

## Chapter 13 FORESTRY/TIMBER HARVESTING

### Section 1301 Purpose.

**Section 1301.1.** To encourage proper management and silvicultural practices that reap continuous economic benefits from a woodland or forest while still maintaining or improving wildlife habitat, protecting forest soils and water bodies, and ensuring the continuation of productive forest ecosystems;

**Section 1301.2.** To recognize the important values that woodlands offer to southeastern Pennsylvania where most of the land has been converted to agriculture and urban uses. These values include wildlife, water filtration/regulation, soil retention, carbon sequestration, wood products, recreation, and aesthetics;

**Section 1301.3.** To permit the conversion of woodlands to agricultural fields and pasture in accordance with accepted resource conservation practices;

**Section 1301.4.** To ensure the right to harvest trees is exercised with due regard for the protection of the physical property of adjacent landowners; and

**Section 1301.5.** To ensure the Township's citizens right to clean air, pure water is protected, and to conserve the natural, scenic, historic and aesthetic values of the environment as guaranteed by Article I, Section 27, of the Pennsylvania Constitution.

### Section 1302 Definitions.

Customer. A person or persons participating in off-road vehicle parks and motorized vehicle trails.

Agricultural Plowing or Tilling Activity. – Earth disturbance activity, and customary agricultural practice, involving the preparation and maintenance of soil for the production of agricultural crops. Such activity, when including timber harvesting as defined herein, shall be subject to the provisions of Chapter 13, Timber Harvesting.

Area Proposed for Timber Harvesting. Any area of a property proposed for a timber harvesting operation including harvest areas, the construction of skid trails and roads, logging roads, log landing areas, points of access to highways and roads, and other similar logging or silvicultural practices.

Best Management Practices (BMP). Activities, facilities, measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters within the Commonwealth before, during, and after earth disturbance activities.

Buffer Strip. A vegetation strip or management zone of varying size, shape, and character maintained along a stream, lake, road, recreation site, or different vegetative

zone to mitigate the impacts of actions on adjacent lands, and to enhance aesthetic values.

Cavity Tree. A tree with cavities in which birds, mammals, or insects such as bees may nest (also called den tree).

Clear-Cut. A method of re-generating an even-aged stand in which essentially all trees have been removed in one operation. Depending on forest management objectives, a clear cut may or may not have reserve trees left to attain goals other than regeneration.

Den Tree. See cavity tree.

Diameter-Limit Cutting. The harvest of all saleable trees above a certain diameter. Because slower-growing and poor-quality trees are retained, diameter-limit cutting diminishes the diversity and economic value of the future woodland or forest.

Earth Disturbance Activity. A construction or other human activity which disturbs the surface of the land, including land clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, operation of animal heavy use areas, timber harvesting activities, road maintenance activities, oil and gas activities, well drilling, mineral extraction and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.

Ecosystem. A natural unit comprising living organisms and their interactions with their environment, including the circulation, transformation, and accumulation of energy and matter.

Erosion and Sedimentation Control (E&S) Permit. An E&S permit required by the Pennsylvania Department of Environmental Protection (PADEP) for earth disturbance activities, including a timber harvesting operation that involves twenty-five (25) acres or more of earth disturbance activity. PADEP may delegate responsibility for issuance of an erosion and sediment control permit to the Schuylkill County Conservation District.

Erosion and Sedimentation Control (E&S) Plan. A site specific plan consisting of both drawings and a narrative that identifies Best Management Practices (BMPs) to minimize accelerated erosion and sedimentation before, during and after earth disturbance activities. Such plan is required by the Pennsylvania Department of Environmental Protection (PADEP) for timber harvesting operations which propose to disturb more than five thousand (5,000) square feet. PADEP may delegate responsibility for review and approval of an erosion and sediment control plan to the Schuylkill County Conservation District.

EV – EV, or Exceptional Value., referring to a Special Protection Waters designation issued by the Pennsylvania Department of Environmental Protection for a watercourse or portion thereof.

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

Forest. Any area defined as “woodland” herein.

