

APPENDIX D: 2005-2011 NOVA PLAN APPENDIX

A. NOVA Program, A History

1. ATV Program: 1971 – 1978

In 1971 the Legislature created the state All-Terrain Vehicle (ATV) Program through language placed in Chapter 46.09 of the Revised Code of Washington. This law, as later amended, established a fund source for the development and management of "ATV recreation." At that time this was an all encompassing, generic term for motorized, off-highway recreation with motorcycles (trail bikes), four-wheel drive vehicles, and conventional automobiles when used on backcountry roadways. Since then, the term "ATV" has come to mean something entirely different. It now refers to a small, easy-to-straddle off-road vehicle (ORV) with three or four low-pressure tires.

The ATV Program was the result of two groups' interest in the state gasoline tax revenue generated from motor vehicle fuel consumed off of public highways. One group, mostly composed of state government agencies, noted that there were extensive road systems on state lands, namely those managed by the departments of Wildlife and Natural Resources, and the Parks and Recreation Commission. These road systems were open to the public, but built and maintained from funds other than the tax on motor vehicle fuels. The legislature wanted to divert a portion of motor fuel taxes to manage these "nonhighway roads."^[5]

The other group looking at state gas tax revenues generated from motor fuel consumed off highways was a coalition of ORV enthusiasts. That group took a different tack to a similar goal. Under the terms of RCW 82.36.280 there is a general rule that a refund will be made on any taxes paid on motor fuel consumed off the "regular" public highway system. Refunds are made to boaters, farmers, and others for off-highway use of motor fuels under this section. The coalition wanted motor fuel taxes paid on fuel consumed by ORV vehicles to be diverted to programs benefiting the users.

^[5] It was determined that, although the State Constitution earmarks the gas tax for exclusive use for highway purposes, this does not mean that the money can only be used for city streets, county roads and public highways built or maintained by the state Department of Transportation. The term "public highway" appeared to be broad enough to include other roads constructed and maintained by public agencies. To clarify the issue, a new term -nonhighway roads (NHRs)- was coined. These are roads that are open to public use and are not constructed but may potentially be maintained, at least in part, with gas tax revenues. (In the early 1970s, only state and privately managed roads were classified as "nonhighway.")

Almost simultaneously, the state legislature and the ORV recreation coalition sought to divert some gasoline tax revenues from public highway programs to nonhighway and ORV programs. The result was the 1971 legislation that created the ATV Program.

Under the ATV Program, IAC distributed one percent of the fuel tax, along with a portion of the permit fees paid by ATV users. A block grant program helped state agencies in maintaining certain roadways, and assisted both state and local agencies in managing ATV recreation. IAC distributed nearly \$8 million dollars among 34 agencies between 1972 and 1978 under this program. Most of the ATV expenditures were for coordinators, site searches and plans, with less spent on land acquisition and development.

Fuel Use Study: 1972 – 1973

In 1972-73 an All-Terrain Vehicle Fuel Use Study was conducted to help determine how much of the fuel tax should be diverted to the ATV Program. The study, conducted by the Research and Technology Division of the then Department of Motor Vehicles, examined how much gas tax revenue was generated from motor vehicle fuel consumed by recreational traffic on nonhighway roads ^[6] and by recreational use of ORVs. The study revealed that nonhighway recreational uses accounted for about 4.61 percent (77.9 million gallons) of the 1.7 billion total taxable gallons of motor fuel sold from July 1, 1972 through June 30, 1973.

While the study provided information on how much of the fuel tax should be dedicated to nonhighway recreation or ATV purposes, it did not provide detailed information about the proportions of fuel used by various types of ATV use. For example, the study did not separate fuel consumption between nonhighway roads and trails or privately managed lands; nor did it measure the amount of fuel used for recreation on federally managed nonhighway roads (national forests and national parks), on which significant recreation-related travel occurs. Results of the study did indicate that of the nonhighway-use fuel sold:

- 40.5 percent was used on state managed nonhighway roads;
- 28.5 percent was used on privately managed nonhighway roads and trails and lands; and
- 31.0 percent was used on state and federally managed trails/lands.

