

Oregon Parks and Recreation Department
 Summary of Testimony Received
 Regarding OAR 736-04-0000

Table of individuals submitting comments on the proposed ATV rules changes.

Person or Entity	Representing	Comment(s)
Jared Achepohl	Emerald Trail Riders Assoc. (ETRA)	Concerned that grant funding division is decided by the ATV Grant Subcommittee – should be done by the full advisory committee. Feels Law Enforcement gets too much money.
Jack Duggan	Self	Committee should have a broader representation of citizens' interests. Definition for "Public Lands" needs change. Wants clarification changes to ORS language specifying where ATV funds can be spent. Wants changes to the Grant Application Eligibility Requirements. Applauds safety education components. Wants more ATV education in areas such as trail maps.
Robert Kingsnorth	Self	Any written test should be administered by DMV. There should be no waiver for "hardship". Funding should be prioritized with Safety being first and Enforcement second. There should be no match requirement waivers. Land development/enhancement should be approved by every adjacent land owner. Access roads should be considered part of a project.
Ethan Lodwig	Self	"Successor" should be redefined to included clubs or non-profits. ATV Funds should never be used for non-ATV purposes like California does. Concerned that we are losing thousands of miles of trails from the Travel Management Plan. Grant funds shouldn't be spent for the sake of spending. Concerned about the shrinking Class III riding opportunities. Funds should be used to open up riding areas.
Rick Thomas	Self	Doesn't like that the rules put non-users in charge of somebody else's money.
John VanSyoc	Self	Feels that govt. agencies and environmental destructionists are in cahoots and are promoting ATV use.
Tyrrell Hart	Motorcycle Riders Assoc. (MRA)	Feels "but not limited to" should not have been stricken from rule "0020" – statewide ATV program. There should be a cap on administration of ATV Program. Eradication of invasive species is a land manager issue and should be removed from rules. Glad to see committee has option to request reductions in project scopes. Strongly endorses minimum training standards
Steve Croucher	MRA	Felt public comment period should be longer. Need to define "appropriate authority". Would like to see a complete reference to a list of all invasive species as well as guidance on how that money can be accessed. Endorses Minimum Training Standards.
Troy Coburn	MRA	Public comment period should be extended. Pointed out difference between invasive species and noxious weeds. Feels strongly that state agencies should go through the

Exhibit D

Person or Entity	Representing	Comment(s)
		grant process like all else rather than bypass. There should be a cap on administrative costs.
Barrett Brown	Oregon Motorcycle Riders Assoc. (OMRA)	Clubs and non-profits should be added to the definition of "Successor". The Grant sub-committee should advise OPRD Commission on membership of the larger advisory committee. Chair appointments should be made by the committees, not the Parks Director. Larger Advisory Committee should not be making decisions on budgets.
Adam Achepohl	ETRA	Rules should make manufacturers accountable and link them into the safety training requirements.
Mike Vallun	Self	On-line training may be allowing cheating. Laws should require officers to investigate all injury accidents.

2009 Oregon Administrative Rules Public Comments on 736-004

Public comments for OAR 736-004, All-Terrain Vehicle Funds Notice of Proposed Rulemaking Hearing filed August 14, 2009 closed October 1, 2009 at 5:00 PM.

Press releases went out on September 16th announcing the public hearings.

Comments were received via email, testimony, and written correspondence.

Public Comments on 736-004

Hello,

I would like to comment on the upcoming rule changes affecting ATVs. I am a Class III enthusiast and nationwide we are losing thousands of miles of some of the best off-highway motorcycle trails in the world due to the Federal Travel Management Plan. Therefore, it is increasingly important to continue to provide the best possible ATV program in the state of Oregon. I hope that the proposed rule changes are being put into effect to meet that goal.

One of my observations about the rule changes is the definition of "Successor". The "Successor" should NOT be required to be a "governmental entity". In fact, the "Successor" should be another interested club or non-profit to continue the project.

The state should not be allowed to use ATV funds for purposes that do not benefit the interests of ATV users. For example, there are many recent examples of states that have borrowed or used ATV funds for the "general fund". California recently put \$90 million of the ATV funds into their general fund, this is unethical and should be illegal.

Thank you for your time and allowing this comment period.

Sincerely,
Ethan Lodwig
2685 Windsor Circle East
Eugene, OR 97405

Public Comments on 736-004

Vanessa -

Please distribute the enclosed comments regarding the proposed ATV Rule changes to the Commissioners. I have inserted the text below my signature.

