

(d) Description of the Funding and Person-Power Which Will Be Available
for Program Administration
(Required by 40 C.F.R. § 233.11(d))

Purpose of Section (d)

The purpose of Section (d) is to provide the information required in 40 C.F.R. § 233.11(d), which states: “*A description of the funding and manpower which will be available for program administration;*”

Introduction

The Department intends to create and administer the State 404 Program using existing resources. This is largely possible because Florida already administers the comprehensive state Environmental Resource Permitting (ERP) Program, which includes permitting dredge and fill activities. The Department estimates that review requirements of the existing ERP program overlap with the federal Clean Water Act (CWA) Section 404 permitting program approximately 85%.

The ERP program is staffed with permit processors, compliance processors, and support professionals that are experts in or familiar with the subject matter required for effective review of applications under Section 404 of the Clean Water Act. The Department plans to have 229 staff working on ERP and the State 404 Program throughout the Division (Headquarters) and district offices including planning/training/support, administrative, permit processors, and compliance staff with a total annual salary and benefits of approximately \$15,182,822.00. These positions are funded through various trust funds, shown in Tables (d)-1 and (d)-2. A breakdown of the number and responsibilities of staff in the Division and each district office are shown in the State 404 Program Person-Power section, below.

The Department conducted an assessment to determine approximately how many existing Department staff would need to be reallocated or re-trained to effectively handle the additional workload associated with the approximately 15% of tasks that do not overlap with the ERP program. The expected number of section 404 permits statewide was calculated using USACE permitting data in Florida for the past 5 years and a draft GIS layer of retained waters, prepared by the USACE. The number of expected permits and additional task time were considered together to determine the number of staff to be reallocated or re-trained. The results of the assessment are included in section (e) of the program description. Considerations for calculation of additional task time included coordination with WMDs when the WMD reviews the ERP permit; review categories unique to the State 404 Program (See section 8.3. of the State 404 Program Applicant’s Handbook); public notice requirements; additional coordination for listed species, historical and tribal resources, and delineation of wetlands and other surface waters; and quality control auditing of permit or compliance files and wetland and other surface water delineations/jurisdictional determinations. These positions are currently funded, and the typical amount of resources to be reallocated are shown in Table (d)-3, below.

Staff Funding

The Department has 211 existing staff currently working in the ERP program and plans to redirect existing positions and staff time as necessary to accomplish the State 404 Program. The Department plans to have a total of 229 staff once 18 positions are reallocated for the State 404 Program.

District Office Funding Sources

The Department has six district offices. Staff include administrative, permit processors, and compliance processors. Staff salaries and benefits are funded through the following sources:

Funding Source	Amount	# Staff Supported (Salaries and Benefits)
Administrative Trust Fund	\$467,467.40	8
Air Pollution Control Trust Fund	\$1,035,409.72	14
Air Pollution Trust Fund	\$195,744.63	3
Coastal Protection Trust Fund	\$49,250.64	1
Federal Grants Trust Fund	\$251,277.60	5
General Revenue Fund	\$96,243.36	2
Inland Protection Trust Fund	\$311,426.81	5
Internal Improvement Trust Fund	\$372,304.26	7
Land Acquisition Trust Fund	\$4,671,579.07	72
Permit Fee Trust Fund	\$1,985,667.48	32
Solid Waste Management	\$236,682.16	4
Solid Waste Trust Fund	\$162,961.24	3
Water Quality Assurance Trust Fund	\$1,079,320.58	15
Water Quality Trust Fund	\$94,474.94	2
Total	\$11,009,809.80	173

Table (d)-1: Funding sources for district office staff salaries and benefits.

