



FOREST PRESERVE POLICY MANUAL

Policy

DAMS

Purpose: The purpose of this policy is to provide guidelines for the location, construction, maintenance, reconstruction and rehabilitation of dams on lands and waters of the Forest Preserve.

Background: Several hundred large and small lakes and ponds in the Adirondacks result from turn-of-the-century dam construction during the heyday of the logging activities. Many of these dams were constructed to provide a means of transporting logs on the resulting lakes and then down-river by building up a head of water for quick release. However, in the Catskills, dams were first constructed for recreational rather than commercial purposes.

In the case of Forest Preserve, the question arises as to the legality or constitutionality of dams or impoundment structures on such lands. However, the Adirondack Park State Land Master Plan and the Catskill Park State Land Master Plan state that, even in Wilderness Areas, "... existing or new fish barrier dams..." and "...existing dams on established impoundments..." are considered "as conforming to wilderness standards," but that "...no new dams will be constructed..." and the construction of fish barrier dams and the reconstruction or rehabilitation of existing dams shall

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all be "... of natural materials whenever possible."

Similarly, dams and other impoundment structures are not in keeping with the intention that waterways designated to the Wild, Scenic and Recreational Rivers System be kept in a free flowing condition.

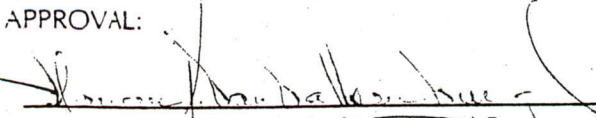
Conversely, some dams are beneficial and serve valid public purposes. However, the liabilities of dam ownership, including immediate or future rehabilitation and maintenance costs, must be considered as a constraining factor.

Definitions: A Fish Barrier Dam is a man-made device or structure used to prevent the upstream or downstream movement of fish for the purpose of protecting a high-value native fishery.

Natural Materials are construction components drawn from the immediate project site or materials brought into the construction site that conform in size, shape and physical characteristics to those naturally present in the vicinity of the project site. Such materials include stone, logs, and sawn and treated timber. Natural materials may be fastened or anchored by use of bolts, nails, spikes or similar means.

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A river is a flowing body of water, or a stream or a section, portion or tributary thereof, including a river, stream, creek, run, kill, rill, branch or lake.

A Stream Improvement Structure for Fisheries Management Purposes is a structure and/or improvement, including but not limited to, fish barrier dams, small rock or log dams, fish passage structures, minor diking, cribbing, bank stabilization and stream deflectors and other structures or improvements designed solely for fisheries management purposes which do not materially alter the natural character or resource quality of the waterbody, and which are made of natural materials wherever possible.

Wilderness, Primitive and Canoe Areas:

Existing or new fish barrier dams, constructed of natural materials whenever possible are permissible in Wilderness, Primitive and Canoe Areas and may be maintained, constructed, reconstructed and rehabilitated in accordance with a unit management plan for such Area involved.

Existing dams on established impoundments are permissible in Wilderness, Primitive and Canoe Areas and may be maintained in accordance with a unit management plan for such Area involved.

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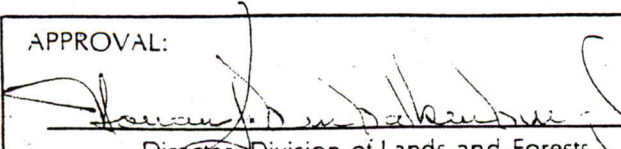
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Generally, dams other than fish barrier dams should be removed from Wilderness, Primitive and Canoe Areas when they become unsafe or are otherwise in need of replacement, reconstruction and/or rehabilitation. However, the reconstruction or rehabilitation of such dams with natural materials/whenever possible is permissible in Wilderness, Primitive and Canoe Areas if in accordance with a unit management plan for such Area involved. The decision to reconstruct or rehabilitate such dams must be based on the following factors:

- * Need to maintain water frontage on and/or water levels along upstream lands;
- * need to maintain upstream wetlands;
- * need to maintain fishery and wildlife habitats and resources;
- * need to preserve aquatic recreation areas;
- * need to maintain public waterway navigation;
- * need to protect vistas and other aesthetic values;
- * need to control downstream degradation such as erosion, siltation, flooding or release of pollutants;

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- * cost of removal of the dam;
- * cost of reconstruction or rehabilitation of the dam;
- * dam safety including the potential impact downstream should the dam fail if needed maintenance is not provided.

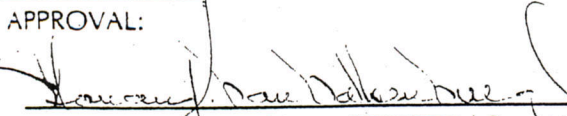
Wild Forest and Intensive Use Areas:

The above policy and guidelines pertinent to Wilderness, Primitive and Canoe Areas are applicable to Wild Forest and Intensive Use Areas. In addition, the following--including construction, reconstruction, rehabilitation, repair and maintenance--will be allowed in Wild Forest and Intensive Use Areas if provided for in the unit management plan for the Area involved;

- * Stream Improvement Structures for Fisheries Management Purposes.
- * Dams for the purposes of municipal water supply and for the canals of the State in accordance with Section 2, Article XIV of the Constitution of New York State and the provisions of Article 15, Title 15 of the Environmental Conservation Law.
- * Small Scale Dams, being those dams that impound less than one million gallons of water, are

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less than ten feet in height above the bed of the stream and affect a watershed with an area of less than one square mile.

Wild, Scenic and Recreational Rivers:

No dam or other structure impeding the natural flow of a river will be constructed on a wild, scenic or recreational river, except for stream improvement structures for fisheries management purposes which are permitted on recreational and scenic rivers only.

Existing log dams on scenic rivers and existing dams on recreational rivers may be maintained, replaced, rehabilitated, reconstructed and/or repaired if in conformance with the policy and guidelines above for Wilderness, Primitive, Canoe, Wild Forest and Intensive Use Areas and if provided for in the unit plan for the Area involved.

General:

In the case of any activity connected with dams or otherwise involving the waters of the State, all provisions of Article 15, Title 5 (Protection of Water); Article 24 (Freshwater Wetlands) and Article 15, Title 27 (Wild, Scenic and Recreational System) of the Environmental Conservation Law and other pertinent laws, rules, regulations and guidelines must be considered and complied with as appropriate.

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In the case of dams and impoundments on lands being considered for acquisition as addition to the Forest Preserve, the provisions and guidelines of Policy and Procedures NR-83-5 must be followed.

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