



Wetland Permitting

January 8, 2020



Outline

- **What are wetlands?**
- **Why are wetlands important?**
- **How do I know if I have wetlands?**
- **What do I need if I have wetlands on my property?**
- **Mitigation Banks & Wetlands FAQs**



What are Wetlands?

- Defined in subsection 373.019(27), Florida Statutes
- State's procedure for delineation codified in Rule 62-340, Florida Administrative Code
- Generally, you need **two** of three criteria below to be a wetland:
 - **Hydrophytic Vegetation;**
 - **Hydrology;**
 - **Hydric Soils**





Wetlands Functions & Importance



**Improve Water
Quality**



Provide Habitat



**Provide Flood
Control**



**Support
Florida's
Economy**



Are there wetlands on your property?

- **How to know if there are wetlands on your property:**
 - **Use online resources**
 - **Hire an environmental consultant**
 - **Presence of common indicators**
- **What to do if you have wetlands on your property:**
 - **Determine if you need a permit to build**
 - **Learn how to apply for a permit**



FDEP MapDirect Tool

- **MapDirect**: ERP map, with **Wetlands Layer** added
 - **Note: Not compatible with Internet Explorer**

Allows access to:

- **Aerial photographs**
- **Property Appraiser Cadastral (ownership)**
- **National Wetlands Inventory (NWI) layer (estimate)**
- **Hydric Soils**
- **Historical and current permit information**



I probably have wetlands, now what?

- Get an **onsite delineation** (map showing where the wetlands are on the property)
- Where to get one:
 - Collier County
 - Private environmental consultant
 - Department of Environmental Protection
 - Water Management District
- If required, apply for **authorization** for your project
 - Federal (ACOE), State (DEP/WMD) as well as Local Regulation



Permitting Agencies in Florida

Federal, State & Local Regulation

- **US Army Corps of Engineers**
 - **Jacksonville District**
- **Florida Department of Environmental Protection**
- **Local Governments**

Welcome

to the

Florida Department of Environmental Protection's Business Portal. If you don't find what you're looking for please come back as we're continually adding to the site.

I would like to:

 **Apply**

To build, repair, operate, discharge, ... see more.

 **Pay**

For fees, invoices, park reservations, ... see more.

 **Sign Up**

For subscriptions, newsletters, notifications, ... see more.





Do I need a permit or authorization?

- Will your project **impact** wetlands?
 - Filling, dredging, or constructing anything in, on, or over wetlands or other surface waters
- If yes, then you need a permit...
 - Contact FDEP or your Water Management District
 - Free **pre-application** meeting!
 - Private environmental consultants can help



