



City of Montpelier, Vermont
"The Smallest Capital City in the United States"

Mayor Mary S. Hooper

City Council:

Tom Golonka, President
Sarah Jarvis, Vice President
Nancy Sherman
T. Andrew Hooper
Jim Sheridan
Alan H. Weiss, Parliamentarian

William J. Fraser
City Manager
wfraser@montpelier-vt.org

Beverlee Pembroke Hill,
Assistant City Manager
bhill@montpelier-vt.org

November 24, 2009

Senator Ann Cummings
24 Colonial Drive
Montpelier, VT 05602

Dear Senator Cummings:

The members of the Montpelier Conservation Commission would like to share our serious concerns over the Agency of Natural Resources' proposal to open state forests, parks, natural areas, and wildlife management areas to recreational ATV trails. For the reasons set forth more fully below, we hope that you and your colleagues will object to ANR's arbitrary and unwise proposal.

Since ANR announced its intention to open state lands to ATVs, this Commission has followed the public debate closely, discussing the relevant issues at our regular meetings. Individual commissioners sent comments on the proposed rule to ANR, joining other Vermonters who opposed the rule by a ratio of 4-to-1. And some commissioners attended the recent Legislative Committee on Administrative Rules hearing on the ANR proposal.

From our observation of this public process, there appears to be serious questions about whether:

- ANR possesses authority to promulgate such an open-ended rule that does not place hard limits on the number, length, and location of ATV trails that may be created.
- ANR adequately studied, took account of, and presented to the public an analysis of the wide range of peer-reviewed scientific literature documenting the negative environmental impacts of ATV use. In the science section of its rulemaking materials it simply wrote "n/a."
- ANR can effectively move forward with the creation of new trails on state land despite its own inability and the inability of the Vermont All-Terrain Vehicles Sportsman's Association (VASA) to effectively curtail widespread environmental and property damage caused by illegal riding on public and private land. There is no proof that adding additional legal routes will prevent this ongoing harm, and in fact the evidence from lands hosting or adjoining VASA's own existing 600-mile trail network is to the contrary.

A striking illustration of our concern about ATV impacts under the proposed rule can be found in the City of Montpelier's recent experience with the Vermont Association of Snow Travellers (VAST), the snowmobile association often cited as a model by VASA and other ATV advocates. The Commission has been closely following the process of repairing damage caused to trails, trees, and streams when VAST made unsupervised "improvements" to one of the multiple-use trails that runs across private and public land in the City. Last fall, the City issued a zoning violation to VAST for doing this work without a permit and without proper coordination with the City's Parks Department. Many in the community were upset by the avoidable impacts from this poorly planned and executed development which required the trail to be closed to all users for an entire season. Though VAST and a separate group of concerned volunteers who also use the multiple-use trails have done their best to repair the damage, some negative environmental impacts from the original violation—including alteration of the upland streams hit hardest by erosion from the project—will have lasting effects.

This example presents a cautionary tale—especially because the ATV groups and ANR frequently cite VAST as their model of trail management and environmental stewardship. It emphasizes the need for adequate staffing resources at ANR to manage trail building and trail maintenance by ATV riding clubs. Yet in this budget environment, with staffing cuts having already depleted the ranks at ANR and more anticipated on the horizon, we are concerned that diverting resources for the benefit of a minority of Vermonters who can afford to own ATVs jeopardizes ANR's ability to perform its core functions—including land and wildlife management consultations with municipalities.

The potentially negative impacts of ANR's proposal will likely be felt by the City and its residents even though there are no state-owned lands within the City limits. Montpelier is not an island. Forces at work outside of the City's municipal boundary can and often do affect important environmental attributes of the City such as the water quality in our rivers and the viability of wildlife that finds habitat or forage here during some part of the year.

Montpelier is interconnected with other communities in the county and the state by the numerous recreational trails—motorized and non-motorized—that run through the City. In fact, the City's Conservation Fund recently facilitated the purchase of an easement to better link the City with non-motorized "Cross Vermont Trail" that runs from Lake Champlain to the Connecticut River. We are concerned that VASA may wish to expand the existing ATV trail network near Berlin Pond—the source of Montpelier's drinking water—into Boyer State Forest if ANR's proposal is approved. This raises concerns about the spillover of environmental impacts from both legal and illegal ATV activity on local trail networks.

Also, many in our small City use and enjoy nearby state-owned land such as Groton State Forest, to obtain outdoor experiences that the City's smaller parcels of publicly-accessible lands cannot accommodate or do not provide on a comparable scale. We echo the concern of those who worry that ATV use—which is consumptive in nature—will have an unduly negative effect on other non-motorized users of state lands and the high-quality environment all deserve to find when they visit state forests, natural areas, and wildlife management areas. The noise pollution, trail damage, and safety hazards presented by ATV riding will diminish the quality of experience that those public-lands provide City residents. We believe firmly that all Vermonters have the right to access and enjoy state lands. The right of access and enjoyment extends to people—not to their machines.

Senator Ann Cummings
November 24, 2009
Page 3

As a Commission charged with preserving, enhancing, and maintaining the high level of environmental quality which make Montpelier unique, there is much in the ATV proposal that concerns us. We hope you will bear the observations and experiences described above in mind as you consider whether to approve ANR's arbitrary and unwise ATV proposal.

The Montpelier Conservation Commission

Kris Hammer, Chair
Roy Schiff
Bill Finnegan
Erik Esselstyn
Geoff Beyer, ex-officio

Karen Freeman
Anthony Iarrapino
Christopher Hilke
Liam McSweeney