

Overview of Part IV, Chapter 373, Florida Statutes, Pertaining to Environmental Resource Regulation

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Environmental Resource Permits

Regulation of the construction and operation of “Surface Water Management Systems” including:

- stormwater management systems;
- dams;
- impoundments;
- reservoirs;
- “works;” and
- dredging or filling.

§373.413, Fla. Stat.



Environmental Resource Permits

“Works” include:

all artificial structures, ditches, canals, culverts, pipes, and other construction that connects to, draws water from, drains water into, or is placed across waters in the state.

§373.403(5), Fla. Stat.



Environmental Resource Permits

Permits needed for virtually any alteration of land surface:

- Residential
- Golf courses
- Commercial
- Roadways
- Institutional
- Agriculture (non-exempt)



Environmental Resource Permits

WMD or DEP? Who Does What?

Operating Agreement between WMDs and DEP establishes “activity-based” split of permitting responsibility.

WMDs

Residential

Residential dock/marina

Agricultural (non-exempt)

Commercial

Highway

DEP

Mining

Industrial

Landfills

Commercial marinas

Single family

Types of Permits

- **Conceptual**
 - For projects developed in phases
 - Does not allow construction or alteration
- **Construction and Alteration**
 - §373.413, Fla. Stat.
- **Operation and Maintenance**
 - §373.416, Fla. Stat.

Issuance

- **Individual Permits – Issued by the Governing Board**
 - >100 acres
 - >1 acre wetland impact
 - > 9 boat slips
 - All conceptual permits
- **Standard General Permits – Issued by District Staff**
 - <100 acres
 - <1 acre wetland impact
 - Consistent with Board approved conceptual



**Technical review
criteria and
conditions for
issuance are the
same for individual
and general permits.**

Environmental Resource Permits



Primary review criteria:

- Water Quality
- Water Quantity (flood protection)
- Environmental



Reasonable assurances must be provided that an activity will not be:

- 1. Harmful to water resources of the District. §§373.413, 373.414(1), 373.416, Fla. Stat.**
- 2. Inconsistent with the objectives of the District. §§373.414 and 373.416, Fla. Stat.**

Types of Impacts

The District does not just consider direct impacts. Other impacts include:

- Secondary Impacts
- Cumulative Impacts



Conditions for Issuance

- **Flooding or water quantity impacts**
- **Impacts to surface water storage and conveyance capabilities**
- **Impacts to the value of functions provided to fish, wildlife and listed species**
- **Affects to water quality**
- **Secondary impacts or unacceptable cumulative impacts**

40E-4.301, F.A.C.

Activities proposed in surface waters and wetlands must satisfy the public interest balancing test:

- Discharges to an Outstanding Florida Water (OFW) must be clearly in the public interest.
- Other discharges must not be contrary to the public interest.

§373.414(1), F.S.



Review of Applications for Activities on Sovereign Lands

- District also reviews proprietary applications on behalf of the Board of Trustees of the Internal Improvement Trust Fund for activities on sovereign submerged lands.
- The application is reviewed concurrently with the ERP application and issuance or denial is concurrent.

§373.422, Fla. Stat.

District Does Not Review

- Docking facilities for more than 50 slips
- Docking facilities of more than 50,000 square feet
- Private easements of more than 5 acres
- Mitigation banks on sovereign submerged lands
- Heightened public concern

Other Responsibilities

Permitting is only one of our responsibilities under Part IV, Chapter 373, Fla. Stat. Other responsibilities include:

- Compliance
- Enforcement

§373.430, Fla. Stat.

