



FORESTRY USE INVOLVING WETLANDS

This is a supplement to the Citizen's Guide, which provides basic information about Adirondack Park Agency regulations.

While many forest management activities may be undertaken without review by the Adirondack Park Agency, both the New York State Freshwater Wetlands Act and the Adirondack Park Agency Act require permitting of certain activities involving wetlands.

Protected Wetlands and Their Delineation

Defined in §802 of the APA Act, wetlands are “any land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh which are either (a) one acre or more in size or (b) located adjacent to a body of water, including a permanent stream, with which there is free interchange of water at the surface, in which case there is no size limitation.” Section 578.3 of the Agency's regulations provides additional wetland information, and the criteria for identifying wetland areas are provided in the New York State Wetland Delineation Manual (<http://apa.state.ny.us/Documents/Guidelines/WetlandDelineationNYS.pdf>).

For specific locations, the Agency will determine whether wetlands are present upon the request of any person having a legal interest in the property. These determinations involve examination of maps at Agency headquarters, interpretation of aerial photographs, and/or field visits by Agency wetland biologists, and can be arranged by contacting the Agency at (518) 891-4050.

Examples of Forestry Uses Involving Wetlands That Require an Agency Permit

- Clearcuts¹ greater than 3 acres in size in a wetland
- Temporary or permanent wetland fill for temporary or permanent roads, wood roads², haul roads, landings, etc.;
- Temporary or permanent bridges over wetlands for temporary or permanent roads, wood roads or haul roads;

¹ Clearcut is defined in §573.7(a)(1) of Agency regulations as 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 square feet per acre, 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 square feet 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 square feet per acre, similarly measured.

² Wood road is defined in §578.3(v) of Agency regulations as any road used for forest management purposes or related fish and game activities, not intended for use by the general public, and simply constructed by grading, and/or corduroying, without extensive finish or maintenance work.

- Draining, dredging, or excavation of a wetland, including the removal of vegetation roots;
- Disposal of stumps, tops and slash in a wetland; and
- Grubbing or removal of stumps in a wetland.

Forestry Uses Involving Wetlands That Do Not Require an Agency Permit

- Timber harvesting that does not constitute a clearcut;
- Clearcuts less than 3 acres in size;
- Stripcut clearcuts in coniferous wetlands where the alternating linear strips are (i) located more than 50 feet from the mean high water mark of any waterbody and (ii) 100 feet or less in width;³
- Cutting other vegetation without removing any roots or soil;
- Constructing trails and wood roads with only ice and snow;
- Constructing and using skid trails for the removal of timber by skidders and forwarders with “fiber mats” constructed of tree branches less than 6 inches diameter; and
- Constructing and using skid trails for the removal of timber by skidders and forwarders with rubber mats, pallets, bridges, or tree branches 6 inches in diameter and larger, provided these materials remain in place for no more than one year and only the length of time harvesting equipment remains on the same tract as the constructed skid trail.

New York State Forestry Best Management Practices for Water Quality Field Guide

Available online at <http://www.dec.ny.gov/lands/37845.html>, this guide suggests simple, often low cost practices and techniques that help to prevent erosion, keep water clean, and maintain forest productivity.

This flyer is intended to provide general information regarding Agency jurisdiction. Other provisions or restrictions may apply if an Agency permit or variance is required or if the property has previously been subject to Agency review.

Please contact the Agency with any questions at 518-891-4050. For a binding written response as to whether a specific proposal requires Agency review, please submit a Jurisdictional Inquiry Form (JIF). The JIF form is available on the Agency website at www.apa.ny.gov/Forms/jiform.pdf.

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³ Any new clearcut in the stripcut area within 10 years of the non-jurisdictional stripcut will require an Agency permit.