To: Armstead, John A.[Armstead.John@epa.gov]
From: D'Andrea, Michael
Sent: Thur 11/2/2017 11:21:02 PM
Subject: Re: FOIA EPA-HQ-2017-011741

Ok John will do.

Sent from my iPhone

On Nov 2, 2017, at 5:02 PM, Armstead, John A. <Armstead.John@epa.gov> wrote:

I am not but feel free to give me a call, my EC500 is on.

John A. Armstead

Regional Administrator Office

EPA Mid-Atlantic Region 3

215-814-2918 (o)

From: D'Andrea, Michael
Sent: Thursday, November 02, 2017 4:23 PM
To: Armstead, John A. <Armstead.John@epa.gov>
Subject: RE: FOIA EPA-HQ-2017-011741

John,

I stopped by a few times today to give you an update but you weren't available.

Are you in tomorrow? I would like to give the update in person.

Mike

From: Armstead, John A.
Sent: Thursday, November 02, 2017 7:34 AM
To: D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>
Subject: Re: FOIA EPA-HQ-2017-011741

Thanks.

John Armstead

Sent from my iPhone

On Nov 1, 2017, at 6:40 PM, D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV> wrote:

> John,
>
> Cecil asked for an update as well.
>
> My folks were talking to ORC and others today.
>
> I will let you know the status tomorrow.
>
> Mike
>
> **From:** Armstead, John A.
> **Sent:** Wednesday, November 01, 2017 4:58 PM
> **To:** D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>
> **Subject:** FW: FOIA EPA-HQ-2017-011741
>
> Mike, do we have a status on this FOIA?
>
> ***John A. Armstead***
>
> ***Regional Administrator Office***

EPA Mid-Atlantic Region 3

215-814-2918 (o)

https://foiaonline.regulations.gov/foia/action/public/view/request?objectId=090004d2815f059e

Request Details

Tracking Number : *EPA-HQ-2017-011741*

Request Information

Full Name : Karl Blankenship

Organization : N/A

Date Submitted : 09/22/2017

_ Estimated Date of Completion : October 23, 2017

Final Disposition : Undetermined

Description :

I request all records concerning communications within the U.S. Environmental Protection Agency and between U.S. EPA and federal or state agencies or outside parties since Jan. 20, 2017 concerning each of the following: 1) The "Bay Journal" or "Chesapeake Bay Journal;" 2) EPA Grant CB-96342701 awarded to Chesapeake Media Services Inc. (now Bay Journal Media) on 1/20/2016. 3) Documentation of any "shift in priorities" for the Chesapeake Bay Program affecting its activities, especially as they relate to grant programs. Please include any phone calls, call logs, call sheets, Skype calls or videos, emails, letters, hand-written notes, day calendars, memorandums, meeting agenda sheets, text messages, voice and video recordings and other documented forms of communication. Please search for responsive records to my request in the email accounts affiliated with the following individuals: Scott Pruitt, Ken Wagner, John Konkus, Cecil Rodrigues, John Armstead, and Diana Esher.

Released Records _ No records have been released.

Bottom of Form

Lauren W. Lovett
Chief Suspension and Debarment Hearing Officer
U.S. EPA | Office of Administration and Resources Management | Office of Grants and Debarment
Office: 202.564.2560 | Mobile: 202.809.6380 | Email: lovett.lauren@epa.gov
1200 Pennsylvania Ave. NW MC 3901R Washington, DC 20460
https://www.epa.gov/grants/suspension-and-debarment-program

To: Armstead, John A.[Armstead.John@epa.gov]
From: D'Andrea, Michael
Sent: Thur 11/2/2017 8:22:52 PM
Subject: RE: FOIA EPA-HQ-2017-011741

John,

I stopped by a few times today to give you an update but you weren't available.

Are you in tomorrow? I would like to give the update in person.

Mike

From: Armstead, John A.
Sent: Thursday, November 02, 2017 7:34 AM
To: D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>
Subject: Re: FOIA EPA-HQ-2017-011741

Thanks.

John Armstead

Sent from my iPhone

On Nov 1, 2017, at 6:40 PM, D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV> wrote:

John,

Cecil asked for an update as well.

My folks were talking to ORC and others today.

I will let you know the status tomorrow.

Mike

From: Armstead, John A.
Sent: Wednesday, November 01, 2017 4:58 PM
To: D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>
Subject: FW: FOIA EPA-HQ-2017-011741

Mike, do we have a status on this FOIA?

John A. Armstead

Regional Administrator Office

EPA Mid-Atlantic Region 3

215-814-2918 (o)

https://foiaonline.regulations.gov/foia/action/public/view/request?objectId=090004d2815f059e

Request Details

Tracking Number : *EPA-HQ-2017-011741*

Request Information

Full Name : Karl Blankenship

Organization : N/A

Date Submitted : 09/22/2017

Estimated Date of Completion : October 23, 2017

Final Disposition : Undetermined

Description :

I request all records concerning communications within the U.S. Environmental Protection Agency and between U.S. EPA and federal or state agencies or outside parties since Jan. 20, 2017 concerning each of the following: 1) The "Bay Journal" or "Chesapeake Bay Journal;" 2) EPA Grant CB-96342701 awarded to Chesapeake Media Services Inc. (now Bay Journal Media) on 1/20/2016. 3) Documentation of any "shift in priorities" for the Chesapeake Bay Program affecting its activities, especially as they relate to grant programs. Please include any phone calls, call logs, call sheets, Skype calls or videos, emails, letters, hand-written notes, day calendars, memorandums, meeting agenda sheets, text messages, voice and video recordings and other

documented forms of communication. Please search for responsive records to my request in the email accounts affiliated with the following individuals: Scott Pruitt, Ken Wagner, John Konkus, Cecil Rodrigues, John Armstead, and Diana Esher.

Released Records _ No records have been released.

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1200 Pennsylvania Ave. NW MC 3901R Washington, DC 20460
https://www.epa.gov/grants/suspension-and-debarment-program

To: Armstead, John A.[Armstead.John@epa.gov]
From: Lovett, Lauren
Sent: Thur 11/2/2017 11:18:34 AM
Subject: Re: FOIA EPA-HQ-2017-011741

Ok. Ex. 5 - Deliberative Process

Lauren W. Lovett
Chief Suspension and Debarment Hearing Officer
U.S. EPA | Office of Administration and Resources Management | Office of Grants and Debarment
Office: 202.564.2560 | Mobile: 202.809.6380 | Email: lovett.lauren@epa.gov
1200 Pennsylvania Ave. NW MC 3901R Washington, DC 20460
https://www.epa.gov/grants/suspension-and-debarment-program

On Nov 1, 2017, at 4:56 PM, Armstead, John A. <Armstead.John@epa.gov> wrote:

Thanks, and I do recall this request. Ex. 5 - Deliberative Process

John A. Armstead

Regional Administrator Office

EPA Mid-Atlantic Region 3

215-814-2918 (o)

From: Lovett, Lauren
Sent: Wednesday, November 01, 2017 4:07 PM
To: Armstead, John A. <Armstead.John@epa.gov>
Subject: FOIA EPA-HQ-2017-011741

Thank you for all of your invaluable advice at lunch!

Here is the FOIA I was mentioning, FYI. I periodically search FOIAOnline for "debarment" and "grants" as part of my responsibilities in OGD to get a head start on FOIA processing and it was in my search results. It was controlled to HQ:

https://foiaonline.regulations.gov/foia/action/public/view/request?objectId=090004d2815f059e

Request Details

Tracking Number : *EPA-HQ-2017-011741*

Request Information

Full Name : Karl Blankenship

Organization : N/A

Date Submitted : 09/22/2017

_ Estimated Date of Completion : October 23, 2017

Final Disposition : Undetermined

Description :

I request all records concerning communications within the U.S. Environmental Protection Agency and between U.S. EPA and federal or state agencies or outside parties since Jan. 20, 2017 concerning each of the following: 1) The "Bay Journal" or "Chesapeake Bay Journal;" 2) EPA Grant CB-96342701 awarded to Chesapeake Media Services Inc. (now Bay Journal Media) on 1/20/2016. 3) Documentation of any "shift in priorities" for the Chesapeake Bay Program affecting its activities, especially as they relate to grant programs. Please include any phone calls, call logs, call sheets, Skype calls or videos, emails, letters, hand-written notes, day calendars, memorandums, meeting agenda sheets, text messages, voice and video recordings and other documented forms of communication. Please search for responsive records to my request in the email accounts affiliated with the following individuals: Scott Pruitt, Ken Wagner, John Konkus, Cecil Rodrigues, John Armstead, and Diana Esher.

Released Records _ No records have been released.

Bottom of Form

Lauren W. Lovett
Chief Suspension and Debarment Hearing Officer
U.S. EPA | Office of Administration and Resources Management | Office of Grants and Debarment
Office: 202.564.2560 | Mobile: 202.809.6380 | Email: lovett.lauren@epa.gov
1200 Pennsylvania Ave. NW MC 3901R Washington, DC 20460
https://www.epa.gov/grants/suspension-and-debarment-program

To: Armstead, John A.[Armstead.John@epa.gov]
From: Lovett, Lauren
Sent: Tue 11/14/2017 12:28:07 PM
Subject: RE: FOIA EPA-HQ-2017-011741
Bay Journal Media v EPA Complaint.pdf

FYI.

Lauren W. Lovett
Chief Suspension and Debarment Hearing Officer
U.S. EPA | Office of Administration and Resources Management | Office of Grants and Debarment
Office: 202.564.2560 | Mobile: 202.809.6380 | Email: lovett.lauren@epa.gov
1200 Pennsylvania Ave. NW MC 3901R Washington, DC 20460
https://www.epa.gov/grants/suspension-and-debarment-program

From: Lovett, Lauren
Sent: Thursday, November 02, 2017 7:19 AM
To: Armstead, John A. <Armstead.John@epa.gov>
Subject: Re: FOIA EPA-HQ-2017-011741

Ok. Ex. 5 - Deliberative Process

Lauren W. Lovett
Chief Suspension and Debarment Hearing Officer
U.S. EPA | Office of Administration and Resources Management | Office of Grants and Debarment
Office: 202.564.2560 | Mobile: 202.809.6380 | Email: lovett.lauren@epa.gov
1200 Pennsylvania Ave. NW MC 3901R Washington, DC 20460
https://www.epa.gov/grants/suspension-and-debarment-program

On Nov 1, 2017, at 4:56 PM, Armstead, John A. <Armstead.John@epa.gov> wrote:

Thanks, and I do recall this request. Ex. 5 - Deliberative Process

John A. Armstead

Regional Administrator Office

EPA Mid-Atlantic Region 3

215-814-2918 (o)

From: Lovett, Lauren
Sent: Wednesday, November 01, 2017 4:07 PM
To: Armstead, John A. <Armstead.John@epa.gov>
Subject: FOIA EPA-HQ-2017-011741

Thank you for all of your invaluable advice at lunch!

Here is the FOIA I was mentioning, FYI. I periodically search FOIAOnline for "debarment" and "grants" as part of my responsibilities in OGD to get a head start on FOIA processing and it was in my search results. It was controlled to HQ:

https://foiaonline.regulations.gov/foia/action/public/view/request?objectId=090004d2815f059e

Request Details

Tracking Number : *EPA-HQ-2017-011741*

Request Information

Full Name : Karl Blankenship

Organization : N/A

Date Submitted : 09/22/2017

_ Estimated Date of Completion : October 23, 2017

Final Disposition : Undetermined

Description :

I request all records concerning communications within the U.S. Environmental Protection Agency and between U.S. EPA and federal or state agencies or outside parties since Jan. 20, 2017 concerning each of the following: 1) The "Bay Journal" or "Chesapeake Bay Journal;" 2) EPA Grant CB-96342701 awarded to Chesapeake Media Services Inc. (now Bay Journal Media) on 1/20/2016. 3) Documentation of any "shift in priorities" for the Chesapeake Bay Program affecting its activities, especially as they relate to grant programs. Please include any phone calls, call logs, call sheets, Skype calls or videos, emails, letters, hand-written notes, day calendars, memorandums, meeting agenda sheets, text messages, voice and video recordings and other documented forms of communication. Please search for responsive records to my request in the email accounts affiliated with the following individuals: Scott Pruitt, Ken Wagner, John Konkus, Cecil Rodrigues, John Armstead, and Diana Esher.

Released Records _ No records have been released.

Bottom of Form

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1200 Pennsylvania Ave. NW MC 3901R Washington, DC 20460
https://www.epa.gov/grants/suspension-and-debarment-program

To: Armstead, John A.[Armstead.John@epa.gov]
From: D'Andrea, Michael
Sent: Wed 11/1/2017 10:40:56 PM
Subject: RE: FOIA EPA-HQ-2017-011741

John,

Cecil asked for an update as well.

My folks were talking to ORC and others today.

I will let you know the status tomorrow.

Mike

From: Armstead, John A.
Sent: Wednesday, November 01, 2017 4:58 PM
To: D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>
Subject: FW: FOIA EPA-HQ-2017-011741

Mike, do we have a status on this FOIA?

John A. Armstead

Regional Administrator Office

EPA Mid-Atlantic Region 3

215-814-2918 (o)

https://foiaonline.regulations.gov/foia/action/public/view/request?objectId=090004d2815f059e

Request Details

Tracking Number : *EPA-HQ-2017-011741*

Request Information

Full Name : Karl Blankenship

Organization : N/A

Date Submitted : 09/22/2017

_ Estimated Date of Completion : October 23, 2017

Final Disposition : Undetermined

Description :

I request all records concerning communications within the U.S. Environmental Protection Agency and between U.S. EPA and federal or state agencies or outside parties since Jan. 20, 2017 concerning each of the following: 1) The "Bay Journal" or "Chesapeake Bay Journal;" 2) EPA Grant CB-96342701 awarded to Chesapeake Media Services Inc. (now Bay Journal Media) on 1/20/2016. 3) Documentation of any "shift in priorities" for the Chesapeake Bay Program affecting its activities, especially as they relate to grant programs. Please include any phone calls, call logs, call sheets, Skype calls or videos, emails, letters, hand-written notes, day calendars, memorandums, meeting agenda sheets, text messages, voice and video recordings and other documented forms of communication. Please search for responsive records to my request in the email accounts affiliated with the following individuals: Scott Pruitt, Ken Wagner, John Konkus, Cecil Rodrigues, John Armstead, and Diana Esher.

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1200 Pennsylvania Ave. NW MC 3901R Washington, DC 20460
https://www.epa.gov/grants/suspension-and-debarment-program

To: Armstead, John A.[Armstead.John@epa.gov]
From: Lovett, Lauren
Sent: Wed 11/1/2017 8:07:20 PM
Subject: FOIA EPA-HQ-2017-011741

Thank you for all of your invaluable advice at lunch!

Here is the FOIA I was mentioning, FYI. I periodically search FOIAOnline for "debarment" and "grants" as part of my responsibilities in OGD to get a head start on FOIA processing and it was in my search results. It was controlled to HQ:

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Request Details

Tracking Number : *EPA-HQ-2017-011741*

Request Information

Full Name : Karl Blankenship

Organization : N/A

Date Submitted : 09/22/2017

Estimated Date of Completion : October 23, 2017

Final Disposition : Undetermined

Description :

I request all records concerning communications within the U.S. Environmental Protection Agency and between U.S. EPA and federal or state agencies or outside parties since Jan. 20, 2017 concerning each of the following: 1) The "Bay Journal" or "Chesapeake Bay Journal;" 2) EPA Grant CB-96342701 awarded to Chesapeake Media Services Inc. (now Bay Journal Media) on 1/20/2016. 3) Documentation of any "shift in priorities" for the Chesapeake Bay Program affecting its activities, especially as they relate to grant programs. Please include any phone calls, call logs, call sheets, Skype calls or videos, emails, letters, hand-written notes, day calendars, memorandums, meeting agenda sheets, text messages, voice and video recordings and other documented forms of communication. Please search for responsive records to my request in the email accounts affiliated with the following individuals: Scott Pruitt, Ken Wagner, John Konkus, Cecil Rodrigues, John Armstead, and Diana Esher.

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1200 Pennsylvania Ave. NW MC 3901R Washington, DC 20460
https://www.epa.gov/grants/suspension-and-debarment-program

To: Armstead, John A.[Armstead.John@epa.gov]; Zieba, Kyle[Zieba.Kyle@epa.gov]; Miller, Linda[miller.linda@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]
From: Searfoss, Renee
Sent: Mon 8/28/2017 4:35:59 PM
Subject: FW: Bay Journal
BayJournalPruittLetterCBC.pdf

Please see comments below.

Thank you.

Renee Searfoss

Executive Assistant

Office of the Regional Administrator

215-814-2137

Searfoss.renee@epa.gov

From: Ann Swanson [mailto:aswanson@chesbay.us]
Sent: Monday, August 28, 2017 12:01 PM
To: molly.ward@governor.virginia.gov; david.paylor@deq.virginia.gov; basil.gooden@governor.virginia.gov; clyde.cristman@dcr.virginia.gov; Mark.belton@maryland.gov; Ben Grumbles <ben.grumbles@maryland.gov>; Joe.bartenfelder@maryland.gov; secretary@mdot.state.md.us; wendi.peters@maryland.gov; tommy.wells@dc.gov; cindydunn@pa.gov; rredding@pa.gov; pmcdonnell@pa.gov; shawn.garvin@state.de.us; michael.scuse@state.de.us; austin.caperton@wv.gov; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; DiPasquale, Nicholas <dipasquale.nicholas@epa.gov>; pat.montanio@noaa.gov; mtupper@usgs.gov; Wendi_weber@fws.gov; gayle.barry@wdc.usda.gov; lia.cattaneo@dot.gov; Jeanette.mar@dot.gov; edward.p.chamberlayne@usace.army.mil; jason.e.kelly@usace.army.mil; Basil.Seggos@dec.ny.gov; kleonhardt@wvda.us; Sharon.Baumann@navy.mil
Cc: zoe.johnson@noaa.gov; bbuckingh@pa.gov; katherine.antos@dc.gov; bruce.vogt@noaa.gov; kara.skipper@noaa.gov; gina.hunt@maryland.gov; jennifer_greiner@fws.gov; Runion, Kyle <Runion.Kyle@epa.gov>; Hobaugh, Paige <hobaugh.paige@epa.gov>; Power, Lucinda <power.lucinda@epa.gov>; Gordon, Lindsey <Gordon.Lindsey@epa.gov>; rthompson@chesapeakebay.net; Katherine Wares <kwares@chesapeakebay.net>; ahanden@chesapeakebay.net; drew_pizzala@partner.nps.gov;

Allen, Greg <allen.greg@epa.gov>; Freeman, Emily <freeman.emily@epa.gov>; ptango@chesapeakebay.net; khinson@chesapeakebay.net; mmerritt@chesapeakebay.net; zoe.johnson@noaa.gov; ssmith@chesapeakebay.net; jsmedinghoff@chesapeakebay.net; rfelver@chesapeakebay.net; cjohnstone@chesapeakebay.net; Free, Laura <Free.Laura@epa.gov>; Vetter, Doreen <vetter.doreen@epa.gov>; ckrikstan@chesapeakebay.net; Bisland, Carin <bisland.carin@epa.gov>; Lehmer, Nicole; ksaunders@umces.edu; faganm@chesapeake.org; jblackburn@allianceforthebay.org; Mary Gattis <mgattis@allianceforthebay.org>; dixonr@chesapeake.org; HinrichsE@chesapeake.org; Winters, Julie <Winters.Julie@epa.gov>; Parrish, Reggie <parrish.reginald@epa.gov>; Hindin, Rebecca <Hindin.Rebecca@epa.gov>; Stanton, Darius <stanton.darius@epa.gov>; sclaggett@fs.fed.us; jmawhorter@fs.fed.us; Wenz, Tom <Wenz.Tom@epa.gov>; Freeman, Emily <freeman.emily@epa.gov>
Subject: Bay Journal

FYI, this letter concerning Bay Journal Funding was just sent to Administrator Pruitt. I have also spoken to Ken Wagner, Senior Advisor to the Administrator for Regional & State Affairs. Ken has also heard from the Hogan Administration and assured me that the decision was made at a lower level and that Pruitt and he will be carefully looking in to this decision. I got the sense that there was some likelihood for reversal. Let's hope so.

Ann

To: Armstead, John A.[Armstead.John@epa.gov]
Cc: Zieba, Kyle[Zieba.Kyle@epa.gov]; Miller, Linda[miller.linda@epa.gov]
From: Searfoss, Renee
Sent: Mon 8/28/2017 4:33:24 PM
Subject: FW: Bay Journal
BayJournalPruittLetterCBC.pdf

Fyi.

Thanks.

Renee Searfoss

Executive Assistant

Office of the Regional Administrator

215-814-2137

Searfoss.renee@epa.gov

From: Ann Swanson [mailto:aswanson@chesbay.us]
Sent: Monday, August 28, 2017 11:46 AM
To: Pruitt, Scott <Pruitt.Scott@epa.gov>
Cc: Wagner, Kenneth <wagner.kenneth@epa.gov>; DiPasquale, Nicholas <dipasquale.nicholas@epa.gov>; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Adam Pankake (Yaw) (apankake@pasen.gov) <apankake@pasen.gov>; Ann Jennings <AJennings@chesbay.us>; Ann Swanson <aswanson@chesbay.us>; Ann Watts (Throwe) (ann.watts@maryland.gov) <ann.watts@maryland.gov>; Chad Reichard (Alloway) (creichard@pasen.gov) <creichard@pasen.gov>; Dana Aunkst (daunkst@pa.gov) <daunkst@pa.gov>; David Goshorn (david.goshorn@maryland.gov) <david.goshorn@maryland.gov>; David L. Bulova (DelDBulova@house.virginia.gov) <DelDBulova@house.virginia.gov>; Dennis Treacy (dtreacy@smithfield.com) <dtreacy@smithfield.com>; Diana Carroll (Belton) (diana.carroll@maryland.gov) <diana.carroll@maryland.gov>; Emma Manzi -Admiral- (emma.manzi@navy.mil) <emma.manzi@navy.mil>; Emmett W. Hanger Jr. (district24@senate.virginia.gov) <district24@senate.virginia.gov>; Felix Schapiro (Ward) (felix.schapiro@governor.virginia.gov) <felix.schapiro@governor.virginia.gov>; Frank W. Wagner (district07@senate.virginia.gov) <district07@senate.virginia.gov>; Garth D. Everett (Geverett@pahousegop.com) <Geverett@pahousegop.com>; Gene Yaw (gyaw@pasen.gov)

<gyaw@pasen.gov>; Guy Guzzone <guyguzzone@comcast.net>; Guy Guzzone (guy.guzzone@senate.state.md.us) <guy.guzzone@senate.state.md.us>; Reim, Heather <hreim@pa.gov>; Jennifer Donnelly <jdonnelly@chesbay.us>; Joanne Throwe (joanne.throwe@maryland.gov) <joanne.throwe@maryland.gov>; John "Jack" Scorby (john.c.scorby@navy.mil) <john.c.scorby@navy.mil>; Judy Brennan (Middleton) (jbrennan@senate.state.md.us) <jbrennan@senate.state.md.us>; Keith Gillespie (Kgillesp@pahousegop.com) <Kgillesp@pahousegop.com>; Kenya Colbert (Goshorn) (kenya.colbert1@maryland.gov) <kenya.colbert1@maryland.gov>; L. Scott Lingamfelter (DelSLingamfelter@house.virginia.gov) <DelSLingamfelter@house.virginia.gov>; Laura Chambers (Aunkst) (lchambers@pa.gov) <lchambers@pa.gov>; Linda Fiorilla (Yaw) (lfiorilla@pasen.gov) <lfiorilla@pasen.gov>; Maggie McIntosh (Delmaggie@msn.com) <Delmaggie@msn.com>; Maggie McIntosh (maggie.mcintosh@house.state.md.us) <maggie.mcintosh@house.state.md.us>; Marel King <mking@chesbay.us>; Margaret Ransone (DelMRansone@house.virginia.gov) <DelMRansone@house.virginia.gov>; Mark Hoffman <mhoffman@chesbay.us>; Mark J. Belton (mark.belton@maryland.gov) <mark.belton@maryland.gov>; Mathew Stegman (McInstosh) (Matthew.Stegman@mlis.state.md.us) <Matthew.Stegman@mlis.state.md.us>; Matthew Fleming -DNR- <matthew.fleming@maryland.gov>; McDonnell, Patrick <pmcdonnell@pa.gov>; Molly Ward (Molly.Ward@governor.virginia.gov) <Molly.Ward@governor.virginia.gov>; P. Michael Sturla (msturla@pahouse.net) <msturla@pahouse.net>; Richard L. Alloway II (alloway@pasen.gov) <alloway@pasen.gov>; Rita Zielonis (Yaw) (rzielonis@pasen.gov) <rzielonis@pasen.gov>; Russ Baxter (russ.baxter@governor.virginia.gov) <russ.baxter@governor.virginia.gov>; Sarah Diebel <sarah.diebel@navy.mil>; Stacy Gregson (Alloway) (sgregson@pasen.gov) <sgregson@pasen.gov>; Tawanna Gaines (tawannagaines@hotmail.com) <tawannagaines@hotmail.com>; Tawanna P. Gaines (Tawanna.Gaines@house.state.md.us) <Tawanna.Gaines@house.state.md.us>; Terry Durkin (Lingamfelter) (Terry@ScottforVA.com) <Terry@ScottforVA.com>; Thomas "Mac" Middleton (Thomas.mclain.middleton@senate.state.md.us) <Thomas.mclain.middleton@senate.state.md.us>; Thomas.middleton35@icloud.com; vbkasi@state.pa.us; Warren Elliott (wdelliott@comcast.net) <wdelliott@comcast.net>; Kristen Wolf <kwolf@pa.gov>
Subject: Bay Journal

Dear Administrator Pruitt:

Attached please find a letter conveying the Chesapeake Bay Commission's concern over your recent decision to terminate funding for the *BayJournal* mid-course in the organization's six-year grant cycle.

The *BayJournal* provides high quality, in-depth coverage of our collective efforts across the 64,000 square-mile watershed. By providing Federal Funding, EPA ensures that the work of the Chesapeake Bay Program partnership is comprehensively and accurately covered.

We ask that you reconsider this decision given the profoundly important role that the *BayJournal* plays in conveying information about the Chesapeake Bay Restoration to more than 60,000 readers. It is money well spent.

Ann Swanson

To: Rodrigues, Cecil[rodrigues.cecil@epa.gov]; Armstead, John A.[Armstead.John@epa.gov]; DiPasquale, Nicholas[dipasquale.nicholas@epa.gov]; Edward, James[edward.james@epa.gov]; Wenz, Tom[Wenz.Tom@epa.gov]; Rachel Felver[rfelver@chesapeakebay.net]; White, Lisa[WHITE.LISA@EPA.GOV]; Esher, Diana[Esher.Diana@epa.gov]; Krakowiak, John[Krakowiak.John@epa.gov]
Cc: White, Terri-A[White.Terri-A@epa.gov]; schafer, joan[schafer.joan@epa.gov]; Miller, Linda[miller.linda@epa.gov]; Zieba, Kyle[Zieba.Kyle@epa.gov]
From: D'Andrea, Michael
Sent: Wed 8/23/2017 4:46:15 PM
Subject: FW: Notification of Funding Decision on Grant Award

Headquarters will handle any and all calls from the press or elected officials about this issue.

If you receive any calls, please refer them to me and I will ensure that HQ responds.

Thanks.

Mike

From: Esher, Diana
Sent: Wednesday, August 23, 2017 12:17 PM
To: 'kblankenship@bayjournal.com' <kblankenship@bayjournal.com>
Cc: Jim Edward (edward.james@epa.gov) <edward.james@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>
Subject: Notification of Funding Decision on Grant Award

Dear Mr. Blankenship,

This message is to notify you that EPA will not fund your grant application for The Chesapeake Bay Journal. Due to a shift in priorities, EPA has decided not to provide funds for your project. Please accept our sincere thanks for your interest this EPA funding opportunity.

Diana Esher

Assistant Regional Administrator

for Policy and Management

US EPA Region 3

215-814-2706

esher.diana@epa.gov

To: D'Andrea, Michael[DANDREA.MICHAEL@EPA.GOV]
From: Armstead, John A.
Sent: Thur 11/2/2017 9:02:02 PM
Subject: RE: FOIA EPA-HQ-2017-011741

I am not but feel free to give me a call, my EC500 is on.

John A. Armstead

Regional Administrator Office

EPA Mid-Atlantic Region 3

215-814-2918 (o)

From: D'Andrea, Michael
Sent: Thursday, November 02, 2017 4:23 PM
To: Armstead, John A. <Armstead.John@epa.gov>
Subject: RE: FOIA EPA-HQ-2017-011741

John,

I stopped by a few times today to give you an update but you weren't available.

Are you in tomorrow? I would like to give the update in person.

Mike

From: Armstead, John A.
Sent: Thursday, November 02, 2017 7:34 AM
To: D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>
Subject: Re: FOIA EPA-HQ-2017-011741

Thanks.

John Armstead

Sent from my iPhone

On Nov 1, 2017, at 6:40 PM, D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV> wrote:

John,

Cecil asked for an update as well.

My folks were talking to ORC and others today.

I will let you know the status tomorrow.

Mike

From: Armstead, John A.
Sent: Wednesday, November 01, 2017 4:58 PM
To: D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>
Subject: FW: FOIA EPA-HQ-2017-011741

Mike, do we have a status on this FOIA?

John A. Armstead

Regional Administrator Office

EPA Mid-Atlantic Region 3

215-814-2918 (o)

https://foiaonline.regulations.gov/foia/action/public/view/request?objectId=090004d2815f059e

Request Details

Tracking Number : *EPA-HQ-2017-011741*

Request Information

Full Name : Karl Blankenship

Organization : N/A

Date Submitted : 09/22/2017

_ Estimated Date of Completion : October 23, 2017

Final Disposition : Undetermined

Description :

I request all records concerning communications within the U.S. Environmental Protection Agency and between U.S. EPA and federal or state agencies or outside parties since Jan. 20, 2017 concerning each of the following: 1) The "Bay Journal" or "Chesapeake Bay Journal;" 2) EPA Grant CB-96342701 awarded to Chesapeake Media Services Inc. (now Bay Journal Media) on 1/20/2016. 3) Documentation of any "shift in priorities" for the Chesapeake Bay Program affecting its activities, especially as they relate to grant programs. Please include any phone calls, call logs, call sheets, Skype calls or videos, emails, letters, hand-written notes, day calendars, memorandums, meeting agenda sheets, text messages, voice and video recordings and other documented forms of communication. Please search for responsive records to my request in the email accounts affiliated with the following individuals: Scott Pruitt, Ken Wagner, John Konkus, Cecil Rodrigues, John Armstead, and Diana Esher.

Released Records _ No records have been released.

Bottom of Form

Lauren W. Lovett
Chief Suspension and Debarment Hearing Officer
U.S. EPA | Office of Administration and Resources Management | Office of Grants and Debarment
Office: 202.564.2560 | Mobile: 202.809.6380 | Email: lovett.lauren@epa.gov
1200 Pennsylvania Ave. NW MC 3901R Washington, DC 20460
https://www.epa.gov/grants/suspension-and-debarment-program

To: Searfoss, Renee[searfoss.renee@epa.gov]
From: Armstead, John A.
Sent: Mon 8/28/2017 9:36:22 PM
Subject: RE: Bay Journal

Interesting.

John A. Armstead

Acting Deputy Regional Administrator

EPA Mid-Atlantic Region 3

215-814-2918 (o)

From: Searfoss, Renee
Sent: Monday, August 28, 2017 12:36 PM
To: Armstead, John A. <Armstead.John@epa.gov>; Zieba, Kyle <Zieba.Kyle@epa.gov>; Miller, Linda <miller.linda@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Subject: FW: Bay Journal

Please see comments below.

Thank you.

Renee Searfoss

Executive Assistant

Office of the Regional Administrator

215-814-2137

Searfoss.renee@epa.gov

From: Ann Swanson [mailto:aswanson@chesbay.us]
Sent: Monday, August 28, 2017 12:01 PM
To: molly.ward@governor.virginia.gov; david.paylor@deq.virginia.gov; basil.gooden@governor.virginia.gov; clyde.cristman@dcr.virginia.gov; Mark.belton@maryland.gov; Ben Grumbles <ben.grumbles@maryland.gov>; Joe.bartenfelder@maryland.gov; secretary@mdot.state.md.us; wendi.peters@maryland.gov; tommy.wells@dc.gov; cindydunn@pa.gov; rredding@pa.gov; pmcdonnell@pa.gov; shawn.garvin@state.de.us; michael.scuse@state.de.us; austin.caperton@wv.gov; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; DiPasquale, Nicholas <dipasquale.nicholas@epa.gov>; pat.montanio@noaa.gov; mtupper@usgs.gov; Wendi_weber@fws.gov; gayle.barry@wdc.usda.gov; lia.cattaneo@dot.gov; Jeanette.mar@dot.gov; edward.p.chamberlayne@usace.army.mil; jason.e.kelly@usace.army.mil; Basil.Seggos@dec.ny.gov; kleonhardt@wvda.us; Sharon.Baumann@navy.mil
Cc: zoe.johnson@noaa.gov; bbuckingh@pa.gov; katherine.antos@dc.gov; bruce.vogt@noaa.gov; kara.skipper@noaa.gov; gina.hunt@maryland.gov; jennifer_greiner@fws.gov; Runion, Kyle <Runion.Kyle@epa.gov>; Hobaugh, Paige <hobaugh.paige@epa.gov>; Power, Lucinda <power.lucinda@epa.gov>; Gordon, Lindsey <Gordon.Lindsey@epa.gov>; rthompson@chesapeakebay.net; Katherine Wares <kwares@chesapeakebay.net>; ahanden@chesapeakebay.net; drew_pizzala@partner.nps.gov; Allen, Greg <allen.greg@epa.gov>; Freeman, Emily <freeman.emily@epa.gov>; ptango@chesapeakebay.net; khinson@chesapeakebay.net; mmerritt@chesapeakebay.net; zoe.johnson@noaa.gov; ssmith@chesapeakebay.net; jsmedinghoff@chesapeakebay.net; rfelver@chesapeakebay.net; cjohnstone@chesapeakebay.net; Free, Laura <Free.Laura@epa.gov>; Vetter, Doreen <vetter.doreen@epa.gov>; ckrikstan@chesapeakebay.net; Bisland, Carin <bisland.carin@epa.gov>; Lehmer, Nicole; ksaunders@umces.edu; faganm@chesapeake.org; jblackburn@allianceforthebay.org; Mary Gattis <mgattis@allianceforthebay.org>; dixonr@chesapeake.org; HinrichsE@chesapeake.org; Winters, Julie <Winters.Julie@epa.gov>; Parrish, Reggie <parrish.reginald@epa.gov>; Hindin, Rebecca <Hindin.Rebecca@epa.gov>; Stanton, Darius <stanton.darius@epa.gov>; sclaggett@fs.fed.us; jmawhorter@fs.fed.us; Wenz, Tom <Wenz.Tom@epa.gov>; Freeman, Emily <freeman.emily@epa.gov>
Subject: Bay Journal

FYI, this letter concerning Bay Journal Funding was just sent to Administrator Pruitt. I have also spoken to Ken Wagner, Senior Advisor to the Administrator for Regional & State Affairs. Ken has also heard from the Hogan Administration and assured me that the decision was made at a lower level and that Pruitt and he will be carefully looking in to this decision. I got the sense that there was some likelihood for reversal. Let's hope so.

Ann

To: D'Andrea, Michael[DANDREA.MICHAEL@EPA.GOV]
From: Armstead, John A.
Sent: Thur 11/2/2017 11:34:08 AM
Subject: Re: FOIA EPA-HQ-2017-011741

Thanks.

John Armstead
Sent from my iPhone

On Nov 1, 2017, at 6:40 PM, D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV> wrote:

John,

Cecil asked for an update as well.

My folks were talking to ORC and others today.

I will let you know the status tomorrow.

Mike

From: Armstead, John A.
Sent: Wednesday, November 01, 2017 4:58 PM
To: D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>
Subject: FW: FOIA EPA-HQ-2017-011741

Mike, do we have a status on this FOIA?

John A. Armstead

Regional Administrator Office

EPA Mid-Atlantic Region 3

215-814-2918 (o)

https://foiaonline.regulations.gov/foia/action/public/view/request?objectId=090004d2815f059e

Request Details

Tracking Number : *EPA-HQ-2017-011741*

Request Information

Full Name : Karl Blankenship

Organization : N/A

Date Submitted : 09/22/2017

_ Estimated Date of Completion : October 23, 2017

Final Disposition : Undetermined

Description :

I request all records concerning communications within the U.S. Environmental Protection Agency and between U.S. EPA and federal or state agencies or outside parties since Jan. 20, 2017 concerning each of the following: 1) The "Bay Journal" or "Chesapeake Bay Journal;" 2) EPA Grant CB-96342701 awarded to Chesapeake Media Services Inc. (now Bay Journal Media) on 1/20/2016. 3) Documentation of any "shift in priorities" for the Chesapeake Bay Program affecting its activities, especially as they relate to grant programs. Please include any phone calls, call logs, call sheets, Skype calls or videos, emails, letters, hand-written notes, day calendars, memorandums, meeting agenda sheets, text messages, voice and video recordings and other documented forms of communication. Please search for responsive records to my request in the email accounts affiliated with the following individuals: Scott Pruitt, Ken Wagner, John Konkus, Cecil Rodrigues, John Armstead, and Diana Esher.

Released Records _ No records have been released.

Bottom of Form

Lauren W. Lovett

Chief Suspension and Debarment Hearing Officer
U.S. EPA | Office of Administration and Resources Management | Office of Grants and Debarment
Office: 202.564.2560 | Mobile: 202.809.6380 | Email: lovett.lauren@epa.gov
1200 Pennsylvania Ave. NW MC 3901R Washington, DC 20460
https://www.epa.gov/grants/suspension-and-debarment-program

To: D'Andrea, Michael[DANDREA.MICHAEL@EPA.GOV]
From: Armstead, John A.
Sent: Wed 11/1/2017 8:58:01 PM
Subject: FW: FOIA EPA-HQ-2017-011741

Mike, do we have a status on this FOIA?

John A. Armstead

Regional Administrator Office

EPA Mid-Atlantic Region 3

215-814-2918 (o)

https://foiaonline.regulations.gov/foia/action/public/view/request?objectId=090004d2815f059e

Request Details

Tracking Number : *EPA-HQ-2017-011741*

Request Information

Full Name : Karl Blankenship

Organization : N/A

Date Submitted : 09/22/2017

Estimated Date of Completion : October 23, 2017

Final Disposition : Undetermined

Description :

I request all records concerning communications within the U.S. Environmental Protection Agency and between U.S. EPA and federal or state agencies or outside parties since Jan. 20, 2017 concerning each of the following: 1) The "Bay Journal" or "Chesapeake Bay Journal;" 2) EPA Grant CB-96342701 awarded to Chesapeake Media Services Inc. (now Bay Journal Media) on 1/20/2016. 3) Documentation of any "shift in priorities" for the Chesapeake Bay Program affecting its activities, especially as they relate to grant programs. Please include any

phone calls, call logs, call sheets, Skype calls or videos, emails, letters, hand-written notes, day calendars, memorandums, meeting agenda sheets, text messages, voice and video recordings and other documented forms of communication. Please search for responsive records to my request in the email accounts affiliated with the following individuals: Scott Pruitt, Ken Wagner, John Konkus, Cecil Rodrigues, John Armstead, and Diana Esher.

Released Records _ No records have been released.

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Lauren W. Lovett
Chief Suspension and Debarment Hearing Officer
U.S. EPA | Office of Administration and Resources Management | Office of Grants and Debarment
Office: 202.564.2560 | Mobile: 202.809.6380 | Email: lovett.lauren@epa.gov
1200 Pennsylvania Ave. NW MC 3901R Washington, DC 20460
https://www.epa.gov/grants/suspension-and-debarment-program

To: Lovett, Lauren[Lovett.Lauren@epa.gov]
From: Armstead, John A.
Sent: Wed 11/1/2017 8:56:44 PM
Subject: RE: FOIA EPA-HQ-2017-011741

Thanks, and I do recall this request. **Ex. 5 - Deliberative Process**

John A. Armstead

Regional Administrator Office

EPA Mid-Atlantic Region 3

215-814-2918 (o)

From: Lovett, Lauren
Sent: Wednesday, November 01, 2017 4:07 PM
To: Armstead, John A. <Armstead.John@epa.gov>
Subject: FOIA EPA-HQ-2017-011741

Thank you for all of your invaluable advice at lunch!

Here is the FOIA I was mentioning, FYI. I periodically search FOIAOnline for "debarment" and "grants" as part of my responsibilities in OGD to get a head start on FOIA processing and it was in my search results. It was controlled to HQ:

https://foiaonline.regulations.gov/foia/action/public/view/request?objectId=090004d2815f059e

Request Details

Tracking Number : *EPA-HQ-2017-011741*

Request Information

Full Name : Karl Blankenship

Organization : N/A

Date Submitted : 09/22/2017

_ Estimated Date of Completion : October 23, 2017

Final Disposition : Undetermined

Description :

I request all records concerning communications within the U.S. Environmental Protection Agency and between U.S. EPA and federal or state agencies or outside parties since Jan. 20, 2017 concerning each of the following: 1) The "Bay Journal" or "Chesapeake Bay Journal;" 2) EPA Grant CB-96342701 awarded to Chesapeake Media Services Inc. (now Bay Journal Media) on 1/20/2016. 3) Documentation of any "shift in priorities" for the Chesapeake Bay Program affecting its activities, especially as they relate to grant programs. Please include any phone calls, call logs, call sheets, Skype calls or videos, emails, letters, hand-written notes, day calendars, memorandums, meeting agenda sheets, text messages, voice and video recordings and other documented forms of communication. Please search for responsive records to my request in the email accounts affiliated with the following individuals: Scott Pruitt, Ken Wagner, John Konkus, Cecil Rodrigues, John Armstead, and Diana Esher.

