

**DEC Division of Lands and Forests Management Rules  
for Establishment of Special Management Zones on State Forests**

Version: June 2008

**Streams, Wetlands, Ponds, Lakes & Spring Seeps**

Streams include naturally occurring perennial<sup>2</sup> and intermittent<sup>1</sup> drainages having defined channels. **Special management zone**<sup>4</sup> widths are from the edge of high water channels or, for wetlands<sup>6</sup>, the edge of seasonally saturated soils.

A spring seep is 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.

All distances are in horizontal feet.

Activity	Guidelines
Mineral Exploration and Development	<ul style="list-style-type: none"> <li>• <u>Mineral Exploration</u>: Refer to <i>Guidelines for Seismic Testing on DEC Administered State Land Draft 12/20/07</i></li> <li>• Development Surface disturbance prohibited within 250'.</li> </ul>
Silviculture	<ul style="list-style-type: none"> <li>• <u>Spring Seeps and DEC Classified, Federally Classified, and Unclassified Wetlands</u><sup>6</sup>: 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 evenly spread throughout both the wetland or spring seep and a 100' <b>Special Management Zone</b><sup>4</sup> surrounding wetland or spring seep.</li> <li>• <u>Ponds &amp; Lakes</u>: 50' <b>Protection Buffer</b><sup>3*</sup> next to water body &amp; additional 100' <b>Special Management Zone</b> retaining at least 75% of pre-harvest basal area.</li> <li>• <u>Perennial Streams</u><sup>2</sup>: 100' <b>Special Management Zone</b> on each side of stream. First 50' next to stream is a <b>Protection Buffer</b>*. The next 50' - maintain at least 75% of pre-harvest basal area.</li> <li>• <u>Intermittent Streams</u><sup>1</sup>: 100' <b>Special Management Zone</b> on each side of naturally occurring intermittent streams. Maintain at least 75% of pre-harvest basal area within <b>Special Management Zone</b>.</li> </ul>
Skid Trails	<ul style="list-style-type: none"> <li>• Keep skid trails at least 100' from wetlands and water bodies and at least 150' away when adjoining slopes are greater than 10%.</li> <li>• 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.</li> <li>• 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.</li> </ul>
Haul Roads**	<ul style="list-style-type: none"> <li>• Avoid construction within 250' of wetlands. Must follow BMP Field Guide.</li> </ul>
Log decks and Landings	<ul style="list-style-type: none"> <li>• Must follow BMP Field Guide.</li> <li>• Keep log decks and landings at least 250' from all wetlands, streams and ponds.</li> </ul>

## Vernal Pools<sup>7</sup>

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"> <li>• <u>Mineral Exploration</u>: Refer to <i>Guidelines for Seismic Testing on DEC Administered State Land</i> Draft 12/20/07</li> <li>• Development Surface disturbance prohibited within 250' of the vernal pool depression.</li> </ul>
Silviculture	<ul style="list-style-type: none"> <li>• No disturbance, including tree cutting and use of timber harvesting equipment, is allowed within the <b>Vernal Pool</b> depression*.</li> <li>• Establish <b>Special Management Zone</b> <u>at least</u> 100' wide (if possible, wider is better) around perimeter of <b>vernal pool</b> depression*. Maintain at least 75% crown cover and minimize disturbance of leaf litter and soil. In <b>Special Management Zone</b>, 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.</li> </ul>
Main Skid Trails	<ul style="list-style-type: none"> <li>• Keep main trails out of the 100' wide <b>Special Management Zone</b>.</li> </ul>
Haul Roads** and Landings	<ul style="list-style-type: none"> <li>• Avoid construction within 250' of <b>Vernal Pool</b> depression*.</li> </ul>

## Recreational Trails

Mineral Exploration and Development	<ul style="list-style-type: none"> <li>• <u>Mineral Exploration</u>: Refer to <i>Guidelines for Seismic Testing on DEC Administered State Land</i> Draft 12/20/07</li> <li>• Development Surface disturbance prohibited within 250' of trails.</li> </ul>
Silviculture	<ul style="list-style-type: none"> <li>• Where possible, avoid clear cutting over and across any recreational trail.</li> <li>• Whenever harvesting close to or over a recreational trail, contact must 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 &amp; slash must be kept at least 25' back from the edge of trails.</li> </ul>

\*All perimeters of **Protection Buffers** and **Vernal Pool** depressions will be designated on the ground with flagging or paint. For Harvests, buffers and depressions will be identified on sale maps and equipment restrictions will be listed in the *Notice of Sale*.

\*\* Haul roads refer to 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.]

## **POSSIBLE SILVICULTURAL EXEMPTION CONSIDERATIONS**

*(All Exemptions must be approved by Central Office and documented in the Stand Prescription)*

1. **Habitat Improvement:** Deviations from any guidelines may be undertaken to improve habitat for specific species.
2. **Control of Invasive Species:** Deviations from any 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.
  - Ground is dry and can support equipment without creating mud, ruts or significantly\*\*\* disturbing the vegetation.
  - 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.
  - 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. **Buffer Restoration and Plantation Conversion:** Deviations from any guidelines may be undertaken when (in addition to **Possible Exemption Considerations #1 & 2**) equipment can be used according to Exemption #3 and:
  - A weather event 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.
  - A regeneration inventory is completed with adequate natural regeneration established (with documentation) and over 25% of the existing basal area of trees 6" DBH and larger are made up of plantation softwood species which 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 approved by Central Office on a case-by-case basis.

*\*\*\* The DEC Regional Forester or his designee (Supervising Forester, Senior Forester, Forester Trainee or Forestry Technician) will determine what is or is not significant, and may consult with other DEC staff within the Region and Central Office when necessary.*

## **DEFINITIONS**

1. **Intermittent Stream** - A naturally occurring watercourse that periodically goes dry or that has a stream flow of less than 0.1 cubic feet per second, as estimated using a method or methods generally accepted and in common use and practice at the relevant time. **Intermittent Streams** should 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".
2. **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.

**3. 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. No vehicular, construction or harvesting equipment will be allowed to operate within **Protection Buffers** unless at designated crossings to access other management areas. **Protection Buffers** will not be considered for active commercial forest management or salvage and 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 *Conceptual Approval Form*. 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. **Protection Buffers** will be installed around designated streams, wetlands, ponds and lakes as described by the *DEC Division of Lands and Forests Management Rules for Establishment of Special Management Zones on State Lands*, and any other land feature requiring protection. 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 Zones**.

**4. Special Management Zone** - A vegetation strip or management zone extending from wetland boundaries, high-water marks on perennial and intermittent streams, **Vernal Pool** depression, 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 in the *DEC Division of Lands and Forests Management Rules for Establishment of Special Management Zones on State Lands*.

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

**6. 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 semi-aquatic 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.

**7. 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.]