

January 19, 2021

Bill Bartnick
Office of Agricultural Water Policy
The Mayo Building
407 South Calhoun Street, Mail Stop E1
Tallahassee, FL 32399-0800

Via email: Bill.Bartnick@FDACS.gov

RE: Notice of Proposed Rule
Amendments to Chapter 5M-1 and Forms
Lower Regulatory Cost Alternative proposal

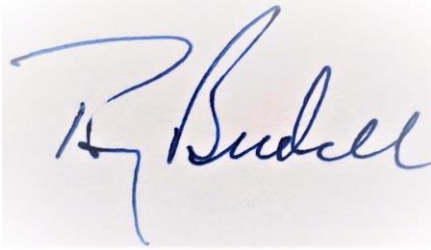
Dear Mr. Bartnick:

Please accept this proposal for a Lower Cost Regulatory Alternative on behalf of the undersigned organizations and their members who produce crops and own farm lands or raise cattle on ranchlands within the State of Florida or provide support for agricultural production. Many of these organizations also provided comments on the proposed rule during the previous workshop. These organizations are appreciative of the consideration provided by the Department's coordination with the stakeholders to implement the amendments to the Department's statutory authority and responsibilities as provided in Chapter 2020-150, Laws of Florida (SB 712) by revising the agricultural best management practices implementation verification process and adopting a Nutrient Application Record Form (NARF) with instructions, and updating the Notice of Intent to Implement Best Management Practices (BMP) form. We appreciate the opportunity to provide this Lower Cost Regulatory Alternative to assure consistency among the various forms, instructions and frequently asked questions published on the department's website and the proposed rule.

We understand that in addition to the proposed rule noticed on January 7, 2021 that the Department is also adopting a form and instructions referenced in the Notice. Regrettably, the published version of the Notice did not include active links for these so we were unable to determine the final form of these documents. As such, we have included the current versions available to us with slight revisions. We have also included the reasons for the suggested revisions within comment text in the following 5M-1 Rule revisions document.

As always, we welcome the continued opportunity to discuss these comments with you.

Sincerely,

A handwritten signature in blue ink that reads "Rich Budell". The signature is fluid and cursive, with the first name "Rich" written in a more compact, stylized manner than the last name "Budell".

Rich Budell, Florida Agribusiness Council

A handwritten signature in red ink that reads "Gene Lollis". The signature is written in a cursive style, with the first name "Gene" and last name "Lollis" clearly distinguishable.

Gene Lollis, Florida Cattleman's Association

A handwritten signature in black ink that reads "Michael W. Sparks". The signature is written in a cursive style, with the first name "Michael" and last name "Sparks" clearly distinguishable.

Michael W. Sparks, Florida Citrus Mutual

A handwritten signature in blue ink that reads "John L. Hoblick". The signature is written in a cursive style, with the first name "John" and last name "Hoblick" clearly distinguishable.

John L. Hoblick, Florida Farm Bureau Federation

A handwritten signature in black ink that reads "Mary C. Hartney". The signature is written in a cursive style, with the first name "Mary" and last name "Hartney" clearly distinguishable.

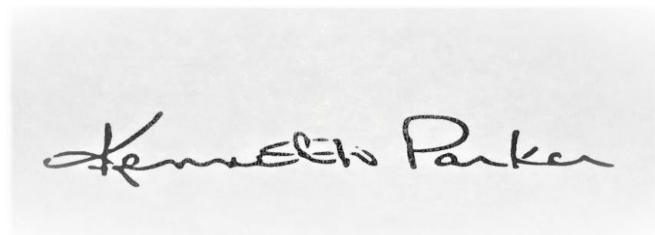
Mary C. Hartney, Florida Fertilizer and Agrichemical Association

A handwritten signature in black ink that reads "Kerry B. Kates, P.E." The signature is fluid and cursive, with the initials "K.B.K." being prominent.

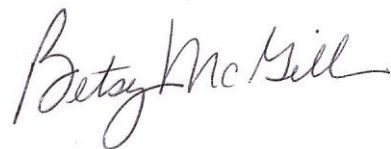
Kerry B. Kates, Florida Fruit & Vegetable Association

A handwritten signature in black ink that reads "Ben Bolusky". The signature is cursive and stylized, with the first name "Ben" being more legible than the last name.

