

# States rev up ORV rules

Western legislation aims to curb off-roading problems

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## SANTA FE NATIONAL FOREST, NEW MEXICO

As local landowner Kevin Stillman steers his red pickup truck northward along dusty Forest Road 298, he spots a spiderweb of single-track shooting off from the edge of the road, created by adventure-seeking off-roaders. "These trails are everywhere," he says. "It's like Disneyland out here."

Like other national forest and BLM units around the West, the Jemez District on the Santa Fe National Forest has seen an explosion in off-highway vehicle use -- and abuse -- over the past couple of decades. Stillman, who has lived on private land within the district for nearly 25 years, says that back in the 1980s, he encountered only an occasional mountain biker cruising the area's ponderosa pine forests. Nowadays, word is spreading among dirt-bikers and Jeep jockeys about the challenging trails that crisscross the district's mesas and canyons. "They come from (nearby) Los Alamos, Santa Fe, Albuquerque -- they're even starting to come from out of state," Stillman says.

The Motorcycle Industry Council estimates that the West has four times the number of off-road vehicles that it did a decade ago. After decades of allowing off-roaders to go pretty much anywhere, except for protected spots like wilderness areas, both the Forest Service and the Bureau of Land Management are beginning to regulate ORV use. Forest Service and BLM units are crafting special "travel management plans" that will map out designated trails for ORVs and close many user-created routes.

But many of those plans -- including Santa Fe National Forest's -- will not be completed for another year or two, and in the case of some BLM units, for as long as a decade. And landowners and environmental advocates worry that the lack of federal enforcement resources could render any new rules essentially meaningless. "It's going to take more than making a map to make it work," Stillman says. Meanwhile, as the federal government tries to figure out which routes to

keep and which to purge, the states are starting to make their own rules to clamp down on errant enthusiasts.

**As of May, 32 states** are considering 70 different proposals to address ORV issues, according to Responsible Trails America. The states are tackling broader problems than trail designation or route closure. Some proposals focus on safety, while others aim to protect wildlife habitat or private property. Between January and April this year, five states passed bills calling for stepped-up enforcement, including Idaho, New Mexico, North Dakota, South Dakota and Utah, joining Arizona, Colorado and five other states that adopted enforcement laws last year. Ten states are currently considering enforcement-related bills, among them Nevada and Pennsylvania.

Colorado's new law, passed last year, is one of the strongest. The result of a collaborative effort involving ORV users, conservationists, landowners and hikers, the bill allows "peace officers" -- mostly state Division of Wildlife officers -- to issue citations on federal lands to riders who stray from designated trails. While it's not uncommon for federal law enforcement officers to recruit occasional help from local law enforcement, the Colorado law allows collaboration across jurisdictions without all the usual paperwork.

"The problem we had here was we have 18 million acres of Forest Service land, and there were about 18 law enforcement officers," says Aaron Clark, recreation campaign director for the Southern Rockies Conservation Alliance, which helped shape the bill. "So (with this agreement) you just increase the level of law enforcement tenfold."

Off-road advocacy groups also support Colorado's new law. Brian Hawthorne, public-lands director for the BlueRibbon Coalition, credits Arizona, Idaho and Utah for crafting reasonable legislation as well. All of those bills take a collaborative approach, he says, and allow revenues from registration or user fees to be used for trail maintenance as well as enforcement. "It needs to be a partnership," Hawthorne says.

But not all bills have been as well received. Nevada's proposed legislation, sponsored by Republican state Sen. Dean Rhoads, would require registration of ORVs. Critics fear that registration revenues would not be used to benefit ORV riders, and argue that the state, which is running a budget deficit, lacks the start-up money the program would require in its first year.

In New Mexico, ORV enthusiasts and critics alike have grudgingly welcomed the new bill that Democratic Gov. Bill Richardson signed in April. The law sets penalties for violations of state rules and shifts management of the state's off-road program from the Tourism Department to the Department of Game and Fish. The agency will use the funding from increased user fees to enforce rules on both state and federal land as well as to aid federal enforcement officers and county sheriffs. Some of the money will also go to educate off-roaders about the new rules.

Before the ink was even dry on the bill, some off-roaders protested that the new revenues should also be used to build more trails on state lands. They're also wary of Game and Fish enforcing

the new law, claiming the agency has been critical of off-roaders at public meetings. "They've been anti-OHV for years," says Gordon Spingler of the Blackfeather Trail Preservation Alliance in Los Alamos.

Environmental advocates, on the other hand, say the new law should have imposed higher user fees, and argue that those fees should go to repair the damage caused by irresponsible riders. "All the teeth (in the law) got pulled pretty much, but at least they're trying," Stillman says.

In some states, legislation never made it to the governor's desk. Two bills considered in the Montana Legislature's last session, for example, both quickly fizzled. One would have required all off-road vehicles to display license plates for easy identification -- key to cracking down on rogue riders -- and the other would have created new penalties for violations of travel restrictions on federal and state lands.

**Conservation advocates** say fighting such bills is just putting off the inevitable, as public pressure mounts for increased controls. It makes sense for off-roaders to accept reasonable rules now, rather than have more onerous restrictions imposed later, says Gene Kolkman of the Nevada Responsible Trails Alliance. "There's no way the federal land managers can keep up with (increasing ORV use)," says Kolkman. "They might have to just close more trails." Harrison Schmitt of Responsible Trails America, which works to step up ORV regulation, is more blunt: "You'd think (riders) would be storming the Capitol steps to get as many tools to local law enforcement as possible instead of as few."

Many off-roaders agree. "The responsible recreational rider is typically in support of strong enforcement language, because they're interested in doing the right thing, and it's in our best interest that people who are doing bad things are caught and pay a penalty for that," says Russ Ehnes of the National Off-Highway Vehicle Conservation Council.

Off-roaders have tried to burnish their reputation and protect access by emphasizing responsible use. A group of national and state organizations representing equestrian, ORV and bicycle interests recently put together a new trail etiquette guide that includes such tips as "Respect all trail restrictions and use only trails open to your mode of transportation," and "Keep noise and dust down."

These state and volunteer efforts are helpful, but don't reduce the need for better management -- and enforcement -- at the federal level, says Schmitt. "The states have been much more proactive, but given the amount of federal land in the West, they can't do it alone," he says.

But the Forest Service and BLM can't enforce new rules without resources. A 2007 survey of Forest Service law enforcement officers found that the median patrol area for a single law enforcement officer was 444,000 acres, and that 86 percent believed there were too few enforcement officers for their patrol area. Yet the agency's enforcement budget has decreased in

recent years, and with federal ledgers in the red, a meaningful boost in funding and resources seems unlikely.

Meanwhile, in New Mexico's Jemez Mountains and other off-road playgrounds around the West, Jeeps, ATVs and dirt bikes continue to zip along trails both legal and illegal, with the environmental consequences -- soil erosion, fragmented habitat, trampled vegetation -- piling up year after year. After touring the Jemez District in April to survey damage to trails and streams from illegal ORV use, New Mexico Environment Secretary Ron Curry sent a letter to Santa Fe National Forest Supervisor Dan Jiron asking the agency to "prevent further degradation" of the area's streams. And Stillman, along with 68 other citizens and five conservation groups, filed a petition in late March seeking the closure of nearly 30 miles of what they believe are unauthorized routes on the Jemez.

Still, both off-roaders and conservationists remain hopeful that the new laws -- with enough enforcement -- can help states and the federal government manage ORVs more effectively. "It can all be fixed," Stillman says, surveying the multi-pronged trail snaking out into the woods from the edge of Forest Road 289. "It's just going to cost a fortune."

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