



*Florida Department of
Environmental Protection*

Living Shoreline permitting in Northwest Florida

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DEP Submerged Lands and Environmental
Resources Program



Wetland Resource Permitting Statutory and Rule Authority

STATUTES

Chapter 373 F.S. - Water Resources

Chapter 403 F.S. - Environmental Regulations

Chapter 253 F.S. - Public Lands

ADMINISTRATIVE CODE (Rule)

Chapter 62-4 F.A.C. - Permits

Chapter 62-312 F.A.C. - Dredge and Fill Activities

Chapter 18-21 F.A.C. - Sovereignty Submerged State Land Management

Chapter 62-346, F.A.C. - Environmental Resource Permitting (ERP)





Consolidated Wetland Resource Permit

Parts of the Consolidated Permit:

1. Wetland Resource Permit (or ERP) for Waters of the State
2. Authorization to use Sovereign Submerged Lands (State Lands)
3. Water Quality Certification (Section 401 of the Clean Water Act)
4. Verify consistency with the Coastal Zone Management Act



CONSOLIDATED WETLAND RESOURCE PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE/AUTHORIZED ENTITY:	Permit/Authorization Number:
Florida Department of Environmental Protection	17-023456-001-DF
Northwest District	Date of Issue:
Ecosystem Restoration Section	Construction Phase:
140 Governmental Center	County: Escambia
Pensacola, FL 32502	Project: Seagrass restoration

This permit is issued under the authority of Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative



Wetland Resource Permit Standards for Issuance

1. Applications must be complete and properly noticed.
2. Projects may not violate Water Quality Standards set forth in 62-302, F.A.C.
3. Shellfish (Class II) Waters must be protected.
4. The project must not be contrary to public interest. Or, if in an OFW, the project must be clearly *in the public interest* as measured by the public interest test per 403.918, F.S "seven dwarfs."





Public Interest Test (403.918, F.S)

1. Whether the project will adversely affect the public health, safety, or welfare or the property of others;
2. Whether the project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;
3. Whether the project will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
4. Whether the project will adversely affect the fishing or recreational values or marine productivity in the vicinity of the project;
5. Whether the project will be of temporary or permanent nature;
6. Whether the project will adversely affect or will enhance significant historical and archeological resources under the provisions of section 267.061; and
7. The current condition and relative value of functions being performed by areas affected by the proposed activity.



State Lands

Submerged land lying below mean high water or ordinary high water

Includes navigable waterways as of statehood (1845)

Does *not* include privately held submerged lands including canals and man-made ponds.





State Lands Authorizations

- **Consent By Rule** - for activities that qualify for exemptions in 62-312, F.A.C.
- **Letter of Consent** - most activities including most restoration and enhancement projects.
- **Submerged Land Lease** - marinas and other large docking facilities
- **Easement** - roads/bridges, utility lines, breakwaters



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Letter of Consent to Use State Lands for Restoration and Enhancement projects

18-21.005(1)(c)

- Placement, replacement, or repair of riprap, groins, breakwaters, or intake and discharge structures no more than ten feet (10') waterward of the line of mean or ordinary high water.
- Habitat restoration, enhancement, or permitted mitigation activities without permanent preemption by structures or exclusion of the general public, but excluding all mitigation banks.



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State Lands – General Requirements

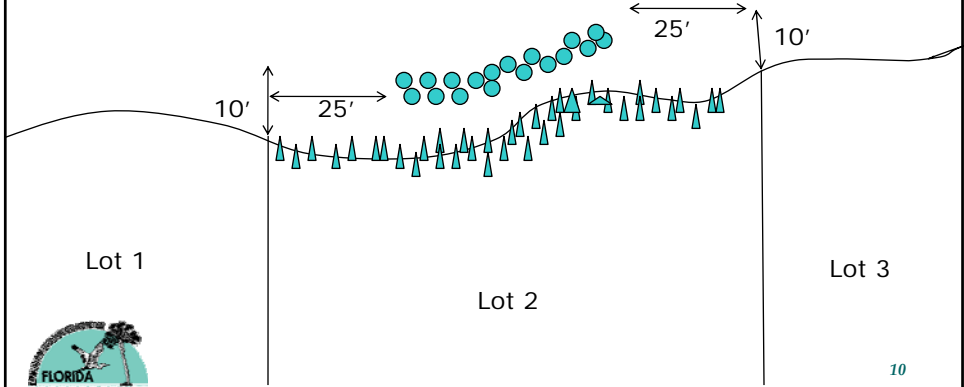
Chapter 18-21.004(3)