Released Records _ No records have been released.

Bottom of Form

Lauren W. Lovett
Chief Suspension and Debarment Hearing Officer
U.S. EPA | Office of Administration and Resources Management | Office of Grants and Debarment
Office: 202.564.2560 | Mobile: 202.809.6380 | Email: lovett.lauren@epa.gov
1200 Pennsylvania Ave. NW MC 3901R Washington, DC 20460
https://www.epa.gov/grants/suspension-and-debarment-program

From: Polk, Denise
Location: Rm. 51211 - Denise's Conference Room; 1-866-299-3188-202-564-5306
Importance: Normal
Subject: Bay Journal Grant Appeal Discussion
Start Date/Time: Fri 9/29/2017 2:00:00 PM
End Date/Time: Fri 9/29/2017 2:45:00 PM
Final Ltr. to EPA 9.26.2017.pdf

Greetings,

Wendel Askew, Office of General Counsel, forwarded the attached incoming correspondence from the counsel representing the Bay Journal grant recipient. **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Please feel free to invite others as appropriate.

Thanks, Denise

To: White, Lisa[WHITE.LISA@EPA.GOV]; Edward, James[edward.james@epa.gov]; Smith, William (Region 3)[smith.william@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]; Krakowiak, John[Krakowiak.John@epa.gov]
Cc: D'Andrea, Michael[DANDREA.MICHAEL@EPA.GOV]; Hindin, Rebecca[Hindin.Rebecca@epa.gov]; Wenz, Tom[Wenz.Tom@epa.gov]; DiPasquale, Nicholas[dipasquale.nicholas@epa.gov]
From: graham, benita
Sent: Thur 11/2/2017 7:40:16 PM
Subject: RE: ISO a R3 grant...

Ex. 5 - Deliberative Process

Benita Graham

Acting FOIA Officer

U.S. EPA

Office of Communications and Government Relations

1650 Arch Street/MC: 3CG00

Philadelphia, PA 19103

215-814-5634 (o)

215-814-5102 (f)

From: White, Lisa
Sent: Wednesday, November 01, 2017 9:20 AM
To: Edward, James <edward.james@epa.gov>; Smith, William (Region 3)

<smith.william@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Krakowiak, John <Krakowiak.John@epa.gov>
Cc: graham, benita <graham.benita@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Hindin, Rebecca <Hindin.Rebecca@epa.gov>; Wenz, Tom <Wenz.Tom@epa.gov>; DiPasquale, Nicholas <dipasquale.nicholas@epa.gov>
Subject: RE: ISO a R3 grant...

Ex. 5 - Deliberative Process lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: Edward, James
Sent: Wednesday, November 01, 2017 8:48 AM
To: Smith, William (Region 3) <smith.william@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Esher, Diana <Esher.Diana@epa.gov>; Krakowiak, John <Krakowiak.John@epa.gov>
Cc: graham, benita <graham.benita@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Hindin, Rebecca <Hindin.Rebecca@epa.gov>; Wenz, Tom <Wenz.Tom@epa.gov>; DiPasquale, Nicholas <dipasquale.nicholas@epa.gov>
Subject: RE: ISO a R3 grant...

Ex. 5 - Deliberative Process

#BayStrong

Jim Edward

Deputy Director

Chesapeake Bay Program Office

US EPA Region III

410 Severn Ave.

Annapolis MD 21403

edward.james@epa.gov

410-267-5705

From: Smith, William (Region 3)
Sent: Wednesday, November 01, 2017 8:29 AM
To: White, Lisa <WHITE.LISA@EPA.GOV>; Edward, James <edward.james@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Krakowiak, John <Krakowiak.John@epa.gov>
Subject: RE: ISO a R3 grant...

*****CONFIDENTIAL ATTORNEY COMMUNICATION - May be FOIA exempt*****

Ex. 5 - Attorney Client

William C. Smith

Senior Assistant Regional Counsel

Office of Regional Counsel

U.S. Environmental Protection Agency, Region III

smith.william@epa.gov

Mailcode 3RC00

215-814-2690 (phone)

215-814-2603 (fax)

From: White, Lisa
Sent: Wednesday, November 01, 2017 7:49 AM
To: Edward, James <edward.james@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>; Krakowiak, John <Krakowiak.John@epa.gov>
Subject: FW: ISO a R3 grant...

Good Morning,

I am sharing this to let you know I received a request for information on the Bay Journal from Andrea Barbery in HQs. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process thanks.lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: Barbery, Andrea
Sent: Tuesday, October 31, 2017 2:47 PM
To: White, Lisa <WHITE.LISA@EPA.GOV>
Subject: RE: ISO a R3 grant...

Also! I have the grant number: CB 96342701

Thanks,

Andrea Barbery, OCIR

202-564-1397

From: Barbery, Andrea
Sent: Tuesday, October 31, 2017 2:43 PM
To: White, Lisa <WHITE.LISA@EPA.GOV>
Subject: ISO a R3 grant...

Hi Lisa,

I'm trying to track down a grant out of the Bay office; Andrea W suggested I reach out and see if you could start me down the path towards finding it? Looking for the paperwork (funding rec and award document) associated with the grant that funded the Chesapeake Bay Commission's journal. Any ideas who I might ping over there?

Thanks,

Andrea Barbery

Office of Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-1397

To: Esher, Diana[Esher.Diana@epa.gov]
From: Polk, Denise
Sent: Tue 12/19/2017 5:07:44 AM
Subject: Re: Desk Statement - BJM

Thanks, Diana! Have a wonderful holiday season!!!

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

On Dec 18, 2017, at 8:41 PM, Esher, Diana <Esher.Diana@epa.gov> wrote:

Hello Denise,

Thank you for the opportunity to review this desk statement. It looks fine to me.

It was nice to see you as well. Again, we appreciate all you do!

Diana

Sent from my iPhone
Diana Esher
USEPA Region 3
215-814-2706

On Dec 18, 2017, at 3:25 PM, Polk, Denise <Polk.Denise@epa.gov> wrote:

Greetings, Diana,
It was great to see you last week! I truly appreciate your support of the grants community and me!

Please see an email I forwarded last Friday evening to Nancy Grantham, Lisa White and William Smith, ORC. I failed to include you on this message and I sincerely apologize for the unintended oversight.

Please review and let me know if you have any questions, concerns or have suggested edits.

I wish you and your family a safe and wonderful holiday season!

Respectfully,

Denise

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

Begin forwarded message:

From: "Polk, Denise" <Polk.Denise@epa.gov>
Date: December 15, 2017 at 6:09:30 PM EST
To: "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "White, Lisa" <WHITE.LISA@EPA.GOV>, "Smith, William (Region 3)" <smith.william@epa.gov>
Cc: "Sylvester, Kenneth" <Sylvester.Kenneth@epa.gov>, "Drummond, James" <Drummond.James@epa.gov>, "Neal, Kerry" <neal.kerry@epa.gov>, "Askew, Wendel" <Askew.Wendel@epa.gov>
Subject: Desk Statement - BJM

Greetings,

Attached is the Desk Statement regarding the Bay Journal Media matter, which has been reviewed by Wendel Askew in OGC. Jim Drummond authored the document and all factual statements are based on the Appeal Record. Please review and let us know if you have any comments or suggested edits.

Thanks and have a great weekend!

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

<BJM Desk Statement Draft 2.12.18.17.docx>

To: White, Lisa[WHITE.LISA@EPA.GOV]; Esher, Diana[Esher.Diana@epa.gov]; Krakowiak, John[Krakowiak.John@epa.gov]
Cc: Smith, William (Region 3)[smith.william@epa.gov]
From: Edward, James
Sent: Mon 12/18/2017 4:31:29 PM
Subject: RE: Desk Statement - BJM

Looks fine to me…Thanks Lisa. **Ex. 6 - Personal Privacy** …Jim

#BayStrong

Jim Edward

Deputy Director

Chesapeake Bay Program Office

US EPA Region III

410 Severn Ave.

Annapolis MD 21403

edward.james@epa.gov

410-267-5705

From: White, Lisa
Sent: Monday, December 18, 2017 11:15 AM
To: Edward, James <edward.james@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Krakowiak, John <Krakowiak.John@epa.gov>
Cc: Smith, William (Region 3) <smith.william@epa.gov>
Subject: FW: Desk Statement - BJM

Good Morning,

This was sent to us on Friday. Bill was ok with the document and I am sharing with you to see if you have any comments before I respond to Denise. Ex. 6 - Personal Privacy Ex. 6 - Personal Privacy I would like to respond to Denise by Wednesday. thanks.lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: Polk, Denise
Sent: Friday, December 15, 2017 6:10 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Smith, William (Region 3) <smith.william@epa.gov>
Cc: Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Drummond, James <Drummond.James@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>
Subject: Desk Statement - BJM

Greetings,

Attached is the Desk Statement regarding the Bay Journal Media matter, which has been reviewed by Wendel Askew in OGC. Jim Drummond authored the document and all factual statements are based on the Appeal Record. Please review and let us know if you have any comments or suggested edits.

Thanks and have a great weekend!

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

To: Esher, Diana[Esher.Diana@epa.gov]
Cc: kblankenship@bayjournal.com[kblankenship@bayjournal.com]; White, Lisa[WHITE.LISA@EPA.GOV]; Hindin, Rebecca[Hindin.Rebecca@epa.gov]; Neal, Kerry[neal.kerry@epa.gov]; Krakowiak, John[Krakowiak.John@epa.gov]; Wenz, Tom[Wenz.Tom@epa.gov]; DiPasquale, Nicholas[dipasquale.nicholas@epa.gov]; Smith, William (Region 3)[smith.william@epa.gov]; tlewis@gejlaw.com[tlewis@gejlaw.com]
From: Edward, James
Sent: Wed 12/13/2017 2:11:51 PM
Subject: Re: Appeal Notice re: Grant CB-96342701

Thanks Lisa. I actually never saw that email from Diana so I just assumed it was HQ. I'm fine with your other two changes and if Bill and Chris are good could you go ahead and make those changes as I am on travel and out of the office the rest of the week. And then could you send it back to Melissa directly and just copy us here? Thanks again Jim

Sent from my iPhone

On Sep 20, 2017, at 2:57 PM, Esher, Diana <Esher.Diana@epa.gov> wrote:

Subject: Grant Number CB-96342701

Dear Mr. Blankenship:

I am following up on my August 23, 2017 email, below, concerning the funding for grant CB-96342701, and your September 7, 2017 inquiry to Project Officer Rebecca Hindin about the appeal process. I am also in receipt of your September 19, 2017 email to me entitled "Bay Journal grant decision request for appeal extension."

As stated in the August 23, 2017 email, the reason for the Agency Decision not to provide incremental annual funding for this grant is because of a change in Agency priorities. The Funding/Award section of the Request for Proposals (RFP), EPA-R3-CBP-15-06, issued June 18, 2015, that led to the award of this grant states: "*There is no guarantee of funding* throughout this period or beyond." (Emphasis added) Part II.D of the RFP also stated: "The expected project period for the grant is six years, with funding provided on an annual basis. *No commitment of funding can be made beyond the first year*."

(Emphasis added). Item 4 of the Programmatic Terms and Conditions 4 ("Incremental Funding on Competitive Awards") of Grant Number CB-96342701 states: "EPA is partially funding this budget period and will consider funding the balance of the budget request contingent upon satisfactory progress, as certified by the EPA Project Officer, the availability of funds, *and EPA priorities*. It is understood that the scope of work will be renegotiated to reflect the amount awarded, if additional funds are not available." (Emphasis added) EPA's decision not to award additional funding to your organization is consistent with both the terms of the RFP and grant CB-96342701.

Please note that EPA's decision not to provide incremental funding is not a termination due to Chesapeake Media's failure to comply with the terms of grant CB-96342701 for the purposes of reporting under 2 CFR 200.339(b) to the OMB designated integrity and performance system. Therefore, there will be no adverse effect on Chesapeake Media's consideration for future Federal funding.

In accordance with 2 CFR Part 1500, Subpart E, available at https://www.gpo.gov/fdsys/pkg/CFR-2017-title2-vol1/pdf/CFR-2017-title2-vol1-part1500-subpartE.pdf, this email communication constitutes the Agency Decision in this matter. If you wish to file an appeal of this Agency Decision, you must do so no later than 30 calendar days of the date of this email communication, i.e., on or before October 20, 2017. Your appeal should be submitted electronically to Kerry K. Neal, Deputy Director, Office of Grants and Debarment, who is the Disputes Decision Official (DDO) for this matter. Mr. Neal's email address is neal.kerry@epa.gov. I have forwarded to Mr. Neal your September 19, 2017 email ("Bay Journal grant decision request for appeal extension") and attachments. Any supplementary appeal materials, or requests for an extension of time for the Appeal beyond October 20, 2017, must be directed to Mr. Neal. You should also email any additional appeal materials to me as the Action Official, esher.diana@epa.gov.

Pursuant to 2 CFR Sec. 1500.14(c), the appeal must include a copy of the

Agency Decision; a detailed statement of the specific legal and factual grounds for the Appeal, including copies of any supporting documents; the specific remedy or relief sought; and the name and contact information, including email address, of your designated point of contact for the Appeal.

Diana Esher

Assistant Regional Administrator

for Policy and Management

US EPA Region 3

215-814-2706

esher.diana@epa.gov

>>>>>

From: Esher, Diana

Sent: Wednesday, August 23, 2017 12:17 PM

To: 'kblankenship@bayjournal.com' <kblankenship@bayjournal.com>

Cc: Jim Edward (edward.james@epa.gov) <edward.james@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>

Subject: Notification of Funding Decision on Grant Award

Dear Mr. Blankenship,

This message is to notify you that EPA will not fund your grant application for The Chesapeake Bay Journal. Due to a shift in priorities, EPA has decided not to provide funds for your project. Please accept our sincere thanks for your interest this EPA funding opportunity.

Diana Esher

Assistant Regional Administrator

for Policy and Management

US EPA Region 3

215-814-2706

esher.diana@epa.gov

To: Drummond, James[Drummond.James@epa.gov]; Smith, William (Region 3)[smith.william@epa.gov]
Cc: Askew, Wendel[Askew.Wendel@epa.gov]; Polk, Denise[Polk.Denise@epa.gov]; Neal, Kerry[neal.kerry@epa.gov]; Day, Christopher[Day.Christopher@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]
From: White, Lisa
Sent: Mon 11/27/2017 4:26:59 PM
Subject: RE: Administrative Appeal of Termination of Grant Number CB-96342701
HistoryofDrawdownsCB96342701.pdf

Yes see attached.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client Does this provide you with the information you need?
Thanks.lw

From: Drummond, James
Sent: Monday, November 27, 2017 11:04 AM
To: White, Lisa <WHITE.LISA@EPA.GOV>; Smith, William (Region 3) <smith.william@epa.gov>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Day, Christopher <Day.Christopher@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Subject: RE: Administrative Appeal of Termination of Grant Number CB-96342701

Ex. 5 - Attorney Client; Deliberative Process

James Drummond

Senior Environmental Employment Program, Enrollee

Office of Grants and Debarment

(202) 746-1029

From: White, Lisa
Sent: Monday, November 27, 2017 9:58 AM
To: Smith, William (Region 3) <smith.william@epa.gov>; Drummond, James <Drummond.James@epa.gov>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Day, Christopher <Day.Christopher@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Subject: RE: Administrative Appeal of Termination of Grant Number CB-96342701

Good Morning –

Ex. 5 - Attorney Client

Document Summary: General Ledger Entries
Doc Type: GO
Doc No: CB96342701
Vendor Code: 262359058A V
IGMS Grant No: 96342701-1
IGMS Budget Start Date: 02/01/2016
IGMS Budget End Date: 01/31/2022
IGMS Project Start Date: 02/01/2016
IGMS Project End Date: 01/31/2022
Order Date: 01/20/16
Closed Date:
Servicing Finance Office: LVFC
Order Amount: $700,000.00
Net Paid Amount: $677,780.84
Closed Amount: $677,780.84
Available Amount: $22,219.16
Vendor: BAY JOURNAL MEDIA, INC.
Vendor Legal Name: BAY JOURNAL MEDIA, INC.
Alternate Vendor:
Description:
Extended Description:

From: Smith, William (Region 3)
Sent: Monday, November 27, 2017 10:15 AM
To: Drummond, James <Drummond.James@epa.gov>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Day, Christopher <Day.Christopher@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Subject: FW: Administrative Appeal of Termination of Grant Number CB-96342701

*****CONFIDENTIAL ATTORNEY COMMUNICATION - May be FOIA exempt*****

Jim-

Thanks for sharing your thoughts on the Bay Journal Media appeal, which I am forwarding to my colleagues Chris Day, Lisa White, and Diana Esher for their information.

Lisa-

Ex. 5 - Attorney Client

William C. Smith

Senior Assistant Regional Counsel

Office of Regional Counsel

U.S. Environmental Protection Agency, Region III

smith.william@epa.gov

Mailcode 3RC00

215-814-2690 (phone)

215-814-2603 (fax)

From: Drummond, James
Sent: Saturday, November 25, 2017 1:15 PM
To: Neal, Kerry <neal.kerry@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>
Cc: Polk, Denise <Polk.Denise@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>
Subject: RE: Administrative Appeal of Termination of Grant Number CB-96342701

Ex. 5 - Attorney Client; Deliberative Process

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Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

James Drummond

Senior Environmental Employment Program, Enrollee

Office of Grants and Debarment

(202) 746-1029

From: Drummond, James
Sent: Tuesday, November 21, 2017 12:21 PM
To: Neal, Kerry <neal.kerry@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>
Cc: Polk, Denise <Polk.Denise@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>
Subject: RE: Administrative Appeal of Termination of Grant Number CB-96342701

DELIBERTIVE PROCESS

Kerry:

Outlined below are some initial thoughts on the Bay Journal Appeal. Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

James Drummond

Senior Environmental Employment Program, Enrollee

Office of Grants and Debarment

(202) 746-1029

From: Neal, Kerry
Sent: Monday, November 20, 2017 1:38 PM
To: Drummond, James <Drummond.James@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>
Subject: FW: Administrative Appeal of Termination of Grant Number CB-96342701

Sending these to you straightaway. Please advise.

Many thanks,

Kerry

From: Norman, Erika D. [mailto:Erika.Norman@apks.com]
Sent: Monday, November 20, 2017 2:31 PM
To: Neal, Kerry <neal.kerry@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Cc: Gross, Joel M. <Joel.Gross@apks.com>; Jodie Morse <jmorse@democracyforward.org>
Subject: Administrative Appeal of Termination of Grant Number CB-96342701

Mr. Neal and Ms. Esher,

In accordance with 2 C.F.R. § 1500.14, attached please find a copy of Bay Journal Media, Inc.'s Appeal with Exhibits 1-18 regarding the termination of grant #CB-96342701. A copy of the disputed Agency Decision is attached to the Appeal under Tab 8. The designated points of contact for the Appeal are me, Joel Gross, and Josephine Morse. Our complete contact information is provided on the cover page of the Appeal.

Thank you,

Erika

From: Neal, Kerry [mailto:neal.kerry@epa.gov]

Sent: Tuesday, October 17, 2017 8:38 AM
To: Jodie Morse <jmorse@democracyforward.org>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>
Subject: RE: Extension request in Appeal of Grant Number CB-96342701

Ms. Morse,

I am granting Bay Journal Media, Inc., an additional 30 days to submit an appeal of EPA's decision not to provide Bay Journal Media, Inc. incremental funding for grant CB-96342701. The appeal from Bay Journal Inc. must be submitted to me on or before November 20, 2017.

Regards,

Kerry Neal

From: Jodie Morse [mailto:jmorse@democracyforward.org]
Sent: Monday, October 16, 2017 10:25 AM
To: Neal, Kerry <neal.kerry@epa.gov>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>
Subject: RE: Extension request in Appeal of Grant Number CB-96342701

Being mindful of the upcoming deadline, I wanted to check on the status of our extension request.

Thank you very much.

Sincerely,

Jodie Morse

Josephine Morse*

Senior Counsel

Democracy Forward Foundation

T: (202) 701-1772

M: (917) 208-1392

*Admitted in New York; practicing under the supervision of members of the D.C. Bar while D.C. Bar application is pending.

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From: Neal, Kerry [mailto:neal.kerry@epa.gov]
Sent: Tuesday, October 10, 2017 5:14 PM
To: Jodie Morse <jmorse@democracyforward.org>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>
Subject: RE: Extension request in Appeal of Grant Number CB-96342701

Received and acknowledged.

This email should not be construed as approval of the request for extension but is merely an acknowledgement of receipt.

Kind regards,

Kerry

~ ~ ~ ~

Kerry K. Neal

Deputy Director

Office of Grants and Debarment

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W. Mail Stop: 3901R

Washington, D.C. 20460

202-564-3766 (direct dial)

From: Jodie Morse [mailto:jmorse@democracyforward.org]
Sent: Tuesday, October 10, 2017 4:48 PM
To: Neal, Kerry <neal.kerry@epa.gov>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>
Subject: Extension request in Appeal of Grant Number CB-96342701

Mr. Neal:

Please see the attached request for an extension submitted on behalf of Bay Journal Media, Inc.

Sincerely,

Jodie Morse

Josephine Morse*

Senior Counsel

Democracy Forward Foundation

T: (202) 701-1772

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For more information about Arnold & Porter Kaye Scholer LLP, click here:
http://www.apks.com

To: White, Lisa[WHITE.LISA@EPA.GOV]; Smith, William (Region 3)[smith.william@epa.gov]
Cc: Askew, Wendel[Askew.Wendel@epa.gov]; Polk, Denise[Polk.Denise@epa.gov]; Neal, Kerry[neal.kerry@epa.gov]; Day, Christopher[Day.Christopher@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]
From: Drummond, James
Sent: Mon 11/27/2017 4:04:05 PM
Subject: RE: Administrative Appeal of Termination of Grant Number CB-96342701

Ex. 5 - Attorney Client; Deliberative Process

James Drummond

Senior Environmental Employment Program, Enrollee

Office of Grants and Debarment

(202) 746-1029

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Sent: Monday, November 27, 2017 9:58 AM
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Cc: Askew, Wendel <Askew.Wendel@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Day, Christopher <Day.Christopher@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
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Doc No: CB96342701
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IGMS Budget End Date: 01/31/2022
IGMS Project Start Date: 02/01/2016
IGMS Project End Date: 01/31/2022
Order Date: 01/20/16
Closed Date:
Servicing Finance Office: LVFC
Order Amount: $700,000.00
Net Paid Amount: $677,780.84
Closed Amount: $677,780.84
Available Amount: $22,219.16
Vendor: BAY JOURNAL MEDIA, INC.
Vendor Legal Name: BAY JOURNAL MEDIA, INC.
Alternate Vendor:
Description:
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William C. Smith

Senior Assistant Regional Counsel

Office of Regional Counsel

U.S. Environmental Protection Agency, Region III

smith.william@epa.gov

Mailcode 3RC00

215-814-2690 (phone)

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. ..

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James Drummond

Senior Environmental Employment Program, Enrollee

Office of Grants and Debarment

(202) 746-1029

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DELIBERTIVE PROCESS

Kerry:

Ex. 5 - Attorney Client; Deliberative Process

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James Drummond

Senior Environmental Employment Program, Enrollee

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Subject: FW: Administrative Appeal of Termination of Grant Number CB-96342701

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Sent: Monday, November 20, 2017 2:31 PM
To: Neal, Kerry <neal.kerry@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Cc: Gross, Joel M. <Joel.Gross@apks.com>; Jodie Morse <jmorse@democracyforward.org>
Subject: Administrative Appeal of Termination of Grant Number CB-96342701

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Subject: RE: Extension request in Appeal of Grant Number CB-96342701

Being mindful of the upcoming deadline, I wanted to check on the status of our extension request.

Thank you very much.

Sincerely,

Jodie Morse

Josephine Morse*

Senior Counsel

Democracy Forward Foundation

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Kerry K. Neal

Deputy Director

Office of Grants and Debarment

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W. Mail Stop: 3901R

Washington, D.C. 20460

202-564-3766 (direct dial)

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Jodie Morse

Josephine Morse*

Senior Counsel

Democracy Forward Foundation

T: (202) 701-1772

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For more information about Arnold & Porter Kaye Scholer LLP, click here:
http://www.apks.com

To: Neal, Kerry[neal.kerry@epa.gov]; Smith, William (Region 3)[smith.william@epa.gov]
Cc: Askew, Wendel[Askew.Wendel@epa.gov]; Polk, Denise[Polk.Denise@epa.gov]; White, Lisa[WHITE.LISA@EPA.GOV]; Day, Christopher[Day.Christopher@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]
From: Drummond, James
Sent: Mon 11/27/2017 4:01:19 PM
Subject: RE: Administrative Appeal of Termination of Grant Number CB-96342701

I'll prepare the email acknowledgement. **Ex. 5 - Attorney Client; Deliberative Process**

Ex. 5 - Attorney Client; Deliberative Process

The acknowledgement must be sent by 12/5 according to my calculations.

James Drummond

Senior Environmental Employment Program, Enrollee

Office of Grants and Debarment

(202) 746-1029

From: Neal, Kerry
Sent: Monday, November 27, 2017 9:56 AM
To: Smith, William (Region 3) <smith.william@epa.gov>; Drummond, James <Drummond.James@epa.gov>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Day, Christopher <Day.Christopher@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Subject: RE: Administrative Appeal of Termination of Grant Number CB-96342701

Jim and Wendel,

Thanks for this information- it is helpful.

Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

Many thanks,

Kerry

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Cc: Askew, Wendel <Askew.Wendel@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Day, Christopher <Day.Christopher@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Subject: FW: Administrative Appeal of Termination of Grant Number CB-96342701

*****CONFIDENTIAL ATTORNEY COMMUNICATION - May be FOIA exempt*****

Jim-

Thanks for sharing your thoughts on the Bay Journal Media appeal, which I am

forwarding to my colleagues Chris Day, Lisa White, and Diana Esher for their information.

Lisa-

Ex. 5 - Attorney Client; Deliberative Process

William C. Smith

Senior Assistant Regional Counsel

Office of Regional Counsel

U.S. Environmental Protection Agency, Region III

smith.william@epa.gov

Mailcode 3RC00

215-814-2690 (phone)

215-814-2603 (fax)

From: Drummond, James
Sent: Saturday, November 25, 2017 1:15 PM
To: Neal, Kerry <neal.kerry@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>
Cc: Polk, Denise <Polk.Denise@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>
Subject: RE: Administrative Appeal of Termination of Grant Number CB-96342701

Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

James Drummond

Senior Environmental Employment Program, Enrollee

Office of Grants and Debarment

(202) 746-1029

From: Drummond, James
Sent: Tuesday, November 21, 2017 12:21 PM
To: Neal, Kerry <neal.kerry@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>
Cc: Polk, Denise <Polk.Denise@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>
Subject: RE: Administrative Appeal of Termination of Grant Number CB-96342701

DELIBERTIVE PROCESS

Kerry:

Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

James Drummond

Senior Environmental Employment Program, Enrollee

Office of Grants and Debarment

(202) 746-1029

From: Neal, Kerry
Sent: Monday, November 20, 2017 1:38 PM
To: Drummond, James <Drummond.James@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>

Subject: FW: Administrative Appeal of Termination of Grant Number CB-96342701

Sending these to you straightaway. Please advise.

Many thanks,

Kerry

From: Norman, Erika D. [mailto:Erika.Norman@apks.com]
Sent: Monday, November 20, 2017 2:31 PM
To: Neal, Kerry <neal.kerry@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Cc: Gross, Joel M. <Joel.Gross@apks.com>; Jodie Morse <jmorse@democracyforward.org>
Subject: Administrative Appeal of Termination of Grant Number CB-96342701

Mr. Neal and Ms. Esher,

In accordance with 2 C.F.R. § 1500.14, attached please find a copy of Bay Journal Media, Inc.'s Appeal with Exhibits 1-18 regarding the termination of grant #CB-96342701. A copy of the disputed Agency Decision is attached to the Appeal under Tab 8. The designated points of contact for the Appeal are me, Joel Gross, and Josephine Morse. Our complete contact information is provided on the cover page of the Appeal.

Thank you,

Erika

From: Neal, Kerry [mailto:neal.kerry@epa.gov]

Sent: Tuesday, October 17, 2017 8:38 AM
To: Jodie Morse <jmorse@democracyforward.org>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>
Subject: RE: Extension request in Appeal of Grant Number CB-96342701

Ms. Morse,

I am granting Bay Journal Media, Inc., an additional 30 days to submit an appeal of EPA's decision not to provide Bay Journal Media, Inc. incremental funding for grant CB-96342701. The appeal from Bay Journal Inc. must be submitted to me on or before November 20, 2017.

Regards,

Kerry Neal

From: Jodie Morse [mailto:jmorse@democracyforward.org]
Sent: Monday, October 16, 2017 10:25 AM
To: Neal, Kerry <neal.kerry@epa.gov>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>
Subject: RE: Extension request in Appeal of Grant Number CB-96342701

Being mindful of the upcoming deadline, I wanted to check on the status of our extension request.

Thank you very much.

Sincerely,

Jodie Morse

Josephine Morse*

Senior Counsel

Democracy Forward Foundation

T: (202) 701-1772

M: (917) 208-1392

*Admitted in New York; practicing under the supervision of members of the D.C. Bar while D.C. Bar application is pending.

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From: Neal, Kerry [mailto:neal.kerry@epa.gov]
Sent: Tuesday, October 10, 2017 5:14 PM
To: Jodie Morse <jmorse@democracyforward.org>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>
Subject: RE: Extension request in Appeal of Grant Number CB-96342701

Received and acknowledged.

This email should not be construed as approval of the request for extension but is merely an acknowledgement of receipt.

Kind regards,

Kerry

~ ~ ~ ~

Kerry K. Neal

Deputy Director

Office of Grants and Debarment

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W. Mail Stop: 3901R

Washington, D.C. 20460

202-564-3766 (direct dial)

From: Jodie Morse [mailto:jmorse@democracyforward.org]
Sent: Tuesday, October 10, 2017 4:48 PM
To: Neal, Kerry <neal.kerry@epa.gov>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>
Subject: Extension request in Appeal of Grant Number CB-96342701

Mr. Neal:

Please see the attached request for an extension submitted on behalf of Bay Journal Media, Inc.

Sincerely,

Jodie Morse

Josephine Morse*

Senior Counsel

Democracy Forward Foundation

T: (202) 701-1772

M: (917) 208-1392

*Admitted in New York; practicing under the supervision of members of the D.C. Bar while D.C. Bar application is pending.

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For more information about Arnold & Porter Kaye Scholer LLP, click here:
http://www.apks.com

From: Polk, Denise
Location: Rm. 51211 - Denise's Conference Room; 1-866-299-3188-202-564-5306
Importance: Normal
Subject: Bay Journal Grant Appeal Discussion
Start Date/Time: Fri 9/29/2017 2:00:00 PM
End Date/Time: Fri 9/29/2017 2:45:00 PM
Final Ltr. to EPA 9.26.2017.pdf

Greetings,

Wendel Askew, Office of General Counsel, forwarded the attached incoming correspondence from the counsel representing the Bay Journal grant recipient. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Please feel free to invite others as appropriate.

Thanks, Denise

To: Esher, Diana[Esher.Diana@epa.gov]
From: Edward, James
Sent: Wed 8/23/2017 3:16:51 PM
Subject: FW: Action Required - R3 Grant Action

Ex. 6 - Personal Privacy

#BayStrong

Jim Edward

Deputy Director

Chesapeake Bay Program Office

US EPA Region III

410 Severn Ave.

Annapolis MD 21403

edward.james@epa.gov

410-267-5705

From: Esher, Diana
Sent: Wednesday, August 23, 2017 10:08 AM
To: Polk, Denise <Polk.Denise@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>
Cc: Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Edward, James <edward.james@epa.gov>
Subject: RE: Action Required - R3 Grant Action

Denise,

This morning, Jim Edward, Deputy Director of the Chesapeake Bay Program, telephoned Karl

Blankenship of the The Chesapeake Bay Journal and notified him that the grant would not be awarded.

Diana Esher

Assistant Regional Administrator

for Policy and Management

US EPA Region 3

215-814-2706

esher.diana@epa.gov

From: Polk, Denise
Sent: Wednesday, August 23, 2017 7:51 AM
To: Esher, Diana <Esher.Diana@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>
Cc: Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>
Subject: Re: Action Required - R3 Grant Action

Greetings,

John K. Is requesting that R3 contact the recipient via telephone or email before 10am this morning. Please confirm this was done by either sending me an email confirmation or by including me on the message to the applicant. Thanks! Please let me know if you have any questions.

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

On Aug 22, 2017, at 7:19 PM, Polk, Denise <Polk.Denise@epa.gov> wrote:

Greetings,

Please notify the recipient as soon as possible that this amendment will not be made and that they will not receive additional funds. In the meantime, OGD will work with OGC to develop standard language for offices to use to formally notify the recipients. Let me know if you have any questions. Thanks for your prompt attention to this matter and your patience.

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

From: Polk, Denise
Sent: Tuesday, August 22, 2017 5:38 PM
To: Esher, Diana <Esher.Diana@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Miller, Tracey <Miller.Tracey@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Keesee, Peyton

<keesee.peyton@epa.gov>; Pumphrey, William <pumphrey.william@epa.gov>
Cc: Neal, Kerry <neal.kerry@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Jones, Laurice <jones.laurice@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Status Update - R3 Grant Action
Importance: High

Greetings,

Please be advised a final decision to rescind the following R3 grant action below has been made; therefore, this grant will not be awarded. The recipient can continue to use any previously obligated available funds to complete remaining tasks on the existing grant, but

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Please let me know if you have any questions or concerns.

Thanks!

7/27/2017	Amendment 2	96342701	CB	BAYJOURNAL Bay Journal Media Inc	NMED for Profit	2/1/2016	6/31/2023	$225,000.00	Production of Bay Journal and related products.	These funds will be used to produce the content for the "Bay Journal" periodical newspaper and to publish and distribute 10 issues of the journal per year as well as for distribution of articles through an electronic news service and posting of the journal content to the "Bay Journal" Website to raise public awareness of issues concerning the Chesapeake Bay and its health.

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

To: Smith, William (Region 3)[smith.william@epa.gov]; Drummond, James[Drummond.James@epa.gov]
Cc: Askew, Wendel[Askew.Wendel@epa.gov]; Polk, Denise[Polk.Denise@epa.gov]; Neal, Kerry[neal.kerry@epa.gov]; Day, Christopher[Day.Christopher@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]
From: White, Lisa
Sent: Mon 11/27/2017 3:58:20 PM
Subject: RE: Administrative Appeal of Termination of Grant Number CB-96342701

Good Morning –

Ex. 5 - Attorney Client

Document Summary: General Ledger Entries
Doc Type: GO
Doc No: CB96342701
Vendor Code: 262359058A V
IGMS Grant No: 96342701-1
IGMS Budget Start Date: 02/01/2016
IGMS Budget End Date: 01/31/2022
IGMS Project Start Date: 02/01/2016
IGMS Project End Date: 01/31/2022
Order Date: 01/20/16
Closed Date:
Servicing Finance Office: LVFC
Order Amount: $700,000.00
Net Paid Amount: $677,780.84
Closed Amount: $677,780.84
Available Amount: $22,219.16
Vendor: BAY JOURNAL MEDIA, INC.
Vendor Legal Name: BAY JOURNAL MEDIA, INC.
Alternate Vendor:
Description:
Extended Description:

From: Smith, William (Region 3)
Sent: Monday, November 27, 2017 10:15 AM
To: Drummond, James <Drummond.James@epa.gov>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Day, Christopher <Day.Christopher@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Subject: FW: Administrative Appeal of Termination of Grant Number CB-96342701

*****CONFIDENTIAL ATTORNEY COMMUNICATION - May be FOIA exempt*****

Jim-

Thanks for sharing your thoughts on the Bay Journal Media appeal, which I am forwarding to my colleagues Chris Day, Lisa White, and Diana Esher for their information.

Lisa-

Ex. 5 - Attorney Client; Deliberative Process

William C. Smith

Senior Assistant Regional Counsel

Office of Regional Counsel

U.S. Environmental Protection Agency, Region III

smith.william@epa.gov

Mailcode 3RC00

215-814-2690 (phone)

215-814-2603 (fax)

From: Drummond, James
Sent: Saturday, November 25, 2017 1:15 PM
To: Neal, Kerry <neal.kerry@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>
Cc: Polk, Denise <Polk.Denise@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>
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Ex. 5 - Attorney Client; Deliberative Process

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Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

James Drummond

Senior Environmental Employment Program, Enrollee

Office of Grants and Debarment

(202) 746-1029

From: Drummond, James
Sent: Tuesday, November 21, 2017 12:21 PM
To: Neal, Kerry <neal.kerry@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>
Cc: Polk, Denise <Polk.Denise@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>
Subject: RE: Administrative Appeal of Termination of Grant Number CB-96342701

DELIBERTIVE PROCESS

Kerry:

Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

James Drummond

Senior Environmental Employment Program, Enrollee

Office of Grants and Debarment

(202) 746-1029

From: Neal, Kerry
Sent: Monday, November 20, 2017 1:38 PM
To: Drummond, James <Drummond.James@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>
Subject: FW: Administrative Appeal of Termination of Grant Number CB-96342701

Sending these to you straightaway. Please advise.

Many thanks,

Kerry

From: Norman, Erika D. [mailto:Erika.Norman@apks.com]
Sent: Monday, November 20, 2017 2:31 PM
To: Neal, Kerry <neal.kerry@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Cc: Gross, Joel M. <Joel.Gross@apks.com>; Jodie Morse <jmorse@democracyforward.org>
Subject: Administrative Appeal of Termination of Grant Number CB-96342701

Mr. Neal and Ms. Esher,

In accordance with 2 C.F.R. § 1500.14, attached please find a copy of Bay Journal Media, Inc.'s Appeal with Exhibits 1-18 regarding the termination of grant #CB-96342701. A copy of the disputed Agency Decision is attached to the Appeal under Tab 8. The designated points of contact for the Appeal are me, Joel Gross, and Josephine Morse. Our complete contact information is provided on the cover page of the Appeal.

Thank you,

Erika

From: Neal, Kerry [mailto:neal.kerry@epa.gov]

Sent: Tuesday, October 17, 2017 8:38 AM
To: Jodie Morse <jmorse@democracyforward.org>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>
Subject: RE: Extension request in Appeal of Grant Number CB-96342701

Ms. Morse,

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Regards,

Kerry Neal

From: Jodie Morse [mailto:jmorse@democracyforward.org]
Sent: Monday, October 16, 2017 10:25 AM
To: Neal, Kerry <neal.kerry@epa.gov>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>
Subject: RE: Extension request in Appeal of Grant Number CB-96342701

Being mindful of the upcoming deadline, I wanted to check on the status of our extension request.

Thank you very much.

Sincerely,

Jodie Morse

Josephine Morse*

Senior Counsel

Democracy Forward Foundation

T: (202) 701-1772

M: (917) 208-1392

*Admitted in New York; practicing under the supervision of members of the D.C. Bar while D.C. Bar application is pending.

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From: Neal, Kerry [mailto:neal.kerry@epa.gov]
Sent: Tuesday, October 10, 2017 5:14 PM
To: Jodie Morse <jmorse@democracyforward.org>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>
Subject: RE: Extension request in Appeal of Grant Number CB-96342701

Received and acknowledged.

This email should not be construed as approval of the request for extension but is merely an acknowledgement of receipt.

Kind regards,

Kerry

~ ~ ~ ~

Kerry K. Neal

Deputy Director

Office of Grants and Debarment

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W. Mail Stop: 3901R

Washington, D.C. 20460

202-564-3766 (direct dial)

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Sent: Tuesday, October 10, 2017 4:48 PM
To: Neal, Kerry <neal.kerry@epa.gov>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>
Subject: Extension request in Appeal of Grant Number CB-96342701

Mr. Neal:

Please see the attached request for an extension submitted on behalf of Bay Journal Media, Inc.

Sincerely,

Jodie Morse

Josephine Morse*

Senior Counsel

Democracy Forward Foundation

T: (202) 701-1772

M: (917) 208-1392

*Admitted in New York; practicing under the supervision of members of the D.C. Bar while D.C. Bar application is pending.

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For more information about Arnold & Porter Kaye Scholer LLP, click here:
http://www.apks.com

To: Esher, Diana[Esher.Diana@epa.gov]
From: Edward, James
Sent: Wed 8/23/2017 2:03:47 PM
Subject: RE: Action Required - R3 Grant Action

I'm speaking to him right now…..Couldn't reach him right away…Jim

#BayStrong

Jim Edward

Deputy Director

Chesapeake Bay Program Office

US EPA Region III

410 Severn Ave.

Annapolis MD 21403

edward.james@epa.gov

410-267-5705

From: Esher, Diana
Sent: Wednesday, August 23, 2017 9:52 AM
To: Edward, James <edward.james@epa.gov>
Subject: RE: Action Required - R3 Grant Action

Hi Jim,

Did you make the call? Please confirm in an email. Thanks!

Diana

Diana Esher

Assistant Regional Administrator

for Policy and Management

US EPA Region 3

215-814-2706

esher.diana@epa.gov

From: Edward, James
Sent: Wednesday, August 23, 2017 9:13 AM
To: Esher, Diana <Esher.Diana@epa.gov>
Cc: DiPasquale, Nicholas <dipasquale.nicholas@epa.gov>
Subject: RE: Action Required - R3 Grant Action

OK…thanks Diana. I'm copying Nick on this and will make the call in a few minutes. Thanks
Jim

From: Esher, Diana
Sent: Wednesday, August 23, 2017 9:06 AM
To: Edward, James <edward.james@epa.gov>
Subject: FW: Action Required - R3 Grant Action

Jim,

Here are the messages which we received for your information.

I'll let you share this with Nick. I understand that he's in a retirement session. No reason for him to come out at this point.

Cecil has a call with Ben Grumbles this afternoon. He will let Ben know. Cecil may also share this with the State Secretaries tomorrow.

