

**National Advisory Council for Environmental Policy and Technology:  
Assumable Waters Subcommittee**

**December 9, 2016  
Meeting Summary**

The following items are included in this meeting summary:

- I. Background and Summary of Decisions, Approvals, and Action Items
- II. Presentations and Key Discussions
- III. Public Comments
- IV. Wrap Up / Closing
- V. Meeting Participants
  - a. Participating Subcommittee Members
  - b. Government and Members of the Public in Attendance
  - c. Facilitation Team
  - d. EPA OWOW Support Team
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**I. Background and Summary of Decisions, Approvals, and Action Items**

**Background**

This was the sixth meeting (via webinar in this case) of the Assumable Waters Clean Water Act 404(g)(1) Subcommittee. The Subcommittee was convened under the National Advisory Council for Environmental Policy and Technology (NACEPT) to provide advice and recommendations on how the EPA can best clarify which waters a state or tribe assumes permitting responsibility for under an approved Clean Water Act (CWA) Section 404 program. All presentations and meeting materials can be found here: <https://www.epa.gov/cwa-404/assumable-waters-sub-committee>.

The meeting, which was held virtually, included discussion of the Subcommittee’s draft report and a plan for finalizing it. This summary does not follow a chronological order of events. Instead, it attempts to summarize discussions related to key topics covered throughout the virtual meeting.

## **Summary of Decisions, Approvals, and Action Items**

The Subcommittee made the following decisions:

- The Subcommittee charged the facilitator and others with drafting the final report in accordance with the procedures noted below.

The Subcommittee agreed to the below action items and timeline for completion.

### *CBI*

- Distribute updated draft report to the group with placeholders for Executive Summary and preferences on waters and adjacency
- Organize drafting committee with a means for members to weigh in on the drafting process
- Reach out to members on their preferences

### *Drafting work group*

- Augment the section on legislative history on the draft report
- Draft language on preferences by January 1, 2017

### *U.S. Army Corps of Engineers*

- Provide legal analysis and explanation for why it believes it needs to retain TNWs and adjacent wetlands in the manner it has proposed for inclusion in the final report by December 16, 2016
- Provide guidance and memo on criteria for TNW determinations
- Revise and clarify the language on Waters Option C as discussed

### *EPA*

- Provide relevant guidance and policy on administration of tribal lands after assumption by the state in which the tribal lands are located
- Provide relevant regulations on when an MOA that changes an approved assumption program needs to be reviewed

### *Michigan Department of Environmental Quality*

- Provide citations suggesting that states can assume tribal lands located in the state with agreement from the tribe and EPA

### *All*

- Provide comments on draft summary of the September meeting by Friday, December 16

## **II. Presentations and Key Discussions**

### **A. Check-in, Roll Call, Call to Order, and Initial Business**

The meeting facilitator, Mr. Patrick Field of the Consensus Building Institute, reviewed key logistical elements of the online meeting. Mr. Jacob Strickler, acting EPA Designated Federal Official (DFO), then

called the meeting to order and initiated a roll call of Subcommittee members joining by phone and videoconference. A list of participants is included at the end of this summary.

Dr. Barry Rabe, Subcommittee co-chair, offered comments on the departure of former co-chair Dave Evans from the Subcommittee. He noted that it had been a pleasure to work with Mr. Evans. Dr. Rabe then reviewed some goals for the meeting, such as having a productive discussion on how to create a clear, useful, and enduring report that delineates options and highlights areas of consensus, and planning for the Subcommittee's final in-person meeting at the end of January 2017. Dr. Rabe reflected on the recent presidential election, and suggested that it should not change the Subcommittee's approach. He noted that he has expressed certain opinions in public on the president-elect's choice for EPA Secretary, but he has not addressed his comments to issues of water or water quality.

Mr. Field then reviewed the meeting agenda, which is included in Appendix A. He gave participants an opportunity to comment on the draft summary of the September 2016 meeting. Hearing no comments, the group agreed that any additional comments on the draft summary would be due by Friday, December 16. Mr. Field then provided some background on how the Subcommittee's draft report had been written, and expressed gratitude to the drafting work group.

Mr. Evans, former Subcommittee co-chair, joined the meeting briefly to explain his departure from the Subcommittee, thank members for their hard work, and wish them luck.

