



## Environment Issue Briefing

America's private forests are vital to our water supply and the health of wildlife habitat, but potential over-regulation could have the unintended consequence of driving good forest landowners out of the business of growing and maintaining forests. Not only would this have a negative impact on the U.S. economy, but on the environment as well - air and water quality, climate, wildlife habitat, and landscape would all suffer as a result.

Private forest owners conduct operations that have potential impacts on water quantity and quality on a daily basis and are regulated at the Federal, state, and local levels. Properly planned and executed forest management, conducted in accordance with Best Management Practices, can maintain clean water in the streams, lakes, and rivers in and near forests.

The Federal Clean Water Act (CWA) of 1972 has the most significant direct influence on forest management activities. CWA programs impacting forestry include those involving Nonpoint Source Pollution, the Total Maximum Daily Load (TMDL) Program, Wetlands, and storm and waste water permitting requirements. Additionally, new interpretation of the 1899 Rivers and Harbors Act is impacting forestry, and states frequently develop new water regulations as they find need.

Some courts and regulators have extended the reach of CWA to the point where it may harm rather than help water quality. An expanded CWA could drive good forestland owners out of the business of growing forests, which will have a negative impact on the environment.

At the direction of the Federal Courts, the U.S. EPA is currently revisiting its 1976 designation of silviculture as a nonpoint source of pollution. Forestry should remain a nonpoint source. Additionally, the agency's TMDL Program now correctly classifies silvicultural activity as a nonpoint source of pollution with respect to impaired waters. Any reversal of current policies will expose forest management to overly burdensome permitting processes, which may discourage investment in our nation's private forests.

It is important that any new legislation addressing wetland regulations avoid the unintended consequence of eliminating certain critical proven and well-thought out exemptions for normal forestry operations in wetlands, such as temporary stream crossings and road building, drainage, and even sustainable harvesting.

In addition, in southern Louisiana a new, too-broad interpretation of the 1899 Rivers and Harbors Act to include silvicultural activities is having a negative impact on forestry in the region, and could, if it spreads to other regions of the country, discourage long-term, sustainable forest ownership and management.