



24 January 2017

Bradford District Ranger – Rich Hatfield
Bradford Ranger District
29 Forest Service Drive
Bradford, PA 16701

Conservation

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Education

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Recreation

Since 1922

Via Email: rhatfield@fs.fed.us, comments-eastern-allegheny-bradford@fs.fed.us

RE: Tracy Ridge Shared Use Trails and Plan Amendment Project Environmental Assessment (EA).

Dear Ranger Hatfield,

The Adirondack Mountain Club (ADK) is very concerned about the *Tracy Ridge Shared Use Trails and Plan Amendment Project* which proposes to open hiking trails in the Tracy Ridge National Recreation Area (NRA) to bicycle use. This project serves only to invite litigation.

The proposed action, to open 12.5 miles of under-maintained trail without a management plan or a re-design plan, is imprudent. In its current configuration, the proposed action is highly likely and reasonably foreseeable to affect the human environment by creating recreational user conflicts and by causing (through failure to appropriately plan) illegal riding impacts (§1508.8(b)) on the North Country National Scenic Trail (NCNST). It is reasonably foreseeable that the trails proposed in this EA to be *opened* for Bicycle Use will also need to be *redesigned* for Bicycle Use. Redesign and additional trail construction would be a connected action (40 C.F.R. § 1508.25(a)(1-3))¹ to the current proposed action in this EA. As such the proposed action constitutes *segmentation*. The proposed opening of trails at Tracy Ridge to bicycle use, segments the whole action. In order for the trails to meet the Design Parameter Attributes of the proposed action, and to sustain the new proposed impact without further degradation, illegal riding, and user conflict there must be a redesign of the trail system. The proposed action is incomplete and segments actions that must be considered in the same environmental analysis because they are *cumulative actions*. 40 C.F.R. § 1508.25(a)(2). **Significance** “cannot be avoided by terming an action temporary or by breaking it down into small component parts.” 40 C.F.R. § 1508.27(b)(7). Further, the addition of bicycle use to the Tracy Ridge

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National Recreation Area will serve as a practical impediment to this area being considered for a wilderness designation in a future Forest Plan Amendment.

Adirondack Mountain Club

ADK is a nonprofit organization with 30,000 members in 27 chapters and 36 year-round staff offering programs that help people discover, play in, and protect natural places. Since its founding in 1922, The Adirondack Mountain Club has protected wild lands and waters through the work of its dedicated member volunteers and staff. ADK members hike, camp, snowshoe, cross-country ski, paddle, and cycle the lands and waters of the Allegany State Park in New York and the adjoining landscape and waters of the Allegheny National Forest in Pennsylvania. Our members are also monitors and maintainers of trails as well as watchdogs of the watersheds that have been impacted by the irresponsible and destructive resource extraction activity on the Allegheny National Forest.

The Adirondack Mountain Club's professional trail program has been maintaining, re-building, and constructing non-motorized trails since 1979. ADK approaches every trail project with the same overarching principle: design a trail that will be sustainable for multiple generations of recreationists. Every purpose built trail that ADK constructs requires minimal maintenance, protects the natural resource, and provides a safe and interesting experience for the user. ADK has built extensive mountain biking specific trails, most recently in the Elm Ridge Wild Forest in the northern Catskills.

The Adirondack Mountain Club works through agreement with the North Country Trail Association (NCTA) to support the successful completion, maintenance, and permanent protection in perpetuity of the NCNST and corridor.

The Proposed Action will Fail to Meet Stated Goals of Purpose and Need

This Environmental Assessment (EA) describes a proposal that will fail to achieve any of goals stated in Section 1.3 Purpose and Need.

Goal #1 in the EA, *Address maintenance needs on the Tracy Ridge Trail System*, will not be achieved because there is no maintenance or re-design plan proposed.

The EA simply proposes a new environmental impact, opening trails that the Forest Service has not adequately maintained for many years, and has no plans to maintain

in the foreseeable future, to a new use for which the trails were not designed. The Forest Service clearly states this in the EA on page 3,

“Because of limited resources, the Forest Service has not adequately maintained the system for a number of years. Given the use levels of the area and higher priority trail systems (based on use levels), it is unlikely for the foreseeable future that the Forest Service will dedicate meaningful resources to this system. The area does not have a designated volunteer group that routinely provides trail maintenance. The system has a backlog of maintenance needs including brushing, trail tread work, log-out of down trees and maintenance of drainage structures.”²

It is hard to understand how the Forest Service believes the proposed action will make the above stated current condition in any way better when they are proposing to open the trail system to a new impact with no plan for maintenance and no plan to redesign the current trail to mitigate increased impacts of the new proposed use.

