



Timber piracy in Kentucky

Victims seek stronger penalties for tree thieves

By **Arnita Gadson and Janet Pinkston**
Environmental Quality Commission

It happens on family land, it happens in vast forests owned by the federal government, and it happens in state-owned nature preserves. Logging thieves slip in and saw down trees deep in the forest and haul them to market under the pretense that the asset is their own.

At the saw mill, large sums are exchanged in transactions because hardwoods, such as oak and black walnut, are highly prized in the manufacture of fine furniture, boats and guns. Lumber from red oak, white oak, black walnut and tamarack has many commercial uses too, experts say, and its natural beauty, luster and durability cannot be imitated by man-made substitutes. This is why a single hardwood tree can fetch a price as high as \$5,000 and a truckload can bring \$100,000.

Forty-eight percent, or 12.4 million acres, of Kentucky is covered by wood-

lands and therefore ground zero for a property crime known as timber theft. Nationwide, timber theft is a \$1 billion crime, according to Virginia Tech University.

Victims, such as a retired Lexington professor with family land at the head of South Fork of the Kentucky River in Breathitt County, estimate that he and 30 other heirs lost \$500,000 worth of lumber to thieves in that location. The 210-acre crime scene, involving the illegal harvest of nearly 1,000 trees, was discovered as the theft was occurring. The size and scope of the theft meant that the thieves had been sawing down trees that did not belong to them for a period of weeks.

Kentuckians who suffer timber theft may pursue civil action. However, in addition to their loss of timber and property damage, victims are also saddled with the expense of hiring a forester to measure

the number of board feet stolen, a lawyer to pursue the case and years of frustrating litigation.

Absentee landowners face the greatest risk

Timber thieves often seek out landowners, like the professor, whose residence is in one part of the state while owning property in another. Absentee property owners can be found by searching public records at any courthouse, making them easy targets.

Nina Cornett of Letcher County, and husband Dean and several cousins, experienced a \$90,000 to \$100,000 timber theft in 2003 on four separate properties. She received what she describes as “a liberal education in weak laws” on the matter, and consequently began lobbying to educate other victims on their rights and responsibilities as landowners.

“The matter is not usually a boundary dispute. Thieves will take stolen trees over

Continued on Page 12

Landowners in Whitesburg, Ky., discovered these stumps among woodland destruction in March 2009. Photos submitted

Timber piracy in Kentucky

Continued from Page 6

the mountains and out of the back, in a drainage area, to avoid detection,” Cornett said. “The justice system has yet to come to grips with it. Sheriffs and prosecutors are challenged because a case is rarely won.”

Penalties for timber theft in Kentucky are slight, and the best a victim can do is pursue a civil lawsuit to attempt to recover profits the thief was paid at the time of sale, Cornett said.

“Victims are often old, poor and ill and someone must speak for them. Over the years, the system has come to incentivize victimization because timber theft laws lack teeth. Victims are left with a civil suit as their only option, which is unaffordable for most,” Cornett continued.

Cornett is lobbying the General Assembly for change. She says the environment is a big loser too when logging thieves come to call. Thieves “leave destruction in their wake—illegal logging roads and giant piles of debris that violate every best practice in the Clean Water Act as far as logging and preventing sediment from going into rivers is concerned,” she told a legislative committee earlier this year.

Hugh Archer, Kentucky Woodland Owners Association board member and executive director of the Kentucky Natural Land Trust, also seeks stronger criminal penalties because no forest in Kentucky is immune from timber theft.

“Thieves target old-growth trees. Even trees in the state nature preserve system, such as Blanton Forest, are not safe,” Archer said during testimony before the Kentucky Environmental Quality Commission (EQC). “Blanton is the 13th largest old-growth forest in the United States and 44 acres of 300-year-old trees were stolen there.”

In another incident, a Philadelphia woman with Kentucky roots bought 107 mountaintop acres in Morgan County years ago as a long-term investment for retirement. When thieves stole almost \$20,000 of her assets in illegal logging she was devastated financially and emotionally. She believes the thief, in her case, is named on an online roster of “bad actors” maintained by the Kentucky Division of Forestry. Bad actors are loggers and operators who fail to follow best management practices to protect water quality resulting in violations during timber harvesting.

Even though the Division of Forestry offers landowners assistance in developing forest stewardship plans and suggestions for reducing their risks of theft, it does not have legal authority to enforce timber theft laws.

“Healthy forests protect our rivers and streams,” said Leah MacSwords, director of the Kentucky Division of Forestry. “Not only are the forests damaged by timber thieves, the waterways that run through them are susceptible to runoff pollution.”

Are stronger laws in the future?

Earlier this year, Cornett persuaded Rep. Leslie Combs of Harlan to prod the General Assembly to study timber theft and strengthen criminal and civil laws. The legislator’s House Concurrent Resolution 64 was approved by the House but never made it out of committee in the Senate. The resolution can be found at <http://www.lrc.ky.gov/record/12RS/HC64.htm>.

On Feb. 23, EQC resolved to support Combs’ legislation.

“We must protect forests because they are protecting us by cleaning the air, soaking up floodwaters and preventing erosion,” said EQC Executive Director Arnita Gadson.

Going solar: an ‘eggs’cellent investment

Continued from Page 4

in the purchase and installation of a solar generation system.

The result—an 18.33 kW photo-voltaic system was installed on the south-side roof of his poultry house. Estimates are that it will produce approximately 22,560 kWh per year. At the current rate of 24 cents per kWh, the system will generate about \$5,414 per year. With the additional incentives that were available, payback of the \$89,000 system will be seven years.

Van Metre’s electric bills were approximately \$1,000 a month. Since the solar power system was installed last November, he has not had an electric bill for five months and currently earned an \$800 credit.

When asked if he would purchase solar again he replied, “Although it seemed like a long time to get things rolling, I would do it again in a heartbeat. It has made such a difference—now I watch every little thing to see how I can pull my energy usage down. Because of the recent drought I tell my neighbors I pray it rains at night and for the sun to shine the next day.”

For more information, visit <http://ag-energy.ky.gov/>.

Sag Hollow Golf Club

Continued from Page 2

wore on and the course drew visitors, there was a real appreciation for Sag Hollow. The gravel county road was paved, and people use the clubhouse for fundraisers, reunions, showers and other events. The community is delighted to have Sag Hollow Golf Club in its midst.

Land that had once been unusable now has ponds stocked with fish; a golf course to teach the sport to local youth and provide recreation to residents and visitors; and landscaping with shrubs, flowers, trees and native grasses to add beauty and provide a habitat for a variety of wildlife.

For information about developing previously used properties that may have been impacted environmentally, contact the Kentucky Brownfield Redevelopment Program at 800-926-8111.