

Local Tools and Strategies for Protecting Your Forests and Wetlands



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NYS Department of Environmental
Conservation

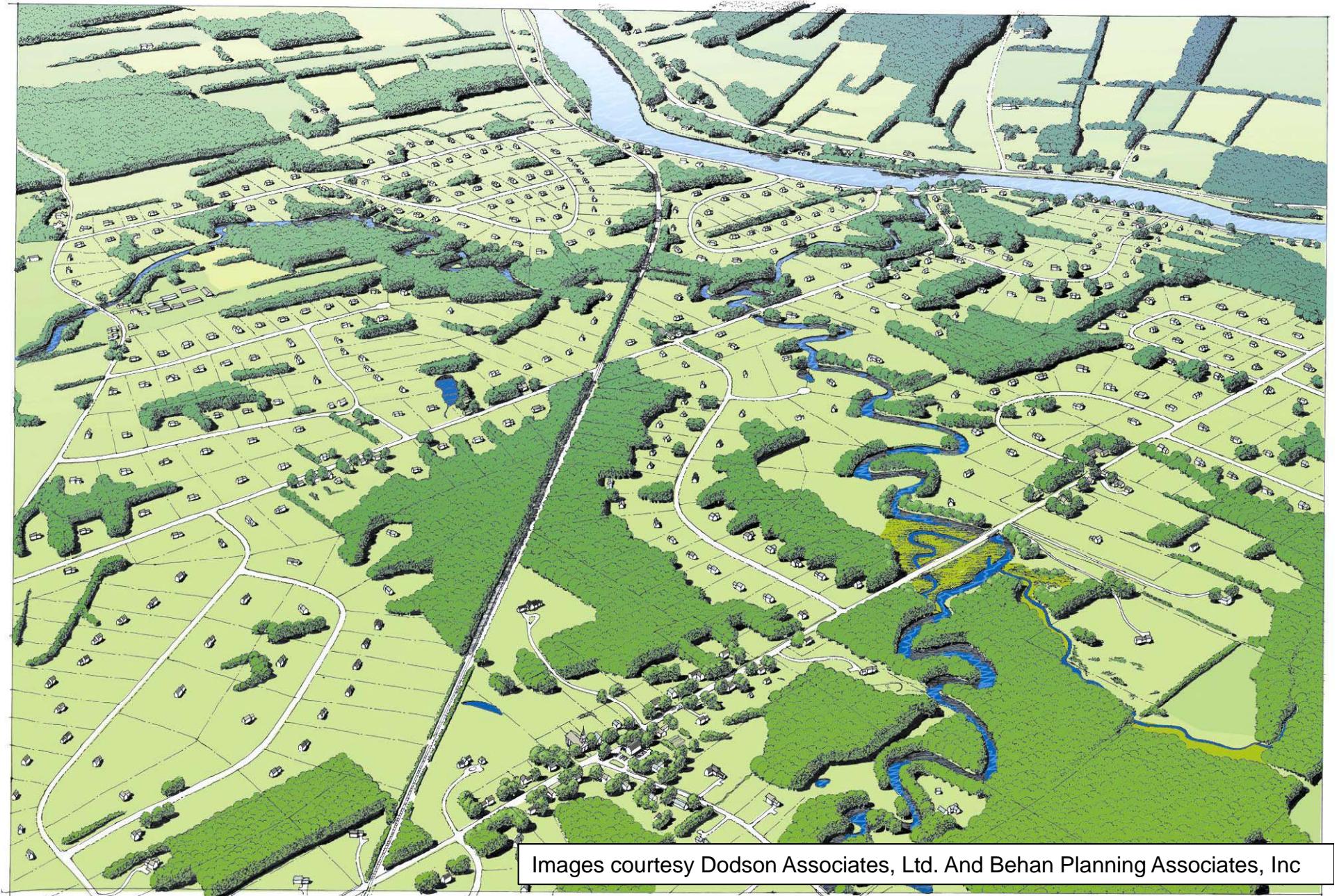




How do we reduce
pressure of land
use on forests and
wetlands?

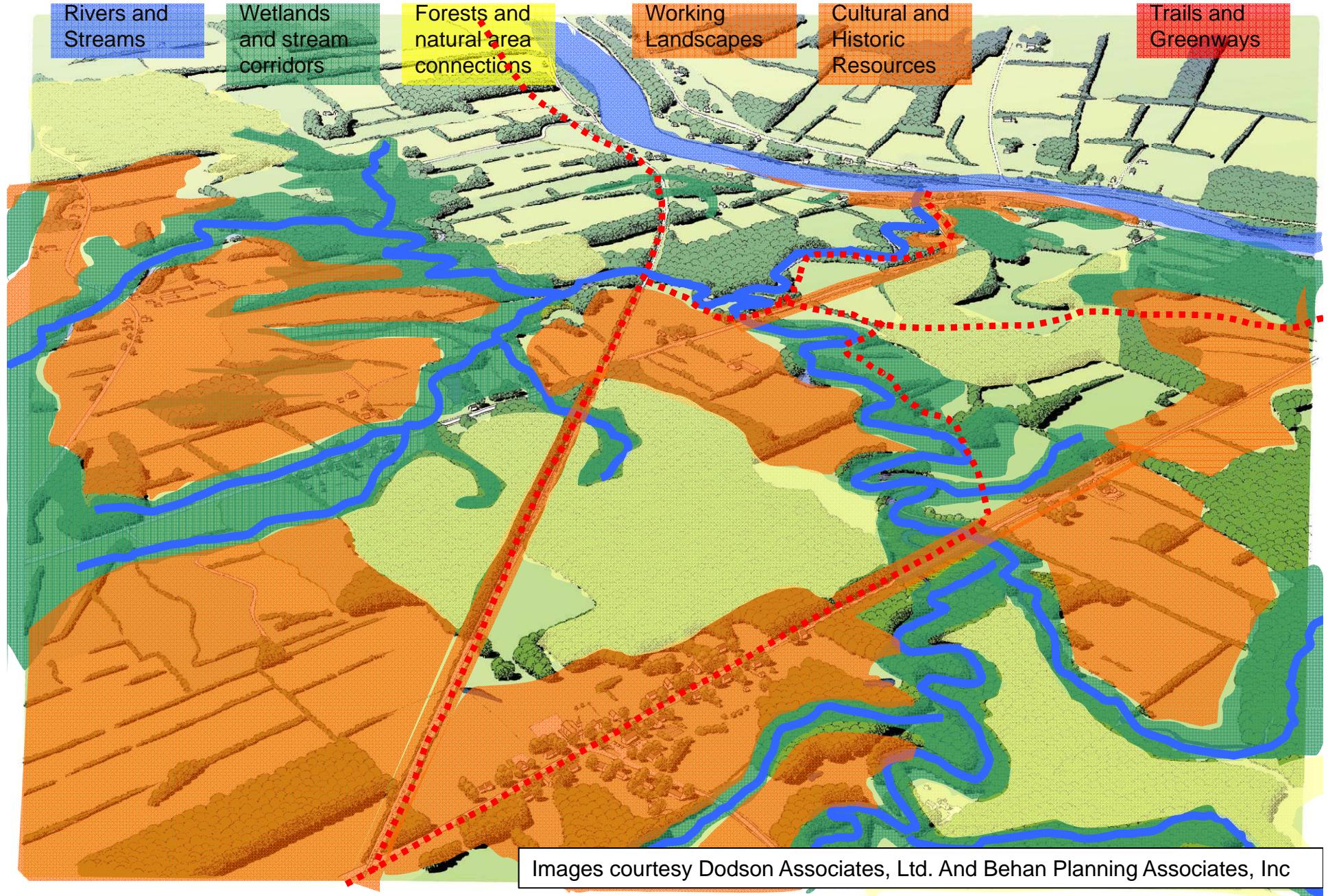


First, you need to know the resources you have and you need to put them in context.

