

Government Programs and Regulations Pertaining to Forestry

The Pennsylvania Bureau of Forestry

A Bureau Service Forester is assigned to each county to advise residents on forest management. The Community & Urban Forestry Assistance program offers community organizations information on all aspects of forest ecology and management. Forest management demonstration areas, located across Pennsylvania, provide examples of a variety of management practices.

The Forest Stewardship Program

Research conducted in the early 1990s shows that forest landowners overwhelmingly want to do the right thing when it comes to taking care of their land. We also know that landowners consider a lack of knowledge and information to be the major stumbling blocking their efforts.

The Federal Government, through the 1990 Farm Bill, set aside funds for the US Department of Agriculture's Forest Service to establish and administer the Forest Stewardship Program. The Pennsylvania Bureau of Forestry ultimately administers the program within the Commonwealth. Each county's Bureau of Forestry office develops guidelines for implementing financial and educational assistance programs.

The program goal is to help private landowners manage their lands for various objectives. Landowners participating in the Forest Stewardship Program work with a private forestry consultant to develop a customized plan for their land and objectives. Studies show that landowners that work with professionals and follow their customized plan are more likely to engage in practices that sustain forest values

The Forest Stewardship Program provides educational programs and important information to help private non-industrial landowners manage their lands. Up to 75 percent of the cost of writing a Forest Stewardship Plan may be reimbursed through the Bureau of Forestry office. Cost sharing funds are sometimes available to support and develop various stewardship practices recommended in the plan.

The state Forest Stewardship Program is overseen by a Forest Stewardship steering committee composed of private landowners, professional resource managers, and representatives from conservancies, higher education, industry and government.

Pennsylvania's Forest Legacy Program (FLP)

The FLP is a national program that is designed to keep forests as working forests. This simply means that the program was created so that forests would not be developed, but would instead continue to be utilized for traditional purposes such as sustainable timber harvesting, recreation, and harvesting of non-timber crops such as maple syrup.

The FLP in Pennsylvania has seven main goals:

1. To maintain traditional forest uses, including recreation and timber harvesting following Best Management Practices.
2. To maintain productivity of forests for future generations.
3. To reduce the trend toward forest parcelization.
4. To conserve significant tracts of contiguous forest.
5. To conserve water resources and riparian zones.
6. To conserve important habitats for plants, fish, and wildlife.
7. To restore degraded forest ecosystems.

The main tool of the FLP is the conservation easement. The FLP will attempt to purchase conservation easements on lands or properties within Forest Legacy Areas (FLA). Easements are permanent and held in perpetuity by State or local governments.

An easement is when only a portion of the rights to a piece of property are purchased. In the case of the FLP, the State or County government would purchase the development rights from willing landowners. The landowner would still retain the title to his/her property along with all remaining rights. The only difference is that they and all future owners of the property no longer have the right to develop that land.

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Easements can:

1. Alleviate economic pressure to convert forestland to non-traditional uses.
2. Assure access to adjoining public properties and enhance recreational opportunities.
3. Ensure management of forested riparian areas to enhance water quality.
4. Alleviate parcelization of forestlands.
5. Ensure sustainable forestry practices through implementation of a Forest Stewardship Plan.

Only properties of 10 or more acres within established Forest Legacy Areas are eligible to apply for possible FLP funding.

The US Forest Service will pay up to 75% of the cost of an easement. The remaining 25% is a non-federal match. This non-federal match can be in actual dollars or it can come in the form of a donation or in-kind services (where employees of an organization can add up the time they have spent working on the FLP and count that as part of the 25% match).

The State will send out people once a year to monitor the easements that are part of the FLP. If the rules are not being followed, it is the State's responsibility to litigate accordingly.

Regulations

All timber harvesting operations in Pennsylvania must have a plan to control erosion and sedimentation. Operation that involve more than 250 acres or that disturb more than 25 acres of soil require an earth disturbance permit. While timber harvesting generally does not have major impacts on soil or water resources, access roads, log landings, and skid trails do cause temporary soil disturbance in the harvested area. As a result state regulations (25 PA Code, Chapter 102) require that all harvest areas have a site-specific erosion and sedimentation plan. The plan must (1) be designed to minimize erosion and sedimentation pollution associated with timber harvesting ; (2) be prepared by a person trained and experienced in erosion and sedimentation control methods; (3) consider such factors as topographic features, soils, and quantity of runoff; and (4) be available at the harvest site. The Department of Environmental Protection (DEP)—Bureau of Watershed Management is responsible for enforcing the regulations but usually delegates administration to the County Conservation Districts. Also, the applicant must send a copy of any DEP permit application to the local municipality.

