

# Laws Affecting Forestry Operations

---

*Best Management Practices  
for water quality while  
harvesting forest products*

# Laws Affecting Forestry Operations

## Regulation of Inland Water Resources

It is important for forest practitioners and agencies that grant permits or make jurisdictional rulings to work closely together so that opportunities to harvest timber at times when ground conditions are most favorable are not lost. Early in the planning process, forest practitioners and landowners must identify which state and local regulations apply, and all permits, jurisdictional rulings or permissions that must be obtained. When forest practitioners and landowners fail to apply for permits or rulings in a timely manner, it may result in the unnecessary delay of the timber harvest. In turn, agencies must act efficiently within the regulatory framework or realize that unnecessary delays might result in the timber harvest occurring when ground conditions are deteriorating.

Activities that occur within a **wetland** or **watercourse** or are in non-wetland and non-watercourses but may impact or affect a wetland or watercourse are called regulated activities and may require a permit. However, in accordance with the Connecticut General Statutes, many but not all forestry activities in wetlands and watercourses are permitted “as of right” and therefore are not regulated activities. As of right activities are described in Section 22a-40 of the Connecticut

**General Statutes.** Determinations of which activities are as of right may only be made by an Inland Wetland Agency.

When planning a harvest operation, the first step is to contact the local Inland Wetlands Agency for a jurisdictional ruling. Municipal Inland Wetland Agencies are legally entitled to review any non-state agency proposal, including forestry, and to request sufficient information about the operation to determine if it is regulated or qualifies for the as of right agriculture (forestry) exemption.

### **Certification of Forest Practitioners**

The Connecticut Forest Practices Act requires that those who advertise, solicit, contract, or engage in commercial forest practices within Connecticut at any time must be certified by the Department of Energy and Environmental Protection (DEEP) prior to doing so. A commercial forest practice is any activity undertaken in connection with the **harvest** of timber from a tract of **forest land** in excess of 50 cords, or 25,000 board feet, or 150 tons during any twelve-month period. There are limited exclusions for land clearing. Contact the Division of Forestry, (860) 424-3630, to determine which land clearing practices are exempt from certification.



Not all people who work in the woods are foresters. Forest practitioners may be certified at one of three levels: Forester, Supervising Forest Products Harvester, and Forest Products Harvester. Each level has a specific description of what activities they are permitted to conduct under the law.

### Forester:

- May plan or design forest practices, including forest management plans and silvicultural plans.
- May represent the landowner as agent in the sale of commercial forest products.

- May execute written or oral contracts or agreements for the purchase of commercial forest products from woodland owners.
- May supervise commercial forest products harvesting operation.
- May participate in the actual commercial forest product harvest operation.

#### Supervising Forest Products Harvester:

- May execute written or oral contracts or agreements for the purchase of commercial forest products from woodland owners.
- May supervise and participate in a commercial forest product harvesting operation.
- May mark trees as a means of clearly designating which are to be cut and/or which are to be left uncut.
- May plan and design an operational or harvest plan.

*Important note: Supervising Forest Products Harvesters may not make recommendations, either written or oral, concerning silvicultural principals and techniques; and they may not represent the landowner as agent in the sale of commercial forest products.*

Forest Products Harvester:

- May participate in the actual commercial forest products harvest operations.
- May provide direct on-site supervision to two uncertified people participating in the actual commercial forest products harvest operation.

*Important note: Forest Products Harvesters may not solicit the purchase of commercial forest products or execute contracts to purchase commercial forest products; may not make recommendations, either written or oral, concerning silvicultural principals and technique; may not represent the landowner as agent in the sale of commercial forest products; may not act in the buyers behalf in the supervision of a commercial forest products harvest operation; and may not mark timber for harvest.*

Contact the DEEP Forestry Division for further information on the Forest Practices Act and Forest Practitioner Certification.

**DEEP Division of Forestry, 79 Elm Street, 6<sup>th</sup> Floor, Hartford, CT**

**06106**

**(860) 424-3630**

**Online at: [www.ct.gov/deep](http://www.ct.gov/deep)**