Message

**From:** Marshall, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5D29134E5E32489B9AB0AEB262F55075-TMARSHAL]
**Sent:** 8/10/2020 2:59:30 PM
**To:** Nalven, Heidi [Nalven.Heidi@epa.gov]
**CC:** Sheppard, Tracy [Sheppard.Tracy@epa.gov]
**Subject:** (Copying Tracy your incoming. . .) FW: Pebble Mine - My quick comments
**Attachments:** Pebble FEIS Comments Draft for Review 080720v2_csb.docx

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**From:** Nalven, Heidi <Nalven.Heidi@epa.gov>
**Sent:** Monday, August 10, 2020 10:16 AM
**To:** Hoppe, Allison <hoppe.allison@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>
**Subject:** FW: Pebble Mine - My quick comments

FYI.

**Heidi Nalven**
U.S. EPA Office of General Counsel
202-564-3189

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**From:** Kaiser, Russell <Kaiser.Russell@epa.gov>
**Sent:** Monday, August 10, 2020 10:02 AM
**To:** Hough, Palmer <Hough.Palmer@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
**Subject:** FW: Pebble Mine - My quick comments

DELIBERATIVE - more to the story below...

Russell L. Kaiser
Chief, Freshwater and Marine Regulatory Branch
Oceans, Wetlands and Communities Division
Office of Wetlands, Oceans and Watersheds
1301 Constitution Ave., N.W.
Room 7114B West Bldg.
Washington, DC 20004
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C: Ex. 6 Personal Privacy (PP)

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**From:** Barger, Cindy <Barger.Cindy@epa.gov>
**Sent:** Monday, August 10, 2020 10:00 AM
**To:** Rountree, Marthea <Rountree.Marthea@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
**Cc:** Schaedle, Candi <Schaedle.Candi@epa.gov>; Widner, Jacob <Widner.Jacob@epa.gov>; Simpson, Jonathan <Simpson.Jonathan@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
**Subject:** Pebble Mine - My quick comments

Hi Marthea/Russ – Here's my quick comments. In short, I want to see all the comments reframed as specific concerns to addressed one of the following three reasons and recommendations that show how they are clearly meeting that objective

1. Help the Corps meet the ROD requirement to "State whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not why not" (40 CFR 1505.2(c))

2. Help the Corps meet the ROD requirements to include "a monitoring and enforcement program shall be adopted and summarized

where applicable for any mitigation." (40 CFR 1505.2(c)) that is effective and enforceable (as provided in additional guidance in the 2011 CEQ mitigation memo

or

3. Is helping the Corps with meeting the 404(b)(1) requirement to show that there is no practicable alternative to the selected alternative that is "which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" and citing the specific sections of the 404(b)(1) analysis that this would be supporting (e.g., Subparts C-J) (Defer to OW for review on these comment/concerns) Having a specific permit condition with these would be great.

Thanks!
Cindy

*Cindy S. Barger*
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