

**Report of The  
Tennessee Conservation Commission  
Regarding  
Conservation Impacts of Forest Practices**

## **Chairman's Introduction**

On behalf of the Tennessee Conservation Commission, I'm pleased to present the attached Report of the Commission on the Conservation Impacts of Forest Practices in Tennessee.

This Report marks a departure in approach of the Commission, and is the first in a series of "white paper" reports on specific topics of current interest regarding conservation issues in our State. By focusing on a specific topic, and by listening to presentations of experts from a broad spectrum of interest groups, we believe that we are able to make better recommendations and give better advice to TDEC and Commissioner Fyke.

The conservation impact of forest practices is the first topic we chose, and we spent two entire sessions of Commission meetings listening to the experts and discussing the issues. While the Department of Agriculture (Division of Forestry) has primacy with respect to most matters relating to forestry, TDEC has a significant interest from the standpoint of impacts on water quality as well as on biodiversity. The public in our state has a great interest in what is happening today with our forests, and there are some valid concerns and some misperceptions. We hope that both departments of State government, the legislature, and the public, will be able to gain value from our Report.

My thanks to all members of the Commission, to the gracious folks at TDEC and TDF who helped us, and to the presenters who expertly elaborated the issues relating to forest practices in Tennessee.

Best Regards,  
Will Martin, Chairman  
September 2006

**April 24, 2006**  
**REPORT OF THE TENNESSEE CONSERVATION COMMISSION**  
**TO COMMISSIONER JAMES FYKE,**  
**COMMISSIONER OF THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND**  
**CONSERVATION**  
**REGARDING CONSERVATION IMPACTS OF FOREST PRACTICES**

Introduction

The Tennessee Conservation Commission has engaged in a focused examination of the impacts of forest practices on biodiversity and conservation in the State. We held meetings on the subject in October 2005 and January 2006. At these meetings, a total of 9 experts made presentations on a broad range of subjects and interests. A list of presenters is attached as Attachment A. We appreciated the contribution of these presenters, and we took significant information, education and insight from them. Facts were clarified, issues were framed, and some “myths” were dispelled. In addition, we have received written materials from a number of sources, and these materials have enlarged our understanding of the issues.

The Department of Agriculture and its Division of Forestry (TDF) provided excellent assistance and information in this exercise, as the Department and TDF have primary responsibility in this State for management of forests and forest practices. We appreciate their assistance and professionalism as we conducted this examination of forest practices. While the Department of Environment and Conservation (TDEC) does not have the primary role in State government with respect to forests, TDEC does have a significant interest in the maintenance of healthy forests, from a number of perspectives, including ecological and conservation values. As well, other State agencies have an interest in forest values such as wildlife habitat and scenic qualities that are tied to tourism. And, economic development related to attracting new companies to Tennessee relies in part on the quality of life that is associated with “Green Tennessee”.

Tennessee is a state rich in forest resources. According to statistics presented to our meetings, roughly one-half of the state is forested, about 14 million acres. These forest resources provide a number of direct and indirect economic benefits. Trees provide the direct economic benefits of traditional timber and wood products. Forests provide indirect economic benefits related to tourism. Forests also provide significant ecosystem services and other services, and ecological and conservation benefits, to the people of Tennessee, including clean and abundant water, clean air, biodiversity, wildlife habitat, and (in a world with concerns about climate change) the newly recognized benefit of carbon sequestration. Forests also provide significant recreation and aesthetic benefits to the public. The forest landscape gives a certain identity to the State that adds to the quality of life for Tennesseans, and this translates to indirect economic benefits such as tourism and attracting high-quality relocations to our State. It is in the best interest of the State to promote the continued ownership of forestlands and maintenance of the significant forest cover enjoyed today, as well as responsible logging practices when the trees are harvested.

