



Kentucky  
Woodland  
Owners  
Association

[www.kwoa.net](http://www.kwoa.net)

# KENTUCKY WOODLANDS NEWSLETTER

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## A Tribute to Pete McNeill, KWOA Founder and Long-Time Officer

*Editor's Note: KWOA is fortunate to have several founding members whose length and depth of public service is extensive and much broader than woodlands-related expertise. We would like to take this opportunity to provide a profile and our deepest appreciation for one of our longest-serving officers, Pete McNeill.*

Pete McNeill was born on a small dairy farm in northwestern North Carolina on the slope of Mount Jefferson. He was the second son of four brothers and five sisters.

Pete joined the US Navy in 1944 and was stationed on an LST in the Pacific during WWII. He was the captain of a Landing Craft for Vehicle and Personnel (LCVP) during invasions of the Philippines, Okinawa, Saipan, and Guam.

After the war Pete enrolled in Berea College where he met and married Anna Lou Planck in June 1950. After graduation with a degree in agriculture, they moved to Ashe County, North Carolina and through the GI bill Pete taught modern farming practices to war veterans.

In March of 1953, the McNeills relocated to Fleming County, Kentucky, purchased a farm and moved in with two children in tow. As the family grew, the farm was sold and Pete was employed for three years as a UK Extension Agent in training for Youth (4-H). In 1959 he took a job as Assistant to the Manager of Fleming-Mason RECC, and again returned to a farm near Poplar Plains in Fleming County where both Pete and Anna Lou wanted to raise their children. During



his career in rural electrification he had international work assignments that took him and family to South Korea, Thailand, the Philippines and Indonesia. Upon retirement from RECC in 1982, they moved back to the farm in Fleming County. Soon, Pete was recruited by Morehead State University to work in its rural development office.

After retirement from Morehead State University, Pete resumed farming full time which involved extensive management of the timber tracts that he had acquired and developed over the years.

He also began overseas volunteer work through the

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# A Tribute...Pete McNeill

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VOCA program which allowed him and his family to travel in many developing countries in Eastern Europe, South America and Africa working with agricultural cooperatives. In more recent years Pete and Anna Lou have worked through their Methodist church with short term mission trips.

Pete was one of the founders of KWOA which was organized in the 1980s. In 1988, he was recognized as the Kentucky Tree farmer of the year, the Southern Region, and National tree farmer of the year. He and Anna Lou remain as the only Kentucky recipients of the latter two awards. He has represented Kentucky forestry landowners at numerous national

tree farm conferences and is an active KWOA board member, currently serving as treasurer of the board. Pete and Anna Lou have been married for 60 years. They have five children, twelve grandchildren, and four great-grand children. They currently own and manage over 1000 acres of timberland in and around Fleming County. He is a member of the American tree farm system and a Certified Forester. He is a member of the KY Agriculture Water Authority Forestry Committee and the Forestry BMP board.

The McNeill's are lifetime members of the United Methodist Church and have served as delegates to the Churches Annual Conference for over 20 years.

## Timber Theft -- A Common Occurrence

Timber theft is a common occurrence in Kentucky. Successful prosecution of perpetrators is not. Nina Cornett, KWOA member and long-time advocate for victims of timber theft, has graciously provided us with an outline of her extensive experience, research and interviews with timber theft victims and investigators. Cornett urges anyone who has had timber taken from their property to be fully aware of what they may face in the civil and criminal legal systems should they desire to prosecute. Cornett posits that successful prosecutions are rare and only changes in the laws addressing these thefts and an elevation of the importance of preventing and redressing these crimes will alleviate the problem.

For a full copy of Ms. Cornett's research, please email her at [Ngcornett@aol.com](mailto:Ngcornett@aol.com).

For a link to the University of Kentucky's website regarding timber trespass go to [www.ca.uky.edu/forestryextension/timbertrespass.php](http://www.ca.uky.edu/forestryextension/timbertrespass.php)

The KWOA winter newsletter will publish an article about a recent successfully prosecuted timber theft case. Stay tuned!

