Mon Sep 30 16:09:08 EDT 2019
"Hope, Brian" <Hope.Brian@epa.gov>
FW: 404 Assumption State of Florida
To: "CMS.OEX" <cms.oex@epa.gov>

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Reading file

**From:** Overdorf, Toby <Toby.Overdorf@myfloridahouse.gov>
**Sent:** Monday, September 30, 2019 3:51 PM
**To:** Wheeler, Andrew <wheeler.andrew@epa.gov>
**Cc:** Noah Valenstein <noah.valenstein@dep.state.fl.us>; Kevin.Cleary@dep.state.fl.us
**Subject:** 404 Assumption State of Florida

Dear Administrator Wheeler,

I would like to thank you for meeting with Secretary Valenstein in D.C. to discuss the State of Florida's assumption of the 404 Program. Please see my attached letter of support for Secretary Valenstein and the state assumption of the 404 Program. State assumption will grant more localized control over our ecological communities allowing FDEP to administer a program that will be just as stringent, if not more stringent than, the federal government's existing program. Your office has taken pride in your commitment to cooperation with various states and I urge you to continue this tradition regarding the 404 program. I appreciate your consideration on this matter and look forward to continued talks with you and our federal partners.

Sincerely,

**Representative Toby Overdorf**

Florida House of Representatives - District 83

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# Representative Toby Overdorf

Florida House of Representatives

District 83

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Monday, September 30, 2019

Andrew Wheeler, EPA Administrator
Environmental Protection Agency
Office of the Administrator, 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: 404 Assumption
State of Florida

Dear Administrator Wheeler,

Thank you for meeting with Secretary Valenstein of the Florida Department of Environmental Protection and his team during their recent visit to your offices. I'd also like to extend my gratitude to you and the U.S. Environmental Protection Agency for your commitment to cooperative federalism and empowering states to take a leading role in protecting their natural resources. Your commitment to cooperative federalism will pave the way for more efficient permitting processes, reduction of costs, conservation of resources and, most importantly, enhanced protection for Florida's wetlands through a delegated 404 program.

At the root of our state's desire to operate the 404 program is a passion for protecting and restoring Florida's environment. Not only do our natural resources provide treasured sanctuaries for humans and wildlife alike, they also serve as the foundation and framework of Florida's economy. It is for this reason that we are particularly excited about the 404 program. State assumption will grant more localized control over our ecological communities allowing FDEP's capable and passionate staff to administer a program that will be just as stringent, if not more stringent than, the federal government's existing program.

However, it is critical that in assuming any federal program, Florida recognizes that it should provide the same environmental protections as the federal government. One issue of concern relates to the protections of endangered species under the Endangered Species Act and the authorization of Florida to provide the same protections as the federal government. A clear path to providing Endangered Species Act protections is currently a barrier to Florida's assumption as well as any other interested state. As such, I encourage you to provide a clear and timely roadmap to resolving this issue that allows Florida and other states to fully assume the 404 program and rigorously protect their environment. I encourage you to consider one of Florida's already submitted suggestions on how this issue can be resolved.

With the support of EPA, Florida would be the first state in decades to take over the 404-permitting program, and only the third state to do so. Furthermore, a complete assumption that includes allowing Florida the ability to fully utilize the Endangered Species Act as part of their assumption will provide a roadmap for other states to assume the program too.

Your support is invaluable as we strive to protect Florida together and increase the safeguards for Florida's natural resources. The assumption of the 404 Program will also allow for Florida to work even more closely with our Federal partners for the restoration and preservation of our natural environment. We appreciate you working closely with FDEP to make 404 assumption a reality in Florida and hope we can achieve a quick resolution to this matter.

Sincerely,

Tobin R. Overdorf, MS, MBA
Representative, District 83
Florida House of Representatives

Cc: Secretary Noah Valenstein
Kevin Cleary

**Commerce Committee | Higher Education Appropriations Subcommittee**
**Higher Education and Career Readiness Subcommittee | Local, Federal and Veterans Affairs Subcommittee**
**Transportation and Infrastructure Subcommittee**