

## **2006 – 01    ATV's and OHV's Allowed Only on Trails Designated "Open"**

All Terrain Vehicle (ATV/OHV) sales and usage are dramatically increasing within the state of Minnesota. Whereas in 1985, there were about 12,000 ATV/OHVs registered in the state, there are now over 250,000 ATV/OHVs registered. An ATV or other Off-Highway Vehicle (OHV, such as motor dirt-bike or 4x4 off-road capable truck) has multiple effects on the landscape, and each effect is felt over a large area whether it is forest, prairie, wetland, or lakeshore. ATV/OHVs require and by their use, create 3-to-8-foot wide de-vegetated trails. An ATV/OHVs "footprint" on the land and its influence on the surrounding area can be large. So while other forms of recreation share some of the types of effects on the land, the magnitude and combination of these effects is generally greater with ATV/OHV usage.

**ATV/OHVs operating near or in wetland, stream, river, or lake environments churn up and stir up earth and vegetation causing the erosion of sediment. ATV/OHVs may inadvertently transport and introduce to new areas the seeds of invasive non-native weeds. Sediment, noxious weed seeds, and pollutants (such as phosphorus and hydrocarbons) can be transported great distances and discharged by ATV/OHVs when immersed or near water. The entire area receiving the water-borne sediment, pollutants, or invasive non-native seeds is thus negatively affected.**

**Whereas hikers, cyclists, canoeists, anglers, hunters, birdwatchers, and other non-motorized recreation lack the power to destroy wetlands or churn up lakes or streams, ATV/OHV riders have mechanized power to do such damage. Some ATV/OHV riders utilize these impressive capabilities in sensitive areas that cause damage to water quality, aquatic vegetation, and sediment structure of aquatic environments. Rider advocates argue that a small percentage of ATV/OHV riders are responsible for such damage, yet this continues to be a long-term problem that is persistent, reoccurring, documented, and sometimes is promoted in advertising.**

**When ATV/OHVs ride over slopes or weak soils, they cause erosion. Depending on the relative weakness of the soil and local conditions, the area affected by an ATV/OHV's passage can spread and grow over time to cover an area much larger than the tracks initially left by any one ATV/OHV. The erosion effects of ATV/OHVs are inherently greater than those of similar numbers of hikers, bicyclists, or skiers. A dirt bike weighs 100-200 pounds, whereas typical ATV/OHVs can weigh up to 900 lbs, or up to several tons for 4x4 Off Road Vehicles. Because these weights are coupled with powerful engines, aggressively treaded tires, and a tendency of some operators to gun the engines and spin wheels intentionally, vegetation and landscape is easily churned up.**

ATV/OHVs cause mechanized noise pollution, interrupting the solitude of nearby residents, quiet users of public forests, and wildlife. When revved and running,

ATV/OHVs can be heard at distances up to and over two miles. If a single ATV/OHV is heard within a radius of one mile, it has a “soundshed” – the area where people and wildlife are affected by its noise is approximately 3 or 4 square miles. When a single ATV/OHV travels 30 miles on a trail, in the course of a 2 or 3-hour ride, its sound is heard by people and wildlife within an area of almost 70 square miles. Hikers, bicyclists, canoeists, skiers, do not generate much in the way of sound as compared to the sustained high-volume motorized noise of ATV/OHVs. Scores of non-motorized users could use the same area of forest in a given day without noise disturbance and possibly without ever knowing the others are present, while a single ATV/OHV operator intrudes upon all people and wildlife in the vicinity.

