New York State Conservation Council Inc.
8 East Main Street, Ilion, New York 13357-1899

MEMORANDUM IN OPPOSITION

Bill # **A 6002** Englebright Same as **S 4600** Lavalle

Title: Prohibits the operation of all-terrain vehicles in the state forest preserve, Long Island central pine barrens area and Albany pine bush preserve.

The stated purpose of this bill is to protect the state forest preserve, the Long Island Central Pine Barrens and the Albany Pine Bush Preserve from damage caused by illegal all-terrain vehicle (ATV) use by prohibiting the operation of ATVs by the general public.

Justification:

The NYSCC opposes this legislation. The stated purpose of the proposed legislation is to protect sensitive state forest preserve lands from damage from illegal ATV operation. This is a red herring; the underlying objective is clearly to prohibit all ATV operation by the public, regardless of purpose or impact. It has less to do with the well-being of the preserves and more to do with the objection of a self-selected consortium to an activity of which they personally do not approve.

Soundly managed ATV access allows members of the public to enjoy legitimate entree to the forest preserve which would otherwise be inaccessible. Appropriate operating practices do not pose any ecological threat to the preserve. The term "within the forest preserve" could even be construed to include all lands physically within the preserve area perimeter but not forest preserve lands (e.g. town roads and trails).

The health of the preserve can be effectively protected via the regulatory process. The development procedure for Unit Management Plans provides ample opportunity for both the public and the state's professional staff to participate in the planning process. This is the proper forum for balancing the mutable desires for public use with the evolving needs of the forest itself. And after all, the public is the owner ne plus ultra.

If law enforcement does not have adequate fiscal or statutory resources to deal with illegal ATV operations, that is the problem that should be addressed. The approach offered by this legislation is akin to dealing with highway traffic violations by shutting down the Thruway.

Contact:

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