



Adirondack Mountain Club

Comments to the New York State Office of Parks, Recreation and Historic Preservation: Preparation of Draft Master Plan and Draft Environmental Impact Statement for Allegany State Park

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The Adirondack Mountain Club (ADK) thanks the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for the opportunity to submit comments. Allegany State Park is of great importance to our western New York chapters. I am writing in support of these chapters in advocating for greater protection for Allegany State Park.

I would like to take this opportunity to express ADK's hopes and expectations for the Allegany State Park as OPRHP begins the process of drafting a Master Plan for the area.

The Adirondack Mountain Club is dedicated to conservation, education, outdoor recreation and protection of New York's Forest Preserve, parks, wild lands and waters. ADK represents over 30,000 hikers, paddlers, skiers and backpackers.

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ADK would like to bring attention to land surface issues and possible impacts. It is more important than ever to make sure we commit to stricter protections for the undeveloped lands of Allegany State Park (ASP). There are mechanisms and tools in current statute that allow for the increased level of protection to occur.

Stronger protections for old growth and mature forest lands outside of the Forest Preserve counties has been encouraged as evidenced by recently passed legislation, known as the "Bruce S. Kershner Heritage Tree Preservation and Protection Act." Those who worked to pass this legislation over the years had Allegany State Park in mind as its unique and natural character and diverse ecosystem(s) are continually threatened by the growing market for lumber, oil and natural gas, all abundant resources on or beneath ASP.

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While ADK reveres the Adirondack and Catskill Mountain ranges for their grandness, Allegany State Park in Western New York deserves a comparable level of protection for its natural heritage and recreational importance to our members, especially in our Niagara Frontier, Genesee Valley and Finger Lakes New York chapters.

Allegany State Park is a very valuable asset to the State's tourism economy. ASP provides visitors with a near wilderness experience that is often more accessible than the more distant lands of the Adirondacks and Catskills. ASP is a family friendly place for the public to learn more about how to safely recreate in the backcountry before they venture to the Adirondacks and Catskills. These forest lands are very important to the health of New York's ecological resources as well as to the physical and mental wellbeing of New York's residents.

Based upon our legal, natural resource and historical research, we believe that large portions of ASP qualify for and deserve greater legal protection by reason of its incomparable beauty and unique ecological resources. Article 20, of the Parks, Recreation and Historic Preservation Law allows for increased protection for "state parks, parkways, historic sites and recreational facilities that, although the entire facility does not qualify as a park preserve, nonetheless possess outstanding ecological values, including assemblages of flora and fauna that are unique or rare in the state." (PRHPL § 20.01)

ADK believes that ASP certainly qualifies as a park preservation area under this PRHPL section. It should be managed to preserve these special scenic, ecological and geological qualities while also providing the public with passive recreational opportunities that are compatible with protecting the ecological significance and natural character of the area.

The flora and fauna that exist in Allegany State Park are not only unique to the State of New York but to the United States. The soils in Allegany State Park are rich in nutrients allowing for an exceptionally diverse ecosystem that would be irreplaceable if compromised.

Due to long standing traditions of farming and logging in New York, there are only a limited number of old growth forests left in the state. These special places provide a living record of what an area becomes while undisturbed. Preservation of these areas will not only protect the forest, but it will allow for the continuance of the unique plant and animal habitats that flourish within them. People will also be able to continue to experience and better appreciate this rare environment. It will also allow for continued research of old growth ecologies to help us better understand the impacts of forest management and the complexities of nature.

Old growth trees are also important to the health of the entire ecosystem of forests. They provide the atmosphere with an abundance of moisture and are valuable carbon sequesters. Their grandness provides moisture and shade for indigenous flora, and shelter for fauna.

Many people value old growth forests for their beauty and natural, undeveloped state. Others receive spiritual enrichment when viewing or visiting old growth forests. This limited resource is clearly in danger of disappearing altogether unless it is afforded protection. New York has a strong history of recognizing and appreciating the unique and valuable natural resources of the state. Old growth forests are one such resource.

ADK asks OPRHP to use this master planning process to designate these unique and significant ASP forests as a Park Preserve. If this designation is done, the Master Plan should focus on preserving the ecological communities and natural character in these magnificent forests.