Ben Bolusky, Florida Nursery, Growers and Landscape Association

A handwritten signature in black ink that reads "Kenneth Parker". The signature is cursive and somewhat formal, with the first name "Kenneth" being clearly written.

Kenneth Parker, Florida Strawberry Growers Association

A handwritten signature in black ink that reads "Betsy McGill". The signature is cursive and elegant, with the first name "Betsy" being prominent.

Betsy McGill, Florida Turfgrass Association

A handwritten signature in blue ink that reads "Steve Smith". The signature is cursive and stylized, with the first name "Steve" being prominent.

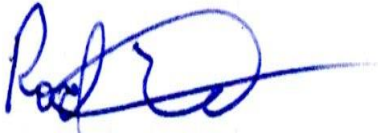
Steve Smith, Gulf Citrus Growers Association

A handwritten signature in black ink that reads "Raymond Royce". The signature is cursive and somewhat formal, with the first name "Raymond" being clearly written.

Raymond Royce, Highlands County Citrus Growers Association

A handwritten signature in black ink, appearing to read "Ray Hodge". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ray Hodge, Southeast Milk, Inc.

A handwritten signature in blue ink, appearing to read "Rod Land". The signature is cursive and stylized, with a large loop at the end.

Rod Land, United Dairy Farmers of Florida

Attachment: Proposed Chapter 5M-1 Revisions with Comments, 5-1 NARF Instructions with Revisions, 5M-1 NOI with Revisions

INSTRUCTIONS FOR FILLING OUT THE NUTRIENT APPLICATION RECORD FORM

These instructions are incorporated as part of the FDACS Nutrient Application Record Form (FDACS-04005 6/20). Except in circumstances where electronic means are unavailable, Producers are encouraged, to submit the electronic version of the Nutrient Application Record Form provided by OAWP representatives or a substantially similar record in electronic form, with signature attesting to the accuracy of the information provided. Submission of the form may occur before, during or within 10 days after an implementation verification site visit. Information included in the form will be verified by FDACS representatives during an implementation verification site visit through an audit of the underlying records and supporting documentation utilized to complete the form.

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NOI Number

Enter the Notice of Intent to Implement BMPs (NOI) Number assigned to the production area at enrollment. This number can be located on the original NOI submitted during the enrollment process.

No Fertilizers Applied

Only check this box if you have not applied any form of fertilizers or nutrients to your operation in the two-year period prior to the date of the implementation verification site visit.

Application Period (Month(s) and Year)

Enter the month(s) and year of each application of fertilizer or other nutrient source. For instance, the application of fertilizer for corn that took place during March of 2020. Producers may opt to provide total application amounts of N and P, aggregated by application period or growing season in intervals of up to six months within a calendar year. If a growing season extends beyond December 31st of a given year, a separate entry will be required for the time period contained in the new calendar year. Do not include records from an interval that was previously reported to OAWP. Records documenting the monthly application amounts must be available for inspection by OAWP representatives to verify the aggregated application amounts.

BMP Manual

Enter the BMP Manual(s) applicable to the Notice of Intent (NOI) for which the form is being completed.

BMP Manual	
Vegetable and Agronomic Crop	Dairies
Poultry	Nurseries
Sod	Equine
Citrus	Specialty Fruit and Nut
Cattle (Cow/Calf)	

Commodity Grown

Complete this section only if your operation is enrolled in the Vegetable and Agronomic Crop (VAC) or the Specialty Fruit and Nut (SFN) manuals. Enter a separate line for each commodity produced under the VAC or SFN NOI.

Other Commodity Description

If you are filling out the form electronically and the commodity produced is not on the dropdown list, select Other and enter the name of the commodity.

