.gov/sir/2010/5254/pdf/sir20105254_chap17.pdf).

Message

From: Chang, Lisa [Chang.Lisa@epa.gov]
Sent: 6/29/2016 5:49:50 PM
To: Edmondson, Lucy [Edmondson.Lucy@epa.gov]
Subject: RE: Update and my schedule the rest of the week

Hi Lucy,

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Lisa

From: Edmondson, Lucy
Sent: Wednesday, June 29, 2016 10:45 AM
To: Chang, Lisa <Chang.Lisa@epa.gov>
Subject: RE: Update and my schedule the rest of the week

Hi Lisa

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Lucy

Lucy Edmondson
Director, Washington Operations Office
US EPA Region 10
300 Desmond Drive
Lacey, WA 98503

office: 360.753.9082
cell: 206.735.5301

From: Chang, Lisa
Sent: Wednesday, June 29, 2016 10:35 AM
To: Edmondson, Lucy <Edmondson.Lucy@epa.gov>
Subject: FW: Update and my schedule the rest of the week

Hi Lucy,

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Lisa

From: Murchie, Peter
Sent: Wednesday, June 29, 2016 8:21 AM
To: Bonifaci, Angela <Bonifaci.Angela@epa.gov>; Bonifacino, Gina <Bonifacino.Gina@epa.gov>; Castner, Chris <Castner.Chris@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>; Dunn, Ann <Dunn.Ann@epa.gov>; Hanft, Sally <Hanft.Sally@epa.gov>; Marshalonis, Dino <Marshalonis.Dino@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>; Richter, Randy <Richter.Randy@epa.gov>; Rylko, Michael <Rylko.Michael@epa.gov>; Whitaker, Melissa <Whitaker.Melissa@epa.gov>; Zachmann, Bill <Zachmann.Bill@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Patheal-Centenera, Bella <Patheal-Centenera.Bella@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>; Greenamyer, Janice <Greenamyer.Janice@epa.gov>
Subject: Update and my schedule the rest of the week

Puget Sounders,
After a whirlwind trip to Edmonds and DC and back I am on my way this morning to the PS Leadership Council in Georgetown (Seattle).

I will be in the office tomorrow Personal Matters / Ex. 6

My meetings in DC went well. They included meeting with OWOW leadership (Bernice and Ellen Gilinsky and briefly Joel B) to give an update on the Action Agenda process, funding model implementation, TRAR issue resolution with a focus on our HTL work with USACE and NOAA. OWOW is supportive of our push for moving from MHHW and is willing to provide support with DC USACE decision makers as needed. Joel asked Ellen Gilinsky to be the Puget Sound POC in his office (Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thank you,
Peter

Peter Murchie
Manager
Puget Sound and NEP Programs
USEPA Region 10
murchie.peter@epa.gov

206-553-1148 w
206-419-0804 c

Message

From: Edmondson, Lucy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B4B8581BCD444DEE9C784CF53201E90F-EDMONDSON, LUCY]
Sent: 2/9/2016 5:21:03 PM
To: Bonifacino, Gina [Bonifacino.Gina@epa.gov]
Subject: RE: OWW's Weekly for 02/05/2016

Thanks – am pretty open today – a quiet week before a deluge next week!!

Lucy Edmondson
Director, Washington Operations Office
US EPA Region 10
300 Desmond Drive
Lacey, WA 98503

office: 360.753.9082
cell: 206.735.5301

From: Bonifacino, Gina
Sent: Tuesday, February 09, 2016 9:15 AM
To: Edmondson, Lucy <Edmondson.Lucy@epa.gov>
Subject: RE: OWW's Weekly for 02/05/2016

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Gina Bonifacino | Puget Sound Team
US EPA Region 10
Mail Stop OWW-193
1200 Sixth Avenue
Seattle, WA 98101
206.553.2970

From: Edmondson, Lucy
Sent: Monday, February 08, 2016 3:52 PM
To: Bonifacino, Gina <Bonifacino.Gina@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>
Subject: FW: OWW's Weekly for 02/05/2016

Hi Gina

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks

Lucy

Lucy Edmondson
Director, Washington Operations Office

US EPA Region 10
300 Desmond Drive
Lacey, WA 98503

office: 360.753.9082
cell: 206.735.5301

From: Dan Opalski [mailto:Opalski.Dan@epamail.epa.gov]
Sent: Thursday, February 04, 2016 11:32 PM
To: R10-ORA <R10-ORA@epa.gov>
Cc: R10 ECI OWW Editors <R10_ECI_OWW_Editors@epamail.epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Soderlund, Dianne <Soderlund.Dianne@epa.gov>; Werntz, James <Werntz.James@epa.gov>; Kenknight, Jeff <Kenknight.Jeff@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Castanon, Lisa <Castanon.Lisa@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>
Subject: OWW's Weekly for 02/05/2016

*** Internal Use Only ***

Subject: **Weekly Report for the week of 02/05/2016 for OWW**
To: r10-ora@epa.gov
CC: R10 ECI OWW Editors; Anthony Barber/R10/USEPA/US; Dianne Soderlund/R10/USEPA/US; James Werntz/R10/USEPA/US; Jeff Kenknight/R10/USEPA/US; Lucy Edmondson/R10/USEPA/US; Michael Szerlog/R10/USEPA/US; Cara Steiner-Riley/R10/USEPA/US; Lisa Castanon/R10/USEPA/US; Peter Murchie/R10/USEPA/US; Tami Fordham/R10/USEPA/US

OD & AD TRAVEL/SIGNIFICANT LEAVE:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

HOT TOPICS

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

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TRAR - Jurisdictional Limits (Highest Tide Line): Each agency (EPA, NOAA, and the Corps) has assigned leads and technical staff to the issue, with the Corps as the lead. The group is tasked with developing a Course of Action by June 30, which will be presented to senior leadership at the Corps for consideration. Two subgroups were formed (technical and legal) during the Jan 27 meeting. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 The next meeting is in-person on February 10 at the Corps' Seattle office. The agenda for that meeting is to discuss the preliminary decisions of the legal subgroup and the different datum definitions as they relate to the HTL legal interpretation. POC: Susan Meyer, 3-1078

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

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Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Edmondson, Lucy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B4B8581BCD444DEE9C784CF53201E90F-EDMONDSON, LUCY]
Sent: 9/21/2016 8:54:58 PM
To: Chang, Lisa [Chang.Lisa@epa.gov]
Subject: RE: Highlights from 09/08/16 meetings with federal, tribal and state Puget Sound leadership

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Lucy Edmondson
Director, Washington Operations Office
US EPA Region 10
300 Desmond Drive
Lacey, WA 98503

office: 360.753.9082
cell: 206.735.5301

-----Original Message-----
From: Chang, Lisa
Sent: Wednesday, September 21, 2016 1:09 PM
To: Edmondson, Lucy <Edmondson.Lucy@epa.gov>
Subject: RE: Highlights from 09/08/16 meetings with federal, tribal and state Puget Sound leadership

Hi Lucy,

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Lisa

-----Original Message-----
From: Edmondson, Lucy
Sent: Wednesday, September 21, 2016 9:27 AM
To: Chang, Lisa <Chang.Lisa@epa.gov>
Subject: RE: Highlights from 09/08/16 meetings with federal, tribal and state Puget Sound leadership

Hi Lisa

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Lucy Edmondson
Director, Washington Operations Office
US EPA Region 10
300 Desmond Drive
Lacey, WA 98503

office: 360.753.9082
cell: 206.735.5301

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From: Chang, Lisa
Sent: Thursday, September 15, 2016 8:59 AM
To: Edmondson, Lucy <Edmondson.Lucy@epa.gov>
Subject: FW: Highlights from 09/08/16 meetings with federal, tribal and state Puget Sound leadership

Hi Lucy,

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Lisa

From: Bonifacino, Gina
Sent: Wednesday, September 14, 2016 2:48 PM
To: 'chip_jenkins@nps.gov'; daniel.mathis@dot.gov; 'Daniel.Mathis@dot.gov'; 'elizabeth.babcock@noaa.gov'; 'evan.r.lewis@usace.army.mil'; frances.morris@usace.army.mil; 'Frank_Shipley@usgs.gov'; Freeman, Diane -FS; Jason Hagen; 'jessica.g.winkler@usace.army.mil'; 'Ken_Berg@fws.gov'; 'kenneth.feldman@dot.gov'; Kingsbury, Jamie -FS; 'mark.carey@fema.dhs.gov'; 'Mark.Strom@noaa.gov'; Murchie, Peter; 'olton.swanson@usace.army.mil'; 'paul.t.steucke.civ@mail.mil'; 'renee.wallis@navy.mil'; 'rick.krochalis@dot.gov'; 'robert.dach@bia.gov'; 'roylene.rides-at-the-door@wa.usda.gov'; 'Tom.Hom@noaa.gov'; 'Tom_McDowell@fws.gov'; amy.changchien@dot.gov; Andrew.W.Connor@uscg.mil; ashley_rawhouser@nps.gov; Barry.Gall@fema.dhs.gov; blabiosa@usgs.gov; 'Brian.A.Meier@uscg.mil'; 'Brooks, Rebecca J LT'; Chang, Lisa; clark.pitchford@navy.mil; Correigh.Greene@noaa.gov; daniel.drais@dot.gov; David Redhorse; david.c.clouse.civ@mail.mil; Elizabeth Babcock; jay_davis@fws.gov; jennifer.steger@noaa.gov; John.Graves@fema.dhs.gov; Konnoff, Deborah L -FS; Laford, Reta -FS; renee.wallis@navy.mil; Rick.noble@wa.usda.gov; 'rlaford@fs.fed.us'; robin.slate@wa.usda.gov; rpmetzger@fs.fed.us; Rudy Peone; sharon.love@dot.gov; Sherre Copeland; steven.landino@noaa.gov; Tanner, Curtis; Vacirca, Richard; Winkler, Jessica
Subject: Highlights from 09/08/16 meetings with federal, tribal and state Puget Sound leadership

Puget Sound Federal Caucus Executives and Steering Committee Members:

Please see highlights from the 9/8/16 meeting to discuss the Puget Sound Federal Task Force MOU. In addition to this meeting, on 9/816, several of the Puget Sound Federal Caucus members participated in a meeting with Puget Sound Tribal Leaders on TRAR and a meeting with State Leaders on State Federal collaboration for Puget Sound Recovery. I have included highlights from all three meetings below.

If you have questions or comments, please feel free to contact me or Peter. Please note, the CEQ visit to Puget Sound has been rescheduled for the first or second week of October and our next Federal Caucus meeting is scheduled as a teleconference for 9.27.16

Thank you!

Federal Caucus Meeting to discuss Puget Sound Federal Task Force MOU

· Participants: Puget Sound Federal Caucus Principals or designees from EPA, NRCS, USACE, NOAA, BIA, Navy, FEMA, USFWS, USGS, Army

· Discussion highlights:

o Puget Sound Federal Task Force MOU to be finalized and signed by Oct 1. CEQ is the lead for this and has been reaching out to DC Agency/Cabinet level leadership.

o Fed signatories to include EPA, Commerce, Interior, USDA, USACE.

o EPA provided background on MOU development and highlights of MOU (New DC Leadership Group, Five year work plan to be approved by group, accountability, Treaty Rights). There were no objections among meeting participants to MOU. A few agencies have additional revisions to MOU.

o Will not likely broaden signatories to MOU but will look for opportunities to bring DHS (FEMA), US Navy, JBLM, etc. together with signatories at regional level.

o Tribes will discuss MOU early this week and provide input to EPA.

Puget Sound Federal - State meeting on collaboration for Puget Sound protection and recovery

· Participants: EPA, NOAA, USACE and NRCS and key state agencies (WDFW, Gov's office, Ecology, PSP) and the NWIFC.

· Purpose: to begin to discuss specific areas for Fed and the State collaboration to protect/recover Puget Sound.

· Note: This meeting and follow up to meeting will help to inform Fed Task Force Action Plan

· Specific areas discussed included:

· Align federal and state actions to better protect and restore natural shorelines (with a particular emphasis on reducing armoring

· State federal collaboration to reduce stormwater impacts on both urban and rural lands,

· State and local work with FEMA and Corps to identify six watersheds to advance Floodplains by Design projects

· State and federal collaboration to develop better policy focus to support science and monitoring for Puget Sound protection and recovery, such as defining no net loss for shorelines

· State and federal collaboration on fish passage barriers removal.

· Discussion on forming workgroups to link feds with state on key areas as follows:

1. Armoring/HAT (Ecology (Josh Baldi), DFW, USACE (Jesse Winkler), EPA (Michael Szerlog/Peter Murchie/Susan Meyer), NOAA(Elizabeth Babcock), Gov's office (Rob Duff))

2. Stormwater: NPS/Ag and urban stormwater (Lead = Ecology?)

3. Fish Passage: EPA (Peter Murchie), DFW, USFS (Jamie Kingsbury), US Navy, NPS, USFWS (Curtis Tanner), BPA, Navy Northwest

4. Levee/floodplain: Ecology, USACE, others

· Group will meet again in Nov or so to discuss Fed Task Force Action Plan.

Tribal Leader Meeting with Regional Leaders of Fed Agencies on Treaty Rights

· Participants: W. Washington Tribal Leaders. NWIFC. Regional leaders from EPA, NOAA, USACE, NRCS

· Discussion highlights:

o Progress on TRAR: Tribes and Feds agree that there has been a lot of progress on TRAR, but more is needed.

o Feds provided updates on the following key issues (as requested by W Washington Tribal Leaders):

§ Fish consumption

§ CZARA State Ag Nonpoint Source plan

§ NRCS guidelines on riparian buffers

§ USACE review of high tide line

o Discussion on institutionalizing TRAR

§ Puget Sound Federal Task Force MOU and Action Plan

· Tribes will discuss MOU early week of 9/12/16. Tribes most interested in MOU process and consultation and TRAR section. Tribes aware of time constraints for MOU engagement.

· Puget Sound Federal Task Force Action Plan. Tribes suggested that it include tribal priorities like Dungeness.

· Acknowledgement of elevation process referenced in MOU.

§ Fed Agency Transition Plan – Discussion on Feds will engage on TRAR through transition

Message

From: Edmondson, Lucy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B4B8581BCD444DEE9C784CF53201E90F-EDMONDSON, LUCY]
Sent: 9/15/2016 5:22:39 PM
To: Chang, Lisa [Chang.Lisa@epa.gov]
Subject: Re: Highlights from 09/08/16 meetings with federal, tribal and state Puget Sound leadership

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Sent from my iPhone

> On Sep 15, 2016, at 10:11 AM, Chang, Lisa <Chang.Lisa@epa.gov> wrote:
>

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

> _____
> From: Edmondson, Lucy
> Sent: Thursday, September 15, 2016 10:05 AM
> To: Chang, Lisa
> Subject: Re: Highlights from 09/08/16 meetings with federal, tribal and state Puget Sound leadership
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> Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line
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>> To: 'chip_jenkins@nps.gov'; daniel.mathis@dot.gov; 'Daniel.Mathis@dot.gov'; 'elizabeth.babcock@noaa.gov'; 'evan.r.lewis@usace.army.mil'; frances.morris@usace.army.mil; 'Frank_Shipley@usgs.gov'; Freeman, Diane -FS; Jason Hagen; 'jessica.g.winkler@usace.army.mil'; 'Ken_Berg@fws.gov'; 'kenneth.feldman@dot.gov'; Kingsbury, Jamie -FS; 'mark.carey@fema.dhs.gov'; 'Mark.Strom@noaa.gov'; Murchie, Peter; 'olton.swanson@usace.army.mil'; 'paul.t.steucke.civ@mail.mil'; 'renee.wallis@navy.mil'; 'rick.krochalis@dot.gov'; 'robert.dach@bia.gov'; 'roylene.rides-at-the-door@wa.usda.gov'; 'Tom.Hom@noaa.gov'; 'Tom_McDowell@fws.gov'; amy.changchien@dot.gov; Andrew.W.Connor@uscg.mil; ashley_rawhouser@nps.gov; Barry.Gall@fema.dhs.gov; blabiosa@usgs.gov; 'Brian.A.Meier@uscg.mil'; 'Brooks, Rebecca J LT'; Chang, Lisa; clark.pitchford@navy.mil; Correigh.Greene@noaa.gov; daniel.drais@dot.gov; David Redhorse; david.c.clouse.civ@mail.mil; Elizabeth Babcock; jay_davis@fws.gov; jennifer.steger@noaa.gov; John.Graves@fema.dhs.gov; Konnoff, Deborah L -FS; Laford, Reta -FS; renee.wallis@navy.mil; Rick.noble@wa.usda.gov; 'rlaford@fs.fed.us'; robin.slate@wa.usda.gov; rpmetzger@fs.fed.us; Rudy Peone; sharon.love@dot.gov; Sherre Copeland; steven.landino@noaa.gov; Tanner, Curtis; Vacirca, Richard; Winkler, Jessica
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>> § NRCS guidelines on riparian buffers
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Message

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Sent: 9/15/2016 4:55:20 PM
To: Chang, Lisa [Chang.Lisa@epa.gov]
Subject: Re: Highlights from 09/08/16 meetings with federal, tribal and state Puget Sound leadership

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>

Message

From: Edmondson, Lucy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B4B8581BCD444DEE9C784CF53201E90F-EDMONDSON, LUCY]
Sent: 9/15/2016 4:19:30 PM
To: Chang, Lisa [Chang.Lisa@epa.gov]
Subject: Re: Highlights from 09/08/16 meetings with federal, tribal and state Puget Sound leadership

Hi Lisa. Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks.

Sent from my iPhone

> On Sep 15, 2016, at 8:59 AM, Chang, Lisa <Chang.Lisa@epa.gov> wrote:
>
> Hi Lucy,
>

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

> Lisa
>
>
>
> _____
> From: Bonifacino, Gina
> Sent: Wednesday, September 14, 2016 2:48 PM
> To: 'chip_jenkins@nps.gov'; daniel.mathis@dot.gov; 'Daniel.Mathis@dot.gov'; 'elizabeth.babcock@noaa.gov'; 'evan.r.lewis@usace.army.mil'; frances.morris@usace.army.mil; 'Frank_Shipley@usgs.gov'; Freeman, Diane -FS; Jason Hagen; 'jessica.g.winkler@usace.army.mil'; 'Ken_Berg@fws.gov'; 'kenneth.feldman@dot.gov'; Kingsbury, Jamie -FS; 'mark.carey@fema.dhs.gov'; 'Mark.Strom@noaa.gov'; Murchie, Peter; 'olton.swanson@usace.army.mil'; 'paul.t.steucke.civ@mail.mil'; 'renee.wallis@navy.mil'; 'rick.krochalis@dot.gov'; 'robert.dach@bia.gov'; 'roylene.rides-at-the-door@wa.usda.gov'; 'Tom.Hom@noaa.gov'; 'Tom_McDowell@fws.gov'; amy.changchien@dot.gov; Andrew.W.Connor@uscg.mil; ashley_rawhouser@nps.gov; Barry.Gall@fema.dhs.gov; blabiosa@usgs.gov; 'Brian.A.Meier@uscg.mil'; 'Brooks, Rebecca J LT'; Chang, Lisa; clark.pitchford@navy.mil; Correigh.Greene@noaa.gov; daniel.drais@dot.gov; David Redhorse; david.c.clouse.civ@mail.mil; Elizabeth Babcock; jay_davis@fws.gov; jennifer.steger@noaa.gov; John.Graves@fema.dhs.gov; Konnoff, Deborah L -FS; Laford, Reta -FS; renee.wallis@navy.mil; Rick.noble@wa.usda.gov; 'rlaford@fs.fed.us'; robin.slate@wa.usda.gov; rpmetzger@fs.fed.us; Rudy Peone; sharon.love@dot.gov; Sherre Copeland; steven.landino@noaa.gov; Tanner, Curtis; Vacirca, Richard; Winkler, Jessica
> Subject: Highlights from 09/08/16 meetings with federal, tribal and state Puget Sound leadership
>
> Puget Sound Federal Caucus Executives and Steering Committee Members:
>
> Please see highlights from the 9/8/16 meeting to discuss the Puget Sound Federal Task Force MOU. In addition to this meeting, on 9/816, several of the Puget Sound Federal Caucus members participated in a meeting with Puget Sound Tribal Leaders on TRAR and a meeting with State Leaders on State Federal collaboration for Puget Sound Recovery. I have included highlights from all three meetings below.
>
> If you have questions or comments, please feel free to contact me or Peter. Please note, the CEQ visit to Puget Sound has been rescheduled for the first or second week of October and our next Federal Caucus meeting is scheduled as a teleconference for 9.27.16
>
> Thank you!
>
> Federal Caucus Meeting to discuss Puget Sound Federal Task Force MOU
>
>

> · Participants: Puget Sound Federal Caucus Principals or designees from EPA, NRCS, USACE, NOAA, BIA, Navy, FEMA, USFWS, USGS, Army
>
> · Discussion highlights:
>
> o Puget Sound Federal Task Force MOU to be finalized and signed by Oct 1. CEQ is the lead for this and has been reaching out to DC Agency/Cabinet level leadership.
>
> o Fed signatories to include EPA, Commerce, Interior, USDA, USACE.
>
> o EPA provided background on MOU development and highlights of MOU (New DC Leadership Group, Five year work plan to be approved by group, accountability, Treaty Rights). There were no objections among meeting participants to MOU. A few agencies have additional revisions to MOU.
>
> o Will not likely broaden signatories to MOU but will look for opportunities to bring DHS (FEMA), US Navy, JBLM, etc. together with signatories at regional level.
>
> o Tribes will discuss MOU early this week and provide input to EPA.
>
> Puget Sound Federal - State meeting on collaboration for Puget Sound protection and recovery
>
>
> · Participants: EPA, NOAA, USACE and NRCS and key state agencies (WDFW, Gov's office, Ecology, PSP) and the NWIFC.
>
> · Purpose: to begin to discuss specific areas for Fed and the State collaboration to protect/recover Puget Sound.
>
> · Note: This meeting and follow up to meeting will help to inform Fed Task Force Action Plan
>
> · Specific areas discussed included:
>
> · Align federal and state actions to better protect and restore natural shorelines (with a particular emphasis on reducing armoring
>
> · State federal collaboration to reduce stormwater impacts on both urban and rural lands,
>
> · State and local work with FEMA and Corps to identify six watersheds to advance Floodplains by Design projects
>
> · State and federal collaboration to develop better policy focus to support science and monitoring for Puget Sound protection and recovery, such as defining no net loss for shorelines
>
> · State and federal collaboration on fish passage barriers removal.
>
> · Discussion on forming workgroups to link feds with state on key areas as follows:
>
> 1. Armoring/HAT (Ecology (Josh Baldi), DFW, USACE (Jesse Winkler), EPA (Michael Szerlog/Peter Murchie/Susan Meyer), NOAA(Elizabeth Babcock), Gov's office (Rob Duff))
>
> 2. Stormwater: NPS/Ag and urban stormwater (Lead = Ecology?)
>
> 3. Fish Passage: EPA (Peter Murchie), DFW, USFS (Jamie Kingsbury), US Navy, NPS, USFWS (Curtis Tanner), BPA, Navy Northwest
>
> 4. Levee/floodplain: Ecology, USACE, others
>
> · Group will meet again in Nov or so to discuss Fed Task Force Action Plan.
>
>
> Tribal Leader Meeting with Regional Leaders of Fed Agencies on Treaty Rights
>
>
> · Participants: W. Washington Tribal Leaders. NWIFC. Regional leaders from EPA, NOAA, USACE, NRCS
>
> · Discussion highlights:
>
> o Progress on TRAR: Tribes and Feds agree that there has been a lot of progress on TRAR, but more is needed.
>
> o Feds provided updates on the following key issues (as requested by W Washington Tribal Leaders):
>
> § Fish consumption
>
> § CZARA State Ag Nonpoint Source plan
>
> § NRCS guidelines on riparian buffers

>
> § USACE review of high tide line
>
> o Discussion on institutionalizing TRAR
>
> § Puget Sound Federal Task Force MOU and Action Plan
>
> · Tribes will discuss MOU early week of 9/12/16. Tribes most interested in MOU process and consultation and TRAR section. Tribes aware of time constraints for MOU engagement.
>
> · Puget Sound Federal Task Force Action Plan. Tribes suggested that it include tribal priorities like Dungeness.
>
> · Acknowledgement of elevation process referenced in MOU.
>
> § Fed Agency Transition Plan – Discussion on Feds will engage on TRAR through transition
>
>
>
>
>
>

Message

From: Edmondson, Lucy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B4B8581BCD444DEE9C784CF53201E90F-EDMONDSON, LUCY]
Sent: 9/18/2015 3:18:42 PM
To: Henszey, Jo [Henszey.Jo@epa.gov]
Subject: RE: OWW Meeting Highlights 9/14-15/2015

Thanks, that is helpful

Lucy Edmondson
Director, Washington Operations Office
US EPA Region 10
300 Desmond Drive
Lacey, WA 98503

office: 360.753.9082
cell: 206.735.5301

From: Henszey, Jo
Sent: Friday, September 18, 2015 8:06 AM
To: Edmondson, Lucy
Subject: RE: OWW Meeting Highlights 9/14-15/2015

Hi Lucy,

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Jo

From: Edmondson, Lucy
Sent: Thursday, September 17, 2015 1:06 PM
To: Henszey, Jo
Subject: RE: OWW Meeting Highlights 9/14-15/2015

Hi Jo

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks

Lucy

Lucy Edmondson
Director, Washington Operations Office
US EPA Region 10
300 Desmond Drive
Lacey, WA 98503

office: 360.753.9082
cell: 206.735.5301

From: Henszey, Jo
Sent: Wednesday, September 16, 2015 8:53 AM
To: Edmondson, Lucy
Subject: FW: OWW Meeting Highlights 9/14-15/2015

HI Lucy,

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Jo

From: Jennings, Marie
Sent: Tuesday, September 15, 2015 6:00 PM
To: Chung, Angela; Bonifacino, Gina; Psyk, Christine; Opalski, Dan; Croxton, Dave; Jennings, Marie; Lidgard, Michael; VanHaagen, Paula; Chin, Joanne; Fisher, Kenneth; Helder, Dirk; Henszey, Jo; Palmer, John; Patheal-Centenera, Bella; Reichgott, Christine; Salter, Joel; Soscia, Marylou; Steiner-Riley, Cara; Szerlog, Michael
Cc: Chan-Chau, Nora
Subject: OWW Meeting Highlights 9/14-15/2015

OWW Management Meeting Highlights – September 14, and 15, 2015

Immediate Office
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Enforcement, Media, Legal, and other Water Programs

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Aquatic Resource Unit – Michael Szerlog – We are continuing and now have interagency meetings with the COE every two weeks on Thursday. We are discussing the high tide line. What are regions and districts using for the high tide line? **Deliberative Process / Ex. 5**

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Operations Offices

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Afternoon OWW Meeting Highlights – 9/15/15

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ET Download

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Marie J

Message

From: Edmondson, Lucy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B4B8581BCD444DEE9C784CF53201E90F-EDMONDSON, LUCY]
Sent: 6/23/2016 3:19:38 PM
To: Lorenzana, Elinore [Lorenzana.Elinore@epa.gov]
Subject: FW: OERA Hot Topics

Hi Elinore

Please print for me

Thanks!

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Contact: Michal Szerlog (3-0279) and Peter Murchie (3 -1148).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:_

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Edmondson, Lucy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B4B8581BCD444DEE9C784CF53201E90F-EDMONDSON, LUCY]
Sent: 3/14/2016 3:32:57 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]
Subject: RE: TRAR priority issues

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Lucy Edmondson
Director, Washington Operations Office
US EPA Region 10
300 Desmond Drive
Lacey, WA 98503

office: 360.753.9082
cell: 206.735.5301

From: Murchie, Peter
Sent: Monday, March 14, 2016 8:32 AM
To: Edmondson, Lucy <Edmondson.Lucy@epa.gov>
Subject: RE: TRAR priority issues

From: Edmondson, Lucy
Sent: Monday, March 14, 2016 8:30 AM
To: Murchie, Peter <Murchie.Peter@epa.gov>
Subject: FW: TRAR priority issues

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Lucy Edmondson
Director, Washington Operations Office
US EPA Region 10
300 Desmond Drive
Lacey, WA 98503

office: 360.753.9082
cell: 206.735.5301

From: Anderson-Carnahan, Linda
Sent: Wednesday, March 09, 2016 11:43 AM
To: Allnutt, David <Allnutt.David@epa.gov>

Cc: Murchie, Peter <Murchie.Peter@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>
Subject: RE: TRAR priority issues

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Linda Anderson-Carnahan, Associate Director
Office of Ecosystems, Tribal and Public Affairs
US EPA Region 10, ETPA-087, Suite 900
1200 Sixth Ave, Seattle, Wa. 98101
phone: (206) 553-2601
cell: (206) 291-6879

Follow @EPAnorthwest on Twitter! https://twitter.com/EPAnorthwest

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From: Allnutt, David
Sent: Wednesday, March 09, 2016 11:11 AM
To: Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>
Subject: TRAR priority issues

These are currently the six TRAR priority issues as I understand them based on an earlier conversation with Peter:

High Tide Line (Susan Meyers)
Cumulative Effects (Susan Meyers)
Hatchery Management Plans (Lisa Chang)
CZARA (Gina Bonifacino)
Levy Effects
Ag. BMPs

The Corps and NRCS are the lead for the latter two; EPA has a more significant role (in conjunction with the Corps, NOAA, etc.) on the first four. Peter is going to set up meetings with ARU and ORC to discuss the first two issues in more depth.

<< OLE Object: Picture (Device Independent Bitmap) >>

R. David Allnutt, Director
Office of Ecosystems, Tribal and Public Affairs
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

<< OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >>

Message

From: Goodin, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3EAC342F280A4B9DB4079C81F66D1913-JGOODIN]
Sent: 4/26/2016 1:29:01 PM
To: Beauvais, Joel [Beauvais.Joel@epa.gov]; Benita Best-Wong [Best-Wong.Benita@epa.gov]
CC: Gregory Peck [Peck.Gregory@epa.gov]; Ellen Gilinsky [Gilinsky.Ellen@epa.gov]; Wright, Felicia [Wright.Felicia@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Donna Downing [Downing.Donna@epa.gov]
Subject: FW: Daily Reading File: April 25, 2016
Attachments: Daily Reading File.4.25.16.pdf

Thanks, Joel. Region 10 has been engaging with their Corps Districts, NOAA, and others to see if they could agree on an approach to the high tide line issue, given the variety of views, data available, and historical application here. We will coordinate with OGC and Region 10 on their response to the incoming, which may also serve to prompt a briefing for you in the next couple of weeks.
Thanks
John

From: Beauvais, Joel
Sent: Tuesday, April 26, 2016 9:06 AM
To: Peck, Gregory <Peck.Gregory@epa.gov>; Gilinsky, Ellen <Gilinsky.Ellen@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Wright, Felicia <Wright.Felicia@epa.gov>
Subject: FW: Daily Reading File: April 25, 2016

See attached letter from NW Indian Fisheries Commission

Message

From: Kaiser, Russell [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=222DA99956D24CA197DC6F8BF4AE1FF5-KAISER, RUSSELL]
Sent: 8/23/2016 7:17:02 PM
To: Miller, Clay [Miller.Clay@epa.gov]
Subject: RE: Region 10 Finalizing agenda topics

Which issue are they raising?

Russell L. Kaiser
Acting Associate Director
Oceans and Coastal Protection Division
1301 Constitution Ave., N.W.
Room 7214B West Bldg.
Washington, DC 20004
P: 202.566.0963

From: Miller, Clay
Sent: Tuesday, August 23, 2016 12:25 PM
To: Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: Fwd: Region 10 Finalizing agenda topics

Any thoughts

Sent from my iPhone

Begin forwarded message:

> **From:** "Nandi, Romell" <Nandi.Romell@epa.gov>
> **Date:** August 23, 2016 at 12:14:13 PM EDT
> **To:** "Goodin, John" <Goodin.John@epa.gov>, "Miller, Clay" <Miller.Clay@epa.gov>, "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>
> **Cc:** "Best-Wong, Benita" <Best-Wong.Benita@epa.gov>
> **Subject: FW: Region 10 Finalizing agenda topics**
>
> John/Clay:
>
> I left John a VM on this: Benita is attending a R10 Review meeting that was just put on the calendar for **today at 3pm**, with Mike Shapiro and Dan Opalski on the line. See Laura Drummond's email below – Mike will want a HQ perspective on the 404 issue submitted by the Region (including whether this is important enough to have on the agenda proper).
>
> Can you send Benita (and cc me) something on this so she can give our perspective to Mike? John – if you would like to accompany Benita at 3pm to talk about this, let me know – I will forward you the invite. But if you cannot make it, WD should send us some brief TPs ASAP, in time for the 3pm meeting.
>
> Thanks.

Romell
566-1203

From: Drummond, Laura
Sent: Tuesday, August 23, 2016 11:48 AM
To: Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>
Cc: Nandi, Romell <Nandi.Romell@epa.gov>
Subject: RE: Region 10 Finalizing agenda topics

Hello,

During the pre-brief with Mike this morning, he specifically wanted a headquarters perspective on:

- CWA 404 Jurisdiction Issue – Clarification of High Tide line in WA – Puget Sound
    - Interagency workgroup (EPA (404 and Puget Sound), NOAA, and Corps (Seattle District)) to evaluate what tidal datum or elevation to use for High Tide Line.
    - Tribes raising this as a Treaty Rights at Risk issue. In addition, EarthJustice sent EPA a petition on the issue.
    - Sea level rise and new science showing use of tidally-influenced shoreline habitat by forage fish warrant relook at current interpretation.
- CZARA in the states

His primary question is if HQ believes that this topics are important enough for including in the agenda. Please give these topics some though for the meeting this afternoon.

Laura Drummond
Program Analyst – Presidential Management Fellow
U.S. Environmental Protection Agency
Office of Water – Resource Management Staff
Phone – (202) 564-6561

Message

From: Kenknight, Jeff [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=803CDA0C34F14C298367A1C90825EF16-KENKNIGHT, JEFF]
Sent: 2/5/2016 4:06:25 PM
To: Brownell, Creagh [Brownell.Creagh@epa.gov]; Bujak, Charissa [bujak.charissa@epa.gov]; Chu, Xiangyu [Chu.Xiangyu@epa.gov]; Cool, Richard [Cool.Richard@epa.gov]; Eng, Sharon [Eng.Sharon@epa.gov]; Gebhardt, Chris [Gebhardt.Chris@epa.gov]; Grandinetti, Robert [Grandinetti.Robert@epa.gov]; Jen, Mark [Jen.Mark@epa.gov]; Kim, Stacey [Kim.Stacey@epa.gov]; Lopez, Maria [Lopez.Maria@epa.gov]; Martich, Tara [Martich.Tara@epa.gov]; Park, Chae [Park.Chae@epa.gov]; Pongkhamsing, Chan [Pongkhamsing.Chan@epa.gov]; Potokar, Steven [Potokar.Steven@epa.gov]; Rave-Perkins, Krista [Rave-Perkins.Krista@epa.gov]; Ray Andrews [andrews.raymond@epa.gov]; Rodriguez, Jason [Rodriguez.Jason@epa.gov]; Spaulding, Kate [Spaulding.Kate@epa.gov]; Vallette, Yvonne [Vallette.Yvonne@epa.gov]
Subject: FW: OWW's Weekly for 02/05/2016

Jeff KenKnight
Manager, NPDES Compliance Unit
U.S. EPA | 1200 Sixth Avenue, Suite 900 | Seattle, WA 98101

206.553.6641

From: Dan Opalski [mailto:Opalski.Dan@epamail.epa.gov]
Sent: Thursday, February 04, 2016 11:32 PM
To: R10-ORA <R10-ORA@epa.gov>
Cc: R10 ECI OWW Editors <R10_ECI_OWW_Editors@epamail.epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Soderlund, Dianne <Soderlund.Dianne@epa.gov>; Werntz, James <Werntz.James@epa.gov>; Kenknight, Jeff <Kenknight.Jeff@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Castanon, Lisa <Castanon.Lisa@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>
Subject: OWW's Weekly for 02/05/2016

*** Internal Use Only ***

Subject: **Weekly Report for the week of 02/05/2016 for OWW**
To: r10-ora@epa.gov
CC: R10 ECI OWW Editors; Anthony Barber/R10/USEPA/US; Dianne Soderlund/R10/USEPA/US; James Werntz/R10/USEPA/US; Jeff Kenknight/R10/USEPA/US; Lucy Edmondson/R10/USEPA/US; Michael Szerlog/R10/USEPA/US; Cara Steiner-Riley/R10/USEPA/US; Lisa Castanon/R10/USEPA/US; Peter Murchie/R10/USEPA/US; Tami Fordham/R10/USEPA/US

OD & AD TRAVEL/SIGNIFICANT LEAVE:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

HOT TOPICS

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

TRAR - Jurisdictional Limits (Highest Tide Line): Each agency (EPA, NOAA, and the Corps) has assigned leads and technical staff to the issue, with the Corps as the lead. The group is tasked with developing a Course of Action by June 30, which will be presented to senior leadership at the Corps for consideration. Two subgroups were formed (technical and legal) during the Jan 27 meeting. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 The next meeting is in-person on February 10 at the Corps' Seattle office. The agenda for that meeting is to discuss the preliminary decisions of the legal subgroup and the different datum definitions as they relate to the HTL legal interpretation. POC: Susan Meyer, 3-1078

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Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Appointment

From: McLerran, Dennis [mclerran.dennis@epa.gov]
Sent: 7/21/2015 6:28:25 PM
To: McLerran, Dennis [mclerran.dennis@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Thiesing, Mary [Thiesing.Mary@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Bonifaci, Angela [Bonifaci.Angela@epa.gov]; Rylko, Michael [Rylko.Michael@epa.gov]; Byron, Carrie [Byron.Carrie@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Kowalski, Ed [Kowalski.Edward@epa.gov]; Kenknight, Jeff [Kenknight.Jeff@epa.gov]; Dunbar, Bill [dunbar.bill@epa.gov]
CC: Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Davies, Lauris [Davies.Lauris@epa.gov]; Psyk, Christine [Psyk.Christine@epa.gov]; Barber, Anthony [Barber.Anthony@epa.gov]

Subject: RA Briefing: Earthjustice CWA Jurisdiction Petition
Location: 21st Floor ET Conf Room + Conference Line/Code / Ex. 6

Start: 8/10/2015 10:30:00 PM
End: 8/10/2015 11:15:00 PM
Show Time As: Busy

Meeting Subject(s)/Title of the Meeting or Event:

Earthjustice Clean Water Act jurisdiction petition for EPA/Corps to claim the area between the Mean High Water Mark (MHHW) and the Highest Astronomical High Tide line in Puget Sound.
Program Office POC(s):
ETPA: Linda Anderson-Carnahan, Michael Szerlog, Mary Anne Thiesing, Heather Dean, and Linda Storm.
OWW/Puget Sound Program: Dan Opalski, Angela Bonifaci, Michael Rylko, Carrie Byron
ORC: David Allnutt, Cara Steiner-Riley,

Message

From: Kowalski, Ed [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=05111EC2F4314434A376F1C84C851820-KOWALSKI, ED]
Sent: 6/30/2016 11:02:32 PM
To: Dalrymple, Anne [Dalrymple.Anne@epa.gov]
CC: Kenknight, Jeff [Kenknight.Jeff@epa.gov]
Subject: RE: OERA Hot Topics

Yes to both. Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Edward J. Kowalski
Director
Office of Compliance and Enforcement
EPA Region 10
Seattle, WA 98101
(206) 553-6695

From: Dalrymple, Anne
Sent: Thursday, June 30, 2016 9:35 AM
To: Kowalski, Ed <Kowalski.Edward@epa.gov>
Cc: Kenknight, Jeff <Kenknight.Jeff@epa.gov>
Subject: RE: OERA Hot Topics

This is helpful.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

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From: Kowalski, Ed
Sent: Thursday, June 30, 2016 9:27 AM
To: Davies, Lauris <Davies.Lauris@epa.gov>; Dalrymple, Anne <Dalrymple.Anne@epa.gov>; Ogle, Kimberly <Ogle.Kimberly@epa.gov>; Downey, Scott <Downey.Scott@epa.gov>; Kenknight, Jeff <Kenknight.Jeff@epa.gov>; Contreras, Peter <Contreras.Peter@epa.gov>; McFadden, Kelly <McFadden.Kelly@epa.gov>; Gahner, Pamela <gahner.pamela@epa.gov>; Brownell, Creagh <Brownell.Creagh@epa.gov>; Savrasov, Anya <Savrasov.Anya@epa.gov>
Subject: FW: OERA Hot Topics

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Edward J. Kowalski
Director
Office of Compliance and Enforcement
EPA Region 10
Seattle, WA 98101
(206) 553-6695

From: Allnutt, David
Sent: Thursday, June 30, 2016 8:41 AM
To: R10-ORA <R10-ORA@epa.gov>
Cc: Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Werntz, James <Werntz.James@epa.gov>; Soderlund, Dianne <Soderlund.Dianne@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Kowalski, Ed <Kowalski.Edward@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Bachman, Brenda <bachman.brenda@epa.gov>; Dodo, Gerald <Dodo.Gerald@epa.gov>; Filippini, Mark <Filippini.Mark@epa.gov>; Islam, Mahbubul <Islam.Mahbubul@epa.gov>; Littleton, Christine <Littleton.Christine@epa.gov>; Pepich, Barry <Pepich.Barry@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: OERA Hot Topics

For the week of July 4, 2016

This Week:
High Tide Line: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Contact: Michael Szerlog (3-0279) and Peter Murchie (3 -1148).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

For the ET Notes from June 27 ET Meeting Roundtable

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

<< OLE Object: Picture (Device Independent Bitmap) >>

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

<< OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >>

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 9/10/2015 4:26:26 PM
To: Kwok, Rose [Kwok.Rose@epa.gov]
Subject: Info Requested
Attachments: Determining High Tide Line.docx; EM_1110-2-6056.pdf; Exceedance Probabilities.pptx

Hi, Rose.

Here is a background/options paper on the subject discussed today. A disclaimer: I put it together very quickly. I'm also attaching the Corps manual referenced during the call; the section pertaining to regulatory permitting is Chapter 7, which begins on page 143 of the pdf. Finally, I'm also including a PowerPoint that shows the exceedance probability data for the Seattle tide station, showing how often the tide exceeds MHHW (& HAT, for that matter).

Please let me know if you have any questions, as well as what more we can do to help.

Thanks!

Message

From: McLerran, Dennis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ACF3804188E4D519D59D67B82EDA2EF-MCLERRAN, DENNIS J.]
Sent: 8/11/2015 3:29:21 PM
To: Fritz, Matthew [Fritz.Matthew@epa.gov]; Kopocis, Ken [Kopocis.Ken@epa.gov]
Subject: FW: Briefing materials for RA briefing on Monday afternoon--
Attachments: 1979-civiletti-memorandum.pdf; Earthjustice Petition re High Tide Line and Request for JD (July 24, 201....pdf; Ltr to WA Gov Inslee re CWA MHHW HAT-JUL 16 2015.pdf; Ltr. to Will Stelle re. ESA, CWA, MHHW, HAT-JUL 16, 2015.pdf; OHWM v MHHW on high energy marine.ppt; RA briefing Earthjustice petition V 8-5-15.docx; Sea level rise, tidal datums.docx

Matt and Ken:

As the Administrator requested, I am getting you up to speed on an issue that could be resolved in the next couple of

Deliberative Process / Ex. 5

Dennis

From: Tyler, Kendra
Sent: Tuesday, August 11, 2015 7:55 AM
To: McLerran, Dennis
Subject: FW: Briefing materials for RA briefing on Monday afternoon--

From: Magorrian, Matthew
Sent: Thursday, August 06, 2015 11:48 AM
To: Tyler, Kendra
Subject: FW: Briefing materials for RA briefing on Monday afternoon--

Matt

From: Thiesing, Mary
Sent: Thursday, August 06, 2015 10:18 AM
To: Magorrian, Matthew
Cc: Szerlog, Michael; Anderson-Carnahan, Linda; Dean, Heather; Storm, Linda; Szalay, Endre; Steiner-Riley, Cara; Allnutt, David; Opalski, Dan; Bonifaci, Angela; Rylko, Michael; Kowalski, Ed; Kenknight, Jeff; Byron, Carrie; Dunbar, Bill; Pirzadeh, Michelle; Psyk, Christine; Barber, Anthony; Davies, Lauris
Subject: Briefing materials for RA briefing on Monday afternoon--

Matt,

Attached are the briefing materials for our 3:15 8/10 afternoon briefing with Dennis on the response to the Earthjustice petition (Use of HAT vs. MHHW). The briefing paper pretty much covers everything; however, the other materials may be useful as reference. We also expect to be able to provide GIS mapping of the differences between Hightest Astronomical Tide vs. Mean High Higher Water for a couple of different reference points around Puget Sound—OEA is working on these now, and

I will forward copies as soon as I have them. Please don't hesitate to contact me with any questions. And thanks for all your help.

Mary Anne Thiesing
Regional Wetland Ecologist
(206) 553-6114
(b) (6) (cell)
thiesing.mary@epa.gov

letti Memorandum"
Att'y. Gen. 197 (1979)

ADMINISTRATIVE AUTHORITY TO CONSTRUE § 404 OF THE FEDERAL WATER POLLUTION CONTROL ACT

The Administrator of the Environmental Protection Agency rather than the Secretary of the Army has ultimate administrative authority to construe the jurisdictional term "navigable waters" under § 404 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1344.

Similarly, the Administrator of the Environmental Protection Agency rather than the Secretary of the Army has ultimate administrative authority to construe § 404(f) of that Act, 33 U.S.C. § 1344(f).

SEPTEMBER 5, 1979.

THE SECRETARY OF THE ARMY.

MY DEAR MR. SECRETARY: I am responding to your letter of March 29, 1979, requesting my opinion on two questions arising under § 404 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1344. You asked whether the Act gives the ultimate administrative authority to determine the reach of the term "navigable waters" for purposes of § 404 to you, acting through the Chief of Engineers, or to the Administrator of the Environmental Protection Agency; and similarly you ask whether the Act gives the ultimate administrative authority to determine the meaning of § 404(f) to you or to the Administrator. Although no specific provision in the Federal Water Pollution Control Act or specific statement in its legislative history speaks directly to your questions, I am convinced after careful consideration of the Act as a whole that the Congress intended to confer upon the administrator of the Environmental Protection Agency the final administrative authority to make those determinations. Before turning to the specific reasons for my conclusions, I believe that some background description is in order.

The basic objective of the Act is "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. § 1251(a). As one means of achieving that objective, the Act makes the discharge of any pollutant unlawful except in accordance with standards promulgated or permits issued under the act. 33 U.S.C. § 1311(a). Permits for the discharge of pollutants may be ob-

r §§ 402 and 404 of the Act, 33 U.S.C. §§ 1342,
ain requirements are met. The administrator of
mental Protection Agency and the Secretary of
cting through the Chief of Engineers, share re-
for issuance of those permits and enforcement of
. The Administrator issues permits for point
harges under the National Pollutant Discharge
System (NPDES) program established by § 402;
ry of the Army issues permits for the discharge
r fill material under § 404.[1]

nsideration of the legislative proposals that re-
e Federal Water Pollution Control Act Amend-
72, the question whether the Secretary should
e, through the Chief of Engineers, in issuing per-
tly debated. The bill introduced in the Senate, S.
the Administrator the authority to issue permits
discharges of dredged or fill material no differ-
discharges of any other pollutant. During consid-
he bill both by the Senate Public Works Commit-
the Senate floor,[3] amendments were proposed to
thority to issue permits for discharges of dredged
rial to the Secretary of the Army. These amend-
offered in recognition of the Secretary's tradi-
onsibility under the Rivers and Harbors Appro-
ct of 1899, 33 U.S.C. § 401 *et seq.*, to protect
including the responsibility to regulate dis-
o the navigable waters of the United States. Con-
the Secretary would have insufficient expertise
the environmental impact of a proposed dredge

urce is defined in the Act as "any discernible, confined and dis-
ce, including but not limited to any pipe, ditch, channel, tunnel,
discrete fissure, container, rolling stock, concentrated animal
ion, or vessel or other floating craft. . . ." 33 U.S.C. § 1362(14).
d fill material are not defined in the Act, but are defined in reg-
ulgated by the Corps of Engineers: Dredged material is "mater-
avated or dredged from waters of the United States," while fill
y material used for the primary purpose of replacing an aquatic
land or of changing the bottom elevation of a water body." 33
k),(m).
mm. on Public Works, 93rd Cong., 1st Sess., *A Legislative His-
ter Pollution Control Act Amendments of 1972* (1973), at 1509
gislative History").

or fill operation, Senator Muskie, the author of S.2770, opposed those amendments.[4] He proposed instead that the Secretary certify the need for any permit for discharge of dredged material to the Administrator, who would retain permit issuing authority. The Senate adopted Senator Muskie's proposal.[5]

The House of Representatives bill, H.R. 11896, on the other hand, gave the Secretary complete responsibility over issuing permits for the discharge of dredged or fill material. Although the House bill required the Secretary to consult with the EPA on the environmental aspects of permit applications, the Secretary had the authority to make the final decision on permit issuance.[6]

The Conference Committee substitute, passed by the Congress as § 404 of the Federal Water Pollution Control Act Amendments of 1972, represented a compromise between the Senate and House positions. It established a separate permit procedure for discharges of dredged or fill material to be administered by the Secretary, acting through the Chief of Engineers. The Administrator, however, retained substantial responsibility over administration and enforcement of § 404. The EPA responsibilities were perhaps best summarized by Senator Muskie during the Senate's consideration of the Conference Report:

> First, the Administrator has both responsibility and authority for failure to obtain a Section 404 permit or comply with the condition thereon. Section 309 authority is available because discharge of the "pollutant" dredge spoil without a permit or in violation of a permit would violate Section 301(a).
>
> Second, the Environmental Protection Agency must determine whether or not a site to be used for the disposal of dredged spoil is acceptable when judged against the criteria established for fresh and ocean waters similar to that which is required under Section 403.

[4] *Id.* at 1387–88.
[5] *Id.* at 1393.

ird, prior to the issuance of any permit to dis-
of spoil, the Administrator must determine that
naterial to be disposed of will not adversely af-
municipal water supplies, shellfish beds and
ry areas (including spawning and breeding ar-
wildlife or recreational areas in the specified
Should the Administrator so determine, no per-
nay issue.[7]

quent amendment of § 404 by the Clean Water Act
91 Stat. 1566, altered the relationship between the
y and the Administrator in only limited fashion. The
ents gave the Administrator authority comparable
thority conferred on him by the § 402 NPDES pro-
approve and to monitor State programs for the dis-
dredged or fill material. 33 U.S.C. § 1344(g)-(l). New
on (s) gave the Secretary of the Army explicit au-
nder the Act to take action to enforce those § 404
which he had issued. New subsection (n) cautioned
amendments should not be considered to detract
Administrator's enforcement authority under § 309
t, 33 U.S.C. § 1319."[8]

hat background, I turn to your specific questions.
u asked whether the Secretary or the Administra-
he authority under § 404 to resolve administrative
over interpretation of the jurisdictional term "nav-
aters." That question is an important one, since the
y to construe that term amounts to the authority to
ne the scope of the § 404 permit program.
rm "navigable waters," moreover, is a linchpin of the
her respects. It is critical not only to the coverage of
t also to the coverage of the other pollution control
sms established under the Act, including the § 402

77. This statement, which is often quoted in explanation of the rel-
nsibilities of the Corps and EPA under § 404, is included in the Con-
Record as a supplement to Senator Muskie's oral remarks.
309 empowers the Administrator to order compliance with the con-
imitations of permits issued under § 402 and State permits issued
4, and to seek civil and criminal penalties with respect to such per-
rtantly, as the above-quoted history of § 404 indicates, the section
he Administrator the authority to bring enforcement actions to stop
without a required permit, since such discharges violate the basic
set out in § 301 of the Act, 33 U.S.C. § 1319.

permit program for point source discharges,[9] the regulation of discharges of oil and hazardous substances in § 311, 33 U.S.C. § 1321, and the regulation of discharges of vessel sewage in § 312, 33 U.S.C. § 1322. Its definition is not specific to § 404, but is included among the Act's general provisions.[10] It is, therefore, logical to conclude that Congress intended that there be only a single judgment as to whether—and to what extent—any particular water body comes within the jurisdictional reach of the Federal Government's pollution control authority. We find no support either in the statute or its legislative history for a conclusion that a water body would have one set of boundaries for purposes of dredged and fill permits under § 404 and a different set for purposes of the other pollution control measures in the Act. On this point I believe there can be no serious disagreement. Rather, understanding that "navigable waters" can have only one interpretation under the Act, the question is whether Congress intended ultimately for the Administrator or the Secretary to describe its parameters.

The question is explicitly resolved neither in § 404 itself nor in its legislative history. My conclusion that the Act leaves this authority in the hands of the Administrator thus necessarily draws upon the structure of the Act as a whole. First, it is the Administrator who has the overall responsibility for administering the Act's provisions, except as otherwise expressly provided. § 101(d), 33 U.S.C. § 1251(d). It is the Administrator as well who interprets the term "navigable waters" in carrying out pollution control responsibilities under sections of the Act apart from § 404.

Additionally, while the Act charges the Secretary with the duty of issuing and assuring compliance with the terms of § 404 permits, it does not expressly charge him with responsibility for deciding when a discharge of dredged or fill material into the navigable waters takes place so that the § 404 permit requirement is brought into play. Enforcement au-

[9] The Act, as stated above, contains a general prohibition against the "discharge of any pollutant" except in compliance with particular standards and permit procedures. § 301(a), 33 U.S.C. § 1311(a). The definition of the phrase "discharge of pollutants" includes a discharge from a point source into "navigable waters." § 502(12), 33 U.S.C. § 1362(12).

[10] "Navigable waters" is defined under the Act as meaning "the waters of the United States, including the territorial seas." § 502(7), 33 U.S.C. § 1362(7).

y over permitless discharges of dredged and fill mate-
charged, moreover, to the Administrator.[11]

ally, any argument in favor of the Secretary's authority
rpret the reach of the term "navigable waters" for the
ses of § 404 is substantially undercut by the fact that
res his duties under the section with the Administra-
outlined above, § 404 authorizes the Administrator to
p guidelines with respect to selection of disposal sites,
rove and oversee State programs for the discharge of
ed or fill material, and to veto on environmental
ds any permit the Secretary proposes to issue.

erefore conclude that the structure and intent of the
pport an interpretation of § 404 that gives the Ad-
rator the final administrative responsibility for con-
g the term "navigable waters."

r second question is whether the Secretary or the Ad-
trator has the final authority to construe § 404(f) of the
3 U.S.C. § 1344(f). That subsection exempts certain ac-
s from regulation under §§ 404, 301(a), and 402. The
of Engineers has argued that the responsibility for in-
tation of the subsection insofar as it relates to the is-
e of the Corps' § 404 permits is vested in the Secretary.
asons similar to those discussed in connection with
irst question, I disagree. It is the Administrator who
neral administrative responsibility under the Act, 33
. § 1251(d), and who has general authority to prescribe
tions, 33 U.S.C. § 1361(a). In reviewing the statute and
islative history, I find no indication that Congress in-
d that the Secretary have final authority to construe
ubsection for purposes of his § 404 program. Absent
n indication, I believe that the Act would be strained
onstruction allowing the Secretary to give a different
nt to § 404(f) than the Administrator gives that sub-
n as it relates to pollution control provisions apart from
I therefore conclude that final authority under the Act
strue § 404(f) is also vested in the Administrator.

rely,

BENJAMIN R. CIVILETTI.

U.S.C. §§ 1311, 1344(n). The Secretary does have enforcement author-
respect to permitless discharges into navigable waters under the

June 24, 2015

Col. John G. Buck
District Commander
U.S. Army Corps of Engineers
PO Box 3755
Seattle, WA 98124-3755

Dennis J. McLerran
Regional Administrator
EPA Region 10
1200 Sixth Avenue
MC: RA-210
Seattle, WA 98101

PETITION FOR: (1) SPECIAL CASE DETERMINATION; AND (2) APPROVED JURISDICTIONAL DETERMINATION UNDER § 404 OF THE CLEAN WATER ACT

INTRODUCTION

This is a formal petition for agency action to Region 10 of the Environmental Protection Agency ("EPA") and U.S. Army Corps of Engineers, Seattle District ("Corps") pursuant to Clean Water Act, 33 U.S.C. § 1344, and its implementing regulations and agreements. The petitioning parties include Sound Action, Friends of the San Juans, and Washington Environmental Council (the "Requesting Parties"), which are all 501(c)(3) non-profit membership organizations dedicated to preserving and protecting Puget Sound and its imperiled wildlife and habitats.

The Requesting Parties seek a formal agency resolution of the long-running dispute over the appropriate scope of Corps jurisdiction in marine shoreline areas of Puget Sound, Washington. As discussed below, the Seattle District has adopted an impermissibly limited definition of the term "high tide line" for purposes of establishing its jurisdiction over navigable waters under § 404 of the federal Clean Water Act ("CWA"). Specifically, the Corps interprets the reach of the CWA to only extend to the Mean Higher High Water ("MHHW") line in Puget Sound shorelines, rather than the actual regulatory high tide line, which is substantially higher. As a result, the Corps is failing to satisfy its obligation to protect waters of the United States, leading to continued habitat degradation through shoreline armoring and other activities.

In this petition, we ask the EPA to use authorities established under interagency agreement to designate marine shorelines between MHHW and true high tide as "waters of the United States"

under the CWA subject to § 404 permitting. Additionally, we ask the Corps to make formal jurisdictional determinations with respect to several specific shoreline armoring projects currently planned without federal CWA permits that will take place below high tide but above MHHW. These projects are illustrative of the many projects taking place all over Puget Sound that the Corps is failing to regulate, leading to greater damage to the values that the CWA seeks to protect, in violation of the law.[1]

THE HARM CAUSED BY SHORELINE ARMORING IN PUGET SOUND

It is well recognized that bulkheading and armoring of Puget Sound shorelines causes significant ecological degradation. Due to its adverse effects, the Puget Sound Partnership, a state agency tasked with coordinating the recovery of Puget Sound, uses armoring as one of its indicators of Puget Sound recovery.[2] As the Partnership explained in its 2012 Status of the Sound Report:

> Armoring directly alters geologic processes that build and maintain beaches and spits. Bulkheads also impact erosion patterns on nearby beaches, alter beach substrate and hydrology, and reduce the availability of large wood. These physical changes to beaches can diminish the availability and condition of key shoreline habitats. Armoring can also directly impact organisms and ecological processes by burying or displacing upper beach habitat and altering the natural transition between terrestrial and aquatic ecosystems. Impacts of armoring differ from one coastal setting to another, but have been demonstrated both on Puget Sound and elsewhere to impact habitat for fish, birds, and invertebrates.[3]

Due to these negative impacts, the Puget Sound Partnership has articulated a goal of removing more shoreline armoring between 2011 and 2020 than the amount of new armoring installed

---

[1] On November 21, 2014, we sent a letter to the Corps outlining our concerns and seeking a discussion around resolving them. No response to that letter was ever received. The letter is attached as Exh. 1 to this request.

[2] Puget Sound Vital Signs, *Shoreline Armoring, Is there progress? Indicators and Targets*, Puget Sound Partnership (February 26, 2014) (attached as Exh. 2).

[3] Puget Sound Partnership, 2012 State of the Sound: A Biennial Report on the Recovery of Puget Sound, at 69 (attached as Exh. 3); *see also* WDFW, Protecting Nearshore Habitat and Functions in Puget Sound (revised 2010) (explaining various key nearshore habitats and making recommendations for regulating common shoreline modification activities) (attached as Exh. 4); Department of Ecology, *Healthy shorelines equal a healthy Puget Sound*, February 2010, (explaining the individual and cumulative impacts of shoreline armoring and recommending "softer alternatives" to armoring) (attached as Exh. 5); Department of Ecology, *Marine Shoreline Armoring and Puget Sound*, February 2010 (explaining the negative ecological impacts of shoreline armoring and answering frequently asked questions about the process) (attached as Exh. 6).

during the same time span.[4] From 2005 to 2011, Puget Sound shorelines netted nearly one additional mile of armoring per year.[5]

In 2014, a coalition of Washington State resource management agencies developed the Marine Shoreline Design Guidelines to promote the protection of naturally-functioning shorelines based on scientific data.[6] According to this guidance, about one third of Puget Sound shorelines are armored, and these artificial barriers prevent important sediment, wood, and detritus transport needed for natural beach formation and erosion processes. *Id.* at 1-10 - 1-12. State agencies have further found that the loss of upper beach and introduction of an artificial barrier not only changes critical nearshore functions for humans, such as runoff drainage and recreational opportunities, but it also reduces the amount of spawning beach available for forage fish like sand lance and surf smelt, and reduces the amount of invertebrate prey available for nearshore fish to eat.[7] Forage fish are important prey for salmon, who themselves are prey for Southern Resident Killer Whales; Chinook salmon and orcas are listed under the federal Endangered Species Act.[8]

Other negative impacts of armoring include the destruction of habitat for juvenile salmon, changes in sediment and water temperatures due to loss of vegetation and reduced moisture retention on artificial structures, and reduction of habitat for shellfish and eelgrass.[9]
The Corps and other federal agencies have long recognized the adverse effects of armoring in Puget Sound. For example, an interagency briefing memo prepared by the Corps, NOAA, and EPA recognized that "hard shoreline armoring can have a negative effect on ecological processes and can reduce the quality of nearshore habitat thus impacting ESA listed species." Briefing Paper, Puget Sound Shoreline Armoring (*see* Exh. 14 at 1). The paper recognized that a significant percentage of the Sound is already armored, and recent data showed a net increase in new armoring of around a mile per year, despite increasing efforts to remove existing armoring. *Id.* Similarly, in a 2011 letter to the Corps regarding its Nationwide Permit program, NOAA

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[4] 2012 State of the Sound, *supra* note 3, at 68.
[5] Puget Sound Partnership, 2013 State of the Sound: A Biennial Report on the Recovery of Puget Sound, 94-95 (Oct. 15, 2013) (attached as Exh. 7).
[6] Washington State Aquatic Habitat Guidelines Program, Marine Shoreline Design Guidelines, 2014 (attached as Exh. 8).
[7] *Id.* at 1-12 - 1-13; *see also* Dan Penttila, Washington Department of Fish and Wildlife, "Marine Forage Fishes in Puget Sound" (attached as Exh. 9); Jason D. Toft et al., "Fish and Invertebrate Response to Shoreline Armoring and Restoration in Puget Sound" (attached as Exh. 10).
[8] *See* Washington State Recreation and Conservation Office, Salmon Species Listed Under the Federal Endangered Species Act (attached as Exh. 11); NOAA Fisheries, Killer whale (*Orcinus orca*) page (attached as Exh. 12).
[9] Sarah A. Morley et al., "Ecological Effects of Shoreline Armoring on Intertidal Habitats of a Puget Sound Urban Estuary," Feb. 14, 2012 (attached as Exh. 13); Department of Ecology, "Shorelands and Environmental Assistance Program Frequently Asked Questions, Marine Shoreline Armoring and Puget Sound," Feb. 2010 (*see* Exh. 6).

Fisheries called for more rigorous regulation of bank stabilization projects:

> The continued steady and substantial loss of shoreline aquatic functions directly attributable to the 'hardening' of shoreline areas through the placement of fill, rock or other structures has a direct and considerable negative impact on the long-term survival and recovery of [...] listed fish populations. Marine nearshore and freshwater shallow-water habitats are critical to the health of marine, estuarine and freshwater ecosystems. Shoreline alteration is one of the greatest threats to these aquatic resources. ... Given the existing degree of alteration, even relatively small shoreline stabilization activities will add to the already extensive cumulative impacts, and further incremental degradation. The trend towards increasingly altered shorelines limits the region's ability to restore and protect salmon populations.

Exh. 15 at 2 (emphasis added).

These concerns are also shared by the state: in 2012, the Governor of Washington and the Commissioner of Public Lands echoed NOAA's request to the Corps that it better protect shorelines from armoring. ("Shoreline armoring is a major concern for Washington State given the long-term adverse effects which are widely documented on habitat and species listed under the federal Endangered Species Act.") (attached as Exh. 16). The problem of shoreline armoring will likely become even more severe in the face of global sea level rise.[10] It is, therefore, critical that the Corps properly implement its authority to protect aquatic resources now.

THE CLEAN WATER ACT PROTECTS RESOURCES UP TO THE TRUE HIGH TIDE LINE

Under Section 404 of the CWA, 33 U.S.C. § 1344, it is unlawful to discharge "dredge or fill" materials in navigable waters without a permit from the U.S. Army Corps of Engineers. The CWA defines "navigable waters" as "the waters of the United States, including the territorial seas." *Id.* § 1362 (definitions). The Corps has defined "waters of the United States" via regulation: those regulations affirm that its jurisdiction extends to the limit of the "high tide line," 33 C.F.R. § 328.4, which is defined as follows:

> The term high tide line means the line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore

[10] Kirk L. Krueger, *et al.*, *Anticipated Effects of Sea Level Rise in Puget Sound on Two Beach-Spawning Fishes, in* PUGET SOUND SHORELINES AND THE IMPACTS OF ARMORING—PROCEEDINGS OF A STATE OF THE SCIENCE WORKSHOP, MAY 2009: U.S. GEOLOGICAL SURVEY SCIENTIFIC INVESTIGATIONS REPORT 2010-5254, 171-78 (Hugh Shipman, *et al.* eds. 2010) (attached as Exh. 17).

> or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. **The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm**.

Id. § 328.3(d) (emphasis added).[11]

After the CWA was adopted in 1972, the Corps initially adopted a much narrower definition of its jurisdiction, essentially conflating its Rivers and Harbors Act and CWA jurisdictional reach and limiting it to the traditional test for navigability. That regulatory definition was struck down in *Natural Resources Defense Council v. Callaway*, 292 F. Supp. 685 (D.D.C. 1975). Additionally, several courts in enforcement cases found that discharges into waters above the mean high water mark were meant to be covered by the CWA. For example, in *U.S. v. Holland*, the court found that the mean high water line was not a limit to federal authority under the CWA. 373 F. Supp. 665, 676 (M.D. Fla. 1974) ("Pollutants have been introduced into the waters of the United States without a permit and the mean high water mark cannot be used to create a barrier behind which such activities can be excused.").

In adopting its regulatory definition of high tideline in 1977, the Corps recognized that:

> [m]any aquatic areas along the coast are located above the mean or mean higher high tide lines but do not fit within the definition of "wetlands" discussed above. These include sandflats, mudflats, and similar areas, that, while not covered with vegetation, are inundated with sufficient frequency and regularity to be included as part of the aquatic resource.... The term [high tide line] is intended to include areas covered by spring high tides and other high tides that occur with periodic frequency, but does not include those areas that are covered by tidal water as a result of storm surges, hurricanes, or other intense storms.

42 Fed. Reg. 37122, 37129 (July 19, 1977). The current definition of high tide, formally adopted in 1986, was not meaningfully changed from the 1977 definition.

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[11] Note that CWA jurisdiction is considerably more expansive than jurisdiction under the Rivers and Harbors Act, which only "extends to the line on the shore reached by the plane of the mean (average) high water." 33 C.F.R. § 329.12(a); *see also Leslie Salt Co. v. Froehlke*, 578 F.2d 742, 754 (9th Cir. 1978) ("The district court's holding that the Corps' regulatory jurisdiction under the FWPCA is 'coterminous' with that under the Rivers and Harbors Act... is faulty... it is clear from the legislative history of the FWPCA that...Congress intended to expand the narrow definition of the term 'navigable waters...'").

A number of cases have applied these definitions to find unlawful discharge activities that occurred between the highest tide line and other markers like mean high water. For example, in *U.S. v. Malibu Beach*, 711 F. Supp. 1301 (D.N.J. 1989), ruling on a motion for a preliminary injunction, the Court ruled that the government was likely to succeed on its claim that defendants violated the CWA by filling in an area of dunes that could be inundated at high spring tide. The Court explicitly observed that the high spring tide was 1.6 feet higher than the mean high tide. In *U.S. v. Boccanfuso*, 882 F. 2d 666 (2nd Cir. 1989), the Court addressed a situation where fill activities took place above mean high water (the limit of RHA jurisdiction) but below "extreme high tide" (the limit of CWA jurisdiction). The Court found that even though a staff person had told the defendant no permit was necessary, the Corps would not be estopped from pursuing an enforcement action regarding defendant's failure to obtain a permit for activities in this zone.

However, the Seattle District Corps does not apply the regulatory definition of high tide line in implementing its CWA obligations in Puget Sound. Instead, it has adopted as its definition of "high tide line" the "mean higher high water" mark. *See, e.g.*, Seattle District, Online Permit Guidebook ("Under Section 404 of the Clean Water Act, the extent of Corps jurisdiction in tidal waters extends to the high tide line. Currently, the Seattle District uses the mean higher high water mark as the geographic limits of the high tide line."). The guidebook further defines mean higher high water ("MHHW") as "the average higher high tide at a benchmark over a period of 20 years."[12]

The difference between "true" high tide and MHHW in Puget Sound is significant. At a gentle shoreline gradient, this represents potentially hundreds of feet of shoreline that should be subject to Corps regulations but are not. The area between MHHW and true high tide is also ecologically significant. For example, the National Marine Fisheries Service ("NMFS") uses extreme high tide, not MHHW, in defining salmonid critical habitat. *See* Endangered and Threatened Species; Designation of Critical Habitat for 12 Evolutionarily Significant Units of West Coast Salmon and Steelhead in Washington, Oregon, and Idaho, 70 Fed. Reg. 52,630-01, 52,664 (September 2, 2005) ("We believe that the area inundated by extreme high tide is an appropriate delineation of the landward extent of critical habitat because it represents a regularly occurring intertidal fringe that is recognizable (e.g., vegetation and landform changes), and contains and includes PCE elements such as large wood, rocks and boulders and aquatic vegetation.")

[12] On the west coast, there are typically two high tides in a diurnal tidal cycle. Accordingly, MHHW refers to the mean of the higher of the two high tide cycles.

THE INTERAGENCY DISPUTE OVER THE CORPS' FAULTY APPROACH TO JURISDICTION

The subject of whether MHHW or high tide line is the appropriate limit of the Corps CWA § 404 jurisdiction has been the subject of extensive interagency discussion and disagreement. The National Marine Fisheries Service ("NMFS") has repeatedly emphasized the importance of asserting jurisdiction to the high tide line and requested action from the Corps. To date, however, no action has been taken to actually change the Corps' flawed approach.

NMFS staff produced a series of briefing papers laying out the problem and a path towards advocating that the Corps shift its approach to determining jurisdiction. For example, in an April 2, 2013 internal memo, NMFS observed that "much of the upper foreshore and perhaps all of the backshore of Puget Sound beaches are above MHHW" (attached as Exh. 18). The memo observed that "[m]ore than 1 mile of Puget Sound shoreline is newly armored each year, most without Corps permits and therefore without ESA consultation with NMFS." *Id.*; *see also id.* at 21 ("Many of these new and rebuilt bulkheads likely have adverse effects on designated salmon critical habitat, and this amount of shoreline armoring likely will continue without federal review or permitting unless the method for determining Corps jurisdiction is modified."). The memo recommended that the Seattle District use the "highest astronomical tide" ("HAT") rather than MHHW to establish the limit of its CWA jurisdiction.

NMFS also produced an "issue paper" laying out a number of concerns associated with the Corps' approach to determining its CWA jurisdictional boundaries in Puget Sound (attached as Exh. 19).[13] In it, NMFS explained how MHHW "is exceeded several days each month" and how the use of MHHW "results in many shoreline armoring actions in Puget Sound" being installed above MHHW, thereby avoiding compliance with the CWA and Endangered Species Act. *See id.* at 3 ("In Puget Sound, the MHHW is 1.5 to 2.5 feet below the high tide line.")

The document also produced a table laying out the difference between HAT and MHHW at a number of Puget Sound tidal stations. *Id.* at 2. The differences varied between 1.3 feet and 2.7 feet; the memo calculated that at a beach gradient of 1%, a difference of 2 feet in tidal elevation translated to 200 horizontal feet of shoreline "with functional aquatic habitat … outside federal regulatory review." *Id.* at 1. The paper went on to explain how a substantial portion of the tidal cycle is above MHHW, and how failure to regulate such projects will "impair" recovery of nearshore critical habitat. *Id.* at 3.

In a further briefing paper, NMFS stated bluntly that the Corps should use HAT, rather than MHHW, as the limit of its jurisdiction, noting that "the intertidal area between HAT and MHHW is biologically significant for the protection and recovery of ESA listed species and is essential fish habitat for salmon and other fishes" (*see Exh.* 20 at 1). The paper continued, "We are not

[13] Although labeled draft, the Issue Paper was sent to the Northwest Region Commander of the Army Corps in formal correspondence.

aware of any technical or legal support for the Corps' determination of jurisdictional boundary of MHHW. Instead, this appears to be an artifact of institutional knowledge." *Id.*

The Corps' own internal documentation reveals that the Seattle District considered whether to shift its approach to determining jurisdiction, but ultimately decided to take no action. In a May 17, 2013 internal memorandum, the Seattle District recognized the dispute over the appropriate definition of high tide, observing that each of the six Pacific Coast districts interprets the issue in different ways (attached as Exh. 21). The memo laid out a set of recommendations including a multi-year decision-making process to elevate and resolve the interagency dispute.

None of these recommendations were adopted. After extensive efforts to resolve the issue at a staff level proved unsuccessful, the issue was elevated to regional agency leadership. In an April 2, 2013 letter to Col. Bruce Estok, the District Commander of the Seattle District, NMFS Regional Administrator Will Stelle asked for the Colonel's help resolving the shoreline jurisdiction issue (attached as Exh. 22). In it, Stelle observed that the result of the Corps' approach to determining jurisdiction:

> is that many new projects and repairs to existing projects that directly affect the shoreline of Puget Sound are not reviewed, conditioned or permitted by your agency. The ecological effect is that extensive areas of intertidal and estuarine habitat that are important to ESA-listed salmon and multiple species of shellfish and other marine life are not adequately protected. Numerous scientific analyses have documented the important functions of these areas for both juvenile and adult salmonids, and the continuing loss of these habitats is an important limiting factor for rebuilding the productivity of the system for salmon and other trust resources.

It does not appear that the Corps ever responded to Stelle's letter. A March 16, 2015 letter from Stelle to Brigadier General John Kem, the Northwest Division Commander of the Corps, memorialized the paralyzed status of the interagency discussions (attached as Exh. 23). Even though "shoreline protection remains a priority for the [federal agencies in Puget Sound] and for the aquatic resources and habitats" subject to the agencies' trust responsibilities, the letter indicated that Gen. Kem had stated clearly that he "did not intend to change the Seattle District's approach to establishing jurisdiction." Again, it does not appear that any response to this letter was ever received.

EPA AUTHORITY TO DECIDE CWA § 404 JURISDICTION

It is well settled that it is the EPA, not the Corps, that has ultimate authority to determine the jurisdiction of the CWA § 404 program. In a 1979 Opinion issued to the Secretary of the Army, Attorney General Benjamin Civiletti concluded that the term "navigable waters" constitutes a "lynchpin" of the CWA, and that there could only be a single judgment as to whether and to what extent "any particular water body comes within the reach of the Federal Government's

pollution control authority." 43 Op. Att'y Gen. 197, 201 (1979) ("*Civiletti Memorandum*") (attached as Exh. 24). While the CWA gives the Corps authority to issue and assure compliance with § 404 permits, "it does not expressly charge [the Corps] with responsibility for deciding when a discharge of dredged or fill material into the navigable waters takes place so that the § 404 permit requirement is brought into play." *Id.* at 201. The final administrative authority for construing the reach of the program belongs with the administrator of the EPA, the Opinion concludes. *See also* EPA Office of General Counsel, *Jurisdiction of Sections 402 and 404 of the Clean Water Act Over Discharges of Solid Waste in Wetlands*, 1980 WL 30213 (Jan. 31, 1980) ("In case of disagreement between the Administrator [of the EPA] and the Secretary [of the Army], the Administrator has the ultimate authority to determine whether a discharge of solid waste in waters of the United States requires an NPDES permit or a § 404 permit.").

Consistent with this conclusion, the Corps and the EPA executed a Memorandum of Agreement in 1987 outlining a policy and procedures for addressing the agencies' respective roles in determining jurisdiction under § 404. *Memorandum of Agreement Between the Department of the Army and the Environmental Protection Agency Concerning the Determination of the Section 404 Program and the Application of the Exemptions under § 404(f) of the Clean Water Act* (Jan. 19, 1989) ("*1989 MOA*") (attached as Exh. 25). The *1989 MOA* recognizes that while the Corps will perform the majority of jurisdictional determinations for the § 404 program, "EPA will be considered the lead agency and will make the final decision if the agencies disagree." Under the Corps' own regulation, an EPA determination of jurisdiction divests the Corps of authority to determine jurisdiction for itself. 33 C.F.R. § 325.9.

Under the 1989 MOA, EPA has authority to make a "final determination as to the geographic scope of the waters of the United States for purposes of § 404," termed a "special case." Special cases may be project specific, or generic, "where significant issues … are anticipated or exist" concerning the scope of jurisdiction. Thereinafter, each regional administrator is to maintain a "regional list" of special cases within each region.

As discussed further in this petition, the Corps' failure to exercise jurisdiction over the area below high tide and above MHHW qualifies for special case treatment under the MOA. Accordingly, the undersigned organizations hereby petition EPA to make a generic special case determination for tidal waters within the areas of Puget Sound, Strait of Juan de Fuca, and Georgia Strait in Western Washington. The examples that are provided in this petition are illustrative of the need for a generic jurisdictional determination for the entire region, but are not the focus of the petition.

CORPS' DUTY TO RESPOND TO REQUESTS FOR JURISDICTIONAL DETERMINATIONS

An approved jurisdictional determination ("approved JD") is an official determination from the Corps that jurisdictional waters of the United States are either present or absent on a particular site, and identifies with precision the limits of those waters determined to be jurisdictional. 33

C.F.R. § 331.2; Regulator Guidance Letter No. 08-02 (26 June, 2008) ("*2008 RGL*"). The 2008 RGL lists three scenarios under which the issuance of an approved JD is mandatory: (a) when requested by the applicant, landowner, or other "affected party"[14]; (b) where such party contests jurisdiction; and (c) "where the Corps determines that jurisdiction *does not exist*." (emphasis added). In other words, a requested JD is mandatory, even where the applicant, landowner, or other "affected party" does not request it, and where the Corps' position is that jurisdiction does *not* exist. *Id.* at 2. Additionally, the Corps has discretion to issue an approved JD wherever it deems doing so "appropriate given the facts of a particular case."

The requesting parties hereby petition the Corps to make an approved JD on each of the projects described below. An approved JD is required because it appears that the Corps will conclude that CWA jurisdiction does not exist for these projects, given its current policy of limiting jurisdiction to the MHHW mark. Moreover, a JD is "appropriate" on the facts of this case, given that the proponents of these projects are potentially subject to citizen suit enforcement for failing to obtain Corps permits that the Corps has effectively informed them that they do not need.

To the best of our knowledge, each of the examples below involves fill material above the MHHW but below the true high tide line, and in each case the proponents appear to incorrectly believe, based on the Corps' guidance and policy statements, that the projects are not subject to Corps jurisdiction and do not require CWA permits prior to any work in waters of the United States.

1. Mason County Public Works Bank Stabilization

This project will repair rock wall bulkheads at three sections of North Shore Road along Hood Canal in Mason County, totaling about 178 feet. These repairs will require the placement of large rocks along the shore, and 34 cubic yards of rock will be placed approximately two feet below the ordinary high water mark. Large woody material and root wads will also be placed along the bulkhead, and fill will be used below the ordinary high water mark at all three sections of the road that need repairing. Mason County Public Works applied for a standard hydraulic project permit with the Washington Department of Fish and Wildlife ("WDFW"). The WDFW issued a hydraulic project approval ("HPA") on February 9, 2015 (HPA 2015-6-70+01). Forage fish spawn at or adjacent to each of the three repair sites. The JARPA and other permitting documents for this project are attached as Exh. 26.

2. Kitsap County Public Works Beach Drive Seawall Repair

This project will replace seawalls at five sites along Beach Drive near Port Orchard in Kitsap County, totaling about 465 feet. These repairs will require the placement of woven fabric and large rocks along the shore, and will also involve "beach nourishment" (the dumping of sand

[14] "Affected party" is defined in 33 C.F.R. § 331.2 for purposes of the appeal process, but not the process of requesting a JD.

from another place) as a mitigation measure.[15] Kitsap County Public Works applied for a standard hydraulic project permit with the WDFW. The WDFW issued a HPA on April 1, 2015 (HPA 2015-6-205+01). Forage fish spawn at all of the project sites, and Kitsap County stated in its HPA application that "[t]he project will be done during low tide and during the WDFW prescribed fish window for Sinclair Inlet." On February 19, 2015, Kitsap County received an exemption from a Shoreline Substantial Development Permit pursuant to KCC 22.87(2)(b) and an exemption from SEPA under the emergency exemption in WAC 197-11-880. The JARPA and other permitting documents for this project are attached as Exh. 27.

3. Kitsap County Public Works Big Beef Seawall Maintenance

This project will repair a seawall along Seabeck Highway near Seabeck in Kitsap County, totaling about 110 feet. These repairs will require the placement of rocks and loose rip rap below ordinary high water mark. Kitsap County Public Works applied for a standard hydraulic project permit with the WDFW. The WDFW issued a HPA on April 29, 2015 (HPA 2015-6-279+01). Forage fish spawn in adjacent areas to the project site. The JARPA and other permitting documents for this project are attached as Exh. 28.

4. Multiple Projects on Samish Island, Skagit County

Several private landowners, represented by a single contractor, are proposing a series of significant beach armoring efforts across multiple individual property frontages on Samish Island, Skagit County. The initial proposal, at the Goodan/Pennington residence, involved over two hundred linear feet of significant armoring, including logs, crushed gravel, and rock up to eight feet high. The project was authorized by Skagit County under PL14-0517. An email from the project contractor, John Ravnik, describes how he calculated MHHW and purports to explain how the project will take place landward of that elevation. Recently, a number of additional projects along that stretch of shoreline have also been proposed by the same contractor. These adjacent projects involve rearranging existing rock armoring and, in some places adding imported rocks to add size to the armoring in response to a storm that occurred on November 29, 2014. A "geotextile fabric" will be placed between the rocks and the ground, and concrete rubble will be removed. The projects propose to use a barge to transport equipment to the area and use of an excavator to perform the work. The project applications explain and provide

[15] Although the county considers beach nourishment to be a mitigation measure, the practice has multiple adverse environmental impacts, including "disturbance of species' feeding patterns; disturbance of species' nesting and breeding habitats; elevated turbidity levels; changes in near shore bathymetry and associated changes in wave action; burial of intertidal and bottom plants and animals and their habitats in the surf zone; … increased sedimentation in areas seaward of the surf zone as the fill material redistributes to a more stable profile" and "impacts to endangered species such as sea turtles and shorebirds which use the beach as nesting areas." *State, Territory, and Commonwealth Beach Nourishment Programs: A National Overview*, National Oceanic & Atmospheric Administration, March 2000 (attached as Exh. 30).

considerable detail for the contractor's claim that the work will be conducted landward of mean higher high water. The JARPA and other permitting documents for the Goodan/Pennington project are attached as Exh. 29a. Since most of the permitting documents for the other projects on this road are identical, a sample JARPA and accompanying materials is included as Exh. 28b. Additional documents can be provided on request.

PROPER CORPS JURISDICTION WILL PROTECT CWA, ESA, AND TRUST RESOURCES

If the Corps revises its approach to determining jurisdiction, as required by the CWA, to include projects involving fill up to the true high tide line, better protection for Puget Sound and its imperiled resources and wildlife will result. In one of its internal briefing memos, NMFS explained why constructing bulkheads without oversight by the Corps harms resources in Puget Sound:

> By not extending jurisdiction above MHHW, the Corps allows unpermitted structures, e.g., bulkheads, to be constructed without Corps oversight within waters of the United States. Constructing or reconstructing bulkheads or other structures between MHHW and HAT reduces the productivity of the nearshore environment, results in adverse effects on beach processes, reduces or removes riparian vegetation and fish-prey input to the nearshore, eliminates upper intertidal vegetation such as pickleweed, and increases predation risk for migrating and rearing juvenile salmonids by removing shallow areas of upper-intertidal. In addition, long-term adverse effects of substrate coarsening in front of bulkheads at higher intertidal sites are also likely to degrade and remove important spawning habitats for forage fishes. Surf smelt have been documented spawning above MHHW. Also, ESA-listed salmon emigrate particularly during spring tides in March through July and inhabit the inundated beaches above MHHW during emigration. Recovery of nearshore salmon habitats will be impaired by not extending Corps jurisdiction above MHHW.

See Exh. 20 at 6. There are several reasons why expanding jurisdiction will increase the protection of Puget Sound and its resources.

First, the Corps is required by the CWA to review applications for § 404 permits to ensure that they are consistent with the Act and its implementing regulations. *See, e.g.*, 40 C.F.R. pt. 230 (404(b) guidelines); 33 C.F.R. pt. 323. Since the purpose of the CWA is to restore the integrity of the nation's waters, and to protect and recover beneficial uses—which include salmonid spawning and rearing in Puget Sound—this review gives the Corps oversight to ensure that the cumulative effects of extensive new and replaced bank armoring are consistent with the Act. As the § 404(b) guidelines state:

> Fundamental to these Guidelines is the precept that dredged or fill material should not be discharged into the aquatic ecosystem, unless it can be demonstrated that

> such a discharge will not have an unacceptable adverse impact either individually or in combination with known and/or probable impacts of other activities affecting the ecosystems of concern.... [T]he degradation or destruction of special aquatic sites, such as filling operations in wetlands, is considered to be among the most severe environmental impacts covered by these Guidelines. The guiding principle should be that degradation or destruction of special sites may represent an irreversible loss of valuable aquatic resources.

40 C.F.R. § 230.1(c), (d). Corps regulations further call for an extensive review of whether requested Army permits serve the public interest, a review that explicitly includes "cumulative impacts." 33 C.F.R. § 320.4(a). The review gives the Corps discretion to balance a wide number of factors, including the relative need for the project and its benefits, against the impacts to CWA resources. *Id.* The guidelines also call for a determination of whether activities affecting coastal zones are consistent with approved coastal zone management programs. *Id.* 320(h). The Corps' CWA review over projects that fall between MHHW and true high tide should result in less shoreline armoring in Puget Sound, and better mitigation for projects that cannot be avoided.

Second, the Corps' permitting process is subject to NEPA, which includes, in part, a duty to examine alternatives to the proposed action. 33 C.F.R. § 230. In many cases, "hard" armoring of shorelines can be avoided or significantly reduced by reliance on more environmentally responsible practices. As the WDFW has observed, "[i]n reality, hard armor is typically not necessary to slow erosion throughout much of the sheltered shores of Puget Sound. Yet the extensive application of armor as a 'one size fits all' solution has resulted in widespread impacts to nearshore processes." Marine Shorelines Design Guidance, *supra* note 8, at xxv. Other alternatives could include more robust mitigation for new armoring that cannot be avoided, in order to achieve the goal of a net reduction in the amount of armoring and increase in functional habitat in Puget Sound.

Third, issuances of CWA permits by the Corps are federal actions subject to the interagency consultation provisions of the Endangered Species Act ("ESA"), 16 U.S.C. § 1536(a)(2). Accordingly, the Corps will have to ensure that shoreline armoring permits do not jeopardize listed species like salmon, or adversely modify their critical habitat. Indeed, recognizing that shoreline areas merit special attention and protection, the designated critical habitat for Puget Sound Chinook and other ESUs explicitly includes areas that are "inundated by extreme high tide." 70 Fed. Reg. 52637 (Sept. 2, 2005). NMFS has recognized that the Corps' truncated view of its jurisdiction means that it "does not provide NMFS with an opportunity to review a large number of shoreline armoring actions under" § 7(a)(2) of the ESA. *See* Exh. 19 at 3.

We recognize that the Corps has workload concerns about expanding its jurisdiction in a way that would include more projects. While these do not absolve the agency from complying with the CWA, there are ways in which those concerns could be managed. First, given the rigors of requiring projects to go through full CWA and ESA review, many applicants may simply opt to

avoid armoring in the first place. For projects that do go forward, the Nationwide Permit Program offers streamlined permitting for projects with insignificant effects. 77 Fed. Reg. 10184 (Feb. 21, 2014). NWP 13 addresses certain bank stabilization measures. NWP 3 deals with rehabilitation or repair of certain previously authorized and currently serviceable structures.

Of course, there should be significant limits on the use of NWPs to engage in bank stabilization measures in Puget Sound because of the significant effects. 33 C.F.R. § 330.2 (NWPs for actions with "minimal" effects). This is recognized by the Corps itself, which limits the use of new bank stabilization with certain portions of Puget Sound. Seattle District, 2012 Nationwide Permits Final Regional Condition #3 (March 19, 2012) (attached as Exh. 31). It also requires extensive information for any new or maintenance bank stabilization, including a demonstration that the proposed project "incorporates the least environmentally damaging practicable bank protection methods." *Id.* at Condition #4. EPA and NOAA, among others, have advocated for extending this restriction to all areas of Puget Sound, not just the urbanized areas around Seattle. *See* Exh. 14 at 2 (EPA and NOAA "have proposed that the Corps further restrict the use of nationwide permits for new bank stabilization projects in Puget Sound.") Moreover, use of streamlined NWP procedures does not absolve the Corps from complying with the ESA, 77 Fed. Reg. at 10283 (National General Condition 18), and other laws like the Magnuson-Stevens Fishery Management and Conservation Act. *See* Regional Conditions, at 3 (activity cannot be authorized under NWP "until essential fish habitat requirements have been met by the applicant and the Corps").

