

# What to know about the DEC Draft ATV Policy

## What to say at the Public Meetings being held throughout April and May

A Commentary provided by your statewide ATV/OHM association, NYSORVA. (4/9/05)

See [www.nysorva.org/documents/DECdraftPolicy.htm](http://www.nysorva.org/documents/DECdraftPolicy.htm) for more information and a copy of the Draft.

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DEC has published a draft Policy document intended to direct how DEC staff should respond, or more accurately how *not* to respond, to the interests of ATV recreationists with regard to access to state-owned public lands under their jurisdiction (does not include Parks lands).

The basic points this draft contains:

- DEC will in general discourage the use of and access by ATVs on any DEC-owned land.
- DEC will refuse to recognize the legitimacy of ATV recreation, the idea riding for the sake of riding itself, therefore ATVing will not be a “program” under DEC’s mandate to provide for recreation. Instead ATVs must be used only to access “traditional programs” such as hunting and fishing.
- DEC essentially will not develop ATV access anywhere in the Forest Preserve, though they claim the door is open for it— that door has been slammed shut effectively already by recent action on such land units as Independence River Wild Forest and others.
- DEC’s 1993 Position Statement on ATVs stated “*ATV trails can be established, maintained, and used with no irreversible environmental damage*” and recommended “*that trails be established, where feasible, on State Reforestation Areas to provide a recreational opportunity to a sizable constituency which has expressed the need for a place to ride ATVs.*” In direct reversal of this and other statements made in several Department documents, the draft Policy discourages developing access on reforestation areas— despite common and legally-intended use of RAs for resource extraction like logging, and intensive recreation.
- DEC says it will promote ATV access on “Recreational Easements” but technical flaws in the Policy could prevent trail opening or cause closure even after careful planning and expensive development has occurred, potentially reverting trails paid for with motorized funds to non-motorized-only use.
- Reforestation area and recreational easement access is contingent upon the vague proof of “suitable soil quality” and notably of the proof of funding for development— before any ATV access plan can even begin to be considered. In no other case in any Policy of DEC is the pre-judgment of the ability to complete a trail project a contingency on moving the idea forward— ATVs are unfairly held to a much higher standard than all others, without reason.

Besides forming your commentary based on the above ideas, and your own interpretation of the Draft Policy (see web site), here are some questions you should ask DEC officials whom you will greet at the meetings:

- So how is it that you can discriminate against my form of recreation without any basis in law and science and in the face of previous pledges of the agency to work with us to build trails?
- How is it that we have to prove we will not have first broken laws, that we will have no impact on the environment, and that we will be able to provide special funding for proposed ATV access projects when no other non-ATV trails need to prove these things to get opened? If you applied these standards to the degraded hiking trails up Mount Marcy, would you not have to close them from public access until all problems were solved and future impacts guaranteed preventable?
- If you open roads and trails, particularly on easement lands, specifically for ATV use, and if non-motorized use then occurs on these motor-specific routes and the non-motorized users complain of conflicts with motorized users, why is it that this Policy says that DEC must favor the non-motorized user and then close these routes to ATVs when ATVs where the planned dominant use?

You are encouraged to bring up any ATV-related issue that you think is relevant to this Policymaking process. Economic and social benefits of riding, such as family activity and helping local businesses are good examples. Fairness for all is a good theme too, and if there is anything that has been missing from how DEC has treated ATV enthusiasts over the years, it has been fairness. Now the attempt to make Policy of long-institutionalized unfair treatment add insult to injury.

In addition to participation at the meetings, your commentary on the Draft ATV Policy can be sent to DEC by: e-mail [lflands@gw.dec.state.ny.us](mailto:lflands@gw.dec.state.ny.us) (Subject “ATV POLICY”), or to Robert Davies, NYSDEC, 625 Broadway, Albany, NY 12233-4250, or by phone (518) 402-9405.

**Thank you all for standing up for rights as citizens pursuing a legal form of recreation in New York!**