



23 April 2018

NYSDEC
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Email: r6.ump@dec.ny.gov
RE: St Lawrence Rock Ridge Unit Management Plan (UMP)

The Adirondack Mountain Club (ADK) appreciates the opportunity to comment on the draft St Lawrence Rock Ridge Unit Management Plan (UMP) which includes thirteen state forests: Beaver Creek State Forest (3,694 acres), Bonner Lake State Forest (98 acres), California Road State Forest (1,410 acres), Cold Spring Brook State Forest (1,068 acres), Fire-Fall State Forest (1,570 acres), Greenwood Creek State Forest (1,022 acres), Hickory Lake State Forest (581 acres), Lonesome Bay State Forest (1,122 acres), Pleasant Lake State Forest (963 acres), South Hammond State Forest (2,086 acres), Stammer Creek State Forest (460 acres), Toothaker Creek State Forest (709 acres), Trout Lake State Forest (1,087 acres), Wolf Lake State Forest (4,360 acres), Yellow Lake State Forest (751 acres), and Detached Forest Preserve parcels (561 acres), in southwestern St. Lawrence County and northeastern Lewis 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 Forest Preserve Counties,¹ which affords these lands protection under Article XIV of the New York State Constitution.² 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 not include any reference to provisions for “Mineral Exploration and Development” as has been done in recent draft UMPs for Forest Preserve Counties produced by your office.

DEC **must not** include “Mineral Exploration and Development” as 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 Rock Ridge 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, 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 must not include consideration of ATV use in the UMP management objectives. DEC should also remove from all UMPs in Region 6 and across New York State Management Objectives which consider requests for ATV connector routes.

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.³

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 2005-21⁴ and NYS Department of Environmental Conservation (DEC) legal opinion.⁵ 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.⁶

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 CP-3: Prohibit Motorized Use for Universal Access Sites.

ADK supports the DEC CP-3 policy. However, we do not support motorized Universal Access Trails for the general public which undermine the CP-3 program by providing motorized access to individuals who do not qualify for the CP-3 program. Motorized “Universal Access” for the general public undermines the successful CP-3 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.”⁷ 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. The UMP should include 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.

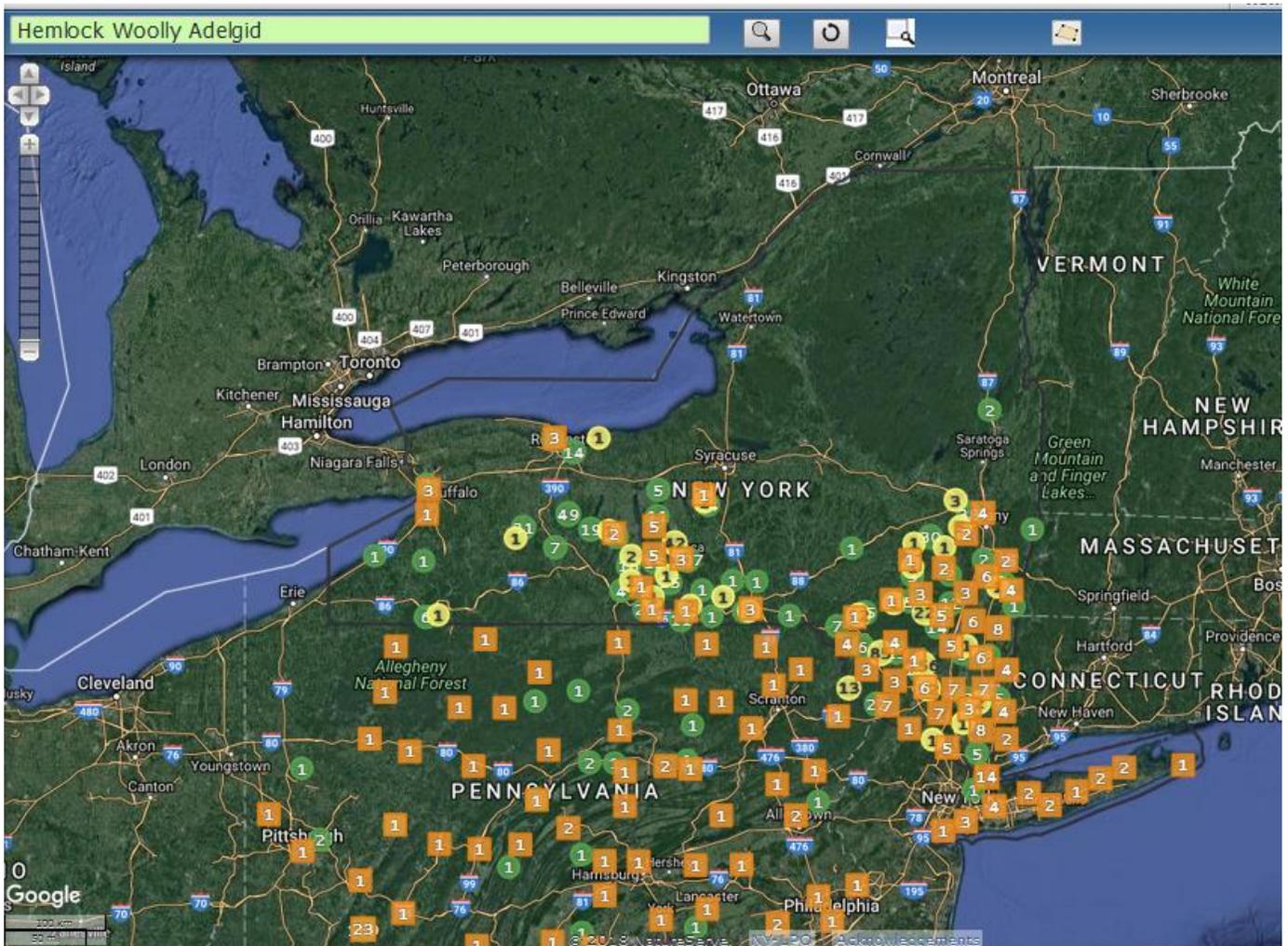
Threat of Hemlock Woolly Adelgid. Consider Potential of Bio-Control. Do Not Log Hemlock Stands.

