

REGULATIONS
OF
The Kent Inland Wetlands Commission
Concerning
FOREST PRACTICES REGULATIONS

Section 1. Conduct of Forest Practices

(a) General

In order to establish and maintain a high standard of integrity, skills and practice in the conduct of forest practices, the following rules of conduct of forest practices shall apply to any forest practice conducted by a certified forest practitioner in the Town of Kent.

(b) Conduct of Forest Practices

When acting in his or her professional capacity, a certified forest practitioner shall:

- (1) Identify to any prospective client the party on whose behalf the certified forest practitioner is or would be working and who employs the forest practitioner.
- (2) Disclose to prospective clients the nature of those services which the certified forest practitioner can provide and all direct costs, indirect costs, or obligations which would be incurred by a client upon entering into such a contract or agreement for such services, including, but not limited to, hourly or daily rates and commissions.
- (3) Disclose to prospective clients any financial interest that the certified forest practitioner or his or her employer may have in the land on which he or she is working or in the timber found thereon.
- (4) Disclose to prospective clients the existence and nature of any exclusive contracts or obligations on the part of the certified forest practitioner to sell forest products to certain individuals or firms.
- (5) Advertise only in truthful manner, stating the services the certified forest practitioner is qualified and prepared to perform. Such advertisements may include references to fees charged.
- (6) Not knowingly make or issue a false statement or false information.

- (7) Not disclose information concerning the affairs of the forest practitioner's employer/client without the employer's/client's express permission, except as required by law.
- (8) At all times, hold paramount to the health, safety and welfare of the public and the environment.
- (9) In providing professional services, at all times:
 - (A) exercise independent judgment; and
 - (B) follow the requirements and procedures set forth in the applicable provisions of the Forest Practices Regulations of the Kent Inland Wetlands Commission, and any other law, regulation, permit, license, approval, or order issued pursuant to law.
- (10) Not pay or offer to pay any person, either directly or indirectly, any gift or other consideration as an inducement to violate the act or any regulations thereunder.
- (11) Advise his or her client in writing if the certified forest practitioner knows, or reasonably should know, of any action taken or decision made by such practitioner's client with respect to a forest practice related to such practitioner's professional services for such client that significantly deviates from any application required under section 23-65j-1 of the Regulations of Connecticut State Agencies or from the Act or these rules of conduct.

(c) Conflict of interest

A certified forest practitioner shall avoid any conflict of interest with an employer or client, but, should a conflict of interest become known to the certified forest practitioner, he or she shall immediately disclose in writing the facts and circumstances giving rise to such conflict to the employer or client.

(d) Compensation

A certified forest practitioner shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all parties in advance.

(e) Falsification and misrepresentation

A certified forest practitioner shall not knowingly overstate or permit overstatement of his/her academic or professional qualifications. A certified forest practitioner shall not knowingly exaggerate the extent of his/her responsibility with regard to forest practices in which such practitioner was involved.

(f) Fraud

A certified forest practitioner shall not engage in or participate in professional or business practices of a fraudulent or dishonest nature which relate to any forest practice.

Statement of Purpose: To govern the conduct of certified forest practitioners while performing forest practices within the Town of Kent.

Section 2. Forest practices

(a) Definitions

For the purposes of this section:

- (1) The following terms shall be defined as they are defined in section 22a-38 of the General Statutes and in the Kent Inland Wetlands Regulations: "**wetlands**", "**watercourses**".
- (2) "**Abutting landowner**" means the owner of any land located within 100 feet of the operating area on a site, except that land which is separated by a water body greater than 50 feet wide or by a publicly maintained road shall not be considered abutting land and its owners shall not be considered abutting landowners.
- (3) "**Act**" means the Connecticut Forest Practices Act, sections 23-65f through 23-65o of the General Statutes.
- (4) "**Acceptable growing stock**" means trees or seedlings of any commercially valuable tree species which are suitable for soil conditions found on a site and are suitable for reforesting a site, provided that such trees or seedlings are well formed, disease, pest and damage free, and, in the case of seedlings to be planted, that they are of a site specific phenotype.
- (5) "**Artificial regeneration**" means the planting of or sowing of seeds of acceptable growing stock to repopulate a site with trees.
- (6) "**Authorized activity**" means any activity authorized by the Kent Inland Wetlands Commission Forest Practices Regulations.
- (7) "**Certified forest practitioner**" means an individual certified as a forester, supervising forest products harvester or forest products harvester in accordance with section 23-65h of the General Statutes.
- (8) "**Commercial forest practices**": means any forest practices performed by a person other than owner of the subject forest land for remuneration, or which, when performed, yield commercial forest products.
- (9) "**Commercial forest products**": means wood products harvested from a tract of forest land in excess of fifty cords or one hundred fifty tons or twenty-five thousand board feet, whichever measure is appropriate, in any twelve-month period.