Nutrient Source

Identify the type of nutrient source applied for each entry. Select a nutrient source from the following options:

Commercial Fertilizer (with analysis)

Composted Material (no analysis)

Class AA Biosolids (with analysis)

Manure (no analysis)

Other (with analysis)*

Other (no analysis)*

**If selecting Other, please identify the specific type of fertilizer or other nutrient source that was applied, pursuant to the requirements of the manual under which the Producer is enrolled. For instance, if a Producer has an analysis done on poultry litter or compost that is then applied, they would select Other (with analysis) and identify the nutrient source. If poultry litter or compost was utilized and no analysis was done, the Producer would select Other (no analysis) and identify the nutrient source.*

Pounds of Nitrogen Applied

Using the guaranteed analysis or laboratory analysis of the nitrogen source applied, enter the total pounds of nitrogen for each individual entry. Producers must use book values to determine the total pounds applied for any nutrient source that lacks a guaranteed or laboratory analysis.

Pounds of Phosphorus (P₂O₅) Applied

Using the guaranteed analysis or laboratory analysis of the phosphorus fertilizer applied, enter the pounds of phosphorus (in the form of P₂O₅) for each entry. Producers must use book values to determine the pounds applied for any nutrient source that lacks a guaranteed or laboratory analysis.

Crop Acres Fertilized

Enter the total production acreage over which the fertilizer or nutrient source was applied for each line. In many cases, this will be the same number as the overall NOI acreage.

Using the guaranteed analysis to determine the pounds of nitrogen and the pounds of phosphorus applied to an NOI

Fertilizer's guaranteed analysis is printed on the fertilizer label or provided by the fertilizer company or hauler and shown as N – P – K, where:

N = elemental nitrogen

P = P₂O₅, usually referred to as phosphate or phosphorus

K = K₂O, usually referred to as potash

The values for N – P – K represent the percent of elemental nitrogen, phosphate, and potash that are in the product. For example:

A guaranteed analysis of 20 – 10 – 10 means there is 20% elemental nitrogen, 10% P₂O₅, and 10% potash in the product.

If 100 pounds of 20-10-10 are applied, that equals 20 pounds of nitrogen 10 pounds of phosphate, and 10 pounds of potash applied.

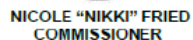
** When utilizing a laboratory analysis for a nutrient source, calculate the total pounds of N and P based on the laboratory unit of measure provided applied to the amount of the nutrient source applied over the production acreage.*

Using book values to calculate total pounds of nitrogen or phosphorus for those nutrient sources without an associated analysis

Book values exist for commonly used sources of organic materials, such as manures, poultry litter, etc. Producers may utilize technical assistance documents available from OAWP for guidance on using book values to calculate the pounds of nitrogen or phosphorus applied but must provide verifiable documentation supporting calculations of the applied amounts of nutrient sources lacking an analysis. If utilizing manure or compost, identify the type so that book value calculations can be easily verified by OAWP representatives. All values must be expressed in lbs N and P₂O₅ per ton of material applied. For instance, 5 tons per acre of broiler poultry manure applied to a field is equivalent to a total of 115 lbs/N acre. Utilizing the book values for poultry litter: 23 lbs/ton (using year 1 plant available values from the appropriate column on the sheet) x 5 tons/acre = 115 lbs N/acre. Producers must undertake the same calculation for phosphorus.

If NO fertilizer or nutrient source was applied during the previous two year period, check the box indicating that no nutrient sources were applied.

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NUTRIENT APPLICATION RECORD FORM

FDACS-OAWP
407 S. Calhoun Street, MS-E1
Tallahassee, FL 32399

Rule 5M-1.008, F.A.C

NOI Number:

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Producer Provided Electronic Excel Spreadsheet

☒ Yes ☐ No

I certify that the information on this form is accurate and based on those records required under the applicable BMP Manual.

