

State Forest Practices

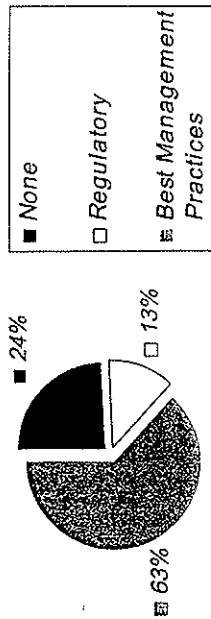


FIGURE 4-1 Proportion of states and U.S. territories with regulations on forest practices, with best management practice guidelines (includes use of BMPs or water quality standards), and with no legislated guidelines.

commercial forest lands, if required, generally range from 25 to 100 ft (10–30 m). Although an increasing number of states have incorporated regulatory buffers into forest practice rules, no states have regulatory buffer requirements for agricultural or grazing practices.

Special Area Protection. Some state legislatures have identified areas in which protection of riparian areas is particularly important and have established a special program for this purpose. For example, in the Delta Protection Act of 1992, California established special planning requirements for activities on lands within the delta of the Sacramento and San Joaquin Rivers—a 738,000-acre area that drains 40 percent of the state's water. One of the requirements is to preserve and protect riparian and wetlands habitat. In 1999, the North Carolina Environmental Management Commission adopted rules to protect 50-ft-wide riparian buffers along waterways in the Neuse and Tar-Pamlico river basins. Although existing uses are exempt, new activities and land uses are prohibited within 50 feet of waterbodies, unless approved by the state. The primary motivation for establishing these buffers was to reduce nutrient loadings.

On a larger scale, the federal and state governments have combined to establish the Chesapeake Bay Program to restore and protect this major estuary. Parties to the 1983 Chesapeake Bay Agreement include Maryland, Pennsylvania, Virginia, the District of Columbia, the Chesapeake Bay Commission (a tri-state legislative body), EPA, and others. As part of its ongoing efforts to reduce water pollution, the Chesapeake Executive Council adopted a directive in 1994 to protect and restore riparian buffer forests along tributaries to the Chesapeake Bay.

The Chesapeake Bay states themselves have established special programs. Virginia's 1988 Chesapeake Bay Preservation Act defines "resource protection areas" as "sensitive lands at or near the shoreline that have an intrinsic water

quality value due to the ecological and biological processes they perform or are sensitive to impacts which may cause significant degradation to the quality of state waters" (Section 9VAC10-20-80 A). The act designates a riparian buffer of not less than 100 ft wide along the bay and its tributaries in which activities are significantly restricted. Vegetation "effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution" is to be retained if present or established if it does not exist. The act further requires that local governments use their land-use authority to, for example, subject proposed development within the 100-ft buffer to a water-quality impact assessment and to limit development to facilities that are "water-dependent" or that constitute redevelopment of existing facilities. The width requirements are lessened for agricultural lands enrolled in a government-funded BMP program or a soil and water-quality conservation plan. Special provisions apply to forestry within Streamside Management Zones—areas 50–200 feet from a stream.

In 1984, Maryland established the Chesapeake Bay Critical Area Program. The "critical area" consists of all land within 1,000 feet of the mean high-water line of tidal waters or the landward edge of tidal wetlands or tributary streams. The program's goals are to minimize adverse impacts on water quality that result from pollutants; conserve fish, wildlife, and plant habitat in the critical area; and establish land-use policies for the Chesapeake Bay Critical Area that accommodate growth. Similar to Virginia, Maryland has established criteria to minimize the adverse effects of human activities on water quality and natural habitats and to foster consistent, uniform, and more sensitive development activity within the critical area. These criteria involve classifying land as "intensely developed areas," "limited development areas," or "resource conservation areas" and regulating activities accordingly. In addition, local jurisdictions are required to designate habitat protection areas, which include the naturally vegetated 100-ft buffer along waterways; nontidal wetlands; the habitats of threatened and endangered species and species in need of conservation; significant plant and wildlife habitat; and anadromous fish-spawning areas. Even agricultural lands within the critical area are required to control nutrient runoff by establishing a 25-ft vegetated filter strip along tidal waters, wetlands, or tributary streams or by using equivalent BMPs.

