Message

From: Hicks, Matt [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EAA50F546C9B440A98C82F4E9BD5BD69-HICKS, MATTHEW]
Sent: 5/14/2020 10:15:56 PM
To: Kupchan, Simma [Kupchan.Simma@epa.gov]
CC: Nagrani, Kavita [Nagrani.Kavita@epa.gov]
Subject: RE: Draft ESA/NHPA argument
Attachments: DRAFT Regulatory Checklist 2-1-2020.docx

Simma,

Attached is FL's crosswalk for their rulemaking which is the easiest way to see how they addressed the 404(b)(1) guidelines. As you'll see, they didn't adopt by reference but the language they use tracks very closely with 404(b)(1). For significant degradation (40 CFR 230.10(c)), see page 58 of 150 of the word file. For Aesthetics (40 CFR 230.53) and Parks, national and historical monuments, etc. (40 CFR 230.54) see pages 91 and 92 of 150. Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks,

Matt

From: Kupchan, Simma <Kupchan.Simma@epa.gov>
Sent: Thursday, May 14, 2020 6:00 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>
Subject: Draft ESA/NHPA argument

Guys,

Thanks again for the good suggestion. I would like to augment the last bullet but my brain is a bit fried at this point in the day, and I can't think of a good way to do it. Feel free to edit if you like, and then we can forward to Tod. Thanks! (If you forward to him tomorrow, feel free to edit the opener ☺).

Tod,

Ex. 5 AC/DP

Ex. 5 AC/DP

Simma Kupchan
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