Message

From: Hurld, Kathy [Hurld.Kathy@epa.gov]
Sent: 8/20/2020 8:03:54 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

Thanks for quick review. A few thoughts:

Ex. 5 Deliberative Process (DP)

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

Mindy Eisenberg
Associate Director, Oceans, Wetlands & Communities Division
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: 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
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Office of Wetlands, Oceans, and Watersheds
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Phone: 202-566-1269
Currently working remotely during COVID-19; please call: Ex. 6 Personal Privacy (PP)