

March 10, 2019

Testimony to the Joint Transportation Committee for Oregon House Bill on Off Highway Vehicles, HB 2566

We are writing to express support and provide comments about HB 2566 which is a bill to 1) require licensing and registration of Off Highway Vehicles (OHVs), and 2) request that any additional fees be used for law enforcement and restoration of areas damaged by OHVs.

We are retired fishery biologists and have lived and worked in Central Oregon for over 20 years. We are avid anglers, campers and hikers and enjoy the Forests by nonmotorized means. We enjoy the quiet of nature. We have spent our careers in Central Oregon restoring fish and wildlife habitat in streams and riparian areas.

1) We vigorously support requirements for registration and licensing with visible decals to identify these vehicles. While we recognize there are many law-abiding users of OHVs, we have encountered unlawful OHV users and the resource damage they do to our public lands. We have witnessed these occurrences on the Ochoco National Forest, the Crooked River National Grasslands, on BLM lands in Central Oregon and on the Wallowa-Whitman National Forest in Eastern Oregon. OHVs are either permanently or seasonally blocked from certain areas on public lands to protect both habitats and fish and wildlife species. However, lack of law enforcement and restoration of impacted areas has allowed this unruly behavior to continue and caused impacts to sensitive habitat and fish and wildlife populations.

Many allegedly “closed” and “decommissioned” roads on the Ochoco National Forest which are roads closed to motorized vehicles on the Crooked River National Grasslands have been breached. Closures are there for a reason, mainly to protect soils, streams and riparian habitats, sensitive hardwoods and meadows, fisheries, and wildlife species. These closures also provide areas for quiet recreation for those of us that avoid using motorized vehicles to take us into the back country.

2) We also strongly support that any additional funds (minus administration requirements) from implementation of this bill be used to fund law enforcement and restoration of areas damaged by OHVs. Executive Orders 11989 and 11644 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. But federal agencies do not have the funds or personnel to adequately enforce OHV user groups let alone implement restoration on areas damaged by OHV users.

The Ochoco Forest has one law enforcement officer for approximately 1 million acres and that officer devotes less than 5% of their time to OHV users. The Ochoco Forest claimed it needed a “designated OHV area” to restore illegal trails in the proposed Summit OHV trail system. We recommend that you designate these funds for law enforcement and 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 build more OHV areas, which will cause more damage to our natural resources.

The Central Oregon’s Combined Off Highway Vehicle Operations (COHVOPS) who manages off-highway vehicle opportunities on the Deschutes and Ochoco National Forests, and the Prineville District of the Bureau of Land Management, only permit law enforcement to patrol on designated trails. They would not allow their law enforcement volunteers to issue citations nor permit them to patrol any user-created routes that are not designated trails that are responsible for increased sediment inputs into

streams and destruction of streamside riparian vegetation habitat. Those OHV's using and creating their own road system is a free-for all. No one is ensuring the resource damage on user created routes is prevented and obliterated as part of restoration. It is imperative that funds collected from OHV licensing provide law enforcement to the thousands of miles of user created routes (illegal use by OHVs), to enforce the law, protect the resource, and restore habitat by obliterating user created routes, increase fish and aquatic species habitat to a healthy condition. This additional enforcement is necessary to reduce the free-for-all mentality of OHV users.

Further, funds going to the ATV committee under the umbrella 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 NO funds for restoration. ORS 390.560 says nothing about limiting where funds can be used, but the ATV Committee seems to have arbitrarily made this a policy. The ORS 390.560 needs to be rewritten to expand law enforcement to any public lands, not just designated trail systems. Further, those funds should also be available for restoration which is not included as a use under ORS 390.560.

We have worked our careers years as Fishery Biologists including the Ochoco National Forest and in the Deschutes Basin restoring riparian areas and habitat improvement projects for aquatic species, including those on Sensitive, Threatened and Endangered lists. Habitat in these areas have been destroyed by users creating routes for their own purpose. There are hundreds of miles of these user-created routes dumping tons of sediment into streams each year and streamside vegetation and spreading noxious weeds. Sediment destroys spawning habitat in streams severely reducing the success of future fish generations. Riparian vegetation habitat is essential for healthy insect population to flourish that are key to a food source for fish contributing to fish health. Noxious weeds and sediment inputs leads to destruction of fish population and other aquatic species.

3) We also respectfully request that you add a requirement in this bill that these vehicles 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. There should be inspection station for OHVs, as is conducted for boats, to stop invasive weeds from being introduced.

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 add that law enforcement and restoration would occur outside of the trail system that does not already occur, and 3) require that all OHV users have an annual invasive species permit as well as add inspection stations as is conducted for boats to stop the spread of invasive weeds.

Thank you for the opportunity to comment on HB 2566.



Respectfully,

Barb Franano and Robert Spateholts

Certified Professional Fisheries Biologists; Crook County Landowners