



**MINUTES OF THE JOINT PARK ECOLOGY AND ENFORCEMENT COMMITTEE  
MEETING  
March 14, 2013**

Committee members in attendance included Agency Chairwoman Leilani Ulrich, Arthur Lussi, Richard Booth, Frank Mezzano, William Thomas, Enforcement Committee Chair Cecil Wray, Designees Patrick Hooker Department of Economic Development, and Robert Stegemann Department of Environmental Conservation. Park Ecology Committee Chair Valentino was absent from the meeting; Agency Chair Ulrich acted as co-chair of the Joint Committee meeting. Designee Dierdre Scozzafava, Department of State joined the Committee. Also participating in the meeting was Executive Director Fred Monroe of the Local Government Review Board. Staff included Executive Director Terry Martino, Counsel James Townsend, Project Analyst Aaron Ziemann, Environmental Program Specialist John Burth, Supervisor Natural Resources Ed Snizek, and Soil and Water Engineering Specialist Shaun LaLonde.

The Committee meeting convened at approximately 9:30 a.m.

**Jurisdiction and Review Related to Forest Management Activities  
in the Adirondack Park (J. Burth/A. Ziemann)**

Project Analyst Aaron Ziemann and Environmental Specialist John Burth co-presented information on jurisdiction and review related to forest management activities within the Adirondack Park. Staff reviewed the Agency's statutory definition of "Clearcut" (Section 802) which includes "cutting of all or substantially all trees over six inches in diameter at breast height over any ten-year cutting cycle". Staff also noted the Agency's Regulatory Definition (573.7(a)(1)) of "clearcut" which includes any cutting of trees over six inches in diameter at breast height over any 10-year cutting cycle where the average residual basal area of such trees after such cutting is less than 30 sq. ft. in size measured within the area harvested. Provided, however, that where regeneration is assured by stand conditions such that after such cutting the average residual basal area of trees at least one inch in diameter at breast height is at least 30 sq. ft. per acre measured within the area harvested, a clearcut will not be deemed to have taken place unless the average residual basal area of trees over six inches in diameter at breast height is less than 10 sq. ft. per acre similarly measured.

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Member Booth asked if staff had diagrams illustrating the Agency's definition of "clearcut". Mr. Ziemann responded that staff had included Agency flyers into the presentation. Ms. Ulrich noted that diagrams illustrating the law would be a good idea.

Member Mezzano asked if the basal area only counted the trees that are cut or does it include all trees in addition to those that are standing. Mr. Ziemann responded that it includes the trees still standing.

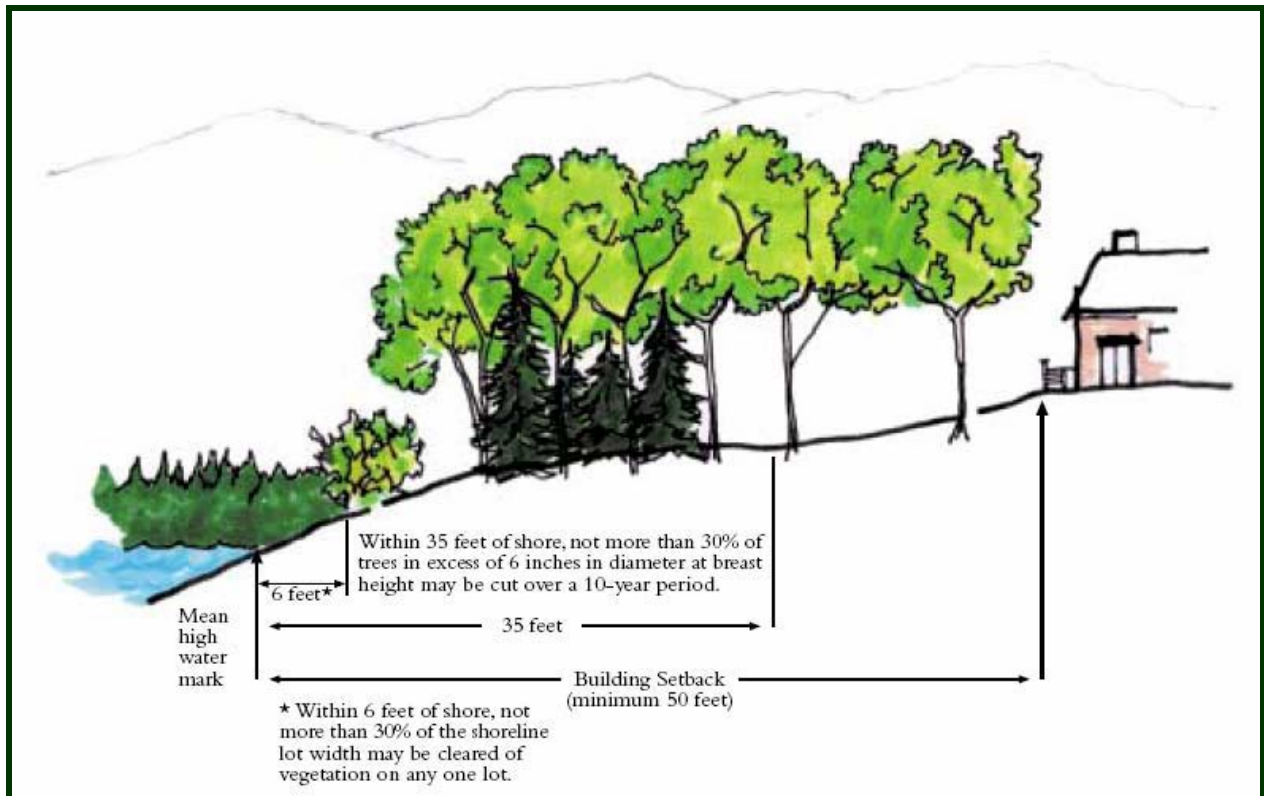
Local Government Review Board Executive Director asked if the Agency's definition is also used by the forest industry and/or academia. Mr. Ziemann responded this definition describes the Agency's jurisdictional threshold.

