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2000 Recommended Web Sites for Wetlands Law

I. Wes Wheeler

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2000 Recommended Web Sites for Wetlands Law

Cover Page Footnote

The author wishes to thank Professor J.B. Ruhl and Mary McCormick, Head of Public Services, FSU College of Law Library for their assistance in researching this review.

2000 RECOMMENDED WEB SITES FOR WETLANDS LAW

I. WES WHEELER*

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I. INTRODUCTION

The *Journal* is committed, through this annual web site review, to help its readers access the Internet as an integral and relatively economical means of conducting legal research. As noted in the following paragraphs, the amount of information has become so overwhelming that it is necessary to limit the scope of each review to a particular field or specialty of environmental or land use law. In 1999, the *Journal* focused on Ocean and Coastal Law, for 2000 we have chosen Wetlands Law.

This review is principally oriented to the Florida practitioner who needs access to the laws, rules, regulations, and forms required to comply with federal and Florida wetlands permitting. The review also contains academic references useful for more extended research

* J.D., The Florida State University College of Law (expected 2001); Masters in Urban Planning, University of Illinois, Urbana-Champaign (1986); B.A., Political Science, The Florida State University (1983). The author has had extensive work experience in the field of environmental planning with local, state, and Federal government agencies as well as in academia. The author wishes to thank Professor J.B. Ruhl and Mary McCormick, Head of Public Services, FSU College of Law Library for their assistance in researching this review.

and analysis in wetlands policy. By necessity, a certain level of Internet access proficiency by the reader is assumed, including the use of a personal computer or on-line terminal with a user friendly software interface that is capable of reading the text and graphics of modern web sites. Further, it is assumed the reader is aware of "point and click" techniques and knows how to type in a web site Uniform Resource Locator (URL), if needed.

Internet sources that do not charge a subscription are the focus of this review. Thus the two most significant and effective sources of legal information, Westlaw <www.westlaw.com> and Lexis <www.lexis.com>, or alternative subscription services, are not described. Nor does this review recommend any particular research method, source or site. The article highlights several sites that have free sources of public information useful for legal analysis and that often have hyperlinks to other similar free sources. Several leading commentators on Florida legal research have noted the wide range in availability and quality of information and the search mechanisms to find it.¹ Do not assume the information you find is either accurate or current.² "Because commercial vendors are concerned with keeping their good names, their sites are generally reliable; official government sites are also considered as reliable as paper sources."³ With that advice, and with the assistance of The Florida State University College of Law Head Reference Librarian Mary McCormick, this web site review is structured to include the major reliable legal reference and government sites. Although the included list is by no means exhaustive, it does include the basics of interest to most practitioners and academics.

As the use of the World Wide Web has exploded in recent years, the major task of "net surfers" has become one of sifting through the chaff to get to the wheat. Using a standard text search engine, such as AltaVista <www.altavista.com>, a search for "wetlands" turned up 238,065 "hits" on March 31, 2000. On May 1, 2000 (the span of one month), that number had increased to 273,550 hits. This review narrows the scope of surfing significantly by listing a subset of sites that have much of the readily available general background information needed for legal analysis. This background information also provides an excellent starting point for further research, should

1. See SUZANNE ROWE ET AL., *FLORIDA LEGAL RESEARCH*, at 154 (Carolina Academic Press, 1998).

2. See *id.*

3. *Id.*

the reader so desire. The addresses are categorized under various topic areas for easy reference. These topic areas are Federal Government Agencies and Organizations, Florida Government Agencies and Organizations, Non-profit and Other Activist Organizations, Libraries and Directories, and Magazines and Other Activist Organizations. This list is far from inclusive, but is meant to give a flavor for what is accessible though the Internet.

Each following sections contains the URL address for the specific page of information most useful for legal analysis at each web site, as of the date of this publication. As noted in several of the following sections, most of these web sites have links to related sites. And, unfortunately, these links are too often outdated. Particularly when dealing with several of the major federal sites, it will be useful to keep a copy of this text handy for more recent URLs. And when (not if) the addresses in this review become obsolete, the reader is encouraged to use the legal reference sites and search engines listed in the following section of this review.

