

**IDAHO STATE ATV ASSOCIATION, INC.**  
*an Idaho nonprofit corporation*

**STATEMENT OF  
POLICIES AND POSITIONS**

*[adopted September 25, 2010]*



The following represent the official policies and positions of the Idaho State ATV Association, Inc., an Idaho nonprofit corporation (“ISATVA”), as adopted by a three-fourths majority of the members of the Board of Directors of ISATVA. Additional policies and positions may be adopted from time to time by the members of the Board of Directors upon approval of three-fourths of its members. The policies and positions set forth herein may be amended, modified and/or deleted from time to time by the members of the Board of Directors upon approval of three-fourths of its members.

## **Section 1 – General Beliefs**

### *Policy 1.01. Definition of ATV.*

An All-Terrain Vehicle (“ATV”) is any recreational motorized vehicle that meets all of the following characteristics: (1) it has three or more tires; (2) its vehicle weight is less than 850 pounds; (3) its vehicle width is 48 inches or less; (4) its wheelbase is 61 inches or less; (5) it travels on low pressure tires of ten pounds per square inch or less; and (6) it is operated by a handlebar and has no steering wheel.

### *Policy 1.02. Definition of Motorbike.*

A Motorbike is any self-propelled two wheeled motorcycle or motor-driven cycle, excluding tractors, designed for or capable of traveling off developed roadways and highways and also referred to as a trailbike, endure bike, trial bike, motocross bike or dual purpose motorcycle.

### *Policy 1.03. Definition of Snowmobile.*

A Snowmobile is any self-propelled motorized vehicle under 1,000 pounds unladen gross weight, designed primarily for travel on snow or ice over natural terrain, which is steered by tracks, skis or runners.

### *Policy 1.04. Definition of UTV.*

A Utility Type Vehicle (“UTV”) is any recreational motorized vehicle that meets all of the following characteristics: (1) it is not an ATV, motorbike or snowmobile; (2) it has four or more tires; (3) its vehicle weight is less than 2,000 pounds; (4) its vehicle width is less than 74 inches; (5) its wheelbase is 94 inches or less; (6) it travels on low pressure tires of twenty pounds per square inch or less; (7) it is operated by a steering wheel; and (8) it is not a golf cart, vehicle specially designed to carry disabled persons, or an implement of husbandry.

### *Policy 1.05. Definition of SOHV.*

A Specialty Off-Highway Vehicle (“SOHV”) is any motor vehicle manufactured, designed or constructed exclusively for off-highway operation that is not an ATV, Motorbike, Snowmobile or UTV.

*Policy 1.06. Definition of OHV.*

An Off-Highway Vehicle (“OHV”) is an ATV, Motorbike, Snowmobile, UTV and/or SOHV.

*Policy 1.07. Cooperation with Other Users of Public Land.*

It is the goal and desire of ISATVA to actively seek out and build mutually beneficial relationships with other recreational users of public land in the State of Idaho. This includes developing mutually advantageous and respectful relationships with motorized and non-motorized users of public land.

*Policy 1.08. Responsible OHV Advertising.*

One of the objectives of advertising is to influence the perceptions people have about OHVs and their capabilities. Advertising showing inappropriate or environmentally damaging activities can adversely influence the behavior of OHV enthusiasts. These ill-conceived advertisements also convey a negative image to the public. Advertisements should always show safe and environmentally responsible behaviors. ISATVA encourages its clubs, members, sponsors and supporters to contact the responsible manufacturer whenever they encounter an advertisement depicting irresponsible activities.

*Policy 1.09. Support of ‘Tread Lightly’.*

ISATVA supports the ‘tread lightly’ program, which can be found at [www.treadlightly.org](http://www.treadlightly.org). ISATVA encourages its clubs, members, sponsors and supporters to abide by the guidelines suggested by ‘Tread Lightly’ with respect to OHV recreation.

*Policy 1.10. Support of ‘Stay on Trails’.*

ISATVA supports the ‘stay on trails’ program, which can be found at [www.stayontrails.com](http://www.stayontrails.com). ISATVA encourages its clubs, members, sponsors and supporters to abide by the guidelines suggested by ‘Stay on Trails’ with respect to OHV recreation.