### TIMBER THEFT – WHAT IT'S LIKE TO BE A VICTIM

*"What's all the fuss about a few trees?"* (Purported statement by relative of logger indicted for stealing more than a hundred trees and suspected of stealing many more.)

*"The majority of timber theft occurs under what has been deemed a 'culture of theft' [emphasis added]. This [culture] is responsible for the belief that taking...trees here or there...has no real 'harm' but is necessary to allow the logger to*

*'make a buck'.*" (GAP: Field Guide to Timber Theft)

*"What murder case do you want me to stop working on to investigate your timber theft?"* (Question by Sheriff to more than one victim.)

*"Why are you clogging up the courts with a civil case?"* (Question by Commonwealth's Attorney to Sheriff's Deputy who investigated a timber theft and asked for a criminal prosecution.)

*"Go file a civil suit."* (Statement to a number of victims by legal authorities.)

*"Many times criminal acts are hidden under the cloak of civil remedy."* (GAP: Field Guide to Timber Theft)

*"This won't come to nothing. You know they [the victims] aren't going to have the kind of money you need to get a survey and get a timber consultant. He [the logger] don't have to worry."* [reported statement by relative of person suspected of timber theft.]

*"I have heard through the rumor mill that \_\_\_\_\_ bragged that they had in fact stolen your timber. \_\_\_\_\_ has apparently said the same thing according to the sources, none of which are willing to give a statement to these comments".* (Prosecutor to victim of timber theft after a trial in which an accused timber thief got off.)

*"The reason people continue to steal timber is because they can."* (Statement by timber theft victim.)

(continued on pg. 3)

# Timber Theft

(continued from pg. 2)

## TIMBER THEFT: WHAT A VICTIM NEEDS TO KNOW

- A. Victims, Losses, and Victimization Methods
  - 1. Victims.
  - 2. Losses
  - 3. Victimization Methods
- B. Recourse
  - 1. Criminal Law
  - 2. State Civil Action
  - 3. Federal Racketeering Statute
- C. Obstacles:
  - 1. "Boundary dispute"
  - 2. "You're not from here."
  - 3. "Clogging" the courts
  - 4. Foot-dragging
- D. Property rights
- E. "Get-Even/Strike First" Warrant:
  - 1. The "Keep off your own land" tactic.
- 2. The Fake charge
- 3. "Harassment without contact"
- 4. Countersuit for Defamation Threat
- F. The "entry" fee
  - 1. Survey costs
  - 2. Timber Appraisal
  - 3. Witness Fees
  - 4. Legal Fees
- G. The Loss Valuation problem
  - 1. "Clean Water Act" limitation
  - 2. "Can't count in court" problem
  - 3. "Garage" analogy
- H. The "Legal" aspect
  - 1. Finding a lawyer
  - 2. Dealing with legal tactics; evidence gathering, etc.
  - 3. Bar Association Futility
- 4. Rights in court.
- 5. Be the Criminal
- I. Trial Issues:
  - 1. Delays
  - 2. "Don't get me involved."
  - 3. Reluctance to testify
  - 4. "Let's Settle It" issue
- J. Incentivizing the Thief:
  - 1. Ray's case
  - 2. Jeannette's situation
  - 3. "Undergoing chemotherapy"
  - 4. Nobody goes after the "fence" or the transporter
  - 5. Bad Actor" if pollute water, but not if steal.
- K. What Other States Do?
- L. Where to from Here?



## 2010-2011 Calendar of Events

November 18, 2010  
**KWOA Board Meeting**  
(Lunch will be available at noon.)  
Kentucky Forest Industries  
Association Office  
106 Progress Drive, Frankfort, KY

November 30, 2010  
**Forestry Fall Webinar Series**  
**Wood Identification**  
Various County Extension Offices  
INFO: [www.ukforestry.org](http://www.ukforestry.org)

December 8 - 9, 2010  
**Emerald Ash Borer Urban**  
**Preparedness Conference**

Embassy Suites, Lexington, KY  
INFO: [www.EABinKY.org](http://www.EABinKY.org)

March 26, 2011  
**Ohio River Valley Woodlands**  
**and Wildlife (ORVWW) Workshop**  
General Butler State Park  
INFO: 859.257.7597

March 31 - April 1, 2011  
**KWOA Annual Meeting**  
Carter Caves State Park, Carter County  
[www.kwoa.net](http://www.kwoa.net)

# Highlights from August 2010 Quarterly Board Meeting

**Treasures Report** – Checking account \$15,177.50 and Foundation \$8,321.59.

**Duke Foundation** – A conservation funding survey is being developed for ecosystems of forest land. They have been appointed to a committee that will help in the development of the questions that will be used in this survey. We will continue to be updated.