II. DESIGNING A WEB SEARCH FOR LEGAL ANALYSIS

Given the staggering amount of information available on the Internet, any search for legal analysis must be carefully planned and structured. It is too easy to become lost in the maze; be sure to leave bread crumbs behind as you go. Before logging on and surfing the Net, you want to be sure to design a web search that will allow you to get what you need quickly and log out. This section reviews the basics of designing a web search for legal analysis including developing a research plan, accessing several of the better legal research sites to refine the plan, and using the plan to find and review web sites with relevant information to your search.

A. Developing a Legal Analysis Research Plan

In designing a legal research plan, one must consider primary sources (usually case law, statutes, and administrative rules), secondary materials (such as law review articles, legal encyclopedias, treatises, etc.), and search materials (e.g. legal indexes, including those available though online research).⁴ For primary sources, the free Internet sites reviewed in this article do not have as thorough an indexing and compilation of case law as the subscription services.

4. See HELENE SHAPO ET AL., *WRITING AND ANALYSIS IN THE LAW*, (3d ed., Foundation Press 1995).

Although cases may be available at some sites, particularly the Legal Information Institute <www.law.cornell.edu>, it may not be as economical or effective to use these as a primary source. Statutes and administrative rules, however, are available in abundance. Most government agency sites include a page with its enabling legislation and the agency's rules, or links to other sites that do have this information. If the information is a page, rather than a hyperlink, the reader is advised to check the official source site for statutes (the relevant legislative web site) and for administrative rules (e.g., the *Code of Federal Regulations*) for the most recent published version. As a note of comparison, the free sites' statutes are not annotated with case law, as is the case with the subscription services.

Secondary materials are also abundantly available through the free Internet sites. Government agencies include a wealth of information related to their respective missions and to assist citizens in complying with legal requirements. Non-profits and activist organizations are an excellent source of additional information and perspectives not available at the government sites. Although there is not a free separate searchable database of indexed law reviews or other legal periodicals, similar to the subscription services, many of these reviews and periodicals are now on-line. Legal encyclopedias, such as the A.L.R., are also now only available through subscription. Search materials are the means through which primary and secondary materials are found. There is a dizzying array of search options on the Internet, with a variety of general purpose "web crawlers" (text search engines) and several specialized legal tools. The more useful approach for legal analysis, however, is to start first with the specialized legal tools, thus this review includes descriptions for several of the better sites.

B. Legal Research Web Sites

- Law Library Resource Xchange
URL: <http://www.llrx.com>

A unique Web journal, LLRX.com has been published since 1996. There is no subscription fee for the journal, which is updated on the 1st and 15th of each month. The issues feature articles, departments, columns and extras by law librarians, attorneys, information technology specialists and legal technology consultants. The site is an excellent source for finding information on how to structure a web search and where to find the tools you need to do it. Included are timely articles on computer assisted legal research and has a "top ten search

engines" review. The "meta-links" page is an excellent listing of links to other legal research sites and thus is one of the best places to start a web search.

- The Virtual Chase
URL: <http://www.virtualchase.com>

The Virtual Chase, also published since 1996, has more than 500 pages of information pertaining to resources and research strategies. It is a web site designed especially for lawyers and other experienced legal researchers. The site is sponsored by the law firm Ballard Spahr Andrews & Ingersoll, LLP. The site has a wonderful Research Aids section, with separate pages such as "Legal Guide," "Court Rules Guide," "Company Guide," and "People Guide." The "Legal Guide" page has a comprehensive listing of other legal research sites, organized by type of law or topical area. This is another "must see" before beginning a web search.

- Legal Information Institute
URL: <http://www.law.cornell.edu>

Consistently cited by a number of other web sites as the source for primary materials. If you do not start here looking for a particular case or statute, you will likely visit here at some point in the research process to verify that the information obtained elsewhere is current. An excellent source of most federal and state statutes, rules, and court decisions.

