

From: [Storm, Linda](#)
To: [Kingsbury, Lori \(ECY\)](#); [Joblonski, Donna](#); rallen@jamestowntribe.org
Cc: Pamela.Sanguinetti@usace.army.mil; etobin@jamestowntribe.org; hals@jamestowntribe.org; [Carlson, Sean \(DNR\)](#); [BrownScott, Jennifer](#); jensen.amy.a@epa.gov; lora461@ecy.wa.gov; [Mraz, Richard A. \(ECY\)](#); [Rothwell, Rebecca \(ECY\)](#); [ECY RE FED PERMITS \(SEA\)](#)
Subject: [EXTERNAL] Disregard my prior 2 emails RE: 401 Amendment - Jamestown S'Klallam Tribe, Dungeness Bay Oyster Farm
Date: Thursday, June 10, 2021 1:15:53 PM
Attachments: [image001.png](#)
[image002.png](#)
[200701213WOC19591 \(1\).pdf](#)
Importance: High

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Hi folks, my apologies – Loree' Randall sent me the original 401 certification request that was submitted in 2020 prior to the new 401 rule going into effect. I rescind my two prior emails stating that amendments are not allowed. Though that might be our EPA HQs interpretation about the current rule / regulations that apply, that is not my view. If the request had been submitted after September 11, 2020 then no amendments or modifications would be allowed.

Please accept my apologies for any concerns.

Best,

Linda Storm



Linda E. Storm, Aquatic Ecologist
U.S. EPA, Region 10 – Water Division
Wetlands and Oceans Section
1200 Sixth Avenue, Mail Stop 19-C04
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Black Lives Matter



From: Kingsbury, Lori (ECY) <loch461@ECY.WA.GOV>

Sent: Thursday, June 10, 2021 12:21 PM

To: Storm, Linda <Storm.Linda@epa.gov>; Joblonski, Donna <dmca461@ECY.WA.GOV>; Allen, Ron <rallen@jamestowntribe.org>

Cc: Pamela.Sanguinetti@usace.army.mil; etobin@jamestowntribe.org; hals@jamestowntribe.org; Carlson, Sean (DNR) <Sean.Carlson@dnr.wa.gov>; jennifer_brownscoth@fws.gov; Jensen, Amy A. <jensen.amy@epa.gov>; lora461@ecy.wa.gov; Mraz, Richard A. (ECY) <rmra461@ECY.WA.GOV>; Rothwell, Rebecca (ECY) <rebs461@ECY.WA.GOV>; ECYREFEDPERMITS@ECY.WA.GOV

Subject: RE: 401 Amendment - Jamestown S'Klallam Tribe, Dungeness Bay Oyster Farm

Hi Linda,

The application for this project was received prior to the EPA Rule going into effect, so the 401 was issued under the old rule.

Lori

From: Storm, Linda <Storm.Linda@epa.gov>

Sent: Thursday, June 10, 2021 11:57 AM

To: Joblonski, Donna <dmca461@ECY.WA.GOV>; Allen, Ron <rallen@jamestowntribe.org>

Cc: Pamela.Sanguinetti@usace.army.mil; etobin@jamestowntribe.org; hals@jamestowntribe.org;

Carlson, Sean (DNR) <Sean.Carlson@dnr.wa.gov>; jennifer_brownscoff@fws.gov; Jensen, Amy A.

<jensen.amy@epa.gov>; Randall, Loree' (ECY) <lora461@ECY.WA.GOV>; Kingsbury, Lori (ECY)

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Subject: RE: 401 Amendment - Jamestown S'Klallam Tribe, Dungeness Bay Oyster Farm

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Hey there folks,

Unfortunately under the new Clean Water Act Section 401 rule amendments or modifications to 401 certifications are not authorized. Maybe because this is an administrative order that the State issued there is some legal leeway that could allow that. But sadly the 2020 401 rule is clear no modifications (which is a beurocratic nightmare I know).



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Black Lives Matter



From: Joblonski, Donna <dmca461@ECY.WA.GOV>

Sent: Thursday, June 10, 2021 11:38 AM

To: Allen, Ron <rallen@jamestowntribe.org>

Cc: Pamela.Sanguinetti@usace.army.mil; etobin@jamestowntribe.org; hals@jamestowntribe.org;

Carlson, Sean (DNR) <Sean.Carlson@dnr.wa.gov>; jennifer_brownscoff@fws.gov; Jensen, Amy A.

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Subject: 401 Amendment - Jamestown S'Klallam Tribe, Dungeness Bay Oyster Farm

Sending on behalf of Lori Kingsbury. If you have any questions, please contact Lori at (360) 407-6926 or lori.kingsbury@ecy.wa.gov.

Donna Joblonski

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