

To: Jordan Wimpy[jwimpy@gill-law.com]
Cc: Correa, Angel (FHWA)[Angel.Correa@dot.gov]; Schenetzke, Maria L.[Maria.Schenetzke@ardot.gov]; Gilbert, Jack (FHWA)[jack.gilbert@dot.gov]
From: Skipwith, Aurelia
Sent: 2017-09-16T14:10:27-04:00
Importance: Normal
Subject: Re: Draft MOU - Clarendon
Received: 2017-09-16T14:10:54-04:00

Jordan,

Are you available Monday morning for a call? Thank you.

Aurelia Skipwith

Deputy Assistant Secretary
for Fish and Wildlife and Parks

U.S. Department of Interior
1849 C Street, NW, Room 3148
Washington, DC 20240
(202) 208 5837

On Fri, Sep 15, 2017 at 2:26 PM, <jack.gilbert@dot.gov> wrote:

Jordan,

FHWA has received and reviewed the draft MOU your firm forwarded earlier this week. FHWA always understood this document would be between DOI/USFWS and your clients. My clients are not comfortable with entering into any agreement until they understand how you are coordinating with DOI/USFWS. This is especially true with the lawsuit still pending. It was anticipated that this agreement with DOI/USFWS be the initial step in advancing a settlement in this matter. We also understand that ARDOT will not be signing any MOU at this point.

In the interim, FHWA will continue to work on the environmental documentation for the potential transfer of the bridge and its approaches. We are working with ARDOT to complete this task as rapidly as possible. Once your clients and DOI/USFWS finalize an MOU, the parties will continue to coordinate this ongoing transfer process.

Finally, I have just received a call from Deputy Assistant Secretary Aurelia Skipwith at DOI. Ms. Skipwith will likely be calling you shortly to discuss the MOU process with you and Mr. Gill. I am copying her on this email.

Please feel free to contact us with any questions.

Thanks,

Jack

Jack F. Gilbert

Division Counsel

US DOT/Federal Highway Administration

Central Federal Lands Highway Division

12300 West Dakota Ave., suite 310

Lakewood, CO 80228-2863

720.963.3446 (Office)

720.810-6208 (iPhone)

This e-mail (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If the reader of this e-mail is not the intended recipient or the employee or agent responsible for delivering the 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 us immediately by replying to this message, and please destroy all copies of this e-mail.

From: Jordan Wimpy [mailto:jwimpy@gill-law.com]
Sent: Friday, September 15, 2017 10:49 AM
To: Gilbert, Jack (FHWA) <jack.gilbert@dot.gov>
Subject: re: Draft MOU

Jack:

John inquired as to whether you had an opportunity to review the proposed MOU and/or had

any substantive thoughts and comments. He would like to send to DOI today, but we will certainly wait on your considerations.

Thanks,

Jordan

GILL
RAGON
OWEN

ATTORNEYS

Jordan P. Wimpy

Gill Ragon Owen, P.A.

425 West Capitol Avenue, Suite 3800

Little Rock, AR 72201

Office (501) 376-3800

Direct (501) 801-3816

Fax (501) 372-3359

jwimpy@gill-law.com

CONFIDENTIALITY NOTICE: The information in this e mail may be confidential and/or privileged. This e mail is intended to be reviewed only by the individual or organization named above. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this e mail and its attachments, if any, is prohibited. If you feel you should not have received this e mail, please immediately notify the sender by return e mail and delete this e mail from your system. Thank you.

To: Bill Whitacre[bwhitacre@westgov.org]
From: Cameron, Scott
Sent: 2017-05-01T18:19:03-04:00
Importance: Normal
Subject: Re: Draft MOU
Received: 2017-05-01T18:19:36-04:00

Bill,

I am certainly open to the idea. Let me take a look at what you sent.

