

The Department of Environmental Conservation  
Position Paper  
All Terrain Vehicles on State Reforestation Areas

Reforestation Areas, acquired pursuant to 9-0501 of the ECL, are established for the purposes of ". . . production of timber and other forest products, and for recreation and other kindred purposes. . . ". This authorization provides the basis for the multiple-use concept and philosophy of forest management that the Department of Environmental Conservation follows. It has fostered the policies and procedures that support a professional approach to managing a healthy productive forest that can be used for various recreational pursuits by the citizens of the State.

The recreational demand on public land is rapidly increasing as the population grows and available recreation space decreases. Where these demands can be accommodated without significant harm to the resource and within the multiple-use philosophy, the Department has traditionally met the demand. However, environmental concerns are paramount, as the Department is charged with stewardship of the land.

The Department is approaching requests to provide trails for all terrain vehicles with the stewardship philosophy in mind. Accordingly, the Division of Lands and Forests has been assigned the task of assessing the implementation of ATV use on Department lands.

#### Procedure

The Division of Lands and Forests is required to conduct a careful evaluation of State forest areas to determine if an ATV trail is compatible with the available natural resource as well as with administrative, cultural and recreational demands and uses. The evaluation will include the determination of soil types, topography and vegetative components of the area through which a trail would pass. The occurrence of rare or endangered plants, wetlands and important wildlife habitats will be determined and the impact of the trail on their presence will be weighed. Finally, the current level and type of recreational uses of the area will be assessed for compatibility with an ATV trail. The assessment of the proposed use and its compatibility with the environment will also include an assessment of the compatibility of all the various recreational uses.

Once these environmental and use factors have been analyzed and a determination has been made that an ATV trail could be established, a public meeting will be held. This meeting is an informational one to clearly identify the facts, issues and concerns of interested citizens, user groups and others.

Comments received during the meeting and mail will assist the staff in the final determination to implement the plan as originally conceived or to incorporate necessary modifications and revise the plan or to cancel the project.

Recreational uses on State forest areas now include horse trails, snowmobile trails, skiing opportunities, day-use facilities, and others. In the past, these uses were accommodated as Department staff recognized the demand, assessed the impacts of installing the trail and constructed the facility to handle the demand.

An ATV trail system is consistent with the Environmental Conservation Law. However, the funding for ATV trails and their maintenance has been eliminated. The Legislature, in requiring that ATV's be licensed, had created a fund for such purpose by using a portion of the registration fee. The mandate was that the fund provide ATV opportunities. There was approximately a half million dollars available through this fund, and consistent with the legislative mandate, there were ongoing constituency demands to accommodate the recreational user. The fund was absorbed in the 1992-93 Budget. Therefore, the Department must also consider costs associated with the implementation of an ATV trail system along with the environmental concerns. The lack of funding to construct, maintain and police the use of ATV trails may, in fact, prohibit all but minimal trails.

The Department has approached the concept of ATV trail siting with concern. A certain amount of research with ATV users and existing systems has taken place. The State of Pennsylvania system was investigated and appears successful, within specific design standards. The US Forest Service standards have been reviewed and any consideration for trails in New York will stay strictly within their parameters. The Department's purpose in providing ATV users a trail on which to ride should be to increase their recreational opportunity and to provide a safe, enjoyable experience.

All locations for a trail system should have stable soils. Steep terrains and wet areas will be avoided to minimize erosion and degradation of the resource. The trail system should be designed for only seasonal use. Use during the hunting season or during the snowmobile season, when a conflict could be generated, or during the spring mud season, will be curtailed. This leaves a season where vegetation is in full leaf thereby reducing noise, the impacts of dust, noise and long distance viewing.

ATV use is currently legal on State land, provided that any road or trail where an ATV is allowed is specifically dedicated and signed for that purpose. Many opportunities for trail establishment already exist on Department lands. They consist of the public forest access road system, old logging roads, skid trails, or portions of existing trail systems that could be compatible for ATV's.

