

# Administrative Procedures – Proposed Coversheet

**Instructions:**

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this proposed filing will be considered complete upon the submission and acceptance of the following components:

- Proposed Rule Coversheet
- Adopting Page
- Economic Impact Statement
- Public Input Statement
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of the proposed coversheet form will be used to generate a notice of rulemaking in the newspapers of record. Publication of notices will be charged back to the promulgating agency based on the word count of the notices.

**Certification Statement:** As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

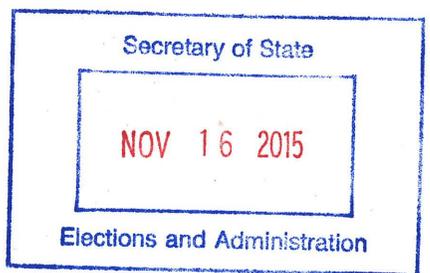
**Rule Title:** Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont

, on 11-13-15.  
 (signature) (date)

Printed Name and Title:  
 Deb Markowitz-Secretary  
 Agency of Natural Resources

RECEIVED BY: 

- Proposed Rule Coversheet
- Adopting Page
- Economic Impact Statement
- Public Input Statement
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Approval received by E-mail.



1. TITLE OF RULE FILING:

Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont

2. ADOPTING AGENCY:

Agency of Natural Resources; Department of Forests, Parks and Recreation

3. PRIMARY CONTACT PERSON:

*(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).*

Name: Gary Sabourin

Agency: Agency of Natural Resources, Department of Forests, Parks and Recreation

Mailing Address: 1 National Life Drive, Davis 2  
Montpelier, VT. 05620-3801

Telephone: 802 272 - 4145 Fax: 802 828 - 1399

E-Mail: gary.sabourin@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<http://anr.vermont.gov/forests-parks-rec>

4. SECONDARY CONTACT PERSON:

*(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).*

Name: Meghan Purvee

Agency: Agency of Natural Resources, Department of Forests, Parks and Recreation

Mailing Address: 1 National Life Drive, Davis 2  
Montpelier, VT. 05620-3801

Telephone: 802 279 - 7870 Fax: 802 828 - 1399

E-Mail: meghan.purvee@vermont.gov

5. RECORDS EXEMPTION INCLUDED WITHIN RULE:

*(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING?)* No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

**6. LEGAL AUTHORITY / ENABLING LEGISLATION:**

*(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).*

10 V.S.A. 2622 (a)and(b) and 10 V.S.A. 1259.

**7. CONCISE SUMMARY (150 WORDS OR LESS):**

This is a proposed amendment to state rule 87-038; "Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont." Effective Date: August 15, 1987. The proposed amendment establishes twenty-four practices for loggers and forest landowners to follow to protect water quality just prior to, during and immediately after logging. AMPs are intended to prevent discharges of sediment, hazardous materials such as petroleum products, logging slash and logging debris from entering streams and other bodies of water. There are specific AMPs for truck roads, skid trails, stream crossings, stream buffers and log landings.

**8. EXPLANATION OF WHY THE RULE IS NECESSARY:**

Act 64 of 2015: An act relating to improving the quality of State waters, requires the Commissioner of Forests, Parks and Recreation to amend the rule. The amended rule will provide for a higher level of forest water quality protection by enhancing standards for improving stream crossing practices and controlling runoff from forest roads and trails. These are areas needing improvement as documented through the AMP Monitoring Program and the 2012 Vermont Timber Harvesting Assessment. These enhanced protective measures will be incorporated into the EPA Lake Champlain TMDL Plan to meet required phosphorus load reductions attributed by forestland.

**9. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:**

VT Agency of Natural Resources and Department of Forests, Parks & Recreation, loggers, forest landowners, foresters and others associated with timber harvesting.

**10. BRIEF SUMMARY OF ECONOMIC IMPACT(150 WORDS OR LESS):**

There will be minimal additional economic impact to small business. Forest landowners and loggers are responsible for implementing AMPs on logging operations to protect water quality. Thus, both parties are responsible for costs associated with AMP implementation and maintenance. Loggers generally bear the cost of implementing AMPs just prior to, during and immediately after logging. Landowners are responsible for maintaining AMPs and bear the cost associated with those efforts after a logging operation is completed. These amendments include enhancements to existing AMPs that may result in a minimal economic impact associated with minimal increase in cost.

11. A HEARING IS SCHEDULED .

12. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION NEEDED FOR THE NOTICE OF RULEMAKING.

Date: 1/26/2016

Time: 05:00 PM

Street Address: Lyndon State College - Burke Mountain Room  
1001 College Road  
Lyndon, VT.

Zip Code: 05851

Date: 1/28/2016

Time: 05:00 PM

Street Address: University of Vermont Extension Office  
327 U.S. Route 302  
Berlin, VT.

Zip Code: 05641

Date: 2/2/2016

Time: 05:00 PM

Street Address: Howe Center - Rail Room  
1 Scale Ave. Rutland, VT.

Zip Code: 05701

Date:

Time: PM

Street Address:

Zip Code:

13. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

2/16/2016

14. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Acceptable Management Practices

Logging

Water Quality

Logging Jobs

# Administrative Procedures – Adopting Page

## Instructions:

This form must be completed for each filing made during the rulemaking process:

- Proposed Rule Filing
- Final Proposed Filing
- Adopted Rule Filing
- Emergency Rule Filing

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. **TITLE OF RULE FILING:**

Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont

2. **ADOPTING AGENCY:**

Agency of Natural Resources; Department of Forests, Parks and Recreation

3. **AGENCY REFERENCE NUMBER, IF ANY:**

12-020-010

4. **TYPE OF FILING (PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW):**

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment as long as the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

5. **LAST ADOPTED (PLEASE PROVIDE THE SOS LOG#, TITLE AND LAST DATE OF ADOPTION FOR THE EXISTING RULE):**

87-038 Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont. Effective date: August 15, 1987

# Administrative Procedures – Economic Impact Statement

## Instructions:

In completing the economic impact statement, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule. This form must be completed for the following filings made during the rulemaking process:

- Proposed Rule Filing
- Final Proposed Filing
- Adopted Rule Filing
- Emergency Rule Filing

Rules affecting or regulating public education and public schools must include cost implications to local school districts and taxpayers in the impact statement (see 3 V.S.A. § 832b for details).

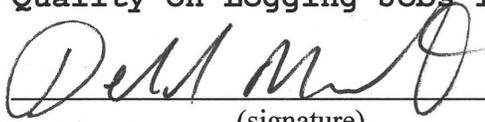
The economic impact statement also contains a section relating to the impact of the rule on greenhouse gases. Agencies are required to explain how the rule has been crafted to reduce the extent to which greenhouse gases are emitted (see 3 V.S.A. § 838(c)(4) for details).

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person.

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**Certification Statement:** As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I conclude that this rule is the most appropriate method of achieving the regulatory purpose. In support of this conclusion I have attached all findings required by 3 V.S.A. §§ 832a, 832b, and 838(c) for the filing of the rule entitled:

**Rule Title:** **Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont**

 \_\_\_\_\_, on 11-13-15  
(signature) (date)

**Printed Name and Title:**

Deb Markowitz-Secretary  
Agency of Natural Resources

*BE AS SPECIFIC AS POSSIBLE IN THE COMPLETION OF THIS FORM, GIVING FULL INFORMATION ON YOUR ASSUMPTIONS, DATABASES, AND ATTEMPTS TO GATHER OTHER INFORMATION ON THE NATURE OF THE COSTS AND BENEFITS INVOLVED. COSTS AND BENEFITS CAN INCLUDE ANY TANGIBLE OR INTANGIBLE ENTITIES OR FORCES WHICH WILL MAKE AN IMPACT ON LIFE WITHOUT THIS RULE.*

**1. TITLE OF RULE FILING:**

Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont

**2. ADOPTING AGENCY:**

Department of Forests, Parks and Recreation, Agency of Natural Resources

**3. CATEGORY OF AFFECTED PARTIES:**

*LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:*

VT Agency of Natural Resources and Department of Forests, Parks & Recreation, loggers, forest landowners, foresters and others associated with timber harvesting.

**4. IMPACT ON SCHOOLS:**

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS:*

There should be no impact on public education or schools from the changes to the regulations.

**5. COMPARISON:**

*COMPARE THE ECONOMIC IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:*

If the proposed amendments were not adopted, the existing Rule would remain in effect. If the existing Rule was repealed, landowners and loggers would be required to obtain a discharge permit and/or a stormwater permit to comply with the Federal Clean Water Act, the Vermont Water Pollution Control statute, Chapter 47 of the Vermont Statutes Annotated and Vermont's Water Quality Standards. The Federal Clean Water Act, as amended in 1977, specified under Section 208, that States must reduce silvicultural non-point source (NPS) pollution. As a result, states developed management practices to follow for protecting forest water quality when conducting logging operations. State programs for protecting forest water quality fall under two general categories - voluntary or regulatory. Vermont's program

is considered regulatory since the AMPs and the Vermont Water Quality Standards have been adopted as Rules.

There should be minimal economic impact to small businesses as a result of this amended rule. The amendment proposes enhanced standards for improving stream crossing practices and controlling runoff from forest roads and trails. Implementing these practices will result in minor additional costs to loggers and landowners.

## 6. FLEXIBILITY STATEMENT:

*COMPARE THE BURDEN IMPOSED ON SMALL BUSINESS BY COMPLIANCE WITH THE RULE TO THE BURDEN WHICH WOULD BE IMPOSED BY ALTERNATIVES CONSIDERED IN 3 V.S.A. § 832a:*

The burden imposed on small businesses would be minimal. This rule is intended to protect water quality, control soil erosion and maintain soil productivity for forest landowners, including small businesses.

## 7. GREENHOUSE GAS IMPACT: *EXPLAIN HOW THE RULE WAS CRAFTED TO REDUCE THE EXTENT TO WHICH GREENHOUSE GASES ARE EMITTED, EITHER DIRECTLY OR INDIRECTLY, FROM THE FOLLOWING SECTORS OF ACTIVITIES:*

### a. TRANSPORTATION —

*IMPACTS BASED ON THE TRANSPORTATION OF PEOPLE OR PRODUCTS (e.g., “THE RULE HAS PROVISIONS FOR CONFERENCE CALLS INSTEAD OF TRAVEL TO MEETINGS” OR “LOCAL PRODUCTS ARE PREFERENTIALLY PURCHASED TO REDUCE SHIPPING DISTANCE.”):*

No impact.

### b. LAND USE AND DEVELOPMENT —

*IMPACTS BASED ON LAND USE AND DEVELOPMENT, FORESTRY, AGRICULTURE ETC. (e.g., “THE RULE WILL RESULT IN ENHANCED, HIGHER DENSITY DOWNTOWN DEVELOPMENT.” OR “THE RULE MAINTAINS OPEN SPACE, FORESTED LAND AND /OR AGRICULTURAL LAND.”):*

The rule supports Vermont's goals of sustaining a working forest landscape.

### c. BUILDING INFRASTRUCTURE —

*IMPACTS BASED ON THE HEATING, COOLING AND ELECTRICITY CONSUMPTION NEEDS (e.g., “THE RULE PROMOTES WEATHERIZATION TO REDUCE BUILDING HEATING AND COOLING DEMANDS.” OR “THE PURCHASE AND USE OF EFFICIENT ENERGY STAR APPLIANCES IS REQUIRED TO REDUCE ELECTRICITY CONSUMPTION.”):*

No impact.

### d. WASTE GENERATION / REDUCTION —

*IMPACTS BASED ON THE GENERATION OF WASTE OR THE REDUCTION, REUSE, AND*

*RECYCLING OPPORTUNITIES AVAILABLE (e.g., “THE RULE WILL RESULT IN REUSE OF PACKING MATERIALS.” OR “AS A RESULT OF THE RULE, FOOD AND OTHER ORGANIC WASTE WILL BE COMPOSTED OR DIVERTED TO A ‘METHANE TO ENERGY PROJECT’.”):*

No impact.

e. **OTHER —**

*IMPACTS BASED ON OTHER CRITERIA NOT PREVIOUSLY LISTED:*

No impact.

# Administrative Procedures – Public Input Statement

## Instructions:

In completing the public input statement, an agency describes what it did do, or will do to maximize the involvement of the public in the development of the rule. This form must be completed for the following filings made during the rulemaking process:

- Proposed Rule Filing
- Final Proposed Filing
- Adopted Rule Filing
- Emergency Rule Filing

### 1. TITLE OF RULE FILING:

Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont

### 2. ADOPTING AGENCY:

Department of Forests, Parks and Recreation, Agency of Natural Resources

### 3. PLEASE LIST THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE:

Input was solicited within ANR and FP&R through the establishment of a technical advisory group as well as seeking comments and review of early drafts of the proposed rule amendment. Also, a series of four private stakeholder meetings were conducted to solicit public input prior to finalizing the proposed amendment and initiating state rule-making. Input was received and incorporated into the proposed amendment to the rule. The amendment to the rule will be posted on the FP&R and ANR websites. Three public meetings will be hosted around the state. There will be an expanded public comment period for 30 days after the last public hearing. A notice will be sent out to stakeholder groups.

### 4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

Input has been received and incorporated into the proposed amendment to the rule from FP&R, DEC, F&W, Vermont Agency of Natural Resources, Vermont Forest Products Association, Associated Industries of Vermont, Vermont Woodland Owners Association, Consulting Foresters Association of Vermont, Vermont Natural Resources Council, Vermont Forest Roundtable, Green Mountain National Forest, USDA Forest Service Northeastern Area State & Private Forestry, Vermont Natural

Resource Conservation Service, Vermont Family Forests, Windham  
County Regional Planning.