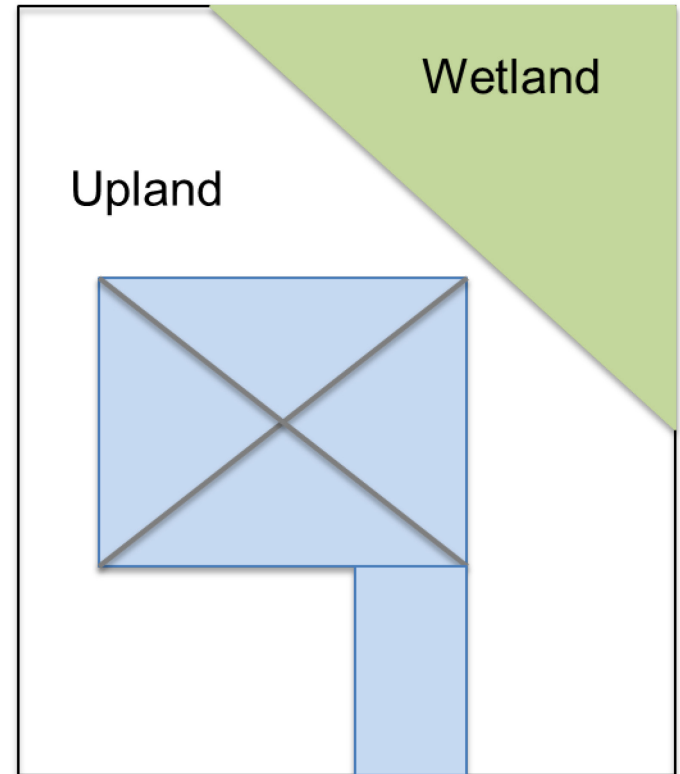
Different Levels of Authorization





Exempt Activity

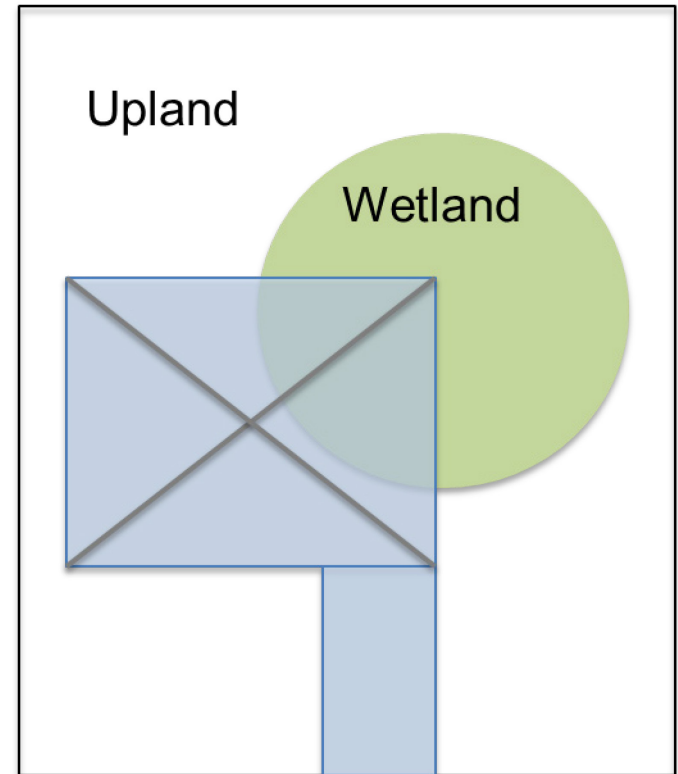
- **No permit is required**
- **No wetlands impacted or lost due to dredging and filling activities**
- **\$100 fee for the Department to verify**





General Permit Required

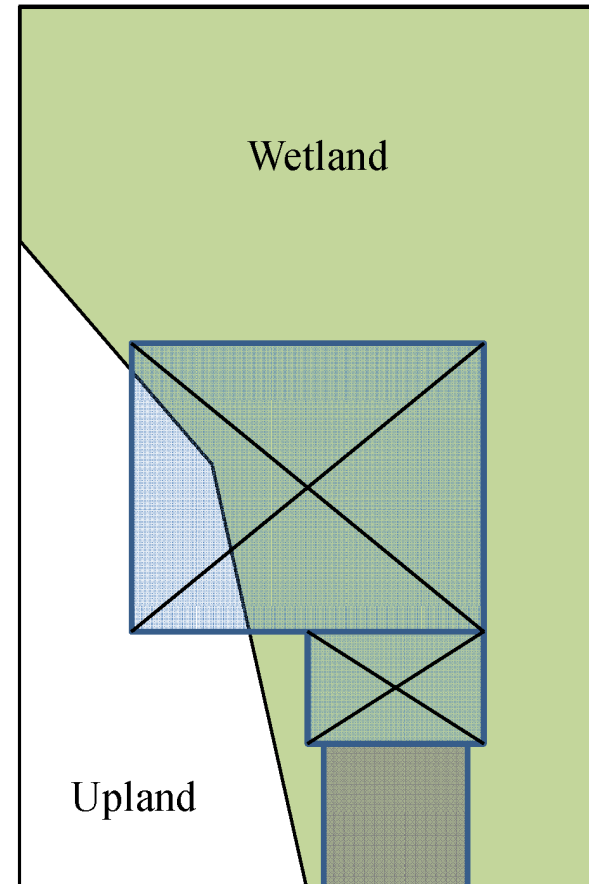
- Impacting **less than 4,000 square feet of isolated wetlands**
- **No mitigation required**
- **\$250 fee**





Individual Permit Required

- **Impacting wetlands**
- **Mitigation is required**
- **\$420 fee (less than one acre)**
 - **\$320 is using e-permitting**





