



ENVIRONMENTAL
ADVOCATES OF NEW YORK

OPPOSES



Key to Legislative Ratings:



Major Detriment



Substantial Detriment



Detrimental

ADIRONDACK DEAD TIMBER

S.1123 (Little, et al.)

A.1325 (Aubertine, et al.)

Summary

This bill is a concurrent resolution of the Senate and Assembly that proposes to amend Section 1 of Article XIV of the state Constitution to authorize the gathering of dead timber from the floor of the state forest preserve when such timber is located on the side of a public highway.

Explanation

The mandate of Article XIV of the New York State Constitution, that the forest preserve shall be kept forever wild, and that timber thereon shall not be sold, removed or destroyed, is unambiguous and leaves no room for interpretation. The framers of Article XIV clearly intended to stave off the activities the concurrent resolution proposes to allow.

Moreover, this bill is at once over broad, unclear and unenforceable. There are no definitions for the terms “dead timber”, or “on the side of a public highway”. Left to the average citizen these terms could have greatly disparate meanings. Also, notwithstanding the provision that the gathering of dead timber be done without disturbing the surrounding vegetation, it is virtually impossible for anyone to enter upon the forest preserve for the purpose of removing downed timber without damaging existing vegetation. Furthermore, given the staff constraints currently impacting the DEC’s capacity to enforce existing environmental laws and regulations, it is highly unlikely that the agency could monitor all of the activity that this bill would allow.

Finally, the removal of dead timber from the forest preserve could threaten the ecological integrity of the area. The natural processes associated with the decay of fallen timber are a vital part of the forest preserve ecosystem. Dead timber provides habitat for many forest creatures and as time passes becomes organic matter that adds to the health of forest soils.

Environmental Advocates of New York opposes this bill.

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