



(a)

(b)

Photos courtesy: Byron Nelson

Figure 1. This is an extreme example of a skid trail located directly adjacent to a stream (a) where the logger was required to stop using it and get it retired including the use of mulch and seed (b) to stop potential pollution problems.

Kentucky Landowners and Logging BMP's

by Jeff Stringer

In 2017, changes in logging Best Management Practices (BMPs) will go into effect as outlined in Kentucky Woodlands Magazine 10(2). These changes were predicated, to a large degree, on research to determine the effectiveness of Kentucky's logging BMPs. The research showed areas within a timber harvest and specific operations that could cause water-quality problems as well as those areas and operations where there was little or no potential for problems. The results showed that many of the original BMPs are working to reduce pollution and these will stay in effect, including requirements to leave trees around water bodies for shade, properly disposing of trash and fluids, and keeping soil, tops, and other logging debris out of streams and channels. However, some BMPs were changed to strengthen or soften requirements based on results of the

important for protecting water quality. For example, the initial BMPs required that ruts were removed from all roads, trails, landings, and water-control structures developed to stop erosion. Seeding was required on any road, trail, or landing near a streams or where slopes were greater than 10 percent. The new BMPs do not require the retirement of roads, trails, and landings, including seeding, where the muddy water runoff cannot directly or indirectly reach water bodies (Fig. 1). This change would mean that roads, trails, and landings that are located in a flat field away from streams and channels, on top of a hill, or on a flat surface-mine site might not have to be repaired. Reducing BMP requirements on these areas and increasing requirements around streams and channels ensures that money and resources spent on BMPs will be more effective in controlling or eliminating pollution.

However, some landowners may be caught off guard by these changes. For example, loggers, as indicated above, are not required to retire haul roads, skid trails, and landings that will not generate muddy water pollution (Figure 2). Retire-



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2017 Logging BMP Changes



Changes in the logging BMP requirements will take effect in early 2017. While many of the requirements you have been using will stay the same there are a few changes that are important. This brochure contains the most prominent changes to the BMP minimum requirements for commercial logging operations.

research. The changes were made to ensure that loggers focused their BMP efforts and dollars on areas that research indicated are critical for water-quality protection. This process makes intuitive sense. For example, the new BMPs require loggers to increase their focus on:

- Correct placement of haul roads and skid trails near streams
- Implementing more practices to reduce muddy water runoff on roads and trails that are located in areas that could directly or indirectly impact water bodies
- Increasing protections at stream crossings
- Preventing ruts that will cause a water-quality problem

While some requirements were strengthened, some were lessened because research indicated that they were not



Figure 2. Under the new BMP requirements ruts like this may or may not be required to be fixed depending on whether or not they are causing a water quality problem or not.

ment normally includes smoothing ruts; resurfacing roads, trails, and landings; seeding; and installing water-control structures to stop erosion and muddy water runoff. This means that loggers have discretion on whether to fix ruts, reseed, and whether to build water control structures, such as diversion ditches or water bars, in these areas. Some loggers may do this as part of normal business practice; others may not. The latter may be especially true if landowners do not specify this work be done as a part of the harvesting agreement.

Why Is This An Issue?

Over the last 16 years the Kentucky Forest Conservation Act has required that loggers use BMPs and the Kentucky Division of Forestry (KDF) inspect logging jobs for their use. Many landowners have used this law to help ensure that good practices are conducted across all of their acreage, even areas that were not critical for water quality.

KDF will continue to inspect logging operations to ensure that a Master Logger is onsite and in charge and the logger is using the appropriate BMPs to protect water quality. As indicated above, there may be some ownerships where the logger is not required to retire some of the roads, trails, and landings. KDF will inspect the entire operation and may concur that there are areas that do not have to be retired to protect water quality. In these areas, it is at the loggers' discretion whether they are taken care of or not.

What Must Woodland Owners Do?

Woodland owners must take control of what is being done on their land. Woodland owners that are concerned about good forest practice must understand what good practices are and ensure that these practices are used. Often times this is above and beyond the use of BMPs for water-quality protection. For example, if woodland owners want a logger to repair all roads, trails, and landings, then this needs to be stipulated in a timber sale contract or a written timber sale agreement. If a woodland owner wants all of these areas to be reseeded then this needs

to be stipulated in writing. It is also a good idea and always recommended to have a clause in a contract or a written agreement that indicates that the logger should use all required BMPs and this statement should continue to be a part of contracts and agreements. However, as indicated, woodland owners cannot simply rely upon BMP inspections to fix all of these problems.

Recommendations for Woodland Owners

First, it is critical that your concerns are conveyed in writing to the timber buyer. If the timber buyer is not the logger, then make sure that the logger knows of your concerns. These concerns can be conveyed in a contract or in a timber sale agreement. Woodland owners can generate a contract or agreement, as can a logger or timber buyer. Be ready to work with either situation. Regardless, there are a number of concerns and/or practices that should be covered in an agreement. The following are some of the more common:

- Use of state required Best Management Practices
- Removing ruts, resurfacing, and seeding of appropriate roads and trails beyond those required by the BMPs
- Proper retirement of log landings
- Trees that are to be cut and those that are to be left
- Minimizing damage to residual trees in a selective harvest (Figure 3)
- Protection of all fences, roads, fields, buildings, and historic sites or other special places
- How to handle logging debris that is generated at a landing
- Provisions for wet weather

If you are uncertain how to proceed, it is recommended you obtain assistance from a consulting forester who can determine the value of your timber, help develop a contract, and sell the timber for you. It is also important to have a timber buyer and logger who understands good practice and is willing to conduct business accordingly.

It is your responsibility to know what good practice is, make sure your expectations are reasonable and appropriate, and ensure that the good practice occurs on your property. You are in charge of what happens on your property, and you need to make sure you are in control of the harvest. The state-required BMPs for water-quality protection can help, but taking care of the woods is ultimately your responsibility.

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Figure 3. Skidding damage on a white oak. This type of logging concern needs to be addressed in timber sale contracts or agreements. Typically damage like this should not appear on more than 10 percent of the large standing trees in a selective harvest.