

Model Ordinance for Logging/Silviculture Practices

Canandaigua Watershed Council Timber Harvesting Law*

*As included in the *Protecting Water Resources through Local Controls and Practices: An Assessment Model for New York Municipalities* Guide, prepared by the Genesee Finger Lakes Regional Planning Council.

Timber Harvesting Model Law

I - Purpose

The purpose of this chapter is to promote the health and safety of the residents of the Town of _____ by protecting the natural environment as affected by timber harvesting. The town recognizes that timber resources are of significant value and will be harvested. The town also recognizes that if harvesting practices are carried out poorly, they can result in significant and direct environmental damage to the property and to the adjacent lands and waters. This chapter requires the landowner and his agent to be responsible for implementation of the best management practices as outlined in this chapter. Proper management practices will limit subsequent environmental damage, particularly from soil erosion and sediment-laden run-off. Therefore, the following requirements are intended to regulate those harvesting activities that are most likely to cause environmental damage, such as stream crossings, location of landings, haul roads and skid trails and reclamation efforts.

II - Conflict with other provisions

Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or laws, the most restrictive shall govern.

III - Definitions

For the purpose of this Chapter, the following terms shall apply:

ACE – Army Corps of Engineers.

APPLICANT – The landowner in conjunction with his/her (landowner's) agent.

BEST MANAGEMENT PRACTICES – devices and procedures to be considered and used as necessary to protect the values and functions of forested land during harvesting and other forest management operations.

BUFFER STRIP – Strip of land containing grass and/or vegetation/ground cover and/or woods that separates an area of concern from an intensive land use area (logging).

BOARD FOOT - A measure of lumber twelve by twelve by one (12 x 12 x 1) inches.

CLASSIFIED STREAM – A stream protected under Article 15 of the Environmental Conservation Law. A permit is required from the NYS DEC for any work disturbing a classified streams bed or banks.

CLEARCUTTING – A method of timber harvesting where virtually all trees on a site are removed.

CODE ENFORCEMENT OFFICER (CEO) – The official designated by the Town Board to enforce the provisions of the Chapter.

COMMERCIAL TIMBER HARVESTING (LOGGING) – Timber harvest activity that fells trees whose volume is greater than twenty-five (25) standard cords or ten thousand (10,000) board feet of timber as measured by the International Log Rule. The clearing of lands for agricultural, development purposes or utility right-of ways which shall fell trees greater than the aforesaid volumes shall specifically be included within this definition.

HAUL ROADS – A constructed road of dirt and/or gravel utilized for moving cut trees from the point where they are loaded on a truck to exit from the site.

INTERNATIONAL ¼” LOG RULE – The legally recognized NYS method for estimating the amount of lumber in board feet that can be obtained from logs or trees.

LANDINGS – An open or cleared area used for loading logs onto trucks or used for any purpose such as storing logs or servicing equipment.

LANDOWNERS AGENT – The logger, forester and/or consultant representing the landowner.

LOGGING SLASH AND DEBRIS – Any residue of trees or of the associated cutting left on the site after harvesting, including but not limited to trunks, tops and vegetative litter.

STANDARD CORD - Cut wood stacked four feet high by four feet wide by eight feet long.

STREAM – A body of running water flowing continuously or intermittently in a channel on the ground surface.

IV - Permit Requirements

It is hereby required that a timber harvesting permit application is to be filed with the Town CEO by anyone desiring to harvest timber in quantities greater than 25 standard cords of wood or 10,000 board feet of timber as measured by the International Log Rule in any one year within the town. The property owner and the logger shall apply for such permit jointly.

No person, firm, partnership, corporation or other entity shall engage in any logging activity whether the same shall be for profit or otherwise unless the aforesaid entity complies with the provisions of this Chapter and the following:

- A. A timber-harvesting permit, to be issued by the Town Code Enforcement Officer, shall be required before any logging operation is conducted within the town.
- B. A registration fee to be paid in an amount deemed reasonable and set through resolution of Town Board and updated as necessary.

