



St. Johns River Water Management District

Formal wetlands determinations overview

Since 1994, Florida property owners and those persons with an equitable interest in property have a right under Florida law to request the water management districts or the Florida Department of Environmental Protection for a scientific verification — known as a formal wetlands determination — that certifies the wetlands and surface waters within that property (*Florida Statute 373.421(2)*).

The St. Johns River Water Management District (district) has a process in place to handle these requests, also known as petitions, under the agency's Environmental Resource Permitting Program.

Formal wetlands determinations identify where wetlands/surface waters are located on the property. It does not authorize any construction or activity on a particular property. Property development applications, in contrast, require a separate process that, when successful, results in an Environmental Resource Permit (ERP).

While a wetlands determination is sometimes a prelude to a property owner applying for an ERP, such a petition is not a permit and does not necessarily indicate that a permit has been applied for. They are two separate processes.



District scientists examine soil samples at a wetland monitoring site.



A district scientist digs into the soil to take a sample that will help determine if this area is a wetland.

The district's regulatory function

The district is an environmental regulatory agency whose work is focused on ensuring a long-term supply of drinking water, and to protect and restore the health of water bodies. This work is partially accomplished through the district's permitting programs.

An environmental resource permit (ERP) authorizes new development or construction activities to occur in a way that will prevent adverse flooding, manage surface water, and protect water quality, wetlands and other surface waters. Unless specifically exempt or below the permitting thresholds, anyone proposing construction of new facilities such as residential, commercial, governmental or institutional, or anyone proposing work in, on or over wetlands or other surface waters, must obtain an ERP prior to beginning construction.

Conducting a formal wetlands determination

- ◆ The district confirms that the petitioner is the legal property owner or has equitable interest in the property.
- ◆ District biologists, environmental scientists and other environmental regulatory experts visit the property to conduct investigations to verify the boundaries of the wetlands and surface waters (ponds, canals, ditches).
- ◆ Staff confirm criteria as outlined in Florida law, using information such as aerial photographs, hydrologic indicators, and characteristics such as soil and vegetation types — all using methods spelled out in Florida law.
- ◆ Staff verify boundary flags already in place or establish new flags to delineate the wetland boundaries as necessary.
- ◆ The petitioner then submits a certified survey showing the information marked by the district.
- ◆ The district then issues a letter certifying the survey and findings. This is a function delegated to staff rather than issued by the district's Governing Board, unless staff recommend a denial of a petition.

A formal wetlands determination is a binding document that stays with the property and is valid for five years. Property owners may seek to have the certification re-issued prior to the determination's expiration date, which is reissued if all criteria are met under Florida law.



Florida law and district processes provide the details scientists use to determine soil types to determine if a site is a wetland or upland.



The kinds of vegetation in an area is one of the determining factors district scientists investigate to make a formal wetlands determination.

