

**K**entucky is one of the few states in the U.S. that regulates, through the Kentucky Forest Conservation Act, the use of logging Best Management Practices (BMPs) to protect water quality. The law also requires the presence of trained Kentucky Master Loggers on-site and in charge of the operation. The Kentucky Division of Forestry (KDF) inspects logging operations for the use of BMPs and presence of a Kentucky Master Logger.



# LOGGING AND WOODLAND OWNERS

## HOW TO PROTECT YOURSELF FROM BAD ACTORS

by Jeff Stringer and Mark Schuster



*Figure 1 (above): When skid trails are no longer in use any ruts should be removed and permanent water control structures such as water bars installed. Skid trails that are erodible should be seeded to initiate grass cover.*

Logging BMPs that are common to Kentucky include rut removal, water control structures and seeding of skid trails (Figure 1) and the proper crossing of streams and channels (Figure 2). Woodland owners can benefit from this law by having their logging operation inspected by KDF to help ensure that everything is being done correctly to protect water quality. If a problem does arise, KDF will let you know and the law is designed to allow the loggers to correct a problem. Typical problems include logging roads and trails that are not properly retired from use where ruts remain and gullies form, or where streams are not properly crossed leading to increased sedimentation of the stream (Figure 3). If found in violation,



*Figure 2 (right): Kentucky BMPs require the use of proper stream and channel crossing. This could include hard bottom crossings or the use of elevated crossing like the culvert shown above.*

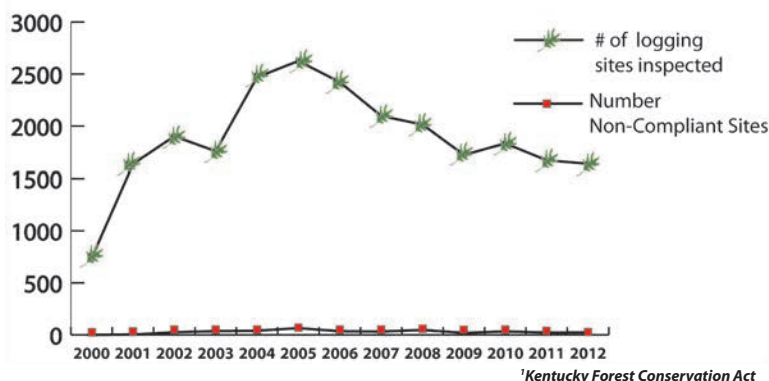
*All photos courtesy: Jeff Stringer*



the logger will have four opportunities to correct the issue. However, if the logger does not ultimately correct the problem the four-step process can lead to the logger being designated a Bad Actor and fined \$1,000 per violation. It is important to know that the Bad Actor can be a logging firm or an individual (if they are a sole proprietor). Regardless, the Bad Actor designation means that they did not abide by the law. Further, a logging firm can have multiple Bad Actor designations and are commonly referred to as Repeat Bad Actors. It is the latter that are the most troubling, indicating that these firms or individuals are unwilling or unable to abide by commonly recognized practices to protect water quality.

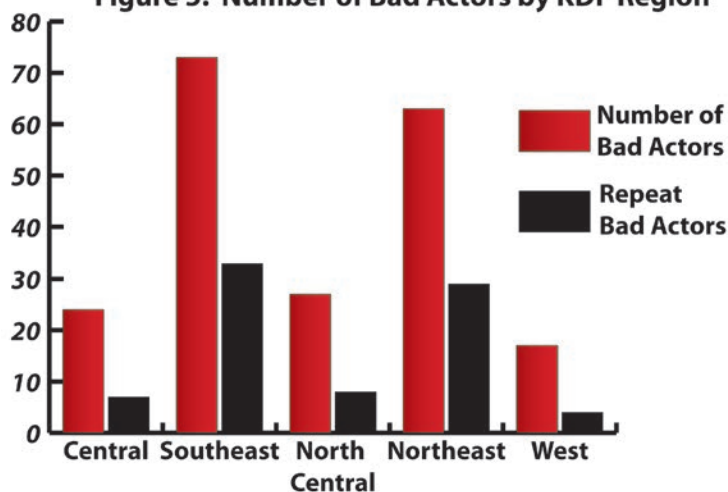
Fortunately, the number of Bad Actors is relatively low and the number of repeat Bad Actors is very low compared to the number of logging operations in Kentucky. Figure 4

**Figure 4. Logging Sites Compliant with KFCA<sup>1</sup>**



shows the number of logging jobs that are inspected annually compared to the relatively small number of logging jobs that ultimately did not comply with the law. Figure 5 shows the number of Bad Actors and Repeat Bad Actors by KDF region, with the eastern regions of Kentucky having a higher number of Bad Actors. The latter is due to a number of factors including the total number of loggers which is higher in these regions compared to other regions in the state. Between 2000 (the year the Act went into effect) and 2012 there have been 190 Bad Actor designations. A number of these Bad Actors are no longer in business. During this time, there have been 85 repeat Bad Actors, which represents less than 5 percent of the loggers in Kentucky. The Repeat Bad Actors are responsible for 72.4 percent of the logging operations that

**Figure 5. Number of Bad Actors by KDF Region**



**Figure 3. When BMPs are not used rutting of skid trails and haul roads can occur (above) or mud holes around streams and channels are common (below).**



are in non-compliance. As these numbers indicate, repeat Bad Actors are problematic. The issue of Repeat Bad Actors was not envisioned when the Act was developed, and provisions have recently been made that make the law and its enforcement more proactive when it comes to dealing with Repeat Bad Actors.

Woodland owners can find a list of Bad Actors on the Kentucky Master Logger website [www.masterlogger.org](http://www.masterlogger.org), and the ones that have multiple designations (Repeat Bad Actors) can be determined by scanning the list. If you want to know if a specific logger has a Bad Actor designation, you can also search the Master Loggers by name and the listing of information for each logger contains whether they are designated as a Bad Actor.

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