The Plan should also address the need for designated parking areas, hiking trails and additional canoe/kayak access points. Please utilize ADK and members of ADK's Niagara Frontier chapter regarding the specifics of these points as the planning process continues, perhaps as part of a Citizens Advisory Committee.

ADK is also concerned about the State of New York issuing permits to allow the oil/natural gas industry land to utilize environmentally disruptive drilling practices, including hydraulic fracturing, or "hydro-fracking". The New York State Assembly Standing Committee on Environmental Conservation has held hearings regarding the numerous proposals to drill for natural gas in the Marcellus Shale formation. The Marcellus Shale formation lies beneath all of Allegany State Park. While certain entities may hold subsurface rights on ASP lands, we would oppose the issuance of any new or expanded permits to private entities for oil, gas or mineral exploration. Drilling, intensive road networks, gas pipelines, pumping stations and hydraulic fracturing under state parklands is wholly inconsistent with their intended purpose.

We are concerned that proposals to grant new or expanded permits for natural gas or oil exploration and extraction would result in new roads, gas transmission lines and extraction infrastructure on state park lands. ADK believes that the past practice of state leases for oil/natural gas exploitation is wholly inconsistent with the public trust/alienation doctrine (Williams v. Gallatin, 229 N.Y. 248; Friends of Van Cortlandt Park v. City of New York, 95 N.Y.2d 623) as it applies to all public parks. We strongly believe that the state should purchase and extinguish valid, existing privately held subsurface oil/natural gas in ASP, using the tool of eminent domain where necessary, See, Vaccaro v. Jorling, 546 N.Y.S.2d 470.

With the extremely large amount of water that the hydro-fracking process involves, hauling water into drilling sites will be necessary if municipal water is not available. Estimates of increased truck traffic are hundreds per day. Recent data suggests 50 trucks are needed to force the natural gas out from just one well. The energy industry admits that the water is then removed from the hydro-fracked wells and driven out by truck as well. A large increase in truck traffic and necessary intensive road network has the potential to disrupt the natural character of ASP and fragment its incomparable forest lands. This natural experience is highly desired by our members and valuable to New York as a tourism opportunity.

The likelihood for hydro-fracking is higher than the energy companies would have you believe. Based on the patterns of drilling in the Allegheny National Forest in Pennsylvania, just a few miles from ASP, hydro-fracking is the method of choice. Hydro-fracking is also being used to drill on private lands just outside of the forest. These wells are exploiting natural gas from the Marcellus Shale which lies beneath the entire area of ASP. These patterns give us many reasons to conclude that hydro-fracking will be used in ASP.

The process for testing the ground for resources does not come without disruption either. "Thumper trucks," that have disturbed people in residential neighborhoods, are feared to have negative impacts on the wildlife in this part of the State. Even with the large shale formation becoming more and more economical to tap into, building wells and the drilling process are still very expensive, therefore, frequent testing using the "thumper trucks" is likely to ensure drillers of the locations where it is worthwhile to drill. However, the public and wildlife disruptions should be studied further and reflected in Allegany's Master Plan accordingly.

The original intent of preserving forest areas and state parks in this region, such as ASP, is to provide a natural experience to the public for recreation and scenic values. The potential increase in man's industrial existence cannot be ignored. The cumulative impacts of all processes and stages of natural gas drilling must be minimized and eliminated. ADK believes these activities would be highly inappropriate on the lands now comprising ASP and strongly opposes any kind of resource exploration and exploitation activity in the park. Again, ADK believes minimizing those impacts can be achieved by designating much of the natural forest areas in the park as Park Preserve.

For the above-mentioned reasons, ADK urges OPRHP to designate and manage these sections of ASP as Park Preserve. We encourage Parks to propose the classification of these lands due to their natural beauty, wilderness character, ecological communities, geological significance and incredible passive recreational opportunities.

ADK also requests that OPRHP develop a policy on oil and natural gas drilling in ASP during the Master Plan process. The policy should be similar to OPRHP's policy on logging in ASP as put forth by Commissioner Ash. As ecological studies and surveys continue through the New York Natural Heritage Program, areas of high sensitivity and ecological significance will be much more understood and outlined. OPRHP should use this information to distinguish the specific areas where drilling should be prohibited. These areas should then be expressly identified in the Master Plan for ASP.

Thank you for this opportunity to comment on this very important issue.

Respectfully submitted,

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