



Happy Birthday
Smokey Bear,
August 9th!



North Carolina Forest Service

An agency of the N.C. Department of Agriculture & Consumer Services

BMP Newsletter

Best Management Practices for Water Quality & Soil Conservation



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New Federal Rule Re-Defines Protected "waters of the U.S."

A change to how federally protected streams, wetlands, and other bodies of water are defined is set to go in effect later this summer as part of the "waters of the United States" definition, abbreviated by some as *WOTUS*.

After years of court decisions, agency guidance, public comments and Congressional inquiries, the [U.S. Environmental Protection Agency \(USEPA\) completed the rules](#), and they will go in effect 60 days after being published in the [Federal Register](#), which is expected to occur sometime in July.

The direct impacts on forestry activities remains unclear. N.C. Forest Service staff have been working with other forestry advocacy groups to understand the new rules and evaluate potential management implications.

An important note is that silvicultural exemptions provided in Section 404 of the Clean Water Act for activities that occur in wetlands remain unchanged.

There is no federal permitting required to undertake timber harvesting, minor drainage, road work, ditch maintenance, or site prep for ongoing and normal silviculture in most wetlands, so long as that activity does not convert the wetland to a non-wetland.

The biggest potential topic of interest to forestry in the new WOTUS rule is how seasonal or ephemeral streams may be considered as protected waters, along with some ditches, if certain conditions are met.

New WOTUS Rule

So what is your best option, in the meantime?
The solution is, of course, to use BMPs!

Forestry BMPs are intended to protect water quality from potential sources of pollution; that's for any water quality: in a stream, in a wetland, in a pond, in a lake, or as the new WOTUS rule may require...in a ditch.

At this time, the N.C. Forest Service is not intending to change our BMP recommendations or state FPG rules. But, with the new WOTUS rule going into effect soon and further clarifications, guidance, and interpretations yet to come from the USEPA, time will tell if or how we need to adapt our BMPs to make sure that forestry operations do not impact bodies of water that are now categorized as federally protected, which may not have always been so in the past.

Update on BMP Implementation Site Assessment Surveys

In the last few months, you may have seen some unfamiliar faces on your logging job. Staff from the N.C. Forest Service's Nonpoint Source Branch in Raleigh are currently conducting the latest round of Forestry BMP Implementation surveys. This study involves visiting active or recently closed timber harvest sites to determine where, how often, and what types of forestry BMPs are being used across the state and if they are functioning as intended. The results help to determine the overall use of BMPs statewide, identify needed changes to our BMPs, and target future training and support.

Over 200 sites will be surveyed across the state, from the mountains to the coast.

We are identifying logging sites using satellite imagery, and tracts are then randomly selected for inclusion in our study.

When NCFS staff show up on your tract, we will talk with someone on site before proceeding with the site assessment. The BMP survey is not an official FPG compliance inspection, but any information collected on-site may be shared with local NCFS rangers if follow-up is needed.

More information on past BMP implementation surveys can be found at http://www.ncforestsservice.gov/water_quality/wq_bmp_studies.htm or by contacting the NCFS Nonpoint Source Senior Specialist Susan Gale at 919-857-4855, or by email: susan.gale@ncagr.gov.

Don't let this happen to you. An ephemeral stream is clogged with sediment from a poor logging road. It appears that there was a lack of sufficient BMPs on this site! With the new WOTUS rules going into effect, streams like this may demand more protections in the future.



State Agency Rules Review Update

As part of the required review of all agency rules, this summer the N.C. Forest Service will begin the process of a public review and administrative re-adoption of the FPGs. This will be a lengthy process and will include opportunity for public comment. To stay informed on this process, visit the N.C. Dept. of Agriculture & Consumer Services' rules review website, at: <http://www.ncagr.gov/AdministrativeRules/Review/index.htm>.

Through July 26, initial public comments are being accepted by NCDENR on the state's erosion & sediment control rules. If you wish to provide input, refer to their website, at: <http://portal.ncdenr.org/web/ogc/rules-review>.

Want to Test our New Preharvest Planning Mapping Tool?

