

OVERVIEW OF THE WETLAND AND OTHER SURFACE WATER REGULATORY AND PROPRIETARY PROGRAMS IN FLORIDA

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OVERALL PROGRAM

Florida has a comprehensive state *regulatory* program that regulates most land (uplands, wetlands, and other surface waters) alterations of the land. In addition, activities on or using state-owned submerged lands also require applicable *proprietary* authorizations (including Consent by Rule, Letters of Consent, Leases, and Easements). Separate programs regulate trimming and alteration of mangroves and National Pollutant Discharge Elimination System Permits. Major features of the program are summarized below:

Regulatory

General

Florida implements a regulatory Environmental Resource Permit (ERP) program under the *independent state authority* of Part IV of Chapter 373 of the [Florida Statutes](#) (F.S.). It is in effect statewide and is implemented jointly by the Department of Environmental Protection (DEP) and five water management districts (WMDs) under Operating Agreements that provide a division of responsibilities between the agencies. [[WMD Operating Agreements](#)] Provisions exist for local programs to be delegated authority to implement the program on behalf of the DEP and WMDs (currently only delegated to [Broward County](#)).

The ERP program operates *in addition to* the federal program that regulates activities in waters of the United States. All state, local, and regional governments in Florida delineate wetlands in accordance with state methodology (Chapter 62-340, F.A.C.) instead of the federal method. A joint permit application is used with the U.S. Army Corps of Engineers (USACE); ERP applications are initially received by the DEP, WMD, or delegated local government, who then forwards the joint application to the USACE. While the ERP application is issued, withdrawn, or denied in accordance with state statutory and rule criteria, agency action on the ERP application also constitutes any needed water quality certification (WQC, or waiver thereto) under Section 401 of the Clean Water Act and Coastal Zone Consistency Concurrence with Florida’s federally approved Coastal Zone Management program under Section 307 (Coastal Zone Management Act), which then enables the USACE to take separate action to issue or deny any needed federal permit under Section 404 of the Clean Water Act and/or Section 10 of the

Rivers and Harbors Act of 1899. Additional information on the relationship of the Florida program to the federal programs is provided below.

Stormwater construction National Pollutant Discharge Elimination System (NPDES) permits are not integrated into the ERP permit, and are issued separately.

Florida also implements a separate permitting program for trimming or altering mangroves under Section 403.9321 through 403.9333, F.S., although mangrove trimming and alteration can be incorporated into an ERP permit.

Wetland and Other Surface Waters Delineation Methodology

- Under section 373.421, F.S. Florida has adopted a wetland delineation methodology that is binding on all state, regional, and local governments throughout Florida. This methodology was adopted as Chapter 62-340 of the Florida Administrative Code (F.A.C.), which is ratified in Section 373.4211, F.S., for statewide applicability. It became effective on July 1, 1994. This methodology is a unified statewide approach to wetland and other surface water delineation and is specific to Florida, in recognition of the vegetation, hydrologic, and soil features that specifically exist in Florida.
- Florida's methodology differs from the Corps 1987 manual methodology in many respects, although the USACE methodology continues to be used separately by the federal permitting agencies in Florida. In real-world application, the state and federal wetland lines typically are very close or identical with one another, although, in certain areas of the state, significant differences do exist.
- Florida has not produced a map of the wetlands as they would be delineated using the state methodology in Sections 373.421 and 373.4211, F.S. Instead, staff in the Tallahassee office of the Department's Office of Submerged Lands and Environmental Resources and District offices, as well as staff in the Suwannee River, St. Johns River, Southwest Florida, Northwest Florida, and South Florida Water Management Districts perform wetland delineations for a specific parcel of property on request or as part of a permit application review. There are three ways such requests for wetland delineations may occur:
 - By formal petition for a formal determination of the landward extent of wetlands and other surface waters. These determinations are done for a fee, depending on the size of the total parcel, are subject to specified time frames, typically require the petitioner to produce a survey of the wetlands so delineated, and are binding on the petitioner and the state agencies for a period of five years (which may be extended).
 - As part of a permit application. There is no additional charge for this service above that required to process the permit application.
 - Through an informal determination. These are normally done only for private single family landowners. A fee of \$100 is required for these determinations, but they are done on an "as-resources allow" basis, are not subject to any time frames, and are not binding on any of the parties. Due to staffing limitations, there is increased reluctance of the district staff to do these, and property owners usually are encouraged to file a petition for a formal determination.

- If a federal dredge and fill permit is required for an activity, it is up to the USACE to separately delineate the wetlands on the parcel using the applicable federal methodology. While the USACE determination may be done coincident with the state delineation, the two methodologies are not interchangeable, and often the wetlands delineated by each methodology is different, as mentioned above.

[Additional information regarding DEP's Wetland Delineation Section can be found at: http://www.dep.state.fl.us/water/wetlands/delineation/index.htm](http://www.dep.state.fl.us/water/wetlands/delineation/index.htm)

Goal of Program

It is the intent of the DEP and WMDs that the environmental permitting criteria be implemented in a manner which achieves a programmatic goal, and a project permitting goal, of no net loss in wetland and other surface water functions; Florida does not have a goal of no net loss or gain of wetland *acreage*.

What Needs a Permit?

- The ERP program regulates the virtually all alterations to the landscape that exceed permitting thresholds or that are not otherwise exempt by statute or rule from regulation. Surface water management systems include activities involving the construction, alteration, operation, maintenance or repair, removal, and abandonment of dams, impoundments, reservoirs, appurtenant works, and works, which includes dredging and filling in wetlands and other surface waters (including isolated wetlands) and alterations of uplands. This includes: clearing; grading; paving; erection, alteration, or removal of structures; and new or altered stormwater management systems; all of those are generally referred to as "surface water management systems." Certain permitting thresholds do exist, specific to each WMD, and exemptions from permitting also exist by statute and rule. For example, most routine, customary agricultural, silvicultural, floricultural, and horticultural activities do not require a permit as long as alterations are not for the sole or predominant purpose of impounding or obstructing surface waters.
- Certain activities have been exempted by statute and/or rule from the need for regulatory permits; most of these exemptions are established in Section 403.813(1), F.S. Examples of exempt activities (by no means inclusive) include:
 - Construction of small, private docks, maintenance dredging, repair and replacement of seawalls, and installation of new seawalls and rip rap in artificial waters.
 - Construction, repair, and replacement of certain private docking facilities below certain size thresholds;
 - Maintenance dredging of existing navigational channels and canals;
 - Construction and alteration of boat ramps within certain size limits;
 - Construction, repair, and replacement of seawalls and rip rap in artificial waters;
 - Repair and replacement of docks, seawalls, culverts, and other structures; and
 - Certain agricultural activities (see below).
- DEP & the WMDs have issued a number of "noticed general permits" for activities that are slightly larger than those that qualify for the above exemptions and that otherwise have been determined to have the potential for no more than minimal individual direct

and secondary impacts (see, for example, Chapter 62-341, F.A.C.). These include (by no means comprehensive):

- construction and modification of boat ramps of certain sizes;
- installation and repair of riprap at the base of existing seawalls;
- installation of culverts associated with stormwater discharge facilities; and
- construction and modification of certain utility and public roadway construction activities.

Qualifying activities generally are allowed to be initiated 30 days after notice of qualification is provided to the agency, unless the agency informs the applicant that the work does not meet the terms and conditions of the NGP.

- Regulated activities that exceed permitting thresholds and that do not specifically qualify for an exemption require an ERP permit.

Components of Program

Stormwater

- Untreated stormwater runoff can significantly affect wetland and other surface water quality and functions. Activities involving new stormwater management systems that exceed permitting thresholds and that are not exempt require an ERP, whether located in uplands, wetlands, or other surface waters. In addition, all surface water management systems are evaluated for adverse effects to surface water quality and quantity.
- The ERP rule criteria for stormwater are technology-based, founded on the principle that compliance with Best Management Practices (BMP) design and performance standards (desired levels of treatment) will provide a rebuttable presumption that new work will not cause violations of water quality standards in receiving waters or adverse quantity impacts to on-site and off-site property. Currently, the stormwater quality design and performance-based rule requires stormwater systems to remove at least 80% of the post-development total suspended solids (TSS) loading (95% removal of TSSs if the stormwater system directly discharges to an Outstanding Florida Water (see Rule 62-302.700, F.A.C.); meeting these TSS requirements is a surrogate for compliance with other constituents in stormwater runoff.
- BMPs and performance standards also apply to water quantity to assure that the stormwater peak discharge rate, volume, and pollutant loading are no greater after a site is developed than before. There are certain exemptions from the need for an ERP permit for these activities, such as for individual, private single family residences constructed in the uplands that are not part of a larger plan of common development, and projects that are below certain size thresholds, depending on the WMD.
- Monitoring is a requirement to ensure practices are correctly designed and applied, and to determine the effectiveness of the BMPs in meeting water quality and quantity criteria and reasonably assuring protection of beneficial uses.

Environmental (Dredging & Filling in Wetlands or Other Surface Waters)

In addition to stormwater, the ERP addresses dredging and filling in wetlands and other surface waters, which includes isolated wetlands. "Dredging" means excavation, by any means, in surface waters or wetlands, as delineated in subsection 373.421(1), F.S. It also means the excavation, or creation, of a water body which is, or is to be, connected to surface waters or

wetlands, as delineated in subsection 373.421(1), F.S., directly or via an excavated water body or series of water bodies. "Filling" means the deposition, by any means, of materials in surface waters or wetlands, as delineated in subsection 373.421(1), F.S. "Materials" means matter of any kind, such as, sand, clay, silt, rock, dredged material, construction debris, solid waste, pilings or other structures, ash, and residue from industrial and domestic processes. The term shall not include the temporary use and placement of lobster pots, crab traps, or similar devices or the placement oyster cultch pursuant to s. 370.16, F.S., or Chapter 16B-5, F.A.C. Florida's ERP program does not use the concept of "discharges" (such as is used in Section 404 of the Clean Water Act) to distinguish if a permit is needed or not.

