

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

Do Not Mark in this Box

RECEIVED
1992 SEP 18 PM 12
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: West Virginia Division of Forestry TITLE NUMBER: 22

CITE AUTHORITY 19 - 1B

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 3

TITLE OF RULE BEING PROPOSED: Sediment Control During Commercial Timber -
Harvesting Operation -- Logger Certification.

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


William H. Gillespie

12.90



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
OFFICE OF THE SECRETARY

State Capitol, Room R-151
Charleston, West Virginia 25305-0310
Telephone: (304) 558-3255
Fax No.: (304) 558-4983

GASTON CAPERTON
Governor

JOHN M. RANSON
Cabinet Secretary

August 18, 1992

Mr. William H. Gillespie
Administrative Forester
Division of Forestry
Guthrie Agriculture Center
Charleston, West Virginia 25305-0570

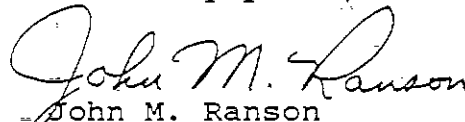
RE: Proposed Rule - Title 22, Series 3 (Sediment Control
During Commercial Timber-Harvesting Operations
[Certification])

Dear Bill:

Pursuant to West Virginia Code 5F-2-2(a)(12), I hereby
consent to the proposal of the rule specified above.

You may attach a copy of this letter to your filing
with the Secretary of State as evidence of my consent.

Sincerely yours,


John M. Ranson
Cabinet Secretary

JMR:mcl

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Sediment Control During Commercial Timber-Harvesting Operations - Logger Certification

Type of Rule: X Legislative Interpretive Procedural

Agency: West Virginia Division of Forestry Address 1900 Kanawha Boulevard, East State Capitol (Guthrie, Bldg. 13), Charleston, WV 25305-0180

1. Effect of Proposed Rule:	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$ 116,000	\$ 116,000	\$ Impossible to estimate now
Personal Services			\$ 80,000	\$80,000	
Current Expense			\$ 21,000	\$21,000	
Repairs and Alterations					
Equipment			\$ 10,000	\$10,000	
Other			\$ 5,000	\$ 5,000	

2. Explanation of above estimates: 4 weeks of logging safety classes - \$3,000+ for consultant plus \$2,500 for staff; 60 eight-hour classes on Sediment Control - 3 staff minimum \$36,000; 200 classes on first aid (minimum of 2 staff) \$40,000; needed materials - clinometers, abney levels, printing, etc., \$15,000 = \$116,000 first year.

3. Objectives of these rules: To implement a logger certification program as called for in 19-1B (House Bill 4669, 1992 session) so as to provide for safer and environmentally less harmful logging. A 12-person, statewide, industry-legislative-environmental committee worked throughout the summer in preparing these rules.

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government.

Detracts from providing landowner assistance. Won't be able to estimate for at least a year, but will probably cut current levels by one third.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

Will cost each firm a minimum of \$500 for getting a logger certified for each crew, and the recommendation has been made that each firm certify two for each crew.

C. Economic Impact on Citizens/Public at Large.

May result in less sediment in streams and less payout of Workers' Compensation.

Date: 8-18-92

Signature of Agency Head or Authorized Representative

William A. Gillespie

DATE: September 18, 1992

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia Division of Forestry

LEGISLATIVE RULE TITLE: Sediment Control During Commercial Timber - Harvesting Operation - Logger Certification.

1. Authorizing statute(s) citation 19 - 1B

2. a. Date filed in State Register with Notice of Hearing:

August 18, 1992

b: What other notice, including advertising, did you give of the hearing?

State wide news release to print and audio media including Associated Press.

c. Date of hearing(s): September 17, 1992

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached X No comments received

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

September 18, 1992

f. Name and phone number(s) of agency person(s) to contact for additional information:

William H. Gillespie 558-2788

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

NA

b. Date of hearing: NA

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached NA

LEGISLATIVE

WEST VIRGINIA LEGISLATIVE REGULATIONS
DIVISION OF FORESTRY
DEPARTMENT OF COMMERCE, LABOR
AND ENVIRONMENTAL RESOURCES

Title 22
Series 3

SEDIMENT CONTROL DURING COMMERCIAL
TIMBER-HARVESTING OPERATIONS - LOGGER CERTIFICATION

§22-3-1. General

1.1. Scope. - These regulations establish procedures by which the certification necessary before a person may directly supervise timbering operations in West Virginia may be acquired, suspended or revoked.

1.2. Authority. - West Virginia Code §19-1B-7.

1.3. Filing Date.

1.4. Effective Date.

§22-3-2. Definitions.

2.1. "Best Management Practices" or "BMP's" - means the technically feasible and economically reasonable procedures, as currently used in the state's silvicultural water quality management plan and as are adopted from time to time by the director, upon recommendation of the BMP Committee specified in §19-1B-7(h), used to reduce sedimentation of the waters of the state by soil erosion coming from the establishment and/or use of haul roads, skid roads, log landings, or other activities associated with the commercial harvesting of timber.

2.2. "Chief" - means the administrator of the office of water resources of the division of environmental protection or his or her agent.

2.3. "Certified Logger" - means an individual engaged in the business of severing trees for commercial purposes who has successfully completed the program prescribed by the director to ensure competency in the safe conduct of timbering operations, in first aid, and in the use of BMP's.

2.4. "Commercial" - means that which is done for a wage, fee, commission, agent or profit.

2.5. "Compliance Order" - means a written order of the director specifying

how a situation that is contributing, or has the potential to contribute, to soil erosion or water pollution, be corrected; and further specifying a reasonable and practical number of days in which the corrective action(s) must be taken.

2.6. "Conference Panel" - means the entity comprised of those persons selected by the director and the chief, as specified in §19-1B-11-a, and who, upon the request of an aggrieved person or upon petition of the chief, meet to affirm, modify or vacate orders of the director relating to commercial timber harvesting.

2.7. "Director" - means the director, also termed the state administrative forester, of the West Virginia division of forestry or his or her agent.

2.8. "Haul Road" - means a road, other than roads built under an active permit to comply with other laws or regulations, constructed or used for the transportation of logs from a landing to a state road or highway.

2.9. "Landing" - means an area, integral to the timbering operation, in or near a forest where logs are first accumulated and/or prepared for loading onto or into carriers for transportation to a wood-processing facility.

2.10. "Logger Certification" - means the issuance of a numbered certificate and a wallet-sized photo identification card to individuals successfully completing a regularly scheduled program of education, training and examination prescribed by the director in the safe conduct of timbering operations, in first aid procedures, and in the use of best management practices.

2.11. "Skid Road" - means a road over which trees and logs are carried or dragged from the point where severed to a landing.

2.12. "Timbering Operations" - means all aspects of logging, including but not limited to severing and delimiting of trees, cutting of the delimited tree into logs either at the point of severing or at a landing, the preparation of any skid and haul roads and the skidding or otherwise moving of logs to landings.

2.13. "Water Pollution Control Act" - means Article 5A, Chapter 20, of the West Virginia Code or the successor citation.

§22-3-3. Procedures for certifying loggers; supervisory activities; carrying Photo Identification Card.

3.1. Any individual engaged in the supervision of a logging crew shall, after July 1, 1993, be certified as a certified logger by the director. Logging crew members not involved in supervision may be certified, but certification is not mandatory.

3.2. The chief or any agent of the chief engaged in the review of timbering operations to ascertain compliance with appropriate statutes shall be specially certified by the director upon successful completion of the BMP training portion of the program.

3.3. Any individual applying for certification as a certified logger shall first complete the course of instruction prescribed by the director for that purpose and shall then complete an application form supplied by the director.

3.4. A fee of fifty dollars shall be submitted with each application for certification or for certification renewal. There shall be no prorating of the fee for partial-year certification.

3.5. Certified loggers must apply for renewal by completing a renewal form each year. A renewal form shall be sent by the director to the last known address of the certified logger at least thirty days prior to the renewal deadline. Certifications may be renewed only for two succeeding years. For the third renewal and every third renewal thereafter, the certified logger shall first complete a regularly scheduled program designed by the director to update the education and training that the logger originally completed for certification.

3.6. Certifications not renewed for two successive years shall be deemed vacant, and the number shall be available for reassignment.

3.7. Any person found guilty of supervising a logging crew without a valid certification shall be eligible for certification upon satisfactory completion of the next regularly scheduled course of instruction prescribed by the director.

3.8. A certified logger shall not directly supervise more than one crew at a time.

3.9. A certified logger shall, when supervising an active timbering operation, be at the operation each day, but does not have to be continuously present.

3.10. Certified loggers shall have their certified logger photo identification cards on their person at any time they are supervising a logging crew.

§22-3-4. Logger Certification Suspension.

4.1. The certification of any certified logger may be suspended for no less than thirty nor more than ninety days when found to be in violation of the provisions of either the logging sediment control act or the water pollution control act for a second time within any two-year period. A single incident, regardless of the number of citations, shall constitute a single violation.

4.2. Violations to be considered as cause for certification suspension shall include, but shall not be limited to:

4.2.1. Providing invalid or misleading information on an application form.

4.2.2. Failure to use appropriate best management practices.

4.2.3. Failure to observe compliance orders from the director.

4.2.4. Failure to observe a timbering operation suspension order from the director.

4.2.5. Failure to keep first aid certification current.

4.2.6. Interfering with the director's or chief's access to the operation for inspection purposes during reasonable working hours or for emergencies.

§22-3-5. Logger Certification Revocation.

5.1. An individual's certified logger certification may be revoked for any of the following reasons. Recertification shall be contingent upon again successfully completing the general certification procedures, but in no event shall a recertification be issued prior to one year after the revocation.

5.1.1. Providing false data on the application for certification.

5.1.2. Being found in violation of either the logging sediment control act or the water pollution control act for a third time within any two-year period. Violations to be considered as causes for certification revocation shall include, but aren't necessarily limited to, the listing set forth in 4.2.1 through 4.2.6 of this regulation.

§22-3-6. Reciprocity With Other States.

6.1. Reciprocity with other states with similar certification programs shall be on the basis of a written agreement signed by the director and the appropriate official of the other state.

6.2. Before signing a reciprocal agreement with another state, the director shall first determine that the program or aspect of the program under consideration is at least equal to that of the West Virginia logger certification program.

6.3. Standard first aid cards; i.e., Red Cross, Emergency Medical Technician, etc., showing competency in a course of first aid at least equal to that prescribed by the director, shall be acceptable as proof of competency for that part of the training.

§22-3-7. Right of Appeal.

7.1. Any person aggrieved by a decision of the director relative to his or her certification as a certified logger shall have the right to appeal the order to the district conference panel who shall, in writing, affirm, modify or vacate the order.

NEWS RELEASE

West Virginia Division of Forestry
1900 Kanawha Boulevard, East
State Capitol (Guthrie)
Charleston, WV 25305-0180
Phone: 558-2788/FAX: 558-0143

For Immediate Release

August 25, 1992

PUBLIC HEARINGS SCHEDULED ON LOGGING SEDIMENT CONTROL

CHARLESTON, W.VA.--Bill Gillespie, Director of the West Virginia Division of Forestry, has released a schedule for the public hearings on the regulations concerned with sediment control during commercial timber-harvesting operations.

Gillespie says that hearings on the regulations involving licensing of timber operators, timber buyers, and log buyers are scheduled for 9 to 10 a.m. on September 17, 1992. Public hearings will be held in each of the Forestry Division district offices. The locations are District I, 1304 Goose Run road, Fairmont, WV 26554; District II, #1 Depot Street, Romney, WV 26757; District III, State Route 20, French Creek, WV 26218; District IV, Route 16, MacArthur, WV 25873; District V, 878 East Main Street, Rear, Milton, WV 25541; and District VI, 2309 Gihon Road, Parkersburg, WV 26101.

A second public hearing from 10 to 11 a.m. will be held at the same place on the same day for consideration of the regulation pertaining to logger certification.

The Division requests that persons wishing to make comments at the hearings also plan to bring written comments in order to facilitate the review. The issues to be heard shall be limited to those involved with the proposed regulation.

Comments about either of the regulations may be mailed to the West Virginia Division of Forestry, 1900 Kanawha Boulevard, East, Charleston, WV 25305-0180.

Copies of the regulations and the news releases pertaining thereto can be procured at any office of the Division of Forestry. For further information, call 558-2788.

Dominion Post

9/11/92

10/11/92 Charleston
Gazette

Hearings slated on proposals for timbering rules

By The Associated Press

Proposed rules on timbering in West Virginia are too much of a burden on small companies, a state senator said.

"I just don't want to see any timber operators put out of business," said Sen. Donna Boiey, R-Pleasants.

Public hearings on the rules will be held next Thursday at state forestry offices in Fairmont, Romney, French Creek, MacArthur, Milton and Parkersburg.

The Legislature passed the state's first law regulating loggers earlier this year. Specifics were worked out this summer by a panel of lawmakers, environmentalists and timber industry representatives.

The panel decided the following are grounds for license suspension:

- failure to notify the Division of Forestry three days before cutting timber.
- improper timber management.
- defiance of state Forestry Division orders.

The panel also said loggers must buy a \$50 license from the state each year unless they are cutting timber worth \$4,000 or less on their own property.

The rules will be phased in over the next several months. Comments at the public hearings could result in rule changes, but only if those changes are approved by the Legislature.

Forums on timbering scheduled

THE ASSOCIATED PRESS

Public hearings on timbering regulations will be held Thursday at state forestry offices in Fairmont, Romney, French Creek, MacArthur, Milton and Parkersburg.

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Clipping Division
West Virginia
Press Services,
3422 Pennsylvania Ave.
Charleston, WV 25302
Date of Clipping:

SEP 03 1992

Nicholas Chronicle
SUMMERSVILLE, WV

Public Hearings Scheduled On Logging Sediment Control

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Clipping Division
West Virginia
Press Services,
3422 Pennsylvania Ave.
Charleston, WV 25302
Date of Clipping:

SEP 4 1992

Mountain Views
GLENVILLE, WV
750

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Clipping Division
West Virginia
Press Services,
3422 Pennsylvania Ave.
Charleston, WV 25302

Date of Clipping:

SEP 2 1992

Moorefield Examiner
MOOREFIELD, WV

147

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Clipping Division
West Virginia
Press Services,
3422 Pennsylvania Ave.
Charleston, WV 25302

Date of Clipping:

SEP 2 1992

Webster Echo
WEBSTER SPRINGS, WV
Circulation: 2,923

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Public hearings scheduled on logging sediment control

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The Division requests that persons wishing to make comments at the

Clipping Division
West Virginia
Press Services,
3422 Pennsylvania Ave.
Charleston, WV 25302

Date of Clipping:

SEP 2 1992

The Record Delta
BUCKHANNON, WV

Clipping Division

West Virginia

Press Services,

101 Deane Drive - Suite 200

Charleston, WV 25311

Date of Clipping:

SEP 7 1992

Clay Herald

Clay, WV

Circulation: 0

Public Hearings On Logging Sediment Control

Monday,

Public hearings on the 26101.

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mailed to the West Virginia Division of Forestry, 1900 Kanawha Boulevard, East, Charleston, WV 25305-0180. Copies of the regulations can be procured at any office of the Division of Forestry.

For further information, call 558-2788.

These regulations establish procedures under which loggers may become certified to supervise timbering operations in West Virginia. The regulations also specify how such certification may be suspended or revoked. Reciprocity with other states is also addressed.