# Administrative Procedures – Scientific Information Statement

## Instructions:

In completing the Scientific Information Statement, an agency shall provide a brief summary of the scientific information including reference to any scientific studies upon which the proposed rule is based, for the purpose of validity.

This form is only required when a rule relies on scientific information for its validity.

### 1. TITLE OF RULE FILING:

Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont

### 2. ADOPTING AGENCY:

Agency of Natural Resources; Department of Forests, Parks and Recreation

### 3. BRIEF EXPLANATION OF SCIENTIFIC INFORMATION:

Vermont's water quality management practices are largely based on research conducted by the eastern U.S. Forest Service Research Stations. Research started in the late 1950's and is presently being continued on the Fernow Experimental Forest in West Virginia, Coweeta Hydrologic Laboratory in North Carolina and Hubbard Brook Experimental Forest in New Hampshire. Guidance and recommendations that have resulted from this research can be found in the current water quality regulations of many state agencies, including Vermont. They address principles of water resource protection including 1) planning the operation, 2) controlling water flow, 3) stabilizing disturbed soil, 4) managing chemical pollutants and 5) minimizing biological impacts.

### 4. CITATION OF SOURCE DOCUMENTATION OF SCIENTIFIC INFORMATION:

Selected citations include but are not limited to the following:

Hausman, R.F. and Pruett, E.W. Permanent Logging Roads for Better Woodlot Management, 1973, USDA Forest Service, State and Private Forestry, Upper Darby, Pennsylvania.

Kochenderfer, J.N., Erosion Control on Logging Roads in the Appalachians, Research Paper NE-158, 1970, USDA Northeastern Forest Experiment Station, Upper Darby, Pennsylvania.

Landowner's Guide to Building Forest Access Roads; Richard L. Wiest; USDA Forest Service, Northeastern Area State and Private Forestry; NA - TP - 06 - 98, Radnor PA July 1998

Filter Strip Widths for Forest Roads in the Southern Appalachians, 1986, Lloyd W. Swift, Jr., USDA Forest Service,

Southeastern Forest Experiment Station, Coweeta Hydrologic  
Laboratory, Otto, NC 28763.

5. INSTRUCTIONS ON HOW TO OBTAIN COPIES OF THE SOURCE DOCUMENTS OF THE  
SCIENTIFIC INFORMATION FROM THE AGENCY OR OTHER PUBLISHING ENTITY:

Contact Vermont Department of Forests, Parks and Recreation,  
Forestry Division: (802) 828-1531

# Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont

## SECTION 1: INTRODUCTION

The "Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont" ("AMPs") were first adopted on August 15, 1987 under the authority of Chapter 47 of Title 10 of the Vermont Statutes Annotated, Water Pollution Control (10 V.S.A. §1251a and 1259(f)). See Code of Vermont Rules 12 020 010. The initial adopted rule provided that "the AMPs are the proper method for the control and dispersal of water collecting on logging roads, skid trails and log landings to minimize erosion and reduce sediment and temperature changes in streams."

Act No. 64 of the Acts of 2015 amended 10 V.S.A. §2622 to require the Commissioner of the Department of Forests, Parks and Recreation to revise by rule the AMPs to ensure that all logging operations on both public and private forestland are designed to prevent or minimize discharges of sediment, petroleum products, and woody debris (logging slash) from entering streams and other waters; improve soil health of forestland; protect aquatic habitat and aquatic wildlife; and prevent erosion and maintain natural water temperature. The purpose of the acceptable management practices is to provide measures for loggers, foresters, and landowners to utilize, before, during, and after logging operations to comply with the Vermont Water Quality Standards and minimize the potential for a discharge from logging operations in Vermont in accordance with 10 V.S.A. §1259.

Pursuant to Section 2-03B.1 of the Vermont Water Quality Standards, there is a presumption that logging operations that are in compliance with the AMPs are also in compliance with the Vermont Water Quality Standards. However, this presumption may be overcome if a water quality analysis demonstrates that there is a discharge of wastes into waters of the State due to logging.

Additionally, logging operations that are in compliance with the AMPs are exempt from the discharge permit requirements in accordance with 10 V.S.A. §1259(f), the stream alteration permit requirements pursuant to 10 V.S.A. §1021(f), the stormwater permit requirements pursuant to 10 V.S.A. §1264(d)(1)(C), and wetland permit requirements pursuant to 10 V.S.A. §913(a) and Section 6.01 – 6.05 of the Vermont Wetland Rules.

## SECTION 2: POLICY AND PURPOSE

The purpose of the AMPs is to provide measures for loggers, foresters, and landowners to utilize, before, during, and after logging operations to comply with the Vermont Water Quality Standards and minimize the potential for a discharge from logging operations in Vermont in accordance with 10 V.S.A. §1259.

## SECTION 3: AUTHORITY

This rule is adopted pursuant to 10 V.S.A. §2622(a) and (b), 10 V.S.A. §1259(f), 3 V.S.A. §801(b)(11) and 3 V.S.A. §2853(5).

## SECTION 4: APPLICABILITY

The AMPs apply to all logging operations on public and private lands in Vermont regardless of the purpose of the logging. For example, logging may be conducted for forest management purposes or logging may be conducted for the purpose of clearing land for some other type of land use, such as commercial, residential or electric utility development.

## SECTION 5: DEFINITIONS

For the purposes of this Rule, the following terms shall have the specified meaning.

5.1 **“Agency” or “ANR”** means the Vermont Agency of Natural Resources.

5.2 **“AMP (Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont)”** means regulations promulgated under the authority of 10 V.S.A. §2622(a) and (b) and 10 V.S.A. §1259(f)

5.3 **“Approaches to Stream Crossings”** means that length of a truck road or skid trail associated with stream crossings that traverse through the forest buffer.

5.4 **“At-Grade Ford ”** means a stream crossing on a truck road that is constructed perpendicular to the stream channel with approaches being properly stabilized with clean stone fill, and there is no change in existing stream channel cross-section and bed elevation except for minor bank grading at the point of the crossing.

5.5 **“Broad-based Dip”** means a drainage structure, usually used on truck roads where grades are less than or equal to 8 percent. They are specifically designed to divert surface runoff from a truck road into a filter area while vehicles maintain normal travel speeds.

5.6 **“Brushed-in Crossing”** means a temporary method of crossing intermittent streams during logging operations when the ground is frozen. Brushed-in crossings are constructed by placing logs in the bottom of the stream channel, parallel to the stream channel, and then placing topwood (tree limbs and branches) over the logs.

5.7 **“Continuous Forest Cover”** means maintaining a minimum of 60 to 70 percent crown cover or B-level stocking as recommended in the U.S. Forest Service silvicultural guides.

5.8 **“Drainage Ditch”** means a ditch constructed along a road to collect surface water runoff from the travelled portion of the road and divert it into a filter area.

5.9 **“Drainage Structure”** means any type of device, structure or method used to divert surface water runoff from an impervious surface such as a truck road, skid trail or log landing into a drainage ditch or filter area.

5.10 **“Filter Area”** means a vegetated area where surface water runoff is diverted and dispersed so that sediment and other pollutants are trapped and retained. A filter area can include or be within a forest buffer.

5.11 **“Forest Buffer”** means an area of forested land adjacent to streams and other waters where forest management practices are modified to protect water quality. The width of the forest buffer shall be in accordance with Table 4.

5.12 **“Forest canopy”** means a layer or multiple layers of branches and foliage at the top or crown of a forest’s trees.

5.13 **“Gully Erosion”** means a form of soil erosion where gullies of six inches deep or more are created by surface water runoff.

5.14 **“Hay-bale check dam”** means a temporary sediment control structure that is constructed using hay bales to intercept and filter surface runoff to protect water quality in nearby streams and other bodies of water.

5.15 **“Hazardous Material”** means any material determined by the Secretary to have an unusually harmful effect on water quality if discharged to the waters of the state. Hazardous substances associated with logging operations include but are not limited to petroleum products, solvents and coolants.

5.16 **“Intermittent Stream”** means a stream with a well-defined channel, evidence of sediment transport and which regularly experiences periodic interruption of surface flow throughout its length.

5.17 **“Log Landing”** means a place where trees and logs are gathered and sorted in or near the forest during a logging operation for further processing and transport to a mill or log yard facility.

5.18 **“Logging Equipment”** means equipment, implements, accessories, and contrivances used directly and principally in the cutting or removal of timber or other solid wood forest products including, but not limited to machinery used for bucking, bunching, debarking, de-limbing, felling, forwarding, loading, piling, skidding, topping, and yarding operations performed on timber; and chain saws used for commercial logging.

5.19 **“Logging Slash”** means any residual tree material, whole or part, including leaves, bark, wood and root tissue, that is created as a result of a logging operation.

5.20 **“Percent Grade/Percent Slope”** means a measurement of incline or decline expressed as a percentage and as determined by dividing the length of vertical rise in elevation by the length of horizontal distance. (Example: A 6% grade would be a 6 foot vertical rise per 100 feet of horizontal distance:  $6 \div 100 = .06$  or 6%)

5.21 **“Perennial Stream”** means a watercourse or portion, segment or reach of a watercourse, generally exceeding 0.5 square miles in watershed size, in which surface flows are not frequently or consistently interrupted during normal seasonal low flow periods. Perennial streams that begin flowing subsurface during low flow periods, due to natural geologic conditions, remain defined as perennial. All other streams, or stream segments of significant length, shall be termed intermittent. A perennial stream shall not include the standing waters in wetlands, lakes, and ponds..

5.22 **“Permanent Stream Crossing”** means a bridge, culvert or at grade ford that is left in place after logging is completed.

5.23 **“Permanent Truck Road”** means a road that remains in place at the conclusion of a logging operation for continued long term access and is designed for year-round use.

5.24 **“Person”** means any landowner, logger, individual; partnership; company; corporation; association; joint venture; trust; municipality; the state of Vermont or any agency, department, or subdivision of the state, any federal agency, or any other legal or commercial entity.

5.25 **“Pole Ford”** means a temporary method of crossing intermittent or perennial streams using logs placed in and parallel to the stream channel.

5.26 **“Rut”** means a depression in a skid trail, logging road, log landing made by the passage of a vehicle or equipment.

5.27 **“Secretary”** means the Secretary of the Agency of Natural Resources or the Secretary’s authorized representative.

5.28 **“Sediment”** means soil that has been eroded from the land surface and is transported and deposited in streams or waters.

5.29 **“Silt Fence”** means a temporary sediment control device used to intercept and filter surface runoff to protect water quality in nearby streams and other bodies of water.

5.30 **“Skid Trail”** means a cleared trail that is used by logging equipment during a logging operation to transport harvested trees and logs to a log landing.

5.31 **“Stream”** means the full length and width, including the bed and banks, of any watercourse, including rivers, streams, creeks, brooks, and branches, which experience perennial flow. “Stream” does not include ditches or other constructed channels primarily associated with land drainage or water conveyance through or around private or public infrastructure.

5.32 **“Stream Channel”** means an area that contains continuously or periodic flowing water that is confined by banks and a streambed

5.33 **“Streambank”** means the portion of a stream channel that restricts lateral movement of water at normal water levels.

5.34 **“Surface Water Runoff”** means precipitation and snowmelt that does not infiltrate into the soil, including material dissolved or suspended in it..

5.35 **“Temporary Stream Crossing Structure”** means a stream crossing structure such as a bridge, culvert, pole ford or brushed-in crossing that is installed in a stream channel. Temporary stream crossing structures must be removed after logging is completed.

5.36 **“Temporary Truck Road”** means a minimum-standard road designed for short-term use to access a logging operation. Temporary roads must be closed out at the conclusion of logging.

5.37 **“Top-of-Streambank”** means the crest of a streambank.

5.38 **“Truck Road”** means a road that connects a log landing to a public road system. A “truck road” may be designed, constructed and maintained to provide either permanent or temporary access.

5.39 **“Turn-up”** means a method used on skid trails to divert surface runoff from a skid trail into a filter area.

5.40 **“Waterbar”** means a mound of soil excavated across the width of a skid trail or truck road to divert surface runoff from side ditches and road surfaces into a filter area.

5.41 **“Waters”** means any natural body of open water other than a stream that is a water of the state under 10 V.S.A. Chapter 47.

## SECTION 6: ACCEPTABLE MANAGEMENT PRACTICES

### 6.1 Truck Roads – Practices to Be Applied During Logging

6.1.1 Permanent and temporary truck roads shall not exceed 10 percent grade. Where no reasonable alternative exists, a steep section of no more than 15 percent grade is allowed but shall not exceed 300 feet in length.

6.1.2 Drainage structures on permanent and temporary truck roads shall be correctly installed to divert surface water runoff into road ditches or filter areas. Drainage structures shall be spaced at intervals according to Table 1 where rock and ledge allows.

6.1.3 Water entering a permanent or temporary truck road shall be moved under and away from the road and into a filter area. Culverts used for ditch drainage on truck roads shall be at least 15 inches in diameter, correctly installed to divert ditch water into a filter area and spaced according to Table 1 where rock and ledge allows.

6.1.4 Drainage ditches along permanent and temporary truck roads shall not terminate directly into streams or other waters. On approaches to stream crossings, ditches shall be turned out into a filter area a minimum of 25 feet away from the top of the streambank.

### 6.2 Truck Roads - Practices to Be Applied Immediately After Logging

6.2.1 Waterbars on temporary truck roads shall be correctly installed to divert surface water runoff into a filter areas and shall be spaced at intervals according to Table 1 where rock and ledge allows.

### 6.3 Skid Trails - Practices to Be Applied During Logging

6.3.1 Skid trails shall not exceed 20 percent grade. Where no reasonable alternative exists, a steep section of no more than 25 percent grade is allowed but shall not exceed 300 feet in length.

