

Silviculture Exemption Update



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Guidelines for Silviculture Exemptions
under the Clean Water Act
in the State of Georgia

Update Since Public Notice

- No comments received since Public Notice
- The USACE, the USEPA and GFC are working to develop Appendix C
- Draft Appendix C developed by USACE is currently being coordinated
- Upon final revisions, the USACE will publish a Public Notice (expected to be published sometime next month)



Appendix C

Silviculture Exemption Field Guide

- The goal of this document is to produce a field guide that GFC can distribute to landowners, loggers, and foresters for clarification regarding silviculture activities.
- 4 categories in the “Tiered Exemption Determination Approach”
- These lists are not all inclusive and this is a living document.



Category I Activities

- Category I – **Minor impact and/or routine activities** that are routinely reviewed by the GFC.
 - ▶ **Construction of a BMP compliant silviculture road on which stream and/or wetland crossings, and associated fill, do not exceed 200 linear feet, for any single crossing, in the Upper and Lower Coastal Plain or 100 linear feet, for any single crossing, in the Mountains and Piedmont physiographic regions.**
 - ▶ **Maintenance of existing BMP compliant forest roads – i.e. culvert replacement, ditch maintenance and addition of clean fill material to repair or raise the elevation of the road (provided the road is not widened).**
 - ▶ **Routine harvesting operations in wetlands that are BMP compliant and conducted in accordance with a forest management plan.**
 - ▶ **Construction and maintenance of BMP compliant fire breaks.**
 - ▶ **Routine maintenance of existing minor drainage ditches provided that the ditches are not widened or deepened beyond the original construction dimensions.**
 - ▶ **Site preparation/bedding in pine flatwood wetlands where the area is already in pine production.**



Category I Minor Road Crossing of Drainage Feature



Category II Activities

- Category II – **More than minor impact and/or complex activity**, and are reviewed by the USACE.
 - ▶ Construction of new minor drainage ditches in wetlands or other waters of the US on lands managed for silviculture.
 - ▶ Construction of new timber management roads through broad floodplain areas, particularly for roads that cross extensive areas of wetland and/or stream and terminate at or near a stream or river.
 - ▶ Construction of new timber management roads where the surface elevation of the road would be significantly higher (two feet or more) above the natural elevation of the surrounding landscape, and/or use of multiple culverts at one crossing.
 - ▶ Harvesting of timber stands that are in permanently or semi-permanently flooded wetlands.
 - ▶ Harvesting operations that would require discharge of fill for construction of log decks in jurisdictional waters and wetlands.



Category II



Category III Activities

- Category III – **Substantial impact and/or controversial activity**, and are reviewed by the USEPA.
 - ▶ The types of silviculture activities that would be considered Category III are the same as those activities listed above under Category II; the differences between Category II and III are a matter of size and controversy.



Category IV Activities

- Category IV – Non-exempt activities are reviewed by both the USACE and the USEPA.
 - ▶ Timber harvesting in advance of a change in land use is not exempt, since there would no longer be an ongoing component to the silviculture operation.
 - ▶ Timber harvesting in tidal wetlands located along rivers in coastal Georgia are not exempt. These wetlands are subject to jurisdiction under Section 10 of the River and Harbors Act of 1899, and silviculture exemptions do not apply to these wetland areas.
 - ▶ Silviculture activities conducted for the primary purpose of wildlife management area are not exempt; the primary purpose of a silviculture activity must be for timber production to be exempt from the CWA.





Category IV – Not Exempt