The biggest threat to Tennessee forests that was identified by the experts who presented to the Commission meetings is the fragmentation and parcelization of the forests as a result of residential and commercial development. The pressures of development are strong, and the higher land prices encourage forest owners to sell to developers. Because the economic incentives for forest ownership are rather limited, there is a resulting “deforestation” from the sell-off to developers. For the same reasons, there is practically no economic incentive for “afforestation” (increasing forest lands), and we understand that afforestation has slowed.

Our state-owned forestlands, both within State Parks and State Forests, are not subject to the dangers of conversion to non-forest uses, and they are managed well. We applaud both TDEC and TDF for their stewardship of these forest resources. And, we applaud the Governor’s Land and Water Conservation Initiative to add more lands, especially in the Cumberland Plateau where fragmentation and conversion to non-forest use is increasing.

Most of our forestlands in Tennessee are privately owned. We recognize that the owners have certain property rights that are cherished in this State. At the same time, the public at large has an interest in assuring that those property rights are exercised responsibly, and the State has a policy interest in maintaining our forest cover and forest heritage generally. The key is to find a way to fit these separate interests together in a fashion that respects both sets of interests. Indeed, marrying these separate interests is at the heart of the concept of Sustainability.

We have developed a set of Recommendations that we believe would serve the goals of Sustainability. We hope you will find these Recommendations to be constructive.

Some of the Recommendations go beyond the powers and authority of TDEC, and could be helpful to other parts of State government, such as the Legislature or the Department of Agriculture. Some of our Recommendations may be helpful to Governor Bredesen. We hope that TDEC will work with the other parts of State government, in a collegial fashion, to implement these proposals.

## Recommendations

### **Public Policy Development**

1. Establish a Tennessee Forests Task Force involving all relevant state agencies and engaging federal partners to the full extent possible for the purpose of establishing near-term forest conservation goals for the state and providing the inter-agency coordination that will be necessary to achieve those goals.

Discussion: A number of state agencies located within multiple departments have some responsibility for ensuring the perpetuation of these resources, including, the Tennessee Division of Forestry (TDF); the Tennessee Wildlife Resources Agency (TWRA); Divisions of Water Pollution Control, Parks and Natural Heritage within TDEC;

and the Tennessee Department of Tourist Development, among others. However, at present no formal inter-agency mechanism exists for explicit coordination among the multiple state agencies with forest-related responsibilities, or their federal partners. Creation of a Tennessee Forests Task Force would provide a forum for establishment of overarching goals, possible identification of focal areas of interest to multiple agencies and enhanced coordination. Coordination may also be necessary with other entities, like the Department of Transportation, to ensure that opportunities to avoid or mitigate potential impacts on forests, e.g., fragmentation or conversion to developed uses, is considered in highway planning. If immediately charging the Task Force with full-fledged statewide responsibilities is infeasible, a worthwhile alternative would be to focus the Task Force on a particular forested sub-region, and we recommend the Cumberland Plateau as an initial focus.

We recommend that this inter-agency group be chaired and convened by the Governor's environmental advisor, much the same way as federal inter-agency groups are chaired and convened at the White House campus by the President's environmental advisor. In such a process, the agency that has lead responsibility for an area or issue can draw from supplemental expertise and perspectives of other interested agencies.

2. Establish a Scientific Advisory Panel to advise and assist the Tennessee Forests Task Force and the State Agencies with responsibility for the particular issues.

Discussion: To advise and assist the Tennessee Forests Task Force (Task Force), we recommend that a Scientific Advisory Panel (Advisory Panel) of academics be formed, with scientists from not only the forestry profession but also from the biology and wildlife professions. We believe this mix is necessary in order to integrate traditional forestry approaches with those that relate to biodiversity.

The initial focus of the Advisory Panel would be the Cumberland Plateau. The membership of this Advisory Panel would be drawn from colleges and universities in the State, and members would serve on a voluntary basis.

