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March 31, 2011

Middlesex Fells RMP Comments
c/o MA Office of Public Collaboration
University of Massachusetts Boston
100 Morrissey Blvd., M-1-627
Boston, MA 02125

Via Email: MiddlesexFellsRMP@umb.edu

Re: ***Resource Management Plan (RMP) for the Middlesex Fells Reservation***

Dear Middlesex Fells RMP Team:

On behalf of Mass Audubon, I submit the following comments as you begin drafting the Resource Management Plan (RMP) for the Middlesex Fells Reservation. We are grateful that the Department of Conservation and Recreation (DCR) has initiated the process to prepare an RMP for the Fells, and has conducted a series of public engagement workshops as part of this process. We also appreciate DCR's inclusion of Mass Audubon in the workshop on Flora and Fauna. Although we were not able to have staff present at all the workshops, we have reviewed the presentations and comments posted on the DCR website.

DCR works hard to fulfill its dual mission of land stewardship and recreational opportunities across hundreds of thousands of acres of state land. These challenges are becoming ever greater as the agency's budget has declined precipitously over the past several years. The need for Massachusetts residents and visitors to have access to safe and enjoyable outdoor recreational experiences is increasing while resources for DCR to maintain trails and facilities, provide interpretive services, and conduct enforcement against improper uses are declining. The conflicts between resource conservation and recreation and among different user groups at the Fells are just one example of the challenges DCR faces statewide.

DCR has recognized that cooperation and partnership with recreational groups, nonprofit organizations, and individual volunteers is essential in order to fulfill its mission and meet these challenges. At the Fells, DCR is making a concerted effort to bring various stakeholders together to build shared understanding and foster cooperation. Based on the comments submitted to date and the available information regarding such things as trail establishment and user conflicts, it is clear that the issues at the Fells are both real and difficult to resolve.

Given DCR's limited budget and resources, and the existing degraded conditions and conflicts in the Fells, the RMP priority recommendations should focus on reducing existing impacts,

restoring degraded resources, and targeted enforcement to improve compliance with park rules. Cooperative projects with several user groups working together under DCR's guidance to close unauthorized trails in sensitive areas should be a priority both for resource stewardship and as a means to bring people together and foster greater cooperation. This process offers an opportunity for groups and individuals to work together and cooperatively with DCR and move the Fells in a positive direction where both user experiences and the condition of the resources can be improved. If this approach is successful at the Fells, it can be a model for DCR to apply in other locations. We hope that is the outcome.

Middlesex Fells Reservation

As noted in Mass Audubon's previous comments, the Middlesex Fells is important in terms of its ecology, history, and public values. Established in 1894, the Fells is one of the first large reservations established in the commonwealth, and is part of the legacy of Charles Eliot and other visionaries who founded the state parks system that has served as a model around the world.

*[T]he Middlesex Fells, a great tract of wild land, unfit for the general purposes of cultivation, but pre-eminently fitted for a great natural park, for which purpose it ought to be set apart forever.*¹

The Fells presently covers some 2,575 acres and harbors a wealth of natural resources including a diversity of habitat types and plants, over 100 vernal pools, and at least 8 state-listed rare species. Two of these species are state listed as endangered, the highest level of conservation concern with the greatest risk of being eliminated entirely from the state. One of these two species is so sensitive that the NHESP does not release the name of the species to the public.

The Commonwealth's *BioMap2: Conserving the Biodiversity of Massachusetts in a Changing World* (Massachusetts Department of Fish and Game and The Nature Conservancy, 2010) maps most of the Fells (except the northeast section from Virginia Woods northward) as Core Habitat. This includes habitats for rare, vulnerable, or uncommon species of plants and wildlife, Priority Natural Communities (PNC), high quality wetland and vernal pool habitats, and intact forest ecosystems. The western section of the Fells (west of Route 93) is mapped in *BioMap2* as Critical Natural Landscape, a designation applied to the largest intact landscape blocks in each of eight ecoregions across the state. This area is also mapped as uplands that buffer important wetland or aquatic habitats. The entire Middlesex Fells Reservation is also an Important Bird Area (IBA), as designated by Mass Audubon http://www.massaudubon.org/Birds_and_Birding/IBAs/site_summary.php?getsite=47. An IBA provides essential habitat to one or more species of breeding, wintering, and/or migrating birds. The Fells IBA is an important migratory stopover or seasonal concentration site for migratory land birds (e.g. warblers).