That said, however, we believe that CWA, along with programmatic consultation procedures under the ESA, gives the Corps sufficient flexibility to authorize certain categories of actions without significantly expanding the agency's workload. For example, in cooperation with NOAA, the Corps could define new regional general conditions that would allow repairs of existing structures that improve baseline conditions, or authorize certain soft-armoring approaches where needed, with appropriate mitigation (e.g., removal of other existing bank armoring). It appears that other agencies would welcome this conversation. *See* Exh. 14 at 2. (EPA and NOAA "would like to explore ways in which [Corps] permits can require that applicants undertake effective in-kind mitigation for impacts their projects may cause.")

Until these projects fall under the Corps' jurisdiction, however, the Corps and NOAA will simply not have the opportunity to review these projects for compliance with CWA and ESA, thereby allowing continued degradation of habitat in Puget Sound and the likely continued slide of imperiled species like salmon towards extirpation. Expanding jurisdiction to comply with the CWA will also better position the Corps to meet its obligations under federal treaties. *See* Exh. 20 at 6. ("NMFS believes the Corps could better meet their tribal trust responsibilities by recognizing jurisdiction for federal permitting that is based on tidal elevations that provide a greater level of ecological integrity and function than using MHHW.")

CONCLUSION

The Army Corps' failure to exercise jurisdiction to the true high tide line violates the CWA, reduces protection for important ecological and trust resources, and subjects landowners to the risk of CWA citizen suits. Several years of interagency discussions have failed to result in any change to the Corps' position. Accordingly, we ask EPA to utilize its authorities, consistent with its past statements, to define CWA § 404 jurisdiction in Western Washington up to the true high tide line. Additionally, we ask the Corps to make formal determinations with respect to the above listed projects. We believe that all these projects should be within the Corps' jurisdiction and the Corps should so find via an approved JD. However, if the Corps wishes to defend its continued position, it should formally find that such projects are not within its jurisdiction.

Sincerely,

Jan Hasselman
Anna Sewell

On behalf of Sound Action, Friends of the San Juans and Washington Environmental Council

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NORTHWESTERN DIVISION
PO BOX 2870
PORTLAND OR 97208-2870

JUL 16 2015

The Honorable Jay Inslee
Governor of Washington
P.O. Box 40002
Olympia, Washington 98504-0002

Dear Governor Inslee:

The National Marine Fisheries Service (NMFS), in its role as our partners in the Puget Sound Federal Caucus, as well as in its role in developing the Federal response to the Treaty Rights at Risk Initiative of the Northwest Treaty Tribes, has contacted me regarding the upper boundary of the Seattle District's tidal jurisdiction for Clean Water Act (CWA) Section 404 permits. We have also been contacted by the legal representatives of three Washington non-profit groups on this issue, to include Sound Action, Friends of the San Juans, and the Washington Environmental Council.

For decades, the Seattle District has relied on the mean reach of the higher of the two high tides of each day of the year (mean higher high water, or MHHW) to demarcate the landward extent of our CWA section 404 jurisdiction. Mr. William Stelle, Regional Administrator of NMFS Western Region, has asked whether that line is the most appropriate jurisdictional boundary available, or if the highest astronomical tide (HAT) should be used instead. For some basic context, consider that HAT elevations range from 1.3 to 2.5 feet higher than MHHW. Meanwhile, spring tides are approximately 1 foot higher than MHHW. Any adjustment would potentially impact the regulation of Puget Sound and Washington coastal tidelands. The motivating factor for NMFS and the concerned groups is the value of the habitat at issue, which they point out, is relied upon ESA-listed salmon and other species.

As we continue to review this issue, and commence a dialogue – which will also include the Environmental Protection Agency Region 10, NMFS and others – we will greatly value your input. Therefore, I request our staffs collaborate to receive your input in the next 90 days. Considering the potential implications on Washingtonians as well as important tidelands and resources within the state, our intention is to conduct an open and transparent discussion of this important issue. I look forward having that discussion with you.

Sincerely,

John S. Kem
Brigadier General, US Army
Division Commander

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DEPARTMENT OF THE ARMY
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PO BOX 2870
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JUL 16 2015

Mr. William Stelle
Regional Administrator
National Marine Fisheries Service, West Coast Region
7600 Sand Point Way Northeast
Seattle, WA 98115

Dear Mr. Stelle,

I appreciate your leadership and the efforts of your staff in working with the Northwestern Division on the complex challenges we face regulating activities under the Endangered Species Act (ESA) and the Clean Water Act (CWA), respectively, in the state of Washington.

As you know, the Seattle District uses the Mean Higher High Water (MHHW) to establish federal jurisdiction under Section 404 of the CWA. In your letter to me dated March 16, 2015, you suggest that the usage of the Highest Astronomical Tide (HAT) may be a more appropriate jurisdictional boundary.

I am writing to you today to invite you and your staff to join a regional dialogue regarding the Corps' landward extent of CWA Section 404 jurisdiction in marine and estuarine areas in Puget Sound, as you specifically referenced, but also the entire state of Washington. The Seattle District has used MHHW to demarcate the landward extent of our CWA Section 404 jurisdiction for several decades; and it has been an appropriate standard. At the same time, I am open to regional discussion regarding our technical interpretation and application of discretion as described in 33 Code of Federal Regulations, Part 328 – Definitions of Waters of the United States.

You have noted that the HAT elevation ranges from 1.3 to 2.5 feet higher than MHHW across the Puget Sound, depending on its distance from the ocean. My staff completed a limited analysis of MHHW vs. HAT, and also looked at a measure incorporating the periodic spring tides, which are typically one foot higher than MHHW across the Puget Sound. Currently, I do not believe that HAT, an extremely rare high tide that occurs once every 18 years, can be justified as the appropriate jurisdictional limit under Section 404 of the CWA or its implementing regulations. However, I am willing to consider all information obtained through a regional discussion that would include NMFS, the Environmental Protection Agency Region 10, the State of Washington and others. Furthermore, the dialogue should explore a variety of options, to include the application of the independent authorities of your agency, EPA and the State of Washington in order to achieve your stated goal of increased habitat protection in this important marine supra-tidal area.

Any potential change in our technical characterization of the Corps' jurisdictional limits would potentially affect the regulation of the Puget Sound and Washington's Coastal tidelands. Because of this, my intention is to conduct an open, transparent regional discussion of the issue. I look forward to our continued partnership and specifically to opening a regional dialogue on this issue.

Sincerely,

John S. Kem
Brigadier General, US Army
Division Commander

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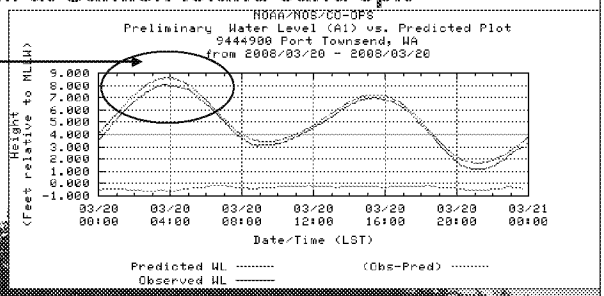
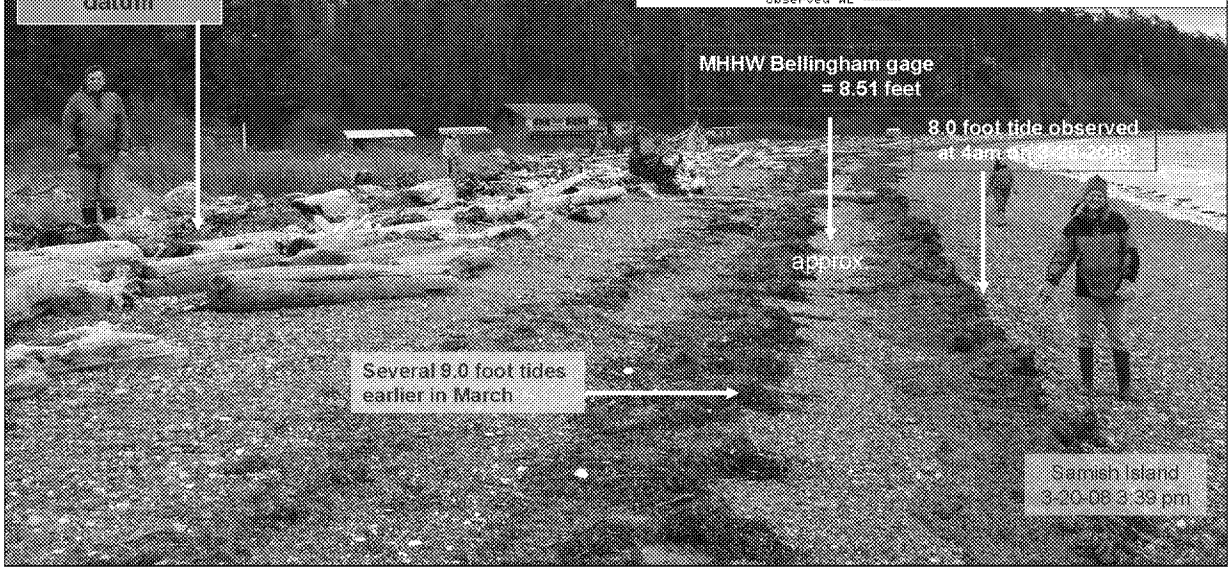
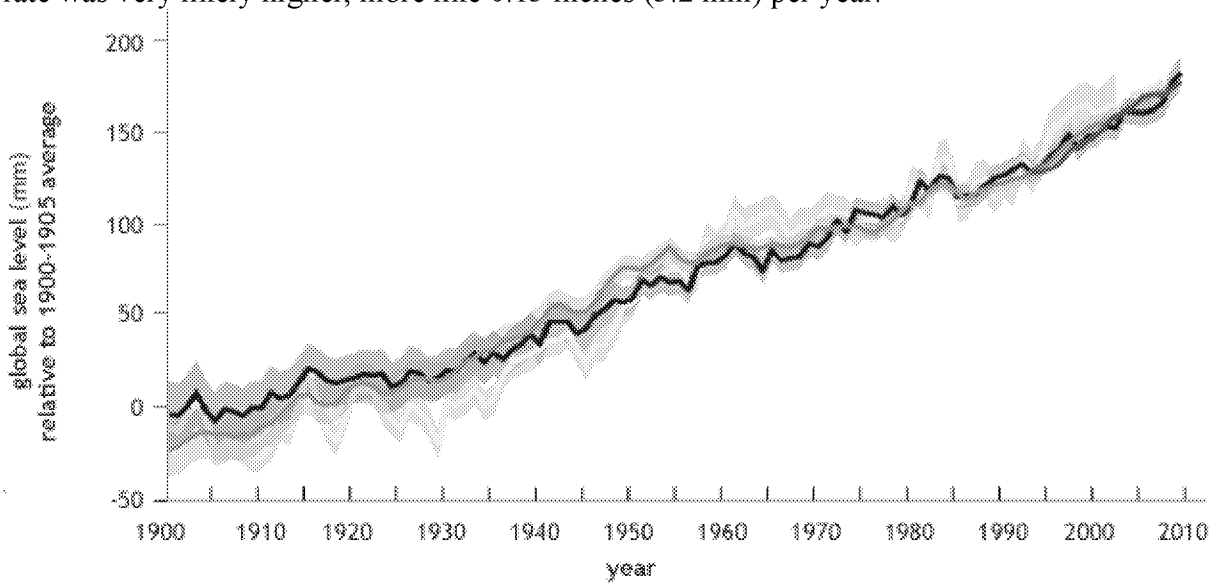
Difference between Corps MHHW datum and Shoreline Management Act OHWM at Samish Island sand spit

Bellingham	Higher High Water 4:00 am 3-20-08
Predicted	8.5 feet
Observed	8.0 feet





Taking information from both tidal records and satellites into consideration, the latest report from the Intergovernmental Panel on Climate Change concluded that sea level rose around 0.07 inches (1.7 millimeters) per year between 1901 and 2010 and that between 1993 and 2010, the rate was very likely higher, more like 0.13 inches (3.2 mm) per year.



Multiple data sets (different colored lines) of global mean sea level compared to the 1900-1905 average, and with all time series set to have the same value in 1993, the start of the satellite altimetry record (red line). Shading shows uncertainty ranges. Adapted from panel d of [HYPERLINK "http://www.climatechange2013.org/report/reports-graphic/report-graphics/"] in [HYPERLINK "http://www.ipcc.ch/report/ar5/wg1/"].

Tidal Datums

In general, a datum is a base elevation used as a reference from which to reckon heights or depths. A tidal datum is a standard elevation defined by a certain phase of the tide. Tidal datums are used as references to measure local water levels and should not be extended into areas having differing oceanographic characteristics without substantiating measurements. In order that they may be recovered when needed, such datums are referenced to fixed points known as bench marks. Tidal datums are also the basis for establishing privately owned land, state owned land, territorial sea, exclusive economic zone, and high seas boundaries. Below are definitions of tidal datums maintained by the Center for Operational Oceanographic Products and Services.

HAT Highest Astronomical Tide	The elevation of the highest predicted astronomical tide expected to occur at a specific tide station over the National Tidal Datum Epoch.
MHHW* Mean Higher High Water	The average of the higher high water height of each tidal day observed over the National Tidal Datum Epoch. For stations with shorter series, comparison of simultaneous observations with a control tide station is made in order to derive the equivalent datum of the National Tidal Datum Epoch.

Station Datum	A fixed base elevation at a tide station to which all water level measurements are referred. The datum is unique to each station and is established at a lower elevation than the water is ever expected to reach. It is referenced to the primary bench mark at the station and is held constant regardless of changes to the water level gauge or tide staff. The datum of tabulation is most often at the zero of the first tide staff installed.
National Tidal Datum Epoch	The specific 19-year period adopted by the National Ocean Service as the official time segment over which tide observations are taken and reduced to obtain mean values (e.g., mean lower low water, etc.) for tidal datums. It is necessary for standardization because of periodic and apparent secular trends in sea level. The present NTDE is 1983 through 2001 and is actively considered for revision every 20-25 years. Tidal datums in certain regions with anomalous sea level changes (Alaska, Gulf of Mexico) are calculated on a Modified 5-Year Epoch.

In its regulatory definition of high tideline in 1977, the Corps recognized that:

[m]any aquatic areas along the coast are located above the mean or mean higher high tide lines but do not fit within the definition of "wetlands" discussed above. These include sandflats, mudflats, and similar areas, that, while not covered with vegetation, are inundated with sufficient frequency and regularity to be included as part of the aquatic resource.... The term [high tide line] is intended to include areas covered by spring high tides and other high tides that occur with periodic frequency, but does not include those areas that are covered by tidal water as a result of storm surges, hurricanes, or other intense storms.

Message

From: Szerlog, Michael [Szerlog.Michael@epa.gov]
Sent: 5/6/2015 7:59:06 PM
To: Opalski, Dan [Opalski.Dan@epa.gov]
CC: McLerran, Dennis [mclerran.dennis@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]
Subject: RE: EPA COE MOU on Jurisdiction

Dan,

OK. Got it, wasn't sure if this had to do with riparian issues or PS shoreline. Here are some options besides continuing to have informal conversations:

Deliberative Process / Ex. 5

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Opalski, Dan
Sent: Wednesday, May 06, 2015 8:33 AM
To: Szerlog, Michael
Cc: McLerran, Dennis
Subject: RE: EPA COE MOU on Jurisdiction

Thanks, Michael. This is the kind of info I was seeking. The specific question (I think) that Will is posing is where our "final say" authority would extend to a decision on the drawing of the most appropriate jurisdictional line for shoreline projects (i.e. which tide line).

From: Szerlog, Michael
Sent: Wednesday, May 06, 2015 8:29 AM
To: Opalski, Dan
Cc: McLerran, Dennis
Subject: RE: EPA COE MOU on Jurisdiction

Dan,

EPA does have the final say on CWA jurisdiction and on the applicability of exemptions, however, the policy is for the Corps to perform jurisdictional determinations (JD) and to determine exemptions under section 404(f), since they are the permitting agency. We provide oversight on JD calls – mostly those that are negative. Note: JD work is different than wetland delineation work. I think Will meant to say "COE determinations" and not "COE delineations" which are done to determine if a wetland is present as well as its extent – i.e. the boundary between wetland and upland. For enforcement cases, we often need to verify jurisdiction and staff collect information in the field as well from databases/online tools to determine if the impacted water is a Waters of the United States.

As you know we have the ability to elevate jurisdictional determination calls and the option of establishing a "Special Case" where EPA makes the final determination of the geographic jurisdictional scope of Waters of the United States for purposes of section 404. We haven't done that yet in Region 10, but contemplated it for SE Fairbanks. Region 9 recently did one for the LA River. It is a lot of work and will be controversial.

Not sure if this helped, but give a call if you have any more questions or want to discuss further.

Thanks
Michael J. Szerlog, Manager
Aquatic Resources Unit

Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Opalski, Dan
Sent: Wednesday, May 06, 2015 8:03 AM
To: Szerlog, Michael
Cc: McLerran, Dennis
Subject: FW: EPA COE MOU on Jurisdiction

Michael – Can you help out with your read on the question Will is asking both from an authority standpoint and more of an on-the-ground implementation perspective? Thanks.

From: Will Stelle - NOAA Federal [mailto:will.stelle@noaa.gov]
Sent: Wednesday, May 06, 2015 8:00 AM
To: McLerran, Dennis
Cc: Opalski, Dan; Elizabeth Babcock - NOAA Federal
Subject: EPA COE MOU on Jurisdiction

dennis: embedded in the email below from Elizabeth is the existing MOU which appears to recognize EPA's independent authority under the CWA to supersede COE delineations on 404 jurisdiction. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

WS

---------- Forwarded message ----------
From: **Elizabeth Babcock - NOAA Federal** <elizabeth.babcock@noaa.gov>
Date: Tuesday, April 28, 2015
Subject: Per phone message
To: Will Stelle <will.stelle@noaa.gov>

Will,

Perhaps the jurisdiction issue should focus on EPA not the Corps

.http://water.epa.gov/lawsregs/guidance/wetlands/404f.cfm

EB

--

William Stelle
West Coast Regional Administrator
NOAA Fisheries

Appointment

From: Tyson, Linda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D7AD12AF04F64468B18E3960F2A77781-TYSON, LIND]
Sent: 8/26/2016 8:54:50 PM
To: McLerran, Dennis [mclerran.dennis@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; David Allnutt (Allnutt.David@epa.gov) [Allnutt.David@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]
CC: Opalski, Dan [Opalski.Dan@epa.gov]; Edmondson, Lucy [Edmondson.Lucy@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]; Woods, Jim [Woods.Jim@epa.gov]
BCC: R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted [R10SeaRA-Room-21Tahoma-VTC@epa.gov]; R10Sea-ConfLineMM-Conference Line/Code / Ex. 6 R10Sea-ConfLineMM Conference Line/Code / Ex. 6

Subject: High Tideline Recommendations
Attachments: RA Briefing-HTL vs MHHW-final.docx
Location: ET Conference Room; Conference Line/Code / Ex. 6 passcode Conference Line/Code / Ex. 6

Start: 9/7/2016 10:00:00 PM
End: 9/7/2016 10:45:00 PM
Show Time As: Busy

CONFERENCE LINE UPDATED.

POC: Michael Szerlog, OERA, x 3-0279

Provide possible options for moving forward if Corps-Seattle District does not implement HTL recommendations.

RA Briefing-HTL vs MHHW-final.docx

Appointment

From: Anderson, Denise [Meiburg.Stan@epa.gov]
Sent: 9/7/2016 1:35:13 PM
To: Meiburg, Stan [Meiburg.Stan@epa.gov]; Beauvais, Joel [Beauvais.Joel@epa.gov]; McLerran, Dennis [mclerran.dennis@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Maher, Lauren [Maher.Lauren@epa.gov]; Guadagno, Tony [Guadagno.Tony@epa.gov]
CC: Opalski, Dan [Opalski.Dan@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Gilinsky, Ellen [Gilinsky.Ellen@epa.gov]; Tyson, Linda [Tyson.Linda@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]

Subject: Puget Sound MOU and CEQ Visit
Attachments: Puget Sound Draft MOU - CLEAN - 2 September 16-2.doc
Location: WJC-N 3412 Conference Line/Code / Ex. 6 / Conference Line/Code / Ex. 6

Start: 9/7/2016 3:00:00 PM
End: 9/7/2016 3:30:00 PM
Show Time As: Busy

Puget Sound Draft MOU - CLEAN - ...

Purposes:
-High level review of the MOU content and process and plans related to CEQ visit end of September
-Overview of TRAR and specifically High Tide Line definition for Puget Sound with USACE

Proposed Agenda:
-MOU Overview and next steps (Stan, Ellen, Peter)
-TRAR update and HTL discussion (Dennis, David, Peter)
-Next Steps Review

Call In # Conference Line/Code / Ex. 6 / Code Conference Line/Code / Ex. 6

Ct: Linda Tyson
SCt: Denise Anderson

Purpose: Puget Sound MOU and CEQ visit along with associated USACE issues.

Staff:
Joel Beauvais
Dennis McLerran
Peter Murchie
Lauren Maher
Tony Guadagno

Optional:
Dan Opalski
David Allnutt
Michelle Pirzadeh
Ellen Gilinsky

Appointment

From: Magorrian, Matthew [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A25BC04CD8B54A5E9A85488AC486413C-MAGORRIAN, MATTHEW]
Sent: 7/21/2015 6:21:59 PM
To: McLerran, Dennis [mclerran.dennis@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Thiesing, Mary [Thiesing.Mary@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Bonifaci, Angela [Bonifaci.Angela@epa.gov]; Rylko, Michael [Rylko.Michael@epa.gov]; Byron, Carrie [Byron.Carrie@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Kowalski, Ed [Kowalski.Edward@epa.gov]; Kenknight, Jeff [Kenknight.Jeff@epa.gov]; Dunbar, Bill [dunbar.bill@epa.gov]
CC: Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Davies, Lauris [Davies.Lauris@epa.gov]; Psyk, Christine [Psyk.Christine@epa.gov]; Barber, Anthony [Barber.Anthony@epa.gov]
BCC: R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted [R10SeaRA-Room-21Tahoma-VTC@epa.gov]; Conference Line/Code / Ex. 6 -RAs-Ste-Eqpt/R10-RAs-Ste-Eqpt
Conference Line/Code / Ex. 6

Subject: RA Briefing: Earthjustice CWA Jurisdiction Petition
Location: 21st Floor ET Conf Room Conference Line/Code / Ex. 6

Start: 8/10/2015 10:30:00 PM
End: 8/10/2015 11:15:00 PM
Show Time As: Busy

Meeting Subject(s)/Title of the Meeting or Event:	*Earthjustice Clean Water Act jurisdiction petition for EPA/Corps to claim the area between the Mean High Water Mark (MHHW) and the Highest Astronomical High Tide line in Puget Sound.*
Program Office POC(s):	*ETPA: Linda Anderson-Carnahan, Michael Szerlog, Mary Anne Thiesing, Heather Dean, and Linda Storm.* *OWW/Puget Sound Program: Dan Opalski, Angela Bonifaci, Michael Rylko, Carrie Byron* *ORC: David Allnutt, Cara Steiner-Riley, Endre Szalay*
Priority: (High, Medium, Low)	*High*
Purpose of the meeting (informational, decisional, prep)	*Decisional (we will be providing Dennis with options for responding)*
If the meeting will involve external participants, what will the RA/DRA's role be? (site visit, presenter/speech, listening session)	*No external participants are expected at this time, however, the Army Corps, Northwest Division is the lead for responding to the joint petition.*
Brief background information:	*On June 24, 2015, EPA and Army Corps of Engineers, Seattle District received a formal petition from Earthjustice to "seek a formal agency resolution of the long-running dispute over the appropriate scope of Corps jurisdiction in marine shoreline areas of Puget Sound, Washington." Specifically Earthjustice is asking "EPA to use authorities established under interagency agreement to designate marine shorelines between MHHW and true high tide as "waters of the United States" under the CWA subject to § 404 permitting. Additionally, we ask the Corps to make formal jurisdictional determinations with respect to several specific shoreline armoring projects currently planned without federal CWA permits that will take place below high tide but above MHHW."*

	The issue of appropriate methodology to determine the high tide line for the purposes of determining Jurisdiction has been raised to the Seattle District by EPA and the National Marine Fishery Services in the context of nationwide permit reauthorization and in discussions with the Puget Sound Partnership and their Action Agenda's efforts to reverse the trend in shoreline armoring in Puget Sound. *The intent of this meeting is to determine how best to respond to the Earthjustice petition and to discuss options available to EPA to address the high tide line issue either nationally or regionally.*
Location and/or suggested travel plan if offsite:	*RA's conference room*
When would you like to have this meeting? Please indicate if there are deadlines.	*First week of August if possible.*
How long should the meeting last? (Typically, briefings last no more than 45 minutes)	*Because there will be a large number of options to discuss with Dennis, we would like to have a full hour.* ***We are only scheduling 45 minute briefings at the RA & DRAs request. If you would like more than 45 minutes, please contact the RA or DRA directly.***
Required attendees:	*ETPA: Linda Anderson-Carnahan, Michael Szerlag, Mary Anne Thiesing, Heather Dean, and Linda Storm.* *OWW/Puget Sound Program: Dan Opalski, Angela Bonifaci, Michael Rylko, Carrie Byron* *ORC: David Allnutt, Cara Steiner-Riley, Endre Szalay* *OCE: Ed Kowalski, Jeff Kenknight* *ORA: Bill Dunbar*
Optional Attendees:	*ORA: Michelle Pirzadeh, OWW: Christine Psyk, WA Ops Director – Interim: Anthony Barber, OCE: Lauris Davies.*
IT/AV Equipment Needed (laptop, VTC, mics, etc)	*Need to be able to use flat screen to show PowerPoint/documents*
Superfund Site Specific Charging:	*NA*

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 10/27/2016 11:44:29 PM
To: Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: Just finished my final review
Attachments: TidalDatumComparisonCapeDisappointment.pdf; TidalDatumComparisonNeahBay.pdf; TidalDatumComparisonPortAngeles.pdf; TidalDatumComparisonSeattle.pdf; TidalDatumComparisonTacoma.pdf; TidalDatumComparisonTulalip.pdf; Figure 2-Harmonic Station Elevations.pptx

Hi, Susan.

I'm not going to be able to review this one or insert the figures. Can you do it?

Also, Jim wanted me to add circle (ellipses) to the study sites on Figure 2b; can you add that, as well?

Thanks!!

H

From: Meyer, Susan
Sent: Thursday, October 27, 2016 4:15 PM
To: Dean, Heather <Dean.Heather@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>
Subject: Just finished my final review

Michael and I have now reviewed it (the latest version has our initials in the title) and it is back on the HTL sharepoint site. Heather, if you want to insert those new figures, I will send it back to the Corps' sharepoint site tomorrow morning around 8am? Endre or Peter, let the group know if you decide to review. Thanks!

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Message

From: Szalay, Endre [Szalay.Endre@epa.gov]
Sent: 4/5/2016 6:09:51 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]
Subject: Shoreline Workgroup - PMP revision attached
Attachments: PMP_rev (00000002) EPA comments CENWSOC (00000002), szalay.docx

Privileged and Confidential
Attorney Client Communication

Hi All:

Attached is a revised PMP based on a discussion I had with Corps counsel. The Corps did the first round of edits and the attached contains my substantial revisions. The goal is to more accurately capture the work being done by the workgroup (we have a couple months experience now and thus a better understanding of what we are actually working on together) Attorney Client / Ex. 5

Attorney Client / Ex. 5

The revised PMP contains track changes, but I've put the document in to simple markup mode so you can review a clean copy. I suggest you review this way because the edits are substantial and may be hard to follow. My goal is to get this to the Corps counsel by COB today if possible. That's a quick turnaround, but it would be great if folks could take time today and read through it. But, if you don't have time or you feel that we aren't ready to share with the Corps by COB today, that of course is fine.

Thanks,

Endre M. Szalay
Assistant Regional Counsel
U.S. EPA, Region 10
1200 Sixth Ave., Suite 900, ORC-113
Seattle, WA 98101-3140
(206) 553-1073
szalay.endre@epa.gov

Appointment

From: Tyson, Linda [Tyson.Linda@epa.gov]
Sent: 9/7/2016 10:00:52 PM
To: Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]
CC: Opalski, Dan [Opalski.Dan@epa.gov]; Edmondson, Lucy [Edmondson.Lucy@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]; Woods, Jim [Woods.Jim@epa.gov]

Subject: High Tideline Recommendations
Attachments: RA Briefing-HTL vs MHHW-final.docx
Location: ET Conference Room; Conference Line/Code / Ex. 6 passcode Conference Line/Code / Ex. 6

Start: 9/7/2016 10:00:00 PM
End: 9/7/2016 10:45:00 PM
Show Time As: Tentative

CONFERENCE LINE UPDATED.

POC: Michael Szerlog, OERA, x 3-0279

Provide possible options for moving forward if Corps-Seattle District does not implement HTL recommendations.

RA Briefing-HTL vs MHHW-final.docx

REGIONAL ADMINISTRATOR'S BRIEFING – Internal
7 September 2016

Event: Deliberative Process / Ex. 5
Time: 3:00-3:30 p.m.
Location:

Meeting Overview: Deliberative Process / Ex. 5

Attendees: Dennis McLerran, Michelle Pirzadeh, David Allnutt, Lucy Edmondson, Dan Opalski, Cara Steiner-Riley, Peter Murchie, Michael Szerlog, Endre Szalay, Heather Dean, and Susan Meyer

Background:

- In the absence of adjacent wetlands, the HTL is the geographic limit of Clean Water Act (CWA) jurisdiction in tidally influenced waters. The placement of fill material below the HTL requires authorization from the Corps of Engineers.
- The Corps promulgated the regulatory definition of HTL in 1977, five years after passage of the CWA.

Deliberative Process / Ex. 5

- Analysis of records for six tide stations across Washington shows that tides exceed MHHW three to five times every week and surpass it by more than a foot as often as every ten days.
- Ongoing Washington Department of Fish and Wildlife (WDFW) beach surveys have confirmed widespread forage fish spawning well above MHHW. In addition, shallow waters provide refuge for juvenile salmon from predators. When shoreline property owners place fill at or above MHHW—for which the Corps does not currently require CWA authorization—the shallow water spawning and refuge habitat are lost without any federal environmental review or mitigation.
- Region 10 has attempted unsuccessfully for many years to engage the Seattle District in considering a change in its interpretation of HTL. Then, in 2015, Earthjustice, on behalf of its clients (including Sound Action, Friends of the San Juans, and Washington Environmental Council), petitioned Region 10 to exercise our authority to set policy on CWA jurisdiction by designating a "special case" at one or more sites on the Washington coast and, through that process, clarify that CWA jurisdiction extends above the MHHW. Earthjustice noted that the National Marine Fisheries Service (NMFS) has advocated use of the highest astronomical tide line (HAT), which, on average, is more than two feet higher than MHHW. Also recently, the

Northwest Indian Fisheries Commission (NWIFC), on behalf of its member tribes, began raising concern about the fisheries impacts through the Treaty Rights at Risk consultation process and have also urged EPA to clarify that jurisdiction extends to HAT.

- The interest of these two entities led to a commitment by the Seattle District to engage in an interagency workgroup with Region 10 and NOAA's West Coast Region (NMFS) to evaluate a possible change in its interpretation of the location of the HTL. At the outset, the workgroup agreed that the culmination of its effort would be a recommendation to the Corps' Northwest Division Engineer (General), with the understanding that Region 10 would reserve its right to designate a special case should we disagree with the outcome of that process.

Deliberative Process / Ex. 5

Status:

Deliberative Process / Ex. 5

Options:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Staff Contacts: Heather Dean (ARU), Susan Meyer (PSP), Endre Szalay (ORC)

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 7/21/2016 7:05:02 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]
CC: Szalay, Endre [Szalay.Endre@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: Your turn, Peter
Attachments: Table 1-Harmonic Tide Stations.xlsx; Figure 2-Washington Tide Stations.pptx; Figure 3-Harmonic Station Elevations.pptx; Figure 4-HTL Study Sites.pptx

Deliberative Process / Ex. 5

I'm attaching final draft versions of Table 1 & Figures 2-4. I still have some work to do on Figure 1. Please let me know if you have any issues with or suggestions on them.

Thanks,

Heather

From: Szerlog, Michael
Sent: Thursday, July 21, 2016 11:44 AM
To: Murchie, Peter <Murchie.Peter@epa.gov>
Cc: Dean, Heather <Dean.Heather@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>
Subject: Your turn, Peter

Peter,

Your turn to take a look and then send to Endre.

All,

A few things: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Dean, Heather
Sent: Wednesday, July 20, 2016 2:33 PM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>
Subject: RE: Your turn, Heather

Normally, Susan & I would have edited this document a lot more, but, given our Jim's strident request (in last week's meeting, albeit not in his e-mail) that we focus on "fatal flaws," we endeavored hard to keep our "red pens" on the desk. I would not say that any of Susan's or my edits were to correct fatal flaws, but we did let a lot more go than not. It's now up to you whether or not to adhere similarly to Jim's request.

I have one margin comment (in red print) that posts an internal question meant to be answered & then removed before sending the document back to Jim. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Have fun & let me know if there's anything more you want/need.

Heather

From: Meyer, Susan
Sent: Tuesday, July 19, 2016 2:17 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Cc: Szalay, Endre <Szalay.Endre@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>
Subject: Your turn, Heather

I only changed a few things in the document. Had one comment that might need work from Endre or Michael. It is attached.

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 7/11/2016 3:57:04 PM
To: Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: implementation matrix that Tina posted on Friday
Attachments: HTL Matrix for Implementation Considerations -sdm 7-1-16 & hed 11 Jul 16.docx

So, here's the matrix with my comments added to yours. Can you post it back to SharePoint?

From: Meyer, Susan
Sent: Friday, July 08, 2016 12:27 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: implementation matrix that Tina posted on Friday

Thanks! I'm in the office on Monday and Tuesday. Let me know if you need me for anything!

From: Dean, Heather
Sent: Thursday, July 07, 2016 6:08 PM
To: Meyer, Susan <meyer.susan@epa.gov>
Subject: RE: implementation matrix that Tina posted on Friday

Hi, Susan. I'm out tomorrow, as usual, but wanted to let you know I'm about halfway through the implementation matrix & to thank you for encouraging me to take a look; there are definitely some things in need of correction.

Have a good weekend!

From: Meyer, Susan
Sent: Wednesday, July 06, 2016 9:06 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: FW: implementation matrix that Tina posted on Friday

Heather, have you had a chance to look at the implementation matrix? I know you have other homework to do and it doesn't seem that there is a huge hurry, I just don't want this to slip through the cracks. Let me know if you can't get to it and I will work with Endre or Michael. I think this is an important piece of the package. Thanks!!!

From: Szalay, Endre
Sent: Tuesday, July 05, 2016 11:45 AM
To: Meyer, Susan <meyer.susan@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: implementation matrix that Tina posted on Friday

Hi Susan:

I did a quick look and Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Meyer, Susan
Sent: Tuesday, July 05, 2016 9:39 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: implementation matrix that Tina posted on Friday

Hi Heather, I pulled the implementation matrix from the sharepoint site and reviewed it. I had some comments, and I think it would be great, if you have time, for you to look it over as well. I have attached it. Thanks!

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 1/6/2016 2:15:58 PM
To: Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: Prep for Wed meeting with ACE/NOAA/EPA

Good morning, Susan. I believe I've given you permission; let me know if I was unsuccessful.

From: Meyer, Susan
Sent: Tuesday, January 05, 2016 3:33 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: Prep for Wed meeting with ACE/NOAA/EPA

Thank you Heather. It would be great if you and Michael could give my permission on your calendars so I can schedule a short call for the 3 of us either late this week or early next week. Thanks so much!

Susan

From: Dean, Heather
Sent: Tuesday, January 05, 2016 2:39 PM
To: Meyer, Susan <meyer.susan@epa.gov>
Subject: FW: Prep for Wed meeting with ACE/NOAA/EPA

And this is the second one. Let me know when you want to talk some more.

From: Dean, Heather
Sent: Tuesday, December 15, 2015 7:13 PM
To: Murchie, Peter <Murchie.Peter@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: RE: Prep for Wed meeting with ACE/NOAA/EPA

Follow-up info:

First, the Corps folks with whom ARU & ORC have been working on HTL are Siri Nelson, from Seattle District's Office of Counsel, as well as Dave Gesl, Mary Hoffman, & Jason DeRosa, all of Northwest Division (the first two from Regulatory & Jason from Office of Counsel).

Second, the attached slide documents, at your request, Dave, that the Alaska District is *not* using MHHW. As explained in the note on the slide, what they are using is close to the HAT, but not quite. It's extremely unlikely anyone at the District could locate their documentation, since this table's been around for more than 25 years (& no one left there has been around that long!). My best guess is that their "HTL" is the highest *annual* tide from a year in the mid-80s.

Finally, before I forget, if you've looked at the data compiled for US tide stations that I sent earlier (& which we looked at in our call last month), you'll see green & red shading. It's not for the holidays! The green—which I added while we were looking at it—identifies the Puget Sound stations; the red identifies stations at which the data is outside the standard deviation. Apologies for the data not yet being fully synthesized.

Let me know if you'd like anything else. I'll be rooting for you!

Heather

From: Murchie, Peter
Sent: Tuesday, December 15, 2015 2:25 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: RE: Prep for Wed meeting with ACE/NOAA/EPA

Heather, no call in will be either Dan and me or just Dan attending. We had a prep meeting with David A. yesterday.

Can you resend me the briefing/work you have done to date about HAT (I remember a spreadsheet) and also who you sent that work to at ACE?

Thank you,
Peter

From: Dean, Heather
Sent: Tuesday, December 15, 2015 8:08 AM
To: Murchie, Peter <Murchie.Peter@epa.gov>
Subject: FW: Prep for Wed meeting with ACE/NOAA/EPA

Hi, Peter.

Do you have call-in information for this meeting? Michael has asked me to cover it for him (see below). I can participate, but will not be in Seattle.

Thanks,

Heather

From: Szerlog, Michael
Sent: Monday, December 14, 2015 5:10 PM
To: Dean, Heather <Dean.Heather@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Subject: Fwd: Prep for Wed meeting with ACE/NOAA/EPA

Sorry, no time to look at this.

Heather, can you attend for me?

Sent from my iPhone

Begin forwarded message:

> **From:** "Murchie, Peter" <Murchie.Peter@epa.gov>
> **Date:** December 14, 2015 at 12:48:14 PM EST
> **To:** "Allnutt, David" <Allnutt.David@epa.gov>, "Opalski, Dan" <Opalski.Dan@epa.gov>, "Szerlog, Michael" <Szerlog.Michael@epa.gov>
> **Cc:** "Chang, Lisa" <Chang.Lisa@epa.gov>, "Bonifacino, Gina" <Bonifacino.Gina@epa.gov>
> **Subject: Prep for Wed meeting with ACE/NOAA/EPA**
>
> David, Dan, and Michael (if you can call in),

Find attached issue papers related to HAT, Cumulative Impacts and CZARA for our prep discussion this morning. There are two papers for each issue (one Federal and one Tribal)

The meeting will be with Will, Col Buck, General Spellmon (is that right Dan?), Dan and myself. Focus of discussion is TRAR follow up from the Deputies meeting. Deliberative Process / Ex. 5

The meeting will be from 10-1 on Wed at Fed Center South Seattle.

Peter

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 1/5/2016 10:39:03 PM
To: Meyer, Susan [meyer.susan@epa.gov]
Subject: FW: Prep for Wed meeting with ACE/NOAA/EPA
Attachments: Draft Q&A.docx; What is the HTL-Updated 15 Dec 15.docx; HAT vs MHHW for TRAR Follow-up-15 Dec 15.xlsx

Flag: Follow up

Hi, Susan. Here is the first of two e-mails I sent to Peter in prep for his December meeting.

From: Dean, Heather
Sent: Tuesday, December 15, 2015 3:56 PM
To: Murchie, Peter <Murchie.Peter@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: RE: Prep for Wed meeting with ACE/NOAA/EPA

Hi, Peter. I am attaching:

1) the Q&A we drafted for HQ, because it condenses all of the info into a small package;
2) our "What is the Tide Line" white paper of sorts, which examines the regulatory definition &, most importantly, the original rationale for HTL being higher than MHHW; &
3) a set of three spreadsheets:
    a. a "support document" for the Q&A that has a little more detail, but still condensed;
    b. the 2015 predicted tides for the Seattle tide station, showing (highlighted in red) that the predicted tide exceed MHHW 199 times this year (29% of the time); 7
    c. the research compiled so far for U.S. tide stations. We've looked at 512 so far, of which 77% report HAT, which is, on average, 1.4 feet higher than MHHW, but only 2.8" higher than highest annual tide (that's on line 557). So far, the average occurrence of highest annual is more than six times a year, but it varies widely.

You also asked for the Corps folks with whom we have been discussing this issue. I will send that list in a follow-up e-mail (sorry for the multiples!). I will also include in that one some information on the Alaska District Corps' use of HAT, since there appears to be some question about that.

Please let me know if you have any questions or need anything else. If not, best wishes for tomorrow's meeting!

From: Murchie, Peter
Sent: Tuesday, December 15, 2015 2:25 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: RE: Prep for Wed meeting with ACE/NOAA/EPA

Heather, no call in will be either Dan and me or just Dan attending. We had a prep meeting with David A. yesterday.

Can you resend me the briefing/work you have done to date about HAT (I remember a spreadsheet) and also who you sent that work to at ACE?

Thank you,
Peter

From: Dean, Heather
Sent: Tuesday, December 15, 2015 8:08 AM
To: Murchie, Peter <Murchie.Peter@epa.gov>
Subject: FW: Prep for Wed meeting with ACE/NOAA/EPA

Hi, Peter.

Do you have call-in information for this meeting? Michael has asked me to cover it for him (see below). I can participate, but will not be in Seattle.

Thanks,

Heather

From: Szerlog, Michael
Sent: Monday, December 14, 2015 5:10 PM
To: Dean, Heather <Dean.Heather@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Subject: Fwd: Prep for Wed meeting with ACE/NOAA/EPA

Sorry, no time to look at this.

Heather, can you attend for me?

Sent from my iPhone

Begin forwarded message:

> **From:** "Murchie, Peter" <Murchie.Peter@epa.gov>
> **Date:** December 14, 2015 at 12:48:14 PM EST
> **To:** "Allnutt, David" <Allnutt.David@epa.gov>, "Opalski, Dan" <Opalski.Dan@epa.gov>, "Szerlog, Michael" <Szerlog.Michael@epa.gov>
> **Cc:** "Chang, Lisa" <Chang.Lisa@epa.gov>, "Bonifacino, Gina" <Bonifacino.Gina@epa.gov>
> **Subject: Prep for Wed meeting with ACE/NOAA/EPA**
>
> David, Dan, and Michael (if you can call in),
> Find attached issue papers related to HAT, Cumulative Impacts and CZARA for our prep discussion this morning. There are two papers for each issue (one Federal and one Tribal)
>
> The meeting will be with Will, Col Buck, General Spellmon (is that right Dan?), Dan and myself. Focus of discussion is TRAR follow up from the Deputies meeting. **Deliberative Process / Ex. 5**
>
> The meeting will be from 10-1 on Wed at Fed Center South Seattle.
>
> Peter

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 8/8/2016 6:36:09 PM
To: Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: figures tables
Attachments: Figure 1-Washington Tide Stations.pptx; Figure 2-Harmonic Station Elevations.pptx; Figure 3-HTL Study Sites.pptx; Figure 4-Site Visit Photos.pptx; Figure 5-Tide Occurrence by Elevation.pptx; Table 1-Harmonic Tide Stations (v2).xlsx; TidalDatumComparisonCapeDisappointment.pdf; TidalDatumComparisonNeahBay.pdf; TidalDatumComparisonPortAngeles.pdf; TidalDatumComparisonSeattle.pdf; TidalDatumComparisonTacoma.pdf; TidalDatumComparisonTulalip.pdf

Here they are; he wanted the table, too. Thanks!

-----Original Message-----
From: Jacobson, James R NWS [mailto:James.R.Jacobson@usace.army.mil]
Sent: Monday, August 08, 2016 10:31 AM
To: Dean, Heather <Dean.Heather@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>
Subject: figures tables

Hi Susan/Heather,
I'm rebuilding my presentation using the figures and tables in the draft report and I was wondering (Susan) if you could post them on the SharePoint site under "Final Products" for me to use? I can't seem to get them clear coming off the .pdf file.

Thanks. Jim

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 6/14/2016 9:48:25 PM
To: Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: Hat stations
Attachments: Data Availability for High Tide Line Options.pptx

Good grief! Okay, here are the #'s:

- 46 stations have a published HAT;
- 2 additional stations have harmonic constituents already calculated (i.e., getting HAT would be relatively easy & quick);
- 37 additional stations have a published MHHW (85 total have it); &
- 171 stations have published tide tables (i.e., data necessary to calculate MHPT).

I think 171 is also the answer to how many total stations there are, although I wouldn't swear to that without cross-checking the lists of all the different types, which I don't think I can do by tomorrow.

The attached slide shows a close approximation to the above #'s. NOS has actually calculated some additional HATs since then, just for us, so some of the mint green ones on the second slide from the left should now be periwinkle. Unfortunately, I had a Smart Move error getting ready last week for a new laptop (which I don't have, yet) & lost (hopefully only temporarily) all my Google Earth map points, & PC Support said they couldn't help me till I was back in the office.

I'm getting ready to head your way, but if you need anything else, I may have a little bit of time in the morning.

From: Meyer, Susan
Sent: Tuesday, June 14, 2016 2:24 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: Hat stations

Hi Heather, Yep, I am putting together talking points for tomorrow's meeting regarding our recommendation, as per Peter and Endre. Can you remind me how many stations have HAT and how many total stations there are in Puget Sound and total for all of WA? I can't find one of the past emails that has that info. Should be very interesting tomorrow!

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Message

From: Meyer, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97208B20BCB84A038062FA42A766A850-MEYER, SUSA]
Sent: 4/11/2016 9:08:29 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]
Subject: tidal elevations above MHHW
Attachments: Tides above MHHW.docx

Hi EPA HTL team,

These are the figures I was thinking of at our last meeting with the Corps. One shows the average frequency of occurrence of tides at 1 foot, 1.25 feet, 1.5 feet, and 1.75 feet above MHHW, and the other shows the average annual occurrence of those same elevations. The data is from the years 1996-2010, so not a full Epoch, and they are observed tides (taking into account storms, wind, etc.). This seems like a good visual if we could reproduce it with a full epoch of data and including the HAT elevations?

Thanks,

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Message

From: Meyer, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97208B20BCB84A038062FA42A766A850-MEYER, SUSA]
Sent: 4/5/2016 11:34:34 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]
Subject: Trying to schedule a practice run for the field trip

Hi EPA HTL team,

The best day, tide wise, to do the practice run in the field is May 10, although May 11 would be okay. Peter has a few scattered appointments, Personal Matters / Ex. 6 I'm not sure what to do about this. There are other days, but Personal Matters / Ex. 6 or Peter is booked, or it's Friday, and no one is available. Please advise!

Thanks!

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Message

From: Meyer, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97208B20BCB84A038062FA42A766A850-MEYER, SUSA]
Sent: 3/16/2016 7:15:49 PM
To: Siwiec, Tim [Siwiec.Tim@epa.gov]
Subject: RE: Example Map

Thank you so much!

From: Siwiec, Tim
Sent: Wednesday, March 16, 2016 11:37 AM
To: Meyer, Susan <meyer.susan@epa.gov>
Cc: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Example Map

Let me ask around in my circles and see if we have anything that would do.

From: Meyer, Susan
Sent: Wednesday, March 16, 2016 10:10 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Cc: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Example Map

Wow! Yes, we do want sub foot accuracy. Is it possible to borrow such a thing? I'm pretty sure we wouldn't buy one for this purpose. Thanks!

From: Siwiec, Tim
Sent: Wednesday, March 16, 2016 10:01 AM
To: Meyer, Susan <meyer.susan@epa.gov>
Cc: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Example Map

Yes, we have GPS units to check out.
And yes, I can come out to assist and train.

One caveat, GPS vertical accuracy is not super accurate with the recreational grade units we have (Garmins with about a $500 value).
If sub foot accuracy is desired we might want to acquire/borrow a survey grade unit (~$3000-5000 value).
We can look into this more as with data quality requirements before more clear.

From: Meyer, Susan
Sent: Wednesday, March 16, 2016 9:56 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Cc: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Example Map

Hi Tim, Heather and I and other members of the team who are working on the Corps High Tide Line issue will be visiting a few beaches near the stations that you will be mapping for us. While in the field, we want to be able to mark the various elevations on each beach with pin flags to show those in the group the relationship between the elevations. So I have 2 questions:

1) Do you have access to a gps unit, or do you know where we could find one to use?
2) Would you be able to go out with Heather and me in April to practice using it on a nearby beach, and again in mid-May with the larger group?

I know this is more than you bargained for originally, but if you could let me know if this is doable, I would really appreciate it. Thanks so much,

Susan Meyer

From: Dean, Heather
Sent: Tuesday, March 15, 2016 8:43 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>
Subject: Example Map

Good morning. This map, which I believe you may have prepared, Tim, will help with our upcoming discussion.

Message

From: Meyer, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97208B20BCB84A038062FA42A766A850-MEYER, SUSA]
Sent: 3/14/2016 9:12:33 PM
To: Dean, Heather [Dean.Heather@epa.gov]
CC: Murchie, Peter [Murchie.Peter@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]
Subject: Matrix tables
Attachments: HTL Matrix for WA Workgroup_Mar-8-2016-ML (Autosaved).docx; The Importance of Marine Backshore for Ecosystem Function and ESA Listed Chinook and Chum Salmon 7-9-14.pdf

Heather, I have completed my input on the tables and they are attached. All of my input is in red. I would like to make sure that the white paper by NOAA (also attached) is included with the tables, since it describes the scientific basis behind the ecological implications for each elevation. Once we review these tables internally, I suggest we put them on the sharepoint along with the white paper. I filled in the Staffing issues piece on the last, newly created table, but I suspect the Corps will have something to say about my input. But it's a start. Please let me know what you think. I am here until 4. Thanks!

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Message

From: Meyer, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97208B20BCB84A038062FA42A766A850-MEYER, SUSA]
Sent: 3/11/2016 9:06:09 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]
Subject: FW: ppt
Attachments: slides to inform HTL discussion.ppt

Peter, Michael and Endre, I meant to cc you on this. Those slides that indicate extreme high water are likely synonymous with HAT.

Susan

From: Meyer, Susan
Sent: Friday, March 11, 2016 10:40 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: FW: ppt

Heather, attached are some slides I extracted from Ecology's training class on how to determine the OHWM. I think we can use some of these and alter others with our specific proposed tide lines to help demonstrate the various datums and elevations relative to MHHW. Please read the notes under each slide for some brief explanations. Let me know what you think about any of the slides and if you think it would be worth sharing at our next meeting. After the conference call I'm on, I will work on the tables. Thanks,

Susan

From: Meyer, Susan (ECY) [mailto:sume461@ECY.WA.GOV]
Sent: Friday, March 11, 2016 9:40 AM
To: Meyer, Susan <meyer.susan@epa.gov>
Subject: ppt

Message

From: Meyer, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97208B20BCB84A038062FA42A766A850-MEYER, SUSA]
Sent: 3/11/2016 6:41:33 PM
To: Dean, Heather [Dean.Heather@epa.gov]
Subject: FW: ppt
Attachments: slides to inform HTL discussion.ppt

Heather, attached are some slides I extracted from Ecology's training class on how to determine the OHWM. I think we can use some of these and alter others with our specific proposed tide lines. Please read the notes under each slide for some brief explanations. Let me know what you think about any of the slides and if you think it would be worth sharing at our next meeting. After the conference call I'm on, I will work on the tables. Thanks,

Susan

From: Meyer, Susan (ECY) [mailto:sume461@ECY.WA.GOV]
Sent: Friday, March 11, 2016 9:40 AM
To: Meyer, Susan <meyer.susan@epa.gov>
Subject: ppt

Message

From: Meyer, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97208B20BCB84A038062FA42A766A850-MEYER, SUSA]
Sent: 5/17/2016 8:40:38 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: USACE - Jurisdictional Line Investigation

Yes. Okay, I understand. I think for tomorrow, I will be general, but provide caveats for breaking it out in the future. Thanks!

From: Szerlog, Michael
Sent: Tuesday, May 17, 2016 1:38 PM
To: Meyer, Susan <meyer.susan@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>
Subject: RE: USACE - Jurisdictional Line Investigation

Susan,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 I almost think you need to ask each manager or staff within each unit to fill this out. Unfortunately, I have to move on to other things right now. Hope this helps somewhat?

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov
<< OLE Object: Picture (Device Independent Bitmap) >>

From: Meyer, Susan
Sent: Tuesday, May 17, 2016 1:20 PM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>
Subject: RE: USACE - Jurisdictional Line Investigation

Okay, thanks. Do you have time to give this quick look and see if I am way off, especially for what we currently do? If you could insert a couple of quick comments, as needed, I would greatly appreciate it.

Efforts to support Shoreline protection outside of Corps jurisdiction- for discussion purposes only

Deliberative Process / Ex. 5

From: Szerlog, Michael
Sent: Tuesday, May 17, 2016 1:11 PM
To: Meyer, Susan <meyer.susan@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>
Subject: RE: USACE - Jurisdictional Line Investigation

No, I don't know if she loaded the most recent version. This is what she sent you and I back on the 3rd.
<< File: WA Shoreline Matrix for Sharepoint-Clean-3 May 16.docx >>
Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279

szerlog.michael@epa.gov
<< OLE Object: Picture (Device Independent Bitmap) >>

From: Meyer, Susan
Sent: Tuesday, May 17, 2016 11:55 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>
Subject: RE: USACE - Jurisdictional Line Investigation

Michael, do you have the most recent version of the matrix to post on the sharepoint? I have no idea if Heather has changed it recently or if my last revisions were the most recent. I am attempting to revise the list of what EPA can do outside of HTL jurisdiction, but can't access the sharepoint site from home today.

Susan

-----Original Appointment-----
From: Jacobson, James R NWS [mailto:James.R.Jacobson@usace.army.mil]
Sent: Tuesday, May 17, 2016 8:34 AM
To: Walker, Michelle NWS; Murchie, Peter; Szerlog, Michael; Dean, Heather; Szalay, Endre; 'elizabeth.babcock@noaa.gov'; 'matthew.longenbaugh@noaa.gov'; Meyer, Susan; Tong, Kristina G NWS; Morris, Frances NWS; Chavez, Stephanie A NWS; Juckniess, Craig M NWS; Gibson, Peter D NWS
Cc: 'ryan.couch@noaa.gov'; Gardiner, Joanne L NWS; Leslie, Melissa L NWS; Perry, Randel J NWS
Subject: USACE - Jurisdictional Line Investigation
When: Wednesday, May 18, 2016 9:00 AM-11:00 AM (UTC-08:00) Pacific Time (US & Canada).
Where: CENWS Skagit River Conf Rm 2346 (6) and conference call

Hello Everyone,

This is a reminder for tomorrow's call and a rough agenda.

I'm going to attempt to run the WebMeeting from my side of the house and use SharePoint as the platform for toggling between draft products. That said, I'll upload what documents I have from all of you and we'll see if everything is there. About the only one that I know I don't have is the matrix from EPA on the various jurisdictional limits. If that can be loaded that would be great. One last thing, please log into the AT&T WebMeeting before 9..., there may be a few initial things you need to do if it's the first time you log on.

Tomorrow's agenda:

1. Status update from last meeting action items
2. Update from the technical team. Discuss next steps
3. Update on implementation team status
5 EPA/NOAA/Corps actions outside of jurisdictional limit
6. Field visit check-in
7. Briefing with leadership

Web Meeting Address: Web Meeting link / Ex. 6
Meeting Number: Web Meeting link / Ex. 6
ACCESS CODE: Web Meeting link / Ex. 6

Call-in #: (877) Conference Line/Code / Ex. 6
Access Code: Conference Line/Code / Ex. 6
Host: Conference Line/Code / Ex. 6
Security Code: Conference Line/Code / Ex. 6

Thanks everyone and we'll talk with you tomorrow. Jim

Message

From: Meyer, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97208B20BCB84A038062FA42A766A850-MEYER, SUSA]
Sent: 11/29/2016 9:15:48 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]
Subject: bullet item for shoreline protection

Peter, Here is what we have as the "place holder" for the HTL. It's very vague, and the Lummi comment was to add…Including extending Corps jurisdiction to the Highest Astonomical Tide (HAT)….

- **Protection of ESA habitat landward of the Corps Clean Water Act jurisdictional boundary-** Consider options in coordination with federal and state partners that may be implemented to protect ESA species and habitat.
  Lead Agencies: USACE, NOAA, EPA
  Timeframe: 2-5 years
  Indicator of Success: fewer hard armoring projects permitted than hard armoring removed, agency-united framework for encouraging soft armoring when necessary

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Message

From: Meyer, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97208B20BCB84A038062FA42A766A850-MEYER, SUSA]
Sent: 10/28/2016 5:47:01 PM
To: Dean, Heather [Dean.Heather@epa.gov]
Subject: RE: Request for Document Number

Thanks!

From: Dean, Heather
Sent: Friday, October 28, 2016 10:46 AM
To: Meyer, Susan <meyer.susan@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: FW: Request for Document Number

Susan, here is an EPA document number for the HTL report, which Michael wanted to add to it. I have not mentioned this to Jim, & I would guess that they might not want it to have just an EPA #...?

From: Doyle, Liz
Sent: Friday, October 28, 2016 10:44 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: FW: Request for Document Number

FEDERAL INVOLVEMENT IN SHORELINE HABITAT IN TIEDALLY-INFLUENCED WATERS OF WASHINGTON STATE

Report number EPA 910-R-16-006.

From: nscep-priority [mailto:nscep-priority@lmsolas.com]
Sent: Thursday, October 27, 2016 8:50 AM
To: 'Doyle, Liz'; '.nscep-priority'
Cc: 'Turner, Jeannie'
Subject: RE: Request for Document Number

Hello Ms. Doyle,

This title came up in our database as FEDERAL INVOLVEMENT IN SHORELINE HABITAT IN TIEDALLY-INFLUENCED WATERS OF WASHINGTON STATE: REVIEW is this actually the report? I am unsure because the type code was not selected. Please let me now so that I can supply you with a number.

Donna

From: Doyle, Liz [mailto:Doyle.Liz@epa.gov]
Sent: Wednesday, October 26, 2016 6:34 PM
To: NSCEP (nscep-priority@lmsolas.com); .nscep-priority
Subject: Request for Document Number

See below. Questions? Let me know. Thanks.

Liz Doyle, MILS

Supervisory Librarian (contractor, ASRC Primus)
U.S. EPA Region 10 Library / OMP-0102 / 1200 6th Ave, Ste 900
Seattle WA 98101-3140

doyle.liz@epa.gov
p: 206-553-2134
https://www.epa.gov/libraries/region-10-library-services

From: Doyle, Liz
Sent: Wednesday, October 26, 2016 2:24 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Request for Document Number

Hi Heather,
The link on the R10 Library page is not working, so just fill in the blanks on this and I'll get a publication number from NSCEP within 48 hours:

PUBLICATION NUMBER ASSIGNMENT

ID TYPE YEAR SEQUENTIAL # **(for NSCEP use)**

What three digits do your publications start with? ___EPA 910_____

Does this Document contain information that the Agency deems sensitive and is not suitable for the public: NO_____X_____ YES_____

If yes, NSCEP WILL NOT DISTRIBUTE. (DO NOT SEND TO NSCEP)

Is this document for Internal Agency Distribution Only?
NO___X_____ or YES_____

Expected arrival date at NSCEP Distribution Center? Will be published on Region 10 web site eventually.

If No, Would you like NSCEP to take backorders for the publication until it is printed?
Yes_____ or No_X_____

Should we make this available for ordering on the online shopping cart? _N_____

CONTACT NAME: Heather Dean

ADDRESS: US EPA Region 10

MAILCODE: OERA-202-2 **PHONE:** 907-271-3490 Heather Dean

ORIGINAL or REVISION? Original

(If this a revision what is the old pub) :

PUBLICATION PRINT DATE:

DATE REQUESTED: ASAP

DISSEMINATION POINT: Region 10 Heather Dean or Library
(Where will a person call if they want a copy?)

TYPE CODE: EXHIBIT, COMPUTER, VIDEO, AUDIO, MICROFILM, PHOTOGRAPH, ARTICLE, JOURNAL, PERIODICAL, INTERNAL, REFERENCE, DRAFT, PUBLIC COMMENT, SUMMARY, REPORT, UNBOUND (FACT SHEET, LEAFLET), BOUND (BOOKLET, PAMPHLET):

Document Title: Federal Involvement in Shoreline Habitat in Tidally-Influenced Waters of Washington State

---

Liz Doyle, MILS
Supervisory Librarian (contractor, ASRC Primus)
U.S. EPA Region 10 Library / OMP-0102 / 1200 6th Ave, Ste 900
Seattle WA 98101-3140

doyle.liz@epa.gov
p: 206-553-2134
https://www.epa.gov/libraries/region-10-library-services

From: dHondt, MaryThadia **On Behalf Of** Library-Reg10
Sent: Wednesday, October 26, 2016 2:06 PM
To: Doyle, Liz <Doyle.Liz@epa.gov>
Subject: FW: Request for Document Number

From: Dean, Heather
Sent: Wednesday, October 26, 2016 1:29 PM
To: Library-Reg10 <Library-Reg10@epa.gov>
Subject: Request for Document Number

Hi. Region 10 has prepared a report together with the Seattle District Corps of Engineers & NOAA's Western Regional Center. My boss (Michael Szerlog) has asked me to get a document number for it. I seem to remember having asked you about this subject already, but cannot find the info. Can you remind me what I need to do to get a document number?

Thanks,

Heather

Message

From: Meyer, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97208B20BCB84A038062FA42A766A850-MEYER, SUSA]
Sent: 10/28/2016 4:34:53 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Help!

Never mind, Michael. I found Kevin and he is fixing it. Thanks!

From: Meyer, Susan
Sent: Friday, October 28, 2016 9:19 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: Help!

Michael, Heather sent me the correct figures to import into the HTL report, and I have no idea how to do that with a pdf. Could you send me Kevin's email, or if you know how, let me know! Thanks!

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Message

From: Meyer, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97208B20BCB84A038062FA42A766A850-MEYER, SUSA]
Sent: 4/14/2016 3:14:49 PM
To: Dean, Heather [Dean.Heather@epa.gov]
Subject: RE: tidal elevations above MHHW

Sounds good.

From: Dean, Heather
Sent: Tuesday, April 12, 2016 3:33 PM
To: Meyer, Susan <meyer.susan@epa.gov>
Subject: RE: tidal elevations above MHHW

Thanks. Let's go with Tulalip, then. Unfortunately, Tim says the LIDAR data for Budd Inlet is too sketchy.

From: Meyer, Susan
Sent: Tuesday, April 12, 2016 2:55 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: tidal elevations above MHHW

I think either of those spots would work, Priest Point or Tulalip. It looks like there is a small parking access for the Tulalip beach and not all of the area is bulkheaded. Tulare Beach looks more difficult to access and possibly a high bank/bluff., which confines the HAT. Also, I was thinking for the South Sound one, does the Budd Inlet station work? I know a couple of spots near there.

From: Dean, Heather
Sent: Tuesday, April 12, 2016 8:12 AM
To: Meyer, Susan <meyer.susan@epa.gov>
Subject: RE: tidal elevations above MHHW

Hi, again. So, for a replacement for Cherry Point, we have several options along the Tulalip Reservation north of Everett:

One possibility is the beach south of the Tulalip Tribal Center, at the head (east end) of the cove in this picture (the blue marker is the tide station):

Another possibility is Kayak Point Park, around the pier at the north end of this photo, about 2 miles north of the Tulare Beach tide station:

What do you think? I'll also run it by the Corps & NMFS, but wanted to check with you first.

From: Meyer, Susan
Sent: Monday, April 11, 2016 2:08 PM
To: Dean, Heather <Dean.Heather@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Subject: tidal elevations above MHHW

Hi EPA HTL team,

These are the figures I was thinking of at our last meeting with the Corps. One shows the average frequency of occurrence of tides at 1 foot, 1.25 feet, 1.5 feet, and 1.75 feet above MHHW, and the other shows the average annual occurrence of those same elevations. The data is from the years 1996-2010, so not a full Epoch, and they are observed tides (taking into account storms, wind, etc.). This seems like a good visual if we could reproduce it with a full epoch of data and including the HAT elevations?

Thanks,

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Message

From: Meyer, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97208B20BCB84A038062FA42A766A850-MEYER, SUSA]
Sent: 10/11/2016 7:32:18 PM
To: Bonifacino, Gina [Bonifacino.Gina@epa.gov]
Subject: RE: Feedback on Priorities for Puget Sound Shorelines Subgroup

Yep, thanks. Worked on it this morning – on HTL right now, but will return to this afterward. ☺ I emailed Josh for him to send his STUFF!

From: Bonifacino, Gina
Sent: Tuesday, October 11, 2016 12:30 PM
To: Meyer, Susan <meyer.susan@epa.gov>
Subject: FW: Feedback on Priorities for Puget Sound Shorelines Subgroup

Hi Susan,

Please see attached notes and comments from Cecelia below. Could you distill these notes into talking points and incorporate Cecelia's points below as appropriate?

Thanks!

From: Gobin, Cecilia [mailto:cgobin@nwifc.org]
Sent: Monday, October 10, 2016 1:29 PM
To: Bonifacino, Gina <Bonifacino.Gina@epa.gov>
Cc: Dave Herrera <dherrera@skokomish.org>; fwilshus@nwifc.org; James Weber <jwweber@nwifc.org>
Subject: Feedback on Priorities for Puget Sound Shorelines Subgroup

Hi Gina:
Thank you for hosting last week's call and discussions on priorities for Puget Sound shorelines. As such, I am following up with you regarding to the talking points you and fellow federal agencies are looking to develop for the shorelines subgroup ahead of the CEQ visit. Much of the comment and perspective shared here is related to the issues that tribes have been working diligently on, most notably and recently being the HAT and the Corps' Nationwide Permit program. Please refer to the following:

1. Tribes have asked for the Corps and EPA to adopt the HAT as the Corps' geographic boundary for its 404 permitting jurisdiction. EPA and the Corps were supposed to get this done months ago. They need to get it done. Theoretically, NMFS, EPA, and possibly the state support this position.
2. We all agree that new shoreline armoring in the Salish Sea needs to be limited to essential actions that go through an individual permitting process, not the streamlined NWP [13] process.
3. The Tribes also support barring new bank armor in freshwater via streamlined permitting. Tribes want it to go through individual permitting.
4. The tribes and the State agree that there is a greater opportunity for reducing bank armor in the Salish Sea by requiring repairs and replacements to make a demonstration of need and use the Marine Shoreline Design Guidelines to guide bank stabilization [in marine areas]. The EPA and NMFS need to support us on that. This is the best means to incentivize restored marine shorelines and for making sure that repair and replacement armor only occurs on those stretches of beach where a clear need is demonstrated.
5. We want PCNs for all Corps activities occurring within the Boldt case area. This is the only way tribes will be able to get a handle on what is happening and try to weigh in. It will also force greater disclosure

of information about impacts, will provide a lot more info to the Corps, and will better enable folks to identify the locations of permitted impacts. This is a favorite ask of the tribes.

If you have any questions, please continue to be in contact with Jim Weber and myself. Additionally, please continue to include Dave Herrera *(also copied here)* in correspondence related to this and other subsequent discussion and topic areas.
Thank you,
Cecilia

Cecilia Gobin
Puget Sound Policy Analyst
Northwest Indian Fisheries Commission
cgobin@nwifc.org
(360)-528-4353

Message

From: Meyer, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97208B20BCB84A038062FA42A766A850-MEYER, SUSA]
Sent: 8/3/2016 4:37:45 PM
To: Dean, Heather [Dean.Heather@epa.gov]
Subject: RE: Graphics Support Requested by Michael Szerlog

Heather, I have an appointment at 10 so will look at this upon my return around 11 or so. Thanks for coordinating!

Susan

From: Dean, Heather
Sent: Wednesday, August 03, 2016 9:16 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Jacobson, James R NWS <James.R.Jacobson@usace.army.mil>
Subject: FW: Graphics Support Requested by Michael Szerlog

You may have already gotten this, although it bounced back to me.

Deliberative Process / Ex. 5 Not sure if anyone else might want to see it at the Corps (or NOAA). Kevin has a handful of notes below. The only to-do for us is a cover photo(s)...Jim/Michael?

I've already noted to Kevin the problem with Figure 5b & asked him to include "title pages" for the appendices. Let me know if you see anything else.

Thanks,

Heather

From: Brown, Kevin
Sent: Wednesday, August 03, 2016 9:05 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

I see the problem in the figure, I'll fix it for the next draft. In the meantime, here is a reduced size version of the first draft.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

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From: Dean, Heather
Sent: Wednesday, August 03, 2016 8:58 AM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Looks good, Kevin. I see only one issue & have one request, as well: Figure 5b is missing its columns & can you insert "title pages" for the appendices?

I am also finding myself unable to send it to other reviewers; getting an error message that the attachment is too large, yet you were able to send it to me. Any suggestions?

From: Brown, Kevin
Sent: Tuesday, August 02, 2016 2:51 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Attached is a first draft.

Notes in no particular order:

1. Need to fix page numbers on the appendix with the big tables.
2. For the cover, I appropriated images from the example document you'd sent a while back. Let me know if you have any better ideas.
3. All images/graphs/figures are low-resolution, I'll swap them out for high-rez at the very end. My computer is too weak to display high-resolution images while I'm actually working.
4. There's no table of contents, I typically do this at the end once the page count/positioning are certain.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

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From: Dean, Heather
Sent: Monday, August 01, 2016 9:54 AM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Hi, Kevin.

Here's the last thing I owed you (I think), the six maps that comprise Appendix A.

Thanks,

Heather

From: Brown, Kevin
Sent: Thursday, July 28, 2016 12:24 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

I'll get started on this today, but I don't expect to have a draft ready until early next week. I can work without the missing pieces, I'll just mentally plan for the space they'll take up.

Addressing your questions:

1. Yes, I'll make a cover/title page and a table of contents.
2. I'll fix the table, you don't have to be concerned about that.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

From: Dean, Heather
Sent: Thursday, July 28, 2016 9:45 AM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Hi, again, Kevin.

Looks like Figure 5 will be a little later in getting to you. I will be mostly away from e-mail for the rest of today & tomorrow morning. If you have any questions for me during that time, please call me at 907-271-3490.

Thanks!

From: Dean, Heather
Sent: Wednesday, July 27, 2016 4:19 PM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Hi, Kevin.

Attached are all but two parts of the report you are going to format for us. They are:

- The body of the report (14-page Word document)
- Table 1 (one-page Excel spreadsheet)
- Figure 1 (one-slide PowerPoint file)
- Figure 2 (two-slide PowerPoint file)
- Figure 3 (one-slide PowerPoint file)
- Figure 4 (two-slide PowerPoint file)
- Appendix B, Part 1 (two-page Word document)
- Appendix B, Part 2 (four-page Word document)
- Appendix C (four-page Word document)
- Appendix D (one-page Word document).

I am holding back one other figure & Appendix A for final tweaks. Should be able to get you the former tomorrow morning; the latter may be a touch later. Please advise if your hands are tied until you have absolutely everything.

I also have a couple of questions for you:

1) The main report has three highlighted areas, which I think are to draw your attention to creating a title page, leaving a blank page, & creating a table of contents. Are the first & last items things that you typically do; &
2) Appendix B, Part 2 is a document that the Corps produced. It's a table with tiny print & has some formatting issues such as cells bleeding over to the next page, etc. Is that something you "fix" or do I need to?

Thanks much!

Heather

From: Brown, Kevin
Sent: Tuesday, July 26, 2016 7:27 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Looks like they want something pretty simple, I think I can have it turned around pretty quick.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

From: Dean, Heather
Sent: Monday, July 25, 2016 3:09 PM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Hi, Kevin.

The Corps is just about ready to turn over to us the document you are going to format for us; we may have it all tomorrow (Tuesday). They have shared a link to a document they would like us to use as a sample for the format. Here it is: http://www.nws.usace.army.mil/Portals/27/docs/environmental/resources/2016EnvironmentalDocuments/PSNERP/Puget%20Sound%20Nearshore%20Final-Feasibility-Report-EIS_2016.pdf.

Please let me know if you have any questions or concerns & whether you still think 3-4 days will be your turnaround time. I will include final versions of the sample graphics I sent you once I have the stuff from the Corps.

Thanks!

Heather

From: Brown, Kevin
Sent: Wednesday, July 20, 2016 2:50 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

I can generally work from any graphic format; that's probably not a concern.

Personal Matters / Ex. 6 if you have something preliminary to send, I can take a look at it and see what needs to be done.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

From: Dean, Heather
Sent: Wednesday, July 20, 2016 2:43 PM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: Graphics Support Requested by Michael Szerlog

Hi, Kevin.

Michael tells me you're going to help us finalize a report we are doing with the Corps & NOAA on high tide line. Thanks! The Corps is the lead author & have advised that they expect to have it ready for that next step in a few days. I've been putting together most of the graphics for the report & wanted to check in with you about what you might need that I am not anticipating. For example, do you want the graphics in a particular format? Do you want a "sneak peak" at them before the Corps puts the ball in our court?

Thanks,

Heather

Message

From: Meyer, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97208B20BCB84A038062FA42A766A850-MEYER, SUSA]
Sent: 7/27/2016 8:23:11 PM
To: Dean, Heather [Dean.Heather@epa.gov]
Subject: RE: All documents uploaded
Attachments: Agency Actions 07272016.docx; Ecological Matrix 07262016.docx; HTL Matrix for Implementation Considerations 07252016.docx

Okay, I think I got them all. Let me know if you need anything else. My work phone is forwarded so you can call me if I don't respond to email right away. 3-1078.

-----Original Message-----
From: Dean, Heather
Sent: Wednesday, July 27, 2016 1:06 PM
To: Meyer, Susan <meyer.susan@epa.gov>
Subject: RE: All documents uploaded

Perfect!

-----Original Message-----
From: Meyer, Susan
Sent: Wednesday, July 27, 2016 1:05 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: All documents uploaded

Little blue spinning circle is happening... I'll keep trying, and will let you know when I get them all. May be several minutes....

-----Original Message-----
From: Dean, Heather
Sent: Wednesday, July 27, 2016 1:01 PM
To: Meyer, Susan <meyer.susan@epa.gov>
Subject: RE: All documents uploaded

Thanks!

-----Original Message-----
From: Meyer, Susan
Sent: Wednesday, July 27, 2016 1:00 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: All documents uploaded

Woah, yes.

-----Original Message-----
From: Dean, Heather
Sent: Wednesday, July 27, 2016 12:59 PM
To: Meyer, Susan <meyer.susan@epa.gov>
Subject: RE: All documents uploaded

Well, SharePoint has locked me out. Can you download the three Appendix documents in the "Final Documents" folder (i.e., agency action list & the two matrices) & e-mail them to me?

-----Original Message-----
From: Meyer, Susan
Sent: Wednesday, July 27, 2016 12:57 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: All documents uploaded

Yes, just reviewing some other stuff, but available until later this afternoon.

-----Original Message-----
From: Dean, Heather
Sent: Wednesday, July 27, 2016 12:23 PM
To: Meyer, Susan <meyer.susan@epa.gov>
Subject: RE: All documents uploaded

Are you still there?

-----Original Message-----
From: Meyer, Susan
Sent: Wednesday, July 27, 2016 12:16 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: All documents uploaded

Yes, I got her to look them over and she was fine with them! Thanks!

-----Original Message-----
From: Dean, Heather
Sent: Wednesday, July 27, 2016 12:09 PM
To: Meyer, Susan <meyer.susan@epa.gov>
Subject: RE: All documents uploaded

Whew! As far as you know, Tina was okay with the revisions...?

-----Original Message-----
From: Meyer, Susan
Sent: Wednesday, July 27, 2016 11:58 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: All documents uploaded

Glad I checked. Please use the photos that I uploaded on 7/21/16 with final Final at the end of the title. Thank you!

-----Original Message-----
From: Dean, Heather
Sent: Wednesday, July 27, 2016 11:52 AM
To: Meyer, Susan <meyer.susan@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: All documents uploaded

Yes, they are Fig. 4. I'm labelling them as we speak. Do you want to double-check them? They're the file Tina uploaded into the "Technical" folder on 24 June at 2:48.

-----Original Message-----
From: Meyer, Susan
Sent: Wednesday, July 27, 2016 11:50 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: All documents uploaded

I haven't done anything yet. I agree Heather. Thanks so much for doing this!

I do wonder how he proposes to integrate the photos of the site visits? I don't remember that they are referenced, so I hope they make it into the final package.

Susan

-----Original Message-----
From: Dean, Heather
Sent: Wednesday, July 27, 2016 11:40 AM
To: Meyer, Susan <meyer.susan@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: All documents uploaded

Actually, unless you've already done it, Susan, you can hold off. I've got all the graphics & started pulling the word documents from SharePoint this morning before I left. Seems like we should send as much as possible to Kevin in one package...?

-----Original Message-----
From: Szerlog, Michael
Sent: Wednesday, July 27, 2016 10:23 AM
To: Meyer, Susan <meyer.susan@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>
Subject: FW: All documents uploaded

Susan,

Morning. Not sure if Heather still has access to SharePoint and she is out until 11:30 am. Can you pull these out and give them to both Heather and Kevin Brown our graphics specialist. He and Heather have been communicating and he is ready to work on it. :)

Thanks
Michael J. Szerlog, Manager
Aquatic Resources Unit

Office of Environmental Review and Assessment Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2 Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

-----Original Message-----
From: Jacobson, James R NWS [mailto:James.R.Jacobson@usace.army.mil]
Sent: Wednesday, July 27, 2016 8:43 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: All documents uploaded

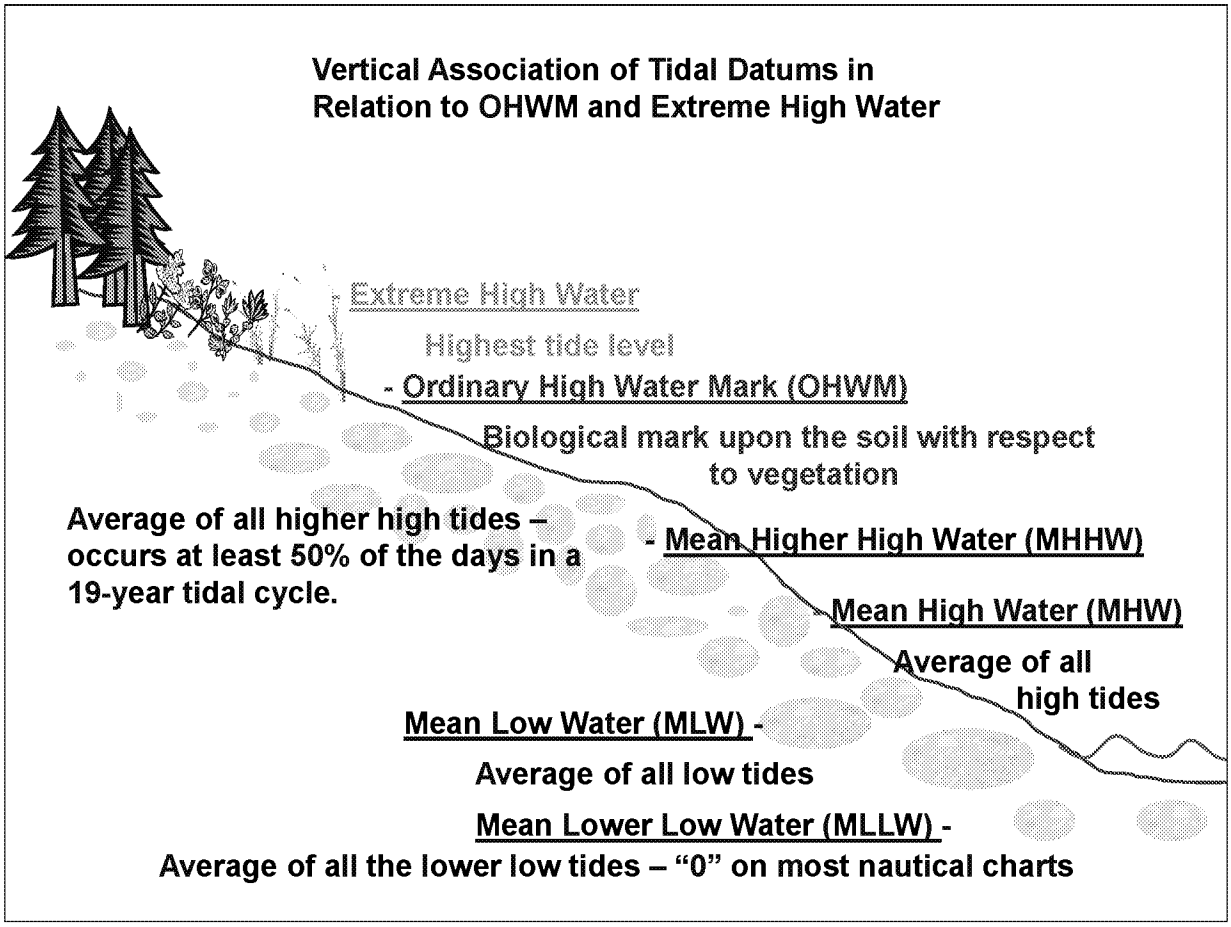
Hi Heather,
I finished uploading the final documents to SharePoint. There are four of them:
1) Main body of the report
2) Implementation Matrix
3) Ecological Matrix
4) Agency Action Appendix

I think that does it from my end.

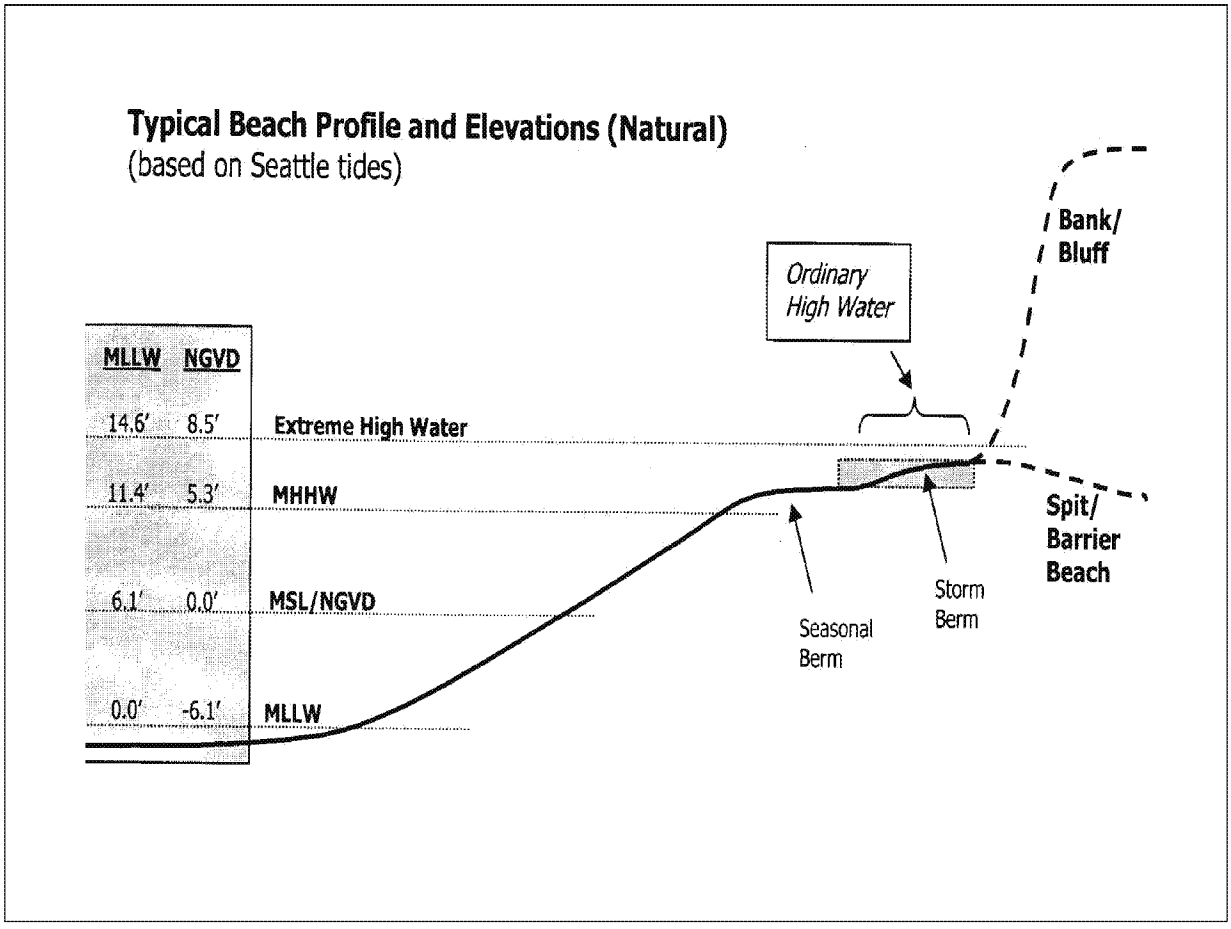
Let me know if you need anything from me, otherwise I'll wait to hear from you on how the report is coming along.

Thanks for EVERYTHING!

Jim

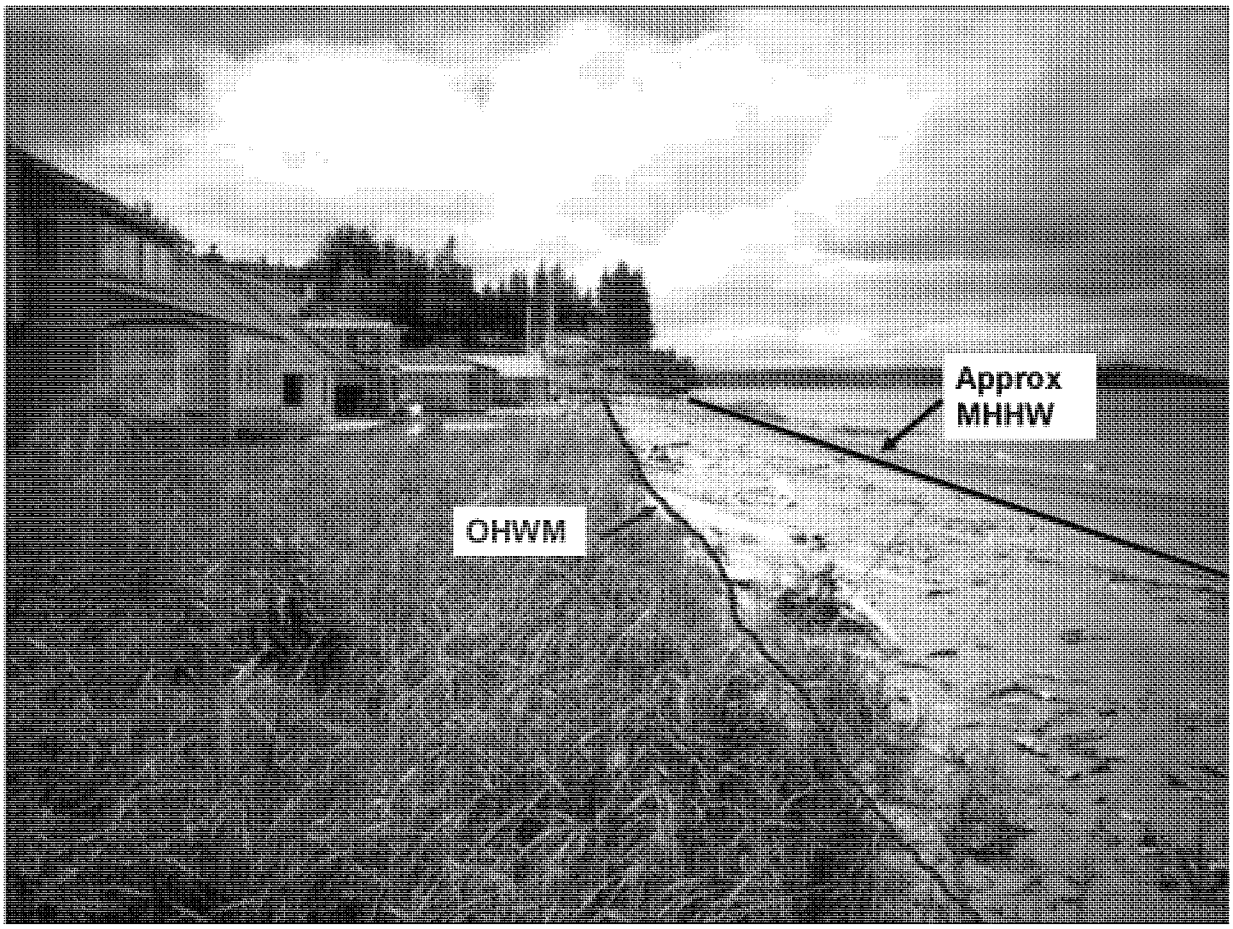


Heather maybe it would help others understand the relationship of the various proposed elevations in relation to HAT and MHHW if we amended this graphic by removing the datums below MHHW and adding those that are proposed, or at least the most likely ones to be carried forward. What do you think?



This was also part of our training materials. Got it from Hugh Shipman a while ago.