Division Office Funding Sources

The Department has a Division office in Tallahassee (Division of Water Resource Management, DWRM). Supported Division programs include the Submerged Lands and Environmental Resources Coordination Program (ERP and 404 training, rulemaking, mitigation banking, and auditing); Mining and Mitigation Program; and the Engineering, Hydrology, and Geology Program. Staff include administration, training/delineation/auditing/, ERP/404 support, permit processors, and compliance. Staff salaries and benefits are funded through the following sources:

Funding Source	Amount	# Staff Supported (Salaries and Benefits)
Federal Grants Trust Fund	\$336,445	5
Florida Permit Fee Trust Fund	\$73,534	1
Land Acquisition Trust Fund	\$518,244	6
Minerals Trust Fund	\$1,122,634	15
Nonmandatory Land Recreation Trust Fund	\$474,368	6
Permit Fee Trust Fund	\$76,575	1
Water Quality Assurance Trust Fund	\$309,286	4
Total	\$2,911,086	38

Table (d)-2: Funding sources for Division office staff salaries and benefits

Resources to be Reallocated to the State 404 Program

These positions will be reallocated from elsewhere in the Department based on the workload analysis in section (e) of the program description. Operating expenses include: office space, office furniture, office supplies, computer hardware/software, and travel.

Position Type	Districts						Division		Statewide
	Northwest	Northeast	Central	Southeast	Southwest	South	Mining	SLERC	
ES I	1	1	2	1	1	1	1	1	9
Salary	\$34,822	\$34,822	\$69,644	\$34,822	\$34,822	\$34,822	\$34,822	\$34,822	\$313,398
Benefits	\$24,128	\$24,128	\$48,256	\$24,128	\$24,128	\$24,128	\$24,128	\$24,128	\$217,152
Operating Exp.	\$4,500	\$4,500	\$9,000	\$4,500	\$4,500	\$4,500	\$4,500	\$4,500	\$40,500
ES III	1	1	1	1	1	1	1	1	8
Salary	\$45,321	\$45,321	\$45,321	\$45,321	\$45,321	\$45,321	\$45,321	\$45,321	\$362,568
Benefits	\$25,820	\$25,820	\$25,820	\$25,820	\$25,820	\$25,820	\$25,820	\$25,820	\$206,560
Operating Exp.	\$4,500	\$4,500	\$4,500	\$4,500	\$4,500	\$4,500	\$4,500	\$4,500	\$36,000
EC								1	1
Salary	0	0	0	0	0	0	0	54,025	\$54,025
Benefits	0	0	0	0	0	0	0	27,224	\$27,224
Operating Exp.	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,500	\$4,500
Total Positions	2	2	3	2	2	2	2	3	18
Salary	\$80,143	\$80,143	\$114,965	\$80,143	\$80,143	\$80,143	\$80,143	\$134,168	\$729,991
Benefits	\$49,948	\$49,948	\$74,076	\$49,948	\$49,948	\$49,948	\$49,948	\$77,172	\$450,936
Operating Exp.	\$9,000	\$9,000	\$13,500	\$9,000	\$9,000	\$9,000	\$9,000	\$13,500	\$81,000
Sum	\$139,091	\$139,091	\$202,541	\$139,091	\$139,091	\$139,091	\$139,091	\$224,840	\$1,261,927

Table (d)-3: Estimated resources to be reallocated to the State 404 Program

State 404 Program Person-Power

Staffing structure and functions related to ERP and State 404 Program permitting and compliance is illustrated below. For a detailed workload analysis, see section (e) of the program description.

Division

Submerged Lands and Environmental Resources Coordination (SLERC) Program

The Submerged Lands and Environmental Resource Coordination program (SLERC) is responsible for the consistent implementation of the Environmental Resource Program and State 404 Program statewide. SLERC has two program sections – 1) ERP/404 Training, Coordination, and Rulemaking, and 2) Mitigation Banking (MBP). SLERC will have 18 staff with the following duties:

- 1 Administrative
- 3 Management
- 4 Mitigation Bank Processing and compliance
- 8 Regulatory and Delineation training, coordination, and consistency
- 2 Auditing assistants

Mining and Mitigation Program (MMP)

Between 2014 and 2019, the Mining and Mitigation Program processed an average of 6 ERP individual permits, 8 ERP major modifications (mining major modifications are typically the same effort as an individual permit), 1 ERP conceptual approval permit, 4 ERP general permits, and 3 ERP exemption verifications per year. It is estimated that this program will process approximately 21 State 404 Program Individual permits per year. The program will have 18 staff that will perform ERP/404 functions, as follows:

- 1 Administrative
- 3 Management
- 14 Permit processing and compliance

Engineering, Hydrology, and Geology (EHG)