- Quicklaw America Internet Law Library
URL: <http://www.currentlegal.com/lawlibrary>

A great legal research index site, with links to state, national, and international laws, statutes and rules. Links to several other very useful sites and search engines are listed in "Legal Portals on the Internet," including FindLaw, <www.findlaw.com>, which has a number of fascinating features, including "LawCrawler," a law specific search engine.

- Louisiana State University, U.S. Federal Government Agencies Directory
URL: <http://www.lib.lsu.edu/gov/fedgov.html>

Another site frequently mentioned, this directory includes every federal government agency, broken down into the following categories: Executive, Judicial, Legislative, Independent, Boards, Commissions, Committees, and Quasi-Official. An excellent starting point when tracking down accurate general information, which is often posted at these governmental sites.

- United States Government Printing Office
URL: <http://www.access.gpo.gov>

This is the official U.S. government web site for the most recent publication of the *United States Code*, *Code of Federal Regulations*, and the *Federal Register*. "Quick links" to each of those areas is included in the "GPO Products" page.

C. Using a Research Plan to Find and Review Web Sites

Having reviewed the process of organizing a web search, this review turns to the web sites that provide specific wetlands information. These sites are the starting point for basic general information and for finding links to more specialized specific interest. The emphasis of these reviews is to highlight the most important or interesting information relevant to legal analysis at each site.

III. FEDERAL GOVERNMENT AGENCIES AND ORGANIZATIONS

- Environmental Protection Agency (EPA), Office of Wetlands, Oceans, and Watersheds
URL: <http://www.epa.gov/owow/wetlands>

This site has a number of useful links to wetlands information. The site's major categories include "About the Wetlands Program, Facts About Wetlands," "The Interagency Wetlands Plan," "Laws, Regulations and Guidance," "Partnership: State, Tribal, Local and Other Initiatives," "Landowners Assistance and Stewardship," "Water Quality, Monitoring, & Assessment," "Wetlands & Watersheds," and "Science, Education & Information Resources." Other major site features include a

"New Announcements" button bar at the bottom of the page and a "Features" button on the right-hand margin.

Perhaps most useful for the practitioner are the "Laws, Regulations and Guidance" and "Partnership: State, Tribal, Local and Other Initiatives" links. The former includes the major federal legislation granting jurisdictional authority over wetlands, including Section 404 of the Clean Water Act and Section 10 of the Rivers & Harbors Appropriation Act of 1899; EPA and U.S. Army Corps of Engineers regulations implementing that legislation; and Agency Interpretive Guidance (including Inter-Agency Memorandums of Agreement) for those rules. Note that several of the links listed here are outdated, particularly links to the Corps sites. It might be helpful if the reader uses the Corps links listed below for Corps documents.

The "Partnership" link is a broad, thorough listing of wetlands related links. It is divided into eighteen categories that range from "EPA Resources" to "Watersheds." This site is an excellent resource for organizing a wetlands web site search. Many of the links, however, are outdated. In a series of e-mail messages between EPA personnel and this author, agency staff have acknowledged the problem and hope to be addressing in the near future.

- EPA Region 4 (serving Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee).
URL: <http://www.epa.gov/region4/water/wetlands/links.html>

In addition to much of the same basic information provided at the EPA's national wetlands site, the Region 4 site has a "wetlands menu." This menu includes: "Wetland's Home," "General Info," "Legislation and Policy," "Educational Materials," "Technical Materials," "Landowners Info," "Southeastern Projects," "Grant Programs," "State and Local Programs," "Other Approaches," and "Links".

Particularly useful for the practitioner is the "General Info" page, which includes a list of contacts and the "Landowners Info" page, with links to southeastern state and local organizations involved in wetlands' preservation. The "links" page includes a number of Florida specific sites that may be of interest to the reader.

- EPA GMPO Gulf Estuaries Program
URL: <http://pelican.gmpo.gov/gcnep.html>

This site includes links to all of the U.S. EPA National Estuary Programs for the Gulf of Mexico, including the Tampa Bay, Sarasota Bay, Charlotte Harbor, Appalachicola, and Rookery Bay programs in Florida.