**SEDIMENT CONTROL DURING COMMERCIAL
TIMBER-HARVESTING OPERATIONS--LOGGER CERTIFICATION**

Brief Synopsis of the Six Hearings Held
Across the State Today, September 17, 1992

There were fewer comments about logger certification than had come up about licensing. In general, most of those commenting believed that the safety training was absolutely necessary.

REC'D SUP 17 1992

PUBLIC HEARING
Sediment Control During Commercial Timber-Harvesting Operations
Logger Certification

Date 9-17-92

NAME	ADDRESS	DESIRES TO SPEAK (YES OR NO)
Kent Flemming	P.O. Box 72 Tessa A WA 99264	No Yes
William Houser	RT 1 Box 179 Alicks WA 99265	No
Michael S. Soto	RT 1 Box 1008 Grubbs WA 99263	No
Ted Hargison	54 R.L. Taylor Rd. WA 99264	No
Jim Pahl	402 Tum St, Chockley, WA 99201	No
Curt Houser	Rd 2 Box 170 Weyerhaeuser WA 99285	No
Paul Summers	RT 3 Box 140 3rd St. WA 99263	No
DAVE SUMMERS	RT 3 Box 136 Hwy 60 WA 99263	No
Har. Bee	Box 81 Weyerhaeuser WA 99289	No
Bill Buonside	P.O. Box 231 Randle WA 99267	No
Bennie P. Summers	RT 1 Box 117 Wolff Summit WA 99264	No

REC'D SEP 11

Farmers Public Hearing #2 - Oct 11, 1979 09/17/79

Kind Fleming - workers; then to support cut-out
BMs, Chairman, first-aid and
needed to improve our position in
the world.

Reggie Six: Huckle Lambert, Div. of Family
Foster and existing foster homes
help the loggers fill-out their
registration forms, because most of
loggers have a feather in their
cap.

CERTIFICATION HEARING

1. COMMUNICATION IS POOR -- FEES SHOULD BE USED FOR NOTIFICATION OF MEETINGS AND HEARINGS, ETC.

2. COMMITTEE WORKING ON RULES, ETC. SHOULD HAVE INDUSTRY REPRESENTATIVES FROM EACH DISTRICT. TOO MUCH POWER WITH THE DIRECTOR. WE ARE NOT REPRESENTED. SHOULD BE NO CHARGE (FEE) TO BECOME CERTIFIED.

3. DITTO

4. DITTO

5. TAKE OUT CPR PORTION

6. ANNUAL FEE FOR CERTIFICATION SHOULD BE CHANGED TO EVERY THREE YEARS WHEN TRAINING HAS TO BE RENEWED.

D-2
Romer

REC'D SEP 17 1992

III

LOGGING SEDIMENT CONTROL ACT
RULES AND REGULATIONS PUBLIC HEARINGS
SYNOPSIS OF TAPE RECORDED SESSIONS
SEPTEMBER 17, 1992

CERTIFICATION

John Vallelonga – (needed to make comments on licensing)

Brent Nettles – talked about the cost of certification – time off from work, cost of license and the cost of the classes – should be set up on county level during the evening – Big Brother system wants little operator out of the way – BMP are not state regulations – people on committee may not know about logging – instead of making employment, it will cost state people to be put out of business

Paul Frame – declined at this time

Lester Lemon – questioned the ability of Tim Ard to teach safety class when he had not cut any timber – Bills (contracting and logger) unconstitutional

Butch Durand – confusion, not enough information to clear things up – timber #1 industry but not enough attention given to it

George Tenney – classes do not learn you to cut timber; it takes experience – it is an insult to have to take certification

Mike Ross – no comments

Ray Lockwood – no comments

Cam Hudkins – have to pay severance tax anyway and now we have to pay business license and timber license – waiver should be \$50,000 – should have a grandfather clause like surface mining did – should certify logger under grandfather clause do not like panel – should be able to have a copy of your business license with you to present, should not have to have sign because of vandalism

Tim Hudkins – pass

Scott Williams – pass

Robert Wayne – read letter he is submitting – landowner should have exemption from doing anything on property – over taxation charge; \$50 for license and have to pay for each class – fines are too stiff – should be tried in own county (their peers) – against people being allowed to enter property – BMP's are good – everybody should have first aid – chainsaw safety should not be for experienced loggers who have been in the field

Ferrel White – should not have to take classes to run chainsaw and cut trees – one purpose only -- money – will create a wave of employment for the state (23 new employees for contractor's license; over 100 new employees to enforce regulations in Forestry

Margaret Gregory – pass

Charles Gilchrist – should have experience listed as qualifications for timberman – a landowner who just cuts trees and takes classes could be listed as a timberman – would not take very long to make \$4,000 – should not be licensed to cut a little bit of firewood

Brent Nettles – Forestry is saying OSHA regulations are worst than Forestry's – these are common sense – WV needs to do something about exporting our products; should have business here

Jack Boone – did not discuss issue

Adjourned at 10:35 a.m.

Attendance - (63)

REC'D 11 17 1992 Sediment Control During Commercial Timber-Harvesting Operations
Licensing and Cert. Section

PUBLIC HEARING

Date Sept 17, 1992

NAME	ADDRESS	DESIRES TO SPEAK (YES OR NO)
Margaret Gregory	Rt. 2 Box 248 French Creek, MO	Maybe
Jack Boone	P.O. Box 375 Franktown, MO	Yes Both
Dorothy Reeder	Rt 4 S Box 5 Strongs Creek, MO	No
Anna Christian	MCR 77 Box 27 Upper Glade, MO	Yes
Ring Lockwood	38 W Victoria St. Buchanan, MO	Yes Both
Ann Hopkins	Rt 66 Box 38 Corley, MO	Yes Both
Tim Hopkins	Rt 66 Box 38 Corley, MO	Yes Both
Scott Williams	Rt. 1 Box 106 Buchanan	Yes Both
Robert Wayne	2900 Chapel Road Gassaway	Yes Both
Ferrel White	P.O. Box 2 Gassaway	Yes Both
Tom Sandus	Rt. 3 Box 14 Perkins	No
Roger Miller	Rosedale	No
Clyce Burns	Franktown	No
Jack Burns	Franktown	No
Richard Burns	Franktown	No

REC'D 1 1 1992

PUBLIC HEARING
Sediment Control During Commercial Timber-Harvesting Operations
Licensing and Cost Structure

Licensed Mr. [unclear]

Date Sept 17, 1992

NAME	ADDRESS	DESIRES TO SPEAK (YES OR NO)
Roy Wilmoth	Box 262 Belington, MD	No
Warren Mosak	151 Rockhurst St Buckhannon, MD	No
Marie Singator	251 Catlip Fork Gassaway, MD	No
Paul Christinn	MC Rt 77 Box 47 Upper Glade, 26266	Yes
Dick Lyubright	Riverswood, MD	Yes
Paul Frame	French Creek, MD	Yes Both
Brent Nettles	Elmira, MD	Yes Both
John Reeder	Rt 4, Box 5 Strangers Creek, MD	No
Walter Berner	255 Berner Dr. Sutton, MD	Yes Both
Lester Lemon	Box 180 Chapel Rt. Gassaway, MD	Yes Both
L.R. Prince	Menters, MD	No
Ralph Byrnes	Napier, MD	No
Charles Gilchrist	Alton Bridges, MD	No
Russell Groves	Rt. 2 Box 6 Weston, MD	No
Robert Groves	Box 393 Lost Creek, MD	No

PUBLIC HEARING
Sediment Control During Commercial Timber-Harvesting Operations
Licensing and Cost-Share

Date Sept 17, 1992

NAME	ADDRESS	DESIRES TO SPEAK (YES OR NO)
Darrell Cunningham	Lockney, MD	No
Susan Gould	Rt. 9 Box 347 Buckhannon, MD	No
Terry Gould	Rt. 9 Box 347 Buckhannon, MD	No
John Dillelonga	301 Andrews St. Elkins, MD	Yes
Jack Sturgill	P.O. Box 55 Petersburg, MD	No
Roy Tenney	612 Elk St Webster Springs	No
Lee Wolfe	Purdett Curtin Lbr. Co. Webster Springs	No
Richard Riley	Rt. 2 Box 125 French Creek	No
Cliff Summers	1 Coleman Place Buckhannon, MD	Yes
Leo Wilmoth	Rt 4 Box 557 D Buckhannon	No
Karen Robinson	Rt. 2 Box 41 French Creek, MD	No
Kenneth Hamrick	Rt. 4 Box 4F Webster Springs, MD	No
James Mann	P.O. Box 70 Webster Springs, MD	No
George Tenney	Rt. 2 Box 119 French Creek, MD	Yes Both
Mike Ross	Conlon, MD 26257	Yes Both

District W. 2000-2001

PUBLIC HEARING
Sediment Control During Commercial Timber-Harvesting Operations
Licensing and Certification

Date Sept 17, 1992

NAME	ADDRESS	DESIRES TO SPEAK (YES OR NO)
Bob Baker	Alum Bridge, MD	No
Jo Ann Krause	Alum Bridge, MD	No
Beth Burand	Sutton, MD	Yes
Roy Henderson	Sutton, MD	No
Nancy Groves	Rock Cove, MD	No
Dore Mollenex	Elkins, MD	No
Ellen Plueger	Parsons, MD	No
Lumber-Jack Logging	P.O. Box 665 Webster Springs	No
Paul Groah	General Delivery Camden, MD	No
Patsy Sears	Box 43 Floe, 25235	No
Malinda Murphy	Rt. 2 Box 235 Choe, MD 25235	No
Carolyn Murphy	Rt. 1, Box 119C Choe, MD 25235	No
William Giles	32 Erbman Road, Cove, MD	No
Jess Giles	Cove, MD	No
Bill Mace	Lockney, MD	No

REC'D

11-10-92

917-92

TO: RULES & REGULATIONS COMM.

FROM: MIKE ROSS - PRESIDENT WV TAX-STUDY ASSOC.

- DEMOCRATIC NOMINEE - STATE SENATE 15TH DIST.

- BUSINESS MAN - LANDOWNER & ~~LANDOWNER~~ COALTON, WV

RE: TIMBER BILL

4669

THIS BILL IN ITS PRESENT FORM, ALONG WITH THE SO-CALLED EMERGENCY REGULATIONS, IS UNACCEPTABLE TO A MAJORITY OF: SMALL TIMBER CUTTERS, CONTRACTORS, FARMERS, LANDOWNERS, SAW MILL OWNERS AND IN GENERAL MANY SMALL BUSINESS OWNERS THROUGHOUT THE STATE OF WEST VIRGINIA. IN ITS PRESENT FORM: SINCE SEPT. 1, 1992, IT IS ALREADY DRIVING INDIVIDUALS OUT-OF-BUSINESS RESULTING IN MORE WELFARE CASES, LACK OF JOB OPPORTUNITIES, AS WELL AS CREATING MANY FAMILY HARDSHIPS ON INDIVIDUALS WHO HAVE BEEN ENGAGED IN MEETINGS (SUCH AS TODAY) TO TRY TO GET RE-FORM AND CONTINUE TO SURVIVE, WORK AND FEED THEIR FAMILIES WHILE BEING ENGAGED IN THE-TIMBER INDUSTRY.

REFORMS NEEDED:

1. RAISE A BLANKET EXEMPTION TO AT LEAST \$50,000 GROSS INCOME PER INDIVIDUAL BUSINESS OR COMPANY - ANYBODY IN THE STATE CAN TELL YOU THAT A VERY FEW BUSINESSES (NO MATTER WHAT) HAVE A NET INCOME OF MORE THAN 10% OF GROSS, SO THIS WOULD ONLY RESULT IN MOST CASES OF AN INDIVIDUAL OR COMPANY MAKING A \$5,000 PROFIT.

WE ALL KNOW THAT THIS IS AS MUCH A TAX BILL AS MUCH AS A SEDIMENT CONTROL BILL AND FOR AN INDIVIDUAL OR COMPANY TO HIDE TAX DOLLARS OR AVOID TAXES IS VIRTUALLY IMPOSSIBLE BECAUSE THEY HAVE TO SPEND MOST OF THIS MONEY TO SURVIVE. THE \$50,000 OPERATOR WILL KEEP THIS MONEY IN CIRCULATION AND TAXES WILL BE DERIVED ONE WAY OR ANOTHER. THE CURRENT EMERGENCY EXEMPTION OF \$4,000 ^{perily} RESULTS IN \$400 PROFIT. CERTAINLY NOT MUCH OF AN INCENTIVE TO START A BUSINESS OR TO REMAIN IN BUSINESS.

THE RAISING OF THE EXEMPTION WOULD PUT TO REST MOST OF THE CONTROVERSY CURRENTLY GOING ON AND WOULD ALLOW MOST OF US TO GET BACK TO WORK.

2. YOU ARE GOING TO HEAR TODAY AND, IN THE NEAR FUTURE, MANY PROPOSED REFORMS FROM PERSONS DIRECTLY AFFECTED BY THIS LEGISLATION AND THEIR CONCERNS ABOUT THEIR LIVELIHOODS AND THESE COMMENTS SHOULD NOT BE TAKEN LIGHTLY AND HOPEFULLY THIS CAN BE WORKED OUT TO A MAJORITY'S SATISFACTION AND AVOID A MAJOR BATTLE FOR A TOTAL REPEAL OF THIS SO-CALLED BILL.

"A SURE WAY TO BE SUCCESSFUL IS TO LISTEN TO ANOTHER MAN'S POINT OF VIEW." (HENRY FORD)

THANK YOU.

Mike Ross

REC'D SEP 17 1992

WEST VIRGINIA FORESTRY ASSOCIATION

P.O. BOX 488
RAVENSWOOD, W. VA. 26164
PHONE (304) 273-8164



I am Dick Waybright representing the 885 members of the West Virginia Forestry Association recommend the following changes for licensing under the proposed rule for Sediment Control During Commercial Timber-Harvesting Operations.

1. That the license exemption of \$4,000 be raised to \$10,000 for small operators.

2. That the small operator (who receives the \$10,000 exemption) be able to cut on land other than his own.

3. That a copy of the license certificate serve as a minimum size for the sign on the landing instead of the sign containing three inch letters.

Signed: Dick Waybright Date: 9/17/92

REC'D SEP 1

As a forester with timberland in four West Virginia counties and over fifty years experience in many areas of timbering operations, as well as a knowledge of the many present laws which, if enforced, would control the sediment effecting our streams today.

In my 77 years I have worked for Soil Conservation Service, U.S. Corps of Engineers, Dept. of Natural Resources, taught agriculture, Department of Highways, and have been a member of the Legislature.

I have been promoting good soil erosion methods for over 50 years. With my experience record I would like to know who will be teaching me the best management practices.

I believe an educational program, teaching our timber operators the best management practices would be much more productive than this program of helping to cause our many small timber operators go out of business.

If we foresters would teach and help the small operators to become larger this would be much better than administering heavy fines which would only result in putting West Virginia to the bottom of the economic ladder.

I am amazed at the cowardly attitude our timber leaders have. Their idea is to "go with the present timber bill" because of the threat by our state leaders of putting in a worse bill. Sounds like blackmail to me!

The final and most important point I will make is that we now have more laws and regulations for sediment control than we can enforce or administer and this is just another way of creating more unemployment and failure of people in the timber industry.

I firmly believe this law should be repealed during the next Legislative meeting for these reasons as well as that of being unconstitutional.

Respectfully submitted
Clifford Summers
1 Coleman Place
Buckhannon, WV 26201
Telephone: 472-2240



REC'D SEP 1 1992

To Whom It May Concern,

I have been attending these timber meetings on this so called "timber legislation", and I was asked to write my comments down on paper, so here goes.

