



# Sustainable Forestry Council

580 Taylor Avenue – E-1 • Annapolis, Maryland 21401 • 410-260-8531

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January 19, 2016

Conference Call 1-888-450-5996

10am

## Minutes

Eric Sprague  
Alliance for the  
Chesapeake Bay  
Annapolis, MD 21403

Donald Outen  
Natural Resource  
Manager  
Baltimore County DEPS  
Towson, Maryland 21204

Gary Allen  
Center for Chesapeake  
Communities  
Annapolis, MD 21401

Kirk Rodgers  
Private landowner  
Woolford, MD 21677

Kim Finch  
MNCPPC,  
Prince George's Co.  
Planning Dept.  
Upper Marlboro, MD  
20772

Kenneth Roberts  
Verso Corporation  
Westernport, MD 21562

Alberto Goetzl, chair  
Dream Catcher Farm,  
LLC  
Adamstown, MD 21710

Bryan Seipp  
Center for Watershed  
Protection  
Ellicott City, MD 21043

### Attendees:

Al Goetzl  
Don Outen  
Gary Allen  
Kim Finch

### DNR and Guests:

Anne Hairston-Strang, MFS  
Donald VanHassent, MFS  
Dan Rider, MFS  
Christine Cadigan, Am. For. Fdn.

### Action items:

- Dan Rider- send summary of forest harvest permitting proposal and copy of support letter from the Sustainable Growth Commission to the SFC.
- Anne Hairston-Strang- send 12/1/15 task force report on State land preservation and easement acquisition, and Chesapeake Bay Program proposed tree canopy definition and mapping to the SFC.

### Minutes

The scheduled meeting at the Tawes Office Building was converted to a conference call since Tawes was closed unexpectedly due to a heating problem.

Al Goetzl brought the meeting to order at 10:15am, and adjusted the agenda to reflect the conference call format. Gary Allen moved that the minutes from the Sept. meeting and Dec. call be approved, Kim Finch seconded it, and all approved them on a voice vote.

Don VanHassent provided an update on the 2016 Legislative Session, which started Jan. 13<sup>th</sup> and should end on April 11<sup>th</sup>. A busy session is expected, but only 200 of the expected 3000 bills are filed so far, and many more are expected. The forestry-related bill currently filed is House Bill 65, a Departmental bill to remove the sunset clause in Licensed Tree Expert legislation that moved from annual licensing to a biannual schedule. A hearing is scheduled 1/27 at 1pm by the House Environment and Transportation Committee. Other legislation is expected on Roadside Tree laws, Forest Conservation Act, County payments for DNR-owned land, and possibly the recently enacted continuing education requirement for Licensed Tree Experts. The Governor's budget will be introduced on Jan. 20, and the legislature can only cut, not add, to the request. Don Outen noted that was typical for the county budgets too. Discussion involved ways to address budgeting for forestry goals, and avenues included a supplemental budget request for a specific function, or new legislation similar to the bill that redirected Forest & Park Reserve Fund receipts. Kim Finch noted that a bill altering net tract area calculations for the Forest Conservation Act in Prince George's County is expected. Don V. agreed to distribute any forestry-related legislation once received, and expects to begin sending out weekly legislative updates next week. Gary Allen asked about the biomass energy bill that is expected, but it is not yet introduced.

Dan Rider gave an update on the Timber Harvesting Sediment and Erosion Control Plan guidelines, which are now final and go into effect on 7/1/16. The last official update was 1994, and a draft was published in 2005 for review and comment. Recent changes to the definition of Waters of the State and Waters of the U.S. have affected the manual, bringing greater uncertainty into identifying areas that will require buffers or other protective measures. Some of the changes in the revisions of the 2005 draft manual are:

- Buffer expansion formula changes from 4 ft for every 1% slope to 2% for every 1% slope, with the minimum remaining at 50 feet; this better reflects the recommendations from the original research.
- The proposed requirements for a lengthy variance process to allow harvesting of trees on ditches, a frequent feature in stands on the Eastern Shore was removed.
- No earth disturbance (e.g., roads, landings) is permitted adjacent to Waters of the State, which are expected to be of greater extent than the USGS topo map “blue line” standard previously used.
- The standards for stabilizing disturbed areas were tightened, moving from stabilizing critical areas (near water) within 7 days and remaining areas within 14 days of completion, to stabilizing critical areas within 3 days and remaining in 7 days. Stabilization would include seeding, spreading protective slash, and grading out large ruts.

