

# Conservation Commission FAQs

## *Regarding Timber Harvesting*

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**1. Q What are the responsibilities of a Conservation Commission when they receive a Forest Cutting Plan (FCP)?**

**A** Once a FCP is received, a Conservation Commission is allotted 10 business days to review and comment on the FCP. The Conservation Commission should review the submitted FCP and notify the appropriate [DCR Service Forester](#) if any of the following should occur:

- Resource Areas appear to be inaccurately identified
- The limits of cutting or property boundaries are unclear
- Wetland or stream crossings are not depicted or depicted inaccurately
- The submitted FCP appears to allow for or sanction explicit or implicit change in land use from forest to some other use.

The Conservation Commission should notify the appropriate DCR Service Forester if any of the above should occur. All final decisions relative to the approval or disapproval of a Forest Cutting Plan will be made by a DCR Service Forester.

**2. Q Can a Conservation Commission comment on a Forest Cutting Plan or timber harvest while the operation is active?**

**A** At any point a FCP is active, the Conservation Commission can and should direct any questions or concerns regarding the FCP and associated timber harvest to their regional [DCR Service Forester](#).

**3. Q Should the Conservation Commission be reviewing a Forest Cutting Plan (FCP) in the field?**

**A** The submission of a forest cutting plan does not give permission to a Conservation Commission to enter an applicant's property. DCR Service Foresters conduct field inspections of FCP's prior to determination to ensure accuracy and regulatory compliance. The Service Forester may inspect the harvest area at any time while the FCP is valid. If requested, Conservation Commission agents can arrange an office meeting, or field meeting with prior landowner permission, with the Service Forester to review resource area boundaries and forest cutting activities.

**4. Q What happens if the Conservation Commission receives a Forest Cutting Plan (FCP), but has not had a chance to review the FCP before approval by DCR?**

**A** Ideally, both DCR and the local Conservation Commission should receive the FCP at the same time. Once received, each party is allotted 10 business days to review a FCP.

If the Conservation Commission meets irregularly and there are concerns over a plan that has already been approved by DCR, the Conservation Commission should contact their [DCR Service Forester](#).

**A** If a Conservation Commission did not receive a copy of the initial filing, they should contact their regional Service Forester. If the plan preparer cannot show proof of mailing, then the operation may be halted until the Conservation Commission is given their 10 business day review period.

**5. Q Who can I contact if I have questions or concerns regarding a Forest Cutting Plan (FCP)?**

**A** Conservation Commissions should contact their regional DCR Service Forester if any questions or concerns arise regarding a FCP. The Service Forester's contact information is provided on [DCR's website](#).

**A** Questions or concerns from town residents may be forwarded to the DCR Service Forester as well.

**A** Contact information can also be found on the orange FCP Certificate which should be clearly posted outside any active DCR approved timber harvest.

**6. Q Can a Forest Cutting Plan be changed or amended after approval?**

**A** Yes, a Forest Cutting Plan (FCP) can be amended as long as the FCP has not expired. In order to be flexible to changing operational conditions, it is important for the plan preparer to have the ability to amend a FCP. This allows the plan preparer and harvester to adjust to any unforeseen issues that may arise. All amendments must be approved by the Service Forester prior to application in the field. The Conservation Commission will receive copies of any amended FCP.

**7. Q How long is a Forest Cutting Plan (FCP) valid?**

**A** Once approved, a FCP is in effect for 2 years from its original submission date. The expiration date on the printed form of a FCP can be found next to the DCR Service Forester signature on an approved plan. Up to two, one-year extensions can be filed, making a FCP valid for a maximum of 4 years. FCP extensions must be approved by a DCR Service Forester.

**8. Q What action should the Conservation Commission take if a change of land use is believed to be planned for the property a FCP was filed for?**

**A** Prior to or during a harvesting operation, if the landowner is also filing a NOI or other documents requesting a change of land use, or there is any other evidence of a change of land use, Conservation Commissions should [contact](#) their regional DCR Service Forester.