Evaluation Criteria

- All activities requiring a permit must be found to:
 - Not cause adverse water quantity impacts to receiving waters and adjacent lands;
 - Not cause adverse flooding to on-site or off-site property;
 - Not cause adverse impacts to existing surface water storage and conveyance capabilities;
 - Not adversely impact the value of functions provided to fish and wildlife and listed species by wetlands and other surface waters;
 - Not adversely affect the quality of receiving waters such that state water quality standards will be violated, which includes surface and groundwater waters. Special provisions apply to allow no degradation of the water quality of OFWs (listed in Chapter 62-302, F.A.C.). Anti-degradation of existing uses is generally met through compliance with the ERP permitting criteria. The siting of marinas and other activities that may affect the flow of waters includes requirements for hydrographic evaluations that are useful in predicting whether water quality standards will be met.
 - Not cause adverse secondary impacts to water resources;
 - Not adversely impact the maintenance of surface or ground water levels or surface water flows;
 - Not adversely impact a work of a WMD;
 - Be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed;
 - Will be conducted by an entity with the financial, legal, and administrative capability of ensuring that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued; and
 - Will comply with applicable special basin or geographic area criteria adopted by rule.
- In addition, activities in wetlands and other surface waters must not be contrary to the public interest, or, if the activity is located in an Outstanding Florida Water (these waters are listed in chapter 62-302, F.A.C.), the activity must be clearly in the public interest. This test is based on a weighing a balancing of the following criteria:
 - Whether the regulated activity will adversely affect public health, safety, or welfare, or the property of others (based solely on environmental, not economic, considerations);

- Whether the regulated activity will adversely affect the conservation of fish and wildlife, including endangered and threatened species, or their habitats;
 - Whether the regulated activity will adversely affect navigation or the flow of water, or will cause harmful erosion or shoaling;
 - Whether the regulated activity will adversely affect fishing or recreational values or marine productivity in the vicinity of the activity;
 - Whether the regulated activity will be of a temporary or permanent nature;
 - Whether the regulated activity will adversely affect or will enhance significant historical and archaeological resources under the provisions of section 267.061, F.S.; and
 - The current condition and relative value of the functions being performed by areas affected by the proposed regulated activity.
- Direct, secondary, and cumulative impacts are considered for all activities requiring a permit.
 - Secondary impacts are those actions or actions that are very closely related and directly linked to the activity under review that may affect wetlands and other surface waters and that would not occur but for the proposed activity. Secondary impacts to the habitat functions of wetlands associated with adjacent upland activities are not considered adverse under the environmental resource permit program if buffers of a certain minimum size are provided abutting the wetlands (with some exclusionary provisions).
 - Cumulative impacts are residual adverse impacts to wetlands and other surface waters in the same drainage basin that have or are likely to result from similar activities (to that under review) that have been built in the past, that are under current review, or that can reasonably be expected to be located in the same drainage basin as the activity under review. Mitigation that fully offsets impacts within the drainage basin where the project impacts occur is assumed to not have any adverse cumulative impacts.
 - Consideration is given to upland buffers that are designed to protect the functions that uplands provide to wetlands and other surface waters. When considering impacts to the listed (endangered, threatened and special concern) species under the environmental resource permit program, the agencies may only consider adverse impacts to aquatic or wetland dependent listed species that use wetlands and other surface waters or that use upland habitats for nesting and denning.
 - Special provisions exist to protect waters used for shellfish harvesting.
 - Florida does not have special water quality standards for wetlands—water quality standards applicable to other surface waters (in Chapter 62-302, F.A.C.) are applied to wetlands, with consideration given to natural daily and seasonal fluctuations.
 - Many local governments in Florida have their own environmental regulatory program that requires compliance with local regulatory ordinances and Acts. These local requirements are *in addition* to the above state and federal requirements, and do not replace or supersede state and federal permitting requirements.
 - As discussed below under “Proprietary,” to be issued, any activity requiring an individually-issued ERP or WRP located on state-owned submerged lands must also qualify for the applicable conditions for work on those lands.

- Provisions exist for applicants to obtain a Conceptual Approval Permit for phased activities. These permits do not authorize construction, but do provide assurances that future construction permits can be issued commensurate with the level of detail contained in the Conceptual Approval permit.
- The DEP and each WMD has an Applicant's Handbooks or Basis of Review (depending on the WMD) that contains a detailed explanation of the criteria that are used to evaluate permissible and impermissible impacts to wetlands and other surface waters; these may be accessed at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/guide.htm>

Mitigation

- Elimination and reduction of otherwise impermissible adverse impacts to wetlands and other surface waters is required to the maximum extent practicable prior to considering whether mitigation can be accepted. However, Florida does not have an alternatives analysis like that in federal regulations. In some cases, mitigation may not be able to offset impacts sufficiently to yield a permissible project.
- Mitigation is best accomplished through restoration, creation, enhancement or preservation of ecological communities similar to those being impacted. However, other means or communities may be acceptable and can be considered on a case-by-case basis, as long as the impacts are offset.
- Mitigation may be off-site if on-site mitigation is not expected to have long-term viability or if off-site mitigation would provide greater ecological value. Mitigation is typically located within the same basin as the impacts to avoid potential unacceptable cumulative impacts within the basin.
- Once the DEP or WMD determines that mitigation is acceptable, a Unified Mitigation Assessment Method (Chapter 62-345, F.A.C.) is used to determine the amount of mitigation that is appropriate and how much "credit" can be applied to a mitigation proposal.
- Mitigation in the form of net improvement is required when an activity will cause or contribute to discharges in waters that do not currently meet state water quality standards for the constituents of those discharges.
- Cash donation is not considered mitigation, unless specified for use in an endorsed environmental project that will serve to offset the impacts.
- Mitigation banks and "in-lieu-fee" programs are allowed, given that they are already authorized by the state and serve to offset the impacts.

Mitigation Banks & In-Lieu Fee (Regional Offsite Mitigation Areas) Programs

- Florida adopted a mitigation banking rule in 1994 (Chapter 62-342, F.A.C.; also contained in the Applicant's Handbooks and Basis of Review of the WMDs). This rule establishes guidelines for the operation of public or private banks. Each bank must obtain an environmental resource/mitigation bank permit, from the DEP or WMD that provides for the following requirements:
 - The banker must have sufficient legal interest in the property to preserve it by a perpetual conservation easement or donation to the state prior to any release of credits;

- A detailed mitigation plan to support viable and sustainable functional improvements for the regional watershed;
- The number and type of potential mitigation credits must be established, as well as the environmental criteria and schedule for the release of those credits for use;
- The mitigation bank must maintain a ledger to track the number and type of credits released and used;
- A mitigation service area (MSA), based on watersheds and other ecological criteria, must be established;
- A long-term management plan must be established to maintain the mitigation success in perpetuity;
- Financial assurance must be established for both the implementation and perpetual management of the bank.
- Currently, 52 mitigation banks have been permitted by the state, with a total of 36,399 potential credits and over 123,829 acres. Of these, 52 banks have had credits released for use, and four have sold out of credits. Ten of these banks are on public lands and are implemented by either a public agency or are in a public/private partnership. 4,345.21 credits were used as mitigation in 2008.
- In Lieu Fee Program:
 - Section 373.4135, F.S., was enacted in 2000 stipulating the requirements by which DEP, WMDs, and local government can sponsor a regional offsite mitigation area (ROMA) project that is paid for by monies accepted as mitigation.
 - A memorandum of agreement (MOA) is required between the sponsoring agency, and the DEP or WMD, as appropriate, for any ROMA used for five or more projects or for more than 35 acres of impact. The MOA must address most of the same requirements required by mitigation bank permits, including: the mitigation plan and timeline, success criteria, mitigation credit and tracking, service area, acquisition, preservation and long-term management provisions. In addition, the sponsoring agency must provide a full cost accounting of the monies received to ensure that all monies were used in the purchase, preservation, permitting, implementation and management of the mitigation area.
 - The major differences between a ROMA and a mitigation bank is that a ROMA can include an acquisition element and do not have to provide the same financial assurance as is required in a mitigation bank permit.
- Florida Department of Transportation Mitigation
 - In 1995, the state established a mitigation program specific to meet the Florida Department of Transportation's (FDOT) mitigation needs (Section 373.4137, F.S.), whereby FDOT annually provides an inventory of anticipated wetland impacts to each of the regional WMDs.
 - The state's five WMDs develop mitigation plans that would serve to offset those impacts, in coordination with other state and federal regulatory agencies. The plan is presented to the WMD's governing board for conceptual approval, then submitted to the DEP for state authorization and approval. Once approved, the mitigation work may commence.

- This program does not relieve DOT from eliminating or reducing impacts to the extent practicable or obtaining permits for the impacts.
- DOT appropriates a specified amount of money (adjusted annually) for the mitigation needed to offset each acre of impact, and this money is disbursed to the WMDs to conduct the mitigation work
- Mitigation Database
 - Mitigation bank credit releases and uses are tracked by means of a required ledger identified in the mitigation banking section above. Credits used are attributed to specific permits or agency actions.
 - At this time, the DEP does not maintain a central database of mitigation projects permitted, or the success thereof.
 - Each WMD has its own tracking system:
 - The Southwest Florida Water Management District (SFWMD) maintains a central database tracking the acres of wetlands affected by the issuance of Environmental Resource Permits. In addition to the acreage of wetlands impacted, the database tracks wetland acreage created, wetland acreage improved, wetland acreage preserved, and “other mitigation” acreage.

