



28 September 2017

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RE: St Lawrence Foothills Unit Management Plan (UMP)

## Working for Wilderness

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Dear Tony,

The Adirondack Mountain Club (ADK) appreciates the opportunity to comment on the draft St Lawrence Foothills Unit Management Plan (UMP) which includes thirteen state forests: Catherineville, Crary Mills, Degrasse, Downerville, Glenmeal, High Flats, Orebed Creek, Silver Hill, Snow Bowl, Taylor Creek, West Parishville, Whippoorwill Corners, and Whiskey Flats; and the towns of Colton, Hopkinton, Parishville, Potsdam, Pierrepont, and Russell, in St. Lawrence County.

We respectfully request that you consider the following concerns and comments outlined below.

### Protect Forest Ecosystems, Follow State Constitution By Prohibiting Drilling and Mining.

**All of the state forests in this unit are in a Forest Preserve County, which affords these lands protection under Article XIV of the New York State Constitution. The Department of Environmental Conservation (DEC) must state this clearly in the UMP, explain the protections that this affords all of the State Forests in this Unit, and remove Objective MR I of Table III.D (page 73).**

Table III. D of this draft UMP states that there are currently no proposals for mineral exploration in this unit. However, the table and draft UMP indicate that Objective MR I, "Provide for Mineral Exploration and Development..." is a Permitted Use Objective for this Management Unit. A foundation principle that must inform the management strategies and decisions on any state public land units in Forest Preserve counties (i.e., counties which contain the "blue-line" boundary of the Adirondack or Catskill Parks) is that state public land units in Forest Preserve Counties are afforded constitutional protection as Forest Preserve as outlined in Article XIV, Section 3.1.

Consequently, all of the land units in the St Lawrence Foothills Unit are afforded this protection.

Article XIV of the New York State Constitution states,

Section 1. The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed.

Section 3. 1. Forest and wild life conservation are hereby declared to be policies of the state. For the purpose of carrying out such policies the legislature may appropriate moneys for the acquisition by the state of land, outside of the Adirondack and Catskill parks as now fixed by law, for the practice of forest or wild life conservation. The prohibitions of section 1 of this article shall not apply to any lands heretofore or hereafter acquired or dedicated for such purposes within the forest preserve counties but outside of the Adirondack and Catskill parks as now fixed by law, except that such lands shall not be leased, sold or exchanged, or be taken by any corporation, public or private.

In the 16 Forest Preserve counties in the Adirondacks and Catskills, the legal issue is very clear. Under Article XIV, section 3 of the New York Constitution, state-owned land within these counties, but outside the borders of the Adirondack and Catskill parks, cannot be leased for mineral extraction.

Outside the Forest Preserve counties, Article XIV section 3 requires that lands acquired for reforestation must forever be used for that purpose. We maintain that subsurface leases of reforestation lands would violate both the spirit and letter of section 3 and related state laws. **Since Article XIV gives every New York resident legal standing to sue over any violation of this article, any attempt by the State to lease surface or subsurface rights to any State Forest land anywhere in New York would undoubtedly result in legal action against the State.**

Further, DEC should prohibit oil and gas drilling on or under all state forests. Oil and gas drilling and mineral development creates an unacceptable impact on state lands and should be prohibited. Oil and gas pipeline construction should also be prohibited on State Forests. Existing pipelines should be phased out and impacts should be mitigated.

It is essential that DEC protect the forest ecosystems that it stewards and guard against resource extraction that harms natural habitats and human communities. DEC must not provide access through lease or other means to its mineral estate for vertical or horizontal oil and gas drilling.

If there are legacy drilling and active drilling sites in the area, DEC should test water resources for contamination from drilling activity in the state forests of this unit.

