



### Post Storm State Lands Assessments

The Florida Department of Environmental Protection (DEP), Division of State Lands (DSL) has been tasked with coordinating the response to state-owned waterway debris clean-up resulting from hurricanes. DSL has developed the following Post-Storm Guidance/ Question and Answer Sheet to provide property owners and local governments with a concise guide to the activities that occur post impacts to state-owned lands.

#### Who owns the waterways in Florida?

- The Board of Trustees of the Internal Improvement Trust Fund (BOT) holds title by sovereignty for those waterbodies that were navigable at statehood (March 3, 1845) and have not been conveyed out by BOT or through legislative act. The limits of ownership are those lands below the mean or ordinary high water line.
- Man-made canals dredged from uplands are not state-owned waterways and are the responsibility of the home or business owners fronting the canals. Certain other dredged canals are the responsibility of Water Management Districts.
- Lakes - As a general rule of thumb, the state would look at asserting ownership to isolated lakes that are over 130 acres.
- Rivers and creeks - The state will assert title to rivers and creeks that were navigable at statehood and were not manmade.
- Beaches - The state will assert ownership to lands below the mean-high water line. It should be noted that several beaches in the State of Florida have had restoration projects and have recorded Erosion Control Lines. In those areas, the state will assert ownership to lands below the erosion control line.

#### Who determines if the BOT owns a specific waterbody?

- The BOT has delegated the responsibility of title determinations to the Division of State Lands (DSL), Title and Land Records staff.
- Beaches: See emergency contacts for mean high or ordinary high water line or safe upland line elevations information to properly delineate state boundaries

#### Who is responsible for the management and administration of state-owned waterways?

By statute, the BOT is responsible for the state-owned waterbodies with management delegated to DSL staff. In addition, other governmental entities have specific management responsibilities in certain waterways. For example, the US Army Corps of Engineer is responsible for navigational hazards the Intracoastal Waterway, along with the Florida Inland Navigation District (FIND).

## What types of debris will DSL handle in state-owned waterways if funding is available?

- Man-made debris (C&D) – household items, construction materials, displaced structures – identified as potentially impacting safety and navigation.
- Vegetative debris – fallen tree debris can be removed from below the mean or ordinary high-water line if it is determined to be blocking navigation or creating a safety hazard. Scrutiny will be used in vegetative debris clean-up that may affect ecosystems of wildlife.
- Derelict vessel removal is the responsibility of the Florida Fish and Wildlife Conservation Commission under an established program ([www.myfwc.com](http://www.myfwc.com))

## What is the process for the counties/citizens to report waterway items of concern following a hurricane?

- Citizens and counties should report state-owned waterway debris to ESF-10 at the Florida State Emergency Operations Center (SEOC)
- Report debris to DEM's Debris Website (<http://maps.floridadisaster.org/debris>)
- Following a hurricane event, DEP is the initial State agency to begin coordinate efforts for identified state-owned waterway debris removal.
- DSL will be part of the emergency response efforts to better expedite areas of impact and missions
- Expenditures must be initially funded with current DEP fiscal year budget allotments. If funded, both ESF-10 and DSL will work with local governments on debris clean-up. DEP DSL will also work with the Division of Emergency Management.

## Defining areas of impact, assessment of damages

- DSL encourages local county staff or the public to define areas of impact. As stated above, to best define the debris, DSL would request to obtain either lat/long or GPS coordinates of identified debris, the type of debris, address of uplands if applicable, and pictures if available.
  - Damage assessments could also be contracted out. DSL has compiled a list of contractors for that review.
  - Before any debris clean-up efforts are initiated, one should review all permitting issues of federal, state agencies and local governments.
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## Determine funding sources

- DSL staff will immediately work with Finance and Accounting to determine where funds might be available and coordinate to assure possible reimbursement from federal agencies.
- Federal Emergency Management Agency (FEMA) provides reimbursements on clean up expenditures only. All expenditures must be initially funded with current fiscal year budget allotments. DSL will work to determine available funding sources that can be used. Funds should be available and authorized prior to conducting clean-up activities, unless leadership wants to move forward as safety and public access to waterways may be of critical concern.
- National Resources Conservation Service provides grant funding through the Emergency Watershed Protection Program to clear debris from certain waterways. Local governments can request authorization from DSL to apply and conduct the clean-up on creeks and waterways within their jurisdiction. <https://www.nrcs.usda.gov/wps/portal/nrcs/main/fl/programs/financial/ewp/#>
- Army Corp of Engineers may be responsible for major waterways where navigation has been impeded.
- Any dredging activities will be permitted through the DEP District offices located throughout the state.

## Find contractors

- Contact DSL for a list of potential contractors as the list could be amended as more information is available.
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