



Advocacy Department

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November 19, 2010

Paul Jahnige
Attention: Fells Trail Comments
Department of Conservation and Recreation (DCR)
136 Damon Road
Northampton, MA 01060

Via Email: Fellstrail.Comments@state.ma.us

Re: **Draft Trail System Plan for the Middlesex Fells Reservation**

Dear Mr. Jahnige:

On behalf of Mass Audubon, I submit the following comments on the draft *Trail System Plan for the Middlesex Fells Reservation* (draft Trails Plan). These comments are based on the draft Trails Plan and associated documents and information provided by the Department of Conservation and Recreation (DCR) and other state agencies including the Natural Heritage and Endangered Species Program (NHESP). This letter represents Mass Audubon's current position and supercedes any previous comment letters.

Mass Audubon has a long history of work in support of the protection and stewardship of state lands. We have advocated for years for increased budgets for DCR to manage and maintain its lands and facilities, and observe with concern that the funding available to the agency continues to shrink precipitously. We appreciate the time and effort that DCR has devoted to addressing public concerns regarding the Middlesex Fells Reservation, and we applaud Commissioner Sullivan's commitment to a complete Resource Management Plan (RMP) which is now scheduled to begin in January, 2011.

The draft Trails Plan provides much useful information and recommendations for protecting sensitive resources. It documents extensive trail damage and impacts to soils and vegetation, unofficial trails, and conflicts between user groups. It also provides an overview of the wide array of natural and cultural resources on the property. Based on this information, Mass Audubon recommends the following:

1. Halt any and all illegal uses and illicit activities of Middlesex Fells trails;

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 any damage to trails and 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. Undertake a comprehensive planning process in the form of a Resource Management Plan beginning in January 2011 and complete it expeditiously, within a year. The Trails Plan can then become the implementation measures as consistent with the RMP. The RMP should be completed prior to moving forward on any individual use and/or area planning efforts.

A full RMP is the appropriate planning tool for the Fells because of the combination of many sensitive natural resources interspersed with an extensive network of trails and high intensities of recreational use. The RMP process is the planning tool by which DCR implements its legal mandate to develop comprehensive plans that coordinate resource protection and recreation. While DCR can and should maintain existing trails and other recreational facilities, enforce rules, and remediate existing damage without an RMP, significant changes in uses or new recreational facilities are most appropriately done in accordance with an RMP. No unauthorized trails or uses should be legitimized until an RMP provides an overall context for such decisions.

Only by mapping the sensitive areas and identifying appropriate setbacks to vernal pools and other resources can an appropriate plan for the overall trails network be developed. The draft Trails Plan maps some but not all of the important natural resources (e.g. Priority Natural Communities (PNC)¹ are not yet included). It suggests general protections for sensitive areas including potential trail closures or rerouting. However, it does not overlay the trails and the resources in a unified, comprehensive plan nor does it identify all the locations where changes to trails or uses may be needed to protect sensitive areas. An RMP is also needed to provide specific plans for protecting and managing rare species habitats as required by the Massachusetts Endangered Species Act (MESA) regulations. See further comments below on the value of and need for an RMP. Since most of the necessary information is already or will soon be available, it should be possible to incorporate this additional analysis within an RMP to be completed by the end of 2011 or before.

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 existing approved uses. Volunteers play an increasingly important role

¹ 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

in assisting DCR, and we encourage DCR to work with all user groups to cooperatively address a prioritized list of urgent needs.

Middlesex Fells Reservation

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.”²

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, PNC’s, 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 as well 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 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 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 Trails Plan, DCR has identified and mapped 497 trail damage points. The draft Trails Plan also

² Davenport, George E., *A Lecture on the Middlesex Fells*, Medford, 1893.

notes many concerns regarding 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 Priority Natural Communities.

Comments Regarding Draft Trails Plan

Sensitive Areas Remediation: Section 6 of the draft Trails Plan includes 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 unclear how or when these recommendations will be implemented. The proposed staffing of two additional seasonal rangers (p. 46) seems doubtful given that DCR Commissioner Richard Sullivan said at the November 2010 DCR Stewardship Council meeting that further cutbacks are likely. Therefore, it is essential for DCR to prioritize 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.