The Engineering, Hydrology, and Geology program provides scientific and engineering support services to DEP's division and district office permitting programs as needed. They assist with development engineering and stormwater reviews, mining permits, hydrographic reviews, sediment transport analysis, and water quality and quantity concerns. EHG staff that assist with ERP/404 – related topics include:

- 1 Management
- 2 Stormwater engineers
- 2 Geologists/Hydrologists
- 1 Hydrologist/Hydrographic engineer
- 1 State dam safety officer

Districts

The Department's district offices will process and enforce the majority of State 404 Permits, the only exceptions being that mining permits will be processed by the MMP in Tallahassee, and dredge and fill permits associated with mitigation bank will be processed by MBP under SLERC. This section contains a breakdown of staff that will be responsible for permitting and compliance functions by district. More detailed information about the workload analysis can be viewed in section (e) of the program description.

Central District

Between 2014 and 2019, the Central District processed an average of 113 ERP individual permits, 1 ERP conceptual approval permit, 134 ERP general permits, and 89 ERP exemption verifications per year. It is estimated that this district will process approximately 48 State 404 Individual permits, and 112 State 404 general permits per year. The Central District has an administrative staff pool that clerks and processes permit-related correspondence for all of the district offices. The district will have 39 staff that will perform ERP/404 functions, as follows:

- 2 Administrative managers
- 13 Administrative staff
- 2 Permitting managers
- 10 Permit processors
- 2 Compliance managers
- 10 Compliance staff working on ERP and other program compliance

Northeast District

Between 2014 and 2019, the Northeast District processed an average of 140 ERP individual permits, 0 ERP conceptual approval permits, 124 ERP general permits, 137 ERP exemption verifications, and 3 ERP major modifications per year. It is estimated that this district will process approximately 37 State 404 Individual permits, and 80 State 404 general permits per year. The district will have 30 staff that will perform ERP/404 functions, as follows:

1 Administrative staff

2 Permitting managers

18 Permit processors (11 of these process ERP/404 and other program permits, 7 are dedicated to ERP/404)

7 Permitting and compliance processors (These staff process both permits and compliance actions)

2 Compliance managers

Northwest District

Between 2014 and 2019, the Northwest District processed an average of 206 ERP individual permits, 2 ERP conceptual approval permits, 129 ERP general permits, 319 ERP exemption verifications, 10 ERP major modifications per year. It is estimated that this district will process approximately 25 State 404 Individual permits and 92 State 404 general permits per year. The district will have 28 staff that will perform ERP/404 functions, as follows:

5 Administrative staff that work on ERP/404 and other programs

1 Permitting managers

14 Permit processors

1 Compliance managers

7 Compliance staff working on ERP/404 and other program compliance

South District

Between 2014 and 2019, the South District processed an average of 223 ERP individual permits, 0 ERP conceptual approval permits, 198 ERP general permits, 2,180 ERP exemption verifications, and 11 ERP major modifications per year. It is estimated that this district will process approximately 32 State 404 Individual permits, and 98 State 404 general permits per year. The district will have 38 staff that will perform ERP/404 functions, as follows:

7 Administrative staff that work on ERP/404 and other programs

6 Permitting and compliance managers

25 Permitting and compliance processors

Southeast District

Between 2014 and 2019, the Southeast District processed an average of 114 ERP individual permits, 1 ERP conceptual approval permits, 148 ERP general permits, 1,380 ERP exemption verifications, and 18 ERP major modifications per year. It is estimated that this district will process approximately 54 State 404 Individual permits, and 68 State 404 general permits per year. The district will have 27 staff that will perform ERP/404 functions, as follows:

4 Administrative staff

4 Permitting managers

12 Permit processors

2 Compliance managers

5 Compliance processors

Southwest District

Between 2014 and 2019, the Southwest District processed an average of 71 ERP individual permits, 1 ERP conceptual approval permit, 167 ERP general permits, 348 ERP exemption verifications, and 8 ERP major modifications per year. It is estimated that this district will process approximately 29 State 404 Individual permits, and 94 State 404 general permits per year. The district will have 24 staff that will perform ERP/404 functions, as follows:

2 Permitting managers

1 Compliance manager

1 Permitting/compliance manager

11 Compliance processors

9 Permit processors