

Frequently Asked Questions



Constructing a Single-Family Residence

In Florida, many subdivisions were platted before laws and regulations addressing stormwater treatment, flood control, or wetland protection were adopted. For this reason, even parcels within a platted residential subdivision may include wetlands or other surface waters regulated by the State.

What are wetlands and how are they identified?

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.

How do I know if wetlands are on my property?

It may be difficult to recognize wetlands since some wetland areas may only have standing water for part of the year and other wetland areas may never have visible standing water. Additionally, wetlands cannot be identified by vegetation alone since many plants, including some pine and oak tree species, are found throughout both upland and wetland communities in Florida.

A professional environmental consultant can 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. Please contact your local FDEP office to request verification of delineated boundaries or to discuss permitting requirements prior to beginning any work in these wetland areas.

What activities require a permit or authorization from DEP?

Many types of activities that affect wetlands or other surface waters may require DEP authorization. A few examples of activities within wetlands that may require a permit include constructing a culverted driveway at a roadside ditch; clearing, grading, dredging, or filling wetland areas; placing fill for a driveway or house pad; or installing a fence or retaining wall. Waterfront properties may require authorization for projects like constructing a dock or installing a seawall, riprap, or other shoreline stabilization.

The term "dredging" refers to any type of excavation conducted in wetlands or other surface waters. Dredging includes digging, pulling up vegetation by the roots, leaving vehicular ruts, or any other activity that disturbs the soil.

The term "fill" includes any material that is placed in, on, or over wetlands or other surface waters. For example, dirt, sand, gravel, rocks, shell, pilings, mulch and concrete are all considered fill if they are placed in a wetland or other surface water.

Fast Facts

Benefits of wetlands:

- Flood control
- Water quality improvement
- Provide wildlife habitat
- Protect wildlife species
- Economic support related to commercial fishing, tourism, and recreation industries
- Coastal erosion control
- Aquifer recharge

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

A **verification of exemption** for construction of a single-family residence can be obtained from the Department, if the construction activities are located completely within uplands (non-wetland areas).

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 ERP 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.

Please visit the following website to request a meeting online: <http://www.surveygizmo.com/s3/3461063/SD-DEP-Pre-Application-Meeting-Request>

What information should I include with my application?

- Project Drawings (plan view and cross-sections)
- Construction methodology and description of best management practices
- Mitigation proposal for activities impacting wetlands and other surface waters
- Application processing fee (payable online)

Project drawing guidance and checklists are available online to assist with the preparation of your application submittal:

http://publicfiles.dep.state.fl.us/dwrm/slerp/erphelp/mergedProjects/erphelp/Subject_Discussions/Drawings.htm

Example drawings for single-family residential project can be found here:

http://publicfiles.dep.state.fl.us/dwrm/slerp/erphelp508/mergedProjects/erphelp/Single_Family_Package.pdf

What happens if I impact wetlands or surface waters without an Environmental Resource Permit?

Unauthorized dredging or filling of wetlands or other surface waters is a violation of Sections 373.430(1)(b) and 403.161(l)(b), 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.

More Information

Please visit our South District FDEP website for more information on permitting: <https://floridadep.gov/south/sd-permitting>

Additional Online Department Resources:

- **ERP Online Help**
<http://publicfiles.dep.state.fl.us/dwrm/slerp/erphelp/index.htm>
- **YouTube Videos**
[Wetland Guidance – Where do I start? How do I know if I have wetlands?](#)
[Wetland Guidance – Mitigation](#)
[Wetland Guidance – Elimination and Reduction of Impacts](#)

A permit to construct in wetlands may be needed from the U.S. Army Corps of Engineers. For more information:

<https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>

Additionally, a permit may be required from local government entities; please contact them directly for more information.

Applications

A request for exemption verification or permit application can be completed electronically through the DEP Business Portal at: <http://www.fldepportal.com/DepPortal/go/apply-build/>

Copies of the ERP Application Forms are available here: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>

Once completed, applications may be emailed to: SD_ERP_Permit@floridadep.gov