The Reservation is also a popular recreational area, with thousands of people visiting year round. There are approximately 122 miles of woods, roads, and trails on the property. Some have existed for 100 years or more, including the "carriage roads" which are in many instances wide enough for emergency service vehicles to pass over a compacted, relatively level surface. There

¹ Davenport, George E., *A Lecture on the Middlesex Fells*, Medford, 1893.

are also networks of trails developed without authorization by the state. Several trails, such as the Skyline Trail, traverse high points, passing up and down steep, rocky, and sensitive soils while offering the visitor scenic vistas and access to quiet valleys.

This confluence of natural setting and the surrounding large urban population, combined with inadequate DCR resources to fully enforce rules as well as maintain trails and signage has led to significant damage and stresses on the natural resources of the Fells. According to the draft Fells Trails Plan, DCR has identified and mapped 497 trail damage points. DCR has also documented many instances of trails in or in close proximity to sensitive natural resources, including Priority Habitat for state-listed rare species, vernal pools and other wetlands, and potential PNC.

Management Principles and Goals

The draft management principles and goals proposed for the Fells RMP address both the conservation and recreation aspects of DCR's mission and provide a framework for the plan. The **Management Principle** is stated as: *Through the creative use of state management resources, partnerships and volunteer stewardship, achieve a sustainable balance between the conservation of the cultural and ecological resources at the Middlesex Fells Reservation and the provision of quality recreational opportunities.* This is a good guiding statement, although it is important that "balance" between conservation and recreation not be interpreted to allow significant degradation of sensitive resources. The goal should be to provide for recreation in a manner that will protect resources not only now but also for future generations. The location and condition of trails, and management of uses to designated routes, is vital to achieving the overall goal.

Recommendations for RMP Priorities

Information compiled to date including but not limited to the draft Trails Plan and associated documents, data from NHESP, historical reports, and studies by qualified volunteers such as the survey of flora, provide an extensive base of information upon which to base the RMP. There is ample documentation of important natural and cultural resources on the property as well as extensive trail damage, proliferation of unofficial trails, impacts to soils and vegetation, invasive species, and conflicts among user groups. Based on this information, Mass Audubon recommends the RMP recommendations for management actions prioritize the following steps:

1. Halt illegal uses and illicit activities;
2. Close unauthorized trails and increase enforcement to protect the public's health and safety as well as the natural resources of the reservation;
3. Repair and restore damage to natural resources associated with unauthorized activities;
4. Repair and restore damage to trails and surrounding natural resources associated with authorized and legal activities as part of a long-term and routine recreation and conservation maintenance program; and
5. Limit any new or expanded uses and trails to those which can both be accommodated without significant new impacts to resources or exacerbating user conflicts, and where

adequate oversight is available to ensure they do not detract from the above priorities or create new problems.

Sensitive Areas Remediation: DCR has previously proposed numerous positive recommendations for: closing redundant trails (duplicative trails through a single area); improving signage, maps, and user education; protecting sensitive resources; and reducing user conflicts. Given DCR's budgetary and staffing constraints, it is important that the RMP establish clear priorities for specific locations where resource damage is most severe and work with volunteer user groups to implement effective actions to halt damage and close or stabilize these areas. Cooperative projects involving multiple user groups to undertake restoration measures can also be a means of bringing people together and defusing some of the tensions that have developed at the Fells. Once a trail repair or closure project has been implemented with volunteers, the individuals who contributed to that project will also be motivated to monitor the results and communicate with other park users about the importance of the restoration work.

Resource Information and Application to Management Priorities: The RMP should include maps of sensitive areas and overlaying of that information with the trails network. It should include guidelines such as appropriate setbacks to vernal pools and other resources. This information should be applied to identify priorities for trail closures or other actions to reduce or eliminate ongoing impacts to sensitive features.

The RMP is important in making decisions about future trail configurations and uses because it includes mapping of appropriate use zones according to the Land Stewardship Zoning Guidelines, including any appropriate overlay zones for sensitive areas. Given the numerous sensitive features of the Fells, it is important that the property be mapped according to these guidelines. The RMP should provide a map of a future trail network that minimizes conflicts between sensitive areas and trails while maintaining a functional trail system for all approved uses. The future trail map also needs to be consistent with the Massachusetts Endangered Species Act (MESA) and Wetlands Protection Act.

The RMP should include plans for invasive species control, especially where invasive plants may affect rare or uncommon species or habitats.

