From: Colligan, Mary A
To: Cooper, Douglass
Cc: Burns, Melissa L; Crane, Drew; Yeargan, Catherine; Cogswell, Stewart
Subject: Re: [Non-DoD Source] FW: [EXTERNAL] RE: Section 7 ESA consultation with USFWS (UNCLASSIFIED//FOUO)
Date: Thursday, April 25, 2019 10:09:02 PM
Importance: High

Doug - Thanks for identifying the issues. Here are my thoughts.

1. I would like to attend the meeting BUT the week of May 13th I have an off-site RDT meeting and David is headed to the Coastal/Partners ARD meeting. So the meeting is that week neither of us would be available.
2. From what I know, it sure feels like a formal consultation to me. I have not read the BA yet, but need to do that (or maybe get a verbal short summary form you guys). Also, would be good to hear your assessment of potential impacts and what you think kicks us into formal. Don't spend time writing anything on this - we can just have a short discussion on it when convenient.
3. As you say, our response on PLP being the non fed rep is linked to the informal/formal call.
4. I don't think we have heard anything from PLP on ITRs for operations, have we?
5. Sounds like segmenting/piecemealing to me

On Thu, Apr 25, 2019 at 9:56 AM Douglass Cooper <douglass_cooper@fws.gov> wrote:

> Regarding Shane's email below, we have a few things to discuss internally:
>
> 1. We need to determine who from the Service will attend the meeting. I'd suggest it be me, Catherine, and Melissa (acting for Drew) at a minimum. If the Corps adds Sheila Newman as an attendee, then it would be worth us having Mary attend, if she is available.
>
> 2. We need to confirm we all agree that this project should most appropriately be a formal consultation. I think we are in agreement, but just want to make sure before you really push the issue. The draft BA in the DEIS made NLAA calls for all species and CH. AFWCO would not concur with those determinations, but just want to make sure we are on the same page.
>
> 3. We need to decide how to respond regarding the Corps' stance that PLP is their non-Federal representative. They can certainly designate a non-Fed rep (and in this case they have), but that only applies to informal consultation (and the Corps is still responsible for their determination). If we state that we think this should be formal consultation, then it would minimize PLP's role in the consultation process.
>
> 4. Also, our decision on s7 has implications or is related to how the project might be authorized under MMPA.
>
> 5. It seems like the Corps and PLP are trying to treat each component of the project (i.e., exploratory surveys, construction, operations and maintenance) as discreet actions. Drew and I have discussed the issue – I think we agree that there should be a single consultation analyzing all components as a single action. Otherwise, the Corps is piecemealing actions.

I think those are the main issues I've identified. I would like to get a response to Shane outlining some of these issues.

Let me know what you think.

Doug

-----Original Message-----
From: POA Special Projects <poaspecialprojects@usace.army.mil>
Sent: Thursday, April 25, 2019 6:54 AM
To: Douglass Cooper <douglass_cooper@fws.gov>; POA Special Projects <poaspecialprojects@usace.army.mil>
Cc: James Fueg <jamesfueg@pebblepartnership.com>; Tim Havey <timhavey@pebblepartnership.com>; Melissa Burns <melissa_burns@fws.gov>; Drew Crane <drew_crane@fws.gov>; Mary Colligan <mary_colligan@fws.gov>; Catherine Yeargan <catherine_yeargan@fws.gov>; Stewart Cogswell <stewart_cogswell@fws.gov>
Subject: RE: [Non-DoD Source] FW: [EXTERNAL] RE: Section 7 ESA consultation with USFWS (UNCLASSIFIED//FOUO)

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Doug,

PLP has suggested the week of May 13 to begin the process. Katie will be leading the Section 7 mediation, with the understanding that PLP has been designated the non-federal designee for the consultation. Both Katie and I will attend if possible, especially for the early discussions.

