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Esq.
Deputy Director

Christopher Amato,
Esq.
**Conservation Director
and Counsel**

October 3, 2024

Sean Mahar
Interim Commissioner
New York State Department of Environmental Conservation
625 Broadway, 14th Floor
Albany, NY 12233-1010

John Ernst
Chair
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

Re: DEC's Proposed Draft Forest Preserve Trail Standards Violate the Constitution

Dear Commissioner Mahar and Chairman Ernst:

Protect the Adirondacks ("PROTECT") is a member of the Forest Preserve Trails Stewardship Working Group organized by the Department of Environmental Conservation ("DEC") and Adirondack Park Agency (APA). We recently submitted comments on the new draft "Inter-Agency Guidance for Trail Networks in the Forest Preserve" policy and on new trail design standards proposed by DEC for hiking, bicycle riding, cross-country skiing, snowmobiling and horseback riding on the Forest Preserve. A copy of our comment letter is enclosed for your reference. We applaud DEC-APA for making the effort to standardize and reform management of trails on the Forest Preserve. However, we are disappointed to see that some of the proposed trail parameters violate Article 14 of the New York State Constitution, the "forever wild" clause.

Specifically, the proposed standards for snowmobile trails and equestrian trails fail to comply with Article 14 as it has been interpreted by the Courts. The 2021 Court of Appeals decision ruling that struck down DEC's construction of Class II Community Connector snowmobile trails held that trails that "require greater interference with the natural development of the Forest Preserve than is necessary to accommodate hikers" are unconstitutional. *Protect the Adirondacks v. NYSDEC*, 37 NY3d 73, 83-84 (2021). As discussed in detail in the enclosed comment letter, the new proposed snowmobile and equestrian trail design standards incorporate parameters that were expressly rejected by the Court of Appeals as

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unconstitutional. The proposed standards allow wide trails, wide bridges, and smooth, straight trails that will require significant terrain alterations, putting DEC-APA once again on a path to constructing trails that violate Article 14.

The Court of Appeals has made clear that the public's use of the Forest Preserve cannot "in any way interfer[e] with th[e] purpose of preserving them as wild forest lands." *Assoc. for Protection of the Adirondacks v. MacDonald*, 253 NY 234, 241 (1930). If DEC-APA do not amend the proposed trail standards and begin constructing trails based on those standards, Protect the Adirondacks and others will have no choice but to consider legal action against your agencies for once again violating Article 14 of the New York State Constitution due to the substantial number of trees to be cut and the destruction of the wild forest nature of the Forest Preserve.

We urge you to reconsider and revise the draft design standards for snowmobile trails and equestrian trails to minimize disturbance of the wild forest character of the Forest Preserve and to ensure adherence to the Constitution and case law. Additionally, after the new "Inter-Agency Guidance for Trail Networks in the Forest Preserve" is brought into compliance with Article 14 of the Constitution and is adopted, the outdated 1998 Office of Natural Resources Policy #2 (ONR-2) should be rescinded.

We respectfully request a meeting with you and/or your staff to discuss this important issue that is paramount to DEC's mission to preserving and protecting the wild forest lands of the Forest Preserve in accordance with the Constitution. We will contact your office in the coming days to follow up on this request.

Sincerely,



Peter Bauer,
Executive Director

enc.

cc: Erica Ringewald, DEC, Chief of Staff
Tom Berkman, Esq., DEC, General Counsel
Molly Breslin, Esq., DEC, Office of General Counsel
Damion K. L. Stodola, APA, Agency Counsel
Katie Stone Petronis, DEC, Deputy Commissioner Natural Resources
Fiona Watt, DEC, Lands and Forests
Barbara Rice, APA, Executive Director
Megan Phillips, APA, Deputy Director for Planning
McCrea Burnham/Josh Clague, DEC, Division of Lands and Forests



Board of Directors

September 27, 2024

Charles Clusen
Chair

McCrea Burnham and Josh Clague
Division of Lands and Forests
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12223

James McMartin Long
Michael Wilson
Vice-Chairs

Barbara Rottier
Secretary

Re: Comments on Proposed Draft Forest Preserve Trail Standards

David Quinn
Treasurer

Dear McCrea and Josh,

Nancy Bernstein
John Caffry
Andy Coney
Dean Cook
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Sidney Harring
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Patricia Morrison
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Chris Walsh

Protect the Adirondacks ("PROTECT") is pleased to submit the following comments on the new draft trail standards proposed by the Department of Environmental Conservation ("DEC") for hiking, bicycle riding, and cross-country skiing trails. The proposed standards mark a welcome effort to standardize and reform management of trails on the Forest Preserve.

