Message

From: Hurld, Kathy [Hurld.Kathy@epa.gov]
Sent: 11/27/2018 8:49:16 PM
To: Kupchan, Simma [Kupchan.Simma@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]; Laycock, Kelly [Laycock.Kelly@epa.gov]; Nagrani, Kavita [Nagrani.Kavita@epa.gov]
Subject: RE: expedited rulemaking/Retained Waters List

Ex. 5 Deliberative Process (DP)

From: Kupchan, Simma
Sent: Tuesday, November 27, 2018 3:43 PM
To: Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Hurld, Kathy <Hurld.Kathy@epa.gov>
Subject: RE: expedited rulemaking/Retained Waters List

Right; I wonder Ex. 5 Deliberative Process (DP)

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Calli, Rosemary
Sent: Tuesday, November 27, 2018 3:35 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Hurld, Kathy <Hurld.Kathy@epa.gov>
Subject: RE: expedited rulemaking/Retained Waters List

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Subject: expedited rulemaking/Retained Waters List

Hello –
On the expedited rulemaking/Retained Waters List updates matter, I've made some suggested edits in the shared document. I'm pretty flexible to discuss except for the national 404(g) call 2-3 today; I know Matt is unavailable noon-1:30..

I took a look at the Corps-FDEP MOA to refresh my memory on what is already in there about coordination on changes such as these. There isn't anything on advance notice of changes to the Retained Waters List (List), but there are a couple of elements of which I'd lost sight.

It identifies multiple triggers for modifying the List, some of them beyond Corps' control, and I would expect most of these to be infrequent. III.B., however, essentially explains the case-by-case approach that seems inevitable with the List in its current form (named water bodies with no geographic point of reference or head of navigation). A decision triggers an update of the List (and GIS layer) within 30 calendar days. This could happen frequently, especially early on after assumption. So…

Johnnie asked a good question. Ex. 5 Deliberative Process (DP)

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~ Rosemary

***Kelly, Kavita – Sorry, I should have had you in the loop on this. We're working on responding to Florida on a question about how we handle changes to the Retained Waters List, which has implications for Florida needing to update its regulations. A writeup of the process, which largely reflects the assumption regulations, is here:

Ex. 6 Personal Privacy (PP)