^[6] RCW 46.09.020 seems to define a nonhighway road broadly enough to include the popular routes leading to Paradise and Sunrise in Mt. Rainier National Park, Hurricane Ridge in Olympic National Park, and Windy Ridge in the Mt. St. Helens National Volcanic Monument. Across the state, nonhighway roads are used by recreationists to access rivers and forest lands (including trailheads, used predominately by equestrians, hikers, mountain bicyclists, off-road vehicle recreationists, and cross-country skiers). Nonhighway roads are also used by those who may never leave the vicinity of their vehicle while they enjoy the ride, a roadside viewpoint, picnic table, or a related support facility.

2. ORV Program: 1977 – 1986

By the mid-1970s, it became apparent that most of the agencies participating in the IAC-managed ATV Program were experiencing great difficulties in using the funds to achieve the program's objectives. Therefore, a coalition of recreation user groups and state agencies approached the 1977 Legislature requesting modifications to the All-Terrain Vehicle Act.

As a result, the legislature amended Chapter 46.09 RCW to create the Off-Road and Nonhighway Vehicles Act, better known as the ORV Act. A primary change in this legislation was the way ORV funds were distributed. Under the amended law, funds distributed by IAC shifted from a block grant method to one based on individual project merit. In other words, funding could only occur now after project sponsors had presented firm plans and commitments to provide ORV recreation.

The amount of motor vehicle fuel excise tax transferred to the ORV Program remained at one percent. The 4.61 percent level found in the fuel use study was not politically feasible to refund.

Under the 1977 Act, funding earmarked for the benefit of nonmotorized facilities, previously distributed by IAC, was now provided directly to the state agencies. The Department of Wildlife received 3.5 percent of the one percent refund "solely for the acquisition, planning, development, maintenance and management of nonhighway roads and recreation facilities." The Department of Natural Resources received 25 percent for the same purposes, plus another 20 percent "to be used only for the acquisition, planning, development, maintenance and management of designated ORV trails, areas and campgrounds."

In effect, IAC was out of the nonmotorized funding picture. It was charged solely with distributing the remaining 51.5 percent of the one percent to federal, state, and local agencies to manage ORV programs.

The first year of project-specific funding and allocation of the first state ORV grants to a federal agency (Wenatchee National Forest) was 1978. Projects funded in 1978 would prove to be an accurate prediction of program direction for the next several years: grants to counties emphasized planning, intensive use, education, and enforcement, while grants to state and federal agencies emphasized dispersed opportunities on trails. No requests were received from cities.

From 1978 through 1986, IAC administered \$9.7 million under the ORV Program for ORV recreation facilities and programs (Table 1).

Table 1.				
IAC Administered ORV Program Funding (1978 - 1986)				
Agency Type	Off-Road Vehicle Projects			TOTAL
	Education and Enforcement	Maintenance and Operation	Planning, Acquisition & Development	
Local	\$1,956,000	\$1,820,000	\$2,810,000	\$6,586,000
State	10,000	261,000	231,000	502,000
Federal	0	2,000	2,582,000	2,584,000
TOTAL	\$1,966,000	\$2,083,000	\$5,623,000	\$9,672,000

3. NOVA Program: 1986 – 1993

As the mid-1980s approached, it again became apparent that more fine-tuning of the ORV legislation would be needed. The program had evolved to a point where a different user group was demanding to be heard—the "nonmotorized" recreationists. This group is composed primarily of individuals, such as hikers or equestrians, who use nonhighway roads (NHR) to access nonmotorized recreational opportunities on Department of Natural Resources or Forest Service roads to access trail heads. This group wanted a share of the funds for the acquisition and development of lands and facilities.

A second reason for modifying Chapter 46.09 RCW was to establish priorities among the agencies and user groups competing for funding under this grants program. A compromise for allocation of program funds, reached after months of intense debate, mandated that:

- IAC would receive 54.5 percent (instead of 51.5 percent) of the available funds for distribution for recreational nonmotorized facilities, ORV education and law enforcement activities, and recreational ORV facilities;
- The Department of Natural Resources would receive 40 percent for nonmotorized and ORV purposes (and divert 10 percent of its share to IAC for ORV law enforcement);
- The Department of Wildlife would continue to receive 3.5 percent for nonmotorized purposes; and
- The State Parks and Recreation Commission would receive 2 percent for ORV purposes.

