

Florida Forestry Association Comments to EPA Related to Proposed Numeric Nutrient Criteria, Tallahassee, February 16, 2010

- “The Florida Forestry Association currently represents approximately 1600 members of Florida’s forestry community, ranging from the owners of small tracts of forested lands to the largest producers of a full-range of forest products. All of our members depend on the continued ability to grow and harvest timber as part of an economically viable operation

- The Florida Forestry Association’s membership shares some serious concerns regarding your “nutrient” proposal, at that is what I will share with you now

- 1) Our review of this proposal leads us to believe that EPA’s approach does not fully recognize the natural variability of baseline concentrations of nutrients across Florida. Because EPA’s approach tends to paint water bodies with a broad brush, many surface waters with naturally high levels of a nutrient, such as phosphorus, are likely to be listed as impaired. This result could lead to costly efforts to develop programs to reduce nutrient concentrations to less than what naturally occurs.
Numeric nutrient criteria must be site specific!

- 2) Another concern of ours is related to the use of “bio assessments” in determining surface water impairment (or in the case of the EPA approach, the lack thereof). Florida DEP was planning to include a two-tier assessment approach in its rule, with the first tier being numeric nutrient criteria and a follow-up second tier that was a biological assessment of the water body to provide a “biological confirmation” that nutrient concentrations above the numeric standard actually resulted in biological impairment of the water body. **We believe it is vital that the biological assessment play a major role in determining which water bodies are functionally impaired.**

- 3) In light of EPA's proposal, we are concerned about our continued ability to conduct normal forestry practices. Florida's forestry community has been an active partner in the development and implementation of the Silviculture Best Management Practices (BMPs) of the Florida Department of Agriculture and Consumer Services, Division of Forestry. Since 1979, Florida's forestry community has been using BMPs to provide environmental protection during forestry operations. The Silviculture BMPs were carefully developed by a Technical Advisory Committee of diverse composition, and represent a set of guiding principals balanced to achieve protection of environmental values and yet allow the economic utilization of forestlands. Overall BMP compliance averages approximately 94% since 1981.

A peer reviewed and published study of the Silviculture BMPs conducted by DEP and the Florida Division of Forestry in 2004 shows that forestry is a conserving land use. The study sampled streams associated with five forestry sites, both before and after the forests were harvested, following the application of BMPs (including those for fertilizer applications). The study concluded nutrients were relatively low at all sites, before and after the forestry operations. **Regardless of this type of success story, we now face the prospect of having to develop new, aggressive and expensive practices to attempt to reach water quality standards set to inappropriate and conceivably impossible to achieve requirements.**

- 4) We believe Florida is a national leader in protecting its waters from all forms of pollution, including nutrient. Businesses associated with all land uses (including forestry) have invested much time and large sums of money to protect healthy rivers and streams. Our State DEP is working to develop a scientifically defensible, site-specific numeric nutrient criteria that will protect and restore Florida water bodies in equitable and cost effective ways. **We believe EPA should support these efforts rather than developing and mandating a separate approach."**