Forestry. The management of forests or woodlands when practiced in accordance with accepted silvicultural practices, through developing, cultivating, harvesting, transporting and utilization of trees for commercial purposes, which does not involve any land development, and which maintains the health and sustainability of lands to remain forested. Forestry shall include Timber Harvesting, Diameter-limit and selective cutting, and the clearing of trees as part of any agricultural plowing or tilling as defined herein, shall not be considered forestry.

Forest Best Management Practice. Universally accepted activities that have positive effects or minimize negative effects on the forest ecosystem. (See Best Management Practices for Pennsylvania Forests, Penn State College of Agriculture.)

Forest Canopy. The aerial cover formed within any woodland area by the crowns of trees.

Forest Canopy Trees. The individual trees which collectively form the forest canopy.

Forest Renewal The growth of a new forest, which includes not only the trees but also the other beneficial woody and herbaceous vegetation that contributes to the overall integrity, diversity, and health of the entire forest community and its interdependent ecological functions.

Forest Stewardship Plan. A plan submitted in conformance with the provisions set forth in Subsection 1303 which states a landowner’s goals for his or her woodland, documents the forest’s present condition, lists recommendations, and describes the desired forest condition, or how the forest should look in the future. It should also consider the types and sizes of trees, wildlife habitat, transportation layout, recreational opportunities, and financial returns. (For more information, see Forest Stewardship, Planning Your Forest’s Future, Penn State Cooperative Extension, College of Agricultural Sciences, 2013.)

Group Selection Method. A method of regenerating an uneven-aged stand that removes trees in a number of 0.1- to 1-acre areas to create openings in the forest canopy. The larger the opening, the more likely that regeneration of sun-loving (shade intolerant) species will develop and persist in the openings.

Haul Road. A road designed for use by trucks to transport harvested timber from the log landing to a public road.

Herbaceous. Pertaining to nonwoody vegetation, such as grasses and wildflowers.

High-Grading. The harvesting of only those trees that will give the highest immediate economic return. Because slower-growing and poor-quality trees are retained, high-

grading diminishes the diversity and economic value of the future woodland or forest. See Diameter-Limit Cutting or Selective Cutting.

HQ – HQ, or High Quality. Referring to a Special Protection Waters designation issued by the Pennsylvania Department of Environmental Protection, for a watercourse or portion thereof.

Improvement Cutting. The removal of less desirable trees of any species in a stand of poles or larger trees, primarily to improve composition and quality.

Intermediate Treatments. Any treatment or tending designed to enhance growth, quality, vigor, and composition of the stand after establishment or regeneration and prior to final harvest.

Non-Native Invasive Vegetation. – Any non-native plant species which aggressively displaces native plants. Also called “exotics” and “aliens,” these species tend to reproduce prolifically and out-compete native plants for light, space, and nutrients, reducing plant diversity and wildlife habitat. Invasive vegetation includes, but is not limited to, the plant species listed in the PA DCNR Invasive Plant List.

Land Disturbance. Any activity which exposes soils, alters topography, and/or alters vegetation. Timber Harvesting conducted in accordance with the provisions of Chapter 13 shall not be separately regulated as a land disturbance. In addition, the following activities shall not be regulated as land disturbance but shall nevertheless be undertaken in a manner such that disturbed areas shall be stabilized with suitable vegetation and shall not be left bare:

1. Customary agricultural practices such as tilling, plowing, mowing, and harvesting;
2. Customary landscaping practices such as mowing, planting, trimming;
3. Removal of hazardous or invasive vegetation.

Notwithstanding the above, the clearing of woodlands, when proposed to prepare soil for the production of crops, may meet the definition of Timber Harvesting.

Litter. The uppermost layer of the forest floor consisting chiefly of decaying organic matter.

Log Landing. The area at the end of a skid road where harvested timber is stored or prepared for transport from the woodlot.

LOP. Cutting topes and slash into smaller pieces to allow the material to settle close to the ground.

Natural Regeneration. The replacement of one forest stand by another through natural seeding or sprouting.

One-Hundred (100) Year Floodplain. That portion of a relatively flat or low land area that experiences the highest level of flooding and has a 1-percent chance of occurring in any given year. The more commonly used term is “1% annual chance flood” and is delineated by the Federal Emergency Management Agency (FEMA).