**ATV/OHVs have a role in spreading non-native noxious invasive weeds and destroying or degrading natural habitat, as they are effective vectors for the spread of these foreign species. An ATV/OHV driven through a few feet of spotted knapweed can pick up 2,000 seeds on the vehicle frame, undercarriage, and any mud that may attach to the vehicle, and will inadvertently spread these seeds over the course of a 10-mile drive. The plants germinating from the resulting swath of invasive seed spread will then lead to foreseeable secondary invasive seed spread downwind and/or downstream. In contrast, hikers, cyclists, canoeists, skiers, and other recreationists generally avoid becoming mud-caked and travel shorter distances. As a result, their innate capacity to spread the seeds of noxious non-native species is significantly lower than that of an ATV/OHV.**

The cost of controlling noxious non-native invasive weed species in Minnesota is large. The bill is paid by taxpayers, counties, private landowners, and the state. ATV/OHV usage off-trail or illegal trail usage increases the number of non-native noxious invasive species in the state, the rate of those species' spread, and hence the monetary and ecological costs of weed spread and control activities, like herbicide spraying and mechanical control.

In summary, ATV/OHVs have inherent abilities to trample vegetation, cause erosion, travel long distances, and affect large areas resulting in disturbance to both people and wildlife. ATV/OHVs can cause long-term vegetation loss due to powerful engines and large knobby tires. They can cause river and stream bank erosion, and sedimentation into streams, degrading stream habitat. They can cause damage to, forest, prairies, and wetlands. The planned and unplanned trails fragment habitat, degrading its value as feeding, breeding, sheltering, and rearing habitat for a wide variety of wildlife species.

For these and other reasons, at their 2005 convention, the Izaak Walton League of America adopted the position “that ATV/OHVs and snowmobiles be restricted to designated trails in national parks and other state and federal lands.” During the 2005 session, the Minnesota Legislature changed Minnesota law for state-owned and administered forestlands north of US Highway 2, which extends northwest from Duluth to East Grand Forks and the North Dakota border. Millions

of acres amounting to 74% of all state forestland is north of Highway 2 and thus subject to this change in the law. The change allows default ATV/OHV usage on state and national forest trails that are not posted "CLOSED." This reversed a 2003 law that prohibited ATV/OHV usage on trails unless they are designated and posted "OPEN" for ATV/OHV use. Prior to 2003 and again now, because of the 2005 law change, game trails, hiking trails, or illegally blazed ATV/OHV trails that are not posted would be considered "OPEN" because they are not posted "CLOSED." Any usage of such trails then creates a de-facto ATV/OHV trail because there is no posting.

Due to an exemption in state law that allows ATV/OHVs and trucks to drive cross-country on state lands during the big game seasons (September 1 through December 31), ATV/OHV riders and others can legally blaze new trails by driving cross-country for 4 months of the year. Twenty-two percent of Minnesota deer hunters use an ATV/OHV in one way or another when deer hunting, and any of these countless new trails that fall north of Highway 2 is then legal for subsequent ATV/OHV riders to ride during the other 8 months of the year, unless state land managers do the following: 1) find the new trail, 2) make a decision to post it closed, 3) actually post it closed.

Despite declarations by the Minnesota Department of Natural Resources that the current law change is "manageable", prompt and effective implementation of such a routine on an annual and ongoing basis is administratively difficult. The enforcement of ATV/OHV usage on these trails is difficult because many areas are remote, and conservation officers are overworked and few and far between, sometimes with more than 1,200 square miles to patrol. Responsible DNR staff would be required to find and monitor new ATV/OHV trails, make decisions regarding on-going usage, post signs, and annually prioritize such activities as worthy of DNR time and money.

The legislation as currently written encourages the spread of motorized ATV/OHV trails and consequent environmental effects in our Northern state and national forests. The legislation conflicts with the state's overriding interest in environmental protection and its care for natural resources held in trust for future generations. The legislation as currently written can be improved and is not in keeping with responsible conservation minded stewardship of Minnesota's public lands, wildlife habitat, and outdoor heritage.

Now therefore be it resolved: The Minnesota Division of the Izaak Walton League of America, in annual convention April 29, 2006 in New Ulm, calls on the Minnesota State Legislature to amend Minnesota Statute Chapter 84 so that ATV/OHV usage is regulated to designated trails, and that motorized ATV/OHV trails be officially designated and posted as "OPEN" to ATV/OHV use. For proper enforcement and regulation, trails not posted as "OPEN", will be considered "CLOSED" to ATV/OHV use.

*Submitted by the Walter J. Breckenridge Chapter*