- U.S. Army Corps of Engineers, Headquarters, Regulatory Program
URL: <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/index2.htm>

This is the single most useful web site for immediate accurate information on federal wetlands regulation. The URL given here takes the reader directly to the Corps' regulatory index page. This index contains an extensive listing, with the eight section headings including:

1) Corps Regulatory Program Overview

This section provides good background material for the reader who is unfamiliar with federal wetlands permitting, including a general discussion of the Corps' jurisdiction and the process of obtaining a permit;

2) Regulatory Jurisdictional Boundaries & Offices

Includes links to all Corps divisions and districts, including the South Atlantic Division and Jacksonville District Offices (the latter's site is described below);

3) Current Corps Regulatory Announcements & Decisions

This section includes recent announcements and administrative decisions;

4) Statutory, Administrative & Judicial Materials

Includes Section 404 of the Clean Water Act and the implementing Code of Federal Regulations (CFR) for the Corps (33 CFR) and EPA (40 CFR). Particularly useful are the administrative materials, which include Corps guidance and memoranda of understanding with other federal agencies on wetlands regulation;

5) Technical & Biological Resources

Particularly useful source of scientific information on wetlands identification and delineation for academics and other interested practitioners;

6) Related Federal Agency Links

Includes links to the other three major federal agencies (U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service). As with the EPA site discussed below, many of these links are outdated;

7) Other Agency Administrative Materials

Council of Environmental Quality guidelines for implementing the National Environmental Policy Act, and

8) Archives

Archival Material.

- U.S. Army Corps of Engineers, Jacksonville District
URL: <http://www.saj.usace.army.mil/permit/>

In addition to the basic statutory and administrative materials contained in the Corps headquarters site, the Jacksonville Office site has several very useful sources of information for the practitioner. The Permitting and Regulatory site at the given URL includes links to: "Regulations," "Application," "Types of Permits," "Permit Process," and "Public Notices."

Most useful for the legal practitioner is the "Application" link, which contains the joint Corps/Florida agencies wetlands permitting application form in a downloadable format. Please note that you should click on the "cancel" button if you are asked for security verification when downloading the pdf file. Another very useful source of information at this site is the "helpful hints" link under the "Permit Process" category, which provides advice and guidance to land owners seeking a wetlands permit.

- Department of the Interior, U.S. Fish & Wildlife Service, National Wetlands Inventory
URL: <http://www.nwi.fws.gov/>

This web site has several interesting features that this author has not found elsewhere. First is the access to map data for those users with advanced geographic analysis software. For those who do not, there are order forms for ordering hard copies of

wetlands maps from NWI. Also of interest is the Interactive Wetland Mapper, which allows the user to get a very general wetlands map of a given area (e.g. county, zip code, etc.) online. The most useful of this site's features, though is the "Other Related Sites," an excellent listing of wetlands web sites, most of which are current. One notable outdated link is the Environmental Law Institute (discussed under non-profits below).

- United States Department of Agricultural (USDA), National Resource Conservation Service (NRCS), Watersheds and Wetlands Division
URL: <http://www.ftw.nrcs.usda.gov/programs.html>

This page includes links to detailed information on three major USDA, NRCS wetlands programs: Conservation Compliance (Swampbuster), the Wetland Reserve Program, and the Wildlife Incentives Habitat Program. These are very important programs for agricultural landowners whose property includes wetlands.

- USDA/NRCS Conservation Program Summaries
URL: <http://www.nrcs.usda.gov/NRCSProg.html>

This site contains links to very brief descriptions of all the NRCS programs, including the three wetlands programs listed above and several other environmental or conservation programs.

- USDA/NRCS 1996 Farm Bill
URL: <http://www.nhq.nrcs.usda.gov/OPA/FB96OPA/MiscFB.html>

This NRCS site highlights changes to the USDA, NRCS wetlands programs. It includes fact sheets on the wetlands programs listed above and on the USDA Farm Service Agency (FSA) wetlands conservation programs listed below.