Print name

--

Date

--	--

☐ No Fertilizers Applied

Signature of authorized contact for this NOI

[illegible]



NICOLE "NIKKI" FRIED
COMMISSIONER

Florida Department of Agriculture and Consumer Services
Office of Agricultural Water Policy

**NOTICE OF INTENT TO IMPLEMENT
BEST MANAGEMENT PRACTICES
RULE 5M-1.001(7), F.A.C.**

FDACS-OAWP
Mayo Building
407 S. Calhoun St. MS-E1
Tallahassee, FL 32399
agbpmphelp@fdacs.gov

- Identify the best management practices (BMP) manual, interim measures, or applicable Department rule that you are enrolling under:

- Check the box below if it applies to your operation:
 - ☐ A National Pollutant Discharge Elimination System Permit (NPDES) has been issued for the subject parcel. Completion of a BMP Checklist or site visit for those areas of the subject parcel covered by the NPDES permit will not be required. All other information provided in this form is still required. The status of enrollment in the BMP program for those areas subject to the NPDES permit will be based on compliance with the permit as determined by the issuing agency. Permit Number: _____
 - ☐ A South Florida Water Management District Rule Chapter 40E-63, F.A.C. Permit has been issued for the subject parcel. Completion of a BMP Checklist or site visit for those areas of the subject parcel covered by the permit will not be required. All other information provided in this form is still required. The status of enrollment in the BMP program for those areas subject to the permit will be based on compliance with the permit as determined by the issuing agency. Permit Number: _____
 - ☐ The subject parcel has a hemp license. Permit Number: _____
- In consultation with Florida Department of Agriculture and Consumer Services (FDACS), complete this **Notice of Intent** (NOI) and each applicable **BMP Checklist**, identifying the BMPs currently in use or applicable to your property. The NOI may list multiple parcels only if all of the following apply: the parcels are contiguous, they are within the same county, they are owned or leased by the same person or entity, the same type of operation is conducted on each included parcel, and the same BMPs identified on the checklist are applicable to each parcel. **NOTE: Enrollment in the FDACS BMP program does not occur until the completion of a site visit by FDACS representatives to confirm the BMPs applicable to the subject property.**
- If this form is being executed pursuant to an implementation verification site visit, the Producer acknowledges receipt of documentation provided by FDACS representatives identifying any new applicable BMPs, corrective or remedial actions required pursuant to Rule 5M-1, F.A.C., and/or recommended practices eligible for **implementation**, with cost share assistance.
- Keep a copy of the completed **NOI** and **BMP Checklist** in your files as part of your record keeping responsibilities. In all cases, the Landowner listed below will be notified of the completed enrollment and BMPs identified as applicable to the subject property. **All information below is required for a valid submittal.**

Deleted: adoption

PRODUCER INFORMATION

Name: _____
Business Relationship to Landowner: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Telephone: _____ FAX: _____
Email: _____

LANDOWNER INFORMATION

NOTE: If the Landowner is the same as the Producer listed above, please check:
☐ **Same as above.** If not, complete the information below for each landowner if leased properties are involved.
Name: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Telephone: _____ FAX: _____
Email: _____

CONTACT INFORMATION

NOTE: If the Contact is NOT the Producer or Landowner listed above, please complete the information below.
Name: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Telephone: _____ FAX: _____

Complete the following information for the property on which BMPs will be implemented under this NOI.

You may list multiple parcels if they are contiguous, located within the same county, are owned or leased by the same person or entity, and are applying the same BMPs on them. Landowners and producers may also include multiple parcels in one NOI if they are covered under one or more of the permits or instruments listed in Rule 5M-1.008(5)(a)-(c).

Farm/Site/Operation Name: _____

County: _____

Tax Parcel Identification Number(s) from county property appraiser: Please submit a copy of your county tax bill(s) or the property information sheet from the county property appraiser for each enrolled parcel, with owner name, mailing address, and the parcel ID number(s) clearly visible. Include each owner's phone number and email address if not already listed on the NOI. Attach a separate sheet if necessary (*see form provided*).

