

3 April 2020

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**RE:** Croghan Tract Recreational Unit Management Plan (RMP)

Dear Matthew,

Thank you for the opportunity to comment on the Croghan Tract Recreational Unit Management Plan (RMP).

We respectfully request that you consider the following concerns and comments outlined below.

DEC Should Not Provide an ATV Connector Trail on the Croghan Tract

The Department of Environmental Conservation (DEC) should not provide an ATV connector trail on the Croghan Tract. The RMP explains that there are currently no existing, legal trail networks that would necessitate a connector trail.<sup>1</sup> Further, town roads opened to ATVs by local law are not legal ATV riding areas.

Increasingly DEC is under pressure to allow ATV access on state lands and conservation easements in conjunction with local road openings for connections between legal riding areas as defined in NYS Vehicle and Traffic Law. The use of ATVs on public roads is governed by Title 11, Article 48C, Section 2405 of the New York State Vehicle and Traffic Law.<sup>2</sup> The law outlines that local roads opened for ATVs are for short connections between riding areas. The law does not allow the opened roads to serve as the riding areas.

There is pressure to allow ATV riding on roads throughout the state that have been opened by local law in violation of New York State Vehicle and Traffic Law, and contrary to NYS Attorney General Opinion 2005-21<sup>3</sup> and NYS DEC legal opinion.<sup>4</sup> ATV manufacturers expressly define that their vehicles are not designed for road or highway use. Documentation by the U.S. Consumer Product Safety Commission and the National Highway Transportation Safety Administration's (NHTSA) Fatality Analysis Reporting System (FARS) shows that a majority of ATV deaths take place on roads.<sup>5</sup>

ADK does not support the creation of a connector trail on the Croghan Tract which could support the illegal use of local roadways as ATV riding areas.

### Recreational Education, Messaging, and Outreach

Leave No Trace messaging should be included in signage and kiosks on the Croghan Tract. ADK strongly suggests that DEC develop a *Leave No Trace Outdoor Skills and Ethics Integration and Outreach Plan*. This plan should cover messaging on the DEC web pages, at trailheads, on literature, and in programming. The development of the plan should be coordinated with other state agencies and offices to ensure that promotional efforts for tourism that use state funding incorporate Leave No Trace messaging.<sup>6</sup>

ADK also urges DEC to commit to integrated training of Leave No Trace outdoor skills and ethics on the Trainer or Master Educator Level<sup>7</sup> for DEC staff, Forest Rangers, and Environmental Conservation Officers (ECO).<sup>8</sup> The Master Educator level of training would be especially important for Forest Ranger and ECO staff who have significant one-on-one interaction with visitors. DEC is a formal partner with the Leave No Trace Center for Outdoor Ethics and already has Master Educators on staff. Both the Center and the DEC Master Educators could help develop a plan for the agency and provide educational support, tools, and materials. ADK, which is one of twelve site providers of Master Educator Courses for the Leave No Trace Center, could also assist in developing a plan.

### Capacity to Withstand Use

The Croghan RMP does not, but should, include a strategy for monitoring recreational use. Recently, the Interagency Visitor Use Management Council, a planning entity composed of federal public land agencies (including the U.S. Forest Service and the National Park Service), posted its Visitor Use Management Framework (VUMF).<sup>9</sup> This framework could provide additional insight to DEC's long-term planning process which currently involves (1) the goal-achievement process; (2) the Limits of Acceptable Change (LAC) model employed by the U.S. Forest Service; and (3) the Visitor Experience and Resource Protection (VERP) model employed by the National Park Service. One key component of the VUMF is the use of a sliding scale for all components of the process, to ensure that efforts match the size and scope of the project as well as the resources available.

ADK urges DEC to include indicators and thresholds as described by the Visitor Use Management Framework in its planning to define monitoring objectives, a monitoring

schedule, and management actions to be taken should resource conditions deteriorate. According to the VUMF, “Indicators are defined as specific resource or experiential attributes that can be measured to track changes in conditions so that progress towards maintaining desired conditions can be assessed. Thresholds are defined as minimally acceptable conditions associated with each indicator....Thresholds serve a critical role to alert when conditions are close to becoming unacceptable.”

DEC and the Adirondack Park Agency (APA) are developing a Visitor Use Management Workbook that will be field tested in 2020. A Visitor Use Management Framework system should be employed on public lands and on conservation easement lands and outlined in RMPs.

Thank you for the great work you do protecting and stewarding our New York State Public Lands. Thank you for considering the above comments.

Sincerely,

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#### Adirondack Mountain Club

ADK is dedicated to protecting and advocating for New York State’s wild lands and waters while also teaching people how to enjoy natural places responsibly. Since 1922, the organization has offered people opportunities to stay and play in as well as protect, discover, and explore the outdoors. Today, ADK has 30,000 members in 27 chapters statewide and is served by a professional, year-round staff. The organization is recognized as a vital voice in the commitment to environmental stewardship and ethical outdoor recreation in New York State.

ADK members hike, camp, snowshoe, cross-country ski, paddle, and cycle the lands and waters of the Adirondack Park and other state lands. Our members are also monitors and maintainers of trails and recreation infrastructure as well as watchdogs of public lands and watersheds to monitor for invasive species or irresponsible and destructive motorized trespass.

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<sup>1</sup> Draft Croghan RMP page 65

<sup>2</sup> <http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>

<sup>3</sup> <https://ag.ny.gov/sites/default/files/opinion/I%202005-21%20pw.pdf>

<sup>4</sup> <http://www.dec.ny.gov/lands/64567.html>

[http://www.dec.ny.gov/docs/lands\\_forests\\_pdf/spsfmfinal.pdf](http://www.dec.ny.gov/docs/lands_forests_pdf/spsfmfinal.pdf) (p. 215-222)

<sup>5</sup> Consumer Federation of America Report, *ATV on Roadways: A Safety Crisis*; See Press:

[http://consumerfed.org/press\\_release/consumer-federation-releases-report-on-atvs-on-roads-states-are-increasingly-allowing-atvs-on-roads-despite-warnings-from-industry-advocates-and-federal-government/](http://consumerfed.org/press_release/consumer-federation-releases-report-on-atvs-on-roads-states-are-increasingly-allowing-atvs-on-roads-despite-warnings-from-industry-advocates-and-federal-government/)

<sup>6</sup> <https://Int.org/>

<sup>7</sup> <https://Int.org/learn/training-structure>

<sup>8</sup> <https://Int.org/blog/authority-resource-technique-action>

[carhart.wilderness.net/docs/manuals/waappg.pdf](http://carhart.wilderness.net/docs/manuals/waappg.pdf)

<sup>9</sup> <https://visitorusemanagement.nps.gov/VUM/Framework>