- (10) "**Commercial forest practitioner**": means any person who engages in commercial forest practices.
- (11) "**Commission**": means the Kent Inland Wetlands Commission.
- (12) "**Cover strip**" means forest land located adjacent to an area where forest practices are conducted or are proposed to be conducted and within which land forest practices are restricted in order to preserve environmental or aesthetic values.
- (13) "**DBH**" means diameter as measured at breast height, breast height being a point 4 1/2 feet above ground level.
- (14) "**Department**": means
- (15) "**Emergency forest practice**" means a forest practice initiated when immediate action is required to abate an imminent threat to public safety or the environment.
- (16) "**Erosion**" means detachment and transportation of mineral soil resulting from the action of water or wind.
- (17) "**Flagging**" means the hanging or tying of brightly colored plastic tape from trees within forest land at intervals such that flags are readily visible from flag to flag, but such intervals shall not be more than 100 feet; in addition, flagging may be used in a single location to designate a certain feature or object.
- (18) "**Ford**" means a crossing of a river, stream, brook or other body of flowing water which is accomplished by traversing through, rather than over, the body of water and without utilizing a bridge, culvert, fill, or other device or material.
- (19) "**Forest land**": means that portion of a parcel of land which constitutes a total of at least one contiguous acre on which there is no structure, maintained landscape area, access way or other improvement and which is (A) occupied in random distribution by trees having a minimum diameter of three inches as measured from a point on the trunk which is four and one-half feet above the ground such trees comprising at least seven and one-half square feet of basal area and the crowns of such trees occupying no less than fifteen per cent of the total area; or (B) which is planted with at least five hundred trees per acre and is not maintained for Christmas tree or nursery stock productions;
- (20) "**Forest practice**": means any activity which may alter the physical or vegetative characteristics of any forest land which is undertaken in connection with the harvest of commercial forest products unless such harvest is undertaken pursuant to the conversion of forest land to other uses and such conversion has been approved by the planning commission, zoning commission, or combined planning and zoning commission and, if applicable, the inland wetlands agency of the municipality within which such land is located.
- (21) "**Forest practitioner**": means any person who engages in forest practices.

- (22) "**Forest stand**" means a contiguous group of trees of the same species, general age or ages, and condition so that such group constitutes a homogeneous and distinguishable unit.
- (23) "**Harvest**" means to fell or excavate a tree, cut a tree to log length, transport a tree or log material to a landing or public road, or sort or stack log material at a landing.
- (24) "**Harvesting area**" means the area from which a tree is harvested.
- (25) "**Haul road**" means an access way created to provide a means of access for wheeled vehicles from a public road into the interior of a parcel of forest land.
- (26) "**Highway**" means a publicly maintained street or road which is accessible by a two-wheel drive automobile.
- (27) "**Landing**" means an area within or adjacent to an operating area used for temporary storage of harvested forest products.
- (28) "**Landowner**" means a person with an ownership interest in forest land.
- (29) "**Mineral soil**" means soil, other than dark-colored organic material consisting of decayed plant and animal matter.
- (30) "**Operator**" means a person who has primary responsibility for directing a forest practice. An operator shall be certified by the State of Connecticut in accordance with section 23-65h of the General Statutes as either a Supervising Forest Products Harvester or a Forester.
- (31) "**Operating area**" means the specific area in which an authorized activity takes place or will take place at a site.
- (32) "**Ordinary high water mark**" means a mark on the land caused by the presence and action of water, which presence and action is so common and usual and so long continued as to cause a distinction between abutting upland and the water body. Such mark is determined by examining the bed and bank of any water body and ascertaining thereon an abrupt change in the characteristics of soil or vegetation or slope of the land.
- (33) "**Person**": means any individual, firm, partnership, association, corporation, limited liability company, company, organization or legal entity of any kind, including any political subdivision of the state and including any state agency.
- (34) "**Reforestation**" means the natural repopulation or artificial restocking of an area with trees.
- (35) "**Regeneration harvest**" means the harvesting of a stand of trees in such a manner as to encourage the forest to produce a new stand of trees.
- (36) "**Applicant**" means a person who files a application.

