

Sec. 406.50. - Exemptions.

The following activities are allowed on regulated surface waters, wetlands and wetland buffers, subject to the specified limitations, restrictions and conditions. Persons wishing to make use of an exemption shall submit a natural resources inventory or comparable administrative notice in order to demonstrate that they qualify for exemption prior to initiating any of the following activities in surface waters, wetlands, and buffers:

(a) *Bona fide agricultural activities.*

(1) *Silvicultural activities.* Forestry operations conducted in accordance with the practices outlined in Best Management Practices for Silviculture (October, 2003 edition published by the Department of Agriculture and Consumer Services, Division of Forestry). This exemption shall be available only to those operations which meet the criteria of section 406.05(c).

(2) *Non-silvicultural activities.*

a. Existing bona-fide agricultural activities that did not require approval prior to October 29, 1992, the adoption of the Alachua County Surface Waters and Wetlands Ordinance (Ordinance No. 92-42), provided that the activities are conducted according to applicable best management practices.

b. Operations that cannot qualify for an exemption pursuant to this subsection may apply for an administrative determination. The county may approve administratively the pursuit of agricultural activities in, on or over a surface water or wetland area or buffer, or adjacent to or connected to a surface water or wetland area, if it is determined that the proposal:

(A) Will have minimal impact on navigational access, water quality, fish, wildlife, exceptional associations of plant life, listed species or hydrologic characteristics critical to the support of the surface water and/or wetland system; and

(B) Will not result in the draining or permanent filling of a surface water or wetland area; and

(C) Will incorporate mitigating conditions where necessary to ensure minimal impact.

(b) *Minor nature trails.* Construction and maintenance of public or private nature trails no greater than ten feet in width, including boardwalks and foot bridges, provided that no more dredging or filling is performed than necessary to install, repair or replace pilings.

(c) *Minor docks and boardwalks.* The installation of a dock and/or boardwalk less than 1,000 square feet in total surface area, excluding walkways, provided that the requirements of section 404.65 of this ULDC are met.

(d) *Navigational aids.* The installation of aids to navigation, including but not limited to bridge fender piles, "No Wake" and similar regulatory signs, and buoys associated with such aids, provided that the devices are marked pursuant to F.S. § 327.40.

(e) *Treatment wetlands.* In the case where specific permitted use(s) and associated required modifications are allowed in "treatment wetlands" or in a "wetlands stormwater discharge facility" pursuant to Chapter 62-611 and Rule 62-25.042, Florida Administrative Code, respectively. Failure to comply with operating conditions of such permit(s) shall nullify this exemption.

(f) *Connection of stormwater facilities.* Dredging or filling which is required to connect stormwater management facilities permitted by the St. Johns River Water Management District, the Suwannee River Water Management District, or the Alachua County Department of Public Works to nontidal wetlands and which is incidental to the construction of such stormwater management facilities. Incidental dredging or filling shall include:

(1) Headwalls and discharge structures; and

- (2) Erosion control devices or structures to dissipate energy which are associated with discharge structures; and
 - (3) Outfall pipes less than 20 feet in length, provided the pipe does not interfere with navigation; and
 - (4) The connection of ditches dug through the uplands where the dredging or filling for the connection to wetlands extends less than 20 feet in length into the wetland; and
 - (5) Other dredging or filling which the environmental protection department determines will have a similar effect as those activities listed above.
- (g) *Repair or replacement.* The repair or replacement of existing vehicular bridges, open-foot trestle bridges, functional piers, mooring piles, boat ramps, or stormwater discharge pipes, at the same location and of the same dimensions and configuration as the original being repaired or replaced, provided that no more dredging or filling is performed than necessary, and no debris from original structures shall be allowed to remain in jurisdictional wetlands.
- (h) *Emergency repairs.* Emergency repairs consistent with the requirements of Rule 62-312.090, Florida Administrative Code.
- (i) *Maintenance dredging.* The performance of maintenance dredging of existing man-made ditches, canals, channels, and intake and discharge structures, where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material and return water from the spoil site into surface waters, provided no more dredging is performed than is necessary to restore the canals, channels, and intake and discharge structures to original design specifications, and provided further that control devices are used at the dredge site to prevent turbidity and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. This exemption shall not apply to the removal of a natural or man-made barrier separating a canal or canal system from adjacent waters.
- (j) *Previously approved permits.*
- (1) *Dredge and fill permits:* Specifically permitted dredge and fill or surface water management activities that were approved by a federal or state agency or a water management district, prior to October 29, 1992, the adoption of the Alachua County Surface Waters and Wetlands Ordinance (Ordinance No. 92-42). Failure to comply with operating conditions of such permits shall nullify this exemption.
 - (2) *Other permits:* Projects for which the applicant demonstrates that formal development approvals or permits have been issued by other regulatory agencies prior to October 29, 1992, the date of adoption of the Alachua County Surface Waters and Wetlands Ordinance (Ordinance No. 92-42).
- (k) *Altered wetlands.* In instances where the water regime of a wetland has been artificially altered, but the dominant vegetation of the area in question continues to be comprised of listed species, a feasibility of hydrologic restoration shall be made by county staff. Hydrologic restoration that can be accomplished by minor earth work or drainage controls, and would not be contrary to the public health, safety, and welfare, shall be viewed as the preferable alternative to the proposed development activity. This provision for exemption is not intended to apply in the case where a surface water and/or wetland has been filled or altered in violation of any rule, regulation, statute, or this chapter.
- (l) *Artificial wetlands.* All man-made impoundments, lakes, streams, ponds, artificial or created wetlands, and all stormwater management facilities, provided that development activities in these areas will not adversely impact natural or mitigation surface waters and wetlands. If these facilities were required as a mitigation project they shall not be exempt from this chapter. If any wetlands or surface waters are part of a stormwater management facility approved by the county, the same function must be provided and any modifications shall be subject to approval by the county engineer.

- (m) *Miscellaneous*. Those other projects for which the Alachua County Environmental Protection Department determines, in writing, that there will be no significant adverse impacts based on the factors and criteria set forth in this section.

(Ord. No. 05-10, § 2, 12-8-05)