Unfortunately, the proposed standards for snowmobile trails and equestrian trails fail to comply with Article 14 of the New York State Constitution. It's difficult to express how disappointing it is that after the 2021 Court of Appeals decision ruling that DEC's construction of Class II Community Connector Snowmobile Trails violated Article 14, DEC is proposing snowmobile trail standards nearly identical to those found by the Court of Appeals to be unconstitutional. We, along with other Working Group participants, have urged DEC to revise the proposed snowmobile standards to ensure conformity with Article 14, and we now reiterate that request for the reasons discussed below.

Staff

Peter Bauer
Executive Director

Inter-Agency Guidance for Trail Networks in the Forest Preserve

Claudia K. Braymer, Esq.
Deputy Director

Please note that we are providing suggested revisions in a track-changes Word file along with this letter, "Trail Network Guidance final draft 9-17-24-PROTECT." That document contains suggested changes to make the "Guidance" more clear, focused and instructive for DEC and Adirondack Park Agency ("APA") staff and the public.

Christopher Amato, Esq.
Conservation Director and Counsel

Our overall suggested changes include the following:

Trail Class Purpose Section: At the last meeting of the Working Group, DEC stated that it would draft a "purpose" section for each of the Trail

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classes. PROTECT supports this addition because trails should be constructed and maintained according to the anticipated level of public use and the level of predicted use should be stated at the outset of trail management and planning. Such a “purpose” section could be added to either the individual trail standards or the “Guidance,” but it needs to be included.

Statement of Purpose: This statement needs to articulate the special status, constitutional protections, and focus on natural resource protections that are accorded the Forest Preserve. This section needs to also state that all management actions will comply with Article 14. Suggested changes are provided the attached document.

Introduction: The lead sentence, “The constitutionally protected lands of the Adirondacks and Catskills are synonymous with outdoor recreation” implies that providing outdoor recreation is the primary purpose and role of the Forest Preserve. This is incorrect. The primary purpose of the Forest Preserve is that these public lands “shall be forever kept as wild forest lands.” NYS Constitution Art. 14, § 1. Further, as made clear by the Adirondack Park State Land Master Plan (“Master Plan”), “the protection and preservation of the natural resources of the state lands within the Park must be paramount.” Master Plan at 1. Public recreation is secondary and only allowed where it can occur in a way that does not impair the wild forest character of the Forest Preserve. As stated in *Association for Protection of Adirondacks v. MacDonald*, 253 NY 234, 241 (1930), a “very considerable use may be made by campers and others without in any way interfering with this purpose of preserving them as wild forest lands”. This principle was recently restated and reaffirmed in the 2021 Court of Appeals decision holding that trails that “require greater interference with the natural development of the Forest Preserve than is necessary to accommodate hikers” are unconstitutional. *Protect the Adirondacks v. NYSDEC*, 37 NY3d 73, 83-84 (2021).

PROTECT supports the statement “This guidance seeks to provide a comprehensive source of information for current trail construction practices and uses to help land managers plan and manage their Trail Networks consistently across the Forest Preserve.”

Definitions: The Guidance document regularly uses a number of terms that should be added to the definitions section. These include “Bench Cut,” “Ecological Scorecard,” “Improvements,” “Monitoring Plan,” “Tree,” “Universal Forest Preserve Desired Conditions,” and “Visitor Activities, Facilities and Services.”

“Bench Cut” should be defined and limits placed on their use. Construction of the Class II Community Connector Trail system demonstrated that bench cuts can significantly change the character of a trail corridor. *See Protect the Adirondacks v. NYSDEC*, 37 NY3d at 83-84. These man-made forms vastly alter the natural terrain. While small bench cuts may be used on side slope hiking trails, DEC’s trail management program must place limits on their use and articulate to the public how they will be used for different trail classes and standards.

Trail structures and improvements are defined in the Master Plan; the Guidance should include both terms and be consistent with the Master Plan. We note that “improvements” is used as a term in the Guidance and needs to be defined. Trail structures placed outside the trail corridor

need to be further explained in the Guidance with greater detail and limitations on when that can occur.

Visitor Use Management Framework: DEC has framed much of the Guidance around implementation of VUMF for management of trail construction and maintenance of the Forest Preserve. APA has recently proposed doing the same with its draft revisions to the Master Plan. However, DEC has yet to produce an actual VUMF plan for anything on the Forest Preserve and the APA has never reviewed a VUMF plan for Master Plan conformance. The current VUM planning process for the central High Peaks in the Adirondacks and Kaaterskill Falls in the Catskills, which is an abridged version of the VUMF, does not instill confidence that DEC and APA are capable of fully utilizing and administering a complete, unabridged VUMF process for the Forest Preserve. It seems premature for DEC and APA to enshrine VUM in its regulatory policies when neither agency has demonstrated the capacity to utilize this complicated program.

