



## Kentucky Forest Conservation Act

# Landowner Questions and Answers

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The Kentucky Forest Conservation Act was established to ensure that Kentucky's forests continue to provide multiple benefits for the citizens of the commonwealth. Provisions of this act require that commercial logging operations be inspected to ensure that a master logger is on site and in charge and that appropriate Best Management Practices (BMPs) for water quality protection are being implemented. While this law holds loggers, not landowners, accountable, effects on a logging operation can impact landowners. Answers to the most frequently asked questions by landowners are provided below.

### **Under the Forest Conservation Act am I, the landowner, responsible for making sure a Kentucky Master Logger is cutting my woods?**

No. The logger is responsible for having a Kentucky Master Logger on site and in charge of the operation. However, if the logger is in violation for not having a master logger, this violation could cause a delay in finishing the job.

### **How do I know if a master logger is working on my property?**

All master loggers are supposed to carry a Kentucky Master Logger designation card. Verification can also be obtained by checking the official list of Kentucky Master Loggers on the World Wide Web at <<http://www.masterlogger.org>> (see question below). You can also contact your county Cooperative Extension office or a district office of the Kentucky Division of Forestry.

### **How do I find a logging firm that has a Kentucky Master Logger?**

The easiest way to get this information is on the World Wide Web. Go to <<http://www.masterlogger.org>> and click on [Find Master Loggers](#) which will allow you to search several different ways for master loggers, including county and city searches as well as a last name search. If you do not have access to the Internet contact your county Cooperative Extension office or district Kentucky Division of Forestry office. Staff can run the search for you. Often these offices will have a printout of Master Loggers for their area.

### **If I am cutting timber on my own property, do I have to be a Kentucky Master Logger?**

If your woodland is considered nonindustrial (that usually means that you have other uses for the woodland than solely for timber production) and you are cutting the timber by yourself then you do not have to be a Kentucky Master Logger and the job will not be inspected. However, if you have other people helping you, this law applies, whether you are cutting timber for on-farm use or selling logs or lumber. If you are a logger, bought land, and started logging it by yourself, the land would be considered industrial woodland, and the law would apply.

### **If I'm having timber cut as part of my farming operation, does the law apply to my property?**

No, if the logging is a part of clearing for farm purposes such as building a barn or putting in a new field. However, if you are having your farm woodlot logged and the land will stay in woods, then the logger you hire must have a master logger on site (that is the logger's responsibility, not yours). If the woodland is being cleared you should realize that you are responsible for water quality problems that might arise and will need to have an Agriculture Water Quality Plan for your property. For further information on water quality plans, contact your county Cooperative Extension office or Conservation District.

### **If I am going to be mining my property, does this law apply?**

If the land is under a permit, the law does not apply. If a mining permit has not been issued, the logging operation must comply with the law.

### **Who is doing the inspecting?**

Your county Kentucky Division of Forestry forest ranger technician will do the majority of the inspections. Occasionally, a ranger or forester from another area may be used.

### **Does the ranger need permission to come onto my property?**

Out of courtesy, rangers will ask for permission to enter

your property if you can be found.

### **If the logger leaves a mess, am I responsible?**

It depends. If an initial inspection was completed by the ranger when the logger was still working the site, the ranger can make the logger fix the problem. If the ranger does not find out about the operation until after the logger has left your property, the ranger will still do an initial inspection. If a water quality problem is found, the ranger will report the water quality problem to the Kentucky Division of Water and you and the logger can be held responsible for cleanup. In that situation, you would need to comply with the Kentucky Agriculture Water Quality Authority, develop a water quality plan for your property, and implement best management practices to fix the problems.

### **Will someone tell me which trees I can cut?**

No. The law states which best management practices (BMPs) loggers must use to help reduce or prevent water pollution. With the exception of some of the trees around streams (see question below), you can cut as many or as few trees as you wish.

### **What are the best management practices (BMPs) loggers are supposed to be using?**

BMPs are practices designed to reduce water pollution. Practices such as: only cutting part of the trees next to a stream to shade the stream; keeping tree tops out of streams; reseeding log decks, roads, and skid trails that are eroding or producing sediment in the stream; and using water bars or other structures in roads and skid trails to prevent erosion. BMPs can be found in the *Agriculture Water Quality Producer Workbook*. A detailed version can be found in the logger BMP field guide, which is called the *Field Guide to Best Management Practices for Timber Harvesting in Kentucky* (FOR-69). Both publications can be obtained from your county Cooperative Extension office, district office of the Kentucky Division of Forestry, or local Conservation District.