## **B. Review of Tribal Implications and Considerations**

Mr. Richard D. Gitar, Fond du Lac Reservation, offered some initial background on a section of the draft report addressing "Tribal Findings, Issues, and Recommendations." He noted that the language in this section of the draft report is similar to a document he distributed by email during the Subcommittee's in-person meeting in June 2016. The goal of the section is to offer readers insight into issues that need to be considered when a tribe assumes the CWA Section 404 program, or when a state assumes and there are tribes with landholdings in that state. Members offered the following comments and asked the following questions on this section of the draft report; *responses from Mr. Gitar are in italics.*

- The draft notes that if a state requests assumption, any waters subject to tribal sovereignty are retained automatically by the U.S. Army Corps of Engineers (the "Corps"). Where does that conclusion come from? One could imagine in these circumstances the state assuming waters subject to tribal sovereignty, and the tribe could later assume these waters itself if it wished. *The conclusion is based on my thinking and experience, not a law or policy. There are sometimes tensions between tribes and the states in which their reservations are located. In these*

*circumstances, it will be smoother for the tribe to assume from the federal government than from the state. Tribes could draft Memoranda of Understanding (MOUs) to this effect, which could be turned into field level guidance.*

- There is guidance and policy on this issue, related to the sovereignty of the tribe and state, and potentially a regulation. EPA will locate and distribute them to the group.
- Language on this issue should be phrased carefully in the final report to make it clear these are not settled issues, and they need to be discussed during assumption.
- The report frames some issues in absolute terms that should be addressed using more open-ended language. For example, there are often discussions and negotiations over the boundaries of waters subject to tribal sovereignty. Negotiations can occur between tribes, EPA, and states on what waters are assumed and over what time period, and there is precedent for states assuming the 402 Program for tribal lands with agreement from the tribe and EPA. The Michigan Department of Environmental Quality will provide relevant citations. *If that is true, it is contrary to my understanding of existing practice.*
- In Michigan, a lot of lands being brought into trust are small parcels, and are not within reservations. Activities on one parcel can affect resources on adjacent parcels or downstream. The report should include some language on the need for cooperation among EPA, tribes and states regarding the management and administration of those lands and adjacent lands.
- Alaska recently dropped a lawsuit trying to bar certain lands from being brought into trust. The state has lots of small parcels and is expecting to see a large increase in the number of parcels being brought into trust. It is important that the report provide clarity on this issue both from a Section 402 and a Section 404 perspective.
- EPA cannot arbitrate disputes over what land is or is not taken into trust. The U.S. Bureau of Indian Affairs and the federal courts address these issues. In drafting the final report, the Subcommittee needs to be clear on this issue and careful in its language.

### **C. Review of Army Corps Waters Option**

William L. James, U.S. Army Corps of Engineers, presented on a new Option C for waters drafted by the Corps, which appeared on page 13 of the draft report. At its September 2016 webinar, the Subcommittee had requested language on waters that would be acceptable to the Corps, and the language presented by Mr. James represented the Corps' response. The option would involve (i) maintaining a list of Section 10 waters, excepting those based solely on historical use; (ii) case-by-case determinations on whether waters are Traditionally Navigable Waters (TNW), which the Corps would retain; and (iii) a process for revising the Section 10 list and/or TNW determinations. Mr. James noted that while this option would work for the Corps, he recognized it may not be acceptable to others.

Members offered the following comments and asked the following questions, organized by theme; *responses from Mr. James and his colleague at the USACE, Ms. Stacey Jensen, are in italics.*

#### *Specific suggestions on language*

- The language in the final sentence of subsection (i) could be edited to clarify that the Corps will retain “any waters for which TNW stand-alone determinations have been previously made.”  
*The Corps will provide revised language.*
- Subsection (ii) could be edited to clarify the distinction between case-by-case TNW determinations and stand-alone determinations. If the Corps has language on this issue, it would be helpful to add it here. *Stand-alone determinations are considered permanent and are retained on a list, but case-by-case determinations are valid only for a specific approved jurisdictional determination. However, a case-by-case determination that a water is a TNW suggests it may also be considered a TNW under a stand-alone determination.*
- Even though the draft notes at the top of Option C that the Corps retains waters defined as TNWs under the CWA, for clarity this point should be re-emphasized in subsections (ii) and (iii).
- Under subsection (iii), the report should note that the state and district may choose to negotiate and collaborate as they move forward with the list. This clarification would be helpful for developing field level guidance.

