

APPENDIX R

RESPONSIVENESS SUMMARY

Appendix R
Rome Sand Plains Responsiveness Summary to
June 23, 2003 Public Meeting and Public Comment Period
ending July 18, 2003

Introduction:

It is critical to note that while "The Rome Sand Plains Consolidated Management Plan" combines a shared vision from the New York State Department of Environmental Conservation (DEC), Oneida County, The Nature Conservancy and the Izaak Walton League Rome Chapter, only the DEC managed land is required to be subjected to public review and comment.

While the private conservancy landowners are attuned to public input and share the collective vision for protecting and maintaining this unique area, the preparation of this "Responsiveness Summary" is consistent with DEC's requirements for developing and implementing a Unit Management Plan for public lands entrusted to DEC stewardship.

There is no public right, inferred or otherwise, granted regarding the management of private property in "The Rome Sand Plains Consolidated Management Plan". Management of lands held by private owners and conservancy groups are subject to their internal policies and goals.

Topic/Issue:

- continue planning efforts and initiatives to preclude "landfills" in the Rome Sand Plains.

Response: "The Rome Sand Plains Consolidated Management Plan, Public Review Draft, June 2, 2003" (The Plan) in the preface, paragraph 2 states:

"The lands for which this plan has been prepared are owned by four entities: The New York State Department of Environmental Conservation, Oneida County, The Nature Conservancy and the Izaak Walton League. Private property is interspersed with these lands; however, the plan does not apply to such private property. The purpose of the plan is to provide a guide for the coordinated management of lands among the property owners listed above. The plan has been prepared to meet the requirements of the DEC's Unit Management Planning process as well as the needs of the other landowners." It is anticipated that the City of Rome may consider The Rome Sand Plains Consolidated Management Plan when developing its own Comprehensive Plan.

The property owners listed above will not develop "landfills" on parcels they own or may come to own in this Unique Area.

Via the Municipal Home Rule statute and state regulations, the City of Rome will govern land use zoning regulation of private lands.

Department of Environmental Conservation 6 NYCRR Part 360 Solid Waste Management Facilities addresses the permitting and regulation of landfills in New York State. While private landowner rights to use and develop their property consistent with local land use

provisions and regulations are not affected by the plan, the Rome Sand Plains Management Team is sensitive to neighboring threats to this unique area.

- enthusiastic support was expressed for the protection of this unique area and the concept of a management plan for the area.

Response: The expressed support is acknowledged and appreciated.

- there needs to be an emergency fire response plan.

Response: There is currently a Wildland Fire Management Plan in place for New York State and DEC Region 6 also has a Wildland Fire Management Plan.

In addition, the Rome Sand Plains Management Team will establish a task force and develop an emergency fire response plan.

The task force will work with local landowners, fire departments likely to respond to a fire emergency on lands currently under public and conservation organization ownership, and others to put an emergency fire response plan in place.

The plan shall address how best to engage a fire emergency so: private property is not lost; rare, threatened or endangered species and their habitats are not destroyed; fire suppression strategies do not inadvertently destroy unique geological land forms (sand dunes) and species/habitat restoration and management initiatives; and related issues are considered.

- monitoring the management practices should be a strong point of the plan.

Response: Chapter 5.0 “Management Issues” and Chapter 7.0 “Management Recommendations” of the plan address this topic. Baseline research, by its nature, serves to establish a record of changes and trends over time and can serve as a sound basis for implementing new or changing current management practices. The Management Team will work together with research partners to design and implement monitoring programs sufficient to measure progress and guide further implementation.

7.24 “Management Structure” states that:

“This plan recommends that the current RSP management structure, an ad hoc partnership of the public and conservancy landowners and interested partners, be maintained for the next five years. The success of this structure in achieving the goals of the Plan should be monitored to determine if it is effective. The Management Team *will* develop a series of objective measures to determine if it is adequately achieving its goals.” A partial list is given.

The outcomes of current management practices are expected to be evaluated in relation to their stated goals and objectives. Where shortfalls are identified proposals to amend the plan will be considered by the Management Team.

- there needs to be an ability to obtain funds for use in carrying out some of the goals of the plan

Response: Current and future institutions working in partnership with the Management Team will typically be accustomed to seeking grant monies for conducting baseline research. Partners seeking funds to implement specific projects may need to conduct fundraising or seek grants and endowments for such purposes. State agency partners should identify budgetary needs and establish corresponding line item funding requests.

