



*Cryptobranchus alleganiensis, the Hellbender*

# Allegheny Defense Project

*Protecting and Restoring the Allegheny's Wild Forests and Rivers*

*The Allegheny Defense Project is committed to creating an inclusive environment where the individual differences among us are understood, respected, appreciated, and recognized as a source of strength for the environmental movement, and valued as qualities that enrich the world in which we live.*

January 29, 2016

To: StateForestPlan2015@pa.gov

From: Bill Belitskus, Ryan Talbott, Jim Kleissler

We are writing to provide comments on the State Forest Plan 2015. These comments are being submitted on behalf of the Allegheny Defense Project and its members and as Pennsylvania Citizens. Please consider our comments carefully. We want to give extra emphasis on the following State Forest Plan (SFP) fatal flaws based on our attendance at the October 29, 2015, SFP held in Clarion.

1. The proposed SFP is not in compliance with Article I § 27 of the Pennsylvania Constitution.

The State Forest Plan must adequately describe the legal authority of Article I § 27 of the Pennsylvania Constitution, not merely recite the amendment. DCNR must add this paragraph:

“Our state forests and parks are part of a public trust established by Article I § 27. Act 18 designates DCNR as the Commonwealth agency responsible for these public trust assets with a fiduciary duty as a Commonwealth trustee to conserve and maintain them for the benefit of all the people. The management of our state forests must be guided by the purpose of the public trust. The benefits of our state forests that must be conserved and maintained by insuring that the resources are not degraded, diminished or depleted; and the people’s right to clean air, pure water, and the preservation of the natural, scenic, historic and esthetic values of the forest are protected.”

2. The State Forest Plan must make it clear that DCNR has no authority to “balance” the economic use of the State Forest as a revenue source with the constitutional requirement to conserve and maintain the natural resources of our State Forest lands.

The October 29, 2015, slide presentation in Clarion given by DCNR personnel was biased towards emphasizing that only logging and drilling made money – had value for our state forests with actual monetary figures given in the slides. Recreation was not assigned a monetary value, eco-system services, protecting air quality, soils, flora and fauna, water

quality and Pennsylvania's municipal water infrastructure were not assigned a monetary value, nor was mitigation of climate change by preserving intact forests / ecosystems given a monetary value in the slide presentation. The plan must clearly state the economic value of the above categories to the citizens of Pennsylvania. These are the same issues ignored in the last SFP.

3. The Forest Plan must clearly state that all rules and regulations with respect to State Forests shall be compatible with the purposes for which the State Forests have been created, in accordance with the Conservation and Natural Resources Act, Section 313(c). The Forest Management Plan must state that the language in Section 313(c) should not be read as creating a purpose inconsistent with DCNR's duties under Article 1 § 27 and Section 101(b) of CNRA.

4. The first role of the plan is to clearly describe the status of the state forest as it is today, including the current impacts to the forest from climate change, invasive species, Hemlock Woolly Adelgid, industrial development for logging and natural gas extraction and other uses of the public natural resources of the forest; and the management challenges faced by the department and bureau as a result of insufficient funds and personnel. A clear statement of the status of our state forests today is necessary to provide a context and background for future management decisions. Equally important, the plan must provide the people of Pennsylvania with a clear picture of the health of their state forest public natural resources.

5. The Management Plan must provide a framework for conserving, maintaining and restoring the public natural resources of the forest. That framework must contain a beginning with a summary of methods necessary to assess the impacts to the forests from its current and projected future uses through monitoring, evaluation, and research into new methods and technologies necessary to understand the impacts. The framework also provides a description of the actions necessary to avoid, minimize and mitigate future impacts to the forest and to restore public natural resources degraded by past actions.

6. The SFP must include the following protections:

A). The first paragraph of the Purpose in draft State Forest Plan does not accurately describe the problems that need to be dealt with in the plan. The State Forest is not remarkably healthy now. It faces many impacts from climate change, industrial logging and industrial development, much from DCNR oil & gas leasing, including fragmentation and pollution of its air, water and soil. Oil and gas extraction under these leases will pose continuing management challenges for DCNR over the next 50 years and threaten the public trust mandate to conserve and maintain our State Forest under Article I § 27.

B). Remove the first paragraph under "Purpose of the State Forest Resource Management Plan" (except for the first sentence) and add the following paragraph:

"Our state forest land is under unprecedented intrusion and impacts from climate change and conversion from natural forest by industrial logging and industrial development for the purpose of extracting natural gas and oil. Almost 700,000 acres of state forest land is currently under lease for

extraction of natural gas. The new unconventional extraction process requires land use far beyond any previous extraction methods. Although only an estimated 16% of the anticipated development has occurred based on current extraction techniques, the forest has experienced significant impact through direct conversion and fragmentation of the core of the forest. The extent of the cumulative impacts from climate change, logging and the total oil and gas development authorized by the existing leases is unknown. DCNR must monitor and understand the total extent of the impacts.”

C). The third and fourth paragraphs of the Purpose of the State Forest Plan section do not provide sufficient information regarding the issues causing impacts to our forests, the existing efforts to deal with those problems, and the management challenges that constrain those efforts. Those paragraphs should be replaced with the following:

*“The first role of the plan is to clearly describe the status of the state forest as it is today, including the current impacts to the forest from climate change, industrial logging and industrial development for natural gas extraction and other uses of the public natural resources of the forest; and the management challenges faced by the department and bureau as a result of insufficient funds and personnel. A clear statement of the status of our state forests today is necessary to provide a context and background for future management decisions. Equally important, the plan must provide the people of Pennsylvania with a clear picture of the health of their state forest public natural resources.*

*The Management Plan must provide a framework for conserving, maintaining and restoring the public natural resources of the forest. That framework must contain a beginning with a summary of methods necessary to assess the impacts to the forests from its current and projected future uses through monitoring, evaluation, and research into new methods and technologies necessary to understand the impacts. The framework also provides a description of the actions necessary to avoid, minimize and mitigate future impacts to the forest and to restore public natural resources degraded by past actions.”*

D). The plan must provide the public with yearly monitoring reports on the status of achieving the conservation, maintenance and restoration goals for the public natural resources of the forest.

