From: Gude, Karen
To: Hurld, Kathy
Subject: RE: Tribal Consultation Outreach/Notification for CWA 404(g) -- Prep-proposal
Date: Tuesday, September 29, 2020 3:23:11 PM
Attachments: Public Comment Opportunity Request for Comment Regarding Endangered Species Act Section 7 Consultation in EPA Approval of Clean Water Act Section 404 Programs.msg

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Sure. They should be viewable in the email attachment. I've also copied them below:

TEDs_R1 <TEDs_R1@epa.gov>; TEDs_R2 <TEDs_R2@epa.gov>; TEDs_R3 <TEDs_R3@epa.gov>; TEDs_R4 <TEDs_R4@epa.gov>; TEDs_R5 <TEDs_R5@epa.gov>; TEDs_R6 <TEDs_R6@epa.gov>; TEDs_R7 <TEDs_R7@epa.gov>; TEDs_R8 <TEDs_R8@epa.gov>; TEDs_R9 <TEDs_R9@epa.gov>; TEDs_R10_ANVs <TEDs_R10_ANVs@epa.gov>; TEDs_R10_L48 <TEDs_R10_L48@epa.gov>; EPA HICS <EPA_HICS@epa.gov>; EPA RICS <RICS@epa.gov>; Hurld, Kathy <Hurld.Kathy@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Wright, Felicia <Wright.Felicia@epa.gov>; Besougloff, Jeff <Besougloff.Jeff@epa.gov>; Vaught, Daniel <vaught.daniel@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>; Lieberman, Paige <Lieberman.Paige@epa.gov>; Ex. 6 Personal Privacy (PP) michbolt@nc-cherokee.com; dan.kusnierz@penobscotnation.org; rrickard@hetf.org; Nancy Schuldt <NancySchuldt@FDLREZ.COM>; memarthla@sctribe.com; Denise Jensen <denise.jensen@winnebagotribe.com>; clarrick@utemountain.org; Ex. 6 Personal Privacy (PP) philc@cdatribe-nsn.gov; slivermore@pci-nsn.gov; kbrosemer@saulttribe.net; Ex. 6 Personal Privacy (PP) annwyatt@klawocktribe.org; Russell, Sam <Russell.Sam@epa.gov>; Williams, Bo (James) <Williams.James@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>; Anderson, Danielle <Anderson.Danielle@epa.gov>; Leutner, Fred <Leutner.Fred@epa.gov>; Bathersfield, Nizanna <Bathersfield.Nizanna@epa.gov>; Delehanty, Robyn <Delehanty.Robyn@epa.gov>; Epting, Steve <epting.steve@epa.gov>; Holdsworth, Susan <Holdsworth.Susan@epa.gov>; Shumway, Laura <Shumway.Laura@epa.gov>; Kutschenreuter, Kathleen <Kutschenreuter.Kathleen@epa.gov>; Richardson, Matthew <Richardson.Matthew@epa.gov>; Allen, Catherine <Allen.Catherine@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Gardner, Thomas <Gardner.Thomas@epa.gov>; Carey, Kyle <Carey.Kyle@epa.gov>; Havard, James <Havard.James@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>; Lowenstein, Zachary <lowenstein.zachary@epa.gov>; Laird, Edward Dylan <laird.edward@epa.gov>; herrera.karina@epa.gov; Kasparek, Lauren <kasparek.lauren@epa.gov>; McMiller, Nettie <McMiller.Nettie@epa.gov>; Ray, James <ray.james@epa.gov>; Zambrana, Jose <Zambrana.Jose@epa.gov>; Tang, Kai <Tang.Kai@epa.gov>; Poeske, Regina <Poeske.Regina@epa.gov>; Taylor, Dawn <Taylor.Dawn@epa.gov>; Hullinger, Luke <Hullinger.Luke@epa.gov>; Braverman, Carole <braverman.carole@epa.gov>; Olson, Alexandra <olson.alexandra@epa.gov>; Taylor, Christopher <Taylor.Christopher@epa.gov>; Tilley, Amber <Tilley.Amber@epa.gov>; Basile, Alfred <Basile.Alfred@epa.gov>; Jamison, Rebecca <Jamison.Rebecca@epa.gov>; Kissinger, Lon <Kissinger.Lon@epa.gov>; St-Denis, Francine <St-Denis.Francine@epa.gov>; Kaufman, Amanda <Kaufman.Amanda@epa.gov>; Coopwood, Theodore <Coopwood.Theodore@epa.gov>; Hamernik, Karen <Hamernik.Karen@epa.gov>; Hauff, Amanda <Hauff.Amanda@epa.gov>; Jackson, Elizabeth <Jackson.Elizabeth@epa.gov>; Charters, David <Charters.DavidW@epa.gov>; jewett.david@epa.gov; wlongfellow@wabanaki.com; Ex. 6 Personal Privacy (PP) nvpatter@esf.edu; katerenw@nc-cherokee.com; jerry.cain@choctaw.org; jmears@oneidanation.org; ckreman@quapawnation.com; page.hingst@santeeoep.com;

