Potential Approaches to Wetlands with a "Continuous Surface Connection"

Surface connection even through non-jurisdictional feature

Current practice considers directly abutting wetlands and those with a continuous surface connection, regardless of distance, to be jurisdictional

Some degree of connectivity

Use appropriate, implementable metrics, e.g., distance

Wetland must directly touch jurisdictional waters

Only wetlands that directly touch a jurisdictional water

Other

Thoughts?

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Discussion:

The change in jurisdictional waters will vary across states and localities and with the options suggested above. Given that:

1. How would you like to see the concepts of "relatively permanent" and "continuous surface connection" defined and implemented? How would you like to see the agencies interpret "consistent with" Scalia? Are there particular features or implications of any such approaches that the agencies should be mindful of in developing the step 2 proposed rule?

2. What opportunities and challenges exist for your state or locality with taking a Scalia approach?

3. Do you anticipate any changes to the scope of your state or local programs (e.g., regulations, statutes or emergency response scope) regarding CWA jurisdiction? In addition, how would a Scalia approach potentially affect the implementation of state programs under the CWA (e.g., 303, 311, 401, 402 and 404)? If so, what types of actions do you anticipate would be needed?

4. The agencies' economic analysis for step 2 intends to review programs under CWA 303, 311, 401, 402 and 404. Are there any other programs specific to your region, state or locality that could be affected but would not be captured in such an economic analysis?

ED_001271_00134833-00011 FOIA 2020-001799-0002892

Next Steps

Do you have any additional information that the EPA should be aware of?

- If so, please provide.

Do you have any other approaches that you would like the agencies to consider?

Comments will be due to the EPA in approximately 8 weeks, June 19, 2017.

Please send written comments to: CWAwotus@epa.gov and copy Hanson.Andrew@epa.gov

ED_001271_00134833-00012 FOIA 2020-001799-0002893

Contacts

Project Lead:

Donna Downing

- (202) 566–2428
- CWAwotus@epa.gov

Federalism Contact:

Andrew Hanson

- (202) 564-3664
- Hanson.Andrew@epa.gov

ED_001271_00134833-00013 FOIA 2020-001799-0002894

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
Cc: Downing, Donna[Downing.Donna@epa.gov]
From: Christensen, Damaris
Sent: Thur 5/4/2017 10:32:30 PM
Subject: wotus2 governors letter.docx
wotus2 governors letter.docx

Mindy,

This letter reflects the edits received by 6 pm today. I left in your comments asking Sarah about appropriate contact info and signature by Mr. Lamont. I also left in the note about formatting as a mail merge. We will have to coordinate with OCIR to get contact information for the governors but they should have that readily available.

Damaris

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]
Cc: Downing, Donna[Downing.Donna@epa.gov]; Kwok, Rose[Kwok.Rose@epa.gov]
From: Bennett, Brittany
Sent: Thur 5/4/2017 9:17:28 PM
Subject: RE: website update
Website Draft - About WOTUS 5.4.17.pdf
Website Draft - Rulemaking Process 5.4.17.pdf
Website Draft - WOTUS Rulemaking Homepage 5.4.17.pdf

Hey All – attached are the working drafts of the WOTUS 2 Pages. I have a draft of 404, but I want to restructure it a bit before I send it out. I think it would be better shared tomorrow after I can give it a bit more time. A few notes before you take a look:

1. Please ignore minor formatting things, such as the homepage having three of the same photos. Those will all be remedied when we have a web area for this content to permanently live (the WOTUS 2 drafts currently live as unpublished pages on the CWR site).
2. Deliberative Process / Ex. 5
3.
4.

I think that's all. Look forward to a draft of the 404 pages and some sort of Deliberative Process / Ex. 5 Deliberative Process / Ex. 5

B

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Bennett, Brittany
Sent: Thursday, May 04, 2017 12:30 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>
Cc: Downing, Donna <Downing.Donna@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>
Subject: RE: website update

That works for me, Mindy. I can have everything ready by then. I'll send out a PDF of the drafted website to this group (and links to the revisions if you are able to log into Drupal) by the end of the day.

B

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Eisenberg, Mindy
Sent: Thursday, May 04, 2017 8:25 AM
To: Christensen, Damaris <Christensen.Damaris@epa.gov>
Cc: Bennett, Brittany <bennett.brittany@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>
Subject: Re: website update

Thanks! Let me coordinate with Liz. It's not a trust thing it's just that she is a DAA not staff. From here, you, me, Brittany, Latosha, Rose and Donna if they would like to attend, and we'll cc Antonio. I will ask Liz who from OWC/OPA should be there. Plan for early next week but not Monday. Does that work?

Sent from my iPhone
On May 3, 2017, at 10:53 PM, Christensen, Damaris <Christensen.Damaris@epa.gov> wrote:

> I'm adding in Brittany, who I accidentally left off my original email.
>
> I think Brittany already has enough of a draft to give Liz a sense of what the new site might look like. Mindy, who do you think should participate in that meeting? Either Brittany or I can set something up. Liz' schedule looked pretty open assuming her calendar is up to date.
>
> I want to make sure we go through Antonio where appropriate, but Brittany can follow up with the people you mention below if needed.
>
> Damaris
>
> ---
>
> **From:** Eisenberg, Mindy
> **Sent:** Wednesday, May 03, 2017 9:21 PM
> **To:** Christensen, Damaris <Christensen.Damaris@epa.gov>
> **Cc:** Downing, Donna <Downing.Donna@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>
> **Subject:** RE: website update
>
> I do think that we need to sit down with Liz at some point since we said we would. It might be useful for us to simultaneously show her the CWR website and then the draft site so she can see what we're doing. Not sure of the timing for that, so what could be an alternative to give her a feel for what we want to do?
>
> In terms of figuring out how to archive, I would reach out to Christine Dibble in OWC. Also, Cynthia can probably help Brittany with how you change nodes and stuff in Drupal so hopefully she doesn't have to recreate documents.
>
> Mindy Eisenberg
> Acting Director, Wetlands Division
> Office of Wetlands, Oceans and Watersheds
> U.S. Environmental Protection Agency
> 1200 Pennsylvania Ave., NW, mailcode 4502T
> Washington, DC 20460
> (202) 566-1290
> eisenberg.mindy@epa.gov
>
> ---
>
> **From:** Christensen, Damaris
> **Sent:** Wednesday, May 03, 2017 1:13 PM
> **To:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
> **Cc:** Downing, Donna <Downing.Donna@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>
> **Subject:** website update
>
> Brittany has a draft of the website up and is trying to identify the appropriate process for archiving the old site and moving relevant info from that site onto either the 404 jurisdiction site or the new website (or both) as appropriate. Brittany will work with Rose and Antonio as needed.
>
> I think we got a clear go-ahead Monday and confirmed at the meeting today to move ahead with an archive-and-replace plan so don't see a need to demo the old site for Liz unless we either get a refusal from OWC to set up the new site and/or if Mindy thinks it is necessary.
>
> Brittany is going to feed me an FAQ along the lines of **Deliberative Process / Ex. 5** that we can polish and send forward for review with a new batch of post-proposal FAQs and which will likely be posted on the

new website FAQs as well.

Damaris

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]
From: Nandi, Romell
Sent: Thur 5/4/2017 7:10:49 PM
Subject: Mindy/Donna: any WOTUS TPs update (for follow-up meeting with State Association on 5/12)
State Associations Stakeholder Meeting Agenda 4.26.17 (ANNOTATED - REVISED).docx

Mindy/Donna:

Do the WOTUS TPs for the 4/26 state associations meeting (included as part of the attached overall TPs for that meeting) need to be updated? There is going to be a follow-up meeting with the state association on 5/12, and Latosha Thomas is asking for any updates on TPs from the 4/26 **by 2:30pm tomorrow** (since she will be out next week).

Please take a look and let me know. Thanks.

Romell

To: Christensen, Damaris[Christensen.Damaris@epa.gov]; Gude, Karen[Gude.Karen@epa.gov]
Cc: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]
From: Kwok, Rose
Sent: Thur 5/4/2017 5:24:37 PM
Subject: RE: Waters of the United States - Tribal Webinar Thank You
Tribal_Webinar_WOTUS_4-27-2017.pdf

Here's the version for posting. Can you please send us a link when you have one? And I had meant the TCOTS database earlier and not the portal – thanks for reading my mind.

I'll also post copies to the outreach folders that we share with the regions.

From: Christensen, Damaris
Sent: Thursday, May 04, 2017 11:28 AM
To: Gude, Karen <Gude.Karen@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>
Cc: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>
Subject: RE: Waters of the United States - Tribal Webinar Thank You

I think we should post a pdf of the powerpoint.

Damaris

From: Gude, Karen
Sent: Thursday, May 04, 2017 11:23 AM
To: Kwok, Rose <Kwok.Rose@epa.gov>
Cc: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>
Subject: RE: Waters of the United States - Tribal Webinar Thank You

AIEO's tribal portal/website has moved here: https://www.epa.gov/tribal.

I can have the powerpoint slides and any supplemental consultation materials posted to the WOUS entry in the TCOTS database (**Nonresponsive Internal URL/ Ex. 6**). Currently, we've have the signed consult letter posted to TCOTS.

Thanks,

Karen Gude
Tribal Program Coordinator
U.S. EPA/Office of Water
Phone: (202) 564-0831

From: Kwok, Rose
Sent: Thursday, May 04, 2017 10:58 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>
Cc: Gude, Karen <Gude.Karen@epa.gov>
Subject: FW: Waters of the United States - Tribal Webinar Thank You

Hi Mindy,

We said we would make the slides available. How would you like me to share the slides (of course as a PDF)? I can email them to the participants.
Karen – does the tribal portal website no longer exist?

From: Erin Woodward [mailto:ewoodward@lagunapueblo-nsn.gov]
Sent: Thursday, May 04, 2017 10:13 AM

To: Kwok, Rose <Kwok.Rose@epa.gov>
Subject: RE: Waters of the United States - Tribal Webinar Thank You

Hello Ms. Kwok,

Will the slides for the webinar be made available?

Thank you,

E. Nikki Woodward
Water Quality Specialist | Pueblo of Laguna
Phone: 505.552.5040 | ewoodward@lagunapueblo-nsn.gov

From: Rose Kwok [mailto:epacallcenter@epa.gov]
Sent: Friday, April 28, 2017 1:32 AM
To: Erin Woodward <ewoodward@lagunapueblo-nsn.gov>
Subject: Waters of the United States - Tribal Webinar Thank You

Thank you for attending "Waters of the United States - Tribal Webinar". We appreciate your participation and hope you found the event valuable.

Thank you,

Rose Kwok

If you've never used Adobe Connect, get a quick overview:
http://www.adobe.com/products/adobeconnect.html

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To: Weinstock, Larry[Weinstock.Larry@epa.gov]; Robiou, Grace[Robiou.Grace@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; McDavit, Michael W.[Mcdavit.Michael@epa.gov]; Zobrist, Marcus[Zobrist.Marcus@epa.gov]; Kaiser, Russell[Kaiser.Russell@epa.gov]; Shah, Surabhi[Shah.Surabhi@epa.gov]; Simon, Roy[Simon.Roy@epa.gov]; Goodin, John[Goodin.John@epa.gov]; Connors, Sandra[Connors.Sandra@epa.gov]
From: Zobrist, Marcus
Sent: Thur 5/4/2017 1:25:35 PM
Subject: FYI - Some notes from Tuesday's call Office of Water Seeking Feedback on Reducing Regulatory Burden

FYI - My notes from attending the first 2 hours of the OW reg reform call on Tuesday.

These notes are not intended to be comprehensive, but rather to give a flavor of what I heard. A transcript will be available in about a week's time.

OW mentioned that 600+ lines were on the teleconference with additional folks attending via Adobe Connect

I heard 42 speakers in the first 2 hours:

- 7 were from the regulated community (industries, municipalities or groups representing them)
- 3 were from State or interstate organizations
- 1 was from a Tribe
- 32 were from environmental organization (national or local) or private citizens

The regulated community's comments were:

- Very specific and all related to certain requirements in specific NPDES permits or regulations.
- One industry trade group spoke in favor the recent decision to reconsider the Steam Electric Power Generation Effluent Limitations Guidelines, which is implemented in NPDES permits.

Julia Anastasio, Head of ACWA, mentioned ACWA's priorities including:

- Cooperative Federalism: EPA maintaining priority for involving States - States & EPA must work together
- Do not proceed quickly: worried about unintended consequences of rushed decisions
- No backsliding: Preserve or enhance the gains we have already made
- Limit Unfunded Mandates

Peg Bostwick, Head of ASWM,

- Section 404 has a long history of cooperative federalism and there is extensive collaboration with States
- Strong support for OW take action on the upcoming majority recommendations from the FACA on assumable waters

The National Water Resources Association spoke in favor of preserving agricultural exemptions, that isolated non-navigable waters are non-jurisdictional, and that certain human-made impoundments are not jurisdictional

A representative from the Corp d'Alene Indian Tribe said EPA was their biggest ally in addressing a large superfund cleanup

The comments from environmental groups and private citizens were similar, some general themes:

- Expressed generic support for the Clean Water Act, and the Clean Water Rule
- Also support for other recent agency rule currently under reconsideration including the Steam Electric ELG and the Unconventional Oil & Gas rule
- Need to have strong federal programs, especially federal enforcement
- EPA needs more staff, not less
- Some thanked OW and the Regions for all our hard work
- Many mentioned the while the CWA regulations imposes costs, it also provides substantial benefits, those benefits seems to be discounted in this current process which appears to be focused on burden to the regulated community
- Many related CWA and CWR protections directly to human health benefits, and strong connections to improved economic growth
- Many comments mentioned specific OW programs that worked well, including of relevance to OWOW: restoration / mitigation banks; focus on MTR permits, certain TMDLs and TMDL alternatives, wetlands program

To: Christensen, Damaris[Christensen.Damaris@epa.gov]; Kwok, Rose[Kwok.Rose@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
From: Brush, Jason
Sent: Wed 5/3/2017 9:06:31 PM
Subject: FW: Final WOTUS ppt for R9 RTOC ?

Thanks! That clarification of #2 really helps. However, is it better to say Deliberative Process / Ex. 5? Deliberative Process / Ex. 5 Deliberative Process / Ex. 5? What if Deliberative Process / Ex. 5 Deliberative Process / Ex. 5?

From: Christensen, Damaris
Sent: Wednesday, May 03, 2017 1:57 PM
To: Brush, Jason <Brush.Jason@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>
Cc: Downing, Donna <Downing.Donna@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Subject: RE: Final WOTUS ppt for R9 RTOC ?

Hey there!

I'm copying Mindy so she can weigh in also. Sorry about the kerfuffle at the Region –

1. My personal take on Deliberative Process / Ex. 5
   Deliberative Process / Ex. 5
2. Deliberative Process / Ex. 5
3. Deliberative Process / Ex. 5

Damaris

From: Brush, Jason
Sent: Wednesday, May 03, 2017 4:08 PM
To: Christensen, Damaris <Christensen.Damaris@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>
Cc: Downing, Donna <Downing.Donna@epa.gov>
Subject: FW: Final WOTUS ppt for R9 RTOC ?
Importance: High

Yes, one question is on Deliberative Process / Ex. 5
Deliberative Process / Ex. 5
Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Thanks - Jason

Jason A. Brush
Acting Assistant Director, Water Division
U.S. Environmental Protection Agency, Region 9

75 Hawthorne Street (WTR-2)
San Francisco, CA 94105
~~~~~~~~~~~~~~~~~~~~~~~~
desk: 415.972.3483
~~~~~~~~~~~~~~~~~~~~~~~~

From: Christensen, Damaris
Sent: Wednesday, May 03, 2017 12:51 PM
To: Kwok, Rose <Kwok.Rose@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>
Cc: Downing, Donna <Downing.Donna@epa.gov>
Subject: RE: Final WOTUS ppt for R9 RTOC ?

