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RE: Eastern Lake Ontario Unit Management Plan (UMP)

The Adirondack Mountain Club (ADK) appreciates the opportunity to comment on the draft Eastern Lake Ontario Unit Management Plan (UMP) which includes, Altmar, Chateaugay, Sandy Creek and Trout Brook State Forests, in Oswego County.

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

DEC Attempts to Skirt SEQR Evaluation of ATV Connector Trail.

We are very disappointed that DEC is attempting to avoid appropriate SEQR review by including the proposed “connector trail” in this UMP. On page 125 in Appendix C, the CHATEAUGAY STATE FOREST DRAFT ATV CONNECTOR TRAIL PLAN, the draft plan from 2013 states, “Evaluation of a proposed ATV trail outside of the Unit Management Planning process must go through the State Environmental Quality Review (SEQR) process. This will include preparing the Environmental Assessment Form (EAF) and subsequent paperwork to those findings for the impacts to State Land.”

DEC must remove the “connector trail” from this UMP and proceed with an evaluation of the “connector trail” outside of the unit management process. If DEC determines that the “connector trail” is viable after an appropriate SEQR evaluation, then DEC could provide a proposed amendment to this UMP.

ADK does not support the use of ATVs on New York State Land. 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 (SPSFM) 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.¹

Increasingly DEC is under pressure to allow ATV access on state lands in conjunction with local road openings. 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. However, roads that have been opened by local law to create an ATV riding system (as opposed to opening short segments of roads to connect legal ATV riding trails on private or municipal property) are in violation of New York State Vehicle and Traffic Law, and contrary to NYS Attorney General Opinion 2005-21² and NYS Department of Environmental Conservation (DEC) legal opinion.³

Vehicle and Traffic Law Section 2405 prohibits the opening of roads and highways unless it is otherwise impossible for ATVs to gain access to legally open areas or trails adjacent to the highway. The law intends that public roadways may serve as very short connections between trail riding areas. The law has been repeatedly interpreted by the courts to mean that public roads can only be opened to ATV use when the portion of the road being opened provides an essential connection between existing trail systems in order to make the trail system viable. The proposed connector trail in this UMP does not comply with that judicial interpretation and would be subject to a legal challenge under Vehicle and Traffic Law 2405.

The proposed connector trail in this UMP is certainly not needed to make the trail system viable. The map on page 123 clearly shows that what is being forwarded as a trail system are roads opened in violation of Vehicle and Traffic Law, Attorney General Opinion, and DEC legal opinion. The proposed connector in this UMP connects Stone Quarry Road to Dam Road. There is clearly no ATV trail system, only sections of club trail connecting illegally opened roads. Further, the sections of state land are not needed. The requested section is redundant with Falls Road.

It is certainly not the intent of NYS Vehicle and Traffic Law Title 11, Article 48C, Section 2405 to increase ATV trails using state land.

Further, 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) shows that a majority of ATV deaths take place on roads.⁴

DEC must remove from this UMP *Objective 3.5 Address concerns and demand for Off Highway and All-Terrain Vehicle use on the Unit* (page 73), Action 3.5.1 “Designate the 1 mile section of snowmobile trail requested by the Oswego County ATV Club as an ATV Connector trail open to public ATV use once all conditions have been met” (page 75 and 79). The public meeting for the *Chateaugay State Forest Draft ATV*

Connector Trail Plan cited by DEC as justification for inclusion of this ill-advised plan in this UMP, was held over five years ago. Since that time there has been much public protest over the opening of state lands to ATV use. There has also been an increase in awareness among manufacturers, health professionals, and legislators about the danger of ATV riding on roads. **The “connector trail” proposed in this UMP would be connecting roads, not legal ATV riding areas. The proposed ATV “connector trail” in this UMP opens DEC to liability in injuries or deaths that would occur in what would be an illegal and unsafe ATV trail system.**

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.”⁵ 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.

Protect Forest Ecosystems, Prohibit Drilling and Mining.

DEC should remove Objective 4.3 from this UMP, which states, “Provide for natural gas and other mineral resource exploration and development while protecting natural resources and quality recreational opportunities” (page 77).

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. 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.

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, 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.

We strongly urge DEC to prohibit oil and gas drilling on or under state forests.

Develop Early Detection and Rapid Response Plans for Invasive Species.

Invasive species are spreading at a 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. Protect, Do Not Log Hemlock Stands.