Processing

- DEP and the WMDs use the same Joint Application, which is also used by the USACE. Several WMDs (NFWFMD, SJRWMD, SFWMD) have developed electronic applications (E-app) where applicants can submit applications electronically on-line.
- Upon receipt, the DEP, WMDs, and delegated local governments immediately send a copy of the application to the USACE if the activity involves work in wetlands or other surface waters. Also upon receipt, the DEP, WMDs, and delegated local governments have 30 days to review the application and inform the applicant of any material needed to evaluate the application in accordance with statutory and rule criteria. For the DEP, an applicant has 90 days to respond to the request, and upon receipt of new material submitted by the applicant, the agencies have another 30 days to review the material for completeness. The WMD processing procedures vary somewhat to accommodate the requirements of their different Governing Boards.
- In accordance with Section 120, F.S., the DEP and WMDs must issue or deny an ERP within 90 days of receiving a complete application. Application completeness is determined by whether the applicant has submitted all the materials required by review as specified by rule and statute, and is not linked to the date a Public Notice is published by the USACE. The WMDs also are subject to this requirement, but their processing procedures vary by District to accommodate the requirements of their different Governing Boards.
- Upon receipt, a copy of each application also is initially copied to the state's Fish and Wildlife Conservation Commission (FWC). Comments and suggestions regarding listed species and other wildlife impacts from the FWC are considered during processing of the application. The FWC also may object to issuance of an ERP or wetland resource permit under Florida's Approved Coastal Zone Management Act coordination process. The DEP and WMDs do not rely on, but will also consider, comments from the federal resources agencies (U.S. Fish and Wildlife Service and the National Marine Fisheries

Service) when such comments are made in a timely manner during the processing of a state permit.

Permit Duration

ERP permits that are valid for the life of the system (includes all structures and works authorized for construction or land alteration). The ERP permit does not automatically expire after the construction phase (typically a five-year period), and continues to cover *operation* (use of) of the system.

Wetland Resource Permits (“Grandfathered Activities”)

- A wetland resource permit (WRP) under Chapter 62-312, F.A.C., and, in some cases, a separate stormwater permit under Chapter 62-25, F.A.C., is required instead of an ERP for activities “grandfathered” under Sections 373.414(11) through (16), F.S., or Section 373.4145(1)(a), F.S.. The WRP regulates dredging and filling in “surface waters of the state” that are connected (directly or via one or more natural or artificial waters) to other bays, bayous, streams, rivers, lakes, estuaries, or the Gulf of Mexico. It does not regulate dredging or filling in isolated wetlands. The Chapter 62-25, F.A.C., stormwater rule only addresses water quality, not water quantity.
- To qualify for a permit, a wetland resource permit applications must be found to not be contrary to the public interest, or, if the activity is located in an Outstanding Florida Water (these waters are listed in chapter 62-302, F.A.C.), the activity must be clearly in the public interest. This test is based on a weighing a balancing of the following criteria:
 - Whether the regulated activity will adversely affect public health, safety, or welfare, or the property of others (based solely on environmental, not economic, considerations);
 - Whether the regulated activity will adversely affect the conservation of fish and wildlife, including endangered and threatened species, or their habitats;
 - Whether the regulated activity will adversely affect navigation or the flow of water, or will cause harmful erosion or shoaling;
 - Whether the regulated activity will adversely affect fishing or recreational values or marine productivity in the vicinity of the activity;
 - Whether the regulated activity will be of a temporary or permanent nature;
 - Whether the regulated activity will adversely affect or will enhance significant historical and archaeological resources under the provisions of section 267.061, F.S.; and
 - The current condition and relative value of the functions being performed by areas affected by the proposed regulated activity.
 - Direct, secondary, and cumulative impacts are considered for all activities in wetlands and other surface waters.

Fees

Fees charged by DEP range from \$100 to verify that an activity is exempt from regulation to \$14,020 for an activity that involves more than 100 acres of work in wetlands or other surface waters. Each WMD has their own fee structure.

Special Provisions for Agriculture and Forestry

- Sections 373.406 and 403.927, F.S., exempt certain agricultural activities from the need for Environmental Resource. These include the rights of any person engaged in the occupation of agriculture, silviculture, floriculture, or horticulture to alter the topography for purposes consistent with the practice of such occupation, provided the alteration is not for the sole or predominant purpose of impounding or obstructing surface waters. All five WMDs in the state have adopted specific rules to regulate other agricultural activities, including the adoption of noticed general permits. The review of all agricultural activities, including permitting, compliance, and enforcement, is the responsibility of the WMDs. Florida's Department of Agriculture and Consumer Services (DACCS), in cooperation with DEP and the WMDs also have developed various Best Management Practices handbooks to assist the agriculture community in working in a manner that will minimize adverse impacts to wetlands and other surface waters.
- Certified aquaculture activities that apply appropriate best management practices adopted under section 597.004 are exempt from the need for permits under part IV of chapter 373, F.S. Compliance, enforcement, and permitting of such aquacultural activities are the responsibility of DACCS. Compliance, enforcement, and permitting of activities that are not so certified continue to be the responsibility of the DEP.
- The SWFWMD has developed a unique Agricultural Ground and Surface Water Management (AGSWM) program.
 - “Ag-team” staff have been trained and established in each of the local service offices to provide full service water management regulatory assistance for the agricultural community. This initiative has been underway since 1990 and is the central part of the SWFWMD AGSWM program which has received state-wide recognition.
 - SWFWMD's four principle service offices have assigned and trained Ag-Team staff who specialize in Water Use, Surface Water and Environmental regulation for agriculture. The Technical Services Department (TSV) has an Ag-Team “facilitator” who works with local Ag-Team staff to provide technical oversight and direction, and to foster cooperation on a regional or state basis. Also, TSV has an irrigation engineer who works with agricultural water management research and on other special projects to assist the regulated public.
 - AGSWM was developed by District staff and members of the agriculture community. AGSWM is an alternative regulatory process for agricultural operations that uses field visits, site specific conservation management planning and technical provisions to foster agricultural production and environmental resource protection. SWFWMD staff encourages farmers who are planning activities that are subject to Environmental Resource Permitting (ERP) or Water Use Permitting (WUP) regulation to use the AGSWM pre-application review process, which can help facilitate exemption determination or permitting review. In addition, a few years ago a Senate report, entitled “A Bridge Over Troubled Waters,” cited the District's alternative agricultural regulatory process as a model for future practices.
 - Since 1991, the SWFWMD has provided about \$200,000 per year for USDA-NRCS to support technical assistance that helps farmers and SWFWMD staff to

implement site specific ecosystem based conservation management planning. Agricultural projects that qualify for an ERP/AGSWM exemption letter must be planned and implemented according to prescribed conservation management planning practices.

Related Programs

- Mines are subject to additional and separate reclamation requirements per Chapter 378, F.S.
 - For heavy mineral, fuller's earth, and phosphate mines, the wetland mitigation is based on the reclamation requirements if the reclamation maintains or improves the water quality and the function of the biological systems present at the site prior to the commencement of mining activities (Section 373.414(6)(b) & (c), F.S.).
 - Operators of some types of mines may apply for a Life-of-the-Mine Permit, which combines the requirements of the ERP with the reclamation requirements into a single permit.
 - Additional information is available at:
<http://www.dep.state.fl.us/mainpage/programs/mines.htm>
- Activities on or affecting Florida's sandy beaches and adjacent beach and dune systems are subject to additional and separate permitting requirements per Chapter 161, F.S.:
 - Activities waterward of established Coastal Construction Control Lines (CCCL) but landward of mean high water (MHW) line require a separate CCCL or Coastal Construction permit per Chapter 62B-33 or 62B-41, F.A.C. See <http://www.dep.state.fl.us/beaches/programs/ccclprog.htm> for additional information
 - Activities seaward of the MHW line or Erosion Control Line along the Atlantic Ocean, the Gulf of Mexico, the Straits of Florida or associated inlets that are located on state-owned submerged lands and are likely to affect the distribution of sand along the beach (such as groins, jetties, beach nourishment or re-nourishment, and offshore sand harvesting require a Joint Coastal Permit (JCP) under Chapter 62B-49, F.A.C.; a separate ERP is not required for activities authorized by under the JCP. See <http://www.dep.state.fl.us/beaches/programs/envpermt.htm> for additional information.
- Restoration activities within the greater south Florida ecosystem in the area encompassing the Lake Okeechobee watershed, the Everglades, and coastal estuaries are regulated under the Everglades Forever Act ([EFA; Section 373.4592, Florida Statutes \(F.S.\)](#)), the [Comprehensive Everglades Restoration Plan Regulation Act \(CERPRA; Section 373.1502, F.S.\)](#), and the Northern Everglades and Estuaries Protection Plan ([NEEPP; 373.4595, F.S.](#)). A separate ERP is not required for activities authorized under these programs, though ERP permits are issued for restoration projects that fall within the umbrella of south Florida restoration activities, but were not specifically identified in statute (e.g., Kissimmee River Restoration). See <http://www.dep.state.fl.us/water/wqssp/everglades/permit.htm> for additional information.