Some information may not be able to be fully verified during the RMP process – for example it is unclear if all vernal pools can be certified or potential PNC² field-verified and mapped as part of this process. Nevertheless, to the extent there is credible preliminary information e.g. Potential Vernal Pool maps from NHESP or preliminary PNC data from trained botanists, DCR should apply a precautionary principle in not allowing any new trails or activities in those areas until further investigations can be completed. Any work within Priority Habitat of state-listed species protected under the MESA or in or near wetlands protected under the Wetlands Protection Act requires permitting, and DCR has a duty to protect these resources as a core part of its mission.

² A natural community is an assemblage of plants and animals that occur together in recognized groupings, such as red maple swamp or oak-hickory forest. Uncommon and exemplary natural communities are recognized by the NHESP as being of particular biological and conservation significance and are inventoried in the NHESP database as PNC. http://www.mass.gov/dfwele/dfw/nhesp/natural_communities/natural_communities.htm

Rare Species: According to the MESA regulations at 321 CMR 10.05, state agencies have special duties in planning for management of rare species habitats on state property. These requirements go above and beyond what is required of private property owners under MESA:

*All state agencies shall utilize their authorities in furtherance of the purposes of MESA and 321 CMR 10.00: review, evaluate and determine the impact on Endangered, Threatened and Special Concern species or their habitats of all works, projects or activities conducted by them; and **use all practicable means and measures to avoid or minimize damage to such species or their habitats....***

Management Policies. Unless specifically required otherwise by statute, localities on state owned lands that provide habitat for state listed species shall be managed for the benefit of such listed species. Said agencies shall give management priority to the protection, conservation, and restoration of Endangered, Threatened, and Special Concern species occurring on state owned lands. All practicable means and measures shall be taken to resolve conflicts between the protection, conservation, and restoration of state listed species on state owned lands and other uses of such lands in favor of the listed species. [emphasis added]

Planning Procedures. State agencies shall submit to NHESP any draft management plans they prepare for state owned lands on which state listed species are known to occur. NHESP shall review such draft plans and provide comments and recommendations to the state agency concerning the protection, conservation, and restoration of the listed species on the land subject to the plan. Such review and recommendations shall be repeated at least once every five years or every time the land management plan is updated, whichever is sooner.

321 CMR 10.05

NHESP noted in a letter attached to the draft Trails Plan that even the existence or routine maintenance of current trails at the Fells may impact state-listed species on the property. Also, any rerouting of trails in Priority Habitat requires review under the MESA.

The Trails Plan included general language regarding commitments to protect sensitive areas including rare species habitats and vernal pools. The RMP should provide more specific language regarding the habitat needs and measures that will be taken to protect the rare species found at the Fells.

Implementation

DCR should begin working immediately to increase enforcement, education, signage, and cooperation with and among user groups. However, we recognize the reduced and modest resources available to DCR. Cooperative enforcement with the State Police should be undertaken to address illicit activities that threaten public health and safety.

To reduce conflicts between user groups, it would be beneficial to plan trail closure and remediation work days in a way that encourages different user groups to work together and cooperate. Starting with a few priority projects, DCR could then build on those successes to

achieve further progress in curtailing existing and ongoing damage and unauthorized activities. Ongoing evaluation and adjustments will be needed.

Conclusion

As DCR continues to face severe budgetary and staffing constraints for the foreseeable future, it is important to focus limited resources on ensuring public safety, halting and repairing resource damage, and managing approved uses. Volunteers play an increasingly important role in assisting DCR, and we encourage DCR to work with all user groups to cooperatively address a prioritized list of urgent needs.

Thank you for your attention to these comments. Mass Audubon looks forward to continuing to work with DCR to make the Fells a truly rich and enjoyable conservation opportunity and recreational experience for this and future generations.

Sincerely,



John J. Clarke
Director of Public Policy and Government Relations

cc: DCR Commissioner Edward Lambert
DCR Stewardship Council
Appalachian Mountain Club
Environmental League of Massachusetts
FellsDOG
Forest and Parks Friends Network
Friends of the Middlesex Fells
New England Mountain Bike Association
Sierra Club
The Trustees of Reservations

Mass Audubon works to protect the nature of Massachusetts for people and wildlife. Together with more than 100,000 members, we care for 34,000 acres of conservation land, provide educational programs for 225,000 children and adults annually, and advocate for sound environmental policies at local, state, and federal levels. Mass Audubon's mission and actions have expanded since our beginning in 1896 when our founders set out to stop the slaughter of birds for use on women's fashions. Today we are the largest conservation organization in New England. Our statewide network of wildlife sanctuaries, in 90 Massachusetts communities, welcomes visitors of all ages and serves as the base for our work. To support these important efforts, call 800-AUDUBON (283-8266) or visit www.massaudubon.org.

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