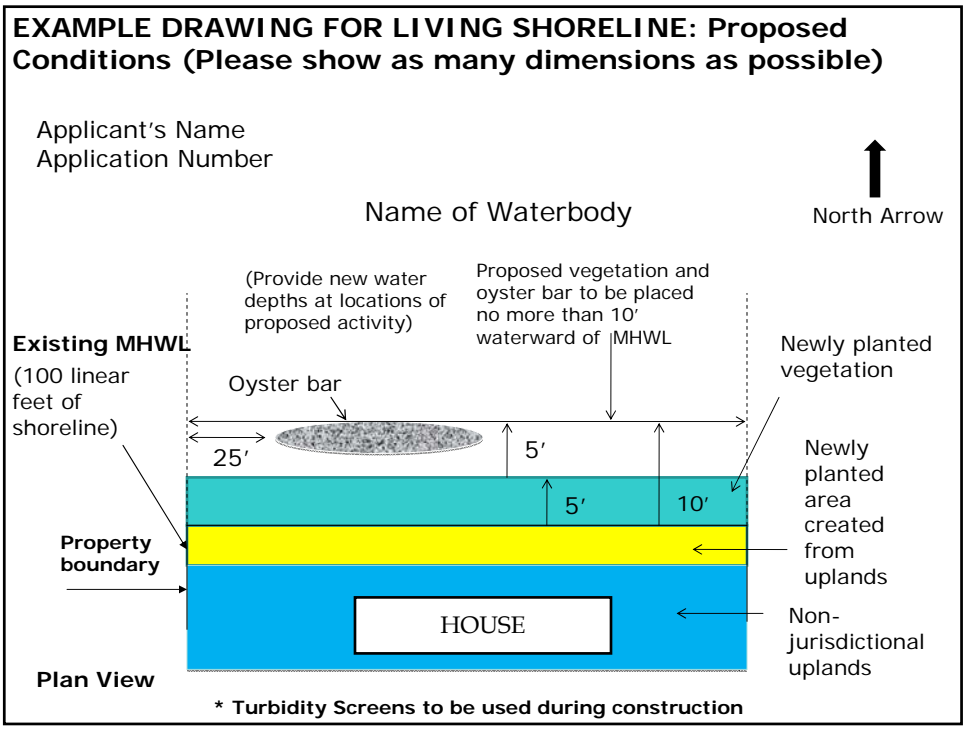
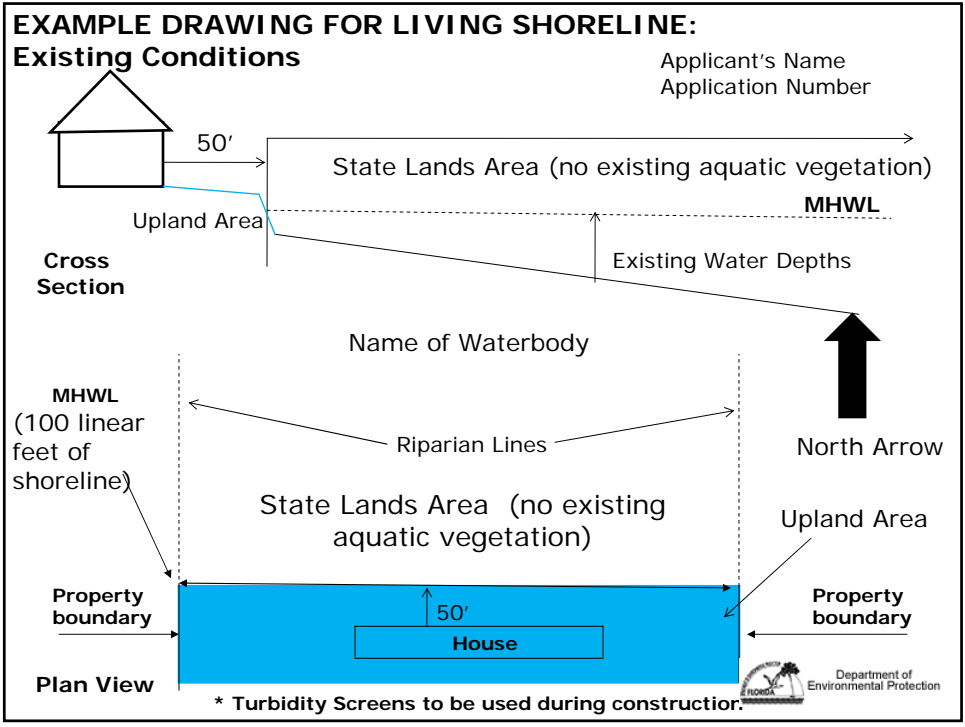
- Satisfactory evidence of sufficient upland interest is required
- Projects can not unreasonably restrict or infringe upon the riparian rights of adjacent upland riparian owners.
- Except as provided herein, all structures, including mooring pilings, breakwaters, jetties and groins, and activities must be set back a minimum of 25 feet inside the applicant's riparian rights lines. Exceptions to the setbacks are: where such structure is shared by two adjacent single-family parcels; bulkheads, seawalls, riprap or similar shoreline protection structures located along the shoreline;



State Lands

- Requirements for private shoreline projects:
1. 25-foot Setbacks for hard structures waterward of MHWL
 2. 10-foot limit waterward from mean high water line (MHWL)



