

OVERVIEW

Public ATV Access on DEC Lands

Presentation at Public Meetings
Spring 2005

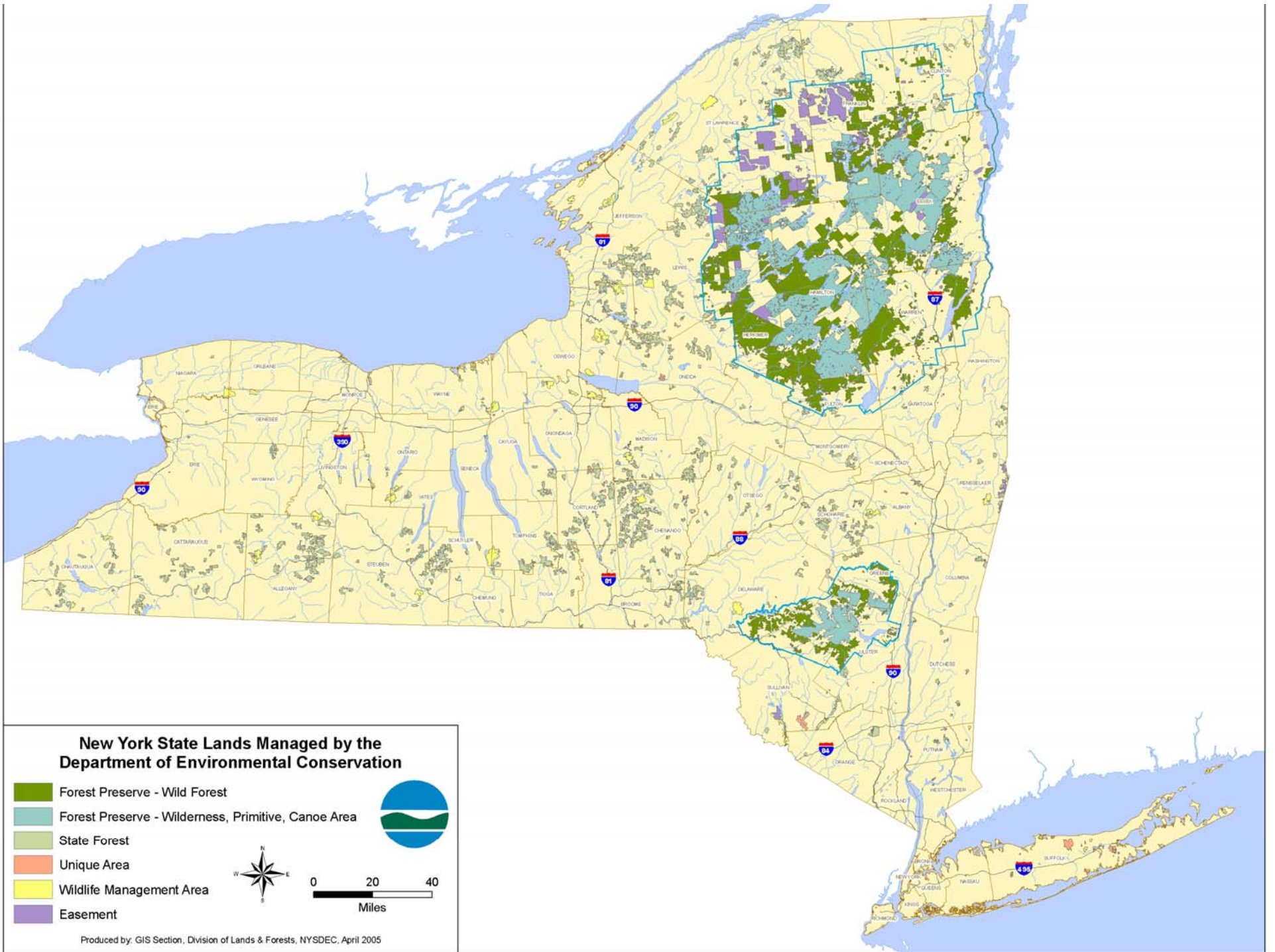


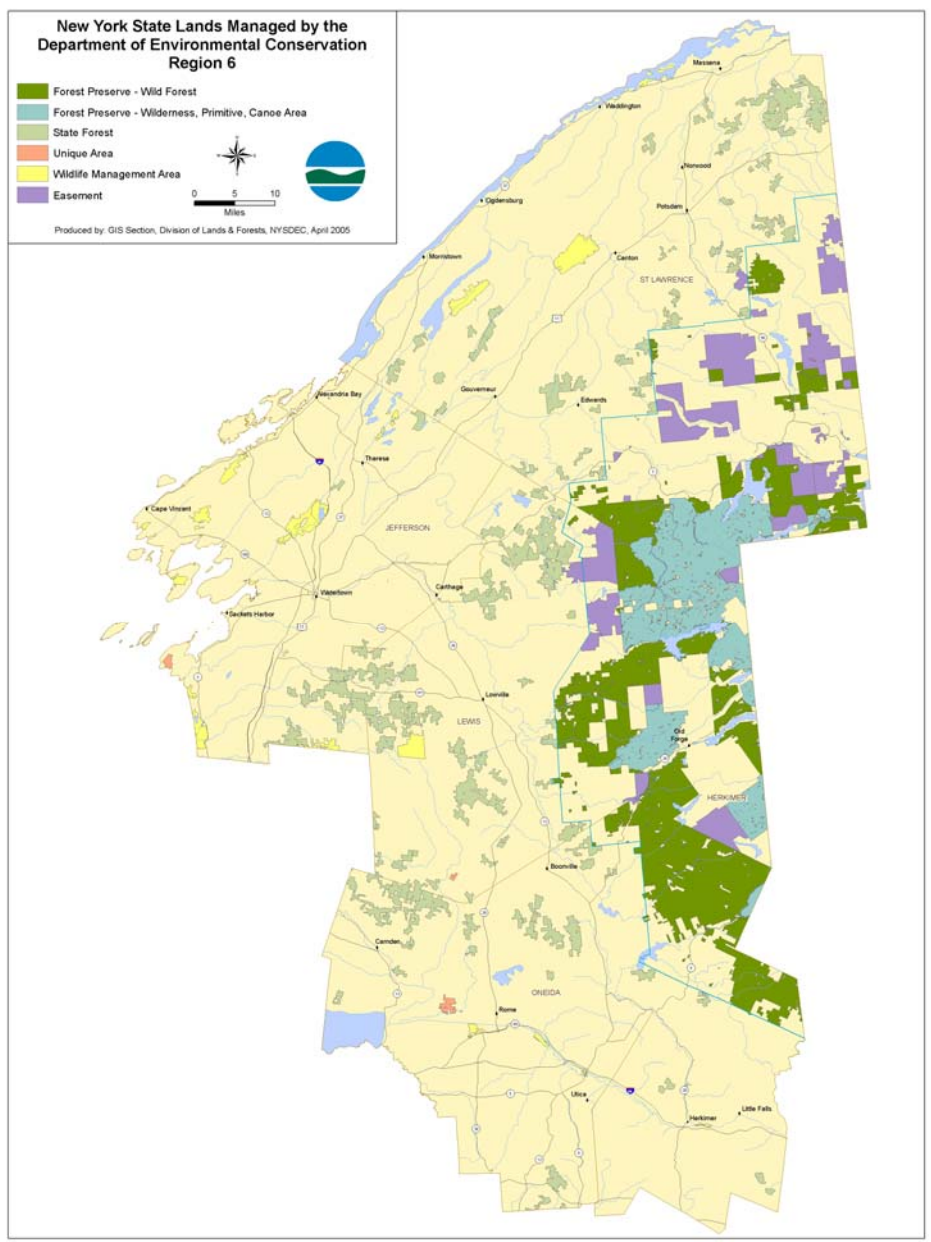
Draft Policy Released March 2005

DRAFT ATV Policy for
Public Access to Recreational Programs
On the
Forest Preserve, Reforestation, Multiple Use,
Unique, Wildlife Management Areas,
Education Centers and
Conservation Easement Lands

NYS Department of Environmental Conservation







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History of the Issue

Critical to Understanding
Current Focus on Public
ATV Access



Pre-1980's

- Motor vehicle roads provided public access to traditional recreational programs such as hunting, fishing, wildlife viewing and hiking.
- Access was traditionally by car, truck, 4-wheel drive vehicles, jeeps and “doodle bugs.”





