



The Florida Senate

Interim Project Summary 98-01

October 1998

Committee on Agriculture

Senator Charlie Bronson, Chairman

REVIEW OF EFFORTS TO OPTIMIZE MANAGEMENT AND PRODUCTION OF TIMBER ON STATE LANDS AND REVIEW OF THE PRESCRIBED BURNING POLICY OF THE DIVISION OF FORESTRY

SUMMARY

The 1998 Legislature passed into law Committee Substitute for House Bill 3671 relating to Timber Management (Chapter 98-332, Laws of Florida). The act seeks to foster the management of timber on state lands so as to generate revenue through sustainable forest management practices and resource conservation. In particular, the act requires the Division of Forestry (division) or professional foresters to prepare an assessment of the feasibility of managing timber on 1,000-acre or greater parcels of land and it is to be included in state management plans.

Soon after adjournment of the legislative session, the Senate Agriculture Committee was assigned to monitor the implementation of the act by the division. Unfortunately, less than a month after legislative adjournment, and just as work on implementation of the new land management provisions were underway, Florida began experiencing the worst wildfires in recent history.

This dramatic and terrible change in circumstances brought about a necessary change in focus for the division, to that of putting out wildfires rather than land management for the short term. It also led to a broadening of the committee's assignment to include studying the current prescribed burn policy and procedures of the division to determine if changes are warranted.

Formal proposals for legislative consideration are offered in the full report from:

- Governor Chiles' Wildfire Response and Mitigation Review Committee
- Commissioner of Agriculture Bob Crawford's Proposed Wildfire Mitigation Strategy for the Future

- North Florida Prescribed Fire Council
- Florida Forestry Association
- The Nature Conservancy
- Florida Fire Chiefs' Association

The summer wildfires were the predominate matter-at-hand for the Division of Forestry (division) for much of the summer but initial work was begun on the implementation of CS/HB 3671, Timber Management. Memorandum of Agreement dialogue is underway with the other agencies affected, as well as with the individual water management districts.

While the act contains no specific references to the management of cypress trees it has been a matter of some discussion. The Division of Forestry does not allow the commercial harvesting of cypress on state forest, but experimental cutting of small plots for research may be approved for specific projects. The Florida Cypress Task Force may answer many questions and provide much of the needed data essential for cypress management on privately owned lands.

BACKGROUND

Wildfires have occurred in Florida for thousands of years. Before urban and agricultural development of Central Florida, lightning-ignited fires occurred at regular intervals, sometimes burning thousands of acres before being halted by a natural barrier or rainfall. A few examples of dramatic wildfires in recent Florida history are the Big Scrub fire (the fastest spreading fire in United States history), which burned 35,000 acres (including most of the Ocala National Forest) during four hours in 1935; the Buckhead fire which burned 100,000 acres from the Osceola National Forest to the Georgia state line in a single day during the spring of 1956; and the Everglades fires of the

early 1970s, several of which exceeded 50,000 acres during the 1969 through 1976 drought years.

Prescribed burning has been used in Florida for more than a hundred years. While population growth and urbanization of the state have produced a greater need for the use of this practice, prescribed burning has also caused controversy. The earliest state laws on the issue were enacted in the 1930s and have been amended subsequently through the years. The adoption of section 590.025, F.S. (referred to as “The Hawkins Act”) gave significant authority to the Division of Forestry to control burn any area of wild land which is in danger from an uncontrolled fire. There are limitations, however, such as requiring the governing body of the county to make the request and the owner of the land has no objection.

In 1990 the legislature established the “Florida Prescribed Burning Act” and determined formally that prescribed burning is a land management tool that benefits the safety of the public, the environment, and the economy. The legislature also made available training for individuals to become certified prescribed burn managers, and removed them from liability for damage or injury caused by fire or smoke unless negligence can be proven.

METHODOLOGY

Interviews were conducted in order to obtain information relating to timber management practices and more particularly prescribed burning and wildfire suppression policies of the Division of Forestry and other states. A survey was conducted of both government and private sector entities to gather information pertaining to land management and fire control activities. A review of Internet sites was made to obtain information about the wildlands management policies of other nations. Personal observations were made of a variety of forest types, each under management plans specific to its environment and use. Lands burned by both wildfires and prescribed burns were viewed for contrasting results of the two events.

