



Kentucky Forest Conservation Act

Logger 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 to the citizens of the commonwealth. One provision of the act is a requirement that all commercial timber harvesting operators use appropriate Best Management Practices to protect water quality and that mechanized skidding operations have a Kentucky Master Logger onsite and in charge. The law has generated many questions from loggers enrolled in the Kentucky Master Logger program. Answers to the most frequently asked questions are provided below.

Inspections

Who does the logging inspections?

Kentucky Division of Forestry (KDF) Forest Ranger Technicians are responsible for inspecting logging jobs in their counties. Occasionally rangers, and sometimes foresters, from outside the county will help the local ranger.

Do I have to call the KDF before I start a job?

No.

How will rangers find jobs?

The short answer is: any way they can. They will respond to all complaints. They will also find jobs in their routine trips around the county or through occasional use of aerial surveillance.

How often will we see rangers?

The policy of the KDF is to inspect all known logging operations. Each ranger will be responsible for 1 or 2 counties or possibly several counties in lightly wooded areas. The rangers will do an initial inspection along with follow-up inspections if needed and a final inspection.

Does the ranger have to ask the landowner or me for permission to walk onto the job?

Out of courtesy the rangers will attempt to let you and/or the landowner know they are there. The ranger will need to talk to the master logger, so in most cases you will know the ranger is there.

Will rangers check to see if we have our safety gear on?

No. That is an OSHA requirement not a requirement of the Kentucky Forest Conservation Act.

Will rangers ask for our first aid and CPR cards?

No (see above). However, they will ask to see the Master Logger Card and a photo I.D.

Can a ranger shut the job down?

If there is no master logger on the job the ranger will issue an emergency order which shuts the entire job down until a master logger is onsite (see below). The ranger can also shut the entire job or a part of the job down if a serious or potentially serious water quality problem is found.

What happens if the master logger has left the site for a short period of time?

If the master logger will be back shortly, the ranger will take this into account. If the master logger does not come back, or is found to be continually off the job site, then an emergency order will be written and the job shut down.

Do I have to call the KDF before I pull off a job?

The short answer is no. However, if the ranger has already visited a job and completed an initial inspection, he is required to do a final inspection even if you have left the job. Some loggers call the ranger to make sure that the final inspection is completed before they leave.

Can rangers make us come back to a job to fix problems?

If the ranger has visited the job before you left and has completed an initial inspection, then the ranger can have you come back to fix the problems. If they have not visited the job while you were there, then they will not track you down to correct BMP problems. However, if they find a water quality problem they will turn the situation over to the Kentucky Division of Water. In these instances both landowner and logger can be held responsible.

If I am the Kentucky Master Logger on site, am I the one that gets fined?

As the master logger, you are representing the firm on that job. However, any actions will be written to the firm.

What is the difference between an Emergency Order, Written Warning, Notice of Violation, Special Order, and a Bad Actor?

Emergency Order means that the operation, or a portion of it, is shut down. This can be issued for having no Kentucky Master Logger onsite or a severe, or potentially severe, water pollution problem.

Written Warning means that there is a BMP problem which must be fixed within 14 days unless a written extension is given by the District Forester. There is no fine associated with a written warning.

Notice of Violation (NOV) is issued when a BMP problem is not corrected.

Special Order is written when BMP problems are not corrected after the NOV has been issued. This order stops all or a portion of an operation until the problem is corrected.

Bad Actor is a logger who repeatedly does not correct water quality problems on a logging job and exhausts all of the opportunities to fix the problem. He may be fined up to \$1000 per violation. The act requires that these names be made available to the public.

What Jobs are Subject to the Law?

If I am a logger working by myself cutting timber on my own land am I subject to the law?

Yes and no. If the land you are cutting on is considered nonindustrial, then the laws does not apply. If you own land which is considered industrial forest land, then the law applies. For example: if you own a farm and are cutting timber from the farm woodlot, then it would be considered nonindustrial. However, if you bought a woodland property and cutting timber is the only activity on the property, then it would be considered an industrial forest and you would be subject to the act. Remember that even if your woodlands is nonindustrial you still are required to protect the waters of Kentucky and can be cited by the Kentucky Division of Water for water quality violations. Additionally, by October 2001, all landowners holding 10 or more acres and are involved in forestry or agriculture operations will be required to have a water quality plan which includes the use of BMPs.

If my crew is cutting timber on land that I own, am I subject to the law?

Yes. If you have any help then you are subject to the law.

If logs are being removed from the landing after the logger has left the site, who is responsible?

Loading is considered a part of timber harvesting. The firm loading the logs will be responsible for the ground they are operating on and having a master logger on site. The logger who cut and skidded the timber is responsible for the other areas.

Is salvage cutting and removing "bug wood" covered under this law?

Yes, if logs are being skidded out of the woods. If logs are not being removed then the act does not apply.

Can inspections be done on jobs started before July 15, 2000?

Yes. If you finish a job after July 15, 2000 then the job would fall under the requirements of the act regardless of when you started the job.

If I have a contract on a boundary of timber before the July 15, 2000 deadline, will I have to follow this law if the harvesting takes place after July 15?

Yes. If you finish a job after July 15 then the job would fall under the requirements of the Kentucky Forest Conservation Act.

What commercial logging jobs are exempt from the law?

If the land is under a surface mine permit, or if the logging is part of clearing for farming (i.e., barn site, field) or clearing for construction purposes, the job will not be inspected by the Kentucky Division of Forestry. If animals are used as the primary skidding method the job does not have to have a master logger. However, BMPs requirement apply.

