

1501:3-10-01

Definitions.

For purposes of rules 1501:3-10-01 to 1501:3-10-07 of the Administrative Code:

- (A) "Accepted silvicultural systems" means any even or unevenaged management process that includes all the practices necessary to sustain a forest in a productive capacity. Practices include any cutting or cultural treatment necessary to replace and develop a forest stand.
- (B) "Application" means the submission of an online application, if available, or combination of the request for classification of forest land (DNR Form FT-066) and three signed agreement forms (DNR Form FT-7), an approved forest management plan, ~~three photo copies~~ one copy of an aerial ~~photos photo~~ or property plat, and ~~two copies~~ one copy of the previous year's tax bill. ~~One photo or property plat shall include information on roads, streams, major buildings, property boundaries, section lines, survey numbers, and township lines and shall serve as a map.~~
- (C) "Basal area" means the total cross sectional area of all live commercial species of trees expressed as square feet per acre and on individual trees, is measured at a point four and one-half feet above the ground.
- (D) "Best management practices" means those generally accepted measures and practices that meet minimum specifications in preventing soil erosion and other nonpoint source pollution. The "BMPs for Erosion Control for Logging Practices in Ohio (The Ohio State University Extension Bulletin 916, et. seq.)" shall define the generally accepted measures and practices per this paragraph.
- (E) "Certified forest land" means forest lands as specified in paragraph (P) of this rule that have been approved and certified by the chief for taxation in accordance with section 5713.23 of the Revised Code. This includes a forest land certificate issued by the chief that identifies the owner, parcel(s), qualifying forest land acreage, and copies of the declarations filed with the County Auditor of the county in which such lands are located, instructing the Auditor that the certified land shall be taxed the current value for land devoted exclusively to forestry under section 5713.23 of the Revised Code.
- ~~(F)~~(F) "Chief" means the chief of the Ohio department of natural resources, division of forestry; or the chief's designee.
- ~~(G)~~(G) "Clearcutting" means a silvicultural practice involving the removal of the entire standing crop as well as all other undesirable trees and vegetation down to a diameter of two inches measured at four and one-half feet above the ground from an area of five acres or larger in preparation for renewal of the forest.

~~(G)~~(H) "Commercial cutting" means any cutting prescribed by an approved forest management plan that produces merchantable forest products and where the costs of cutting are less than the revenues generated while maintaining the land in productive forest.

~~(H)~~(I) "Commercial species" means species of forest trees suitable to the site and climate that are capable of producing and regularly produce merchantable forest products. This definition excludes species considered to be invasive plants.

~~(H)~~(J) "Contiguous" shall refer to an eligible ~~tract, lot or~~ parcel where forest lands are adjacent or near each other. These may be separated by non-forest land owned and controlled by the owner, or federal, state, county or township roads, easements, rights-of-way, energy transmission corridors, or similar facilities, as long as vehicular access necessary for forest management purposes is not precluded ~~and the separation is not greater than one hundred twenty feet in width~~. Adjacent forest lands on two or more ~~tracts lots or~~ parcels under the same owner that together meet the qualifications specified in paragraph (A) of rule 1501:3-10-02 of the Administrative Code and otherwise meeting the definition of this paragraph shall be considered contiguous.

~~(J)~~(K) "Crop-tree release" means a non-commercial cutting process by which stand-specific objectives are established and "crop-trees" that will ultimately meet these objectives are identified throughout the stand. These crop-trees are then released from competition through the removal or deadening of adjacent trees that interfere with the crown of the crop-trees.

~~(K)~~(L) "Deferment cutting" means removal in one cut of all trees from an area, save a small number of mature trees. Residual mature trees will remain and be managed as a component of the new stand of trees.

~~(L)~~(M) "Division" means the Ohio department of natural resources, division of forestry.

~~(M)~~(N) "Examination" means a visit by the division for the purpose of verifying conditions for forest tax law classification or for checking plan compliance.

(O) "Family member" means spouse, son, daughter, stepson, stepdaughter, stepparents, son-in-law, daughter-in-law, grandson, granddaughter, father, mother, grandfather, grandmother, step-grandfather, step-grandmother, and legally adopted children. Partnerships, trusts, or limited liability corporations established by individual owners of certified forest land for the benefit of themselves or any other family members associated with the original certificate are also included in this definition.

~~(N)~~(P) "Forest land" means land for which the primary purpose is the growing, managing and harvesting of a merchantable forest product of commercial species under

accepted silvicultural systems through natural or artificial reforestation methods and for which there is an approved forest management plan. The forest land shall consist of a stand or stands of commercial species of forest trees which contain at least fifty square feet of basal area or at least three hundred stems per acre which shall be evenly distributed throughout the stand. Land otherwise meeting the definition of forest land per this paragraph but where such purposes are prohibited or made impracticable by ordinance, resolution, easement or other restriction are excluded from this definition.