- (37) "**Application**" means application of a harvest of commercial forest products on a form filed with the Commission.
- (38) "**Residual stand**" means trees remaining in a forest stand upon completion of a forest practice.
- (39) "**Rut**" means a groove, depression, or track worn into the soil by the passage of equipment or animals or by other means.
- (40) "**Sidecasting**" means the construction of a level surface by the removal of soil or fill from the up-slope side of a roadbed or landing and the deposition of such soil or fill on the down-slope side thereof.
- (41) "**Silviculture plan**" means a plan approved by a certified forester for the delineation of an operating area and the selection of trees for harvest within such operating area. A silviculture plan shall further the goals and objectives for the growth and development of the forest as stated by the landowner of the subject land. A silviculture plan shall have been derived from a careful analysis of data pertaining to the capability of the operating area to grow trees and the species, size, quality, age and number of trees on the operating area. Further, such plan shall conform to 'commonly accepted principles of forestry, forest science and forest management.
- (42) "**Site**" means geographically contiguous forest land owned by the same person(s). Noncontiguous forest land owned by the same person(s) and connected by a right-of-way which such person(s) controls and to which the public does not have access shall be deemed the same site.
- (43) "**Skidding**" means the transportation by any method of trees or log material from a harvesting area to a landing.
- (44) "**Skid road**" means a primary route of passage frequently used for skidding to the landing.
- (45) "**Skid trail**" means a secondary route of passage occasionally used for skidding to a skid road, or to the landing.
- (46) "**Slash**" means any woody vegetative waste resulting from a forest practice, including but not limited to, discarded logs, uprooted stumps, broken or uprooted stems, or branchwood.
- (47) "**Soil stabilization**" means the minimizing of soil erosion through best management practices in accordance with section (c) of these regulations.
- (48) "**State**" means the State of Connecticut.
- (49) "**Tract**" means an area composed of one or more contiguous sites.
- (50) "**Tree**": means a woody perennial plant usually having one self-supporting stem or trunk which has a definitely formed crown and is normally expected to attain a mature height of over twenty feet.

(51) "**Vernal pool**" means a body of fresh water which accumulates during the spring season and: 1. Is at least 650 square feet in area; 2. Contains water for approximately two months during the period of April through October; 3. Occurs within a defined depression or basin that lacks a permanent outlet stream; 4. Has no fish population; and 5. Typically dries out by late summer.

(52) "**Water bar**" means a ditch or bump in a trail or road that disperses surface water runoff so that it does not gain volume and velocity sufficient to cause erosion.

(b) Applicability

These regulations shall apply to all forest practices on all tracts, except that the provisions of subsection (e), below, and subsection (f), below, shall not be applicable to forest practices on state-owned lands managed by the Department of Environmental Protection-

(c) Best Management Practices for All Forest Practices

When conducting any forest practice, the operator shall assure compliance with the following requirements unless otherwise authorized in writing by the Commission:

(1) Cover Strips

(A) Cover strips shall be maintained adjacent to the operating area as follows:

(i) A cover strip of 75 feet in width when the forest practice occurs within 125 feet of a residence not owned by the landowner of the subject site unless such landowner has provided the applicant with a written statement to the effect that such a cover strip is not necessary.

(ii) A cover strip of 50 feet in width surrounding a vernal pool.

(iii) A cover strip of 75 feet in width, as measured from the ordinary high water mark, along all rivers, streams, brooks, lakes, ponds, and marshes. In the event that the land adjacent to the river, stream, brook, lake, pond, or marsh slopes upward towards the water, the operator shall maintain a cover strip with a minimum width of 25 feet.

(B) If more than one cover strip is required under subparagraph (A) of this subdivision, such strip shall be the widest therein required.

(C) If trees are to be harvested within a cover strip, at least 50% of the surface area within the cover strip shall remain covered by evenly distributed live tree crowns. If less than 50% of the surface area within the cover strip is covered by live tree crowns, no harvesting shall occur in such cover strip.

(i) This provision shall not apply to the harvest of trees within cover strip areas where such trees are dead or where such trees are threatened with imminent death due to insect or disease infestation.