In addition to advising and assisting in connection with traditional forestry issues, this Advisory Panel would:

A) Develop an ecosystem-mapping program for the Cumberland Plateau (and eventually the entire State) that is:

- GIS Based
- Accurate for use at the county level
- Revised every three years

B) Develop biodiversity assessment and biodiversity management plans for state lands, starting with State forests, and again, the initial focus would be the Cumberland Plateau.

C) Advise the Task Force and the responsible agencies about ways to include biodiversity protection measures in the BMPs for logging (referred to below).

D) Assist the Task Force and the responsible agencies in developing new multi-agency outreach materials to private forest owners that reflect a contemporary understanding of biodiversity.

E) Assist in coordination of land acquisition and easement programs on a regional basis, initially in the Cumberland Plateau area.

F) Advise the Task Force and the responsible agencies regarding forest management in the context of watershed management, forest ecosystem restoration, exotic species control and wildlife management programs.

G) Assist in the development of the Tennessee Forest Conservation Plan described in number 3 below.

H) Identify “premier” forestlands for special focus by State in connection with the Tennessee Forest Conservation Plan described in number 3 below.

3. Develop a Tennessee Forest Conservation Plan to define a Long-term Vision for Tennessee’s Forests along with core strategies.

Discussion: In addition to the near-term inter-agency coordination that the Task Force could provide, development of a Tennessee Forest Conservation Plan (Forest Plan) could provide more in-depth analysis of our forest resources and strategies to conserve and enhance them over a longer time horizon. Such a plan would assess the current status of Tennessee’s forest resources from a variety of perspectives (provision of water quality, wildlife habitat, recreation, etc.); identify threats as well as opportunities for conserving forests, with special focus on “premier” forest lands (either public or private) (including possible acquisition); and, perhaps most importantly, set forth a long-term vision for Tennessee’s forests and core strategies for achieving that vision over time. The Forest Plan would necessarily build upon existing plans within relevant agencies, e.g., the plans for the Forest Land Enhancement Program and the Forest Stewardship Program administered by TDF and the Comprehensive State Wildlife Conservation Plan administered by TWRA. The Forest Plan would also delineate the roles that state-owned forestland (state forests, certain Wildlife Management Areas, federal lands (national forests and wildlife refuges) and privately-owned lands (both in industrial and non-industrial ownership) could play in a long-term vision for Tennessee’s forests. The Task Force could propose a framework for developing the Forest Plan. The Advisory Panel (recommended in Recommendation 2 above) could provide expert assistance.

4. Significantly enhance the State’s role in securing and disseminating appropriate data on key forest trends on a timely basis to enable development of sound forest policy.

Discussion: Without current data on key forest trends, it may well be impossible to develop a consensus, either among responsible agency officials or the concerned

public, on the optimum forest policies for Tennessee. Indeed, some of the recent public controversies over forest management in Tennessee have been characterized by intense disagreements among the interested parties as to what the conditions “on the ground” actually are. While the US Forest Service tracks certain changes in forest condition through its Forest Inventory and Analysis (FIA) program, this survey is only fully updated every five years (until recently, just every ten years) and its usefulness is generally limited to large-scale trends. Other data of great significance to forest policy, e.g., changes in demographics and attitudes of family forest owners or the rate of increased fragmentation and “parcellization” of forestland, are not well understood especially at finer scales. (The National Woodland Owner Survey does provide some information, but again at a large scale.) The Task Force could review the sufficiency of existing data sources and make recommendations for additional data collection, along with cost estimates. The feasibility of providing for a periodic fly-over of the state or other remote sensing techniques to obtain real-time data on forest extent and conditions should be evaluated.

5. Support and accelerate forestland acquisition by the State.

Discussion: Governor Bredesen is already taking steps to ensure expansion of the state’s ownership of forestlands. These recommendations would be incomplete without underscoring our appreciation for his response to the need for such action. A recent announcement by Bowater Incorporated of its plans to sell a large number of forestlands is simply the most recent development in a longer-term trend toward industry divestiture of forestland. Large blocks of intact forestland, which once seemed secure to remain as well-managed forests indefinitely, are now at risk. The State’s efforts to work cooperatively with the selling companies to identify the forestland of greatest interest to the State and to secure adequate funding for the necessary purchases cannot be underestimated. The prospect that lands sold to other parties (such as TIMOs, REITs and other development interests) will be subdivided into smaller parcels that are less ecologically valuable, or even converted to non-forest uses, must be anticipated.

