

Appendix A

Division of Lands and Forests Direction LF-91-2:
Removal or Destruction of Trees and Endangered,
Threatened or Rare Plants on Forest Preserve Lands:

FINAL POLICY APA/DEC MOU

MEMORANDUM

APR 10 1991

TO: Regional Supervisors of Natural Resources

FROM: Robert H. Bathrick

SUBJECT: DIVISION DIRECTION - LF-91-2 (Revision of LF 84-2)

TOPIC: Cutting, Removal or Destruction of Trees
and Endangered, Threatened or Rare Plants
on Forest Preserve Lands: FINAL POLICY

PURPOSE:

The purpose of this memorandum is to establish administrative procedures for the implementation of Commissioner Williams' Organization and Delegation Memorandum #84-06 relating to the construction of new facilities, the expansion or modification of existing facilities and routine maintenance projects on lands of the Forest Preserve. In areas classified wilderness, such projects shall be undertaken only for purposes of protecting either user safety or natural resource values.

BACKGROUND:

Such Organization and Delegation Memorandum states, in part: "Section 9-0105 of the Environmental Conservation Law provides that the Division of Lands and Forests has responsibility for the 'care, custody and control' of the Adirondack and the Catskill Forest Preserve. In accordance with this responsibility, all construction of new facilities, expansion or modification of existing facilities and maintenance of facilities, that will result in cutting, removal or destruction of trees and endangered, threatened or rare plants as defined in 6NYCRR subdivision 193.3(b), (c) and (e), on any of the lands constituting the Forest Preserve shall require approval of the Director of the Division of Lands and Forests...." In order to carry out this direction and policy, the succeeding procedures will be followed by regional and non-regionalized personnel in requesting approval for such projects on lands of the Forest Preserve that involve the cutting, removal and/or destruction of trees and endangered, threatened or rare plants. In all cases, the provisions and constraints of the Organization and Delegation Memorandum will be recognized and complied with.

PART I - Construction of New Facilities and the Expansion or
Modification of Existing Facilities

PROCESS [AND CALENDAR]

Regional Forester

Regional Operations
Supervisor or Manager of
Non-Regionalized Facility

1. Following conceptual approval of the project by the Regional and/or appropriate Central Divisional Offices, prepare a Forest Preserve Project Work Plan in the form attached hereto as Appendix A for each proposed project. Each such Plan shall include:
(1) A description of the project and its purpose,
(2) A sketch map delineating the project and showing its location,
(3) A count by species and size class, of all trees 3" DBH and over to be cut, removed or destroyed, (4) Identification of any endangered, threatened rare species or habitats within 300' of the area to be disturbed, (5) A description of measures to be taken to mitigate the impact on vegetative cover, and (6) Proposed use of motorized equipment or motor vehicles, if any. (7) For projects proposed for the Adirondack forest preserve not already incorporated within an approved unit management plan, a copy of the completed and signed Long Environmental Assessment Form (EAF), a Negative or Positive Declaration and a dated copy of the project notice as it appears in the

Note: The term Regional Forester as used in this policy refers to the working titles of Regional Forester and Regional Forestry Manager

Environmental Notice Bulletin (ENB). (8) For projects proposed for the Catskill forest preserve not incorporated in an approved unit management plan and involving the physical alteration of 10 or more acres the documents required are the same as (7). (9) For Catskill forest preserve projects involving the alteration of less than 10 acres either a Short Environmental Assessment Form (EAF) or Negative Declaration. (10) For projects incorporated within an approved UMP, a dated copy of the project notice as it appears in the ENB.

NOTE: It shall be the responsibility of the Regional Forester to insure that SEQR requirements are complied with for all projects.

Regional Supervisor for Natural Resources

Regional Forester

2. Submits completed Work Plan to the Regional Supervisor for Natural Resources.
3. Reviews Work Plan for completeness and conformance to Delegation Memorandum #84-06 and forwards to the Regional Forester.
4. Enters receipt of Work Plan and Regional Log of Forest Preserve Projects (See Appendix B attached)
5. Reviews Forest Preserve Project Work Plan to determine if project is appropriate, taking into consideration forest preserve land classification, unit management plan goals and management objectives for the land area involved.