### **Can all the trees next to a stream be cut?**

Yes and no. If a stream has water in it all year long, either standing or running, it is considered a perennial stream. This type of stream is often shown as a solid blue line on topographic maps. At least one-half of the overstory trees next to a perennial stream must remain standing for a distance of 25 feet on gently sloping land and 55 feet for steeply sloping land. These areas are called Streamside Management Zones (SMZs) and are used to help protect the stream. The logger is required to adhere to these guidelines even if you, as a landowner, want all the trees cut. It is important to understand that in many situations only one-half of the overstory trees are good sawlog trees.

However, there are woods where more than half of the trees are merchantable, and in these instances, the SMZ may impact timber revenue. In many woodlands the impact on timber revenue is more perceived than real. If the stream is what is commonly called a *dry branch* (a stream which only contains water during the wet portion of the year and is dry during the summer), it is considered an intermittent stream. All the trees next to this type of stream can be cut. However, you and the logger are encouraged to leave trees next to these streams if possible, especially those trees which have their roots in the bank.

### **After the original logger leaves, can I have more of the trees next to a stream cut?**

No. If you have more trees cut in a previously cut SMZ, it will be viewed as a violation of the intent of the Kentucky Forest Conservation Act. If you cut the trees yourself, it will be viewed as a violation of the Kentucky Agriculture Water Quality Act.

### **What if I want to use some of the skid trails and logging roads for access around my property. Does the logger still have to put water bars on them?**

The logger must use something on these areas to control erosion. Water bars are abrupt dips and humps placed across the road that are difficult or impossible to drive over. They are used on roads that will be retired from use. Loggers can make other types of water control structures that can be used on roads that will be kept open. If you are planning to use the roads or trails after the logger is finished, discuss this with the logger prior to the job. The logger can reshape the road and use other types of structures. However, water bars are generally the cheapest structures to build; other structures will cost the logger more to install, and this extra cost could cause a problem if the logger is not informed up front.

### **Does the logger have to reseed roads and log decks if I want to do the seeding?**

No, the logger is allowed this option. However, the ranger will want to make sure that you have agreed to do the reseeding. Remember if a water quality problem arises from not seeding these areas, you will be held responsible under the Kentucky Agriculture Water Quality Act and the water quality laws enforced by the Kentucky Division of Water.

### **Will this law affect the price I am paid for my timber?**

Eventually, yes. Some of the BMPs cost time and money. As loggers gain more understanding of their costs they will pass some of this burden along to timber owners.

However, loggers will also become more efficient in implementing BMPs the more they use them, and their costs will decrease.

### **Does this law say anything about my rights as an adjacent landowner?**

No. However, there is a law that deals with timber trespass. Kentucky statute KRS 364.130 (Drifts, Logs, and Timber) deals with damages and rights of adjacent landowners. Call the state Forestry Cooperative Extension office at 859-257-7597 and request publication FORFS 97-9 *Selected Statutes and Regulations Impacting Silvicultural Operations in Kentucky*.

### **Whom do I call to complain about a logging operation?**

If there is a logging operation that you believe is not using BMPs or not protecting water quality, call your district office of the Kentucky Division of Forestry. The state office number in Frankfort is 502-564-4496.

### **What is the difference between the Kentucky Forest Conservation Act and the Kentucky Agriculture Water Quality Act?**

The timber harvesting sections of the Kentucky Forest Conservation Act call for inspections of logging operations and the loggers are responsible for complying with this law. The Kentucky Agriculture Water Quality Act is primarily aimed at landowners. The Agriculture Water Quality Act requires landowners to have a written water quality plan starting October 2001, stating which BMPs are to be used on their property. Landowners are responsible for making sure they are used. These are the same BMPs that the logger must use after July 15, 2000 as mandated by the Forest Conservation Act. In the end, everyone is responsible for making sure BMPs are used in timber harvesting and other forestry operations. See the publication *Water Quality and BMP Regulations for Forestry Operations in Kentucky* (FORFS 98-12) for more information.

## **More Information**

### **Kentucky Forest Conservation Act**

You can find out more about the Kentucky Forest Conservation Act by contacting your district office of the Kentucky Division of Forestry (see list below, the state office number is 502-564-4496). You can also contact your local county Cooperative Extension office.

