

FOREST RESERVES, CLASSIFICATION
Act of Jun. 5, 1913, P.L. 426, No. 284
AN ACT

Cl. 32

To classify certain surface lands as auxiliary forest reserves; to prescribe the terms and conditions for their continuance in said classification, or their withdrawal therefrom; and to provide for the expenses attendant thereon.

Compiler's Note: Section 302(h) of Act 18 of 1995, which created the Department of Conservation and Natural Resources and renamed the Department of Environmental Resources as the Department of Environmental Protection, provided that the Department of Conservation and Natural Resources shall exercise the powers and duties conferred upon the State Forestry Reservation Commission by Act 284 of 1913.

Section 1. Be it enacted, &c., That in order to encourage the growing of such trees, now existing or hereafter produced, as will at the proper age be suitable for merchantable forest products, whether such be of natural reproduction or from seed sown, or trees planted out, or all combined, all surface land which may be set apart according to the provisions of this act, and exclusively used for growing such trees, is hereby constituted a separate and distinct class of land, to be known as auxiliary forest reserves.

Section 2. When any owner of surface land desires to have such land placed in the class established by section one of this act, such owner shall notify the State Forestry Reservation Commission of his desire in manner and form to be prescribed by said commission. Said notice shall contain a description of the land, its location, boundary, area, and character, and shall state as far as practicable the species, character, and condition of the trees growing thereon, and whether they are of natural reproduction or are from seed sown for the purpose, or have been set out on said land, or all combined, and such other information as the commission may require. If, upon receipt and consideration of this notice, the commission shall, in its discretion, deem the conditions such as to warrant action on its part to determine whether such land should rightfully be placed in the class established by section one of this act, it shall cause the same to be examined by some person learned in the practice and principles of forestry, and a report made thereon, and if, upon receipt and consideration of such report, it decides that such land should be placed in the class established by section one of this act, it shall so declare and certify to the commissioners of the county in which said land is located.

Section 3. Upon receipt by the county commissioners of such certificate of the commission it shall be their duty at once to place said surface land in the class established by section one of this act, and keep the same therein until the trees growing thereon shall, in the judgment of the commission, become sufficiently large and suitable for merchantable forest

products, or the land be devoted to other purposes: Provided, however, That the certificate of the commission shall not become operative to place said surface land in the class established by section one of this act until the owner of said surface land has agreed, in writing, with the commission, to care for the trees growing thereon, according to the instructions and directions of the commission, up to such time as such trees become suitable for merchantable forest products; and if any such owner at any time fails to care for the trees growing on said land as agreed with the commission, and due proof thereof is made, the commission may remove said surface land from the class established by section one of this act. In case of such removal, either through failure of the owner to care for the trees or on his expressed desire for removal before the trees shall have been cut at maturity and tax paid thereon, the county commissioners shall, on notice from the commission, proceed to recover from said owner, for the use of the county and township, by an appropriate action at law if necessary, the difference in the amount of tax which would have been paid by the said owner at the rates established for the years for which recovery is sought and the rate provided for auxiliary forest reserves, with costs of suit, to be recoverable from the time when such land was placed in the class of auxiliary forest reserves. And the commission shall remove said surface land from the class established by section one of this act at any time that the then owner shall, in writing, notify the commission that he desires such removal. The commission may, in its discretion, at the time said surface land is placed in the class established by section one of this act, require the owner to file with the commission his or its bond, of such kind and amount as the commission shall deem reasonable and sufficient to secure the obligations of such owner under this act.

Section 4. Whenever trees growing on said surface land have become suitable for merchantable forest products, the commission shall, at the request of the owner or on its own motion, make an examination of said land, and designate for the owner the kind and number of trees most suitable to be cut, if, in the judgment of the commission, there be any, and the cutting and removal of said trees so designated shall be in accordance with the instructions of the commission.

Section 5. If the owner of said surface land faithfully carries out the instructions of the commission with regard to the removal and marketing of such mature or other trees, as may be designated in the instructions of the said commission, and shall immediately replant other trees of valuable species, or so protect the young growth that the said land may immediately become covered with young forest growth, and does so with the approval of the commission, then such surface land shall remain in the said class, established by section one of this act; otherwise, the commission shall notify the county commissioners that the said land is not being maintained in accordance with the written agreement of the owner and the instructions of the commission, in which event the county commissioners shall immediately remove said land from the class established by section one of this act. All expenses attendant upon the

examination of the said surface land by the commission shall be paid for out of the moneys appropriated for the maintenance of the Department of Forestry, in like manner as other expenses for maintenance of said department are now paid.

Section 6. The owner of the said auxiliary forest reserves shall, at all times, have the right to remove therefrom trees, or portions of trees, which may be killed by fire, thrown or broken by the wind, or injured by other natural causes; and shall, under the direction of the commission, be privileged to make necessary thinnings or removal of undesirable species of trees, in order to improve the condition of the remaining trees; and, under the same direction, may be privileged to remove therefrom such timber, from time to time, as may be necessary and essential for use upon the neighboring cleared lands of the said owner, for general farm purposes.

Section 7. Any tract of land while remaining in the class of auxiliary forest reserves as above provided, may, nevertheless, be sold or incumbered by or through the owner thereof, but no sale or incumbrance, whether voluntary by the owner or involuntary under any statutory or judicial proceeding whatsoever, whether of any State or of the United States, shall effect a discharge of any obligation imposed under this act, and said land shall be removed from said class only in accordance with the provisions hereof.