Parcel No.: _____ Parcel Owner: _____

Parcel No.: _____ Parcel Owner: _____

Parcel No.: _____ Parcel Owner: _____

Parcel No.: _____ Parcel Owner: _____

Parcel No.: _____ Parcel Owner: _____

☐ Additional parcels are listed on separate sheet. (*check if applicable*)

Total # of acres of all parcels listed (as shown on property tax records): _____

Total # of acres on which BMPs will be implemented under this NOI: _____

IN ACCORDANCE WITH SECTION 403.067(7)(c)2, FLORIDA STATUTES, I SUBMIT THE FOREGOING INFORMATION AND THE BMP CHECKLIST AS PROOF OF MY INTENT TO IMPLEMENT THE BMPs APPLICABLE TO THE PARCEL(S) ENROLLED UNDER THIS NOTICE OF INTENT. BY THE SIGNATURE BELOW, I CERTIFY THAT: 1) ALL THE INFORMATION ENTERED IS CORRECT; 2) THAT I HAVE ALL NECESSARY AUTHORITY TO SUBMIT THIS NOI FOR ALL THE PARCELS LISTED; AND 3) THAT I HAVE ALL NECESSARY AUTHORITY TO MAKE ANY COMMITMENTS MADE TO ACTIONS DESCRIBED IN THE NOI OR BMP CHECKLIST.

PRINT NAME: _____
(*check all that apply*) ☐ PRODUCER ☐ LANDOWNER ☐ AUTHORIZED Agent (*documentation required*)

SIGNATURE: _____ **DATE:** _____

NAME OF FDACS STAFF OR CONTRACTOR ASSISTING WITH ENROLLMENT: _____

NOTES:

1. You must keep records of BMP implementation, as specified in the BMP manual. All BMP records are subject to inspection and include the verification of nutrient application rates.
2. Notify FDACS if there is a full or partial change in ownership with regard to any of the parcel(s) enrolled under this NOI. Use form FDACS-01985, Change Form to Notice of Intent, to record these changes.
3. Remember that it is your responsibility to stay current with future updates of BMP manuals or rule changes. Visit the following website periodically to check for manual updates:
<https://www.fdacs.gov/Agriculture-Industry/Water/Agricultural-Best-Management-Practices>.

ADDITIONAL TAX PARCEL LISTINGS

Operation Name: _____

County: _____

Parcel No.: _____ Parcel Owner: _____

Parcel No.: _____ Parcel Owner: _____

Parcel No.: _____ Parcel Owner: _____

Parcel No.: _____ Parcel Owner: _____

Parcel No.: _____ Parcel Owner: _____

Parcel No.: _____ Parcel Owner: _____

Parcel No.: _____ Parcel Owner: _____

Parcel No.: _____ Parcel Owner: _____

Parcel No.: _____ Parcel Owner: _____

Parcel No.: _____ Parcel Owner: _____

Parcel No.: _____ Parcel Owner: _____

SM-1.001 Definitions.

(1) "Applicable Best Management Practices" or "Applicable BMPs" means best management practices that have been adopted by Department rule and have been identified for implementation on an Enrolled parcel, in an Enrolled Producer's or Landowner's current Notice of Intent.

(2) "Basin Management Action Plan" or "BMAP" means a plan adopted by the Florida Department of Environmental Protection pursuant to Section 403.067(7)(a), F.S.

(3) through (4) No change.

(5) "Enrolled" means the status of a Producer or Landowner ~~who:~~ -----

~~(a) before the effective date of this rule had has an active completed a Notice of Intent for implementation of the Applicable BMPs best management practices on specified parcels identified during a site visit with Department representatives, or who qualifies as a Temporarily Inactive Operation for the purposes of Rule SM-1.010, F.A.C. If the Producer is not the Landowner, the Department will notify the Landowner of the date of enrollment and Applicable BMPs that are required to be properly implemented on the subject parcel(s).~~

(b) after the effective date of this rule submitted and has an active, completed a Notice of Intent for implementation of the Applicable BMPs on specified parcels identified during a site visit with Department representatives or who qualifies as a Temporarily Inactive Operation for the purposes of Rule SM-1.010, F.A.C. If the Producer is not the Landowner, the Department will notify the Landowner of the date of enrollment and Applicable BMPs that are required to be properly implemented on the subject parcel(s)

(6) No change.

