

Forested Wetlands: Regulations Affecting Management ¹

Susan E. Moore²

Acknowledging the importance of forested wetland ecosystems, all levels of government have developed guidelines and regulations for silvicultural activities in wetlands. Under Federal jurisdiction, the Clean Water Act regulates wetland activities through the Section 404 permitting process. At the state level in Florida, wetland silvicultural activities are governed by the Department of Environmental Protection, the Division of Forestry and the Water Management Districts. There may also be local regulations which apply. Normal silvicultural activities are generally exempt under the legislation or covered by general permits, providing Florida's Silviculture Best Management Practices are adhered to. The current guidelines, regulations and permitting processes for silviculture in wetlands are described and a listing of agency contacts provided.

Introduction

Wetlands are a valuable component of the natural landscape mosaic. Serving as transition zones between terrestrial and aquatic environments, wetlands play an important role in maintaining the integrity of natural landscape systems.

Florida's wetlands provide a vast array of values, including environmental, economic and social. Important ecological and environmental processes occurring in wetlands include the maintenance of water quality, flood control, nutrient cycling and--in some cases--groundwater recharge. In addition, natural wetland areas are recognized for their high biodiversity and extensive wildlife habitat. Wetlands are also important socially and economically for their contribution to the production of shellfish, timber, fiber, and water-based tourism. For these reasons, there is tremendous demand for the use, conservation, and management of wetlands. Accordingly, much legislation has been developed which regulates activities in wetlands.

Silvicultural activities in Florida's forested wetlands are controlled by regulations and guidelines at the federal, state, and--sometimes--local levels. Landowners, and even natural resource professionals often find themselves asking which activities are allowed in wetlands, which are covered under general permits, which require individual permitting, and who is the permitting agent.

The objective of this publication is to describe the existing regulations, guidelines and policies for

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silvicultural management of forested wetlands, and the process required for compliance.

Wetland Delineation

Although in most cases forestry activities do not require a formal wetland delineation, there are exceptions. Formal delineation is most likely to come into play when "wetland fill road" is being constructed which may violate a surface area limitation. Under these circumstances a landowner would want their wetland boundary clearly marked. This is accomplished through the process known as wetland delineation.

The state of Florida defines wetlands as:

"those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils."

Wetlands are further defined by applying specific criteria to the presence of certain vegetation, hydrologic conditions, and soils, but always require periodic inundation or saturation.

Common Florida wetland types as defined in the Florida Statutes ¹

- Bay Heads
- Bogs
- Cypress Strands
- Cypress Domes
- Marshes
- Mangrove Swamps
- Riverine Swamps
- Riverine Marshes
- Sloughs
- Swamps
- Wet Prairies

• Other Similar Areas

¹ Subsection 373.019(17)

This list is not all-inclusive, and purposely excludes longleaf and slash pine flatwoods which are generally not considered to be wetlands for state regulatory purposes.

A wetland boundary is thus determined by applying sound scientific judgement to an analysis of the vegetative communities, soils and hydrologic indicators. The formal process is described in detail in the *Florida Wetlands Delineation Manual* published by the Department of Environmental Protection (DEP) and the Water Management Districts (WMDs).

This manual was developed to help implement Chapter 62-340 of the Florida Administrative Code which describes *Delineation of the Landward Extent of Wetlands and Surface Waters*, and to provide a unified statewide methodology for the delineation of the extent of wetlands and surface waters.

Even with the state manual, wetland delineation is an activity which can require experience and expertise. There are private consultants specializing in wetland delineation you can contact for assistance and expertise in determining areas in question.

Once you have established an area in question, be sure to delineate the established boundary of the wetland with paint, flagging, or other visible markers before undertaking any silvicultural activities. Forest management practices which fall outside this delineation (i.e., upland activities) are not subject to the regulations mentioned here. Also, many forestry activities are exempt from regulations even if they are within the jurisdictional boundaries of a wetland. The responsibility lies with the landowner to determine what areas included in his/her forestry operations are wetlands, and to manage the activities in these areas accordingly.

Federal Regulation of Wetlands

The Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA) are the federal agencies with governance responsibility over activities in the wetlands of the United States. This

authority is granted by the Water Pollution Control Act of 1972 (commonly known as the Clean Water Act). The Corps controls the wetlands delineation and permitting process and the EPA has review and policy-making authority.