*Policy 1.11. Leave No Trace.*

ISATVA supports certain leave no trace principles such as (1) know before you go; (2) stick to trails or designated open areas; (3) pack out trash; (4) leave nature as it is found; (5) be responsible with fire; (6) do not disturb wildlife; and (7) be respectful of other visitors. ISATVA encourages its clubs, members, sponsors and supporters to abide by these guidelines while engaging in OHV recreation.

## **Section 2 – Charitable Activities**

### *Policy 2.01. Fundraising Activities.*

ISATVA supports responsible fundraising projects made in an effort to assist with development of safe and responsible OHV use opportunities in the State of Idaho, and its surrounding areas. ISATVA encourages its clubs, members, sponsors and supporters to generously support such fundraising efforts.

### *Policy 2.02. Search and Rescue Activities.*

ISATVA is dedicated to the safety and security of all persons that recreate in the outdoors, and ISATVA offers its volunteer assistance and support to search and rescue activities and operations in the State of Idaho, and its surrounding areas. ISATVA encourages its clubs, members, sponsors and supporters to generously volunteer their time and effort toward search and rescue activities. ISATVA specifically encourages its clubs to develop search and rescue teams to assist in such activities and operations.

### *Policy 2.03. Trail Building and Maintenance.*

ISATVA is dedicated to the advancement of OHV use opportunities in the State of Idaho, and its surrounding areas, through volunteer assistance and support of OHV trail building and maintenance activities. ISATVA encourages its clubs, members, sponsors and supporters to generously volunteer their time and effort toward the building and maintenance of OHV trails.

### *Policy 2.04. Trail Mapping.*

ISATVA is dedicated to the advancement of OHV use opportunities in the State of Idaho, and its surrounding areas, through volunteer assistance and support of OHV trail mapping and map publication distribution. ISATVA encourages its clubs, members, sponsors and supporters to generously volunteer their time and effort toward the mapping of OHV trails, and toward the publication and distribution of OHV trail maps.

### *Policy 2.05. Trail Signing.*

ISATVA supports the clear, obvious and apparent signing and marking of OHV trails on the ground. ISATVA encourages responsible authorities to create logical trail numbering systems to assist OHV users in finding and staying on designated trails, and including such trail numbers on signs posted in the field. ISATVA encourages responsible authorities to post trail system maps at trailheads that display to OHV users the trail system, mileage, points of interest and trail difficulty. ISATVA is dedicated to the advancement of OHV trail signing in the State of Idaho, and its surrounding areas, through volunteer assistance and support of sign placement. ISATVA encourages its clubs, members, sponsors and supporters to generously volunteer their time and effort toward the assistance and support of sign placement.

*Policy 2.06. Trail Difficulty.*

ISATVA supports the establishment of a national uniform system for indication of OHV trail difficulty. ISATVA encourages responsible authorities to support the same and use such a system in trail signing and mapping. ISATVA encourages its clubs, members, sponsors and supporters to support the development of a trail difficulty categorization system by riding OHV trails to determine difficulty and by advising OHV users of trail difficulty.

Trail difficulty classification should be determined by experienced riders who have been trained as trainers as part of the IDPR OHV education program. Trails should be classified according to the most difficult terrain expected on the route section.

### **Section 3 – Educational Activities**

*Policy 3.01. Education Generally.*

ISATVA encourages, promotes and directly educates the public as to safe and responsible OHV use and operation. ISATVA encourages its clubs, members, sponsors and supporters to encourage, promote and directly educate others as to safe and responsible OHV use and operation.

*Policy 3.02. Law Enforcement.*

ISATVA supports reasonable efforts and methods to enforce laws, rules and regulations that pertain to OHV use and recreation. Enforcement of such laws should be based upon common sense principles. ISATVA encourages law enforcement personnel to view enforcement as educational opportunities. Intentional disobedience of the law should be punished as the law allows. Innocent and/or unknowing disobedience of the law should be treated with an educational warning on the first offense.