First of all it is the biggest bunch of bull I have ever read and I cannot live with it and I am not even going to try, because it is going against my constitutional rights.

What it means to me is that a handful at Charleston are trying to tell me that I don't have enough sense to manage my own stuff, so they are going to manage it for me. Well, I am here to tell you, that doesn't go with me!

Further more, they are calling timber a natural resource. To me it is a crop off of my land and I think I have enough sense to manage it myself.

I have always worked hard and tried to be a law abiding citizen, but the so called "laws" that are being passed now are ridiculous. I am not going to get a timber license and I am not paying any fine and you can count on that! This letter is a notice for all state officials to steer clear of my property or they will have to deal with me.

Dana Rose
Gassaway, WV.

REC'D SEP 17 1992

Comments to the Forestry Dept.

I have several comments concerning H.B. 4669.

1. First and foremost is the four thousand (4,000) limit on an individual harvesting trees from his or her own land. If you own your land and pay taxes on it, there should be no limit on how many trees you harvest on that land.
2. I feel the fines should be much lower for the first offense and also that the violators should be tried in the county in which the violation occurred, by a judge and jury of their peers.
3. A sign displayed at job site with 3 inch lettering is unnecessary. Displaying your business license should be enough.
4. The fifty dollar extra license is just another tax on people who are ~~and~~ already taxed far too much.

3. The small timber man is
not the one harming our land

Thank You
Patsy Sears

This is a copy of our letter that is being sent to
the Secretary of State office as well as many other
state agencies.
Thank You.

Burton M. Murphy
Rt. 2 Box 235
Kloe, W. Va. 25235

REC'D 1992

Office of Secretary of State
1900 Kanawha Blvd. E.
Building 1 Suite 157 K
Charleston, W. Va. 25305

I am writing to voice my
concerns regarding the Timber
Law (H. B. 4669).

This bill sets regulations, guidelines,
and penalties which the small time
timber operators are unable to live
with.

I feel this bill is targeting small
family run operations. There should
be a clause in the bill that
exempts landowners from obtaining
expensive licenses and permits as
long as they are timbering their own
land and/or their annual gross
income does not exceed \$50,000.00.

Another aspect of this law that meets with my disapproval is the requirement of two separate licenses. This is an additional revenue by targeting one occupation or business.

It is also my opinion that certain boundaries of privacy are disregarded. The fact that a state paid director from the Division of Forestry may come on, or remain on personally owned property, and conduct inspection, and initiate fines leaves no respect of private ownership.

I believe that failure to comply with Best Management Practices should result in only a warning to make corrections.

If after given a reasonable period of time the operation still goes on without meeting BMP standards there should be a decision rendered within the county and the fines set at this level. This should be

decided by a jury of peers and not by an appointed committee.

Many of the environmental regulations are so outrageous they are almost laughable. Many of the regulations dealing with sediment control are impossible to live with. A muddy stream does not kill animal life or damage the environment. How can one man fine another for the very thing mother nature dumps on us every time it rains.

This entire bill reeks of unconstitutionality. Our elected officials should not pass into law that which shows blatant disregard for our personal rights.

When a man's privacy and personal property can be regulated and controlled by the almighty power of the government, then Democracy has given way to Communism.

Burton M. Murphy

REC'D SE 17 1992

Carolyn Murphy
Rt 1 Box 119
Chula, WV 25935

William H. Gillespie
WV Forestry Division
Charleston, WV

25 305

As a concerned citizen of the state of West Virginia I write this letter asking for the repeal of the Timberland Bill of 1969. I feel this bill was deceitfully passed and is unnecessary. I feel this bill was passed with little regard of the impact to the small timbermen and economy of this state. The environmental restrictions are too great as well as the fines for the so called violators. I feel the way the bill was passed is unconstitutional and very communistic like. I also think the landowner should be exempt from this bill being allowed to harvest any amount of timber from his property.

The landowner purchase his own property and pays taxes on it. It should belong to him, not the state! Landowners are tired of unfair laws and taxes in this state! That is the reason we left the rule of England to start with. It is time the people in legislature consider the welfare of the common people. Start listening to the voice of the working people, the few lucky enough to have jobs. Our economy is bad enough. We do not need laws to worsen matters. Let common people work without a lot of unnecessary laws and regulations to threaten their well being and means of survival. Environmentalists are overly concerned with everything but the existence of the human race. How long will it be before we are on the endangered species list? Not too long it seems. Please consider the hardships laws and regulations make before being so quick to pass them.

Very Concerned,
Carolyn Murphy

REC'D SEP 17 1992

Sept. 17, 1992

Dear Sis,

We feel that some parts of H.B. 4669 are unreasonable and should be revised.

A farmer should have the right to harvest a crop from his farm and that is exactly what timber is to a landowner, a crop. He should be able to harvest timber from his own land without any limit to amount and should not have to obtain a waiver to do so.

The small business is already taxed to the limit and the fees for certification plus license fees are too high to have to be paid each year. A one time fee on the certification classes should be sufficient.

Fines and penalties are too high for a small business man. One fine could put a small operator out of business and on to welfare.

The rights of entry clause takes away our rights to our own property.

The road grade and slope percentages are very unrealistic for hilly terrain such as most of us in W.V. have to work with.

if a logger is complying with Best Management Practices and Mother Nature causes erosion due to storms, etc. the logger shouldn't be penalized for this.

Any violation upon logger should be handled in own county or county where work is being done.

I fully support B.M.P. and try to do everything I can to reclaim and prevent erosion and I also think the first aid classes and first aid certification is great and something that should have been brought up years ago.

William H. Singleton
Marie Singleton
251 Cutlip Fk.
Gassaway, W.V. 26624

REGD

171992

Sept. 17, 1942

To whom it may concern

I think that ~~the~~ the
Laws of West Virginia
are getting pretty damn
bad when a poor
working man has to go
through so much shit
to try to make a living
for his family. If
something isn't done
soon to correct this
BULL people are going
to be doing more stealing
killing and god knows
what else. The need to
be able to mine and
timber without all the
hassle that we are getting
from our Government.

I think any of us
dumb old Hillbillies

know how to run a
chain saw without
a license or permit
I know. I have used
one for several year
even though I am a
woman. But a damn
license or permit will
not help me run one
any better.

REC'D SEP 17 1992

To Whom it may concern,

I think that the laws on the Logging and timber is pretty bad when you can't even cut it without all of these license and permits. All of the Bull that people has to go through to learn to cut timber and they already know how to do it is a Damn sham. The little people that has five or six kids to care for, that is the only way that they can support them and they are not going to stand by and watch them do without food & thing like clothes, ~~clothes~~ what do you want them to do, go on welfare and things. They are not going to stand by and watch this happen. Because something will happen and it will ~~make~~ probly get pretty bad. And I do not believe in all these

Laws to show people how to do all
of them. And the thing about these
signs are a damn shame.
I do not agree with you on these
laws.

To whom it may Concern,

I think that the laws on the Logging and timber is pretty bad when you can't even cut it without all of these license and permits. All of the BULL that people has to go through to learn to cut timber, and they already know how to. It is a damn sham that the little people are going to get hurt in all of this. They are not going to stand by and watch you cut them out of jobs and they can not feed their families. They are not going to put up with it and things could get pretty bad and someone could get hurt over all of this and maybe even kill over this, is this what you ~~want~~ want to happen before you will open your eyes to this.

REC'D SEP 17 1992

To whom it may concern,
I feel that House Bill H.B. 4669 is just
a way to stop the poor class of people
from working and trying to make a
living without losing our welfare.

I disagree with all the regulations
that are proposed in this bill.
There is no way anyone can timber
and abide by all the regulations
proposed in House Bill H.B. 4669 as far
as I am concerned it is no more
than a political harassment to drive
the poor class of people out of the
state of West Virginia.

Virginia Brown

REC'D SEP 17 1992

To whom it may concern i feel
that house bill H.B. 4669 is just
a way to stop the poor class
of people from working and trying
to make a living without living
on welfare

i disagree with all the regulations
that are proposed in this bill
there is no way anyone can timber
and abide by all the regulations
proposed in house bill H.B. 4669
as far as i am concerned it is
no more than a political harassment
to drive the poor class of people
out of the state of West Virginia

Charles W. Jones

Tanner, West Virginia

Committee on Logging Law

We have a State Business Certificate
It's nonsense to have to have
two license to conduct the
same business. No Tax collected
Exemption should be for
\$50,000 for land owner or farm
evaluation.

Every other profession or
job, like surface miners, when
it became necessary to certify
they got their certification based
on 180 hrs on job plus first
aid card. They only take 8 hrs
of Safety & First Aid per year.
Every Land Surveyor came under
the Grandfather Clause

Panels are unconstitutional
not gonna commit

Signs should be copy
of Business License

First Aid cert. First Dept

9/17/92

REC'D SEP 17 1992

To whom it may concern,
The \$4,000 limit is unfair to the land owner - there should be no limit. People should not be able to come onto our property without a search warrant. A double license is unfair.

Sincerely,
Thomas Dandy

To whom it may concern;

The \$4,000 limit is unfair to the land owner - there should be no limit. People should not be allowed to enter our private property without a search warrant. a double license is unfair.

Sincerely,

Jack O'Keefe

9/17/92

REC'D 1992

To whom it may concern;

The \$4,000 limit is unfair to the land owner - there should be no limit. People should not be allowed to enter our private property without a search warrant. A double license is unfair.

Sincerely,

Robert Miller

9/17/92

REC'D 11 7 1992

To whom it may concern;

The \$4,000 limit is unfair to the land owner - there should be no limit. People should not be able to come onto ~~our~~ our property without a search warrant. A double license is unfair.

Sincerely
Clarice Burns

9/17/76

REGD 1-74992

To whom it may concern;

The \$4,000 limit is unfair to the land owner - there should be no limit. People should not be allowed to enter our ~~private~~ property without a search warrant. a double license is unfair. Sincerely,

Rocky Burns

Sept 17 1992

To: Dept. of Forestry Wisconsin
Brent & William S Nettles

After July 1 1993 the only one who can apply for the Timbering operation notification form is a certified logger. I don't feel it is... right to charge \$50.00 fee to remain certified. So the Forestry Division will know what you are doing. If every three years is often enough for the school to be certified, it should be often enough for the fee.

I don't think at any time should the Forestry Division have the right to take away a person's means of living away from them as stated in...

- 22-3.5.

5.1 State in no event shall a recertification be issued prior to one year after a revocation

5.1.2 Being found in violation of either the logging sediment control act or the water pollution control act for a third time within any two-year period.

I feel if one is in violation and does what is required for clean up, pays his fines, he should not have his means of living taken away.

What will the extra cost to timber operators do. Fee of \$50.00 Timbering Licence, \$50.00 Certified Logger Fee, and Appendix B minimum cost \$500.00 to become certified. Cost not added is extra log work. It will put ~~out~~ the small operator out of operation.

I don't think there shouldn't be a dollar amount on how much ~~the~~ one could sell from his own land.

In the Exceptions 6.2, 6.3, 6.4, 6.5 you are Exempt provided the logs so produced are not sold for, or give away for product production purposes. If the regulation are for safety. How could that be safe. How much of these regulation are just a money maker for the Forestry Division

Brent Nettles
 Wilma J. Nettles
 Rt 1 Box 56
 Elmira NY 13563

Committee on Sediment

REC'D E-1 71992

Loggers do not cut into deep rock formations to disturb groundwater.

Most sediment from logging doesn't reach streams in large quantities.

Whether Nature this summer kept streams high & muddy almost daily and then subsided and fish kill in our area.

When water is stirred up it makes no difference who is doing the stirring the logger or Corp of Engineers, or the State Highway Dept. It is stirred up & polluted. The Gov Agencies cause more pollution & all the loggers. It is unfair & probably unlawful for private enterprise to be ~~singled~~ singled out to bear the fault.

REC'D SEP 17 1992

September 17, 1992

To the Committee, Mr. Gillispie, Mr. Heckler, and Governor Caperton:

I am not breaking this letter down to much because I just want to say how I feel. I feel the bill and regulations are a joke. Almost as big of a joke as our government. We have lost alot of good men and women in wars protecting other countries from Communism and Nazism and we have it right here. Money and stupidity is running our state and country.

It has been amitted to me that our glorious representatives vote for bills they don't understand if no one is there to speak out against it. They said they didn't have time to ask the people about the bills brought up. I know they have time to get their pay checks and they have time to spend it.

I feel this bill (HB 4669) and others would have never been brought up if the forestry division had done their job. If they had informed the people of the voluntary registration program the people would have done it. This bill is all about more taxes and trying to get blood out of a turnips. These are poor hard working people trying to work and provide a living for their families. They don't want welfare or handouts. They want ot work like their fathers and their fathers before them.

Please help these people to keep their jobs. Don't let the big companies take over.

Thank you

Margaret Gregory

Margaret Gregory

Rt. 2 Box 248

French Creek, WV 25218

REC'D SEP 17 1992

September 17, 1992

To Whom It May Concern:

I feel that the regulations and the bill are unconstitutional. It is unconstitutional to have a Conference panel for a hearing.

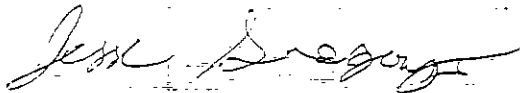
I feel that the limit of \$4,000 is crazy. A break down can cost more than that. A limit of \$75,000 is more reasonable.

The license is a joke. I already had a Business license to operate a business. I don't think it is necessary to pay \$50 for another license. I also do my severance tax. I feel I am already registered with the state.

With signs with 3 inch letters on it is costly and crazy. It just gives some people (they think) to come on the property and destroy the equipment.

There should be a grandfather clause in the bill and regulations. How are you going to teach people how to cut trees or other timber work when that is what they have done all their lives.

Jesse Gregory

A handwritten signature in cursive script, appearing to read "Jesse Gregory", written in dark ink over a light background.

REC'D 1-1992

Robert D. Wayne
2900 Chapel Rd.
Gassaway, WV 26624

BRAYTON Co.

CONCERNING H.B. 4669

There are a few comments I would like to make on this subject. I strongly feel that it is totally unjust to set a limit on landowners that are cutting their own timber. They have already paid the taxes on their land and should own it to do with it as they please. Does the state own all the property? If so, this is a socialist government and not a democracy as we have been taught all our lives. There should not be a \$4,000 limit, nor a \$40,000 limit, nor even a \$400,000 limit. Let the state stay out of an individuals right to make the decision on the property he or she owns.

I feel the certification, if necessary, should not be an annual fee. The law, H.B. 4669, already has loggers buying 2 licenses. The \$15.00 business registration certificate only allows us to buy a loggers license at an annual cost of \$50.00. This is no more than double taxation in itself. If we pay for the classes we attend to be certified and take time off from our jobs which is an additional loss of revenue to us, then I ask why should we be charged \$50.00 per year to carry the certification card? This is over taxation. The people of this state can no longer stand by and say nothing while our elected officials waste our money and want more each year. It is time our government started managing their business as we have to do ours. We cannot spend what we don't have and they shouldn't either.

I feel that the fines that can be meted out under this law are much too severe for the crime. I know that this law says nothing of crimes or criminals but the working people of this state are being made to feel as though we are. All the loggers know that when the state regulators come to their job, the regulator will find some discrepancy, otherwise the regulator cannot justify his job. This is true of all industries and right on down to retail stores. All government agencies need to support themselves and what better way than to levy fines on the people they are regulating?

