



Water Quality, Supply & Treatment Subcommittee

**Tuesday, September 19, 2023
11:00 am
Sumner Hall (404 HOB)**

Meeting Packet

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Water Quality, Supply & Treatment Subcommittee

Start Date and Time: Tuesday, September 19, 2023 11:00 am

End Date and Time: Tuesday, September 19, 2023 12:30 pm

Location: Sumner Hall (404 HOB)

Duration: 1.50 hrs

Presentation by the Department of Environmental Protection on wetlands

Presentation by the St. Johns River Water Management District on mitigation banking

NOTICE FINALIZED on 09/12/2023 2:14PM by Jones.Missy

Wetlands
DEP

OneFLORIDA

PROTECTING FLORIDA TOGETHER

Florida's Wetlands

House Water Quality, Supply & Treatment Subcommittee



Sept. 19, 2023

FLORIDA'S WETLANDS

IMPORTANCE TO THE HEALTH OF THE ENVIRONMENT



Wetlands are found throughout Florida and make up nearly a third of the state. They are critical to maintaining water quality and supply, providing flood control, supporting recreational opportunities, and providing habitat for numerous threatened and endangered species.

FLORIDA'S WETLANDS

PROTECTING WETLANDS IN OUR GROWING STATE



- **The Florida Department of Environmental Protection (DEP), in coordination with Florida's five water management districts, administers the Submerged Lands and Environmental Resources Coordination Program (SLERC), which includes the implementation of the state's Environmental Resource Permitting (ERP) Program.**
- **SLERC regulates activities in, on or over surface waters or wetlands, as well as any activity involving the alteration of surface water flows (stormwater management).**
- **SLERC implements the environmental permitting criteria to ensure there is no net loss in wetland and other surface water functions.**

FLORIDA'S WETLANDS

SLERC RULES



Chapter 62-340, Florida Administrative Code (F.A.C.):

- Delineation of landward extent of wetlands and surface waters.

Chapter 62-330, F.A.C.:

- Environmental Resource Permitting.
- Establishes the statewide thresholds, criteria and conditions for the processing and issuance of ERP permits.

Chapter 62-345, F.A.C.:

- Wetland functional assessment.
- Uniform Mitigation Assessment Method (UMAM).



FLORIDA'S WETLANDS

DELINEATING WETLANDS – CHAPTER 62-340, F.A.C.



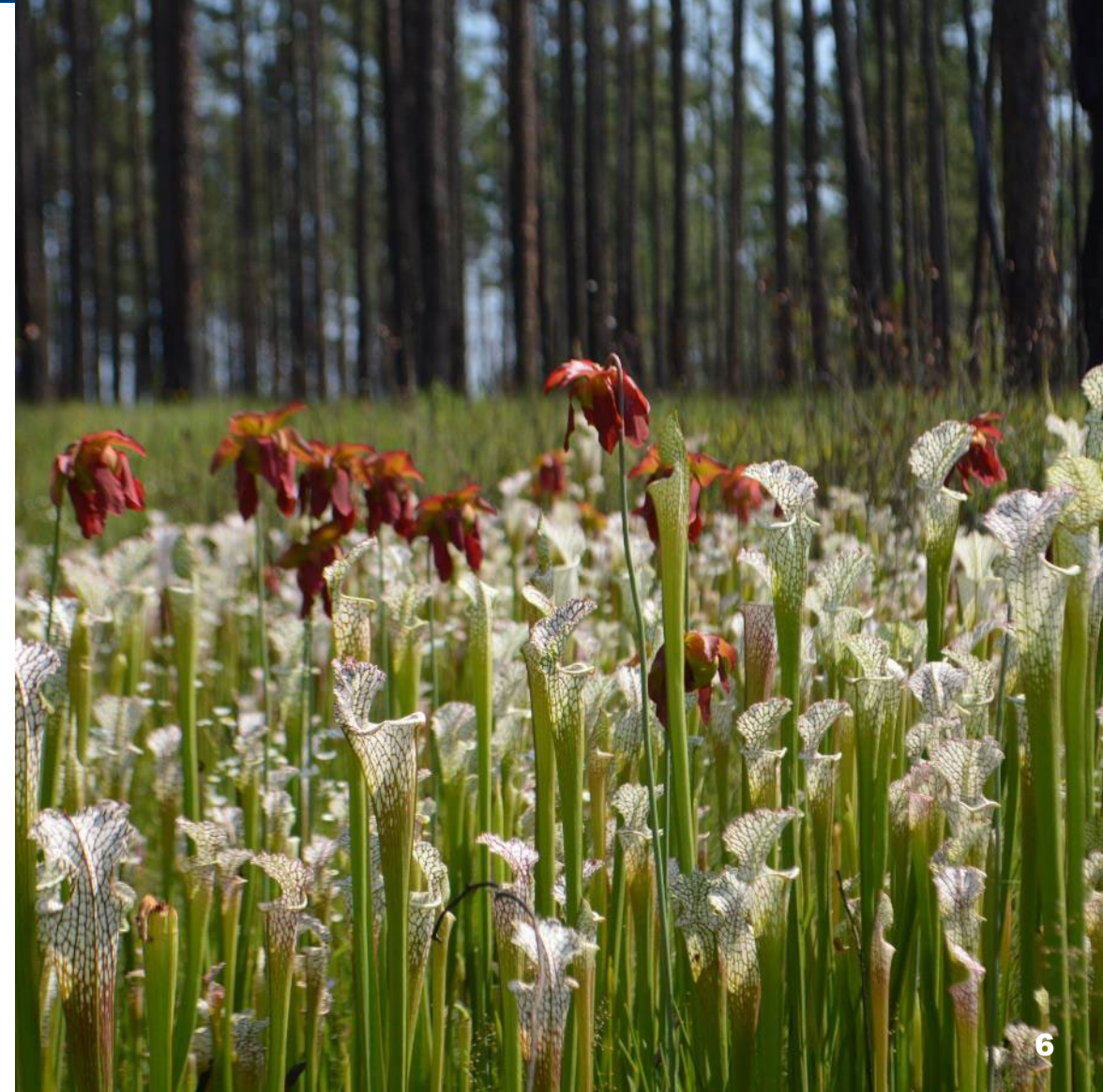
- **Surface waters and wetlands in Florida are defined and delineated in accordance with Chapter 62-340, F.A.C.**
- **Florida wetlands are defined as those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric.**
- **The three general factors include plants, soils and hydrologic indicators.**
- **DEP provides training to regulatory agencies to ensure the consistent use of the rule statewide.**

