CHAPTER 2

Forest Management Protection Act

**SECTION 50‑2‑10.** Short title.

 This act may be cited as the “South Carolina Forest Management Protection Act”.

HISTORY: 2000 Act No. 316, Section 2.

**SECTION 50‑2‑20.** Purpose of Forest Management Protection Act.

 The purpose of this act is to encourage and protect landowners’ ability to maintain their land for forest use and to conduct forest management activities.

HISTORY: 2000 Act No. 316, Section 2.

Library References

Environmental Law 44.

Westlaw Topic No. 149E.

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

**SECTION 50‑2‑30.** Definitions.

 (A) A forestry operation is an area where forest management activities are conducted for the production of timber resources for wood products or providing wildlife habitat, outdoor recreation, or other environmental values. A forestry operation inherently includes lengthy periods between forest management activities and shall be deemed continuously operating so long as the operation supports an actual or developing forest.

 (B) Forest management activities include, but are not limited to, timber harvest, site preparation, controlled burning, tree planting, applications of fertilizers, herbicides, and pesticides, weed control, animal damage control, fire control, insect and disease control, forest road construction, and any other generally accepted forestry practices.

HISTORY: 2000 Act No. 316, Section 2.

**SECTION 50‑2‑40.** Application of Forest Management Protection Act.

 This act shall apply only to forest management activities on forestry operations that are eligible for timberland use value assessment for property tax purposes.

HISTORY: 2000 Act No. 316, Section 2.

Library References

Environmental Law 44.

Westlaw Topic No. 149E.

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

**SECTION 50‑2‑50.** Forestry operation as nuisance; established date of operation; local ordinance making forestry operation nuisance null and void.

 (A) No established forestry operation is or may become a nuisance, private or public, if the forestry operation adheres to best management practices as promulgated by the South Carolina Forestry Commission. This section does not apply whenever a nuisance results from the negligent, improper, or illegal operation of a forestry operation.

 (B) For the purposes of this chapter, the established date of operation is the date on which the forestry operation commenced operation. If the operation is expanded subsequently or new technology adopted, the established date of operation for each change is not a separately and independently established date of operation and the commencement of the expanded operation does not divest the forestry operation of a previously established date of operation.

 (C) An ordinance of a county or municipality that makes a forestry operation following best management practices as promulgated by the South Carolina Forestry Commission a nuisance or providing for abatement as a nuisance in derogation of this chapter is null and void. The provisions of this section do not apply whenever a nuisance results from the negligent, illegal, or improper operation of a forestry operation.

HISTORY: 2000 Act No. 316, Section 2.

Library References

Environmental Law 44.

Nuisance 6, 65.

Woods and Forests 5.

Westlaw Topic Nos. 149E, 279, 411.

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

C.J.S. Nuisances Sections 14 to 16, 20, 24, 151.

C.J.S. Woods and Forests Sections 1, 4 to 5, 8 to 10, 14.