

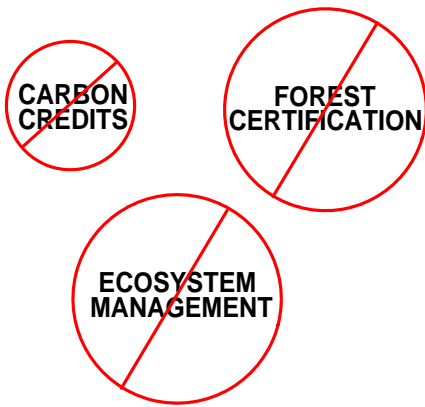


Clay Smith

Rest in peace

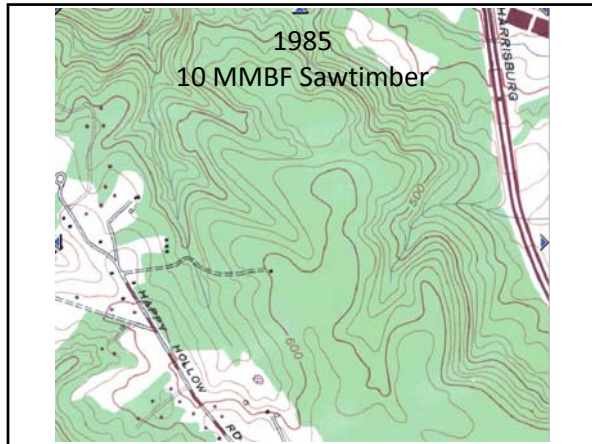
Forestry In Rapidly Developing Areas

Bill Bond & Paul Maslen
Parkton Woodland Services





Fragmentation/
“Parcelization”/
Regulation

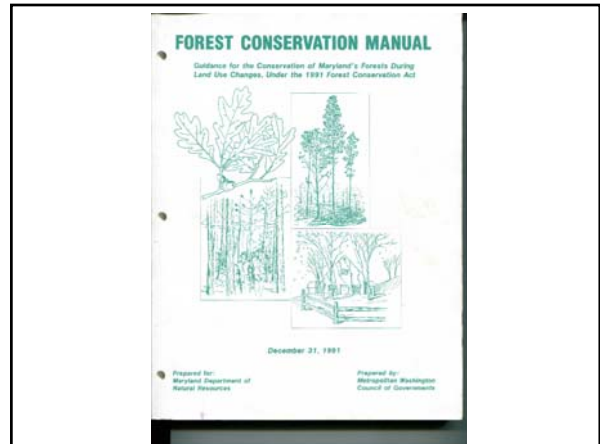


Parcelization

- Forested acres increased 1920-1955
- Forested acres unchanged 1978-1994
- ~38,000 forest landowners in 1955
- ~122,000 forest landowners in 1998
- Parcel size in 1998 ~1/3 of that in 1955
- Has parcelization reduced the availability of timber to the wood products industry?

Maryland Forest Conservation Act of 1991

- Problem: Perceived reduction in forestland due to development
- Solutions:
 - Require analysis of existing forestland prior to development activities.
 - Establish thresholds for clearing of forestland, and require mitigation for clearing below the thresholds.
 - Establish covenanted Forest Retention areas.



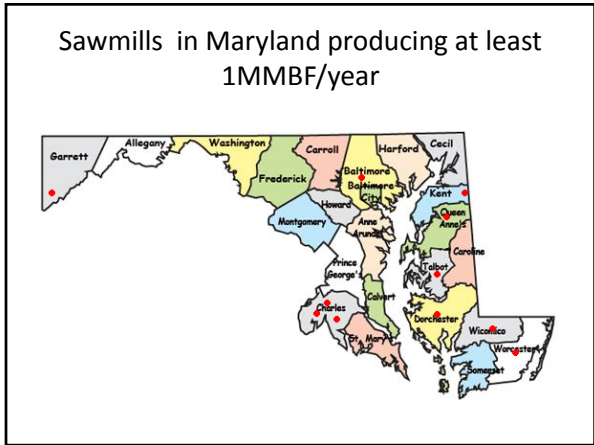
Is the Forest Conservation Act effective?

- Clearing exceeds planting
- Has tree planting succeeded?
 - Tree planting requirements
 - Cost/effective? (\$4,000 - \$10,000/acre)



Effects of the Forest Conservation Act on Timber Harvesting

- Landowners must file a "Declaration of Intent" not to subdivide (5-7 years) as part of the Sediment Control Agreement (except Garrett County & Allegany Counties)
- Timber Harvesting can be done in Forest Retention Areas only with a Forest Management Plan by a registered forester, and with approval by the County agency overseeing the FCA.
- Penalties uncertain, vary by County.
- How is timber marked when development looms?



Baltimore County Forest Buffer Regulations

Sec. 14-342. Management requirements for forest buffers.

