

## **Chapter 106. Forest Management**

### **Article I. Regulation of Timber Harvesting**

#### **§ 106-1. Purpose.**

To encourage the owners of forest land to continue to use their land for forestry purposes including the long-term production of timber, in order to promote forest stewardship and the environmental and economic benefits they provide, including recreation, wildlife preservation and watershed protection. The timber harvesting regulations contained in this article are intended to further this policy by:

- A. Promoting good forest stewardship and forest management;
- B. Protecting the rights of adjoining property owners;
- C. Minimizing the potential for adverse environmental impacts.

#### **§ 106-2. Scope and applicability.**

This article shall apply to all timber harvesting within Kidder Township, except that:

- A. No permit shall be required for:
  - (1) Removal of up to 15 selected individual trees for landscaping around permanent structures;
  - (2) Cutting trees for the creation of a product where the use is noncommercial and intended to be utilized on the property;
  - (3) Removal of trees posing a hazard to life or property;
  - (4) Removal of individual decayed or diseased trees.
- B. Submission of a plan prior to the start of operations is required but no specific approval or permit shall be required for:
  - (1) Timbering on a tract of ground or property of less than two acres.

#### **§ 106-3. Definitions.**

The following words are defined as they are used in this section:

**CLEARCUT**

A stand in which essentially all trees have been removed.

**FELLING**

The act of cutting a standing tree so that it falls to the ground.

**FOREST MANAGEMENT**

The practical application of biological, physical, quantitative, managerial, economic, social, and policy principles to the regenerations, management, utilization, and conservation of forests to meet specified goals and objectives while maintaining the productivity of the forest. Note: forest management includes management for aesthetics, fish, recreation, urban values, water, wilderness, wildlife, wood products, and other forest resource values.

**INTERMITTENT STREAM**

A stream whose water flow normally occurs in the wetter part of the year (October through April) or following major storm events (per USGS and/or County Soil Survey Mapping).

**LANDING**

A place where logs are assembled for transportation in loads.

**LANDSCAPE BUFFER**

A natural or planted perennial system in a position in the landscape to mitigate any of a number of adverse environmental impacts, e.g., runoff, wind, noise, dust, snow.

**LOGGING PLAN**

A written description with a map of a specific logging operation prepared before the operation commences.

**LOPPING**

To cut tops and slash into smaller pieces to allow material to settle close to the ground.

**OPERATOR**

The individual, partnership, company, firm, association, or corporation engaged in the harvest of timber, including his agents or subcontractors or employees.

**OWNER**

The individual, partnership, company, firm, association or corporation which holds title to standing timber and to the land on which it is situated, including his agents or subcontractor or employees.

**PERENNIAL STREAM**

A stream whose water flow normally occurs year-round (per USGS and/or County Soil Survey Mapping).

**PROFESSIONAL FORESTER**

A person who has a B.S. or acceptable equivalent in forestry from a four-year school of forestry associated with or accredited by the Society of American Foresters.

**SELECT CUT**

A timber harvesting method used on tracts larger than two acres of land whereby at least 30% of the forest cover (canopy) shall be kept and the residual trees shall be well distributed. At least 30% of these residual trees shall be composed of highest value species as determined by a forester and pursuant to the timber harvesting plan.

**SKIDDING**

Dragging trees on the ground, by any means, from the stump to the landing.

**SLASH**

Debris left after logging, including logs, chunks, bark, branches, stumps and broken under-story trees or brush.

**STANDING PRESCRIPTION**

The type of forest management treatment, if any, to be applied to a particular stand to achieve the stated management objectives. The stand prescription should include, but not be limited to, detailed instructions on how that treatment is to be carried out on the ground, the desired residual stand, and details on any other treatments to be applied.

**STAND REGENERATION TREATMENT**

A selection, shelterwood, seed tree or clear-cut that is designed to replace the existing stand with a new stand of young trees.

**STREAM**

Any channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

**TREE HARVESTING (TIMBER HARVESTING/LOGGING)**

The cutting down and removal of trees and logs to be converted to any forest product or for sale to others.