Hemlock Woolly Adelgid (HWA) should be identified in the UMP as a threat. DEC should recognize that eastern hemlock, a foundation species, plays an important role in many of the forests in the Unit.

DEC should consider not logging hemlock, which are currently under a severe threat from HWA. 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. DEC should

identify and protect old growth stands should work with the Regional PRISMs, the NY State Hemlock Initiative, and DEC's Bureau of Invasive Species and Ecosystem Health.

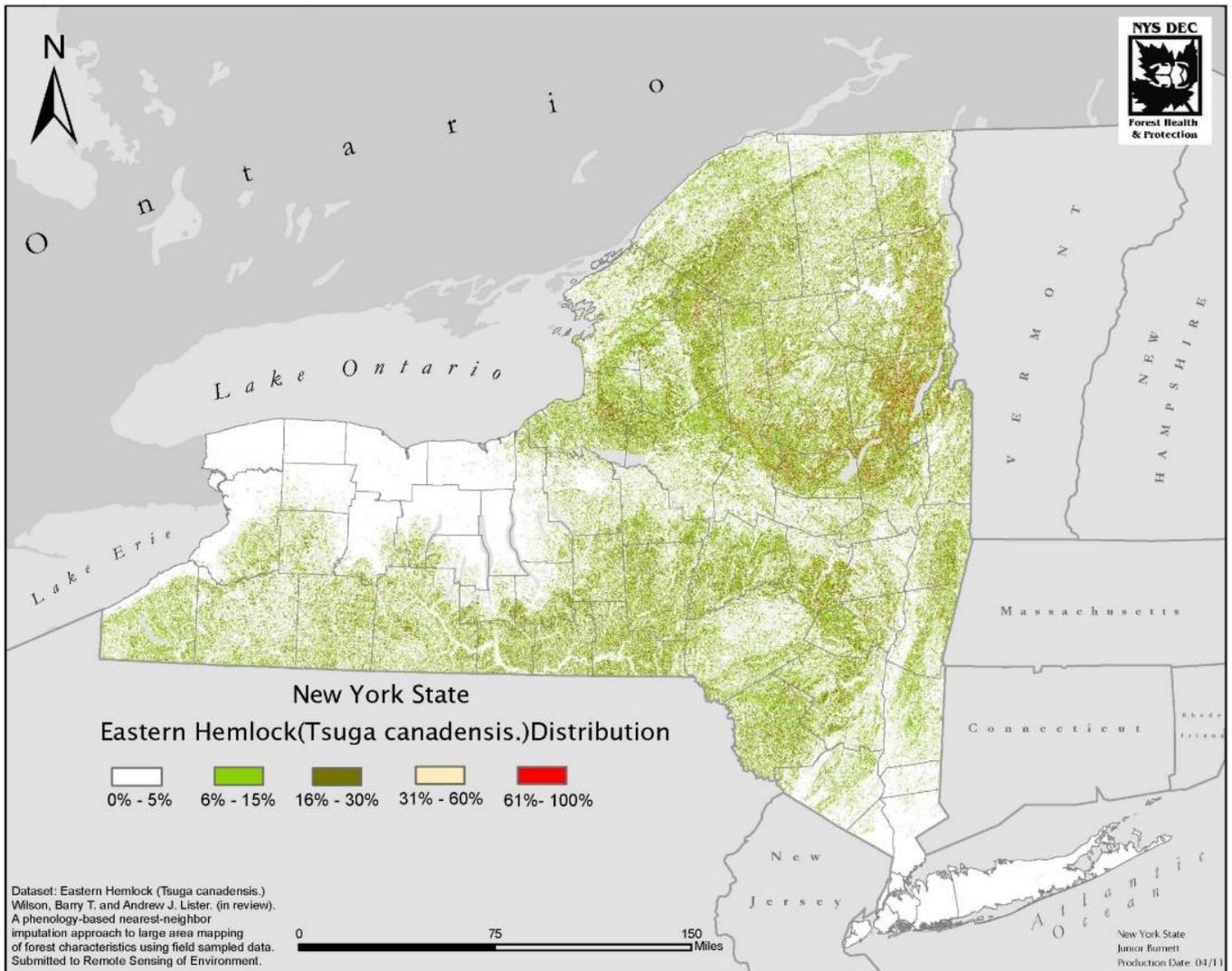
Additional funding will be needed to continue to combat invasive species. New York faces potential decimation of eastern hemlock (*Tsuga canadensis*) from hemlock woolly adelgid (*Adelges tsugae*) (HWA),⁸ which has not yet been identified in the State Forests and Forest Preserve Units of the St. Lawrence Rock Ridge 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.⁹ Foundation species are critical species in the habitats they help create.¹⁰ 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 and Lewis Counties (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*).¹¹

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.¹² HWA has been advancing quickly through New York State,¹³

and now is in the Adirondack Park in Lake George, NY. Decline of hemlocks is already well underway in the Catskills.¹⁴ 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.¹⁵ 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 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 in Nature shows that the "Rate of tree carbon accumulation increases continuously with tree size."¹⁶

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."¹⁷

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 Rock Ridge Unit forests for Late Successional Forests and for new stands 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 forests, protect old growth, and allow new stands of old growth to develop.

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

