

**ALABAMA FORESTRY COMMISSION**  
**RULE 390-X-8-.01**  
**INSPECTION OF FORESTRY RECORDS**

**390-X-8-.01 INSPECTION OF FORESTRY RECORDS**

(1) It shall be unlawful for any person, firm, or corporation:

- (a) To refuse to allow any duly authorized employee of the Alabama Forestry Commission to inspect any forestry records required by law or regulation upon demand during normal business hours; or
- (b) To refuse to produce, for inspection any license, permit or certification required by forestry law or regulation upon demand by any duly authorized employee of the Alabama Forestry Commission. The Forestry Commission employee making the request to examine the records mentioned above shall provide at least 24 hours notice by telephone or in writing to the person, firm, or corporation in possession of the records.
- (c) Any person firm or corporation violating the provisions of this regulation shall be guilty of a misdemeanor and shall be punished as provided by law.

(2) Forest Investigators and other employees of the Alabama Forestry Commission designated by the State Forester are authorized to inspect records, licenses, permits and certifications required by law or regulation.

Author: Charles T. Conway

Statutory authority: Code of Ala. 1975, § 9-3-9.

History:

## **ALABAMA FORESTRY COMMISSION**

### **RULE 390-X-9-.01 TIMBER TRESPASS**

#### **390-X-9-.01 TIMBER TRESPASS**

(1) It shall be unlawful for any person, firm, or corporation:

(a) To cross a visibly marked property boundary line during any timber harvesting operation or harvests or attempts to harvest any timber or other forest products without the permission of the landowner.

(b) Any person violating the provisions of this regulation shall be guilty of a misdemeanor and shall be punished as provided by law.

(2) Definition of visibly marked property boundary line:

Any boundary line marked by a landowner, agent of the landowner or surveyor with paint on trees, signs, or flagging placed no more than an average of 100 feet apart or a well maintained fence (fence that will hold livestock) or other identifiable markings readily visible placed no more than 100 feet apart that would put a prudent person on notice that it is a landline. It is the intent of this regulation that all landowners should mark their property lines and that the person(s) engaging in these type harvesting activities ascertain from the landowner the whereabouts of the property boundary lines of the property before harvesting any forest products. The burden of placing the markings described in this regulation shall be on the property owner on whose property the timber is being harvested. The placement of such markings is voluntary and is not required by this regulation.

Author: Charles T. Conway

Statutory authority: Code of Ala. 1975, § 9-3-9.

History:

## **ALABAMA FORESTRY COMMISSION**

### **RULE 390-X-10-.01**

#### **390-X-10-.01 FAILURE TO REMIT PAYMENT TO OWNER AFTER PURCHASE OF FOREST PRODUCTS**

(1) It shall be unlawful for any person, firm, or corporation:

- (a) Who acquires, with the consent of an owner, any forest product from that owner and who receives payment for the forest product to fail to make payment to the owner within a total of 60 (sixty) days of such receipt.
- (b) Any person, firm, or corporation violating the provisions of this regulation shall be guilty of a misdemeanor and shall be punished as provided by law.

(2) If the owner has not received payment within thirty days of the conclusion of the harvesting operation, the owner shall notify the purchaser of his demand for payment at the purchaser's last known address by certified mail or by personal delivery of the written notice to the purchaser. The purchaser's failure to make payment in full within 30 (thirty) days after the mailing or personal delivery shall be presumptive evidence of the offender's intent to violate this regulation.

(3) A written agreement signed by the owner providing for a means of payment contrary to this regulation shall constitute an affirmative defense.

(4) As used in this regulation:

- (a) "Forest Products" include, but are not limited to, timber, trees, logs, lumber, or pine straw or any other products in the forest, whether merchantable or nonmerchantable, chips and woody biomass and which are located on any land in this State, whether publicly or privately owned.
- (b) "Owner" means any person, partnership, corporation, unincorporated association, or other legal entity having any interest in any forest product, or the land upon which a forest product is growing, or any land from which a forest product has been removed.

Author: Charles T. Conway

Statutory authority: Code of Ala. 1975, § 9-3-9.

