

STATE OF NEW YORK

2952

2023-2024 Regular Sessions

IN ASSEMBLY

February 1, 2023

Introduced by M. of A. GALLAHAN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to selectively cutting timber

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 4 of section 24-0701 of the environmental
2 conservation law, as amended by chapter 697 of the laws of 1979, is
3 amended to read as follows:

4 4. The activities of farmers and other landowners in grazing and
5 watering livestock, making reasonable use of water resources, harvesting
6 natural products of the wetlands, selectively cutting timber, draining
7 land or wetlands for growing agricultural products and otherwise engag-
8 ing in the use of wetlands or other land for growing agricultural
9 products shall be excluded from regulated activities and shall not
10 require a permit under subdivision one hereof, except that structures
11 not required for enhancement or maintenance of the agricultural produc-
12 tivity of the land and any filling activities shall not be excluded
13 hereunder, and provided that the use of land designated as a freshwater
14 wetland upon the freshwater wetlands map at the effective date thereof
15 for uses other than those referred to in this subdivision shall be
16 subject to the provisions of this article. When selectively cutting
17 timber, the construction and use of temporary skidder trails and machin-
18 ery, using current best management practices as defined by the United
19 States Department of Agriculture Forest Services, for the removal of
20 such timber shall be excluded from regulated activities and shall not
21 require a permit under subdivision one of this section.

22 § 2. Subdivision 4 of section 24-0701 of the environmental conserva-
23 tion law, as amended by section 7 of part QQ of chapter 58 of the laws
24 of 2022, is amended to read as follows:

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

LBD04969-01-3

1 4. On lands in active agricultural use or silviculture use, the activ-
2 ities of farmers and other landowners in grazing and watering livestock,
3 making reasonable use of water resources, harvesting natural products of
4 the wetlands, selectively cutting timber, draining land or wetlands for
5 growing agricultural products and otherwise engaging in the use of
6 wetlands or other land for growing agricultural products shall be
7 excluded from regulated activities and shall not require a permit under
8 subdivision one of this section, except that structures not required for
9 enhancement or maintenance of the agricultural productivity of the land
10 and any filling activities shall not be excluded hereunder, and provided
11 that the use of land that meets the definition of a freshwater wetland
12 in section 24-0107 of this article for uses other than those referred to
13 in this subdivision shall be subject to the provisions of this article.

14 When selectively cutting timber, the construction and use of temporary
15 skidder trails and machinery, using current best management practices
16 as defined by the United States Department of Agriculture Forest
17 Services, for the removal of such timber shall be excluded from
18 regulated activities and shall not require a permit under subdivision
19 one of this section. All activities on lands that meet the definition of
20 a freshwater wetland shall be subject to the provisions of this article
21 once agricultural or silviculture activities cease.

22 § 3. This act shall take effect immediately; provided that section two
23 of this act shall take effect on the same date and in the same manner as
24 section 7 of part QQ of chapter 58 of the laws of 2022 takes effect.