

## **Forest Threats: It's More Than Fire and Insects!**

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## **Forestry in Virginia**

- 15.7 million acres of forest land
- 12.2 million acres are privately owned
- 373,000 individual forest landowners
- Landowners receive \$350 Million per year for harvested timber
- 144,000 Virginians are employed in forestry related industry jobs

Source: Virginia Department of Forestry



## Forestry in Virginia

- 3 percent of all Virginia workers are employed in forestry-related industry jobs
- Forestry generates \$23.4 Billion annually in total industry output
- Societal and ecological benefits of forestry contribute another \$4.1 Billion annually

Source: Virginia Department of Forestry

## Threat to the Forest Land Base

- Experiencing a net loss 27,000 acres per year
- Virginia could lose 1 million acres of forest within the next 25 years
- Is changing ownership a threat?

Forest industry divesting of lands

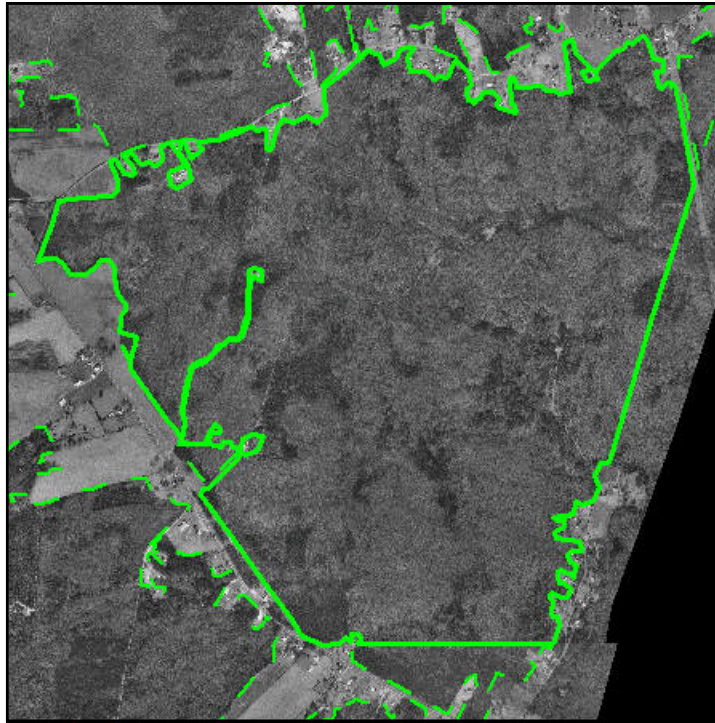
TIMOs – Timber Management Investment Organizations

REITs – Real Estate Investment Trusts

Family forest lands changing hands

## Forest Fragmentation

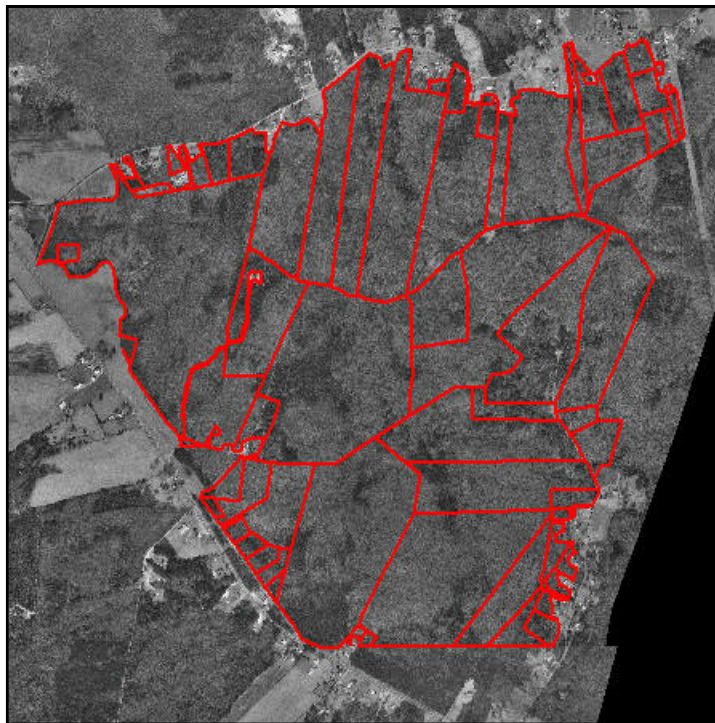
- The breakup of larger forested tracts into small parcels that are owned by more people
- More difficult to manage forests on small parcels
  - Logging
  - Tree planting
  - Control burning
  - Nearby neighbors