**In cases where the mineral estate may not be owned by the State of New York, such as in Catherineville State Forest, High Flats State Forest, Downerville State Forest, Snow Bowl State Forest, Taylor Creek State Forest, West Parishville State Forest, and Whiskey Flats State Forest, DEC must work to purchase the severed estate or initiate a process to extinguish the mineral access rights, so that the right escheats to the state, if ownership is unclear.**

Prohibit ATVs. Establish Baseline Data of Illegal Motorized Use.

ADK does not support the use of ATVs on New York State Land. DEC should remove from this UMP Objective ATV II of Table III.D, which states, “Consider requests for ATV connector routes across the unit” (page 73).

Increasingly DEC is under pressure to allow ATV access on state lands in conjunction with local road openings for connections between legal riding areas as defined in NYS Vehicle and Traffic Law 2405. The use of ATVs on public roads is governed by Title 11, Article 48C, Section 2405 of the New York State Vehicle and Traffic Law.

Every pilot ATV program on NY state lands has been shut down because of environmental damage caused by ATVs. For example, the Strategic Plan for State Forest Management outlines several case studies in which ATV trail systems were implemented on State Forest Lands, including New Michigan State Forest, Anderson Hill State Forest, Brasher State Forest, Morgan Hill and Taylor Valley State Forests. All of these trail systems were closed due to the environmental impacts by ATVs on these state forest lands.<sup>1</sup>

In NYS there has been a significant increase in pressure on the state legislature to pass bills that would increase the current allowable weight of all-terrain-vehicles (ATVs), to 1800 lbs. There is also pressure to allow ATV riding on roads throughout the state that have been opened by local law in violation of New York State Vehicle and Traffic Law, and contrary to NYS Attorney General Opinion 2005-21<sup>2</sup> and NYS Department of Environmental Conservation (DEC) legal opinion.<sup>3</sup> ATV manufacturers expressly define that their vehicles are not designed for road or highway use. Documentation by the U.S Consumer Product Safety Commission and the National Highway Transportation Safety Administration’s (NHTSA) Fatality Analysis Reporting System (FARS) that a majority of ATV deaths take place on roads.<sup>4</sup>

Prohibiting ATVs on New York State Forests would be prudent given that requests to DEC for ATV connector trails are highly likely to involve illegally opened roadways and larger off-highway-vehicles, which ATV manufacturers have clearly stated should not be used on roads.

Support CP3: Prohibit Motorized Use for Universal Access Sites.

ADK supports the CP3 policy. However, we do not support motorized Universal Access Trails which undermine the CP3 program by providing motorized access to individuals who do not qualify for the CP3 program. Motorized “Universal Access” for the general public undermines the successful CP3 program by destroying the goal of the program which is uncommon access for people with disabilities who may be seeking “...solitude, connection to nature, undisturbed wildlife habitat, and inclusion with fellow sportspeople.”<sup>5</sup> DEC should create areas and trails that take into consideration the different mobility abilities and accessibility needs of individuals and families, but these should be accomplished through non-motorized means.

#### Develop Early Detection and Rapid Response Plans for Invasive Species.

Invasive species are spreading at rapid rate, reducing water quality, property values, and recreational opportunities along the way. New York State has enacted numerous regulations and laws that will prove vital to stopping the spread of aquatic and terrestrial invasive species, but public education, spread prevention, and mitigation are needed before the impacts become insurmountable. We are pleased to see that the UMP includes an inventory of invasive species which are a threat to the unit. The UMP should also include a consideration of likely threats from invasives, such as Hemlock Woolly Adelgid (see below). The UMP should also include or reference early detection and rapid response and spread prevention plans, and best management practices.

#### Threat of Hemlock Woolly Adelgid. Consider Potential of Bio-Control. Do Not Log Hemlock Stands.

Hemlock Woolly Adelgid (HWA) should be identified in the UMP as a threat. We are pleased to see that DEC recognizes that eastern hemlock, a foundation species, plays an important role in the Unit.

DEC should consider not logging hemlock, which are currently under a severe threat from HWA. DEC proposes protection for some hemlock stands including 4.8 acres in West Parishville SF, 1.2 acres in Whippoorwill Corners SF, and 2.1 acres in Whiskey Flats SF.

