

### **Vermont Woodlands Association position on illegal ATV use on private and state lands**

*The Vermont Woodlands Association's position reflects the frustration of many Vermont forest landowners with current illegal recreational ATV use; and shows that there is a serious problem of misuse of private and public lands taking place in Vermont today.*

#### **VWA Position on illegal ATV use on private and state lands**

Problems associated with illegal all-terrain vehicles (ATVs) are widespread in Vermont and getting worse. Because unauthorized activity is taking place on private and state woodlands, and considerable resource and property damage is resulting, the Legislature and state agencies should:

- Make registration mandatory for all ATVs that are being used off of one's own property. This would be the same requirement as is currently applied to snowmobile ownership in Vermont. Registration identification markings on ATVs should be visible.
- Enforce the current written landowner permission requirement for ATV use.
- Continue existing policies prohibiting recreational ATV use on state lands.

#### **How this position was developed**

The Vermont Woodlands Association Executive Committee utilized the results of a membership survey to develop this position at their December 19, 2003, meeting. The survey was distributed as part of the VWA September 2003 Membership Newsletter; and a report of the highlights of the results was published in the VWA December 2003 Membership Newsletter.

The response rate to the VWA Survey on ATV use was about 25 percent; and the largest VWA has received for any survey it has conducted. Sixty owners of parcels of forestland ranging in size from large (1,000 acres and up) to small (10-49 acres) responded to the survey. This response provided VWA with a significant and diverse group of property owners' perspectives regarding ATV use on Vermont's forested lands.

**The size of the response demonstrates that ATV use is an important current issue among Vermont woodlands owners.** And, the survey response rate and distribution was significant enough that one could expect similar results if the survey had been sent to all Vermont landowners.

Survey responses indicated that:

1. The majority of Vermont forest landowners do not wish to have recreational ATV use occur on their properties or on public lands;
2. Vermont forest landowners are not comfortable with their insurance coverage and the enforcement of Vermont laws to protect them from use liabilities and/or prevent future unauthorized use on their properties;
3. ATV use is the most frequently occurring unauthorized use of Vermont woodland properties;
4. Experiences and expenses from unauthorized uses are different for larger woodland property owners than for owners of smaller forested parcels.

68% of the survey respondents do not post their properties against any use. However, 35% of respondents do not wish to allow any vehicular use on their properties and another 27% wish to allow only snowmobile use on their properties. These results confirm Vermont forest landowners' generous and hospitable attitude toward visitors and reticence toward posting - as well as their aversion to vehicular uses on their properties.

Unauthorized recreational ATV use is causing a very real economic impact on private forest lands. Survey respondents noted that the trail erosion (47%) and litter (40%) are the most frequent problems they associate with unauthorized use. Respondents reported that ATV users were the most frequent offenders (43%) vs trail bikes (17%) and four wheel drive trucks (13%).

Regarding damage resulting from unauthorized use of motorized wheeled vehicles on their properties, 38% of the respondents noted various dollar amounts they spent to repair damages to their properties during the past year. Both the frequencies and dollar amounts of damage reported by respondents increased as the size of their properties increased.

60% of the survey respondents do not favor ATV use on public lands in Vermont. 12% of the respondents believe that ATV use should be allowed on public lands provided that the use is restricted and those restrictions are closely monitored and enforced. All respondents answering the question agreed that ATV users should pay for trail construction and maintenance through ATV registrations and trail user fees.

### **VWA is willing to work with other forestry and conservation groups and agencies to try to find a solution to the illegal ATV use situation**

VWA recognizes there are strong, heartfelt feelings on all sides of the ATV issue. This is the mark of a truly controversial issue. VWA believes that some accommodation for the legal and environmentally responsible use of ATV's needs to be made. To simply dismiss ATVs as "a problem" does not invite any kind of cooperative solution. VWA believes that there is a way for all interested people and groups to work together to find a solution.

VWA is interested in cooperating/coordinating with other organizations and agencies, and with ATV user groups, in addressing the problem of illegal ATV use in a manner that reinforces other shared goals such as supporting working forests in Vermont. In the last two or three years, many forestry and conservation groups have come together to work toward retaining Vermont's long tradition of working forests and multiple-use. This successful coalition has included hunters, anglers, wildlife viewers, and trappers working with woodland owners, loggers, foresters, and forest products companies. Both of these communities have also demonstrated good accomplishments in working with farmers.

Maybe not since Prohibition in Vermont has a law been so widely disregarded. VWA believes that if there was any lesson from Prohibition, it is that illegal activity is impossible to control. Whereas legal activity, which has definite boundaries and regulations, can be managed.

VWA believes that if recreational ATV users want trails on which to ride, then they should pay for the construction, rehabilitation, operation, maintenance, and enforcement on such trails.

Registrations and trail user fees could provide the incentive for private enterprise to supply this demand for trails.

### **About VWA's position regarding ATV use on State-owned lands**

Recreational ATV use is currently illegal on State lands. However, even though such use is illegal, it is occurring on state forests and spoiling hiking trails and causing other conflicts and resource impacts.

VWA's members are concerned by what happens on public lands both because they are tax-paying citizens and because of the very probable spillover of these uses onto adjacent private lands.

### **Snowmobiling and skiing on public or private lands as possible models for developing ATV trails**

Downhill and cross country skiers pay to ski at those Vermont ski areas located on private lands or that operate under permit on public lands. The demand for alpine skiing was solved by private enterprise furnishing trails, lifts, and base lodges. Nordic skiers who want groomed trails pay a trail use fee. Those who wish to "bushwhack" in areas where no trails or other services are furnished are free to do so. However, this off-trail use does not cause any resource damage.

Snowmobile users who are VAST members register their snow machines; and in addition, assess themselves \$65/machine (and out-of-state users pay \$95/machine). These fees, and the majority of the registration revenues, go toward trail construction and maintenance.