



P.O. Box 828  
West Seneca, NY 14224

February 11, 2025

The Honorable Kathy Hochul  
Governor of New York State  
New York State Capitol Building  
Albany, NY 12224

Sean Mahar, Interim Commissioner  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233

Julie Barrett O'Neill, Regional Director  
New York State Department of Environmental Conservation  
700 Delaware Avenue  
Buffalo, NY 14209

**Joint Position Statement by the Nature Sanctuary Society of WNY and the Niagara Frontier Botanical Society Opposing Logging by NYSDEC in the Zoar Valley MUA**

Dear Governor Hochul, Interim Commissioner Mahar, and Regional Director Barrett O'Neill:

The Nature Sanctuary Society of Western New York (NSSWNY), a 501(c)(3) nonprofit organization founded in 1934 to protect natural areas, owns two preserves in Zoar Valley: the William P. Alexander Preserve along the main branch of Cattaraugus Creek near the Concord-Collins town line in Erie County (118.5 acres), and the Rodger Sweetland Memorial Preserve along the west side of the South Branch of Cattaraugus Creek in the Town of Persia, Cattaraugus County, contiguous to the Deer Lick Nature Sanctuary of The Nature Conservancy (five acres). As such, the NSSWNY has a vested interest in how public lands are managed in Zoar Valley.

The Niagara Frontier Botanical Society (NFBS) also is a 501(c)(3) nonprofit organization. Founded in 1983, the purpose of the NFBS is “Promoting the study, appreciation, and conservation of plant life, emphasizing field botany in the Niagara Frontier region.”

Currently there is a proposal by the New York State Department of Environmental Conservation (NYSDEC), formerly in partnership with CT/NY Audubon who withdrew from the project on 29 January 2025, to do a heavy selective cut on 92 acres of hardwood forest in the Zoar Valley Multiple Use Area (ZVMUA) on the north side of Wickham Road in the Town of Otto, Cattaraugus County. The purpose of this proposed project, ostensibly, is to create early successional stage forest as habitat for certain bird species.

The NSSWNY and NFBS are strongly opposed to this logging plan for eleven compelling reasons:

- (1) **Location for the project was a poor choice.** The ZVMUA is immediately adjacent to the Zoar Valley Unique Area (ZVUA). “The ZVUA was created by an act of the NYS Legislature in 2007, ‘in order to protect its unique gorge and ledges, tributary gorges and riverside terraces and associated matrix forest of the main and south branches of the Cattaraugus Creek.’ The Unique Area is comprised of the gorge and a buffer area along the rim of the gorge.” (<https://dec.ny.gov/places/zoar-valley-multiple-use-area-and-unique-area> ). Effectively, the ZVMUA provides an additional buffer to protect the aforementioned matrix forest of the ZVUA.

NYSDEC contends that none of the work proposed for the ZVMUA will endanger old-growth trees in the ZVUA. However, as maturing second-growth trees are marked for cutting in the ZVMUA in close proximity to (in direct eyesight of) the boundary between the ZVMUA and ZVUA, there is a real possibility of collateral damage to the old-growth trees, either by the felling of maturing trees on the ZVMUA, or by skidders or other heavy equipment used in the logging operation. Even if such collateral damage is minimized or prevented, the old-growth trees near the boundary of the ZVUA become more susceptible to windthrow. Once the adjacent forest of the ZVMUA is thinned and its canopy opened, the buffering (windbreak) effect of this adjacent forest on the ZVUA is diminished.

NYSDEC Region 9 Forester, Patrick Marren, has advised us that there are 55 state forests covering approximately 99,700 acres in Region 9. Are there not 92 acres available in state forest land elsewhere in Region 9 to conduct what CT/NY Audubon characterized as a “public, educational forest demonstration?”

- (2) **A Multiple Use Area treated as a *de facto* State Forest.** A State Forest is defined as lands that "are managed under public ownership by professional foresters; allow for the sustainable use of natural resources; are open to recreational use; provide watershed protection; and cover large land areas throughout the state. From the beginning, State Forests were set aside to offset widespread trends of agricultural abandonment and

deforestation and restore the land's ability to support vegetation."

<https://dec.ny.gov/nature/forests-trees/dec-land-stewardship/state-land-classifications>

It is clear that the primary purpose of a State Forest is silvicultural management.