Mitigation

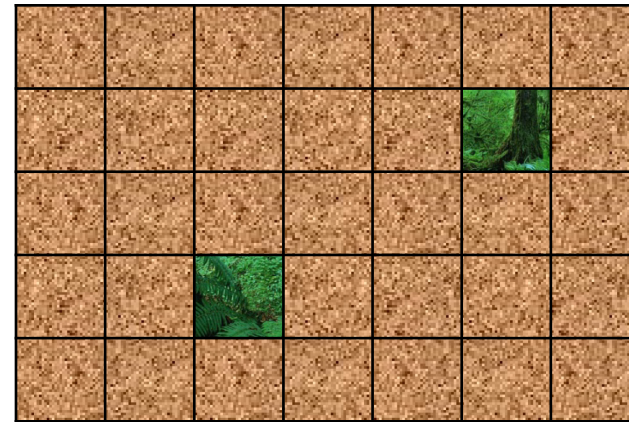
- **Offsets the loss of wetland functions by improving existing wetlands within the area**
 - **Restores**
 - **Enhances**
 - **Preserves**
 - **Creates**



Mitigation FAQs

My project is small – why do I have to provide mitigation?

- **Many small impacts → large cumulative impacts**
- **Florida lost approximately ½ of its wetlands pre-1970's.**





Mitigation FAQs

How do I know how much mitigation my project requires?

- **Not all wetlands function equally**
- **Wetland functions are scored objectively**
- **Uniform Mitigation Assessment Method (UMAM)**
- **Rule 62-345, Florida Administrative Code**

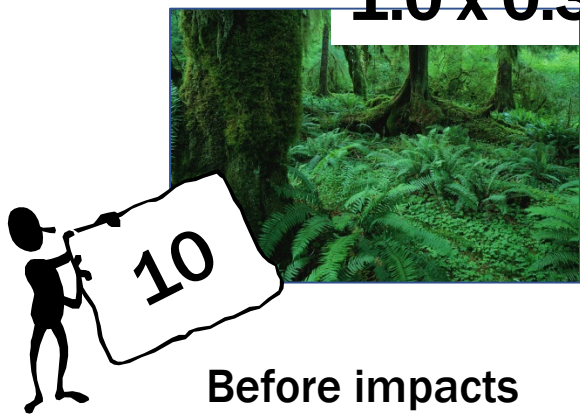


Mitigation FAQs

How does UMAM scoring work?

- **Impact**
 - **Score before project**
 - **Score after project**
 - **Before Impacts – after impacts = functional loss**
 - **Functional loss x area of impact = Mitigation needed to offset project**

$$1.0 \times 0.33 \text{ acres} = 0.33 \text{ credits}$$



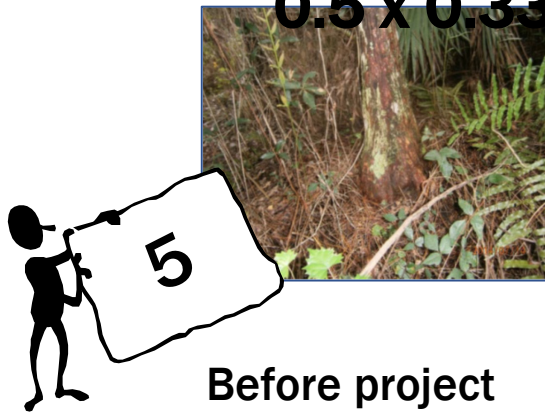


Mitigation FAQs

How does UMAM scoring work?

- **Impact**
 - **Score before project**
 - **Score after project**
 - **Before Impacts – after impacts = functional loss**
 - **Functional loss x area of impact = Mitigation needed to offset project**

$0.5 \times 0.33 \text{ acres} = 0.165 \text{ (0.17) credits}$





Mitigation FAQs

What kinds of mitigation should I use?