When loggers are found to be in violation of the law, they should be tried in their home county or where they are working. A government picked tribunal is not a fair way to handle this matter. Let a man be tried by a jury of his peers as the constitution has provided for.

The state has given itself the Right Of Entry on anyone's property at any time for any reason. This in effect says the people in this free land of ours have no right to privacy. The government and it's appointed officials have absolute authority over the people whose taxes go to pay their wages. I feel the government officials are employees of the people and not their masters!

If we do in fact have a government of the people, by the people, and for the people, this law, H.B. 4669, cannot be constitutional!

Robert D. Wayne

My comment concerning Bill #4669
Timber Law is as follows:

REC'D SEP 1

1. Landowners should be totally exempt from having to purchase licence to cut anything on their own property.
2. We don't need two licenses to do one job. We have been working for years with one business license and feel that is sufficient.
3. We feel that one fee for being certified for one time is enough. A fee of \$50.00 for renewal is ridiculous. One time is enough!!
4. We feel that people that has been in the timber business for 5 years or longer should have a "grandfather" clause on certification.
5. Fines and penalties are entirely too high for small timber operators. \$500.00 fine would be a very high fine for any violation.
6. The appointed three men committee to enforce fines and penalties to loggers or anyone else is unconstitutional. We have had a court system in this land for sometime now and we feel that it is quite sufficient to enforce laws.
7. If violators should be tried in their own counties or in the county where their jobs are being done this would seem more fair than having them tried in Charleston or in some other district.
8. We are against giving every Tom, Dick, and Harry the right to come on our property this day and time is unsafe and totally against our morals.

We are asking for very few changes in these regulations. I feel these changes are most important to the small timber operators. If our officials would consider the welfare of the people who supported them over the years, it would be easy enough to make these changes. I also feel the laws that have been passed recently on the Timber Bill #4669 and the Contractors Law are unconstitutional.

Leslie J. Tenon

BRAXTON COUNTY TAX STUDY ASSOCIATION
TIMBERMEN COMMITTEE

Lester L. Lemon
Bob Wayne
Marie Singleton

REC'D 1 7 1982

Donnie Dobbins
Kevin Singleton
Cam Hudkins

Change limit on what land owners can harvest from own property from \$4,000.00 to \$50,000.00 and be exempt. Landowners should not have to obtain a wavier for this.

Don't need two licenses to do one job. We have been working for years under one license and feel that is sufficient.

Should not have to pay to recertify each year.

Should be "grandfather" clause on certification.

If logger is complying in B.M.P. and mother nature causes erosion, logger should not be penalized.

Any violations upon logger should be handled in their own county or the county where the work is being done.

Fines and penalties are entirely too high for small operators. One fine of \$2,500.00 could put a small logger out of business. A \$500.00 fine would be considered very high for a small three man operator.

The appointed court for the three men committee that has set themselves up to try loggers in violations is unconstitutional. We already have a court system in this country.

(General) [unclear]

Sixteenth American Jurisprudence, Second Edition, Section 210 affirms that the "Constitution is the SUPREME law of the land and any statute to be valid, must be in agreement. It is impossible for both the Constitution and a law violating it to be valid; one must prevail . . . an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since UNCONSTITUTIONALITY DATES FROM THE TIME OF ITS ENACTMENT, and not merely from the date of the decision so branding it . . . an unconstitutional law is void . . . it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and JUSTIFIES NO ACTS PERFORMED UNDER IT.

No one is bound to obey an unconstitutional law and no courts are bound to enforce it."

H.B. 4669 and subsequent rules filed under it are violations of both our Federal and State Constitutions:

- 1. The so-called "right of entry" (§19-1B-9) is in violation of citizen safeguards of Article IV of the Federal Bill of Rights and Article III, Section 6 of the WV Bill of Rights. (Nearly identical)
- 2. The "Creation of Conference Panels; Authority" (§19-1B-11) creates regional courts of jurisdiction which are not found in either Federal or State Constitutions. These appointed non-elected Kangaroo courts of sorts ("Conference panels") are examples of regional government which is in violation of constitutional mandate which creates and sustains elected (not appointed!) magistrates and judges at local and state levels. Additionally, the financial burden is shifted to the accused, many of whom cannot afford to appeal to circuit court; thus effectively violating Article III Section 10 of the WV "Bill of Rights" which guarantees that "No person shall be deprived of life, liberty, or property without due process of law, AND JUDGMENT OF HIS PEERS. The "Conference Panels" are not peer groups; they are regional three-member tribunals appointed and controlled by the appointed heads of the Division of Forestry and DNR (Environmental "Protection").

Many West Virginians have experienced the way the above type appointed "Politburos" function under the Contractors' Licensing Bill (S.B. 409 of 1991) and others: 1. Warning notices from inspectors. 2. Accused told that they would not, because of their cooperative attitude, be fined. 3. Subsequent fines levied against the accused, with no Miranda rights. 4. Accused effectively denied trial by peers.

3. The current H.B. 4669 was fraudulently promoted under the deceptive heading "regulation of the harvesting of timber along Scenic Highways" and grease-rammed through the WV Legislature without public hearings. This degree of arrogance and disregard for the general public during an election year is probably unprecedented--and warrants prosecution of the ring leaders under Section 2384, Title 18, United States Criminal Code, Seditious Conspiracy.

4. The additional regulations proposed subsequent to passage of H.B. 4669 (particularly in the absence of regulatory flexibility legislation) together with increased costs and bureaucratic imposed loss of productive time would mandate a confusing impossible to comply with prison of red tape and financial burden for most wood lot and timber operators. Such a criminal government mandated prison without physical walls or chains effectively nullifies the preamble to our Federal Constitution which guarantees "promotion of the general welfare, and blessings of liberty to ourselves and our posterity." When the preamble is violated, then the reason and purpose of the entire Constitution is compromised!

5. H.B. 4669 and subsequent regulations are simply modern revivals, without regard to racial barriers, of old Jim Crow type laws promulgated by fraudulent environmentalists, and which are illegal under the fourteenth amendment to our Federal Constitution. It now follows logically that the principle of Constitutional Law vs Legislation which is in conflict with the constitution applies:

"When rights secured by the Constitution are involved there can be NO RULE-MAKING OR REGISTRATION WHICH WOULD ABROGATE THEM."

Miranda vs State of Arizona (Key No. 73, 86s 1966) of 1966).

Presented Septembe 3rd.
(Special hearing, Secretary of State's Office)

Ⓢ i.e. Certain Legislators,
head of the DNR, Governor
Caperton.

Respectively,
James C. Rymer
Box 329
St. Marys, WV 26170

RECEIVED
SEP 17 1992
DISTRICT VI - FORESTRY

Comment on Timber
Regulations.

The exception for
small operators &
landowners should be
at least \$10,000
before any regulations
apply.

It should be state
policy to encourage small
business not to run small
businesses & taxpayers out
of state.

Sept 17, 1992

Alvin L. Engelle
HC 70 Box 295
Creston, W.Va.
26041

Letter of Protest to Whom it may
concern

RECEIVED

SEP 17 1892

DISTRICT VI: FORESTRY

The new laws and regulations that
have been introduced by our government
in Charleston concerning timbering industry
& logging operations in the State of
W. Va. are completely intolerable and
will cost the State much more
money than it will create for them.

As a logger and timber man
I as well as many other business
men in the State request a repeal
of these laws and regulations
immediately. (over)

Signed *Thank You*

Herman Lewis Full

Occupation

Logger

Wainman

Excavator

Agriculturist

Koy Copen

The country is in a terrible state right now. Americans are out of work, losing homes as well as those who have held steady jobs have been left holding an empty after 20 or more years of devotion to a company. What is it going to stop? What the backbone of America stands up for their rights, which is now. The big heads who sit behind their oak desks pushing pencils and finding ways to cut the throats of the working man. We are taxed over and over, we are licensed to death and yet, you push on. It seems you have no idea at all of what you are doing to America's backbone. The small man working force. For instance, the logging business is going to be a thing of the past if your thick heads have your way and do you not realize that many of your own jobs will be lost after you do the job you are now set out to do?? After we small business are

out their won't be any one for you
to go after, where will you be then?

Top officials and campaigners
say America needs small bussiness
men and yet they are standing by
while you cut throats are causing
us to go out. The way you have
gone after a depressed work force

to raise license fees, permits and
a load of rules and regulations
to inforce, the small man has no
chance. Men are being forced to
lay down their saws, park their
trucks and go on public assistance.

At the same time the bureaucrats
are yelling to get people off
welfare such as food stamps etc.,
and you people are sending
us to the welfare offices.

The new rules and regulations
as well as fees and licenses
is something we cannot stand
by and let happen. We are
already seeing the effects
of your crap and it has
only just begun. the price

we are going to pay, is going to affect everyone. Building material is already taken a raise and more is to follow. Everything connected to tree harvest will take a raise. It is hard enough to put food on the table and now we won't be able to buy the toilet paper to clean our selves. Any and all wood products will raise. Sales for homes, furniture, paper products will raise. Chain saws will go up sold trucks will be parked, less gas oil and parts will be sold. You are forcing men with families to go to the welfare lines & soup kitchens.

We can not afford to buy timber, harvest timber, transport timber and be taxed for each transaction. We cannot stand by while you big heads put fees on land owners who sell their land products to pay your wages and benefits. But it won't be too long till you won't have your paying job will it at the rate you

are going. Business who sell heavy equipment, tires, gas products, oil products, insurance companies, in fact, most every product and/or business will be affected.

Families are fighting to survive and to make ends meet while you strut around in your suits and shiny shoes, eat in restaurants and get reimbursed for what you spend. The timberman works from day light to dark and lays down after a hard day - to dream of tomorrow's problems. His 900⁰⁰ - dollar paycheck does not cover his necessities + your fees etc. That 900⁰⁰ - dollar check has to be stretched for breakdowns, which are an every day thing to an timberman. By the time rules, regulations fees, taxes and whatever notion you create to take to get our last penny, we are left with only a vision of what America is suppose to stand for. Gone are the American dream of working to own a home, drive a car or send our

Children to school. The only
difference between you people
and Hitler is he used gas.

We will not stand by and let
you take any more from us, the
back bone of America, the working
man.

We are asking all to write to our
Congressman, Governors, President
and to form lines in protest at
our capital.

DELBERT E. TAYLOR
OWNER

(304) 684-7968

HARDWOOD LUMBER COMPANY
RT. #2, BOX ~~XXX~~ 495
ST. MARYS, WEST VIRGINIA 26170

RECEIVED
SEP 17 1992
DISTRICT VI - FORESTRY

REGARDING HOUSE BILL 4669

1. I am against this bill. I believe it takes away our rights as citizens guaranteed by the U. S. Constitution.

2. Solution Repeal the bill and these regulations:

Delbert E. Taylor

*Licensing - - exempt anyone who has worked in
timbering for 10 yrs.*

REGARDING HOUSE BILL 4669

RECEIVED

SEPT 7 1992

DISTRICT VI - FORESTAY

1. I am against this bill. I believe anyone following Best Management Practices is already meeting these standards.

2. Solution Repeal the Bill and these resolutions.

Clifford Eugene
Taylor

RECEIVED

SEP 17 1992

REGARDING HOUSE BILL 4669

DISTRICT VI : FORESTRY

1. I am against this bill and it's regulations. When a governmental department has to depend upon licensing, fining and collecting fees from the public for it's own support, it is against our constitutional rights, and sets a new precedent that could be implemented by all government departments and prove overwhelming.

2. Solution Repeal the Bill and these regulations.

Alta Mae Taylor

RECEIVED

SEP 17 1992

SEP 17 1992

DISTRICT OF COLUMBIA

To Whom it may Concern,

It is my belief that the logging legislation is ridiculous and has gone too far.

We are always hearing people say that people should try to stand on their own two feet, but everytime they try someone is always there to keep them from it, in many cases keeping them from doing the only thing they know how to do. You are expecting people to be able to support their own family and not live on welfare but with legislation like the logging bill they can't.

There is no way they can keep up with the new laws and regulations when they are barely getting by now. How are they supposed to keep up?

If they don't realize what this legislation is going to do to the public, they will be putting more people out of work and out on the street than they realize.

When will people wake up and realize that the little people are the ones that keep this country going.

Sincerely,
Eleanor J. Suckey
Eleanor J. Suckey

1. ...
Sawyer, ...

My Name Is Samuel H. Saunders
I Live on Seawall Park and
Am a Landowner. I want the
Limit Raised to 10,000 Dollars.
I also Don't want any more
Regulations and No More
Taxes - No More Taxes

Samuel H. Saunders
Landowner

Rt 1 Box 92
Reedy 25270
W. Va.

LAWRENCE T. BECKERLE

P.O. Box 118

CRAIGSVILLE, W.V. 26205

740 3639

RECEIVED 7/20/82

Definitions are so broad that activities not normally considered timber harvesting will fall under these rules making the program unenforceable by any agency. See comments on Series II Loggers Licensing

2.5 Log "or has the potential to contribute"

2.8 Need to separate from Access Roads built at least 3 months before beginning of Timbering Operations

2.12 drop "and head roads" for same reasons given on Series II

Lawrence T. Beckerle



Loggers (in) (of) (the) (state)

REC'D SEP 17 1992

PUBLIC HEARING ON LOGGER CERTIFICATION
ORAL COMMENTS
SEPTEMBER 17, 1992

1. LAWRENCE T. BECKERLE, P.O. BOX 118, CRAIGSVILLE, WV 26205
PHONE NO. 742-3639

Definitions are too broad:

- 2.5 drop "or has the potential to contribute"
- 2.8 need to separate from access roads built at least three months before beginning of timber operations.
- 2.12 drop "and haul roads" for same reason as given on series II.

2.1 BMP's were written as GUIDE AND not plan. as many of them If there are exceptions to rules that are more restrictive of course than BMP's EXAMPLE - SIGN of 25 30% down southwest point will often cause less erosion than a 10% grade road on a 10' face

266

2.5 or less the potential to contribute too broad invites court disputes, cooling existing groups should be dropped

2.11 add "after trees" with size than 12" butt diameter definition as now its entangle program with federally funded T.S.I. projects and state with use of courts in T.S.I. by firewood cutters and S.H.I. timber grower

2.18 Drop "and haul roads" or add definition of Access roads: must at least 3 months prior to beginning of logging operations to be deleted from licensing. Definition was entangle program with federally funded FIP forest incentive program not SIP streamside incentive programs which will discourage federal money being used in state of W. Va. It may interfere with W. Va Dept Managed Timber Program

- 6.2 Delete "or given away for" words will cause
- 6.3 people to be regulated that was not intended
- 6.4 by law to be regulated.

Without above changes program will be unworkable coming money legal, enforcement and environmental problems

Lawrence J. Radabaugh

6.7 would apply to a little over two pickup loads of goods with DISCRIMINATION against people who have own property who do not cut themselves for current use of environmental resources

1st proposal - Raise limit from
4,000 to 10,000.

The reason for logging belt in first
place was a level playing field
~~if small operator~~

If small operator cannot afford
a \$50 license fee, they cannot
afford to pay swanage tax, income
tax, buy \$76 safety chaps, or
\$35 ~~hat~~ hard hat with ear muffs
and screen.

2nd - of all they can sell timber
in their name, as well as
family member name, this could
easily turn into \$40-\$50 thousand
dollars with no easy way of
tracking it.

2nd proposal -

The small operator should not
be permitted to cut ~~on~~ other
people land if so he is
producing timber for commercial
use ~~rather than for personal~~
use.