#### *Option C details and clarification*

- How many districts have existing TNW lists? *Two districts have TNW lists comparable to Section 10 lists where they completed a more stand-alone review. Most districts have only done case-by-case TNW determinations when waters come up for approved jurisdictional determination requests on an ad hoc basis.*
- Is it correct that the Corps does not intend to engage in an effort to determine TNW waters holistically in each state? *That is correct. The Corps does not have the resources for such an effort.*
- If a TNW determination is tied to a specific project, not to the entire reach of a stream, would that water be retained by the Corps? *Such waters would have been the subject of a case-by-case jurisdictional determination; the district could evaluate them under the stand alone process and determine whether to include them.*
- As a practical matter, how big are the differences between the Section 10 Rivers and Harbors Act (RHA) lists and the lists of TNWs? *It varies. Sometimes there is a big difference and sometimes they are almost exactly the same.*
- Options B and C are very different because the Section 10 lists are well established while the TNW lists are not. The extent of the difference varies by state, but it is potentially very large,

and there is a lot of work involved in determining where the TNW list begins and ends. If the difference is large, this could severely limit the scope of assumption.

- Some subcommittee members asserted that Option C increases uncertainty. These members suggested that, because the TNW list is not clear, permit applicants will not know whether to approach the state or the Corps, and the regulatory process could be delayed while the Corps makes a TNW determination. Option B recognizes that there may be changes to the Section 10 list in the future, but the changes are likely to be small and the list is fairly straightforward. For example, although the Section 10 list is frequently revised in Michigan, this just involves adding small tributaries that were not on the original list and that are adjacent to areas already retained.<sup>1</sup>

#### *Assumed vs. retained waters lists*

- Are we developing a list of assumed waters or a list of retained waters? In Michigan and New Jersey they developed lists of retained waters. *The list of retained waters is smaller so that is what we currently use.*
- If we consider all waters that *could* be retained as TNWs under subsection (iii), the retained list would be much bigger than the assumed list. In addition, the list of assumable waters is also important, because it consists of jurisdictional waters under the CWA that have not been retained.

#### *Modifying and managing the TNW list*

- States would have concerns if the Corps could take away their authority to regulate waters they have assumed, through engaging in TNW determinations after assumption has already been approved. This would not provide certainty for the state, and should be mentioned in the “pros and cons” section under this option. *Subsection (iii) of this option would allow the Corps to modify the list as time goes on. However, any waters the Corps retains in this manner would have been TNWs the whole time, they just would not have been identified as such. In addition, the Corps posts all of the approved jurisdictional determinations it has conducted online.*
- At least in Arizona, we as a state do not participate in case-by-case jurisdictional determinations. Is there an active role for state to participate in stand-alone jurisdictional determinations? *In recent cases the Corps has notified the public when it engages in this process.*
- In Michigan, requests come to the state to determine who regulates a water or wetland, and in such cases the State not the Corps makes this determination. How are such situations to be

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<sup>1</sup> Editor’s note: The USACE districts have revised the list of retained waters, not the Section 10 list.

addressed under this option? *In some such circumstances, the Corps would need to independently determine whether the water is a TNW as required by Congress or the federal courts. We can clarify this issue in the language.*

- Where on the district website are approved jurisdictional determinations noted and how easy is it to identify waters for which there has been such a determination? *To identify these waters online the user would need to look at each individual water on the website. The site does not currently break them out separately, although the Corps might develop an easier way to identify them visually in the future.*
- The list of retained waters should be refined as much as possible at the time of assumption, to minimize the burden of reapproving changes to the state's program after the fact. This issue applies to all the waters options in the report. *This is a balancing act. If a state has a lot of case-specific TNW determinations, it might not be worth it to wait for all of them to be completed before approving assumption. On the other hand, you also do not want to need to constantly update the TNW list every year.*
- It would be helpful to have a time limit for compiling the TNW list after a state or tribe begins the assumption process, with an understanding that additional waters could be added later on. *The Corps would be concerned about adding a time limit if the list were used to prevent the Corps from adding waters later on. Conducting stand-alone TNW determinations is time consuming and resource intensive, and it is only a small aspect of the Corps' work.*
- It would be helpful to add criteria for TNW determinations to the report for reference. *The Corps has guidance and a memo on this issue and will send the relevant references to Mr. Field.*
- The fact that this is a constantly changing list should be mentioned in the "pros and cons" section as a "con."
- If an MOA changes the scope of the geographic jurisdiction of the approved assumption program, thus reducing the scope of what the state administers, then the MOA needs to be reviewed. It might be possible to avoid this kind of review by not specifying individual waters, and instead using the more general language in Option C. *EPA regulations specify that the Corps will enter into an MOA with the state and will include a list of the waters the Corps will retain. That list would specify individual waters and the limits of those waters that would be retained. EPA will distribute the relevant regulations.*
- In Minnesota, there is a dramatic difference between the list of waters for which there has already been a TNW determination and the list of waters for which there could be such a determination. This option would therefore add a lot of uncertainty regarding waters that could be added to the retained waters list.
- There should be some acknowledgment of the importance of identifying and listing as many TNWs as possible before assumption, to improve administrative efficiency moving forward, and

