

CAR1208 “Finite Carbon – Alma Land Company IFM”
Attachment K: Legal Constraints

Evaluation of Rules and Regulations subject to the Project Area

Rule/Regulation	Description	Notes
Clean Water Act & State Best Management Practices	These guidelines deal with problems caused by soil erosion, siltation and inattention to aesthetics. Kentucky Forestry Conservation Act- The Kentucky Forest Conservation Act was established to ensure that Kentucky’s forests continue to provide multiple benefits to the citizens of the commonwealth. One provision of the act is a requirement that all commercial timber harvesting operators use appropriate Best Management Practices (BMP) as defined by Kentucky Revised Statute 149.344 to protect water quality. This includes the use of streamside management zones.	The restrictions on harvesting within Kentucky SMZs vary depending upon water body type. The most stringent requirement for canopy cover of 75% residual canopy cover was utilized for modeling purpose and reflects Cold Water Aquatic Habitat or CAH as designated by the Kentucky Division of Water. SMZ width from stream bank is determined through the utilization of Table 3-2 of the Kentucky BMP. For this project, the most conservative approach was implemented utilizing the greatest published SMZ distance of 165 feet from stream bank.
National Wild & Scenic Rivers Act	The National Wild and Scenic Rivers System was created by Congress in 1968 (Public Law 90-542; 16 U.S.C. 1271 et seq.) to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations.	There are no nationally designated wild and scenic rivers within the project area. www.rivers.gov/
Endangered Species Act (ESA)	The Endangered Species Act (ESA) provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The lead federal agencies for implementing ESA are the U.S. Fish and Wildlife Service (FWS) and the U.S. National Oceanic and Atmospheric Administration (NOAA) Fisheries Service. The FWS maintains a worldwide list of endangered species. Species include birds, insects, fish, reptiles, mammals, crustaceans, flowers, grasses, and trees.	There are no endangered species identified within the Project Area. This was confirmed by inspecting the public database (https://ecos.fws.gov/ecp/report/table/critical-habitat.html). Implementation of conservative BMPs within the baseline modeling insures that endangered/threatened aquatic species are not adversely impacted.
Local Ordinances	Ordinance #0-2016-006: Logging guidelines in Pikeville KY was established to promote the woodland areas and the environmental and economic benefits they provided while minimizing the potential for adverse environmental impacts. The ordinance also focuses on protecting rights of adjoining property owners and protect infrastructure.	Ordinance 0-2016-006 impacts approximately 93 acres of the project area that fall within the city limits. It was passed 5 months prior to project commencement considered in baseline modeling. The ordinance denotes that harvesting operations must comply with BMP for timber harvesting in KY. The use of BMPs is already mandated by the Kentucky Forestry Conservation Act.