This gives you an idea of the relationship between different datums and elevations for the Seattle area. This diagram also tells you where the OHWM is likely located (under natural conditions) relative to a high or low bluff or barrier beach/spit. Looking for indicators of wave runup, which is a reflection of the presence of persistent vegeation. Low energy marine estuaries or brackish wetlands often occur behind spits or barrier beaches.



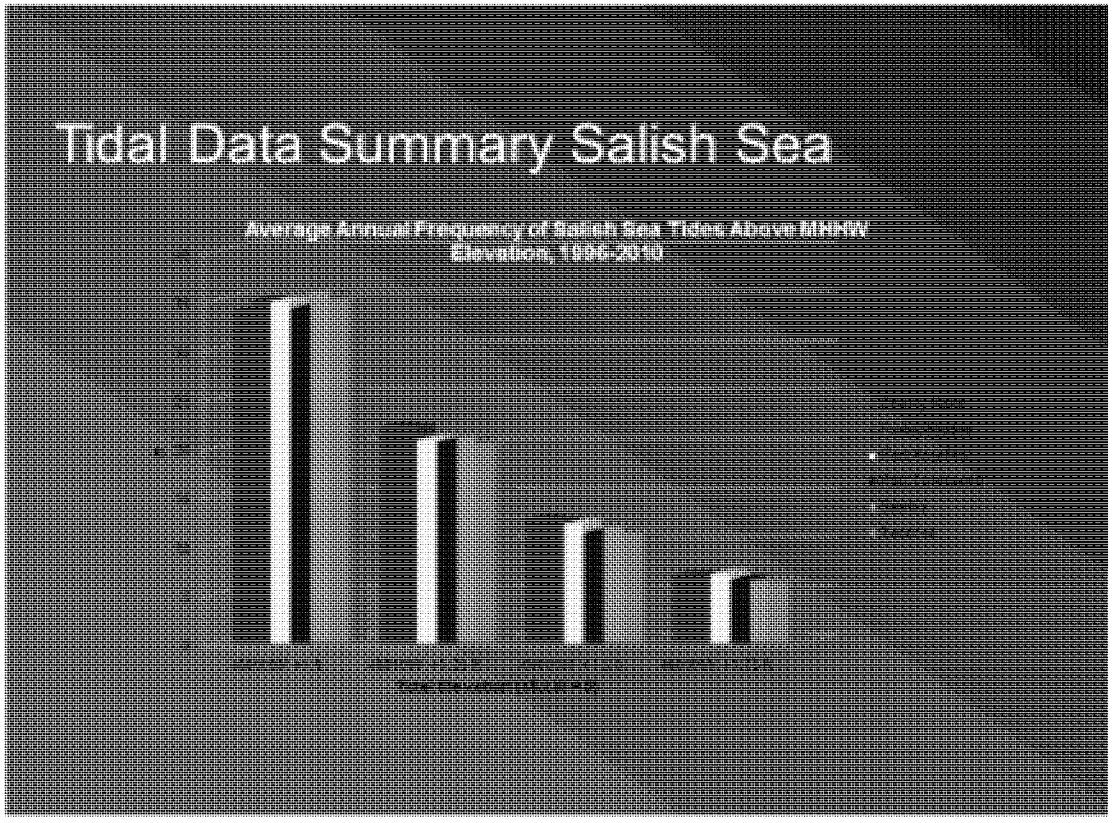
Hansville Shoreline. High Energy. OHWM is line of vegetation. I'm guessing HAT would not be much higher than this.

Tidal Data Summary Salish Sea

Average Annual Occurrence

	≥MHHW	≥MHHW +1 ft	≥MHHW +1.25 ft	≥MHHW +1.5 ft	≥MHHW +1.75 ft
Cherry Point	179	34	22	13	7
Friday Harbor	195	35	22	12	7
Port Angeles	187	35	21	12	7
Port Townsend	203	34	20	11	6
Seattle	201	36	21	12	6
Tacoma	196	35	20	11	6
Σ Average	**193**	**35**	**21**	**12**	**7**
Σ Range	**112-262**	**8-66**	**3-47**	**0-34**	**0-24**
Cherry Point	114-231	16-67	6-42	2-34	1-22
Friday Harbor	133-280	9-62	3-47	1-31	0-19
Port Angeles	135-238	23-62	6-47	5-29	0-14
Port Townsend	137-262	8-63	3-47	1-34	0-19
Seattle	113-247	14-63	6-44	0-32	0-24
Tacoma	118-244	13-66	6-42	1-31	0-23

This is a table of data compiled by Ecology staff which confirmed what we had been seeing on the ground, that tides about 1.5 feet above MHHW occurred frequently enough (8-12 times a year) to affect the vegetation community. These data are based on observed tides as opposed to predicted.



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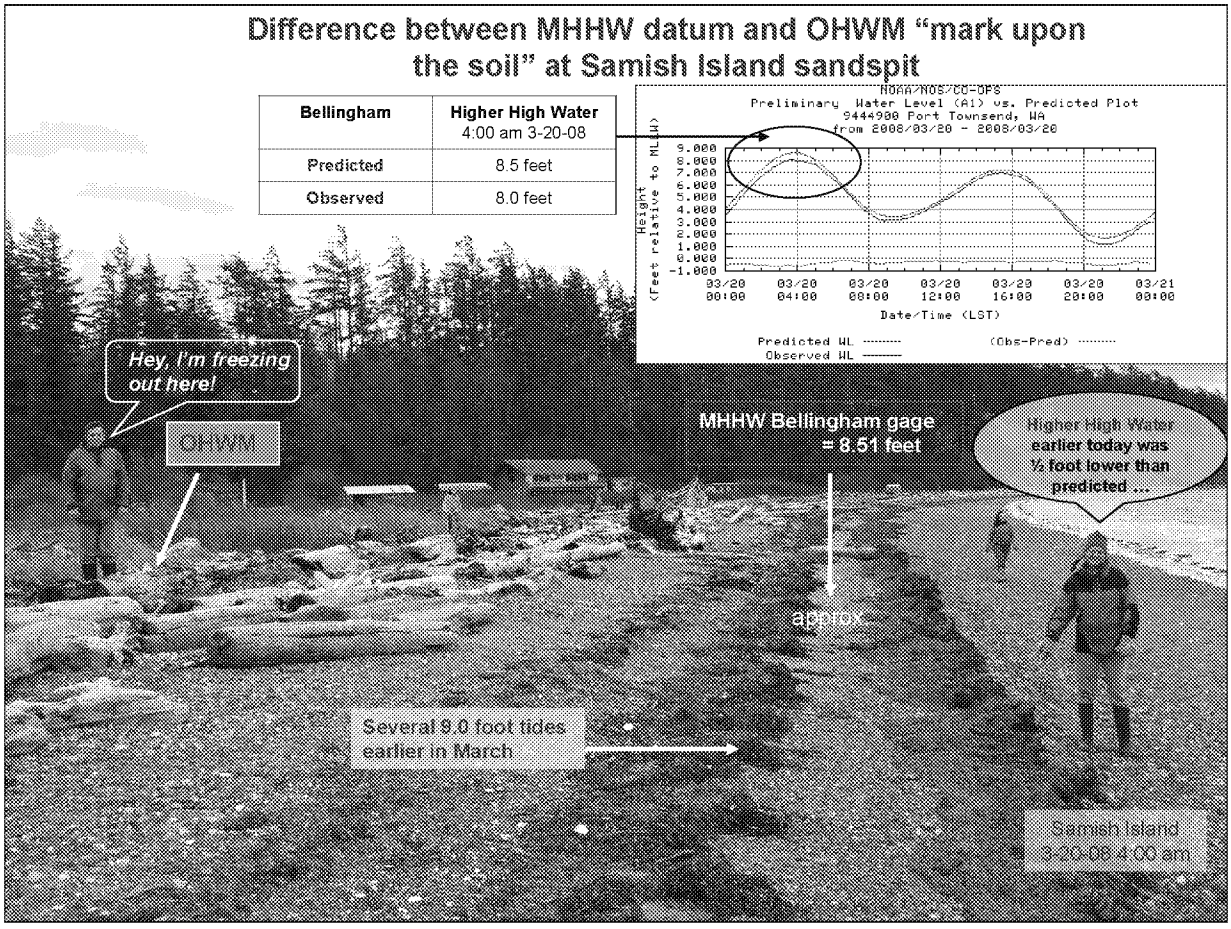
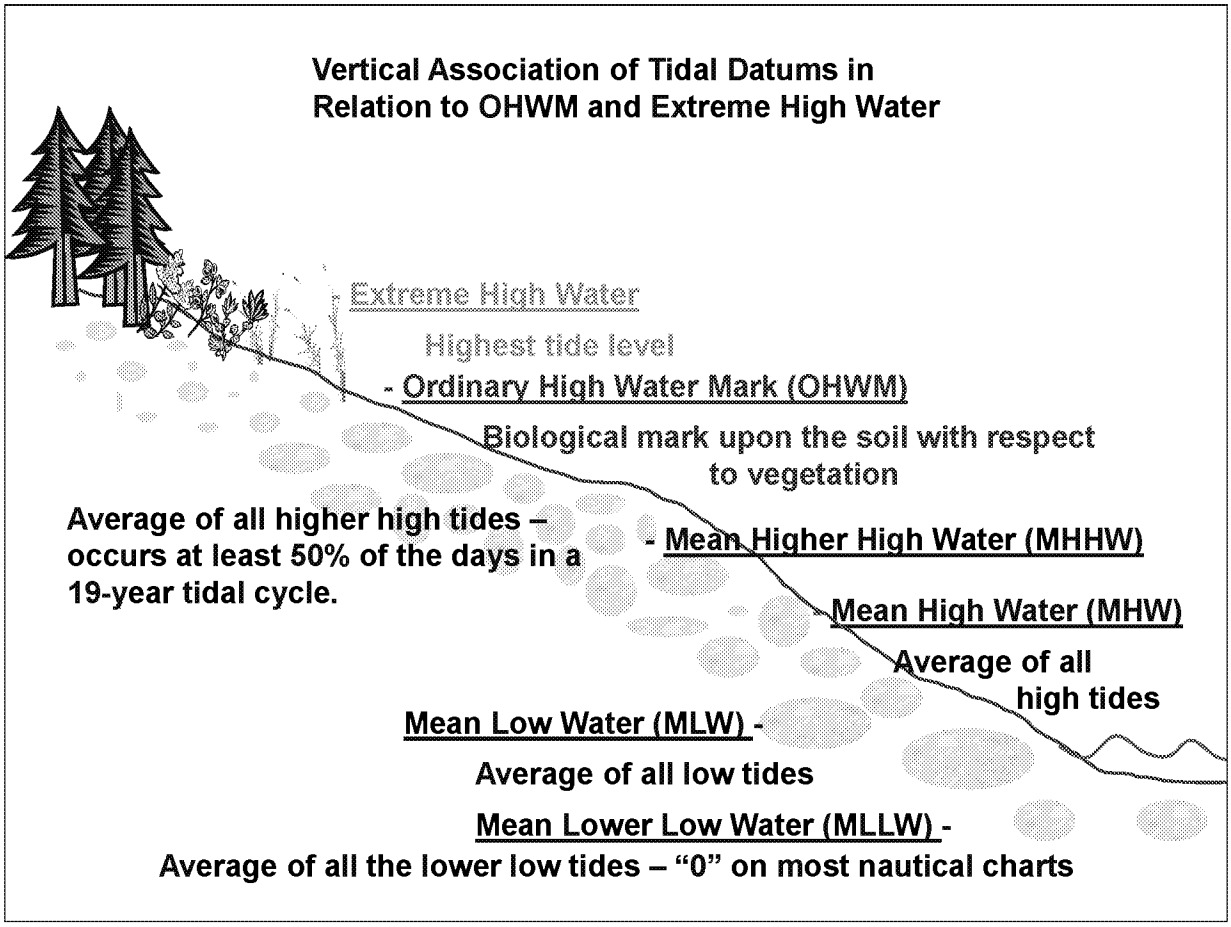


This was taken during one of our classes. Shows that for OHWM, it didn't matter where the most recent higher high tide was, because the indicators were clear.

In Estuaries with calm water and lower salinity, the primary vegetation indicator for OHWM is the landward limit of salt tolerant vegetation. This is Woodland Creek about a ½ mile from Henderson Inlet in Olympia.



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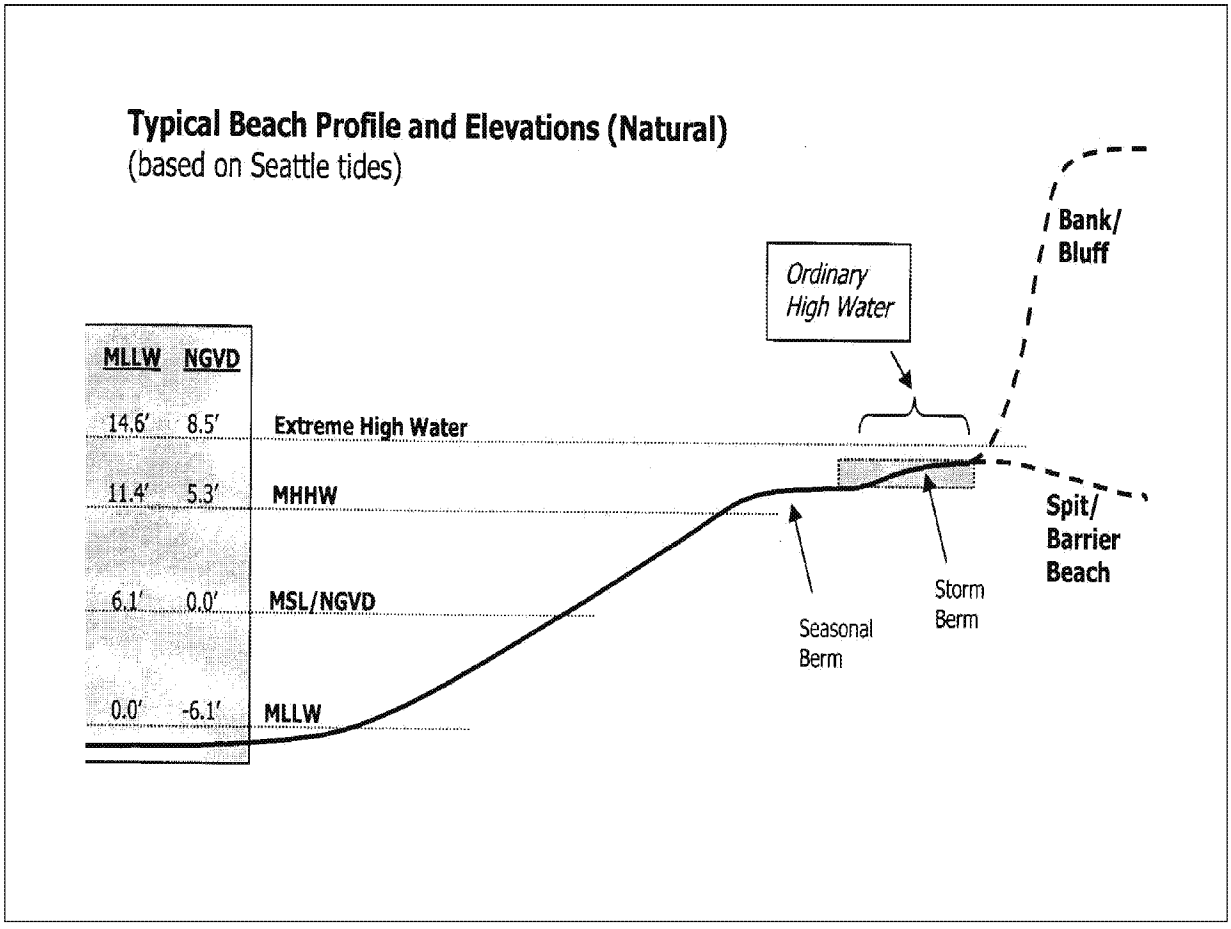

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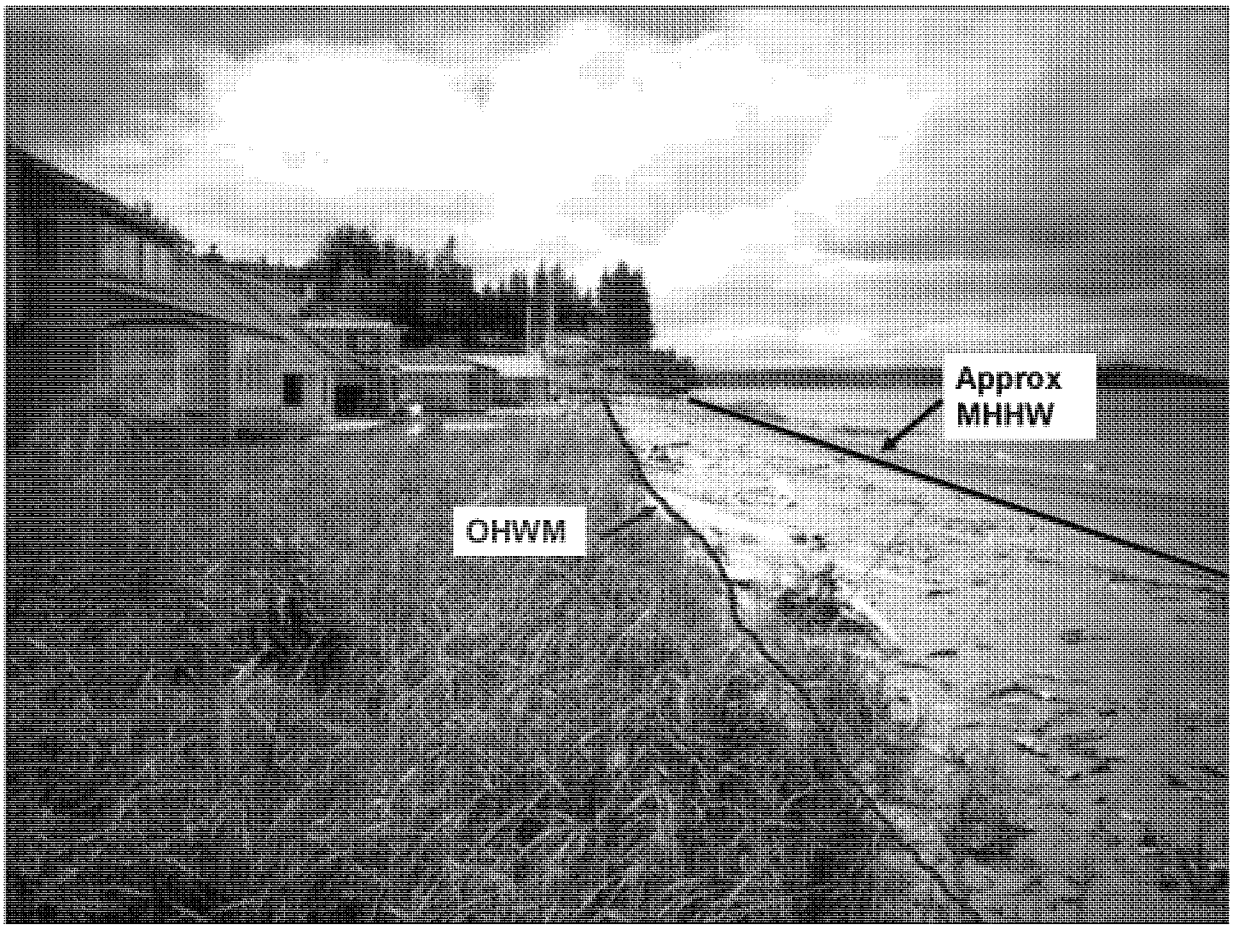

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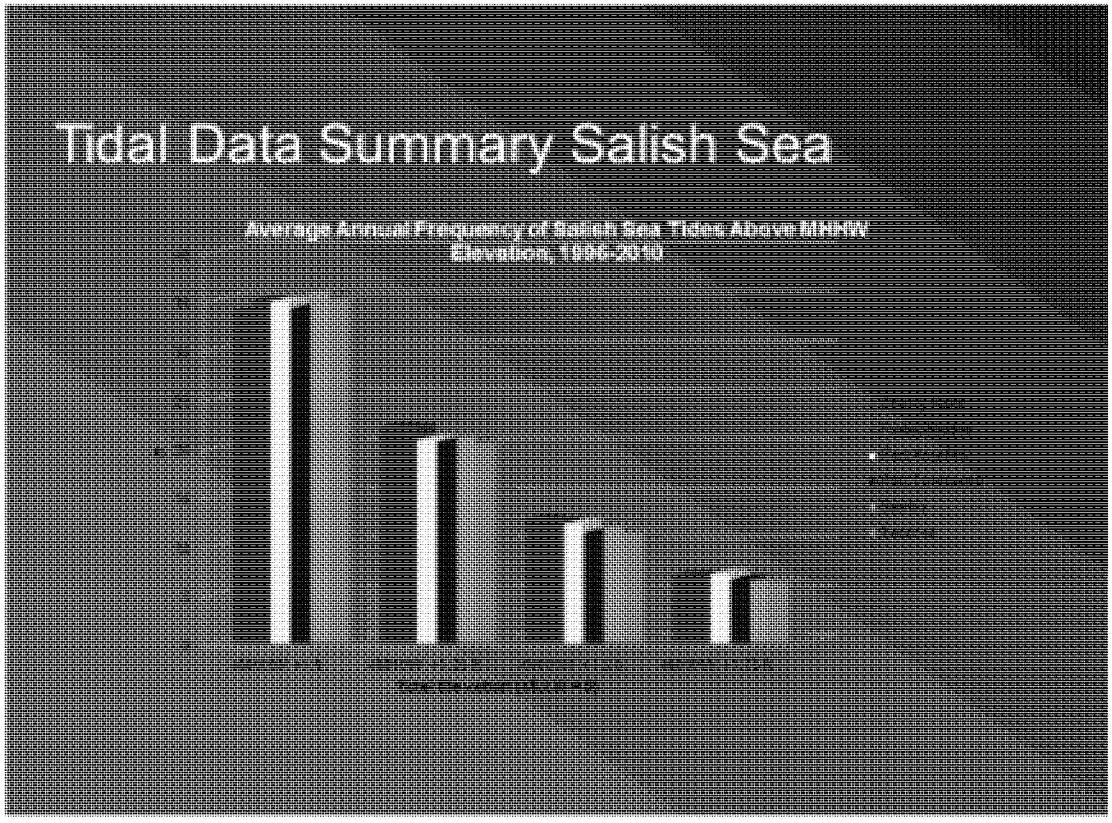

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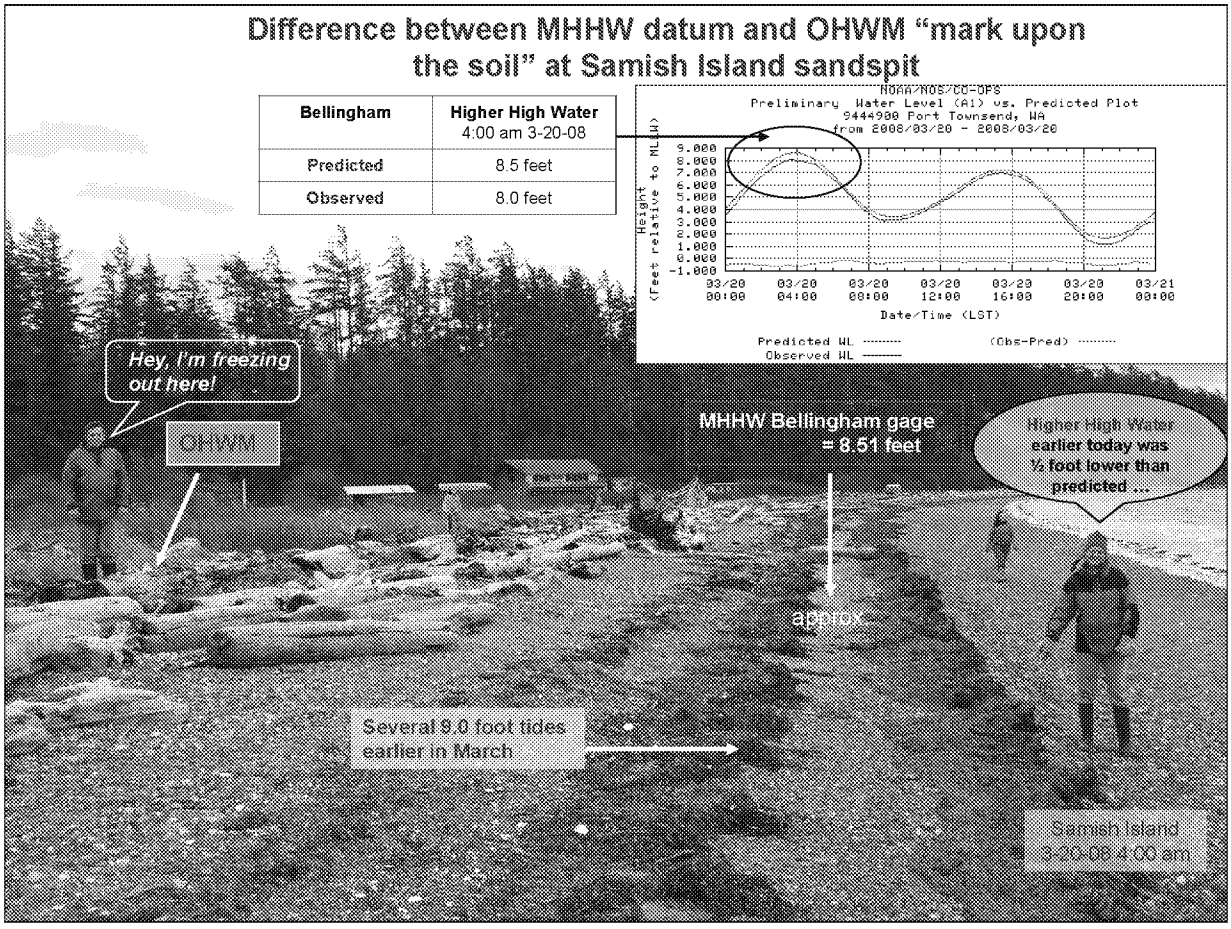

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Message

From: szalay.endre@epa.gov [szalay.endre@epa.gov]
Sent: 7/13/2016 5:19:51 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]
Subject: Conversation with Dean, Heather, szalay.endre@epa.gov

Szalay, Endre 9:00 AM:

Hi folks - I have another call from 9-10 that I need to be on. But, I'll call into the HTL meeting at 9am and keep it on mute. IM me if you think it's important that I weigh in on something from 9-10. I'll join the call completely at 10. Sorry!

Dean, Heather 9:00 AM:

Got it

Message

From: Meyer, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97208B20BCB84A038062FA42A766A850-MEYER, SUSA]
Sent: 6/23/2016 10:37:19 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]
Subject: FW: Tribal and NWIFC staff comments on June 16 Federal Section 404 Marine Jurisdiction (HAT) Workgroup Presentation
Attachments: NWIFC HAT comments to Fed staff 062316 thjjw.docx; WA Shoreline Matrix for Sharepoint-Clean-19 May 16-eg-notes.docx; Tech_Memo_SLR_and_HAT-21June2016.doc

Looks like you all were not cc'd.

From: James Weber [mailto:jwweber@nwifc.org]
Sent: Thursday, June 23, 2016 1:44 PM
To: Jacobson, James R NWS <James.R.Jacobson@usace.army.mil>; Meyer, Susan <meyer.susan@epa.gov>; Elizabeth Babcock <elizabeth.babcock@noaa.gov>
Cc: (Group) Environmental Policy Committee <EnvironmentalPolicyCommittee@nwifc.org>; (Group) Shellfish Biologists <ShellfishBiologist@nwifc.org>; Dave Herrera <dherrera@skokomish.org>; David Troutt <troutt.david@nisqually-nsn.gov>; Jeff Dickison <jdickison@squaxin.us>; Alison O'Sullivan <aosullivan@suquamish.nsn.us>; Karen Walter <KWalter@muckleshoot.nsn.us>; Tim Hyatt <thyatt@skagitcoop.org>; Nicole Rasmussen <nicole.rasmussen@quileutenation.org>; Ben Starkhouse <bens@lummi-nsn.gov>; Ned Currence <ncurrence@nooksack-nsn.gov>; Stan Walsh <swalsh@skagitcoop.org>; Ravenel, Daniel <DRAVENEL@quinault.org>; Lisa Brautigam <Lisa.Brautigam@puyalluptribe.com>; Ralph Riccio <rriccio@jamestowntribe.org>; Scott Steltzner <ssteltzner@squaxin.us>; Mike Grayum <mgrayum@nwifc.org>; Craig Bowhay <cbowhay@nwifc.org>; Fran Wilshusen <fwilshus@nwifc.org>; Todd Bolster <tbolster@nwifc.org>; Cecilia Gobin <cgobin@nwifc.org>; Eliza Ghitis <eghitis@nwifc.org>; Sandy Zeiner <szeiner@nwifc.org>; David Fyfe <dfyfe@nwifc.org>; John Hollowed <hollowed@nwifc.org>; Patrick Reynolds <Patrick@muckleshoot.nsn.us>; Martin Fox <martin.fox@muckleshoot.nsn.us>; Margaret Homerding <homerding.margaret@nisqually-nsn.gov>; Courtney Greiner <cgreiner@skagitcoop.org>; Robert Conrad <bconrad@nwifc.org>; Jeremy Freimund <jeremyf@lummi-nsn.gov>; Rick Hartson <rickh@upperskagit.com>; greg.eide@quinault.org; Cynthia Rossi <crossi@pnptc.org>; Shannon Miller <smiller@pnptc.org>; Bruce Jones <bjones@nwifc.org>; Cory Albright <calbright@kanjikatzen.com>; Sharon Haensly <shaensly@squaxin.us>; Justin Parker <jparker@nwifc.org>; Jon-Paul Shannahan <jonpauls@upperskagit.com>; Mark Mobbs <mmobbs@quinault.org>; Paul McCollum <paulm@pgst.nsn.us>; Scott Chitwood <schitwood@jamestowntribe.org>; Randy Harder <rharder@pnptc.org>
Subject: Tribal and NWIFC staff comments on June 16 Federal Section 404 Marine Jurisdiction (HAT) Workgroup Presentation

Please find attached comments developed by NWIFC and tribal staff arising from the June 16th briefing on the progress of the federal workgroup in developing alternative interpretations of the "high tide line."

Jim Weber
Conservation Policy Analyst
Northwest Indian Fisheries Commission
6730 Martin Way E.
Olympia, WA 98516-5540
Direct Line: (360) 528-4364
Cell: (360) 870-9004

Message

From: Meyer, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97208B20BCB84A038062FA42A766A850-MEYER, SUSA]
Sent: 8/30/2016 11:27:04 PM
To: Chang, Lisa [Chang.Lisa@epa.gov]
Subject: RE: my update blurb for Dennis and the next TRAR meeting

Okay, thanks Lisa. I will be largely unavailable tomorrow and may log in Thurs later in the day, so don't worry about me! Unless Peter adds something, feel free to edit away.

From: Chang, Lisa
Sent: Tuesday, August 30, 2016 4:12 PM
To: Meyer, Susan <meyer.susan@epa.gov>
Subject: RE: my update blurb for Dennis and the next TRAR meeting

Thank you so much, Susan. I will be looking at these tomorrow (hopefully I will get one from Krista and two from Robin tonight!). I will run anything I develop by you guys to make sure that any edits I might make are okay.

From: Meyer, Susan
Sent: Monday, August 29, 2016 10:37 AM
To: Murchie, Peter <Murchie.Peter@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>
Subject: my update blurb for Dennis and the next TRAR meeting

Lisa, Here is my update for the next TRAR principal's meeting. Peter, if you have time to look over the HAT paragraphs, I would appreciate it, since you have more knowledge of the General Spellmon meeting.

Thanks, Susan

HAT or High Tide Line **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Peter Murchie attended this meeting, so he can provide his perspective on the specifics.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Message

From: Meyer, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97208B20BCB84A038062FA42A766A850-MEYER, SUSA]
Sent: 10/12/2016 2:09:33 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]
Subject: RE: shoreline effectiveness messaging for CEQ visit

Okay, Starting on it now...

From: Murchie, Peter
Sent: Tuesday, October 11, 2016 4:35 PM
To: Meyer, Susan <meyer.susan@epa.gov>
Cc: Bonifacino, Gina <Bonifacino.Gina@epa.gov>
Subject: RE: shoreline effectiveness messaging for CEQ visit

Susan,
Please try to edit/reconcile with Josh's and get to me in the morning

I will try to review the report but I should not be in a position to slow it down if I cannot. More important for Michael to have a real review.

Thank you,
Peter

From: Meyer, Susan
Sent: Tuesday, October 11, 2016 4:24 PM
To: Murchie, Peter <Murchie.Peter@epa.gov>
Cc: Bonifacino, Gina <Bonifacino.Gina@epa.gov>
Subject: RE: shoreline effectiveness messaging for CEQ visit

Peter, Here is what I have so far from the notes and from the email from Cecelia to Gina. I have not included what Josh just sent, although some of it may be included based on the meeting notes. Let me know what you want me to do. I will be working at home tomorrow, **Personal Matters / Ex. 6**

Also, do you want to review the final HTL report before Thurs. afternoon?

Thanks, Susan

From: Murchie, Peter
Sent: Tuesday, October 11, 2016 3:56 PM
To: Baldi, Josh (ECY) <JBAL461@ECY.WA.GOV>
Cc: Meyer, Susan <meyer.susan@epa.gov>; White, Gordon (ECY) <gwhi461@ECY.WA.GOV>; Bonifacino, Gina <Bonifacino.Gina@epa.gov>
Subject: RE: shoreline effectiveness messaging for CEQ visit

Yes - thanks
P

From: Baldi, Josh (ECY) [mailto:JBAL461@ECY.WA.GOV]
Sent: Tuesday, October 11, 2016 3:54 PM
To: Murchie, Peter <Murchie.Peter@epa.gov>
Cc: Meyer, Susan <meyer.susan@epa.gov>; White, Gordon (ECY) <gwhi461@ECY.WA.GOV>; Bonifacino, Gina <Bonifacino.Gina@epa.gov>
Subject: RE: shoreline effectiveness messaging for CEQ visit

FYI that Gordon is working on the floodplains piece (I'm offering a bit on that one). Am I also correct that I owe you a tune up of stormwater messages?

From: Murchie, Peter [mailto:Murchie.Peter@epa.gov]
Sent: Tuesday, October 11, 2016 3:53 PM
To: Baldi, Josh (ECY) <JBAL461@ECY.WA.GOV>
Cc: Meyer, Susan <meyer.susan@epa.gov>; White, Gordon (ECY) <gwhi461@ECY.WA.GOV>; Bonifacino, Gina <Bonifacino.Gina@epa.gov>
Subject: RE: shoreline effectiveness messaging for CEQ visit

Thank you Josh, getting others as well and will cc you on the compiled narrative tomorrow. I will be working with Sheida tomorrow as well on the final draft that we hope to send out tomorrow afternoon to have for the Thursday meeting.

Peter

From: Baldi, Josh (ECY) [mailto:JBAL461@ECY.WA.GOV]
Sent: Tuesday, October 11, 2016 3:39 PM
To: Murchie, Peter <Murchie.Peter@epa.gov>
Cc: Meyer, Susan <meyer.susan@epa.gov>; White, Gordon (ECY) <gwhi461@ECY.WA.GOV>
Subject: FW: shoreline effectiveness messaging for CEQ visit

Peter ~ suggested shorelines messaging from Ecology ~ jb

Improving Oversight of Shorelines

- Goal is to align local, state and federal programs to achieve no net loss of shorelines – notably, reducing unnecessary armoring.
- In a broad sense, state would like to align shoreline oversight responsibilities with federal government similar to how Corps and Ecology oversee wetlands to improve ecological function.

Specific actions:

- Ensure Army Corps' jurisdiction meets or exceeds state authorities to create regulatory alignment (i.e., move Corps' jurisdiction to Highest Astronomical Tide or something similar).
- End Nationwide Permit coverage for new shoreline armoring in all of Puget Sound for fresh and marine waters.
- Create consistency in how armoring projects are assessed in the permitting process, similar to the Regional General Permits being implemented on Lake Washington docks and piers (note: as an example, Kirkland is keeping data on improved environmental performance). This would include consistent interpretation and implementation of programs to define impacts, avoidance, minimization, mitigation, no net loss, green/living shores, etc.
- As experienced with Lake Washington docks and piers RGP, projects that align with ESA-approved conditions create better environmental outcomes and should be permitted more efficiently, thereby allowing agencies to prioritize and direct resources toward those projects that are more complicated and/or of greater concern.

- Mechanisms for Corps to implement this work include: Regional General Permits and/or Nationwide Permits and/or "State Programmatic General Permit"– any/all approaches will require consultation with NOAA and Tribes.
- Increase federal [FEMA/NRCS/FHWA/COE/NOAA] technical and financial assistance to pilot green infrastructure (i.e., green/living shores) in support of enhanced coastal resiliency.

~~~

Josh Baldi | Regional Director, Northwest | WA State Department of Ecology | 425.649.7010 d | 425.647.3581 m
~~~

Message

From: Meyer, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97208B20BCB84A038062FA42A766A850-MEYER, SUSA]
Sent: 7/6/2016 4:05:39 PM
To: Dean, Heather [Dean.Heather@epa.gov]
Subject: FW: implementation matrix that Tina posted on Friday
Attachments: HTL Matrix for Implementation Considerations -sdm 7-1-16.docx

Heather, have you had a chance to look at the implementation matrix? I know you have other homework to do and it doesn't seem that there is a huge hurry, I just don't want this to slip through the cracks. Let me know if you can't get to it and I will work with Endre or Michael. I think this is an important piece of the package. Thanks!!!

From: Szalay, Endre
Sent: Tuesday, July 05, 2016 11:45 AM
To: Meyer, Susan <meyer.susan@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: implementation matrix that Tina posted on Friday

Hi Susan:

I did a quick look and think your comment is spot on regarding the current language re environmental consequences. This is what the matrix currently says: Deliberative Process / Ex. 5
Deliberative Process / Ex. 5
Deliberative Process / Ex. 5 Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Meyer, Susan
Sent: Tuesday, July 05, 2016 9:39 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
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206-553-1078
Meyer.susan@epa.gov

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Sent: 7/5/2016 4:38:50 PM
To: Dean, Heather [Dean.Heather@epa.gov]
CC: Murchie, Peter [Murchie.Peter@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
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Sent: 6/14/2016 10:36:28 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]
Subject: First Draft of EPA HAT recommendation
Attachments: Recommendation for Federal High Tide Line Jurisdiction.docx

Edit away, please. Won't get to it before tomorrow, probably, though.

Thanks!

Susan Meyer
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Puget Sound and National Estuary Programs
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Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Message

From: Meyer, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97208B20BCB84A038062FA42A766A850-MEYER, SUSA]
Sent: 6/14/2016 3:39:37 PM
To: Szalay, Endre [Szalay.Endre@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]
Subject: RE: very draft outline for recommendation document
Attachments: Recommendation for Federal High Tide Line Jurisdiction.docx

Ack! Here is the attachment. I can do either of those times. How about you Heather?

From: Szalay, Endre
Sent: Monday, June 13, 2016 5:00 PM
To: Meyer, Susan <meyer.susan@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: very draft outline for recommendation document

I'm available at noon-1 and again at 3pm. Let me know.

Thanks for taking the first crack at an outline … not sure if you meant to attach the outline, but your email below didn't have an attachment.

Thanks!

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Meyer, Susan
Sent: Monday, June 13, 2016 3:55 PM
To: Szalay, Endre <Szalay.Endre@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>
Subject: very draft outline for recommendation document

Endre and Heather, I just quickly put together this outline, but I don't even have my file at home with me, so it is just from memory. Would love to have a quick chat with you both tomorrow either before 10 or after noon. Thanks!

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Recommendation for Federal High Tide Line Jurisdiction

Introduction
- TRAR issue
- Formed workgroup to address

Background
- Schedule, meetings, participants, etc.
- Explored various tidal elevations
  - List and define
- Formed subgroups
  - List and explain tasks
- Products
  - List and explain briefly

Recommendation

Deliberative Process / Ex. 5

Summary

Message

From: Meyer, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97208B20BCB84A038062FA42A766A850-MEYER, SUSA]
Sent: 6/8/2016 11:00:36 PM
To: Dean, Heather [Dean.Heather@epa.gov]
Subject: RE: Photos for a habitat description
Attachments: Habitat photos for HTL.pptx; WDFW HPAs by county-2005-2014.xlsx

No worries, but frustrating, I'm sure.

From: Dean, Heather
Sent: Wednesday, June 08, 2016 3:24 PM
To: Meyer, Susan <meyer.susan@epa.gov>
Subject: RE: Photos for a habitat description

Hi, Susan. I still don't have access to SharePoint!

From: Meyer, Susan
Sent: Wednesday, June 08, 2016 2:29 PM
To: Jacobson, James R NWS <James.R.Jacobson@usace.army.mil>; Tong, Kristina G NWS <Kristina.G.Tong@usace.army.mil>; Dean, Heather <Dean.Heather@epa.gov>; Matthew Longenbaugh - NOAA Federal <matthew.longenbaugh@noaa.gov>
Subject: Photos for a habitat description

Hi Technical team,

I just uploaded a powerpoint file to the Sharepoint site under Technical. URL: https://partners.usace.army.mil/sites/NWS/SPP/default.aspx
Heather, let me know if you can't access the site yet and I will email the file to you.

The file contains photos of the two field sites ready for Phill Dionne to insert descriptions of various habitats on the beach profile. There are 4 photos, but we don't need two for Tulalip I don't think. Please review them today or early tomorrow if you can and let me know if you think the photos I chose captured all of the relevant habitats we discussed in the field. I will then send them to Phill for him to add his piece on the habitat. Does this seem reasonable and effective at showing what we want to demonstrate? Thanks!

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Projects New shoreline armoring projects on Puget Sound- permitted by WDFW- fi

County Name	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014 HPMS	2014 APPS	2014
Clallam	2	2	2	2	6	1	1	6	2	2		2
Island	23	77	47	34	18	19	24	16	32	5		5
Jefferson	2	10	5	6	1	2	7	2	2	3		3
King	3	9	12	14	6	6	8	10	7	6		6
Kitsap	15	46	36	28	25	19	17	20	13	9		9
Mason	16	38	24	21	9	26	17	19	22	5		5
Pierce	46	36	41	18	16	11	25	24	27	13		13
San Juan	2	13	7	4	9	4	4	1	10	3		3
Skagit	4	3	11	8	7	6	3	2	2	1		1
Snohomish	5	11	9	8	3	2	2	2	4	4		4
Thurston	12	7	10	5	7	6	3	11	8	3		3
Whatcom		2	2	2	2	2	4		2		Not avail	0
	130	**254**	**206**	**150**	**109**	**104**	**115**	**113**	**131**	**54**	**0**	**54**

Message

From: Murchie, Peter [murchie.peter@epa.gov]
Sent: 6/30/2016 1:08:02 AM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]
Subject: Conversation with Michael SZERLOG, Szalay, Endre

Murchie, Peter 10:04 AM:

Michael, I am of fthe call but on skype if you need to caucus on anything or have me rejoin the call

Michael SZERLOG 10:05 AM:
Got it. Still very frustrated that NOAA hasn't been able to get the info. May need Dennis to push Will.

Murchie, Peter 10:06 AM:
I hope my comments were helpful - Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Michael SZERLOG 10:07 AM:
Your comments are right on and I reiterated it again. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Szalay, Endre 10:10 AM:

Deliberative Process / Ex. 5

Murchie, Peter 10:12 AM:
great - thanks Michael. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Michael SZERLOG 10:21 AM:

Deliberative Process / Ex. 5

Murchie, Peter 10:24 AM:

Deliberative Process / Ex. 5

dont say that out loud to the group tho

Michael SZERLOG 10:24 AM:
Call ended.

Murchie, Peter 10:28 AM:
quick summary of next steps?

Deliberative Process / Ex. 5

other?

Michael SZERLOG 10:29 AM:

Deliberative Process / Ex. 5

Murchie, Peter 10:31 AM:

Deliberative Process / Ex. 5

too bad Dennis isnt available to just call Will

Szalay, Endre 10:31 AM:

Let me know if we need to huddle up about this and discuss with Elizabeth. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Murchie, Peter 10:32 AM:

Yes lets set something up with her. I will email her to see what her availability is.

Michael SZERLOG 10:33 AM:

Deliberative Process / Ex. 5 Endre, can you come up to 20 for a few minutes.

Szalay, Endre 10:36 AM:

sure.

scratch that. I have a meeting right now.

Message

From: Murchie, Peter [murchie.peter@epa.gov]
Sent: 3/7/2016 4:56:59 PM
To: Bonifacino, Gina [Bonifacino.Gina@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]
Subject: Conversation with Bonifacino, Gina

Murchie, Peter 8:51 AM:

Gina, the TPs for HTL were developed by USACE?

Bonifacino, Gina 8:54 AM:

Yes, Lori Morris.

Murchie, Peter 8:54 AM:

Great - thanks

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 2/23/2016 10:00:14 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]
Subject: Conversation with Szerlog, Michael

Szerlog, Michael 1:41 PM:

Do you have time to review Heather's High Tide Line Matrix? I would like that document to get distributed before the meeting tomorrow. I think it is a good communication tool.

Murchie, Peter 1:44 PM:

I do not have time until later tonight - in OW Management retreat. Did Susan review?

If not I would send to her

Michael SZERLOG 1:47 PM:

OK. Endre and Heather moved it from Excel to Word. I will ask Heather is Susan reviewed. It is basically the same as the excel you and she reviewed, just improved. She can send in AM if you want to review. Sorry for the interruption. Advance...don't retreat. :)

Murchie, Peter 1:47 PM:

yes ADVANCE

I am fine with just Susan reviewing

don't hold it up for me

Michael SZERLOG 1:48 PM:

k

Message

From: Murchie, Peter [murchie.peter@epa.gov]
Sent: 12/1/2015 10:43:45 PM
To: Opalski, Dan [Opalski.Dan@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]
Subject: Conversation with Dan Opalski

Murchie, Peter 2:40 PM:

Language in the HAT paper: **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Message

From: Allnutt, David [Allnutt.David@epa.gov]
Sent: 11/30/2015 5:05:37 PM
To: Opalski, Dan [Opalski.Dan@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Bonifacino, Gina [Bonifacino.Gina@epa.gov]
CC: Murchie, Peter [Murchie.Peter@epa.gov]
Subject: RE: Latest version of issue papers

Deliberative Process / Ex. 5

R. David Allnutt, Director
Office of Ecosystems, Tribal and Public Affairs
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

From: Opalski, Dan
Sent: Monday, November 30, 2015 8:36 AM
To: Allnutt, David ; Szerlog, Michael ; Bonifacino, Gina
Cc: Murchie, Peter
Subject: RE: Latest version of issue papers

Deliberative Process / Ex. 5

Dan Opalski
Director
Office of Water and Watersheds

U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101
206-553-1855
FAX: 206-553-1280

From: Allnutt, David
Sent: Monday, November 30, 2015 8:17 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>; Bonifacino, Gina <Bonifacino.Gina@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>
Subject: RE: Latest version of issue papers

Gina --Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

R. David Allnutt, Director
Office of Ecosystems, Tribal and Public Affairs
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

From: Szerlog, Michael
Sent: Monday, November 30, 2015 7:17 AM
To: Bonifacino, Gina <Bonifacino.Gina@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>
Subject: RE: Latest version of issue papers

Gina,

Deliberative Process / Ex. 5

My suggestion is not to add this language into the document.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Bonifacino, Gina
Sent: Friday, November 27, 2015 12:25 PM
To: Allnutt, David <Allnutt.David@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: FW: Latest version of issue papers
Importance: High

Hi all,

I have not received any revisions from the Corps to the HAT paper following our check in call on Wed with the Colonel and others. I am wondering if we would be ok with advancing the paper with a small change like the following (see added highlighted text below)? At this point, we really need to get something out to folks on Monday.

Deliberative Process / Ex. 5

Gina Bonifacino | Puget Sound Team
US EPA Region 10
Mail Stop OWW-193
1200 Sixth Avenue
Seattle, WA 98101
206.553.2970

From: Bonifacino, Gina
Sent: Wednesday, November 25, 2015 4:56 PM
To: 'Wilshusen, Fran'; 'jparker@nwifc.org'
Subject: Latest version of issue papers

Note: per the discussion on the call, the Colonel is revising the HAT paper to address EPA concerns in the remaining challenges section. The last two sentences in that section for us, are of particular concern. I think we could live with that section if it stated something like, "it is the Corps position that".before that entire section to make it clear that it is not our position.

Thanks and have a great holiday and weekend!

Gina Bonifacino | Puget Sound Team

US EPA Region 10
Mail Stop OWW-193
1200 Sixth Avenue
Seattle, WA 98101
206.553.2970

Message

From: Castner, Chris [Castner.Chris@epa.gov]
Sent: 6/29/2016 3:25:31 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]
Subject: RE: Update and my schedule the rest of the week

Peter- thanks for the download.
(Nice work you did there)

Chris

Chris Castner
Puget Sound Geographic Program
US Environmental Protection Agency
Region 10, OWW -193
1200 Sixth Avenue, Suite 900
Seattle, WA 98101
(206) 553-6517
castner.chris@epa.gov

From: Murchie, Peter
Sent: Wednesday, June 29, 2016 8:21 AM
To: Bonifaci, Angela <Bonifaci.Angela@epa.gov>; Bonifacino, Gina <Bonifacino.Gina@epa.gov>; Castner, Chris <Castner.Chris@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>; Dunn, Ann <Dunn.Ann@epa.gov>; Hanft, Sally <Hanft.Sally@epa.gov>; Marshalonis, Dino <Marshalonis.Dino@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>; Richter, Randy <Richter.Randy@epa.gov>; Rylko, Michael <Rylko.Michael@epa.gov>; Whitaker, Melissa <Whitaker.Melissa@epa.gov>; Zachmann, Bill <Zachmann.Bill@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Patheal-Centenera, Bella <Patheal-Centenera.Bella@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>; Greenamyer, Janice <Greenamyer.Janice@epa.gov>
Subject: Update and my schedule the rest of the week

Puget Sounders,
After a whirlwind trip to Edmonds and DC and back I am on my way this morning to the PS Leadership Council in Georgetown (Seattle).

I will be in the office tomorrow Personal Matters / Ex. 6

My meetings in DC went well. They included meeting with OWOW leadership (Bernice and Ellen Gilinsky and briefly Joel B) to give an update on the Action Agenda process, funding model implementation, TRAR issue resolution with a focus on our HTL work with USACE and NOAA. OWOW is supportive of our push for moving from MHHW and is willing to provide support with DC USACE decision makers as needed. Joel asked Ellen Gilinsky to be the Puget Sound POC in his office Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

I hope you all are having a productive week. I will see you tomorrow but feel free to call (or email) if you need to talk with me today.

Thank you,
Peter

Peter Murchie
Manager
Puget Sound and NEP Programs
USEPA Region 10
murchie.peter@epa.gov
206-553-1148 w
206-419-0804 c

Message

From: Tyler, Kendra [Tyler.Kendra@epa.gov]
Sent: 4/4/2016 8:51:02 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]
Subject: FW: Items for Tuesday's Monthly TRAR Principals' Call

So we are continuing with the TRAR meeting tomorrow? I need to let Dennis know that you are for sure continuing without him.

From: Meyer, Susan
Sent: Monday, April 04, 2016 1:50 PM
To: McLerran, Dennis <mclerran.dennis@epa.gov>; Tyler, Kendra <Tyler.Kendra@epa.gov>; McLeod, Julianne <McLeod.Julianne@epa.gov>; Woods, Jim <Woods.Jim@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>
Cc: Bonifacino, Gina <Bonifacino.Gina@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: Items for Tuesday's Monthly TRAR Principals' Call

Hello all,

Here are some thoughts about a structure for tomorrow's Monthly TRAR Principals' Call.

TRAR

- De-brief from March 8 meeting
- Follow-up actions – is another meeting needed?
- Update on TRAR issues

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

HIGH TIDE LINE (HAT) – This federal agency team continues to meet twice monthly by phone and quarterly in person. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Next in-person meeting is Wednesday, April 4.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OTHER

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Regards,

Lisa Chang, Gina Bonifacino, and Susan Meyer

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 9/8/2016 4:12:04 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]
Subject: Missed conversation with Szerlog, Michael

Szerlog, Michael 9:10 AM:

Peter, are you calling into HTL?

Message

From: Smith, Bernicel [Smith.Bernicel@epa.gov]
Sent: 8/22/2016 3:59:28 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]
Subject: RE: OW R10 Visit draft agenda and annotated agenda

Thanks Peter. I will review this material and get back to you by tomorrow.

Bernice

From: Murchie, Peter
Sent: Monday, August 22, 2016 11:48 AM
To: Smith, Bernicel <Smith.Bernicel@epa.gov>
Cc: Rylko, Michael <Rylko.Michael@epa.gov>; Bonifaci, Angela <Bonifaci.Angela@epa.gov>
Subject: OW R10 Visit draft agenda and annotated agenda

Bernice,
good talking with you just now. Find attached what I have as the most recent draft agenda along with an annotated agenda with more specifics on the topics.

The PS/NEP topics that you should know about include:

- Treaty Rights At Risk/Tribal Issues 9/13 from 9:15-10:15am (I am the lead for developing a two pager on this - topic is broader than NEP/PS)
- Climate Change (with Dennis M included) happening in the 2:00-3:45pm time slot on 9/13 - again I will be working with our Climate Change leads to develop a two pager
- Puget Sound right after from 3:45-4:45pm on 9/13 - I will also be developing a two pager on this with the Action Agenda update/funding model implementation, MOU/5 Year workplan and No Discharge Zone as the main topics - there will also be discussion of the HTL and Nationwide Permit work
- On Wednesday there will be a session on CZARA that you may want to call in for from 11:45-12:00

Let me know if there are other topics you think we should include related to NEP/Puget Sound.

I will share with you the two pagers as they are developed for your review and input.

Thank you,
Peter

Message

From: Murchie, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D2FEDF9CB1F4DC4847E6F01E33E759E-MURCHIE, PETER]
Sent: 6/29/2016 5:54:36 PM
To: Edmondson, Lucy [Edmondson.Lucy@epa.gov]
Subject: RE: Update and my schedule the rest of the week

Woo hoo hooo

From: Edmondson, Lucy
Sent: Wednesday, June 29, 2016 10:53 AM
To: Murchie, Peter <Murchie.Peter@epa.gov>
Subject: RE: Update and my schedule the rest of the week

Thanks – Peter – just whenever you do it, remember WOO too….

We will talk next week…

Lucy Edmondson
Director, Washington Operations Office
US EPA Region 10
300 Desmond Drive
Lacey, WA 98503

office: 360.753.9082
cell: 206.735.5301

From: Murchie, Peter
Sent: Wednesday, June 29, 2016 10:49 AM
To: Edmondson, Lucy <Edmondson.Lucy@epa.gov>
Subject: RE: Update and my schedule the rest of the week

Lucy,
Will do – by the way I don't do this as often as I need to but am trying harder with the team.

Peter

From: Edmondson, Lucy
Sent: Wednesday, June 29, 2016 10:47 AM
To: Murchie, Peter <Murchie.Peter@epa.gov>
Subject: FW: Update and my schedule the rest of the week

Hi Peter

You are a rock star!

Can you please add me to your email group for updates like this? It will save us both time in keeping each other apprised… Lisa forwarded as it relates to PS Caucus meeting and I let her know that you and I had talked prior and after that meeting…

Thanks

Lucy

Lucy Edmondson
Director, Washington Operations Office
US EPA Region 10
300 Desmond Drive
Lacey, WA 98503

office: 360.753.9082
cell: 206.735.5301

From: Chang, Lisa
Sent: Wednesday, June 29, 2016 10:35 AM
To: Edmondson, Lucy <Edmondson.Lucy@epa.gov>
Subject: FW: Update and my schedule the rest of the week

Hi Lucy,

I am sure Peter is keeping you in the loop re: the item in his message below that I highlighted in yellow but am forwarding this just in case.

Lisa

From: Murchie, Peter
Sent: Wednesday, June 29, 2016 8:21 AM
To: Bonifaci, Angela <Bonifaci.Angela@epa.gov>; Bonifacino, Gina <Bonifacino.Gina@epa.gov>; Castner, Chris <Castner.Chris@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>; Dunn, Ann <Dunn.Ann@epa.gov>; Hanft, Sally <Hanft.Sally@epa.gov>; Marshalonis, Dino <Marshalonis.Dino@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>; Richter, Randy <Richter.Randy@epa.gov>; Rylko, Michael <Rylko.Michael@epa.gov>; Whitaker, Melissa <Whitaker.Melissa@epa.gov>; Zachmann, Bill <Zachmann.Bill@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Patheal-Centenera, Bella <Patheal-Centenera.Bella@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>; Greenamyer, Janice <Greenamyer.Janice@epa.gov>
Subject: Update and my schedule the rest of the week

Puget Sounders,
After a whirlwind trip to Edmonds and DC and back I am on my way this morning to the PS Leadership Council in Georgetown (Seattle).

I will be in the office tomorrow Personal Matters / Ex. 6

My meetings in DC went well. They included meeting with OWOW leadership (Bernice and Ellen Gilinsky and briefly Joel B) to give an update on the Action Agenda process, funding model implementation, TRAR issue resolution with a focus on our HTL work with USACE and NOAA. OWOW is supportive of our push for moving from MHHW and is willing to provide support with DC USACE decision makers as needed. Joel asked Ellen Gilinsky to be the Puget Sound POC in his office Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

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Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

I hope you all are having a productive week. I will see you tomorrow but feel free to call (or email) if you need to talk with me today.

Thank you,
Peter

Peter Murchie
Manager
Puget Sound and NEP Programs
USEPA Region 10
murchie.peter@epa.gov
206-553-1148 w
206-419-0804 c

Message

From: Murchie, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D2FEDF9CB1F4DC4847E6F01E33E759E-MURCHIE, PETER]
Sent: 9/13/2016 3:42:00 PM
To: Szalay, Endre [Szalay.Endre@epa.gov]
Subject: OW briefing papers for today
Attachments: FW: Treaty Rights at Risk; Briefing papers for OWW visit (almost all); Re: Preparation for HQ OW visit: Deadline COB Wednesday, Aug 3

Endre,
The briefing papers that I own:
Treaty Rights
Climate Change
Puget Sound

P

Treaty Rights at Risk (TRAR) Briefing Document

INTERNAL USE ONLY AS PREP FOR 9/8/16 TRAR LEADERSHIP MEETING

This document summarizes the current status of the six selected issues put forth by Western Washington tribes under the Treaty Rights at Risk (TRAR) initiative. Compiled from staff summaries as indicated below. Revised 9/7/16 with NRCS input.

TRAR Initiative: In August 2014 Deputies across federal agencies agreed to a treaty rights elevation/resolution process at the DC level upon request of the Western Washington Tribes. Six issues were identified by the Western Washington Tribes and a subset of federal agencies have been working together to understand and work towards resolution on those issues or defining a process for resolution by the end of this administration. An additional TRAR issue has also been raised for the WA Water Quality Standards. The Western Washington Tribes have also been advocating for codifying the TRAR Initiative through the White House Council on Native American Affairs. The draft Federal MOU for Puget Sound also includes a section on Treaty Rights and references the TRAR Initiative process.

Contents

[TOC \o "1-3" \h \z \u]

1. HAT or High Tide Line

Deliberative Process / Ex. 5

EPA Staff POC: Susan Meyer (206-553-1078, [HYPERLINK "mailto:meyer.susan@epa.gov"]).

2. Cumulative Effects of the Nationwide Permit (NWP) Program

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

EPA Staff POC: Susan Meyer (206-553-1078, [HYPERLINK "mailto:meyer.susan@epa.gov"]).

3. CZARA (See separate CZARA briefing paper)

EPA Staff POC: Krista Mendelman, 206.553.1571, [HYPERLINK "mailto:mendelman.krista@epa.gov"]

4. Tribal Hatchery Programs

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

EPA Staff POC: Lisa Chang, 206.553.0226, [HYPERLINK "mailto:chang.lisa@epa.gov"]

5. Data Sharing: Farm Bill Information Restrictions on USDA Funded Projects

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

EPA Staff POC: Lisa Chang, 206.553.0226, [HYPERLINK "mailto:chang.lisa@epa.gov"]

6. Agricultural Easements: Seek Regional Exceptions from Farm Bill Restrictions Regarding Agricultural Easements

Summary provided by NRCS staff.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

EPA Staff POC: Lisa Chang, 206.553.0226, [HYPERLINK "mailto:chang.lisa@epa.gov"]

Message

From: Murchie, Peter [Murchie.Peter@epa.gov]
Sent: 8/3/2016 11:45:56 PM
To: Mendelman, Krista [Mendelman.Krista@epa.gov]; Psyk, Christine [Psyk.Christine@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]
Subject: Re: Preparation for HQ OW visit: Deadline COB Wednesday, Aug 3

Krista and Christine,
Topics from the PS/NEP Unit for the visit. Note that the TRAR sub topic probably will cross over other units topics.

Puget Sound Program Updates: Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

-
- Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line
-
- Six Western Washington Tribal Treaty Rights issues have been elevated for resolution and EPA has been working with NOAA, USDA and USACE to address them (High Tide Line, Cumulative Effects, Hatcheries, CZARA, USDA related issues concerning riparian policies and farm data disclosure)
- Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thank you,
Peter

From: Mendelman, Krista
Sent: Monday, July 25, 2016 11:22 AM
To: Jennings, Marie; Murchie, Peter; Kenknight, Jeff; Szerlog, Michael; Allnutt, David; Steiner-Riley, Cara; Davies, Lauris; Contreras, Peter; Chung, Angela; Croxton, Dave; Lidgard, Michael
Cc: Psyk, Christine; Opalski, Dan
Subject: Preparation for HQ OW visit: Deadline COB Wednesday, Aug 3

Hi all,

This email is to:
1. Remind you that Christine and I are gathering your ideas for topics for the HQ OW visit on Sept 13 and 14.
2. Ask for your input on the performance measures portion of the HQ OW visit agenda.

1. Your ideas for topics:

Please send your topics to Christine and me by COB Wednesday, August 3. I will compile them for discussion at the Thursday, August 4 afternoon OWWET meeting. In the email communicating your topic ideas, would you also send us the following?

- Topic
- Issues explaining the topic (bulleted list)
- Any background, if necessary
- Estimated time for presentation and discussion

This is an example of what Region 6 put together:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Christine sent the attached draft agenda to HQ (the same one that she already sent to you) and HQ responded that they would like a more topic based agenda. We decided to wait and see what topics come forward and we will see how the agenda falls out.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Let me know if you have any questions. Thank you,

Krista

_____

Krista Mendelman
USEPA Region 10 (OWW-193)
1200 6th Ave. Suite 900
Seattle, WA 98101
Phone: 206-553-1571
Fax: 206-553-0165

Appointment

From: Murchie, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D2FEDF9CB1F4DC4847E6F01E33E759E-MURCHIE, PETER]
Sent: 9/13/2016 3:40:14 PM
To: Szalay, Endre [Szalay.Endre@epa.gov]

Subject: FW: PS session with HQ OWW leadership
Location: Denali or call in at Conference Line/Code / Ex. 6 Conference Code: Conference Line/Code / Ex. 6

Start: 9/13/2016 6:00:00 PM
End: 9/13/2016 7:00:00 PM
Show Time As: Tentative

-----Original Appointment-----
From: Murchie, Peter
Sent: Wednesday, September 07, 2016 2:41 PM
To: Murchie, Peter; Bonifaci, Angela; Bonifacino, Gina; Castner, Chris; Chang, Lisa; Dunn, Ann; Hanft, Sally; Marshalonis, Dino; Meyer, Susan; Richter, Randy; Rylko, Michael; Whitaker, Melissa; Zachmann, Bill
Subject: PS session with HQ OWW leadership
When: Tuesday, September 13, 2016 11:00 AM-12:00 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Denali or call in at Conference Line/Code / Ex. 6 Conference Code: Conference Line/Code / Ex. 6

Puget Sounders and friends of Puget Sound (Michael Szerlog and David Allnutt),
As you all know some of our HQ leadership is out next week to meet with us and talk about different water issues. We have an hour for Puget Sound on Tuesday from 11-12 in Denali. This will also include discussion of two issues we share with the 404 program (HTL and Nationwide Permit).

I encourage you all to attend and thank you to those who helped provide input for the briefing papers related.

Peter

Message

From: Murchie, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D2FEDF9CB1F4DC4847E6F01E33E759E-MURCHIE, PETER]
Sent: 9/8/2016 1:24:01 AM
To: Allnutt, David [Allnutt.David@epa.gov]
Subject: Re: voicemail tag

Ok good

Peter Murchie
Manager
Puget Sound and NEP Programs
USEPA Region 10
murchie.peter@epa.gov
206-553-1148 w
206-419-0804 c

On Sep 7, 2016, at 5:19 PM, Allnutt, David <Allnutt.David@epa.gov> wrote:

> Peter -- After I left you my message, I got a copy of tomorrow's TRAR agenda from Linda T. Looks like the HTL discussion will occur during the 11am-noon slot, so I'll plan on joining that part of the meeting. May come at 10am for the intros as well.

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

<Picture (Device Independent Bitmap) 1.jpg>

<Picture (Device Independent Bitmap) 2.jpg> <Picture (Device Independent Bitmap) 3.jpg> <Picture (Device Independent Bitmap) 4.jpg> <Picture (Device Independent Bitmap) 5.jpg> <Picture (Device Independent Bitmap) 6.jpg> <Picture (Device Independent Bitmap) 7.jpg>

Message

From: Murchie, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D2FEDF9CB1F4DC4847E6F01E33E759E-MURCHIE, PETER]
Sent: 1/29/2016 7:13:14 PM
To: Meyer, Susan [meyer.susan@epa.gov]
CC: Bonifacino, Gina [Bonifacino.Gina@epa.gov]
Subject: RE: Updated ETPA Hot Topics

Great!
Peter

From: Meyer, Susan
Sent: Friday, January 29, 2016 11:06 AM
To: Murchie, Peter <Murchie.Peter@epa.gov>
Cc: Bonifacino, Gina <Bonifacino.Gina@epa.gov>
Subject: RE: Updated ETPA Hot Topics

Peter,
I sent Angela a blurb summary about HAT yesterday, but I guess we missed the cut off. I plan to attend the Feb. 2 meeting with Linda Storm. I will be on the call today at 2pm.

Thanks for forwarding this.
Susan

From: Murchie, Peter
Sent: Friday, January 29, 2016 10:59 AM
To: Meyer, Susan <meyer.susan@epa.gov>; Bonifacino, Gina <Bonifacino.Gina@epa.gov>
Subject: FW: Updated ETPA Hot Topics

Susan and Gina,
See below hot topics from ETPA. They include two that pertain to you:
HAT (Michael put in a hot topic on the meeting this week with the Corps and NOAA)
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line. Do you know about it? Going? If not maybe Susan you should go.

Thank you,
Peter

From: Opalski, Dan
Sent: Friday, January 29, 2016 10:55 AM
To: Murchie, Peter <Murchie.Peter@epa.gov>
Subject: Fwd: Updated ETPA Hot Topics

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Sent from my iPhone

Begin forwarded message:

> **From:** "Littleton, Christine" <Littleton.Christine@epa.gov>
> **Date:** January 29, 2016 at 10:18:39 AM PST

To: R10-ORA <R10-ORA@epa.gov>
Cc: "Manaloor, Valsala" <Manaloor.Valsala@epa.gov>, "Tyson, Linda" <Tyson.Linda@epa.gov>, "Opalski, Dan" <Opalski.Dan@epa.gov>, "Edmondson, Lucy" <Edmondson.Lucy@epa.gov>, "Werntz, James" <Werntz.James@epa.gov>, "Barber, Anthony" <Barber.Anthony@epa.gov>, "Anderson-Carnahan, Linda" <Anderson-Carnahan.Linda@epa.gov>, "Littleton, Christine" <Littleton.Christine@epa.gov>, "MacIntyre, Mark" <Macintyre.Mark@epa.gov>, "Philip, Jeff" <Philip.Jeff@epa.gov>, "Szerlog, Michael" <Szerlog.Michael@epa.gov>, "Thomas, Sally" <Thomas.Sally@epa.gov>, "Soderlund, Dianne" <Soderlund.Dianne@epa.gov>
Subject: Updated ETPA Hot Topics

One addition and a slight change . . .

Teena Littleton
(formerly Reichgott)
Manager, Environmental Review and Sediment Management Unit
Office of Ecosystems, Tribal and Public Affairs
EPA Region 10 ETPA-202-3
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140
206-553-1601
littleton.christine@epa.gov

From: Allnutt, David
Sent: Thursday, January 28, 2016 5:42 PM
To: R10-ORA <R10-ORA@epa.gov>
Cc: Manaloor, Valsala <Manaloor.Valsala@epa.gov>; Tyson, Linda <Tyson.Linda@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Werntz, James <Werntz.James@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Littleton, Christine <Littleton.Christine@epa.gov>; MacIntyre, Mark <Macintyre.Mark@epa.gov>; Philip, Jeff <Philip.Jeff@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Thomas, Sally <Thomas.Sally@epa.gov>
Subject: ETPA Hot Topics

For the week of February 1, 2016

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line Discussions with Seattle District: On January 27, Region 10 staff from ETPA, OWW, and ORC attended an interagency kick-off conference call with the Army Corps of Engineers-Seattle District and NMFS-Fisheries Division on efforts to clarify determination of the "high tide line" for CWA § 404 purposes in Washington state. Jim Jacobson, Chief of the Corps' Natural Resources Mgmt. Section facilitated the call and is leading the effort for Colonel Buck. Major outcomes included: (1) agreement on a scope of work and the development of a project management plan with action items; (2)

agreement that NOAA would provide a scientific representative from their Oceans Section; and (3) the development of both a technical and legal subgroup with representatives from each agency to begin to work on some action items and be ready to present during the February 10th face-to-face meeting at the Corps-Seattle District office. Contact: M. Szerlog (3-0279).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

R. David Allnutt, Director
Office of Ecosystems, Tribal and Public Affairs
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

Message

From: Murchie, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D2FEDF9CB1F4DC4847E6F01E33E759E-MURCHIE, PETER]
Sent: 5/26/2016 11:03:31 PM
To: Castner, Chris [Castner.Chris@epa.gov]
Subject: RE: Missed conversation with Murchie, Peter

I have tues blocked off for HTL work with USACE but feel free to find a good time and I can step away and talk with you.

Hey if we don't talk have a good long weekend.

Thank you,

Peter

From: Castner, Chris
Sent: Thursday, May 26, 2016 3:57 PM
To: Murchie, Peter <Murchie.Peter@epa.gov>
Subject: RE: Missed conversation with Murchie, Peter

Thanks Peter , but no apologies needed. I think I appreciate the challenging spot you are in , often with no let up .

Glad we have a chance to talk more next week. Tuesday on the phone would be great.

I'll try and schedule something.

Chris

From: Murchie, Peter [mailto:murchie.peter@epa.gov]
Sent: Thursday, May 26, 2016 3:41 PM
To: Murchie, Peter <Murchie.Peter@epa.gov>; Castner, Chris <Castner.Chris@epa.gov>
Subject: Missed conversation with Murchie, Peter

Murchie, Murchie 3:38 PM:

Chris, sorry for what I think was a poor response on my part during the meeting. I appreciate your input/views on this and want to work with you and the other POs/Michael and Angela on a good solution. I sent an invite for next Th morning but could talk on the phone Tues or Wed if helpful (or both).

Message

From: Murchie, Peter [Murchie.Peter@epa.gov]
Sent: 8/29/2016 6:39:46 PM
To: Meyer, Susan [meyer.susan@epa.gov]; Chang, Lisa [Chang.Lisa@epa.gov]
Subject: Re: my update blurb for Dennis and the next TRAR meeting

Excellent thank you Susan (and Lisa),
I will take a closer look but this looks right on first read.
Peter

From: Meyer, Susan
Sent: Monday, August 29, 2016 10:36:33 AM
To: Murchie, Peter; Chang, Lisa
Subject: my update blurb for Dennis and the next TRAR meeting

Lisa, Here is my update for the next TRAR principal's meeting. Peter, if you have time to look over the HAT paragraphs, I would appreciate it, since you have more knowledge of the General Spellmon meeting.

Thanks, Susan

HAT or High Tide Line – Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Peter Murchie attended this meeting, so he can provide his perspective on the specifics.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Message

From: Murchie, Peter [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D2FEDF9CB1F4DC4847E6F01E33E759E-MURCHIE, PETER]
Sent: 5/18/2016 2:44:12 PM
To: Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: USACE - Jurisdictional Line Investigation

Susan, not sure if Michael responded but this looks good to me.

Thank you,
Peter

From: Meyer, Susan
Sent: Tuesday, May 17, 2016 1:20 PM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>
Subject: RE: USACE - Jurisdictional Line Investigation

Okay, thanks. Do you have time to give this quick look and see if I am way off, especially for what we currently do? If you could insert a couple of quick comments, as needed, I would greatly appreciate it.

Efforts to support Shoreline protection outside of Corps jurisdiction- for discussion purposes only
What EPA is currently doing:

Deliberative Process / Ex. 5

Additional actions EPA could explore:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Szerlog, Michael
Sent: Tuesday, May 17, 2016 1:11 PM
To: Meyer, Susan <meyer.susan@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>
Subject: RE: USACE - Jurisdictional Line Investigation

No, I don't know if she loaded the most recent version. This is what she sent you and I back on the 3rd.
<< File: WA Shoreline Matrix for Sharepoint-Clean-3 May 16.docx >>
Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov
<< OLE Object: Picture (Device Independent Bitmap) >>

From: Meyer, Susan
Sent: Tuesday, May 17, 2016 11:55 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>
Subject: RE: USACE - Jurisdictional Line Investigation

Michael, do you have the most recent version of the matrix to post on the sharepoint? I have no idea if Heather has changed it recently or if my last revisions were the most recent. I am attempting to revise the list of what EPA can do outside of HTL jurisdiction, but can't access the sharepoint site from home today.

Susan

-----Original Appointment-----
From: Jacobson, James R NWS [mailto:James.R.Jacobson@usace.army.mil]
Sent: Tuesday, May 17, 2016 8:34 AM
To: Walker, Michelle NWS; Murchie, Peter; Szerlog, Michael; Dean, Heather; Szalay, Endre; 'elizabeth.babcock@noaa.gov'; 'matthew.longenbaugh@noaa.gov'; Meyer, Susan; Tong, Kristina G NWS; Morris, Frances NWS; Chavez, Stephanie A NWS; Juckniess, Craig M NWS; Gibson, Peter D NWS
Cc: 'ryan.couch@noaa.gov'; Gardiner, Joanne L NWS; Leslie, Melissa L NWS; Perry, Randel J NWS
Subject: USACE - Jurisdictional Line Investigation

When: Wednesday, May 18, 2016 9:00 AM-11:00 AM (UTC-08:00) Pacific Time (US & Canada).
Where: CENWS Skagit River Conf Rm 2346 (6) and conference call

Hello Everyone,

This is a reminder for tomorrow's call and a rough agenda.

I'm going to attempt to run the WebMeeting from my side of the house and use SharePoint as the platform for toggling between draft products. That said, I'll upload what documents I have from all of you and we'll see if everything is there. About the only one that I know I don't have is the matrix from EPA on the various jurisdictional limits. If that can be loaded that would be great. One last thing, please log into the AT&T WebMeeting before 9..., there may be a few initial things you need to do if it's the first time you log on.

Tomorrow's agenda:

1. Status update from last meeting action items
2. Update from the technical team. Discuss next steps
3. Update on implementation team status
5 EPA/NOAA/Corps actions outside of jurisdictional limit
6. Field visit check-in
7. Briefing with leadership

Web Meeting Address: Web Meeting link / Ex. 6
Meeting Number: Web Meeting link / Ex. 6
ACCESS CODE: Web Meeting link / Ex. 6

Call-in #: Conference Line/Code / Ex. 6
Access Code: Conference Line/Code / Ex. 6
Host: 7433
Security Code: Conference Line/Code / Ex. 6

Thanks everyone and we'll talk with you tomorrow. Jim

Appointment

From: Tyson, Linda [mclerran.dennis@epa.gov]
Sent: 9/1/2016 8:38:52 PM
To: McLerran, Dennis [mclerran.dennis@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]
CC: Opalski, Dan [Opalski.Dan@epa.gov]; Edmondson, Lucy [Edmondson.Lucy@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]; Woods, Jim [Woods.Jim@epa.gov]

Subject: High Tideline Recommendations
Attachments: RA Briefing-HTL vs MHHW-final.docx
Location: ET Conference Room; Conference Line/Code / Ex. 6 passcode Conference Line/Code / Ex. 6

Start: 9/7/2016 10:00:00 PM
End: 9/7/2016 10:45:00 PM
Show Time As: Busy

CONFERENCE LINE UPDATED.

POC: Michael Szerlog, OERA, x 3-0279

Provide possible options for moving forward if Corps-Seattle District does not implement HTL recommendations.

Appointment

From: Meiburg, Stan [Meiburg.Stan@epa.gov]
Sent: 8/25/2016 6:59:30 PM
To: Meiburg, Stan [Meiburg.Stan@epa.gov]; Beauvais, Joel [Beauvais.Joel@epa.gov]; McLerran, Dennis [mclerran.dennis@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Maher, Lauren [Maher.Lauren@epa.gov]; Guadagno, Tony [Guadagno.Tony@epa.gov]
CC: Opalski, Dan [Opalski.Dan@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Gilinsky, Ellen [Gilinsky.Ellen@epa.gov]; Tyson, Linda [Tyson.Linda@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]

Subject: Puget Sound MOU and CEQ Visit
Attachments: Puget Sound Draft MOU - CLEAN - 2 September 16-2.doc
Location: WJC-N 3412 (Call In Conference Line/Code / Ex. 6 / Code Conference Line/Code / Ex. 6

Start: 9/7/2016 3:00:00 PM
End: 9/7/2016 3:30:00 PM
Show Time As: Busy

Purposes:
-High level review of the MOU content and process and plans related to CEQ visit end of September
-Overview of TRAR and specifically High Tide Line definition for Puget Sound with USACE

Proposed Agenda:
-MOU Overview and next steps (Stan, Ellen, Peter)
-TRAR update and HTL discussion (Dennis, David, Peter)
-Next Steps Review

Call In # Conference Line/Code / Ex. 6 / Code Conference Line/Code / Ex. 6

Ct: Linda Tyson
SCt: Denise Anderson

Purpose: Puget Sound MOU and CEQ visit along with associated USACE issues.

Staff:
Joel Beauvais
Dennis McLerran
Peter Murchie
Lauren Maher
Tony Guadagno

Optional:
Dan Opalski
David Allnutt
Michelle Pirzadeh
Ellen Gilinsky

Message

From: Murchie, Peter [murchie.peter@epa.gov]
Sent: 12/1/2015 10:41:45 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]
Subject: Conversation with Murchie, Peter

Peter Murchie 2:40 PM:

Language in the HAT paper: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Message

From: Jennings, Marie [Jennings.Marie@epa.gov]
Sent: 4/6/2016 3:30:55 AM
To: Chung, Angela [Chung.Angela@epa.gov]; Psyk, Christine [Psyk.Christine@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Croxton, Dave [Croxton.David@epa.gov]; Jennings, Marie [Jennings.Marie@epa.gov]; Lidgard, Michael [Lidgard.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Chin, Joanne [Chin.Joanne@epa.gov]; Fisher, Kenneth [Fisher.Kenneth@epa.gov]; Helder, Dirk [Helder.Dirk@epa.gov]; Henszey, Jo [Henszey.Jo@epa.gov]; Littleton, Christine [Littleton.Christine@epa.gov]; Palmer, John [Palmer.John@epa.gov]; Patheal-Centenera, Bella [Patheal-Centenera.Bella@epa.gov]; Salter, Joel [Salter.Joel@epa.gov]; Soscia, Marylou [Soscia.Marylou@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Chan-Chau, Nora [Chan-Chau.Nora@epa.gov]
Subject: OWW Managers Meeting Highlights 4/4/16

OWW Management Meeting Highlights – April 4, 2016

Immediate Office

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Enforcement, Legal, and other Water Programs

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Aquatic Resources Unit – Mike Szerlog. – **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line** **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line** 2) Mike S. is continuing to meet on the high tide line with the COE and Puget Sound folk. **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line**

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OWW Units

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Operations Offices

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Afternoon OWW Meeting Highlights – Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Marie J

Message

From: Chung, Angela [Chung.Angela@epa.gov]
Sent: 5/4/2016 8:48:52 PM
To: Jennings, Marie [Jennings.Marie@epa.gov]; Psyk, Christine [Psyk.Christine@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Croxton, Dave [Croxton.David@epa.gov]; Lidgard, Michael [Lidgard.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Chin, Joanne [Chin.Joanne@epa.gov]; Fisher, Kenneth [Fisher.Kenneth@epa.gov]; Helder, Dirk [Helder.Dirk@epa.gov]; Henszey, Jo [Henszey.Jo@epa.gov]; Littleton, Christine [Littleton.Christine@epa.gov]; Palmer, John [Palmer.John@epa.gov]; Patheal-Centenera, Bella [Patheal-Centenera.Bella@epa.gov]; Salter, Joel [Salter.Joel@epa.gov]; Soscia, Marylou [Soscia.Marylou@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Chan-Chau, Nora [Chan-Chau.Nora@epa.gov]
Subject: RE: OWW Management Meeting Highlights 5/2-3/16

Hi Folks,

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line Thanks.

Angela Chung
Water Quality Standards Unit Manager
U.S. Environmental Protection Agency
1200 Sixth Ave, Suite 900, OWW 191
Seattle, WA 98101
Phone: 206-553-6511

From: Jennings, Marie
Sent: Tuesday, May 03, 2016 5:27 PM
To: Chung, Angela <Chung.Angela@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Croxton, Dave <Croxton.David@epa.gov>; Jennings, Marie <Jennings.Marie@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Chin, Joanne <Chin.Joanne@epa.gov>; Fisher, Kenneth <Fisher.Kenneth@epa.gov>; Helder, Dirk <Helder.Dirk@epa.gov>; Henszey, Jo <Henszey.Jo@epa.gov>; Littleton, Christine <Littleton.Christine@epa.gov>; Palmer, John <Palmer.John@epa.gov>; Patheal-Centenera, Bella <Patheal-Centenera.Bella@epa.gov>; Salter, Joel <Salter.Joel@epa.gov>; Soscia, Marylou <Soscia.Marylou@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Chan-Chau, Nora <Chan-Chau.Nora@epa.gov>
Subject: OWW Management Meeting Highlights 5/2-3/16

Immediate Office

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Enforcement, Media, Legal, and other Water Programs

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Aquatic Resources Unit – Mike Szerlog. Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line 4) Thursday, May 5th is the field visit for EPA staff working on High Tide Line issue. Planning on visiting a site in Tacoma, Seattle, and Tulalip Bay. All locations are near harmonic tide stations and are on public lands. Plan to map out MHHW, HPT, and HAT along with Ecology's OHWM location. Taking photos and filed measurements. Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OWW Units

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Operations Offices

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Afternoon OWW Meeting Highlights

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Jennings, Marie [Jennings.Marie@epa.gov]
Sent: 5/4/2016 12:27:03 AM
To: Chung, Angela [Chung.Angela@epa.gov]; Psyk, Christine [Psyk.Christine@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Croxton, Dave [Croxton.David@epa.gov]; Jennings, Marie [Jennings.Marie@epa.gov]; Lidgard, Michael [Lidgard.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Chin, Joanne [Chin.Joanne@epa.gov]; Fisher, Kenneth [Fisher.Kenneth@epa.gov]; Helder, Dirk [Helder.Dirk@epa.gov]; Henszey, Jo [Henszey.Jo@epa.gov]; Littleton, Christine [Littleton.Christine@epa.gov]; Palmer, John [Palmer.John@epa.gov]; Patheal-Centenera, Bella [Patheal-Centenera.Bella@epa.gov]; Salter, Joel [Salter.Joel@epa.gov]; Soscia, Marylou [Soscia.Marylou@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Chan-Chau, Nora [Chan-Chau.Nora@epa.gov]
Subject: OWW Management Meeting Highlights 5/2-3/16

Immediate Office

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Enforcement, Media, Legal, and other Water Programs

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Aquatic Resources Unit – Mike Szerlog. **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line**

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line 4) Thursday, May 5th is the field visit for EPA staff working on High Tide Line issue. Planning on visiting a site in Tacoma, Seattle, and Tulalip Bay. All locations are near harmonic tide stations and are on public lands. Plan to map out MHHW, HPT, and HAT along with Ecology's OHWM location. Taking photos and filed measurements. **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line**

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OWW Units

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Operations Offices

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Afternoon OWW Meeting Highlights

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

ET Download Highlights from Christine Psyk

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Jennings, Marie [Jennings.Marie@epa.gov]
Sent: 6/13/2016 6:13:18 PM
To: Chung, Angela [Chung.Angela@epa.gov]; Psyk, Christine [Psyk.Christine@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Croxton, Dave [Croxton.David@epa.gov]; Jennings, Marie [Jennings.Marie@epa.gov]; Lidgard, Michael [Lidgard.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Chin, Joanne [Chin.Joanne@epa.gov]; Fisher, Kenneth [Fisher.Kenneth@epa.gov]; Helder, Dirk [Helder.Dirk@epa.gov]; Littleton, Christine [Littleton.Christine@epa.gov]; Palmer, John [Palmer.John@epa.gov]; Patheal-Centenera, Bella [Patheal-Centenera.Bella@epa.gov]; Salter, Joel [Salter.Joel@epa.gov]; Soscia, Marylou [Soscia.Marylou@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Potokar, Steven [Potokar.Steven@epa.gov]; Chan-Chau, Nora [Chan-Chau.Nora@epa.gov]
Subject: OWW Meeting Highlights from Last Thursday and today 6/13/16

OWWET Thursday Afternoon Meeting 6/9/16

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OWW Management Meeting Highlights – Monday – June 13, 2016

Immediate Office
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line
Enforcement, Media, Legal, and other Water Programs
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Aquatic Resources Unit – Mike Szerlog. – Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line 3) High Tide Line face to face meeting on June 15th with Corps and NMFS. Michael Szerlog, Heather Dean, Peter Murchie, Susan Meyer, and Endre Szalay will be attending.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OWW Units

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Operations Offices

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Marie J

Message

From: Murchie, Peter [Murchie.Peter@epa.gov]
Sent: 12/16/2015 2:02:28 PM
To: Opalski, Dan [Opalski.Dan@epa.gov]
Subject: Fwd: Prep for Wed meeting with ACE/NOAA/EPA

FYI
Still nothing from Olton. Will call after 7am.

Peter

Peter Murchie
Manager
Puget Sound and NEP Programs
USEPA Region 10
murchie.peter@epa.gov
206-553-1148 w
206-419-0804 c

Begin forwarded message:

> **From:** "Dean, Heather" <Dean.Heather@epa.gov>
> **Date:** December 15, 2015 at 7:12:49 PM PST
> **To:** "Murchie, Peter" <Murchie.Peter@epa.gov>
> **Cc:** "Opalski, Dan" <Opalski.Dan@epa.gov>, "Allnutt, David" <Allnutt.David@epa.gov>
> **Subject: RE: Prep for Wed meeting with ACE/NOAA/EPA**
>
> Follow-up info:
>
> First, the Corps folks with whom ARU & ORC have been working on HTL are Siri Nelson, from Seattle District's Office of Counsel, as well as Dave Gesl, Mary Hoffman, & Jason DeRosa, all of Northwest Division (the first two from Regulatory & Jason from Office of Counsel).
>
> Second, the attached slide documents, at your request, Dave, that the Alaska District is *not* using MHHW. As explained in the note on the slide, what they are using is close to the HAT, but not quite. It's extremely unlikely anyone at the District could locate their documentation, since this table's been around for more than 25 years (& no one left there has been around that long!). My best guess is that their "HTL" is the highest *annual* tide from a year in the mid-80s.
>
> Finally, before I forget, if you've looked at the data compiled for US tide stations that I sent earlier (& which we looked at in our call last month), you'll see green & red shading. It's not for the holidays! The green—which I added while we were looking at it—identifies the Puget Sound stations; the red identifies stations at which the data is outside the standard deviation. Apologies for the data not yet being fully synthesized.
>
> Let me know if you'd like anything else. I'll be rooting for you!
>
> Heather
>
> ---
>
> **From:** Murchie, Peter
> **Sent:** Tuesday, December 15, 2015 2:25 PM
> **To:** Dean, Heather <Dean.Heather@epa.gov>

Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: RE: Prep for Wed meeting with ACE/NOAA/EPA

Heather, no call in will be either Dan and me or just Dan attending. We had a prep meeting with David A. yesterday.

Can you resend me the briefing/work you have done to date about HAT (I remember a spreadsheet) and also who you sent that work to at ACE?

Thank you,
Peter

From: Dean, Heather
Sent: Tuesday, December 15, 2015 8:08 AM
To: Murchie, Peter <Murchie.Peter@epa.gov>
Subject: FW: Prep for Wed meeting with ACE/NOAA/EPA

Hi, Peter.

Do you have call-in information for this meeting? Michael has asked me to cover it for him (see below). I can participate, but will not be in Seattle.

Thanks,

Heather

From: Szerlog, Michael
Sent: Monday, December 14, 2015 5:10 PM
To: Dean, Heather <Dean.Heather@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Subject: Fwd: Prep for Wed meeting with ACE/NOAA/EPA

Sorry, no time to look at this.

Heather, can you attend for me?

