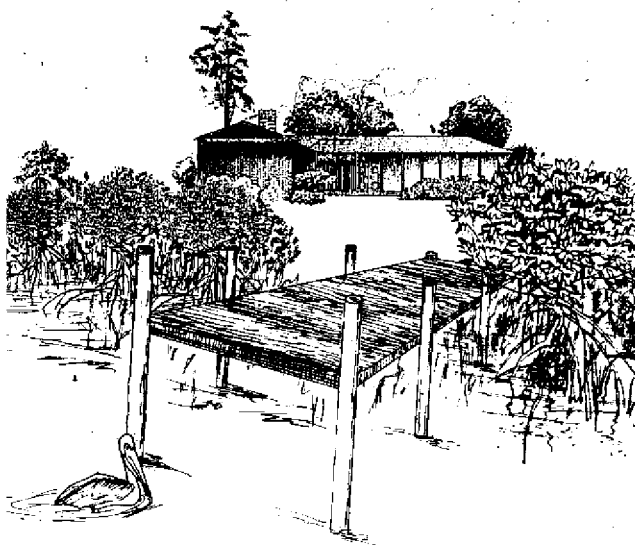


A Homeowner's Guide to Trimming and Altering Mangroves



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This publication was produced in cooperation with the Florida Sea Grant College Program, Department of Environmental Regulations and the Department of Natural Resources.

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Why Mangroves are Important

Mangroves border more than half of Florida's peninsular shoreline and are one of the great natural resources of our state. Mangroves provide many benefits to man and the marine environment. For example, mangrove wetlands provide breeding, nursery and feeding areas for a great assemblage of life, including endangered and threatened species. Mangroves also filter upland run-off, stabilize bottom sediments, maintain water quality, and protect shorelines from erosion. While many people are aware of these mangrove benefits, few of us know about one of the most important contributions these trees make to marine ecology. That contribution is in the form of the leaf litter that falls from mangroves, and is subsequently broken down by microorganisms to begin the first link in the food chain for a large segment of the tropical aquatic community, including most of our important commercial and sport fish species.

Mangroves are a type of tree that has adapted to growing in or near salty water along sheltered coastlines. However, these coastlines are also prime locations for homes, hotels and condominiums. It is estimated that more than 23,500 acres of mangroves have been lost through dredging and filling in Florida, primarily to develop waterfront property. Additional unknown acres of mangroves have been altered by trimming activities to obtain a view of the water. Because of previous losses and alterations of mangroves, combined with limited public ownership, Florida's state and local governments have found it necessary to adopt regulations concerning the alteration of this fast-dwindling

natural resource. Violation of these regulations may result in fines of up to \$10,000 per day per offense, or even criminal prosecution and imprisonment.

A statewide rule to regulate mangrove alterations was adopted in 1985, and revised in 1991. This rule, Chapter 17-321, Florida Administrative Code (FAC), entitled "Mangrove Protection", is administered by the State of Florida Department of Environmental Regulation (DER), and regulates the cutting and removal of most mangroves in Florida. Other governmental regulations supplement, but do not replace or supersede the DER Mangrove Protection Rule. In addition, special rules govern Aquatic Preserves where mangrove cutting can only occur within counties that have received specific delegation from both the DER and the Board of Trustees (the Governor and Cabinet) of the Internal Improvement Trust Fund to implement a mangrove protection program. With this delegation, the counties can issue one permit that will constitute the permission of DER, the Board of Trustees (with the Department of Natural Resources (DNR) serving as their staff), and the county, which will then eliminate the need for persons to obtain multiple permits. However, until these delegations are made, most persons who desire to alter mangroves in Florida will need to obtain individual approval from the DER, county governments, and any other agency that regulates mangrove cutting in the project area.

Because mangroves are essential for maintaining the health of much of Florida's coastal environment, specific regulations have been adopted to protect them from damage. The purpose of this publication is to provide Florida home-

owners with an overview of the basic information they will need in order to trim or alter mangroves legally and without harming this important natural resource. The information within this publication merely highlights the state mangrove alteration regulations which may be obtained from the agencies listed on pages 22-27. If you have any questions, please contact these agencies for assistance.