- **“In-kind” and “like for like”**
- **Similar vegetation community**
- **Similar wetland functions**
- **Replacement of functions, not acreage**





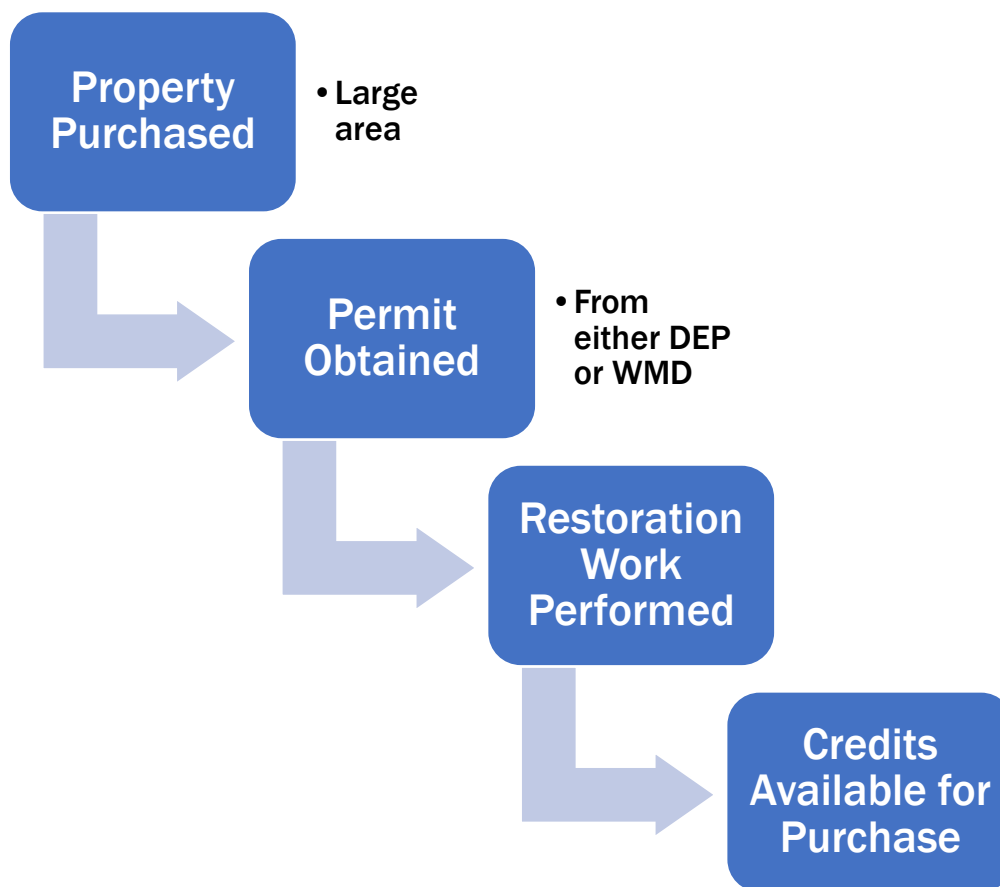
Mitigation Options

- **On-site Mitigation**
 - **At the project location**
 - **Requires plans, monitoring and a conservation easement**
- **Off-site Mitigation**
 - **Not at the project location**
 - **Within the same watershed as the project**
 - **Requires plans, monitoring and a conservation easement**
- **Mitigation Bank**
 - **Purchase appropriate credits**
 - **Project must be within bank's service**



Mitigation Bank

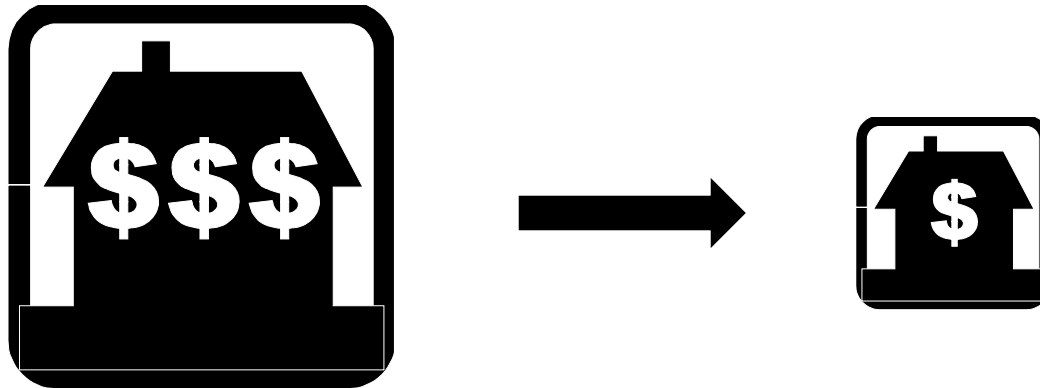
- **Private Sector Business**





Reducing Costs

- **Elimination and Reduction methods should be used**
- **Less impact → less mitigation → less expensive**