History:

## **ALABAMA FORESTRY COMMISSION**

### **RULE 390-X-11-.01**

### **MAINTENANCE OF TIMBER HARVESTING RECORDS**

#### **390-X-11-.01 MAINTENANCE OF TIMBER HARVESTING RECORDS**

(1) A loader's log must be kept on all timber harvesting sites where the seller will be paid for the volume (i.e. tons, cords etc.) and/or type of timber removed from the property. On these per – unit sales, upon completion of the harvest, the purchaser must provide the timber seller a copy of the loader's log within 10 days. The loader's log must be made available for inspection on the job site by any Forest Investigator or other employee as designated by the State Forester. On any active job site it is the responsibility of the loader operator or supervisor of the job site to keep this record.

(2) Each loader log must contain the following information:

(a) Loader make and model – each loader used must be identified on the loaders log book by make and model;

(b) Load number – each load of timber leaving a cutting site must be assigned a load number. Load numbers for each job site must be in numerical sequence;

(c) County – the county where the timber was severed. In the alternative, the log may note the section, township, and range or latitude and longitude (as verified by a GPS device) from which the timber was severed;

(d) Landowner's name – the name of the owner of the land where the timber is being severed. On multiple ownership land, the name of the estate, corporation, or what the site is commonly known as, may be entered. On industrial lands, the company tract number may be listed;

(e) Date and Time – the date and time the forest product is loaded on the truck;

(f) Scale Ticket – A scale ticket number that corresponds to each load number shall be recorded to verify delivery of individual loads of forest product;

(g) Product – The forest product type must be clearly identified, for example pine logs, pine poles, pine pulp, hardwood logs, hardwood pulp, chip and saw, woody biomass, and miscellaneous forest products. The following symbols may be used: PL-pine logs; PP-pine pulp; HWL- hardwood logs; HWP-hardwood pulp; C&S-chip and saw, WB-woody biomass. Any other forest product must be written out.

(h) Destination – The first wood-receiving facility that the forest product is being transported to;

(i) Loader's Name – The name of the individual loading the timber. Name must be as shown on the loaders drivers license.;

(j) Driver's Name – The name of the driver transporting the load. Name must be as shown on the drivers CDL.

3. All information recorded on this log must be printed and legible.

4. Failure to record each load of timber at the job site is a violation of this regulation.

5. The loader log must be maintained by the purchaser for 3 years and must be made available for inspection by any Forest Investigator or other forestry commission employee as designated by the State Forester.

6. Any person, firm or corporation that violates any of the provisions of this regulation shall be guilty of a misdemeanor and shall be punished as provided by law.

Author: Charles T. Conway

Statutory authority: Code of Ala. 1975, §9-3-9

History:

**ALABAMA FORESTRY COMMISSION**

**RULE 390-X-12-.01  
PROVIDING FALSE INFORMATION  
TO THE ALABAMA FORESTRY COMMISSION**

**390-X-12-.01 PROVIDING FALSE INFORMATION TO THE ALABAMA  
FORESTRY COMMISSION**

390-X-12.01 Providing False Information to the Alabama Forestry Commission

- (1) It shall be unlawful for any person, firm or corporation:
- (a) To knowingly and willfully give false information to obtain a burn permit; or
  - (b) To knowingly and willfully give false information to any Forest Investigator or Forest Ranger investigating any fire or timber theft to purposely conceal the facts or evidence of a crime; or
  - (c) In the course of a sale, attempted sale, delivery, removal, or other completed or attempted transaction involving forest products, to willfully or knowingly make a false statement or cause a false statement to be made with regard to ownership or ownership interest of the forest products, with regard to ownership or ownership interest or tract name of the land where the forest products were harvested, or with regard to location of the land and property description of the land where the forest products were harvested;
- (2) Any person, firm, or corporation attempting to obtain a burn permit must supply the following information: His/her full legal name; the location of the property to be burned so that the employee of the Alabama Forestry Commission issuing the permit is able to identify the property by township, section, and range; the owner of the property to be burned and; the material to be burned.
- (3) Any person, firm, or corporation found to be in violation of this regulation shall be guilty of a misdemeanor and shall be punished as provided by law.

Author: Charles T. Conway

Statutory authority: Code of Ala. 1975, § 9-3-9.

History: