



Empire State Forest Products Association

The people behind New York's healthy forests and quality wood products

www.esfpa.org

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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:

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