



Water Quality and BMP Regulations for Forestry Operations in Kentucky

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Overview of Regulations

Several water quality laws directly involve forestry and timber harvesting operations. To operate effectively landowner, operators, and technical assistance providers must have a clear understanding of the requirements of each of these laws. This factsheet provides a general overview and comparison of each of these regulations which impacts forestry and timber harvesting operations. A set of laws dealing with **Water Quality** commonly referred to as 401 and 404 laws and **Flood plain** regulations (151 laws) prohibit the polluting of waters and controls activities in waterways, floodplains, and wetlands. These set of laws are not aimed at a particular industry or ownership but pertain to everyone in Kentucky. The **Agriculture Water Quality Act** (commonly referred to as the AWQA) focuses on landowners and requires landowners to make sure that appropriate BMPs are used on their property during agricultural and silvicultural operations. While the AWQA does not supercede or nullify the 401 and 404 laws aspects of them have been incorporated in the AWQA. The third law, the Forest Conservation Act, focuses on loggers and requires a Kentucky

Master Logger to be on-site and in charge of the operation and that appropriate BMPs will be used to reduce or eliminate nonpoint source pollution.

Water Quality and Flood Plain Laws

Water quality laws known as 401 regulations are a part of the Clean Water Act. The Kentucky Division of Water has been given jurisdiction of these regulations by the U.S. Environmental Protection Agency. These laws state that you cannot pollute the waters of the Commonwealth of Kentucky. Sources of pollution from timber harvesting such as mud, vehicle fluids, and logging debris are not allowed in our streams, lakes, ponds, or sloughs. Pollution from chemical applications of fertilizers, herbicides and insecticides or sediments and organic matter from site preparation or other silvicultural operations are also covered under 401 regulations. Other land and water stewardship activities such as streambank restoration and manipulation are covered under these regulations. These regulations also provide special protection to certain aesthetically or ecologically sensitive waters such as the Kentucky Wild Rivers. Kentucky Wild

Rivers corridors, a set of 9 stretches of rivers in Kentucky, include the visible land area next to the river up to a maximum distance of 2000 feet. If you wish to change the land use in these corridors, for example cut timber, you must contact the Kentucky Division of Water for a permit. Sections of the 151 laws dealing with floodplains prohibit

Comparison of Kentucky's Water Quality and BMP Regulations Impacting Forestry Operations					
	Party Involved	Party Responsibility	Agency Responsible for Oversight	Use of BMPs	Who to Contact for More Information
Forest Conservation Act	Logger	Kentucky Master Logger required on site. BMPs mandatory.	Division of Forestry	Mandated July 15, 2000	District Offices of the Kentucky Division of Forestry Frankfort Office: 502-564-4496
Agriculture Water Quality Act	Landowner	Must have written water quality plan specifying BMP use. Plan must be implemented.	Division of Conservation	Mandated October, 2001	Local Conservation Districts, County Cooperative Extension Agents, NRCS Frankfort Office of the Division of Conservation: 502-564-3080
Water Quality and Flood Plain Laws 401,404, 151	Logger and Landowner	Following AWQA and Forest Conservation Act will help avoid many problems. Permits may be required.	Division of Water	Not mandated permits may be required	Regional Offices of the Kentucky Division of Water Frankfort Office: 502-564-3410

leaving tree tops in flood plains in a manner that will restrict the flow of water during floods. 404 regulations include the deposition of fill into all the waters of the U.S. The U.S. Corps of Engineers has jurisdiction over these regulations.

The 401, 404, and 151 regulations do not mandate BMP use. However, proper BMP use is the best way to help protect water quality. BMPs are specified and required by the AWQA and Forest Conservation Act and aspects of these laws are discussed below. Occasionally forestry operations may become involved with building low water bridges, streambank manipulation, and removing sand and gravel. If this activity is done on less than 500 feet of stream or river the BMP guidelines should be followed. However, if the area disturbed is above this minimum a permit may also be required. Contact the Kentucky Division of Water for details. Also if these types of activities are completed in a water course that drains more than 1 square mile (640 acres) the Kentucky Division of Water must also be contacted. The Kentucky Division of Water, possibly in consultation with other agency personnel, may make recommendations to operators or owners to help them avoid water quality problems.

Agriculture Water Quality Act

This law specifies that landowners owning 10 or more acres and who have agriculture or silviculture (including timber harvesting) operations on their property must have a written Water Quality Plan by October 23, 2001. The Water Quality Plan specifies the Silviculture BMPs and Streams and Other Waters BMPs which should be used on their property. The landowner is not only required to have a written plan, he or she is also responsible for making sure that the plan is used. In most instances, loggers or silvicultural operators will be the ones that will implement the BMPs. All parties involved in the operation should discuss BMP use to ensure silvicultural and timber harvesting operations are not in violation of the law. Under the AWQA there are specific minimum criteria which must be met for these types of operations. These minimum criteria can be found in the new logging BMP manual titled "Field Guide to Best Management Practices for Timber Harvesting in Kentucky" and the technical reference "Kentucky Forest Guidelines for Water Quality Management" (University of Kentucky FOR-

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67²). These publications contain the minimum AWQA criteria as well as recommendations to help achieve these criteria. The BMPs developed as part of the AWQA deal with a broad spectrum of agricultural activities. From the standpoint of silviculture and timber harvesting the Silvicultural and the Streams and Other Waters sections contain BMP specifications for most forestry operations. Following the BMP minimum criteria and the recommendations will help avoid water quality problems and will direct landowners and operators towards the proper agencies for obtaining permits when necessary.

Forest Conservation Act

Portions of this law are geared directly to commercial timber harvesting operators and takes effect July 15, 2000. This law requires that a Kentucky Master Logger Graduate is in charge of and on the site of every commercial timber harvesting operation (with the exclusion of horse loggers). This does not apply to landowners who are physically cutting and harvesting their own timber. Loggers will have a number of opportunities to attend and successfully complete the Kentucky Master Logger Program before July 2000. Continuing education is also required to maintain Kentucky Master Logger status. Workshops and other types of training programs will be available to meet this portion of the Act. This Act also states that timber harvesting operations use the appropriate Best Management Practices. Appropriate BMPs are those developed by the Kentucky Division of Forestry and approved by the Agriculture Water Quality Authority. Therefore, the same BMP minimum criteria and recommendations apply to the Forest Conservation Act as developed for the AWQA. However, the AWQA is primarily geared to landowners while the Forest Conservation Act is geared to loggers.

There is a 15-month time difference between when this law becomes active (October 23, 2001) and when the Forest Conservation Act becomes active (July 15, 2000). After that time, everyone is responsible for making sure BMPs are used.

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² FOR-69 can be obtained from your County Cooperative Extension Agent or by writing the Department of Forestry, University of Kentucky, Lexington, KY 40546-0073.