Diana Esher

Assistant Regional Administrator

for Policy and Management

US EPA Region 3

215-814-2706

esher.diana@epa.gov

From: Polk, Denise
Sent: Wednesday, August 23, 2017 7:51 AM
To: Esher, Diana <Esher.Diana@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>
Cc: Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>
Subject: Re: Action Required - R3 Grant Action

Greetings,

John K. Is requesting that R3 contact the recipient via telephone or email before 10am this morning. Please confirm this was done by either sending me an email confirmation or by including me on the message to the applicant. Thanks! Please let me know if you have any questions.

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

On Aug 22, 2017, at 7:19 PM, Polk, Denise <Polk.Denise@epa.gov> wrote:

Greetings,

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Denise A. Polk, Director

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Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

From: Polk, Denise

Sent: Tuesday, August 22, 2017 5:38 PM
To: Esher, Diana <Esher.Diana@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Miller, Tracey <Miller.Tracey@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>; Pumphrey, William <pumphrey.william@epa.gov>
Cc: Neal, Kerry <neal.kerry@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Jones, Laurice <jones.laurice@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Status Update - R3 Grant Action
Importance: High

Greetings,

Please be advised a final decision to rescind the following R3 grant action below has been made; therefore, this grant will not be awarded. The recipient can continue to use any previously obligated available funds to complete remaining tasks on the existing grant, but

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Please let me know if you have any questions or concerns.

Thanks!

7/27/2017	Amendment 2	96241703	CB	BAYJOURNAL Bay Journal Media Inc	NOT for Profit	ED	2/1/2016	6/31/2022	$225,000.00	Production of Bay Journal and related products	These funds will be used to produce the content for the "Bay Journal" periodical newspaper and to publish and distribute 10 issues of the journal per year as well as for distribution of articles through an electronic news service and posting of the journal content to the "Bay Journal" Website to raise public awareness of issues concerning the Chesapeake Bay and its health.

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

To: Smith, William (Region 3)[smith.william@epa.gov]; Drummond, James[Drummond.James@epa.gov]
Cc: Askew, Wendel[Askew.Wendel@epa.gov]; Polk, Denise[Polk.Denise@epa.gov]; White, Lisa[WHITE.LISA@EPA.GOV]; Day, Christopher[Day.Christopher@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]
From: Neal, Kerry
Sent: Mon 11/27/2017 3:55:58 PM
Subject: RE: Administrative Appeal of Termination of Grant Number CB-96342701

Jim and Wendel,

Thanks for this information- it is helpful.

Ex. 5 - Attorney Client; Deliberative Process

Many thanks,

Kerry

From: Smith, William (Region 3)
Sent: Monday, November 27, 2017 10:15 AM
To: Drummond, James <Drummond.James@epa.gov>

Cc: Askew, Wendel <Askew.Wendel@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Day, Christopher <Day.Christopher@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Subject: FW: Administrative Appeal of Termination of Grant Number CB-96342701

*****CONFIDENTIAL ATTORNEY COMMUNICATION - May be FOIA exempt*****

Jim-

Thanks for sharing your thoughts on the Bay Journal Media appeal, which I am forwarding to my colleagues Chris Day, Lisa White, and Diana Esher for their information.

Lisa-

Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

William C. Smith

Senior Assistant Regional Counsel

Office of Regional Counsel

U.S. Environmental Protection Agency, Region III

smith.william@epa.gov

Mailcode 3RC00

215-814-2690 (phone)

215-814-2603 (fax)

From: Drummond, James
Sent: Saturday, November 25, 2017 1:15 PM
To: Neal, Kerry <neal.kerry@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>
Cc: Polk, Denise <Polk.Denise@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>
Subject: RE: Administrative Appeal of Termination of Grant Number CB-96342701

Ex. 5 - Attorney Client; Deliberative Process

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Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

James Drummond

Senior Environmental Employment Program, Enrollee

Office of Grants and Debarment

(202) 746-1029

From: Drummond, James
Sent: Tuesday, November 21, 2017 12:21 PM
To: Neal, Kerry <neal.kerry@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>
Cc: Polk, Denise <Polk.Denise@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>
Subject: RE: Administrative Appeal of Termination of Grant Number CB-96342701

DELIBERTIVE PROCESS

Kerry:

Ex. 5 - Attorney Client; Deliberative Process

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Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

James Drummond

Senior Environmental Employment Program, Enrollee

Office of Grants and Debarment

(202) 746-1029

From: Neal, Kerry
Sent: Monday, November 20, 2017 1:38 PM
To: Drummond, James <Drummond.James@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>
Subject: FW: Administrative Appeal of Termination of Grant Number CB-96342701

Sending these to you straightaway. Please advise.

Many thanks,

Kerry

From: Norman, Erika D. [mailto:Erika.Norman@apks.com]
Sent: Monday, November 20, 2017 2:31 PM
To: Neal, Kerry <neal.kerry@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Cc: Gross, Joel M. <Joel.Gross@apks.com>; Jodie Morse <jmorse@democracyforward.org>
Subject: Administrative Appeal of Termination of Grant Number CB-96342701

Mr. Neal and Ms. Esher,

In accordance with 2 C.F.R. § 1500.14, attached please find a copy of Bay Journal Media, Inc.'s Appeal with Exhibits 1-18 regarding the termination of grant #CB-96342701. A copy of the disputed Agency Decision is attached to the Appeal under Tab 8. The designated points of contact for the Appeal are me, Joel Gross, and Josephine Morse. Our complete contact information is provided on the cover page of the Appeal.

Thank you,

Erika

From: Neal, Kerry [mailto:neal.kerry@epa.gov]
Sent: Tuesday, October 17, 2017 8:38 AM
To: Jodie Morse <jmorse@democracyforward.org>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>
Subject: RE: Extension request in Appeal of Grant Number CB-96342701

Ms. Morse,

I am granting Bay Journal Media, Inc., an additional 30 days to submit an appeal of EPA's decision not to provide Bay Journal Media, Inc. incremental funding for grant CB-96342701. The appeal from Bay Journal Inc. must be submitted to me on or before November 20, 2017.

Regards,

Kerry Neal

From: Jodie Morse [mailto:jmorse@democracyforward.org]
Sent: Monday, October 16, 2017 10:25 AM

To: Neal, Kerry <neal.kerry@epa.gov>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>
Subject: RE: Extension request in Appeal of Grant Number CB-96342701

Being mindful of the upcoming deadline, I wanted to check on the status of our extension request.

Thank you very much.

Sincerely,

Jodie Morse

Josephine Morse*

Senior Counsel

Democracy Forward Foundation

T: (202) 701-1772

M: (917) 208-1392

*Admitted in New York; practicing under the supervision of members of the D.C. Bar while D.C. Bar application is pending.

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From: Neal, Kerry [mailto:neal.kerry@epa.gov]
Sent: Tuesday, October 10, 2017 5:14 PM
To: Jodie Morse <jmorse@democracyforward.org>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>
Subject: RE: Extension request in Appeal of Grant Number CB-96342701

Received and acknowledged.

This email should not be construed as approval of the request for extension but is merely an acknowledgement of receipt.

Kind regards,

Kerry

~ ~ ~ ~

Kerry K. Neal

Deputy Director

Office of Grants and Debarment

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W. Mail Stop: 3901R

Washington, D.C. 20460

202-564-3766 (direct dial)

From: Jodie Morse [mailto:jmorse@democracyforward.org]
Sent: Tuesday, October 10, 2017 4:48 PM
To: Neal, Kerry <neal.kerry@epa.gov>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>
Subject: Extension request in Appeal of Grant Number CB-96342701

Mr. Neal:

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Sincerely,

Jodie Morse

Josephine Morse*

Senior Counsel

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For more information about Arnold & Porter Kaye Scholer LLP, click here:
http://www.apks.com

To: Esher, Diana[Esher.Diana@epa.gov]
From: White, Lisa
Sent: Wed 8/23/2017 1:47:31 PM
Subject: RE: Making call this morning

Ok thanks should I respond to Denise indicating the call was made or will Jim notify us when he makes it?

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: Esher, Diana
Sent: Wednesday, August 23, 2017 9:04 AM
To: White, Lisa <WHITE.LISA@EPA.GOV>
Subject: RE: Making call this morning

Yes, I told him that we need to make the call before 10. He will do that.

Diana Esher

Assistant Regional Administrator

for Policy and Management

US EPA Region 3

215-814-2706

esher.diana@epa.gov

From: White, Lisa
Sent: Wednesday, August 23, 2017 8:56 AM
To: Esher, Diana <Esher.Diana@epa.gov>
Subject: RE: Making call this morning

Thanks – John Konkus is asking for confirmation before 10AM, is Jim aware of this?

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: Esher, Diana
Sent: Wednesday, August 23, 2017 8:53 AM
To: White, Lisa <WHITE.LISA@EPA.GOV>
Subject: Making call this morning

Hi Lisa,

Jim is going to call the Bay Journal folks this morning. He will send us an email once he's had the discussion.

I told him to tell Karl that he will receive an official written notification from me soon.

Diana

To: Drummond, James[Drummond.James@epa.gov]
Cc: Askew, Wendel[Askew.Wendel@epa.gov]; Polk, Denise[Polk.Denise@epa.gov]; Neal, Kerry[neal.kerry@epa.gov]; White, Lisa[WHITE.LISA@EPA.GOV]; Day, Christopher[Day.Christopher@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]
From: Smith, William (Region 3)
Sent: Mon 11/27/2017 3:15:21 PM
Subject: FW: Administrative Appeal of Termination of Grant Number CB-96342701
BayJournal_Final_RFP_061715_withHighlights.pdf

*****CONFIDENTIAL ATTORNEY COMMUNICATION - May be FOIA exempt*****

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Thanks for sharing your thoughts on the Bay Journal Media appeal, which I am forwarding to my colleagues Chris Day, Lisa White, and Diana Esher for their information.

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Ex. 5 - Attorney Client; Deliberative Process

William C. Smith

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Office of Grants and Debarment

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Kerry:

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Ex. 5 - Attorney Client; Deliberative Process

Ex. 5 - Attorney Client; Deliberative Process

James Drummond

Senior Environmental Employment Program, Enrollee

Office of Grants and Debarment

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Sent: Monday, November 20, 2017 2:31 PM
To: Neal, Kerry <neal.kerry@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Cc: Gross, Joel M. <Joel.Gross@apks.com>; Jodie Morse <jmorse@democracyforward.org>
Subject: Administrative Appeal of Termination of Grant Number CB-96342701

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Sincerely,

Jodie Morse

Josephine Morse*

Senior Counsel

Democracy Forward Foundation

T: (202) 701-1772

M: (917) 208-1392

*Admitted in New York; practicing under the supervision of members of the D.C. Bar while D.C. Bar application is pending.

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Kerry K. Neal

Deputy Director

Office of Grants and Debarment

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W. Mail Stop: 3901R

Washington, D.C. 20460

202-564-3766 (direct dial)

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Sent: Tuesday, October 10, 2017 4:48 PM
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Jodie Morse

Josephine Morse*

Senior Counsel

Democracy Forward Foundation

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M: (917) 208-1392

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http://www.apks.com

To: White, Lisa[WHITE.LISA@EPA.GOV]; Esher, Diana[Esher.Diana@epa.gov]
From: Smith, William (Region 3)
Sent: Wed 9/27/2017 2:30:24 PM
Subject: FW: Termination of Grant to Bay Journal Media, Inc.
Final Ltr. to EPA 9.26.2017.pdf
ATT00001.htm

*****CONFIDENTIAL ATTORNEY COMMUNICATION - May be FOIA exempt*****

Ex. 5 - Attorney Client

William C. Smith

Senior Assistant Regional Counsel

Office of Regional Counsel

U.S. Environmental Protection Agency, Region III

smith.william@epa.gov

Mailcode 3RC00

215-814-2690 (phone)

215-814-2603 (fax)

From: Askew, Wendel
Sent: Wednesday, September 27, 2017 10:01 AM
To: Polk, Denise <Polk.Denise@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>
Subject: FW: Termination of Grant to Bay Journal Media, Inc.

Good morning,

Ex. 5 - Attorney Client

Wendel Askew

Assistant General Counsel for Assistance Law

Office of General Counsel

Mail Code 2399A

202-564-3987

7454H WJCN

From: Redden, Kenneth
Sent: Tuesday, September 26, 2017 8:47 PM
To: Askew, Wendel <Askew.Wendel@epa.gov>
Subject: FW: Termination of Grant to Bay Journal Media, Inc.

Hi Wendel,

Let's talk about this tomorrow. Thanks.

From: Minoli, Kevin
Sent: Tuesday, September 26, 2017 6:28 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Redden, Kenneth <Redden.Kenneth@epa.gov>
Subject: Fwd: Termination of Grant to Bay Journal Media, Inc.

Please review and share with the relevant folks in our client offices. Thanks. Kevin

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

Begin forwarded message:

From: Jodie Morse <jmorse@democracyforward.org>
Date: September 26, 2017 at 6:18:10 PM EDT
To: minoli.kevin@epa.gov
Subject: Termination of Grant to Bay Journal Media, Inc.

Please see attached.

Josephine Morse*

Senior Counsel

Democracy Forward Foundation

T: (202) 701-1772

M: (917) 208-1392

*Admitted in New York; practicing under the supervision of members of the D.C. Bar while D.C. Bar application is pending.

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To: Esher, Diana[Esher.Diana@epa.gov]
From: White, Lisa
Sent: Wed 8/23/2017 1:23:28 PM
Subject: RE: Info for Cecil call with Secretary Grumbles

Hi Diana,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process thanks.lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: Esher, Diana
Sent: Wednesday, August 23, 2017 9:19 AM
To: Zieba, Kyle <Zieba.Kyle@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Searfoss, Renee <searfoss.renee@epa.gov>
Cc: White, Lisa <WHITE.LISA@EPA.GOV>
Subject: Info for Cecil call with Secretary Grumbles

Cecil would like to add this information to his notes for the call with Ben Grumbles this afternoon. (He may also want to mention it at the State Secretaries meeting tomorrow.) Please add it to any materials which you are preparing for today's call with Ben. Please do not share this information.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Diana

Diana Esher

Assistant Regional Administrator

for Policy and Management

US EPA Region 3

215-814-2706

esher.diana@epa.gov

To: Servidio, Cosmo[Servidio.Cosmo@epa.gov]; Rodrigues, Cecil[rodrigues.cecil@epa.gov]; D'Andrea, Michael[DANDREA.MICHAEL@EPA.GOV]; Esher, Diana[Esher.Diana@epa.gov]; White, Terri-A[White.Terri-A@epa.gov]; Krakowiak, John[Krakowiak.John@epa.gov]; White, Lisa[WHITE.LISA@EPA.GOV]; Searfoss, Renee[searfoss.renee@epa.gov]; Fields, Jenifer[fields.jenifer@epa.gov]
From: schafer, joan
Sent: Fri 1/5/2018 12:09:20 PM
Subject: News Article Mentions R3 Employees

Cosmo/Cecil…

E&E had FOIA-ed emails a while back regarding the Bay Journal Grant. This Tuesday, a reporter reached out to Terri White regarding Nick's email summary to Cecil re the call he had with John Konkus re this issue. We informed Cecil and passed the request to HQ who wanted to take responsibility for responding to this reporter. On Wednesday, we learned the same reporter had reached out to Lisa White, our grants manager, regarding other emails on the same issue. We alerted Cecil and HQ again re the inquiry.

We've been expecting the article to come out this week based on the timing the reporter shared with Lisa in her voice message. Below I've included the link as well as pasted the article (sometimes you need a subscription to read it online).

The article references Nick, whom they interviewed this past Monday (post retirement), and mentions Cecil, Terri and Lisa's names.

joan

https://www.eenews.net/stories/1060070101

Politics killed newspaper grant — ex-Bay Program chief

Ariel Wittenberg, E&E News reporter

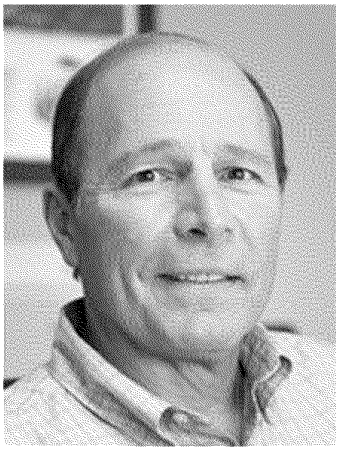
Greenwire: Thursday, January 4, 2018

A 26-year old government-backed newspaper is in peril after EPA decided to pull its funding. EPA/Flickr

The Trump administration's decision to yank funding for a 26-year-old newspaper focused on the Chesapeake Bay was "totally ideologically driven," according to the recently retired head of the U.S. EPA bay cleanup effort.

Nicholas DiPasquale, who retired after six years at the helm of the U.S. EPA-led Chesapeake Bay Program last week, discussed the decision to cut funding for the *Bay Journal* in an interview Monday.

A week before EPA cut funding last August, he said, he had a "very disturbing" phone call with John Konkus, the agency's associate administrator for public affairs, who wanted to discuss the newspaper's grant. Toward the end of their talk, DiPasquale said, Konkus questioned why the government was providing the paper a six-year grant worth up to $1.95 million.



Nicholas DiPasquale. Chesapeake Bay Program

"His response was, 'Well, everybody knows that the American public doesn't trust the press' and he saw no reason for us to fund the *Bay Journal*," DiPasquale said.

EPA told the *Journal* staff on Aug. 23 that funding was cut "due to a shift in priorities."

DiPasquale disputed the agency's assertion in an interview this week. "There was no change in priorities," he said. EPA would have had to discuss any change in priorities with six states and the District of Columbia in the Chesapeake Bay cleanup before making changes.

"This was totally ideologically driven, totally unilateral," he said in an interview. "I think it's driven by the ideology of the Trump administration, which is you discredit any news source that happens to print anything you find disagreeable."

Konkus declined to comment when asked about his conversation with DiPasquale and related emails. EPA's press office didn't respond to multiple requests for comment. The agency did acknowledge that Konkus has reviewed grant decisions, including the *Bay Journal* award, in a Dec. 21 court filing.

The day after his call with Konkus, DiPasquale reported his conversation to Cecil Rodrigues, who was then-acting administrator in EPA's Philadelphia-based Region 3 office, which oversees the Bay Program. He later filed a complaint with EPA's Office of Inspector General, saying that yanking *Bay Journal* funding violated EPA grant regulations.

Advertisement

The IG's office said its policy prohibits confirming or denying receipt of a complaint.

Terri White of EPA Region 3's press office — who joined DiPasquale on the call with Konkus and was copied on the memo to Rodrigues — replied to the agency email chain that DiPasquale's account of the call was accurate.

"I agree with Nick's summary of the call," she wrote.

White didn't respond to requests for additional comment.

Konkus is a former congressional staffer who managed the North Florida field office for then-presidential candidate Donald Trump's campaign in 2016. He has reportedly canceled almost $2 million in competitive EPA grants to nonprofit groups and universities (*Greenwire*, Aug. 17, 2017).

EPA gave the six-year grant to the *Bay Journal* in 2015, with the agency agreeing to pay $325,000 to the newspaper annually through 2021. The agency agreement says the grant was to be used to produce content "to raise public awareness of issues concerning to the Chesapeake Bay and its health" for the newspaper's website and 10 print editions.

'Strong First Amendment concerns'

Founded in 1991, the nonprofit *Bay Journal* has a print circulation of 50,000 and employs some name-brand journalists, including managing editor Tim Wheeler and columnist Tom Horton, who were longtime environmental reporters at *The Baltimore Sun* .

EPA has been providing grants to the *Bay Journal* for 25 years.

Bay Journal editor Karl Blankenship estimated that EPA grants make up 45 percent of the newspaper's budget. Since funding was pulled, he said, the paper has been unable to replace two staff members who left, shrinking its newsroom to eight employees.

Blankenship says the paper has funding to run through "the mid-part of the year, and then it is uncertain after that." He said he has been speaking with foundations across the sprawling bay watershed to try to raise money, but said that effort is stymied by uncertainty surrounding whether the *Bay Journal*'s administrative appeal and lawsuit will be successful.

"It's been a tough thing to communicate to people," he said. "The uncertainty is actually a big issue."

Josephine Morse, an attorney for government watchdog group Democracy Forward, which is representing the *Bay Journal*, said EPA's decision to pull the paper's funding "raises strong First Amendment concerns."

She noted that EPA has pushed back against the press in other ways, issuing releases slamming reporters' coverage of agency issues (*Greenwire*, Sept. 5, 2017).

"Certainly, when you put this together with many other actions the administration has taken, it raises a strong concern," she said.

DiPasquale's memo on Aug. 15 said Konkus began the discussion by raising concerns about a 2012 inspector general's audit of a grant awarded to the Alliance for the Chesapeake Bay that the nonprofit

then used to fund the *Bay Journal* as a subcontractor. The audit faulted the Annapolis, Md.-based alliance for failing to follow federal accounting requirements in justifying $1.3 million related to the cost of publishing the newspaper.

The IG ultimately determined that the group "may not have the capacity to manage current and future grant awards."

In the memo, DiPasquale says he told Konkus that the IG audit didn't fault the accounting practices of the *Bay Journal* itself.

He also told Konkus that since the audit, the alliance has brought on a manager with financial experience who was able to track down the funds in question. Ultimately, the alliance and IG agreed that $10,000 in costs could not be justified.

John Konkus. Konkus/LinkedIn

Konkus then questioned "whether EPA should be providing funding for a newspaper," DiPasquale wrote.

When DiPasquale responded that EPA is required by the Clean Water Act to educate the public about the Chesapeake Bay Program, Konkus reportedly questioned "whether the *Bay Journal* has adequately indicated that it receives federal funds."

DiPasquale says he noted that the *Bay Journal* discloses its funding sources on the second page of its print editions and in the "About Us" section of its website.

"Then John made the most outrageous comment of all in saying that 'the American people have major concerns with newspapers and the media,'" DiPasquale told EPA Region 3 chief Rodrigues. He added that Konkus had said that "this issue has gotten the attention of higher levels of the agency."

In her reply supporting DiPasquale, White added that Konkus had said Holly Greaves, a member of Trump's beachhead team at EPA now stationed at the Office of the Chief Financial Officer, was also concerned by the grant.

"He said, 'on its face, this one is troubling and we will need to have a larger conversation in HQ with the Chief of Staff and Holly's input,'" White wrote.

'Not an EPA publication'

After the conversation with Konkus, DiPasquale said, he heard rumors that EPA political appointees were unhappy with the *Bay Journal*'s coverage of the Trump administration's plan to eliminate funding for the Chesapeake Bay Program, which oversees and coordinates the estuary cleanup.

The newspaper published four news stories and two opinion pieces about the budget cuts between March and August.

DiPasquale followed up with Konkus by sending an email reiterating the *Bay Journal*'s editorial independence.

"This is not an EPA publication," he wrote. "While EPA provides the grant funds, we are not allowed by law to direct what goes into the *Bay Journal* as if it were an EPA publication produced under a procurement contract."

DiPasquale also wrote that cutting the newspaper's funding would likely violate EPA grant policies. He attached to his email copies of the *Bay Journal*'s work plan, which had been approved by the agency, as well as the section of the Clean Water Act directing EPA to use grant funds to inform and educate the public about the cleanup.

The next week, EPA notified the *Bay Journal* that the agency "has decided not to provide funds for your project." The three-sentence email doesn't mention the 2012 IG audit, nor does a follow-up email sent Sept. 20, 2017.

In an interview, DiPasquale said he believes Konkus wasn't troubled by the 2012 IG's audit but was grasping for reasons to yank funding from the newspaper.

"On the face of it, this action was wrong. They didn't seem to be interested in understanding that," he said. "We told them everything we could about the fact that the *Bay Journal* has always performed well financially."

The *Bay Journal*, he said, had published articles critical of prior administrations, DiPasquale said, but "there has never been a threat of retaliation in terms of threatening to cut off their funding."

'Do not mail it out'

DiPasquale wasn't alone in questioning Konkus' interest in the *Bay Journal* grant.

Emails obtained by E&E News show confused career staff in the grants office reacting to Konkus' initial request to delay funding the newspaper until he could review the grant.

On Aug. 8, he emailed Denise Polk, the director of grants, about funding the *Bay Journal*: "I need more info on this grant before we move it any further please."

Polk forwarded Konkus' email to a dozen EPA employees, saying "this grant **cannot move forward**" until Konkus' questions were addressed.

Lisa White, acting chief of grants and audit management, replied to Polk noting that the grant had already been awarded. In a second email to Polk, White mentioned that the latest funding installment was about to be sent to the *Bay Journal* that same day. She also said she did not realize Konkus had been tasked with reviewing "incremental" grants awarded years before.

"Did the process change?" White asked.

"No, the process has not changed. I'm not sure how this one came to his attention," Polk replied. "Please do not mail it out."

Konkus first raised concerns about the 2012 IG report in a separate email to White, before the phone call with DiPasquale. Konkus had apparently learned about the audit from a 5-year-old article from the *Washington Times*.

White replied, "The audit did not question the quality or value of the *Bay Journal*."

When White informed DiPasquale of Konkus' email and that funding had not yet been sent to the *Bay Journal*, his initial response was, "Is that legal?"

"To put it on hold — I would say yes," White replied. "Terminating may be different but hopefully we won't get there."

White and Polk did not respond to requests for comment.

Joan T. Schafer, Senior Advisor

U.S. Environmental Protection Agency

Region 3 Office of Communications and Government Relations

1650 Arch Street

Philadelphia, PA 19103

215-814-5143 (ph)

215-814-5102

To: Esher, Diana[Esher.Diana@epa.gov]
Cc: DiPasquale, Nicholas[dipasquale.nicholas@epa.gov]
From: Edward, James
Sent: Wed 8/23/2017 1:13:25 PM
Subject: RE: Action Required - R3 Grant Action

OK…thanks Diana. I'm copying Nick on this and will make the call in a few minutes. Thanks
Jim

From: Esher, Diana
Sent: Wednesday, August 23, 2017 9:06 AM
To: Edward, James <edward.james@epa.gov>
Subject: FW: Action Required - R3 Grant Action

Jim,

Here are the messages which we received for your information.

I'll let you share this with Nick. I understand that he's in a retirement session. No reason for him to come out at this point.

Cecil has a call with Ben Grumbles this afternoon. He will let Ben know. Cecil may also share this with the State Secretaries tomorrow.

Diana Esher

Assistant Regional Administrator

for Policy and Management

US EPA Region 3

215-814-2706

esher.diana@epa.gov

From: Polk, Denise
Sent: Wednesday, August 23, 2017 7:51 AM
To: Esher, Diana <Esher.Diana@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>
Cc: Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>
Subject: Re: Action Required - R3 Grant Action

Greetings,

John K. Is requesting that R3 contact the recipient via telephone or email before 10am this morning. Please confirm this was done by either sending me an email confirmation or by including me on the message to the applicant. Thanks! Please let me know if you have any questions.

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

On Aug 22, 2017, at 7:19 PM, Polk, Denise <Polk.Denise@epa.gov> wrote:

Greetings,

Please notify the recipient as soon as possible that this amendment will not be made and

that they will not receive additional funds. In the meantime, OGD will work with OGC to develop standard language for offices to use to formally notify the recipients. Let me know if you have any questions. Thanks for your prompt attention to this matter and your patience.

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

From: Polk, Denise
Sent: Tuesday, August 22, 2017 5:38 PM
To: Esher, Diana <Esher.Diana@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Miller, Tracey <Miller.Tracey@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>; Pumphrey, William <pumphrey.william@epa.gov>
Cc: Neal, Kerry <neal.kerry@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Jones, Laurice <jones.laurice@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Status Update - R3 Grant Action
Importance: High

Greetings,

Please be advised a final decision to rescind the following R3 grant action below has been made; therefore, this grant will not be awarded. The recipient can continue to use any

previously obligated available funds to complete remaining tasks on the existing grant, but

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Please let me know if you have any questions or concerns.

Thanks!

7/27/2017	Amendment 2	96341703	CB	BAYJOURNAL Bay Journal Media Inc	NED for Profit	2/1/2016	6/31/2022	$225,000.00	Production of Bay Journal and related products	These funds will be used to produce the content for the "Bay Journal" periodical newspaper and to publish and distribute 10 issues of the journal per year as well as for distribution of articles through an electronic news service and posting of the journal content to the "Bay Journal" Website to raise public awareness of issues concerning the Chesapeake Bay and its health.

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

To: Polk, Denise[Polk.Denise@epa.gov]; Neal, Kerry[neal.kerry@epa.gov]; Askew, Wendel[Askew.Wendel@epa.gov]; Drummond, James[Drummond.James@epa.gov]
Cc: Esher, Diana[Esher.Diana@epa.gov]; Krakowiak, John[Krakowiak.John@epa.gov]
From: White, Lisa
Sent: Tue 11/7/2017 1:51:34 PM
Subject: FW: Bay Journal FOIA

Good Morning,

Ex. 5 - Deliberative Process

Michael D'Andrea is the Regional PA director. Thanks.lw

From: D'Andrea, Michael
Sent: Monday, November 6, 2017 3:08 PM
To: White, Lisa <WHITE.LISA@EPA.GOV>; Edward, James <edward.james@epa.gov>
Subject: FW: Bay Journal FOIA

Lisa and Jim,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

FYI - The FEAT members working on the FOIA are Nicole Rementer and Christopher Creech.

They could call you.

Read more below.

Mike

From: D'Andrea, Michael
Sent: Monday, November 06, 2017 2:44 PM
To: Smith, William (Region 3) <smith.william@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>; Debes, Alison <debes.alison@epa.gov>; Graff, Jeannine <graff.jeannine@epa.gov>; graham, benita <graham.benita@epa.gov>; Linda Miller <Miller.Linda@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>
Subject: Bay Journal FOIA

I had a call with HQ OPA today on the Bay Journal FOIA from Democracy Forward. The OPA folks had OPA FEAT members on with them.

Bottom line:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks for everyone's help.

Mike

To: Esher, Diana[Esher.Diana@epa.gov]
From: White, Lisa
Sent: Wed 8/23/2017 12:55:34 PM
Subject: RE: Making call this morning

Thanks – John Konkus is asking for confirmation before 10AM, is Jim aware of this?

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: Esher, Diana
Sent: Wednesday, August 23, 2017 8:53 AM
To: White, Lisa <WHITE.LISA@EPA.GOV>
Subject: Making call this morning

Hi Lisa,

Jim is going to call the Bay Journal folks this morning. He will send us an email once he's had the discussion.

I told him to tell Karl that he will receive an official written notification from me soon.

Diana

To: Neal, Kerry[neal.kerry@epa.gov]; Smith, William (Region 3)[smith.william@epa.gov]
Cc: Askew, Wendel[Askew.Wendel@epa.gov]; Drummond, James[Drummond.James@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]; Edward, James[edward.james@epa.gov]; Polk, Denise[Polk.Denise@epa.gov]
From: White, Lisa
Sent: Wed 10/18/2017 2:24:35 PM
Subject: RE: Bay Journal - signed letter re: grant decision

Good Morning Kerry,

Thanks for the information. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Thanks..lw

Ex. 5 - Deliberative Process

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: Neal, Kerry
Sent: Wednesday, October 18, 2017 9:16 AM
To: Smith, William (Region 3) <smith.william@epa.gov>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>; Drummond, James <Drummond.James@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Edward, James <edward.james@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>
Subject: Bay Journal - signed letter re: grant decision

Folks,

Please see attached.

Regards,

Kerry

From: Neal, Kerry
Sent: Wednesday, September 20, 2017 1:55 PM
To: Smith, William (Region 3) <smith.william@epa.gov>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>; Drummond, James <Drummond.James@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Edward, James <edward.james@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>
Subject: Re: Bay Journal grant decision request for appeal extension

William,

Received, with thanks. I will review when I get to a computer.

I look forward to hearing from you and Diana on next steps.

Kind regards,

Kerry

~ ~ ~ ~

Kerry K. Neal

Deputy Director

Office of Grants and Debarment

202-564-3766 (office)

202-805-3909 (mobile)

On Sep 20, 2017, at 10:26 AM, Smith, William (Region 3) <smith.william@epa.gov> wrote:

Mr. Neal-

Ex. 5 - Attorney Client

William C. Smith
Senior Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region III
smith.william@epa.gov
Mailcode 3RC00
215-814-2690 (phone)
215-814-2603 (fax)

From: White, Lisa
Sent: Wednesday, September 20, 2017 7:18 AM
To: Smith, William (Region 3) <smith.william@epa.gov>
Subject: Fwd: Bay Journal grant decision request for appeal extension

FYI

Sent from my iPhone

Begin forwarded message:
From: "Krakowiak, John" <Krakowiak.John@epa.gov<mailto:Krakowiak.John@epa.gov>>
To: "White, Lisa" <WHITE.LISA@EPA.GOV<mailto:WHITE.LISA@EPA.GOV>>
Subject: Fwd: Bay Journal grant decision request for appeal extension

FYI

Begin forwarded message:
From: "Karl Blankenship"
<kblankenship@bayjournal.com<mailto:kblankenship@bayjournal.com>>
To: "Esher, Diana" <Esher.Diana@epa.gov<mailto:Esher.Diana@epa.gov>>
Cc: "Krakowiak, John" <Krakowiak.John@epa.gov<mailto:Krakowiak.John@epa.gov>>, "Wenz, Tom" <Wenz.Tom@epa.gov<mailto:Wenz.Tom@epa.gov>>, "DiPasquale, Nicholas" <dipasquale.nicholas@epa.gov<mailto:dipasquale.nicholas@epa.gov>>, "Edward, James" <edward.james@epa.gov<mailto:edward.james@epa.gov>>, "tom Lewis" <tlewis@gejlaw.com<mailto:tlewis@gejlaw.com>>
Subject: Bay Journal grant decision request for appeal extension
To: Diana Esher, DDO

CC: John Krakowiak, AO; Tom Wenz, Project Officer; Nick DiPasquale, CPB Director; Jim Edward, CBP Deputy Director
CC: Thomas B. Lewis, Esq., Chairman, Bay Journal Media, Inc. Board of Directors

Sept. 19, 2017

SUBJECT: EPA notice dated August 23, 2017 of intent to terminate funding under Cooperative Agreement dated January 20, 2016 with Bay Journal Media, Inc. (formerly known as Chesapeake Media Service, Inc.) (the "Agency Decision")

This email constitutes an appeal to the U.S. Environmental Protection Agency (the " Agency") disputing an "Agency Decision" within the meaning of 40 CFR Section 1500.14. This appeal is filed on behalf of Bay Journal Media, Inc. (the "Affected Entity" within the meaning of Section 1500.14, referred to here as "Bay Journal"), by Karl Blankenship, Executive Director, pursuant to authorization by the Board of Directors of the Bay Journal. Mr. Blankenship shall be the point of contact for this appeal. His contact information is as follows—telephone: 717-428-2819, email kblankenship@bayjournal.com<mailto:kblankenship@bayjournal.com>, Mail: c/o Bay Journal Media, Inc., 619 Oakwood Dr., Seven Valleys, PA 17360

Request for Extension of Time. As a preliminary matter, Bay Journal requests an extension of time until October 22, 2017 to gather additional information and perform further investigations in order to present a more complete appeal, pursuant to Sections 1500.14, since the Bay Journal Executive Director was literally out of the country for an extended period immediately following notice of the Agency Decision and thus unable to assemble materials or otherwise prepare for this appeal. This represents a 30-day extension which is allowed under Section 1500.14. In the event an extension is not granted by EPA, the

grounds noted below shall constitute the basis for this appeal.

Background. EPA and the Bay Journal are currently parties to a multi year Cooperative Agreement dated January 20, 2016 (see Attachment 1), which is the latest iteration of a long series of agreements spanning more than 25 years pursuant to which EPA sought to fulfill a longstanding and recurring Congressional mandate to implement a multi-jurisdictional "Chesapeake Bay Program" within EPA to improve the water quality and the health of the Chesapeake Bay watershed, and specifically to provide an effective means to inform the public of those efforts. Pursuant to those agreements, including the subject Cooperative Agreement dated January 20, 2016, the Bay Journal has hired a staff of qualified and experienced writers, reporters, photographers and editors to provide in-depth reporting on Chesapeake Bay issues which is not duplicated by any other source of information generally available to the public. The funding received under the Cooperative Agreement was once the sole source of funding for the Bay Journal; it now represents about 40 percent of the total annual budget, which is still an essential portion of the overall budget. The Bay Journal has been made available free of charge, under a longstanding understanding that the public should receive this information without any financial burden or obstacle, and that EPA would provide the financial support to assure such availability.

The Agency Decision. On August 23, 2017, Bay Journal received an email notice from the DDO responsible for the subject Cooperative Agreement. See Attachment 2 below. It stated in material part as follows:

"This message is to notify you that EPA will not fund your grant application for The Chesapeake Bay Journal. Due to a shift in priorities, EPA has decided not to provide funds for your project. Please accept our sincere thanks for your interest this EPA funding opportunity."

Appeal of Agency Decision. We dispute the Agency Decision on several grounds.

First, it is mistaken in its premise—there is no pending grant application. EPA has entered into a Cooperative Agreement with the Bay Journal for the period from 2/01/2016 to 1/31/2022. There is no pending application—the parties have entered into a contract, Bay Journal has reasonably relied upon it, Bay Journal has completely performed its obligations thereunder, and Bay Journal has taken reasonable steps (hiring employees, etc.) in reliance on EPA's commitment of funding through 1/31/2022. Note that the Agency Decision does not state an effective time; it simply makes no sense in the context of an existing, ongoing Agreement in mid-term.

Second, the Agency says it is taking this action "due a shift in priorities". This Cooperative Agreement is in implementation of Congressional direction set forth in the Clean Water Act and longstanding policies of the EPA and other Chesapeake Bay Program partners to support widespread public information about the Bay. Those priorities did not, in fact, change. We challenge the Agency to demonstrate any actual evidence of the development or adoption of any such change—whether to the Bay Program, to Congressional funding actions, or otherwise. See for example, the letter from Chesapeake Bay Commission sent August 28, 2017, to EPA Administrator Scott Pruitt, a copy of which

is attached as Attachment 3. In fact, the breach of this agreement will result in EPA failing to comply with the Congressional mandate, set forth in 33 USC Section 1267, establishing the Chesapeake Bay Program, which has not been repealed or modified by Congress in any manner that would suggest that EPA has had a change in priorities.

Section 1267(b)(2)(B) states that "The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—….(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay." These priorities are established by Federal law, which stands unmodified by any arbitrary and capricious shift of "Agency priorities". The Bay Journal is, and for 25 years has been, the principal means of implementing this Congressional mandate.

The continuing need for the Bay Journal—and further verification that no priorities relating to its functions of funding—are confirmed by government representatives comprising the Local Government Advisory Committee as expressed in its letter dated September 5, 2017. (See Attachment 4). The Chesapeake Bay Program is a multi-jurisdictional program over which EPA presides, and this communication confirms the Congressional intent that priorities are set on a multi jurisdictional basis, and are not to be revoked capriciously by individuals acting alone within EPA.

Third, the termination of payments due from EPA constitutes a plain breach of a valid contract under which Bay Journal has fully performed it obligations. The performance record of the Bay Journal under the Cooperative Agreement is impeccable. The most recent performance review for this Agreement was the EPA Project Officer Post-Award Evaluation Protocol issued by the Chesapeake Bay Program on April 5, 2017, a copy of which is attached as Attachment 5 below. This detailed, 13-page review indicates that the Bay Journal has complied with all of its responsibilities, and offers this Agency comment: "Continued outstanding work in producing independent editorial and news content pertinent to the general public interest in Chesapeake Bay restoration efforts. The most comprehensive coverage of Bay related issues within the watershed." In addition, the evaluation states: "Excellent production in meeting the grant requirements and establishing the standard for coverage of Chesapeake Bay related issues".

Plainly there has been no "cause" to warrant EPA's failure to continue our funding. The EPA has no valid legal or other excuse for failing to perform as it has agreed. The sudden, unjustified withdrawal of funding will severely impair the Bay Journal, and possibly result in its closure. We have no assurance of our ability to obtain replacement funding on such short notice.

Finally, we note that the arbitrary and capricious manner of this funding termination will serve no public or administrative interest of the Agency, the United States, or the Chesapeake Bay Program. If the Agency cannot be trusted to keep its word and maintain funding under multiyear agreements with high performing partners such as the Bay Journal, what is the point of entering into an agreement or seeking a grant relationship with EPA? We can see that if Congress "changed priorities" and discontinued funding for a given program, EPA may have no choice but to stop spending beyond what has been authorized. But here Congress has continued to fund the Bay Program and has not wavered from its commitment to the Chesapeake Bay and the partners doing effective work to improve the Bay and to inform the public of those efforts. Contracts still have meaning; the rule of law still applies to the activities of EPA.

Requested Action. We respectfully request that EPA withdraw its notice of termination and simply perform its funding obligations as agreed under the Cooperative Agreement, subject to all of its terms.

Contact. Please contact Karl Blankenship , at the contact information set forth above, with any questions or further notices related to the subject Cooperative Agreement.

Karl Blankenship
Editor, Bay Journal
619 Oakwood Dr.
Seven Valleys, PA 17360
717-428-2819
kblankenship@bayjournal.com<mailto:kblankenship@bayjournal.com>

Bay Journal<http://www.bayjournal.com> • Bay Journeys<http://www.bayjourneys.com> • Facebook<https://www.facebook.com/pages/Chesapeake-Bay-Journal/114785371875369> • Twitter<https://twitter.com/ChesBayJournal> • Subscribe<http://www.bayjournal.com/subscription>

<Attachment1.pdf>

<Attachment2.pdf>

<Attachment3.pdf>

<Attachment4.pdf>

<Attachment5.pdf>

To: Polk, Denise[Polk.Denise@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]
Cc: Sylvester, Kenneth[Sylvester.Kenneth@epa.gov]
From: White, Lisa
Sent: Wed 8/23/2017 12:21:58 PM
Subject: RE: Action Required - R3 Grant Action

Thanks Denise, we are working on this. thanks.lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: Polk, Denise
Sent: Wednesday, August 23, 2017 7:51 AM
To: Esher, Diana <Esher.Diana@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>
Cc: Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>
Subject: Re: Action Required - R3 Grant Action

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Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

On Aug 22, 2017, at 7:19 PM, Polk, Denise <Polk.Denise@epa.gov> wrote:

Greetings,

Please notify the recipient as soon as possible that this amendment will not be made and that they will not receive additional funds. In the meantime, OGD will work with OGC to develop standard language for offices to use to formally notify the recipients. Let me know if you have any questions. Thanks for your prompt attention to this matter and your patience.

