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Mr. Todd Frederick, Director  
Forest and Parks  
Department of Environmental Management  
251 Causeway St., Suite 600  
Boston, MA 02114

October 25, 2002

Dear Mr. Frederick,

I am writing to you regarding a situation that has developed on Old Florida Road/Adams Road in Adams and Florida, Massachusetts. Part of this road runs through Savoy Mountain State Forest. Ms. Rebecca Barnes, Region 5 Trails Coordinator for the Department of Environmental Management (DEM), has made it a point to exclude legally registered off-highway recreational vehicles (OHRVs) from this locally owned public right-of-way. Both the Town of Adams and the Town of Florida have preserved their rights to this road, which is no longer maintained by the towns but which remains a town-owned roadway. This was reaffirmed to the 4-wheel-drive community by the municipalities during the planning process of a massive cleanup of East Hoosac Road, Old Florida Road, and Central Shaft Road. This cleanup was coordinated by the New England 4 Wheelers, Inc.

Off-highway vehicle enthusiasts are organized through a network of many incorporated clubs such as New England 4 Wheelers, Baystate Jeepers, and Patriot Jeepers. There are also umbrella organizations such as the New England Association of 4 Wheel Drive Clubs (NEA4WDC). The primary function of the clubs and the organizations is the education of off-pavement users in proper trail etiquette as it relates to environmental concerns and safety. The NEA4WDC, in conjunction with the New Hampshire Department of Fish and Game, even sponsors safety patrols on New Hampshire back roads and trails. The primary focus of these safety patrols is the education of all trail users.

Historically, there have been concerns expressed by DEM officials that OHRVs operating on Old Florida Road/Adams Road were traveling onto State Forest property to bypass a waterhole at one end of the road. In response to these concerns and as an effort to maintain positive relations with the Savoy Mountain State Forest, members of the NE4WI erected a barrier during a club-sponsored cleanup of the road. This barrier was intended to stop OHRVs from traveling onto DEM property while permitting ATVs and bicycles to pass.

Recently, the nationally recognized Jeep Jamboree sponsored an event in this area and used Old Florida Road/Adams Road as a trail. Jamboree coordinators were instructed by DEM officials to temporarily take down the barrier and to use the bypass around the waterhole. In the opinion of many members of the 4-wheel-drive community, this instruction from state officials has set a precedent. Trails in Massachusetts are becoming increasingly scarce as the state, through the DEM and the Division of Fisheries and Wildlife, continues to purchase parcels of land that have been historically open to OHRV use through landowner permission. As soon as the state acquires these properties, the trails are summarily closed to all motorized vehicles except ATVs. This is tantamount to discrimination.

Furthering this discrimination and bordering on harassment were the most recent actions of Ms. Barnes, actions which have the entire recreational 4-wheel-drive community concerned. Prior to the Jeep Jamboree, the Environmental Police stopped members of a local organized club of 4-wheel-drive enthusiasts operating legally registered vehicles on Old Florida Road/Adams Road at the waterhole. The club members were informed that they could no longer operate their vehicles on the road at this location (the waterhole), and that they would be cited if they continued. When asked, the officer could not state exactly what they would

be cited for. Nevertheless she took the license plate number of each vehicle as they passed and continued on their way.

Days later, the attached letter from Officer Walsh of the Inland Bureau of the Massachusetts Environmental Police arrived at the homes of these club members, serving as an official "warning" not to follow the path they were on. This letter – an official statement from a law enforcement officer – is particularly disturbing on many fronts. First, Officer Walsh claims to have "conducted an investigation into the boundaries and path of Old Florida Road." However, it appears that this investigation amounted to no more than Officer Walsh meeting with Ms. Barnes and looking at the trail, some landmarks, and old maps.

Second, Officer Walsh stated that Ms. Barnes "proved beyond a doubt" where the road goes. As a "trails coordinator," is Ms. Barnes qualified to determine the legal bounds of a public right-of-way over which she has no authority? There was no searching of official town records, no discussion with local officials, no verification at the Registry of Deeds... just the word of a disgruntled "trails coordinator" to convince the law enforcement officer of where the town-owned road lies. Is it not customary in property line disputes for the parties involved to conduct a survey to document and validate those legally binding property lines?

Finally, given the current state of budget cuts in Massachusetts, is focusing all these efforts on a small segment of locally owned road a prudent way to spend what little resources the Department has?

This matter is apparently still under investigation, according to Officer Walsh; meanwhile, one might question the professionalism and objectivity of the law enforcement officer's research, given the statements made to date.

The goal of the local and regional 4-wheel-drive community, the organized clubs, and the umbrella organizations is the continued recreational use of Old Florida Road by responsible club members without harassment from DEM or the Environmental Police. This road is an asset to the communities and a recreational draw for the entire Northeast. As users of this and other public roads, we take great pride in our efforts to maintain the trails we use, to clean up the debris left by others, and to conserve the limited road resources available for our sport. Please work with us to foster a relationship that in the end proves advantageous to all parties.

Sincerely,

Carl Merrick  
New England 4 Wheelers, Inc., Board of Directors  
New England Association of 4 Wheel Drive Clubs, Land Use Committee

Enc.

cc: Peter Webber, Commissioner, Department of Environmental Management  
Peter J. Larkin, State Representative  
James J. Leitch, Town Administrator, Adams MA  
George Haddad, Chairman, Board of Selectmen, Adams MA  
Jana Hunkler-Brule, Town Administrator, Florida MA  
Chairman, Board of Selectmen, Adams MA

