

# NVTR Response to the Off-Road Vehicle Trail Assessment and Report

On behalf of the membership of the Northern Virginia Trail Riders (NVTR), I thank the Maryland Department of Natural Resources for the opportunity to comment on the Off-Road Vehicle Trail Assessment and Report, and participate in the associated briefing. Our member, Ken Kyler (a Maryland resident) attended the briefing on our behalf and our Board of Directors has reviewed the report materials. We are pleased to offer the following thoughts and comments.

## About NVTR

The NVTR exists to promote the sport of off-road motorcycle riding. NVTR was founded in 1970 and officially Chartered on June 29th, 1971. Our goal then, as it is now, is being able to benefit the sport by identifying riding areas, sponsoring competitions, fun events, and public awareness programs. The aim has always been to provide high quality riding experiences for our members (approximately 150) who live in Northern Virginia, Maryland and surrounding areas. The NVTR contributes heavily both in volunteer work as well as financially to the public resources we utilize and the communities around those resources.

The NVTR is an American Motorcycle Association chartered club and we are active on national, state, and local levels to secure trail-riding areas. We've worked with the George Washington National Forest in western Virginia for many years and have adopted the Taskers Gap ORV trail system near Edinburg, VA. We develop, maintain, and just plain roam around its 25+ miles of trails. We're negotiating with the Forest to increase the total miles of trail available for ATV and motorcycle use, and have received Syms National Recreation Trail Act funding for the project. We also explore possible access to private lands for NVTR member use.

We realize that the future of off-road riding is dependent on our public image. Our members believe in riding in a safe and responsible manner so that we can protect ourselves and our riding opportunities. We stress that the bikes are properly equipped and maintained as well as ridden in an appropriate manner. We are very conscious of the environmental impact of our activities and work in a responsible manner to minimize that.

Our members are frequent users of the ORV loop at Green Ridge and we look forward to being a positive contributor to Maryland's ORV planning. **As such we formally request to be a participant in the first ever DNR ORV Stakeholder Workgroup as well as any stakeholder groups established concerning the Green Ridge ORV Trail.**

## General comments on the meeting and report

The NVTR praises the DNR for inviting interested stakeholders to the meeting and giving us an opportunity comment. We lament the lateness of the invitation to participate and found it very difficult to effectively participate with only 24-hours to review the draft recommendation before the meeting. Our impression from the meeting was that decisions are being made, or have already been made, based on a draft document that is not comprehensive and does not have input from the affected public.

We would expect a report of this nature to identify alternative courses of action and a detailed analysis of those alternatives. We would expect a detailed statement of the issues and why those issues were inconsistent with the DNR's goals and plans. **We strongly recommend that no decisions be made or**

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actions taken based this report until alternatives are identified (with stakeholder input) and a thorough analysis of these alternatives are conducted (again with stakeholder input).

## Comments on the report

### Report Data

Much of the data presented was either unavailable for review (such as the ORV ACCESS database) or conspicuously out of date such as on the number of ORVs (latest was 2006), ORV complaints (latest was 2009), ORV permits (latest was 2009), hospital visits from OHV riding (latest was 2006), etc. The report does not indicate why this data is relevant to the recommendations made. We recommend that before any decision is made on this data that current information be included or the report updated to state why current data is unavailable.

### Lack of Alternatives and Analysis of Alternatives

As stated above, the report and briefing makes conclusive statements without listing possible alternatives, the impacts of those alternatives, a listing of agencies and persons consulted, and why the recommended course of action is best for the State of Maryland and its citizens. For example:

1. The briefing on Poplar Lick showed extensive research and made a solid case for why action needed to be taken. However, when asked about why bridges were not considered such as those used with great success in other states, the briefer stated that as a biologist, bridges were not an acceptable solution. No rational or reason was given. Evidence clearly contradicts that statement since other States have used bridges with success.
2. The briefing on Green Ridge specifically stated that the trail is not sustainable; it did not state why the trail was not sustainable nor did it identify possible alternatives to remediate any issues with the trails. Unlike Poplar Lick, no information was presented supporting the conclusion. We have to ask why the entire trail must be closed when it appears the majority of the trail does not impinge on sensitive areas. It appears that a small section of the trail could be rerouted and comply with the stated goals of a sustainable forest. We have to ask if the ESA that is bisected by the trail is properly identified and if the trail truly represents an ecological issue. Further, it may be possible to remediate trail issues at that location and alleviate the necessity to move that portion of the trail. **These issues should be explored and answered before any decision is made to close the Green Ridge ORV Loop.**

### Economic Impact

**We strongly recommend that prior to closing any ORV trail, the DNR give very strong consideration to the economic impact of that trail to surrounding communities.** The report is conspicuously absent on the economic impact of a closing. Other States have had great success using ORV trails as an economic engine for a region. As the report states, the Hatfield-McCoy Trail Initiative has provided an economic boon to West Virginia and that Virginia is similarly opening new off-road areas.

“People in West Virginia have lots of places to ride,” Lusk said. Each year, too, West Virginia collects fees from trail users, Lusk said. In 2008, permits from 30,000 riders garnered more than

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\$1 million, he added. Citing that success, Caruso said, “We can have what they have. We’ve got to step forward and make this thing happen.”

People in Maryland have very few places to ride and Western Maryland is an ideal location for the DNR to emulate these successes, open additional trails and create an economic engine in a region that is economically challenged. We encourage the DNR to replicate the successes of West Virginia and embrace ORV activities to fulfill the needs of its citizens for OHV trails and create economic benefits for the region.

## The Paradox of Closing the ORV and Funding New Trails with User Fees

In this economy, we are dubious of the ability of the State to designate taxpayer dollars for the acquisition of new trails for OHV use in the near or even distant future. Although the POS statute may be a funding source, given the size and quality of the Green Ridge ORV Trail, we are dubious that sufficient funds can be found to acquire a new trail of similar scope and quality.

That leaves user fees as the primary source of funding for new trails. Appropriately, the DNR stated the need to raise revenue through fees and has stated in the report that fees are not consistent with other areas. The Green Ridge ORV Trail is the most popular trail by far in Maryland. If you close the trail, no matter how much you raise user fees, you will be cutting off your primary source of funding for new trails. The NVTR concurs that fees should be raised and used to open new riding areas. A large portion of these fees should be fenced and designated solely for opening new OHV trails.

We also want to state that closing the Green Ridge Trail and replacing it with smaller suboptimal trails is not acceptable. During the meeting it was mentioned that an abandoned gravel or sand pit might be available. While we welcome any addition to public riding areas, replacing the Loop with anything other than a trail of similar size and quality will only result in loss of user fees. Let’s be honest, the other trails in the State don’t get much use because they are not optimal trails. Green Ridge is a premier riding area and the most popular in Maryland for a reason.

**We strongly recommend that the Green Ridge ORV Trail be kept open until a new trail of similar scope and quality is opened. A “good faith” effort is not acceptable.**

## Comments on the report recommendations

### Long-Term Recommendations

We concur that the *first step toward reconciling and mitigating the concerns in this report is the development of a stakeholder connection with the ORV community.* We lament the opportunity to become involved while the report was being prepared. The NVTR is eager to participate in completing the final report as well as assisting in the location of additional suitable riding areas. **The NVTR requests to be a participant in the first ever DNR ORV Stakeholder Workgroup.**

A stated recommendation is to *“provide them a good-faith effort with a new site or two and the ORV community would likely support an increase in registration fees for riding on DNR land. Current costs at nearby private facilities average \$35 per day; and these places are at capacity on the weekends. DNR currently charges \$15 annually to ride on public lands. A report from staff suggests raising this fee to \$50 or more would be more inline with the actual cost to maintain the trail network.”*

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As stated above, a good faith effort is not sufficient. If the DNR is adamant about closing the Green Ridge Trail, then a trail of equal scope and quality should be provided first. The NVTR is not convinced that closing the Green Ridge Trail is required and wishes to note that opening new quality riding areas will reduce the impact on the current trail system.

