

October 24, 2016

Commissioner Basil Seggos  
NYS Dept. of Environmental Conservation  
625 Broadway  
Albany, NY 12233-1011

Subject: Pre-Harvest Timber Notification

Dear Commissioner Seggos:

Recently members of the Board of the New York Forest Owners Association (NYFOA) met with members of your staff to discuss a yet-to-be defined regulation that would require landowners to notify the DEC prior to any harvest of timber on their property. After the meeting, the Board members were concerned that the basis and implications of this proposed regulation had not been carefully thought out. These elements need further development and public discussion.

The conversation about pre-harvest notification needs to be presented in a written form to the public with sufficient opportunity to allow the public to assess and comment. Nothing written regarding this proposed regulation was presented by the DEC staff and there was disagreement among staff when asked specific questions. A written form of the proposed regulations would require the DEC staff to clarify their positions, state the objectives and details of their plan and allow the public to clearly understand and comment on the DEC proposal. Clarification, disclosure and discussion will allow the regulation, if it is finalized, to provide the best possible value to all parties.

Relevant to this conversation is the process that the DEC has used to raise awareness of their intent. Rumors of the pre-harvest timber notification have circulated widely for several months, yet the failure to provide written details casts doubt on the legitimacy and sincerity for this proposed notification. However, in all cases the discussion of the rumored notification has failed to develop a logical basis, define a need, substantiate the value of a regulation over other methods, or differentiate how a regulation on the harvest of a forest crop differs from other crops. Given the impact of the presumed yet-to be proposed regulation, the DEC staff should work more closely with NYFOA and other potentially affected organizations to ensure the citizens most impacted are fully engaged.

At the meeting the DEC staff could not clearly articulate the need for or value of this new regulation. This basis is fundamental to any proposed regulation. NYFOA suggests that DEC staff write down a clear vision of what they hope to gain by this regulation and the value of the regulation to the private forest landowner, forest industry and public. Further, the DEC staff should detail why a regulatory approach, with associated costs and infringement, is more appropriate than a non-regulatory approach. NYFOA members would be glad to meet with staff to discuss and enhance the proposed regulation. The woodland owners, the forest industry and the people of New York do not need another inefficient or unenforceable regulation that provides little value to anyone.

Sincerely,



Charles Stackhouse  
NYFOA President