The Management Team may elect to establish a task force for grant writing and fundraising.

- forestry practices should be used primarily for ecological purposes vs. forest products/revenue

Response: The "Preface" of the plan, paragraph 3 states:

"With respect to the specific requirements of the Department of Environmental Conservation, who will use this document as its Unit Management Plan, it is the policy of the Department to manage State lands for multiple benefits to serve the People of New York State."

Chapter 7.5 "Vegetation Management" addresses the ecological aspects of the plan in relation to vegetation and forestry.

7.5 states: "C. Forestry Management. The Nature Conservancy, the Izaak Walton League and Oneida County should develop detailed forestry management plans similar to that developed by the DEC. The DEC's specific plans are as follows."

The forestry management plan presented for DEC owned lands recognizes the Unique Area designation for its current holdings and will manage these lands for their ecological significance as the predominant value.

"4.2.1. Forestry" in the plan says "Forest management practices will be used to accomplish multiple objectives such as habitat enhancement and protection and to maintain the existing ecological communities."

"4.2.2. The Nature Conservancy . . . manages its lands through an interim plan prepared in 1998." It is the intent of the Nature Conservancy (TNC) to maintain a mosaic of a number of state-rare natural areas . . .".

The topic of forest product production and generation of revenues from TNC holdings, while not specifically addressed, is not an objective of their five pronged approach to include land protection, research, restoration, management and education.

"4.2.3. Izaak Walton League

The mission of the Izaak Walton League is to maintain, protect and restore the soil, forest, water and other natural resources of the United States and other lands; to promote means and opportunities for the education of the public with respect to such resources and their enjoyment and wholesome utilization."

"The Izaak Walton League manages its property for recreation and outdoor education use."

“4.2.4. Oneida County

Oneida County’s lands, consisting of approximately 800 acres, are managed for timber production by the County Forester. There is no formal written plan for such management, which is discussed in Section 2.2.5.”

To maintain pitch pine communities it will be necessary to reverse the process of natural succession. Tree cutting will be one of the tools used. Tree removal will be necessary at several intervals throughout the development of the stand. Cutting or weeding may be needed to eliminate undesirable or competing tree species in the early stages of development. Harvests during intermediate stages of development would manage stand density to allow faster and healthier development of the desirable trees. Final harvests would remove the trees at maturity and create conditions suitable for development of another generation of trees. During the course of these harvest treatments and the development of the stand, many of the trees removed will be of sizes suitable to sell for forest products. Other forest cover types will require similar silvicultural treatments to achieve goals stated in this plan, often resulting in the removal of forest products.

The public and conservancy landowners will implement the plan as presented in the June 2, 2003 Public Review Draft regarding this Topic/Issue.

- fire management of the ecosystem needs more details

Response: The plan recognizes that the role of fire in creating and maintaining several habitat components in the Rome Sand Plains is not well established or understood. Species such as Pitch Pine are typically associated with fire dependent ecosystems. Other species such as native lupine plants and the Frosted Elfin Butterfly are dependent on openings in a forested environment that are often attributable to fire. Chapter 7.5 addresses this need and under 7.5 b states “Note that undertaking fire management will require substantial education of the public and local officials as to its need, as well as substantial coordination and cooperation in order to make it happen.”

The use of fire is a management tool that would be used to interrupt natural succession. Prescribed fire will be done in small areas to be manageable. Prior to any prescribed burn a fire plan has to be written in accordance with NYCRR Part 194.5. Fire breaks will be established prior to any fire. DEC and TNC will enlist the support and aid of the local fire departments. A public information and education effort will be undertaken.

Page 53 of the plan, last sentence of the first paragraph recognizes that “At the present time the Rome Fire Department does not allow the use of prescribed fire as a tool for forest management; however, this agency has expressed a willingness to discuss the use of fire as a management tool.” The plan acknowledges the need for more details and they will be developed within the term of the plan.

- livestock/horses; some support restrictions, others feel horses spreading invasive weed seeds is hypothetical not factual.

Response: In addition to oral comments regarding this Topic/Issue two written responses addressing it were received during the public comment period.

The Management Plan Committee and Rome Sand Plains Management Team collectively invested considerable energy in weighing this Topic/Issue.

The existing and envisioned trail network for the public and conservancy landowners' holdings in the Rome Sand Plains represents a low ratio of access to total land area.