FLORIDA'S WETLANDS

ERP – CHAPTERS 62-330 AND 62-331, F.A.C.



- The ERP rules are effective statewide and include Applicant Handbooks that provide rules and procedures for permit applications.
- The ERP is implemented by DEP, the water management districts and two delegated local governments.
- The State 404 program regulates activities involving the dredging or discharge of fill material within assumed Waters of the United States (WOTUS), both wetlands and surface waters.
- State 404 is implemented only by DEP.



FLORIDA'S WETLANDS

ERP REGULATED ACTIVITIES – CHAPTER 62-330, F.A.C.



- The ERP program addresses water quality, water quantity and the environmental functions of our wetland resources.
- The ERP program regulates most land alteration and construction with some exceptions (e.g., exempt activities and activities below rule thresholds).
- Activities in wetlands or surface waters that require a permit.
 - Docks, marinas, bridges, channel dredging, filling of a wetland, etc.
- Activities in wetlands and uplands that require a permit.
 - Residential and commercial development.
 - Transportation projects, power generation, utility lines, pipelines, etc.
 - Many projects also involve stormwater management during or after construction.

FLORIDA'S WETLANDS

STATE 404 REGULATED ACTIVITIES – CHAPTER 62-331, F.A.C.



- **Similar activities that are regulated under the ERP program.**
- **Dredging or filling of wetlands or surface waters (WOTUS – assumed waters under Florida program).**
- **Residential and commercial development.**
- **Transportation, power generation, pipelines, etc.**
- **Wetlands are defined in accordance with Chapter 62-340, F.A.C., unless the applicant chooses to provide information indicating that the wetlands are not WOTUS.**

FLORIDA'S WETLANDS

UMAM – CHAPTER 62-345, F.A.C.