6.3.2 Waterbars and turn-ups shall be correctly installed on skid trails to divert surface water runoff into a filter area and shall be spaced at intervals according to Table 1 where rock and ledge allows.

#### **6.4 Skid Trails - Practices to Be Applied Immediately After Logging**

6.4.1 Ruts on skid trails shall be smoothed to prevent gully erosion and to prevent sediment from entering streams and other waters.

6.4.2 Waterbars on skid trails shall be correctly installed to divert surface water runoff into a filter area and shall be spaced at intervals according to Table 1 where rock and ledge allows.

#### **6.5 Stream Crossings on Truck Roads And Skid Trails – Practices To Be Applied During Logging**

6.5.1 Streams and all waters shall be kept free of logging slash and logging debris.

6.5.2 Stream crossings shall be made perpendicular to the stream channel. Stream crossings shall be located where the stream channel is narrow and well defined, streambanks are stable and approaches are level or gently sloping.

6.5.3 Temporary stream crossings on truck roads shall be over a bridge, culvert or by constructing an at-grade ford. Culvert diameter and bridge structure opening shall be according to Table 2. At-grade fords shall be used only where streams have low banks, stable beds (cobble or ledge) and stable, gradual approaches.

6.5.4 Temporary stream crossings on skid trails shall be over a bridge, culvert or pole ford. Culvert diameter and bridge structure opening shall be according to Table 2. Pole fords are allowed on skid trails where the streambed is cobble or ledge. Brushing-in is allowed but only on intermittent streams and when the ground is frozen.

6.5.5 Permanent stream crossings on perennial streams shall be in compliance with standards set forth in the Vermont Agency of Natural Resources Stream Alteration Rule and General Permit. Environmental Protection Rule, Chapter 27, Subchapter 5.

6.5.6 Logging equipment shall be kept out of stream channels, except when used for the construction of stream crossing structures or the use of at-grade fords on truck roads.

6.5.7 On approaches to stream crossings, waterbars, turn-ups or broad-based dips shall be correctly installed on truck roads and skid trails to divert surface water runoff into a filter area. They shall be installed a minimum of 25 feet away from the top of the streambank.

6.5.8 Except for the travelled portions of truck roads and skid trails, areas of exposed soil within 50 feet of the stream channel as measured from the top of the streambank shall be seeded and mulched, according to Table 3, immediately after installing stream crossing structures.

## **6.6 Stream Crossings on Truck Roads And Skid Trails – Practices To Be Applied Immediately After Logging**

6.6.1 All temporary structures shall be removed from streams and the channel restored to a stable condition. Brushed-in crossings on intermittent streams shall be removed when skid trail use has been completed or as soon thereafter as ground conditions allow.

6.6.2 After removing temporary stream crossing structures, waterbars shall be correctly installed 25 feet back from the top of the streambank to divert surface water runoff into a filter area. All areas of exposed soil shall be seeded and mulched a minimum of 50 feet on each side of the stream crossing. Seed and mulch at application rates according to Table 3 immediately after logging or as soon thereafter as ground conditions allow.

## **6.7 Forest Buffer**

6.7.1 A forest buffer shall be left along streams and other waters in which only partial cutting can occur such that openings in the forest canopy are minimal and continuous forest cover is maintained.

The width of the buffer shall be in accordance with Table 4 as measured from the top of the streambank.

6.7.2 Truck roads, skid trails and log landings shall not be located within a forest buffer, except for the necessary construction of stream crossings.

6.7.3 In a forest buffer, no logging equipment shall be operated within a 25-foot wide area along streams, as measured from the top of the streambank, and other waters.

## 6.8 Petroleum Products and Hazardous Materials

6.8.1 Petroleum products and other hazardous materials as necessary for logging shall be stored only on log landings, placed outside of forest buffers, and shall be removed upon completion of logging.

## 6.9 Log Landings - Practices to Be Applied During Logging

6.9.1 Log landings shall not be located in a forest buffer. The width of the forest buffer shall be in accordance with Table 4.

6.9.2 Silt fencing, hay bale check dams and drainage structures shall be correctly installed on log landings to prevent sediment from entering streams and other waters.

## 6.10 Log Landings - Practices to Be Applied Immediately After Logging

6.10.1 Log landings shall be stabilized and drainage structures shall be correctly installed to prevent sediment from entering streams and other bodies of water.

**6.11 Table 1: Distance (feet) between Drainage Structures on Truck Roads and Skid Trails**

Road Grade (Percent Slope)	Skid Trails		Truck Roads Permanent Truck Roads During and After Logging. Temporary Truck Roads During Logging.		Temporary Truck Roads After Logging
	During Logging (Waterbars & Turn-Ups)	After Logging (Waterbars and Turn- Ups)	Broad- Based Dips	Ditch Relief Culverts	Waterbars
1	500	400	500	450	400
2	300	250	300	300	250
5	200	135	180	200	135
10	140	80	140	140	80
15	130	60	---	130	60
20	120	45	---	120	45
25	110	40	---	65	40
30	100	35	---	60	35
40	90	30	---	50	30

**6.12 Table 2: Minimum Culvert Sizing for Temporary Stream Crossings**

Drainage Area (Acres)	Waterway Area Required For Bridges and Culverts (Square Feet)	Culvert Diameter (Inches)
4	0.6	12
8	1.0	15
15	1.5	18
20	1.9	18
40	3.2	24
50	3.8	30
80	5.3	36
100	6.3	36
150	8.6	42
200	10.6	48
250	12.6	48
300	14.4	54
350	16.2	60
450	19.5	60
550	22.7	66
640	25.4	72

**6.13 Table 3: Methods of Seeding and Mulching Truck Roads, Log Landings, Skid Trails and Stream Crossings**

Options	Rate of Application	Timing of Application
Option 1. Hay or Straw Mulch with Annual Ryegrass	60 bales/acre or 1 ½ bales/1,000 square feet AND Annual ryegrass at 40 lbs./acre or 1 lb./1,000 square feet	Anytime
Option 2. Hay or Straw Mulch with Winter Rye	60 bales/acre or 1 ½ bales/1,000 square feet AND Winter rye at 112 lbs./acre or 2 ½ lbs./1,000 square feet	Anytime
Option 3. Hay or Straw Mulch with Soil Conservation Seed Mix	60 bales/acre or 1 ½ bales/1,000 square feet AND Soil Conservation Seed Mix at 42 lbs./acre or 1 lb./1,000 square feet	Anytime. Best when applied between April 15 – June 15 OR August 1 – September 15

**6.14 Table 4: Minimum Forest Buffer Widths**

Percent Slope of Land Between Skid Trails, Truck Roads or Log Landings and Streams or Other Bodies of Water	Width from Top of Streambank (Feet Along Surface of Ground Measured Perpendicular to the Stream)
0-10	50
11-20	70
21-30	90
31-40*	110

\*Add 20 feet for each additional 10 percent slope

WATER QUALITY MAINTENANCE

ON LOGGING JOBS

Acceptable Management Practices for Maintaining Water Quality

on Logging Jobs in Vermont

SECTION 1: INTRODUCTION

~~In 1986, the Legislature passed amendments to Vermont's Water Quality Statutes which declared that "it is the policy of the state to seek over the long-term to upgrade the quality of waters and to reduce existing risks to water quality."~~

~~According to the revised law, permits are now required for discharges of "any waste, substance or material into the waters of the state." However, individual permits are not required for those discharges caused by logging operations if "acceptable management practices" (AMP's) are in place; that is, if loggers and landowners have followed proper measures to protect the waters of the state.~~

~~This booklet describes the AMP's for maintaining water quality on logging jobs in Vermont. These AMP's are intended to prevent "discharges," that is, mud, petroleum products and woody debris from getting into our streams, ponds, lakes, rivers and wetlands. They are also meant to maintain natural water temperatures by requiring that trees be left along streams and other water bodies.~~

~~The AMPs have the force of law and violations can be costly, so it is important to understand the conditions under which they can be enforced. These conditions are as follows:~~

~~1. A violation occurs only if there is a discharge. If no discharge occurs, the logger or landowner cannot be fined or prosecuted for not having the AMPs in place.~~

~~2. If there is a discharge and the AMP's are properly in place, there is no violation.~~

~~3. If there is a discharge and the AMP's have not been followed, there is a~~

violation.

4. ~~"Slash," that is, branches, bark or pieces of in a stream or other water body are automatically considered a violation, except for temporary "brushing in" of streams during frozen conditions.~~

5. ~~In cases where for some reason the AMP's cannot be applied, and it is uncertain that discharges can then be prevented, there is a legal alternative: a landowner or logger can apply to the Department of Environmental Conservation for a discharge permit. It is likely, however, that permits will be granted only in extraordinary circumstances.~~

~~In summary, a logger or landowner is liable to legal action only when a discharge takes place and either no permit has been obtained or the AMP's have not been followed. Thus, the AMP's are not only basic to sound forestry, they also legally protect the logger or landowner during and after timber harvesting.~~

~~Loggers and landowners who cause discharges of sediment or other pollution from logging jobs and who have not followed either AMP's or conditions of a permit may be subject to enforcement action, penalties or both. The penalties for significant water pollution, including slash and sedimentation, as established in Vermont's water quality law, could include the removal of wastes and restoration of water quality at the expense of the logger or landowner, compensation for damages, reimbursement of any government expenses caused by the discharge, penalties of up to \$10,000 a day for each day of violation or fines of up to \$25,000 and imprisonment of not more than six months. Excerpts of Vermont's new water quality law amendments relative to enforcement and penalties are in Appendix I.~~

~~Landowners are ultimately responsible for application of these AMP's. However, a good timber sale contract will transfer this responsibility to the logger during the harvesting operation. Landowners are responsible for maintaining erosion control devices after a logging operation is completed.~~

~~Both Vermont's old water quality law and the new amendments make the cost of~~

~~polluting substantial. There are other costs besides fines and legal fees however: soil erosion from careless logging make landowners reluctant to sell if they think their land will be damaged; equipment depreciates faster because of the additional wear and tear caused by traveling through mud and over difficult terrain; siltation can harm fish by smothering eggs and aquatic biota and can generally decrease the value of the aquatic habitat.~~

~~Regular inspection of all roads and prompt corrective and preventive action to avoid erosion and pollution problems is part of a high quality logging operation. Soil erosion from logging activity can be controlled by applying AMP's in this handbook during and after logging.~~

~~When questions arise concerning the proper application of these practices, technical assistance is available from the Department of Forests, Parks and Recreation (see page 21).~~

The "Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont" ("AMPs") were first adopted on August 15, 1987 under the authority of Chapter 47 of Title 10 of the Vermont Statutes Annotated, Water Pollution Control (10 V.S.A. §1251a and 1259(f)). See Code of Vermont Rules 12 020 010. The initial adopted rule provided that "the AMPs are the proper method for the control and dispersal of water collecting on logging roads, skid trails and log landings to minimize erosion and reduce sediment and temperature changes in streams."

Act No. 64 of the Acts of 2015 amended 10 V.S.A. §2622 to require the Commissioner of the Department of Forests, Parks and Recreation to revise by rule the AMPs to ensure that all logging operations on both public and private forestland are designed to prevent or minimize discharges of sediment, petroleum products, and woody debris (logging slash) from entering streams and other waters; improve soil health of forestland; protect aquatic habitat and aquatic wildlife; and prevent erosion and maintain natural water temperature. The purpose of the acceptable management practices

is to provide measures for loggers, foresters, and landowners to utilize, before, during, and after logging operations to comply with the Vermont Water Quality Standards and minimize the potential for a discharge from logging operations in Vermont in accordance with 10 V.S.A. §1259.

Pursuant to Section 2-03B.1 of the Vermont Water Quality Standards, there is a presumption that logging operations that are in compliance with the AMPs are also in compliance with the Vermont Water Quality Standards. However, this presumption may be overcome if a water quality analysis demonstrates that there is a discharge of wastes into waters of the State due to logging.

Additionally, logging operations that are in compliance with the AMPs are exempt from the discharge permit requirements pursuant to 10 V.S.A. §1259(f), the stream alteration permit requirements pursuant to 10 V.S.A. §1021(f), the stormwater permit requirements pursuant to 10 V.S.A. §1264(d)(1)(C), and wetland permit requirements pursuant to 10 V.S.A. §913(a) and Section 6.01 - 6.05 of the Vermont Wetland Rules.

## SECTION 2: POLICY AND PURPOSE

The purpose of the AMPs is to provide measures for loggers, foresters, and landowners to utilize, before, during, and after logging operations to comply with the Vermont Water Quality Standards and minimize the potential for a discharge from logging operations in Vermont in accordance with 10 V.S.A. §1259.

## SECTION 3: AUTHORITY

This rule is adopted pursuant to 10 V.S.A. §2622(a) and (b), 10 V.S.A. §1259(f), 3 V.S.A. §801(b)(11) and 3 V.S.A. §2853(5).

#### SECTION 4: APPLICABILITY

The AMPs apply to all logging operations on public and private lands in Vermont regardless of the purpose of the logging. For example, logging may be conducted for forest management purposes or logging may be conducted for the purpose of clearing land for some other type of land use, such as commercial, residential or electric utility development.

#### SECTION 5: ENFORCEMENT

Any person who violates a provision of this Rule that results in a discharge into a water of the State may be subject to enforcement action and penalties pursuant to 10 V.S.A. Chapters 201 or 211, 10 V.S.A. §2608 or other action as authorized by 10 V.S.A. Chapter 47, including but not limited to 10 V.S.A. §§1272 or 1274.

#### SECTION 6: DEFINITIONS

For the purposes of this Rule, the following terms shall have the specified meaning.

6.1 "Agency" or "ANR" means the Vermont Agency of Natural Resources.