DEC should have as an objective for this management unit to “Enhance carbon storage in existing stands.” However, DEC should revisit the data and sources used in other draft UMPs developed by this office that led DEC to conclude that logging forest stands for forest products enhances carbon storage.¹⁸ The current rate of logging of forests in the United States has decreased the Carbon Storage potential of the U.S. Forests by 42 percent.¹⁹ Although logging and promoting forest products may ultimately keep a specific landscape forested, it is not the most effective way to enhance carbon storage. In fact, more carbon dioxide is released annually from timber harvesting in the U.S. than from the combined fossil fuel emissions of the U.S. commercial and residential sectors.²⁰ Although forest bioenergy has been considered a renewable resource, it is not a low-carbon energy source producing about the same amount of carbon as coal per unit of heat released.²¹ Wood-pellets produced in the United States are being shipped to Europe to generate electricity. Using wood in this way to generate power is 50% more carbon intensive than coal-fired generation per unit of electricity.²²

William Moomaw of Tufts University explains, “...under climate accounting rules, emissions from burning wood for energy are counted as coming from land use change — that is, harvesting trees. **This means that the United Kingdom is outsourcing carbon emissions from its wood-fired power plants to the United States. And the U.S. forest products industry and U.K. power companies are profiting from activities that have serious harmful impacts on Earth’s climate.**”²³

New York State must consider these issues when developing UMPs for New York State Forests.

Historic and Archaeological Site Protection

Any archaeological research must also be in consultation with the appropriate Tribal Historic Preservation Office (THPO), that is, with the Saint Regis Mohawk THPO, and the Seneca Nation of Indians THPO.²⁴ The UMP for this unit must reflect this important mandated consultation.

