

MEMORANDUM OF UNDERSTANDING

between the
New York State Department of Environmental Conservation
and the
New York State Off-Highway Recreational Vehicle Association

This Memorandum of Understanding (MOU) is executed to provide cooperation and coordination between the New York State Department of Environmental Conservation (Department) and the New York State Off-Highway Recreational Vehicle Association (NYSORVA) on land management and education issues relating to safe and responsible use of public lands by off-highway vehicles (OHV'S) and the promotion of opportunities for OHV recreational use. It further establishes the recognition of NYSORVA as the sole representative of the OHV clubs, supporters and enthusiasts that comprise the membership of NYSORVA.

AUTHORITY

Sections 1-0101 (2) and 3-0301 (1)(a)(b) of the Environmental Conservation Law authorize the department and the commissioner to enter into agreements to improve and coordinate the plans, functions, powers and programs of the state in cooperation with private organizations.

WHEREAS, the purpose of this MOU is to establish a working relationship between the department and NYSORVA through which mutually beneficial programs, work projects or activities may be planned and accomplished;

WHEREAS, such programs, projects and activities shall complement the mission of the department;

WHEREAS, the department has the authority and is dedicated to wise and responsible management of the state's natural resources for a variety of uses and activities, including outdoor recreation, and is interested in promoting outdoor recreation and providing opportunities for volunteerism;

WHEREAS, NYSORVA is dedicated to promoting and strengthening the positive OHV interest in the state and to form partnerships with state agencies and officials responsible for trail development; to supporting OHV groups through improved organization skills and increased membership; to promote a positive image of the sport; to creating a statewide communication network; to provide reference materials in club management, community benefit activities, resource development,

OHV safety and others; to develop partnerships with decision-makers to help them recognize the importance of OHV recreational use; and to ensure that all NYSORVA members are aware of OHV safety rules.

WHEREAS, NYSORVA is a non-profit organization dedicated to the safe, responsible and environmentally sound use of public and private lands;

WHEREAS, NYSORVA membership is represented on the New York State Trails Council, an advisory group to the department;

WHEREAS, the department's programs and management activities would benefit by the execution of this MOU; and,

WHEREAS, NYSORVA has demonstrated a willingness and enthusiasm to cooperate with the department in the development of programs, activities, unit management plans and other management decisions;

NOW, THEREFORE, in consideration of the above premises, and mutual covenants contained herein, the department and NYSORVA hereto agree as follows:

THE DEPARTMENT SHALL:

1. Cooperate with NYSORVA in identifying and defining appropriate OHV sites and undertaking various projects, where feasible, to permit the wise OHV use of the lands under its administration.
2. Encourage its officers and employees to participate with NYSORVA and its local membership clubs in developing mutually beneficial projects and activities.
3. Make available for OHV use, Department lands which are deemed suitable for off-highway vehicles after the Department evaluates the potential impacts on the natural resources and potential conflicts with other users, for the furtherance of the OHV sport, subject to the New York State Constitution, applicable federal and state laws, rules and regulations, The Adirondack Park and Catskill Park State Land Master Plans, unit management plans and other management direction, and subject to approval by the commissioner or designated representative.
4. Share information with NYSORVA regarding proposed projects, activities, unit management plans and other management decisions that would affect current and future OHV use.

NYSORVA SHALL:

1. Interact with the department in the development of unit management plans and other management decisions.
2. Cooperate with the department in identifying, defining and undertaking various projects on department lands that would facilitate mutually achievable benefits.
3. Encourage its affiliated local OHV clubs to meet with local department officers and employees to discuss and identify opportunities for cooperative work on mutually beneficial projects or activities.
4. Share information with the department regarding initiatives of NYSORVA with respect to land use and OHV club support.
5. Serve as a clearing house for both the department and its member clubs to obtain information pertaining to opportunities for local partnerships.
6. Subject to no endorsement of the department, publicize this partnership in trade and consumer press to encourage the OHV industry and users to adopt an environmental ethic which emphasizes enjoyment and protection of public and private property.
7. Subject to no endorsement of the department, promote and publicize the principles of environmentally sound use of public lands, such as those embodied in the national "Tread Lightly!" campaign.

IT IS MUTUALLY AGREED AND UNDERSTOOD BY AND BETWEEN THE DEPARTMENT AND NYSORVA THAT:

1. The local contact persons for the department are the Regional land managers, who have the authority to enter into local, mutually beneficial programs and activities.
2. The local contact persons for NYSORVA are the chief officers of the member clubs.
3. This MOU may be modified or amended upon written agreement of the department and NYSORVA. This MOU will remain in effect until terminated by either party, following a 30-day written notice to the other party.
4. This MOU may be revised as necessary by mutual written consent of both the department and NYSORVA.
5. Nothing herein contained shall be construed as involving the department or the State of New York in any contract or

other obligation to expend funds for the development of programs, activities, development and maintenance of OHV trails or enforcement of federal, state or local law or ordinance or department rule and regulation, unit management plans or other management decisions.

6. Nothing herein contained shall be construed as limiting or affecting in any way the management authority of the department.

7. Nothing herein contained in this MOU shall be construed as giving NYSORVA any type of exclusive arrangement with the department to the detriment of other interested groups or organizations.

8. In carrying out the terms of this MOU, there shall be no discrimination against any person because of race, color, creed, sex, national origin or disability.

IN WITNESS WHEREOF, the department and NYSORVA have executed this MOU as of the last written date below.

For the Department:

MT J. J. [Signature]
Commissioner

10/16/96
Date

For NYSORVA:

Cheryl A. Nelson
President

7/6/96
Date