Message

From: Hurld, Kathy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F3B04131F1145FCB4CCF5B0A64C1AC4-KHURLD]
Sent: 4/23/2020 1:16:48 PM
To: Chemerys, Ruth [Chemerys.Ruth@epa.gov]
Subject: RE: Hold please -- DF_Draft FR notice re assumption and ESA DF Review.docx

Yes, call.

From: Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Sent: Thursday, April 23, 2020 9:14 AM
To: Hurld, Kathy <Hurld.Kathy@epa.gov>
Subject: Re: Hold please -- DF_Draft FR notice re assumption and ESA DF Review.docx

What is the folder- I can't do anything right now

Sent from my iPhone

> On Apr 23, 2020, at 9:10 AM, Chemerys, Ruth <Chemerys.Ruth@epa.gov> wrote:
>
> Can we talk by phone sometime instead of email
>
> Sent from my iPhone
>
> > On Apr 23, 2020, at 9:09 AM, Hurld, Kathy <Hurld.Kathy@epa.gov> wrote:
> >
> > So unfortunately looks like a big mess is being handed to you, for that I'm sorry. What I mean, is Mindy and Mike are sending separate emails to folks to get things moving up the chain, but we haven't answered some of Dave's requests and Simma is working with the Region to get that done and incorporated into the FRN. Mindy and Tom are emailing etc.
> >
> > My suggestion is that we (meaning you since you are taking this on) need to be on all communications and probably lay out what is going on and what needs to happen and take charge. Too many executive chefs going in and out of the kitchen right now without any coordinated communication.
> >
> > Like I said, Stephanie Kelly created a folder, but I see nothing in it. You may want to reach out to her. I did, but heard nothing back. Maybe we can ask on today's bigger call.
> >
> > I will get you on the docket this am – are you registered with the system? Can I find you there? If not I'll send you the links.
> >
> > - Kathy6
> >
> > ---
> >
> > **From:** Chemerys, Ruth <Chemerys.Ruth@epa.gov>
> > **Sent:** Thursday, April 23, 2020 7:55 AM

To: Hurld, Kathy <Hurld.Kathy@epa.gov>
Subject: Re: Hold please -- DF_Draft FR notice re assumption and ESA DF Review.docx

Thanks. Having trouble logging in this am but will keep trying

Sent from my iPhone

> On Apr 22, 2020, at 6:19 PM, Hurld, Kathy <Hurld.Kathy@epa.gov> wrote:
>
> Sandy,
>
> Thanks for making Dave's edits. However, this isn't quite ready. We are following up on Dave's questions with OGC and the regions. We may have edits. Including a 45 day comment period vs 60. We may also need to revise the FRN if FL says we can't reference the white paper/ email they sent us. I don't anticipate they will say no as they have very expansive sunshine laws, but we need to check first. Thanks
>
> Sent from my iPhone
>
>> On Apr 22, 2020, at 5:50 PM, Evalenko, Sandy <Evalenko.Sandy@epa.gov> wrote:
>>
>> Kathy: Please hold on this. It's just to let you know I reviewed it and made a few comments. I forwarded my comments to Janita and Kelley B. They typically have little edits.
>>
>> I approved Dave's edits and added mine. I added two sections regarding the EPA docket being closed. When I did this, I think it messed up the format, so I fixed it.
>> I made mostly formatting edits. I left capital State and Tribe since the OFR does this and have a question for OGC when they review this. When do you include "CWA" in front of a specific Section of the law, like, CWA 404 (h) verses section 404(h).
>>
>> Before Dave can e-sign this, I need to send it to OP in FR Dailies to have it encoded. This takes 2 days depending on their workload.
>> Please keep me informed on the timing of signature.
>>
>> Documents needed for signature to include in the CMS file:
>> FRN
>> OGC concurrence
>> OD transmittal memo (short)
>> Type setting request form

Let me know if you have questions.
Thanks,
Sandy

From: McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Sent: Wednesday, April 22, 2020 10:15 AM
To: Lousberg, Macara <Lousberg.Macara@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>
Cc: Hurld, Kathy <Hurld.Kathy@epa.gov>
Subject: FW: DF_Draft FR notice re assumption and ESA DF Review.docx

Hi Macara and Sandy,

This is just a heads up that we are incorporating Dave's edits into this FRN concerning ESA and 404g, and will need to run it by you soon for your review. We also want to make sure that OP is looped in so that there are no surprises; your advice on that is welcome.

Please coordinate with Kathy Hurld on this action.

Thanks,
Mike

From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, April 22, 2020 9:06 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Hurld, Kathy <Hurld.Kathy@epa.gov>
Cc: Frazer, Brian <Frazer.Brian@epa.gov>; Shimkin, Martha <Shimkin.Martha@epa.gov>; Santell, Stephanie <Santell.Stephanie@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: DF_Draft FR notice re assumption and ESA DF Review.docx

Here you go—thanks!

From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, April 22, 2020 8:34 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Hurld, Kathy <Hurld.Kathy@epa.gov>
Cc: Frazer, Brian <Frazer.Brian@epa.gov>; Shimkin, Martha <Shimkin.Martha@epa.gov>; Santell, Stephanie <Santell.Stephanie@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>

Subject: FW: DF_Draft FR notice re assumption and ESA DF Review.docx

DELIBERATIVE

Folks—we can move forward as Dave notes below. Would you coordinate with OGC and the Region on Dave's several asks? I'll acknowledge we'll do that when I open with Dave at our 1015a.
Thanks!
John

From: Ross, David P <ross.davidp@epa.gov>
Sent: Wednesday, April 22, 2020 8:23 AM
To: Goodin, John <Goodin.John@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Aguirre, Janita <Aguirre.Janita@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
Subject: RE: DF_Draft FR notice re assumption and ESA DF Review.docx

Ex. 5 AC/DP

Regards,

Dave

From: Ross, David P
Sent: Wednesday, April 22, 2020 7:21 AM
To: Goodin, John <Goodin.John@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Aguirre, Janita <Aguirre.Janita@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>
Subject: DF_Draft FR notice re assumption and ESA DF Review.docx

Confidential; Deliberative; Attorney-Client Communication

John and David,

Nice job to the team on this. Please move forward to FR publication. I've attached a few edits, but please have Macara's shop to the FRN scrub as well. I assume the team has confirmed with FDEP that they are good with

putting their white paper in the docket, but please confirm.

Also, thanks for the update email on 4/9. Two things in there. When the team receives the draft BA, please talk to me and Mary before we initiate the deep dive review. I have been spending time getting briefed by Interior/FWS on their process Ex. 5 AC/DP Ex. 5 AC/DP Of the issues raised in your email, I'd like to discuss Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks.

Dave
<DF_Draft FR notice re assumption and ESA DF Review.SE.docx>