

EMERGING ISSUES WITH SILVICULTURE PRACTICES IN WETLANDS

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Silviculture activities in wetlands involving discharges of dredge and/or fill material have been exempt from Clean Water Act (CWA) permits after the 1975 amendments to the CWA which were phased in by July 1977. However, Congress mandated that all exempt silviculture activities in wetlands maintain wetland hydrology. Congress also allowed minor drainage activities in wetland silviculture sites so landowners could plant, maintain and harvest timber sites. In the southeast there are two predominate wetland, silviculture classes – pine plantations and hardwood forests. Minor drainage to support the management of pine plantations while ensuring CWA wetland status is an emerging silviculture issue in the southeast. Recently, volatile timber prices, rising raw land prices, agricultural conversions and developmental pressure, have led to landowners converting silviculture tracts to other land uses. Typically, the only time federal regulators access a silviculture tract is when a change of land use is contemplated and wetland delineation is requested by the landowner. Many of these silviculture tracts contain wetlands that no longer exhibit wetland hydrology. Moreover, conducting wetland delineations on silviculture sites can be difficult due to: land ownership changes, case law, statute of limitations, drainage conducted before the CWA 1975 statutory changes, drainage ditches, imprecise regulatory definitions, and off-site disturbances.

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