Homeowner's Checklist

Before proceeding to cut or remove mangroves, the following items should be considered:

1. Are you located within a special management area? (Aquatic Preserve, Outstanding Florida Water, National Wildlife Refuge, etc.) Check pages 15-18 for information on these areas.
2. Have you checked with the appropriate planning department regarding any special local (county, city) ordinances regarding mangroves? See pages 22-27.
3. Are the plants to be trimmed actually mangroves? See pages 6-8.
4. Can the desired effect be accomplished by selective trimming as defined on pages 9-11? If so, no permit is required from the DER. However, trimming may not occur in an aquatic preserve except within a county with a delegated mangrove protection plan.
5. Can the desired effect be accomplished by using a general permit? See pages 11-14.
6. Have the mangroves been killed or injured due to a previous freeze event? If so, special regulations may apply. See page 18.

Mangrove Identification

There are three species of mangroves in Florida. They are easily identified by distinctive root structures, reproductive structures (propagules) and leaf shapes. The cutting of each of these mangrove species is regulated in Florida.

Red Mangrove

Rhizophora mangle

Exhibits arching prop or aerial roots which extend downward from the trunk and lower branches. The long, pencil-shaped pods, called propagules, are also distinctive. These propagules develop during the summer months and are commonly seen drifting in the water or stranded along the shoreline in late summer and early fall. The top surface of the lanceolate-shaped leaves is a shiny, dark olive-green, but the underside is a light green, usually with small dark spots.

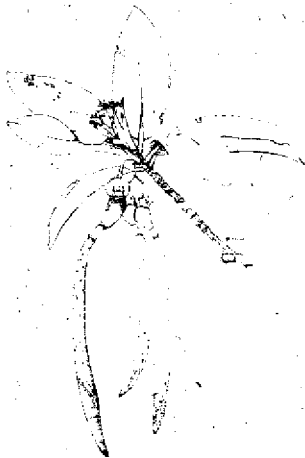
Black Mangrove

Avicennia germinans

Identified by the presence of numerous, finger-like projections (pneumatophores) which extend upwards above the sediment from the root system. The top surface of the lance-shaped leaves is a dull, dark green, but the underside is a distinctively lighter, silver-green color without dark spots. The leaves are often coated with salt crystals, especially during dry periods. The propagules of this species resemble pointed lima beans.



Prop Roots



Propagules

Red Mangrove
Rhizophora mangle



Propagules

Pneumatophores



Black Mangrove
Avicennia germinans

White Mangrove

Laguncularia racemosa

Lacks prop roots and pneumatophores, but can be identified by the leaf shape. The leaves are more oval than those of the other two species and often have a small notch at the tip. The two small bumps, one on either side of the stem just below the leaf blade are also an identifying characteristic. The leaves are a uniform pale green on both surfaces. This species has a relatively small, oblong propagule that is wrinkled.

Plants Commonly Mistaken for Mangroves

These species are not regulated by DER, but may be regulated by local governments.

Brazilian Pepper

Schinus terebinthifolius

An exotic (non-native) species which competes with native species and may dominate the shoreline, particularly in areas that have been disturbed by construction activities. Commonly called Florida Holly because it bears clusters of small, bright red berries during the winter. The lance-shaped leaves have a strong odor when crushed, unlike mangrove leaves, which have no odor. Removal of these invasive plants is encouraged.



Propagules



**Notched
Leaf Tips**

White mangrove
Laguncularia racemosa



Red Berries

Brazilian pepper
Schinus terebinthifolius

Buttonwood

Conocarpus erectus

A desirable native Florida plant that is usually found slightly farther from the shoreline, at a higher elevation not normally subject to flooding at high tide. The pale green leaves have two knobs on the stem and are lance-shaped without a notch at the tip. It produces a greenish globular flower cluster which becomes a round, brown seed cluster in the summer.



Buttonwood

Conocarpus erectus

Regulation

The statewide DER Mangrove Protection Rule, as revised on March 27, 1991, provides for three levels of mangrove regulation:

1. **Exemptions** - Includes certain activities which are exempt or are not regulated by the rule and do not require permits;
2. **General permits** - Allows certain alteration activities to be conducted 30 days after notice is provided to the DER; and
3. **Individual permits** - Required for alterations that do not qualify for exemptions or general permits.

