CHAPTER 28

Forest Renewal Practices

**SECTION 48‑28‑10.** Short title.

 This chapter shall be known as the “Forest Renewal Law”.

HISTORY: 1981 Act No. 70, Section 1.

Library References

Environmental Law 44.

Woods and Forests 8.

Westlaw Topic Nos. 149E, 411.

C.J.S. Health and Environment Sections 167, 173.

C.J.S. Woods and Forests Sections 1, 8, 11 to 13.

**SECTION 48‑28‑20.** Powers and duties of State Forester in connection with implementation of forest renewal program.

 The State Forester shall implement a forest renewal program to encourage private investments in the improved management of forest lands and resources within the State to ensure adequate future high quality timber supplies, related employment and other economic benefits and the protection, maintenance and enhancement of a productive and stable forest resource system. In furtherance of this purpose, the State Forester shall:

 1. Provide financial assistance to eligible landowners to increase the productivity of the privately‑owned forests of the State through the application of forest renewal practices.

 2. Ensure that forest operations in the State are conducted in a manner designed to protect the soil, air and water resources, including, but not limited to, streams, lakes and estuaries through actions of landowners on lands for which assistance is sought under provisions of this chapter. Application of generally acceptable forest practices should be implemented in each case.

 3. Implement a program of voluntary landowner participation through the use of a forest renewal fund to meet the above goals.

 4. Coordinate the program with other related programs in such a manner as to encourage the utilization of private agencies, firms and individuals furnishing services and materials needed in the application of practices included in the forest renewal program.

HISTORY: 1981 Act No. 70, Section 1.

CROSS REFERENCES

State forester, generally, see Section 48‑23‑50.

Library References

Environmental Law 44.

Woods and Forests 8.

Westlaw Topic Nos. 149E, 411.

C.J.S. Health and Environment Sections 167, 173.

C.J.S. Woods and Forests Sections 1, 8, 11 to 13.

Attorney General’s Opinions

The State Forester would be authorized to support a marketing and development initiative to market State forest products and recruit forest based businesses. S.C. Op.Atty.Gen. (March 17, 2010) 2010 WL 1370091.

**SECTION 48‑28‑30.** Definitions.

 As used in this chapter:

 1. “Commission” shall mean the State Commission of Forestry.

 2. “State Forester” shall mean the director of the State Commission of Forestry.

 3. “Eligible landowner” shall mean a private individual, group, partnership, association, corporation or other legal entity which owns nonindustrial private forest lands capable of producing industrial wood crops. Where forest land is owned jointly by more than one individual, group, association or corporation, as tenants in common, tenants by the entirety, or otherwise, the joint owners shall be considered, for the purposes of this chapter, as one eligible landowner and shall be entitled to receive cost‑sharing payments as provided herein. Private entities which engage in the business of manufacturing forest products, including, but not limited to, sawmills, pulp mills, paper mills, plywood plants, oleoresin plants or providing public utilities services of any type or the subsidiaries of such entities shall not be included in such definition but private individual forest landowners who are stockholders in such business are included.

 4. “Eligible lands” shall mean land owned by an eligible landowner.

 5. “Cost‑sharing payment” shall mean financial assistance to partially cover the cost of implementing approved practices in such amounts as the State Forester shall determine, subject to the limitations of this chapter.

 6. “Approved practices” shall mean those silvicultural practices approved by the State Forester for the purpose of commercially growing timber through the establishment of forest stands or of ensuring the proper regeneration of forest stands to commercial production levels following the harvest of timber. Such practices shall include those required to accomplish site preparation, natural and artificial reforestation, noncommercial removal of undesirable vegetation for silvicultural purposes and cultivation of established young growth of desirable trees. In each case, approved practices shall be determined by the needs of the individual forest stand. These practices shall include existing practices and such practices as are developed in the future to ensure both maximum forest productivity and environmental protection.

 7. “Approved forest management plan” shall mean a forest management plan approved by the State Forester for an eligible landowner. Such plan shall include forest management practices to ensure both maximum forest productivity and environmental protection of the lands to be treated under the management plan.

 8. “Forest renewal fund” shall mean the special nonlapsing fund provided by Section 48‑28‑100 established in the Commission designated as the forest renewal fund.

 9. “Forest renewal assessment” shall mean an assessment on primary forest products from timber severed in South Carolina for the funding of the provisions of this chapter.