Overstory. Trees in the upper level, or canopy, of the forest.

PADEP. The Pennsylvania Department of Environmental Protection.

PADCNR. The Pennsylvania Department of Conservation and Natural Resources (including, but not limited to, its Bureau of Forestry).

PADOT. The Pennsylvania Department of Transportation.

PNDI. Pennsylvania Natural Diversity Inventory.

Professional Forester. A forester meeting one of the following requirements:

1. Possessing at least two years of technical forestry experience and an associate’s degree in forest technology, forestry, forest management, forest ecosystem management, urban forestry, forest science, agroforestry, or similar course of study.
2. Possessing a bachelor’s or master’s degree in forest technology, forestry, forest management, forest ecosystem management, urban forestry, forest science, agroforestry, or similar course of study.
3. Possessing a bachelor’s or master’s degree in wildlife biology, botany, or plant ecology, and sufficiently trained in, or with sufficient knowledge of, collecting data, assessing it, then developing and implementing silvicultural prescriptions.

Prohibitive Slopes. Those areas of land where the grade is greater than twenty-five (25) percent. Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent. For the purpose of application of these regulations, slope shall be measured over three (3) or more two (2) foot contour intervals [six (6) cumulative vertical feet of slope]. All slope measurements shall be based on contour intervals determined by detailed topographical survey using aerial photogrammetry or actual field survey.

Refuse. Man-made debris, including tires, oil cans, equipment parts, and other rubbish.

Regeneration Method. A cutting method designed to promote and enhance natural establishment of trees. Even-aged stands are perpetuated by seed tree, shelterwood and clearcutting methods. Uneven-aged stands are perpetuated by selecting individual or small groups of trees for removal. Five requirements must be considered prior to making a regeneration cut:

1. Abundant advanced regeneration (seedlings and sprouts) should be present on the forest floor, or there should be ample seed in the forest floor litter that can germinate after the overstory is removed;
2. Seedlings and sprouts should be well-distributed;
3. Seedlings should be non-invasive species that can grow into trees;
4. Vegetation that will inhibit the growth and development of seedlings and sprouts should be controlled;
5. Seedlings and sprouts should be protected from over-browsing by white-tailed deer.

Residual Stand. Trees remaining following any cutting operation.

Riparian. Belonging or relating to the bank of a water body.

Riparian Buffer. A vegetated area, including trees, shrubs, and herbaceous vegetation adjacent to a water body.

Riparian Forest Buffer. A riparian buffer that consists predominantly of native trees, shrubs and/or herbaceous plants that provide a minimum of sixty (60) percent uniform canopy coverage.

Seasonally Wet. Refers to areas that have water at or near the surface only during periods of abundant rainfall or snow melt.

Seed Tree. A tree left standing for the sole or primary purpose of providing seed.

Selection Cut. A method of regenerating an uneven-aged stand in which trees singly or in small groups are removed for the purpose of regeneration. A well-designed selection cut removes trees of lesser quality and trees in all diameter classes along with merchantable and mature, high-quality timber.

Selective Cutting. The removal of high-quality trees based on a minimum diameter limit. Selective cutting often equates to high-grading and can compromise the quality of the future stand.

Shelterwood. A method of regenerating an even-aged stand in which a new age class develops beneath the moderated microenvironment provided by the residual trees. The sequence of treatments can include three distinct types of cuttings: 1) an option preparatory cut to enhance conditions for seed production; 2) an establishment cut to prepare the seed bed and to create a new age class; and 3) a removal cut to release established regeneration from competition with the overwood. Cutting may be done uniformly throughout the stand (Uniform Shelterwood), or in groups or patches (Group Shelterwood), or in strips (Strip Shelterwood).

Silviculture. The art, science, and practice of establishing, tending, and reproducing forest stands.

Single Tree Selection. A method of regenerating an uneven-aged stand that removes individually selected trees throughout all diameter classes, creating small gaps in the canopy to facilitate regeneration.

Skid.