the need for additional resources within the Corps to do this work. *The Corps agrees it would be best to identify more TNWs from the beginning, and that this would require additional resources.*

#### *Administering similarly-situated waters*

- Under Option C, it is possible for two similarly situated TNWs to be administered by different entities. For example, the Corps could determine that a particular lake is a TNW, and put it on the retained list. But the Corps might make no such determination for a similarly sized and situated lake a few miles away. Some time later, the state could receive a permitting request, make a jurisdictional determination, and determine that this second lake is a TNW on the state's assumed waters list. *This analysis is correct. In performing its jurisdictional determination, the state could use a rationale similar to the Corps' stand-alone TNW determination. However, the second lake could still be added to the Corps' retained waters list if the Corps ever were to conduct its own stand-alone TNW determination.*
- The language in the report should clarify that in the above scenario, the state would use the same jurisdictional rationale as the Corps.
- This scenario could leave the state vulnerable in the event it needs to conduct an enforcement action on the second lake. A lawyer could argue the state should not be pursuing the enforcement action because the lake is a TNW. *If the lake is on the assumed waters list then the state would have full authority. And in some cases the enforcement action might get transferred to the Corps or EPA regardless of the type of water body involved.*

#### **D. Draft Report**

Mr. Field offered some reflections on the draft report overall. He highlighted comments in the draft noting, for example, the need to discuss pros and cons of assumption without advocating for or against it, and the challenge of addressing the legislative history without providing all the carefully crafted details that were included in the legislative history working group memos. Members offered the following comments, organized by theme; *responses from Mr. Field are in italics.*

#### *Legislative history*

- The legislative history section is a little light. It should be clear enough so that a reader totally unfamiliar with the issues can understand it without looking elsewhere. It should not rely on references to material on the website. *We will work with the drafting work group to fill out this section.*
- The more the report is focused on implementation and policy proposals as opposed to legal analysis, the easier it will be for EPA to adopt.



- The legal detail and history provide important underpinnings for why the Subcommittee made the choices it has made. It is important that this section not be too abbreviated or vague.
- One option is to include the background reports as appendices, so they are part of the document.

#### *Explanation for the Corps' position*

- The Corps is interested in providing a short paragraph with some legal analysis explaining why it believes it needs to retain TNWs and adjacent wetlands in the manner it has proposed. *USACE will provide that language to CBI.*
- If the Corps provides this language, it could fit within the preferences section of the final report.
- The document should provide as much detail as possible on the Corps' position, so the reader understands clearly why the Corps is not supporting the majority opinion.

#### *Benefits and costs of assumption*

- The section on benefits and costs of assumption could be streamlined to simply say that, in general, assumption is considered a good thing.
- The goal of the section on benefits and costs of assumption is to make sure the reader understands why states would want to do assumption. It is important because it helps the reader understand why the states came to EPA to suggest convening this Subcommittee, and provides some justification for its work. The section could be edited so it is framed more around the perspective of the states.
- The Subcommittee should be cautious with this section, avoid suggesting that it sees assumption in a glowing light, and make sure to reflect the nuances of the issue. *The Subcommittee's charge states explicitly that it is not deliberating on the merits of assumption or which waters are waters of the U.S.*
- We should review the charge to the Subcommittee – to provide advice and recommendations on which waters the Corps should retain – and avoid deviating from it.

#### *Executive Summary*

- Eventually, we should include a summary of the recommendations at the beginning of the document, within an executive summary. However, this addition will need to wait until the January meeting as we work to refine the draft itself.