Conclusion: The attached document includes a revised “conclusion” that better summarizes the purpose of the Guidance.

Design Standards Formats

We think that these standards should be uniform in how they are organized with consistent information on the Y and X axis for each design standard. We also think that some important elements are missing, like “Purpose,” “Anticipated Use,” “Maintenance,” and “Bench cuts.”

Proposed Hiking Trail Design Parameters

The proposed Hiking Trail Design Parameters should include sections for “Purpose” and “Bench cuts.” The Class 5 trail corridor width of 10 feet is excessive as is the “tread width” of 72 inches. There also needs to be a section on stone staircases for each class because these are major modifications and use of man-made structures affecting the natural terrain and wild character of a trail corridor.

Proposed Cross Country Ski Trail Design Parameters

The ski trails parameters generally make sense, but it’s hard to imagine ski trails with all obstacles removed above three inches over the trail tread. We also think that the cross-country ski trail parameters should include parameters for powder ski/open tree skiing trails, which are currently haphazardly managed on the Forest Preserve.

Proposed Equestrian Design Parameters

We do not believe that Class 4 Equestrian Trail complies with the State constitution because it includes 12-foot-wide trail corridors and 96” trail treads. *See Protect the Adirondacks v. NYSDEC, supra.* Also, the grading down to 3” obstacles will require significant terrain alterations. We do not see how such wide trails including significant terrain alterations can be built in a way that complies with Article 14. We also do not think that four classes of equestrian

trails is necessary as there are few current equestrian trails in the Adirondack Forest Preserve and new trails are unlikely to be designated and built.

The Proposed Snowmobile Trail Design Parameters Violate Article 14

The 2009 Management Guidance (p. 10) allowed “Class II Community Connector” snowmobile trails to be 9 feet wide, and 12 feet wide on some curves and slopes. It also allowed the removal of trees, brush, rocks, stumps, ledges and other natural features, the grading and leveling of the trails, and the cutting of side slopes by means of “bench cuts.” 2009 Management Guidance pp.11-13. Where bench cuts were to be used, the Management Guidance allowed sides of the trails to be “tapered” to a width greater than 12 feet, requiring the cutting of more trees and the clearing of more land. 2009 Management Guidance p. 12.

After DEC began constructing Class II trails that purportedly conformed to the 2009 Management Guidance, PROTECT filed a lawsuit alleging that the trails violated Article 14 of the New York State Constitution due to the substantial number of trees to be cut and the destruction of the wild forest nature of the Forest Preserve. Following nearly ten years of litigation, the Court of Appeals held that the construction of Class II snowmobile trails “violates the ‘forever wild’ provision of the New York State Constitution (art XIV, § 1) and therefore cannot be accomplished other than by constitutional amendment”. *Protect the Adirondacks v. DEC*, 37 NY3d 73, 77 (2021). The Court of Appeals came to this conclusion because DEC’s “plan [based on the Management Guidance] requires the cutting and removal of thousands of trees, grading and leveling, and the removal of rocks and other natural components from the Forest Preserve to create snowmobile paths that are nine to 12 feet in width”. *Id.* Thereafter, DEC rescinded the 2009 Management Guidance and began working to establish new snowmobile trail standards.

Unfortunately, DEC’s new proposed standards for the construction of snowmobile trails reverts to the parameters in the outdated 1998 Office of Natural Resources Policy #2 (ONR-2). However, the ONR-2 parameters also violate the “forever wild” clause. DEC’s proposed Snowmobile Trail Design Parameters (9-17-24) for building so-called “Class A” trails are simply unconstitutional Class II trails by another name. Specifically, the proposed Class A trails will be eight to 12 feet in width, with 12’ wide bridges. These snowmobile trail dimensions were found by the Court of Appeals to be unconstitutional. *Protect the Adirondacks*, 37 NY3d at 83-84 (finding that trails that are nine feet wide with “sharp curves, steep slopes, and bridges, where a 12-foot width is allowed – the same width as an interstate highway lane and enough to accommodate two SUVs, side-to-side” is unconstitutional). Snowmobile trails that may be one foot narrower in some places but still allow for “a 12-foot width” on all “sharp curves, steep slopes, and bridges” are essentially identical to the trail dimensions found to be unconstitutional in *Protect v. NYSDEC. Id.*

Moreover, having a 12-foot-wide trail on steep slopes and curves where bench cuts will also be used means that the trail construction will in reality be even wider than the unconstitutional 12-foot width. The Court of Appeals specifically noted how bench cuts can change the character of a snowmobile trail corridor, stating that “bench cuts – cuts into sloped ground and removal of the cut soil, rock and trees to create a ‘bench’ upon which a trail can be placed – require clearing the

land on the up- and down-slopes of the trail, resulting in the clearing of the forest floor up to 20 feet in width in certain areas – a span wide enough to site a two-car garage.” *Id.* at 84.