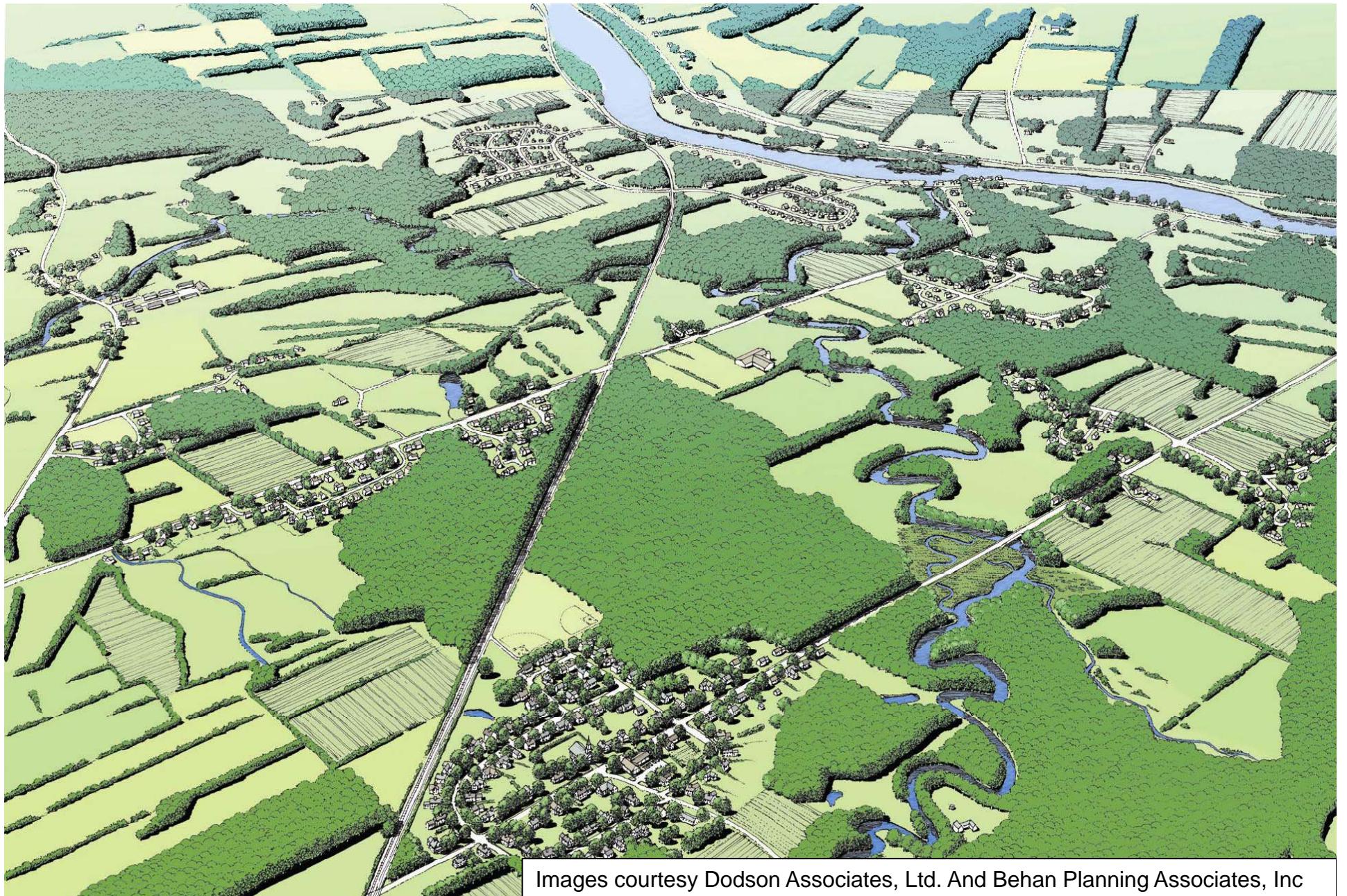


Images courtesy Dodson Associates, Ltd. And Behan Planning Associates, Inc

The future of a rural community



Start with the big picture



Images courtesy Dodson Associates, Ltd. And Behan Planning Associates, Inc

A buildup that reduces pressure

At the site scale:

The diagram illustrates two approaches to site-scale subdivision design. On the left, under the heading "INSTEAD OF THIS", there are two side-by-side plans. The top plan shows a grid-like layout with many small lots and scattered houses, labeled "INSTEAD OF THIS". The bottom plan shows a more clustered layout with larger lots and more concentrated housing, labeled "STRIVE FOR THIS". On the right, under the heading "INSTEAD OF THIS", there are two side-by-side plans. Both show two separate clusters of houses, each enclosed in a red circle, with a road between them. Below this, under the heading "STRIVE FOR THIS", is a single plan showing the same two clusters of houses, but now connected by a single, continuous road that passes through the area between them, effectively linking the two clusters.

INSTEAD OF THIS

STRIVE FOR THIS

INSTEAD OF THIS

STRIVE FOR THIS

Clustering homes helps maintain most of the site in a natural condition, preserves large contiguous habitat blocks, reduces new road construction, and limits the area of human disturbance. Cluster homes whenever possible, and minimize the footprint of homes by limiting the allowable size of lawns. Clustering and minimizing new road construction will reduce the carbon emissions of a project—both in the short term (from clearing the forest for construction) and in the long term (when land-use designs result in ongoing transportation patterns).

Humans and their activities have impacts on surrounding wildlife. These impacts extend out at least 150-200 meters from homes. By locating homes closer together, these zones of influence overlap, lessening the overall area of impact.