Proprietary (State-owned Submerged Lands)

General overview

- In addition to the above *regulatory* permit programs, activities that are located on submerged lands owned by the state of Florida, otherwise called state-owned, or sovereign, submerged lands (SSL) 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 (approximately three miles into the Atlantic Ocean, and ten miles in the Gulf of Mexico).
- SSL authorizations typically are in the form of consent by rule, letter of consent, easement, or lease. Authorizations consider issues such as water dependency, riparian rights, impacts to submerged land resources, and preemption from other uses of the water by the public. These considerations originate from Public Trust Doctrine. In Florida, public lands owned by the State and the resources upon them are held in trust by the Board of Trustees of the Internal Improvement Trust Fund (BOT) for the benefit of all of the people for a public use, such as fishing, boating, and swimming. The BOT is comprised of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture.
- The program is structured such that an application for both an SSL authorization and an individually-processed ERP cannot become complete until all the information required for both has been supplied, and the ERP and the SSL authorization must be issued concurrently, such that neither the ERP or the SSL authorization can be issued if all the conditions for issuance of *both* the ERP permit and the SSL authorization are not met. Activities that qualify for ERP exemptions and noticed general permits are not required to be processed concurrently, but are when the time frames for the ERP decision can be met and the activity meets all the conditions for issuance of the SSL authorization.
- Activities located within designated Aquatic Preserves, must meet the requirements of Chapter 258, F.S., and Chapter 18-20, F.A.C. (all Aquatic Preserves except Biscayne Bay) or Chapter 18-18, F.A.C. (activities within Biscayne Bay).

Delegations of Authority

- The BOT has delegated to DEP and four of the five WMDs to act as their staff in the review of activities that require authorizations to use SSL. For most activities, the BOT has also delegated authority to the DEP and the WMDs to take final action to approve or deny the authorization, although some activities are required to be acted on directly by the BOT. DEP and the WMDs divide responsibilities for reviewing and acting on the SSL authorization in accordance with the same operating agreement that governs the ERP program, although, per Section 253.002, F.S., DEP is responsible for enforcing violations of the SSL rules and statutes.
- In accordance with Rule 18-21.0051, F.A.C., the BOT has retained authority to take final action on the following, although staff of the DEP and the WMDs process the application for presentation to the BOT in the form of an agenda item:

- Docking facilities with more than 50 slips and additions to facilities where the new number of proposed new slips exceeds the existing number of slips by 10% and the total number of existing and proposed slips exceeds 50;
- Docking facilities preempting more than 50,000 square feet, and additions to existing facilities where the additional preempted area exceeds the existing area by 10% and the total existing and proposed additional preempted area exceeds 50,000 square feet;
- Private easements of more than 5 acres, with some exceptions;
- The establishment of mitigation banks on SSL;
- Exceptions to the maximum preemption limits for a private residential multi-family dock or pier; and
- Activities having heightened public concern, as determined by the BOT or by DEP and WMD staff.

Forms of Authorizations

- Exceptions – A limited number of activities can be conducted without authorization per Section 18-21.005(1)(a), F.A.C.
- Consent by Rule – Certain regulatory exempt activities outside Aquatic Preserves and protected manatee areas are authorized in Section 18-21.005(1)(b), F.A.C., to occur without the need for an application.
- Letter of Consent – Written authorization is required to verify that certain activities will be conducted in compliance with rule and statutory criteria to ensure they will have minimal impact to environmental resources or public use, including some public activities, per Section 18-21.005(1)(c), F.A.C.; this includes all activities in an aquatic preserve that do not require a lease, easement, or other form of authorization.
- Leases – Required for all commercial (revenue generating) activities and activities have more than minimal impact to resources, per Section 18-21.005(1)(d), F.A.C. Leases require payment of annual lease fees.
- Easements – Required for linear activities, such as bridges, submerged cables, or breakwaters that permanently limit or preempt an area's public use per Section 18-21.005(1)(e), F.A.C.

A summary of the types of SSL authorizations is accessible at:

<http://www.dep.state.fl.us/water/wetlands/erphelp/index.htm>

Aquatic Preserves

There are 41 Aquatic Preserves in Florida. These are areas of state-owned submerged land designated in Chapter 258, F.S., for special and additional protection. Aquatic Preserves are established for the purpose of being preserved in essentially natural or existing condition so that their aesthetic, biological and scientific values may endure for future generations. All activities, except single family docks, must be determined to be in the public interest. Special criteria apply to activities in aquatic preserves, as discussed under "Evaluation Criteria."

Fees

- Processing fee – The current processing fee for leases or easements is \$569, but this fee is adjusted March 1 of each year based on the Consumer Price Index. A processing fee is not required for consent by rule or letter of consent authorizations.
- Activities involving dredging and removal of the dredged material from SSL are subject to payment of severance fees, based upon the quality of the material, the amount of material removed, and by location (County). The fees are established in Rule 18-21.011(3)(a), F.A.C.
- Private easements require an appraisal, and the easement fee is based on that appraisal and an enhanced value factor, if applicable. When a private easement is renewed a new easement fee is charged based on a new appraisal and applicable enhanced value factor. Public easements are not charged an easement fee.
- Lease fees are assessed for the life of the facility and are collected annually. The annual lease fee is based on 6 percent of the annual income of the facility, the base fee, or the minimum annual fee. There are discounts for facilities open to the public and facilities designated as Clean Marinas (<http://www.dep.state.fl.us/cleanmarina/>). Annual lease fees are higher in Aquatic Preserves, and additional fees are required for extended term leases having lease terms of greater than 5-year duration.
- Special event leases (boat shows) are assessed a special event fee as outlined in Rule 18-21.011(1)(d), F.A.C.
- Fees may be waived for public projects.

Processing

Activities are processed at the same time as any required regulatory permit. The ERP Joint Application form is used to apply for both the regulatory permit and the SSL authorization at the same time. Once the DEP or WMD office has reviewed the application and recommended approval of the lease or easement instrument, the file materials are transferred to the DEP Division of State Lands (DSL) for final preparation and management of the lease or easement. Letters of consent and consent by rule are authorized directly by the WMD or DEP processing office.

Evaluation Criteria

- The review criteria for an application to use SSL include a requirement that an activity not be contrary to the public interest; any sale (transfer of ownership) of SSL must be clearly in the public interest. Also, any activity in an aquatic preserve must be clearly in the public interest, except single family docks which have been already determined to be in the public interest.
- Evaluation factors are contained in Chapter 18-21, F.A.C.; if in an aquatic preserve, additional factors apply per Chapter 18-20, F.A.C. (all aquatic preserves except Biscayne Bay) or Chapter 18-18, F.A.C. (in the Biscayne Bay Aquatic Preserve). Considerations include whether the activity will adversely affect state-owned submerged lands resources (such as salt marsh, grassbeds, and oyster bars), the rights of riparian property owners, navigation, water dependency, and preemption of uses of the waters by the public-at-large. Only uses that are water dependent can be approved, except for certain non-water dependent activities have been “grandfathered” and incidental uses that may be approved

on a case-by-case basis for public projects. Many of the approval factors are very detailed, with specific restrictions on the sizes, types, and designs of activities that can be authorized as a component of managing state-owned land.

- In addition to the above, in an aquatic preserve, dredging is strongly discouraged and all multi-family docks must obtain a lease. In addition to public interest, cumulative impacts are also assessed for applications in aquatic preserves.
- Docks in Biscayne Bay Aquatic Preserve, other than for a single-family residence, must meet the extreme hardship test in Chapter 18-18, F.A.C.

Mangroves

- The trimming or alteration of mangroves (tropical to sub-tropical tree species growing along the coastal areas of Florida) is regulated in accordance with the Mangrove Protection Act of 1996 (Sections 403.9321-403.9333, F.S.). The regulations only apply to the three native species of mangroves, *Rhizophora mangle* (red mangrove), *Avicennia germinans* (black mangrove), and *Laguncularia racemosa*, (white mangrove).
- Levels of regulation include exemptions, general permits, and individual permits, depending on the extent of trimming or alteration. For example, exemptions exist for trimming within a riparian mangrove fringe, for maintenance trimming, to restore configurations previously attained by legal trimming, and for some governmental, utility, and surveying activities. Exemptions and general permits are limited by conditions applicable to each. The Individual Permit process involves review using criteria in Part IV of Chapter 373, F.S., and may require a mitigation assessment under Chapter 62-345, F.A.C. A separate mangrove permit is not required if mangrove trimming or alteration is associated with work that requires an individually-processed ERP permit.
- Provisions exist for delegating the mangrove trimming and alteration program to local governments; to date there are six delegated local governments.
- Special provisions apply to and to trimming or alteration conducted by Professional Mangrove Trimmers.
- Additional information is available at:
<http://www.dep.state.fl.us/water/wetlands/mangroves/index.htm>

RELATIONSHIP TO FEDERAL PROGRAMS

Joint Application

- The USACE and Florida have adopted joint ERP and wetland resource application forms, and coordinate distribution of the application under an Operating Agreement (http://www.dep.state.fl.us/water/wetlands/erp/corps_op_ag.htm). Under this agreement, the DEP or WMD, as applicable, initially receive all ERP and wetland resource permit applications. Copies of those applications that do not qualify under the SPGP (see below) are forwarded to the USACE within five working days. At that point, both the USACE and the DEP or WMD independently process their respective applications.
- The NFWMD, SJRWMD, and SFWMD have developed electronic applications (E-apps) for applicants to submit applications electronically via the Internet.
- Because the federal requirements have changed since the Joint Application form was adopted, the DEP and WMDs have been including supplemental information currently required by the Corps when the Joint Application is distributed or accessed on-line.

DEP and the WMDs are in discussion about revising the Joint Application to address this problem.

- The USACE cannot act on applications that require a federal dredge and fill permit until the state ERP has been issued, which contains the federal water quality certification and coastal zone consistency concurrence determination (or waiver thereto).

