

Rules for Establishment of Special Management Zones on State Forests and Wildlife

Management Areas (Version: December 2015)

Streams, Wetlands, Ponds, Lakes & Spring Seeps

Streams include naturally occurring perennial and intermittent drainages having defined channels. **Special management zone** widths are from the edge of high water channels or, for wetlands, the edge of seasonally saturated soils. All distances are in horizontal feet. Terms in bold text are included in the Definitions section.

Activity	Guidelines
Mineral Exploration and Development	<ul style="list-style-type: none"> • <u>Mineral Exploration</u>: Refer to <i>Guidelines for Seismic Testing on DEC Administered State Land</i> Draft 12/20/07 • Development Surface disturbance prohibited within 250'.
Silviculture	<ul style="list-style-type: none"> • <u>Spring Seeps and DEC Classified, Federally Classified, and Unclassified Wetlands</u>: No timber harvesting equipment allowed in any wetland or spring seep. Any trees cut within any wetland or spring seep must be winched out. Maintain at least 75% of pre-harvest basal area of live standing trees evenly spread throughout both the wetland or spring seep and a 100' Special Management Zone surrounding wetland or spring seep. • <u>Ponds & Lakes</u>: No vehicular, construction or harvesting equipment operation within 50' Protection Buffer next to waterbody. No active commercial forest management or salvage in Protection Buffer. Retain at least 75% of pre-harvest basal area of live standing trees evenly distributed in additional 100' Special Management Zone. Flag or paint Protection Buffer boundary. • <u>Perennial Streams</u>: No vehicular, construction or harvesting equipment operation within 50' Protection Buffer next to waterbody unless at designated crossings to access other management areas. No active commercial forest management or salvage in Protection Buffer. Retain at least 75% of pre-harvest basal area of live standing trees evenly distributed in additional 50' Special Management Zone. Flag or paint Protection Buffer boundary. • <u>Intermittent Streams</u>: 100' Special Management Zone on each side of stream. Maintain at least 75% of pre-harvest basal area of live standing trees evenly distributed within Special Management Zone.
Skid Trails	<ul style="list-style-type: none"> • Keep skid trails at least 100' from wetlands and water bodies and at least 150' away when adjoining slopes are greater than 10%. • No skidding through spring seep origin. Where roads and trails must cross spring seeps, locate them as far from the origin as possible and ensure that crossings are at right angles to the spring seep. • Must follow guidelines presented in <i>New York State Forestry BMPs for Water Quality Field Guide</i> (BMP Field Guide) and stream crossing permit procedures.

Haul Roads	<ul style="list-style-type: none"> • Avoid constructing new roads within 250' of wetlands. Must follow BMP Field Guide. • Follow BMP Field Guide when improving or upgrading existing roads.
Log Landings	<ul style="list-style-type: none"> • Must follow BMP Field Guide. • Keep construction of new log landings at least 250' from all wetlands, streams and ponds, unless an existing feature such as a ditch, berm or the existing topography protects the riparian features from sediment or runoff. Existing log landings closer than 250' may be used if appropriate BMPs are installed, or if the existing features or topography will protect the riparian feature in question.

Vernal Pools

The Vernal Pool **Depression** consists of the area fully covered by water at maximum capacity (usually during spring thaw), which may not always be wet during the period when timber is being harvested. During the dry season, the high-water mark can often be determined by the presence of blackened, water- or silt-stained leaves, aquatic debris along the edges, or a clear change in topography from the pool depression to the adjacent upland. (Phillip G. deMaynadier and Jeffrey E. Houlahan, “Conserving Vernal Pool Amphibians in Managed Forests,” Science and Conservation of Vernal Pools in Northeastern North America, CRC Press, Boca Raton, FL, 2008, p. 269)

Mineral Exploration and Development	<ul style="list-style-type: none"> • <u>Mineral Exploration</u>: Refer to <i>Guidelines for Seismic Testing on DEC Administered State Land</i> Draft 12/20/07 • Development Surface disturbance prohibited within 250' of the vernal pool depression.
Silviculture	<ul style="list-style-type: none"> • No disturbance, including tree cutting and use of timber harvesting equipment, is allowed within the vernal pool depression. Flag or paint vernal pool depression boundary. • Establish Special Management Zone <u>at least</u> 100' wide (if possible, wider is better) around perimeter of vernal pool depression. Maintain at least 75% crown cover and minimize disturbance of leaf litter and soil. In Special Management Zone, avoid using heavy machinery when possible and restrict logging to frozen or dry ground conditions if necessary. Do not create ruts deeper than 6 inches. If rutting begins, immediately suspend operations. Any ruts must be leveled.
Main Skid Trails	<ul style="list-style-type: none"> • Keep main trails out of the 100' wide Special Management Zone.
Haul Roads and Landings	<ul style="list-style-type: none"> • Avoid construction within 250' of vernal pool depression.