Emphasize proper subdivision design

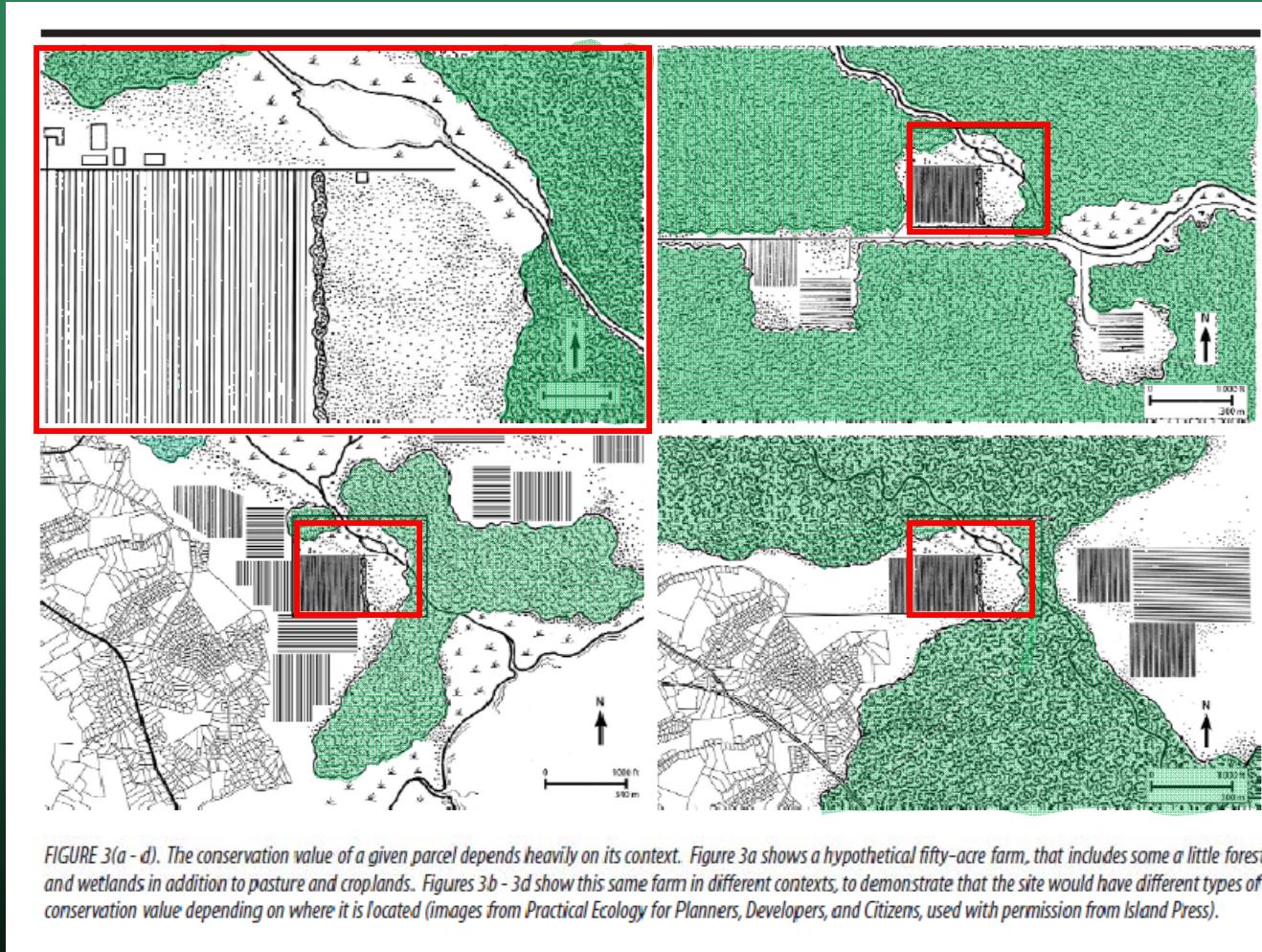
Avoid sensitive features by adjusting the configuration of lots or prescribing the buildable areas within lots. Work with the applicant to determine an appropriate design for the site. Consider the number, size, location, and density of new parcels, as well as the location of new infrastructure, such as roads, and strive to minimize these impacts.

From Make Room for Wildlife, Wildlife Conservation Society Adirondack Program

NYS Department of Environmental
Conservation



Understanding context is essential for valuing a site's resources



Local Tools for understanding Woodlands, Wetlands, and Water

Understanding sites...

- Resource/Conservation Analysis
- State Environmental Quality Review Act
- NY Natural Heritage Program data inquiry

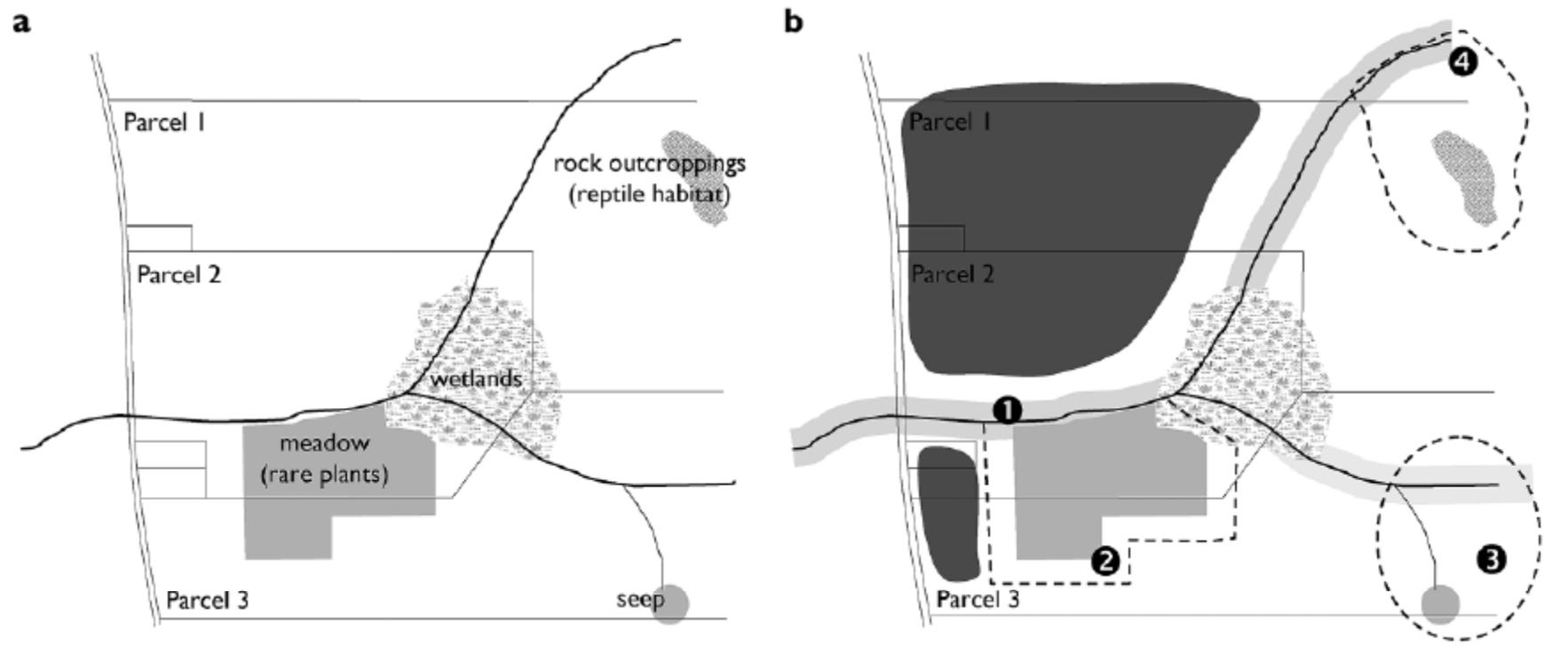


...Understanding context

- Online data
- Natural Resource Inventory
- Critical Environmental Areas (SEQR)
- Conservation Advisory Councils can help



Resource analysis helps determine which areas to build on and which to conserve



From Milder, J. 2007. A framework for understanding conservation development and its ecological implications. Bioscience 57: 757-768.