Sent from my iPhone

Begin forwarded message:

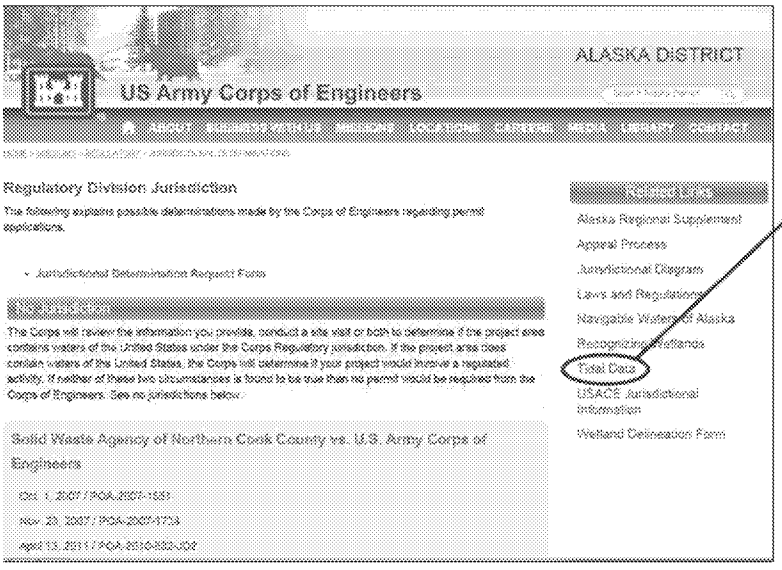
> **From:** "Murchie, Peter" <Murchie.Peter@epa.gov>
> **Date:** December 14, 2015 at 12:48:14 PM EST
> **To:** "Allnutt, David" <Allnutt.David@epa.gov>, "Opalski, Dan" <Opalski.Dan@epa.gov>, "Szerlog, Michael" <Szerlog.Michael@epa.gov>
> **Cc:** "Chang, Lisa" <Chang.Lisa@epa.gov>, "Bonifacino, Gina" <Bonifacino.Gina@epa.gov>
> **Subject: Prep for Wed meeting with ACE/NOAA/EPA**
>
> David, Dan, and Michael (if you can call in),
> Find attached issue papers related to HAT, Cumulative Impacts and CZARA for our prep discussion this morning. There are two papers for each issue (one Federal and one Tribal)

The meeting will be with Will, Col Buck, General Spellmon (is that right Dan?), Dan and myself. Focus of discussion is TRAR follow up from the Deputies meeting Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

The meeting will be from 10-1 on Wed at Fed Center South Seattle.

Peter



http://www.poa.usace.army.mil/Missions/Regulatory/JurisdictionalDeterminations.aspx

TIDAL DATA

LOCATION	EHW	HTL	MHHW	MHW
		Distinct from		
Adak	7.0	4.6	3.7	
Auke Bay	**22.0**	**20.3**	**15.8**	**14.8**
Anchorage	40.0	34.4	29.0	28.3
Angoon	**19.0**	**18.6**	**14.0**	
Atka	8.0	4.5		
Attu	7.0	4.9	3.6	3.6
Barrow		0.6	0.5	0.2
Berner's Bay		**21.5**	**16.1**	**15.2**
Bethel	7.0	4.1	4.0	2.7
Chignik	12.0	11.2	8.9	8.1
Cold Bay	11.5	9.1	7.6	6.9
Cordova	16.8	15.7	12.4	11.5
Craig	**14.0**	**12.8**	**10.0**	**9.2**
Cube Cove			**14.4**	**13.8**
Dillingham	25.0	23.6	19.8	18.0
Douglas	**22.5**	**20.8**	**16.4**	**15.4**

Definitions from site:

HTL High Tide line: The intersection of the land with the water surface at the elevation of the EHT.

EHT Extreme High Tide: The highest elevation reached by the water in a given location due only to tidal forces.

EHW Extreme High Water: The highest elevation reached by the water in a given location. This includes the combined effects of tidal forces and storm surges.

http://www.poa.usace.army.mil/Portals/34/docs/regulatory/TidalData.pdf

Note: While the District clearly is using a much higher datum than MHHW, the elevation they identify as "HTL" does not equate to the current HAT at all stations listed. The table was already in use in 1990. It appears that the "HTL" identified most likely equates to the highest *annual* tide for an as yet determined year preceding that. Among the 36 harmonic tide stations in Alaska checked so far (22% of the total), HAT averages 3.9" higher than the highest annual tide.

Message

From: Jennings, Marie [Jennings.Marie@epa.gov]
Sent: 8/1/2016 10:20:22 PM
To: Chung, Angela [Chung.Angela@epa.gov]; Psyk, Christine [Psyk.Christine@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Croxton, Dave [Croxton.David@epa.gov]; Jennings, Marie [Jennings.Marie@epa.gov]; Lidgard, Michael [Lidgard.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Chin, Joanne [Chin.Joanne@epa.gov]; Fisher, Kenneth [Fisher.Kenneth@epa.gov]; Helder, Dirk [Helder.Dirk@epa.gov]; Littleton, Christine [Littleton.Christine@epa.gov]; Palmer, John [Palmer.John@epa.gov]; Patheal-Centenera, Bella [Patheal-Centenera.Bella@epa.gov]; Salter, Joel [Salter.Joel@epa.gov]; Soscia, Marylou [Soscia.Marylou@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Chan-Chau, Nora [Chan-Chau.Nora@epa.gov]
Subject: OWW Management Meeting Highlights 8/1/16

OWW Thursday Afternoon Meeting 7/28/16

- Meeting cancelled

OWW Management Meeting Highlights – August 1, 2016

Immediate Office

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Enforcement, Media, Legal, and other Water Programs

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Aquatic Resources Unit – Mike Szerlog. – 1) High Tide Line **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line**

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OWW Units

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Operations Offices

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Marie J

Message

From: Szerlog, Michael [Szerlog.Michael@epa.gov]
Sent: 8/1/2016 1:59:58 PM
To: Opalski, Dan [Opalski.Dan@epa.gov]; Psyk, Christine [Psyk.Christine@epa.gov]
CC: Jennings, Marie [Jennings.Marie@epa.gov]
Subject: ARU hot topics

Dan and Christine,

Morning. I will be conducting interviews today for a SEE. One of those interviews is during OWW hot topics so I won't be able to attend. I did not find anyone to act for that meeting. Here are my topics:

High Tide Line: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Jim Jacobson, the chief of Seattle District's Water Management Section, is briefing COL Buck on August 12th before he meets with GEN Spellmon and Will Stelle on August 22nd for a NOAA/Corps meeting. According to Jim, they'll be covering other topics in addition to this one. EPA, Puget Sound Program, is inquiring whether Dennis can call into that part of the meeting. Contacts: Michael Szerlog (3-0279) and Peter Murchie (3 -1148).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Jennings, Marie [Jennings.Marie@epa.gov]
Sent: 9/14/2016 8:35:18 PM
To: Chin, Joanne [Chin.Joanne@epa.gov]; Fisher, Kenneth [Fisher.Kenneth@epa.gov]; Helder, Dirk [Helder.Dirk@epa.gov]; Littleton, Christine [Littleton.Christine@epa.gov]; Palmer, John [Palmer.John@epa.gov]; Patheal-Centenera, Bella [Patheal-Centenera.Bella@epa.gov]; Salter, Joel [Salter.Joel@epa.gov]; Soscia, Marylou [Soscia.Marylou@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; Psyk, Christine [Psyk.Christine@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Croxton, Dave [Croxton.David@epa.gov]; Jennings, Marie [Jennings.Marie@epa.gov]; Lidgard, Michael [Lidgard.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Chan-Chau, Nora [Chan-Chau.Nora@epa.gov]
Subject: OWW Management Meeting Highlights 9/8 and 912/16

OWW Thursday Afternoon Meeting 9/8/16

Agenda

ET Download - Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OWW Management Meeting Highlights – September 12, 2016

Immediate Office
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line
Enforcement, Media, Legal, and other Water Programs
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Aquatic Resources Unit – Mike Szerlog. – 1) ARU attended interagency conference call on Thursday, September 8th with Corps – Seattle District/NOAA on High Tide Line issue in Washington: **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OWW Units

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Operations Offices

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Marie J

Message

From: Jennings, Marie [Jennings.Marie@epa.gov]
Sent: 7/25/2016 10:45:38 PM
To: Chung, Angela [Chung.Angela@epa.gov]; Psyk, Christine [Psyk.Christine@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Croxton, Dave [Croxton.David@epa.gov]; Jennings, Marie [Jennings.Marie@epa.gov]; Lidgard, Michael [Lidgard.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Chin, Joanne [Chin.Joanne@epa.gov]; Fisher, Kenneth [Fisher.Kenneth@epa.gov]; Helder, Dirk [Helder.Dirk@epa.gov]; Littleton, Christine [Littleton.Christine@epa.gov]; Palmer, John [Palmer.John@epa.gov]; Patheal-Centenera, Bella [Patheal-Centenera.Bella@epa.gov]; Salter, Joel [Salter.Joel@epa.gov]; Soscia, Marylou [Soscia.Marylou@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Thiesing, Mary [Thiesing.Mary@epa.gov]; Chan-Chau, Nora [Chan-Chau.Nora@epa.gov]
Subject: OWW Management Meeting Highlights for 7/21 and 7/25/16

OWW Thursday Afternoon Meeting 7/21/16

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OWW Management Meeting Highlights – July 25, 2016

Immediate Office
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line
Enforcement, Media, Legal, and other Water Programs
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Aquatic Resources Unit – Mary Thiesing - 1) There is a meeting on the high tide line. Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

-

OWW Units

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Puget Sound Team - Peter Murchie - 1) Topic: High tide line - The EPA team reviewed final draft of share recommendation for highest predicted tide. Next steps is to share with COE and others. Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Operations Offices

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Marie Jennings

Message

From: Jennings, Marie [Jennings.Marie@epa.gov]
Sent: 7/12/2016 1:50:30 AM
To: Chung, Angela [Chung.Angela@epa.gov]; Psyk, Christine [Psyk.Christine@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Croxton, Dave [Croxton.David@epa.gov]; Jennings, Marie [Jennings.Marie@epa.gov]; Lidgard, Michael [Lidgard.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Chin, Joanne [Chin.Joanne@epa.gov]; Fisher, Kenneth [Fisher.Kenneth@epa.gov]; Helder, Dirk [Helder.Dirk@epa.gov]; Henszey, Jo [Henszey.Jo@epa.gov]; Littleton, Christine [Littleton.Christine@epa.gov]; Palmer, John [Palmer.John@epa.gov]; Patheal-Centenera, Bella [Patheal-Centenera.Bella@epa.gov]; Salter, Joel [Salter.Joel@epa.gov]; Soscia, Marylou [Soscia.Marylou@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Chan-Chau, Nora [Chan-Chau.Nora@epa.gov]
Subject: OWW Management Meeting Highlights

OWW Thursday Afternoon Meeting 7/7/16

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

ET download – Quick Highlights from Christine Psyk

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OWW Management Meeting Highlights – July 11, 2016

Immediate Office

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Enforcement, Media, Legal, and other Water Programs

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OWW Units

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Puget Sound Team - Peter Murchie - 1) We are progressing on the high tide line work with the COE and NOAA. Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Operations Offices

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Marie J

Message

From: Jennings, Marie [Jennings.Marie@epa.gov]
Sent: 8/17/2016 9:13:56 PM
To: Psyk, Christine [Psyk.Christine@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Croxton, Dave [Croxton.David@epa.gov]; Lidgard, Michael [Lidgard.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Chan-Chau, Nora [Chan-Chau.Nora@epa.gov]; Poulsom, Susan [Poulsom.Susan@epa.gov]; Rylko, Michael [Rylko.Michael@epa.gov]
CC: Green, Richard [Green.Richard@epa.gov]
Subject: RE: OWW Management Meeting Highlights 8/11/16 and 8/15/16--Rick Green will call into the meeting for me tomorrow

Greetings

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Marie.

From: Psyk, Christine
Sent: Wednesday, August 17, 2016 12:16 PM
To: Jennings, Marie <Jennings.Marie@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Croxton, Dave <Croxton.David@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Chan-Chau, Nora <Chan-Chau.Nora@epa.gov>; Poulsom, Susan <Poulsom.Susan@epa.gov>; Rylko, Michael <Rylko.Michael@epa.gov>
Subject: RE: OWW Management Meeting Highlights 8/11/16 and 8/15/16

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Christine Psyk, Deputy Office Director
EPA Region 10, OWW
206-553-1906
Psyk.christine@epa.gov

From: Jennings, Marie
Sent: Tuesday, August 16, 2016 2:41 PM
To: Chung, Angela <Chung.Angela@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Croxton, Dave <Croxton.David@epa.gov>; Jennings, Marie <Jennings.Marie@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Chan-Chau, Nora <Chan-Chau.Nora@epa.gov>; Poulsom, Susan <Poulsom.Susan@epa.gov>; Rylko, Michael <Rylko.Michael@epa.gov>
Subject: OWW Management Meeting Highlights 8/11/16 and 8/15/16

OWW Thursday Afternoon Meeting 8/4/16

Agenda

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

ET Download

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OWW Management Meeting Highlights – August 16, 2016

Immediate Office
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line
Enforcement, Media, Legal, and other Water Programs
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Aquatic Resources Unit Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line 2) Topic: High tide line – next week based on recommendations from EPA, the Seattle District and NOAA will meet with general Spelman to discuss our recommendations.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OWW Units

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Operations Offices

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Marie J

Appointment

From: Anderson, Denise [anderson.denise@epa.gov]
Sent: 9/7/2016 1:35:13 PM
To: Beauvais, Joel [Beauvais.Joel@epa.gov]; McLerran, Dennis [mclerran.dennis@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Maher, Lauren [Maher.Lauren@epa.gov]; Guadagno, Tony [Guadagno.Tony@epa.gov]
CC: Opalski, Dan [Opalski.Dan@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Gilinsky, Ellen [Gilinsky.Ellen@epa.gov]; Tyson, Linda [Tyson.Linda@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]

Subject: Puget Sound MOU and CEQ Visit
Attachments: Puget Sound Draft MOU - CLEAN - 2 September 16-2.doc
Location: WJC-N 3412 (Call In Conference Line/Code / Ex. 6 Code Conference Line/Code / Ex. 6

Start: 9/7/2016 3:00:00 PM
End: 9/7/2016 3:30:00 PM
Show Time As: Tentative

Puget Sound Draft MOU - CLEAN - ...

Purposes:
-High level review of the MOU content and process and plans related to CEQ visit end of September
-Overview of TRAR and specifically High Tide Line definition for Puget Sound with USACE

Proposed Agenda:
-MOU Overview and next steps (Stan, Ellen, Peter)
-TRAR update and HTL discussion (Dennis, David, Peter)
-Next Steps Review

Call In # Conference Line/Code / Ex. 6 / Code Conference Line/Code / Ex. 6

Ct: Linda Tyson
SCt: Denise Anderson

Purpose: Puget Sound MOU and CEQ visit along with associated USACE issues.

Staff:
Joel Beauvais
Dennis McLerran
Peter Murchie
Lauren Maher
Tony Guadagno

Optional:
Dan Opalski
David Allnutt
Michelle Pirzadeh
Ellen Gilinsky

Message

From: Murchie, Peter [Murchie.Peter@epa.gov]
Sent: 8/10/2016 1:29:05 PM
To: Opalski, Dan [Opalski.Dan@epa.gov]
Subject: FW: 8/9 weekly tribal update notes

Looks like Jim participated and is also reviewing the MOU.

P

From: Chang, Lisa
Sent: Tuesday, August 09, 2016 2:52 PM
To: Murchie, Peter <Murchie.Peter@epa.gov>
Cc: Bonifacino, Gina <Bonifacino.Gina@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>
Subject: 8/9 weekly tribal update notes

Notes from today's weekly tribal update.

Participants: Joyce Kelly, Sally Thomas, Lisa Castanon, Ann Williamson, Jim Woods.

Lisa Castanon

- Wants to ask about HTL report – Peter on report (and ORC attorney) – looks interesting

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Ann

- **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line**

Lisa

- **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line**

Sally

- **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line**

Jim

- **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line**

Message

From: Jennings, Marie [Jennings.Marie@epa.gov]
Sent: 8/9/2016 3:18:26 PM
To: Chung, Angela [Chung.Angela@epa.gov]; Psyk, Christine [Psyk.Christine@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Croxton, Dave [Croxton.David@epa.gov]; Jennings, Marie [Jennings.Marie@epa.gov]; Lidgard, Michael [Lidgard.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Chin, Joanne [Chin.Joanne@epa.gov]; Fisher, Kenneth [Fisher.Kenneth@epa.gov]; Helder, Dirk [Helder.Dirk@epa.gov]; Littleton, Christine [Littleton.Christine@epa.gov]; Palmer, John [Palmer.John@epa.gov]; Patheal-Centenera, Bella [Patheal-Centenera.Bella@epa.gov]; Salter, Joel [Salter.Joel@epa.gov]; Soscia, Marylou [Soscia.Marylou@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Lopez, Maria [Lopez.Maria@epa.gov]; Chan-Chau, Nora [Chan-Chau.Nora@epa.gov]
Subject: OWW Management Meeting Highlights from 8/4/16 and 8/8/16

OWW Thursday Afternoon Meeting 8/4/16

Agenda

ET Download – Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OWW Management Meeting Highlights – August 1, 2016

Immediate Office
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line
Enforcement, Media, Legal, and other Water Programs
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Aquatic Resources Unit – Mike Szerlog. – 1) High Tide Line: **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Jim Jacobson, the chief of Seattle District's Water Management Section, is briefing COL Buck on August 12th before he meets with GEN Spellmon and Will Stelle on August 22nd for a NOAA/Corps meeting.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OWW Units

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Operations Offices

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Marie J

Message

From: Murchie, Peter [Murchie.Peter@epa.gov]
Sent: 8/3/2016 11:45:56 PM
To: Mendelman, Krista [Mendelman.Krista@epa.gov]; Psyk, Christine [Psyk.Christine@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]
Subject: Re: Preparation for HQ OW visit: Deadline COB Wednesday, Aug 3

Krista and Christine,
Topics from the PS/NEP Unit for the visit. Note that the TRAR sub topic probably will cross over other units topics.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

-
- **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line**
-
- Six Western Washington Tribal Treaty Rights issues have been elevated for resolution and EPA has been working with NOAA, USDA and USACE to address them (High Tide Line, Cumulative Effects, Hatcheries, CZARA, USDA related issues concerning riparian policies and farm data disclosure)
- The State of Washington petitioned EPA R10 to create a NDZ for Puget Sound in July

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thank you,
Peter

From: Mendelman, Krista
Sent: Monday, July 25, 2016 11:22 AM
To: Jennings, Marie; Murchie, Peter; Kenknight, Jeff; Szerlog, Michael; Allnutt, David; Steiner-Riley, Cara; Davies, Lauris; Contreras, Peter; Chung, Angela; Croxton, Dave; Lidgard, Michael
Cc: Psyk, Christine; Opalski, Dan
Subject: Preparation for HQ OW visit: Deadline COB Wednesday, Aug 3

Hi all,

This email is to:
1. Remind you that Christine and I are gathering your ideas for topics for the HQ OW visit on Sept 13 and 14.
2. Ask for your input on the performance measures portion of the HQ OW visit agenda.

1. Your ideas for topics:

Please send your topics to Christine and me by COB Wednesday, August 3. I will compile them for discussion at the Thursday, August 4 afternoon OWWET meeting. In the email communicating your topic ideas, would you also send us the following?

- Topic
- Issues explaining the topic (bulleted list)
- Any background, if necessary
- Estimated time for presentation and discussion

This is an example of what Region 6 put together:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Christine sent the attached draft agenda to HQ (the same one that she already sent to you) and HQ responded that they would like a more topic based agenda. We decided to wait and see what topics come forward and we will see how the agenda falls out.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Let me know if you have any questions. Thank you,

Krista

_____

Krista Mendelman
USEPA Region 10 (OWW-193)
1200 6th Ave. Suite 900
Seattle, WA 98101
Phone: 206-553-1571
Fax: 206-553-0165

Message

From: Soscia, Marylou [Soscia.Marylou@epa.gov]
Sent: 6/28/2016 10:56:27 PM
To: Jennings, Marie [Jennings.Marie@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; Psyk, Christine [Psyk.Christine@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Croxton, Dave [Croxton.David@epa.gov]; Lidgard, Michael [Lidgard.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Chin, Joanne [Chin.Joanne@epa.gov]; Fisher, Kenneth [Fisher.Kenneth@epa.gov]; Helder, Dirk [Helder.Dirk@epa.gov]; Littleton, Christine [Littleton.Christine@epa.gov]; Palmer, John [Palmer.John@epa.gov]; Patheal-Centenera, Bella [Patheal-Centenera.Bella@epa.gov]; Salter, Joel [Salter.Joel@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Chan-Chau, Nora [Chan-Chau.Nora@epa.gov]
Subject: RE: OWW Management Meeting Highlights - 6/23/16 and 6/27/16

I apologize I was not able to get back to Marie yesterday. Here is an edit on my report:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Mary Lou Soscia | Columbia River Coordinator | US EPA
805 S.W. Broadway, Suite 500 | Portland, OR 97205
503.326.5873
www.epa.gov/columbiariver | https://twitter.com/EPAcolumbia

From: Jennings, Marie
Sent: Monday, June 27, 2016 3:39 PM
To: Chung, Angela <Chung.Angela@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Croxton, Dave <Croxton.David@epa.gov>; Jennings, Marie <Jennings.Marie@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Chin, Joanne <Chin.Joanne@epa.gov>; Fisher, Kenneth <Fisher.Kenneth@epa.gov>; Helder, Dirk <Helder.Dirk@epa.gov>; Littleton, Christine <Littleton.Christine@epa.gov>; Palmer, John <Palmer.John@epa.gov>; Patheal-Centenera, Bella <Patheal-Centenera.Bella@epa.gov>; Salter, Joel <Salter.Joel@epa.gov>; Soscia, Marylou <Soscia.Marylou@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Chan-Chau, Nora <Chan-Chau.Nora@epa.gov>
Subject: OWW Management Meeting Highlights - 6/23/16 and 6/27/16

OWW Thursday Afternoon Management Meeting 6/23/16

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OWW Management Meeting Highlights Monday– June 27, 2016

Immediate Office

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Enforcement, Media, Legal, and other Water Programs

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Aquatic Resources Unit – Mike Szerlog – Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line 2) ARU/Puget Sound Team to complete edits to High Tide Line report today. Corps/NOAA/EPA hope to have report finalized by June 30th. Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OWW Units

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Operations Offices

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Marie J

Message

From: Opalski, Dan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8B5ED6410D934BF699A008A252791A55-OPALSKI, DAN]
Sent: 1/29/2016 7:14:54 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]
Subject: Re: Updated ETPA Hot Topics

Great.

Sent from my iPhone

On Jan 29, 2016, at 11:13 AM, Murchie, Peter <Murchie.Peter@epa.gov> wrote:

> FYI – Susan was on the 2/2 meeting and will be attending.
>
> P
>
> ---
>
> **From:** Meyer, Susan
> **Sent:** Friday, January 29, 2016 11:06 AM
> **To:** Murchie, Peter <Murchie.Peter@epa.gov>
> **Cc:** Bonifacino, Gina <Bonifacino.Gina@epa.gov>
> **Subject:** RE: Updated ETPA Hot Topics
>
> Peter,
> I sent Angela a blurb summary about HAT yesterday, but I guess we missed the cut off. I plan to attend the Feb. 2 meeting with Linda Storm. I will be on the call today at 2pm.
>
> Thanks for forwarding this.
> Susan
>
> ---
>
> **From:** Murchie, Peter
> **Sent:** Friday, January 29, 2016 10:59 AM
> **To:** Meyer, Susan <meyer.susan@epa.gov>; Bonifacino, Gina <Bonifacino.Gina@epa.gov>
> **Subject:** FW: Updated ETPA Hot Topics
>
> Susan and Gina,
> See below hot topics from ETPA. They include two that pertain to you:
> HAT (Michael put in a hot topic on the meeting this week with the Corps and NOAA)
> Nationwide Permit/Cumulative Effects – looks like there is a meeting 2/2 next week on this. Do you know about it? Going? If not maybe Susan you should go.
>
> Thank you,
> Peter
>
> ---
>
> **From:** Opalski, Dan
> **Sent:** Friday, January 29, 2016 10:55 AM
> **To:** Murchie, Peter <Murchie.Peter@epa.gov>
> **Subject:** Fwd: Updated ETPA Hot Topics

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Sent from my iPhone

Begin forwarded message:

From: "Littleton, Christine" <Littleton.Christine@epa.gov>
Date: January 29, 2016 at 10:18:39 AM PST
To: R10-ORA <R10-ORA@epa.gov>
Cc: "Manaloor, Valsala" <Manaloor.Valsala@epa.gov>, "Tyson, Linda" <Tyson.Linda@epa.gov>, "Opalski, Dan" <Opalski.Dan@epa.gov>, "Edmondson, Lucy" <Edmondson.Lucy@epa.gov>, "Werntz, James" <Werntz.James@epa.gov>, "Barber, Anthony" <Barber.Anthony@epa.gov>, "Anderson-Carnahan, Linda" <Anderson-Carnahan.Linda@epa.gov>, "Littleton, Christine" <Littleton.Christine@epa.gov>, "MacIntyre, Mark" <Macintyre.Mark@epa.gov>, "Philip, Jeff" <Philip.Jeff@epa.gov>, "Szerlog, Michael" <Szerlog.Michael@epa.gov>, "Thomas, Sally" <Thomas.Sally@epa.gov>, "Soderlund, Dianne" <Soderlund.Dianne@epa.gov>
Subject: Updated ETPA Hot Topics

One addition and a slight change . . .

Teena Littleton
(formerly Reichgott)
Manager, Environmental Review and Sediment Management Unit
Office of Ecosystems, Tribal and Public Affairs
EPA Region 10 ETPA-202-3
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140
206-553-1601
littleton.christine@epa.gov

From: Allnutt, David
Sent: Thursday, January 28, 2016 5:42 PM
To: R10-ORA <R10-ORA@epa.gov>
Cc: Manaloor, Valsala <Manaloor.Valsala@epa.gov>; Tyson, Linda <Tyson.Linda@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Werntz, James <Werntz.James@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Littleton, Christine <Littleton.Christine@epa.gov>; MacIntyre, Mark <Macintyre.Mark@epa.gov>; Philip, Jeff <Philip.Jeff@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Thomas, Sally <Thomas.Sally@epa.gov>
Subject: ETPA Hot Topics

For the week of February 1, 2016

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line Discussions with Seattle District: On January 27, Region 10 staff from ETPA, OWW, and ORC attended an interagency kick-off conference call with the Army Corps of Engineers-Seattle District and NMFS-Fisheries Division on efforts to clarify determination of the "high tide line" for CWA § 404 purposes in Washington state. Jim Jacobson, Chief of the Corps' Natural Resources Mgmt. Section facilitated the call and is leading the effort for Colonel Buck. Major outcomes included: (1) agreement on a scope of work and the development of a project management plan with action items; (2) agreement that NOAA would provide a scientific representative from their Oceans Section; and (3) the development of both a technical and legal subgroup with representatives from each agency to begin to work on some action items and be ready to present during the February 10th face-to-face meeting at the Corps-Seattle District office. Contact: M. Szerlog (3-0279).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

<image001.png>

R. David Allnutt, Director
Office of Ecosystems, Tribal and Public Affairs
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

<image002.png> <image003.png> <image004.png> <image005.png> <image006.png><image007.png>

Message

From: Horn, Bevin [Horn.Bevin@epa.gov]
Sent: 4/27/2016 3:18:38 PM
To: Psyk, Christine [Psyk.Christine@epa.gov]
Subject: RE: OWW Management Meeting Highlights 4/25-26/2016

Thank you Christine.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

---

From: Psyk, Christine
Sent: Tuesday, April 26, 2016 4:42 PM
To: Horn, Bevin <Horn.Bevin@epa.gov>
Subject: FW: OWW Management Meeting Highlights 4/25-26/2016

To keep you in the loop, attached are some notes from the OWW management meeting.

Christine Psyk, Associate Director
EPA Region 10, OWW
206-553-1906
Psyk.christine@epa.gov

From: Jennings, Marie
Sent: Tuesday, April 26, 2016 4:35 PM
To: Chung, Angela <Chung.Angela@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Croxton, Dave <Croxton.David@epa.gov>; Jennings, Marie <Jennings.Marie@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Chin, Joanne <Chin.Joanne@epa.gov>; Fisher, Kenneth <Fisher.Kenneth@epa.gov>; Helder, Dirk <Helder.Dirk@epa.gov>; Henszey, Jo <Henszey.Jo@epa.gov>; Littleton, Christine <Littleton.Christine@epa.gov>; Palmer, John <Palmer.John@epa.gov>; Patheal-Centenera, Bella <Patheal-Centenera.Bella@epa.gov>; Salter, Joel <Salter.Joel@epa.gov>; Soscia, Marylou <Soscia.Marylou@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Woodruff, Leigh <Woodruff.Leigh@epa.gov>
Subject: OWW Management Meeting Highlights 4/25-26/2016

Immediate Office
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Enforcement, Media, Legal, and other Water Programs

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Aquatic Resources Unit – Mike Szerlog – Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line 4) The Northwest Indian Fish Commission sent letter to Gina and Dennis – asking EPA to require Corps to use Highest Astronomical Tide for jurisdiction – high tide line – to protect marine shorelines.

OWW Units

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Operations Offices

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Afternoon OWW Meeting Highlights

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Marie J

Appointment

From: Szerlog, Michael [Szerlog.Michael@epa.gov]
Sent: 7/8/2015 3:03:47 PM
To: Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Bonifaci, Angela [Bonifaci.Angela@epa.gov]; Rylko, Michael [Rylko.Michael@epa.gov]; Byron, Carrie [Byron.Carrie@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]; Thiesing, Mary [Thiesing.Mary@epa.gov]

Subject: Discuss next steps regarding Earthjustice Petition
Attachments: Earthjustice Petition re High Tide Line and Request for JD (July 24, 201....pdf
Location: R10Sea-Room-21Nisqually-Expand/R10-Rooms-Service-Center; R10Sea-ConfLineMM- Conference Line/Code / Ex. 6

Start: 7/13/2015 3:00:00 PM
End: 7/13/2015 4:00:00 PM
Show Time As: Tentative

Draft Agenda (we may need to rebuild it at beginning of meeting)

1) Brief review of Petition to understand request - all
2) Discuss legal issues – Cara/Endre
3) Discuss options regarding responding/not responding – Linda AC, Angela, Michael Sz.
4) What is the Corps doing? – Michael Sz.
5) Next steps – Linda AC

Earthjustice Petition re High T...

Message

From: Rylko, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=19961C0584EC4F778F4AB621FA8B43B5-RYLKO, MICHAEL]
Sent: 8/23/2016 8:13:09 PM
To: Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: SDM comments on Federal Task Force workplan

Susan, very helpful. Thanks.
- msr

From: Meyer, Susan
Sent: Tuesday, August 23, 2016 12:06 PM
To: Bonifacino, Gina <Bonifacino.Gina@epa.gov>
Cc: Rylko, Michael <Rylko.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>; Bonifaci, Angela <Bonifaci.Angela@epa.gov>; Zachmann, Bill <Zachmann.Bill@epa.gov>; Castner, Chris <Castner.Chris@epa.gov>
Subject: SDM comments on Federal Task Force workplan

Gina,

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line (HTL): EPA, USACE, NMFS to work collaboratively to implement the USACE's interpretation of the HTL as it differs from the current interpretation. Implement identified further actions to protect tidally influenced shorelines in Puget Sound above the Corps' CWA jurisdiction.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Message

From: Lohrman, Bridgette [lohrman.bridgette@epa.gov]
Sent: 8/15/2016 5:02:48 PM
To: Siwiec, Tim [Siwiec.Tim@epa.gov]
CC: Barton, Justine [Barton.Justine@epa.gov]; Hoffman, Erika [Hoffman.Erika@epa.gov]; Lohrman, Bridgette [lohrman.bridgette@epa.gov]; Meade, Chris [Meade.Chris@epa.gov]; Harris, Sydney [harris.sydney@epa.gov]
Subject: FW: OERA Hot Topics
Attachments: ATT16199; ATT27235; ATT35717; ATT78718; ATT63267; ATT31838; ATT09628

Hi Tim –

I saw your announcement about the GeoPlatform GIS tool session in the email below. Will this be held as a webinar so folks outside the Regional Office can participate? I would like to attend.

Thanks for putting this training together.

-Bridgette
~~~~~~

Bridgette Lohrman | Ecologist |U.S. Environmental Protection Agency
Oregon Operations Office | 805 SW Broadway, Suite 500 | Portland, OR 97205 | 503.326.4006 | lohrman.bridgette@epa.gov

---

From: Allnutt, David
Sent: Thursday, August 11, 2016 6:03 PM
To: R10-ORA <R10-ORA@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>
Subject: OERA Hot Topics

For the week of August 15, 2016

This Week:
High Tide Line: On August 22, Gen. Spellmon of the Army Corps of Engineers' Pacific Northwest Division is meeting with Will Stelle and Col. Buck of the Corps' Seattle District. **Deliberative Process / Ex. 5** **Deliberative Process / Ex. 5** **Deliberative Process / Ex. 5** Dennis will be calling into the meeting. Contacts: Michael Szerlog (3-0279) and Peter Murchie (3 -1148).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:
No hot topics
~~~~~~

For the ET Notes from August 8 ET Meeting Roundtable

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line: Today (August 8), Heather Dean briefed management of OW's Wetlands Division on the EPA/Seattle District/NOAA joint recommendation to revise the Seattle District's interpretation of the "high tide line" used to determine Clean Water Act jurisdiction. The Wetlands Division's management expressed support for the recommendation **Deliberative Process / Ex. 5** and they expressed appreciation for Region 10 team's work to arrive at and document this recommendation.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

Message

From: Islam, Mahbubul [Islam.Mahbubul@epa.gov]
Sent: 8/10/2016 10:34:00 PM
To: Siwiec, Tim [Siwiec.Tim@epa.gov]
Subject: RE: UPCOMING OERA Hot Topics

Excellent, I will submit.

Mahbubul Islam

Unit Manager, Environmental Characterization Unit
Office of Environmental Review and Assessment
US EPA Region 10
Tele: 206/553-6985
Cell: 206/330-6743

From: Siwiec, Tim
Sent: Wednesday, August 10, 2016 2:25 PM
To: Islam, Mahbubul <Islam.Mahbubul@epa.gov>
Subject: UPCOMING OERA Hot Topics

Mahbubul, what do you think about submitting this as an upcoming OERA Hot Topic?

Upcoming:_

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Allnutt, David
Sent: Friday, August 05, 2016 11:06 AM
To: R10-ORA <R10-ORA@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>
Subject: OERA Hot Topics

For the week of August 8, 2016

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

High Tide Line: **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 We anticipate it to be completed the week of August 8. Jim Jacobson, the chief of Seattle District's Water Management Section, is briefing Col. Buck on August 12 in preparation for an August 22 meeting with Gen. Spellmon and Will Stelle. According to Jim, the August 22 meeting will cover other topics in addition to this one. Contacts: Michael Szerlog (3-0279) and Peter Murchie (3 -1148).

For the ET Notes from July 19 Extended ET Meeting Roundtable

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

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<< OLE Object: Picture (Device Independent Bitmap) >>

R. David Allnutt, Director
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1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

<< OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >>

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 4/14/2016 6:07:21 PM
To: Siwiec, Tim [Siwiec.Tim@epa.gov]
Subject: RE: Tulalip Res Site Selection

Good luck!

From: Siwiec, Tim
Sent: Thursday, April 14, 2016 11:05 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Tulalip Res Site Selection

Great, hopefully I can crank them both out today.

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Dean, Heather
Sent: Thursday, April 14, 2016 10:56 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Tulalip Res Site Selection

Let's do the Tulalip (Mission Beach Park) site. Also, did I send you my suggestion for Port Angeles (as a replacement for Port Townsend)?

Thanks,

Heather

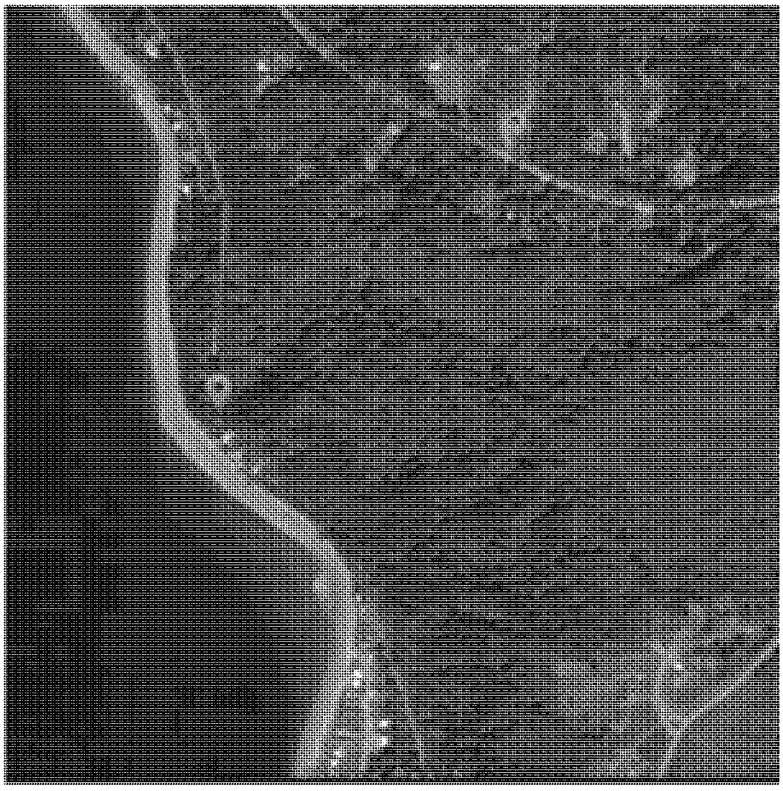
From: Siwiec, Tim
Sent: Thursday, April 14, 2016 10:51 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: Tulalip Res Site Selection

So now that we have Seattle, Tacoma, and Neah Bay complete should we focus on one of these three: Priest Point, Tulalip Bay, or Tulare Beach which are all on the Tulalip Reservation?
I see a nice beach access at Tulalip Bay (Mission beach park) that looks good, and they all have Lidar data available, but the best data is from Priest Point, but there is no public beach access that I can find there.

Priest Point, Marysville, WA
https://tidesandcurrents.noaa.gov/datums.html?id=9447717

Tulalip, Tulalip Bay WA
https://tidesandcurrents.noaa.gov/datums.html?id=9447773

Tulare Bch, Pt Susan, WA
https://tidesandcurrents.noaa.gov/datums.html?id=9448043



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From: Siwiec, Tim
Sent: Tuesday, April 12, 2016 2:27 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: tacoma

Here is Tacoma.

I estimate that that MLLW, HAT and MHPT high tides are off (too high)by 1 or 2 feet judging by where tides are in past historical imagery and how high these contour lines are up the beach, even close to the street.
But, much better data than Budd inlet!

Here are some interesting past historical photos in Google Earth for this Squally mud flat beach.

Google

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206.553.2147

From: Dean, Heather
Sent: Tuesday, April 12, 2016 2:15 PM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

Sweet! I'm good with Tacoma if you are. Especially since Budd Inlet's our only other option for a "south Sound" site (one of the parameters of this assignment). Thanks!

From: Siwiec, Tim
Sent: Tuesday, April 12, 2016 1:45 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

I misinterpreted that from earlier about Tacoma.

The two stations are only 1 inch apart! That's super close. I will make a Tacoma version map.

Station Name	Station #	Tidal Datum			
		Referenced to Station Datum			
		HAT	MHPT	MHHW	NAVD8
Tacoma, WA (Pacific Avenue and East 11st Street)	9446545	No Data	14.17	12.29	3.07
Tacoma, Commentement Bay, Sitcum Waterway	9446484	14.39	14.18	12.4	No Data

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From: Dean, Heather
Sent: Tuesday, April 12, 2016 9:57 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

I was hoping we could cheat a little by using the HAT, MHPT, & MHHW from 9446484 & the NAVD88 from 9446545, since they're only a mile apart & their MHHW's are only 1.3" different…?

From: Siwiec, Tim
Sent: Tuesday, April 12, 2016 9:54 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

Need this

Station Name	Station #	Tidal Datum/El			
		Referenced to Station Datum			
		HAT	MHPT, 2008-2016	MHHW	NAVD88
Tacoma, WA	9446545		14.17	12.29	3.07

http://tidesandcurrents.noaa.gov/datums.html?id=9446545

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From: Dean, Heather
Sent: Tuesday, April 12, 2016 9:35 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: FW: Info for HTL Mapping

Never mind on Seattle & Neah Bay; I see you have those #'s on the maps. Sorry! I just finished the 19-yr data analysis for Neah Bay. Please change its MHPT from 12.29' to 12.34'. Tacoma should be 14.17, instead of 14.18. I'll do Pt Angeles now.

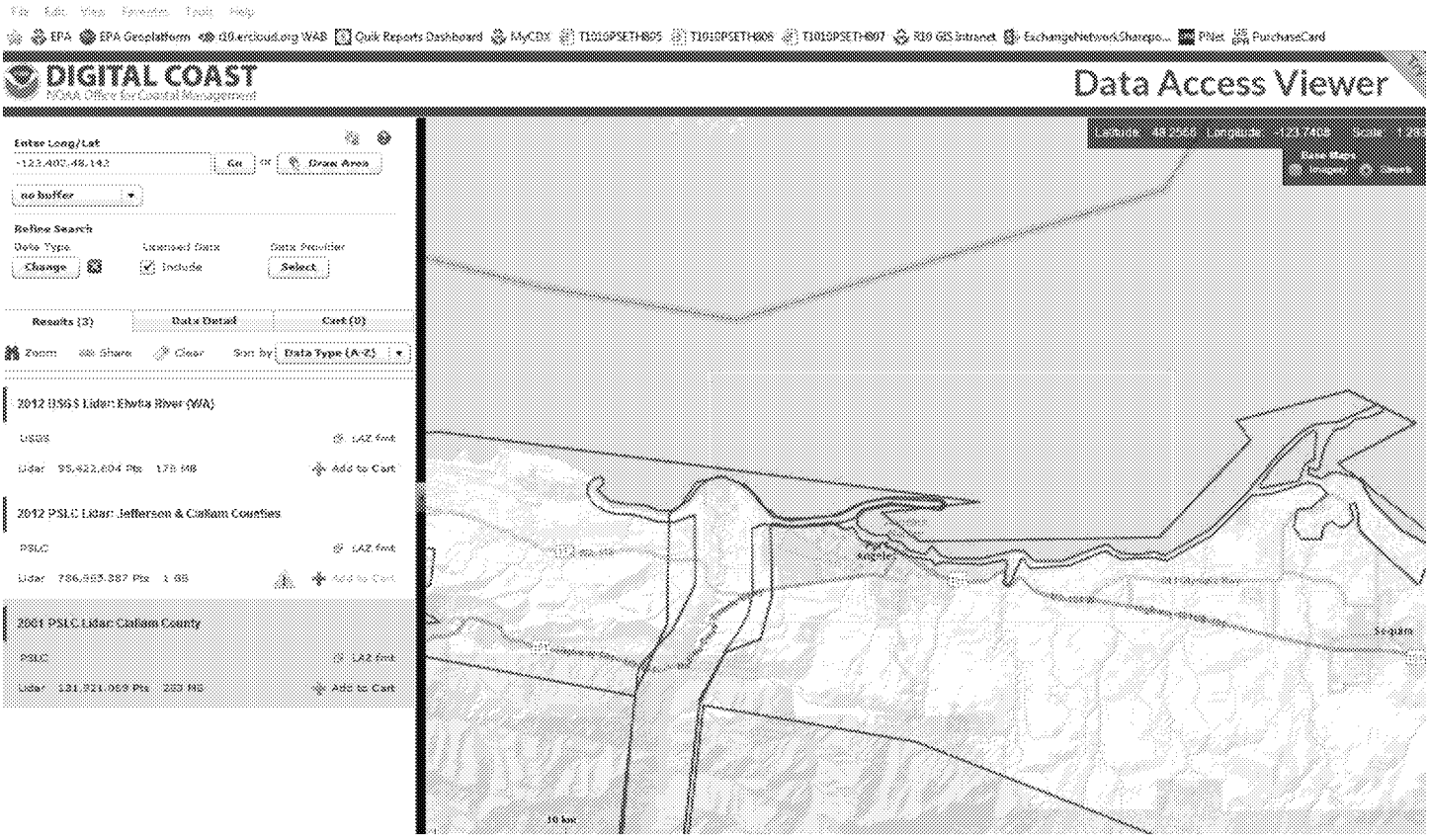
From: Dean, Heather
Sent: Tuesday, April 12, 2016 9:14 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

Cool. It also has NAVD88, HAT, & MHPT, so does the Valley Creek Estuary (below) seem okay?

P.S. I found a site where I can get a full 19 years' of tide predictions for these stations, so I've been expanding the dataset for MHPT. What #'s do you have for MHPT for Seattle, Neah Bay, Tacoma, & Pt Angeles?

From: Siwiec, Tim
Sent: Tuesday, April 12, 2016 9:07 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

Port angeles has good lidar coverage, probably because of all the elwah dam work.



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From: Dean, Heather
Sent: Tuesday, April 12, 2016 8:58 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

Me, again. So…is Port Angeles outside the area of lidar coverage?

From: Siwiec, Tim
Sent: Monday, April 11, 2016 4:36 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

Here is another map to check out that I created, this time for Neah Bay
Like the Elliott Bay map, it reflects the high resolution lidar data and shows the HAT, MHTP, and MHHW tide contours on the map closer to where the logs and debris accumulate in the aerial photo, which seems to be logical place for a "high tide" to deposit them.

Attached are Seattle and Neah Bay both at a 1:750 zoomed in map scale.
Assuming this format and process are what you had in mind, which maps should I work on next?

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From: Dean, Heather
Sent: Monday, April 11, 2016 2:43 PM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

Dang; I forgot about the NAVD88 issue...you are *so* demanding! ;-) Tulare Beach & Budd Inlet were two that I had started to look at the other day, so I'll coordinate with the others on the beaches I looked at & let you know if they're a go. I will also suggest to them that we go with just four sites, instead of five, since there isn't really a very close substitute for Port Townsend, with Port Angeles out as well.

Thanks,

Heather

From: Siwiec, Tim
Sent: Monday, April 11, 2016 2:12 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

Heather,

Here are 8 sites that I found that have BOTH **Lidar** freely available AND **NavD88** values.

Perhaps we choose 5 study sites from these based off of having this baseline data to work from.

Let's talk.

1	NOAA Tide Stations with Harmonic Constituents, T							
2					Tidal Datum/El			
3					Referenced to Station Datum			
4	Station Name	Station #	Lidar Data Available?	Possible Field Site	HAT	MHPT, 2008-2016	MHHW	NAVD88
5	Aberdeen	9441187			19.43	19.26	17.15	
6	Armitage Is, Thatcher Pass	9449932			13.47	13.05	11.89	
7	Bangor Wharf	9445133			15.59	15.41	13.8	
8	Blaine, Semiahmoo Bay	9449679	YES		N/A	12.71	11.39	2.88
9	Budd Inl, Olympia Shoal	9446807	YES		57.56	57.81	55.53	45.13
10	Cherry Pt	9449424		Birch Bay SP	17.33	17.02	15.49	No Data
11	Everett	9447659			12.96	12.47	10.83	1.77
12	Foulweather Bluff	9445016			15.39	15.16	13.56	No Data
13	Friday Hbr, San Juan Is	9449880			13.57	12.85	11.61	No Data
14	Hanbury Pt, Mosquito Pass, San Juan Is	9449828			11.87	11.5	10.41	No Data
15	La Push, Quillayute Riv	9442396			15.74	15.65	13.73	No Data
16	Longview	9440422			9.95	7.53	6.99	-2.49
17	Nahcotta, Willapa Bay	9440747			13.49	13.43	11.22	No Data
18	Neah Bay	9443090	YES	USCG Station & adjacent beaches	12.59	12.29	9.96	2.84
19	Pt Angeles	9444090			39.38	38.53	37.38	30.74
20	Pt Townsend	9444900		Fort Worden	13.33	13.14	11.88	No Data
21	Priest Pt	9447717	YES		31.45	31.23	29.39	20.32
22	Richardson, Lopez Is	9449982			11.85	11.47	10.34	No Data
23	Seattle (Madison St), Elliott Bay	9447130	YES	Edwards Park	21.2	21.02	19.3	10.28
24	Sekiu, Clallam Bay	9443361			26.64	25.78	24.09	17.17
25	Skamokawa	9440569			10.11	9.13	7.94	No Data
26	Sneeoosh Pt	9448576			16.48	16.19	14.57	No Data
27	South Bend, Willapa Riv	9440875			16.8	16.98	14.39	5.97
28	Spee-Bi-Dah	9448009			31.22	30.94	29.01	19.75
29	Tacoma, Commencement Bay, Sitcum Waterway	9446484		Squally Beach	14.39	14.18	12.4	No Data
30	Toke Pt	9440910			15.96	15.75	13.44	5.34
31	Tulalip	9447773	YES		38.19	37.57	35.86	26.84
32	Tulare Bch, Pt Susan	9448043	YES		33.89	33.6	31.68	22.63
33	Turner Bay, Similk Bay	9448657			15.1	14.63	13.15	No Data
34	Union	9445478	YES		15.91	15.28	13.47	4.46
35	Vancouver	9440083			7.39	5.16	4.75	No Data
36	Village Pt, Lummi Is	9449161			15.84	14.88	13.55	No Data

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From: Siwiec, Tim
Sent: Monday, April 11, 2016 10:34 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

I will check those tidal sites for good Lidar coverage as well... that is, when the NOAA website comes back online, it appears to up and down lately.

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From: Dean, Heather
Sent: Monday, April 11, 2016 10:22 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

Okay, cool. So, if I'm looking at the site correctly, there *is* LIDAR for the Squally Beach (Tacoma) & Fort Worden (Port Townsend) locations, & we *may* have it for Birch Bay & Neah Bay, which would be awesome.

If that is the case, I will double-check with the Corps on Birch Bay. I heard a rumbling in our meeting last week that they thought there was a better site in that vicinity.

Thanks!

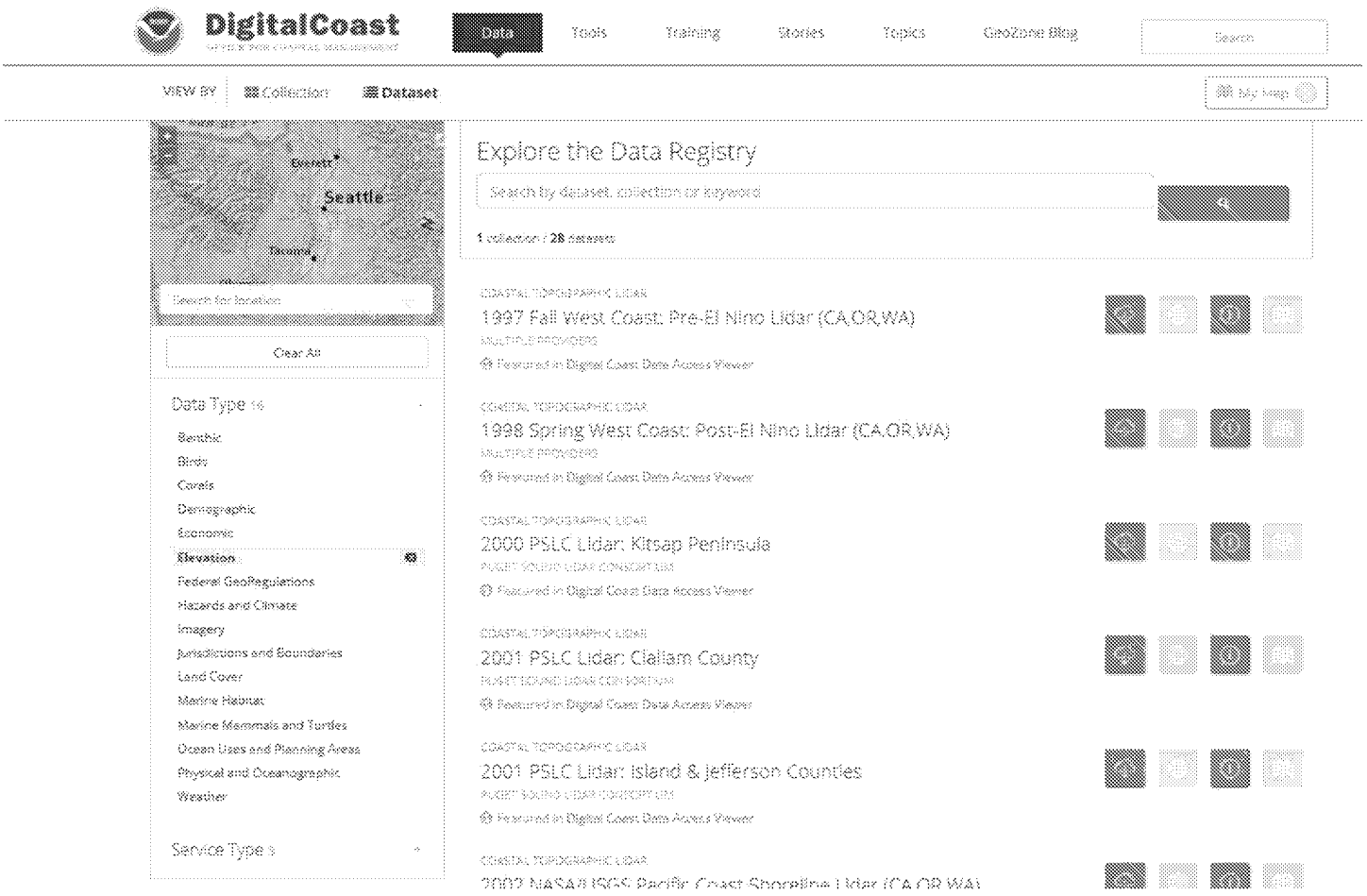
Heather

From: Siwiec, Tim
Sent: Monday, April 11, 2016 9:54 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

Yes, it is different.

The primary difference being that LIDAR data is usually collected for an on land application and is MUCH higher in resolution vs the UW Puget sound Bathymetry (underwater dataset) which is MUCH lower in resolution.
For our purpose it seems the entire study area is located in places that are on dry land, so there should be more LIDAR dataset collected and available for us.
If it was a project area completely underwater the data would be lower quality and less available.

Here is NOAA's site showing "Elevation" datasets available in and near Puget Sound. The results that are returned with the word LIDAR in them are the better data quality higher res
https://coast.noaa.gov/dataregistry/search/dataset/363EA1C1-FF6B-4A01-837B-01400E22EAB4



Tim Siwiec
U.S. Environmental Protection Agency | Region 10
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206.553.2147

From: Dean, Heather
Sent: Monday, April 11, 2016 9:30 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

Okay, I may be confused. Is the "LIDAR DEM elevation data coverage" different from the UW Puget Sound data?

From: Siwiec, Tim
Sent: Monday, April 11, 2016 9:02 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

Yes, let's find sites that have both good LIDAR DEM elevation data coverage AND good tide datum coverage NAVD88, HAT, etc..

I will look to see which other sites have both. Hopefully Tacoma!

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Dean, Heather
Sent: Monday, April 11, 2016 7:48 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

Sweet; that looks awesome! I did start looking for replacements for the other sites, but will hold off on continuing that task until you can confirm whether there are other datasets that cover them. The URL you sent isn't working for me.... Thanks!

From: Siwiec, Tim
Sent: Thursday, April 07, 2016 2:53 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

Heather,

I found a good lidar (high res elevation model) dataset from 2000 that has excellent (1meter) coverage on the Myrtle Edwards Beach.

There are a few other promising free lidar datasets we might be able to use for potential other sites as well.
https://coast.noaa.gov/dataregistry/search/dataset/363EA1C1-FF6B-4A01-837B-01400E22EAB4

Attached is the map for Seattle, it shows the beach elevations seemingly very accurately compared to the imagery!

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
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206.553.2147

From: Dean, Heather
Sent: Thursday, April 07, 2016 11:11 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

I wouldn't suggest any options that would be costly or take more than a week or two to get. While you're seeing if there's anything else, I'll see about changing sites.

From: Siwiec, Tim
Sent: Thursday, April 07, 2016 11:09 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

I am looking into Lidar options, maybe we can buy something or have a survey flown. But it would be costly.

Tim Siwiec
U.S. Environmental Protection Agency | Region 10

1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Dean, Heather
Sent: Thursday, April 07, 2016 11:08 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

Oh, geez; I'm sorry...you sent me the DEM coverage map, & I forgot. Please let me know if you can find another source. Thanks!

From: Siwiec, Tim
Sent: Thursday, April 07, 2016 11:07 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

Deliberative Process / Ex. 5

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
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From: Dean, Heather
Sent: Thursday, April 07, 2016 9:56 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

Hey, Tim.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,

Heather

From: Siwiec, Tim
Sent: Tuesday, April 05, 2016 6:00 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

I spent some time this week working on the HTL mapping project.

A few things:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Dean, Heather
Sent: Thursday, March 31, 2016 2:50 PM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: Info for HTL Mapping

Hi, Tim. Here are the photos & the spreadsheet. I noticed that the datums page for 3 of the 5 sites does not list the NAVD88 elevation, but I have not had a chance to look into that issue. I won't be in tomorrow, but will be working (offsite) on Monday & Tuesday, so we can certainly touch base before I'm back in the office.

Thanks for your help,

Heather

Message

From: Lopez-Baird, James [Lopez-Baird.James@epa.gov]
Sent: 3/18/2016 11:18:46 PM
To: Siwiec, Tim [Siwiec.Tim@epa.gov]; Augustine, Scott [Augustine.Scott@epa.gov]
Subject: RE: Need for sub foot GPS accuracy

I didn't realize we were in the business of mapping tides.

From: Siwiec, Tim
Sent: Friday, March 18, 2016 4:12 PM
To: Augustine, Scott <Augustine.Scott@epa.gov>; Lopez-Baird, James <Lopez-Baird.James@epa.gov>
Subject: RE: Need for sub foot GPS accuracy

The latest Trimble GIS mobile mapping device with DECIMETER accuracy.
It picks up just about every satellite in the sky! And only for about $9000

Specs:
http://store.elecdata.com/products/item/?id=3525

video:
https://www.youtube.com/watch?v=02u3xdylAL8&ebc=ANyPxKoWlyX2nSkcDL3LK0rgM1K--djwderxb2jg1RlJ09XcdmXEACBc4pLewma9FfprP9HOfF6Y5Cc5QwigM9zd1hxQfZo5Gg

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From: Augustine, Scott
Sent: Wednesday, March 16, 2016 12:13 PM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>; Lopez-Baird, James <Lopez-Baird.James@epa.gov>
Subject: RE: Need for sub foot GPS accuracy

Renting is an option. I've never done it in WA, but there are engineering/survey supply firms that do rent the units. Does START have that capability? That might be an option. Maybe we could borrow one from another Region? I think most folks would be loath to let their equipment go w/o them going with it, but we might get lucky. Kira Lynch might know of other SF-related resources we could tap into. I don't see how they can do this project w/o that level of accuracy.

Scott Augustine
augustine.scott@epa.gov
GIS Coordinator
US Environmental Protection Agency - Region 10
Seattle, WA
206.553.1795

Region 10 GIS (intranet): http://r10napps3.r10.epa.gov:9876/R10/INFOPAGE/oeainfo.nsf/webpage/Region+10+GIS

From: Siwiec, Tim
Sent: Wednesday, March 16, 2016 11:53 AM
To: Augustine, Scott <Augustine.Scott@epa.gov>; Lopez-Baird, James <Lopez-Baird.James@epa.gov>
Subject: Need for sub foot GPS accuracy

It's a been awhile now, but looks like we have a need for a sub foot accuracy GPS for project.

The Trimble's are long gone, and I don't think the Garmin's come to close that that level of vertical accuracy.

What are our options?
Buy one? Borrow one? Rent one? reject offer to help?

From: Meyer, Susan
Sent: Wednesday, March 16, 2016 10:10 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Cc: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Example Map

Wow! Yes, we do want sub foot accuracy. Is it possible to borrow such a thing? I'm pretty sure we wouldn't buy one for this purpose. Thanks!

From: Siwiec, Tim
Sent: Wednesday, March 16, 2016 10:01 AM
To: Meyer, Susan <meyer.susan@epa.gov>
Cc: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Example Map

Yes, we have GPS units to check out.
And yes, I can come out to assist and train.

One caveat, GPS vertical accuracy is not super accurate with the recreational grade units we have (Garmins with about a $500 value).
If sub foot accuracy is desired we might want to acquire/borrow a survey grade unit (~$3000-5000 value).
We can look into this more as with data quality requirements before more clear.

From: Meyer, Susan
Sent: Wednesday, March 16, 2016 9:56 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Cc: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Example Map

Hi Tim, Heather and I and other members of the team who are working on the Corps High Tide Line issue will be visiting a few beaches near the stations that you will be mapping for us. While in the field, we want to be able to mark the various elevations on each beach with pin flags to show those in the group the relationship between the elevations. So I have 2 questions:

1) Do you have access to a gps unit, or do you know where we could find one to use?
2) Would you be able to go out with Heather and me in April to practice using it on a nearby beach, and again in mid-May with the larger group?

I know this is more than you bargained for originally, but if you could let me know if this is doable, I would really appreciate it. Thanks so much,

Susan Meyer

From: Dean, Heather
Sent: Tuesday, March 15, 2016 8:43 AM

To: Siwiec, Tim <Siwiec.Tim@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>
Subject: Example Map

Good morning. This map, which I believe you may have prepared, Tim, will help with our upcoming discussion.

Message

From: Augustine, Scott [Augustine.Scott@epa.gov]
Sent: 3/16/2016 8:02:12 PM
To: Siwiec, Tim [Siwiec.Tim@epa.gov]; Lopez-Baird, James [Lopez-Baird.James@epa.gov]
Subject: RE: Need for sub foot GPS accuracy

I don't think you will get sub-meter accuracy w/o survey grade equipment, and I don't think we can get that for $3k. Even if we could, I would not recommend we buy something as those units tend to turn over technology pretty quickly. We'd probably only get 2-3 years of use out of it, so it would not provide a good investment for as often as we would need to use it for project work. That being said, it should probably be looked into as an option. They may have to hire a surveyor to come out and do the GPS measurements. That is really the level of support they need, I think they are in over their head. They should have really done this as a research project in conjunction w/ someone who has the equipment they need. We're not really set-up to support this type of work. Szerlog said it is a high priority for Dennis. If that is true, the money may be there for whatever is needed.

Scott Augustine
augustine.scott@epa.gov
GIS Coordinator
US Environmental Protection Agency - Region 10
Seattle, WA
206.553.1795

Region 10 GIS (intranet): http://r10napps3.r10.epa.gov:9876/R10/INFOPAGE/oeainfo.nsf/webpage/Region+10+GIS

From: Siwiec, Tim
Sent: Wednesday, March 16, 2016 12:48 PM
To: Augustine, Scott <Augustine.Scott@epa.gov>; Lopez-Baird, James <Lopez-Baird.James@epa.gov>
Subject: RE: Need for sub foot GPS accuracy

Yes, those are good leads, the other is to see if something exists for less than $3k and buy it with Geospatial budget and keep it in our R10 GPS inventory.

From: Augustine, Scott
Sent: Wednesday, March 16, 2016 12:13 PM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>; Lopez-Baird, James <Lopez-Baird.James@epa.gov>
Subject: RE: Need for sub foot GPS accuracy

Renting is an option. I've never done it in WA, but there are engineering/survey supply firms that do rent the units. Does START have that capability? That might be an option. Maybe we could borrow one from another Region? I think most folks would be loath to let their equipment go w/o them going with it, but we might get lucky. Kira Lynch might know of other SF-related resources we could tap into. I don't see how they can do this project w/o that level of accuracy.

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augustine.scott@epa.gov
GIS Coordinator
US Environmental Protection Agency - Region 10
Seattle, WA
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Region 10 GIS (intranet): http://r10napps3.r10.epa.gov:9876/R10/INFOPAGE/oeainfo.nsf/webpage/Region+10+GIS

From: Siwiec, Tim
Sent: Wednesday, March 16, 2016 11:53 AM
To: Augustine, Scott <Augustine.Scott@epa.gov>; Lopez-Baird, James <Lopez-Baird.James@epa.gov>
Subject: Need for sub foot GPS accuracy

It's a been awhile now, but looks like we have a need for a sub foot accuracy GPS for project.

The Trimble's are long gone, and I don't think the Garmin's come to close that that level of vertical accuracy.

What are our options?
Buy one? Borrow one? Rent one? reject offer to help?

From: Meyer, Susan
Sent: Wednesday, March 16, 2016 10:10 AM
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Cc: Dean, Heather <Dean.Heather@epa.gov>
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Message

From: Thiesing, Mary [Thiesing.Mary@epa.gov]
Sent: 8/7/2015 12:06:26 AM
To: Siwiec, Tim [Siwiec.Tim@epa.gov]
Subject: RE: Tech assistance request: GIS support

Tim,

I just looked at Everett—is it possible that the shoreline pier development plus steep slopes means very little measurable difference in tides?

From: Siwiec, Tim
Sent: Thursday, August 06, 2015 4:09 PM
To: Thiesing, Mary; Storm, Linda
Cc: Szerlog, Michael
Subject: RE: Tech assistance request: GIS support

Here is collection of PDF maps that illustrate the horizontal area difference from the HAT tide to MHHW tide.
There are many caveats with the data used for an analysis such as this.

For illustration purposes I believe the Hood Canal station map is the most clear.

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OEA-095 | Seattle, WA 98101
206.553.2147

From: Siwiec, Tim
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To: Thiesing, Mary; Storm, Linda
Cc: Szerlog, Michael
Subject: RE: Tech assistance request: GIS support

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From: Thiesing, Mary
Sent: Tuesday, August 04, 2015 3:27 PM
To: Siwiec, Tim; Storm, Linda
Cc: Szerlog, Michael; Islam, Mahbubul
Subject: Re: Tech assistance request: GIS support

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Cc: Szerlog, Michael; Islam, Mahbubul
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Here's a cool graphic to give you an idea of what we are talking about.

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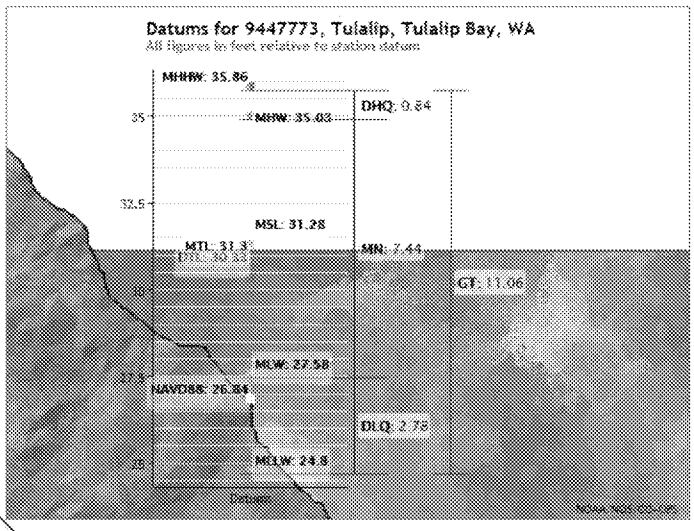

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Data Units ◉ Feet
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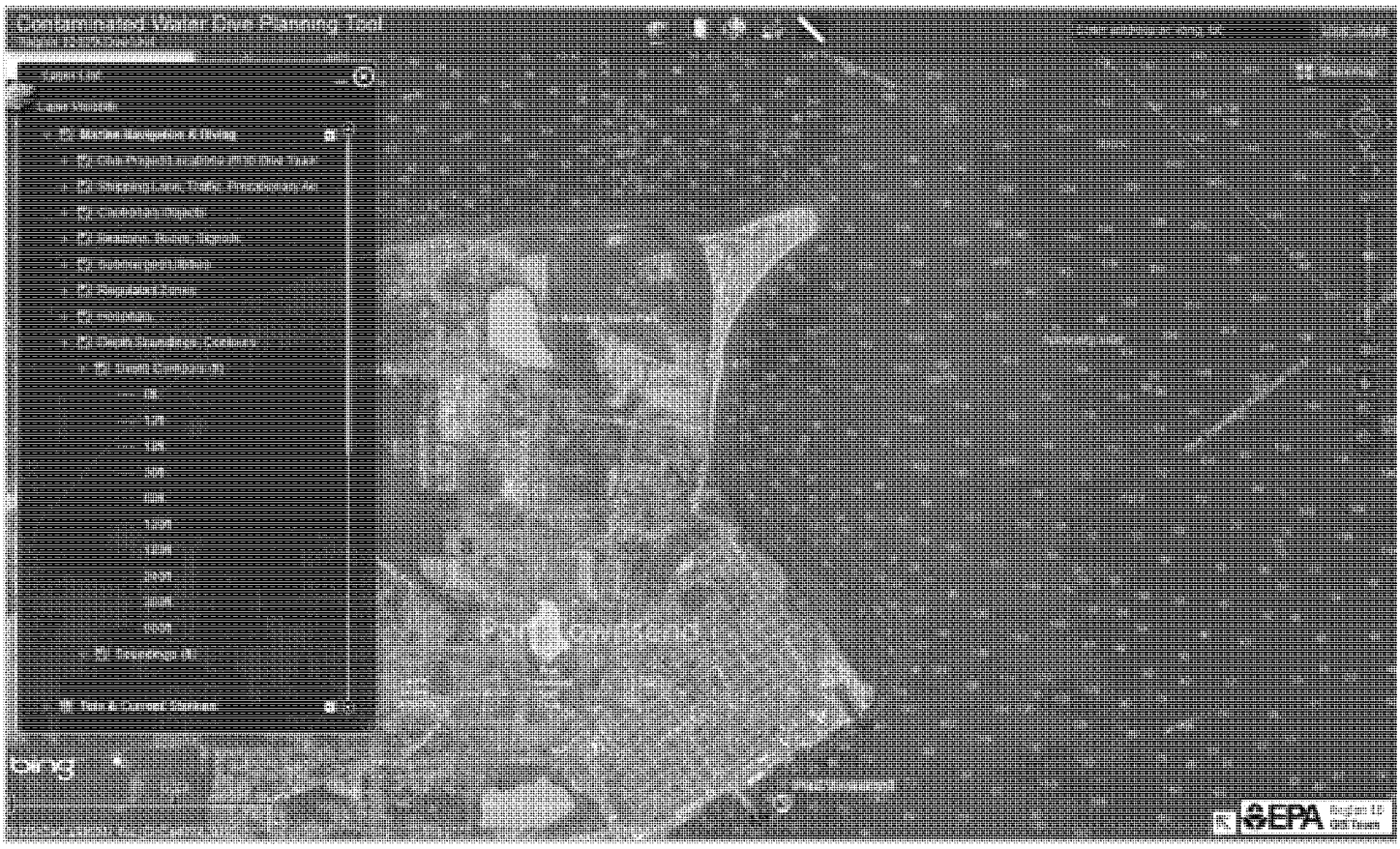

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206.553.2147

From: Thiesing, Mary
Sent: Wednesday, July 29, 2015 3:03 PM
To: Islam, Mahbubul
Cc: Siwiec, Tim; Szerlog, Michael
Subject: Tech assistance request: GIS support

My apologies—I am acting Unit Manager this week **Personal Matters / Ex. 6** and I do not have the Lotus Notes link to the tech request web location, so I am sending this request to you as an email memo instead.

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We are scheduled to brief the RA on August 10, and it would be helpful to have these maps. If 2 maps is too much to do in the time-frame requested, then focusing on just #1 for Puget Sound would be of priority importance, if possible. If it is not possible to produce any products in the time frame allowed, could you please contact me or Michael Szerlog (X 0279; szerlog.michael@epa.gov). Personal Matters / Ex. 6

Thank you very much for your consideration.

Mary Anne Thiesing
Regional Wetland Ecologist
(206) 553-6114
(b) (6) (cell)
thiesing.mary@epa.gov

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To: Siwiec, Tim [Siwiec.Tim@epa.gov]
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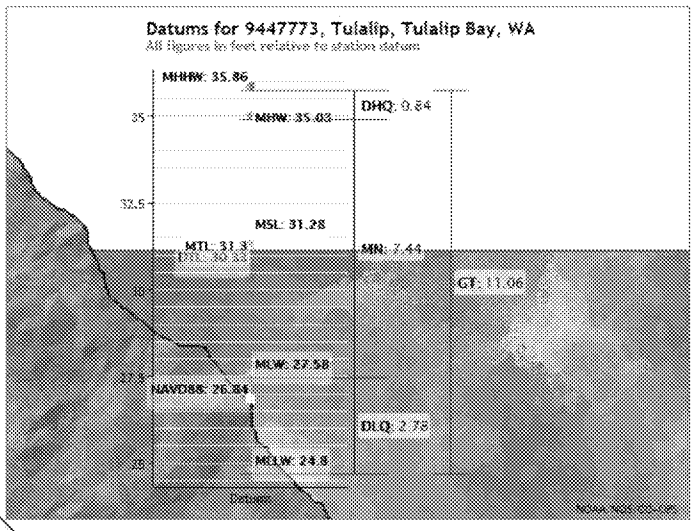

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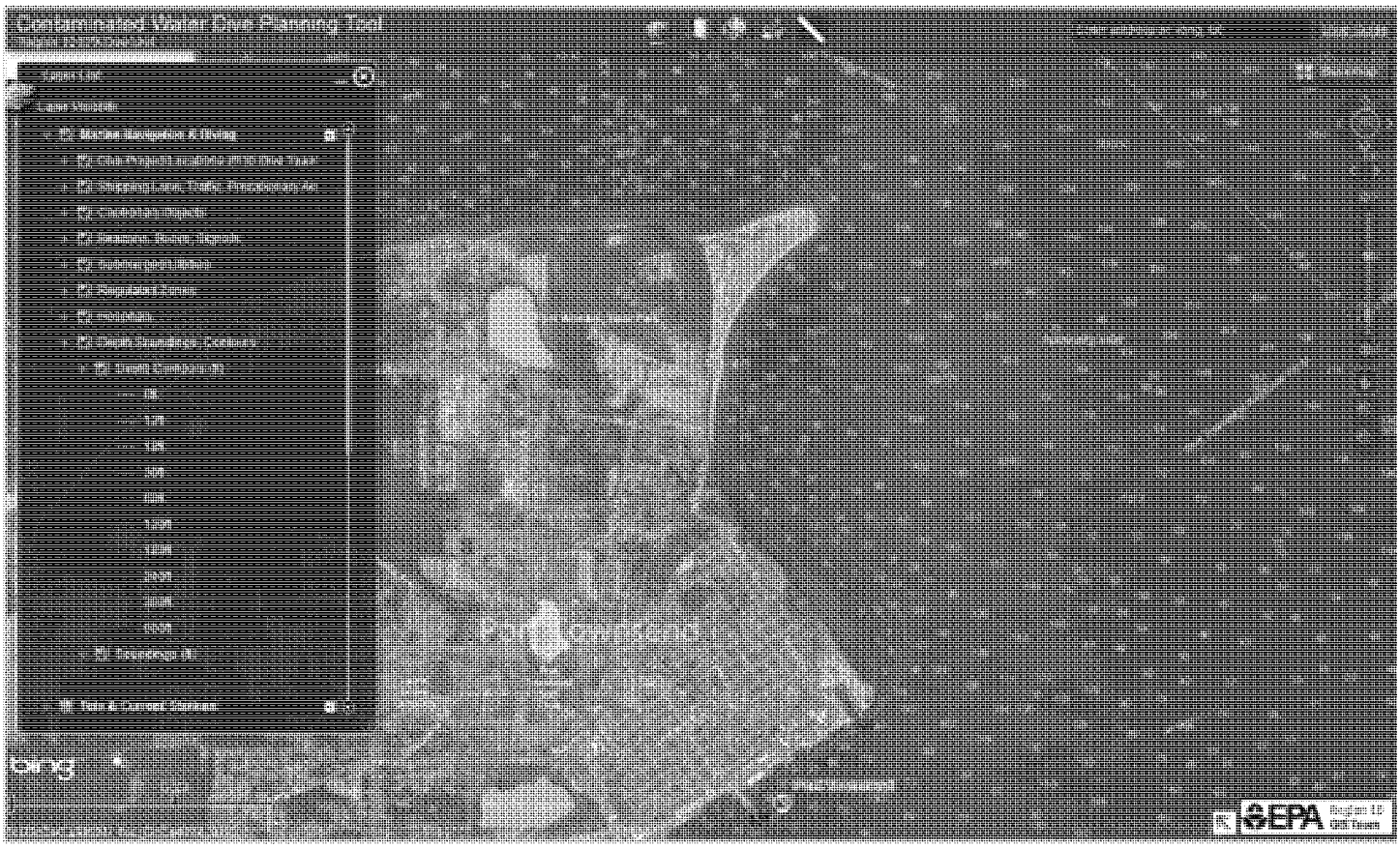

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Tim, yes, this is great. Would it be possible to highlight a portion at a slightly finer scale?

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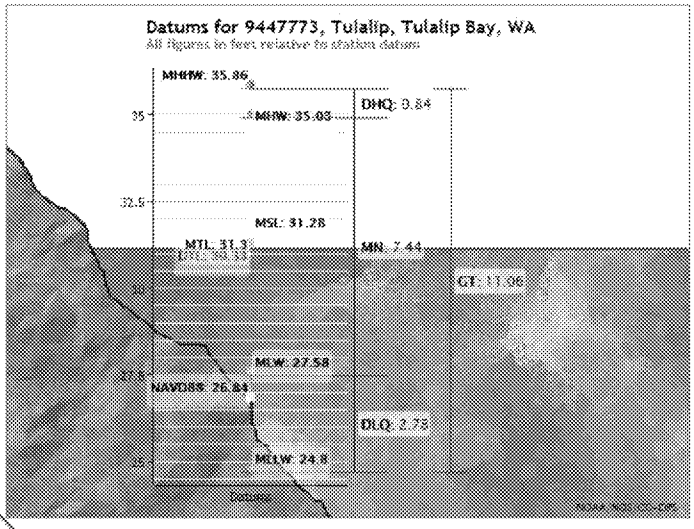
Max Date & Time		Highest Observed Water Level Date and Time
Minimum		Lowest Observed Water Level
Min Date & Time		Lowest Observed Water Level Date and Time
HAT	30.19	Highest Astronomical Tide
HAT Date & Time	01/01/1983 15:06	HAT Date and Time
LAT	20.35	Lowest Astronomical Tide
LAT Date & Time	06/22/1986 18:42	LAT Date and Time



Showing datums for
9447773 Tulalip, Tulalip Bay,...

Data Units ◉ Feet
○ Meters

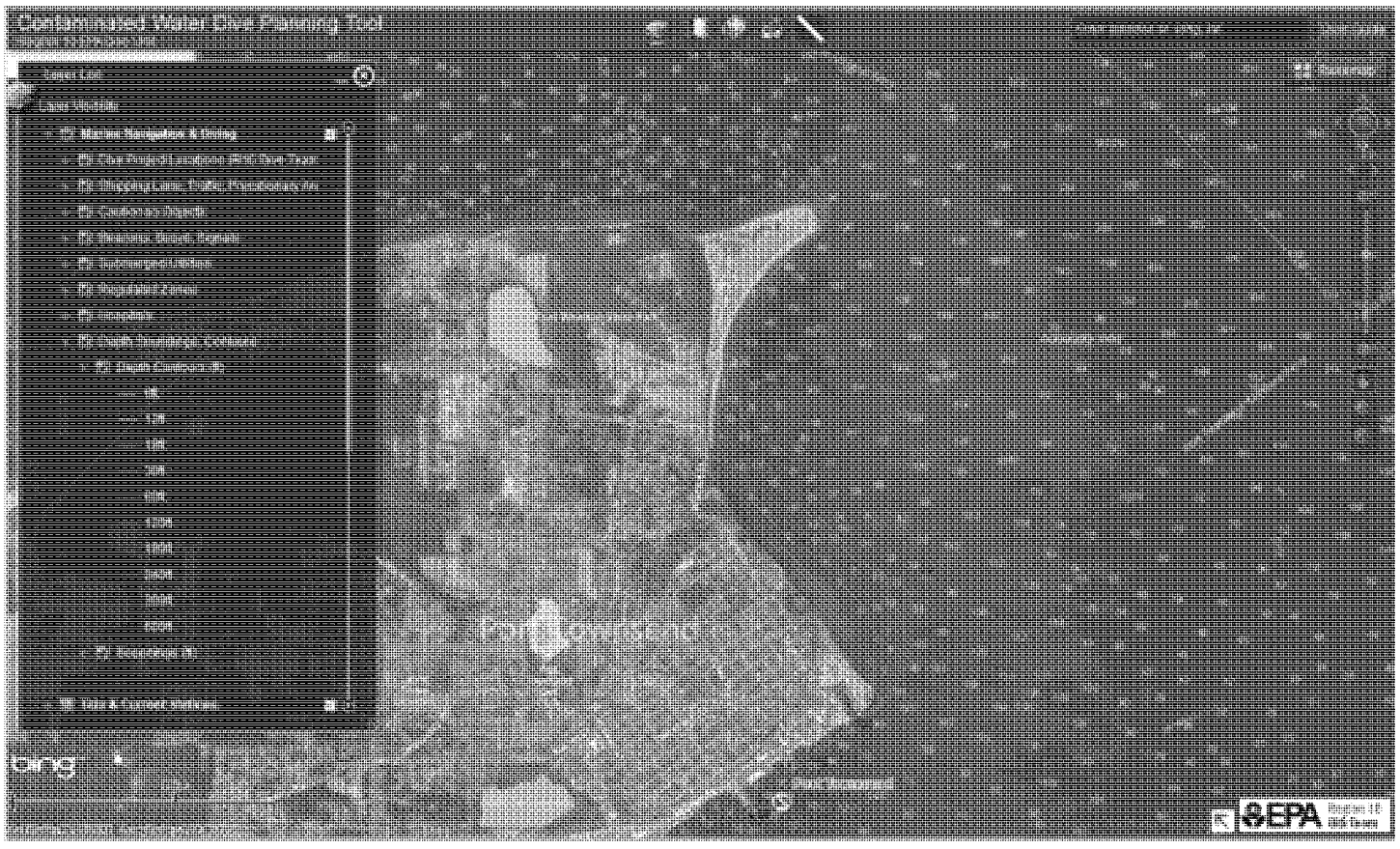
We have this

Epoch ◉ Present (1983-2001)
○ Superseded (1960-1978)

Submit

And here is an app that we use to see bathymetry and shoreline data for water project planning:

http://t1010pseth805.aa.ad.epa.gov/contaminatedwaterdiving/?__utma=106868032.1136941958.1438726200.1438726200.1438726200.1&__utmb=106868032.0.10.1438726203009&__utmc=106868032&__utmx=-&__utmz=106868032.1438726200.1.1.utmcsr=(direct)|utmccn=(direct)|utmcmd=(none)&__utmv=-&__utmk=85372697



Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OEA-095 | Seattle, WA 98101
206.553.2147

From: Thiesing, Mary
Sent: Wednesday, July 29, 2015 3:03 PM
To: Islam, Mahbubul
Cc: Siwiec, Tim; Szerlog, Michael
Subject: Tech assistance request: GIS support

My apologies—I am acting Unit Manager this week [Personal Matters / Ex. 6] and I do not have the Lotus Notes link to the tech request web location, so I am sending this request to you as an email memo instead.

The Aquatic Resources Unit (ARU) would like to request the technical support of OEA's GIS unit to prepare a map using paired data points of tidal elevations for Mean high higher water (MHHW) and Highest Astronomical Tide (HAT). The Region has received a petition from Earthjustice asking us to use a special case determination to identify the Highest Astronomical Tide as the limit of jurisdiction for tidal waters for Puget Sound. The requested map of these data would allow us to visualize the differences between these two landmarks, and would assist the Regional Administrator in reaching a decision on the request.

Attached is the spreadsheet assembled by Heather Dean of ARU, which includes the NOAA-measured tidal elevations for MHHWM and HAT at different locations. Highlighted in yellow are the places where there are both MHHWM and HAT data. What we are specifically requesting is for the map these paired data to show how they relate to shoreline topography/elevation (and the finest scale possible) and current landscape/habitat conditions most (using base-layer of most recent aerial photo).

What we want to be able to see is the following:

1) For Puget Sound, where these different 'lines' of MHHWM v. HAT would be located along the shoreline (so showing the difference in elevation as well as extending that elevation in a line along the shoreline to illustrate the difference would be really helpful). We want to show this for several different topographic elevation gradient settings (gradual vs. steep), and get a sense of the differences between areas what the extent of the difference would be. We are also interested in seeing these 'lines' in the context of the current conditions (extent of armoring) – so current aerial photo as a base-layer would be useful to show this.

2) For the locations on the WA coastal shoreline, to show a similar thing – the location of the MHHWM v. HAT at each Lat/Long, in a way that illustrates the line along the shoreline relative to elevation/topography and existing conditions (aerial photo).

We are scheduled to brief the RA on August 10, and it would be helpful to have these maps. If 2 maps is too much to do in the time-frame requested, then focusing on just #1 for Puget Sound would be of priority importance, if possible. If it is not possible to produce any products in the time frame allowed, could you please contact me or Michael Szerlog (X 0279; szerlog.michael@epa.gov). Personal Matters / Ex. 6

Thank you very much for your consideration.

Mary Anne Thiesing
Regional Wetland Ecologist
(206) 553-6114
(b) (6) (cell)
thiesing.mary@epa.gov

Message

From: Thiesing, Mary [Thiesing.Mary@epa.gov]
Sent: 7/29/2015 10:02:42 PM
To: Islam, Mahbubul [Islam.Mahbubul@epa.gov]
CC: Siwiec, Tim [Siwiec.Tim@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Tech assistance request: GIS support
Attachments: Copy of HTLvsMHHW (2).xlsx

My apologies—I am acting Unit Manager this week [Personal Matters / Ex. 6] and I do not have the Lotus Notes link to the tech request web location, so I am sending this request to you as an email memo instead.

The Aquatic Resources Unit (ARU) would like to request the technical support of OEA's GIS unit to prepare a map using paired data points of tidal elevations for Mean high higher water (MHHW) and Highest Astronomical Tide (HAT). The Region has received a petition from Earthjustice asking us to use a special case determination to identify the Highest Astronomical Tide as the limit of jurisdiction for tidal waters for Puget Sound. The requested map of these data would allow us to visualize the differences between these two landmarks, and would assist the Regional Administrator in reaching a decision on the request.

Attached is the spreadsheet assembled by Heather Dean of ARU, which includes the NOAA-measured tidal elevations for MHHWM and HAT at different locations. Highlighted in yellow are the places where there are both MHHWM and HAT data. What we are specifically requesting is for the map these paired data to show how they relate to shoreline topography/elevation (and the finest scale possible) and current landscape/habitat conditions most (using base-layer of most recent aerial photo).

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Thank you very much for your consideration.

Mary Anne Thiesing
Regional Wetland Ecologist
(206) 553-6114
(b) (6) (cell)
thiesing.mary@epa.gov

Message

From: Storm, Linda [Storm.Linda@epa.gov]
Sent: 7/28/2015 8:38:01 PM
To: Siwiec, Tim [Siwiec.Tim@epa.gov]
Subject: here's corrected table (don't know if I sent you the spreadsheet before) FW: Request for OEA Tech Support for Tim Siwiec's GIS mapping assistance FW: request
Attachments: Copy of HTLvsMHHW (2).xlsx

This is what I sent to Maryann to submit in a more formal request. This table has the MHHW v. Highest Astromical Tideline data on it. I am forwarding it to you for your info and as a jump start. Maryann will submit the formal request (though not sure she has the OEA tech request icon on her desk top). We would like to have this by end of next week. Is that possible?

Thanks,
Linda

Linda E. Storm, Aquatic Ecologist
Office of Ecosystems, Tribal and Public Affairs
U.S. EPA, Region 10
1200 Sixth Avenue,Mail Stop ETPA-202-1
Seattle, Washington 98101-3140
Ofc: (206) 553-6384; Cell: (206) 437-2293
Email: storm.linda@epa.gov

From: Storm, Linda
Sent: Tuesday, July 28, 2015 1:32 PM
To: Thiesing, Mary
Cc: Dean, Heather
Subject: Request for OEA Tech Support for Tim Siwiec's GIS mapping assistance FW: request

HI Maryann – as we just talked about, Tim needs an OEA Tech Task Request (not sure where their form is, though looked on their intranet web site) and a memo from you acting for Michael should do though.

Attached is the spreadsheet Heather has put together with the different data point locations and tidal elevations for MHHWM and HAT at different locations. Highlighted in yellow are the places where there are both MHHWM and HAT data. What I would like is for Tim to map these paired data to show how they relate to shoreline topography/elevation (and the finest scale possible) and current landscape/habitat conditions most (using base-layer of most recent areal photo).

What we want to be able to see is the following:

1) For Puget Sound where these different 'lines' of MHHWM v. HAT would be located along the shoreline (so showing the difference in elevation as well as extending that elevation in a line along the shoreline to illustrate the difference would be really helpful). We want to show this for several different topographic elevation gradient settings (gradual vs. steep), and get a sense of the differences between areas what the extent of the difference would be. We are also interested in seeing these 'lines' in the context of the current conditions (extent of armoring) – so current aerial photo as a base-layer would be useful to show this.

2) For the locations on the WA coastal shoreline to show a similar thing – the location of the MHHWM v. HAT at each Lat/Long, in a way that illustrates the line along the shoreline relative to elevation/topography and existing conditions (areal photo).

If 2 maps is too much to do in the time-frame requested, then focusing on just #1 for Puget Sound would be fine. I don't know how difficult this is to create.

