Message

From: Robinson, Valois [Robinson.Valois@epa.gov]
Sent: 10/22/2019 3:43:11 PM
To: Minter, Douglas [Minter.Douglas@epa.gov]
Subject: RE: November 19, 2019 Meeting Invitation - EPA Region 8/Tribal Attorneys

Thanks! That would be great!

Valois

Valois Robinson
U.S. EPA Region 8
MailCode: 8WD-SDU
1595 Wynkoop Street
Denver, CO 80202-1129
Phone: (303) 312-6276
Fax: (303) 312-6741
Email: robinson.valois@epa.gov

From: Minter, Douglas <Minter.Douglas@epa.gov>
Sent: Tuesday, October 22, 2019 9:42 AM
To: Robinson, Valois <Robinson.Valois@epa.gov>
Subject: RE: November 19, 2019 Meeting Invitation - EPA Region 8/Tribal Attorneys

Ok thanks. Would you like me to send everyone an invite to meet within the next few days? That would give us more time to prepare.

From: Robinson, Valois <Robinson.Valois@epa.gov>
Sent: Tuesday, October 22, 2019 9:40 AM
To: Minter, Douglas <Minter.Douglas@epa.gov>
Subject: RE: November 19, 2019 Meeting Invitation - EPA Region 8/Tribal Attorneys

A briefing is a good idea. The questions will require some time to answer and I was hoping to focus on the transcript today. I will reply to Paul and let him know we will get back with him later today. Thanks!

Valois

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U.S. EPA Region 8
MailCode: 8WD-SDU
1595 Wynkoop Street
Denver, CO 80202-1129
Phone: (303) 312-6276
Fax: (303) 312-6741

Email: robinson.valois@epa.gov

From: Minter, Douglas <Minter.Douglas@epa.gov>
Sent: Tuesday, October 22, 2019 9:37 AM
To: Robinson, Valois <Robinson.Valois@epa.gov>
Subject: FW: November 19, 2019 Meeting Invitation - EPA Region 8/Tribal Attorneys

Hi Valois: if you think it would be better to schedule a brief meeting for you/us to cover all this, that would be fine with me. Otherwise, let me know what questions (if any), I can help with.

Thanks,

Douglas

From: Logan, Paul <Logan.Paul@epa.gov>
Sent: Tuesday, October 22, 2019 9:32 AM
To: Minter, Douglas <Minter.Douglas@epa.gov>; Robinson, Valois <Robinson.Valois@epa.gov>
Cc: Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>
Subject: RE: November 19, 2019 Meeting Invitation - EPA Region 8/Tribal Attorneys

Valois and Douglas,

Ex. 5 AC/DP

Thanks Valois and Douglas -

Paul Logan
Senior Assistant Regional Counsel | EPA Region 8, Office of Regional Counsel
303.312.6854 | logan.paul@epa.gov

From: Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>
Sent: Wednesday, October 2, 2019 2:44 PM
To: Minter, Douglas <Minter.Douglas@epa.gov>; Robinson, Valois <Robinson.Valois@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>
Cc: Logan, Paul <Logan.Paul@epa.gov>
Subject: RE: November 19, 2019 Meeting Invitation - EPA Region 8/Tribal Attorneys

That sounds great, thanks Douglas

From: Minter, Douglas <Minter.Douglas@epa.gov>
Sent: Wednesday, October 02, 2019 2:34 PM
To: Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; Robinson, Valois <Robinson.Valois@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>
Cc: Logan, Paul <Logan.Paul@epa.gov>
Subject: RE: November 19, 2019 Meeting Invitation - EPA Region 8/Tribal Attorneys

Hi Kimi: I think we can work from some of the documents we have already drafted. We should have more time the week after next when Valois and I are back from travel in SD.

douglas

From: Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>
Sent: Wednesday, October 2, 2019 1:28 PM
To: Minter, Douglas <Minter.Douglas@epa.gov>; Robinson, Valois <Robinson.Valois@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>
Cc: Logan, Paul <Logan.Paul@epa.gov>
Subject: FW: November 19, 2019 Meeting Invitation - EPA Region 8/Tribal Attorneys