The NVTR recommends a fee program similar to the one we helped implement at Tasker's Gap. The fees are nominal for users (\$5/day, \$35/year), provide additional income to the State to help fund trail maintenance, and are a boon to the local economy. Because the riding passes are sold through local shops (gas stations, etc.), those shop owners see an increase in sales, as people usually stock up on extras (chips, drinks, etc.) when they buy their passes. It also helps provide some accountability, as they can get a better handle on the actual number of users. Furthermore, we recommend that all vehicles be required to purchase a pass even if the vehicle is a licensed and registered vehicle. Additionally, information pamphlets should be handed out with the riding passes, helping to promote responsible riding.

### WR ORV PIT Recommendations:

1. *Close the following authorized ORV trails: Poplar Lick (SRSF), Green Ridge (GRSF). These trails are not sustainable at the current level of use due to their location.*

As stated above, the report does not state why these trails are not sustainable nor did it explore how the trails could be made sustainable. These trails should not be closed without exploring options and giving the trail users a chance to participate in trail mitigation.

2. *Further evaluate the Negro Mountain Authorized Snowmobile Trail. Closure or relocation may be suggested if impacts are too great.*

Again, the report does not state why this trail is not sustainable nor did it explore how the trail could be made sustainable. This trail should not be closed without exploring options and giving the trail users a chance to participate in trail mitigation.

3. *Closely monitor impacts along other authorized trails. As needed, close trails where impacts become too great and trail is unsustainable.*

We recommend that all studies of other trails include stakeholders as well. No trail should be closed without stakeholder input, exploring alternatives and thoroughly analysis of alternatives before a closure recommendation is made.

4. *Illegal ORV trails in the following areas should be top priorities for enforcement and improved barriers: Savage Ravines Wildland (SRSF), Puzzley Run (SRSF), upper Sideling Hill Creek (Sideling Hill WMA), Dans Mtn - Toms Hollow & Mill Run areas (Dans Mtn WMA), Mt. Aetna Tract (SRSF), Negro Mtn Bog (SRSF), upper Bear Creek (SRSF), South Branch Casselman River (SRSF).*

The DNR should consider whether or not these illegal trails could be mitigated and made into legal trails. Regardless, the NVTR does not condone nor support illegal riding.

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5. *Include information about illegal ORV use (e.g., penalties, ecological impacts, economic costs, etc.) in the DNR hunting and fishing guides.*

We concur. NVTR supports dissemination of similar informative literature by the USFS at the Taskers Gap ORV trail system.

6. *In addition to better enforcement and "education", identify site-specific measures (e.g., better designed gates, more effective barriers, more conspicuous and strongly worded signage at gates) for each problem area AND potential problem areas. Most of the information submitted for this evaluation was not detailed or site-specific enough to do this.*

Concur.

7. *In the future, require well-designed gates and barriers to be placed at logging road entry points to help reduce illegal ORV use. In most cases, logging roads are the main access points for illegal ORV use.*

We recommend that the DNR explore opening logging roads to OHV use. OHVs are significantly less damaging to the environment than logging vehicles. This is a prime opportunity to enhance legal riding opportunities at minimal cost.

8. *Determine restoration needs and costs for highly impacted areas, including authorized trails that should be closed.*

The NVTR strongly encourages the DNR to reach out to stakeholders to assist in trail mitigation. We have not seen sufficient data in the reports to warrant closing trails. By working with the stakeholders, we are confident that they will volunteer to support trail mitigation and where necessary assist in mitigating closed trails—provided that no trails are closed without public opportunity to comment and to participate in the appropriate reports.