**Forest  
Patch**

**Louisa  
County**

**698  
acres**



**Forest  
Patch**

**->**

**Forest  
Parcels**

**65**

**parcels,  
10 ac  
average,  
range 0.1  
to 90 ac**

## Right to Practice Forestry: Purpose of Law

- Address conflicts between rural/urban neighbors
- Protect landowners from nuisance complaints
- Prevent localities from passing ordinances against normal forestry practices



## Right to Practice Forestry Law

- Enacted in 1997  
Code of Virginia §10.1-1126.1
- Also known as Private Forestlands Conservation Act
- Activity must be conducted in accordance with silvicultural best management practices published by the VA Dept. of Forestry
- Prohibits counties adopting ordinances that require a permit or fee

## Right to Practice Forestry Law

- Review by zoning administrator allowed
- Land must remain in forest use or convert to agriculture use after the timber is harvested (no rezoning)
- Does not affect requirements imposed by Chesapeake Bay Preservation Act

## York County, Virginia Ordinance

- Standards for forestry operations
- Management plan must be approved by the VDOF and county zoning administrator
- Buffer requirements
- Heritage, memorial and specimen trees protected
- Streamside management zones

## Dail vs. York County

Landowner challenged York County's forestry ordinance in 2000:

- Requires that zoning administrator approve forest management plan prior to harvest (constitutes a permit?)
- Buffer areas where clearcuts prohibited
- Stream side buffer in conflict with state forestry BMPs requirements

## Dail vs. York County

Court findings:

- County “approval” of management plan not a “permit”
- Prohibition of clearcutting in buffers not a prohibition of harvesting, since some thinning of timber is allowed in buffers
- BMPs are voluntary (not regulation) in Virginia, and do not have the force and effect of law, so localities may impose additional regulations

## Right to Practice Forestry

- James City County
- Clarke County
- Prince William County
- New Kent County (draft)
- Prince Edward County (draft)
- Roanoke County (defeated)
- Lancaster County (considered)
- What’s next?

## Property Rights

- Eminent Domain Laws – government taking of private property
  - Federal – “Kelo-like” taking
  - 2009 Virginia Constitutional Amendment HJ 725 and SJ 290
  - Establishes what constitutes a taking of private property for public use vs. economic development purposes



## Death Taxes – Federal

- Federal Death Tax reform gradually scaled tax down and tax drops to zero in 2010
- In 2011, the reform expires and the Death Tax returns to 55% with a \$1 million exclusion
- Current administration may block the 2010 temporary death tax elimination with legislation

## Estate Tax - Virginia

- Virginia Estate Tax repealed effective July 1, 2007 – great news!
- 2009 General Assembly session has 3 bills that would undo the Estate Tax repeal after July 1, 2009 (2 bills have been defeated)
- Death Tax penalizes family forest ownerships
- Instigates undesired land-use change as heirs must sell family land to pay the tax



## Other Threats

- With budget cuts, landowner assistance and cost share programs could be at risk
  - Virginia Department of Forestry staff and services
  - Virginia Cooperative Extension
  - Reforestation of Timberlands Program
  - Land Use Taxation
  - Riparian Buffer Tax Credit

## Other Threats

- Viability of the logging industry
- Shortage of qualified resource professionals (foresters, wildlife ecologists, other natural resource specialists)
- “Nature-Deficit Disorder”
- The economy  
Sawmills, paper mills, land and timber values



## What Can We Do?

- Be informed on the issues!
- Participate in Forestry and/or Agriculture Associations
  - Virginia Forestry Association
  - Tree Farm/American Forest Foundation
  - Virginia Agribusiness Council
  - Virginia Farm Bureau
  - Forest Landowner Association (SE United States)

## What Can We Do?

- Participate in the process – know who serves you in public office (or serve yourself!)
  - County Board of Supervisors
  - County Planning Commissions
  - Board of Forestry
  - Reforestation of Timberlands Board
  - General Assembly
  - United States Congress

