To: Bonifaci, Angela[Bonifaci.Angela@epa.gov]; Bonifacino, Gina[Bonifacino.Gina@epa.gov]
From: Chang, Lisa
Sent: Mon 12/7/2015 10:23:58 PM
Subject: RE: Draft talking points, What's Upstream - PLEASE REVIEW

Thank you ladies! I have a briefing on this at 4 today with Peter, and if he has any additional input, I'll incorporate it and then send the final to Lucy.

-----Original Message-----
From: Bonifaci, Angela
Sent: Monday, December 07, 2015 1:04 PM
To: Bonifacino, Gina <Bonifacino.Gina@epa.gov>; Chang, Lisa <Chang.Lisa@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>
Cc: Murchie, Peter <Murchie.Peter@epa.gov>; Gockel, Catherine <Gockel.Catherine@epa.gov>
Subject: RE: Draft talking points, What's Upstream - PLEASE REVIEW

Nice job covering this, Lisa.

I like Gina's addition. We were quite fortunate that Larry and the contractor agreed to the back and forth discussions with us, and were as responsive as they were. I don't believe they were required to do so. But they wanted to work with us and arrive at the best product possible that still met their objective.

Thanks!
Angela

--
Angela Bonifaci | Team Leader
EPA Puget Sound National Estuary Program
206.553.0332 | bonifaci.angela@epa.gov

From: Bonifacino, Gina
Sent: Monday, December 7, 2015 12:55 PM
To: Chang, Lisa; Edmondson, Lucy
Cc: Murchie, Peter; Gockel, Catherine; Bonifaci, Angela
Subject: RE: Draft talking points, What's Upstream - PLEASE REVIEW

Lisa, the only other thing as background I can think of is that once a grant agreement is in place, EPA has limited authority to interfere with a subaward as long as the subaward is meeting the terms and conditions of the grant. Even with a cooperative agreement and "substantial involvement", EPA's authority is limited. In this case, NWIFC was not violating any terms and conditions of the grant.

Gina Bonifacino | Puget Sound Team
US EPA Region 10
Mail Stop OWW-193
1200 Sixth Avenue
Seattle, WA 98101
206.553.2970

From: Chang, Lisa
Sent: Monday, December 07, 2015 12:46 PM
To: Edmondson, Lucy
Cc: Murchie, Peter; Gockel, Catherine; Bonifacino, Gina; Bonifaci, Angela
Subject: Draft talking points, What's Upstream - PLEASE REVIEW

Importance: High

Hi Lucy,

As requested, here is a draft of some background/talking points on the Swinomish Tribe's "Whatsupstream.com."

All – especially Angela and Gina – please provide any comments from your perspectives as acting during this most recent exchange with the tribe, and I will send out a final version COB today.

Lisa

Briefing/Talking Points – Whatsupstream.com

Issue:

· A revised version of the Whatsupstream.com website went live on Thursday 12/3. Developed by the Swinomish Indian Tribal Community (SITC) under the NEP Tribal Lead Organization (LO) award, it spotlights nonpoint source agricultural pollution and is accompanied by social/media outreach driving traffic to the website.

· As required by grant conditions, the website identifies EPA as a funding source and includes a disclaimer that the website does not necessarily reflect our views.

· As anticipated, the website provides a link enabling readers to send letters to state legislators generally urging stronger regulation to protect water quality from agricultural NPS.

· R10/OWW had provided extensive input to SITC prior to website launch to ensure its factual accuracy and its alignment with the Action Agenda and Management Conference. Many, but not all, EPA comments were addressed.

· The final website will likely be controversial; an earlier version of the website which did not even include the letter to state legislators caused unease in the agricultural community in the Skagit Basin.

Background:

· In 2011 the Swinomish Tribe used NEP Tribal LO funding to launch a "public outreach" project to evaluate public perceptions of water quality in the Skagit Basin and conduct a public education effort to promote protective practices and regulation.

· As with the other LOs, NWIFC, which administers the Tribal LO, makes final decisions on subaward proposals and products, with EPA input.

· The project was clearly tied to the Skagit Chinook Recovery Plan (SCRP) which like all Recovery Plans is a central component of the Puget Sound Action Agenda. For example, the SCRP calls for "a vigorous public information effort, and by providing the technical information to assist landowners and others in their efforts to comply with existing regulations."

· The project has been approved and funded in 2011, 2012, 2013, 2014, and 2015 under the NWIFC. Under the Tribal LO, tribes must re-apply each year for funding and provide a workplan for the work they intend to do with each year of funding.

· Over the life of the project, as it has evolved, we have raised several key concerns.

o First, we raised concerns with potential violations of anti-lobbying grant conditions. Based on discussions with ORC, we determined that the proposal did NOT violate anti-lobbying conditions.

o Second, in 2013, SITC proposed to add a local "ballot initiative" component to the project. Although ORC continued to find that the project did not violate anti-lobbying conditions, SITC decided to eliminate the ballot initiative component from the NEP-funded workplan.

o Third, and most recently (2015), SITC proposed to significantly increase the "public education" element of the project. In evaluating the draft outreach materials, we expressed concern that they appeared to negatively target a Management Conference sector and diverge from the spirit and substance of the Action Agenda and Management Conference.

· With respect to these 2015 concerns, Puget Sound team staff, in consultation with WRU, NPU, and ORC staff and OWW management, engaged in extensive discussions directly with SITC regarding the proposed content. We provided extensive specific comment and language to address our concerns with the content.

Messages:

· EPA has been aware of and provided extensive comment on this project. The Northwest Indian Fisheries Commission (NWIFC) is the grant administrator with direct oversight of this work.

· The purpose of the NEP Tribal LO program is to fund projects that are (1) in or consistent with the Puget Sound Action Agenda, and (2) are of high tribal priority.

· The project is intended to support an element of the Skagit Chinook Recovery Plan, which is an important part of the Puget Sound Action Agenda as well as a high priority to SITC.

· EPA continues to urge all entities who have an interest in the health of the Puget Sound ecosystem to work through the Puget Sound Management Conference to protect and restore the ecosystem.

From: Edmondson, Lucy
Sent: Friday, December 04, 2015 9:48 AM
To: Chang, Lisa <Chang.Lisa@epa.gov<mailto:Chang.Lisa@epa.gov>>
Cc: Murchie, Peter <Murchie.Peter@epa.gov<mailto:Murchie.Peter@epa.gov>>
Subject: ECY WQ Check in Meeting - information needed

Hi Lisa

ECY is holding a "water quality" check in meeting next Thurdsay (12/10). This meeting is mostly a roundtable discussion for principles (WA Conservation Commission, WA DFW, NRCS, PSP, WA Dept of Ag, NOAA and EPA).

Dennis and I will participate from EPA. (and possibly Dan O.)

Dan O suggested that Dennis could use some background on the Swinomish Tribe's "What up stream. Com" campaign/program and that you could provide some background/talking points on that. Can you send me something by COB Monday?

Thanks

Lucy

Lucy Edmondson
Director, Washington Operations Office
US EPA Region 10
300 Desmond Drive
Lacey, WA 98503

office: 360.753.9082
cell: 206.735.5301