Hi Douglas and Valois,

Ex. 5 AC/DP

Kimi

From: Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>
Sent: Thursday, September 19, 2019 10:15 AM
To: sazure@fortpecktribes.net; 'dgray@blackfeetnation.com'; kurt.spilker@crst-nsn.gov; jwhiteing@whiteinglaw.com; kurt.spilker@crst-nsn.gov; leannmontes@hotmail.com; Daniel Belcourt <danbelcourt@aol.com>; john.harrison@cskt.org; stu.levit@cskt.org; ssandvenlaw@aol.com; Dennis Bear Dont Walk <Dennis.BearDontWalk@crow-nsn.gov>; Seth Pearman <seth.pearman@fsst.org>; cataragon51@aol.com; Daniel Belcourt <danbelcourt@aol.com>; adamskilaw@nincomm.com; Brian Chestnut <bchestnut@ziontzchestnut.com>; Wyatt Golding <wgolding@ziontzchestnut.com>; Joshua Osborne-Klein <joshok@ziontzchestnut.com>; dkillsback77@gmail.com; mark@echohawk.com; jbeareagle.ost@gmail.com; Russel D. Zephier <Rdzephier@hotmail.com>; lisac@oglala.org; eric.antoine@rst-nsn.gov; Shaun Eastman <ShaunE@SWO-NSN.GOV>; lhall@southernute-nsn.gov; jbegay@southernute-nsn.gov; smaynes@mbssllp.com; ddepountis@standingrock.org; Leland Begay <lelandbegay@utemountain.org>; cdogeagle@mhanation.com; Peter Ortego <portego@utemountain.org>; Alysia.lacounte@gmail.com; Alysia.lacounte@tmbci.org; Jeremy Patterson <JPatterson@ndnlaw.com>; atciftysr@aol.com; trealbird@ndnlaw.com; gstrommer@hobbsstraus.com; ssandvenlaw@aol.com; mark@echohawk.com; jfredericks@jf3law.com; heatherw@narf.org
Cc: Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Sutin, Elyana <Sutin.Elyana@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>; Swanson, Amy <Swanson.Amy@epa.gov>; Volk, Everett <volk.everett@epa.gov>; Perkins, Erin

<Perkins.Erin@epa.gov>; Denawa, Mai <Denawa.Mai@epa.gov>; Logan, Paul <Logan.Paul@epa.gov>; Piggott, Amelia <Piggott.Amelia@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>; Agee, Erin <Agee.Erin@epa.gov>; Castelli, Matthew <castelli.matthew@epa.gov>; Livingston, Peggy <Livingston.Peggy@epa.gov>; Muller, Sheldon <Muller.Sheldon@epa.gov>; Eads, Andrew <eads.andrew@epa.gov>; Clay, Lisa H CIV USARMY CESPK (US) <Lisa.H.Clay@usace.army.mil>; Kuehl, Kallie D SPA <Kallie.D.Kuehl@usace.army.mil>; Summer, M L (LeeAnn) CIV USARMY CESPA (US <LeeAnn.Summer@usace.army.mil>; Lyon, Amanda A CIV CENWO CENWD (USA) <Amanda.A.Lyon@usace.army.mil>
Subject: November 19, 2019 Meeting Invitation - EPA Region 8/Tribal Attorneys

Hello,
I hope this e-mail finds you well as we move from summer into fall. The EPA Region 8 Office of Regional Counsel would like to invite you to join us for the next EPA/Tribal attorneys teleconference meeting on **Tuesday, November 19, 2019 from 10:00 am – 11:30 am Mountain Standard Time**. (We plan to host the next in-person meeting in March of 2020).

Below is a Draft Agenda for the meeting. Since a significant part of the agenda is focused on recent Clean Water Act legal and policy developments, we have invited attorneys for the Corps of Engineers offices that intersect with EPA Region 8 to join us for the discussion. The links to various documents relevant to our discussion are included below, as well as upcoming comment deadlines in bold.