Water Quality Certification

When a corresponding federal dredge and fill permit is required, issuance of the ERP or WRP also constitutes a water quality certification (WQC) or waiver thereto under section 401 of the Clean Water Act, 33 U.S.C. 1341. Upon issuance of an ERP or WRP, a copy of the permit containing the applicable WQC is sent to the USACE so the federal permit can be issued. The DEP, WMDs, and USACE have executed an Operating Agreement (OA) that reflects how the agencies are to coordinate to process applications (http://www.dep.state.fl.us/water/wetlands/erp/corps_op_ag.htm). In accordance with that OA, the DEP, WMD, or delegated local program has 180 days upon receipt of a complete ERP or WRP permit application to issue, deny, or affirmatively waive the WQC. In addition, by letter from the Governor of Florida to the U.S. Environmental Protection Agency, Florida has identified those activities for which agency action will constitute a water quality certification or waiver thereto:



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and

Coastal Zone Consistency Concurrence (CZCC)

Issuance of an ERP or WRP in coastal counties constitutes a finding of consistency under Florida's federally approved Coastal Zone Management Program under Section 307 (Coastal Zone Management Act). and a finding of consistency under Florida Coastal Zone Management Program under Section 307 (Coastal Zone Management Act).

Nationwide Permits (NWP)

In 2007, DEP certified, with conditions, 41 of the 50 NWPs as qualifying for a WQC and CZM within Florida (whether the activity is the responsibility of the DEP, WMD, or delegated local government; see

http://www.dep.state.fl.us/water/wetlands/docs/erp/nwp_regional_conditions.pdf); 7 of the NWP activities do not apply in Florida, and one (NWP 8, Oil and Gas Structures on the Outer Continental Shelf) was denied a CZM. Most of the NWPs that were granted a WQC and CZM were regionally conditioned to provide that projects qualifying for the NWP must be authorized by the applicable permit or exemption required under Part IV of Chapter 373, F.S., by the DEP or WMD under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., and receive WQC and applicable CZCC or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S.

Additional information on the NWPs can be found at:
<http://www.dep.state.fl.us/water/wetlands/erp/nwp.htm>

State Programmatic General Permit (SPGP)

On July 24, 2006, the Jacksonville District of the U.S. Army Corps of Engineers (USACE) reauthorized a revised SPGP (SPGP IV) to the State of Florida, which replaced SPGP III issued to the DEP in 1997. SPGP IV covers the geographic area throughout Florida, excluding Monroe County, those counties within the jurisdiction of the NFWFMD, and some other specified geographical areas. The purpose of the SPGP IV is to avoid duplication of permitting between the USACE and the DEP for minor work located in waters of the United States, including navigable waters.

The U.S. Army Corps of Engineers has delegated to the DEP the ability to issue the federal permit under section 404 of the Clean Water Act for the following activities that qualify for an ERP or wetland resource permit noticed general permit or exemption:

- Construction of shoreline stabilization activities (such as riprap and seawalls; groins, jetties, breakwaters, and beach nourishment/re-nourishment are excluded); except in Charlotte, Lee, and Dade Counties
- Docks, piers, and associated facilities;
- Maintenance dredging of canals and channels; and
- Boat ramps and boat launch areas and structures.

Applications that are received for the above activities are first reviewed to determine if they meet all the conditions of the SPGP. Those that do are processed as “green,” in which case issuance of the DEP permit constitutes verification of qualification for the corresponding federal authorization. Those that do not are processed as “yellow,” in which case a copy of the application is forwarded to the USACE. These applications are reviewed by the USACE and are either returned to the state for processing with or without additional federal conditions; or are retained for processing by the USACE.

NPDES

Florida has statewide authorization to implement the federal National Pollutant Discharge Elimination System (NPDES) permit program for stormwater. Areas of regulation include municipal separate storm sewer systems, certain industrial activities, and construction activities. The municipal program has jurisdiction over large and medium municipalities. The industrial program covers selected industries and are identified by Standard Industrial Code. New construction require an NPDES stormwater permit if the clearing, grading, or excavation work disturbs one or more acre of land and discharges to either a surface water of the state or to a Municipal Separate Storm Sewer System (MS4).

The NPDES permit is not linked to the ERP or WRP programs; therefore applications and notices for NPDES activities must be submitted separately from the ERP or WRP application. Copies of the permit, application forms, guidance materials, and other information about the permit and NPDES stormwater program can be downloaded from the following website:

<http://www.dep.state.fl.us/water/stormwater/npdes/>. An NPDES permit can be applied for and received electronically by submitting a Notice of Intent at:
<http://epic229.dep.state.fl.us/DwrmInoi/>

Assumption of Section 404 Powers

Florida investigated the possibility of assuming the section 404 several years ago. Substantial impediments would exist with such an assumption. These include:

- Most of Florida's waters are non-assumable waters because they are navigable, navigable in fact, or navigable with improvement, and hence are covered by section 10 of the Rivers and Harbors Act. Considerable confusion would exist at both the public and the staff level with a permitting system that would require a determination of the status of such waters and the wetlands associated with them.
- There are differences between the methodology used by the state of Florida to delineate the landward extent of wetlands and other surface waters and the federal methodology (see discussion above). While in many areas those differences are not significant, in other areas there are significant differences. Florida has identified two key species (slash pine and gallberry) that are primarily responsible for these differences. Florida does not consider areas dominated by these species (in the absence of other indicators, such as hydric soils) to be wetlands although those areas may be classified as wetlands under the federal methodology. The Florida legislature would have to expand the state methodology to include those areas. At this time it does not appear the federal government has the authority to make regional adjustments to the 1987 manual. Absent an ability to use "one line" in Florida, considerable confusion would exist with the public and the agencies in identifying such areas, and developing a workable solution to authorize activities in such areas that are claimed as wetlands by one agency and not the other.
- There are significant differences in the "alternatives analysis" under the Clean Water Act and state statute; it is unlikely the state will expand its current regulations to require applicants to explore relocating their project to other land parcels.

Wetland Reserve Program

Under Development

Special Area Management Plan (SAMP) and Advanced Identification(ADID)

A SAMP was developed by the USACE for Bird Drive Basin in Dade County in between 1992 and June 1995, and is still in effect. The DEP and Miami-Dade County's (MDC) Department of Environmental Resources Management entered into a Memorandum of Understanding dated April 27, 1993, that directs that applicants requiring mitigation within the basin will contribute a specified amount of money to MDC, which is in turn used to implement the Hole in the Donut Mitigation Bank within Everglades National Park.

ADIDs have been developed for western Biscayne Bay (for the shoreline east of Cutler Ridge), the Florida Keys (Monroe County), the Loxahatchee River (Palm Beach County), Eastern Everglades (near the 8 1/2 square mile area), and Rookery Bay (Collier County). These help applicants identify areas where permitting difficulties can be expected, but they do not otherwise directly affect the state permitting process. An ADID for western Broward County was developed but never approved by EPA.

In addition to the above, the Jacksonville office of the USACE has developed an innovative Comprehensive Conservation, Mitigation and Permitting Strategy that targets areas around the state that are experiencing significant development pressure with concurrent concerns with long term habitat and water quality impacts, or where large scale projects are underway that can be expected to result in significant regional impacts. These include the Dade County Lake Belt, Santa Rosa County, St. Joe Development (in the panhandle), Walt Disney World, and an Environmental Impact Statement for South West Florida. Each of these has involved coordination with DEP and the WMDs.

INNOVATIVE FEATURES AND NEW PROGRAMS/INITIATIVES

- The comprehensive nature of the *state* ERP program is broader than the federal program in that it also regulates alterations of uplands that may affect surface water flows, including addressing issues of flooding and stormwater treatment;
- The state program is *in addition to*, not in place of or superseded by the federal dredge and fill permit programs. There are *no* thresholds wherein some activities are reviewed by the state and others by the federal government. In essence applicants must get *all* applicable permits and authorizations from the state, the federal government, and all other applicable regional and local entities before beginning work;
- The shared division of responsibilities between the state DEP (funded by general revenue funds, trust funds, and the regional WMDs (who have regional *ad valorem* taxing authority);
- The linkage of the state regulatory and proprietary programs wherein all the criteria for both programs has to be met in order for an ERP or WRP to be issued.;
- A wetland delineation methodology ratified under state law that is binding on all state, regional, and local governments throughout Florida. This methodology is specific to Florida, and differs from the federal wetland delineation methodology;
- A statewide mitigation banking program implemented by the DEP and four of the state's five WMDs, including a program to authorize regional mitigation for Florida Department of Transportation Projects (discussed above);
- A program that regulates the trimming or alteration of mangroves;
- The issuance of a State Programmatic General Permit from the USACE to DEP and the WMDs that provides that certain activities (such as docks, seawalls, dredging, and activities that qualify for state exemptions or general permits) that qualify under the state regulatory program also will receive the associated federal dredge and fill permit; and
- A limited delegation of the ERP program from the DEP and the SFWMD to Broward County.

STATUTES AND RULES

Regulatory Statutes and Administrative Rules

The regulatory program is authorized under Part IV of Chapter 373, F.S., governs the environmental resource permit program. In the panhandle section 373.4145 specifically governs the environmental resource permit program. Overall protection of water quality and the other programs of the DEP are contained in Chapter 403, F.S. The WMDs are created by Section 373.069, F.S.