Funding of law enforcement activity, as it pertains to OHV use, should be primarily derived from general sources and tax revenues. However, ISATVA supports the designation of 5% to 10% of OHV registration fees being dedicated to OHV law enforcement activities, whether such funding be direct or through a grant process.

ISATVA encourages state and local law enforcement agencies to allow ISATVA clubs and members to participate in the selection process as it relates to the selection of personnel to perform a specialized function related to OHV law enforcement.

### **Section 4 – Lobbying Activities**

*Policy 4.01. Legislative Philosophy.*

ISATVA sponsors and supports the enactment of fair federal, state, local and private land use laws and regulations pertaining to OHV ownership and operation. However, ISATVA actively

opposes such laws and regulations as are determined by ISATVA to be detrimental to the best interests of OHV users.

*Policy 4.02. Liability of Search and Rescue Volunteers.*

ISATVA supports the enactment of legislation that provides search and rescue volunteers, whether as an organization or as a person, with immunity from civil liability for any acts performed relative to search and rescue activities and operations, *provided however* that there should be no such immunity for such acts that are determined, by clear and convincing evidence, to have been malicious, reckless or grossly negligent.

*Policy 4.03. Endangered Species Act.*

ISATVA supports the original purposes of the Endangered Species Act (ESA). These include conservation of ecosystems that provide important habitat for listed species, and implementing a program to recover their populations. However, ISATVA believes that the law has been misused and recommend that it be revised to include the following principles:

- (a) Listing decisions should be based on analysis of clearly distinct species, not questionable subspecies or isolated populations.
- (b) Marginal or occasionally used fringe range should not be managed as critical habitat. Only habitat truly and demonstratively important to survival of a species should be considered critical and its management modified for that purpose.
- (c) The full financial and social effects of all listings and habitat designations must be analyzed and disclosed.
- (d) Any listing or habitat designation that reduces, modifies or otherwise affects the value and uses of private land may be implemented only if the landowner is compensated for any loss of value.
- (e) Prior to any modification of land use activities, a clear and irrefutable link between the activity and adverse effects on the listed species or designated habitat must be established.
- (f) All listings or habitat designation decisions must be congruent with rigorous, objective, defensible and robust scientific review.

*Policy 4.04. OHV Insurance Requirements.*

ISATVA encourages all OHV users and owners operating OHVs on public land and/or public roads to maintain valid liability insurance with minimum limits of coverage for property damage of \$5,000 and minimum limits of coverage for bodily injury of \$25,000 per person, \$50,000 per occurrence.

*Policy 4.05. OHV Licensing.*

ISATVA opposes the enactment of legislation that would require OHVs operating on non-paved surfaces to be licensed as motor vehicles, whether it be called a special plate, restricted plate or anything other. ISATVA further opposes the enactment of legislation that would subject OHVs

operating on non-paved surfaces, such as backcountry trails, to the laws generally applicable to motor vehicles.

ISATVA supports the enactment of legislation that would require OHVs operating on paved surfaces to be licensed as motor vehicles, with a class of licensing known as a restricted plate. ISATVA further supports the enactment of legislation that would subject OHVs operating on paved surfaces to the laws generally applicable to motor vehicles.

*Policy 4.06. OHV Titling.*

Because OHVs are subject to easy movement and concealment, and therefore at heightened risk for theft, ISATVA supports existing legislation that requires OHVs to be titled and that requires persons seeking a transfer of title to show ownership of the OHV.

*Policy 4.07. Licensing of OHV Operators.*

ISATVA supports the enactment of legislation that requires operators of OHVs on public roads to carry a valid issued driver's license, *provided that* operators under the age of 18 should not be required to carry a driver's license so long as the operator is operating the OHV under the supervision or direction of a person with a valid issued driver's license.

*Policy 4.08. OHV Registration.*

ISATVA supports existing legislation that requires OHVs to be registered through the Idaho Department of Parks & Recreation, on an annual basis, as a prerequisite to operation of the OHV on public lands and/or public roads throughout the State of Idaho. Local authorities, such as counties and cities, should not require OHVs to have additional local registrations, permits or the like to operate within their jurisdictions. There should be only one centralized registration system at the state level.