1. To haul a log from the stump to a collection point (landing) by a skidder;
2. A load pulled by the skidder.

Skid Road. A road designed for frequent use by skidding equipment. Skid roads typically incorporate water-control structures.

Skid Trail. A trail requiring less construction than a skid road because it is used less frequently by skidding equipment.

Slash. Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

Special Concern Species. Plant and animal species that are not listed as threatened or endangered by a jurisdictional agency but are identified on a PNDI Receipt as an at risk species. These include:

1. Plant and animal species that are classified as rare, vulnerable, tentatively undetermined or candidate;
2. Taxa of conservation concern; and
3. Special concern plant populations.

Stand. A grouping of vegetation sufficiently uniform in species composition, age, and condition to be distinguished from surrounding vegetation types and managed as a single unit.

Stand Density. A quantitative, absolute measure of tree occupancy per unit of land area in such terms as numbers of trees, basal area (cross-sectional area of a tree trunk at breast height), or volume.

Steep Slope(s). Those areas of land where the grade is between fifteen (15) percent and twenty-five (25) percent. Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent. For the purpose of application of these regulations, slope shall be measured over three (3) or more two (2) foot contour intervals (six [6] cumulative vertical feet of slope). All slope measurements shall be based on contour intervals determined by detailed topographical survey using aerial photogrammetry or actual field survey.

Steeply Sloped Areas. Areas comprised of any or all Steep Slopes or Prohibitive Slopes as defined herein.

Threatened and Endangered Species. Those animal and plant species identified as a threatened or endangered species, as determined under: Endangered Species Act of 1973, 16 U.S.C.A. Sect. 1531, et seq.; Wild Resources Conservation Act, 32 P.S. Sect. 5301; Fish and Boat Code, 30 Pa. C.S.A. Sect. 101, et seq.; and Game and Wildlife Code, 34 Pa. C.S.A. Sect. 101, et seq. This also includes animal and plant species proposed for listing as endangered and threatened, pursuant to the Endangered Species Act of 1973, 16 U.S.C.A. Sect. 1531, et seq.

Timber Harvest Operator. An individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.

Timber Harvesting. The cutting, uprooting or removal of more than twenty (20) trees of twelve (12) inches or greater DBH from any area of woodland, whether accomplished in a single operation or in more than one operation over three (3) or fewer years. The removal of dead, dying, or diseased trees, or invasive vegetation, removal of trees pursuant to an approved subdivision or land development plan or landscape plan, and the cutting or removal of trees as part of a Christmas tree farming or nursery operation shall not be considered Timber Harvesting. Improvement cutting or intermediate treatment of a forest or woodland shall also not be considered Timber Harvesting when a woodland owner submits to the Township a stand analysis with a marking prescription that will improve the existing stand of trees by increasing stem diameter, improving stem quality, improving species composition by removing poorly formed trees or trees of low commercial value.

Timber Harvesting Plan. A plan submitted in conformance with the provisions set forth in Section 1305 which describes, by means of text and maps, proposed actions involving the removal of trees from a tract of land. Such plan shall have been prepared by a Professional Forester.

Top. The upper portion of a felled tree that is unmerchantable because of small size, taper, or defect.

Tree Canopy. The extent of coverage of the uppermost layers of leaves on a tree.

Understory. The small vegetation (shrubs, seedlings, saplings, small trees) within a forest stand, occupying the vertical zone between the overstory and the herbaceous plants of the forest floor.

Waterbody. A natural or manmade pond, lake, wetland, impoundment, or watercourse. This shall not include any pond or facility designed and constructed solely to contain stormwater, or a swimming pool.



Watercourse. A channel or conveyance of surface water having a defined bed and banks, such as a stream, river, brook, or creek, whether natural or artificial, with perennial, intermittent, or seasonal flow. This shall not include any channel or ditch designed and constructed solely to carry stormwater.

Wetland or Wetlands. Those areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances, do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, ponds, lakes, and similar areas. Wetlands shall include any area so delineated by the National Wetlands Inventory of the U.S. Fish and Wildlife Service and all lands regulated as wetlands by the Pennsylvania Department of Environmental Protection or the U.S. Army Corps of Engineers. In the event there is a conflict between the definitions of these agencies, the more restrictive definition that defines the wetlands most expansively shall apply.