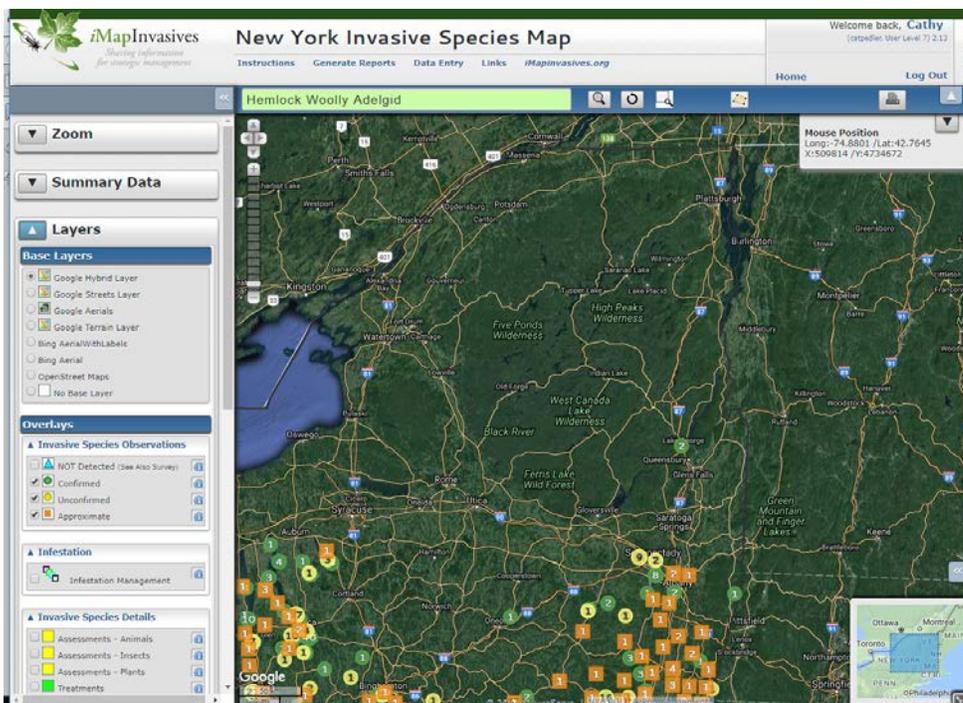
DEC should consider not logging hemlock stands in the following management proposals Downerville SF 5.9 acres (A-56), 5.0 acres (A-57), 15.1 acres (A-5), 2.0 acres (A-52) Table III.F and G (page 85, 90-91), and in Whippoorwill Corners SF 3.8 acres (A-46), 77.4 acres (B-5), 3.6 acres (B-10), 2.9 acres, (A-57-2), 1.8 acres(A-57-3), 35.7 acres (A-58) Table III.F and G (page 86-87,96); in Whiskey Flats SF 6.2 acres (C-17), 57.5 acres (A-24), 23.6 acres (E-37) Table III.F and G (page 88); in Catherineville SF 32.3 acres (A-2) Table III.G (page 89); Degrasse SF 15.1 acres (A76) Table III.G (page 90); Glenmeal SF 9.2 acres (A-47) Table III.G (page 91); High Flats 4.4 acres (A-13) III.G (page 91); Orebed Creek SF 7.4 acres (A-12)Table III.G (page 92); Silver Hill SF 46.8 acres (A-22.1) Table III.G (page 93); Snow Bowl SF 10 acres (B-1) Table III.G (page 93); West Parishville 34.5 acres (A-7.1), 11.6 acres (A-7.2), 6.7 acres (B-19)Table III.G (page 95);