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

From: Polk, Denise
Sent: Tuesday, August 22, 2017 5:38 PM
To: Esher, Diana <Esher.Diana@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Miller, Tracey <Miller.Tracey@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>; Pumphrey, William <pumphrey.william@epa.gov>
Cc: Neal, Kerry <neal.kerry@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Jones, Laurice <jones.laurice@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Status Update - R3 Grant Action
Importance: High

Greetings,

Please be advised a final decision to rescind the following R3 grant action below has been made; therefore, this grant will not be awarded. The recipient can continue to use any previously obligated available funds to complete remaining tasks on the existing grant, but

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Please let me know if you have any questions or concerns.

Thanks!

7/27/2017	Amendment 2	96342701 R03	CB	BAYJOURNAL Bay Journal Media Inc	NMED for Profit	2/1/2016	6/31/2023	$225,000.00	Production of Bay Journal and related products	These funds will be used to produce the content for the "Bay Journal" periodical newspaper and to publish and distribute 10 issues of the journal per year as well as for distribution of articles through an electronic news service and posting of the journal content to the "Bay Journal" Website to raise public awareness of issues concerning the Chesapeake Bay

and its health.

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

To: Esher, Diana[Esher.Diana@epa.gov]
From: White, Lisa
Sent: Wed 8/23/2017 12:07:11 PM
Subject: RE: Action Required - R3 Grant Action

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process thanks.lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: Esher, Diana
Sent: Wednesday, August 23, 2017 8:02 AM
To: White, Lisa <WHITE.LISA@EPA.GOV>
Subject: Fwd: Action Required - R3 Grant Action

I'll call Nick and Jim.

Ex. 5 - Deliberative Process

What do you think?

Sent from my iPhone

Diana Esher

USEPA Region 3

215-814-2706

Begin forwarded message:

From: "Polk, Denise" <Polk.Denise@epa.gov>
Date: August 23, 2017 at 7:50:59 AM EDT
To: "Esher, Diana" <Esher.Diana@epa.gov>, "White, Lisa" <WHITE.LISA@EPA.GOV>
Cc: "Sylvester, Kenneth" <Sylvester.Kenneth@epa.gov>
Subject: Re: Action Required - R3 Grant Action

Greetings,

John K. Is requesting that R3 contact the recipient via telephone or email before 10am this morning. Please confirm this was done by either sending me an email confirmation or by including me on the message to the applicant. Thanks! Please let me know if you have any questions.

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

On Aug 22, 2017, at 7:19 PM, Polk, Denise <Polk.Denise@epa.gov> wrote:

Greetings,

Please notify the recipient as soon as possible that this amendment will not be made and that they will not receive additional funds. In the meantime, OGD will work with OGC to develop standard language for offices to use to formally notify the recipients. Let me know if you have any questions. Thanks for your prompt attention to this matter and your patience.

Denise A. Polk, Director

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Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

From: Polk, Denise
Sent: Tuesday, August 22, 2017 5:38 PM
To: Esher, Diana <Esher.Diana@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Miller, Tracey <Miller.Tracey@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>; Pumphrey, William <pumphrey.william@epa.gov>
Cc: Neal, Kerry <neal.kerry@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Jones, Laurice <jones.laurice@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Status Update - R3 Grant Action
Importance: High

Greetings,

Please be advised a final decision to rescind the following R3 grant action below has been made; therefore, this grant will not be awarded. The recipient can continue to use any previously obligated available funds to complete remaining tasks on the existing grant, Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Ex. 5 - Deliberative Process Please let me know if you have any questions or concerns.

Thanks!

7/27/2017	Amendment 2	96342701-03	CB	BAYJOURNAL Bay Journal Media Inc	NMED for Profit	2/1/2016	6/31/2023	$225,000.00	Production of Bay Journal and related products.	These funds will be used to produce the content for the "Bay Journal" periodical newspaper and to publish and distribute 10 issues of the journal per year as well as for distribution of articles through an electronic news service and posting of the journal content to the "Bay Journal" Website to raise public awareness of issues concerning the Chesapeake Bay and its health.

Denise A. Polk, Director

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1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

To: Servidio, Cosmo[Servidio.Cosmo@epa.gov]; Rodrigues, Cecil[rodrigues.cecil@epa.gov]
Cc: DiPasquale, Nicholas[dipasquale.nicholas@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]; White, Lisa[WHITE.LISA@EPA.GOV]; Smith, William (Region 3)[smith.william@epa.gov]
From: Edward, James
Sent: Wed 10/18/2017 2:16:06 PM
Subject: FW: Bay Journal - signed letter re: grant decision
Democracy Forward to EPA signed 10-18-2017 KKN.pdf

FYI….This letter basically states that EPA will not take back any funds we have already awarded to Bay Journal and that we will not spend any of the $325K Bay Journal funds pending the outcome of their appeal….Jim

#BayStrong

Jim Edward

Deputy Director

Chesapeake Bay Program Office

US EPA Region III

410 Severn Ave.

Annapolis MD 21403

edward.james@epa.gov

410-267-5705

From: Neal, Kerry
Sent: Wednesday, October 18, 2017 9:16 AM
To: Smith, William (Region 3) <smith.william@epa.gov>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>; Drummond, James <Drummond.James@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Edward, James <edward.james@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>
Subject: Bay Journal - signed letter re: grant decision

Folks,

Please see attached.

Regards,

Kerry

From: Neal, Kerry
Sent: Wednesday, September 20, 2017 1:55 PM
To: Smith, William (Region 3) <smith.william@epa.gov>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>; Drummond, James <Drummond.James@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Edward, James <edward.james@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>
Subject: Re: Bay Journal grant decision request for appeal extension

William,

Received, with thanks. I will review when I get to a computer.

I look forward to hearing from you and Diana on next steps.

Kind regards,

Kerry

~ ~ ~ ~

Kerry K. Neal

Deputy Director

Office of Grants and Debarment

202-564-3766 (office)

202-805-3909 (mobile)

On Sep 20, 2017, at 10:26 AM, Smith, William (Region 3) <smith.william@epa.gov> wrote:

Mr. Neal-

Ex. 5 - Attorney Client

William C. Smith
Senior Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region III
smith.william@epa.gov
Mailcode 3RC00
215-814-2690 (phone)
215-814-2603 (fax)

From: White, Lisa
Sent: Wednesday, September 20, 2017 7:18 AM
To: Smith, William (Region 3) <smith.william@epa.gov>
Subject: Fwd: Bay Journal grant decision request for appeal extension

FYI

Sent from my iPhone

Begin forwarded message:
From: "Krakowiak, John" <Krakowiak.John@epa.gov<mailto:Krakowiak.John@epa.gov>>
To: "White, Lisa" <WHITE.LISA@EPA.GOV<mailto:WHITE.LISA@EPA.GOV>>
Subject: Fwd: Bay Journal grant decision request for appeal extension

FYI

Begin forwarded message:
From: "Karl Blankenship"
<kblankenship@bayjournal.com<mailto:kblankenship@bayjournal.com>>
To: "Esher, Diana" <Esher.Diana@epa.gov<mailto:Esher.Diana@epa.gov>>
Cc: "Krakowiak, John" <Krakowiak.John@epa.gov<mailto:Krakowiak.John@epa.gov>>,
"Wenz, Tom" <Wenz.Tom@epa.gov<mailto:Wenz.Tom@epa.gov>>, "DiPasquale,
Nicholas" <dipasquale.nicholas@epa.gov<mailto:dipasquale.nicholas@epa.gov>>,

"Edward, James" <edward.james@epa.gov<mailto:edward.james@epa.gov>>, "tom Lewis" <tlewis@gejlaw.com<mailto:tlewis@gejlaw.com>>
Subject: Bay Journal grant decision request for appeal extension
To: Diana Esher, DDO

CC: John Krakowiak, AO; Tom Wenz, Project Officer; Nick DiPasquale, CPB Director; Jim Edward, CBP Deputy Director
CC: Thomas B. Lewis, Esq., Chairman, Bay Journal Media, Inc. Board of Directors

Sept. 19, 2017

SUBJECT: EPA notice dated August 23, 2017 of intent to terminate funding under Cooperative Agreement dated January 20, 2016 with Bay Journal Media, Inc. (formerly known as Chesapeake Media Service, Inc.) (the "Agency Decision")

This email constitutes an appeal to the U.S. Environmental Protection Agency (the " Agency") disputing an "Agency Decision" within the meaning of 40 CFR Section 1500.14. This appeal is filed on behalf of Bay Journal Media, Inc. (the "Affected Entity" within the meaning of Section 1500.14, referred to here as "Bay Journal"), by Karl Blankenship, Executive Director, pursuant to authorization by the Board of Directors of the Bay Journal. Mr. Blankenship shall be the point of contact for this appeal. His contact information is as follows—telephone: 717-428-2819, email kblankenship@bayjournal.com<mailto:kblankenship@bayjournal.com>, Mail: c/o Bay Journal Media, Inc., 619 Oakwood Dr., Seven Valleys, PA 17360

Request for Extension of Time. As a preliminary matter, Bay Journal requests an extension of time until October 22, 2017 to gather additional information and perform further investigations in order to present a more complete appeal, pursuant to Sections 1500.14, since the Bay Journal Executive Director was literally out of the country for an extended period immediately following notice of the Agency Decision and thus unable to assemble materials or otherwise prepare for this appeal. This represents a 30-day extension which is allowed under Section 1500.14. In the event an extension is not granted by EPA, the grounds noted below shall constitute the basis for this appeal.

Background. EPA and the Bay Journal are currently parties to a multi year Cooperative Agreement dated January 20, 2016 (see Attachment 1), which is the latest iteration of a long series of agreements spanning more than 25 years pursuant to which EPA sought to fulfill a longstanding and recurring Congressional mandate to implement a multi-jurisdictional "Chesapeake Bay Program" within EPA to improve the water quality and the health of the Chesapeake Bay watershed, and specifically to provide an effective means to inform the public of those efforts. Pursuant to those agreements, including the subject Cooperative Agreement dated January 20, 2016, the Bay Journal has hired a staff of qualified and experienced writers, reporters, photographers and editors to provide in-depth reporting on Chesapeake Bay issues which is not duplicated by any other source of information generally available to the public. The funding received under the Cooperative Agreement was once the sole source of funding for the Bay Journal; it now represents about 40 percent of the

total annual budget, which is still an essential portion of the overall budget. The Bay Journal has been made available free of charge, under a longstanding understanding that the public should receive this information without any financial burden or obstacle, and that EPA would provide the financial support to assure such availability.

The Agency Decision. On August 23, 2017, Bay Journal received an email notice from the DDO responsible for the subject Cooperative Agreement. See Attachment 2 below. It stated in material part as follows:

"This message is to notify you that EPA will not fund your grant application for The Chesapeake Bay Journal. Due to a shift in priorities, EPA has decided not to provide funds for your project. Please accept our sincere thanks for your interest this EPA funding opportunity."

Appeal of Agency Decision. We dispute the Agency Decision on several grounds.

First, it is mistaken in its premise—there is no pending grant application. EPA has entered into a Cooperative Agreement with the Bay Journal for the period from 2/01/2016 to 1/31/2022. There is no pending application—the parties have entered into a contract, Bay Journal has reasonably relied upon it, Bay Journal has completely performed its obligations thereunder, and Bay Journal has taken reasonable steps (hiring employees, etc.) in reliance on EPA's commitment of funding through 1/31/2022. Note that the Agency Decision does not state an effective time; it simply makes no sense in the context of an existing, ongoing Agreement in mid-term.

Second, the Agency says it is taking this action "due a shift in priorities". This Cooperative Agreement is in implementation of Congressional direction set forth in the Clean Water Act and longstanding policies of the EPA and other Chesapeake Bay Program partners to support widespread public information about the Bay. Those priorities did not, in fact, change. We challenge the Agency to demonstrate any actual evidence of the development or adoption of any such change—whether to the Bay Program, to Congressional funding actions, or otherwise. See for example, the letter from Chesapeake Bay Commission sent August 28, 2017, to EPA Administrator Scott Pruitt, a copy of which is attached as Attachment 3. In fact, the breach of this agreement will result in EPA failing to comply with the Congressional mandate, set forth in 33 USC Section 1267, establishing the Chesapeake Bay Program, which has not been repealed or modified by Congress in any manner that would suggest that EPA has had a change in priorities.

Section 1267(b)(2)(B) states that "The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—….(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay." These priorities are established by Federal law, which stands unmodified by any arbitrary and capricious shift of "Agency priorities". The Bay Journal is, and for 25 years has been, the principal means of implementing this Congressional mandate.

The continuing need for the Bay Journal—and further verification that no priorities relating to its functions of funding—are confirmed by government representatives comprising the Local Government Advisory Committee as expressed in its letter dated September 5, 2017.

(See Attachment 4). The Chesapeake Bay Program is a multi-jurisdictional program over which EPA presides, and this communication confirms the Congressional intent that priorities are set on a multi jurisdictional basis, and are not to be revoked capriciously by individuals acting alone within EPA.

Third, the termination of payments due from EPA constitutes a plain breach of a valid contract under which Bay Journal has fully performed it obligations. The performance record of the Bay Journal under the Cooperative Agreement is impeccable. The most recent performance review for this Agreement was the EPA Project Officer Post-Award Evaluation Protocol issued by the Chesapeake Bay Program on April 5, 2017, a copy of which is attached as Attachment 5 below. This detailed, 13-page review indicates that the Bay Journal has complied with all of its responsibilities, and offers this Agency comment: "Continued outstanding work in producing independent editorial and news content pertinent to the general public interest in Chesapeake Bay restoration efforts. The most comprehensive coverage of Bay related issues within the watershed." In addition, the evaluation states: "Excellent production in meeting the grant requirements and establishing the standard for coverage of Chesapeake Bay related issues".

Plainly there has been no "cause" to warrant EPA's failure to continue our funding. The EPA has no valid legal or other excuse for failing to perform as it has agreed. The sudden, unjustified withdrawal of funding will severely impair the Bay Journal, and possibly result in its closure. We have no assurance of our ability to obtain replacement funding on such short notice.

Finally, we note that the arbitrary and capricious manner of this funding termination will serve no public or administrative interest of the Agency, the United States, or the Chesapeake Bay Program. If the Agency cannot be trusted to keep its word and maintain funding under multiyear agreements with high performing partners such as the Bay Journal, what is the point of entering into an agreement or seeking a grant relationship with EPA? We can see that if Congress "changed priorities" and discontinued funding for a given program, EPA may have no choice but to stop spending beyond what has been authorized. But here Congress has continued to fund the Bay Program and has not wavered from its commitment to the Chesapeake Bay and the partners doing effective work to improve the Bay and to inform the public of those efforts. Contracts still have meaning; the rule of law still applies to the activities of EPA.

Requested Action. We respectfully request that EPA withdraw its notice of termination and simply perform its funding obligations as agreed under the Cooperative Agreement, subject to all of its terms.

Contact. Please contact Karl Blankenship , at the contact information set forth above, with any questions or further notices related to the subject Cooperative Agreement.

Karl Blankenship
Editor, Bay Journal
619 Oakwood Dr.
Seven Valleys, PA 17360
717-428-2819
kblankenship@bayjournal.com<mailto:kblankenship@bayjournal.com>

Bay Journal<http://www.bayjournal.com> • Bay Journeys<http://www.bayjourneys.com> • Facebook<https://www.facebook.com/pages/Chesapeake-Bay-Journal/114785371875369> • Twitter<https://twitter.com/ChesBayJournal> • Subscribe<http://www.bayjournal.com/subscription>

<Attachment1.pdf>

<Attachment2.pdf>

<Attachment3.pdf>

<Attachment4.pdf>

<Attachment5.pdf>

To: Esher, Diana[Esher.Diana@epa.gov]; White, Lisa[WHITE.LISA@EPA.GOV]
Cc: Sylvester, Kenneth[Sylvester.Kenneth@epa.gov]
From: Polk, Denise
Sent: Wed 8/23/2017 11:50:59 AM
Subject: Re: Action Required - R3 Grant Action

Greetings,

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Denise A. Polk, Director

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

On Aug 22, 2017, at 7:19 PM, Polk, Denise <Polk.Denise@epa.gov> wrote:

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Email: Polk.Denise@epa.gov

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To: Esher, Diana <Esher.Diana@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Miller, Tracey <Miller.Tracey@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>; Pumphrey, William <pumphrey.william@epa.gov>
Cc: Neal, Kerry <neal.kerry@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Jones, Laurice <jones.laurice@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Status Update - R3 Grant Action
Importance: High

Greetings,

Please be advised a final decision to rescind the following R3 grant action below has been made; therefore, this grant will not be awarded. The recipient can continue to use any previously obligated available funds to complete remaining tasks on the existing grant, but

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Please let me know if you have any questions or concerns.

Thanks!

7/27/2017	Amendment R03	96342701 2	CB	BAYJOURNAL Bay Journal Media Inc	NOT for Profit	2/1/2016	6/31/2022	$225,000.00	Production of Bay Journal and related products	These funds will be used to produce the content for the “Bay Journal” periodical newspaper and to publish and distribute 10 issues of the journal per year as well as for distribution of articles through an electronic news service and posting of the journal content to the “Bay Journal” Website to raise public awareness of issues concerning the Chesapeake Bay and its health.

Denise A. Polk, Director

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(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

To: Drummond, James[Drummond.James@epa.gov]; Edward, James[edward.james@epa.gov]; Askew, Wendel[Askew.Wendel@epa.gov]; Neal, Kerry[neal.kerry@epa.gov]; White, Lisa[WHITE.LISA@EPA.GOV]; Smith, William (Region 3)[smith.william@epa.gov]
Cc: Esher, Diana[Esher.Diana@epa.gov]; DiPasquale, Nicholas[dipasquale.nicholas@epa.gov]; Hindin, Rebecca[Hindin.Rebecca@epa.gov]
From: Polk, Denise
Sent: Tue 10/24/2017 10:47:42 PM
Subject: RE: Termination of Grant to Bay Journal Media, Inc.

Greetings,

Ex. 5 - Attorney Client Thanks!

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

From: Drummond, James
Sent: Tuesday, October 24, 2017 5:44 PM
To: Edward, James <edward.james@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Smith, William (Region 3) <smith.william@epa.gov>
Cc: Esher, Diana <Esher.Diana@epa.gov>; DiPasquale, Nicholas <dipasquale.nicholas@epa.gov>; Hindin, Rebecca <Hindin.Rebecca@epa.gov>
Subject: RE: Termination of Grant to Bay Journal Media, Inc.

Thanks Jim E.

James Drummond

Senior Environmental Employment Program, Enrollee

Office of Grants and Debarment

(202) 746-1029

From: Edward, James
Sent: Tuesday, October 24, 2017 4:40 PM
To: Askew, Wendel <Askew.Wendel@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Smith, William (Region 3) <smith.william@epa.gov>
Cc: Drummond, James <Drummond.James@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; DiPasquale, Nicholas <dipasquale.nicholas@epa.gov>; Hindin, Rebecca <Hindin.Rebecca@epa.gov>
Subject: RE: Termination of Grant to Bay Journal Media, Inc.

Ex. 5 - Attorney Client

Jim D: Attached is a file with the emails you requested from Diana Esher….thanks Jim

#BayStrong

Jim Edward

Deputy Director

Chesapeake Bay Program Office

US EPA Region III

410 Severn Ave.

Annapolis MD 21403

edward.james@epa.gov

410-267-5705

From: Askew, Wendel
Sent: Tuesday, October 24, 2017 1:52 PM
To: Neal, Kerry <neal.kerry@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; Edward, James <edward.james@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Smith, William (Region 3) <smith.william@epa.gov>
Cc: Drummond, James <Drummond.James@epa.gov>
Subject: FW: Termination of Grant to Bay Journal Media, Inc.

Hi everyone,

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Wendel Askew

Assistant General Counsel for Assistance Law

Office of General Counsel

Mail Code 2399A

202-564-3987

7454H WJCN

From: Jodie Morse [mailto:jmorse@democracyforward.org]
Sent: Tuesday, October 24, 2017 1:07 PM
To: Askew, Wendel <Askew.Wendel@epa.gov>
Cc: Javier Guzman <jguzman@democracyforward.org>; Norman, Erika D. <Erika.Norman@apks.com>; Gross, Joel M. <Joel.Gross@apks.com>
Subject: Termination of Grant to Bay Journal Media, Inc.

Wendel,

I am writing to request a call concerning the termination of the grant to Bay Journal Media, Inc. The statutory time for the agency to respond to a FOIA request filed on September 22, 2017 by Bay Journal Media, Inc. has passed. In advance of litigating that FOIA request, I wanted to discuss with you the status of the agency's response and would like to raise a few other issues concerning the grant termination.

I am attaching an additional FOIA request filed yesterday on behalf of Bay Journal Media, Inc. by Democracy Forward Foundation as well as Arnold & Porter Kaye Scholer, which has also been retained by Bay Journal Media, Inc. to represent it on this matter, as co-counsel with Democracy Forward. My Arnold & Porter colleagues are copied on this email and would also be participating in the call.

Thanks very much and best,

Jodie

--

Josephine Morse*

Senior Counsel

Democracy Forward Foundation

T: (202) 701-1772

M: (917) 208-1392

*Admitted in New York; practicing under the supervision of members of the D.C. Bar while D.C. Bar application is pending.

NOTICE: This communication and any attachments may contain privileged or other confidential information and is intended only for use by the individual or entity named above. If you have received this communication in error, please immediately advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents.

To: Esher, Diana[Esher.Diana@epa.gov]; White, Lisa[WHITE.LISA@EPA.GOV]
Cc: Sylvester, Kenneth[Sylvester.Kenneth@epa.gov]
From: Polk, Denise
Sent: Tue 8/22/2017 11:19:24 PM
Subject: Action Required - R3 Grant Action

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Denise A. Polk, Director

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Cc: Neal, Kerry <neal.kerry@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Jones, Laurice <jones.laurice@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Status Update - R3 Grant Action
Importance: High

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Thanks!

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Denise A. Polk, Director

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U.S. Environmental Protection Agency
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Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

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To: Edward, James[edward.james@epa.gov]; Askew, Wendel[Askew.Wendel@epa.gov]; Neal, Kerry[neal.kerry@epa.gov]; Polk, Denise[Polk.Denise@epa.gov]; White, Lisa[WHITE.LISA@EPA.GOV]; Smith, William (Region 3)[smith.william@epa.gov]
Cc: Esher, Diana[Esher.Diana@epa.gov]; DiPasquale, Nicholas[dipasquale.nicholas@epa.gov]; Hindin, Rebecca[Hindin.Rebecca@epa.gov]
From: Drummond, James
Sent: Tue 10/24/2017 9:44:01 PM
Subject: RE: Termination of Grant to Bay Journal Media, Inc.

Thanks Jim E.

James Drummond

Senior Environmental Employment Program, Enrollee

Office of Grants and Debarment

(202) 746-1029

From: Edward, James
Sent: Tuesday, October 24, 2017 4:40 PM
To: Askew, Wendel <Askew.Wendel@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Smith, William (Region 3) <smith.william@epa.gov>
Cc: Drummond, James <Drummond.James@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; DiPasquale, Nicholas <dipasquale.nicholas@epa.gov>; Hindin, Rebecca <Hindin.Rebecca@epa.gov>
Subject: RE: Termination of Grant to Bay Journal Media, Inc.

Ex. 5 - Attorney Client

Jim D: Attached is a file with the emails you requested from Diana Esher….thanks Jim

#BayStrong

Jim Edward

Deputy Director

Chesapeake Bay Program Office

US EPA Region III

410 Severn Ave.

Annapolis MD 21403

edward.james@epa.gov

410-267-5705

From: Askew, Wendel
Sent: Tuesday, October 24, 2017 1:52 PM
To: Neal, Kerry <neal.kerry@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; Edward, James <edward.james@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Smith, William (Region 3) <smith.william@epa.gov>
Cc: Drummond, James <Drummond.James@epa.gov>
Subject: FW: Termination of Grant to Bay Journal Media, Inc.

Hi everyone,

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Wendel Askew

Assistant General Counsel for Assistance Law

Office of General Counsel

Mail Code 2399A

202-564-3987

7454H WJCN

From: Jodie Morse [mailto:jmorse@democracyforward.org]
Sent: Tuesday, October 24, 2017 1:07 PM
To: Askew, Wendel <Askew.Wendel@epa.gov>
Cc: Javier Guzman <jguzman@democracyforward.org>; Norman, Erika D. <Erika.Norman@apks.com>; Gross, Joel M. <Joel.Gross@apks.com>
Subject: Termination of Grant to Bay Journal Media, Inc.

Wendel,

I am writing to request a call concerning the termination of the grant to Bay Journal Media, Inc. The statutory time for the agency to respond to a FOIA request filed on September 22, 2017 by Bay Journal Media, Inc. has passed. In advance of litigating that FOIA request, I wanted to discuss with you the status of the agency's response and would like to raise a few other issues concerning the grant termination.

I am attaching an additional FOIA request filed yesterday on behalf of Bay Journal Media, Inc. by Democracy Forward Foundation as well as Arnold & Porter Kaye Scholer, which has also been retained by Bay Journal Media, Inc. to represent it on this matter, as co-counsel with Democracy Forward. My Arnold & Porter colleagues are copied on this email and would also be participating in the call.

Thanks very much and best,

Jodie

--

Josephine Morse*

Senior Counsel

Democracy Forward Foundation

T: (202) 701-1772

M: (917) 208-1392

*Admitted in New York; practicing under the supervision of members of the D.C. Bar while D.C. Bar application is pending.

NOTICE: This communication and any attachments may contain privileged or other confidential information and is intended only for use by the individual or entity named above. If you have received this communication in error, please immediately advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents.

To: Esher, Diana[Esher.Diana@epa.gov]; White, Lisa[WHITE.LISA@EPA.GOV]; OGD_Grant_Reports[OGD_Grant_Reports@epa.gov]; Miller, Tracey[Miller.Tracey@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov]; Schulz, Amanda[schulz.amanda@epa.gov]; Durand, Jessica[Durand.Jessica@epa.gov]; Keesee, Peyton[keesee.peyton@epa.gov]; Pumphrey, William[pumphrey.william@epa.gov]
Cc: Neal, Kerry[neal.kerry@epa.gov]; Sylvester, Kenneth[Sylvester.Kenneth@epa.gov]; Jones, Laurice[Jones.Laurice@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Polk, Denise
Sent: Tue 8/22/2017 9:38:15 PM
Subject: Status Update - R3 Grant Action

Greetings,

Please be advised a final decision to rescind the following R3 grant action below has been made; therefore, this grant will not be awarded. The recipient can continue to use any previously obligated available funds to complete remaining tasks on the existing grant, b Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Please let me know if you have any questions or concerns.

Thanks!

7/27/2017	Amendment 2	96342703	CB	BAYJOURNAL Bay Journal Media Inc	NOT for Profit	2/1/2016	6/31/2022	$225,000.00	Production of Bay Journal and related products	These funds will be used to produce the content for the "Bay Journal" periodical newspaper and to publish and distribute 10 issues of the journal per year as well as for distribution of articles through an electronic news service and posting of the journal content to the "Bay Journal" Website to raise public awareness of issues concerning the Chesapeake Bay and its health.

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

To: Askew, Wendel[Askew.Wendel@epa.gov]; Neal, Kerry[neal.kerry@epa.gov]; Polk, Denise[Polk.Denise@epa.gov]; White, Lisa[WHITE.LISA@EPA.GOV]; Smith, William (Region 3)[smith.william@epa.gov]
Cc: Drummond, James[Drummond.James@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]; DiPasquale, Nicholas[dipasquale.nicholas@epa.gov]; Hindin, Rebecca[Hindin.Rebecca@epa.gov]
From: Edward, James
Sent: Tue 10/24/2017 9:40:05 PM
Subject: RE: Termination of Grant to Bay Journal Media, Inc.
Appeal Notice re: Grant CB-96342701
FINAL 10.23.2017 FOIA to EPA.pdf

Ex. 5 - Attorney Client

Jim D: Attached is a file with the emails you requested from Diana Esher….thanks Jim

#BayStrong

Jim Edward

Deputy Director

Chesapeake Bay Program Office

US EPA Region III

410 Severn Ave.

Annapolis MD 21403

edward.james@epa.gov

410-267-5705

From: Askew, Wendel
Sent: Tuesday, October 24, 2017 1:52 PM
To: Neal, Kerry <neal.kerry@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; Edward, James <edward.james@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Smith, William (Region 3) <smith.william@epa.gov>
Cc: Drummond, James <Drummond.James@epa.gov>

Subject: FW: Termination of Grant to Bay Journal Media, Inc.

Hi everyone,

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Wendel Askew

Assistant General Counsel for Assistance Law

Office of General Counsel

Mail Code 2399A

202-564-3987

7454H WJCN

From: Jodie Morse [mailto:jmorse@democracyforward.org]
Sent: Tuesday, October 24, 2017 1:07 PM
To: Askew, Wendel <Askew.Wendel@epa.gov>
Cc: Javier Guzman <jguzman@democracyforward.org>; Norman, Erika D. <Erika.Norman@apks.com>; Gross, Joel M. <Joel.Gross@apks.com>
Subject: Termination of Grant to Bay Journal Media, Inc.

Wendel,

I am writing to request a call concerning the termination of the grant to Bay Journal Media, Inc. The statutory time for the agency to respond to a FOIA request filed on September 22, 2017 by Bay Journal Media, Inc. has passed. In advance of litigating that FOIA request, I wanted to discuss with you the status of the agency's response and would like to raise a few other issues concerning the grant termination.

I am attaching an additional FOIA request filed yesterday on behalf of Bay Journal Media, Inc. by Democracy Forward Foundation as well as Arnold & Porter Kaye Scholer, which has also been retained by Bay Journal Media, Inc. to represent it on this matter, as co-counsel with Democracy Forward. My Arnold & Porter colleagues are copied on this email and would also be participating in the call.

Thanks very much and best,

Jodie

--

Josephine Morse*

Senior Counsel

Democracy Forward Foundation

T: (202) 701-1772

M: (917) 208-1392

*Admitted in New York; practicing under the supervision of members of the D.C. Bar while D.C. Bar application is pending.

NOTICE: This communication and any attachments may contain privileged or other confidential information and is intended only for use by the individual or entity named above. If you have received this communication in error, please immediately advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents.

To: Smith, William (Region 3)[smith.william@epa.gov]
Cc: Askew, Wendel[Askew.Wendel@epa.gov]; Drummond, James[Drummond.James@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]; White, Lisa[WHITE.LISA@EPA.GOV]; Edward, James[edward.james@epa.gov]; Polk, Denise[Polk.Denise@epa.gov]
From: Neal, Kerry
Sent: Wed 10/18/2017 1:16:27 PM
Subject: Bay Journal - signed letter re: grant decision
Democracy Forward to EPA signed 10-18-2017 KKN.pdf

Folks,

Please see attached.

Regards,

Kerry

From: Neal, Kerry
Sent: Wednesday, September 20, 2017 1:55 PM
To: Smith, William (Region 3) <smith.william@epa.gov>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>; Drummond, James <Drummond.James@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Edward, James <edward.james@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>
Subject: Re: Bay Journal grant decision request for appeal extension

William,

Received, with thanks. I will review when I get to a computer.

I look forward to hearing from you and Diana on next steps.

Kind regards,

Kerry

~ ~ ~ ~

Kerry K. Neal

Deputy Director

Office of Grants and Debarment

202-564-3766 (office)

202-805-3909 (mobile)

On Sep 20, 2017, at 10:26 AM, Smith, William (Region 3) <smith.william@epa.gov> wrote:

Mr. Neal-

Ex. 5 - Attorney Client

William C. Smith
Senior Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region III
smith.william@epa.gov
Mailcode 3RC00
215-814-2690 (phone)
215-814-2603 (fax)

From: White, Lisa
Sent: Wednesday, September 20, 2017 7:18 AM
To: Smith, William (Region 3) <smith.william@epa.gov>
Subject: Fwd: Bay Journal grant decision request for appeal extension

FYI

Sent from my iPhone

Begin forwarded message:
From: "Krakowiak, John" <Krakowiak.John@epa.gov<mailto:Krakowiak.John@epa.gov>>
To: "White, Lisa" <WHITE.LISA@EPA.GOV<mailto:WHITE.LISA@EPA.GOV>>

Subject: Fwd: Bay Journal grant decision request for appeal extension

FYI

Begin forwarded message:
From: "Karl Blankenship"
<kblankenship@bayjournal.com<mailto:kblankenship@bayjournal.com>>
To: "Esher, Diana" <Esher.Diana@epa.gov<mailto:Esher.Diana@epa.gov>>
Cc: "Krakowiak, John" <Krakowiak.John@epa.gov<mailto:Krakowiak.John@epa.gov>>, "Wenz, Tom" <Wenz.Tom@epa.gov<mailto:Wenz.Tom@epa.gov>>, "DiPasquale, Nicholas" <dipasquale.nicholas@epa.gov<mailto:dipasquale.nicholas@epa.gov>>, "Edward, James" <edward.james@epa.gov<mailto:edward.james@epa.gov>>, "tom Lewis" <tlewis@gejlaw.com<mailto:tlewis@gejlaw.com>>
Subject: Bay Journal grant decision request for appeal extension
To: Diana Esher, DDO

CC: John Krakowiak, AO; Tom Wenz, Project Officer; Nick DiPasquale, CPB Director; Jim Edward, CBP Deputy Director
CC: Thomas B. Lewis, Esq., Chairman, Bay Journal Media, Inc. Board of Directors

Sept. 19, 2017

SUBJECT: EPA notice dated August 23, 2017 of intent to terminate funding under Cooperative Agreement dated January 20, 2016 with Bay Journal Media, Inc. (formerly known as Chesapeake Media Service, Inc.) (the "Agency Decision")

This email constitutes an appeal to the U.S. Environmental Protection Agency (the " Agency") disputing an "Agency Decision" within the meaning of 40 CFR Section 1500.14. This appeal is filed on behalf of Bay Journal Media, Inc. (the "Affected Entity" within the meaning of Section 1500.14, referred to here as "Bay Journal"), by Karl Blankenship, Executive Director, pursuant to authorization by the Board of Directors of the Bay Journal. Mr. Blankenship shall be the point of contact for this appeal. His contact information is as follows—telephone: 717-428-2819, email kblankenship@bayjournal.com<mailto:kblankenship@bayjournal.com>, Mail: c/o Bay Journal Media, Inc., 619 Oakwood Dr., Seven Valleys, PA 17360

Request for Extension of Time. As a preliminary matter, Bay Journal requests an extension of time until October 22, 2017 to gather additional information and perform further investigations in order to present a more complete appeal, pursuant to Sections 1500.14, since the Bay Journal Executive Director was literally out of the country for an extended period immediately following notice of the Agency Decision and thus unable to assemble materials or otherwise prepare for this appeal. This represents a 30-day extension which is allowed under Section 1500.14. In the event an extension is not granted by EPA, the grounds noted below shall constitute the basis for this appeal.

Background. EPA and the Bay Journal are currently parties to a multi year Cooperative

Agreement dated January 20, 2016 (see Attachment 1), which is the latest iteration of a long series of agreements spanning more than 25 years pursuant to which EPA sought to fulfill a longstanding and recurring Congressional mandate to implement a multi-jurisdictional "Chesapeake Bay Program" within EPA to improve the water quality and the health of the Chesapeake Bay watershed, and specifically to provide an effective means to inform the public of those efforts. Pursuant to those agreements, including the subject Cooperative Agreement dated January 20, 2016, the Bay Journal has hired a staff of qualified and experienced writers, reporters, photographers and editors to provide in-depth reporting on Chesapeake Bay issues which is not duplicated by any other source of information generally available to the public. The funding received under the Cooperative Agreement was once the sole source of funding for the Bay Journal; it now represents about 40 percent of the total annual budget, which is still an essential portion of the overall budget. The Bay Journal has been made available free of charge, under a longstanding understanding that the public should receive this information without any financial burden or obstacle, and that EPA would provide the financial support to assure such availability.

The Agency Decision. On August 23, 2017, Bay Journal received an email notice from the DDO responsible for the subject Cooperative Agreement. See Attachment 2 below. It stated in material part as follows:

"This message is to notify you that EPA will not fund your grant application for The Chesapeake Bay Journal. Due to a shift in priorities, EPA has decided not to provide funds for your project. Please accept our sincere thanks for your interest this EPA funding opportunity."

Appeal of Agency Decision. We dispute the Agency Decision on several grounds.

First, it is mistaken in its premise—there is no pending grant application. EPA has entered into a Cooperative Agreement with the Bay Journal for the period from 2/01/2016 to 1/31/2022. There is no pending application—the parties have entered into a contract, Bay Journal has reasonably relied upon it, Bay Journal has completely performed its obligations thereunder, and Bay Journal has taken reasonable steps (hiring employees, etc.) in reliance on EPA's commitment of funding through 1/31/2022. Note that the Agency Decision does not state an effective time; it simply makes no sense in the context of an existing, ongoing Agreement in mid-term.

Second, the Agency says it is taking this action "due a shift in priorities". This Cooperative Agreement is in implementation of Congressional direction set forth in the Clean Water Act and longstanding policies of the EPA and other Chesapeake Bay Program partners to support widespread public information about the Bay. Those priorities did not, in fact, change. We challenge the Agency to demonstrate any actual evidence of the development or adoption of any such change—whether to the Bay Program, to Congressional funding actions, or otherwise. See for example, the letter from Chesapeake Bay Commission sent August 28, 2017, to EPA Administrator Scott Pruitt, a copy of which is attached as Attachment 3. In fact, the breach of this agreement will result in EPA failing to comply with the Congressional mandate, set forth in 33 USC Section 1267, establishing the Chesapeake Bay Program, which has not been repealed or modified by Congress in any

manner that would suggest that EPA has had a change in priorities.
Section 1267(b)(2)(B) states that "The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—….(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay." These priorities are established by Federal law, which stands unmodified by any arbitrary and capricious shift of "Agency priorities". The Bay Journal is, and for 25 years has been, the principal means of implementing this Congressional mandate.
The continuing need for the Bay Journal—and further verification that no priorities relating to its functions of funding—are confirmed by government representatives comprising the Local Government Advisory Committee as expressed in its letter dated September 5, 2017. (See Attachment 4). The Chesapeake Bay Program is a multi-jurisdictional program over which EPA presides, and this communication confirms the Congressional intent that priorities are set on a multi jurisdictional basis, and are not to be revoked capriciously by individuals acting alone within EPA.
Third, the termination of payments due from EPA constitutes a plain breach of a valid contract under which Bay Journal has fully performed it obligations. The performance record of the Bay Journal under the Cooperative Agreement is impeccable. The most recent performance review for this Agreement was the EPA Project Officer Post-Award Evaluation Protocol issued by the Chesapeake Bay Program on April 5, 2017, a copy of which is attached as Attachment 5 below. This detailed, 13-page review indicates that the Bay Journal has complied with all of its responsibilities, and offers this Agency comment: "Continued outstanding work in producing independent editorial and news content pertinent to the general public interest in Chesapeake Bay restoration efforts. The most comprehensive coverage of Bay related issues within the watershed." In addition, the evaluation states: "Excellent production in meeting the grant requirements and establishing the standard for coverage of Chesapeake Bay related issues".
Plainly there has been no "cause" to warrant EPA's failure to continue our funding. The EPA has no valid legal or other excuse for failing to perform as it has agreed. The sudden, unjustified withdrawal of funding will severely impair the Bay Journal, and possibly result in its closure. We have no assurance of our ability to obtain replacement funding on such short notice.
Finally, we note that the arbitrary and capricious manner of this funding termination will serve no public or administrative interest of the Agency, the United States, or the Chesapeake Bay Program. If the Agency cannot be trusted to keep its word and maintain funding under multiyear agreements with high performing partners such as the Bay Journal, what is the point of entering into an agreement or seeking a grant relationship with EPA? We can see that if Congress "changed priorities" and discontinued funding for a given program, EPA may have no choice but to stop spending beyond what has been authorized. But here Congress has continued to fund the Bay Program and has not wavered from its commitment to the Chesapeake Bay and the partners doing effective work to improve the Bay and to inform the public of those efforts. Contracts still have meaning; the rule of law still applies to the activities of EPA.

Requested Action. We respectfully request that EPA withdraw its notice of termination and simply perform its funding obligations as agreed under the Cooperative

Agreement, subject to all of its terms.

Contact. Please contact Karl Blankenship , at the contact information set forth above, with any questions or further notices related to the subject Cooperative Agreement.