(D) Within a cover strip, ruts more than twelve inches deep and more than two yards long shall be appropriately repaired and graded prior to the completion of a forest

practice, provided within a cover strip adjacent to a vernal pool, ruts more than four inches deep shall be appropriately repaired as quickly as ground conditions allow but no later than the completion of the forest practice.

- (E) Within the cover strip along a river, stream, brook, lake, pond, or marsh, logging vehicles shall not enter upon slopes exceeding 10 percent gradient. Grades in excess of 10 percent may be used if it can be taken to prevent undue erosion and sedimentation.
- (F) No landing, haul road, or skid road, other than a ford or other crossing, shall be established within the cover strip along a river, stream, brook, lake, pond, or marsh.

(2) Erosion

- (A) If mineral soil is exposed as a result of a forest practice and any portion of such soil may erode, such portion shall be stabilized by seeding with herbaceous cover appropriate to the time of year, riprapping, mulching, or other effective means which prevent erosion. Such stabilization shall be maintained during the conduct of the forest practice and left in a functional condition upon termination of such forest practice.
- (B) Upon completion of the use of a landing, haul road, skid road or skid trail for the conduct of the forest practice, all exposed mineral soil in the landing and, any section of such haul road, skid road or skid trail which may erode shall be stabilized by seeding with herbaceous cover appropriate to the time of year and any temporary structure for crossing a river, stream or brook shall be removed. Seeding shall be carried out so as to assure germination and survival of effective cover. If such cover may be disturbed by rain, water drainage, wind, or other conditions, mulch, hay or other similarly effective protective measures shall be applied in sufficient quantity and at sufficient intervals to assure germination and survival of effective cover. If seeding cannot be completed because of weather conditions, mulch, hay or other similarly effective protective measures shall be applied to the area until weather conditions permit seeding.

(3) Landings, haul roads, skid roads and skid trails.

- (A) Each landing, haul road, skid road, and skid trail shall be designed, constructed and maintained to prevent erosion and accumulation of standing water. Drainage systems shall be maintained when any forest practice is being conducted and shall be in a functional condition upon termination of the forest practice.
- (B) A haul road shall be designed, constructed and maintained to have grades of less than 10%, except for distances of 200 feet or less in which average grades of up to 20% may be maintained if no other reasonable alternative exists for such road.
- (C) A skid road shall be designed, constructed and maintained to have grades of less than 15 %, except for distances of 300 feet or less in which average grades of up to 25 % will be allowed if no other reasonable alternative exists.

- (D) Each haul road, skid road, and skid trail shall be designed, constructed and maintained to:
 - (i) be no wider than necessary to safely accommodate harvesting equipment;
 - (ii) minimize soil disturbance and the slope traversed by logging equipment; and
 - (iii) minimize sidecasting.
- (E) To prevent mud from being deposited on a paved publicly maintained road, an access apron constructed of mats, gravel, wood chips, bark or other suitable material shall be placed at the point of access to the forest land from such road as necessary. Because of possible damage to road and shoulders, permission shall be obtained from the Kent Board of Selectmen to move vehicles to and from the logging site over town roads.
- (F) If a haul road, landing, or skid road exists at the time a forest practice commences, no new such haul road, landing, or skid road may be created to facilitate such forest practice unless construction and use of such new haul road, landing, or skid road would result in less erosion or greater protection of site productivity or forest resources than use of the existing haul road, landing, or skid road.

(4) Wetlands and Watercourses

- (A) No watercourse or wetlands except wetlands comprised of soils described in the applicable soils survey published by the United States Department of Agriculture as being well drained or moderately well drained floodplain soils, shall be used as a landing.
- (B) Any river, stream, or brook crossing shall be designed and constructed at a right angle to the direction of water flow and to allow the flow of water within the river, stream, or brook to freely pass.
- (C) In the event that a river, stream or brook is to be crossed via a ford, such ford must be located at a point at which the channel bed is composed of gravel, rock or similar hard surface which will not be eroded or otherwise damaged.
- (D) Any structure constructed to cross a river, stream, or brook shall be anchored or constructed so that such structure will not move during periods of high water.
- (E) Every possible effort shall be made to locate and use alternative routes to avoid crossing a watercourse or wetland in the course of conducting a forest practice.
- (F) The banks of and approaches to any watercourse or wetland crossing shall be stabilized to prevent erosion. Stabilization measures shall include the placement of hay bales, silt fences, or other suitable treatments and shall be maintained during the conduct of the forest practice. Such measures shall be left in a functional condition upon completion of the forest practice.