Thank you for your service.

Walk in Peace - Jack

October 1, 2009

Oregon Parks & Recreation Commission
Via email to vanessa.demoe@state.or.us

Thank you for the opportunity to comment on your proposed rule changes for the all-terrain vehicle program.

There are changes to the Advisory Committee (formerly Account Allocation). While I commend the Commission for specifying the group's advisory status, the structure of the committee as solely representing the interests of the ATV community remains unchanged. Though the addition of five members may offer broader representation, the newly added ATV Advisory Committee section limits recommendations to coming from that Committee only. The impacts of machine recreation spread far beyond the enthusiasts, encompassing neighbors, communities and landscapes. Increasing use of machine recreation has shown that it is incompatible with other forms of recreation. Since this Committee advises a state agency, it should have broader representation of citizens' interests.

Unchanged is the definition, now at (41) for "Public Lands" – "includes publicly and privately owned land that is open to the general public for the use of all-terrain vehicles." This provision could be interpreted by enthusiasts to mean that private land which is unfenced or unmarked across all boundaries is "public." Landowners would prefer to see "Private Land" separately defined as "lands owned by individuals or business entities that may or may not be open for the use of all-terrain vehicles."

Significant changes to the Grant Program include specific provision for first aid and police services (1)(c); my local Fire District will be happy to see that. Law enforcement funding under (1)(h) is sorely needed to reduce conflicts, criminality and resource damage; I encourage the Commission to address this critical need in granting funds. In (1)(d), however, the addition of "instigating" opens the door to grant applications based only on concept. The elimination of private lands under (1)(e) results in severe inequity to private landowners, who already bear expenses to protect their land from ATVs. I also urge the Commission to consider more specific language under (1)(f), since "consultation and guidance" is subject to broad interpretation.

I am saddened to see there are no changes to the Grant Application Eligibility and Requirements. When I appeared before the Commission in March of this year to represent the Forest Creek Community Association, my testimony regarding the purchase of land in the Forest Creek drainage showed a failure of the current process to present objective information. The

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Commission expressed surprise upon learning of controversy between the community and the applicant organization. Applicant MRA had failed to disclose that their expansion efforts in southern Oregon had been controversial for nearly a decade. Applicant made other false and misleading statements throughout the application and I requested the Commission pursue prosecution for Public Investment Fraud under ORS 162.117. The application was recommended to the Commission for the Committee by a current member and former officer of the applicant organization, a clear and public conflict of interest. Changes to this section of the Rules should be included.

I applaud the Commission for improving the Safety and Education components of the Rules. It is appropriate that the funds being provided by the State for recreation be accompanied by a requirement to use them safely.

The Educational component, however, should be expanded beyond the machine to the activity. While the issue of requiring insurance may not be a responsibility of the Commission, the Commission should be encouraging responsible riding. ATV enthusiasts should be required to have knowledge of the landscape they are riding, including having maps showing trails, ownerships and natural features. Such a requirement is as important to the safety and stability of the sport as having the appropriate helmet.

Finally, under Apportionment of Monies, (1)(a), it states “statewide all-terrain vehicle program.” I would like to request a copy of that program from the Commission.

Respectfully yours,

Jack Duggan
5505 Forest Creek Road
P.O. Box 524

Jacksonville, OR 97530-0524

Public Comments on 736-004

To the Oregon Parks and Recreation Department

Comments regarding rule changes in OAR 736-004 : DISTRIBUTION OF ALL-TERRAIN VEHICLE FUNDS TO PUBLIC AND PRIVATELY OWNED LAND MANAGERS, ATV CLUBS AND ORGANIZATIONS

An increased emphasis on safety and enforcement is a much needed change, and the proposed changes are a step in the right direction.

Comments:

Operator hands-on training is a good start. Experience will allow an evaluation of value.

Any written test should be administered by a DMV office in a monitored test environment. (An on-line course is definitely appropriate, but any written test must be in a monitored environment.) “Self-testing” does not command the respect and discipline appropriate for safety issues.

There should be no waiver for “hardship”. If the applicant cannot muster the wherewithal to get to a testing facility, they will not have the wherewithal to ride an ATV in the forest or dunes.

The allocation of funds through the ATV program should have a prescribed set of priorities. The priorities:

- Safety, training, education
- Enforcement and emergency services
- Restoration and protection of environment
- Development and enhancement of existing recreational areas
- Acquisition of new recreational areas

All requests for “safety, training, education” should be fully funded before any other priorities are considered. Likewise, all requests for “enforcement and emergency services” should be fully funded before any lower priorities are considered. And so on down the list of priorities.

