



EVERGLADES COALITION

A Resolution Opposing Federal Legislation to Restore Unlawful Florida 404 Program

WHEREAS, the Everglades Coalition consists of nearly 60 organizations dedicated to protecting and restoring America's Everglades with a 12.2-million-constituent network of followers; and

WHEREAS, wetlands are critical to cleansing water, helping to recharge groundwater supplies, providing fish and wildlife habitat, and maintaining a natural infrastructure that helps store flood waters and provide resiliency in storm events; and

WHEREAS, the State of Florida is one of the most biodiverse areas in the nation and home to dozens of species protected under the Endangered Species Act (ESA), many of which rely on the Everglades ecosystem for their continued existence; and

WHEREAS, on February 15, 2024, the U.S. District Court for the District of Columbia ruled that the U.S. Environmental Protection Agency's approval of Florida's program to administer Section 404 dredge and fill permitting, effective December 22, 2020, violated the ESA and the Administrative Procedure Act (APA); and

WHEREAS, the Court further ruled that the associated Programmatic Biological Opinion and Incidental Take Statement by U.S. Fish and Wildlife Service also violated the ESA and APA; and

WHEREAS, the Court ruled that the ESA violations were serious, could not easily be cured, and therefore required vacatur of EPA's approval of Florida's 404 program, thereby restoring 404 permitting authority in Florida to the U.S. Army Corps of Engineers; and

WHEREAS, the matter is on appeal as to the Court's Endangered Species Act ruling, and on conditional cross-appeal as to the Clean Water Act claims that the Court did not yet reach; and

WHEREAS, on March 17, 2025, federal legislation was introduced to nevertheless approve, ratify, and give full force and effect to the same Florida's 404 program ruled unlawful and vacated by the federal court; and

WHEREAS, Florida has already lost a substantial amount of historical wetlands, and remaining intact wetland ecosystems are at risk from the projected human population increase to 33.7 million residents by 2070; and

WHEREAS, in the face of increased growth and development, the protection and restoration of the Greater Everglades—an ecosystem largely comprised of wetland habitats—is better accomplished by maintaining the existing process pending the completion of judicial review of Florida's December 2020

The Everglades Coalition is a 501(c)3 alliance of local, state, and national conservation organizations dedicated to the full protection and restoration of America's Everglades.

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program and agency review of any subsequent proposal to EPA for 404 assumption by Florida, including notice and comment by stakeholders.

NOW THEREFORE BE IT RESOLVED ON APRIL 25TH 2025:

The Everglades Coalition, with its nearly 60 organizations dedicated to protecting and restoring America's Everglades with a 12.2-million-constituent network of followers, hereby OPPOSES federal legislation that would restore or otherwise give full force and effect to EPA's December 2020 approval of Florida's 404 program via Congressional action.



Mark Perry
Co-Chair



Kelly Cox
Co-Chair

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