Message

From: McDavit, Michael W. [Mcdavit.Michael@epa.gov]
Sent: 11/19/2019 3:49:23 PM
To: Frazer, Brian [Frazer.Brian@epa.gov]
CC: Hurld, Kathy [Hurld.Kathy@epa.gov]; Kelly, Stephanie [kelly.stephanie@epa.gov]; Chemerys, Ruth [Chemerys.Ruth@epa.gov]; Wesson, Dolores [Wesson.Dolores@epa.gov]; Kasparek, Lauren [kasparek.lauren@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
Subject: FW: Advancing State and Tribal Assumption of the Clean Water Act Section 404 Program

FYI – Memo that Dave sent in April to RAs on 404g assumption interest by states or tribes.

From: Ross, David P <ross.davidp@epa.gov>
Sent: Thursday, April 25, 2019 11:19 PM
To: Szaro, Deb <Szaro.Deb@epa.gov>; Lopez, Peter <lopez.peter@epa.gov>; Servidio, Cosmo <Servidio.Cosmo@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Stepp, Cathy <stepp.cathy@epa.gov>; Gray, David <gray.david@epa.gov>; Gulliford, Jim <gulliford.jim@epa.gov>; Thomas, Deb <thomas.debrah@epa.gov>; Stoker, Michael B. <stoker.michael@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Cc: Mejias, Melissa <mejias.melissa@epa.gov>; Goodin, John <Goodin.John@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Subject: Advancing State and Tribal Assumption of the Clean Water Act Section 404 Program

MEMORANDUM

SUBJECT: Advancing State and Tribal Assumption of the Clean Water Act Section 404 Program

FROM: David P. Ross
Assistant Administrator

TO: Regional Administrators

Promoting cooperative federalism through increasing state and tribal assumption of the Clean Water Act section 404 program is a priority of mine. One important step for the Environmental Protection Agency in this regard is to modernize our CWA section 404(g) regulations to remove barriers to assumption of the program. Working closely with those states and tribes expressing an interest in assumption is also essential, even before we finalize the rulemaking process. I am excited to work with you to add to the ranks of Michigan and New Jersey, which already administer this program.

On September 20, 2018, Administrator Wheeler sent a letter to all Governors and Tribal Leaders affirming the role of states and authorized tribes to manage their aquatic resources and encouraging them to assume responsibility for the dredged or fill permitting program pursuant to section 404. He also encouraged state and tribal leaders to reach out to the EPA for assistance to assume the program.

Approval of state and tribal CWA section 404 programs requires the concurrence of the Office of Water, as well as the Office of General Counsel and the Office of Enforcement and Compliance Assistance. Before we reach that stage in the assumption process, however, I ask that you actively engage with me so that my staff and I can help facilitate the overall effort, ensure nationally consistent yet flexible approaches, and efficiently concur on final packages requesting assumption. I recognize that where individual states and tribes have expressed an interest in assumption to date, your staff likely has reached out to mine. I want to emphasize that I intend to

engage and work with you as we advance this important national initiative, and I have directed my staff to provide support and counsel for your efforts.

Please have your staff connect with Michael McDavit, Chief of the Office of Wetlands, Ocean and Watershed's Program Development and Jurisdiction Branch to apprise him of the status of your Region's state and tribal assumption efforts. Thank you in advance for your attention to this priority. I look forward to hearing from you if you have any questions.

Regards,

Dave

David P. Ross
Assistant Administrator, Office of Water
U.S. Environmental Protection Agency
Office: (202) 564-5700
Ross.DavidP@epa.gov