
BUFFER & FOREST EASEMENT INTRUSIONS

INTRODUCTION

To have a healthy aquatic ecosystem forest should cover a minimum of 45% of a watershed and a 100-foot forest buffer should extend from both sides of at least 70% waterways. Land development for shopping centers, homes, highways, etc. is the major cause of forest and buffer loss in the Chesapeake Bay watershed. In response, many Bay watershed jurisdictions - federal agencies, states, counties, municipalities, etc. - have adopted laws requiring retention of upland forest and/or aquatic resource buffers. The forest stand and buffers are usually placed in an easement where trees and other vegetation is protected forever. However, the protection only works if adjoining property owners know the easement exists and that it serves a very important purpose. This factsheet describes how to determine if anyone has encroached upon an easement and, if so, what to do about it.



FOREST & BUFFER EASEMENT MAPS

To learn if forest easements are required in your area contact the local planning and zoning office. The office staff can also tell you how to find maps showing easement boundaries. In [Maryland](#), watershed advocates can obtain maps showing forest easement boundaries from two main sources:

- MERLIN: <http://www.mdmerlin.net/>; and
- PLATS Online: plats.net.

For further detail on using these resources click: [Maryland Easement Research](#). Also, many local governments have GIS systems providing easement information. Other Chesapeake Bay watershed states have similar statewide or local GIS systems. And, of course, there's always the approved plans for a proposed development project. Finally, the [U.S. Army Corps of Engineers](#) Regulatory Branch posts public notices of approved impacts which contain maps showing buffer areas.

HAS AN INTRUSION OCCURRED?

If you succeed in obtaining a map of the easement then go to one of the online aerial photo sites like Google Earth, Bing, etc. Closely examine the area within the easement boundary for any indication of tree clearance, road building or other intrusions including structures like a shed. Some sites, like Google Earth, allow you to look at aerial photos dating back as far as the 1990s. Compare a photo taken just after development activity was completed with the most recent photo. Again, do you see any indication of a decrease in the tree line or other disturbances. Examples of how to compare easement plans and aerial photos will be found on the other side of this factsheet.

IF YOU FIND AN INTRUSION

Your local planning and zoning office will frequently be the enforcement authority for easements or they can tell you who is. You should notify the enforcement authority of an any

intrusion you find.

EDUCATING NEIGHBORS

It is not uncommon for an easement to extend into the backyard of a new home. Yet, incredibly, you seldom see intrusions into the easement. The most common disturbance is clearing the understory to create an open area beneath the tree canopy, which is prohibited by most easements. While the deed or homeowners association bylaws will inform residents that the easement is not to be disturbed, few buyers take the time to read these documents in detail.

Some local governments post signs along easement boundaries as a reminder. But this is time-consuming and a difficult practice to maintain for overworked agencies. It is for this reason that you may wish to consider volunteering your time to help with the education. Ask the enforcement agency if they have a brochure or other guidance literature you could distribute to homeowners.