V - Standard Operating Procedures

All timber harvesting pursuant to this Chapter shall comply with the following standards:

- A. 1) No forest haul road or skid road to exceed a slope of 15% for a distance of more than 200 feet. 2) The applicant shall take appropriate measures (waterbars, dips) to divert running water from the roads at intervals in order to minimize erosion. Temporary waterbars are to be installed to protect any stream (including road ditches) on skid roads, landings or other areas of considerable disturbance as forecasted wet weather deems necessary.
- B. There shall be no skidding up and down any stream channel, and all logging slash and debris shall be promptly removed from any such channels.
- C. All streams are to be crossed only when necessary and by the most direct route, at a right angle to the stream channel. All streams to be crossed will have crossing appropriate structures installed to prevent damage to the bed and banks of the stream, i.e. temporary bridges, fords, culverts etc. The landowner and/or agent will be responsible for complying with all NYSDEC and ACE permitting requirements on classified streams.
- D. 1) No harvesting allowed within 15 feet of streams or other surface waters except necessary maintenance. 2) No haul or skid roads (except direct route stream crossing) within a 100-foot set back distance from streams or other surface waters, i.e. lakes and ponds. Trees harvested within this area should be directionally felled away from stream channel. 3) No landings shall be located within buffer strips abutting streams.
- E. Directionally fell trees, within the stream set back distance, so tops land away from waterways.
- F. 1) No haul or skid roads (except main route to landing) within a 100-foot set back from public roads. 2) Landings located in buffer strips abutting roads shall be properly graded and waterbarred to prevent sediment from washing into the drainage ditches along the public roads.
- G. The entrance of haul roads onto town roads shall be done in compliance with town regulations.
- H. All trash and garbage are to be removed on a daily basis.
- I. **Site reclamation** – To be performed by the applicant upon completion of the harvesting activity.
1. Haul roads and primary skid trails shall have permanent erosion control and drainage structures installed. Waterbars should be placed at the following intervals:

<u>Grade percent</u>	<u>Feet</u>
<5%	200'
6-15%	150'
>16%	100'
 2. Manage and divert overland flow on haul roads and skid trails by properly shaping, sloping, and ditching to prevent erosion.
 3. All disturbed areas, such as roadways and landings, prone to erosion, will be stabilized by seeding and mulching.
 4. All temporary culverts and bridges at stream crossings shall be removed and stream banks restabilized and protected with waterbars. All reclamation efforts shall be subject to inspection by the town to assure compliance with this provision.

VI - Permit application procedure

The permit application package will include a basic application, a full application, a copy of this chapter, and a “New York State Forestry Best Management Practices for Water Quality, Field Guide”.

1. The **Basic Timber Harvest Application** requires the following information;
 - a. Applicants certificate of insurance for \$250,000/\$500,000 property damage and personal liability, specifically covering damage to roadways and culverts.
 - b. Name/addresses of landowner and logger/forester (agent).
 - c. Physical description of property to be logged, copy of USGS Topographic maps with property boundaries, streams, landings and area to be logged clearly marked.
 - d. Local and county roads to be used for transport by log trucks and heavy equipment.

If the area to be harvested is less than 15% slope and no streams are present in or contiguous to the harvest area, the above steps will complete the information needed and the Town CEO will issue a permit within 5 business days.

If the grade is over 15% and/or a stream is included or adjacent to the harvest area then a full timber harvest plan will be required in addition to the basic application.

2. In addition to the above, the **Full Timber Harvest Application** will require;
 - a. A description of the Best Management Practices applied to the basic plan pertaining to the stream crossings, skid and haul roads and landings.
 - b. The BMP locations will be identified on the project maps in the basic application, described in narrative and subject to inspection by the Town CEO.
3. A copy of all approved permits will be sent to NYSDEC Region #8 Office, Ontario County Soil and Water Conservation District, the Town Highway Superintendent and the contiguous landowners. Notice will also be sent to town and county highway departments whose roads are intended to be used for transport of heavy equipment.

VII - Regulation and penalties for offenses.

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this chapter.
- B. The Code Enforcement Officer, may with due cause and without hindrance, reasonably enter, examine and survey all grounds affected by the timber harvest in a prudent manner, upon complaint or administrative warrant in order to ascertain whether such rules and regulations in this section are complied with by any person regulated by this chapter.
- C. Upon notification by the CEO to the applicant of any violation hereunder, the timber-harvesting permit granted to such applicant shall be suspended and/or revoked. Upon suspension or revocation, as the case may be, all operations shall immediately cease, and the applicant shall take immediate steps to implement the restoration of the property and remove the debris, all as set forth in the application and timber-harvesting permit. Such suspension or revocation notice may contain conditions to be met to obtain reinstatement of the permit.

- D. Any person violating any provision of this chapter shall be guilty of an offense punishable by a fine not to exceed \$300.00 or imprisonment for a period not to exceed fifteen days, or both.
- E. Pursuant to 150.20 of the Criminal Procedure law and in accordance with section 10(4)(a) of the Municipal Home Rule Law, the CEO of the town is hereby authorized to issue and serve appearance tickets in respect to any violation of this chapter.
- F. In addition to or as an alternative to the above provided penalties, the Town Board may also maintain an action in the name of the town in a court of competent jurisdiction to compel compliance with or restrain by injunction any violation of this chapter.