Woodland. A plant community covering an area of one (1) acre or more, in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete aerial canopy. The extent of any woodland plant community or any part thereof shall be measured from the outermost drip line of all the trees in such plant community. Woodland shall include any area where timber has been harvested within the previous three years and/or woodland disturbance has occurred within the previous three years which would have met the definition of woodland prior to timbering or disturbance. Woodlands do not include orchards or old fields. A woodland may also be termed a “forest”.

Woodland Disturbance.

1. Any activity which alters the existing structure of a woodland or hedgerow. Alterations include the cutting or removal of canopy trees, subcanopy trees, understory shrubs and vines, woody and herbaceous woodland floor species as well as the removal of humus or duff from the ground;
2. Any activity which constitutes a land disturbance (exposes soils, alters topography) within a woodland or hedgerow;
3. Woodland disturbance does not include the following:
  - a. Removal of vegetation which constitutes hazardous condition(s); nor
  - b. Cutting or removal of invasive vegetation.
4. Where woodland disturbance is regulated as Timber Harvesting, such operation shall not be separately regulated as woodland disturbance.

Wolf Tree. A large branchy tree that occupies more space in the forest than similar trees of the same diameter. Wolf trees may have high wildlife and aesthetic value but little, if any, timber value.

**Section 1303      Applicability.**

Forestry, including timber harvesting as defined by this ordinance, shall be a permitted use by right in all zoning districts according to the following procedures and standards:

**Section 1303.1.** Timber harvesting shall be permitted subject to the Township issuance of a zoning permit under one of the following options selected by an applicant:

**Section 1303.1.1.** By enrolling in the Pennsylvania Bureau of Forestry Forest Stewardship Program; completing the Forest Stewardship Plan and a Treatment Unit Sustainability Assessment Form required under said program for a timber harvest; submitting documentation to the Township as required in Section 1404, and by complying with the requirements of Section 1406; or

**Section 1303.1.2.** By submitting a timber harvesting plan for approval in accordance with the requirements of Section 1305, and by complying with the requirements of Section 1306. All timber harvesting plans shall be prepared and signed by a professional forester and the Township may seek the assistance of the Schuylkill County Conservation District and/or the PA DCNR Bureau of Forestry Service Forester in reviewing the timber harvesting plan.

**Section 1303.1.3.** Applications for a zoning permit for timber harvesting under either of the above options shall be submitted to the Township for review for compliance with the standards for timber harvesting operations set forth herein not less than forty-five (45) days prior to commencement of the timber harvesting operation. Within thirty (30) days of submission to the Township for either option, a timber harvesting permit shall be issued if the applicant has met all of the requirements. If denied, the Township shall at the same time inform the applicant of the plan or other deficiencies in order to help facilitate a permit application re-submittal.

**Section 1304      Permit Requirements for Applicants Who Enroll in The Pennsylvania Bureau of Forestry Forest Stewardship Program.**

**Section 1304.1.** Applicants shall submit to the Township Zoning Officer the following documents:

**Section 1304.1.1.** A copy of the Forest Stewardship Plan, including the executed Signature Page;

**Section 1304.1.2.** A completed Treatment Unit Sustainability Assessment Form (TUSAF) that provides an analysis of the trees to be cut;

**Section 1304.1.3.** A letter from the Service Forester approving the TUSAF, including any accepted recommendations and terms of the TUSAF, which shall be made part of the zoning permit approval in addition to required compliance with the provisions of Section 1406;

**Section 1304.2.** Any additional information required by the provisions of Section 1406.

**Section 1304.3.** Timber harvesting permitted by the Township under this option remains subject to any applicable state or federal regulations and permit requirements.