Rose, I didn't see any formatting issues pop up.

Jason, you are going to walk through the powerpoint, right? Do you have any questions for us before we put you on the spot? Some slides have notes more than TPs; others have nothing.

Thanks again!

Damaris

From: Kwok, Rose
Sent: Wednesday, May 03, 2017 1:31 PM
To: Christensen, Damaris <Christensen.Damaris@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>
Cc: Downing, Donna <Downing.Donna@epa.gov>
Subject: Re: Final WOTUS ppt for R9 RTOC ?

I don't think my personal computer has the font that the PPT is in - can someone check this to make sure the slides look ok? Jason - I've updated the title slide and the next steps slide to make it up-to-date. Please let the tribes know that the content in this PPT is the same as the one from April and will be the same for the webinar in May. Thanks!!!

Rose Kwok
U.S. Environmental Protection Agency
Wetlands Division
kwok.rose@epa.gov
202-566-0657, 202-566-1375 (fax)

From: Christensen, Damaris
Sent: Wednesday, May 3, 2017 1:07:38 PM
To: Kwok, Rose; Brush, Jason
Cc: Downing, Donna
Subject: RE: Final WOTUS ppt for R9 RTOC ?

Ok will leave to you, thanks.

And I happened to be on the phone with Donna so can confirm we both are standing down. ☺

All, I know Rose is elsewhere working through some connection issues with Paul Amato. Do we need to try and schedule a meeting to do a run-through or talk through the process this afternoon or tomorrow morning with everyone from Region 9?

If so, Rose, give me an approx.. time and I can take care of setting the meeting up if you'd like. If I don't hear from you I will assume you have this under control and people from R9 are comfortable.

Damaris

From: Kwok, Rose
Sent: Wednesday, May 03, 2017 1:04 PM
To: Brush, Jason <Brush.Jason@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>
Cc: Downing, Donna <Downing.Donna@epa.gov>
Subject: Re: Final WOTUS ppt for R9 RTOC ?

Jason - this looks like an older version. I'll send you the right version momentarily. D&D - I need to make a correction from the version that is currently on SP

Rose Kwok
U.S. Environmental Protection Agency
Wetlands Division
kwok.rose@epa.gov
202-566-0657, 202-566-1375 (fax)

From: Brush, Jason
Sent: Wednesday, May 3, 2017 12:47:34 PM
To: Christensen, Damaris; Kwok, Rose
Cc: Downing, Donna
Subject: Final WOTUS ppt for R9 RTOC ?

Hi guys – Can you make sure I have the final, please? Cheers - JB

Jason A. Brush
Acting Assistant Director, Water Division
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street (WTR-2)
San Francisco, CA 94105
~~~~~~~~~~~~~~~~~~~~~~~~~
desk: 415.972.3483
~~~~~~~~~~~~~~~~~~~~~~~~~

From: Louis, Gail
Sent: Wednesday, May 03, 2017 9:43 AM
To: Brush, Jason <Brush.Jason@epa.gov>
Cc: Amato, Paul <Amato.Paul@epa.gov>
Subject: FW: WOTUS Information Session at May R9 RTOC Meeting

This is the latest version I saw. We need to correct the typo (Regional Tribal Operations Committee).

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Gail Louis, Manager
Tribal Water Section
US EPA Region 9, Water Division
75 Hawthorne Street (WTR-3-4)
San Francisco, CA 94105
Phone: (415) 972-3467
Fax: (415) 947-3537
Email: louis.gail@epa.gov
´¯`·.¸¸..><((((º>·´¯`·.¸¸..><((((º>·´¯`·.¸¸..><((((º>

From: Christensen, Damaris
Sent: Monday, April 24, 2017 2:17 PM
To: Ebbert, Laura <Ebbert.Laura@epa.gov>; Amato, Paul <Amato.Paul@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Mojica Hernandez, Ruben <mojica-hernandez.ruben@epa.gov>; Louis, Gail <Louis.Gail@epa.gov>

Cc: Gude, Karen <Gude.Karen@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting

Still draft, but a slightly later version per our discussion today.

Damaris

From: Christensen, Damaris
Sent: Monday, April 24, 2017 11:22 AM
To: Ebbert, Laura <Ebbert.Laura@epa.gov>; Amato, Paul <Amato.Paul@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Mojica Hernandez, Ruben <mojica-hernandez.ruben@epa.gov>; Louis, Gail <Louis.Gail@epa.gov>
Cc: Gude, Karen <Gude.Karen@epa.gov>; Kwok, Rose <kwok.rose@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting

Here's the DRAFT powerpoint.

Damaris

-----Original Appointment-----
From: Christensen, Damaris
Sent: Saturday, April 22, 2017 10:56 PM
To: Christensen, Damaris; Ebbert, Laura; Amato, Paul; Brush, Jason; Eisenberg, Mindy; Bennett, Brittany; Mojica Hernandez, Ruben; Louis, Gail
Cc: Gude, Karen; Kwok, Rose; Wesson, Dolores
Subject: WOTUS Information Session at May R9 RTOC Meeting
When: Monday, April 24, 2017 3:30 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomWest7129/DC-CCW-OWOW also Nonresponsive Conference Code/ Ex. 6

Hi all,

Call-in: Nonresponsive Conference Code/ Ex. 6

This is to touch base about the R9 RTOC tribal info session/ leader to leader consultation. Karen is on Personal Matters / Ex. 6 but then Personal Matters / Ex. 6 so we'll make sure to coordinate here at HQ.

I'm attaching the tribal consultation letter that went out Thursday, and Karen's email below initially reaching out to Laura. We have a draft powerpoint as well and I'll try to send a copy of that when we get a few more comments from people.

I do have one question for you all: is this meeting set-up likely to allow for people from EPA HQ or Corps HQ to call in?

Damaris

Rose – since you have another meeting scheduled tentatively at this time, and will be in Utah at another meeting May 3-4, don't feel you have to attend this, but consider it an FYI.

From: Gude, Karen
Sent: Tuesday, April 18, 2017 7:13 AM
To: Ebbert, Laura <Ebbert.Laura@epa.gov>
Cc: Christensen, Damaris <Christensen.Damaris@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Subject: Seeking WOUS Information Session at May R9 RTOC Meeting, if Possible

Laura,

Hi. I wanted to follow up to our conversation late last week with regard to the possibility of scheduling an information session for tribes with regard to the upcoming tribal consultation and coordination on a forthcoming proposal to rescind and then revise the definition of "waters of the United States." (Clean Water Rule: Definition of "Waters of the United States"; Final Rule, 80 Fed. Reg. 37,054 (June 29, 2015)). If possible, we would like to schedule a session with tribes on May 4 as part of the Region 9 RTOC meeting, structuring the meeting as an information session with tribes, followed by a few minutes reserved for government-to-government consultation and/or tribal comments to allow tribes that are willing and/or able to provide input.

I'm including some background information on this effort below. OW plans to initiate tribal consultation as early as this week. I'm cc'ing Damaris Christensen and Delores Wesson, both of OW/OWOW, who have been working on the tribal consultation preparations related to this action, for awareness. OWOW is working to confirm a point person to present information/manage the tribal information session at the R9 RTOC meeting.

Any assistance in coordinating and/or scheduling a session at the RTOC would be greatly appreciated. If you should have any questions or concerns or should need any additional information from us, please do not hesitate to let me know.

Background information:

On February 28, the President issued an Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The EO states that it is in the national interest to ensure that the nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of the Congress and the states under the Constitution. The EO directs EPA and ACOE: (1) to review the existing Clean Water Rule (CWR) for consistency with these priorities and publish for notice and comment a proposed rule rescinding or revising the rule, as appropriate and consistent with law, and (2) to consider interpreting the term "navigable waters," in a manner consistent with the Scalia opinion in Rapanos v. U.S.

The agencies intend to follow an expeditious, two-step process that will provide certainty across the country: (1) an initial rulemaking to rescind the 2015 rule and reinstate the regulatory approach that, except for a brief two-month period prior to the Sixth Circuit Court of Appeals' stay of the 2015 rule, has been the regulation in place since 1986, and thus maintains the status quo, and (2) a second rulemaking to revise the definition of waters of the U.S. consistent with direction in the E.O. Justice Scalia's Rapanos opinion indicates Clean Water Act jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

OW plans to initiate tribal consultation as early as this week. The tribal consultation will focus solely on the rulemaking to revise the definition of WOUS consistent with direction provided in the February 28 EO, not on the withdrawal of the current CWR.

Thank you,

Karen Gude
Tribal Program Coordinator (detail)
U.S. EPA/Office of Water
Phone: (202) 564-0831

To: Brush, Jason[Brush.Jason@epa.gov]; Kwok, Rose[Kwok.Rose@epa.gov]
Cc: Downing, Donna[Downing.Donna@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
From: Christensen, Damaris
Sent: Wed 5/3/2017 8:57:03 PM
Subject: RE: Final WOTUS ppt for R9 RTOC ?

Hey there!

I'm copying Mindy so she can weigh in also. Sorry about the kerfuffle at the Region –

1. Deliberative Process / Ex. 5
2. Deliberative Process / Ex. 5
3. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Damaris

From: Brush, Jason
Sent: Wednesday, May 03, 2017 4:08 PM
To: Christensen, Damaris <Christensen.Damaris@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>
Cc: Downing, Donna <Downing.Donna@epa.gov>
Subject: FW: Final WOTUS ppt for R9 RTOC ?
Importance: High

Yes, one question is Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks - Jason

Jason A. Brush
Acting Assistant Director, Water Division
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street (WTR-2)
San Francisco, CA 94105
~~~~~~~~~~~~~~~~~~~~~~~~
desk: 415.972.3483
~~~~~~~~~~~~~~~~~~~~~~~~

From: Christensen, Damaris
Sent: Wednesday, May 03, 2017 12:51 PM
To: Kwok, Rose <Kwok.Rose@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>
Cc: Downing, Donna <Downing.Donna@epa.gov>
Subject: RE: Final WOTUS ppt for R9 RTOC ?

Rose, I didn't see any formatting issues pop up.

Jason, you are going to walk through the powerpoint, right? Do you have any questions for us before we put you on the spot? Some slides have notes more than TPs; others have nothing.

Thanks again!

Damaris

From: Kwok, Rose
Sent: Wednesday, May 03, 2017 1:31 PM
To: Christensen, Damaris <Christensen.Damaris@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>
Cc: Downing, Donna <Downing.Donna@epa.gov>
Subject: Re: Final WOTUS ppt for R9 RTOC ?

I don't think my personal computer has the font that the PPT is in - can someone check this to make sure the slides look ok? Jason - I've updated the title slide and the next steps slide to make it up-to-date. Please let the tribes know that the content in this PPT is the same as the one from April and will be the same for the webinar in May. Thanks!!!

Rose Kwok
U.S. Environmental Protection Agency
Wetlands Division
kwok.rose@epa.gov
202-566-0657, 202-566-1375 (fax)

From: Christensen, Damaris
Sent: Wednesday, May 3, 2017 1:07:38 PM
To: Kwok, Rose; Brush, Jason
Cc: Downing, Donna
Subject: RE: Final WOTUS ppt for R9 RTOC ?

Ok will leave to you, thanks.

And I happened to be on the phone with Donna so can confirm we both are standing down. ☺

All, I know Rose is elsewhere working through some connection issues with Paul Amato. Do we need to try and schedule a meeting to do a run-through or talk through the process this afternoon or tomorrow morning with everyone from Region 9?

If so, Rose, give me an approx.. time and I can take care of setting the meeting up if you'd like. If I don't hear from you I will assume you have this under control and people from R9 are comfortable.

Damaris

From: Kwok, Rose
Sent: Wednesday, May 03, 2017 1:04 PM
To: Brush, Jason <Brush.Jason@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>
Cc: Downing, Donna <Downing.Donna@epa.gov>
Subject: Re: Final WOTUS ppt for R9 RTOC ?

Jason - this looks like an older version. I'll send you the right version momentarily. D&D - I need to make a correction from the version that is currently on SP

Rose Kwok
U.S. Environmental Protection Agency
Wetlands Division

kwok.rose@epa.gov
202-566-0657, 202-566-1375 (fax)

From: Brush, Jason
Sent: Wednesday, May 3, 2017 12:47:34 PM
To: Christensen, Damaris; Kwok, Rose
Cc: Downing, Donna
Subject: Final WOTUS ppt for R9 RTOC ?

Hi guys – Can you make sure I have the final, please? Cheers - JB

Jason A. Brush
Acting Assistant Director, Water Division
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street (WTR-2)
San Francisco, CA 94105
~~~~~~~~~~~~~~~~~~~~~~~~
desk: 415.972.3483
~~~~~~~~~~~~~~~~~~~~~~~~

From: Louis, Gail
Sent: Wednesday, May 03, 2017 9:43 AM
To: Brush, Jason <Brush.Jason@epa.gov>
Cc: Amato, Paul <Amato.Paul@epa.gov>
Subject: FW: WOTUS Information Session at May R9 RTOC Meeting

This is the latest version I saw. We need to correct the typo (Regional Tribal Operations Committee).

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Gail Louis, Manager
Tribal Water Section
US EPA Region 9, Water Division
75 Hawthorne Street (WTR-3-4)
San Francisco, CA 94105
Phone: (415) 972-3467
Fax: (415) 947-3537
Email: louis.gail@epa.gov
´¯`·.¸¸..><((((º>·´¯`·.¸¸..><((((º>·´¯`·.¸¸..><((((º>

From: Christensen, Damaris
Sent: Monday, April 24, 2017 2:17 PM
To: Ebbert, Laura <Ebbert.Laura@epa.gov>; Amato, Paul <Amato.Paul@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Mojica Hernandez, Ruben <mojica-hernandez.ruben@epa.gov>; Louis, Gail <Louis.Gail@epa.gov>
Cc: Gude, Karen <Gude.Karen@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting

Still draft, but a slightly later version per our discussion today.

Damaris

From: Christensen, Damaris
Sent: Monday, April 24, 2017 11:22 AM
To: Ebbert, Laura <Ebbert.Laura@epa.gov>; Amato, Paul <Amato.Paul@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Bennett, Brittany

<bennett.brittany@epa.gov>; Mojica Hernandez, Ruben <mojica-hernandez.ruben@epa.gov>; Louis, Gail <Louis.Gail@epa.gov>
Cc: Gude, Karen <Gude.Karen@epa.gov>; Kwok, Rose <kwok.rose@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting

Here's the DRAFT powerpoint.

Damaris

-----Original Appointment-----
From: Christensen, Damaris
Sent: Saturday, April 22, 2017 10:56 PM
To: Christensen, Damaris; Ebbert, Laura; Amato, Paul; Brush, Jason; Eisenberg, Mindy; Bennett, Brittany; Mojica Hernandez, Ruben; Louis, Gail
Cc: Gude, Karen; Kwok, Rose; Wesson, Dolores
Subject: WOTUS Information Session at May R9 RTOC Meeting
When: Monday, April 24, 2017 3:30 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomWest7129/DC-CCW-OWOW also Nonresponsive Conference Code/ Ex. 6

Hi all,

Call-in: Nonresponsive Conference Code/ Ex. 6

This is to touch base about the R9 RTOC tribal info session/ leader to leader consultation. Karen is Personal Matters / Ex. 6 Personal Matters / Ex. 6 but then Personal Matters / Ex. 6 so we'll make sure to coordinate here at HQ.

