

**Clean Water Network of Florida, Inc.
Defenders of Wildlife * Earthjustice
Florida Chapter Sierra Club * Florida PIRG**

October 26, 2005

Dear Members of the Florida Congressional Delegation:

The undersigned Florida organizations are writing to you about a very urgent matter which demands your immediate attention and leadership. Last month you received a letter from several members of the Florida House of Representatives regarding HB759-Wetlands Permitting, which was passed by the Florida Legislature last session. We are writing to inform you that we are in full support of the position taken by these members of the Florida House.

Without repeating all the excellent reasons articulated by our State Representatives in their letter, we do agree there are many good reasons why the Corps should *never* delegate its Section 404 program to Florida. One issue that was not mentioned in the letter but is nevertheless very important is the track record that the Florida DEP has created with its implementation of the federally delegated NPDES program. It has been well documented by state judges, special grand juries, environmental groups, newspaper reporters and many others, that the Florida DEP is doing a dismal job of implementing this very important Clean Water Act program. At least one petition has been submitted to the U.S. EPA requesting that the delegation be withdrawn.

We are very concerned about the changes to federal laws that would be needed to enable state assumption of the Corps' wetland program. A recent report issued by the Florida Department of Environmental Protection indicates that changes to the Clean Water Act, Rivers and Harbors Act, and Endangered Species Act would be required. Many of these changes would weaken these laws, which are so important to wetland protection, water quality and biodiversity.

The Clean Water Act, as amended 30 years ago, provides very carefully for delegation of the Section 404 program to ensure that there would be no diminution in protection for wetlands in a state approved by EPA as qualifying to assume the program. Even if Florida might make the commitment to properly enforce permit requirements under its program, which is dubious in light of recent experience with the NPDES Program, the state wetlands permitting program does not provide equivalent protection to that under Section 404.

While it is sadly true that the Corps in Florida has denied only two permits in the last six years and has granted approximately 12,000, we still believe that there is some level of avoidance and minimization of wetland destruction that occurs through the Corps' permitting process. The Florida DEP has no authority to require avoidance and minimization. The Corps also considers cumulative and secondary impacts of wetland destruction, such as water quality degradation, and can require that an Environmental Assessment or Impact Statement be performed to evaluate the environmental impacts of wetland destruction.

Instead of making it quicker and easier to destroy wetlands, which is what the delegation would accomplish, we should be seriously seeking ways to better protect our wetlands, especially in the aftermath of our recent hurricanes. Scientists have been trying to tell us for years that wetlands provide important buffers in coastal areas, absorbing floodwaters and tidal surges. Now after recent hurricanes we have seen firsthand the destruction and death that follows the loss of coastal wetland systems. Please help us stop any more losses of coastal wetlands before more lives and property are lost.

We urge you to use your considerable influence in Washington to stop the effort to delegate the Section 404 program to Florida. Please join us in our efforts to strengthen wetlands protection in Florida, not speed up their destruction.

We look forward to hearing your thoughts on this important issue and thank you in advance for your help.

Warm regards,

Linda L. Young, Director
Clean Water Network of
Florida, Inc.

51 additional groups signed on to this letter.