### **E. Recording Preferences in Final Report**

Mr. Field noted that the Subcommittee needed to discuss how to register preferences in the final report. He suggested the report could either 1) simply present the various options and their pros and

cons, or 2) also register the group's support or lack of support for these options. Members generally supported the second of these options, and offered the following comments:

- Given the differences of opinion within the group, the report should be clear about who supports or does not support which options and why.
- The Subcommittee's charge is to provide advice and recommendations, not just a list of options. The report should discuss the various options we looked at, but it should also include a recommendation, along with clarity on any differences of opinion regarding that recommendation.
- The discussion of preferences should be included after both the adjacency and waters sections and in the Executive Summary.

Mr. Field suggested it might be helpful to discuss the content of a preferences section or sections during the upcoming Subcommittee meeting in January. Various members commented that it would be important to draft possible language on preferences prior to the January meeting, to prevent the group from getting stuck on this issue at the meeting and creating a stressful or rushed situation. Mr. Field stressed the importance of keeping the preferences sections clear and short.

Mr. James from the Corps volunteered to help with drafting the USACE'S rationale. Michelle Hale and Les Lemm offered to draft the "wetlands" preferences section. Peg Botswick and Richard Gitar offered to draft the "waters" preference section. Mr. Field noted that he would organize the drafting committee through a phone call, reach out to various members in the coming weeks to gain an understanding of their preferences, and design a mechanism for members to weigh in on the drafting process. Members offered the following comments on this issue:

- It would be helpful to see the different options and the reasons why members prefer them prior to the January meeting, so that members who may be undecided can make informed decisions.
- The more specificity that is included in the descriptions of the different options, the clearer the distinctions among them will be. For example, it would be helpful to include practical, step-by-step details on how each option would work on the ground, or even incorporate timelines. Such an exercise might also help members move beyond any ideological preferences or consider possible hybrids of multiple options.

#### **F. Review of Timeline and Workplan**

Mr. Field reviewed a proposed timeline for the Subcommittee's upcoming work, including an editing and drafting schedule for preparing the report for review by the Subcommittee at its meeting in January 2017. He noted that he would soon be distributing an updated draft report to the group with

placeholders for the Executive Summary and preferences on waters and adjacency. Members offered the following comments on the timeline and workplan; *direct responses are in italics*. Unless otherwise noted responses are from Mr. Field.

- The group should not wait until January to work on the preferences section. *We will have a draft of preferences piece written up by around January 1.*
- It would be helpful to see a draft of the Corps' explanation for its preferences as soon as possible. *Corps representative: The Corps will provide this by December 16.*
- The waters and adjacency working papers should be placed in the administrative record as background, but not included in the actual report, because they include some statements that the Corps would object to.
- The legislative history paper should be included in the report as an appendix for background and support. *Corps representative: The Corps cannot agree to some statements in the waters and adjacency papers, but can accept the legislative history paper.*

Mr. Gary T. Setzer, Maryland Department of the Environment, who participated in drafting the adjacency working group paper, agreed to incorporate additional comments into the adjacency paper and address any language issues members might raise.

### **III. Public Comment**

During the public comment period, Ms. Jeanne Christie, Association of State Wetland Managers (ASWM), noted that she wanted to make sure all Subcommittee members received a letter she had sent to the group, written on behalf of ASWM, the Environmental Council of the States, and the Association of Clean Water Administrators. She commented that she believed the letter represented a helpful perspective when considering how to move forward. There were no emails or other messages about public comment.

### **IV. Wrap Up/Closing**

Dr. Rabe offered some final words, thanking members for their engagement and noting that the timeline for their upcoming work would be challenging. He encouraged those involved with drafting to reach out to members of the Subcommittee, including those with different perspectives, to learn more about the group's preferences and to improve the language. He expressed hope that the January meeting would run smoothly and result in a greater level of agreement than some have anticipated.

Mr. Strickler also offered some closing thoughts, thanking Subcommittee members and the facilitation team, and highlighting the dates and location of the January meeting. He noted that the next NACEPT

meeting will take place at the end of March 2017, and this would represent a good opportunity for the Subcommittee to provide explanations of the various options it has considered.