Karl Blankenship
Editor, Bay Journal
619 Oakwood Dr.
Seven Valleys, PA 17360
717-428-2819
kblankenship@bayjournal.com<mailto:kblankenship@bayjournal.com>

Bay Journal<http://www.bayjournal.com> • Bay Journeys<http://www.bayjourneys.com> • Facebook<https://www.facebook.com/pages/Chesapeake-Bay-Journal/114785371875369> • Twitter<https://twitter.com/ChesBayJournal> • Subscribe<http://www.bayjournal.com/subscription>

<Attachment1.pdf>

<Attachment2.pdf>

<Attachment3.pdf>

<Attachment4.pdf>

<Attachment5.pdf>

To: Konkus, John[konkus.john@epa.gov]
Cc: Esher, Diana[Esher.Diana@epa.gov]; Harris, Denise[Harris.Denise@epa.gov]; White, Terri-A[White.Terri-A@epa.gov]; White, Lisa[WHITE.LISA@EPA.GOV]; Edward, James[edward.james@epa.gov]; Hindin, Rebecca[Hindin.Rebecca@epa.gov]; Wenz, Tom[Wenz.Tom@epa.gov]; Dietrich, Julie[dietrich.julie@epa.gov]
From: DiPasquale, Nicholas
Sent: Wed 8/16/2017 7:05:07 PM
Subject: Bay Journal Media Inc Production of Bay Journal
OIG Report 2012-08-22-12-4-0720.pdf
ACB OIG Response 07-23-13.pdf
BayJournal_Final_RFP_061715_withHighlights.pdf
Bay Journal Workplan Revised.docx
Konkas Sec 117 CWA CBP Authorization.doc

John, I am following up on our discussion yesterday regarding the Chesapeake Bay Program (CBP) grant to the Alliance for the Chesapeake Bay for production of the Bay Journal. I have attached a copy of the Bay Program authorizing language under Sec. 117 of the Clean Water Act. One of the functions of the CBPO in Section 117(b)(2)(B)(v) is: "implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay." The partnership has been doing this since the late 1980s. The grant is competitive and was previously awarded to the Alliance for the Chesapeake Bay. More recently, the Bay Journal Media, Inc. competed for and was awarded this grant. The purpose of this grant is to support the Bay partners and publication of the Bay Journal is a type of support. The grant is a multi-year award for 6 years. It was awarded on 01-20-16. The pending action is year 2 funding. The OIG report evaluated compliance by the Alliance for the Chesapeake Bay when it managed the grant for production of the Bay Journal. That grant expired and a new RFP was issued and competitively awarded to the Bay Journal Media Services, Inc.

As I mentioned during our discussion yesterday, EPA provides support and coordination to the Chesapeake Bay Program partnership, which is composed of the Governors of the 6 states (WV, NY, DE, MD, PA and VA), the Mayor of DC, the chair of the Chesapeake Bay Commission and EPA representing the federal government. EPA is just one member of the 9 member Executive Council. EPA is authorized to award this grant under CWA 117(d). This is not an EPA publication. EPA could not use grant funds to pay for the creation and publication of an EPA journal. A procurement contract acquiring services for the government would have to be used in that case. A different process is involved in awarding federal procurement contracts. While EPA provides the grant funds, we are not allowed by law to direct what goes into the Bay Journal, as if it were an EPA publication produced under a procurement contract. The grant recipient is only required to abide by the grant terms and conditions, the work plan and applicable grant laws and regulations, none of which dictate the contents of their publication.

I am also attaching a copy of the OIG report and response. I believe the report was previously forwarded to you by Lisa White from our Region 3 grants and audit office in Philadelphia. As mentioned during the call yesterday, the report was focused exclusively on procurement and grant requirements and not on the performance of Chesapeake Media Services under the grant. It is also important to recognize that the grant has already been awarded and that the current action

is only providing annual funds to support the award. The grant contains terms and conditions whereby we indicate that funds will be added incrementally up to the awarded amount subject to fund availability, Grantee progress and EPA funding priorities. None of the conditions contain any language indicating that EPA would not incrementally add funding due to our objection to the nature of the funded work. Moreover, denying funding based on such an objection is contrary to the intent of EPA's Competition Policy (EPA Order 5700.A.1). The policy requires that applicants compete for certain grants and that they be evaluated against specifically spelled-out criteria. Applicants are scored and ranked based on the evaluators review of the application against those criteria and a selectee is chosen. This grant recipient was selected for award after going through the competition process. The work that they have performed is the work that was evaluated during the competition process. The recipient has not veered from the scope of work. The Competition Policy doesn't provide for review of a properly awarded grant years after grant award to re-evaluate proposals and to determine whether they are unworthy for award after-the fact.

Finally, I am providing you with a copy of the Request for Proposals and the associated grant Work Plan. The provisions and requirements governing grants are very specific and differ significantly from contracts for services.

Please let me know if you have any questions. Thanks, Nick

Nicholas A. DiPasquale, Director

Chesapeake Bay Program Office

410 Severn Ave Suite 109

Annapolis, MD 21403

Tel: 410.267.5710

Cell: 443.786.1722

E-mail: dipasquale.nicholas@epa.gov

Web: http://www.chesapeakebay.net

To: DiPasquale, Nicholas[dipasquale.nicholas@epa.gov]; Rodrigues, Cecil[rodrigues.cecil@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]
Cc: Smith, William (Region 3)[smith.william@epa.gov]; Edward, James[edward.james@epa.gov]; Hindin, Rebecca[Hindin.Rebecca@epa.gov]; Wenz, Tom[Wenz.Tom@epa.gov]; White, Terri-A[White.Terri-A@epa.gov]; White, Lisa[WHITE.LISA@EPA.GOV]
From: Harris, Denise
Sent: Wed 8/16/2017 6:51:15 PM
Subject: RE: 6342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

OK. There is a slight difference. You have Chesapeake (Bay Journal) Media Services. IGMS has their official names as Bay Journal Media, Inc.

Denise Harris

Sr. Asst. Regional Counsel

1650 Arch St

Phila., PA 19104

215-814-2639

From: DiPasquale, Nicholas
Sent: Wednesday, August 16, 2017 2:46 PM
To: Harris, Denise <Harris.Denise@epa.gov>; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Cc: Smith, William (Region 3) <smith.william@epa.gov>; Edward, James <edward.james@epa.gov>; Hindin, Rebecca <Hindin.Rebecca@epa.gov>; Wenz, Tom <Wenz.Tom@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>
Subject: RE: 6342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

That's correct. I mentioned that in the message.

Nicholas A. DiPasquale, Director

Chesapeake Bay Program Office

410 Severn Ave Suite 109

Annapolis, MD 21403

Tel: 410.267.5710

Cell: 443.786.1722

E-mail: dipasquale.nicholas@epa.gov

Web: http://www.chesapeakebay.net

From: Harris, Denise
Sent: Wednesday, August 16, 2017 2:45 PM
To: DiPasquale, Nicholas <dipasquale.nicholas@epa.gov>; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Cc: Smith, William (Region 3) <smith.william@epa.gov>; Edward, James <edward.james@epa.gov>; Hindin, Rebecca <Hindin.Rebecca@epa.gov>; Wenz, Tom <Wenz.Tom@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>
Subject: RE: 6342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products
Importance: High

Nick,

Sorry, but the grant recipient now, per Julie D and IGMS, is Bay Journal Media, Inc.----not Alliance for the Chesapeake Bay.

Denise Harris

Sr. Asst. Regional Counsel

1650 Arch St

Phila., PA 19104

215-814-2639

From: DiPasquale, Nicholas
Sent: Wednesday, August 16, 2017 2:36 PM
To: Harris, Denise <Harris.Denise@epa.gov>; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Cc: Smith, William (Region 3) <smith.william@epa.gov>; Edward, James <edward.james@epa.gov>; Hindin, Rebecca <Hindin.Rebecca@epa.gov>; Wenz, Tom <Wenz.Tom@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>
Subject: RE: 6342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Thanks Denise. Looks good to me. I will add the grant term (6 years), the date of the award (01-20-17) and the funding year (second).

Cecil, with those changes and Denise's, are you good with me sending this to Konkus?

Nicholas A. DiPasquale, Director

Chesapeake Bay Program Office

410 Severn Ave Suite 109

Annapolis, MD 21403

Tel: 410.267.5710

Cell: 443.786.1722

E-mail: dipasquale.nicholas@epa.gov

Web: http://www.chesapeakebay.net

From: Harris, Denise
Sent: Wednesday, August 16, 2017 2:06 PM
To: DiPasquale, Nicholas <dipasquale.nicholas@epa.gov>; Rodrigues, Cecil

<rodrigues.cecil@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Cc: Smith, William (Region 3) <smith.william@epa.gov>; Edward, James <edward.james@epa.gov>; Hindin, Rebecca <Hindin.Rebecca@epa.gov>; Wenz, Tom <Wenz.Tom@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>
Subject: RE: 6342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

See my changes/comments in red. We can discuss, if you'd like to.

Denise Harris

Sr. Asst. Regional Counsel

1650 Arch St

Phila., PA 19104

215-814-2639

From: DiPasquale, Nicholas
Sent: Wednesday, August 16, 2017 11:33 AM
To: Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Cc: Harris, Denise <Harris.Denise@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>; Edward, James <edward.james@epa.gov>; Hindin, Rebecca <Hindin.Rebecca@epa.gov>; Wenz, Tom <Wenz.Tom@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>
Subject: 6342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products
Importance: High

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Ex. 5 - Deliberative Process

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Please let me know if you have any questions. Thanks, Nick

Nicholas A. DiPasquale, Director

Chesapeake Bay Program Office

410 Severn Ave Suite 109

Annapolis, MD 21403

Tel: 410.267.5710

Cell: 443.786.1722

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From: DiPasquale, Nicholas
Sent: Wed 8/16/2017 6:46:28 PM
Subject: RE: 6342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

That's correct. I mentioned that in the message.

Nicholas A. DiPasquale, Director

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From: Harris, Denise
Sent: Wednesday, August 16, 2017 2:45 PM
To: DiPasquale, Nicholas <dipasquale.nicholas@epa.gov>; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Cc: Smith, William (Region 3) <smith.william@epa.gov>; Edward, James <edward.james@epa.gov>; Hindin, Rebecca <Hindin.Rebecca@epa.gov>; Wenz, Tom <Wenz.Tom@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>
Subject: RE: 6342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products
Importance: High

Nick,

Sorry, but the grant recipient now, per Julie D and IGMS, is Bay Journal Media, Inc.----not Alliance for the Chesapeake Bay.

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To: Harris, Denise <Harris.Denise@epa.gov>; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
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From: Harris, Denise
Sent: Wed 8/16/2017 6:45:26 PM
Subject: RE: 6342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

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From: Harris, Denise
Sent: Wed 8/16/2017 6:40:03 PM
Subject: RE: 6342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

OK. I think the date of award is 1/20/2016.

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From: DiPasquale, Nicholas
Sent: Wed 8/16/2017 6:36:13 PM
Subject: RE: 6342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

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From: Harris, Denise
Sent: Wed 8/16/2017 6:05:52 PM
Subject: RE: 6342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

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Web: http://www.chesapeakebay.net

To: Norman, Erika D.[Erika.Norman@apks.com]; Esher, Diana[Esher.Diana@epa.gov]
Cc: Gross, Joel M.[Joel.Gross@apks.com]; Jodie Morse[jmorse@democracyforward.org]
From: Neal, Kerry
Sent: Mon 11/20/2017 7:37:51 PM
Subject: RE: Administrative Appeal of Termination of Grant Number CB-96342701

Received, with thanks.

Regards,

Kerry

~ ~ ~ ~

Kerry K. Neal

Deputy Director

Office of Grants and Debarment

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W. Mail Stop: 3901R

Washington, D.C. 20460

202-564-3766 (direct dial)

From: Norman, Erika D. [mailto:Erika.Norman@apks.com]
Sent: Monday, November 20, 2017 2:31 PM
To: Neal, Kerry <neal.kerry@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Cc: Gross, Joel M. <Joel.Gross@apks.com>; Jodie Morse <jmorse@democracyforward.org>

Subject: Administrative Appeal of Termination of Grant Number CB-96342701

Mr. Neal and Ms. Esher,

In accordance with 2 C.F.R. § 1500.14, attached please find a copy of Bay Journal Media, Inc.'s Appeal with Exhibits 1-18 regarding the termination of grant #CB-96342701. A copy of the disputed Agency Decision is attached to the Appeal under Tab 8. The designated points of contact for the Appeal are me, Joel Gross, and Josephine Morse. Our complete contact information is provided on the cover page of the Appeal.

Thank you,

Erika

From: Neal, Kerry [mailto:neal.kerry@epa.gov]
Sent: Tuesday, October 17, 2017 8:38 AM
To: Jodie Morse <jmorse@democracyforward.org>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>
Subject: RE: Extension request in Appeal of Grant Number CB-96342701

Ms. Morse,

I am granting Bay Journal Media, Inc., an additional 30 days to submit an appeal of EPA's decision not to provide Bay Journal Media, Inc. incremental funding for grant CB-96342701. The appeal from Bay Journal Inc. must be submitted to me on or before November 20, 2017.

Regards,

Kerry Neal

From: Jodie Morse [mailto:jmorse@democracyforward.org]
Sent: Monday, October 16, 2017 10:25 AM
To: Neal, Kerry <neal.kerry@epa.gov>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>
Subject: RE: Extension request in Appeal of Grant Number CB-96342701

Being mindful of the upcoming deadline, I wanted to check on the status of our extension request.

Thank you very much.

Sincerely,

Jodie Morse

Josephine Morse*

Senior Counsel

Democracy Forward Foundation

T: (202) 701-1772

M: (917) 208-1392

*Admitted in New York; practicing under the supervision of members of the D.C. Bar while D.C. Bar application is pending.

NOTICE: This communication and any attachments may contain privileged or other confidential information and is intended only for use by the individual or entity named above. If you have received this communication in error, please immediately advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents.

From: Neal, Kerry [mailto:neal.kerry@epa.gov]
Sent: Tuesday, October 10, 2017 5:14 PM
To: Jodie Morse <jmorse@democracyforward.org>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>
Subject: RE: Extension request in Appeal of Grant Number CB-96342701

Received and acknowledged.

This email should not be construed as approval of the request for extension but is merely an acknowledgement of receipt.

Kind regards,

Kerry

~ ~ ~ ~

Kerry K. Neal

Deputy Director

Office of Grants and Debarment

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W. Mail Stop: 3901R

Washington, D.C. 20460

202-564-3766 (direct dial)

From: Jodie Morse [mailto:jmorse@democracyforward.org]
Sent: Tuesday, October 10, 2017 4:48 PM
To: Neal, Kerry <neal.kerry@epa.gov>
Cc: Askew, Wendel <Askew.Wendel@epa.gov>
Subject: Extension request in Appeal of Grant Number CB-96342701

Mr. Neal:

Please see the attached request for an extension submitted on behalf of Bay Journal Media, Inc.

Sincerely,

Jodie Morse

Josephine Morse*

Senior Counsel

Democracy Forward Foundation

T: (202) 701-1772

M: (917) 208-1392

*Admitted in New York; practicing under the supervision of members of the D.C. Bar while

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For more information about Arnold & Porter Kaye Scholer LLP, click here:
http://www.apks.com

To: White, Lisa[WHITE.LISA@EPA.GOV]; Edward, James[edward.james@epa.gov]; Hindin, Rebecca[Hindin.Rebecca@epa.gov]
Cc: Binder, Bruce[Binder.Bruce@epa.gov]; Askew, Wendel[Askew.Wendel@epa.gov]; Polk, Denise[Polk.Denise@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]; Smith, William (Region 3)[smith.william@epa.gov]; DiPasquale, Nicholas[dipasquale.nicholas@epa.gov]; Bisland, Carin[bisland.carin@epa.gov]; Sylvester, Kenneth[Sylvester.Kenneth@epa.gov]
From: Drummond, James
Sent: Mon 9/11/2017 5:04:24 PM
Subject: RE: CB Journal

Lisa:

We were unable to meet with Denise on this matter last week as something unexpected came up. Hope to have some guidance for Y'all early this week.

James Drummond

Senior Environmental Employment Program, Enrollee

Office of Grants and Debarment

(202) 746-1029

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The DDO for Region 3 is the ARA – Diana Esher.

Ex. 5 - Attorney Client

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Ex. 5 - Deliberative Process

Bruce S. Binder

United States Environmental Protection Agency

Office of Grants and Debarment

Senior Associate Director for Grants Competition

202-564-4935

202-510-8318

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Grants and Audit Management Branch (3PM70)

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white.lisa@epa.gov

From: Mcclinton, Delma
Location: RA Conference Room
Importance: Normal
Subject: MAC Meeting: Readiness for a Transition Given R4 Experience, Call In 215-814-2512, code 452001
Start Date/Time: Mon 9/11/2017 1:30:00 PM
End Date/Time: Mon 9/11/2017 2:30:00 PM
Transition Preparations R4 List of Requests.docx
RA Hot Issues List DRAFT 9-5-17 v4 (Autosaved).docx

I recently sent an email to you with the list of information requests from the incoming, new R4 RA. The purpose of this meeting is to discuss the requests and our readiness to deliver if we receive similar requests.

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(2) The DDO for a Regional Assistance Agreement Appeal is the official designated by the Regional Administrator to issue the written decision resolving the Appeal. To help provide for a fair and impartial review, the AO for the challenged Agency Decision may not serve as the Regional DDO and the DDO cannot serve as the Review Official for the Appeal decision. Request for Review is the letter an Affected Entity submits to the designated Review Official to challenge the DDO's Appeal decision.

From: Binder, Bruce
Sent: Thursday, September 07, 2017 11:33 AM
To: Hindin, Rebecca <Hindin.Rebecca@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>
Cc: White, Lisa <WHITE.LISA@EPA.GOV>; Polk, Denise <Polk.Denise@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>; Drummond, James <Drummond.James@epa.gov>; Edward, James <edward.james@epa.gov>
Subject: RE: CB Journal

The regs probably define who it is somewhere in there in the list of definitions.

From: Hindin, Rebecca
Sent: Thursday, September 07, 2017 11:25 AM
To: Askew, Wendel <Askew.Wendel@epa.gov>; Binder, Bruce <Binder.Bruce@epa.gov>
Cc: White, Lisa <WHITE.LISA@EPA.GOV>; Polk, Denise <Polk.Denise@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>; Drummond, James <Drummond.James@epa.gov>; Edward, James <edward.james@epa.gov>
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Thank you. Who is the DDO? The reg states that the DDO is the authorized agency rep.

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Subject: Re: CB Journal

Ex. 5 - Attorney Client

Sent from my iPhone

On Sep 7, 2017, at 9:41 AM, Binder, Bruce <Binder.Bruce@epa.gov> wrote:

It's not a competition dispute. It's an existing grant. You would have to follow the regular disputes process. **Ex. 5 - Deliberative Process**

Bruce S. Binder

United States Environmental Protection Agency

Office of Grants and Debarment

Senior Associate Director for Grants Competition

202-564-4935

202-510-8318

On Sep 7, 2017, at 9:33 AM, White, Lisa <WHITE.LISA@EPA.GOV> wrote:

Good Morning,

The Executive Director of the Bay Journal Media Inc. called requesting information on the appeals process for grant CB-96342701 which we recently rescinded. Please advise. thanks.lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

To: Binder, Bruce[Binder.Bruce@epa.gov]; Askew, Wendel[Askew.Wendel@epa.gov]
Cc: White, Lisa[WHITE.LISA@EPA.GOV]; Polk, Denise[Polk.Denise@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]; Smith, William (Region 3)[smith.william@epa.gov]; Drummond, James[Drummond.James@epa.gov]; Edward, James[edward.james@epa.gov]
From: Hindin, Rebecca
Sent: Thur 9/7/2017 3:36:31 PM
Subject: RE: CB Journal

I'm looking for the person's name.

From: Binder, Bruce
Sent: Thursday, September 07, 2017 11:35 AM
To: Hindin, Rebecca <Hindin.Rebecca@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>
Cc: White, Lisa <WHITE.LISA@EPA.GOV>; Polk, Denise <Polk.Denise@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>; Drummond, James <Drummond.James@epa.gov>; Edward, James <edward.james@epa.gov>
Subject: RE: CB Journal

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United States Environmental Protection Agency

Office of Grants and Debarment

Senior Associate Director for Grants Competition

202-564-4935

202-510-8318

On Sep 7, 2017, at 9:33 AM, White, Lisa <WHITE.LISA@EPA.GOV> wrote:

Good Morning,

The Executive Director of the Bay Journal Media Inc. called requesting information on the appeals process for grant CB-96342701 which we recently rescinded. Please advise. thanks.lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

To: Hindin, Rebecca[Hindin.Rebecca@epa.gov]; Askew, Wendel[Askew.Wendel@epa.gov]
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From: Binder, Bruce
Sent: Thur 9/7/2017 3:35:16 PM
Subject: RE: CB Journal

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Cc: White, Lisa <WHITE.LISA@EPA.GOV>; Polk, Denise <Polk.Denise@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Hindin, Rebecca <Hindin.Rebecca@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>; Drummond, James <Drummond.James@epa.gov>
Subject: Re: CB Journal

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United States Environmental Protection Agency

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Senior Associate Director for Grants Competition

202-564-4935

202-510-8318

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Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

To: Esher, Diana[Esher.Diana@epa.gov]
From: White, Lisa
Sent: Wed 8/16/2017 5:34:50 PM
Subject: FW: R3 Grant Discussion

This is just an FYI for you – OGD's views on this grant award. The meeting is not scheduled but I think if it is, Denise should attend. thanks.lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: Drummond, James
Sent: Wednesday, August 16, 2017 11:59 AM
To: Polk, Denise <Polk.Denise@epa.gov>
Cc: White, Lisa <WHITE.LISA@EPA.GOV>; Askew, Wendel <Askew.Wendel@epa.gov>; Binder, Bruce <Binder.Bruce@epa.gov>; January, Elizabeth <January.Elizabeth@epa.gov>
Subject: RE: R3 Grant Discussion

Denise:

The meeting with R 3 conflicts with a very important one I have with Duc, Joanne and SDD on the Grand Isle Shipping suspension proceeding. If you can't reschedule the R 3 meeting please proceed without me. The main points I would make are contained in the email exchanges with you, Bruce and Wendel. **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Attorney Client

James Drummond

Senior Environmental Employment Program, Enrollee

Office of Grants and Debarment

(202) 746-1029

-----Original Appointment-----
From: Drummond, James
Sent: Wednesday, August 16, 2017 10:44 AM
To: Polk, Denise
Subject: Declined: R3 Grant Discussion
When: Wednesday, August 16, 2017 2:00 PM-2:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: via telephone 1-866-299-3188; 202-564-5306

To: Esher, Diana[Esher.Diana@epa.gov]
From: White, Lisa
Sent: Wed 8/16/2017 5:31:52 PM
Subject: RE: grant question

Thanks and I will not share. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: Esher, Diana
Sent: Wednesday, August 16, 2017 12:44 PM
To: White, Lisa <WHITE.LISA@EPA.GOV>
Subject: Fwd: grant question

FYI- please do not share with whole mail group. I also shared it with Nick and Carin.

Sent from my iPhone

Diana Esher

USEPA Region 3

215-814-2706

Begin forwarded message:

From: "Harris, Denise" <Harris.Denise@epa.gov>
Date: August 16, 2017 at 11:08:58 AM EDT
To: "Rodrigues, Cecil" <rodrigues.cecil@epa.gov>
Cc: "Esher, Diana" <Esher.Diana@epa.gov>
Subject: RE: grant question

ATTORNEY-CLIENT PRIVILEGED

Cecil,

Ex. 5 - Attorney Client

Denise Harris

Sr. Asst. Regional Counsel

1650 Arch St

Phila., PA 19104

215-814-2639

From: Harris, Denise
Sent: Wednesday, August 16, 2017 10:13 AM
To: Rodrigues, Cecil <rodrigues.cecil@epa.gov>
Subject: grant question
Importance: High

ATTORNEY-CLIENT PRIVILEGE – DO NOT RELEASE

Cecil,

Ex. 5 - Attorney Client

Here is the language from the grant condition that is within that grant on incremental funding:

Incremental Funding on Competitive Awards

EPA is partially funding this budget period and will consider funding the balance of the budget request contingent upon satisfactory progress, as certified by the EPA Project Officer, the availability of funds, and EPA priorities. It is understood that the scope of work will be renegotiated to reflect the amount awarded, if additional funds are not available.

Ex. 5 - Attorney Client

Let me know if you want to discuss or have questions.

Denise Harris

Sr. Asst. Regional Counsel

1650 Arch St

Phila., PA 19104

215-814-2639

To: Dietrich, Julie[dietrich.julie@epa.gov]; Harris, Denise[Harris.Denise@epa.gov]
Cc: Rodrigues, Cecil[rodrigues.cecil@epa.gov]; D'Andrea, Michael[DANDREA.MICHAEL@EPA.GOV]; Edward, James[edward.james@epa.gov]; Bisland, Carin[bisland.carin@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]; Bigioni, Neil[bigioni.neil@epa.gov]; White, Lisa[WHITE.LISA@EPA.GOV]; schafer, joan[schafer.joan@epa.gov]; White, Terri-A[White.Terri-A@epa.gov]
From: DiPasquale, Nicholas
Sent: Wed 8/16/2017 3:45:11 PM
Subject: RE: Bay Journal

Thanks Julie.

Also: The grant was Awarded 1/20/16

Project/Budget Period: 02/01/16 - 01/31/22

Currently in Year 2

Nicholas A. DiPasquale, Director

Chesapeake Bay Program Office

410 Severn Ave Suite 109

Annapolis, MD 21403

Tel: 410.267.5710

Cell: 443.786.1722

E-mail: dipasquale.nicholas@epa.gov

Web: http://www.chesapeakebay.net

From: Dietrich, Julie
Sent: Wednesday, August 16, 2017 11:38 AM
To: DiPasquale, Nicholas <dipasquale.nicholas@epa.gov>; Harris, Denise <Harris.Denise@epa.gov>

Cc: Rodrigues, Cecil <rodrigues.cecil@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Edward, James <edward.james@epa.gov>; Bisland, Carin <bisland.carin@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; schafer, joan <schafer.joan@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>
Subject: RE: Bay Journal

Which is now Bay Journal Media, Inc.

From: DiPasquale, Nicholas
Sent: Wednesday, August 16, 2017 11:36 AM
To: Harris, Denise <Harris.Denise@epa.gov>
Cc: Rodrigues, Cecil <rodrigues.cecil@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Edward, James <edward.james@epa.gov>; Bisland, Carin <bisland.carin@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Dietrich, Julie <dietrich.julie@epa.gov>; schafer, joan <schafer.joan@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>
Subject: RE: Bay Journal

Correct. The grant recipient was the Alliance which was the subject of the OIG report. We have since issued a new RFP which was awarded to Chesapeake (Bay Journal) Media Services.

Nicholas A. DiPasquale, Director

Chesapeake Bay Program Office

410 Severn Ave Suite 109

Annapolis, MD 21403

Tel: 410.267.5710

Cell: 443.786.1722

E-mail: dipasquale.nicholas@epa.gov

Web: http://www.chesapeakebay.net

From: Harris, Denise
Sent: Wednesday, August 16, 2017 11:27 AM
To: DiPasquale, Nicholas <dipasquale.nicholas@epa.gov>
Cc: Rodrigues, Cecil <rodrigues.cecil@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Edward, James <edward.james@epa.gov>; Bisland, Carin <bisland.carin@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Dietrich, Julie

<dietrich.julie@epa.gov>; schafer, joan <schafer.joan@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>
Subject: RE: Bay Journal

Nick,

One clarification: The grant recipient is not the Alliance for the Chesapeake Bay. It is Bay Journal Media, Inc.

Denise Harris

Sr. Asst. Regional Counsel

1650 Arch St

Phila., PA 19104

215-814-2639

From: White, Terri-A
Sent: Wednesday, August 16, 2017 11:18 AM
To: Harris, Denise <Harris.Denise@epa.gov>
Cc: DiPasquale, Nicholas <dipasquale.nicholas@epa.gov>; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Edward, James <edward.james@epa.gov>; Bisland, Carin <bisland.carin@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Dietrich, Julie <dietrich.julie@epa.gov>; schafer, joan <schafer.joan@epa.gov>
Subject: Re: Bay Journal

Cecil,

Ex. 5 - Deliberative Process

On Aug 16, 2017, at 9:34 AM, Harris, Denise <Harris.Denise@epa.gov> wrote:

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Ex. 5 - Attorney Client

Denise Harris

Sr. Asst. Regional Counsel

1650 Arch St

Phila., PA 19104

215-814-2639

From: DiPasquale, Nicholas
Sent: Wednesday, August 16, 2017 9:26 AM
To: Rodrigues, Cecil <rodrigues.cecil@epa.gov>
Cc: D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Edward, James <edward.james@epa.gov>; Bisland, Carin <bisland.carin@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Harris, Denise <Harris.Denise@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: RE: Bay Journal

Ex. 5 - Deliberative Process

Nicholas A. DiPasquale, Director

Chesapeake Bay Program Office

410 Severn Ave Suite 109

Annapolis, MD 21403

Tel: 410.267.5710

Cell: 443.786.1722

E-mail: dipasquale.nicholas@epa.gov

Web: http://www.chesapeakebay.net

From: Rodrigues, Cecil
Sent: Wednesday, August 16, 2017 9:19 AM
To: DiPasquale, Nicholas <dipasquale.nicholas@epa.gov>
Cc: D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Edward, James <edward.james@epa.gov>; Bisland, Carin <bisland.carin@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Harris, Denise <Harris.Denise@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: RE: Bay Journal

Ex. 5 - Deliberative Process

Thanks. Cecil

Cecil Rodrigues

Acting Regional Administrator

EPA Region III (3RA00)

1650 Arch Street

Philadelphia, PA 19103

215.814.2683

IPhone:215.266.2960

From: DiPasquale, Nicholas
Sent: Wednesday, August 16, 2017 8:53 AM
To: Rodrigues, Cecil <rodrigues.cecil@epa.gov>

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Subject: Bay Journal
Importance: High

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From: Dietrich, Julie
Sent: Wed 8/16/2017 3:37:59 PM
Subject: RE: Bay Journal

Which is now Bay Journal Media, Inc.

From: DiPasquale, Nicholas
Sent: Wednesday, August 16, 2017 11:36 AM
To: Harris, Denise <Harris.Denise@epa.gov>
Cc: Rodrigues, Cecil <rodrigues.cecil@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Edward, James <edward.james@epa.gov>; Bisland, Carin <bisland.carin@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Dietrich, Julie <dietrich.julie@epa.gov>; schafer, joan <schafer.joan@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>
Subject: RE: Bay Journal

Correct. The grant recipient was the Alliance which was the subject of the OIG report. We have since issued a new RFP which was awarded to Chesapeake (Bay Journal) Media Services.

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One clarification: The grant recipient is not the Alliance for the Chesapeake Bay. It is Bay Journal Media, Inc.

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Subject: Re: Bay Journal

Cecil,

Ex. 5 - Deliberative Process

On Aug 16, 2017, at 9:34 AM, Harris, Denise <Harris.Denise@epa.gov> wrote:

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Cecil Rodrigues

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From: DiPasquale, Nicholas
Sent: Wed 8/16/2017 3:36:35 PM
Subject: RE: Bay Journal

Holly Greaves, OCFO

Nicholas A. DiPasquale, Director

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To: Rodrigues, Cecil[rodrigues.cecil@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]
Cc: Harris, Denise[Harris.Denise@epa.gov]; Smith, William (Region 3)[smith.william@epa.gov]; Edward, James[edward.james@epa.gov]; Hindin, Rebecca[Hindin.Rebecca@epa.gov]; Wenz, Tom[Wenz.Tom@epa.gov]; White, Terri-A[White.Terri-A@epa.gov]; White, Lisa[WHITE.LISA@EPA.GOV]
From: DiPasquale, Nicholas
Sent: Wed 8/16/2017 3:33:09 PM
Subject: 6342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products
Konkas Sec 117 CWA CBP Authorization.doc
BayJournal_Final_RFP_061715_withHighlights.pdf
Bay Journal Workplan Revised.docx
OIG Report 2012-08-22-12-4-0720.pdf
ACB OIG Response 07-23-13.pdf

Folks, this is what I would propose to send John Konkus as a follow up to yesterday's conference call. Please advise. Thanks, Nick

Ex. 5 - Deliberative Process

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Please let me know if you have any questions. Thanks, Nick

Nicholas A. DiPasquale, Director

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To: kblankenship@bayjournal.com[kblankenship@bayjournal.com]
Cc: White, Lisa[WHITE.LISA@EPA.GOV]; Edward, James[edward.james@epa.gov]; Hindin, Rebecca[Hindin.Rebecca@epa.gov]; Neal, Kerry[neal.kerry@epa.gov]; Krakowiak, John[Krakowiak.John@epa.gov]; Wenz, Tom[Wenz.Tom@epa.gov]; DiPasquale, Nicholas[dipasquale.nicholas@epa.gov]; Smith, William (Region 3)[smith.william@epa.gov]; tlewis@gejlaw.com[tlewis@gejlaw.com]
From: Esher, Diana
Sent: Wed 9/20/2017 6:57:44 PM
Subject: Appeal Notice re: Grant CB-96342701

Subject: Grant Number CB-96342701

Dear Mr. Blankenship:

I am following up on my August 23, 2017 email, below, concerning the funding for grant CB-96342701, and your September 7, 2017 inquiry to Project Officer Rebecca Hindin about the appeal process. I am also in receipt of your September 19, 2017 email to me entitled "Bay Journal grant decision request for appeal extension."

As stated in the August 23, 2017 email, the reason for the Agency Decision not to provide incremental annual funding for this grant is because of a change in Agency priorities. The Funding/Award section of the Request for Proposals (RFP), EPA-R3-CBP-15-06, issued June 18, 2015, that led to the award of this grant states: "*There is no guarantee of funding* throughout this period or beyond." (Emphasis added) Part II.D of the RFP also stated: "The expected project period for the grant is six years, with funding provided on an annual basis. *No commitment of funding can be made beyond the first year*." (Emphasis added). Item 4 of the Programmatic Terms and Conditions 4 ("Incremental Funding on Competitive Awards") of Grant Number CB-96342701 states: "EPA is partially funding this budget period and will consider funding the balance of the budget request contingent upon satisfactory progress, as certified by the EPA Project Officer, the availability of funds, *and EPA priorities*. It is understood that the scope of work will be renegotiated to reflect the amount awarded, <u>if additional funds are not available.</u>" (Emphasis added) EPA's decision not to award additional funding to your organization is consistent with both the terms of the RFP and grant CB-96342701.

Please note that EPA's decision not to provide incremental funding is not a termination due to Chesapeake Media's failure to comply with the terms of grant CB-96342701 for the purposes of reporting under 2 CFR 200.339(b) to the OMB designated integrity and performance system. Therefore, there will be no adverse effect on Chesapeake Media's consideration for future Federal funding.

In accordance with 2 CFR Part 1500, Subpart E, available at https://www.gpo.gov/fdsys/pkg/CFR-2017-title2-vol1/pdf/CFR-2017-title2-vol1-part1500-subpartE.pdf, this email communication constitutes the Agency Decision in this matter. If you wish to file an appeal of this Agency Decision, you must do so no later than 30 calendar days of the date of this email communication, i.e., on or before October 20, 2017. Your appeal should be submitted electronically to Kerry K. Neal, Deputy Director, Office of Grants and Debarment, who is the Disputes Decision Official (DDO) for this matter. Mr. Neal's email address is neal.kerry@epa.gov. I have forwarded to Mr. Neal your September 19, 2017 email ("Bay Journal grant decision request for appeal extension") and attachments. Any supplementary appeal materials, or requests for an extension of time for the Appeal beyond October 20, 2017, must be directed to Mr. Neal. You should also email any additional appeal materials to me as the Action Official, esher.diana@epa.gov.

Pursuant to 2 CFR Sec. 1500.14(c), the appeal must include a copy of the Agency Decision; a detailed statement of the specific legal and factual grounds for the Appeal, including copies of any supporting documents; the specific remedy or relief sought; and the name and contact information, including email address, of your designated point of contact for the Appeal.

Diana Esher

Assistant Regional Administrator

for Policy and Management

US EPA Region 3

215-814-2706

esher.diana@epa.gov

>>>>>

From: Esher, Diana

Sent: Wednesday, August 23, 2017 12:17 PM

To: 'kblankenship@bayjournal.com' <kblankenship@bayjournal.com>

Cc: Jim Edward (edward.james@epa.gov) <edward.james@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>

Subject: Notification of Funding Decision on Grant Award

Dear Mr. Blankenship,

This message is to notify you that EPA will not fund your grant application for The Chesapeake Bay Journal. Due to a shift in priorities, EPA has decided not to provide funds for your project. Please accept our sincere thanks for your interest this EPA funding opportunity.

Diana Esher

Assistant Regional Administrator

for Policy and Management

US EPA Region 3

215-814-2706

esher.diana@epa.gov

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Cc: DiPasquale, Nicholas <dipasquale.nicholas@epa.gov>; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Edward, James <edward.james@epa.gov>; Bisland, Carin <bisland.carin@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>; Dietrich, Julie <dietrich.julie@epa.gov>; schafer, joan <schafer.joan@epa.gov>
Subject: Re: Bay Journal

Cecil,

Ex. 5 - Deliberative Process

On Aug 16, 2017, at 9:34 AM, Harris, Denise <Harris.Denise@epa.gov> wrote:

PRIVILEGED & CONFIDENTIAL – DO NOT RELEASE

Ex. 5 - Attorney Client

Denise Harris

Sr. Asst. Regional Counsel

1650 Arch St

Phila., PA 19104

215-814-2639

From: DiPasquale, Nicholas
Sent: Wednesday, August 16, 2017 9:26 AM
To: Rodrigues, Cecil <rodrigues.cecil@epa.gov>
Cc: D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Edward, James <edward.james@epa.gov>; Bisland, Carin <bisland.carin@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Harris, Denise <Harris.Denise@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: RE: Bay Journal

Ex. 5 - Deliberative Process

Nicholas A. DiPasquale, Director

Chesapeake Bay Program Office

410 Severn Ave Suite 109

Annapolis, MD 21403

Tel: 410.267.5710

Cell: 443.786.1722

E-mail: dipasquale.nicholas@epa.gov

Web: http://www.chesapeakebay.net

From: Rodrigues, Cecil
Sent: Wednesday, August 16, 2017 9:19 AM
To: DiPasquale, Nicholas <dipasquale.nicholas@epa.gov>
Cc: D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Edward, James <edward.james@epa.gov>; Bisland, Carin <bisland.carin@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Harris, Denise <Harris.Denise@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: RE: Bay Journal

Ex. 5 - Deliberative Process

Thanks. Cecil

Cecil Rodrigues

Acting Regional Administrator

EPA Region III (3RA00)

1650 Arch Street

Philadelphia, PA 19103

215.814.2683

IPhone:215.266.2960

From: DiPasquale, Nicholas
Sent: Wednesday, August 16, 2017 8:53 AM
To: Rodrigues, Cecil <rodrigues.cecil@epa.gov>
Cc: D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Edward, James <edward.james@epa.gov>; Bisland, Carin <bisland.carin@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>
Subject: Bay Journal
Importance: High

Ex. 5 - Deliberative Process

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To: Rodrigues, Cecil[rodrigues.cecil@epa.gov]
Cc: Esher, Diana[Esher.Diana@epa.gov]
From: Harris, Denise
Sent: Wed 8/16/2017 3:08:58 PM
Subject: RE: grant question

ATTORNEY-CLIENT PRIVILEGED

Cecil,

Ex. 5 - Attorney Client

Denise Harris

Sr. Asst. Regional Counsel

1650 Arch St

Phila., PA 19104

215-814-2639

From: Harris, Denise
Sent: Wednesday, August 16, 2017 10:13 AM
To: Rodrigues, Cecil <rodrigues.cecil@epa.gov>

Subject: grant question
Importance: High

ATTORNEY-CLIENT PRIVILEGE – DO NOT RELEASE

Cecil,

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Let me know if you want to discuss or have questions.

Denise Harris

Sr. Asst. Regional Counsel

1650 Arch St

Phila., PA 19104

215-814-2639

To: Esher, Diana[Esher.Diana@epa.gov]
From: Harris, Denise
Sent: Wed 8/16/2017 2:45:14 PM
Subject: FW: grant question

Denise Harris

Sr. Asst. Regional Counsel

1650 Arch St

Phila., PA 19104

215-814-2639

From: Harris, Denise
Sent: Wednesday, August 16, 2017 10:13 AM
To: Rodrigues, Cecil <rodrigues.cecil@epa.gov>
Subject: grant question
Importance: High

ATTORNEY-CLIENT PRIVILEGE – DO NOT RELEASE

Cecil,

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client Here is the language from the grant condition that is within that grant on incremental funding:

Incremental Funding on Competitive Awards

EPA is partially funding this budget period and will consider funding the balance of the budget request contingent upon satisfactory progress, as certified by the EPA Project Officer, the availability of funds, and EPA priorities. It is understood that the scope of work will be renegotiated to reflect the amount awarded, if additional funds are not available.

Ex. 5 - Attorney Client

Let me know if you want to discuss or have questions.

Denise Harris

Sr. Asst. Regional Counsel

1650 Arch St

Phila., PA 19104

215-814-2639

To: Harris, Denise[Harris.Denise@epa.gov]
Cc: Esher, Diana[Esher.Diana@epa.gov]
From: DiPasquale, Nicholas
Sent: Wed 8/16/2017 1:44:22 PM
Subject: FW: Bay Journal

FYI. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Nicholas A. DiPasquale, Director

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410 Severn Ave Suite 109

Annapolis, MD 21403

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E-mail: dipasquale.nicholas@epa.gov

Web: http://www.chesapeakebay.net

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Sent: Wednesday, August 16, 2017 9:41 AM
To: DiPasquale, Nicholas <dipasquale.nicholas@epa.gov>
Cc: Esher, Diana <Esher.Diana@epa.gov>
Subject: RE: Bay Journal

Yes. I asked Denise to see what the grant condition states on incremental funding.

Thanks. Cecil

Cecil Rodrigues

Acting Regional Administrator

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Subject: RE: Bay Journal

Do you want to look at what we are sending to Konkus before it goes out?

