

# Vermont's Acceptable Management Practices Program

## Annual Statewide Summary

### 2005

#### ***Background***

In 1986, the Vermont Legislature passed amendments to Vermont's Water Quality Statutes Title 10 V.S.A. Chapter 47: Water Pollution Control. The amendments 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." The revised state law requires permits for discharges of "any waste, substance or material into the waters of the state." However, individual permits are not required for any discharges that inadvertently result from logging operations if responsible management practices are followed to protect water quality. "Acceptable Management Practices (AMP's) For Maintaining Water Quality on Logging Jobs in Vermont" were developed and adopted as rules to Vermont's water quality statutes and became effective on August 15, 1987. The AMP's are intended and designed to prevent any mud, petroleum products and woody debris (logging slash) from entering waters of the state. They are scientifically proven methods for loggers and landowners to follow for maintaining water quality and minimizing erosion.

Since adoption of the AMP's, the Department of Forests, Parks and Recreation (FP&R) has worked with representatives from the Vermont forest industry to support the Agency of Natural Resource (ANR) Enforcement Division in an effort to reduce the number and severity of discharges resulting from logging operations.

#### ***Memorandum of Understanding***

In 1990 a Memorandum of Understanding (MOU), was developed between the ANR Enforcement Division and the Department of FP&R and remains in effect. The MOU outlines a process to be followed that provides a consistent approach to remediation and enforcement of water quality violations occurring on logging operations. According to the agreement, five AMP Technical Advisory Teams (TAT's) were created to directly assist any logger or landowner when there is a discharge or a request for assistance. These teams will consist of an FP&R forester at a minimum when conducting site inspections. An ANR Enforcement Officer, when deemed necessary and a representative of the Vermont forest industry, depending on their availability, may also be involved with conducting site inspections. Enforcement would only be pursued in instances where:

- There is substantial failure to comply with the AMP's which has resulted or is likely to result in substantial environmental degradation;
- Efforts to obtain voluntary compliance have been unsuccessful; and
- There is a history of noncompliance with the AMP's coupled with discharges to State waters.

This report summarizes statewide results of AMP technical assistance program activities and other related efforts to Vermont's AMP Program from January 1, 2005 to December 31, 2005.

### ***AMP Site Investigations & Assistance Provided***

During 2005, AMP foresters conducted site investigations on thirty-three logging operations. These investigations are commonly prompted by complaints received from the general public. Upon investigation, twenty of these cases either displayed an on-going discharge or exhibited evidence that a discharge had recently occurred as a result of logging. Site restoration work was completed on seventeen of those cases during 2005. Appropriate AMP's were prescribed and implemented and/or the logging operation was closed out to the satisfaction of the State. Monitoring and possibly additional site restoration work will occur during 2006 on the other three cases. In all cases discharges to State waters were brought under control in a timely fashion.

Thirteen cases revealed no active discharge or evidence that one had recently occurred as a result of logging. However, recommendations to prevent any potential water quality impact and to control soil erosion were provided in all these cases.

### ***A.N.R. Enforcement***

During 2005 ANR Enforcement Officers were called in to assist on two field investigations. Four cases were referred to the ANR Enforcement legal staff for formal prosecution during 2005. All four cases were investigated with AMP's implemented upon recommendations put forth by the TAT's prior to 2005. Of these four cases, one was settled with a formal letter that involved a subsequent purchaser of the property agreeing to implement AMP recommendations. Two cases were resolved by an Assurance of Discontinuance (AOD). Under the terms of the AOD, the loggers were required to complete AMP training, implement the AMP

recommendations and pay a penalty for the violations. One case remains open and efforts are proceeding to contact the logger.

### ***Requests for Technical Assistance***

There were three requests for technical assistance during 2005. Requests for technical assistance generally entail an AMP forester meeting with a logger at his/her request. The meeting is generally held on-site before a logging operation begins to provide recommendations aimed at protecting water quality and preventing erosion both during and after the operation. Most assists deal specifically with temporary stream crossings.