3rd Proposal -

~~In~~ Copy of a ~~copy~~ certificate
serve as a sign shell that
work, ~~can~~ can not keep
paper dry, ~~with the need to~~
~~put it in the~~ the certificate
will not be legible.
We need to have a ~~simple~~
uniform sign on ~~equipment~~
system on all floats

9-17-92

Submitted to public hearing for the Buckley area - proposed changes to the logging regulations

Recommended changes by the WVFA Board of Directors

1. License exemption of \$4000.00 be raised to \$10,000.00 for small operators
2. Small operator who receives the \$10,000.00 exemption, be able to cut on land other than his own.
3. Copy of license certificate serve as a minimum size for the sign on the landing instead of the sign containing three inch letters

Submitted by
 Robert F. Frist
 WVFA Board of Directors
 and spokesman for Board in Area

REC'D 1 7 1992

Randy Coats
Forester - Columbia West Virginia Corp.
PO Box 160
Craigsuille, WV 26205

22-2-2.5 "Compliance Order"

The wording in the compliance order is to vague. If an area is contributing to soil erosion, (as covered by Chap 20 article 5A "Water Pollution Control Act") then there is no question of a violation. However, when the phrase "has the potential to contribute" to soil or water pollution is thrown in makes the whole statement far to vague. Each inspector, forester, logger, or landowner will have a different view of how to interpret this. There can be no consistency with this kind of wording.

22-2-2.1 "Best Management Practices" (BMP's)

The use of the BMP's as law is wrong. The BMP's were set up as guidelines and should be continued as such. There are many situations, which will make strict adherence to the BMP's, impossible to log. How can a landowner justify paying property taxes on property that he/she can no longer utilize?

22-2-2.2 "Certified Logger"

The licensing and/or certification of a logger is a good idea, if it has a positive effect on increasing the safety of logging.

22-2-3.7

The posting of a sign should be allowed to be placed on the stationary loader at the landing.

9-17-92

Larry Coats - Forester
Columbia West Virginia Corp

R. L. CARPENTER
133 KEARNS ST.
LEWISBURG, WV 24902

PH: 645-3246

REC'D
1-7-1992

COMMENTS ON LICENSING REGULATIONS:

2.8 "HAUL ROAD" SHOULD BE MORE CLEARLY DEFINED. IF A ROAD IS BUILT FOR LONG TERM MANAGEMENT, THERE SHOULD BE A BUILT IN EXEMPTION FROM THIS REGULATION. MAYBE A WAITING PERIOD BEFORE ANY LOGGING BEGINS.

2.13 NOTIFICATION - WHY 3 DAYS? WHY NOT 10 DAYS?
WHAT ABOUT EXPIRATION DATE AND RENEWAL OF CONTRACT?
DOES LOGGER HAVE TO NOTIFY DOW OF AN EXTENSION OF TIME ON CONTRACT? HOW MANY DAYS?

3.7 SIGN: I THINK THAT AN EQUIVALENT SIGN MERELY PAINTED ON THE LANDING SITE BOARD SHOULD BE ACCEPTABLE.

2.1. BEST MGT. PRACTICES: SHOULD REMAIN VOLUNTARY. IF THEY ARE MADE INTO "LAW" INSTEAD OF "GUIDELINES", THE COURTS WILL HAVE THEM PRECISELY DEFINED AS CASES COME INTO COURT. AFTER A LOGGER SIGNS ON IN THE REGISTRATION FORM, THERE SHOULD BE A CLEARLY DEFINED PERIOD OF RESPONSIBILITY.

BMP's currently in use were designed to be voluntary. Implementation of BMP's as law, may in some cases, cause more environmental damage, because flexibility in interpretation of BMP's will have been lost.

Charles W. Green

REC-1
1 7 1992

9/17/92

Mark Babcock
106 Asbury Ct
Beckley WV

REC'D
11/17/92

Comments on Logger Licensing:

Section 2.1 Best Management Practices, I feel these BMP should remain a voluntary program not a strict law because there are always exceptions to these rules.

Section 2.5 Compliance Order, I am concerned about the phrase "or has the potential to contribute, to soil erosion." This is to open a phrase and should be struck from the law.

Section 3.7 I feel a sign located on a dived loader at the landing should be sufficient

Section 4.2.5 - These BMP's should remain voluntary

Mark E. Babcock

Written Comments

9-17-92

I think that a person should be able to cut fire wood or other wood for his own use and the use of his/her immediately family on his/her own property and the property of another without purchasing a license or attesting any training or without signing or having to obtain any waiver.

Jim Cuck
HCA 33 Box 21
Williamburg, WV 24991

REC'D
1-19-92

~~11~~

Public Hearing
Location: Milton
Date: 9-17-92
Time: 9:00 a.m.

Comments on Logger Certification

Glen Snyder
Landowner

I would like to speak to the regulations as I understand it, that certification on safety and OSHA regulations which I have dealt with industrial safety all my life. This has been my profession. And when you get the government too closely involved in a small operation of your farm, I don't see how a farmer or a small logger will ever be able to comply with the regulations as written unless there is some kind of an exception. Now people doesn't realize that when you go to meet OSHA regulations what you're up against and as I understand these things there's going to be certification as bad as safety man on a job and all these kind of things. I see this on a big operation as essential where you've got several people but where there is only two men in a logging crew out doing this I mean to me there ought to be some provisions to take care this. Now in your larger operations where there is state compensation and all these things I can see where you're going to have some regulations to limit what they can do and keep the safety of the employees in mind. But most of the things that I'm talking about are only maybe two people or three people in a family that is doing the logging and buying the things. This is ridiculous to ask them to go through this certification as I see it and in order to get your logging license. In the first place I think they should be exempted altogether from the license.

Public Hearing
Location: Milton
Date: 9-17-92
Time: 10:00 a.m.

Comments on Logger Certification

James Decker
Decker Logging

I don't have too many comments to make. I kind of come along to listen to what everybody else was complaining about.

PUBLIC HEARING
 Sediment Control During Commercial Timber-Harvesting Operations
 Logger Certification

Date _____

NAME	ADDRESS	DESIRES TO SPEAK (YES OR NO)
Herman V. Yeager	Columbia Natural Resources Rd. Ball's Bluff Charleston, WV	Yes No
Troll Owens	Charleston Raily Mail	No
CHUCK ANZIUREWICZ	W. VA. PUBLIC RADIO	NO
Glen H. Snyder	116 McShawles Scott Depot, W. Va.	YES
Donald Saunders	Rt. 1 Glenwood	NO
Danny Cobb	Rt. 1 Glenwood	NO
Chester Saunders	Rt. 1 Glenwood	NO
Henry Williamson	7762 US 35 South Southside	YES
James A. Decker	Curt Wadens WV Va	NO
Michael A. Brown	HARRISBURG W. VA.	NO

PUBLIC HEARING

SEDIMENT CONTROL DURING COMMERCIAL TIMBER-HARVESTING OPERATIONS LOGGER CERTIFICATION

The public hearing for the "Sediment Control During Commercial Timber-Harvesting Operations Logger Certification Regulations" was held at 2309 Gihon Road, Parkersburg, West Virginia, District VI Office, September 19, 1992 at 10:07 a.m. The hearing was conducted by Gerald W. Waybright, District Forester. Thirty-five people were in attendance. The attached roster lists individuals attending and those who wished to speak.

The first speaker was W. G. Downey, Jr. He stated that the exemption should be increased to \$10,000 and allow an individual to cut on anyone's property under that amount. This exemption should include the exemption of any training that might be required under the certified logger regulations.

The second speaker was James C. Rymer. He read from his prepared statement (copy attached) A. 2. concerning sediment of the streams attributed to logging brought about by DNR. He also deliberated on the "Roll Back Tax."

The third speaker was Corinna Francis who passed her right to speak.

The fourth speaker was James Hill who said that he did not have a prepared speech, but would like to ask a question as to whether the logger had any rights in judicial court. District Forester Waybright explained that if the logger would lose an appeal to the three member appeal board then he is tried for any criminal violation in Circuit Court.

General discussion on regulations and the law followed. District Forester Waybright closed the hearing at 10:57 a.m. after soliciting the audience for additional comments.

Submitted by,



Gerald W. Waybright
District Forester - Hearing Chairman

PUBLIC HEARING
Sediment Control During Commercial Timber-Harvesting Operations
Logger Certification

Date 9-17-92

NAME	ADDRESS	DESIRES TO SPEAK (YES OR NO)
W.G. Deane, JR.	3210 Parkersburg Ave Army Hq 26178	Yes ✓
Ralph Carpenter	3210 Parkersburg Rd Ready Ave 26170	NO
James Sherman	Apt #1 Newell Hill, 184	N/A
Aete Saylor	Rt 2 Box 495 St. Marys Tenn	No
Robert Smith	Rt 3 Box 46 Smithville TN 26178	
W.S. Matcain	Rt 2 Box 231 Caltopville, WV 25239	No
Raymond Smith	518 Main St. Park Hill, Mo	no
Ed Sault	Box R1 25252	No
Dale T. Manning	Rt 1 Box 53 Galatia, TN 26150	NO
Blaine T. Young	R 3 Box 213 Sandyville Tenn	NO
Norman Quisen	Rt 1 Box 99c Elizabethton, TN	NO
James C. Rymer	Box 329, St. Marys, WV 26170	Yes ✓
John Bell	Box 278 Pine Grove, WV 26119	No
Joe Gornitt	Rt 1 Box 184 Hornsville, WV	NO
RICHARD CALE	Rt 2 Waverly, WV	No

PUBLIC HEARING
Sediment Control During Commercial Timber-Harvesting Operations
Logger Certification

Date 9-17-92

NAME	ADDRESS	DESIRES TO SPEAK (YES OR NO)
Alec Fletcher	810 Newburg Ave S74110000 W.VA	
Lorraine Shultz	Rt #1 Box 296 A. 97120 Pa. 20.16	
Jack & Shelly	R#1 Box 256 Rt. Marys W. Va	
Cecilia Francis	Rt. 1, Box 60 Welch, W.V. 26180	Yes
Victoria Perry	" " " "	No
Alberta Clegg	P.O. Box 186 Friendly W.V. 26146	
James H. West	Rt. 1, Box 44, Washington, WV 26101	Yes
John B. Borden / Brown Wilson	WVA-14, Parkersburg, WV	No
Pherson Coon	Box 68, Rt. 1 Service 26001	
Nancy Johnson	Rt. 1, Box 24, Wells River	
Paul Simpson	Rt. 1, Box 314, Bellefonte, WV 26133	
Tom Taylor	210 Walnut St, Parkersburg 26104	
D. B. Snider	Rt. 1, Box 314, Bellefonte, WV 26133	
Ronald	Rt. 1, Box 487-H, Saeon, WV 26424	
William	Parkersburg St, Saeon, WV 26424	
H. H. H. H.		

PUBLIC HEARING
Sediment Control During Commercial Timber-Harvesting Operations
Logger Certification

Date 9-17-82

NAME	ADDRESS	DESIRES TO SPEAK (YES OR NO)
W. Dave Poore	Rt. 1, Box 41, Washington, WV 26181	
Ed Burmpardus	Basilow, OH	
T. G. Ypouree	Rt. 1, Box 219, Parkersburg, WV 26102	
Ray Coppen	P.O. Box 382, Elgastown, WV 26143	
Ronald Cole	Rt. 2, Marysville, WV	

RECEIVED
SEPT 7 1992
DISTRICT VI - FORESTRY

I am James Letew representing the 885 members of the West Virginia Forestry Association recommend the following changes for licensing under the proposed rule for Sediment Control During Commercial Timber-Harvesting Operations.

1. That the license exemption of \$4,000 be raised to \$10,000 for small operators.

2. That the small operator (who receives the \$10,000 exemption) be able to cut on land other than his own.

3. That a copy of the license certificate serve as a minimum size for the sign on the landing instead of the sign containing three inch letters.

Signed: James H Letew Date: 9/17/92

James C. Rymer
Box 329
Saint Marys, WV 26170
9/17/92

(684-7005)

RECEIVED
SEP 17 1992
DISTRICT VI FORESTRY

Comments on Proposed "Emergency" Regulations (H.B. 4669)
(Specific)

A. 19-1B-7

1. The 500 minimum for getting a Logger certified for each crew is too much expense for the small operators. Suggest \$50.00 every third renewal.
2. Less stirred sediment in streams could be better addressed by assigning DNR the task of scaring carp and other spawning fish away from the shallow areas. This would alleviate a muddy water problem which often exceeds sediment problems attributed to Logging.

B. 19-1B-4 Licensing

1. No access to private property should be authorized except as provided for in the state and federal Constitutions. "Fishing expeditions" without proper warrants and other safeguards could make the director and/or chief liable for 20,000 fine and imprisonment under Title 18, Section 2384, United States Criminal Code, Seditious Conspiracy.
2. Under the Bill of Rights to both Federal and state constitutions, waivers should be automatic for all Landowners to sell any amount of timber, firewood and other products from their own land without licensing and subsequent regulations under H.B. 4669, the 1991 H.B. 2377 discriminatory ground-water bill and other selective shut-down Legislation. [Example of discrimination: State can dredge streams, but citizens cannot.]

3. A \$50,000 gross exemption per year from Licensing and regulations should apply to sales from all timber and woodlot operations.
4. Fines are too high, and should not exceed \$50.00 for the small operators with gross sales less than \$10,000 per year.
5. The 3 member tribunal kangaroo courts of sorts created by the Legislature are unconstitutional. All violations should be handled by magistrate and/or circuit courts.
6. All workers with 1 or more years experience should be grandfathered.

James C. Rymer



REC'D SEP 15 1992

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON 25305

*General In
mailed
Comments*

GASTON CAPERTON
GOVERNOR

September 11, 1992

*State wide Committee =
V. Keywood =*

Mr. William Gillespie, Director
West Virginia Division of Forestry
State Capitol
Charleston, West Virginia 25305

Re: Promulgation of rules and regulations pursuant
to House Bill 4669 relating to timbering operations

Dear Director Gillespie:

Recently, a growing number of small timber operators have contacted me or others in my behalf, complaining that some of the rules being proposed by your agency for regulation of the timber industry pursuant to the above referenced legislation are unduly burdensome.

I am writing to alert you to the large number of operators expressing concern over some of the proposed rules and regulations, and respectfully ask that your agency carefully consider the comments of these small timber operators prior to final adoption of rules.

I am confident that with your expertise in the field of forestry, you will be able to address the concerns of small timber operators that there not be undue or unfair regulatory burden, yet still carry out the mandate of the Legislature to better preserve and promote our environment and natural resources.

Very truly yours,

Gaston Caperton
Gaston Caperton
Governor

GC/lc



west
virginia
highlands
conservancy

MAILING ADDRESS • P.O. Box 306 • Charleston, West Virginia 25321

Publishers of the Highlands Voice and the Monongahela National Forest Hiking Guide

FAX 7pp to 558-0143

September 17, 1992

William H. Gillespie
Administrative Forester
W.V. Division of Forestry
Guthrie Agriculture Center
Charleston, W.V. 25305-0570

RE: License & Certification Regulations
(Title 22, Series 2 & 3)

Dear Bill,

Enclosed please find comments on the proposed regulations for licensing and certification pursuant to the Logging Sediment Control Act (19-1B) which were filed as emergency regulations in the Secretary of States Office August 18th.

Due to other meetings and previous commitments I was unable to attend any of the public hearings on these regulations and was not prepared to send or even fax my comments to you before that date.