The basic standard remains that forest harvesting must avoid delivering pollution to streams.

Dan Rider also explained a proposal to combine forest harvesting permits with Forest Stewardship Plans, similar to how agricultural operations are handled through Soil and Water Conservation Plans. He reviewed the timber buying process, where uncertainty in harvest restrictions could limit market value of timber or reduce number of competitive bids for private landowners, and the variability in process makes Maryland a less attractive source for forest product markets, most of which are regional. The proposal would not change any standards, just the process and timing of the forest harvesting sediment and erosion control permit. Timing would have to lengthen. Currently harvest permits are valid for 2 years, and Chesapeake Bay Critical Area approval is valid for 3 years; some counties have additional requirements through Planning and Zoning or Highway Departments. Forest Stewardship Plans cover 15 years, but most are inspected every 3 or 5 years, depending on the tax abatement program participation. The concept is currently supported by DNR leadership, MDE staff, and the Sustainable Growth Commission (based on recommendations from the Rural Economies Workgroup). The concept has been presented to Wildlife and Heritage Service and some Soil Conservation Districts for further discussion and development. The SFC discussed the concept, expressed general support, and requested a copy of the letter that the Sustainable Growth Commission has already sent to affected State Agency Department heads. Al suggested that the SFC edit the letter in their DNR advisory role, and send it to Secretary Belton.

Another issue discussed was the northern long-eared bat listing as Threatened under the Endangered Species Act. Dan Rider explained that the Final version of the 4d rule becomes effective in mid-February, and lays out a regional solution for providing greater protection for the bats. Al asked what impacts are expected in Maryland. Dan Rider said that most impacts are in Garrett and Allegany Counties, the location of 8 historically occupied hibernacula, which are now empty due to white-nose syndrome; these require a ¼ mile buffer even for unoccupied locations where harvest would be avoided during winter months, and are mostly located on State lands. Another hibernaculum is in northern Delaware, and the bats can travel hundreds of miles in seasonal migration. Other protection is required for 150 feet around known maternity roost

trees, larger trees with flaky bark or cavities; currently these are only known in Garrett County, but more survey efforts are expected around the state. Dan noted that the 4d rule considers forest management compatible with bat habitat, since the bats prefer semi-open woods, such as that created around logging roads, group selection cuts, and low basal area retention thinning. There is potential among the regulating agencies for variation in interpretation and uncertainty in harvesting potential.

Gary Allen updated the group on the previously authorized study on the Woodland Incentive fund to identify options for changes to the transfer tax allocation or better implementation of existing rules. The study was deferred while another task force completed a comprehensive review of State land preservation and easement acquisition. Gary requested a copy of the report, released in December 2015. He is waiting on a letter from the Committee Chair to extend the WIF task force for an additional year.

Don Outen brought up the proposed urban tree canopy definition for the Chesapeake Bay model, which would affect nutrient reduction credits for urban tree planting by local jurisdictions. Al requested that a copy of the proposal be distributed to the SFC.

Future meetings were discussed. March 22 will include a Tree Farm update by Kenneth Jolly; Al requested a 15-minute update on Chesapeake Bay model forest and tree canopy issues. Anne recommended Rob Feldt in the Forest Planning section cover current status of BMP verification, urban tree canopy definition and crediting, and forest/land cover mapping for MD. A May 24<sup>th</sup> meeting may be in Western MD and include a field tour, and Sept. 27 would be in Annapolis, followed by a possible conference call in December.

Al Goetzl adjourned the meeting at 12:15pm, deferring additional discussion on priority issues for a face-to-face meeting.

Respectfully Submitted,  
Anne Hairston-Strang  
MD DNR Forest Service