*Policy 4.09. OHV Operation and Alcohol/Drugs.*

ISATVA supports the enactment of legislation that makes it unlawful to operate an OHV while under the influence of alcohol. ISATVA supports the enactment of legislation that makes it unlawful to operate an OHV while under the influence of controlled substances not prescribed for use by the operator. ISATVA supports the enactment of legislation that makes it unlawful to operate an OHV while under the influence of drugs that impair the operators ability to safely and responsibly operate the OHV.

ISATVA supports the enactment of legislation that makes it unlawful to consume alcohol while operating an OHV, however it should be lawful for operator to have an open container on an OHV provided the container is not within reach during operation of the OHV.



*Policy 4.10. Use of Helmet while Operating OHV.*

ISATVA encourages all OHV operators to wear an appropriate safety helmet while operating an OHV. ISATVA supports the enactment of legislation that requires an OHV operator under the age of 18 to wear an appropriate safety helmet while operating an OHV.

*Policy 4.11. Gas Tax Funding.*

ISATVA supports the continuation of the distribution of gas tax revenues as set forth in IDAHO CODE § 63-2412(e), which ensure funding to the Idaho Department of Parks & Recreation for OHV and other programs.

*Policy 4.12. Grant Funding Priorities.*

With respect to federal, state, local and private grant programs that advance OHV use opportunities and interests, ISATVA believes that available funds for grants should be prioritized in the following order: *First*, to trail operation, maintenance and construction programs or activities; *Second*, to programs or activities intended to map or sign trail systems; *Third*, to programs or activities intended to repair or remediate areas damages by OHV use; *Fourth*, to activities or programs intended to educate or train OHV operators; *Fifth*, to activities or programs intended to regulate OHV use or enforce OHV regulation; and *Last*, for any other purposes.

## **Section 5 – Recreational OHV Use**

*Policy 5.01. Promotion of Recreational OHV Use.*

ISATAVA fosters, promotes and encourages active recreational OHV use in the State of Idaho and its surrounding areas.

*Policy 5.02. Carrying of Concealed Weapons.*

ISATVA supports existing Idaho Code Section 18-3302 regarding rules for the carrying of concealed weapons. ISATVA supports interpretation of this statute in such a way that permits a person to carry a loaded handgun in a bag, case or compartment affixed to or part of the OHV without having a concealed weapons permit, provided the handgun is not readily accessible to the operator.

*Policy 5.03. Fish and Game Designation of OHV as an Aid to Hunting.*

ISATVA opposes any designation of the use of an OHV as an aid to hunting with respect to hunting, fishing and trapping. ISATVA further opposes any rules and regulations that prohibit the use of an OHV while hunting, fishing or trapping on roads, trails and areas designated as open to OHV use by the land manager – Idaho Fish and Game ought not to use its regulatory authority to prohibit uses permitted by the land manager simply because of the activity for which the OHV is being used.



*Policy 5.04. Management of OHV Use.*

ISATVA supports the policy of restricting OHVs to designated roads, trails and areas as long as areas that lend themselves to “open cross country travel” are considered for that designation. Sand dunes and some desert lands are examples of areas that should continue to offer cross country OHV opportunities. ISATVA encourages land managers to actively engage ISATVA and our member organizations in the travel management decision-making process with the goal of providing diverse recreation opportunities that can accommodate a growing OHV recreation community. Because OHV recreation is a growing activity, land managers ought to make every effort to increase OHV riding opportunities, in a responsible manner, rather than restricting and/or eliminating riding opportunities.

## **Section 6 – Competitive OHV Use**

*Policy 6.01. Support of Competitive OHV Use.*

ISATVA supports active competitive OHV use in the State of Idaho and its surrounding areas.

## **Section 7 – Land Management**

*Policy 7.01. General Land Management Philosophy.*

ISATVA cooperates with private and public land management and/or regulatory agencies as it relates to OHV use. However, ISATVA reserves the right to oppose regulations or actions ISATVA considers unfair and/or not serving the best interests of the OHV community in the State of Idaho and its surrounding areas.