A NOVA Program Advisory Committee, established by the 1986 Act (RCW 46.09.280), assists IAC in administration of its NOVA funds. The committee consists of nonmotorized and ORV recreationists, and local, state and federal agency representatives. Committee members provide valuable advice to IAC and represent the views and needs of the users, organizations and agencies that are affected by NOVA funding.

Between 1986 and 1993, IAC granted \$17.7 million for ORV recreation facilities and programs, and nonmotorized recreation facilities (Table 2).

Table 2.					
IAC Administered NOVA Program Funding (1986 – 1993)					
Agency Type	Off-Road Vehicle Projects			Nonhighway Road Projects	TOTAL
	Education and Enforcement	Maintenance and Operations	Planning, Acquisition & Development	Planning, Acquisition & Development	
Local	\$3,954,000	\$2,108,000	\$3,880,000	\$372,000	\$10,314,000
State	170,000	0	1,190,000	799,000	2,159,000
Federal	313,000	114,000	2,637,000	2,138,000	5,202,000
TOTAL	\$4,437,000	\$2,222,000	\$7,707,000	\$3,309,000	\$17,675,000

In 1990, the Legislature raised the fuel tax \$.05 per gallon (from \$.18 to \$.23). At that time it also amended Chapter 46.09 RCW (and other recreational fuel tax refund statutes) to prevent any of the increase from being refunded to the NOVA Program. In effect, the legislature capped the refund, limiting it to the portion of the fuel tax rate in effect in 1990.

1992-93 Legislative Session

1992 saw the first serious attempt to modify Chapter 46.09 RCW since the NOVA Program was created in 1986 and the NOVA fuel tax refund was "capped" in 1990. This attempt was embodied in Substitute Senate Bill 5319.

If passed into law, this bill would have lifted the 1990 cap imposed on fuel tax increases for both the NOVA Program and the IAC-managed Boating Facilities (Initiative 215) Program and given IAC discretion to move funds between ORV and nonmotorized categories. The amount of NOVA funds earmarked for E&E grants would have remained fixed at 20 percent.

Although passage of the bill would have increased the amount of NOVA funding, some NOVA stakeholders were concerned about changes to the funding apportionments. In a transportation committee hearing reflective of the contentious nature of the program, conflicting statements were made by apparently polarized NOVA interests—motorized interests opposed the proposal while most nonmotorized interests favored it.

Although the bill passed out of policy committees it never reached the floor of the Senate for a vote. Some observers believe that the bill survived early defeat because of the interest of Eastern Washington legislators in securing more funds for county ORV law enforcement efforts, and the considerable support of those benefiting from increases to the boating facilities funding.

4. NOVA Program: 1994 - 2002

In the period between adoption of the 1993 and 2002 Plans, the Program funded 289 NOVA projects totaling more that \$28 million dollars, including sponsoring agency contributions (Table 3).

Table 3. IAC Administered NOVA Program Funding (1994 – 2002⁽¹⁾)				
Funding Category	# of Projects	IAC NOVA Funding	Sponsor Match	Total Value
Education & Enforcement (ORV E&E)	59	\$5,302,511 ⁽²⁾	\$1,875,150	\$7,177,622
Maintenance & Operations (ORV M&O)	58	4,688,742	2,926,934	7,615,676
Off-Road Vehicle (ORV) Projects	81	7,260,020	974,859	8,234,879
Nonmotorized (NM) Projects	75	3,394,507	2,165,249	5,559,757
Total	289⁽³⁾	\$20,645,780	\$7,942,193	\$28,587,973
⁽¹⁾ NOVA projects were not funded in 2002; funding meetings were rescheduled for March of succeeding years. ⁽²⁾ Amount exceeds 20% [RCW 46.09.170(1)(d)(iii)] due to Dept. of Natural Resources transfers provided under RCW 46.09.170(1)(a)(v). ⁽³⁾ Includes a formerly funded project type (“ORV support coordinator”). From 1979 – 1993 16 such projects were funded.				

5. NOVA Program: 2003 – 2005

By 2001, interest in a new fuel use study had reached a peak, causing the legislature to direct IAC “...to determine the relative portion of motor vehicle fuel tax revenues attributable to vehicles operating off-road and on nonhighway roads for various recreational purposes directed”. The 12-month diary based survey was completed in February 2003 and signaled the beginning of another round of sweeping program changes.

