

This brief report is to serve as an update from the Chair of the Massachusetts Land Access Committee, acting on behalf of the NorthEast Association of 4-Wheel-Drive Clubs, Incorporated (the Association). The primary focus of this report is the Association's status with respect to its efforts on Old Florida Road/Adams Road in western Massachusetts.

Many four-wheel-drive enthusiasts in New England have at least heard of "Old Florida Road" or "THAT Road" — as it's referred to in some circles. Old Florida Road is slightly more than



three miles of unimproved, town-owned roadway, consisting mainly of a mild double-track dirt trail. The bulk of the three miles is scenic and tranquil as it passes through Savoy Mountain State Forest. With a few obstacles

scattered along its length, Old Florida Road is an entry-level off-roader's dream-come-true... until they reach the dreaded 'water crossing.'

Adjacent to Tower Swamp, the water crossing has historically ebbed and flowed, depending upon annual rainfall and the actions of wildlife (namely beavers). In dry years, the water crossing is little more than a wide spot in the trail where the exact layout of the double-track cannot be determined due to lack of edging boulders. However, when the season is wet, the



water crossing can be a daunting obstacle, and depending on the operator's chosen path, can either provide a mild, tire-depth bath or bury a full-size truck up to the windshield. Alternatively, a bypass was created by all-terrain-vehicles (ATVs) on the upland side of the road which avoids the mud and water crossing altogether. Unfortunately, this ATV bypass is considered by the State Forest Managers to be on State land and use of it by full-sized motor vehicles is prohibited under State regulations.

The Association's involvement in a fight to save access to "THAT Road" began in October of 2002. At that time, a local four-wheel-drive club held an organized 'run' of Old Florida Road and encountered a Massachusetts Environmental Police Officer at the water crossing. They were informed that they could not bypass the water crossing because that would be considered "trespassing" under state law and they could be fined for the violation. They were also told that proceeding through the water crossing could result in unnamed wetland violations. The officer took down the names and license plate identification of each vehicle and on October 15<sup>th</sup>, 2002, these individuals received a letter of written warning instructing them that they were indeed "trespassing" on State land.

It didn't take long for a number of the 'warned' to publish their written letters on the Internet. Utilizing the loosely-structured, but tightly-knit Internet forum NEOW (North East Online Wheelers), a 'civil-disobedience run' was planned for Old Florida Road. The premise was simple: run the length of the road and force the Police to issue a citation, challenging the validity of their claims in a court of law. More than twenty vehicles showed up to run Old Florida Road. However, in an anti-climatic ending to a very wet and long day, the Massachusetts Environmental Police were nowhere to be found.

Shortly after the 'run,' the Association formally got involved and created a 'donation' fund for the exclusive use of preserving access to this vital recreational asset. This fund has since accrued over \$7,000 from local, regional, and national sources.

An electronic mailing list was created and an on-line committee formed to address issues and discuss how best to proceed with tackling the monster that is the State of Massachusetts Department of Environmental Management. Membership on this committee includes representatives from the town of Florida, the United Four Wheel Drive Associations (UFWDA), each of the member clubs in the Association, the Jeep Jamboree, the East Coast Four-Wheel-Drive Association (EC4WDA) and other interested parties. Through this committee, the Association obtained copies of the legal description of Old Florida Road/Adams Road. The description dates back to the 19<sup>th</sup> century, but reveals much about the original layout of the roadway. The most relevant pieces of information immediately available referred to the widths of the traveled way ("one rod" or 16.5 feet) and of the overall right of way ("four rods" or 66 feet).

Shortly after creation of this committee, the Association commissioned an 'Environmental Assessment' of the water crossing and the surrounding vicinity. Contracting with the firm 'Wetlands and Wildlife, Inc.' the Association retained the services of licensed and reputable scientist to evaluate the conditions in and around the water crossing on Old Florida Road. Based upon the results of the Environmental Assessment, the Association issued an 'opinion statement' and policy to its membership regarding the water crossing on Old Florida Road.

Concurrent with preparation of the Environmental Assessment,

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*The NorthEast Association of Four-Wheel-Drive Clubs and its members formally recognize the water hole on Old Florida Road as an environmentally sensitive area.*

*In keeping with our goals of minimizing our impacts on the environment, we are instructing members and all motorized users of Old Florida Road to not cross the water hole.*

*We understand this issue is highly contested and are making progress in developing a solution palatable to all involved parties.*