*Policy 7.02. Wilderness Designation.*

ISATVA supports Wilderness designation only in areas that truly meet the characteristics identified in the 1964 Wilderness Act and where evidence of human activity does not exist and has not existed. ISATVA also supports management of Wilderness areas for the use and enjoyment of the American people as required in the Act.

Areas of public land that show evidence of human influence such as roads, mines, timber harvest, motorized or mechanized use, or other activity should not be included in any new Wilderness. Where such lands are of limited productivity, more sensitive, or capable of producing high quality recreation experiences they should be included in a new Congressional classification such as Backcountry.

*Policy 7.03. Use of Existing Roads and Trails.*

ISATVA supports the policy of limiting OHV use to existing roads and trails in those areas where cross country OHV use has been adequately studied and shown to cause adverse impacts. An open classification, which includes cross-country travel, may be appropriate in areas such as

sand dunes, borrow pits, play areas, and other open lands. In areas where existing roads and trails are causing detrimental impacts, trail relocation or reconstruction should be evaluated and given priority. Additional roads, trails and connector routes should also be developed in areas where existing roads and trails are not providing the necessary quantity and quality of recreation experiences.

During planning processes, OHV use should be limited to specific designated routes only after a complete inventory and route analysis process has been completed. Use should be limited to existing routes where no route analysis has been completed. Route systems should be interconnected to increase available opportunities and to disperse use.

*Policy 7.04. OHV Use on Private Lands.*

ISATVA supports the rights of private landowners to determine how and by whom their land will be used. ISATVA encourage landowners to make their lands available for responsible OHV recreation whenever possible and when such use is compatible with the landowner's use of the land. ISATVA supports state liability statutes that protect landowners from claims by people using their land for recreational purposes. Where valid public rights-of-way exist, ISATVA supports appropriate measures to allow the continuation of reasonable public access.

*Policy 7.05. Land Management Planning.*

ISATVA supports inclusion of travel management in Forest Plans revisions. Travel management planning must address reasonable, high quality access to all public lands. ISATVA recognizes that some areas may not be appropriate or suitable for motorized routes, but motorized users should be able to access significant portions of the public lands with the attributes they enjoy. The process must comply with the following principles or guidelines:

- i) General Travel Planning
  - (1) Travel planning activities must recognize the clear distinction between providing an opportunity to reach a specific location and providing linear recreation facilities such as trails and scenic roads. Both are essential to adequate travel management decisions.
  - (2) Travel management decisions reached in land management plans should include only guiding principles or decision criteria. Specific route decisions should be included in a separate document. Specific route planning may be completed concurrently with larger land management plans.
- ii) Trail Planning
  - (1) All planning for trails and recreation roads (linear recreation facilities) must adopt a "systems approach" which includes:
    - (a) Identification and preservation of existing trail opportunities.
    - (b) Identification of new trail connections necessary to complete an interconnected system of trails that:
      - (i) Provides loop opportunities
      - (ii) Provides access to desirable areas
      - (iii) Provide access to other recreation and support facilities

- (iv) Provide visitors with options to experience the full range of recreation experiences from easy family rides to challenging routes.
- iii) Road Closures
- (1) Prior to closure of any road determined to be surplus to the agency administrative needs, the route should be considered for conversion to a trail. The road closure decision should document this analysis and the reasons for eliminating the trail conversion alternative.
  - (2) Road obliteration or decommissioning should not be undertaken if a non-inventoried roadless area of 1000 acres or more would be created by the action. Roads in these areas may be administratively closed to traffic if necessary but they should remain in place.
  - (3) Prior to a route being closed because of environmental effects, a reconstruction or relocation alternative must be considered. If relocation is a viable option, the relocation must be completed before the closure is implemented.
  - (4) The differences in types of motorized recreation should be recognized. The experience of a motorcycle rider will be different on a single-track trail than it is on an ATV or UTV trail. The experience of an ATV or UTV rider will be different on a narrow ATV or UTV trail than it is on a logging road. Travel management should be tailored to the specific activity, place and time of year, not broad-brushed.