Section 404 of the Clean Water Act extends the Corps' jurisdictional authority over the waters of the United States to include wetlands. This section prohibits the discharge of dredge or fill material into waters or wetlands without a permit. Specifically, Section 404 permits are designed to maintain or restore the chemical, physical and biological integrity of our nation's waters (including wetlands). Activities which require a permit include placement of fill material, ditching, levee, dike and dam construction, relocation of soil from land clearing, land leveling and road construction.

However, since 1977, normal forestry activities have been exempt under Section 404(f)(1) from individual and general permitting. The act states that "the discharge of dredge or fill material from normal farming, silviculture, and ranching activities such as plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products..." (33 U.S.C. 1344(f)(1)(A)) is not prohibited or otherwise subject to regulation under the act. Normal silvicultural activities has been interpreted (by the American Forest & Paper Association) to include timber harvesting, minor drainage, plowing, seeding, and cultivating in any established silvicultural system. In addition, maintenance of ditches and structures are exempt activities and, contingent upon following federal- or state-administered Best Management Practices (BMPs), road construction and maintenance are also exempted.

Operations and maintenance that are part of a system of management which is planned over a conventional rotation cycle are considered to be established operations. Some of the criteria used by the forest industry to determine if an activity is part of an established operation include (but are not limited to): a written management plan, a history of protection of the trees from wildfire, disease, predation, or any evidence of former harvesting followed by natural or artificial regeneration. Due to

the varying rotation lengths demanded by differing species and climates, the requirement of an ongoing operation has been interpreted to mean that basically, as long as the land remains forested, silviculture is considered the established use.

As long as a landowner can demonstrate that his/her forestry activity is part of an on-going silvicultural operation, that it does not bring the property into a use for which it did not previously serve, convert the wetland to an upland, or impair or reduce the flow or circulation of the waters involved, that property owner will qualify for the silvicultural exemption under Section 404(f). Activities which do not fall into the classification of "normal on-going" silvicultural operations, or which do not adhere to BMPs are not necessarily prohibited, but they will require a Section 404 permit. Landowners who are unsure if a permit is required, or who desire a permit, can contact their local Army Corps of Engineers Office (see listing at end of this document) for a consultation. In Florida, state wetland regulations are generally more strict than federal wetland regulations; so, where Florida's wetland regulations are followed Corps involvement is minimal.

State Regulations

Three different state agencies have some degree of regulatory authority or guidance over activities in wetlands in the State of Florida:

- The state water quality standards are enforced by the Department of Environmental Protection (DEP) and/or the Water Management Districts (WMDs).
- The WMDs also regulate silvicultural dredge and fill activities as a result of the 1984 Warren S. Henderson Wetland Protection Act.
- The Department of Agriculture and Consumer Services, Division of Forestry (DOF), is responsible for implementing the silvicultural element of the State Water Quality Plan through the silviculture BMPs. The DOF has responsibility for training and education in the use of BMPs, as well as surveying compliance and evaluating the effectiveness in protecting water quality and wetlands integrity.

State Water Quality Regulations

The State of Florida has surface-water quality standards set and controlled by the DEP for which there are no exemptions. These standards exist to protect the biological, chemical, and physical integrity of Florida's waters. Water quality attributes for which careless forestry operations can potentially exceed the standards include, but are not limited to: turbidity, temperature, nutrient loading, and dissolved oxygen. The standards may vary depending on the class of water involved, with the highest standards applying to Outstanding Florida Waters and Class I waters (potable water supplies). You may contact the DEP for a full description of the surface-water quality standards ([62-302 F.A.C.](#)) and delineations.

Following BMPs (described below) and adhering to the conditions attached to the permits described below will help ensure that your activity does not violate these standards. However, even when conducting an exempt or permitted activity with full BMP implementation, you are not relieved from the responsibility of maintaining water quality standards.

