To: Kyle Loring[kyle@sanjuans.org]; Meyer, Susan[meyer.susan@epa.gov]; 'Aimee Kinney'[aimeek@uw.edu]; 'Griffiths, Jennifer R (DFW)'[Jennifer.Griffiths@dfw.wa.gov]
Cc: Stan Walsh[SWalsh@skagitcoop.org]
From: Stan Walsh
Sent: Wed 3/1/2017 1:59:21 AM
Subject: RE: tidal datum figure edits

Hi Aimee and all,

I like Susan's edits. I think I would leave the sentence order as you had it.

The explanatory statement is good but the graphic does need to change. As it is it is misleading and simply not correct. The statement is very helpful but the graphic is what is seen. As concisely as I can make it I would try something like:

MHHW - USACE Seattle District Policy on Limits of Jurisdiction for Required Permits

The linkage to MHHW is to Seattle District Policy, there is no link between MHHW and the Clean Water Act definition of tidal waters.

Thanks for the discussion on Monday and reaching out for our input, Stan

Stan Walsh

Environmental Services Manager

Skagit River System Cooperative

P.O. Box 368

LaConner, WA 98257

(360) 466-1512

office hours 8-6 M-Th

From: Kyle Loring [mailto:kyle@sanjuans.org]
Sent: Tuesday, February 28, 2017 5:00 PM
To: 'Meyer, Susan' <meyer.susan@epa.gov>; 'Aimee Kinney' <aimeek@uw.edu>; Stan Walsh <SWalsh@skagitcoop.org>; 'Griffiths, Jennifer R (DFW)' <Jennifer.Griffiths@dfw.wa.gov>
Subject: RE: tidal datum figure edits

Hi Aimee,

Thanks for working on a revision for the shoreline jurisdiction visual. I think that paragraph is great, though I would switch the second and third sentences. I also think that the text "Clean Water Act – Section 404" needs to be revised to something like "Seattle District, U.S. Army Corps, interpretation of High Tide Line for its jurisdiction." And then add the footnote at the end of that text. It's lengthier, but accurate.

I'd love to hear Stan's thoughts on this as well.

Best,

Kyle

Kyle A. Loring

Staff Attorney

Friends of the San Juans

P.O. Box 1344 Friday Harbor, WA 98250

360-298-7615 | kyle@sanjuans.org | www.sanjuans.org

Protecting the San Juans, preserving our quality of life

The information contained in this email message may be privileged, confidential, and protected from disclosure and is intended for the use of the addressee(s) only. If you are not an intended addressee,

please be advised that any dissemination, distribution or copying of this e-mail is prohibited. If you receive this communication in error, please notify the sender by reply email and delete the message and any attachments.

From: Meyer, Susan [mailto:meyer.susan@epa.gov]
Sent: Tuesday, February 28, 2017 12:14 PM
To: Aimee Kinney <aimeek@uw.edu>; swalsh@skagitcoop.org; Kyle Loring <kyle@sanjuans.org>; Griffiths, Jennifer R (DFW) <Jennifer.Griffiths@dfw.wa.gov>
Subject: RE: tidal datum figure edits

See my edit in red below. Thanks!

Susan

From: Aimee Kinney [mailto:aimeek@uw.edu]
Sent: Tuesday, February 28, 2017 11:46 AM
To: swalsh@skagitcoop.org; Kyle Loring <kyle@sanjuans.org>; Meyer, Susan <meyer.susan@epa.gov>; Griffiths, Jennifer R (DFW) <Jennifer.Griffiths@dfw.wa.gov>
Subject: tidal datum figure edits

Hello Stan and Kyle,

Thanks for the comments you gave me yesterday on the tidal datum figure. I've prepared the statement below to include as a note below the Clean Water Act line. Would adding this to the figure address your concerns? Are there any edits you would like to make to this note?

I've cc'd Susan Meyer and Jennifer Griffins in the event they would like comment as well.

Thanks, Aimee

"Under Section 404 of the Clean Water Act, the extent of Corps of Engineers jurisdiction in tidal waters extends to the high tide line. Currently, the Seattle District uses MHHW as their interpretation (I deleted geographic boundary, as our attorney suggested this language as more appropriate) of the high tide line. The Act defines "high tide line" as the line of intersection of the land with the water's surface at the maximum height reached by a rising tide, including spring high tides and other high tides that occur with periodic frequency. Seattle District is under pressure from other federal agencies, tribal governments, and non-governmental organizations to change their limit of jurisdiction to a tidal datum that includes more area subject to the ebb and

flow of tides, such as HAT."

Aimee Kinney, MMA

Research Scientist | Puget Sound Institute

326 East D St., Tacoma, WA 98421

aimeek@uw.edu | 206.240.9432