SEQRA requires lead agencies to take a “hard look” at environmental impacts

- 1) identify relevant areas of environmental concern
- 2) thoroughly analyze those areas to determine if the action may have a significant adverse impact
- 3) support its determination with reasoned elaboration



Photo: L. Heady



New Model Environmental Assessment Forms – October 1, 2012

Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Name of Action or Project:		
Project Location (describe, and attach a location map):		
Brief Description of Proposed Action:		
Name of Applicant or Sponsor:	Telephone:	
E-Mail:		
Address:		
City/PO:	State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		
3.a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres		
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland		

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor, and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:	Telephone:	
E-Mail:		
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor, give name and title/role): Telephone: E-Mail:		
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Telephone: E-Mail:		
Address:		
City/PO:	State:	Zip Code:



New York State Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12244-4757
Phone: (518) 402-8935 • FAX: (518) 402-8925
Website: www.dec.state.ny.us



October 23, 2002

Jane Smith
222 Deer Run
Mountain Town, NY 22222

Dear Ms. Smith,

In response to your recent request, we have reviewed the New York Natural Heritage Program databases with respect to an Environmental Assessment proposed for the proposed Bone Hollow Estates site as indicated on the map you provided, located on Bone Hollow Road, Town of Marbletown, Ulster County.

We have no records of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of your site.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain any information which indicated their presence. For most sites, comprehensive field surveys have not been conducted. For these reasons, we cannot provide a definitive statement on the presence or absence of rare or state-listed species, or of significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Data bases. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

Sincerely,

John Doe, Information Services
New York Natural Heritage Program

Local Tool: New York Natural Heritage Program data inquiry: *example of response*

We have no records of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of your site.

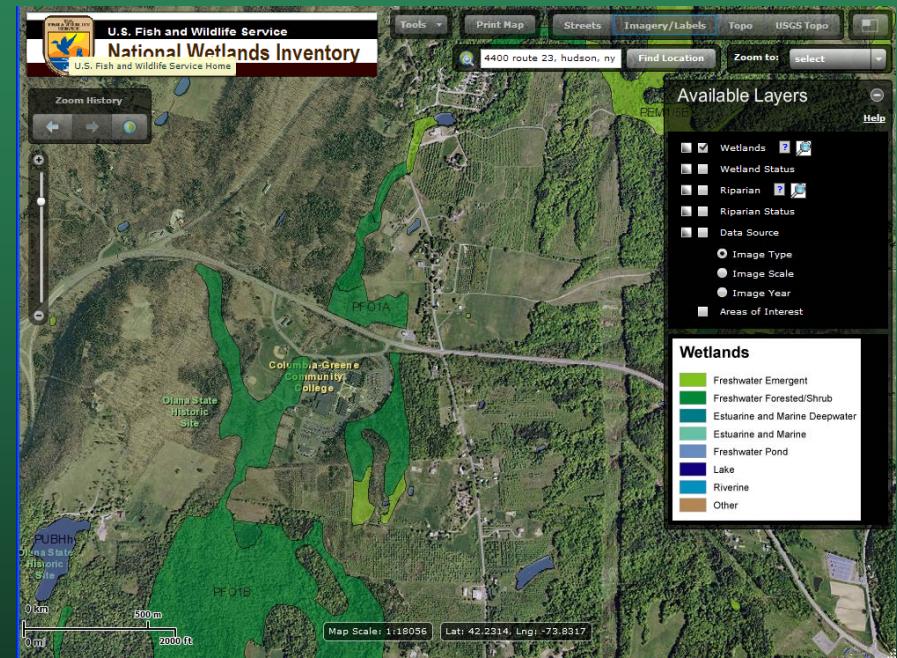
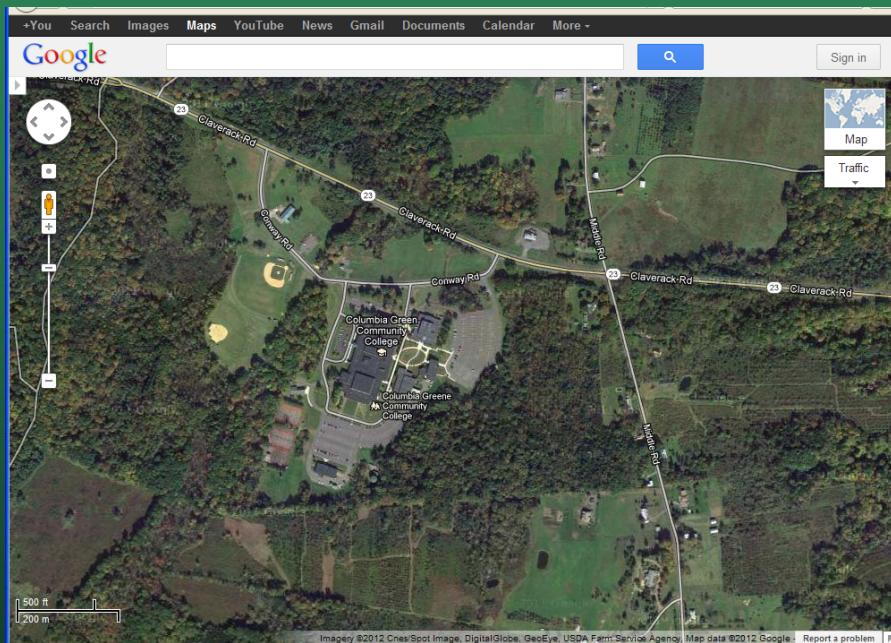
Kittredge v.
Liberty 57 A.D.
NY3d 1336
[2008]