At the last meeting of the Trails Stewardship Working Group in September 2024, DEC staff stated that they had not contemplated how bench cut widths will be managed under the draft Snowmobile Trail Design Parameters. Wide bench cuts, which made many Class II trails 12-20 feet wide or wider, were one of the prime reasons why these trails were found to be unconstitutional. *Id.* The snowmobile trail standards need to address how bench cuts will be managed for any new construction and for maintenance activities.

Additionally, DEC’s Snowmobile Trail Design Parameters propose that the Class A snowmobile trails include grading of the natural surface to create a smooth trail tread that has no trees, brush, rocks, stumps, ledges and other natural features higher than 6” above the ground. Constructing the trails in this manner would mean that they do not have the character of “typical hiking trails” and “require greater interference with the natural development of the Forest Preserve than is necessary to accommodate hikers” and are thus unconstitutional. *Id.* at 83. Thus, DEC’s snowmobile trail standards must be no more intrusive to the wild state and natural character of the Forest Preserve than that needed to accommodate hikers to comply with the Court of Appeals’ decision.

On the Snowmobile Trail Design Parameters chart, we do not believe that 12 feet widths for Class A trails on steep slopes and curves complies with Article 14 or the *Protect* decision. We also believe that grading should be expressly regulated and that terms like “occasional grading” are imprecise and unacceptable. The rescinded snowmobile trail guidance talked about “limited” grading, which was nevertheless widely used on trails and this extensive use was approved by both the APA and DEC. Similarly, “imported materials” should be defined and strictly limited. We also do not believe that 12-foot-wide bridges comply with Article 14 or the *Protect* decision.

Because the proposed Snowmobile Trail Design Parameters do not comply with Article 14 and are inconsistent with the Court of Appeals’ specific holding regarding the types of snowmobile trail dimensions that are unconstitutional, we urge DEC to rewrite the Snowmobile Trail Design Parameters to minimize disturbance of the wild forest character of the Forest Preserve and pass constitutional muster.

Finally, footnote one of DEC’s Snowmobile Trail Design Parameters, stating that trail width on steep slopes and curves greater than eight feet is “only permitted where the cutting of woody vegetation over 3” DBH is not necessary”, fails to recognize the correct legal standard for protection of trees in the Forest Preserve. The Constitution protects “all trees, regardless of size”, not just those over 3” DBH that DEC counts, because “forest trees measuring less than three inches DBH can be more than 100 years old, and smaller mature trees play an important role in the continuing ecology of the forest”. *Protect the Adirondacks v. DEC*, 175 AD3d 24, 31 (3d Dept. 2019). Accordingly, DEC cannot ignore the impact of the destruction of trees that are smaller than 3” DBH and only count or consider trees over 3” DBH. Any consideration of the cutting of trees should include all trees. *See Protect the Adirondacks v. DEC*, Supreme Court Decision p. 10 (finding “that the reference to ‘timber’ in the constitutional provision at issue

herein refers to all ‘trees’” defined as “any independent growth of a species that is biologically identified as a tree, no matter the size”).

We note that CP-78 superseded and replaced the longstanding DEC tree cutting policy for the Forest Preserve (LF-91-2), which only counted trees 3” DBH and bigger. CP-78 recognizes, consistent with recent case law, that trees of all sizes on the Forest Preserve are protected and that DEC must count them for planning purposes when they reach 1” DBH. The Snowmobile Trail Design Parameters should be consistent with CP-78.

Last, CP-78 replaced the old DEC Forest Preserve tree cutting policy LF-91-2. Once the trails Guidance and Snowmobile Trail Parameters are brought into compliance with Article 14 of the State constitution, ONR-2 should be rescinded.

Thank you for the opportunity to participate on the Forest Preserve Trails Stewardship Working Group.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Bauer', written in a cursive style.

