

STREAM CORRIDORS

1. GOALS

A. Recreation. Provide opportunities for a variety of recreational activities within stream corridors, including both wilderness and developed recreational activities.

B. Habitat. Protect riparian fish and wildlife habitats.

C. Private Ownership of Land. Provide opportunities for private ownership of land near streams.

D. Water Quality. Protect water quality to support domestic uses, fish and wildlife production and recreational activities.

E. Forest Products. Where consistent with the management objectives of a stream corridor, provide for the harvest of timber from riparian forests.

2. MANAGEMENT GUIDELINES

A. Priority of Public Uses in Stream Corridors. As a general rule, ADNR will set a higher priority on protecting public use values in stream corridors than providing opportunities for private ownership of land. However, the Department recognizes the strong demand for property along streams and will provide land for private purchase in some stream corridors. Prior to the disposal of stream corridor lands, DNR, in consultation with other affected agencies and the public, will assess existing and projected public use needs associated with the stream corridor. Disposals near streams with important recreation value will be designed to protect access to and along the stream for fishing, hiking, camping and other recreational activities.

B. Retention of Publicly Owned Buffers as a Management Tool in Stream Corridors.

1. When the management intent for land adjacent to a stream is to permit uses such as fishing, picnicking, hunting, timber harvest, building fires, camping or other similar active uses, public ownership of stream buffers should be used rather than easements to provide for these uses. These buffers will not be opened to remote cabin permits.

2. In state subdivisions, stream buffers should, in all cases, either be retained in public ownership or dedicated to the public or the local government. If streams in subdivisions have recreation or

habitat values of regional or statewide importance, or are identified as public waters, buffers should be retained in state ownership.

3. Publicly owned buffers adjacent to a stream may be retained along the full length of the stream or on the segments determined to have high current or future public use and habitat values.

C. Retention of Access Easements as a Management Tool in Stream Corridors.

1. When the primary management intent is to protect the public's right to travel along a stream bank rather than to establish a public use area, an easement should be used to protect this right. The public rights reserved in an easement shall be explicitly defined and normally will include only the right of ingress and egress, inclusive of the right to pause briefly to observe wildlife, take photographs or rest. On a case by case basis the state may reserve other rights (e.g., the right to fish or to picnic) as necessary to protect the public interest. (The public use rights protected by previously established easements are not affected by this policy.)

2. Easements along streams should establish the right to travel by foot, dogsled, horseback and snowmobile. On a case-by-case basis the right to travel by all-terrain vehicles and wheeled vehicles may be reserved, where doing so is in the public interest. Easements should be reserved for roads or railroads only if they are planned for construction.

3. Easements and publicly owned buffers may be used in combination on a stream to provide opportunities for private ownership near the stream while protecting public use or habitat values on other portions of the stream. Therefore, although easements should not be used where significant public use is to be encouraged, they may be used on portions of a stream with important public recreation and habitat values when most portions of the stream are retained for public use.

D. Establishing Widths of Publicly Owned Buffers, Easements and Building Setbacks in Stream Corridors.

1. Widths of publicly owned buffers along streams will vary according to management intent. In addition, the buffer width for any given stream may vary along the stream course depending on topo-

graphy, vegetation and land ownership. Establishing buffer widths for particular streams will be based, at a minimum, on objectives for the following: recreational activities to be accommodated, habitat protection and management, noise abatement, visual quality, water quality, prevention of erosion of the riverbank (in which case the buffer should be widened to compensate), and land disposal.

2. Although buffer and easement widths may vary among streams, a basic level of consistency is needed to avoid confusion about the widths of public use and access areas along the state's many streams and because it would be prohibitively expensive to establish by fieldwork and site analysis separate buffer widths for each stream corridor. The following guidelines are intended to establish a reasonable degree of consistency in buffer and easement widths:

a. When it is determined that a publicly owned buffer is appropriate, a standard minimum buffer width of 200 feet landward from the ordinary high water mark on each bank generally should be established. This width may be reduced to a minimum of 100 feet on each bank in individual cases when consistent with the management objectives of the stream corridor.

b. As a general standard, publicly owned buffers of at least one-fourth mile landward from the ordinary high water mark on each bank should be retained on streams recommended for legislative designation as State Recreation Rivers to be managed as part of the State Park System. Exceptions to this policy may be made where land ownership, topography, or the nature of anticipated public uses in a stream corridor warrant.

c. When it is determined that a public access easement will be reserved on land adjacent to a stream, a minimum easement of 50 feet landward from the ordinary high water mark on each bank will be reserved.

d. In all cases where land is sold near a stream a minimum building setback of 100 feet landward from the ordinary high water mark on each bank will be established.

E. Permits and Leases for Non-Water-Dependent Uses. Permits, leases, and plans of operation for non-water-dependent commercial and industrial uses, transportation facilities, and pipelines will, where feasible and prudent, require setbacks between these facilities and adjacent water bodies to maintain streambank access and protect adjacent

fish habitat, public water supplies, and public recreation. The width of this setback may vary depending upon the type and size of non-water dependent use, but will be adequate to maintain public access to riparian areas and to protect water quality in accordance with water quality standards established by DEC. Adjacent to designated anadromous fish waters this setback will, to the extent feasible, never be less than 100 feet landward of ordinary high water.

Where it is not feasible and prudent to maintain a setback adjacent to fish habitat, public water supplies or recreational waters, other measures will be implemented to meet the intent of this guideline.

F. Structures in Fish Habitat. (See Fish and Wildlife Habitat guidelines, this chapter.)

G. Water Intake Structures. (See Fish and Wildlife Habitat guidelines, this chapter.)

H. Alteration of the Hydrologic System. To the extent feasible channelization, diversion, or damming that will alter the natural hydrological conditions and have a significant adverse impact on important riverine habitat will be avoided.

I. Soil Erosion. Soil erosion will be minimized by restricting the removal of vegetation adjacent to streams and by stabilizing disturbed soil as soon as possible.

J. Other Guidelines Affecting Stream Corridors. A number of other guidelines may affect stream corridors. For details of these guidelines, see the following sections of this chapter:

- Agriculture
- Fish and Wildlife Habitat
- Forestry
- Recreation
- Settlement
- Subsurface Resources and Materials
- Transportation
- Instream Flow
- Public Access
- Trails Management
- Wetlands Management