6. Clarify certain perceptions/misperceptions about pine plantations.

Discussion: We think that there is widespread public perception that the State (or at least the Cumberland Plateau) is undergoing a period of significant conversion of hardwood properties to pine plantations. Some of the experts suggest this conclusion and some experts challenge such a conclusion. While some believe that conversion to pine plantation is a negative development, others see it as inconsequential. It would be helpful, we believe, for the facts on this issue to be determined by the Task Force and any negative trends or consequences identified. If there are no negative trends or consequences, this likewise should be revealed to the public.

### **Landowner Assistance**

7. Recognizing that the fate of most Tennessee forestland rests in hands of non-industrial private landowners, place special emphasis on supporting these

landowners through a range of targeted and coordinated landowner assistance and financial incentive programs designed to maintain forests and enhance the public benefits they provide.

Discussion: The greatest threat to Tennessee's forests lies not with logging practices but with the pressures to convert the forests to residential or commercial uses. If a forest owner cuts the timber, but maintains the land as a working forest, the forest cover and associated forest benefits are retained. But, if the land is developed residentially or commercially, the trees are cut and the forest is permanently lost. Today, forest owners do not have significant economic incentives to continue to hold the land as a forest. To help forest owners, we recommend that the Legislature adopt a coordinated program of incentives. We use the word "coordinated" to mean designed to maintain forest ownership but also designed to maximize the various ecological benefits of forests.

Some 90 percent of Tennessee's forests are owned by non-industrial owners, mainly families and individuals. Accordingly, it is essential to support these non-industrial or family forest landowners in keeping their lands in forests and managing them soundly. Publicly funded landowner assistance programs providing stewardship planning and technical assistance as well as financial incentives (cost-sharing conservation practices, compensating landowners for enrolling in long-term contracts or conservation easements, etc.) are proven tools for positively influencing landowner behavior. Multiple state agencies, including TDF and TWRA, offer such programs as do federal agencies including the Natural Resources Conservation Service (NRCS) and the Farm Service Agency (FSA). Unfortunately, the resources available to these programs and to forest landowners generally are entirely inadequate relative to the magnitude of the need. Moreover, some of the programs could be better targeted on the most important forested areas and designed to enhance the public benefits, for example, wildlife habitat, that these private lands can provide. Development of a Forest Plan, as recommended above, could identify forested areas where conservation efforts, including the landowner assistance and incentive programs, should be primarily directed.

Immediate steps should be taken to increase both state and federal funding for forest landowner programs. In addition, the state should consider creating a new program modeled on the federal Healthy Forests Reserve Program. Among the features of this entirely voluntary program that make it of interest as a potential model for Tennessee is its focus on engaging willing forest landowners in the recovery of at-risk species and improving biodiversity. Landowners in Tennessee could be given the option of enrolling their forestlands in the new program for a term of years or entering into temporary or permanent easements. In any case, a restoration plan would be developed for all enrolled lands and landowners would receive compensatory payments for undertaking forest management practices that restored or enhanced habitat (or contributed to any other goals established by the state). They would also receive technical assistance in implementing their restoration plans. Continuing timber production on enrolled lands would be allowed to the extent consistent with the restoration plan. Developing such a Healthy Forest Reserve Program uniquely suited to Tennessee's forests and its willing landowners would go a long way toward securing the public benefits of private forestland over the long-term. Presumably, this program would also be initially

implemented in forested areas identified as important by the Task Force or in the Forest Plan.