I'm attaching the tribal consultation letter that went out Thursday, and Karen's email below initially reaching out to Laura. We have a draft powerpoint as well and I'll try to send a copy of that when we get a few more comments from people.

I do have one question for you all: is this meeting set-up likely to allow for people from EPA HQ or Corps HQ to call in?

Damaris

Rose – since you have another meeting scheduled tentatively at this time, and will be in Utah at another meeting May 3-4, don't feel you have to attend this, but consider it an FYI.

From: Gude, Karen
Sent: Tuesday, April 18, 2017 7:13 AM
To: Ebbert, Laura <Ebbert.Laura@epa.gov>
Cc: Christensen, Damaris <Christensen.Damaris@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Subject: Seeking WOUS Information Session at May R9 RTOC Meeting, if Possible

Laura,

Hi. I wanted to follow up to our conversation late last week with regard to the possibility of scheduling an information session for tribes with regard to the upcoming tribal consultation and coordination on a forthcoming proposal to rescind and then revise the definition of "waters of the United States." (Clean Water Rule: Definition of "Waters of the United States"; Final Rule, 80 Fed. Reg. 37,054 (June 29, 2015)). If possible, we would like to schedule a session with tribes on May 4 as part of the Region 9 RTOC meeting, structuring the meeting as an information session with tribes, followed by a few minutes reserved for government-to-government consultation and/or tribal comments to allow tribes that are willing and/or able to provide input.

I'm including some background information on this effort below. OW plans to initiate tribal consultation as early as

this week. I'm cc'ing Damaris Christensen and Delores Wesson, both of OW/OWOW, who have been working on the tribal consultation preparations related to this action, for awareness. OWOW is working to confirm a point person to present information/manage the tribal information session at the R9 RTOC meeting.

Any assistance in coordinating and/or scheduling a session at the RTOC would be greatly appreciated. If you should have any questions or concerns or should need any additional information from us, please do not hesitate to let me know.

Background information:

On February 28, the President issued an Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The EO states that it is in the national interest to ensure that the nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of the Congress and the states under the Constitution. The EO directs EPA and ACOE: (1) to review the existing Clean Water Rule (CWR) for consistency with these priorities and publish for notice and comment a proposed rule rescinding or revising the rule, as appropriate and consistent with law, and (2) to consider interpreting the term "navigable waters," in a manner consistent with the Scalia opinion in Rapanos v. U.S.

The agencies intend to follow an expeditious, two-step process that will provide certainty across the country: (1) an initial rulemaking to rescind the 2015 rule and reinstate the regulatory approach that, except for a brief two-month period prior to the Sixth Circuit Court of Appeals' stay of the 2015 rule, has been the regulation in place since 1986, and thus maintains the status quo, and (2) a second rulemaking to revise the definition of waters of the U.S. consistent with direction in the E.O. Justice Scalia's Rapanos opinion indicates Clean Water Act jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

OW plans to initiate tribal consultation as early as this week. The tribal consultation will focus solely on the rulemaking to revise the definition of WOUS consistent with direction provided in the February 28 EO, not on the withdrawal of the current CWR.

Thank you,

Karen Gude
Tribal Program Coordinator (detail)
U.S. EPA/Office of Water
Phone: (202) 564-0831

To: Kaiser, Russell[Kaiser.Russell@epa.gov]
Cc: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]
From: Downing, Donna
Sent: Wed 5/3/2017 8:44:31 PM
Subject: Requested TPs on WOTUS-2 rulemaking effort
Draft Basic Talking Points updated by DMD.docx

Hi Russ:
As requested, attached are talking points on the ongoing WOTUS-2 rulemaking effort for your potential use at the mitigation banking conference. Please let me know if you have any questions or suggestions.

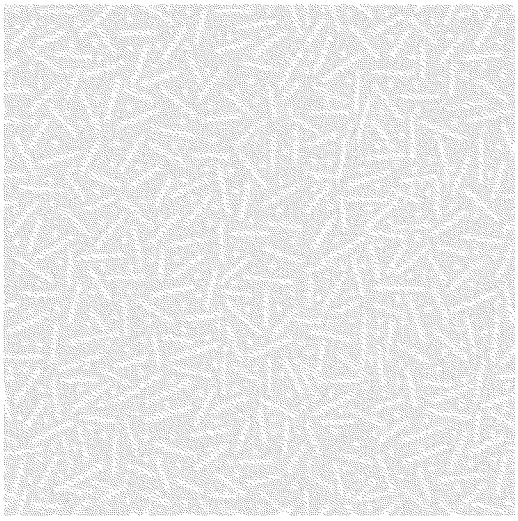
Donna

Donna Downing
Acting Chief, Wetlands and Aquatic Resources Regulatory Branch
Office of Wetlands, Oceans & Watersheds
U.S. Environmental Protection Agency
ph: (202) 566-1367
downing.donna@epa.gov

USPS Address:
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Delivery Address:
1301 Constitution Avenue, NW, room 7214-D
Washington, DC 20004

To: Johnson, Terri[Johnson.Terri@epa.gov]
Cc: Christensen, Damaris[Christensen.Damaris@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
From: Downing, Donna
Sent: Wed 5/3/2017 8:42:44 PM
Subject: RE: talking points for Benita
Draft Basic Talking Points updated by DMD.docx



Hi Terri:

Attached are updated TPs, reflecting that we've initiated tribal consultation as well as OMB review on the Step 1 draft rule package.

Please let me know if you have any questions or suggestions. Thanks!

Donna

From: Johnson, Terri
Sent: Tuesday, May 02, 2017 9:27 AM
To: Downing, Donna <Downing.Donna@epa.gov>
Subject: FW: talking points for Benita

Donna, I provided the TPs above to Benita last week and told her I would get her any changes you recommend later this week. She is speaking Monday at an Urban Waters meeting in Grand Rapids associated with River Rally.

I think she wants to let John talk about the rule changes and may have some ideas about what should be said but if you think there are any changes to the attached TPs that I should forward to them please let me know before COB Thru.

Terri

From: Downing, Donna
Sent: Thursday, April 13, 2017 5:53 PM
To: Johnson, Terri <Johnson.Terri@epa.gov>
Subject: RE: talking points for Benita

Hi Terri:

Yeah, we're pretty busy but I did remember your request. I hadn't sent any TPs because the WOTUS rule situation is changing so quickly that anything from last week would potentially be out of date by the end of this week. With that warning, attached please find the current set of talking points. Let's touch base closer to Rally time to make sure the TPs reflect the then-latest public position.

Thanks!

Donna

From: Johnson, Terri
Sent: Thursday, April 13, 2017 4:23 PM
To: Downing, Donna <Downing.Donna@epa.gov>
Subject: FW: talking points for Benita

I know you must be crazy busy but if you have a chance to forward the talking points you mentioned for the CWA rule it would help me as I develop talking points for Benita and John
I need to get the first draft off to Surabhi Shah for review then they go to Benita for the briefing.

From: Johnson, Terri
Sent: Wednesday, April 05, 2017 12:55 PM
To: Downing, Donna <Downing.Donna@epa.gov>
Subject: talking points for Benita

Rally is May 8th – 11th and she will be talking to NGOs, our regions and other Feds.

Thanks Donna

Terri Johnson
EPA- Office of Water
Urban Waters Program
202-564-8296

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]
From: Downing, Donna
Sent: Wed 5/3/2017 7:16:09 PM
Subject: For quick review: updated WOTUS TPs needed by Benita asap
Draft Basic Talking Points updated by DMD.docx

Hi Mindy and Damaris:

Building from what I believe are the "basic WOTUS TPs," attached is are gently updated Basic TPs with the update shown in redline/strikeout. Benita is giving a presentation on Monday and has requested updated TPs this afternoon. Russ K. also is giving a presentation next week (leaving on Monday am) and similarly needs updated basic TPs.

Could you take a quick look at my updates and let me know if they're OK to share for use by Benita and Ruse? Thanks! Ideally I could send these 4ish to meet their timeframe. Thanks!

Donna

Donna Downing
Jurisdiction Team Leader
Office of Wetlands, Oceans & Watersheds
U.S. Environmental Protection Agency
ph: (202) 566-1367
downing.donna@epa.gov

USPS Address:
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Delivery Address:
1301 Constitution Avenue, NW, room 7214-D
Washington, DC 20004

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Kwok, Rose[Kwok.Rose@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]
Cc: Goodin, John[Goodin.John@epa.gov]
From: Christensen, Damaris
Sent: Mon 5/1/2017 7:31:08 PM
Subject: RE: Requesting a new web area
WOTUS 2 Website Content Early Draft 4.27.17_mge_dc.docx

And a few more...

From: Eisenberg, Mindy
Sent: Sunday, April 30, 2017 5:30 PM
To: Bennett, Brittany <bennett.brittany@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>
Cc: Goodin, John <Goodin.John@epa.gov>
Subject: RE: Requesting a new web area

Thanks Brittany! Here are a few thoughts.

Please keep me posted on getting the new web area approved and if you need me to push things along.

Mindy

Mindy Eisenberg
Acting Director, Wetlands Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Bennett, Brittany
Sent: Thursday, April 27, 2017 5:00 PM
To: Kwok, Rose <Kwok.Rose@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>
Cc: Goodin, John <Goodin.John@epa.gov>
Subject: RE: Requesting a new web area

Hey All,

Attached is a skeletal outline of content/subjects that could be contained within Deliberative Process / Ex. 5 Please feel free to make recommendations of additional material to include or material to remove. I discussed the three headers (Background, Rulemaking Process, and FAQ) with Mindy yesterday, but there is otherwise no webpage structure suggested within this outline. It is simply a list of content to add to provide on the site.

B

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Kwok, Rose
Sent: Wednesday, April 26, 2017 3:46 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>
Subject: RE: Requesting a new web area

Hmm...I'm going to let Latosha know that the idea of Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

From: Thomas, Latosha
Sent: Wednesday, April 26, 2017 3:42 PM
To: Kwok, Rose <Kwok.Rose@epa.gov>; Bravo, Antonio <Bravo.Antonio@epa.gov>
Subject: RE: Requesting a new web area

Hi,

Here's the response from OPA (Jessica Orquina in OWC)

Deliberative Process / Ex. 5

From: Kwok, Rose
Sent: Wednesday, April 26, 2017 3:12 PM
To: Bravo, Antonio <Bravo.Antonio@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: RE: Requesting a new web area

Looking at the webplan on the intranet – can you please change the Editor in Chief of the Clean Water Rule page from Travis to me the next time we provide edits? Thanks!

From: Bravo, Antonio
Sent: Wednesday, April 26, 2017 3:09 PM
To: Kwok, Rose <Kwok.Rose@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: Re: Requesting a new web area

That is part of it of course, but so is the topic...best to ensure that OPA is completely on board (and record) for this.

From: Kwok, Rose
Sent: Wednesday, April 26, 2017 3:07:55 PM
To: Bravo, Antonio; Thomas, Latosha
Subject: RE: Requesting a new web area

Someone from the web office (maybe OEI?) really reamed us the last time we needed to launch a website because it wasn't on the web plan, etc. So I'm trying to prevent that from happening....

From: Bravo, Antonio
Sent: Wednesday, April 26, 2017 3:00 PM
To: Thomas, Latosha <Thomas.Latosha@epa.gov>
Cc: Kwok, Rose <Kwok.Rose@epa.gov>
Subject: Re: Requesting a new web area

Perfect...I figured as such....

From: Thomas, Latosha
Sent: Wednesday, April 26, 2017 2:59:37 PM
To: Bravo, Antonio
Cc: Kwok, Rose
Subject: RE: Requesting a new web area

Hi!

I'm checking in on this now...

This, of course, is a part of the larger conversation of Deliberative Process / Ex. 5 as a whole. I'll let you know what OPA says!

From: Bravo, Antonio
Sent: Wednesday, April 26, 2017 2:53 PM
To: Thomas, Latosha <Thomas.Latosha@epa.gov>
Cc: Kwok, Rose <Kwok.Rose@epa.gov>
Subject: Fw: Requesting a new web area

Latosha, Can you look into this...especially since it is a sensitive subject....

From: Kwok, Rose
Sent: Wednesday, April 26, 2017 2:48 PM
To: Bravo, Antonio; Sheeler, Antonio
Cc: Bennett, Brittany; Christensen, Damaris
Subject: Requesting a new web area

Hi Antonios,

We'd like to request Deliberative Process / Ex. 5 It's been confusing to Deliberative Process / Ex. 5 Deliberative Process / Ex. 5

I wanted to let you know so that it's not a surprise when we request it – how long does that take? We'd like to request a new web area very soon. This is not on the web plan – how long does that take?

Also, how hard is it to change the URL once a web area is created (assuming that it is not yet published).

Thanks for your help!

To: Christensen, Damaris[Christensen.Damaris@epa.gov]; Kwok, Rose[Kwok.Rose@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Weinstock, Larry[Weinstock.Larry@epa.gov]; Auerbach, Daniel[Auerbach.Daniel@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Wesson, Dolores[Wesson.Dolores@epa.gov]; Goodin, John[Goodin.John@epa.gov]
From: Downing, Donna
Sent: Fri 4/28/2017 4:49:56 PM
Subject: FYI -- Downing's notes from the tribal webinar
Tribal Consultation Webinar 4-27-17.docx

Hi folks:

Attached FYI are my notes from yesterday's Tribal Webinar. I'll also post them on the Sharepoint site. Figured I'd get them out before taking off on another business trip.

Donna

Donna Downing
Acting Chief, Wetlands and Aquatic Resources Regulatory Branch
Office of Wetlands, Oceans & Watersheds
U.S. Environmental Protection Agency
ph: (202) 566-1367
downing.donna@epa.gov

USPS Address:
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Delivery Address:
1301 Constitution Avenue, NW, room 7214-D
Washington, DC 20004

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Kwok, Rose[Kwok.Rose@epa.gov]; McDavit, Michael W.[Mcdavit.Michael@epa.gov]; Goodin, John[Goodin.John@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]
From: Christensen, Damaris
Sent: Fri 4/28/2017 3:29:33 PM
Subject: Re: LGAC charge

FYI as y'all take a look at this again.

Sent from my iPhone

On Apr 26, 2017, at 3:01 PM, Christensen, Damaris <Christensen.Damaris@epa.gov> wrote:

Hi all,

Generally I think the **Deliberative Process / Ex. 5** **Deliberative Process / Ex. 5**

I have questions about updating the language from the federalism letter. In many cases the federalism powerpoint or the preamble **Deliberative Process / Ex. 5**

1. **Deliberative Process / Ex. 5** I couldn't hear all the discussion at today's meeting but we should edit this **Deliberative Process / Ex. 5**
2. **Deliberative Process / Ex. 5**

I also think we should **Deliberative Process / Ex. 5** **Deliberative Process / Ex. 5** I'm happy to do that as outreach coordinator, or defer to Mindy.