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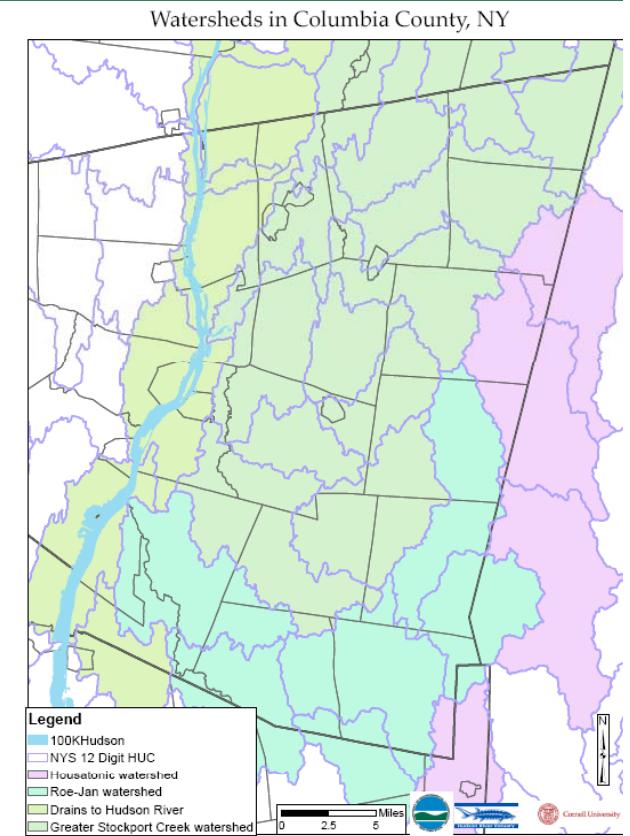
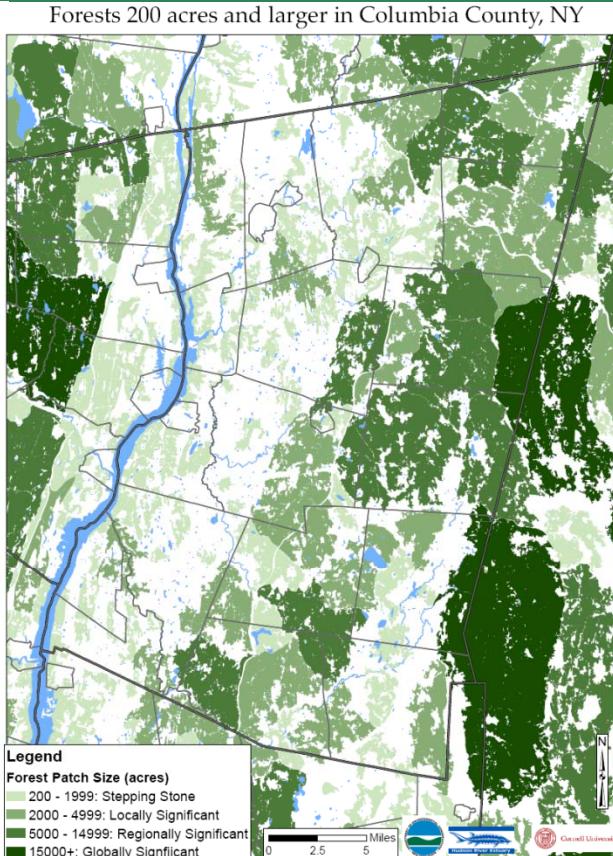
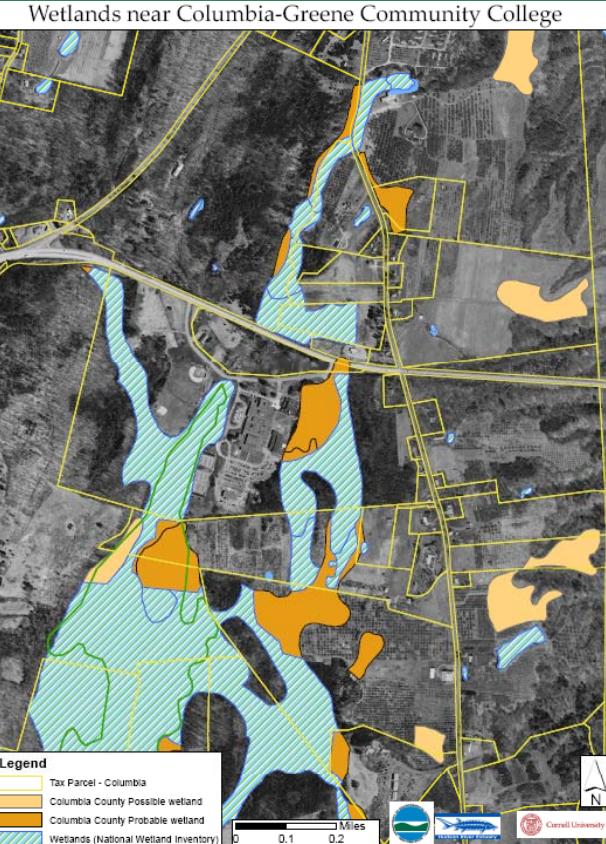
NYS Department of Environmental Conservation



Context: Online tools for understanding site context



Publicly accessible data can fill in the gaps



Natural Resources Inventory:
Towns of Montgomery and Wallkill
Orange County, New York

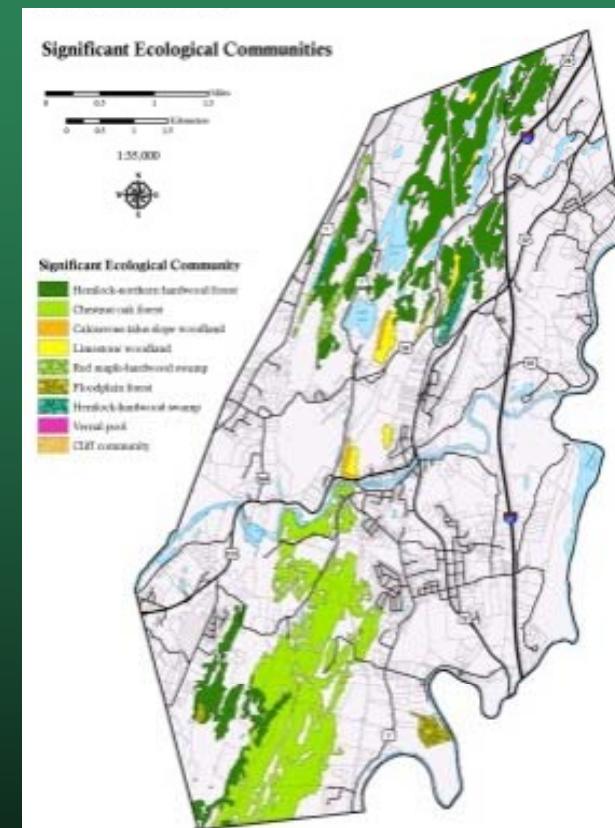
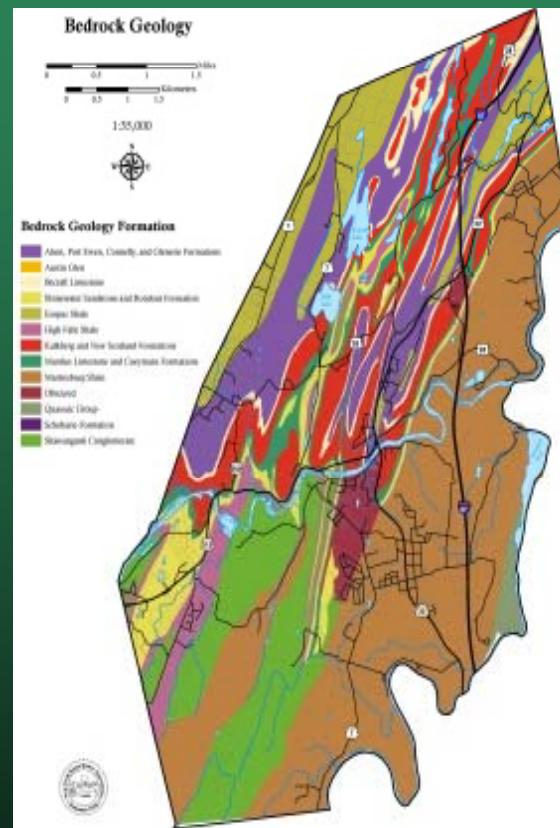