(7) "Notice of Intent" or "NOI" means a form provided by the Department to be submitted by an agricultural Producer or Landowner to indicate intent to enroll in and properly implement the Department's program of best management practices in accordance with the manual under which they enroll. A Notice of Intent to Implement Best Management Practices form (FDACS-04002, XX/XX), hereby incorporated by reference, shall be submitted for all new enrollments to the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, Mayo Building, 407 South Calhoun Street, Tallahassee, Florida 32399. The NOI may be obtained from FDACS or accessed online at <http://www.flrules.org/Gateway/>. Submittal of an NOI shall not result in enrollment until such time as a site visit is completed by the Producer and Department representatives to identify the Applicable BMPs to be implemented on the subject parcel. A Producer or Landowner that has submitted an NOI but has not undertaken the required site visit will not be reported as unenrolled to the Florida Department of Environmental Protection unless they fail to undertake the required site visit within 60 days after notification by the Department of scheduling availability.

(8) No change.

Rulemaking Authority 403.067(7)(c)2., 403.067(7)(d)2.c., 570.07(10), 570.07(23) FS. Law Implemented 403.067(7)(d)2.c. FS. History-New 11-1-17, Amended

Comment [cc1]: Reason for Change - The request for the change to paragraph 5 is to recognize that the present BMP Manuals provided for enrollment upon submittal of the Notice of Intent. While we understand that the department wishes to require a site visit to confirm the BMPs on a going forward basis for any new Notices of Intent, the suggested language is necessary to provide the transition period for those enrolled who may not have yet received a site visit. Otherwise all existing enrollees **will** be required to resubmit the Notice to receive the site visit. As the department is required to conduct site visits once every two years, this provision should be temporary in nature and avoid unnecessary expense to the Producer and the Department.

SM-1.008 Implementation Verification.

~~(1) Agricultural Best Management Practices (BMPs) are individual practices or combinations of practices that, based on scientific research, field testing, and expert review, have been identified~~

as the most effective and practicable means for improving water quality and water conservation, which include nutrient management, irrigation management, and water resource protection. The Department has adopted in this Rule Title BMP manuals for many of Florida's agricultural commodities. At least every two years, the Department will perform an implementation verification site visit of each Enrolled Producer ~~or~~ Landowner to verify the proper implementation of all Applicable BMPs using the data from the site visit, supplemental as needed, by information from other sources including county property appraisers, DEP, and water management districts. The Department will notify DEP of any Producer ~~and~~ Landowner, if the Landowner is not the Producer, that fails to cooperate with the Department to complete an implementation verification site visit within 60 days of contact by Department representatives. The Department will contemporaneously provide all information received or sent relative to enrollment and implementation verification to the Landowner, if the Landowner, if the Landowner is not the Producer, excluding any information identified by the Producer as trade secret.

The Department will record implementation status assessments of Applicable Best Management Practices (BMPs) by Enrolled Producers or Landowners using data from site visits, periodic producer self-verifications, and staff-assisted verifications, supplemented by information from other sources including county property appraisers, DEP, and water management districts. The Department will notify the Landowner when an Enrolled Producer's site visit, self-verification, or staff-assisted verification is completed for the specified parcels if the Producer is not the Landowner.

(2) Upon completion of the implementation verification site visit, the Enrolled Producer or Landowner will be provided notice as to the requirement of any additional Applicable BMPs to be implemented on the subject parcel(s), corrective or remedial measures pursuant to the requirements of Rule 5M-L009, F.A.C., as well as any cost share opportunities available for the implementation of additional recommended practices or projects on the subject parcel(s).

(3) During the implementation verification site visit, the Department will collect and review any records required by this rule or the manual under which the parcel(s) is enrolled to verify the proper implementation, of the Applicable BMPs. All required records, including nutrient source and application records, shall be maintained for a minimum of five years and must be presented to a Department representative upon request.

(4) During the implementation verification site visit, the Department will collect and retain records regarding the application of nitrogen and phosphorus on the Enrolled parcel(s). Producers or Landowners shall provide the required nutrient application records for the preceding two years to the Department by completing and submitting a Nutrient Application Record Form (FDACS-04005, XX/XX), adopted herein by reference and available at <http://www.flrules.org/Gateway/>. Producers or Landowners are strongly encouraged to utilize and submit the electronic version of the form, or a substantially similar form, to Department representatives during the implementation verification site visit or within 10 days of completion of the verification site visit. Producers or Landowners may submit a substantially similar form if it contains the following information for the Enrolled parcel(s):

(a) Manual of Best Management Practices in which the producer is enrolled, including the identification of separate commodities if there are multiple enrollments under a specific manual;

(b) Month(s) and year(s) that nutrient application occurred;

(c) Type of nutrient source utilized;

(d) Total amount of nitrogen applied in pounds;

(e) Total amount of phosphorus as P₂O₅ applied in pounds; and,

(f) Total acreage over which nitrogen or phosphorus as P₂O₅ was applied.