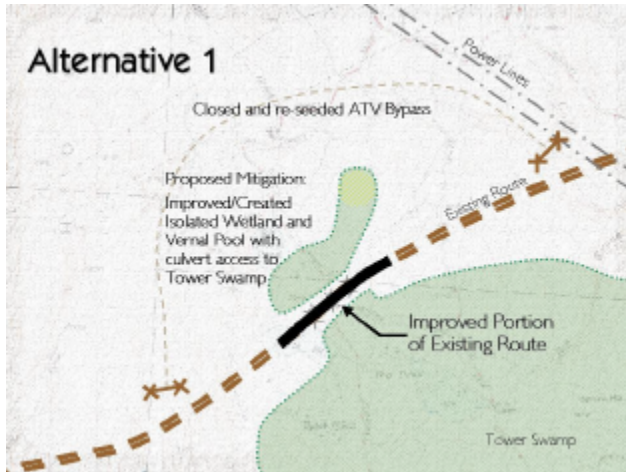
*In the meantime, we thank you for your cooperation in this process and will notify all Association members of any changes or updates to this policy.*

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development of environmentally-sustainable alternatives to road closure began. From the beginning, three 'build' alternatives were conceived: 1) a high-impact alternative; 2) a moderate-impact alternative; and 3) a low-impact alternative. This assumed that the historical practice of 'running the road however is most convenient' ends, and that a formalized agreement between the owner of the roadway (the Town of Florida) and the abutting property owner (the Massachusetts Department of Environmental Management, since re-designated to the De-

partment of Conservation and Recreation) would be choreographed by the Association.

The most intensive, "high-impact" alternative assumes that the roadbed would be reconstructed right through the water



crossing. This is an aggressive concept in that the roadway is currently 'discontinued for maintenance' by the municipality and would therefore require re-designation as an open, general purpose, public way. This also implies that a certified land survey of the roadway's right-of-way through the area of construction be conducted to determine the extents of the property. Beyond that minor stepping stone lies the Wetland Protection Act, which could potentially drag the project on for years. Finally, the Natural Heritage and Endangered Species Act comes into play as the Environmental Assessment uncovered vernal pools in the area of concern. None of these issues precludes this alternative from consideration, but they should be measured against the others for suitability, cost, and long-term impacts on the environment, the local economy, and the prospect of continued recreational value.

The proposed end results of the "high-impact" alternative are a newly-constructed permanent section of roadway bisecting the existing water crossing. Mitigation for the wetland impacts could potentially include connecting, expanding, and improving the conditions of the now cut-off wetland and vernal pool to Tower Swamp using available 'best management practices' (BMPs) as allowed by the Massachusetts Department of Environmental Protection (DEP). The existing upland ATV bypass would be barricaded, signed, and reseeded with native vegetation.

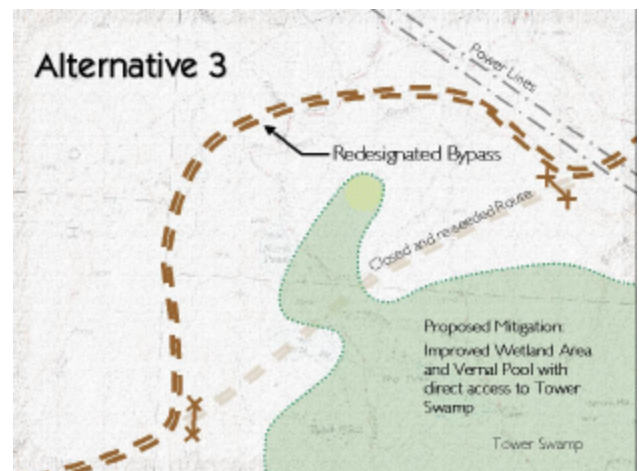
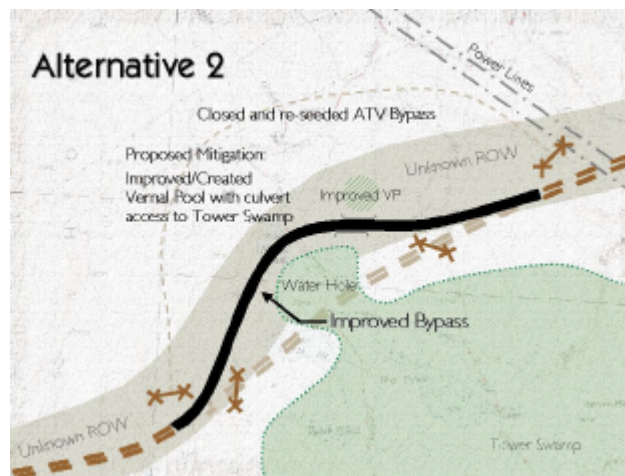
The second alternative proposes to construct a new 'bypass' around the water crossing on the upland side. Though possibly not as aggressive as the "high-impact" alternative, it is expected to be at least as costly financially, and would still involve the land survey and conformance with the Wetland Protection Act.