I send these remarks along now in the hope that you will accept them as the helpful suggestions they are meant to be, and will consider making some of the changes I suggest as we move through the legislative rule making review process.

Please feel free to contact me with any questions you might have.

I will be sure to convey any further thoughts I might have to you and other interested parties as appropriate.

Sincerely,

Cindy
Cindy Rank, President
HC 78, Box 227
Rock Cave, W.V. 26234

(phone: 924-5802 or 6263)

COMMENTS ON: LICENSING REGULATIONS, TITLE 22, SERIES 2

-W.V. Division of Forestry; Logging Sediment Control Act (19-1B)-

September 17, 1992

submitted by: Cindy Rank, President, W.V. Highlands Conservancy
NC 78, Box 227, Rock Cave W.V. 26234 (924-5802)

SECTION 2. DEFINITIONS

2.2 Certified Logger By identifying a certified logger as an individual engaged in the "business" of severing trees for commercial purposes the definition appears to refer to timber operators more than individual loggers. A clearer definition would result from adding "ASSOCIATED WITH, OR PART OF the business of severing trees...". The definition would then include the individual running an endloader, or cutting, etc. who have no real direct part in the business transactions involved with the operation. Of course operators can well be "certified loggers," but all "certified loggers" are not necessarily going to be operators or persons directly involved with the business of buying and selling, etc.

2.8 HAUL ROAD This definition inappropriately includes the phrase "other than roads built under an active permit to comply with other laws or regulations." A haul road is a haul road whether or not it is used and/or built for other purposes as well. This phrase should be removed from the definition. In any instance where two or more sets of requirements or regulations exist for a road being used for the transportation of logs from a landing to a state road or highway, or any portion of such a haul road, the most stringent requirement should apply. If the appropriate BMP's require more culverts, diversions, etc., then the BMP must be implemented in addition to the other permit requirements. A new section should be added RE: Applicability of Requirements that reads something like "Where the standards required by this rule are in conflict with standards or activities required by other regulations, statutes, etc. for the same road, the more stringent requirements shall apply."

2.10 LICENSE The definition allows for the approval of the application form for licenses, but does not indicate that the completed application must be approved (or denied) by the director. While the language in 19-1B-4 (c) uses the word "acquire," clearly the intent of that subsection was to require approval of the individual applications as well as the application form itself. Licensing was not meant to be automatic, especially in the instance where an operator submitted false, misleading or inadequate information on the application. The words "AND APPROVAL" should be added before the comma and after the words "upon application."

2.13 NOTIFICATION... This definition is more appropriately titled "NOTIFICATION OF DURATION OF TIMBERING OPERATIONS" to be more consistent with the Act.

2.18 NOTIFICATION... Though I personally appreciate and approve of the action required by the final sentence of this definition, i.e. "If filed after the beginning of the operation, a brief statement shall accompany the notification form giving the reason for not filing earlier", this definition in this rule is not the proper vehicle to require this information. It would be better to include this requirement in some other policy directive that designates the method, manner and content of the notification according to Section 6(a) of the Act.

2.18 TIMBERING OPERATIONS Although this definition further defines the activities that are part of "timbering operations", as defined in the Act (19-1B-3(e)), it fails to complete the definition. I recommend 2.18 begin with the first sentence of the definition as it appears in the Act, i.e. "Timbering Operations means activities directly related to the severing or removal of standing trees from the forest as a raw material for commercial processes or purposes." Then continue on to say "SUCH ACTIVITIES ENCOMPASS all aspects of logging, including but not limited to severing and delimiting of trees, etc." (as now proposed in 2.18).

2.18 TIMBERING OPERATIONS To be consistent with the act and the definitions in the act, the exceptions in Section 6 of these proposed regulations (22-2-6.1 through 22-2-6.7) should be included in the definition of timbering operations as they are in the Logging Sediment Control Act itself. (See also the following comment on Section 6.)

SECTION 6 EXCEPTIONS

While I realize the definition of timbering operations in the Logging Sediment Control Act (19-1B-3(e)) is troubling to many and perhaps demands further clarification, the proposed Section 6 on exceptions only confuses the situation even further, and, in fact, goes beyond the authority of the legislation as well, eg. the waiver in 22-2-6.7. Without attempting to change the statute, and certainly in these emergency regulations, this entire section should be dropped in favor of the original definition of timbering operations as it appears in the Act.

SECTION 3 LICENSE PROCUREMENT: POSTING OF A LICENSE NUMBER

3.6 This section doesn't clearly define the ramifications of operating without a license as set forth in the law. Any person operating without a license is in violation of the Act and subject to all penalties under the Act. The section should read "Any person found guilty of operating without a license as specified in these regulations AND THE LOGGING SEDIMENT CONTROL ACT (19-1B) SHALL BE SUBJECT TO THE IMMEDIATE SUSPENSION OF THE OPERATION and shall procure such license before resuming operations, AND FURTHER, SHALL BE SUBJECT TO CIVIL PENALTIES AS DEFINED IN SECTION 12 OF THE ACT."

3.7 It was clearly the intention of Section 4(d) of the Act to provide for notice to be posted in full view of the the public at large who may have legitimate concerns about an operation but have no way to identify the responsible party in order to register a valid complaint. As required by these proposed regulations the signs that are to be posted at each active landing site may well be in full view of the loggers on the operation, but it is quite likely that many if not all such landings are deep in the bowels of private property and hence totally hidden from persons who see the site from a public road but are prohibited entry to the property and operation. This section totally subverts the original intent of the requirement and should be changed accordingly.

SECTION 4 LICENSE SUSPENSION

4.1 For grammatical purposes, the first sentence should read "...nor more that 90 days when THAT PERSON IS found to be in violation..."

4.1 The second sentence is misleading and may be interpreted differently than similar language in subsection (d) of Section 5 of the Act (19-1B-5(d)). I recommend dropping the proposed language and reintroducing the Provision from Section 5(d) of the Act: "That one or more violations for the same occurrence may constitute only one violation for purposes of this subsection."

4.2.3 I assume the words "invalid or misleading information" are used to imply a less serious infraction than that described by "false information" in the conditions for revocation. If so, I would recommend that "invalid or misleading information" on a license renewal application should result in suspension of that license and, therefore, I recommend the addition of the words "OR LICENSE RENEWAL APPLICATION" at the end of 4.2.3.

SECTION 5 LICENSE REVOCATION

5.1.2. This was no doubt a last minute oversight, but reference to "4.1(a) through 4.1(h)" should be "4.2.1. through 4.2.8."

SECTION 7 RIGHT OF APPEAL

7.1 The Act does not contemplate, authorize or provide for appeal from anything but an "order" by the director. The use of the word "decision" of the director at the beginning of this section confuses the issue. As I read the Act, an order of the director to suspend a timbering operation because an operator is not licensed (19-1B-5(c)) is appealable, but other decisions about granting, denying, suspending or revoking a license for due cause under the Act or these regulations is not. Thus, Section 7.1 should be changed to reflect the limited appeal rights, i.e. change "decision" to "ORDER" at the beginning of the sentence.

COMMENTS ON: CERTIFICATION REGULATIONS TITLE 22, SERIES 3

-W.V. Division of Forestry; Logging Sediment Control Act (19-1B) -
September 17, 1992

submitted by: Cindy Rank, President W.V. Highlands Conservancy
NC 78, Box 227, Rock Cave, W.V. 26234 (924-5802)

This series of regulations was not authorized for emergency promulgation by Chapter 19 Article 1B. Discussions during the legislative session indicated there would not be any immediate need for additional money to enact the provisions of this section because the voluntary certification program has been in place for many years and working well enough to accommodate the new law as far as the certification process was concerned.

If, however, Forestry is able to demonstrate a real need at this time, I would hope that Series 3 be approved only if it contains some provision that would allow those loggers with valid certification under the voluntary program prior to the effective date of the new Logging Sediment Control Act to continue that certification until one year after the anniversary date of their last certification before being required to apply for renewal or to pay the annual \$50 fee. (See comment on Section 3.3 below.)

SECTION 2 DEFINITIONS

2.3 CERTIFIED LOGGER By identifying a certified logger as an individual engaged in the "business" of severing trees for commercial purposes the definition appears to refer to timber operators more than individual loggers. A clearer definition would result from adding "activities associated with or part of the business of severing trees...". The definition would then include the individual running an endloader, or cutting, etc. who have no real direct part in the business transactions involved with the operation. Of course operators can well be "certified loggers," but all "certified loggers" are not necessarily going to be operators or persons directly involved with the business of buying and selling, etc.

2.8 HAUL ROAD This definition inappropriately includes the phrase "other than roads built under an active permit to comply with other laws or regulations." A haul road is a haul road whether or not it is used and/or built for other purposes as well. This phrase should be removed from the definition. In any instance where two or more sets of requirements or regulations exist for a road being used for the transportation of logs from a landing to a state road or highway, or any portion of such a haul road, the most stringent requirement should apply. If the appropriate BMP's require more culverts, diversions, etc., then the BMP must be implemented in addition to the other permit requirements. A new section should be added RE: Applicability of Requirements that reads something like "Where the standards required by this rule are in conflict with standards or activities required by other regulations, statutes, etc. for the same road, the more stringent requirements shall apply."

2.10 LOGGER CERTIFICATION To emphasize the sediment control measures boldly announced by the title of the Logging Sediment Control Act and proudly professed in the policy statement of the Act, but only minutely referred to throughout the same statute, the complete wording of 19-1B-7(b), sentence two, should be used. Therefore, before the period and after "best management practices" add the words "to prevent, in so far as possible, soil erosion on timber operations."

2.12 TIMBERING OPERATIONS Although this definition further defines the activities that are part of "timbering operations", as defined in the Act (19-1B-3(a)), it fails to complete the definition. I recommend 2.18 begin with the first sentence of the definition as it appears in the Act, i.e. "Timbering Operations means activities directly related to the severing or removal of standing trees from the forest as a raw material for commercial processes or purposes." Then continue on to say "SUCH ACTIVITIES ENCOMPASS all aspects of logging, including but not limited to severing and delimiting of trees,..." (as now proposed in 2.18).

SECTION 3 PROCEDURES FOR CERTIFYING...

ADD A NEW SECTION 3.1: The regulations should state the specific requirement from the Act that a certified logger be on every timbering operation at any time the operation is being conducted, i.e. "After the first day of July 1993, every timbering operation must have at least one person certified pursuant to this section supervising the operation at any time the timber operation is being conducted." (RENUMBER ALL SUBSEQUENT SECTIONS)

3.1 It is not appropriate to use the words "logging crew" unless defined in the law to clearly avoid the assumption that it is possible for "a logging crew" include large enough numbers of workers that the crew could be involved in several operations simultaneously. The clear intention of the Act was to have a certified individual supervising "every" timbering operation "at any time" the timbering operation is being conducted (19-1B-7(g)). Therefore, in sentence one change the word "crew" to "operation" and in sentence two change "logging crew members" to "individual loggers".

3.2 I doubt that the law meant to exempt the chief or any agent of the chief from all portions of the certification program other than the BMP training portion as is implied by this section.

3.2 The word "specially" is confusing, strange and unnecessary. I recommend a) just leave out that word, or b) leave it out and refer to the requirements of Section 7(c) of the Act, or c) drop the whole sentence and insert instead the second sentence from subsection (c) of section 7 of the Act (19-1B): "Each inspector under the jurisdiction of the chief shall attend a certification program free of charge and complete the certification requirements of this section."

WVHC RE: LOGGER CERTIFICATION 9/11/92 P 3.

3.3 Add the following: "Provided, however, that for a logger who had successfully completed the certification process prior to the effective date of the Logging Sediment Control Act that logger shall not be required to renew his or her certification or pay the annual certification fee until one year after the anniversary date of his or her certification training. Provided, also, that this renewal will count as the first renewal of the two allowed before the updated training required for the third renewal."

3.7 Change "crew" to "operation."

3.7 Any person found guilty of supervising a logging operation without a valid certification should not only "be eligible" for" but should "be required to attend the next regularly scheduled course of instruction and to complete the certification process in a reasonable and timely fashion to be set forth in an order by the director, and may be subject to the civil penalties set forth in Section 12 of Article 1B of Chapter 19.

3.8 Once again, change the word "crew" to "operation".

3.9 The proposed language in this section undercuts the intention clearly stated in 19-1B-7(g) that "every timbering operation must have at least one person certified pursuant to this section supervising the operation at any time the timbering operation is being conducted. The section should be dropped and the language from the Act adopted as new 3.1 (previously suggested).

SECTION 4 LOGGER CERTIFICATION SUSPENSION

4.2.1. I assume the words "invalid or misleading information" are used to imply a less serious infraction than that described by "false information" in the conditions for revocation. If so, I would recommend that "invalid or misleading information" on a certification renewal application should cause suspension of that certification and, therefore, I recommend the addition of the words: "OR CERTIFICATION RENEWAL APPLICATION" at the end of 4.2.3.

SECTION 5 LOGGER CERTIFICATION REVOCATION

5.1.2. Reference to "4.1(a) through 4.1(e)" should read "4.2.1 through 4.2.6".

SECTION 7 RIGHT OF APPEAL

7.1 The Act does not contemplate, authorize or provide for appeal from anything but an "order" by the director. As I read the Act, an order of the director to suspend a timbering operation because an operator is not licensed (19-1B-5(c)) is appealable, but other decisions about granting, denying, suspending or revoking a license for due cause under the Act or these regulations is not. Section 7.1 should be changed to reflect the limited appeal rights, i.e. change "decision" to "order".

* Copies of this letter
are being dispersed
to various legislators, Gov.,
and Sec. of State

Gillespie

9-16-92
Patty Cottrell
HC73 Box 58
Sand Ridge WV 2527.

REC'D SEP 18 1992

* Last night I attended a meeting
at Flatwoods WV where grass roots citizenry
expressed shock and outrage over these

pieces of legislation: HB 2813 SB 409 HB 4758
HB 2377 HB 4669 SB 222
HB 4643 HB 4188 HB 4711

This net work of legislation appears to
me to violate the infrastructure of
both our State and Federal Constitutions.

Three aspects of these bills have
a common thread that particularly
concerns me

1) "Right of Entry" - I've heard this
referred to a "Gaston's Gestapo."
YUP That's how I see it, too.

2) The provision for "Kangaroo courts."
These legislations even provide their
own court systems. Ben Franklin
would have a coronary if he were
still here.

3) These bills all create a new
tax system.
Theres plenty now if it were
used judiciously.

I know our legislators are people. Surely they must be able to comprehend what is occurring here. How can our representatives go to a worship service, or peer at themselves in a mirror IF THEY HAVE CONSCIENCES?

When I offend someone, I think about it. Our 1991-1992 legislature should be thinking 24 hours a day.

There are LOTS of concerned, upset people in our state. They need to be listened to and OBEYED.

Patty Cottrell



REC'D - MAY 28 1992

Gaston Caperton
Governor

John M. Ranson
Secretary

DIVISION OF FORESTRY
DEPARTMENT OF COMMERCE, LABOR AND
ENVIRONMENTAL RESOURCES

Post Office Box 38
French Creek, WV 26218
(304) 924-6266

William H. Gillespie
Administrative Forester

May 28, 1992

MEMORANDUM TO: William H. Gillespie
Administrative Forester

FROM: David G. Lilly, District Forester *DGL*

SUBJECT: HB4669 Discussion Meeting

I met with Margaret Gregory on May 28, 1992, in the French Creek Office to discuss her questions regarding HB4669. (Meeting arranged after her call to Governor's Office representative, Fred Williams, was referred to W. H. Gillespie and then on to D. G. Lilly.) Mrs. Gregory's husband, Jesse, is an independent logger who operates in Upshur and Webster Counties. She also is a representative in this area for logger action and had several signed petitions calling for a relaxing of provisions in HB4669. (Delegate Riggs drafted the petition and is supportive of this action. State Senate candidate Mike Ross also supports this drive.)