Water Management Districts

[Chapter 373.406](#) of the Florida Statutes generally exempts silviculture activities from permitting, but activities that impound or obstruct waters require a Noticed General Permit ([NGP](#)) from the local WMD. Florida is divided into five WMDs which roughly follow the major drainage systems of the state (see Figure). Each WMD has statutory authority over all the waters and wetlands in its region. Since October, 1995, Florida's WMDs have issued an NGP for minor silvicultural surface water management systems. This permit is free of charge in three of the WMDs (Northwest Florida, Suwannee River and St. John's River districts), while a \$100 fee is charged in the Southwest Florida and South Florida Districts (permitting process is slightly different for the Northwest Florida WMD).

When you are planning a permitted activity, you contact your local WMD for the notification form and the specific permitting instructions. (Addresses and phone numbers of each of the five WMDs are listed at the end of this document.) Once the WMD has

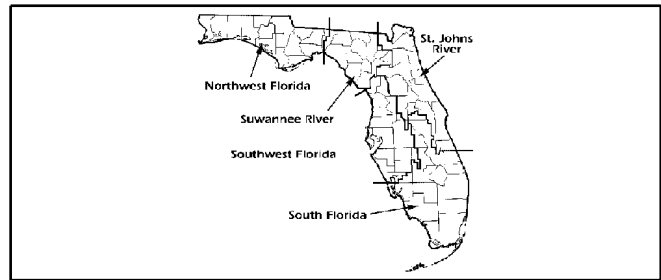


Figure .

received your completed form with any required fee, you may begin your proposed activity.

In order for you to avoid the need for additional permitting consideration, you must follow all conditions stated on the form. The WMD may inspect your work to ensure compliance. As part of the streamlining of the permitting effort, the WMD forwards the NGP to both the Corps and the DEP, so you, the landowner, need deal with only one agency. In most cases, obtaining the state-issued permit will cover the activity under federal rules as well. If the Corps has an issue with the permit application, they will contact you directly.

The [silvicultural rule](#) describes ten activities for which an NGP applies, providing that the proposed activities conform to several performance standards, including that they do not convert wetlands or other surface waters to uplands, and that the activities are applied in accordance with the BMPs described in the *Silviculture Best Management Practices Manual 1993*. See Table .

Silvicultural activities in wetlands other than these ten (listed further on in this document) are exempt from permitting under Chapter 373 of the Florida Statutes, contingent upon following BMPs, or may require additional state permitting. If your activity *exceeds* the limits of these ten activities, you must contact the WMD for an individual permit. (This application is also forwarded to the Corps for their review.)

Following this paragraph is a brief summary of the ten activities requiring NGPs. For a full description of conditions that must be met, you should contact the relevant WMD. If you, as the landowner, fail to obtain a necessary permit or to adhere to the conditions described in that permit, you

could be subject to work stoppage by the WMD, as well as fines of up to \$10,000/day.

Florida's Best Management Practices

Best Management Practices (BMPs) were developed in response to federal legislation requiring control of non-point source water pollution. This is water pollution resulting from activities covering large areas of land which drain into waterways in a diffuse manner. Non-point pollution which could result from forestry operations includes things like sediment loading from road building, increased channel erosion, and siltation.

All states with major forestry operations, including Florida, have developed a set of BMPs. Florida's BMPs are described in a manual published by the Florida Department of Agriculture and Consumer Services, Division of Forestry, entitled *Silviculture Best Management Practices 1993*. Florida's BMPs were first established in the mid-'70s and revised in 1993 to reflect scientific, social, and economic changes.

This revised manual includes the original practices, as well as new BMPs which further protect water quality in specific water resource features such as sinkholes, smaller lakes, canals and wetlands. These practices (designed to prevent or minimize water quality impacts as well as other site disturbances associated with the use of mechanical equipment in site preparation activities) are considered the minimum standards necessary to protect the state's water quality and certain wildlife habitat values. They apply to all silvicultural operations in the state of Florida, not just activities in wetlands.

The BMP manual describes procedures to follow for activities such as timber harvesting, site preparation and planting, fireline construction, pesticide and fertilizer use, waste disposal, wet weather operations, and Special Management Zones (SMZs) associated with streams, lakes, or other surface water bodies.