Although there is no schedule to log these stands in the next 10 years, DEC should also protect and not log the following stands: 21.9 acres (A-1), 12.4 acres (A-21-1), 51.2 acres (A-69), 26.3 acres (A-12.2) in Degrasse SF Table III.H (page 100-101); Catherineville SF 8.2 acres (B-1), 5.3 acres (B-12.2), 17.6 acres (B-16.2), 15.9

acres (B-18.2) Table III.H (page 98-99); Crary Mills SF 22.3 acres (A-22.1), 40.9 acres (A-23), 3.1 acres (C-1), 13.2 acres (C-2), 73.6 acres (C-3) Table III.H (page 99-100); Glenmeal SF 63.1 acres (A-1), 18.6 acres (A-2), Table III.H (page 101); High Flats SF 2.7 acres (A-12.3), 19.0 acres (A-7.1), 8.2 acres (A-23), 16.5 acres (A-38), 25.0 acres (A-40) 6.8 acres (B-2.1), 37.7 acres (B-3), 2.5 acres (B-13) Table III.H (page 102-103); Silver Hill SF 8.1 acres (A-33) Table III.H (page 105); West Parishville SF 3.3 acres (B-13), 7.6 acres (B-23), 7.1 acres (C-4), 27.5 acres (C-9) Table III.H (page 107); Whipporwill Corners SF 68.2 acres (A-7.1), 7.5 acres (A-7.2), 64.5 acres (A-20.1), 18.6 acres (A-20.2), 13.1 acres (A-30.1), 6.0 acres (B-23.2), 3.5 acres (C-7.2) Table III.H (page 107-108); Whiskey Flats SF 27.7 acres (B-16), 4.1 acres (D-6), 37.3 acres (E-33), 10.5 acres (F-7) Table III.H (page 109-111);

Adding logging impacts to stands, removing old trees (i.e., successful and resilient trees) from the gene pool of this species under threat, will decrease the chances of survival and risk extirpation of eastern hemlock in this area. Further, DEC should identify mature trees and stands, coordinate monitoring, and develop a prioritization and treatment regime to protect hemlocks in this forest unit.

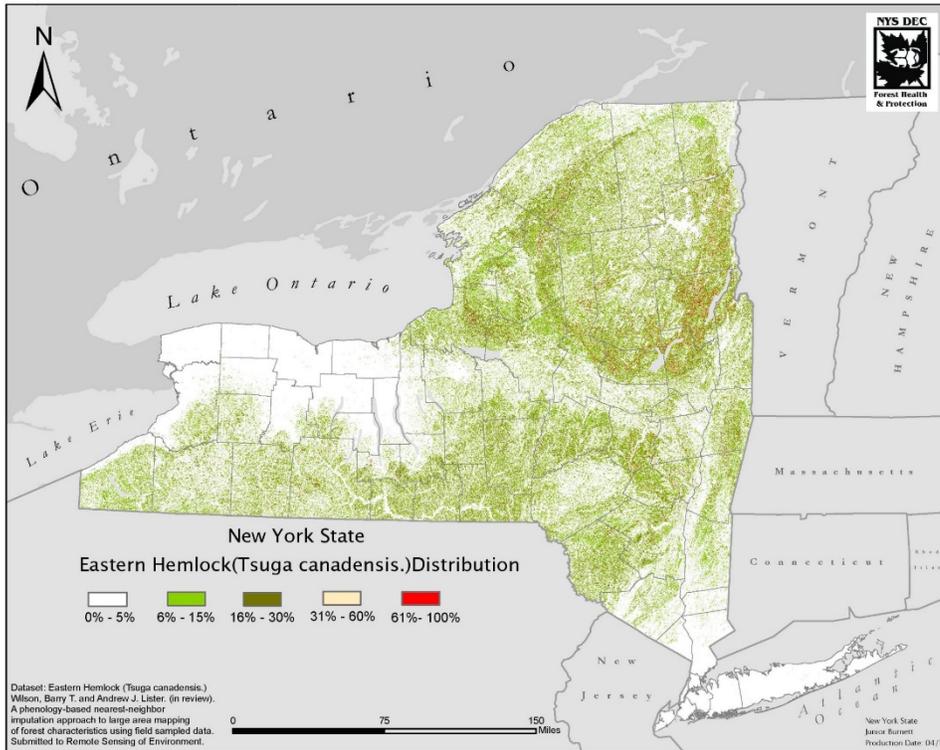
Additional funding will be needed to continue to combat invasive species. New York faces potential decimation of eastern hemlock (*Tsuga canadensis*) from hemlock woolly adelgid (*Adelges tsugae*) (HWA),<sup>6</sup> which has not yet been identified in the State Forests of the St. Lawrence Foothills Unit (see figure below from <http://www.nyimainvasives.org/>), but has been recently discovered near Lake George in the Adirondack Park. HWA has already caused significant decline in the Catskill Park, and has been identified on other New York State Public Lands including Letchworth State Park, and Allegany State Park.