8. Engage with the Congressional delegation to encourage greater attention to forestland in the reauthorization of the Farm Bill due in 2007, including significantly increased funding for landowner assistance and incentive programs for forest landowners.

Discussion: Many of the programs for supporting forest landowners have been created through federal Farm Bill legislation over the years, either in the Conservation or the Forestry Titles. Some of these federally funded programs are actually administered through state agencies while others are handled by NRCS or FSA. The fundamental problem is that the level of funding is woefully inadequate relative to the needs of forest landowners in Tennessee and other states where forestland is a significant component of the rural landscape. With authorized funding for conservation activities on rural lands at some \$3B for the six-year cycle of the last Farm Bill, the reauthorization due in 2007 is truly a unique opportunity. Tennessee officials are encouraged to work closely with the Congressional delegation to secure a Farm Bill that better addresses forest conservation as well as other agricultural lands.

9. Carbon registry and other steps to enable participation in emerging carbon market.

Discussion: There has been increasing recognition in recent years that forests can produce a number of so-called ecosystem services, as well as traditional forest products. Generating revenue for landowners from ecosystem services is of great interest as well. Sequestration of forest carbon (in simple terms the “inhaling” of carbon dioxide by trees) has received the most attention because carbon dioxide is a major greenhouse gas. Opportunities to trade in carbon credits are expected to accelerate in future years as the United States addresses climate change. Tennessee should join other states in preparing to enable its forest landowners to participate in carbon markets, specifically by helping them quantify and verify how their forest management affects carbon stocks. For example, the neighboring state of Georgia has enacted legislation requiring the Georgia Forestry Commission to create a Georgia Carbon Sequestration Registry. (A registry provides the legal framework for landowners to list sequestered carbon.) California has also provided for a registry and other states like Maine and Oregon have taken other steps related to carbon. In addition, a consortium of northeastern and mid-Atlantic states has joined together in a Regional Greenhouse Gas Initiative (RGGI), in part, to facilitate a cap-and-trade program for carbon dioxide emissions. Tennessee should join these other forward-looking states by undertaking carbon-related actions for the benefit of forest landowners and the environment alike.

10. Increase the access to and utilization of consulting foresters and/or other natural resource professionals by forest landowners to improve both sound management and landowner income.

Discussion: At present, only a very small fraction of private forest landowners benefit from the advice of a consulting forester or other natural resource professional as they make decisions about managing their lands. Studies indicate that the percentage of landowners utilizing these professionals is in the single digits, perhaps around five percent. Ownership of larger tracts is positively correlated with use of a professional. Unfortunately, the vast majority of Tennessee's forest landowners are "on their own" when it comes to land management. Whether the landowner's objectives are timber production or enhancement of wildlife habitat, ready access to professional advice could undoubtedly improve land management. Moreover, it is well documented that landowners receive higher prices for their traditional forest products if a consulting forester is involved on their behalf.

Some of the landowner assistance programs discussed above could be enhanced by providing to forest landowners professional advice, stewardship planning and technical assistance. Increasing the funding for these programs is an obvious step toward increasing the availability of professional advice to interested landowners. We also support the TDF "Cooperating Consultant Forester Program", a web-based listing of forestry professionals. Consultation with the Tennessee Chapter of the Association of Consulting Foresters could also produce additional strategies.

11. Ensure that the tax breaks for working forestlands under the Greenbelt program are, in fact, ensuring "sound management" of enrolled forestland (fair quid pro quo with landowners).

Discussion: At present, the state's "Greenbelt" statute offers property tax relief for owners of forestland greater than 15 acres so long as their lands are "under a sound program of sustained yield management." Enacted in the mid 1970's, as applied to forestland the program is limited to lands managed for timber production. The tax breaks under this program are in the millions of dollars, but there is a question of whether the landowners are giving a "quid pro quo" for these tax breaks. We are not advocating lessening the tax break, indeed more would be better. Accordingly, we would support increasing the acreage that any taxpayer may place in the Greenbelt program from the 1,500-acre per-county maximum to 2,500 acres. But we think that the tax break should be targeted so that overall forest benefits are received in exchange for the tax break.

