

Maintain “Nonpoint Source” Status for Tree Farmers under the Clean Water Act

Urge the US EPA and Congress to maintain the “nonpoint source” status of forestry activities by cosponsoring S. 1369 or H.R. 2541, which will minimize regulatory burdens on family forest owners and still ensure the protection of clean water.



Background: In May 2011, the Ninth Circuit Court of Appeals ruled that forest roads and their related stormwater runoff systems are “point” sources of pollution, meaning discharge from forest roads must have a Clean Water Act permit. The Court ruling applies to family forest owners in Alaska, Oregon, Washington, Idaho, Montana, California, Arizona, and Nevada. With this “point source” designation, Tree Farmers in the 9th Circuit will need to get permits for forest road activities. In December 2011, Congress passed legislation to delay the permit requirement for forest roads through September 30, 2012.

American Tree Farm System® position: The American Tree Farm System (ATFS) supports policies that provide water quality protections on forested lands while maintaining the economic viability of forested lands. ATFS supports voluntary-based approaches as the most effective tool to implement water quality protection on family forests.

Tree Farmers, certified to the voluntary American Tree Farm System standard are required to implement best management practices (BMPs) to protect water quality and are third-party audited for their compliance with BMPs. As some of the best stewards of the land, this additional regulation is unnecessary, especially for Tree Farmers.

Existing Best Management Practices protect water: For the past 35 years, States and the EPA have regulated forestry activities as “nonpoint” sources of pollution, and have put in place best management practices to ensure water quality protection in forests. Nationally, forestry BMPs are implemented 89 percent of the time and when used, are found to be highly effective in minimizing water pollution in forest water bodies.

Clean Water Permit could inhibit time-sensitive forest management: A lengthy and bureaucratic permit process could delay time sensitive forest management activities, such as invasive species removal or fire prevention activities.

Permit could add costs to already strapped landowners: Tree Farming is already very cost-intensive, and families often generate income only once every few decades, if at all. A new permitting process would add costs as landowners work to keep their forests healthy with little financial return.

Added regulatory burdens threatened forest conservation: Tree Farmers struggle every day to keep their land healthy and keep it a forest, with an added permit burden, more owners will find it difficult to hold on to their forest, putting more forests at risk of conversion to other uses. The permitting process will also add burdens to already strapped state regulatory agencies.

Every American relies on family forest owners, who own more than one-third of all U.S. forests, to provide clean water and air, wildlife habitat, forest products we use every day, and places to hike, hunt, and fish. These forests also support almost one million family-wage jobs. Added regulatory burdens puts all these benefits at risk.

Help us by cosponsoring the Silviculture Regulatory Consistency Act (S. 1369 & H.R. 2541).



American Forest Foundation

*The American Forest Foundation is a non-profit organization that gives people the tools they need to be effective stewards of America's natural heritage. We work with educators, family woodland owners, and partners in every state to keep our forests healthy and our children well-prepared for the future they will inherit. The American Forest Foundation is the national sponsor of the **American Tree Farm System®** and **Project Learning Tree®**. We grow stewardship every day.*