This alternative would also result in a newly-constructed, permanent section of roadway, but rather than bisecting the water crossing, would pass south of the wetland on the upland side, given it can be completed within the existing 66-foot right of

way. As in the "high-impact" alternative, the existing ATV bypass would be barricaded, signed, and reseeded with native vegetation to allow it to return to its natural state. The path through the water crossing would also be barricaded and signed. The approaches and banks on both sides of the water crossing would either be reseeded with native grasses or simply allowed to recover naturally (however determined appropriate by the DEP).

The third "low-impact" alternative is the Association's preferred choice and was arrived at from a slightly different approach. First, this alternative proposes to close down the existing water crossing — barricading and reseeded as appropriate. But rather than create a new path through or around the wetland, the third alternative proposes to utilize and enhance the existing ATV bypass (which has been used for a number of years by smaller vehicles) and avoids the mud and water of this portion of Tower Swamp entirely. The 'different approach' is that it requires cooperation with and agreement between the Town of Florida and the State Forest. Both parties involved (the Town and the Forest) would have to agree that the designated path for ALL motorized vehicles, regardless of size, would be the enhanced bypass. It then becomes a political decision for the State to either step up and arrive at a solution that meets the stated objectives of both parties (protect the environment and maintain the continued use of the roadway) or to publicly stand as an obstacle to progress and further damage relations with a municipality pivotal to ensuing plans for a proposed National Forest. In the opinion of this writer, it places the onus on the State to figuratively 'play its hand' with respect to motorized recreation and the environment.

To minimize costs, the land survey would be eliminated. There would be no need as the parties involved are no longer disputing the actual layout of Old Florida Road. The Association would offer to construct the barricades, fabricate and place the signage redirecting traffic, and enhance the ATV bypass to ensure suitability for full-sized motorized vehicles — all in cooperation with and under the direction of the municipality and the State Forest.



The Association has informally presented these alternatives to representatives of the Town of Florida. We have emphasized the financial, social, and environmental benefits of the preferred "low-impact" alternative. We have offered to sit in on meetings between the Town and the State Forest management to discuss the alternatives and to offer our services in facilitating any labor or work which need be performed. The Association has also prepared a draft 'request for proposals' for surveying services, should the Town decide to pursue either of the first two alternatives. Coinciding with our discussions with the Town of Florida was an invitation to participate in a regional forum to encourage multiple-use trails and facilities. The North East Land Access Coalition (NELAC) is a group of representatives from the municipal, business, and recreation fields. Our involvement in NELAC is to represent the interests of four-wheel-drive enthusiasts. The Coalition is charged with encouraging tourism and developing the network of backwoods roads and trails as a feasible economic engine to bring life into the communities of western Massachusetts. For this group, the Association has prepared a set of Geographic Information System (GIS) maps illustrating relevant environmental issues in the region. Also bumping into the headlines of local newspapers is the Massachusetts Executive Office of Environmental Affairs (EOEA) proposed model for a National Forest in the Berkshire region. This model seeks to convert State Forests and Parks into a National Forest and to expand this by purchasing "conservation easements" to private property throughout the region. While initially, federal involvement seems like a positive aspect to trail access, it is the exclusion of motorized recreation advocates from the planning and development process that is most disturbing. At one meeting, the EOEA's Director of Land and Forest Policy in effect publicly refused to allow motorized use within the limits of the proposed National Forest.

In the coming weeks it is expected that the Association will formally present the above alternatives to the Town of Florida's Board of Selectmen. We also expect to present a position on our proposed State legislation (Senate Docket #2276) which could remove the current '1,000-pound weight limit' regulation, affecting trails in State Parks and Forests. Additionally, members of the Association's Massachusetts Land Access Committee are working on models for a proposed 'sticker program' to provide a direct economic incentive to trail designation and maintenance across the political boundaries of western Massachusetts.

In the end, what began as a fight over a 300-foot segment of a three-mile trail, has developed into a far-reaching program of land access in this highly-contentious region of New England. All of the issues facing us as four-wheel-drive enthusiasts also face the municipalities and other motorized trail users as well. We recognize this fact and are working with national organizations such as the Blue Ribbon Coalition and the UFWDA to formulate strategies consistent with the goals of all trail users and beneficial to all the involved parties.

Credit for this effort goes to the many faces behind the scenes of the Association. The members of the Association's Land Access Committees, and the Board of Directors have been diligently preparing draft legislation, writing letters of support, attending public meetings, digging through municipal records, and talking with local advocates throughout New England and the nation. It is their continued efforts which keep the process moving forward and keep the light at the end of the tunnel lit.

If you have any questions or comments, please feel free to contact me via email at 'tm.wagner@verizonmail.com'

Thank you.

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Timothy M. Wagner  
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Massachusetts Land Access Committee Chair