(a) The forest buffer, including wetlands and floodplains, shall be managed to enhance and maximize the unique value of these resources. Management includes specific limitations on alteration of the natural conditions of these resources. The following practices and activities are restricted within the forest buffer, except as provided for in forest harvesting operations which are implementing a forest management plan approved by the department, the state department of natural resources, the county forest conservancy district board, or the county soil conservation district, as provided for in surface mining operations which are operating in compliance with a state surface mining permit or as provided for in agricultural operations in accordance with a soil conservation and water quality plan approved by the county soil conservation district:

- (1) The existing vegetation within the forest buffer shall not be disturbed except as provided in (b) below. This includes, but is not limited to, disturbance by tree removal, shrub removal, clearing, mowing, burning, spraying, and grazing.
- (2) Soil disturbance shall not take place within the forest buffer by grading, stripping of topsoil, plowing, cultivating, or other practices.
- (3) Filling or dumping shall not occur within the forest buffer.

- (4) Except as permitted by the department, the forest buffer shall not be drained by ditching, underdrains, or other drainage systems.
- (5) Pesticides shall not be stored, used, or applied within the forest buffer, except for the spot spraying of noxious weeds consistent with the recommendations of the University of Maryland Cooperative Extension Service.
- (6) Animals shall not be housed, grazed, or otherwise maintained within the forest buffer.
- (7) Motorized vehicles shall not be stored or operated within the forest buffer, except for maintenance and emergency use approved by the department.
- (8) Materials shall not be stored within the forest buffer.

(b) The following structures, practices, and activities are permitted in the forest buffer:

- (1) Roads, bridges, trails, storm drainage, stormwater management facilities, and utilities approved by the department are permitted within the forest buffer provided that an alternatives analysis has clearly demonstrated that no other feasible alternative exists and that minimal disturbance will take place. This alternatives analysis shall be submitted to the department in accordance with section 14-334 of these regulations. These structures shall be located, designed, constructed, and maintained to provide maximum erosion protection, to have the least adverse effects on wildlife, aquatic life, and their habitats, and to maintain hydrologic processes and water quality. Following any disturbance, the impacted area shall be restored.

permitted practices, cont.

- (2) Stream restoration projects, facilities and activities approved by the department are permitted within the forest buffer.
- (3) Scientific studies approved by the department, including water quality monitoring and stream gauging, are permitted within the forest buffer.
- (4) Horticulture practices may be used to maintain the health of individual trees in the forest buffer.
- (5) Individual trees in the forest buffer may be removed which are in danger of falling, causing damage to dwellings or other structures, or causing the blockage of streams.
- (6) Other timber cutting techniques approved by the department may be undertaken within the forest buffer under the advice and guidance of the state departments of agriculture and natural resources, if necessary to preserve the forest from extensive pest infestation, disease infestation, or threat from fire.

Actual Enforcement, Forest Buffers

1. Storage of vehicles, firewood, lumber, etc. is fairly routine.
2. Dog houses and other animal housing is common.
3. Use of off road vehicles is not uncommon.
4. NO FOREST MANAGEMENT has been permitted.
5. Questionable Status of Forest Management or Stewardship plans covering these properties.

Chesapeake Bay Critical Area

- Definition: 1,000 foot strip beginning at mean high tide
- No clear cutting except for Loblolly pine
- No timber harvests during bird nesting season (April 1 – August 1) in FIDS habitat
- Kent County has defined the entire County as FIDS habitat.

Sustainable Forestry Act of 2009

- requires local agricultural preservation advisory boards and forest conservation district boards to meet annually with each other;
- modifies right-to-farm provisions to include silvicultural (forestry) operations;
- renames the Forest Advisory Commission as the Sustainable Forestry Council and specifies its purpose;
- modifies the allowable uses of the Forest or Park Reserve Fund to include offsetting the costs to DNR for developing and implementing a forest health emergency contingency program;
- expands the Woodland Incentives Fund's revenue sources and uses;
- authorizes local forestry boards to impose fees to offset specified costs;
- modifies the issues that may be addressed within the land use element of a local jurisdiction's comprehensive plan to include forestry, and modifies the State Economic Growth, Resource Protection, and Planning Policy to include the promotion of sustainable forestry management;
- encourages the provision of incentives to promote in-state production of renewable energy, with consideration being given to biomass-fueled facilities; and
- requires DNR to develop specified strategies, plans, recommendations, programs, and reports.
- (Courtesy, Maryland Forests Association)

No Net Loss of Forest Act

- Tightens FCA
- What does sustainable mean?
 - No net loss of forest?
 - Canopy?
 - > 2" diameter
 - Root mass not removed?
 - An even supply of timber
 - Ownership size
 - Increased harvest restrictions in areas of small ownership

Sustainable=
"Avoiding depletion of natural resources"

1. Sustainable over what area?
2. What natural resources?
3. Does a clearcut deplete natural resources?
4. Does a selective harvest with no ensuing regeneration deplete natural resources?
5. Does development deplete natural resources?