Florida Administrative Code regulatory rules of general applicability include chapters:

- 62-4 (including general permitting criteria, fee requirements, water quality protection criteria for special waters, and anti-degradation criteria)
- 62-40 (Water Resource Implementation Rule)
- 62-312 (WRP program applicable only for certain grandfathered projects, and part IV—additional criteria within Monroe County, applicable to the ERP program)
- 62-340 (statewide delineation of the landward extent of wetlands and other surface waters)
- 62-330 (which adopts the various rules of the WMDs listed below)
- 62-341 (standards and criteria for noticed general permits)
- 62-342 (mitigation banking)
- 62-343 (general ERP application and procedural review criteria, except within Northwest Florida)
- 62-344 (delegation of the ERP permit program to local governments)
- 62-345 (Uniform Mitigation Assessment Method)
- 62-346 (ERP in Northwest Florida)
- 40B-4, 40B-400, & ERP Applicant's Handbook (within the Suwannee River WMD)
- 40C-1, 40C-4, 40C-8, 40C-40, 40C-41, 40C-42, 40C-400, Stormwater Applicant's Handbook, and Management and Storage of Surface Waters Applicant's Handbook (within the St. Johns River WMD)
- 40D-1, 40D-4, 40D-40, 40D-400, and Basis of Review (within the Southwest Florida WMD)
- 40E-1, 40E-4, 40E-40, 40E-41, 40E-400, and Basis of Review (within the South Florida WMD)

Proprietary Statutes and Administrative Rules

The proprietary program is authorized under chapter 253, F.S. Activities on sovereign submerged lands in Aquatic Preserves are further authorized by chapter 258, F.S.

Florida Administrative Code rules implementing the proprietary program include chapters:

- 18-14 (Administrative Fines)
- 18-18 (Biscayne Bay Aquatic Preserve)
- 18-20 (Aquatic Preserves)
- 18-21 (Sovereignty Submerged Lands Management)

[The above statutes may be accessed at:](http://www.leg.state.fl.us/Welcome/index.cfm?CFID=6463435&CFTOKEN=45913038)

[http://www.leg.state.fl.us/Welcome/index.cfm?CFID=6463435&CFTOKEN=45913038.](http://www.leg.state.fl.us/Welcome/index.cfm?CFID=6463435&CFTOKEN=45913038)

[The above rules may be accessed at:](http://www.dep.state.fl.us/water/wetlands/erp/rules/guide.htm)

<http://www.dep.state.fl.us/water/wetlands/erp/rules/guide.htm> or <http://www.flrules.org/>

General

All licensing and agency action determinations under the above statutes and rules are further governed by the Administrative Procedures Act, Chapter 120, F.S., and by the Rules of Uniform Procedures under Chapter 28, F.A.C., and the Exceptions to the Uniform Procedures under Chapter 62-110, F.A.C.

COMPLIANCE AND ENFORCEMENT

- Florida employs a combination of the authorities listed below to address civil, administrative, and criminal actions. The great majority of violations are resolved using civil or administrative procedures, with criminal actions used only in the most serious cases or cases that staff cannot resolve through other available avenues and for which criminal sanctions are provided.
- Staff from DEP that have responsibility for an activity under the respective Operating Agreements are responsible for compliance and enforcement of both the regulatory and the proprietary aspects of a permit and applicable sovereign submerged lands authorization. The WMDs have full responsibility for compliance and enforcement of the regulatory components of an activity, but can enforce the proprietary components only if they can be corrected as part of the regulatory corrections (such as reducing the size of a dock built on SSL to comply with the regulatory permit). Enforcement remedies that are proprietary in nature (such as assessing past-due lease fees for an unauthorized structure, and authorizing the structure with a lease) is the responsibility of the DEP, whether DEP or a WMD processed a permit for the activity.
- Enforcement is authorized under Sections 373.129 and 253.04, F.S., to be administered in the same manner and to the same extent as provided in Sections 373.430, 403.121(1), 403.121(2), 403.131, 403.141, and 403.161, F.S. Remedies include:
 - Judicial (civil) actions in a court of competent jurisdiction; [provisions under 403.121(1), F.S.):
 - can recover damages for injury to air, waters, or property, including plants, animals and aquatic life;
 - civil penalties up to \$10,000 per offense; each day constitutes a separate offense;
 - Administrative (provisions under Sections 403.121, 253.04, F.S., and Chapter 18-14, F.A.C.):
 - can recover damages and in addition assess penalties up to \$5,000 depending on type and extent of violation;
 - can recover damages to sovereign submerged lands, can also assess fines up to \$10,000 per offense; each day constitutes a separate offense. When violator upon notice ceases the activity and applies for appropriate authorization, fines shall not exceed \$2,500.00 per offense (Chapter 18-14, F.A.C.)
 - Injunctive Relief:
 - may seek injunctive relief in court (Section 403.131, F.S.);
 - Criminal provisions (Section 403.161, F.S.):
 - willful violation of wetlands regulations—fine of not more than \$50,000 and/or imprisonment for up to 5 years for each offense; each day constitutes a separate offense;
 - reckless indifference or gross careless disregard causing violations of wetlands regulations—fine of not more than \$10,000 and/or 6 months in jail for each offense;

- conducting aquaculture on sovereign submerged lands without proper authorization—fine of not more than \$1,000.00 and/or up to 6 months in jail and forfeiture of property on sovereign submerged lands (253.74, F.S.);
- trespass and theft of property from sovereign submerged lands—imprisonment as provided by law;
- Criminal provisions may only be enforced by Office of the State Attorney (prosecutor).

PERMIT TRACKING

- DEP and each WMD have their own tracking system to record the progress of each permit application and all enforcement cases. However, some common data are tracked, reviewed, and reported statewide.
 - The DEP's permit tracking system is called Permit Application (PA). It keeps track of permit application numbers, processors, time clocks (date received, dates of requested information, date application became complete, date of agency action), agency action (issued, denied, withdrawn, exempt, general permit), and geographic locators (including section, township and range). Enforcement and compliance tracking in the DEP is performed by Environmental Resource Permit Compliance and Enforcement (ERPce) system.
 - Each WMD has their own tracking system; unfortunately at this time the systems of each WMD are not directly compatible with one another or with DEP's tracking system, but provisions exist to share some information.

ROLE OF LOCAL GOVERNMENTS

- Section 373.441, F.S., and its implementing rule chapter 62-344, F.A.C., provide the procedures and considerations for the DEP to delegate the ERP program to local governments. Delegations can be granted only where:
 - the local government can demonstrate that delegation would further the goal of providing an efficient, effective, and streamlined permitting program; and
 - the local government can demonstrate that it has the financial, technical, and administrative capabilities and desire to effectively and efficiently implement and enforce the program, and protection of environmental resources will be maintained.
- Section 373.441, F.S., was amended in 2010 to make DEP responsible for processing all petitions for delegation submitted by a local government, including where the local government is seeking delegation of WMD responsibilities in the ERP program.
- To date, only one local government (Broward County) has received a limited delegation of the ERP program from the DEP and the SFWMD. They are responsible for permitting, compliance, and enforcement of activities for identified in a Delegation Agreement adopted in Chapter 62-113, F.A.C. The County was not delegated authority to process proprietary authorizations for activities.
- Miami-Dade County has a limited delegation from the DEP to confirm sovereign submerged lands consents of use under Chapter 253, F.S., for activities that qualify for the Section 403.813(1)(b), F.S., regulatory exemption for private single-family docks.

- Active petitions for delegation are currently pending for Miami-Dade County and the Environmental Protection Commission of Hillsborough County.

WATER QUALITY REGULATIONS

Rules & General Overview

- Florida's surface water quality standards are authorized under Section 403.061, F.S., and are adopted in Chapter 62-302, F.A.C. This chapter includes antidegradation policies, water classifications, specific narrative and numeric standards, and an identification of Outstanding Florida Waters (which receive the highest water quality protection).
- Additional water quality standards for Outstanding Florida Waters, including antidegradation standards for all waters are contained in Rule 62-4.242, F.A.C.
- Standards for granting mixing zones of water quality standards are contained in Rule 62-4.244, F.A.C.
- Chapter 62-4, F.A.C., contains additional provisions for exemptions from water quality standards, and for sampling, testing, and method detection limits for water pollution sources. An antidegradation policy is applied to wetlands, based upon designated use classifications. Special standards have been adopted for discharge of treated stormwater and wastewater into wetlands.
- ERP permits also must consider whether a regulated activity will adversely affect the groundwater standards contained in Chapters 62-520, 62-522, and 62-550, F.A.C.

Designated Uses

- All surface waters in Florida fall into one of five classifications based upon their present and future most beneficial use (designated use). The five classifications include:

| <u>Class</u> | <u>Designated Use</u> |
|--------------|---|
| I | Potable Water Supplies |
| II | Shellfish Propagation or Harvesting |
| III | Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife |
| IV | Agricultural Water Supplies |
| V | Navigation, Utility and Industrial Use |

- The Department is in rulemaking to create a new sub-class, Class III-Limited waters, which would be restricted to wholly artificial waters or altered waters, recognizing that some artificial or altered waters cannot fully support a Class III use due to human-induced physical or habitat conditions; this rulemaking is currently awaiting EPA approval (as of December 2010).

Narrative and Numeric Water Quality Criteria

- Narrative and numeric water quality criteria as listed in Chapter 62-302, F.A.C., are designed to support the aforementioned designated uses. More stringent criteria apply to waters in a "higher" classification (e.g., Class I waters have more stringent criteria than Class III waters). There are a number of biological water quality criteria contained in Chapter 62-302, F.A.C., including bacteriological quality, biological integrity, nuisance species, and nutrients.

- Wetlands are considered as “waters of the State,” and are included in the five classes of waters above. Most waterbodies in Florida, including most wetlands, are classified as Class III waters. Section 373.414(10), F.S., provides the authority for the DEP, in consultation with the WMDs, to establish by rule water quality criteria for wetlands, giving appropriate recognition to the water quality of such wetlands in their natural state. However, to date, no rules governing specifically the water quality in wetlands have been adopted.
- Natural background conditions (condition of waters in the absence of man-induced alterations based on the best scientific information available to the DEP), such as those that exist naturally in wetlands, are considered. For example, notwithstanding specific numeric criteria, dissolved oxygen levels, which are naturally low in wetlands, that can be attributed to natural background conditions, and man-induced conditions that cannot be controlled or abated, may be established as alternative dissolved oxygen criteria for a waterbody or portion of a waterbody.