6.2 "AMP (Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont)" means regulations promulgated under the authority of 10 V.S.A. §2622(a) and (b) and 10 V.S.A. §1259(f)

6.3 "Approaches to Stream Crossings" means that length of a truck road or skid trail associated with stream crossings that traverse through the forest buffer. .

6.4 "At-Grade Ford " means a stream crossing on a truck road that is constructed perpendicular to the stream channel with approaches being properly stabilized with

clean stone fill, and there is no change in existing stream channel cross-section and bed elevation except for minor bank grading at the point of the crossing.

6.5 "Broad-based Dip" means a drainage structure, usually used on truck roads where grades are less than or equal to 8 percent. They are specifically designed to divert surface runoff from a truck road into a filter area while vehicles maintain normal travel speeds.

6.6 "Brushed-in Crossing" means a temporary method of crossing intermittent streams during logging operations when the ground is frozen. Brushed-in crossings are constructed by placing logs in the bottom of the stream channel, parallel to the stream channel, and then placing topwood (tree limbs and branches) over the logs.

6.7 "Continuous Forest Cover" means maintaining a minimum of 60 to 70 percent crown cover or B-level stocking as recommended in the U.S. Forest Service silvicultural guides.

6.8 "Drainage Ditch" means a ditch constructed along a road to collect surface water runoff from the travelled portion of the road and divert it into a filter area.

6.9 "Drainage Structure" means any type of device, structure or method used to divert surface water runoff from an impervious surface such as a truck road, skid trail or log landing into a drainage ditch or filter area.

6.10 "Filter Area" means a vegetated area where surface water runoff is diverted and dispersed so that sediment and other pollutants are trapped and retained. A filter area can include or be within a forest buffer.

6.11 "Forest Buffer" means an area of forested land adjacent to streams and other waters where forest management practices are modified to protect water quality. The width of the forest buffer shall be in accordance with Table 4.

6.12 "Forest canopy" means a layer or multiple layers of branches and foliage at the top or crown of a forest's trees.

6.13 "Gully Erosion" means a form of soil erosion where gullies of six inches deep or more are created by surface water runoff.

6.14 "Hay-bale check dam" means a temporary sediment control structure that is constructed using hay bales to intercept and filter surface runoff to protect water quality in nearby streams and other bodies of water.

6.15 "Hazardous Material" means any material determined by the Secretary to have an unusually harmful effect on water quality if discharged to the waters of the state. Hazardous substances associated with logging operations include but are not limited to petroleum products, solvents and coolants.

6.16 "Intermittent Stream" means a stream with a well-defined channel, evidence of sediment transport and which regularly experiences periodic interruption of surface flow throughout its length.

6.17 "Log Landing" means a place where trees and logs are gathered and sorted in or near the forest during a logging operation for further processing and transport to a mill or log yard facility.

6.18 "Logging Equipment" means equipment, implements, accessories, and contrivances used directly and principally in the cutting or removal of timber or other solid wood forest products including, but not limited to machinery used for bucking, bunching, debarking, de-limbing, felling, forwarding, loading, piling, skidding, topping, and yarding operations performed on timber; and chain saws used for commercial logging.

6.19 "Logging Slash" means any residual tree material, whole or part, including leaves, bark, wood and root tissue, that is created as a result of a logging operation.

6.20 "Percent Grade/Percent Slope" means a measurement of incline or decline expressed as a percentage and as determined by dividing the length of vertical rise in elevation by the length of horizontal distance. (Example: A 6% grade would be a 6 foot vertical rise per 100 feet of horizontal distance:  $6 \div 100 = .06$  or 6%)

6.21 "Perennial Stream" means a watercourse or portion, segment or reach of a watercourse, generally exceeding 0.5 square miles in watershed size, in which surface flows are not frequently or consistently interrupted during normal seasonal low flow periods. Perennial streams that begin flowing subsurface during low flow periods, due to natural geologic conditions, remain defined as perennial. All other streams, or stream segments of significant length, shall be termed intermittent. A perennial stream shall not include the standing waters in wetlands, lakes, and ponds.

6.22 "Permanent Stream Crossing" means a bridge, culvert or at grade ford that is left in place after logging is completed.

6.23 "Permanent Truck Road" means a road that remains in place at the conclusion of a logging operation for continued long term access and is designed for year-round use.

6.24 "Person" means any landowner, logger, individual; partnership; company; corporation; association; joint venture; trust; municipality; the state of Vermont or any agency, department, or subdivision of the state, any federal agency, or any other legal or commercial entity.

6.25 "Pole Ford" means a temporary method of crossing intermittent or perennial streams using logs placed in and parallel to the stream channel.

6.26 "Rut" means a depression in a skid trail, logging road, log landing made by the passage of a vehicle or equipment.

6.27 "Secretary" means the Secretary of the Agency of Natural Resources or the Secretary's authorized representative.

6.28 "Sediment" means soil that has been eroded from the land surface and is transported and deposited in streams or waters.

6.29 "Silt Fence" means a temporary sediment control device used to intercept and filter surface runoff to protect water quality in nearby streams and other bodies of water.

6.30 "Skid Trail" means a cleared trail that is used by logging equipment during a logging operation to transport harvested trees and logs to a log landing.

6.31 "Stream" means the full length and width, including the bed and banks, of any

watercourse, including rivers, streams, creeks, brooks, and branches, which experience perennial flow. "Stream" does not include ditches or other constructed channels primarily associated with land drainage or water conveyance through or around private or public infrastructure.

6.32 "Stream Channel" means an area that contains continuously or periodic flowing water that is confined by banks and a streambed

6.33 "Streambank" means the portion of a stream channel that restricts lateral movement of water at normal water levels.

6.34 "Surface Water Runoff" means precipitation and snowmelt that does not infiltrate into the soil, including material dissolved or suspended in it..

6.35 "Temporary Stream Crossing Structure" means a stream crossing structure such as a bridge, culvert, pole ford or brushed-in crossing that is installed in a stream channel. Temporary stream crossing structures must be removed after logging is completed.

6.36 "Temporary Truck Road" means a minimum-standard road designed for short-term use to access a logging operation. Temporary roads must be closed out at the conclusion of logging.

6.37 "Top-of-Streambank" means the crest of a streambank.

6.38 "Truck Road" means a road that connects a log landing to a public road system. A "truck road" may be designed, constructed and maintained to provide either permanent or temporary access.

6.39 "Turn-up" means a method used on skid trails to divert surface runoff from a skid trail into a filter area.

6.40 "Waterbar" means a mound of soil excavated across the width of a skid trail or truck road to divert surface runoff from side ditches and road surfaces into a filter area.

6.41 "Waters" means any natural body of open water other than a stream that is a water of the state under 10 V.S.A. Chapter 47.

## SECTION 7: ACCEPTABLE MANAGEMENT PRACTICES

~~The AMP's are shown in bold print and underlined. Each is followed by supplementary information meant to assist loggers in applying the practices. The underlined sections are the enforceable standards which will be applied to determine a violation if a discharge from a logging job occurs. If it is determined that a violation has occurred due to failure to observe the AMP'S (or the conditions of a permit), the logger or landowner will be considered in violation of Vermont's Water Quality Laws.~~

~~The AMP'S are the proper method for the control and dispersal of water collecting on logging roads, skid trails and log landings to minimize erosion and reduce sediment and temperature changes in streams. Planning before the job starts will reduce the problems which might occur and prevent costly repairs after the fact.~~

~~EXTREME CAUTION should be applied when logging during the spring wet season or during wet weather conditions. The erosion potential is highest during these times. Muddy logging will also increase equipment maintenance costs and decrease equipment life.~~

### SECTION I

#### PRACTICES TO BE APPLIED DURING LOGGING

##### 7.1 Truck Roads - Practices to Be Applied During Logging

7.1.1 1. Steep pitches (greater than 10%) on pPermanent and temporary truck roads shall not exceed 10 percent grade. Where no reasonable alternative exists, a steep section of no more than 15 percent grade is allowed but shall not exceed 300 feet in length.

~~Truck roads take logs from a landing; skid trails bring logs to a landing.~~

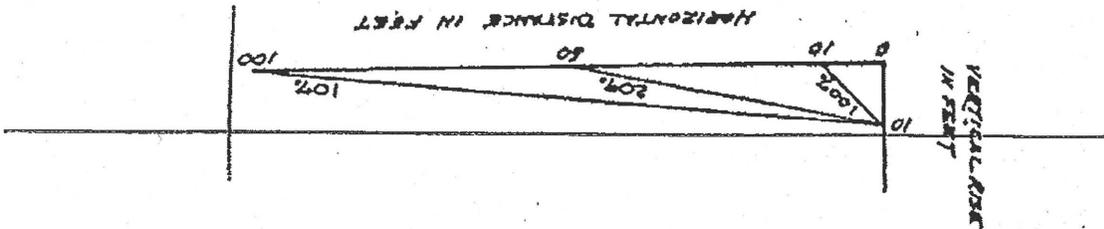
~~road when road grades are less than 10%. Drainage structures shall be  
 can be used instead of culverts to relieve ditches or to bring water across the  
 greater than 10%, pole culverts or metal culverts shall be used. Broad-based dips  
 accumulation of ditch water volume or to bring water under the road on road grades  
 water away from the road surface. Where it is necessary to prevent an excessive  
 2. Road surfaces shall be adequately drained. Ditches shall be used to divert~~

~~be provided and stream crossings will not involve major stream disturbances.  
 lay out the routes such that proper filter strips along streams can easily  
 Road locations should be flagged, cleared and graded before logging begins.~~

~~present difficult construction problems.  
 Avoid rock outcrops, ledges, swampy places and other features which will~~

~~above.  
 - Use old roads when acceptably located and of moderate grades as defined  
 Walk the area to be logged to determine the best access route(s).~~

~~Figure 1: Slope Percent. Slope percent is calculated by dividing  
 the rise or elevation by the run or horizontal distance. For  
 example, a slope that gains 10 feet of elevation over 100 feet of  
 horizontal distance is a 10 percent slope:  $10 \div 100 = 10\%$ .~~



~~streambanks will be permanently stabilized.  
 roads will be removed at the conclusion of the logging operation and  
 minimal or no use after the logging operation. Bridges and culverts on temporary  
 constructed for purposes of one-time access to a log landing which will receive  
 left in place and regularly maintained. A temporary road is defined as a road  
 access to a parcel of land. Bridges and culverts on permanent roads will usually be  
 A permanent road is defined as a road that will be continuously passable as~~

installed with a gradient (slope from the uphill side of the structure to the outlet) of at least 4 degrees when ledge and rock permit and kept free of debris. Drainage structures shall be spaced according to Table 1 where conditions permit.

Table 1: Recommended Distances Between Drainage Structures on Logging Roads.

Road Grade (percent)	Feet		
	Distance Between Waterbars	Distance Between Culverts	Distance Between Turnups, Dips and Pole Culverts
1	400	450	500
2	250	300	300
5	135	200	180
10	80	140	140
15	60	130	130
20	45	120	120
25	40	65	-
30	35	60	-
40	30	50	-

All drainage structures should be inspected and cleaned frequently during active logging operations.

Pole culverts (Figure 2) are an inexpensive method of draining a road surface. These culverts may be installed either before or after a major hauling use and should be spaced the same as broad based dips. They can be constructed of cull logs or from sawn timber. If made of durable wood or treated material, these culverts will give many years of service.

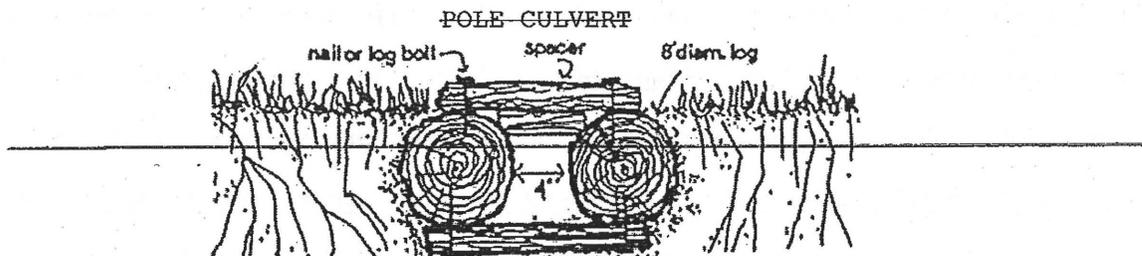


Figure 2: Proper Construction of Pole Culverts on Logging Roads.