Rare Species: According to the Massachusetts Endangered Species Act (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]

The NHESP letter (Appendix F) notes that the existence of trails or routine maintenance of trails may impact three of the eight state-listed species on the property. Also, any rerouting of trails in Priority Habitat requires review under the MESA.

Expanded use of already degraded trails should be curtailed, and no unauthorized trails should be converted to legitimate trails until an RMP provides an overall context for these types of decisions, along with zones for protection and use.

Need for Resource Management Plan

A Resource Management Plan (RMP) is needed for the Fells, and Mass Audubon applauds Commissioner Sullivan's commitment to prioritize this planning process and initiate it in January 2011. An RMP is a comprehensive management plan developed pursuant to MGL Ch. 21 S.2F, which requires in part:

Said management plans shall include guidelines for the operation and land stewardship of the aforementioned reservations, parks and forests, shall provide for the protection and stewardship of natural and cultural resources and shall ensure consistency between recreation, resource protection, and sustainable forest management.

While DCR can and should maintain existing trails and other recreational facilities, enforce rules, and remediate existing damage without an RMP, significant changes in uses or new recreational facilities are most appropriately done in accordance with an RMP. The *DCR Trails Guidelines and Best Practices Manual* (p. 5) states that "Trail development and management must be consistent with the agency's resource management plans."

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 also identify setbacks between trails and sensitive areas, such as vernal pools, and provide a map of a future trail network that minimizes conflicts between these sensitive areas while maintaining a functional trail system for all approved uses. The future trail map also needs to be consistent with MESA and the Wetlands Protection Act.

The draft Trails Plan notes that there are several areas of potential Priority Natural Communities (PNC). Note that PNC are different than Priority Habitats – the latter are habitats for state-listed rare species protected under MESA. The potential PNC have been mapped using aerial photo interpretation. These maps need to be verified through observations on the ground, and the resulting information should be included in the RMP. These areas then need to be factored into the RMP Land Stewardship Zoning and proposed trail system.

DCR should work with NHESP to determine the management needs of rare species on the property. As noted above, the MESA regulations specify land management and planning requirements for state agency lands with rare species habitat. There may be additional management actions that NHESP would recommend in an RMP that were not specified in the brief comment letter NHESP provided on the trails plan.

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

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

The RMP should further prioritize trail closure, stabilization, and rerouting projects. In the meantime, DCR should avoid putting additional amounts of use and stress on already degraded trail segments especially where impacting sensitive areas.

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 and thus we encourage DCR to be conservative in its desires to expand trails and uses at the Fells. 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.

DCR should not take on extensive new trails or expanded uses at the Fells until it can manage the existing trails and uses. After sensitive area damage has been contained and addressed, DCR could consider implementing recreational enhancements consistent with the RMP, with cooperation of all user groups.

Statewide DCR Planning

Mass Audubon is pleased to see DCR moving forward to implement the Forest Futures Vision Recommendations. We will be commenting on the draft *Landscape Designations for DCR Forests and Parks, Selection Criteria and Management Guidelines* presently undergoing public review. At this time, we note a general need for clarification of the appropriate roles of Trails Plans vs. RMPs. There is a need for clear guidelines on which activities can occur without a property-specific RMP. DCR needs the ability to perform routine maintenance and repairs, update signage, and close or reroute trails impacting sensitive resources on all properties regardless of whether or not an RMP has been completed. However, and particularly in light of DCR's severe budgetary constraints, we recommend that limitations be considered on construction of new recreational facilities or expansion of uses where there is no RMP.

Limited budgets point to a need for DCR to rely on volunteer park users to better manage what exists now, with DCR oversight to focus work primarily on protection of sensitive areas and maintenance of existing recreational trails and uses.

Mass Audubon looks forward to the upcoming process for an RMP to be developed for the Fells, and we urge DCR to continue to prioritize that process in order to move it forward expeditiously with a goal of completion during 2011.

Sincerely,

A handwritten signature in blue ink, appearing to read "John J. Clarke".

John J. Clarke
Director of Public Policy and Government Relations

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