

9/15/2026

Dear Subcommittee Chair Hageman, Subcommittee Ranking Member Hoyle, and Members of the Committee,

We, the undersigned Florida-based organizations, appreciate the Committee's efforts to review legislation concerning the health and safety of Florida's invaluable threatened ecosystems and endangered species. As organizations with members in communities across all of Florida, and as organizations who work to protect these special places and species, we write with deep concern about H.R. 9017, Representative Donalds' bill titled the "*Restore Florida Water Independence Act of 2026*," which would hand-wave away Endangered Species Act ("ESA") violations committed by the US Environmental Protection Agency ("EPA") and Fish and Wildlife Service ("FWS") when they evaluated the Florida Department of Environmental Protection's ("Florida DEP") application to assume permitting authority over certain waters and wetlands.

The survival of threatened and endangered species is directly tied to the resilience of Florida's tourism industry, fisheries, outdoor recreation economy, and the quality of life that attracts families and businesses. Floridians take pride in our state's incredible biodiversity and depend on it for our way of life. Giving Florida's unlawful 404 Clean Water Act permitting program the effect of law by arbitrarily erasing well-documented Endangered Species Act violations would pose an immediate risk to critically endangered species in Florida like the Florida Panther, of which there are no more than 230 left in the wild, and the Audubon's Crested Caracara. It would endanger the delicate balance key for beloved ecosystems like the Everglades to thrive.

Florida's unique ecosystems support more than a hundred species currently listed under the ESA, including the West-Indian manatee, five species of sea turtles, many species of coral found in Florida's coral reefs; smalltooth sawfish, Key deer, Florida scrub-jay, and the Florida panther. Florida's economy is the 4th largest in the U.S., contributing more than \$1.7 trillion into the U.S. economy in 2024. As documented by Florida DEP, recreational activity along Florida's coasts brings hundreds of billions of dollars and supports hundreds of thousands of jobs each year.

In 2020, the EPA approved Florida DEP's request to administer the program, but a federal court invalidated that approval as unlawful, and a federal court of appeals then upheld that decision. The courts ruled that the Florida program was unlawful because EPA's approval did not comply with the Endangered Species Act and federal agencies failed to ensure that the state program itself would adequately protect threatened and endangered species in one of the most biodiverse states in the country.

Congress should not be brushing off violations of the ESA in the name of an ill-advised desire to have Florida DEP mismanage a state-wide permit program it has not shown it is equipped to administer. If Florida DEP is now able to demonstrate that they can assume this permitting authority under the Clean Water Act, they can reapply for that authority with the US Environmental Protection Agency. If Florida DEP fulfills the necessary requirements, EPA can grant them that authority -- without violating any laws. In the meantime, members of this committee should reject H.R. 9017.

Sincerely,

Calusa Waterkeeper

Cape Coral friends of Wildlife

Cape Coral Wildlife Trust

Conservancy of Southwest Florida

Florida Bay Forever Save our Waters

Florida Keys Chapter of the Izaak Walton League of America

Florida Springs Council

Florida Wildlife Federation

Friends of the Everglades

Inner Loop Working Group

Mangrove Chapter of the Izaak Walton League of America

Sanibel-Captiva Conservation Foundation

South Florida Audubon Society

Sierra Club Florida

St. Johns Riverkeeper

Suncoast Waterkeeper

Upper Keys Citizens Association

VoteWater

Waterkeepers Florida