- (G) The size and number of watercourse and wetland crossings at a site shall be minimized so as to prevent erosion while allowing the safe operation of forest practices.
- (H) A ford shall not be located within 1,000 feet up slope from a public water supply reservoir, as measured from its ordinary high water mark, and any river, stream, or brook crossing established within 1000 feet up slope from any such reservoir shall consist of a permanent or temporary bridge.
- (I) To the extent reasonably possible, trees shall be harvested in such a manner as to prevent the tree or any part thereof from entering or falling into any river, stream, brook, lake, pond, marsh or vernal pool.
- (J) Haul roads and skid roads shall not be located within 100 feet of a vernal pool unless specific permission to do so is first obtained from the Commission in writing.

(5) Slash and Other Waste Materials

- (A) All slash resulting from a forest practice shall be placed so as to prevent it from entering, by erosion, high water, or other natural forces, into a river, stream, brook, lake, pond or marsh. Slash resulting from a forest practice which enters a river, stream, brook, lake, pond or marsh prior to the completion of a forest practice shall be removed therefrom immediately.
- (B) Slash shall be placed no closer than 25 feet from any public road or any boundary of an abutting property. Slash within 100 feet of a public highway, residence, or commercial building shall be cut to a height not to exceed 4 feet.
- (C) Natural waste material resulting from a forest practice, such as soil or rocks resulting from construction or maintenance of a landing, haul road, skid road, or skid trail, shall not be disposed of in a cover strip abutting a river, stream, brook, lake, pond, marsh, or vernal pool.
- (D) Non-natural waste materials resulting from a forest practice, such as tires, crankcase oil, filters, grease or oil containers, shall be disposed of in accordance with all applicable laws and in no event shall be left or disposed of on the site.

(6) Tree Marking

Prior to commencing tree harvesting, trees 12 inches in DBH or greater shall be marked either to identify which trees will be harvested or to identify which trees will not be harvested. Such trees shall be marked approximately at DBH and again within four inches of the ground. Such marks shall normally be of tree marking paint or ink, shall be durable, and shall be applied in a manner so as to be highly visible, remaining visible until the registered forest practice is completed.

(7) Suspension of Forest Practice

Once commenced, if the operator suspends a forest practice and intends to suspend such practice for longer than 60 consecutive days or if a forest practice has been suspended for longer than 60, consecutive days, the operator shall immediately

stabilize all associated landings, haul roads, skid roads, skid trails, and river, stream, or brook crossings by means of erosion control measures in accordance with Forest Practices of the Kent Inland Wetlands Commission. If the completion of stabilization measures is not possible due to weather conditions, the operator shall complete such temporary stabilization measures as are appropriate until such time as weather conditions permit the full implementation of stabilization measures. Prior to recommencing such forest practice, the operator shall comply with all applicable requirements of these regulations.

(8) Completion of Forest Practice

The operator shall complete all stabilization measures required for the closure of haul roads, skid roads, skid trails, landings, and river, stream, or brook crossings upon completion of the forest practice or when such haul roads, skid roads, skid trails, landings, and river, stream, or brook crossings are no longer used in the conduct of the forest practice, whichever is earlier. If permanent stabilization measures are not possible due to weather conditions, the operator shall complete such temporary stabilization measures as are appropriate until weather conditions permit implementation of permanent stabilization measures.

(d) Requirements for Commercial Forest Practices

When conducting a commercial forest practice, the operator shall assure compliance with one or more of the following requirements:

(1) Regeneration Harvests

When conducting a regeneration harvest, the operator shall assure compliance with either subsection (A) or (B):

(A) (i) Within a stand being harvested, existing seedlings of acceptable growing stock shall be protected from damage during harvest operations so as to prevent interference with their survival and growth. All actions shall be taken which are necessary to ensure the survival and development of numbers of such seedlings adequate to repopulate the stand; and

(ii) Within the residual stand, there shall be acceptable growing stock in sufficient numbers and distribution to ensure its proper development and growth; or

(B) Where pre-established seedlings are not present immediately upon completion of a regeneration harvest in adequate numbers to repopulate the stand, the seedbed shall be prepared so as to ensure that adequate numbers of tree seedlings of acceptable growing stock from naturally or artificially supplied seed sources will become established within three years of completing such harvest.

