

October 28, 2010

Strategic Plan for State Forest Management  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233-4255

Thank you for the opportunity to comment on the Department of Environmental Conservation's (DEC) draft Strategic Plan for State Forest Management issued in September. Together, the 38 undersigned organizations submit the following comments, with a focus on Chapter 5, Mineral Resources, for the DEC's consideration.

We recognize that this is the first time the DEC has attempted to comprehensively assess all the uses of State Forest lands and establish a set of goals and principles to balance these uses. In creating the Strategic Plan, the DEC has put forth an exemplary vision (p. iii) to guide forest management actions now and in the future:

*State Forests will be managed in a sustainable manner by promoting ecosystem health, enhancing landscape biodiversity, protecting soil productivity and water quality. In addition, State Forests will continue to provide the many recreational, social, and economic benefits valued so highly by the people of New York State. DEC will continue the legacy which started 80 years ago, leaving these lands to the next generation in better condition than they are today.*

We recognize that there has long been oil and gas development on State Forest lands, that such mineral resource extraction is a permitted use under New York law, and that the DEC attempts to conduct rigorous review prior to leasing State Forest land for this purpose.

However, past trends and experiences in oil and gas development do not reflect today's technologies, industry plans, and threats to natural resources, and should not be the basis for current decisionmaking. Even a cursory evaluation of modern gas and oil development suggests that these techniques are wholly incompatible with the Plan's vision of protecting the environment and supporting public enjoyment of nature.

Yet in the Strategic Plan, DEC states (p.227) that it is "inclined to consider natural gas development on State Forests due in part to the fact it is a cleaner burning energy alternative" to coal and oil. We take issue with this position on four central counts.

First, this reasoning ignores the fact that "cleaner burning" during consumption does not make natural gas from deep shale a clean or environmentally benign fuel or mean that the impacts on State Forest lands will be acceptable. It has been well-documented—in the Draft Supplemental Generic Environmental Impact Statement (DSGEIS) on Horizontal Hydraulic Fracturing currently under revision by the DEC and elsewhere—that the opposite is true with regard to the extraction and production impacts of high-volume hydraulic fracturing (HVHF) and horizontal drilling, the method that would be used to develop gas from deep shale formations (such as the Marcellus).

HVHF operations and infrastructure—well pads, roads, toxic wastewater pits, pipelines, chemical storage, trucking, compressor stations, and more—have extensive surface impacts, including erosion and forest fragmentation, degraded air quality, and depleted and contaminated water resources. In

addition, the extensive use of diesel in gas operations and the high greenhouse gas potency of methane contribute to climate change. Moreover, the high levels of ozone created by gas development have adverse impacts on forests, including their ability to sequester carbon.

Second, the DEC's decision to consider further gas development on State Forest lands is taken in the absence of an alternatives analysis, as required under the State Environmental Quality Review Act (SEQRA), an accounting of the actual impacts of gas development on State Forests, the costs of potential mitigation measures, and a no-leasing alternative. A no-leasing alternative would be the most protective of the State Forests and the DEC must examine this alternative as a viable option in the Strategic Plan.

The DEC has the authority under SEQRA to evaluate and advance this option. However, this alternative was dismissed in the Strategic Plan without any adequate evaluation because (as stated on p. 242) "...minerals leasing provides economic benefits and resources needed by society. Development on public lands, with heightened protections and oversight, has proven to be a compatible use of State Forests."

The Plan lacks evidence to support this assertion with regard to the presumed benefits, societal need, and adequacy of protections. In addition, the Plan lacks evaluation of the benefits of *not* leasing state lands, such as ecosystem functions (e.g., water filtration and soil stability), maintenance of biodiversity, and protection of intact habitat and natural areas to support recreation and other uses that are at the core of the Plan's stated purpose.

The Plan also lacks analysis of how the DEC would address the environmental impacts associated with gas development in both the near- and long-term within the State Forests. It does not consider the monitoring, damage mitigation, loss of revenue (e.g., from subsequent declines in hunting and fishing), and other costs to the State and taxpayers—costs that could well offset any presumed revenue from leasing State Forest land for gas development.