Many of the negative attitudes concerning ATV's and their riders stem from the illegal use of ATV's on State and private lands. Enforcement and monitoring ATV use would be made easier by the establishment of a designated trail and would significantly reduce the level of illegal activity. State agencies in Maine, New Hampshire and Vermont have found this to be true. The Division will also involve organized ATV user groups in the process of trail layout and maintenance. This provides a sense of "ownership" to the groups, giving them a degree of responsibility to see that all ATV riders use only designated trails and use them wisely by exerting peer pressure on those that don't. The groups will be informed that the trail will be closed if compliance with use regulations are not met or if illegal use continues.

The Division of Lands and Forests will take those steps necessary to assess the impacts of providing an ATV trail system, to design it and monitor the use of the trails to comply with the DEC position to provide a safe, recreational experience for the rider and to protect the environment.

### **Stipulations for an ATV Trail**

#### Design

- o Will follow U.S. Forest Service guidelines, recommendations from ATV trail experts and industrial representatives.
- o Will not involve major construction.
- o Will avoid wet soils and steep slopes.
- o If the trail is constructed off-road it will either traverse minor obstacles or the trail will be routed around them.
- o Off-road trails will incorporate many switchbacks and a winding configuration that requires a slow mode of travel. It will not be designed to promote high speed travel or racing of any kind.

- o Will take advantage of soil and topography to establish a dry trail.

### Soils

- o Fragile and continuously wet soil types will be avoided.
- o Soils vulnerable to heavy compaction will be avoided.

### Wildlife

- o Will avoid significant habitats and wetlands.
- o Will avoid critical wildlife areas such as rookeries.
- o Staff will review research information on the effects of ATV's on wildlife populations and habitat. After review, staff will incorporate recommendations to mitigate those influences into the trail design, where necessary.

### Period of Use

- o Will be seasonal - late spring to early fall.
- o Will be closed during wet periods.
- o Will be closed during deer hunting season.
- o Will be closed as necessary during forest harvesting activities that would endanger riders.

### Social Considerations

- o Will be conscious of the responsibility of being a good neighbor to the adjacent private lands.
- o Will reduce noise pollution by seasonal use so foliage can reduce noise or by interposing topographic features to reduce sound.
- o Will monitor machines for compliance with muffler requirements.
- o Will provide a 1,000 foot or more buffer zone as needed between off-road trails and neighboring private structures.
- o Will clearly identify trail route and State Forest Area boundaries to reduce illegal off-trail travel.

- o Will periodically review trail condition to ensure safe travel and that trail is being used as designed.

### User-Group Cooperation

- o Will be involved in on-site trail layout, establishment and maintenance.

- o Will be involved as volunteers in enforcement as peers of other users, so that proper use of the trail by all will help to keep trail available for all to use.

### Compatibility with Other Uses

- o Will review suitability for snowmobile or cross country ski trail as season-of-use differs.

- o Will post against non-compatible uses, as determined necessary.

### Enforcement

- o Users will comply with all Department Rules and Regulations, as well as other relevant statutes.

- o Trail will provide a place to direct use, currently an option unavailable to Department enforcement personnel.

- o Users will have a vested interest in monitoring their own and other's use of the trail in order to keep it open.

- o Trail will be monitored during and between seasonal use.

### Financial

- o All costs associated with an ATV trail on State forests must come from an ATV trail development and maintenance fund, similar to the one that was abolished. User groups will be encouraged to lobby to re-instate the fund. No cost can be directly charged to Department resources.

### Environmental Review

- o All trail activity will comply with SEQRA requirements.

- o All trail activity will comply with a State forest Unit Management Plan.

Rare or Endangered Plants/Habitat/Archeological/Cultural Resources

o Will comply with statute, rule and regulation and procedure to avoid sensitive areas.

Review and Punitive Action

o Seasonal review of trail use is required.

o Seasonal review of impact on neighboring property is required.

o Seasonal review of impact on environmental aspects is required.

o Trail will be closed if the resource is threatened, if lack of public safety occurs or if rules, regulations or policies are violated.

o Review of comments or complaints received from other user groups.

**POSITION**

It is the position of the Department of Environmental Conservation that ATV trails can be established, maintained and used with no irreversible environmental damage, provided that the design and use conform to the stipulations listed above. We recommend that trails be established, where feasible, on State Reforestation Areas to provide a recreational opportunity to a sizeable constituency which has expressed the need for a place to ride ATV's.