- USDA/FSA Conservation Reserve Program
URL: <http://www.fsa.usda.gov/dafp/cepd/crpinfo.htm>

This Farm Service web site includes links to the Conservation Reserve Program and the Conservation Reserve Enhancement Program, two more very important wetlands preservation programs for agricultural landowners.

- USDA/NRCS/United States Geological Survey (USGS), Wetland Science Institute
URL: <http://www.pwrc.usgs.gov/wli/>

An excellent source for scientific information on wetlands assessment, delineation and restoration (separate links for pages containing files in each of those respective areas).

- USDA/NRCS/USGS, National Wetlands Research Center
URL: <http://www.nwrc.gov/>

Another good source for wetlands science information. The home page includes links to publications and a library that includes searchable databases.

IV. FLORIDA GOVERNMENT

- Florida Access to Government - State, County, and Local Government Links
URL: http://www.state.fl.us/fgsd_html/access.html

A "must have" bookmark for Florida practitioners and academics. Includes links to web sites for the Legislature, all state agencies, state commissions, the water management districts, counties and cities. If it is a Florida government entity on the web, you can find it here.

- The Florida Legislature
URL: <http://www.leg.state.fl.us>

An excellent text searchable site of the most recent Florida statutes. Also includes the status of bills in the current and several past sessions.

- Department of Environmental Protection (DEP), Bureau of Submerged Lands and Environmental Resources (SLERP)
URL: <http://www.dep.state.fl.us/water/slerp/bsler/default.htm>

This page describes the several environmental protection programs of the Bureau, including the Environmental Resource Permit Program (ERP).

- DEP, SLERP, Environmental Resource Program Description
URL: <http://www.dep.state.fl.us/water/slerp/pds/erp.htm>

This page describes the ERP program and includes links to other pages that provide more information on wetlands and ERP permits. A very useful site for background information on wetland resource permitting in Florida.

- DEP, Environmental Resource Permit Forms:
URL: <http://www.dep.state.fl.us/water/slerp/pds/forms.htm>

This page includes downloadable files (in pdf or Word format) for ERP applications. This page is part of Florida's "One-Stop Permitting System" (OSPNEY) <ospney.dep.state.fl.us> . DEP's OSPNEY page also includes a link to a page that will allow an applicant to track the status of her permit.

- State of Florida One Stop Permitting System (OSPNEY)
URL: <http://permitting.state.fl.us>

This site includes a list of links by permit type for all the Florida agencies participating in the system. All of the agencies issuing ERPs are included in this system (DEP and four of the five water management districts).

- DEP, Office of General Counsel
URL: <http://www.dep.state.fl.us/ogc/documents/statutes/statutelist.htm> (statutes)
<http://www.dep.state.fl.us/ogc/documents/rules/mainrule.htm> (rules)

These two sites contain all of the statutes and rules enforced and administered by DEP. A very useful site for looking up enabling legislation and applicable rules. Each is available in a downloadable pdf or Word file format.

- Southwest Florida Water Management District, OSPNEY Information
URL: <http://www.swfwmd.state.fl.us/osp/permits.htm>

This web site page includes links to documents that describe the District's permitting process, including ERPs. These documents

include instructions on how to obtain an ERP and includes a downloadable ERP application. A very useful site.

- South Florida Water Management District, Environmental Resource Permits
URL: http://www.sfwmd.gov/org/reg/reg_erp.html

Describes the District's ERP program

URL: http://www.sfwmd.gov/org/reg/reg_rules.html

A downloadable file of the ERP rules.

- St. John's River Water Management District, Environmental Resource Permits
URL: http://sjr.state.fl.us/permit/permit_2.html

Describes the District's ERP program.

URL: <http://sjr.state.fl.us/index4.html>

A downloadable file of the ERP application.

- Suwannee River Water Management District, Environmental Resource Permits
URL: <http://www.srwmd.state.fl.us/permitting/erp.html>

This well designed site includes links to the District's rules, an ERP handbook and a downloadable ERP application form.

