Message

From: Karen Dwyer Ex. 6 Personal Privacy (PP)
Sent: 12/17/2020 12:39:25 AM
To: Laycock, Kelly [Laycock.Kelly@epa.gov]
Subject: FEDERAL 404 PERMITTING, NOT STATE

Flag: Follow up

STONECRAB ALLIANCE

December 16, 2020

Re: Federal NOT state jurisdiction of 404 permitting, especially on tribal lands

Dear Mr. Kelly Laycock:

The Stonecrab Alliance urges the U.S. Environmental Protection Agency and Army Corps of Engineers to maintain their jurisdiction of 404 permitting on sensitive federal and tribal lands, especially within the Big Cypress National Preserve and Everglades National Park. Do not abrogate your responsibility to the Florida Environmental Protection Agency.

The Stonecrab Alliance is a 45-year-old social justice organization with thousands of members, many of whom depend upon the fragile ecosystems of Southwest Florida for their livelihood and recreation.

The move to relinquish your obligation to protect Florida's fresh-water sources, critical wildlife habitat, and invaluable wetlands as well as the tribal lands of the Miccosukee and Seminole Tribes would be disastrous and criminal. The Florida EPA was gutted in 2011, with more than 600 positions cut. The agency is overworked and underfunded and cannot assume the additional burden of reviewing permits involving federal and tribal wetlands.

We are also deeply concerned that the EPA and the Army Corp have not had a face-to-face consultation, as required by federal law, with the Tribes. Email exchanges and phone calls do not constitute government to government consultation.

More specifically the Miccosukee Tribe has codified rights within the Big Cypress National Preserve and Everglades National Park. The lease lands in Water Conservation Area 3A require the same treatment as a Federal Indian

Reservation. These are tribal lands and waters protected by binding legal agreements. We expect you to uphold the rights of the Tribes.

We urge you to:

1) Formally consult with tribal leadership; and,

2) Maintain Federal control of 404 permitting, DO NOT abrogate your obligation to the State.

Thank you for your help; we're very grateful.

Yours truly,

Karen Dwyer, Ph.D. and John P. Dwyer, Ph.D.

Co-founders, Stonecrab Alliance

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