

New York Society of American Foresters

Position Statement on the Governor's proposed amendments to the Right to Practice Forestry Law.

Position: The New York Society of American Foresters (NYSAF) supports Subsection 9-0815 found in the Governor's Budget Proposal, requiring "any municipality proposing an ordinance, regulation or permit requirement which may restrict the practice of forestry, including but not limited to timber harvesting, other forest management practices and temporary storage or transport of logs or other wood products from harvest site, shall submit such proposals to the department (DEC) for review, comment and input, to ensure they do not adversely impact the landowner's right to practice forestry".

Issue: The current Right to Practice Forestry law (effective March 2004) does not require municipalities to submit proposed ordinances, regulations or permitting procedures to the Department of Environmental Conservation (DEC) for review. In addition, the current language does not require the municipal body considering such bill to act upon the DEC's recommendations.

Back Ground:

The current Right to Practice Forestry Bill came into effect March 1, 2004. This bill requires municipalities to submit, to DEC proposed ordinances, regulations or permit requirements only if petitioned by a local landowner or the DEC. Without any petitioning body the DEC will not have the opportunity to review such local laws and submit commentary. Under the current Right to Practice Forestry Law the municipality does not have to take action on the DEC's recommendations related to such proposed ordinances, regulations or permit requirements, rendering any such recommendations null if not acted upon.

The proposed amendment to the Right to Practice Forestry Bill requires any municipality considering new ordinances, regulations or permit requirements related to forestry to submit such proposed ordinances, regulations or permit requirements to the Commissioner of the DEC for review and comments. Further, the amendment requires that the municipality "shall not act contrary to such recommendation except by a vote of a majority plus one of the members thereof".

References:

Gov. budget

A Municipal Officials Guide to Forestry in New York State.

Approved by the New York Society of American Foresters Executive Committee on