BMPs for Wetlands (from the 1993 Manual)

Wetlands soils are more sensitive to forestry activities than soils of drier uplands, and therefore demand greater care when performing silvicultural operations. Keep in mind that failure to follow the state BMPs can invalidate the silvicultural exemption and result in recapture under the State Stormwater Rule (enforced by the DEP), resulting in fines. Following are the specific BMPs for forest operations in wetlands:

Drainage and Conversion

- Ditching in association with road construction and maintenance, fireline plowing or other activities in wetlands, must not significantly change the hydrologic condition of wetlands or the overall drainage pattern of the site.
- Do not significantly alter the natural drainage or flow patterns on forest lands immediately adjacent to wetlands, particularly isolated wetlands, such as cypress ponds or gum ponds. Logging slash must not be pushed into or piled around ponds or other isolated wetlands.
- Do not conduct intensive mechanical site preparation such as bedding, raking and windrowing in wetlands.
- Avoid fireline plowing in wetlands (see Fireline Construction section of manual).

Roads

- When constructing roads in wetlands, refer to the roads section of the manual in addition to the following BMPs.
- Avoid fill road construction, especially in floodplains or other wetlands with flowing water. Roads constructed at ground level are less likely to restrict flowing water.
- Do not construct permanent roads in wetlands, except to serve large and frequently used areas, provide access for a crossing, or provide fire protection.

- When crossing wetlands, insure that fill roads are properly and adequately culverted and do not act to impound or divert normal stormflow, flood flow or sheet flow (refer to Stream Crossings section of manual).

Harvesting

For harvesting timber in wetlands; wetland area means the acres of each contiguous wetland within a contiguous ownership; selectively cut means to harvest in accordance with the Management Criteria for the Primary Zone of the SMZ (see Special Management Zones); leave trees are large, mast producing and/or cavity trees that represent the older age classes within an existing stand.

- Harvesting in a wetland area less than 200 acres must meet the following criteria:
 1. Retain all snags within the wetland area, to the extent that safety and harvesting operations allow; and,
 2. Retain at least 3 to 5 leave trees per acre distributed randomly throughout the wetland area; or,
 3. Retain at least 10% of the harvest area as selectively cut (SMZs may be used as all or part of the 10%).
- Harvesting in a wetland area 200 acres and larger must meet the following criteria:
 1. retain all snags in the wetland area, to the extent that safety and harvesting operations allow; and,
 2. retain at least 1-2 leave trees per acre distributed randomly throughout the wetland area.
 3. clearcut areas cannot exceed 160 acres in size.
 4. all clearcuts must be separated from any other clearcut by a 200' Primary Zone or by a 200' wide area which has an average tree height of at least 20 feet.
- A harvest unit which contains five or more small isolated wetlands, each less than two acres in size, must retain 20% of the number of isolated wetlands unharvested. *Example: if the harvest unit contains ten, two acre cypress ponds, eight may be clearcut and two must be left uncut until the regenerated stands on the other eight attain an average tree height of at least 20 feet.*

Skidding

- Minimize skidder and heavy equipment operation in wetlands during wet conditions to avoid widespread excessive soil rutting. Although some minor rutting may occur in a typical wetland harvesting operation, skidders and other heavy equipment operations should be planned for dry seasons or dry periods as much as possible.
- To the greatest extent possible: forestry operations in wetlands which exhibit seasonal inundation or saturation should be limited to dry conditions only, and forestry operations in wetlands which are continually saturated or inundated should be limited to low-water conditions.
- When skidding in wetlands with organic soils, concentrate skid trails to as small an area as possible, and minimize the number of trails on a given site (see Timber Harvesting section of manual).

Local Regulations

Some local units of government have their own programs regulating forestry activities in wetlands, or harvesting in general, which are not covered by state permitting. Orange and Hillsborough counties are two examples where a local permit application must be filed before harvesting timber in wetlands.

It is important to check on local ordinances in the county or city where the silvicultural activity is proposed. Call the county environmental office, or the County Clerk's office and find out who is responsible for environmental regulation. However, obtaining a local permit does not eliminate the state jurisdiction. At all levels of regulation, the obligation

is on the landowner to obtain the necessary permits prior to implementing the activity, and any enforcement action such as fines, fees, restorations costs, etc. are borne by the landowner.