Comment [cc2]: Reason for change - the BMP definition appears in the BMP manuals. It does not relate to the content of Implementation Verification.

Comment [cc3]: Reason for change: Based on the definition of enrolled, it is the Producer or Landowner with the NOI. Conforms to (2) below.

Comment [cc4]: Reason for change: It is important that the Landowners receive notice when they are not the Producers.

Comment [cc5]: If the form and instructions are being adopted by reference, may we request the final proposed copy of same.

Comment [cc6]: Reason for change - consistency with definition of enrolled.

Comment [cc7]: Reason for change: Submittal of the similar form electronically should also be encouraged.

Comment [cc8]: Reason for change: If assistance is needed to complete the form as discussed in the FAQ, then submittal after the site visit should be encouraged.

(5)(2) No change.

(6)(3) For the Producers or Landowners described below in paragraph (a), (b), or (c), verification of implementation of the Applicable BMPs Best Management Practices will be confirmed by:

(a) through (b) No change .

(c) Compliance with the requirements of proprietary certifications issued by Department qualified non-governmental entities as provided in subsection (8)(5).

(7)(4) A Producer's or Landowner's proof of compliance with any of the permits, agreements, or certifications presented by the issuing agency, as provided in subsection (6)(3), shall be made available to the Department upon request.

(8)(5) Entities seeking to issue proprietary certifications for use in accordance with paragraph (6)(3)(c), must request a qualification review by the Department's Office of Agricultural Water Policy. Applicants will be required to demonstrate the following qualification requirements:

(a) through (f) No change.

(9)(6) Implementation verification of Best Management Practices for Silviculture shall be provided in accordance with Chapter 51-6, F.A.C.

Rulemaking Authority 403.067(7)(c)2., 403.067(7)(d)2.c., 570.07(10), 570.07(23) FS. Law Implemented 403.067(7)(d)2.c. FS. History-New 11-1-17, Amended

SM-1.009 Best Management Practices Implementation Assistance.

(1) The Department will provide implementation assistance to Enrolled Producers or Landowners as follows:

(a) If the implementation verification site visit status assessment described in subsection 5M•1.008(1), F.A.C., indicates that an Enrolled Producer or Landowner has not achieved proper full implementation of Applicable BMPs Best Management Practices (BMPs), the Department will work in cooperation with the Producer or Landowner to identify corrective measures to be taken as soon as practicable to achieve proper full implementation of Applicable BMPs. The identification of corrective measures will include the setting of expectations and for the time required to complete them. If the Producer is not the Landowner, the Landowner will be notified that corrective measures have been identified for the Producer's implementation.

(b) If the Producer does not fully implement the identified corrective measures within the established timeframe, the Department will issue a letter of non-compliance identifying work in cooperation with the Producer and Landowner, if the Producer is not the Landowner, to identify remedial measures to be taken by the Producer and, if necessary, the Landowner to achieve proper full implementation of Applicable BMPs. The identification of remedial measures will include setting of expectations and for the time required to complete them. A Producer or Landowner that fails to implement the identified remedial measures will be subject to subsection

(2).

(c) In no case shall the overall timeframe for completion of corrective and remedial measures extend beyond the date of the next implementation verification site visit.

(d)(c) A Producer or Landowner that does not cooperate with the Department to identify or implement corrective or remedial measures will be subject to subsection (2).

(2) The Department will notify DEP within 60 days after the date of scheduled completion of remedial measures identified pursuant to paragraph (1)(b), of any Enrolled Producer or Landowner that refuses or fails to properly implement Applicable BMPs.

(3) No change