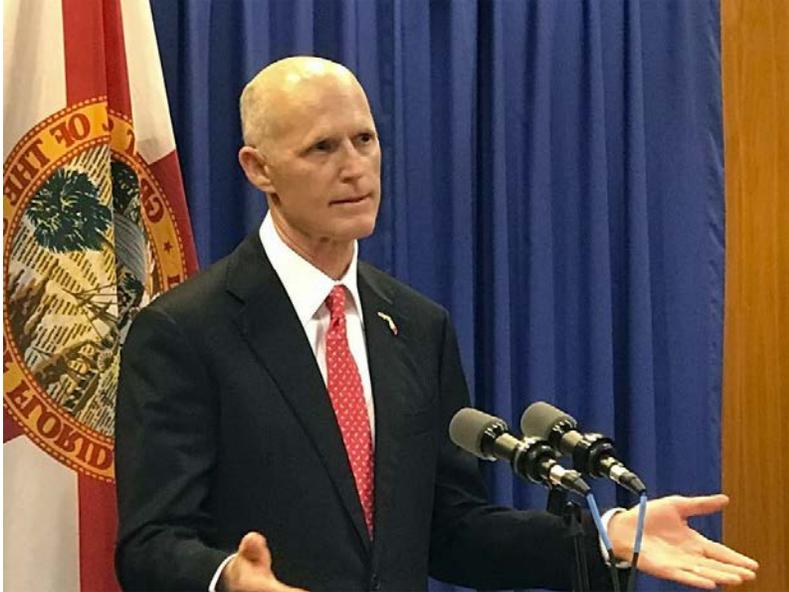


Editorial: Don't let Florida take over wetlands permitting

http://www.tbo.com/opinion/editorials/Editorial-Don-t-let-Florida-take-over-wetlands-permitting_164963973



Published: January 29, 2018, Updated: February 4, 2018 at 09:32 PM

There is only one reason for allowing Florida to take over the job of issuing federal permits to fill in wetland areas: To make it faster, easier and cheaper for developers to build in some of the most sensitive areas of the state. Any public purpose served by streamlining the process is more than counter-balanced by the environmental risks of a regulatory rush job. State lawmakers should put the public interest first and reject this legislation.

A pair of bills (SB 1402 and HB 7043) are working through the Florida Legislature that call for the state Department of Environmental Protection to assume the federal government's authority to issue wetlands permits under the Clean Water Act. That measure, which Congress passed in 1972, recognizes the role that wetlands play in absorbing flood waters, filtering out pollution, providing critical habitat for endangered species and other uses. Florida has more wetlands than any other state. But as the Tampa Bay Times' Craig Pittman reported last Monday, builders see wetlands as an expensive impediment to their developments. For decades, builders have complained about the lag time in receiving federal permits, seeking more control at the state and local levels.

DEP regulates dredge and fill activities in state waters, while the U.S. Army Corps of Engineers oversees this activity in federal and interstate waters. For a state to take over federal permitting, it must regulate at least the same activities as required by federal law and have the enforcement capacity to back it up. Once the program is transferred, the state assumes primary responsibility for enforcing the law. In the 45 years since the Clean Water Act was passed, only two states — New Jersey and Michigan — have

taken over federal permitting. Florida looked into a takeover in 2006 but decided the workload would be too high and that it would need federal money to process and enforce the permits.

The bill's Senate sponsor, Republican David Simmons of Longwood, said at a committee hearing that the DEP had the staffing and expertise to take over the process and that handing this to the state would produce "a permit decision more quickly." Other states are looking to take over the process but are seeking federal funding to offset the costs. Florida is not seeking any federal aid, and the DEP does not intend to charge additional fees for federal permit applications.

Audubon of Florida has not taken a position on the bill, but it has expressed reservations that the DEP can take on the federal permitting with existing staffing levels. That other states would seek federal funding for taking over this task is a recognition that enforcing these provisions costs money. A state legislative staff analysis also warned that the high caseload in states like Florida, with its large number of endangered species, might prove to be a "significant impediment" to a state takeover. There are also questions about what territorial waters would fall under Florida's control.

Gov. Rick Scott has shrunk the DEP workforce, slashed funding for environmental programs and all but abandoned any attempt at responsible planning. There is no reason to have confidence that the state agency is prepared to take on this obligation. And it's unlikely the federal government would ever take the permitting process back once it has been handed to the state. Federal authorities have much deeper resources on which to draw to make the best decisions on federal permits. The wetlands are too important to Florida's economy and to public safety in a coastal state to put the interests of developers ahead of the general good.