A Multiple Use Area (MUA), in contrast, is “A parcel of land owned by the state acquired for outdoor recreation, including public camping, fishing, hunting, boating, winter sports, and, wherever possible, to also serve multiple purposes involving the conservation and development of natural resources, including the preservation of scenic areas, watershed protection, forestry and reforestation.” <https://dec.ny.gov/nature/forests-trees/dec-land-stewardship/state-land-classifications>

Lands that are designated MUA were acquired pursuant to Parks, Recreation and Historic Preservation Law, 15.01(1)(b), with "... moneys received by the State from the sale of park and recreation land acquisition bond act of 1960 and 1962.”

It is evident that the primary purpose of a MUA per statute and practice is recreation. Forestry and reforestation are not excluded purposes but appear to be of ancillary importance. Since hunting is a form of recreation, could one argue that habitat management that promotes the propagation of game species like wild turkey, ruffed grouse, or American woodcock is consistent with logging in a MUA? Perhaps, but in our view, significant habitat modification to benefit single game species is a myopic and unsustainable approach to ecosystem management. Such approaches are often obfuscated by attempts to justify it by conveniently identifying non-game species that would likewise benefit. Note also that the preservation of scenic areas and watershed protection are two other ancillary purposes of a MUA, and are major concerns in light of the proposed logging of the Wickham Road woods of the ZVMUA.

Effectively, NYSDEC is giving undue priority to use values associated with timber harvesting and habitat alteration of a Zoar Valley site which is treasured by the public for the non-use values of its forests. The latter includes characteristics like aesthetics, sense of wildness, and only subtle signs of human intrusion on the landscape.

- (3) **Proposed project inconsistent with recommendations in the 2002 Lake Erie Gorges report.** The New York Natural Heritage Program, a partnership between The Nature Conservancy (TNC) and NYSDEC, issued a final report to the Central/Western New York Chapter of the TNC on October 15, 2002, entitled, Lake Erie Gorges Biodiversity Inventory & Landscape Integrity Analysis. On page 82, it states: “Zoar Valley is by far the best remaining matrix forest-gorge landscape in the region in terms of both integrity (including areas of virgin and secondary old growth that are large for western New York) and diversity (with all or most of the communities found in gorge complexes throughout the study area).” On page 86, under the heading of Disturbance and Threats, is stated: “Logging is the primary disturbance to the matrix forests of these gorges including ...

harvest intensity on state and private lands that does not sustain old-growth patches or climax forest types.” While the Wickham Road tract of the ZVMUA is not an old-growth forest patch or climax forest, it is a maturing (not mature) second-growth forest on a trajectory to become old-growth or climax forest if left undisturbed.

- (4) **Proposed project constitutes a significant change in management approach from NYSDEC’s Zoar Valley Multiple Use Area Unit Management Plan, December, 2006.** [https://extapps.dec.ny.gov/docs/lands\\_forests\\_pdf/zoarump.pdf](https://extapps.dec.ny.gov/docs/lands_forests_pdf/zoarump.pdf) This 2006 plan described taking a “minimum tool” approach “to increase overall species and forest structural diversity.” The only scheduled tree removal in the “Ten-year Schedule of Management Actions” was harvesting red pine, larch, and Norway spruce to “convert conifer plantations to natural forest stands or grasslands.” The “minimum tool” approach was one of several principles NYSDEC intended to employ so that “management of the Zoar Valley Unit will balance the desire for public passive recreational use with the need to preserve the character of the area and the capacity of the resources to withstand those uses.”
- (5) **NYSDEC’s Niagara Frontier Unit Management Plan DRAFT, May, 2021, did not garner significant public attention, had a discrepancy in acreage listed for “Habitat Management,” and did not include CT/NY Audubon as a partner in the project.** [https://extapps.dec.ny.gov/docs/lands\\_forests\\_pdf/niagarafrontierdraftump.pdf](https://extapps.dec.ny.gov/docs/lands_forests_pdf/niagarafrontierdraftump.pdf) “Niagara Frontier” in the title obscured the fact that much of the Niagara Frontier Unit Management Plan DRAFT of May, 2021, focused on the ZVUA, ZVMUA, and nearby East Otto State Forest. By virtue of this misleading title and being issued during the COVID outbreak and associated public health emergency in 2021, the Plan DRAFT seems largely to have gone under-the-radar of the public. According to the Environmental Notice Bulletin of August 25, 2021 <https://dec.ny.gov/news/environmental-notice-bulletin/2021-08-25/public-notice/draft-niagara-frontier-unit-management>, public scrutiny was limited to a Virtual Public Meeting via WebEx on September 15, 2021. During this public meeting, official comments were NOT recorded. All comments were to be submitted in writing via email by October 15, 2021. It is not clear if any comments were ever submitted, because in Appendix B (page 102) of the Plan DRAFT, the “Responsiveness Summary to Public Comments” is a blank page headed by the statement, “Placeholder for Comments from Draft Release.”