As the preface of the plan states in paragraph four: "The overall vision for the RSP is to maintain and enhance its unique ecology, especially the pitch pine heath barrens ecosystem. This ecosystem is vulnerable from both natural and human induced forces. The plan therefore contains a variety of recommendations to protect the RSP from degradation."

A conscious decision has been made that trails will not be a major infrastructure component of public and conservancy landowners' holdings.

The many wetlands throughout the Rome Sand Plains Unique Area present special needs for trail development and maintenance unsuited to horse travel. The geologically rare and small distribution of the sand dune complex does not warrant access beyond a limited pedestrian trail system.

The small populations of native lupine plants and efforts to maintain and expand this habitat for Frosted Elfin Butterflies and possible restoration of Karner Blue Butterflies necessitates limiting trail access for all users in these types of critical habitat areas.

The study boundary for the plan is 16,000 acres of natural area in the City of Rome. The plan addresses the 3,875 acres of public and conservancy owned land within the 16,000 acre area. There are public highways within the 16,000 acre natural area which provide for public transportation via all legal conveyances.

State owned land in the Rome Sand Plains represents less than one percent of the public land managed by the DEC Division of Lands and Forests in Herkimer and Oneida Counties. There are opportunities for the use of horses on the remaining 45,000 acres of State Forest and 340,000 acres of Forest Preserve in these two counties.

Section 190.8 (n)(2) of the NY Codes, Rules and Regulations (NYCRR) states that . . . horses will be permitted anywhere on state land unless otherwise prohibited . . . and that no person shall ride or permit a horse on foot trails except where specifically designated to allow horses. Section 7.3 of the plan recommends that no motor vehicles and livestock be allowed on any designated foot trail in the RSP, which is consistent with the NYCRR.

An amendment to Section 190.8 of NYCRR (additional provisions) would be required in order to more specifically address the use of horses on state owned lands, other than designated foot trails in the Rome Sand Plains Unique Area.

The plan, as drafted, will be implemented with the opportunity to review specific proposals for changes or amendments in the future.

- invasive species are a matter of concern

Response: Invasive plants can displace native species, often forming monotypic stands which are low quality for wildlife. They can drastically alter the functions of natural systems. Because invasive plants are highly successful and very adaptive, once established they are difficult to eliminate. It is important to take preemptive measures to prevent the introduction and/or spread of noxious weeds.

The use of the term weeds suggests plants that are typically thought of as undesirable or that have no use. However plants that are desirable in certain locations may be undesirable in other locations. Common grasses and agricultural plants, introduced to a natural environment may be undesirable and become invasive.

Invasive species may gain a foothold through a wide range of sources including: construction equipment, landscape disturbances, highway traffic, people, pets, livestock, wild animal dispersion or escape from cultivation. Monitoring, assessment and management decisions should be carried out consistent with factual, science based knowledge in order to protect the unique attributes of this unique area.

- spring turkey hunting should not be permitted; concern that Red Shoulder Hawk and other early nesting raptors will be adversely impacted.

Response: The plan addresses hunting at

“5.4 Public Use

1. *Hunting.* Hunting regulations in the RSP vary by landowner. Among the landowners there are institutional constraints to making the rules uniform, including concerns about ecosystem maintenance, trespass, liability and conflicts with other users. The DEC’s and the County’s hunting rules are the same as the uniform statewide regulations. The Izaak Walton League allows small game hunting (e.g. rabbits and squirrels); The Nature Conservancy does not. The Izaak Walton League may allow bird hunting; the Nature Conservancy will not. The Izaak Walton League does not currently allow the use of rifles in hunting deer, but does allow shotguns for birds and bow hunting for deer. The Izaak Walton League and the Nature Conservancy require permits to hunt on their land. The differing rules and regulations reflect the differing philosophies of the ownership entities and it therefore may not be possible to forge a uniform set of hunting rules within the RSP.”

Input from wildlife biologists suggests that the impact on Red Shoulder Hawks, a threatened species, from turkey hunters would not be significant with the possible exception of nest sites that are in close proximity to high use areas such as trails. It may be deemed prudent to close appropriate trails during the spring nesting season. A first step is to identify and inventory nest sites which will be a management action pursued by the management team.

The plan, as drafted, will be implemented with the opportunity to review specific proposals for changes or amendments in the future.