- **Uniform Mitigation Assessment Method (UMAM), Chapter 62-345, F.A.C.**
- **Impacts to wetlands should be eliminated or reduced as much as possible.**
- **After eliminating or reducing impacts, an applicant must mitigate to offset the remaining adverse impacts.**
- **Wetland functions are assessed based upon factors such as habitat quality, water quality and quantity, and wildlife utilization.**

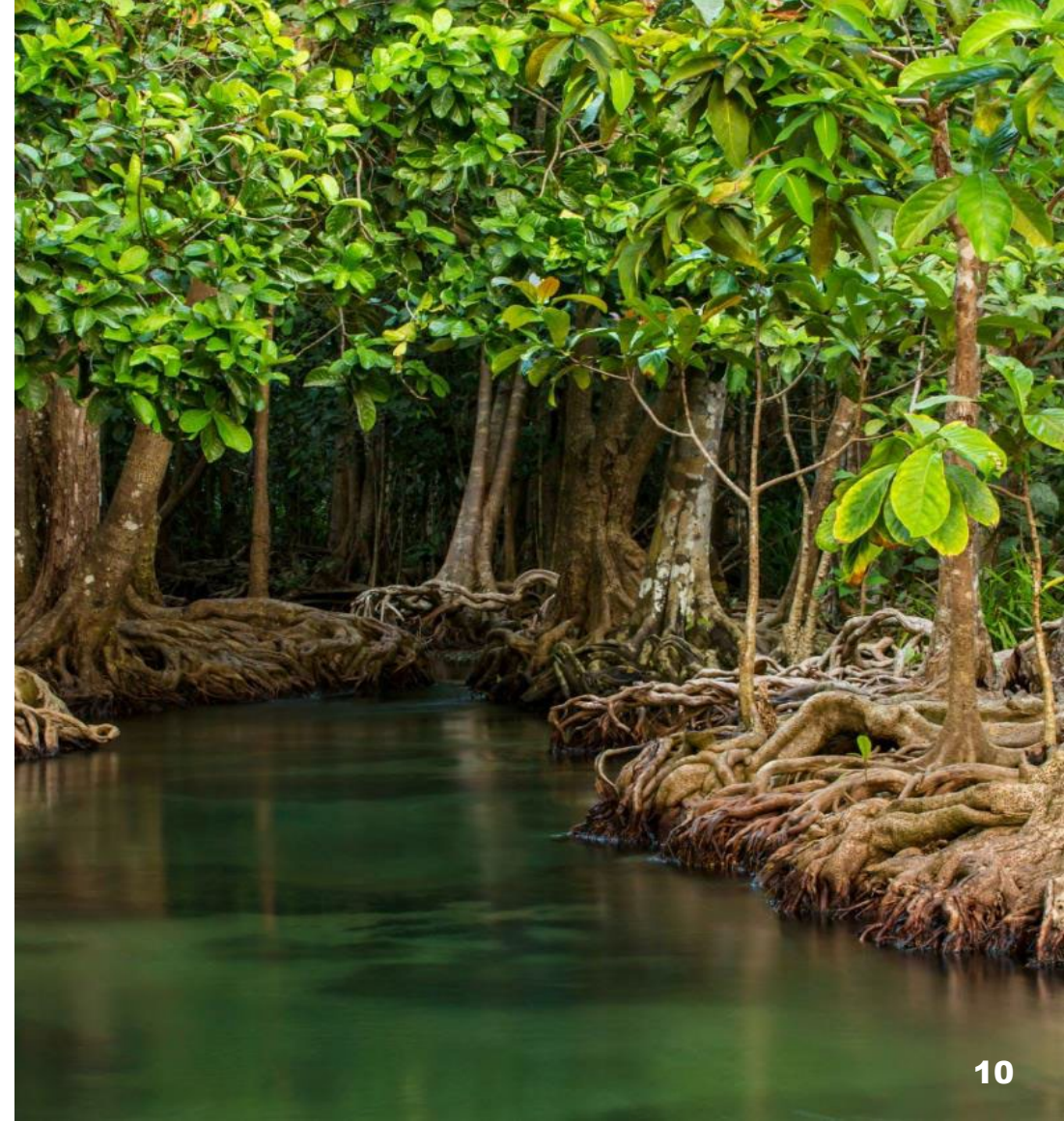


FLORIDA'S WETLANDS

PROTECTING FLORIDA NOW AND INTO THE FUTURE



- **DEP and the water management districts will continue to focus on effective and efficient implementation of the ERP program.**
- **Florida is leading by example with staff training as Certified Wetland Evaluators, and effective implementation of federal requirements for dredging or discharge of fill material in assumed waters (wetlands and surface waters) that are WOTUS under DEP's State 404 program.**





THANK YOU

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**Mitigation Banking
SJRWMD**

Mitigation Banks

Christine Wentzel

Regulatory Manager

Environmental Resource Program

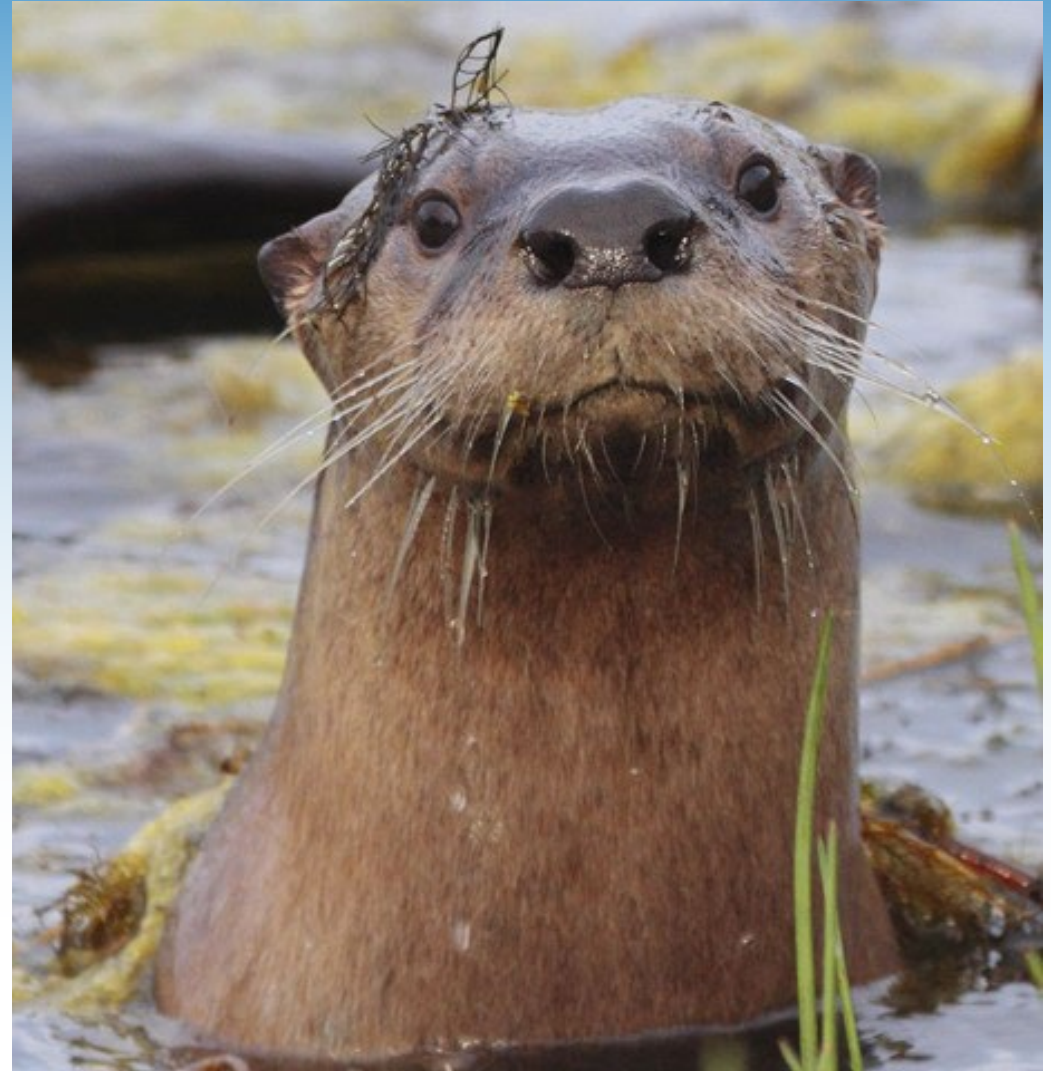
Division of Regulatory Services



St. Johns River
Water Management District

Presentation Purpose

- What is mitigation used for?
- What is a Mitigation Bank?
- How are they permitted?
- How do they work?
- How are they regulated?
- Where are they located?



What is Mitigation Used For

- Permitting Thresholds
 - Any new construction
 - Work within wetlands
- State Regulates
 - Water Quantity & Quality
 - Wetland Protection
 - Eliminate / reduce impacts
 - Mitigate unavoidable impacts



