



WASHINGTON STATE

Recreation and
Conservation Office

**2013–2018 WASHINGTON STATE NONHIGHWAY AND
OFF-ROAD VEHICLES ACTIVITIES (NOVA) PLAN**

ACKNOWLEDGEMENTS

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We would also like to thank all the residents and recreationists of Washington for their contributions to this planning effort, including their involvement in Town Halls and the NOVA Advisory Committee.

EXECUTIVE SUMMARY

This plan updates the 2005-2011 NOVA Plan as required by law (RCW 46.09.370) and sets forth policies to guide expenditures under the Nonhighway and Off-Road Vehicle Activities Program account (RCW 46.09.510), thereby providing funding to local, state, and federal agencies for acquiring land; planning, building, and maintaining facilities; and managing opportunities for nonhighway road (NHR), nonmotorized (NM), and off-road vehicle (ORV) recreational users. This plan is presented and administered by the Washington State Recreation and Conservation Office (RCO), formerly the Interagency Committee for Outdoor Recreation (IAC).

The NOVA program provides funding to develop and manage nonhighway road, nonmotorized, and ORV recreational activities, with a portion of the funding available for education and enforcement programs that encourage environmentally responsible use of the outdoors and minimize user group conflicts through positive management techniques. Except for ORV facilities, activities supported by NOVA must be accessed by a nonhighway road, meaning a public road that was not built or maintained with state gasoline tax funding.

NOVA funding comes from ORV permits and a portion of the state gasoline tax paid by users of ORVs and nonhighway roads (roads not supported by state fuel taxes), which include Forest and National Park Service roads. About 1% of all state fuel tax revenues go into the NOVA account.

Funding is divided among categories by formulas established in statute at a ratio of 70% earmarked for recreational facilities and 30% earmarked for education and enforcement. Among the recreational uses, of the annual sum: 30% goes to non-trail opportunities, such as campgrounds, toilets, and scenic turnouts; 30% goes to nonmotorized recreation, such as hiking, mountain biking, and horseback riding; 30% goes to motorized recreation, such as dirt bike, ATV, and 4x4 use; and 10% is allocated as competitive across all three categories, with the greatest benefit going to projects that serve the largest number of users.

The grant process is open and competitive, and grant applications are accepted in even-numbered years. Organizations that are eligible for NOVA grants include local governments; special purpose districts, such as park districts and port districts; Native American tribes; state agencies; and federal agencies. NOVA-eligible projects can receive grants for all aspects of a project cycle, including planning, land acquisition, development/construction, maintenance and operation, and education and enforcement.

The methodology used to develop the 2013-2018 Washington State NOVA Plan was designed to ensure public participation in the planning process, to assess policy issues identified in the 2005 NOVA Plan and identify emerging issues, to evaluate NOVA demand, and to develop priorities and recommendations for implementing the program.

The data and research collected for the NOVA Plan update include:

- an outreach blog Web site, "Trails Town Hall," to collect comments from the general public;

- a NOVA Advisory Committee discussion Web site;
- a survey of the NOVA Advisory Committee; and
- portions of the State Comprehensive Outdoor Recreation Plan (SCORP) related to NOVA recreation (39 activities from 13 activity categories).

The Town Hall and Advisory Committee blogs were active from mid-May to mid-August. The survey was conducted with the NOVA Advisory Committee in July and August 2013. SCORP data were collected during a large-scale 2012 general population telephone survey of Washington residents. The SCORP data were further analyzed to parse out quantitative data specifically related to NOVA recreation.

There is a great deal of demand for NOVA opportunities in the State of Washington. An astounding 94% of Washington residents participate in some form of nonhighway road recreation, 86% participate in nonmotorized recreation, and 16% participate in ORV recreation.

As a whole, NOVA recreation consists of 39 activities within 13 of the 16 activity categories as defined by the SCORP. While the SCORP did not specifically ask how respondents accessed a recreation opportunity (i.e., if they accessed it via a Nonhighway road), the following table indicates which NOVA activities that the SCORP data showed having the highest participation rates.

Table 1: NOVA Activities with the Highest Participation Rates

SCORP Activity Category	NOVA Activities within this category	Percent of Residents Participating
Walking, hiking, climbing, or mountaineering	Hiking mountain or forest trails	36%
	Hiking rural trails	19%
Nature activities	Wildlife viewing /photographing	59%
	Fishing or shellfishing	34%
	Gathering/collecting things in a nature setting	27%
Water-related activities	Canoeing, kayaking, rowing, or using other manual craft	11%
Sightseeing	Sightseeing at a scenic area	59%
Bicycle riding	Biking in rural trails	11%
	Biking in mountain or forest trails	8%
Snow and ice activities	Snowshoeing	7%
	Cross country skiing	5%
Off-roading for recreation		15%
Horseback riding	Horseback riding on rural trails	2%
	Horseback riding on mountain or forest trails	3%

The 2005-2011 NOVA Plan had set forth major policies related to three topical areas:

- NOVA Program (Policies A-1 to A-4)
- NOVA education, information, and law enforcement (Policies B-1 to B-5)
- NOVA recreational facility acquisition, development, operation and maintenance, and planning (Policies C-1 to C-15)

As part of this update to the Plan, the NOVA Advisory Committee responded to a survey, which in part asked them to rate the importance of each existing policy. The committee expressed overall satisfaction with most existing policies, ranking them as important to extremely important.

Analysis of the NOVA Advisory Committee survey results, the Advisory Committee discussion Web site, and the Trails Town Hall public forum indicate that stakeholders have the following priorities.

Stakeholder Priorities

1. Protect the NOVA fund

Stakeholders consider it essential to protect the NOVA fund, especially in light of its reallocation by the state legislature in the recent past. They also noted that the NOVA fund originally consisted of 1% of the state fuel tax, but that recent gasoline tax increases have not included a corresponding NOVA fund increase. A recurring suggestion from stakeholders was to create an entity that could advocate on behalf of NOVA interests.

2. Make maintenance a funding priority for NOVA

An overwhelming majority of the NOVA Advisory Committee and public comments expressed that the top priority of NOVA funding should be maintenance of existing trails and facilities, instead of facilities acquisition, planning, development, education/information, or law enforcement. NOVA recreationists and professionals are concerned that trails and recreation facilities can become dangerous and could be closed due to deferred maintenance.

3. Address road closures that limit access

NOVA participants indicate that road closures by private landowners (timber companies in particular) have greatly reduced access to existing trails. Several ORV users suggested that, if they were provided access, they could effectively clear and maintain trails with volunteers. They suggest that NOVA funds to purchase public access through private lands could be an efficient expenditure for enhancing recreational opportunities.

4. Minimize user conflicts

While NOVA recreationists recognize that some amount of conflict may be inevitable, they felt that problems could be minimized through communication and cooperation between user groups. Recommendations included developing a leadership council or other organization that

convenes different user groups or, in a similar vein, group collaborations such as maintenance work parties by groups using the same trail system. People also suggested that clear and concise information about the source and intent of NOVA funding would help alleviate frustration among user groups who feel they are not getting their fair share of NOVA funds.

5. Encourage designs that minimize future maintenance

NOVA stakeholders would like to see the program encourage projects with designs that minimize the need for ongoing maintenance (e.g., choosing the best trail tread material). Similarly, they suggested that applicants for maintenance and operation projects state how their project's goals and objectives meet future maintenance needs and sustainability issues.

6. Ensure that NOVA funds augment, but do not replace, other funding

Respondents noted that NOVA allows grant recipients to achieve results that would not be possible without state funding, but that the program is not designed to replace other funding sources. They felt that the NOVA program should encourage sponsors to provide matching funds, although no consensus emerged about whether this should be a requirement. Respondents further observed that organizing and supporting user-group volunteers has proven to be an effective way to stretch limited NOVA funds; recreationists are often glad to provide time and labor to support their favorite activities.

7. Do not use NOVA funds to subsidize private ORV sports parks

NOVA stakeholders held differing opinions, generally drawn along user group lines, as to how much NOVA funding should contribute to the development of ORV sports parks. Proponents claim that ORV recreationists contribute to the NOVA fund and should have ORV sports parks to go to; they noted that ORV sports parks also help alleviate user conflict on overcrowded trails and facilities. Consensus emerged that NOVA should not subsidize the profits of private ORV sports park operators.

8. Encourage trail reconstruction that corrects environmental problems

Respondents observed that trail reconstruction can be less expensive than new construction, and that it often presents opportunities to rebuild trails to current standards and correct environmental problems. They felt that project sponsors should try to retain trail difficulty and user experiences and minimize user displacement, but that reconstruction should be emphasized as a sustainable and desirable option.

9. Ensure that the NOVA Advisory Committee represents all user groups

The NOVA Advisory Committee should consist of nonmotorized and ORV recreationists, as well as local, state, and federal agency representatives, to represent the views and needs of users, organizations, and agencies that are affected by NOVA funding. To date it is generally believed that the committee is functioning as intended.

Recommendations for RCO Actions

RCO staff studied the findings and conclusions that Responsive Management produced from its research, and made the following recommendations to the Recreation and Conservation Funding Board for action items that could be implemented by RCO.

1. Review the goals for the NOVA Program and the Recreational Trails Program to determine whether the programs are complementing each other.

The board should review the program's grant award results to determine whether changes need to be made to the allocation of funds based on the NOVA plan key findings and stakeholder feedback. For example, NOVA and RTP funds are increasingly awarded for maintenance and operation projects, so less funding is awarded for development and acquisition projects. The board should review whether this pattern of funding is consistent with the goals of the program.

2. Review NOVA program priorities (Policy A-1 and C-10) for acquisition, development, and maintenance and operation type projects.

The board should review the policies that state that NOVA funds shall not augment or replace other funds, and that operating and capital projects will compete directly for funding. In conjunction with recommendation #1, the board should review whether the increased funding of maintenance projects would be consistent with the policies that restrict NOVA funds from being used to replace other funds.

3. Review NOVA program policy (Policy C-2) that encourages projects near population centers.

RCW 79A.25.250 requires the board to place a high priority on parks that are near urban populations. Stakeholder feedback, however, placed less of a priority on funding NOVA projects near population centers. The board should review whether the current criterion for meeting the law can be modified to address stakeholder feedback or whether the board should seek a modification to the population proximity statute. The current criterion has a maximum score of two points.

4. Prioritize NOVA Program funding for projects that are designated as statewide trails per RCW 79A.35.

The recommendations in the Washington State Trails Plan call for the board to develop a method for designating a system of state recreation trails. If a system of state recreation trails is established, the NOVA program could place a priority on funding those state recreation trails that are eligible for funding in the NOVA program.

5. Prioritize program funding for projects that incorporate sustainable design practices to protect and improve the environment and reduce trail maintenance needs.

The board should incorporate its sustainability policy recommendations into the NOVA program priorities and adjust the evaluation criteria. This action is already proposed (see Item 11).

6. Retain all other policies in the NOVA Program as currently written.

RCO staff finds all other NOVA program policies to be consistent with the research findings and stakeholder input for the NOVA 2013-2018 plan.

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CHAPTER 1: INTRODUCTION

THE NOVA PROGRAM

Since 1971, the state of Washington has administered a program designed to serve off-road vehicle (ORV) recreational users. The program was broadened in 1978 to fund educational and enforcement programs, in 1986 to serve nonmotorized recreational users, and in 2004 to serve nonhighway road recreational users.

Originally titled the All-Terrain Vehicle Program and later the ORV Program, this expanded operation is now known as the **Nonhighway Road and Off-Road Vehicle Activities (NOVA) Program**. Hereinafter the term NOVA is used to refer to the program established by Chapter 46.09, Revised Code of Washington (RCW), Off-Road and Nonhighway Vehicles (see Appendix C).

This plan updates the 2005-2011 NOVA Plan and sets forth policies to guide expenditures under the NOVA Act, thereby providing funding to local, state, and federal agencies for acquiring land; planning, building, and maintaining facilities; and managing opportunities for nonhighway road (NHR), nonmotorized (NM), and ORV recreational users. This plan is presented and administered by the Washington State Recreation and Conservation Office (RCO), formerly called the Interagency Committee for Outdoor Recreation (IAC).

The NOVA Plan **vision** is to:

Maintain a framework that allows various user groups and agencies to provide quality opportunities for Off-Road Vehicle, nonhighway road, and nonmotorized recreationists—opportunities that satisfy user needs, are environmentally responsible, and minimize conflicts among user groups.

The NOVA Plan **goals** are to:

- Assess issues related to the NOVA Program,
- Provide policy guidance on the use of NOVA funds, and
- Make recommendations about future program direction.

DEFINITIONS

The following definitions are important in understanding the policies and usage classifications in this plan. The complete list of definitions (RCW 46.09.310) can be viewed in Appendix C.

- **“Nonhighway road”** means any road 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 twenty-five years, or (b) maintenance in the last four years.

- **“Nonhighway road recreation facilities”** means recreational facilities that are adjacent to, or are accessed by, a nonhighway road and intended primarily for nonhighway road recreational users.
- **“Nonhighway road recreational user”** means a person whose purpose for consuming fuel on a nonhighway road or off-road is primarily for nonhighway road recreational purposes including, but not limited to, hunting, fishing, camping, sightseeing, wildlife viewing, picnicking, driving for pleasure, kayaking/canoeing, and gathering berries, firewood, mushrooms, and other natural products.
- **“Nonmotorized recreational facilities”** means recreational trails and facilities that are adjacent to, or accessed by, a nonhighway road and intended primarily for nonmotorized recreational users.
- **“Nonmotorized recreational user”** means a person whose purpose for consuming fuel on a nonhighway road or off-road is primarily for nonmotorized recreational purposes including, but not limited to, walking, hiking, backpacking, climbing, cross-country skiing, snowshoeing, mountain biking, horseback riding, and pack animal activities.
- **“Off-road vehicle recreation facilities”** include, but are not limited to, ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use areas, designated for ORV use by the managing authority, that are intended primarily for ORV recreational users.
- **“Off-road vehicle recreational user”** means a person whose purpose for consuming fuel on a nonhighway road or off-road is primarily for ORV recreational purposes including, but not limited to, riding all all-terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or dune buggy.

ASSESSMENT OF THE NOVA PROGRAM

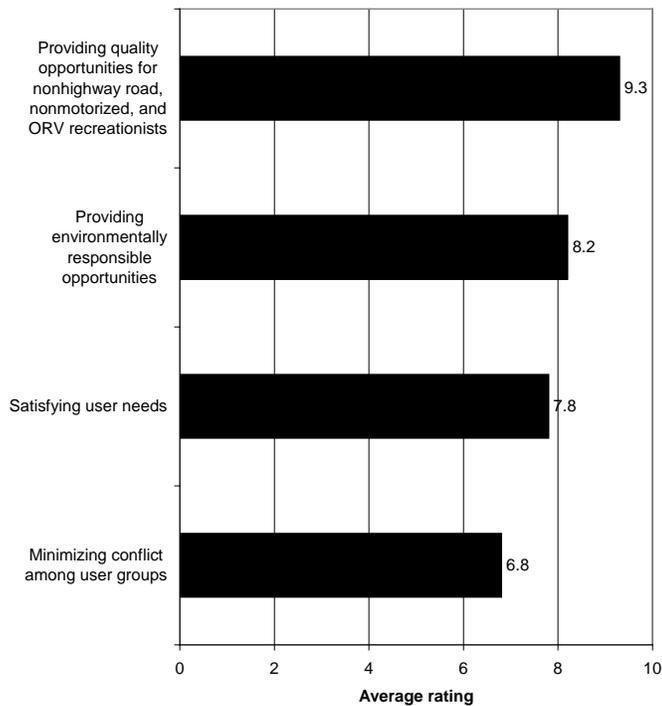
RCO’s contractor, Responsive Management, provided the NOVA Advisory Committee (discussed further in Chapter 2) with a survey that asked members to assess the NOVA Program, rate the individual NOVA policies (see Chapter 4), and provide open-ended comments on key or emerging issues. Nine of the sixteen committee members completed the survey.

The first part of the survey focused on the overall effectiveness of the NOVA Plan. The survey asked: Has the 2005-2011 NOVA Plan has met its overall vision?

- One respondent selected *strongly agree*
- Six respondents selected *moderately agree*
- One respondent selected *neither agree nor disagree*
- One respondent selected *moderately disagree*. (The survey typically requested a comment from those who disagreed with a given statement or policy. In this case, the respondent claimed that the NOVA Plan did not provide strategic direction for the type, location, and quantity of recreation opportunities needed in the state.)

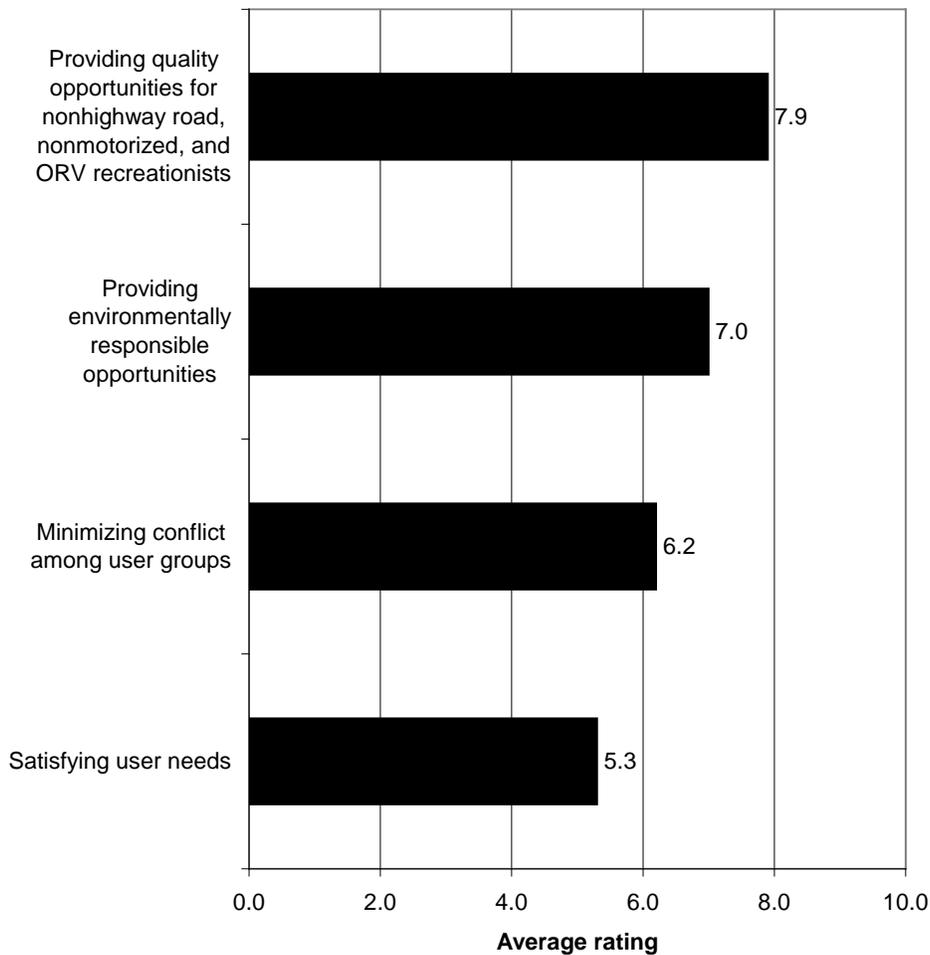
Next, the survey asked the Advisory Committee to rate the importance of each element of the NOVA Plan vision. As the following graph shows, “providing quality opportunities for nonhighway, nonmotorized, and ORV recreationists” is considered the most important element, with an average rating of 9.3 out of 10, while “minimizing user conflict” is considered the least important element, with an average rating of 6.8.

How important is each element of the 2005-2011 NOVA Plan vision? (On a scale of 0 to 10 where 0 is "not at all important" and 10 is "extremely important.")



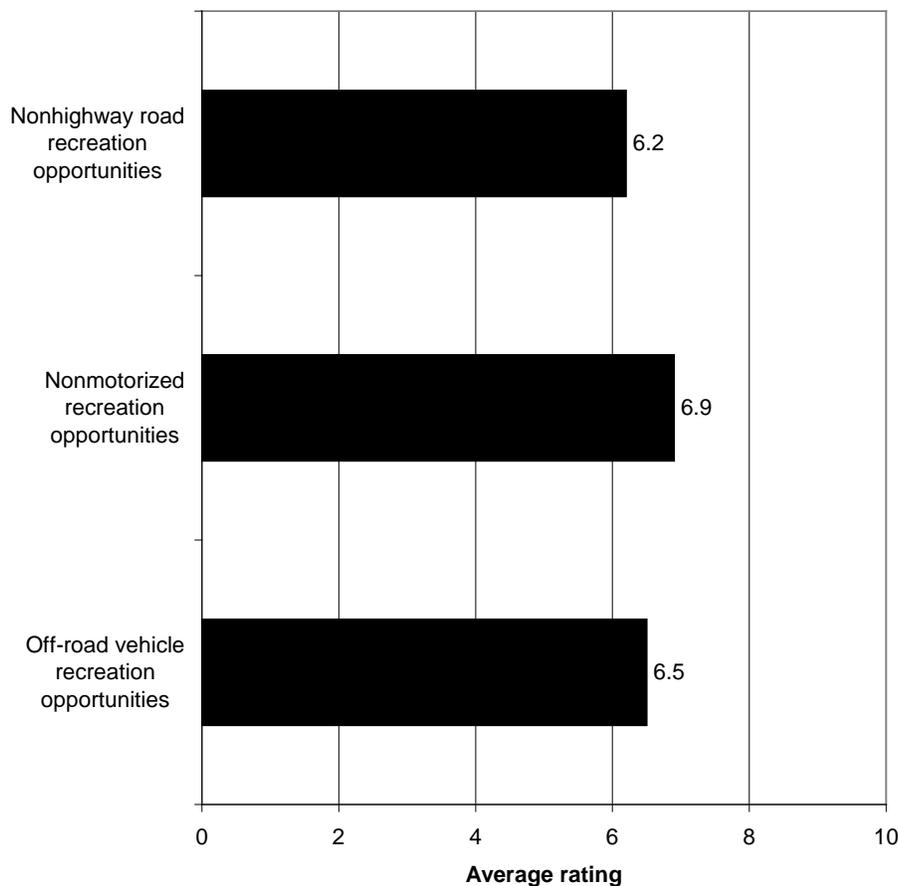
The survey asked the committee to rate the performance of Washington's NOVA recreation providers in fulfilling each of the specific elements of the NOVA Plan's vision. The respondents indicated that providers were most effective at "providing quality opportunities for nonhighway, nonmotorized, and ORV recreationists," with an average rating of 7.9 out of 10, and were least effective at "satisfying user needs," with an average rating of 5.3.

Please rate the performance of Washington's NOVA recreation providers in fulfilling each of the specific elements of the plan's overall vision. (On a scale of 0 to 10, where 0 is "poor" and 10 is "excellent.")



Finally, the survey asked committee members to rate how effective the implementation of the NOVA Plan has been at improving recreation opportunities within each of the major NOVA funding categories (nonhighway road, nonmotorized, and off-road vehicle). The average rating for each category was 6.2 out of 10 for nonhighway road recreation, 6.9 for nonmotorized recreation, and 6.5 for off-road vehicle recreation.

Overall, how effective do you think the implementation of the NOVA Plan has been at improving the following recreation opportunities in Washington since 2005? (On a scale of 0 to 10, where 0 is "not at all effective" and 10 is "very effective.")



The rest of the survey results are considered in later chapters. Chapter 4 discusses the Advisory Committee's assessment of the NOVA Program policies, and Chapter 5 discusses other key issues noted in the survey as well as from the Advisory Committee discussion blog and the Trails Town Hall public forum.

NOVA FUNDING AND ELIGIBILITY

The NOVA program provides funding to develop and manage nonhighway road, nonmotorized, and off-road vehicle recreational activities, with a portion of the funding available for education and enforcement programs. Education and enforcement programs encourage environmentally responsible use of the outdoors and minimize user group conflicts through positive management techniques.

Except for off-road vehicle facilities, activities supported by NOVA must be accessed by a nonhighway road, meaning a public road that was not built or maintained with state gasoline tax funding.

NOVA funding comes from off-road vehicle permits and a portion of the state gasoline tax paid by users of off-road vehicles and nonhighway roads (roads not supported by state fuel taxes). Nonhighway road include U.S. Forest Service and National Park Service roads.

About 1% of all state fuel tax revenues go into the NOVA account. Funding is divided among categories by formulas established in statute at a ratio of 70% earmarked for recreational facilities and 30% earmarked for education and enforcement.