Thanks,
Scott
Scott J. Cameron
Special Assistant
Office of the Secretary of the Interior
Desk 202 208 0969
Cell 202 706 9031

On Mon, May 1, 2017 at 6:11 PM, Bill Whitacre <bwhitacre@westgov.org> wrote:

Hello Scott,

I believe that you had a conversation with Jim Ogsbury last week about how to proceed in drafting the MOU for the WGA/DOI effort. As I understand it, the two of you agreed that it would be acceptable for WGA to pull together a first draft of the MOU, and then have DOI review it. Jim told me that you feel the MOU should have the following three components:

- A list of immediate actions that federal agencies and states will take to control the spread of zebra mussels.
- A process section that outlines the next steps in the project and the role of the subcommittees after June 2017.
- A section on intergovernmental coordination.

I've combined this structure with some comments provided by Idaho to develop the attached draft MOU. The overall format is taken from an older MOU between WGA and the Department of Commerce. Please let me know if there is another format that you would like to follow. As you will see, it still needs some major revision (I will need your input on what should be included in the "intergovernmental coordination section").

Can you please take a look at the draft and let me know if it is similar to what you had in mind?

Once I incorporate your feedback, we can consider it to be the base document and lay out the next steps. One option is for both WGA and DOI to work on the documents in a parallel track: the DOI subcommittees (which will still include states) will spend several weeks incorporating their recommendations into the document. Meanwhile, WGA's staff advisory council (SAC) can review and amend the document. After some time, the two documents can be reconciled into a final MOU.

I think this approach might work better with the WGA process. As Jim may have explained, the WGA policy approval process can be time consuming, and the sooner we get a document in front of SAC, the better.

How does all of this sound? Please let me know if you have any thoughts on the draft MOU before sharing it with the larger group.

Thanks,

Bill Whitacre, *Policy Associate*

Western Governors' Association

1600 Broadway, Suite 1700, Denver, CO 80202 | p: 720.897.4538 | westgov.org

Please join us at WGA's 2017 Annual Meeting in Whitefish, MT June 26-28, 2017 - Register Online!

To: Bill Whitacre[bwhitacre@westgov.org]
From: Cameron, Scott
Sent: 2017-05-01T18:26:43-04:00
Importance: Normal
Subject: Re: Draft MOU
Received: 2017-05-01T18:27:55-04:00

Yes, we certainly need some mechanism for memorializing whatever we collectively come up with.

Thanks,
Scott
Scott J. Cameron
Special Assistant
Office of the Secretary of the Interior
Desk 202 208 0969
Cell 202 706 9031

On Mon, May 1, 2017 at 6:24 PM, Bill Whitacre <bwhitacre@westgov.org> wrote:

And I suppose it may have been a little out of turn for me to say that you agreed to the process -- perhaps you agreed to look into it. Either way, I appreciate your consideration of this.

-Bill

From: Cameron, Scott [mailto:scott_cameron@ios.doi.gov]
Sent: Monday, May 1, 2017 4:19 PM
To: Bill Whitacre <bwhitacre@westgov.org>
Subject: Re: Draft MOU

Bill,

I am certainly open to the idea. Let me take a look at what you sent.

Thanks,

Scott

Scott J. Cameron

Special Assistant

Office of the Secretary of the Interior

Desk 202 208 0969

Cell 202 706 9031

On Mon, May 1, 2017 at 6:11 PM, Bill Whitacre <bwhitacre@westgov.org> wrote:

Hello Scott,

I believe that you had a conversation with Jim Ogsbury last week about how to proceed in drafting the MOU for the WGA/DOI effort. As I understand it, the two of you agreed that it would be acceptable for WGA to pull together a first draft of the MOU, and then have DOI review it. Jim told me that you feel the MOU should have the following three components:

- A list of immediate actions that federal agencies and states will take to control the spread of zebra mussels.
- A process section that outlines the next steps in the project and the role of the subcommittees after June 2017.
- A section on intergovernmental coordination.