Recreational Trails	
Mineral Exploration and Development	<ul style="list-style-type: none"> • <u>Mineral Exploration</u>: Refer to <i>Guidelines for Seismic Testing on DEC Administered State Land Draft 12/20/07</i> • Development Surface disturbance prohibited within 250' of trails.
Silviculture	<ul style="list-style-type: none"> • Where possible, avoid clear cutting over and across any recreational trail. • Whenever harvesting close to or over a recreational trail, it is recommended that contact be made with representatives of known trail adopter or trail user groups to explain the rationale for the harvest. Additionally, educational or interpretive signs explaining the rationale for the harvest must be installed on site. Tops & slash must be kept at least 25' back from the edge of trails.

Note: For Harvests, buffers and depressions will be identified on sale maps and equipment restrictions will be listed in the *Notice of Sale*.

POSSIBLE DEVIATION CONSIDERATIONS

(All deviations from SMZ Rules must be addressed and documented in the Stand Prescription)

1. Habitat Improvement: Deviations from any Silviculture guidelines may be undertaken to improve habitat for specific species.
2. Control of Invasive Species: Deviations from any Silviculture guidelines may be undertaken in order to control or eradicate invasive species.
3. Equipment Access: Equipment may be allowed in otherwise restricted areas when:
 - Ground is frozen and can support equipment without breaking ice and disturbing the soil and vegetation, **or**,
 - Ground is dry and can support equipment without creating mud, ruts or significantly*** disturbing the vegetation, **or**,
 - BMPs can be used - only if the BMPs can support equipment without significantly*** disturbing the soil and vegetation. On temporary routes, BMPs must be removed, leaving behind minimal evidence of access, **or**,
 - Using existing roads which are in stable condition or may be improved to a condition with less site impact than if the road were to be relocated.
4. Weather, Insects & Disease: Deviations from any Silviculture guidelines may be undertaken when (in addition to Possible Deviation Considerations #1 & 2) equipment can be used according to Exemption #3 and:

- A weather event or an insect or disease outbreak has occurred which has jeopardized the health and integrity of the forest. Trees may be removed if it is determined their mortality may:
 - a) Negatively impact the ecological function of the wetland, **Protection Buffer**, and **Special Management Zone** or hinder natural stand regeneration. Consultation with DEC biologists and/or ecologists is recommended prior to making management decisions.
 - b) Negatively impact the safety of the site, creating hazardous conditions during public recreation and administrative activities.

OR

- A regeneration inventory documents that adequate natural regeneration is established and over 25% of the existing basal area of trees 6" DBH and larger are:
 - a) Mature or over-mature and in decline or
 - b) At risk from wind-throw or
 - c) At risk of mortality due to insect or disease

5. Other: Any other activity proposed to be undertaken within a **Vernal Pool** or **Special Management Zone** must be addressed and documented in the Stand Prescription.

**** The DEC Regional Wildlife Manager, Regional Forester, or their designee will determine what is or is not significant, and may consult with other DEC staff within the Region and Central Office when necessary.*

DEFINITIONS

Haul roads - Permanent, unpaved roads which are not designed for all weather travel, but may have hardened or improved surfaces with artificial drainage. ["Unpaved Forest Road Handbook." NYS DEC Bureau of State Land Management. 30 August 2004.]

Intermittent Stream - A stream, or portion of a stream, that does not flow year-round but only when it (a) receives base flow solely during wet periods, or (b) receives groundwater discharge or protracted contributions from melting snow or other erratic surface and shallow subsurface sources. Intermittent Streams have definable banks and bed with widths between banks greater than 12" and a depth from high water mark to the bed greater than 4".

Perennial Stream - That portion of any fresh surface watercourse for which the New York State Department of Environmental Conservation (DEC) has adopted or may hereafter adopt pursuant to applicable law or regulation, the following classifications or standards: AA, AA (T), AA (TS), A, A (T), A (TS), B, B (T), B (TS), C (T), C (TS), or D and appearing on maps (USGS or otherwise) maintained and on file with the DEC, or portions of such streams if the classification is verified in the field, or by similar method, by the DEC.