Daamris

Damaris

From: Eisenberg, Mindy
Sent: Tuesday, April 25, 2017 7:53 PM
To: Christensen, Damaris <Christensen.Damaris@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>
Subject: Fwd: Email note to Goodin

FYI. **Deliberative Process / Ex. 5**

Sent from my iPhone
Begin forwarded message:

> **From:** "Bowles, Jack" <Bowles.Jack@epa.gov>
> **Date:** April 25, 2017 at 7:27:02 PM EDT
> **To:** "Goodin, John" <Goodin.John@epa.gov>
> **Cc:** "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>, "Downing, Donna" <Downing.Donna@epa.gov>, "Eargle, Frances" <Eargle.Frances@epa.gov>
> **Subject: FW: Email note to Goodin**
>
> Hey John,
>
> The LGAC's Protecting America's Waters Workgroup is meeting on **Wednesday, May 3rd, 4:30-5:30 ET** via teleconference. We would like you to speak to them regarding Waters of the U.S.

E.O. We have also drafted a charge for the committee to respond to WOTUS. Are you or someone else available to speak to the workgroup and field questions?

Also, could y'all please review the Draft LGAC WOTUS Charge and provide us with any comments or revisions you may have. NOTE: The highlighted text is taken directly from the Federalism consultation information. We added a few questions and issues the LGAC might uniquely comment on. Let us know what you think. Thank you.

Best,
Jack

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]
Cc: Peck, Gregory[Peck.Gregory@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]
From: Schmauder, Craig R SES (US)
Sent: Fri 4/28/2017 2:29:07 PM
Subject: Army OGC Review
WOTUS2 step 1 draft preamble_20170427 with Army OGC edits.docx

Mindy and Carrie, as promised, Deliberative Process / ACP Ex. 5

Deliberative Process / ACP Ex. 5

Respectfully -- Craig

Craig R. Schmauder, SES
Deputy General Counsel
Installations, Environment & Civil Works
Personal Matters / Ex. 6

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-----Original Message-----
From: Eisenberg, Mindy [mailto:Eisenberg.Mindy@epa.gov]
Sent: Thursday, April 27, 2017 4:05 PM
To: Jensen, Stacey M CIV USARMY HQDA (US) <Stacey.M.Jensen@usace.army.mil>; Personal Matters / Ex. 6 CIV USARMY HQDA ASA CW (US) Personal Matters / Ex. 6 @mail.mil>; David.F.Dale@usace.army.mil; Cooper, David R SES USARMY CEHQ (US) <David.R.Cooper@usace.army.mil>; Schmauder, Craig R SES (US) Personal Matters / Ex. 6 @mail.mil>
Subject: [Non-DoD Source] FW: Deliberative Process / Ex. 5

FYI. Are plan is to clean up the preamble and then move it forward to OMB tomorrow.

Mindy Eisenberg

Acting Director, Wetlands Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

From: Neugeboren, Steven

Sent: Thursday, April 27, 2017 3:48 PM
To: Shapiro, Mike <Shapiro.Mike@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Klasen, Matthew <Klasen.Matthew@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Bangerter, Layne <bangerter.layne@epa.gov>; Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Keating, Jim <Keating.Jim@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Damico, Brian <Damico.Brian@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Stokely, Peter <Stokely.Peter@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; jennifer.a.moyer@usace.army.mil; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Donald.e.jackson@usace.army.mil; Brown, Byron <brown.byron@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Cc: FertikEdgerton, Rachel <FertikEdgerton.Rachel@epa.gov>; Borum, Denis <Borum.Denis@epa.gov>; Orvin, Chris <Orvin.Chris@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Washington, Valerie <Washington.Valerie@epa.gov>; Howard, MarkW <Howard.MarkW@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>; Cindy Barger <cindy.s.barger.civ@mail.mil>; McGartland, Al <McGartland.Al@epa.gov>; Penman, Crystal <Penman.Crystal@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Hanson, Andrew <Hanson.Andrew@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Skinner-Thompson, Jonathan <Skinner-Thompson.Jonathan@epa.gov>
Subject: **Deliberative Process / Ex. 5**

Deliberative Process / ACP Ex. 5

Steven Neugeboren

Associate General Counsel

Water Law Office

Environmental Protection Agency

202-564-5488

From: Neugeboren, Steven

To: Goodin, John[Goodin.John@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
Cc: Downing, Donna[Downing.Donna@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]; Bowles, Jack[Bowles.Jack@epa.gov]
From: Eargle, Frances
Sent: Fri 4/28/2017 2:04:21 PM
Subject: FW: Email note to Goodin
LGAC-WOTUS-DraftCharge-04-21-17(3).docx
WaterWG-AGENDA-May3-2017.docx

John,

Will you or someone from OWOW be able to present WOTUS for the **LGAC Water Workgroup on May 3rd, 4:30-5:30 ET (teleconference).** The Executive Committee met on Wednesday and they are moving forward with engaging the committee on Regulatory Reform and WOTUS.

Also, if you have any comments on the Draft Charge please send them in as soon as possible.

Thanks,

Fran Eargle

From: Bowles, Jack
Sent: Tuesday, April 25, 2017 7:27 PM
To: Goodin, John <Goodin.John@epa.gov>
Cc: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Eargle, Frances <Eargle.Frances@epa.gov>
Subject: FW: Email note to Goodin

Hey John,

The LGAC's Protecting America's Waters Workgroup is meeting on **Wednesday, May 3rd, 4:30-5:30 ET** via teleconference. We would like you to speak to them regarding Waters of the U.S. E.O. We have also drafted a charge for the committee to respond to WOTUS. Are you or someone else available to speak to the workgroup and field questions?

Also, could y'all please review the Draft LGAC WOTUS Charge and provide us with any comments or revisions you may have. NOTE: The highlighted text is taken directly from the Federalism consultation information. We added a few questions and issues the LGAC might uniquely comment on. Let us know what you think. Thank you.

Best,

Jack

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
Cc: Jensen, Stacey M CIV USARMY HQDA (US)[Stacey.M.Jensen@usace.army.mil]; Moyer, Jennifer A CIV USARMY CEHQ (US)[Jennifer.A.Moyer@usace.army.mil]; David.F.Dale@usace.army.mil[David.F.Dale@usace.army.mil]
From: Personal Matters / Ex. 6 CIV USARMY HQDA ASA CW (US)
Sent: Fri 4/28/2017 1:59:37 PM
Subject: RE: [Non-DoD Source] FW: draft outreach strategy for Monday discussion
WOTUS2 outreach overview 4-27_csb.docx

Hi Mindy - I added in something that is what we were thinking might work. We also think we should have some sort of coordination when we get tasker letters from congress or key stakeholders to make that run a little smoother but we haven't thought through that too much yet. I should have something on that for the Tuesday staff meeting

Let me know what you think

Personal Matters / Ex. 6

Personal Matters / Ex. 6
Environmental Planner
Office of the Assistant Secretary of the Army (Civil Works)
Project Planning and Review
441 G Street, NW Rm Personal Matters / Ex. 6
Washington, DC 20314
tel: Personal Matters / Ex. 6
cel: Personal Phone / Ex. 6

-----Original Message-----
From: Eisenberg, Mindy [mailto:Eisenberg.Mindy@epa.gov]
Sent: Friday, April 28, 2017 9:05 AM
To: Personal Matters / Ex. 6 CIV USARMY HQDA ASA CW (US) Personal Matters / Ex. 6 @mail.mil>
Subject: [Non-DoD Source] FW: draft outreach strategy for Monday discussion

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Hi Personal Matters / Ex. 6

I'm working to finalize the outreach strategy proposal for a meeting with Sarah on Monday. Stacey mentioned that you all are working on a congressional approach that I think would fit in nicely to this. Would you mind adding something to the attached?

Thanks!

Mindy Eisenberg

Acting Director, Wetlands Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

From: Eisenberg, Mindy
Sent: Thursday, April 27, 2017 6:20 PM
To: Shapiro, Mike <Shapiro.Mike@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>
Cc: Christensen, Damaris <Christensen.Damaris@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: draft outreach strategy for Monday discussion

Hi All,

In preparation for our discussion with Sarah and Liz on Monday regarding outreach for the two-step rulemaking, we have developed a draft outreach strategy that we could talk through. As you will see, we are attempting to balance the desire for Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 We would appreciate any comments on the overall approach, recommendations, questions for S and L, etc. before sending this forward tomorrow afternoon.

Thanks!

Mindy

Mindy Eisenberg

Acting Director, Wetlands Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov < Caution-mailto:eisenberg.mindy@epa.gov >

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
From: Eisenberg, Mindy
Sent: Thur 4/27/2017 11:19:19 PM
Subject: Fwd: Email note to Goodin
LGAC-WOTUS-DraftCharge-04-21-17(3).docx
ATT00001.htm
WaterWG-AGENDA-May3-2017.docx
ATT00002.htm

Sent from my iPhone

Begin forwarded message:

From: "Bowles, Jack" <Bowles.Jack@epa.gov>
Date: April 25, 2017 at 7:27:02 PM EDT
To: "Goodin, John" <Goodin.John@epa.gov>
Cc: "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>, "Downing, Donna" <Downing.Donna@epa.gov>, "Eargle, Frances" <Eargle.Frances@epa.gov>
Subject: FW: Email note to Goodin

Hey John,

The LGAC's Protecting America's Waters Workgroup is meeting on **Wednesday, May 3rd, 4:30-5:30 ET** via teleconference. We would like you to speak to them regarding Waters of the U.S. E.O. We have also drafted a charge for the committee to respond to WOTUS. Are you or someone else available to speak to the workgroup and field questions?

Also, could y'all please review the Draft LGAC WOTUS Charge and provide us with any comments or revisions you may have. NOTE: The highlighted text is taken directly from the Federalism consultation information. We added a few questions and issues the LGAC might uniquely comment on. Let us know what you think. Thank you.

Best,

Jack

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Peck, Gregory[Peck.Gregory@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]
From: Goodin, John
Sent: Thur 4/27/2017 9:32:18 PM
Subject: Fwd: Summary of EPW Hearing: A Review of the Technical, Scientific, and Legal Basis of the WOTUS Rule
Hearing Summary_Senate EPW_Review of WOTUS_04-26-17.docx
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

> **From:** "Campbell, Ann" <Campbell.Ann@epa.gov>
> **Date:** April 27, 2017 at 5:12:48 PM EDT
> **To:** "Shapiro, Mike" <Shapiro.Mike@epa.gov>, "Best-Wong, Benita" <Best-Wong.Benita@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>
> **Subject: Fwd: Summary of EPW Hearing: A Review of the Technical, Scientific, and Legal Basis of the WOTUS Rule**

Begin forwarded message:

> **From:** "Barbery, Andrea" <Barbery.Andrea@epa.gov>
> **Date:** April 27, 2017 at 5:09:43 PM EDT
> **To:** "Threet, Derek" <Threet.Derek@epa.gov>, "Campbell, Ann" <Campbell.Ann@epa.gov>
> **Subject: FW: Summary of EPW Hearing: A Review of the Technical, Scientific, and Legal Basis of the WOTUS Rule**

Hi, Derek and Ann. Are y'all interested in getting OCIR's hearing summaries? This one, on CWR...

From: Borum, Denis
Sent: Thursday, April 27, 2017 4:45 PM
To: AO-OCIR Everyone <AOOCIR_Everyone@epa.gov>; RCL's <CNRCLsOIntergov._Contacts@epa.gov>
Cc: Peck, Gregory <Peck.Gregory@epa.gov>; Orvin, Chris <Orvin.Chris@epa.gov>
Subject: Summary of EPW Hearing: A Review of the Technical, Scientific, and Legal Basis of the WOTUS Rule

All –

Please see attached and let me know of any questions. Thank you

Denis

Denis R. Borum
Congressional Liaison Specialist
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (MC-1301A)
Washington, D.C. 20460
(202) 564-4836 (phone)
(202) 501-1549 (fax)

borum.denis@epa.gov (e-mail)

To: Kwok, Rose[Kwok.Rose@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]
Cc: Goodin, John[Goodin.John@epa.gov]
From: Bennett, Brittany
Sent: Thur 4/27/2017 9:00:21 PM
Subject: RE: Requesting a new web area
WOTUS 2 Website Content Early Draft 4.27.17.docx

Hey All,

Attached is a skeletal outline of content/subjects that could be contained within Deliberative Process / Ex. 5 Please feel free to make recommendations of additional material to include or material to remove. I discussed the three headers (Background, Rulemaking Process, and FAQ) with Mindy yesterday, but there is otherwise no webpage structure suggested within this outline. It is simply a list of content to add to provide on the site.

B

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Kwok, Rose
Sent: Wednesday, April 26, 2017 3:46 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>
Subject: RE: Requesting a new web area

Hmm…I'm going to let Latosha know that the idea of Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

From: Thomas, Latosha
Sent: Wednesday, April 26, 2017 3:42 PM
To: Kwok, Rose <Kwok.Rose@epa.gov>; Bravo, Antonio <Bravo.Antonio@epa.gov>
Subject: RE: Requesting a new web area

Hi,

Here's the response from OPA (Jessica Orquina in OWC)

Deliberative Process / Ex. 5

From: Kwok, Rose
Sent: Wednesday, April 26, 2017 3:12 PM
To: Bravo, Antonio <Bravo.Antonio@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: RE: Requesting a new web area

Looking at the webplan on the intranet – can you please change the Editor in Chief of the Clean Water Rule page from Travis to me the next time we provide edits? Thanks!

From: Bravo, Antonio
Sent: Wednesday, April 26, 2017 3:09 PM
To: Kwok, Rose <Kwok.Rose@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: Re: Requesting a new web area

That is part of it of course, but so is the topic...best to ensure that OPA is completely on board (and record) for this.

From: Kwok, Rose
Sent: Wednesday, April 26, 2017 3:07:55 PM
To: Bravo, Antonio; Thomas, Latosha
Subject: RE: Requesting a new web area

Someone from the web office (maybe OEI?) really reamed us the last time we needed to launch a website because it wasn't on the web plan, etc. So I'm trying to prevent that from happening....

From: Bravo, Antonio
Sent: Wednesday, April 26, 2017 3:00 PM
To: Thomas, Latosha <Thomas.Latosha@epa.gov>
Cc: Kwok, Rose <Kwok.Rose@epa.gov>
Subject: Re: Requesting a new web area

Perfect...I figured as such....

From: Thomas, Latosha
Sent: Wednesday, April 26, 2017 2:59:37 PM
To: Bravo, Antonio
Cc: Kwok, Rose
Subject: RE: Requesting a new web area

Hi!

I'm checking in on this now...

This, of course, is a part of the larger conversation of WOTUS communications as a whole. I'll let you know what OPA says!

From: Bravo, Antonio
Sent: Wednesday, April 26, 2017 2:53 PM
To: Thomas, Latosha <Thomas.Latosha@epa.gov>
Cc: Kwok, Rose <Kwok.Rose@epa.gov>
Subject: Fw: Requesting a new web area

Latosha, Can you look into this...especially since it is a sensitive subject....

From: Kwok, Rose
Sent: Wednesday, April 26, 2017 2:48 PM
To: Bravo, Antonio; Sheeler, Antonio
Cc: Bennett, Brittany; Christensen, Damaris
Subject: Requesting a new web area

Hi Antonios,

We'd like to request **Deliberative Process / Ex. 5**
Deliberative Process / Ex. 5

I wanted to let you know so that it's not a surprise when we request it – how long does that take? We'd like to request a new web area very soon. This is not on the web plan – how long does that take?

Also, how hard is it to change the URL once a web area is created (assuming that it is not yet published).

Thanks for your help!

To: Kwok, Rose[Kwok.Rose@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]
From: Kupchan, Simma
Sent: Thur 4/27/2017 5:01:37 PM
Subject: RE: Preamble draft question

Kupchan, Simma has shared a OneDrive for Business file with you. To view it, click the link below.

WOTUS-2 Step 1 drafty outline preamble v1_mge rmk_smj.docx

Thanks, Rose. I did one more run-through of the full, clean document and made the attached cleanup edits. Looking good!

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

From: Kwok, Rose
Sent: Wednesday, April 26, 2017 4:46 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Cc: Kupchan, Simma <Kupchan.Simma@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>
Subject: RE: Preamble draft question

Hi Folks,
Thanks to Simma for making the edits – I've gone through and accepted them all, plus one edit from Caryn from OP (she was fine with the Statute and EO section as is, except for one typo).

The outstanding comment bubble is that there will be new text coming tomorrow on Deliberative Process / Ex. 5

I'll send along this version to Sandy Evalenko and Caryn as well. Mindy, I wasn't sure whom else we needed to send it to, so feel free to more broadly distribute.
Thanks.

From: Neugeboren, Steven
Sent: Tuesday, April 25, 2017 10:29 PM
To: Kwok, Rose <Kwok.Rose@epa.gov>
Cc: Kupchan, Simma <Kupchan.Simma@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>
Subject: Re: Preamble draft question

I don't have strong feelings about Deliberative Process / attorney client Ex. 5 Yours more closely tracks Deliberative Process / attorney client Ex. 5 I think the word Deliberative Process / attorney client Ex. 5 Your alternative wording sounds Deliberative Process / attorney client Ex. 5 Deliberative Process / attorney client Ex. 5

Sent from my iPhone

Steven Neugeboren
Associate General Counsel
United States Environmental Protection Agency
1200 Pennsylvania Ave. NW

Washington DC. 20460
202-564-5488

On Apr 25, 2017, at 8:03 PM, Kwok, Rose <Kwok.Rose@epa.gov> wrote:

Hi OGCers,

I'd expressed some concern over the phone today about one sentence that Steve had written in the preamble about Deliberative Process / attorney client Ex. 5 We'd like to propose some alternatives, as I think as written, it could come off as sounding

Deliberative Process / attorney client Ex. 5

Deliberative Process / attorney client Ex. 5 Thanks!

Deliberative Process / attorney client Ex. 5

EPA's Local Government Advisory Committee (LGAC) 2016

Protecting America's Waters Workgroup

Wednesday, May 03, 2017 4:30 PM- 5:30 PM ET

Call in Number: 1-866-299-3188, Code-202-564-3115#

A G E N D A

4:30-4:35 PM	**Call to Order and Opening Remarks** *Susan Hann, Chairwoman* *Mayor Elizabeth Kautz, Vice-Chair*
4:35-5:00	**Waters of the United States Executive Order** *John Goodin* Acting Director, EPA's Office of Wetlands, Oceans and Watersheds
5:00-5:20	**Discussion of LGAC's Waters of the United States (WOTUS) and Regulatory Reform** *Susan Hann, Chairwoman* ACTION: Workgroup Discussion
5:20 -5:25	**Update on Asset Management** Susanna Bains, Sustainable Systems Team, OGWDW
5:25-5:30 PM	**Wrap-Up/Next Steps** *Susan Hann, Chairwoman*

DRAFT

EPA's Local Government Advisory Committee (LGAC) 2016

Protecting America's Waters Workgroup

Wednesday, May 03, 2017 4:30 PM- 5:30 PM ET

Call in Number: 1-866-299-3188, Code-202-564-3115#

A G E N D A

4:30-4:35 PM **Call to Order and Opening Remarks**
Susan Hann, Chairwoman
Mayor Elizabeth Kautz, Vice-Chair

4:35-5:00 **Waters of the United States Executive Order**
John Goodin
Acting Director, EPA's Office of Wetlands, Oceans and Watersheds

5:00-5:20 **Discussion of LGAC's Waters of the United States (WOTUS) and Regulatory Reform**
Susan Hann, Chairwoman

ACTION: Workgroup Discussion

5:20 -5:25 **Update on Asset Management**
Susanna Bains, Sustainable Systems Team, OGWDW

-

5:25-5:30 PM **Wrap-Up/Next Steps**
Susan Hann, Chairwoman

DRAFT

To: Campbell, Ann[Campbell.Ann@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Goodin, John[Goodin.John@epa.gov]
Cc: Christensen, Damaris[Christensen.Damaris@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]
From: Kwok, Rose
Sent: Thur 4/27/2017 2:30:50 PM
Subject: RE: script/run of show for tomorrow's tribal webinar
tribal info-consultation webinars run of show Apr 27.docx
WOTUS2 tribal info and consultation.pptx

Hi Ann and John,
Here are the latest documents. I assume that they also need to be sent up to Byron and Sarah? Do you want me to send them to everyone on the invite list for today's webinar, or will someone else do that?

Thanks!

From: Campbell, Ann
Sent: Wednesday, April 26, 2017 1:23 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Cc: Kwok, Rose <Kwok.Rose@epa.gov>
Subject: RE: script/run of show for tomorrow's tribal webinar

Great. Thank you.

From: Eisenberg, Mindy
Sent: Wednesday, April 26, 2017 1:23 PM
To: Campbell, Ann <Campbell.Ann@epa.gov>
Cc: Kwok, Rose <Kwok.Rose@epa.gov>
Subject: Re: script/run of show for tomorrow's tribal webinar

We are making a couple of changes and then Rose or I will send it to you.

Sent from my iPhone
On Apr 26, 2017, at 1:21 PM, Campbell, Ann <Campbell.Ann@epa.gov> wrote:

> Thanks Mindy. Is the powerpoint the same?
>
> ---
>
> **From:** Eisenberg, Mindy
> **Sent:** Wednesday, April 26, 2017 1:12 PM
> **To:** Campbell, Ann <Campbell.Ann@epa.gov>
> **Subject:** Fwd: script/run of show for tomorrow's tribal webinar
>
> Sorry I left you off!
>
> Sent from my iPhone
> Begin forwarded message:
>
> > **From:** "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>
> > **Date:** April 26, 2017 at 12:58:09 PM EDT
> > **To:** "Shapiro, Mike" <Shapiro.Mike@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>, "Brown, Byron" <brown.byron@epa.gov>, Cindy Barger <cindy.s.barger.civ@mail.mil>, "Kwok, Rose" <Kwok.Rose@epa.gov>, "Christensen, Damaris" <Christensen.Damaris@epa.gov>, "Downing, Donna" <Downing.Donna@epa.gov>, "Bennett, Brittany" <bennett.brittany@epa.gov>, "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>
> > **Cc:** "Wesson, Dolores" <Wesson.Dolores@epa.gov>, "Gude, Karen" <Gude.Karen@epa.gov>
> > **Subject: script/run of show for tomorrow's tribal webinar**
> >
> > Eisenberg, Mindy has shared a OneDrive for Business file with you. To view it, click the link below.

<image001.png> tribal info-consultation webinars run of show Apr 27.docx

Please let me know if you have any questions about the run of show for tomorrow. Thanks!

Mindy Eisenberg
Acting Director, Wetlands Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
From: Christensen, Damaris
Sent: Thur 4/27/2017 4:10:11 AM
Subject: WOTUS2 outreach overview.docx
WOTUS2 outreach overview.docx
outreach meeting costs.docx

Nonresponsive Internal URL/ Ex. 6

It's not finished or complete, but includes some edits from Cindy, and some responses to comment bubbles. Let me know what you think and I can make any changes and circulate again.

Also the brief write-up of **Deliberative Process / Ex. 5** – I can flesh that out soon.

I'm too tired to think straight, so am off to bed. I will be much less available tomorrow but will check email on breaks.

To: Kwok, Rose[Kwok.Rose@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Wesson, Dolores[Wesson.Dolores@epa.gov]; Auerbach, Daniel[Auerbach.Daniel@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]
From: Downing, Donna
Sent: Thur 4/27/2017 12:44:27 AM
Subject: Donna's notes from the federalism meeting; will put up on Sharepoint when back in the office Thursday
Federalism Meeting Notes.docx

Hi everybody:

FYI, here are my notes from the Federalism meeting. I'll put them on the Sharepoint site so that they can be consolidated with the others, once I'm in the office (Thursday am)

Donna

Donna Downing
Jurisdiction Team Leader
Office of Wetlands, Oceans & Watersheds
U.S. Environmental Protection Agency
ph: (202) 566-1367
downing.donna@epa.gov

USPS Address:
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Delivery Address:
1301 Constitution Avenue, NW, room 7214-D
Washington, DC 20004

To: Goodin, John[Goodin.John@epa.gov]
Cc: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]
From: Kwok, Rose
Sent: Thur 4/27/2017 12:33:46 AM
Subject: Current draft of tribal webinar/run of show document
WOTUS2 tribal info and consultation.pptx
tribal info-consultation webinars run of show Apr 27.docx

Hi John,

I wanted to be sure that you had a chance to look at the current version of the PPT and draft run of show documents to make sure that you are okay with the slides and TPs. Let us know if you think you'll need additional TPs for any of the slides.

We are awaiting to hear if there are final edits; I'll let you know what those are. I've also slide the revised version of the CWA slide under the main office door to the OWOW IO and put your name on it to see if you were happy with the edited version.

Thanks,
Rose

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]
Cc: Kupchan, Simma[Kupchan.Simma@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]
From: Kwok, Rose
Sent: Wed 4/26/2017 8:46:09 PM
Subject: RE: Preamble draft question

Kwok, Rose has shared a OneDrive for Business file with you. To view it, click the link below.

WOTUS-2 Step 1 drafty outline preamble v1_mge rmk_smj.docx

Hi Folks,
Thanks to Simma for making the edits – I've gone through and accepted them all, plus one edit from Caryn from OP (she was fine with the Statute and EO section as is, except for one typo).

The outstanding comment bubble is that there will be new text coming tomorrow on Deliberative Process / Ex. 5

I'll send along this version to Sandy Evalenko and Caryn as well. Mindy, I wasn't sure whom else we needed to send it to, so feel free to more broadly distribute.
Thanks.

From: Neugeboren, Steven
Sent: Tuesday, April 25, 2017 10:29 PM
To: Kwok, Rose <Kwok.Rose@epa.gov>
Cc: Kupchan, Simma <Kupchan.Simma@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>
Subject: Re: Preamble draft question

I don't have strong feelings about the specific wording. Yours more closely tracks Deliberative Process / attorney client Ex. 5
I think the word Deliberative Process / attorney client Ex. 5
Your alternative wording sounds Deliberative Process / attorney client Ex. 5
Deliberative Process / attorney client Ex. 5

Sent from my iPhone

Steven Neugeboren
Associate General Counsel
United States Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington DC. 20460
202-564-5488

On Apr 25, 2017, at 8:03 PM, Kwok, Rose <Kwok.Rose@epa.gov> wrote:

Hi OGCers,

I'd expressed some concern over the phone today about one sentence that Steve had written in the preamble about Deliberative Process / attorney client Ex. 5 We'd like to propose some alternatives, as I think as written, it could come off as sounding
Deliberative Process / attorney client Ex. 5
Deliberative Process / attorney client Ex. 5
Deliberative Process / attorney client Ex. 5 Thanks!

Deliberative Process / attorney client Ex. 5

Deliberative Process / attorney client Ex. 5

To: Bennett, Brittany[bennett.brittany@epa.gov]; Kwok, Rose[Kwok.Rose@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]
Cc: Christensen, Damaris[Christensen.Damaris@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
From: Auerbach, Daniel
Sent: Wed 4/26/2017 4:15:31 PM
Subject: Re: Senate Panel to Examine Scientific Basis for Water Rule

Unsurprisingly, no surprises in this. Actually a few moments of reasonable articulations from both sides (along with the typical blatant mischaracterizations).

Deliberative Process / Ex. 5

O'Mara from NWF acquitted himself pretty well as "non-partisan" voice for recreational interests.

Let me know if you want my notes from the Q&A. (I can't claim they're especially great, but run to 3.5 outline pages.)

From: Bennett, Brittany
Sent: Monday, April 24, 2017 10:38 AM
To: Kwok, Rose; Downing, Donna
Cc: Christensen, Damaris; Eisenberg, Mindy; Auerbach, Daniel
Subject: RE: Senate Panel to Examine Scientific Basis for Water Rule

I should be able to listen in, as well.

B

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Kwok, Rose
Sent: Monday, April 24, 2017 10:38 AM
To: Downing, Donna <Downing.Donna@epa.gov>
Cc: Christensen, Damaris <Christensen.Damaris@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Auerbach, Daniel <Auerbach.Daniel@epa.gov>
Subject: RE: Senate Panel to Examine Scientific Basis for Water Rule

This is what I found: https://www.epw.senate.gov/public/index.cfm/hearings?ID=E5E69544-59BB-4EC5-B45B-B63236B94342

No materials yet, but I assume that they'll post the link to the hearing from here.

From: Downing, Donna
Sent: Monday, April 24, 2017 10:32 AM
To: Kwok, Rose <Kwok.Rose@epa.gov>
Cc: Christensen, Damaris <Christensen.Damaris@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Auerbach, Daniel <Auerbach.Daniel@epa.gov>
Subject: Re: Senate Panel to Examine Scientific Basis for Water Rule

I'll be in the clutches of United Airlines at the time of the hearing. Sounds interesting, however, and likely one they'd have livestream on the web. Could somebody listen in via the web, take notes, and report back to the Team? That'd be great.

Thanks for the heads-up, Rose! I wonder if OCIR is tracking this?

Donna

Sent from my iPhone
On Apr 24, 2017, at 6:11 AM, Kwok, Rose <Kwok.Rose@epa.gov> wrote:

Heard about this hearing this weekend

Senate Panel to Examine Scientific Basis for Water Rule
<image002.png>
By Amena H. Saiyid
Former and current environmental officials are set to justify the White House's directive to ax an Obama-era rule clarifying the scope of Clean Water Act jurisdiction at an April 26 Senate committee hearing.
The hearing will examine why President Donald Trump's executive order to repeal and replace the 2015 Clean Water Rule, or waters of the U.S. (WOTUS) (RIN: 2040-AF30), was justified.
The rule, issued jointly by the Environmental Protection Agency and the U.S. Army Corps of Engineers in June 2015, is currently stayed nationwide pending litigation. It clarifies which waters and wetlands fall under the Clean Water Act jurisdiction and are subject to permitting and other federal water programs.
The Senate Environment and Public Works Committee will hear testimony from retired Maj. Gen. John Peabody, who was the commanding general for civil and emergency operations at the Corps until fall 2015. Peabody, whose memos revealed the Corps' dissent over the Obama rulemaking, will testify that many of the definitions in the WOTUS Rule are not based on the Corps' expertise and experience. The Corps is the agency performing the in-person inspections that identify what water is federally regulated.
"This hearing will shed light on the fact that the "Waters of the United States" (WOTUS) rule is not based on the experience and expertise of the Corps of Engineers, cannot be justified scientific studies, and is not supported by law," the Senate panel said.
Other witnesses will include:
• Michael Josselyn, principal with California-based Wetlands Research Associates;
• Misha Tseytlin, Wisconsin's solicitor general;
• Ken Kopocis, former EPA deputy assistant administrator for water; and
• Collin O'Mara, president and chief executive officer of the National Wildlife Federation.
To contact the reporter on this story: Amena H. Saiyid in Washington at asaiyid@bna.com
To contact the editor responsible for this story: Larry Pearl at lpearl@bna.com

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
From: Nandi, Romell
Sent: Wed 4/26/2017 2:21:11 PM
Subject: latest State Associations Stakeholder Meeting Agendas (1- 3PM)
State Associations Stakeholder Meeting Agenda (ANNOTATED).docx

Latest annotated agenda for state associations meeting.

To: Louis, Gail[Louis.Gail@epa.gov]
Cc: Gude, Karen[Gude.Karen@epa.gov]; Wesson, Dolores[Wesson.Dolores@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]; Ebbert, Laura[Ebbert.Laura@epa.gov]; Amato, Paul[Amato.Paul@epa.gov]; Brush, Jason[Brush.Jason@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Mojica Hernandez, Ruben[mojica-hernandez.ruben@epa.gov]; Pinkerton, Kate[Pinkerton.Kate@epa.gov]
From: Kwok, Rose
Sent: Wed 4/26/2017 12:55:32 AM
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting

P.S. I've added Jason and Ruben as presenters, but let me if someone else from Region 9 needs to sign in as the presenter.

From: Louis, Gail
Sent: Tuesday, April 25, 2017 4:31 PM
To: Kwok, Rose <Kwok.Rose@epa.gov>
Cc: Gude, Karen <Gude.Karen@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Ebbert, Laura <Ebbert.Laura@epa.gov>; Amato, Paul <Amato.Paul@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Mojica Hernandez, Ruben <mojica-hernandez.ruben@epa.gov>; Pinkerton, Kate <Pinkerton.Kate@epa.gov>
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting

Hi Rose – Do you have the webinar link for our May 4th session at 11 am PST? We are editing the flyer to include info about the May 4th session for distribution to our Regional Tribal Water contacts.

Thanks,
~ Gail

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Gail Louis, Manager
Tribal Water Section
US EPA Region 9, Water Division
75 Hawthorne Street (WTR-3-4)
San Francisco, CA 94105
Phone: (415) 972-3467
Fax: (415) 947-3537
Email: louis.gail@epa.gov
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Cc: Gude, Karen <Gude.Karen@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting

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Cc: Gude, Karen <Gude.Karen@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting

Hey All,

Attached is a draft of the Tribal Consultation webinars flyer. Please review. This flyer is editable with Adobe Acrobat Pro. Please contact me if you are unable to edit the document and I will be able to help you out tomorrow.

The spacing and font sizes should be easily adjustable if R9 adds in the May meeting information.

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Thanks,

Brittany

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

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Sent: Monday, April 24, 2017 5:17 PM
To: Ebbert, Laura <Ebbert.Laura@epa.gov>; Amato, Paul <Amato.Paul@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Mojica Hernandez, Ruben <mojica-hernandez.ruben@epa.gov>; Louis, Gail <Louis.Gail@epa.gov>
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Subject: RE: WOTUS Information Session at May R9 RTOC Meeting

Still draft, but a slightly later version per our discussion today.

Damaris

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Sent: Monday, April 24, 2017 11:22 AM
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Cc: Gude, Karen <Gude.Karen@epa.gov>; Kwok, Rose <kwok.rose@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting

Here's the DRAFT powerpoint.

Damaris

-----Original Appointment-----
From: Christensen, Damaris
Sent: Saturday, April 22, 2017 10:56 PM
To: Christensen, Damaris; Ebbert, Laura; Amato, Paul; Brush, Jason; Eisenberg, Mindy; Bennett, Brittany; Mojica Hernandez, Ruben; Louis, Gail
Cc: Gude, Karen; Kwok, Rose; Wesson, Dolores
Subject: WOTUS Information Session at May R9 RTOC Meeting
When: Monday, April 24, 2017 3:30 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomWest7129/DC-CCW-OWOW also Nonresponsive Conference Code/ Ex. 6

Hi all,

Call-in: Nonresponsive Conference Code/ Ex. 6

This is to touch base about the R9 RTOC tribal info session/ leader to leader consultation. Karen is Personal Matters / Ex. 6 but then Personal Matters / Ex. 6 so we'll make sure to coordinate here at HQ.

I'm attaching the tribal consultation letter that went out Thursday, and Karen's email below initially reaching out to Laura. We have a draft powerpoint as well and I'll try to send a copy of that when we get a few more comments from people.

I do have one question for you all: is this meeting set-up likely to allow for people from EPA HQ or Corps HQ to call in?

Damaris

Rose – since you have another meeting scheduled tentatively at this time, and will be in Utah at another meeting May 3-4, don't feel you have to attend this, but consider it an FYI.

From: Gude, Karen
Sent: Tuesday, April 18, 2017 7:13 AM
To: Ebbert, Laura <Ebbert.Laura@epa.gov>
Cc: Christensen, Damaris <Christensen.Damaris@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Subject: Seeking WOUS Information Session at May R9 RTOC Meeting, if Possible

Laura,

Hi. I wanted to follow up to our conversation late last week with regard to the possibility of scheduling an information session for tribes with regard to the upcoming tribal consultation and coordination on a forthcoming proposal to rescind and then revise the definition of "waters of the United States." (Clean Water Rule: Definition of "Waters of the United States"; Final Rule, 80 Fed. Reg. 37,054 (June 29, 2015)). If possible, we would like to schedule a session with tribes on May 4 as part of the Region 9 RTOC meeting, structuring the meeting as an information session with tribes, followed by a few minutes reserved for government-to-government consultation and/or tribal comments to allow tribes that are willing and/or able to provide input.

I'm including some background information on this effort below. OW plans to initiate tribal consultation as early as this week. I'm cc'ing Damaris Christensen and Delores Wesson, both of OW/OWOW, who have been working on the tribal consultation preparations related to this action, for awareness. OWOW is working to confirm a point person to present information/manage the tribal information session at the R9 RTOC meeting.

Any assistance in coordinating and/or scheduling a session at the RTOC would be greatly appreciated. If you should have any questions or concerns or should need any additional information from us, please do not hesitate to let me know.

Background information:
On February 28, the President issued an Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The EO states that it is in the national interest to ensure that the nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of the Congress and the states under the Constitution. The EO directs EPA and ACOE: (1) to review the existing Clean Water Rule (CWR) for consistency with these priorities and publish for notice and comment a proposed rule rescinding or revising the rule, as appropriate and consistent with law, and (2) to consider interpreting the term "navigable waters," in a manner consistent with the Scalia opinion in Rapanos v. U.S.

The agencies intend to follow an expeditious, two-step process that will provide certainty across the country: (1) an initial rulemaking to rescind the 2015 rule and reinstate the regulatory approach that, except for a brief two-month period prior to the Sixth Circuit Court of Appeals' stay of the 2015 rule, has been the regulation in place since 1986, and thus maintains the status quo, and (2) a second rulemaking to revise the definition of waters of the U.S. consistent with direction in the E.O. Justice Scalia's Rapanos opinion indicates Clean Water Act jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

OW plans to initiate tribal consultation as early as this week. The tribal consultation will focus solely on the rulemaking to revise the definition of WOUS consistent with direction provided in the February 28 EO, not on the withdrawal of the current CWR.

Thank you,

Karen Gude
Tribal Program Coordinator (detail)
U.S. EPA/Office of Water
Phone: (202) 564-0831

To: Louis, Gail[Louis.Gail@epa.gov]
Cc: Gude, Karen[Gude.Karen@epa.gov]; Wesson, Dolores[Wesson.Dolores@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]; Ebbert, Laura[Ebbert.Laura@epa.gov]; Amato, Paul[Amato.Paul@epa.gov]; Brush, Jason[Brush.Jason@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Mojica Hernandez, Ruben[mojica-hernandez.ruben@epa.gov]; Pinkerton, Kate[Pinkerton.Kate@epa.gov]
From: Kwok, Rose
Sent: Wed 4/26/2017 12:47:50 AM
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting

Hi Folks,
Sorry for the delay. Here is the registration link:
Nonresponsive Internal URL/ Ex. 6

We decided to set it up with registration so that we can track who is in attendance.

From: Louis, Gail
Sent: Tuesday, April 25, 2017 4:31 PM
To: Kwok, Rose <Kwok.Rose@epa.gov>
Cc: Gude, Karen <Gude.Karen@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Ebbert, Laura <Ebbert.Laura@epa.gov>; Amato, Paul <Amato.Paul@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Mojica Hernandez, Ruben <mojica-hernandez.ruben@epa.gov>; Pinkerton, Kate <Pinkerton.Kate@epa.gov>
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Gail Louis, Manager
Tribal Water Section
US EPA Region 9, Water Division
75 Hawthorne Street (WTR-3-4)
San Francisco, CA 94105
Phone: (415) 972-3467
Fax: (415) 947-3537
Email: louis.gail@epa.gov
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Subject: Seeking WOUS Information Session at May R9 RTOC Meeting, if Possible

Laura,

Hi. I wanted to follow up to our conversation late last week with regard to the possibility of scheduling an information session for tribes with regard to the upcoming tribal consultation and coordination on a forthcoming proposal to rescind and then revise the definition of "waters of the United States." (Clean Water Rule: Definition of "Waters of the United States"; Final Rule, 80 Fed. Reg. 37,054 (June 29, 2015)). If possible, we would like to schedule a session with tribes on May 4 as part of the Region 9 RTOC meeting, structuring the meeting as an information session with tribes, followed by a few minutes reserved for government-to-government consultation and/or tribal comments to allow tribes that are willing and/or able to provide input.

I'm including some background information on this effort below. OW plans to initiate tribal consultation as early as this week. I'm cc'ing Damaris Christensen and Delores Wesson, both of OW/OWOW, who have been working on the tribal consultation preparations related to this action, for awareness. OWOW is working to confirm a point person to present information/manage the tribal information session at the R9 RTOC meeting.

Any assistance in coordinating and/or scheduling a session at the RTOC would be greatly appreciated. If you should have any questions or concerns or should need any additional information from us, please do not hesitate to let me know.

Background information:
On February 28, the President issued an Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The EO states that it is in the national interest to ensure that the nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of the Congress and the states under the Constitution. The EO directs EPA and ACOE: (1) to review the existing Clean Water Rule (CWR) for consistency with these priorities and publish for notice and comment a proposed rule rescinding or revising the rule, as appropriate and consistent with law, and (2) to consider interpreting the term "navigable waters," in a manner consistent with the Scalia opinion in Rapanos v. U.S.

The agencies intend to follow an expeditious, two-step process that will provide certainty across the country: (1) an initial rulemaking to rescind the 2015 rule and reinstate the regulatory approach that, except for a brief two-month period prior to the Sixth Circuit Court of Appeals' stay of the 2015 rule, has been the regulation in place since 1986, and thus maintains the status quo, and (2) a second rulemaking to revise the definition of waters of the U.S. consistent with direction in the E.O. Justice Scalia's Rapanos opinion indicates Clean Water Act jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

OW plans to initiate tribal consultation as early as this week. The tribal consultation will focus solely on the rulemaking to revise the definition of WOUS consistent with direction provided in the February 28 EO, not on the withdrawal of the current CWR.

Thank you,

Karen Gude
Tribal Program Coordinator (detail)
U.S. EPA/Office of Water
Phone: (202) 564-0831

To: Obianwu, Betty Jean[Obianwu.Betty@epa.gov]
Cc: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
From: Kwok, Rose
Sent: Tue 4/25/2017 11:31:34 PM
Subject: FW: materials for Wednesday 10:00 waters meeting
WOTUS-2 Step 1 Preamble 4-25-2017.docx
draft WOTUS2 tribal info and consultation.pptx
Agenda -- WOTUS 26 April 2017 v1.docx

Hi BJ,

Can you please make:

- 20 copies of the agenda
- 10 copies of the preamble document (double-sided)
- 10 copies of the Powerpoint slides (double-sided)

Please let me know when you get this and if you can make these copies before 9:50. Thank you!
Rose

From: Eisenberg, Mindy
Sent: Tuesday, April 25, 2017 6:36 PM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; David.F.Dale@usace.army.mil; Cooper, David R SES USARMY CEHQ (US) <David.R.Cooper@usace.army.mil>; Craig R SES (US) Schmauder <craig.r.schmauder.civ@mail.mil>; Cindy Barger <cindy.s.barger.civ@mail.mil>; Vail, Timothy R LTC USARMY HQDA ASA CW (US) <timothy.r.vail.mil@mail.mil>; Moyer, Jennifer A CIV USARMY CEHQ (US) <Jennifer.A.Moyer@usace.army.mil>; Jensen, Stacey M CIV USARMY HQDA (US) <Stacey.M.Jensen@usace.army.mil>
Subject: materials for Wednesday 10:00 waters meeting

All,
Please find attached the latest version of the draft step 1 preamble, the draft tribal consultation slides [please review slide [redacted] and draft script for Thursday's tribal webinar. We have incorporated edits to date from Army, Corps, OGC, and Sarah. There are a few items flagged with comment bubbles that we would like to discuss tomorrow at our meeting.

Thanks,
Mindy

Mindy Eisenberg
Acting Director, Wetlands Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]
From: Kwok, Rose
Sent: Tue 4/25/2017 10:20:17 PM
Subject: RE: my comments on sarah/justin markup attached
WOTUS-2 Step 1 Preamble 4-25-2017.docx

Here you go, a clean version with some comment bubbles. I didn't address the comments from Sarah that Steve has already discussed with her.

From: Eisenberg, Mindy
Sent: Tuesday, April 25, 2017 6:00 PM
To: Kwok, Rose <Kwok.Rose@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>
Subject: RE: my comments on sarah/justin markup attached

At this point, I think it is best to clean it up and leave in any necessary comment bubbles to flag for discussion. Then I'll send it out with some caveats.

Thanks!

Mindy Eisenberg
Acting Director, Wetlands Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Kwok, Rose
Sent: Tuesday, April 25, 2017 5:54 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>
Subject: RE: my comments on sarah/justin markup attached

Did you guys want to take a look at all of the edits (including some that Simma made earlier) before we clean it up and send it out? I've attached both a copy and the version on Sharepoint

---

From: Neugeboren, Steven
Sent: Tuesday, April 25, 2017 5:15 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>
Subject: my comments on sarah/justin markup attached

For your consideration as you make revisions.

Steven Neugeboren
Associate General Counsel
Water Law Office
Environmental Protection Agency
202-564-5488

From: Eisenberg, Mindy
Sent: Tuesday, April 25, 2017 4:57 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: just let me know if i can help before 5.

Thanks!

Mindy Eisenberg
Acting Director, Wetlands Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Kupchan, Simma
Sent: Tuesday, April 25, 2017 4:56 PM
To: Kwok, Rose <Kwok.Rose@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: just let me know if i can help before 5.

As I mentioned to Mindy on the phone, Deliberative Process / ACP Ex. 5

Deliberative Process / ACP Ex. 5

Deliberative Process / ACP Ex. 5

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

From: Kwok, Rose
Sent: Tuesday, April 25, 2017 4:50 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: just let me know if i can help before 5.

Sorry, just back at my desk, but it would be helpful to know if there are edits that you guys don't agree with. Thanks!

From: Kupchan, Simma
Sent: Tuesday, April 25, 2017 4:15 PM
To: Kwok, Rose <Kwok.Rose@epa.gov>
Subject: just let me know if i can help before 5.

Otherwise will leave to you.

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

From: Kwok, Rose
Sent: Tuesday, April 25, 2017 3:53 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: RE: Revised draft

Thanks, Simma, I've made your changes in the document on Sharepoint. I'm going through to accept changes now.