Nicholas A. DiPasquale, Director

Chesapeake Bay Program Office

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<edward.james@epa.gov>; Bisland, Carin <bisland.carin@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Harris, Denise <Harris.Denise@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: RE: Bay Journal

Ex. 5 - Deliberative Process

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Subject: Bay Journal
Importance: High

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

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Annapolis, MD 21403

Tel: 410.267.5710

Cell: 443.786.1722

E-mail: dipasquale.nicholas@epa.gov

Web: http://www.chesapeakebay.net

To: Esher, Diana[Esher.Diana@epa.gov]; Krakowiak, John[Krakowiak.John@epa.gov]
From: White, Lisa
Sent: Wed 8/16/2017 1:30:33 PM
Subject: Grant Amendment for Production of Bay Journal and Related Products

Good Morning,

Just keeping you informed on the latest inquiry for a R3 grant. See below for a summary of the discussion between the bay folks and John Konkus regarding funding the bay journal. Thanks.lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: Bisland, Carin
Sent: Tuesday, August 15, 2017 4:56 PM
To: White, Lisa <WHITE.LISA@EPA.GOV>
Subject: RE: CONFERENCE LINE RE: Grant Amendment for Production of Bay Journal and Related Products

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Carin Bisland

Associate Director

Office of Partnerships and Accountability

EPA Chesapeake Bay Program Office

O- 410- 267-5732

C - 443-223-0514

Choose Civility

To: D'Andrea, Michael[DANDREA.MICHAEL@EPA.GOV]
Cc: White, Terri-A[White.Terri-A@epa.gov]; schafer, joan[schafer.joan@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]
From: White, Lisa
Sent: Thur 8/10/2017 4:41:50 PM
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Sure thing enjoy your vacation. lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: D'Andrea, Michael
Sent: Thursday, August 10, 2017 12:41 PM
To: White, Lisa <WHITE.LISA@EPA.GOV>
Cc: White, Terri-A <White.Terri-A@epa.gov>; schafer, joan <schafer.joan@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Thanks Lisa.

I will be out on leave next week, but please be sure to invite Joan and Terri.

One of them will participate.

Mike

From: White, Lisa
Sent: Thursday, August 10, 2017 11:34 AM
To: Konkus, John <konkus.john@epa.gov>
Cc: Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Esher, Diana <Esher.Diana@epa.gov>
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Morning John,

I read the OIG report referenced in the post article and the Agency's response and offer the following information. The audit was performed on the previous grant recipient, the Alliance for the Chesapeake Bay, Inc., not the current recipient which is Bay Journal Media, Inc. Also, the audit findings questioned the procurement costs because the Alliance for the Chesapeake Bay, Inc., did not comply with the federal procurement regulations. The audit did not question the quality or value of the *Bay Journal.* After further review and discussion, the EPA and the OIG agreed that $10K in costs were found to be ineligible.

Following is a summary with links to the report at a glance and the full audit report.

It is important to note that the current grant to the Bay Journal Media, Inc. is awarded competitively in accordance with EPA's competition policy.

OIG Audit 12-4-0720, was issued on August 22, 2012. The scope of the audit was to review five cooperative agreements awarded to the **Alliance for the Chesapeake Bay, Inc.** totaling $3.6M to promote public education, outreach, and participation in the restoration of the Chesapeake Bay. One of the tasks under the agreements was to produce and publish the *Bay Journal* which is published to inform the public about issues and events that affect the Chesapeake Bay.

The OIG report at a glance states that the recipient achieved the intended result of producing the *Bay Journal*, but did not comply with the Code of Federal Regulations regarding procurement and financial management requirements. The recipient did not prepare and document a cost or price analysis, nor evaluate the performance of its *Bay Journal* contractor. Also, its federal financial reports are not supported by its accounting records. We questioned project costs

totaling $1,357,035.

The CB program officials would like to have a discussion with you next week regarding going forward with this action. I will be out of town for training, but If you agree, I will setup the call.

thanks.lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: Konkus, John
Sent: Wednesday, August 09, 2017 3:21 PM
To: White, Lisa <WHITE.LISA@EPA.GOV>
Cc: Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

OK! Thanks.

From: White, Lisa
Sent: Wednesday, August 9, 2017 3:18 PM
To: Konkus, John <konkus.john@epa.gov>
Cc: Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>

Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Hi John, my apologies, I'm researching this question, the IG audit was issued in 2012 (before my time in the grants office). I will get back to by COB today or tomorrow morning. Is that ok? thanks.lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

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Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: Konkus, John
Sent: Wednesday, August 09, 2017 3:15 PM
To: White, Lisa <WHITE.LISA@EPA.GOV>
Cc: Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Circling back on this question Lisa. Thank you!

From: Konkus, John
Sent: Tuesday, August 8, 2017 3:27 PM
To: White, Lisa <WHITE.LISA@EPA.GOV>
Cc: Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production

of Bay Journal and related products

What was the response to this IG report? It said the taxpayer's should "recover $1M in funding" that the paper received via this grant. Link:
http://www.washingtontimes.com/news/2012/sep/16/paper-that-covers-chesapeake-bay-faces-questions-o/

From: White, Lisa
Sent: Tuesday, August 8, 2017 3:17 PM
To: Konkus, John <konkus.john@epa.gov>
Cc: Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>
Subject: FW: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Hello John,

As discussed attached is the work plan and the RFP for the Bay Journal grant as it was awarded competitively. I will schedule a meeting to include the CBP folks to discuss your concerns. Let me know if you have any questions. thanks.lw

96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc. Production of Bay Journal and related products:

These funds will be used to produce the content for the "Bay Journal" periodical newspaper and to publish and distribute 10 issues of the journal per year as well as for distribution of articles through an electronic news service and posting of the journal content to the "Bay Journal" Website to raise public awareness of issues concerning the Chesapeake Bay and its health.

From: Polk, Denise
Sent: Tuesday, August 08, 2017 10:36 AM
To: Esher, Diana <Esher.Diana@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>
Cc: OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Jones, Laurice

<Jones.Laurice@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Pumphrey, William <pumphrey.william@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>
Subject: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products
Importance: High

Greetings,

Please see the message below from John Konkus concerning the referenced grant. This grant **cannot move forward** until this questions have been addressed I would recommend a call to him directly at 202-564-2187 to discuss. This grant is on the amendment page of the report that went to Cathy last Monday (7/31). Thanks and please let me know if you have any questions.

Please let me know if you have any questions.

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

From: Konkus, John
Sent: Tuesday, August 08, 2017 9:51 AM
To: Polk, Denise <Polk.Denise@epa.gov>
Cc: Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Shimmin, Kaitlyn

<shimmin.kaitlyn@epa.gov>
Subject: Need more info
Importance: High

Denise: I need more info on this grant before we move it any further please:

John Konkus

Environmental Protection Agency

Deputy Associate Administrator for Public Affairs

Mobile: (202) 365-9250

<mime-attachment>

To: White, Lisa[WHITE.LISA@EPA.GOV]
Cc: White, Terri-A[White.Terri-A@epa.gov]; schafer, joan[schafer.joan@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]
From: D'Andrea, Michael
Sent: Thur 8/10/2017 4:41:04 PM
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Thanks Lisa.

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Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

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Cc: Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>
Subject: FW: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

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Cc: OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Pumphrey, William <pumphrey.william@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>
Subject: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products
Importance: High

Greetings,

Please see the message below from John Konkus concerning the referenced grant. This grant **cannot move forward** until this questions have been addressed I would recommend a call to him directly at 202-564-2187 to discuss. This grant is on the amendment page of the report that went to Cathy last Monday (7/31). Thanks and please let me know if you have any questions.

Please let me know if you have any questions.

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW

Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

From: Konkus, John
Sent: Tuesday, August 08, 2017 9:51 AM
To: Polk, Denise <Polk.Denise@epa.gov>
Cc: Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Need more info
Importance: High

Denise: I need more info on this grant before we move it any further please:

John Konkus

Environmental Protection Agency

Deputy Associate Administrator for Public Affairs

Mobile: (202) 365-9250

<mime-attachment>

To: Konkus, John[konkus.john@epa.gov]
Cc: Milbourn, Cathy[Milbourn.Cathy@epa.gov]; Polk, Denise[Polk.Denise@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; D'Andrea, Michael[DANDREA.MICHAEL@EPA.GOV]; Esher, Diana[Esher.Diana@epa.gov]
From: White, Lisa
Sent: Thur 8/10/2017 3:34:02 PM
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Morning John,

I read the OIG report referenced in the post article and the Agency's response and offer the following information. The audit was performed on the previous grant recipient, the Alliance for the Chesapeake Bay, Inc., not the current recipient which is Bay Journal Media, Inc. Also, the audit findings questioned the procurement costs because the Alliance for the Chesapeake Bay, Inc., did not comply with the federal procurement regulations. The audit did not question the quality or value of the *Bay Journal.* After further review and discussion, the EPA and the OIG agreed that $10K in costs were found to be ineligible.

Following is a summary with links to the report at a glance and the full audit report.

It is important to note that the current grant to the Bay Journal Media, Inc. is awarded competitively in accordance with EPA's competition policy.

OIG Audit 12-4-0720, was issued on August 22, 2012. The scope of the audit was to review five cooperative agreements awarded to the **Alliance for the Chesapeake Bay, Inc.** totaling $3.6M to promote public education, outreach, and participation in the restoration of the Chesapeake Bay. One of the tasks under the agreements was to produce and publish the *Bay Journal* which is published to inform the public about issues and events that affect the Chesapeake Bay.

The OIG report at a glance states that the recipient achieved the intended result of producing the *Bay Journal*, but did not comply with the Code of Federal Regulations regarding procurement and financial management requirements. The recipient did not prepare and document a cost or price analysis, nor evaluate the performance of its *Bay Journal* contractor. Also, its federal financial reports are not supported by its accounting records. We questioned project costs totaling $1,357,035.

The CB program officials would like to have a discussion with you next week regarding going forward with this action. I will be out of town for training, but If you agree, I will setup the call.

thanks.lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: Konkus, John
Sent: Wednesday, August 09, 2017 3:21 PM
To: White, Lisa <WHITE.LISA@EPA.GOV>
Cc: Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

OK! Thanks.

From: White, Lisa
Sent: Wednesday, August 9, 2017 3:18 PM
To: Konkus, John <konkus.john@epa.gov>
Cc: Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Hi John, my apologies, I'm researching this question, the IG audit was issued in 2012 (before my time in the grants office). I will get back to by COB today or tomorrow morning. Is that ok? thanks.lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: Konkus, John
Sent: Wednesday, August 09, 2017 3:15 PM
To: White, Lisa <WHITE.LISA@EPA.GOV>
Cc: Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Circling back on this question Lisa. Thank you!

From: Konkus, John
Sent: Tuesday, August 8, 2017 3:27 PM
To: White, Lisa <WHITE.LISA@EPA.GOV>
Cc: Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

What was the response to this IG report? It said the taxpayer's should "recover $1M in funding" that the paper received via this grant. Link:
http://www.washingtontimes.com/news/2012/sep/16/paper-that-covers-chesapeake-bay-faces-questions-o/

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Sent: Tuesday, August 8, 2017 3:17 PM
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Cc: Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>
Subject: FW: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Hello John,

As discussed attached is the work plan and the RFP for the Bay Journal grant as it was awarded competitively. I will schedule a meeting to include the CBP folks to discuss your concerns. Let me know if you have any questions. thanks.lw

96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc. Production of Bay Journal and related products:

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From: Polk, Denise
Sent: Tuesday, August 08, 2017 10:36 AM
To: Esher, Diana <Esher.Diana@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>
Cc: OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Pumphrey, William <pumphrey.william@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>
Subject: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of

Bay Journal and related products
Importance: High

Greetings,

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Please let me know if you have any questions.

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Denise: I need more info on this grant before we move it any further please:

John Konkus

Environmental Protection Agency

Deputy Associate Administrator for Public Affairs

Mobile: (202) 365-9250

<mime-attachment>

To: White, Lisa[WHITE.LISA@EPA.GOV]; Esher, Diana[Esher.Diana@epa.gov]; Krakowiak, John[Krakowiak.John@epa.gov]; D'Andrea, Michael[DANDREA.MICHAEL@EPA.GOV]; schafer, joan[schafer.joan@epa.gov]; Bisland, Carin[bisland.carin@epa.gov]
Cc: Edward, James[edward.james@epa.gov]; Hindin, Rebecca[Hindin.Rebecca@epa.gov]
From: DiPasquale, Nicholas
Sent: Tue 8/8/2017 9:01:19 PM
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

This issue has been appropriately resolved. We can provide documentation if necessary.

Nicholas A. DiPasquale, Director

Chesapeake Bay Program Office

410 Severn Ave Suite 109

Annapolis, MD 21403

Tel: 410.267.5710

Cell: 443.786.1722

E-mail: dipasquale.nicholas@epa.gov

Web: http://www.chesapeakebay.net

From: White, Lisa
Sent: Tuesday, August 08, 2017 4:39 PM
To: Esher, Diana <Esher.Diana@epa.gov>; Krakowiak, John <Krakowiak.John@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; schafer, joan <schafer.joan@epa.gov>; Bisland, Carin <bisland.carin@epa.gov>; DiPasquale, Nicholas <dipasquale.nicholas@epa.gov>
Subject: FW: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Hello – see John's latest question. I have accessed the OIG report but I think we need to discuss before I respond. thanks.lw

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John Konkus

Environmental Protection Agency

Deputy Associate Administrator for Public Affairs

Mobile: (202) 365-9250

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To: Esher, Diana[Esher.Diana@epa.gov]; Krakowiak, John[Krakowiak.John@epa.gov]; D'Andrea, Michael[DANDREA.MICHAEL@EPA.GOV]; schafer, joan[schafer.joan@epa.gov]; Bisland, Carin[bisland.carin@epa.gov]; DiPasquale, Nicholas[dipasquale.nicholas@epa.gov]
From: White, Lisa
Sent: Tue 8/8/2017 8:38:57 PM
Subject: FW: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

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Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

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Cc: Esher, Diana[Esher.Diana@epa.gov]; Krakowiak, John[Krakowiak.John@epa.gov]; schafer, joan[schafer.joan@epa.gov]
From: D'Andrea, Michael
Sent: Tue 8/8/2017 8:35:25 PM
Subject: Re: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Thanks Lisa.
Can you invite Joan and me and one of us will attend.

Sent from my iPhone

On Aug 8, 2017, at 3:10 PM, White, Lisa <WHITE.LISA@EPA.GOV> wrote:

Ok Carin Bisland will be talking to Nick about this and will let me know who should be invited to the call. In the meantime, I plan to send John the work plan and RFP.

Do you or Joan want to be on the call?

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: D'Andrea, Michael
Sent: Tuesday, August 08, 2017 2:42 PM
To: White, Lisa <WHITE.LISA@EPA.GOV>; Esher, Diana <Esher.Diana@epa.gov>; Krakowiak, John <Krakowiak.John@epa.gov>; schafer, joan <schafer.joan@epa.gov>
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Thanks for sharing Lisa.

I want to ensure that Nick is aware and will discuss whether someone from OW should be on this call.

From: White, Lisa
Sent: Tuesday, August 08, 2017 1:49 PM
To: Esher, Diana <Esher.Diana@epa.gov>; Krakowiak, John <Krakowiak.John@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; schafer, joan <schafer.joan@epa.gov>
Subject: FW: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Hello – John Konkus has questions about the following incremental award. I spoke to John and his initial reaction is to stop funding this project. I suggested I send him the work plan and the RFP and also setup a call with the program folks. He agreed. I spoke to Carin Bisland and she will let me know who should be on the meeting invitation with John. Because John originally agreed not to review incremental awards, this award was signed and ready to be sent out. We caught it and the ASAP account has been temporarily suspended. Thanks.lw

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From: Polk, Denise
Sent: Tuesday, August 08, 2017 11:55 AM
To: Pumphrey, William <pumphrey.william@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>
Cc: Esher, Diana <Esher.Diana@epa.gov>; OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>; Lavergne, Dany <lavergne.dany@epa.gov>; Elliott, Kechi P. <Elliott.Kechi@epa.gov>
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Thanks, please hold and do not show or add these funds in ASAP, as agreed. Thanks for your patience.

Denise A. Polk, Director

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Washington, DC 20460

(202) 564-5306 (Phone)

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Email: Polk.Denise@epa.gov

From: Pumphrey, William
Sent: Tuesday, August 08, 2017 11:22 AM
To: White, Lisa <WHITE.LISA@EPA.GOV>; Polk, Denise <Polk.Denise@epa.gov>
Cc: Esher, Diana <Esher.Diana@epa.gov>; OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>; Lavergne, Dany <lavergne.dany@epa.gov>; Elliott, Kechi P. <Elliott.Kechi@epa.gov>
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Yes…we've obligated the grant, but did not input the grant into ASAP. We will hold from ASAP until further notice. FYI

Thanks,

Bill

Bill Pumphrey

U.S. EPA

Las Vegas Finance Center

Phone (702) 798-2493

Email: pumphrey.william@epa.gov

LVFC Website: http://www2.epa.gov/financial/grants

From: White, Lisa
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To: Polk, Denise <Polk.Denise@epa.gov>
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Ok will do but the funds have already been obligated by LV, just an FYI.

<image002.jpg>

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To: White, Lisa <WHITE.LISA@EPA.GOV>
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<OGD_Grant_Reports@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Pumphrey, William <pumphrey.william@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

No, the process has not changed. I'm not sure how this one came to his attention. Please do not mail it out. Thanks!

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

From: White, Lisa
Sent: Tuesday, August 08, 2017 10:58 AM
To: Polk, Denise <Polk.Denise@epa.gov>
Cc: Esher, Diana <Esher.Diana@epa.gov>; OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Pumphrey, William <pumphrey.william@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Denise, this is an incremental award, which are not part of the report, did the process change?

It was being mailed out today. I have it.

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: Polk, Denise
Sent: Tuesday, August 08, 2017 10:49 AM
To: White, Lisa <WHITE.LISA@EPA.GOV>
Cc: Esher, Diana <Esher.Diana@epa.gov>; OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Pumphrey, William <pumphrey.william@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>
Subject: Re: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Can you confirm if it was mailed out? If not, we need to hold it.

Denise A. Polk, Director

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

On Aug 8, 2017, at 10:43 AM, White, Lisa <WHITE.LISA@EPA.GOV> wrote:

Denise, this grant has been awarded based on your attached email. thanks.lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: Polk, Denise
Sent: Tuesday, August 08, 2017 10:36 AM
To: Esher, Diana <Esher.Diana@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>
Cc: OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Pumphrey, William <pumphrey.william@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>
Subject: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc

Production of Bay Journal and related products
Importance: High

Greetings,

Please see the message below from John Konkus concerning the referenced grant. This grant **cannot move forward** until this questions have been addressed I would recommend a call to him directly at 202-564-2187 to discuss. This grant is on the amendment page of the report that went to Cathy last Monday (7/31). Thanks and please let me know if you have any questions.

Please let me know if you have any questions.

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

From: Konkus, John
Sent: Tuesday, August 08, 2017 9:51 AM
To: Polk, Denise <Polk.Denise@epa.gov>
Cc: Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Need more info
Importance: High

Denise: I need more info on this grant before we move it any further please:

96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products:

These funds will be used to produce the content for the "Bay Journal" periodical newspaper and to publish and distribute 10 issues of the journal per year as well as for distribution of articles through an electronic news service and posting of the journal content to the "Bay Journal" Website to raise public awareness of issues concerning the Chesapeake Bay and its health.

John Konkus

Environmental Protection Agency

Deputy Associate Administrator for Public Affairs

Mobile: (202) 365-9250

<mime-attachment>

To: D'Andrea, Michael[DANDREA.MICHAEL@EPA.GOV]; Esher, Diana[Esher.Diana@epa.gov]; Krakowiak, John[Krakowiak.John@epa.gov]; schafer, joan[schafer.joan@epa.gov]
From: White, Lisa
Sent: Tue 8/8/2017 7:10:14 PM
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Ok Carin Bisland will be talking to Nick about this and will let me know who should be invited to the call. In the meantime, I plan to send John the work plan and RFP.

Do you or Joan want to be on the call?

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: D'Andrea, Michael
Sent: Tuesday, August 08, 2017 2:42 PM
To: White, Lisa <WHITE.LISA@EPA.GOV>; Esher, Diana <Esher.Diana@epa.gov>; Krakowiak, John <Krakowiak.John@epa.gov>; schafer, joan <schafer.joan@epa.gov>
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Thanks for sharing Lisa.

I want to ensure that Nick is aware and will discuss whether someone from OW should be on this call.

From: White, Lisa
Sent: Tuesday, August 08, 2017 1:49 PM
To: Esher, Diana <Esher.Diana@epa.gov>; Krakowiak, John <Krakowiak.John@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; schafer, joan <schafer.joan@epa.gov>
Subject: FW: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Hello – John Konkus has questions about the following incremental award. I spoke to John and his initial reaction is to stop funding this project. I suggested I send him the work plan and the RFP and also setup a call with the program folks. He agreed. I spoke to Carin Bisland and she will let me know who should be on the meeting invitation with John. Because John originally agreed not to review incremental awards, this award was signed and ready to be sent out. We caught it and the ASAP account has been temporarily suspended. Thanks.lw

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Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

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Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Thanks, please hold and do not show or add these funds in ASAP, as agreed. Thanks for your patience.

Denise A. Polk, Director

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1200 Pennsylvania Avenue, NW
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Washington, DC 20460

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Email: Polk.Denise@epa.gov

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Cc: Esher, Diana <Esher.Diana@epa.gov>; OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>; Lavergne, Dany <lavergne.dany@epa.gov>; Elliott, Kechi P. <Elliott.Kechi@epa.gov>
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Yes…we've obligated the grant, but did not input the grant into ASAP. We will hold from ASAP until further notice. FYI

Thanks,

Bill

Bill Pumphrey

U.S. EPA

Las Vegas Finance Center

Phone (702) 798-2493

Email: pumphrey.william@epa.gov

LVFC Website: http://www2.epa.gov/financial/grants

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Sent: Tuesday, August 08, 2017 8:19 AM
To: Polk, Denise <Polk.Denise@epa.gov>
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Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Ok will do but the funds have already been obligated by LV, just an FYI.

US EPA https://ocfosystem1.epa.gov/neis/ifms_doc.pmt_line?trans_code_in=GO&trans_no_in=CB96342701&lin

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Document Review

GO CB96342701

Line#	Line Amt	Paid Amt	Available Amt	BFY	Fund	Org	Program	Project	FOC	Cost O
3	$325,000.00	$0.00	$325,000.00	20172018	B	03TEXCB	202B63	n/a	4183	

No payments found.

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

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Cc: Esher, Diana <Esher.Diana@epa.gov>; OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Pumphrey, William <pumphrey.william@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>
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Denise A. Polk, Director

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white.lisa@epa.gov

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1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
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Email: Polk.Denise@epa.gov

On Aug 8, 2017, at 10:43 AM, White, Lisa <WHITE.LISA@EPA.GOV> wrote:

Denise, this grant has been awarded based on your attached email. thanks.lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

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Philadelphia, PA 19103-2029

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Subject: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products
Importance: High

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Cc: Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Need more info
Importance: High

Denise: I need more info on this grant before we move it any further please:

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John Konkus

Environmental Protection Agency

Deputy Associate Administrator for Public Affairs

Mobile: (202) 365-9250

<mime-attachment>

To: White, Lisa[WHITE.LISA@EPA.GOV]; Esher, Diana[Esher.Diana@epa.gov]; Krakowiak, John[Krakowiak.John@epa.gov]; schafer, joan[schafer.joan@epa.gov]
From: D'Andrea, Michael
Sent: Tue 8/8/2017 6:41:56 PM
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Thanks for sharing Lisa.

I want to ensure that Nick is aware and will discuss whether someone from OW should be on this call.

From: White, Lisa
Sent: Tuesday, August 08, 2017 1:49 PM
To: Esher, Diana <Esher.Diana@epa.gov>; Krakowiak, John <Krakowiak.John@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; schafer, joan <schafer.joan@epa.gov>
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Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

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Bill

Bill Pumphrey

U.S. EPA

Las Vegas Finance Center

Phone (702) 798-2493

Email: pumphrey.william@epa.gov

LVFC Website: http://www2.epa.gov/financial/grants

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Ok will do but the funds have already been obligated by LV, just an FYI.

https://ocfosystem1.epa.gov/neis/ifms_doc.pmt_line?trans_code_in=GO&trans_no_in=CB96342701&lin

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Document Review

GO CB96342701

Line#	Line Amt	Paid Amt	Available Amt	BFY	Fund	Org	Program	Project	FOC	Cost O
3	$325,000.00	$0.00	$325,000.00	20172018	B	03TEXCB	202B63	n/a	4183	

No payments found.

Lisa White, Acting Chief

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Sent: Tuesday, August 08, 2017 11:00 AM
To: White, Lisa <WHITE.LISA@EPA.GOV>
Cc: Esher, Diana <Esher.Diana@epa.gov>; OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Pumphrey, William <pumphrey.william@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

No, the process has not changed. I'm not sure how this one came to his attention. Please do not mail it out. Thanks!

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW

Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

From: White, Lisa
Sent: Tuesday, August 08, 2017 10:58 AM
To: Polk, Denise <Polk.Denise@epa.gov>
Cc: Esher, Diana <Esher.Diana@epa.gov>; OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Pumphrey, William <pumphrey.william@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Denise, this is an incremental award, which are not part of the report, did the process change?

It was being mailed out today. I have it.

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: Polk, Denise
Sent: Tuesday, August 08, 2017 10:49 AM
To: White, Lisa <WHITE.LISA@EPA.GOV>
Cc: Esher, Diana <Esher.Diana@epa.gov>; OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Pumphrey, William <pumphrey.william@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>
Subject: Re: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

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Denise A. Polk, Director

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(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

On Aug 8, 2017, at 10:43 AM, White, Lisa <WHITE.LISA@EPA.GOV> wrote:

Denise, this grant has been awarded based on your attached email. thanks.lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

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Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

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Sent: Tuesday, August 08, 2017 10:36 AM
To: Esher, Diana <Esher.Diana@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>
Cc: OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Pumphrey, William <pumphrey.william@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>
Subject: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products
Importance: High

Greetings,

Please see the message below from John Konkus concerning the referenced grant. This grant **cannot move forward** until this questions have been addressed I would recommend a call to him directly at 202-564-2187 to discuss. This grant is on the amendment page of the report that went to Cathy last Monday (7/31). Thanks and please let me know if you have any questions.

Please let me know if you have any questions.

Denise A. Polk, Director

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Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

From: Konkus, John
Sent: Tuesday, August 08, 2017 9:51 AM
To: Polk, Denise <Polk.Denise@epa.gov>
Cc: Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Need more info
Importance: High

Denise: I need more info on this grant before we move it any further please:

96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products:

These funds will be used to produce the content for the "Bay Journal" periodical newspaper and to publish and distribute 10 issues of the journal per year as well as for distribution of articles through an electronic news service and posting of the journal content to the "Bay Journal" Website to raise public awareness of issues concerning the Chesapeake Bay and its health.

John Konkus

Environmental Protection Agency

Deputy Associate Administrator for Public Affairs

Mobile: (202) 365-9250

<mime-attachment>

To: White, Lisa[WHITE.LISA@EPA.GOV]; Esher, Diana[Esher.Diana@epa.gov]; Krakowiak, John[Krakowiak.John@epa.gov]; D'Andrea, Michael[DANDREA.MICHAEL@EPA.GOV]
From: schafer, joan
Sent: Tue 8/8/2017 6:05:21 PM
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Hmmm.

Thanks, Lisa.

Definitely should be a conversation --

Joan T. Schafer, Senior Advisor

U.S. Environmental Protection Agency

Region 3 Office of Communications and Government Relations

1650 Arch Street

Philadelphia, PA 19103

215-814-5143 (ph)

215-814-5102

From: White, Lisa
Sent: Tuesday, August 08, 2017 1:49 PM
To: Esher, Diana <Esher.Diana@epa.gov>; Krakowiak, John <Krakowiak.John@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; schafer, joan <schafer.joan@epa.gov>
Subject: FW: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Hello – John Konkus has questions about the following incremental award. I spoke to John and his initial reaction is to stop funding this project. I suggested I send him the work plan and the RFP and also setup a call with the program folks. He agreed. I spoke to Carin Bisland and she will let me know who should be on the meeting invitation with John. Because John originally agreed not to review incremental awards, this award was signed and ready to be sent out. We caught it and the ASAP account has been temporarily suspended. Thanks.lw

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Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

From: Polk, Denise
Sent: Tuesday, August 08, 2017 11:55 AM
To: Pumphrey, William <pumphrey.william@epa.gov>; White, Lisa <WHITE.LISA@EPA.GOV>
Cc: Esher, Diana <Esher.Diana@epa.gov>; OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>; Lavergne, Dany <lavergne.dany@epa.gov>; Elliott, Kechi P. <Elliott.Kechi@epa.gov>
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Thanks, please hold and do not show or add these funds in ASAP, as agreed. Thanks for your patience.

Denise A. Polk, Director

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Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Yes…we've obligated the grant, but did not input the grant into ASAP. We will hold from ASAP until further notice. FYI

Thanks,

Bill

Bill Pumphrey

U.S. EPA

Las Vegas Finance Center

Phone (702) 798-2493

Email: pumphrey.william@epa.gov

LVFC Website: http://www2.epa.gov/financial/grants

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Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Ok will do but the funds have already been obligated by LV, just an FYI.

https://ocfosystem1.epa.gov/neis/ifms_doc.pmt_line?trans_code_in=GO&trans_no_in=CB96342701&lin

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Document Review

GO CB96342701

Line#	Line Amt	Paid Amt	Available Amt	BFY	Fund	Org	Program	Project	FOC	Cost O
3	$325,000.00	$0.00	$325,000.00	20172018	B	03TEXCB	202B63	n/a	4183	

No payments found.

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

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Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
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Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

On Aug 8, 2017, at 10:43 AM, White, Lisa <WHITE.LISA@EPA.GOV> wrote:

Denise, this grant has been awarded based on your attached email. thanks.lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

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Philadelphia, PA 19103-2029

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John Konkus

Environmental Protection Agency

Deputy Associate Administrator for Public Affairs

Mobile: (202) 365-9250

<mime-attachment>

To: Esher, Diana[Esher.Diana@epa.gov]; Krakowiak, John[Krakowiak.John@epa.gov]; D'Andrea, Michael[DANDREA.MICHAEL@EPA.GOV]; schafer, joan[schafer.joan@epa.gov]
From: White, Lisa
Sent: Tue 8/8/2017 5:49:15 PM
Subject: FW: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

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Yes…we've obligated the grant, but did not input the grant into ASAP. We will hold from ASAP until further notice. FYI

Thanks,

Bill

Bill Pumphrey

U.S. EPA

Las Vegas Finance Center

Phone (702) 798-2493

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Ok will do but the funds have already been obligated by LV, just an FYI.

https://ocfosystem1.epa.gov/neis/ifms_doc.pmt_line?trans_code_in=GO&trans_no_in=CB96342701&lin

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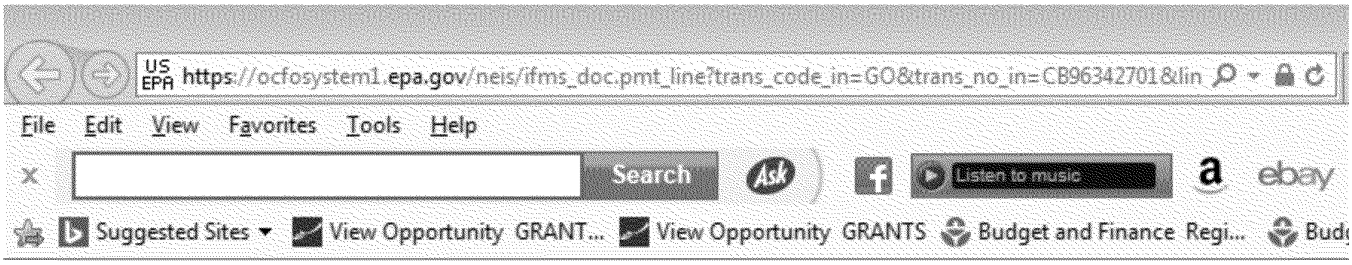

Document Review

GO CB96342701

Line#	Line Amt	Paid Amt	Available Amt	BFY	Fund	Org	Program	Project	FOC	Cost O
3	$325,000.00	$0.00	$325,000.00	20172018	B	03TEXCB	202B63	n/a	4183	

No payments found.

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

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No, the process has not changed. I'm not sure how this one came to his attention. Please do not mail it out. Thanks!

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW

Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

From: White, Lisa
Sent: Tuesday, August 08, 2017 10:58 AM
To: Polk, Denise <Polk.Denise@epa.gov>
Cc: Esher, Diana <Esher.Diana@epa.gov>; OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>; Schulz, Amanda <schulz.amanda@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Pumphrey, William <pumphrey.william@epa.gov>; Keesee, Peyton <keesee.peyton@epa.gov>
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US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

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white.lisa@epa.gov

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Cc: Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
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Importance: High

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Environmental Protection Agency

Deputy Associate Administrator for Public Affairs

Mobile: (202) 365-9250

<mime-attachment>

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Sent: Tue 8/8/2017 3:55:02 PM
Subject: RE: 96342701-2 CB EPA R3 $325,000.00 8/1/2017 Bay Journal Media Inc Production of Bay Journal and related products

Thanks, please hold and do not show or add these funds in ASAP, as agreed. Thanks for your patience.

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Bill Pumphrey

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Document Review

GO CB96342701

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Lisa White, Acting Chief

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Environmental Protection Agency

Deputy Associate Administrator for Public Affairs

Mobile: (202) 365-9250

<mime-attachment>

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John Konkus

Environmental Protection Agency

Deputy Associate Administrator for Public Affairs

Mobile: (202) 365-9250

<mime-attachment>

To: Hindin, Rebecca[Hindin.Rebecca@epa.gov]; Askew, Wendel[Askew.Wendel@epa.gov]
Cc: White, Lisa[WHITE.LISA@EPA.GOV]; Polk, Denise[Polk.Denise@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]; Smith, William (Region 3)[smith.william@epa.gov]; Drummond, James[Drummond.James@epa.gov]; Edward, James[edward.james@epa.gov]
From: Binder, Bruce
Sent: Thur 9/7/2017 3:32:51 PM
Subject: RE: CB Journal

The regs probably define who it is somewhere in there in the list of definitions.

From: Hindin, Rebecca
Sent: Thursday, September 07, 2017 11:25 AM
To: Askew, Wendel <Askew.Wendel@epa.gov>; Binder, Bruce <Binder.Bruce@epa.gov>
Cc: White, Lisa <WHITE.LISA@EPA.GOV>; Polk, Denise <Polk.Denise@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>; Drummond, James <Drummond.James@epa.gov>; Edward, James <edward.james@epa.gov>
Subject: RE: CB Journal

Thank you. Who is the DDO? The reg states that the DDO is the authorized agency rep.

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http--intranet.epa.gov-r3i... EPA HR - Shared Service C... Suggested Sites A Watershed Partnership -... BN

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From: Askew, Wendel
Sent: Thursday, September 07, 2017 10:14 AM
To: Binder, Bruce <Binder.Bruce@epa.gov>
Cc: White, Lisa <WHITE.LISA@EPA.GOV>; Polk, Denise <Polk.Denise@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Hindin, Rebecca <Hindin.Rebecca@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>; Drummond, James <Drummond.James@epa.gov>
Subject: Re: CB Journal

Ex. 5 - Attorney Client

Sent from my iPhone

On Sep 7, 2017, at 9:41 AM, Binder, Bruce <Binder.Bruce@epa.gov> wrote:

It's not a competition dispute. It's an existing grant. You would have to follow the regular disputes process. **Ex. 5 - Deliberative Process**

Bruce S. Binder

United States Environmental Protection Agency

Office of Grants and Debarment

Senior Associate Director for Grants Competition

202-564-4935

202-510-8318

On Sep 7, 2017, at 9:33 AM, White, Lisa <WHITE.LISA@EPA.GOV> wrote:

Good Morning,

The Executive Director of the Bay Journal Media Inc. called requesting information on the appeals process for grant CB-96342701 which we recently rescinded. Please advise. thanks.lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

To: Askew, Wendel[Askew.Wendel@epa.gov]; Binder, Bruce[Binder.Bruce@epa.gov]
Cc: White, Lisa[WHITE.LISA@EPA.GOV]; Polk, Denise[Polk.Denise@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]; Smith, William (Region 3)[smith.william@epa.gov]; Drummond, James[Drummond.James@epa.gov]; Edward, James[edward.james@epa.gov]
From: Hindin, Rebecca
Sent: Thur 9/7/2017 3:25:03 PM
Subject: RE: CB Journal

Thank you. Who is the DDO? The reg states that the DDO is the authorized agency rep.

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To: Binder, Bruce <Binder.Bruce@epa.gov>
Cc: White, Lisa <WHITE.LISA@EPA.GOV>; Polk, Denise <Polk.Denise@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Hindin, Rebecca <Hindin.Rebecca@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>; Drummond, James <Drummond.James@epa.gov>
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Sent from my iPhone

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Bruce S. Binder

United States Environmental Protection Agency

Office of Grants and Debarment

Senior Associate Director for Grants Competition

202-564-4935

202-510-8318

On Sep 7, 2017, at 9:33 AM, White, Lisa <WHITE.LISA@EPA.GOV> wrote:

Good Morning,

The Executive Director of the Bay Journal Media Inc. called requesting information on the appeals process for grant CB-96342701 which we recently rescinded. Please advise. thanks.lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

To: Binder, Bruce[Binder.Bruce@epa.gov]
Cc: White, Lisa[WHITE.LISA@EPA.GOV]; Polk, Denise[Polk.Denise@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]; Hindin, Rebecca[Hindin.Rebecca@epa.gov]; Smith, William (Region 3)[smith.william@epa.gov]; Drummond, James[Drummond.James@epa.gov]
From: Askew, Wendel
Sent: Thur 9/7/2017 2:13:59 PM
Subject: Re: CB Journal

Ex. 5 - Attorney Client

Sent from my iPhone

On Sep 7, 2017, at 9:41 AM, Binder, Bruce <Binder.Bruce@epa.gov> wrote:

It's not a competition dispute. It's an existing grant. You would have to follow the regular disputes process. **Ex. 5 - Deliberative Process**

Bruce S. Binder
United States Environmental Protection Agency
Office of Grants and Debarment
Senior Associate Director for Grants Competition
202-564-4935
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On Sep 7, 2017, at 9:33 AM, White, Lisa <WHITE.LISA@EPA.GOV> wrote:

Good Morning,

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Lisa White, Acting Chief

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Philadelphia, PA 19103-2029

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white.lisa@epa.gov

To: White, Lisa[WHITE.LISA@EPA.GOV]
Cc: Polk, Denise[Polk.Denise@epa.gov]; Askew, Wendel[Askew.Wendel@epa.gov]; Esher, Diana[Esher.Diana@epa.gov]; Hindin, Rebecca[Hindin.Rebecca@epa.gov]; Smith, William (Region 3)[smith.william@epa.gov]; Drummond, James[Drummond.James@epa.gov]
From: Binder, Bruce
Sent: Thur 9/7/2017 1:41:37 PM
Subject: Re: CB Journal

It's not a competition dispute. It's an existing grant. You would have to follow the regular disputes process. **Ex. 5 - Deliberative Process**

Bruce S. Binder
United States Environmental Protection Agency
Office of Grants and Debarment
Senior Associate Director for Grants Competition
202-564-4935
202-510-8318

On Sep 7, 2017, at 9:33 AM, White, Lisa <WHITE.LISA@EPA.GOV> wrote:

Good Morning,

The Executive Director of the Bay Journal Media Inc. called requesting information on the appeals process for grant CB-96342701 which we recently rescinded. Please advise. thanks.lw

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Philadelphia, PA 19103-2029

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white.lisa@epa.gov

To: Polk, Denise[Polk.Denise@epa.gov]; Askew, Wendel[Askew.Wendel@epa.gov]; Binder, Bruce[Binder.Bruce@epa.gov]
Cc: Esher, Diana[Esher.Diana@epa.gov]; Hindin, Rebecca[Hindin.Rebecca@epa.gov]; Smith, William (Region 3)[smith.william@epa.gov]
From: White, Lisa
Sent: Thur 9/7/2017 1:33:56 PM
Subject: CB Journal

Good Morning,

The Executive Director of the Bay Journal Media Inc. called requesting information on the appeals process for grant CB-96342701 which we recently rescinded. Please advise. thanks.lw

Lisa White, Acting Chief

Grants and Audit Management Branch (3PM70)

US Environmental Protection Agency

1650 Arch Street

Philadelphia, PA 19103-2029

215-814-2391 (office)

white.lisa@epa.gov

To: Graham, Amy[graham.amy@epa.gov]; Konkus, John[konkus.john@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
From: Bowman, Liz
Sent: Thur 8/24/2017 5:18:02 PM
Subject: RE: Bay Journal

okay

From: Graham, Amy
Sent: Thursday, August 24, 2017 12:46 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: FW: Bay Journal

Okay, here is an updated response. Need to get this to her asap:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Konkus, John
Sent: Thursday, August 24, 2017 12:39 PM
To: Graham, Amy <graham.amy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: Bay Journal

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Konkus, John
Sent: Thursday, August 24, 2017 12:17 PM
To: Graham, Amy <graham.amy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: Bay Journal

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Graham, Amy
Sent: Thursday, August 24, 2017 11:32 AM
To: Konkus, John <konkus.john@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: Bay Journal

Also John, can you please send the information Politico is asking for?

1 – can you confirm for me what the Bay Journal says here – that EPA is ending its 6-year grant after 2 years, and that they were due to receive $325k in February?

2 – Is this the only grant to be ended mid-cycle? Are other such already-awarded grants being reviewed?

From: Graham, Amy
Sent: Thursday, August 24, 2017 11:27 AM

To: Konkus, John <konkus.john@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: Bay Journal

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

On Aug 24, 2017, at 7:25 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

From: schafer, joan
Sent: Thursday, August 24, 2017 7:18 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>
Subject: FW: Bay Journal Article -- re Loss of Grant

Below are some social media captures and the Bay Journal article about the termination of

the grant.

<image001.png>

<image002.png>

http://www.bayjournal.com/blog/post/bay_journal_to_lose_epa_funding

Bay Journal to lose EPA funding

Citing 'shift in priorities,' agency cancels multi-year grant for 27-year-old nonprofit news outlet covering the Chesapeake

- August 23, 2017
- Leave a comment <image003.png>

<image004.jpg>

It's always awkward to become the news rather than simply report it, but here goes:

Today, we learned that the U.S. Environmental Protection Agency has decided to cut off a multi-year grant awarded to the Bay Journal by the EPA two years ago, effective Feb. 1. If the cut is upheld, it's a big loss, as EPA funding covers about a third of our budget.

But it's not the end of the *Bay Journal* — not even close.