Protection Buffer - A vegetation strip or management zone a minimum of fifty feet wide maintained to mitigate the impacts of actions on adjacent lands, to enhance aesthetic values, or as a best management practice. **Protection Buffers** should be generally allowed to develop naturally. Any vegetation to be removed or disturbed within **Protection Buffers** for any purpose must have

appropriate justification with documentation in an approved prescription. Intervention will be considered to protect forest health (e.g. fire or invasive plant or animal control), to protect, restore or enhance significant habitats, to develop recreational opportunity and public access and to mitigate erosion potential. The external boundary of **Protection Buffers**, defining the border with adjacent land, will be designated with flagging or paint that can be discernable from other markings during active management. Widths will be measured to the accuracy of a pace and may vary based on terrain and other limiting factors. **Protection Buffers** may be part of a **Special Management Zone**.

Riparian Area – The area of land and water forming a transition from aquatic to terrestrial ecosystems along streams, lakes, ponds, wetlands and **Vernal Pools**.

Special Management Zone - A vegetation strip or management zone extending from wetland boundaries, high-water marks on perennial and intermittent streams, vernal pool depressions, spring seeps, ponds and lakes, recreational trails, camp grounds and other land features requiring special consideration. Portions of a **Special Management Zone** may include **Protection Buffers** where applicable as described above.

Spring Seep - A permanent spring where water emerges from the ground and flows across the soil surface without defined bed and banks. The limits of the seep are demarked by the extent of surface water. (Note: “Permanent” springs generally flow year-round, but may dry up during periods of extremely low precipitation. If the spring only flows in the spring but usually dries up in the summer, it would not be considered permanent. The presence of wetland indicator plants, and the lack of snow in the winter are also indications of a permanent spring.)

Vernal Pool – A seasonal body of standing water that typically forms in the spring from melting snow and other runoff, usually dries in the hotter months of summer, and often refills in the autumn. They normally are free of fish and provide important breeding habitat for many terrestrial or semi-aquatic species such as frogs, salamanders, and turtles [“Vernal Pool.” The American Heritage Science Dictionary. Houghton Mifflin Company. 03 Jun. 2007.] **Vernal Pools** capable of sustaining populations of indicator species generally have a water depth of 18 inches or more at the deepest point within the depression when at full capacity (usually during the spring thaw). Current science on amphibian use of **Vernal Pools** has identified zones in an attempt to help managers make decisions while protecting the different components of the vernal pool system (shading, species development, breeding, foraging, etc.). Although each zone contains valuable components for the life-cycle of amphibians using vernal pools, land managers have to incorporate these components into the many other uses on the land (under multiple use management and landscape ecology) and rate or prioritize these values against one another. Beyond the **Special Management Zone** surrounding vernal pools, staff may wish to establish further protection of the terrestrial non-breeding habitat utilized by amphibians depending on the relative value of the **Vernal Pool** compared to the other demands on the landscape. [For further guidance on management recommendations beyond the Special Management Zone, see Table 13.2 (page 270) in “Conserving Vernal Pool Amphibians in Managed Forests,” by Phillip G. deMaynadier and Jeffrey E. Houlahan found in *Science and Conservation of Vernal Pools in Northeastern North America*, 2008.]

Wetland – (*Federal*) Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adopted for life in saturated soil conditions (40 CFR 230.3[t]). Wetlands generally include swamps, marshes, bogs, sloughs, flats and similar areas. Three features

must be present for an area to be declared a wetland: 1) hydrology; 2) wetland-dependent vegetation; and 3) soil types associated with water saturated conditions (US EPA Clean Water Act).

DEC classified wetlands or “freshwater wetlands” are a) lands and submerged lands... supporting aquatic or semi-aquatic vegetation; b) containing the remnants of any vegetation that is not aquatic or semiaquatic that has died because of wet conditions over a sufficiently long period, provided that such wet conditions do not exceed a maximum seasonal water depth of six feet and that such conditions can be expected to persist indefinitely barring human intervention; c) lands and water substantially enclosed by aquatic or semi-aquatic vegetation as per a) and b); and d) the waters overlying the areas set forth in a) and b) and the lands underlying c) [N.Y. Environmental Conservation Law Section 24-0107(1)]. DEC classified wetlands generally are 12.4 acres (5 hectares) or larger in size or, if deemed to be of unusual local importance, wetlands smaller than 12.4 acres.