To: Szerlog, Michael[Szerlog.Michael@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]; Murchie, Peter[Murchie.Peter@epa.gov]; Meyer, Susan[meyer.susan@epa.gov]; Dean, Heather[Dean.Heather@epa.gov]; Szalay, Endre[Szalay.Endre@epa.gov]
Cc: Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]
From: Opalski, Dan
Sent: Wed 8/23/2017 3:00:41 PM
Subject: RE: Prep for Shoreline Meeting with USACE/NMFS

The access code is not working for me…..

-----Original Appointment-----
From: Szerlog, Michael
Sent: Wednesday, August 23, 2017 7:58 AM
To: Opalski, Dan; Allnutt, David; Murchie, Peter; Meyer, Susan; Dean, Heather; Szalay, Endre
Cc: Steiner-Riley, Cara
Subject: Prep for Shoreline Meeting with USACE/NMFS
When: Wednesday, August 23, 2017 8:00 AM-9:00 AM (UTC-08:00) Pacific Time (US & Canada).
Where: R10Sea-Room-14Elwha/R10-Rooms-Service-Center; R10Sea-ConfLine[Ex. 6 - Personal Privacy]
[Ex. 6 - Personal Privacy]

Adding Conference Line – [Ex. 6 - Personal Privacy]

Army Corps NW Division has requested a meeting with EPA and NMFS senior leaders to discuss next steps and possible paths forward regarding joint Puget Sound Shoreline Habitat efforts. The meeting is scheduled for **August 24th** and the plan is for Dan Opalski, Peter, and myself to attend in person with David attending via telephone/VTC.

Outcome for this prep meeting: Make sure Dan is up-to-speed on where we are with Puget Sound Shoreline Habitat efforts and to develop some next step recommendations/talking points that he can deliver at the meeting.

A few Topics we would want to discuss on the 23rd (Peter, looking to you to add some more on TRAR)

USACE/EPA/NOAA: **Protection of aquatic resources including ESA habitat landward of the Corps' current interpretation of the Clean Water Act jurisdictional boundary. Consider options in coordination with federal and state partners that may be implemented to protect ESA species, aquatic resources, and critical habitat**:

Since at least 2015, Puget Sound Tribes have asked the USACE and EPA to use Highest Astronomical Tide (HAT) instead of Mean Higher High Water (MHHW) mark as their interpretation of the tidal datum that represents the High Tide Line – the landward extent of Clean Water Act (CWA) regulatory jurisdiction in tidally-influenced water. The Corps convened a workgroup (staff from EPA, NOAA and the Corps) in January 2016, which met biweekly through September 2016. Ex. 5 - Deliberative Process Ex. 5 - Deliberative Process Ex. 5 - Deliberative Process Ex. 5 - Deliberative Process The workgroup's recommendation was to move the Corps' jurisdictional boundary from MHHW to MAHT (Mean Annual Highest Tide), and all workgroup members were on board with this recommendation. T Ex. 5 - Deliberative Process Ex. 5 - Deliberative Process Ex. 5 - Deliberative Process. The document was soon forwarded to General Spellmon in the Corps' Division office for his review and consideration. In December 2016, Gov. Inslee wrote a letter to the Corps urging them to move toward a change in the jurisdictional boundary that aligns with the workgroup's recommendation or something similar to what the state uses (Ordinary High Water Mark as defined in the Shoreline Management Act). General Spellmon responded to the Governor's letter in writing in January with a request to meet with the state to discuss options for how to protect shoreline habitat above the Corps' jurisdiction. EPA and NOAA have requested to USACE to be included in the meeting with the State.

Talking Points –

Ex. 5 - Deliberative Process

➢ EPA and NOAA would have extensive role in helping the Corps implement both a change to the datum used to determine high tide line as well as carry out additional protective actions identified in the report.

Non-Responsive: Material Unrelated to Puget Sound High Tide Line

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