Hemlocks are a foundation species.<sup>7</sup> Foundation species are critical species in the habitats they help create.<sup>8</sup> In the case of hemlocks they moderate stream water temperatures for trout and other animals, provide a buffer for nutrient inputs to maintain water quality, stabilize shallow soils especially in steep gorges, provide shelter for

animals and plants, which is especially important in winter, provide critical habitat for migrating neo-tropical birds, and provide acidic substrate for lichens.

Hemlock is prevalent in St Lawrence County (see figure below).



Imagine the impact to the landscape in the state forest units represented in this UMP from a severe decline of hemlock--a highly likely scenario without a significant increase in early detection efforts, treatment, and development of bio-controls, such as the predator beetle (*Laricobius nigrinus*).<sup>9</sup>

We only need look to places such as the Great Smoky Mountains for an example of the devastation in store for the forests of New York State.<sup>10</sup> HWA has been advancing quickly through New York State,<sup>11</sup> and now is in the Adirondack Park in Lake George, NY. Decline of hemlocks is already well underway in the Catskills.<sup>12</sup> Anyone who has hiked, paddled, or driven through the Adirondack Park should realize what we will lose. If we do not act quickly, we may lose the species.<sup>13</sup> We must stop or slow the advance of HWA in the state forests units represented in this UMP

### Addressing Global Climate Change: Manage for Late Successional Forests and Allow Old Growth Habitat to Develop.

Maximizing carbon sequestration should be a priority in our New York State Forests. The New York State Open Space Conservation Plan highlights the need to address global climate change. In addressing global climate change it is important to protect our coastlines, riparian corridors and wetlands; to maintain an interconnected network of protected lands and waters enabling flora and fauna to adapt to climate change; and to maintain and grow our state's forests. Forests play a large role in mitigating the effects of climate change by

naturally storing carbon. Trees are typically about 50% carbon. More than 63% of New York State is forest land, amounting to 19 million acres of land covered by trees. Approximately 14.4 million acres are privately owned. How these forests are managed can play an important role in carbon sequestration and moderation of the heat and dryness impacts of climate change. Trees are unique in their ability to store large amounts of carbon in their wood and studies show that trees continue to add carbon as they grow. A study published recently in Nature shows that the “Rate of tree carbon accumulation increases continuously with tree size.”<sup>14</sup>

The USGS, a coauthor in the study further explains,

“This continuously increasing growth rate means that on an individual basis, large, old trees are better at absorbing carbon from the atmosphere. Carbon that is absorbed or "sequestered" through natural processes reduces the amount of carbon dioxide in the atmosphere, and can help counter-balance the amount of CO<sub>2</sub> people generate. However, [the study is] careful to note that the rapid absorption rate of individual trees does not necessarily translate into a net increase in carbon storage for an entire forest. ‘Old trees, after all, can die and lose carbon back into the atmosphere as they decompose,’ says Adrian Das, a USGS coauthor. "But our findings do suggest that while they are alive, large old trees play a disproportionately important role within a forest’s carbon dynamics. It is as if the star players on your favorite sports team were a bunch of 90-year-olds.”<sup>15</sup>

New York’s 19 million acres of trees hold a lot of carbon as do forest soils. ADK urges that NYS manage its state forests with the primary goal of combating climate change and improving its climate resiliency. DEC should also consider management of some state forest areas to promote (new) stands of old growth and mature trees to increase forest carbon stocks, help clean our air and water, preserve wildlife habitat, and provide a setting for outdoor recreation.

