Message

From: Palmer, Leif [Palmer.Leif@epa.gov]
Sent: 12/16/2020 10:45:03 PM
To: Ghosh, Mita [Ghosh.Mita@epa.gov]
CC: Nagrani, Kavita [Nagrani.Kavita@epa.gov]; Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]
Subject: Re: Request for Government-to-Government Consultation EPA and USACOE- State of Florida 404 Assumption

Yes - I'm OK with it.

Sent from my iPhone

On Dec 16, 2020, at 5:01 PM, Ghosh, Mita <Ghosh.Mita@epa.gov> wrote:

Just so that I am clear, this is the language everyone is comfortable with? And this will go to Janine from Suzanne Armor.

Ex. 5 Deliberative Process (DP)

Mita Ghosh
Chief, Water Law Office
Office of Regional Counsel
United States Environmental Protection
Region 4
404-562-9568

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From: Nagrani, Kavita <Nagrani.Kavita@epa.gov>
Sent: Wednesday, December 16, 2020 4:48 PM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Cc: Palmer, Leif <Palmer.Leif@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>

Subject: RE: Request for Government-to-Government Consultation EPA and USACOE- State of Florida 404 Assumption

I like your revised language Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Sent: Wednesday, December 16, 2020 4:32 PM
To: Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Cc: Palmer, Leif <Palmer.Leif@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Request for Government-to-Government Consultation EPA and USACOE- State of Florida 404 Assumption

Kavita,

I like the intro – I modified the last sentence. Please see the highlighted phrase – would it be better to say Ex. 5 Deliberative Process (DP)

jmg

From: Nagrani, Kavita <Nagrani.Kavita@epa.gov>
Sent: Wednesday, December 16, 2020 4:22 PM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Cc: Palmer, Leif <Palmer.Leif@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: RE: Request for Government-to-Government Consultation EPA and USACOE- State of Florida 404 Assumption

Hi Jeaneanne and all,

How about something like this? Made a small change since I thought this might be going to Jeanine from Suzanne?

Ex. 5 Deliberative Process (DP)

From: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Sent: Wednesday, December 16, 2020 4:15 PM
To: Ghosh, Mita <Ghosh.Mita@epa.gov>
Cc: Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>
Subject: Re: Request for Government-to-Government Consultation EPA and USACOE- State of Florida 404 Assumption

Ex. 5 Deliberative Process (DP)

Jmg

Sent from my iPhone

On Dec 16, 2020, at 3:21 PM, Ghosh, Mita <Ghosh.Mita@epa.gov> wrote:

<image001.gif>
Jeaneanne,

Here is the response we suggest, this includes edits by Leif.

Ex. 5 Deliberative Process (DP)

Mita Ghosh
Chief, Water Law Office
Office of Regional Counsel
United States Environmental Protection
Region 4
404-562-9568

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From: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Sent: Wednesday, December 16, 2020 12:50 PM
To: Ghosh, Mita <Ghosh.Mita@epa.gov>
Cc: Nagrani, Kavita <Nagrani.Kavita@epa.gov>
Subject: RE: Request for Government-to-Government Consultation EPA and USACOE-State of Florida 404 Assumption

No problem – consider whether we should have you (or leif or Kavita) take on the rest of the communication since she is their Counsel. I am ok either way.

jmg

From: Ghosh, Mita <Ghosh.Mita@epa.gov>
Sent: Wednesday, December 16, 2020 12:45 PM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Cc: Nagrani, Kavita <Nagrani.Kavita@epa.gov>
Subject: RE: Request for Government-to-Government Consultation EPA and USACOE-State of Florida 404 Assumption

We have drafted an email response but am running it by Leif for him to weight in. Will get back to you on this as soon as I hear from Leif.