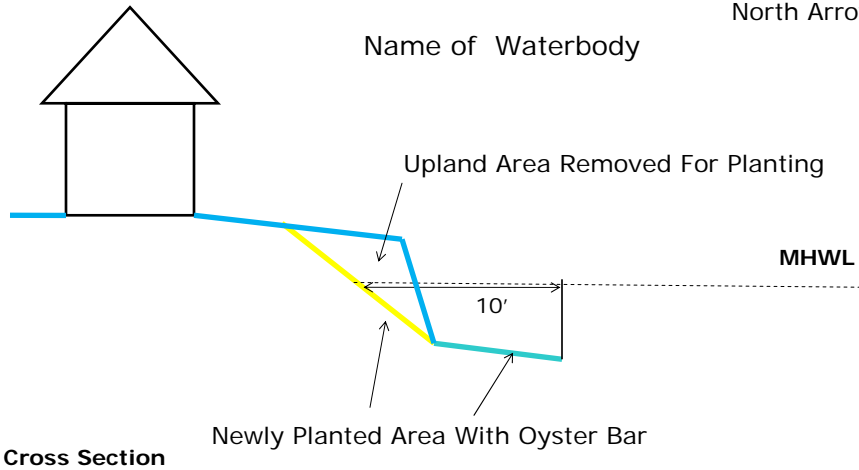


**EXAMPLE DRAWING FOR LIVING SHORELINE:
Existing Conditions vs. Proposed Conditions**

Applicant's Name
Application Number



North Arrow

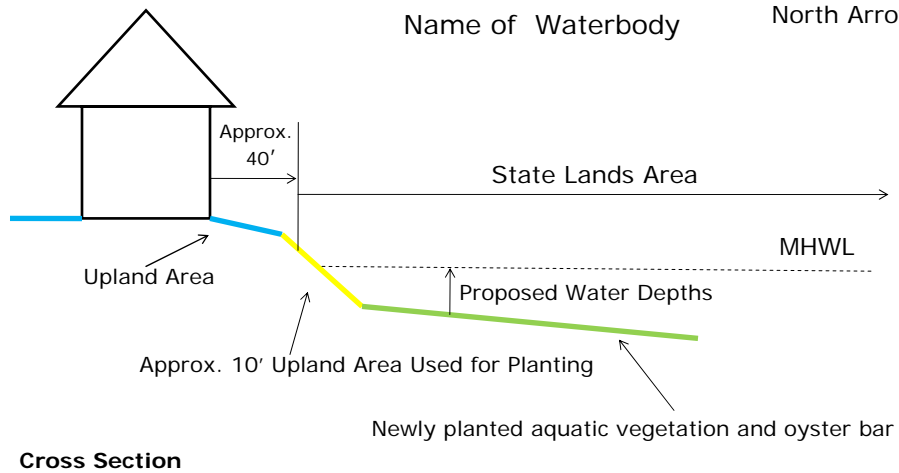


**EXAMPLE DRAWING FOR LIVING SHORELINE: Proposed
Conditions (Please show as many dimensions as possible)**

Applicant's Name
Application Number



North Arrow



INFORMATION REQUIRED FOR WETLAND RESOURCE PERMIT APPLICATIONS RELATED TO A SHORELINE RESTORATION OR ENHANCEMENT PROJECT

The Joint Applications utilized by the Department of Environmental Protection (DEP) are applications designed to simultaneously satisfy the permitting needs of the US Army Corps of Engineers (COE) and the DEP. A Joint Application consists of 4 pages of fill in the blank and various attachments. Not all of the blanks have to be filled in; however, the more information that can be supplied with an application, the easier it is for the permit processor to evaluate the project in a timely manner. The appropriate attachments are discussed later in this document.

TIPS FOR FILLING OUT JOINT APPLICATIONS

*Each Tip number corresponds to the same number on the Wetland Resource Permit Application

*Please type or print legibly

1. Applicants name and address:

- This is the **mailing** address of the applicant. (The address/location of where the activity will occur is requested in question #4). All correspondence from the Department to the applicant will be sent to this address, so make sure it is the most current mailing address. Also, if this address changes at any time during the application process, please provide the Department with the new address.

2. Name, Address, Zip Code, Telephone and Title of Applicant's Authorized Agent:

- If the applicant has obtained a consultant to assist them with the permitting process, this is where all their contact information would be placed. Please note that the DEP permit processor will be directly contacting the consultant about all permitting concerns. The applicant will be copied on all correspondence. The consultant should also relay

Form # 62-112-0001
Form Title: Joint Application for Works
in the Waters of Florida
Effective Date: October 15, 1999

Joint Application
Works in the Waters of Florida
(Coops Florida Department of Environmental Protection (DEP)
Water Management District (WMD))

DEP Application Number (official use only) _____
Type or Print Legibly

(Name) Corporate Name, Name of Govt. Agency _____
Zip _____

Name and Title of Applicant's Authorized Agent _____
Zip _____

Range _____
Range _____
Range _____

Federal Projects Only: y n

Latitude _____ Longitude _____
Lot _____ Block _____ Subd _____ Plat No _____ Pg _____



Contact Information

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