Regarding development/enhancement and land acquisition:

There should be no waiver of a 20% match requirement. If the party is unable to muster sufficient funds for the project, it will be questionable that they have the ability to maintain the asset.

Any development and enhancement of existing recreational areas, and any acquisition of property or easement must be approved by every adjacent land owner, and must be approved by 75% of all landowners who may be impacted by an ATV presence, including noise in excess of 31 decibels, and/or any environmental impact (such as dust or water run-off), and/or any property value consideration. The impact area shall extend two miles from the property boundaries, or further if the landowner can demonstrate a possible impact. Access roads (public and private) must be considered part of the ATV project.

Robert Kingsnorth
Central Point, Oregon

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Hi, I dont like the new comittee rules it puts too many non users in charge of somebody elses moneys. No good can be done by people that dont know what they are doing.

Rick Thomas

1092 Rogue River Hwy

Gold Hill, Or. 97525

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09-28-09 – OAR 736-004 RULEMAKING HEARING, SALEM – PUBLIC TESTIMONY
Recordings are available.

Barett Brown: Okay uh, good evening, I'm Barett Brown um, I'm hear on behalf of the **Oregon Motorcycle Riders Association** and uh, just had a couple of comments uh, on, the, the existing OAR under definitions of um, successor, there's a um, I have a, an objective in mind that, that may be an intentional um, situation of the paragraph or it may be an advertence uh. A while be back we discussed at framed parks and there's a possible successor, successor to a project uh, on a land acquisition grant and then the, the parks may if that that successor operate the program, sell it or qualify another successor um, and uh, we like to um, modify that paragraph so that that successor may also be a, a club, so in the paragraph as it says now you'll parks may, OPRD may qualify another successor and by using word successor you are restricted to a government entity. That's my, that's my interpretation um, if that's, I'm not sure if that is the intent of the government but if it um, its not the intent in either case we'd like to um, proposed that um, you know parks can still qualify the entity just as they would in any uh, grant application but the language as it is now would eliminate another club from being qualified by parks as its successor.

Um, we're concerned about, um the move, there's some moves in the, the 578 uh, away from, uh the, the further down the users communities uh, involvement just a little bit and I think we might be able to improve them in, in OAR with regard to uh, advice on committee appointment and membership um, um, and we wonder if the OAR might be a place to establish the standing committee if not the existing grant committee that would advise the commission on membership to that, to this group, the big twelve uh, as it is the, the community is not, uh we're gonna be very unhappy with the notion of the parks commission alone selecting memberships uh, not knowing anything about the intent of the current commission but some future commission um, could populate this group with virtually anybody uh, and that's uh, uh that's been the demise of the state programs all around the country uh, you know OAR would be pretty weak uh, situation and it would be only advisory to that group but at this point I think we have an opportunity at least to talk about it intent and um, we uh, would, would not be far enough to go but at this point it is a step we could go in that direction.

Um, also we'd like to see chair appointment on both of those groups done by both of the groups themselves as opposed to the director through, a mire, through staff um, yeah these are, these are all issues uh, pretty common thread, thread issues have to do with um, the users connection and uh, sense of uh, ownership of the program. Um, for example uh we, in earlier discussion we heard about um, the big twelve the concept that the big twelve group would um, advise the grant sub committee on the, the width of the suspending columns if you will between categories and, and priorities uh, so potentially uh, we'll measure you'll predict a potential tension between those two groups between the twelve and five or when it gets to five I'll, I'll use our populated group um, there may be disagreements or tension in the future about those column widths and we'd prefer that those decision be made by that, that five by those, those five. Uh, there's, there is no there was no intent of 578 to subordinate users but that's what this does. This, this

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subordinates users to the vote of a, an agency dominated group of seven. I mean non user populated, if it was six to five users to, to a agency personal that would be different but uh, again, um we'd like to see that those tensions between those two committees uh, settled in favor of the five um, I mean I know that wasn't, that was no part of there of intent of 578 from the very beginning to alter either who chooses on the committee which ended up happening or watering down uh, a pure user input and guidance on the, on the fund. Let's see. That's probably it on the OAR.

