



The Water Bar



Water Quality Update
for Loggers and other Forestry Professionals

January 2007

Serving Northwest North Carolina

Logger Workshop Slated for Morganton

The NC Forest Service is sponsoring a “Forest Practices Guidelines Refresher Workshop” in Morganton for loggers and other industry personnel.

What: The all-day workshop will include a half day in the classroom and a half day in the field discussing ways to keep your job in compliance. There is no charge for the workshop but attendees must pre-register. **But hurry because space is limited** to the first 35 registrants. This workshop will fill up.

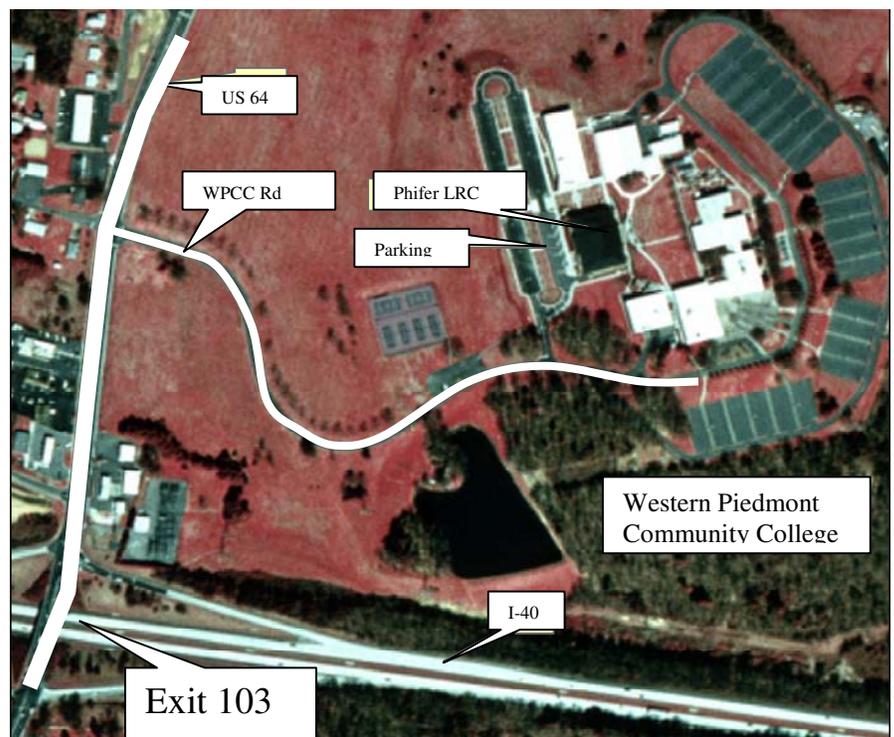
ProLogger Credits and SAF CFE’s will be awarded for this workshop.

When: Wednesday, February 7
9:00 AM-4:00 PM

Where: Morganton, NC.
Western Piedmont
Community College
located on US 64 one
quarter mile north of
I-40, at Exit 103.
Room 120 of the Phifer
Learning Resources
Center. See map.

Who Should Attend:
The workshop is geared
for loggers and anyone
else who has
responsibility for
FPG compliance on
logging sites.

How to Register: To pre-register
call Leann Blackmon
at 919-733-2162, Ext. 208



Logging and Land Use

There are basically three different land uses (land-disturbing activities) identified by the N.C. Sedimentation Pollution Control Act of 1973 (SPCA). They are: forestry, agriculture, and all others. Forestry and agriculture are exempt from SPCA permitting guidelines (forestry with the stipulation that it must comply with the Forest Practices Guidelines). All other land uses are subject to SPCA. This includes everything from a new shopping center, to a housing development, to a DOT highway project, to a power line right-of-way, to a road being built for private hunting access. As a logger it is important that you know the purpose of the logging that you are doing.

Logging for Forestry Purposes

This is the type of logging that loggers are most familiar with. In order to be exempt from the SPCA, a logging operation must be done “on forestland for the production and harvesting of timber”. In other words it must have a silvicultural purpose. Silviculture is the art, science, and practice of establishing, tending, and reproducing forest stands of desired characteristics. Timber harvesting is considered a silvicultural practice when it is done as part of the long-term management of a forestland tract. If it is done for the purpose of converting the land to another use then the logging is not considered forestry.

Logging for Agriculture Purposes

What if the landowner says, “I’m going to clear this land for pasture after you’re finished logging”? Although agriculture is exempt from SPCA (and FPGs), when there is a clear intent to convert land to agriculture it should be done using BMPs prescribed by the Natural Resources Conservation Service (NRCS). However, the landowner’s intent is not always so clear. We find that many times, when someone says they are going to clear land they either: 1) Don’t do it, 2) Do only a portion of it, or 3) Wait a long period of time before doing it. Where does this leave you as the logger? It leaves you at least partially responsible for FPG compliance on a site that may or may not be converted to another use. Our advice to loggers in this situation is to comply with FPGs even if the landowner says they plan to convert it to agriculture. In situations involving conversion to agriculture it is common to see shade



Clearing for agriculture may only affect a portion of the area that was logged.

removed from streams and heavy disturbance of Streamside Management Zones (both violations of water quality standards). If the landowner asks you to do work that will adversely affect water quality, we suggest you try to convince him that shade and an SMZ are not only legal requirements but are good for his land. The Forest Service or NRCS may also be able to help you in this situation by explaining the requirements to the landowner.

At times, it may be necessary for both Forest Service and NRCS to meet with the landowner to determine what the intended land use is and which BMPs need to be followed.

Special note: Christmas tree and shrubbery production is considered agriculture, not forestry.

Logging for Any Other Purposes (Especially Development)

It can pay to ask yourself, and ask the landowner, “What is the intended purpose of this logging operation?” If the answer is anything other than forestry or agriculture then your operation may be subject to the SPCA.

Many developers treat the logging as if it were a separate operation from the actual grading and road building. However, logging that is done as a precursor to development has no “silvicultural “



A sign like this could indicate that your logging job is not forestry, but development.

purpose and is legally considered part of the development process. Therefore it is not exempt from the SPCA and should be done under an erosion control plan.

When the intended land use is unclear the Division of Forest Resources (DFR) and Division of Land Resources (DLR) may meet on the site to determine the land use and who has jurisdiction. If it is suspected development, DLR will take the lead. They may require a written affidavit from a landowner who claims the forestry exemption on a site that looks like development. If an affidavit is provided, then DFR will take the lead and require compliance with FPG’s.

Bottom Line

The best protection that you have to avoid problems concerning intended land use is to stay informed about the purpose of the logging you are doing. When you find yourself in a “gray zone” where the intended use is unclear, it may be time to get the Forest Service involved to help determine what your responsibilities are.

-Roger Miller, Water Quality Forester, NCDFR

Bridgemats Available

The Forest Service has both wood and steel portable bridges that are available for loggers to borrow free of charge. The 3-piece bridgemats are 24 feet long and will make a 12 foot wide bridge suitable for a skid trail or truck road stream crossing. Contact Water Quality Forester, Roger Miller (828-757-5611) about borrowing the bridges.



Steel bridgemats in use at a stream crossing.

Your comments are appreciated.

The Water Bar is edited by:
Roger Miller, Water Quality Forester
N.C. Div. of Forest Resources
1543 Wilkesboro Blvd., NE
Lenoir, NC 28645
Phone: (828) 757-5611 office
(828) 499-1911 cell
FAX: (828) 757-5614
Email: roger.miller@ncmail.net

Funded by US EPA Section 319(h) Non-point Source Management Program Grant