~~Broad-based dips (Figures 3 and 4), can be used where no streams cross the road and where the road grade is less than 10%.~~

~~Broad-based dips are easier to maintain and more permanent than pole culverts but their proper construction requires a trained bulldozer operator. The dips should be installed before a major hauling use and should be spaced the same as pole culverts.~~

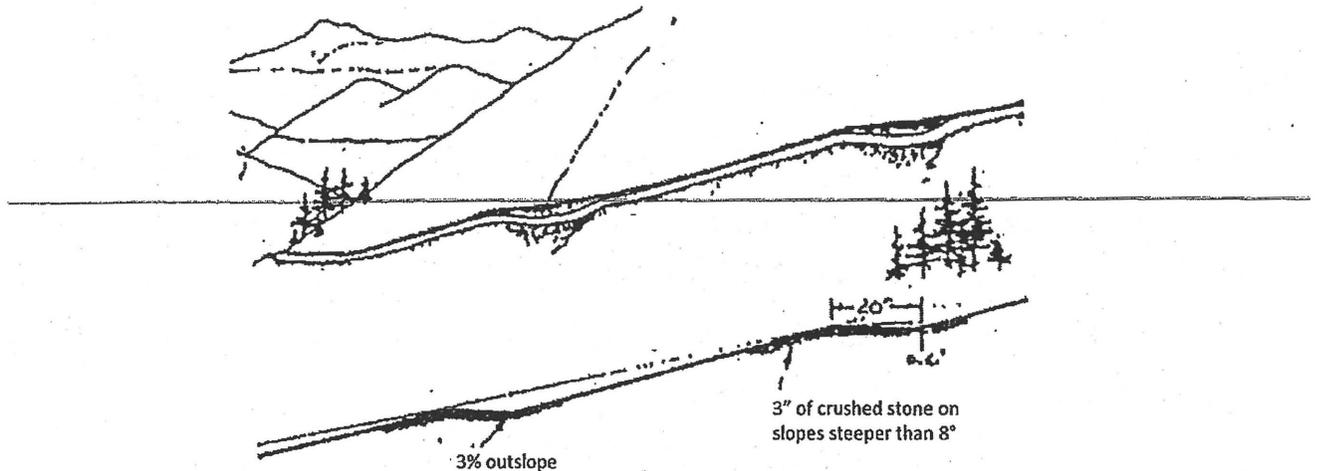
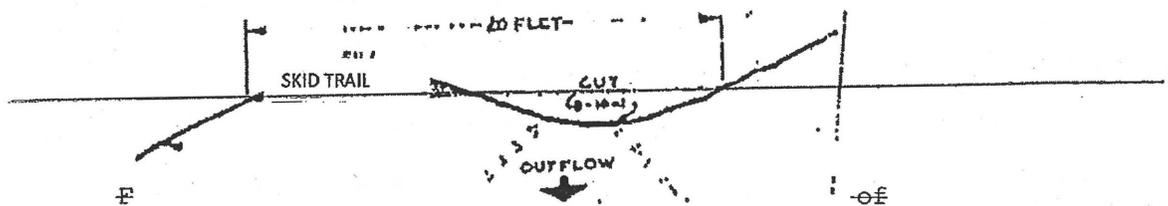


Figure 3: Diagram and Design of Broad-Based Dips on a Mountain Logging Road.

~~Dips can be constructed with skidder or bulldozer by cutting a few feet out of the skid trail and bulldozing a fill area to build up grade on the lower side (Figures 3 and 4). The drainage clips are usually broad and shallow over a 20-foot section of skid trail allowing a skidder to travel over them without cutting ruts. See Table 1 for recommended distance between "dips." Dips or waterbars should be created by digging into soil by a dozer pushing downhill.~~

~~Use standard drainage clips on approaches to steep declines in skid trails.~~



Standard Drainage Dips Used During Logging.

7.1.2 Drainage structures on permanent and temporary truck roads shall be correctly installed to divert surface water runoff into road ditches or filter areas. Drainage structures shall be spaced at intervals according to Table 1 where rock and ledge allows.

~~3-7.1.3 Water entering a roadway permanent or temporary truck road shall be moved under or and away from the roadway before gaining sufficient flow and velocity to erode ditches, and into a filter area. Spacing of culverts used for ditch drainage on truck roads shall be determined according to Table 1. Culverts used for ditch drainage shall be at least 15" inches in diameter and sized spaced according to Table 1-2 where rock and ledge allows.~~

~~Table 2: Guide for Determining Culvert Size  
When Permanent and Temporary Truck Roads Cross Streams.~~

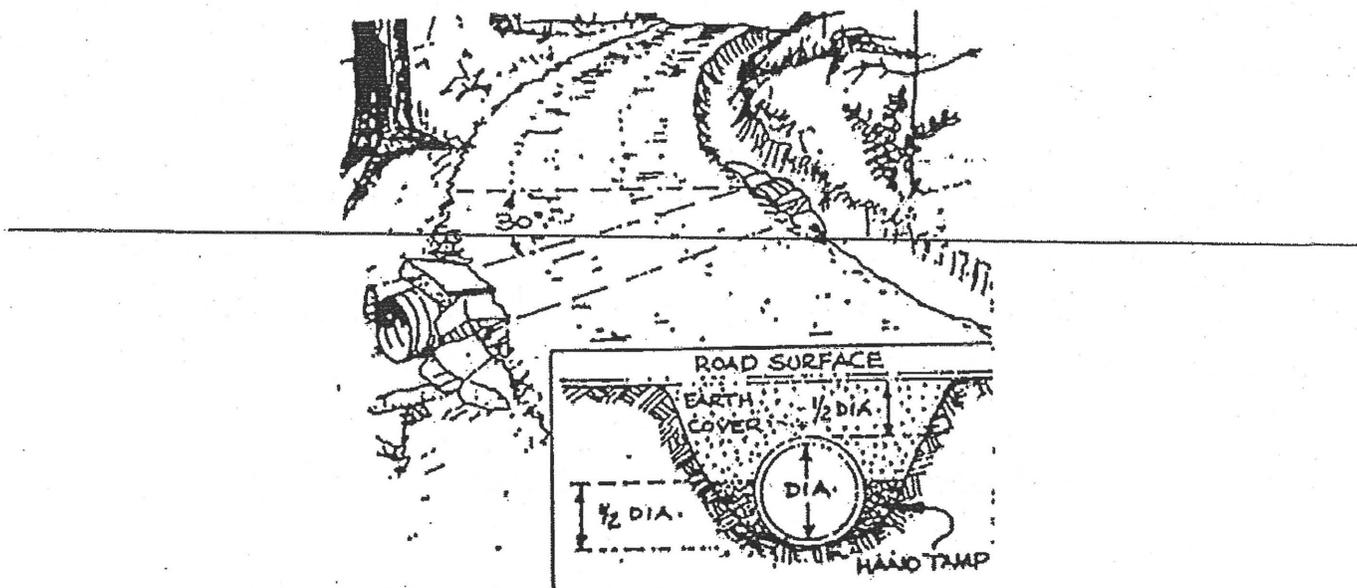
~~DRAINAGE AREA - The number of acres sloping toward the stream.  
Shallow Soils with  
Frequent Rock Outcrops  
or Impermeable Soil  
Conditions~~

<del>Well Drained Soils</del>	<del>Recommended Pipe Diameter (inches)</del>
<del>16</del>	<del>15</del>
<del>25</del>	<del>18</del>
<del>40</del>	<del>21</del>
<del>55</del>	<del>24</del>
<del>84</del>	<del>30</del>
<del>130</del>	<del>36</del>
<del>190</del>	<del>42</del>
<del>260</del>	<del>48</del>
<del>335</del>	<del>54</del>
<del>400</del>	<del>60</del>
<del>550</del>	<del>66</del>
<del>650</del>	<del>72</del>

~~-- Ditches should be properly stabilized (seeding, rock lining) to minimize erosion.~~

~~-- Pipe culverts (Figure 5) are used to move water under the road before it gains sufficient flow to erode the ditch on the uphill side of the road.~~

~~This is the most expensive method of road cross drainage and should be used where heavy road use is anticipated during or after logging. Culverts should be installed at a 30 degree angle down grade, should angle downhill at least 4 degrees when ledge and rock permit for self cleaning and should outlet onto stone rip-rap, gravel or logs.~~



~~Figure 5: Design and Installation of Pipe Culverts.~~

- ~~— When sizing culverts for temporary roads, allow for periods of high flow, such as spring runoff or cloudbursts (Table 2).~~
- ~~— A minimum of 12 inches of soil should be used to cover culverts.~~
- ~~— When constructing roads on sidehill locations, ditch the uphill side of the roadway to intercept surface runoff.~~
- ~~— Inspect and clean out ditches and culverts frequently.~~
- ~~— Crown up roads to provide for road surface drainage.~~

~~4.7.1.4 Drainage ditches along permanent and temporary truck roads shall not terminate where they will feed water directly into streams or other surface waters.~~

On approaches to stream crossings, ditches shall be turned out into a filter area a minimum of 25 feet away from the top of the streambank.

~~Ditches along roads approaching water crossings should be designed to empty into a protective strip of undisturbed, vegetated land. Most often, this can be accomplished by turning ditches out into the woods. The width of the protective strip depends on the slope of the land.~~

## 7.2 Truck Roads - Practices to Be Applied Immediately After Logging

7.2.1 Waterbars on temporary truck roads shall be correctly installed to divert surface water runoff into a filter area and shall be spaced at intervals according to Table 1 where rock and ledge allows.

## 7.3 Skid Trails - Practices to Be Applied During Logging

~~Skid trails bring logs to a landing; truck roads take logs from a landing.~~

~~5.7.3.1 Skid trails shall not go straight up a slope but proceed at a gradual angle across the slope. exceed 20 percent grade. Where no reasonable alternative exists, a short steep sections of no more than 25 percent grade is allowed up to 20% grade are permissable, but shall not exceed 300<sup>+</sup> feet in length.~~

~~Keep skid trail grades as low as topography will allow.~~

~~Walk the area to be logged to locate skid trails.~~

~~Main skid trails should be flagged, cleared and graded. Trails used to bring logs from stump to the main skid trail are usually not graded and require a minimum amount of clearing.~~

~~Lay out skid routes such that proper filter strips along streams can easily be provided and stream crossings will not involve or stream disturbances.~~

~~— Avoid streambanks, rocky places and steep grades.~~

~~— Building skid trails from the top down is easier.~~

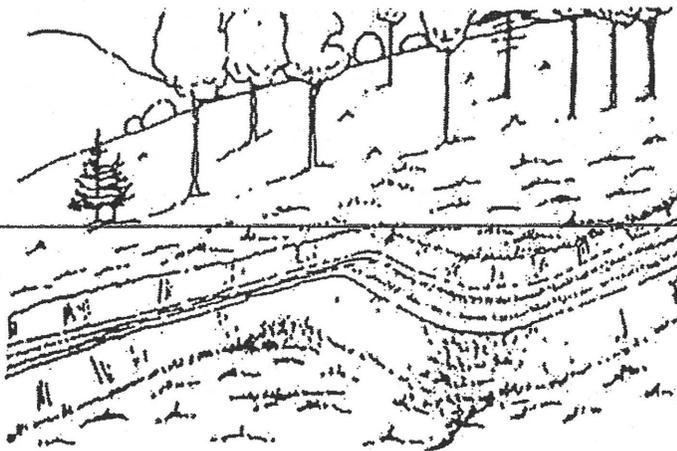
7.3.2 Waterbars and turn-ups shall be correctly installed on skid trails to divert surface water runoff into a filter area and shall be spaced at intervals according to Table 1 where rock and ledge allows.

6. Long straight stretches of skid trail shall be adequately drained using outsloping turnups, broad based dips (on grades of 10% or less), or pole culverts. Spacing of drainage structures shall be determined according to Table 1.

~~— Take advantage of the natural cross drainage.~~

~~— Locate skid trails on sidehill locations and slightly outsloping the road surface.~~

~~— Turnups are constructed by turning the skid trail up the hill a few feet, then turning downhill again (Figure 6). By reversing the grade in this way, water will run off the downhill side of the skid trail.~~



~~Figure 6: Turnups. Cross drainage can be obtained by turning the skid trail up the hill a few feet then turning downhill again.~~

~~— Broad based drainage dips are commonly used for skid trail drainage. As with truck roads, dips can be used where no streams cross the skid trail and where the trail grade is less than 10%. Dips are fully described on pages 7 and 8.~~

~~Turnups are commonly applied for skid trails rather than roads and the distance of the turnup is very short compared to a broad-based dip.~~

~~7. Silt fencing, haybale erosion checks or water diversions shall be used to prevent sediment from skid trails from entering streams and other surface waters.~~

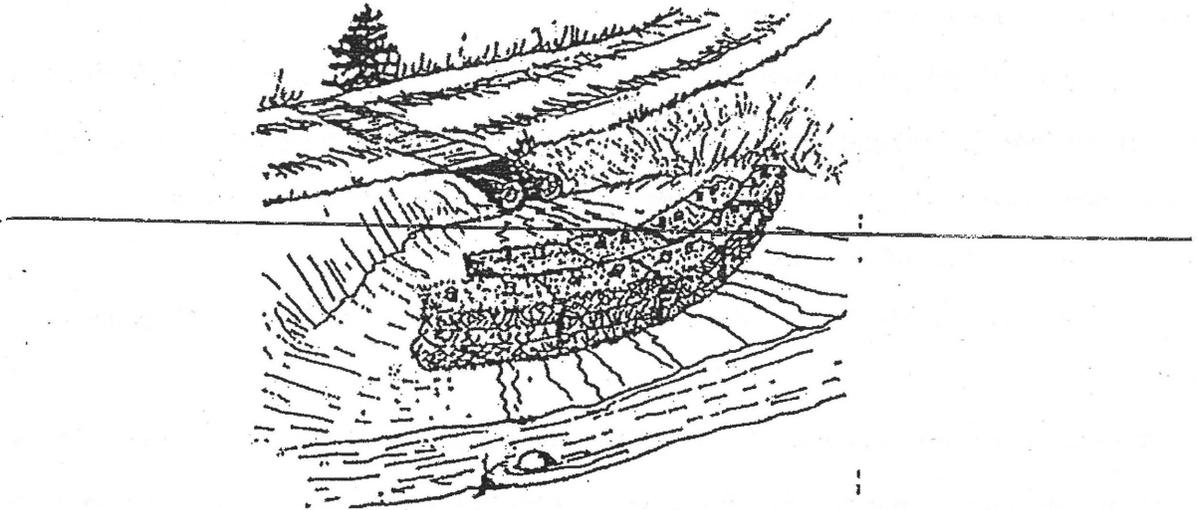


Figure 7: Haybale Erosion Check.

~~Haybales should be embedded into the ground using stakes.~~

~~Haybales should be overlapped to increase their effectiveness to intercept runoff and to reduce the potential for movement.~~

~~Haybale erosion checks may not be necessary during frozen, stable winter conditions.~~

#### 7.4 Skid Trails - Practices to Be Applied Immediately After Logging

7.4.1 Ruts on skid trails shall be smoothed to prevent gully erosion and to prevent sediment from entering streams and other waters.