This intermunicipal inventory is a cooperative project between the Town of Montgomery Conservation Advisory Council and the Town of Wallkill Commission for Conservation of the Environment

Compiled by: Karen Schmid-McDonald
Hickey Creek Consulting, LLC
Red Hook, New York 12571
Baldwin, Connecticut 06446
December, 2007, revised 2010

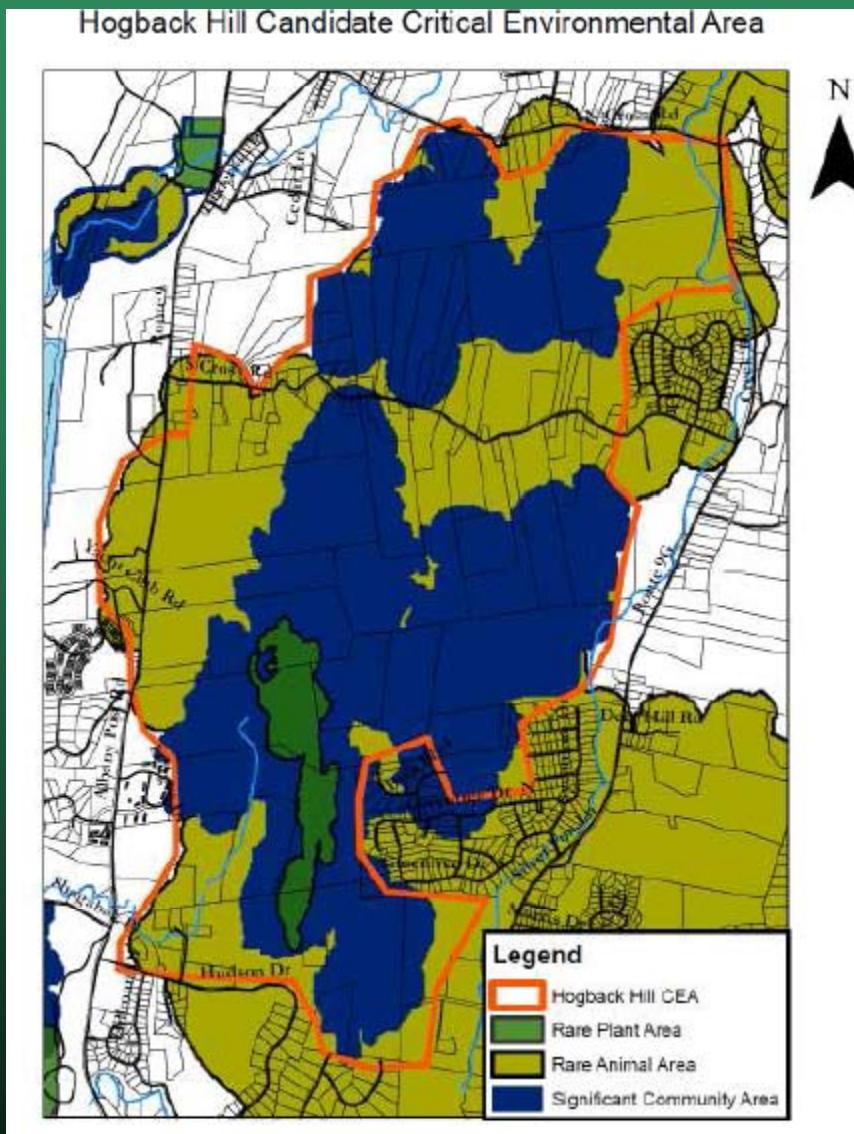
Funded by a grant from the Hudson River Estuary Program,
New York State Department of Environmental Conservation