**TOPS**

The upper portion of a felled tree not merchantable because of small size, taper or defect.

**§ 106-4. Responsibility.**

- A. It shall be the responsibility of each operator and landowner on whose land tree harvesting is to be carried out to develop or have developed the logging plan and to submit notification as required in this article.
- B. It shall be the joint responsibility of the landowner and the operator to see that they carry out the provisions of the logging plan.
- C. The plan shall be available at the harvest site at all times during the operation.
- D. It shall be the responsibility of the landowner to comply with all other applicable ordinances of the Township, including the Kidder Township Zoning Ordinance and the Kidder Township Subdivision and Land Development Ordinance.

**§ 106-5. Regulations.**

- A. A timber harvesting plan shall be prepared for each tree harvesting operation within Kidder Township.
  - (1) A timber harvesting plan shall be prepared by a professional forester for each harvesting operation within the Township.



- B. Such plan will address all applicable erosion and sedimentation control and stream crossing regulations under Chapter 102, Erosion Control Rules and Regulations issued under Act of June 22,

1937, P.L. 1987 (Clean Streams Law), and Chapter 105, Dam and Waterway Management Rules and Regulations issued under Act of 1978, P.L. 1375, No. 325 (Dam Safety and Encroachments Act), Erosion and sedimentation plans shall be reviewed by PA DEP or its designee.

- C. Points that shall be addressed by the logging plan include the following as a minimum:
- (1) Design of the temporary road system for access to public roads.
  - (2) Water control structures and devices.
  - (3) Stream crossings.
  - (4) Log landings.
  - (5) Haul roads, skid roads and skid trails.
  - (6) Maintenance.
  - (7) Public road use.
  - (8) Road and log landing requirements.
  - (9) Zoning of the applicant's property as well as adjacent properties.
  - (10) The general location of the anticipated operation in relation to municipal and state highways.
  - (11) The location of property boundaries for the tract on which the logging will occur and the boundaries of the proposed harvest area.
  - (12) A stand prescription for each stand located in the harvest area, including revegetation plan.
  - (13) Identification of slopes exceeding 15%, wetlands, watercourses and FEMA floodplains in the harvest area.
- D. The plan shall be filed with the Township except for operations exempted under § 106-2A above.
- E. All erosion and sediment control and stream crossing requirements shall be followed at all times during the operation.
- F. General operational requirements.
- (1) Timber harvesting in contemplation of a land use change:
    - (a) When timber harvesting is to be engaged in for the purpose of preparing for a land use change, copies of the final approved permits/plans necessary for the proposed use shall be submitted with the logging plan.
    - (b) The provisions of such permits shall govern to the extent they are more restrictive than the requirements of this article.
  - (2) Clear-cutting shall be prohibited on tracts or properties of less than two acres.
  - (3) Removal of stumps as part of any clear-cutting operation shall be considered earth disturbance and is subject to County Conservation District Erosion and Sedimentation Control Plan approval. Such earth disturbance may also be subject to the Township Subdivision and Land Development

Ordinance.

- (4) Timber harvesting shall be permitted in all zoning districts. Select cut is the preferred method for all timber harvesting plans.
- (5) Clear-cutting is prohibited on areas of slopes greater than 15% and within the one-hundred-year floodway.
- (6) Felling or skidding on or across any public thoroughfare is prohibited.
- (7) No tops or slash shall be left within 25 feet of any public thoroughfare or recreational trails.
- (8) No tops or slash shall be left on or across a property boundary without the written consent of the adjoining landowner.
- (9) Litter resulting from any logging operation shall be cleaned up and removed from the site before it is vacated by the operator.
- (10) Tops and slash shall be lopped to a height not more than four feet above the ground surface for a distance of 25 to 50 feet of any recreational trail.
- (11) Because streams are important natural resources which need special protection, logging within 75 feet of a stream is prohibited unless all of the following conditions are met:
  - (a) The basal area of trees in that area within the seventy-five-foot zone shall not be reduced below 50% of the basal area present before cutting or below 65 square feet per acre, whichever is higher.
  - (b) Trees to be cut within the seventy-five-foot zone shall be marked above and below stump height with tree marking paint prior to the issuance of a permit.
  - (c) Trees or logs shall not be skid or transported within 50 feet of streambeds or drainageways, except at planned crossing.
- (12) Where the logging does not leave at least 30 square feet of basal area per acre in areas with a slope of 20% or greater, the plan shall include provisions for stormwater management devices sufficient to prevent any increase in run-off from the one-hundred-year storm to any area downstream.
- (13) On all properties except those utilized as single-family, owner-occupied residential dwellings, a barrier coextensive with the building setback zone in areas bordering residential and commercial districts shall be established in which no more than 50% of the basal area of trees (at 4.5 feet) shall be removed. Trees cut in the setback area shall be marked above and below stump height with tree paint prior to the start of logging. Tops and slash shall be cut to no more than four feet in the setback area.