Question/Answer

- * Word is anyone who cuts one tree on their property must have a license? Incorrect, if for own use, license is for commercial operations.
- * Is it a requirement for a logger to get a new license each time he moves to a new job? Incorrect, license is for the logger, not the job.
- * It has been said by Dale Riggs and Mike Ross that only a registered engineer can prepare the logging registration map and cost could run into the thousands of \$? Incorrect, this can be prepared by the operator.
- * Will Rules and Regulations be discussed at Public Hearings? Yes, thirty-day comment period and public meetings around the State, authority W. H. Gillespie. (Call to WHG from DGL this date.)

Memorandum to: William H. Gillespie
Subject: HB4669 Discussion Meeting
Page 2
May 28, 1992

- * Why does Legislature want excess \$ in Timbering Operations Enforcement Fund (19-1B-8)? This is standard addition to revenue funds for possible future use by the State in other areas; however, shouldn't be an area of concern with small amount of \$ anticipated, authority W. H. Gillespie. (Call to WHG from DGL this date.)

Comments by Mrs. Gregory

- * The loggers are not in agreement with WVFA's position for favoring HB4669.
- * Fred Williams (Governor's Office) is suppose to set up an appointment for her with the Committee developing the Rules and Regulations.

Mrs. Gregory appeared sincere with her effort to find out information; but rumors have complicated her understanding of the new law. The areas of voluntary registration currently in effect, BMP use and safety training were also discussed.

Margaret Gregory
Rt. 2, Box 248
French Creek, WV 26218
924-5577

DGL:sp

Westvaco

August 14, 1992

William H. Gillespie
Administrative Forester
Division of Forestry
State Capitol
Charleston, WV 25305

Dear Bill:

I would like to propose two changes for your consideration. I received copies of the regulations, as sent to John Ranson today. I believe loggers who have more than one logging job operating at the same time should be allowed to supervise those jobs and be considered as the certified logger on each crew. As the owner of the company, he ultimately will be held accountable for any problems or errors in judgement. It will be his name on the license and his signature on the notification form. He will be responsible for making corrections or paying any fines.

The other change I would like you to consider is in the "Timbering Operation Notification Form". Number three under Best Management Practices on page two reads "Haul roads that intersect main highways will be graveled the first 200' from the highway". State highway employees are responsible for issuing entrance permits and requirements vary from district to district. Here in Greenbrier County, the standards call for 8" crushed stone for 50'. But, the local officials use good judgement and base requirements on what's needed to do the job correctly. That means some entrances need less and some need more. The system works as is, let's not change it.

If I can answer any questions or provide more information, please call me.

Sincerely,



H. S. McIlvaine
Supervisor

HSM:ps

REC'D AUG 17 1992

Bleached Board Division
Wood Department
Covington, VA 24426-0950
Telephone 703 969-5000
Fax No. 703 969-5228

REC'D SEP 16 1992

September 14, 1992
624 Riverview Drive
Belmont, WV 26134

West Virginia of Forestry
1900 Kanawha Boulevard
East, Charleston, WV 25305-0180

As a land owner I think the following recommendations are excellent and needed, to implement the logging regulations:

1. That the license exemption of \$4,000 be raised to \$10,000 for the small operator.
2. That the small operator who receives the \$10,000 exemption be able to cut on land other than his own.
3. That a copy of the license certificate serve as a minimum size for the sign on the landing instead of the sign containing three inch letters.

I support the above regulations that the West Virginia Forestry Association recommends.

Respectfully,

J. Franklin Carpenter

J. Franklin Carpenter

BRAXTON COUNTY TAX STUDY ASSOCIATION
TIMBERMEN COMMITTEE

REC'D SEP 16 1992

Lester L. Lemon
Bob Wayne
Marie Singleton

Donnie Dobbins
Kevin Singleton
Cam Hudkins

Change limit on what land owners can harvest from own property from \$4,000.00 to \$50,000.00 and be exempt. Landowners should not have to obtain a wavier for this.

Don't need two licenses to do one job. We have been working for years under one license and feel that is sufficient.

Should not have to pay to recertify each year.

Should be "grandfather" clause on certification.

If logger is complying in B.M.P. and mother nature causes errosion, logger should not be penalized.

Any violations upon logger should be handled in their own couynty or the county where the work is being done.

Fines and penalties are entirely too high for small operators. One fine of \$2,500.00 could put a small logger out of business. A \$500.00 fine would be considered very high for a small three man operator.

The appointed court for the three men committee that has set themselves up to try loggers in violations is unconstitutional. We already have a court system in this country.

REC'D SEP 18 1992
My comment concerning Bill #4669
Timber Law is as follows:

1. Landowners should be totally exempt from having to purchase licence to cut anything on their own property.
2. We don't need two licenses to do one job. We have been working for years with one business license and feel that is sufficient.
3. We feel that one fee for being certified for one time is enough. A fee of \$50.00 for renewal is ridiculous. One time is enough!!
4. We feel that people that has been in the timber business for 5 years or longer should have a "grandfather" clause on certification.
5. Fines and penalties are entirely too high for small timber operators. \$500.00 fine would be a very high fine for any violation.
6. The appointed three men committee to enforce fines and penalties to loggers or anyone else is unconstitutional. We have had a court system in this land for sometime now and we feel that it is quite sufficient to enforce laws.
7. If violators should be tried in their own counties or in the county where their jobs are being done this would seem more fair than having them tried in Charleston or in some other district.
8. We are against giving every Tom, Dick, and Harry the right to come on our property this day and time is unsafe and totally against our morals.

We are asking for very few changes in these regulations. I feel these changes are most important to the small timber operators. If our officials would consider the welfare of the people who supported them over the years, it would be easy enough to make these changes. I also feel the laws that have been passed recently on the Timber Bill #4669 and the Contractors Law are unconstitutional.

Leah J. Jensen
304-364-5669

P.O. Box 372
Webster Springs, WV 26288
September 5, 1992

REC'D SEP 9 1992

Mr. William H. Gillespie
WV Division of Forestry
1900 Kanawha Boulevard, East
Charleston, WV 25305-0180

Dear Mr. Gillespie:

I write to you as Mayford Lake, a certified tree farmer in Webster County, and as one who knows some of the concerns of individuals in this area.

I write concerning the Sediment Control Act, especially the "Exceptions" section 22-2-6. I strongly recommend that the clause 6.7 be amended to read as follows:

6.7 Individuals severing trees occasionally or routinely on their own property or on the property of another for sale or for personal use, where the gross income or fair market value realized from these products; i.e., logs, props, posts, firewood, rails, etc., does not exceed four thousand dollars per annum may obtain a waiver from licensing, logger certification, and timbering operation notification, by applying to the division, on forms provided by the division, for such.

I sincerely believe this ^{will} clarify some questions as to what is legal. This would allow an individual to cut firewood, fence posts, etc. even on the property of another for his own use or for sale on a small scale without a lot of legal hassle. However,

I do believe anyone severing trees for sale should be required to obtain a business registration certificate from the State Tax Dept. before he can obtain a waiver from the requirements of the Sediment Control Act. I say this, not because I am fond of the law requiring business registration, but because it is already the law.

I also believe there should be a 6.8 which would read:

6.8 Individuals buying standing timber or logs for their own use, for resale, or for the manufacture of other wood products for their own use or for sale, where the gross income realized or the fair market value does not exceed four thousand dollars per annum may obtain a waiver from licensing, logger certification and timbering operation notification by applying to the division, on forms provided by the division, for such.

Once again the applicant for a waiver should be required to obtain a business registration certificate if he is buying for resale.

There are several folks who buy low value logs from mills and landing sites and produce firewood for themselves and for sale on a small scale, some of them retired, some unemployed. Surely we do not intend for these people to have to have a license to buy these logs or to be required to be certified loggers.

Mr. Gillespie, I sincerely believe the clauses I have recommended to you will not only clarify certain issues, but they will increase the level of acceptance of the Sediment Control Act by landowners, loggers, and the general public. I am asking that you carefully consider these clauses. I hope that you will work to get them in the final version of the Sediment Control Act. I am willing to discuss these clauses with you at any time.

I will not attend any of the scheduled public hearings, but I do want this letter to serve as my comments for the hearings.

Sincerely,
 Maynard R. Lake
 Landowner, Tree Farmer,
 and Registered Forester.

The BURKE-PARSONS-BOWLBY Corporation

P. O. BOX 231 • RIPLEY, WEST VIRGINIA 25271 • PHONE (304) 372-2211

PRESSURE TREATED
WOOD PRODUCTS

August 13, 1992

REC'D AUG 14 1992

William H. Gillespie
Administrative Forester
Division of Forestry
WVDOCLER
State Capitol (Guthrie Center)
Charleston, WV 25305

Dear Bill:

I would like to see the following changes made in the Logging Sediment Control Bill. If these changes cannot be made, please give me a call.

The following should be added to paragraph 3.7:

In lieu of a sign, the operator may post a readable certificate that was issued to them by the Division.

I do not agree with the exceptions part of the regulations.

Paragraph 6.2, 6.3, 6.4:

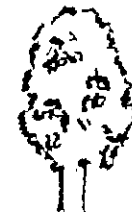
These paragraphs allow exceptions for severing trees related to other construction work not directly related to logging, then it takes the exception away if the wood is sold or given away for wood product production.

If the purpose of the law is to protect the environment, then it should not make a difference where the wood goes after it is cut.

These three exceptions are needed and the operator should be exempt regardless of what he does with the wood on these sites.

Example: This week we had an individual cut the

Law, not
reg's.



PLANT LOCATIONS: SPENCER, WV • GOSHEN, VA • STANTON, KY • DUBOIS, PA

Equal Opportunity Employer

August 13, 1992

posts off a right-of-way. He sold the posts to us. He would not have been able to do this under the current exceptions. I do not believe this individual would have become a licensed logger to cut approximately 500 posts.

Waiver
REC'D AUG 13 1992

Paragraph 6.7: This should read as follows:

Individuals severing trees occasionally or routinely for sale on any property and does not exceed \$10,000 per annum, may obtain a waiver from licensing (unless the landowner requests a licensed logger) by applying to the Division, on forms provided by the Division, for such. This operator will be able to cut three days after mailing the waiver to the Division.

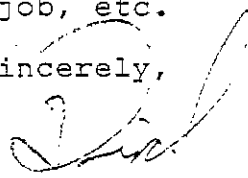
The law regulates logging operations but the law must provide exemptions for small operations, individuals, landowners and farmers trying to generate some income in very rural economic depressed West Virginia counties.

The landowner should have the right to require a licensed logger or to exempt this requirement for jobs so small a licensed operator is not needed.

This should be able to be determined by the landowner and the Division of Forestry. Criteria could be drawn up to consider, such as: lineal feet of roads required, size and amount of wood to be removed, economic feasibility of the job, etc.

Permit

Sincerely,



Richard E. Bowlby, President

REB/nms

REC'D SEP 10 1992

- 4.2.3. Providing invalid or misleading information on a notification form.
- 4.2.4. Failure to place a sign, as per 3.7, at the timbering operation.
- 4.2.5. Failure to use appropriate best management practices.
- 4.2.6. Failure to observe compliance orders from the director.
- 4.2.7. Failure to observe a timbering operation suspension order from the director.
- 4.2.8. Interfering with the director's or chiefs access to the operation for inspection purposes during reasonable working hours or for emergencies.

§22-2-5. License Revocation.

5.1 The license of any timbering operator, timber buyer or log buyer may be revoked for any of the following reasons:

5.1.1. Providing false data on the licensing application.

5.1.2. Being found in violation of either the logging sediment control act or the water pollution control act for a third time within any two-year period. Violations to be considered as causes for license revocation shall include, but are not necessarily limited to, the listing in 4.1(a) through 4.1(h) of this regulation.

4.2.1

4.2.8

§22-2-6. Exceptions.

6.1. Persons severing evergreen trees for sale during the traditional Christmas season shall be exempt from licensing for that activity.

6.2. Persons severing trees incidental to ground-disturbing construction activities shall be exempt from licensing for that activity provided that the logs so produced are not sold for, or given away for, wood product production purposes.

6.3. Persons severing trees incidental to the construction of access roads, well sites, gathering lines or transportation pipelines shall be exempt for that activity provided that the materials so produced are not sold, or given away, for wood product production purposes.

6.4. Persons severing trees incidental to the construction of highways or public utility rights-of-way or for the maintenance of existing highways or public utility rights-of-way shall be exempt from licensing for that activity providing that the trees so severed are not sold for, or given away for, wood product production purposes.

6.5. Companies regulated by the federal energy regulatory commission shall be exempt from licensing for the severing of trees incidental to the purposes for which they are so regulated.

6.6. An individual severing trees on the individual's own property with the intention of using the logs directly or for the manufacture of wood products for the personal use of the individual or the immediate family of the individual shall be exempt from licensing for that activity, provided that the individual does not have

5.1. An individual's certified logger certification may be revoked for any of the following reasons. Recertification shall be contingent upon again successfully completing the general certification procedures, but in no event shall a recertification be issued prior to one year after the revocation.

5.1.1. Providing false data on the application for certification.

5.1.2. Being found in violation of either the logging sediment control act or the water pollution control act for a third time within any two-year period. Violations to be considered as causes for certification revocation shall include, but aren't necessarily limited to, the listing set forth in ~~4.1(a)~~ through ~~4.1(e)~~ of this regulation. 4.2.1 4.2.6

§22-3-6. Reciprocity With Other States.

6.1. Reciprocity with other states with similar certification programs shall be on the basis of a written agreement signed by the director and the appropriate official of the other state.

6.2. Before signing a reciprocal agreement with another state, the director shall first determine that the program or aspect of the program under consideration is at least equal to that of the West Virginia logger certification program.

6.3. Standard first aid cards; i.e., Red Cross, Emergency Medical Technician, etc., showing competency in a course of first aid at least equal to that prescribed by the director, shall be acceptable as proof of competency for that part of the training.

§22-3-7. Right of Appeal.

7.1. Any person aggrieved by a decision of the director relative to his or her certification as a certified logger shall have the right to appeal the order to the district conference panel who shall, in writing, affirm, modify or vacate the order.



WEST VIRGINIA FORESTRY ASSOCIATION

P.O. BOX 488
RAVENSWOOD, W. VA. 26164
PHONE (304) 273-8164

July 9, 1992

Bill Gillespie

Dear Mr. Gillespie:

In reviewing the Logging Sediment Control Regulations, I would suggest that an additional statement should be made to allow for those instances when loggers are using haul roads that are already bonded for mining or oil and gas. Those bonds sometimes require measures different than BMP's for logging.

The remaining regulations look fine to me.

