

By Senator Siplin

19-1201-03

1 A bill to be entitled
2 An act relating to peat mining; amending s.
3 373.414, F.S.; providing requirements for
4 wetlands reclamation activities for peat mining
5 to be considered appropriate mitigation;
6 amending s. 378.403, F.S.; defining the term
7 "peat" for purposes of the Resource Extraction
8 Reclamation Act; creating s. 378.705, F.S.;
9 providing legislative findings with respect to
10 the excavation of peat from wetlands and the
11 reclamation of those lands; requiring notice to
12 the Secretary of Environmental Protection of a
13 new peat mine beginning operations after a
14 specified date; providing requirements for the
15 notice; requiring the Department of
16 Environmental Protection to adopt specific
17 reclamation standards by rule; requiring
18 reclamation be completed within a specified
19 period; providing for final agency action under
20 a life-of-the-mine permit; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraph (e) is added to subsection (6) of
26 section 373.414, Florida Statutes, to read:

27 373.414 Additional criteria for activities in surface
28 waters and wetlands.--

29 (6)

30 (e) Wetlands reclamation activities for peat mining
31 undertaken pursuant to chapter 378 shall be considered

1 appropriate mitigation under this part if those reclamation
2 activities result in water quality and ecological value
3 present at the site that are equal to or greater than existed
4 before the commencement of mining activities.

5 Section 2. Subsection (19) is added to section
6 378.403, Florida Statutes, to read:

7 378.403 Definitions.--As used in this part:

8 (19) "Peat" means a naturally occurring substance
9 derived primarily from plant materials in a range of
10 decomposing conditions and formed in a water-saturated
11 environment.

12 Section 3. Section 378.705, Florida Statutes, is
13 created to read:

14 378.705 Peat.--

15 (1) The Legislature finds that, if performed properly,
16 the excavation of peat from wetlands or other surface waters
17 combined with the reclamation of those lands can maintain or
18 improve the ecological value of those lands by creating varied
19 open-water aquatic habitat beneficial for fish, wildlife, and
20 species listed as threatened or endangered. The Legislature
21 also finds that peat mining by its very nature must
22 necessarily occur in wetlands or other surface waters. The
23 Legislature intends by this section to authorize specific
24 reclamation and permitting standards for peat mining,
25 recognizing its uniquely wetland-dependent nature and ensuring
26 that areas are properly reclaimed after peat extraction to
27 provide valuable wetland and ecological functions, though not
28 necessarily the functions occurring prior to peat extraction.

29 (2)(a) An operator may not begin the process of peat
30 extraction at a new mine without notifying the secretary of
31 the intention to mine.

1 (b) The term "new mine," for the purposes of this
2 section, means a mine where the operator begins the clearing
3 of land for mining on or after July 1, 2003.

4 (c) The operator's notice of intent to mine must
5 include, but need not be limited to:

6 1. Any maps and other supporting documents as are
7 required by the department.

8 2. The operator's time schedule that assures that the
9 reclamation process is achieved in a timely manner.

10 3. The operator's estimated life of the mine.

11 4. The operator's conceptual reclamation plan.

12 (3)(a) The department, by rule, shall adopt specific
13 reclamation standards for peat mining. These reclamation
14 standards shall recognize that peat mining inherently must
15 occur in wetlands and that reclamation can create diverse and
16 beneficial habitats not necessarily identical to existing
17 conditions. These reclamation standards shall also specify the
18 required data, forms, and other information for the notice of
19 intent to mine.

20 (b) Reclamation activities shall be conducted in a
21 manner that has minimal long-term adverse impacts on surface
22 water and groundwater resources, wildlife, and adjacent lands.

23 (c) Reclamation of the land, including a complete
24 growing season for revegetation, shall be completed within 2
25 years after the mining operation associated with peat
26 extraction.

27 (4) The department shall adopt amendments to its rules
28 authorized under part IV of chapter 373 to conform such rules
29 to the reclamation rules adopted under this section when
30 applied to peat mining.

31

1 (5) An operator of a new peat mine may request, and
2 the department may review and take final agency action on,
3 life-of-the-mine permits pursuant to s. 378.901.

4 Section 4. This act shall take effect July 1, 2003.

5

6 *****

7 SENATE SUMMARY

8 Provides reclamation and mitigation requirements for peat
9 mines. Requires that the Secretary of Environmental
10 Protection be notified of any peat mine that begins
11 operations on or after July 1, 2003. Requires the
12 Department of Environmental Protection to adopt specific
13 reclamation standards by rule. (See bill for details.)

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31