The *Bay Journal* is currently in the second year of this six-year grant from the EPA, disbursed in annual installments. We were slated to receive $325,000 in February.

Needless to say, we're baffled by the EPA's decision. The notice informing us attributed the

withdrawal to a "shift in priorities" at the EPA, without elaborating.

Karl Blankenship, the *Bay Journal*'s editor, issued the following statement:

We are disappointed that political appointees in the EPA have made an unprecedented decision to cut short a multi-year grant to the Bay Journal with no clear explanation.

For 27 years, the Bay Journal been an important source of news and information for those who care deeply about the Chesapeake. In surveys, our readers tell us they consider the accurate, independent reporting by our small, award-winning staff their most trusted source of information about the effort to restore the Chesapeake Bay, and for related trends and events throughout the six-state watershed.

We will be exploring next steps regarding the EPA funding, as well as other potential funding sources.

The *Bay Journal* began in 1991 as an EPA-funded newsletter published by a nonprofit group, the Alliance for the Chesapeake Bay, to inform people about what was going on with the then-new effort to restore the Bay. Karl Blankenship converted that newsletter to a newspaper and eventually took it independent of the Alliance. (See Bay Journal has covered ebb, flow of Chesapeake issues for 25 years.)

The *Bay Journal* is an editorially independent, nonprofit news organization dedicated to reporting all sides of an issue, thoroughly. The EPA funding has been a constant, though declining, share of our budget as we have successfully grown and diversified our sources of grants and other donations. The EPA has never told us what to publish or not publish. Subscriptions are free, and our news reaches a wide variety of readers, from teachers, students, kayakers and anglers to policy makers, elected officials, scientists, business executives, farmers and watermen.

Over the years, our staff has grown from two to 11 so that we could enhance coverage of North America's largest estuary and the ambitious, heavily taxpayer-funded effort to restore it. Our reporters not only cover core issues related to Chesapeake Bay restoration, but have also tackled controversies over natural gas "fracking" boom in Pennsylvania, the pipeline push in the Virginia highlands, the expansion of poultry operations on the Eastern Shore, the water-quality impacts of power plants' coal ash disposal and the conundrum of dealing with built-up sediment behind Conowingo Dam. They've also reported first news that you read elsewhere later, such as the unexplained firing earlier this year of Maryland's veteran crab fishery manager after watermen complained to the governor about catch limits.

Along the way, we've become widely recognized as a reliable source of comprehensive news and information about the Chesapeake and its six-state watershed. Our readers — nearly 100,000 a month in print and online — look to us to keep them abreast, and we don't intend to let them down.

We hope you'll keep reading and, if you like what you read, share it with others. And if you

believe, as we do, that the Bay region deserves a publication devoted to covering the many facets of its environment, please show your support by making a donation, however small.

To: Press[Press@epa.gov]
From: StClair, Christie
Sent: Thur 3/16/2017 9:29:18 PM
Subject: FW: EPA response on Bay Program

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Tim Wheeler [mailto:twheeler@bayjournal.com]
Sent: Thursday, March 16, 2017 5:25 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: EPA response on Bay Program

Thanks, Christie, but I trust you realize the statement doesn't actually respond to my question. Let me put it another way: How will EPA fulfill its statutory obligations under the Clean Water Act to work with states on cleaning up the Bay without any funding for that purpose?

Tim Wheeler

Bay Journal

www.bayjournal.com

410-409-3469

twheeler@bayjournal.com

@TBWheeler

On Thu, Mar 16, 2017 at 5:12 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Hi Tim,

In response to your question:

I'd like to ask Administrator Pruitt how the President's proposal to eliminate funding for the Bay Program squares with Mr. Pruitt's statements at his confirmation hearing in support of the Bay Program and his pledge to Sen. Cardin to maintain funding for it. Please let me know if you got this query and if I need to pose it to someone else, who that would be.

Please attribute to an agency spokesperson:

The budget blueprint reflects the President's priorities of preserving clean air and water as well as to ease the burden of costly regulations to industry. Administrator Pruitt is committed to leading the EPA in a more effective, more focused, less costly way as we partner with states to fulfill the agency's core mission.

Thanks,

Christie

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

To: Bowman, Liz[Bowman.Liz@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Konkus, John[konkus.john@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Block, Molly
Sent: Thur 1/4/2018 6:58:57 PM
Subject: RE: Bay Journal grant--E&E News

FYI: https://www.eenews.net/greenwire/2018/01/04/stories/1060070101

From: Bowman, Liz
Sent: Wednesday, January 3, 2018 10:35 AM
To: Abboud, Michael <abboud.michael@epa.gov>; Konkus, John <konkus.john@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Block, Molly <block.molly@epa.gov>
Subject: RE: Bay Journal grant--E&E News

Ex. 5 - Deliberative Process

From: Abboud, Michael
Sent: Wednesday, January 3, 2018 9:51 AM
To: Konkus, John <konkus.john@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Block, Molly <block.molly@epa.gov>
Subject: FW: Bay Journal grant--E&E News

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Ariel Wittenberg [mailto:awittenberg@eenews.net]
Sent: Wednesday, January 3, 2018 9:23 AM
To: Press <Press@epa.gov>
Subject: RE: Bay Journal grant--E&E News

Hi there,

Wanted to check in with you all again and make sure you saw this request. Again, my deadline is 11 a.m.

Ariel

From: Ariel Wittenberg
Sent: Tuesday, January 02, 2018 5:13 PM
To: Press <Press@epa.gov>
Subject: Bay Journal grant--E&E News

Hello all,

Hope everyone had a Happy New Years. I'm working on an article that will publish in tomorrow's Greenwire edition about the decision to cut funding to the Bay Journal.

I've obtained emails from Nicholas DiPasquale, former-head of the Chesapeake Bay Program, to John and Cecil Rodrigues, former acting head of Region 3, regarding an Aug. 15 phone call between Nicholas and John.

According to the account laid out in those emails, the Aug. 15 phone call began with John bringing up a 2012 IG audit of a grant awarded to the Alliance for the Chesapeake Bay that was then used to fund the Journal's publication. After Nicholas explained that the audit was not of the Bay Journal itself and did not find an issue with the paper's financial management, John then questioned whether EPA should be providing funding for a newspaper. Nicholas then responded that EPA is required by Section 117 of the Clean Water Act to educate the public about the Chesapeake Bay Program. According to the account laid out in the emails, John also questioned whether the Bay Journal adequately indicated that it receives federal funds, to which Nicholas

replied that they disclose that on the second page of their print editions and on the "about us" page of their website. Again, according to the account laid out in the emails, John then said "the American people have major concerns with newspapers and the media" and that the issue had gotten the attention of other political appointees in the agency, including Holly Greaves.

I have also obtained a number of emails between John Konkus and members of EPA's Office of Grants and Debarement showing his initial concern about the Bay Journal grant and questioning the aforementioned 2012 IG report.

I have already contacted John personally to ask for his comment (he declined), and spoken to Nicholas. I wanted to give EPA (the institution) an opportunity to comment on the specifics of the account above, as well as the reasons for cutting funding to the Bay Journal. Additionally, I wanted to ask whether you have any comment on criticisms from the Bay Journal's attorneys that the Trump administration's criticism of the press is at play in the decision to cut funding.

My deadline is 11 a.m.

Thanks,

Ariel

Ariel Wittenberg

E&E News reporter

awittenberg@eenews.net

202-737-4557

@arielwittenberg

E&E NEWS

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To: Annie Snider[asnider@politico.com]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]; Press[Press@epa.gov]
From: Graham, Amy
Sent: Thur 8/24/2017 5:17:52 PM
Subject: RE: Following up on Bay Journal grant cut

Let me check

From: Annie Snider [mailto:asnider@politico.com]
Sent: Thursday, August 24, 2017 1:16 PM
To: Graham, Amy <graham.amy@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
Subject: RE: Following up on Bay Journal grant cut

Can you name them please?

From: Graham, Amy [mailto:graham.amy@epa.gov]
Sent: Thursday, August 24, 2017 1:16 PM
To: Annie Snider <asnider@politico.com>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
Subject: Re: Following up on Bay Journal grant cut

There are others.

On Aug 24, 2017, at 1:07 PM, Annie Snider <asnider@politico.com> wrote:

> Got it, thanks. Is the Bay Journal the only mid-cycle grant to be cut so far? Or are there others?
>
> **From:** Graham, Amy [mailto:graham.amy@epa.gov]
> **Sent:** Thursday, August 24, 2017 1:04 PM
> **To:** Annie Snider <asnider@politico.com>
> **Cc:** Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
> **Subject:** RE: Following up on Bay Journal grant cut

Annie – Here is a quote you may attribute to me:

"It's not unprecedented for a new administration to conduct a thorough review of the previous administration's funding decisions, which is currently ongoing for all grants, including those that are mid-cycle. We are focused on ensuring taxpayer funds are spent responsibly on programs that yield tangible results to protect clean air, land and water." – Amy Graham, EPA spokesperson

On background:

The Bay Journal received this EPA grant for two out of its 27 year history, and the newspaper was informed within the grant that "there is no guarantee of funding throughout this period or beyond."

From: Annie Snider [mailto:asnider@politico.com]
Sent: Thursday, August 24, 2017 12:48 PM
To: Graham, Amy <graham.amy@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
Subject: RE: Following up on Bay Journal grant cut

Ok, thanks

From: Graham, Amy [mailto:graham.amy@epa.gov]
Sent: Thursday, August 24, 2017 12:48 PM
To: Annie Snider <asnider@politico.com>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
Subject: Re: Following up on Bay Journal grant cut

Yes, will send very soon.

Sent from my iPhone

On Aug 24, 2017, at 12:46 PM, Annie Snider <asnider@politico.com> wrote:

Amy, do you think you'll have something for me soon?

From: Graham, Amy [mailto:graham.amy@epa.gov]
Sent: Thursday, August 24, 2017 11:30 AM
To: Annie Snider <asnider@politico.com>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: Following up on Bay Journal grant cut

Hi Annie – Working on this. When is your deadline?

From: Annie Snider [mailto:asnider@politico.com]
Sent: Thursday, August 24, 2017 11:28 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Cc: Press <Press@epa.gov>
Subject: Following up on Bay Journal grant cut

Jahan & Amy – just wanted to follow up on my email last night about the Bay Journal grant.

1 – can you confirm for me what the Bay Journal says here – that EPA is ending its 6-year grant after 2 years, and that they were due to receive $325k in February?

2 – Is this the only grant to be ended mid-cycle? Are other such already-awarded grants being reviewed?

Thanks,

Annie

Annie Snider

Reporter

POLITICO

asnider@politico.com

703-672-2819 - desk

Ex. 6 - Personal Privacy - cell

@AnnElizabeth18

To: Graham, Amy[graham.amy@epa.gov]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]; Press[Press@epa.gov]
From: Annie Snider
Sent: Thur 8/24/2017 5:16:05 PM
Subject: RE: Following up on Bay Journal grant cut

Can you name them please?

From: Graham, Amy [mailto:graham.amy@epa.gov]
Sent: Thursday, August 24, 2017 1:16 PM
To: Annie Snider <asnider@politico.com>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
Subject: Re: Following up on Bay Journal grant cut

There are others.

On Aug 24, 2017, at 1:07 PM, Annie Snider <asnider@politico.com> wrote:

> Got it, thanks. Is the Bay Journal the only mid-cycle grant to be cut so far? Or are there others?
>
> **From:** Graham, Amy [mailto:graham.amy@epa.gov]
> **Sent:** Thursday, August 24, 2017 1:04 PM
> **To:** Annie Snider <asnider@politico.com>
> **Cc:** Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
> **Subject:** RE: Following up on Bay Journal grant cut
>
> Annie – Here is a quote you may attribute to me:
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> "It's not unprecedented for a new administration to conduct a thorough review of the previous administration's funding decisions, which is currently ongoing for all grants, including those that are mid-cycle. We are focused on ensuring taxpayer funds are spent responsibly on programs that yield tangible results to protect clean air, land and water." – Amy Graham, EPA spokesperson

On background:

The Bay Journal received this EPA grant for two out of its 27 year history, and the newspaper was informed within the grant that "there is no guarantee of funding throughout this period or beyond."

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Sent: Thursday, August 24, 2017 12:48 PM
To: Graham, Amy <graham.amy@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
Subject: RE: Following up on Bay Journal grant cut

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Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
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Yes, will send very soon.

Sent from my iPhone

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> Amy, do you think you'll have something for me soon?
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> **Sent:** Thursday, August 24, 2017 11:30 AM
> **To:** Annie Snider <asnider@politico.com>; Wilcox, Jahan <wilcox.jahan@epa.gov>
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> **Subject:** RE: Following up on Bay Journal grant cut

Hi Annie – Working on this. When is your deadline?

From: Annie Snider [mailto:asnider@politico.com]
Sent: Thursday, August 24, 2017 11:28 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Cc: Press <Press@epa.gov>
Subject: Following up on Bay Journal grant cut

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1 – can you confirm for me what the Bay Journal says here – that EPA is ending its 6-year grant after 2 years, and that they were due to receive $325k in February?

2 – Is this the only grant to be ended mid-cycle? Are other such already-awarded grants being reviewed?

Thanks,

Annie

Annie Snider

Reporter

POLITICO

asnider@politico.com

703-672-2819 - desk

646-250-1943 - cell

@AnnElizabeth18

To: Annie Snider[asnider@politico.com]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]; Press[Press@epa.gov]
From: Graham, Amy
Sent: Thur 8/24/2017 5:15:38 PM
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1 – can you confirm for me what the Bay Journal says here – that EPA is ending its 6-year grant after 2 years, and that they were due to receive $325k in February?

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Annie

Annie Snider

Reporter

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703-672-2819 - desk

646-250-1943 - cell

@AnnElizabeth18

To: Konkus, John[konkus.john@epa.gov]
Cc: Hull, George[Hull.George@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Valentine, Julia
Sent: Thur 3/16/2017 8:33:54 PM
Subject: RE: JOHN BUDGET: one request for the R5 questions about great lakes

John **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

OUTLET: Bay Journal (Maryland)

Reporter: Tim Wheeler

Q: I'd like to ask Administrator Pruitt how the President's proposal to eliminate funding for the Bay Program squares with Mr. Pruitt's statements at his confirmation hearing in support of the Bay Program and his pledge to Sen. Cardin to maintain funding for it.

Ex. 5 - Deliberative Process

Julia P. Valentine

Assoc. Dir./Acting Dir.
U.S. EPA, Ofc of Media Relations

202.564.2663 direct

202.740.1336 m/txt

From: Konkus, John

Sent: Thursday, March 16, 2017 4:11 PM
To: Valentine, Julia <Valentine.Julia@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: JOHN BUDGET: one request for the R5 questions about great lakes

Approved.

From: Valentine, Julia
Sent: Thursday, March 16, 2017 3:57 PM
To: Konkus, John <konkus.john@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: JOHN BUDGET: one request for the R5 questions about great lakes
Importance: High

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

These are the additional requesters and their questions:

R5
AP (Michigan), John Flesher

Q: The EPA budget document released today proposes to eliminate funding for "specific regional efforts" and "other geographic programs." The only ones it specifically mentions are the Great Lakes Restoration Initiative and the Chesapeake Bay program. Could you please tell me what other programs would lose their funding under this proposal? Would San Francisco Bay, Puget Sound and the Gulf of Mexico be included? They were among programs listed in the OMB document that surfaced earlier.

WISN 12 News ABC Milwaukee, Matthew Sinn

Q: In President Trump's budget proposal, he eliminates funding for the Great Lakes Restoration Initiative. Can you tell me which projects in Wisconsin would be affected?

WTMJ TV NBC Milwaukee, Tom Durian

Q: I am looking for someone to speak with me on the Great Lakes Restoration Project and the possible budget implication with the President's proposed budget.

CBS TV 58 Telemundo, Jocelyn Pruna *(We can have Lena translate response before we email)*
Q: Do you all have someone who speaks Spanish in Milwaukee to talk about the impact on the Great Lakes?

Julia P. Valentine

Assoc. Dir./Acting Dir.
U.S. EPA, Ofc of Media Relations

202.564.2663 direct

202.740.1336 m/txt

From: Flesher, John [mailto:jflesher@ap.org]
Sent: Thursday, March 16, 2017 3:40 PM
To: Milbourn, Cathy <Milbourn.Cathy@epa.gov>; Valentine, Julia <Valentine.Julia@epa.gov>
Subject: AP inquiry re: regional programs budget

Cathy, Julia:

The EPA budget document released today proposes to eliminate funding for "specific regional efforts" and "other geographic programs." The only ones it specifically mentions are the Great Lakes Restoration Initiative and the Chesapeake Bay program. Could you please tell me what other programs would lose their funding under this proposal? Would San Francisco Bay, Puget Sound and the Gulf of Mexico be included? They were among programs listed in the OMB document that surfaced earlier.

Thanks,

John Flesher

The Associated Press

120 W. Front Street

Traverse City, MI 49684

Office: 231-929-4180

Mobile: 231-944-9133

To: Graham, Amy[graham.amy@epa.gov]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]; Press[Press@epa.gov]
From: Annie Snider
Sent: Thur 8/24/2017 5:06:46 PM
Subject: RE: Following up on Bay Journal grant cut

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On background:

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Thanks,

Annie

Annie Snider

Reporter

POLITICO

asnider@politico.com

703-672-2819 - desk

646-250-1943 - cell

@AnnElizabeth18

To: Press[Press@epa.gov]
From: Lynn, Tricia
Sent: Thur 3/16/2017 8:13:19 PM
Subject: FW: President's proposed EPA budget re Chesapeake Bay Program

I'll handle adding him to release list.

From: Tim Wheeler [mailto:twheeler@bayjournal.com]
Sent: Thursday, March 16, 2017 4:01 PM
To: Lynn, Tricia <lynn.tricia@epa.gov>
Subject: President's proposed EPA budget re Chesapeake Bay Program

Hi, Tricia -

I'd like to ask Administrator Pruitt how the President's proposal to eliminate funding for the Bay Program squares with Mr. Pruitt's statements at his confirmation hearing in support of the Bay Program and his pledge to Sen. Cardin to maintain funding for it. Please let me know if you got this query and if I need to pose it to someone else, who that would be.

Thanks,

P.S. - While I'm at it, how can I get resubscribed to EPA press releases? I haven't received any since the change in administration, despite renewing my subscription online.

Tim Wheeler

Bay Journal

www.bayjournal.com

410-409-3469

twheeler@bayjournal.com

@TBWheeler

To: sdance@baltsun.com[sdance@baltsun.com]
Cc: Press[Press@epa.gov]
From: Graham, Amy
Sent: Thur 8/24/2017 5:07:24 PM
Subject: RE: Bay Journal grant cut

Hi Scott - Here is a statement for your story:

"It's not unprecedented for a new administration to conduct a thorough review of the previous administration's funding decisions, which is currently ongoing for all grants, including those that are mid-cycle. We are focused on ensuring taxpayer funds are spent responsibly on programs that yield tangible results to protect clean air, land and water." – Amy Graham, EPA spokesperson

On background: The Bay Journal received this EPA grant for two out of its 27 year history, and the newspaper was informed within the grant that "there is no guarantee of funding throughout this period or beyond."

Thanks,

Amy

On Aug 23, 2017, at 3:34 PM, Dance, Scott <sdance@baltsun.com> wrote:

Hello,

I am writing about EPA's decision to cut short a multi-year grant to the Chesapeake Bay Journal. Can you confirm this cut is being made? Why is the grant being cut? I understand it was slated to last another four years – how can EPA cut it before that?

Scott Dance

The Baltimore Sun

@ssdance / @MdWeather

(410) 332-6042 (office)

(443) 604-3871 (cell)

To: Annie Snider[asnider@politico.com]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]; Press[Press@epa.gov]
From: Graham, Amy
Sent: Thur 8/24/2017 5:03:55 PM
Subject: RE: Following up on Bay Journal grant cut

Annie – Here is a quote you may attribute to me:

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To: Graham, Amy <graham.amy@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
Subject: RE: Following up on Bay Journal grant cut

Ok, thanks

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Yes, will send very soon.

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2 – Is this the only grant to be ended mid-cycle? Are other such already-awarded grants being reviewed?

Thanks,

Annie

Annie Snider

Reporter

POLITICO

asnider@politico.com

703-672-2819 - desk

646-250-1943 - cell

@AnnElizabeth18

To: Abboud, Michael[abboud.michael@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Graham, Amy
Sent: Thur 8/24/2017 5:01:44 PM
Subject: RE: Bay Journal

Good- sending now

From: Abboud, Michael
Sent: Thursday, August 24, 2017 12:54 PM
To: Graham, Amy <graham.amy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: RE: Bay Journal

Edited below.

"It's not unprecedented for a new administration to conduct a thorough review of the previous administration's funding decisions, which is currently ongoing for all grants, including those that are mid-cycle. We are focused on ensuring tax payer funds are spent responsibly on programs that yield tangible results to protect clean air, land and water." – Amy Graham, EPA spokesperson

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Sent: Thursday, August 24, 2017 12:46 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: FW: Bay Journal

Okay, here is an updated response. Need to get this to her asap:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Konkus, John
Sent: Thursday, August 24, 2017 12:39 PM
To: Graham, Amy <graham.amy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
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Subject: RE: Bay Journal

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To: Konkus, John <konkus.john@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: Bay Journal

Ex. 5 - Deliberative Process

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On Aug 24, 2017, at 7:25 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

From: schafer, joan
Sent: Thursday, August 24, 2017 7:18 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>
Subject: FW: Bay Journal Article -- re Loss of Grant

Below are some social media captures and the Bay Journal article about the termination of the grant.

<image001.png>

<image002.png>

http://www.bayjournal.com/blog/post/bay_journal_to_lose_epa_funding

Bay Journal to lose EPA funding

Citing 'shift in priorities,' agency cancels multi-year grant for 27-year-old nonprofit news outlet covering the Chesapeake

- August 23, 2017
- Leave a comment <image003.png>

<image004.jpg>

It's always awkward to become the news rather than simply report it, but here goes:

Today, we learned that the U.S. Environmental Protection Agency has decided to cut off a multi-year grant awarded to the Bay Journal by the EPA two years ago, effective Feb. 1. If the cut is upheld, it's a big loss, as EPA funding covers about a third of our budget.

But it's not the end of the *Bay Journal* — not even close.

The *Bay Journal* is currently in the second year of this six-year grant from the EPA, disbursed in annual installments. We were slated to receive $325,000 in February.

Needless to say, we're baffled by the EPA's decision. The notice informing us attributed the withdrawal to a "shift in priorities" at the EPA, without elaborating.

Karl Blankenship, the *Bay Journal*'s editor, issued the following statement:

We are disappointed that political appointees in the EPA have made an unprecedented decision to cut short a multi-year grant to the Bay Journal with no clear explanation.

For 27 years, the Bay Journal been an important source of news and information for those who care deeply about the Chesapeake. In surveys, our readers tell us they consider the accurate, independent reporting by our small, award-winning staff their most trusted source of information about the effort to restore the Chesapeake Bay, and for related trends and events throughout the six-state watershed.

We will be exploring next steps regarding the EPA funding, as well as other potential funding sources.

The *Bay Journal* began in 1991 as an EPA-funded newsletter published by a nonprofit group, the Alliance for the Chesapeake Bay, to inform people about what was going on with the then-new effort to restore the Bay. Karl Blankenship converted that newsletter to a newspaper and eventually took it independent of the Alliance. (See Bay Journal has covered

ebb, flow of Chesapeake issues for 25 years.)

The *Bay Journal* is an editorially independent, nonprofit news organization dedicated to reporting all sides of an issue, thoroughly. The EPA funding has been a constant, though declining, share of our budget as we have successfully grown and diversified our sources of grants and other donations. The EPA has never told us what to publish or not publish. Subscriptions are free, and our news reaches a wide variety of readers, from teachers, students, kayakers and anglers to policy makers, elected officials, scientists, business executives, farmers and watermen.

Over the years, our staff has grown from two to 11 so that we could enhance coverage of North America's largest estuary and the ambitious, heavily taxpayer-funded effort to restore it. Our reporters not only cover core issues related to Chesapeake Bay restoration, but have also tackled controversies over natural gas "fracking" boom in Pennsylvania, the pipeline push in the Virginia highlands, the expansion of poultry operations on the Eastern Shore, the water-quality impacts of power plants' coal ash disposal and the conundrum of dealing with built-up sediment behind Conowingo Dam. They've also reported first news that you read elsewhere later, such as the unexplained firing earlier this year of Maryland's veteran crab fishery manager after watermen complained to the governor about catch limits.

Along the way, we've become widely recognized as a reliable source of comprehensive news and information about the Chesapeake and its six-state watershed. Our readers — nearly 100,000 a month in print and online — look to us to keep them abreast, and we don't intend to let them down.

We hope you'll keep reading and, if you like what you read, share it with others. And if you believe, as we do, that the Bay region deserves a publication devoted to covering the many facets of its environment, please show your support by making a donation, however small.

To: Graham, Amy[graham.amy@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Abboud, Michael
Sent: Thur 8/24/2017 4:53:31 PM
Subject: RE: Bay Journal

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Ex. 5 - Deliberative Process

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On Aug 24, 2017, at 7:25 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

From: schafer, joan
Sent: Thursday, August 24, 2017 7:18 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>
Subject: FW: Bay Journal Article -- re Loss of Grant

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http://www.bayjournal.com/blog/post/bay_journal_to_lose_epa_funding

Bay Journal to lose EPA funding

Citing 'shift in priorities,' agency cancels multi-year grant for 27-year-old nonprofit news outlet covering the Chesapeake

- August 23, 2017
- Leave a comment <image003.png>

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The *Bay Journal* is currently in the second year of this six-year grant from the EPA, disbursed in annual installments. We were slated to receive $325,000 in February.

Needless to say, we're baffled by the EPA's decision. The notice informing us attributed the withdrawal to a "shift in priorities" at the EPA, without elaborating.

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To: Graham, Amy[graham.amy@epa.gov]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]; Press[Press@epa.gov]
From: Annie Snider
Sent: Thur 8/24/2017 4:48:20 PM
Subject: RE: Following up on Bay Journal grant cut

Ok, thanks

From: Graham, Amy [mailto:graham.amy@epa.gov]
Sent: Thursday, August 24, 2017 12:48 PM
To: Annie Snider <asnider@politico.com>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
Subject: Re: Following up on Bay Journal grant cut

Yes, will send very soon.

Sent from my iPhone

On Aug 24, 2017, at 12:46 PM, Annie Snider <asnider@politico.com> wrote:

Amy, do you think you'll have something for me soon?

From: Graham, Amy [mailto:graham.amy@epa.gov]
Sent: Thursday, August 24, 2017 11:30 AM
To: Annie Snider <asnider@politico.com>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: Following up on Bay Journal grant cut

Hi Annie – Working on this. When is your deadline?

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Cc: Press <Press@epa.gov>
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2 – Is this the only grant to be ended mid-cycle? Are other such already-awarded grants being reviewed?

Thanks,

Annie

Annie Snider

Reporter

POLITICO

asnider@politico.com

703-672-2819 - desk

646-250-1943 - cell

@AnnElizabeth18

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From: Graham, Amy
Sent: Thur 8/24/2017 4:45:55 PM
Subject: FW: Bay Journal

Okay, here is an updated response. Need to get this to her asap:

Ex. 5 - Deliberative Process

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From: Konkus, John
Sent: Thursday, August 24, 2017 12:39 PM
To: Graham, Amy <graham.amy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
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From: Konkus, John
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To: Graham, Amy <graham.amy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
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1) Yes: See attached and see page 2 "There is no guarantee of funding throughout this period or beyond."

2) We have and we will continue if necessary end awards mid-cycle and yes we review ALL grants.

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- August 23, 2017
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To: Graham, Amy[graham.amy@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]
Cc: Press[Press@epa.gov]
From: Annie Snider
Sent: Thur 8/24/2017 3:30:44 PM
Subject: RE: Following up on Bay Journal grant cut

12:30

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Sent: Thursday, August 24, 2017 11:30 AM
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2 – Is this the only grant to be ended mid-cycle? Are other such already-awarded grants being reviewed?

Thanks,

Annie

Annie Snider

Reporter

POLITICO

asnider@politico.com

703-672-2819 - desk

646-250-1943 - cell

@AnnElizabeth18

To: Wilcox, Jahan[wilcox.jahan@epa.gov]; Graham, Amy[graham.amy@epa.gov]
Cc: Press[Press@epa.gov]
From: Annie Snider
Sent: Thur 8/24/2017 3:27:51 PM
Subject: Following up on Bay Journal grant cut

Jahan & Amy – just wanted to follow up on my email last night about the Bay Journal grant.

1 – can you confirm for me what the Bay Journal says here – that EPA is ending its 6-year grant after 2 years, and that they were due to receive $325k in February?

2 – Is this the only grant to be ended mid-cycle? Are other such already-awarded grants being reviewed?

Thanks,

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Annie Snider

Reporter

POLITICO

asnider@politico.com

703-672-2819 - desk

646-250-1943 - cell

@AnnElizabeth18

To: Konkus, John[konkus.john@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
From: Graham, Amy
Sent: Thur 8/24/2017 3:27:28 PM
Subject: Bay Journal

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

On Aug 24, 2017, at 7:25 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

From: schafer, joan
Sent: Thursday, August 24, 2017 7:18 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>
Subject: FW: Bay Journal Article -- re Loss of Grant

Below are some social media captures and the Bay Journal article about the termination of the grant.

<image001.png>

<image002.png>

http://www.bayjournal.com/blog/post/bay_journal_to_lose_epa_funding

Bay Journal to lose EPA funding

Citing 'shift in priorities,' agency cancels multi-year grant for 27-year-old nonprofit news outlet covering the Chesapeake

- August 23, 2017
- Leave a comment <image003.png>

<image004.jpg>

It's always awkward to become the news rather than simply report it, but here goes:

Today, we learned that the U.S. Environmental Protection Agency has decided to cut off a multi-year grant awarded to the Bay Journal by the EPA two years ago, effective Feb. 1. If the cut is upheld, it's a big loss, as EPA funding covers about a third of our budget.

But it's not the end of the *Bay Journal* — not even close.

The *Bay Journal* is currently in the second year of this six-year grant from the EPA, disbursed in annual installments. We were slated to receive $325,000 in February.

Needless to say, we're baffled by the EPA's decision. The notice informing us attributed the withdrawal to a "shift in priorities" at the EPA, without elaborating.

Karl Blankenship, the *Bay Journal*'s editor, issued the following statement:

We are disappointed that political appointees in the EPA have made an unprecedented decision to cut short a multi-year grant to the Bay Journal with no clear explanation.

For 27 years, the Bay Journal been an important source of news and information for those who care deeply about the Chesapeake. In surveys, our readers tell us they consider the accurate, independent reporting by our small, award-winning staff their most trusted source of information about the effort to restore the Chesapeake Bay, and for related trends and events throughout the six-state watershed.

We will be exploring next steps regarding the EPA funding, as well as other potential funding sources.

The *Bay Journal* began in 1991 as an EPA-funded newsletter published by a nonprofit group, the Alliance for the Chesapeake Bay, to inform people about what was going on with the then-new effort to restore the Bay. Karl Blankenship converted that newsletter to a newspaper and eventually took it independent of the Alliance. (See Bay Journal has covered ebb, flow of Chesapeake issues for 25 years.)

The *Bay Journal* is an editorially independent, nonprofit news organization dedicated to reporting all sides of an issue, thoroughly. The EPA funding has been a constant, though declining, share of our budget as we have successfully grown and diversified our sources of grants and other donations. The EPA has never told us what to publish or not publish. Subscriptions are free, and our news reaches a wide variety of readers, from teachers, students, kayakers and anglers to policy makers, elected officials, scientists, business executives, farmers and watermen.

Over the years, our staff has grown from two to 11 so that we could enhance coverage of North America's largest estuary and the ambitious, heavily taxpayer-funded effort to restore it. Our reporters not only cover core issues related to Chesapeake Bay restoration, but have also tackled controversies over natural gas "fracking" boom in Pennsylvania, the pipeline push in the Virginia highlands, the expansion of poultry operations on the Eastern Shore, the water-quality impacts of power plants' coal ash disposal and the conundrum of dealing with built-up sediment behind Conowingo Dam. They've also reported first news that you read elsewhere later, such as the unexplained firing earlier this year of Maryland's veteran crab fishery manager after watermen complained to the governor about catch limits.

Along the way, we've become widely recognized as a reliable source of comprehensive news and information about the Chesapeake and its six-state watershed. Our readers — nearly 100,000 a month in print and online — look to us to keep them abreast, and we don't intend to let them down.

We hope you'll keep reading and, if you like what you read, share it with others. And if you believe, as we do, that the Bay region deserves a publication devoted to covering the many

facets of its environment, please show your support by making a donation, however small.

To: Konkus, John[konkus.john@epa.gov]; Graham, Amy[graham.amy@epa.gov]
From: Bowman, Liz
Sent: Wed 8/23/2017 8:23:42 PM
Subject: RE: Bay Journal grant cut

Ex. 5 - Deliberative Process

From: Konkus, John
Sent: Wednesday, August 23, 2017 3:55 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Subject: FW: Bay Journal grant cut

Ex. 5 - Deliberative Process

From: Dance, Scott [mailto:sdance@baltsun.com]
Sent: Wednesday, August 23, 2017 3:33 PM
To: Press <Press@epa.gov>
Subject: Bay Journal grant cut

Hello,

I am writing about EPA's decision to cut short a multi-year grant to the Chesapeake Bay Journal. Can you confirm this cut is being made? Why is the grant being cut? I understand it was slated to last another four years – how can EPA cut it before that?

Scott Dance

The Baltimore Sun

@ssdance / @MdWeather

(410) 332-6042 (office)

(443) 604-3871 (cell)

To: Konkus, John[konkus.john@epa.gov]
Cc: Press[Press@epa.gov]
From: Valentine, Julia
Sent: Wed 8/23/2017 8:08:15 PM
Subject: Re: Bay Journal grant cut

John -- **Ex. 5 - Deliberative Process**

Julia P. Valentine
Office of Media Relations
202.564.2663
Sent from USEPA iPhone

On Aug 23, 2017, at 3:34 PM, Dance, Scott <sdance@baltsun.com> wrote:

Hello,

I am writing about EPA's decision to cut short a multi-year grant to the Chesapeake Bay Journal. Can you confirm this cut is being made? Why is the grant being cut? I understand it was slated to last another four years – how can EPA cut it before that?

Scott Dance

The Baltimore Sun

@ssdance / @MdWeather

(410) 332-6042 (office)

(443) 604-3871 (cell)

To: Konkus, John[konkus.john@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]
From: Graham, Amy
Sent: Wed 8/23/2017 8:06:36 PM
Subject: RE: Bay Journal grant cut

Ex. 5 - Deliberative Process

From: Konkus, John
Sent: Wednesday, August 23, 2017 3:55 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Subject: FW: Bay Journal grant cut

Ex. 5 - Deliberative Process

From: Dance, Scott [mailto:sdance@baltsun.com]
Sent: Wednesday, August 23, 2017 3:33 PM
To: Press <Press@epa.gov>
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Scott Dance

The Baltimore Sun

@ssdance / @MdWeather

(410) 332-6042 (office)

(443) 604-3871 (cell)

To: Konkus, John[konkus.john@epa.gov]
From: Abboud, Michael
Sent: Wed 8/23/2017 8:06:01 PM
Subject: FW: Bay Journal grant cut

From: Dance, Scott [mailto:sdance@baltsun.com]
Sent: Wednesday, August 23, 2017 3:33 PM
To: Press <Press@epa.gov>
Subject: Bay Journal grant cut

Hello,

I am writing about EPA's decision to cut short a multi-year grant to the Chesapeake Bay Journal. Can you confirm this cut is being made? Why is the grant being cut? I understand it was slated to last another four years – how can EPA cut it before that?

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The Baltimore Sun

@ssdance / @MdWeather

(410) 332-6042 (office)

(443) 604-3871 (cell)

To: Press[Press@epa.gov]
From: Dance, Scott
Sent: Wed 8/23/2017 7:33:06 PM
Subject: Bay Journal grant cut

Hello,

I am writing about EPA's decision to cut short a multi-year grant to the Chesapeake Bay Journal. Can you confirm this cut is being made? Why is the grant being cut? I understand it was slated to last another four years – how can EPA cut it before that?

Scott Dance

The Baltimore Sun

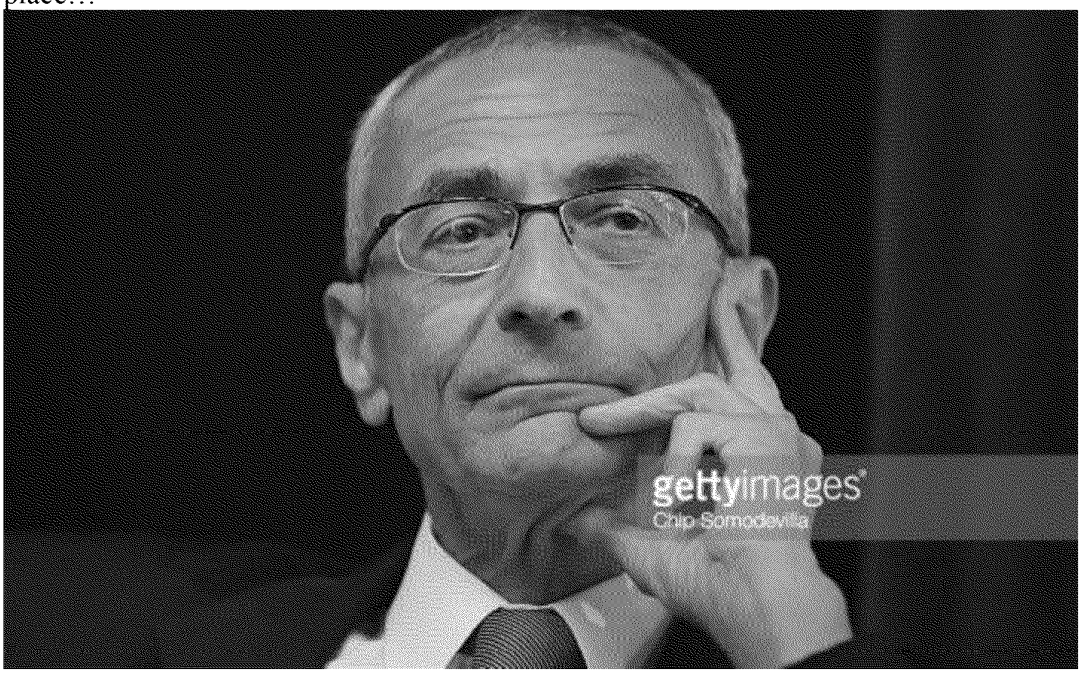
@ssdance / @MdWeather

(410) 332-6042 (office)

(443) 604-3871 (cell)

To: Bowman, Liz[Bowman.Liz@epa.gov]; Konkus, John[konkus.john@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Abboud, Michael
Sent: Wed 11/15/2017 7:25:31 PM
Subject: RE: Seeking comment on lawsuit filed by Bay Journal against EPA

Can't forget who founded this place…



From: Bowman, Liz
Sent: Wednesday, November 15, 2017 2:21 PM
To: Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: Seeking comment on lawsuit filed by Bay Journal against EPA

Ex. 5 - Deliberative Process

From: Konkus, John
Sent: Wednesday, November 15, 2017 2:16 PM
To: Abboud, Michael <abboud.michael@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>

Subject: RE: Seeking comment on lawsuit filed by Bay Journal against EPA

Ex. 5 - Deliberative Process

From: Abboud, Michael
Sent: Wednesday, November 15, 2017 2:15 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Konkus, John <konkus.john@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: FW: Seeking comment on lawsuit filed by Bay Journal against EPA

Ex. 5 - Deliberative Process

From: Mark Hand [mailto:mhand@americanprogress.org]
Sent: Wednesday, November 15, 2017 1:34 PM
To: Press <Press@epa.gov>
Subject: Seeking comment on lawsuit filed by Bay Journal against EPA

Good afternoon,

I am writing an article about a lawsuit filed this week by the Bay Journal against the EPA "demanding the Trump administration produce documents that may explain why it abruptly canceled a grant" to the newspaper in August. The lawsuit states that the grant was terminated

“due to a shift in priorities” at the EPA.

https://democracyforward.org/work/bay-journal-media-inc-v-epa/

The newspaper said it filed the lawsuit after the EPA “failed to timely respond to the Bay Journal’s records request” for documents pertaining to the grant cancellation.

Would you be able to comment on why the EPA canceled the payout of the remainder of the grant, as stated in the lawsuit? What is the “shift in priorities” that the EPA told the Bay Journal was a reason for cutting off funding.

I am hoping to finish my article by 3:15 p.m. ET today.

I look forward to hearing from you.

Thank you.

Sincerely,

Mark

Mark Hand

Reporter

ThinkProgress

Phone: 202-481-8127

Email: mhand@americanprogress.org

Twitter: @MarkFHand

To: Konkus, John[konkus.john@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Bowman, Liz
Sent: Wed 11/15/2017 7:20:57 PM
Subject: RE: Seeking comment on lawsuit filed by Bay Journal against EPA

Ex. 5 - Deliberative Process

From: Konkus, John
Sent: Wednesday, November 15, 2017 2:16 PM
To: Abboud, Michael <abboud.michael@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: Seeking comment on lawsuit filed by Bay Journal against EPA

Ex. 5 - Deliberative Process

From: Abboud, Michael
Sent: Wednesday, November 15, 2017 2:15 PM
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Phone: 202-481-8127

Email: mhand@americanprogress.org

Twitter: @MarkFHand

To: Bowman, Liz[Bowman.Liz@epa.gov]; Konkus, John[konkus.john@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Abboud, Michael
Sent: Wed 11/15/2017 7:14:36 PM
Subject: FW: Seeking comment on lawsuit filed by Bay Journal against EPA

Ex. 5 - Deliberative Process

From: Mark Hand [mailto:mhand@americanprogress.org]
Sent: Wednesday, November 15, 2017 1:34 PM
To: Press <Press@epa.gov>
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Reporter

ThinkProgress

Phone: 202-481-8127

Email: mhand@americanprogress.org

Twitter: @MarkFHand

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From: Mark Hand
Sent: Wed 11/15/2017 6:33:31 PM
Subject: Seeking comment on lawsuit filed by Bay Journal against EPA

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Sincerely,

Mark

Mark Hand

Reporter

ThinkProgress

Phone: 202-481-8127

Email: mhand@americanprogress.org

Twitter: @MarkFHand

To: Abboud, Michael[abboud.michael@epa.gov]
Cc: Press[Press@epa.gov]
From: Zahra Hirji
Sent: Wed 11/15/2017 4:20:02 PM
Subject: Re: Media Request: Question About EPA Grants

Thanks Michael. Is there a place on the EPA or grant.gov where I can look up the status of grants? I was on grant.gov yesterday and wasn't seeing any EPA grants -- only for other agencies. Also can I get a list of the grants besides Bay Journal that have been rescinded so far as part of this review?
Cheers,
Zahra

On Wed, Nov 15, 2017 at 3:28 PM, Abboud, Michael <abboud.michael@epa.gov> wrote:

Hey Zahra, you can attribute this to Liz Bowman, EPA spokeswoman.