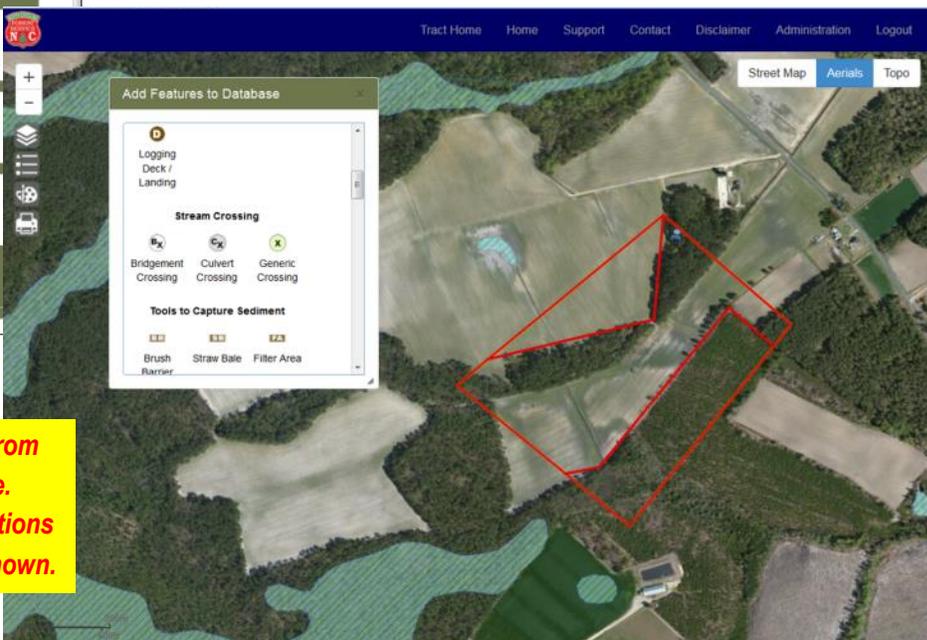
This year the NCFS plans to roll-out a new, free, online preharvest planning mapping tool.

This tool will allow you to:

- Draw custom harvest maps
- Print maps with aerial photo imagery, topographic, or soils maps
- Mark locations of BMPs, decks, roads, skid trails and SMZs
- See parcel property lines
- Print standardized reports of soil features that could effect harvesting and BMP performance

We want this tool to be friendly to use by loggers, timber buyers, foresters, and woodland owners.

It will require a high speed internet connection and will operate best in either Mozilla FireFox or Google Chrome internet browser software (it will not work well in MS-Internet Explorer). If you want to try this tool when it's ready, and provide your constructive feedback on how to improve it, send an email to the project manager, NCFS Nonpoint Source Senior Specialist Susan Gale, at: susan.gale@ncagr.gov.



NOTE: These two screenshots are from the preliminary development website. The final website page and tool functions may appear different from what is shown.

BMP Focus: “What About Those Other Guys?”

Sometimes we get asked why construction sites are “allowed” to have sediment wash off the site and really make a mess of things, but loggers get a FPG notice of noncompliance because there is the “potential” for sedimentation into a stream, even if no sediment is yet reaching the stream. This can be a tough question to answer, but here's some ways to think about this issue:

1 - Work within your areas of accountability and do what you can to achieve a high level of compliance with the rules that your job is being held to.

- If you're a logger or forester, you can't control construction sites or highway projects.
- But you can control what happens on your forestry site, whether it's logging, site prep, road work, ditch maintenance, or something else. The [NC Forestry BMP Manual](#) has a summary of the water quality rules for forestry.

2 - Construction site and highway projects are required to obtain an engineering plan, state water quality permits, stormwater permits, state/local erosion control permits, and (if needed) state and federal wetland disturbance permits.

- These permits are costly, require months (if not years) of detailed planning, engineering, and design; and must be self-inspected for compliance on a daily basis, or at least every time after it rains.
- Often these jobs require that a Professional Engineer be on the site to monitor the work, and those folks usually command a high pay rate.
- While permits are not an excuse or free-pass to pollute our waters, they are a legally-binding agreement that allows some degree of environmental impact. That's the whole point of a permit: to allow a small degree of environmental impacts, over a short period of time, while minimizing a greater long-term impact.
- In addition, permits to disturb wetlands or cross streams require compensation by the developer, either by paying into a state restoration fund, permanently protecting similar wetlands elsewhere, or buying credits from brokers who have restored or protected other wetlands or streams.