Mita Ghosh
Chief, Water Law Office
Office of Regional Counsel
United States Environmental Protection
Region 4
404-562-9568

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From: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Sent: Wednesday, December 16, 2020 11:51 AM
To: Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>
Subject: FW: Request for Government-to-Government Consultation EPA and USACOE-State of Florida 404 Assumption

All,

Can you please assist me in crafting the appropriate answer to this email.

Thanks
Jeaneanne

From: Jeanine Bennett <JeanineB@miccosukeetribe.com>
Sent: Wednesday, December 16, 2020 11:50 AM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Cc: kevind@miccosukeetribe.com; Gene Duncan <GeneD@miccosukeetribe.com>; Craig van der Heiden <CraigV@miccosukeetribe.com>; Amy Castaneda <AmyC@miccosukeetribe.com>; Pugh, Katherine <Pugh.Katherine@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: RE: Request for Government-to-Government Consultation EPA and USACOE-State of Florida 404 Assumption

Jeaneanne,

Please clarify this letter. If I understand EPA's response to my request, you indicate that you are unwilling and refuse to discuss this very important issue with the Miccosukee until AFTER you have approved Florida's program and only when there is a specific piece of land that may be at issue. Is that correct?

Jeanine

<!--[if !vml]-->
<image004.png>
<!--[endif]--> Jeanine Bennett, Esq.
Miccosukee Tribe of Indians of Florida
General Counsel, In-House
PO Box 440021
Miami, FL 33144
jeanineb@miccosukeetribe.com
O: 305.223.8380 **Ext:** 5211 **F:** 305.894.5212

From: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Sent: Wednesday, December 16, 2020 11:42 AM
To: Jeanine Bennett <JeanineB@miccosukeetribe.com>
Cc: Kevin Donaldson <KevinD@miccosukeetribe.com>; Gene Duncan <GeneD@miccosukeetribe.com>; Craig van der Heiden <CraigV@miccosukeetribe.com>; Amy Castaneda <AmyC@miccosukeetribe.com>; Pugh, Katherine <Pugh.Katherine@epa.gov>; Mcgill, Thomas <Mcgill.Thomas@epa.gov>
Subject: RE: Request for Government-to-Government Consultation EPA and USACOE-State of Florida 404 Assumption

Jeanine,

Thank you for your email below. Our response is attached. EPA also, via separate email, responded to the Miccosukee Tribe's comments relative to the NHPA consultation on Florida's Request to assume a CWA Section 404 Program. That email included a response to comments from all consulting parties. If you would like a copy of that email or have any questions on this matter, please let me know.

Thank you,
Jeaneanne

From: Jeanine Bennett <JeanineB@miccosukeetribe.com>
Sent: Wednesday, December 9, 2020 4:11 PM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Pugh, Katherine <Pugh.Katherine@epa.gov>; Shawn.H.Zinszer@usace.army.mil
Cc: Thomas, Cynthia G (Cindy) CIV USARMY CESAJ (USA) <Cynthia.G.Thomas@usace.army.mil>; kevind@miccosukeetribe.com; Gene Duncan <GeneD@miccosukeetribe.com>; Craig van der Heiden <CraigV@miccosukeetribe.com>; Amy Castaneda <AmyC@miccosukeetribe.com>

Subject: Request for Government-to-Government Consultation EPA and USACOE- State of Florida 404 Assumption

Jeaneanne,

I have been informed that I will need to make this formal request for further consultation with the EPA and the US Army Corps of Engineers regarding the State of Florida's Assumption of 404 Permitting. The Miccosukee made this request verbally during our annual meeting wherein both the EPA and USACOE were present. However, I understand that you require the Tribe to make this request again and in writing. Please advise as to your availability for this consultation to proceed.

Thank you,

Jeanine

<!--[if !vml]-->
<image004.png>
<!--[endif]--> Jeanine Bennett, Esq.
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General Counsel, In-House
PO Box 440021
Miami, FL 33144
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O: 305.223.8380 **Ext:** 5211 **F:** 305.894.5212