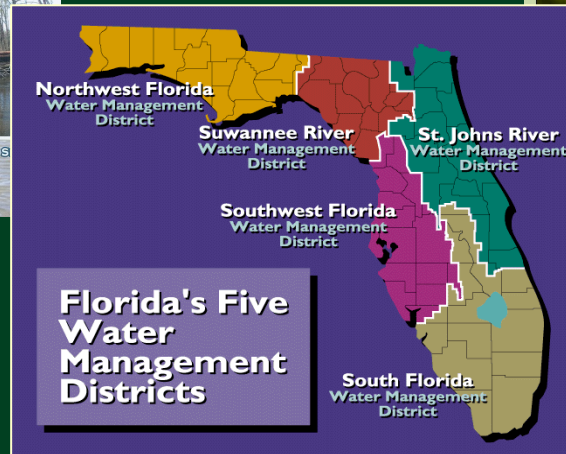
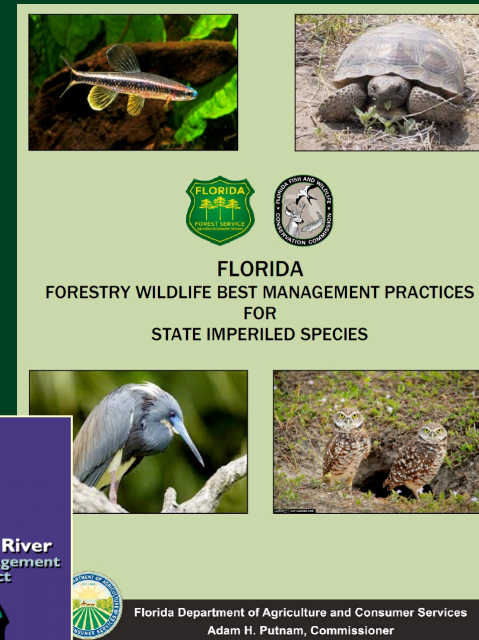
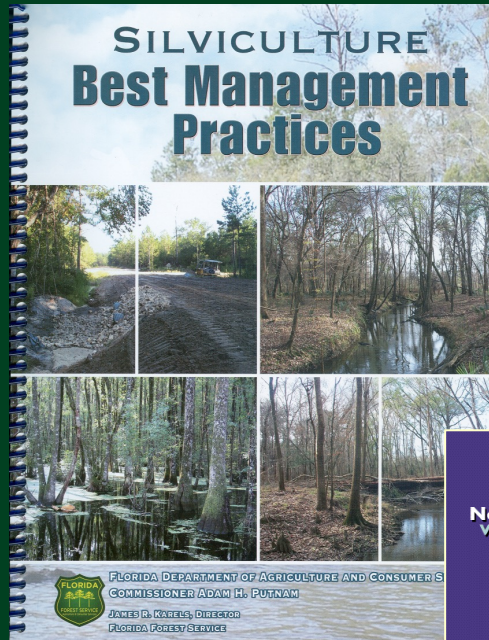


History of Florida Forestry Regulation



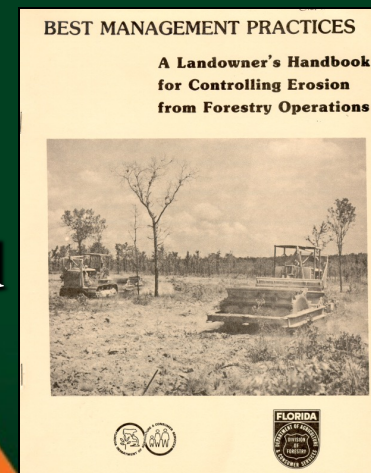
- 1970 U.S. Congress created EPA
- 1972 EPA passed the Clean Water Act (CWA)

EPA began regulating “WOTUS”

- 1972 Florida Water Management Districts created
- 1975 Florida Legislature created the Department of Environmental Regulation (Mid-90’s became DEP)
- 1977 CWA amended to include:

“Non-point Source Pollution”

- 1978 Florida Silviculture BMPs published



Continuing...