**Section 1305 Permit Requirements for Applicants Who Choose Not to Enroll in The Pennsylvania Bureau of Forestry Forest Stewardship Program.**

**Section 1305.1.** Applicants shall submit to the Township Zoning Officer a Timber Harvesting Plan, consisting of both narrative and maps supplying the following:

**Section 1305.1.1.** Name, address, and telephone number of landowner and the timber harvesting operator, if known. Identity and contact information, including phone number for immediate contact, for the timber harvesting operator shall be provided to the Township no later than upon award of the bid for the timber harvest covered by the approved timber harvesting permit.

**Section 1305.1.2.** An existing features map, drawn to scale, with north arrow, showing:

**Section 1305.1.3.** Site location and boundaries of both the entirety of the property upon which the timber harvesting shall occur and the area proposed for timber harvesting within that property;

**Section 1305.1.4.** General location of the area proposed for timber harvesting in relation to municipal and state highways, roads, and bridges, including any weight limits, locations of ingress and egress to the public road system, and haul routes to be used through the Township;

**Section 1305.1.5.** Existing watercourses (including identifying any with EV or HQ status), floodplain areas, wetlands, and water bodies within the area proposed for timber harvesting;

**Section 1305.2.** Topography of the property, including identification of any steeply sloped area(s), as defined herein, within the area proposed for timber harvesting.

**Section 1305.3.** A logging plan, at the same scale as the existing features map, with north arrow, showing:

**Section 1305.3.1.** The area proposed for timber harvesting within the property;

**Section 1305.3.2.** Location of all earth disturbance activities such as skid roads, skid trails, log landings, points of access to municipal or state highways or roads, and water control measures and structures;

**Section 1305.3.3.** Location of all crossings of any watercourses, wetlands, or seasonally wet areas;

**Section 1305.3.4.** Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, log landings, and temporary points of access to municipal or state highways or roads;

**Section 1305.3.5.** Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars; and

**Section 1305.3.6.** Design, construction, and maintenance of proposed watercourse and wetland crossings.

**Section 1305.3.7.** The logging plan shall address and comply with the requirements of all applicable state regulations including, but not limited to, the following:

**Section 1305.3.8.** Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. Section 691.1, et seq.)

**Section 1305.3.8.1.** A Timber Harvest Erosion and Sedimentation Control Plan for the proposed timber harvest submitted for review to the Schuylkill County Conservation District, or PADEP may be submitted to satisfy the requirements of this subsection.

**Section 1305.3.8.2.** Where a timber harvest is proposed as a conversion to agricultural plowing and tilling activities covered under PA title 25, Chapter 102, Erosion and Sedimentation Control, an agricultural E&S plan, or Farm Conservation Plan, submitted to the

Schuylkill County Conservation District may be submitted to satisfy the requirements of this subsection.

**Section 1305.3.9.** The Foster Township Zoning Officer may submit an applicant's Erosion and Sedimentation Control Plan for review to the Schuylkill County Conservation District or PADEP for further review and comment concerning the applicability of relevant state and federal regulations.

**Section 1305.3.10.** Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. Sect. 693.1, et seq.)

**Section 1305.3.10.1.** The Foster Township Zoning Officer may submit an applicant's Erosion and Sedimentation Control Plan for review to the Schuylkill County Conservation District or PADEP for further review and comment concerning the applicability of relevant state and federal regulations.

**Section 1305.3.11.** The timber harvesting plan shall include a listing and description of the selected forest best management practices to be employed during and after the timber harvesting operation. (See Best Management Practices for Pennsylvania Forests, Penn State College of Agriculture).

**Section 1306 Requirements Applicable to All Timber Harvesting Applicants.**

**Section 1306.1.** A timber harvesting plan proposing any crossing of streams or wetlands or otherwise obstructing or encroaching any watercourse during the harvesting operations must identify any and all required permits, plans, and approvals required by PADEP, Schuylkill County Conservation District, or the U.S. Army Corps of Engineers. Copies of any and all approved permits, plans, and approvals shall be provided to the Township upon receiving such approval.

**Section 1306.2.** Timber harvesting proposed on prohibitive slopes must provide an explanation of the erosion and sediment control best management practices to be employed on the slopes, the reasons for harvesting on the slopes, and method for retrieving the logs that are felled on the slopes.

