Message

From: Hurld, Kathy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F3B04131F1145FCB4CCF5B0A64C1AC4-KHURLD]
Sent: 3/29/2019 7:39:12 PM
To: Chemerys, Ruth [Chemerys.Ruth@epa.gov]
Subject: FW: Preparing for NTWC, NTOC, and NTC meetings the week of April 8
Attachments: Draft Agenda 4-8-19 NTWC-EPA DC Meeting 3-22-19clean.docx; Annotated_NTOC_Agenda_2019_ CLEAN ver 27 March 5pm.docx; Talking Points re Region 5 for NTC meeting 2019.docx; State assumption of 404 authority (2).docx; 2019-3-1_Final NTWC CWA 401 Comment Letter.pdf; 2018-12-20_Final NTWC CWA 404(g) Comment Letter.pdf

This is the email with the attachments.

From: Gude, Karen
Sent: Friday, March 29, 2019 2:40 PM
To: McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Hurld, Kathy <Hurld.Kathy@epa.gov>; Kasparek, Lauren <kasparek.lauren@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>
Cc: CWAwotus <CWAwotus@epa.gov>
Subject: Preparing for NTWC, NTOC, and NTC meetings the week of April 8

All,

There are three big national-level tribal meetings fast approaching the week of April 8. I know that everyone (particularly those working on WOTUS) are very crunched for time. I have outlined what I anticipate will be needed for the WOTUS, 401, and 404g programs with respect to the meetings below to hopefully stream line my requests for TPs/materials/OWOW participation.

Please let me know if you have questions and/or concerns about the requests. I would be happy to set up a quick meeting to touch base next week, if needed. (Please note that I will be out of pocket for meetings/prep beginning April 8-10.)

Summary of Meetings/Needs:

(1) Monday, April 8: National Tribal Water Council (NTWC)-EPA Annual In-Person Meeting --- (Draft Agenda Attached)

a. **Time commitment:** 8:30 (if possible) or 9:00 to 10:15 AM
b. **Location:** EPA North 5530
c. **OWOW role:**
    i. **Opening Remarks: 8:30 – 9:00** --- Dave Ross and Ken Norton will make opening remarks, which will likely include WOTUS. Encourage program to sit in to hear remarks, if possible. Dave will leave at 9:00 after opening.
    ii. **WOTUS: 9:00 – 9:30** -- NTWC to provide remarks input on WOTUS for 30 minutes. Who from OWOW (and Army/ACOE, as appropriate) would be available to participate/listen in on the WOTUS session? I anticipate this to largely be an opportunity to hear from the Council. We won't need to provide a presentation/information on WOTUS, but they likely may have some questions.
        1. Participants: Could you please let me know who would attend this sessions, and I will send out a calendar hold to them for this time.
        2. Prep materials – I can provide OWOW copies of the NTWC's WOTUS comment letter and fact sheet, if needed. I plan to provide these to Dave as background.
    iii. **401 cert and 404g – 9:30 – 10:15**

1. During the session on "OW Updates," I have included time for OWOW to provide a program update on both 401 cert and 404g. Can OWOW staff/management, as appropriate, be available to provide the 401 cert and 404g program updates, and be available to hear any NTWC concerns? If so, please let me know who, and I will send out a calendar hold.
2. I anticipate that the NTWC will want to provide comments on these actions, including:
    a. Comments relating to the NTWC's consultation and early engagement letters on these issues. (**See attached**)
    b. Comments from Nancy Schuldt/Fond du Lac – Specific to PolyMet mine in R5 (401 issues). (**See attached** – please do not circulate)
    c. Comments from Alex Cabillo re: concern for NM assuming 404 program. (**See attached** – please do not circulate)

(2) Wednesday, April 10: National Tribal Operations Committee (NTOC) Meeting --- (Draft Agenda Attached)

a. **Time commitment**: 10:50 – 11:30 AM – WOTUS Session (Dave Ross and Alex Cabillo (NTC) scheduled to speak) It didn't sound like Ryan Fisher was available. Should we seek another Army rep to participate at meeting?
b. **Location**: Green Room
c. **OWOW role: WOTUS:** Dave will represent OW at the meeting/speak on WOTUS at the meeting. OWOW management and staff can sit in on the WOTUS discussion. If Army reps want to sit in, please let me know in advance, so I can have them added to the security list of the meeting. Can OWOW please provide me 10-15 minutes of TPs on WOTUS for Dave --- providing background, touching on our tribal consult and engagement efforts, and potentially acknowledging some of the tribal issues/concerns that we're hearing? Would it be possible to get a draft by COB Tuesday, 4/2? Can we also develop some potential internal Q/As for Dave, if we don't have them already, on potential questions to be raised --- why we aren't opening another consultation period for the proposed rule; how will tribes with TAS be impacted by the rule; etc.

(3) Thursday, April 11: National Tribal Caucus-OW Meeting

a. **Time Commitment:** 2:00 – 2:45 PM.
b. **Location:** TBD
c. **OWOW Role:** At this time, I anticipate that Dave will be providing overarching TPs for OW on our priorities (including WOTUS, 401, 404g) for the meeting. However, as I anticipate that questions relating to these programs will come up, would it be possible to have John Goodin participate (as I believe everyone else may be in a division-level meeting) to help field questions/hear input, as necessary?

Thank you,

Karen Gude
Tribal Program Coordinator
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