7.4.2 Waterbars on skid trails shall be correctly installed to divert surface water runoff into a filter area and shall be spaced at intervals according to Table

1 where rock and ledge allows.

Surface Water and Stream Crossings

7.5 Stream Crossings on Truck Roads and Skid Trails - Practices to Be Applied

During Logging

7.5.1 8. Streams and all bodies of waters shall be kept free of logging slash and other logging debris.

~~— It is illegal to discharge any waste into the waters of the state, therefore, the deposition of slash in a stream constitutes a "discharge."~~

~~— Slash in a stream or other surface waters constitutes a legal violation regardless of whether it causes erosion or sedimentation.~~

~~— Slash left in streams may cause a blockage with potential for serious erosion and flooding.~~

~~— Temporary "brushing-in" of streams is allowed during frozen winter conditions on skid trails (see AMP #9 and Figure 10) provided all slash is removed.~~

7.5.2 Stream crossings shall be made perpendicular to the stream channel. Stream crossings shall be located where the stream channel is narrow and well defined, streambanks are stable and approaches are level or gently sloping.

9. Truck road crossings of all permanent streams shall be over a bridge or culvert. Streams may be forded by skid trails only where streambeds have stable beds and stable, gradual approaches (gravel or ledge). Streams may also be crossed by brushing in during frozen winter conditions but all brushed in material shall be removed from the stream channel when skid trail use has been completed or before spring runoff, whichever occurs first.

~~— Bridge crossings are preferable to culverts since there is less disturbance of the stream channel.~~

~~— Plan roads and skid trails to reduce crossings to the absolute minimum.~~

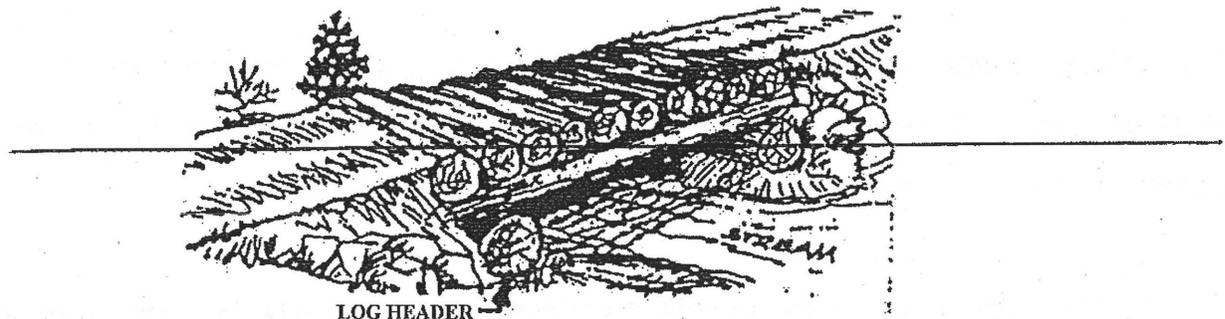
~~— Bridges and culverts prevent erosion and stream siltation and reduce the amount of gasoline, oil and grease which are often washed off the wheels and undercarriage of vehicles when crossing streams.~~

~~— Culvert size selection and bridge design should be based on the size (acres) of the drainage area that they serve and should be able to handle the largest potential stream flows. Undersized bridges or culverts may wash out during spring runoff. See Table 2 for the appropriate culvert size based on drainage area served.~~

~~— Bridge crossings should be located where the stream channel is straight with an unobstructed flow of water.~~

~~— The roadway approaching the stream should be reasonably level for a distance of 50 feet on each side of a bridge, culvert or ford crossing.~~

~~— A simple skid road bridge design is the header bridge shown in Figure 8. This type of bridge can be constructed from cull logs and low grade timber.~~



LOG HEADER

~~— Fords are acceptable as skid trail crossings when streams have stable beds and approaches (i.e. gravel or ledge).~~

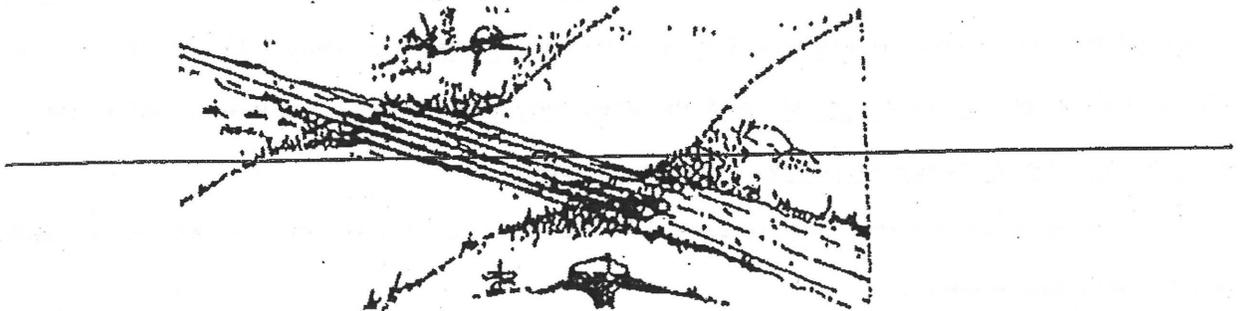


Figure 9: Design of Poled Ford Stream Crossing.

~~Temporary crossing of small brooks may be accomplished by placing poles or cull logs side by side in the streambed (Figure 9). The logs must be removed immediately after use.~~

~~Poled fords should be inspected regularly to make sure the stream is not becoming turbid at the crossing.~~

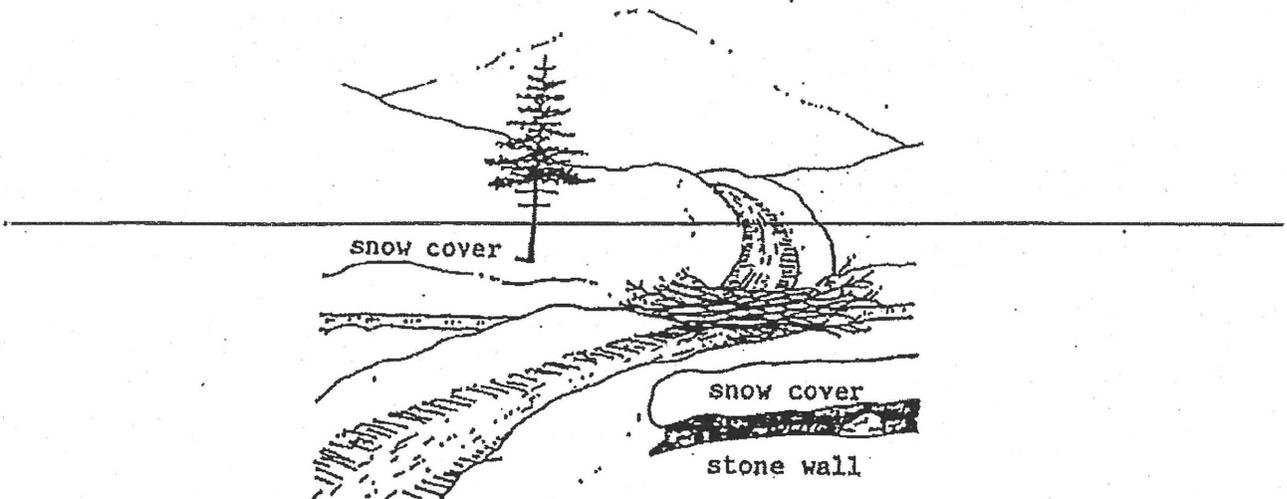


Figure 10: "Brushing-In" a Streambed. During Frozen Winter Conditions.

- ~~"Brushing-in" should be restricted to small frozen stream channels.~~
- ~~Avoid sections with steep approaches.~~
- ~~Avoid sections of stream channels with steep gradients.~~
- ~~Remove all brush.~~

7.5.3 Temporary stream crossings on truck roads shall be over a bridge, culvert or by constructing an at-grade ford. Culvert diameter and bridge structure opening shall be according to Table 2. At-grade fords shall be used only where streams have low banks, stable beds (cobble or ledge) and stable, gradual approaches.

7.5.4 Temporary stream crossings on skid trails shall be over a bridge, culvert or

pole ford. Culvert diameter and bridge structure opening shall be according to Table 2. Pole fords are allowed on skid trails where the streambed is cobble or ledge. Brushing-in is allowed but only on intermittent streams and when the ground is frozen.

7.5.5 Permanent stream crossings on perennial streams shall be in compliance with standards set forth in the Vermont Agency of Natural Resources Stream Alteration Rule and General Permit. Environmental Protection Rule, Chapter 27, Subchapter 5.

7.5.6 ~~10.~~ Logging equipment activities, except for the necessary and proper construction of stream crossing structures, shall be kept out of stream channels, except when used for the construction of stream crossing structures or the use of at-grade fords on truck roads.

~~Streams, both perennial and intermittent, should be left in their natural courses.~~

~~Placement of bridges or culverts that require work in the stream should be done when the water is low.~~

~~Work should be done in as short a period as possible.~~

11. Turnups or broad-based dips shall be used before a truck road or skid trail crosses a stream.

~~Turnups or broad-based dips should be installed at the bottom of slopes approaching a stream crossing and should be at least 25' from the drainage structure to provide for a protective strip between the road or trail and the streambank.~~

7.5.7 On approaches to stream crossings, waterbars, turn-ups or broad-based dips shall be correctly installed on truck roads and skid trails to divert surface water runoff into a filter area. They shall be installed a minimum of 25 feet away from

the top of the streambank.

7.5.8 ~~12.~~ Except for the travelled portions of truck roads and skid trails, Areas of exposed soil within 2550 feet of the streams channel as measured from the top of the streambank shall ~~must~~ be seeded and mulched, according to with application rates as shown in Table 3, immediately after installing stream crossing structures.

~~Seeding and mulching should be done as soon as possible to minimize potential for erosion.~~

~~Seeding and mulching should be done during seasons and during weather conditions favorable to seed germination.~~

Table 3: ~~Methods of Seeding and Mulching Logging Roads, Log Landings and Skid Trails~~

<del>Temporary Cover</del>		
<del>Material</del>	<del>Rate of Application</del>	<del>Recommended Time of Application</del>
<del>(A) Hay Mulch Only</del>	<del>60 bales/acre</del>	<del>Any Time</del>
<del>(B) Domestic Ryegrass</del>	<del>20 lbs/acre</del>	<del>Fall (for spring growth)</del>
<del>OR</del>		
<del>Permanent Cover</del>		
<del>Material</del>	<del>Rate of Application</del>	<del>Recommended Time of Application</del>
<del>(A) Soil Conservation Mix* Creeping Red Fescue 35% Redtop 6% Kentucky Bluegrass 24% Perennial Ryegrass 18% Annual Ryegrass 20% White Clover 5%</del>	<del>42 lbs/acre</del>	<del>April 15-June 15 or Aug. 1-Sept. 15</del>
<del>*Premixed and available at most seed distributors.</del>		
<del>OR</del>		

<del>Permanent Cover</del>		
<del>(B) Critical Area</del>		<del>April 15</del>
<del>Mix</del>		<del>June 15</del>
<del>Creeping Red</del>	<del>42 lbs/acre</del>	<del>or</del>
<del>Fescue 48%</del>		<del>Aug. 1-Sept</del>
<del>Redtop 4%</del>		<del>15</del>
<del>Tall Fescue 48%</del>		
<del>Site Preparation for Permanent Cover</del>		
<del>Lime should be spread at rate of 2 tons/acre</del>		
<del>Fertilizer should be a mixture of 10-10-10</del>		
<del>applied rate of 240 lbs/acre</del>		
<del>Mulch at 60 bales/acre</del>		

13. Stream crossings shall be made at right angles where possible. Protective Strips

7.6 Stream Crossings on Truck Roads and Skid Trails - Practices To Be Applied

Immediately After Logging

7.6.1 All temporary structures shall be removed from streams and the channel restored to a stable condition. Brushed-in crossings on intermittent streams shall be removed when skid trail use has been completed or as soon thereafter as ground conditions allow.

7.6.2 After removing temporary stream crossing structures, waterbars shall be correctly installed 25 feet back from the top of the streambank to divert surface water runoff into a filter area. All areas of exposed soil shall be seeded and mulched a minimum of 50 feet on each side of the stream crossing. Seed and mulch at application rates according to Table 3 immediately after logging or as soon thereafter as ground conditions allow.

14. Except for necessary construction of stream crossings, a protective strip shall be left along streams and other bodies of water in which only light thinning or selection harvesting can occur so that breaks made in the canopy are minimal and a continuous cover is maintained. Log transport machinery must remain outside a 25'

margin along the stream or water body. Including this 25' margin, the width of the protective strip shall be according to Table 4.