## § 106-6. Permits.

- A. No operator shall begin any timber harvesting operation in Kidder Township without first securing a timbering permit except as exempted therefrom in § 106-2A above.
- B. The Zoning Officer shall issue a permit upon submission of a complete application consisting of:

- (1) Logging plan as specified in § 106-5.
  - (2) Proof of insurance by the operator of state workmen's compensation for all employees, or employees of subcontractors, and public liability insurance in the amount of at least \$300,000 and including damage to streams and public property.
  - (3) Payment of a permit fee in the following amount following notification by the Zoning Officer of acceptance of the application.
  - (4) Fees shall be established by resolution and amended from time to time as needed to administer and enforce this article.
- C. Permits shall be effective for a period of 14 months from issuance.
- D. In the event of a violation of the requirements of this article during a timbering operation or within the past five years, the landowner or operator shall, before resuming work or initiating new work, post the bond in the amount of \$100 per acre in cash or surety bond for faithful performance of future obligations under this article.

### § 106-7. Preparation.

- A. Any tree removal process that does not require a permit per § 106-2A or B shall notify, at least two business days prior to commencing any cutting, to verify that no permit is required.
- B. For all timber harvesting operations that require plan review and the issuance of a permit, the landowner shall submit the plan 15 business days prior to the intended date work will begin. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting and completion date of the operation.

### § 106-8. Appeals.

Any affected landowner may appeal any decision regarding a timber harvesting permit within 30 days of issuance or denial by written notification to the Zoning Hearing Board of Kidder Township.

### § 106-9. Enforcement.

- A. The enforcement officer designated by the Township may go upon the site of any tree harvesting operation before, during, and after the active logging to review plans and other required documents to ensure that such plans and documents are in compliance with the provisions of this article and to ensure that the actual operation is proceeding in compliance with these plans.
- B. Any logging operation found to be proceeding without a logging plan as described in this article shall immediately cease operations and shall not resume until a plan is prepared and submitted to the Township Enforcement Officer for approval.
- C. When any operator is found to be violating any provision of this article, the Township Enforcement Officer shall provide the operator with a written statement describing each violation and specifying a date by which corrective action must be taken. Normally, such corrective work shall be completed

within seven calendar days of such written notification.

- D. When the Township Enforcement Officer finds a condition in a logging operation to be causing an immediate environmental risk, he shall immediately order operations to cease and contact the Carbon County Conservation District and request enforcement of the rules and regulations referred to under § 106-6B of this article.

## § 106-10. Penalties.

- A. Any landowner or operator who violates any provision of this article is guilty of a summary offense and, upon conviction, such landowner or operator shall be subject to a fine of not less than \$300 nor more than \$1,000 for each separate offense, and, in default of the payment of such fine, a person shall be imprisoned.
- B. Any landowner or operator who willfully or negligently violates any provision of this article is guilty of a misdemeanor of the third degree and, upon conviction, shall be subject to a fine or imprisonment as provided for under the law.
- C. Each day a violation continues of any provision of this article shall constitute a separate offense.
- D. The Township hereby reserves its right to proceed at law or in equity to prevent any landowner or operator from regularly or continuously violating any provision of this article.