From: Mark Barath
To: John Backus
Cc: Christopher Day
Subject: Re: FWS letter
Date: 10/17/2012 11:14 AM

John:
If you think about it, NMFS concurrence with the CB TMDL via their BiOp basically is defacto approval for the resulting WIPs, DO Restoration Variance, etc. Of course they may not see it that way but... I will still see where they are coming from and what they want to do. Or maybe I should just leave it at that.

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▼ "John Backus" ---10/17/2012 10:49:40 AM---Thanks Mark - If we can get concurrence, that would be ideal, but we might be good for now. I forwa

From: "John Backus" <JBackus@mde.state.md.us>
To: Mark Barath/R3/USEPA/US
Date: 10/17/2012 10:49 AM
Subject: Re: FWS letter

Thanks Mark - If we can get concurrence, that would be ideal, but we might be good for now. I forwarded your explanation to my boss so we'll see if that's satisfactory for Bob (Summers). NMFS is in a tight spot. If they concur, then they are on record for doing so. If they don't, then we may continue to bug them. Frankly, they're better off if they don't. We'll still go ahead with our TMDL's, WIPs, etc. and they're not on the hook for anything... does that make sense?

-JB

>>> Mark Barath <Barath.Mark@epamail.epa.gov> 10/17/2012 10:32 AM >>>
John:

Per your request see the attached scan. Will start trying to get something from NMFS. They had concurred with the 2005 WQS but not with the 2010a&b WQS so not sure where they are at. Last email from them was so cryptic that no one here could figure out where they were coming from or what they wanted from EPA.. .

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