V. NON-GOVERNMENTAL ORGANIZATIONS

- The Association of State Wetlands Managers, Inc.
URL: <http://www.aswm.org>

This site has several interesting features, including the option to sign up for a "breaking news" about wetlands and a great "Related Links" page.

- Society of Wetlands Scientists
URL: <http://www.sws.org>

An informative site, with a useful link to text search past publications of the Society's Journal, *Wetlands*.

- Local Government Environmental Assistance Network
URL: <http://www.lgean.org>

A local government oriented site with a searchable database that includes links and documents on wetlands.

- National Wildlife Federation-Wetlands
URL: <http://www.nwf.org/nwf/wetlands/index.html>

This site includes information on the NWF's Everglades restoration project.

- American Farmland Trust
URL: <http://www.farmland.org>

An agriculturally oriented site that promotes conservation of farmland, including the wetlands that exist on those lands. Advocates environmentally friendly farming. Includes a search engine for the site that can be applied web-wide.

- National Wetlands Conservation Alliance
URL: <http://users.erols.com/wetlandg>

This web site includes information on the Alliance, an informal partnership of private organizations and government agencies working to facilitate voluntary landowner wetlands restoration, enhancement and conservation.

VI. NEWSLETTERS

- National Audubon Society, "Wetlands Campaign"
URL: <http://www.audubon.org/campaign/wetland>

This site advocates local community involvement in protecting wetlands. The site includes links to "Action Alerts" and the Saving Wetlands newsletter.

- Sierra Club
URL: <http://www.sierraclub.org/planet>

This site includes a number of interesting links. The search function pulls up wetlands related fact sheets and articles from the Sierra Club's The Planet newsletter .

- The Environmental Law Institute
URL: <http://www.eli.org>

This site includes links to the National Wetlands Newsletter, the *Environmental Law Reporter* and "This Week in Environmental Law." Although the first two items are by subscription, the reader can search the web site to check on past issues of interest. Also available is the option to subscribe through submitting at the web site.

- Louisiana Coastal Restoration Web Site
URL: <http://www.lacoast.gov/Programs/CWPPRA/Watermarks/Index.htm>

This site includes several interesting features, including a link to the Watermarks newsletter.

VII. UNIVERSITIES, LIBRARIES AND DIRECTORIES

The general search engine sites listed at the beginning of this review contain excellent general legal references useful for structuring a wetlands research plan. However, many universities have web sites that mention "wetlands" as well. This section only mentions those sites that have information not already covered elsewhere and are of interest to Florida practitioners.

- Amazing Environmental Organization Web Directory
URL: <http://www.webdirectory.com>

Although not quite as amazing as the title implies, this web site nonetheless has a number of searchable categories that may be useful to the reader.

- Center for Wetlands at University of Florida
URL: <http://www.enveng.ufl.edu/wetlands>

This interesting site has four major sections: wetlands ecology, ecological engineering, environmental policy, and a wetlands database. The database is text searchable. The site map includes several highlighted areas of interest, such as links to other Florida sites and information on the Center and its staff.

- Institute for Coastal and Estuarine Research at the University of West Florida
URL: <http://www.uwf.edu/icer/>

This web site includes information on the Institute and a very good "links" page, found at http://www.uwf.edu/~icer/links/Additional_Links.html.

- Texas Wetland Information Network (WetNet)
URL: <http://www.glo.state.tx.us/wetnet>

This site has several useful features, including a great "Wetlands Links" page.

- Northern Prairie Wildlife Research Center, Wetland Restoration Bibliography

URL: <http://www.npwrc.usgs.gov/resource/literatr/wetresto/wetresto.htm>

This site contains a searchable bibliography with 1651 entries. Searches may be organized by a number of different fields. The bibliography is also available in a downloadable zip file.

- Florida International University, Everglades Information Network

URL: <http://everglades.fiu.edu/>

A good resource for information on the Florida Everglades. This site includes both a "digital library" and an on-line searchable database.

- Florida Plants Online, Sustainable Everglades

URL: <http://www.floridaplants.com/everglad.htm>

This interesting site includes a number of good links with information on the Florida Everglades Restoration Project.