Admittedly, the May 2021 Plan DRAFT schedules “Habitat Management” during the First Five-Year Period for two forest lots (Lot #53.2 – 53.5 acres; Lot #56 – 35.1 acres) along the north side of Wickham Road, per map in Figure 3, p. 114. Together, those two lots comprise 88.6 acres. The May 2021 Plan DRAFT schedules “Non-Management” for three smaller, adjacent lots (Lot 54 – 8 acres; Lot #55.2 – 7.6 acres; and Lot #57 – 2.7 acres) as Stands Without Scheduled Management within 10 years along the north side of Wickham Road per map in Fig. 3, p. 114. Thus there is a small discrepancy in acreage designated for “Habitat Management” in the proposed project: 88.6 acres in the Plan

DRAFT vs. 92 acres quoted in the CT/NY Audubon Fact Sheet for the Zoar Valley Demonstration Project.

Putting aside the small discrepancy in the math for the acreage to be managed, we wish to raise two substantive questions: Why is CT/NY Audubon not mentioned as a partner in the May 2021 Plan DRAFT for conducting “Habitat Management” on the 88.6 (or “92”) acres? Is the type of “Habitat Management” envisioned in the May 2021 Plan DRAFT the same type of management proposed by CT/NY Audubon?

- (6) **Proposed project runs counter to Governor Hochul’s “30 x 30 initiative.”** Signed into law in December, 2022 (S. 6191A/A.5390B), the Governor’s “30 x 30 initiative “... will promote biodiversity and preserve New York's wildlife, forests, and clean water sources, which are all essential to New York's health and economy. ‘New Yorkers rely on our clean water for recreation, forests to provide wildlife habitats, and the outdoor spaces for jobs and adventures,’ Governor Kathy Hochul said. ‘It's more important than ever to safeguard these resources and setting the goal to conserve 30 percent of public land by 2030 will ensure we're protecting our State for future generations.’” <https://www.governor.ny.gov/news/governor-hochul-signs-legislation-conserve-30-percent-land-and-water-2030> The logging in the ZVMUA will NOT contribute to Governor Hochul’s 30 x 30 initiative of promoting biodiversity and preserving our forests and clean water, and to promote adventures in Zoar Valley.

*Eastern New York has large blocks of forest in the Adirondacks and Catskills for outdoor adventures; Western New York’s largest blocks of contiguous forest are in Allegany State Park and Zoar Valley.*

- (7) **Cutting forest trees in ZVMUA at odds with Governor Hochul’s tree-planting initiative.** In her State of The State Address on January 9, 2024, Governor Hochul proposed planting 25 million trees by 2033 to help achieve New York State’s goal under the climate act. Although prioritizing planting in urban areas, “the need to plant and maintain new forests” seems at odds with NYSDEC’s proposal to do a heavy selective cut of 92 acres of existing forest in the ZVMUA. <https://www.governor.ny.gov/news/governor-hochul-announces-actions-plant-25-million-trees-safeguard-clean-water-and-protect-our>
- (8) **Proposed project represents a setback to establishment of the ongoing WNY Wildway.** In March, 2024, Governor Hochul “announced \$1.35 million is now available project to protect New York’s forestlands. The Forest Conservation Easements for Land Trusts Grant Program enables eligible, accredited land trusts to apply for up to \$350,000 to purchase conservation easements on forested land in New York State for the purpose of protecting these lands and realizing their numerous economic and environmental benefits.” <https://www.governor.ny.gov/news/governor-hochul-announces-135-million-available-protect-new-york-forests> One of the most ambitious and exciting initiatives of

the WNY Land Conservancy is the WNY Wildway. The goal of this ongoing project is to create a corridor of contiguous forest in Western New York from the Pennsylvania line to Lake Ontario. The WNY Wildway is mapped across Zoar Valley. NYS funding that contributes to the WNY Wildway would be inconsistent with the logging plan for the ZVMUA.

