11/7/19 ATV Task Force Meeting Summary

Discussion of ATV Trail Inspections

- Discussed trail inspection process; Brian Bronson indicated we currently have approximately 5000 miles of ATV trail on private land and 1500 miles of trail on public roadway and public lands. Potential to have approximately 4000 miles of trail needing annual inspection.
- District Forest Ranger Joe Mints presented an electronic ATV trail inspection form that was tied to a database (Work Force Manager), that could be a possibility for doing statewide trail inspections by the Maine Forest Service. Described the opportunity for Forest Rangers to prevent problems before they happen.
- Chief Forest Ranger Bill Hamilton fielded several questions from Task Force members regarding this potential responsibility for Forest Rangers

Comment: Question on the ability of inspectors to determine landowner property lines when a state ATV trail crosses multiple landowners. Question under consideration.

Comment: Some concern over loss of data if the state changes contract with ATT Work Force Manager. Data generally transfers in a compatible format

- Brian Bronson indicated the cost to have the Forest Rangers do the inspections would come from the ATV Program.
- Discussed the purpose of the trail inspection would be accountability to landowners not for law enforcement purposes; questions were raised about unannounced inspections; how the inspection reports would be transmitted to clubs; standards of training for inspectors whether its Forest Rangers or contractors; question on "mission creep" for Forest Rangers
- Task Force was divided on support of Forest Rangers as primary ATV trail inspectors; overall agreement that inspectors should be a "third party" not the ATV clubs.

Comment: Inspections and who the information is provided to could be part of the landowner agreement for an ATV trail.

ATV Registration Discussion 65-inch Maximum Width and 2000 lb. weight limit

- Discussed possible law change regarding ATV registration: An ATV may not be registered if it exceeds a width of 65 inches and weight exceeding 2,000 pounds and a registration is not required for an ATV that exceeds a width of 65 inches and weight exceeding 2000 pounds, if operated on the owner's land or frozen body of water within the jurisdiction of the State.

- Questions were raised regarding operating on your own land with an ATV over 65 inches when there is a state ATV trail; Operating wider ATVs in an "ATV Park"; and the placement of track kits on ATVs that would be wider than 65 inches; and "grandfathering ATV's wider than 65 inches currently registered in Maine. (All questions are up for further discussion).

Comment: Suggested addition of using "Original Equipment Manufacturer" (OEM)specifications to determine ATV width.

- Task Force members were encouraged to reach out to their respective groups on this issue prior to the next meeting.

Additional Public Comment Analysis

- Katie Yates from IFW presented her analysis of public comment data from those who indicated they owned or managed land and rode ATVs; the analysis was consistent with what the Task Force had previously identified as problems with ATV trails on private land; a theme of more efforts being made to communicate between landowners and ATV riders came from the comments. Request to post summary documents on the Task Force website.
- Some overall themes from the public comment was the necessity to give more power to the ATV clubs to manage ATV trails and, any type of fee increase needed to go to trails and riders.

Comment: Riders will accept a fee increase if it goes to trails, we need to invest, also need to get more safety and education information to nonresidents

Environmental Landowner Liability for ATV Trails

- Task Force needs to consider current law regarding landowner liability for environmental damage on their property as it pertains to having a state sanctioned ATV trail (38 MRS § 480-R and § 347-A). Information will be prepared of the 11/21 meeting.

Comment: Is there potential for the land use agreements for ATV trails to address the issue of landowner liability for environmental damage?

Comment: Task Force should also review existing law regarding operation of ATV (12 MRS Part 13).

- Follow-up discussion regarding land use agreements and landowner liability will be held on 11/21

Guidelines for ATV Trail Definitions, Construction and Inspection Standards

- Brian Bronson presented a draft of ideas that the Task Force had discussed related to ATV trail definitions, construction best management practices and inspection/monitoring.
- A question was raised about including trail opening dates as part of the guidelines; Task Force agreed that is was a regional decision that should remain open ended in the guidelines.

Comment: Need a better definition of "state approved, or state funded" ATV trails. It will be important for landowners to be clear on this issue.

Comment: Language should be added to the "trail closure" section that the landowner has a right to close an ATV trail at any time.

- More work is needed on the trail closure section of the guidelines better defining the process for closing a trail, who can/should do it, (State, clubs, or both)
- Question was raised on trail funding and insurance, when a public road is part of a trail; clarification needed on this issue.

Trail Funding (current)

- Need to reaffirm the cost per mile for trail construction and maintenance; is it going to be higher to maintain all trails to Best Management Practices (BMP) standards for ATV trail construction; trail location also affects cost/mile; suggested that the Task Force have a range of costs/mile.
- Task Force needs to look at what it costs to fund existing trails to a higher standard and factor in cost increases.

Comment: Snowmobiling tries to project out five-year increments for costs of trail construction and maintenance

- Discussed current funding from ATV registrations and a portion of the state gas tax.

Trail Funding (Ideas)

Comment: ATV registration is artificially low for the amount of time you get to ride compared to snowmobiles

Comment: Task Force should review/ reevaluate the disbursement of the current gas tax revenues for ATV Grants.

Comment: We need to know how much money we need and then raise the registration fee.

Comment: Not a problem with raising the registration fee across the board or having a tiered fee system, we should not be eliminating trails, we need to find the money.

Comment: We need more money, how much can the registration fee sustain?

Comment: Need trails that keep landowners happy; riders want something for their registration fee; a tiered registration could be a solution with side by side and single ATV getting a big step increase; not in favor of reducing trails.

Comment: User group should be paying; would support a higher fee for side by sides; should look at the gas tax; landowners will stop allowing trails if no funding is available.

Comment: Look at which machine cause the most damage to determine registration fee; potentially have a trail registration and non-trail registration; consider mandatory insurance for ATVs and take a percentage of the ATV insurance premium.

Comment: We need to look at where funding goes now (is it still appropriate); we need to prioritize trails; we need to look at a tiered registration; An increase in fees needs to be led by the ATV community; raising fees is a controversial issue.

Comment: Consider a tiered registration system

- Discussed necessity for landowner mitigation fund that was recommended in the 2003 report.

Comment: If trails are funded properly there would be less need for a mitigation fund

Comment: fine money could be a potential, or a General Fund appropriation

Comment: Is bond money a potential for ATV trail work?

Public Comment:

- Dan Montgomery, (Central Maine Trailblazers ATV Club), advocated for taking care of landowners; not supportive of a tiered registration system need to raise registration across the board (everyone pays the same); people need to belong to ATV clubs
- Jay Ellingson (public attendee), Thanked landowners; ATV size and weight has to be standard needs to be well defined in statute (perhaps OEM standard); Concerned about "bad actors" on the trails, overall sees very courteous drivers; supported a club membership incentive; was willing to pay a little bit more for registration.

- David Glick (Sp)(public attendee), recommended removing any waste from current spending; supported the idea of value of ATV to determine registration fee; would like to see breakdown on current registration distribution, it should be transparent posted on web site.
- Deborah Scates (public attendee), Appreciates efforts of Task Force

Next Meeting: November 21, 2019, Inland Fisheries and Wildlife Office, 650 State Street, Bangor, Maine