Within the recreation sum:

- 30% goes to non-trail opportunities, such as campgrounds, toilets, and scenic turnouts;
- 30% goes to nonmotorized recreation, such as hiking, mountain biking, and horseback riding;
- 30% goes to motorized recreation, such as dirt bike, all-terrain vehicle, and 4x4 vehicle use;
- 10% is allocated as competitive across all three categories, with the greatest benefit going to projects that serve the largest number of users.

The NOVA Fuel Use Study, funded by the legislature in 2002, randomly sampled recreational fuel use by more than 7,000 vehicles statewide. Of funds that go into the NOVA program, about 50% comes from people driving on U.S. Forest Service and National Park Service Roads to camp, fish, hunt, pick berries, watch birds, or participate in other nonmotorized activities; 30% comes from people who hike, mountain bike, ride horses or use pack animals; and 20% comes from people who ride dirt bikes, all-terrain vehicles, 4x4 vehicles, or other motorized vehicles.

The grant process is open and competitive, and grant applications are accepted biennially. Organizations that are eligible for NOVA grants include local governments; special purpose districts, such as park districts and port districts; Native American tribes; state agencies; and federal agencies. On average, \$7 million is available for each biennial application period (that is, about \$3.5 million per year).

The funding ceiling per project is shown in the following table.

NOVA Program Grant Assistance Limits		
Category	Maintenance and Operation	Land Acquisition, Development, Planning
<i>Nonhighway Road</i>	\$100,000 for each project	\$100,000 for each project
<i>Nonmotorized</i>	\$100,000 for each project	\$100,000 for each project
<i>Off-Road Vehicle</i>	\$200,000 for each project	No limit
<i>Education and Enforcement</i>	\$200,000 for each project	

NOVA-eligible projects can receive grants for all aspects of a project cycle, including planning, land acquisition, development and construction, maintenance and operation, and education and enforcement. Details and restrictions regarding NOVA funding of these project aspects are discussed below.

Planning

Planning funds can be used for the development of comprehensive plans, construction drawings, environmental assessments, feasibility and preconstruction studies, traffic route surveys and reconnaissance, and site master plans.

Land Acquisition

Land acquisition can include a purchase in fee title or lesser interests such as leases and easements. In most cases, any land purchased must be kept for recreational purposes indefinitely. Leases must be purchased for at least 25 years. NOVA grants may not be used for land acquisition by federal agencies.

Development and Construction

Development and construction grant funds may be used for the following:

- Access roads, parking areas, trails, and trail heads
- Utilities, including water, electric, and telephone service
- Sanitary facilities, including sewer systems and other related utilities
- Route and interpretive signs and informational bulletin boards
- Picnic and camping areas
- Wildlife viewing facilities

- Nonmotorized boating access facilities
- Off-road vehicle sports park facilities including, but not limited to, motocross tracks, sand drag strips, 4-wheel drive competitive and play facilities, spectator facilities, concession buildings, and park administration and maintenance facilities
- Employee residences, typically related to an off-road vehicle sports park facility; the construction of residences must be for employees directly involved in the operation and maintenance of a NOVA-assisted project
- Extensive renovation or redevelopment of existing improvements when they have deteriorated to the point where their usefulness or safety is impaired (although not because of inadequate maintenance) or when the facility has become outmoded

Maintenance and Operation

NOVA grants are available for the maintenance and operation of off-road vehicle riding areas, trails, trail heads, day-use areas, campgrounds, off-road vehicle sports parks and intensive use areas, support structures and facilities, snow removal and trail grooming for non-snowmobile recreation, water access sites that serve nonmotorized activities, or other facilities with the primary objective of nonhighway road, nonmotorized, or off-road vehicle recreation.

Education and Enforcement

Education and enforcement activities may include making in-field contacts with NOVA recreational users and groups to encourage responsible behavior, providing information and education materials for public distribution, and protecting resources and facilities from theft and vandalism. Eligible projects include the employment of personnel, including law enforcement staff, and capital equipment purchases, provided that they are 100% dedicated to NOVA education and enforcement activities.

Source: <http://www.rco.wa.gov/grants/nova.shtml>

CHAPTER 2: METHODOLOGY

RCO contracted with the consulting firm Responsive Management to undertake this plan. They designed the methodology to develop the *2013-2018 Washington NOVA Plan* to ensure public participation in the planning process, to assess policy issues identified in the 2005 NOVA Plan and identify emerging issues, to evaluate NOVA demand, and to characterize stakeholder priorities and recommendations for implementing the program.

NOVA ADVISORY COMMITTEE

To ensure adequate public participation in the NOVA planning process, the consultants consulted the standing 16-member NOVA Advisory Committee. The committee consists of local, state, and federal governmental representatives and citizen stakeholders. Members have NOVA recreational experience, provide topical and geographical diversity, and possess first-hand knowledge of key recreational issues.

The committee provided qualitative input to the plan through an Internet discussion board. The consultants posed three rounds of questions to the NOVA Advisory Committee, and the group was given time to provide feedback and response.

The NOVA Advisory Committee also participated in a web-based survey. The survey was designed in part to evaluate the effectiveness of the 2005 plan by exploring its recommendations and assessing the progress toward meeting its goals. The survey also assessed committee members' opinions on and attitudes toward NOVA recreation opportunities currently provided by the state, explored public priorities for NOVA use, and identified new and emerging issues for consideration in updating the NOVA plan.

The survey took place in July and August 2013. Nine of the 16 committee members completed the survey.

PUBLIC OUTREACH

Responsive Management collected input from the general public by using a blog Web site known as the "Trails Town Hall." This gathered comments for use in both the *2013-2018 Washington State Trails Plan* and the *2013-2018 Washington State NOVA Plan*.

The public had an opportunity to comment on and discuss six questions. All told, 160 people provided 300 comments on the Trails Town Hall Web site.

2013 WASHINGTON SCORP

Another major source of data used to update the 2005-2011 NOVA Plan was the research conducted in support of the Washington State Comprehensive Outdoor Recreation Plan (SCORP). The data were collected during a large-scale scientific survey conducted by Responsive Management in 2012 for the RCO.

The SCORP research was designed to determine residents' participation in outdoor recreation in Washington, as well as their opinions on recreational facilities and opportunities. Although the SCORP did not specifically ask how respondents accessed a recreation opportunity (i.e., if they

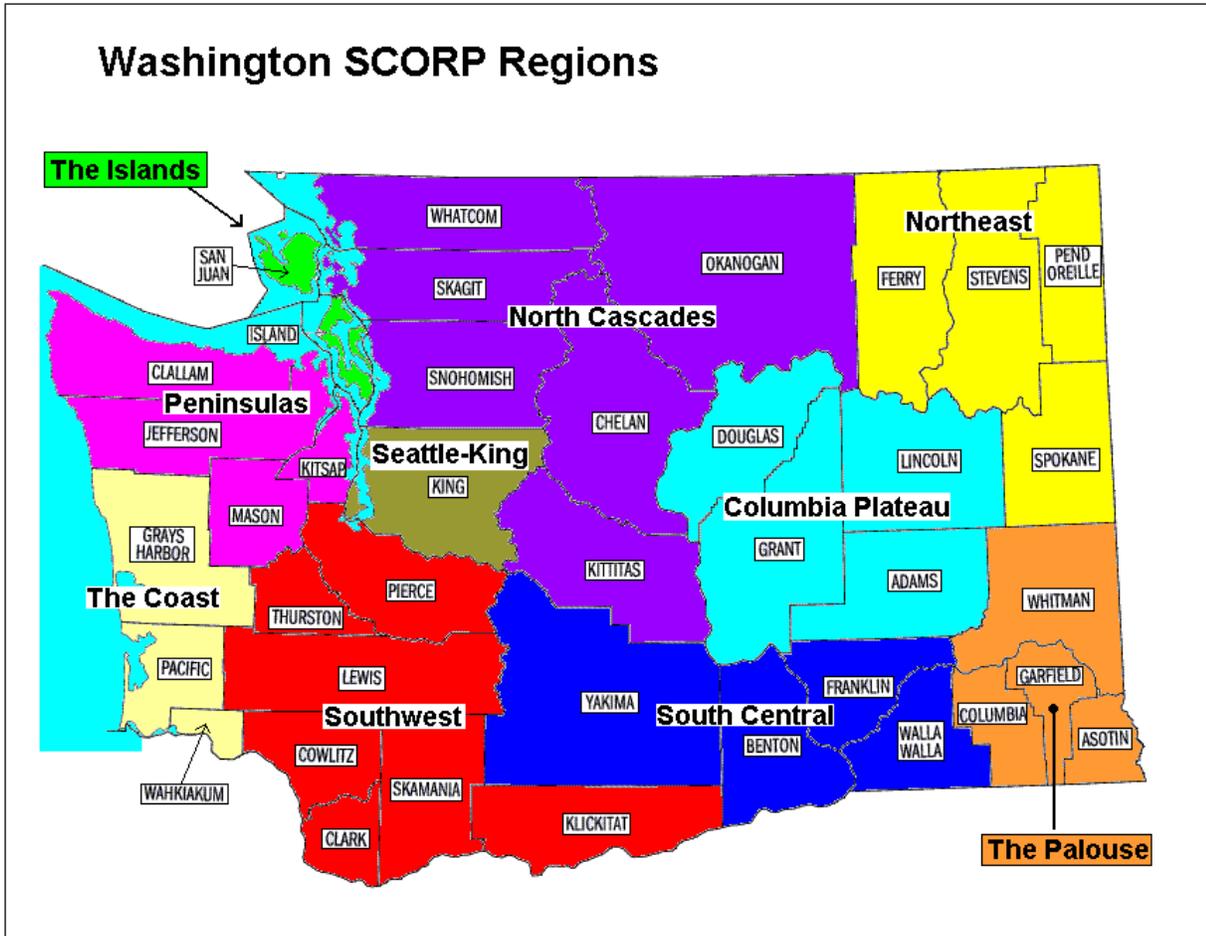
accessed it via a nonhighway road), NOVA-related activities discussed in the SCORP represent the major activities that take place in a nonhighway, nonmotorized, or off-road vehicle location or setting.

Responsive Management and the RCO developed the telephone survey questionnaire cooperatively. Responsive Management pre-tested the questionnaire to ensure proper wording, flow, and logic. A central polling site at the Responsive Management office allowed for rigorous quality control over the interviews and data collection.

Responsive Management conducted the telephone survey Monday through Friday from 9:00 a.m. to 9:00 p.m., Saturday from noon to 5:00 p.m., and Sunday from 5:00 p.m. to 9:00 p.m., local time, from August to October 2012. Responsive Management used the Questionnaire Programming Language for data collection and obtained a total of 3,114 completed interviews statewide.

The consultants analyzed the data using the Statistical Package for the Social Sciences (SPSS) computer program, as well as proprietary software developed by Responsive Management. Findings of the telephone survey are reported at a 95% confidence interval for the statewide results. For the entire sample of Washington residents statewide, the sampling error is at most plus or minus 1.76 percentage points, with a sample size of 3,114 and a population size of 5,143,186 Washington residents 18 years old and older.

Throughout this report, NOVA-related outdoor recreation participation is discussed both in terms of overall statewide participation as well as regional participation, with the regional results based on the breakdown shown in this map:



The Islands: Island and San Juan Counties

Peninsulas: Clallam, Jefferson, Kitsap, and Mason Counties

The Coast: Grays Harbor, Pacific, and Wahkiakum Counties

North Cascades: Chelan, Kittitas, Okanogan, Skagit, Snohomish, and Whatcom Counties

Seattle-King: King County (including the City of Seattle)

Southwest: Clark, Cowlitz, Klickitat, Lewis, Pierce, Skamania, and Thurston Counties

Northeast: Ferry, Pend Oreille, Spokane, and Stevens Counties

Columbia Plateau: Adams, Douglas, Grant, and Lincoln Counties

South Central: Benton, Franklin, Walla Walla, and Yakima Counties

The Palouse: Asotin, Columbia, Garfield, and Whitman Counties

CHAPTER 3: ASSESSMENT OF DEMAND FOR NOVA OPPORTUNITIES IN WASHINGTON

There is a great deal of demand for NOVA opportunities in the State of Washington. An astounding 94% of Washington residents participate in some form of nonhighway road recreation, 86% participate in nonmotorized recreation, and 16% participate in ORV recreation.

As a whole, NOVA recreation consists of 39 activities within 13 of the 16 activity categories as defined by the SCORP. While the SCORP did not specifically ask how respondents accessed a recreation opportunity (i.e., if they accessed it via a nonhighway road), the following table indicates which NOVA activities that the SCORP data showed having the highest participation rates.

Table 1: NOVA Activities with the Highest Participation Rates

SCORP Activity Category	NOVA Activities within this category	Percent of Residents Participating
Walking, hiking, climbing, or mountaineering	Hiking mountain or forest trails	36%
	Hiking rural trails	19%
Nature activities	Wildlife viewing /photographing	59%
	Fishing or shellfishing	34%
	Gathering/collecting things in a nature setting	27%
Water-related activities	Canoeing, kayaking, rowing, or using other manual craft	11%
Sightseeing	Sightseeing at a scenic area	59%
Bicycle riding	Biking in rural trails	11%
	Biking in mountain or forest trails	8%
Snow and ice activities	Snowshoeing	7%
	Cross country skiing	5%
Off-roading for recreation		15%
Horseback riding	Horseback riding on rural trails	2%
	Horseback riding on mountain or forest trails	3%

There are three major NOVA recreational funding categories: nonhighway road recreation, nonmotorized recreation, and off-road vehicle recreation. A fourth major funding category, education and enforcement, applies to all aspects of NOVA recreation.

NONHIGHWAY ROAD RECREATIONAL USE

The first of these funding categories to be discussed, nonhighway road recreation, includes the most popular of outdoor recreational activities. In fact, an overwhelming 94% of Washington residents engage in at least one of these recreational pastimes, which include but are not limited to:

- Sightseeing
- Wildlife viewing and photographing
- Picnicking
- Camping
- Hunting
- Fishing
- Canoeing or kayaking
- Driving for pleasure
- Gathering berries, mushrooms, firewood, or other natural items

The following graph shows a demographic breakdown of nonhighway road recreational users: 94% of Washington residents participated in at least one recreational activity that fits within this category (meaning only 6% of Washington residents did not).

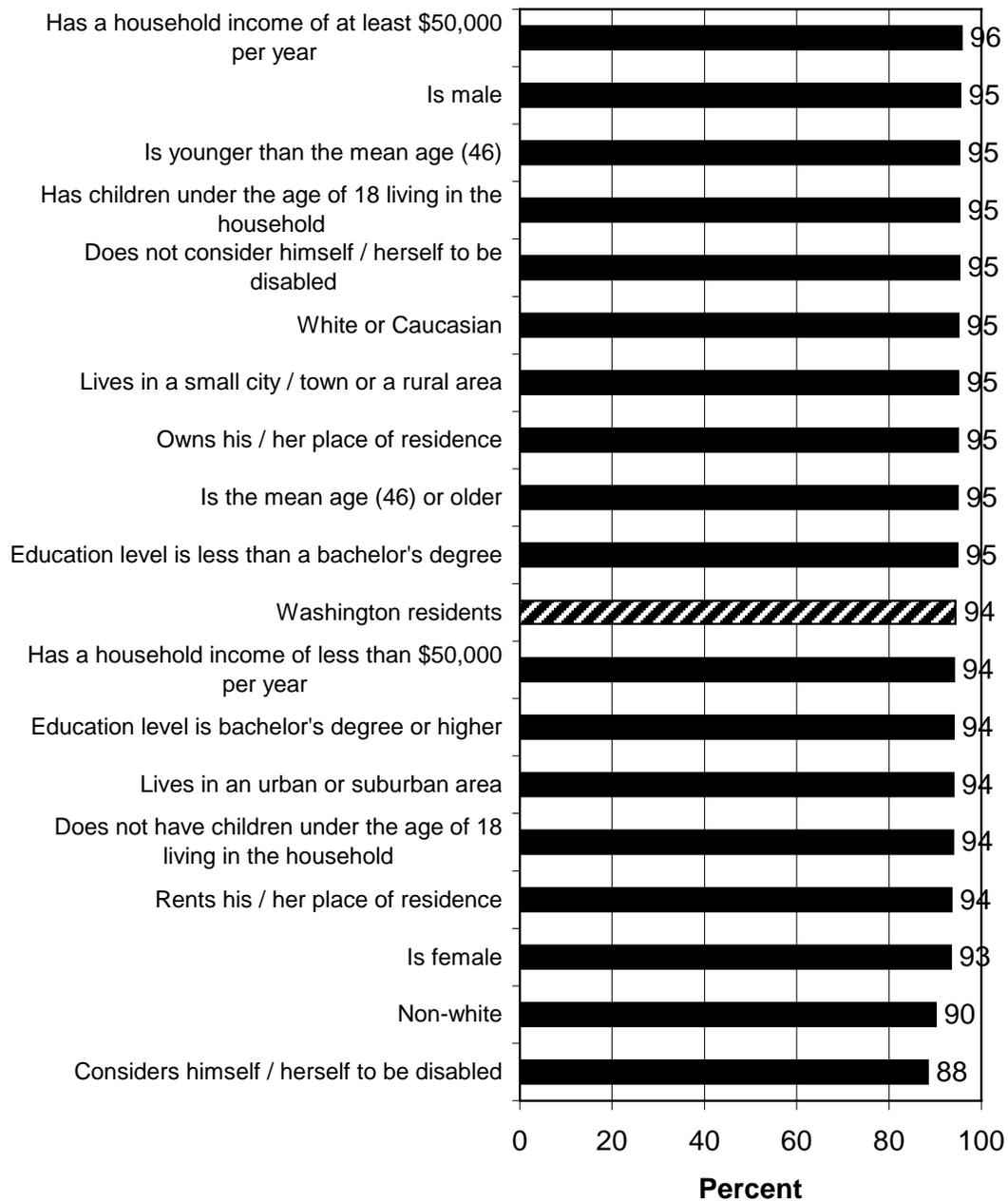
This 94% value is thus the baseline for demographic comparisons and is shown as a patterned bar on the graph. All the demographic groups shown above this baseline are positively correlated with participation in nonhighway road recreational use, and all the groups below are negatively correlated.

The graph shows that the demographic groups *most likely* to participate in nonhighway road recreational activities include those with an annual household income of at least \$50,000 (96% of this group participates) and male residents (95%), whereas the demographic groups *least likely* to engage in these activities are residents with disabilities (88%) and non-white/non-Caucasian residents (90%).

Note that these are not strong correlations. The most positive correlation is only 2% above the baseline value, and the most negative correlation is only 6% below. Nonhighway road recreation is a broad category that includes many popular recreational activities; all of the demographic groups exhibit high participation rates.

Appendix A presents a more focused analysis of the regional and demographic characteristics of specific recreational activities.

Percent of each of the following groups who are nonhighway road recreational users



NONMOTORIZED RECREATIONAL USE

Nonmotorized recreation follows closely behind nonhighway road recreation in popularity among Washington State residents. As the name implies, nonmotorized recreation includes human-powered or animal-powered activities. These include but are not limited to:

- Walking
- Hiking
- Backpacking
- Climbing
- Cross country skiing
- Snowshoeing
- Mountain biking
- Horseback riding
- Pack animal activities

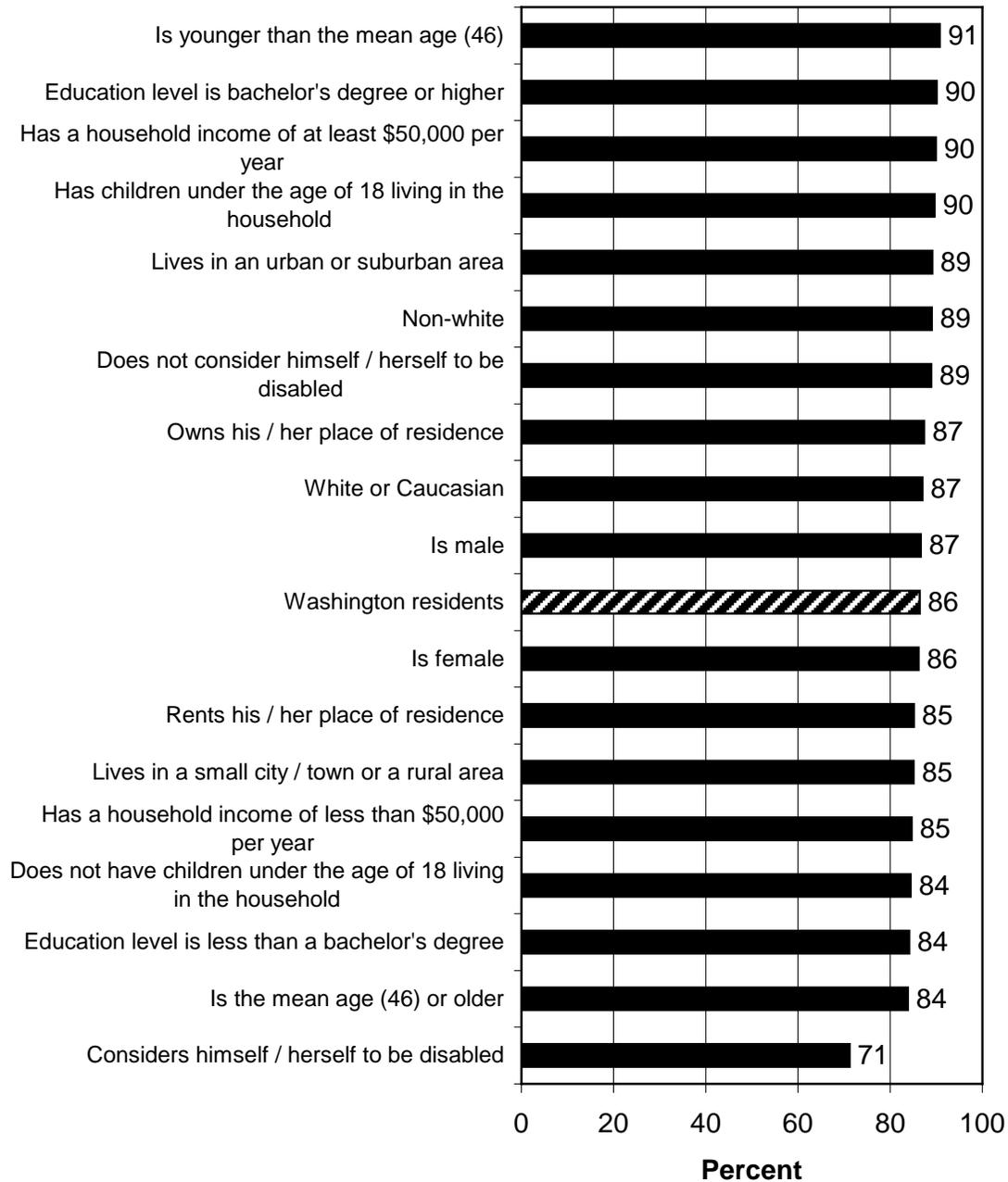
In all, 86% of Washington residents engage in at least one of these recreational activities, so this is the baseline value for demographic comparisons. The following graph shows that the demographic group *most likely* to engage in nonmotorized recreational activities consists of those younger than the mean age of 46 (91% of this group participates), and the demographic group *least likely* to engage in these activities consists of residents with disabilities (71%).

The graph shows that only one demographic group, residents with disabilities, has a strong negative correlation to participation in nonmotorized recreation (meaning this is the only percentage that is substantially different from the baseline value). By definition nonmotorized recreation includes human-powered and animal-powered activities, which can present obstacles to individuals with disabilities. Despite this, 71% is a high participation rate.

As with nonhighway road recreation, nonmotorized recreation is a wide-reaching category that includes many popular recreational pastimes, and consequently large participation rates are observed in each demographic group.

Refer to Appendix A for analysis of the regional and demographic characteristics of specific recreational activities.

Percent of each of the following groups who are nonmotorized recreational users:



OFF-ROAD VEHICLE RECREATIONAL USE

Off-road vehicle recreation has a significantly lower participation rate among Washington residents compared to nonhighway road or nonmotorized recreation. This may be due to its specialized nature and the cost of owning or resting an ORV.

NOVA-related off-road vehicle recreation can occur at off-road facilities, rural trails, or mountain or forest trails and typically involves the following vehicles:

- Motorcycles
- Dune buggies
- All-terrain vehicles (ATVs)
- 4-wheel drive vehicles

In total, 16% of Washington residents engage in some form of off-road vehicle recreation, so this is the baseline value for making demographic comparisons.

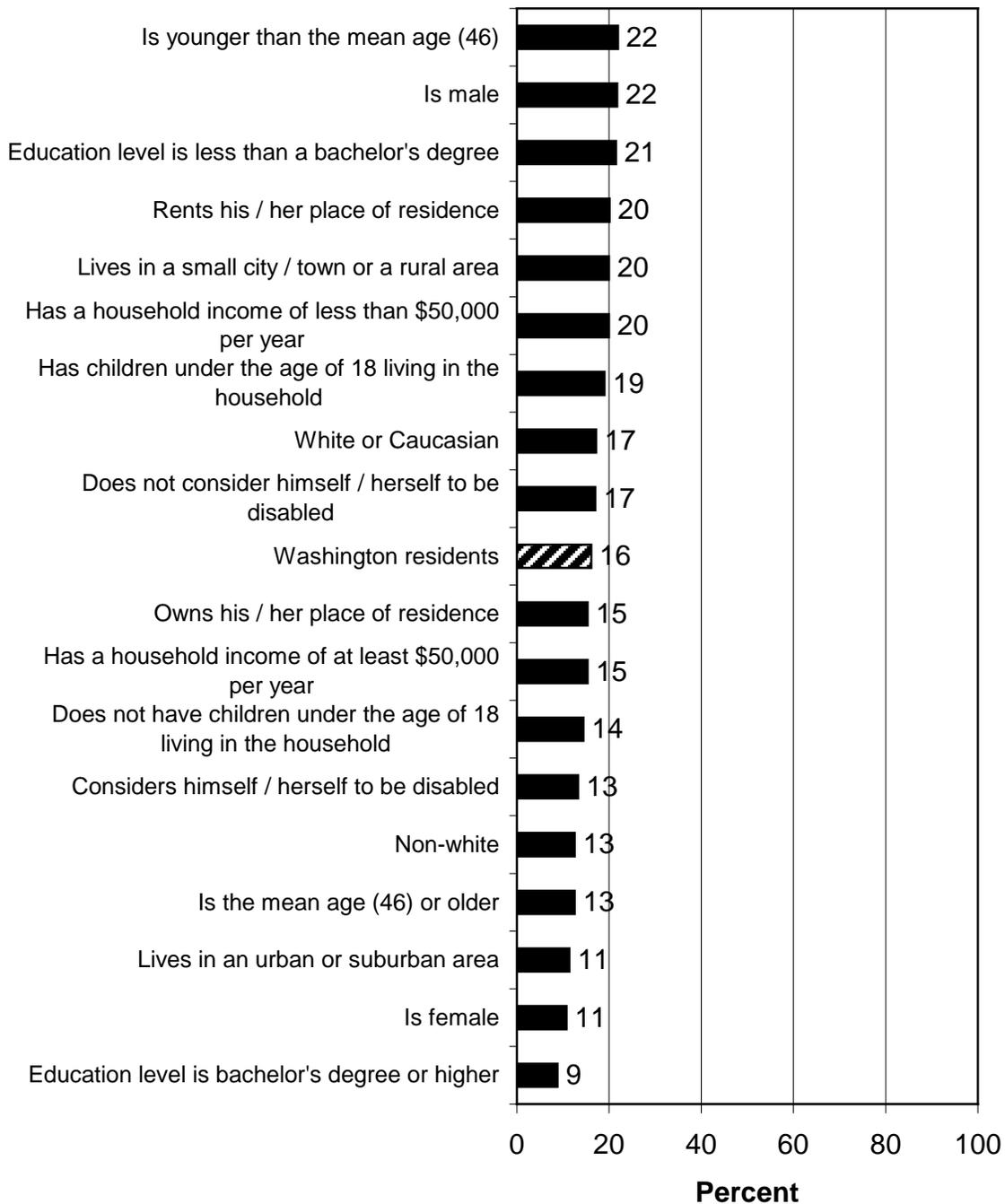
The following graph shows that the demographic groups *most likely* to participate in off-road vehicle recreation include those younger than the mean age of 46 (22% of this group participates), male residents (22%), and those with an education level less than a bachelor's degree (21%).

Conversely, the demographic groups *least likely* to engage in these activities include those who live in an urban or suburban area (11%), female residents (11%), and those with an education level of a bachelor's degree or higher (9%).

Compared to the other major NOVA categories, slightly more variation exists in the demographic groups' correlation to participation in off-road vehicle recreation. However, the positive and negative correlations are not very strong, most likely due to the grouping of activities.

Refer to Appendix A for analysis of the regional and demographic characteristics of specific recreational activities.

Percent of each of the following groups who are ORV recreation users:



CHAPTER 4: ASSESSMENT OF NOVA PROGRAM POLICIES

The 2005-2011 NOVA Plan had set forth major policies related to three topical areas:

- NOVA Program (Policies A-1 to A-4)
- NOVA education, information, and law enforcement (Policies B-1 to B-5)
- NOVA recreational facility acquisition, development, operation and maintenance, and planning (Policies C-1 to C-15)

Responsive Management provided the NOVA Advisory Committee with a survey, which in part asked them to rate the importance of each policy* on a scale of 0 to 10, where 0 is “not at all important” and 10 is “extremely important.” Nine of the sixteen members of the Advisory Committee completed the survey.

In general, the NOVA policies are considered to be important, but in light of funding limitations it is helpful to see a comparative, quantitative ranking to help establish priorities moving forward.

The graph on the next two pages shows how the NOVA Advisory Committee ranked the existing policies. Note that policy descriptions have been shortened on the graph due to space limitations, but a complete description of each policy, a discussion of its ranking in the survey, and a summary of the open-ended (qualitative) comments provided in the survey are included in this section.

As the graph demonstrates, the policies ranked as the *most important* in the survey are:

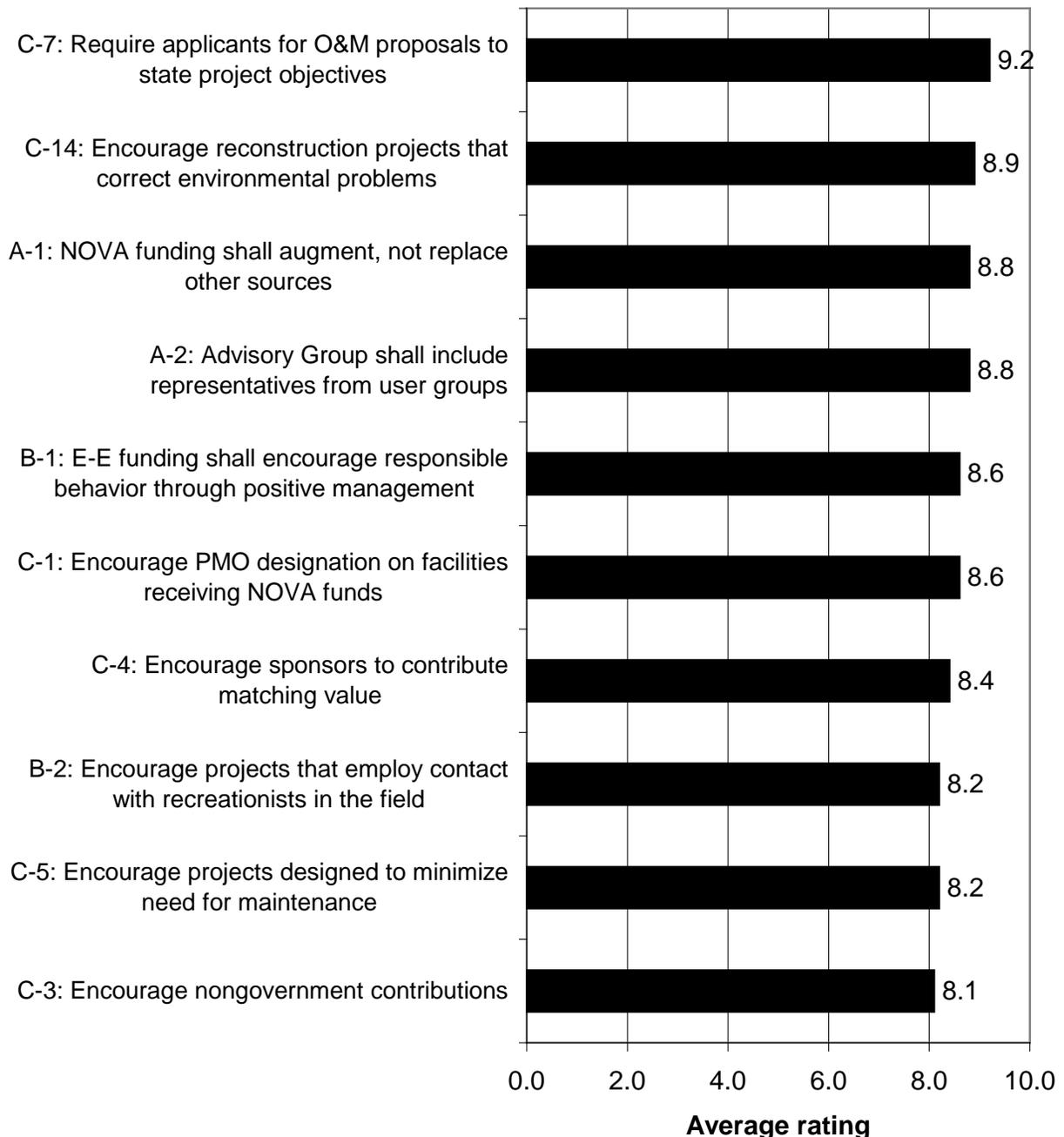
- C-7: Require applicants for operation and maintenance projects to state their project’s goals and objectives in the application (the average score was 9.2 out of 10);
- C-14: When reconstructing trails, encourage projects that correct environmental problems, retain trail difficulty and user experiences, and minimize user displacement (8.9);
- A-1: NOVA funding shall augment, not replace, other sources of funding (8.8); and
- A-2: The NOVA Advisory Committee shall include representatives from user groups and agencies affected by NOVA funding (8.8).

In contrast, the policies ranked as the *least important* are:

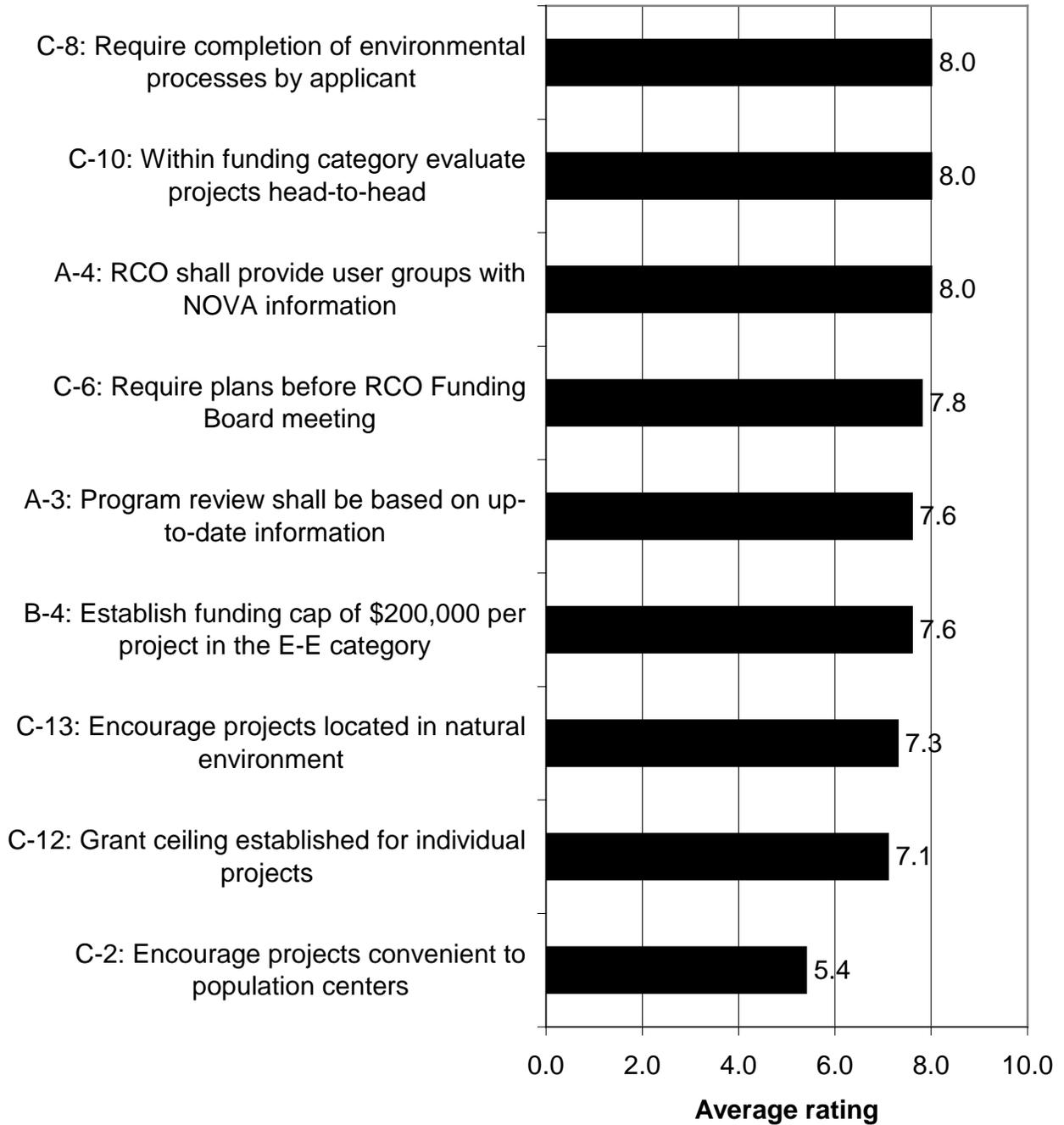
- C-2: Encourage projects convenient to population centers (average score of 5.4 out of 10);
- C-12: Grant ceiling established for individual projects (7.1); and
- C-13: Encourage projects in areas that are predominantly natural, such as are typically found in a “backcountry” environment (this policy does not apply to the off-road vehicle funding category) (7.3).

* Policies B-3, B-5, C-9, C-11, and C-15 are not subject to change and Responsive Management did not include them in the survey at the direction of the RCO. However, the descriptions of these policies have been included in this section.

Please indicate how important the following policies SHOULD BE for the 2013-2018 NOVA Plan on a scale of 0 to 10 where 0 is "not at all important" and 10 is "extremely important." (1 of 2)



Please indicate how important the following policies SHOULD BE for the 2013-2018 NOVA Plan on a scale of 0 to 10 where 0 is "not at all important" and 10 is "extremely important." (2 of 2)



TOP FUNDING PRIORITY

A key question in the survey provided the Advisory Committee with six choices for general categories of NOVA funding and asked them to select the top priority.

“What do you think SHOULD be the top priority for NOVA funding for the 2013-2018 NOVA Plan?”

- Education/information
- Law enforcement
- Planning
- Facilities acquisition
- Development
- Maintenance and operation

An overwhelming eight of the nine respondents selected “Maintenance and operation” as the top priority; one respondent selected “Facilities acquisition.”

When asked why they selected this as the top priority, respondents’ comments were generally consistent with the idea that development or new construction of recreation opportunities did not make sense given the backlog of maintenance needs.

They noted that existing trails and facilities are in danger of closing if they become unsafe or inaccessible through neglect. One respondent indicated that money for education and enforcement is important, but user behavior is less of a concern than trail conditions. The committee’s response to this question is consistent with the high ratings of importance given to policies that relate to operation and maintenance.

A review of comments received through the Trails Town Hall forum shows that much of the general public agrees that maintenance of existing NOVA-related recreational opportunities should take precedence over new development.

A major concern noted in comments on this NOVA Advisory Committee survey as well as in the Trails Town Hall and Advisory Committee forums, is the diversion of NOVA funds by the legislature toward projects and entities for which the funds were not originally intended.

In addition, respondents stated that the NOVA fund was originally comprised of 1% of the state gasoline tax, but that the most recent fuel tax increases did not include a corresponding increasing in the NOVA fund.

The remainder of this chapter discusses the ratings and comments provided for the individual policies, grouped into the three major topical areas. The discussion of each policy includes the policy text as originally published in the 2005 plan, followed by a summary of the survey results, and relevant comments provided by the NOVA Advisory Committee.

NOVA PROGRAM GENERAL POLICIES

The NOVA Program shall allow agencies to provide quality opportunities for nonhighway road, nonmotorized, and off-road vehicle recreationists—opportunities that satisfy user needs, are environmentally responsible, and minimize conflict among user groups. Sponsors will demonstrate accountability and help attain this goal, in part, by reporting on project related activities.

Policy A-1: NOVA funding shall augment, not replace, other sources of funding.

The NOVA Program allows user groups and public agencies to work cooperatively to provide nonhighway road, nonmotorized, and off-road vehicle recreation opportunities. Because of the program's revenue source and the effects of its funding, the program brings together many interests that sometimes conflict. NOVA funds shall be used to provide quality recreation opportunities in a manner that strives to minimize conflict and environmental damage.

NOVA funding is intended to enhance the capabilities of recreation providers and managers. Similar to other RCO funding programs, NOVA funding shall achieve results that would not be possible without state funding. It shall not replace other funding. When NOVA funding is available for maintenance and operation, for example, it shall not be used to replace or divert monies that would otherwise be available for that purpose.

The Advisory Committee gave this policy an average rating of 8.8 out of 10, one of the highest scores, emphasizing the important of incorporating other revenue sources into NOVA-related recreation.

Such sources may include matching funds provided by project sponsors (discussed further under Policy C-4) or the organization of user group volunteers for maintenance, operation, or education/information activities.

Policy A-2: The NOVA Advisory Committee shall include representatives from user groups and agencies affected by NOVA funding.

The Advisory Committee shall include the following representatives:

- 3 state agencies (Department of Natural Resources, State Parks, Department of Fish and Wildlife)
- 1 federal agency (Bureau of Land Management, Fish and Wildlife Service, Forest Service, National Park Service)
- 1 local government (police, sheriff, or other administrator of NOVA projects)
- 3 off-road vehicle (intent to include off-road motorcycle, all-terrain vehicle, and four-wheel drive)
- 4 nonmotorized recreation
 - 2 hiking (hiker, backpacker, climber, etc.)

- 1 mountain bicycling
- 1 equestrian
- 3 nonhighway road with one or more of the following recreational interests associated with fuel used on nonhighway roads:
 - Hunting and/or fishing (required)
 - Driving for pleasure or sightseeing
 - Wildlife viewing
 - Camping
 - Picnicking
 - Gathering (firewood, berries, mushrooms, etc.)

In selecting members the RCO will strive to ensure:

- They represent federal, state, and local government and primary NOVA-related recreation (all-terrain vehicle riding, horse/stock users, four-wheel driving, mountain bicycling, hiking, motorcycling).
- They demonstrate the support of those represented.
- Together they comprise a broad range of human diversity (gender, geography, ethnicity, physical ability, age).
- They have the time and resources to participate.
- They have basic experience in and an understanding of NOVA issues.
- They are committed to helping implement the policies reflected in this plan and the project evaluation system.

Likewise, after selection, committee members will:

- Represent those groups/agencies for which they have been selected.
- Demonstrate the support of those represented.
- Commit the time and resources needed for participation.
- Remain committed to the policies in this plan and project evaluation system by providing recommendations that reflect program policies and ensure the integrity of the project evaluation process.

In accordance with RCW 46.09.340, only representatives of the NOVA Advisory Committee's off-road vehicle and mountain biking recreationists, government representatives, and land managers will make recommendations regarding the expenditure of off-road vehicle permit funds received under RCW 46.68.045.

The Advisory Committee rated this policy as highly important, giving it an average rating of 8.8 out of 10.

In a self-evaluation of its performance in serving NOVA user groups and agencies since 2005, the committee gave itself an average score of 8.0.

In related questioning, all the respondents either *strongly agree* or *moderately agree* that the NOVA Advisory Committee is qualified to make decisions regarding NOVA projects, and all but one of the

respondents either *strongly agree* or *moderately agree* that the committee fairly represents user groups (one respondent gave a neutral response).

When asked about term limits, five of the respondents stated there should be no term limit, with two respondents suggesting a 4-year term and one each suggesting terms of 6 years or 8 years.

The respondents were generally consistent in stating that the role of the NOVA Advisory Committee is to assist the RCO in evaluating and selecting projects for NOVA funding without bias. Members should have experience with NOVA-related recreation and represent their user group while remaining impartial and respectful of other user groups. Respondents to the survey indicated that the NOVA Advisory Committee is properly executing its intended function.

Policy A-3: NOVA Program review and administration shall be based on valid, up-to-date information.

At least once every 12 years the RCO will seek funding to complete a new NOVA fuel-use study. (The 12-year cycle coordinates with the NOVA Plan, which by statute, must be updated every six years.) In completing the survey, the RCO will:

“...study the source and make recommendations on the distribution and use of funds provided to NOVA recreational activities under RCW 46.09.170. The study shall determine the relative portion of the motor vehicle fuel tax revenues that are attributable to vehicles operating on nonhighway roads or off-road trails for recreational purposes... [and] shall include the types of vehicles and location of their use, the types of recreational activities, the types of recreational facilities used, and the recreational use of forest roads.”

The 2005–2011 NOVA planning process was informed by the 2003 *Washington State Nonhighway and Off-road Vehicle Activities Fuel Use Survey* and a U.S. Forest Service trailhead user survey.

The Advisory Committee gave this policy an average rating of 7.6 out of 10, making this one of the lower-ranked policies in terms of relative importance.

When asked if NOVA review and administration is based on valid, up-to-date information, most respondents *moderately agree* with the statement, with one selecting *strongly agree* and one selecting *moderately disagree* (this respondent contends that the 2003 fuel use study is too outdated).

Survey respondents indicated that the RCO is doing an excellent job, given the difficulty and expense of gathering data on NOVA-related recreational needs. One respondent indicated that NOVA funds should not be so heavily based on usage, which tends to underserve less populated areas. Another suggestion was to include local area planning and infrastructure data, while another was to gather information on how the other western states administer their outdoor recreation programs.

Multiple respondents expressed concern that there was a lack of follow-up on funded projects to ensure that the dedicated funds were efficiently applied to the stated goals and objectives.

In a separate question, eight respondents were *somewhat satisfied* and one was *very satisfied* with the use of funds provided to NOVA recreation opportunities.

Policy A-4: The RCO shall endeavor to provide user groups with current NOVA-related information through a variety of communication methods.

Efficient and effective communication is critical for increasing awareness, building trust, and ensuring that accurate information is available to recreationists. The planning process for the 2005-2011 NOVA Plan suggested that recreationists are generally unaware of the NOVA Program, funding sources, funding allocations, and the role of the NOVA Advisory Committee. To this end, the plan discussed methods for increasing information and outreach.

Policy A-4 seeks to expand communication methods and increase public awareness regarding the NOVA Program and NOVA funding decisions.

The NOVA Advisory Committee was asked to rank the five means of communication that the RCO currently uses to provide user groups with information on the NOVA Program. The scores were weighted in which a respondent's top selection received 5 points, the second choice received 4 points, etc. The table below shows that updated web pages and e-mails are considered the most effective methods of communication.

Ranking	Form of Communication	Weighted Score
1	Updated Web pages	34
2	E-mails	27
3	News releases	24
4	Informational materials distributed at retail outlets	17
5	Informational materials attached to Department of Licensing notifications	16

The Advisory Committee gave this policy an average rating of 8.0 out of 10 in terms of its relative importance to the NOVA Program.

When the survey asked the committee to assess the RCO's performance in providing user groups with current information through varied communications since 2005, the average score was 6.5.

Multiple respondents acknowledged that rapid changes in information technology present challenges in delivering focused messaging, particularly to older recreationists. Challenges also exist in reaching users who are not part of organized groups.

Finally, for the section on Policy A-4, the Advisory Committee was asked the following question:

“In your opinion, what are the best ways to provide user groups with information on the NOVA Program? [CHECK ALL THAT APPLY]”

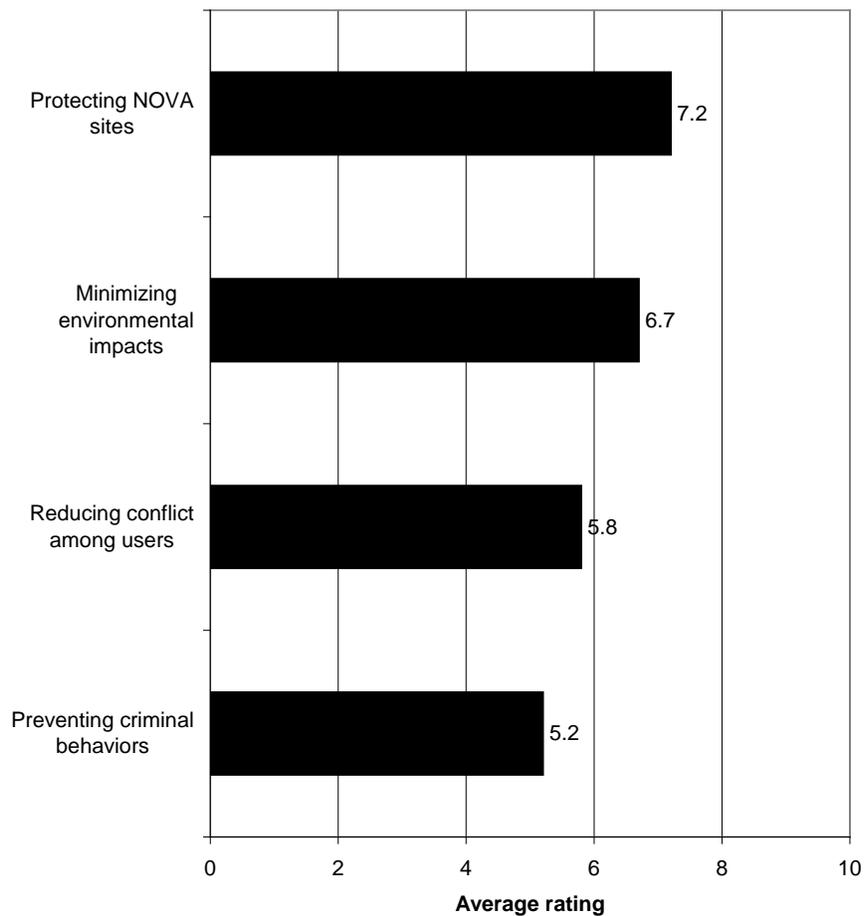
Number of Selections	Form of Communication
5	E-mails
5	News release
6	Updated Web pages
2	Informational materials distributed at retail outlets
2	Informational materials attached to Department of Licensing notifications
0	Direct mail
2	RCO News You Can Use (electronic newsletter)
4	Newspapers
2	Radio
1	Television
3	Public meetings/open houses
4	RCO Web site
4	Facebook
0	Google+
0	Pinterest
0	Twitter
0	YouTube
1	Blogs
2	Internet search engines (e.g. Google, Yahoo!, Bing)
0	RSS feeds
1	Other: Use partner organizations in recreation
1	Other: Articles in user group magazines
1	Other: Direct notifications to recreation groups

NOVA EDUCATION AND ENFORCEMENT (E & E) POLICIES

In the NOVA program, the primary focus of education/information and law enforcement policies is on recreational behaviors.

First, the survey asked the NOVA Advisory Committee to assess the performance of the RCO in focusing education and enforcement efforts on recreational behavior since the 2005 plan. The graph below shows average ratings that range from 7.2 (out of 10) for protecting NOVA sites to 5.2 for preventing criminal behaviors.

Please assess the PERFORMANCE of the RCO in focusing E-E efforts on the following recreational behaviors since 2005 (on a scale of 0 to 10 where 0 is "poor" and 10 is "excellent"):



The survey also asked the committee to rank the above-referenced recreational behaviors regarding which one should be the most important focus for education and enforcement efforts in this updated plan. The scores were weighted so that a respondent's top selection received 4 points, the second choice received 3 points, etc.

In keeping with the previous assessment, the table below shows that crime prevention was considered to be the most important focus for ongoing education and enforcement efforts.

Ranking	Recreational Behavior	Weighted Score
1	Preventing criminal behaviors (e.g. trash dumping, firearm use, trailhead thefts, trespassing, and vandalism)	30
2	Protecting NOVA sites	21
3	Minimizing environmental impacts	20
4	Reducing conflict among users	17

Policy B-1: E&E programs shall help preserve NOVA opportunities. E&E funding shall encourage responsible recreational behaviors through positive management techniques.

Because law enforcement can reduce recreationists' inappropriate behavior, it helps protect the availability of sanctioned NOVA opportunities. Education and enforcement measures should include positive management to improve recreational behaviors. NOVA funding shall not, however, be used to replace local law enforcement funding. It shall instead augment local capabilities and result in improved NOVA recreation management. In general, projects that focus solely on enforcement of area closures, or within areas with few or no legal opportunities, shall be discouraged.

This policy is considered very important by the Advisory Committee, who gave an average rating of 8.6 out of 10.

Policy B-2: Encourage projects that primarily employ contact with current NOVA recreationists in the field during high use seasons.

During the 2005 planning process, there were concerns about focusing education and enforcement efforts in schools, which many believe encourages otherwise uninterested children and youth to desire the speed and power of an off-road vehicle. The suggestion was to focus education and enforcement efforts on those already using NOVA trails by engaging interest clubs or organizations.

Policy B-2 was developed to focus scarce education and enforcement resources on existing users at the place and time of NOVA activity, while discouraging activities that have fewer benefits, such as “mall shows” and many in-school (K-12) programs. This maximizes the benefit to users.

Policy B-2 helps concentrate funding on expenditures most directly related to education and enforcement activities, such as education and enforcement personnel salaries and benefits, and related materials and equipment.

The Advisory Committee gave the importance of this policy an average rating of 8.2 out of 10, and a majority of respondents either strongly agree or moderately agree that education and enforcement efforts should target existing users. A couple of members disagreed, though, stating that the program should not preclude efforts to reach school age children or non-users.

Regarding law enforcement, three respondents would like to see a greater presence at NOVA trails and sites while the remaining six would like it to remain about the same.

In a related question, seven of the respondents believe criminal behavior is best prevented through an equal focus of education and enforcement, while one respondent each would like to see more education or more law enforcement.

The NOVA Advisory committee expressed only minor concerns about safety on trails as a result of criminal or other behaviors. They noted, however, that any further reductions in education and enforcement funding create a worry that crime will increase and people will stop going to NOVA-related trails and sites.

Policy B-3: Require E&E project applicants to provide project goal and objective information as part of the application process. Encourage applicants to provide demand and need information as a part of the evaluation process.

It is important that key planning elements, (program goals and objectives, description of demand and need) be retained as part of the application process. Additionally, the requirement for regular progress reports on activities and expenditures will be continued.

Policy B-3 is not subject to change, and in the interest of providing the NOVA Advisory Committee with a streamlined survey, Responsive Management did not include it in the survey at the direction of the RCO. The policy wording is included here to provide readers with the complete set of policies.

Policy B-4: Establish a funding cap of \$200,000 per project.

Before adoption of this policy, the limit on education and enforcement project support was based on Full Time Equivalent (FTE) employees. However, caps based on FTEs were cumbersome to calculate, especially when applicants sought funding for multiple FTEs, each of which planned to work a different number of hours annually, and at various hourly rates.

As a result, in 2007 the cap method was changed from one based on FTEs and equipment to one based solely on individual projects – the same method used in other RCO grant programs with caps.

The Advisory Committee gave the importance of Policy B-4 an average rating of 7.6 out of 10.

In follow-up questioning, none of the respondents oppose a cap of \$200,000 per education and enforcement project, nor do they oppose funding education and enforcement projects for up to two consecutive years.

One respondent suggested reaching users not targeted by education and enforcement efforts in the past, such as those who participate in cycling, mountain biking, climbing, water sports, and snow sports. Another cautioned that, as overall recreation increases, monitoring of activities will need to increase to prevent criminal activity.

Policy B-5: Fund E&E projects for up to two consecutive years.

Allowing education and enforcement funding to be used for two years increases budget certainty for sponsors and may result in higher quality programs. At the same time, it reduces the work associated with annual project evaluation for sponsors, the NOVA Advisory Committee, and the RCO.

Policy B-3 is not subject to change, and in the interest of providing the NOVA Advisory Committee with a streamlined survey, Responsive Management did not include it in the survey at the direction of the RCO. The policy wording is included here to provide readers with the complete set of policies.

A question in the previous section showed that all respondents support funding education and enforcement projects for up to two consecutive years.

NOVA RECREATION FACILITY ACQUISITION, DEVELOPMENT, MAINTENANCE AND OPERATION, AND PLANNING

Policy C-1: Encourage a primary management objective designation on facilities receiving NOVA funding.

Primary management objective designations (equestrian, off-road vehicle, hiking, mountain bicycling, etc.) help identify the primary purpose and function of a NOVA site and also guide management decisions regarding the site. Designating trails and other facilities with a primary management objective not only helps clarify the experience users can expect, but also provides clear and consistent direction to managers.

The Advisory Committee gave the importance of Policy C-1 an average rating of 8.6 out of 10, making it one of the highest ranked policies.

Eight of the respondents *strongly support* having a primary management objective. One respondent selected *moderately oppose*, stating that such designations are not followed consistently by land managers and can be viewed by some as user segregation.

In general, the committee views primary management objectives as a useful tool in avoiding user conflicts. It was noted that the NOVA Program needs to strike a balance between providing multi-use trails and facilities and recognizing that certain recreation types have specific needs.

Policy C-2: Encourage projects convenient to population centers.

One of the issues raised during the previous NOVA planning process was how to provide NOVA opportunities in urban areas or for underserved populations. Because of the nonhighway road threshold criteria (access via a non-gasoline tax supported road, etc.) and emphasis on natural settings, most NOVA recreation opportunities are provided in relatively remote settings. While it is often difficult or impossible to locate such opportunities in urbanized areas, priority shall be given to projects convenient to such areas.

The Advisory Committee gave the importance of Policy C-2 an average rating of 5.4 out of 10, making it the lowest ranked of all the policies.

A follow-up question asked the committee if there is an adequate supply of NOVA sites convenient to urban areas; five of the respondents *moderately agree*, two *moderately disagree*, and two are neutral.

On the topic of NOVA recreation locations, the respondents provided a wide range of comments, some of which are shown below.

- Urban demand is growing faster than other types and development limits opportunities.
- By focusing funds on urban areas we cannot spread the use out. Small towns are more dependent on recreation for their economy; in our mobile culture users will drive to remote recreation areas.
- There is an increased need for short trails for cycling, mountain biking, etc. without trailering long distances.
- As rural areas become more urbanized, there is increased demand for access to nonmotorized and motorized trails.
- As fuel costs increase and roads become more crowded, there is an increased importance of recreation convenient to population centers. People are less likely to go to remote trailheads.
- Communities should designate and fund open space, without relying so much on NOVA funding.

Policy C-3: Encourage non-government contributions.

Contributions of money, materials, and/or services by volunteers, the private sector, nonprofit organizations, and others are important in the NOVA Program. Donations stretch scarce public funding, improve the overall cost-benefit ratio, extend “ownership” to those involved in the project, and help demonstrate broad public support.

The Advisory Committee gave the importance of Policy C-3 an average rating of 8.1 out of 10.

Six of the respondents *strongly agree* and three *moderately agree* that the NOVA Program should encourage non-government contributions.

In the interest of providing the NOVA Advisory Committee with a streamlined survey, Responsive Management did not include a space for open-ended comments on this policy.

Policy C-4: Encourage sponsors to contribute matching value to their project.

Project sponsors who contribute part of a project’s cost (via dollars, materials, or labor/service) make NOVA Program dollars reach more projects while demonstrating a local commitment in the project’s success.

The Advisory Committee gave the importance of Policy C-4 an average rating of 8.4 out of 10.

All respondents either *strongly agree* or *moderately agree* that the NOVA Program should encourage sponsors to contribute matching value to their projects. When asked about an appropriate match, a few respondents indicated the ratio should be 50/50, while others suggested a lower amount, ranging from 10% to 30% of the project’s value.

Another question asked if a matching contribution should be *required* for project funding: two respondents *strongly agree*, two *moderately agree*, one *moderately disagrees*, and one was neutral. Those who agree with a matching requirement were asked to suggest a percentage; the responses ranged from 10% to 30%, lower than the amounts suggested for recommended contributions in the earlier question.

Next, the survey asked if funding from other programs administered by the RCO Funding Board should be considered as matching funds for NOVA projects. This question evenly divided the Advisory Committee, as two respondents each selected *strongly agree*, *moderately agree*, *moderately disagree*, and *strongly disagree* (one selected *don’t know*).

In addition, the Advisory Committee was asked if the NOVA Program should encourage volunteer opportunities that are approved by the land manager. On this the respondents were united, with seven selecting *strongly agree* and two selecting *moderately agree*.

Multiple respondents indicated that the NOVA Program could encourage volunteerism through recognition programs, such as feature stories of volunteers in action on local newscasts or in newspapers. The NOVA Program project sponsors could also provide support and information to the volunteer base, educate users on how the NOVA Program benefits them, and show those in charge of non-government contributions how NOVA projects benefit everyone.

Policy C-5: Encourage projects that have design considerations that minimize the need for ongoing maintenance.

Projects can often incorporate design elements that reduce maintenance needs. Decisions about placement and materials (e.g. tread surfaces) often affect maintenance needs. Adequate consideration of maintenance during the design phase can result in long-term savings that far outweigh most short-term construction cost increases.

The Advisory Committee gave the importance of Policy C-5 an average rating of 8.2 out of 10. Note, however, that six respondents scored this policy as a 10. Several respondents indicated that they support Policy C-5 due to concerns over diminishing maintenance funding.

One respondent, who strongly dissented, gave the policy a 0, thereby driving down the average. This respondent emphasized that projects should be evaluated for their overall cost-benefit ratio.

Policy C-6: Require general plans and completion of applicant-required processes before the RCO Funding Board meeting.

Policies C-6 through C-8 are project planning requirements collectively designed to ensure that projects support community goals, address a defined problem, and comply with environmental laws and regulations. All are “base requirements” before the RCO authorizes a project.

Policy C-6 states that project sponsors shall provide evidence of planning that supports the proposed project. Unlike project-specific engineering plans, these general plans shall clearly define goals, objectives, and needs, and be developed in a process that includes opportunities for public participation. They may include local agency comprehensive park plans, growth management plans, national forest plans, national park management plans, etc.

The Advisory Committee gave the importance of Policy C-6 an average rating of 7.8 out of 10. One respondent indicated that this policy is not feasible.

Policy C-7: Require applicants for maintenance and operation proposals to state their project's goals and objectives in the application. Encourage these applicants to provide "need" information during project evaluations.

If a project (the "solution") is to be successful, it must be clearly linked to a defined problem. Stating a project's goals and objectives accomplishes this. A *goal* is a broad statement of intent that describes a desired outcome, for example, "stop resource damage" or "improve trail safety." *Objectives* are connected to the goal and are both more specific and measurable. Objectives help us know when the goal has been accomplished. Typical objectives include "stop trail sediment from entering streams" and "apply federal trail safety standards."

"Need" is not so easily defined and so is rated in the more subjective project evaluations. In the NOVA program, need relates to a project's support as expressed in a publicly reviewed and adopted state, regional, or other plan. It can be described in terms of physical condition of existing facilities, safety and environmental issues, or the threat of the loss of an opportunity. Need can vary with the availability of similar opportunities, travel times, accessibility, and use levels.

The NOVA Advisory Committee rated the importance of Policy C-7 as 9.2 out of 10. This is the most highly ranked of all the policies, which supports the committee's earlier selection of maintenance and operation as the top NOVA funding priority.

Policy C-8: Require completion of applicant required environmental processes before issuing a Project Agreement.

Consistent with local, state, and federal laws and regulations, applicants must comply with environmental planning and review requirements. This means demonstrating compliance with either the State or National Environmental Policy Act (SEPA or NEPA). In most cases, this means providing to the RCO within 90 days after RCO funding approval such documentation as a Determination of Non-Significance (for SEPA) or a Record of Decision, Decision Notice, or Decision Memo (for NEPA).

Applicants must also comply with any permitting requirements, including shoreline, hydraulics, building, health, etc. The RCO does not require proof of compliance with these other permit obligations.

The Advisory Committee rated the importance of Policy C-8 as 8.0 out of 10.

Committee members generally support environmental protection measures; in a follow-up question, four respondents indicated they were *very concerned* about the environmental impacts of NOVA recreation, four were *somewhat concerned*, and one was *not at all concerned*.

Additional comments stated the caution that overregulation could place a financial strain on worthwhile projects. One respondent asked how Policy C-8 would apply to specific planning

projects, while another stated there was a patchwork of different environmental requirements at the county level.

Policy C-9: Require a lease period of at least 25 years for projects acquiring leases.

This policy primarily concerns the Washington Department of Natural Resources. Before adoption of this policy, the RCO required that, at minimum and short of a fee simple purchase, any land acquisition project needed to guarantee a lease lifespan of 50 years. However, since it is nearly impossible to obtain a 50-year lease today—because facility life expectancy is usually only 20-25 years—this requirement is reduced to 25 years.

Policy C-9 is not subject to change, and in the interest of providing the NOVA Advisory Committee with a streamlined survey, Responsive Management did not include it in the survey at the direction of the RCO. The policy wording is included here to provide readers with the complete set of policies.

Policy C-10: Within their respective nonhighway road, nonmotorized, or off-road vehicle funding categories, evaluate acquisition, development, maintenance and operation, and planning projects on a head-to-head basis.

By statute, NOVA facility funding is divided into three categories: *nonhighway road*, *nonmotorized*, and *off-road vehicle*. Requiring that all projects within these categories compete in direct competition with one another is one way we can help ensure that only the most desirable projects are funded.

The Advisory Committee gave the importance of Policy C-10 an average rating of 8.0 out of 10.

Respondents indicated that applications need more detailed cost estimates for a fair evaluation. Project evaluations need to address maintenance and operation in addition to growing recreation opportunities to meet demand. One respondent felt that a project's proximity to urban centers should not influence scoring. Another respondent stated that "RCO does a great job of fair and transparent evaluation."

Policy C-11: Fund maintenance and operation projects for up to two consecutive years.

Allowing maintenance and operation funding to be used for two years increases budget certainty for sponsors and may result in higher quality programs. At the same time, it reduces the work associated with an annual project submission for sponsors, the NOVA Advisory Committee, and the RCO.

Policy C-9 is not subject to change, and in the interest of providing the NOVA Advisory Committee with a streamlined survey, Responsive Management did not include it in the survey at the direction of the RCO. The policy wording is included here to provide readers with the complete set of policies.

Policy C-12: The grant ceiling for individual projects is limited as shown in the following table.

NOVA Program Grant Assistance Limits		
Category	Maintenance and Operation	Land Acquisition, Development, Planning
<i>Nonhighway Road</i>	\$100,000 for each project	\$100,000 for each project
<i>Nonmotorized</i>	\$100,000 for each project	\$100,000 for each project
<i>Off-Road Vehicle</i>	\$200,000 for each project	No limit
<i>Education and Enforcement</i>	\$200,000 for each project	

The above limits are imposed due to the shortage of funds available for projects.

Plan research strongly suggests broad support for increasing the availability and quantity of NOVA funding. One of the most intensely discussed issues during plan preparation was trail maintenance.

Program administrators suggested that historically, too much funding has been directed to capital projects without the necessary maintenance infrastructure and funding to support the efforts. Public comments received through the Trails Town Hall forum indicate that recreationists also find maintenance of trails to be their most important issue.

With the exception of off-road vehicle sport parks, the RCO has rarely seen a maintenance and operations project that approaches the \$200,000 limit. The RCO limits the number of competition off-road vehicle sport parks it will support because of their relatively high cost.

The Advisory Committee gave the importance of Policy C-12 an average rating of 7.1 out of 10, making it one of the lowest ranked policies in the survey.

When asked if they support or oppose the NOVA grant ceiling for individual projects, two respondents *strongly support*, three *moderately support*, three *neither support nor oppose*, and one *moderately opposes* the policy.

Another question asked the committee members if they support or oppose funding NOVA maintenance and operation projects for up to two consecutive years; six respondents *strongly support* and three *moderately support* the policy.

Some respondents stated that increasing costs and inflation made the grant ceiling problematic and suggested corresponding adjustments to the grant ceiling. In one example, the capital cost of a trail designed to minimize future maintenance costs (durable tread design) is greater than the cost of a traditional trail, so such a project may have a reduced chance at funding. Again the concern was

expressed that NOVA funding might not even be available from year to year. Also, one respondent noted that off-road vehicle land acquisition should have limits and be equal to the other categories.

Policy C-13: Encourage emphasis on projects in areas that are predominantly natural, such as are typically (but not necessarily) found in a “backcountry” environment. This policy does not apply to the ORV funding category.

To be eligible for nonhighway road and nonmotorized funding, projects must be adjacent to or accessed by a nonhighway road. Consideration of a "backcountry experience" in project selection is based on the notion that additional emphasis should be placed on allocating funds back to the type of setting where funds were generated.

A portion of the NOVA fund is generated by motorists traveling on nonhighway roads, such as those that occur in national parks or forests. As such, travelers who pay the fuel tax will benefit from projects on or next to these roads. This policy, however, does not apply to the off-road vehicle funding category.

The Advisory Committee gave the importance of Policy C-13 an average rating of 7.3 out of 10, making it one of the lowest ranked policies in the survey.

Multiple respondents cautioned that “natural” seems subjective, and any project served by a nonhighway road should be eligible. One comment noted that access to trails and remote sites is decreasing due to more forest road closures. Maintenance of remote locations is another concern noted in the comments. One respondent claimed that natural and urban needs are of equal importance, so this policy should not bias project selection.

Policy C-14: When reconstructing trails, encourage projects that correct environmental problems, retain trail difficulty and user experiences, and minimize user displacement.

Reconstruction can be less expensive than new construction and often presents opportunities to employ current standards and correct environmental problems. Project sponsors shall be sensitive to current trail uses and experiences, and seek to minimize "over building" the trail and significantly changing the opportunity for either motorized or nonmotorized users.

The Advisory Committee gave the importance of Policy C-14 an average rating of 8.9 out of 10, making it one of the highest ranked policies in the survey.

Respondents indicated that trails should be accessible to people with disabilities as well as those willing to make an effort. It was noted that trails in an environmentally problematic area should be abandoned rather than reconstructed. Also, additional environmental requirements may not allow trails to be built to the same difficulty factors.

Committee members noted that there is a backlog of trail repair needs in remote areas, and the use of non-natural construction material is expected to increase, for both reconstruction and new construction, in an effort to minimize future maintenance efforts.

Policy C-15: Find appropriate sites through the initiative of land managers.

The RCO will not assume a proactive role in site identification. Consistent with its other programs, the RCO will continue to rely on public land managers to identify appropriate NOVA project sites through their land use planning and public involvement processes. Recreationist groups are encouraged to continue to work with land managers to identify sites. RCO staff will continue to publicize the availability of NOVA funding opportunities through its grant workshops, web page, and publications.

Policy C-15 is not subject to change, and in the interest of providing the NOVA Advisory Committee with a streamlined survey, Responsive Management did not include it in the survey at the direction of the RCO. The policy wording is included here to provide readers with the complete set of policies.

CHAPTER 5: OTHER KEY ISSUES AFFECTING NOVA

In evaluating the NOVA Advisory Committee survey scoring and comments, the Advisory Committee online discussion blog, and the public Trails Town Hall online discussion forum, certain key issues begin to emerge. Top concerns and suggestions provided by the general public were generally consistent with those provided by NOVA administrators and providers. Also noteworthy was that comments from the public often demonstrated a substantial knowledge of the NOVA Program, suggesting that education and information efforts have gained traction since the program's implementation.

Access, user conflict, and off-road vehicle sports parks are the top concerns.

ACCESS

Access issues are an important area of concern among Washington recreationists and recreation providers.

The NOVA Advisory Committee survey asked members to rate access to **overall NOVA opportunities** in Washington State. One respondent selected *excellent*, six selected *good*, and two selected *fair*; no one indicated that access was poor.

Next the survey asked if they were satisfied with access to **nonhighway road** recreation. Four respondents were *very satisfied* and five were *somewhat satisfied*.

The survey then asked if they were satisfied with access to **nonmotorized** recreation. Six respondents were *very satisfied*, two were *somewhat satisfied*, and one was *somewhat dissatisfied*. The *somewhat dissatisfied* respondent commented that backlogs of maintenance prevented trail use in back country areas.

Finally, the survey asked if they were satisfied with access to **off-road vehicle** recreation. Three respondents were *very satisfied*, one was *somewhat satisfied*, two were *neither satisfied nor dissatisfied*, one was *somewhat dissatisfied*, and one selected *don't know*). The respondent who was *somewhat dissatisfied* commented that huge areas of National Forest with thousands of miles were being systematically removed, resulting in a large shortfall of off-road vehicle access.

A number of NOVA Advisory Committee members stated that road closures by private landowners, particularly timber companies, were shutting off access to existing trails. One respondent recommended using that agencies use NOVA funds to purchase public access across private lands.

Respondents noted the need for more access for people with disabilities (likely to be motorized users) and for more urban trails. They also expressed concerns that changing environmental regulations and increased traffic are having a detrimental effect on NOVA access.

Recreationists also pointed out the increased closing of access roads by private landowners. One person suggested that, if off-road vehicle users can gain access through the large network of logging

roads, existing trails could be cleared by volunteers in no time. Respondents suggested incentives to private landowners that could include user fees, tax incentives, or reductions/removals of liability.

USER CONFLICTS

User conflicts are an important area of concern among recreationists and recreation planners. The survey of the NOVA Advisory Committee asked them to assess the extent of the user conflict issue. One respondent stated it was a *major problem*, seven stated it was a *minor problem*, and one said it was *not at all a problem*.

The NOVA Advisory Committee survey respondents were evenly divided when asked if problems with user conflicts have increased or decreased since 2005. Four each selected *increased* and *decreased*.

Those who said user conflicts have *increased* commented that more off-road vehicle participation and lower social tolerance have exacerbated the issue, with too many people sharing too few recreation areas. This corresponds to the access issues previously discussed; many recreationists commented on access issues and user conflicts within the same Trails Town Hall discussion.

In contrast, those who stated that problems with user conflicts have *decreased* since 2005 cited more communication and cooperation between user groups. Recreation organizations have found common ground, thereby decreasing both real and perceived conflicts through better planning and outreach efforts.

Although the term “user conflicts” typically refers to recreationist behavior at trails and other recreation sites, it is important to note that conflicts also exist with regard to NOVA Program funding allocations.

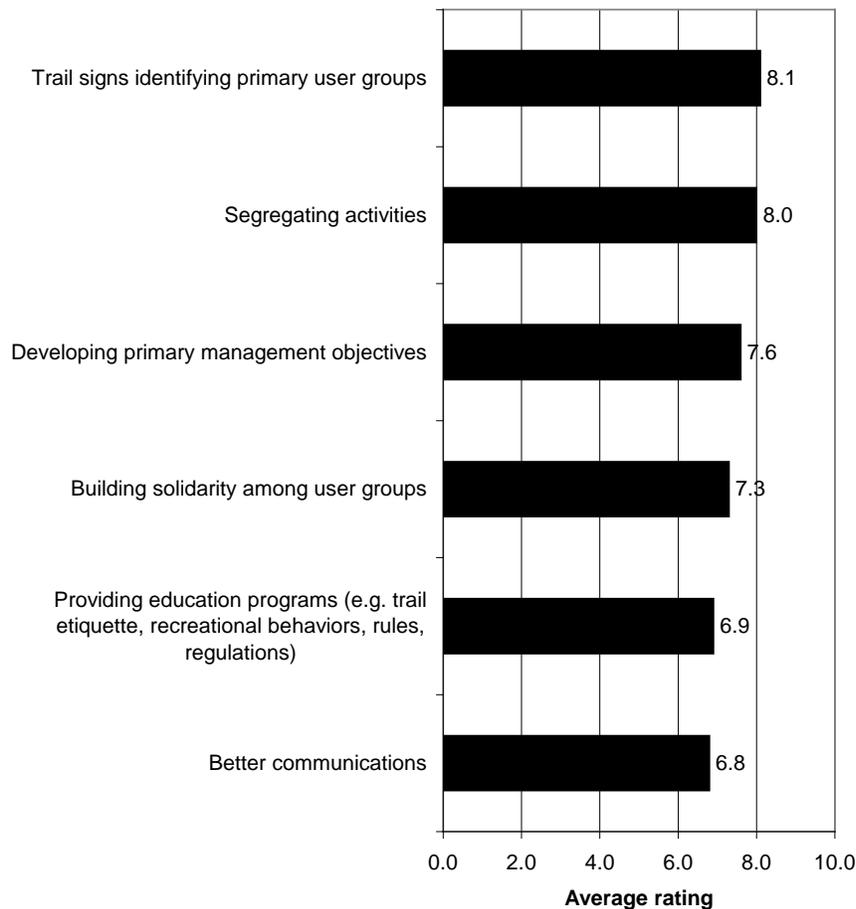
Numerous comments in the public Trails Town Hall forum are from motorized recreationists who feel that fees from off-road vehicle fuel purchases and tabs are being spent on nonmotorized trails. This concern was exacerbated when the state legislature redirected NOVA funds to Washington State Parks in fiscal year 2010-2011.

Some Trails Town Hall participants suggested that users of biking, horseback, or hiking trails should have to purchase licenses similar to off-road vehicle permits. In contrast, nonmotorized recreationists claim that motorized users receive a disproportionate amount of NOVA funding, because a majority of NOVA funds come from fuel taxes paid by nonmotorized users to get to trails or other facilities. It is apparent that clarifying the source and intent of NOVA funding would help alleviate this manifestation of user conflict.

Recommendations to improve user conflict issues include a user group forum (“a leadership council” as proposed by one commenter), user group collaborations (e.g. a maintenance work party by user groups on the same trail system), and data-driven conflict analysis with planning for resolutions.

The NOVA Advisory Committee survey asked members to rate the effectiveness of different management efforts in addressing user conflicts. As the following graph shows, “trail signs identifying primary user groups” was considered the most effective, with an average score of 8.1 out of 10, and “better communications” was considered the least effective, with an average score of 6.8.

**In your opinion, how effective are the following management efforts in addressing user conflicts?
(On a scale of 0 to 10 where 0 is "not at all effective" and 10 is "extremely effective.")**



ORV SPORTS PARKS

"ORV sports park" means a facility designed to accommodate competitive off-road vehicle recreational uses including, but not limited to, motocross racing, four-wheel drive competitions, and flat track racing. Use of off-road vehicle sports parks can be competitive or noncompetitive.

Many respondents questioned the level of NOVA Program support for events at the ORV sports parks assisted with RCO funds versus maintenance of backcountry trail-related facilities. The general sentiment among this group was that the fees and charges of the parks should cover more of the cost of user events and be more comparable to other publicly managed opportunities.

On the other hand, supporters of NOVA funding for management of ORV sports parks felt that, because the areas provide unique regional opportunities, they should receive more funding from state sources. Others pointed out that the RCO's support of acquisition and development of sports parks has created increased demand for limited off-road vehicle dollars for maintenance and operations, and has reduced the ability to create new, dispersed off-road vehicle trail opportunities. It was specifically mentioned that King County does not have an ORV sports park, a concern noted for urban areas in general.

The NOVA Advisory Committee survey asked members if they believe off-road vehicle sports parks should become more self-sufficient. The group mostly agreed with this idea, with six respondents who *strongly agree*, two who *moderately agree*, and one who *neither agrees nor disagrees*. ORV sports parks are usually contracted to private managers, and the consensus was that NOVA funds should not go to increase the profits of private entities who charge user fees.

The next question on the NOVA Advisory Committee survey received a more divided response: Do you support or oppose NOVA funding going toward ORV sports parks? Three respondents chose *moderately support*, two chose *neither support nor oppose*, one chose *moderately oppose*, and three chose *strongly oppose*.

Those in support claim that development of motorized recreational facilities is a legitimate use of NOVA funds, and that off-road vehicle users need somewhere to go so they will not impact trail systems. However, both supporters and opponents of ORV sports parks indicated that NOVA funds should not enhance operational profits.

CHAPTER 6: PRIORITIES AND RECOMMENDATIONS

This updated NOVA Plan is based in part upon further analysis of the raw data collected for the 2013 Washington SCORP. The SCORP data show that an astonishing 94% of Washington residents participate in some form of nonhighway road recreation, 86% participate in nonmotorized recreation, and 16% participate in off-road vehicle recreation.

Although the SCORP did not specifically ask how respondents accessed a recreation opportunity (i.e., if they accessed it via a nonhighway road), NOVA-related activities represent the major activities from the SCORP survey that take place in a nonhighway, nonmotorized, or off-road vehicle location or setting. In all, NOVA recreation consists of 39 activities listed within 13 of the 16 activity categories as identified in the SCORP. Clearly, the amount and allocation of NOVA funding is of great importance to Washington residents.

Analysis of the NOVA Advisory Committee survey results, the Advisory Committee discussion Web site, and the Trails Town Hall public forum indicate that stakeholders have the following priorities.

Stakeholder Priorities

1. Protect the NOVA fund

Stakeholders consider it essential to protect the NOVA fund, especially in light of its reallocation by the state legislature in the recent past. They also noted that the NOVA fund originally consisted of 1% of the state fuel tax, but that recent gasoline tax increases have not included a corresponding NOVA fund increase. A recurring suggestion from stakeholders was to create an entity that could advocate on behalf of NOVA interests.

2. Make maintenance a funding priority for NOVA

An overwhelming majority of the NOVA Advisory Committee and public comments expressed that the top priority of NOVA funding should be maintenance of existing trails and facilities, instead of facilities acquisition, planning, development, education/information, or law enforcement. NOVA recreationists and professionals are concerned that trails and recreation facilities can become dangerous and could be closed due to deferred maintenance.

3. Address road closures that limit access

NOVA participants indicate that road closures by private landowners (timber companies in particular) have greatly reduced access to existing trails. Several ORV users suggested that, if they were provided access, they could effectively clear and maintain trails with volunteers. They suggest that NOVA funds to purchase public access through private lands could be an efficient expenditure for enhancing recreational opportunities.

4. Minimize user conflicts

While NOVA recreationists recognize that some amount of conflict may be inevitable, they felt that problems could be minimized through communication and cooperation between user groups. Recommendations included developing a leadership council or other organization that convenes

different user groups or, in a similar vein, group collaborations such as maintenance work parties by groups using the same trail system. People also suggested that clear and concise information about the source and intent of NOVA funding would help alleviate frustration among user groups who feel they are not getting their fair share of NOVA funds.

5. Encourage designs that minimize future maintenance

NOVA stakeholders would like to see the program encourage projects with designs that minimize the need for ongoing maintenance (e.g., choosing the best trail tread material). Similarly, they suggested that applicants for maintenance and operation projects state how their project's goals and objectives meet future maintenance needs and sustainability issues.

6. Ensure that NOVA funds augment, but do not replace, other funding

Respondents noted that NOVA allows grant recipients to achieve results that would not be possible without state funding, but that the program is not designed to replace other funding sources. They felt that the NOVA program should encourage sponsors to provide matching funds, although no consensus emerged about whether this should be a requirement. Respondents further observed that organizing and supporting user-group volunteers has proven to be an effective way to stretch limited NOVA funds; recreationists are often glad to provide time and labor to support their favorite activities.

7. Do not use NOVA funds to subsidize private ORV sports parks

NOVA stakeholders held differing opinions, generally drawn along user group lines, as to how much NOVA funding should contribute to the development of ORV sports parks. Proponents claim that ORV recreationists contribute to the NOVA fund and should have ORV sports parks to go to; they noted that ORV sports parks also help alleviate user conflict on overcrowded trails and facilities. Consensus emerged that NOVA should not subsidize the profits of private ORV sports park operators.

8. Encourage trail reconstruction that corrects environmental problems

Respondents observed that trail reconstruction can be less expensive than new construction, and that it often presents opportunities to employ current standards and correct environmental problems. They felt that project sponsors should try to retain trail difficulty and user experiences and minimize user displacement, but that reconstruction should be emphasized as a sustainable and desirable option.

9. Ensure that the NOVA Advisory Committee represents all user groups

The NOVA Advisory Committee should consist of nonmotorized and ORV recreationists, as well as local, state, and federal agency representatives, to represent the views and needs of users, organizations, and agencies that are affected by NOVA funding. To date it is generally believed that the committee is functioning as intended.

Recommendations for RCO Actions:

RCO staff studied the findings and conclusions that Responsive Management produced from its research, and made the following recommendations to the Recreation and Conservation Funding Board for action items that could be implemented by RCO.

1. Review the goals for the NOVA Program and the Recreational Trails Program to determine whether the programs are complementing each other.

The board should review the program's grant award results to determine whether changes need to be made to the allocation of funds based on the NOVA plan key findings and stakeholder feedback. For example, NOVA and RTP funds are increasingly awarded for maintenance and operation projects, so less funding is awarded for development and acquisition projects. The board should review whether this pattern of funding is consistent with the goals of the program.

2. Review NOVA program priorities (Policy A-1 and C-10) for acquisition, development, and maintenance and operation type projects.

The board should review the policies that state that NOVA funds shall not augment or replace other funds, and that operating and capital projects will compete directly for funding. In conjunction with recommendation #1, the board should review whether the increased funding of maintenance projects would be consistent with the policies that restrict NOVA funds from being used to replace other funds.

3. Review NOVA program policy (Policy C-2) that encourages projects near population centers.

RCW 79A.25.250 requires the board to place a high priority on parks that are near urban populations. Stakeholder feedback, however, placed less of a priority on funding NOVA projects near population centers. The board should review whether the current criterion for meeting the law can be modified to address stakeholder feedback or whether the board should seek a modification to the population proximity statute. The current criterion has a maximum score of two points.

4. Prioritize NOVA Program funding for projects that are designated as statewide trails per RCW 79A.35.

The recommendations in the Washington State Trails Plan call for the board to develop a method for designating a system of state recreation trails. If a system of state recreation trails is established, the NOVA program could place a priority on funding those state recreation trails that are eligible for funding in the NOVA program.

5. Prioritize program funding for projects that incorporate sustainable design practices to protect and improve the environment and reduce trail maintenance needs.

The board should incorporate its sustainability policy recommendations into the NOVA program priorities and adjust the evaluation criteria. This action is already proposed (see Item 11).

6. Retain all other policies in the NOVA Program as currently written.

RCO staff finds all other NOVA program policies to be consistent with the research findings and stakeholder input for the NOVA 2013-2018 plan.

APPENDIX A: REGIONAL AND DEMOGRAPHIC CHARACTERISTICS OF NOVA USERS FOR 13 NOVA ACTIVITY CATEGORIES

Raw data collected for the 2013 SCORP were analyzed to parse out quantitative data specifically related to NOVA recreation. Although the SCORP did not specifically ask how respondents accessed a recreation opportunity (i.e., if they accessed it via a nonhighway road), NOVA-related activities discussed in the SCORP represent the major activities that take place in a nonhighway, nonmotorized, or off-road vehicle location or setting.

In all, NOVA includes 39 recreational activities from 13 of the 16 activity categories as defined by SCORP. The following table lists all of the SCORP-defined activities, with NOVA-related recreation highlighted in grey.

Participation Rates in All of the Activities

Activity	Percent of Residents in Washington State Participating in the Activity
Sightseeing	56.8
Sightseeing—public facility	23.7
Sightseeing—cultural or historical facility	25.3
Sightseeing—scenic area	47.7
Nature Activities	81.4
Visiting nature interpretive center	29.2
Interpretive center—individual, family, informal group	26.1
Interpretive center—organized club, group, or school	3.3
Wildlife viewing/photographing	59.0
Wildlife viewing/photographing—plants	9.1
Wildlife viewing/photographing—birds	34.1
Wildlife viewing/photographing—land animals	40.4
Wildlife viewing/photographing—marine life	6.4
Gathering/collecting things in nature setting	27.2
Gathering/collecting—berries or mushrooms	14.9
Gathering/collecting—shells, rocks, or vegetation	18.4
Gathering/collecting—firewood	6.7
Gathering/collecting—Christmas tree	4.2
Gardening, flowers or vegetables	56.7
Gardening, flowers or vegetables—community garden/pea patch	2.3
Gardening, flowers or vegetables—yard/home	55.5
Fishing or Shellfishing	34.1
Fishing for shellfish	11.3
Fishing for finfish	27.1

Fishing—total freshwater	26.3
Fishing—total saltwater	15.6
Fishing from bank, dock, or jetty—saltwater	7.4
Fishing from bank, dock, or jetty—freshwater	17.3
Fishing from private boat	18.5
Fishing from private boat—saltwater	9.2
Fishing from private boat—freshwater	13.0
Fishing with guide or charter	3.1
Fishing with guide or charter—saltwater	1.7
Fishing with guide or charter—freshwater	1.8
Picnicking, BBQing, or Cooking Out	80.9
Picnicking, BBQing, or cooking out—site specifically designated	43.2
Picnicking, BBQing, or cooking out—location not specifically designated	6.3
Picnicking, BBQing, or cooking out—group facility	26.6
Water-Related Activities	75.2
Beachcombing	32.6
Beachcombing—saltwater	28.2
Beachcombing—freshwater	11.4
Swimming or wading at beach	38.8
Swimming or wading at beach—saltwater	27.7
Swimming or wading at beach—freshwater	17.4
Surfboarding	2.1
Wind surfing	1.0
Wind surfing—saltwater	0.4
Wind surfing—freshwater	0.7
Inner tubing or floating	17.1
Boating—any boating	35.6
Boating—any boating—saltwater	13.5
Boating—any boating—freshwater	29.0
Boating—whitewater rafting	2.8
Boating—general, except whitewater rafting	32.8
Boating—canoeing, kayaking, rowing, manual craft	11.1
Boating—canoeing, kayaking, rowing, manual craft—saltwater	3.7
Boating—canoeing, kayaking, rowing, manual craft—freshwater	9.0
Boating—sail boating	3.5
Boating—sail boating—saltwater	2.1
Boating—sail boating—freshwater	1.9
Boating—sail boating—less than 26 feet	1.6
Boating—sail boating—26 feet or more	1.8
Boating—using personal watercraft	5.2
Boating—using personal watercraft—saltwater	1.0

Boating—using personal watercraft—freshwater	4.7
Boating—motorboating other than personal watercraft	24.8
Boating—motorboating other than personal watercraft—saltwater	9.3
Boating—motorboating other than personal watercraft—freshwater	21.3
Boating—motorboating—less than 26 feet	20.0
Boating—motorboating—26 feet or more	4.5
Boating—using a charter service or guide	1.8
Boating—using a marina	7.7
Boating—using public transient moorage facilities	2.3
Boating—using a boat ramp	22.5
Water skiing	7.4
Water skiing—saltwater	1.3
Water skiing—freshwater	6.8
Scuba or skin diving	1.6
Scuba or skin diving—saltwater	1.2
Scuba or skin diving—freshwater	0.7
Snorkeling	3.7
Snorkeling—saltwater	1.9
Snorkeling—freshwater	1.9
Using a splash park	8.1
Using a spray park	6.4
Snow and Ice Activities	31.3
Snowshoeing	6.7
Sledding, inner tubing, or other snow play	15.5
Snowboarding	7.1
Snowboarding—downhill facility	6.5
Snowboarding—location not specifically designated	1.1
Skiing, downhill	10.4
Skiing, cross country	4.5
Snowmobiling	2.7
ATV riding on snow or ice	2.4
Ice skating	3.3
Ice skating—outdoors	1.7
Ice skating—indoors	2.0
Ice hockey	0.5
Ice hockey—outdoors	0.1
Ice hockey—indoors	0.3
Air Activities	3.8
Bungee jumping	0.6
Paragliding or hang gliding	0.2

Hot air ballooning	0.2
Sky diving/parachuting from plane/glider	0.8
Base jumping	0.0
Flying gliders, ultralights, or other aircraft	1.5
Taking chartered sightseeing flight	0.2
Walking, Hiking, Climbing, Mountaineering	90.0
Walking with a pet	51.6
Walking with a pet—on leash in park	25.1
Walking with a pet—off leash in dog park	11.5
Walking with a pet—location not specifically designated	21.3
Walking without a pet	71.3
Walking without a pet—sidewalks	38.7
Walking without a pet—roads or streets	39.5
Walking without a pet—park or trail setting	35.3
Walking without a pet—outdoor track	2.9
Walking without a pet—indoor facility	0.9
Hiking	53.9
Hiking—trails	51.0
Hiking—urban trails	17.5
Hiking—rural trails	18.5
Hiking—mountain or forest trails	36.4
Hiking—off trail	10.9
Climbing or mountaineering	10.0
Climbing or mountaineering—alpine areas/snow or ice	3.6
Climbing or mountaineering—rock climbing indoors	1.9
Climbing or mountaineering—rock climbing outdoors	4.6
Bicycle Riding	36.9
Bicycle riding—roads or streets	26.6
Bicycle riding—trails	24.4
Bicycle riding—urban trails	17.3
Bicycle riding—rural trails	10.8
Bicycle riding—mountain or forest trails	8.0
Bicycle riding—no established trails	6.9
Bicycle riding—racing/on race course	0.9
Bicycle riding—velodrome	0.5
Bicycle riding—BMX	0.6
Bicycle touring	2.6
Bicycle touring—day trip	2.3
Bicycle touring—overnight trip	0.7
Horseback Riding	7.7
Horseback riding—stables or grounds	2.8
Horseback riding—roads or streets	1.3

Horseback riding—trails	3.9
Horseback riding—urban trails	0.5
Horseback riding—rural trails	2.3
Horseback riding—mountain or forest trails	2.7
Horseback riding—no established trails	2.7
Off-Roading for Recreation	15.3
Off-roading—motorcycle	4.2
Off-roading—motorcycle—off-road facility	0.9
Off-roading—motorcycle—roads or streets	2.0
Off-roading—motorcycle—trails	2.7
Off-roading—motorcycle—urban trails	0.9
Off-roading—motorcycle—rural trails	1.4
Off-roading—motorcycle—mountain or forest trails	1.8
Off-roading—motorcycle—no established trails	1.7
Off-roading—ATV/dune buggy	7.3
Off-roading—ATV/dune buggy—off-road facility	1.5
Off-roading—ATV/dune buggy—roads or streets	1.8
Off-roading—ATV/dune buggy—trails	5.2
Off-roading—ATV/dune buggy—urban trails	1.4
Off-roading—ATV/dune buggy—rural trails	2.3
Off-roading—ATV/dune buggy—mountain or forest trails	4.0
Off-roading—ATV/dune buggy—no established trails	2.8
Off-roading—4-wheel drive vehicle	9.5
Off-roading—4-wheel drive vehicle—off-road facility	1.7
Off-roading—4-wheel drive vehicle—roads or streets	1.8
Off-roading—4-wheel drive vehicle—trails	6.6
Off-roading—4-wheel drive vehicle—urban trails	1.4
Off-roading—4-wheel drive vehicle—rural trails	3.0
Off-roading—4-wheel drive vehicle—mountain or forest trails	4.0
Off-roading—4-wheel drive vehicle—no established trails	2.5
Camping	42.4
Camping—with a kayak/canoe	2.4
Camping—with a kayak/canoe—site specifically designated	1.2
Camping—with a kayak/canoe—location not specifically designated	1.4
Camping—in a boat	2.4
Camping—in a boat—on open water	0.6
Camping—in a boat—state park or site specifically designated	1.3
Camping—in a boat—location not specifically designated	0.8
Camping—in a boat—in a marina	0.7
Camping—with a bicycle	1.2
Camping—with a bicycle—campground	1.1

Camping—with a bicycle—location not specifically designated	0.4
Camping—backpacking/primitive location	8.3
Camping—backpacking/primitive location—self-carry packs	7.7
Camping—backpacking/primitive location—pack animals	0.3
Camping—tent camping with car/motorcycle	26.5
Camping—tent w/ car/motorcycle—campground	21.2
Camping—tent w/ car/motorcycle—location not specifically designated	7.9
Camping—RV camping	14.2
Camping—RV camping—campground	11.2
Camping—RV camping—location not specifically designated	4.7
Hunting or Shooting	21.4
Hunting	9.4
Hunting—archery equipment	2.2
Hunting—firearms	8.5
Hunting—modern firearms	8.0
Hunting—rifle	6.2
Hunting—shotgun	4.1
Hunting—handgun	1.0
Hunting—blackpowder firearms	1.2
Hunting—blackpowder rifle	1.2
Hunting—blackpowder shotgun	0.3
Hunting—blackpowder handgun	0.3
Hunting—big game	8.0
Hunting—birds or small game	4.8
Hunting—waterfowl	1.9
Shooting	17.4
Shooting—archery equipment	3.6
Shooting—modern firearms	15.7
Shooting—rifle	11.4
Shooting—shotgun	8.4
Shooting—handgun	10.9
Shooting—blackpowder firearms	2.5
Shooting—blackpowder rifle	2.4
Shooting—blackpowder shotgun	1.0
Shooting—blackpowder handgun	1.5
Target shooting	15.3
Trap shooting	4.6
Skeet	4.0
Sporting clays	3.5
Other target or clay sports	1.7
Recreational Activities	82.7

Playground use	36.9
Playground use—park facility	30.0
Playground use—school facility	13.8
Aerobics or fitness activities, but not weights	37.8
Aerobics or fitness activities, but not weights—at a facility	26.4
Aerobics or fitness activities, but not weights—not at home	30.1
Weight conditioning	27.6
Weight conditioning—at a facility	20.6
Weight conditioning—not at home	20.9
Jogging or running	36.2
Jogging or running—streets or sidewalks	23.2
Jogging or running—trails	17.2
Jogging or running—urban trails	11.4
Jogging or running—rural trails	7.8
Jogging or running—mountain or forest trails	4.9
Jogging or running—outdoor track	2.7
Jogging or running—indoor track	2.2
Swimming (all, except at beach)	51.6
Swimming in pool	38.2
Swimming in pool—outdoors	18.1
Swimming in pool—indoors	24.2
Swimming in natural waters	35.7
Roller or inline skating	4.7
Roller or inline skating—roads, sidewalks, other places	0.3
Roller or inline skating—trail at outdoor facility	1.8
Roller or inline skating—indoor facility	2.2
Skateboarding	2.9
Skateboarding—roads, sidewalks, places not specifically designated	1.1
Skateboarding—trail	0.6
Skateboarding—skate park or court	2.4
Badminton	6.0
Badminton—outdoor facility	2.2
Badminton—indoor facility	0.8
Handball, racquetball, or squash	4.2
Handball, racquetball, or squash—outdoor facility	0.4
Handball, racquetball, or squash—indoor facility	3.5
Volleyball	10.3
Volleyball—outdoor facility	5.8
Volleyball—indoor facility	3.3
Basketball	16.8
Basketball—outdoor facility	9.1

Basketball—indoor facility	7.8
Tennis	10.1
Tennis—outdoor facility	9.1
Tennis—indoor facility	2.2
Field sports	11.0
Football	5.3
Rugby	0.2
Lacrosse	0.4
Soccer	7.0
Soccer—outdoors	6.2
Soccer—indoors	0.7
Baseball	5.4
Softball	7.8
Golf	15.5
Golf—driving range	5.1
Golf—pitch-n-putt	1.6
Golf—9- or 18-hole course	13.3
Indoor Community Facilities	28.4
Activity center	5.5
Arts and crafts class or activity	3.5
Class or instruction	7.4
Social event	14.8
Frisbee Activities	16.8
Frisbee—disc golf (also called frisbee golf)	4.5
Frisbee—ultimate frisbee or frisbee football	3.0

SIGHTSEEING USERS

The table below shows the regional participation rates for NOVA sightseeing users, which consists of sightseeing in scenic areas. Note that the overall sightseeing activity category, with a participation rate of 57%, includes sightseeing at a public facility and sightseeing at a cultural or historical facility, which are not included under NOVA.

Three regions ranked as having over 50% of Washington residents participating in NOVA sightseeing activities: the Islands, the North Cascades, and the Peninsulas. The Coast (40%) and South Central (41%) show the lowest participation rates.

Regional Participation Rates of NOVA Sightseeing Users (%)	
The Islands	55
North Cascades	52
Peninsulas	51
King/Seattle	49
South West	46
North East	46
Columbia Plateau	44
The Palouse	43
South Central	41
The Coast	40

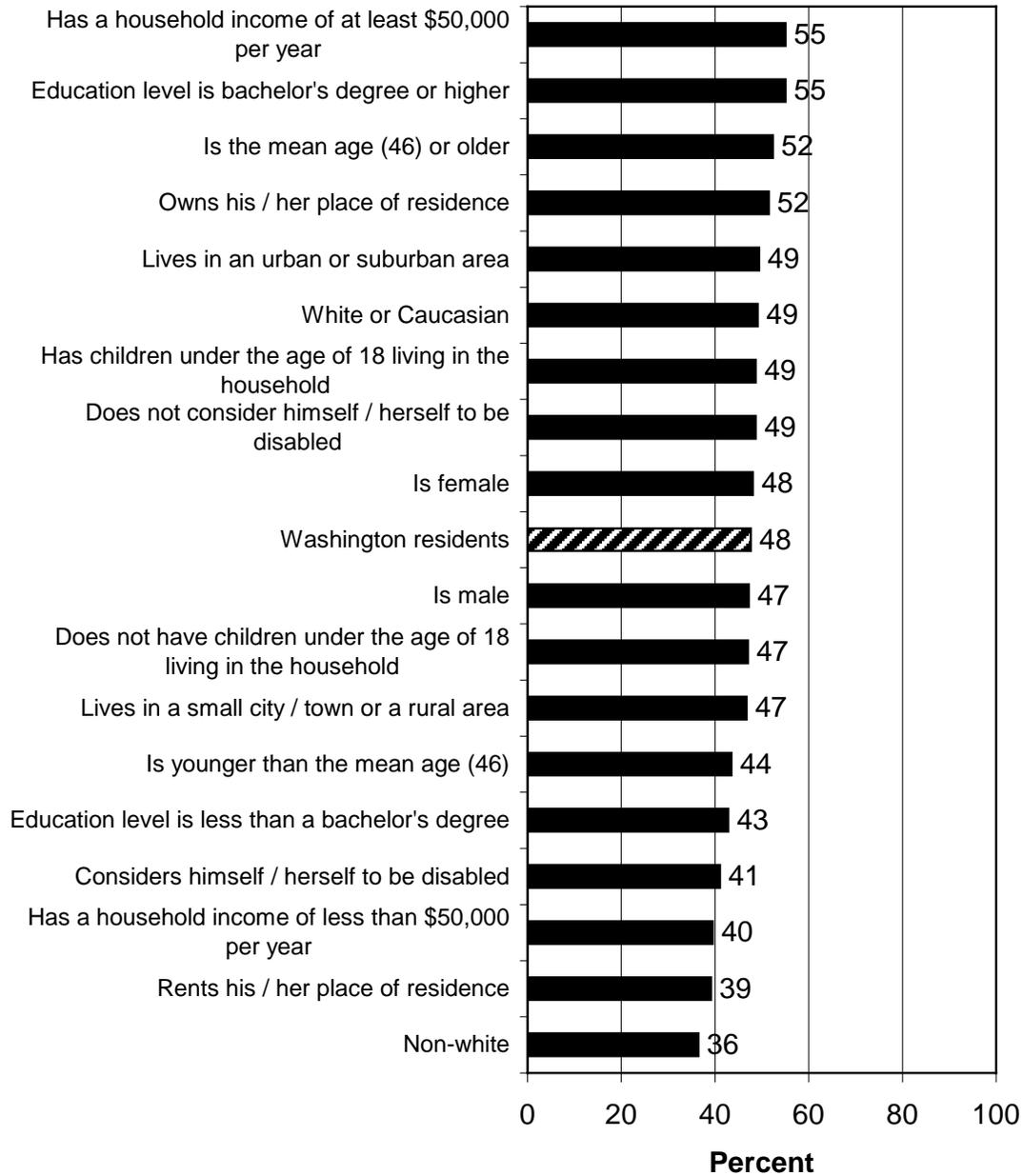
In total, 48% of Washington residents participate in sightseeing in a scenic area. As the following graph shows, the demographic groups *most likely* to engage in sightseeing in a scenic area (i.e., groups with a participation rate greater than 50%) include:

- People with a household income of at least \$50,000 per year,
- People with an education level of a bachelor's degree or higher,
- People at a mean age of 46 years or older, and
- People who own their place of residence.

Meanwhile, the groups *least likely* to participate in sightseeing (i.e., groups with a participation rate of 40% or less) include

- Residents who are non-white/non-Caucasian,
- People who rent their place of residence, and
- People with a household income of less than \$50,000 per year.

Percent of each of the following groups who participated in sightseeing in a scenic area in Washington in 2012:



NATURE ACTIVITIES—WILDLIFE VIEWING/PHOTOGRAPHING

In the SCORP, this recreation category (nature activities) includes 16 different types of nature activities. The NOVA Program includes two of these, one of which is observing or photographing wildlife or nature.

Participation rates in each Washington region are shown below. At the top of the ranking are the Islands at 68% and the Peninsulas at 65%, while the lowest participation occurs in South Central (50%).

Regional Participation Rates of Wildlife Viewing or Photographing (%)	
The Islands	68
Peninsulas	65
North Cascades	62
South West	59
North East	59
The Palouse	58
King/Seattle	58
Columbia Plateau	55
The Coast	55
South Central	50

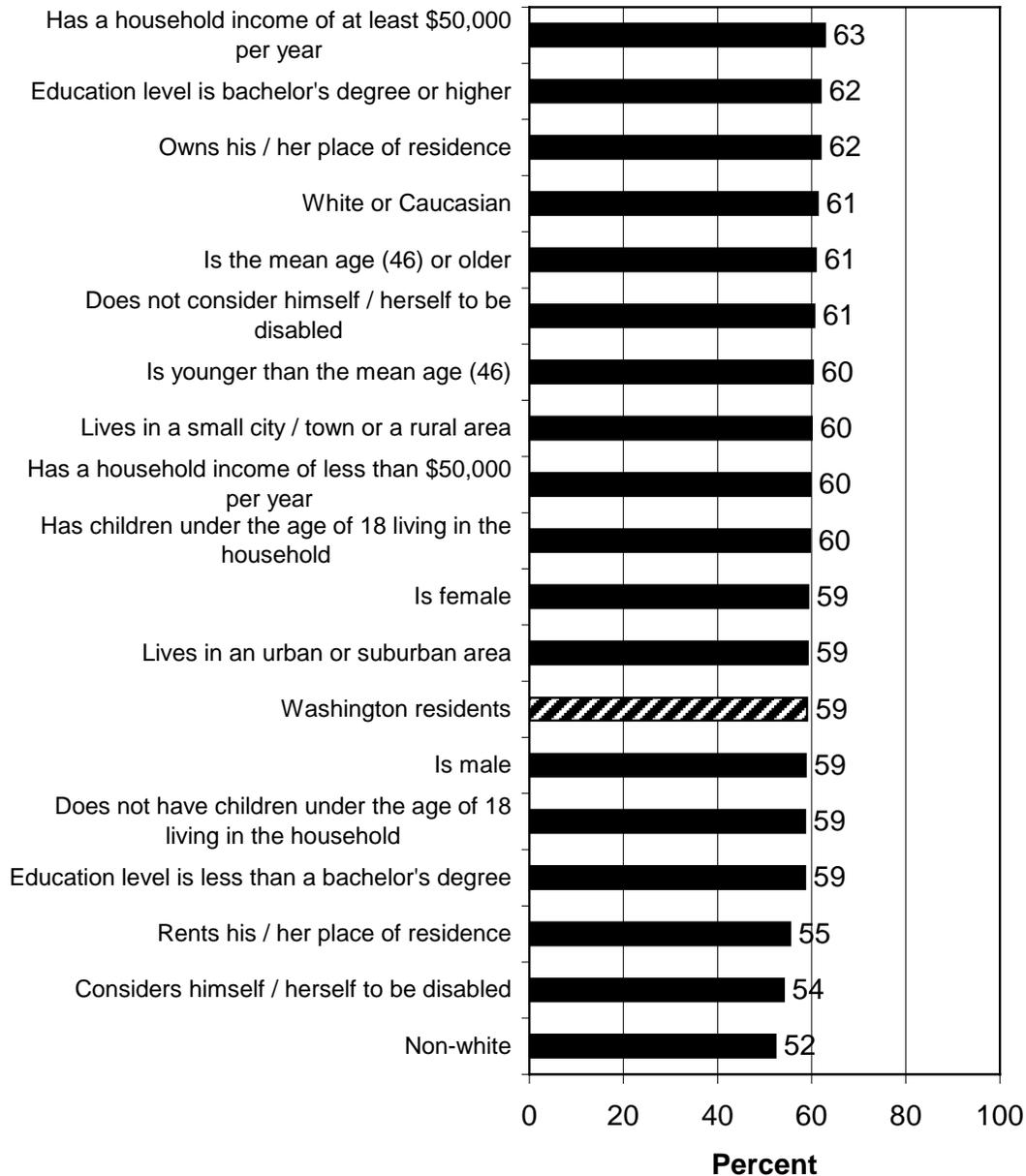
In total, 59% of Washington residents participate in wildlife viewing or photographing. The following chart shows that the demographic groups *most likely* to engage in wildlife viewing or photographing include:

- those with an annual household income of at least \$50,000 (63% of this group participates),
- those with an education level of a bachelor's degree or higher (62%), and
- those who own their place of residence (62%).

In contrast, the groups *least likely* to engage in the activity include:

- non-white/non-Caucasian residents (52%),
- those who consider themselves to be disabled (54%), and
- those who rent their place of residence (55%).

Percent of each of the following groups who participated in observing or photographing wildlife or nature in Washington in 2012:



NATURE ACTIVITIES—GATHERING/COLLECTING THINGS IN A NATURE SETTING

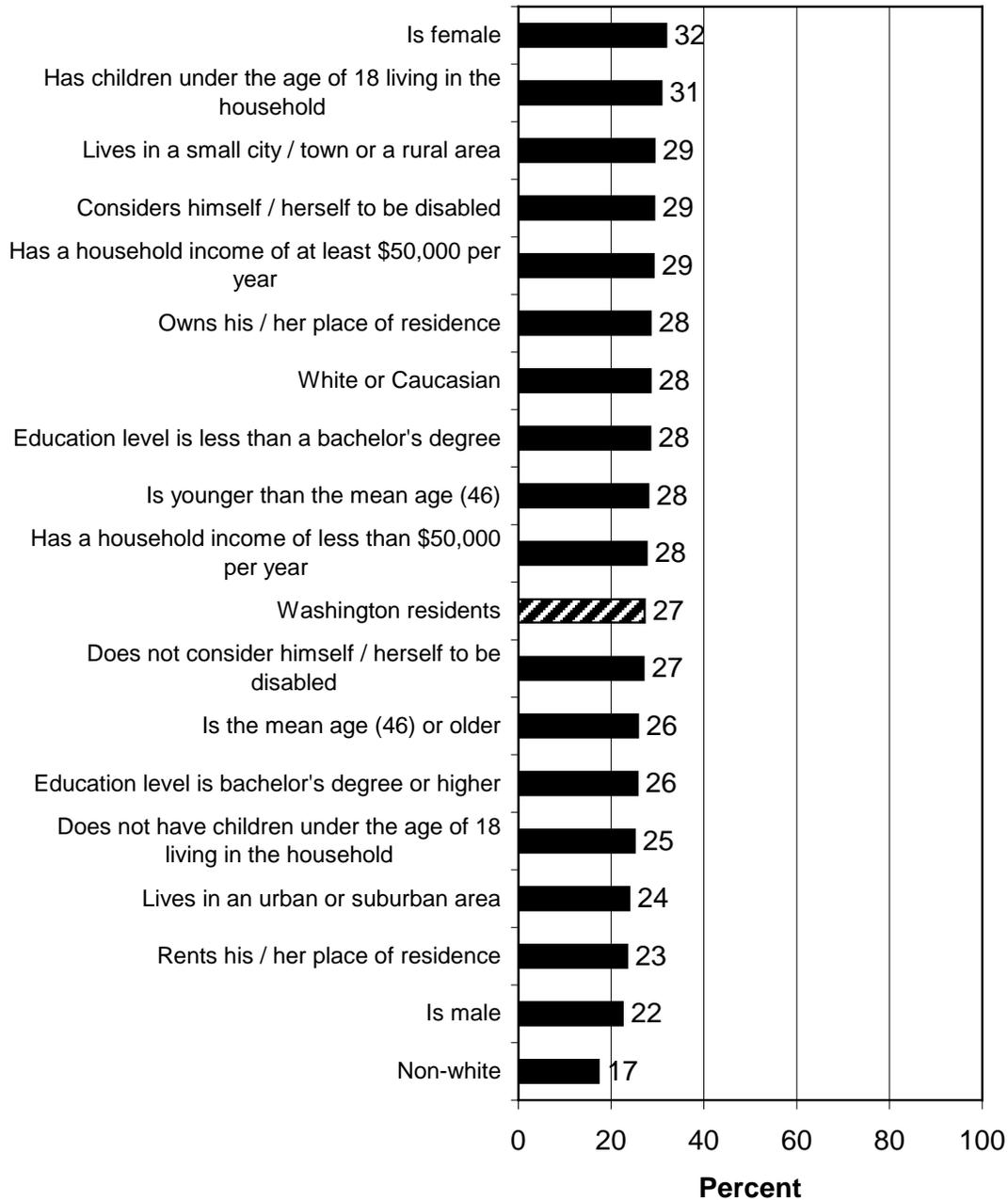
The other nature activity from the SCORP that falls within a NOVA classification is gathering/collecting things in a nature setting, which has a 27% participation rate among Washington residents.

Items gathered by recreationists can include berries or mushrooms (15% of Washington residents do this); shells, rocks, or vegetation (18%); firewood (7%); and Christmas trees (4%). As shown in the table below, the region with the most gathering/collecting participation is the Islands at 39%. Meanwhile, less than a quarter of residents participate in the Palouse (23%) and South Central (24%).

Regional Participation Rates of Gathering or Collecting Things in a Nature Setting (%)	
The Islands	39
North East	32
The Coast	32
Peninsulas	30
North Cascades	28
South West	26
King/Seattle	26
Columbia Plateau	25
South Central	24
The Palouse	23

The following graph shows that the demographic groups *most likely* to engage in gathering/collecting include female residents (32% participate) and those who have children under the age of 18 living in the household (31%). Meanwhile, demographic groups *least likely* to engage in the activity include non-white/non-Caucasian residents (17%) and male residents (22%).

Percent of each of the following groups who participated in gathering or collecting in a nature setting in Washington in 2012:



FISHING OR SHELLFISHING

In total, 34% of Washington residents participate in fishing—both freshwater and saltwater—or shellfishing activities.

This overall category includes the following activities:

- fishing for finfish (27% of Washington residents participate)
- total freshwater fishing (26%)
- fishing from a bank, dock, or jetty in freshwater (17%)
- total saltwater fishing (16%)
- fishing from a private boat in freshwater (13%)
- fishing for shellfish (11%)
- fishing from a private boat in saltwater (9%)
- fishing from a bank, dock, or jetty in saltwater (7%)
- fishing with a guide or charter in saltwater (2%)
- fishing with a guide or charter in freshwater (2%).

The following table shows fishing participation by region. Nearly half of residents in the Columbia Plateau and the Coast regions participate, both with rates of 47%. In contrast, only 26% of residents in the King/Seattle region go fishing or shellfishing.

Regional Participation Rates of Fishing or Shellfishing (%)	
Columbia Plateau	47
The Coast	47
Peninsulas	46
The Islands	45
The Palouse	43
South West	38
North East	37
North Cascades	34
South Central	33
King/Seattle	26

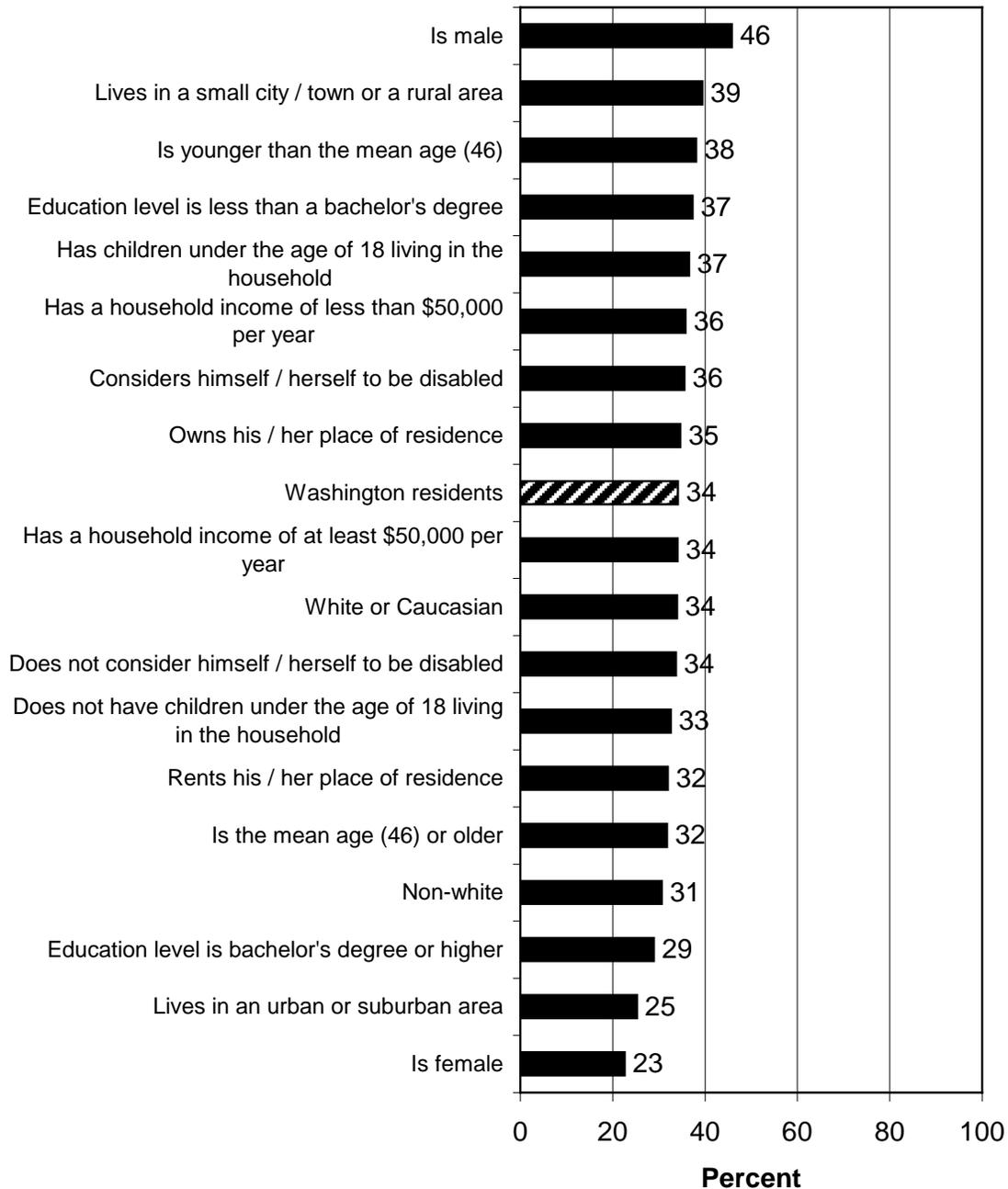
The following graph shows that the demographic groups in Washington State most likely to engage in fishing include:

- male residents (46% of males participate),
- those who live in a small city/town or rural area (39%), and
- those younger than the mean age of 46 years (38%).

The demographic groups least likely to engage in the activity include:

- female residents (23%),
- those who live in an urban or suburban area (25%), and
- those with an education level of a bachelor's degree or higher (29%).

Percent of each of the following groups who participated in fishing or shellfishing in Washington in 2012:



PICNICKING, BARBECUING, OR COOKING OUT

In all, 81% of Washington residents participate in picnicking, barbecuing, or cooking out. Within this SCORP activity category, NOVA includes picnicking, barbecuing, or cooking out at a specifically designated site (43% of Washington residents do this) or at a group facility (27%).

The table below shows that the regions with the highest participation in picnicking, barbecuing, or cooking out are the Coast (68% of Washington residents) and the South West (63%), while the Islands region has the lowest participation rate of 47%.

Regional Participation Rates of Picnicking, Barbecuing, or Cooking Out (%)	
The Coast	68
South West	63
North East	57
North Cascades	57
Peninsulas	56
Columbia Plateau	56
South Central	54
The Palouse	53
King/Seattle	52
The Islands	47

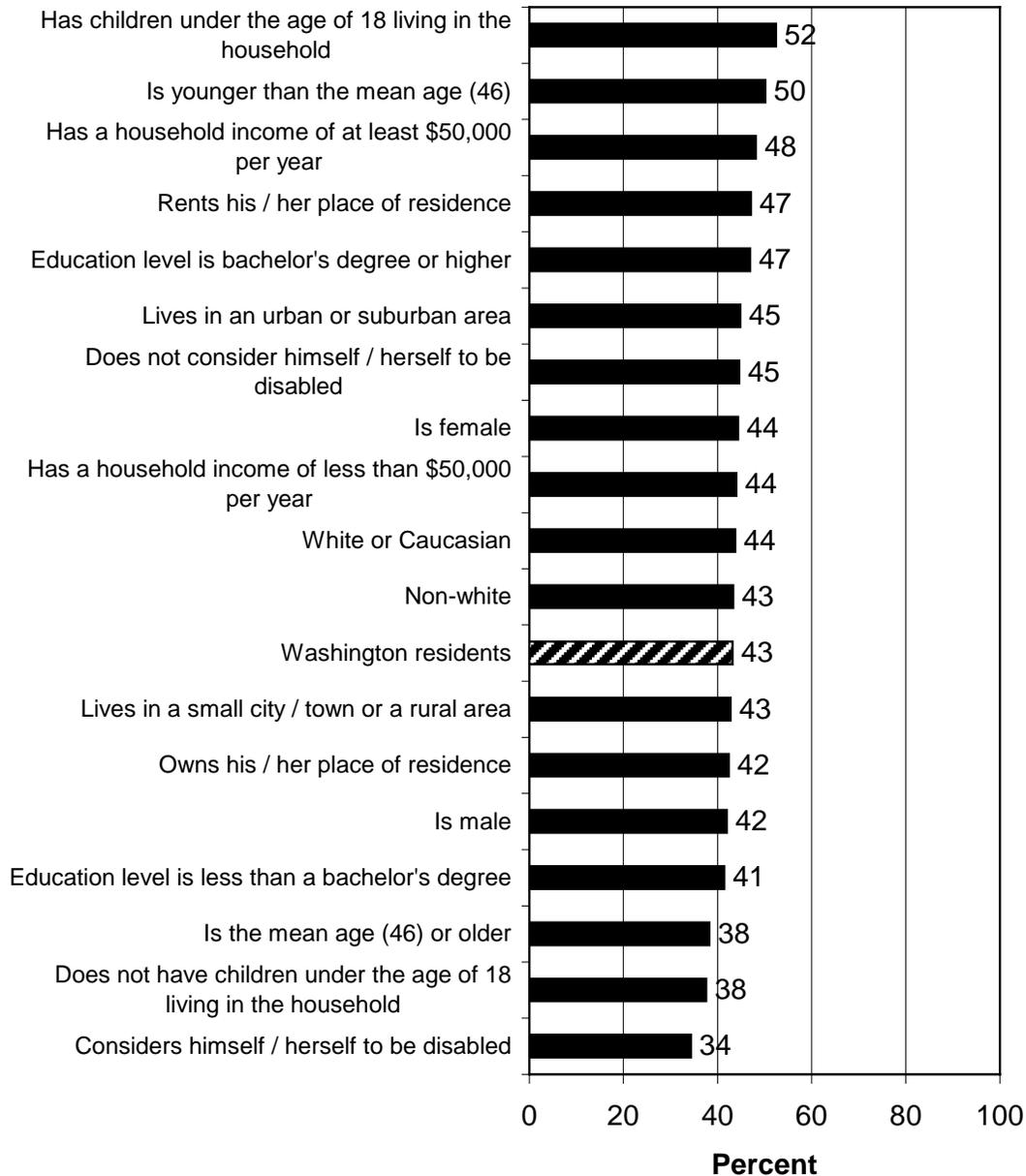
The following graph shows that the demographic groups most likely to engage in NOVA-related picnicking, barbecuing, or cooking out include:

- those who have children under the age of 18 years living in the household (52% of this group participates in the activity),
- those younger than the mean age of 46 years (50%), and
- those with an annual household income of at least \$50,000 (48%).

Conversely, the demographic groups least likely to engage in the activity include:

- those who consider themselves to be disabled (34%),
- those who do not have children under the age of 18 years (38%), and
- those older than the mean age of 46 years (38%).

Percent of each of the following groups who participated in NOVA-related picnicking in Washington in the past 12 months:



WATER-RELATED ACTIVITIES—CANOEING, KAYAKING, ROWING, OR USING MANUAL CRAFT

In total, 75% of Washington residents participate in water-related activities, such as beachcombing, swimming, or boating in the SCORP; this overall category includes 47 different types of water-related activities. NOVA includes a subset of the boating category—canoeing, kayaking, rowing, or using manual craft—which has an 11% participation rate among Washington residents (9% participate in freshwater and 4% participate in saltwater, with some who do both).

The table below shows that the regions with the highest participation in canoeing, kayaking, rowing, or using manual craft are the Islands (18% of Washington residents) and the North East (16%), while the Palouse has a participation rate of only 5%.

Regional Participation Rates of Canoeing, Kayaking, Rowing, or Manual Craft (%)	
The Islands	18
North East	16
Peninsulas	13
North Cascades	12
King/Seattle	11
South West	9
South Central	8
Columbia Plateau	8
The Coast	8
The Palouse	5

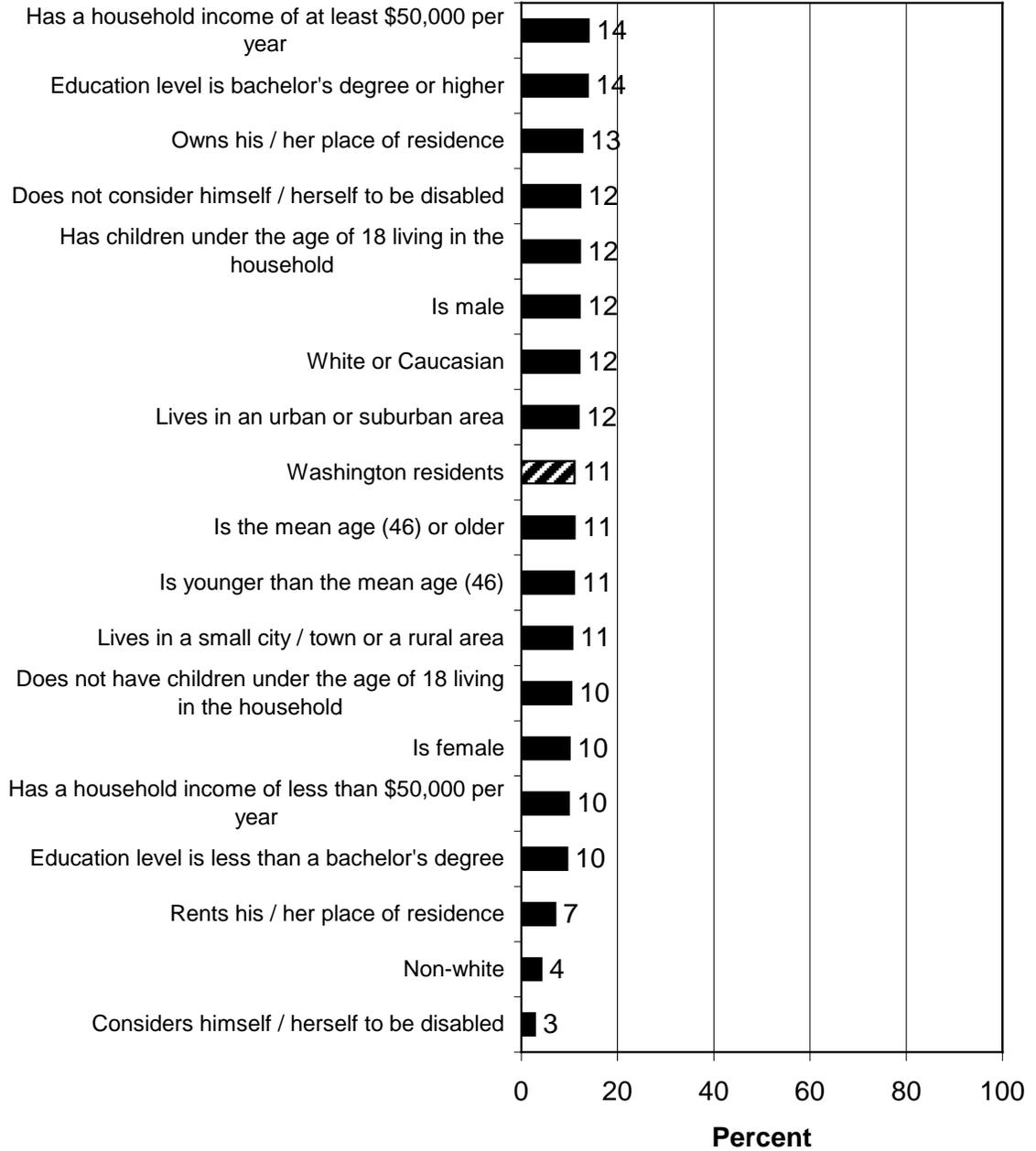
Unsurprisingly, the SCORP data show that boating activities have a higher correlation among residents who exhibit more affluent characteristics. The following graph shows that the demographic groups most likely to engage in canoeing, kayaking, rowing, or using a manual craft include:

- those with an annual household income of at least \$50,000 (14% of this group participates in the activity),
- those with an education level of a bachelor’s degree or higher (14%), and
- those who own their place of residence (13%).

The demographic groups least likely to engage in the activity, all at participation rates under 10%, include:

- those who consider themselves to be disabled (3%),
- non-white/non-Caucasian residents (4%), and
- those who rent their place of residence (7%).

Percent of each of the following groups who participated in canoeing, kayaking, rowing, or using a manual craft in Washington in 2012:



SNOW AND ICE ACTIVITIES— SNOWSHOEING OR CROSS COUNTRY SKIING

In total, 31% of Washington residents participate in snow and ice activities; this overall category includes 12 different constituent activities in the SCORP. Within this activity category, NOVA includes snowshoeing (7% of Washington residents participate) and cross country skiing (5%). Note that 9% of Washington residents participate in either snowshoeing or cross country skiing; this percentage accounts for those who do both.

The table below shows the highest participation by far to be in the North East region, with 18% of its residents engaging in snowshoeing or cross country skiing, followed by the North Cascades at 12%. All the other regions have participation rates at 10% or less, with the lowest percentages in the Coast (2%) and the Columbia Plateau (4%).

Regional Participation Rates of Snowshoeing or Cross Country Skiing (%)	
North East	18
North Cascades	12
King/Seattle	10
The Islands	9
South West	6
Peninsulas	6
South Central	5
The Palouse	5
Columbia Plateau	4
The Coast	2

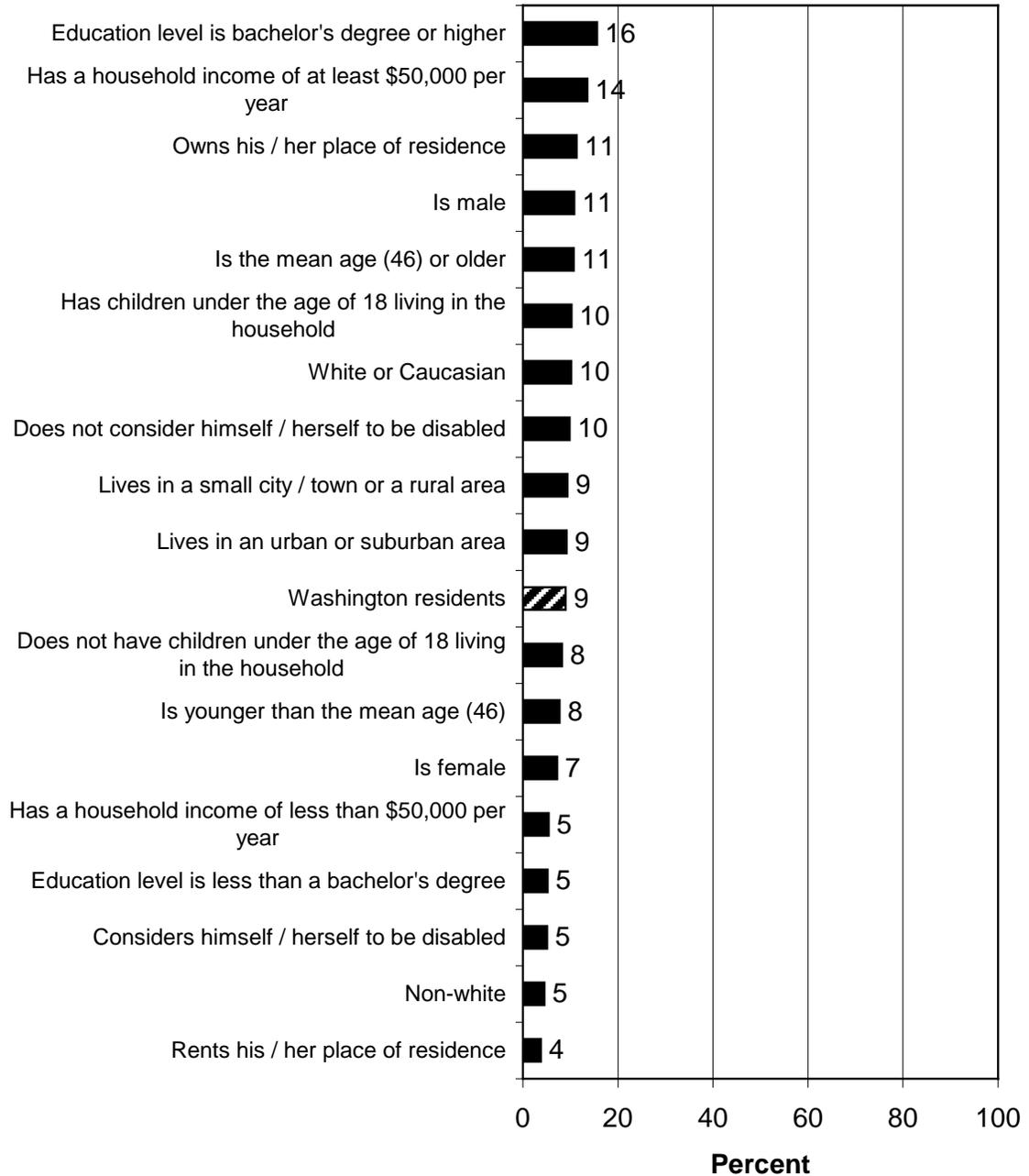
The following graph shows that the demographic groups most likely to engage in snowshoeing or cross country skiing include:

- those with an education level of a bachelor’s degree or higher (16% of this group participate in the activity),
- those with an annual household income of at least \$50,000 per year (14%), and
- those who own their place of residence (11%).

The demographic groups least likely to engage in the activity include:

- those who rent their place of residence (4%),
- non-white/non-Caucasian residents (5%), and
- residents who consider themselves disabled (5%).

Percent of each of the following groups who participated in cross-country skiing or snowshoeing in Washington in 2012:



WALKING, HIKING, CLIMBING, OR MOUNTAINEERING

In total, 90% of Washington residents participate in walking, hiking, climbing, or mountaineering, an overall category that includes 25 specific recreational activities in the SCORP.

Walking Activities

NOVA-related walking activities include walking with or without a pet in a park or trail setting; 48% of Washington residents engage in at least one of these activities, with 25% who go walking with a leashed pet in a park and 35% who go walking without a pet in a park or trail setting (these percentages do not add up to 48% due to the residents who engage in both activities).

The table below shows the regional participation rates for NOVA-related walking. At the top of the ranking are the Islands and King/Seattle regions, each with 44% of residents participating in walking activities involving parks or trails; meanwhile, the Columbia Plateau region has the lowest percentage of residents participating in NOVA-related walking activities (28%).

Regional Participation Rates of NOVA-Related Walking (%)	
The Islands	44
King/Seattle	44
Peninsulas	42
The Palouse	41
Southwest	41
South Central	39
Northeast	37
North Cascades	34
The Coast	33
Columbia Plateau	28

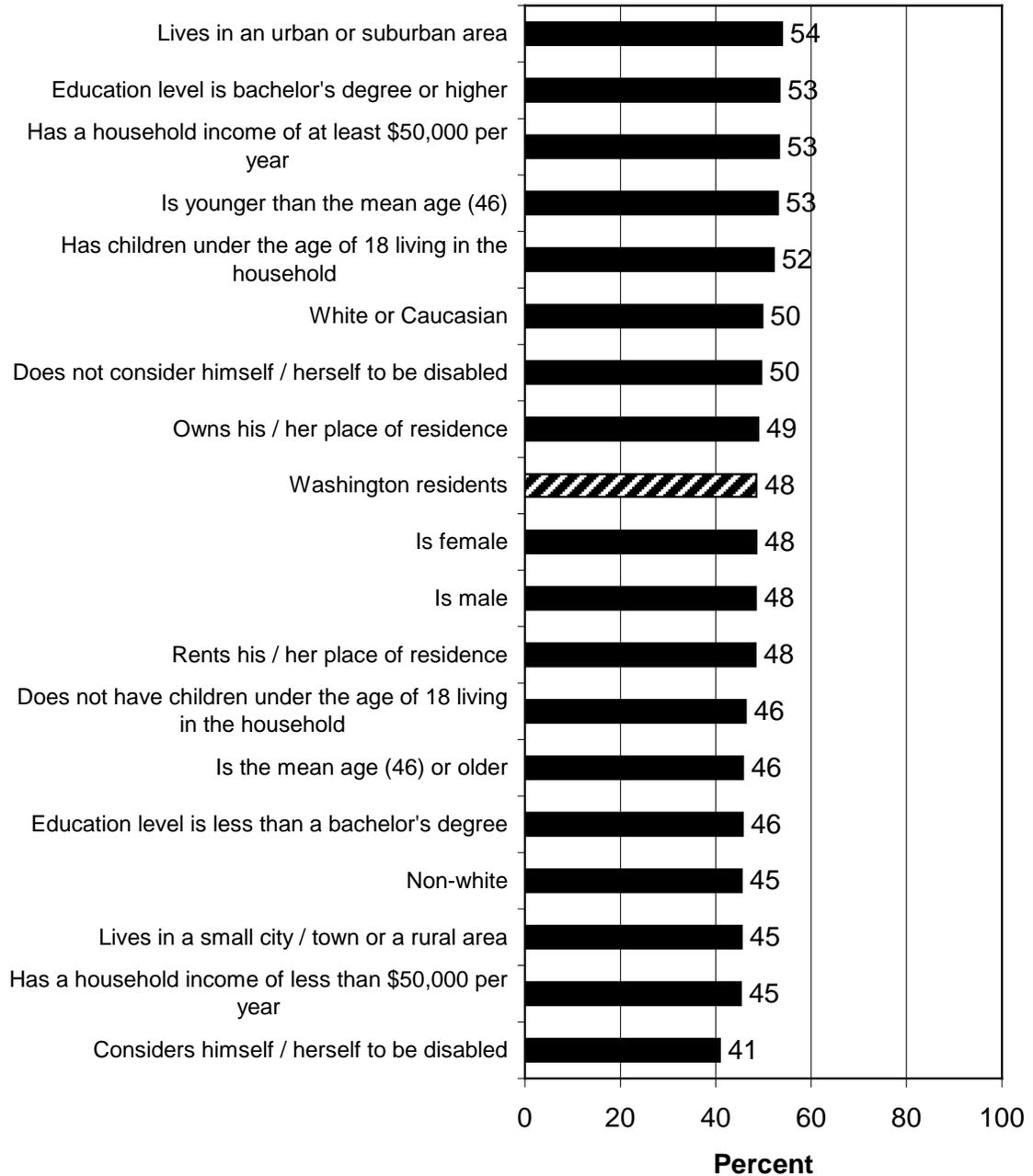
The following graph shows that the demographic groups *most likely* to engage in NOVA-related walking include:

- those who live in an urban or suburban area (54% of this group participates in the activity),
- those with an education level of a bachelor's degree or higher (53%),
- those with an annual household income of at least \$50,000 (53%), and
- those younger than the mean age of 46 years (53%).

The demographic groups *least likely* to engage in the activity include:

- residents with disabilities (41%),
- those with an annual household income of less than \$50,000 (45%),
- those who live in a small city/town or rural area (45%), and
- non-white/non-Caucasian residents (45%).

Percent of each of the following groups who participated in NOVA-related walking in Washington in 2012:



Hiking Activities

NOVA-related hiking activities include hiking rural trails and hiking mountain or forest trails; 42% of Washington residents engage in at least one of these activities, with 19% who go hiking on rural trails and 36% who go hiking on mountain or forest trails (these percentages do not add up to 42% due to the residents who engage in both activities).

The table below shows the regional participation rates for NOVA-related hiking. At the top of the ranking is the King/Seattle region, with 48% of residents participating in hiking activities involving rural, mountain, or forest trails, followed by the North Cascades region, with a 46% participation rate. In contrast, the Columbia Plateau region has the lowest percentage of residents participating in NOVA-related hiking activities (23%).

Regional Participation Rates of NOVA-Related Hiking (%)	
King/Seattle	48
North Cascades	46
The Islands	45
The Palouse	40
South West	40
North East	37
Peninsulas	36
South Central	31
The Coast	30
Columbia Plateau	23

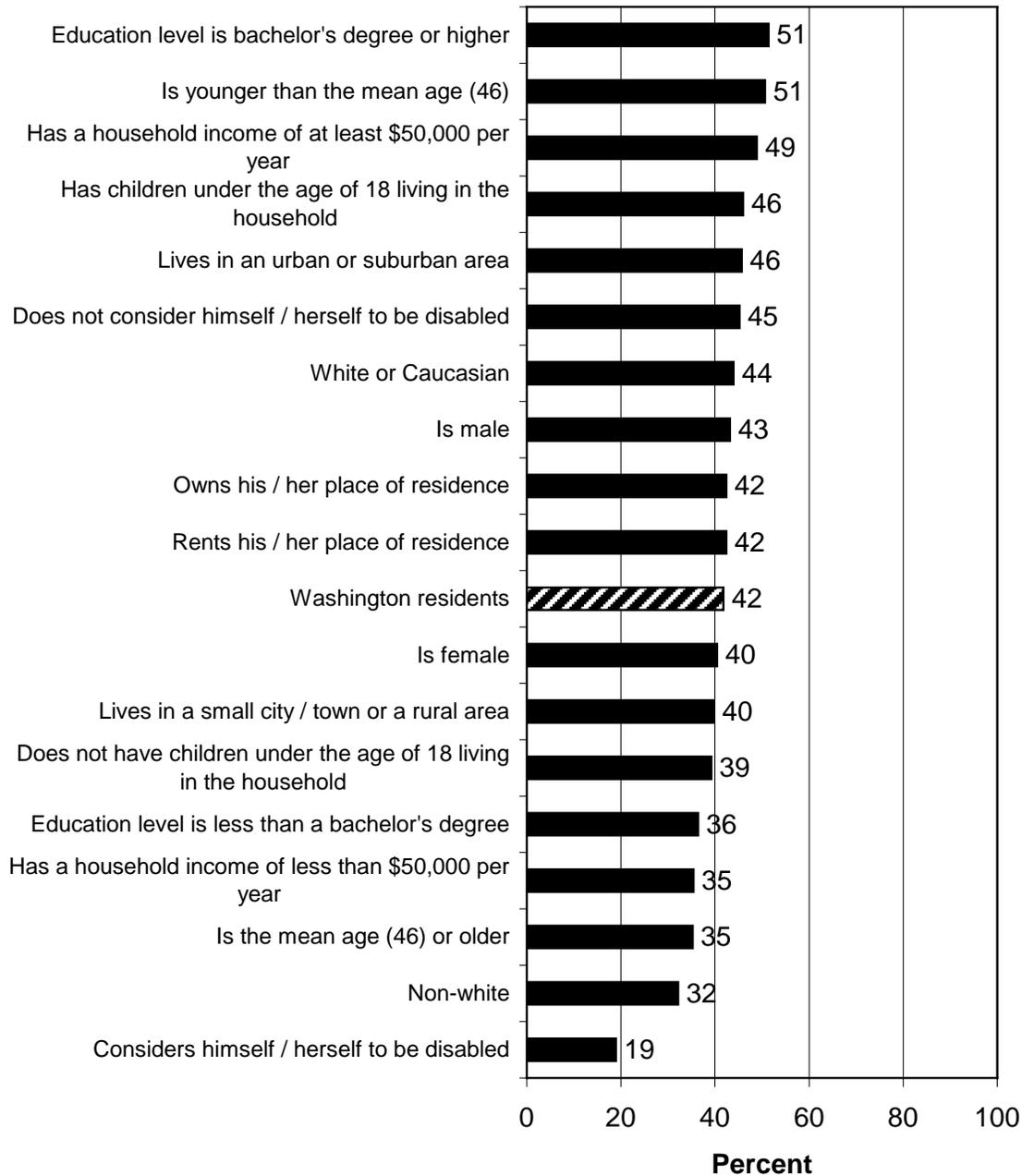
The following graph shows that the demographic groups most likely to engage in NOVA-related hiking include:

- those with an education level of a bachelor's degree or higher (51% of this group participates in the activity),
- those younger than the mean age of 46 years (51%), and
- those with an annual household income of at least \$50,000 (49%).

The demographic groups least likely to engage in the activity include:

- residents with disabilities(19%) and
- non-white/non-Caucasian residents (32%).

Percent of each of the following groups who participated in hiking on rural, mountain, or forest trails in Washington in 2012:



BICYCLE RIDING

In total, 37% of Washington residents participate in bicycle riding, an activity category that includes 10 specific biking activities in the SCORP. Within this category, NOVA includes bicycle riding on rural trails (11% of Washington residents participate) and bicycle riding on mountain or forest trails (8%). In all, 14% of Washington residents participate in at least one of these hiking activities; this percentage includes residents who engage in both.

The table below shows the regional participation rates for NOVA-related bicycle riding, which is fairly consistent across the regions. At the top of the ranking is the North East, with 18% of its residents participating in biking activities involving rural, mountain, or forest trails. In contrast, the Islands and the Coast regions have the lowest participation rates, with both at 10%.

