Message

From: Kupchan, Simma [Kupchan.Simma@epa.gov]
Sent: 12/22/2020 3:58:40 PM
To: Goerke, Ariadne [Goerke.Ariadne@epa.gov]; Jenkins, Brandi [Jenkins.Brandi@epa.gov]; Conrad, Daniel [conrad.daniel@epa.gov]
CC: Marraccini, Davina [Marraccini.Davina@epa.gov]
Subject: RE: Reporter Inquiry - Florida Section 404 Program
Attachments: press response with comments 12.22 11 am.docx

Here is revised language that incorporates the Acting GC's comments. Let me know if you need anything further. Thanks.

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

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Tuesday, December 22, 2020 10:55 AM
To: Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Cc: Marraccini, Davina <Marraccini.Davina@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: RE: Reporter Inquiry - Florida Section 404 Program

Thanks Brandi and Davina,

Simma Kupchan is coordinating any substantive edits from OGC. You should hear from her directly on any suggested changes. Thanks!

Ariadne

Ariadne Goerke
Office of General Counsel
U.S. Enviromental Protection Agency
202-564-5471 *office*
Ex. 6 Personal Privacy (PP) *ell*

From: Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Sent: Tuesday, December 22, 2020 8:37 AM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Cc: Marraccini, Davina <Marraccini.Davina@epa.gov>
Subject: FW: Reporter Inquiry - Florida Section 404 Program
Importance: High

Ariadne and Daniel,

Below is an inquiry we received on 404 Assumption. OW and OP have already reviewed and commented. Do you mind taking a quick look?

My colleague, Davina Marraccini (copied here), is acting for me today.

Thanks,

Brandi

From: Marraccini, Davina <Marraccini.Davina@epa.gov>
Sent: Tuesday, December 22, 2020 8:15 AM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: FW: Reporter Inquiry - Florida Section 404 Program

Good morning,

I wanted to make you aware of an edit from OW. Also, can someone let me know if/when any info gets posted today so I may add that to the response? The reporter's deadline was extended through 1 pm today.

Thank you,

-Davina

From: Risley, David <Risley.David@epa.gov>
Sent: Monday, December 21, 2020 5:43 PM
To: Marraccini, Davina <Marraccini.Davina@epa.gov>
Cc: Gentile, Laura <Gentile.Laura@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>
Subject: Re: Reporter Inquiry - Florida Section 404 Program

One edit from OW.

David Risley
EPA Office of Water Communications
Office 202-343-9177
Cel Ex. 6 Personal Privacy (PP)

On Dec 21, 2020, at 4:47 PM, Marraccini, Davina <Marraccini.Davina@epa.gov> wrote:

Hi David and Laura,

I'm acting for Brandi this week and am passing on a proposed response (highlighted in yellow) to a reporter's inquiry for your review. We've missed his 4 pm deadline but as you'll see from our correspondence below he's still hoping to get a response today. Thank you!

Inquiry:

We are writing about the practical implications of Florida administering the Section 404 program. I have seen the press release put out on this.

First, I'm looking for the document referred to on page three here:
https://public-inspection.federalregister.gov/2020-28232.pdf

On that page it says,"*A summary of the comments received, EPA's responses to the comments, and a memorandum documenting the basis for EPA's decision ("State of Florida's Request to Assume a Clean Water Act Section 404 Program", December 17, 2020) can be found in the docket for this action (Docket ID No. EPA- HQ-OW-2018-0640)."*

Has that document been released yet as I'm not able to find it? If not when will it be?

And my questions on this are:

Environmental advocates have raised concerns about the fact that NEPA won't be part of reviews for major projects under the change. Do you agree with that assessment and what is your comment on the reduced public participation that may result?

And second, advocates argue that the consultation process under the normal federally-administered program is stronger than what is being put forward in this Florida program. What is your response to that criticism?

Proposed response:

Ex. 5 Deliberative Process (DP)

Davina Marraccini
Government Liaison
U.S. Environmental Protection Agency - Region 4
404-562-8293 (office)
Ex. 6 Personal Privacy (PP) cell)
marraccini.davina@epa.gov

<image003.png>
www.epa.gov/50
#EPAat50

From: Michael Phillis <michael.phillis@law360.com>
Sent: Monday, December 21, 2020 4:16 PM
To: Marraccini, Davina <Marraccini.Davina@epa.gov>
Subject: Re: FW: Reporter Inquiry - Florida Section 404 Program

Thank you for letting me know. The Olin inquiry deadline has passed. I am still interested in the 404 program questions, however, especially if those questions can be answered by the end of day.

Sincerely,
Mike

On Mon, Dec 21, 2020 at 4:15 PM Marraccini, Davina <Marraccini.Davina@epa.gov> wrote:

Hi Michael,

Your inquiries regarding FL's 404 program and the Olin Site were forwarded to my office. We're still working on both and I know your deadlines have passed. Would it be OK to follow-up with you later today or tomorrow?

Thank you,

Davina Marraccini

Government Liaison

U.S. Environmental Protection Agency - Region 4

404-562-8293 (office)

Ex. 6 Personal Privacy (PP) cell)

marraccini.davina@epa.gov

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www.epa.gov/50

#EPAat50

From: Michael Phillis <michael.phillis@law360.com>
Sent: Monday, December 21, 2020 11:13 AM
To: Press <Press@epa.gov>
Subject: Reporter Inquiry - Florida Section 404 Program

Hello,

I hope you are doing well. We are writing about the practical implications of Florida administering the Section 404 program. I have seen the press release put out on this.

First, I'm looking for the document referred to on page three here:
https://public-inspection.federalregister.gov/2020-28232.pdf

On that page it says,*"A summary of the comments received, EPA's responses to the comments, and a memorandum documenting the basis for EPA's decision ("State of Florida's Request to Assume a Clean Water Act Section 404 Program", December 17, 2020) can be found in the docket for this action (Docket ID No. EPA- HQ-OW-2018-0640)."*

Has that document been released yet as I'm not able to find it? If not when will it be?

And my questions on this are:

Environmental advocates have raised concerns about the fact that NEPA won't be part of reviews for major projects under the change. Do you agree with that assessment and what is your comment on the reduced public participation that may result?

And second, advocates argue that the consultation process under the normal federally-administered program is stronger than what is being put forward in this Florida program. What is your response to that criticism?

Thank you in advance for your time. I'm writing on a 4:30 p.m. eastern deadline.

Sincerely,

Michael Phillis
Reporter, Law360
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646.350.1399

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