



# Empire State Forest Products Association

*The people behind New York's healthy forests and quality wood products*  
*www.esfpa.org*

47 Van Alstyne Drive / Rensselaer, New York 12144 / p: 518-463-1297 / f: 518-426-9502

*Chairman*  
Michael J. McLarty  
Finch Paper, LLC

*Vice Chair*  
Jennifer DeFrancesco  
B & B Forest Products, LTD

*Treasurer*  
Christopher Truso  
Farm Credit East

*Secretary*  
Sarah R. Bogdanovitch  
Natural Resources Consultant

*Immediate Past Chair*  
Sean Ross  
Lyme Timber Company

*Executive Director*  
John K. Bartow, Jr.

---

Sarah Boggess  
ReEnergy Holdings LLC

Pat Buff  
B&B Lumber Co.

Timothy Burpoe, CF®  
Molpus Woodlands Group, LLC.

René H. Germain, Ph.D.  
SUNY ESF

Thomas E. Gerow, CF  
Wagner Lumber Company

Dennis Gingles  
International Paper Co.

Doug Handy  
A&H Forest Management, Inc.

Michael W. Hanlon  
Cotton-Hanlon, Inc.

Damon Hartman  
Prentiss & Carlisle

Craig Jochum  
Craig Jochum Logging

Susan Keister  
Susan Keister, LLC

Elizabeth Lesnikoski  
Burlington Electric

Paul Mitchell  
Paul J. Mitchell Logging, Inc.

Charles Niebling  
New England Wood Pellet, LLC

Jack Santamour  
LandVest, Inc.

Edward G. Wright  
W.J. Cox Associates, Inc.

John Zemanick  
Gutchess Lumber Company

*Counsel*  
Dennis J. Phillips, Esq.  
McPhillips, Fitzgerald & Cullum

## **Memorandum of Support**

### **A 201/S 1932**

Honorable Aileen Gunther  
Member of Assembly  
826 LOB  
Albany, NY 12248

Honorable Patty Ritchie  
Senator  
302 LOB  
Albany, NY 12247

January 23, 2021

Dear Assemblywoman Gunther and Senator Ritchie:

The Empire State Forest Products Association (ESFPA) represents over 300 businesses, industries and landowners engaged in forest resource production and stewardship of New York's 19 million acres of forest. In total, \$22.8 billion dollars in annual industry production and nearly 100,000 jobs are attributable to operations of various industries within the forest related sectors. There are over 200,000 private forest landowners who also depend on sound forest and timber management and production to help them keep their forests as forests.

This bill seeks to encourage the owners of land and water areas to permit their use for recreational activities. Landowners may be more receptive to opening their lands for recreational use if they would not be subject to liability for doing so. In order to promote the availability of recreational opportunities, the liability of landowners is limited in GOL § 9-103.

GOL § 9-103, commonly referred to as the Recreational Use Statute, affords landowners immunity from liability based on a failure to keep premises safe for entry and use by others for specific recreational activities, including: hunting, fishing, organized gleaning, canoeing, boating, trapping, hiking, cross-country skiing, tobogganing, sledding, speleological activities, horseback riding, motorized vehicle operation for recreational purposes, snowmobile operation, cutting or gathering of wood for noncommercial purposes or the training of dogs. One of the concerns for landowners is that this list does not include all recreational activities for which a landowner may make their land

available to the public. For example, hiking is a covered activity but walking is not. This bill would address this incongruity by including all recreational activities in GOL § 9-103. In addition, this bill would clarify that property owners would be protected if they allow individuals to pass over their land in order to participate in a recreational activity.

This bill would not change the existing protection from a landowner's willful or malicious failure to guard or to warn against a dangerous condition, use, structure or activity. It would not apply in cases where a fee is paid for any recreational use.

ESFPA supports this legislation in that it helps to provide the public with recreational benefits of privately owned forest land and further protects those landowners from onerous liability which would dissuade them from allowing public access. New York's 14 million acres of privately owned forests are a resource of tremendous public ecosystem and economic benefits, recreation being just one of many values. Ensuring that these lands can be made accessible to the public by willing land-owners helps to support outdoor recreation and tourism opportunities throughout the State and also adds value to the private land owner.

cc: Assembly Judiciary Committee Members  
Senate Judiciary Committee Members

**For More Information Contact:**

John K. Bartow, Jr.  
Executive Director  
Empire State Forest Products Association  
47 VanAlstyne Drive  
Rensselaer, NY 12144  
Tel (518)463-1297  
Cell (518) 573-1441  
[jbartow@esfpa.org](mailto:jbartow@esfpa.org)