It is also difficult to understand how the proposed action could possibly fulfill the directive outlined in the November 28, 2016, National Forest System Trails Stewardship Act that the Forest Service cites on page 4 of the EA.

This law, which directs the Forest Service to “pursue partnerships and volunteer assistance to address trail maintenance backlogs,”³ certainly does not direct the Forest Service to create user conflicts, fail to adequately engage existing user groups who are dedicated volunteers and trail maintainers, or to invite new uses to trail systems that are currently in need of maintenance and not designed for the new use.

In fact this law requires that trails meet National Quality Standards for Trails and the Trail Management Objectives identified for the trail. In the Forest Service document, *Trail Fundamentals and Trail Management Objectives and Training Reference Package of 5/1/2011*⁴ and the *Forest Service Trails Management Handbook (FSH-2309.18)*,⁵ the documents explain that the Designed Use of the trail should meet the most demanding Managed Use of the trail. Currently the Designed Use of the trail is for hiking and pedestrian use. The Forest Service is proposing in this action to change the Designed Use to Bicycle Use without a proposed action to actually re-design the trail to meet or account for the Design Parameters for biking.

In the EA, Section *1.4 Proposed Action* states that part of the proposed action is to “Change the Trail Management Objectives for these 12.5 miles of trail from Designed Use Hiker Pedestrian, Trail Class 2 to Designed Use Bicycle Use, Trail Class 2,” but the current trail is not actually designed for Bicycle Use following the guidance cited above and FSH 2309.18.⁶ The Design Parameter Attributes of a Hiker/Pedestrian Trail Class 2 (current condition) are not the same as the Design Parameter Attributes of Bicycle Trail Class 2 (proposed action). The Forest Service has also not officially proposed to change the formal Managed Use designation to both Hiker/Pedestrian and Bicycle. The Forest Service has also not proposed a management plan or Target Frequency.⁷ This is contrary to guidance and in violation of the new law, the National Forest System Trails Stewardship Act, which the Forest Service uses to justify the proposed action.

Given that users could very likely be injured on un-maintained trails not designed for their designated use, it may be unwise for the Forest Service to invite a new use to a trail that is by Forest Service description, “not adequately maintained,” before regulations are promulgated to determine the disposition of “financial risk from claims or liability associated with volunteers undertaking trail maintenance.”⁸

In Section 1.3 Purpose and Need, Goal #2, *Better utilization of the Trail System*, and Goal #3, *Stimulate New Volunteer Partners for the Trail System* are likely to fail because without a redesign and management plan the proposed action is likely to create a significant user conflict between hiker/pedestrian use of the trail and the bicycle/mechanized use of the trail. Goal # 4 *Provide additional high quality mountain bike opportunities on the Forest* is also likely to fail since the proposed action does not redesign the trail for bicycle use. The result will be a further degraded trail which will not give riders an experience to which they will want to return. Further, as a biking trail, the loops and downhill stretches of the sections proposed to be open to bikes are short. The only section of trail that provides some degree of technical interest to mountain bikers are the areas that provide some downhill runs like the loop formed by the Johnnycake Trail—see attached Tracy Ridge Hiking Trail System Map sections 3 to 17, 16 to 17, and 4 to 5 (yellow). However the downhill/uphill runs on the Johnnycake loop (section 3 to 17, and 16 to 17) are only 0.64 or 0.74 miles respectively on a 2.44 mile loop (2 to 3 to 17 to 16 to 15 to 2, orange on attached map). Unfortunately, at the end of the downhill run

sections of proposed trail openings there will be the temptation to ride illegally to the reservoir and then on to the NCNST which would create a large loop for bikers willing to ride in prohibited areas. This design will invite conflict, increase trail degradation, create dissatisfaction in both hikers and bikers, and promote alienation of the current hiking user group which contributes significant volunteer maintenance for trails in the area.

The 4 to 5 section of trail proposed to be open to bicycles which parallels Route 321 is 2.31 miles long (orange on attached map), but the only place one can go *legally* after reaching the end of the section of trail proposed to be open is back the way you came. This trail system is not designed for mountain biking. The only loop available at the end of this section of trail would require illegal riding on the NCNST.

User Conflict

The EA brushes off the many legitimate concerns about user conflict that were part of the public comment from Scoping. The EA cites numerous studies, some of which are 25 years old, about recreational user conflict. Although the Forest Service provides anecdotal information from land managers about what they *think* is happening on recreational Multi-Use Trails in the Allegheny National Forest and the Allegany State Park, there is absolutely no data of any kind provided or referenced in the EA (certainly nothing site-specific) to either substantiate or refute their assumptions.

ADK certainly understands that the biking community has been working diligently to promote responsible recreation and Leave no Trace Ethics in the sport.⁹ ADK promotes mountain biking in appropriate locations and with appropriate process, design, and management. ADK staff have designed, sited and built many miles of mountain biking trails on New York State public lands. It is with this background that we express our concern with this proposal. The proposal in its current state is not a good plan and we are also not convinced that the existing Tracy Ridge trail system is an appropriate design or location for bicycles.

Significance of the Proposed Action

The Finding of No Significant Impact (FONSI) for the proposed action is deeply flawed. Certainly, a full Environmental Impact Statement (EIS) must be prepared for an action that requires significant changes to management documents, including in the proposed action, a change to Trail Management Objectives (TMOs), an Amendment to the ANF Forest Plan, and the rescinding of a Forest Order which prohibits the primary purpose of the proposed action. The proposed action meets the definition of Significance in Context and Intensity in 40 C.F.R. § 1508.27 (a) and (b) (1 to 4, 6 to 8) and a full Environmental Impact Statement (EIS) must be prepared for the proposed action. The proposed action is significant and will have a significant impact not only on the site specific level but also on a national level given the reasonably foreseeable impact on the NCNST. The intensity of the proposed action is significant in its effect and impact as follows:

Significance, Intensity (40 C.F.R. § 1508.27 (b))¹⁰

Intensity Factors for Significance Determination	Impact and Effect
40 C.F.R. § 1508.27 (b) (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the federal agency believes that on balance the effect will be beneficial.	The FS describes the beneficial effects of the action but fails to recognize the adverse effects of the action that will result from opening an under-maintained trail to a new use without a redesign for the use or a management plan in place to mitigate impacts from erosion and hiker/biker user conflict. This meets the intensity factor for significance in 40 C.F.R. § 1508.27 (b) (1).
40 C.F.R. § 1508.27 (b) (2) The degree to which the proposed action affects public health or safety.	The FS fails to acknowledge safety hazards inherent in this type of mixed use recreation especially on single track downhill trails like the 0.64 or 0.74 mile sections of the Johnnycake loop. This meets the intensity factor for significance in 40 C.F.R. § 1508.27 (b) (2).
40 C.F.R. § 1508.27 (b) (3) Unique characteristics of the geographic area such as the proximity to historical or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas	The proposed action takes place on the Tracy Ridge National Recreation Area which is directly adjacent to a wilderness study area, is located on lands important to the Seneca Nation of Indians, and will be connected to a system that leads directly to a ‘certified’ (bikes prohibited) section of the NCNST. With the lack of a management or design plan for the new proposed use it is highly likely that the action will result in illegal

	riding. This meets the intensity factor for significance in 40 C.F.R. § 1508.27 (b) (3).
40 C.F.R. § 1508.27 (b) (4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.	The effects of illegal riding on the NCNST (which is highly likely given the current configuration of the proposed action) will be highly controversial in the hiking and bicycling user groups and between federal agencies including the National Park Service which administers the NCNST and the Forest Service. This meets the intensity factor for significance in 40 C.F.R. § 1508.27 (b) (4).
The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.	NA
40 C.F.R. § 1508.27 (b) (6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.	The proposed action amends three Forest Service Planning Documents which will affect future planning decisions without any consideration of the cumulative impacts of the decision. This meets the intensity factor for significance in 40 C.F.R. § 1508.27 (b) (6).
40 C.F.R. § 1508.27 (b) (7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.	The proposed action is significant because the Forest Service is proposing an action that will necessitate the creation of a redesign plan and a maintenance plan, but those plans are not part of this action. This is segmentation and meets the intensity factor for significance in 40 C.F.R. § 1508.27 (b) (7).
40 C.F.R. § 1508.27 (b) (8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific,	The proposed action takes place in an area important to the Seneca Nation of Indians, but there is no evidence in the EA of FS consultation with the SNI. This meets the intensity factor for significance in 40 C.F.R. § 1508.27 (b) (8)