Please note that the agenda includes time for updates from Tribal attorneys on any topics or legal issues that may be of interest to the group. We would love to hear from you if you have topics or thoughts to share. Our hope is that these meetings will generate dialogue among the entire group in the spirit of sharing information and the benefit of your experiences and expertise.

We hope you will be able to join us and thank you for your engagement with our office and this group.

Thank you and take care,
Kimi

*Please let me know if you would like to be removed from this group list or if you are aware of other attorneys that should be included.

Kimi Matsumoto
Senior Assistant Regional Counsel
Legal Counseling & FOIA Branch
U.S. EPA Region 8 Office of Regional Counsel
1595 Wynkoop Street
Denver, CO 80202
303.312.6875

EPA Region 8, Corps of Engineers and Tribal Attorneys Meeting
November 19, 2019
DRAFT AGENDA

Attendees
EPA Region 8 Office of Regional Counsel Attorneys, Tribal Attorneys, Corps of Engineers Attorneys

Logistics
Date: Tuesday, November 19, 2019
Time: 10:00 am – 11:30 am, Mountain Standard Time
Call in number: : +1 (202) 991-0477, ID #8821449

Discussion:

- Welcome and Introductions (EPA) - 10 min

- EPA Region 8 ORC Reorganization (EPA) - 10 min

- Legal Matters/Topics of General Interest from Tribal attorneys (Tribal attorneys) – 20 min

- Clean Water Act – Recent Developments (EPA CWA attorneys and Corps attorneys) – 40 min

  - CWA Waters of the United States
    - Link to EPA WOTUS website: https://www.epa.gov/wotus-rule
    - Sept. 2019, Final Rule – Recodification of Pre-Existing Rules (Repeal of 2015 Rule)
    - Link to Repeal of 2015 Rule website: https://www.epa.gov/wotus-rule/step-one-repeal
    - Link to Sept. 2019 Final Rule: https://www.epa.gov/sites/production/files/2019-09/documents/wotus_rin-2040-af74_final_frn_prepub2.pdf
    - Feb. 14, 2019 Proposed Rule – Revised Definition of "Waters of the United States"
    - Link to Revised Definition of WOTUS website: https://www.epa.gov/wotus-rule/step-two-revise
    - Link to Feb. 14, 2019 Proposed Rule: https://www.federalregister.gov/documents/2019/02/14/2019-00791/revised-definition-of-waters-of-the-united-states

  - CWA 401 certifications
    - August 22, 2019 Proposed Rule – Updating Regulations on Water Quality Certification: **Comments due Oct. 21, 2019** https://www.epa.gov/cwa-401/proposed-rule-updating-regulations-water-quality-certification-0
    - June 7, 2019 CWA Section 401 Guidance for Federal Agencies, States and Authorized Tribes https://www.epa.gov/sites/production/files/2019-06/documents/cwa_section_401_guidance.pdf

  - EPA Interpretative Statement on Application of the Clean Water Act National Pollutant Discharge Elimination System Program to Releases of Pollutants From a Point Source to Groundwater, April 23, 2019
    - https://www.govinfo.gov/content/pkg/FR-2019-04-23/pdf/2019-08063.pdf

  - CWA TAS – update

  - June 3, 2019 Policy for EPA Review and Action on CWA Program Submittals
    - Link to Policy: https://www.epa.gov/sites/production/files/2019-06/documents/policy_for_the_epas_review_and_action_on_cwa_program_submittals_0.pdf

  - EPA Water Reuse Action Plan
    - Link to Sept. 16, 2019 Federal Register Notice - Draft National Water Reuse Action Plan**: Comments due Dec. 16, 2019** https://www.federalregister.gov/documents/2019/09/16/2019-19984/draft-national-water-reuse-action-plan

- Discuss Next EPA/Region 8 Tribal Attorneys In-Person Meeting in Conjunction with Spring RTOC and Tribal Leaders meeting at EPA Region 8 (EPA) – 10 min.
  - Interest and potential agenda topics