62-330.0511 No-fee Noticed Exemptions for Construction, Operation, Maintenance, Alteration, Abandonment, or Removal of Minor Silvicultural Surface Water Management Systems.

(1) Silviculture activities conducted and noticed in conformance with the best management practices and procedures below shall qualify for this no-fee noticed exemption. The Agencies shall not be compelled to verify qualification for these exemptions following receipt of the notice required in subsection (2), below. However, if a person desires written Agency verification of compliance with this rule, they shall follow the noticing and fee requirements of Rule 62-330.050, F.A.C. These exemptions apply to:

(a) Any person constructing, operating, maintaining (including repairing or replacing), altering, abandoning, or removing silvicultural roads, and other minor activities designed to place the property into silvicultural use or to perpetuate the maintenance of the property in silvicultural use.

(b) The U.S. Forest Service to construct, operate, maintain, alter, abandon, or remove surface water management systems.

(2) The construction, operation, maintenance, alteration, abandonment, or removal of the minor silvicultural surface water management system described below shall be initiated only after a completed Notice of Intent to Construct a Minor Silvicultural System, Form 62-330.0511(1), [October 1, 2013], incorporated by reference herein (https://www.flrules.org/Gateway/reference.asp?No=Ref-02510), is received by the Agency, or is properly addressed and stamped and deposited in the United States mail, in which case the postmark date shall be the date of receipt. Persons may also submit annual schedules of proposed silvicultural surface water management systems that meet the requirements of this section, including completed notices for each activity. A copy of the above form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(3) Activities required to implement the following projects qualify for the exemption under this rule:

(a) A permanent culverted fill road with a road surface of 28 feet or less in width placed in or crossing a stream or other watercourse of less than 10 cubic feet per second average discharge at the location of the work or with a drainage area upstream of the work of less than 10 square miles. The design of the work must allow for conveyance of normal flows and for overtopping during large storm events, and any fill placed in wetlands associated with the stream or other watercourse must be less than 0.5 acre in area. Under this paragraph, the fill material shall be no more than 24 inches above culvert structures. The fill material on the road approaches shall be no more than 24 inches above grade except within an area of 100 feet of either side of a culvert. The road must be designed with culvert inlets positioned at or below natural grade of the bed of the stream or other watercourse to prevent the permanent impoundment of water, and to provide an overflow area or areas which will prevent erosion and adverse effects to water levels upstream and downstream of the road.

(b) A temporary culverted fill road or a temporary bridge up to 50 feet long, with a road surface of 28 feet or less in width placed in or crossing a stream or other watercourse of less than 10 cubic feet per second average discharge at the location of the work or a drainage area upstream of the work of less than 10 square miles. The design of the work must allow for conveyance of existing flow during the period of installation and use and any fill placed in wetlands associated with the stream or other watercourse must be less than 0.5 acre in area. The work must be designed only to facilitate the temporary movement of equipment and must be removed immediately after the operation for which the crossing was needed is complete or within 30 months of the filing of the notice in subsection (2), above, whichever is sooner.

(c) A permanent bridge up to 100 feet in length and 28 feet or less in width supported on pilings or trestles, placed in or crossing a stream or other watercourse of less than 10 cubic feet per second average discharge at the location of the work or with a drainage area upstream of the work of less than 10 square miles. The design of the work and associated approach roads, if any, must allow for conveyance of normal flows and for overtopping during large storm events and any fill placed in wetlands associated with the stream or other watercourse must be less than 0.5 acre in area. The height limitation for fill on the bridge approach roads shall be a maximum of 24 inches above natural grade.

(d) A permanent culverted fill road or bridge with a road surface of 28 feet or less in width, placed in or crossing a wetland or other impoundment, excluding reservoirs created by dams, where the road surface area over the wetland or other impoundment is less than 0.5 acre. Such crossings must be located in a manner which minimizes the area of wetlands being filled. Fill material for crossings of isolated wetlands or other isolated impoundments may be excavated from the wetland being crossed, provided that all excavation takes place immediately adjacent to the road surface and that the excavated area consists only of narrow trenches which are not connected to ditches constructed or maintained for drainage purposes. In addition, such excavations shall not result in drainage from the wetland.