Peter Bauer,
Executive Director

Inter-Agency Guidance for Trail Networks in the Forest Preserve

COMMENTS AND EDITS FROM PROTECT THE ADIRONDACKS

Approved DATE

Prepared by:

NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Adirondack Park Agency
PO Box 99
Ray Brook, NY 12977

Statement of Purpose

The Department of Environmental Conservation (DEC) and the Adirondack Park Agency (APA) have a responsibility to plan and manage trail networks in [the Forest Preserve in](#) a manner that is [open and](#) transparent, adaptive to local conditions, encompasses best [management](#) practices, protects [natural and scenic](#) resources, proportional to capacity [to withstand use](#), and [is](#) consistent with relevant laws and policies. [-The overriding legal framework for management of the Forest Preserve is Section 1 of Article 14 of the New York State Constitution, which requires that these public lands “be forever kept as wild forest lands.”](#) This Inter-Agency Guidance¹ for Trail Networks in the Forest Preserve is intended to assist land managers achieve the goal of [building and maintaining](#) sustainable [and constitutionally permissible](#) trail networks by providing the components for planning and management of existing and proposed Trail Networks. When trail networks are planned and managed in accordance with the above factors, trail networks should be sustainable [and legally compliant](#).

-To inform this effort, this guidance provides the essential elements of trail network planning and management including methods for incorporating the Visitor Use Management Framework, Universal Desired Conditions for Trail Networks, and Trail Design Parameters.

Introduction

The constitutionally protected lands of the Adirondacks and Catskills [Forest Preserves](#) are synonymous with [the preservation of Wilderness, habitat connectivity and open space, wildlife habitat, natural resources and biological diversity, natural beauty, and provide opportunities for](#) outdoor recreation. The use of Forest Preserve trails and general outdoor recreation is increasing. Forest Preserve [Trail Networks](#) pass through diverse landscapes, including many unique, rare, and ecologically sensitive settings that are vulnerable to the effects of visitor use. -The Forest Preserve also provides the setting for unique and outstanding recreational opportunities and human experiences, many served by [Trail Networks](#), that are deserving of special protection. However, trail management across the various regions of the Forest Preserve has [at times been inconsistent with Article 14, and](#) at times lacked consistency in standards for design, construction, and maintenance. For example, trail standards may vary when discussed within different individual Unit Management Plans (UMPs). Further, Trail Networks can simultaneously protect certain resources while threatening others, creating a complex interplay of priorities for managers. This guidance seeks to provide a comprehensive source of information for current trail construction practices and uses to help land managers plan and manage their Trail Networks consistently across the Forest Preserve. While this guidance may not resolve all the complexities of Trail System planning, it provides an up-to-date consistent set of standards appropriate for

¹ This guidance also applies to Trail Networks on Forest Preserve lands that are managed by other agencies, such as the Office of Parks, Recreation, and Historic Preservation, [the Olympic Regional Development Authority](#), the Canal Corporation, and the Division of Correctional Services.

the Forest Preserve's wild [forest](#) setting and helps to create more sustainable Trail Networks through careful consideration of the unique physical, biological, and social resources of each area [and the constitutional constraints](#).

DRAFT

Definitions

Definitions

Bench Cuts: [\[Definition to be added.\]](#)

Design Parameters: Design Parameters are technical guidelines for the survey, design, construction, maintenance, and assessment of a trail, based on its Designed Use and Trail Class.²

Designed Use: The Designed Use is the single Managed Use of a trail that requires the most demanding design, construction, and maintenance parameters and that, in conjunction with the applicable Trail Class, determines which Design Parameters will apply to a trail.^{3,4}

Desired Conditions: Desired conditions statements are statements of aspiration that describe [natural](#) resource conditions, visitor experiences and opportunities, and facilities and services that an agency strives to achieve and maintain in a particular area. They describe how a particular area should look, feel, sound, and function [as governed by Article 14 and the Adirondack Park and Catskill Park State Land Master Plans](#).

Ecological Scorecard: [\[Definition to be added.\]](#)

Improvements: [\[Use APSLMP definition.\]](#)

Indicator: -A measurable resource or experiential attribute of a trail network that can be tracked over time to evaluate changes in conditions and conformance with Desired Conditions.

Managed Use: A mode of travel that is actively managed and appropriate on a trail.

Monitoring Plan: [\[Definition to be added.\]](#)

Shared Use trail: When two or more Trail Networks for different recreational uses include the same trail as a part of their respective networks.

Threshold: The minimally acceptable conditions as expressed by an Indicator.

² Providing accessible opportunities consistent with the United States Access Board Accessibility standards for trails may require minor deviations from these parameters. However, any deviations will not fundamentally alter the function or purpose of the trail. Trail Classes 1-3 are the most likely to require an exception from the accessibility standards. More information on these standards can be found here: [Outdoor Developed Areas: A Summary of Accessibility Standards for Federal Outdoor Developed Areas \(access-board.gov\)](#).