**Kentucky Division of Forestry Report** – State government has not approved the budget. Forest Land Assessment has been completed and available in various formats.

**KFIA** – Regional summer meetings for KFIA are wrapping up. Wood Expo is September 17-18, 2010 at Madisonville.

**University of Kentucky** – Red Baker, the new Department Chair of Forestry at the University of Kentucky appreciated the opportunity to be able to work with KWOA. Stainback continues to work on the tax project and hopefully a report in December. Woodland Owners Short Courses are about to begin. Three in total for 2010. Tree Farmer of the Year field day will be held October 7th at Felix Taylor's home in Jackson County. Information concerning the Center for Forest and Wood Certification was provided.

**Website and Newsletter** – Marshall continues to manage the site and requests information, updates, and photos. Please send any information to Karen and not web master. March showed the largest number of "web hits", more than 2000. Membership is now being taken on line. Newsletter (summer 2010) just published and released.

**NRCS** – Monies still exist for EQIP and WHIP. Links for more information:

<http://www.nrcs.usda.gov/programs/>  
<http://www.ky.nrcs.usda.gov/>

**Annual Meeting (2010-2011)** - Dates and options for 2011 were provided. Board elected to save the dates of April 1-2, 2011 at Carter Caves for annual

meeting. *Editor's note: due to lack of meeting space availability, the dates were subsequently changed to March 31 – April 1.*

**Kentucky Association for County Agricultural Agents** – The county agent association meeting held at a tree farmer's property (Larry Workman) in Lawrence County in late July was successful.

**Position Paper** – The paper continues to be developed adding "green and biomass".

**Committees** – A list of potential committees and committee members was provided. (Editor's note: see separate article for member listings.)

**Appearance before the Natural Resources Interim Committee** – KWOA presented information to the committee concerning the announcement that the Forest Assessment was complete. Also the need for a Stewardship Plan which will aid in certification.

**Legislative Update** – Jim Corum is meeting with LRC concerning timber tax. Hopefully Bad Actor bill will be reviewed.

**Membership Benefits** – It was suggested that KWOA offer to membership the information concerning the basic legislation that exists for landowners as well as an outline or example of a contract that can be used for timber sales. Both of these should exist on the website.

**Board Appointment** – Felix Taylor has been appointed to a board at the Daniel Boone National Forest for School and Road Funding.

**APHIS** – Has asked if KWOA landowners can be involved in a survey for the Emerald Ash Borer at a future date.

NEXT MEETING – November 18, 2010



# KWOA Committee Assignments -- August 2010



The KWOA board and officers re-vamped its standing committees and asked for volunteers at the 2010 annual meeting. Following is a list of the new committees and their members. All KWOA members are welcome and encouraged to sign up for a committee!

## **Executive Committee includes all officers of KWOA:**

Betty Williamson, Henry Duncan, Doug McLaren, Pete McNeill, Jack Rentz

## **Finance Committee:**

Pete McNeill, Jack Rentz, Greg Kuhns, Tim Freibert, David Henderman

## **Communications Committee:**

Karen Marshall (Web page), Felix Taylor, Betty Williamson

## **Kentucky Emerald Ash Borer Urban Preparedness Conference**

This conference will provide important information to those dealing with emerald ash borer impacts in urban situations. The target audience for this conference includes urban planners, arborists, parks and recreation personnel, landscape architects, extension agents, community leaders, community tree board members, and other decision makers



and support positions involved in urban emerald ash borer (EAB) management. Continuing Education Credits: ISA Certified Arborist, Certified Forester, Pesticide Applicator License, and In-Service for County Extension Agents. The conference registration fee is \$35 and online registration is available at [www.EABinKY.org](http://www.EABinKY.org) or by calling 859.257.7597. A limited # of rooms are available at the Embassy Suites for \$75; reserve rooms directly with the Embassy Suites by calling 859.455.5000; to obtain the discounted room rate mention the "Emerald Ash Borer Conference".

