



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



This document contains useful information about the Environmental Resource Permitting (ERP) program and answers to frequently asked questions. The document is designed to be a useful guide; however, final determination of required actions or permits are determined by the Florida Department of Environmental Protection (DEP). Environmental Resource Permit applications are processed by DEP or one of Florida's [five water management districts](#).

## What is the Environmental Resource Permitting program?

The ERP 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 construction as well as dredging and filling in wetlands or other surface waters.

In addition, activities that are located on submerged lands owned by the state of Florida, also called sovereign submerged lands, may require a proprietary authorization for such use under Chapter 253, Florida Statutes, and Chapter 18-21, Florida Administrative Code. 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 3 miles into the Atlantic Ocean and 10 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, freshwater 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, F.A.C.

## Why are wetlands protected?

Wetlands are important because they:

- Support a rich web of life, from simple molds to mammals.
- Provide food and shelter for fish, birds and other animals.
- Offer shoreline protection and buffers, including buffers for wildfire.
- Provide flood control by soaking up rainwater.
- Filter out pollutants that degrade water quality.

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- Provide community recreational opportunities (fishing, hunting, kayaking, bird-watching, etc.).

## 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, F.A.C.
- Contact DEP to perform a verification of a wetland determination previously indicated 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. Submit a completed [Request for an Informal Determination of Wetlands and Other Surface Waters](#).
- Visit the department's [Map Direct system](#) to determine if wetlands have ever been indicated on your property. The layers on Map Direct cannot be used as a determination for wetlands. Wetland boundaries can be identified only 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. Upon opening the [Map Direct system](#), click on the question mark at the top of the page to access the [user guide](#) and additional resources.

## 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](#). This may be accomplished by reducing the size of the house pad or foundation, or by 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 construction to avoid erosion and long-term impacts to the surrounding area.

## What is mitigation?

When permitted construction impacts the environmental functions provided by wetlands, [mitigation](#) can compensate for those losses by increasing wetland functions at another location. Before mitigation can be considered, DEP will ask applicants to demonstrate how they have eliminated and reduced wetland impacts to the maximum extent practical.

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

An ERP permit from the department is required for any project or activity located in, on, or 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 with department staff.**

## 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.

Be sure to include:

- 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.

## 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 law. DEP may require complete restoration of the unpermitted activity and can assess monetary fines of up to \$10,000 daily, per violation. DEP also can take enforcement action against a contractor or agent responsible for a violation. Other local, state and federal agencies also may assess penalties or fines for unpermitted activities.