Local Land-Use Regulation. Far more common than statewide or special area regulatory programs are local government regulations for land use adjacent to water. State statutes authorizing local governments to regulate land use within their jurisdiction often include language specifically authorizing protection of environmental values. Such regulations usually establish setbacks along streams or around lakes within which certain types of land uses—most commonly, the building of homes or other structures—are discouraged or prohibited. For example, to protect its drinking water supply, New York City has entered into a Watershed Memorandum of Agreement with local governments in the upstate

TABLE 4-2 Riparian Management Approaches on Private Forest Lands in States and Territories

State	Approach	Regulatory Guidelines	Voluntary Guidelines	Management Area Width	Harvest Practices	Agency*	Legislative Authorization
Alabama	BMP	None	Primary	35-50 ft	Not limited	Alabama Forestry Commission	None
Alaska	Regulations	Primary	Primary	100 ft	Partial	Alaska DNR	Alaska Forest Resources and Practices Act
Arizona	BMP	None	Primary		Not limited	Arizona DEQ	Arizona Nonpoint Source Pollution Program
Arkansas	BMP	Secondary	Primary	35-150 ft	Not limited	Arkansas Forestry Commission	None
California	Regulations	Primary	Secondary	100 ft	Partial	California Dept. of Forestry	Z'Berg-Nejedly Forest Practice Act of 1973
Colorado	BMP, Reg.	Secondary	Primary		Not limited	Colorado State Forest Service	Forest Management Definitions; Statute 39-1-102
Connecticut	WQ Std	None	Primary		Not limited	Connecticut DEQ	Water Quality Standards
Delaware	BMP	None	Primary		Not limited	Dept. of Agriculture/Forest Service	Watershed Protection Program
District of Columbia	None	None	None		Not limited	Dept. of Trees and Lands, District Government	None
Florida	BMP	Secondary	Primary	35-200 ft	Not limited	Florida Division of Forestry	None
Georgia	BMP	Secondary	Primary	15 ft	Not limited	Georgia Forestry Commission	Best Management Practices for Forestry
Hawaii	WQ Std	None	None	35-160 ft	Not limited	Dept. of Health, Clean Water Branch	Administrative Rules; Water Quality Standards
Idaho	Regulations	Primary	Secondary	30-75 ft	Partial	Bureau of Forest Assistance	Idaho Forest Practices Act
Illinois	BMP	None	Primary		Not limited	DNR, Division of Forestry	Conservation and Water Resources Statutes
Indiana	BMP	None	Primary	75-200 ft	Not limited	DNR, Division of Forestry	Water Quality and Wetland Statutes
Iowa	WQ Std	None	None	50-150 ft	Not limited	DNR, Division of Forestry	Water Quality Standards
Kansas	None	None	None		Not limited	NA	None
Kentucky	BMP	Secondary	Primary		Not limited	Kentucky Division of Forestry	Kentucky Forest Conservation Act; Kentucky Agriculture Water Quality Act
Louisiana	WQ Std	None	None	35-100 ft	Not limited	Louisiana Dept. of Agriculture and Forestry	Water Quality Standards
Maine	BMP	None	Primary		Not limited	Maine Forest Service	None
Maryland	BMP	Secondary	Primary	75-250 ft	Not limited	DNR, Forest Service	Maryland Best Management Practices for Forest Harvests; Maryland Forest Service Tree Laws; Forest Conservation Act, Maryland Seed Tree Law; Maryland Reforestation Law; Maryland Tree Expert Law; Roadside Tree Law
Massachusetts	BMP	None	Primary	50-450 ft	Partial	NA	None
Michigan	BMP	Secondary	Primary		Not limited	DNR, Forest Management Division	Best Management Practices for Water Quality; Michigan Public Act of 1994; DEQ Regulations
Minnesota	Regulations	Primary	Secondary	50-250 ft	Partial	DNR, Division of Forestry	Minnesota Sustainable Forest Resources Act of 1998; Forest Management Guidelines
Mississippi	BMP	None	Primary	30-60 ft	Not limited	Mississippi Forestry Commission	None
Missouri	None	None	None		Not limited	Dept. of Conservation	None
Montana	Regulations	Primary	Secondary		Partial	Dept. of Natural Resources & Conservation, Forestry Division	Montana Forest Practices Statutes; Montana Streamside Management Zone Law
North Carolina	BMP	Secondary	Primary		Not limited	North Carolina Division of Forest Resources	Sedimentation Pollution Control Act; Forest Practices Guidelines and Best Management Practices
North Dakota	BMP	None	Primary		Not limited	North Dakota Forest Service	Forest Resource Management Program
Nebraska	BMP	None	Primary	50-200	Not limited	Dept. of Forestry, Fish, & Wildlife	None

