



## Advocacy Department

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Jack Murray, Acting Commissioner  
Department of Conservation and Recreation  
Attention: Landscape Designation Comments  
251 Causeway Street, Suite 600  
Boston, MA 02114

Via Email: [Designation.comments@state.ma.us](mailto:Designation.comments@state.ma.us)

Dear Acting Commissioner Murray:

On behalf of Mass Audubon, I submit the following comments on the *Draft Landscape Designations for DCR Parks and Forests: Selection Criteria and Management Guidelines*, November 2010. Mass Audubon has been a strong supporter of the DCR Forest Futures Vision Process (FFVP) since its inception; indeed we urged that DCR undertake such a process. We support the recommendations of the FFVP Technical Steering Committee issued in 2010 and applaud the agency's ongoing commitment to follow through on those recommendations.

The 450,000 acres of land under DCR's care and control include a wide range of natural communities. DCR is the single most important landowner for biodiversity conservation in the Commonwealth, supporting habitat for 291 rare species in 67 different natural community types. An overlay of DCR land ownership with MassWildlife's 2010 BioMap 2 BioCore and Critical Natural Landscape Areas illustrates both the success the state has achieved in acquiring many of the most biologically significant lands, and the enormous stewardship responsibility that comes with that ownership. The 308,000 acres in the Urban and State Forests and Parks system that are the subject of the FFVP are a major portion of the overall land holdings. DCR faces a challenge in balancing all aspects of a multiple use mission, providing a wide range of recreational opportunities, sustainable production of timber, and protecting biological diversity, while working within severe budgetary constraints. These lands are extensive and varied enough to provide all of these services now and for future generations, but not all in the same place or at the same time.

The new paradigm in the FFVP appropriately emphasizes ecosystem services that are best provided on public rather than private lands (i.e. large unfragmented forest blocks with late successional characteristics; management for ecological values and public recreation; and model forests for demonstrating excellent forestry). It is also consistent with the Wildlands and Woodlands landscape-level vision where large core reserves located primarily on public lands will be buffered and connected through mostly private (as well as additional public) lands.

The criteria and management guidelines for the new land zoning designations are vitally important steps toward fulfilling the new vision. It is important to highlight the fact that existing recreational uses and fire access roads will remain in place in all three zones under the proposed designations, unless future site-specific planning determines modifications are needed in specific locations. We offer the following comments and suggestions for refinement, focusing on three principles:

1. Legal basis and consistency with the agency's conservation and recreation mission;
2. Consistency with the FFVP recommendations; and

3. Practicality of implementation in light of DCR budget constraints.

**1. Legal basis and clarity in the land management planning framework and in relation to DCR's mission:**

- Unified planning framework: The FFVP report recommended that DCR adopt a fully integrated approach to land management, both in terms of organization structure reforms and the planning framework. The report recommended, and Mass Audubon agrees, that the new Landscape Designations should be integrated into the Land Stewardship Zoning Guidelines (LSZG) under Ch. 21 S. 2F. The existing LSZG do not mesh well with three new zones in the Land Designations (i.e. for Parklands none of the existing Zones 1, 2, or 3 are a good fit). With minor modifications, the LSZG can include both the large scale designations and additional site-specific zoning overlays within one framework. The three new zones of Parklands, Large Reserves, and Woodlands could provide the coarse scale zoning. The existing LSZG designation for Intensive Use areas could also be retained, and Patch Reserves could be added as another category. The existing LSZG also provide for additional fine scale property-specific overlays to be added when Resource Management Plans (RMPs) are completed. This would give the FFVP Land Designations legal authority while still providing room for smaller scale overlays to be added when RMPs are done. Mass Audubon also recommends that existing RMPs remain in effect and that the statewide designations take those plans into account when zoning those properties that have such plans.
- Conservation aspect of DCR: Given the importance of DCR lands in terms of biological diversity, it is important that the stewardship framework ensure that ecological values get sufficient weight in both criteria and management guidelines. This particularly needs strengthening in the draft for Parklands. Under the Massachusetts Endangered Species Act (MESA) regulations (321 CMR 10.05) state agencies' land management plans must benefit the rare species under their stewardship, and any conflicts between other uses such as recreation or timber production must be resolved in favor of the rare species.
- Recreational Uses: Many comments at the recent workshops expressed concern that existing recreational uses might be curtailed, particularly in Reserves. It is our understanding that most existing recreational uses and trails would in fact be allowed to continue in all three zones. Further analysis is needed for existing Off Highway Vehicle (OHV) trails, but this planning need has been pending since 2007 when DCR adopted a policy with criteria for such trails. The policy required that RMPs be done for all sites with existing OHV trails by 2010 – this goal has not been met. A one year extension of this requirement may be needed, but in any case DCR needs to make that review process a priority so that this issue does not continue to remain unaddressed.