Below is a summary of the major provisions of the rule. Chapter 17-321, F.A.C., should be consulted for the specific provisions for each of these categories. In addition, the DER, local governments, and the DNR should be contacted regarding additional permitting requirements, particularly when mangroves are proposed to be trimmed or altered on property which lies in or adjacent to one of the several Aquatic Preserves within the State.

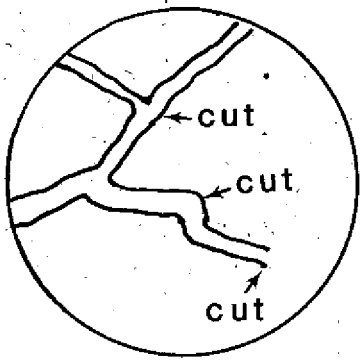
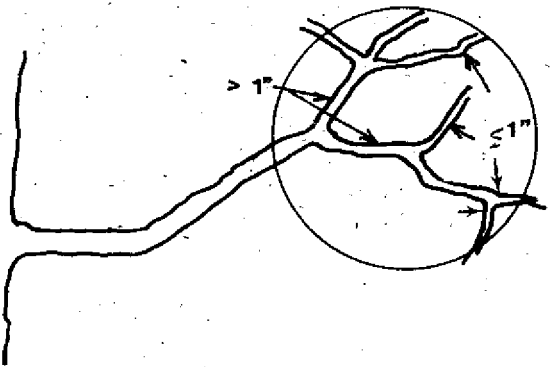
Exemptions

- *Utility Companies, Surveyors, and Governmental Agencies* - may alter mangroves without a permit within certain limitations. (Check rule 17-321.010, F.A.C.)
- *Selective trimming* - provides for minimal trimming of mangroves without permits from the DER on private and some state-owned lands, within the limits prescribed by the rule.

For the homeowner, this is the only type of trimming that can be done without a state permit. However, selective trimming of mangroves which are growing on state-owned lands within Aquatic Preserves may not be performed except within counties that have a delegated mangrove trimming program approved by DER and the Board of Trustees. "Selective trimming" means trimming which does not eliminate the biological integrity of the individual mangrove plant. Selective trimming has been redefined in the revised rule; for instance, the topping of trees is no longer allowed without a permit.

Selective trimming may be performed only as follows:

- Trimming of trees that are presently 7 feet tall or less is not permitted.
- The upper half of the tree cannot be trimmed. (This means no topping of trees).
- Trimming may take place once each year and only during the months of October through March. This is to prevent trimming when plants are actively growing, flowering and producing propagules.
- No limb can be cut if it is greater than 1 inch in diameter or 3 inches in circumference at the point of connection to the trunk or other branches. (See illustration on page 11).
- Cut material must be deposited on uplands, not in the water.
- Dead mangroves are trimmed the same as live ones.
- Roots must not be disturbed.



No limb can be cut if it is greater than 1 inch in diameter or 3 inches in circumference at the point of attachment to the trunk or other limb.

General Permits

Because selective trimming is extremely limited, many people who want to alter mangroves will need to obtain an individual permit, or one of the three types of general permits. If the appropriate guidelines are followed, certain types of alteration may qualify for one of the

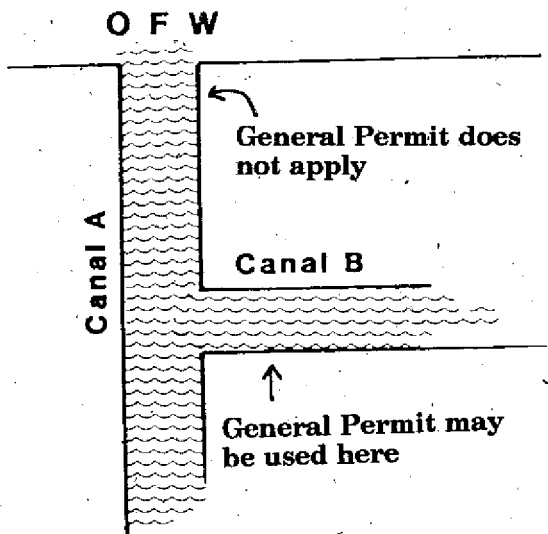
general permits that are already issued in Chapter 17-321, F.A.C. The specific wording of these general permits must be carefully reviewed. In addition, to qualify for a general permit, a "Notice of Intent to Use General Permit for Mangrove Alteration", along with a processing fee of \$100, must be provided to the local DER District Office at least 30 days before the activity is to begin. It is recommended, but not required, that this notice be sent by certified mail. General permits authorize the specific activities for five-year periods. Activities that exceed these limits will require individual permits. The three general permits are:

17-321.801 - general permit for limited alteration of previously planted mangroves

- Topping of previously planted mangroves that are between 7 and 10 feet in height is allowed. The topping must not reduce the height of the tree to below 7 feet.
- The mangroves proposed for trimming must not have been planted to satisfy previous mitigation or restoration requirements.
- Sufficient documentation showing when the mangroves were planted must be provided. (For example, bill of sale, photos, etc.)
- The mangroves can only be altered once a year and the alteration must take place during October through March.

17-321.802 - general permit for the alteration of mangroves in man-made residential canals not directly connected to class II waters or to Outstanding Florida Waters

- Regulates trimming in certain man-made residential canals constructed after January 1, 1957, which do not directly connect to Class II waters or to Outstanding Florida Waters (OFW). (See illustration.) The local DER office should be contacted to determine if the canal can qualify.
- There are certain limits on the sizes and heights of trees which may be cut. For example, trees with a main trunk that, at a height of 4 feet above the ground, are less than 2 inches in diameter, or less than 6 inches in circumference at that height, can be cut not lower than 1 foot above the top of the bank or seawall that is landward of the mangroves, provided that no tree may be cut to a height of less than 6 feet above the ground.



The general permit 17-321.802 FAC may be used for mangrove management in Canal B but not in Canal A.

17-321.803 - general permit for the continued alteration of mangroves

- Allows trimming of mangroves to maintain the heights and configurations that were achieved previously through selective trimming, DER permits, general permits, or other exemptions. Persons who have previously altered mangroves without a permit, general permit or exemption from the DER must first apply for an individual permit to alter mangroves before using the general permit.
- Not more than two feet of the current height or configuration can be removed to attain the previously authorized height or configuration.
- Mangroves may only be altered during the months of October through March.
- Persons who wish to manage mangroves that were selectively trimmed prior to March 27, 1991 will need to provide adequate documentation to show that the trimming was performed in accordance with regulations then in effect. This may be in the form of before and after photos, documents from the DER, documentation from cutting services, affidavits, comparison with adjacent, uncut trees, or other methods.

Individual Permits

An individually processed permit from the DER is required for any alteration that does not qualify as selective trimming or for an exemption or a general permit. Individual permits can cover a wide variety of mangrove alterations, and may authorize alterations during any time of the year. An "Application for

Mangrove Alteration Permit" must be submitted, along with the appropriate processing fee (\$250 or \$500, according to the number of trees cut), to the appropriate DER District Office or delegated county government. The reviewing office has 30 days to request additional information from the applicant, if needed. The application will be sent to the DNR, adjacent waterfront property owners, and other governmental agencies for their comment. A permit may be issued with restrictions, depending on site-specific conditions. If denied, the notice of denial will contain the reasons for the denial and suggestions for improvement.

In general, except as described in the following section, there are no specific limitations on how much mangrove alteration may be permitted by the DER, except within Outstanding Florida Waters (see below). Applications will be reviewed to determine if they meet the DER water quality standards, public interest tests, and other evaluation criteria. It is a good idea to obtain suggestions, requirements, and further information from the regulatory agencies prior to submitting an application.

Permits in Outstanding Florida Waters

Outstanding Florida Waters (OFW's) are waters that have been designated by the DER as having exceptional ecological or recreational significance (see Chapter 17-302, F.A.C., for a list of waters that are designated or contact your local DER office). These include waters within State Parks, Aquatic Preserves, National Wildlife Refuges, and designated Special Waters, such as natural waters within the Florida Keys.

Because of the special nature of these areas, additional restrictions are required to protect mangroves. If you are unsure if your property is located on these waters, contact your local DER office. Permits to alter mangroves that are growing in, or directly landward of OFW's may be issued only:

1. to governmental agencies to construct and maintain public facilities;
2. to allow the minimal alteration necessary to maintain navigation in existing navigable waters; or
3. to allow upland landowners limited ingress, egress and visual access to open waters.