A direct result of the presentation of “*Washington State Nonhighway and Off-road Vehicle Activities Fuel Use Survey*”, prepared for IAC by Hebert Research, Inc., was passage of Substitute Senate Bill 1698, signed by the Governor on May 9, 2003. This law revised the NOVA Advisory Committee membership and directed that it make recommendations to the 2004

Legislature. In effect, the advisory committee was to review the NOVA Program distribution formulas and policies and make recommendations back to the Legislature consistent with the most recent fuel use study.

The resulting “*Report to the Legislature: Nonhighway and Off-Road Vehicle Activities Program* (December 31, 2003) provided the recommendations summarized on page 5. These recommendations led to Substitute House Bill 2489, signed into law on March 24, 2004, which adopted the changes proposed in the *Report to the Legislature*. To complete the process, IAC adopted the related program policy manuals on September 14, 2004. By March 10, 2005, the first group of 71 projects under the revised law had been funded by IAC.

After the funding meeting of March 2005 (in which a record 109 projects were submitted for funding consideration), IAC changed the program’s schedule. In the future, funding meetings would be held in November, to synchronize the NOVA funding schedule with the majority of IAC’s grants programs. This meant there would be two NOVA funding meetings in 2005.

B. ORV Education, Information, and Law Enforcement History

The education and enforcement (E&E) category of the NOVA Program is established in RCW 46.09.170. Under the block grant ATV Program in effect in the early and mid-70s, no discrete law enforcement projects were funded. In 1977, however, the “ATV law” was changed to the “ORV” law and state ORV funds were no longer made available on a block grant basis. Instead, ORV funds were distributed on a competitive project basis. That year, the first education-oriented grant was made.

Between 1978 and 1985, education and enforcement grant applications competed with all other ORV project applications. The number and amount of education and law enforcement grants grew quickly. In late 1985, concern was expressed about the amount of funding used for E&E activities. E&E funding had increased over 75 percent between 1984 and 1985 (Table 4). In fact, grant dollars awarded to E&E projects over a six-year period had increased 500 percent. As one result, IAC adopted an administrative guideline to limit E&E grants to \$45,000 per full-time equivalent (FTE).

Year	Amount	# Projects	Year	Amount	# Projects
1979	\$101,000	3	1989	-	-
1980	146,000	5	1990	\$749,000	18
1981	146,000	4	1991	685,000	16
1982	242,000	5	1992	798,000	16
1983	370,000	7	1993	599,000	12
1984	316,000	7	1994	1,280,342	15
1985	559,000	9	1995 [†]	1,356,311	15
1986	562,000	10	1997	1,412,578	15
1978	679,000	14	1999	1,459,036	14
1988	606,000	14	2002 [‡]	1,585,000	14

Note: In November 1989 a new schedule of deadlines was adopted which moved the E&E funding meeting from November to March of each year. To account for the additional time needed to carry projects through to the next funding meeting in March of 1990, three months of supplementary funding support was added to each 1988 project. (Funding meeting dates were also changed in 1997 and 2002.)

[†] 1995 marks the beginning of the biennial funding cycle.

[‡] 2002-2003 funding is an estimate based on 14 E&E applications requesting \$1,585,000.

Until 1986, 50% of the ORV dollars managed by IAC could be allocated to the E&E category. That year, the NOVA legislation was amended, in part to limit E&E funding from IAC's NOVA apportionment (54.5 percent of total) to no more than 20 percent. Another provision, made during last-minute negotiations among various interests, had the Department of Natural Resources return 10 percent of its direct NOVA appropriation to IAC for E&E grants in those counties where DNR managed ORV facilities.

The *1987 Washington State Off-Road Vehicle Plan* recommended "E&E projects give priority to proposals that demonstrate a primary focus on the education and safety of ORV users, and the promotion of a responsible outdoor ethic."

NOVA funding supports a wide variety of education and enforcement activities. Some sheriff's departments, such as those in Chelan and Yakima counties, put uniformed officers in the field to contact enthusiasts on trails and in campgrounds.

An increasing number of USDA, Forest Service sponsors receive NOVA funding for seasonal trail rangers who perform education and enforcement. The Forest Service looks to these rangers to help manage use on federal lands, especially as new or improved facilities such as trails and camps have increased in numbers and management challenges.