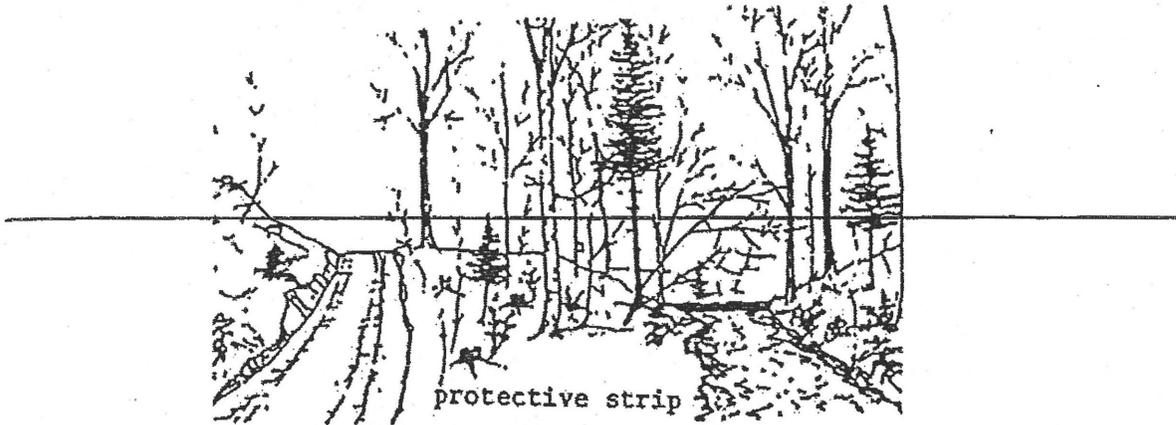


Figure 11. Protective Strip. A protective strip prevents sediment from reaching streams and maintains shade and streambank stability.

Table 4: Protective Strip Width Guide

<u>Slope of Land Between Roads or Landings and Streambanks or Lake Shores (percent)**</u>	<u>Width of Strip Between Roads or Landings and Stream (Feet Along Surface of Ground)</u>
0-10	50
11-20	70
21-30	90
31-40+	110

\*Add 20 ft. for each additional 10% side slope.

\*\* See Slope Chart (Figure 1).

## 7.7 Forest Buffer

7.7.1 A forest buffer shall be left along streams and other waters in which only partial cutting can occur such that openings in the forest canopy are minimal and continuous forest cover is maintained.

The width of the buffer shall be in accordance with Table 4 as measured from the top of the streambank.

7.7.2 Truck roads, skid trails and log landings shall not be located within a

forest buffer, except for the necessary construction of stream crossings.

7.7.3 In a forest buffer, no logging equipment shall be operated within a 25-foot wide area along streams, as measured from the top of the streambank, and other waters.

~~15. Log landings shall be located on level or gently sloping, stable ground.~~

~~—Greater latitude exists in the location of landings during the stable conditions that exist in the frozen winter season.~~

~~—Locate log landings away from low or poorly drained areas.~~

~~—Landings should be sized to the minimum required for the acres to be cut, the equipment used and the diversity of products produced.~~

16. Landings shall not be located in protective strips. The width of the protective strip shall be in accordance with Table 4.

~~—Careful location of log landings will protect water quality and improve operating conditions for the logger.~~

~~—Divert upslope drainage from skid roads around landing area.~~

17. Silt fencing, haybale erosion checks or water diversions shall be used to prevent sediment from landings from entering streams and other surface waters.

## SECTION II

### PRACTICES TO BE APPLIED AFTER LOGGING

~~It is critical to leave harvested forest land in a condition that minimizes problems in the future. Application of these practices will provide long-term protection of the water.~~

~~These protective measures are to be taken before equipment is removed from the logging site. Landowners are responsible for maintaining erosion control devices after a logging operation is completed.~~

#### Truck Roads

18. Waterbars (Figure 12) on temporary roads shall be properly installed at intervals shown on Table 1. They shall be at least 8" deep and installed with a 4 degree gradient when ledge and rock permit.

~~— Deep waterbars should be used on roads which are to be closed to vehicle traffic. Back to back waterbars located at the beginning of roads will discourage use.~~

~~— Soil should be left along the lower side of the waterbar.~~

~~— Waterbars should be drained at a slight outslope onto undisturbed litter or vegetation. The outslope should allow for natural drainage of water away from the road.~~

~~— If the road is to be kept open after logging, the following guidelines should be used in order to preserve effective waterbars:~~

~~(a) Keep travel to a minimum,~~

~~(b) Use only in dry weather, and~~

~~(c) Make periodic inspections followed up by basic maintenance.~~

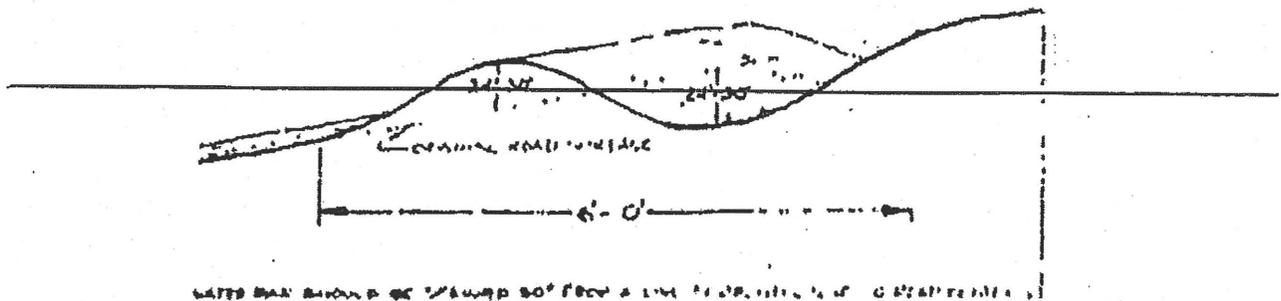


Figure 12: Waterbar Design. Standard waterbars shall be at least 8" deep. Deep waterbars should be used on roads that will be closed to vehicle traffic and should be 24-30" deep.

### Skid Trails

19. Ruts shall be filled and smoothed if they offer any potential for gullying.

20. Waterbars shall be installed at proper intervals according to Table 1.

~~— Erect barriers (i.e. boulders, felled trees, signs) to prevent off-road~~

vehicles such as trail bikes from damaging waters.

Surface Water and Stream Crossings

21. All non-permanent structures shall be removed from streams and the channel restored. Permanent culverts left in streams must be sized according to Table 2.

22. Following the close of an operation, all approaches to streams, between the stream and the first water diversion of either side, and all disturbed streambanks shall be stabilized and seeded and mulched at application rates according to Table 3 as soon as conditions are favorable to seed germination but no longer than one year after logging is completed.

Log Landings

23. Log landings shall be graded and water diversions installed as needed to prevent sedimentation.

24. Areas of exposed soil within the protective strip along waterways shall be stabilized by seeding and mulching with application rates as shown in Table 3.

Summary Chart for Drainage Devices

<u>Device</u>	<u>Use</u>	<u>Location/Spacing</u>	<u>Construction-Specifications</u>
<u>Pole Culverts</u>	<u>Logging Roads &amp; Skid Trails</u>	<u>Page 6</u>	<u>Figure 2</u>
<u>Broad-Based Dips</u>	<u>Logging Roads &amp; Skids Trails Less Than 10% Grade</u>	<u>Page 7</u>	<u>Figures 3 and 4</u>
<u>Ditch/Culverts</u>	<u>Logging Roads</u>	<u>Table 1</u>	<u>Table 2 and Figure 5</u>

Turnups	<del>Streams Fords &amp; Skid Trails</del>	Page 10	Figure 6
Header Bridge	<del>Stream Crossings</del>		Figure 8
Fords	<del>Stream Crossings</del>		Figure 9
Waterbars	<del>Permanent Logging Roads &amp; Skid Trails</del>	Table 1	Figure 12

## 7.8 Petroleum Products and Hazardous Materials

7.8.1 Petroleum products and other hazardous materials as necessary for logging shall be stored only on log landings, placed outside of forest buffers, and shall be removed upon completion of logging.

## 7.9 Log Landings - Practices to Be Applied During Logging

7.9.1 Log landings shall not be located in a forest buffer. The width of the forest buffer shall be in accordance with Table 4.

7.9.2 Silt fencing, hay bale check dams and drainage structures shall be correctly installed on log landings to prevent sediment from entering streams and other waters.

## 7.10 Log Landings - Practices to Be Applied Immediately After Logging

7.10.1 Log landings shall be stabilized and drainage structures shall be correctly installed to prevent sediment from entering streams and other waters.

**7.11 Table 1: Distance (feet) Between Drainage Structures on Truck Roads and Skid Trails**

Road Grade (Percent Slope)	Skid Trails		Truck Roads Permanent Truck Roads During and After Logging. Temporary Truck Roads During Logging.		Temporary Truck Roads After Logging
	During Logging (Waterbars & Turn-Ups)	After Logging (Waterbars and Turn-Ups)	Broad-Based Dips	Ditch Relief Culverts	Waterbars
<u>1</u>	<u>500</u>	<u>400</u>	<u>500</u>	<u>450</u>	<u>400</u>
<u>2</u>	<u>300</u>	<u>250</u>	<u>300</u>	<u>300</u>	<u>250</u>
<u>5</u>	<u>200</u>	<u>135</u>	<u>180</u>	<u>200</u>	<u>135</u>
<u>10</u>	<u>140</u>	<u>80</u>	<u>140</u>	<u>140</u>	<u>80</u>
<u>15</u>	<u>130</u>	<u>60</u>	---	<u>130</u>	<u>60</u>
<u>20</u>	<u>120</u>	<u>45</u>	---	<u>120</u>	<u>45</u>
<u>25</u>	<u>110</u>	<u>40</u>	---	<u>65</u>	<u>40</u>
<u>30</u>	<u>100</u>	<u>35</u>	---	<u>60</u>	<u>35</u>
<u>40</u>	<u>90</u>	<u>30</u>	---	<u>50</u>	<u>30</u>

**7.12 Table 2: Minimum Culvert Sizing for Temporary Stream Crossings**

Drainage Area (Acres)	Waterway Area Required For Bridges and Culverts (Square Feet)	Culvert Diameter (Inches)
<u>4</u>	<u>0.6</u>	<u>12</u>
<u>8</u>	<u>1.0</u>	<u>15</u>
<u>15</u>	<u>1.5</u>	<u>18</u>
<u>20</u>	<u>1.9</u>	<u>18</u>
<u>40</u>	<u>3.2</u>	<u>24</u>
<u>50</u>	<u>3.8</u>	<u>30</u>
<u>80</u>	<u>5.3</u>	<u>36</u>
<u>100</u>	<u>6.3</u>	<u>36</u>
<u>150</u>	<u>8.6</u>	<u>42</u>
<u>200</u>	<u>10.6</u>	<u>48</u>
<u>250</u>	<u>12.6</u>	<u>48</u>
<u>300</u>	<u>14.4</u>	<u>54</u>
<u>350</u>	<u>16.2</u>	<u>60</u>
<u>450</u>	<u>19.5</u>	<u>60</u>
<u>550</u>	<u>22.7</u>	<u>66</u>
<u>640</u>	<u>25.4</u>	<u>72</u>

7.13 Table 3: Methods of Seeding and Mulching Truck Roads, Log Landings, Skid Trails and Stream Crossings

<u>Options</u>	<u>Rate of Application</u>	<u>Timing of Application</u>
<u>Option 1. Hay or Straw Mulch with Annual Ryegrass</u>	<u>60 bales/acre or 1 ½ bales/1,000 square feet</u> <u>AND</u> <u>Annual ryegrass at 40 lbs./acre</u> <u>or 1 lb./1,000 square feet</u>	<u>Anytime</u>
<u>Option 2. Hay or Straw Mulch with Winter Rye</u>	<u>60 bales/acre or 1 ½ bales/1,000 square feet</u> <u>AND</u> <u>Winter rye at 112 lbs./acre</u> <u>or 2 ½ lbs./1,000 square feet</u>	<u>Anytime</u>
<u>Option 3. Hay or Straw Mulch with Soil Conservation Seed Mix</u>	<u>60 bales/acre or 1 ½ bales/1,000 square feet</u> <u>AND</u> <u>Soil Conservation Seed Mix at 42 lbs./acre</u> <u>or 1 lb./1,000 square feet</u>	<u>Anytime. Best when applied between April 15 – June 15</u> <u>OR</u> <u>August 1 – September 15</u>

7.14 Table 4: Minimum Forest Buffer Widths

<u>Percent Slope of Land Between Skid Trails, Truck Roads or Log Landings and Streams or Other Bodies of Water</u>	<u>Width from Top of Streambank (Feet Along Surface of Ground Measured Perpendicular to the Stream)</u>
<u>0-10</u>	<u>50</u>
<u>11-20</u>	<u>70</u>
<u>21-30</u>	<u>90</u>
<u>31-40*</u>	<u>110</u>

\*Add 20 feet for each additional 10 percent slope

ASSISTANCE

If you would like more information about how to control soil erosion on your logging job or if you have water quality problems that are hard to solve, please call any of these people for assistance.