³ "Nature and Interpretive Trail" structures and improvements as described in the APSLMP are not limited to a certain Designed Use, but they are limited to trails in classes 3,4, and 5.

⁴ The Designed Use concept is adopted from USFS Trail Fundamentals: [Trail Fundamentals and Trail Management Objectives | US Forest Service \(usda.gov\)](#)

Trail Class: The specified scale of development for a trail, representing its intended design and management standards.

Trail Corridor: The cleared area around a Trail Tread.

Trail Grade: The grade determined to be [constitutionally permissible appropriate](#) to accommodate the Designed Use with consideration given to the erosive quality of the trail tread, special requirements of expected users, and factors of comfort and challenge built into the route⁵.

Trail Network: All of the trails within a given planning unit that are managed for a particular recreational use defined within the respective Adirondack Park or Catskill Park State Land Master Plans.

Trail Structures: Permanent human-built features associated with a trail that protect natural resources and enhance visitor experiences without detracting from the character of the trail or the surrounding landscape. Trail structures are not always located within a trail corridor.

Trail System: All of the managed trails within a given planning unit.

Trail Tread: The travelled surface within a trail corridor that may be composed of various natural substrates including but not limited to native soils, snow, local or imported wood, local or imported aggregates, and stone.

Tread Width: The desired width of the developed and usable portion of the durable surface for travelling.

Tree: [\[Definition needs to define a tree and state that constitutional protections are required for all trees and that DEC policy is to count all trees 1" DBH and greater.\]](#)

Trigger: The condition of an Indicator that prompts a management response before a Threshold is exceeded.

Universal Forest Preserve Desired Conditions: [\[Definition to be added.\]](#)

Visitor Activities, Facilities and Services: [\[Definition to be added.\]](#)

Elements of Planning and Managing a Sustainable Trail Network

The Visitor Use Management Framework (VUMF)

Visitor Use Management Framework is a key component of planning and managing sustainable trail networks.

The current best practice for addressing [the recreational use and impacts component of](#) carrying capacity is the Visitor Use Management Framework (VUMF) developed by the

⁵ This definition is adapted from guidance provided in "Lightly on the Land: The SCA Trail Building and Maintenance Manual" Copyright 1996.

Interagency Visitor Use Management Council. Visitor Use Management (VUM) is defined as the proactive and adaptive process for managing characteristics of visitor use and the natural and managerial setting using a variety of strategies and tools to achieve and maintain desired resource conditions and visitor experiences.⁶ One of the greatest strengths of the VUMF is how it can be incorporated at various scales, and tailored to address specific management challenges for each location where it is applied.

Carrying capacity assessments are prescribed throughout the Adirondack Park State Land Master Plan (APSLMP) and the Catskill Park State Land Master Plan (CPSLMP). These include “an assessment of the physical, biological and social carrying capacity of the area with particular attention to portions of the area threatened by overuse in light of its resource limitations and its classification under the master plan.” APSLMP p.11

–This Trail Network Guidance is intended to assist DEC land managers in addressing trail-related visitor use challenges that threaten the attainment of Desired Conditions. The Trail Network Guidance provides standards (i.e., “parameters”) and high-level Desired Conditions that lay the groundwork for any VUM project. These parameters can provide the basis for more site-specific indicators that will assist land managers in determining if local Trail Networks are adhering to the Desired Conditions for Forest Preserve trails in general and at the unit level. Not every trail project or trail network will require VUM strategies to maintain Desired Conditions, but periodic monitoring may be required to ensure trail standards continue to be met.

The next sections further explain how this Inter-Agency Trail Network Guidance will be incorporated into and inform VUM efforts at both the Unit Management Plans (UMP)/Unit Management Plan Amendment (UMPA) scale and the work plan scale.

Using this Guidance for UMP and UMPA Development and Review

Desired Conditions

UMPs and UMPAs will include Desired Conditions for the Trail System, identify specific Designed Uses of trails, and the unique characteristics of the geographic areas within the unit. As noted below, the Universal Desired Conditions provided in this Guidance are intended to help inform unit-specific Desired Conditions.

Description of Existing and Proposed Conditions of the Trail System

Pursuant to the APSLMP and the CPSLMP, every UMP should include an inventory of existing structures and improvements, management objectives, and proposed structures and improvements. UMPs should include the following for existing and proposed trails: maps and narratives, Designed Uses and Managed Uses, and Trail Classes.