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Karen Gude
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From: Hurld, Kathy <Hurld.Kathy@epa.gov>
Sent: Tuesday, September 29, 2020 3:20 PM
To: Gude, Karen <Gude.Karen@epa.gov>
Subject: RE: Tribal Consultation Outreach/Notification for CWA 404(g) -- Prep-proposal

Any chance you have a copy of the emailed addressees? Or is it simply a mail merge and so we don't really have it?

From: Gude, Karen <Gude.Karen@epa.gov>
Sent: Tuesday, September 29, 2020 3:11 PM
To: Hurld, Kathy <Hurld.Kathy@epa.gov>
Subject: RE: Tribal Consultation Outreach/Notification for CWA 404(g) -- Prep-proposal

Hi Kathy,

Thanks. Sorry for the confusion. Because this wasn't a consultation, we would not have mailed or emailed information to tribal governmental leadership.

Information on the public comment period was emailed (See attached) to **EPA's lists of tribal environmental and natural resources directors in all 10 Regions**, and (2) **OW's list of tribal water contacts**, as described below.

Thanks,

Karen Gude
American Indian Environmental Office (on detail)
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From: Hurld, Kathy <Hurld.Kathy@epa.gov>
Sent: Tuesday, September 29, 2020 2:51 PM
To: Gude, Karen <Gude.Karen@epa.gov>
Subject: RE: Tribal Consultation Outreach/Notification for CWA 404(g) -- Prep-proposal

Thanks Karen, but I was looking for outreach on the policy shift regarding ESA consultation. This was the FRN that was published May 21 and comment period closed July 2nd . Remember there was all that reaction from the R10 RTOC? Did we send communications to the tribes or the tribal Councils? Thanks, Kathy

https://www.epa.gov/sites/production/files/2020-05/documents/10008-96-ow_prepub.pdf

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From: Gude, Karen <Gude.Karen@epa.gov>
Sent: Tuesday, September 29, 2020 2:39 PM
To: Hurld, Kathy <Hurld.Kathy@epa.gov>
Subject: Tribal Consultation Outreach/Notification for CWA 404(g) -- Prep-proposal

Hi Kathy,

Thanks for the call yesterday, and apologies for the delay in getting back to you.

Per your request, here's a summary of the pre-proposal consultation notification that we conducted for the CWA 404(g) rulemaking effort:

- Per EPA's policy, we **mailed hardcopy consultation notification letters to the leaders of all federally recognized tribes** notifying them of the consultation opportunity. EPA uses mailing addresses for tribal leaders provided by DOI/Bureau of Indian Affairs.
    - Note: It's not uncommon for a few letters to be returned to EPA due to outdated mailing addresses. I record any returned mail I receive and notify AIEO so that they can update their mailing information. For the 404g mailing, I only have record of one returned letter --- from the Fort Belknap Indian Community.
- In addition, we **emailed the consultation notification letter and information to**: (1) **EPA's lists of tribal environmental and natural resources directors in all 10 Regions** (AIEO maintains these lists with information provided by the Regions.), and (2) **OW's list of tribal water contacts**, which includes various internal and external tribal water contacts, organizations, and individuals who have asked to be kept up to date on such announcements. (Copies of those emails are attached for reference.)
- We also included information about the consultation opportunity in several of our monthly "time-sensitive" summary emails that was sent to our tribal water contacts in OW. (See Nov 2018 email example.)
- Finally, when consultation opportunities are posted to EPA's Tribal Consultation Opportunities Tracking System (TCOTS), those who have subscribed to receive TCOTS updates (~900+) subscribers are also notified when the consultation opportunity is posted.

Again, it's not a perfect notification process, but we do attempt to have broad outreach, and I'm always open to suggestions for improvements. If there are questions or concerns or you should need

any additional information, please let me know.

Thank you,

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