All stream crossing require permits. Timber harvesting frequently requires that access roads and skid trails be constructed across streams. To minimize any impact on water flows or quality, stream crossings are allowed only under certain circumstances. State regulations 25 Pa. Code, Chapter 105) require permits for all types of crossings, including culverts, bridges, and fords. Permit applications must be accompanied by an erosion and sedimentation control plan approved by the county Conservation District. The DEP Bureau of Watershed Management is responsible for enforcement of Chapter 105 regulations but often delegates the issuance of stream crossing permits to the County Conservation Districts.

All crossings of wetlands by logging access roads and skid trails require permits under both state and federal law. Wetlands are regulated jointly by the U.S. Environmental Protection Agency (EPA) the U.S. Army corps of Engineers, and the state Department Of Environmental Protection (DEP). **While timber harvesting itself is not regulated, road and skid trail crossings are.** A goal of Chapter 105 is to protect water quality, the natural hydrologic regime, and the carrying capacity of watercourses including wetlands. Chapter 105 prohibits the "encroachment" (for example a road crossing) of any wetland without a permit from DEP. The permit application must be accompanied by the erosion and sedimentation plan described above and a letter from the County Conservation District stating that it has reviewed the plan and found it to be satisfactory. DEP and the Corps have a consolidated joint permit application process. The permit issued by DEP will satisfy federal application requirements, although the Corps issues a separate permit. Enforcement of Chapter 105 as it relates to wetlands, is the responsibility of the DEP Bureau of Watershed Management.

Fish habitat must be preserved. Chapter 25 of the Fish and Boat Code (30 Pa. C.S.A. §§2051-2506) prohibits any alteration or disturbance of streams, fish habitat, or watersheds that in any way may damage or destroy habitat without the necessary permits. including those required under 25 Pa. code Chapters 102 and

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105. Also it prohibits any substance harmful to fish life to run, wash, or flow into the waters of the Commonwealth. Enforcement of the code is the responsibility of the PA Fish And Boat Commission through waterways conservation officers.

Dealing with Potential Damage to Local Roads

The potential impact of logging truck traffic on local roads concerns many officials, Some of the roads and bridges in forest areas may not be designed to carry heavy loads, and the prospect of costly repairs has prompted some local governments to include road bonding provisions in timber harvesting ordinances. However, specific targeting of timber haulers generally is unnecessary since the Pennsylvania Department of Transportation has developed a uniform statewide system for dealing with all overweight hauling. Under this system, local road posting and bonding must comply with state procedures and standards required in Road Bonding Regulations, Hauling in Excess of Posted Weight Limit on Highways (67 Pa. Code, Chapter 189)

Posting. A road must be posted with a weight limit before a bond can be required of a hauler.

Permits. Driving an overweight vehicle on posted roads generally requires a permit. The type of permit depends on the number of vehicles, the number posted roads used, and the amount of use. Permits are issued only after an excess maintenance agreement has been executed.

Security (bonding). Haulers generally must provide security to ensure payment for any road repairs for which they are responsible under the agreement. This security is usually a performance bond, a standby letter of credit, or a certified bank check.. The regulation specify the amount of security that may be required for unpaved roads and paved roads incases where the hauler agrees not to downgrade the road. By following these rules, local officials can assure taxpayers that they will not have to pay for road repairs caused by overweight vehicles, including logging trucks.

The Right to Practice Forestry Act (53 P.S. §10603(f))

The Right to Practice Forestry Act prohibits local governments from using a zoning ordinance to unreasonable restrict forestry activities. A zoning ordinance which prohibits timber harvesting in districts with significant forests or makes timbering a special exception or conditional use subject to many burdensome and time-consuming requirements can be challenged by landowners and loggers under this act.