

Assessment of Public Comment

Final Regulation – Amendment to 6 NYCRR Part 190.38 – Brookfield Trail System

The 60-day public comment period from March 18, 2020, through May 18, 2020, resulted in thirteen email replies submitted to the Department. Many of the written emails had addressed more than one concern within their replies. Prior to this public comment period, the Department hosted a public meeting on April 7, 2016, at the Sherburne High School auditorium to inform the public on the upcoming proposed regulations as part of the Brookfield Unit Management Plan amendment and recorded comments from that event. Approximately 50 people attended that meeting, and several made verbal comments.

The following comments are from the public comment period for the section 190.38 proposed regulations for the Brookfield camping areas and associated trail system.

Comment: In support of the proposed regulations. Feels that the regulations will help deter abuse and overuse of the property. (six written comments)

Response: Thank you.

Comment: Object to non-horse members setting up camp in horse camping area depriving horse campers of stall access. (two comments received)

Response: The Moscow Hill Camping area was developed and in use before the creation of the horse trail system. It was first developed for general camping for all users. Recreational use of this area is not exclusive to equestrian campers/riders, despite this area being very much tailored to horse use by the facilities available. In the late 1990's, camping for non-horse users was developed at Cherry Ridge campground, a few miles away to alleviate possible conflicts of different user groups. Signs are onsite at Moscow Hill that advertise this option for any campers who want to camp without horses.

Comment: Objects to campers who set up camp to "reserve" their spot while they are not actually camping.

Response: It is a violation of current regulations to place camping equipment on a site in order to "reserve" it if the user does not show up and actually occupy the site. A bonafide occupancy is required when under permit and if not under issued camping permit it becomes abandoned equipment when it has been left unoccupied for 48 hours or more.

Comment: Do not think it is acceptable to require rabies vaccinations for horses, proof of negative Coggins testing is enough. (two comments received)

Response: The rabies virus is a very serious risk and can be fatal to both humans and livestock (horses) or domestic pets. The CDC (Center for Disease Control and Prevention) recommends any interstate travel of cats, dogs and horses have proof of being vaccinated against the rabies virus. There is always the potential risk of horses coming into contact with a wild animal that could be positive for rabies while visiting

state facilities. For the safety of all recreational users and any animals brought onsite, the Department will require proof of rabies vaccination for both pets and horses, including all associated equine species present at the trail system and associated campgrounds, upon request.

Comment: Mountain bikes should not be allowed on the horse trails because of their speed and the danger to all hikers and other slow travelers. The bikes cause much erosion and create serious maintenance costs to correct damage.

Response: The Brookfield Trail System had primarily been developed for equestrian use but was also designated as a multiple use trail network. Mountain biking has been allowed and is an occasional use of the trail system for well over 30 years. During that time, the Department has not noted any significant adverse environmental impact from this use and did not make the use of mountain bikes on the trails a new rule proposal. Occasional conflict can occur between user groups. The Department, seldom if ever receives formal complaints from the public between horse riders and mountain bikers. Trail etiquette information is readily available online and in pamphlets from the New York State Horse Council. Environmental damage is more likely to occur from both mountain bikers and equestrian riders during the traditional "mud seasons" of late fall and early spring. That was primarily the reason for the seasonal trail restrictions that were implemented after the initial Brookfield Unit Management Plan and public meeting held back in 1995. The seasonal closure of the trail system has been in place since that time.

Comment: Do not agree with seasonal trail closures (November 1st to April 30th.) as outlined in the rule making proposal. (four comments received)