Did we decide that we don't need the Deliberative Process / ACP Ex. 5 section at all?

From: Kupchan, Simma
Sent: Tuesday, April 25, 2017 2:58 PM
To: Kwok, Rose <Kwok.Rose@epa.gov>
Subject: Revised draft
Importance: High

Hi Rose,

I just made a few last edits to the document, incorporating Stacey's comments and cleaning up case cites. The sharepoint version was mostly locked for editing by you, so I saved a word version that I am sending to you. I accepted all prior edits before entering mine, so all of the edits you will see in the document are my new ones.

I didn't have time to do a clean run through, unfortunately.

Thanks for incorporating, and I will do one more run through of the clean version you send out.

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]
From: Kwok, Rose
Sent: Tue 4/25/2017 9:53:57 PM
Subject: RE: my comments on sarah/justin markup attached
WOTUS-2 Step 1 drafty outline preamble v1_mge rmk_smj.docx

Kwok, Rose has shared a OneDrive for Business file with you. To view it, click the link below.

Nonresponsive Internal URL/ Ex. 6

Did you guys want to take a look at all of the edits (including some that Simma made earlier) before we clean it up and send it out? I've attached both a copy and the version on Sharepoint

---

From: Neugeboren, Steven
Sent: Tuesday, April 25, 2017 5:15 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>
Subject: my comments on sarah/justin markup attached

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Steven Neugeboren
Associate General Counsel
Water Law Office
Environmental Protection Agency
202-564-5488

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Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: just let me know if i can help before 5.

Thanks!

Mindy Eisenberg
Acting Director, Wetlands Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Kupchan, Simma
Sent: Tuesday, April 25, 2017 4:56 PM
To: Kwok, Rose <Kwok.Rose@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: just let me know if i can help before 5.

As I mentioned to Mindy on the phone **Deliberative Process / ACP Ex. 5**

Deliberative Process / ACP Ex. 5

Deliberative Process / ACP Ex. 5

Simma Kupchan
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US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

From: Kwok, Rose
Sent: Tuesday, April 25, 2017 4:50 PM
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Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>
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Subject: Revised draft
Importance: High

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Simma Kupchan

Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]; Kwok, Rose[Kwok.Rose@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]
From: Neugeboren, Steven
Sent: Tue 4/25/2017 9:15:26 PM
Subject: my comments on sarah/justin markup attached
steve comments on WOTUS step 1 preamble draft 4-25 (SG and JS edits).docx

For your consideration as you make revisions.

Steven Neugeboren
Associate General Counsel
Water Law Office
Environmental Protection Agency
202-564-5488

From: Eisenberg, Mindy
Sent: Tuesday, April 25, 2017 4:57 PM
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Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: just let me know if i can help before 5.

Thanks!

Mindy Eisenberg
Acting Director, Wetlands Division
Office of Wetlands, Oceans and Watersheds
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1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
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Subject: RE: just let me know if i can help before 5.

As I mentioned to Mindy on the phone, don't accept the edits with Deliberative Process / Ex. 5 them – keep the original language instead of using Deliberative Process / Ex. 5

Also, we discussed with Sarah her suggestions to Deliberative Process / attorney client Ex. 5 Deliberative Process / attorney client Ex. 5 so I think we probably can skip those comments and skip discussion tomorrow on them. (Steve and Carrie, chime in if you disagree.)

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

From: Kwok, Rose
Sent: Tuesday, April 25, 2017 4:50 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: just let me know if i can help before 5.

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Subject: just let me know if i can help before 5.

Otherwise will leave to you.

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

From: Kwok, Rose
Sent: Tuesday, April 25, 2017 3:53 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: RE: Revised draft

Thanks, Simma, I've made your changes in the document on Sharepoint. I'm going through to accept changes now.

Did we decide **Deliberative Process / attorney client Ex. 5**?

From: Kupchan, Simma
Sent: Tuesday, April 25, 2017 2:58 PM
To: Kwok, Rose <Kwok.Rose@epa.gov>
Subject: Revised draft
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Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

To: Downing, Donna[Downing.Donna@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]
Cc: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Weinstock, Larry[Weinstock.Larry@epa.gov]; Miller, Clay[Miller.Clay@epa.gov]
From: Brown, Sineta
Sent: Tue 4/25/2017 5:31:56 PM
Subject: FW: CMS New Assignment - Yvonne Smothers - AX-17-000-7867 - Due May 5, 2017
AX-17-000-7867 NRDC.pdf

Good Afternoon Donna, Damaris,

Attached is a control from the National Resource Defense Council RE: Perspective on intention to eliminate the federal safeguards included in the 2015 Clean Water Rule. Please prepare a response for this control. The due date for this control is May 5, 2017 and it is for Pruitt's signature. If you have any questions, please feel free to stop by, give me a call or send me and email message.

Thankyou.

Sineta Brown
Program Analyst
Office of Wetlands Oceans and Watersheds
Wetlands Division
202-564-3666

-----Original Message-----
From: cmsadmin@epa.gov [mailto:cmsadmin@epa.gov]
Sent: Tuesday, April 25, 2017 10:09 AM
To: Goodin, John <Goodin.John@epa.gov>; Hunter, Christopher <Hunter.Christopher@epa.gov>; Miller, Clay <Miller.Clay@epa.gov>; Brown, Sineta <Brown.Sineta@epa.gov>; Weinstock, Larry <Weinstock.Larry@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Subject: CMS New Assignment - Yvonne Smothers - AX-17-000-7867

Control AX-17-000-7867 has been assigned to your office on 4/25/17 10:09 AM by Yvonne Smothers. Please go to the CMS webpage to view the details of the control.

Summary Information -
Control Number: AX-17-000-7867
Control Subject: DRF -Perspective on intention to eliminate the federal safeguards included in the 2015 Clean Water Rule
From: Suh, Rhea; Noppen, Trip Van; Brune, Michael; Alt, Margie; Pierno, Theresa; Magana, Mark; Middleton, Frederick S.; Wilkes, Brent; Wendelgass, Robert; Irvin, William Robert; Yarnold, David; Karpinski, Gene; Sarthou, Cynthia; Willbanks, Lee; Wilson, Ward; Hoyos, Renee' Victoria; Hays, Carol; Wright, Kimberlee; Stewart, Beth K.; Huffling, Katie; Ambs, Tom; Quintero, Adrianna; Silk, Nicole; Meyer, Kristy

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at https://cms.epa.gov/cms. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

To: Christensen, Damaris[Christensen.Damaris@epa.gov]
Cc: Kwok, Rose[Kwok.Rose@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
From: Bennett, Brittany
Sent: Tue 4/25/2017 1:34:08 PM
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting
Tribal Consultation Flyer 4.25.2017.pdf

Damaris – here is the latest version of the flyer, which includes edits from Mindy and Rose. I have yet to hear from anyone else, though I recognize it's still early.

B

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Bennett, Brittany
Sent: Tuesday, April 25, 2017 8:39 AM
To: Kwok, Rose <Kwok.Rose@epa.gov>
Subject: Re: WOTUS Information Session at May R9 RTOC Meeting

Mine includes edits from Mindy. I appreciate the effort though!

From: Kwok, Rose
Sent: Monday, April 24, 2017 5:42:14 PM
To: Bennett, Brittany
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting

Ooops – sorry. I thought you'd already left, so I made the edits too.

From: Bennett, Brittany
Sent: Monday, April 24, 2017 5:39 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Ebbert, Laura <Ebbert.Laura@epa.gov>; Amato, Paul <Amato.Paul@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>; Mojica Hernandez, Ruben <mojica-hernandez.ruben@epa.gov>; Louis, Gail <Louis.Gail@epa.gov>
Cc: Gude, Karen <Gude.Karen@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting

All – please see the updated version of the flyer.

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Eisenberg, Mindy
Sent: Monday, April 24, 2017 5:37 PM
To: Christensen, Damaris <Christensen.Damaris@epa.gov>; Ebbert, Laura <Ebbert.Laura@epa.gov>; Amato, Paul <Amato.Paul@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Mojica Hernandez, Ruben <mojica-hernandez.ruben@epa.gov>; Louis, Gail <Louis.Gail@epa.gov>
Cc: Gude, Karen <Gude.Karen@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting

And here are our basic talking points on WOTUS.

thanks

Mindy Eisenberg
Acting Director, Wetlands Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Christensen, Damaris
Sent: Monday, April 24, 2017 5:17 PM
To: Ebbert, Laura <Ebbert.Laura@epa.gov>; Amato, Paul <Amato.Paul@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Mojica Hernandez, Ruben <mojica-hernandez.ruben@epa.gov>; Louis, Gail <Louis.Gail@epa.gov>
Cc: Gude, Karen <Gude.Karen@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting

Still draft, but a slightly later version per our discussion today.

Damaris

From: Christensen, Damaris
Sent: Monday, April 24, 2017 11:22 AM
To: Ebbert, Laura <Ebbert.Laura@epa.gov>; Amato, Paul <Amato.Paul@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Mojica Hernandez, Ruben <mojica-hernandez.ruben@epa.gov>; Louis, Gail <Louis.Gail@epa.gov>
Cc: Gude, Karen <Gude.Karen@epa.gov>; Kwok, Rose <kwok.rose@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting

Here's the DRAFT powerpoint.

Damaris

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Sent: Saturday, April 22, 2017 10:56 PM
To: Christensen, Damaris; Ebbert, Laura; Amato, Paul; Brush, Jason; Eisenberg, Mindy; Bennett, Brittany; Mojica Hernandez, Ruben; Louis, Gail
Cc: Gude, Karen; Kwok, Rose; Wesson, Dolores
Subject: WOTUS Information Session at May R9 RTOC Meeting
When: Monday, April 24, 2017 3:30 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomWest7129/DC-CCW-OWOW also Nonresponsive Conference Code/ Ex. 6

Hi all,

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Tribal Program Coordinator (detail)
U.S. EPA/Office of Water
Phone: (202) 564-0831

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Cc: Gude, Karen[Gude.Karen@epa.gov]; Wesson, Dolores[Wesson.Dolores@epa.gov]
From: Kwok, Rose
Sent: Mon 4/24/2017 9:41:48 PM
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting
Tribal Consultation Flyer.pdf

I made the edits to the webinar links (and hyperlinked them) and added an email address.

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Sent: Monday, April 24, 2017 5:27 PM
To: Christensen, Damaris <Christensen.Damaris@epa.gov>; Ebbert, Laura <Ebbert.Laura@epa.gov>; Amato, Paul <Amato.Paul@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Mojica Hernandez, Ruben <mojica-hernandez.ruben@epa.gov>; Louis, Gail <Louis.Gail@epa.gov>
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Hey All,

Attached is a draft of the Tribal Consultation webinars flyer. Please review. This flyer is editable with Adobe Acrobat Pro. Please contact me if you are unable to edit the document and I will be able to help you out tomorrow.

The spacing and font sizes should be easily adjustable if R9 adds in the May meeting information.

As a note, on my computer the EPA logo has a bit of distortion around the circle. I'm not sure why this is (it could just be my monitor), but it is the official logo file provided by EPA and it prints out perfectly. If you see that on your end, please ignore.

Thanks,

Brittany

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

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Phone: (202) 564-0831

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From: Bennett, Brittany
Sent: Mon 4/24/2017 9:38:35 PM
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting
Tribal Consultation Flyer 4.24.2017.pdf

All – please see the updated version of the flyer.

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
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From: Eisenberg, Mindy
Sent: Monday, April 24, 2017 5:37 PM
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And here are our basic talking points on WOTUS.

thanks

Mindy Eisenberg
Acting Director, Wetlands Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

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U.S. EPA/Office of Water
Phone: (202) 564-0831

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
From: Goodin, John
Sent: Mon 4/24/2017 9:32:15 PM
Subject: RE: draft tribal webinar slides

Thanks. As for attendees, not sure we need too many more, but maybe Steve too.

From: Eisenberg, Mindy
Sent: Monday, April 24, 2017 5:29 PM
To: Goodin, John <Goodin.John@epa.gov>
Subject: draft tribal webinar slides

John,
We had a good call with R9 about the RTOC next week.

For Thursday's webinar, here is the draft powerpoint. Damaris will be working on the run of show which we will share with you tomorrow.

Damaris said she could try to call in for an outreach meeting if it is on Friday, so I'll put in the request for Friday or early next week and see what schedules work out to be. Who do you think needs to be there besides Mike/you/Sarah/Liz/me/Damaris?

thanks

Mindy Eisenberg
Acting Director, Wetlands Division
Office of Wetlands, Oceans and Watersheds
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U.S. EPA/Office of Water
Phone: (202) 564-0831

To: Christensen, Damaris[Christensen.Damaris@epa.gov]; Ebbert, Laura[Ebbert.Laura@epa.gov]; Amato, Paul[Amato.Paul@epa.gov]; Brush, Jason[Brush.Jason@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Mojica Hernandez, Ruben[mojica-hernandez.ruben@epa.gov]; Louis, Gail[Louis.Gail@epa.gov]
Cc: Gude, Karen[Gude.Karen@epa.gov]; Kwok, Rose[Kwok.Rose@epa.gov]; Wesson, Dolores[Wesson.Dolores@epa.gov]
From: Bennett, Brittany
Sent: Mon 4/24/2017 9:26:42 PM
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting
Tribal Consultation Flyer.pdf

Hey All,

Attached is a draft of the Tribal Consultation webinars flyer. Please review. This flyer is editable with Adobe Acrobat Pro. Please contact me if you are unable to edit the document and I will be able to help you out tomorrow.

The spacing and font sizes should be easily adjustable if R9 adds in the May meeting information.

As a note, on my computer the EPA logo has a bit of distortion around the circle. I'm not sure why this is (it could just be my monitor), but it is the official logo file provided by EPA and it prints out perfectly. If you see that on your end, please ignore.

Thanks,

Brittany

Brittany K. Bennett
Ecologist
U.S. EPA, Office of Water
ph: 202.564.1896
Bennett.Brittany@epa.gov

From: Christensen, Damaris
Sent: Monday, April 24, 2017 5:17 PM
To: Ebbert, Laura <Ebbert.Laura@epa.gov>; Amato, Paul <Amato.Paul@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Mojica Hernandez, Ruben <mojica-hernandez.ruben@epa.gov>; Louis, Gail <Louis.Gail@epa.gov>
Cc: Gude, Karen <Gude.Karen@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting

Still draft, but a slightly later version per our discussion today.

Damaris

From: Christensen, Damaris
Sent: Monday, April 24, 2017 11:22 AM
To: Ebbert, Laura <Ebbert.Laura@epa.gov>; Amato, Paul <Amato.Paul@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Mojica Hernandez, Ruben <mojica-hernandez.ruben@epa.gov>; Louis, Gail <Louis.Gail@epa.gov>
Cc: Gude, Karen <Gude.Karen@epa.gov>; Kwok, Rose <kwok.rose@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting

Here's the DRAFT powerpoint.

Damaris

-----Original Appointment-----
From: Christensen, Damaris
Sent: Saturday, April 22, 2017 10:56 PM
To: Christensen, Damaris; Ebbert, Laura; Amato, Paul; Brush, Jason; Eisenberg, Mindy; Bennett, Brittany; Mojica Hernandez, Ruben; Louis, Gail

Cc: Gude, Karen; Kwok, Rose; Wesson, Dolores
Subject: WOTUS Information Session at May R9 RTOC Meeting
When: Monday, April 24, 2017 3:30 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomWest7129/DC-CCW-OWOW also Nonresponsive Conference Code/ Ex. 6

Hi all,

Call-in: Nonresponsive Conference Code/ Ex. 6

This is to touch base about the R9 RTOC tribal info session/ leader to leader consultation. Karen is Personal Matters / Ex. 6 but then Personal Matters / Ex. 6 so we'll make sure to coordinate here at HQ.

