Message

From: Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
Sent: 8/20/2020 8:14:37 PM
To: Hurld, Kathy [Hurld.Kathy@epa.gov]; Beck, Whitney [beck.whitney@epa.gov]; McDavit, Michael W. [Mcdavit.Michael@epa.gov]
Subject: RE: language on ESA consultation to include in FL FRN

OK, I'm happy to do that.

Whitney, can you please send me the first part of the document, leaving out the assumption package info and I'll get John to look. I'll then move to Antonio and David Risley with the reminder that this needs to go live early next week.

thanks

Mindy Eisenberg
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Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4504T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Hurld, Kathy <Hurld.Kathy@epa.gov>
Sent: Thursday, August 20, 2020 4:07 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Subject: RE: language on ESA consultation to include in FL FRN

Okay, if this is true, we will need you, Mindy, to get folks to focus tomorrow and Monday (while they are revising and reviewing Dave's edits to the actual documents). I would only share the changes to the one doc page and not the updates under the program approval process. We are simply stating what they are approving in the ESA document and it will get confusing.

From: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Sent: Thursday, August 20, 2020 4:04 PM
To: Beck, Whitney <beck.whitney@epa.gov>; Hurld, Kathy <Hurld.Kathy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Subject: RE: language on ESA consultation to include in FL FRN

Given sensitivity, it should go to Antonio to clear John/Sandra and then to David Risley/Lauren Mayer. Hopefully not a big deal, but I want to make sure everyone is set.

Thanks!

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From: Beck, Whitney <beck.whitney@epa.gov>
Sent: Thursday, August 20, 2020 4:01 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Hurld, Kathy <Hurld.Kathy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Subject: RE: language on ESA consultation to include in FL FRN

Thanks Mindy! Can you advise on next steps?

One of your comments mentioned "OW comms" but I thought you and Mike could review/approve material for existing pages. I understand given the nature of the updates, others may want to review but am not sure exactly who you're envisioning.

Best,
Whitney

From: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Sent: Thursday, August 20, 2020 3:47 PM
To: Beck, Whitney <beck.whitney@epa.gov>; Hurld, Kathy <Hurld.Kathy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Subject: RE: language on ESA consultation to include in FL FRN

Looks good! I just had a couple of edits/comments.

thanks

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From: Beck, Whitney <beck.whitney@epa.gov>
Sent: Thursday, August 20, 2020 2:28 PM
To: Hurld, Kathy <Hurld.Kathy@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Subject: RE: language on ESA consultation to include in FL FRN

Hi all,

See attached for draft web edits that Kathy and I put together regarding ESA and NHPA consultation. Happy to answer any questions!

Best,
Whitney

From: Beck, Whitney
Sent: Tuesday, August 18, 2020 5:01 PM
To: Hurld, Kathy <Hurld.Kathy@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Subject: RE: language on ESA consultation to include in FL FRN

Hi Kathy,

Websites are hard to explain via email so I just want to make sure I understand.

- You're agreeing with Mindy that we should revise the ESA FRN page, so that it includes the FRN, ESA memo, and NHPA.
- Then, we should delete that FRN + memos page link from the News Box where it's currently housed on the homepage, and add the link as a bullet under the "Assumption approval process" part of the homepage.
- Then we should add a link to the FRN + memos page on the assumption process page, and also edit the tribal consultation component of the assumption process page (under the 120-day header).

Thanks for confirming.

Best,
Whitney

From: Hurld, Kathy <Hurld.Kathy@epa.gov>
Sent: Tuesday, August 18, 2020 4:45 PM
To: Beck, Whitney <beck.whitney@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Subject: RE: language on ESA consultation to include in FL FRN

Oh yes, both were to be public on our site.

With that being said, I don't think it makes sense to put it on the page that currently houses the FRN notice as that is in our "news Box". I think we can put a link to a revised version of the page in our "news box" but move the page to a bullet under "Process and Requirements" "assumption approval process". (see attachment for where I'm talking about). We should amend the Tribal Consultation bullet to read:

- Consultation
    - Tribal consultation, if appropriate
    - ESA consultation
    - NHPA consultation

Then we can link from ESA and NHPA to this page with the FRN and two policy memos (the ESA one to the RAs and the letter/email to the ACHP).

https://www.epa.gov/cwa404g/assumption-request-approval-process-under-cwa-section-404

- Kathy

From: Beck, Whitney <beck.whitney@epa.gov>
Sent: Tuesday, August 18, 2020 4:11 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Hurld, Kathy <Hurld.Kathy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Subject: RE: language on ESA consultation to include in FL FRN

Hi Mindy,

I think that would be a good solution so we don't have to create a new web page, and so that we don't cause confusion by having two separate doc pages (one for the FRN and one for the memo) on a common subject.

I am wondering about the NHPA letter to the ACHP chairman- Kathy, I don't recall John explicitly saying we'd put the NHPA letter on our website, so perhaps the FRN announcing consultation is enough public notice on that?

Best,
Whitney

From: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Sent: Tuesday, August 18, 2020 4:06 PM
To: Hurld, Kathy <Hurld.Kathy@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Subject: RE: language on ESA consultation to include in FL FRN

Will do.

Regarding the website, it seems to me that we should just rework this page and post the Dave memo above the FRN where we solicited comment on discretion. Thoughts? https://www.epa.gov/cwa404g/request-comment-regarding-endangered-species-act-section-7-consultation-epa-approval-clean

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From: Hurld, Kathy <Hurld.Kathy@epa.gov>
Sent: Tuesday, August 18, 2020 11:57 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Subject: language on ESA consultation to include in FL FRN

Hi Mindy,

Per our discussion this am. Could you confirm with John that he is okay with the following language in the FL FR notice. The intent is to be transparent that we are consulting and point to the decision elsewhere on EPA's website (where the Memo to the RA's will be posted). Simma and Matt are crafting similar language regarding NHPA consultation but the FRN will solicit public comment on impacts to historic resources per NHPA requirements. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks, Kathy

C. **Endangered Species Act Consultation**

Ex. 5 Deliberative Process (DP)

Respectfully,

Kathy Hurld
Clean Water Act 404(g) – U.S. EPA Lead
Office of Wetlands, Oceans, and Watersheds
E-mail: Hurld.Kathy@epa.gov
Phone: 202-566-1269
Currently working remotely during COVID-19; please call Ex. 6 Personal Privacy (PP)