I would like to say uh, this last session was uh, uh there was a lot of blood on the floor after this session and every agency in this state that had anything to do with OHV's it was upset. ODF did not like getting that money they didn't ask for it. Noxious weeds did not ask for that money they did not want it and they rather give it back because they're, they're smart people and they know that this is bad politics. We, we gotta. And there been ideas generated from parks staff that have generated a lot of tension because they've been input, I mean they've been kind of limited some ideas have come from limited uh, um, services without quite the broad healthy public process and this is no way to run a program we should be, everybody should be working together. If the concept comes up um, it's just bad government to have every agency upset and unhappy with what's going on and uh, I'm not sure if OPRD has uh, has a role in a lot of that they, they probably don't. Like you said you Wayne, you don't just stand up and tell the governor you're not happy you're a senator um, but uh, I think you've got a program that's worth defending here and we've all got to think of a way to, to defending it so kind of bad behavior we've seen uh, from outside this program and, uh they would like your help to expect that we can. And I think that that's gonna come from a, a much more bigger public process. In fact I'll just say it I'd like to see uh, um Miss Deborah Kerry's company um, in a contract with you guys I thought that uh, would improve uh, what you do. She's, she knows what she's doing and uh, I've seen her, I've worked with her a long time uh, I think that that would go a long ways. Thanks for the chance to comment.

Ron Price, Hearings Officer: Anyone else have cards now or want to speak.

Background: Yeah

Ron Price, Hearings Officer: One more. Okay Adam. Can you pronounce your last name for me please.

Adam Ockopole

Ron Price, Hearings Officer: Okay, thank you.

Adam Ockopole: I represent the **Emerald Trail Riders** and uh, everybody else that uh, likes what's going on here. Uh just one simple thing that I, I've, I noticed throughout this whole uh, uh proposal that uh, there's nothing in here about, about uh, manufacturers and there accountability. Of course this is uh, they were tying government in with private interests and everything but uh, I can't help but notice that uh, these are the people that are selling all the bikes and making all the money and still

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there not doing anything to, to help our situation. Uh there's no input in the rule making like what we're talking, you know what we're shooting for here. And they aren't link into the safety training which is ridiculous uh, especially since you know, you know the whole uh, bike band thing that happened last year. And uh, that just seems like uh, they should really step up. Is there any way that we can force it on them or regulate uh, some, you know, just something to help them help us. There the ones, they're just as tied into it as we are I'm sure that the manufactures are just as passionate about making uh, land use available so they can sell there products. That's it.

Ron Price, Hearings Officer: Thank you. Okay um, Mike Vallun

Mike Vallun: Okay so I guess there is two things that concern me. And I went through these.

One is the online training, if it's anything like the boater's training it's too easy to cheat. Uh somebody can take the test for somebody else they don't really have to know any of the answers they can open up a second window and look at the answers while they're taking the test. It's too easy to cheat.

The second is uh, falls under safety which is uh, the officers when they respond to accidents are only required to respond they're not required to investigate. So all of these rules are great and look great on paper without law enforcement support they're, they're meaningless. To give you uh, brief example, this January twentieth of this year I was involved in an accident at uh, diamond mill area where I had to be life flighted to Emmanuel Hospital and ended up with six broken ribs and a punctured lung and I uh, I was hit by somebody with a four wheeler who had been drinking that day and the officer didn't get the person's name, didn't do any investigation, and when I called him afterwards he basically said that they're not required to do any accident reports. They're only there to respond.

So you know, if we're going to take safety seriously you need law enforcement's support. I mean you, you're not, it's illegal to drive drunk on these things. Um, and you're, you're supposed to follow all these rules which seems like common sense but not everyone has common sense. That's pretty much all I had.

Ron Price, Hearings Officer: Okay, are there any other cards out there for public testimony. No.

Background: Uh, Ron

Ron Price, Hearings Officer: Yes.

Background: I can make a comment.

Ron Price, Hearings Officer: Sure.

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Background: Make sure to pronounce his last name right.

Ron Price, Hearings Officer: I think I can get that one

Jared Ockopole: We'll sound the same too. My name is Jared Ockopole I'm the **president of the Emerald Trail Riders Association** and a brief comment just on uh, again division of grant funds. It would be nice to have an advisory committee kind of uh, maybe even some um, public input some how of how these things can be divided. I briefly uh, highlighted the law enforcement grants compared to all the other grants last year we had about 2.7 million go to law enforcement. And about 5.5 million were shared among all the other grants. Um, be nice to have a little more accountability uh, maybe at least find out where that, how that monies being spent. I know it used to happen um, what kind of revenue has the law enforcement given us back, writing tickets and so forth. Um is it all going to salaries, this and that. Is there kind of reports that we can see. Maybe to uh, at least satisfy our interest in that. That's all. Thank you.

