UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW
ATLANTA, GEORGIA 30303-3104

December 17, 2020

Mr. Robert W. Tawes
Chief, Division of Environmental Review
U.S. Fish and Wildlife Service
South Atlantic, Gulf & MS Basin Reg
1875 Century Blvd, Suite
Atlanta, GA 30345

Subject: Response to Letter from the U.S. Fish and Wildlife Service Regarding the State of Florida's Request to Assume Administration of a Clean Water Act Section 404 Program and Notice of EPA Decision

Dear Mr. Tawes:

Thank you for your letter dated November 19, 2020, transmitting the U.S. Fish and Wildlife Service's (USFWS) Biological Opinion based on your review of the U.S. Environmental Protection Agency's potential approval of Florida's request to assume administration of a Clean Water Act Section 404 program. The letter also stated that the USFWS has no further comments on EPA's potential approval of Florida's program assumption. We appreciate your coordination with the EPA during consultation under Section 7 of the Endangered Species Act and your coordination with the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission to develop a Memorandum of Understanding that establishes a framework for coordinating USFWS review of State 404 permit actions.

The EPA has determined that Florida's program has the necessary authority to operate a CWA Section 404 program in accordance with the requirements found in CWA Section 404(g-l) and EPA's implementing regulations. Accordingly, the EPA has approved Florida's assumption of a CWA Section 404 program and Florida will begin administering this program upon publication of the EPA's approval in the Federal Register.

We appreciate the USFWS's commitment to continuing coordination to ensure a smooth transfer of permitting responsibilities in waters assumed by the State. If you have any further questions regarding this matter, please do not hesitate to call me at (404) 562-9345 or have a member of your staff contact Mr. Kelly Laycock of my staff at (404) 562-9262 or 404Assumption-FL@epa.gov.

Sincerely,

Jeaneanne M. Gettle, Director
Water Division

Ms. Aurelia Skipwith, Director, USFWS
Mr. Larry Williams, State Supervisor Ecological Services, USFWS
Mr. Leopoldo Miranda, Regional Director, Southeast Regional Office, USFWS