### ***Educational Efforts***

During 2005, a total of 106 Vermont loggers received AMP training by attending various workshops. The Vermont Loggers Academy (VLA) owned and operated by the Vermont Loggers Association hosted a two-hour workshop session for loggers on the topic of *Forest Water Quality & Wetlands*. Eight loggers attended this session. Another thirty-five loggers attended VLA workshops where forest water quality was a component of the training, which brings the total number of loggers receiving training to forty-three. The Logger Education to Advance Professionalism (LEAP) program offered a one-day training session for loggers on the topic of *Forest Water Quality & Wetlands*. Twenty-six loggers attended this workshop. In addition to this seventeen loggers received introductory AMP training (a one hour session) as part of the *Forest Ecology* workshop. Also during 2005 the Department of Forests, Parks and Recreation hosted two full day workshops entitled “*Protecting Forest Water Quality & Stream*

*Habitats during Timber Harvesting Operations.*” This workshop was made possible through a 2005 Forestry Innovation Grant through the U.S. Forest Service, State and Private Forestry Program. Loggers, landowners and consulting foresters were invited to attend. Total attendance for these workshops was 86, with 20 loggers present. The afternoon field session focused on the economic and environmental benefits of using wooden portable skidder bridges.

### ***Conclusions***

The program continues to keep water quality violations from logging activity to a level that has been manageable given the number of logging operations. There continues to be a high level of cooperation and voluntary compliance among loggers to bring their operations into compliance with Vermont’s Water Quality Statutes. The MOU between the Department of Forests, Parks, and Recreation and the ANR Enforcement Division has been an effective guide to refer to when investigating AMP cases. AMP cases referred to the ANR Enforcement Division remains low in comparison to the total number of water quality cases investigated. Vermont loggers are encouraged to continue participating in AMP workshops offered by the Vermont Loggers Academy and the Logger Education to Advance Professionalism (LEAP) program.

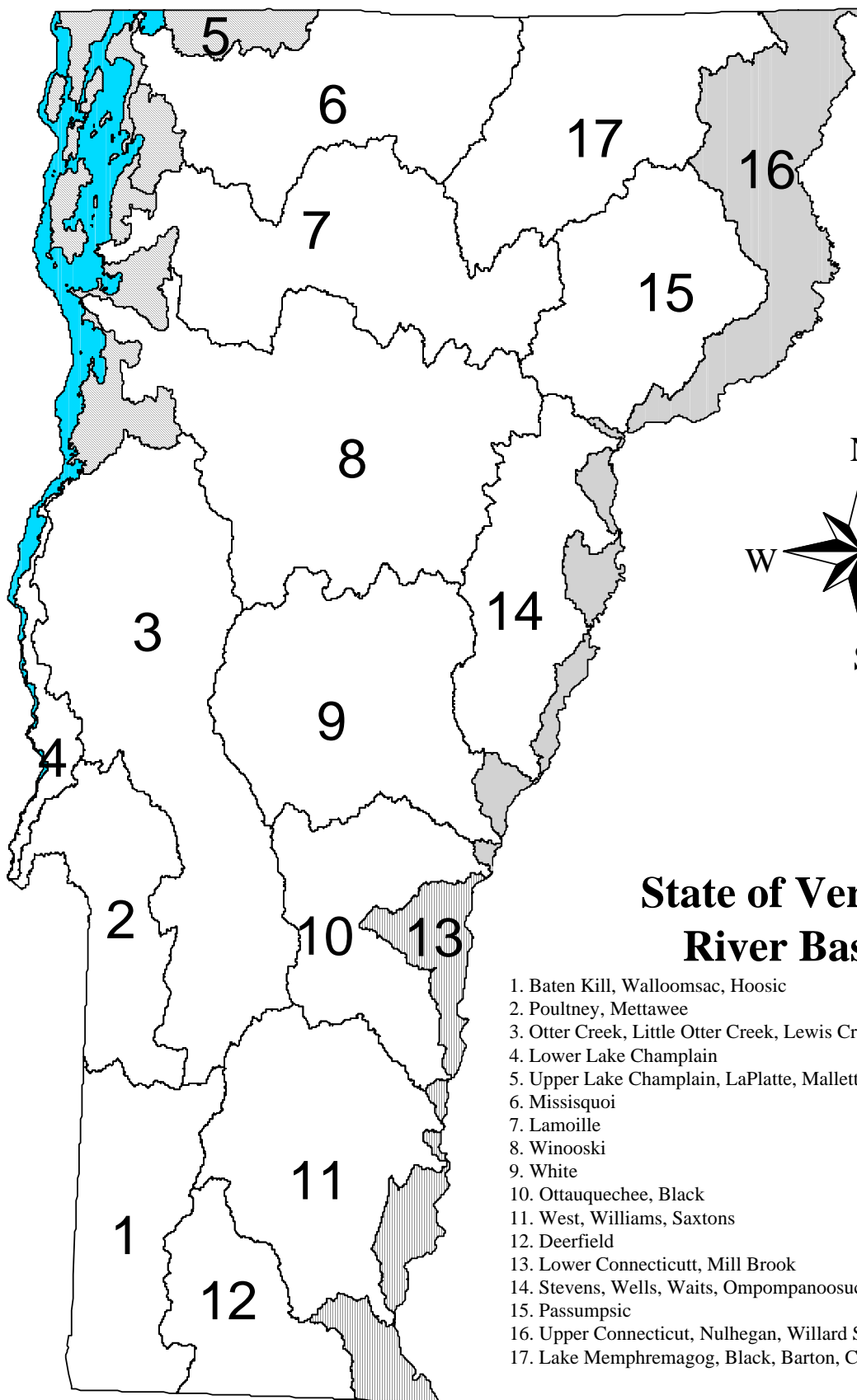
CC:	Jonathan Wood	Allan Quackenbush
	Steven Sinclair	Cathy Kashanski
	Brian Stone	Steve Syz
	District Forestry Managers	Brad Wright
	AMP Foresters	Sal Spinosa
	ANR Enforcement Officers	Gary Kessler
	Roberta Borland	Laura Pelosi
	Ed Larson	Herb Conly