Antidegradation Policy

- Florida's antidegradation policy is contained in and implemented by sections 62-302.300, 62-302.700, and 62-4.242, F.A.C. It generally provides that permit applicants demonstrate that lowering of water quality is necessary or desirable under federal standards and under circumstances that are clearly in the public interest. Paragraph 62-302.300(17), F.A.C., specifically provides that projects permitted under part IV of chapter 373, F.S., shall be considered to be in compliance with the antidegradation policy.

Other Water Quality Criteria Applicable to Wetlands)

- Chapter 62-4, F.A.C., provides several relief mechanisms allowing for limited lowering of water quality, including Site Specific Alternative Criteria, mixing zones, variances, and exemptions, provided certain conditions are met.
- Certain portions of Chapter 62-611, F.A.C., are considered as water quality standards. This chapter allows for the use of some wetlands for treatment of wastewater in very limited cases.
- The review of water quality certifications for specific applications is done by the environmental resource permit permitting staff. The ability for an activity to meet applicable state water quality standards is determined as part of the permit application review, and the water quality certification is issued, waived, or denied in the same document that issues or denies the wetland resource or environmental resource permit.

MONITORING AND ASSESSMENT

Mapping/Inventory

- Florida has not produced a statewide map of the wetlands and other surface waters, as they would be delineated using the state methodology in Sections 373.421 and 373.4211, F.S., and Chapter 62-340, F.A.C. Instead, as discussed above, wetlands and other surface waters on specific parcels are delineated on an “as requested” basis. Although maps of wetlands in Florida have been prepared by the National Wetland Inventory, such maps are typically not at a level of detail that is sufficient for state and federal permitting

purposes; have not been ground-truthed; are not binding on the state or the USACE; and are in need of updating. Nonetheless, they may provide a general picture of the potential presence of wetlands on a parcel of property.

- Because maps have not been produced reflecting the landward extent of wetlands and other surface waters using the state methodology, there is no current statewide status and trends report of all wetland gains or losses in Florida.
- Though a specialized geographic information system (GIS) called Map Direct, staff has access to NWI maps and numerous other data sources, including jurisdictional boundaries, land use, fish and wildlife resources, inter-agency permitted activities, water resources, and statewide aerial photographs.
- Like many states, Florida has an on-going Total Maximum Daily Loads Program to assess and restore degraded waters. See <http://www.dep.state.fl.us/water/tmdl/index.htm>. This effort is conducted separately from the ERP program.

Overall Wetland Gain and Loss

- DEP and the WMDs track the acreage of wetlands permitted to be dredged, filled, and mitigated through their permit application tracking systems. Annual wetland status reports are prepared; the results for the period 2005-2010, are attached:



Wetland loss gain
data 2005 - 2010.xls

- The reported data do not provide a full picture of wetland gains and losses in Florida. This is because those status and trends reports, based on permitting data, do not account for:
 - Wetland losses from exempt activities (for which work may occur without notice to the agencies) or activities qualifying for noticed general permits. This is particularly significant considering wetland losses from exempt agricultural activities;
 - Unauthorized dredging and filling;
 - Whether the dredging, filling, or mitigation, once permitted, was ever implemented; or
 - The permitted mitigation was successful or the degree success.
- The reported data also not account for the gains or losses of wetland functions. They do not, for example, provide status and trends for:
 - wetland acreage degraded by exotic infestation
 - wetland acreage degraded by drainage or impoundment
 - wetland acreage restored or in need of restoration.

RESTORATION AND ACQUISITION

Restoration Database

- DEP 's Florida Wetland Restoration Information Center (<http://www.dep.state.fl.us/water/wetlands/fwric/>) provides information for a statewide

ecological restoration program for wetlands and their associated uplands using ecosystem management and ecological principles. The Center has been developed to aid local governments and community organizations with their restoration efforts by providing online tools and research materials needed for the implementation and management of restoration projects.

- A Restoration Guidance Handbook has been developed to provide guidance to local governments and community organizations on the process of wetland restoration, including how to assess the wetland site, determine appropriate restoration measures, as well as state of the science techniques.
- The Florida Ecological Restoration Inventory is a geographic information systems (GIS) compilation of the locations of current and proposed restoration activities on conservation lands. The inventory is available on the Internet at <http://www.dep.state.fl.us/water/wetlands/feri/index.htm>

Land Acquisition and Restoration Programs

The following initiatives are not a component of the ERP program, but are important in the preservation, enhancement, and protection of Florida's aquatic resources.

- Florida has had one of the largest and most aggressive land acquisition program in the country, with an excess of \$300 million spent annually to purchase environmentally sensitive lands. These acquisition programs began in 1981 when the Florida Legislature enacted a program known as "Save Our Rivers (SOR)," and created the Water Management Lands Trust Fund. The trust fund received revenue from the documentary stamp tax paid when land was sold, and was administered by the DEP. The SOR Act enabled the WMDs to acquire lands necessary for water management, water supply, and the conservation and protection of water resources. Since that time there have been a number of additional and successor programs, including "Preservation-2000" (P-2000), Conservation and Recreation Lands (CARL), "Save Our Rivers," and Land Acquisition Trust Fund (LATF). P-2000 (which largely replaced the former CARL and SOR programs) alone was responsible for the public acquisition and protection of more than 1.25 million acres of land. In 1999, "Florida Forever" replaced the P-2000 Program and became the state's newest blueprint for acquisition and conservation of our unique natural resources. Florida Forever, like most of the programs before it, derived its funding through a percentage of the documentary stamp fees assessed when property is sold, and through the sale of revenue bonds. However, as the economy has worsened, land acquisition has reduced in the past few years and more creative ways of preserving land have grown in favor, including encouraging alternatives to fee-simple acquisition, such as conservations easements that allow certain existing land uses to continue. See Chapter 259, F.S. for additional information.
- In addition to Florida Forever, the WMDs use ad valorem (property taxes) and mitigation funds for land acquisition. Some shift in emphasis is occurring from traditional land acquisition for preservation to acquisition for District construction projects such as stormwater treatment facilities.
- In the late 1980's, it was determined that Florida had to do more to protect and restore its surface waters. While "point" sources--sewage and industrial wastes--were being controlled, "nonpoint" sources--pollutants that enter water bodies in less direct ways--

were still a major concern. In 1987, the Florida Legislature created the Surface Water Improvement and Management program (SWIM; (Sections 373.451-373.459, F.S.) to address these “nonpoint” pollutant sources,” in recognition that water quality in surface water bodies throughout the state had degraded or were in danger of being degraded and important functions, once performed by associated natural systems, were no longer being provided. Features of the SWIM program:

- The functions to be maintained or improved were identified in the SWIM Act to include providing aesthetic and recreational pleasure for the state’s citizens; habitat for native plants and animals, including endangered and threatened species; and safe drinking water for the state’s growing population as well as attracting visitors and accruing other economic benefits.
- The Act required each WMD identify and maintain a priority list of water bodies of regional or statewide significance, and develop plans and programs for the improvement of those water bodies. Water bodies identified by the district’s are approved by the state including the addition of new water bodies or the removal of existing ones.
- SWIM addresses a waterbody’s needs as a system of connected resources, rather than isolated wetlands or water bodies. To accomplish this, SWIM meshes across governmental responsibilities, forging important partnerships in water resource management.
- While the state’s five WMDs and the DEP are directly responsible for the SWIM program, they also work with federal, state, and local governments and the private sector. All the partners contribute—with funding or in-kind services. Several WMDs have put more resources in SWIM than they receive from the state, and SWIM dollars have been used as a match to secure federal grants.
- SWIM develops carefully crafted plans for at-risk water bodies, and directs the work needed to restore damaged ecosystems, prevent pollution from runoff and other sources, and educate the public. SWIM plans are used by other state programs, like Florida Forever, to help make land-buying decisions, and by local governments to help make land-use management decisions. Environmental education efforts are also funded by this program.
- Specific SWIM plans developed by the WMDs include:
 - The Southwest Florida WMD has identified, and the state has approved plans for ten priority water bodies. They are Tampa Bay, Rainbow River, Banana Lake, Crystal River/Kings Bay, Lake Panasoffkee, Charlotte Harbor, Lake Tarpon, Lake Thonotosassa, Winter Haven Chain of Lakes, and Sarasota Bay (Figure 1). Goals and objectives were developed for each water body and are used to guide programs and projects for maintaining or improving water quality, natural systems, and the other functions consistent with the SWIM Act. Essential to carrying out the District’s SWIM Program is the cooperation of local governments and agencies in developing and implementing effective SWIM Plans.

OUTREACH, TRAINING, & EDUCATION

Public Outreach/Education

- Public outreach and education programs that provide materials on wetlands often also include information related to other surface waters (such as ponds, streams, and estuaries) and about the state's regulatory and proprietary programs. Public Outreach and education programs include:
 - Visits to schools to provide interactive information in the classroom or out in the schoolyard;
 - Demonstrations involving the use "Enviroscape Models--including "stormwater" (also used for wetland education), and "coastal" models;
 - Programs at specific events, such as scheduled wetland activities at local state park events, fairs or scout jamborees;
 - The development of agency speaker pools for requests from the public to come and provide information to the community;
 - Development of Internet based activities, some with specific sites for children;
 - Involvement in specific programs such as:
 - the Florida Envirothon
 - the Disney Environmental Challenge
 - Technical Reports
 - Science fairs
 - Earth Day
- The development of many of the above programs and program tools are in part cost shared with other organizations and regulated entities capable of supplying funding and materials for wetland outreach efforts.
- To aid in training and support for environmental outreach personnel the State Committee on Environmental Education (SCENE) was formed to bring a network of environmental educators together twice a year to share programs, tools and other information useful towards providing environmental education to the public.
- Additional outreach education materials may be accessed at:
 - SJRWMD Programs & Programs website at:
<http://sjr.state.fl.us/education/index.html>.
 - SFWMD website at:
<http://www.sfwmd.gov/portal/page/portal/sfwmdmain/educators%20%20student>

Training

- DEP and the WMD training programs concentrate on delineation of wetlands, and implementation of the regulatory and proprietary rules.
- Upon request, when time and funding allows, staffs make presentations covering the wetland regulatory and proprietary programs to professional and private and public organizations.
- All of the DEP and WMD programs have developed Internet sites with program information and publications concerning wetlands and surface water regulations. See "Guidebooks, Brochures, Websites, Other Educational Materials."

