S T A T E O F N E W Y O R K

4246

2009-2010 Regular Sessions

I N A S S E M B L Y

February 2, 2009

Introduced by M. of A. BRODSKY, PAULIN -- Multi-Sponsored by -- M. of A. CANESTRARI, COOK, DINOWITZ, GLICK, GOTTFRIED, HOYT, JACOBS, MILLMAN, MORELLE, WEISENBERG -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the preparation of forest management plans subject to the approval of the department of environmental conservation and to amend the executive law, in relation to increasing the jurisdiction of the Adirondack park agency over clearcutting

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 49-0311 of the environmental conservation law is renumbered section 49-0313 and a new section 49-0311 is added to read as follows:

S 49-0311. FOREST MANAGEMENT PLANS.

1. THE DEPARTMENT IS HEREBY AUTHORIZED AND DIRECTED TO PROMULGATE REGULATIONS, WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS SECTION, FOR THE PREPARATION OF FOREST MANAGEMENT PLANS ON LANDS WHERE THE PRACTICE OF FORESTRY IS TO CONTINUE UNDER THE TERMS OF A CONSERVATION EASEMENT PURCHASED BY THE STATE. THERE SHALL BE NO HARVESTING OF TIMBER FOR COMMERCIAL PURPOSES OR INFRASTRUCTURE ACTIVITIES ON SUCH LANDS UNTIL THE FOREST MANAGEMENT PLAN HAS BEEN APPROVED BY THE DEPARTMENT.

2. THE FOREST MANAGEMENT PLAN AND SUPPORTING DOCUMENTS SHALL, AT A MINIMUM, INCLUDE THE FOLLOWING:

A. A DESCRIPTION OF THE FOREST RESOURCES TO BE MANAGED, ENVIRONMENTAL CONDITIONS AND LIMITATIONS, LAND USE AND OWNERSHIP STATUS, AND A PROFILE OF ADJACENT LANDS;

B. A DESCRIPTION OF SILVICULTURAL AND OTHER MANAGEMENT SYSTEMS, AS APPLICABLE, BASED ON THE ECOLOGY OF THE FOREST IN QUESTION AND INFORMATION GATHERED THROUGH RESOURCE INVENTORIES;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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C. A RATIONALE FOR THE RATE OF ANNUAL HARVEST, SPECIES SELECTIONS, AND EXPECTED OUTCOMES;

D. PROVISIONS FOR MONITORING OF FOREST GROWTH AND DYNAMICS;

E. ENVIRONMENTAL SAFEGUARDS BASED ON ENVIRONMENTAL ASSESSMENTS. SUCH ENVIRONMENTAL ASSESSMENTS SHALL, AT A MINIMUM, INCLUDE AN EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS AND THEIR CUMULATIVE EFFECTS, AND IDENTIFICATION OF MEASURES TO MITIGATE THOSE IMPACTS, TO THE MAXIMUM EXTENT POSSIBLE, INCLUDING IMPACTS UPON PLANTS AND ANIMALS, AND SOIL AND WATER RESOURCES, AND THE MAINTENANCE OR RESTORATION, AS APPLICABLE, OF THE LONG TERM ECOLOGICAL FUNCTIONS OF THE FOREST;

F. PLANS FOR THE IDENTIFICATION AND PROTECTION OF RARE, THREATENED, AND ENDANGERED SPECIES AND THEIR HABITATS;

G. MAPS DESCRIBING THE FOREST RESOURCE BASE, INCLUDING PROTECTED AREAS, PLANNED MANAGEMENT ACTIVITIES, AND LAND OWNERSHIP; AND

H. A DESCRIPTION AND JUSTIFICATION OF HARVESTING TECHNIQUES AND EQUIPMENT TO BE USED.

3. THE MANAGEMENT PLAN SHALL BE REVISED PERIODICALLY TO INCORPORATE THE RESULTS OF MONITORING OR NEW SCIENTIFIC AND TECHNICAL INFORMATION, AS WELL AS TO RESPOND TO CHANGING ENVIRONMENTAL, SOCIAL, AND ECONOMIC CIRCUMSTANCES.

S 2. Section 809 of the executive law is amended by adding a new subdivision 10-a to read as follows:

10-A. THE AGENCY SHALL NOT APPROVE ANY PROJECT PROPOSED FOR TIMBER HARVESTING THAT INCLUDES A PROPOSED CLEARCUTTING OF ANY SINGLE UNIT OF LAND OF MORE THAN THREE ACRES PURSUANT TO SUBPARAGRAPH ONE OF PARAGRAPH A, SUBPARAGRAPH NINE OF PARAGRAPH B, SUBPARAGRAPH NINE OF PARAGRAPH C, SUBPARAGRAPH TEN OF PARAGRAPH D, OR SUBPARAGRAPH ELEVEN OF PARAGRAPH E OF SUBDIVISION ONE OF SECTION EIGHT HUNDRED TEN OF THIS ARTICLE UNTIL A FOREST MANAGEMENT PLAN HAS BEEN SUBMITTED TO THE AGENCY AND THE AGENCY HAS APPROVED SUCH PLAN. THE AGENCY SHALL, IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, PROMULGATE RULES AND REGULATIONS SETTING FORTH THE REQUIREMENTS FOR SUCH FOREST MANAGEMENT PLAN, CONSISTENT WITH THE PROVISIONS OF THIS SUBDIVISION. THE FOREST MANAGEMENT PLAN AND SUPPORTING DOCUMENTS SHALL, AT A MINIMUM, INCLUDE THE FOLLOWING:

A. A DESCRIPTION OF THE FOREST RESOURCES TO BE MANAGED, ENVIRONMENTAL CONDITIONS AND LIMITATIONS, LAND USE AND OWNERSHIP STATUS, AND A PROFILE OF ADJACENT LANDS;

B. A DESCRIPTION OF SILVICULTURAL OR OTHER MANAGEMENT SYSTEMS, AS APPLICABLE, BASED ON THE ECOLOGY OF THE FOREST IN QUESTION AND INFORMATION GATHERED THROUGH RESOURCE INVENTORIES;

C. A RATIONALE FOR RATE OF ANNUAL HARVEST, SPECIES SELECTIONS, AND EXPECTED OUTCOMES;

D. PROVISIONS FOR MONITORING OF FOREST GROWTH AND DYNAMICS;

E. ENVIRONMENTAL SAFEGUARDS BASED ON ENVIRONMENTAL ASSESSMENTS. SUCH ENVIRONMENTAL ASSESSMENTS SHALL, AT A MINIMUM, INCLUDE AN EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS AND THEIR CUMULATIVE EFFECTS, AND IDENTIFICATION OF MEASURES TO MITIGATE THOSE IMPACTS, TO THE MAXIMUM EXTENT POSSIBLE, INCLUDING IMPACTS UPON PLANTS AND ANIMALS, AND SOIL AND WATER RESOURCES, AND THE MAINTENANCE OR RESTORATION, AS APPLICABLE, OF THE LONG TERM ECOLOGICAL FUNCTIONS OF THE FOREST;

F. PLANS FOR THE IDENTIFICATION AND PROTECTION OF RARE, THREATENED, AND ENDANGERED SPECIES AND THEIR HABITATS;

G. MAPS DESCRIBING THE FOREST RESOURCE BASE, INCLUDING PROTECTED AREAS, PLANNED MANAGEMENT ACTIVITIES, AND LAND OWNERSHIP; AND

H. A DESCRIPTION AND JUSTIFICATION OF HARVESTING TECHNIQUES AND EQUIPMENT TO BE USED.

THE MANAGEMENT PLAN SHALL BE REVISED PERIODICALLY TO INCORPORATE THE RESULTS OF MONITORING OR NEW SCIENTIFIC AND TECHNICAL INFORMATION, AS WELL AS TO RESPOND TO CHANGING ENVIRONMENTAL, SOCIAL, AND ECONOMIC CIRCUMSTANCES.

S 3. Subparagraph 1 of paragraph a of subdivision 1 of section 810 of the executive law, as amended by chapter 679 of the laws of 1974, is amended to read as follows:

(1) All land uses and development and all subdivisions of land involving wetlands, except for forestry uses (other than timber harvesting that includes a proposed clearcutting of any single unit of land of more than [twenty-five] THREE acres), agricultural uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.

S 4. Subparagraph 9 of paragraph b, subparagraph 9 of paragraph c, subparagraph 10 of paragraph d, and subparagraph 11 of paragraph e of subdivision 1 of section 810 of the executive law, as added by chapter 348 of the laws of 1973, are amended to read as follows:

(9) Timber harvesting that includes a proposed clearcutting of any single unit of land of more than [twenty-five] THREE acres.

(9) Timber harvesting that includes a proposed clearcutting of any single unit of land of more than [twenty-five] THREE acres.

(10) Timber harvesting that includes a proposed clearcutting of any single unit of land of more than [twenty-five] THREE acres.

(11) Timber harvesting that includes a proposed clearcutting of any single unit of land of more than [twenty-five] THREE acres.

S 5. This act shall take effect immediately.