Resolution on Delegation of the Section 404 Permit Program of the Clean Water Act to the States

WHEREAS, the Association of State Floodplain Managers has supported delegation to the states of specific federal programs to better insure the reduction of flood risk and protect natural and beneficial functions along the nation’s rivers and coasts; and

WHEREAS, states have the ability to assume jurisdiction over Section 404 permit programs under the Clean Water Act but in only two cases have sought and assumed those programs; and

WHEREAS states’ goals are to maintain wetland protection, achieve consistency in program administration, and streamline the federal permit process; and

WHEREAS states who assume the federal Section 404 permitting program are prohibited from receiving federal funding for implementation; and

WHEREAS states that develop state wetland permit programs using federal wetland development grants from the U.S. Environmental Protection Agency (EPA) are not eligible for EPA wetland grants to implement their state wetlands permit programs;

NOW, THEREFORE, BE IT RESOLVED THAT THE ASSOCIATION OF STATE FLOODPLAIN MANAGERS

Recommends and supports delegation of Section 404 of the Clean Water Act responsibilities to states and encourages the EPA to develop clear guidelines and processes for state assumption of responsibilities under Section 404 of the Clean Water Act that will encourage states to apply for and assume regulatory responsibility over this important natural resources program;

Supports Congressional action to authorize and appropriate adequate funding for states that assume the Section 404 permitting program and to broaden the eligibility of the existing EPA wetland grant program to embrace both development and implementation activities; and

Supports a simplified and more flexible process for state assumption of the Section 404 permit program, including partial assumption of program responsibilities, in order to improve effectiveness and provide more efficient permitting for applicants while maintaining protection of the wetlands in the United States.

APPROVAL BY THE ASFPM BOARD OF DIRECTORS

Adopted by the ASFPM Board on: February 12, 2009

Attested by Judy Watanabe, Secretary, ASFPM