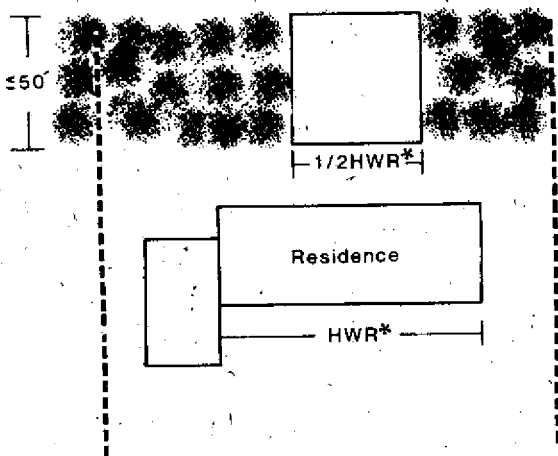
Alterations within OFW's may be permitted only within certain maximum limitations, must be clearly in the public interest, and must not degrade water quality. The limits in the rule are the maximums that may be permitted, and the DER generally is required to make every effort to permit alternatives in amounts that are less than those specified below. The following are some of the limits that apply to alterations for ingress, egress and visual access.

Ingress and egress

- Cutting of pathways of less than 4 feet wide through mangroves may be permitted when water access cannot be provided by a dock or boardwalk.
- Only one pathway may be permitted per parcel, except that multiple paths spaced at least 100 feet apart, may be allowed. All paths must be meandered to reduce impact.

Visual Access for OFW's and Aquatic Preserves

- Trimming may be permitted only where the mangrove fringe is 50 feet wide or less (30 feet wide or less in Aquatic Preserves).
- The shoreline length of mangroves that can be trimmed is limited to one half the length of the habitable part of the dwelling that faces the mangroves.



HWR (Habitable Width of Residence)	Allowable Alteration
50'	25'
60'	30'
80'	40'
100'	50'

Trimming for visual access is confined to 1/2 of the habitable width of the residence (HWR).

- No mangroves may be cut to less than 7 feet high, unless freeze-damaged or freeze-killed.

- Mangroves may not be reduced in height more than 25% annually, except for freeze-damaged or freeze-killed mangroves.
- Minimum mitigation at a 3:1 ratio is required in Aquatic Preserves. For example, if a landowner wanted to alter mangroves in a 10-foot wide swath through the entire 30-foot mangrove fringe, he would be altering 300 square feet of mangrove canopy. Thus, he would multiply this area by 3, and have to plant 900 square feet of suitable habitat along his property shoreline with mangroves on 3 foot staggered centers. This example would require 81 new mangrove trees to be planted to satisfy the mitigation requirements. There are also other ways to satisfy these mitigation requirements. Check with your local DNR or DER office for the application mitigation alternatives.

Freeze-Damaged and Freeze-Killed Alterations

Florida has suffered freeze events in the past several years that have caused severe damage to and the death of mangroves. A sufficient period of time is typically needed (usually 6 months) to determine the long term effects of freeze events on mangroves. Permits are required to cut freeze damaged and freeze killed mangroves unless they can qualify for selective trimming. In addition, special minimum criteria exist for altering freeze damaged and freeze killed mangroves in Aquatic Preserves. Chapter 17-321, F.A.C., or the local office of the DER should be consulted for information on these criteria.

Prohibitions

In all cases, the following prohibitions apply to any activity that involves the trimming and alteration of mangroves:

- No chemical defoliant may be used.
- No trees may be cut that are larger than 12 inches in diameter at a height of 4 feet above the ground.
- Mangroves used by protected birds for breeding and roosting or which are used by endangered or threatened species may not be cut.
- Mangroves may not be cut within lands that are subject to a conservation easement, deed restriction, or other type of preservation area restriction approved by the DER unless specifically provided for in the document.
- Mangroves on State-owned land may not be altered without the consent of the Board of Trustees. Within counties that have been delegated a mangrove permitting program by the DER and the DNR, the issuance of a county permit will constitute the requisite consent.

Shoreline Management and Pruning Practices

Shoreline property owners have a unique opportunity to directly participate in the stewardship of Florida's marine environment. There are a number of practices that can minimize the homeowner's impact on adjacent waters. For instance, it is recommended that mangroves and other native vegetation be

incorporated into your shoreline landscape design. This will reduce the need for water, fertilizer, and pesticides, and will prevent erosion. Many other suggestions on how to reduce homeowner impact on shoreline environments may be obtained from the local County Cooperative Extension Service and/or Water Management District.