Ethan Lodwig: I'd like to make a comment. I haven't filled out my card yet. So um, along the lines of what everyone's eluded to uh, I think it's important to uh, be accountable for um, uh, well or at least have ATV grant funds um, they would be uh, uh a sad reality if those funds were um, spent for the sake of spending. I don't know if there's a trust fund that excess grant funds get poured into or not in the state. Um, but if, if there are excessive funds left over at the end of the fiscal year that they go into a grant fund uh, trust fund for the ATV program um, so they don't get spent for the sake of spending. I've seen lot's of um, law enforcement grant funds uh, go to things that didn't seem very practical from large toy haulers to uh, multiple uh, ATV's sandrail's, sandrails that was actually very a well used grant fund but uh, to the extent of um, you know, I've seen volunteer days where half the make up of uh, people there were law enforcement. They showed up for breakfast with there ATV's and uh, toy haulers and then weren't seen again the rest of the day during clean up day um, and that was very frustrating to me um, but uh, those were all ATV grant funds. And we have uh, drastically shrinking class three areas um, class three motorcycle trails due to the lack of funding being spent on the ground and um, the implementation of the travel management plans which has the unintended consequence of closing a lot of trails unfortunately due to lack of resources to take care of those trails. So, um again I, I hope that these committees that decide what to do with these funds um, and there goal is to maintain OHV program or make it better for the end users and not just to uh, you know close everything up. That's it. Thank you.

Ron Price, Hearings Officer: Anyone else. Okay. All right. Um, I've called all the names here everyone submitted your registration cards, so if there is no one else to comment, then our hearing here is closed. #####

Public Comments on 736-004

09-29-2009 – OAR 736-004 RULEMAKING HEARING, BEND – PUBLIC TESTIMONY

No public testimony was presented. #####

09-30-2009 – OAR 736-004 Rulemaking Hearing, Medford – Public Testimony Recordings are available.

Ron Price, Hearings Officer: Okay. So the first card I have is Terral Hart.

Terral Hart: My name is Terral Hart. I'm hear just a, as a citizen. Uh, been with discussions earlier, um, some thoughts were given as to the appointment of the twelve people of the advisory committee that's, uh, appointed by the commission, I think that the worry from the users is, we're gonna have to look south, to California when Grey Davis was uh, governor he wiped out their commission that had been very favorable, appointed his own people, and they appointed advisory groups who raided the funds and we'd not like to see that happen in the state of Oregon. So that's where that uh, discussion would come from.

I was uh, quite pleased to see how, how the, basic rules were prorogated and put together. I thought a lot of thought probably went into this from the, from the state. Uh, when you stricken uh, something's I'm looking under 736-0040020 apportionment of monies, planning, promoting, and implementing a state wide all terrain vehicle program including acquisition development maintenance of recreation areas and I wonder why you would stricken but not limited to. Cause I could foresee in the future things that we don't do now that may come up that if they're not delineated in the rules may cause a little problem so I'm wondering if that strike should just be retained.

Uh, I see no cap under G; paying the cost of administration of all terrain vehicle programs including staff support, uh, as requested by the all terrain vehicle advisory committee. Um, I suppose during the vegetary process, that will be uh, addressed. But I would uh, kind of, like to see a cap on administrative costs.

When you get to I under the same thing, why have you pulled, put control and eradication of invasive species related to all terrain vehicle recreation in, this is uh, uh land manager problem, if a land manager has an evasive species that has been brought in by ATV use, that person would just simply write a proposal, ask for a grant to eradicate, to mitigate, to do whatever had to be done. And I, I didn't thing that I had to be uh, spelled out like that. In fact I'd like to that stricken.

I was very pleased to see um, under item 3 which would come under project administration. Uh, the, number 3 says if funds are not available to fully fund a project or partial funding has been recommended by the ATV grant sub committee, the project's sponsor may be given the option of reducing the scope of the project.

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Fabulous to see that in writing, it will give the five member grant committee, um it will establish durability to alter grants as they are presented. I think that's a great idea.

I've got uh, couple notes here where the director shall appoint and so on like that, but after the discussion earlier, I uh, have relaxed my thoughts on that.