*Policy 7.06. Historic Public Access on and to Public Land.*

Revised Statute 2477 (RS 2477), passed in 1866, was meant to facilitate the development of the western states by creating “the right of way for the construction of highways across public lands not otherwise reserved for public purposes.” The public property rights created by this statute have created controversy throughout the West. Jurisdiction over these rights of way is governed by state law. In Idaho, that authority is passed on to the counties. Where they have been validly established, these rights of way should be open to the public. Many Idaho counties have been actively researching these historic rights of way and determining whether they existed prior to the land passing out of public domain and becoming federal or private land. Some counties have then added them to county maps; however this process is now incomplete.

ISTAVA supports legislation that will define a process by which an individual can petition the county to add an adequately documented RS 2477 right of way to the county map. The right of way would then be open to the public, subject to county authority. Currently, confusion exists about the manner of determining the validity of an asserted RS 2477 right of way. ISATVA supports legislation that will provide an important tool to assist the public in maintaining public access to and over public land by creation of law that will –

- Clarify the process by which an individual can petition a county to add RS 2477 right of ways to county maps.
- Clarify that RS 2477 rights of way cannot be abandoned except by eminent domain proceedings. However, a valid RS 2477 right of way that crosses private land to access public land can be relocated to an adjacent county road that accesses the same land.
- Clarify that the county has the authority to place special conditions or restrictions on public access as appropriate.

- Clarify that the county's decision on the right of way after the process is complete is subject to judicial review in Idaho courts.
- Establish a process by which prescriptive rights of way can be added to county maps, and a formal process by which prescriptive rights of way can be abandoned.
- Clarify that claims seeking to either validate or terminate RS 2477 rights of way must be presented to the affected Idaho county through the process outlined in the legislation.

*Policy 7.07. Routes Considered Open Unless Posted Closed.*

ISATVA supports a road, trail and route designation process under which all established roads, trails and routes are considered open for all uses. If a reasonable and logical decision-making process results in a decision that a road, trail or route should be closed to particular uses permanently, temporarily or seasonally, then such restriction should be clearly marked and posted on the ground in the field, and also be so designated in appropriate travel maps.

*Policy 7.08. Management of Recommended Wilderness.*

ISATVA supports management of recommended Wilderness in a way that protects existing Wilderness values. This does not mean that recommended Wilderness should be managed as if it were Wilderness. Motorized uses should be allowed to continue whether they have existed in the past until Congressional designation.

The fact that areas that have been used by OHVs are still eligible for Wilderness recommendation proves that the existing OHV use has not degraded the existing Wilderness potential.

*Policy 7.09. Backcountry Designation.*

ISATVA supports the Congressional designation of areas as Backcountry. This designation would require that management of the land to preserve the existing character of the land while still allowing management activities and motorized recreational uses to occur where compatible with existing laws.

*Policy 7.10. Use of Volunteer Agreements.*

ISATVA supports use of volunteer agreements to facilitate maintenance and patrol of areas used for OHV activities. ISATVA opposes use of volunteer agreements such as Challenge Cost Share Agreements in an effort to transfer liability from the managing agency to the local clubs or individuals.

*Policy 7.11. Revision Process for Motor Vehicle Use Maps.*

Reserved for adoption of future policy.

*Policy 7.12. OHV Use on Property Owned by State Agencies.*

Reserved for adoption of future policy.

*Policy 7.13. Bruneau Dunes State Park and Observatory.*

Located just outside of Mountain Home, Idaho is Bruneau Dunes State Park and Observatory, a state park managed by the Idaho Department of Parks and Recreation. This site includes the tallest single-structured sand dune in North America, which rises to 470 feet high above small lakes in the high desert of southern Idaho. The state park includes desert, dune, prairie, lake and marsh habitat with opportunities to observe nocturnal species. Activities presently include fishing, bird watching, camping, hiking, swimming and viewing the stars at one of only two public observatories in Idaho. Vehicles are presently not allowed on the dunes. A visitor center offers information on birds of prey, insects, fossils, wildlife and the sand dunes.

ISATVA supports continuation of the existing use opportunities at Bruneau Dunes State Park and Observatory and opposes any effort to open the park area, including the dune structures, to OHV recreation. ISATVA supports this site as a semi-primitive natural habitat free from motorized land recreation.