Sincerely,

Dick Waybright
Executive Director

REC'D SEP 18 1992

I am writing concerning Bill 4669.
It's totally outrageous what your
people in Charleston think the people
of WV. will stand for.
To begin with the right of a
woman to happen to the 5th Amendment
to the US Constitution. No one in
WV is going to stand by and give up
any of the rights they have as
Citizens of the USA. So some idiotic
group with no reason or right wants
for some reason to give them over, to
add to the forestry fund to be re-
appropriated for some really worthless
project as more money for
educating the smartest group of
young people we have ever had.
Also the certification of Power Law
Operators. Most of the men running
these saws have been doing so
for many years. Now they need
training, who or what gets the \$60.00
that requires? Are you going to require
them to be certified just? By
Whom?
As for the \$4000.00 limit set on pri-
vate land owners. Do you realize some
people buy their land to create a job
because there are no public jobs to
be had? At \$4000.00 you are making
them work for \$1.36 - \$1.37 an hour
gross? If they work 7 days a wk

I live a day 365 days a year.

People aren't fighting to put food on the table now, we are fighting for the table & the roof over it!

We stand a very good chance of losing our home over this at five less than new wage the only way we may be able to keep a roof over our head is to take bank money after 33 years of marriage at \$4000 a year. We cut a tree.

The butt log goes to the mill (fits 7' x 4') next maybe a tie log then wedge blocks, main post & last we make fire wood all that's left is twigs. Say it averages out to \$50.00 all together - that would let us

cut 80 trees a year. We have 94 acres that's less than a tree an acre. \$200.00 a yr - \$450. land taxes -

109. truck license to haul - \$546. Ins. on the truck - \$400. for power saw.

That leaves \$2585 payments on our loan is 102.54 a month - \$1470.48

leaves \$114.32 - \$600 for S.D. tax - \$54.52 left for State tax - gasoline

& oil to run power saw & live on for the year. Would you care to try it?

We want to clear some old fields to grow more trees, in order to let that you are trying to force us to burn wood that would be put to better use.

If you would consider setting the limit
at \$5,000 - \$18,000 a year we might be
able to live with that. Though I do
want to go on record that I do
not think there should be a limit
set on what a private land owner
can make on his/her own property.

Anna Marie Christian
John Paul Christian

HCR 77 Box 47
Upper Glade WV. 26266
Shepherd County.

Phone 226-5759.

SUMMARY OF AMENDMENTS

At the conclusion of the hearings and the reading of the mailed-in comments, the consensus of opinion seemed to be that the emergency rule on logger certification remain as originally presented except for correcting four typographical errors. Three involved the substitution of timbering operation for logging operation, as per the definition section and changing the designation of subsection in 5.1.2 from letters to numbers.

RECEIVED
SEPT 7 1992
DISTRICT VI FORESTRY

To the Legislature- and who so ever it concerns!

Man # 1 owns less than 20 acres of land. He has it timbered by a man in the timbering business.

Man # 2, son of # 1, is out of work. Is willing to take any type of honest paying work but can find no job. A wife and two children to support and determined to not go on welfare.

1 let # 2 clean up his woods of the tree tops and branches that were left from timbering and sell it to other people for firewood. The American way of helping people.

The fourteenth amendment of our U.S. Constitution says "nor shall any State deprive any person of life, liberty, or property, without due process of law;" etc.

Under your rules man # 2 will be denied the liberty of making enough money to feed his family. If man # 2 had sufficient money to purchase license why would he want to labor all day at a back breaking job and sweat for 1 load of firewood for \$30.00.

Give us a break! Wipe this Bill # 4669 off the books

Thank you

Corinne Francis

Corinne Francis, President
Wood County Tea Party
Rt. 1, Box 50
Walker, WV 26180
(485-3727)

Whereas, Dr. H. Reed McGrath, Dixy Lee Ray and other responsible environmentalists have exposed the bad science and bad journalism upon which extremists have exaggerated holes in the ozone, acid rain, global warming and other far out mythologies to mislead the public and legislators.

AND

Whereas, rich special interest lobbies have based much legislation upon the above and other unverified positions-together with meddling into the everyday work world of common people while essentially exempting themselves and erecting discriminatory barriers against the general public; enforced by governor appointed commissars, DNR and other non-elected regional government type officials who circumvent due process of law as provided for in our federal and state constitutions,

THEREFORE

BE IT RESOLVED, that we the undersigned request the WV Legislature to REPEAL the following and related legislation based upon bad science and rich special interest agendas:

1. The 1990 Clean Air Act (H.B. 2813).
2. The 1991 discriminatory Ground Water Bill (H.B. 2377).
3. The 1992 H.B. 4643 which authorizes expanding bureaucracy to impose auto emission inspection fees and related costs together with interference with citizens' right to burn wood, coal and certain other fuels in their stoves.
4. The 1991 Contractors' Licensing Bill (S.B. 409) being used to persecute native WV workers with bureaucratic roadblocks, arbitrary fines and denial of due process of law.
- 5. The Draconian small timberland owner shut-down bill (H.B. 4669) deceitfully grease-rammed through the 1992 WV Legislature under the guise of "regulation of the harvesting of timber along scenic highways."
6. The 1992 H.B. 4188 authorizing regional government appointed tax authorities for rural areas.
7. The nightmare, poorly understood H.B. 4758 interlock bureaucracy funding tax bill under the guise of "woodlot improvement fees."
8. The 1989 S.B. 222 (which contains archaic, smoldering gun control provisions) and other interlock legislation setting state and local governments up to destroy private property rights which establish the foundation for freedom and prosperity.
9. The 1992 H.B. 4711 which further prices WV citizens out of the court system being increasingly dominated by rich special interests.

W.M.A.C.O. or DRACONIAN, the first, second, or third appointed in 621 A.C. to lobby and corrupt the common law of the Republic of the United States. The original law relating to the common law of the Republic of the United States.

Furthermore, we request passage of a constitutional amendment to authorize Initiative, Referendum and Recall powers for citizens to implement the rights outlined in our federal and state constitutions.

NAME	ADDRESS	PHONE NO.
Kirman Full	Rt 1 Lewis W.Va 25252	304-275-654
Lena Full	Rt 1 Lewis W.Va 25252	304-275-654
Richard Murray	P.O. 3 Box 311 Summers W.Va 25775	304-275-654
Jack Murray	R 1 Lewis W.Va 25252	304-275-654
R.D. Murray	R 1 Lewis W.Va 25252	304-275-654
Steve Murray	WV 1 Box 87 Parkersburg 26104	304-275-654
Gayle Murray	Rt 1 Lewis W.Va 25252	304-275-654

URGENT! Need some returned by 20th! **Urgent!**
Will need more later!

1992

2.1 BMP's were written as GUIDE LINES not
planned as MANDATORY RULES. There are exceptions
to rules that are more protective of environment than
BMP's. EXAMPLE - SKID ROPES of 25-30% down
southwest point will often cause less erosion than a
10% grade rope on a steep face.

2.5 "or has the potential to contribute" too broad
invites court disputes, creating unwelby programs
should be dropped.

2.11 add words after "trees" "with less than 12" butt diameter"
Definition as now in entanglers program with federally
funded T.S.I. projects and incentives with use of waste
in logs by fire wood cutters and SHITAKE mushrooms
grower

2.18 Drop "and haul roads" or add definition of
"Access roads: built at least 3 months prior
to beginning of logging operation to be exempt
from licensing... Definition now entanglers program
with federally funded FIP forest incentive program
and SIP stewardship incentive program which will
discourage federal money being used in state of W.Va.
Also may interfere with W.V. Tax Dept Managed Timber
Program.

- 6.2 Delete "or given away for" words will cause
- 6.3 people to be regulated that were not intended
- 6.4 by law to be regulated.

Without above changes program will be unworkably
causing many legal, enforcement and environmental problems

Lawrence J. Redburn

6.7 would apply to an hitter as two pickup loads of posts
will DISCRIMINATE against people who cut their own property who not to
cut firewood for summer use of unlimited income

First proposal - Raise limit from
4,000 to 10,000.

The reason for logging bill in first
place was a level playing field
~~if small operator~~

If small operator cannot afford
a \$50 license fee, they cannot
afford to pay Sevice tax, income
tax, buy \$76 safety chaps, or
\$35 ~~hat~~ Hard Hat with ear muffs
and screen.

2nd - of all they can sell timber
in their name as well as
family member name this could
easily turn into \$40 \$50 thousand
dollars with no easy way of
tracking it.

2nd proposal -

The small operator should not
be permitted to cut ~~on~~ other
people land if so he is
producing timber for commercial
use rather ~~than~~ ~~for~~ ~~personal~~
use.

3th Proposal -

~~In~~ Copy of a ~~copy~~ certificate
serve as a sign will not
work, ~~can~~ can not keep
paper dry, ~~will be readable~~
~~most of time~~ the certificate
will not be legible.
We need to have a ~~unif~~
uniform sign on ~~equipment~~
system on all flots

Mills should be
required to show proof of
license when purchasing any
timber product

Bobby McDowell
RT 4 Box 93 Glass
W. Va

536 3784

9-17-92

RECD SEP 17 1992

Submitted to public hearing for the Beckley area - proposed changes to the logging regulations

Recommended changes by the WVFA Board of Directors

1. License exemption of \$4000.00 be raised to \$10,000.00 for small operators
2. Small operator (who receives the \$10,000.00 exemption) be able to cut on land other than his own.
3. Copy of license certificate serve as a minimum size for the sign on the landing instead of the sign containing three inch letters

Submitted by

Robert F. Gist

WVFA Board of Directors

and spokesman for Board in Area

(General) (See yellow sheets for specific)

Sixteenth American Jurisprudence, Second Edition, Section 256 affirms that the "Constitution is the SUPREME law of the land and any statute to be valid, must be in agreement. It is impossible for both the Constitution and a law violating it to be valid; one must prevail . . . an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since UNCONSTITUTIONALITY DATES FROM THE TIME OF ITS ENACTMENT, and not merely from the date of the decision so brandishing it . . . an unconstitutional law is void . . . it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and JUSTIFIES NO ACTS PERFORMED UNDER IT.

No one is bound to obey an unconstitutional law and no courts are bound to enforce it."

H.B. 4669 and subsequent rules filed under it are violations of both our Federal and State Constitutions:

1. The so-called "right of entry" (§19-1B-9) is in violation of citizen safeguards of Article IV of the Federal Bill of Rights and Article III, Section 6 of the WV Bill of Rights. (Nearly identical)
2. The "Creation of Conference Panels; Authority" (§19-1B-11) creates regional courts of jurisdiction which are not found in either Federal or State Constitutions. These appointed non-elected Kangaroo courts of sorts ("Conference panels") are examples of regional government which is in violation of constitutional mandate which creates and sustains elected (not appointed!) magistrates and judges at local and state levels. Additionally, the financial burden is shifted to the accused, many of whom cannot afford to appeal to circuit court; thus effectively violating Article III Section 10 of the WV "Bill of Rights" which guarantees that "No person shall be deprived of life, liberty, or property without due process of law, AND JUDGMENT OF HIS PEERS. The "Conference Panels" are not peer groups; they are regional three-member tribunals appointed and controlled by the appointed heads of the Division of Forestry and DNR (Environmental "Protection").

Many West Virginians have experienced the way the above type appointed "Politburos" function under the Contractors' Licensing Bill (S.B. 409 of 1991) and others: 1. Warning notices from inspectors.

2. Accused told that they would not, because of their cooperative attitude, be fined. 3. Subsequent fines levied against the accused, with no Miranda rights. 4. Accused effectively denied trial by peers.
3. The current H.B. 4669 was fraudulently promoted under the deceptive heading "regulation of the harvesting of timber along Scenic Highways" and grease-rammed through the WV Legislature without public hearings. This degree of arrogance and disregard for the general public during an election year is probably unprecedented--and warrants prosecution of the ring leaders under Section 2384, Title 18, United States Criminal Code, Seditious Conspiracy.
4. The additional regulations proposed subsequent to passage of H.B. 4669 (particularly in the absence of regulatory flexibility legislation) together with increased costs and bureaucratic imposed loss of productive time would mandate a confusing impossible to comply with prison of red tape and financial burden for most wood lot and timber operators. Such a criminal government mandated prison without physical walls or chains effectively nullifies the preamble to our Federal Constitution which guarantees "promotion of the general welfare, and blessings of liberty to ourselves and our posterity." When the preamble is violated, then the reason and purpose of the entire Constitution is compromised!
5. H.B. 4669 and subsequent regulations are simply modern revivals, without regard to racial barriers, of old Jim Crow type laws promulgated by fraudulent environmentalists, and which are illegal under the fourteenth amendment to our Federal Constitution. It now follows logically that the principle of Constitutional Law vs Legislation which is in conflict with the constitution applies:

"When rights secured by the Constitution are involved there can be NO RULE-MAKING OR LEGISLATION WHICH WOULD ABROGATE THEM."

Miranda vs State of Arizona (Key No. 73, 86s 8602 of 1966).

*Presented September 3rd.
(Special hearing, Secretary of State's Office)*

*Ⓢ i.e. certain Legislators,
head of the DNR, governor
Caperton.*

Respectively,

James C. Rymer
James C. Rymer
Box 329
St. Marys, WV 26170

RECEIVED
SEP 17 1992
DEPT. OF FORESTRY

RECEIVED
SEP 17 1982
DISTRICT VI FORESTRY

To the Legislature and who so ever it concerns:

Man # 1 owns less than 20 acres of land. He has it timbered by a man in the timbering business.

Man # 2, son of # 1, is out of work. Is willing to take any type of honest paying work but can find no job. A wife and two children to support and determined to not go on welfare.

1 let # 2 clean up his woods of the tree tops and branches that were left from timbering and sell it to other people for firewood. The American way of helping people.

The fourteenth amendment of our U.S. Constitution says "nor shall any State deprive any person of life, liberty, or property, without due process of law;" etc.

Under your rules man # 2 will be denied the liberty of making enough money to feed his family. If man # 2 had sufficient money to purchase license why would he want to labor all day at a back breaking job and sweat for 1 load of firewood for \$30.00.

Give us a break! Wipe this bill # 4669 off the books.

Thank you.

Corinna Francis

Corinna Francis, President
Wood County Tea Party
Rt. 1, Box 60
Walker, WV 26180
(485-3727)

environmentalists have exposed the bad science and bad journalism upon which extremists have exaggerated holes in the ozone, acid rain, global warming and other far out mythologies to mislead the public and legislators,

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9. The 1992 H.B. 4711 which further prices WV citizens out of the court system being increasingly dominated by rich special interests.

DRAGON, the first Justice of Alabama appointed in 621 a.c. to codify and correct the existing law. Of his legislation we only know the provisions of the criminal law relating to the shedding of blood. His name has become proverbial for severity.

Furthermore, we request passage of a constitutional amendment to authorize Initiative, Referendum and Recall powers for citizens to implement the rights outlined in our federal and state constitutions.

(14) NAME	ADDRESS	PHONE NO.
Dorman Full	Rt #1 Terry W Va 25252	304-275-6544
Lena Full	Rt #1 Terry W Va 25252	304-275-6539
Belmer Murray	Rt #3 Box 513 Sandyville W Va 25775	304 273-4059
Red Luchey	Rt #1 Terry W Va 25252	304 275-8980
R.D. Luchey	Rt 1 Terry W Va 25252	304-275-8080
Paul F Murray	Rt 1 Box 83 Pulaski 26160	304-275-2600
Gaylan Luchey	Rt 1 Terry 25252	304 275-8505

URGENT! Need some returned by 20th! **Urgent!**
Will need more later!

Comment on Timber Regulations.

The exception for
small operators &
landowners should be
at least \$10,000
before any regulations
apply.

It should be state
policy to encourage small
business not to run small
businesses & taxpayers out
of state.

Sept 17, 1992

Alvin L. Engeln
HC 70 Box 295
Creston, WA
26741