- (9) **Proposed project potentially would impact water quality in Cattaraugus Creek watershed.** The maturing, second-growth forest of the ZVMUA also helps protect the water quality of the Cattaraugus Creek watershed by preventing soil erosion and siltation into several first-order tributaries. The ZVMUA contains a number of hillside spring seeps that feed those tributaries. Since the mucky, unstable soils of those seeps are on slopes in the ZVMUA, they would be readily disturbed by logging activity. Those hillside seeps serve as recharge areas for the unusual plant community associated with seeps on Zoar Valley's south gorge wall.
- (10) **Project proposal mischaracterizes early successional stage forest, and makes false claims as to benefits of tree removal.** CT/NY Audubon's "Fact Sheet: Zoar Valley Demonstration Project" states that "'Young' or newly regenerating forest is greatly lacking from the greater forested landscape of the northeast, including within Zoar Valley Multiple Use Area." [https://ny.audubon.org/sites/default/files/zoar\\_valley\\_fact\\_sheet.pdf](https://ny.audubon.org/sites/default/files/zoar_valley_fact_sheet.pdf) Published data strongly counter this assertion. In Kellett et al. (2023, *Frontiers in Forests and Global Change* 5: 1073677), Figure 2 shows that in the Northeast US in 2017, there was approximately ten times more early-successional forest than old forest (by age class). See <https://www.frontiersin.org/journals/forests-and-global-change/articles/10.3389/ffgc.2022.1073677/full> Kellett et al. go on to say, "In the Northeast, forests older than 150 years of age cover only about 0.3% of New England and 0.2% of the Mid-Atlantic region ... In the Upper Great Lakes region only about 1.9% of the currently forested area remains as primary forest that was never logged. Including secondary forests, approximately 5.5% of the northern hardwood forest type is older than 120 years of age, compared to 89% in the presettlement forest ..."

The CT/NY Audubon fact sheet states that "Management will create [old-growth characteristics] faster than if we left these woods in their current state, which will make them more climate-resilient, and increase habitat and species diversity." Insinuating that heavy selective logging such as is proposed for ZVMUA at Wickham Road will accelerate forest development along the trajectory to old-growth is deceptive at best, since it would re-set succession to early-stage forest. While early-successional forests may exhibit a higher rate of carbon sequestration, old-growth forests possess a greater mass of sequestered carbon, much in the form of downed woody debris. If one considers mycorrhizal fungi, microbes, and tiny invertebrates in soil and humus, and mosses, liverworts, and lichens on aerial surfaces, undoubtedly biodiversity in old-growth forests is substantially greater than in early-successional forests.

CT/NY Audubon "... plans to remove only certain trees in order to promote the new growth of a varied mix of trees – by size, age and species. This work will help reduce invasive plants, create wildlife habitat, and improve forest health and resiliency." On the contrary, disturbance to the forest floor through logging invariably is associated with the establishment of invasive plants. In regard to forest health, species diversity and resiliency, CT/NY Audubon has co-opted characteristics which are ascribed to old-growth forest to falsely justify their "public, educational forest demonstration site." As Kellett et al. state, "In the Northeast and Upper Great Lakes regions of the United States the predominant ecological trajectory of the landscape in the absence of intensive human activity is toward 'old-growth' forests: a resilient, diverse, carbon-dense, and self-sustaining 'shifting mosaic' of tree ages, microhabitats, and native species above and below ground."

In "Assessing Old-growth Forests in New York State Forests and Preserves," the New York Natural Heritage Program [https://www.nynhp.org/documents/19/OGRE\\_manual.pdf](https://www.nynhp.org/documents/19/OGRE_manual.pdf) states as follows:

"The State of New York is one of few, if not the only, state to have a legal definition of old-growth forest. Enacted in 2008 by Gov. Patterson, the Bruce S. Kershner Old-growth Forest Preservation and Protection Act amended the Environmental Conservation Law, defining old-growth as: "... A parcel of at least ten acres which includes all of the following: an abundance of late successional tree species, generally at least 180-200 years old in a contiguous forested landscape, that has evolved and reproduced itself naturally and with the capacity for self-perpetuation, arranged in a stratified forest structure consisting of multiple growth layers throughout the canopy and forest floor, featuring canopy gaps formed by natural disturbances creating an uneven canopy, and a conspicuous absence of multiple stemmed trees and coppices. Typically, old growth forest sites also are characterized by an irregular forest floor containing an abundance of coarse woody materials which are often covered by mosses and lichens, show limited signs of human disturbance since European settlement, have distinct soil horizons that include definite organic, mineral, alluvial accumulation, and unconsolidated layers, and have an understory that displays well-developed and diverse surface herbaceous layers." – NY Environmental Conservation Law § 45-0105"