## **Event Committee:**

Pat Cleary, Cliff Taylor, Perry Sebaugh

## **Action Committee:**

Greg Kuhns, Bob Bauer, Hugh Archer

## **Membership Committee:**

Jack Rentz, Felix Taylor

## **Strategic Planning Committee:**

L. D. "Joe" Ball, Jim Corum, James" Greg" Kuhns, Don Girton

## **Liaison Committee:**

Bob Bauer, Hugh Archer

## **Liaisons:**

**Invasive Species:** Dr. Don Frazier

**KFIA:** Henry Duncan

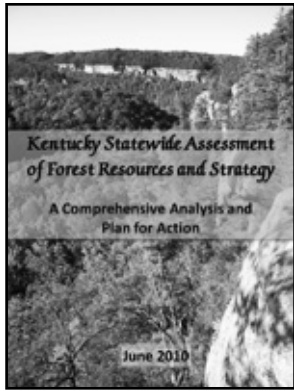
**Tree Farm Committee:** Dr. James" Greg" Kuhns

## **Ohio River Valley Woodland and Wildlife Workshop**

The Ohio River Valley Woodlands and Wildlife (ORVWWW) Workshop is scheduled to be held on March 26, 2011 at General Butler State Park in Carroll County, KY. This workshop is a partnership effort among UK Forestry Extension, Ohio State University Extension, Purdue Extension, the state Divisions of Forestry and Fish and Wildlife in Kentucky, Ohio, and Indiana as well as numerous other partners. This workshop brings together a wide variety of forestry and wildlife expertise from throughout the Ohio Valley Region to provide woodland owners with forestry and wildlife related educational opportunities that will enhance your ownership experience. To find out more about this outstanding educational opportunity visit [www.tristatewoods.org](http://www.tristatewoods.org) or call 859.257.7597.

# Two New Publications of Interest to Woodland Owners

*"So we can see the forest for the trees..."*



Kentucky Statewide  
Assessment of Forest  
Resources and Strategy  
A Comprehensive Analysis and  
Plan for Action  
June 2010  
Kentucky Division of Forestry  
[www.forestry.ky.gov](http://www.forestry.ky.gov)  
502.564.4496

Links to each of the book's sections are at:

<http://forestry.ky.gov/LandownerServices/Pages/ForestlandAssessment.aspx>

All states are required by a 2008 federal act to evaluate their forest resources and develop strategies for addressing forestland issues. The Kentucky Division of Forestry's assessment, released in June of this year, provides both regional and statewide overviews of much more than the state's timber, which is considerable in itself. The report also sizes up the many related assets provided by forests in terms of recreation, clean air and water, soil erosion control, wildlife habitat and carbon sequestration.

A point of emphasis throughout the book is the extent to which the fate of Kentucky's forests is in the hands of nonindustrial private woodland owners, most of whom (75%) own ten acres or less. Yet type of owner possesses 78% of the state's forests. The continued breakup of large family-owned forest estates through inheritance disbursements and sales to development to meet family debts is only increasing the number of woodland owners who may or may not be willing and able to manage their holdings. According to the report, a 2004 forest assessment found that only 1% of private landowners had a written management plan.

These circumstances set the stage for the report's focus in part one on the state's five most important forestland issues:

1. forest health
2. water quality and quantity
3. forest loss and fragmentation
4. forest management
5. funding

Each issue is discussed in terms of its forest resources and public benefits as well as key conditions, threats and opportunities.

The second part of the Statewide Assessment builds on the issues information by defining priority forest areas within Kentucky and in multi-state areas to prioritize implementation efforts to areas with the greatest need.

