

SPRING 2010 ECO-LOGUE INSERT

The Railroad of a Trail Project: An Update on the Auburn Trail

By Carol Hinkelman and Steven Daniel

Most of us recognize something intrinsic in our human connection to nature, what E.O. Wilson has termed "biophilia." It's what makes the loss of the Railroad Mills Special Environmental Area (RRMSEA) - a 3000' section of the Auburn Trail Extension - featuring exceptional bird, butterfly, and plant habitat, easy walking and special nature up-close experience, so senseless.

Yet Town of Victor officials continue to rally behind a misguided plan to widen the trail. Instead of an open process to find suitable alternatives for a community-valued trail, the process has been misused to justify an outcome planned from the start - a wide bike trail paved with stonedust. Such a bike path is fine in some places, but not everywhere. In RRMSEA habitat will be destroyed, rare species put at risk, and a special area, long used for nature outings, lost forever.

It won't be a place to linger for birds or butterflies. Corridors like the canal path are fine for exercise and cycling - most of us go elsewhere for nature outings.

A Failed Trail Planning Process - A Short History

Early this decade, we spoke at public meetings, and alerted the Town to concerns of impacts from proposed trail widening. In 2006 Victor applied and was awarded a grant to 'improve' the trail with a 10' wide stonedust surface, with no mention of environmental concerns.

A Coalition, with representatives from Sierra and other environmental groups, formed to advocate for RRMSEA. We hoped to work with the Town to find a compromise where the project could proceed and the sensitive environmental area protected.

Unfortunately it became clear that the Planners had no intention of finding a solution that would address our concerns about the environment.

A Project Advisory Committee was formed. It hasn't met since October 2008, after the Coalition wouldn't rubber stamp the Draft Report, with its plans for a wide stonedust trail.

In November 2008, the Coalition prepared a 21-page Response, highly critical of the Report. It cited Victor's biased planning process and its lack of environmental due diligence. The Town had ignored DEC advice to do plant studies. Our botanists reported two new NYS-threatened species - that by federal and state law (NEPA and SEQRA) had to be considered.

After the NYS Natural Heritage Program (a division of DEC) confirmed our findings, FHWA, the federal agency overseeing the project, took the unusual step of requiring Victor to prepare an Environmental Assessment (EA). An EA requires detailed environmental studies which the Town still attempted to avoid. In December 2008 it sent a delegation to Albany to lobby DEC's Chief Botanist, requesting he retract his recommendation for botanical surveys.

Meanwhile hundreds of people wrote to the Town, requesting a narrower trail in RRMSEA; many spoke at Town Board meetings.

NYS Ethics Law requires government employees to work for the public good in an unbiased manner. Yet at a public meeting we watched Brian Emelson, Victor's Project Manager, attempt to influence his Town Board. He gave them a packet (we learned this when one of our members picked up one left on a table after the meeting) that he characterized as public comments, not revealing he had handpicked just the comments that supported his desire for a wide trail.

Early in 2009, Victor's new Town Supervisor, Jack Marren, met with Coalition representatives. We hoped he would consider our *Vision* - which we felt was a win-win compromise. Coalition members would maintain the narrow trail, offer nature walks, and work with schoolchildren and others; we would develop the area into a showcase for environmental education. Our experts would assist the Town to write a proposal for a variance for a narrower width. The trail we proposed would be for multi-use - for cyclists, hikers, nature lovers, and the disabled.

But Victor was not interested. It planned to continue the process to construct a wide, stonedust bikeway through the sensitive environmental area.

The situation worsened by late 2009. After a year of recommending a 6' width, FHWA suddenly advised the Town to construct an 8' wide bikeway with 1' graded shoulders. It will create a 10' wide swath of habitat destruction.

A recent published article by Steven Daniel documents extraordinary plant diversity along the trail: 315 species of plants; over 71% are native. RRMSEA is also one of the region's birding and butterfly hotspots. It is recognized as one of our region's special environmental areas. Except by the Town of Victor.

Victor's Conservation Board originally supported a 3' width as best for the project. In December 2009, Coalition members asked it to oppose this new, more destructive plan. At a meeting attended by vocal project advocates, the Conservation Board voted to support the Town's proposal. Connections and politics trumped the environment.

What is Next? What Can You Do?

The EA is planned for release shortly, after which there will be a 30 day Public Comment period and Public Hearing. You should send comments, and come to the Hearing. If the Town and FHWA approve the EA, the only recourse is a legal one. We are considering a legal defense fund.

In the grand scheme of things the Auburn Trail isn't one of the great environmental issues of our time - not like global warming or natural gas drilling. But the piecemeal loss of important environmental areas is a major local issue. "Death by a thousand cuts" is what our dear friend Christine Sevilla called it, shortly before her tragic death last fall. If this project goes through it will be a loss for us, our children, and the future.

See www.saveauburntrail.org for the latest information. Every voice counts.

VERY RECENT UPDATES (March 2010)

We have recently discovered the following violations, and have forwarded the information to oversight agencies.

- The consultant billed over contracted rates.
- In violation of federal guidelines, the consultant billed for work done before it had a contract.
- The consultant selection process violated NYS DOT guidelines, which follow state and federal law.

• Although the Project Planners told us the trail could not leave the railroad berm, we learned that in an earlier project **in Victor**, the trail left the railbed for over a mile and used road shoulders. We are now recommending a walking trail in RRMSEA, and a cycling detour on road shoulders. It is a solution that creatively meets the project objectives and requirements. We hope the Town and Coalition can work together on this to move this project forward.