



March 11, 2020

Florida Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399

Attn.: Heather Mason  
Via Email: [Heather.Mason@FloridaDEP.gov](mailto:Heather.Mason@FloridaDEP.gov)

**RE: Request for Hearing: Proposed Rules Related to State Assumption of the Clean Water Act Section 404 Program**

Ms. Mason,

On behalf of our respective organizations and our thousands of members, we are writing to express our concerns regard the Florida Department of Environmental Protection's proposal to assume jurisdiction under Section 404(a) of the Clean Water Act, 33 U.S.C. § 1344, for wetland permitting in waters of the United States. Each signatory below is an independent organization, member of Waterkeepers Florida, and a member of Waterkeeper Alliance, a global movement of on-the-water advocates who patrol and protect over 100,000 miles of rivers, streams, and coastlines. More than 350 Waterkeeper Organizations worldwide combine firsthand knowledge of their waterways with an unwavering commitment to the rights of their communities and to the rule of law.

The concerns outlined below arise from proposed revisions to Chapter 62-330, the proposed promulgation of Chapter 62-331, the Draft 404 Handbook, and the Department's Statement of Estimated Regulatory Costs ("SERC") all of which were published on February 19, 2020.

Affected Interests

Florida's waterways are uniquely connected and are critical to our public health, our economy, and our environment. In light of our rapidly growing population and increasing development pressure, it is essential that these waters are afforded the utmost oversight and protection to ensure that the resources on which we depend are adequately protected. CWA Section 404 requires permits for the discharge of dredge and fill material into Waters of the United States, including wetlands. Florida has particularly fragile and critical areas that are regulated by Section 404 dredge and fill permits, and which require the highest level of review and scrutiny.

Currently, federal Section 404 permits and state Environmental Resource Permits overlap in that both must be obtained for impacts above regulatory thresholds in federal waters. The additional oversight provided by the federal government based on their historic jurisdiction and agency