

DO I NEED A PERMIT? – WETLAND DETERMINATIONS AND IMPACTS FAQ



This document contains useful information about the Environmental Resource Permitting program and answers to frequently asked questions. This document is only considered to be a useful guide. Final determination of required actions or permits are determined by the Department. Environmental Resource Permit applications are processed by either the Department or one of the State's Water Management Districts, in accordance with the division of responsibilities specified in [operating agreements](#).

What is the Environmental Resource Permitting (ERP) program?

This program regulates activities in, on, or over surface waters or wetlands, 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, otherwise called state-owned, or sovereign, submerged lands also require a proprietary authorization for such use under Chapter 253, F.S. and Chapter 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 fresh waters, both inland and out to the state's territorial limit, which is approximately three miles into the Atlantic Ocean and ten miles into the Gulf of Mexico.

What are wetlands?

Wetlands are areas where water 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 along shorelines (floodplains, tidal marshes, etc.), in depressions (cypress domes, fresh-water 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.

Why are wetlands protected?

- Many animals depend on wetlands for some part of their life cycle. Wetland plants are productive and support a rich web of life, from simple molds to mammals.
- Wetlands provide food and shelter for fish, birds, and other animals.
- Offer shoreline protection and buffers, including buffers for wildfire.
- Wetlands provide flood control by soaking up rainwater.
- Wetlands filter out pollutants that degrade water quality.
- Recreation for the community (fishing, hunting, kayaking, bird watching, etc.)

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How do I determine if my property is located in a wetland?

- Hire a professional environmental consultant to assist you in determining whether your property or project area contains wetlands or other surface waters as defined by Chapter 62-340, Florida Administrative Code.
- Contact DEP to perform a verification of a wetland determination previously delineated by a third party for your property. This is a service we offer as a courtesy and is not subject to the Department's permit review timeframes under Chapter 120, F.S. The Request for an Informal Determination of Wetlands and Other Surface Waters can be found [here](#).
- Click [here](#) to access the Department's Map Direct system. It will pre-load with the appropriate layers to see if wetlands have ever been delineated on your property. The layers on Map Direct cannot be used as a determination for wetlands. Wetland boundaries can only be determined by on-site review of the soils, vegetation and hydrologic indicators pursuant to Chapter 62-340, F.A.C. To search for your property, simply type your address into the search bar in the top right corner. User guide can be found [here](#).

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

DEP frequently issues permits for construction in wetland areas. However, through the permitting review process, impacts must be [eliminated or reduced](#) by reducing the size of the house pad or foundation, or relocating the project area to avoid wetlands to the greatest extent possible. Any unavoidable impacts must be offset by [mitigation](#). [Best management practices](#) must be used during the construction to avoid erosion and long-term impacts to the surrounding area.

What is mitigation?

Mitigation is offsetting the loss of the functions of wetlands and other surface waters by restoring, enhancing, creating, or preserving wetlands and other surface waters somewhere else in a manner that replaces the lost functions within the same basin. Mitigation cannot be considered until an applicant first reduces or eliminates adverse un-permittable impacts to the maximum extent practicable.

What kind of DEP permit or authorization is needed for my single-family construction project?

- An Environmental Resource Permit (**ERP permit**) from the Department is required for any project or activity located in, on, over wetlands or other surface waters. This is required in addition to other state or local permits for construction. **A pre-application meeting can be scheduled to discuss your project in further detail with Department staff by clicking [here](#).**

How do I submit my ERP application to DEP and what should I include?

- Visit [DEP's Business Portal](#) to submit your online application and payment.
- Include:
 - Project drawings (plan view and cross-sections). Examples can be found [here](#).
 - Construction methodology and description of best management practices.
 - Mitigation proposal for activities impacting wetlands and other surface waters.

What happens if I impact wetlands or surface waters without a permit?

Unauthorized dredging or filling of wetlands or other surface waters is a violation of Florida Statutes. DEP may require complete restoration of the unpermitted activity and can assess monetary fines of up to \$10,000 daily per violation. DEP can also take enforcement action against a contractor or agent responsible for a violation. Other local, state and federal agencies may also assess penalties or fines for unpermitted activities.