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Press Release:
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RE: BRV4WC's Law Suit against NYS DEC

The lawsuit challenges what is in essence a wholesale ban by DEC of off-road motorized recreation in a remote portion of the western Adirondacks known as the "Lewis Crescent." In this case, DEC has made a fundamental statement of its philosophy to prohibit ATVs unless a "legitimate reason" exists for continued ATV use.

DEC's authority in the Adirondacks is a creature of State Constitution. In the constitutional sense, there are only two activities that are not "legitimate reasons" and are properly prohibited: the substantial taking of trees, and, the creation of new highways, each of which would require a constitutional amendment to accomplish, and neither of which are involved in the continued use by ATVs of the long established motorized recreational trails located within the Lewis Crescent.

Under Article XIV of the State Constitution, the Forest Preserve is to be protected for the people, not from the people. DEC is only the caretaker and custodian of public lands held in trust for the beneficial use by all the public. Importantly, BRV4WC does not seek to ride everywhere in the Adirondacks, but rather, the much more modest position that it may ride somewhere.

The Lewis Crescent is ideally suited to the continued historical use for off-highway motorized recreation. BRV4WC only seeks a fair and proper interpretation by DEC of the governing statutes and constitutional history. By its decision denying DEC's motion to dismiss the complaint, the Court has found merit to BRV4WC's case and will allow it to proceed.

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