Managing the St Lawrence Foothills Unit forests for Late Successional Forests with the goal of (new stands of) old growth habitat would create high quality resilient habitat that would maximize carbon sequestration. We encourage DEC to increase the acreage designated for management as late successional stage forest.

Carbon Sequestration should be considered a forest product with economic benefit for the purposes of management.

We fully support CS II of Table III.E, “Enhance carbon storage in existing stands” (page 75). However, DEC should revisit CS IV and present data and sources that led to the development of this Objective and Action (page 76).

Prohibit Brine Application on All Roads in the Unit

DEC should protect the forest and streams on the Unit from impacts associated with brine application to roads. We encourage DEC to prohibit the application of brine on all town roads and Public Forest Access Roads that are on State land.

Provide Data in Accessible Format

Data tables should be provided on-line as CSV or excel spreadsheets, and also as GIS data files.

Recreation and Tourism are an Economic Benefit Provided by State Forests.

DEC should recognize (and state in this UMP) recreation and tourism as an economic benefit provided by State Forests.

Thank you for considering the above comments. We look forward to speaking with you about these issues and resolving these during the development of the Final UMP.

Sincerely,



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<sup>1</sup> <http://www.dec.ny.gov/lands/64567.html>

<sup>2</sup> <https://ag.ny.gov/sites/default/files/opinion/I%202005-21%20pw.pdf>

<sup>3</sup> <http://www.dec.ny.gov/lands/64567.html>

[http://www.dec.ny.gov/docs/lands\\_forests\\_pdf/spsfmfinal.pdf](http://www.dec.ny.gov/docs/lands_forests_pdf/spsfmfinal.pdf) (p. 215-222)

<sup>4</sup> Consumer Federation of America Report, *ATV on Roadways: A Safety Crisis*; See Press:

[http://consumerfed.org/press\\_release/consumer-federation-releases-report-on-atvs-on-roads-states-are-increasingly-allowing-atvs-on-roads-despite-warnings-from-industry-advocates-and-federal-government/](http://consumerfed.org/press_release/consumer-federation-releases-report-on-atvs-on-roads-states-are-increasingly-allowing-atvs-on-roads-despite-warnings-from-industry-advocates-and-federal-government/)

<sup>5</sup> <http://www.dec.ny.gov/outdoor/2574.html>

<sup>6</sup> <http://www.dec.ny.gov/animals/7250.html>

<sup>7</sup> <http://www.lternet.edu/research/keyfindings/foundation-species-matter>

<sup>8</sup> <http://adkinvasives.com/wp-content/uploads/2015/04/WHITMORE-Lk-Placid-28-Mar-15-1.pdf>

<sup>9</sup> <https://www.nps.gov/grsm/learn/news/new-hwa-beetle.htm>

<http://www.news.cornell.edu/stories/2015/06/cornell-introduces-silver-flies-save-hemlock-forests>

<https://blogs.cornell.edu/nyshemlockinitiative/>

<sup>10</sup> <http://www.lakeplacidnews.com/page/content.detail/id/523715/Flies-could-avert-hemlock-threat-in-New-York.html?nav=5005>

<sup>11</sup> <http://www.dec.ny.gov/animals/95656.html>

<sup>12</sup> <https://www.na.fs.fed.us/nanews/nastories/HWA-Study-FINAL-012915.pdf>

<sup>13</sup> <http://www.lakeplacidnews.com/page/content.detail/id/523185/A-threat-to-hemlocks.html?nav=5005>

<sup>14</sup> <https://www.nature.com/nature/journal/v507/n7490/full/nature12914.html>