(2) Artificial Regeneration

Within three years of the completion of harvesting, the harvested area shall be prepared for artificial regeneration and planted or sown with acceptable growing stock in numbers sufficient to reforest such area. All actions shall be taken which are necessary to ensure the survival and development of such stock.

(3) **Other Commercial Forest Practices**

With respect to a harvest which is not intended to regenerate an area pursuant to subsection (1) or (2), the operator shall assure compliance with the following requirements:

- (A) Within the residual stand, there shall be acceptable growing stock in sufficient numbers and distribution to ensure proper development and growth of such stand; and
- (B) Within a stand being harvested, trees to be retained shall be sufficiently protected from damage during harvest operations so as to prevent interference with their survival and growth. All actions shall be taken which are necessary to ensure the survival and development of such trees.

(e) **Emergency Forest Practices**

No prior application shall be required pursuant to section (f) for an emergency forest practice necessitated by and commenced during or immediately after a fire, flood, earthquake, or other catastrophic event. Any forest practice conducted under this subsection is subject to the requirements of Forest Practices of the Kent Inland Wetlands Commission, except that the landowner may take any reasonable action to minimize damage to forest lands, timber, or other forest resources from the direct or indirect effects of the catastrophic event. If such emergency forest practice is a commercial forest practice, the landowner shall notify the Commission within 48 hours of commencing such practice and provide an explanation of such emergency action and the necessity for such action. The landowner shall file an application pursuant to section (f) within 10 days of commencing any emergency forest practice if such practice involves a harvest of commercial forest products.

(f) **Application for a Permit to Harvest Commercial Forest Products**

(1) **Requirement for Application**

The following forest practices may not be conducted unless an application with respect to such practice is accompanied by a silviculture plan approved by a certified forester and is first filed with and approved by the Commission pursuant to this subsection:

- (A) The harvesting of commercial forest products; or
- (B) The construction of a road or other activity associated with the harvesting of commercial forest products, including, without limitation, any repairs to or alteration of a bridge or culvert or drainage structure or facility.

(2) **Scope of Application**

An applicant shall register on one application for every forest practice at a single site and for one time period for which forest practice(s) the applicant seeks authorization under this section.

(3) **Fee**

- (A) The application fee of \$110.00 shall be submitted with an application form:
- (B) An application shall not be deemed complete and no forest practice shall be authorized by this section unless the application fee has been paid in full.
- (C) The application fee shall be paid by check or money order payable to the Town of Kent.
- (D) The application fee is non-refundable.

(4) Application Form

A application shall be made on forms prescribed and provided by the Commission and shall include the following:

- (A) Legal name(s), addressees) and telephone number(s) of the landowner(s) of record of the land upon which the proposed forest practices are to occur.
- (B) Legal name, address and telephone number of the applicant, if different from the landowner. If the applicant is a certified forest practitioner, provide the applicant's certification number. If the applicant is a corporation or a limited partnership, provide the exact name as registered with the Connecticut Secretary of the State.
- (C) Legal name, address, and telephone number of the applicant's attorney-in-fact or other legally empowered representative, if applicable.
- (D) Legal name, address, telephone number and certification -number of any certified forest practitioner(s) retained by the applicant to prepare the application or to design, manage, or conduct the forest practice.
- (E) Legal name, address, telephone number and, if applicable, the forest practitioner certification number of the operator. Where the operator is unknown at the time the application is filed with the commission, such information shall be provided to the Commission no later than 3 days prior to the commencement of the forest practice.
- (F) Address of the site, where there is an address, otherwise reference should be made to the tax map of the town, specifying map, block and lot number.
- (G) The estimated duration of the subject forest practice.
- (H) A description of the subject forest practice, including the estimated commencement date of such practice.
- (I) A description of the applicable best management practices which will be implemented during the forest practice in accordance with section (c).
- (J) A description of any proposed variation(s) from the best management practices specified in section (c) and the justification for such variation(s).