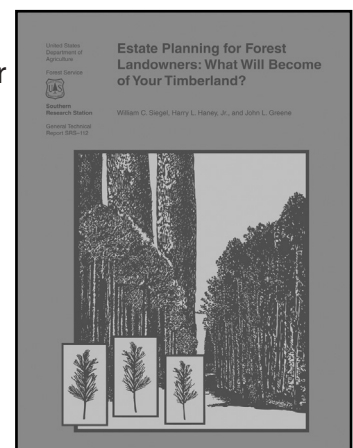
The assessment's final part presents the long-term forest resources strategies in relationship to the previous issues and priority areas.

A summary of this extensive assessment would not be complete without recognizing its bottom line that the state division of forestry is woefully underfunded and under-staffed to pursue and achieve its goals, objectives and tactics in a manner consistent with the national priorities of conserving, protecting and enhancing our forest resources. Increased support for woodland owner education and outreach is crucial if we are to see the forest for the trees.

## Estate Planning Review

Regardless of the number of acres, woodland owners need to make arrangements for their estates while they are living and while they are competent to do so. An extensive guide is now available from the US Forest Service specifically for family-owned forests.

Estate Planning for  
Forest Landowners:  
What Will Become of Your  
Timberland? 2009.  
General Technical Report SRS-112



# Estate Planning Review

(continued from pg. 6)

Available as a pdf download at: [http://www.srs.fs.usda.gov/pubs/gtr/gtr\\_srs112.pdf](http://www.srs.fs.usda.gov/pubs/gtr/gtr_srs112.pdf)

Although the report is more geared to large working timber holdings, its comparison examples of the impact of federal estate tax on family assets with and without estate planning are chilling. In the scenario (chapter 19) with no estate plan estate taxes could equal nearly one-eighth of the original estate. In the second example a simple plan leaving the estate to the surviving spouse avoids immediate estate tax. But the subsequent demise of that spouse could incur an estate tax equal to nearly one-fourth of the original combined estate. The final scenario presents three strategies that could reduce the example family estate tax bill by nearly \$1.5 million compared to the simple plan. (These hypothetical examples are based on a family forest estate with assets valued at \$10 million.)


The planning guide states that on the national level nearly three-fifths of all forest land is privately owned. More than four-fifths of that land belongs to nonindustrial owners. It also finds that the typical nonindustrial private forest owner is 60 years old. The importance of and urgency for timely forest estate planning should by now be evident. If you are still thinking it's somebody else's problem, complete the thirteen question "estate planning readiness" quiz on page 5 to better understand where you are in the process.

According to the book's abstract, its purpose is to provide guidelines and assistance to nonindustrial private forest owners and the legal, tax, financial, insurance and forestry professionals who serve them on the application of estate planning techniques to forest properties. The book presents a working knowledge of the federal estate and gift tax law as of September 30, 2008.

## Forestry Fall Webinar Series

Kentucky woodland owners and other interested individuals are invited to attend a Forestry Fall Webinar Series that is being hosted by a various local extension offices. The Forestry Fall Webinar series is an excellent opportunity for woodland owners and those with an interest in forestry to get a significant amount of information in a relatively short time, without having to drive great distances to attend. All webinars run from 6:30 to 8 p.m. (EDT).

To find a webinar near you visit [www.ca.uky.edu/forestryextension/fallwebinars.php](http://www.ca.uky.edu/forestryextension/fallwebinars.php) or call 859.257.7597. Previously recorded webinars are available for viewing by visiting [www.ca.uky.edu/forestryextension/audio\\_video.php](http://www.ca.uky.edu/forestryextension/audio_video.php).



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Mail information to:  
KWOA  
Hutton & Loyd Tree Farm  
1483 Big Run Road  
Wallingford, Ky 41093

# KENTUCKY WOODLAND OWNERS ASSOCIATION

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Next Board Meeting: November 18 at KFIA  
Annual Meeting: March 31 - April 1, 2011 at  
Carter Caves State Park

Members are encouraged to attend.

*Kentucky Woodlands* is published quarterly. We welcome articles and information for inclusion in the newsletter. Please submit copy to the address below. Editor reserves the right to edit all material for content and length.

Karen Marshall, Editor  
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