- 1984 DER passed the Warren S. Henderson

Wetlands Protection Act

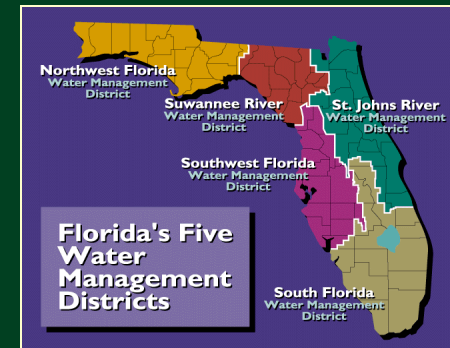
Florida began regulating “Waters of the State”

- 1985 DER Designated Water Management Districts to Regulate Agriculture, i.e., **Silviculture**

Forestry “Regulation”

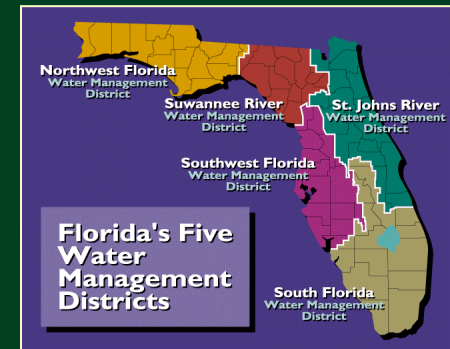
- 1986 Noticed General Permit (NGP)
- Simple permit form

Free!



Continuing...

- Were some issues with the NGP:
 - WMD criteria was different
 - Late 1990's **\$250.00**



Continuing...

- 2000 Florida Legislature passed the **Right to Farm Act**
- **Prohibited Local Governments from regulating silviculture**
 - Provided that Silviculture BMPs were used and the land classified was classified as agriculture
- Lots of Meetings with counties; these were ultimately successful

Continuing...

- 2011 DACS promulgates rule 5M-15 F.A.C.
- Rule 5M-15 authorized DACS to make “binding determinations” regarding exempt activities



Continuing...

Silviculture is technically Agriculture

Under rule 5M-15

- **FFS can make binding determinations on the exempt status of any forestry operation.**



Forestry “Regulation”

Given this new legislative authority

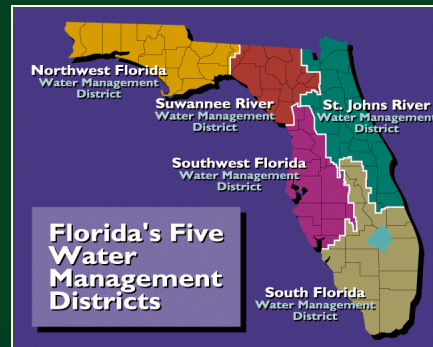
FFA and FFS approached DEP

Proposed a major change to the NGP



Continuing...

- 2011 No-Fee, Noticed Exemption
DEP rule: 62-330.0511 F.A.C.
- Same simple form
- Same criteria in all Districts



To Qualify for the Exemption

THE ACTIVITIES MUST BE:

- On-going silviculture
- Normal and customary
- Must follow the **old Silviculture NGP criteria**
 - **Must use Silviculture BMPs**

SILVICULTURE EXEMPTION

Silviculture Activities That Require Notice

➤ Stream/Wetland Crossings

- Culverts
- Low-water Crossings
- Bridges

➤ Above Grade Upland and Wetland Roads

➤ Ditches:

- Roadside Ditches
- Upland Field Ditches

➤ Borrow Pits

➤ Clearing and Snagging/Temporary Channel Diversions

Example

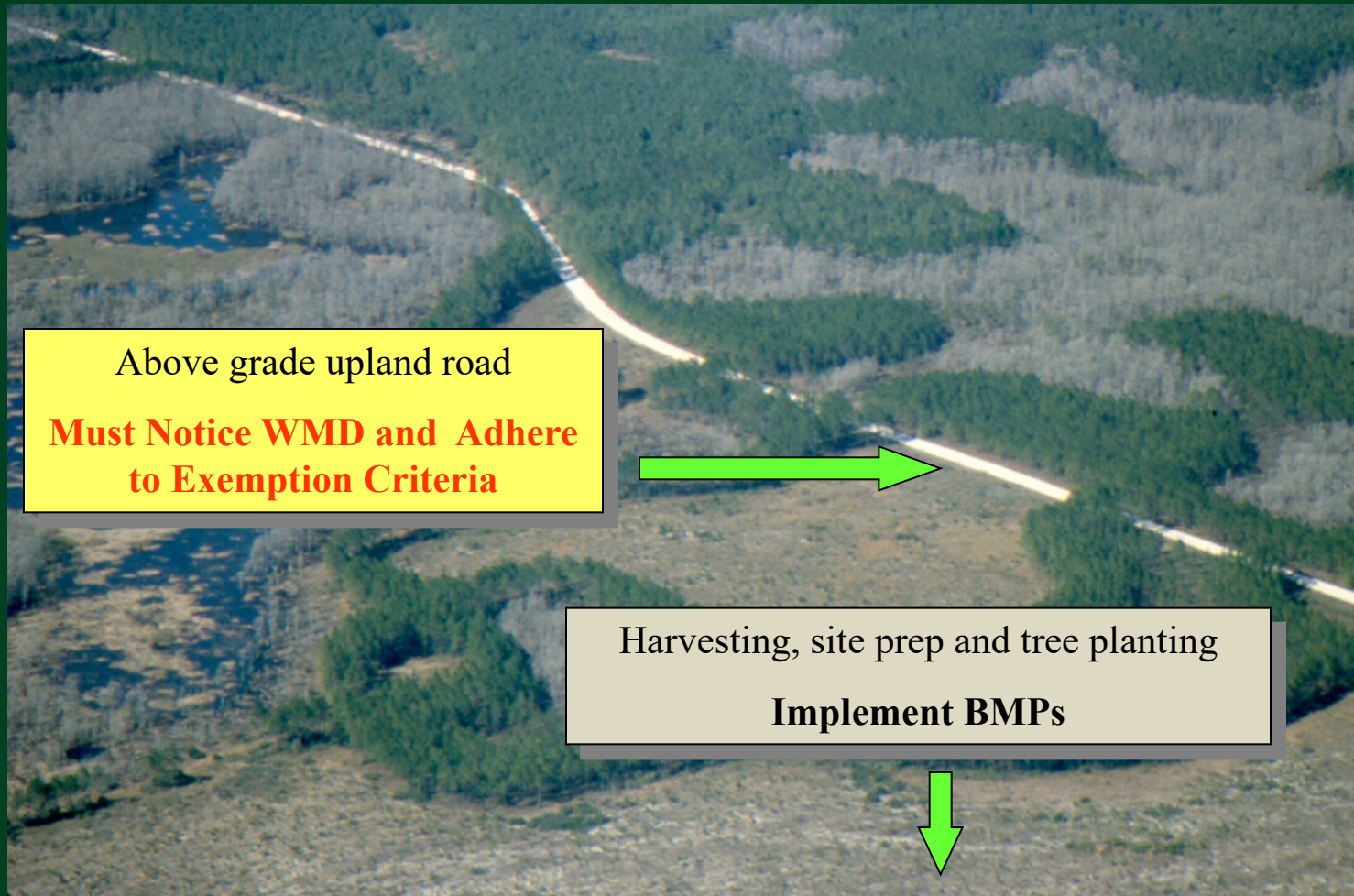


Harvesting, site prep and tree planting

Implement BMPs



Example

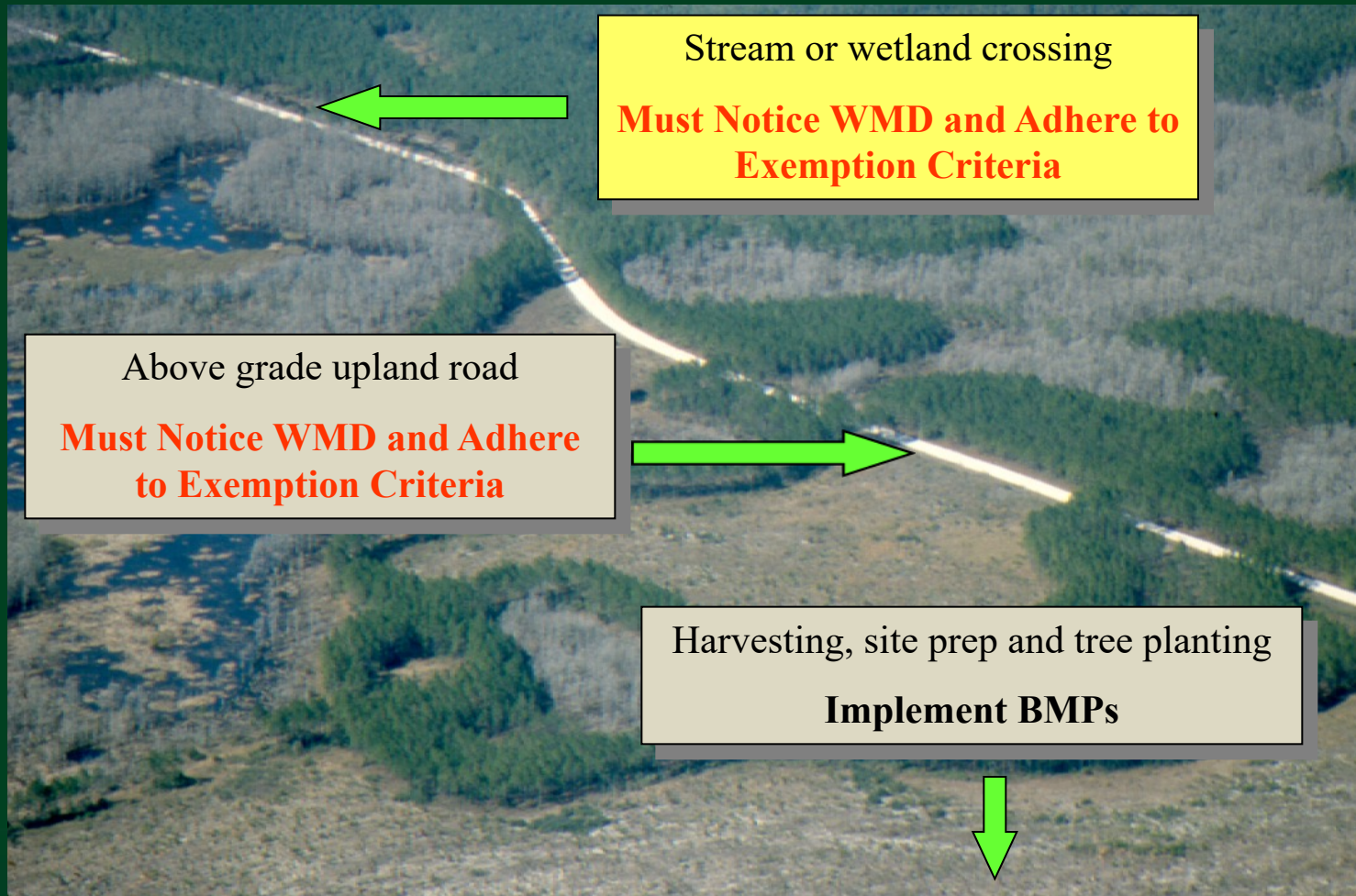


Above grade upland road
Must Notice WMD and Adhere to Exemption Criteria

Harvesting, site prep and tree planting
Implement BMPs



Example



SILVICULTURE EXEMPTION

Stream/Wetland Crossings



All Crossings - Clearing and Snagging 50'

SILVICULTURE EXEMPTION

Above Grade **Upland** Road



Above-grade Upland Roads not > 28'



Wetland Roads not > ½ acre of Fill

SILVICULTURE EXEMPTION

62-330.0511 F.A.C.

NOTICE OF INTENT TO CONSTRUCT A MINOR SILVICULTURAL SYSTEM

Instructions: This form is for projects that qualify for a No-fee Noticed Exemption for Construction, Operation, Maintenance, Alteration, Abandonment, or Removal of Minor Silvicultural Surface Water Management Systems in accordance with Rule 62-330.0511, F.A.C. Please submit an 8 1/2" X 11" detailed location map. It should contain enough information to allow someone who has general familiarity with the area to locate the site. Rule 62-330.0511, F.A.C., which specifies the information requirements to complete this Notice, is available from the District.

A. APPLICANT <input type="checkbox"/> THIS A CONTACT PERSON FOR ADDITIONAL INFORMATION	
Name: Last:	First: Middle:
Title:	Company:
Address:	
City:	State: Zip:
Home Telephone:	Work Telephone:
Cell Phone:	Fax:
E-mail Address:	
Correspondence will be sent via email. Check here to instead receive correspondence via US Mail: <input type="checkbox"/>	
B. LAND OWNER(S) (IF DIFFERENT FROM OR IN ADDITION TO APPLICANT)	
Name: Last:	First: Middle:
Title:	Company:
Address:	
City:	State: Zip:
Home Telephone:	Work Telephone:
Cell Phone:	Fax:
E-mail Address:	
Correspondence will be sent via email. Check here to instead receive correspondence via US Mail: <input type="checkbox"/>	

PART 1: GENERAL INFORMATION

A. This is an application for: (Please check at least one item)

construction alteration maintenance removal abandonment

B. Only the silvicultural systems identified in paragraphs 62-330.0511(3)(a-j) may qualify for a noticed exemption. After reviewing the list, which letter or letters identify the system you propose? (Please check at least one letter.)

a b c d e f g h i j

PART 3: CERTIFICATION



SILVICULTURE EXEMPTION

- YOU **WILL** GET A RESPONSE FROM THE WMD

- May be a call or an email:

1. Do you want the WMD to certify the Exemption (\$100)

2. Do you want a Section 404 review

- **Your answer to both should be NO**

Forestry “Regulation”

- 2014 – Wildlife BMPs
 - Chapter 270.94 F.S.
 - Provides that Wildlife BMPs are **Voluntary!**
 - Local governments can’t co-opt the law
 - No need for “Incidental Take” permit

History of Florida Forestry Regulation

That brings us up to date

From 1970 to 2023 - More than 50 Years

Thanks to the Florida Forestry Association

Forestry is Still Going Strong!