Response: Dating back to the early 1990's, the Department had concerns over some serious adverse environmental impacts discovered on many of the designated trails within the Brookfield Trail System. Most of the impacts of concern were from frequent equestrian use, illegal motorcycle and ATV use and mountain bikes to a much lesser degree, during the late fall and early spring annual "mud seasons". The impacts were unacceptable as far as erosion and trail degradation was concerned. Some issues were resolved with trail re-routes and closures for the worst of the trails. The main overriding factor in the Department's view was that the majority of the soils found on state lands in the Central New York region have poor seasonal drainage issues and the annual patterns of heavy precipitation during these colder months can compound this issue. Both of these conditions are not favorable to continued trail use during these times of year. To upgrade large sections of trails with stone or extended boardwalks or bridges proved to be too costly for the maintenance budgets available. Starting in the mid 1990's and continuing every year to date, the Department adopted this same dated "trail closed" season and has enforced it through proper signage at main entry points throughout the trail system and on the printed trail maps available both online and at all trail registers. This closure has seen more positive than negative results and does not extend to other trail systems or to the thousands of acres found within other nearby state forests that are available for similar recreational use. The development of the Brookfield trail System and the 50 plus years of use has proven very popular with recreationists and the concern to "love it to death" has been eased allowing the trails, the surrounding soils and vegetation a chance to recover from any high seasonal use

impacts. This trail closure also has a positive effect on the limited maintenance budgets available to the Department. Winter conditions also introduce snowmobile use, this trail system's other designated seasonal use. Many of the designated roads and main trails are maintained and groomed by organized snowmobile clubs as part of the statewide system of advertised corridor sled trails.

Comment: Do not agree with the proposal to prohibit riding of horses and mountain bikes on trails other than those designated, including unofficial or renegade trails in Brookfield. (Three comments received)

Response: On any given State Reforestation Area land parcel, the general provisions of the Environmental Conservation Laws (ECL) Part 190 rules and regulations allow for the leading of horses anywhere on such property unless otherwise posted by the Department. The use of trails outside the Department's designated trails can cause multiple problems for both maintenance, safety issues and potential conflicts with other forest management objectives, especially in an area as intensively used as Brookfield has been. The overall management of Brookfield state lands is primarily focused on the presence and locations of the trail system. This trail network has been in place for over 50 years. The recreational use is a large component of the state land management objectives put forth in the recently amended Brookfield Unit Management Plan (2016). Changes to the approved use or additional expansion of the trail system would need to be addressed through the Unit Management Planning process and approved or amended as part of the existing plan. This trail system is primarily designed for equestrian use, and is one of only several designated trail systems throughout New York that is available for this type of a formal riding experience. When people decide to make their own trails off the designated system many potential problems can occur. Primarily, the continued use from others on these non-designated or "renegade" trails can cause undue adverse environmental impacts and add more maintenance requirements to the Department. Several examples of trail use outside the designated trail network have shown that this type of use creates more problems than what can be addressed with yearly maintenance budgets and can interfere with other management objectives that are already in place for areas outside the layout of the trail system. This includes timber management and protection areas that may need to be off limits to the public due to the environmental sensitivity of the particular location.

Comment: Allow mountain biking on the trail system during the closed season of November 1st through April 30th, in particular with "Fat Bikes" having tires with four or more inches of tread width. (three comments received)

Response: The Department recognizes other seasonal traditional recreational uses during the current trail closed season which includes both big and small game hunting, cross country skiing and snowmobile trail riding. Although equestrian and mountain bike use has been permitted only on State Public Forest Access Roads (PFAR or truck trails) and seasonal town roads within the Brookfield Trail System during the closed trail season, those uses are not permitted once these surfaces are snow covered. This is set forth in the New York State Environmental Conservation Law general provisions for use of State Reforestation Areas throughout New York. The seasonal trail closure dates for Brookfield are intended for the off-road trails that meander throughout the forest areas, away from public roads. The use of mountain bikes on the Brookfield Trail System

during the winter is not allowed primarily because these trails are also designated for snowmobile use and many of them are maintained by local snowmobile clubs through active Volunteer Stewardship Agreements between the Department and these various clubs. There are many other state lands within the Central New York Region that do permit mountain bike riding within the winter months and several other designated mountain bike trails systems on other state forests that offer ample opportunity for such recreational use. To allow this use, in addition to the many existing activities permitted in Brookfield for the trail system conflicts with other traditional winter recreational uses that have been ongoing for decades. The Department does not support this change for these reasons.