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# World Wetlands Day: State issues dredge and fill permits as environmental groups file lawsuits

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Tuesday is World Wetlands Day, but not everyone in Florida is celebrating.

The state recently took over the permitting process for the filling of ecologically sensitive wetlands — a move many environmentalists didn't like — and is now issuing permits.

Wetland fill permits for most other states are reviewed and under the U.S. Environmental Protection Agency, which enlists agencies like the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service when reviewing permits.

Now the permits are being handled by the Florida Department of Environmental Protection, which reportedly reviewed its first permit this past week.

Florida is one of three (Michigan, New Jersey) states that have assumed wetland fill permitting authority.

Critics say losing the federal layer of review will result in more loss of wetlands.

"There are a number of concerns there," said Jason Totoiu, an attorney with the Center for Biological Diversity. "It's a much larger entity and a little more politically removed than state politics."

Often referred to as Section 404 permits, the permits are essentially an extension of the Clean Water Act, a way to offset impacts to wetlands with a "no net loss" approach.

That approach has drawn criticism for failing to protect some wetland areas in Southwest Florida and other areas, and some environmental groups worry the process and results could get worse, not better.

"There have been 30,000 acres of wetlands lost just in Lee and Collier County since 1996," said Beth Alvi, with Audubon Florida. "So you're already seeing a problem (on the state level). The state programs are already not stringent enough."

Alvi said she wants to see the federal government retain the authority over wetland permitting, but also that the state's current wetland oversight is lacking.

"This is a huge program and it's going to take time, resources, money," Alvi said. "And (the Florida Fish and Wildlife Conservation Commission) hasn't asked for additional resources. So how can DEP absorb a program of this magnitude?"

FWC is reviewing the biological impact side of the permits for the state and is work with DEP.

For 47 state, the Army Corps, under the oversight over EPA, issues the dredge and fill permit.

EPA has the authority over the permitting process and is the agency that handed over wetland dredge and fill permitting to the Florida DEP in December.

The Center for Biological Diversity, along with groups like Sierra Club, the Conservancy of Southwest Florida and the Florida Wildlife Federation, filed a lawsuit to challenge the transfer of permitting power.

Audubon is not involved with the lawsuit.

FDEP says it's ready to take on the responsibility of the program, pointing to a small group of environmental groups that supported the transfer of permitting power.

"These capable team members are already responsible for managing Florida's environmental resource permitting standards and will bring the same level of dedication to implementing the State 404 program," said FDEP spokeswoman Weesam KhouryI.

Khouryl said while some environmental groups have complained about the transfer, a few others have sided with DEP.

"I would also note that the state's assumption of the Section 404 Program garnered the support of environmental leaders including Temperince Morgan, executive director of The Nature Conservancy in Florida (and) Eric Eikenberg, chief executive officer of The Everglades Foundation," she said.

Still, Alvi said the permitting process belongs at the federal level.

"It's not the right process," Alvi said. "What we've found in New Jersey is because there is no longer a federal priority, they tend to just sign off on things without stringent review."

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