Context: Natural Resource Inventory



NYS Department of Environmental
Conservation





Hogback Hill CEA, Hyde Park

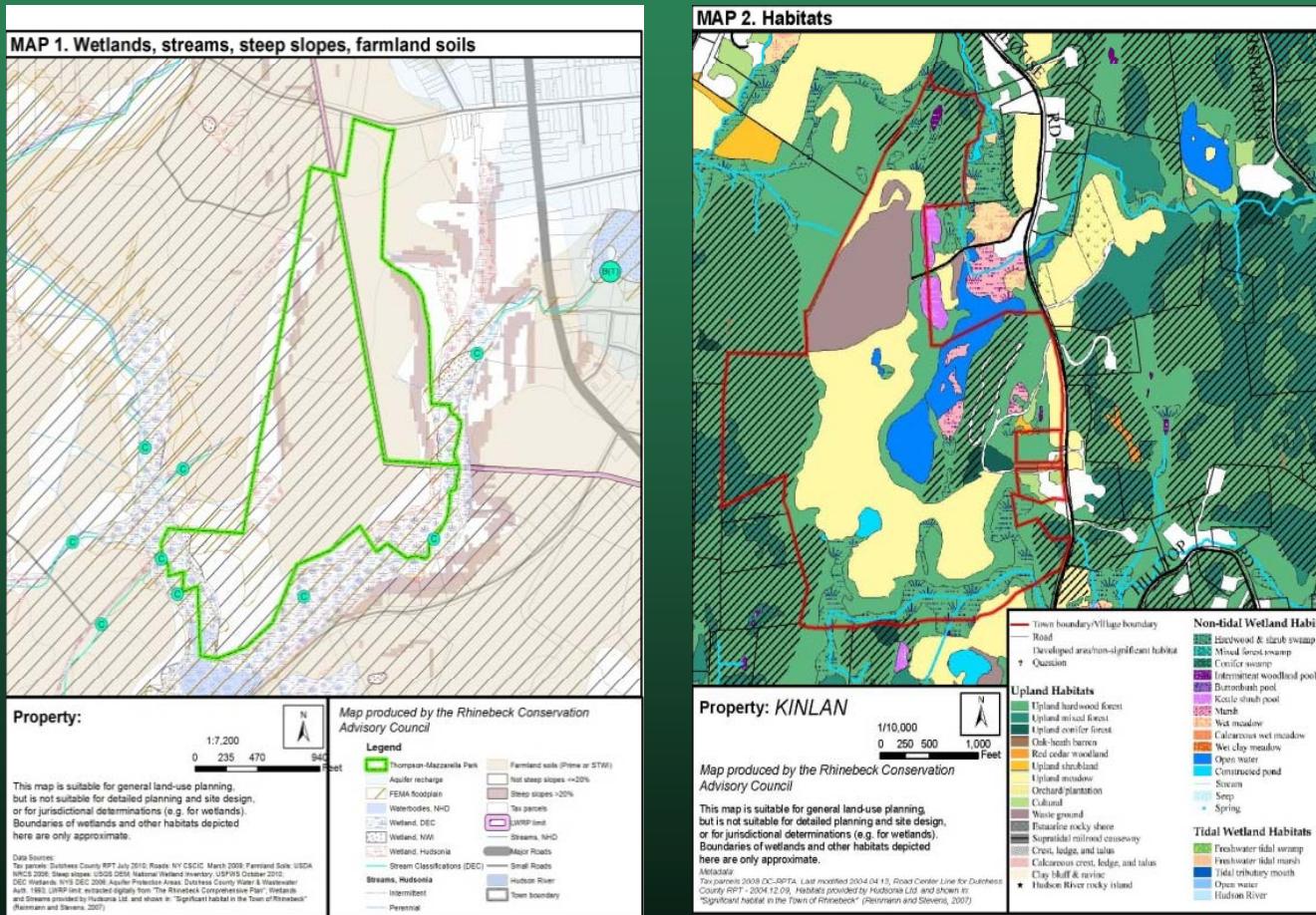
Context: Critical Environmental Areas

A specific geographic area designated by a state or local agency as having exceptional or unique environmental or cultural characteristics, raising awareness of resource values.

NYS Department of Environmental Conservation



In Rhinebeck, the Conservation Advisory Council helps the Planning Board



NYS Department of Environmental Conservation





Ok, I have a better
understanding,
now what?



Next, you need local tools to allow development that reduces pressure

Local Tools for conserving Woodlands, Wetlands, and Water

- Flexible lots sizes /Conservation subdivisions
- Stormwater Management
- Comprehensive Plans
- Zoning
- Overlay Zoning - Aquifer Protection
- Land clearing ordinance
- Wetland and Watercourse Law

Conserving Natural Areas and
Wildlife in Your Community:

Smart Growth Strategies for Protecting the Biological Diversity
of New York's Hudson River Valley

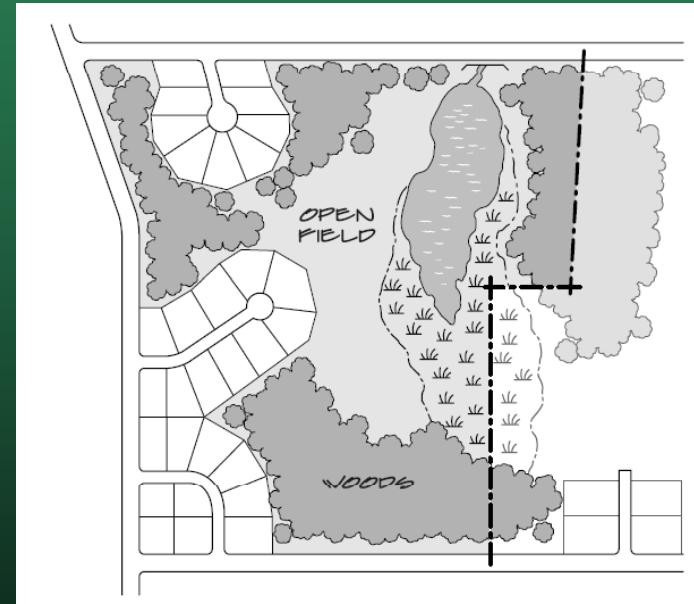
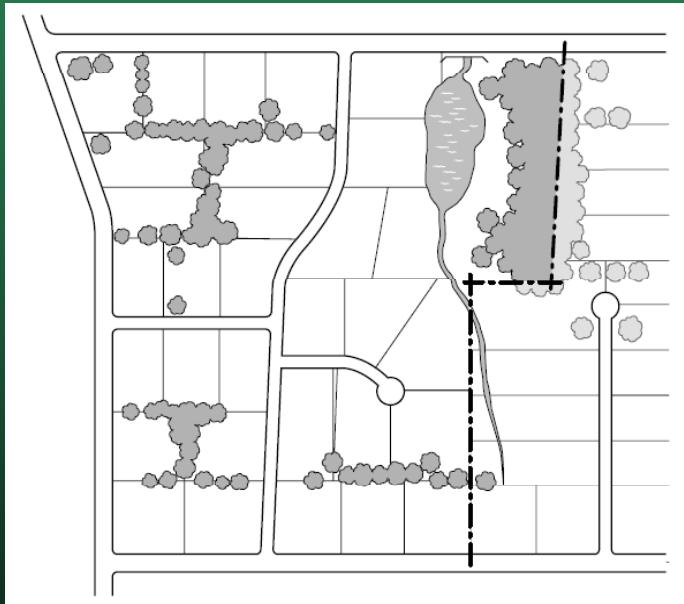


New York State Department of Environmental Conservation



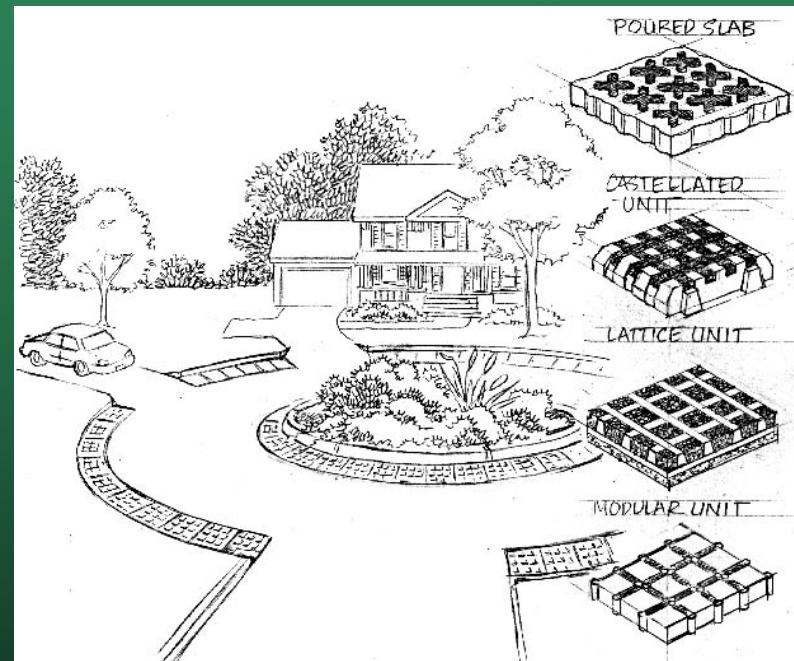
NYS Department of Environmental
Conservation

Flexible lot sizes are essential for conserving sensitive areas on a development site



Stormwater management reduces pressures on wetlands and streams

- 1) Understand site drainage patterns
- 2) Protect existing forests and wetlands
- 3) Reduce impervious surface
- 4) Use green infrastructure to manage stormwater onsite
- 5) Erosion and sediment control



Comprehensive Plans

Establish a community's vision for the future



Specific Policy Statements
regarding wetland and forest
conservation.