Keeping Your Kentucky Master Logger Status

What is a Master Logger?

A Kentucky Master Logger is someone who has successfully completed the Kentucky Master Logger 3 day program (or the equivalent in another state). After July 15, 2000 your Master Logger card must be renewed every three years by taking at least 6 hours of continuing education classes during the three-year period. For example, your Kentucky Master Logger card expires on July 15, 2003. From July 15, 2000 to July 15, 2003 you have to take 6 hours of continuing education courses.

What are continuing education classes?

Unlike the primary Kentucky Master Logger program

which meets for 3 full days at specific training locations, the continuing education classes will be from 1 to 6 hours in length and will be conducted by different groups at the county or regional level. For example, 1 to 2 hour courses have been held at the Wood Expo, sawmills may put on courses for loggers, and county agents will host programs at their offices. Some of these may be during the day and some in the evening.

How will we find out about these courses?

The courses will be advertised locally, some will be in the LogJam Newsletter, and the Kentucky Forest Industries Association (KFIA) will send out mailings out as well. It is very important to take advantage of these courses when they are in your area.

If I do not complete 6 hours of continuing education classes by 2003, do I have to go back through the 3-day class?

Yes.

When I take 6 hours of continuing education classes will I automatically get a new card?

No. You have to fill out a form and send it and a \$25 check to the Kentucky Master Logger office. The forms will be made available to you at the continuing education classes or can be obtained through the office.

Can I take 12 hours of continuing education classes and get my card renewed through 2006?

No. You can only get credit for continuing education classes for one 3-year period.

Do we have agreements with surrounding states?

We do have reciprocal agreements with many of the surrounding states. This means that if you have gone through the Tennessee Master Logger program for example, you can fill out a form and send a check to the Kentucky Master Logger office and receive a KML card. West Virginia accepts the KML graduates for certification to log in West Virginia. If you have questions contact the Kentucky Division of Forestry at 502-564-4496.

How can I find out about my Master Logger status?

You can call the Kentucky Master Logger office on the logger hotline at 800-859-6006. However, the quickest way is to check the Kentucky Master Logger web page at <<http://www.masterlogger.org>>. Click on Find Master Loggers and you can search for your last name. The search will tell you your designation number, address, phone number and when your KML status expires.

BMP Questions

If another logger cuts half of the overstory trees in the SMZ can I come in a year or so after him and cut half of what is left?

No. If you are starting a job where there have been trees cut in the SMZ it would be prudent to call your ranger.

Is the landowner allowed to cut the remaining trees in an SMZ after I have left?

No. If he does he is in violation of the Kentucky Agriculture Water Quality Act.

How long do I have to wait until I can cut in an SMZ which has already been cut once?

There is no official answer to this question. However, if the SMZ is not overcut the shade will generally recover in approximately 10 to 30 years. At this time, in theory, the SMZ could be cut again. It would be prudent to contact your ranger if there is a question.

Do all roads, trails, and landings have to be reseeded?

No. Only those that will put sediment into streams, that will erode, or that have been severely eroded need to be reseeded. The Kentucky Forestry BMP Board has deemed that skid trails with over 10 percent slope are considered erodible.

What if a landowner wants to reseed an area?

This will generally be allowed. The ranger will contact the landowner to make sure the agreement is in place.

What if the landowner wants to leave a skid trail or haul road open as a woods road?

The road or trail needs to be reshaped and some type of water control structures such as turnouts, outsloping, or dips need to be built. They do not have to be water bars. Water bars are meant to be placed on trails or roads which will be retired. In this case, the road is not being retired; it will continue to be used by the landowner.

If I use existing private woods roads for skidding or hauling, am I responsible for the problems which were caused by someone else?

Yes. If you use these roads or trails, you are responsible for any water quality problems and making sure that proper BMPs are used. For example, if you use a deeply rutted road or one that is eroded down below the surface of the ground and holds water, you are responsible for proper drainage and retirement.

What if the landowner wants me to break the minimum standards, like cut all the trees in the SMZ. Is that O.K.?

Unfortunately, you will be held responsible for not using the BMPs. This is the most widely asked BMP question by loggers.

The Law: Its Origin and Effects

Who came up with the Kentucky Forest Conservation Act and when was it passed?

The act was developed by Governor Paul Patton's office and was passed by the legislature in the 1998 general session. The act also contains a number of other items besides logging regulations. It calls for a frequent inventory of Kentucky's forests and an increased effort to educate Kentuckians about forests and forestry.

Is this act going to drive the little guy out of business?

In the opinion of most, no. Changing markets and mechanization will have more impact on logging firms in Kentucky than this act. The BMPs required by this law can be accomplished by any sized firm, generally with the equipment and manpower which is already present. In some cases, firms may decide to buy portable bridges or contract retirement work. However, costs of these items are within the operating budgets of full-time loggers. BMP cost studies show that the key for most operations will determine how to efficiently implement the BMPs. For example: do you retire roads and trails as you finish with them or do you have to move equipment and manpower back into an area to do that work after the entire job is done? Do you consider how much time and money will be required to retire areas when you are positioning and constructing roads, trails, and landings?

FOR MORE INFORMATION on the Kentucky Master Logger program and the Forest Conservation Act, contact a district office of the Kentucky Division of Forestry, your local county Cooperative Extension agent, or through the World Wide Web at <<http://www.masterlogger.org>>.

More copies of this publication can be obtained by contacting the Forestry Cooperative Extension Office at the University of Kentucky Department of Forestry (859-257-7597).

(J. Stringer 2.5M 10/00)

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