**2. Consistency with the FFVP recommendations:**

- The Executive Summary (not yet written) in the final Landscape Designations document should include a brief summary of the key findings and recommendations of the FFVP report.
- Fully integrated planning (see above) was one of the key recommendations (#7) in the FFVP report.
- The FFVP report recommended that the primary focus of Woodlands be an educational role as model forests demonstrating excellence. Timber production was recommended as an important but secondary goal. The draft Landscape Designation management guidelines for Woodlands are not as clear in these priorities as the FFVP report, and we recommend the final guidelines be modified to more directly reflect the language in the report. It is most important that DCR forestry be done in an exemplary manner with a very robust and transparent public participation process.
- Reserves: The final guidelines should include additional language reinforcing the FFVP report findings and recommendations that these areas provide a function private lands cannot (large intact blocks of forest representative of all the ecoregions across the state; development of late

successional and old growth forest characteristics that require a long term commitment – only .04% of forestland in Massachusetts is old growth presently).

- Parklands: recreation and scenery are important as indicated in the draft, but the ecological values are also very important and the final criteria and management guidelines should be clarified and strengthened in that regard.
- Patch Reserves should be included in the initial Landscape Designations as recommended in the FFVP, not delayed to a future process. These can be refined when RMPs are done but can and should be mapped in Parklands and Woodlands during the initial designations, using existing GIS datalayers and other available info (e.g. Priority Habitat for forest-dependent species, wetlands, steep slopes, etc.). DCR was able to do this in the district-level Forest RMPs so it is clearly possible to do it for the Landscape Designations.

### **3. Practicality and ability to implement:**

- The management guidelines should be clear and easy for both the public and staff to understand. A unified, integrated planning framework as described above is essential for this purpose.
- The maps should include Priority Habitat and wetlands and call out the fact that any new trails or facilities in resources regulated under state laws require more detailed site planning and permitting.
- Given DCR's limited resources, the emphasis should be on maintaining and managing existing trails, facilities, and uses. We recommend that restrictions be placed on development of new trails or facilities, especially in sensitive/regulated areas (Priority Habitats and wetlands) without an RMP. Mass Audubon suggests the following draft guidance for DCR's consideration. These are suggestions. We recognize that DCR might have a different viewpoint on some aspects, but hope that this draft might be a starting point for development of guidelines on what kinds of projects can and cannot occur without a property level RMP.

Major projects such as the following should be conducted only as part of and in accordance with an RMP:

- Major realignments or expansion of trail networks and uses involving many different trails on a single property;
- Construction of new multi-use trails for wheeled recreation or other uses requiring hardened surfaces (with an exception allowing conversion of old rail beds or other existing rights of way already heavily altered by past, legal uses provided any necessary environmental permits are obtained);
- Construction of entirely new facilities, structures, trails, roads or parking areas where none currently exist, except for the opening of a newly acquired property or facilities utilizing preexisting facilities and trails.

At the same time, DCR must retain management flexibility to undertake routine and smaller scale projects across its extensive landholdings and facilities where RMPs have not yet been completed. DCR should routinely undertake work such as:

- Routine maintenance of existing trails, landscaping, campgrounds, and other facilities including removal of storm-damaged trees, installation of water bars, and other normal maintenance practices;
- Trail closures or minor realignments of existing trails for existing, approved uses, in order to divert activity away from locations where it is causing unacceptable harm to sensitive areas such as wetlands, waterways, steep slopes, or rare species habitats;
- Constructing boardwalks on existing trails through wetlands, where alternative routes or closure are not feasible and all necessary permits are obtained;
- Maintenance, reconstruction and improvements to existing visitor centers, campgrounds, parking, and other facilities.
- Invasive species control, ecological restoration and maintenance, forest fire control, and activities necessary for public health and safety.
- Forestry operations limited to areas zoned for that use pursuant to implementation of the 2010 Forest Vision and consistent with the guidelines established therein.

Routine maintenance and management activities can generally proceed in the absence of an RMP, provided there are no significant adverse impacts to wetlands, waterways, rare species habitat, archeological sites, or other special features, and the work is consistent with all laws and established DCR policies such as the Old Growth Forest or High Ground policies.