 10. “Slippage” shall mean the difference in funds earmarked in the management plan for an approved practice and funds actually earned when the practice is completed.

HISTORY: 1981 Act No. 70, Section 1.

CROSS REFERENCES

Identification of approved practices eligible for cost‑sharing, see Section 48‑28‑50.

**SECTION 48‑28‑40.** Promulgation of rules and regulations; employment and compensation of support personnel; purchase and use of equipment.

 The State Forester shall administer the provisions of this chapter and may promulgate regulations to carry out such provisions subject to the limitations set forth in Section 48‑28‑100. The State Forester may employ administrative, clerical and field personnel to support the program created by this chapter and compensate such employees from the forest renewal fund for services rendered in direct support of the program.

 The State Forester may purchase equipment for the implementation of this program from the forest renewal fund subject to the limitations of Section 48‑28‑100. All equipment purchases with such funds shall be assigned to and used only for the forest renewal program except for emergency use in forest fire suppression and other activities relating to the protection of life or property. The forest renewal fund shall be reimbursed from other program funds for equipment costs incurred during such emergency use.

HISTORY: 1981 Act No. 70, Section 1.

Library References

Environmental Law 44.

Woods and Forests 8.

Westlaw Topic Nos. 149E, 411.

C.J.S. Health and Environment Sections 167, 173.

C.J.S. Woods and Forests Sections 1, 8, 11 to 13.

**SECTION 48‑28‑50.** Powers and duties of State Forester in connection with administration of cost‑sharing provisions.

 The State Forester may administer the cost‑sharing provisions of this chapter which shall include, but not be limited to, the following duties:

 1. Prescribing the requirements for making application for cost‑sharing funds.

 2. Identifying those approved practices as defined in item 6 of Section 48‑28‑30 which shall be approved for cost‑sharing under the provisions of this chapter.

 3. Reviewing periodically the cost of forest renewal practices and establishing allowable ranges for cost‑sharing purposes for approved practices under varying conditions throughout the State.

 4. Determining, prior to approving cost‑sharing payments to any landowner, that all proposed practices are appropriate and are comparable in cost to the prevailing cost of those practices.

 5. Determining, prior to approving cost‑sharing payments, that an approved forest management plan as defined in item 7 of Section 48‑28‑30 for the eligible land has been filed with the State Forester and that the landowner has indicated in writing his intent to comply with the terms of such management plan that related to cost‑share payments.

 6. Determining, prior to approving cost‑sharing payments, that the approved practices for which payment is requested have been completed in a satisfactory manner, conform to the approved forest management plan submitted under item 5 of this section and otherwise meet the requirements of this chapter.

 7. Disbursing from the forest renewal fund, comprised of appropriated funds and forest assessment funds, to eligible landowners, cost‑sharing payments or satisfactory completion of practices provided for by this chapter and insofar as is practicable disbursing funds equally from the state appropriated funds and the forest renewal assessment funds, until appropriated funds are expended after which expenditures shall come from the forest renewal assessment funds subject to limitations of Section 48‑28‑100.

 8. Applying directly funds resulting from slippage as defined in item 10 of Section 48‑28‑30 to the revolving forest renewal fund which shall be available for applying to cost‑sharing for additional landowners.

 9. Publishing guidelines for implementing this chapter.

 10. Initiating recollection of all cost‑share payments if a landowner does not meet the requirements of Section 48‑28‑80, for ten years.

HISTORY: 1981 Act No. 70, Section 1.

Library References

Environmental Law 44.

Woods and Forests 8.

Westlaw Topic Nos. 149E, 411.

C.J.S. Health and Environment Sections 167, 173.

C.J.S. Woods and Forests Sections 1, 8, 11 to 13.

Attorney General’s Opinions

The State Forester would be authorized to support a marketing and development initiative to market State forest products and recruit forest based businesses. S.C. Op.Atty.Gen. (March 17, 2010) 2010 WL 1370091.

**SECTION 48‑28‑60.** Rate of cost‑sharing payments; maximum payments to eligible landowners; exclusion of land for which federal cost‑sharing payments are received.

 An eligible landowner may receive cost‑sharing payments for satisfactory completion of approved practices as determined by the State Forester at rates established by him. The cost‑share rates for all practices shall not exceed the cost‑sharing rate of any other compatible governmental forestry program that may be in effect.