**9. Q What is the purpose of Buffer and Filter Strips?**

**A** The purpose of a Buffer Strip under the Forest Cutting Practices Act is to maintain a forested appearance along roads.

**A** For the purposes of timber harvesting activity, the Filter Strip is an area of land adjoining the bank of a water body, where the cutting of trees and the disturbance of the ground are restricted in order to maintain conditions that shall help to infiltrate overland flow from precipitation into the ground and trap and sediments before they enter the water body.

**10. Q What should a Conservation Commission do should a violation occur?**

**A** If a Forest Cutting Plan (FCP) is in place, the Conservation Commission should coordinate with the appropriate [DCR Service Forester](#) to ensure compliance.

**A** If work is taking place in resource areas without an approved FCP, the conservation commission may issue an enforcement order stopping work. .

**11. Q Why are we getting several copies of the same Forest Cutting Plan (FCP)?**

**A** Conservation Commission should receive a copy of the FCP for the 10 business day review from the plan preparer. Once DCR has reviewed the plan, a copy of the approved or disapproved FCP will be sent to the Commission. Any copies of amendments or extensions will be sent to the Commission. A copy of the final report will also be mailed to the Conservation Commission from DCR.

**12. Q May Forest Cutting Plans (FCPs) be approved for commercial operations where the volume of all products is less than or equal to 25 MBF or 50 cords?**

**A** Yes, the landowner may file an FCP if they wish. If filing, they must comply with all Forest Cutting Practice Act regulations (304 CMR 16.00).

**13. Q What is a parcel of land under the Forest Cutting Practices Act?**

**A** Any contiguous area of land which is under one ownership. It may be made up of many individual lots and can be bisected by highways, roads, or streams.

**14. Q Who can issue a stop order under the Forest Cutting Practices Act?**

**A** The DCR Service Forester as agent of the Director may immediately shut down an operation that fails to meet the law or the regulations through the issuance of a stop order.

**A** If abutters are not notified, DCR may stop the harvesting in order for the notification procedure to be followed.

15. **Q** May work start after 10 business days without an approved Forest Cutting Plan (FCP)?
- A** Yes. However, if the landowner is operating under the provision to begin the harvesting operation after the 10 business day notification period has elapsed, the landowner shall not operate in wetland resource areas until the FCP has been approved by DCR.
16. **Q** Is an approved Forest Cutting Plan exempt from the Wetlands Protection Act?
- A** When wetland resource areas are properly identified, approved by DCR and the FCP is faithfully executed it is exempt from the WPA.
17. **Q** When filing a Forest Cutting Plan (FCP) on a property classified for taxation under Chapter 61 (or forestland under Ch61A or Ch61B) is there any special treatment needed?
- A** Yes, the cutting must conform to the "Forest Management Plan". It must also be prepared by a licensed Forester or the landowner of the property, and harvesting must be long-term in nature.
18. **Q** What is the difference between a "forest management plan" and a "forest cutting plan"?
- A** A forest management plan describes current forest conditions, and lists all operations planned on a property for a 10 year period. A cutting plan is an operational plan providing specific details of how a specific harvest will be done, including wetlands mapping, stream crossing and BMPs.
19. **Q** How often must the Service Forester inspect an operation?
- A** If resource areas, certified vernal pools or endangered species habitat are involved, the operation will be inspected at least once before a determination is made regarding the FCP. During a harvest the site may be inspected as often as deemed necessary. A Service Forester will do a final inspection once notified that the job is complete
20. **Q** Must abutting landowners be notified of a planned timber harvest under a Forest Cutting Plan (FCP)?
- A** Those with land within 200 feet of the cutting area and not separated from it by a public way, must be notified. Abutters are those on record with the assessor's office. The landowner notifies abutters using a [form](#) created by DCR.



Have More Questions? Please send them along [DCR.Forestry@mass.gov](mailto:DCR.Forestry@mass.gov)