

Message

From: Kelly Johnson [KAJohnson@hollandhart.com]
Sent: 9/18/2017 11:53:14 PM
To: Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]
CC: Crowther, John J (DNR) [john.crowther@alaska.gov]; Penman, Crystal [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=93662678a6fd4d4695c3df22cd95935a-Penman, Crystal]; Frank Richards [FRichards@agdc.us]; gtherriault@agdc.us
Subject: RE: ARNI Designations - Alaska
Attachments: 2017-09-18_Letter_Forgsen-signed.pdf

Lee –

Thanks again for your assistance. I've attached a letter from Frank Richards, Senior VP for AGDC, that details AGDC's concerns with the "may affect" letter from Region 10 concerning the Yukon River drainage. You'll find attached a map of Alaska which shows the far reaching impact an ARNI designation would have in Alaska. We look forward to talking to you about the ARNI issue this week and meeting with you next week to talk about the LNG Pipeline and other EPA issues.

Crystal – Let me know what will work for Lee's schedule and we can get a call and meeting arranged.

Kelly

From: Forsgren, Lee [mailto:Forsgren.Lee@epa.gov]
Sent: Monday, September 18, 2017 3:54 PM
To: Kelly Johnson
Cc: Crowther, John J (DNR); Penman, Crystal
Subject: RE: ARNI Designations - Alaska

Crystal find some time next week and for a call this week.

From: Kelly Johnson [mailto:KAJohnson@hollandhart.com]
Sent: Monday, September 18, 2017 11:43 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Crowther, John J (DNR) <john.crowther@alaska.gov>; Penman, Crystal <Penman.Crystal@epa.gov>
Subject: RE: ARNI Designations - Alaska

Lee – Looking forward to working with you on this issue. I'll be forwarding you some information today which will explain the AGDC projects and the problems posed by Region 10's "may affect" letter. As I noted in my email, AGDC wants to ensure that Region 10 not take any further action until AGDC / State of Alaska have had a chance to explain to you why the ARNI designation is inappropriate and problematic. The EPA Region 10 Administrator's "will effect" letter is due on September 25 – or a week from today. I will follow-up with Crystal about a time for us to chat this week. I'd also like to set up a meeting for next week when I have some of the AGDC executives in Washington DC to introduce you to the AGDC projects and talk about some of the issues EPA has raised (unfortunately, the ARNI isn't the only one). Kelly

From: Forsgren, Lee [mailto:Forsgren.Lee@epa.gov]
Sent: Monday, September 18, 2017 9:13 AM
To: Greenwalt, Sarah; Kelly Johnson; Dravis, Samantha
Cc: Crowther, John J (DNR); Wagner, Kenneth; Penman, Crystal
Subject: RE: ARNI Designations - Alaska

Kelly,

I would be happy to speak to you regarding the issue. If you could contact Crystal Penman she can find a time for us to chat.

Regards,
Lee

D. Lee Forsgren

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Environmental Protection Agency
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Forsgren.Lee@epa.gov

From: Greenwalt, Sarah
Sent: Monday, September 18, 2017 8:42 AM
To: Kelly Johnson <KAJohnson@hollandhart.com>; Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Crowther, John J (DNR) <john.crowther@alaska.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: ARNI Designations - Alaska

Kelly –

Thank you for that further clarification. Lee Forsgren is our Deputy Assistant Administrator in the Office of Water, and familiar with Region 10. He and Ken will be well-suited to discussing this issue with you.

Best,

Sarah A. Greenwalt

Senior Advisor to the Administrator
for Water and Cross-Cutting Issues

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Greenwalt.Sarah@epa.gov

From: Kelly Johnson [<mailto:KAJohnson@hollandhart.com>]
Sent: Friday, September 15, 2017 5:04 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Crowther, John J (DNR) <john.crowther@alaska.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>
Subject: RE: ARNI Designations - Alaska

Sam - Many thanks for passing me on.

Sarah / Ken – AGDC is putting together information on the particular concerns with the ARNI designation for the Yukon River drainage and I'll get that to you as soon as possible. In the interim, we would like to ensure that Region 10 not take any further action until AGDC / State of Alaska have had a chance to explain to you why the ARNI designation is inappropriate and problematic. On August 29, Region 10 sent a "may affect" letter pursuant to the CWA Section 404(q) MOU between EPA and the Corps. I have attached a copy of that letter. Under the CWA Section 404(q) MOU, the EPA Region 10 Administrator would need to send a "will effect" letter by September 25. AGDC believes it can resolve / address the concerns in the August 29 "may affect" letter so that the "will effect" letter will not be necessary. Thanks so much for your assistance and don't hesitate to contact me. Kelly

From: Dravis, Samantha [<mailto:dravis.samantha@epa.gov>]
Sent: Friday, September 15, 2017 12:55 PM
To: Kelly Johnson
Cc: Crowther, John J (DNR); Greenwalt, Sarah; Wagner, Kenneth
Subject: Re: ARNI Designations - Alaska

Ken Wagner and Sarah Greenwalt are the appropriate individuals. Sarah and Ken, can you reach out and follow up on this? Thank you!

Sent from my iPad

On Sep 14, 2017, at 8:10 AM, Kelly Johnson <KAJohnson@hollandhart.com> wrote:

Samantha – My advance apologies for this out of the blue email but I believe you've had to deal with some Alaska issues during your tenure at EPA. Holland & Hart represents the Alaska Gasline Development Corporation, an entity of the State of Alaska, seeking to construct a natural gas pipeline through Alaska. The permitting for this project (which is included on the Fast-41 Permitting Dashboard) has been ongoing for a number of years. We have run into a situation where EPA Region 10 has indicated that they believe the Yukon River drainage system (approximately 1/4 of the State) may be an Aquatic Resource of National Importance (ARNI) under the Clean Water Act. AGDC (and I believe the Administration of Governor Walker) strongly disagrees with such a designation. We would like to meet with someone at EPA headquarters to detail the reasons why we believe such a designation is inappropriate. Who would you suggest I coordinate with? I've cc: John Crowther who works in the State of Alaska's DC office since he's been assisting on AGDC issues. Thank you. Kelly

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