Message

From: Pete Thorson [constructionmgm@centurytel.net]
Sent: 3/22/2017 6:51:29 PM
To: mmiller@pacificlegal.org; jpt@pacificlegal.org
CC: Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Kreutzer, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=52652127f1174690a5223b2a6df21968-Kreutzer, D]; 'Ray Kagel' [ray@kagelenvironmental.com]; kjbopray@yahoo.com
Subject: FW: Response to Questions from our Meeting Mon. with Col. Calkins

Mark, Joshua and all...

Just got a Reply from Col. Calkins.. What a mouth full....1) Where in the Rapanos guidance did they see or come up with "Shallow Subsurface Connection" to establish the adjacency argument?
2) Previously they referenced in the AJD, the Lemonweir River was established in a case called "USACE vs. Bollig" as a TNW, Now Today its been recently declared from our AJD..... The"Story" is always changing!
3) Hawkes is now 1year old .... That's no reason not to be addressed it as an option, in a AJD letter.

As Ray Kagel says "No sense appealing the current record" When its full of unsubstantiated data, 14 yr. old references, St. Paul Regional supplements that only require 2 of the 3 required criteria of the "87 delineation manual" (CRA) Congressional Review Act question and using a connection through a farm drainage ditch. Not even considered as a "water of the state" by the state of Wisconsin. Some 67 miles away from the Wisconsin River (TNW)

Had a good meeting with Layne Bangerter and David Kreutzer @ the EPA this morning. Layne was at the forefront of helping the Sacketts when he was in congress. In his own words "This is Sacketts, all over again" their looking at options to assist.

Any Thoughts based on the latest reply? Mark & Joshua, are you sure we couldn't convince PLF to file suit, and Hope for a offer to settle. Like you accomplished in Andy Johnson case?

The appeal option is a waist, based on the record. And I don't have $720,000.00 laying around to buy mitigations credits as Col. Calkins suggest. When 5 consultants say their over the line again!

Thanks everybody!

Pete

-----Original Message-----
From: Calkins, Samuel L COL USARMY CEMVP (US)
[mailto:Samuel.L.Calkins@usace.army.mil]
Sent: Wednesday, March 22, 2017 11:41 AM
To: Pete Thorson <constructionmgm@centurytel.net>
Subject: Response to Questions from our Meeting

Mr. Thorson - it was great to meet with you Monday, and I have some information on the questions you asked during the meeting:

1) You asked about a subsurface connection that we mentioned in the AJD and wondered where that fits into the requirements of the "significant nexus" and/or the "continuous surface connection."

Response: A shallow subsurface connection is one of the parameters used to establish adjacency and, as such, factors into both continuous surface connection and significant nexus. The reference for this adjacency argument is titled: "Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in Rapanos v. United States & Carabell v. United States," dated December 2, 2008 (page 5). I understand this document is commonly referred to as the Rapanos Guidance.

2) You asked why we called the Lemonweir a TNW in the AJD when it's not on the list of Navigable Waterways in WI from our website.

Response: Within this specific AJD, the Lemonweir River was determined to be a Traditional Navigable Water (TNW) based on guidance issued after the Supreme Court's decision in Rapanos v. United States. Not all TNWs are on the list of Navigable Waterways (navigable waters of the United States subject to Section 10 of the Rivers and Harbors Act), these are two different terms with different meanings. The list of Navigable Waterways (navigable waters of the United States subject to Section 10 of the Rivers and Harbors Act)are the waters determined to be jurisdictional pursuant to 33 CFR 329. TNWs are waters determined to be jurisdictional pursuant to 33 CFR 328 and the Rapanos Guidance (Section 404 of the Clean Water Act).

3) You asked whether moving forward with a permit as opposed to appealing to MVD or the courts might limit your ability to appeal administratively or legally.

Response: unfortunately we don't have an answer to this question since it's related to the Hawkes decision which is relatively new. We don't have clear guidance and we don't know how it would play out. What we do know, however, is the regulations are clear that you have 60 days from the date of the AJD in which to file an administrative appeal to MVD.

4) Finally you asked who to talk to if you want to move forward with applying for a permit.

Response: Kyle Zibung will be the Project Manager responsible for processing any permit application submitted.

Thanks,

COL Calkins

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Colonel Sam Calkins
Commander, St. Paul District
US Army Corps of Engineers

samuel.l.calkins@usace.army.mil
O: 651 290-5300
C: Ex. 6

Message

From: David Johnston [david@tommyforidaho.com]
Sent: 5/2/2017 4:59:53 AM
To: David Johnston [david@tommyforidaho.com]
Subject: Fwd: PRESS RELEASE: Tommy Ahlquist taps GOP veteran David Johnston as Campaign Manage
Attachments: Press Release - CM David Johnston .pdf

Dear Friends,

I wanted to make sure you saw the attached press release of my next adventure.

I am thrilled to announce that I have joined the Tommy Ahlquist for Governor campaign as his Campaign Manager. This is a big move and am excited to help Tommy in his campaign to become Idaho's next governor. He is a conservative, successful businessman and a political outsider. As governor, Tommy will bring new ideas, a fresh approach and specific conservative plans to the statehouse. I'm looking forward to helping make it happen.

If you would like to learn more about Tommy, visit: http://tommyforidaho.com/

Please stay in touch and if you need anything, please let me know.

All the best,

Dave

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David Johnston
Campaign Manager, Tommy Ahlquist for Governor
c: Ex. 6 e: david@tommyforidaho.com
PO Box 1693 Eagle, ID 83616

TOMMY
AHLQUIST
FOR GOVERNOR

For Immediate Release
May 1, 2017

Contact: Todd Cranney
media@TommyforIdaho.com

Tommy Ahlquist taps GOP veteran David Johnston as Campaign Manager

EAGLE, ID—Former Idaho GOP Executive Director David Johnston will be joining the Tommy for Idaho campaign. Johnston will serve as campaign manager. He joins Travis Hawkes and Todd Cranney, who both serve as senior advisors to the Tommy for Idaho campaign.

"I am grateful to have David, who is one of our party's best, join our team to fill this important role," said Tommy Ahlquist. "David brings campaign experience and expertise on grassroots organizing. He strengthens our campaign and will help us share our conservative message of building an even better Idaho with voters across the state."

Johnston, an Idaho native who served as a U.S. Marine, was the executive director of the Idaho Republican Party for nearly three years, overseeing the party's election activities for both the 2014 general election and the record-setting 2016 election cycle. He lives in Boise with his wife and two kids.

"I am thrilled to be joining Tommy and helping him in his campaign to become Idaho's next governor. He is a conservative, successful businessman and a political outsider. No one is better to lead our state into the future," said Johnston. "As governor, Tommy will bring new ideas, a fresh approach and specific conservative plans to the statehouse. I'm looking forward to helping make it happen."

Johnston's first day with the campaign is May 1.

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Dr. Tommy Ahlquist is a conservative Republican running to be the 33rd Governor of Idaho. Ahlquist is a successful small business owner, builder, former emergency room doctor, community leader and longtime conservative. He believes in action, not words. Ahlquist has a proven track record of leading businesses and community organizations, creating well-paying jobs and bringing people together to work on complex issues. For more information on Ahlquist, please visit www.TommyforIdaho.com.