Note that the CT/NY Audubon Fact Sheet states its goal of "... removing individual and small groups of trees to create small gaps in the canopy to let sunlight reach the forest floor and regenerate trees." This statement implies that silvicultural management, i.e., logging, is necessary to create gaps in a forest canopy, and/or that canopy gaps don't already exist in the 92-acre portion of the ZVMUA north of Wickham Road. If that 92-acre tract is allowed to continue on its natural trajectory towards old-growth, gaps in the canopy will naturally occur. Recall that NYS' legal definition of old-growth forests "... feature canopy gaps formed by natural disturbances creating an uneven canopy ...". The aforementioned paper by Kellett et al. includes canopy gaps in their definition of old-growth forest: "A forest affected primarily by the forces of nature, with dominant canopy tree species at or beyond half their lifespan, and with structural characteristics such as canopy gaps, pit and mounds,

large snags, gnarled tree crowns, a thick duff layer, and accumulated large woody debris.” Also, field visits to the ZVMUA north of Wickham Road in 2024 indicate that the density of trees spray-painted red for removal will create more than “small” gaps in the canopy.

*We would like to highlight the aforementioned paper by Kellett et al. published in 2023 in Frontiers in Forests and Global Change 5: 1073677, entitled, Forest-clearing to create early-successional habitats: Questionable benefits, significant costs. This paper provides a well-reasoned critique of the so-called “Young Forest Initiative (YFI).” The management philosophy and approach of the YFI unfortunately has been embraced by CT/NY Audubon and NYSDEC foresters. Proponents of the YFI wish to reverse the natural decline in early successional habitat and species associated with such habitat. Effectively, “The goal [of the YFI] is to maintain the recent historical and degraded condition of the natural forests of the region.” We heartily endorse Kellett et al.’s position: “We conclude that instead of intensive and costly management to create additional early-successional habitats, a new ‘natural’ alternative should be considered which would protect and allow the dynamic growth of established aggrading, mature, and old-growth-forests alongside maintaining existing early successional habitats, where appropriate, for targeted species and cultural values.” In other words, let the aggrading, second-growth forest of the ZVMUA on the north side of Wickham Road continue on its natural trajectory to old-growth, and manage early-successional habitats where they currently exist on Zoar Valley public lands.*

- (11) **Heavy selective forestry cuts will NOT benefit forest-nesting birds.** While it is true that black-throated blue warblers nest in shrubs in the understory within a few meters of the forest floor, and ovenbirds nest on the forest floor --- two species purported to benefit by the proposed logging in the ZVMUA --- they prefer large tracts of climax or mature forests with a closed, or largely closed canopy (closed in the case of black-throated blue warbler; 60-90% closure in the case of ovenbird; see *The Second Atlas of New York State Breeding Birds* (2008; McGowan and Corwin, editors). Wood thrush, another bird purported to benefit by logging at the ZVMUA, will similarly NOT benefit as they require a high canopy with a well-developed understory. In terms of recent research indicating inter-habitat movement by young birds between adjacent old-growth and early-successional or shrubland habitats, the private tract immediately east of the ZVMUA on the north side of Wickham Road was logged in the recent past. Note that with the exception of forests with a history of fire, old-growth forests are also characterized by a multi-layered understory. If allowed to continue on a trajectory to old-growth, the forest north of Wickham Road in the ZVMUA will further develop such a multi-layered understory, intense herbivory by white-tailed deer notwithstanding. Fragmenting forest with large canopy gaps also creates more edge, which promotes brood parasitism by brown-headed cowbirds, and nest predation by raccoons, skunks, blue jays, and crows.



The NSSWNY and NFBS conclude that points 1-8 above raise the specter that the proposed logging of 92 acres in the ZVMUA north of Wickham Road is in conflict with Governor Hochul's environmental agenda, and/or is inconsistent with NYSDEC policy. In point 5, the Niagara Frontier Unit Management Plan DRAFT of May 2021 garnered insufficient public attention and did not address partnership with CT/NY Audubon on the proposed project. Points 9-10 address how the environmental impacts (risks) of logging 92 acres in the ZVMUA north of Wickham Road will outweigh any potential benefits to the larger Zoar Valley ecosystem. Point 11 counters the assertion by CT/NY Audubon that forest birds will benefit by the proposed action, particularly in the context of Zoar Valley's community structure in the local landscape.

We would like to reiterate our position at the outset of this letter: the NSSWNY and NFBS are strongly opposed to NYSDEC's plan to log 92 acres north of Wickham Road in the Zoar Valley Multiple Use Area.

Governor Hochul, we are confident that you appreciate how much Zoar Valley and its wilderness character mean to the people of Western New York. We ask you to halt this misguided and troubling plan.

Jacqueline Courtney Swift  
President, Nature Sanctuary Society of Western New York

Wayne K. Gall, PhD  
President, Niagara Frontier Botanical Society