OPRHP Policy Directive HP-POL-005 (11/01/2016) states,

Historic preservation carried out by federal and state agencies is a collaborative process that encourages communities to be involved in decisions affecting their history. The New York State Office of Parks, Recreation and Historic Preservation and its State Historic Preservation Office (collectively in this document referred to as SHPO) have developed this Policy for incorporating the knowledge and concerns of Indian Nations and Tribes (collectively in this document referred to as Indian Nations) into reviews of projects affecting their historic properties.²⁵

The policy directive also states,

This Policy clarifies SHPO's process when reviewing projects that directly or indirectly involve interested Indian Nations; it cannot substitute for the obligations of other State and federal agencies regarding consultation with Indian Nations.²⁶

DEC must be proactive in this regard and not assume that approval by OPRHP, the New York State Museum, or APA, alleviates the DEC's responsibility of consulting with Native Nations through their THPOs.

Education, Messaging, and Outreach

DEC should consider Leave No Trace Outdoor Skills and Ethics educational programming and messaging throughout this Unit and on all NYS Public Lands Forest, especially in popular areas. ADK strongly suggests that DEC *Develop a Leave No Trace Skills and Ethics Integration and Outreach Plan*. This plan should cover messaging on the DEC web pages, at trailheads, on literature, and in programming. The development of the plan should be coordinated with other state agencies and offices to ensure that promotional efforts for Adirondack Tourism that use state funding incorporate Leave No Trace messaging.²⁷

ADK also urges DEC to commit to integrated training of Leave No Trace skills and ethics on the Trainer or Master Educator Level²⁸ for DEC staff and Forest Rangers.²⁹ The Master Educator level of training would be especially important for Forest Ranger staff who have significant one-on-one interaction with Forest Preserve visitors. DEC is a formal partner with the Leave No Trace Center for Outdoor Ethics and already has Master Educators on staff. Both the Center and the DEC Master Educators could help develop a plan for the agency and provide educational support, tools, and materials. ADK, which is one

of ten site providers of Master Educator Courses for the Leave No Trace Center, could also assist in developing a plan.

DEC should also work with the New York Department of State (DOS) and their new ArcGIS Information Gateway³⁰ to disseminate rules, regulations, and educational information specific to locations, and land units.

Capacity to Withstand Use

Recently, the Interagency Visitor Use Management Council, a planning entity composed of federal public land agencies (including the U.S. Forest Service and the National Park Service), posted its *Visitor Use Management Framework*.³¹ This framework could provide additional insight to DEC's long-term planning process which currently involves (1) the goal-achievement process; (2) the Limits of Acceptable Change (LAC) model employed by the U.S. Forest Service; and (3) the Visitor Experience and Resource Protection (VERP) model employed by the National Park Service.

Prohibit Brine Application on All Roads in the Unit

DEC should protect the forest and streams in 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.

Minimum Maintenance Roads

Unfortunately, this year the Adirondack Association of Towns and Villages (AATV) has announced their support for Minimum Maintenance Road Legislation (A418/S2537) This bill has great potential to preclude access to DEC trailheads for hikers, hunters, fisherman, mountain bikers, and other recreationists on low volume or seasonal roads. The bill would authorize towns to pass local ordinances enabling them to lower the level of road maintenance, stop plowing roads or even abandon roads leading to state trailheads. ADK strongly opposes this legislation, arguing that state taxpayers pay considerable taxes on Forest Preserve lands, state forests, and other state public lands served by these Low Volume Roads (LVR). The LVR bill has passed the Senate, but we have been able to block passage by the Assembly.

In 1885-1886, a legislative compromise was made to allow for the creation of the Forest Preserve which was the passage of a law in 1886 that provided for all lands then or thereafter included in the Forest Preserve to be "assessed and taxed at a like valuation and at a like rate as those at which similar lands of

individuals within such counties are assessed and taxed." Since 1886, the RPTL has authorized the State to pay taxes on its Forest Preserve as if it were privately owned. Since all NYS residents benefit enormously from these "forever wild" state forests, it was thought then, as now, that all NYS taxpayers ought to share in full taxes to the hundreds of affected small towns and school districts in the Adirondack and Catskill Mountains. Although the practice of taxing state land began with legislation in 1886 that permitted taxation of the Adirondack and Catskill Forest Preserve, since that time taxability has been extended to reforestation lands, some institutional properties, and parks including Letchworth State Park (1914), the Palisades, Bear Mountain, and Harriman State Parks (1916), the Allegany State Park (1924, 1928), the Saratoga State Park (1930), and the Hudson Highlands and Baird State Parks (1941-42).³² In 1932 reforestation lands were made taxable, including the beautiful lands of our state forest system, and unique areas such as Zoar Valley. Additionally, wildlife management areas, canal lands, and lands acquired for flood control have also been made taxable over the years. On privately held conservation easement lands across the state, the rights held by the state are also taxable.³³