E). The Plan must include reference to the 1955 Oil and Gas Lease Fund Act which requires that all rents and royalties from oil and gas leases of Commonwealth State Forest land be placed in a special fund to be used exclusively for conservation, recreation, dams, and flood control.

7. The section regarding “forest sustainability” wrongfully defines the word “sustainability” as a complex idea involving economic, environmental, and social factors. Forest sustainability must relate to the constitutional duty to conserve and maintain the public natural resources of our State Forests for the long term and for future generations. The constitutional mandate to conserve and maintain these public natural resources means that DCNR will not allow the degradation, depletion or diminishment of the diversity of the plant and animal life of the forest through protection of the ecosystem of our State Forests. That means no degradation or diminishment of the soil, water, and air within the forests, or the natural, scenic, historic

and esthetic values of our forests. These parameters of sustainability must be met through the science of ecosystem management.

A). Do not increase the size of logging plots from 75 to 125 acres. It goes against all current climate and ecological science. (See 7. above). At the federal level, NFMA mandates that “smaller is better.” There is no justification as to why that same principle does not hold for our state forests other than greed. Our state forests are not a private fibre supply for the timber industry. 3/4 of timber lands in Pennsylvania and the northeast U.S. are held in private ownership - if the timber industry can't manage its own lands and conduct sustainable forestry on private lands, it is not “entitled” to poach Pennsylvania citizens' public forest lands.

B). Do not allow any more ATV trails.

Do not use the Bureau of Forestry survey, that DCNR is conducting through a consultant “to develop a market analysis survey to determine the level of user demand [for ATV trails] in different parts of the state in order to create the “dream ATV / snowmobile trail” from the state forests in the center of the state westward to Marienville and the Allegheny National Forest onto the 79 mile long, former Knox Kane Railroad corridor (currently under acquisition and conversion to a Rail to Trail corridor) in order to foist ATV air and noise pollution and illegal ATV riding and damage on other rural communities (who do not have law enforcement capability) across our state because DCNR is afraid to “just say no” to this entitled, special interest group.

8. The SFP is devoid of current science in the role that our state forests have to play in mitigating climate change for future generations and protecting our municipal water infrastructure. It is vitally important to protect our state forests. Increasing logging and allowing more drilling in the forest lands means more roads and infrastructure constructed that would release massive amounts of carbon – the exact opposite of the necessary carbon sequestration that must happen to mitigate climate change. The Max Planck Institute research has found that the greatest amount of carbon is stored in old forests, and in the roots and soil around the roots, not in the bole of trees. Massive amounts of carbon are released when logging and constructing roads and drilling pads by disturbing the soil by bulldozing stumps out of the ground. Furthermore, the myth that the DCNR and the timber industry drone on about how clearcutting old forests and replacing them with young, vibrant, fast growing forest to sequester carbon is just that, a myth. When massive amounts of carbon are released into the atmosphere by logging and road building, current science calculates it will take 100 years for the young forest to sequester the original amount of carbon that was released. It's a myth damaging our climate without any scientific basis.

9. The public meetings were designed to waste citizens' valuable, available time to testify and to distort our important testimony.

- The October 29, 2015, slide presentation in Clarion given by DCNR personnel was biased towards emphasizing that only logging and drilling made money – had value for our state forests with actual monetary figures given in the slides. Recreation was not assigned a

monetary value, eco-system services, protecting air quality, soils, flora and fauna, water quality and Pennsylvania's municipal water infrastructure were not assigned a monetary value, nor was mitigation of climate change by preserving intact forests / ecosystems given a monetary value in the slide presentation. The plan must clearly state the economic value of the above categories to the citizens of Pennsylvania. These are the same issues ignored in the last SFP.

- All citizens should have been given 5 minutes to state exactly what their comments were on important forest plan issues. If DCNR needed more time for comments, it should have scheduled more meetings in major metropolitan areas across the state.
- At the October 29, 2015 SFP meeting held in Clarion, PA that our members attended, the DCNR interpreters at the assigned tables, could not accurately transcribe our comments from our spoken words. The process distorted important forest plan issues no matter how many times we corrected the transcription of our comments on important issues.
- DCNR personnel wasted more time distorting what was discussed at each table by deciding on their own what weight to give comments received by citizens in their tortured summaries to the entire meeting. It was clear that DCNR personnel were following an agenda to water down any comments they did not want to present in their table summaries.
- DCNR needs to schedule more public meetings in major metropolitan areas across the state at accessible locations and times for the working public. The current DCNR strategy of excluding large metropolitan areas to avoid getting conservation comments DCNR does not want to hear is excluding the vast majority of owners of Pennsylvania's forests.

10. Finally, the SFP must create a public citizen participation process for Pennsylvania citizens' public lands that includes advance public notice of proposed projects (scoping), a defined comment period, an issuance of an Environmental Analysis by DCNR with a range of alternatives for any proposed project, an administrative appeal process of DCNR's decisions, with subsequent litigation if DCNR refuses to follow the law. This is a long standing issue and the DCNR may not avoid its constitutional fiduciary responsibility to conserve and protect the public resources by excluding the public from the management of its lands.

Respectfully submitted.

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