~~(P)~~(Q) "Forest management plan" means a written document establishing direction and goals for the management of a specific forest land area. If not prepared by the division, the document must be developed by a professional consulting forester. The plan will specify all silvicultural practices and activities necessary to accomplish the merchantable production of a forest product, all practices that will minimize adverse environmental effects and will include but not be limited to the elements described in rule 1501:3-10-04 of the Administrative Code.

~~(P)~~(R) "Forest plantation" means a stand artificially reforested with a commercial species and established by planting or direct seeding. A plantation shall have at least three hundred live stems per acre evenly distributed throughout the site one full calendar year after reforestation.

~~(S)~~(S) "Forestry" means management of forest land.

~~(R)~~(T) "Forestry services provider" means a person offering any or all of the following services: tree planting, implementation of best management practices, buyer of timber, or implementation of a silvicultural activity. The chief may periodically prepare a list of forestry services providers that desire to have their name appear on such a list.

~~(S)~~(U) "Invasive plant" means an alien plant species whose introduction does or is likely to cause economic or environmental harm or harm to human health.

~~(P)~~(V) "Management" means an active physical role in enhancing stand quality, future productivity and environmental quality of forest land pursuant to forest management plan as specified in paragraph (Q).

~~(U)~~(W) "Master logger" means any company that has met the requirements set forth and been conferred master logger status by the Ohio forestry association.

~~(V)~~(X) "Merchantable forest product" means maple syrup, timber or pulpwood, including veneer bolts, sawlogs, poles, posts, chips, and fuelwood, that is produced on forest land, has a value in the market and may be sold. This definition excludes Christmas trees.

~~(W)~~(Y) "Non-commercial cutting" means the costs of cutting exceed any revenues generated. This includes those practices that improve the vigor and productivity of the remaining stand by cutting non-commercial species; such cutting may involve removal of merchantable products if it is incidental to the cutting.

~~(X)~~(Z) "Non-commercial species" of trees means forest trees that do not regularly produce merchantable products and include but are not limited to the following species: (1) Cornus spp. (dogwood); (2) Carpinus caroliniana (American hornbeam); (3) Ostrya virginiana (ironwood); (4) Asimina triloba (pawpaw); (5) Cercis canadensis (redbud); (6) Amelanchier spp. (service berry); (7) Oxydendrum arboreum (sourwood); (8) Salix spp. (willow); (9) pomaceous trees; and (10) invasive plants.

~~(Y)~~(AA) "Nonpoint source pollution" means pollution of waterways or ground waters by a pollutant or pollutants whose source is from a broad area and cannot be attributed to a single defined point.

~~(Z)~~(BB) "Owner" includes, but is not limited to, any person, persons, or trust owning in fee simple, fee tail, or life estate.

~~(AA)~~(CC) "Professional consulting forester" means a person attaining the credential of certified forester as conferred by the society of American foresters or a person who is a member of the association of consulting foresters, or a person with a bachelor's degree in forestry who has been certified by the chief for the purposes of rules 1501:3-10-01 to 1501:3-10-07 of the Administrative Code. The chief may periodically prepare a list of persons meeting this definition, ~~that desire to have their name appear on such a list.~~

~~(BB)~~(DD) "Selection cutting" means the removal of selected trees throughout the range of merchantable sizes at regular intervals either singly or in groups (group selection) of up to five acres in size to produce a merchantable forest product and enhance the quality of the residual stand.

~~(CC)~~(EE) "Seed-tree cutting" means the removal in one cut all trees from an area, save for a small number of mature trees for seed production. Residual trees may be left as individuals or small groups. The residual trees will be removed after the establishment of a new stand of trees.

~~(DD)~~(FF) "Shelterwood cutting" means removing a significant portion (generally one-half to one-third) of the mature trees in one cut from an area, with the remaining trees providing a source of seed and shelter for a new stand of trees. Residual mature trees will be removed after the establishment of the new stand of trees.

~~(EE)~~(GG) "Silvicultural activity" means any management activity that controls the establishment, composition, constitution, growth and productivity of forests.

~~(FF)~~(HH) "Stand" means an aggregation of trees occupying a specific area and sufficiently uniform in species composition, arrangement or condition so as to be sufficiently distinguishable from adjacent stands.

~~(GG)~~(II) ~~"Tract, lot or parcel"~~"Parcel" means an identified area of land described and recorded on one deed.

Effective:

Five Year Review (FYR) Dates: 11/13/2018

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 1503.01, 5713.24
Rule Amplifies: 5713.24
Prior Effective Dates: 02/16/1993, 01/09/2004, 05/11/2009