- (K) A description of each forest stand to be harvested.
- (L) The color(s) of flagging materials or paint to be used in accordance with subsection (13)(A).
- (M) A description of the method of tree marking to be used at the site and color(s) to be used in accordance with subsection (c)(6)(A) and a description of the size, species, quantity and quality of trees to be cut which are less than 12 inches in DBH.
- (N) An 8 1/2 " by 11 " copy of the relevant portion of a United States Geological Survey (USGS) quadrangle map, with a scale of 1:24,000, showing the exact location of the operating area. Identify the quadrangle name and number on such copy.
- (O) A map of the site ("site map") of a scale sufficient to identify each proposed operating area; all legal boundaries which are located within 100 feet of each such operating area; each proposed skid road, landing, and haul road; each such river, stream, brook, lake, pond, marsh, forested swamp, and vernal pool which is within such operating area or which is outside such area but may be impacted by the subject forest practice(s); the boundaries of each operating area; any dwelling or other structure of any kind, if present, and the map/block/lot number(s) of the site from the local assessor's records.
- (P) The signature of a supervising forest products harvester or a forester certified in accordance with section 23-65h of the General Statutes who shall certify in writing as follows:

"I certify that, based on reasonable investigation, the forest practices which are the subject of this application are consistent the requirements of the Kent Inland Wetlands Commission to the best of my knowledge and belief. I am aware that there are significant penalties for false statements in this certification, including the possibility of fine and imprisonment for knowingly making false statements. "
- (Q) The signature(s) of the landowner(s) of record upon which the forest practices are to occur, the applicant, if different, and the individual(s) who are responsible for actually preparing the application, each of who shall certify in writing the following:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in the submitted information may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53-157b of the General Statutes, and in accordance with any other applicable statute.

(5) Notice to Abutting Landowners

The applicant shall send or personally deliver a notice to abutting landowners where the operating area is located. Such notice shall be sent or delivered after filing the application, but at least three days prior to the commencement of harvesting. The name and address of the abutting landowners shall be determined from the current municipal tax maps and/or assessment records. Such notice shall include the following:

- (A) Legal name(s), address(es), and signature(s) of the landowner(s) and the applicant, if the applicant different than the landowner.
- (B) A copy of the site map filed with the application.
- (C) A statement that a application has been filed with the Commission pursuant to the Forest Practices of the Kent Inland Wetlands Commission seeking authorization to conduct a forest practice.

(6) Where to File a Application

An application shall be filed with the Commission at the following address:

KENT INLAND WETLANDS COMMISSION
41 KENT GREEN BOULEVARD
KENT, CT 06757

(7) Correction of Inaccuracies

Within fifteen days after the date an applicant becomes aware of a change in any information in his or her application or notice or in any material proved in support thereof, or becomes aware that any such information is or was inaccurate or misleading or that any relevant information has been omitted, such applicant shall correct the inaccurate or misleading information or supply the omitted information in writing to the Commission and affected abutting landowner and the municipality where the operating area is located. The provisions of this subsection shall apply both while a request for approval of application is pending and after the Commission has approved such request.

(8) Additional Information

The Commission may require an applicant to submit additional information which the Commission reasonably deems necessary to evaluate the consistency of the subject activity with the requirements for authorization under the Regulations of the Kent Inland Wetlands Commission.

(9) Maps

Unless otherwise specified, all maps included with an application or notice shall be at least 8 1/2 " x 11 " but not larger than 17 " x 22 " in size and shall include a north arrow, the scale of the map, a readily identifiable land feature on a public road, a map legend, and a location map consisting of a 2 " x 2 " square portion of a photocopy of a state highway map attached with an arrow drawn upon it to indicate the site of the proposed forest practice.

(10) Action by the Commission

- (A) The Commission may reject without prejudice a application if he finds that it is incomplete or inconsistent with the requirements of sections 23-65(f) through 23-65(o) of the General Statutes or the Forest Practices of the Kent Inland Wetlands Commission or for any other reason provided by law. Any application refiled after such a rejection shall be accompanied by the fee specified in subsection (f)(3) of this section.
- (B) The Commission may disapprove a application if he finds that the subject forest practice is inconsistent with the requirements of section 23-65(f) through 23-65(o) of the General Statutes or the Forest Practices of the Kent Inland Wetlands Commission or for any other reason provided by law.
- (C) Disapproval of a application under this subsection shall constitute notice that the subject forest practice may not be conducted.
- (D) The Commission may approve a application with reasonable conditions. If the Commission approves a application with conditions, the applicant shall be bound by such conditions as if they were a part of the Forest Practices of the Kent Inland Wetlands Commission.
- (E) Not later than upon approval of a application for a forest practice on an operating area which may contain ridgelines and summits as identified in section 8-1aa of the General Statutes or on maps developed by the Department, the Commission shall advise the landowner of record and operator of the ecological and aesthetic values of ridgelines and summits and of voluntary measures recommended by the Commission, and upon the Kent Town Plan and Zoning Regulations which may be employed to protect such values.
- (F) Rejection, disapproval or approval of a application shall be in writing, and shall be mailed to the applicant by certified mail, return receipt requested.
- (G) The Commission shall reject, disapprove or approve a complete application within 30 days of its receipt, provided that the Commission may extend such time period by notifying the applicant in writing. Date of receipt of an application shall be the day of the next regularly scheduled meeting immediately following the day of submission, provided such meeting is no earlier than three business days after receipt, or thirty-five days after such submission, whichever is sooner. Such notice shall state the reason for and duration of such extension. Failure of the Commission to act on a application within the required time period shall not be considered an approval of such application.
- (H) Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Commission, be required to file a bond with such surety in such amount and in a form approved by the Commission. The bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit.

