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**This is a supplement to the Citizen's Guide
which provides basic information about
Adirondack Park Agency regulations.**

FORESTRY USE INVOLVING WETLANDS

While forest management activities are not generally regulated by the Agency, certain forestry uses involving wetlands may be affected by Agency regulations implementing the New York State Freshwater Wetlands Act and the APA Act. The purpose of this guidance is to clarify regulatory requirements for individuals seeking to conduct forest management activities.

Protected Wetlands and Their Delineation

Defined in §802 of the Adirondack Park Agency Act, "Wetlands means any land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh which are either (a) one acre or more in size or (b) located adjacent to a body of water, including a permanent stream, with which there is free interchange of water at the surface, in which case there is no size limitation."

Wetlands are further defined in 9 NYCRR §578.3 of the Agency's regulations. Criteria for identifying and delineating wetlands are provided in the New York State Wetland Delineation Manual (<http://www.apa.ny.gov/Documents/Guidelines/WetlandDelineationNYS.pdf>). Direct or indirect evidence of three factors (wetland hydrology, hydrophytic vegetation and hydric soils) must be present for an area to be determined a wetland.. It should be noted that many wetlands do not have standing or open water.

The Agency has wetland maps for most areas of the Park available on the "Shared Adirondack Park Geographic Information CD-ROM." These maps are advisory only and should not be used to confirm the exact presence or location of wetlands, nor any exact boundary for determining Agency jurisdiction. For specific locations, the Agency will determine whether wetlands are present upon the request of any person having a legal interest in the property. These determinations involve examination of maps at Agency headquarters, air photo interpretation, and/or field visits by Agency wetland biologists. These determinations can be arranged by calling the Agency at 518.891.4050. Wetland delineations can also be performed by other qualified wetland scientists but may be subject to verification by Agency biologists.

Non-Regulated Forestry Uses Involving Wetlands

As stated in 9 NYCRR §578.3(n)(4)(ii)(d), selectively cutting timber and *constructing* and using *skid trails* for removal of such timber is not a regulated activity in wetlands and therefore does not require an Agency permit. Skid trails are those trails used by skidders and forwarders.

Constructing skid trails includes and encourages:

- The use of "fiber mats" constructed of tree branches less than 6 inches diameter;

- The use of tree branches 6 inches in diameter and larger for *temporary* corduroy;
- The *temporary* use of rubber mats, pallets, or bridges over wetlands; or
- Other Best Management Practices (BMP) used to prevent ruts and which the Agency has determined pose no threat of adverse impacts on the physical, chemical or biological properties of a wetland.

These actions all seek to reduce the amount of rutting that can negatively alter the hydrology of wetlands. In extreme cases, networks of ruts in wetlands created by skidder trails could be considered a form of draining wetlands that would require an Agency permit or result in enforcement action.

Temporary in this instance means one year, or the length of time harvesting equipment remains on the same tract as the constructed skid trail, whichever is shorter.

Other non-regulated forestry uses involving wetlands include Agency-defined clearcuts less than 3 acres in size (9 NYCRR §573.7(a)(1)), constructing trails and wood roads with only ice and snow, and the lopping of the tops of trees felled in wetlands.

Stripcutting in coniferous wetlands is allowed without a clearcut permit if the alternating linear strips to be clearcut are:

- More than 50 feet from the mean high water mark of any lake, pond, river, or stream;
- Are 100 feet or less in width; and,
- Are not cut again for at least 10 years after being clearcut.

Examples of Forestry Uses Involving Wetlands That Require An Agency Permit

- Agency defined clearcuts greater than 3 acres in size in wetlands;
- Temporary or permanent fill for temporary or permanent roads, wood roads, haul roads, landings, etc. in or impacting wetlands. Wood road is defined in 9 NYCRR §578.3(v) as any road used for forest management purposes or related fish and game activities, not intended for use by the general public, and simply constructed by grading, and/or corduroying, without extensive finish or maintenance work;
- Temporary or permanent bridges over wetlands for temporary or permanent roads, wood roads or haul roads;
- Draining, dredging or excavation of any kind.
- Disposal of stumps, tops and slash in wetlands.
- Grubbing or removal of stumps in wetlands.

If you are not certain whether a forestry use in wetlands needs an Agency permit, please submit a Jurisdictional Inquiry Form (available at www.apa.ny.gov) or contact the Agency's wetland biologist or forester.

Wetland Best Management Practices

Wetland BMPs are designed to reduce potential adverse impacts of forest management activities on wetlands. The following websites, assembled by the Wisconsin Department of Natural Resources and the National Council for Air and Stream Improvement, Inc., respectively, contain many BMPs that can be used to protect wetlands:

<http://www.dnr.state.wi.us/forestry/Usesof/bmp/bmpownerguides.htm#3>

<http://www.forestrybmp.com/>

New York State Department of Environmental Conservation Water Quality BMPs, which also protect wetlands by protecting water quality, can be found at:

<http://www.dec.ny.gov/lands/37845.html>

Comprehensive information regarding forested wetlands can be found in the USDA Forest Service document titled *Forested Wetlands, Functions, Benefits and the Use of Best Management Practices*. This document can be found at the following website:

http://www.na.fs.fed.us/spfo/pubs/n_resource/wetlands/index.htm#Introduction

Please be aware that this flyer is only intended to provide general information regarding Agency jurisdiction. If the property is subject to a previously issued Agency permit other restrictions may apply.

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