continues

TABLE 4-2 Continued

State	Approach	Regulatory Guidelines	Voluntary Guidelines	Management Area Width	Harvest Practices	Agency ^a	Legislative Authorization
Nevada	BMP	Primary	Secondary		Partial	Dept. of Conservation & Natural Resources, Division of Forestry	Nevada Administrative Code for Forest Practices; Nevada Administrative Code for Forest Practices and Division Reforestation
New Hampshire	WQ Std	Secondary	Primary	50-150 ft	Not limited	Division of Forests and Lands	New Hampshire Rivers Management and Protection Program; Water Quality Standards
New Jersey	WQ Std	None	None		Not limited	State Forestry Service	Water Quality Standards
New Mexico	BMP	Secondary	Primary		Not limited	New Mexico Energy, Minerals, and Natural Resources Dept.	None
North Carolina	BMP	None	Primary	20-200 ft	Partial	NA	NA
New York	None	None	None		Not limited	Division of Lands and Forests	None
Ohio	BMP	None	Primary		Not limited	DNR, Division of Forestry	Ohio Sustainable Forestry Initiative Extension Circulars
Oklahoma	BMP	None	Primary		Not limited	Oklahoma Forestry Services	Oregon Forest Practices Act of 1972
Oregon	Regulations	Primary	Secondary	20-100 ft	Partial	Oregon Dept. of Forestry	None
Pennsylvania	BMP	None	Primary	35-250 ft		Bureau of Forestry	None
Puerto Rico	None	None	None		Not limited	Forest Services Bureau	None
Rhode Island	None	None	None		Not limited	Division of Forest Environment	None
South Carolina	BMP	None	Primary	40-160 ft	Not limited	Forestry Commission	State Endangered Species Act, Best Management Practices Guidelines
South Dakota	BMP	Secondary	Primary		Not limited	Division of Resource Conservation and Forestry	Cooperative Forestry Assistance Act of 1978
Tennessee	BMP	None	Primary		Not limited	Division of Forestry	Tennessee Forest Practices Guidelines
Texas	BMP	None	Primary	50 ft	Not limited	Texas Forest Service	Texas Water Code; State Water Plan
Utah	BMP	None	Primary	35-100 ft	Not limited	DNR, Division of Forestry, Fire, and State Lands	Utah Code/Water Quality Act; State Water Plan
Vermont	None	None	None		Not limited	Dept. of Forest, Parks, and Recreation	Water Quality Issues
Virginia	BMP	None	Primary	35-50 ft	Not limited	Dept. of Forestry	None
Washington	Regulations	Primary	Secondary	50-200 ft	Partial	Dept. of Natural Resources	Forest Practices Act of 1976
West Virginia	BMP	None	Primary	50-100 ft		Forestry Division	NA
Wisconsin	WQ Std	None	Primary	35-100 ft	Not limited	DNR, Division of Forestry	Nonpoint Source Abatement Program, Water Quality Standards
Wyoming	BMP	None	Primary		Not limited	Office of State Lands and Investments, Forestry Division	Wyoming Rules and Regulations Database

^aDNR: State Department of Natural Resources; DEQ: State Department of Environmental Quality.

NA: Information not available.

RIPARIAN AREAS

Functions and Strategies for Management

Committee on Riparian Zone Functioning and Strategies for Management
Water Science and Technology Board
Board on Environmental Studies and Toxicology
Division on Earth and Life Studies
National Research Council

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