We are pleased to see that Hemlock Woolly Adelgid (HWA) is identified in the UMP (Table I.M, page 51) as a threat; however, recent research suggests that cold temperatures will not prevent HWA from reaching colder climates, as suggested in Table I.M.⁶ We are pleased to see that DEC recognizes that eastern hemlock, a foundation species, plays an important role in the Unit and has objectives and actions to retain hemlock stands including, Action 1.6.3 to “Maintain 43% of the Unit in a conifer component comprised of both planted and naturally reproducing **long lived conifer** species” (page 65). The UMP explains on page 65,

“Conifer trees provide a variety of special functions for many species of wildlife. Conifer forests moderate temperature extremes, which can help provide winter thermal cover; help moderate snow depth; provide shelter from wind; and provide escape cover on a year-round basis. Conifer stands provide valuable habitat for many groups of wildlife species, including white-tailed deer, grouse, wild turkey and various species of raptors. In native eastern hemlock stands, the diversity of wildlife species increases with age. This is due to increased diversity of structural habitat in these older stands (DeGraff et al, 1989). For purposes of this assessment, long term conifers are long lived conifer species - specifically eastern hemlock and eastern white pine.”

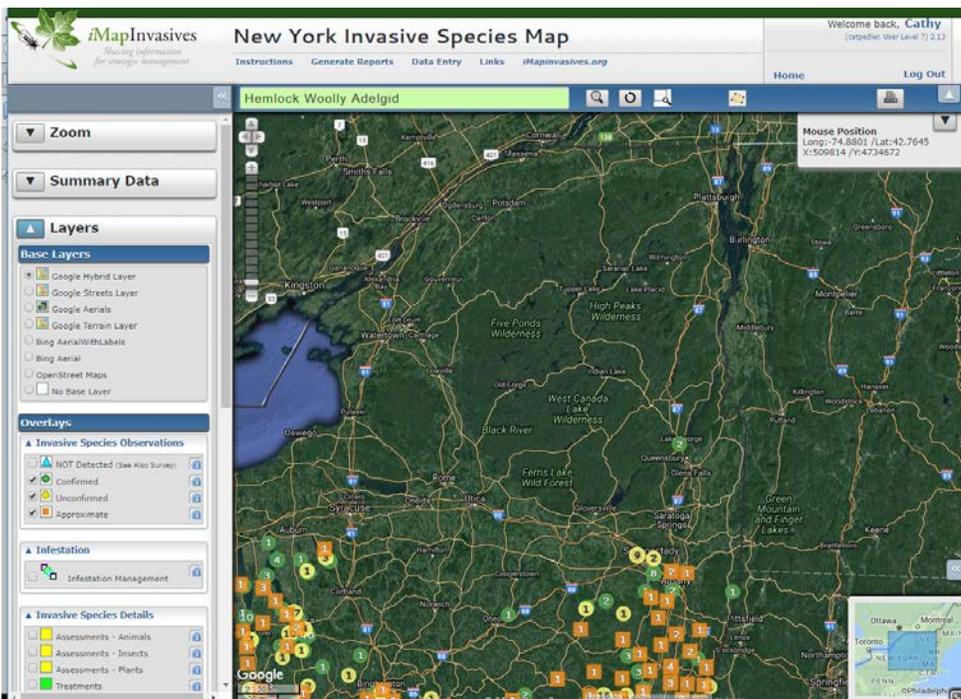
The UMP also recognizes that hemlock stands are habitat for the endangered species, *Auricled twayblade* (Table I.E, page 26), as well as serving as habitat for fisher (page 21). Action 1.4.3.2 also indicates the importance of hemlocks and other conifers in providing acceptable nesting habitat for northern goshawk, a protected species of special concern (page 61).

DEC should consider not logging hemlock due to the severe threat from HWA. DEC proposes protection for some hemlock stands and mixed hemlock stands in Table III. D (page 94-100) including OSW4 (A-3) 36.1 acres, (B-21) 17.5 acres, (C-63) 23.7 acres, (D-4) 11.5 acres, (D-10) 25.4 acres, (D-12) 72.9 acres; OSW 5 (A-33) 5.2 acres; OSW-6 (A-4) 1.8 acres, (A-6) 21.1 acres, (A-7) 9.3 acres, (A-9) 10.7 acres, (A-11) 4.7 acres, (A-13) 10.9 acres, (A-15) 17.2 acres, (A-16) 5.9 acres, (A-19) 15.9 acres, (A-23) 7.3 acres, (A-25) 8 acres, (B-2) 27 acres, (B-8) 7.0 acres, (B-9) 27.1 acres, (B-16) 44.7 acres, (B-14) 14.8 acres, (B-18) 140.1 acres, (B-20) 15.5 acres, (B-21) 7.9 acres; OSW 12 (A-8) 11 acres, (A-21) 29.1 acres, (A-17) 19 acres, (A-31) 3.8 acres, (A-33) 8.4 acres, (A-41) 6.1 acres.