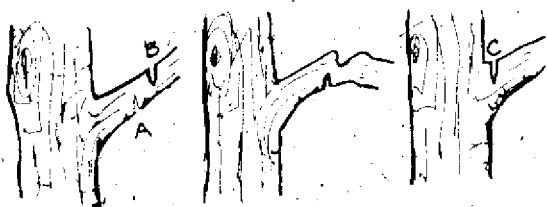
When authorized, as described previously, the two ways mangroves can be pruned are topping or selective limb removal.

Topping (or hedging), as the name suggests, is a way of reducing the height of the tree by cutting back its main trunk and tallest branches. Topping is not allowed without a permit. The topping of red mangroves usually is not desirable, and the height of any mangrove usually should not be reduced by more than 25% of its total height at any time. Selective limb removal usually is preferred to topping except to maintain hedges that were established under a previous DER permit, general permit, or exemption.

Selective limb removal (or selective trimming) is a means of providing visual access through large trees by removing entire branches at their base, nearly flush with the trunk. The height of the tree remains unchanged, but the lower branches are removed or reduced in size to create viewing "windows" through the branches.

When pruning any branch, care must be taken that the weight of the branch does not cause it to break before the cut is completed, consequently producing a

large tear in the side of the tree. This requires three pruning cuts (see illustration). The first cut is made on the lower side of the branch 15 inches away from the trunk and 1/3 up through the branch - usually about the time the saw begins to bind. The second cut is made downward on top of the branch. The branch can then break or be removed without tearing the bark down the trunk. The remaining stub is easily supported with one hand while it is cleanly cut from the tree. This cut should be nearly flush with the trunk, with the lower edge of the cut further away from the trunk than the top (see illustration). Such a cut will form a smaller wound than a flush cut, and the healing will be more rapid. The application of pruning paint to cut limbs is not recommended.



To remove a large branch, cut first at A, then at B and a final cut at C.



Not
Close
Enough

Too
Close

Correct

Correct Pruning cut.

Other Regulations

Counties and municipalities may have additional regulations protecting mangroves. The appropriate planning, environmental protection, or forestry departments should be consulted for their applicable regulations.

For More Information...

Copies of the mangrove application forms referenced in this publication may be obtained by contacting the local office of the DER that serves the project site. DER mangrove alteration permit applications should be sent to the appropriate DER district office. The nearest office of the DNR or Sea Grant Extension office may be contacted for additional information concerning mangroves.

Wetland Resource Regulation Permitting Offices

Northwest District

Wetland Resource Manager
160 Governmental Center
Pensacola, FL 32501-5794
904-436-8300

Northwest Dist. Branch Office
340 W 23rd Street, Suite E
Panama City, FL 32405
904-872-4375

Northwest Dist. Branch Office
2600 Blair Stone Road
Tallahassee, FL 322399-2400
904-488-3704

Northwest Dist. Satellite Office
P.O. Box 9
Apalachicola, FL 32320
904-653-8165

Northeast District

Wetland Resource Manager
7825 Baymeadows Way Suite B200
Jacksonville, FL 32256-7577
(904) 448-4300

Northeast District Branch Office
5700 SW 34 Street Suite 1204
Gainesville, FL 32608
(904) 336-2095

Central District

Wetland Resource Manager
3319 Maguire Blvd. Suite 232
Orlando, FL 32803-3767
(407) 894-7555

Central District Satellite Office
13 East Melbourne Ave.
Melbourne, FL 32901
(407) 984-4800

Southwest District

Wetland Resource Manager
4520 Oak Fair Boulevard
Tampa, FL 33610-7347
813-623-5561

Southwest Dist. Branch Office
7451 Golf Course Blvd.
Punta Gorda, FL 33982-9359
813-639-7800

Southwest Dist. Satellite Office
970 East Main Center - Suite A
Bartow, FL 33830
813-534-7080

South District

Wetland Resource Manager
2269 Bay Street
Fort Myers, FL 33901-2896
813-332-6975

South District Branch Office
11400 Overseas Highway - Suite 123
Marathon, FL 33050
(305) 289-2310

Southeast District

(Broward, Dade & Palm Beach)

Wetland Resource Manager
1900 South Congress Ave. Suite A
West Palm Beach, FL 33406
(407) 433-2650