The Department of Natural Resources also competes with other sponsors for E&E funding. The agency is increasingly faced with "urban problems" on its lands. Vandalism, shootings, and other illegal activities have forced DNR to request funding for its own law enforcement personnel.

In previous years, non-enforcement programs, such as those in Snohomish County (1990-92) and the Tacoma Metropolitan Park District, have used NOVA funds to support ORV education and awareness activities (no law enforcement elements). These agencies emphasized in-school and pick-up- and-ride programs to teach the fundamentals of environmental sensitivity and riding safety to young people.

Other miscellaneous E&E activities are not easily categorized. Examples include publication of the *Washington ORV Guide* (a reference of places to ride, legal requirements, and riding etiquette), displays at the Puyallup Fair (a major booth at the state's most-attended exposition), and an ORV curriculum project (development of a standardized education "package" for program sponsors).

2002 Issues

Education and enforcement and maintenance and operations grants were streamlined in 1995 from annual funding to a biennial cycle.

Since the 1993 Plan update a few long standing county participants in the E&E program have dropped out:

- Kittitas County, 18 projects from 1978-1999, none thereafter.
- Thurston County, 14 projects from 1978-1991, none thereafter.
- Pierce County, 6 projects from 1985-1992, none thereafter.

One reason for these departures from the program is the difficulty in finding qualified deputies to work only six months each year.

Longstanding program participants are:

- U.S. Forest Service, 45 projects from 1987-2001.
- Yakima County, 25 projects from 1978-2001.
- Chelan County, 23 projects from 1978-2001.
- Grant County, 15 projects from 1983-2001.
- Washington State Department of Natural Resources, 17 projects from 1993-2001.
- Mason County, 13 projects from 1985-2001.

2004 Changes

Before the 2004 legislative session, chapter 46.09 of the Revised Code of Washington authorized use of funds only for ORV user education and information and law enforcement programs. In the 2004 legislative session,

and in accord with NOVA Advisory Committee recommendations, “ORV” was removed from the mandate, thus effectively allowing NOVA E&E projects to address other NOVA activities: equestrian and hiking.

C. ORV Facility Planning, Acquisition, and Development History

Off-road vehicle activity began modestly in the years immediately following World War II, when surplus military vehicles came into use for recreational purposes. In the late 1960s and early 1970s, ORV recreation exhibited rapid growth.

The increase in recreational use of ORVs quickly came into conflict with a decided lack of developed facilities designed and sanctioned for ORV use. Because of this, ORV use often negatively impacted communities or neighborhoods, land and resources, and other forms of recreation.

The initial lack of facilities forced ORV use into a difficult position—the most visible use was unsanctioned and therefore not widely accepted by the public. Virtually all ORV use quickly became identified in the public mind with objectionable behavior—whether an unlicensed youth riding an unmuffled motorcycle on a vacant lot, or intense ORV use heavily impacting vegetation on public or private land.

Most recreation-providing agencies, especially at the local level, did not have the resources necessary to plan or provide ORV facilities. One key resource initially in short supply was funding.

Under the ATV Program, IAC distributed about \$8 million in block grants to 31 counties and to the Department of Game (now Fish and Wildlife), the Department of Natural Resources, and the State Parks and Recreation Commission. Funds were distributed according to the ORV facility inventory of a given area.

Dissatisfaction with a perceived lack of accountability in the "inventory-driven" block grant program led to the formation of a user-oriented task force to review the ATV Program. Coordinated by IAC, the task force included the Northwest Motorcycle Association, the Pacific Northwest Four-Wheel Drive Association, and the Department of Natural Resources. The task force's efforts resulted in important changes to Chapter 46.09 RCW in 1977, including the creation of a project-specific grant program, which allowed grants explicitly for planning, land acquisition, and facility development.

Since the late 1970s, IAC has committed about \$33.2 million in funding for ORV planning, acquisition, and development projects under the ORV

Program, and later the NOVA Program.

Historically, land acquisition projects have not played a very large role in the NOVA Program. For example, there were only 9 acquisition projects funded between 1978 and 1993. Only 5 projects were funded between 1994 and 2000. Nearly all of these projects were submitted by the State Department of Natural Resources to acquire leases for recreation facilities, such as trails and campgrounds.

