

Congress of the United States

Washington, DC 20515

March 22, 2024

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington D.C. 20460

The Honorable Michael Connor
Assistant Secretary of the Army – Civil Works
U.S. Department of the Army
108 Army Pentagon
Washington, D.C. 20310-0108

The Honorable Shannon Estenoz
Assistant Secretary for Fish and Wildlife and Parks
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Mr. Regan, Mr. Connor and Ms. Estenoz:

We write to express our strong support for the State of Florida's Section 404 permitting program. In 2020, Florida became the first state in more than 25 years to apply for, and receive approval, to implement a Clean Water Act (CWA) Section 404 program. Today, Florida is only the third state to assume a Section 404 program, with the most recent to do so since 1994. Florida's 404 permitting program has protected the state's valued wetlands, such as the Everglades, and has reduced wasteful duplication of effort by federal and state authorities while improving responsiveness to applicants and the communities' projects will serve.

Federal agencies maintain robust oversight and consultation with the Florida Department of Environmental Protection (FDEP) to ensure that Florida's 404 permitting program is consistent with all federal requirements. The Environmental Protection Agency maintains strict permit-by-permit oversight of Florida's permitting decisions. FDEP also coordinates closely with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Florida Fish and Wildlife Conservation Commission on the issuance of permits that may affect any listed species or critical habitat under a Florida-specific programmatic biological opinion with incidental take statement.

Since assuming the program in December 2020, FDEP has trained more than 300 certified wetlands evaluators and staff and received approximately 9,300 applications for Section 404 permits. To date, FDEP has made thousands of permitting decisions for projects under the terms of its assumption package. This includes permits for affordable housing, senior living centers, environmental restoration, military installations, schools, roads, post-hurricane recovery and redevelopment work, and other projects necessary to accommodate Florida's growth and enhance residents' quality of life. Consistent with law, these permits have also facilitated significant environmental mitigation efforts. Florida's Section 404 program has truly been a successful example of cooperative federalism. Following Florida's example, several other states have begun to explore applying for Section 404, and further expansion of the program will serve to enhance its efficacy, while reducing the burden on overextended federal agencies.

As staunch supporters of restoring America's Everglades, our nation's most treasured wetland, we view Florida's Section 404 permitting program as critical to protecting the state's precious resources and necessary to advance Everglades restoration. Thank you for your support of the State of Florida's Section 404 program.

Sincerely,



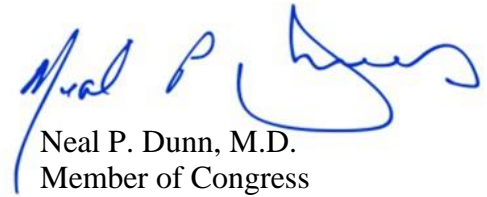
Marco Rubio
U.S. Senator



Rick Scott
U.S. Senator



Mario Diaz-Balart
Member of Congress



Neal P. Dunn, M.D.
Member of Congress



Byron Donalds
Member of Congress



Aaron Bean
Member of Congress



C. Scott Franklin
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John H. Rutherford
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Brian Mast
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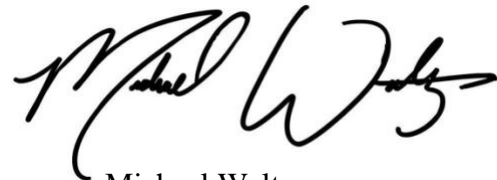
Bill Posey
Member of Congress



W. Gregory Steube
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Maria Elvira Salazar
Member of Congress



Michael Waltz
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