Sample policy for forests: To
protect forest land for multiple-
use forestry, including timber
production, watershed
management, fish and wildlife
habitat, and recreation.



Zoning

Controls the type and intensity of land use within defined areas

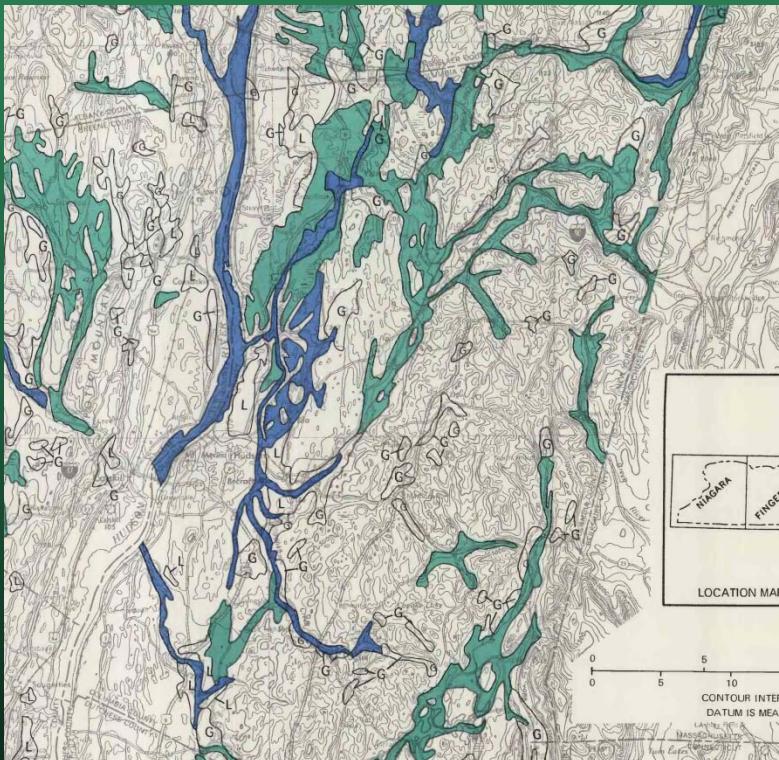


- Remove wetlands from density calculations
- Setbacks from wetlands
- Include forestry as a use for appropriate districts



Overlay Zone

Adds new standards to underlying zoning in specific geographic areas



Aquifer Protection
Limit uses to minimize groundwater contamination in wellhead protection area, aquifer recharge area, and watershed area



Land clearing ordinance

- 1) Require local review for land clearing
- 2) Distinguish development from forest uses
- 3) If large enough, may be subject to stormwater regulations.

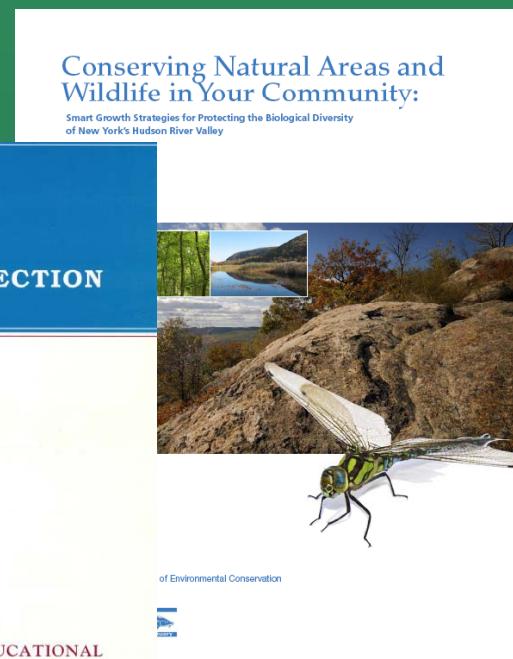
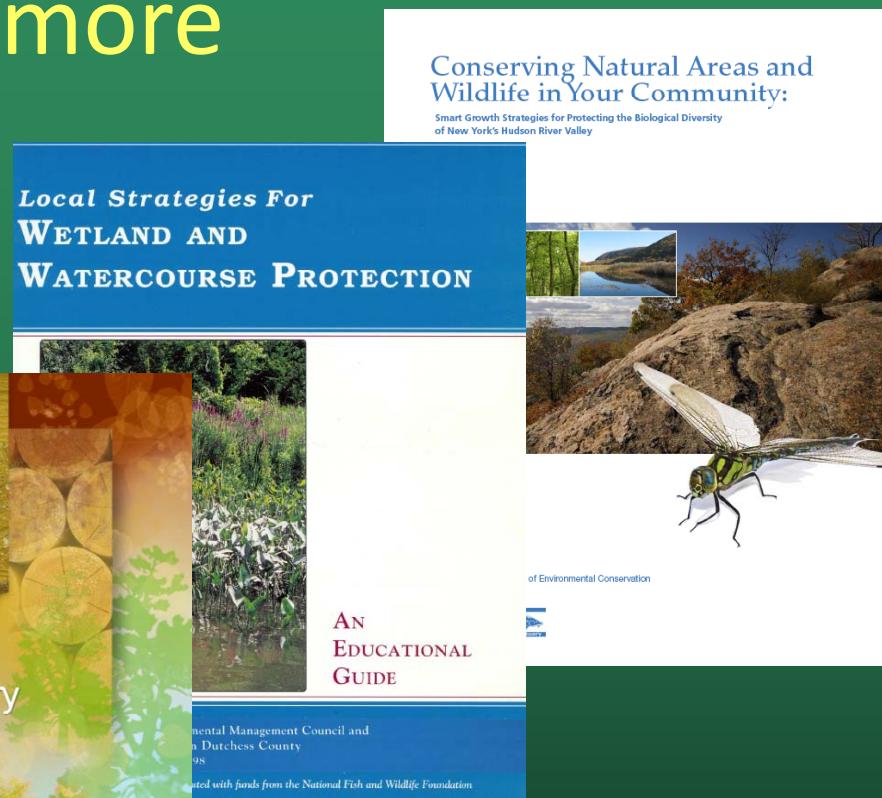


Wetland and Watercourse Ordinance

- 1) Define which wetlands and buffer to protect locally
- 2) Protects all wetlands in municipality, not just on new development sites
- 3) Determine how to review – wetland inspector, wetland review board



Where can I get more information?



Tools and Principles Handouts

NYS Department of Environmental
Conservation



Karen Strong

Biodiversity Outreach Coordinator

NYSDEC Hudson River Estuary Program &
Cornell University Dept. of Natural Resources



Cornell University

NYSDEC

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kstrong@gw.dec.state.ny.us

www.dec.ny.gov/lands/4920.html



NYS Department of Environmental
Conservation