D. ORV and Nonmotorized Facility Maintenance and Operation History

ORV and nonmotorized (NM) recreation facilities include trails, trailheads, campgrounds, and day use areas. Owning and managing these facilities involves many ongoing responsibilities, including trail clearing, outhouse and picnic table repair, fire and weed control, fence and sign repair, and visitor management. Ideally, maintenance and operation should achieve a standard that, among other things, protects the resource and visitor, preserves functionality, satisfies legal requirements, and minimizes long-term capital costs.

The NOVA Program has the ability to fund management of ORV and nonmotorized facilities. Because IAC is given the discretion to use NOVA funds for capital and management purposes, it must decide the most beneficial uses. Thus, due to the relative scarcity of nonmotorized funds before the 2004 changes to the funding formula, and until adoption of the 2002 Plan, IAC policy did not allow the granting of funds to nonmotorized maintenance and operation projects.

Since 1978, the vast majority of IAC's maintenance and operation support has gone to local agencies to assist intensive use areas—ORV sport parks.

In the late 1980s at least three factors contributed to increased demand for NOVA's maintenance and operation funding:

- Completion of a third IAC-funded sport park in Spokane County. ORV sport parks have traditionally received the vast majority of their management funding from IAC. After completion, and despite initial assurances that its facility would be self-supporting, Spokane's sport park began competing with facilities in Thurston County and Richland for M&O dollars.
- Shifting of tasks previously funded under the Education and Enforcement (E&E) category. It became increasingly apparent that many dimensions of proposed projects, previously funded as E&E, were maintenance and operation responsibilities. These tasks were separated out and shifted to projects seeking maintenance and operations funding.

- Increase in Forest Service sponsored maintenance and operations projects. Forest plans identify NOVA as a potential funding source for management of its dispersed ORV opportunities.

2002 Update

Sport Parks. For the 2000-01 period, maintenance and operation grant requests from Spokane County for its Airway Heights ORV Sport Park decreased substantially. For that period, it requested and received \$64,820 for a tractor/backhoe and general-liability insurance. No funding was requested for general maintenance and operations, even though considerable funding had been granted for these purposes previously: \$207,898 (1994-95), \$207,301 (1996-97), \$104,375 (1998-99).

Early in 1999, a private party was engaged to operate the park on behalf of the county with its full range of ORV activities and events: open 10 months of the year (10 AM to dusk, seven days a week), including a four-wheel drive course, mud-bog, sand drags, asphalt racing, oval dirt racing, motocross track and overnight camping. In addition to providing the majority of the overhead expenses required to operate the park, the contractor was obligated to provide an estimated annual in kind contribution of \$50,000 to Spokane County, reflected in the form of the two year "Sponsor Match" of \$100,000 for the IAC grant.

Forest Service Trails. Maintenance and operation grants to the U.S. Forest Service have increased dramatically since the 1993 Plan:

- 1984-1993, 11 grants, during 10 years, an average of 1.1 grants/year.
- 1994-1999, 35 grants, during 6 years, an average of 5.8 grants/year.
- 2000-2005, 45 grants, during 6 years, an average of 7.5 grants/year.

There are two reasons for this increase. The first is the removal of a policy affecting maintenance and operations funding to the Forest Service. Before 1991, the policy limited the Forest Service to all but the most rudimentary and low cost trail maintenance, such as spring trail removing debris that would blow/fall down over the winter. Until that time, IAC's priority was to support new trail development, of which the Forest Service provided many proposals for IAC to fund:

- 1978-2000, 87 development projects funded, an average of 4 projects/year.
- 1978-1993, 58 development projects, an average of 3.9 projects/year.
- 1994-2000, 29 development projects, an average of 4.8 projects/year.
- 2001-2005, 35 development projects, an average of 7 projects/year.

From these numbers, it appears funded development projects actually increased (from an average of 3.9 to 7 projects per year). However, sometimes there is a fine line between defining a project as maintenance and operations or renovation. Since 1993, IAC has funded 91 ORV development projects, about 25% of which provided new opportunities. The remaining 52 projects either renovated an existing site or made improvements such as bridging creeks to allow the existing use to continue without harming the environment.

Renovation projects rarely run into environmental opposition (i.e. lawsuits, internal concerns expressed by agency biologists, etc.) when the Forest Service is completing its checklist to determine whether or not the project should proceed on to IAC's funding process. Correcting environmental problems on existing trails was the primary reason the majority of these projects were brought to IAC.

