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Environmental Groups Ask Judge To Throw Out EPA Decision To Let Florida Oversee Wetlands Permitting

WLRN 91.3 FM | By [Jenny Staletovich](#)

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Florida wants to take over permitting wetlands from the U.S. Army Corps of Engineers, drawing criticism from environmentalists who worry more wetlands will be lost.

The groups say Florida's application was riddled with errors and fast-tracked to get a decision before the Trump Administration leaves office.

Seven environmental groups asked a judge Thursday to throw out the U.S. Environmental Protection Agency's [decision](#) to give the state control of wetlands permitting.

The environmental groups say Florida's application was riddled with errors and the EPA violated the Clean Water Act, the Endangered Species Act and the Administrative Procedures Act when it handed Florida control of wetlands permitting last month.

"There are such unreasonable things in the way EPA has acted in this case that I'd be surprised if any other EPA looking at it would have reached the same conclusion," said Tania Galloni, managing attorney for Earthjustice's Florida Office.

Wetlands clean and recharge the state's water supply and Florida has lost more wetlands than any other state in the country — more than 9 million acres, according to federal estimates. Florida asked the EPA to take over issuing permits for about 11 million remaining acres of wetlands in August and became just the third state in the U.S. to administer the cumbersome process. Michigan took control of its wetlands permitting in 1984 and New Jersey assumed control in 1994.

Florida began seriously considering [assuming control](#) in 2005, when state legislators voted to move forward with the plan. But the attempt stalled later that year when the Florida Department of Environmental Protection concluded it would be better off expanding its own program and taking over the federal permitting would bog down the process.

Critics have worried that state control would make permitting vulnerable to political influence, especially from the state's powerful development industry.

In a statement Thursday, the FDEP said the state assumed control to better protect wetlands.

"DEP staff know the state's resources best and have the expertise to ensure their protection," the statement said. The state has also administered other federal programs, like pollution permits.

But Galloni said the state failed to provide details for how it would pay to administer the new program and instead plans on using existing staff. But in recent years enforcement in the agency has declined, after Sen. Rick Scott slashed the department by 600 positions when he was governor.

Critics also point to the state's poor track record on protecting wetlands.

"The toxic algae blooms that now plague Florida are a direct result of the state's decades-long failure to protect our waterways from wildlife-choking pollution," Jason Totoiu, a senior attorney at the Center for Biological Diversity, said in a statement. "Now the state wants to make it even easier to dredge and fill wetlands that help filter these pollutants."

Galloni said the EPA fast-tracked the application to make a decision before the Trump administration leaves office and cut short public input.

“They didn't let the public look at all the components of what the EPA was going to rely on. They didn't adopt all the federal legal requirements that are in the Clean Water Act,” she said. “So there are a bunch of holes and we're going to ask a court to set it all aside.”
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