(e) Temporary stream channel diversions necessary to complete the works described in paragraph (3)(a), (b), or (c) above, provided that the area used for the temporary diversion is restored to its previous contours and elevations.

(f) Clearing and snagging in a stream or other watercourse within 50 feet of the center line of a culverted fill road or a bridge described in paragraph (3)(a), (b), or (c) above, necessary to construct said work.

(g) A permanent low water, hard surfaced crossing in a stream, other watercourse, wetland or other impoundment consisting of the placement of rock or similar material no more than 12 inches higher than the bed of the stream, other watercourse or impoundment. Such crossings must be designed only to facilitate the movement of equipment by creating a stable foundation in shallow streams, other watercourse, wetlands or other impoundments. Temporary low water, hard surfaced crossings may be constructed using logs, but must be removed immediately following the completion of the silvicultural operation or within 30 months of the filing of the Notice of Intent in subsection (2), whichever is sooner.

(h) Upland field ditches of a temporary nature to facilitate only harvesting, site preparation, and planting, with a maximum cross-sectional area of 18 square feet spaced no closer than 660 feet from any other parallel ditch. After seedling establishment, the ditches shall be allowed to revegetate naturally. The person will not be required to fill field ditches after seedling establishment.

(i) Above grade, unpaved, upland silvicultural roads with an average road surface width of 28 feet within a construction corridor up to 50 feet in width. These roads must also incorporate sufficient culverts at grade to prevent alteration of natural sheet flow and may have associated borrow ditches. Road ditches shall be constructed only to obtain road material for the associated road and to provide only enough storage to maintain a dry road surface. Such road ditches must not provide drainage to the tract adjoining the road, other than to provide drainage of the road surface and minor, incidental drainage of abutting lands. These road ditches may be connected to other roadside ditches that were constructed pursuant to an Agency permit or that were exempt from permitting under Part IV of Chapter 373, F.S., but must not connect directly or indirectly to any works onsite or off-site which are designed or constructed to provide drainage or conveyance or which would result in drainage or conveyance. Road ditches must be separated from wetlands and other surface waters by a buffer strip of indigenous ground cover and a water turnout prior to said buffer strip. However, road ditches may discharge directly to a wetland when the slope of the uplands within 1,000 feet of the edge of the wetland is equal to or less than two percent, provided the ditch does not result in drainage of the wetland and provided that the ditch does not create a hydrologic connection between two or more wetlands. The width of the buffer strip shall be no less than 35 feet, or 50 feet when located adjacent to an Outstanding Florida Water, an Outstanding National Resource Water, or Class I waters.

(j) Upland borrow areas needed to obtain fill material for crossings of streams, other watercourses, wetlands, and other impoundments authorized by this exemption. These upland borrow areas must not provide drainage and must not be hydrologically connected to roadside ditches or field ditches.

(4) The systems identified in subsection (3), above, must meet the following performance standards:

(a) Except for those areas to be filled for crossings as provided in this section, the activities must not convert wetlands or other surface waters to uplands.

(b) A road or bridge must be designed to convey normal water flow while being adequately stabilized to allow for overtopping during storm events without washing out.

(c) A permanent road or bridge placed in or crossing a stream, other watercourse, wetland or other impoundment may be placed no closer than 0.5 mile from any traversing work which traverses the same stream, other watercourse, wetland or impoundment. A low water crossing or temporary road or bridge placed in or crossing a stream, other watercourse, wetland or other impoundment may be placed no closer than 1/4 mile from any traversing work which traverses the same stream, other watercourse, wetland, or other impoundment. The spacing limitation shall be measured along the stream, other water course, wetland or other impoundment. Notwithstanding the spacing limitation in this paragraph, at least one low water crossing, road or bridge crossing of any stream, other watercourse, wetland or other impoundment may be constructed to each upland area being managed for silviculture that would not otherwise be accessible if these spacing limitations were met.