Uh, then we get back to John's part about all the uh, minimum training standards and such like that and I strongly endorse, endorse all of that. And that is a lot less than I thought I would be talking about. I thank you for your time, I appreciate you folks being here. Thanks.

Wayne Rawlins, OPRD: Terral, if I can just real quick. Than one on the invasive species,

Terrel Hart: Yes.

Wayne Rawlins, OPRD: It's in the statutes. They put it in the statutes. So uh, we have to follow in the rule, follows in the statues, we didn't have that, as uh, as uh whim thing. It was up in the rule, in the law.

Terrel Hart: Thank you Wayne.

Wayne Rawlins, OPRD: You bet'cha

Ron Price, Hearings Officer: Okay, the next name I have is Jack Roth

Jack Roth: Um,uh, like, I'll email my comments, here.

Ron Price, Hearings Officer: Okay. Kay, uh, Steve Croucher.

Steve Croucher: I'd like to give mine verbal here.

Ron Price, Hearings Officer: How did I know that?

Steve Croucher: Um, well first let me say thanks to, for what you guys do here and we appreciate the effort that you guys put into this. Um, I guess for the record my name is Steve Croucher. I am here as a private citizen. I'm also the **current president of the Motorcycle Rider's Association uh, located here in southern Oregon.** Uh, we represent approximately 500 members. Um, my, the first thing I would like to address here is the short comment period. I don't know this is going to cause a problem or not but, you, you know where, because where the last meeting in this series, we're given less than 24 hours to get our comments in, so I guess if I uh, had any business to take care of here tonight and or work tomorrow I'm gonna be possibly little bit limited If I have another thought that comes to mind with that 5:00 deadline by tomorrow. Um, I don't know what provisions you guys typically make on comment periods but that seemed

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incredibly short to me. Moving, I think I'll have 'em all in tonight. But if there would be a provision added to that for a late comment that might, uh, be appreciated.

Um, moving into the um, rules themselves all they, all of my comments will be for the rule 736-004 and I'm, I'm currently looking at 0020 um, under 1a. Uh I see here acquisition development and maintenance and there's no comma behind development and I'm curious if development maintenance are meant to be joined together like that or if that was just a clerical error in not having a comma in there. Um below that in um, again 0020 um, under c um, the, the last words in that, it just describes an appropriate authority. When I looked in the definitions I didn't see what would be described as an appropriate authority and I wasn't exactly sure what that comment meant. So um, made that real a little difficult for me to understand.

Um under the same category 0020 when you go down to e uh, private lands, or excuse me, in private has been struck out and lands has been left and I did go back and correlate that with the definition, it didn't look like that constituted a change in rules but I'd like that addressed in your comments if I can get that, if that was a change or if that was just a clerical cleaning of the rules to make sure that they were easier to follow. I, I couldn't discern that myself.

The other um, the other area that I'd like to comment is still under the same uh, 0020. there's two sections at the very end that are 2 and 3 that have been struck out completely and I wasn't sure um, exactly why those were struck out um, I didn't know if they were a conflict with the new um, the new senate bill, or if that uh, constituted a change in the way you guys were doing business or if they were just put in here in another place. And I, and I apologize for some of this I, I, from the time I had to work on this to really try to figure out what other changes were in there um, it was a little ambiguous uh, for me. Um, I'm not addressing that is a huge problem I just would, I'm interested in finding out why that change was instituted in here.

On the control and eradication of invasive species related to all terrain vehicles, that's under i. I have a number of comments on that and, and I don't have the actual, the senate bill, or the ORS, or wherever your getting that from so, I, I, I maybe asking questions or talking about things that, are, that are clearly covered. But um, first of in, I, I don't see a reference to a list of invasive species and that varies depending on where you're at. Some species are native to areas and others, there, they would be considered invasive.

The other part that I had concerns about it just says all terrain vehicle recreation and assuming that any vehicle had a class II sticker on it, that meant that we could have to go out and deal with eradication of invasive species on any road in the state of Oregon because of the transfer of vehicles. So I'm a little bit curious, if that was meant to be that broad when it was written because, I, I working with regulations like I do, I could interpret that to be an amazingly broad comment especially if you add class II vehicles in there because of their, because of the areas that they're um, readily available to travel.

