



## Ohio Administrative Code Rule 1501:3-12-05 Timber harvest plans.

Effective: April 4, 2019

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(A) Any person who owns, operates, or is responsible for a silvicultural operation may develop and operate under a timber harvest plan developed or approved by the chief, the chief's designee, or the board of supervisors of the applicable district. The district shall approve or disapprove timber harvest plans and shall maintain a record of their actions. Plans may also be submitted by the owner or operator to the chief for approval. All plans shall be developed using a timber harvest plan form approved by the chief and meet the standards for forestry pollution abatement contained in rules 1501:3-12-02 to 1501:3-12-08 of the Administrative Code. Any portion of a timber harvest plan specifying control of forestry pollution shall allow the owner or operator to phase in installation of best management practices under a schedule approved by the chief or the chief's designee until compliance with rules 1501:3-12-02 to 1501:3-12-08 of the Administrative Code is accomplished.

(1) If the chief or the chief's designee determines that any person owning or responsible for a silvicultural operation is managing such operation in accordance with a timber harvest plan currently approved by the chief or the chief's designee, the person shall be considered in compliance with the state rules for forestry pollution abatement. In a private civil action for nuisances involving forestry pollution, it is an affirmative defense if the person owning, operating, or otherwise responsible for silvicultural operations is operating under and in substantial compliance with an approved timber harvest plan.

(2) In the event that the district finds that a timber harvest plan does not meet forestry pollution abatement standards as contained in these rules, the district shall provide a written explanation, by certified mail, listing all the deficiencies to be corrected, to the person who submitted the plan. Any person may appeal the district's decision to the chief. Upon such appeal, the chief shall review the plan for compliance with those standards, and uphold the district's action or reverse it. If the chief reverses the district's action the plan shall be deemed approved. In either case, the chief shall make such determination within thirty days of receiving the appeal and shall inform the owner or operator and the district of his decision in writing. Such notification shall include the reasons for the chief's decision.



(3) In the event that any person operating or owning a silvicultural operation in accordance with an approved timber harvest plan who, in good faith, is following that plan, causes forestry pollution, the plan shall be revised in a manner necessary to mitigate the forestry pollution, as determined and approved by the district board or chief.

(4) In the event that the district board determines that it lacks staff or expertise to adequately review a timber harvest plan, the district board of supervisors may submit such a plan to the chief for review and approval or disapproval.