

(j) Additional Information Related to the Program Description

Purpose of Section (j)

The purpose of Section (j) is to provide additional information that did not fit cleanly into any of the program description sections listed in 40 C.F.R. § 233.11, but are pertinent to a clear description of the State's program.

Memoranda of Understanding/Operating Agreements with Other Agencies

The Department has entered into an Operating Agreement with the State Historic Preservation Office (Appendix (j)-1), and a Memoranda of Understanding (MOU) with the Florida Fish and Wildlife Conservation Commission (FWC) and the US Fish and Wildlife Service (USFWS) (Appendix (j)-2). These documents outline coordination procedures by which State 404 Program staff will conduct historical/tribal resources reviews and listed species reviews.

Mapping and GIS Data

The Corps of Engineers (USACE) is currently working on three data layers that they plan to provide to the Department prior to the effective date of assumption. These data layers are intended to provide an efficient means for applicants and the Department to determine if USACE review is needed for a project. The data layers include:

- Retained waters layer – this layer will show the estimated boundary of retained waters. The Department will create a 300 foot buffer layer to accompany this layer that will assist applicants and staff to assess whether their project falls within state-assumed or retained waters.
- Federal projects layer – this layer will show the location of federal projects to assist the Department and applicant in determining if a Section 408 authorization will be required from USACE.
- Indian Country – this layer will show the boundaries of “Indian Country”, which will assist applicants and the Department in determining if a project may have impacts on tribal lands, and whether the USACE will need to process an application (waters within Indian Country are retained by the USACE).

The Department has a publicly-available mapping service called MapDirect. MapDirect contains many pre-loaded maps that help applicants, the public, and Department staff quickly determine many things about a project area. The Department will create a map focus specifically for the State 404 Program that will include the three USACE layers listed above, as well as any other available layers pertinent to review of State 404 Program applications. Pre-loaded layers will include, but are not limited to:

- Critical habitat maps
- Listed species layers

- Permitting and compliance location data
- District and WMD office boundaries

MapDirect may be viewed at the following website: <https://ca.dep.state.fl.us/mapdirect/>

State 404 Program Data Collection

The Department will collect data about each permitting and compliance action that will be used in compiling the annual report required in 40 C.F.R. § 233.52. The Department will also use the data to conduct program auditing, track permit information, identify issues, and assess cumulative impacts on State waters. At a minimum, the following data will be collected:

- Total project area
- Project impact acreage
- Project impact functional loss determined using UMAM
- Project compensatory mitigation acreage
- Project mitigation functional gain determined using UMAM
- FLUCCS or FNAI community types impacted or proposed for mitigation
- Mitigation bank credits required/purchased
- Mitigation bank credit type
- Other mitigation type
- Number and nature of general permits issued/withdrawn/denied
- Number and nature of individual permits issued/withdrawn/modified/denied
- Number and nature of exemption verifications issued/withdrawn/modified/denied
- Number of violations identified
- Number and nature of enforcement actions taken
- Number of suspected unauthorized activities reported/nature of action taken
- Species coordination data to include:
 - Type of technical assistance
 - Determination/outcome/action from technical assistance
 - Species name
 - Critical habitat affected
 - Whether conditions were added to the permit
- Historical/Tribal resources coordination data

State 404 Program Training

The Department's Submerged Lands and Environmental Resources Coordination (SLERC) program will conduct in-depth staff training prior to implementing the State 404 Program, and then on a regular basis and as needed. Training will include, but not be limited to, the following subjects:

- Delineation of Wetlands and Other Surface Waters (Chapter 62-340, F.A.C.)
- Certified Wetland Evaluator (CWE) training and testing (internal only)
- Introduction to State 404 Program
- Processing State 404 Program Permits (Focus on Procedures)
- Listed Species Coordination
- Historical and Tribal Resources Coordination
- ERP/USACE/State 404 Program Coordination
- Alternatives Analysis Review
- Mitigation and Mitigation Hierarchy
- WOTUS Jurisdictional Determinations
- Documenting the Decision (Technical Staff Reports)
- Records and Data Collection
- Compliance and Enforcement
- Review of Secondary and Cumulative Effects
- EPA Oversight and Review/Public Notice Procedures
- Listed Species Determinations
- Processing Walk-Through Sessions (Exemption, GP, Individual, Compliance)

Comparison with Federal Requirements

The Department created a comprehensive cross-walk to document how the state program meets federal requirements. This comparison is in Appendix (j)-3.