DISTRICT FORESTERS

Rutland and Bennington Counties

<del>Pittsford, Box 89B, Pittsford Academy</del>	<del>483-2314</del>
<del>Windham and Windsor Counties</del>	
<del>North Springfield, RR #1, Box 33</del>	<del>886-2215</del>
<del>Addison, Chittenden, Franklin and Grand Isle Counties</del>	
<del>Essex Junction, 111 West Street</del>	<del>879-6565</del>
<del>Caledonia, Essex and Orleans Counties</del>	
<del>St. Johnsbury, 180 Portland Street</del>	<del>748-8787</del>
<del>Lamoille, Orange and Washington Counties</del>	
<del>Barre, 255 North Main Street</del>	<del>828-2454</del>
<del>NH Extension Forester</del>	
<del>Aiken Center, Burlington</del>	<del>656-3258</del>
<del>Soil Conservation Service</del>	
<del>69 Union Street, Winooski</del>	<del>951-6795</del>
<del>Vermont Timber Truckers and Producers Association</del>	
<del>RR #3, Box 118, Barton</del>	<del>525-4404</del>
<del>Consulting Foresters Association of Vermont</del>	
<del>10-20 Langdon Street, Montpelier</del>	<del>223-8644</del>

LOGGING JOB COMPLAINTS

Any complaints about logging jobs which are causing a stream to run muddy or are creating serious erosion problems, should be immediately forwarded to an Environmental Conservation Investigator who can be contacted through the local Agency of Natural Resources District Office. Complaints may also be forwarded to the Chief Environmental Conservation Investigator in Waterbury (244-8755). For

~~other than significant discharges, complaints will usually be handled through a cooperative arrangement between the Vermont Timber Truckers and Producers Association (VTPA) and the Vermont Agency of Natural Resources. This arrangement involves on-site visits by local committees to the logger responsible for the problem. The committees will encourage the logger to apply the appropriate erosion control practices described in this book in order to eliminate or reduce eliminate the problem. Only in cases of significant discharges or where voluntary compliance is not successful, will the Environmental Conservation Investigator take the enforcement action.~~

#### REFERENCES

~~The authors of this guide have drawn freely from the following sources. These references should be considered if more information is needed.~~

~~Fisher, J.E. and Taber, D.W., Logging Road and Skid Trail Construction, Proceeding of a Workshop, AFRI Misc. Report No. 6, December, 1975, Applied Forestry Research Institute, Syracuse, New York.~~

~~Goodhue, Sargent, Twelve Ways to Reduce Soil Erosion and Stream Pollution on Logging Jobs, 1975, New Hampshire Division of Forests and Lands, Department of Resources and Economic Development, Concord, New Hampshire.~~

~~Hartung, R.E. and Kress, J.M., Woodlands of the Northeast Erosion and Sediment Control Guides, 1977, USDA Soil Conservation Service, NETSC, Broomall, Pennsylvania and USFS State and Private Forestry, Upper Darby, Pennsylvania.~~

~~Hausman, R.F. and Pruett, E.W., Permanent Logging Roads for Better Woodlot Management, 1973, USDA Forest Service, State and Private Forestry, Upper Darby, Pennsylvania.~~

~~Kochenderfer, J.N., Erosion Control on Logging Roads in the Appalachians, Research Paper NE-158, 1970, USDA Northeastern Forest Experiment Station, Upper Darby, Pennsylvania.~~

~~McEvoy, Thom et.al., Proceedings — Forest Water Quality and Erosion Control in Vermont, 1986, School of Natural Resources, UVM, Burlington, Vermont.~~

~~Smalley, Francis, Suggested Ways to Prevent Erosion of Log Roads and Pollution of Streams, 1977, Vermont Forestry Runoff Committee, Montpelier, Vermont.~~

~~Winkelaar, P., Forest Road Location and Erosion Control on Northern New Hampshire Soils, Extension Publication No. 2, 1971, Cooperative Extension Service, University of New Hampshire, New Hampshire.~~

#### APPENDIX I — VERMONT LAWS

##### Definitions

~~Discharge — means the placing, depositing or emission of any wastes, directly or indirectly, into the waters of the state.~~

~~Waste — means effluent, sewage or any substance or material, liquid or solid, whether or not harmful or detrimental to water.~~

~~Waters — shall include all rivers, streams, creeks, brooks, reservoirs, ponds, lakes, springs and all bodies of surface waters, artificial or natural, which are contained within, flow through or border upon the state or any portion thereof.~~

##### A. LAWS AND REGULATIONS AFFECTING LOGGING OPERATIONS

###### Water Pollution Control:

~~No person shall discharge any waste, substance or material into waters of the state, nor shall any person discharge any waste, substance or material into an injection well...~~

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10 V.S.A. 1259(a)

~~The provisions of subsections (c), (d) and (e) of this section shall not regulate accepted agricultural or silvicultural practices, as such are defined by the commissioners of agriculture and forests, parks and recreation, respectively, after an opportunity for a public hearing...~~

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From 10 V.S.A. 1259(f)

~~Enforcement:~~

~~(a) If the Secretary of the Agency of Natural Resources finds that any person has discharged or is discharging any waste (by not having used acceptable management practices) or that any person has failed to comply with any provisions of any order or permit issued in accordance with this chapter, the Secretary may bring suit in the superior court in any county where the discharge or non-compliance has occurred to enjoin the discharge and to obtain compliance. The suit shall be brought by the attorney general in the name of the state. The court may issue a temporary injunction or order in any such proceedings and may exercise all the plenary powers available to it in addition to the power to:~~

~~(1) enjoin future discharges;~~

~~(2) order the design, construction, installation or operation of pollution abatement facilities or alternate waste disposal systems;~~

~~(3) order the removal of all wastes discharged and the restoration of water quality;~~

~~(4) fix and order compensation for any public property destroyed, damaged or injured;~~

~~(5) assess and award punitive damages;~~

~~(6) levy civil penalties not to exceed \$10,000 a day for each day of violation; and~~

~~(7) order reimbursement to any agency of federal, state or local government from any person whose discharge caused governmental expenditures.~~

~~(b) The Secretary, by rule, shall define those violations which are significant, based upon the magnitude, duration, consequences and causes of the violation. When a significant violation occurs, the Secretary may initiate proceedings to compel compliance by and seek penalties from the violator. A court, upon finding that such a violation has occurred, shall order compliance and retain jurisdiction to assure that compliance schedules are met. The court also shall~~

~~impose penalties.~~

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from 1274

~~Penalty:~~

~~(a) Any person who violates any provision of (Vermont's Water Pollution Control Law) or who fails, neglects or refuses to obey or comply with any order or the terms of any permit issued in accordance with this subchapter, shall be fined not more than \$25,000 or be imprisoned not more than six months or both. Each violation may be a separate offense and, in the case of a continuing violation, each day's continuance may be deemed a separate offense.~~

~~(b) Any person who knowingly makes any false statement, representation or certification in an application, record, report, plan or other document filed or required to be maintained under this subchapter, or by any permit, rule, regulation or order issued under this subchapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this subchapter or by any permit, rule, regulation or order issued under this subchapter, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than six months or both.~~

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from 1275

~~Alteration of Streams:~~

~~A person shall not change, alter or modify the course, current or cross section of any stream with a drainage area greater than ten (10) square miles either by movement, fill or by excavation of ten (10) cubic yards of fill. A person proposing to alter or modify a stream shall apply in writing to the Natural Resources Agency for a permit to do so. Penalty: Maximum fine, \$1,000. Each violation may be a separate offense and, in the case of a continuing violation, each day's continuance thereof may be a separate offense.~~

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10 V.S.A. 1021, 1025

~~Deposit of Sawmill Waste in Waters:~~

~~It shall be unlawful for a person to deposit edgings, slabs, sawdust, shavings or any other sawmill refuse in the waters of any stream, pond, reservoir or lake in the state or on the shores or banks thereof in such a manner as to be subject to being washed in the mainstream or body of water under normal high water conditions. Maximum fine shall be not more than \$100 for each offense.~~

~~10 V.S.A. 1301~~

~~Rubbish and Garbage:~~

~~A person shall not throw, dump, deposit bottles, cans, junk, paper, garbage, old automobiles, refuse of whatever nature or any noxious things on lands of others or within 300 feet of the lands of others, public or private, or into the waters of this state, or on the shores or banks thereof, or on or within view of a public highway. Logging and sawmill operations are exempt from the restrictions concerning the distance of 300 feet and visibility from a public highway. Penalty: Maximum fine \$500 or 10 days, or both.~~

~~24 V.S.A. 2201~~

~~Slash Removal:~~

~~(a) A person may cut or cause or permit to be cut forest growth only if all slash adjoining the right-of-way of any public highway or the boundary lines of woodlots owned by adjoining property owners is treated in a manner satisfactory to the town forest fire wardens.~~

~~(b) Owners or operators of timber or woodlots shall leave the main logging roads through cutover areas free from slash so that tractors may pass over these roads unobstructed in order to carry men and supplies and fire fighting equipment to fire suppression crews.~~

~~(c) If in the opinion of the town forest fire warden there is no fire hazard as a result of a cutting, he may issue, upon request, a statement relieving the operator of the conditions in this section. Penalty: Upon complaint of a fire warden, a person who violates the provisions of this section shall be fined not~~

~~more than \$50 for each offense.~~

~~10 V.S.A. 2648~~

~~Logging Operations Above 2500 Feet in Elevation:~~

~~Any logging activity over 2500 feet in elevation requires an Act 250 permit.~~

~~10 V.S.A. 6001 (Sec. 3), 6081~~

~~Registration of Chip Harvesters:~~

~~The Commissioner of Forests, Parks and Recreation is authorized to license all whole-tree chip harvesters, portable sawmills and other similar portable wood utilization equipment in Vermont. Guidelines will be developed by the Department of Forests, Parks and Recreation after receiving public input.~~

~~10 V.S.A. 2623(3)~~

~~B. FOREST PROPERTY TAX LAWS~~

~~(a) By town meeting vote, Vermont towns may authorize their selectmen to enter tax stabilization contracts with owners of forest land to fix the amount of taxation of qualifying forest property. Both the qualifications and amount of tax relief are set by the town. Contracts may not exceed 10 years and must be available for public inspection.~~

~~10 V.S.A. 2741~~

~~(b) A town's Board of Selectmen, without voter approval, may enter tax stabilization contracts with qualifying forest landowners. While selectmen can determine the amount of tax relief to be granted, certain state requirements for property qualifications must be satisfied:~~

~~— qualifying forest land must be at least 25 acres in size and actively managed for repeated forest crops.~~

~~— stabilization agreements must provide for rollback tax, amounting to the previous three year's "tax savings." This would be due if the land were converted to another use in violation of the contract.~~

~~— aggrieved landowners may appeal the decisions of local officials regarding~~

~~applications, use value appraisal and land classification.~~

~~Tax stabilization contracts granted under this statute are subject to the general provisions of 24 V.S.A. 2741 discussed above. The difference (here) is absence of town meeting approval and the addition of certain state requirements: 25 acre parcels, rollback tax, etc.~~

32 V.S.A. 3846

~~State Land Use Tax:~~

~~(a) Qualifying owners may obtain use value (rather than fair market value) appraisal on their forest land by applying to local officials. To qualify, such land must be:~~

~~— at least 25 acres in size and actively managed for repeated forest crops.~~

~~— subject to a 10-year forest management plan which must be annually recorded and certified by the Agency of Natural Resources. A State Current Use Advisory Board will provide a schedule of use values based on the class, type, grade and location of land together with its income-producing capability. This schedule will be used by local officials in appraising forest land each year. Whenever such land is developed, a land use change tax amounting to 10% of the parcel's fair market value must be paid by the owner of the state. "Development" includes subdivision of land resulting in a parcel of less than 25 acres in size, construction activity not associated with forestry or logging or inappropriate timber cutting. Aggrieved landowners may appeal certain decisions of state and local officials regarding applications, appraisal and classification of property.~~

(802) 828-2863

MEMORANDUM

OFFICE OF THE SECRETARY OF STATE

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To: Gary Sabourin Agency of Natural Resources, Department of Forests, Parks and Recreation, 1 National Life Drive, Davis 2 Montpelier VT 05620-3801 Tel: 802-272-4145 Fax: 802-828-1399 Email: gary.sabourin@vermont.gov URL: <http://anr.vermont.gov/forests-parks-rec>. FOR COPIES: Meghan Purvee Agency of Natural Resources, Department of Forests Parks and Recreation 1 National Life Drive, Davis 2 Montpelier, VT 05620-3801 Tel: 802-279-7870 Fax: 802-828-1399 Email: meghan.purvee@vermont.gov.

From: Louise Corliss, APA Clerk

RE: Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont.

Date 11/16/2015

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We received Proposed Rule on 11/16/2015

Final Proposed Rule on

Adopted Rule on

We have assigned the following rule number(s):

Proposed Rule Number: 15P063

Adopted Rule Number:

(Final Proposals are not assigned a new number; they retain the Proposed Rule Number.)

The following problems were taken care of by phone/should be taken care of immediately: Proposed Filing: The statutory authority cited did not include a portion of statute that designates the Secretary of the Agency as the signatory for rulemaking, that citation has been added to accurately reflect the authority for the signatory, no further action required. Also the first occurrence of AMPs in the concise summary has been clarified by providing the words that the acronym replaces and the acronym has been added to the keywords.

We cannot accept this filing until the following problems are taken care of:

The ad for this proposed rule appeared/will appear in newspapers of record on 12/03/2015 & / / .

This rule takes effect on

Adoption Deadline: 07/16/2016

Please note:

If you have any questions, please call me at 828-2863. OR  
E-Mail me at: lcorliss@sec.state.vt.us

cc: Charlene Dindo

Vermont Secretary of State  
APA Filing Office  
Location: VSARA 1078 US Rte 2 Middlesex Vermont  
Mail: 1078 US Rte 2 Middlesex, Montpelier, VT 05633-7701

Administrative Procedures Act

Rule # 15063

Rule Name: Acceptable Management Practices for Maintaining Water Quality on  
Logging Jobs in Vermont.

Agency: Natural Resources; Forests,  
Parks & Rec.

Agency Business Unit # Reference:

Date: 11/16/2015

Attention: Gary Sabourin Agency of Natural Resources, Department of Forests,  
Parks and Recreation, 1 National Life Drive, Davis 2 Montpelier VT  
05620-3801 Tel: 802-272-4145 Fax: 802-828-1399 Email:  
gary.sabourin@vermont.gov URL: [http://anr.vermont.gov/forests-  
parks-rec](http://anr.vermont.gov/forests-parks-rec). FOR COPIES: Meghan Purvee Agency of Natural Resources,  
Department of Forests Parks and Recreation 1 National Life Drive,  
Davis 2 Montpelier, VT 05620-3801 Tel: 802-279-7870 Fax: 802-828-  
1399 Email: meghan.purvee@vermont.gov.

Your agency will be invoiced for the cost of publication of this  
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If you have any questions, please contact our business office at 828-0498.

Thank you.

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