DEC should consider not logging hemlock stands or mixed hemlock stands in OSW-4 (B-25) 3.8 acres, and OSW 12 (A-40) 10.4 acres, which are scheduled for management in the next 5 years. DEC should also consider protecting the following stands which are currently not scheduled for management in the next 10 years Table III.C page 89-93: 18.7 acres in OSW 4 (C-29); in OSW-6 (A-2) 8.6 acres, (A-3) 8.0 acres, (A-10) 9.8 acres, (A-18) 14.7 acres; OSW-12 (A 30.1) 26.8 acres.

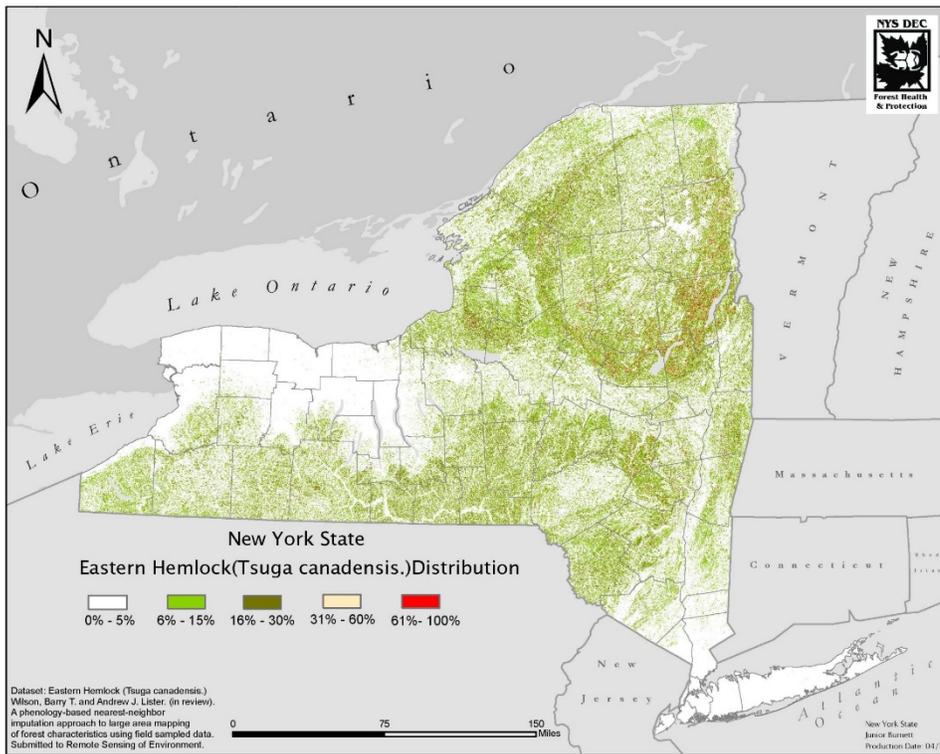
Adding logging impacts to stands, removing old trees (i.e., successful and resilient trees) from the gene pool of this species under threat will decrease the chances of survival and risk extirpation of eastern hemlock in this area. Further, DEC should identify mature trees and stands, coordinate monitoring, 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),⁷ which has not yet been identified in the State Forests of the Eastern Lake Ontario 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.⁸ Foundation species are critical species in the habitats they help create.⁹ 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 Oswego 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*).¹⁰

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.¹¹ HWA has been advancing quickly through New York State,¹² and now is in the Adirondack Park in Lake George, NY. Decline of hemlocks is already well underway in the Catskills.¹³ 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.¹⁴ 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.”¹⁵

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 CO₂ 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.”¹⁶

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.

We are pleased to see Action 1.2.2 “Increase Late Successional Forest Stage on the Unit” (page 59).

Managing the Eastern Lake Ontario 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.

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

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

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

http://www.dec.ny.gov/docs/lands_forests_pdf/spsfmfinal.pdf (p. 215-222)

⁴ 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/

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

⁶ <http://www.ancientforest.org/hemlock-woolly-adelgid-moves-north/>

⁷ <http://www.dec.ny.gov/animals/7250.html>

⁸ <http://www.lternet.edu/research/keyfindings/foundation-species-matter>

⁹ <http://adkinvasives.com/wp-content/uploads/2015/04/WHITMORE-Lk-Placid-28-Mar-15-1.pdf>

¹⁰ <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/nyschemlockinitiative/>

¹¹ <http://www.lakeplacidnews.com/page/content.detail/id/523715/Flies-could-avert-hemlock-threat-in-New-York.html?nav=5005>

¹² <http://www.dec.ny.gov/animals/95656.html>

¹³ <https://www.na.fs.fed.us/nanews/nastories/HWA-Study-FINAL-012915.pdf>

¹⁴ <http://www.lakeplacidnews.com/page/content.detail/id/523185/A-threat-to-hemlocks.html?nav=5005>

¹⁵ <https://www.nature.com/nature/journal/v507/n7490/full/nature12914.html>

¹⁶ <https://www.werc.usgs.gov/outreach.aspx?Tag=Australia&RecordID=199>