For example, over the years, interpretation of the law has varied as to whether a written management plan is required for forestland. We understand that at present this is left to the discretion of the local tax assessor, resulting in different practices across the State. Even when management plans are required, there is some evidence that a substantial percentage of the Greenbelt participants do not follow the guidelines of having or following a plan. We recommend requiring written plans uniformly in all counties as a means of promoting sound management of forestland in exchange for the tax break.

Other ways of targeting the Greenbelt program could be to scale-up the tax break over a forest growth period to encourage longer term forest growth; to provide longer periods covered by the "rollback" of taxes, plus interest, for lands taken out of forest use; and to

provide for higher benefits for forestlands that abut a federal, State, county, or municipal park or wildlife area.

In addition, the current law is focused only on forests that are managed for timber use. We recommend that the Legislature broaden this statute to include forestlands managed for wildlife or ecological or conservation values. Using tax relief to support landowners willing to keep their forests in forests should not be limited to those landowners whose objective is timber production. Those who would manage forests for wildlife and ecological or conservation objectives also deserve tax relief, provided they are willing to develop appropriate management plans and otherwise comply with the program requirements.

12. Evaluate other states incentive programs to provide an analysis of a severance or incentive program on timber harvests as a potential revenue source for landowner assistance.

Discussion: According to the USFS Southern Forest Resources Assessment (2002), Tennessee is one of only three of the 13 Southern states that has neither a severance nor yield tax on timber harvests. Revenue from these taxes provides millions of dollars annually for forest-related programs in most states. Given the lack of available funding in Tennessee for forest conservation efforts, adoption of such a levy should be further evaluated. It is worth noting that Tennessee already has both a coal severance tax and an oil and gas severance tax, although these taxes raise only modest revenues, especially compared to similar taxes in neighboring states. Depending on a number of variables, general estimates are that a severance or yield tax in Tennessee could raise ten or more millions of dollars annually for forest conservation purposes. Some entities that would pay these are already accustomed to paying them in other Southern states where they do business.

The revenues of such tax could be specifically designated in the tax statute to be used for purposes that support the State's forest policies. Examples of such uses would include using the revenues to fund some of the incentive programs to assist forest owners, as detailed earlier in these Recommendations, or for use in the State's acquisition of forestlands (e.g., the Governor's Land and Water Initiative).

13. Adopt a program similar to the Alabama Treasure Forests Program.

Discussion: Multiple studies concerning the motivations for owning forestland have concluded that the current generation of owners is increasingly focused on such amenity values as wildlife habitat, recreation, or leaving a legacy for their heirs. Timber production is, at most, a secondary motivation for many of today's owners although owners of larger forest tracts do indicate more interest in timber harvesting than owners of smaller acreages. Nonetheless, these findings suggest that many forest landowners are amenable to conservation-oriented management of their lands and that a mechanism for giving public recognition for exceptional management practices could be an effective strategy. The state of Alabama has a Treasure Forest Program which, among other things, makes Treasure Forest awards to those landowners who are

certified as following certain management principles based on an inspection by a registered forester and wildlife biologist. The program has also been a way to provide technical assistance to landowners. Developing conservation-oriented forest management principles appropriate to Tennessee, or perhaps to sub-regions such as the Cumberland Plateau, and recognizing landowners willing to meet these high standards should be considered. Attractive signage for the qualifying lands is one option as a recognition tool. Such a state program could operate compatibly with a variety of other certification systems promoted by the timber industry as well as other private entities.

### **Guidelines for Forest Management**

14. Enhance programs for suppression of fires and gypsy moths.

Discussion: Forests in Tennessee are vulnerable to the dangers of fire and gypsy moths. We agree with the Tennessee Forestry Association that enhanced State assistance in these areas would be very useful.

