



*A shoreline wetland near Orangedale.*

## **Do you need a permit? Wetlands determinations and impacts**

As a regulatory agency of the state of Florida, the St. Johns River Water Management District uses its Environmental Resource Permitting program as one of its primary tools to make sure that new construction does not reduce the benefits that wetlands provide, cause flooding or pollute waterways. Anyone proposing construction of new facilities in wetlands, including governmental agencies, developers building new residential or commercial areas, or anyone who wants to fill in wetlands, may be required to have an environmental resource permit (ERP).

Following are frequently asked questions about wetlands, how to determine if wetlands exist on a property, and who to contact if someone wants to conduct activities, including construction, on a parcel. This information is only a guide. Final determination of required actions or permits are determined by either the St. Johns River Water Management District (SJRWMD) or the Florida Department of Environmental Protection (DEP) in accordance with the division of responsibilities specified in an Operating Agreement.

### **Who do I contact if I have wetlands on my property?**

Depending on the nature of your project or intended activity, you may be regulated either through SJRWMD or through DEP. The following activity types fall in the permitting responsibilities of SJRWMD.

### **Common residential activity types**

- Construction of a single-family home, pool, accessory buildings and ponds if the parcel is located within a subdivision for which SJRWMD has issued a permit.
- Construction or modifications of docks, retaining walls and bulkheads if the uplands adjacent to the proposed work are located within a subdivision or commercial development for which the District has issued a permit.
- Navigational dredging if the dredging is directly related to or the proposed work is located within a subdivision for which the District has issued a permit.

### **Other non-residential activity types**

- Commercial, industrial and multi-family developments, roadways and master stormwater management systems.
- Installation of electric and gas distribution lines and communication cable if construction is fully contained within a larger plan of development for which the District has issued a permit.
- Formal wetland determinations for properties on which the District would have future permitting responsibility.

If the proposed activity is not listed above, DEP may have permitting responsibility. Visit <https://floridadep.gov/contact-us> for a list of DEP contacts. Visit <https://floridadep.gov/ogc/ogc/content/operating-agreements> to view full operating agreement.

### **What are wetlands?**

Wetlands are areas where surface water or groundwater inundates the land or saturates the soil long enough and regularly enough to support, and under normal circumstances do support, a prevalence of plants that are specially adapted to these conditions. Wetlands are typically found in depressions or low-lying areas (cypress domes, freshwater marshes, etc.), along ponds, lakes, streams, waterways or shorelines (floodplains, tidal marshes, etc.), and at groundwater upwellings (springs, seepage slopes, etc.).

Environmental professionals evaluate plants, soils and hydrology to identify wetlands. Florida's procedure for identifying and delineating wetlands and other surface waters is found in Chapter 62-340 of the *Florida Administrative Code* (F.A.C.).

Read more about wetlands:

- Wetlands and why they are protected — Visit [www.sjrwmd.com/education/wetlands](http://www.sjrwmd.com/education/wetlands)
- Wetlands plants — Visit <https://www.flrules.org/gateway/RuleNo.asp?title=DELINEATION%20OF%20THE%20LANDWARD%20EXTENT%20OF%20WETLANDS%20AND%20SURFACE%20WATERS&ID=62-340.450>
- Wetlands delineation — Visit <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-340>

### **How do I determine if there are wetlands on my property?**

A variety of resources are available to property owners to help determine whether their property contains wetlands or other surface waters. The following online mapping systems should only be used to obtain a general indication of the likelihood and location of wetlands or other surface waters on a site. Specific wetlands and their boundaries can only be determined by an on-site review of the soils, vegetation and hydrologic indicators pursuant to Chapter 62-340, F.A.C. Resources include the following:

- **DEP Map Direct system** — The map system will pre-load with the appropriate layers to show if wetlands have ever been delineated on a property. Type your address into the search bar in the top right corner. Access the map system at <https://ca.dep.state.fl.us/mapdirect/?map=b6d9cf9efa6f4e418a39613ac722bf42> and a user guide at <https://floridadep.gov/central/central/documents/map-direct-user-guide>.
- **U.S. Fish and Wildlife Service’s wetlands mapper** — This mapping system will show likely wetland systems and areas that have been identified through the National Wetlands Inventory, based on aerial interpretation of ground-based indicators. Access the map system at <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper>.
- **DEP-regulated projects** —DEP offers a courtesy service to perform a verification of a wetland determination previously delineated by a third party (such as an environmental professional) for your property. This service is not subject to DEP’s permit review time frames under Chapter 120, F.S. The Request for an Informal Determination of Wetlands and Other Surface Waters form can be found at [https://floridadep.gov/sites/default/files/Informal Determination Form - CD 2017.pdf](https://floridadep.gov/sites/default/files/Informal%20Determination%20Form%20-%20CD%202017.pdf).
- **Local property appraiser’s office** — Contact your county’s property appraiser or visit their website to find out if they provide wetland mapping resources.
- **Professional environmental consultant** — Hire a consultant to assist you in determining whether your property or project area contains wetlands or other surface waters as defined by Chapter 62-340, F.A.C. Depending on the services you request, the professional may conduct a desktop-based review for you, utilizing resources similar to the ones described above, potentially along with soils, infrared, historical and digital elevation mapping, or they may conduct a site review, utilizing the methodology described under 62-340, F.A.C., to estimate or establish the wetland boundaries on the property.
- **Request a formal wetland determination** — This is the most reliable way to confirm the existence of wetlands or other surface waters on your property and establish their legal boundaries for permitting purposes for a period of five years. This process involves the owner hiring a qualified environmental professional to delineate the wetlands on their property, and District staff reviewing and confirming the accuracy of these boundary, as provided under 62-340, F.A.C. More information regarding formal wetland determinations can be found T [www.sjrwmd.com/static/2018/06/Formal-wetlands-determinations-overview-FS.pdf](http://www.sjrwmd.com/static/2018/06/Formal-wetlands-determinations-overview-FS.pdf).

### **Can I build on my property if there are wetlands present?**

Through the District’s environmental resource permitting process, construction activities, including activities located in, on or over wetlands or other surface waters, may be authorized.

However, except in certain specific cases, wetland impacts must be eliminated or reduced to the greatest practicable extent by locating your activities entirely or as much as feasible outside wetlands. Any unavoidable impacts must — in most cases — be offset by mitigation. In addition, best management practices must be used during the construction to avoid erosion and long-term impacts to the surrounding area.

### **How are wetlands activities regulated?**

The Environmental Resource Permitting program regulates activities in, on or over wetlands or other surface waters, as well as any activity involving the alteration of surface water flows. This includes activities in uplands that generate stormwater runoff from upland construction, as well as dredging and filling in wetlands and other surface waters.

In addition, activities that are located on submerged lands owned by the state of Florida also require authorization under Chapter 253, F.S. and Chapter 18-20 and 18-21, F.A.C. Such lands generally extend waterward from the mean high-water line of tidal waters, or the ordinary high-water line of freshwaters, both inland and out to the state's territorial limit, which is approximately three miles into the Atlantic Ocean and 10 miles into the Gulf of Mexico.

### **How do I submit my ERP application and what should I include?**

Before submitting an application, please determine whether your activity is permitted through SJRWMD or DEP. Application instructions and assistance can be found at these permitting portals.

- If your activity is permitted through DEP, visit DEP's Business Portal at [www.fldepportal.com/DepPortal/go/apply-build](http://www.fldepportal.com/DepPortal/go/apply-build) to submit your online application and payment.
- If your activity is permitted through SJRWMD, visit the SJRWMD ePermit portal at [www.sjrwmd.com/permitting](http://www.sjrwmd.com/permitting) to submit your online application and payment.
- If you believe you require a pre-application consultation, or your activity might be exempt from permitting, you may request a pre-application consultation or permit determination/exemption request through the [www.sjrwmd.com/permitting](http://www.sjrwmd.com/permitting).