Shane

-----Original Message-----

From: Douglass Cooper [mailto:douglass_cooper@fws.gov]

Sent: Wednesday, April 24, 2019 2:29 PM

To: POA Special Projects <poaspecialprojects@usace.army.mil>

Cc: James Fueg <jamesfueg@pebblepartnership.com>; Tim Havey <timhavey@pebblepartnership.com>; Melissa Burns <melissa_burns@fws.gov>; Drew Crane <drew_crane@fws.gov>; Mary Colligan <mary_colligan@fws.gov>; Catherine Yeargan <catherine_yeargan@fws.gov>; Stewart Cogswell <stewart_cogswell@fws.gov>

Subject: RE: [Non-DoD Source] FW: [EXTERNAL] RE: Section 7 ESA consultation with USFWS (UNCLASSIFIED//FOUO)

Importance: High

Hi Shane,

Thanks for contacting us. I know you have been extremely busy with the public meetings.

We do want to start discussions regarding ESA section 7 coordination, to allow us all plenty of time to meet our joint responsibilities. Based on the draft biological assessment contained in the DEIS, we have some initial concerns that we would like to discuss. I think your suggestion of scheduling a meeting in the near future is a good approach. Unfortunately, Catherine Yeargan and I are both unavailable through next week. Perhaps we could schedule something in early or mid-May?

I think we can find time during the weeks of May 6, May 13, or May 20. I would imagine we should start with a meeting planned for 1 to 2 hours. We are happy to host the meeting either at our Field Office or at our Regional Office. I think U.S. Fish and Wildlife Service representatives would be me, Catherine Yeargan, and one or two people from our Regional Office. I am not sure if you or Katie will be the lead for the s7 consultation, but it would be great if you could both attend. We are happy to include folks from PLP and their consultant(s), keeping in mind that the section 7 process is between the two Federal agencies. Please let us know a range of dates and times that would work for you. I know you cannot use Doodle or other online scheduling tools, so we might need to trade some dates back and forth before settling on a meeting time.

Thanks,

Doug

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Douglass M. Cooper

Branch Chief - Ecological Services

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-----Original Message-----

From: POA Special Projects <poaspecialprojects@usace.army.mil>

Sent: Wednesday, April 24, 2019 1:42 PM

To: Douglass Cooper <douglass_cooper@fws.gov>

Cc: James Fueg <jamesfueg@pebblepartnership.com>; Tim Havey <timhavey@pebblepartnership.com>; POA Special Projects <poaspecialprojects@usace.army.mil>

Subject: RE: [Non-DoD Source] FW: [EXTERNAL] RE: Section 7 ESA consultation with USFWS (UNCLASSIFIED//FOUO)

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Doug,

Thanks for reaching out and sorry I have not coordinated with USFWS and PLP to begin the discussion as to what the Service needs and to begin the consultation for the larger project. When might you or staff be available to start the process? Does your office have availability in the next week or two and if so, when is best?

Shane

-----Original Message-----

From: Douglass Cooper [mailto:douglass_cooper@fws.gov]

Sent: Tuesday, April 16, 2019 8:57 AM

To: POA Special Projects <poaspecialprojects@usace.army.mil>

Subject: [Non-DoD Source] FW: [EXTERNAL] RE: Section 7 ESA consultation with USFWS (UNCLASSIFIED//FOUO)

Importance: High

-----Original Message-----

From: Douglass Cooper <douglass_cooper@fws.gov>

Sent: Monday, April 15, 2019 5:23 PM

To: 'POA Special Projects' <poaspecialprojects@usace.army.mil>

Cc: Catherine Yeargan <catherine_yeargan@fws.gov>; Drew Crane <drew_crane@fws.gov>; Melissa Burns <melissa_burns@fws.gov>; Mary Colligan <mary_colligan@fws.gov>

Subject: RE: [EXTERNAL] RE: Section 7 ESA consultation with USFWS

(UNCLASSIFIED//FOUO)

Importance: High

Hi Shane and Katie,

I'm sure you are busy preparing for the final public meeting. Just wanted to add a note on the section 7 for Pebble - we suggest that we have an in person discussion prior to you submitting your determination to the Service.

We have some concerns about the draft biological assessment contained in the DEIS. It suggests that you may be leaning towards a determination of may affect, but not likely to

adversely affect. Our current recommendation would be for you to request formal consultation. Hence, our suggestion that we talk through the determination process and rationale prior to formally submitting a determination.

Thanks,

Doug

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Douglass M. Cooper

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