15. Require that all logging operations be conducted by loggers who have "Master Logger" certificates; require a simple registration of loggers; require that loggers notify the county forestry agent prior to initiating logging operations.

Discussion: The Tennessee Master Logger Program educates loggers on BMPs and the applicable water quality laws. Roughly two-thirds of the loggers in this State have taken the course. Out-of-state loggers who log in Tennessee may be a particular problem, as they are unlikely to have taken the course. We recommend one easy step to protect the forest values in Tennessee would be to require all loggers who operate in this State to hold a certificate of completion of the Master Logger program. To assure compliance, all loggers would be required to register on a simple form, with the fees minimized so as only to cover the costs of the registration program; we note that some fee is required so that this requirement not have a budget impact. In addition, prior to commencing logging operations, loggers should be required to telephone the forestry agent for the county to give notification of the commencement of logging operations. (Obviously, there should be an acreage threshold for this requirement.) Currently, the law requires notification by telephone of the commencement of burnings, and we recommend it be extended to commencement of logging.

16. Work with TDF to incorporate certain changes into the list of Best Management Practices (BMPs) for logging operations.

Discussion: At present, there are no laws regulating logging operations, other than those that relate to protecting streams from polluting activities. Logging operations are the subject of a list of voluntary BMPs developed by TDF. A Tennessee law provides insulation from liability of the landowner for violation of water quality laws if the logger follows BMPs. There is some evidence that the BMPs are followed in a majority of logging operations. We believe the BMPs could be enhanced.

Currently, the BMPs do not address “clear-cutting” as such. There is some public skepticism about “clear cutting”, whether such skepticism is always warranted or not. We believe it would be advantageous if the BMPs included a section on BMPs to be followed “If you are going to utilize ‘clear cutting methods...’” These BMPs should include practices that are followed on State Forest logging operations that utilize ‘clear cuts’, including taking precautionary steps to prevent water pollution, especially on steep slopes and in headwaters areas, utilizing “retention” (small islands of retained trees for biodiversity purposes); and utilizing a “screen effect” of a fringe of trees in areas where public aesthetic interests are involved. In addition, clear cutting logging operations in State forests do not exceed 40 acres per ‘clear cut’, and we believe it would be wise for the BMPs to provide that this limit be respected in private forests as well. What better indicator of “best management practices” could we find than in our own State forests? We believe the setting of such a limit in the BMPs would help to resolve the debates about clear cutting in Tennessee.

Current BMPs are designed around compliance with the Clean Water Act. Consistent with a focus on the issue of clean water, we recommend that the Advisory Panel work with TDF to develop “biodiversity BMPs” that would address such aquatic biodiversity issues as:

- Special habitat protection (e.g. ephemeral ponds)
- Riparian corridors as habitat

#### 17. Make BMPs mandatory.

Discussion: There is apparently a relatively high rate of compliance with BMPs, but there is no reason why there should not be 100% compliance. Those loggers who do not follow BMPs are “free riding” and getting an unfair competitive advantage over the more responsible loggers. Some other States in our region, e.g., Kentucky and Virginia, have made BMPs mandatory, and we recommend that the Legislature follow suit and make BMPs mandatory in our State.

**ATTACHMENT A  
FOREST ISSUES  
LIST OF PRESENTERS  
IN ORDER OF PRESENTATION**

Steve Scott, State Forester, Tennessee Division of Forestry, Department of Agriculture  
Jonathan Evans, Professor of Biology, University of the South  
Brian Paddock, Attorney for Save Our Cumberland Mountains  
Tom Scott, President of Tennessee Wildlife Federation  
Wayne Clatterbuck, Professor of Forestry, University of Tennessee at Knoxville  
Bernie Coyle, President of Tennessee Forestry Association  
Julius Johnson, Chief Administrative Officer, Tennessee Farm Bureau  
Lark Hayes, Senior Attorney, Southern Environmental Law Center  
Scott Davis, Executive Director of Tennessee chapter, The Nature Conservancy

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