3 - If you see sediment or other pollution washing into a body of water, then tell somebody about it.

- For construction site or highway projects that have severe sediment problems, call the NCDENR - Division of Energy, Mineral and Land Resources toll-free at 1-866-STOPMUD.
- If you see sedimentation from what appears to be an agricultural operation, contact the [Soil & Water Conservation District in that County](#).
- If you see oil, fuel, or other chemical pollution in a stream or the water, call the NCDENR Emergency Hotline toll-free at 1-800-858-0368.
- And, always feel free to call the N.C. Forest Service if you see a potential water quality pollution problem that appears to be coming from a forestry-related job site.

Bottomline:

Comply with the FPGs and other forestry rules.

Install and deploy forestry BMPs on your site.

Manage your job according to the rules that you need to abide by.

Show others how it should be done: the right way, everyday.

**Western
Region**

**Piedmont
Region**

**Eastern
Region**

Visit the "Hot Topics" on the NCFS website, ncforestservice.gov, for information on other workshops and events.

JULY 14,15,16 @ Asheville.
[RiverCourse 161: Introduction to Taxonomy and Ecology of Aquatic Insects](#). Contact NCSU Stream Restoration Program: 919-515-6780.

JULY 29,30,31 and AUG. 19,20,21
[Woodland Landowner / Steward Series @ Brevard](#). Contact NCSU Forestry Extension: 919-515-5065.

SEPT. 4 - 13 @ Fletcher.
Mountain State Fair.
www.mountainfair.org

SEPT. 23,24,25 @ Marion.
[NC ProLogger Base Course](#).
(last one for 2015). Contact Eddie Reese at NCFA: 1-800-231-7723.

JULY 26 - 29 @ Greensboro.
[National Soil & Water Conservation Society Annual Conference](#).

AUG. 6 @ Raleigh.
[Level 1 Erosion & Sediment Control / Stormwater Inspector / Maintenance Workshop](#). Contact NCSU Soil Science Dept.: 919-513-1678.

AUG. 10 @ Carthage.
[Working Forest / Woodland Owners Summit](#). Contact NCSU Forestry Extension: 919-515-5065.

Through AUG. 16 @ Raleigh.
["Dig It: Secrets of Soil" exhibit](#).
NC Museum of Natural Sciences.

JULY 24 @ ECU, Greenville.
Urban Watersheds: Stormwater Design in the East. [Contact NC Chapter of the American Society of Landscape Architects](#).

AUG. 29 @ Morehead City.
[Project Learning Tree, Southeastern Forests and Climate Change](#).
Contact NCSU Extension: 252-222-6376.

SEPT. 18 + 19 @ Smithfield / Selma.
[Mid-Atlantic Logging and Biomass Equipment Expo](#). Contact Jack Swanner, Carolina Loggers Association: 828-421-8444.

SEPT. 24 @ Elizabethtown.
Project Learning Tree K-8 Module.
Contact [NCFS Turnbull Creek Educational State Forest](#): 910-588-4161.

