

**From:** [Burgess, Angela](#)  
**To:** [VanNess, Meg](#)  
**Subject:** Re: R-Project: NHPA APE letter to FWS  
**Date:** Wednesday, October 28, 2020 8:26:10 AM

---

Yep, I was going to pull Drue in as well - I have a different call with him at 10, so I'll give him the heads up.

**Angela Burgess**

Fish and Wildlife Biologist  
Ecological Services  
U.S. Fish and Wildlife Service  
134 Union Blvd., Lakewood, Colorado 80228  
303-236-4263  
[angela\\_burgess@fws.gov](mailto:angela_burgess@fws.gov)

*For FWS IR 5&7 ES employees:* For correspondence templates and resources, please see [Interior Regions 5 and 7's Correspondence OneDrive](#) or [Headquarters' Briefing Paper Template Sharepoint](#).

---

**From:** VanNess, Meg <[Meg\\_VanNess@fws.gov](mailto:Meg_VanNess@fws.gov)>  
**Sent:** Wednesday, October 28, 2020 8:09 AM  
**To:** Burgess, Angela <[Angela\\_Burgess@fws.gov](mailto:Angela_Burgess@fws.gov)>  
**Subject:** Re: R-Project: NHPA APE letter to FWS

Okay doaky. I'm thinking I'll start pulling together some of the information he requested because it's going to take a while. I'll probably call Drue, and the Nebraska SHPO if necessary, because I think there's a letter from the SHPO to ACHP that I never saw.

I'm around all day so just give me a call when you have a chance.

Margaret (Meg) Van Ness  
Regional Historic Preservation Officer  
U.S. Fish and Wildlife Service: Interior Regions 5 & 7  
134 Union Blvd.  
Lakewood, Colorado 80228

303.236.8103  
303.319.1229

---

**From:** Burgess, Angela <[Angela\\_Burgess@fws.gov](mailto:Angela_Burgess@fws.gov)>  
**Sent:** Wednesday, October 28, 2020 8:01 AM  
**To:** VanNess, Meg <[Meg\\_VanNess@fws.gov](mailto:Meg_VanNess@fws.gov)>  
**Subject:** Re: R-Project: NHPA APE letter to FWS

Hi Meg,  
I'm in training all morning, but can try to give you a call this afternoon.

My limited understanding is this question is coming from R1, who may be dealing with ACHP for a different HCP (or potentially the HCP program nationwide, as I believe they've been

exploring that as well) and trying to determine an approach with solicitors.

**Angela Burgess**

Fish and Wildlife Biologist  
Ecological Services  
U.S. Fish and Wildlife Service  
134 Union Blvd., Lakewood, Colorado 80228  
303-236-4263  
angela\_burgess@fws.gov

*For FWS IR 5&7 ES employees:* For correspondence templates and resources, please see [Interior Regions 5 and 7's Correspondence OneDrive](#) or [Headquarters' Briefing Paper Template Sharepoint](#).

---

**From:** VanNess, Meg <Meg\_VanNess@fws.gov>  
**Sent:** Wednesday, October 28, 2020 7:55 AM  
**To:** Burgess, Angela <Angela\_Burgess@fws.gov>  
**Subject:** R-Project: NHPA APE letter to FWS

Good Morning Angela,

Could we talk sometime today about this request? I'm not sure where this is coming from and I've received a couple of questions about this project. Is this a part of the lawsuit?

Meg

Margaret (Meg) Van Ness  
Regional Historic Preservation Officer  
U.S. Fish and Wildlife Service: Interior Regions 5 & 7  
134 Union Blvd.  
Lakewood, Colorado 80228

303.236.8103  
303.319.1229

---

**From:** Bernstein, Jeffrey P <Jeff.Bernstein@sol.doi.gov>  
**Sent:** Tuesday, October 27, 2020 4:57 PM  
**To:** Adams, Trish <trish\_adams@fws.gov>; Freund, Kate <kate\_freund@fws.gov>; Raymond, Anan <anan\_raymond@fws.gov>; Nuss, John <john\_nuss@fws.gov>  
**Cc:** Burgess, Angela <Angela\_Burgess@fws.gov>; VanNess, Meg <Meg\_VanNess@fws.gov>  
**Subject:** Re: NHPA APE letter to FWS

Thanks Trish.

Meg and Angela - In case my email wasn't forwarded, here's what I asked:

(b) (5)

(b) (5)  
[Redacted text block]

Is this something you can generated? Also, who was the SOL attorney working on the case?  
Thanks

Jeff Bernstein  
Attorney-Advisor  
U.S. Department of the Interior  
Office of the Solicitor  
503-231-2355

NOTICE: This e-mail (including any attachments) is intended for the use of the individual or entity to whom or which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this e-mail to the intended recipient, you are hereby notified that any dissemination, distribution, copying, or use of this e-mail or its contents is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately and destroy all copies. Thank you.