6. Makes on-site field inspections as necessary and appropriate.

7. Insures that SEQR requirements for each project have been addressed.

8. Consults with Operations Supervisor or Facility Manager to effect any changes or modification to Work Plan.

9. Signs Work Plan signifying approval or disapproval by stating reasons in comments section. If approved, forwards Work Plan through Regional Supervisor for Natural Resources to Regional Director or appropriate Division Director, in the case of non-regionalized facilities. If disapproved, returns Work Plan to originator.

10. Completes regional log

11. Reviews Forest Preserve Project work plan.

12. Signs Work Plan signifying approval or indicates disapproval by stating reasons in Comments section.

13. If approved, forwards Work Plan to Director of Lands and Forests. If disapproved, returns Work Plan through Regional Supervisor for Natural Resources and Regional Forester to originator.

Regional Director or
Director of Division
responsible for Facility

Director of Lands and Forests

14. Effects review of Work Plan by appropriate Central Office staff to determine that Plan conforms to Division goals and is in keeping with responsibility for care, custody and control of lands of the Forest Preserve.

15. Signs Work Plan signifying approval or indicates disapproval by stating reasons in comments section.

16. Returns Work Plan to Regional Director or appropriate Division Director.

Regional Director or Director of Division responsible for Facility

17. Distributes Work Plan through Regional Supervisor for Natural Resources and Regional Forester to originator.

Regional Operations Supervisor or Manager of Non-Regionalized Facility

18. Implements project in accordance with Work Plan approvals and conditions.

Regional Forester

19. Monitors implementation of Work Plan to insure conformance to approvals and conditions.

20. On completion of project, completes Inspection Report (See Appendix C attached) and retains in Project file.

PART II Routine Maintenance Projects

PROCESS

Application for routine maintenance projects on lands of the Forest Preserve shall be submitted on the form attached hereto as Appendix D as soon as possible in advance of the starting date of the project. The Application should be directed to the Regional Supervisor for Natural Resources who will forward it to the Regional

Forester. The Application will be reviewed as rapidly as possible by the Regional Forester and a determination made as to approval or disapproval.

When approvals have been granted, a copy of the Application will be forwarded to appropriate Regional Lands and Forests personnel to assure proper notification and provide for monitoring of the project.

Applicants should consider the following guidelines when submitting project requests:

1. **Maintenance of foot trails, snowmobile trails, cross-country ski trails, horse trails, canoe carries, Leantos and bridges etc.**

This includes projects that involve blowdown removal, hazard tree elimination (3" or more in diameter (DBH)), problem tree removal (3" or more in diameter (DBH)), etc.

Applications may be submitted by Area if appropriate (i.e., High Peaks Wilderness Area, St. Regis Canoe Area, Saranac Lake Wild Forest, Whiteface Mountain Intensive Use Area, etc.). Trails should be listed separately with the total length of the trail covered by a single application, if appropriate, and in priority order of needed maintenance.

Live-standing trees may be cut or used for the construction or repair of bridges, leantos, dry tread, waterbars or other minor trail structures only after considering the following alternatives and in accordance with the following conditions:

- A. Alternatives to any type of trail hardening or structural development must be considered, especially in wilderness areas where such structures diminish the character of the area. Such alternatives include the closing or limitation of use of a trail where the impact of such use is leading to degradation of the other resources and the character of the Forest Preserve. A second alternative is to relocate the trail in such a way that trail hardening would not be necessary.
- B. If, after considering the above alternatives, it is determined that structures are needed to protect the surface of the trail or the safety of the public, the following materials should be considered in order of priority:
 1. Native rock or stone from near the site.
 2. Native rock or stone from another location brought to the site.
 3. Peeled, untreated timber or logs from another location brought to the site.

4. Treated timber or logs from another location brought to the site.
5. On-site trees in accordance with the conditions under C. following.