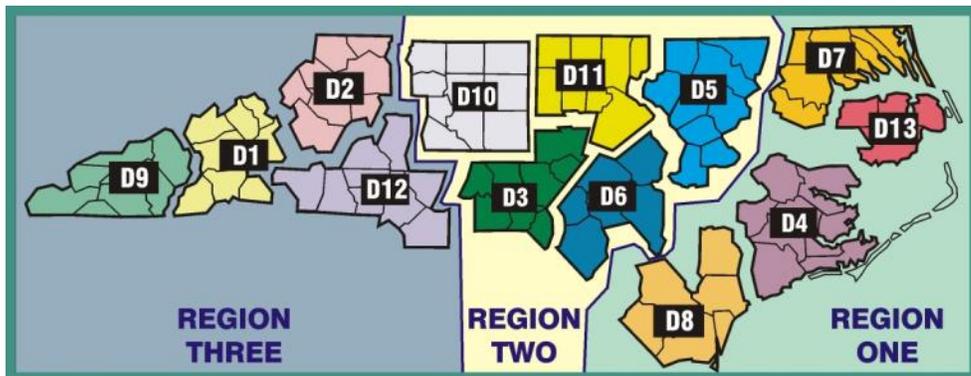
BMPs In Action

In June, the North Carolina Division of the Society of American Foresters held its summer meeting. A field trip on a logging job in Columbus County was hosted by the property owner, RMS Timberlands. The photos below show how the logger used multiple steel bridgemats to access across the highway road ditch. This is an excellent example of using BMPs to keep the water clean and also comply with the NCDOT's requirements that temporary public road access entrances not obstruct the flow of water within the roadside ditches. Thanks to all who helped with arranging and hosting the tour.



North Carolina Forest Service

Forestry Nonpoint Source Branch
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Surf The Web

Protect, Manage and Grow Your Forest

www.ncforestservice.gov

NCDA&CS Agricultural Services

www.ncagr.gov

Keep Your Home Safe From Wildfire

www.ncfirewise.org

Go Out and Learn in the Forest

www.ncesf.org

Locate NC-Grown Farm Products

www.ncfarmfresh.com

www.gottobenc.com

Western Region

District Office BMP Contacts

High Country, Northern Foothills: D-2
Lenoir: 828-757-5611
Justin Query, Assistant District Forester

Catawba Valley, Southern Foothills: D-12
Mount Holly: 704-827-7576
Beth Plummer, Water Quality Forester

Central Mountains: D-1
Asheville: 828-667-5211
Caleb Jones, Assistant District Forester

Western Mountains: D-9
Sylva: 828-586-4007
Hugh Hassell, Assistant District Forester

Western Region Office: R-3
Asheville: 828-665-8688
Michael Cheek, Assistant Regional Forester
for Forest Management

Piedmont Region

District Office BMP Contacts

Northwest Piedmont: D-10
Lexington: 336-956-2111
Keith Money, Water Quality Forester

North Central Piedmont: D-11
Hillsborough: 919-732-8105
Laura Hendrick, Water Quality Forester

Northeast Piedmont: D-5
Rocky Mount: 252-442-1626
Aaron Levine, Water Quality Forester

Western Sandhills: D-3
Rockingham: 910-997-9220
Matt Vincett, Water Quality Forester

Eastern Sandhills: D-6
Fayetteville: 910-437-2620
Brian Yeich, Assistant District Forester

Piedmont Region Office: R-2
Jordan Lake: 919-542-1515
Kevin Harvell, Regional Forester

Eastern Region

District Office BMP Contacts

Northeastern Coastal Plain: D-7
Elizabeth City: 252-331-4781
James Caddy, Assistant District Forester

Albemarle-Pamlico Peninsula: D-13
Fairfield: 252-926-3041
Jamie Dunbar, Assistant District Forester

Middle Coastal Plain: D-4
New Bern: 252-514-4764
Dennis Register, Assistant District Forester

Southeastern Coastal Plain: D-8
Whiteville: 910-642-5093
Michael Rhodes, Assistant District Forester

Eastern Region Office: R-1
Kinston: 252-520-2402
Jim Slye, Assistant Regional Forester
for Forest Management

What's Wrong With This Picture?

That is an interesting question. Over the decades, the installation of silvicultural minor drainage ditches has been contentious, with the "rules of the game" changing over time depending upon legal actions, court rulings, and unwritten guidance from regulatory agencies. Also, some unscrupulous operators have attempted to circumvent permitting requirements by claiming that ditches were being installed for "forestry", when in fact their intentions were to develop the site soon afterwards.

The new WOTUS rules, while intended to make these situations easier to understand, will raise additional questions about whether or not these types of ditches are federally-protected waters, when they are installed in wetlands for the purposes of minor drainage of ongoing silviculture.

Bottomline: Manage your wetland forest in a way that reduces the need to install new minor drainage. For example, could bedding on this site have helped reforestation and eliminated the need for minor drainage? If temporary minor drainage is needed, then document your need, consult with a forest hydrology expert to plan your work before digging any soil, and follow all appropriate BMPs.