- Specific, targeted training includes:
- DEP's Stormwater/Non-Point Source Management Program has developed a formalized Stormwater, Erosion, and Sediment Control Training and Certification Program for inspectors and contractors. (<http://www.dep.state.fl.us/water/nonpoint/erosion.htm>)
- The Southwest Florida WMD conducts an annual Soils Identification and Seasonal High Ground Water Table Determination Workshop.

Guidebooks, Brochures, Websites, Other Educational Materials

The following are links to materials available from the various agencies working with wetland and other surface waters in Florida:

- Southwest Florida Water Management District (SWFWMD) - The following site links to all of the District's documents and publications, including their "e-Resource" Newsletter, and "Water Matters" Magazine: <http://www.swfwmd.state.fl.us/documents/>. Additionally, the district has an 'Education' site with teacher training materials: <http://www.swfwmd.state.fl.us/education/>
- Northwest Florida Water Management District (NFWMD) - <http://www.nfwmd.state.fl.us/pubsdata.html>.
- St. Johns River Water Management District (SJRWMD) - In addition to their publication and videos web site at <http://www.sjrwmd.com/publications/index.html>, the District also has a 'Teachers and Students' link with additional resources <http://www.sjrwmd.com/publications/index.html>.
- South Florida Water Management District (SFWMD) provides an 'Educators and Students' link to programs and materials, <http://www.swfwmd.state.fl.us/education/>, in addition to a 'Library and Multimedia' link, http://www.sfwmd.gov/portal/pls/portal/portal_apps.repository_lib_pkg.repository_browser, which links to their outreach 'Learning Center', <http://www.sfwmd.gov/portal/page/portal/levelthree/Learning%20Center>, and "Web Boards", a site to join online discussion forums or real-time interactive sessions, <http://www.sfwmd.gov/portal/page/portal/xweb%20about%20us/webboard>.
- Florida Department of Environmental Protection's (DEP) – has several outreach efforts for the various water programs:
 - Office of Environmental Education provides a listing of many of the DEP's publications for students by topic and age group, <http://www.dep.state.fl.us/secretary/ed/>. Emphasis is put on the DEP's "Learning in Florida's Environment" or "LIFE" program, <http://www.dep.state.fl.us/secretary/ed/lifeprogram.htm>, which is an initiative to establish a series of field-based, environmental-science, education programs around the state.
 - Florida Springs Initiative Program - <http://www.floridasprings.org/>
 - Stormwater & Non-Point Source Management Program-- <http://www.dep.state.fl.us/water/nonpoint/index.htm>.
 - Bioassessment Program--<http://www.dep.state.fl.us/water/bioassess>. This site describes biological approaches to measure and evaluate the consequences of human actions on biological systems and contains links for plant identification techniques, <http://www.dep.state.fl.us/water/bioassess/plantid.htm>, and links to

the bioassessment reports for various locations:

<http://www.dep.state.fl.us/water/bioassess/pubs.htm>

- Mine Reclamation Program--<http://www.dep.state.fl.us/water/mines/index.htm>
- Environmental Resource Program (ERP) --
<http://www.dep.state.fl.us/water/wetlands/>. This program is colloquially referred to as the “wetlands program.” This site includes information inclusive of the Wetland Resource Permitting (WRP) program (program prior to the ERP program), the Environmental Resource Permitting program, and the Sovereign Submerged Lands (SSL) Program (authorization to conduct activities on submerged public lands) applicable throughout the state. The program’s training and education site is at <http://www.dep.state.fl.us/water/wetlands/erp>. This site contains access to publications developed for the program, including guidance wetland delineation, mitigation assessment, and wetland restoration, and has a link to the regulations pertinent to this program, including an explanation for the linkage between the regulatory ERP program and the proprietary SSL program, <http://www.dep.state.fl.us/water/wetlands/erp/rules/linkage.htm>
- Watershed Management Program,
<http://www.dep.state.fl.us/water/watersheds/index.htm>. This program outlines the ‘total maximum daily loadings’ (TMDL) for certain ‘pollutants’ and dissolved oxygen issues around the state.
- Florida Wetland Restoration and Information Center,
<http://www.dep.state.fl.us/water/wetlands/fwric/index.htm>
- Office of Coastal and Aquatic Managed Areas (CAMA) -
<http://www.dep.state.fl.us/mainpage/programs/cama.htm>. This site provides information on the following special surface water areas:
 - Aquatic and Buffer Preserves,
<http://www.dep.state.fl.us/coastal/programs/aquatic.htm>
 - National Estuarine Research Reserves within Florida,
<http://www.dep.state.fl.us/coastal/programs/nerrs.htm>, with links to the outreach material available for each reserve.
 - Florida Keys National Marine Sanctuary,
<http://www.dep.state.fl.us/coastal/sites/keys/>, which includes a link to the Coral Reef Conservation Program,
<http://www.dep.state.fl.us/coastal/sites/keys/>
 - Ground Water – In many areas of Florida, there is an intricate mixing of groundwater and surface waters. Outreach materials for Florida’s Groundwater Protection Program are found at
<http://www.dep.state.fl.us/water/groundwater/pubs.htm>.

SPECIAL PROBLEMS

- Extensive wetland and other surface water acreage in Florida has been, and continues to be, degraded by exotic and invasive species infestations. Florida has a regulatory program for exotic and invasive species, and spends millions of dollars each year on controlling those species. Regulatory permits also often include mitigation that targets removal and control of exotic and invasive species. However, despite those efforts,

Florida remains one of the most susceptible states in the nation to continued exotic and invasive species due to a favorable climate and past actions of man that have disturbed historic conditions.

- Sea Level Rise & Climate Change **(Under Development)**

COORDINATION

There is no one “wetland team” in Florida to guide or control all the programs that regulate, acquire, and manage Florida’s wetlands. However, mechanisms are in place to foster communication on issues related by wetlands and other surface waters. These include

- DEP and the WMDs frequently coordinate on individual permitting actions;
- DEP and the WMDs meet approximately four times per year on statewide issues involving implementation and coordination of the environmental resource permit program;
- DEP and the WMDs meet frequently to discuss issues related to water use and water consumption, both of which may adversely affect wetland and other surface water levels and functions;

CONTACTS

<http://www.dep.state.fl.us/water/wetlands/staff.htm>

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ACRONYMS

| | |
|--------|---|
| ADID | Advanced Identification |
| AGSWM | Agricultural Ground and Surface Water Management |
| BMP | Best Management Practice |
| BOT | Board of Trustees of the Internal Improvement Trust Fund |
| CARL | Conservation and Recreation Lands |
| CCCL | Coastal Construction Control Line |
| CERPRA | Comprehensive Everglades Restoration Plan Regulation Act |
| CZCC | Coastal Zone Consistency Concurrence |
| CZM | Coastal Zone Management |
| DACS | Department of Agriculture and Consumer Services |
| DEP | Department of Environmental Protection |
| DSL | Division of State Lands, Department of Environmental Protection |

| | |
|-----------|--|
| EFA | Everglades Forever Act |
| ERP | Environmental Resource Permit |
| ERPce | Environmental Resource Permit Compliance and Enforcement |
| F.A.C. | Florida Administrative Code |
| F.S. | Florida Statutes |
| FDOT | Florida Department of Transportation |
| FWC | Florida Fish and Wildlife Conservation Commission |
| GIS | Geographic Information System |
| JCP | Joint Coastal Permit |
| LIFE | Learning in Florida's Environment |
| MDC | Miami-Dade County |
| MHW | Mean High Water |
| MOA | Memorandum of Agreement |
| MS4 | Municipal Separate Storm Sewer System |
| MSA | Mitigation Service Area |
| NEEPP | Northern Everglades and Estuaries Protection Plan |
| NPDES | National Pollutant Discharge Elimination System |
| NFWWMD | Northwest Florida Water Management District |
| NWPs | Nationwide Permits |
| OA | Operating Agreement |
| OFWs | Outstanding Florida Waters |
| PA | Permit Application |
| ROMA | Regional Offsite Mitigation Area |
| SAMP | Special Area Management Plan |
| SCENE | State Committee on Environmental Education |
| SFWMD | South Florida Water Management District |
| SJRWMD | Saint Johns River Water Management District |
| SLER | Submerged Land and Environmental Resources |
| SOR | Save Our Rivers |
| SPGP | State Programmatic General Permit |
| SL | Sovereign Submerged Lands |
| SWIM | Surface Water Improvement and Management program |
| TSS | Total Suspended Solids |
| TSV | Technical Service Department |
| USACE | U.S. Army Corps of Engineers |
| | United States Department of Agriculture-Natural Resources Conservation Service |
| USDA-NRCS | |
| WGSS | Water Quality Standards Section |
| WMDs | Water Management Districts |
| WQC | Water Quality Certification |
| WRP | Wetland Resource Permit |
| WUP | Water Use Permitting |