Summary

Normal silvicultural operations are generally allowed in wetlands, and will not violate any regulations, provided you follow the State of Florida's Best Management Practices, apply for a Noticed General Permit from your Water Management District, where necessary, and follow local regulations where applicable.

The thing to remember is that wetlands are valuable and fragile ecosystems and sufficient care should be taken to avoid actions detrimental to the function or structure of the wetland.

Answers to Frequently Asked Questions (FAQs)

1. Exactly where are the wetlands on my property?

Answer: *If you are unsure of this, you can define the boundary of your wetlands through a "wetland delineation."*

2. Are forestry activities prohibited in wetlands?

Answer: *No, not normally, but certain activities may require a permit.*

3. Does my silvicultural activity require a Federal Section 404 permit?

Answer: *No, not if it is a normal silvicultural activity which is part of an ongoing silvicultural operation.*

4. Does my silvicultural activity require a permit from the State of Florida?

Answer: *Normal silvicultural activities following silvicultural BMPs are allowed under state law. If the activity impounds or obstructs waters, it will require a Noticed General Permit (NGP) from the local Water Management District. The State of Florida surface*

water quality standards--enforced by the DEP-- must be adhered to under all circumstances and do not involve permitting.

5. On the local level, are any permits required, or are silviculture activities prohibited in wetlands?

Answer: *Maybe. Landowners should call their county or city environmental office for guidance.*

6. Who is responsible if an activity violates a Federal, State, or local regulation?

Answer: *The landowner is responsible for obtaining all necessary permits and bears the cost of any enforcement action such as fines, restoration costs, etc., even if the activity was carried out by a consultant or third party.*

References

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Resources

STATE OF FLORIDA: Water Management Districts

Northwest Florida District

Bureau Chief of Resource Regulation

Route 1, Box 3100

Havana, FL 32333

(850)539-5999

URL: <http://sun6.dms.state.fl.us/nwfwmd/>**Suwannee River District**

Environmental Specialist

Route 3, Box 64

Live Oak, FL 32060

(800)226-1066

email: srwmd@lo.gulfnet.com**St. Johns River District**

Compliance Manager

P.O. Box 1429

Palatka, FL 32077

(904)329-4500

URL: <http://sjr.state.fl.us/>**Southwest Florida District**

Permit Coordinator

2379 Broad Street

Brooksville, FL 33512

(800)423-1476 ext. 4376

URL: <http://www.swfwmd.state.fl.us>**South Florida District**

Environmental Specialist

P.O. Box 24680

3301 Gun Club Road

West Palm Beach, FL 33416-4680

(800)432-2045

URL: <http://www.sfwmd.gov>**STATE OF FLORIDA:**

Department of Environmental Protection

URL: <http://www.dep.state.fl.us>**Permitting:**

Administrator, Jurisdictional Evaluation

2600 Blair Stone Road

Twin Towers Office Building

Tallahassee, FL 32399-2400

(850)488-0130

Water Quality Standards:

Environmental Administrator

2600 Blair Stone Road

Twin Towers Office Building

Tallahassee, FL 32399-2400

(850)488-0782

Division of Forestry

Environmental Administrator

3125 Conner Blvd.

Tallahassee, FL 32399-1650

(850)488-4090

FEDERAL AGENCIES: US Army Corps of Engineers District Offices**Big Pine Key Regulatory Office**