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1980's

ATVs began replacing jeeps and doodle bugs as a means to access public lands for recreational purposes.



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1990's - Present

- Improved ATV design and technology provided increased versatility of ATVs.
- Contributed to a growing interest in using ATVs as a means of access to recreational opportunities on public lands.
- Contributed to a demand to provide opportunities on public lands for ATV riding as a unique recreational pursuit.



Department's Mission

“to conserve, improve, and protect its natural resources and environment, and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well being.”

Taken from Section 1-0101 of the NYS ECL

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DEC Management Responsibility

- Environmental Conservation Law (ECL)
- Department Rules and Regulations
- Adirondack and Catskill State Land Master Plans (SLMP)
- Vehicle and Traffic Law (VTL)



ECL – Article 3

- “Promote and coordinate management of water, land, fish, wildlife and air resources to ensure their protection, enhancement, provision, allocation and balanced utilization consistent with the environmental policy of the state...”



ECL – Article 3 (continued)

- “Provide for the care, custody and control of the forest preserve”
- “Provide for the protection and management of marine and coastal resources and of wetlands, estuaries and shorelines”
- “Assure the preservation and enhancement of natural beauty and man-made scenic qualities”



ECL – Article 3 (continued)

- “Provide for the prevention and abatement of all water, land and air pollution including but not limited to that related to particulates, gases, dust, vapors, noise...”
- “Promote restoration and reclamation of degraded or despoiled areas and natural resources”



ECL – Article 3 (continued)

- “Formulate guides for measuring presently unquantified environmental values and relationships so they may be given appropriate consideration along with social, economic and technical considerations in decision making”



ECL – Article 3 (continued)

- “Assess new and changing technology and development patterns to identify long-range implications for the environment and encourage alternatives which minimize environmental impact”
- “Encourage activities consistent with the purposes of this chapter by advising and assisting local governments, institutions, industries and individuals”



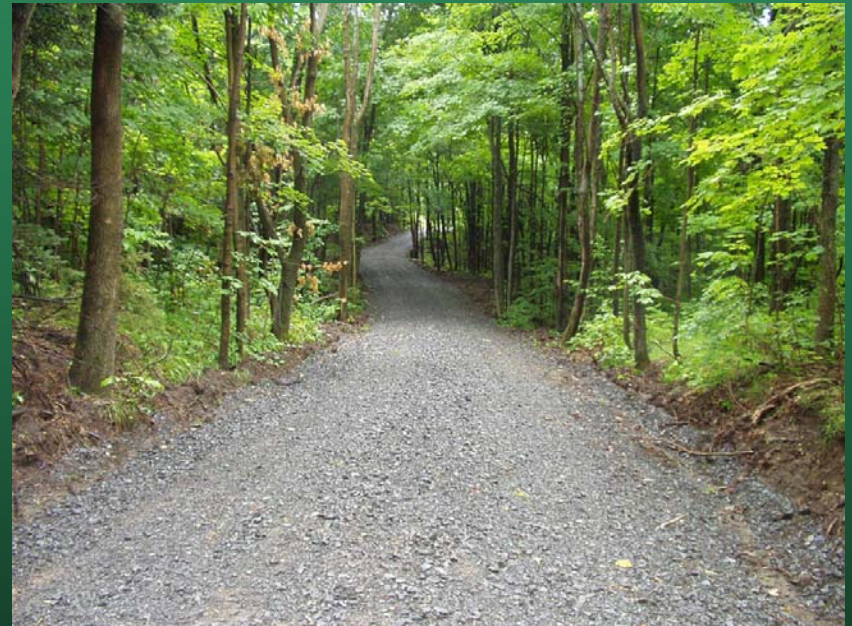
ECL – Article 9

- “All lands in the Catskill park and Adirondack park....shall be forever reserved and maintained for the free use of all the people...”
- (Reforestation areas)
“...for watershed protection, the production of timber and other forest products, and for recreation and kindred purposes...”



DEC Response on Public Lands

During the past 20+ years, the DEC opened some roads and trails to public ATV access.



