

Article IX

Priorities and Time Requirements for Afforestation and Reforestation

§31-9.1 Sequences for Afforestation and Reforestation

A. After techniques for retaining existing forest on the site have been exhausted, the preferred sequence for afforestation and reforestation, as determined by the Department, is as follows:

(1) Forest creation in accordance with a Forest Conservation Plan using one or more of the following:

(a) Transplanted or nursery stock,

(b) Whip and seedling stock; or

(c) Natural regeneration where it can be adequately shown to meet the objective of the Department's Forest Conservation Technical Manual;

(2) Tree management plan within the Town of Easton's population center in conformance with Economic Growth, Resource Protection and Planning Act of 1992, or in any other designated area approved by the Department, the use of:

(a) Street trees as a permissible step in the priority sequence for afforestation or reforestation. Mature canopy coverage may be granted full credit as a mitigation technique, and

(b) Acquisition of an off-site protection easement on existing forested areas not currently protected in perpetuity as a mitigation technique, in which case the afforestation or reforestation credit granted may not exceed 50 percent of the area of forest cover protected;

(3) When all other options, both on-site and off-site have been exhausted, landscaping may be provided as a mitigation technique conducted under an approved landscaping plan that establishes a forest at least 35 feet wide and covering at least 2,500 square feet of area.

B. A sequence other than the one described in Subsection A of this article may be used for a specific project, if necessary, to achieve the objectives of the Town of Easton land use policies, or to take advantage of opportunities to consolidate forest conservation efforts upon approval by the Town of Easton.

C. The following are considered a priority for afforestation and reforestation:

(1) Those techniques that enhance existing forest and involve selective clearing or supplemental planting on-site;

(2) On-site afforestation or reforestation where the retention options have been exhausted, using methods selected in accordance with Subsection E of this section, and the location being selected in accordance with this subsection;

(3) Off-site afforestation or reforestation in the same watershed or in accordance with an approved master plan where the applicant has demonstrated that no reasonable alternative on-site exists, or where:

(a) Any on-site priority areas for afforestation or reforestation have been planted in accordance with this subsection; and

(b) The applicant has justified to the Department's satisfaction that environmental benefits associated with off-site afforestation or reforestation exceeds those derived from on-site planting.

D. In the cases cited in Subsection C of this section, the method shall be selected in accordance with Subsection E of this section and the location shall be selected in accordance with Subsection C of this section.

E. Standards for meeting afforestation or reforestation requirements shall be established using one or more of the following methods:

(1) Establish or enhance forest buffers adjacent to intermittent and perennial streams, and coastal bays and their buffers, to widths of at least 50 feet;

(2) Establish or increase existing forested corridors to connect existing forests within or adjacent to the site and, where practical, forested corridors should be a minimum of 300 feet in width to facilitate wildlife movement;

(3) Establish or enhance forest buffers adjacent to critical habitats where appropriate;

(4) Establish or enhance forested areas in the 100-year floodplains;

(5) Establish plantings to stabilize slopes of 25 percent or greater and slopes of 15 percent or greater with a soil K value greater than 0.35 including the slopes of ravines or other natural depressions;

(6) Establish buffers adjacent to areas of differing land use when appropriate, or adjacent to highways or utility rights-of-way;

(7) Establish forest areas adjacent to existing forests to increase the overall area of contiguous forest cover, when appropriate; and

(8) Use native plant materials for afforestation or reforestation, when appropriate.

F. Upon development project completion, the person required to provide afforestation or reforestation under this article shall accomplish it within one year or two growing seasons, whichever is greater.