

Mechanisms for Targeting Federal Wetlands Permitting Actions to Meet Restoration Goals for Tampa Bay

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Purposes

- Briefly identify the federal tools available for improving regulatory decisions that meet the restoration goals for Tampa Bay and its watershed
- Discuss the challenges for making regulatory decisions that address these goals.

Background

Section 404 Clean Water Act – establishes program to regulate the discharge of dredged or fill material into waters of the U.S., including wetlands and requires permit.

U.S. Army Corps of Engineers:

- **Evaluates permit applications under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act**
- **Conducts or verifies jurisdictional determinations**
- **Develops policy and guidance**

U.S. Environmental Protection Agency:

- **Develops and interprets policy, guidance and environmental criteria used in evaluating permit applications**
- **Determines scope of jurisdiction and exemptions**
- **Approves and oversees State and Tribal assumption**
- **Reviews/comments on individual permit applications**
- **Has authority to prohibit, deny, or restrict the use of any defined area as a disposal site (Section 404(c))**
- **Can elevate specific cases (Section 404(q))**
- **Enforces Section 404 provisions**

U.S. Fish and Wildlife Service and National Marine Fisheries Service

- **Evaluates impacts on fish and wildlife, EFH, and Federally threatened and endangered species, of all new Federal projects and Federally permitted projects;**
- **Elevates specific cases or policy issues pursuant to Section 404 (q)**

Federal Regulatory Tools

Types of Permits

Individual Permits

General Permits

How to use tools and other mechanisms to encourage the best permit actions based on the restoration goals for Tampa Bay?

Watershed Approach to Permitting

Watershed Approach to Permitting

General Permits

- * **Nationwide Permits (NWP)**
- * **Regional General Permits (RGP)**
- * **Programmatic General Permits (PGP)**

Watershed Approach to Permitting

Benefits of RGPs

- * **Predictability**
- * **Reduction of impacts**
- * **Timely permit decisions**
- * **Comprehensive approach to mitigation and watershed planning**

Watershed Approach to Permitting

Benefits of PGPs

- * Predictability
- * Reduction of impacts
- * Timely permit decisions
- * Comprehensive approach to mitigation and watershed planning
- * Elimination of unnecessary duplication of Federal, State, and local efforts

Watershed Approach to Permitting

**Current PGP with
Pinellas County**

SAJ-96

Watershed Approach to Permitting

Current PGP with
SWFWMD to issue minor modification to
large scale (DRI-type) projects

SAJ-95

Watershed Approach to Permitting

PGPs and RGPs can be tailored to the Tampa Bay area (watershed) and developed to further the restoration and protection goals

Formal Mitigation Actions

- **Banks**
- **In-lieu fee programs**
- **Need to target these actions by area and type for “restoring the balance” for Tampa Bay**

- **Watershed Approach**
- **Funding**
- **Communication**



Watershed Approach

- **EPA--reorganization**
- **CORPS-** Continuing to implement watershed management strategies within the permitting program.
- Identifying key issues in each watershed and formally documenting how our permit decision affect those key issues.
- **Interagency—integrating actions at federal, state and local levels**
- **NEP—brings groups together, long-term history and successes**

Funding

- **EPA Wetlands Protection Grant Program:**
 - **Current Grant to Tampa Bay**

Communication

- **Need for permit reviewers and decision-makers to understand the restoration goals for Tampa Bay**
- **Analysis of how actions can be integrated with planning processes in area**

Questions