"It's not unprecedented for a new administration to conduct a thorough review of the previous administration's funding decisions, which is currently ongoing for all grants. We are focused on ensuring taxpayer funds are spent responsibly on programs that yield tangible results to protect clean air, land, and water, and as part of that effort, funding for the Bay Journal will now go back into the Chesapeake Bay program to fund other Chesapeake Bay grants." – Liz Bowman, EPA spokesperson

From: Zahra Hirji [mailto:zahra.hirji@buzzfeed.com]
Sent: Tuesday, November 14, 2017 5:13 PM
To: Press <Press@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: Media Request: Question About EPA Grants

Dear EPA Press Team,

I'm a reporter for BuzzFeed News reporting on EPA's review of grants, including the lawsuit recently filed by Bay Journal to get documents related to the decision of its grant termination. Is it possible to get a list of all the projects whose grant funding has been terminated as part of the agency's review under President Trump? As of September, the Washington Post reported there had been about a half-dozen projects that had been notified of the grant ending early.

Also, I was unable to find the record of the Bay Journal's grant which has been subsequently terminated on the EPA website. Where online is there notification of the change in the grant status for Bay Journal, and other grants?

Finally, Bay Journal is questioning that the ending of its grant and plans to file an appeal next week. It also unsuccessfully FOIAed for information about the agency's decision on this matter. Can the EPA comment on its decision to cut the group's finding, clarify what its shift in priorities means for the greater Chesapeake Bay Program, and the Bay Journal's plans to appeal?

My deadline is end of day Thursday, November 16.

Thanks,
Zahra Hirji

--

Zahra Hirji

Reporter

BuzzFeed News

Office: (310) 307-3838

Cell: (202) 352-0557

Zahra.Hirji@buzzfeed.com

@zhirji28

--
Zahra Hirji
Reporter
BuzzFeed News
Office: (310) 307-3838
Cell: (202) 352-0557
Zahra.Hirji@buzzfeed.com

@zhirji28

To: Zahra Hirji[zahra.hirji@buzzfeed.com]; Press[Press@epa.gov]
From: Abboud, Michael
Sent: Wed 11/15/2017 3:28:09 PM
Subject: RE: Media Request: Question About EPA Grants

Hey Zahra, you can attribute this to Liz Bowman, EPA spokeswoman.

"It's not unprecedented for a new administration to conduct a thorough review of the previous administration's funding decisions, which is currently ongoing for all grants. We are focused on ensuring taxpayer funds are spent responsibly on programs that yield tangible results to protect clean air, land, and water, and as part of that effort, funding for the Bay Journal will now go back into the Chesapeake Bay program to fund other Chesapeake Bay grants." – Liz Bowman, EPA spokesperson

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Sent: Tuesday, November 14, 2017 5:13 PM
To: Press <Press@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
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My deadline is end of day Thursday, November 16.

Thanks,
Zahra Hirji

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Zahra Hirji

Reporter

BuzzFeed News

Office: (310) 307-3838

Cell: (202) 352-0557

Zahra.Hirji@buzzfeed.com

@zhirji28

To: Konkus, John[konkus.john@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Hewitt, James[hewitt.james@epa.gov]
From: Abboud, Michael
Sent: Tue 11/14/2017 10:18:29 PM
Subject: FW: Media Request: Question About EPA Grants

Ex. 5 - Deliberative Process

From: Zahra Hirji [mailto:zahra.hirji@buzzfeed.com]
Sent: Tuesday, November 14, 2017 5:13 PM
To: Press <Press@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: Media Request: Question About EPA Grants

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Zahra Hirji

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Zahra Hirji

Reporter

BuzzFeed News

Office: (310) 307-3838

Cell: (202) 352-0557

Zahra.Hirji@buzzfeed.com

@zhirji28

To: Press[Press@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
From: Zahra Hirji
Sent: Tue 11/14/2017 10:12:56 PM
Subject: Media Request: Question About EPA Grants

Dear EPA Press Team,
I'm a reporter for BuzzFeed News reporting on EPA's review of grants, including the lawsuit recently filed by Bay Journal to get documents related to the decision of its grant termination. Is it possible to get a list of all the projects whose grant funding has been terminated as part of the agency's review under President Trump? As of September, the Washington Post reported there had been about a half-dozen projects that had been notified of the grant ending early.

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My deadline is end of day Thursday, November 16.

Thanks,
Zahra Hirji

--
Zahra Hirji
Reporter
BuzzFeed News
Office: (310) 307-3838
Cell: (202) 352-0557
Zahra.Hirji@buzzfeed.com
@zhirji28

To: Konkus, John[konkus.john@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bowman, Liz
Sent: Tue 8/22/2017 6:39:19 PM
Subject: RE: Background

Updated below; I plan to send this shortly.

From: Konkus, John
Sent: Tuesday, August 22, 2017 2:32 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Background

Yes and the bay journal

John Konkus

Environmental Protection Agency

Deputy Associate Administrator for Public Affairs

Mobile: (202) 365-9250

On Aug 22, 2017, at 2:30 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Thanks, this is what I plan to send to Julia, is the date/characterization correct – are these the only five grants that have been rescinded since SP took office?

Julia, here is a list of the five grants that have been rescinded since February 2017:

•□□□□□□□□ Winrock International (nonprofit), $147,673.00 for capacity building and information exchange on reducing indoor air pollution from household energy use in foreign countries

•□□□□□□□□ UN Foundation (nonprofit), $1,119,393.00 for raising global awareness on the benefits of clean cookstoves

•□□□□□□□□ University Enterprises, Inc. (other), $299,699.00 for integrating data sources into a new web service to support decision making that supports cross-agency planning of

issues related to policies such as the Clean Power Plan

•□□□□□□□□ REC for Central and Eastern Europe (foreign recipient), $100,000 for part of a project to develop strategies and improve decision-making tools for watersheds in Eastern Europe

•□□□□□□□□ Midwest Pesticides Action Center (nonprofit), $20,000 for a one-day workshop to educate stakeholders about resources available on bedbugs

•□□□□□□□□ Bay Journal (nonprofit), $325,000 for the production of 10 issues of the Bay Journal newspaper and for posting content to the website to raise awareness of issues related to the Chesapeake Bay.

o In this instance it is worth noting that Administrator Pruitt is very supportive of working with the region on the shared environmental goals of the Chesapeake Bay, which is a separate issue than the Agency spending $325K on a local newspaper and ads in that paper.

From: Konkus, John
Sent: Tuesday, August 22, 2017 1:01 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Background

Red=Rescinded

Yellow=Under review

To: Konkus, John[konkus.john@epa.gov]
From: Amy Dewey
Sent: Thur 9/7/2017 12:40:30 PM
Subject: Re: FYI: Washington Post: The Energy 202: EPA cuts funding to newspaper reporting on it, 9/6/17

John, this one shows we are being responsible with taxpayers money! No damage to you! They could also produce this Journal in house and put it out online with no cost to anyone! Amy

Sent from my iPhone

On Sep 6, 2017, at 10:33 AM, Konkus, John <konkus.john@epa.gov> wrote:

Washington Post

https://www.washingtonpost.com/news/powerpost/paloma/the-energy-202/2017/09/06/the-energy-202-epa-cuts-funding-to-newspaper-reporting-on-it/59aef5a330fb04264c2a1ce9/?utm_term=.0d4ba6bac971

The Energy 202: EPA cuts funding to newspaper reporting on it

By Dino Grandoni, 9/6/17

For nearly three decades, the Environmental Protection Agency has funded the Bay Journal, a publication with a print circulation of 50,000 focused on covering environmental issues in the Chesapeake Bay.

Since its inception in 1991, and through four presidential administrations, the EPA financially backed the monthly newspaper — until last month when, without warning, the agency cut off the Bay Journal's funding.

"If this brings about the demise of the Bay Journal, it will be a devastating loss," said Will Baker, president of the Chesapeake Bay Foundation.

The cancellation of the $325,000 grant to the Bay Journal may just be one small piece of EPA chief Scott Pruitt's "back-to-basics" effort to reorient the agency toward its bare-bones, statutory responsibilities. But some Chesapeake Bay environmentalists note the

decision comes shortly off the heels of the Bay Journal's scrutinizing coverage of President Trump's environmental priorities.

It "seems suspicious to me that the Trump administration announced this cut after the Bay Journal reported, accurately, on how the administration's elimination of all federal funding for the Chesapeake Bay Program would be devastating to the bay," said Tom Pelton, director of communications for the Environmental Integrity Project and host of a radio show on Baltimore's WYPR about environmental issues in Maryland.

"I could see that that would be threatening," Betsy Nicholas, executive director of Waterkeepers Chesapeake, said of the Bay Journal's coverage, noting that she couldn't be sure why funding was cut. She added the loss of the grant "took everybody as a surprise."

In late June, the Bay Journal wrote a story on the "wide and deep swath" the White House's proposed budget would cut through Chesapeake Bay-related environmental initiatives, including most notably the Chesapeake Bay Program, a regional partnership meant to restore water quality in the bay that the Trump administration proposed to eliminate.

The proposed cuts, the article said, would "delay key environmental initiatives, end important research and spur experienced workers to leave their jobs." And the loss of the Chesapeake Bay Program could "dramatically set back cleanup efforts."

Another article, from March, that described Trump's proposed budget cuts as "steep" and "massive" was titled "Trump budget plan would slam Bay."

The EPA decided to cut off its funding to the Bay Journal two years into a six-year grant, citing in its notice a "shift in priorities" at the agency, without elaborating further. It is the only grant of its kind to come up for review by the EPA in 2017, according to an EPA official.

"It is highly unusual in that EPA is canceling the support in the middle of the award period rather than deciding not to renew," said Donald Boesch, a marine scientist at the University

of Maryland and president of the school's Center for Environmental Science. "In my experience, EPA has only done that when there has been noncompliance with the terms of the agreement or misconduct." Boesch added that neither appeared to be the case here.

When asked for the reasons that the grant was canceled, including whether the Bay Journal's coverage was a factor in the decision, EPA spokeswoman Amy Graham said in a statement: "It's not unprecedented for a new administration to conduct a thorough review of the previous administration's funding decisions, which is currently ongoing for all grants."

Graham added that the EPA is "focused on ensuring taxpayer funds are spent responsibly on programs that yield tangible results to protect clean air, land and water, and as part of that effort, funding for the Bay Journal will now go back into the Chesapeake Bay Program to fund other Chesapeake Bay grants."

Under Pruitt, the EPA has taken the unusual step of putting a political appointee, John Konkus, in charge of all grants it awards. So far, Konkus has canceled close to $2 million in competitively awarded grants to universities and nonprofit organizations. One priority, according to reporting from The Post's Juliet Eilperin, is to eliminate references to "the double C-word" — climate change — in solicitations.

The Bay Journal was slated in February to get the EPA grant, constituting about a third of the publication's overall budget. The monthly newspaper gets the rest of its funding from nonprofit grants and individual contributions.

Tim Wheeler, managing editor of the Bay Journal, was confident in an interview Tuesday that the publication could endure the loss of government funding.

"It's not going to put us out of business," Wheeler said, before adding that the editors "would like to be able to persuade the EPA to rethink its reasoning here."

When asked about the possibility of the Bay Journal's coverage playing a role in the decision, Wheeler said he couldn't say.

“Well, I would hope not,” he said, noting that the stories went unchallenged by the EPA. “They were pretty much straight reporting.”

To: Konkus, John[konkus.john@epa.gov]
Cc: Sylvester, Kenneth[Sylvester.Kenneth@epa.gov]
From: Polk, Denise
Sent: Wed 9/6/2017 8:52:40 PM
Subject: Revised Information we discussed
Unresolved Grant Issues as of 9-6-17.xlsx
Rescinded Grants.xlsx

Greetings, John,

The first attachment is the updated list of rescinded and other unresolved grant actions. The second attachment is what I sent to Ed Walsh. It contains additional information on the rescinded awards. Please let me know if you have any questions.

Thanks,

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

To: Konkus, John[konkus.john@epa.gov]
From: Jim Lakely
Sent: Wed 9/6/2017 3:02:16 PM
Subject: RE: WaPo

Sheesh. Are the career bureaucrats really going to scream like stuck pigs over every single dollar?

Jim Lakely
Director of Communications
The Heartland Institute
3939 North Wilke Drive

Arlington Heights, IL 60004

o: 312.377.4000
c: 312-731-9364
Twitter: @HeartlandInst

From: Konkus, John [mailto:konkus.john@epa.gov]
Sent: Wednesday, September 06, 2017 9:27 AM
To: Jim Lakely
Subject: RE: WaPo

Here's another grants story for you all to chew on, this one just popped…

Washington Post

https://www.washingtonpost.com/news/powerpost/paloma/the-energy-202/2017/09/06/the-energy-202-epa-cuts-funding-to-newspaper-reporting-on-it/59aef5a330fb04264c2a1ce9/?utm_term=.0d4ba6bac971

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It "seems suspicious to me that the Trump administration announced this cut after the Bay Journal reported, accurately, on how the administration's elimination of all federal funding for the Chesapeake Bay Program would be devastating to the bay," said Tom Pelton, director of communications for the Environmental Integrity Project and host of a radio show on Baltimore's WYPR about environmental issues in Maryland.

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The proposed cuts, the article said, would "delay key environmental initiatives, end important research and spur experienced workers to leave their jobs." And the loss of the Chesapeake Bay Program could "dramatically set back cleanup efforts."

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When asked for the reasons that the grant was canceled, including whether the Bay Journal’s coverage was a factor in the decision, EPA spokeswoman Amy Graham said in a statement: “It's not unprecedented for a new administration to conduct a thorough review of the previous administration's funding decisions, which is currently ongoing for all grants.”

Graham added that the EPA is “focused on ensuring taxpayer funds are spent responsibly on programs that yield tangible results to protect clean air, land and water, and as part of that effort, funding for the Bay Journal will now go back into the Chesapeake Bay Program to fund other Chesapeake Bay grants.”

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"Well, I would hope not," he said, noting that the stories went unchallenged by the EPA. "They were pretty much straight reporting."

From: Jim Lakely [mailto:JLakely@heartland.org]
Sent: Tuesday, September 5, 2017 5:04 PM
To: Konkus, John <konkus.john@epa.gov>
Subject: RE: WaPo

Heartland's new president, former Congressman Tim Huelskamp, tweeted about this in the AM.

https://twitter.com/CongHuelskamp/status/905104044636737536

Jim Lakely
Director of Communications
The Heartland Institute
3939 North Wilke Drive

Arlington Heights, IL 60004

o: 312.377.4000
c: 312-731-9364
Twitter: @HeartlandInst

From: Konkus, John [mailto:konkus.john@epa.gov]

Sent: Tuesday, September 05, 2017 2:10 PM
To: Jim Lakely
Subject: RE: WaPo

Thank you Jim!

I'll check on the invite for you.

From: Jim Lakely [mailto:JLakely@heartland.org]
Sent: Tuesday, September 5, 2017 3:07 PM
To: Konkus, John <konkus.john@epa.gov>
Subject: RE: WaPo

John,

This is outstanding! I didn't realize until reading it that the focus of the hit-piece was you. Congrats!

I've shared this story with all Heartland staff, asking them to jump to your aide and defend this position. I had to laugh, though, at the story. It's not that Eilperin would have written a story other than the pearl-clutching one she did. It's that she went to Christie Todd Whitman for comment. That she would defend the politicization of EPA grants – which for decades have gone only to alarmist nonprofits and scientists, not to mention wasteful scams like subsidizing "green" cookstoves – shows how EPA grows and becomes more alarmist through Republican and Democratic administrations alike. At least, that is, until now.

Congrats! And let me know how else we can help. I expect an op-ed, a couple of blog posts, some social media activity, and perhaps a podcast on this.

And don't forget! Can you check on our invitation to Administrator Pruitt to give a keynote address at our America First Energy Conference on November 8 in Houston? We've got three keynote slots, and I've got tentative affirmation from Zinke to take one of them. I'd love to have Zinke and Pruitt speak to an audience of hundreds of energy industry influentials.

Best,

Jim Lakely
Director of Communications
The Heartland Institute
3939 North Wilke Drive

Arlington Heights, IL 60004

o: 312.377.4000
c: 312-731-9364
Twitter: @HeartlandInst

From: Konkus, John [mailto:konkus.john@epa.gov]
Sent: Tuesday, September 05, 2017 9:27 AM
To: Jim Lakely
Subject: WaPo

Jim: Check out this article: https://www.washingtonpost.com/politics/epa-now-requires-political-aides-sign-off-for-agency-awards-grant-applications/2017/09/04/2fd707a0-88fd-11e7-a94f-3139abce39f5_story.html?hpid=hp_hp-more-top-stories_epagrants-730pm-winner%3Ahomepage%2Fstory

- Accountability and process being put in place to protect the taxpayers.

- An agency that's actually NOT spending the taxpayer's money!

- The last administration inserted its politics into nearly all funding awards, we're taking politics out.

- This is draining the swamp, it's what the American people voted for.

To: Graham, Amy[graham.amy@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Press[Press@epa.gov]
From: Grandoni, Dino
Sent: Wed 9/6/2017 12:30:07 PM
Subject: Re: Question from Washington Post on Bay Journal

Thanks for this

From: Graham, Amy <graham.amy@epa.gov>
Sent: Tuesday, September 5, 2017 5:38:12 PM
To: Grandoni, Dino; Bowman, Liz; Press
Subject: RE: Question from Washington Post on Bay Journal

Also, on background, the Bay Journal is the only grant of its kind to come up thus far in 2017.

From: Graham, Amy
Sent: Tuesday, September 5, 2017 5:36 PM
To: 'Grandoni, Dino' <Dino.Grandoni@washpost.com>; Bowman, Liz <Bowman.Liz@epa.gov>; Press <Press@epa.gov>
Subject: RE: Question from Washington Post on Bay Journal

Hi Dino – Here is a statement you may attribute to me:

"It's not unprecedented for a new administration to conduct a thorough review of the previous administration's funding decisions, which is currently ongoing for all grants. We are focused on ensuring taxpayer funds are spent responsibly on programs that yield tangible results to protect clean air, land and water, and as part of that effort, funding for the Bay Journal will now go back into the Chesapeake Bay program to fund other Chesapeake Bay grants." – Amy Graham, EPA spokesperson

Thanks,

Amy

From: Grandoni, Dino [mailto:Dino.Grandoni@washpost.com]
Sent: Tuesday, September 5, 2017 5:22 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Press <Press@epa.gov>

Subject: Re: Question from Washington Post on Bay Journal

Adding the press listserv....

From: Grandoni, Dino
Sent: Tuesday, September 5, 2017 4:42:25 PM
To: Liz Bowman,
Subject: Re: Question from Washington Post on Bay Journal

Should have noted, I just tried calling you at 202-564-3293 too.

From: Grandoni, Dino
Sent: Tuesday, September 5, 2017 4:39:21 PM
To: Liz Bowman,
Subject: Re: Question from Washington Post on Bay Journal

Bumping this message, with one follow-up question.

Is the EPA issuing a grant to any other publication right now, or was the Bay Journal alone in the regard?

From: Grandoni, Dino
Sent: Tuesday, September 5, 2017 2:36:01 PM
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Subject: Question from Washington Post on Bay Journal

Hi all,

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Some in the Chesapeake Bay environmental community have pointed out to me that the cancellation of the grant follows several articles in the Bay Journal that scrutinized the proposed budget cuts to the EPA's Bay-related programs. These included "Trump's budget cuts wide and deep swath through Bay-related programs[bayjournal.com]" and "Trump bid to axe Bay restoration funding draws fire[bayjournal.com]."

Why did the EPA decide to cancel Bay Journal's grant? Did the Bay Journal's previous coverage play a role in the EPA's decision-making process regarding the grant?

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Email or call me at 716-818-0825. We're hoping to publish tomorrow morning.

Best,

Dino

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To: Grandoni, Dino[Dino.Grandoni@washpost.com]; Bowman, Liz[Bowman.Liz@epa.gov]; Press[Press@epa.gov]
From: Graham, Amy
Sent: Tue 9/5/2017 9:36:17 PM
Subject: RE: Question from Washington Post on Bay Journal

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To: Konkus, John[konkus.john@epa.gov]
Cc: Sylvester, Kenneth[Sylvester.Kenneth@epa.gov]
From: Polk, Denise
Sent: Tue 9/5/2017 9:33:59 PM
Subject: Grants Information
Unresolved Grants Issues as of 090517.xlsx

Greetings, John,

Please see the attached document. It is divided by unresolved and rescinded awards as of today and includes the actions from this morning. Ex. 5 - Deliberative Process Ex. 5 - Deliberative Process Please let me know if you have any questions. Thanks!

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

To: Konkus, John[konkus.john@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]
From: Graham, Amy
Sent: Tue 9/5/2017 9:28:52 PM
Subject: RE: Question from Washington Post on Bay Journal

Ex. 5 - Deliberative Process

From: Konkus, John
Sent: Tuesday, September 5, 2017 5:12 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Subject: RE: Question from Washington Post on Bay Journal

Ex. 5 - Deliberative Process

From: Bowman, Liz
Sent: Tuesday, September 5, 2017 4:43 PM
To: Graham, Amy <graham.amy@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: FW: Question from Washington Post on Bay Journal

Can one of you please respond to him with a simple statement?

From: Grandoni, Dino [mailto:Dino.Grandoni@washpost.com]
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To: Bowman, Liz[Bowman.Liz@epa.gov]; Press[Press@epa.gov]
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Subject: Re: Question from Washington Post on Bay Journal

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Why did the EPA decide to cancel Bay Journal's grant? Did the Bay Journal's previous coverage play a role in the EPA's decision-making process regarding the grant?

I understand that the EPA sent notice to the Bay Journal about a "shift in priorities" at the agency to explain cutting off the grant, but that the notice did not elaborate on what that shift meant. Also, Juliet tells me the EPA told her on background: "In this instance it is worth noting that Administrator Pruitt is very supportive of working with the region on the shared environmental goals of the Chesapeake Bay, which is a separate issue than the Agency spending $325K on ads and/or publication of a local newspaper."

Email or call me at 716-818-0825. We're hoping to publish tomorrow morning.

Best,

Dino

To: Graham, Amy[graham.amy@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Bowman, Liz
Sent: Tue 9/5/2017 8:42:49 PM
Subject: FW: Question from Washington Post on Bay Journal

Can one of you please respond to him with a simple statement?

From: Grandoni, Dino [mailto:Dino.Grandoni@washpost.com]
Sent: Tuesday, September 5, 2017 4:39 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: Question from Washington Post on Bay Journal

Bumping this message, with one follow-up question.

Is the EPA issuing a grant to any other publication right now, or was the Bay Journal alone in the regard?

From: Grandoni, Dino
Sent: Tuesday, September 5, 2017 2:36:01 PM
To: Liz Bowman,
Subject: Question from Washington Post on Bay Journal

Hi all,

Hope you had a good Labor Day weekend.

I'm emailing because I'm writing a follow-up story to one that my colleague, Juliet, published today on the EPA's grant-approval process. Specifically, it's about the grant funding the Bay Journal, which I know you and Juliet discussed.

Some in the Chesapeake Bay environmental community have pointed out to me that the cancellation of the grant follows several articles in the Bay Journal that scrutinized the

proposed budget cuts to the EPA's Bay-related programs. These included "Trump's budget cuts wide and deep swath through Bay-related programs" and "Trump bid to axe Bay restoration funding draws fire."

Why did the EPA decide to cancel Bay Journal's grant? Did the Bay Journal's previous coverage play a role in the EPA's decision-making process regarding the grant?

I understand that the EPA sent notice to the Bay Journal about a "shift in priorities" at the agency to explain cutting off the grant, but that the notice did not elaborate on what that shift meant. Also, Juliet tells me the EPA told her on background: "In this instance it is worth noting that Administrator Pruitt is very supportive of working with the region on the shared environmental goals of the Chesapeake Bay, which is a separate issue than the Agency spending $325K on ads and/or publication of a local newspaper."

Email or call me at 716-818-0825. We're hoping to publish tomorrow morning.

Best,

Dino

To: Lyons, Troy[lyons.troy@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]
Cc: Konkus, John[konkus.john@epa.gov]
From: Bowman, Liz
Sent: Mon 8/28/2017 4:32:22 PM
Subject: RE: Bay Journal

We should pull subscription data

From: Lyons, Troy
Sent: Monday, August 28, 2017 12:30 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>
Subject: FW: Bay Journal

From: Ann Swanson [mailto:aswanson@chesbay.us]
Sent: Monday, August 28, 2017 12:22 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Barbery, Andrea <Barbery.Andrea@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>
Subject: Bay Journal

Dear Troy:

Here is the copy of the letter that I called you about today. I hope that you will do what you can to make sure that this termination decision is reversed and that Federal funding continues to support the good work of the *BayJournal*. If you do not have a subscription to the Journal, you should sign up for it. You will quickly see why the Bay Commission is so willing to go to bat for it.

Thank you for your attention to this important request,
Ann

To: Bowman, Liz[Bowman.Liz@epa.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]
Cc: Konkus, John[konkus.john@epa.gov]
From: Lyons, Troy
Sent: Mon 8/28/2017 4:30:27 PM
Subject: FW: Bay Journal
BayJournalPruittLetterCBC.pdf

From: Ann Swanson [mailto:aswanson@chesbay.us]
Sent: Monday, August 28, 2017 12:22 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Barbery, Andrea <Barbery.Andrea@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>
Subject: Bay Journal

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Thank you for your attention to this important request,
Ann

To: Konkus, John[konkus.john@epa.gov]
From: Graham, Amy
Sent: Thur 8/24/2017 11:12:07 PM
Subject: Fwd: Bay Journal grant cut

Can you help with this?

Sent from my iPhone

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Dance, Scott" <sdance@baltsun.com>
Date: August 24, 2017 at 6:47:32 PM EDT
To: "Graham, Amy" <graham.amy@epa.gov>
Cc: Press <Press@epa.gov>
Subject: Re: Bay Journal grant cut

Sorry for the delay. That doesn't make sense -- in the grant database I see it much more than twice? Has it gotten different grants in the past?

On Aug 24, 2017, at 1:07 PM, Graham, Amy <graham.amy@epa.gov> wrote:

Hi Scott - Here is a statement for your story:

"It's not unprecedented for a new administration to conduct a thorough review of the previous administration's funding decisions, which is currently ongoing for all grants, including those that are mid-cycle. We are focused on ensuring taxpayer funds are spent responsibly on programs that yield tangible results to protect clean air, land and water." – Amy Graham, EPA spokesperson

On background: The Bay Journal received this EPA grant for two out of its 27 year history, and the newspaper was informed within the grant that "there is no guarantee of funding throughout this period or beyond."

Thanks,

Amy

On Aug 23, 2017, at 3:34 PM, Dance, Scott <sdance@baltsun.com> wrote:

Hello,

I am writing about EPA's decision to cut short a multi-year grant to the Chesapeake Bay Journal. Can you confirm this cut is being made? Why is the grant being cut? I understand it was slated to last another four years – how can EPA cut it before that?

Scott Dance

The Baltimore Sun

@ssdance / @MdWeather

(410) 332-6042 (office)

(443) 604-3871 (cell)

To: Graham, Amy[graham.amy@epa.gov]
Cc: Press[Press@epa.gov]
From: Dance, Scott
Sent: Thur 8/24/2017 10:47:32 PM
Subject: Re: Bay Journal grant cut

Sorry for the delay. That doesn't make sense -- in the grant database I see it much more than twice? Has it gotten different grants in the past?

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Scott Dance

The Baltimore Sun

@ssdance / @MdWeather

(410) 332-6042 (office)

(443) 604-3871 (cell)

To: Press[Press@epa.gov]
From: Ariel Wittenberg
Sent: Wed 1/3/2018 4:01:22 PM
Subject: RE: Bay Journal grant--E&E News

Checking in one more time as my deadline is now. If I don't receive a response I will say,

"EPA did not respond to multiple requests for comment."

Ariel

From: Ariel Wittenberg
Sent: Wednesday, January 03, 2018 9:23 AM
To: 'Press' <Press@epa.gov>
Subject: RE: Bay Journal grant--E&E News

Hi there,

Wanted to check in with you all again and make sure you saw this request. Again, my deadline is 11 a.m.

Ariel

From: Ariel Wittenberg
Sent: Tuesday, January 02, 2018 5:13 PM
To: Press <Press@epa.gov>
Subject: Bay Journal grant--E&E News

Hello all,

Hope everyone had a Happy New Years. I'm working on an article that will publish in tomorrow's Greenwire edition about the decision to cut funding to the Bay Journal.

I've obtained emails from Nicholas DiPasquale, former-head of the Chesapeake Bay Program, to John and Cecil Rodrigues, former acting head of Region 3, regarding an Aug. 15 phone call between Nicholas and John.

According to the account laid out in those emails, the Aug. 15 phone call began with John bringing up a 2012 IG audit of a grant awarded to the Alliance for the Chesapeake Bay that was then used to fund the Journal's publication. After Nicholas explained that the audit was not of the Bay Journal itself and did not find an issue with the paper's financial management, John then questioned whether EPA should be providing funding for a newspaper. Nicholas then responded that EPA is required by Section 117 of the Clean Water Act to educate the public about the Chesapeake Bay Program. According to the account laid out in the emails, John also questioned whether the Bay Journal adequately indicated that it receives federal funds, to which Nicholas replied that they disclose that on the second page of their print editions and on the "about us" page of their website. Again, according to the account laid out in the emails, John then said "the American people have major concerns with newspapers and the media" and that the issue had gotten the attention of other political appointees in the agency, including Holly Greaves.

I have also obtained a number of emails between John Konkus and members of EPA's Office of Grants and Debarement showing his initial concern about the Bay Journal grant and questioning the aforementioned 2012 IG report.

I have already contacted John personally to ask for his comment (he declined), and spoken to Nicholas. I wanted to give EPA (the institution) an opportunity to comment on the specifics of the account above, as well as the reasons for cutting funding to the Bay Journal. Additionally, I wanted to ask whether you have any comment on criticisms from the Bay Journal's attorneys that the Trump administration's criticism of the press is at play in the decision to cut funding.

My deadline is 11 a.m.

Thanks,

Ariel

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E&E News reporter

awittenberg@eenews.net

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To: Abboud, Michael[abboud.michael@epa.gov]; Konkus, John[konkus.john@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Block, Molly[block.molly@epa.gov]
From: Bowman, Liz
Sent: Wed 1/3/2018 3:35:05 PM
Subject: RE: Bay Journal grant--E&E News

Ex. 5 - Deliberative Process

From: Abboud, Michael
Sent: Wednesday, January 3, 2018 9:51 AM
To: Konkus, John <konkus.john@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Block, Molly <block.molly@epa.gov>
Subject: FW: Bay Journal grant--E&E News

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Ariel Wittenberg [mailto:awittenberg@eenews.net]
Sent: Wednesday, January 3, 2018 9:23 AM
To: Press <Press@epa.gov>
Subject: RE: Bay Journal grant--E&E News

Hi there,

Wanted to check in with you all again and make sure you saw this request. Again, my deadline is 11 a.m.

Ariel

From: Ariel Wittenberg
Sent: Tuesday, January 02, 2018 5:13 PM
To: Press <Press@epa.gov>
Subject: Bay Journal grant--E&E News

Hello all,

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I have also obtained a number of emails between John Konkus and members of EPA's Office of Grants and Debarement showing his initial concern about the Bay Journal grant and questioning the aforementioned 2012 IG report.

I have already contacted John personally to ask for his comment (he declined), and spoken to Nicholas. I wanted to give EPA (the institution) an opportunity to comment on the specifics of the account above, as well as the reasons for cutting funding to the Bay Journal. Additionally, I wanted to ask whether you have any comment on criticisms from the Bay Journal's attorneys that the Trump administration's criticism of the press is at play in the decision to cut funding.

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Ariel Wittenberg

E&E News reporter

awittenberg@eenews.net

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To: Abboud, Michael[abboud.michael@epa.gov]; Konkus, John[konkus.john@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]; Block, Molly[block.molly@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]
From: Wilcox, Jahan
Sent: Wed 1/3/2018 2:55:40 PM
Subject: RE: Bay Journal grant--E&E News

Ex. 5 - Deliberative Process

From: Abboud, Michael
Sent: Wednesday, January 3, 2018 9:51 AM
To: Konkus, John <konkus.john@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Block, Molly <block.molly@epa.gov>
Subject: FW: Bay Journal grant--E&E News

Ex. 5 - Deliberative Process

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM, E&ETV

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From: Ariel Wittenberg
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Subject: RE: Bay Journal grant--E&E News

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM, E&ETV

To: Press[Press@epa.gov]
From: Ariel Wittenberg
Sent: Tue 1/2/2018 10:12:57 PM
Subject: Bay Journal grant--E&E News

Hello all,

Hope everyone had a Happy New Years. I'm working on an article that will publish in tomorrow's Greenwire edition about the decision to cut funding to the Bay Journal.

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My deadline is 11 a.m.

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Ariel

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E&E News reporter

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM, E&ETV

To: Press[Press@epa.gov]
From: Grantham, Nancy
Sent: Tue 1/2/2018 9:10:36 PM
Subject: FW: Bay Journal--E&E News MEDIA INQUIRY -- DEADLINE 1/3/17
DiPasquale memo to Rodrigues.pdf

Ex. 5 - Deliberative Process

Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

From: White, Terri-A
Sent: Tuesday, January 02, 2018 4:08 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; schafer, joan <schafer.joan@epa.gov>
Subject: FW: Bay Journal--E&E News MEDIA INQUIRY -- DEADLINE 1/3/17
Importance: High

Hi Nancy,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Thanks. – Terri

Terri

Terri A. White

Deputy Director

Office of Communications and Government Relations

EPA Region 3

215-814-5523

white.terri-a@epa.gov

From: Ariel Wittenberg [mailto:awittenberg@eenews.net]
Sent: Tuesday, January 02, 2018 2:34 PM
To: White, Terri-A <White.Terri-A@epa.gov>
Subject: Bay Journal--E&E News

Hi Terri,

Nice speaking with you on the phone earlier today. As I mentioned, I am working on an article about the role John Konkus played in terminating the Bay Journal's grant. I contacted you because I am planning on quoting an email you sent to Cecil Rodrigues on Aug. 16 in response to an email from Nicholas DiPasquale outlining a phone conversation you and he had with John Konkus the day before. I wanted to give you the opportunity to comment further on the conversation.

My deadline is 11 a.m. tomorrow (1/3).

Thanks,

Ariel

Ariel Wittenberg

E&E News reporter

awittenberg@eenews.net

202-737-4557

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM, E&ETV

To: Rodrigues, Cecil[rodrigues.cecil@epa.gov]
Cc: DiPasquale, Nicholas[dipasquale.nicholas@epa.gov]; Edward, James[edward.james@epa.gov]; White, Lisa[WHITE.LISA@EPA.GOV]; Smith, William (Region 3)[smith.william@epa.gov]
From: Esher, Diana
Sent: Wed 11/15/2017 2:08:30 PM
Subject: Fwd: Bay Journal FOIA

;;;
FYI

Sent from my iPhone
Diana Esher
USEPA Region 3
215-814-2706

Begin forwarded message:

From: "White, Lisa" <WHITE.LISA@EPA.GOV>
Date: November 7, 2017 at 8:51:34 AM EST
To: "Polk, Denise" <Polk.Denise@epa.gov>, "Neal, Kerry" <neal.kerry@epa.gov>, "Askew, Wendel" <Askew.Wendel@epa.gov>, "Drummond, James" <Drummond.James@epa.gov>
Cc: "Esher, Diana" <Esher.Diana@epa.gov>, "Krakowiak, John" <Krakowiak.John@epa.gov>
Subject: FW: Bay Journal FOIA

Good Morning,

Ex. 5 - Deliberative Process

Michael D'Andrea is the Regional PA director. Thanks.lw

From: D'Andrea, Michael
Sent: Monday, November 6, 2017 3:08 PM
To: White, Lisa <WHITE.LISA@EPA.GOV>; Edward, James <edward.james@epa.gov>
Subject: FW: Bay Journal FOIA

Lisa and Jim,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

FYI - The FEAT members working on the FOIA are Nicole Rementer and Christopher Creech.

They could call you.

Read more below.

Mike

From: D'Andrea, Michael
Sent: Monday, November 06, 2017 2:44 PM
To: Smith, William (Region 3) <smith.william@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>; Debes, Alison <debes.alison@epa.gov>; Graff, Jeannine <graff.jeannine@epa.gov>; graham, benita <graham.benita@epa.gov>; Linda Miller <Miller.Linda@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>
Subject: Bay Journal FOIA

I had a call with HQ OPA today on the Bay Journal FOIA from Democracy Forward. The OPA folks had OPA FEAT members on with them.

Bottom line:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks for everyone's help.

Mike

To: Rodrigues, Cecil[rodrigues.cecil@epa.gov]
Cc: D'Andrea, Michael[DANDREA.MICHAEL@EPA.GOV]; schafer, joan[schafer.joan@epa.gov]
From: White, Terri-A
Sent: Tue 1/2/2018 8:54:11 PM
Subject: FW: Bay Journal--E&E News
DiPasquale memo to Rodrigues.pdf

.....
,,,,,
Cecil,

Ex. 5 - Deliberative Process Terri

Terri

Terri A. White

Deputy Director

Office of Communications and Government Relations

EPA Region 3

215-814-5523

white.terri-a@epa.gov

From: Ariel Wittenberg [mailto:awittenberg@eenews.net]
Sent: Tuesday, January 02, 2018 2:34 PM
To: White, Terri-A
Subject: Bay Journal--E&E News

Hi Terri,

Nice speaking with you on the phone earlier today. As I mentioned, I am working on an article about the role John Konkus played in terminating the Bay Journal's grant. I contacted you because I am planning on quoting an email you sent to Cecil Rodrigues on Aug. 16 in response to an email from Nicholas DiPasquale outlining a phone conversation you and he had with John Konkus the day before. I wanted to give you the opportunity to comment further on the conversation.

My deadline is 11 a.m. tomorrow (1/3).

Thanks,

Ariel

Ariel Wittenberg

E&E News reporter

awittenberg@eenews.net

202-737-4557

@arielwittenberg

E&E NEWS

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM, E&ETV

To: Wagner, Kenneth[wagner.kenneth@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]
Cc: Barbery, Andrea[Barbery.Andrea@epa.gov]
From: Ann Swanson
Sent: Mon 10/23/2017 10:37:40 PM
Subject: Bay Journal
CBC Agenda Nov. 9-10 2017 FINAL.pdf

Hi Ken and Troy:

The members have asked me to provide them with an update as part of our November 9-10 meeting agenda on the status of our request for EPA to reverse its decision not to fund the Bay Journal for the completion of the six-year grant cycle. The agenda is attached (see Chairman's Updates on November 10). Can you please provide me with an update (verbal is fine) so that I can properly convey where you are in the decision making process? I am in the office all day tomorrow so I will be easily reached on either my desk or cell phone line.

Thanks.

Ann

To: Barbery, Andrea[Barbery.Andrea@epa.gov]
Cc: Lyons, Troy[lyons.troy@epa.gov]
From: Wagner, Kenneth
Sent: Wed 11/15/2017 6:43:34 PM
Subject: Re: Bay Journal Media, Inc. v. United States Environmental Protection Agency, US DIS DCD 1:17cv2441

Thanks Andrea

Kenneth E. Wagner

Senior Advisor to the Administrator

For Regional and State Affairs

U S Environmental Protection Agency

202-564-1988 office

202-309-2418 cell

wagner.kenneth@epa.gov

On Nov 15, 2017, at 11:16 AM, Barbery, Andrea <Barbery.Andrea@epa.gov> wrote:

Hi. Did you see this? Bay Journal is suing EPA…

Begin forwarded message:

> **From:** "Askew, Wendel" <Askew.Wendel@epa.gov>
> **Date:** November 14, 2017 at 7:47:43 PM EST
> **To:** "Polk, Denise" <Polk.Denise@epa.gov>, "Neal, Kerry" <neal.kerry@epa.gov>, "Smith, William (Region 3)" <smith.william@epa.gov>, "White, Lisa" <WHITE.LISA@EPA.GOV>, "Edward, James" <edward.james@epa.gov>
> **Cc:** "Drummond, James" <Drummond.James@epa.gov>
> **Subject: FW: Bay Journal Media, Inc. v. United States Environmental Protection Agency, US DIS DCD 1:17cv2441**
>
> Hi everyone,

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Wendel Askew

Assistant General Counsel for Assistance Law

Office of General Counsel

Mail Code 2399A

202-564-3987

7454H WJCN

From: Turley, Jennifer
Sent: Tuesday, November 14, 2017 10:16 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: Bay Journal Media, Inc. v. United States Environmental Protection Agency, US DIS DCD 1:17cv2441

<Courtlink_Document _US_DIS_DCD_1.17cv2441_ 11.14.2017.pdf>

<Courtlink_Docket_US_DIS_DCD_1.17cv2441_ 11.13.2017.htm>