---

**From:** Adams, Trish <trish\_adams@fws.gov>  
**Sent:** Tuesday, October 27, 2020 12:35 PM  
**To:** Bernstein, Jeffrey P <Jeff.Bernstein@sol.doi.gov>; Freund, Kate <kate\_freund@fws.gov>; Raymond, Anan <anan\_raymond@fws.gov>; Nuss, John <john\_nuss@fws.gov>  
**Cc:** Burgess, Angela <Angela\_Burgess@fws.gov>; VanNess, Meg <Meg\_VanNess@fws.gov>  
**Subject:** Re: NHPA APE letter to FWS

Hi All,

I know a little about the R-project NHPA issues, but not enough to really answer Jeff's questions in any detail. I do know that before they issued the permit, the concerns raised by the SHPO/ACHP were resolved... but not sure how! I recommend talking with Meg VanNess or Angela Burgess in R6 (cc'd here).

Not sure if you're aware, but we were sued on R-project and NHPA compliance was part of it.

Thanks, Trish

Trish Adams  
National Habitat Conservation Planning Coordinator  
U.S. Fish and Wildlife Service Headquarters  
Branch of Recovery and Conservation Planning  
Ecological Services, MS: ES  
5275 Leesburg Pike  
Falls Church, VA 22041-3803  
Office Phone: 703-358-2120  
Office Fax: 703-358-1800  
Office location: 2W010C  
Email: [trish\\_adams@fws.gov](mailto:trish_adams@fws.gov)

---

**From:** Bernstein, Jeffrey P <Jeff.Bernstein@sol.doi.gov>  
**Sent:** Tuesday, October 27, 2020 2:22 PM  
**To:** Freund, Kate <kate\_freund@fws.gov>; Raymond, Anan <anan\_raymond@fws.gov>; Nuss, John <john\_nuss@fws.gov>; Adams, Trish <trish\_adams@fws.gov>  
**Subject:** Re: NHPA APE letter to FWS

Kate - good idea. Thanks. Will someone please ask Service personnel in the region who in SOL they were working with.

Jeff Bernstein  
Attorney-Advisor  
U.S. Department of the Interior  
Office of the Solicitor  
503-231-2355

NOTICE: This e-mail (including any attachments) is intended for the use of the individual or entity to whom or which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this e-mail to the intended recipient, you are hereby notified that any dissemination, distribution, copying, or use of this e-mail or its contents is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately and destroy all copies. Thank you.

---

**From:** Freund, Kate <kate\_freund@fws.gov>  
**Sent:** Tuesday, October 27, 2020 9:23 AM  
**To:** Bernstein, Jeffrey P <Jeff.Bernstein@sol.doi.gov>; Raymond, Anan <anan\_raymond@fws.gov>; Nuss, John <john\_nuss@fws.gov>; Adams, Trish <trish\_adams@fws.gov>

**Subject:** Re: NHPA APE letter to FWS

Hi Jeff - I'm copying Trish on your question regarding the details being the ACHP letter - this was not in our region so I don't have any additional information. Trish, are you familiar enough with this one to help answer Jeff's questions, or could connect him with the right people in the region? Jeff, perhaps talking to their regional solicitor would be most helpful?

Kate Freund  
Conservation Planning/Hydropower  
Ecological Services  
U.S. Fish and Wildlife Service  
503-702-8044

---

**From:** Bernstein, Jeffrey P <Jeff.Bernstein@sol.doi.gov>  
**Sent:** Monday, October 26, 2020 3:28 PM  
**To:** Raymond, Anan <anan\_raymond@fws.gov>; Nuss, John <john\_nuss@fws.gov>  
**Cc:** Freund, Kate <kate\_freund@fws.gov>  
**Subject:** Re: NHPA APE letter to FWS

Attorney-client privileged information

(b) (5)



Jeff Bernstein  
Attorney-Advisor  
U.S. Department of the Interior  
Office of the Solicitor  
503-231-2355

NOTICE: This e-mail (including any attachments) is intended for the use of the individual or entity to whom or which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this e-mail to the intended recipient, you are hereby notified that any dissemination, distribution, copying, or use of this e-mail or its contents is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately and

destroy all copies. Thank you.

---

**From:** Raymond, Anan <anan\_raymond@fws.gov>

**Sent:** Monday, October 26, 2020 2:54 PM

**To:** Nuss, John <john\_nuss@fws.gov>

**Cc:** Freund, Kate <kate\_freund@fws.gov>; Bernstein, Jeffrey P <Jeff.Bernstein@sol.doi.gov>

**Subject:** Re: NHPA APE letter to FWS

Thanks, I recall this now. I forgot how old it is.

(b) (5) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

-A