9. *Evaluate current ORV Permit fee structure and consider increasing the fees to cover costs for maintenance and the publication of a comprehensive trail guide/map book for all trails.*

Concur. As stated above, the NVTR recommends a fee program similar to the one we helped implement at Tasker's Gap. The fees are nominal for users (\$5/day, \$35/year), provide additional income to the State to help fund trail maintenance, and are a boon to the local economy

10. *Evaluate fine and bond schedule for ORV violations. Consider increased penalties for violations and escalating penalties for repeat offenders.*

Concur.

11. *Conduct surveys of other State Forest User Groups, such as hunters, fishermen, hikers and campers to determine the level of user conflict with ORV trails. This assessment focused primarily on ecological impacts.*

We are very concerned. This statement implies that these other groups have a higher priority

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than OHV users. We respectfully demand that OHV users be treated equally. We expect that periodically OHV use will need to be curtailed temporarily in respect to other groups needs. However we are all legitimate users of public land and expect to be treated equally. We would pretest loudly if a given trail was closed simply because it conflicted with another user group.

## **Near-Term Recommendations**

The NVTR concurs with the “Immediate Outreach, Education and Enforcement Recommendations.”

In regards to the “Immediate On-the-Ground Recommendations,” the NVTR offers the following comments.

Those trails in the ORV PIT Access Database listed as having “High” impacts on the scaled-rating system should first be evaluated for remediation first. Volunteers within the OHV community exist to help repair these sites. Elimination or closure should be considered an action of last resort and done only after substantive stakeholder input and reasonable effort at mitigation first.

We concur with the Chandler Trail (Pocomoke State Forest) recommendations provided that efforts to repair or mediate are first exhausted.

Concerning the Green Ridge State Forest Trail, we concur with convening a WR stakeholder community and request to participate. However we strongly object to any announcement of a planned closure and relocation of Green Ridge State Forest trail. We concur that as “the most popular ORV trail in MD, this site requires the most attention and deliberate communication and stakeholder management.” We feel that the DNR has not made a case for closure and has not exhausted other alternatives.

We concur that the DNR should “Move forward a pilot program of one small team of staff working with the Stakeholder group and the Greenridge State Forest Citizen’s Advisory Group, to find an alternative site for this trail” provided that the trail not be closed until a suitable trail of equivalent size, scope and quality is established first. Further, “a good-faith effort with this user group” is not sufficient. A commitment by the DNR to keep Green Ridge open until the stakeholders agree that a suitable replacement has been provided must be considered a ground rule for going forward.

In regards to the statements that “Relocation to a new trail designed for modern-day ORV use will provide ecological benefits to the Greenridge ecosystem while offsetting the human safety and DNR capital impacts of the current trail system. This effort will also build credibility with this stakeholder community --- an important step toward informed consent in the future.” Credibility and trust will only be earned by working extensively with the stakeholder groups PRIOR to closure and that closure is only done as a last resort and after a suitable and equivalent trail is obtained.

## **NVTR Experiences and Lessons Learned in Trail Management**

The NVTR has been very successful working with the USFS at the George Washington National Forest in the construction and maintenance of MULTI-USER TRAILS; we want to emphasize that we stand ready to develop the same style of partnership with MD DNR.

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## Summary

We sincerely appreciate the opportunity to enjoy the splendid resources of Green Ridge, and we're willing to do what we can continuing that privilege; we are pleased to comment on the DNR's Off-Road Vehicle Trail Assessment and Report, and participate in the associated briefing. As stated, we formally request to be a participant in the first ever DNR ORV Stakeholder Workgroup as well as any stakeholder groups established concerning the Green Ridge ORV Trail. We strongly recommend that no OHV trail be closed until a thorough report is completed and that the report include stakeholders and an analysis of alternatives.

For further communication at the DNR's pleasure, and convenience, please contact our project officer:

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