New York State must protect the right to access state lands and has the right to demand that local roads be maintained given that New York State is paying taxes on state lands as do private citizens.

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) that 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 draft UMP.

Sincerely,



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- ¹ <https://www.dec.ny.gov/lands/7811.html>
² <https://www.dec.ny.gov/lands/7811.html>
³ <http://www.dec.ny.gov/lands/64567.html>
⁴ <https://ag.ny.gov/sites/default/files/opinion/I%202005-21%20pw.pdf>
⁵ <http://www.dec.ny.gov/lands/64567.html>
http://www.dec.ny.gov/docs/lands_forests_pdf/spsfmfinal.pdf (p. 215-222)
⁶ 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/
⁷ <http://www.dec.ny.gov/outdoor/2574.html>
⁸ <http://www.dec.ny.gov/animals/7250.html>
⁹ <http://www.lternet.edu/research/keyfindings/foundation-species-matter>
¹⁰ <http://adkinvasives.com/wp-content/uploads/2015/04/WHITMORE-Lk-Placid-28-Mar-15-1.pdf>
¹¹ <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/>
¹² <http://www.lakeplacidnews.com/page/content.detail/id/523715/Flies-could-avert-hemlock-threat-in-New-York.html?nav=5005>
¹³ <http://www.dec.ny.gov/animals/95656.html>
¹⁴ <https://www.na.fs.fed.us/nanews/nastories/HWA-Study-FINAL-012915.pdf>
¹⁵ <http://www.lakeplacidnews.com/page/content.detail/id/523185/A-threat-to-hemlocks.html?nav=5005>
¹⁶ <https://www.nature.com/nature/journal/v507/n7490/full/nature12914.html>
¹⁷ <https://www.werc.usgs.gov/outreach.aspx?Tag=Australia&RecordID=199>
¹⁸ <http://theconversation.com/to-curb-climate-change-we-need-to-protect-and-expand-us-forests-76380>
¹⁹ <https://cbmjournals.springeropen.com/articles/10.1186/s13021-016-0066-5>
²⁰ <https://cbmjournals.springeropen.com/articles/10.1186/s13021-016-0066-5>
²¹ <https://theconversation.com/to-curb-climate-change-we-need-to-protect-and-expand-us-forests-76380>
²² https://www.ipcc.ch/pdf/assessment-report/ar5/wg3/ipcc_wg3_ar5_chapter11.pdf
²³ www.pfpi.net/wp-content/uploads/2011/04/PFPI-biomass-carbon-accounting-overview_April.pdf
²⁴ <https://theconversation.com/to-curb-climate-change-we-need-to-protect-and-expand-us-forests-76380>
²⁵ <https://theconversation.com/to-curb-climate-change-we-need-to-protect-and-expand-us-forests-76380>
²⁶ <https://theconversation.com/profiles/william-moomaw-259771>
²⁷ <http://nathpo.org/wp/thpos/find-a-thpo/#ny>
²⁸ <https://parks.ny.gov/inside-our-agency/documents/GuidancePolicies/ConsultationofIndianNationsTribes.pdf>
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³⁰ <https://Int.org/>
³¹ <https://Int.org/learn/training-structure>
³² <https://Int.org/blog/authority-resource-technique-action>
³³ carhart.wilderness.net/docs/manuals/waappg.pdf
³⁴ <http://opdgig.dos.ny.gov/#/home>
Contact Jeff Herter at DOS for more information: jeff.herter@dos.ny.gov
³⁵ <https://visitorusemanagement.nps.gov/>
³⁶ <https://www.tax.ny.gov/research/property/reports/landcomp/section2.htm#4>
³⁷ <https://www.tax.ny.gov/research/property/reports/landcomp/section2.htm#4>