

March 9, 2019

To: the Joint Committee on Transportation

Testimony to the Oregon House Bill on Off Highway Vehicles, HB 2566

My husband, Mike Gerdes, and I are retired fish and wildlife biologists that have lived and worked in central and eastern Oregon for many decades. We are writing to express support and some concern and explain in our comments below about HB 2566. This is a bill to 1) require licensing and registration of Off Highway Vehicles (OHVs), and 2) it may raise biannual fees for OHVs. The following are our comments with respect to this bill:

1) We heartily support requirements for registration and licensing with visible decals to identify these vehicles. We are avid hunters and anglers and support restoration of wildlife habitats and streams for native fish and wildlife species in Oregon. While we recognize there are many law abiding users of OHVs, we have had very unfortunate and even personally threatening experiences with unlawful OHV users while out hiking, hunting and angling on public lands. We have encountered many law breaking OHV users in diverse areas such the Steens Mountain Wilderness, the Sutton Mountain road closure areas (also a proposed wilderness), the Badlands Wilderness, many "closed" and "decommissioned" roads on the Ochoco National Forest and areas closed to vehicles on the Crooked River National Grasslands. These motorized "play" vehicles are either permanently or seasonally blocked from certain areas on public lands to protect soils, watersheds, habitats and fish and wildlife species. But the severe lack of law enforcement and restoration of habitats damaged by OHV's has allowed this lawless behavior to continue, with a consequence that fish and wildlife populations and their habitats are further degraded, and our experiences as hunters, anglers and hikers are further diminished.

Rangers for Responsible Recreation 2007 showed that more than nine out of ten (91%) of respondent rangers from the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) agree that off road vehicles represent "a significant law enforcement problem" in their jurisdictions). Other studies in Utah, Montana and Colorado showed a culture of lawlessness, a desire to ride off trail, and indifference to regulations and rules. Kiely and Kassar (2007) compiled studies on OHV users and reported that public land managers tend to assume that designating additional OHV trails and roads leads to improved compliance with regulations, reduced illegal riding, and, therefore, less resource damage and fewer conflicts with non-motorized users. Their research demonstrated that damage and conflicts are not just caused by a small percentage of OHV riders. They stated that law enforcement was essential to manage lawless behavior, and education and information needed to be accompanied by strong law enforcement to change off-road behavior.

Closures to motorized vehicles and limited use areas are there for a reason, mainly to protect soils, streams and riparian habitats, sensitive hardwoods and meadows, fisheries, and wildlife species. But closures also provide areas for quiet recreation for those of us that eschew using OHVs to take us into the back country.

The Starkey Research Experiment Station has done comparative studies of OHV use compared to bicycles, hikers and horseback riders, and OHVs cause far and away the greatest impact to elk. The punch line is that with license plates and registration, we can turn in the lawbreakers we see and hopefully law enforcement will teach these people not to break the law. With adequate funding, camcorders could be used at strategic locations to catch lawless users when there are visible decals. We were very happy to see the successful lawsuit against the proposed 137 mile OHV trail system in the Ochoco Mountains because just on the 1/3 of the forest where the OHV trail was proposed, over 700 miles of illegal trails exist already and are not enforced or restored, allegedly because it “is not a designated OHV area”.

Many of the states around Oregon have higher fees and require registration and licensing. It is more than time that OHV users in Oregon are also required to register, title and display a visible license plate such as already required by cars and pickups. In fact, boats and snowmobiles are already required to comply with more regulation and fees for the impacts that they cause than the many OHV users. Even those using standup paddleboards and kayaks 10 feet and over are required to have an Invasive Species Permit!

Many states and some Canadian provinces require visible license plates. They were implemented because of the increase in resource damage to soils, streams and habitats, trespass and many illegally constructed trails or user created trails. When we can see a visible plate, we can assist law enforcement by reporting illegal use. We also believe that with sufficient funding, law enforcement personnel could deploy trail cameras and result in more effective law enforcement results and further deter bad actors.

2) We also strongly support that all the additive funds (minus administration requirements) generated from implementation of this bill be used to fund law enforcement and restoration of areas damaged by OHVs. We note that the federal government is supposed to enforce Executive Orders 11989 and 11644 which require federal land managers to minimize destruction to soil, watershed, vegetation or other resources of the public lands, and loss or degradation of wetlands, including floodplains. Yet these same federal agencies do not have the funds or personnel to adequately enforce OHV user groups let alone implement any restoration. The Ochoco National Forest has one single law enforcement officer to cover approximately 1 million acres and they devote less than 5% of their time to OHV users. The Ochoco Forest claimed it needed a “designated OHV area” to restore illegal trails. We would encourage this bill to specifically designate these funds for law enforcement and resource restoration that can be done on any public lands, not just areas with designated OHV trail systems.

We do not support this bill if it is used to generate funds to be build more OHV areas, which will cause more damage to our natural resources.

Further, we note that current funds going to the ATV committee under the auspices of the Oregon Parks and Recreation Department are very limited on how they can be used. The ATV committee only allows funds for law enforcement to be used in designated OHV areas and there are zero funds for restoration. ORS 390.560 says nothing about limiting where funds can be used, but the ATV Committee arbitrarily made this a policy. The ORS 390.560 needs to be rewritten to expand law enforcement to any public

lands. Further, those funds should also be available for restoration which is not included as a use under ORS 390.560.

3) We also ask that you add a requirement in this bill that OHVs are required to have an invasive species permits. An invasive species permit should be required for all OHV operations on state and federal lands, to help stop the spread of exotic and invasive weed species. OHVs disturb and destroy native vegetation, create bare soils, and are a major vector for the spread of noxious weeds. One study found that in a single trip on a 10 mile course in Montana, an OHV dispersed 2,000 spotted knapweed seeds.

In summary, we specifically request 1) yes, require registration and licensing for all OHVs, 2) any additional funding from this bill should be directed to law enforcement and restoration that can be implemented anywhere on public lands, and 3) require that all OHV users have an annual invasive species permit.

Thank you for the opportunity to comment on HB 2566.

Respectfully,

Amy M. Stuart and Michael G. Gerdes

Retired Fish & Wildlife Biologists and Crook County Landowners