



MACC Action Alert

Comment on New Rules for Off Highway Vehicles & Support Strong Enforcement Against Illegal Riding in Wetlands, Rare Species Habitat, and other Sensitive Areas

**Public hearings May 11 and 12, 2011
Comment deadline May 13, 2011**

Background

Illegal riding of off highway vehicles (OHVs - including ATVs, dirt bikes, and snowmobiles) causes tremendous damage across the state each year. Municipal and other conservation areas are often protected with public dollars for wildlife habitat or their unique natural beauty. While some areas have appropriate, designated trails, illegal riding on areas not designed for motorized use is a widespread problem. Ruts and erosion caused by illegal OHV use can be severe, harming wetlands, wildlife, and endangered species.

In response to these concerns, the Legislature in 2010 passed *An Act Regulating The Use Of Off-Highway And Recreation Vehicles*
<http://www.malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter202>.

The new law strengthened requirements for registration of all OHVs, increased penalties for illegal riding on public or private lands, and created new education requirements for young riders. It also established a dedicated fund for fees and fines to be applied to support enforcement and the acquisition and maintenance of legal riding trails.

Comment on the Regulations

To implement the new law, revisions to state regulations are being adopted. This is a positive step, but the proposed regulations need to be strengthened and clarified in order to fully achieve the intent of the law. In addition, the new regulations include a clause requiring that wetlands be posted, while the law does not. You can help by submitting comments including:

- Support strong enforcement against illegal riding, especially where sensitive areas such as wetlands, vernal pools, and rare species habitats are impacted.
- **SPECIAL NOTE**--Request that the regulations be amended to clarify that riding in any wetland or vernal pool, at any time of year, is prohibited. The clause about wetlands being posted (in section 323 CMR 3.03(10)) should be deleted – the law prohibits riding in all wetlands, and does not require them to be posted.
- Support a system where riding is allowed on designated, clearly marked trails.

Public Hearings

May 11, 6-9 pm, Massachusetts Environmental Police Headquarters, 251 Causeway St., Boston, MA 02114

May 12, 5:30-8:30 pm, Department of Conservation and Recreation, 10 North Lake Ave., Worcester MA 01612

Written Comments

Comments must be received by 5PM on **May 13, 2011**.

Submit to:

OHV Regulation Comments

Attn: Suzette Pacheco

Massachusetts Environmental Police

251 Causeway St., Suite 100

Boston, MA 02114

Via Email to OHVSafetyCourse@state.ma.us - subject line **OHV Regulation Comments** - Via fax to 617-626-1670

Proposed Regulations

Available online at: <http://www.mass.gov/dfwele/dle/323cmr30.pdf> or contact Suzette Pacheco at Suzette.Pacheco@state.ma.us, 617-626-1662, or at 251 Causeway Street, Suite 100, Boston, MA 02114 See also the public notice at: <http://www.mass.gov/dfwele/dle/publicnoticeohvregs.pdf>

Additional Questions

If you have additional questions, please contact Linda Orel, Executive Director, MACC, 617-489-3930, linda.orel@maccweb.org. Thank you for your support!!!