(Martin, Okeechobee & St. Lucie)

Environmental Supervisor
Southeast District Branch Office
2745 SE Morningside Blvd.
Port St. Lucie, FL 34952
(407) 878-3890

Sea Grant Extension Agents

(Franklin, Wakulla, Taylor, Leon, Dixie, Levy & Jefferson Counties)

Scott Andree
615 Paul Russell Road
Tallahassee, FL 32301-7099
(904) 487-3007

(Nassau, Duval, St. Johns, Putnam, Clay & Flagler Counties)

Joseph Halusky
233 Marine Center Drive
Highway A1A South, Marineland
St. Augustine, FL 32086
(904) 471-0092

(Indian River, Martin, Palm Beach & Broward Counties)

Frank Lawlor
559 North Military Trail
West Palm Beach, FL 33415
(407) 233-1745

(Dade County)

Donald Pybas
RSMAS
4600 Rickenbacker Causeway
Miami, FL 33149
(305) 361-4017

(Manatee, Sarasota, Hillsborough & Collier Counties)

John Stevely
1303 17th Street, West
Palmetto, FL 34221
(813) 722-4524

(Escambia & Santa Rosa Counties)

Sonya Wood
P.O. Box 7154
Pensacola, FL 32534-0154
(904) 477-0953

(St. Lucie County)

Robert Cutcher
8400 Picos Rd. Suite 101
Ft. Pierce, FL 34945
(407) 468-1661

(Volusia County)

Joseph Nolin
3100 East, State Road 44
Deland, FL 32724
(904) 822-5778

(Brevard County)

Bill Mahan
Brevard Service Complex
4090 Minton Road
West Melbourne, FL 32907
407-952-4537

(Charlotte County)

William Sheftall
6900 Florida St.
Punta Gorda, FL 33950
(813) 639-6255

*(Citrus, Hernando, Pasco, &
Pinellas Counties)*

Don Sweat
12175 125th St. North
Largo, FL 34644
(813) 588-8100

(Monroe County)

Doug Gregory
P.O. Box 2545
Public Service Bldg. North Wing
Key West, FL 33040
(305) 294-4641 Ext. 160

(Okaloosa, Walton, Bay & Gulf Counties)

2234 East 15th Street
Panama City, FL 32405
(904) 763-5456

Department of Natural Resources

Bureau of Submerged
Lands and Preserves
3900 Commonwealth Blvd.,
Mail Station 125
Tallahassee, FL 32399-3000

Aquatic Preserve Offices

Biscayne Bay Aquatic Preserve
2326 S. Congress Ave., Suite 2A
West Palm Beach, FL 33416
407/433-2680

Gasparilla Sound, Charlotte Harbor
and Rookery Bay/Cape Romano-Ten
Thousand Islands Aquatic Preserves
13960 Stringfellow Blvd, Suite B&C
P.O. Box 591
Bokeelia, FL 33922-0591
813/283-2424

Indian River Lagoon
Aquatic Preserve
(Malabar to Vero Beach)
13 E. Melbourne Ave. Suite A
Melbourne, FL 32901
407/984-4807

Coupon Bight/Lignum Vitae
Key/Card Sound Aquatic
Preserve
P.O. Box 2451
Key Largo, FL 33037
305/451-4777

Terra Ceia and Cockroach
Bay Aquatic Preserves
8402 Laurel Fair Circle
Suite 212
Tampa, FL 33610-7347
813/622-7364

Indian River Lagoon AP
(Jensen Beach to Jupiter
Inlet)
4842 South U.S. 1
Ft. Pierce, FL 34982
407/468-4097

Field Offices

West Central Florida Field Office
Interstate Business Park
8402 Laurel Fair Circle Suite 212
Tampa, FL 33610
813/622-7364

Southwest Florida Field Office
2180 W. First St., Suite 308
Ft. Myers, FL 33901
813/278-7166

Florida Keys Field Office
11400 Overseas Highway
Suite 121
Marathon, FL 33050
305/289-2336

**East Central Florida
Field Office**
3319 Maguire Boulevard
Suite 136
Orlando, FL 32803
407/897-2766

**Southeast Florida
Field Office**
2326 S. Congress Ave. Suite 2A
West Palm Beach, FL 33406
407/433-2680