**Section 1306.3.** A timber harvesting plan proposing to engage in timber harvesting activities within a floodplain, riparian forest buffer, wetlands, seasonally wet area, or within 100 feet of any watercourse shall include a description of the best management practices required for the activity under both an erosion and sediment control plan and

pursuant to Title 25, Pennsylvania Code, Chapter 105, Dam Safety and Waterway Management Regulations.

**Section 1306.4.** Boundaries of the property proposed for timber harvesting, the area proposed for timber harvesting, and the trees to be harvested shall be clearly demarcated in the field no more than seven (7) days after the timber harvesting plan has been filed with the Township for approval.

**Section 1306.5.** Upon zoning permit approval:

**Section 1306.5.1.** The provisions of the approved timber harvesting plan, or Forest Stewardship Plan and accompanying recommendations and terms set by the county Service Forester, shall be followed or observed throughout the operation, and the plan shall be available at the harvest site at all times during the operation and shall be provided to the Township Zoning Officer upon request;

**Section 1306.5.2.** The Township shall be notified of the work start date no later than five (5) days prior to the commencement of the timber harvesting, and the work stop date no later than five (5) days prior to the expected completion of the timber harvesting.

**Section 1306.5.3.** In addition to those forest best management practices selected by a landowner or timber harvest operator, the following minimum acceptable standards shall apply to all timber harvesting:

**Section 1306.5.4.** Diameter-limit cutting and selective cutting shall be prohibited.

**Section 1306.5.5.** Use of the clear-cut method on prohibitive slopes shall be prohibited.

**Section 1306.5.6.** No timber harvesting shall be permitted within the first fifty (50) feet of any riparian forest buffer as provided for in Section 1306.3. Timber harvesting within riparian forest buffers shall retain fifty (50) percent of the deciduous tree canopy as a Best Management Practice, preventing and increase in water and ground surface temperatures and continuing to supply sufficient organic matter to the adjoining watercourse, waterbody or wetland.

**Section 1306.5.7.** Felling and skidding shall be undertaken in a manner which minimizes damage to trees or other vegetation not intended to be harvested. Practices that are encouraged include using bumper trees, exercising special care when harvesting trees during the growing season

(between April and August), and avoiding wolf trees, den trees, and cavity trees.

**Section 1306.5.8.** Felling or skidding across any municipal or state highway or road is prohibited without the express written consent of the Township or PADOT, whichever is responsible for the maintenance of said highway or road.

**Section 1306.5.9.** Slash or tops resulting from a timber harvesting operation within fifty (50) feet of a road or building shall be cut to a height of five (5) feet or less. The burning of slash or litter shall be prohibited.

**Section 1306.5.10.** No slash or tops shall be left within:

**Section 1306.5.11.** Twenty-five (25) feet of any Township or state highway or road; and

**Section 1306.5.11.1.** ii. Fifty (50) feet from any building.

When clearing trees for conversion to agricultural plowing or tilling activities, no slash, tops, harvested trees, or root balls (stumps) shall be stockpiled against or within a riparian forest buffer, except for windrows shown on an E&S Plan as a forest best management practice.

**Section 1306.5.13.** Soils within the area proposed for timber harvesting shall not be contaminated with fuels, lubricants, and other chemicals, and all refuse resulting from a timber harvest shall be cleaned up daily and removed when the site is permanently vacated by the operator.

## **Section 1307 Road Protection.**

**Section 1307.1.** All entrances from haul and access roads, log landings, and the like, which enter a Township Road shall install temporary culverts, interceptor devices, or other such devices for the handling of water in roadway swales as shall be required by the Township enforcement officer. All such devices shall be removed and roadways, bankings and swales restored to original condition upon completion of harvesting.

**Section 1307.2.** All logging roadways or access roads entering upon a Township Road shall have 20 feet of #4 stone installed as a "tire cleaner".

**Section 1307.3.** Township, may, at its sole discretion, require posting of a bond or other surety to guarantee restoration of Township roads. "Restoration" shall mean the repair, regrading, resurfacing, etc., of areas in the vicinity of haul or access roads, and excess damage to other portions of roads used to transport timber or equipment to and from site. If, as a condition of such surety, operator shall agree to use specified

Township roads for such transportation, any documented use of roads other than those agreed may be cause for partial or complete forfeiture of surety.

