

Kentucky Forest Conservation Act

Requires:

- All commercial timber harvests, except horse and/or mule harvesting operations, have a Kentucky Master Logger on site and in charge during active harvesting operations (KRS 149.342).
- Use of all appropriate BMPs as described by the Kentucky Agriculture Water Quality Plan on all commercial timber harvests (KRS 149.344).
- Master Loggers to receive six hours of continuing education every three years (KRS 149.342).
- Master Loggers to present their designation card and photo ID when requested by an inspector (KRS 149.342).
- Master Loggers to provide the Master Logger office address with their current phone number (KRS 149.342).
- No logger or operator shall conduct a timber harvesting operation in a manner that is causing or will likely cause water pollution (KRS 149.344).

Does Not Require:

- A harvest plan.
- A permit to harvest timber.
- Notification of intent to harvest unless a Temporary Master Logger is in charge of the operation.
- All individuals associated with the harvest to be Master Loggers.

Activities Not Considered

Commercial Timber Harvests (KRS 149.330):

- Cutting of firewood.
- Cutting of Christmas trees.
- Clearing of a highway or utility rights-of-way unless the timber is sold.
- Cutting of timber by an individual nonindustrial landowner.
- Tree removal as a part of a mining activity.
- Tree removal as part of a land-clearing activity for agricultural purposes.

Inspection Process:

All known timber harvest operations will be inspected by Kentucky Division of Forestry personnel for compliance with KRS 149.342 and 149.344.

Enforcement Process:

An Emergency Order will be issued by the inspector for a violation of KRS 149.342 or if the logger or operator is conducting the timber harvest in a manner that is causing or is likely to cause water pollution that is presenting or will likely present an imminent and substantial danger to the public health, safety, or welfare, or to the health of animals, fish, aquatic life, or to a public water supply, or to recreational, commercial, agricultural, or industrial uses. The Emergency Order may direct the logger or operator to immediately cease operations and implement corrective measures.

Violations of KRS 149.344 will follow a four-step process except in instances in which the operation is being conducted by a repeat bad actor. If a repeat bad actor is conducting the harvest, step 2 and 3 are skipped.

1. Written Warning
2. Informal Conference
3. Notice of Violation
4. Special Order

A reasonable period of time, not to exceed two weeks, for abatement and compliance will be allowed between each enforcement step.

Failure to comply with the provisions of an Emergency Order or Special Order will result in the division requesting a Bad Actor designation and civil penalty assessment against the logger or operator in an Administrative Hearing.

Out-of-State Loggers:

Kentucky has reciprocal agreements with several states which allow out-of-state loggers in good standing to be issued Kentucky Master Logger cards. Reciprocity requirements may be found at the Kentucky Master Logger Web site <http://masterlogger.org>.

Web Sites of Interest:

Best Management Practices Publications:
http://www.ca.uky.edu/forestryextension/publications_BMPS.php

Kentucky Division of Forestry:
<http://forestry.ky.gov>

Kentucky Forest Industries Association:
<http://www.kfia.org>

Kentucky Master Logger Program:
<http://masterlogger.org>

Kentucky Revised Statutes:
<http://lrc.ky.gov/KRS/149-00/CHAPTER.HTM>



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A Logger's Guide to the Kentucky Forest Conservation Act



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