



CATSKILLCENTER

September 7, 2022

Jason Drobnack
Forest Stewardship and Forest Utilization Program Leader
New York State Department of Environmental Conservation (DEC)
Private Lands and Forest Utilization Section
Bureau of Forest Resource Management
625 Broadway
Albany, NY 12233-7254

RE: Proposed Changes to New York State Forest Tax Law Regulations (6 NYCRR Part 199)

Via email to: bslmregs@dec.ny.gov

Dear Mr. Drobnack:

For 53 years, the Catskill Center for Conservation and Development has worked to protect and foster the environmental, cultural, and economic well-being of the Catskill Region, serving portions of Delaware, Greene, Orange, Otsego, Ulster, Sullivan, Schoharie, and Albany Counties. The Catskill Center commends DEC for collaborating with stakeholders in an effort to improve the implementation of New York State's existing Forest Tax Law, and we appreciate the opportunity to comment on the proposed changes. Family forest owners who are older than age 60 own the vast majority of the state's forests, often in relatively small parcels. Ensuring successful partnerships between these private landowners and the State is essential for securing the economic and environmental future of New York's working woodlands, and supporting the State's climate efforts.

We are pleased to see the Department's efforts to reduce administrative burdens in the Forest Tax Law Program, encourage greater enrollment, and improve forest management by clarifying and strengthening various requirements. The Catskill Center particularly supports the following proposed changes to the regulations:

- Prohibiting the destructive practice of high grading (199.6[c]) and discouraging high grading immediately prior to enrollment (199.5[g]);
- Providing clear educational requirements for cooperating foresters (199.1[o] & 199.12);
- Providing a mechanism for incorporation of grazing and agroforestry into an approved management plan (199.6[d]);
- Underscoring the importance of treatments aimed at forest regeneration (199.8[e]);
- Providing for more streamlined notice of commercial harvests and for incorporation of approved harvest prescriptions into management plans (199.6[b] and 199.7[b]);
- Clarifying terminology throughout the regulations (such as in 199.1[p] and 199.1[x]/[y]);
- Ensuring that program applicants are fully informed prior to enrollment (199.5[b][4]).

While the Catskill Center generally supports the Department's efforts to streamline programmatic paperwork, we would advise that greater specificity be retained or added in certain sections of the regulations so that barriers to participation can be removed while quality standards remain high. For example:

- In Section 199.6(a), all of the detailed requirements for forest management plans have been removed and replaced with a short description of non-specific requirements, primarily that the plan "shall be in a form and format as approved by the department and shall contain a 20-year work schedule, which shall include all commercial and noncommercial cuttings, road construction and other treatments required for continued certification." While the Catskill Center respects the dedication and expertise of the Department's current staff, we also realize that state funding and priorities will vary from administration to administration in the future, and we recommend that the section 199.6(a) of the regulations clearly specify the key management plan elements that are required. At a minimum, these should include:
 - goals of the plan, including compatible uses desired by the forest owner;
 - a map and description of forest stands;
 - mapping of streams and wetlands on the property, along with their state classifications;
 - identification and mapping of rare species and rare natural communities either known to be present or potentially present on the property, based on NY Natural Heritage Program data;
 - all treatments proposed for the 20-year work schedule.
- In Section 199.7(b)(1), cutting prescriptions should be required to include provisions to avoid or mitigate impacts to soils, streams, wetlands, rare species, and rare natural communities.
- As written, Section 199.9(c), appears to leave room for landowners not to submit an update if they deem changes to have been immaterial, but there does not seem to be a requirement for any independent evaluation of the materiality of the changes. We suggest requiring all enrolled landowners to submit a brief narrative update after five years. In the update, the landowner can indicate whether any changes are perceived by the owner (or owner's forester) to be material.

Thank you for your efforts to improve the Forest Tax Law for the benefit of all New Yorkers, and thank you for considering our comments.

Respectfully submitted,



Jeff Senterman
Executive Director