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So um, to mainly summarize a, a list of um, a list of what invasive species we're gonna address and, and what would be the formal list of those and then the other part of this is it's a little bit vague on how direct a correlation it has to have to an all terrain vehicle use. So let me give you an example. In southern Oregon we have a lot of starfissal, blackberries, some of those are considered invasive species in certain areas and I know that there in areas that OHV's um, access. So my question is is, you know, given that starfissal is here years before OHV showed up, decades before OHV showed up, is that something that could now be thrown under and endangered species or, uh excuse me invasive species category and suddenly we're out trying to clean up the starfissal problem in Jackson county which absolutely take out the OHV budget and we probably still wouldn't get em. Or is this going to maybe more like Mr. Hart commented to that these people could bring proposals forward and it could be looked at and maybe identified by the commission, or by the committee that would review this and make sure that its truly an ohv issue that is, that is been caused by and can be reasonably eradicated.

Um, I do want to add one other comment in here because this, this relates to the bureau of land management. Um, at one of our events they challenged us that we were likely be causing an invasive species problem and they had us bring up a wash station to wash all the dirty bikes and the theory from the BLM was is, that dirty bikes are being transported from one riding area to the other riding area was the grave concern for the invasive species. I went ahead and accommodated their request and when we got the our, to the uh, day of the event we actually had only one bike out of about 250 show up that wasn't clean and brought to that event. So my other concern that I would add to this and I, and I you know this is probably isn't part of the ORS but um, I know that there some users groups that have problems with invasive species specifically motor boats where they do carry water from one water body to another. I don't know that its been well established that invasive species are actually being transported with, with motorcycles themselves.

Uh, I would go on to say that um, any place that a motorcycle goes, I, I don't really ride in an area where you have exclusive access. Every place that I have access is open to horses, hikers, campers whatever other um, activities that people may engage in. Again, I'm concerned that cleaning up invasive species issue might be uh, easiest if an organization or a government entity just says well it must have been the bikes or the, or the OHV's then comes to our um, our group for funding. So again in, in looking at this rule here uh, as it's been put into this document um, I think some, a little more consideration in how that's written in, and maybe some guidelines on how that money can even be accessed would be warranted to help make sure that we don't end up having to spend OHV funds on what would be essentially a non related issue.

Um, moving forward here um, I'm, I'm now on 736-004 and I'm at 120 and it's the minimum training standards. Uh, they look really good and I would certainly endorse training on here but I, I have to admit when I first read through this I, I couldn't tell you if they applied to me or not. I was concerned that I might have to go down and get

Public Comments on 736-004

training and uh, course that's been clarified at tonight's meeting, but uh, some additional clarification in the rules of the age groups that this applies to and um, would probably be a little bit more helpful when I'm, when I'm just rolling through here because it wasn't again, it wasn't real clear to me what route this would apply to and it seemed a little bit of an overlap and I think we've explained that tonight um, because we do have our other rider education permit operator permits, excuse me, that are available online. And um, I, to maybe differentiate between those two's, between those two and clear it up would, would be appreciated um, I wouldn't say for sure that that needs to be done in rural but as soon as you can get that information out and available I think that would be helpful to the public. Um, that's all I have to add so thank you for your time.

Ron Price, Hearings Officer: Thank you.

Steve Croucher: Appreciate it

Public Comments on 736-004

Troy Cobern: Good evening. My name's Troy Coburn. Um, I'm here as a citizen. I'm current, but I am the **current Vice President of the Motorcycle Riders Association**. Um, I haven't had a lot of time to look through this. Uh, we worked hard at the 578. Um, when it was in the process. Um but things have, keep changing quickly on this bill. So um, I do have some comments I will be adding to this later um, and that was my top priority to see if we could extend this at least a week um, due to the fact the we do have a short time here uh, to look through this and things have, have changed here recently.

Um, I have a few concerns though um, and part of it was to go back on the, the weed, the noxious weeds under the, what section was that uh, appointment of monies understand that uh, that was written into the bill. Um, possible other changes we might look at, there's a different uh, different, difference between uh, invasive species and noxious weeds. Um, invasive species can mean uh, various uh, non native plants from anywhere. Whereas noxious weeds are a little bit more uh, of a, of a problem in the specific areas. Um, that type of wording should be looked at.

And um, there's also federal funding through BLM or uh, through uh, um, the federal uh, statutes that have provided monies to be uh, used in, public land areas already. I would like to see that money used prior to jumping into this fund. Um, and you know, each year they keep adding uh, more money to that funding and I think currently there's over 10 million dollars available uh. and a lot of agencies in Oregon don't go for that, that money but um, they should be looked at first. I think that's all the uh, information on that.