## V. Meeting Participants

### A. Participating Subcommittee Members

Collis G. Adams, New Hampshire Department of Environmental Services  
Virginia S. Albrecht, National Association of Home Builders  
Trevor Baggio, Arizona Department of Environmental Quality  
Peg Bostwick, Association of State Wetland Managers  
David L. Davis, Virginia Department of Environmental Quality  
James P. DeNomie, Midwest Alliance of Sovereign Tribes  
Thomas Driscoll, National Farmers Union  
Kimberly Fish, Michigan Department of Environmental Quality  
Richard D. Gitar, Fond du Lac Reservation  
Jan Goldman-Carter, National Wildlife Federation  
Michelle Hale, Alaska Department of Environmental Conservation  
William L. James, U.S. Army Corps of Engineers  
Les Lemm, Minnesota Board of Water and Soil Resources  
Susan D. Lockwood, New Jersey Department of Environmental Protection  
Barry Rabe, Ph.D. (Co-chair), University of Michigan  
Gary T. Setzer, Maryland Department of the Environment  
Michael J. Szerlog, U.S. Environmental Protection Agency, Region 10

Subcommittee members Craig Aubrey, U.S. Fish and Wildlife Service, Lauren Monica Boles, National Advisory Council for Environmental Policy and Technology, and Eric D. Metz, Oregon Department of State Lands and Oregon Department of Environmental Quality, were unable to attend.

### B. Government and Members of the Public in Attendance

Jeanne Christie, Association of State Wetland Managers  
Stacey Jensen, US Army Corps of Engineers  
Owen McDonough, National Association of Home Builders  
Dave Ross, Wisconsin Department of Justice  
A. Palleschi, Inside EPA

### C. Facilitation Team

Patrick Field, Consensus Building Institute

Tobias Berkman, Consensus Building Institute

Julie Herlihy, Consensus Building Institute

Jake B. Strickler, (Acting Designated Federal Officer), U.S. Environmental Protection Agency

**D. EPA OWOW Support Team**

John Goodin, U.S. Environmental Protection Agency

Kathy Hurlid, U.S. Environmental Protection Agency

Simma Kupchan, U.S. Environmental Protection Agency

Michael McDavit, U.S. Environmental Protection Agency

Abu Moulta Ali, U.S. Environmental Protection Agency

Jeff Speir, U.S. Environmental Protection Agency

## VI. Appendix A – December 9, 2016 AGENDA

### NACEPT ASSUMABLE WATERS SUBCOMMITTEE MEETING AGENDA

**Date:** December 9, 2016

**Location:** Webinar

**To participate via the webinar/video conferencing system Zoom:**

**Time: 9 December 2016, 12:30 PM (GMT-4:00) Eastern Time (US and Canada) to 3:30 Eastern Time**

- Join from PC, Mac, Linux, iOS or Android: <https://cbuilding.zoom.us/j/5305689032>
- Or join by phone:
  - +1 408 638 0968 (US Toll) or +1 646 558 8656 (US Toll)
  - Meeting ID: 530 568 9032
  - International numbers available:

<https://cbuilding.zoom.us/join?m=z7hP6QfK3JDI8Vj0g59YShuyB7Fdlu2>

#### **Friday, December 9**

- |              |   |
|--------------|---|
| 12:30-12:40  | Check-In, Roll Call, Review of Use of Zoom  |
| 12:40-12:50  | Call to Order and Initial Business <ul style="list-style-type: none"><li>• Call to Order and Instructions – <i>Jacob Strickler, acting Designated Federal Official (DFO)</i></li><li>• Review of goals and objectives of our effort and this webinar – <i>Dave Evans, Co-Chair</i></li><li>• Review of Agenda and materials – <i>Patrick Field Facilitator</i></li><li>• Review and approval of September Webinars Meeting Summary - <i>Facilitator</i></li></ul> |
| 12:50 – 1:20 | Review of Tribal Implications and Considerations <ul style="list-style-type: none"><li>• <i>Richard Gitar presents</i></li><li>• Discussion and questions</li></ul>   |

- 1:20 – 1:40            Review of Army Corps Waters Option
- *William James presents*
  - Discussion and questions
- 1:40 – 2:45            Draft Report
- *Overview of Draft Report, Patrick Field*
  - Discussion and comments
- 2:45 – 3:00            Recording Preferences in Final Report
- *Options for how to indicate preferences and priorities*
  - Questions, comments and decision
- 3:00 – 3:15            Public Comment
- 3:15 - 3:30            Review of Timeline and Work Plan and Summarize Next Steps
- 3:30                      Adjourn for the Day – *Jacob Strickler, acting DFO*