

Chapter 114

**TIMBER HARVESTING**

[HISTORY: This Chapter is a compilation of Chapters 65 and 114 with revisions. Chapter 65 Logging Operations adopted by the Town of Henniker 3-28-1978. Chapter 114 Timber Cutting adopted by the Town of Henniker 2-16-1993. Amended 11-9-2010]

**~114-1 Purpose**

The purpose of this chapter is to clarify the administrative requirements to be overseen by office personnel when processing a Notice of Intent to Cut and to establish uniform submission of material by owners, loggers, or harvesters of forest products per RSA 79:10, pursuant to the authority conferred by RSA 47:17,VII and 236:10, in order to promote the public health and safety for the general welfare of the citizens of the Town of Henniker, the following chapter is hereby enacted.

**~114-2 Jurisdiction**

All lands devoted to forest growth owned or administered by private person(s), corporation(s) or organization(s) or by any federal, state, county, municipal or other public agency.

**~114-3 Filing of Notice of Intent to Cut**

- A. Pursuant to RSA 79:10, a Notice of Intent to Cut shall be filed with the Town of Henniker prior to the operation commencing.
- B. To allow for an inspection to determine the veracity of the Report of Cut, the owner shall submit a tax map showing the areas to be cut and shall designate seasonal/permanent wet area(s), landing area(s), and the egress onto a town road(s) to be used during the logging operation. Individuals shall so shade the property as to provide the Selectmen an overview of the items so noted above. The map(s) shall become part of the file.
- C. The logger shall abide by the NH Code of Administrative Rules; Env-Wt 304.05 Logging Operations and Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire.

**~114-4 Road Bonding**

If so decided by the Highway Superintendent/Road Agent, the applicant shall submit to the Treasurer a bond or other surety in an amount determined by the Highway Superintendent/Road Agent sufficient to cover the cost of any repairs required to the roads used to move the timber.

- A. It shall be unlawful for any person, partnership or corporation to haul, transport or cause to be hauled or transported any logs over town highways, streets or roads without a signed Intent to Cut from the Board of Selectmen. The use of these roads may require a road bond approved by the Highway Superintendent/Road Agent or the Board of Selectmen to secure the repair of said highways, streets or roads damaged as a result of logging operations in any amount and surety sufficient to cover the estimated costs of repair as determined by the Highway Superintendent/Road Agent or designee.
- B. In the event of any violation of the provisions of this article, a person shall be guilty of a violation and shall be fined \$100 for the first offense, and \$250 for subsequent offenses, with each day constituting a separate offense, and shall be liable for any costs to repair, remedy, or otherwise return the road to an acceptable and stable condition, as determined by the Highway Superintendent/Road Agent and the Board of Selectmen.

**-114-5 Class VI Roads**

If the property to be harvested is on a Class VI road, the landowner/logger must file a Permission to Haul over a Class VI Road form, which is approved by the Highway Superintendent/Road Agent and the Board of Selectmen before hauling on said road.

**~114-6 Security bond**

Pursuant to RSA 79:10-a II, a security bond may be required which will be payable prior to the Board of Selectmen signing the Notice of Intent to Cut. Effective August 7, 1998, RSA 79:10-a II states in part, that "No owner required to furnish a bond ...shall commence to cut until such owner has posted the bond or other security....No owner...shall be required to post a bond...unless the owner owes the town timber taxes or property taxes."