⁶ Visitor Use Management on Federally managed Lands and Waters: A position paper to guide policy, pp.1

Design Parameters will be utilized reflected in proposed trail management actions. Where a departure from the Design Parameters is proposed, the UMP will include reason(s) for any variance and evaluate why the variance is necessary to meet the Desired Conditions.

UMPs will propose monitoring plans where resource concerns exist and/or high public interest is anticipated including indicators, triggers, and thresholds.

Using this Guidance for Work Planning (Work Plan Scale)

Work plans for trail projects should include Desired Conditions, Designed Use, and Trail Class, which may be incorporated from the UMP/UMPA. Where not already included in a UMP or UMPA, Desired Conditions may be developed using the UMP and the universal Forest Preserve Desired Conditions (see Desired Conditions below). If the Designed Use and Trail Class as defined in this Guidance have not been identified in the UMP, such indicators may need to be further described in the work plan. While most trail projects will rely upon Indicators, Triggers, and Thresholds outlined in the UMP, it is possible that an individual trail project may warrant its own unique set of Indicators, Triggers, and Thresholds if monitoring is proposed.

Universal Desired Conditions for Forest Preserve Trail Networks

These Universal Desired Conditions statements are numbered for easy reference. This list does not represent their order of importance.

1. Trail Networks protect and showcase the wild and natural setting of the Forest Preserve for trail users.
2. Ecological integrity of plant and wildlife communities are unimpaired where Trail Networks pass through.
3. Trail Networks are designed for specific uses to support visitor experiences in a wild and natural setting, but also may allow for different uses.
4. Trail Networks are consistent with Design Parameters to uphold the experience the trail is meant to provide.
5. Trail Networks do not include unauthorized trails.
6. Trails flow with the natural contours of the landscape and have natural tread surfaces that incorporate rustic tread stabilizing structures that blend with the surrounding terrain.
7. Where feasible and appropriate, Trail Networks will provide connectivity into and between developed human communities.
8. Trail Networks offer an opportunity to explore a wild and protected landscape.
9. Trail Networks provide opportunities for adventure, challenge, and learning.
10. Trail Networks sustain their managed use(s) with a stable and consistent tread.
11. Trail Networks provide access to scenic and desirable destinations.
12. Trail Networks generate feelings of being part of the environment without negatively impacting it.

Appropriate **V**isitor **A**ctivities, **F**acilities, and **S**ervices

Managing shared use trails consistent with existing directives will be fulfilled by implementing the concepts of “Designed Use” and “Managed Use”.

As defined above, Designed Use is the controlling use that guides trail design and decision-making. For example, if a trail is designed for bike use (the Designed Use) and is simultaneously managed as a foot trail (a Managed Use), the bike use dictates that staircases will not be used on the trail because staircases are generally inconsistent with bike trail design. If we reverse this scenario and imagine the same trail with ~~the~~ hiking as the Designed Use, a staircase might be acceptable, and the decision to include bikes as one of the ~~M~~Managed ~~U~~ses must consider that not every part of the trail is an ideal design for bike use.

Key to planning and managing sustainable **T**rail **N**etworks is the identification of the Designed Use and Trail Class in the earliest stages of planning, either in a UMP/UMPA or work plan, to determine if a combination of Managed Uses are compatible on the same trail. Upon identification of the Designed Use and Trail Class, the Managed Uses can be evaluated using the following questions:

- **Who** is the trail designed for (i.e., what is the Designed Use) and who will be sharing it (what are the compatible managed uses)? E.g., cyclists, hikers, trail runners, equestrians, snowmobiles or skiers.
- **What** is the character of the trail? Are soils on the trail particularly sensitive? How are the sight lines? How fast will users typically be travelling along the trail? Are trail users all travelling in the same direction? How rough is the tread surface? Is it especially difficult for trail users to pass each other due to the terrain?
- **When** will the different users be on the trail? E.g., at the same time, during different seasons.
- **Where** is the trail located? E.g., is the trail located near a road or far from any roads? What is that land classification? (i.e., Wilderness, Wild Forest, Intensive Use, etc.).
- **How** often will encounters between different recreational users occur on the trail? Are these encounters likely to have a negative impact on the experience that trail users expect? If some conflict is inevitable, how much conflict is acceptable and how will it be monitored?
- **Why** is Shared Use important at this location? Are opportunities for one of the uses lacking in the area, or is there a particularly unique resource that different recreational users are drawn to, such as a compelling view?

Trail Development

This Guidance now moves from the identification of the Designed and Managed Uses to the factors informing the development of the Trail or Trail Network.