C. If on-site trees are to be used, such use must be in accordance with the following conditions:

1. The Regional Forester or his designated representative must approve all trees to be cut, after considering any other previous cutting that has been done in the area.
2. Cutting must be discreet with tops fully lopped and dispersed out of sight of the trails, and with stumps cut flush to the ground.
3. Designated trees must be between three to eighteen inches in diameter (DBH), and must be at least 100 feet apart.
4. Structures requiring the use of live on-site trees should not be replaced more frequently than 7-10 years, which is the range of normal life expectancy. However concern for human safety must be paramount. Structures deemed to be hazardous shall be replaced as needed.

Dead and downed material may be used for such purposes although consideration must be given to human safety and the longevity or life of such structures when such material is used.

2. **Maintenance of roads, phone lines, power lines, ski lifts, downhill ski trails, parking areas, openings around buildings, scenic vistas, etc. including work done under temporary revocable permit.**

This includes projects that involve the removal of hazardous, problem or edge trees 3" or more in diameter (DBH).

Projects should be listed individually but, several may be submitted on a single Application if they are similar in nature (i.e., phone lines A, B, & C). Tree counts are advisable where more than an occasional live tree (i.e. no more than one danger or edge tree per 300 feet) must be cut to avoid potential damage to the facility in question. Felled trees may not be utilized for any purpose and should be scattered near the site so as not to interfere with the facility and to be unobtrusive.

No logs, brush or slash resulting from the maintenance of public highway or utility rights of way on Forest Preserve lands shall be left within 20 feet of the right of way. Such material may not be utilized for any purpose, but shall be scattered unobtrusively beyond 20 feet of the right of way.

12.6 trees/mile

3. Removal of dead and hazardous trees in developed areas such as campgrounds and ski centers that potentially endanger people.

This includes projects involving removal of dead and/or hazardous trees in developed or intensive use areas.

Applications should be submitted separately for each facility. However, all projects for a specific facility can be included on a single Application. Tree counts should be included with the Application. Trees that are proposed to be removed should be flagged. Trees that are felled may be cut up and used for fuel at the facility, but for no other purpose.

4. Boundary line surveys and maintenance.

This includes all projects on lands of the Forest Preserve whether done by Department employees or by others under contract to the Department.

No survey lines, traverse or final, are to be projected straight through the woods by the cutting of large trees in order to expedite the survey.

More than one survey project may be included on a single Application but, separate Applications should be submitted for survey projects geographically distant from each other.

5. Salvage of windfall timber when such blowdown timber constitutes a fire hazard.

This includes projects of fire hazard circumstances and should be submitted on Applications for each area involved.

In any of the above situations, projects will be checked and monitored by the Regional Forester.



Director of Lands and Forests

cc: K. Wich
G. Colvin
H. Doig
R. Bendick
Regional Directors
G. Sovas

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF LANDS AND FORESTS

Forest Preserve Project Work Plan
for
Construction of New Facilities and the Expansion or Modification of Existing Facilities

FY

Region/Facility	Project Title & Location	Land Classification	Project No.
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Region 6

Description & Justification (Attach Sketch Map Showing Location and other Required Supporting Documents Including Tree Counts and Identification of Rare, Threatened or Endangered Plants):

Description of Use of Motorized Equipment or Motor Vehicles, if any:

Prepared by:

Date:

APPROVALS OR DISAPPROVALS

Comments:

Date:

Regional Forester

Date:

Regional Supervisor of Natural Resources

Date:

Regional Director

Date:

Division Director

Application for Routine Maintenance Project
L&F Policy 91-2 - Tree Cutting in the Forest Preserve

REGION: 6

APPLICANT NAME:

ADDRESS:

PROJECT #:

DATE OF APPLICATION:

OTHER CONTACT PERSON:

LOCATION OF PROJECT:

DESCRIPTION OF PROJECT:

WHO IS TO DO THE WORK:

ESTIMATED STARTING DATE:

ESTIMATED COMPLETION DATE:

APPLICANT SIGNATURE:

OO

PROJECT ACTION:

APPROVED: _____ DISAPPROVED: _____

REGIONAL FORESTER SIGNATURE: _____ DATE: _____

REMARKS: