To: Meyer, Susan[meyer.susan@epa.gov]; Dean, Heather[dean.heather@epa.gov]
From: Thiesing, Mary
Sent: Wed 5/3/2017 8:33:31 PM
Subject: RE: 017-004 Army Corps of Engineers updates High Tide Line data for Alaska news release

Interesting.
The Puget Sound groups that sent the original letter might have grounds for a lawsuit.

-----Original Message-----
From: Meyer, Susan
Sent: Wednesday, May 03, 2017 1:22 PM
To: Szalay, Endre <Szalay.Endre@epa.gov>; Dean, Heather <Dean.Heather@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Shaw, Hanh <Shaw.Hanh@epa.gov>; Thiesing, Mary <Thiesing.Mary@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>
Subject: RE: 017-004 Army Corps of Engineers updates High Tide Line data for Alaska news release

All, Yesterday, I had a conversation with Tim Gates, Ecology's shoreline policy lead, as I had a question for him on another matter. He told me that he had participated in a meeting with Muffy Walker and others from the Corps (he couldn't remember names, but it was not the General or Colonel Buck) a couple of weeks ago to discuss Corps jurisdiction. He said that the meeting was held in direct response to the letter from Gov. Inslee to General Spellmon. The state's main concern with the Corps' jurisdictional boundary is that applicants who are trying to use soft shore protection measures, often end up having to do work (such as beach nourishment, drift log placement, etc.) at or below the MHHW, which means they would need to get a Corps permit. This is a disincentive for them to do the right thing, so they usually end up putting in hard armoring to avoid the Corps permit.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process The Corps also said that they are mandated (not sure what the mechanism for the mandate is) to monitor 10% of their permits and they would be willing to work with ecology on that monitoring effort.

I plan to schedule a follow up meeting with Tim and Joe Burcar, who has taken on Josh Baldi's role of working on Puget Sound shoreline issues, along with Peter so that we can discuss ways of coordinating with the state on implementing some of the actions in the Puget Sound Federal Task Force Action Plan- such as how to "protect nearshore habitat outside of Corps jurisdiction", a key phrase in our joint recommendation document.

Please let me know if you have any questions or want to discuss further. I am happy to set up a time and place to chat if you see the need.

Thanks much,

Susan

-----Original Message-----
From: Szalay, Endre
Sent: Wednesday, May 03, 2017 11:54 AM
To: Dean, Heather <Dean.Heather@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Shaw, Hanh <Shaw.Hanh@epa.gov>; Thiesing, Mary <Thiesing.Mary@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>
Subject: RE: 017-004 Army Corps of Engineers updates High Tide Line data for Alaska news release

I spoke to Craig Juckniess (attorney for Seattle District) about this and passed along the news release. He was very interested and said he would pass along to Muffy Walker. I have also passed this along to my contact at NW Division (Jason DeRosa) and asked for a follow up discussion.

Endre Szalay
US EPA Region 10
Office of Regional Counsel
206-553-1073

-----Original Message-----
From: Dean, Heather
Sent: Monday, May 01, 2017 6:00 PM
To: Allnutt, David <Allnutt.David@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Shaw, Hanh <Shaw.Hanh@epa.gov>; Thiesing, Mary <Thiesing.Mary@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Subject: RE: 017-004 Army Corps of Engineers updates High Tide Line data for Alaska news release

David, Ex. 5 - Deliberative Process That said, I must acknowledge that the Alaska District was already using something like HAT (I think it was an old HAT, albeit apparently one they calculated themselves, rather than deriving from NOAA), so it wasn't as big a change for them as it would be for Seattle (or Porland). On your questions:

1) I will forward the announcement to Jim Jacobsen, from the Seattle District, who was the lead of the interagency HTL workgroup.

2) I don't know about the staff meeting; Peter, do you?