### **Kentucky Master Logger Program**

More information on the Kentucky Master Logger Program can be obtained from the World Wide Web at [www.masterlogger.org](http://www.masterlogger.org) or by calling of the office directly at 859-257-6230.

### **Agriculture Water Quality Act**

Agriculture Water Quality Act information can be obtained by calling your local Conservation District, or county Cooperative Extension office.

### **Woodland Owner Publications**

Publications specific to woodland operations and water quality include:

#### **Available from the Forestry Cooperative Extension Office at the University of Kentucky (859-257-7597).**

Water Quality and BMP Regulations for Forestry Operations in Kentucky. FORFS 98-12. 2pp.

Selected Statutes and Regulations Impacting Silvicultural Operations in Kentucky. FORFS 97-9. 6pp.

Logger Questions and Answers: Kentucky Forest Conservation Act. FORFS 00-2. 4pp.

Landowner Questions and Answers: Kentucky Forest Conservation Act. FORFS 00-5. 4pp.

Forestry Water Quality Plan: preparing an agriculture water quality plan for your woodlands. Forest Stewardship Series. FOR-96. 12pp.

Woodland Owners Training Manual for Determining Forestry Best Management Practices in Kentucky. FOR-72. 19pp.

Determining Best Management Practices for Timber Harvesting Operations in Kentucky: A Training Manual for Loggers. FOR-70. 11pp.

Definition of Conservation Practices in Kentucky: an interagency landowner assistance technical publication. FOR-93. 4pp.

Financial Assistance Guide for Conservation Practices in Kentucky: an interagency landowner assistance technical publication. FOR-94. 5pp.

Field Guide to Best Management Practices for Timber Harvesting in Kentucky. FOR-69. 71pp.

Updates to Kentucky's Forest Practices Guidelines for Water Quality Management. FORFS 98-3. 2pp.

Erosion from Logging Roads and Skid Trails: case study data from Robinson Forest. FORFS 98-15. 2pp.

#### **Available from the Kentucky Division of Forestry (502- 564-4496).**

Kentucky Forest Conservation Act: Ensuring the Future of Our Forests. Fact Sheet. 1p.

A Logger's Guide to the Kentucky Forest Conservation Act. Brochure (also available from the Kentucky Master Logger Office <[www.masterlogger.org](http://www.masterlogger.org)>, 859-257-6230).

# Kentucky Division of Forestry Districts

## **NORTHEASTERN Morehead** (800) 866-0052

Bath	Boyd	Carter	Clark
Elliott	Fleming	Greenup	Lewis
Mason	Menifee	Montgomery	Morgan
Nicholas	Robertson	Rowan	

## **SOUTHEASTERN Pineville** (800) 866-0504

Bell	Clay	Harlan	Jackson
Knox	Laurel	Leslie	McCreary
Rockcastle	Whitley		

## **CENTRAL Elizabethtown** (800) 550-6601

Allen	Barren	Breckinridge	Bullitt
Edmonson	Hancock	Hardin	Hart
Jefferson	Larue	Meade	Nelson
Simpson	Spencer	Warren	

## **EASTERN Betsy Layne** (800) 866-0048

Floyd	Grayson	Johnson	Lawrence
Magoffin	Martin	Pike	

## **BLUEGRASS Stamping Ground** (800) 866-0876

Anderson	Boone	Bourbon	Bracken
Campbell	Carroll	Fayette	Franklin
Gallatin	Garrard	Grant	Harrison
Henry	Jessamine	Kenton	Madison
Oldham	Owen	Pendleton	Scott
Shelby	Trimble	Woodford	

## **GREEN RIVER Madisonville** (800) 866-0770

Butler	Christian	Daviess	Henderson
Hopkins	Logan	McLean	Muhlenburg
Ohio	Todd	Union	Webster

## **KENTUCKY RIVER Hazard** (800) 866-0503

Breathitt	Estill	Knott	Lee
Letcher	Owsley	Perry	Powell
Wolfe			

## **SOUTH CENTRAL Campbellsville** (800) 866-1007

Adair	Boyle	Casey	Clinton
Cumberland	Green	Lincoln	Marion
Mercer	Metcalfe	Monroe	Pulaski
Russell	Taylor	Washington	Wayne

## **WESTERN Mayfield** (800) 866-0802

Ballard	Caldwell	Calloway	Carlisle
Crittenden	Fulton	Graves	Hickman
Livingston	Lyon	McCracken	Marshall
Trigg			

(J. Stringer 2.5M 10/00)

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