Third, the Plan indicates that the DSGEIS will cover these areas of concern and guide decisions on leasing and gas development on State Forest lands. However, the DSGEIS is a fatally flawed document. It doesn't evaluate the impacts of drilling on State Forests, consider what the withdrawal of vast amounts of water means for water quality and quantity and the related impacts to our forest systems, require disclosure of the toxic chemicals used, analyze cumulative environmental impacts, or assess the increased numbers of DEC staff that would be required to oversee an expanding industry. These fatal flaws must be resolved and strong regulations must be adopted to address the many impacts of modern-day gas development *before* the DEC puts forth the possibility of leasing our vital State Forest lands.

Fourth, the Forest Management Plan asserts (p. 42) with regard to ecosystem management that "New York State Forest lands serve as large blocks of open space... that won't be subdivided, developed or converted to grey infrastructure" and that "State Forests will be managed...to increase connectivity and biodiversity, and to enhance the resiliency and sustainability of the greater ecosystem." Permitting forest clearing, road building, well pad construction, truck traffic, and water withdrawals to promote natural gas development on State Forest lands flies squarely in the face of sound ecosystem management and is inconsistent with the Plan's stated goals in this regard.

Finally, if natural gas development using HVHF is allowed to proceed throughout New York, State

Forest land will become even more critical to offset the extensive fragmentation and degradation of privately owned forests and other ecosystems that will inevitably occur. With this in mind, gas development in State Forest lands could irreparably degrade critical ecosystems and destroy some of the last intact refuges for both wildlife and people.

Signed,

Advocates for Cherry Valley: Andrew Minnig, Vice President  
Advocates for Springfield: Harry Levine, President  
Binghamton Regional Sustainability Coalition: Adam Flint, Co-founder  
Catskill Citizens for Safe Energy: Jill Weiner  
Catskill Heritage Alliance: Roger Wall, Chairperson  
Catskill Mountain Club: Dale Hughes, President  
Catskill Mountainkeeper: Wes Gillingham, Program Director  
Climate Action Coalition: Denise Peretta, Secretary  
Coalition to Protect New York: Kate Bartholomew, Member of the Leadership Council  
Damascus Citizens: Barbara Arrindell, Director  
Dryden Resource Awareness Coalition: Marie McRae and Joe Wilson  
Earthjustice: Deborah Goldberg, Managing Attorney  
EARTHWORKS Oil & Gas Accountability Project: Nadia Steinzor, Marcellus Regional Organizer  
Environmental Advocates of New York: Katherine Nadeau, Water & Natural Resources Program  
Director  
Gas Drilling Awareness for Cortland County: Sheila Cohen  
Highland Concerned Citizens: Carol Roig  
Izaak Walton League of America Central NY Chapter: Conrad Strozik, President  
League of Women Voters of New York State: Betsey Swan, President  
Marcellus Accountability Project, Tompkins County: Sandy Podulka, Co-Director  
Natural Resources Defense Council: Kate Sinding, Senior Attorney  
Neighbors of the Onondaga Nation: Jack Ramsden, Steering Committee  
NYH2O: Buck Moorehead, Co-founder and Vice President  
New York Residents Against Drilling: Kris Pixton, President  
Otisco Lake Preservation Association: Anita Williams, President  
Otsego 2000: Nicole Dillingham, President  
Otsego County Conservation Association: Erik Miller, Executive Director  
People for a Healthy Environment, Inc.: Frank Patterson, Vice President  
Residents Opposing Unsafe Shale Gas Extraction: Bill Podulka, Chair  
Responsible Drilling Alliance: Ralph Kisberg, President  
Riverkeeper: Craig Michaels, Watershed Program Director  
Schoharie Valley Watch: Robert Nied, Co-director  
Seneca Lake Pure Waters Association: Phil Cianciotto, President  
Sierra Club Atlantic Chapter: Roger Downs, Director  
Sierra Club Finger Lakes Chapter: Kate Bartholomew, Chair  
Sullivan Area Citizens for Responsible Energy Development: Larysa Dyrszka, Co-founder  
Theodore Gordon Flyfishers, Inc.: John L. Barone, Vice President of Conservation  
Town of Ulysses Gas Drilling Advisory Board: Ken Zeserson, Chair  
United for Action: Sonia Herron, Founder/Board Member