Current Situation

- Approximately 125,000 ATVs registered statewide with DMV.
- It is estimated that there are almost twice that many unregistered ATVs statewide.
- Increased ATV registrations – increased pressure for ATV access on public and private lands.



Increased use of ATVs has led to issues for public and private land owners, managers and the public.

- User conflicts
- Illegal trespass on adjoining public and private lands
- Impacts to wetlands, roads, trails and associated resources



In Addition...

The increase in demand for more ATV opportunities on public and private lands has led to issues that have been litigated by the courts.



These decisions held that a governmental body opening a road to ATVs must make specific findings pursuant to the V&T Law

- Santagate v. County of Franklin, Supreme Court, January 28, 1999
- Brown v. Town of Pitcairn, Supreme Court, March 13, 2003
- Brown v. Town of Pitcairn, Supreme Court, August 19, 2003



Vehicle & Traffic Law §2405(1)

For Forest Preserves, Reforestation, Multiple Use and Unique Areas:

- ATVs are not allowed on public highways unless the purpose is to provide access to adjacent trails and areas that are legally open to the public use of ATVs, and;
- there is no other way to access these legally opened areas.



Why are we
addressing this issue
today?



Pressure to provide additional ATV access on state land.

- Hatfield-McCoy Recreation Area
- MA state forests
- New Hampshire
- Allegheny National Forest
- Vermont pilot program



Pressure to prevent and mitigate impacts on natural resources.



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So...

- ATVs are being used on DEC lands, both legally and illegally...
- DEC has a statutory responsibility to manage and protect State owned lands under DEC jurisdiction...
- Therefore, DEC is obligated to develop policy to provide land managers with the tools to consistently address ATV issues.



DEC Response: Draft ATV Policy

DRAFT ATV Policy for Public ATV Access to Recreational Programs on the Forest Preserve, Reforestation, Multiple Use, Unique, Wildlife Management Areas, Environmental Education Centers and Conservation Easement Lands	
<small>New York State Department of Environmental Conservation</small>	
DEC Policy	
Issuing Authority: Commissioner	
Date Issued: ****DRAFT****	Latest Date Revised: 3-9-05

I. Summary:

All Terrain Vehicles (ATVs) are one of several possible modes of access to public and easement lands owned and/or managed by the Department. These lands include Forest Preserve lands, Reforestation, Multiple Use and Unique Areas, Conservation Easements, Wildlife Management Areas and Environmental Education Centers. This policy sets forth criteria for determining the suitability of roads or trails to be opened or remain open to public ATV access (1) through the Unit Management Planning (UMP) process established for Forest Preserve, Reforestation, Multiple Use and Unique Areas and (2) pursuant to the terms of each individual Conservation Easement and associated Recreational Management Plans. Finally, this policy prohibits the public use of ATVs within the boundaries of Wildlife Management Areas and Environmental Education Centers, with the exception of ATV use by persons with CP-3 permits and Non-Ambulatory Hunting permits.

II. Policy:

A. PUBLIC LANDS

All Terrain Vehicle (ATV) riding is not a specific program offered on public lands owned in fee and managed by the Department. Further, the Department does not encourage ATV use on such lands. ATV use, however, is one of several possible means that the public may utilize to access Department programs (e.g., hunting, fishing, camping, and hiking) on public and easement lands that are deemed appropriate for such use and are open to public ATV access. The suitability of roads or trails in the Forest Preserve, Reforestation, Multiple Use



PURPOSE OF POLICY

To set forth standards and criteria for determining the suitability of roads or trails to be opened or remain open to public ATV access.



Policy Provisions

- ATV riding is not a program offered on state lands owned in fee by the DEC.
 - Motor vehicle “riding” is not a traditional DEC program
 - Motor vehicles have traditionally served to “access” DEC lands.



- The DEC does not encourage ATV use on DEC lands.
- Opportunities for public ATV access will be evaluated through the UMP process for Forest Preserve, Reforestation, Multiple Use and Unique areas.



- ATV access will only be on designated motor vehicle roads and trails in Reforestation, Multiple Use and Unique Areas.
- ATV access will only be on designated public motor vehicle roads in the Forest Preserves.



- Public ATV access is prohibited in Wildlife Management Areas, and Environmental Education Centers.