I'm attaching the tribal consultation letter that went out Thursday, and Karen's email below initially reaching out to Laura. We have a draft powerpoint as well and I'll try to send a copy of that when we get a few more comments from people.

I do have one question for you all: is this meeting set-up likely to allow for people from EPA HQ or Corps HQ to call in?

Damaris

Rose – since you have another meeting scheduled tentatively at this time, and will be in Utah at another meeting May 3-4, don't feel you have to attend this, but consider it an FYI.

From: Gude, Karen
Sent: Tuesday, April 18, 2017 7:13 AM
To: Ebbert, Laura <Ebbert.Laura@epa.gov>
Cc: Christensen, Damaris <Christensen.Damaris@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Subject: Seeking WOUS Information Session at May R9 RTOC Meeting, if Possible

Laura,

Hi. I wanted to follow up to our conversation late last week with regard to the possibility of scheduling an information session for tribes with regard to the upcoming tribal consultation and coordination on a forthcoming proposal to rescind and then revise the definition of "waters of the United States." (Clean Water Rule: Definition of "Waters of the United States"; Final Rule, 80 Fed. Reg. 37,054 (June 29, 2015)). If possible, we would like to schedule a session with tribes on May 4 as part of the Region 9 RTOC meeting, structuring the meeting as an information session with tribes, followed by a few minutes reserved for government-to-government consultation and/or tribal comments to allow tribes that are willing and/or able to provide input.

I'm including some background information on this effort below. OW plans to initiate tribal consultation as early as this week. I'm cc'ing Damaris Christensen and Delores Wesson, both of OW/OWOW, who have been working on the tribal consultation preparations related to this action, for awareness. OWOW is working to confirm a point person to present information/manage the tribal information session at the R9 RTOC meeting.

Any assistance in coordinating and/or scheduling a session at the RTOC would be greatly appreciated. If you should have any questions or concerns or should need any additional information from us, please do not hesitate to let me know.

Background information:
On February 28, the President issued an Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The EO states that it is in the national interest to ensure that the nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of the Congress and the states under the Constitution. The EO directs EPA and ACOE: (1) to review the existing Clean Water Rule (CWR) for consistency with these priorities and publish for notice and comment a proposed rule rescinding or revising the rule, as appropriate and consistent with law, and (2) to consider interpreting the term "navigable waters," in a manner consistent with the Scalia opinion in Rapanos v. U.S.

The agencies intend to follow an expeditious, two-step process that will provide certainty across the country: (1) an initial rulemaking to rescind the 2015 rule and reinstate the regulatory approach that, except for a brief two-month period prior to the Sixth Circuit Court of Appeals' stay of the 2015 rule, has been the regulation in place since 1986, and thus maintains the status quo, and (2) a second rulemaking to revise the definition of waters of the U.S. consistent with direction in the E.O. Justice Scalia's

Rapanos opinion indicates Clean Water Act jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

OW plans to initiate tribal consultation as early as this week. The tribal consultation will focus solely on the rulemaking to revise the definition of WOUS consistent with direction provided in the February 28 EO, not on the withdrawal of the current CWR.

Thank you,

Karen Gude
Tribal Program Coordinator (detail)
U.S. EPA/Office of Water
Phone: (202) 564-0831

To: Ebbert, Laura[Ebbert.Laura@epa.gov]; Amato, Paul[Amato.Paul@epa.gov]; Brush, Jason[Brush.Jason@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Mojica Hernandez, Ruben[mojica-hernandez.ruben@epa.gov]; Louis, Gail[Louis.Gail@epa.gov]
Cc: Gude, Karen[Gude.Karen@epa.gov]; Kwok, Rose[Kwok.Rose@epa.gov]; Wesson, Dolores[Wesson.Dolores@epa.gov]
From: Christensen, Damaris
Sent: Mon 4/24/2017 9:16:44 PM
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting
WOTUS2 tribal info and consultation.pptx

Still draft, but a slightly later version per our discussion today.

Damaris

From: Christensen, Damaris
Sent: Monday, April 24, 2017 11:22 AM
To: Ebbert, Laura <Ebbert.Laura@epa.gov>; Amato, Paul <Amato.Paul@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Mojica Hernandez, Ruben <mojica-hernandez.ruben@epa.gov>; Louis, Gail <Louis.Gail@epa.gov>
Cc: Gude, Karen <Gude.Karen@epa.gov>; Kwok, Rose <kwok.rose@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Subject: RE: WOTUS Information Session at May R9 RTOC Meeting

Here's the DRAFT powerpoint.

Damaris

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Sent: Saturday, April 22, 2017 10:56 PM
To: Christensen, Damaris; Ebbert, Laura; Amato, Paul; Brush, Jason; Eisenberg, Mindy; Bennett, Brittany; Mojica Hernandez, Ruben; Louis, Gail
Cc: Gude, Karen; Kwok, Rose; Wesson, Dolores
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From: Gude, Karen
Sent: Tuesday, April 18, 2017 7:13 AM
To: Ebbert, Laura <Ebbert.Laura@epa.gov>
Cc: Christensen, Damaris <Christensen.Damaris@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>
Subject: Seeking WOUS Information Session at May R9 RTOC Meeting, if Possible

Laura,

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Thank you,

Karen Gude
Tribal Program Coordinator (detail)
U.S. EPA/Office of Water
Phone: (202) 564-0831

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
From: Nandi, Romell
Sent: Mon 4/24/2017 3:26:20 PM
Subject: Mindy - updated Enviro Stakeholder Meeting agenda ...
Enviro Stakeholder Meeting Agenda (ANNOTATED).docx

Just got an updated agenda – see attached.

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
Cc: Goodin, John[Goodin.John@epa.gov]
From: Nandi, Romell
Sent: Mon 4/24/2017 2:30:22 PM
Subject: Mindy - optional state association meeting attendance for Wednesday ...
State Associations Stakeholder Meeting Agenda (ANNOTATED).docx

Mindy:

Since stakeholder outreach on WOTUS is on the agenda for Wednesday's OW meeting with the state associations, I forwarded that meeting to your calendar (I know you already said you would attend the enivro stakeholder meeting today). It is optional for you to attend, but given the topic and audience, I thought you might want to go.

Annotated agenda (including questions and TPs) attached.

Romell

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
From: Christensen, Damaris
Sent: Mon 4/24/2017 3:59:05 AM
Subject: WOTUS2 outreach overview v.2 -
WOTUS2 outreach overview 4-22-17.docx

We did **Deliberative Process / Ex. 5**

I am really uncertain about Latosha's bandwidth for WOTUS tasks but she's clearly another person to involve here, and Antonio/Hannah/Zoe.

I'm chatting with Carol tomorrow, so hopefully can get a sense from her if she thinks she could manage a big meeting every week after June, and/or if she's worked with someone before who might work with her on this. Ruth is another possibility – not sure of her background exactly.

If you are ok with this version I can circulate to Donna, Rose, Carol, Dolores – it would probably make sense to get John's thoughts before we distribute too broadly for review, too, though I imagine we want to discuss this Wednesday.

Damaris

From: Eisenberg, Mindy
Sent: Saturday, April 22, 2017 6:15 PM
To: Christensen, Damaris <Christensen.Damaris@epa.gov>
Subject: Re: WOTUS2 outreach overview 4-21-17.docx

One other thought which I added onto in the draft. We should poll the workgroup to find out what planned stakeholder mtgs they have for their programs that we want to tag onto. We can add them to our tracking plus note them on the weekly politicals mtg. Didn't we do that last time?

Thanks

Sent from my iPhone
On Apr 22, 2017, at 12:03 AM, Christensen, Damaris <Christensen.Damaris@epa.gov> wrote:

> Thoughts? I think this captures most of our discussion today but I'm open for ways of presenting it better. I do think we need to show it by time/date also, but then that doesn't really capture everything either.
>
> It's up on Sharepoint too – my computer will be restarting soon so it's a good reminder to go to bed.
>
> I'm probably not back working till Sunday.
>
> Damaris
> <WOTUS2 outreach overview 4-21-17.docx>

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
From: Christensen, Damaris
Sent: Sat 4/22/2017 4:03:34 AM
Subject: WOTUS2 outreach overview 4-21-17.docx
WOTUS2 outreach overview 4-21-17.docx

Thoughts? I think this captures most of our discussion today but I'm open for ways of presenting it better. I do think we need to show it by time/date also, but then that doesn't really capture everything either.

It's up on Sharepoint too – my computer will be restarting soon so it's a good reminder to go to bed.

I'm probably not back working till Sunday.

Damaris

To: Kwok, Rose[Kwok.Rose@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]
Cc: Wesson, Dolores[Wesson.Dolores@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]
From: Gude, Karen
Sent: Thur 4/20/2017 7:03:18 PM
Subject: RE: Info on Admin Signature of WOUS Tribal Consultation Letter?
Tribal Consultation Letter for Definition of WOUS.pdf

All,

Thanks. For anyone who might need it, here a (mostly) 508 compliant version of the pdf.

I have loaded the signed consultation letter and info into the TCOTS system. Unfortunately, the person in AIEO that approves and publishes the info to the public facing TCOTS site is out of the office today. I am working to identify whether there is someone else who can do this for me today.

In the essence of time, I plan to move forward and email the letter and consultation letter to our tribal contact lists. The email does reference TCOTS, but all the pertinent info about the consultation is in the email and accompanying letter.

If there are any questions/concerns, please let me know.

Thanks,

Karen Gude
Tribal Program Coordinator
U.S. EPA/Office of Water
Phone: (202) 564-0831

From: Kwok, Rose
Sent: Thursday, April 20, 2017 2:46 PM
To: Christensen, Damaris <Christensen.Damaris@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>
Cc: Wesson, Dolores <Wesson.Dolores@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>
Subject: RE: Info on Admin Signature of WOUS Tribal Consultation Letter?

I have no preference. My phone is fine. We can use CWAwotus@epa.gov so that everyone has access to the emails, but use my name. Thanks!

From: Christensen, Damaris
Sent: Thursday, April 20, 2017 2:24 PM
To: Gude, Karen <Gude.Karen@epa.gov>
Cc: Wesson, Dolores <Wesson.Dolores@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>
Subject: Re: Info on Admin Signature of WOUS Tribal Consultation Letter?

Use rose as the program contact for now - she is already on the letter.

Rose can you let Karen know ASAP if you want to provide the general phone and email or use yours (which is already in the letter).

Damaris
Sent from my iPhone
On Apr 20, 2017, at 2:22 PM, Gude, Karen <Gude.Karen@epa.gov> wrote:

> Hi Damaris,
>
> Do we have a POC? I can change it, if need be, but will need a contact for today to post the letter to TCOTS.
>
> Thanks,

Karen Gude
Tribal Program Coordinator
U.S. EPA/Office of Water
Phone: (202) 564-0831

From: Gude, Karen
Sent: Thursday, April 20, 2017 10:13 AM
To: Christensen, Damaris <Christensen.Damaris@epa.gov>
Subject: RE: Info on Admin Signature of WOUS Tribal Consultation Letter?

Hi Damaris,

One quick question – Who should I list as the POC in TCOTS for WOUS? For the rule, I think it was Donna Downing and you…I'd only need one person. Just want to be sure that I'm prepped, once the letter is signed, as I'll be out of the office tomorrow.

Karen

From: Christensen, Damaris
Sent: Thursday, April 20, 2017 9:27 AM
To: Gude, Karen <Gude.Karen@epa.gov>
Cc: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>
Subject: Re: Info on Admin Signature of WOUS Tribal Consultation Letter?

Thanks, Karen. Is there anything we can do to help things along on our end?

Damaris

Sent from my iPhone
On Apr 20, 2017, at 8:31 AM, Gude, Karen <Gude.Karen@epa.gov> wrote:

> Hi Derek,
>
> Thanks. Mindy Eisenberg sent Sara a copy of the draft letter last Wednesday to review. We have kept AIEO (Dona Harris and Felicia Wright) looped in about our plans with regard to tribal consultation and provided them background info about this effort, but did not specifically share the draft consultation letter with them for review.
>
> (Looping in Mindy, Damaris, and Macara…who have all been involved…for awareness.)
>
> Karen Gude
> Tribal Program Coordinator
> U.S. EPA/Office of Water
> Phone: (202) 564-0831
>
> ---
>
> **From:** Threet, Derek
> **Sent:** Thursday, April 20, 2017 8:24 AM
> **To:** Gude, Karen <Gude.Karen@epa.gov>
> **Cc:** Fonseca, Silvina <Fonseca.Silvina@epa.gov>
> **Subject:** Re: Info on Admin Signature of WOUS Tribal Consultation Letter?
>
> Has Sarah Greenwalt and OITA seen the letter?
> On Apr 20, 2017, at 8:16 AM, Gude, Karen <Gude.Karen@epa.gov> wrote:
>
>> Thanks, Derek! Much appreciated. And hope that you are feeling better soon!

From: Threet, Derek
Sent: Thursday, April 20, 2017 8:16 AM
To: Gude, Karen <Gude.Karen@epa.gov>
Subject: Re: Info on Admin Signature of WOUS Tribal Consultation Letter?

Karen Personal Matters / Ex. 6 My backup is now Silvina Fonseca. I will loop her into the chain. John Reeder has some questions about the letter. Will include those on the chain.

-Derek
On Apr 20, 2017, at 8:09 AM, Gude, Karen <Gude.Karen@epa.gov> wrote:

> Hi Derek,
>
> Thanks again for all of your help with the tribal consult letter! Any chance there might be an update on signature this AM?
>
> Hope all is well on your end! I can only imagine how nuts things must be...both in the front office and Personal Matters / Ex. 6
>
> Karen
>
> ---
>
> **From:** Threet, Derek
> **Sent:** Wednesday, April 19, 2017 4:09 PM
> **To:** Gude, Karen <Gude.Karen@epa.gov>
> **Cc:** Lousberg, Macara <Lousberg.Macara@epa.gov>
> **Subject:** RE: Info on Admin Signature of WOUS Tribal Consultation Letter?
>
> Hi Karen –
>
> I just received the signature package. I routed it using the new procedures. I'll flag this for John Reeder to try to get it in front of Ryan Jackson asap.
>
> If the date needs to be changed, I'll work with Brian hope to make that happen.
>
> Hope all is well.
> -Derek
>
> ---
>
> **From:** Gude, Karen
> **Sent:** Wednesday, April 19, 2017 10:12 AM
> **To:** Threet, Derek <Threet.Derek@epa.gov>
> **Cc:** Lousberg, Macara <Lousberg.Macara@epa.gov>
> **Subject:** RE: Info on Admin Signature of WOUS Tribal Consultation Letter?
>
> Hi Derek,
>
> Apologies! Please disregard my previous email. I just confirmed that the letter is still within OW.
>
> And as always, thank you!
> Karen
>
> ---
>
> **From:** Gude, Karen
> **Sent:** Wednesday, April 19, 2017 10:06 AM
> **To:** Threet, Derek <Threet.Derek@epa.gov>
> **Cc:** Macara Lousberg <Lousberg.Macara@epa.gov>
> **Subject:** Info on Admin Signature of WOUS Tribal Consultation Letter?