P.O. Box 1619

Big Pine Key, FL 33043-3205

(305)872-3205

Crystal River Regulatory Office

P.O. Box 387

Crystal River, FL 34423

(904)795-1078

Fort Meyers Regulatory Office

2180 West First Street

Fort Meyers, FL 33901-3217

(941)694-3438

Jacksonville Regulatory Division

Field Operations Branch

P.O. Box 4970

Jacksonville, FL 32232-0019

(904)232-2502

Merritt Island Regulatory Office

2460 North Courtney Square Blvd.

Courtney Square Building, Suite 216

Merritt Island, FL 32952

(407)453-7655

Miami Regulatory Field Office

8410 NW 53rd Terrace, Suite 225

Miami, FL 33166

(305)591-1302

Palatka Regulatory Office

P.O. Box 1317

Palatka, FL 32178-1317

(904)325-2028

Panama City Regulatory Field Office

P.O. Box 151

Panama City, FL 32402-0150

(850)763-0717

Pensacola Regulatory Office

160 Government Center

Pensacola, FL 32501-5794

(850)436-8300

Tampa Regulatory Field Office

P.O. Box 19247

Tampa, FL 33686-9247

(813)840-2908

Vero Beach Regulatory Office

2001 9th Avenue, Suite 212-C

Vero Beach, FL 32960

(407)567-1496

FEDERAL AGENCIES: Environmental Protection Agency

URL: <http://www.epa.gov>

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USEPA, Region IV

345 Courtland Avenue

Atlanta, GA 30365

(404)347-3871 ext. 6507

**EPA Wetlands Information Hotline
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email: wetlands-hotline@epamail.epa.gov

Glossary

aquatic environments - areas where the plants and animals live in water.

BMP - Best Management Practice

Chapter 373.406 - The chapter of the Florida Statutes which generally exempts silviculture activities in wetlands from permitting.

62-302 F.A.C. - The section of the Florida Administrative Code which describes the surface water quality standards.

Clean Water Act - The Federal Water Pollution Control Act of 1972.

Corps - The U.S. Army Corps of Engineers

DEP - Department of Environmental Protection (FL)

DOF - Division of Forestry (FL)

EPA - U.S. Environmental Protection Agency

exempt activities - activities which do not require a permit.

hydrologic conditions - the properties, distribution and effects of water on a site.

impoundment - an area where water is artificially stored.

NGP - Noticed General Permit

Primary Zone - The Special Management Zone which applies to perennial streams, perennial lakes, sinkholes with perennial water, Outstanding Florida Waters, Outstanding National Resources Waters, Class I waters and in some cases, wetlands. There are significant timber-harvesting restrictions in this zone.

* **Riverine Marshes** - a wetland associated with a river floodplain, dominated by herbaceous vegetation.

Riverine Swamps - A wetland associated with a river floodplain, dominated by woody vegetation (trees).

Section 404 - The section of the Clean Water Act which addresses wetlands.

Section 404(f) - The section of the Clean Water Act which describes exempt activities.

Section 404 permit - The permit required for the discharge of dredge or fill materials into a water or wetland of the U.S., issued by the Army Corps of Engineers.

selectively cut - to partially harvest, removing certain trees usually chosen based on some economic or physiological criteria.

siltation - accumulation of fine mineral particles.

silvicultural activities, normal silvicultural activities - activities associated with the practice of controlling the establishment, composition, constitution and growth of forests.

silvicultural rule - describes the Noticed General Permit issued by the Water Management Districts for construction, operation, maintenance, alteration, abandonment or removal of minor silvicultural surface water management systems.

SMZ - Special Management Zone - an area bordering a wetland or water body where harvesting and/or site preparation activities are restricted.

State Stormwater Rule - DEP's "Regulation of Stormwater Discharge" rule which requires permits for the discharge of untreated stormwater in the waters of the state. Forestry practices are conditionally exempt provided BMPs are used.

snags - standing dead trees which can provide habitat for wildlife.

terrestrial environments - areas where the plants and animals live on land.

upland activities - activities which do not occur in a wetland or bottomland.

watercourse - water which flows within a defined channel or is contained within a discernable shoreline.

wetland fill road - a road constructed in a wetland by placing material which raises the level of the road above the ground level.

WMD - Water Management District

Table 1.

| Table. Activities Permitted Under the NGP | |
|--|---|
| 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. |
| 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. |
| 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 a drainage area upstream of the work of less than 10 square miles. |
| 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 a acre. (Not authorized when the landowner can construct a road which avoids filling in wetlands.) |
| E. | Temporary stream channel diversions necessary to complete the works described in A, B, or C above, provided the area 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 bridge described in 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 impoundment consisting of the placement of rock or similar material no more than 12 inches higher than the bed of the stream, other <u>watercourse or impoundment</u> . |
| 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 parallel ditch. |
| I. | Above-grade, unpaved, upland silvicultural roads with an average road surface width of 28 feet or less with 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. |
| J. | Upland borrow areas needed to obtain fill material for crossings authorized by the general permit of streams, other watercourses, wetlands and other impoundments. |