The Trail Class category (e.g., Trail Class 1 or Trail Class 2, etc.) dictates the appropriateness of Design Parameters, such as tTrail structures, corridor width, tread width/characteristics, and trail alignment. As defined above, Trail Class is associated with the capacity of the trail to sustain higher levels of the Designed Use. However, Trail Class alone does not determine the suitability of a trail for shared use purposes.

The Designed Use dictates that a trail may include unique design features appropriate for managed use. Visitor activities, facilities and services are appropriate when they implement reflect the intended Design Use.

Select Indicators and Establish Thresholds

UMPs, UMPAs, and workplans will identify indicators.

Suitable physical Indicators may be developed using this guidance's Design Parameters. Biological Indicators may include measurable elements of wetlands, alpine areas, rare and endangered species habitat, and other biological resources. These may be identified within the UMP or by the New York Natural Heritage Program. Biological Indicators are further identified through the "ecological scorecard" methodology. This methodology was developed to support managers seeking suitable Indicators for recreational facilities. UMPs may include social Indicators.

Determining social Indicators and Thresholds may require analysis such as what has been conducted in the High Peaks Wilderness Area of the Adirondacks and the Kaaterskill Clove area in the Catskills.

Conclusion

The The "unifying theme" of both the Catskill Park and the Adirondack Park State Land Master Plan states that its "unifying theme" is "that the protection and preservation of the natural resources of the state lands within the Park must be paramount. Human use and enjoyment of those lands should be permitted and encouraged, so long as the resources in their physical and biological context as well as their social or psychological aspects are not degraded." The Catskill Park State Land Master Plan states that its "unifying theme" is "that the protection and preservation of the natural resources of the Catskill Forest Preserve will be paramount. Human use and enjoyment of those lands should be permitted and encouraged, so long as the resources in their physical and biological context and their social or psychological aspects are not degraded beyond a limit of acceptable change."

To meet the principle management objectives of the two Master Plans and comply with the State Constitution, comes in two parts. First and foremost, the protection and preservation of natural resources is paramount. Second, the provision of opportunities for human use and enjoyment of the land that are physically, biologically, and socially

~~sustainable will be provided.~~ A sustainable Trail Network must be suitably designed for its purpose, well planned, and maintained. Developing a sustainable Trail Network is not a single destination to be reached, but an ongoing process of engagement with multiple, and sometimes competing, resources and values. In recognition of these challenges, this Guidance is not meant to be used in isolation. Whenever necessary, using the concepts provided here as a part of a VUM process is welcomed and encouraged. In conjunction with the relevant resources identified below, this Inter-Agency Guidance is intended to provide the methods to plan and maintain sustainable trail networks within the Forest Preserve.

-Table 1

Outlines how Trail Network Designed Use categories are incorporated within State Land Master Plan Land Classifications. Given that the two separate Master Plans have unique requirements in each of them, this chart includes multiple footnotes and special provisions (shown with asterisks) that reflect a specific directive unique to one of the master plans or a trail design policy.

Table 1

Land Classification	Foot Trail	Ski Trail	Bike Trail	Horse Trail	Snowmobile Trail
Wilderness	Class 1-3 Class 4****	Class 1-3	N/A	Class 2-3	Class 2-3****
Primitive	Class 1-3	Class 1-3	N/A	Class 2-4 ⁷	Class 2-3**
*Primitive Bike Corridor	N/A	N/A	Class 1-3	N/A	N/A
Canoe	Class 1-3	Class 1-3	N/A	Class 2-3	Class 2-3**
Wild Forest	Class 1-4	Class 1-4	Class 1-4***	Class 2-4	Class 2-3
Intensive Use	Class 1-5	Class 1-5	Class 1-5	Class 2-4	Class 2-3
**Railroad Travel Corridor	2-5	2-5	2-5	2-5	2-5

*Catskill Park only

**Adirondack Park only

⁷ Only Primitive Recreational Trails in the Essex Chain Lakes and Pine Lake Primitive Area are designed to a class 4 standard.

*** Class 4 Singletrack Only

**** Within 500' of a public highway in limited instances

DRAFT

Related Resources

- [Article XIV, New York State Constitution](#)
- [Adirondack Park State Land Master Plan](#)
- [Catskill Park State Land Master Plan](#)
- [Environmental Conservation Law §§ 3-0301\(1\)\(d\) and 9-0105\(1\)](#)
- [Executive Law §816](#)
- [Title 6, New York Codes, Rules, and Regulations \(NYCRR\)](#)
- [Memorandum of Understanding Between APA and DEC Concerning Implementation of the State Land Master Plan for the Adirondack Park](#)
- [Commissioner Policy 49: Climate Change and DEC Action](#)
- [Commissioner Policy 78: Forest Preserve Work Plan Policy](#)