Heather created the attached table from NOAA data. I hope it will be relatively easy for Tim to create and for us to then use as a visual for Dennis' 8/10 briefing on the EarthJustice petition – or with our discussions with HQ on the HTL Q&A, etc.

I hope my explanation makes sense. Heather – please feel free to add to or clarify where needed.
Thank you so much!
Linda

From: Siwiec, Tim
Sent: Friday, July 24, 2015 3:57 PM
To: Storm, Linda
Subject: request

Linda, I got your voicemail.
Please submit an OEA Tech Task Request (most likely via your manager) and then my management will review and assign.
We can work out the details further after that.
Thanks

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OEA-095 | Seattle, WA 98101
206.553.2147

Message

From: Siwiec, Tim [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A10D9EF903924C49858131679612C225-SIWIEC, TIM]
Sent: 8/15/2016 5:21:09 PM
To: Lohrman, Bridgette [lohrman.bridgette@epa.gov]
Subject: RE: OERA Hot Topics

Thanks!

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Lohrman, Bridgette
Sent: Monday, August 15, 2016 10:21 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Cc: Barton, Justine <Barton.Justine@epa.gov>; Hoffman, Erika <Hoffman.Erika@epa.gov>; Meade, Chris <Meade.Chris@epa.gov>; Harris, Sydney <harris.sydney@epa.gov>
Subject: RE: OERA Hot Topics

Great. Thank you!. I just noticed that it is on the R10 webpage but will forward it on the OOO folks in case they missed the announcement.

~~~~~~

Bridgette Lohrman | Ecologist |U.S. Environmental Protection Agency
Oregon Operations Office | 805 SW Broadway, Suite 500 | Portland, OR 97205 | 503.326.4006 | lohrman.bridgette@epa.gov

---

From: Siwiec, Tim
Sent: Monday, August 15, 2016 10:10 AM
To: Lohrman, Bridgette <lohrman.bridgette@epa.gov>
Cc: Barton, Justine <Barton.Justine@epa.gov>; Hoffman, Erika <Hoffman.Erika@epa.gov>; Meade, Chris <Meade.Chris@epa.gov>; Harris, Sydney <harris.sydney@epa.gov>
Subject: RE: OERA Hot Topics

Yes!

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line
~~~~~~

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Lohrman, Bridgette
Sent: Monday, August 15, 2016 10:03 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Cc: Barton, Justine <Barton.Justine@epa.gov>; Hoffman, Erika <Hoffman.Erika@epa.gov>; Lohrman, Bridgette <lohrman.bridgette@epa.gov>; Meade, Chris <Meade.Chris@epa.gov>; Harris, Sydney <harris.sydney@epa.gov>
Subject: FW: OERA Hot Topics

Hi Tim –

I saw your announcement about the GeoPlatform GIS tool session in the email below. Will this be held as a webinar so folks outside the Regional Office can participate? I would like to attend.

Thanks for putting this training together.

-Bridgette

Bridgette Lohrman | Ecologist |U.S. Environmental Protection Agency
Oregon Operations Office | 805 SW Broadway, Suite 500 | Portland, OR 97205 | 503.326.4006 | lohrman.bridgette@epa.gov

---

From: Allnutt, David
Sent: Thursday, August 11, 2016 6:03 PM
To: R10-ORA <R10-ORA@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>
Subject: OERA Hot Topics

For the week of August 15, 2016

This Week:
High Tide Line: On August 22, Gen. Spellmon of the Army Corps of Engineers' Pacific Northwest Division is meeting with Will Stelle and Col. Buck of the Corps' Seattle District. Deliberative Process / Ex. 5
Deliberative Process / Ex. 5
Deliberative Process / Ex. 5 Dennis will be calling into the meeting. Contacts: Michael Szerlog (3-0279) and Peter Murchie (3 -1148).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

For the ET Notes from August 8 ET Meeting Roundtable

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line: Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

<< OLE Object: Picture (Device Independent Bitmap) >>

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

<< OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >>

Message

From: Siwiec, Tim [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A10D9EF903924C49858131679612C225-SIWIEC, TIM]
Sent: 3/21/2016 3:02:30 PM
To: Augustine, Scott [Augustine.Scott@epa.gov]
CC: Lopez-Baird, James [Lopez-Baird.James@epa.gov]
Subject: RE: Need for sub foot GPS accuracy

I agree, I don't think we should buy it.

But it is nice to see the data accuracy has improved on the mobile mapping devices to decimeter level.

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Augustine, Scott
Sent: Monday, March 21, 2016 7:45 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Cc: Lopez-Baird, James <Lopez-Baird.James@epa.gov>
Subject: Re: Need for sub foot GPS accuracy

Are you making a proposal?

Another avenue I thought of is to talk with the folks at NOAA. That's what they do. The Corps is another Fed who might be interested and who has the equipment and expertise you need.

Buying the equipment ourselves doesn't feel right. We should discuss on Thurs at team mtg.

Scott Augustine
USEPA - Region 10 - Seattle
(206) 553-1795

Sent from EPA mobile device

On Mar 18, 2016, at 4:11 PM, Siwiec, Tim <Siwiec.Tim@epa.gov> wrote:

> The latest Trimble GIS mobile mapping device with DECIMETER accuracy.
> It picks up just about every satellite in the sky! And only for about $9000
>
> Specs:
> http://store.elecdata.com/products/item/?id=3525
>
> video:
> https://www.youtube.com/watch?v=02u3xdylAL8&ebc=ANyPxKoWIyX2nSkcDL3LK0rgM1K--djwderxb2jg1RIJ09XcdmXEACBc4pLewma9FfprP9HOfF6Y5Cc5QwigM9zd1hxQfZo5Gg

From: Augustine, Scott
Sent: Wednesday, March 16, 2016 12:13 PM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>; Lopez-Baird, James <Lopez-Baird.James@epa.gov>
Subject: RE: Need for sub foot GPS accuracy

Renting is an option. I've never done it in WA, but there are engineering/survey supply firms that do rent the units. Does START have that capability? That might be an option. Maybe we could borrow one from another Region? I think most folks would be loath to let their equipment go w/o them going with it, but we might get lucky. Kira Lynch might know of other SF-related resources we could tap into. I don't see how they can do this project w/o that level of accuracy.

Scott Augustine
augustine.scott@epa.gov
GIS Coordinator
US Environmental Protection Agency - Region 10
Seattle, WA
206.553.1795

Region 10 GIS (intranet): http://r10napps3.r10.epa.gov:9876/R10/INFOPAGE/oeainfo.nsf/webpage/Region+10+GIS

From: Siwiec, Tim
Sent: Wednesday, March 16, 2016 11:53 AM
To: Augustine, Scott <Augustine.Scott@epa.gov>; Lopez-Baird, James <Lopez-Baird.James@epa.gov>
Subject: Need for sub foot GPS accuracy

It's a been awhile now, but looks like we have a need for a sub foot accuracy GPS for project.

The Trimble's are long gone, and I don't think the Garmin's come to close that that level of vertical accuracy.

What are our options?
Buy one? Borrow one? Rent one? reject offer to help?

From: Meyer, Susan
Sent: Wednesday, March 16, 2016 10:10 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Cc: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Example Map

Wow! Yes, we do want sub foot accuracy. Is it possible to borrow such a thing? I'm pretty sure we wouldn't buy one for this purpose. Thanks!

From: Siwiec, Tim
Sent: Wednesday, March 16, 2016 10:01 AM
To: Meyer, Susan <meyer.susan@epa.gov>
Cc: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Example Map

Yes, we have GPS units to check out.

And yes, I can come out to assist and train.

One caveat, GPS vertical accuracy is not super accurate with the recreational grade units we have (Garmins with about a $500 value).
If sub foot accuracy is desired we might want to acquire/borrow a survey grade unit (~$3000-5000 value).
We can look into this more as with data quality requirements before more clear.

From: Meyer, Susan
Sent: Wednesday, March 16, 2016 9:56 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Cc: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Example Map

Hi Tim, Heather and I and other members of the team who are working on the Corps High Tide Line issue will be visiting a few beaches near the stations that you will be mapping for us. While in the field, we want to be able to mark the various elevations on each beach with pin flags to show those in the group the relationship between the elevations. So I have 2 questions:

1) Do you have access to a gps unit, or do you know where we could find one to use?
2) Would you be able to go out with Heather and me in April to practice using it on a nearby beach, and again in mid-May with the larger group?

I know this is more than you bargained for originally, but if you could let me know if this is doable, I would really appreciate it. Thanks so much,

Susan Meyer

From: Dean, Heather
Sent: Tuesday, March 15, 2016 8:43 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>
Subject: Example Map

Good morning. This map, which I believe you may have prepared, Tim, will help with our upcoming discussion.

Message

From: Siwiec, Tim [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A10D9EF903924C49858131679612C225-SIWIEC, TIM]
Sent: 5/13/2016 5:32:04 PM
To: Szerlog, Michael [szerlog.michael@epa.gov]
Subject: FW: Updates to PDF maps for Tulalip and Seattle for High Tide Mapping Project
Attachments: TidalDatumComparisonTulalipBay.pdf; TidalDatumComparisonSeattle.pdf

Updates on HTL

From: Siwiec, Tim
Sent: Thursday, May 12, 2016 2:13 PM
To: Meyer, Susan <meyer.susan@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Lin, Lawrence P NWS <Lawrence.P.Lin@usace.army.mil>
Subject: Updates to PDF maps for Tulalip and Seattle for High Tide Mapping Project

Updates to PDF maps for Tulalip and Seattle for High Tide Mapping Project
Please forward to interested parties, I know I missed a number of people on the email chain.
thx

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

Message

From: Siwiec, Tim [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A10D9EF903924C49858131679612C225-SIWIEC, TIM]
Sent: 4/12/2016 9:26:42 PM
To: Dean, Heather [Dean.Heather@epa.gov]
Subject: tacoma
Attachments: TidalDatumComparisonTacoma.pdf

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Dean, Heather
Sent: Tuesday, April 12, 2016 2:15 PM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

Sweet! Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Thanks!

From: Siwiec, Tim
Sent: Tuesday, April 12, 2016 1:45 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Dean, Heather
Sent: Tuesday, April 12, 2016 9:57 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

Deliberative Process / Ex. 5

From: Siwiec, Tim
Sent: Tuesday, April 12, 2016 9:54 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

Deliberative Process / Ex. 5

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Dean, Heather
Sent: Tuesday, April 12, 2016 9:35 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: FW: Info for HTL Mapping

Deliberative Process / Ex. 5

From: Dean, Heather
Sent: Tuesday, April 12, 2016 9:14 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

Cool. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Siwiec, Tim
Sent: Tuesday, April 12, 2016 9:07 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Dean, Heather
Sent: Tuesday, April 12, 2016 8:58 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

Me, again. So.. Deliberative Process / Ex. 5

From: Siwiec, Tim
Sent: Monday, April 11, 2016 4:36 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Assuming this format and process are what you had in mind, which maps should I work on next?

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Dean, Heather
Sent: Monday, April 11, 2016 2:43 PM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

Dang; Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,

Heather

From: Siwiec, Tim
Sent: Monday, April 11, 2016 2:12 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

Heather,

Deliberative Process / Ex. 5

Perhaps we choose 5 study sites from these based off of having this baseline data to work from.

Let's talk.

Deliberative Process / Ex. 5

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Siwiec, Tim
Sent: Monday, April 11, 2016 10:34 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

Deliberative Process / Ex. 5 .. that is, when the NOAA website comes back online, it appears to up and down lately.

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Dean, Heather
Sent: Monday, April 11, 2016 10:22 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

Okay, cool. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks!

Heather

From: Siwiec, Tim
Sent: Monday, April 11, 2016 9:54 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

Yes, it is different.

Deliberative Process / Ex. 5

Here is NOAA's site showing "Elevation" datasets available in and near Puget Sound. The results that are returned with the word LIDAR in them are the better data quality higher res
https://coast.noaa.gov/dataregistry/search/dataset/363EA1C1-FF6B-4A01-837B-01400E22EAB4

Deliberative Process / Ex. 5

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Dean, Heather
Sent: Monday, April 11, 2016 9:30 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

Okay, I may be confused. Deliberative Process / Ex. 5

From: Siwiec, Tim
Sent: Monday, April 11, 2016 9:02 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Dean, Heather
Sent: Monday, April 11, 2016 7:48 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

Sweet; that looks awesome! Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 The URL you sent isn't working for me.... Thanks!

From: Siwiec, Tim
Sent: Thursday, April 07, 2016 2:53 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

Heather,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Dean, Heather
Sent: Thursday, April 07, 2016 11:11 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

Deliberative Process / Ex. 5

From: Siwiec, Tim
Sent: Thursday, April 07, 2016 11:09 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

Deliberative Process / Ex. 5

Tim Siwiec
U.S. Environmental Protection Agency | Region 10

1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Dean, Heather
Sent: Thursday, April 07, 2016 11:08 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

Oh, geez; I'm sorry. Deliberative Process / Ex. 5
Deliberative Process / Ex. 5 Thanks!

From: Siwiec, Tim
Sent: Thursday, April 07, 2016 11:07 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Dean, Heather
Sent: Thursday, April 07, 2016 9:56 AM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: RE: Info for HTL Mapping

Hey, Tim.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,

Heather

From: Siwiec, Tim
Sent: Tuesday, April 05, 2016 6:00 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Info for HTL Mapping

I spent some time this week working on the HTL mapping project.

A few things:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OERA-140 | Seattle, WA 98101
206.553.2147

From: Dean, Heather
Sent: Thursday, March 31, 2016 2:50 PM
To: Siwiec, Tim <Siwiec.Tim@epa.gov>
Subject: Info for HTL Mapping

Hi, Tim. Here are the photos & the spreadsheet. I noticed that the datums page for 3 of the 5 sites does not list the NAVD88 elevation, but I have not had a chance to look into that issue. I won't be in tomorrow, but will be working (offsite) on Monday & Tuesday, so we can certainly touch base before I'm back in the office.

Thanks for your help,

Heather

Message

From: Siwiec, Tim [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A10D9EF903924C49858131679612C225-SIWIEC, TIM]
Sent: 8/6/2015 11:09:27 PM
To: Thiesing, Mary [Thiesing.Mary@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]
CC: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Tech assistance request: GIS support
Attachments: HATvMHHWcomparisonUnionHoodCanal.pdf; HATvMHHWcomparisonTulalipBay.pdf; HATvMHHWcomparisonPriestPoint.pdf; HATvMHHWcomparisonEverett.pdf

Here is collection of PDF maps that illustrate the horizontal area difference from the HAT tide to MHHW tide.
There are many caveats with the data used for an analysis such as this.

For illustration purposes I believe the Hood Canal station map is the most clear.

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OEA-095 | Seattle, WA 98101
206.553.2147

From: Siwiec, Tim
Sent: Thursday, August 06, 2015 1:31 PM
To: Thiesing, Mary; Storm, Linda
Cc: Szerlog, Michael
Subject: RE: Tech assistance request: GIS support

Mary Anne, all,

Here is a draft PDF map that I put together for one tidal station in Puget Sound that illustrates the horizontal area difference from the HAT tide to MHHW tide.
Take a look and this sample map and let me know if it will work for your need, if so, I can create a few more of these pdf maps highlighting various other Puget Sound locations that also have a high (HAT v MHHW) variance.

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OEA-095 | Seattle, WA 98101
206.553.2147

From: Thiesing, Mary
Sent: Tuesday, August 04, 2015 3:27 PM
To: Siwiec, Tim; Storm, Linda
Cc: Szerlog, Michael; Islam, Mahbubul
Subject: Re: Tech assistance request: GIS support

Tim,

I can work with you on this. I am in the office tomorrow and Thursday. Can we speak tomorrow morning?

From: Siwiec, Tim
Sent: Tuesday, August 4, 2015 3:14 PM
To: Thiesing, Mary; Storm, Linda
Cc: Szerlog, Michael; Islam, Mahbubul
Subject: RE: Tech assistance request: GIS support

Mary Anne, Michael,

While trying to set up a meeting with Linda to further discuss this GIS request I noticed that is she is out of the office until right before this product would likely be useful in her preparation for an Aug 10th RA briefing.
Is there somebody else with I can work with in the intern?

In addition I can tell you that the level of DEM /bathy data doesn't exist for all of Washington state to accurately and consistently show the differences in MHHWM and HAT.
But I can help show you what data IS available and how this data could help illustrate the average distance in x and y square area increased by each foot of vertical tidal flux.

Here's a cool graphic to give you an idea of what we are talking about.

Elevations on Station Datum

Station: 9447773, Tulalip, Tulalip Bay, WA **T.M.:** 120
Status: Accepted (Jul 6 2015) Epoch: 1983-2001
Units: Feet **Datum:** STND

Datum	Value	Description
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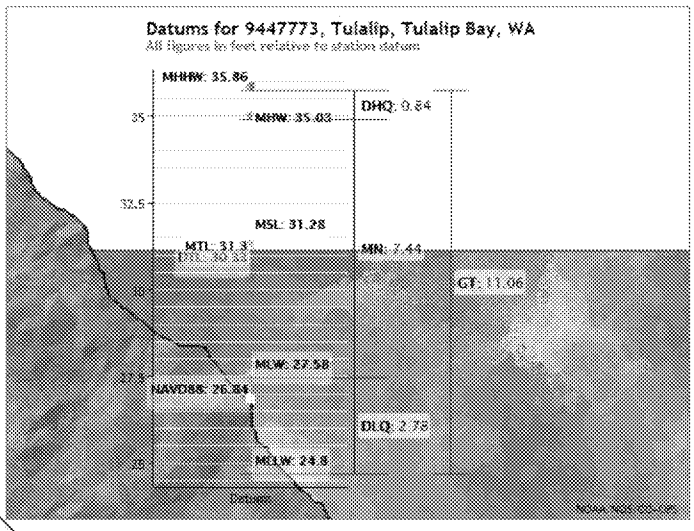
Minimum		Lowest Observed Water Level
Min Date & Time		Lowest Observed Water Level Date and Time
HAT	38.19	Highest Astronomical Tide
HAT Date & Time	01/01/1983 15:06	HAT Date and Time
LAT	20.35	Lowest Astronomical Tide
LAT Date & Time	06/22/1986 18:42	LAT Date and Time



Showing datums for

9447773 Tulalip, Tulalip Bay,...

Data Units ◉ Feet
○ Meters

We have this

Epoch ◉ Present (1983-2001)
○ Superseded (1960-1978)

Submit

And here is an app that we use to see bathymetry and shoreline data for water project planning:

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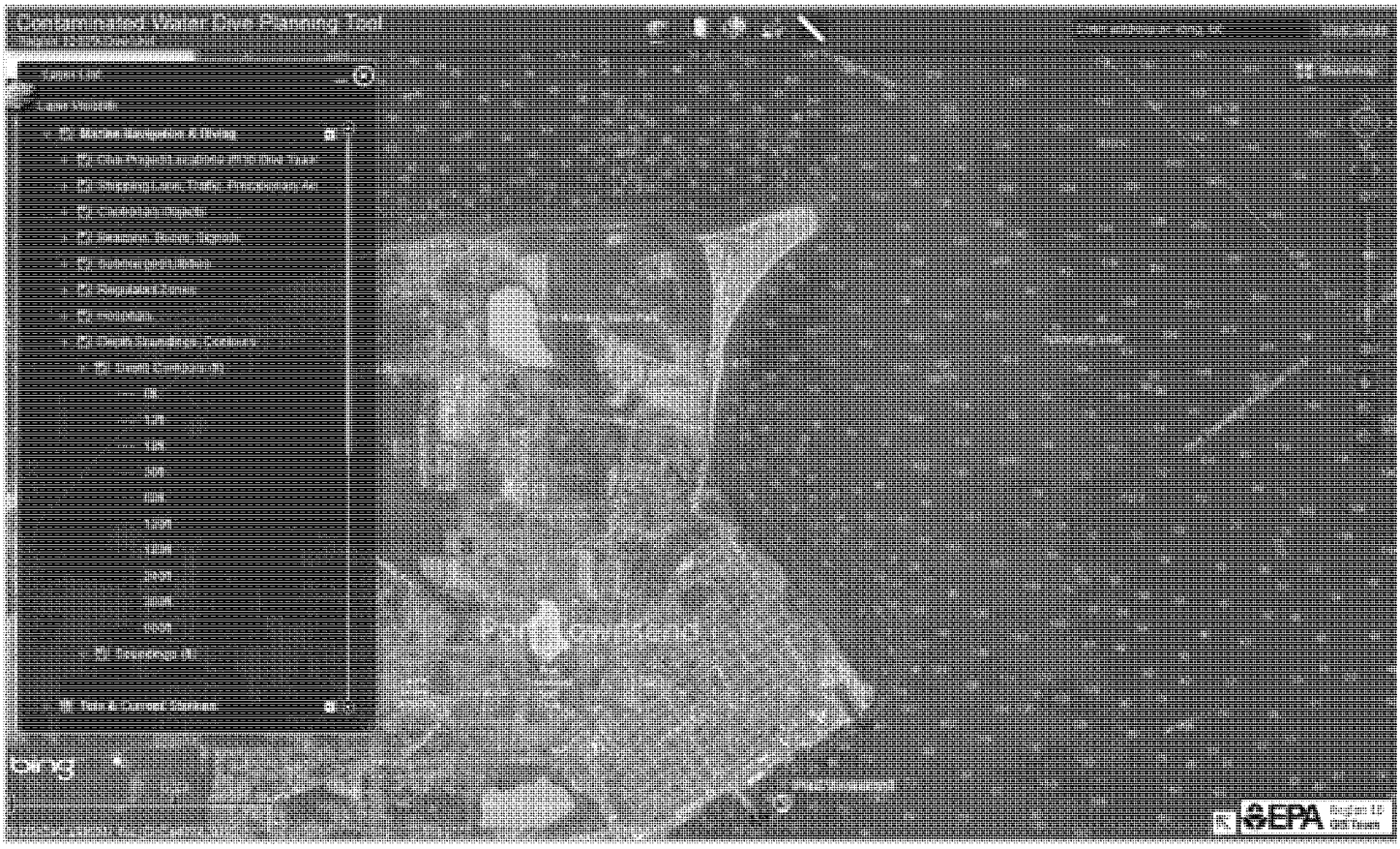

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OEA-095 | Seattle, WA 98101
206.553.2147

From: Thiesing, Mary
Sent: Wednesday, July 29, 2015 3:03 PM
To: Islam, Mahbubul
Cc: Siwiec, Tim; Szerlog, Michael
Subject: Tech assistance request: GIS support

My apologies—I am acting Unit Manager this week **Personal Matters / Ex. 6** and I do not have the Lotus Notes link to the tech request web location, so I am sending this request to you as an email memo instead.

The Aquatic Resources Unit (ARU) would like to request the technical support of OEA's GIS unit to prepare a map using paired data points of tidal elevations for Mean high higher water (MHHW) and Highest Astronomical Tide (HAT). The Region has received a petition from Earthjustice asking us to use a special case determination to identify the Highest Astronomical Tide as the limit of jurisdiction for tidal waters for Puget Sound. The requested map of these data would allow us to visualize the differences between these two landmarks, and would assist the Regional Administrator in reaching a decision on the request.

Attached is the spreadsheet assembled by Heather Dean of ARU, which includes the NOAA-measured tidal elevations for MHHWM and HAT at different locations. Highlighted in yellow are the places where there are both MHHWM and HAT data. What we are specifically requesting is for the map these paired data to show how they relate to shoreline topography/elevation (and the finest scale possible) and current landscape/habitat conditions most (using base-layer of most recent aerial photo).

What we want to be able to see is the following:

1) For Puget Sound, where these different 'lines' of MHHWM v. HAT would be located along the shoreline (so showing the difference in elevation as well as extending that elevation in a line along the shoreline to illustrate the difference

would be really helpful). We want to show this for several different topographic elevation gradient settings (gradual vs. steep), and get a sense of the differences between areas what the extent of the difference would be. We are also interested in seeing these 'lines' in the context of the current conditions (extent of armoring) – so current aerial photo as a base-layer would be useful to show this.

2) For the locations on the WA coastal shoreline, to show a similar thing – the location of the MHHWM v. HAT at each Lat/Long, in a way that illustrates the line along the shoreline relative to elevation/topography and existing conditions (aerial photo).

We are scheduled to brief the RA on August 10, and it would be helpful to have these maps. If 2 maps is too much to do in the time-frame requested, then focusing on just #1 for Puget Sound would be of priority importance, if possible. If it is not possible to produce any products in the time frame allowed, could you please contact me or Michael Szerlog (X 0279; szerlog.michael@epa.gov). Personal Matters / Ex. 6

Thank you very much for your consideration.

Mary Anne Thiesing
Regional Wetland Ecologist
(206) 553-6114
(b) (6) (cell)
thiesing.mary@epa.gov

Message

From: Siwiec, Tim [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A10D9EF903924C49858131679612C225-SIWIEC, TIM]
Sent: 8/6/2015 8:31:36 PM
To: Thiesing, Mary [Thiesing.Mary@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]
CC: Szerlog, Michael [Szerlog.Michael@epa.gov]
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Attachments: HATvMHHWcomparisonUnionHoodCanal.pdf

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Take a look and this sample map and let me know if it will work for your need, if so, I can create a few more of these pdf maps highlighting various other Puget Sound locations that also have a high (HAT v MHHW) variance.

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OEA-095 | Seattle, WA 98101
206.553.2147

From: Thiesing, Mary
Sent: Tuesday, August 04, 2015 3:27 PM
To: Siwiec, Tim; Storm, Linda
Cc: Szerlog, Michael; Islam, Mahbubul
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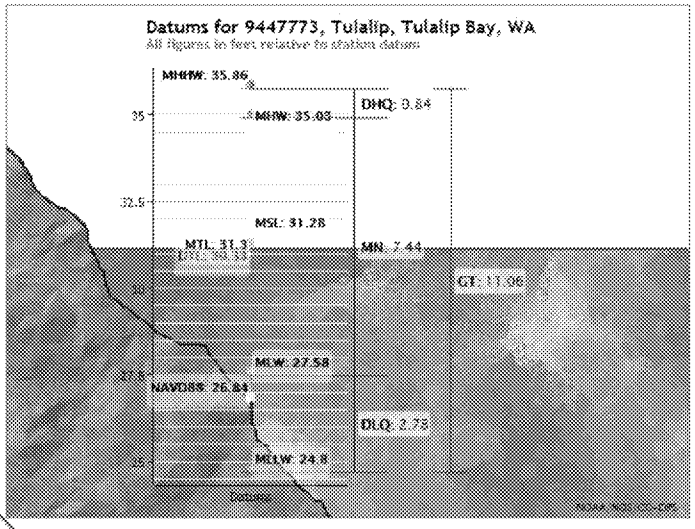

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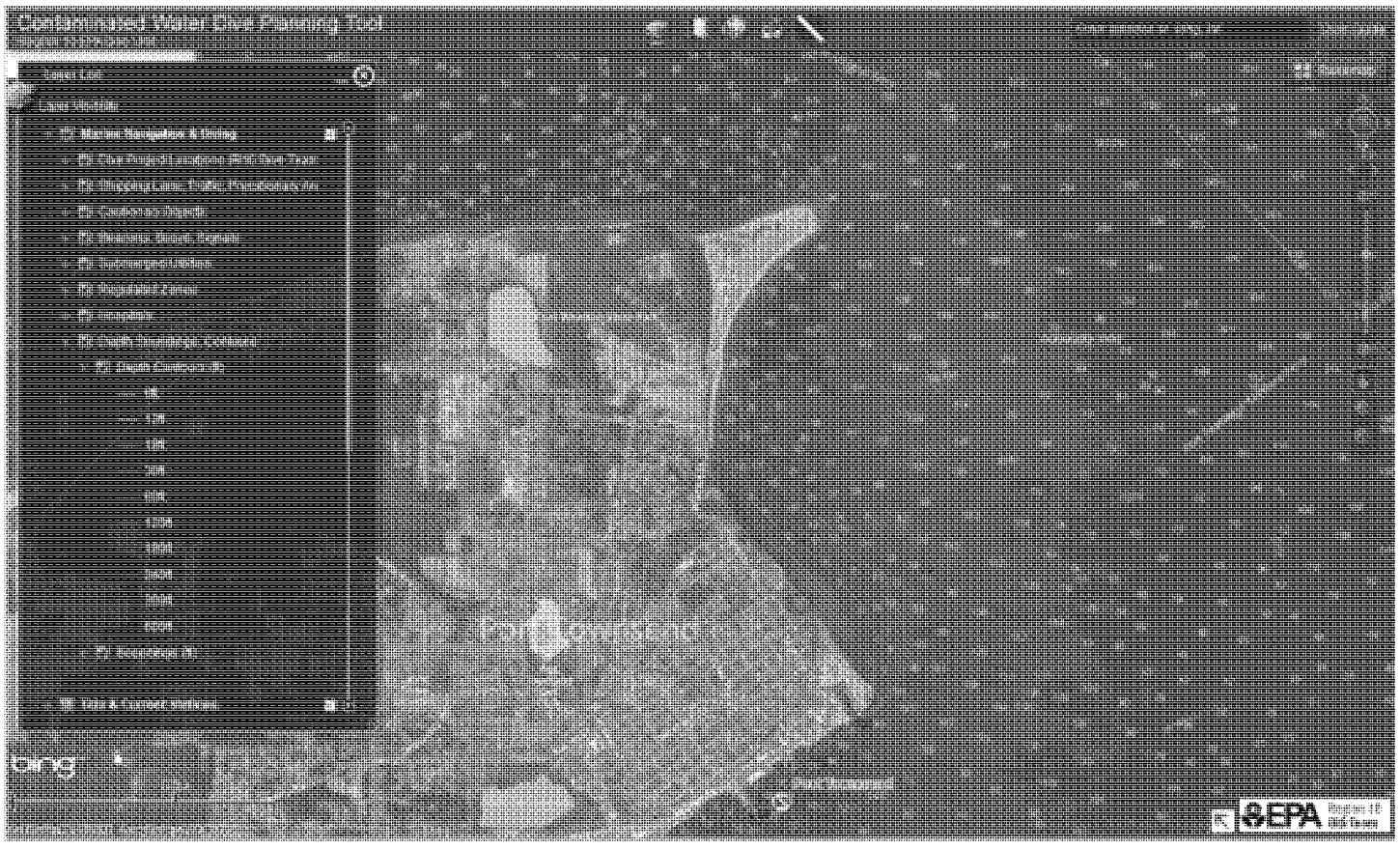

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Sent: 8/4/2015 10:45:59 PM
To: Thiesing, Mary [Thiesing.Mary@epa.gov]
Subject: RE: Tech assistance request: GIS support

Ok!

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OEA-095 | Seattle, WA 98101
206.553.2147

From: Thiesing, Mary
Sent: Tuesday, August 04, 2015 3:45 PM
To: Siwiec, Tim
Subject: Re: Tech assistance request: GIS support

Sure, Tim, tomorrow would be great. I am in a meeting at 11-12, but otherwise am at your disposal. Call me as early as is convenient--and thanks. We are so grateful you are able to be on this.

Mary Anne

From: Siwiec, Tim
Sent: Tuesday, August 4, 2015 3:41 PM
To: Thiesing, Mary
Subject: RE: Tech assistance request: GIS support

Great, we can talk tomorrow on the phone (since I work from home on Wednesday's) or meet on Thursday in the office.

Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OEA-095 | Seattle, WA 98101
206.553.2147

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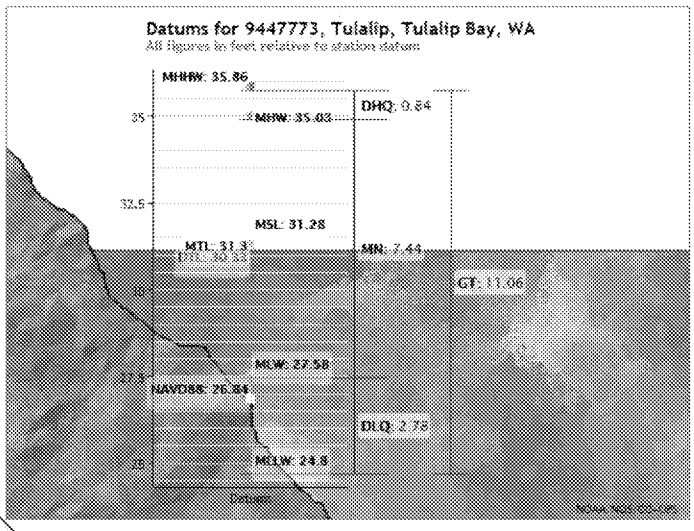

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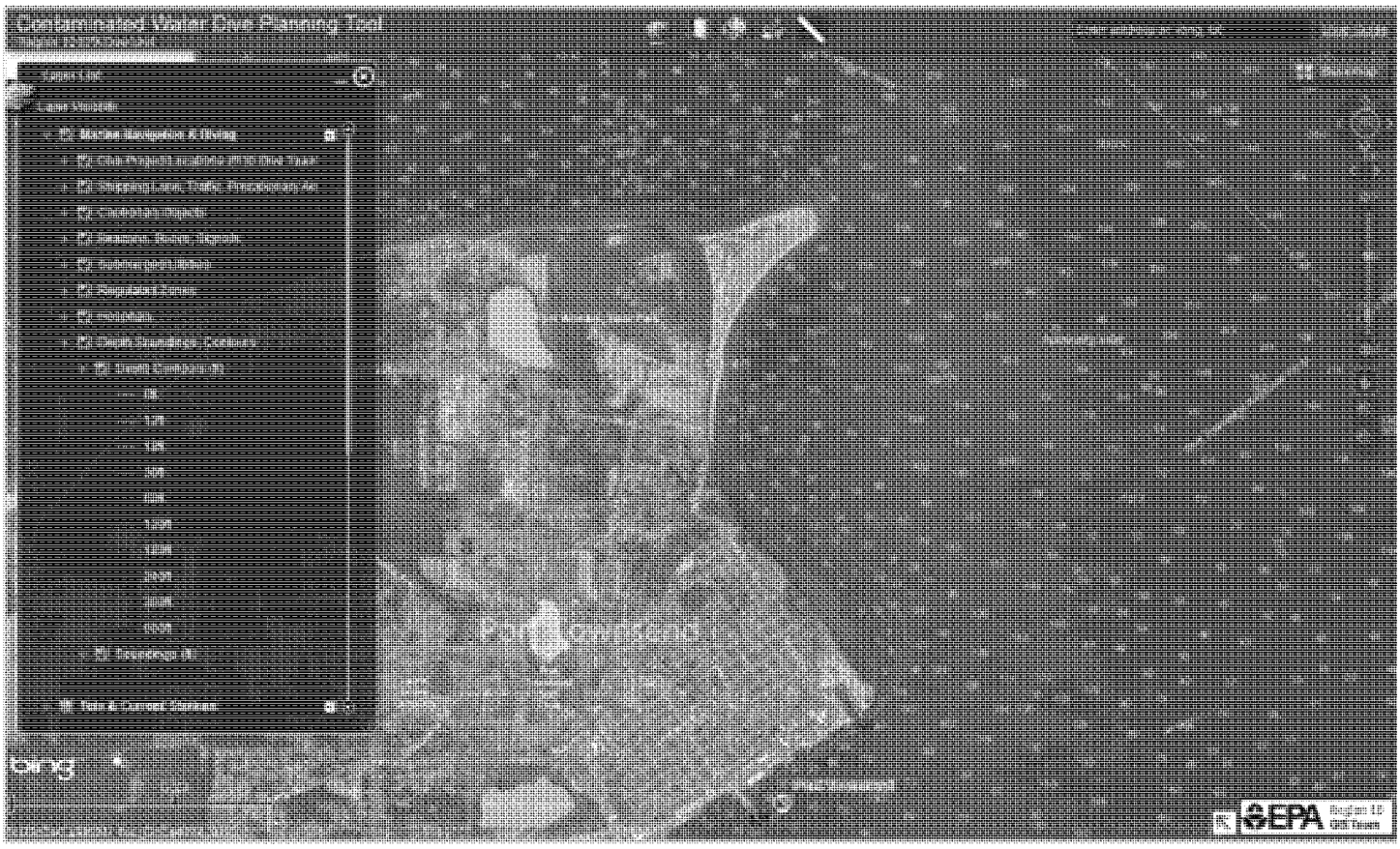
Submit

And here is an app that we use to see bathymetry and shoreline data for water project planning:

http://t1010pseth805.aa.ad.epa.gov/contaminatedwaterdiving/?__utma=106868032.1136941958.1438726200.1438726200.1438726200.1&__utmb=106868032.0.10.1438726203009&__utmc=106868032&__utmx=-&__utmz=106868032.1438726200.1.1.utmcsr=(direct)|utmccn=(direct)|utmcmd=(none)&__utmv=-&__utmk=85372697



Tim Siwiec
U.S. Environmental Protection Agency | Region 10
1200 6th Avenue, Suite 900, OEA-095 | Seattle, WA 98101
206.553.2147

From: Thiesing, Mary
Sent: Wednesday, July 29, 2015 3:03 PM
To: Islam, Mahbubul
Cc: Siwiec, Tim; Szerlog, Michael
Subject: Tech assistance request: GIS support

My apologies—I am acting Unit Manager this week [Personal Matters / Ex. 6] and I do not have the Lotus Notes link to the tech request web location, so I am sending this request to you as an email memo instead.

The Aquatic Resources Unit (ARU) would like to request the technical support of OEA's GIS unit to prepare a map using paired data points of tidal elevations for Mean high higher water (MHHW) and Highest Astronomical Tide (HAT). The Region has received a petition from Earthjustice asking us to use a special case determination to identify the Highest Astronomical Tide as the limit of jurisdiction for tidal waters for Puget Sound. The requested map of these data would allow us to visualize the differences between these two landmarks, and would assist the Regional Administrator in reaching a decision on the request.

Attached is the spreadsheet assembled by Heather Dean of ARU, which includes the NOAA-measured tidal elevations for MHHWM and HAT at different locations. Highlighted in yellow are the places where there are both MHHWM and HAT data. What we are specifically requesting is for the map these paired data to show how they relate to shoreline topography/elevation (and the finest scale possible) and current landscape/habitat conditions most (using base-layer of most recent aerial photo).

What we want to be able to see is the following:

1) For Puget Sound, where these different 'lines' of MHHWM v. HAT would be located along the shoreline (so showing the difference in elevation as well as extending that elevation in a line along the shoreline to illustrate the difference

would be really helpful). We want to show this for several different topographic elevation gradient settings (gradual vs. steep), and get a sense of the differences between areas what the extent of the difference would be. We are also interested in seeing these 'lines' in the context of the current conditions (extent of armoring) – so current aerial photo as a base-layer would be useful to show this.

2) For the locations on the WA coastal shoreline, to show a similar thing – the location of the MHHWM v. HAT at each Lat/Long, in a way that illustrates the line along the shoreline relative to elevation/topography and existing conditions (aerial photo).

We are scheduled to brief the RA on August 10, and it would be helpful to have these maps. If 2 maps is too much to do in the time-frame requested, then focusing on just #1 for Puget Sound would be of priority importance, if possible. If it is not possible to produce any products in the time frame allowed, could you please contact me or Michael Szerlog (X 0279; szerlog.michael@epa.gov). Personal Matters / Ex. 6

Thank you very much for your consideration.

Mary Anne Thiesing
Regional Wetland Ecologist
(206) 553-6114
(b) (6) (cell)
thiesing.mary@epa.gov

Appointment

From: Szalay, Endre [Szalay.Endre@epa.gov]
Sent: 5/26/2016 4:12:25 PM
To: Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]
CC: Luna, Teresa [Luna.Teresa@epa.gov]

Subject: Declined: CWA Attorney Interview
Location: Camas Room

Start: 5/31/2016 3:30:00 PM
End: 5/31/2016 4:00:00 PM
Show Time As: Busy

I have an all-day field visit with the corps, nmfs, wdfw, and the group from EPA working on shoreline protection and high tide line determinations. Can't move it.

Message

From: Szalay, Endre [Szalay.Endre@epa.gov]
Sent: 5/11/2016 6:17:11 AM
To: Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]
Subject: FW: CMS New Assignment - Julianne McLeod - AX-16-000-7241
Attachments: Rsp to NWIFC, endre.docx; NWIFC Ltr - Federal Obligation to Interpret Sect 404.pdf

Hi Cara - keeping you in the loop while I'm out regarding this controlled correspondence response to a letter from North West Indian Fish Commission regarding CWA jurisdiction and interpretation of the High Tide Line. My work phone is forwarded to my cell if you need to reach me for any reason while I'm out. Later!

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

-----Original Message-----
From: Szalay, Endre
Sent: Tuesday, May 10, 2016 8:44 AM
To: Downing, Donna <Downing.Donna@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: CMS New Assignment - Julianne McLeod - AX-16-000-7241

Hi Heather, Michael, and Donna:

Letter looks good. My edits and comments are attached.

Couple of additional thoughts. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Let me know if you want to discuss. Thanks!

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

-----Original Message-----
From: Downing, Donna
Sent: Monday, May 09, 2016 11:32 AM
To: Dean, Heather <Dean.Heather@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Szalay, Endre <Szalay.Endre@epa.gov>
Subject: RE: CMS New Assignment - Julianne McLeod - AX-16-000-7241

Sorry to be slow, Heather. This came after I'd left Thursday, Personal Matters / Ex. 6 and have been in a lot of meetings today. I'm on a call as I type (double-tasking!), but will take a look as soon as the call ends. With this email I'm also cc'ing John Goodin (Russ is out).

Donna

-----Original Message-----
From: Dean, Heather
Sent: Monday, May 09, 2016 2:19 PM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Szalay, Endre <Szalay.Endre@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>
Subject: RE: CMS New Assignment - Julianne McLeod - AX-16-000-7241

Thanks. I have nothing from Endre or Donna, yet. (Guys- I need to get it to David today.)

Do we need to get input from the Puget Sound &/or tribal folks, or is sharing a copy after it goes out sufficient?

-----Original Message-----
From: Szerlog, Michael
Sent: Monday, May 09, 2016 11:15 AM
To: Dean, Heather <Dean.Heather@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Cc: Downing, Donna <Downing.Donna@epa.gov>
Subject: RE: CMS New Assignment - Julianne McLeod - AX-16-000-7241

Heather,

Good job. My thoughts are attached. Did you get any comments from Endre? Or Donna?

I will let David know you will be sending to him through Linda Tyson.

Thanks
Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2 Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

-----Original Message-----
From: Dean, Heather
Sent: Thursday, May 05, 2016 2:26 PM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Cc: Downing, Donna <Downing.Donna@epa.gov>
Subject: FW: CMS New Assignment - Julianne McLeod - AX-16-000-7241

Good afternoon.

I would rather have been at the beach with you guys, but instead was drafting this response (Word file) to the Northwest Indian Fisheries Commission (pdf file). My instructions were to have it to David next Monday, so the letter could go out the next day. As usual, I will not be in tomorrow, so please have any comments back to me by Monday morning.

I am cc'ing Donna, but don't know who else to provide the draft &/or when, so please forward it to whomever else you think needs to review, along with my request for input by Monday morning.

Thanks,

Heather

-----Original Message-----
From: Tyson, Linda
Sent: Wednesday, April 27, 2016 11:52 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: FW: CMS New Assignment - Julianne McLeod - AX-16-000-7241

Hi Heather,

I'm being told that you are lead on response to this CMS, in coordination with Susan Meyer and Endre Szelay. Documents are attached. Response is due in CMS by 5/10 but will need routing/review for David's signature (recommend NLT 5/9 for routing).

LT

-----Original Message-----
From: cmsadmin@epa.gov [mailto:cmsadmin@epa.gov]
Sent: Tuesday, April 26, 2016 1:47 PM
To: Schuster, Cindy <Schuster.Cindy@epa.gov>; Manaloor, Valsala <Manaloor.Valsala@epa.gov>; Tyson, Linda <Tyson.Linda@epa.gov>
Subject: CMS New Assignment - Julianne McLeod - AX-16-000-7241

Control AX-16-000-7241 has been assigned to your office on 4/26/16 4:46 PM by Julianne McLeod. Please go to the CMS webpage to view the details of the control.

Summary Information -
Control Number: AX-16-000-7241
Control Subject: DRF - Daily Reading File - Federal Obligation to Interpret Section 404 Geographic Scope to the Highest Astronomical Tide Line to Help Protect Treaty Rights
From: Green, Jennifer; Loomis, Lorraine

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at https://cms.epa.gov/cms. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

Message

From: Szalay, Endre [Szalay.Endre@epa.gov]
Sent: 3/9/2016 5:03:26 PM
To: Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]
Subject: Personal Matters / Ex. 6

Roger that. Thurs afternoon could work since you're out on Friday. Later!

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Steiner-Riley, Cara
Sent: Wednesday, March 09, 2016 8:55 AM
To: Szalay, Endre <Szalay.Endre@epa.gov>
Subject: Personal Matters / Ex. 6

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

I am actually out on Friday but we can talk Personal Matters / Ex. 6 Thanks!

From: Szalay, Endre
Sent: Wednesday, March 09, 2016 8:48 AM
To: Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>
Subject: Personal Matters / Ex. 6

Thanks, Cara. I'll do that. Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

I have a pretty open day on Friday … I think it would be good for us to talk then.

Thanks again, Cara.

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Steiner-Riley, Cara
Sent: Wednesday, March 09, 2016 8:13 AM
To: Szalay, Endre <Szalay.Endre@epa.gov>
Subject: RE: Personal Matters / Ex. 6

Personal Matters / Ex. 6

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line Thanks.

From: Szalay, Endre
Sent: Wednesday, March 09, 2016 7:39 AM
To: Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>
Subject: Personal Matters / Ex. 6

Hi Cara – Personal Matters / Ex. 6

Personal Matters / Ex. 6 I have two meetings that I plan on participating in if I can: high tide line meeting with the Corps and NOAA from 9-11am and a jurisdictional determination / enforcement call with Jeff and Heather Dean from 12:30-1:30pm. Otherwise, I'm not sure how available I'm going to be, but I'll still try my best to be responsive to email and phone.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Talk soon. Thanks,

Endre M. Szalay
Assistant Regional Counsel
U.S. EPA, Region 10
1200 Sixth Ave., Suite 900, ORC-113
Seattle, WA 98101-3140
(206) 553-1073
szalay.endre@epa.gov

Message

From: Szalay, Endre [Szalay.Endre@epa.gov]
Sent: 2/24/2016 4:57:12 PM
To: Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]
Subject: WA TMDL

Hi Cara – I went ahead and called Dan because I think I should stay at the high tide line meeting. I brought Dan up to speed on things and he gave me an update on his end. I'll work on advancing the ball this week and will let you know if I encounter any roadblocks at DOJ. The high tide line call is done at 11am if you want to chat then.

Later!

Endre M. Szalay
Assistant Regional Counsel
U.S. EPA, Region 10
1200 Sixth Ave., Suite 900, ORC-113
Seattle, WA 98101-3140
(206) 553-1073
szalay.endre@epa.gov

REGIONAL ADMINISTRATOR'S BRIEFING – Internal
7 September 2016

Event: Deliberative Process / Ex. 5
Time: 3:00-3:30 p.m.
Location:

Meeting Overview

Deliberative Process / Ex. 5

Attendees: Dennis McLerran, Michelle Pirzadeh, David Allnutt, Lucy Edmondson, Dan Opalski, Cara Steiner-Riley, Peter Murchie, Michael Szerlog, Endre Szalay, Heather Dean, and Susan Meyer

Background:

- In the absence of adjacent wetlands, the HTL is the geographic limit of Clean Water Act (CWA) jurisdiction in tidally influenced waters. The placement of fill material below the HTL requires authorization from the Corps of Engineers.
- The Corps promulgated the regulatory definition of HTL in 1977, five years after passage of the CWA.

Deliberative Process / Ex. 5

- Analysis of records for six tide stations across Washington shows that tides exceed MHHW three to five times every week and surpass it by more than a foot as often as every ten days.
- Ongoing Washington Department of Fish and Wildlife (WDFW) beach surveys have confirmed widespread forage fish spawning well above MHHW. In addition, shallow waters provide refuge for juvenile salmon from predators. When shoreline property owners place fill at or above MHHW—for which the Corps does not currently require CWA authorization—the shallow water spawning and refuge habitat are lost without any federal environmental review or mitigation.

Deliberative Process / Ex. 5

behalf of its member tribes, began raising concern about the fisheries impacts through the Treaty Rights at Risk consultation process and have also urged EPA to clarify that jurisdiction extends to HAT.

- The interest of these two entities led to a commitment by the Seattle District to engage in an interagency workgroup with Region 10 and NOAA's West Coast Region (NMFS) to evaluate a possible change in its interpretation of the location of the HTL. At the outset, the workgroup agreed that the culmination of its effort would be a recommendation to the Corps' Northwest Division Engineer (General), with the understanding that Region 10 would reserve its right to designate a special case should we disagree with the outcome of that process.

Deliberative Process / Ex. 5

Status:

Deliberative Process / Ex. 5

Options:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Staff Contacts: Heather Dean (ARU), Susan Meyer (PSP), Endre Szalay (ORC)

Message

From: Fuentes, Rene [fuentes.rene@epa.gov]
Sent: 8/31/2016 4:52:18 PM
To: Winiecki, Eric [Winiecki.Eric@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]
Subject: FW: OERA Picnic August 31, 2016, remote attendees
Attachments: WTH is HTL.pptx

Eric & Kara,
On the idea that yesterday's discussion could have some possibilities, here is a presentation I just got that will be given at the EPA lab today during the meeting/picnic.

Presentation is very nicely done, but it seemed to me that the first 5 or 10 slides could give us a good starting perspective if we used the cow pies instead of the tides issues. Think about it.

I also got another presentation which could be a good shorter format for working towards a proposal from the end in reverse. That one is on fisheries and outfall testing.

Let me know if any of the slides inspire something related to cow pies project number 3?.

René

****
René Fuentes P.E., P.HG.
Hydrogeologist
Office of Environmental Review & Assessment
USEPA Region 10, 0ERA-140
1200 Sixth Ave., Suite 1400
Seattle, WA 98101

phone: (206) 553-1599

****

From: Pepich, Barry
Sent: Wednesday, August 31, 2016 8:51 AM

Sent: Wednesday, August 24, 2016 5:41 PM
To:

Appointment

From: Steiner-Riley, Cara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BEF7D04F2E64E4B8B90235A30CC7109-STEINER-RILEY, CARA]
Sent: 7/21/2015 6:57:07 PM
To: Szalay, Endre [Szalay.Endre@epa.gov]

Subject: FW: RA Briefing: Earthjustice CWA Jurisdiction Petition
Location: 21st Floor ET Conf Room + MML (b) (6)

Start: 8/10/2015 10:15:00 PM
End: 8/10/2015 11:00:00 PM
Show Time As: Tentative

-----Original Appointment-----
From: McLerran, Dennis
Sent: Tuesday, July 21, 2015 11:28 AM
To: McLerran, Dennis; Anderson-Carnahan, Linda; Szerlog, Michael; Thiesing, Mary; Dean, Heather; Storm, Linda; Opalski, Dan; Bonifaci, Angela; Rylko, Michael; Byron, Carrie; Allnutt, David; Steiner-Riley, Cara; Szalay, Endre; Kowalski, Ed; Kenknight, Jeff; Dunbar, Bill
Cc: Pirzadeh, Michelle; Davies, Lauris; Psyk, Christine; Barber, Anthony
Subject: RA Briefing: Earthjustice CWA Jurisdiction Petition
When: Monday, August 10, 2015 3:15 PM-4:00 PM (UTC-08:00) Pacific Time (US & Canada).
Where: 21st Floor ET Conf Room + MML (b) (6)

Meeting Subject(s)/Title of the Meeting or Event:	*Earthjustice Clean Water Act jurisdiction petition for EPA/Corps to claim the area between the Mean High Water Mark (MHHW) and the Highest Astronomical High Tide line in Puget Sound.*
Program Office POC(s):	*ETPA: Linda Anderson-Carnahan, Michael Szerlog, Mary Anne Thiesing, Heather Dean, and Linda Storm.* *OWW/Puget Sound Program: Dan Opalski, Angela Bonifaci, Michael Rylka, Carrie Byron* *ORC: David Allnutt, Cara Steiner-Riley, Endre Szalay*
Priority: (High, Medium, Low)	*High*
Purpose of the meeting (informational, decisional, prep)	*Decisional (we will be providing Dennis with options for responding)*
If the meeting will involve external participants, what will the RA/DRA's role be? (site visit, presenter/speech, listening session)	*No external participants are expected at this time, however, the Army Corps, Northwest Division is the lead for responding to the joint petition.*
Brief background information:	*On June 24, 2015, EPA and Army Corps of Engineers, Seattle District received a formal petition*

	from Earthjustice to "seek a formal ogency resolution of the long-running dispute over the appropriate scope of Corps jurisdiction in marine shoreline areas of Puget Sound, Washington." Specifically Earthjustice is asking "EPA to use authorities established under interagency agreement to designate marine shorelines between MHHW and true high tide as "waters of the United States" under the CWA subject to § 404 permitting. Additionally, we ask the Corps to make formal jurisdictional determinations with respect to several specific shoreline armoring projects currently planned without federal CWA permits that will take place below high tide but above MHHW." *The issue of appropriate methodology to determine the high tide line for the purposes of determining Jurisdiction has been raised to the Seattle District by EPA and the National Marine Fishery Services in the context of nationwide permit reauthorization and in discussions with the Puget Sound Partnership and their Action Agenda's efforts to reverse the trend in shoreline armoring in Puget Sound.* *The intent of this meeting is to determine how best to respond to the Earthjustice petition and to discuss options ovailable to EPA to address the high tide line issue either nationally or regionally.*
Location and/or suggested travel plan if offsite:	*RA's conference room*
When would you like to have this meeting? Please indicate if there are deadlines.	*First week of August if possible.*
How long should the meeting last? (Typically, briefings last no more than 45 minutes)	*Because there will be a large number of options to discuss with Dennis, we would like to have a full hour.* ***We are only scheduling 45 minute briefings at the RA & DRAs request. If you would like more than 45 minutes, please contact the RA or DRA directly.***
Required attendees:	*ETPA: Linda Anderson-Carnahan, Michael Szerlog, Mary Anne Thiesing, Heather Dean, and Linda Storm.* *OWW/Puget Sound Program: Dan Opalski, Angela Bonifaci, Michael Rylko, Carrie Byron* *ORC: David Allnutt, Cara Steiner-Riley, Endre Szalay* *OCE: Ed Kowalski, Jeff Kenknight* *ORA: Bill Dunbar*
Optional Attendees:	*ORA: Michelle Pirzadeh, OWW: Christine Psyk, WA Ops Director – Interim: Anthony Barber, OCE: Lauris Davies.*
IT/AV Equipment Needed (laptop, VTC, mics, etc)	*Need to be able to use flat screen to show PowerPoint/documents*
Superfund Site Specific Charging:	*NA*

Message

From: Szalay, Endre [Szalay.Endre@epa.gov]
Sent: 9/18/2014 9:47:37 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]
CC: DeGering, Tracy [DeGering.Tracy@epa.gov]; Nadeau, Tracie [Nadeau.Tracie@epa.gov]
Subject: RE: WOTUS definition changes - attached is track changes version & questions to address related to definition changes & tidal waters RE: Territorial Seas

Heather you are spot on. Attorney Client / Ex. 5

Attorney Client / Ex. 5

Endre
206-553-1073

From: Dean, Heather
Sent: Thursday, September 18, 2014 8:42 AM
To: Storm, Linda; Szalay, Endre
Cc: DeGering, Tracy; Nadeau, Tracie
Subject: RE: WOTUS definition changes - attached is track changes version & questions to address related to definition changes & tidal waters RE: Territorial Seas

Attorney Client / Ex. 5

From: Storm, Linda
Sent: Wednesday, September 17, 2014 6:55 PM
To: Szalay, Endre; Dean, Heather
Cc: DeGering, Tracy; Nadeau, Tracie
Subject: WOTUS definition changes - attached is track changes version & questions to address related to definition changes & tidal waters RE: Territorial Seas

Hi Folks – I agree with Endre. Attorney Client / Ex. 5

Attorney Client / Ex. 5

Attorney Client / Ex. 5

Attorney Client / Ex. 5

From: Szalay, Endre
Sent: Wednesday, September 17, 2014 9:54 AM
To: Dean, Heather
Cc: DeGering, Tracy; Nadeau, Tracie; Storm, Linda
Subject: RE: Territorial Seas

Interesting. Attorney Client / Ex. 5

Attorney Client / Ex. 5

So, I'm in favor of not recommending any changes. Happy to discuss this point more. Thanks.

Endre
206-553-1073

From: Dean, Heather
Sent: Tuesday, September 16, 2014 6:34 PM
To: Szalay, Endre

Cc: DeGering, Tracy; Nadeau, Tracie; Storm, Linda
Subject: Territorial Seas

Hi, Endre; welcome back. Question: Attorney Client / Ex. 5

Attorney Client / Ex. 5

Attorney Client / Ex. 5

Attorney Client / Ex. 5

Thanks,

H

Message

From: Storm, Linda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=473A11576E9E401B98840BB1A54FBAC7-STORM, LINDA]
Sent: 9/18/2014 1:55:13 AM
To: Szalay, Endre [Szalay.Endre@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]
CC: DeGering, Tracy [DeGering.Tracy@epa.gov]; Nadeau, Tracie [Nadeau.Tracie@epa.gov]
Subject: WOTUS definition changes - attached is track changes version & questions to address related to definition changes & tidal waters RE: Territorial Seas
Attachments: WOTUS tracked changes.doc

Hi Folks – I agree with Endre. Attorney Client / Ex. 5

Attorney Client / Ex. 5

From: Szalay, Endre
Sent: Wednesday, September 17, 2014 9:54 AM
To: Dean, Heather
Cc: DeGering, Tracy; Nadeau, Tracie; Storm, Linda
Subject: RE: Territorial Seas

Interesting. Attorney Client / Ex. 5

Attorney Client / Ex. 5

So, I'm in favor of not recommending any changes. Happy to discuss this point more. Thanks.

Endre
206-553-1073

From: Dean, Heather
Sent: Tuesday, September 16, 2014 6:34 PM
To: Szalay, Endre
Cc: DeGering, Tracy; Nadeau, Tracie; Storm, Linda
Subject: Territorial Seas

Hi, Endre; welcome back. Question: Attorney Client / Ex. 5

Attorney Client / Ex. 5

Thanks,

H

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 8/9/2016 8:48:24 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]
Subject: Conversation with Szerlog, Michael

Szerlog, Michael 11:17 AM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Storm, Linda 11:19 AM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael 11:23 AM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Storm, Linda 11:24 AM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael 11:25 AM:

Storm, Linda 1:23 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael 1:24 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Storm, Linda 1:26 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael 1:31 PM:

I am working with Corps on HTL comments now, so can't talk. My day ends at 2:30 today - appointment - but could call when done.

before 2:30

Storm, Linda 1:36 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Storm, Linda [storm.linda@epa.gov]
Sent: 10/19/2015 9:12:19 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]
Subject: Conversation with Szerlog, Michael

Storm, Linda [1:32 PM]:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael [1:32 PM]:
Sorry I missed your call. I will check your voicemail.

Szerlog, Michael [1:47 PM]:
Put forward a calendar invite. Regarding the high tide line meeting, I am keeping the meeting to a bare minimum to talk with Divison. Heather is leading that effort and Endre is there since Division has their counsel on.

Storm, Linda [1:52 PM]:
I will send you an invite and hope it will be a time that will work for you as I haven't seen there's much open time on your calendar.. Thanks for letting me know what's up with the HTL meeting. Would you be willing to request that Heather update me/Maryann (maybe whole JD Team?) on the status of the HTL discussion. Since Maryann and I have both had an investment in issues, I would like to be kept current on the discussions evolution. For example, don't know anything about how HQ's Q&A on the topic was resolved...etc. Thank you.

Storm, Linda [2:00 PM]:
Just saw and accepted your invite for 5pm tomorrow - thank you :-)

Message

From: Storm, Linda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=473A11576E9E401B98840BB1A54FBAC7-STORM, LINDA]
Sent: 8/16/2016 11:47:07 PM
To: Nadeau, Tracie [Nadeau.Tracie@epa.gov]
Subject: RE: p.s. do you have an agenda for HQ visit? RE: ACTION: Preparation for HQ OW September visit; briefing papers - due COB 8/30

Ok – good to know and thank you so much for suggesting earlier coordination for the issue papers!

Linda E. Storm, Aquatic Ecologist
U.S. EPA, Region 10 – Aquatic Resources Unit
Office of Environmental Review and Assessment
1200 Sixth Avenue, Mail Stop OERA-202-1
Seattle, Washington 98101-3140
Ofc: (206) 553-6384; Cell: (206) 437-2293
Email: storm.linda@epa.gov

From: Nadeau, Tracie
Sent: Tuesday, August 16, 2016 4:21 PM
To: Storm, Linda <Storm.Linda@epa.gov>
Subject: RE: p.s. do you have an agenda for HQ visit? RE: ACTION: Preparation for HQ OW September visit; briefing papers - due COB 8/30

Hi Linda,

My understanding is that the agenda is not yet final (OWW is the lead), and I have not seen it.

I had a debrief with Michael for my week of Acting, and when he mentioned the OW visit and that issue papers would be required, I suggested that it would be great to get people working on those sooner rather than later given the deadline—he agreed and gave me agenda info relevant to our program, which I then shared with you.

It is not clear to me whether staff will participate, as I have not been in on the planning; that is a question for Michael.

-Tracie

Tracie-Lynn Nadeau, PhD | Environmental Scientist | office: 503.326.3685 | nadeau.tracie@epa.gov |
U.S. Environmental Protection Agency | Region 10 | mobile: 971.221.7914|
805 SW Broadway, Suite 500, Portland OR 97205 | fax: 503.326.3399 |

From: Storm, Linda
Sent: Tuesday, August 16, 2016 4:02 PM
To: Nadeau, Tracie <Nadeau.Tracie@epa.gov>
Subject: p.s. do you have an agenda for HQ visit? RE: ACTION: Preparation for HQ OW September visit; briefing papers - due COB 8/30

Hey Tracie;
This is the first formal information I've received about the HQ OW September visit. Michael hadn't shared anything about it so it's not on my calendar. Do you have an agenda by chance or more info about his expectations for our presentations & opportunities to meet with the HQ folks?
I have an all-day commitment on Sept 13th already & one meeting scheduled on Sept 14th.

Thanks for any additional info
Linda

Linda E. Storm, Aquatic Ecologist
U.S. EPA, Region 10 – Aquatic Resources Unit
Office of Environmental Review and Assessment
1200 Sixth Avenue, Mail Stop OERA-202-1
Seattle, Washington 98101-3140
Ofc: (206) 553-6384; Cell: (206) 437-2293
Email: storm.linda@epa.gov

From: Nadeau, Tracie
Sent: Monday, August 15, 2016 12:54 PM
To: LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Storm, Linda <Storm.Linda@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Martin, Gayle <Martin.Gayle@epa.gov>; Thiesing, Mary <Thiesing.Mary@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: ACTION: Preparation for HQ OW September visit; briefing papers - due COB 8/30
Importance: High

Good afternoon folks,

As you may know, HQ OW (AA, office and division directors) is visiting R10 September 13 and 14.

While the visit agenda is not quite final, it is firm enough that it is timely to start putting together draft briefing papers for the topics listed below (due at HQ on 8/31, so please get them to Michael by **COB 8/30**).

I am attaching two briefing paper templates provided by HQ. My understanding from OWW is that briefing papers can be up to 2 pages, no longer. In preparing your briefing paper, you might consider: why are we presenting this issue to HQ? As an FYI, or is there an ask from HQ? Are there transition (post-election/new administration) concerns with this issue?

Additionally, some topics may be slated for presentation/discussion during the visit, these are also noted below as a heads up---we'll know more on expected presentations after the agenda is finalized and HQ has reviewed issue briefing papers. What I do understand is that HQ has sent a clear signal that they want less time spent on presentations and more time spent on discussion during their visit.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

If you have any questions, do feel free to reach out and I will answer them as I am able—I am Acting through 8/19.

-Tracie

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

CWA§404 Jurisdiction issue– clarification of High Tide Line in WA – Puget Sound (15 mins) – Heather
(10 minute presentation, 5 minute discussion)

- Interagency workgroup (EPA (404 and Puget Sound), NOAA, and Corps (Seattle District)) to evaluate what tidal datum or elevation to use for High Tide Line.
- Tribes raising this as a Treaty Rights at Risk issue. In addition, EarthJustice sent EPA a petition on the issue.
- Sea level rise and new science showing use of tidally-influenced shoreline habitat by forage fish warrant relook at current interpretation.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Tracie-Lynn Nadeau, PhD | Environmental Scientist | office: 503.326.3685 | nadeau.tracie@epa.gov |
U.S. Environmental Protection Agency | Region 10 | mobile: 971.221.7914|
805 SW Broadway, Suite 500, Portland OR 97205 | fax: 503.326.3399 |

Message

From: Storm, Linda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=473A11576E9E401B98840BB1A54FBAC7-STORM, LINDA]
Sent: 7/1/2016 6:59:31 PM
To: Vallette, Yvonne [Vallette.Yvonne@epa.gov]
Subject: apologies if you're already receiving these FW: OERA Hot Topics
Attachments: ATT70248; ATT28065; ATT90346; ATT69883; ATT68784; ATT39496; ATT14165; ATT96252; ATT70865; ATT18909; ATT57909; ATT76229; ATT80366; ATT20275; ATT62553

Hi Yvonne;

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Cheers,
Linda

Linda E. Storm, Aquatic Ecologist
U.S. EPA, Region 10 – Aquatic Resources Unit
Office of Environmental Review and Assessment
1200 Sixth Avenue, Mail Stop OERA-202-1
Seattle, Washington 98101-3140
Ofc: (206) 553-6384; Cell: (206) 437-2293
Email: storm.linda@epa.gov

From: Allnutt, David
Sent: Thursday, June 30, 2016 8:43 AM
Subject: FW: OERA Hot Topics

OERA – FYI

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

From: Allnutt, David
Sent: Thursday, June 30, 2016 8:41 AM
To: R10-ORA <R10-ORA@epa.gov>
Cc: Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Werntz, James <Werntz.James@epa.gov>; Soderlund, Dianne <Soderlund.Dianne@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Kowalski, Ed <Kowalski.Edward@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Bachman, Brenda <bachman.brenda@epa.gov>; Dodo, Gerald <Dodo.Gerald@epa.gov>; Filippini, Mark <Filippini.Mark@epa.gov>; Islam, Mahbubul <islam.Mahbubul@epa.gov>; Littleton, Christine <Littleton.Christine@epa.gov>; Pepich, Barry <Pepich.Barry@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: OERA Hot Topics

For the week of July 4, 2016

This Week:
High Tide Line Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Contact: Michael Szerlog (3-0279) and Peter Murchie (3 -1148).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

For the ET Notes from June 27 ET Meeting Roundtable

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

Message

From: Storm, Linda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=473A11576E9E401B98840BB1A54FBAC7-STORM, LINDA]
Sent: 8/16/2016 10:57:24 PM
To: Nadeau, Tracie [Nadeau.Tracie@epa.gov]
CC: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: ACTION: Preparation for HQ OW September visit; briefing papers - due COB 8/30
Attachments: NWP 48_language changes_Key_Concerns_08-1-16_REV.docx

HI Tracie -- FYI -- thanks for sending this. **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line**
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thank you ☺
Linda

Linda E. Storm, Aquatic Ecologist
U.S. EPA, Region 10 -- Aquatic Resources Unit
Office of Environmental Review and Assessment
1200 Sixth Avenue, Mail Stop OERA-202-1
Seattle, Washington 98101-3140
Ofc: (206) 553-6384; Cell: (206) 437-2293
Email: storm.linda@epa.gov

From: Nadeau, Tracie
Sent: Monday, August 15, 2016 12:54 PM
To: LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Storm, Linda <Storm.Linda@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Martin, Gayle <Martin.Gayle@epa.gov>; Thiesing, Mary <Thiesing.Mary@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: ACTION: Preparation for HQ OW September visit; briefing papers - due COB 8/30
Importance: High

Good afternoon folks,

As you may know, HQ OW (AA, office and division directors) is visiting R10 September 13 and 14.

While the visit agenda is not quite final, it is firm enough that it is timely to start putting together draft briefing papers for the topics listed below (due at HQ on 8/31, so please get them to Michael by **COB 8/30**).

I am attaching two briefing paper templates provided by HQ. My understanding from OWW is that briefing papers can be up to 2 pages, no longer. In preparing your briefing paper, you might consider: why are we presenting this issue to HQ? As an FYI, or is there an ask from HQ? Are there transition (post-election/new administration) concerns with this issue?

Additionally, some topics may be slated for presentation/discussion during the visit, these are also noted below as a heads up---we'll know more on expected presentations after the agenda is finalized and HQ has reviewed issue briefing

papers. What I do understand is that HQ has sent a clear signal that they want less time spent on presentations and more time spent on discussion during their visit.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

If you have any questions, do feel free to reach out and I will answer them as I am able—I am Acting through 8/19.

-Tracie

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

CWA§404 Jurisdiction issue– clarification of High Tide Line in WA – Puget Sound (15 mins) – Heather
(10 minute presentation, 5 minute discussion)

- Interagency workgroup (EPA (404 and Puget Sound), NOAA, and Corps (Seattle District)) to evaluate what tidal datum or elevation to use for High Tide Line.
- Tribes raising this as a Treaty Rights at Risk issue. In addition, EarthJustice sent EPA a petition on the issue.
- Sea level rise and new science showing use of tidally-influenced shoreline habitat by forage fish warrant relook at current interpretation.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Tracie-Lynn Nadeau, PhD | Environmental Scientist | office: 503.326.3685 | nadeau.tracie@epa.gov |
U.S. Environmental Protection Agency | Region 10 | mobile: 971.221.7914|
805 SW Broadway, Suite 500, Portland OR 97205 | fax: 503.326.3399 |

Message

From: Storm, Linda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=473A11576E9E401B98840BB1A54FBAC7-STORM, LINDA]
Sent: 6/23/2016 1:01:04 AM
To: Allnutt, David [Allnutt.David@epa.gov]
Subject: RE: OERA Hot Topics
Attachments: ATT07825

Thank you David! I appreciate seeing these. The Hot Topics have been a bit of a black box not ever seeing (until now) what we variously and collectively contribute to them.
Linda

Linda E. Storm, Aquatic Ecologist
U.S. EPA, Region 10 – Aquatic Resources Unit
Office of Environmental Review and Assessment
1200 Sixth Avenue, Mail Stop OERA-202-1
Seattle, Washington 98101-3140
Ofc: (206) 553-6384; Cell: (206) 437-2293
Email: storm.linda@epa.gov

From: Allnutt, David
Sent: Wednesday, June 22, 2016 5:57 PM
To: Dean, Heather <Dean.Heather@epa.gov>; DeGering, Tracy <DeGering.Tracy@epa.gov>; Douglas, Mark <douglas.mark@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Martin, Gayle <Martin.Gayle@epa.gov>; Nadeau, Tracie <Nadeau.Tracie@epa.gov>; Storm, Linda <Storm.Linda@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Thiesing, Mary <Thiesing.Mary@epa.gov>; Whitley, Annie <Whitley.Annie@epa.gov>; Young, Margo <Young.Margo@epa.gov>; Augustine, Scott <Augustine.Scott@epa.gov>; Edmond, Lorraine <Edmond.Lorraine@epa.gov>; Elleman, Robert <Elleman.Robert@epa.gov>; Hall, Chris <Hall.Christopher@epa.gov>; Hayslip, Gretchen <hayslip.gretchen@epa.gov>; Hedgpeth, Zach <Hedgpeth.Zach@epa.gov>; Herger, Lillian <Herger.Lillian@epa.gov>; Islam, Mahbubul <Islam.Mahbubul@epa.gov>; Kotchenruther, Robert <Kotchenruther.Robert@epa.gov>; Leinenbach, Peter <Leinenbach.Peter@epa.gov>; Lopez-Baird, James <Lopez-Baird.James@epa.gov>; Siwiec, Tim <Siwiec.Tim@epa.gov>; Adams, Katie <Adams.Katie@epa.gov>; Billings, Melissa <Billings.Melissa@epa.gov>; Coogan, Patricia <Coogan.Patricia@epa.gov>; Dodo, Gerald <Dodo.Gerald@epa.gov>; Le, Stephanie <Le.Stephanie@epa.gov>; McBride, Theresa <McBride.Theresa@epa.gov>; Pace, Christopher <Pace.Christopher@epa.gov>; Reimer, Steve <Reimer.Steve@epa.gov>; Walker, Dana M. <walker.danam@epa.gov>; Wood, Doug <Wood.Doug@epa.gov>; Barton, Justine <Barton.Justine@epa.gov>; Curtis, Jennifer <Curtis.Jennifer@epa.gov>; Hoffman, Erika <Hoffman.Erika@epa.gov>; Hood, Lynne <Hood.Lynne@epa.gov>; Kubo, Teresa <Kubo.Teresa@epa.gov>; Littleton, Christine <Littleton.Christine@epa.gov>; Lohrman, Bridgette <lohrman.bridgette@epa.gov>; Mbabaliye, Theogene <Mbabaliye.Theogene@epa.gov>; Meade, Chris <Meade.Chris@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Somers, Elaine <somers.elaine@epa.gov>; Cope, Ben <Cope.Ben@epa.gov>; Crawford, Jennifer <Crawford.Jennifer@epa.gov>; Eckley, Chris <Eckley.Chris@epa.gov>; Filippini, Mark <Filippini.Mark@epa.gov>; Januch, Jed <Januch.Jed@epa.gov>; Leaver, Walter <Leaver.Walter@epa.gov>; Matheny, Don <Matheny.Don@epa.gov>; Pedersen, Rob <Pedersen.Rob@epa.gov>; Richmond, Brent <Richmond.Brent@epa.gov>; Wu, Raymond <Wu.Raymond@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Brown, Donald M. <Brown.DonaldM@epa.gov>; Cox, Michael <Cox.Michael@epa.gov>; Duncan, Bruce <Duncan.Bruce@epa.gov>; Kelly, Christine M <kelly.christinem@epa.gov>; Manaloor, Valsala <Manaloor.Valsala@epa.gov>; Salazar, Viccy <Salazar.Viccy@epa.gov>; Talley, Dana <Talley.Dana@epa.gov>; Tyson, Linda <Tyson.Linda@epa.gov>; Bailey, Stephanie

<Bailey.Stephanie@epa.gov>; Harris, Stephanie <harris.stephanie@epa.gov>; Leider, Jennifer <leider.jennifer@epa.gov>; Minisci, David <minisci.david@epa.gov>; Morris, Tony <morris.tony@epa.gov>; Pepich, Barry <Pepich.Barry@epa.gov>; Roach, Matthew <Roach.Matthew@epa.gov>; Allen, Elizabeth <allen.elizabeth@epa.gov>; Bachman, Brenda <bachman.brenda@epa.gov>; Bailey, Marcia <bailey.marcia@epa.gov>; Boateng, Kwasi <Boateng.Kwasi@epa.gov>; Fuentes, Rene <fuentes.rene@epa.gov>; Gerhart, Rebecca <Gerhart.rebecca@epa.gov>; Goulet, Joe <Goulet.Joe@epa.gov>; Jankowski, Mark <jankowski.mark@epa.gov>; Kissinger, Lon <Kissinger.Lon@epa.gov>; Latier, Andrea <Latier.Andrea@epa.gov>; Nwosu, Julius <nwosu.julius@epa.gov>; Repasky, Ted <repasky.ted@epa.gov>; Shephard, Burt <Shephard.Burt@epa.gov>; Stifelman, Marc <Stifelman.Marc@epa.gov>; Wroble, Julie <Wroble.Julie@epa.gov>; Zavala, Bernie <Zavala.Bernie@epa.gov>
Subject: FW: OERA Hot Topics

OERA – At the request of our office's management team, I plan to distribute OERA's weekly hot topics submission to each of you beginning with this week's installment. I hope you find these reports informative about some of the many activities being led by staff in our office. Please direct any complaints regarding the additional Outlook inbox loading caused by this decision to your unit manager.

<< OLE Object: Picture (Device Independent Bitmap) >>

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

<< OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >>

From: Allnutt, David
Sent: Wednesday, June 22, 2016 5:42 PM
To: R10-ORA <R10-ORA@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Werntz, James <Werntz.James@epa.gov>; Soderlund, Dianne <Soderlund.Dianne@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>
Subject: OERA Hot Topics

For the week of June 27, 2016

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Contact: Michal Szerlog (3-0279) and Peter Murchie (3 -1148).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

For the ET Notes from June 20 ET Meeting Roundtable

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

<< OLE Object: Picture (Device Independent Bitmap) >>

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

<< OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >>

Message

From: Storm, Linda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=473A11576E9E401B98840BB1A54FBAC7-STORM, LINDA]
Sent: 6/9/2016 11:41:24 PM
To: Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: Cumulative Effects CD I gave you

HI Susan --sure thing! I'll be in tomorrow. I could also drop it at your desk if you tell me where you sit ☺

Linda E. Storm, Aquatic Ecologist
U.S. EPA, Region 10 – Aquatic Resources Unit
Office of Environmental Review and Assessment
1200 Sixth Avenue, Mail Stop OERA-202-1
Seattle, Washington 98101-3140
Ofc: (206) 553-6384; Cell: (206) 437-2293
Email: storm.linda@epa.gov

From: Meyer, Susan
Sent: Thursday, June 09, 2016 3:27 PM
To: Storm, Linda <Storm.Linda@epa.gov>
Subject: Cumulative Effects CD I gave you

Hi Linda, I need to borrow back the CD I gave you on the CE of eastern shore of PS so that I can upload it onto the Corps' sharepoint site for the HTL team to access. Please let me know when you are in next and I will come get it. Thanks!!!

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Appointment

From: Murchie, Peter [Murchie.Peter@epa.gov]
Sent: 9/13/2016 3:40:17 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]; Bonifaci, Angela [Bonifaci.Angela@epa.gov]; Bonifacino, Gina [Bonifacino.Gina@epa.gov]; Castner, Chris [Castner.Chris@epa.gov]; Chang, Lisa [Chang.Lisa@epa.gov]; Dunn, Ann [Dunn.Ann@epa.gov]; Hanft, Sally [Hanft.Sally@epa.gov]; Marshalonis, Dino [Marshalonis.Dino@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]; Richter, Randy [Richter.Randy@epa.gov]; Rylko, Michael [Rylko.Michael@epa.gov]; Whitaker, Melissa [Whitaker.Melissa@epa.gov]; Zachmann, Bill [Zachmann.Bill@epa.gov]
CC: Szalay, Endre [Szalay.Endre@epa.gov]

Subject: FW: PS session with HQ OWW leadership
Location: Denali or call in at Conference Line/Code / Ex. 6 Conference Code: Conference Line/Code / Ex. 6

Start: 9/13/2016 6:00:00 PM
End: 9/13/2016 7:00:00 PM
Show Time As: Tentative

-----Original Appointment-----
From: Murchie, Peter
Sent: Wednesday, September 07, 2016 2:41 PM
To: Murchie, Peter; Bonifaci, Angela; Bonifacino, Gina; Castner, Chris; Chang, Lisa; Dunn, Ann; Hanft, Sally; Marshalonis, Dino; Meyer, Susan; Richter, Randy; Rylko, Michael; Whitaker, Melissa; Zachmann, Bill
Subject: PS session with HQ OWW leadership
When: Tuesday, September 13, 2016 11:00 AM-12:00 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Denali or call in at Conference Line/Code / Ex. 6 Conference Code: Conference Line/Code / Ex. 6

Puget Sounders and friends of Puget Sound (Michael Szerlog and David Allnutt),
As you all know some of our HQ leadership is out next week to meet with us and talk about different water issues. We have an hour for Puget Sound on Tuesday from 11-12 in Denali. This will also include discussion of two issues we share with the 404 program (HTL and Nationwide Permit).

I encourage you all to attend and thank you to those who helped provide input for the briefing papers related.

Peter

Appointment

From: Tyson, Linda [mclerran.dennis@epa.gov]
Sent: 9/7/2016 10:00:52 PM
To: McLerran, Dennis [mclerran.dennis@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]
CC: Opalski, Dan [Opalski.Dan@epa.gov]; Edmondson, Lucy [Edmondson.Lucy@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]; Woods, Jim [Woods.Jim@epa.gov]

Subject: High Tideline Recommendations
Attachments: RA Briefing-HTL vs MHHW-final.docx
Location: ET Conference Room; Conference Line/Code / Ex. 6 passcode Conference Line/Code / Ex. 6

Start: 9/7/2016 10:00:00 PM
End: 9/7/2016 10:45:00 PM
Show Time As: Busy

CONFERENCE LINE UPDATED.

POC: Michael Szerlog, OERA, x 3-0279

Provide possible options for moving forward if Corps-Seattle District does not implement HTL recommendations.

RA Briefing-HTL vs MHHW-final.docx

Appointment

From: Szerlog, Michael [Szerlog.Michael@epa.gov]
Sent: 9/18/2015 2:13:34 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Brush, Jason [Brush.Jason@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]
CC: Moffatt, Brett [Moffatt.Brett@epa.gov]; Leidy, Robert [Leidy.Robert@epa.gov]

Subject: Discuss Jurisdiction
Attachments: ATT97797
Location: Conference Line/Code / Ex. 6

Start: 9/22/2015 9:30:00 PM
End: 9/22/2015 10:00:00 PM
Show Time As: Busy

Jason,

Sure we can move the time. We hope to discuss High Tide line. Let's use call in number provided.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 9/8/2016 5:26:24 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]
Subject: Conversation with Szerlog, Michael

Szerlog, Michael 9:09 AM:

Are you joining the HTL call?

Szalay, Endre 9:10 AM:
joining late. i had a previously scheduled settlement call. trying to renegotiate deadlines in a settlement agreement

Szerlog, Michael 9:10 AM:
K

Szalay, Endre 9:11 AM:
any major issues come up yet?

Szerlog, Michael 9:14 AM:
Going over issues. Other datums between... etc.

Szalay, Endre 10:11 AM:
this is pretty frustrating. right

Szerlog, Michael 10:11 AM:
Yup....some lawyering going on as well.....not hearing all of the comments.

Szalay, Endre 10:14 AM:
yeah. not what you'd like or excpet in this collaborative workgroup setting

expect

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 9/8/2016 4:26:32 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]
Subject: Conversation with Szerlog, Michael

Szerlog, Michael 9:09 AM:

Are you joining the HTL call?

Szalay, Endre 9:10 AM:

joining late. i had a previously scheduled settlement call. trying to renegotiate deadlines in a settlement agreement

Szerlog, Michael 9:10 AM:

K

Szalay, Endre 9:11 AM:

any major issues come up yet?

Szerlog, Michael 9:14 AM:

Going over issues. Other datums between... etc.

Message

From: Szalay, Endre [szalay.endre@epa.gov]
Sent: 7/13/2016 6:05:21 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]
Subject: Conversation with Dean, Heather, Meyer, Susan

Szalay, Endre 8:59 AM:

Hi folks - I have another call from 9-10 that I need to be on. But, I'll call into the HTL meeting at 9am and keep it on mute. IM me if you think it's important that I weigh in on something from 9-10. I'll join the call completely at 10. Sorry!

Dean, Heather 9:00 AM:

Got it

Message

From: Murchie, Peter [murchie.peter@epa.gov]
Sent: 6/29/2016 6:50:21 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]
Subject: Conversation with Murchie, Peter, Szerlog, Michael

Murchie, Peter 10:04 AM:

Michael, I am of fthe call but on skype if you need to caucus on anything or have me rejoin the call

Szerlog, Michael 10:05 AM:
Got it. Still very frustrated that NOAA hasn't been able to get the info. May need Dennis to push Will.

Murchie, Peter 10:06 AM:
I hope my comments were helpful - Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Szerlog, Michael 10:08 AM:

Deliberative Process / Ex. 5

Szalay, Endre 10:10 AM:

Deliberative Process / Ex. 5

Murchie, Peter 10:12 AM:
great - thanks Michael. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Szerlog, Michael 10:21 AM:

Deliberative Process / Ex. 5

Murchie, Peter 10:24 AM:

Deliberative Process / Ex. 5

dont say that out loud to the group tho

Szerlog, Michael 10:24 AM:
Call ended.

Murchie, Peter 10:28 AM:
quick summary of next steps?

Deliberative Process / Ex. 5

other?

Szerlog, Michael 10:29 AM:

Deliberative Process / Ex. 5

Meet in next 2 week. Deliberative Process / Ex. 5

Murchie, Peter 10:31 AM:

Deliberative Process / Ex. 5

too bad Dennis isnt available to just call Will

Szalay, Endre 10:31 AM:

Deliberative Process / Ex. 5

Murchie, Peter 10:32 AM:

Yes lets set something up with her. I will email her to see what her availability is.

Szerlog, Michael 10:33 AM:

Deliberative Process / Ex. 5 Endre, can you come up to 20 for a few minutes.

Szalay, Endre 10:36 AM:

sure.

scratch that. I have a meeting right now.

10:36 AM This message wasn't sent to Szerlog, Michael.

sure.

Message

From: Szalay, Endre [szalay.endre@epa.gov]
Sent: 9/10/2015 11:01:06 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]
Subject: Conversation with Szerlog, Michael

Szalay, Endre [3:43 PM]:

Called Simma. She was talking about our earthjustice petition special case/JD re HTL. She doesn't know too much about it, but she is the OGC attny assigned. Now she knows I'm the ORC contact, so there's that.

Szerlog, Michael [3:43 PM]:

K. Thanks for straightening her out and connecting.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szalay, Endre [3:59 PM]:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

[3:59 PM] We couldn't send this message because Szerlog, Michael is unavailable or offline.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Szalay, Endre [szalay.endre@epa.gov]
Sent: 9/10/2015 10:48:57 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]
Subject: Conversation with Szerlog, Michael

Szalay, Endre [3:43 PM]:

Called Simma. She was talking about our earthjustice petition special case/JD re HTL. She doesn't know too much about it, but she is the OGC attny assigned. Now she knows I'm the ORC contact, so there's that.

Szerlog, Michael [3:43 PM]:

K. Thanks for straightening her out and connecting.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Moffatt, Brett [moffatt.brett@epa.gov]
Sent: 9/10/2015 6:04:22 PM
To: Moffatt, Brett [Moffatt.Brett@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]
Subject: Conversation with Moffatt, Brett

moffatt.brett@epa.gov [9:19 AM]:

Hi Endre - We will need to keep in touch on the HTL issue. I have the June 24 Earthjustice petition to R10 and the Corps, but I don't have the exhibits to the petition and a few look interesting, eg, Ex 20-24. Do you an e copy of the exhibits that you can send me? Thx

Szalay, Endre [11:02 AM]:

Hey Brett. been on calls this am. I'll look over the petition and send you what I have. We should definitely keep in touch on this.

[11:02 AM] We couldn't send this message because Moffatt, Brett is unavailable or offline.

Hey Brett. been on calls this am. I'll look over the petition and send you what I have. We should definitely keep in touch on this.

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 10/21/2015 5:27:56 AM
To: Szalay, Endre [Szalay.Endre@epa.gov]
Subject: RE: Follow-up on Today's Call

Good one!

From: Szalay, Endre
Sent: Tuesday, October 20, 2015 8:45 PM
To: Dean, Heather
Subject: RE: Follow-up on Today's Call

Yeah I agree. Siri seems to definitely get it.

Attorney Client / Ex. 5

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Dean, Heather
Sent: Tuesday, October 20, 2015 3:45 PM
To: Szalay, Endre
Subject: Follow-up on Today's Call

Seems like Jason & Siri might get it, but that Attorney Client / Ex. 5

Attorney Client / Ex. 5

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 2/23/2016 9:53:28 PM
To: Szalay, Endre [Szalay.Endre@epa.gov]
Subject: RE: HTL Workgroup - PMP revision

I'll alert Michael. He may be able to orchestrate that.

From: Szalay, Endre
Sent: Tuesday, February 23, 2016 1:45 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: HTL Workgroup - PMP revision

Crap. I forgot that this isn't in person. Wondering if we can get adobe connect in time?

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Dean, Heather
Sent: Tuesday, February 23, 2016 1:41 PM
To: Szalay, Endre <Szalay.Endre@epa.gov>
Subject: RE: HTL Workgroup - PMP revision

Thanks. **Deliberative Process - Attorney Client Privilege / Ex. 5**

Deliberative Process - Attorney Client Privilege / Ex. 5

From: Szalay, Endre
Sent: Tuesday, February 23, 2016 1:10 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: HTL Workgroup - PMP revision

Fully on board with that.

Deliberative Process - Attorney Client Privilege / Ex. 5

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Dean, Heather
Sent: Tuesday, February 23, 2016 1:07 PM
To: Szalay, Endre <Szalay.Endre@epa.gov>
Subject: RE: HTL Workgroup - PMP revision

Geez! I'll leave it to you, as I have a lot more to do for Thursday morning.

While we're on the HTL issue, though, I've had a chance to add a few more things into the matrix, but it's not fully fleshed out. Given that it covers much of the agenda Jim sent out, Michael & I are thinking it might be best to get it out there as a starter, rather than risking someone else taking the lead. Would you be okay with that?

From: Szalay, Endre
Sent: Tuesday, February 23, 2016 12:59 PM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>
Subject: HTL Workgroup - PMP revision

Hi Folks – Jim sent around PMP revisions today. They did not send in track changes so it's difficult to tell what was revised. I've asked Craig to have Jim send around the track changes version. I did take a quick look and

Deliberative Process / Ex. 5

We've raised this in edits and verbally a couple times now. I've made suggested revisions and comments in the attached. Let me know if you have questions. I can send over to Jim today, or we can wait for the track changes version and discuss our issues tomorrow.

