Message

From: Molloy, Jennifer [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D58B88880EC245048A8B17A62EB915FA-MOLLOY, JENNIFER]
Sent: 5/19/2020 8:05:31 PM
To: Schollhamer, Mary [Schollhamer.Mary@epa.gov]
CC: Zobrist, Marcus [Zobrist.Marcus@epa.gov]
Subject: RE: Undercurrent News -- Aquaculture Permitting

There's quite a bit of misinformation in the query, including misinterpretations of the EO and other agencies regs/policies. However, I propose we just specifically address the 3 questions raised by the reporter (which I highlighted in yellow) that are relevant to our process and responsibility (although it's worth mentioning the Corps since they are the other agency with permitting authority), along these lines:

> NOAA has not been granted any regulatory authority under current permitting programs, e.g., the Clean Water Act, National Pollutant Discharge Elimination System (NPDES) program. Permitting agencies, i.e., the Environmental Protection Agency and the Corps of Engineers, retain all of their existing authorities to develop and issue permits. With respect to permitting actions, the EO designates NOAA with some interagency coordination duties; for example NOAA is tasked with overseeing development of Environmental Impact Statements, in order to avoid duplication of efforts where multiple agencies have responsibilities under the National Environmental Policy Act (NEPA).
>
> This EO does not affect the NPDES permitting action for the Velella Epsilon aquaculture operation. The EPA Region 4 office is currently working to respond to comments received during the public comment period, and intends to finalize the permit later this year.
>
> As the agencies, e.g., the EPA and the Corps of Engineers, receive permit applications for new projects, they will coordinate certain efforts with NOAA consistent with the requirements of the EO. Those proposed operations will be permitted consistent with existing regulations.

Jenny Molloy
U.S. EPA
Water Permits Division
202.564.1939, while in the office
703.403.3827, while working remotely
molloy.jennifer@epa.gov

From: Schollhamer, Mary
Sent: Tuesday, May 19, 2020 3:43 PM
To: Molloy, Jennifer <molloy.jennifer@epa.gov>
Cc: Zobrist, Marcus <Zobrist.Marcus@epa.gov>
Subject: FW: Undercurrent News -- Aquaculture Permitting

Hi Jenny – Do you want to respond to this?

Mary G Schollhamer
Communications Director
Office of Wastewater Management
U.S. Environmental Protection Agency
Office: 202-564-5759

Mobile: 202-480-3621
schollhamer.mary@epa.gov

Office of Wastewater Management: Solutions for Clean Water

From: Fuld, John <Fuld.John@epa.gov>
Sent: Tuesday, May 19, 2020 3:03 PM
To: Lalley, Cara <Lalley.Cara@epa.gov>
Cc: Schollhamer, Mary <Schollhamer.Mary@epa.gov>
Subject: RE: Undercurrent News -- Aquaculture Permitting

Mary and Cara,

What say you on this? Can we answer …I would like to know either way for tracking

John

From: Bravo, Antonio <Bravo.Antonio@epa.gov>
Sent: Tuesday, May 19, 2020 2:43 PM
To: Fuld, John <Fuld.John@epa.gov>; Lalley, Cara <Lalley.Cara@epa.gov>
Cc: Schollhamer, Mary <Schollhamer.Mary@epa.gov>
Subject: RE: Undercurrent News -- Aquaculture Permitting

USDA and NOAA run the National Aquaculture Program that includes freshwater aquaculture and marine mariculture. OWM is involved with NPDES permits from aquaculture facilities and I'll let Cara detail OST's involvement…

I think OWM will want to weigh-in on this.

Antonio

From: Fuld, John
Sent: Tuesday, May 19, 2020 2:38 PM
To: Bravo, Antonio <Bravo.Antonio@epa.gov>; Lalley, Cara <Lalley.Cara@epa.gov>
Subject: FW: Undercurrent News -- Aquaculture Permitting

Hey is this us or USDA

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, May 19, 2020 2:35 PM
To: Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Gordon, Brittney <Gordon.Brittney@epa.gov>; Klein, Melissa <Klein.Melissa@epa.gov>
Subject: FW: Undercurrent News -- Aquaculture Permitting

Hello,

Please see the below inquiry. In order to meet his deadline of noon on Thursday, could I get something back by 10:00 am on Thursday.

Thanks,

Angela

From: Jason Smith <jason.smith@undercurrentnews.com>
Sent: Tuesday, May 19, 2020 2:29 PM
To: Press <Press@epa.gov>
Subject: Undercurrent News -- Aquaculture Permitting

Good afternoon.

My name is Jason Smith and I am a reporter with Undercurrent News, a trade publication that covers the global seafood industry. I'm writing a story about offshore aquaculture permitting, specifically how the process has changed due to President Trump's executive order on aquaculture and what happens to projects that are already in the permitting process.

For example, Velella Epsilon, an offshore yellowtail farm in the Gulf of Mexico, has been granted a draft NPEDS permit from EPA, and after a public hearing in November 2019, the EPA is currently working to respond to the comments received as it considers granting the project a final permit.

My understanding is that NOAA -- via the executive order -- has been once again granted lead agency status for aquaculture permitting, a status stripped from the agency after a 2018 court ruling. But after the court ruling, EPA had taken the lead in permitting the Velella project. So given that the permitting process is underway with EPA in the lead, will the process have to

restart under NOAA or does the EPA intend to continue moving forward as lead agency for Velella Epsilon?

What about projects that haven't yet applied for federal waters aquaculture permits? What happens to them?

Thanks for your time and assistance. I'd like to run this piece Thursday morning Seattle time.

Kind regards,

Jason Smith
Americas Editor
Undercurrent News
206-496-9657