POLICY CRITERIA



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Natural Resource Protection Criteria

For all areas:

The road or trail will not be opened to public ATV use if the Natural Resources cannot sustain continued motor vehicle use by ATVs.

Example – Soil Erosion into streams or wetlands



Adirondack and Catskill SLMPs

Forest Preserves:

On State lands classified as Wild Forest, ATVs are allowed only on public motor vehicle roads, under certain circumstances (as defined in other policy criteria).



6NYCRR Section 196.1

On Forest Preserve lands, ATVs are only permitted on roads.



Compatibility with other Public Use

For All Areas:

Public ATV access must not displace or significantly interfere with other public use of the road or trail as provided for in a Unit Management Plan or Recreation Plan.



Program Access

*Forest Preserves,
Reforestation, Multiple Use
and Unique Areas:*

Public ATV use is only to provide access to a recognized recreational program, such as hunting, fishing, trapping, camping or wildlife observation.



Public Safety

For All Areas:

Roads must be safe for operation of ATVs, including posting of signs for speed limits, stopping, caution and curves. The UMP or Recreation Plan must establish that the surface can be constructed, rehabilitated and maintained to prevent dangerous conditions.



Maintenance

For all areas:

Appropriate soil conditions and maintenance funds must exist to ensure that the roads and trails can be maintained to prevent a recurrence of muddy or eroded conditions.



Illegal Off-Road ATV use

Forest Preserves:

It must be demonstrated that no significant illegal ATV use off of the road has occurred and that sufficient measures can be taken to ensure that such use will not likely occur.



*Reforestation, Multiple Use and Unique Areas
and Conservation Easements:*

It must be demonstrated that sufficient measures will be taken to prevent illegal ATV use off of the designated road or trail.



Seasonal Use

For All Areas:

If public ATV access is needed to access Department programs on a seasonal basis, routes may be opened on a seasonal basis to public ATV access by TRP.



Education and Enforcement

For all areas:

Public ATV use will be monitored for compliance. If non-compliance occurs, alternative actions will be implemented. Signs, brochures, maps and increased patrols will be used to inform users where legal and safe opportunities exist.



ATV Access for Persons with Disabilities

Forest Preserves:

Access for people with disabilities will be established through the UMP process in compliance with the SLMPs and be provided by permit only under CP-3.



Reforestation, Multiple Use and Unique Areas:

Roads or trails otherwise closed to public motor vehicle access may be opened for these purposes on a permit basis under CP-3.



Conservation Easements:

Roads or trails may be opened to persons with qualifying disabilities on a permit basis under CP-3 by mutual consent of the underlying fee owner and the DEC and provided for in the terms of the easement.



Additional Criteria for Conservation Easements

- The right to provide public ATV access will be established pursuant to the terms of each individual conservation easement.
- The rights of the underlying fee owner will be respected.



Ideas for Possible Conditions

- Low impact tires
- Seasonal use
- Hours of operation
- Size, weight, hp
- Noise, mufflers
- Spark arresters
- Winches



Governor's Budget Proposal

- Increase registration fee from \$10 to \$45.
- Annual appropriation of \$850,000 to ATV Trail Fund.
- Establish State Assistance Program for safety, education, enforcement and trail development and maintenance.



Recent Legislative Action

- Increase registration fee from \$10 to \$25.
- Dedicated fund, not annual appropriation.
- In 2005-05, all revenues to go to General Fund.
- Require dealers to register ATVs at point of sale.
- Dedicated ATV Trail Development, Enforcement and Stewardship Fund.



Additional Meetings

- April 13 – Long Island 7 to 10 pm
- April 26 – Canton 5 to 8 pm
- April 27 – Tupper Lake 5 to 8 pm
- April 28 – Glens Falls 6 to 9 pm
- May 2 – Utica 5 to 8 pm
- May 3 – Buffalo 5 to 8 pm
- May 4 – Rochester 5 to 8 pm
- May 5 – Syracuse 5 to 8 pm



Rob Davies, Director

Attn: ATV Policy

Division of Lands and Forests

NYSDEC

625 Broadway

Albany NY 12233-4253

Or email to lflands@gw.dec.state.ny.us

Subject: ATV Policy

Comment period ends May 27, 2005

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