Endre M. Szalay
Assistant Regional Counsel
U.S. EPA, Region 10
1200 Sixth Ave., Suite 900, ORC-113
Seattle, WA 98101-3140
(206) 553-1073
szalay.endre@epa.gov

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 3/23/2016 5:54:54 PM
To: Szalay, Endre [Szalay.Endre@epa.gov]
Subject: Matrix
Attachments: HTL Matrix for WA Workgroup-revised 21 Mar 16.docx

Flag: Follow up

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 4/12/2016 2:55:14 PM
To: Meyer, Susan [meyer.susan@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]
Subject: RE: tidal elevations above MHHW

Yes, I, of course, found those shortly after I couldn't do so in front of everyone! I will play around with something like that. Thanks, Susan.

From: Meyer, Susan
Sent: Monday, April 11, 2016 2:08 PM
To: Dean, Heather <Dean.Heather@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Subject: tidal elevations above MHHW

Hi EPA HTL team,

These are the figures I was thinking of at our last meeting with the Corps. One shows the average frequency of occurrence of tides at 1 foot, 1.25 feet, 1.5 feet, and 1.75 feet above MHHW, and the other shows the average annual occurrence of those same elevations. The data is from the years 1996-2010, so not a full Epoch, and they are observed tides (taking into account storms, wind, etc.). This seems like a good visual if we could reproduce it with a full epoch of data and including the HAT elevations?

Thanks,

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 4/7/2016 8:16:37 PM
To: Szalay, Endre [Szalay.Endre@epa.gov]
Subject: RE: Shoreline Workgroup - PMP revision attached
Attachments: PMP_rev (00000002) EPA comments CENWSOC (00000002) szalay-HED cmts.docx

Here you go; very minor edits. Thanks!

From: Szalay, Endre
Sent: Tuesday, April 05, 2016 11:10 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>
Subject: Shoreline Workgroup - PMP revision attached

Privileged and Confidential
Attorney Client Communication

Hi All:

Attached is a revised PMP based on a discussion I had with Corps counsel. The Corps did the first round of edits and the attached contains my substantial revisions. The goal is to more accurately capture the work being done by the workgroup (we have a couple months experience now and thus a better understanding of what we are actually working on together) Attorney Client / Ex. 5

Attorney Client / Ex. 5

The revised PMP contains track changes, but I've put the document in to simple markup mode so you can review a clean copy. I suggest you review this way because the edits are substantial and may be hard to follow. My goal is to get this to the Corps counsel by COB today if possible. That's a quick turnaround, but it would be great if folks could take time today and read through it. But, if you don't have time or you feel that we aren't ready to share with the Corps by COB today, that of course is fine.

Thanks,

Endre M. Szalay
Assistant Regional Counsel
U.S. EPA, Region 10
1200 Sixth Ave., Suite 900, ORC-113
Seattle, WA 98101-3140
(206) 553-1073
szalay.endre@epa.gov

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 5/10/2016 4:08:23 PM
To: Szalay, Endre [Szalay.Endre@epa.gov]
Subject: RE: CMS New Assignment - Julianne McLeod - AX-16-000-7241

Thanks, Endre!

-----Original Message-----
From: Szalay, Endre
Sent: Tuesday, May 10, 2016 8:44 AM
To: Downing, Donna <Downing.Donna@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: CMS New Assignment - Julianne McLeod - AX-16-000-7241

Hi Heather, Michael, and Donna:

Letter looks good. My edits and comments are attached.

Couple of additional thoughts. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Let me know if you want to discuss. Thanks!

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

-----Original Message-----
From: Downing, Donna
Sent: Monday, May 09, 2016 11:32 AM
To: Dean, Heather <Dean.Heather@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Szalay, Endre <Szalay.Endre@epa.gov>
Subject: RE: CMS New Assignment - Julianne McLeod - AX-16-000-7241

Sorry to be slow, Heather. This came after I'd left Thursday, Personal Matters / Ex. 6 and have been in a lot of meetings today. I'm on a call as I type (double-tasking!), but will take a look as soon as the call ends. With this email I'm also cc'ing John Goodin (Russ is out).

Donna

-----Original Message-----
From: Dean, Heather
Sent: Monday, May 09, 2016 2:19 PM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Szalay, Endre <Szalay.Endre@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>
Subject: RE: CMS New Assignment - Julianne McLeod - AX-16-000-7241

Thanks. I have nothing from Endre or Donna, yet. (Guys- I need to get it to David today.)

Do we need to get input from the Puget Sound &/or tribal folks, or is sharing a copy after it goes out sufficient?

-----Original Message-----
From: Szerlog, Michael
Sent: Monday, May 09, 2016 11:15 AM
To: Dean, Heather <Dean.Heather@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Cc: Downing, Donna <Downing.Donna@epa.gov>
Subject: RE: CMS New Assignment - Julianne McLeod - AX-16-000-7241

Heather,

Good job. My thoughts are attached. Did you get any comments from Endre? Or Donna?

I will let David know you will be sending to him through Linda Tyson.

Thanks
Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2 Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

-----Original Message-----
From: Dean, Heather
Sent: Thursday, May 05, 2016 2:26 PM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Cc: Downing, Donna <Downing.Donna@epa.gov>
Subject: FW: CMS New Assignment - Julianne McLeod - AX-16-000-7241

Good afternoon.

I would rather have been at the beach with you guys, but instead was drafting this response (Word file) to the Northwest Indian Fisheries Commission (pdf file). My instructions were to have it to David next Monday, so the letter could go out the next day. As usual, I will not be in tomorrow, so please have any comments back to me by Monday morning.

I am cc'ing Donna, but don't know who else to provide the draft &/or when, so please forward it to whomever else you think needs to review, along with my request for input by Monday morning.

Thanks,

Heather

-----Original Message-----
From: Tyson, Linda
Sent: Wednesday, April 27, 2016 11:52 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: FW: CMS New Assignment - Julianne McLeod - AX-16-000-7241

Hi Heather,

I'm being told that you are lead on response to this CMS, in coordination with Susan Meyer and Endre Szelay. Documents are attached. Response is due in CMS by 5/10 but will need routing/review for David's signature (recommend NLT 5/9 for routing).

LT

-----Original Message-----
From: cmsadmin@epa.gov [mailto:cmsadmin@epa.gov]
Sent: Tuesday, April 26, 2016 1:47 PM
To: Schuster, Cindy <Schuster.Cindy@epa.gov>; Manaloor, Valsala <Manaloor.Valsala@epa.gov>; Tyson, Linda <Tyson.Linda@epa.gov>
Subject: CMS New Assignment - Julianne McLeod - AX-16-000-7241

Control AX-16-000-7241 has been assigned to your office on 4/26/16 4:46 PM by Julianne McLeod. Please go to the CMS webpage to view the details of the control.

Summary Information -
Control Number: AX-16-000-7241
Control Subject: DRF - Daily Reading File - Federal Obligation to Interpret Section 404 Geographic Scope to the Highest Astronomical Tide Line to Help Protect Treaty Rights
From: Green, Jennifer; Loomis, Lorraine

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at https://cms.epa.gov/cms. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

Message

From: Szerlog, Michael [Szerlog.Michael@epa.gov]
Sent: 10/5/2016 6:42:15 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]
Subject: NWP 2012 language

Heather and Endre,

Was looking at for another purpose, but found these definitions on Seattle District's website for 2012 NWPs. I think we knew about the HTL definition being listed there, but not the non-tidal wetland definition and the parenthetical within? See below.

> High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

> Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. The definition of a wetland can be found at 33 CFR 328.3(b). Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Murchie, Peter [Murchie.Peter@epa.gov]
Sent: 9/13/2016 3:42:00 PM
To: Szalay, Endre [Szalay.Endre@epa.gov]
Subject: OW briefing papers for today
Attachments: FW: Treaty Rights at Risk; Briefing papers for OWW visit (almost all); Re: Preparation for HQ OW visit: Deadline COB Wednesday, Aug 3

Endre,
The briefing papers that I own:
Treaty Rights
Climate Change
Puget Sound

P

Treaty Rights at Risk (TRAR) Briefing Document

INTERNAL USE ONLY AS PREP FOR 9/8/16 TRAR LEADERSHIP MEETING

This document summarizes the current status of the six selected issues put forth by Western Washington tribes under the Treaty Rights at Risk (TRAR) initiative. Compiled from staff summaries as indicated below. Revised 9/7/16 with NRCS input.

TRAR Initiative: In August 2014 Deputies across federal agencies agreed to a treaty rights elevation/resolution process at the DC level upon request of the Western Washington Tribes. Six issues were identified by the Western Washington Tribes and a subset of federal agencies have been working together to understand and work towards resolution on those issues or defining a process for resolution by the end of this administration. An additional TRAR issue has also been raised for the WA Water Quality Standards. The Western Washington Tribes have also been advocating for codifying the TRAR Initiative through the White House Council on Native American Affairs. The draft Federal MOU for Puget Sound also includes a section on Treaty Rights and references the TRAR Initiative process.

Contents

[TOC \o "1-3" \h \z \u]

1. HAT or High Tide Line

Deliberative Process / Ex. 5

EPA Staff POC: Susan Meyer (206-553-1078, [HYPERLINK "mailto:meyer.susan@epa.gov"]).

2. Cumulative Effects of the Nationwide Permit (NWP) Program

EPA provided comments on the national general conditions of the proposed 2017 NWPs on August 1

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

EPA Staff POC: Susan Meyer (206-553-1078, [HYPERLINK "mailto:meyer.susan@epa.gov"]).

3. CZARA (See separate CZARA briefing paper)

EPA Staff POC: Krista Mendelman, 206.553.1571, [HYPERLINK "mailto:mendelman.krista@epa.gov"]

4. Tribal Hatchery Programs

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

EPA Staff POC: Lisa Chang, 206.553.0226, [HYPERLINK "mailto:chang.lisa@epa.gov"]

5. Data Sharing: Farm Bill Information Restrictions on USDA Funded Projects

Summary provided by NRCS staff.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

EPA Staff POC: Lisa Chang, 206.553.0226, [HYPERLINK "mailto:chang.lisa@epa.gov"]

6. Agricultural Easements: Seek Regional Exceptions from Farm Bill Restrictions Regarding Agricultural Easements

Summary provided by NRCS staff.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

EPA Staff POC: Lisa Chang, 206.553.0226, [HYPERLINK "mailto:chang.lisa@epa.gov"]

Message

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 10/27/2016 11:52:10 PM
To: Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: Just finished my final review

Thanks!

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Meyer, Susan
Sent: Thursday, October 27, 2016 4:40 PM
To: Szalay, Endre <Szalay.Endre@epa.gov>
Subject: RE: Just finished my final review

Endre, It's there in the HTL folder. It has MJS_SDM in title. Here's a link

https://usepa-my.sharepoint.com/personal/meyer_susan_epa_gov/_layouts/15/onedrive.aspx?id=%2Fpersonal%2Fmeyer%5Fsusan%5Fepa%5Fgov%2FDocuments%2FHTL%20Team

---

From: Szalay, Endre
Sent: Thursday, October 27, 2016 4:35 PM
To: Meyer, Susan <meyer.susan@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>
Subject: RE: Just finished my final review

Can you resend the link to the sharepoint site. Thanks!

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Meyer, Susan
Sent: Thursday, October 27, 2016 4:15 PM
To: Dean, Heather <Dean.Heather@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>
Subject: Just finished my final review

Michael and I have now reviewed it (the latest version has our initials in the title) and it is back on the HTL sharepoint site. Heather, if you want to insert those new figures, I will send it back to the Corps' sharepoint site tomorrow morning around 8am? Endre or Peter, let the group know if you decide to review. Thanks!

Susan Meyer
EPA Region 10

Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Appointment

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 9/1/2016 10:53:04 PM
To: Castanon, Lisa [Castanon.Lisa@epa.gov]

Subject: FW: High Tideline Recommendations
Attachments: RA Briefing-HTL vs MHHW-final.docx
Location: ET Conference Room; MM Line Conference Line/Code / Ex. 6

Start: 9/7/2016 10:00:00 PM
End: 9/7/2016 10:45:00 PM
Show Time As: Tentative

FYI on this briefing for Dennis.

-----Original Appointment-----
From: McLerran, Dennis
Sent: Friday, August 26, 2016 1:55 PM
To: McLerran, Dennis; Pirzadeh, Michelle; Allnutt, David; Szerlog, Michael; Szalay, Endre; Dean, Heather; Meyer, Susan; Murchie, Peter
Cc: Opalski, Dan; Edmondson, Lucy; Steiner-Riley, Cara
Subject: High Tideline Recommendations
When: Wednesday, September 07, 2016 3:00 PM-3:45 PM (UTC-08:00) Pacific Time (US & Canada).
Where: ET Conference Room; M Conference Line/Code / Ex. 6

POC: Michael Szerlog, OERA, x 3-0279

Provide possible options for moving forward if Corps-Seattle District does not implement HTL recommendations.

RA Briefing-HTL vs MHHW-final.docx

Message

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 2/13/2016 1:36:35 AM
To: Dean, Heather [Dean.Heather@epa.gov]
Subject: RE: Non-assumable Waters
Attachments: HTL Matrix & Background.docx

Heather:

I took all your excellent work and put it into a word doc. It doesn't need to be in Word, but I thought it would be useful for document control purposes and for presentation purposes. In terms of content, I made some organizational changes, filled in some of the corresponding fields, and have a few highlighted areas with questions.

I think we should work next week to flesh it out as much as possible before we share it. I think thoroughness will trump expedience here. Your work has given us an opportunity to fully frame the conversation … just needs a little more effort I think. We may want to loop in Matt for his expertise on some of the Tidal Datums (especially the "new" ones), and perhaps Matt or someone else for info regarding ecosystem/habitat impacts.

This is just my recommendation. I'm happy to discuss with you and Michael. I also think we should loop Peter in before we transmit any documents. He should be in the loop so he's prepared to react when he get the inevitable call from Jim.

Hope you are already enjoying your weekend! Talk soon,

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Dean, Heather
Sent: Thursday, February 11, 2016 9:59 AM
To: Szalay, Endre <Szalay.Endre@epa.gov>
Subject: Non-assumable Waters

Hi, again. Michael asked me to get your thoughts on this "white paper"(?) that I put together in response to his coordinating with me about his work on the FACA. I am attempting to make a history-based argument for using the "contiguous or separated" subset of adjacent waters as those that are non-assumable, rather than choosing some kind of distance limit. (They have been discussing 1000', which is what NJ uses.) I also put together a couple of maps that show, I think, illogical results from using the distance limit.

Thanks!

H

Oh, just remembered the maps are on my f: drive; will have to send separately. Later….

Message

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 4/20/2016 3:53:11 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Budget update

I think we are fine. We'll have to watch carefully to see if the Corps has a different perspective. The datum/elevation work is not changing any definition and it's certainly not related to any of the guidance docs they explicitly identify. As you've rightly pointed out on several occasions, our work is akin to the OWHM manual efforts.

Happy to discuss in more detail and thanks for pointing this out to me. Later,

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Szerlog, Michael
Sent: Wednesday, April 20, 2016 6:48 AM
To: Szalay, Endre <Szalay.Endre@epa.gov>
Subject: FW: Budget update

Endre,

See below. Any thoughts on how the Corps may interpret these for our high tide line work? Especially one titled Page 13, CWR? I don't see a problem since we are not changing, just providing clarification on the process to determine high tide line.

Thanks
Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Harmon, Russell
Sent: Monday, April 18, 2016 4:43 PM
To: Littleton, Christine <Littleton.Christine@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: FW: Budget update

Please share but I thought these riders applied to your programs primarily.

Russell Harmon
US EPA Region 10, M/S OMP-213
Seattle, WA 98101
Tel: 206-553-1793
Fax:206-553-0149

From: Moore, Kristie
Sent: Thursday, April 14, 2016 6:30 AM
To: Wall, Tom <Wall.Tom@epa.gov>; Bonanno, Gale <Bonanno.Gale@epa.gov>; Long, Bill <Long.Bill@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Salata, Joseph <Salata.Joseph@epa.gov>; Tedesco, Mark <Tedesco.Mark@epa.gov>; O'Neill, Leah <Oneill.Leah@epa.gov>; Pryor, Margherita <Pryor.Margherita@epa.gov>; Hunter, Johanna <Hunter.Johanna@epa.gov>; Cote, Mel <Cote.Mel@epa.gov>; Feuerbach, MaryJo <feuerbach.maryjo@epa.gov>; Derby, Jennifer <Derby.Jennifer@epa.gov>; Blackburn, Steven <Blackburn.Steven@epa.gov>; Jones, Curry <jones.curry@epa.gov>; Rauscher, Leslie <Rauscher.Leslie@epa.gov>; Kubo, Teresa <Kubo.Teresa@epa.gov>; Ziegler, Sam <Ziegler.Sam@epa.gov>; Woo, Nancy <Woo.Nancy@epa.gov>; Kemmerer, John <KEMMERER.JOHN@EPA.GOV>; Murchie, Peter <Murchie.Peter@epa.gov>; Castner, Chris <Castner.Chris@epa.gov>; Bonifaci, Angela <Bonifaci.Angela@epa.gov>; Harmon, Russell <Harmon.Russell@epa.gov>
Cc: Brown, Robert <Brown.Robert@epa.gov>; Chancey, Barbara <Chancey.Barbara@epa.gov>; Evans, David <Evans.David@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>
Subject: FW: Budget update

Below are the Corps House riders that Greg mentions in his e-mail below:

Corps Provisions:
Page 11, Dredge material:
SEC. 104. None of the funds in this Act shall be used for an open lake placement alternative for dredged material, after evaluating the least costly, environmentally acceptable manner for the disposal or management of dredged material originating from Lake Erie or tributaries thereto, unless it is approved under a State water quality certification pursuant to section 401 of the Federal Water
Pollution Control Act (33 U.S.C. 1341); *Provided further*, That until an open lake placement alternative for dredged material is approved under a State water quality certification, the Corps of Engineers shall continue upland placement of such dredged material consistent with the requirements of section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

Page 13, Fill:
SEC. 108. None of the funds made available in this or any other Act making appropriations for Energy and Water Development for any fiscal year may be used by the Corps of Engineers to develop, adopt, implement, administer, or enforce any change to the regulations in effect on October 1, 2012, pertaining to the definitions of the terms ''fill material'' or ''discharge of fill material'' for the purposes of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

Page 13, Fill:
SEC. 109. Notwithstanding section 404(f)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1344(f)(2)), none of the funds made available by this Act may be used to require a permit for the discharge of dredged or fill material under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) for the activities identified in subparagraphs (A) and (C) of section 404(f)(1) of the Act (33 U.S.C. 1344(f)(1)(A), (C)).

Page 13, CWR

SEC. 110. None of the funds made available in this or any other Act making appropriations for Energy and Water Development for any fiscal year may be used by the Corps of Engineers to develop, adopt, implement, administer, or enforce any change to the regulations and guidance in effect on October 1, 2012, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including the provisions of the rules dated November 13, 1986, and August 25, 1993, relating to such jurisdiction, and the guidance documents dated January 15, 2003, and December 2, 2008, relating to such jurisdiction.

Title IV General Provisions:

Page 79, NOP:
SEC. 506. None of the funds made available by this Act may be used to further implementation of the coastal and marine spatial planning and ecosystem-based management components of the National Ocean Policy developed under Executive Order No. 13547 of July 19, 2010.

Kristie M. Moore
Office of Wetlands Oceans and Watersheds
U.S. Environmental Protection Agency
EPA West
1200 Pennsylvania Ave., NW
MC-4501 T
Washington, DC, 20460
office: (202) 566-1616
fax: (202) 566-1544

From: Spraul, Greg
Sent: Thursday, April 14, 2016 8:28 AM
To: OW-Resource Management Staff <OWResource_Management_Staff@epa.gov>; OW Budget Officers <OW_Budget_Officers@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Beauvais, Joel <Beauvais.Joel@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Gilinsky, Ellen <Gilinsky.Ellen@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>; Orvin, Chris <Orvin.Chris@epa.gov>
Subject: Budget update

Energy and Water Appropriations

Both the House and the Senate Appropriation Subcommittees passed the Energy and Water appropriation yesterday, which has a nexus (you can decide if it's a "significant nexus") to EPA water programs since these bills fund the Army Corps.

The Senate Subcommittee approved their measure, which was free of controversial riders, without amendment. It will be marked up in full committee today and is expected to hit the Senate floor next week, the earliest ever floor consideration of a spending bill in the Senate since the modern budget era began.

The House bill, on the other hand, includes several policy riders aimed at the Clean Water Rule. See page 13 of the bill (PDF). The House Subcommittee approved their bill, also without amendment, yesterday on a voice vote. Appropriators plan to save amendments for a TBD full committee markup. Here is what members had to say about the bill...

> "The inclusion of misguided, dangerous policy riders is disappointing at best," said the full committee's top Democrat, Nita Lowey of New York. "The annual appropriation bill is not the place to amend or significantly change the Clean Water Act or strict gun laws. Including these harmful riders in the underlying bill is a direct affront to the regular order we all want."

"This bill enables Congress to take action against these egregious examples of regulatory overreach and protect crucial industries from sinking under the weight of burdensome rules and requirements," said Appropriations Chairman Harold Rogers, R-Ky.

House Approps moves forward without "real" top line numbers

Because the House is still deadlocked on a topline number for FY 17, the House Appropriations Committee voted yesterday to adopt interim target numbers in line with last year's budget deal to allow the committee to move forward with the appropriations process.

Appropriations Chairman Rogers told the committee, "it's my sincere hope that we will soon have an approved budget resolution that will provide us with our topline number for the 2017 fiscal year. But absent that, the committee intends to move forward and fulfill its constitutional responsibilities using the topline number that's already been agreed to by the Congress and the White House and signed into law."

The top Democrat on the Committee, Congresswoman Lowey was more critical of the move. "Without the full set of subcommittee allocations, seems to me there's no way to judge whether the first appropriation bills are allocated more or less than their fair share," the New York Democrat said. "We are missing vital information."

"We're just figuring out a way to work around the chaos in the Republican caucus," said Betty McCollum of Minnesota, the top Democrat on the Interior-Environment panel.

"I believe it's totally unfair to keep subcommittees in the dark, in the dark about the distribution of allocations and what to expect," she added.

Rep. Rosa DeLauro, D-Conn., the ranking member on the Appropriations Labor-HHS-Education Subcommittee, called the process "an imaginary, ephemeral effort." Be careful with your language Congresswoman DeLauro. An ephemeral effort on the budget may be imaginary, but an ephemeral stream is real and has ecological benefits... and is certainly not imaginary!

"We'll wait and see what the outcome of the budget fight amounts to, if anything. This Friday, April 15, is the deadline," Rogers told reporters. "We can't go ahead on the floor until May 15. But we can proceed with marking up bills in full committee." Budget laws would allow appropriators to move bills to the floor after May 15 without a budget resolution.

Pathway for Flint aid unclear after Stabenow releases "hold" on energy bill

Senate Majority Leader McConnell will bring back to the floor the energy bill after Sen. Stabenow dropped her demand that the bill include federal funds to address the tainted water crisis in Flint, Mich. McConnell did not set a date for resumption of debate on the bill. Senators Stabenow and Peters, like Axl Rose are asking themselves, "Where do we go now?"

"It is totally unacceptable that Sen. Lee continues to block a vote on our fully-paid for, bipartisan agreement to help Flint and other communities across the nation who have serious lead and water problems," Stabenow said in a statement. "This is about something as basic as making sure families have clean water to drink and children with lead poisoning get the help they need. We will not give up until this gets done using whatever legislative vehicle it takes."

Senate Toplines on Monday with the goal of moving approps bills quickly

"On Monday I'll be putting out the topline numbers for the Appropriations Committee, so the appropriators can go ahead," the Wyoming Republican said at a hearing. "We are not going to be delaying them at all. And Sen. McConnell has promised that we are going to try to do all 12 of the appropriations bills, one right after another. It'll be the first time in 20 years, probably, and only four times, I think, in the history of the budget. And I'm hoping we can do that," said Enzi, referring to Senate Majority Leader Mitch McConnell, R-Ky.

House Rules Committee hearing on the Budget Process

This afternoon at 3pm, House rules will have a hearing about making, what some are calling, drastic changes to the appropriations process.

Greg Spraul
Acting Associate Director
Resource Management Staff
Office of Water
U.S. Environmental Protection Agency
Email: spraul.greg@epa.gov
Direct:(202) 564-0255

Message

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 4/6/2016 9:18:13 PM
To: 'Szerlog, Michael' [szerlog.michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: Shoreline Workgroup - PMP revision attached
Attachments: PMP_rev (00000002) EPA comments CENWSOC (00000002), szalay.docx

Just a reminder to take a look at the revised PMP. Susan has already reviewed. I'd like to send this to Craig by Friday if possible. Thanks and let me know if you have any questions.

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Szalay, Endre
Sent: Tuesday, April 05, 2016 11:10 AM
To: Szerlog, Michael <szerlog.michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>
Subject: Shoreline Workgroup - PMP revision attached

Privileged and Confidential
Attorney Client Communication

Hi All:

Attached is a revised PMP based on a discussion I had with Corps counsel. The Corps did the first round of edits and the attached contains my substantial revisions. The goal is to more accurately capture the work being done by the workgroup (we have a couple months experience now and thus a better understanding of what we are actually working on together) Attorney Client / Ex. 5

Attorney Client / Ex. 5

The revised PMP contains track changes, but I've put the document in to simple markup mode so you can review a clean copy. I suggest you review this way because the edits are substantial and may be hard to follow. My goal is to get this to the Corps counsel by COB today if possible. That's a quick turnaround, but it would be great if folks could take time today and read through it. But, if you don't have time or you feel that we aren't ready to share with the Corps by COB today, that of course is fine.

Thanks,

Endre M. Szalay
Assistant Regional Counsel
U.S. EPA, Region 10
1200 Sixth Ave., Suite 900, ORC-113
Seattle, WA 98101-3140
(206) 553-1073
szalay.endre@epa.gov

Message

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 4/6/2016 5:07:05 PM
To: Allnutt, David [Allnutt.David@epa.gov]
Subject: RE: Chuitna Briefing

Sounds good. Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line On HTL, we're working on it … need a willing dance partner, though.

PS – pool champion indeed. HH coming soon.

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Allnutt, David
Sent: Wednesday, April 06, 2016 10:02 AM
To: Szalay, Endre <Szalay.Endre@epa.gov>
Subject: RE: Chuitna Briefing

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line. If you could wrap up the HTL issues today, that would be appreciated.

PS – pool champion?

R. David Allnutt, Director
Office of Ecosystems, Tribal and Public Affairs
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

From: Szalay, Endre
Sent: Wednesday, April 06, 2016 9:53 AM
To: Allnutt, David <Allnutt.David@epa.gov>
Subject: Chuitna Briefing

Hi Dave:

I'm with Michael at the Corps this morning discussing shoreline protection / high tide line issues. The meeting goes until 12pm. I was planning on stepping out at 11am for the Chuitna briefing, but looking over the materials

my presence may not be essential. So, I am going to plan on staying at the Corps meeting unless you would like me to join the Chuitna call.

Thanks,

Endre M. Szalay
Assistant Regional Counsel
U.S. EPA, Region 10
1200 Sixth Ave., Suite 900, ORC-113
Seattle, WA 98101-3140
(206) 553-1073
szalay.endre@epa.gov

Message

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 4/5/2016 7:15:11 PM
To: Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: Shoreline Workgroup - PMP revision attached

Excellent! Thanks Susan!

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Meyer, Susan
Sent: Tuesday, April 05, 2016 11:32 AM
To: Szalay, Endre <Szalay.Endre@epa.gov>
Subject: RE: Shoreline Workgroup - PMP revision attached

This looks good to me, Endre. Only one typo I noticed -- first paragraph, misspelled Juan in Strait of Juan de Fuca. This sounds much better. I am working on developing a list (for discussion purposes) of "other things" that EPA and the State agencies could do to protect shoreline habitat outside Corps jurisdiction for us to have at the meeting tomorrow morning. Will forward a copy to you. See you tomorrow.
~Susan

From: Szalay, Endre
Sent: Tuesday, April 05, 2016 11:10 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>
Subject: Shoreline Workgroup - PMP revision attached

Privileged and Confidential
Attorney Client Communication

Hi All:

Attached is a revised PMP based on a discussion I had with Corps counsel. The Corps did the first round of edits and the attached contains my substantial revisions. The goal is to more accurately capture the work being done by the workgroup (we have a couple months experience now and thus a better understanding of what we are actually working on together) Attorney Client / Ex. 5

Attorney Client / Ex. 5

The revised PMP contains track changes, but I've put the document in to simple markup mode so you can review a clean copy. I suggest you review this way because the edits are substantial and may be hard to follow. My goal is to get this to the Corps counsel by COB today if possible. That's a quick turnaround, but it would be great if folks could take time today and read through it. But, if you don't have time or you feel that we aren't ready to share with the Corps by COB today, that of course is fine.

Thanks,

Endre M. Szalay
Assistant Regional Counsel
U.S. EPA, Region 10
1200 Sixth Ave., Suite 900, ORC-113
Seattle, WA 98101-3140
(206) 553-1073
szalay.endre@epa.gov

Message

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 11/29/2016 10:50:01 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]
CC: Dean, Heather [Dean.Heather@epa.gov]; Szerlog, Michael [szerlog.michael@epa.gov]
Subject: RE: CEQ in town next Wed would like a briefing on the HTL work/recommendation

I can be available for this if it works out.

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Murchie, Peter
Sent: Tuesday, November 29, 2016 8:45 AM
To: Meyer, Susan <meyer.susan@epa.gov>; Jacobson, James R NWS <James.R.Jacobson@usace.army.mil>
Cc: Dean, Heather <Dean.Heather@epa.gov>; Elizabeth Babcock - NOAA Federal <elizabeth.babcock@noaa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Kopecky, Steven A. EOP/CEQ <Steven_A_Kopecky@ceq.eop.gov>; Winkler, Jessica NWS <Jessica.G.Winkler@usace.army.mil>; 'frances.morris@usace.army.mil' <frances.morris@usace.army.mil>; Szalay, Endre <Szalay.Endre@epa.gov>
Subject: RE: CEQ in town next Wed would like a briefing on the HTL work/recommendation

Yes apologies to quick to send – This would be Wednesday 12/7

Peter

From: Meyer, Susan
Sent: Tuesday, November 29, 2016 8:44 AM
To: Murchie, Peter <Murchie.Peter@epa.gov>; Jacobson, James R NWS <James.R.Jacobson@usace.army.mil>
Cc: Dean, Heather <Dean.Heather@epa.gov>; Elizabeth Babcock - NOAA Federal <elizabeth.babcock@noaa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Kopecky, Steven A. EOP/CEQ <Steven_A_Kopecky@ceq.eop.gov>; Winkler, Jessica NWS <Jessica.G.Winkler@usace.army.mil>; 'frances.morris@usace.army.mil' <frances.morris@usace.army.mil>; Szalay, Endre <Szalay.Endre@epa.gov>
Subject: RE: CEQ in town next Wed would like a briefing on the HTL work/recommendation

Works for me, Peter, but the 2nd is a Friday, so I am assuming you mean Wed., Dec. 7th?

From: Murchie, Peter
Sent: Tuesday, November 29, 2016 8:28 AM
To: Jacobson, James R NWS <James.R.Jacobson@usace.army.mil>
Cc: Dean, Heather <Dean.Heather@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>; Elizabeth Babcock - NOAA Federal <elizabeth.babcock@noaa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Kopecky, Steven A. EOP/CEQ <Steven_A_Kopecky@ceq.eop.gov>; Winkler, Jessica NWS <Jessica.G.Winkler@usace.army.mil>; 'frances.morris@usace.army.mil' <frances.morris@usace.army.mil>; Szalay, Endre <Szalay.Endre@epa.gov>
Subject: CEQ in town next Wed would like a briefing on the HTL work/recommendation

Jim,
Steve Kopecky from CEQ is in Seattle this coming Wednesday the 2nd and would like to have an in person briefing on our shared recommendation.

We were hoping the team was available on Wednesday morning say 9am and you could host at USACE? I would think an hour would do.

Would that work for everyone?

Thank you,
Peter

Peter Murchie, Manager
Puget Sound and National Estuary Programs
U.S. EPA, Region 10
1200 Sixth Avenue
Seattle, Washington 98101-3140
(206) 553-1148
murchie.peter@epa.gov
http://www.epa.gov/puget-sound

Appointment

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 8/8/2016 6:35:46 PM
To: Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]
CC: Castanon, Lisa [Castanon.Lisa@epa.gov]

Subject: HTL Report
Location: Cara's Office

Start: 8/11/2016 6:30:00 PM
End: 8/11/2016 7:00:00 PM
Show Time As: Tentative

This time works for Cara, but we can have a follow up meeting for Lisa (and Allyn depending on interest/bandwidth).

Appointment

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 6/24/2016 4:08:50 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]

Subject: Accepted: HTL EPA Team Huddle
Location: Peter's Office - can call folks as needed

Start: 6/24/2016 8:00:00 PM
End: 6/24/2016 8:30:00 PM
Show Time As: Busy

Appointment

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 8/8/2016 6:35:45 PM
CC: Stern, Allyn [Stern.Allyn@epa.gov]

Subject: Canceled: HTL Report
Location: Cara's Office

Start: 8/11/2016 6:30:00 PM
End: 8/11/2016 7:00:00 PM
Show Time As: Free

Importance: High

This time works for Cara, but we can have a follow up meeting for Lisa (and Allyn depending on interest/bandwidth).

Appointment

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 6/24/2016 3:18:52 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]

Subject: Accepted: HTL EPA Team Huddle
Location: Peter's Office - can call folks as needed

Start: 6/24/2016 7:30:00 PM
End: 6/24/2016 8:00:00 PM
Show Time As: Busy

Gracias!

Message

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 6/24/2016 1:04:27 AM
To: Meyer, Susan [meyer.susan@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]
Subject: RE: Heather and Susan version of HTL Master document

Finally getting to this. I'll try to review tonight, but will likely need tomorrow to complete my review. I'll try to be as quick as possible!

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Meyer, Susan
Sent: Thursday, June 23, 2016 11:57 AM
To: Dean, Heather <Dean.Heather@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>
Subject: RE: Heather and Susan version of HTL Master document

Yup! And here is the document

From: Dean, Heather
Sent: Thursday, June 23, 2016 11:55 AM
To: Meyer, Susan <meyer.susan@epa.gov>
Subject: RE: Heather and Susan version of HTL Master document

Thanks, Susan. Did you forget to attach the document?

From: Meyer, Susan
Sent: Thursday, June 23, 2016 11:50 AM
To: Szalay, Endre <Szalay.Endre@epa.gov>
Cc: Dean, Heather <Dean.Heather@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>
Subject: Heather and Susan version of HTL Master document

Endre, Your turn. Let us know if you have questions. Heather did a great job of editing most of the document. Her edits are purple, mine are red.

Have fun!

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Appointment

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 8/5/2016 10:29:00 PM
To: Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]
CC: Stern, Allyn [Stern.Allyn@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]

Subject: HTL Report
Location: Cara's Office

Start: 8/8/2016 6:00:00 PM
End: 8/8/2016 6:30:00 PM
Show Time As: Tentative

This time works for Cara, but we can have a follow up meeting for Lisa (and Allyn depending on interest/bandwidth).

Message

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 6/22/2016 11:17:18 PM
To: Szalay, Endre [Szalay.Endre@epa.gov]
Subject: reminders

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

3. HTL Report Review

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Endre M. Szalay
Assistant Regional Counsel
U.S. EPA, Region 10
1200 Sixth Ave., Suite 900, ORC-113
Seattle, WA 98101-3140
(206) 553-1073
szalay.endre@epa.gov

Appointment

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 6/22/2016 3:00:34 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]

Subject: Accepted: HTL EPA Team Huddle
Location: Peter's Office - can call folks as needed

Start: 6/24/2016 5:30:00 PM
End: 6/24/2016 6:00:00 PM
Show Time As: Busy

Message

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 10/28/2016 3:53:43 PM
To: Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: were you able to look at the HTL report yet?

Not yet. Just looked over what Michael highlighted in his first email. It's on my to-do list for today.

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Meyer, Susan
Sent: Friday, October 28, 2016 8:53 AM
To: Szalay, Endre <Szalay.Endre@epa.gov>
Subject: were you able to look at the HTL report yet?

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Appointment

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 3/23/2016 3:33:44 PM
To: Dean, Heather [Dean.Heather@epa.gov]

Subject: Declined: HTL Meeting-Room for EPA Staff
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center

Start: 3/23/2016 4:00:00 PM
End: 3/23/2016 6:00:00 PM
Show Time As: Busy

Hi Heather. I'm teleworking and will likely have to call in later – around 10am – due to another meeting. Thanks!

Appointment

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 3/23/2016 3:08:09 PM
To: Meyer, Susan [meyer.susan@epa.gov]

Subject: Tentative: Final HTL field day meeting set
Location: TBD

Start: 5/31/2016 7:00:00 AM
End: 6/1/2016 7:00:00 AM
Show Time As: Busy

Appointment

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 3/21/2016 2:40:48 PM
To: Meyer, Susan [meyer.susan@epa.gov]

Subject: Accepted: Hold for all day HTL field visits
Location: TBD

Start: 5/31/2016 7:00:00 AM
End: 6/1/2016 7:00:00 AM
Show Time As: Busy

Message

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 3/11/2016 3:34:07 PM
To: Dean, Heather [Dean.Heather@epa.gov]
Subject: RE: HTL Study Sites & Matrix

Thanks! That's good to no. Let me know if that changes.

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Dean, Heather
Sent: Thursday, March 10, 2016 4:35 PM
To: Szalay, Endre <Szalay.Endre@epa.gov>
Subject: RE: HTL Study Sites & Matrix

Thanks! I will follow your advice.

BTW, Michael has released you from reviewing my assumable waters "white paper." Personal Matters / Ex. 6

Personal Matters / Ex. 6

From: Szalay, Endre
Sent: Thursday, March 10, 2016 3:24 PM
To: Dean, Heather <Dean.Heather@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>
Cc: Meyer, Susan <meyer.susan@epa.gov>
Subject: RE: HTL Study Sites & Matrix

Thanks Heather!

1. Re the datums to drop/keep in the matrix:

Attorney Client - Deliberative Process / Ex. 5

2. Re Matt's input on the Matrix

Deliberative Process / Ex. 5

Finally, I have no comment on the four locations, other than to say that I will do whatever I can to go to each one … I need more days outside the office!

Let me know if you want to discuss further. Thanks,

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Dean, Heather
Sent: Thursday, March 10, 2016 3:07 PM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Cc: Meyer, Susan <meyer.susan@epa.gov>
Subject: FW: HTL Study Sites & Matrix

Greetings,

I am working on my assignments stemming from yesterday's HTL meeting & wanted to touch base with you all on two issues before moving on to coordination with the other agencies:

Proposed Study Sites

Deliberative Process / Ex. 5

HTL Matrix

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks much,

Heather

Appointment

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 11/16/2015 5:01:51 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: Discuss High Tide Line as related to Treaty Rights at Risk meeting in DC
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center

Start: 11/17/2015 4:00:00 PM
End: 11/17/2015 4:30:00 PM
Show Time As: Busy

Appointment

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 10/23/2015 10:17:14 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: High Tide Line Discussion
Location: Teleconfernce and Adobe Connect

Start: 10/20/2015 8:00:00 PM
End: 10/20/2015 9:00:00 PM
Show Time As: Busy

Appointment

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 9/24/2015 7:09:53 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: High Tide Line Discussion
Location: Teleconfernce and Adobe Connect

Start: 10/1/2015 4:00:00 PM
End: 10/1/2015 5:00:00 PM
Show Time As: Busy

Message

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 9/17/2015 11:03:40 PM
To: Dean, Heather [Dean.Heather@epa.gov]
Subject: RE: HTL

Simma Kupchan

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Dean, Heather
Sent: Thursday, September 17, 2015 3:47 PM
To: Szalay, Endre
Subject: HTL

Me, again (sorry!). Michael also asked me to find out from you who is the woman from OGC who is working on the Earthjustice petition. He said you would know…?

Thanks,

H

Appointment

From: Szalay, Endre [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10B5B40221B744BB86D436CB1918C48F-SZALAY, ENDRE M.]
Sent: 9/17/2015 10:51:31 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: High Tide Line Discussion
Location: Teleconfernce and Adobe Connect

Start: 9/24/2015 9:00:00 PM
End: 9/24/2015 10:00:00 PM
Show Time As: Busy

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 2/24/2016 11:02:03 PM
To: Goodin, John [Goodin.John@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]; Heather Dean [Dean.Heather@epa.gov]; Downing, Donna [Downing.Donna@epa.gov]

Subject: High Tide Line Discussion
Location: Conference Line: Conference Line/Code / Ex. 6 and Adobe Connect

Start: 3/7/2016 4:00:00 PM
End: 3/7/2016 5:00:00 PM
Show Time As: Tentative

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 2/10/2016 3:16:54 PM
To: Michael Szerlog [Szerlog.Michael@epa.gov]

Subject: Hold for High Tide Line - Puget Sound - Conference Call
Location: TBD

Start: 2/10/2016 4:00:00 PM
End: 2/10/2016 8:30:00 PM
Show Time As: Tentative

Recurrence: Weekly
every 2 week(s) on Wednesday from 9:00 AM to 11:00 AM

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 1/20/2016 8:55:23 PM
To: Meyer, Susan [meyer.susan@epa.gov]

Subject: Accepted: Discussion on HTL/shoreline protection prior to 1/27 Corps phone call
Location: R10Sea-Room-19Orca/R10-Rooms-Service-Center

Start: 1/26/2016 10:00:00 PM
End: 1/26/2016 11:00:00 PM
Show Time As: Busy

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 1/26/2016 10:26:29 PM
To: Michael Szerlog [Szerlog.Michael@epa.gov]; Heather Dean [Dean.Heather@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]; Murchie, Peter [murchie.peter@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]
BCC: R10Sea-Room-20Cedar/R10-Rooms-Service-Center [R10Sea-Room-20Cedar@epa.gov]

Subject: Conference Room for the High Tide Line - Puget Sound - Conference Call
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center

Start: 1/27/2016 5:00:00 PM
End: 1/27/2016 7:00:00 PM
Show Time As: Tentative

Recurrence: Weekly
every 2 week(s) on Wednesday from 9:00 AM to 11:00 AM

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 4/8/2016 8:19:54 PM
To: Meyer, Susan [meyer.susan@epa.gov]

Subject: Accepted: Practice field HTL in Seattle and Tacoma
Location: meet at either Tacoma or Seattle beach site

Start: 5/5/2016 3:00:00 PM
End: 5/5/2016 9:00:00 PM
Show Time As: Busy

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 9/17/2015 10:27:16 PM
To: Heather Dean [Dean.Heather@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]; David Gesl [David.W.Gesl@usace.army.mil]; Hoffman, Mary J NWD [Mary.J.Hoffman@usace.army.mil]; DeRosa, Jason HQ @ NWD [Jason.R.DeRosa@usace.army.mil]

Subject: High Tide Line Discussion
Location: Teleconfernce and Adobe Connect

Start: 9/24/2015 9:00:00 PM
End: 9/24/2015 10:00:00 PM
Show Time As: Tentative

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 3/23/2016 2:49:20 PM
To: Michael Szerlog [Szerlog.Michael@epa.gov]

Subject: Canceled: Hold for High Tide Line - Puget Sound - Conference Call
Location: TBD

Start: 1/27/2016 5:00:00 PM
End: 1/27/2016 7:00:00 PM
Show Time As: Free

Importance: High

Recurrence: Weekly
every 2 week(s) on Wednesday from 9:00 AM to 11:00 AM

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 3/23/2016 2:49:07 PM
To: Dean, Heather [Dean.Heather@epa.gov]

Subject: Accepted: HTL Meeting-Room for EPA Staff
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center

Start: 3/23/2016 4:00:00 PM
End: 3/23/2016 6:00:00 PM
Show Time As: Busy

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 3/22/2016 6:53:53 PM
To: Meyer, Susan [meyer.susan@epa.gov]

Subject: Declined: Final HTL field day meeting set
Location: TBD

Start: 5/31/2016 7:00:00 AM
End: 6/1/2016 7:00:00 AM
Show Time As: Busy

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 3/29/2016 2:13:05 PM
To: Dean, Heather [Dean.Heather@epa.gov]

Subject: Accepted: Washington High Tide Line Mapping Project
Location: R10Sea-Room-20C-ETPA/R10-Rooms-Restricted

Start: 3/31/2016 8:30:00 PM
End: 3/31/2016 9:30:00 PM
Show Time As: Busy

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 3/22/2016 2:37:32 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]

Subject: Declined: HOLD HTL Field Trip with Workgroup
Location: TBD

Start: 4/20/2016 7:00:00 AM
End: 4/21/2016 7:00:00 AM
Show Time As: Busy

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 4/2/2016 2:34:56 AM
To: Meyer, Susan [meyer.susan@epa.gov]

Subject: Accepted: Hold for all day HTL field visits
Location: TBD

Start: 5/31/2016 7:00:00 AM
End: 6/1/2016 7:00:00 AM

Recurrence: (none)

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 11/17/2015 2:59:55 PM
To: David Allnutt [Allnutt.David@epa.gov]; Dan Opalski [Opalski.Dan@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]; Heather Dean [Dean.Heather@epa.gov]; Murchie, Peter [murchie.peter@epa.gov]; Bonifacino, Gina [Bonifacino.Gina@epa.gov]
BCC: R10Sea-Room-20Cedar/R10-Rooms-Service-Center [R10Sea-Room-20Cedar@epa.gov]

Subject: Discuss High Tide Line as related to Treaty Rights at Risk meeting in DC
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center

Start: 11/17/2015 4:00:00 PM
End: 11/17/2015 4:30:00 PM
Show Time As: Tentative

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 6/22/2016 2:31:02 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]

Subject: Accepted: HTL EPA Team Huddle
Location: Peter's Office - can call folks as needed

Start: 6/24/2016 5:30:00 PM
End: 6/24/2016 6:00:00 PM
Show Time As: Busy

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 4/26/2016 10:43:23 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]

Subject: Declined: HTL Next Steps
Location: David's Office (may have to call Peter on his cell)

Start: 4/26/2016 11:30:00 PM
End: 4/27/2016
Show Time As: Busy

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 4/26/2016 12:53:25 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]

Subject: Declined: HTL Next Steps
Location: David's Office (may have to call Peter on his cell)

Start: 4/26/2016 11:00:00 PM
End: 4/26/2016 11:30:00 PM

Recurrence: (none)

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 7/16/2015 2:16:30 PM
To: Christensen, Damaris [Christensen.Damaris@epa.gov]

Subject: Accepted: discussion of Earthjustice request and HTL
Location: DCRoomWest7201/DC-CCW-OWOW

Start: 7/23/2015 3:30:00 PM
End: 7/23/2015 4:00:00 PM
Show Time As: Busy

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 6/30/2016 2:53:16 PM
To: Murchie, Peter [murchie.peter@epa.gov]; Elizabeth Babcock - NOAA Federal [elizabeth.babcock@noaa.gov]
BCC: R10Sea-ConfLineMM Conference Line/Code / Ex. 6 [R10Sea-ConfLineMM Conference Line/Code / Ex. 6

Subject: Quick conversation about HTL
Location: R10Sea-ConfLineMM Conference Line/Code / Ex. 6

Start: 6/30/2016 7:00:00 PM
End: 6/30/2016 7:30:00 PM
Show Time As: Tentative

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 6/28/2016 4:06:08 PM
To: Allnutt, David [Allnutt.David@epa.gov]

Subject: Can you call me to discuss HTL

Start: 6/28/2016 4:30:00 PM
End: 6/28/2016 5:00:00 PM
Show Time As: Tentative

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 9/21/2016 2:38:41 PM
To: Heather Dean [Dean.Heather@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]; Murchie, Peter [murchie.peter@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]
BCC: R10Sea-Room-20Chinook/R10-Rooms-Service-Center [R10Sea-Room-20Chinook@epa.gov]

Subject: High Tide Line - reserving room for today's call with Corps - Seattle District
Location: R10Sea-Room-20Chinook/R10-Rooms-Service-Center

Start: 9/21/2016 4:00:00 PM
End: 9/21/2016 5:30:00 PM
Show Time As: Tentative

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 10/3/2016 2:27:00 PM
To: Bonifacino, Gina [Bonifacino.Gina@epa.gov]

Subject: Accepted: Teleconference: Shared State Fed priorities for Puget Sound: Discussion on High Tide Line
Location: Teleconference line: Conference Line/Code / Ex. 6 conference code = Conference Line/Code / Ex. 6

Start: 10/5/2016 8:00:00 PM
End: 10/5/2016 9:00:00 PM
Show Time As: Busy

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 6/24/2016 3:18:46 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]

Subject: Accepted: HTL EPA Team Huddle
Location: Peter's Office - can call folks as needed

Start: 6/24/2016 7:30:00 PM
End: 6/24/2016 8:00:00 PM
Show Time As: Busy

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 6/24/2016 4:06:23 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]

Subject: Accepted: HTL EPA Team Huddle
Location: Peter's Office - can call folks as needed

Start: 6/24/2016 8:00:00 PM
End: 6/24/2016 8:30:00 PM
Show Time As: Busy

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 1/12/2016 7:30:27 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]

Subject: Accepted: Mtg with Army Corps/NOAA/EPA Shoreline Protection/High Tide Line
Location: Phone - Conference Line/Code / Ex. 6 sec code

Start: 1/15/2016 6:00:00 PM
End: 1/15/2016 7:00:00 PM
Show Time As: Busy

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 1/19/2016 3:55:14 PM
To: Heather Dean [Dean.Heather@epa.gov]

Subject: High tide line graphic
Location: I will call Heather

Start: 1/19/2016 7:30:00 PM
End: 1/19/2016 8:00:00 PM
Show Time As: Tentative

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 1/19/2016 11:09:23 PM
To: Michael Szerlog [Szerlog.Michael@epa.gov]

Subject: Hold for High Tide Line - Puget Sound - Conference Call
Location: TBD

Start: 1/27/2016 5:00:00 PM
End: 1/27/2016 7:00:00 PM
Show Time As: Tentative

Recurrence: Weekly
every 2 week(s) on Wednesday from 9:00 AM to 11:00 AM

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 7/17/2015 8:53:16 PM
To: Christensen, Damaris [Christensen.Damaris@epa.gov]

Subject: Accepted: discussion of Earthjustice request and HTL
Location: DCRoomWest7129/DC-CCW-OWOW

Start: 7/23/2015 4:30:00 PM
End: 7/23/2015 5:00:00 PM
Show Time As: Busy

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 9/21/2016 2:38:37 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Murchie, Peter [murchie.peter@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]
BCC: R10Sea-Room-20Chinook/R10-Rooms-Service-Center [R10Sea-Room-20Chinook@epa.gov]

Subject: High Tide Line - reserving room for today's call with Corps - Seattle District
Location: R10Sea-Room-20Chinook/R10-Rooms-Service-Center

Start: 9/21/2016 4:00:00 PM
End: 9/21/2016 5:30:00 PM
Show Time As: Busy

Appointment

From: R10Sea-Room-20Cedar/R10-Rooms-Service-Center [R10Sea-Room-20Cedar@epa.gov]
Sent: 1/26/2016 10:26:33 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: Conference Room for the High Tide Line - Puget Sound - Conference Call
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center

Start: 1/27/2016 5:00:00 PM
End: 1/27/2016 7:00:00 PM

Recurrence: (none)

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 2/24/2016 11:01:59 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]; Heather Dean [Dean.Heather@epa.gov]; Downing, Donna [Downing.Donna@epa.gov]

Subject: High Tide Line Discussion
Location: Conference Line: Conference Line/Code / Ex. 6 and Adobe Connect

Start: 3/7/2016 4:00:00 PM
End: 3/7/2016 5:00:00 PM
Show Time As: Busy

Appointment

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 1/26/2016 10:28:52 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: Conference Room for the High Tide Line - Puget Sound - Conference Call
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center

Start: 1/27/2016 5:00:00 PM
End: 1/27/2016 7:00:00 PM
Show Time As: Busy

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 11/16/2015 3:37:03 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; David Allnutt [Allnutt.David@epa.gov]; Dan Opalski [Opalski.Dan@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]; Heather Dean [Dean.Heather@epa.gov]; Murchie, Peter [murchie.peter@epa.gov]; Bonifacino, Gina [Bonifacino.Gina@epa.gov]
BCC: R10Sea-Room-20Cedar/R10-Rooms-Service-Center [R10Sea-Room-20Cedar@epa.gov]

Subject: Discuss High Tide Line as related to Treaty Rights at Risk meeting in DC
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center

Start: 11/17/2015 4:00:00 PM
End: 11/17/2015 4:30:00 PM
Show Time As: Busy

Appointment

From: Murchie, Peter [Murchie.Peter@epa.gov]
Sent: 1/26/2016 11:51:14 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: Conference Room for the High Tide Line - Puget Sound - Conference Call
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center

Start: 1/27/2016 5:00:00 PM
End: 1/27/2016 7:00:00 PM

Recurrence: (none)

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 8/5/2016 3:08:06 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Heather Dean [Dean.Heather@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]; Downing, Donna [Downing.Donna@epa.gov]; Miller, Clay [Miller.Clay@epa.gov]
CC: Murchie, Peter [Murchie.Peter@epa.gov]; Rylko, Michael [Rylko.Michael@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]

Subject: High Tide Line briefing for HQ (added Adobe Connect link)
Location: Conference Line/Code / Ex. 6

Start: 8/8/2016 5:00:00 PM
End: 8/8/2016 6:00:00 PM
Show Time As: Busy

Appointment

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 2/24/2016 11:40:44 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Tentative: High Tide Line Discussion
Location: Conference Line: Conference Line/Code / Ex. 6 and Adobe Connect

Start: 3/7/2016 4:00:00 PM
End: 3/7/2016 5:00:00 PM
Show Time As: Busy

Appointment

From: Murchie, Peter [Murchie.Peter@epa.gov]
Sent: 6/30/2016 2:57:03 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: Quick conversation about HTL
Location: R10Sea-ConfLineMM- Conference Line/Code / Ex. 6

Start: 6/30/2016 7:00:00 PM
End: 6/30/2016 7:30:00 PM
Show Time As: Busy

Appointment

From: Patheal-Centenera, Bella [Patheal-Centenera.Bella@epa.gov]
Sent: 6/30/2016 2:56:44 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: Quick conversation about HTL
Location: R10Sea-ConfLineMM Conference Line/Code / Ex. 6

Start: 6/30/2016 7:00:00 PM
End: 6/30/2016 7:30:00 PM
Show Time As: Busy

Appointment

From: R10Sea-Room-20Cedar/R10-Rooms-Service-Center [R10Sea-Room-20Cedar@epa.gov]
Sent: 11/17/2015 3:00:03 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: Discuss High Tide Line as related to Treaty Rights at Risk meeting in DC
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center

Start: 11/17/2015 4:00:00 PM
End: 11/17/2015 4:30:00 PM

Recurrence: (none)

Appointment

From: R10Sea-ConfLine Conference Line/Code / Ex. 6
Sent: 6/30/2016 2:53:18 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: Quick conversation about HTL
Location: R10Sea-ConfLineMM Conference Line/Code / Ex. 6

Start: 6/30/2016 7:00:00 PM
End: 6/30/2016 7:30:00 PM

Recurrence: (none)

Appointment

From: Murchie, Peter [Murchie.Peter@epa.gov]
Sent: 11/16/2015 10:47:26 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: Discuss High Tide Line as related to Treaty Rights at Risk meeting in DC
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center

Start: 11/17/2015 4:00:00 PM
End: 11/17/2015 4:30:00 PM
Show Time As: Busy

Appointment

From: Patheal-Centenera, Bella [Patheal-Centenera.Bella@epa.gov]
Sent: 11/16/2015 4:09:45 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: Discuss High Tide Line as related to Treaty Rights at Risk meeting in DC
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center

Start: 11/17/2015 4:00:00 PM
End: 11/17/2015 4:30:00 PM
Show Time As: Busy

Appointment

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 10/1/2015 4:17:20 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: FW: High Tide Line Discussion
Location: Teleconfernce and Adobe Connect

Start: 10/1/2015 4:00:00 PM
End: 10/1/2015 5:00:00 PM
Show Time As: Tentative

Appointment

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 10/13/2015 10:31:52 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: High Tide Line Discussion
Location: Teleconfernce and Adobe Connect

Start: 10/20/2015 8:00:00 PM
End: 10/20/2015 9:00:00 PM
Show Time As: Busy

Appointment

From: Murchie, Peter [Murchie.Peter@epa.gov]
Sent: 8/8/2016 9:19:49 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: High Tide Line briefing for HQ (added Adobe Connect link)
Location: Conference Line/Code / Ex. 6

Start: 8/8/2016 5:00:00 PM
End: 8/8/2016 6:00:00 PM

Recurrence: (none)

Message

From: Szerlog.Michael@epa.gov [Szerlog.Michael@epa.gov]
Sent: 1/12/2015 10:06:08 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Attachments: Earthjustice High Tide Line letter.pdf

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 5/6/2015 5:50:48 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Special Case vs. Policy Elevation

Okay, here you go:

Policy Elevation

Deliberative Process / Ex. 5

Special Case

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 5/6/2015 7:59:06 PM
To: Opalski, Dan [Opalski.Dan@epa.gov]
CC: McLerran, Dennis [mclerran.dennis@epa.gov]; David Allnutt [Allnutt.David@epa.gov]
Subject: RE: EPA COE MOU on Jurisdiction

Dan,

OK. Got it, wasn't sure if this had to do with riparian issues or PS shoreline. Here are some options besides continuing to have informal conversations:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Opalski, Dan
Sent: Wednesday, May 06, 2015 8:33 AM
To: Szerlog, Michael
Cc: McLerran, Dennis
Subject: RE: EPA COE MOU on Jurisdiction

Thanks, Michael. This is the kind of info I was seeking. The specific question (I think) that Will is posing is where our "final say" authority would extend to a decision on the drawing of the most appropriate jurisdictional line for shoreline projects (i.e. which tide line).

From: Szerlog, Michael
Sent: Wednesday, May 06, 2015 8:29 AM
To: Opalski, Dan
Cc: McLerran, Dennis
Subject: RE: EPA COE MOU on Jurisdiction

Dan,

EPA does have the final say on CWA jurisdiction and on the applicability of exemptions, however, the policy is for the Corps to perform jurisdictional determinations (JD) and to determine exemptions under section 404(f), since they are the permitting agency. We provide oversight on JD calls – mostly those that are negative. Note: JD work is different than wetland delineation work. I think Will meant to say "COE determinations" and not "COE delineations" which are done to determine if a wetland is present as well as its extent – i.e. the boundary between wetland and upland. For enforcement cases, we often need to verify jurisdiction and staff collect information in the field as well from databases/online tools to determine if the impacted water is a Waters of the United States.

As you know we have the ability to elevate jurisdictional determination calls and the option of establishing a "Special Case" where EPA makes the final determination of the geographic jurisdictional scope of Waters of the United States for purposes of section 404. We haven't done that yet in Region 10, but contemplated it for SE Fairbanks. Region 9 recently did one for the LA River. It is a lot of work and will be controversial.

Not sure if this helped, but give a call if you have any more questions or want to discuss further.

Thanks

Michael J. Szerlog, Manager

Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Opalski, Dan
Sent: Wednesday, May 06, 2015 8:03 AM
To: Szerlog, Michael
Cc: McLerran, Dennis
Subject: FW: EPA COE MOU on Jurisdiction

Michael – Can you help out with your read on the question Will is asking both from an authority standpoint and more of an on-the-ground implementation perspective? Thanks.

From: Will Stelle - NOAA Federal [mailto:will.stelle@noaa.gov]
Sent: Wednesday, May 06, 2015 8:00 AM
To: McLerran, Dennis
Cc: Opalski, Dan; Elizabeth Babcock - NOAA Federal
Subject: EPA COE MOU on Jurisdiction

dennis: embedded in the email below from Elizabeth is the existing MOU which appears to recognize EPA's independent authority under the CWA to supersede COE delineations on 404 jurisdiction. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

WS

---------- Forwarded message ----------
From: **Elizabeth Babcock - NOAA Federal** <elizabeth.babcock@noaa.gov>
Date: Tuesday, April 28, 2015
Subject: Per phone message
To: Will Stelle <will.stelle@noaa.gov>

Will,

Perhaps the jurisdiction issue should focus on EPA not the Corps

.http://water.epa.gov/lawsregs/guidance/wetlands/404f.cfm

EB

--
William Stelle
West Coast Regional Administrator
NOAA Fisheries

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 7/8/2015 3:01:42 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]; Bonifaci, Angela [Bonifaci.Angela@epa.gov]; Rylko, Michael [Rylko.Michael@epa.gov]; Byron, Carrie [Byron.Carrie@epa.gov]; Heather Dean [Dean.Heather@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]; Mary Thiesing [Thiesing.Mary@epa.gov]
BCC: R10Sea-Room-21Nisqually-Expand/R10-Rooms-Service-Center [R10Sea-Room-21Nisqually-Expand@epa.gov]; R10Sea-ConfLineMM-Conference Line/Code / Ex. 6 R10Sea-ConfLineMM-Conference Line/Code / Ex. 6

Subject: Discuss next steps regarding Earthjustice Petition
Attachments: Earthjustice Petition re High Tide Line and Request for JD (July 24, 201....pdf
Location: R10Sea-Room-21Nisqually-Expand/R10-Rooms-Service-Center; R10Sea-ConfLineMM-Conference Line/Code / Ex. 6

Start: 7/13/2015 3:00:00 PM
End: 7/13/2015 4:00:00 PM
Show Time As: Busy

Conference code will be Conference Line/Code / Ex. 6

Draft Agenda (we may need to rebuild it at beginning of meeting)

1) Brief review of Petition to understand request - all
2) Discuss legal issues – Cara/Endre
3) Discuss options regarding responding/not responding – Linda AC, Angela, Michael Sz.
4) What is the Corps doing? – Michael Sz.
5) Next steps – Linda AC

Earthjustice Petition re High T...

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 9/21/2016 2:38:37 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Murchie, Peter [murchie.peter@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]
BCC: R10Sea-Room-20Chinook/R10-Rooms-Service-Center [R10Sea-Room-20Chinook@epa.gov]

Subject: High Tide Line - reserving room for today's call with Corps - Seattle District
Location: R10Sea-Room-20Chinook/R10-Rooms-Service-Center

Start: 9/21/2016 4:00:00 PM
End: 9/21/2016 5:30:00 PM
Show Time As: Busy

Appointment

From: McLerran, Dennis [mclerran.dennis@epa.gov]
Sent: 8/26/2016 8:54:54 PM
To: McLerran, Dennis [mclerran.dennis@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]
CC: Opalski, Dan [Opalski.Dan@epa.gov]; Edmondson, Lucy [Edmondson.Lucy@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]; Woods, Jim [Woods.Jim@epa.gov]

Subject: High Tideline Recommendations
Attachments: RA Briefing-HTL vs MHHW-final.docx
Location: ET Conference Room; Conference Line/Code / Ex. 6 passcode Conference Line/Code / Ex. 6

Start: 9/7/2016 10:00:00 PM
End: 9/7/2016 10:45:00 PM
Show Time As: Busy

CONFERENCE LINE UPDATED.

POC: Michael Szerlog, OERA, x 3-0279

Provide possible options for moving forward if Corps-Seattle District does not implement HTL recommendations.

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 8/5/2016 3:08:06 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Heather Dean [Dean.Heather@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]; Downing, Donna [Downing.Donna@epa.gov]; Miller, Clay [Miller.Clay@epa.gov]
CC: Murchie, Peter [Murchie.Peter@epa.gov]; Rylko, Michael [Rylko.Michael@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]

Subject: High Tide Line briefing for HQ (added Adobe Connect link)
Attachments: ATT68077
Location: Conference Line/Code / Ex. 6

Start: 8/8/2016 5:00:00 PM
End: 8/8/2016 6:00:00 PM
Show Time As: Busy

Deliberative Process / Ex. 5

Adding Adobe Connect link so we can share graphs, photos, etc.: Adobe Connect link / Ex. 6

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 2/24/2016 11:01:59 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]; Heather Dean [Dean.Heather@epa.gov]; Downing, Donna [Downing.Donna@epa.gov]

Subject: High Tide Line Discussion
Location: Conference Line: Conference Line/Code / Ex. 6 and Adobe Connect

Start: 3/7/2016 4:00:00 PM
End: 3/7/2016 5:00:00 PM
Show Time As: Busy

Outcome: To inform HQ on the progress made to date to address High Tide Line definition and to agree on a path forward for EPA HQ to discuss with Corps HQ.

DRAFT **Agenda:**
Legal review of Corps definition– Endre Szalay
Review of technical information gathered to date including available datums – Heather Dean
Describe efforts with Seattle District to relook at which datum to use for determining High Tide – Michael Szerlog
Q&A – HQ
Discussion and Next Steps – All

Adobe Connect: Adobe Connect link / Ex. 6

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 1/19/2016 11:11:59 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Hold for face-to-face meeting about high tide line - Puget Sound

Start: 6/8/2016 7:00:00 AM
End: 6/9/2016 7:00:00 AM
Show Time As: Out of Office

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 1/19/2016 3:55:05 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Heather Dean [Dean.Heather@epa.gov]

Subject: High tide line graphic
Location: I will call Heather

Start: 1/19/2016 7:30:00 PM
End: 1/19/2016 8:00:00 PM
Show Time As: Busy

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 11/16/2015 3:37:03 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; David Allnutt [Allnutt.David@epa.gov]; Dan Opalski [Opalski.Dan@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]; Heather Dean [Dean.Heather@epa.gov]; Murchie, Peter [murchie.peter@epa.gov]; Bonifacino, Gina [Bonifacino.Gina@epa.gov]
BCC: R10Sea-Room-20Cedar/R10-Rooms-Service-Center [R10Sea-Room-20Cedar@epa.gov]

Subject: Discuss High Tide Line as related to Treaty Rights at Risk meeting in DC
Attachments: Q&A Support Doc-Updated 16 Nov 15.xlsx; Draft Q&A.docx; HTLvsMHHW.xlsx; What is the HTL-Updated 16 Nov 15.docx; ATT99448
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center

Start: 11/17/2015 4:00:00 PM
End: 11/17/2015 4:30:00 PM
Show Time As: Busy

I understand that there is a Tribal Treaty Rights at Risk meeting scheduled for early December in DC. My understanding is that Tribes want to raise the High Tide Line issue at that meeting. It would be good to understand what ARU has been doing regarding this issue per direction from Dennis.

I know the meeting is early, but only time that looked open for folks this week.

Materials for the meeting:

What is the HTL-Updated 16 ... | HTLvsMHHW.xlsx | Draft Q&A.docx | Q&A Support Doc-Updated 16 ...

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 9/17/2015 7:37:12 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Jason Brush [Brush.Jason@epa.gov]; Heather Dean [Dean.Heather@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]
CC: Moffatt, Brett [Moffatt.Brett@epa.gov]; Leidy, Robert [Leidy.Robert@epa.gov]

Subject: Discuss Jurisdiction
Attachments: ATT41112
Location: Conference Line/Code / Ex. 6

Start: 9/22/2015 9:30:00 PM
End: 9/22/2015 10:00:00 PM
Show Time As: Busy

Jason,

Sure we can move the time. We hope to discuss High Tide line. Let's use call in number provided.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 5/19/2016 3:51:53 PM
To: Allnutt, David [Allnutt.David@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Allnutt, David

Szerlog, Michael 8:39 AM:

David, can you send me the version of HTL letter that Heather sent you. I need to forward latest to HQ.

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 11/17/2016 6:00:52 PM
To: Vallette, Yvonne [Vallette.Yvonne@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Yvonne Vallette

Szerlog, Michael 9:31 AM:

Yvonne, do you plan to be on the national call?

Morning. :)

Yvonne Vallette 9:31 AM:
I could, but I hadn't plan to. What time is it today?

Szerlog, Michael 9:32 AM:
11:00

Yvonne Vallette 9:32 AM:
Yeah, I can sit in on it. Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael 9:33 AM:
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Yvonne Vallette 9:34 AM:
Ok, I'll cover it for you.

Szerlog, Michael 9:34 AM:
Thank you.

Yvonne Vallette 9:46 AM:
Anything you want me to provide for the Regional report out?

Szerlog, Michael 9:51 AM:
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line HQ already knows Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line s and knows that we finalized the High Tide Line report. probably sick of hearing about those two and we should wait until we have something more concrete to pass on. Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Yvonne Vallette 9:52 AM:
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael 9:53 AM:
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Yvonne Vallette 9:55 AM:
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael 9:56 AM:
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Yvonne Vallette 9:57 AM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael 9:58 AM:

K

Message

From: Anderson-Carnahan, Linda [anderson-carnahan.linda@epa.gov]
Sent: 5/4/2016 2:29:49 PM
To: Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Anderson-Carnahan, Linda

Anderson-Carnahan, Linda 7:23 AM:

Can you cover the Associate's meeting for me today at 8:30 (21A)?

Szerlog, Michael 7:24 AM:

Sorry, no. Have a meeting to discuss an enforcement case....pretty booked all day. :(

Anderson-Carnahan, Linda 7:26 AM:

Looks like we may not be represented unless Sally can help out.

Szerlog, Michael 7:27 AM:

Sorry. After that meeting I am in a meeting with Corps and NMFS on High Tide Line and running Adobe Connect Session so I can't reschedule.

Anderson-Carnahan, Linda 7:27 AM:

S'ok. Jeff's busy too.

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 2/23/2016 10:00:11 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with PETER MURCHIE

Szerlog, Michael 1:41 PM:

Do you have time to review Heather's High Tide Line Matrix? I would like that document to get distributed before the meeting tomorrow. I think it is a good communication tool.

PETER MURCHIE 1:44 PM:

I do not have time until later tonight - in OW Management retreat. Did Susan review?

If not I would send to her

Szerlog, Michael 1:46 PM:

OK. Endre and Heather moved it from Excel to Word. I will ask Heather is Susan reviewed. It is basically the same as the excel you and she reviewed, just improved. She can send in AM if you want to review. Sorry for the interruption. Advance...don't retreat. :)

PETER MURCHIE 1:47 PM:

yes ADVANCE

I am fine with just Susan reviewing

don't hold it up for me

Szerlog, Michael 1:48 PM:

k

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 9/6/2016 3:56:23 PM
To: Psyk, Christine [Psyk.Christine@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Psyk, Christine

Szerlog, Michael 8:44 AM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

ARU briefing Dennis on additional options to address High Tide Line issue in Washington: The purpose of the meeting, scheduled for September 7th, is to provide Dennis with additional options to address High Tide Line issue, if General Spellmon doesn't accept joint recommendation.

Christine, I will be in the meeting with HQ so won't be attending OWW hot topics. Here is what I was going to mention. Thanks.

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 9/1/2016 4:17:46 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Dean, Heather

Szerlog, Michael 8:37 AM:

Morning. You can send to Linda Tyson or Linda Erikson.

Lost Skpye for a bit. Did you as well?

8:39 AM This message wasn't sent to Dean, Heather.
Lost Skpye for a bit. Did you as well?

Szerlog, Michael 8:39 AM:
[9/1/2016 8:39 AM] Szerlog, Michael:

Lost Skpye for a bit. Did you as well?

This message wasn't sent to Dean, Heather.

Dean, Heather 8:40 AM:
Not that I noticed, but I wondered if that happened to you.

Szerlog, Michael 8:41 AM:
Seems to be intermittent thing today. Thanks again for presenting. I heard a lot of great comments by folks. Thanks also for helping to clean up after.

Dean, Heather 8:42 AM:
Of course, & thanks! Thanks also for the great intro (really helped calm my nerves) & for showing me way back when that PowerPoint could (& should) be way more than black words on a plain white page! ;-)

So, you may have missed this question in the flurry: I'm still doing a HTL briefing paper for HQ"s visit, right?

Szerlog, Michael 8:47 AM:
Indeed, tried to lighten it up a up. Your PP skills have surpassed mine! Great job continuing to improve. :) My understanding is that HTL will be part of Puget Sound Section so may want to check with Peter and or Susan.

Dean, Heather 8:48 AM:
K; thx.

Dean, Heather 8:58 AM:
One more thing: Annie asked me about putting the HTL report on SharePoint. Is that okay, or do we need to wait?

Szerlog, Michael 9:03 AM:
Let's wait. On a similar note. We may want to also get an EPA number on the report. I think the Librarian can do that for us. Not sure of the process, but some OERA folks said it was an easy lift.

Dean, Heather 9:03 AM:
K; I'll check with the library.

Szerlog, Michael 9:05 AM:
Sounds good. After the briefing with Dennis, and if we get those numbers, that would be a good time to put on SharePoint.

Dean, Heather 9:05 AM:
K

Dean, Heather 9:10 AM:
It is, indeed, very easy, but...the form calls for technical reports being reviewed first by our Peer Review Coordinator (Donald Brown). Are we okay with that at this point?

The other option (i.e., all documents available for external distribution besides technical reports) is review by our Product Review Officer (Charles Bert).

Szerlog, Michael 9:13 AM:
I would suggest Donald. If you recall, he was sitting next to you at the picnic. I have worked with Charles as well on Product Review. If he has time that would be helpful as well.

Dean, Heather 9:14 AM:
Ok. When was I sitting next to Donald; during lunch?

Szerlog, Michael 9:15 AM:
Thought during the presentations.

Dean, Heather 9:15 AM:
Ah; didn't remember his name.

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 9/1/2016 4:00:28 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Dean, Heather

Szerlog, Michael 8:37 AM:

Morning. Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

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Szerlog, Michael 8:39 AM:
[9/1/2016 8:39 AM] Szerlog, Michael:

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K; thx.

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One more thing: Annie asked me about putting the HTL report on SharePoint. Is that okay, or do we need to wait?

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 9/1/2016 3:50:28 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Dean, Heather

Szerlog, Michael 8:37 AM:

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Szerlog, Michael 8:39 AM:
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Dean, Heather 8:48 AM:
K; thx.

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 1/13/2016 4:14:16 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Heather Dean

Szerlog, Michael 7:37 AM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Heather Dean 7:38 AM:

Great; thanks. As for HTL, I created a table to compile the research, but am playing with possibilities for some kind of graphic display, as well.

Szerlog, Michael 7:41 AM:

Great. Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Heather Dean 7:43 AM:

K. I think it may have to be illustrative, rather than comprehensive, given that we have been unable--even in coordinating with other regions--to confirm what all of the districts use, & I don't think we want to embark, at this point, on conducting our own survey of those districts!

Szerlog, Michael 8:02 AM:

I agree. Thanks.

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 9/1/2016 3:46:14 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Dean, Heather

Szerlog, Michael 8:37 AM:

Morning. Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Lost Skpye for a bit. Did you as well?

8:39 AM This message wasn't sent to Dean, Heather.
Lost Skpye for a bit. Did you as well?

Szerlog, Michael 8:39 AM:
[9/1/2016 8:39 AM] Szerlog, Michael:

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Dean, Heather 8:40 AM:
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So, you may have missed this question in the flurry: I'm still doing a HTL briefing paper for HQ"s visit, right?

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 1/13/2016 3:55:46 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Heather Dean

Szerlog, Michael 7:37 AM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Heather Dean 7:38 AM:

Great; thanks. As for HTL, I created a table to compile the research, but am playing with possibilities for some kind of graphic display, as well.

Szerlog, Michael 7:41 AM:

Great. I would like, if possible, to use it also for the FACA discussions when we are talking adjacency.

Heather Dean 7:43 AM:

K. I think it may have to be illustrative, rather than comprehensive, given that we have been unable--even in coordinating with other regions--to confirm what all of the districts use, & I don't think we want to embark, at this point, on conducting our own survey of those districts!

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 1/13/2016 3:40:08 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Heather Dean

Szerlog, Michael 7:37 AM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Heather Dean 7:38 AM:

Great; thanks. As for HTL, I created a table to compile the research, but am playing with possibilities for some kind of graphic display, as well.

Message

From: Dean, Heather [dean.heather@epa.gov]
Sent: 8/11/2016 11:37:26 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Dean, Heather

Heather Dean 12:47 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael 12:49 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Heather Dean 12:49 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael 12:50 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Heather Dean 12:50 PM:

Szerlog, Michael 12:50 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Heather Dean 12:54 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael 12:54 PM:

Heather Dean 12:55 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael 1:04 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Heather Dean 1:07 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael 1:07 PM:

Szerlog, Michael 2:37 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Heather Dean 2:47 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael 2:50 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Heather Dean 2:51 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael 2:54 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Heather Dean 2:55 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael 2:59 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Heather Dean 3:00 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Heather Dean 3:59 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael 3:59 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Heather Dean 4:01 PM:

Just discovered something very fun, via that Galveston District paper written by my former colleagues. I can e-mail it, if you'd rather wait till you return.

Szerlog, Michael 4:02 PM:

I can call after this meeting if you will be available?

Heather Dean 4:03 PM:

Yes, but I think it'll be more fun to read yourself, than to hear me read it to you.

Szerlog, Michael 4:04 PM:

OK. Can't wait. :) Send it now!!!

Heather Dean 4:04 PM:

Okay, this is from a paper that Galveston District paper referenced. It was written in 1976.

the governmental agency adjudicating developmental
matters on lands subject to the
ebb and flow of the tide is the U.S. Army
Corps of Engineers which, until recently,
limited its jurisdiction to lands below mean
high water. Those concerned over the integrity
of entire estuarine ecosystems therefore
petitioned for entire salt marshes to be
protected. As a result, the courts asked
the Corps of Engineers to propose jurisdic-
tional limits extending above mean high
water (Fed. Reg. 1975a). One of their proposals

was a mean monthly high tide line,
defined as "the line on shore established
by averaging each month's highest tide over
an 18.6 year period" (Fed. Reg. 1975a).
This was deemed unacceptable, and the
final guidelines adopted (Fed. Reg. 1975b)
delimit salt marshes by vegetation only.
But engineering precision without tidal
datum connection may prove difficult or impossible,
especially where vegetation has
been modified by ditching, impounding, or
other disturbance. It is still needful, therefore,
to examine the matter of how various
tidal datum planes circumscribe salt marshes.
The following study proposes a new tidal
datum, mean annual high tide, the average
of each year's highest predicted tide over
a 19-year period, as the datum whose line
on shore would most equitably circumscribe
entire salt marshes.

Szerlog, Michael 4:09 PM:
Awesome! Legislative history that helps support the MHPT acronym. Wow!

Heather Dean 4:14 PM:
Actually, I was more excited by the author saying that mean highest annual (same as MHPT) is the only one that makes scientific sense. (He didn't know about HAT, of course.)

Szerlog, Michael 4:16 PM:
Ah, I agree. We need to make sure Jim sees this as well as HQ.

Heather Dean 4:17 PM:
Just what I was thinking. I'll finish reading it (as well as the others), so we can send a packet of whichever ones make sense...?

Szerlog, Michael 4:19 PM:
If possible make it a .pdf and highlight the text maybe using a comment to add some text to help make your point? Glad to that the Library was as responsive as I remember.

Heather Dean 4:20 PM:
Yep! Yes, I can do the pdf & highlight thing. Will check out the others & do for all. Glad you found the article!

Szerlog, Michael 4:22 PM:
Indeed. Got lucky on using certain search terms. I guess that is why I was listed as "technical". :)

Heather Dean 4:23 PM:
Too late; you can't go back! ;-)

Szerlog, Michael 4:25 PM:

:o3

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 11/19/2015 6:44:26 PM
To: Bonifacino, Gina [Bonifacino.Gina@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Discuss High Tide Line as related to Treaty Rights at Risk meeting in DC

Szerlog, Michael 10:35 AM:

Do you know who from OW HQ will be at TRAR meeting?

Bonifacino, Gina 10:40 AM:

No, but can find out

Szerlog, Michael 10:41 AM:

Thanks.

10:42 AM This message wasn't sent to Bonifacino, Gina.

Thanks.

Message

From: Dean, Heather [dean.heather@epa.gov]
Sent: 11/17/2015 6:18:40 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Dean, Heather

Heather Dean 10:14 AM:

Hi. Gina B. wants to have a discussion with the Corps regulatory folks about HTL prior to their 3 December meeting. I couldn't quite remember where we left things w/r rescheduling a meeting with them...?

Szerlog, Michael 10:15 AM:

The did not want to do that until after the meeting with General and Will. Regarding that meeting, not sure why Dennis is not involved.

Heather Dean 10:16 AM:

Hmmm. Good point. I think Gina is also well-advised not to proceed without including the Corps, although one could argue it is the responsibility of her Corps contact to include Regulatory. What should I advise her?

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 10/20/2015 6:17:38 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Info on HTL

Szerlog, Michael [11:15 AM]:

Can we talk for 5 minutes.

Heather Dean [11:15 AM]:

Yep

Message

From: Storm, Linda [storm.linda@epa.gov]
Sent: 10/19/2015 9:11:19 PM
To: Storm, Linda [Storm.Linda@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Storm, Linda

Storm, Linda [1:32 PM]:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael [1:32 PM]:
Sorry I missed your call. I will check your voicemail.

Szerlog, Michael [1:47 PM]:
Put forward a calendar invite. Regarding the high tide line meeting, I am keeping the meeting to a bare minimum to talk with Divison. Heather is leading that effort and Endre is there since Division has their counsel on.

Linda Storm [1:52 PM]:
I will send you an invite and hope it will be a time that will work for you as I haven't seen there's much open time on your calendar.. Thanks for letting me know what's up with the HTL meeting. Would you be willing to request that Heather update me/Maryann (maybe whole JD Team?) on the status of the HTL discussion. Since Maryann and I have both had an investment in issues, I would like to be kept current on the discussions evolution. For example, don't know anything about how HQ's Q&A on the topic was resolved...etc. Thank you.

Linda Storm [2:00 PM]:
Just saw and accepted your invite for 5pm tomorrow - thank you :-)

Message

From: Storm, Linda [storm.linda@epa.gov]
Sent: 8/9/2016 8:48:21 PM
To: Storm, Linda [Storm.Linda@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Storm, Linda

Szerlog, Michael 11:17 AM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Linda Storm 11:19 AM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael 11:23 AM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Linda Storm 11:24 AM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael 11:25 AM:

Linda Storm 1:23 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael 1:24 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Linda Storm 1:25 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Szerlog, Michael 1:31 PM:

I am working with Corps on HTL comments now, so can't talk. Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Linda Storm 1:36 PM:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 8/5/2016 3:32:42 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: High Tide Line briefing for HQ

Szerlog, Michael 8:16 AM:

Peter, understand. It was the only real time slot that was open and want to make sure they get the updated info so they can communicate with Corps HQ.

Szerlog, Michael 8:28 AM:

I saw you were out, hence, why you were listed as optional. :)

Did you end up cooking the clams?

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 8/5/2016 3:21:16 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: High Tide Line briefing for HQ

Szerlog, Michael 8:16 AM:

Peter, understand. It was the only real time slot that was open and want to make sure they get the updated info so they can communicate with Corps HQ.

Message

From: Dean, Heather [dean.heather@epa.gov]
Sent: 9/9/2015 7:31:06 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Dean, Heather

Heather Dean [11:43 AM]:

Deliberative Process / Ex. 5

Heather Dean [11:49 AM]:

Deliberative Process / Ex. 5

Szerlog, Michael [12:08 PM]:
Interesting. Good food for Thursday's meeting. Are you summarizing in a table?

Heather Dean [12:08 PM]:
Got it in bullet format in Word right now.

Szerlog, Michael [12:19 PM]:
That works.

Message

From: Dean, Heather [dean.heather@epa.gov]
Sent: 9/9/2015 7:10:41 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Dean, Heather

Heather Dean [11:43 AM]:

Deliberative Process / Ex. 5

Heather Dean [11:49 AM]:

Deliberative Process / Ex. 5

Szerlog, Michael [12:08 PM]:
Interesting. Good food for Thursday's meeting. Are you summarizing in a table?

Heather Dean [12:08 PM]:
Got it in bullet format in Word right now.

Message

From: Dean, Heather [dean.heather@epa.gov]
Sent: 9/9/2015 6:52:38 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Dean, Heather

Heather Dean [11:43 AM]:

Deliberative Process / Ex. 5

Heather Dean [11:49 AM]:

Deliberative Process / Ex. 5

Message

From: Dean, Heather [dean.heather@epa.gov]
Sent: 9/9/2015 6:46:49 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Dean, Heather

Heather Dean [11:43 AM]:

Deliberative Process / Ex. 5

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 9/8/2015 7:37:56 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Heather Dean

Szerlog, Michael [10:19 AM]:

Morning. Will you be able to attend most of the recurring CW Rule Implementation meetings?

Heather Dean [10:20 AM]:
Should be able to, with them being on the Thursday I'm working right now.

Szerlog, Michael [10:22 AM]:
Great, can you accept the invite. :) Sounds like Linda will not and she was requesting I go back to doing a Doodle Poll. Right now, I am going to stick with it being recurring. That seemed to be the consensus with the group and I have been getting a lot of Corps folks accepting the call..

Heather Dean [10:23 AM]:
I thought I did, but did not choose "notify" (sorry). I agree with going forward as you proposed.

Szerlog, Michael [10:24 AM]:
Thanks. It helps when tracking responses, however, my guess is that not everyone will make every meeting. Later.

Szerlog, Michael [11:33 AM]:
Any luck with getting a meeting invite together with NWD and possibly Seattle District - Tina Tong regarding High Tide Line. I feel like that needs to happen this week. Your thoughts?

Heather Dean [11:34 AM]:
Rose just scheduled a workgroup meeting for Thursday morning with HTL being the subject. Seems like that discussion would be a good one to participate in before meeting with NWD.

Szerlog, Michael [11:55 AM]:
OK

Heather Dean [11:56 AM]:
I'll write up something after that meeting so you know the "latest." Personal Matters / Ex. 6
Personal Matters / Ex. 6

Szerlog, Michael [12:01 PM]:
Personal Matters / Ex. 6

Heather Dean [12:25 PM]:
Personal Matters / Ex. 6

Message

From: Murchie, Peter [murchie.peter@epa.gov]
Sent: 6/29/2016 5:45:02 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Murchie, Peter, Szalay, Endre

Murchie, Peter 10:04 AM:

Michael, I am of fthe call but on skype if you need to caucus on anything or have me rejoin the call

Szerlog, Michael 10:05 AM:
Got it. Still very frustrated that NOAA hasn't been able to get the info. May need Dennis to push Will.

PETER MURCHIE 10:06 AM:
I hope my comments were helpful Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Szerlog, Michael 10:07 AM:

Deliberative Process / Ex. 5

Endre Szalay 10:10 AM:

Deliberative Process / Ex. 5

PETER MURCHIE 10:12 AM:
great - thanks Michael. Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Szerlog, Michael 10:21 AM:
Deliberative Process / Ex. 5

PETER MURCHIE 10:24 AM:
Deliberative Process / Ex. 5

dont say that out loud to the group tho

Szerlog, Michael 10:24 AM:
Call ended.

PETER MURCHIE 10:28 AM:
quick summary of next steps?

Deliberative Process / Ex. 5

Szerlog, Michael 10:29 AM:

Deliberative Process / Ex. 5

PETER MURCHIE 10:29 AM:
other?

Szerlog, Michael 10:30 AM:
Meet in next 2 week. Deliberative Process / Ex. 5

PETER MURCHIE 10:31 AM:
Deliberative Process / Ex. 5

too bad Dennis isnt available to just call Will

Endre Szalay 10:31 AM:
Deliberative Process / Ex. 5

PETER MURCHIE 10:32 AM:
Yes lets set something up with her. I will email her to see what her availability is.

Szerlog, Michael 10:33 AM:
Deliberative Process / Ex. 5 Endre, can you come up to 20 for a few minutes.

Endre Szalay 10:36 AM:
scratch that. I have a meeting right now.

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 8/4/2015 10:53:25 PM
To: Thiesing, Mary [Thiesing.Mary@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: HTL Manual

Szerlog, Michael [3:52 PM]:

Lets check in tomorrow morning.

Mary Anne Thiesing [3:52 PM]:

Sure, happy to. What's the word on 106--and how can I help?

Szerlog, Michael [3:53 PM]:

Nothing from Corps yet. Talk in AM about Tide Line.

Mary Anne Thiesing [3:53 PM]:

k

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 7/23/2015 8:07:39 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Dean, Heather

Szerlog, Michael [10:10 AM]:

Will you add the Q to the Q and A?

Dean, Heather [10:11 AM]:
Yes & a draft A, as well. Will coordinate with LS & ES, of course.

Szerlog, Michael [10:12 AM]:
Excellent. Wonder if you can add a note about the issue - NMFS ESA concerns, Earthjustice Petition, and Tribal Treaty Rights at Risk.

Dean, Heather [10:14 AM]:
A note in the Q...?

Szerlog, Michael [10:14 AM]:
Yup, if appropriate.

Dean, Heather [10:18 AM]:

Deliberative Process / Ex. 5

Szerlog, Michael [10:19 AM]:
True. Maybe we can put in both a national and regional need for a Q and A. Remember, HQ asked for Regions to raise Qs.

Dean, Heather [10:20 AM]:
K

Dean, Heather [12:57 PM]:
On workgroup call

Szerlog, Michael [12:58 PM]:
That is right. Sorry. HQ said they wanted any best practices. Not sure if our approach to receive JD's via a separate mail-in database fits that, but give it some thought.

Dean, Heather [12:59 PM]:
I think it has proven very nice to have all the JDs in one place not cluttered by other e-mails.