(11) Signage

The operator shall post a copy of the approval of the application so that it is readily visible to view from the nearest public road to the primary landing or main haul road entrance of the site. The copy of the approval shall be posted prior to the commencement of the forest practice and shall remain posted until the termination of the registered forest practice.

(12) Validity of Application

An approved application shall be valid for a period of one year. If the applicant wishes to renew such application he or she shall, at least 30 days prior to its expiration date, notify the Commission. The Commission may renew the application for one year without additional fee, or may reject the application. Such renewal or rejection shall be in writing.

(13) Additional Requirements

- (A) Prior to filing a application, the applicant shall identify the location and bounds of the proposed operating area. forest practice(s), landings, haul roads, and stream crossings by flagging or painting.
- (B) The applicant and the operator shall conduct the forest practice at the site in accordance with the approved application, the Forest Practices Regulations of the Kent Inland Wetlands Commission, and all other applicable laws.
- (C) The operator shall assure that each individual who participates in the subject forest practice is thoroughly familiar with the information contained within the application.
- (D) The operator shall notify the Commission within 10 days of the completion of the approved forest practice.

(14) Reliance of Application

In evaluating an application, the Commission relies on information provided therein. If such information should prove to be false or incomplete, the application may be suspended or revoked in accordance with law, and the Commission may take any other legal action provided by law.

(15) Duty to Provide Information

If the Commission requests any information pertinent to an approved application or to compliance with the Forest Practices Regulations of the Kent Inland Wetlands Commission, the applicant shall provide such information within thirty (30) days of such request.

(16) Duty to Correct and Report Violations

Upon learning of a violation of the Forest Practices Regulations of the Kent Inland Wetlands Commission, or section 23-65(f) through 23-65(o) of the General Statutes, the applicant and the operator shall immediately take all reasonable action to

determine the cause of such violation, to correct the results of such violation, to prevent further such violation, and the applicant shall report in writing such violation and such corrective action to the Commissioner with five (5) days of the discovery by either the applicant or the operator of such violation.

(g) Notice of Conversion of Forest Land

No less than ten (10) days before commencing a conversion of forest land exempt under section 23-65f(7), the owner(s) of record of the forest land shall submit notice of the conversion to the Commission. The notice shall be on a form provided by the Commission and shall include:

- (1) the map, block, and lot number(s) of the tract, as recorded by the assessor's office in the municipality where the tract is located;
- (2) the number of acres of forest land to be converted to other uses;
- (3) the month and year when the removal of forest vegetation from the tract is anticipated to begin; and,
- (4) copies of documents granting formal approval of the conversion of forest land to other uses by the planning commission, zoning commission, or planning and zoning commission and, if appropriate, the inland wetlands agency of the municipality within which the forest land is located.

(h) Commission's Powers

The Commission may take any action provided by law to abate a violation of the Forest Practices Regulations of the Kent Inland Wetlands Commission including but not limited to the commencement of proceedings to collect penalties for such violation. In the event of a violation of a application or of these regulations or for any reason provided by law, the Commission may revoke an authorization hereunder in accordance with Section 22a-3a-2 through 22a-3a-6, inclusive, of the Regulations of Connecticut State Agencies. Nothing herein shall be construed to restrict any remedy available to the Commission by law.

(i) Other Rights

Nothing in the Forest Practices Regulations of the Kent Inland Wetlands Commission shall relieve any person of the obligation to comply with any other applicable federal, state and local law, including but not limited to the obligation to obtain any other authorizations or permits required by such law.

Statement of Purpose: To govern forest practices within the Town of Kent.