

Adirondack Almanack
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BLOG ENTRY

John Sheehan: Snowmobile Trails Plan Goes Too Far

BY THE ALMANACK STAFF

What follows is a guest essay by John Sheehan of The Adirondack Council. The NYS Department of Environmental Conservation is moving forward with a plan that effectively opens much of the Forest Preserve to snowmobile trails. The Almanack asked John Sheehan to explain how we got to this point and bring us up to date on the fight against those plans.

The Adirondack Council will file comments with the NYS Department of Environmental Conservation (DEC) this week objecting to serious flaws in the Unit Management Plan (UMP) for the Independence River Wild Forest.

The Independence River Wild Forest is an area of public land and waters west of Stillwater Reservoir in Herkimer and Lewis counties, extending to the park's western border. It is bounded by the Ha-De-Ron-Dah Wilderness to the south, Pepperbox Wilderness to the north, and Pigeon Lake Wilderness to the east. Comments on the unit management plan are due to DEC by July 29.

There are two main problems with the plan, both of which involve the DEC's decisions to ignore current legal protections for the Forest Preserve. Both problems seem to be caused by the DEC's rush to accommodate the wishes of snowmobile clubs and boosters who are applying local political pressure.

First, it incorporates the inappropriate language of the DEC's new "Snowmobile Guidance Document." The Adirondack Council has already filed a lawsuit seeking to stop the DEC from using this "guidance" because its language is so broad and undefined. It would allow new trails and wider-than-currently-legal trails to be constructed virtually anywhere on any of the park's 16 Wild Forest units (about 1.7 million acres of public land). It would also allow huge, tracked, trail-grooming machines for the first time and would permit the DEC to delegate to private groups and citizens its responsibility to directly supervise all trail work.

The Council filed the lawsuit when the DEC used this same guidance document in the Jessup River Wild Forest Unit Management Plan. The Council's suit states that the DEC is using the guidance document to unlawfully override the constraints on snowmobiling contained in the Adirondack Park State Land Master Plan.

The master plan is the legal standard by which all individual unit plans must to be judged for the entire 2.7 million acres of Forest Preserve in the Adirondack Park. Snowmobiles are allowed on public lands in the park, but only on designated trails and only in Wild Forest areas of the Forest Preserve. The master plan limits the width of all trails to eight feet (not the 12 in the guidance

document). It doesn't allow large trail groomers and it doesn't permit anyone other than DEC to oversee trail maintenance. These restrictions were established in the master plan in 1987.

Second, the DEC has neglected to update anything about the Independence River Plan other than the snowmobile trails. To date, it has allowed the Independence River plan to languish without any update for 25 years. Now, the DEC is saying it doesn't intend to complete the remainder of the plan for several more months, if at all. The DEC has never before submitted a half-finished UMP to the Park Agency for approval.

The Adirondack Council supports snowmobiling as a part of the park's rural winter economy, but cannot support illegal encroachment into the Forest Preserve. The Council remains willing to negotiate a settlement with state officials, but time is running out.

The Adirondack Park Agency (APA) is likely to vote on the plan at its August or September meeting.

If it is approved (very likely, given the local pressure), it goes back to DEC Commissioner Joe Martens for a final signature. If the plan makes it that far, the Adirondack Council may seek to stop its implementation by filing suit, similar to a challenge already brought to the Jessup River UMP on the same grounds.

Overall, the Adirondack Council supports the ideas expressed in the guidance document, including moving trails away from the interior of Wild Forest areas and towards "adjacent" travel corridors (roads, railroads, existing public trails on conservation easement lands) on their "periphery." This would allow the DEC to move trails away from places where they cross potentially dangerous lakes and rivers, and towards places where help would be available when machines break down or crash.

However, the guidance document defines "adjacent" and "periphery" as "within two miles" of a public highway or motorized water body. That renders the rest of the plan meaningless. More than 95 percent of the entire Forest Preserve (Wilderness included) is within 5 miles of a public highway. There are more than 5,000 miles of public highway in the Adirondack Park, not including private roads and logging roads. Roads are everywhere.

The Adirondack Council consulted its maps and plotted out what two miles from every highway might look like. All of the newly shaded areas obscured the Forest Preserve and connected with one another. In other words, there is almost nowhere on all Wild Forest lands in the park that isn't within two miles of a road or wild forest boundary.

The DEC was giving itself permission to put new trails anywhere it felt like putting them. That seemed to violate the spirit and the letter of the language in the stated purposes of the guidance document, which includes the protection of sensitive natural resources.

The Adirondack Council asked the DEC to narrow the definitions to something meaningful. We pointed out that DEC's 2006 Adirondack snowmobile plan recommended trails within 500 feet -- not two miles -- of a roadway. They refused. We sued.

In addition to our concerns over these definitions, the guidance document would allow for the first time the use of heavy, tracked trail-grooming vehicles. It would allow trail work by non-DEC personnel, and would allow trails wider than currently allowed by the master plan.

Neither “tracked groomers” nor “administrative personnel” are allowed in the master plan. Since the guidance document cannot override the master plan, the Council objected. Because the DEC didn’t define what these terms mean, even in the guidance document, the DEC would be free to allow any kind of groomer, operated by anyone it pleased.

Currently, only snowmobiles are allowed to groom snowmobile trails on public lands.

The master plan bans all motorized vehicles except snowmobiles on all trails in the Adirondack Forest Preserve.

In addition, the master plan says that all trail development and maintenance is supposed to occur under direct DEC supervision. The guidance document fudges this requirement by allowing the DEC to delegate trail work to third parties such as local snowmobile clubs, prison work crews and others. This unauthorized practice has already resulted in ecological damage from overly aggressive trail construction and widening, including the use of explosives and heavy construction equipment.

Initially, the State Supreme Court sent the Council back to the drawing board because the Guidance document hadn’t caused any actual harm yet. Thus, it was not yet ripe for judicial review. The DEC had not yet proposed using it anywhere. The Council had to wait until the DEC used it in preparing a new, hands-on management plan, which it did in 2010 for the Jessup River Wild Forest.

More recently, the DEC’s proposed unit management plan for the Independence River Wild Forest again uses the flawed definitions set forth in the guidance document. That may require the Adirondack Council to again bring suit.

How did we get to this point?

The “Guidance Document” is the third generation of what started as a “Comprehensive Snowmobile Plan for the Adirondack Park” under then-Gov. George Pataki. That plan was intended to sort out the issues involved in developing new snowmobile trails connecting communities, while removing unused and dangerous ones. The DEC had originally said it could do this within the context of an 848-mile cap, and if needed, the APSLMP would be amended to include the new definitions, but somewhere along the line the idea was dropped.

Over time, the DEC tried to repackage the same ideas as the Comprehensive Plan, which became the Conceptual Plan, and eventually the current Guidance Document. Each revision brought a new title, but the same flawed ideas.

Governor Pataki's idea was to create a comprehensive plan that spells out the changes being made on the entire Forest Preserve and measuring the impact on the environment and economy. Instead, the DEC keeps trying to sew together a new trail networks by adding them piecemeal, one unit management plan at a time, while leaning on the same meaningless definitions that don't exist in the master plan.

Thus, DEC avoids being held accountable for its decisions indefinitely, and the Forest Preserve is denied the protection created in the State Land Master Plan. That's bad governance. That's why we are in court.