FINDINGS

The 1998 summer wildfires started about Memorial Day weekend and ended as the month of July came to a close. The Department of Agriculture and Consumer Services (DACS) reports that during this period record heat and drought triggered an unprecedented 2,282 wildfires in Florida, causing nearly \$400 million in

timber losses and destroying or damaging more than 300 homes. The Department of Community Affairs (DCA) estimates that in total 499,477 acres were burned and 193 injuries occurred. Loss estimates in total were approximately \$550 million with more than 33 businesses damaged or destroyed and response costs estimated to be \$150 million. There were no deaths directly attributed to fire or smoke, but three indirect deaths were reported.

Additionally, during the Fourth of July weekend approximately 120,000 people were forced to evacuate, including the entire population of Flagler County, and the Pepsi 400 car race scheduled at the Daytona International Speedway had to be postponed. The DCA reports these summer wildfires as the largest and most complex in U.S. history, requiring that nearly 10,000 firefighters and 3,000 support personnel from Florida and all over the country be called in. The air operation was the largest gathering of aviation resources ever to fight fires.

While the number of wildfires and of acres burned varies widely each year, the state consistently ranks near the top of the list in terms of wildfires. Lightning once was a major source of wildfires in Florida, but it now accounts for only about 20 percent of the wildfires reported. Presently, the vast majority (about 80 percent) of wildland fires are human-caused.

Florida is unique in two ways that relate directly to its number and intensity of wildfires. First, its geographic region as a peninsula state allows for a nearly year-round growing season of wild vegetation, and secondly, some of the state’s native vegetation, such as the tyty plant, actually release flammable liquids as it is burned.

The Division of Forestry within the Department of Agriculture and Consumer Services is charged with the primary responsibility to promote and encourage forest fire protection and the proper management of public lands under section 589.04, F.S. In doing so the division is directed to cooperate with federal, state, and local governmental agencies, nonprofit organizations and others.

Specific duties of the division regarding fire suppression and prescribed burning activities on forest and wild lands of the state are provided under Chapter 590, F.S., Forest Protection.

Today prescribed fires burn about eight million acres in the South each year, with 1.5 to 2.0 million acres on average being prescribe-burned in Florida. About half of this acreage is burned to achieve various forest management objectives and much of the remainder is burned for range and agricultural purposes.

Benefits of Prescribed Burning

- Fuel Reduction for Fire Protection
- Site Preparation for Reforestation
- Improvement of Wildlife Habitat
- Improved Range Conditions for Livestock
- Control of Forest Diseases
- Maintenance and Restoration of Desired Plant and Animal Communities

Risks and Obstacles Associated with Prescribed Burning

- Smoke
- Property Damage
- Training Experience
- Cost
- Alternatives

for the expeditious use of forest firefighters from other states when conditions warrant.

It is also recommended that the Division of Forestry continue to have the ability to enter into agreements with the United States Secretary of Agriculture to participate in the Federal Rural Community Fire Protection Program allowing up to a 50-percent funding match on projects relating to rural fire protection and outlined in section 590.42, F.S.

It is anticipated that over the course of time revenues generated by the implementation of CS/HB 3671 (Chapter 98-332, Laws of Florida), Timber Management, will result in additional funds accruing to the state. Inasmuch as these dollars may be used to offset some portion of wildlands fire protection and fire suppression costs, the implementation of the provisions of this act should be continued.

RECOMMENDATIONS

The continued use of prescribed burns and a responsible increase in the amount of rural lands exposed to prescribed fire at appropriate intervals is in the interest of the public health, safety, and welfare. The continuing growth in population of the state necessitates that attention be given to developing workable solutions to reduce the fire fuel loads in the rural/urban interface areas, along major roadway corridors and at other sensitive areas such as airports, and near the array of health care facilities, state institutions, and those who require special needs sheltering in the state.

Within the full report are proposals from a spectrum of parties directly interested in this issue. Appropriate consideration should be given to that information in developing an improved wildfire and prescribed burn policy for the state.

It is recommended that no action be taken which would place in jeopardy the ability of the Division of Forestry to participate in the Southeastern Interstate Forest Fire Protection Compact, as outlined under Section 590.31, F.S., since the Compact provides

COMMITTEE(S) INVOLVED IN REPORT (*Contact first committee for more information.*)

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Committee on Natural Resources

Committee on Community Affairs

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Office of Program Policy Analysis and Government Accountability

MEMBER OVERSIGHT

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