Message

From: Murchie, Peter [murchie.peter@epa.gov]
Sent: 6/29/2016 5:41:40 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Murchie, Peter, Szalay, Endre

Murchie, Peter 10:04 AM:

Michael, I am of fthe call but on skype if you need to caucus on anything or have me rejoin the call

Szerlog, Michael 10:05 AM:

Got it. Still very frustrated that NOAA hasn't been able to get the info. May need Dennis to push Will.

PETER MURCHIE 10:06 AM:

I hope my comments were helpful - Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Szerlog, Michael 10:07 AM:

Deliberative Process / Ex. 5

Endre Szalay 10:10 AM:

Deliberative Process / Ex. 5

PETER MURCHIE 10:12 AM:

great - thanks Michael. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Szerlog, Michael 10:21 AM:

Deliberative Process / Ex. 5

PETER MURCHIE 10:24 AM:

Deliberative Process / Ex. 5

dont say that out loud to the group tho

Szerlog, Michael 10:24 AM:

Call ended.

PETER MURCHIE 10:28 AM:

quick summary of next steps?

Deliberative Process / Ex. 5

Szerlog, Michael 10:29 AM:

Deliberative Process / Ex. 5

PETER MURCHIE 10:29 AM:
other?

Szerlog, Michael 10:30 AM:
Meet in next 2 week Deliberative Process / Ex. 5

PETER MURCHIE 10:31 AM:
Deliberative Process / Ex. 5

too bad Dennis isnt available to just call Will

Endre Szalay 10:31 AM:
Deliberative Process / Ex. 5

PETER MURCHIE 10:32 AM:
Yes lets set something up with her. I will email her to see what her availability is.

Szerlog, Michael 10:33 AM:
Deliberative Process / Ex. 5 Endre, can you come up to 20 for a few minutes.

Endre Szalay 10:36 AM:
scratch that. I have a meeting right now.

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 7/23/2015 5:22:44 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Dean, Heather

Szerlog, Michael [10:10 AM]:

Will you add the Q to the Q and A?

Dean, Heather [10:11 AM]:
Yes & a draft A, as well. Will coordinate with LS & ES, of course.

Szerlog, Michael [10:12 AM]:
Excellent. Wonder if you can add a note about the issue - NMFS ESA concerns, Earthjustice Petition, and Tribal Treaty Rights at Risk.

Dean, Heather [10:14 AM]:
A note in the Q...?

Szerlog, Michael [10:14 AM]:
Yup, if appropriate.

Dean, Heather [10:18 AM]:

Deliberative Process / Ex. 5

Szerlog, Michael [10:19 AM]:
True. Maybe we can put in both a national and regional need for a Q and A. Remember, HQ asked for Regions to raise Qs.

Dean, Heather [10:20 AM]:
K

Message

From: Murchie, Peter [murchie.peter@epa.gov]
Sent: 6/29/2016 5:40:14 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Murchie, Peter, Szalay, Endre

Murchie, Peter 10:04 AM:

Michael, I am of fthe call but on skype if you need to caucus on anything or have me rejoin the call

Szerlog, Michael 10:05 AM:

Got it. Still very frustrated that NOAA hasn't been able to get the info. May need Dennis to push Will.

PETER MURCHIE 10:06 AM:

I hope my comments were helpful Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Szerlog, Michael 10:07 AM:

Deliberative Process / Ex. 5

Endre Szalay 10:10 AM:

Deliberative Process / Ex. 5

PETER MURCHIE 10:12 AM:

great - thanks Michael. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Szerlog, Michael 10:21 AM:

Deliberative Process / Ex. 5

PETER MURCHIE 10:24 AM:

Deliberative Process / Ex. 5

dont say that out loud to the group tho

Szerlog, Michael 10:24 AM:

Call ended.

PETER MURCHIE 10:28 AM:

quick summary of next steps?

Deliberative Process / Ex. 5

Szerlog, Michael 10:29 AM:

Deliberative Process / Ex. 5

PETER MURCHIE 10:29 AM:
other?

Szerlog, Michael 10:30 AM:
Meet in next 2 week Deliberative Process / Ex. 5

PETER MURCHIE 10:31 AM:
Deliberative Process / Ex. 5

too bad Dennis isnt available to just call Will

Endre Szalay 10:31 AM:
Deliberative Process / Ex. 5

PETER MURCHIE 10:32 AM:
Yes lets set something up with her. I will email her to see what her availability is.

Szerlog, Michael 10:33 AM:
Deliberative Process / Ex. 5 Endre, can you come up to 20 for a few minutes.

Endre Szalay 10:36 AM:
scratch that. I have a meeting right now.

Message

From: Murchie, Peter [murchie.peter@epa.gov]
Sent: 6/29/2016 5:36:16 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Conversation with Murchie, Peter, Szalay, Endre

Murchie, Peter 10:04 AM:

Michael, I am of fthe call but on skype if you need to caucus on anything or have me rejoin the call

Szerlog, Michael 10:05 AM:
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PETER MURCHIE 10:06 AM:
I hope my comments were helpful - Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Szerlog, Michael 10:07 AM:

Deliberative Process / Ex. 5

Endre Szalay 10:10 AM:

Deliberative Process / Ex. 5

PETER MURCHIE 10:12 AM:
great - thanks Michael. Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Szerlog, Michael 10:21 AM:

Deliberative Process / Ex. 5

PETER MURCHIE 10:24 AM:

Deliberative Process / Ex. 5

dont say that out loud to the group tho

Szerlog, Michael 10:24 AM:
Call ended.

PETER MURCHIE 10:28 AM:
quick summary of next steps?

Deliberative Process / Ex. 5

Szerlog, Michael 10:29 AM:

Deliberative Process / Ex. 5

PETER MURCHIE 10:29 AM:
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Szerlog, Michael 10:30 AM:
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Deliberative Process / Ex. 5

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Endre Szalay 10:31 AM:
Deliberative Process / Ex. 5

PETER MURCHIE 10:32 AM:
Yes lets set something up with her. I will email her to see what her availability is.

Szerlog, Michael 10:33 AM:
Deliberative Process / Ex. 5 Endre, can you come up to 20 for a few minutes.

Message

From: Szalay, Endre [Szalay.Endre@epa.gov]
Sent: 4/6/2016 9:18:13 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: Shoreline Workgroup - PMP revision attached
Attachments: PMP_rev (00000002) EPA comments CENWSOC (00000002), szalay.docx

Just a reminder to take a look at the revised PMP. Susan has already reviewed. I'd like to send this to Craig by Friday if possible. Thanks and let me know if you have any questions.

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

From: Szalay, Endre
Sent: Tuesday, April 05, 2016 11:10 AM
To: Szerlog, Michael <szerlog.michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>
Subject: Shoreline Workgroup - PMP revision attached

Privileged and Confidential
Attorney Client Communication

Hi All:

Attached is a revised PMP based on a discussion I had with Corps counsel. The Corps did the first round of edits and the attached contains my substantial revisions. The goal is to more accurately capture the work being done by the workgroup (we have a couple months experience now and thus a better understanding of what we are actually working on together,

Attorney Client / Ex. 5

Attorney Client / Ex. 5

The revised PMP contains track changes, but I've put the document in to simple markup mode so you can review a clean copy. I suggest you review this way because the edits are substantial and may be hard to follow. My goal is to get this to the Corps counsel by COB today if possible. That's a quick turnaround, but it would be great if folks could take time today and read through it. But, if you don't have time or you feel that we aren't ready to share with the Corps by COB today, that of course is fine.

Thanks,

Endre M. Szalay
Assistant Regional Counsel
U.S. EPA, Region 10
1200 Sixth Ave., Suite 900, ORC-113
Seattle, WA 98101-3140
(206) 553-1073
szalay.endre@epa.gov

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 3/28/2016 7:54:25 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Making Sense of Sea Level Rise: April 26th and 27th

I think the Corps gets it & that, if we don't succeed in getting a change on their HTL, it will be despite their having gained a more in-depth understanding of things like sea level rise **Deliberative Process / Ex. 5** Personal Matters / Ex. 6

Personal Matters / Ex. 6

From: Szerlog, Michael
Sent: Friday, March 25, 2016 8:34 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: FW: Making Sense of Sea Level Rise: April 26th and 27th

Heather,

Looks like Linda was also on the invite list, besides myself. We should discuss if it makes sense for you to attend.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Cox, Michael
Sent: Thursday, March 24, 2016 11:05 AM
To: Bonifaci, Angela <Bonifaci.Angela@epa.gov>; Rylko, Michael <Rylko.Michael@epa.gov>; Castner, Chris <Castner.Chris@epa.gov>; Bonifacino, Gina <Bonifacino.Gina@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>; Storm, Linda <Storm.Linda@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Marshalonis, Dino <Marshalonis.Dino@epa.gov>; Woods, Jim <Woods.Jim@epa.gov>; Zachmann, Bill <Zachmann.Bill@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>; Moomaw, Alan <Moomaw.Alan@epa.gov>; Foster, Westley <Foster.Westley@epa.gov>; Chang, Yvonne <chang.yvonne@epa.gov>; Mariko Kobayashi <mkobay94@uw.edu>; Reid, Phoebe <reid.phoebe@epa.gov>; Jacobson, Martin <Jacobson.Martin@epa.gov>; Deacon, Jonnel <deacon.jonnel@epa.gov>; Morris, Paige N. <morris.paige@epa.gov>; Mendelman, Krista <Mendelman.Krista@epa.gov>; Bonifaci, Angela <Bonifaci.Angela@epa.gov>; Brozusky, Sandra <Brozusky.Sandra@epa.gov>; Castanon, Lisa <Castanon.Lisa@epa.gov>; Cox, Michael <Cox.Michael@epa.gov>; Davis, Michelle V. <Davis.MichelleV@epa.gov>; Drake, Robert <Drake.Robert@epa.gov>; Grafe, Cyndi <Grafe.Cyndi@epa.gov>; Grass, Running <Grass.Running@epa.gov>; Kubo, Teresa <Kubo.Teresa@epa.gov>; Morales, Susan <Morales.Susan@epa.gov>; Salazar, Viccy <Salazar.Viccy@epa.gov>; Tyler, Kendra <Tyler.Kendra@epa.gov>; Tyree, James <Tyree.James@epa.gov>; Bottcher, Helen <Bottcher.Helen@epa.gov>; Chu Rebecca <Chu.Rebecca@epa.gov>; Hale, Elly <Hale.Elly@epa.gov>; Davis, Michelle V.

<Davis.MichelleV@epa.gov>
Cc: Thomas, Sally <Thomas.Sally@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; McLeod, Julianne <McLeod.Julianne@epa.gov>; Sheldrake, Beth <sheldrake.beth@epa.gov>
Subject: Making Sense of Sea Level Rise: April 26th and 27th

I have attached:
1) An overview of the Making Sense of Sea Level Rise Workshop; and
2) A draft agenda.

Workshop is focused on Puget Sound and Tribes.

If you are going to attend please complete the registration below and email me so I have a list of the attendees.

Register Here for Making Sense of Sea Level Rise.

If you have any questions please give me a call, stop by, or email.

Michael Cox
Office of Environmental Assessment
US EPA Region 10, 1200 Sixth Avenue, Suite 900
Seattle, WA 98101
206-553-1597
cox.michael@epa.gov

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 3/23/2016 6:21:01 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
CC: Dean, Heather [Dean.Heather@epa.gov]
Subject: Dean, Heather has shared 'HTL Matrix for WA Workgroup-revised 21 Mar 16'

Here's the document that Dean, Heather shared with you.

Open HTL Matrix for WA Workgroup-revised 21 Mar 16.docx

See more related to Dean, Heather in Delve.

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 3/23/2016 6:19:32 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
CC: Meyer, Susan [meyer.susan@epa.gov]
Subject: HTL-Meeting on Implementation

Hi, Michael, Susan would like to participate in your initial discussion with Tina if it turns out not to be Friday after all
Personal Matters / Ex. 6 If Friday does work out, please include her in your download to the rest of us.

Thanks,

H

Appointment

From: Murchie, Peter [Murchie.Peter@epa.gov]
Sent: 6/30/2016 2:57:03 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: Quick conversation about HTL
Location: R10Sea-ConfLineMM- Conference Line/Code / Ex. 6

Start: 6/30/2016 7:00:00 PM
End: 6/30/2016 7:30:00 PM
Show Time As: Busy

Appointment

From: R10Sea-ConfLine Conference Line/Code / Ex. 6
Sent: 6/30/2016 2:53:18 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: Quick conversation about HTL
Location: R10Sea-ConfLineMM- Conference Line/Code / Ex. 6

Start: 6/30/2016 7:00:00 PM
End: 6/30/2016 7:30:00 PM

Recurrence: (none)

Your request was accepted.

Sent by Microsoft Exchange Server 2016

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 8/9/2016 3:23:27 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: HTL searches
Attachments: Corps Practices.xlsx

Thanks; I'll check those out. In the meantime, here is the file that I created awhile ago about what different Corps districts do.

From: Szerlog, Michael
Sent: Tuesday, August 09, 2016 8:13 AM
To: Dean, Heather
Subject: HTL searches

Heather,

From New England District: http://www.nae.usace.army.mil/Portals/74/docs/regulatory/JurisdictionalLimits/Jurisdictional_Limits_Brochure.pdf
See graphic on page 2.

Galveston District's JD form has a spot for checking "High Tide Line" and one for "Mean High Water" assume one is for 404 and one for Section 10. Hence they are not the same.

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- ☐ High Tide Line indicated by:
  - ☐ oil or scum line along shore objects
  - ☐ fine shell or debris deposits (foreshore)
  - ☐ physical markings/characteristics
  - ☐ tidal gauges
  - ☐ other (list):
- ☐ Mean High Water Mark indicated by:
  - ☐ survey to available datum;
  - ☐ physical markings;
  - ☐ vegetation lines/changes in vegetation types.

South Pacific Division provides mapping guidance which indicates that you must include both MHW and High Tide Line on the map. I assume MHW for Section 10 and High Tide Line for CWA 404?

8. If there are tidal areas within the survey area, identify the location and elevation of Mean High Water and the High Tide Line on all maps and cross-section drawings. Annotate boundaries with the corresponding elevation (ft) and the tidal (vertical) datum used (NAVD88, NGVD29, MLLW, etc.).

Also check out this Corps Galveston District publication on how to find High Tide Line – "Wetland Delineation by means of Tide Guage, South Padre Island….(Fred Anthamatten – Your old boss? At least Bryan Herzeg's old boss) …. which is higher than MHW.

http://ascelibrary.org/doi/abs/10.1061/40382%281998%2939

Thanks
Michael J. Szerlog, Manager
Aquatic Resources Unit

Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

District	States	Datum(s) Referenced on Website or in Other Documents					
		HTL	HAnnT	MHHW	MHW	Other	Unknown
Alaska	AK					highest astronomical tide	
Baltimore	MD				√		
Charleston	SC				√		
Galveston	TX				√		
Honolulu	HI			√			
Jacksonville	FL				√		
Los Angeles	CA	√	√				
Mobile	AL,MS				√		
New England	CT,ME,MA,NH,RI		√				
New Orleans	LA					spring high tide	
New York	NJ,NY					spring high tide	
Norfolk	VA				√		
Philadelphia	DE,NJ,PA		√				
Portland	OR			√			
Sacramento	CA		√				
San Francisco	CA						√
Savannah	GA						√
Seattle	WA			√			
Vicksburg	MS	√					
Wilmington	NC						√
	Totals	2	4	3	6	3	3

Comments

in place since 1980s; not the published HAT; possibly from previous NTDE or possibly calculated using program/model; incomplete (22%) avg: HAT 33" > MHHW

avg: HAT 8" > MHHW (haven't compiled MHW data)

avg: HAT 10" > MHHW

avg: HAT 11" > MHHW (haven't compiled MHW data)
R9 believes use highest predicted (same as highest annual)

docs ref MHW; staff indicated use field indicators; avg: HAT 9" > MHHW (haven't compiled MHW data)

range: avg HAT 2-26" > MHHW & <1-2.5" > HAnnT
avg: HAT 7" > MHHW (haven't compiled spring tide data)
range: avg HAT 14'15" > MHHW (haven't compiled spring tide data)
avg: HAT 10" > MHHW (haven't compiled MHW data)
range: avg HAT 12-14" > MHHW & 1-2" > HAnnT
graphic shows HTL; some PNs ref MHHW; avg: HAT 26" > MHHW

also refs to spring high tide

refs to HTL, MHHW, MHW, & MSL

refs to HTL, spring high tide, & MHW; staff indicated use field indicators or MHW; avg: HAT 25" > MHHW (haven't compiled MHW data)

avg: HAT 25" > MHHW

some docs ref spring high tide line; staff indicated use field indicators & not any NOAA datum; avg: HAT 12" > MHHW (haven't compiled spring tide data)

Source

http://www.poa.usace.army.mil/Portals/34/docs/regulatory/TidalData.pdf

http://www.nab.usace.army.mil/Portals/63/docs/Regulatory/PN%2016-03.pdf

R4 correspondence with District staff

http://www.swg.usace.army.mil/Portals/26/docs/Stakeholder%20Partnering%20Forum/(3)%20SWG%20SPF%20Seminar%20Session%20II%20-%20REG%20PgM%20101.pdf

http://www.poh.usace.army.mil/Portals/10/docs/General%20Drawing%20Checklist.pdf;

http://www.poh.usace.army.mil/Portals/10/docs/publicnotices/POH_Permit_Application_mar2015_fillable.pdf

R4 correspondence with District staff &…

http://www.adem.state.al.us/DeptForms/Form166.pdf

http://www.nae.usace.army.mil/Portals/74/docs/regulatory/JurisdictionalLimits/Jurisdictional_Limits_Brochure.pdf

http://www.mvn.usace.army.mil/Portals/56/docs/regulatory/PermittingOverview.pdf

http://www.nan.usace.army.mil/Portals/37/docs/regulatory/geninfo/Applicant_Guide_2014.pdf

http://www.nao.usace.army.mil/Portals/31/docs/regulatory/RPSPdocs/Revised_Tidewater_JPA_FillableForm_MAR201

http://www.nap.usace.army.mil/Portals/39/docs/regulatory/jd/tidewater.gif

http://www.nwp.usace.army.mil/Missions/Regulatory/Publicnotices/tabid/1889/Article/555189/nwp-2014-398.aspx

http://www.spk.usace.army.mil/Portals/12/documents/regulatory/Reg_workshop/2014-10-10/RPW10Oct2014Slides.pdf;

http://www.spk.usace.army.mil/Portals/12/documents/regulatory/Reg_workshop/RPW_JDs_and_Delineation.pdf;

http://www.spn.usace.army.mil/Portals/68/docs/regulatory/publicnotices/2015/2014-00373plans.pdf;

http://www.spn.usace.army.mil/Portals/68/docs/regulatory/publicnotices/2015/1997-230130plans.pdf;

http://www.spn.usace.army.mil/Portals/68/docs/regulatory/publicnotices/2014/2012-00092Plans.pdf;

http://www.spn.usace.army.mil/Portals/68/docs/regulatory/publicnotices/2014/2013-00408plans.pdf

R4 correspondence with District staff &…

http://www.sas.usace.army.mil/Portals/61/docs/regulatory/publicnotices/20151216-SAS-2015-00742-Glynn-0115-MAA.pdf; http://www.sas.usace.army.mil/Portals/61/docs/regulatory/SP_SAS_Checklist.pdf;

https://www.eli.org/sites/default/files/docs/events/07.31%20ILF%20Webinar/2004_savannah_district_sop_for_comp

http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PermitGuidebook/CorpsPermit/LimitsofJurisdiction.

R4 correspondence with District staff &…

http://www.facilities.unc.edu/Portals/FacOps/Documents/FPnC/landfill%20gas%201.pdf?ver=2012-12-18-075652-297

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 5/3/2016 10:58:40 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Docs for HTL Adobe Connect Session
Attachments: WA Harmonic Stations.xlsx; Frequency Chart.pptx; TidalDatumComparisonSeattle.pdf; TidalDatumComparisonTacoma.pdf; TidalDatumComparisonTulalipBay-East.pdf; TidalDatumComparisonPortAngeles.pdf; TidalDatumComparisonNeahBay.pdf; WA Shoreline Matrix for Sharepoint-Clean-3 May 16.docx; Datums-Washington.pptx

I realized I should send them before the "end of the day," in case you had any questions. The docs I am sending are:

1) An updated "WA Harmonic Stations" Excel file, with two sheets. It now includes Deliberative Process / Ex. 5
Deliberative Process / Ex. 5
Deliberative Process / Ex. 5
2) A PowerPoint file with two charts, showing Deliberative Process / Ex. 5
Deliberative Process / Ex. 5
3) The aerials that Tim prepared for the five study sites (pdf's);
4) An updated matrix comparing Deliberative Process / Ex. 5
Deliberative Process / Ex. 5
5) The PowerPoint file showing Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

I can't think of anything else that Jim might want. I'll take my computer just in case, Deliberative Process / Ex. 5
Deliberative Process / Ex. 5 Personal Matters / Ex. 6
Personal Matters / Ex. 6 Call or text if you want anything else. I'll be working for another couple of hours today, too.

Later,

H

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 10/20/2015 6:07:50 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: FW: Info on HTL
Attachments: What is the HTL.docx; HTLvsMHHW.xlsx

Oh, & I also have all of the WA tide stations mapped in Google Earth, showing which ones have HAT & which ones don't.

From: Dean, Heather
Sent: Tuesday, October 20, 2015 11:06 AM
To: Michael Szerlog
Subject: Info on HTL

Good morning. Given Dave Gesl's intent *not* to talk about what datum to use for HTL, we may not use these, but I've attached two documents that we could show (first two pages only, for the Word doc), if, by some chance we do talke about it. We can also go to any of the links in the Word doc.

As for the info you wanted me to follow up on:

- NOAA's methods for computing tidal datums away from harmonic tide stations (https://tidesandcurrents.noaa.gov/publications/Computational_Techniques_for_Tidal_Datums_handbook.pdf) doesn't specifically address HAT, only the mean tide datums. I *think* the techniques would still apply, but I'm not sure. That topic may require some further follow-up with NOAA. (See last bullet, too.)
- I included in the Word doc the # of stations I've checked so far. Its 132, in WA, OR, FL, & TX. Among those, HAT varies from 0.5 to 6" higher than MHHW, with the higher differences being on the west coast. The upper end would be only 4.5" if you exclude two stations in WA that have pretty anomalous results. Regardless, it's small.
- The 5-year Modified Tidal Epoch currently applies only on the western Gulf of Mexico coast, southeast Alaska, & southern Cook Inlet. NOAA's policy is to use a modified tidal epoch when the sea level change exceeds their 9 mm/yr threshold of acceptable variability. While, with climate change, we could expect additional areas to surpass that threshold, from reading NOAA's discussion of it, I would expect they would not be open to changing their calculation simply because EPA & the Corps ask them to, because it would be a lot more work for them.
- I've got the Maine document on determining the tide line for your property open, in case we want to show it. That technique could be an alternative way of determining HAT for individual properties…?

I think that's it for now. Let me know if you want to discuss.

Appointment

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 1/26/2016 10:28:52 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: Conference Room for the High Tide Line - Puget Sound - Conference Call
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center

Start: 1/27/2016 5:00:00 PM
End: 1/27/2016 7:00:00 PM
Show Time As: Busy

Appointment

From: R10Sea-Room-20Cedar/R10-Rooms-Service-Center [R10Sea-Room-20Cedar@epa.gov]
Sent: 1/26/2016 10:26:33 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: Conference Room for the High Tide Line - Puget Sound - Conference Call
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center

Start: 1/27/2016 5:00:00 PM
End: 1/27/2016 7:00:00 PM

Recurrence: (none)

Your request was accepted.

Sent by Microsoft Exchange Server 2016

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 1/26/2016 8:50:07 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: HTL Graphic for Washington

Have H&S training for the remainder of today, but will do what I can tomorrow a.m.

From: Szerlog, Michael
Sent: Tuesday, January 26, 2016 12:47 PM
To: Dean, Heather <Dean.Heather@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Subject: RE: HTL Graphic for Washington

Heather,

This looks great, however, wonder if you can also extract Puget Sound, increase in size, and place on separate slide. Also, in case folks want to print out, I wonder if the background should be something besides an ortho image? Maybe a USGS quad or topo?

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Dean, Heather
Sent: Tuesday, January 26, 2016 12:16 PM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Subject: HTL Graphic for Washington

Since the Corps is likely to balk at discussing HTL outside Washington (if not outside Puget Sound), here's a Washington-specific version of the second HTL graphic I sent last week, showing the difference between HAT, highest annual tide, & MHHW at the state's 32 harmonic tide stations.

Message

From: Mendelman, Krista [Mendelman.Krista@epa.gov]
Sent: 7/29/2016 6:58:23 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Preparation for HQ OW visit: Deadline COB Wednesday, Aug 3

Thank you, Michael.

Krista

Krista Mendelman
USEPA Region 10 (OWW-193)
1200 6th Ave. Suite 900
Seattle, WA 98101
Phone: 206-553-1571
Fax: 206-553-0165

From: Szerlog, Michael
Sent: Friday, July 29, 2016 11:58 AM
To: Mendelman, Krista <Mendelman.Krista@epa.gov>
Cc: Psyk, Christine <Psyk.Christine@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Littleton, Christine <Littleton.Christine@epa.gov>
Subject: RE: Preparation for HQ OW visit: Deadline COB Wednesday, Aug 3

Krista,

Here are some topics for the Aquatic Resources Unit. Note: David hasn't weighed in yet, but wanted to get something out there to meet the deadline. He may want to edit or add.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

CWA§404 Jurisdiction issue– clarification of High Tide Line in WA – Puget Sound (15 mins)
(10 minute presentation, 5 minute discussion)

- Interagency workgroup (EPA (404 and Puget Sound), NOAA, and Corps (Seattle District)) to evaluate what tidal datum or elevation to use for High Tide Line.
- Tribes raising this as a Treaty Rights at Risk issue. In addition, EarthJustice sent EPA a petition on the issue.
- Sea level rise and new science showing use of tidally-influenced shoreline habitat by forage fish warrant relook at current interpretation.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
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Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Mendelman, Krista
Sent: Monday, July 25, 2016 11:23 AM
To: Jennings, Marie <Jennings.Marie@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Kenknight, Jeff <Kenknight.Jeff@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Davies, Lauris <Davies.Lauris@epa.gov>; Contreras, Peter <Contreras.Peter@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Croxton, Dave <Croxton.David@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>
Cc: Psyk, Christine <Psyk.Christine@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>
Subject: Preparation for HQ OW visit: Deadline COB Wednesday, Aug 3

Hi all,

This email is to:

1. Remind you that Christine and I are gathering your ideas for topics for the HQ OW visit on Sept 13 and 14.
2. Ask for your input on the performance measures portion of the HQ OW visit agenda.

1. Your ideas for topics:
   Please send your topics to Christine and me by COB Wednesday, August 3. I will compile them for discussion at the Thursday, August 4 afternoon OWWET meeting. In the email communicating your topic ideas, would you also send us the following?
   - Topic
   - Issues explaining the topic (bulleted list)
   - Any background, if necessary
   - Estimated time for presentation and discussion

   This is an example of what Region 6 put together:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Christine sent the attached draft agenda to HQ (the same one that she already sent to you) and HQ responded that they would like a more topic based agenda. We decided to wait and see what topics come forward and we will see how the agenda falls out.

2. Performance Measures: HQ would like to add two more metrics to the discussion and would like our input to pick one from Category A and one from Category B that would help initiate "fruitful discussion". Please send your thought which metrics we should discuss to Christine and me by COB Wednesday, August 3.

   Category A:
   1. Percent of community water systems where risk to public health is minimized through source water protection.
   2. Percent of the population served by community water systems where risk to public health is minimized through source water protection.
   3. Number of high priority state NPDES permits that are issued in the fiscal year.
   4. Percent of all Tier I (significant) public beaches that are monitored and managed under the BEACH Act program.
   5. Number of high priority state and EPA (including tribal) NPDES permits that are issued in the fiscal year.
   6. Percent of days of the beach season that coastal and Great Lakes beaches monitored by state beach safety programs are open and safe for swimming.
   7. Number of Drinking Water State Revolving Fund (DWSRF) projects that have initiated operations. (cumulative)
   8. Percent of the population in Indian country served by community water systems that receive drinking water that meets all applicable health-based drinking water standards.
   9. Percent of days of the beach season that coastal and Great Lakes beaches monitored by state beach safety programs are open and safe for swimming.

   Category B:
   1. Percent of DWSRF projects awarded to small PWS serving <500, 501-3,300, and 3,301-10,000 consumers.
   2. Number of tribal community water systems (CWSs) that have undergone a sanitary survey within the past three years (five years for outstanding performers or those ground water systems approved to provide 4-log treatment of viruses).
   3. Number of waterbodies identified in 2002 as not attaining water quality standards where standards are now fully attained. (cumulative)

4. Improve water quality conditions in impaired watersheds nationwide using the watershed approach. (cumulative)
5. Remove the specific causes of waterbody impairment identified by states in 2002. (cumulative)
6. Number of Class V motor vehicle waste disposal wells (MVWDW) and large capacity cesspools (LCC) that are closed or permitted (cumulative).
7. Percent of Classes I, II and Class III salt solution mining wells that have lost mechanical integrity and are returned to compliance within 180 days thereby reducing the potential to endanger underground sources of drinking water.
8. Working with partners, protect or restore additional acres of habitat within the study areas for the 28 estuaries that are part of the National Estuary Program (NEP).

Let me know if you have any questions. Thank you,

Krista

_____

Krista Mendelman
USEPA Region 10 (OWW-193)
1200 6th Ave. Suite 900
Seattle, WA 98101
Phone: 206-553-1571
Fax: 206-553-0165

Appointment

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 2/24/2016 11:40:44 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Tentative: High Tide Line Discussion
Location: Conference Line Conference Line/Code / Ex. 6 and Adobe Connect

Start: 3/7/2016 4:00:00 PM
End: 3/7/2016 5:00:00 PM
Show Time As: Busy

Personal Matters / Ex. 6

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 2/23/2016 9:38:22 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Updated HTL Matrix
Attachments: HTL Matrix for WA Workgroup.docx

Here you go. BTW, Endre also noted (wisely) that we wouldn't want to share anything without running it through Peter first.

Thanks,

H

Appointment

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 10/13/2015 10:31:52 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: High Tide Line Discussion
Location: Teleconfernce and Adobe Connect

Start: 10/20/2015 8:00:00 PM
End: 10/20/2015 9:00:00 PM
Show Time As: Busy

Message

From: LaCroix, Matthew [LaCroix.Matthew@epa.gov]
Sent: 7/8/2016 10:38:14 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Next week

Michael,

Good afternoon. Sounds good. **Personal Matters / Ex. 6**

Thanks,

Matthew LaCroix, Biologist
Aquatic Resources Unit
Office of Environmental Review and Assessment
Alaska Operations Office
222 W. 7th Ave. #19
Anchorage, AK 99513
(907) 271-1480

From: Szerlog, Michael
Sent: Friday, July 08, 2016 2:32 PM
To: LaCroix, Matthew <LaCroix.Matthew@epa.gov>
Subject: Next week

Matt,

Afternoon. I hope next week is quiet for you. Regarding hot topics or issues, I really do not have any. I did not submit anything on Thursday as things were quite quiet. So for OWW and OERA hot topics meetings you can let them know that ARU passes.

Reminder to solicit any hot topics from team to submit to Linda/David on Thursday morning.

I have some meetings listed on my calendar….don't worry about them, they are either manager only or I told them I wouldn't be attending. The ones I forwarded to you are the ones that need coverage. ☺

Heather is working on the High Tide Line issue with Puget Sound Program and everyone is briefed up on that so no work there. Peter Murchie may mention something at OWW managers meeting.

The only work item would be to help move along the briefing papers…..per the past e-mail.

Have a great weekend.

Thanks
Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
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1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2

Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 10/13/2015 7:46:26 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: EPA and Corps CW Rule Implementation Meetings (recurring)

Pretty much any time tomorrow; Thursday a.m.; pretty much any time next Monday or Tuesday. Personal Matters / Ex. 6 Personal Matters / Ex. 6 could call in to participate.

From: Szerlog, Michael
Sent: Tuesday, October 13, 2015 12:39 PM
To: Dean, Heather
Subject: RE: EPA and Corps CW Rule Implementation Meetings (recurring)

Agreed. When are you available for a call on High Tide Line?

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
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Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Dean, Heather
Sent: Tuesday, October 13, 2015 10:06 AM
To: Szerlog, Michael
Subject: RE: EPA and Corps CW Rule Implementation Meetings (recurring)

I think we should cancel.

I also fear we may have lost, at least temporarily, the avenue that was starting to look so promising on HTL. I thought about posing that question to Donna, but figured she's probably up to her eyebrows on the stay/litigation right now & figured I need to complete running down that additional info anyway, so I'll check with her once I have that all gathered. We do, however, need to reschedule the meeting with NWD that we postponed because folks didn't want to proceed without you.

From: Szerlog, Michael
Sent: Tuesday, October 13, 2015 10:00 AM
To: Dean, Heather; Storm, Linda; DeGering, Tracy; Nadeau, Tracie; Szalay, Endre; Kenknight, Jeff; Martinez, Greg J NWW; Morgan, Shannon R POA; Hoffman, Mary J NWD; Hampson, Theresa L NWW; Firstencel, Heidi NWP; Tong, Kristina G NWS; Davis, Jaimee NWP; Zinszer, Shawn H NWP; Urbanek, Kelly J NWW; Perry, Randel J NWS; david.s.hobbie@usace.army.mil; Walker, Michelle NWS; Shane POA McCoy (Shane.M.Mccoy@usace.army.mil);

David Gesl; White, Kaitlyn R NWS; Thiesing, Mary
Subject: EPA and Corps CW Rule Implementation Meetings (recurring)

Folks,

Unless you think there would be value in meeting this Thursday (changing the title and agenda to discuss what we are hearing regarding the national stay on CW Rule), I will go ahead and cancel this meeting and future meetings. Let me know your thoughts by end of day today.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 3/9/2016 3:41:55 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: HTL Meeting
Attachments: WA Harmonic Stations.xlsx; NOAA Glossary.pdf; HTLvsMHHW.xlsx; Datums-Washington.pptx; Tide Station Data-7 Mar 16.xlsx; Graphic-Corps Datums (with MHW)-updated 7 Mar 16.pptx; HTL Matrix for WA Workgroup.docx; fantastic_tidal_datums.pdf

Good morning. Jim asked if we could use Adobe Connect to view materials again today. I intend to drive that myself, but am forwarding them to you, in case technology has other ideas. The comic book is attached so we can start with it! ;-)

Thanks,

Heather

Appointment

From: R10Sea-Room-20Cedar/R10-Rooms-Service-Center [R10Sea-Room-20Cedar@epa.gov]
Sent: 11/17/2015 3:00:03 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: Discuss High Tide Line as related to Treaty Rights at Risk meeting in DC
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center

Start: 11/17/2015 4:00:00 PM
End: 11/17/2015 4:30:00 PM

Recurrence: (none)

Your request was accepted.

Sent by Microsoft Exchange Server 2016

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 8/3/2016 11:57:00 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: HTL

Personal Matters / Ex. 6

-----Original Message-----
From: Szerlog, Michael
Sent: Wednesday, August 03, 2016 4:55 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: HTL

Heather,
HQ wants a briefing next week using the near final document. Make sure your calendar is up to date as I will be looking to find a date.

Sent from my iPhone

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 8/3/2016 11:53:27 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Graphics Support Requested by Michael Szerlog

That's one of the comments I sent back to him. Since they're all full-page, they'll have to be (or begin) on the next page after their reference, rather than being right within the text, but I suppose that's better than all being at the back.

From: Szerlog, Michael
Sent: Wednesday, August 03, 2016 4:52 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>
Subject: Re: Graphics Support Requested by Michael Szerlog

Heather,
Thanks. I did not have chance to look at it, but saw that Jim commented that we wanted figures and photos to be in with the text. Will Kevin work on that? I can review in morning.

Sent from my iPhone

On Aug 3, 2016, at 4:39 PM, Dean, Heather <Dean.Heather@epa.gov> wrote:

> Hi, again.
>
> Jim got me a handful of comments on the final product & Susan helped get what I think are some great photos for the cover. Given that it's coming up on 5:00 & assuming that we want to keep this moving pretty quickly, I've gone ahead & sent those things back to Kevin. We'll probably be able to make some last tweaks when he gets the next version back, if there's something you see that we missed.
>
> Thanks,
>
> Heather
>
> ---
>
> **From:** Dean, Heather
> **Sent:** Wednesday, August 03, 2016 9:16 AM
> **To:** Michael Szerlog <Szerlog.Michael@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; 'Jacobson, James R NWS' <James.R.Jacobson@usace.army.mil>
> **Subject:** FW: Graphics Support Requested by Michael Szerlog
>
> You may have already gotten this, although it bounced back to me.
>
> **Deliberative Process / Ex. 5** Not sure if anyone else might want to see it at the Corps (or NOAA). Kevin has a handful of notes below. The only to-do for us is a cover photo(s)...Jim/Michael?
>
> I've already noted to Kevin the problem with Figure 5b & asked him to include "title pages" for the appendices. Let me know if you see anything else.

Thanks,

Heather

From: Brown, Kevin
Sent: Wednesday, August 03, 2016 9:05 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

I see the problem in the figure, I'll fix it for the next draft. In the meantime, here is a reduced size version of the first draft.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

From: Dean, Heather
Sent: Wednesday, August 03, 2016 8:58 AM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Looks good, Kevin. I see only one issue & have one request, as well: Figure 5b is missing its columns & can you insert "title pages" for the appendices?

I am also finding myself unable to send it to other reviewers; getting an error message that the attachment is too large, yet you were able to send it to me. Any suggestions?

From: Brown, Kevin
Sent: Tuesday, August 02, 2016 2:51 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Attached is a first draft.

Notes in no particular order:

1. Need to fix page numbers on the appendix with the big tables.
2. For the cover, I appropriated images from the example document you'd sent a while back. Let me know if you have any better ideas.
3. All images/graphs/figures are low-resolution, I'll swap them out for high-rez at the very end. My computer is too weak to display high-resolution images while I'm actually working.
4. There's no table of contents, I typically do this at the end once the page count/positioning are certain.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

From: Dean, Heather
Sent: Monday, August 01, 2016 9:54 AM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Hi, Kevin.

Here's the last thing I owed you (I think), the six maps that comprise Appendix A.

Thanks,

Heather

From: Brown, Kevin
Sent: Thursday, July 28, 2016 12:24 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

I'll get started on this today, but I don't expect to have a draft ready until early next week. I can work without the missing pieces, I'll just mentally plan for the space they'll take up.

Addressing your questions:

1. Yes, I'll make a cover/title page and a table of contents.
2. I'll fix the table, you don't have to be concerned about that.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

---

From: Dean, Heather
Sent: Thursday, July 28, 2016 9:45 AM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Hi, again, Kevin.

Looks like Figure 5 will be a little later in getting to you. I will be mostly away from e-mail for the rest of today & tomorrow morning. If you have any questions for me during that time, please call me at 907-271-3490.

Thanks!

From: Dean, Heather
Sent: Wednesday, July 27, 2016 4:19 PM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Hi, Kevin.

Attached are all but two parts of the report you are going to format for us. They are:

- The body of the report (14-page Word document)
- Table 1 (one-page Excel spreadsheet)
- Figure 1 (one-slide PowerPoint file)
- Figure 2 (two-slide PowerPoint file)
- Figure 3 (one-slide PowerPoint file)
- Figure 4 (two-slide PowerPoint file)
- Appendix B, Part 1 (two-page Word document)
- Appendix B, Part 2 (four-page Word document)
- Appendix C (four-page Word document)
- Appendix D (one-page Word document).

I am holding back one other figure & Appendix A for final tweaks. Should be able to get you the former tomorrow morning; the latter may be a touch later. Please advise if your hands are tied until you have absolutely everything.

I also have a couple of questions for you:

1) The main report has three highlighted areas, which I think are to draw your attention to creating a title page, leaving a blank page, & creating a table of contents. Are the first & last items things that you typically do; &
2) Appendix B, Part 2 is a document that the Corps produced. It's a table with tiny print & has some formatting issues such as cells bleeding over to the next page, etc. Is that something you "fix" or do I need to?

Thanks much!

Heather

From: Brown, Kevin
Sent: Tuesday, July 26, 2016 7:27 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Looks like they want something pretty simple, I think I can have it turned around pretty quick.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

---

From: Dean, Heather
Sent: Monday, July 25, 2016 3:09 PM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

Hi, Kevin.

The Corps is just about ready to turn over to us the document you are going to format for us; we may have it all tomorrow (Tuesday). They have shared a link to a document they would like us to use as a sample for the format. Here it is: http://www.nws.usace.army.mil/Portals/27/docs/environmental/resources/2016EnvironmentalDocuments/PSNERP/Puget%20Sound%20Nearshore%20Final-Feasibility-Report-EIS_2016.pdf.

Please let me know if you have any questions or concerns & whether you still think 3-4 days will be your turnaround time. I will include final versions of the sample graphics I sent you once I have the stuff from the Corps.

Thanks!

Heather

From: Brown, Kevin
Sent: Wednesday, July 20, 2016 2:50 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Graphics Support Requested by Michael Szerlog

I can generally work from any graphic format; that's probably not a concern.

Personal Matters / Ex. 6 if you have something preliminary to send, I can take a look at it and see what needs to be done.

Kevin Brown | **SKGS Contractor** | **EPA Region 10 Graphics**
brown.kevin@epa.gov | 206-553-2109 | OMP-111 | 11th Floor Northeast

---

From: Dean, Heather
Sent: Wednesday, July 20, 2016 2:43 PM
To: Brown, Kevin <Brown.Kevin@epa.gov>
Subject: Graphics Support Requested by Michael Szerlog

Hi, Kevin.

Michael tells me you're going to help us finalize a report we are doing with the Corps & NOAA on high tide line. Thanks! The Corps is the lead author & have advised that they expect to have it ready for that next step in a few days. I've been putting together most of the graphics for the report & wanted to check in with you about what you might need that I am not anticipating. For example, do you want the graphics in a particular format? Do you want a "sneak peak" at them before the Corps puts the ball in our court?

Thanks,

Heather

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 11/17/2015 3:09:49 AM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: HTL Meeting

Hi. I sent the attachments to you in a response to the meeting invite. Text me if you didn't get them, & I'll send via regular e-mail.

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 11/17/2015 3:08:23 AM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Discuss High Tide Line as related to Treaty Rights at Risk meeting in DC
Attachments: HTLvsMHHW.xlsx; What is the HTL-Updated 16 Nov 15.docx; Draft Q&A.docx; Q&A Support Doc-Updated 16 Nov 15.xlsx

Here are the updated materials I have:

What is the HTL-Updated 16 ... | HTLvsMHHW.xlsx | Draft Q&A.docx | Q&A Support Doc-Updated 16 ...

-----Original Appointment-----
From: Szerlog, Michael
Sent: Monday, November 16, 2015 7:37 AM
To: Szerlog, Michael; Allnutt, David; Opalski, Dan; Szalay, Endre; Dean, Heather; Murchie, Peter; Bonifacino, Gina
Subject: Discuss High Tide Line as related to Treaty Rights at Risk meeting in DC
When: Tuesday, November 17, 2015 8:00 AM-8:30 AM (UTC-08:00) Pacific Time (US & Canada).
Where: R10Sea-Room-20Cedar/R10-Rooms-Service-Center

I understand that there is a Tribal Treaty Rights at Risk meeting scheduled for early December in DC. My understanding is that Tribes want to raise the High Tide Line issue at that meeting. It would be good to understand what ARU has been doing regarding this issue per direction from Dennis.

I know the meeting is early, but only time that looked open for folks this week.

Thanks
Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov
<< OLE Object: Picture (Device Independent Bitmap) >>

Appointment

From: Murchie, Peter [Murchie.Peter@epa.gov]
Sent: 11/16/2015 10:47:26 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: Accepted: Discuss High Tide Line as related to Treaty Rights at Risk meeting in DC
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center

Start: 11/17/2015 4:00:00 PM
End: 11/17/2015 4:30:00 PM
Show Time As: Busy

Message

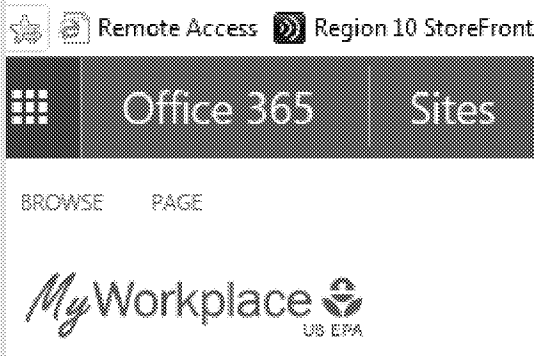
From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 1/21/2016 11:26:15 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Graphic and way to link to your OneDrive

Looks like I succeeded in syncing my one drive & uploading the three HTL docs I e-mailed you earlier. Thanks for the instructions.

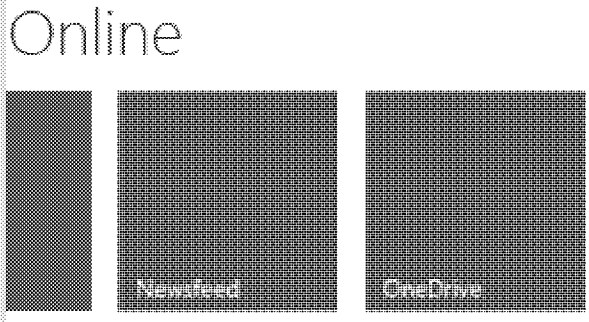
From: Szerlog, Michael
Sent: Thursday, January 14, 2016 7:03 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: Graphic and way to link to your OneDrive

Sorry, I should have said, yes, I need to have a copy. I have a meeting on Friday with Peter, Corps, and NMFS, to talk process, but want to have that handy.

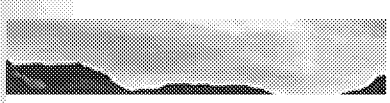
We will be holding a demo soon on OneDrive and SharePoint, but here are the screen shots for you to get to your OneDrive.



Click on Office 365 not Sites…I thought OneDrive also showed up with SharePoint Sites.



Click on OneDrive.



Sync Open

Click on Sync to sync it to your computer. Then it will show up as an option when using File Explorer. You can set up folders and share documents. So if you gave me access to share that, I could just go there and see it and make a copy. I could also edit as well.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 10/6/2015 5:28:56 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: High Tide Line Discussion

Personal Matters / Ex. 6

Anyway, originally, we were waiting to reschedule the HTL meeting until we could find out when you'd be able to participate despite your DC meetings. What are your thoughts on that?

From: Szerlog, Michael
Sent: Tuesday, October 06, 2015 8:16 AM
To: Dean, Heather
Subject: RE: High Tide Line Discussion

Thanks. I am calling into the subcommittee, Personal Matters / Ex. 6
Personal Matters / Ex. 6 Were you able to reschedule the meeting? Hope all is well.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Dean, Heather
Sent: Monday, October 05, 2015 8:49 AM
To: Szerlog, Michael
Subject: RE: High Tide Line Discussion

Personal Matters / Ex. 6

Anything I can do for you w/r the FAC or anything else? Just let me know....

Personal Matters / Ex. 6

Heather

From: Szerlog, Michael
Sent: Friday, October 02, 2015 5:37 AM

To: Dean, Heather
Subject: Re: High Tide Line Discussion

Personal Matters / Ex. 6 I am cancelling DC trip. Will check back in on Monday... Personal Matters / Ex. 6

Sent from my iPhone

On Oct 1, 2015, at 9:31 AM, Dean, Heather <Dean.Heather@epa.gov> wrote:

> Hi, Michael. You've probably already seen that the Corps opted to reschedule when you can make it. I know you're going to DC next week for the FACA meeting, but I don't know if your travel schedule would allow discussion on Monday or Thursday. (Mary can't make Thursday, anyway.) Please advise. Thanks....
>
> -----Original Appointment-----
> **From:** Szerlog, Michael
> **Sent:** Thursday, September 17, 2015 3:27 PM
> **To:** Szerlog, Michael; Dean, Heather; Szalay, Endre; David Gesl; Hoffman, Mary J NWD; DeRosa, Jason HQ @ NWD
> **Subject:** High Tide Line Discussion
> **When:** Thursday, October 01, 2015 9:00 AM-10:00 AM (UTC-08:00) Pacific Time (US & Canada).
> **Where:** Teleconfernce and Adobe Connect
>
> Rescheduling Personal Matters / Ex. 6 Hope this date/time works for most everyone. See below for contact information for phone line and for Adobe Connect Session. I look forward to the discussion.
>
> Conference Line/Code / Ex. 6
>
> Adobe Connect link / Ex. 6

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 5/24/2016 2:22:17 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Schedule

Nice!

From: Szerlog, Michael
Sent: Monday, May 23, 2016 8:16 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: Re: Schedule

FYI - cell coverage here is spotty, so may not be able to send info. Will let you know. FYI - cardinals galore!

Sent from my iPhone

On May 23, 2016, at 2:48 PM, Dean, Heather <Dean.Heather@epa.gov> wrote:

> Yes, please. Thanks....
>
> ---
>
> **From:** Szerlog, Michael
> **Sent:** Thursday, May 19, 2016 1:57 PM
> **To:** Dean, Heather <Dean.Heather@epa.gov>
> **Subject:** RE: Schedule
>
> I asked Peter or David to get back to you **Personal Matters / Ex. 6** Can I text you after the Red Heinen award winner is announced? Mary Anne wanted to so she could congratulate the winner.
>
> Thanks
> *Michael J. Szerlog*, Manager
> Aquatic Resources Unit
> Office of Environmental Review and Assessment
> Environmental Protection Agency
> 1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
> Seattle, Washington 98101
> (206) 553-0279
> szerlog.michael@epa.gov
> <image001.gif>
>
> ---
>
> > **From:** Dean, Heather
> > **Sent:** Thursday, May 19, 2016 10:53 AM
> > **To:** Szerlog, Michael <Szerlog.Michael@epa.gov>
> > **Subject:** Schedule
> >
> > Hi.

Susan wants to do another practice run on the HTL field visit next week. Normally, I would be teleworking Monday & Tuesday & in Seattle on Wednesday & Thursday, but Personal Matters / Ex. 6 Personal Matters / Ex. 6 I need to be in Seattle Monday & Tuesday & telework Wednesday & Thursday. I'll go out with Susan on Monday; she can't make it on Tuesday.

Please let me know before Sunday if I end up being on the list to attend the briefing on Monday, so I can bring a change of clothes.

Thanks,

Heather

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 7/6/2015 9:02:01 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Petition from Earthjustice re High Tide Line - attorney-client communication

Will do; thanks.

From: Szerlog, Michael
Sent: Monday, July 06, 2015 2:00 PM
To: Dean, Heather
Subject: RE: Petition from Earthjustice re High Tide Line - attorney-client communication

Best to ask him to invite..... her calendar looks free.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Dean, Heather
Sent: Monday, July 06, 2015 1:58 PM
To: Szerlog, Michael
Subject: RE: Petition from Earthjustice re High Tide Line - attorney-client communication

Thanks, Michael. Should I ask Endre if we can invite Linda to join in on the discussion tomorrow, or should we just cover it ourselves & report out?

From: Szerlog, Michael
Sent: Monday, July 06, 2015 1:51 PM
To: Dean, Heather; Storm, Linda
Subject: FW: Petition from Earthjustice re High Tide Line - attorney-client communication

Per Unit meeting. See attached.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2

Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Szalay, Endre
Sent: Thursday, June 25, 2015 12:53 PM
To: Stern, Allyn; Steiner-Riley, Cara; Szerlog, Michael; Allnutt, David; Byron, Carrie; Dean, Heather
Subject: Petition from Earthjustice re High Tide Line - attorney-client communication

Hi Folks:

Attached is a petition from Earthjustice sent to Dennis on July 24, 2015, seeking a general resolution between EPA and the Corps regarding the definition of "high tide line" for purposes of establishing CWA jurisdiction under the CWA and a specific jurisdictional determination for shoreline armoring projects currently planned in the Puget Sound area. Here is a link to a Seattle Times article regarding the petition: http://www.seattletimes.com/seattle-news/environment/conservation-groups-seek-increased-shoreline-protections-in-puget-sound/.

Attorney Client / Ex. 5

Just wanted to put this on people's radars and perhaps we should meet to discuss.

Thanks,

Endre M. Szalay
Assistant Regional Counsel
U.S. EPA, Region 10
1200 Sixth Ave., Suite 900, ORC-158
Seattle, WA 98101-3140
(206) 553-1073
szalay.endre@epa.gov

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 1/20/2016 4:30:26 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Updated HTL Graphics
Attachments: Graphic-Corps Datums (with MHW).pptx

Good morning. In this attachment, Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Do you think that makes the bar graph slide too busy, or do you prefer having that extra info? (I think adding all of the #'s to the bar graphs would definitely be too much.)

Appointment

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 10/1/2015 4:17:20 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: FW: High Tide Line Discussion
Location: Teleconfernce and Adobe Connect

Start: 10/1/2015 4:00:00 PM
End: 10/1/2015 5:00:00 PM
Show Time As: Tentative

Hi. Personal Matters / Ex. 6 The Corps opted to reschedule this meeting when you are able to participate. We are looking at taking the spot of next week's joint webinar (Thursday, 11-12:30), which reportedly is not going to happen.

Dave also wanted to clarify that his intended purpose for this meeting is to discuss how to respond to the EarthJustice petition, rather than to start crafting a solution to the HTL question. Endre & I agreed to make that clarification, with the understanding that the response to the petition must not preclude any alternatives we might want to pursue for the solution. Dave concurred.

Endre & I also have reached out to Donna for an update on the status of the overall solution; she was just starting to mention something about it when we had to jump of the CWR call for the HTL call. Haven't heard back from her, yet.

-----Original Appointment-----
From: Szerlog, Michael
Sent: Thursday, September 17, 2015 3:27 PM
To: Szerlog, Michael; Dean, Heather; Szalay, Endre; David Gesl; Hoffman, Mary J NWD; DeRosa, Jason HQ @ NWD
Subject: High Tide Line Discussion
When: Thursday, October 01, 2015 9:00 AM-10:00 AM (UTC-08:00) Pacific Time (US & Canada).
Where: Teleconfernce and Adobe Connect

Personal Matters / Ex. 6 Hope this date/time works for most everyone. See below for contact information for phone line and for Adobe Connect Session. I look forward to the discussion.

Conference Line/Code / Ex. 6

Adobe Connect link / Ex. 6

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 1/14/2016 4:00:49 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Graphic and way to link to your OneDrive

Thanks. Working on the 2nd graphic. Will upload it when ready, if I can figure it out; otherwise, will e-mail or put in Baker drive.

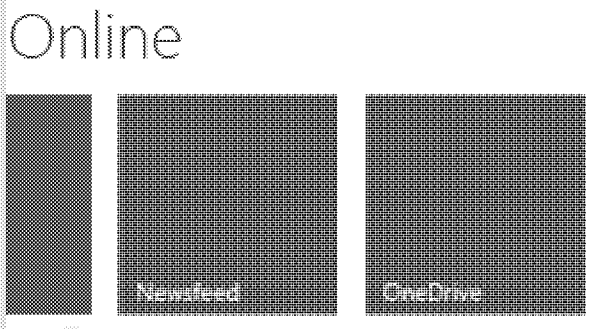
Have heard back from Jeff & Jason (via Brett). Looks like SF District is going to stay at "???"; we've got three different references (so far) in their materials (HTL, MHW, & MSL)! Still waiting on R4.

From: Szerlog, Michael
Sent: Thursday, January 14, 2016 7:03 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: Graphic and way to link to your OneDrive

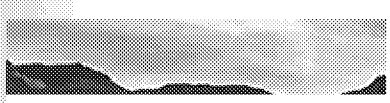
Sorry, I should have said, yes, I need to have a copy. I have a meeting on Friday with Peter, Corps, and NMFS, to talk process, but want to have that handy.

We will be holding a demo soon on OneDrive and SharePoint, but here are the screen shots for you to get to your OneDrive.

Click on Office 365 not Sites…I thought OneDrive also showed up with SharePoint Sites.



Click on OneDrive.



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Click on Sync to sync it to your computer. Then it will show up as an option when using File Explorer. You can set up folders and share documents. So if you gave me access to share that, I could just go there and see it and make a copy. I could also edit as well.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 9/10/2015 3:13:20 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: HTL Stuff
Attachments: Determining High Tide Line.docx; Exceedance Probabilities.pptx; EM_1110-2-6056.pdf; HTLvsMHHW.xlsx

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 6/13/2016 6:54:56 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: HTL - face to face on Wed?

It does. I do plan to be in Seattle & to attend the meeting Personal Matters / Ex. 6

Personal Matters / Ex. 6

From: Szerlog, Michael
Sent: Monday, June 13, 2016 11:53 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: HTL - face to face on Wed?

Hi,

I would, but not sure I will have time today. Personal Matters / Ex. 6

Personal Matters / Ex. 6 We could talk before the meeting during one-on-one if that works?

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Dean, Heather
Sent: Monday, June 13, 2016 11:23 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: FW: HTL - face to face on Wed?

Also, forgot to mention: let me know if/when you have time & would like an update on the field trip, etc.

From: Dean, Heather
Sent: Monday, June 13, 2016 10:10 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Subject: RE: HTL - face to face on Wed?

Meeting is on; I'll (try to) reserve a car.

From: Szerlog, Michael
Sent: Monday, June 13, 2016 8:32 AM

To: Meyer, Susan <meyer.susan@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Subject: HTL - face to face on Wed?

Morning,

Just checking in to see if this meeting is still on and if anyone reserved a car? We need to figure that out today ASAP.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 9/13/2016 3:13:37 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Last Draft of HTL report?

Intriguing! Any details on the request?

From: Szerlog, Michael
Sent: Tuesday, September 13, 2016 8:13 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Last Draft of HTL report?

Thanks. Dennis needed to respond to a request from Gina.

Thanks
Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Dean, Heather
Sent: Tuesday, September 13, 2016 7:49 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: Last Draft of HTL report?

Here you go.

From: Szerlog, Michael
Sent: Tuesday, September 13, 2016 7:12 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: Last Draft of HTL report?

Heather,

Do you have the last version that addresses our comments? I need to get it to Allnutt ASAP.

Thanks
Michael J. Szerlog, Manager

Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 9/13/2016 2:49:27 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Last Draft of HTL report?
Attachments: federalshorelinehabitat FINAL-11 Aug 16.pdf

Here you go.

From: Szerlog, Michael
Sent: Tuesday, September 13, 2016 7:12 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: Last Draft of HTL report?

Heather,

Do you have the last version that addresses our comments? I need to get it to Allnutt ASAP.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Tyson, Linda [Tyson.Linda@epa.gov]
Sent: 8/26/2016 7:18:47 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Tyson, Linda wants to access 'RA or DRA Meeting Request Form for HTL'

Personal Matters / Ex. 6

I'd like access, please.

Accept or Decline this request

Requested resource: https://usepa-my.sharepoint.com/personal/szerlog_michael_epa_gov/Documents/RA%20or%20DRA%20Meeting%20Requ

Message

From: Jennings, Marie [Jennings.Marie@epa.gov]
Sent: 9/12/2016 4:37:21 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: ARU hot topics--Many thanks!

From: Szerlog, Michael
Sent: Monday, September 12, 2016 9:25 AM
To: Jennings, Marie <Jennings.Marie@epa.gov>
Subject: ARU hot topics

ARU attended interagency conference call on Thursday, September 8th with Corps – Seattle District/NOAA on High Tide Line issue in Washington: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

. Contacts: Michael Szerlog (3-0279) and Heather Dean (1-3490).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Thiesing, Mary [Thiesing.Mary@epa.gov]
Sent: 9/8/2016 6:43:38 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: OW visit and Tuesday Sept 13 schedule

It does. I had already planned to be there Monday. Thanks, Michael!

From: Szerlog, Michael
Sent: Thursday, September 08, 2016 11:43 AM
To: Thiesing, Mary <Thiesing.Mary@epa.gov>
Subject: RE: OW visit and Tuesday Sept 13 schedule

Mary Anne,

Would be helpful for you to be there for Monday side bar. Tuesday is really Puget Sound and I will cover the short sections on the agenda (HTL and NWP). We aren't going into depth with those issues.

So that means you can attend the field work on Tuesday?

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Thiesing, Mary
Sent: Thursday, September 08, 2016 11:34 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: OW visit and Tuesday Sept 13 schedule

Michael,

I have a long-standing appointment for field work with the WA DNR and WA-Ecology on this date. Our "sidebar" with OW is scheduled for Monday, 1-2, on NEPA-404 sequencing. Do you also need me to be on deck on Tuesday? I noticed we are doing High tide line and other stuff. Please let me know if you do not need me; I would prefer not to cancel this field work if I don't have to.

Thanks!

Mary Anne Thiesing
Regional Wetland Ecologist

(206) 553-6114
(b) (6) cell)
thiesing.mary@epa.gov

Message

From: Murchie, Peter [Murchie.Peter@epa.gov]
Sent: 9/8/2016 6:32:09 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Re: Briefing papers for OWW visit (almost all)

Personal Matters / Ex. 6 I will defer to you to lead the discussion and I will just do a general intro.

Thanks
P

Peter Murchie
Manager
Puget Sound and NEP Programs
USEPA Region 10
murchie.peter@epa.gov
206-553-1148 w
206-419-0804 c

On Sep 8, 2016, at 9:01 AM, Szerlog, Michael <Szerlog.Michael@epa.gov> wrote:

> Peter,
>
> Thanks. I will ask Heather and Linda to review ASAP. I will want their names listed as POC along with Susan. I also plan to attend that session. Do you plan to have Susan attend, or are you delivering the briefing?
>
> Thanks
> *Michael J. Szerlog*, Manager
> Aquatic Resources Unit
> Office of Environmental Review and Assessment
> Environmental Protection Agency
> 1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
> Seattle, Washington 98101
> (206) 553-0279
> szerlog.michael@epa.gov
> <image008.gif>
>
> ---
>
> **From:** Murchie, Peter
> **Sent:** Thursday, September 08, 2016 8:04 AM
> **To:** Szerlog, Michael <Szerlog.Michael@epa.gov>
> **Cc:** Mendelman, Krista <Mendelman.Krista@epa.gov>
> **Subject:** FW: Briefing papers for OWW visit (almost all)
>
> Michael see the TRAR briefing paper for what I have included for HTL and Nationwide Permit for the meeting next week. If you have any edits on that please share with Krista Mendelman by 3pm today.
>
> Thanks,
> Peter

From: Murchie, Peter
Sent: Thursday, September 08, 2016 7:40 AM
To: Mendelman, Krista <Mendelman.Krista@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Bonifaci, Angela <Bonifaci.Angela@epa.gov>; Cox, Michael <Cox.Michael@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>
Subject: Briefing papers for OWW visit (almost all)

Here are the Climate Change and TRAR Issue Papers. I am finalizing the PS paper and will get that to you later this morning.

Thank you,
Peter

Climate Change
TRAR

<image009.png>

Peter Murchie, Manager
Puget Sound and National Estuary Programs
U.S. EPA, Region 10
1200 Sixth Avenue
Seattle, Washington 98101-3140
(206) 553-1148
murchie.peter@epa.gov
http://www.epa.gov/puget-sound

<image010.png> <image011.png> <image012.png> <image013.png> <image014.png><image015.png>

Message

From: Mendelman, Krista [Mendelman.Krista@epa.gov]
Sent: 9/8/2016 4:15:46 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Reminder: Region 10 visit Final papers and presentations by 4:00 today

Roger that.

Krista

Krista Mendelman
USEPA Region 10 (OWW-193)
1200 6th Ave. Suite 900
Seattle, WA 98101
Phone: 206-553-1571
Fax: 206-553-0165

From: Szerlog, Michael
Sent: Thursday, September 08, 2016 8:47 AM
To: Mendelman, Krista <Mendelman.Krista@epa.gov>
Cc: Schary, Claire <Schary.Claire@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>
Subject: RE: Reminder: Region 10 visit Final papers and presentations by 4:00 today

Krista,

Here are the two papers for the 404 break out session. Please make sure to update the agenda to cover both topics – ½ hour for each, per our original request. ☺ Allnutt is OK with these.

Also, we will have comments on what Peter wrote for PS – namely on the NWP and High Tide Line – both are 404 issues. I have asked staff leads to provide comments ASAP.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Mendelman, Krista
Sent: Thursday, September 08, 2016 6:37 AM
To: Murchie, Peter <Murchie.Peter@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Jennings, Marie <Jennings.Marie@epa.gov>; Croxton, Dave

<Croxton.David@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Schary, Claire <Schary.Claire@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>
Subject: FW: Reminder: Region 10 visit Final papers and presentations by 4:00 today
Importance: High

Hi All, Please get me any final issue/briefing papers or final presentations for the HQ OW visit by 4 pm today. If I don't hear from you, I will assume that the information that you already sent me is the final version.

Thanks,

Krista

Krista Mendelman
USEPA Region 10 (OWW-193)
1200 6th Ave. Suite 900
Seattle, WA 98101
Phone: 206-553-1571
Fax: 206-553-0165

From: Drummond, Laura
Sent: Wednesday, September 07, 2016 1:04 PM
To: Schary, Claire <Schary.Claire@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>; Mendelman, Krista <Mendelman.Krista@epa.gov>
Cc: Vazquez, Sharon <Vazquez.Sharon@epa.gov>; Gollan, Christopher <Gollan.Christopher@epa.gov>; Greene, Ashley <Greene.Ashley@epa.gov>; Harris, Adrienne <Harris.Adrienne@epa.gov>; Nandi, Romell <Nandi.Romell@epa.gov>; Conerly, Octavia <Conerly.Octavia@epa.gov>; Eddy, Elizabeth <Eddy.Elizabeth@epa.gov>
Subject: Reminder: Region 10 visit Final papers due tomorrow!
Importance: High

Hello all,

Final papers and presentations are due by COB tomorrow! There is a new folder on the Sharepoint Site for the final papers and presentations. If you run into any problems, please let me know.

Laura Drummond
Program Analyst – Presidential Management Fellow
U.S. Environmental Protection Agency
Office of Water – Resource Management Staff
Phone – (202) 564-6561

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 9/8/2016 1:14:00 AM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: HTL

Hi. I didn't get very far with DARTER, but here is WDFW's forage fish habitat map: http://www.arcgis.com/home/webmap/viewer.html?webmap=19b8f74e2d41470cbd80b1af8dedd6b3. I think the red & green (sand lance & smelt) are the two "biggies" that we could cross-reference to DARTER.

Deliberative Process / Ex. 5

Later....

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 9/1/2016 8:27:24 PM
To: Tyson, Linda [Tyson.Linda@epa.gov]
CC: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Briefing Paper for Dennis-High Tide Line
Attachments: RA Briefing-HTL vs MHHW-final.docx

Hi, Linda.

Attached is a briefing paper for OERA's (& others') meeting with Dennis next Wednesday, at 3 p.m. Please let me know if I/we need to provide anything else.

Thanks,

Heather

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 8/25/2015 2:38:21 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Re: Definitions. Seems to indicate periodicity in the definitions.

I think I've got it in there already, but will definitely check.

From: Szerlog, Michael
Sent: Tuesday, August 25, 2015 7:06:47 AM
To: Dean, Heather
Subject: RE: Definitions. Seems to indicate periodicity in the definitions.

I think we should add this language, or some of it, to the Q and A. Your thoughts?

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Dean, Heather
Sent: Monday, August 24, 2015 9:53 PM
To: Szerlog, Michael
Subject: Re: Definitions. Seems to indicate periodicity in the definitions.

Yep; I totally agree! Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

From: Szerlog, Michael
Sent: Monday, August 24, 2015 3:37 PM
To: Dean, Heather
Subject: Definitions. Seems to indicate periodicity in the definitions.

National Tidal Datum Epoch
The specific 19-year period adopted by the National Ocean Service as the official time segment over which tide observations are taken and reduced to obtain mean values (e.g., mean lower low water, etc.) for tidal datums. It is necessary for standardization because of periodic and apparent secular trends in sea level. The present NTDE is 1983 through 2001

and is actively considered for revision every 20-25 years. Tidal datums in certain regions with anomolous sea level changes (Alaska, Gulf of Mexico) are calculated on a Modified 5-Year Epoch.

Highest Astronomical Tide

The elevation of the highest predicted astronomical tide expected to occur at a specific tide station over the National Tidal Datum Epoch.

http://co-ops.nos.noaa.gov/datum_options.html#HAT

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 8/24/2016 3:57:23 AM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Draft HTL Presentation for OERA
Attachments: So WTH is the HTL.pptx

Hi.

My draft presentation is attached. You'll want to view it as a slide show; otherwise, some elements won't be visible. If I do, indeed, have only 30 minutes, I'll need to pare it down a little bit. In addition, I need to make some tweaks on the transitions, & I still have to do my notes, which may cover some of the things that appear to be missing (e.g, TRAR). I also need to find out what happened in yesterday's meeting with the General.

I won't be checking e-mail for the next three days, but feel free to call or text if you want to talk about it before Monday.

Thanks,

Heather

Message

From: Thiesing, Mary [Thiesing.Mary@epa.gov]
Sent: 10/26/2016 11:06:08 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Issue summaries for Dennis
Attachments: AK 404 -NEPA sequencing .docx; HTL Status Update-26 Oct 16.docx; Reissuance of Nationwide Permit 48 26-Oct 16.docx; CompensatoryMitigationAlaska 26 Oct 16.doc

Michael,

As requested by David. I thought you would want to review first.

Mary Anne Thiesing
Regional Wetland Ecologist
(206) 553-6114
(b) (6) cell)
thiesing.mary@epa.gov

High Tide Line

Status Update: 26 October 2016

Issue: Following requests for action from the Northwest Indian Fisheries Commission and Earth Justice, EPA Region 10 and NOAA's West Coast Region redoubled efforts to work with the Corps of Engineers Seattle District to raise the tidal elevation that the District uses to represent the "high tide line," which defines the limit of Clean Water Act jurisdiction in tidally influenced non-wetland waters.

Current Status: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 10/26/2016 8:40:55 PM
To: Thiesing, Mary [Thiesing.Mary@epa.gov]
CC: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Need an issue summary
Attachments: HTL Status Update-26 Oct 16.docx

Hi, Mary Anne.

Michael asked that I send this update to you. Let me know if you need anything else for it.

Heather

From: Thiesing, Mary
Sent: Monday, October 24, 2016 3:42 PM
To: Storm, Linda <Storm.Linda@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: Need an issue summary

Hi folks,

David has asked me to follow up on something he discussed with Michael a while ago. Dennis will be speaking with Stan Meiberg and David wantd us to prepare issue summaries for 4 topics; namely, NP 48, Compensatory mitigation in Alaska, NEPA/404 sequencing, and High Tide Line. He would like this to be a statement of the issue, and a discussion of where we are with current status—no more than about half a page. I will do the NEPA, but I am hoping that each of you can provide something on the respective issues for which you are lead. We need this by Thursday.

I know that Matt and I put together background papers when OW was here last month, and I would suggest using those as a starting point. I am guessing that both Linda and Heather have something from briefing papers that could be boiled down? Let me know if you have any questions. Michael will be back on Wednesday afternoon, but it would be helpful if we can get something to him so he has some time to look at them befoe they go upstairs.

Thanks,

Mary Anne

Mary Anne Thiesing
Regional Wetland Ecologist
(206) 553-6114
(b) (6) (cell)
thiesing.mary@epa.gov

High Tide Line

Status Update: 26 October 2016

Current Status: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 8/31/2016 2:29:27 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Draft RA Briefing Paper
Attachments: RA Briefing-HTL vs MHHW.docx

Good suggestions. Here's the updated version. What do I/we do with it now?

From: Szerlog, Michael
Sent: Wednesday, August 31, 2016 6:46 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: Re: Draft RA Briefing Paper

In the spirit of cooperation, I agree with the joint recommendation and accept your definition of COB. :)

Great job. Suggest you Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Sent from my iPhone

On Aug 30, 2016, at 11:22 PM, Dean, Heather <Dean.Heather@epa.gov> wrote:

> Jim Jacobson recently told me that "COB" meant before he got in the next morning. So, here's my first cut. Other than when I'm giving my presentation, I can find somewhere to sequester myself tomorrow, as necessary, to get it further along. I'll also need to find some time to massage it into one for HQ's upcoming visit.
>
> I'll be in around 7ish.
>
> <RA Briefing-HTL vs MHHW.docx>

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 8/31/2016 2:10:23 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Draft RA Briefing Paper

Got it; will do. Whew!

From: Szerlog, Michael
Sent: Wednesday, August 31, 2016 6:46 AM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: Re: Draft RA Briefing Paper

In the spirit of cooperation, I agree with the joint recommendation and accept your definition of COB. :)

Great job. Suggest you Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Sent from my iPhone

On Aug 30, 2016, at 11:22 PM, Dean, Heather <Dean.Heather@epa.gov> wrote:

> Jim Jacobson recently told me that "COB" meant before he got in the next morning. So, here's my first cut. Other than when I'm giving my presentation, I can find somewhere to sequester myself tomorrow, as necessary, to get it further along. I'll also need to find some time to massage it into one for HQ's upcoming visit.
>
> I'll be in around 7ish.
>
> <RA Briefing-HTL vs MHHW.docx>

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 8/31/2016 6:22:39 AM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: Draft RA Briefing Paper
Attachments: RA Briefing-HTL vs MHHW.docx

Jim Jacobson recently told me that "COB" meant before he got in the next morning. So, here's my first cut. Other than when I'm giving my presentation, I can find somewhere to sequester myself tomorrow, as necessary, to get it further along. I'll also need to find some time to massage it into one for HQ's upcoming visit.

I'll be in around 7ish.

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 9/24/2015 5:24:36 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Sounds like you can't receive IMs

Deliberative Process / Ex. 5

From: Szerlog, Michael
Sent: Thursday, September 24, 2015 10:22 AM
To: Dean, Heather
Subject: RE: Sounds like you can't receive IMs

HTL.. need to do a download to HQ in one minute

Thanks
Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Dean, Heather
Sent: Thursday, September 24, 2015 10:22 AM
To: Szerlog, Michael
Subject: RE: Sounds like you can't receive IMs

On HTL or IMs? (I got your earlier one.)

From: Szerlog, Michael
Sent: Thursday, September 24, 2015 10:20 AM
To: Dean, Heather
Subject: Sounds like you can't receive IMs

Can you elaborate.

Thanks
Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2

Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 9/24/2015 5:23:56 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Sounds like you can't receive IMs

Still higher than MHHW, though.

From: Szerlog, Michael
Sent: Thursday, September 24, 2015 10:22 AM
To: Dean, Heather
Subject: RE: Sounds like you can't receive IMs

HTL.. need to do a download to HQ in one minute

Thanks
Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
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Seattle, Washington 98101
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szerlog.michael@epa.gov

From: Dean, Heather
Sent: Thursday, September 24, 2015 10:22 AM
To: Szerlog, Michael
Subject: RE: Sounds like you can't receive IMs

On HTL or IMs? (I got your earlier one.)

From: Szerlog, Michael
Sent: Thursday, September 24, 2015 10:20 AM
To: Dean, Heather
Subject: Sounds like you can't receive IMs

Can you elaborate.

Thanks
Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101

(206) 553-0279
szerlog.michael@epa.gov

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 9/24/2015 5:23:40 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: RE: Sounds like you can't receive IMs

Deliberative Process / Ex. 5

From: Szerlog, Michael
Sent: Thursday, September 24, 2015 10:22 AM
To: Dean, Heather
Subject: RE: Sounds like you can't receive IMs

HTL.. need to do a download to HQ in one minute

Thanks
Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Dean, Heather
Sent: Thursday, September 24, 2015 10:22 AM
To: Szerlog, Michael
Subject: RE: Sounds like you can't receive IMs

On HTL or IMs? (I got your earlier one.)

From: Szerlog, Michael
Sent: Thursday, September 24, 2015 10:20 AM
To: Dean, Heather
Subject: Sounds like you can't receive IMs

Can you elaborate.

Thanks
Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency

1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 9/24/2015 4:27:54 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]
Subject: FW: RE: [EXTERNAL] High Tide Line Discussion (UNCLASSIFIED)

Depending on what happens in Alaska, I could do any time Wednesday or Thursday between 9 & 11.

From: Hoffman, Mary J NWD [mailto:Mary.J.Hoffman@usace.army.mil]
Sent: Thursday, September 24, 2015 9:17 AM
To: Szerlog, Michael
Cc: Gesl, David W NWD; Dean, Heather; Szalay, Endre; DeRosa, Jason HQ @ NWD
Subject: RE: [EXTERNAL] High Tide Line Discussion (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Michael:
Personal Matters / Ex. 6 we would like to reschedule this call and discussion to a day next week, if possible. Available times are:
Tuesday - Anytime after 1:00PM, or
Wednesday – Anytime
Thursday – Anytime in the AM.

Hopefully one of these days/times will work for the group.

Sincerely,
Mary Hoffman
Northwestern Division, Regulatory Program
503-808-3888

-----Original Appointment-----
From: Szerlog, Michael [mailto:Szerlog.Michael@epa.gov]
Sent: Thursday, September 17, 2015 3:27 PM
To: Szerlog, Michael; Dean, Heather; Szalay, Endre; Gesl, David W NWD; Hoffman, Mary J NWD; DeRosa, Jason HQ @ NWD
Subject: Copy: [EXTERNAL] High Tide Line Discussion
When: Thursday, September 24, 2015 2:00 PM-3:00 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Teleconfernce and Adobe Connect

Per our conversation today. See below for contact information for phone line and for Adobe Connect Session. I look forward to the discussion.

Conference Line/Code / Ex. 6

Adobe Connect link / Ex. 6

Classification: UNCLASSIFIED
Caveats: NONE

Message

From: Murchie, Peter [Murchie.Peter@epa.gov]
Sent: 9/22/2016 10:33:47 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]
Subject: RE: High Tide Line Follow Up

OK – know that Susan is available and wants to help.

Peter

From: Szerlog, Michael
Sent: Thursday, September 22, 2016 3:00 PM
To: Murchie, Peter <Murchie.Peter@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>
Subject: RE: High Tide Line Follow Up

Peter,

Thanks. Based upon the call yesterday, we won't be ready with a revised report until end of October. Still working on revising text, tables, graphics, photos, etc. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Also, Personal Matters / Ex. 6 and all of ARU is in a training work shop in Seattle from Oct 11th -14th.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Murchie, Peter
Sent: Thursday, September 22, 2016 2:33 PM
To: Allnutt, David <Allnutt.David@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>
Subject: FW: High Tide Line Follow Up

FYI
Peter

From: McLerran, Dennis
Sent: Thursday, September 22, 2016 2:21 PM
To: john.g.buck@usace.army.mil
Cc: Paula.A.Taylor@usace.army.mil; Murchie, Peter <Murchie.Peter@epa.gov>; NOAA: Will Stelle <will.stelle@noaa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Tyson, Linda <Tyson.Linda@epa.gov>
Subject: High Tide Line Follow Up

John,

I am encouraged by our conversations last week with Puget Sound leaders and specifically with the state agency leaders, Governor's office and NWIFC leadership about HTL. Peter has followed up with them to continue to encourage a response in support of stronger shoreline protection opportunities and alignment.

You and I also agreed that a follow up shared briefing and discussion with General Spellmon was a good next step. I understand that the technical team is close to finishing their work to address the requests from the General so I suggest that our schedulers work together to find a good time on the next couple of weeks for the briefing. Linda (my scheduler) will reach out to your office to get the scheduling going.

In the mean time we will continue to support the technical team and state leader engagement to clarify opportunities for shared work for shoreline protection.

Peter is also working with Jessie to coordinate exploring options to provide match with other federal agencies for the Dungeness project.

Thank you,
Dennis

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 10/6/2016 11:56:39 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: report review

For some reason, SharePoint wouldn't let me edit in "Word," so I downloaded the file, edited using Track Changes & comment bubbles, & uploaded the revised version. The title includes "HED Edits." Let me know (you'll have to call or text) if you can't access it.

From: Szerlog, Michael
Sent: Thursday, October 06, 2016 7:49 AM
To: Meyer, Susan <meyer.susan@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>
Subject: RE: report review

Susan,

That should work. To further save time, we should conduct our review by editing in Word and using track changes or comment bubbles. That way all of our edits will be in the one document. Kevin is on board with our schedule and he is happy we are providing him changes in Word. :)

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Meyer, Susan
Sent: Wednesday, October 05, 2016 2:14 PM
To: Dean, Heather <Dean.Heather@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>
Subject: report review

Hi there,

Since ARU has a long retreat next week, Heather and I have devised a new report review schedule. Heather will review the report tomorrow (Thursday), Michael can hopefully give it a look on Friday, I will take it on Tues. next week, then Peter, and Endre will be last and have it completed by cob Thursday, Oct. 13. For your editing ease, here is a link to the shared HTL site:

https://usepa-my.sharepoint.com/personal/meyer_susan_epa_gov/_layouts/15/onedrive.aspx?e=5%3a06a49370dae54bb79bb1ff0500a80e3d&id=%2fpersonal%2fmeyer_susan_epa_gov%2fDocuments%2fHTL+Team&FolderCTID=0x012000027DFEBFE82D1D144AF4682C38D2C2370&AjaxDelta=1&isStartPlt1=1475701885923

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 8/1/2016 1:59:58 PM
To: Dan Opalski [Opalski.Dan@epa.gov]; Psyk, Christine [Psyk.Christine@epa.gov]
CC: Jennings, Marie [Jennings.Marie@epa.gov]
Subject: ARU hot topics

Dan and Christine,

Morning. I will be conducting interviews today for a SEE. One of those interviews is during OWW hot topics so I won't be able to attend. I did not find anyone to act for that meeting. Here are my topics:

High Tide Line: **Deliberative Process / Ex. 5**
Deliberative Process / Ex. 5
Deliberative Process / Ex. 5 We anticipate its completion to be sometime this week. Jim Jacobson, the chief of Seattle District's Water Management Section, is briefing COL Buck on August 12th before he meets with GEN Spellmon and Will Stelle on August 22nd for a NOAA/Corps meeting. According to Jim, they'll be covering other topics in addition to this one. EPA, Puget Sound Program, is inquiring whether Dennis can call into that part of the meeting. Contacts: Michael Szerlog (3-0279) and Peter Murchie (3 -1148).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 9/8/2016 8:42:32 PM
To: Allnutt, David [Allnutt.David@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]
Subject: RE: ARU Hot Topics

Yes, sorry. Thanks.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Allnutt, David
Sent: Thursday, September 08, 2016 1:35 PM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>
Subject: RE: ARU Hot Topics

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

From: Szerlog, Michael
Sent: Thursday, September 08, 2016 12:40 PM
To: Allnutt, David <Allnutt.David@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>
Subject: ARU Hot Topics

This week:

ARU attended interagency conference call on Thursday, September 8th with Corps – Seattle District/NOAA on High Tide Line issue in Washington: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Contacts: Michael Szerlog (3-0279) and Heather Dean (1-3490).

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

ARU Travel/Significant Leave: Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 10/14/2016 12:35:30 PM
To: Meyer, Susan [meyer.susan@epa.gov]
Subject: Re: EPA has completed review of the HTL report

Thanks Susan!

Sent from my iPhone

On Oct 13, 2016, at 4:03 PM, Meyer, Susan <meyer.susan@epa.gov> wrote:

> Hi Jim, I have uploaded the report with all of EPA's comments within. I also amended the Ecological Implications table. Please let me or whomever wrote the specific comment know if you have questions. Thanks much!
>
> Susan Meyer
> EPA Region 10
> Puget Sound and National Estuary Programs
> 1200 6th Aveune, Suite 900
> Seattle, Washington 98101-3140
> 206-553-1078
> Meyer.susan@epa.gov

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 9/8/2016 4:39:32 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]
Subject: RE: Briefing papers for OWW visit (almost all)
Attachments: TRAR Briefing 9-13-16 OW Visit ARU edits.docx

Peter,

Here are our edits. Thanks for coordinating.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Murchie, Peter
Sent: Thursday, September 08, 2016 8:04 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Mendelman, Krista <Mendelman.Krista@epa.gov>
Subject: FW: Briefing papers for OWW visit (almost all)

Michael see the TRAR briefing paper for what I have included for HTL and Nationwide Permit for the meeting next week. If you have any edits on that please share with Krista Mendelman by 3pm today.

Thanks,
Peter

From: Murchie, Peter
Sent: Thursday, September 08, 2016 7:40 AM
To: Mendelman, Krista <Mendelman.Krista@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Bonifaci, Angela <Bonifaci.Angela@epa.gov>; Cox, Michael <Cox.Michael@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>
Subject: Briefing papers for OWW visit (almost all)

Here are the Climate Change and TRAR Issue Papers. I am finalizing the PS paper and will get that to you later this morning.

Thank you,
Peter

Peter Murchie, Manager
Puget Sound and National Estuary Programs
U.S. EPA, Region 10
1200 Sixth Avenue
Seattle, Washington 98101-3140
(206) 553-1148
murchie.peter@epa.gov
http://www.epa.gov/puget-sound

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 10/11/2016 4:11:28 PM
To: Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: report review

Susan,

Can you provide the link to David Allnutt. He is interested in taking a look and providing comments.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Meyer, Susan
Sent: Tuesday, October 11, 2016 9:05 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: report review

Okay, thanks!

From: Szerlog, Michael
Sent: Tuesday, October 11, 2016 7:17 AM
To: Meyer, Susan <meyer.susan@epa.gov>
Subject: RE: report review

Susan,

I ended up coming in early this morning and completed my review. I used the document that Heather reviewed. May want to rename it and/or remove the other one so people don't get confused. Not sure why Heather had a problem…

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101

(206) 553-0279
szerlog.michael@epa.gov

From: Meyer, Susan
Sent: Friday, October 07, 2016 9:23 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: report review

Yes, that sounds fine!

From: Szerlog, Michael
Sent: Friday, October 07, 2016 9:10 AM
To: Meyer, Susan <meyer.susan@epa.gov>
Subject: Re: report review

Personal Matters / Ex. 6 Allnutt wanted to review as well. Have him go next?

Sent from my iPhone

On Oct 7, 2016, at 8:47 AM, Meyer, Susan <meyer.susan@epa.gov> wrote:

Thanks Michael. Please let me know when you finish your review.

☺

From: Szerlog, Michael
Sent: Thursday, October 06, 2016 7:49 AM
To: Meyer, Susan <meyer.susan@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>
Subject: RE: report review

Susan,

That should work. To further save time, we should conduct our review by editing in Word and using track changes or comment bubbles. That way all of our edits will be in the one document. Kevin is on board with our schedule and he is happy we are providing him changes in Word. :)

Thanks

Michael J. Szerlog, Manager
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Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

<image001.gif>

From: Meyer, Susan
Sent: Wednesday, October 05, 2016 2:14 PM
To: Dean, Heather <Dean.Heather@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>
Subject: report review

Hi there,

Since ARU has a long retreat next week, Heather and I have devised a new report review schedule. Heather will review the report tomorrow (Thursday), Michael can hopefully give it a look on Friday, I will take it on Tues. next week, then Peter, and Endre will be last and have it completed by cob Thursday, Oct. 13. For your editing ease, here is a link to the shared HTL site:

https://usepa-my.sharepoint.com/personal/meyer_susan_epa_gov/_layouts/15/onedrive.aspx?e=5%3a06a49370dae54bb79bb1ff0500a80e3d&id=%2fpersonal%2fmeyer_susan_epa_gov%2fDocuments%2fHTL+Team&FolderCTID=0x01200027DFEBFE82D1D144AF4682C38D2C2370&AjaxDelta=1&isStartPlt1=1475701885923

Susan Meyer
EPA Region 10
Puget Sound and National Estuary Programs
1200 6th Aveune, Suite 900
Seattle, Washington 98101-3140
206-553-1078
Meyer.susan@epa.gov

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 9/8/2016 4:01:25 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]
Subject: RE: Briefing papers for OWW visit (almost all)

Peter,

Thanks. I will ask Heather and Linda to review ASAP. I will want their names listed as POC along with Susan. I also plan to attend that session. Do you plan to have Susan attend, or are you delivering the briefing?

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Murchie, Peter
Sent: Thursday, September 08, 2016 8:04 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Mendelman, Krista <Mendelman.Krista@epa.gov>
Subject: FW: Briefing papers for OWW visit (almost all)

Michael see the TRAR briefing paper for what I have included for HTL and Nationwide Permit for the meeting next week. If you have any edits on that please share with Krista Mendelman by 3pm today.

Thanks,
Peter

From: Murchie, Peter
Sent: Thursday, September 08, 2016 7:40 AM
To: Mendelman, Krista <Mendelman.Krista@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Bonifaci, Angela <Bonifaci.Angela@epa.gov>; Cox, Michael <Cox.Michael@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>
Subject: Briefing papers for OWW visit (almost all)

Here are the Climate Change and TRAR Issue Papers. I am finalizing the PS paper and will get that to you later this morning.

Thank you,
Peter

Peter Murchie, Manager
Puget Sound and National Estuary Programs
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murchie.peter@epa.gov
http://www.epa.gov/puget-sound

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 9/1/2016 3:49:12 PM
To: Allnutt, David [Allnutt.David@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]
Subject: ARU Hot Topics

This week:
None.

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

ARU briefing Dennis on additional options to address High Tide Line issue in Washington: The purpose of the meeting is to provide Dennis with additional options to address High Tide Line issue, if General Spellmon does not accept the EPA, Army Corps, Seattle District, and NOAA's joint recommendation to revise the Seattle District's interpretation of the High Tide Line used to determine Clean Water Act jurisdiction. Contacts: Michael Szerlog (3-0279) and Heather Dean (1-3490).

ARU Travel/Significant Leave: Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 8/31/2016 2:47:06 PM
To: Dean, Heather [Dean.Heather@epa.gov]
Subject: Re: Draft RA Briefing Paper

Send copy to Allnutt and Endre and Peter for their review. Let them know you need it by COB.

