Message

From: Hurld, Kathy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F3B04131F1145FCB4CCF5B0A64C1AC4-KHURLD]
Sent: 9/13/2017 12:58:15 PM
To: Speir, Jeffrey [speir.jeffrey@epa.gov]
Subject: RE: Florida 404 Program Assumption-- Follow-up question

Ex. 5 Deliberative Process (DP) Give a call, I can explain some more.

From: Speir, Jeffrey
Sent: Tuesday, September 12, 2017 5:05 PM
To: Hurld, Kathy <Hurld.Kathy@epa.gov>
Subject: FW: Florida 404 Program Assumption-- Follow-up question

Hi Kathy,

Ex. 5 Deliberative Process (DP)

The question came from the Director of the Office of Enforcement Coordination in Region 4, Scott Gordon, to my Acting Deputy Office Director, Joe Theis.

Thanks!

-Jeff

Jeffrey Speir
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From: Theis, Joseph
Sent: Monday, September 11, 2017 5:22 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>
Subject: FW: Florida 404 Program Assumption-- Follow-up question

Larry,
I wanted to follow-up with you regarding your question from last week's general with respect to whether Region 4 had any enforcement concern's with Florida's proposed assumption of the 404 permitting program. I spoke with Scott Gordon, and - **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

- Joe

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From: Theis, Joseph
Sent: Tuesday, August 29, 2017 5:31 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Shinkman, Susan <Shinkman.Susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Subject: FW: Florida 404 Program Assumption-- high level meeting on Aug. 25

Larry,
Susan asked me to provide you with a summary of last week's 404 Florida Program Assumption briefing. I've also attached the Power Point that was used to brief Mike Shapiro and the others present, if you are interested in more details.

On Friday, August 25, representatives from OW, OGC, OECA, and Region 4 met with Mike Shapiro and other senior leaders regarding Florida's current plans to assume permitting and enforcement responsibility for the Clean Water Act's dredge and fill program pursuant to Section 404(g). Political leadership in attendance included Ken Wagner (AO), Lee Forsgren (OW), and David Fotouhi (OGC). OW staff started the meeting with a discussion of the statutory and regulatory requirements to assume the 404 program and the scope of assumable waters—noting that the Corps retains authority over certain navigable waters and wetlands adjacent thereto even when a state assumes the 404 permitting program. (To date only New Jersey and Michigan have received authorization to run the 404 permitting program in their states.) Region 4 then discussed Florida's past efforts, in the early 1990s, to assume the program, and the State's current aggressive timeline to seek state assumption of the 404 program by the end of Gov. Scott's term in late-2018. Currently, the Florida Department of Environmental Protection (FDEP) is evaluating legislative changes that would be necessary to meet the requirements for assumption, and communicating with the Corps to delineate the scope of assumable waters. EPA expressed its readiness to Florida to assist in next steps, including a meeting in September with FDEP to discuss the State's strategy.

As was mentioned during the briefing, under Delegation 2-43, the OECA AA has a concurrence role in the approval of applications for state or tribal 404(g) program assumption. Jeff Speir is serving as the workgroup representative for OECA, and will review and assess Florida's submission for 404 program assumption pursuant to Section 404(h) and 40 CFR Part 233. Let me know if you need any additional information. Thanks,
- Joe

Joseph G. Theis
Associate Director

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