### **Selection Criteria:**

Reserves: BioMap 2, The Nature Conservancy's forest blocks, and other relevant datalayers should be used to inform the selection process. All ecoregions should be represented and redundancy provided. In regions where no block is of the desired size, the largest available should be selected. Where possible, these properties should be buffered from development and/or connected to other protected land, but the last remaining large blocks in more developed regions of the state should not be excluded solely because they lack potential for expansion.

Parklands: Although it is listed as such in the draft designations, water access is not an ecological characteristic. Ecological criteria such as intact natural areas in otherwise urban or suburban landscapes, good examples of natural community types, special habitat features like vernal pools, wetlands, and habitat for forest-dependent rare species too small to qualify as large reserves should be added.

Woodlands: Ecological criteria should include areas where past land use resulted in secondary and tertiary forests (not primary e.g. see 1830s maps and other sources), and habitat types that would benefit from forest management (e.g. plantations). Areas that should not be selected include:

- habitat for forest-dependent rare species,
- BioCore areas; and,
- if relatively free of invasive plants, areas surrounded by landscapes high in invasive species, as a higher risk exists in areas where there already are forestry-related disturbances.

### **Management Guidelines:**

#### All properties

Compliance with other laws: The MESA regulations at 321 CMR 10.05 require state agencies to manage all rare species habitat for the benefit of those species (all zones). They also require DCR to consult with the Natural Heritage and Endangered Species Program in developing land management plans, and such consultation should take place for the Landscape Designations as they are coarse scale management plans for DCR lands statewide.

Deed status: Ch. 132A vs. 131 – As noted in the FFVP, there is a need for clarification on how these two laws relate in terms of whether or not commercial forestry is allowed on some DCR properties. Specifically, there is a need to clarify for parkland/reservations under 132A (vs. state forests under Ch. 131) whether or not commercial forestry is allowed, since 132A prohibits commercial activities. The draft acknowledges donor wishes and deed restrictions, but additional details are needed regarding how and when they will be addressed (i.e. in district or property level management plans, or only when a cutting project is proposed).

Invasives: Invasive plant management should be allowed in all zones. Statewide invasive management guidelines are needed.

Monitoring: No-impact monitoring (e.g. observations, notes, photos taken from publicly accessible locations without going off trail) should be allowed without DCR approval, but coordination and sharing of data should be strongly encouraged.

If nonprofits and academics are to assist DCR with monitoring, funding limitations will have to be addressed.

Control of pathogens, insects, and diseases: Clarification and guidelines are needed. New pests and diseases targeted for eradication require an aggressive approach in any zone. Widespread pests and diseases should be

accepted as natural disturbances in reserves and parklands except where they threaten public safety (hazard trees, fire) or cause severe aesthetic problems in intensive use or important scenic locations.

Trail, road and facility construction vs. maintenance: The latter should be allowed in all zones. New construction should not occur without site-specific management plans, with limited exceptions (see comments above under practicality of implementation).

Special uses:

- New transmission lines in parklands and woodlands, if for DCR use, should only be done within an RMP. For external users, Article 97 policy must be addressed.
- New communications sites in Parklands and Woodlands should follow the same guidance as above, and also comply with DCR's High Ground Policy.
- The draft states that new commercial uses are allowed in Parklands when compatible with resources and visitor experience. We question whether or not this is consistent with Ch. 132A.

#### Woodlands:

Process: Management plans for woodlands are needed with public review before forestry should resume, or at least not the more intensive "level 3" types as per FFVP recommendations. Project-level public review for all cuts should also occur.

Early successional habitat: This has been one of the most contentious issues throughout the FFVP. The FFVP report recommended that DCR work with DFW to determine early successional habitat goals statewide, evaluate the extent of existing habitat on public and private lands, and make recommendations for the future role of DCR lands in providing such habitat. The report also recommended robust public participation in all planning, particularly for aspects such as this that are controversial. The recommendations also stated that early successional habitat be located on overgrown pastureland and by expanding existing open areas rather than fragmenting large forest blocks. Mass Audubon supports these recommendations.

#### Parklands:

The final management guidelines should have more information regarding protection of ecologically sensitive areas. In general, Mass Audubon supports continuation of existing recreational uses unless conflicts with rare species, wetlands, vernal pools, or other sensitive natural features are identified, in which case trails should be closed or rerouted. New trails or uses in Priority Habitat or wetlands should be restricted except where a property-specific RMP, with NHESP input, indicates a specific new activity or trail is appropriate and can be implemented without adversely affecting important resources.

Sincerely,



John J. Clarke  
Director of Public Policy and Government Relations