Um, the funding process um, any funding that comes, that is used out of this process should all be looked at through the uh, the grant sub committee and be forwarded through that way. I guess last year there was money over 1.1 million um, bypass the grant process and went directly to uh, Oregon state forestry um, and then other monies to another location, uh, through via the commission directing that funding, you know, that's the information I have. Um, I don't see why that money shouldn't have still gone through a grant process and funded uh, through that like all the other users in the state have to use. To me that look like a direct bypass through a government agency funding another government agency um, and that's what this bill is, is leaning towards, is government funding um, government. So um, that should be written in here uh, I'm not sure appropriate place for that um, but that was a huge amount of money bypassing the normal procedures. Um and I guess along with Terral there was administration, administrative costs um, that I will be um, commenting on and maybe a little bit more detail on that, on how that should be used and not over used and that's all of my public testimony at this time.

Thank you very much for coming and giving us the opportunity.

Ron Price, Hearings Officer: Ok I have called the names of the registration cards I had. Is there anybody else that wants to testify now. No. Then uh, this hearing is adjourned. #####



MEDFORD, OR 975
01 OCT 2009

RECEIVED
OCT 05 2009
STATE PARK AND
RECREATION DEPARTMENT

DR

[Handwritten signature]

ATV PROGRAM COORDINATOR

725 SUMNER ST. NE SUITE C

9/30/09

OPRD
ATV PROGRAM COORDINATOR
725 SUMNER ST. NE
SUITE C
SOLEM, OR 97301

IT SO HAPPENS THAT
OVER 60 YRS AGO AS ONLY A
LAYMAN, I OBSERVED THE INITIAL
BEGINNING OF THE MIS USE OF
ATV & WHAT THE FUTURE WAS
TO BE, AND COULDN'T GET ANY
GOVT AGENCY TO BE PREPARED.
NOW, WE HAVE GOVT
AGENCY'S IN CAHOOTS WITH
ENVIRONMENTAL DIS DESTROY-
EXTONISTS AND ACTUALLY
PROMOTING ETC.

SEE CAN'T WAIT FOR THE
ROTTED HUSKIES & THE EXHAUST
PACKET. SINCERELY

JOHN E VAN SYOC

|||||

From: <RCKingsnorth@aol.com>
To: <vanessa.demoe@state.or.us>
Date: 10/1/2009 3:15 PM
Subject: Rule changes in OAR 736-004 - Comments

To the Oregon Parks and Recreation Department
Comments regarding rule changes in OAR 736-004 : DISTRIBUTION OF
ALL-TERRAIN VEHICLE FUNDS TO PUBLIC AND PRIVATELY OWNED LAND MANAGERS,
ATV CLUBS
AND ORGANIZATIONS

An increased emphasis on safety and enforcement is a much needed change,
and the proposed changes are a step in the right direction.

Comments:

Operator hands-on training is a good start. Experience will allow an
evaluation of value.

Any written test should be administered by a DMV office in a monitored
test environment. (An on-line course is definitely appropriate, but any
written test must be in a monitored environment.) "Self-testing" does not
command the respect and discipline appropriate for safety issues.

There should be no waiver for "hardship". If the applicant cannot muster
the wherewithal to get to a testing facility, they will not have the
wherewithal to ride an ATV in the forest or dunes.

The allocation of funds through the ATV program should have a prescribed
set of priorities. The priorities:

Safety, training, education

Enforcement and emergency services

Restoration and protection of environment

Development and enhancement of existing recreational areas

Acquisition of new recreational areas

All requests for "safety, training, education" should be fully funded
before any other priorities are considered. Likewise, all requests for "
enforcement and emergency services" should be fully funded before any lower
priorities are considered. And so on down the list of priorities.

Regarding development/enhancement and land acquisition:

There should be no waiver of a 20% match requirement. If the party is
unable to muster sufficient funds for the project, it will be questionable
that they have the ability to maintain the asset.

Any development and enhancement of existing recreational areas, and any
acquisition of property or easement must be approved by every adjacent land
owner, and must be approved by 75% of all landowners who may be impacted by
an ATV presence, including noise in excess of 31 decibels, and/or any
environmental impact (such as dust or water run-off), and/or any property value
consideration. The impact area shall extend two miles from the property
boundaries, or further if the landowner can demonstrate a possible impact.
Access roads (public and private) must be considered part of the ATV project.

Robert Kingsnorth

Central Point, Oregon