

# STATE OF NEW YORK

985

2019-2020 Regular Sessions

## IN SENATE

January 9, 2019

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed 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:

§ 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;

c. a rationale for the rate of annual harvest, species selections, and expected outcomes;

d. provisions for monitoring of forest growth and dynamics;

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

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1 e. environmental safeguards based on environmental assessments. Such  
2 environmental assessments shall, at a minimum, include an evaluation of  
3 potential environmental impacts and their cumulative effects, and iden-  
4 tification of measures to mitigate those impacts, to the maximum extent  
5 possible, including impacts upon plants and animals, and soil and water  
6 resources, and the maintenance or restoration, as applicable, of the  
7 long term ecological functions of the forest;

8 f. plans for the identification and protection of rare, threatened,  
9 and endangered species and their habitats;

10 g. maps describing the forest resource base, including protected  
11 areas, planned management activities, and land ownership; and

12 h. a description and justification of harvesting techniques and equip-  
13 ment to be used.

14 3. The management plan shall be revised periodically to incorporate  
15 the results of monitoring or new scientific and technical information,  
16 as well as to respond to changing environmental, social, and economic  
17 circumstances.

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

20 10-a. The agency shall not approve any project proposed for timber  
21 harvesting that includes a proposed clearcutting of any single unit of  
22 land of more than five acres pursuant to subparagraph one of paragraph  
23 a, subparagraph nine of paragraph b, subparagraph nine of paragraph c,  
24 subparagraph ten of paragraph d, or subparagraph eleven of paragraph e  
25 of subdivision one of section eight hundred ten of this article until a  
26 forest management plan has been submitted to the agency and the agency  
27 has approved such plan. The agency shall, in consultation with the  
28 department of environmental conservation, promulgate rules and regu-  
29 lations setting forth the requirements for such forest management plan,  
30 consistent with the provisions of this subdivision. The forest manage-  
31 ment plan and supporting documents shall, at a minimum, include the  
32 following:

33 a. a description of the forest resources to be managed, environmental  
34 conditions and limitations, land use and ownership status, and a profile  
35 of adjacent lands;

36 b. a description of silvicultural or other management systems, as  
37 applicable, based on the ecology of the forest in question and informa-  
38 tion gathered through resource inventories;

39 c. a rationale for rate of annual harvest, species selections, and  
40 expected outcomes;

41 d. provisions for monitoring of forest growth and dynamics;

42 e. environmental safeguards based on environmental assessments. Such  
43 environmental assessments shall, at a minimum, include an evaluation of  
44 potential environmental impacts and their cumulative effects, and iden-  
45 tification of measures to mitigate those impacts, to the maximum extent  
46 possible, including impacts upon plants and animals, and soil and water  
47 resources, and the maintenance or restoration, as applicable, of the  
48 long term ecological functions of the forest;

49 f. plans for the identification and protection of rare, threatened,  
50 and endangered species and their habitats;

51 g. maps describing the forest resource base, including protected  
52 areas, planned management activities, and land ownership; and

53 h. a description and justification of harvesting techniques and equip-  
54 ment to be used.

55 The management plan shall be revised periodically to incorporate the  
56 results of monitoring or new scientific and technical information, as

1 well as to respond to changing environmental, social, and economic  
2 circumstances.

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

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

12 § 4. Subparagraph 9 of paragraph b, subparagraph 9 of paragraph c,  
13 subparagraph 10 of paragraph d, and subparagraph 11 of paragraph e of  
14 subdivision 1 of section 810 of the executive law, as added by chapter  
15 348 of the laws of 1973, are amended to read as follows:

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

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

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

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

24 § 5. Section 803 of the executive law, as amended by chapter 986 of  
25 the laws of 1984, is amended to read as follows:

26 § 803. Adirondack park agency. 1. There is hereby created in the exec-  
27 utive department, the Adirondack park agency, which shall consist of the  
28 following members: the commissioner of environmental conservation, the  
29 secretary of state, the commissioner of commerce and eight members to be  
30 appointed by the governor by and with the advice and consent of the  
31 senate. The governor shall designate a chairman from among the members  
32 appointed to the agency, who shall serve at the governor's pleasure.  
33 None of the members appointed by the governor shall be officers or  
34 employees of any state department or agency.

35 2. Five members appointed by the governor shall be full-time residents  
36 within the Adirondack park provided, however, that no two such members  
37 shall be residents of the same county except for such members initially  
38 appointed before January first, nineteen hundred seventy-three, who may  
39 be reappointed for additional successive terms. Three members appointed  
40 by the governor shall be residents of the state outside the Adirondack  
41 park. Not more than five appointed members shall be of the same poli-  
42 tical party.

43 3. All appointments shall be made for terms of four years; provided  
44 that the first member appointed by the governor pursuant to the increase  
45 of members from seven to eight shall be appointed for a term expiring on  
46 the thirtieth day of June, nineteen hundred seventy-six. Each of such  
47 appointed members of the agency shall hold office for the term for which  
48 he was appointed and until his successor shall have been appointed and  
49 qualified or until he shall resign or be removed in the manner provided  
50 by law. In the case of any vacancy other than one arising by expiration  
51 of term, an appointment to fill the vacancy shall be made for the  
52 remainder of the unexpired term.

53 4. The designated chairman shall receive an annual salary of thirty  
54 thousand dollars. The other members of the agency, except those who  
55 serve ex officio, shall receive one hundred dollars per diem, not to  
56 exceed five thousand dollars per annum compensation for their services

1 as members of the agency. All members, except those who serve ex offi-  
2 cio, shall be allowed the necessary and actual expenses incurred in the  
3 performance of duties under this article.

4 5. A majority of the members of the agency shall constitute a quorum  
5 for the transaction of any business or the exercise of any power or  
6 function of the agency and affirmative vote by a majority of the members  
7 of the agency, except as is otherwise specifically provided in this  
8 article, shall be required to exercise any power or function of the  
9 agency. Votes of any member shall be cast in person and not by proxy.  
10 The agency may delegate to one or more of its members, officers, agents  
11 and employees, such powers and duties as it deems proper except to do  
12 any project proposed for timber harvesting that includes proposed clear-  
13 cutting of any single unit of land of more than five acres pursuant to  
14 subparagraph one of paragraph a, subparagraph nine of paragraph b,  
15 subparagraph nine of paragraph c, subparagraph ten of paragraph d, or  
16 subparagraph eleven of paragraph e of subdivision one of section eight  
17 hundred ten of this article.

18 6. The commissioner of environmental conservation and the commissioner  
19 of commerce and the secretary of state may, by official authority filed  
20 in their respective agencies, and with the Adirondack park agency,  
21 designate a deputy or other officer to exercise his powers and perform  
22 his duties, including the right to vote, on the agency.

23 § 6. Paragraph e of subdivision 13 of section 809 of the executive  
24 law, as added by chapter 428 of the laws of 1979, is amended to read as  
25 follows:

26 e. To issue a general permit for any class of projects concerning  
27 which the agency determines it may make the requisite statutory findings  
28 on a general basis except for any project proposed for timber harvesting  
29 that includes proposed clearcutting of any single unit of land of more  
30 than five acres pursuant to subparagraph one of paragraph a, subpara-  
31 graph nine of paragraph b, subparagraph nine of paragraph c, subpara-  
32 graph ten of paragraph d, or subparagraph eleven of paragraph e of  
33 subdivision one of section eight hundred ten of this article.

34 § 7. This act shall take effect immediately.