(d) A low water crossing, road, or bridge placed in or crossing a stream, other watercourse or impoundment must not cause increased velocities downstream of the work that would cause scour outside of the area of clearing and snagging described in paragraph (3)(f) above.

(e) A low water crossing, road, or bridge placed in or crossing a stream, other watercourse or impoundment must not cause increased flooding on property not owned by the person.

(f) Erosion control measures must be undertaken to limit the transfer of suspended solids into the receiving waterbody during and after construction of the proposed work. After removing any temporary crossing, disturbed portions of the stream bank and

stream channel shall be restored to approximate their original shape and flow capacity. Erodible ground area associated with the crossing shall be stabilized with riprap, mulch or seeded for appropriate ground cover vegetation within 72 hours after removal.

(g) Upland field ditches may connect only to works that are permitted by the Agency, or exempt from permitting under Part IV of Chapter 373, F.S., and only if the connection will not cause the work to exceed its conveyance capacity or to increase flooding on property not owned by the person; however, this section does not authorize connection to works without the consent of the owner of the work. Field ditches will be presumed to meet the erosion control requirements of paragraph (4)(f), above when they are separated from streams, other watercourses, wetlands or other impoundments by a buffer strip of undisturbed vegetation and provided the integrity of this buffer is maintained. The width of the buffer strip shall be the width of the total Special Management Zone (primary zone and secondary zone) as described in the "Silviculture Best Management Practices Manual" (2008), published by the Division of Forestry, Florida Department of Agriculture and Consumer Services, incorporated by reference herein (#1 http://www.flrules.org/Gateway/reference.asp?No=Ref-03131, #2 http://www.flrules.org/Gateway/reference.asp?No=Ref-03132, #3 http://www.flrules.org/Gateway/reference.asp?No=Ref-03133, #4 http://www.flrules.org/Gateway/reference.asp?No=Ref-03134, #5 http://www.flrules.org/Gateway/reference.asp?No=Ref-03135, #6 http://www.flrules.org/Gateway/reference.asp?No=Ref-03136, #7 http://www.flrules.org/Gateway/reference.asp?No=Ref-03137, #8 http://www.flrules.org/Gateway/reference.asp?No=Ref-03138, #9 http://www.flrules.org/Gateway/reference.asp?No=Ref-03139, #10 http://www.flrules.org/Gateway/reference.asp?No=Ref-03140, and #11 http://www.flrules.org/Gateway/reference.asp?No=Ref-03141), a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. However, field ditches may discharge directly to a wetland when the slope of the uplands within 1,000 feet of the edge of the wetland is equal to or less than two percent, provided the ditch does not result in drainage of the wetland and provided that the ditch does not create a hydrologic connection between two or more wetlands.

(h) In addition to the performance standards in paragraphs (4)(a) through (g) above, the person undertaking the activities must use the best management practices set forth in the "Silviculture Best Management Practices Manual" referenced in paragraph (4)(g), above.

(i) If climatic or flow conditions prevent the removal of a temporary crossing within the time frame specified in this section, the applicant may re-submit the application identified in subsection (2) to extend the time period for removal and restoration of the temporary crossing. The person must provide a written explanation and evidence supporting the need to reauthorize the crossing and must specify the additional time needed to remove the crossing, which may not exceed one year.

(5) Activities are authorized by the exemptions above for the following durations:

(a) One year to complete construction, alteration, abandonment, or removal of the silvicultural surface water management system;

(b) Permanent for operation and maintenance of the silvicultural surface water management system.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.406(2), 373.4131, 373.4145, 373.415, 403.813(1) FS. History–New 10-1-13.