Designee Stegemann asked if staff would be describing shelterwood and if people are understanding it; Mr. Ziemann responded that jurisdiction may still be triggered under the Agency's definition.

Designee Hooker provided a demonstration illustrating the Agency's "clearcut" definition.

Member Wray asked how often, if at all, staff encounters controversies over the Agency's application process and regulation. Mr. Ziemann responded that the determination and regulation is fairly clear.

John Burth noted that the Agency has jurisdiction on "clearcuts" that are greater than 25 acres, 3 acres in wetland areas, and 15 acres in size in river areas greater than 100 ft. from the mean high water mark (river regulations). Staff included the following Agency Shoreline Restriction flyer in the presentation which illustrates the Agency's cutting restrictions applied in shoreline areas.



Mr. Burth also reviewed the Agency Regulations relating to the Wild, Scenic and Recreational River Areas which state that Agency approval is required for any new wood roads, all vegetative cutting and the storage of logging equipment within 100 ft. of the mean high water mark. In addition, any new landings or sand and gravel extractions within 200 ft. of the mean high water mark in any designated river corridor also would require approval from the Agency. "Clearcuts" greater than 15 acres as well as removal of more than 50% of the basal area on any tract greater than 30 acres would require Agency approval.

Staff reviewed the Agency's wetland definition which describes jurisdictional wetlands as being one acre in size or larger and/or are adjacent to a body of water with free interchange at the surface with non minimum size requirement. Agency approval is required for "clearcuts" greater than 3 acres in size; placement of fill, including culverts/bridges and wood roads (not including skidder trails); excavation of a wetland including the removal of stumps and the use of pesticides or herbicides.

Mr. Ziemann reviewed a typical evaluation of a permit application which includes the following:

- Indication that treatment is for a recognized silvicultural purpose, and timber regeneration is guaranteed,
- Adequate buffers for water and aesthetic quality,
- Assurance that habitats of rare and endangered species and other key wildlife habitats are protected,
- Plans for handling pesticides and herbicides, if use is proposed,
- Treatment must be controlled by qualified personnel by contract, direct supervision or marked stand,
- Woods roads and skid trails must be located to minimize erosion,
- Adherence to the Timber Harvesting Guidelines for New York (New York Section of the Society of American Foresters, June 1975), at a minimum,
- Adherence to shoreline restrictions.

These are guidelines for the review of permit applications and are taken directly from the Supplemental Information Request Form, which in turn comes from the regulations at 573.7(d).

Member Wray noted the reference to treatment; Mr. Ziemann noted that staff want to see what treatment is and what the proposal is trying to accomplish.

Member Craig asked about staff review time in relation to the proposed Silvicultural General Permit; Mr. Ziemann noted that the General Permit for Silvicultural activities would need to meet the same criteria and findings as prior permit review has.

Mr. Burth provided stats for enforcement and permits issued for jurisdictional tree cutting as well as pictures of jurisdictional and non-jurisdictional cutting. Mr. Ziemann also discussed pictures showing the differences in areas that were cut after 10 years passed.

Mr. Ziemann noted that by using BMP's or best management practices and sustainable forestry certifications, potential violations can be reduced by promoting good forest management practices using streamlined permitting processes.

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**Old Business**

None

**New Business**

None

The meeting was adjourned at approximately 10:25 a.m.