**Section 1307.4.** Township enforcement officer, or any Township Supervisor, shall have authority to deny by verbal communication, any use of Township roads during periods of frost, thaw, or other weather conditions during which excessive damage to roads would unavoidably occur due to harvesting operation.

**Section 1308      Enforcement.**

**Section 1308.1.** Township Enforcement Officer. The Township Zoning and/or Code Enforcement Officer shall be the enforcement officer for this Section.

**Section 1308.2.** Inspections. The Township Enforcement Officer may go upon the site of any timber harvesting operation before, during, or after active logging to (1) review the logging plan or any other required documents for compliance with this Ordinance, and (2) inspect the operation for compliance with the logging plan and other on-site requirements of these regulations.

**Section 1308.3.** Violation notices; suspensions. Upon finding that a timber harvesting operation is in violation of any provision of this Chapter, the Township enforcement officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken. The Township enforcement officer may order the immediate suspension of any operation upon finding that (1) corrective action has not been taken by the date specified in a notice of violation; (2) the operation is proceeding without a logging plan; or (3) the operation is causing immediate harm to the environment. Suspension orders shall be in writing, shall be issued to the operator and the landowner, and shall remain in effect until, as determined by the Township enforcement officer, the operation is brought into compliance with this Chapter or other applicable statutes or regulations. The landowner or the operator may appeal an order or decision of an enforcement officer within thirty days of issuance to the governing body of the Township.

**Section 1308.4.** Penalties. Any landowner or operator who (1) violates any provision of this Chapter; (2) refuses to allow the Township enforcement officer access to a harvest site; or (3) fails to comply with a notice of violation or suspension order issued under this Chapter is guilty of a summary offense and upon conviction shall be subject to a fine of not less than \$100.00 nor more than \$300.00, plus costs, for each separate offense. Each day of continued violation of any provision of this Chapter shall constitute a separate offense.



**Section 1309      Alternate Penalties Language.**

**Section 1309.1.** Penalties. Any landowner or operator who violates any provision of this Article is guilty of a summary offense and upon conviction shall be subject to a fine of not less than \$100.00 nor more than \$300.00, plus costs, for each separate offense. Each day of continued violation of any provision of this Ordinance shall constitute a separate offense.

**Section 1310      Alternate Enforcement Language.**

**Section 1310.1.** The Township enforcement officer may go upon the site of any tree harvesting operation before, during or after the active logging to review the tree harvesting operation, the logging plan and any amendment thereto 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 the approved logging plan or amended logging plan.

**Section 1310.2.** Any logging operation found to be proceeding without a logging plan or to be operating beyond the scope of an approved logging plan or amended logging plan as described in this Article shall immediately cease operations and shall not resume until a logging plan is prepared and submitted to the Township enforcement officer and approved by the officer.

**Section 1310.3.** When any operator or landowner is found to be violating any provision of this Article, or of any approved logging plan or amended logging plan, the Township enforcement officer shall provide the operator and landowner with a written statement describing each violation and specifying a date by which corrective action must be taken. Such corrective work shall be completed by the date specified or within 7 calendar days of such written notification, whichever is sooner. If not so corrected by the date specified or within said 7 days, the operator and the landowner shall be subject to the penalties provided in Section 502. Tree harvesting activities shall be suspended immediately upon notification and shall not resume until the corrective work has been completed and approved by the Township.

**Section 1310.4.** 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 Schuylkill County Conservation District and request enforcement of all applicable rules and regulations.

**Section 1310.5.** If it is necessary for the Township enforcement officer to obtain a survey or surveying services to establish a violation of this Ordinance and if a violation is found to exist, the owner shall also pay to the Township, in addition to other penalties provided for herein, an amount equal to the cost of the survey or said surveying services.

**Section 1310.6.** For the purposes of this Section, notification shall be deemed to have taken place if the written or verbal order or statement described has been either delivered to the operator at his place of business; delivered to the landowner; or delivered to the representative of the operator at the site.