## STATE-WIDE SUMMARY OF AMP CASES - 2005

	<b>DISTRICT</b>					
	Springfield	Rutland	Essex	Barre	Saint Johnsbury	Total
<b>Number of Cases With Evidence of Discharge</b>	4	0	4	6	6	20
<b>Number of Cases Resolved*</b>	4	0	2	6	5	17
<b>Number of Cases Involving ANR Enforcement Division Action</b>	0	0	0	0	2	2
<b>Number of Requests For Technical Assistance</b>	1	0	0	0	2	3
<b>Number of Cases With No Evidence of Discharge</b>	1	3	3	2	4	13
<b>Recommendations Made (Number of Cases)</b>	5	1	4	8	5	23
<b>Total Number of Cases Investigated**</b>	5	3	7	8	10	33

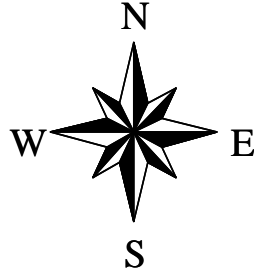
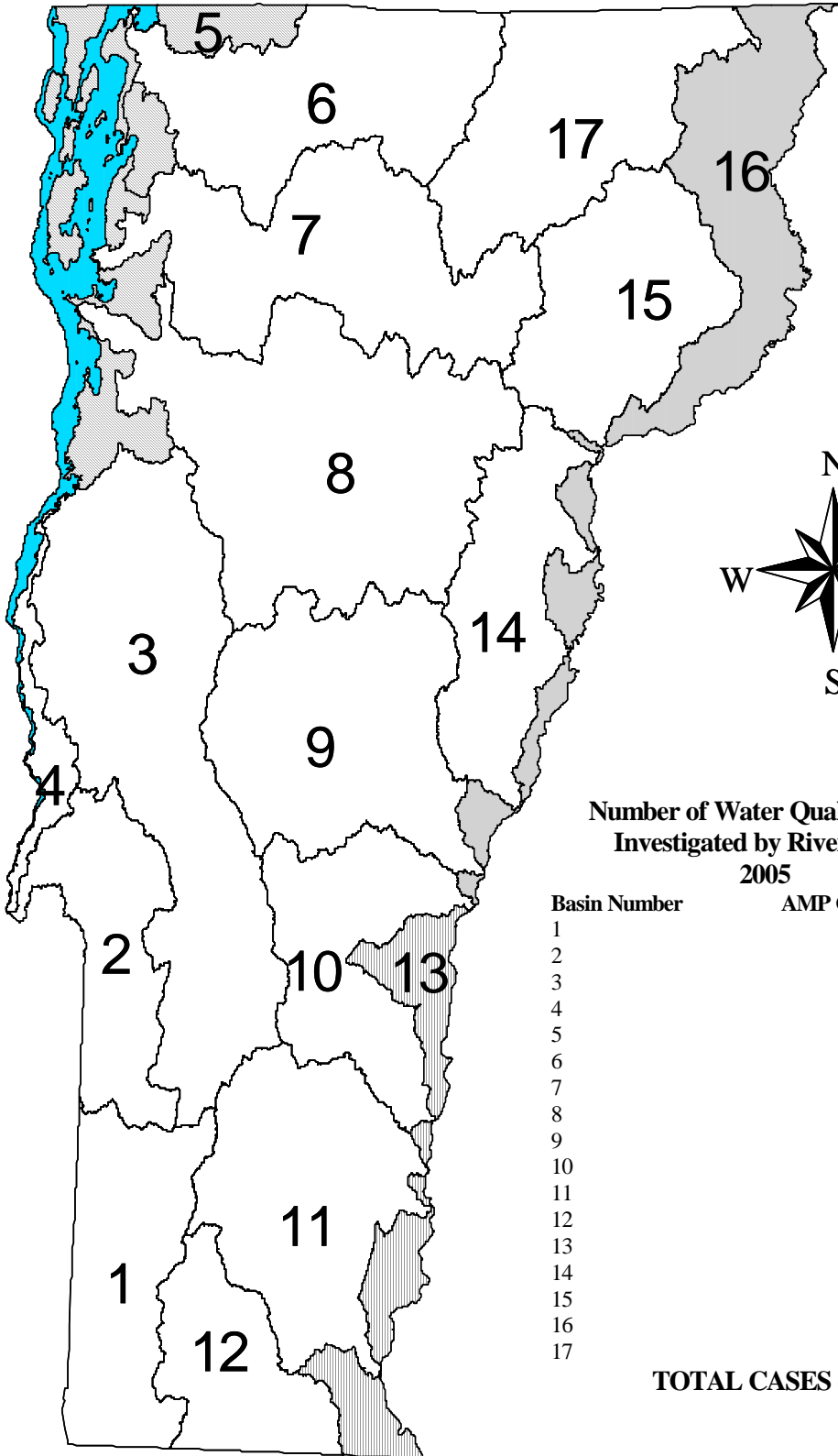
\*Resolved either by the AMPs' being implemented or the operation closed out to the satisfaction of the State.

\*\*This figure is the sum of "Number of Cases with Evidence of Discharge" and "Number of Cases With No Evidence of Discharge".



## State of Vermont River Basins

1. Baten Kill, Walloomsac, Hoosic
2. Poultney, Mettawee
3. Otter Creek, Little Otter Creek, Lewis Creek
4. Lower Lake Champlain
5. Upper Lake Champlain, LaPlatte, Malletts Bay, St. Albans Bay, Pike
6. Missisquoi
7. Lamoille
8. Winooski
9. White
10. Ottauquechee, Black
11. West, Williams, Saxtons
12. Deerfield
13. Lower Connecticut, Mill Brook
14. Stevens, Wells, Waits, Ompompanoosuc
15. Passumpsic
16. Upper Connecticut, Nulhegan, Willard Stream, Paul Stream
17. Lake Memphremagog, Black, Barton, Clyde, Coaticook



**Number of Water Quality Cases Investigated by River Basin 2005**

Basin Number	AMP Cases
1	2
2	0
3	0
4	0
5	0
6	3
7	10
8	3
9	3
10	0
11	3
12	0
13	1
14	3
15	3
16	1
17	1

**TOTAL CASES - 33**