The second reason for the increase in IAC NOVA funding to the Forest Service are the severe cutbacks in federal funding. These cutbacks have resulted in more applications to IAC. Just one example of the several reductions the Forest Service's recreation programs have suffered involves timber revenues. Historically, Region 6's (Oregon and Washington) has received greater recreation funding than the other regions. This was due to a vigorous timber program that was able to financially support some recreation improvements such as trailheads. More importantly, however, is that timber revenues also funded the bulk of overhead costs, such as computers, office space, and support staff.

Because of economic concerns regarding impacts on rural communities the Forest Service budgets in Region 6 were maintained at higher levels than in the rest of the nation. In 2002, however, the regional foresters decided to level the funding throughout the nation. This resulted in serious budget reductions in the recreation program in 2004, 2005, and 2006. These reductions have hit the local ranger districts particularly hard with reductions in the range of 30% each year.

2005 Update

In 2002, Thurston County closed the Thurston-Grays Harbor Counties' ORV sport park, citing a need to maintain and improve parks that benefit local residents. Also cited were concerns about liability following the deaths of two people. Until the closure, the County had operated one of only three publicly owned competition parks in the state assisted with NOVA funds.

The other two are in Spokane County and Richland.

IAC, which had provided the principal source of funding for the park's acquisition, development, and maintenance, cited serious concerns that the county had violated its NOVA contracts by closing the park. As a result, and after multiple attempts over a two-year period to negotiate the reopening of the park, the state filed a lawsuit in 2004 requesting that a judge decide the

rights and responsibilities of both the county and the state in this matter. In

2005, however, the Legislature adopted a budget proviso [section 303(4), ESSB6090] that resolved the matter by directing pursuit of one of two options:

- Thurston and Grays Harbor counties could sell the property with the proceeds to be reinvested in opportunities for off-road vehicles in Western Washington; or
- Thurston and Grays Harbor counties could transfer ownership of the property to another local or state agency for ORV recreation purposes.

In September 2005, Thurston County transferred ownership of its portion of the park to Grays Harbor County (GHC) and it was reopened in October 2005.

E. Nonhighway Road and Nonmotorized Categories Facility Planning, Acquisition, and Development History

Until 1986, the ORV Program, predecessor to today's NOVA Program, funded motorized projects only. That year, Chapter 46.09 of the Revised Code of Washington was amended to allow the funding of nonmotorized projects. Later, in 2004, the law was again amended, this time to allow funding of projects that primarily benefit recreationists who are not trail users, but rather those who stay close to the nonhighway roads, such as anglers, gatherers (berry pickers, rock hounds, wood cutters, etc.), sightseers, etc. The rationale for these amendments is that recreationists pay taxes on fuel when they use nonhighway roads for recreational purposes, thereby contributing to this fuel tax-supported program.

A nonhighway road, as defined by Chapter 46.09 RCW is:

"... owned or managed by a public agency, or any private road for which the owner has granted an easement for public use for which appropriations from the motor vehicle fund were not used for (a) original

construction or reconstruction in the last 25 years; or (b) maintenance in the last four years."

An example of a "typical" nonhighway road is a federal or state logging road. These roads are built and maintained by timber receipts, general fund appropriations, and (for roads managed by the Departments of Natural Resources or Wildlife) NHR monies from Chapter 46.09 RCW. Additionally, NHRs also include roads within state forests and parks as well as national parks and forest lands.

Until 2004, Chapter 46.09 RCW limited IAC's Nonmotorized Category project funding to 20 percent of its total NOVA fund in any given year. Through 2001, this amounted to about \$400,000 to \$600,000 per year. Until completion of the 2002 NOVA Plan, IAC allocated nonmotorized funds to capital and planning projects. Grants for maintenance and operation projects were not allowed.

2001-2005 Update

Since 1994, IAC funded 81 nonmotorized and nonhighway road development projects, a minority of which provided new opportunities while most renovated existing facilities or completed such projects as trail bridges. Through the years, most nonmotorized programs have shifted from a focus on development projects (pre-1994) to a focus on renovations (post-1993). Volunteer labor contributions have become very significant since 1993. There are a variety of reasons for this, including the federal downsizing of support for maintenance.