- concern expressed with the use of herbicides to manage vegetation

Response: Herbicides are a cost effective means of dealing with undesirable vegetation and are often the only practical means to achieve the desired results. Modern herbicides are designed to impact target plants and have little potential for impact to non plant species, do not accumulate in the soil and they break down readily. Herbicides will be selected for use based on low toxicity and low leaching potential. The frequency of application will be minimal during the establishment, development and maturation of a stand of trees. Application rates will be the minimum necessary to achieve the desired results and all applications will be according to federal and state laws by certified applicators. All herbicide applications on state land are subject to NYCRR Part 617 SEQR Review. The intent is for this to be an ongoing, integral part of the plan. 6.0 Goals of the Plan clearly identifies these matters as being important.

7.5 Vegetation Management, a. states

“Vegetative Cutting, Scarification and Herbicide Use. A series of experiments should be designed in which test plots are cut and/or scarified at varying intensities to allow evaluation of their effect on desirable communities. The effects of herbicide use should also be evaluated. The goal of these experiments is to determine the amount of canopy opening combined with other mechanisms needed to maintain the pitch pine community. The results should be compared and then evaluated to determine which combination of methods is most effective at maintaining the pitch pine community.”

The experiments will be designed using best available and current knowledge of herbicide use to successfully manage vegetation without adversely impacting non-target species and other natural resources.

- need more inventory of the resources in the management area and a better understanding of the ecology here.

Response: The DEC land in the RSP has been inventoried based on the standard timber inventory system used on all State Forest lands. A map has been developed to show locations of the various forest cover types on those lands. The resulting map is shown in Figure 9. There is a need for better understanding of hydrogeologic, hydrologic and surface water flow in order to protect sources critical to ecosystem function and sustainability in this unique area. Additional information is needed on other flora, and rare and endangered species. The intent is for this to be an ongoing, integral part of the plan. 6.0 Goals of the Plan clearly identifies these matters as being important.

- littering; need signage proclaiming no littering, larger penalties and enforcement

Response: The plan acknowledges littering as an issue and intends to address this matter through partnership clean up initiatives, education and enforcement. Sections 5.7 Aesthetics and 7.14 Roadside Cleanup may be referenced in this regard.

The plan, as drafted, will be implemented and the degree of success will be evaluated. Proposals for changes, amendments, or immediate attention can be brought to the Management Team’s attention at any time.

If experience demonstrates that larger penalties could serve to be a more effective

deterrent then the appropriate legislative process (local or state law) will be explored for support of desired changes.

- Opening Wood Creek to canoe travel would change the stream. Clearing in the past has impacted flow and erosion.

Proposals to develop canoe passage down Wood Creek would involve opening a channel through the woody debris only wide enough to allow passage of a canoe. Removal of all woody debris from the channel is not a consideration. The woody debris adds organic matter to the stream, contributes to fish habitat and mimics conditions early travelers often faced when using the creek as a transportation corridor.

- Is the state going to address the ATV issue. Blocking access doesn't work.

ATV use is only legal on lands where written permission has been granted by the landowner. On state land ATV use is only legal where trails are specifically marked with a sign allowing that use. Enforcement of illegal use is challenging as they are difficult to catch and are often in areas where they are not easily observed. While the DEC will restrict ATV use on the public lands in the Rome Sand Plains and work to enforce that restriction, local law enforcement is responsible for enforcement on private lands.

- How do you know that people will be staying on public land and will not be on private land?

The DEC maintains its property boundaries on a regular basis with paint and signs. Currently, not all boundaries in the Rome Sand Plains have been surveyed and consequently they are not marked. This plan calls for surveying the lands owned by DEC and developing a sign system to identify lands that are part of the Rome Sand Plains partnership. Private landowners are encouraged to also maintain their boundaries, including signs to inform the public where the transition from public to private land occurs.

- Trailhead where people sight in rifles

Prior to public and conservancy ownership locals used an area adjacent to Hogsback Road to sight in rifles, shooting into a bank that is a partially excavated sand dune. In spite of the change in ownership and development of a parking lot and trail at that location there are still people who continue to use that area for target shooting. There are no regulations currently that prohibit target shooting at that location. A regulation proposed in this plan would prohibit using that site as a shooting range and would allow for enforcement.

- Use of railroad bed for recreational trail, including horses and snowmobiles.

The Rome Sand Plains Management Team recognizes the potential benefit offered by the railroad corridor as an enhancement to a trail system within the sand plains. Currently the railroad bed is not in public or conservancy ownership. It is not the purpose of this plan to recommend management on privately held land. If ownership of the railroad corridor should change, an amendment to or revision of this plan would be written providing an opportunity for public comment of proposed use of the corridor.