Sent from my iPhone

On Aug 31, 2016, at 7:29 AM, Dean, Heather <Dean.Heather@epa.gov> wrote:

> Good suggestions. Here's the updated version. What do I/we do with it now?
>
> **From:** Szerlog, Michael
> **Sent:** Wednesday, August 31, 2016 6:46 AM
> **To:** Dean, Heather <Dean.Heather@epa.gov>
> **Subject:** Re: Draft RA Briefing Paper
>
> In the spirit of cooperation, I agree with the joint recommendation and accept your definition of COB. :)
>
> Great job. Suggest you Deliberative Process / Ex. 5
>
> Deliberative Process / Ex. 5
>
> Sent from my iPhone
>
> On Aug 30, 2016, at 11:22 PM, Dean, Heather <Dean.Heather@epa.gov> wrote:
>
> > Jim Jacobson recently told me that "COB" meant before he got in the next morning. So, here's my first cut. Other than when I'm giving my presentation, I can find somewhere to sequester myself tomorrow, as necessary, to get it further along. I'll also need to find some time to massage it into one for HQ's upcoming visit.
> >
> > I'll be in around 7ish.
> >
> > <RA Briefing-HTL vs MHHW.docx>
>
> <RA Briefing-HTL vs MHHW.docx>

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 8/29/2016 8:21:23 PM
To: Mary Thiesing [Thiesing.Mary@epa.gov]
Subject: FW: ACTION: Preparation for HQ OW September visit; briefing papers - due COB 8/30; rough cut on mitigation briefing paper
Attachments: ARU_Mitigation_OW briefing_0816.doc

Importance: High

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Nadeau, Tracie
Sent: Thursday, August 25, 2016 2:43 PM
To: LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Storm, Linda <Storm.Linda@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: ACTION: Preparation for HQ OW September visit; briefing papers - due COB 8/30; rough cut on mitigation briefing paper
Importance: High

Good afternoon Matt and Linda,

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks,

-Tracie

Tracie-Lynn Nadeau, PhD | Environmental Scientist | office: 503.326.3685 | nadeau.tracie@epa.gov |
U.S. Environmental Protection Agency | Region 10 | mobile: 971.221.7914|
805 SW Broadway, Suite 500, Portland OR 97205 | fax: 503.326.3399 |

From: Nadeau, Tracie
Sent: Monday, August 15, 2016 12:54 PM
To: LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Storm, Linda <Storm.Linda@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Martin, Gayle <Martin.Gayle@epa.gov>; Thiesing, Mary <Thiesing.Mary@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: ACTION: Preparation for HQ OW September visit; briefing papers - due COB 8/30
Importance: High

Good afternoon folks,

As you may know, HQ OW (AA, office and division directors) is visiting R10 September 13 and 14.

While the visit agenda is not quite final, it is firm enough that it is timely to start putting together draft briefing papers for the topics listed below (due at HQ on 8/31, so please get them to Michael by **COB 8/30**).

I am attaching two briefing paper templates provided by HQ. My understanding from OWW is that briefing papers can be up to 2 pages, no longer. In preparing your briefing paper, you might consider: why are we presenting this issue to HQ? As an FYI, or is there an ask from HQ? Are there transition (post-election/new administration) concerns with this issue?

Additionally, some topics may be slated for presentation/discussion during the visit, these are also noted below as a heads up---we'll know more on expected presentations after the agenda is finalized and HQ has reviewed issue briefing papers. What I do understand is that HQ has sent a clear signal that they want less time spent on presentations and more time spent on discussion during their visit.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

If you have any questions, do feel free to reach out and I will answer them as I am able—I am Acting through 8/19.

-Tracie

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

CWA§404 Jurisdiction issue– clarification of High Tide Line in WA – Puget Sound (15 mins) – Heather
(10 minute presentation, 5 minute discussion)

- Interagency workgroup (EPA (404 and Puget Sound), NOAA, and Corps (Seattle District)) to evaluate what tidal datum or elevation to use for High Tide Line.
- Tribes raising this as a Treaty Rights at Risk issue. In addition, EarthJustice sent EPA a petition on the issue.
- Sea level rise and new science showing use of tidally-influenced shoreline habitat by forage fish warrant relook at current interpretation.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

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U.S. Environmental Protection Agency | Region 10 | mobile: 971.221.7914|
805 SW Broadway, Suite 500, Portland OR 97205 | fax: 503.326.3399 |

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 8/11/2016 11:58:13 PM
To: Nadeau, Tracie [Nadeau.Tracie@epa.gov]
Subject: RE: preparation for HQ OW visit

That is correct, however, some of these topics won't need presentations or we already have them done. Thanks again for your help. Much appreciated.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Nadeau, Tracie
Sent: Thursday, August 11, 2016 4:55 PM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: preparation for HQ OW visit

Michael,

Will move forward with this next week for certain. To clarify, we can put the briefing papers together now for an 8/31 deadline, but hold up on requesting presentation development until we are invited to provide a presentation on any of the covered topics—is this correct?

-Tracie

Tracie-Lynn Nadeau, PhD | Environmental Scientist | office: 503.326.3685 | nadeau.tracie@epa.gov |
U.S. Environmental Protection Agency | Region 10 | mobile: 971.221.7914|
805 SW Broadway, Suite 500, Portland OR 97205 | fax: 503.326.3399 |

From: Szerlog, Michael
Sent: Thursday, August 11, 2016 4:51 PM
To: Nadeau, Tracie <Nadeau.Tracie@epa.gov>
Subject: preparation for HQ OW visit

Tracie,

Hi. Looks like we can begin to put together two page briefing papers for the topics listed below (due to HQ by Aug 31st, so working on it next week would be timely). Krista Mendelman is looking into getting a template together, so you may want to check in with her next week. Also, ask Margo (BB) and Mary Anne (404q) to provide David Croxton a few bullets on the impacts large 404-related FOIAs have had on the Region. It's to help supplement what OWW is raising for HQ.

They were looking for possible 15 minute presentations to be given during a working lunch – one thought was Tribal Baseline Assessment/Cultural aspect of CEF. I told Dan/Christine we could send them a short PowerPoint for them to view and make a decision on. I think Annie has updated the presentation that Serina provided and maybe the two of you can make some edits to shorten and also emphasize importance of culture in developing and running Wetland Programs.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

CWA§404 Jurisdiction issue– clarification of High Tide Line in WA – Puget Sound (15 mins) – Heather
(10 minute presentation, 5 minute discussion)

- Interagency workgroup (EPA (404 and Puget Sound), NOAA, and Corps (Seattle District)) to evaluate what tidal datum or elevation to use for High Tide Line.
- Tribes raising this as a Treaty Rights at Risk issue. In addition, EarthJustice sent EPA a petition on the issue.
- Sea level rise and new science showing use of tidally-influenced shoreline habitat by forage fish warrant relook at current interpretation.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks

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Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 8/11/2016 8:47:06 PM
To: Allnutt, David [Allnutt.David@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]
CC: Mary Thiesing [Thiesing.Mary@epa.gov]; Tracie Nadeau [Nadeau.Tracie@epa.gov]
Subject: RE: ARU Hot Topics - correction

See below in red.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Szerlog, Michael
Sent: Thursday, August 11, 2016 12:10 PM
To: Allnutt, David <Allnutt.David@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>
Cc: Mary Thiesing <Thiesing.Mary@epa.gov>; Tracie Nadeau <Nadeau.Tracie@epa.gov>
Subject: ARU Hot Topics

This Week:

High Tide Line: Finalizing the document articulating EPA, Army Corps, Seattle District, and NOAA's joint recommendation to revise the Seattle District's interpretation of the "high tide line" used to determine Clean Water Act jurisdiction. Jim Jacobson, the chief of Seattle District's Water Management Section, is briefing COL Buck on August 12th before he meets with GEN Spellmon and Will Stelle on August 22nd for a NOAA/Corps meeting. According to Jim, they'll be covering other topics in addition to this one. Dennis will be calling into the meeting. Contacts: Michael Szerlog (3-0279) and Peter Murchie (3 - 1148).

Next Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

ARU Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks

Michael J. Szerlog, Manager
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1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 8/11/2016 7:10:09 PM
To: Allnutt, David [Allnutt.David@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]
CC: Mary Thiesing [Thiesing.Mary@epa.gov]; Tracie Nadeau [Nadeau.Tracie@epa.gov]
Subject: ARU Hot Topics

This Week:
High Tide Line: Finalizing the document articulating EPA, Army Corps, Seattle District, and NOAA's joint recommendation to revise the Seattle District's interpretation of the "high tide line" used to determine Clean Water Act jurisdiction. Jim Jacobson, the chief of Seattle District's Water Management Section, is briefing COL Buck on August 12th before he meets with GEN Spellmon and Will Stelle on August 22nd for a NOAA/Corps meeting. According to Jim, they'll be covering other topics in addition to this one. Dennis will be calling into the meeting. Contacts: Michael Szerlog (3-0279) and Peter Murchie (3 -1148).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

ARU Travel/Significant Leave:
Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks
Michael J. Szerlog, Manager
Aquatic Resources Unit
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Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 3/22/2016 2:37:32 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]

Subject: Declined: HOLD HTL Field Trip with Workgroup
Location: TBD

Start: 4/20/2016 7:00:00 AM
End: 4/21/2016 7:00:00 AM
Show Time As: Busy

Declining since it was moved to May.

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 5/2/2016 5:21:23 PM
To: Jennings, Marie [Jennings.Marie@epa.gov]
Subject: RE: Can you send me your notes?

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thursday, May 5th is the field visit for EPA staff working on High Tide Line issue. Planning on visiting a site in Tacoma, Seattle, and Tulalip Bay. All locations are near harmonic tide stations and are on public lands. Plan to map out MHHW, HPT, and HAT along with Ecology's OHWM location. Taking photos and filed measurements.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
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Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
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szerlog.michael@epa.gov

From: Jennings, Marie
Sent: Monday, May 02, 2016 9:35 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: Can you send me your notes?

Marie Jennings

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 4/28/2016 8:13:39 PM
To: Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: Practice field HTL in Seattle and Tacoma
Attachments: ATT46160

Susan,

Sorry, I have to attend a coordination meeting at 2:30 on the 5th. Do you think I could just visit one of the sites and then head back to the office? What does the itinerary look like?

Thanks

Michael J. Szerlog, Manager
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Seattle, Washington 98101
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szerlog.michael@epa.gov

From: Meyer, Susan
Sent: Thursday, April 28, 2016 11:06 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: Practice field HTL in Seattle and Tacoma

Yes, May 5 is the practice date. Heather cannot come and Endre responded yes, but we will see. Everyone could come but Heather, so I told her that we could do another short one when she can (she is out of the office much of May) with whomever else wants to go.

I will be sending out a more specific email later today about logistics, but consider it an all day affair. Not sure we'll be back by 3:45, but one of the cars could leave early or after the second site (there are 3 sites).

From: Szerlog, Michael
Sent: Thursday, April 28, 2016 10:47 AM
To: Meyer, Susan <meyer.susan@epa.gov>
Subject: RE: Practice field HTL in Seattle and Tacoma

Susan,

Can you confirm this date? Is Heather and Endre able to make it? What time do we anticipate leaving and being back? Looking forward to it.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
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(206) 553-0279
szerlog.michael@epa.gov
<< OLE Object: Picture (Device Independent Bitmap) >>

-----Original Appointment-----
From: Meyer, Susan
Sent: Friday, April 08, 2016 1:15 PM
To: Meyer, Susan; Dionne, Phillip E (DFW); Siwiec, Tim; Szerlog, Michael; Dean, Heather; Murchie, Peter; Szalay, Endre
Subject: Practice field HTL in Seattle and Tacoma
When: Thursday, May 05, 2016 8:00 AM-2:00 PM (UTC-08:00) Pacific Time (US & Canada).
Where: meet at either Tacoma or Seattle beach site

Hi All,

This date is an alternative to the May 10 or 11 dates I had you hold, because Phill Dionne can't make those two dates. Don't worry if you can't make this May 5 date. I will go out with Phill and hopefully Tim S. with the Trimble to see where on the Tacoma or Seattle Beaches the elevations line up and then when we all go out, we can hopefully see it together on May 10 or 11.
Thanks,
Susan Meyer

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 1/22/2016 12:04:42 AM
To: Donna Downing [Downing.Donna@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Goodin, John [Goodin.John@epa.gov]
Subject: High Tide Line issue
Attachments: Graphic-Corps Datums (with MHW)-updated 20 Jan 16.pptx; Summary-U.S. Tide Stations-21 Jan 16.xlsx; Q&A Support Doc-Updated 21 Jan 16.xlsx

Donna, Russ, and John,

Per the last manager weekly call, I let you all know that Heather Dean continues to work on the high tide line issue both regionally and nationally. Regionally, she and I are on a workgroup with the Puget Sound Program, the Seattle District, and the National Marine Fisheries Service to look into the high tide line issue in response to Treaty Rights at risk issues raised by tribes. Nationally, we continue to push the issue as we believe it needs to be resolved by HQ nationally address inconsistencies and provide clarity. Enclosed please find:

1) An pair of graphics reflecting the most up-to-date data on what we believe Corps Districts are using for their datum to determine High Tide Line. This tool could be used to communicate with Corps HQ.
2) A spreadsheet summarizing the tide station data or each state & the national totals/average; &
3) An updated Q&A support document reflecting this latest effort at data compilation.

Note: this info now reflects complete data sets for all but 2 of the 24 coastal states. AK & FL each have an inordinately high # of harmonic tide stations. We do have 20 & 24% of their stations, respectively, logged so far, which equates to more stations each than all but three other states.

Please let us know if you want to discuss further. If so, please include Heather Dean, Endre Szalay, and myself in your meeting invite.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 6/22/2016 3:44:40 PM
To: Allnutt, David [Allnutt.David@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]
Subject: ARU Hot Topics
Attachments: ATT36490

David and Linda,

Still need to get the number of Tribes from Linda/Annie, but they are in the field visiting a Tribe.

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line: OERA and Puget Sound staff are working with the Seattle District of the Corps of Engineers and NOAA to finalize a joint recommendation to revise the District's interpretation of the "high tide line" used to determine Clean Water Act jurisdiction. We intend to finalize our recommendations by June 30th. Contact: Michal Szerlog (3-0279) and Peter Murchie (3 -1148).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

ARU Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks
Michael J. Szerlog, Manager
Aquatic Resources Unit

Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
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Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 4/28/2016 5:47:28 PM
To: Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: Practice field HTL in Seattle and Tacoma
Attachments: ATT45650

Susan,

Can you confirm this date? Is Heather and Endre able to make it? What time do we anticipate leaving and being back? Looking forward to it.

Thanks

Michael J. Szerlog, Manager
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Environmental Protection Agency
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szerlog.michael@epa.gov

-----Original Appointment-----
From: Meyer, Susan
Sent: Friday, April 08, 2016 1:15 PM
To: Meyer, Susan; Dionne, Phillip E (DFW); Siwiec, Tim; Szerlog, Michael; Dean, Heather; Murchie, Peter; Szalay, Endre
Subject: Practice field HTL in Seattle and Tacoma
When: Thursday, May 05, 2016 8:00 AM-2:00 PM (UTC-08:00) Pacific Time (US & Canada).
Where: meet at either Tacoma or Seattle beach site

Hi All,

This date is an alternative to the May 10 or 11 dates I had you hold, because Phill Dionne can't make those two dates. Don't worry if you can't make this May 5 date. I will go out with Phill and hopefully Tim S. with the Trimble to see where on the Tacoma or Seattle Beaches the elevations line up and then when we all go out, we can hopefully see it together on May 10 or 11.
Thanks,
Susan Meyer

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 1/20/2016 8:55:23 PM
To: Meyer, Susan [meyer.susan@epa.gov]

Subject: Accepted: Discussion on HTL/shoreline protection prior to 1/27 Corps phone call
Location: R10Sea-Room-19Orca/R10-Rooms-Service-Center

Start: 1/26/2016 10:00:00 PM
End: 1/26/2016 11:00:00 PM
Show Time As: Busy

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 8/9/2016 6:08:09 PM
To: Allnutt, David [Allnutt.David@epa.gov]
CC: Heather Dean [Dean.Heather@epa.gov]
Subject: FW: Document
Attachments: HTL Report-Final Draft (003) Dredged Material Management w JB.pdf

David,

Good comment. After checking, it sounds like the Corps added the DMMP section, but they did not coordinate with our folks. I put a call into Jim Jacobson to discuss and suggest removing or using generic language. If he still wants to keep it, I would recommend changes provided by Justine.

Thanks

Michael J. Szerlog, Manager
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Environmental Protection Agency
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Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Barton, Justine
Sent: Tuesday, August 09, 2016 10:54 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Hoffman, Erika <Hoffman.Erika@epa.gov>
Subject: RE: Document

Deliberative Process / Ex. 5

Justine Barton | U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue ms OERA 202-3 | Seattle, WA 98101 | 206.553.6051 | barton.justine@epa.gov

From: Szerlog, Michael
Sent: Tuesday, August 09, 2016 8:46 AM
To: Barton, Justine <Barton.Justine@epa.gov>
Subject: Document

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
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Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 6/22/2016 2:31:02 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]

Subject: Accepted: HTL EPA Team Huddle
Location: Peter's Office - can call folks as needed

Start: 6/24/2016 5:30:00 PM
End: 6/24/2016 6:00:00 PM
Show Time As: Busy

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 1/20/2016 6:02:59 PM
To: Dean, Heather [Dean.Heather@epa.gov]
Subject: RE: Updated HTL Graphics

Thanks. I like slide #3. Let's use that one.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Dean, Heather
Sent: Wednesday, January 20, 2016 8:30 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: Updated HTL Graphics

Good morning. In this attachment, Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Do you think that makes the bar graph slide too busy, or do you prefer having that extra info? (I think adding all of the #'s to the bar graphs would definitely be too much.)

Message

From: Szerlog, Michael [Szerlog.Michael@epa.gov]
Sent: 4/26/2016 10:58:26 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]
Subject: Re: Will 4:30 work got HTL?

You can try my cell, but I may not be able to talk if still on train.

Sent from my iPhone

> On Apr 26, 2016, at 3:43 PM, Murchie, Peter <Murchie.Peter@epa.gov> wrote:
>
> Workshop running long here and hoping Michael can make it.
> Peter
>
> Peter Murchie
> Manager
> Puget Sound and NEP Programs
> USEPA Region 10
> murchie.peter@epa.gov
> 206-553-1148 w
> 206-419-0804 c

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 11/29/2016 10:53:23 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]
Subject: RE: CEQ in town next Wed would like a briefing on the HTL work/recommendation

Peter,

I have a meeting that I am leading at that time, but could try to reschedule if we can find out by end of week if this time would work for the Corps.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Murchie, Peter
Sent: Tuesday, November 29, 2016 8:28 AM
To: Jacobson, James R NWS <James.R.Jacobson@usace.army.mil>
Cc: Dean, Heather <Dean.Heather@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>; Elizabeth Babcock - NOAA Federal <elizabeth.babcock@noaa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Kopecky, Steven A. EOP/CEQ EOP / Ex. 6 Winkler, Jessica NWS <Jessica.G.Winkler@usace.army.mil>; 'frances.morris@usace.army.mil' <frances.morris@usace.army.mil>; Szalay, Endre <Szalay.Endre@epa.gov>
Subject: CEQ in town next Wed would like a briefing on the HTL work/recommendation

Jim,
Steve Kopecky from CEQ is in Seattle this coming Wednesday the 2nd and would like to have an in person briefing on our shared recommendation.

We were hoping the team was available on Wednesday morning say 9am and you could host at USACE? I would think an hour would do.

Would that work for everyone?

Thank you,
Peter

Peter Murchie, Manager
Puget Sound and National Estuary Programs
U.S. EPA, Region 10

1200 Sixth Avenue
Seattle, Washington 98101-3140
(206) 553-1148
murchie.peter@epa.gov
http://www.epa.gov/puget-sound

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 4/26/2016 10:43:23 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]

Subject: Declined: HTL Next Steps
Location: David's Office (may have to call Peter on his cell)

Start: 4/26/2016 11:30:00 PM
End: 4/27/2016
Show Time As: Busy

Peter, I have to leave in 3 minutes. Sorry. I do want to have a conversation. I shared the letter with HQ and hope to connect back with them in the next few days.

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 11/22/2016 9:48:54 PM
To: Heather Dean [Dean.Heather@epa.gov]; Peak, Tracy [Peak.Tracy@epa.gov]

Subject: Jurisdiction Team meeting
Location: Michael will initiate call with Heather and Tracy

Start: 11/30/2016 6:00:00 PM
End: 11/30/2016 7:00:00 PM
Show Time As: Tentative

Afternoon Jurisdiction team,

Per our training workshop, I am starting to schedule meetings with each team. I would like to use this time to accomplish the following tasks:

1. Discuss roles and responsibilities
2. Begin to flush out work plan for remainder of the fiscal year and beyond
3. Prepare to discuss planning for possible next steps for High Tide Line and maintenance of ARU mailbox

Let's use Adobe Connect as well as phone line to have virtual meeting.

Conference Line/Code / Ex. 6

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 2/24/2016 11:46:51 PM
To: Dean, Heather [Dean.Heather@epa.gov]
Subject: RE: High Tide Line Discussion

Personal Matters / Ex. 6 It was the first time that everyone was available to attend. Fingers crossed.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

-----Original Appointment-----
From: Dean, Heather
Sent: Wednesday, February 24, 2016 3:41 PM
To: Szerlog, Michael
Subject: Tentative: High Tide Line Discussion
When: Monday, March 07, 2016 8:00 AM-9:00 AM (UTC-08:00) Pacific Time (US & Canada).
Where: Conference Line: Conference Line/Code / Ex. 6 and Adobe Connect

Personal Matters / Ex. 6

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 2/24/2016 11:02:03 PM
To: Goodin, John [Goodin.John@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]; Heather Dean [Dean.Heather@epa.gov]; Downing, Donna [Downing.Donna@epa.gov]

Subject: High Tide Line Discussion
Location: Conference Line: Conference Line/Code / Ex. 6 and Adobe Connect

Start: 3/7/2016 4:00:00 PM
End: 3/7/2016 5:00:00 PM
Show Time As: Tentative

Outcome: To inform HQ on the progress made to date to address High Tide Line definition and to agree on a path forward for EPA HQ to discuss with Corps HQ.

DRAFT **Agenda:**
Legal review of Corps definition– Endre Szalay
Review of technical information gathered to date including available datums – Heather Dean
Describe efforts with Seattle District to relook at which datum to use for determining High Tide – Michael Szerlog
Q&A – HQ
Discussion and Next Steps – All

Adobe Connect: **Adobe Connect link / Ex. 6**

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 1/12/2016 7:30:27 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]

Subject: Accepted: Mtg with Army Corps/NOAA/EPA Shoreline Protection/High Tide Line
Location: Phone - Conference Line/Code / Ex. 6

Start: 1/15/2016 6:00:00 PM
End: 1/15/2016 7:00:00 PM
Show Time As: Busy

Will try to call in, Personal Matters / Ex. 6 Hopefully I can.

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 4/25/2016 4:19:18 PM
To: Jennings, Marie [Jennings.Marie@epa.gov]
Subject: hot topics

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Northwest Indian Fish Commission: Sent letter to Gina and Dennis – asking EPA to require Corps to use Highest Astronomical Tide for jurisdiction – high tide line – to protect marine shorelines.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 1/12/2016 6:32:39 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]

Subject: Accepted: HOLD mtg with ACE/NOAA Shoreline Prot/HAT
Location: Phone - Conference Line/Code / Ex. 6 sec code Conference Line/Code / Ex. 6

Start: 1/15/2016 6:00:00 PM
End: 1/15/2016 7:00:00 PM
Show Time As: Busy

Peter, Personal Matters / Ex. 6 but willing to call in for the meeting. Also, suggest we not use HAT, but High Tide Line. Thanks for coordinating.

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 10/5/2016 6:42:15 PM
To: Heather Dean [Dean.Heather@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]
Subject: NWP 2012 language

Heather and Endre,

Was looking at for another purpose, but found these definitions on Seattle District's website for 2012 NWPs. I think we knew about the HTL definition being listed there, but not the non-tidal wetland definition and the parenthetical within? See below.

> High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

> Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. The definition of a wetland can be found at 33 CFR 328.3(b). Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Thanks

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szerlog.michael@epa.gov

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 7/21/2016 5:36:31 PM
To: Allnutt, David [Allnutt.David@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]
Subject: ARU Hot Topics

This Week:
High Tide Line: OERA and Puget Sound staff are providing final comments on the joint recommendation to revise the Seattle District's interpretation of the "high tide line" used to determine Clean Water Act jurisdiction. EPA, Army Corps, Seattle District, and NOAA are submitting comments on the final recommendation by close of business today. EPA's has offered up our graphic specialist to help make the document "camera ready". Kevin will be working on the document next week. Contact: Michael Szerlog (3-0279) and Peter Murchie (3 -1148).

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

ARU Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks
Michael J. Szerlog, Manager
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Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 6/13/2016 4:18:41 PM
To: Jennings, Marie [Jennings.Marie@epa.gov]
Subject: ARU Hot topics

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

3) High Tide Line face to face meeting on June 15th with Corps and NMFS. Michael Szerlog, Heather Dean, Peter Murchie, Susan Meyer, and Endre Szalay will be attending

Thanks

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Environmental Protection Agency
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(206) 553-0279
szerlog.michael@epa.gov

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 10/3/2016 2:27:00 PM
To: Bonifacino, Gina [Bonifacino.Gina@epa.gov]

Subject: Accepted: Teleconference: Shared State Fed priorities for Puget Sound: Discussion on High Tide Line
Location: Teleconference line Conference Line/Code / Ex. 6 conference code = Conference Line/Code / Ex. 6

Start: 10/5/2016 8:00:00 PM
End: 10/5/2016 9:00:00 PM
Show Time As: Busy

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 8/8/2016 4:27:22 PM
To: Jennings, Marie [Jennings.Marie@epa.gov]
Subject: ARU hot topics

High Tide Line Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Jim Jacobson, the chief of Seattle District's Water Management Section, is briefing COL Buck on August 12th before he meets with GEN Spellmon and Will Stelle on August 22nd for a NOAA/Corps meeting. Front office is working to see if Dennis can call into that part of the meeting. Michael Szerlog (3-0279) and Peter Murchie (3 -1148).

- Briefing today at 10:00 for EPA HQ Wetland Program.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks

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szerlog.michael@epa.gov

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 4/8/2016 8:19:54 PM
To: Meyer, Susan [meyer.susan@epa.gov]

Subject: Accepted: Practice field HTL in Seattle and Tacoma
Location: meet at either Tacoma or Seattle beach site

Start: 5/5/2016 3:00:00 PM
End: 5/5/2016 9:00:00 PM
Show Time As: Busy

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 9/22/2016 6:08:01 PM
To: Allnutt, David [Allnutt.David@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]
Subject: ARU Hot Topics

This week:

None

Upcoming:

High Tide Line interagency work group met on Sept 21st to address questions raised by Army Corps General Spellmon: The meeting focused on progress made to address questions posed by General Spellmon. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 The team is also modifying tables, figures, photos, and graphs. We anticipate these revisions would be completed by end of October. Contacts: Michael Szerlog (3-0279) and Heather Dean (1-3490).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

ARU Travel/Significant Leave: Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks

Michael J. Szerlog, Manager
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Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 8/8/2016 3:59:34 PM
To: Dean, Heather [Dean.Heather@epa.gov]
Subject: RE: Final HTL Report
Attachments: HTL Report-Final Draft. MJS comments.pdf

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
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1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Dean, Heather
Sent: Friday, August 05, 2016 3:05 PM
Subject: Final HTL Report

Hi, everyone.

We've received the draft final HTL report from our graphics guy. Jim asked me to post it & let everyone know it's ready for final review. The thing is I've lost access to the SharePoint site, as have the other EPA folks I can reach this afternoon, so I'm here it is via e-mail. Jim asks that your review abide by the following stipulations:

1) Comments in NLT COB on Monday (8 Aug); &
2) Comments strictly limited to major errors or erroneous information, with no further editing of style & the like.

I believe I've included the entire team, so please don't forward this to anyone.

Thanks,

Heather

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 8/8/2016 2:12:41 PM
To: Goodin, John [Goodin.John@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Heather Dean [Dean.Heather@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]; Downing, Donna [Downing.Donna@epa.gov]; Miller, Clay [Miller.Clay@epa.gov]
CC: Murchie, Peter [Murchie.Peter@epa.gov]

Subject: High Tide Line briefing for HQ (added Adobe Connect link)
Attachments: ATT68048
Location: Conference Line/Code / Ex. 6

Start: 8/8/2016 5:00:00 PM
End: 8/8/2016 6:00:00 PM
Show Time As: Tentative

Deliberative Process / Ex. 5

Adding Adobe Connect link so we can share graphs, photos, etc.: Adobe Connect link / Ex. 6

Thanks

Michael J. Szerlog, Manager
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szerlog.michael@epa.gov

Message

From: Szerlog, Michael [Szerlog.Michael@epa.gov]
Sent: 5/24/2016 3:16:19 AM
To: Dean, Heather [Dean.Heather@epa.gov]
Subject: Re: Schedule

FYI - cell coverage here is spotty, so may not be able to send info. Will let you know. FYI - cardinals galore!

Sent from my iPhone

On May 23, 2016, at 2:48 PM, Dean, Heather <Dean.Heather@epa.gov> wrote:

> Yes, please. Thanks....
>
> **From:** Szerlog, Michael
> **Sent:** Thursday, May 19, 2016 1:57 PM
> **To:** Dean, Heather <Dean.Heather@epa.gov>
> **Subject:** RE: Schedule
>
> I asked Peter or David to get back to you Personal Matters / Ex. 6 Can I text you after the Red Heinen award winner is announced? Mary Anne wanted to so she could congratulate the winner.
>
> Thanks
> *Michael J. Szerlog*, Manager
> Aquatic Resources Unit
> Office of Environmental Review and Assessment
> Environmental Protection Agency
> 1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
> Seattle, Washington 98101
> (206) 553-0279
> szerlog.michael@epa.gov
> <image001.gif>
>
> > **From:** Dean, Heather
> > **Sent:** Thursday, May 19, 2016 10:53 AM
> > **To:** Szerlog, Michael <Szerlog.Michael@epa.gov>
> > **Subject:** Schedule
> >
> > Hi.
> >
> > Susan wants to do another practice run on the HTL field visit next week. Normally, I would be teleworking Monday & Tuesday & in Seattle on Wednesday & Thursday, Personal Matters / Ex. 6 Personal Matters / Ex. 6 I need to be in Seattle Monday & Tuesday & telework Wednesday & Thursday. I'll go out with Susan on Monday; she can't make it on Tuesday.
> >
> > Please let me know before Sunday if I end up being on the list to attend the briefing on Monday, so I can bring a change of clothes.
> >
> > Thanks,

Heather

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 9/24/2015 5:26:50 PM
To: Dean, Heather [Dean.Heather@epa.gov]
Subject: RE: Sounds like you can't receive IMs

OK. Talk later…

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
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1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Dean, Heather
Sent: Thursday, September 24, 2015 10:25 AM
To: Szerlog, Michael
Subject: RE: Sounds like you can't receive IMs

Deliberative Process / Ex. 5

From: Szerlog, Michael
Sent: Thursday, September 24, 2015 10:22 AM
To: Dean, Heather
Subject: RE: Sounds like you can't receive IMs

HTL.. need to do a download to HQ in one minute

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
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Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Dean, Heather
Sent: Thursday, September 24, 2015 10:22 AM
To: Szerlog, Michael
Subject: RE: Sounds like you can't receive IMs

On HTL or IMs? (I got your earlier one.)

From: Szerlog, Michael
Sent: Thursday, September 24, 2015 10:20 AM
To: Dean, Heather
Subject: Sounds like you can't receive IMs

Can you elaborate.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
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Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 8/5/2016 3:13:51 PM
To: Goodin, John [Goodin.John@epa.gov]
Subject: FW: High Tide Line briefing for HQ

John,

Morning and happy Friday.

Some feedback: It's real tough to schedule meetings when your folks do not update their calendars, or mark those days as "out of office". Donna's calendar shows that she is available the week of the 8th, but her out of office reply says otherwise. Regardless, the meeting is really for you and Russ so you can communicate with Corps HQ.

Thanks

Michael J. Szerlog, Manager
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1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Downing, Donna
Sent: Friday, August 05, 2016 8:08 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: Automatic reply: High Tide Line briefing for HQ

Personal Matters / Ex. 6 I'll get back to you upon my return. If you'd like to speak with someone sooner, please contact my colleague Russ Kaiser at kaiser.russell@epa.gov or (202) 566-0963. Thanks!

-- Donna

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 9/21/2016 2:45:56 PM
To: Murchie, Peter [murchie.peter@epa.gov]
Subject: Briefing Paper for Dennis-High Tide Line
Attachments: RA Briefing-HTL vs MHHW-final.docx

Thanks

Michael J. Szerlog, Manager
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Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 5/19/2016 8:57:28 PM
To: Dean, Heather [Dean.Heather@epa.gov]
Subject: RE: Schedule

I asked Peter or David to get back to you Personal Matters / Ex. 6 Can I text you after the Red Heinen award winner is announced? Mary Anne wanted to so she could congratulate the winner.

Thanks

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1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Dean, Heather
Sent: Thursday, May 19, 2016 10:53 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: Schedule

Hi.

Susan wants to do another practice run on the HTL field visit next week. Normally, I would be teleworking Monday & Tuesday & in Seattle on Wednesday & Thursday, Personal Matters / Ex. 6 Personal Matters / Ex. 6 I need to be in Seattle Monday & Tuesday & telework Wednesday & Thursday. I'll go out with Susan on Monday; she can't make it on Tuesday.

Please let me know before Sunday if I end up being on the list to attend the briefing on Monday, so I can bring a change of clothes.

Thanks,

Heather

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 8/5/2016 3:08:09 PM
To: Goodin, John [Goodin.John@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Heather Dean [Dean.Heather@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]; Downing, Donna [Downing.Donna@epa.gov]; Miller, Clay [Miller.Clay@epa.gov]
CC: Murchie, Peter [Murchie.Peter@epa.gov]

Subject: High Tide Line briefing for HQ
Attachments: ATT45031
Location: Conference Line/Code / Ex. 6

Start: 8/8/2016 5:00:00 PM
End: 8/8/2016 6:00:00 PM
Show Time As: Tentative

Deliberative Process / Ex. 5

We will send a link to Adobe Connect soon so we can run through some key slides during this meeting.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 9/21/2016 2:45:44 PM
To: Murchie, Peter [murchie.peter@epa.gov]
Subject: Last Draft of HTL report
Attachments: federalshorelinehabitat FINAL-11 Aug 16.pdf

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 5/19/2016 8:42:34 PM
To: Allnutt.David@epamail.epa.gov
CC: Tyson, Linda [Tyson.Linda@epa.gov]; Kelly, Christine [kelly.christinen@epa.gov]
Subject: FW: The NWIFC response, with a couple of John Goodin edits
Attachments: Rsp to NWIFC-MSESDD w JG edits added.docx

David,

Here is the revised letter with HQ input and with comments from Endre and myself. Heather made most of the other changes, but left some of these in for your consideration. Let me know if you want me to clean it up or if you want to accept and or delete yourself before sending to Linda for formatting prior to signature. Reminder the due date in CMS is May 23rd.

Linda,

Reminder to make changes to the header (use OERA now) and David's signature block.

Thanks

Michael J. Szerlog, Manager
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1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Downing, Donna
Sent: Thursday, May 19, 2016 1:18 PM
To: Szalay, Endre <Szalay.Endre@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>
Cc: Goodin, John <Goodin.John@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: The NWIFC response, with a couple of John Goodin edits

Hi Michael, Heather, and Endre:

Attached is the NWIFC response regarding HTL, with a couple of edits from John Goodin. They'll electronically look as if they're mine, since I got edits from John in hardcopy. Please let either John or I know if you have any comments. The general consensus here from John, Russ, and me: "Nice letter!"

Thanks for the chance to review.

Donna

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 2/5/2016 12:18:38 AM
To: Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; David Allnutt [Allnutt.David@epa.gov]
Subject: ARU hot topics

Upcoming:
ARU will be attending an Interagency meeting (EPA/Corps/NMFS) to discuss High Tide Line on February 10, 2016: Jim Jacobson, Chief, Natural Resources Mgmt. Section, U.S. Army Corps of Engineers - Seattle District is leading this effort for Colonel Buck. EPA's Puget Sound Program, the Aquatic Resources Unit, and Office of Regional Counsel are involved from EPA. This meeting will be the first face to face meeting for the team, with the main goal being to get the team together to hear from the technical and legal subgroups, made up of representatives from each agency, present on technical and legal information about high tide line to the larger group in order to have a common understanding (M. Szerlog, 3-0279)

ARU Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks
Michael J. Szerlog, Manager
Aquatic Resources Unit
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Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 7/17/2015 8:53:16 PM
To: Christensen, Damaris [Christensen.Damaris@epa.gov]

Subject: Accepted: discussion of Earthjustice request and HTL
Location: DCRoomWest7129/DC-CCW-OWOW

Start: 7/23/2015 4:30:00 PM
End: 7/23/2015 5:00:00 PM
Show Time As: Busy

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 9/15/2016 7:42:19 PM
To: Allnutt, David [Allnutt.David@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]
CC: Mary Thiesing [Thiesing.Mary@epa.gov]
Subject: RE: ARU Hot Topics

Revision below in Red. Linda Storm asking to see if there is time late Monday to brief you. Personal Matters / Ex. 6 Personal Matters / Ex. 6 Sounds like the meeting on next Friday is with Joel and the General, not the full interagency meeting. That is scheduled for the 28th.

Thanks

Michael J. Szerlog, Manager
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Office of Environmental Review and Assessment
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Seattle, Washington 98101
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szerlog.michael@epa.gov

From: Szerlog, Michael
Sent: Thursday, September 15, 2016 7:21 AM
To: Allnutt, David <Allnutt.David@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>
Cc: Mary Thiesing <Thiesing.Mary@epa.gov>
Subject: ARU Hot Topics

This week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

High Tide Line interagency work group convening again to address questions raised by Army Corps General Spellmon: The meeting is scheduled for Wednesday, September 21st to discuss progress on addressing questions posed by General Spellmon including Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 We anticipate these revisions would be completed by end of October. Contacts: Michael Szerlog (3-0279) and Heather Dean (1-3490).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

ARU Travel/Significant Leave: **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line**

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 7/16/2015 2:16:30 PM
To: Christensen, Damaris [Christensen.Damaris@epa.gov]

Subject: Accepted: discussion of Earthjustice request and HTL
Location: DCRoomWest7201/DC-CCW-OWOW

Start: 7/23/2015 3:30:00 PM
End: 7/23/2015 4:00:00 PM
Show Time As: Busy

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 5/18/2016 2:33:06 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]

Subject: Accepted: Prep meeting for HTL
Location: Conference Line/Code / Ex. 6

Start: 5/18/2016 3:30:00 PM
End: 5/18/2016 4:00:00 PM
Show Time As: Busy

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 9/15/2016 2:21:15 PM
To: Allnutt, David [Allnutt.David@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]
CC: Mary Thiesing [Thiesing.Mary@epa.gov]
Subject: ARU Hot Topics

This week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

High Tide Line interagency work group convening again to address questions raised by Army Corps General Spellmon: **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5. We anticipate these revisions would be completed by end of October. Contacts: Michael Szerlog (3-0279) and Heather Dean (1-3490).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

ARU Travel/Significant Leave: **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line**

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 2/1/2016 8:58:28 PM
To: Allnutt, David [Allnutt.David@epa.gov]
CC: Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]
Subject: RE: ETPA Hot Topics

OK got it.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
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Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Allnutt, David
Sent: Monday, February 01, 2016 9:39 AM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>
Subject: RE: ETPA Hot Topics

If I'm understanding the direction from the RA's office correctly, "This Week" means the week that the Hot Topics report is reporting on – i.e. the week following the date the report is submitted. Hence the NWP meeting is occurring "This Week" (the week of Feb. 1), and the HTL issue is "Upcoming" because there are no further meetings anticipated until Feb. 10. The overarching goal is to report on things that are coming up rather than on things that have occurred. Make sense?

R. David Allnutt, Director
Office of Ecosystems, Tribal and Public Affairs
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

From: Szerlog, Michael
Sent: Thursday, January 28, 2016 6:06 PM
To: Allnutt, David <Allnutt.David@epa.gov>

Cc: Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>
Subject: Re: ETPA Hot Topics

Not sure if it matters, but the NWP meeting is upcoming and the High tide line meeting happened this week.

Sent from my iPhone

On Jan 28, 2016, at 5:42 PM, Allnutt, David <Allnutt.David@epa.gov> wrote:

For the week of February 1, 2016

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line Discussions with Seattle District: On January 27, Region 10 staff from ETPA, OWW, and ORC attended an interagency kick-off conference call with the Army Corps of Engineers-Seattle District and NMFS-Fisheries Division on efforts to clarify determination of the "high tide line" for CWA § 404 purposes in Washington state. Jim Jacobson, Chief of the Corps' Natural Resources Mgmt. Section facilitated the call and is leading the effort for Colonel Buck. Major outcomes included: (1) agreement on a scope of work and the development of a project management plan with action items; (2) agreement that NOAA would provide a scientific representative from their Oceans Section; and (3) the development of both a technical and legal subgroup with representatives from each agency to begin to work on some action items and be ready to present during the February 10th face-to-face meeting at the Corps-Seattle District office. Contact: M. Szerlog (3-0279).

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

<image009.png>

R. David Allnutt, Director
Office of Ecosystems, Tribal and Public Affairs
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

<image003.png> <image004.png> <image005.png> <image006.png> <image007.png><image008.png>

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 9/16/2015 2:51:40 PM
To: David Allnutt [Allnutt.David@epa.gov]
Subject: FW: HTL Options Paper
Attachments: Determining High Tide Line.docx

FYI – per our conversation.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Dean, Heather
Sent: Monday, September 14, 2015 10:50 AM
To: Szerlog, Michael
Subject: HTL Options Paper

Forgot to attached the revised version when I responded earlier.

Message

From: Szerlog, Michael [Szerlog.Michael@epa.gov]
Sent: 1/29/2016 9:54:35 PM
To: Nadeau, Tracie [Nadeau.Tracie@epa.gov]
Subject: Fwd: ARU Hot Topics- REVISED

Sent from my iPhone

Begin forwarded message:

From: "Szerlog, Michael" <Szerlog.Michael@epa.gov>
Date: January 28, 2016 at 12:50:27 PM PST
To: David Allnutt <Allnutt.David@epa.gov>, "Anderson-Carnahan, Linda" <Anderson-Carnahan.Linda@epa.gov>
Subject: RE: ARU Hot Topics- REVISED

I added the text in blue.

Thanks
Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Szerlog, Michael
Sent: Thursday, January 28, 2016 11:27 AM
To: David Allnutt <Allnutt.David@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>
Subject: ARU Hot Topics

This Week:
ARU attended an Interagency kick-off conference call on January 27, 2016 with EPA – Puget Sound Program, Corps-Seattle District, and NMFS – Fisheries Division on High Tide Line: Jim Jacobson, Chief, Natural Resources Mgmt. Section, U.S. Army Corps of Engineers - Seattle District facilitate the call and is leading the effort for Colonel Buck. EPA's Puget Sound Program, the Aquatic Resources Unit, and Office of Regional Counsel were involved. Major outcomes included: 1) the agreement of a scope of work and the development of a project management plan with action items; 2) the agreement that NOAA would provide a scientific representative from their Oceans Section; and 3) the development of both a technical and legal subgroup with representatives from each agency to begin to work on some action items and be ready to

present during the February 10th face-to-face meeting at the Corps-Seattle District office. (M. Szerlog, 3-0279)

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

ARU Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
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Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Szerlog, Michael
Sent: Thursday, January 21, 2016 8:55 AM
To: David Allnutt <Allnutt.David@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>
Subject: ARU Hot Topics

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
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Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Szerlog, Michael [Szerlog.Michael@epa.gov]
Sent: 1/29/2016 2:13:18 AM
To: Littleton, Christine [Littleton.Christine@epa.gov]
Subject: Fwd: ETPA Hot Topics

So, looks like the bosses are gone tomorrow. May want to correct the hot topics. See below. I will be in HS training all day tomorrow.

Sent from my iPhone

Begin forwarded message:

> **From:** "Szerlog, Michael" <Szerlog.Michael@epa.gov>
> **Date:** January 28, 2016 at 6:05:44 PM PST
> **To:** "Allnutt, David" <Allnutt.David@epa.gov>
> **Cc:** "Anderson-Carnahan, Linda" <Anderson-Carnahan.Linda@epa.gov>
> **Subject: Re: ETPA Hot Topics**
>
> Not sure if it matters, but the NWP meeting is upcoming and the High tide line meeting happened this week.
>
> Sent from my iPhone
>
> On Jan 28, 2016, at 5:42 PM, Allnutt, David <Allnutt.David@epa.gov> wrote:
>
>> **For the week of February 1, 2016**
>>
>> **This Week:**
>>
>> **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line**
>>
>> **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line**
>>
>> **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line**

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line Discussions with Seattle District: On January 27, Region 10 staff from ETPA, OWW, and ORC attended an interagency kick-off conference call with the Army Corps of Engineers-Seattle District and NMFS-Fisheries Division on efforts to clarify determination of the "high tide line" for CWA § 404 purposes in Washington state. Jim Jacobson, Chief of the Corps' Natural Resources Mgmt. Section facilitated the call and is leading the effort for Colonel Buck. Major outcomes included: (1) agreement on a scope of work and the development of a project management plan with action items; (2) agreement that NOAA would provide a scientific representative from their Oceans Section; and (3) the development of both a technical and legal subgroup with representatives from each agency to begin to work on some action items and be ready to present during the February 10th face-to-face meeting at the Corps-Seattle District office. Contact: M. Szerlog (3-0279).

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

<image009.png>

R. David Allnutt, Director
Office of Ecosystems, Tribal and Public Affairs
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Seattle, Washington 98101-3140
(206) 553-2581

<image003.png> <image004.png> <image005.png> <image006.png> <image007.png><image008.png>

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 1/25/2016 3:29:02 PM
To: David Allnutt [Allnutt.David@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]
Subject: ARU Hot topic for today

I will be at the Travel Lean kick-off meeting and will miss ETPA hot issues meeting. Here are my hot issues:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Interagency kick-off conference call with EPA, Corps-Seattle District, and NMFS on High Tide Line scheduled for Wednesday: Jim Jacobson, Chief, Natural Resources Mgmt. Section, U.S. Army Corps of Engineers - Seattle District is leading the effort. EPA's Puget Sound Program and the Aquatic Resources Unit are involved.

Thanks

Michael J. Szerlog, Manager
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1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 6/27/2016 4:23:41 PM
To: Jennings, Marie [Jennings.Marie@epa.gov]
Subject: Notes

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

ARU/Puget Sound Team to complete edits to High Tide Line report today. Corps/NOAA/EPA hope to have report finalized by June 30th.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

ng

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 6/24/2016 4:06:23 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]

Subject: Accepted: HTL EPA Team Huddle
Location: Peter's Office - can call folks as needed

Start: 6/24/2016 8:00:00 PM
End: 6/24/2016 8:30:00 PM
Show Time As: Busy

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 6/24/2016 3:18:46 PM
To: Murchie, Peter [Murchie.Peter@epa.gov]

Subject: Accepted: HTL EPA Team Huddle
Location: Peter's Office - can call folks as needed

Start: 6/24/2016 7:30:00 PM
End: 6/24/2016 8:00:00 PM
Show Time As: Busy

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 7/13/2015 2:32:07 PM
To: Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]; Bonifaci, Angela [Bonifaci.Angela@epa.gov]; Rylko, Michael [Rylko.Michael@epa.gov]; Byron, Carrie [Byron.Carrie@epa.gov]; Heather Dean [Dean.Heather@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]; Mary Thiesing [Thiesing.Mary@epa.gov]
BCC: R10Sea-Room-21Nisqually-Expand/R10-Rooms-Service-Center [R10Sea-Room-21Nisqually-Expand@epa.gov]; R10Sea-ConfLineMM-Conference Line/Code / Ex. 6 [R10Sea-ConfLineMM-Conference Line/Code / Ex. 6

Subject: Discuss next steps regarding Earthjustice Petition
Attachments: Earthjustice Petition re High Tide Line and Request for JD (July 24, 201....pdf
Location: R10Sea-Room-21Nisqually-Expand/R10-Rooms-Service-Center; R10Sea-ConfLineMM-Conference Line/Code / Ex. 6

Start: 7/13/2015 3:00:00 PM
End: 7/13/2015 4:00:00 PM
Show Time As: Tentative

Conference code will be Conference Line/Code / Ex. 6

Draft Agenda (we may need to rebuild it at beginning of meeting)

1) Brief review of Petition to understand request - all
2) Discuss legal issues – Cara/Endre
3) Discuss options regarding responding/not responding – Linda AC, Angela, Michael Sz.
4) What is the Corps doing? – Michael Sz.
5) Next steps – Linda AC

Earthjustice Petition re High T...

Message

From: Szerlog, Michael [Szerlog.Michael@epa.gov]
Sent: 6/23/2016 1:17:17 AM
To: Allnutt, David [Allnutt.David@epa.gov]
Subject: Re: OERA Hot Topics

Suggest sending as bcc that way people can't respond to all. Thanks for doing this.

Sent from my iPhone

On Jun 22, 2016, at 5:56 PM, Allnutt, David <Allnutt.David@epa.gov> wrote:

OERA – At the request of our office's management team, I plan to distribute OERA's weekly hot topics submission to each of you beginning with this week's installment. I hope you find these reports informative about some of the many activities being led by staff in our office. Please direct any complaints regarding the additional Outlook inbox loading caused by this decision to your unit manager.

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

<Picture (Device Independent Bitmap) 1.jpg>

<Picture (Device Independent Bitmap) 2.jpg> <Picture (Device Independent Bitmap) 3.jpg> <Picture (Device Independent Bitmap) 4.jpg> <Picture (Device Independent Bitmap) 5.jpg> <Picture (Device Independent Bitmap) 6.jpg> <Picture (Device Independent Bitmap) 7.jpg>

From: Allnutt, David
Sent: Wednesday, June 22, 2016 5:42 PM
To: R10-ORA <R10-ORA@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Werntz, James <Werntz.James@epa.gov>; Soderlund, Dianne <Soderlund.Dianne@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>
Subject: OERA Hot Topics

For the week of June 27, 2016

This Week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line: OERA and Puget Sound staff are working with the Seattle District of the Corps of Engineers and NOAA to finalize a joint recommendation to revise the District's interpretation of the "high tide line" used to determine Clean Water Act jurisdiction. We intend to finalize our recommendations to the Corps' Pacific Northwest Division by June 30. Contact: Michal Szerlog (3-0279) and Peter Murchie (3 -1148).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

For the ET Notes from June 20 ET Meeting Roundtable

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

OD & AD Travel/Significant Leave:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

R. David Allnutt, Director
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(206) 553-2581

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<Picture (Device Independent Bitmap) 9.jpg>

<Picture (Device Independent Bitmap) 10.jpg>

<Picture (Device Independent Bitmap) 11.jpg>

<Picture (Device Independent Bitmap) 12.jpg>

<Picture (Device Independent Bitmap) 13.jpg>

<Picture (Device Independent Bitmap) 14.jpg>

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 10/31/2016 7:48:26 PM
To: Jennings, Marie [Jennings.Marie@epa.gov]
Subject: RE: ARU Hot topics

You are good. ☺

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Jennings, Marie
Sent: Monday, October 31, 2016 12:48 PM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: ARU Hot topics

I already removed. Thanks!

From: Szerlog, Michael
Sent: Monday, October 31, 2016 12:47 PM
To: Jennings, Marie <Jennings.Marie@epa.gov>
Subject: RE: ARU Hot topics

Marie,

Can you remove red text below….

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Szerlog, Michael
Sent: Monday, October 31, 2016 9:32 AM
To: Jennings, Marie <Jennings.Marie@epa.gov>
Subject: ARU Hot topics

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

High Tide Line interagency workgroup delivery of final product: The interagency workgroup submitted its final report and recommendations on Friday, October 28th, however, NOAA still needs time to provide a final review. The final report addresses questions raised by Army Corps General Spellmon. Contacts: Michael Szerlog (3-0279) and Heather Dean (1-3490). Jim Weber NWIFC...

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 8/10/2015 10:12:34 PM
To: Christine Reichgott [Reichgott.Christine@epa.gov]
Subject: FW: Briefing materials for RA briefing on Monday afternoon--
Attachments: 1979-civiletti-memorandum.pdf; Earthjustice Petition re High Tide Line and Request for JD (July 24, 201....pdf; Ltr to WA Gov Inslee re CWA MHHW HAT-JUL 16 2015.pdf; Ltr. to Will Stelle re. ESA, CWA, MHHW, HAT-JUL 16, 2015.pdf; OHWM v MHHW on high energy marine.ppt; RA briefing Earthjustice petition V 8-5-15.docx; Sea level rise, tidal datums.docx

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Thiesing, Mary
Sent: Thursday, August 06, 2015 10:18 AM
To: Magorrian, Matthew
Cc: Szerlog, Michael; Anderson-Carnahan, Linda; Dean, Heather; Storm, Linda; Szalay, Endre; Steiner-Riley, Cara; Allnutt, David; Opalski, Dan; Bonifaci, Angela; Rylko, Michael; Kowalski, Ed; Kenknight, Jeff; Byron, Carrie; Dunbar, Bill; Pirzadeh, Michelle; Psyk, Christine; Barber, Anthony; Davies, Lauris
Subject: Briefing materials for RA briefing on Monday afternoon--

Matt,

Attached are the briefing materials for our 3:15 8/10 afternoon briefing with Dennis on the response to the Earthjustice petition (Use of HAT vs. MHHW). The briefing paper pretty much covers everything; however, the other materials may be useful as reference. We also expect to be able to provide GIS mapping of the differences between Hightest Astronomical Tide vs. Mean High Higher Water for a couple of different reference points around Puget Sound—OEA is working on these now, and I will forward copies as soon as I have them. Please don't hesitate to contact me with any questions. And thanks for all your help.

Mary Anne Thiesing
Regional Wetland Ecologist
(206) 553-6114
(b) (6) (cell)
thiesing.mary@epa.gov

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 11/17/2015 2:59:55 PM
To: David Allnutt [Allnutt.David@epa.gov]; Dan Opalski [Opalski.Dan@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]; Heather Dean [Dean.Heather@epa.gov]; Murchie, Peter [murchie.peter@epa.gov]; Bonifacino, Gina [Bonifacino.Gina@epa.gov]
BCC: R10Sea-Room-20Cedar/R10-Rooms-Service-Center [R10Sea-Room-20Cedar@epa.gov]

Subject: Discuss High Tide Line as related to Treaty Rights at Risk meeting in DC
Attachments: Q&A Support Doc-Updated 16 Nov 15.xlsx; Draft Q&A.docx; HTLvsMHHW.xlsx; What is the HTL-Updated 16 Nov 15.docx; ATT37493
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center

Start: 11/17/2015 4:00:00 PM
End: 11/17/2015 4:30:00 PM
Show Time As: Tentative

I understand that there is a Tribal Treaty Rights at Risk meeting scheduled for early December in DC. My understanding is that Tribes want to raise the High Tide Line issue at that meeting. It would be good to understand what ARU has been doing regarding this issue per direction from Dennis.

I know the meeting is early, but only time that looked open for folks this week.

Materials for the meeting:

What is the HTL-Updated 16 ... | HTLvsMHHW.xlsx | Draft Q&A.docx | Q&A Support Doc-Updated 16 ...

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 10/28/2016 9:45:47 PM
To: Allnutt, David [Allnutt.David@epa.gov]; Dan Opalski [Opalski.Dan@epa.gov]; Murchie, Peter [murchie.peter@epa.gov]
Subject: Heads up - see e-mail

FYI – See below. I left him a message saying that the EPA/Corps/NOAA are actively working the HTL issue, that things have not stalled. I did not give him any specifics. Sounds like he plans to ask for that, including a schedule to get resolution, when he meets with Dennis, Will, and Col. Buck on Monday.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: James Weber [mailto:jwweber@nwifc.org]
Sent: Friday, October 28, 2016 2:18 PM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: HAT

Michael,

Thanks, got your voice mail. Let's try to talk next week then. I'm glad to hear the issue is still being worked. On the 31st, we may ask the Regional Administrator, along with Will Stelle and Colonel Buck, whether it would be feasible to set up a schedule and process for getting to a resolution.

Thanks,
Jim

Jim Weber
Conservation Policy Analyst
Northwest Indian Fisheries Commission
6730 Martin Way E.
Olympia, WA 98516-5540
Direct Line: (360) 528-4364
Cell: (360) 870-9004

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 11/16/2015 3:37:09 PM
To: David Allnutt [Allnutt.David@epa.gov]; Dan Opalski [Opalski.Dan@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]; Heather Dean [Dean.Heather@epa.gov]; Murchie, Peter [murchie.peter@epa.gov]; Bonifacino, Gina [Bonifacino.Gina@epa.gov]
BCC: R10Sea-Room-20Cedar/R10-Rooms-Service-Center [R10Sea-Room-20Cedar@epa.gov]

Subject: Discuss High Tide Line as related to Treaty Rights at Risk meeting in DC
Attachments: ATT00907
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center

Start: 11/17/2015 4:00:00 PM
End: 11/17/2015 4:30:00 PM
Show Time As: Tentative

I understand that there is a Tribal Treaty Rights at Risk meeting scheduled for early December in DC. My understanding is that Tribes want to raise the High Tide Line issue at that meeting. It would be good to understand what ARU has been doing regarding this issue per direction from Dennis.

I know the meeting is early, but only time that looked open for folks this week.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 8/4/2015 9:28:07 PM
To: Mark Macintyre [Macintyre.Mark@epa.gov]
Subject: FW: Hot issues

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Thiesing, Mary
Sent: Thursday, July 30, 2015 9:35 AM
To: Anderson-Carnahan, Linda
Cc: Szerlog, Michael
Subject: Hot issues

Are below.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Earthjustice Petition on Identification of the Regulatory High Tide Line – We are currently scheduled to brief Dennis on August 10 on the status of Earthjustice's request and recommendations for moving forward. The Corps' Division Commander has stated that he would like to see an open, transparent process for resolving the issue. We

have had discussions with the Districts and NW Division Corps, as well as HQ Wetlands Division. The Wetlands Division is also discussing this issue with Corps HQ Regulatory.

Mary Anne Thiesing
Regional Wetland Ecologist
(206) 553-6114
(b) (6) (cell)
thiesing.mary@epa.gov

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 3/29/2016 2:13:05 PM
To: Dean, Heather [Dean.Heather@epa.gov]

Subject: Accepted: Washington High Tide Line Mapping Project
Location: R10Sea-Room-20C-ETPA/R10-Rooms-Restricted

Start: 3/31/2016 8:30:00 PM
End: 3/31/2016 9:30:00 PM
Show Time As: Busy

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 3/23/2016 3:34:46 PM
To: Dean, Heather [Dean.Heather@epa.gov]

Subject: Accepted: HTL Meeting-Room for EPA Staff
Location: R10Sea-Room-20Cedar/R10-Rooms-Service-Center

Start: 3/23/2016 4:00:00 PM
End: 3/23/2016 6:00:00 PM
Show Time As: Busy

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 10/27/2016 3:42:32 PM
To: Heather Dean [Dean.Heather@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]; Murchie, Peter [murchie.peter@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]
Subject: HTL report comments
Attachments: federalshorelinehabitat oct2016 MJS edits.pdf

All,

Wow, definitely a great document that represents a lot of amazing work. Thank you to everyone involved in making this a reality.

I did find a few things that I think need to be addressed in the text. See attached. Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 Not sure if Kevin used the most recent version? Heather, please make sure Kevin has the corrected ones. Also, just a reminder that we still need to add the EPA document number – I know you were researching that as of yesterday.

Peter,

Once completed we need to make sure Dennis/Michelle and Dan/David have a copy.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 3/23/2016 3:23:02 PM
To: Dean, Heather [Dean.Heather@epa.gov]
Subject: RE: HTL Meeting-Room for EPA Staff
Attachments: ATT14855

Looks like you cancelled the meeting instead of updating it to a recurring? It removed it from my calendar.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

-----Original Appointment-----
From: Dean, Heather
Sent: Wednesday, March 23, 2016 8:04 AM
To: Szerlog, Michael; Szalay, Endre; Meyer, Susan
Subject: Canceled: HTL Meeting-Room for EPA Staff
When: Occurs every 2 week(s) on Wednesday effective 3/23/2016 until 6/29/2016 from 9:00 AM to 11:00 AM (UTC-08:00) Pacific Time (US & Canada).
Where: R10Sea-Room-20Cedar/R10-Rooms-Service-Center
Importance: High

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 3/22/2016 9:20:43 PM
To: Meyer, Susan [meyer.susan@epa.gov]
Subject: RE: Final HTL field day meeting set

Great. That should work.

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Meyer, Susan
Sent: Tuesday, March 22, 2016 1:26 PM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: Final HTL field day meeting set

Yes Michael, I know. I am so sorry you can't make it, but you are the only one that can't that day. I know that Tim S. wants to go out on our practice run, which we will schedule for sometime in April, and we will try to work around your schedule so you can do that with us. Tim said that the EPA's gps units are only accurate to sub-meter. WDFW has a Trimble that is more accurate, although not survey-level accurate. We will have to make do with the Trimble and use a rod and line level along with tidal elevations to supplement the Trimble readings. Stay tuned!

Susan

-----Original Appointment-----
From: Szerlog, Michael
Sent: Tuesday, March 22, 2016 11:54 AM
To: Meyer, Susan
Subject: Declined: Final HTL field day meeting set
When: Tuesday, May 31, 2016 12:00 AM to Wednesday, June 01, 2016 12:00 AM (UTC-08:00) Pacific Time (US & Canada).
Where: TBD

Susan,

Bummer that I will miss this. I hope the onsite visit goes well. We may want to include our GIS folks? They could bring out the GPS units?

Michael

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 3/22/2016 6:53:53 PM
To: Meyer, Susan [meyer.susan@epa.gov]

Subject: Declined: Final HTL field day meeting set
Location: TBD

Start: 5/31/2016 7:00:00 AM
End: 6/1/2016 7:00:00 AM
Show Time As: Busy

Susan,

Bummer that I will miss this. I hope the onsite visit goes well. We may want to include our GIS folks? They could bring out the GPS units?

Michael

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 5/12/2016 5:40:20 PM
To: Dean, Heather [Dean.Heather@epa.gov]
Subject: RE: Docs for HTL Adobe Connect Session

Heather,

Forgot if I talked with you about some suggestions to the graphs.

1) Keep same scale for both Frequency Graphs, if possible (both).
2) Possibly change the color of the text in X-axis to make more clear transitioning from less than to greater than (red to green text?)

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Dean, Heather
Sent: Tuesday, May 03, 2016 3:59 PM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: Docs for HTL Adobe Connect Session

I realized I should send them before the "end of the day," in case you had any questions. The docs I am sending are:

1) An updated "WA Harmonic Stations" Excel file, with two sheets. It now includes a compilation of 19 years of data for MHPT for all 34 harmonic tide stations (first sheet, entitled "Study Sites"). The second sheet is the raw data for that. At the bottom of the first sheet, you see that the average difference between HAT & MHPT is 4.3" for all of the stations or 2.6" if you exclude the wonky Columbia River ones (freshwater volume a much bigger influence there);
2) A PowerPoint file with two charts, showing the frequency of tides in certain ranges in relation to HAT & MHPT. These are the number of tides within that same 19-year period (1998-2016). They are the *predicted* tides, not the *observed* tides, since the latter include storm surges;
3) The aerials that Tim prepared for the five study sites (pdf's);
4) An updated matrix comparing the different HTL options. Susan is working on an update for the ecological implications page, & I believe Tina is working on the implementation page; &,
5) The PowerPoint file showing the (old) comparisons between HAT, MHPT, & HAT for the WA & Puget Sound stations. I have not (yet) updated this graphic with the new 19-year data compilation on MHPT.

I can't think of anything else that Jim might want. I'll take my computer just in case, although I can't say for sure how connectivity will be Personal Matters / Ex. 6

Personal Matters / Ex. 6 Call or text if you want anything else. I'll be working for another couple of hours today, too.

Later,

H

Appointment

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 7/8/2015 3:03:47 PM
To: Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Endre Szalay [Szalay.Endre@epa.gov]; Bonifaci, Angela [Bonifaci.Angela@epa.gov]; Rylko, Michael [Rylko.Michael@epa.gov]; Byron, Carrie [Byron.Carrie@epa.gov]; Heather Dean [Dean.Heather@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]; Mary Thiesing [Thiesing.Mary@epa.gov]
BCC: R10Sea-Room-21Nisqually-Expand/R10-Rooms-Service-Center [R10Sea-Room-21Nisqually-Expand@epa.gov]; R10Sea-ConfLineMM Conference Line/Code / Ex. 6 R10Sea-ConfLineMM- Conference Line/Code / Ex. 6

Subject: Discuss next steps regarding Earthjustice Petition
Attachments: Earthjustice Petition re High Tide Line and Request for JD (July 24, 201....pdf
Location: R10Sea-Room-21Nisqually-Expand/R10-Rooms-Service-Center; R10Sea-ConfLineMM- Conference Line/Code / Ex. 6

Start: 7/13/2015 3:00:00 PM
End: 7/13/2015 4:00:00 PM
Show Time As: Tentative

Draft Agenda (we may need to rebuild it at beginning of meeting)

1) Brief review of Petition to understand request - all
2) Discuss legal issues – Cara/Endre
3) Discuss options regarding responding/not responding – Linda AC, Angela, Michael Sz.
4) What is the Corps doing? – Michael Sz.
5) Next steps – Linda AC

Earthjustice Petition re High T...

Message

From: Szerlog, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23A7F634594B4B58BA4A96E77C1B1AAF-SZERLOG, MICHAEL]
Sent: 5/5/2016 2:44:52 PM
To: Heather Dean [Dean.Heather@epa.gov]
Subject: CMS letter

Heather,

I had a good talk with John Goodin regarding High Tide Line. They do want to review our draft response and want to use that as a way to elevate the conversation about High Tide Line. They did brief Joel using some of the data you provided early on and think this may be the time to engage others. Hopefully we can share something by end of week or early next week?

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop ETPA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Appointment

From: Szerlog, Michael [Szerlog.Michael@epa.gov]
Sent: 11/22/2016 8:14:38 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Bujak, Charissa [bujak.charissa@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Douglas, Mark [douglas.mark@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Nadeau, Tracie-Lynn [Nadeau.Tracie@epa.gov]; Peak, Tracy [Peak.Tracy@epa.gov]; Rave-Perkins, Krista [Rave-Perkins.Krista@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]; Thiesing, Mary [Thiesing.Mary@epa.gov]; Vallette, Yvonne [Vallette.Yvonne@epa.gov]; Whitley, Annie [Whitley.Annie@epa.gov]; Colowick, Susan [colowick.susan@epa.gov]
CC: Mendelman, Krista [Mendelman.Krista@epa.gov]; Chu, Rebecca [Chu.Rebecca@epa.gov]

Subject: ARU Unit Meeting
Attachments: Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; ARU Unit Meeting - rescheduling Sept 4th's meeting; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment
Location: R10Sea-Room-14Elwha/R10-Rooms-Service-Center

Start: 1/1/2018 6:00:00 PM
End: 1/1/2018 7:30:00 PM
Show Time As: Busy

Recurrence: Monthly
the first Monday of every 1 month(s) from 10:00 AM to 11:30 AM

Appointment

From: Thiesing, Mary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B594716A844C65BD55C43A6B033F58-THIESING, MARY ANN]
Sent: 7/17/2015 9:07:24 PM
To: Christensen, Damaris [Christensen.Damaris@epa.gov]

Subject: Accepted: discussion of Earthjustice request and HTL
Location: DCRoomWest7129/DC-CCW-OWOW

Start: 7/23/2015 4:30:00 PM
End: 7/23/2015 5:00:00 PM

Recurrence: (none)

Appointment

From: Thiesing, Mary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B594716A844C65BD55C43A6B033F58-THIESING, MARY ANN]
Sent: 7/15/2015 11:36:36 PM
To: Christensen, Damaris [Christensen.Damaris@epa.gov]

Subject: Accepted: discussion of Earthjustice request and HTL
Location: DCRoomWest7201/DC-CCW-OWOW

Start: 7/23/2015 3:30:00 PM
End: 7/23/2015 4:00:00 PM
Show Time As: Busy

Appointment

From: Szerlog, Michael [Szerlog.Michael@epa.gov]
Sent: 1/8/2016 6:42:49 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Bujak, Charissa [bujak.charissa@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; DeGering, Tracy [DeGering.Tracy@epa.gov]; Douglas, Mark [douglas.mark@epa.gov]; Jen, Mark [Jen.Mark@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Martin, Gayle [Martin.Gayle@epa.gov]; Nadeau, Tracie [Nadeau.Tracie@epa.gov]; Pongkhamsing, Chan [Pongkhamsing.Chan@epa.gov]; Rave-Perkins, Krista [Rave-Perkins.Krista@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]; Thiesing, Mary [Thiesing.Mary@epa.gov]; Vallette, Yvonne [Vallette.Yvonne@epa.gov]; Whitley, Annie [Whitley.Annie@epa.gov]

Subject: ARU Unit Meeting
Location: R10Sea-Room-20Chinook/R10-Rooms-Service-Center

Start: 5/2/2016 5:30:00 PM
End: 5/2/2016 7:00:00 PM
Show Time As: Busy

Here is the call in number and agenda:

Conference Line/Code / Ex. 6

Agenda

Outcomes: To celebrate achievements and to convey information to each other

10:30 – 10:35 Roll call – Michael
10:35 – 10:45 Celebrations, and updates– Michael
10:45 – 12:00 Round Robin by Workstream. Reminder to focus on things that would be of interest to the team. Keep updates to 2 minutes or less.
Jurisdiction – Heather and team – still working on High Tide Line stuff with Seattle District; Susan Meyer is taking people out Thursday to look at different options for evaluating which is a practice run for a trip she will make with Corps at end of the month. Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Thiesing, Mary [thiesing.mary@epa.gov]
Sent: 9/9/2015 11:31:50 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Thiesing, Mary [Thiesing.Mary@epa.gov]
Subject: Conversation with Dean, Heather

Thiesing, Mary [4:16 PM]:

Hey Heather,

Personal Matters / Ex. 6

Dean, Heather [4:18 PM]:

Personal Matters / Ex. 6

Thiesing, Mary [4:19 PM]:

Personal Matters / Ex. 6

Dean, Heather [4:20 PM]:

Personal Matters / Ex. 6

Thiesing, Mary [4:20 PM]:

Personal Matters / Ex. 6

Dean, Heather [4:21 PM]:

Personal Matters / Ex. 6

Thiesing, Mary [4:22 PM]:

Personal Matters / Ex. 6

Dean, Heather [4:23 PM]:

Personal Matters / Ex. 6

Thiesing, Mary [4:24 PM]:

Personal Matters / Ex. 6

Personal Matters / Ex. 6 Any word on high tide? Or are they ignoring it.

Dean, Heather [4:26 PM]:

Ah, well, Damaris had advised that, due to the latest circus act inside the beltway, we may be better off going it alone. With that, we were just about to schedule a meeting with NWD, when Rose sent a workgroup meeting invite with the primary objective of congealing regional views on HTL. Circus act!

Thiesing, Mary [4:29 PM]:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Message

From: Thiesing, Mary [thiesing.mary@epa.gov]
Sent: 9/9/2015 11:28:30 PM
To: Dean, Heather [Dean.Heather@epa.gov]; Thiesing, Mary [Thiesing.Mary@epa.gov]
Subject: Conversation with Dean, Heather

Thiesing, Mary [4:16 PM]:

Hey Heather,

Personal Matters / Ex. 6

Dean, Heather [4:18 PM]:

Personal Matters / Ex. 6

Thiesing, Mary [4:19 PM]:

Personal Matters / Ex. 6

Dean, Heather [4:20 PM]:

Personal Matters / Ex. 6

Thiesing, Mary [4:20 PM]:

Personal Matters / Ex. 6

Dean, Heather [4:21 PM]:

Personal Matters / Ex. 6

Thiesing, Mary [4:22 PM]:

Personal Matters / Ex. 6

Dean, Heather [4:23 PM]:

Personal Matters / Ex. 6

Thiesing, Mary [4:24 PM]:

Personal Matters / Ex. 6

Personal Matters / Ex. 6 Any word on high tide? Or are they ignoring it.

Dean, Heather [4:26 PM]:

Ah, well, Damaris had advised that, due to the latest circus act inside the beltway, we may be better off going it alone. With that, we were just about to schedule a meeting with NWD, when Rose sent a workgroup meeting invite with the primary objective of congealing regional views on HTL. Circus act!

Message

From: Szerlog, Michael [szerlog.michael@epa.gov]
Sent: 8/4/2015 10:55:33 PM
To: Szerlog, Michael [Szerlog.Michael@epa.gov]; Thiesing, Mary [Thiesing.Mary@epa.gov]
Subject: HTL Manual

Szerlog, Michael [3:52 PM]:

Lets check in tomorrow morning.

Thiesing, Mary [3:52 PM]:

Sure, happy to. What's the word on 106--and how can I help?

Szerlog, Michael [3:53 PM]:

Nothing from Corps yet. Talk in AM about Tide Line.

Thiesing, Mary [3:53 PM]:

k

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 10/26/2016 10:07:29 PM
To: Thiesing, Mary [Thiesing.Mary@epa.gov]
Subject: RE: Need an issue summary
Attachments: HTL Status Update-26 Oct 16.docx

Not at all; here you go.

From: Thiesing, Mary
Sent: Wednesday, October 26, 2016 3:01 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Need an issue summary

Heather,

Can you amend the status (which is nice, short, and sweet) to include an introductory section (maybe a sentence) which identifies the issue? (Executive attention span being what it is).

Sorry to ask.

From: Dean, Heather
Sent: Wednesday, October 26, 2016 1:41 PM
To: Thiesing, Mary <Thiesing.Mary@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: RE: Need an issue summary

Hi, Mary Anne.

Michael asked that I send this update to you. Let me know if you need anything else for it.

Heather

From: Thiesing, Mary
Sent: Monday, October 24, 2016 3:42 PM
To: Storm, Linda <Storm.Linda@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: Need an issue summary

Hi folks,

David has asked me to follow up on something he discussed with Michael a while ago. Dennis will be speaking with Stan Meiberg and David wantd us to prepare issue summaries for 4 topics; namely, NP 48, Compensatory mitigation in Alaska, NEPA/404 sequencing, and High Tide Line. He would like this to be a statement of the issue, and a discussion of where we are with current status—no more than about half a page. I will do the NEPA, but I am hoping that each of you can provide something on the respective issues for which you are lead. We need this by Thursday.

I know that Matt and I put together background papers when OW was here last month, and I would suggest using those as a starting point. I am guessing that both Linda and Heather have something from briefing papers that could be boiled down? Let me know if you have any questions. Michael will be back on Wednesday afternoon, but it would be helpful if we can get something to him so he has some time to look at them befoe they go upstairs.

Thanks,

Mary Anne

Mary Anne Thiesing
Regional Wetland Ecologist
(206) 553-6114
(b) (6) (cell)
thiesing.mary@epa.gov

Message

From: Szerlog, Michael [Szerlog.Michael@epa.gov]
Sent: 8/29/2016 8:21:23 PM
To: Thiesing, Mary [Thiesing.Mary@epa.gov]
Subject: FW: ACTION: Preparation for HQ OW September visit; briefing papers - due COB 8/30; rough cut on mitigation briefing paper
Attachments: ARU_Mitigation_OW briefing_0816.doc

Importance: High

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

From: Nadeau, Tracie
Sent: Thursday, August 25, 2016 2:43 PM
To: LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Storm, Linda <Storm.Linda@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: ACTION: Preparation for HQ OW September visit; briefing papers - due COB 8/30; rough cut on mitigation briefing paper
Importance: High

Good afternoon Matt and Linda,

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks,

-Tracie

Tracie-Lynn Nadeau, PhD | Environmental Scientist | office: 503.326.3685 | nadeau.tracie@epa.gov |
U.S. Environmental Protection Agency | Region 10 | mobile: 971.221.7914|
805 SW Broadway, Suite 500, Portland OR 97205 | fax: 503.326.3399 |

From: Nadeau, Tracie
Sent: Monday, August 15, 2016 12:54 PM
To: LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Storm, Linda <Storm.Linda@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Martin, Gayle <Martin.Gayle@epa.gov>; Thiesing, Mary <Thiesing.Mary@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: ACTION: Preparation for HQ OW September visit; briefing papers - due COB 8/30
Importance: High

Good afternoon folks,

As you may know, HQ OW (AA, office and division directors) is visiting R10 September 13 and 14.

While the visit agenda is not quite final, it is firm enough that it is timely to start putting together draft briefing papers for the topics listed below (due at HQ on 8/31, so please get them to Michael by **COB 8/30**).

I am attaching two briefing paper templates provided by HQ. My understanding from OWW is that briefing papers can be up to 2 pages, no longer. In preparing your briefing paper, you might consider: why are we presenting this issue to HQ? As an FYI, or is there an ask from HQ? Are there transition (post-election/new administration) concerns with this issue?

Additionally, some topics may be slated for presentation/discussion during the visit, these are also noted below as a heads up---we'll know more on expected presentations after the agenda is finalized and HQ has reviewed issue briefing papers. What I do understand is that HQ has sent a clear signal that they want less time spent on presentations and more time spent on discussion during their visit.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

If you have any questions, do feel free to reach out and I will answer them as I am able—I am Acting through 8/19.

-Tracie

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

CWA§404 Jurisdiction issue– clarification of High Tide Line in WA – Puget Sound (15 mins) – Heather

(10 minute presentation, 5 minute discussion)

- Interagency workgroup (EPA (404 and Puget Sound), NOAA, and Corps (Seattle District)) to evaluate what tidal datum or elevation to use for High Tide Line.
- Tribes raising this as a Treaty Rights at Risk issue. In addition, EarthJustice sent EPA a petition on the issue.
- Sea level rise and new science showing use of tidally-influenced shoreline habitat by forage fish warrant relook at current interpretation.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Tracie-Lynn Nadeau, PhD | Environmental Scientist | office: 503.326.3685 | nadeau.tracie@epa.gov |
U.S. Environmental Protection Agency | Region 10 | mobile: 971.221.7914|
805 SW Broadway, Suite 500, Portland OR 97205 | fax: 503.326.3399 |

Message

From: Martin, Gayle [Martin.Gayle@epa.gov]
Sent: 8/19/2016 11:49:55 PM
To: Thiesing, Mary [Thiesing.Mary@epa.gov]
CC: LaCroix, Matthew [LaCroix.Matthew@epa.gov]
Subject: FW: ACTION: Preparation for HQ OW September visit; briefing papers - due COB 8/30
Attachments: HQ Briefing Template_D2 10a OW briefing_ Ingleside Cyanotoxin 04-13-16.docx; HQ Breifing Template_OW briefing_0416.doc

Importance: High

Mary Anne,

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Gayle Martin
Biologist, Aquatic Resources Unit
U.S. Environmental Protection Agency
Office of Environmental Review and Assessment
Alaska Operations Office
222 W. 7th Avenue, Box 19
Anchorage, AK 99513-7588
Phone (907) 271-5097

From: Nadeau, Tracie
Sent: Monday, August 15, 2016 11:54 AM
To: LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Storm, Linda <Storm.Linda@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Martin, Gayle <Martin.Gayle@epa.gov>; Thiesing, Mary <Thiesing.Mary@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: ACTION: Preparation for HQ OW September visit; briefing papers - due COB 8/30
Importance: High

Good afternoon folks,

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Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

If you have any questions, do feel free to reach out and I will answer them as I am able—I am Acting through 8/19.

-Tracie

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

CWA§404 Jurisdiction issue– clarification of High Tide Line in WA – Puget Sound (15 mins) – Heather
(10 minute presentation, 5 minute discussion)

- Interagency workgroup (EPA (404 and Puget Sound), NOAA, and Corps (Seattle District)) to evaluate what tidal datum or elevation to use for High Tide Line.
- Tribes raising this as a Treaty Rights at Risk issue. In addition, EarthJustice sent EPA a petition on the issue.
- Sea level rise and new science showing use of tidally-influenced shoreline habitat by forage fish warrant relook at current interpretation.

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Tracie-Lynn Nadeau, PhD | Environmental Scientist | office: 503.326.3685 | nadeau.tracie@epa.gov |
U.S. Environmental Protection Agency | Region 10 | mobile: 971.221.7914|
805 SW Broadway, Suite 500, Portland OR 97205 | fax: 503.326.3399 |

Message

From: Dean, Heather [Dean.Heather@epa.gov]
Sent: 1/21/2016 8:59:17 PM
To: Thiesing, Mary [Thiesing.Mary@epa.gov]
Subject: RE: Update on High Tide Line Data

Not as amazing as you for being so nice; thanks!

From: Thiesing, Mary
Sent: Thursday, January 21, 2016 12:58 PM
To: Dean, Heather <Dean.Heather@epa.gov>
Subject: RE: Update on High Tide Line Data

How amazing are you? Thanks!

From: Dean, Heather
Sent: Thursday, January 21, 2016 12:29 PM
To: Szalay, Endre <Szalay.Endre@epa.gov>
Cc: Storm, Linda <Storm.Linda@epa.gov>; Thiesing, Mary <Thiesing.Mary@epa.gov>
Subject: Update on High Tide Line Data

Michael asked me to prepare a couple of graphics showing the disparities 1) between Corps Districts in identification of HTL; & 2) between HAT, highest annual tide (aka highest predicted tide, or HPT), MHHW, & where the Corps uses it, MHW. In support of those graphics, I also prepared a spreadsheet summarizing the tidal data gathered so far. Those docs are attached. Let me know if you have any questions, etc.

Message

From: Szerlog, Michael [Szerlog.Michael@epa.gov]
Sent: 9/15/2016 2:21:15 PM
To: Allnutt, David [Allnutt.David@epa.gov]; Anderson-Carnahan, Linda [Anderson-Carnahan.Linda@epa.gov]
CC: Thiesing, Mary [Thiesing.Mary@epa.gov]
Subject: ARU Hot Topics

This week:

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Upcoming:

High Tide Line interagency work group convening again to address questions raised by Army Corps General Spellmon: **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 We anticipate these revisions would be completed by end of October. Contacts: Michael Szerlog (3-0279) and Heather Dean (1-3490).

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

ARU Travel/Significant Leave: **Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line**

Non-Responsive: Material Unrelated to Puget Sound/WA High Tide Line

Thanks

Michael J. Szerlog, Manager
Aquatic Resources Unit
Office of Environmental Review and Assessment
Environmental Protection Agency
1200 Sixth Avenue, Suite 900, Mailstop OERA-202-2
Seattle, Washington 98101
(206) 553-0279
szerlog.michael@epa.gov

Message

From: Tyler, Kendra [Tyler.Kendra@epa.gov]
Sent: 8/7/2015 12:20:22 AM
To: Thiesing, Mary [Thiesing.Mary@epa.gov]
Subject: FW: Briefing materials for RA briefing on Monday afternoon--
Attachments: 1979-civiletti-memorandum.pdf; Earthjustice Petition re High Tide Line and Request for JD (July 24, 201....pdf; Ltr to WA Gov Inslee re CWA MHHW HAT-JUL 16 2015.pdf; Ltr. to Will Stelle re. ESA, CWA, MHHW, HAT-JUL 16, 2015.pdf; OHWM v MHHW on high energy marine.ppt; RA briefing Earthjustice petition V 8-5-15.docx; Sea level rise, tidal datums.docx

Hi Mary Anne-
The Copy of the 1979 "Administrative Authority" is sideways and not complete (the bottom of each page is cut off). If you need Dennis to review, can you send a better copy that isn't landscape?
Thank you!
Kendra

From: Magorrian, Matthew
Sent: Thursday, August 06, 2015 11:48 AM
To: Tyler, Kendra
Subject: FW: Briefing materials for RA briefing on Monday afternoon--

Matt

From: Thiesing, Mary
Sent: Thursday, August 06, 2015 10:18 AM
To: Magorrian, Matthew
Cc: Szerlog, Michael; Anderson-Carnahan, Linda; Dean, Heather; Storm, Linda; Szalay, Endre; Steiner-Riley, Cara; Allnutt, David; Opalski, Dan; Bonifaci, Angela; Rylko, Michael; Kowalski, Ed; Kenknight, Jeff; Byron, Carrie; Dunbar, Bill; Pirzadeh, Michelle; Psyk, Christine; Barber, Anthony; Davies, Lauris
Subject: Briefing materials for RA briefing on Monday afternoon--

Matt,

Attached are the briefing materials for our 3:15 8/10 afternoon briefing with Dennis on the response to the Earthjustice petition (Use of HAT vs. MHHW). The briefing paper pretty much covers everything; however, the other materials may be useful as reference. We also expect to be able to provide GIS mapping of the differences between Hightest Astronomical Tide vs. Mean High Higher Water for a couple of different reference points around Puget Sound—OEA is working on these now, and I will forward copies as soon as I have them. Please don't hesitate to contact me with any questions. And thanks for all your help.

Mary Anne Thiesing
Regional Wetland Ecologist
(206) 553-6114
(b) (6) (cell)
thiesing.mary@epa.gov

Message

From: Thiesing, Mary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B594716A844C65BD55C43A6B033F58-THIESING, MARY ANN]
Sent: 7/29/2015 10:02:42 PM
To: Islam, Mahbubul [Islam.Mahbubul@epa.gov]
CC: Siwiec, Tim [Siwiec.Tim@epa.gov]; Szerlog, Michael [szerlog.michael@epa.gov]
BCC: Dean, Heather [dean.heather@epa.gov]; Linda Storm [Storm.Linda@epa.gov]
Subject: Tech assistance request: GIS support
Attachments: Copy of HTLvsMHHW (2).xlsx

My apologies—I am acting Unit Manager this week Personal Matters / Ex. 6 and I do not have the Lotus Notes link to the tech request web location, so I am sending this request to you as an email memo instead.

The Aquatic Resources Unit (ARU) would like to request the technical support of OEA's GIS unit to prepare a map using paired data points of tidal elevations for Mean high higher water (MHHW) and Highest Astronomical Tide (HAT). The Region has received a petition from Earthjustice asking us to use a special case determination to identify the Highest Astronomical Tide as the limit of jurisdiction for tidal waters for Puget Sound. The requested map of these data would allow us to visualize the differences between these two landmarks, and would assist the Regional Administrator in reaching a decision on the request.

Attached is the spreadsheet assembled by Heather Dean of ARU, which includes the NOAA-measured tidal elevations for MHHWM and HAT at different locations. Highlighted in yellow are the places where there are both MHHWM and HAT data. What we are specifically requesting is for the map these paired data to show how they relate to shoreline topography/elevation (and the finest scale possible) and current landscape/habitat conditions most (using base-layer of most recent aerial photo).

What we want to be able to see is the following:

1) For Puget Sound, where these different 'lines' of MHHWM v. HAT would be located along the shoreline (so showing the difference in elevation as well as extending that elevation in a line along the shoreline to illustrate the difference would be really helpful). We want to show this for several different topographic elevation gradient settings (gradual vs. steep), and get a sense of the differences between areas what the extent of the difference would be. We are also interested in seeing these 'lines' in the context of the current conditions (extent of armoring) – so current aerial photo as a base-layer would be useful to show this.

2) For the locations on the WA coastal shoreline, to show a similar thing – the location of the MHHWM v. HAT at each Lat/Long, in a way that illustrates the line along the shoreline relative to elevation/topography and existing conditions (aerial photo).

We are scheduled to brief the RA on August 10, and it would be helpful to have these maps. If 2 maps is too much to do in the time-frame requested, then focusing on just #1 for Puget Sound would be of priority importance, if possible. If it is not possible to produce any products in the time frame allowed, could you please contact me or Michael Szerlog (X 0279; szerlog.michael@epa.gov). Personal Matters / Ex. 6

Thank you very much for your consideration.

Mary Anne Thiesing
Regional Wetland Ecologist
(206) 553-6114
(b) (6) (cell)
thiesing.mary@epa.gov

Appointment

From: Thiesing, Mary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7B594716A844C65BD55C43A6B033F58-THIESING, MARY ANN]
Sent: 7/15/2015 11:36:36 PM
To: Christensen, Damaris [Christensen.Damaris@epa.gov]

Subject: Accepted: discussion of Earthjustice request and HTL
Location: DCRoomWest7201/DC-CCW-OWOW

Start: 7/23/2015 3:30:00 PM
End: 7/23/2015 4:00:00 PM
Show Time As: Busy

Appointment

From: Tyson, Linda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D7AD12AF04F64468B18E3960F2A77781-TYSON, LIND]
Sent: 8/26/2016 8:54:50 PM
To: McLerran, Dennis [mclerran.dennis@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; David Allnutt (Allnutt.David@epa.gov) [Allnutt.David@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Szalay, Endre [Szalay.Endre@epa.gov]; Dean, Heather [Dean.Heather@epa.gov]; Meyer, Susan [meyer.susan@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]
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Subject: High Tideline Recommendations
Attachments: RA Briefing-HTL vs MHHW-final.docx
Location: ET Conference Room; Conference Line/Code / Ex. 6 passcode Conference Line/Code / Ex. 6

Start: 9/7/2016 10:00:00 PM
End: 9/7/2016 10:45:00 PM
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CONFERENCE LINE UPDATED.

POC: Michael Szerlog, OERA, x 3-0279

Provide possible options for moving forward if Corps-Seattle District does not implement HTL recommendations.

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