Elimination & Reduction

- **Elimination – removing all impacts to wetlands and surface waters.**
- **Reduction – reducing the acreage or severity of impacts to wetlands and surface waters.**



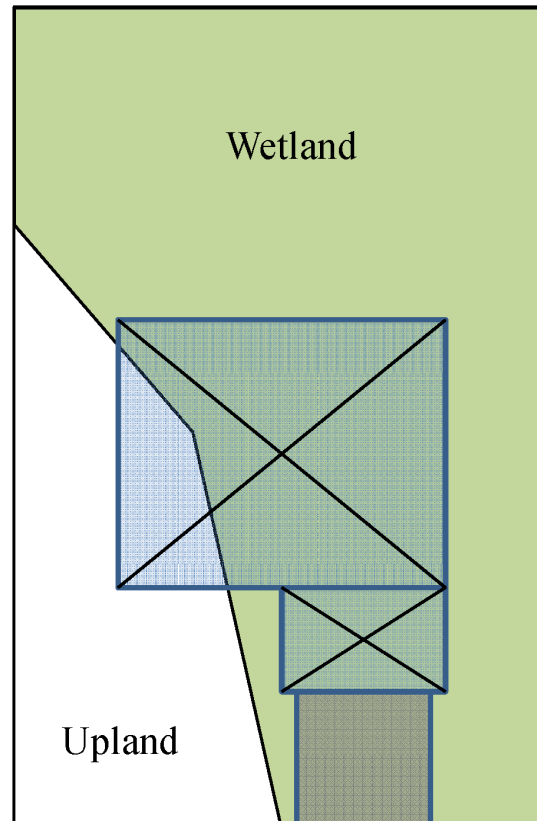
Ways to Eliminate & Reduce

- **Keep all structures in uplands**
- **Propose piling supported structures**
- **Use stem-wall foundation instead of fill slopes**
- **Build smaller structures**
- **Build multi-story structures**
- **Use sewer, not septic**
- **Do not propose pools or large decks in wetlands**



Elimination & Reduction Utilized

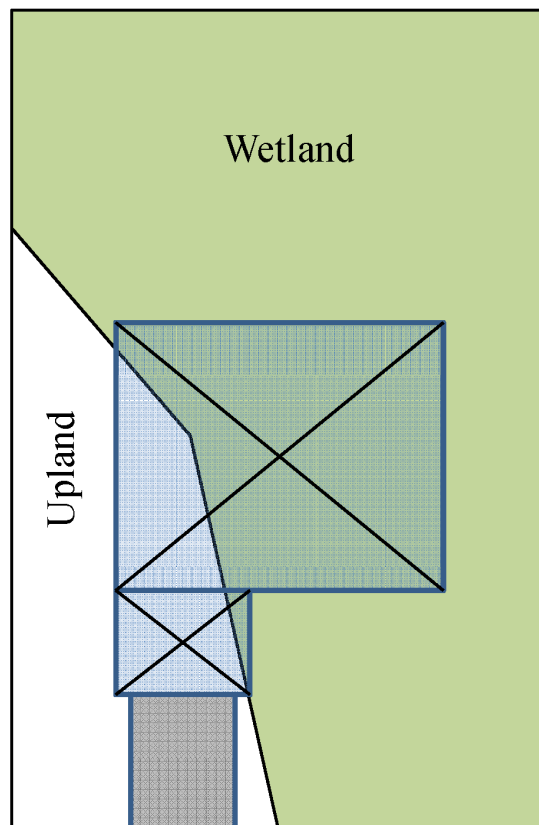
- **Original proposal: Requires an individual permit with mitigation to construct a single family home and driveway.**





Elimination & Reduction Utilized

- **Final proposal: modified to reduce wetland impact.**
- **Fill for house pad only. Reduced amount of mitigation required.**





Summary

- **Wetlands are important!**
- **Impacts are regulated**
- **Use tools to find out if your project may impact wetlands**
- **Regulatory Authorizations and Agencies**
- **DEP is here to help!**



Daniel Sensi, Permitting Manager

Daniel.Sensi@FloridaDEP.gov

239-344-5614