I've combined this structure with some comments provided by Idaho to develop the attached draft MOU. The overall format is taken from an older MOU between WGA and the Department of Commerce. Please let me know if there is another format that you would like to follow. As you will see, it still needs some major revision (I will need your input on what should be included in the "intergovernmental coordination section").

Can you please take a look at the draft and let me know if it is similar to what you had in mind?

Once I incorporate your feedback, we can consider it to be the base document and lay out the next steps. One option is for both WGA and DOI to work on the documents in a parallel track: the DOI subcommittees (which will still include states) will spend several weeks incorporating their recommendations into the document. Meanwhile, WGA's staff advisory

council (SAC) can review and amend the document. After some time, the two documents can be reconciled into a final MOU.

I think this approach might work better with the WGA process. As Jim may have explained, the WGA policy approval process can be time consuming, and the sooner we get a document in front of SAC, the better.

How does all of this sound? Please let me know if you have any thoughts on the draft MOU before sharing it with the larger group.

Thanks,

Bill Whitacre, *Policy Associate*

Western Governors' Association

1600 Broadway, Suite 1700, Denver, CO 80202 | p: 720.897.4538 | westgov.org

Please join us at WGA's 2017 Annual Meeting in Whitefish, MT June 26-28, 2017 - Register Online!

To: Bill Whitacre[bwhitacre@westgov.org]
From: Cameron, Scott
Sent: 2017-05-02T11:26:02-04:00
Importance: Normal
Subject: Re: Draft MOU
Received: 2017-05-02T11:26:39-04:00

Bill,

This looks OK to me, subject to edits and wordsmithing, and I have to run it through our federal bureaucratic clearance process. Not sure what might emerge from that. Ideally, I'd like this to be a MOU with other agencies besides DOI, but that probably means making it shorter? More words always means longer clearance processes.

Thanks,
Scott
Scott J. Cameron
Special Assistant
Office of the Secretary of the Interior
Desk 202 208 0969
Cell 202 706 9031

On Mon, May 1, 2017 at 6:11 PM, Bill Whitacre <bwhitacre@westgov.org> wrote:

Hello Scott,

I believe that you had a conversation with Jim Ogsbury last week about how to proceed in drafting the MOU for the WGA/DOI effort. As I understand it, the two of you agreed that it would be acceptable for WGA to pull together a first draft of the MOU, and then have DOI review it. Jim told me that you feel the MOU should have the following three components:

- A list of immediate actions that federal agencies and states will take to control the spread of zebra mussels.
- A process section that outlines the next steps in the project and the role of the subcommittees after June 2017.
- A section on intergovernmental coordination.

I've combined this structure with some comments provided by Idaho to develop the attached draft MOU. The overall format is taken from an older MOU between WGA and the Department of Commerce. Please let me know if there is another format that you would like to follow. As you will see, it still needs some major revision (I will need your input on what should be included in the "intergovernmental coordination section").

Can you please take a look at the draft and let me know if it is similar to what you had in mind?

Once I incorporate your feedback, we can consider it to be the base document and lay out the next steps. One option is for both WGA and DOI to work on the documents in a parallel track: the DOI subcommittees (which will still include states) will spend several weeks incorporating their recommendations into the document. Meanwhile, WGA's staff advisory council (SAC) can review and amend the document. After some time, the two documents can be reconciled into a final MOU.

I think this approach might work better with the WGA process. As Jim may have explained, the WGA policy approval process can be time consuming, and the sooner we get a document in front of SAC, the better.

How does all of this sound? Please let me know if you have any thoughts on the draft MOU before sharing it with the larger group.

Thanks,

Bill Whitacre, *Policy Associate*

Western Governors' Association

1600 Broadway, Suite 1700, Denver, CO 80202 | p: 720.897.4538 | westgov.org

Please join us at WGA's 2017 Annual Meeting in Whitefish, MT June 26-28, 2017 - Register Online!