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# Request for Verification of an Exemption

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**Instructions:** This form is used to request verification whether an activity qualifies for an exemption from the Environmental Resource Permit (ERP) requirements of Sections 373.406 or 403.813(1) of the Florida Statutes (F.S.) and Rule 62-330.051 of the Florida Administrative Code (F.A.C.); and from the State 404 Program requirements of Rule 62-331, F.A.C. Alternatively, you can use the on-line self-certification site of the applicable Agency for activities that qualify for a self-certification (see below).

Notice is **not required** to conduct most exempt activities. However, verification of such qualification is helpful for the following reasons:

- Certain projects in retained waters may qualify for the State Programmatic General Permit (SPGP). If the project qualifies for and receives SPGP authorization, you do not need to apply separately to the Corps; and
- To provide assurance to persons who are unsure whether the requested work qualifies for an exemption. If it does not, the information provided will expedite the process of applying for the applicable ERP and/or State 404 Program permit.

Prior notice to the Agency **is required** before conducting one or more of the following:

- Activities having minimal impact under Section 373.406(6), F.S., often referred to as a “*de minimis*” exemption.
- Maintenance dredging under Section 403.813(1)(f), F.S., and paragraph 62-330.050(7)(a), F.A.C., when the dredging is within previously dredged portions of natural water bodies within drainage rights-of-way or drainage easements which have been recorded in the public records of the county.
- The repair, stabilization, or paving of existing county-maintained roads and the repair or replacement of bridges that are part of the roadway under Section 403.813(1)(t), F.S., and paragraph 62-330.050(4)(e), F.A.C.
- Removal by an individual, residential property owner of organic detrital material from freshwater rivers or lakes that have a natural sand or rocky substrate and that are not located in an Aquatic Preserve under Section 403.813(1)(u), F.S., and paragraph 62-330.050(3)(b), F.A.C.
- Maintenance dredging at seaports under Section 403.813(3), F.S., and paragraph 62-330.050(7)(g), F.A.C.
- Minor silvicultural surface water management systems under Rule 62-330.0511, F.A.C. (Note—do not use THIS form for that notice; instead use the procedures in Rule 62-330.0511, F.A.C.)
- Dry borrow pits of less than five acres located entirely in uplands in accordance with subsection 62-330.051(16), F.A.C.

Exempt activities on state-owned submerged lands (SSL), other than those excepted in paragraph 18-21.0051(1)(a), F.A.C., must also be authorized by the Board of Trustees of the Internal Improvement Trust Fund (BOT). Authorization to use SSL is not linked with regulatory exemptions; therefore, it is possible to qualify for a regulatory exemption, yet not be authorized to conduct the activity until the separate SSL authorization is granted. If an activity may be located in, on, or over SSL, we recommend completing Section F of the Environmental Resource Permit Application form.

Requests to “self-certify” a private, single-family dock or a boat lift associated with such a dock must be submitted to the Department’s Internet site at: <http://www.fldeportal.com/go/> and CANNOT be made using this form. However, requests to verify construction of a dock or boat lift that does not qualify for self-certification may be made using this form.

Any submittal requesting verification of an exemption must also include:

- Location map(s) of sufficient detail to allow someone who is unfamiliar with the site to travel to and locate the specific site of the activity.
- One set of plans and drawings, calculations, environmental information, and other supporting documents that clearly and legibly depict and describe the proposed activities in sufficient detail to demonstrate that the work qualifies for the exemption.
- The required fee.



**We recommend contacting your local Corps district office if your project is not within state-assumed waters regulated under Chapter 62-331, F.A.C., does not qualify for the State Programmatic General Permit (SPGP), and you are not sure whether the project requires separate Corps authorization. If Corps authorization is required, you will need to submit the appropriate federal application form separately to the Corps. Corps contact information may be found online in the Jacksonville District Regulatory Division website.**

**Please identify the exemption(s) you are requesting to use:**

- ☐ Subsection/Paragraph 62-330. ( ), F.A.C.
- ☐ Section 373.406(6), F.S. (known as the “*de minimis*” exemption — see section 3.2.7(c) of Applicant’s Handbook Volume I for additional information)
- ☐ Section 373.406( ), F.S.
- ☐ Section 373.4145(6)( ), F.S. (for certain “grandfathered” activities in the Panhandle of Florida)
- ☐ Section 403.813(1)( ), F.S. (generally, “dredge and fill” exemptions)
- ☐ 40 CFR § 232.3(c)( ) (State 404 Program exemptions incorporated in 62-331.020, F.A.C.)
- ☐ I do not know the exemption number

Please provide numbers for additional or other exemptions if you are requesting to use more than one in one of the above list categories:

**Part 1: General Information**

**A. Contact**

Last Name: First Name: Middle:

Title: Company:

Address:

City: State: Zip:

Home Telephone: Work Telephone:

Cell Phone:

E-mail Address:

**Correspondence will be sent via email**, unless you check here to receive it via US Mail: ☐

**B. Land Owner(s) (if different or in addition to contact identified above)**

Last Name: First Name: Middle:

Title: Company:

Address:

City: State: Zip:

Home Telephone: Work Telephone:

Cell Phone:

E-mail Address:

**Correspondence will be sent via email**, unless you check here to receive it via US Mail: ☐

**C. Consultant/Agent (if different or in addition to contact identified above)**

Last Name: First Name: Middle:

Title: Company:

Address:

City: State: Zip:

Home Telephone: Work Telephone:

Cell Phone:

E-mail Address:

**Correspondence will be sent via email**, unless you check here to receive it via US Mail: ☐

**D. Location of Proposed Activities**

Tax Parcel Identification Number:

Address:

City: County: Zip:

Latitude (DMS) ° ' " Longitude (DMS) ° ' "

**E. Name of Project** (if there is one):

**F. Date Activity is Proposed:** To Commence: To be Completed:

**G. Proposed Activities** (be specific; use additional sheets as necessary)

Describe in general terms the proposed project, system, or activity (including materials to be used and construction methods), and means of accessing the property (for construction, maintenance, and inspections, including any need for an access easement):

**H. Is any work proposed in wetlands or other surface waters?** ☐ Yes ☐ No. If yes, please specifically describe, with specific references as to how the limits of the proposed work will comply with the terms and conditions of the above exemption:

- I. Please provide a description of all **sediment and erosion controls** to be used during the completion of this activity (such as use of turbidity screens and silt fences):

## Part 2: Acknowledgement

I understand this form is being provided solely to seek verification of qualification to use one or more Environmental Resource Permit (ERP) and/or State 404 Program exemption(s), and that I am NOT requesting the Agency to process this form as an application for a permit.

☐

**By checking this box**, I hereby waive, in accordance with Rule 62-330.050(10), F.A.C., the 30-day deadline for issuance of the verification set forth in Rule 62-330.050(4), F.A.C. in the event my project also requires a State 404 Program authorization (other than an exemption) under Chapter 62-331, F.A.C., and request that the agency actions for the ERP exemption and State 404 Program authorization be issued at the same time. *(This is strongly recommended to ensure consistency, and to reduce the potential need for project modifications to resolve inconsistencies that may occur when the agency actions are issued at different times).* If this box is checked and the Agency determines that no State 404 Program authorization is required, the Agency(ies) will continue to abide by subsection 62-330.050(4), F.A.C.

I understand that the Agency will make a reasonable effort to determine, within 30 days of receipt of this form, whether the proposed activities qualify for an exemption, unless this timeframe has been waived, above. If they do not, the Agency will provide its determination that the requested activity does not meet the terms and conditions of an ERP or State 404 Program exemption, at which time I may provide a new form with additional or modified information, or I may submit an application for an ERP and/or State 404 Program permit. In either case, denial of qualification to use an exemption will be made without prejudice, pending submittal of clarification of any errors or omissions contained in this form or other information that demonstrates compliance with the terms and conditions of the exemption.

Typed/Printed Name:

Signature: \_\_\_\_\_

Date:

### **Certification of Sufficient Real Property Interest and Authorization for Staff to Access to the Property:**

#### **I certify that:**

I, or the person I represent, hereby certify that I, or that person, possess sufficient real property interest in or control, as defined in **Section 4.2.3(d) of Applicant's Handbook Volume I**, over the land upon which the activities described in this form are proposed, and that I have, or that landowner has given me, legal authority to grant permission for staff of the Agency to access, inspect, and sample the lands and waters of the property as necessary for the review of the proposed activities specified in this form. If such sufficient real property interest is based on an entity having *the power of eminent domain and condemnation authority*, I/we shall make appropriate arrangements to enable staff of the Agency to access, inspect, and sample the property as described above.

Typed/Printed Name:

Signature: \_\_\_\_\_

Date:

(Corporate Title if applicable):

### ***Part 3: Submittal and Fees***

This form and the appropriate fee should be submitted to the agency having regulatory authority for the activity. Operating Agreements between the Department and the water management districts spell out which agency will process any given application. For more information go to <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/submitting-erp>.

This form may be submitted online; to do so, follow the online submittal requirements of the agency:

- **Florida Department of Environmental Protection:**  
<http://www.fldepportal.com/go/>
- **Northwest Florida Water Management District:**  
<https://permitting.sjrwmd.com/nwepermitting/jsp/start.jsp>
- **Suwannee River Water Management District:**  
<https://permitting.sjrwmd.com/srepermitting/jsp/start.jsp>
- **St. Johns River Water Management District:**  
<https://permitting.sjrwmd.com/epermitting/jsp/AccountOverview.do?command=init>
- **Southwest Florida Water Management District:**  
<http://www.swfwmd.state.fl.us/permits/epermitting/>
- **South Florida Water Management District:**  
<http://my.sfwmd.gov/ePermitting/MainPage.do>

If submitting a paper version of this form, please see (Appendix A) of the Environmental Resource Permit Applicant's Handbook Volume I for submittal locations.