-----Original Message-----
From: Allnutt, David
Sent: Monday, May 01, 2017 5:56 PM
To: Dean, Heather <Dean.Heather@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Shaw, Hanh <Shaw.Hanh@epa.gov>; Thiesing, Mary <Thiesing.Mary@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Subject: RE: 017-004 Army Corps of Engineers updates High Tide Line data for Alaska news release

Heather -- thanks for sharing. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Can we make sure that the right folks in the Seattle District and NW Div. know about this development? Has the Corps scheduled the staff-level meeting that Dan and I were told was necessary to move forward on the Washington issue?

R. David Allnutt, Director
Office of Environmental Review and Assessment U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140
(206) 553-2581

-----Original Message-----
From: Dean, Heather
Sent: Monday, May 01, 2017 1:01 PM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Shaw, Hanh <Shaw.Hanh@epa.gov>; Thiesing, Mary <Thiesing.Mary@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Murchie, Peter <Murchie.Peter@epa.gov>; Meyer, Susan <meyer.susan@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>
Subject: RE: 017-004 Army Corps of Engineers updates High Tide Line data for Alaska news release

They are no longer "Hat-ish"; they're fullblown HAT! (In other words, they've updated to the current HAT; sweet!)

-----Original Message-----
From: Douglas, Mark
Sent: Monday, May 01, 2017 8:55 AM
To: Dean, Heather <Dean.Heather@epa.gov>; Thiesing, Mary <Thiesing.Mary@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Shaw, Hanh <Shaw.Hanh@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Martin, Gayle <Martin.Gayle@epa.gov>
Subject: FW: 017-004 Army Corps of Engineers updates High Tide Line data for Alaska news release

FYI - in case you have not received this news release.

Mark Douglas
Aquatic Resources Unit
Office of Environmental Review & Assessment

U.S. Environmental Protection Agency
Alaska Operations Office
222 W. 7th Avenue, Box 19
Anchorage, AK 99513-7588
Phone (907) 271-1217

-----Original Message-----
From: Morgan, Shannon R CIV USARMY CEPOA (US) [mailto:Shannon.R.Morgan@usace.army.mil]
Sent: Monday, May 01, 2017 7:48 AM
Subject: FW: 017-004 Army Corps of Engineers updates High Tide Line data for Alaska news release

-----Original Message-----
From: O'Dell, Dena M CIV USARMY CEPOA (US)
Sent: Friday, April 28, 2017 12:48 PM
Subject: 017-004 Army Corps of Engineers updates High Tide Line data for Alaska news release

Army Corps of Engineers updates High Tide Line data for Alaska

JOINT BASE ELMENDORF-RICHARDSON - Updated High Tide Line, or HTL, data is now available on the U.S. Army Corps of Engineers-Alaska District website.

The changes reflect HTL information used in identifying the Corps' jurisdictional limits in tidally influenced waters of the U.S., as defined in the agency's regulations.

New HTL data was gathered utilizing the National Oceanic Atmospheric Administration Epoch data at https://tidesandcurrents.noaa.gov/stations.html?type=Datums.

The new tidal data, methods used to calculate HTL and Mean High Water, as well as updated definitions are available on the Corps' public website at http://www.poa.usace.army.mil/Missions/Regulatory/Regulatory-Resource-Information/.

The Corps is responsible for regulating certain activities in waters of the U.S., including wetlands. Under Section 10 of the Rivers and Harbors Act of 1899, a permit is required for work and/or structures in, over or under navigable waters of the U.S.

Under Section 404 of the Clean Water Act, a permit is required for the discharge of dredged or fill material in all waters of the U.S.

For more information on the extent of the Corps' regulatory jurisdiction, go to http://www.poa.usace.army.mil/Missions/Regulatory/Jurisdictional-Determinations/Limits-of-Jurisdiction/ or contact the Corps at (907) 753-2712.

Sincerely,
Dena O'Dell
Public Affairs Specialist
USACE-Alaska District Public Affairs
(907) 753-2721