To: CN=Kathleen Goforth/OU=R9/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Philip Woods/OU=R9/O=USEPA/C=US
Sent: Fri 10/20/2000 12:03:41 AM
Subject: Re: 1995 promulgation & Delta Plan approval consultations?
Database 'Philip Woods', View '($Inbox)'
Database 'Kathleen Goforth 's Mail', View '($Inbox)'

I located the FRs; however, I only copied the final one before running out of day. It is on my "out box" in case you are in before I am.

Kathleen Goforth
10/19/2000 02:46 PM
To: Philip Woods/R9/USEPA/US@EPA
cc:
Subject: Re: 1995 promulgation & Delta Plan approval consultations?

Thanks -- I'll take you up on your FR notices offer. That sounds like a good place to start. I'm relieved to know that a consultation was done on those actions!

Philip Woods
10/19/2000 08:45 AM
To: Kathleen Goforth/R9/USEPA/US@EPA
cc:
Subject: Re: 1995 promulgation & Delta Plan approval consultations?

Kathy,
The promulgation was even part of a joint federal package in coordination with NMFS and FWS ESA actions. The "1995 Delta Plan" was the State action that largely replaced the federal WQS promulgation (EPA approved the "1995 Delta Plan" although I don't believe that the federal withdrawal action was ever completed because the "1995 Delta Plan" was challenged in court. Tom Hagler has been tracking the situation for R9.) There was extensive ESA consultation on the promulgation that "rolled over" to the "1995 Delta Plan" because of its nearly identical nature. If I remember correctly, the ESA consultation was described in the FRs for the promulgation- probably most extensively in the proposed rule. That description may be sufficient for your purposes. Because of the expectation of legal challenge, that later turned to reality, very formal files were maintained in an 11th floor cube; however, when that cube was needed, the files were "carefully boxed" but bumped around several times. The last time I recall seeing them they were in a cube opposite Cat's office. Susan Hatfield and Bruce Herbold actively participated in developing and maintaining the files and would be the best hope in box detective work. (I truly hope that the FR texts are sufficient for your use. If the Services don't like it, challenge them to find otherwise in their files! I will peer into the cube to look for the stack of boxes but would prefer to not go further.) If you need the FR notices, I can come up with those.

Kathleen Goforth
10/18/2000 01:21 PM

ED_000733_DD_NSF_00074554-00001

To: Philip Woods/R9/USEPA/US@EPA
cc:
Subject: 1995 promulgation & Delta Plan approval consultations?

Phil -
I'm working on the BE for the 1989-'95 amendments to the Sacramento/San Joaquin basin plan. Several of the amendments simply codified, into the basin plan, provisions that had previously been either promulgated (i.e., 40 CFR 131.37, promulgated 1/24/95) or adopted and approved (i.e., the "1995 Delta Plan"). Were ESA consultations done for either of those actions? If so, who has the consultation records?
-Kathy

ED_000733_DD_NSF_00074554-00002