cultural, or historical resources	
The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.	NA
40 C.F.R. § 1508.27 (b) (10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.	Violates MOU between North Country Trail Association, the National Park Service, and the Forest Service

Significance of and Protection for the North Country National Scenic Trail (NCNST)

The Forest Service must recognize the status of the NCNST and the significance of reasonably foreseeable impacts to the NCNST.

The EA fails to acknowledge the significance of the reasonably foreseeable impacts to the North Country National Scenic Trail (NCNST) that will be caused by the proposed action. The EA does not recognize the fact that the NCNST is a national trail supported by a Memorandum of Understanding (MOU), FS Agreement #16-MU-11090100-036, between the North Country Trail Association, the National Park Service, and the Forest Service (hereafter the Triad Agreement). The Triad Agreement for the NCNST directs parties in the agreement to make good faith efforts to reduce uses other than hiking and backpacking on the trail. Unfortunately, the EA ignored the public scoping comments that expressed concern that it is reasonably foreseeable that an impact and effect of the proposed action will be illegal bicycle riding on the NCNST. Ignoring the reasonably foreseeable significant impact of illegal bicycle riding on the NCNST is a violation of the Triad agreement. The Forest Service acknowledges that there is some illegal riding currently on ANF trails and the NCNST.¹¹ The reasonably foreseeable significant impact of illegal bicycle riding on the NCNST also makes this a major federal action requiring an Environmental Impact Statement (EIS). As indicated in the table above the NCNST

is a “unique characteristic” as per the intensity factor for significance, 40 C.F.R. § 1508.27 (b) (3).

The failure of Forest Service to amend the forest plan to create a separate management area for the NCNST as directed by the Triad Agreement, and instead propose an action to amend the Forest Plan to create reasonably foreseeable impacts to the NCNST undermines the Triad Agreement, and suggests a lack of intent to protect the NCNST.

ADK does not support the proposed action in its current configuration. *The Tracy Ridge Shared Use Trails and Plan Amendment Project* proposal is a major Federal action (§1508.18) which will or may significantly (§1508.27) affect (§1508.3, 1508.8) the quality of the human environment (§1508.14) (Title 40, Chapter V, Part 1508).¹² If the Forest Service intends to move forward with the proposed action they must prepare an Environmental Impact Statement (EIS) because the proposed action meets the criteria of significance in 40 C.F.R. § 1508.27 (a) and (b).¹³ The Adirondack Mountain Club (ADK) strongly encourages the Forest Service to reconsider this action, rescind the Finding of No Significant Impact (FONSI), develop an Environmental Impact Statement (EIS) and consider withdrawing the project.

Sincerely,

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¹ <https://www.law.cornell.edu/cfr/text/40/1508.25>

² <https://www.fs.usda.gov/project/?project=49767>

³ <https://www.congress.gov/bill/114th-congress/house-bill/845/text?overview=closed>

⁴ https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5341754.pdf

⁵ https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5403600.pdf

⁶ <https://www.fs.fed.us/t-d/pubs/htmlpubs/htm07232806/page02.htm>

⁷ https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5341754.pdf

⁸ <https://www.congress.gov/bill/114th-congress/house-bill/845/text?overview=closed>

⁹ <https://www.imba.com/about/rules-trail>

¹⁰ <https://ceq.doe.gov/nepa/regs/ceq/1508.htm#1508.27>

¹¹ EA page 22, and Personal Communication Bradford District Ranger Rich Hatfield 1/19/2017

¹² <http://bit.ly/2iLiqVK>

¹³ <https://ceq.doe.gov/nepa/regs/ceq/1508.htm#1508.13>