

FREQUENTLY ASKED QUESTIONS (FAQs)

for Timber Harvest Operations in Calvert County, Maryland

5/15/2018

Developed for the Calvert County Environmental Commission through a joint effort by the Calvert Soil Conservation District (www.calvertsoil.org; 410-535-1521) Calvert County Department of Planning & Zoning (www.calvertcountymd.gov; 410-535-2348) Maryland Forest Service (www.dnr.maryland.gov/forests; 410-535-1303)

These FAQs are intended to give general information about the timber harvest process (permitting and operations) on land in Calvert County. The FAQs do not include information for every conceivable situation, but they provide information relevant to most timber harvests. For more information, contact the Calvert County Department of Planning & Zoning (P&Z) and the Calvert County Soil Conservation District (SCD).

Regulations: *2015 MD Soil Erosion & Sediment Control Standards and Specifications for Forest Harvest Operations*. The complete manual can be found at: <http://mde.maryland.gov/programs/Water/StormwaterManagementProgram/Documents/FHO%20MANUAL%20Dec%207%202015%20Complete.pdf>

Question #1. What permits are required to harvest timber in Calvert County?

A Sediment & Erosion Control Plan (SECP) must to be prepared in accordance with the *2015 Standards and Specifications* and submitted to the SCD if more than 5,000 square feet of soil are to be disturbed. A copy of the approved permit is sent to the P&Z for their records. The SECP must be prepared by a consultant forester licensed in the state of Maryland.

Question #2: Who reviews and enforces SECPs in Calvert Co.?

SECPs are reviewed and approved by the SCD and the Maryland Forest Service (MFS). Enforcement of the sediment and erosion control regulations falls under the Maryland Department of the Environment (MDE).

Question #3. Does a logger/operator need to be licensed to harvest trees?

Yes. Any person engaged in the business of harvesting, manufacturing, or selling forest products must have a forest products operator's license issued by the MFS (COMAR Natural Resources Code §5-608 & 5-610). In addition, they must also possess a MDE Best Management Practices (BMP) Training Certification "Forest Harvest Green Card".

Question #4. What types of timber harvests can be used?

There are three timber harvest types that are commonly used in southern Maryland. However, there are no restrictions on what type of harvest can be used, except in areas next to streams and in the Chesapeake Bay Critical Area.

1. Clearcut – removal of all trees within a sale boundary.
2. Selective – removal of a portion of the trees within a sale boundary (anywhere from 25% to 50% of the trees.)

3. Row thinning – primarily in pine plantations, it also removes a portion of the trees, usually every fourth row and every fourth tree in the remaining rows.

Question #5. Can timber be harvested in the Chesapeake Bay Critical Area?

Yes, although a separate Critical Area Timber Harvest Plan (CATHP) must be reviewed and approved by the Calvert Forestry Board prior to applying for a Sediment Erosion Control Plan. (COMAR Natural Resources Code §5-606). The Critical Area Timber Harvest regulations limit the number of trees that can be harvested within the Critical Area depending on the forest area, proximity to streams/wetlands, and forest type (uplands, riparian zones, hardwood vs. pine, etc).

Question #6. Can timber be harvested in subdivision open space areas and/or forest retention areas?

Yes. The timber on open space and/or forest retention areas can be harvested if that is what the owner of the property wants and if no covenants or restrictions on the property specifically exclude timbering (Calvert County Zoning Ordinance 8-3.04.S). If the open space and/or forest retention area also has a deed restriction or easement, these documents must be checked to see if a timber harvest is permissible. A timber harvest plan and a forest management plan must be reviewed and approved by the Calvert Forestry Board prior to applying for a Sediment Erosion Control Plan.

Question #7. Who typically owns subdivision open space?

Open space can be owned by anyone. Typically, it is first owned by the developer of the subdivision. Open space parcels are typically conveyed to a Home Owners' Association, however they can also be retained by the developer or sold to a private individual.

Question #8. Are there any restrictions on the amount of timber that can be harvested within a sale boundary?

Only in areas adjacent to blue line streams and within the Critical Area. Streamside Management Zones (SMZ) are established along all blue line streams within the sale boundary. The minimum width of the SMZ is 50 feet and is expanded an additional 2 feet for every slope % (e.g., for a 10% slope: 50ft. + (2ft. x 10%) = 50ft. +20ft. = 70ft. SMZ width on each side of the stream). Trees may be harvested within the SMZ, however at least 60 ft² of basal area/acre must be maintained evenly throughout the SMZ. See Question #5 for Critical Area harvest limitations.

Question #9. Are there any setback distances from property lines that must be maintained during a timber sale?

No.

Question #10. Once a permit has been approved, are the adjacent landowners required to be notified that a timber harvest will be taking place?

No.

Question #11. Who is responsible for any damages to an adjacent neighbor's trees or property caused by the timber harvest operation? (e.g., falling trees striking structures, vehicles, personal property, retaining walls, stormwater management devices, other trees, etc.)

The landowner whose property is being harvested. This is typically handled in civil court between the two affected parties.

Question #12. What happens if a logger accidentally cuts timber on an adjacent property?

This is called timber trespass. The adjacent landowner can take the other party to civil court and sue for damages up to three times the value of the trees that were removed. A consultant forester should be hired to estimate the volume and value of the trees.

Question #13. Who is responsible for any damages to county or state roads at the entrance to the timber sale?

The logger/operator cutting the timber.

Question #14. Are there any restrictions on the maximum slope that can be harvested?

The *2015 Standards and Specifications* generally limit the maximum slope of a skid trail to 20%. However, skid trails can be used on slopes $\geq 25\%$ if approved sediment erosion control practices are installed to prevent soil erosion. This regulation is limited to skid trails. Trees themselves can be cut on slopes greater than 25% and can be winched to a less steep slope to be skidded away.

Question #15. After the timber sale is complete is replanting of the sale area required?

Generally timber harvest areas are not required to be replanted, with the exception of the State Pine Reforestation Law (COMAR Natural Resources Code §5-501). Harvested areas may be allowed to regenerate naturally with seed from adjacent trees or the landowner may voluntarily replant the area with a desired species. The Pine Reforestation Law applies to timber harvests of five acres or more and where 25% or more of the live trees within the sale area are either loblolly, shortleaf or pond pine. In this case the landowner must either leave at least eight cone-bearing trees per acre ($>14''$ diameter at breast height - dbh) in the sale boundary or replant the area to a sufficient density (~400 to 650 seedlings/acre).

Can I Ask A Question?

Can't find the answers to other related questions you may have on topics in this list of FAQs? Ask the Environmental Commission by sending an email to Will Hager at Will.Hager@calvertcountymd.gov. Please include your name and email address along with your question(s). We will do our best to answer your question(s) in a timely manner. We may even add them to this FAQs list.