



New England Mountain Bike Association

25 November, 2015

DCR Office of Public Outreach, 6th Floor
251 Causeway Street
Boston, MA 02114

Re: Executive Order 562 - Review of Massachusetts CMR

To Whom it May Concern,

Please accept the following as formal comments by the New England Mountain Bike Association (NEMBA) as part of EO 562, ordering review of the Code of Massachusetts Regulations (CMR). These comments cover regulations governing public recreation policies for properties of any agencies under the Executive Office of Energy and Environmental Affairs as well as policies or CMRs established by the Massachusetts Water Resources Authority (MWRA).

The Commonwealth has inconsistent, confusing and inequitable access policies for human-powered, non-motorized forms of passive recreation on its public lands that are open for public recreation. This is a particular problem for any lands under the jurisdiction the state agencies charged with water supply protection such as the MWRA or Division of Water Supply Protection (DWSP) which prohibit bicycle access while at the same time allowing all other forms of passive recreation such as hiking, running, skiing, and hunting. This problem is not limited to these agencies as properties directly managed by the Department of Conservaton and Recreation (DCR) also have policies with differential access with respect to mountain biking vs. other forms of passive recreation.

Further, logging with heavy equipment is allowed, which often completely strips the landscape creating erosive conditions as well as depositing petroleum fuel and waste directly into the watersheds they are supposed to be protecting. Motorized recreation such as snowmobiling is also allowed, with the same risks to the water supply from fuel and petroleum waste.

The state's own data and analysis, generated through Resource Management Plans (RMP), has determined that mountain biking has a similar impact as hiking (See Middlesex Fells and Harold Parker RMPs).

There is no data to support positions being held by MWRA, DWSP, or any other state agency or authority that bicycling is an environmentally harmful activity and should thus be banned from



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publicly-accessible trails of any kind open for passive recreation. In fact, all available scientific data and studies also support the fact that mountain biking and hiking have similar impacts. The MWRA and DWSP's decision making with respect to mountain biking is inconsistent with the Commonwealth's own data and cannot be justified as necessary to protect the resource when the activity in question has similar impacts to activities allowed. Public policy must be based on best available data and facts and not dislike or prejudice. The data and facts support the conclusion that mountain biking and hiking have similar impacts on the environment, and should be treated consistently across all publicly-accessible lands in Massachusetts open to recreation.

Therefore, NEMBA proposes the following language governing lands open for passive, human-powered forms of recreation in the Commonwealth of Massachusetts:

All trails on Commonwealth of Massachusetts lands available to the public for passive, non-motorized recreation use under any state agency, authority, board, or commission should simply be designated as shared-use for all forms of human-powered, passive recreation such as (but not limited to) hiking, biking, running, geo-caching, walking, skiing, snowshoeing, hunting, fishing, etc.

Designating all trails available for passive recreation as shared-use would greatly simplify the recreation management landscape in the state and put Massachusetts at the forefront of promoting and encouraging all forms of human-powered recreation in enjoying our great public land resources. It would also potentially result in large budgetary savings as thousands of hours of staff time spent assessing what forms of recreation are allowed on what trails would no longer be necessary.

Respectfully,

A handwritten signature in black ink that reads "Adam L. Glick". The signature is fluid and cursive, with a large initial "A" and "G".

Adam L. Glick, President
New England Mountain Bike Association

cc:

Acting Commissioner Daniel Sieger, DCR
Commissioner Martin Suuberg, DEP
Secretary Matthew Beaton, EoEA