



June 18, 2018

Mr. Noah Valenstein  
Secretary  
Florida Department of Environmental Protection  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399-3000  
<via email to noah.valenstein@dep.state.fl.us>

Re: Need for a robust public process regarding the state 404 program application

Dear Secretary Valenstein:

We appreciate the Department undertaking a public comment process as part of its rulemaking to seek Clean Water Act Section 404 delegation from the EPA. However, rulemaking is only a part of the application the Department will be submitting on behalf of the people of Florida, and no public input process has been provided by DEP for the other components of the application. These include the very important memoranda of agreement (MOAs) between the state and the EPA, USACE, and potentially the USFWS; the waters Florida believes should be retained by the USACE; and how the program would be staffed and structured within DEP and the water management districts.

In his signing letter for Senate Bill 7043 this spring, Governor Scott stated passage of the bill allows the Department of Environmental Protection (Department) "to explore whether the state should issue 404 permits" and that the bill "simply begins a public evaluation to identify ways we can continue to protect our environment while improving the Department of Environmental Protection's permitting process." Unfortunately, the process this summer suggests the decision to assume the 404 program has already been made and most of the application materials have been developed with little or no public input. Further, the Department has set an ambitious goal of the fall of this year for submission of the assumption application.

The undersigned organizations request the Department initiate a robust public process to gather stakeholder input and public comment on the assumption process including all components of the state's application, and adhere to the governor's stated intent. Items for discussion should include the memoranda of agreement, the state's position on retained waters, and details on the organizational structure and additional resources the Department and water management

districts would need to handle the increased workload. We understand that many of these items will be open for comment after the package is submitted to the EPA but believe it is also appropriate for Floridians to have input on the package that will be submitted on their behalf by the Department.

The Clean Water Act is one of the most important and effective pieces of environmental legislation ever enacted. It is of particular importance to the people of Florida; our way of life, our economy, and our great natural heritage depend on our vibrant water resources. The Department should engage the public in a meaningful way to assess public support for 404 assumption and garner public input on any application DEP intends to submit.

Sincerely,

Vivian Young  
Interim President  
1000 Friends of Florida

Julie Wraithmell  
Executive Director  
Audubon Florida

Patricia M. Brigham  
President  
League of Women Voters of Florida

cc: John Truitt, Deputy Secretary, Regulatory Programs  
Julia Espy, Executive Office of the Governor, Office of Policy and Budget