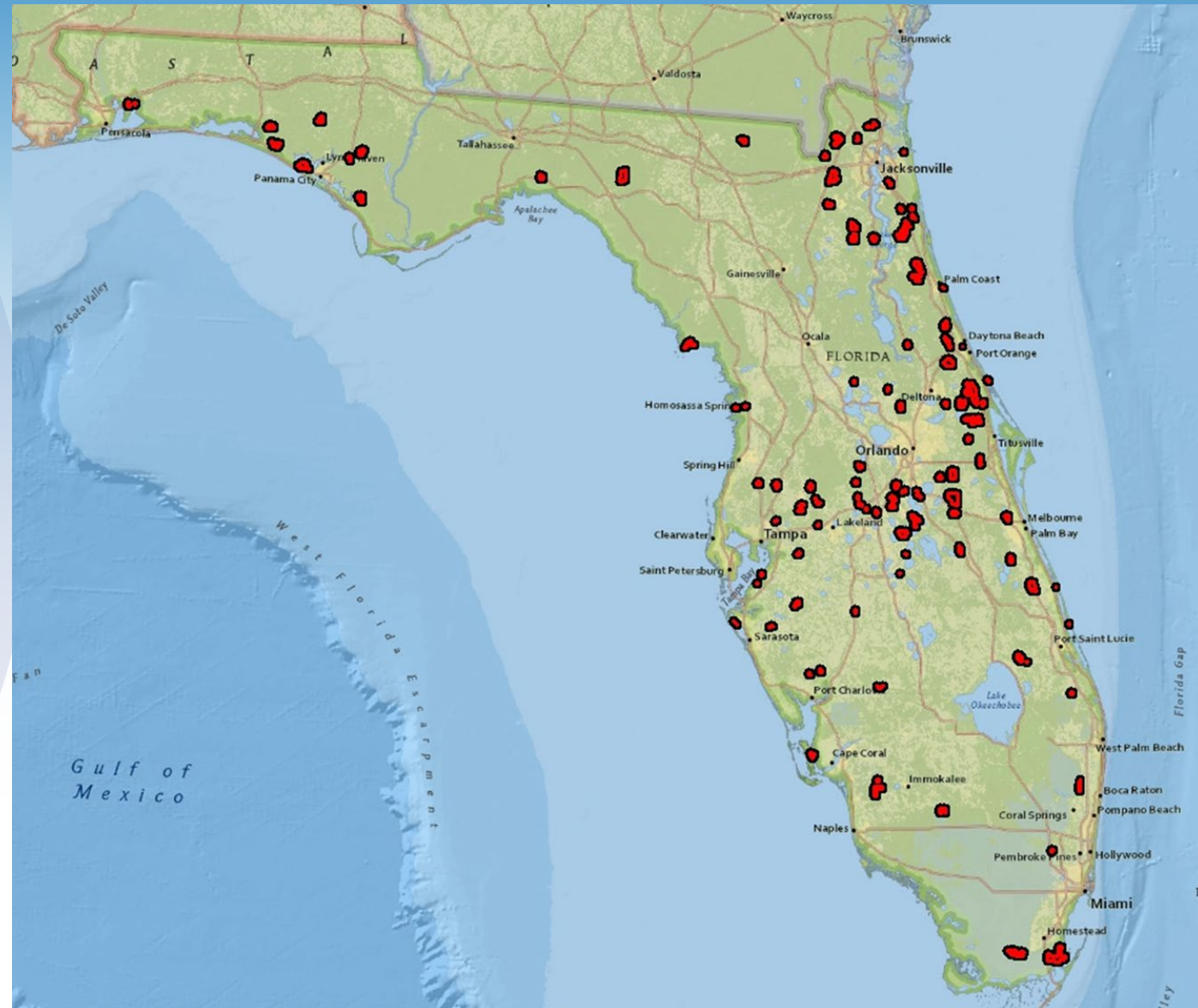
Mitigation Options

- Preservation
- Creation
- Enhancement
- Restoration
- ***Purchase credits from a mitigation bank***



What is a Mitigation Bank

- Variety of sizes and habitats
 - Improves Regional Watershed
 - Adjacent lands conducive for success
- Establishes Credits
- Mitigation Service Area
- Managed in perpetuity



How are Mitigation Banks Permitted

- Construction and implementation plans
- Legal and financial responsibility
- Success criteria
- Establish service area
- Credit determination and release schedule
- Perpetual management plan



How do Mitigation Banks Work

- Legal paperwork ~20% credit release
- Start selling credits
- Complete construction ~30% release
- Monitoring and Land Management
- Trending towards success = incremental credit releases over time
- Perpetually monitor & maintain through long-term management



How are Mitigation Banks Regulated

- Annual -
 - Monitoring and Reporting
 - Compliance Site Inspections
 - Financial Assurance Audit
 - Credit Ledger Reconciliation



Where are they Located

131 Mitigation Banks
227,496 acres



St. Johns River
Water Management District