 The maximum amount of cost‑sharing funds allowed to any eligible landowner in one fiscal year shall be limited to the amount needed to complete approved practices on one hundred acres of land subject to provisions under paragraph one of this section.

 Eligible landowners may not use state cost‑sharing funds if funds from any federal cost‑sharing program are used on the same acreage for forestry practices during the same fiscal year.

HISTORY: 1981 Act No. 70, Section 1.

Library References

Environmental Law 44.

Woods and Forests 8.

Westlaw Topic Nos. 149E, 411.

C.J.S. Health and Environment Sections 167, 173.

C.J.S. Woods and Forests Sections 1, 8, 11 to 13.

**SECTION 48‑28‑70.** No limitation on woodland acreage of eligible landowner.

 There shall be no limitation of woodland acreage owned by an eligible landowner.

HISTORY: 1981 Act No. 70, Section 1.

Library References

Environmental Law 44.

Woods and Forests 8.

Westlaw Topic Nos. 149E, 411.

C.J.S. Health and Environment Sections 167, 173.

C.J.S. Woods and Forests Sections 1, 8, 11 to 13.

**SECTION 48‑28‑80.** Landowners required to submit forest management plan and maintain land in forest condition.

 The eligible landowner shall be required to submit an approved forest management plan to the State Forester and during tenure shall be required to maintain eligible lands in a forest condition for a period of ten years or until commercial harvest or the landowner shall be required to remit the cost‑sharing payment back to the forest renewal fund.

HISTORY: 1981 Act No. 70, Section 1.

CROSS REFERENCES

Recollection of cost‑share payments from landowners who do not meet requirements of this section for ten years, see Section 48‑28‑50.

Library References

Environmental Law 44.

Woods and Forests 8.

Westlaw Topic Nos. 149E, 411.

C.J.S. Health and Environment Sections 167, 173.

C.J.S. Woods and Forests Sections 1, 8, 11 to 13.

**SECTION 48‑28‑90.** Governmental agencies ineligible for forest renewal payments.

 No governmental agency, federal, state or local, shall be eligible for forest renewal payments under the provisions of this chapter.

HISTORY: 1981 Act No. 70, Section 1.

Library References

Environmental Law 44.

Woods and Forests 8.

Westlaw Topic Nos. 149E, 411.

C.J.S. Health and Environment Sections 167, 173.

C.J.S. Woods and Forests Sections 1, 8, 11 to 13.

**SECTION 48‑28‑100.** Forest renewal fund.

 There is created in the Commission the forest renewal fund for which fiscal management and responsibility is vested in the State Forester.

 The fund shall be the depository for all revenue derived from the forest development assessment on primary forest product processors as authorized by the General Assembly and for any funds appropriated specifically for the forest renewal program from the general fund. State appropriated funds remaining in the forest renewal fund at the end of any fiscal year shall revert to the general fund. Revenues derived from the forest renewal assessment shall not revert but shall remain in the forest renewal fund until expended under the provisions of this chapter.

 In any fiscal year, new funding agreements from the forest renewal fund are limited to five times the amount of the state appropriation for the Forest Renewal Law for that year plus the amount of any cancellation or slippage funds from previous agreements. Whenever necessary to comply with the terms of a contract, payments in a fiscal year may exceed five times the amount of the state appropriation.

 In any fiscal year, expenditures from the forest renewal fund shall be limited to five times the amount of the state appropriation for the Forest Renewal Law for that year.

 In any fiscal year, no more than five percent of the available funds generated by the Primary Forest Products Assessment Law, Chapter 30 of this title, shall be used for program support under the provisions of Section 48‑28‑40.

 Funds used for the purchase of equipment under the provisions of Section 48‑28‑40 shall be limited to state appropriations to the forest renewal fund designated specifically for equipment purchase.

 The Commission shall serve as the disbursing agency for funds expended from and deposited in the forest renewal fund.

HISTORY: 1981 Act No. 70, Section 1; 1990 Act No. 572, Section 1.

CROSS REFERENCES

Deposit of the proceeds of the assessment on primary forest products in the forest renewal fund, see Section 48‑30‑40.

Library References

Environmental Law 44.

Woods and Forests 8.

Westlaw Topic Nos. 149E, 411.

C.J.S. Health and Environment Sections 167, 173.

C.J.S. Woods and Forests Sections 1, 8, 11 to 13.