North East	18
North Cascades	15
The Palouse	15
South West	15
Columbia Plateau	15
King/Seattle	12
Peninsulas	11
South Central	11
The Coast	10
The Islands	10

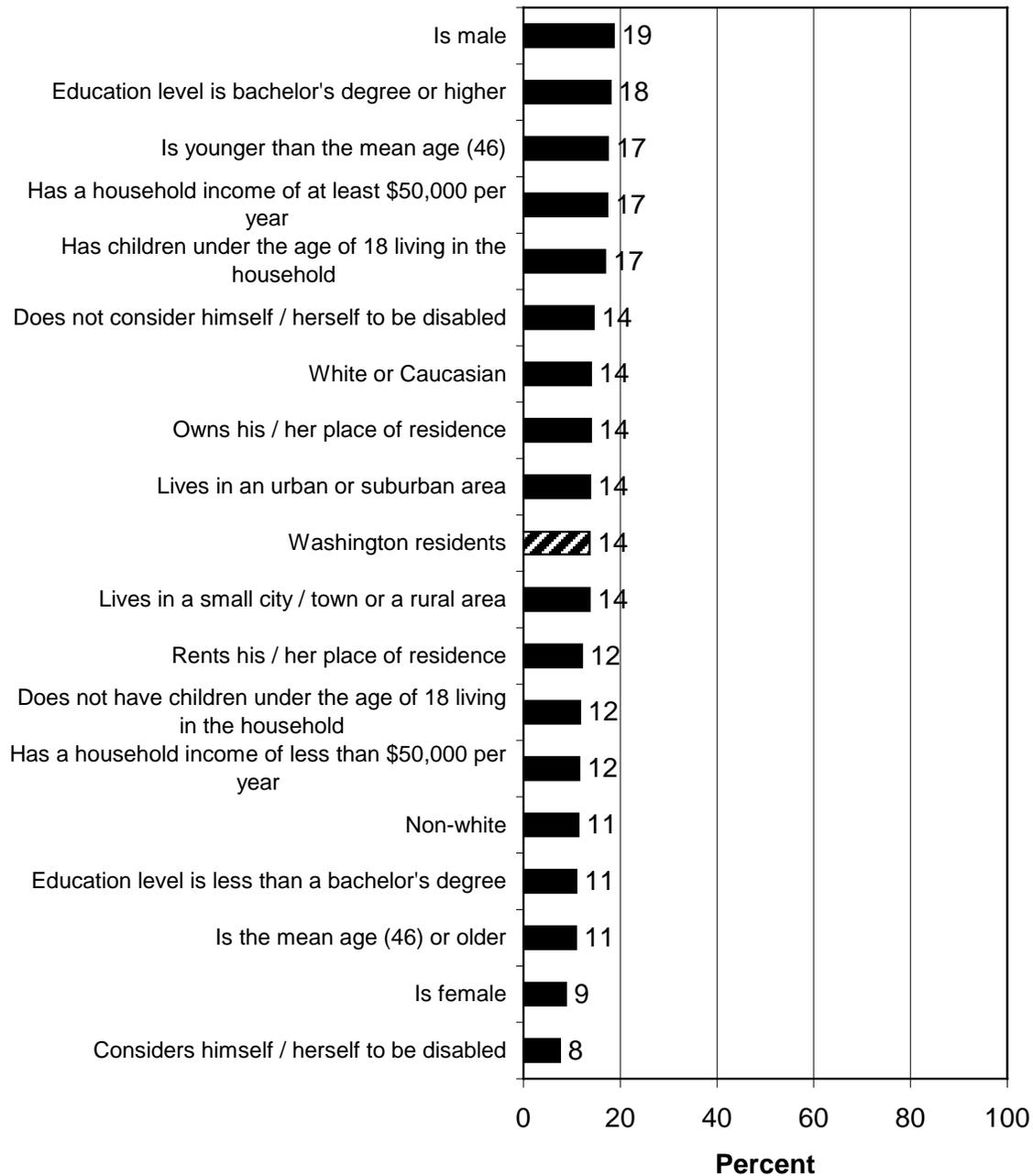
The following graph shows that the demographic groups most likely to engage in NOVA-related bicycle riding include:

- male residents (19% of males participate in the activity) and
- those with an education level of a bachelor's degree or higher (18%).

The demographic groups least likely to engage in the activity include:

- residents with disabilities (8%) and
- female residents (8%).

Percent of each of the following groups who participated in bicycle riding on rural, mountain, or forest trails in Washington in 2012:



HORSEBACK RIDING

In total, 8% of Washington residents participate in horseback riding, an activity category that includes 6 specific horseback riding activities in the SCORP. The NOVA Program includes horseback riding on rural trails (2% of Washington residents participate) and horseback riding on mountain or forest trails (3%). In all, 3% of Washington residents participate in NOVA-related horseback riding; this percentage includes residents who engage in both.

In general, a small percentage of Washington residents engage in horseback riding. The table below shows the highest participation rates occurring in the North East, North Cascades, and Peninsulas regions, all at 4%, while the lowest participation rates occur in the Islands (1%) and King/Seattle (2%).

Regional Participation Rates of NOVA-Related Horseback Riding (%)	
North East	4
North Cascades	4
Peninsulas	4
The Coast	3
South Central	3
South West	2
The Palouse	2
Columbia Plateau	2
King/Seattle	2
The Islands	1

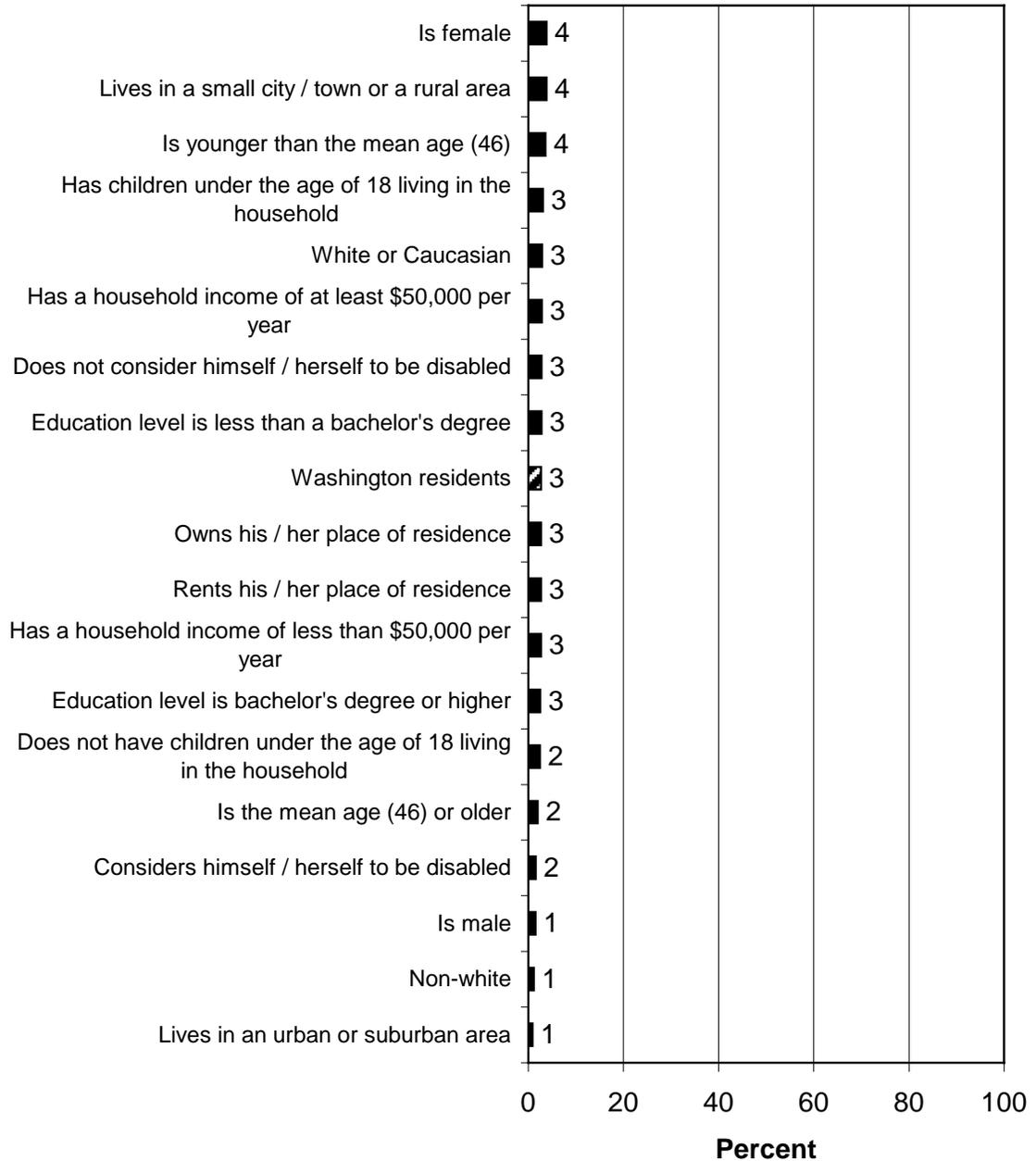
The following graph shows that the demographic groups most likely to engage in NOVA-related horseback riding, all at a 4% participation rate among Washington residents, include:

- female residents,
- those who live in a small city/town or rural area, and
- those younger than the mean age of 46.

The demographic groups least likely to engage in the activity, all at 1% participation, include:

- those who live in urban or suburban areas,
- non-white/non-Caucasian residents, and
- male residents.

Percent of each of the following groups who participated in horseback riding on rural, mountain, or forest trails in Washington in 2012:



OFF-ROADING FOR RECREATION

In the SCORP, this recreation category includes 18 specific off-roading activities. Half of these fall within the NOVA classification. Here are the participation rates among Washington State residents:

- Motorcycle—off-road facility (1%)
- Motorcycle—rural trails (1%)
- Motorcycle—mountain or forest trails (2%)
- ATV/dune buggy—off-road facility (2%)
- ATV/dune buggy—rural trails (2%)
- ATV/dune buggy—mountain or forest trails (4%)
- 4-wheel drive vehicle—off-road facility (2%)
- 4-wheel drive vehicle—rural trails (3%)
- 4-wheel drive vehicle—mountain or forest trails (4%)

In total, 9% of Washington residents participate in NOVA-related off-roading activities. This percentage accounts for recreationists who engage in more than one activity.

Participation varies more between regions in this category. The regions with the highest participation in off-roading are the North East (21%), and Columbia Plateau (19). The regions with the lowest participation are King/Seattle (5%), the Islands (5%), and the Palouse (7%).

North East	21
Columbia Plateau	19
Peninsulas	15
The Coast	12
South Central	10
South West	9
North Cascades	9
The Palouse	7
The Islands	5
King/Seattle	5

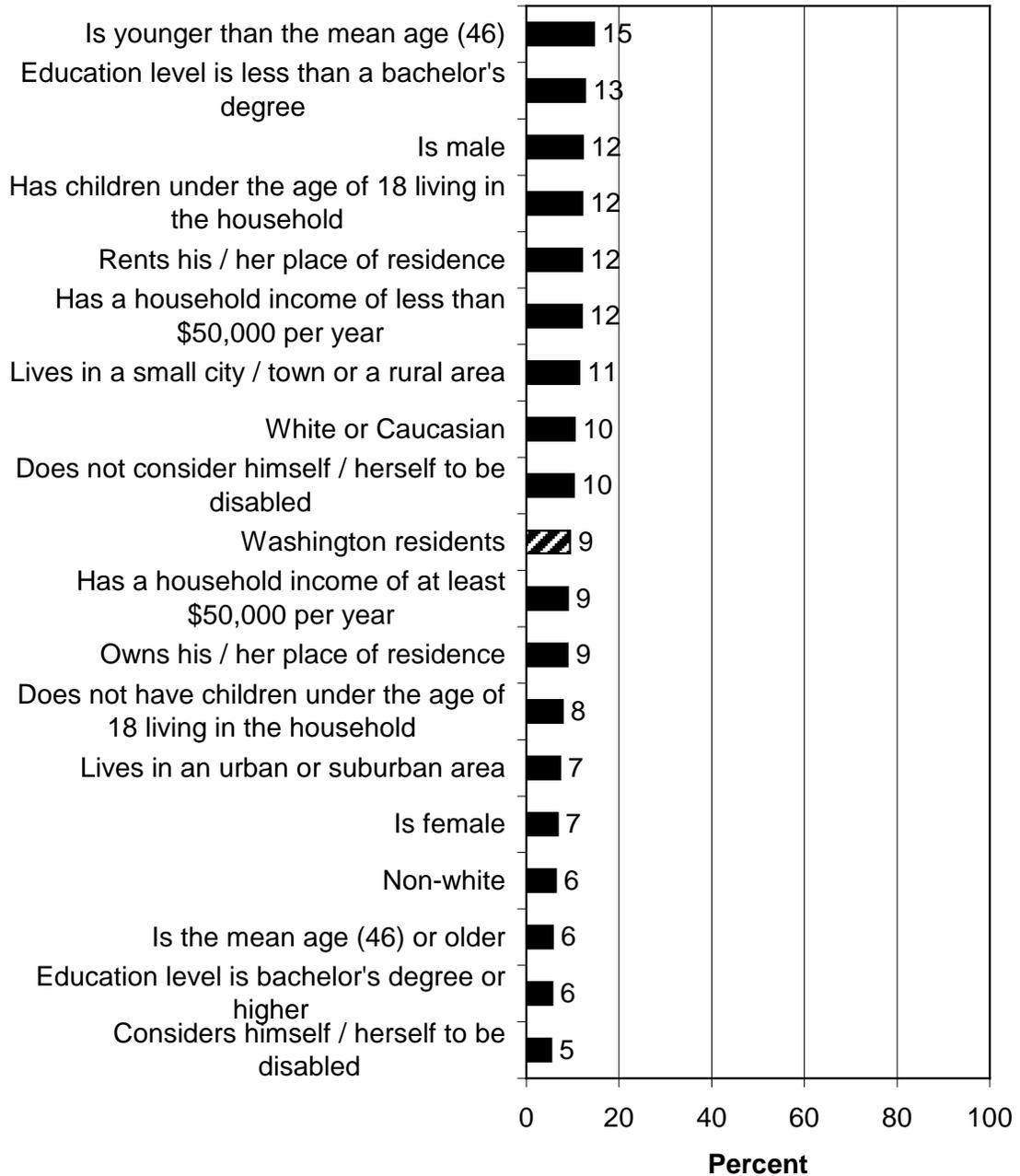
The following graph shows that the demographic groups *most likely* to engage in NOVA-related off-roading include:

- those younger than the mean age of 46 (15% of this group participates),
- those with an education level less than a bachelor's degree (13%), and
- male residents (12%).

The demographic groups *least likely* to engage in the activity include:

- residents with disabilities (5%),
- those with an education level of a bachelor's degree or higher (6%), and
- those above the mean age of 46 (6%).

Percent of each of the following groups who participated in NOVA-related off-roading in Washington in 2012:



CAMPING

In the SCORP, this recreation category includes 14 specific camping activities, 6 of which fall within the NOVA classification. The following lists each NOVA-related camping activity and its participation rate among Washington State residents:

- With a kayak/canoe—site specifically designated (1%)
- With a bicycle—campground (1%)
- Backpacking/primitive location—self-carry packs (8%)
- Backpacking/primitive location—pack animals (0.3%)
- Tent with car/motorcycle—campground (21%)
- RV camping—campground (11%)

In total, 33% of Washington residents participate in NOVA-related camping activities. This percentage accounts for recreationists who engage in more than one activity.

The table below shows the regional participation rates for NOVA-related camping activities. At the top of the ranking are the Islands and Columbia Plateau regions, each with 41% of its residents participating in NOVA-related camping. The regions with the lowest participation rates are King/Seattle (26%) and the Peninsulas (27%).

The Islands	41
Columbia Plateau	41
North East	39
North Cascades	38
The Coast	37
South West	37
South Central	35
The Palouse	33
Peninsulas	27
King/Seattle	26

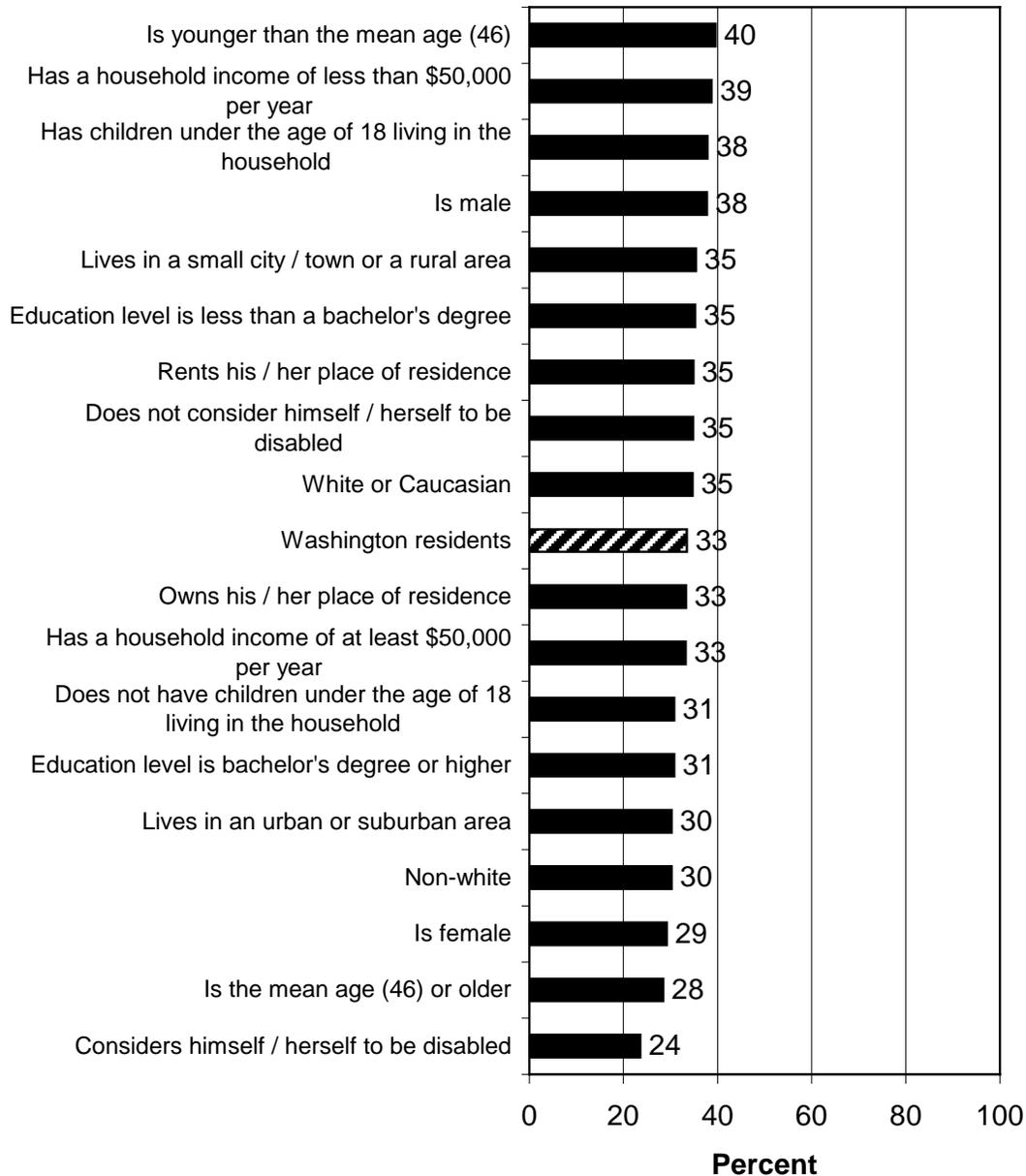
The following graph shows that the demographic groups most likely to engage in NOVA-related camping include:

- those younger than the mean age of 46 (40% of this group participates),
- those with an annual household income of less than \$50,000 (39%),
- those with children under the age of 18 living in the household (38%), and
- male residents (38%).

The demographic groups least likely to engage in the activity include:

- residents with disabilities (24%),
- those older than the mean age of 46 (28%), and
- female residents (29%).

Percent of each of the following groups who participated in NOVA-related camping in Washington in 2012:



HUNTING

In all, 21% of Washington residents participate in hunting or shooting sports, a recreation category that includes 22 different hunting or shooting activities in the SCORP. Within this activity category, NOVA includes hunting with archery equipment (2% of Washington residents participate) and hunting with modern firearms, including rifles (6%), shotguns (4%), and handguns (1%). Nine percent of Washington residents participate in NOVA-related hunting; this percentage accounts for those who do more than one activity.

The table below shows that the regions with the highest participation in NOVA-related hunting are the Palouse, Columbia Plateau, and Coast regions, all with a 17% participation rate among Washington residents. In contrast, the regions with the lowest participation are King/Seattle (4%) and South Central (7%).

Regional Participation Rates of NOVA-Related Hunting (%)	
The Palouse	17
Columbia Plateau	17
The Coast	17
North East	16
South West	12
The Islands	11
North Cascades	10
Peninsulas	10
South Central	7
King/Seattle	4

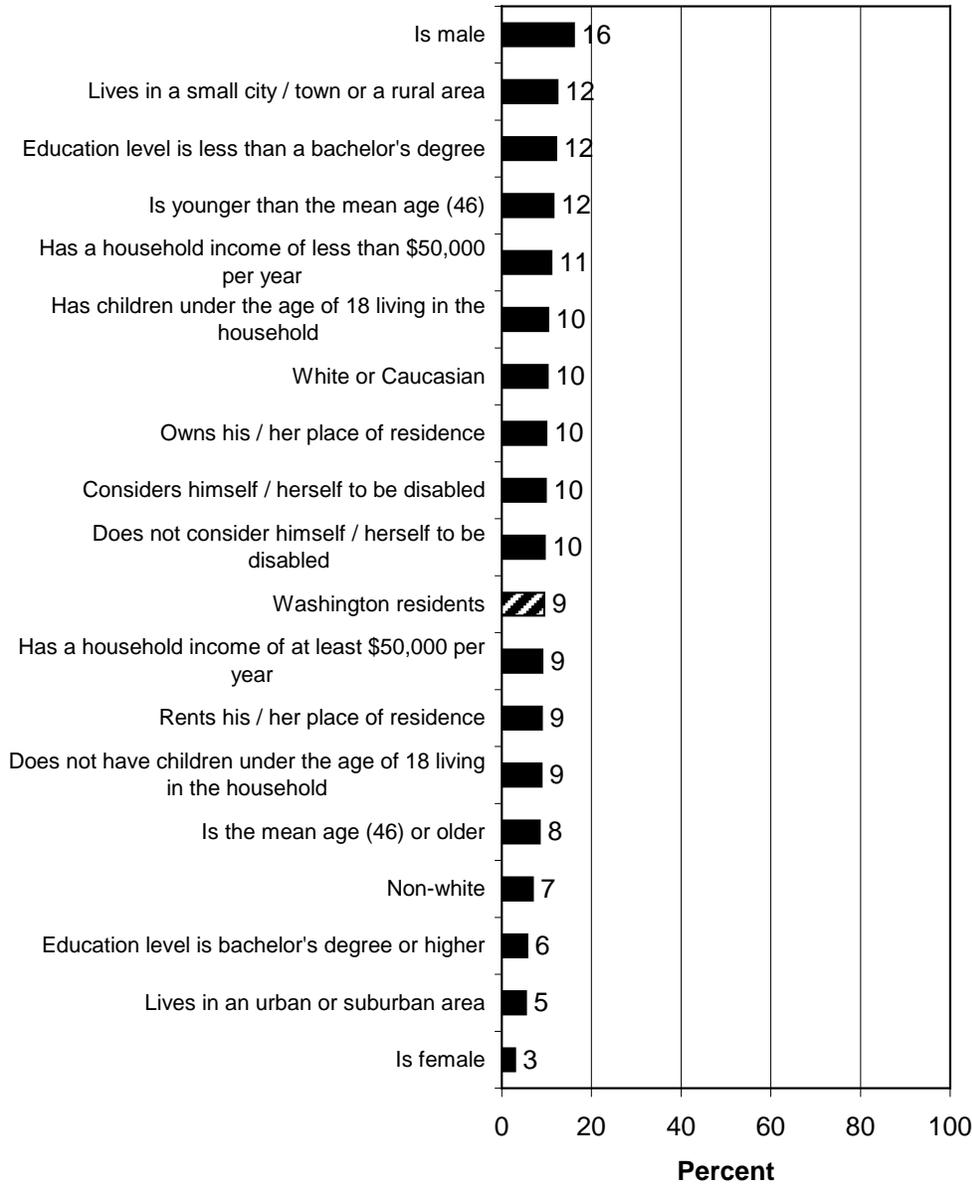
The following graph shows that the demographic groups most likely to engage in NOVA-related hunting include:

- male residents (16% of this group participates),
- those who live in a small city/town or rural area (12%),
- those with an education level less than a bachelor's degree (12%), and
- those younger than the mean age of 46 (12%).

The demographic groups least likely to engage in the activity include:

- female residents (4%),
- those who live in an urban or suburban area (5%),
- those with an education level of a bachelor's degree or higher (6%), and
- non-white/non-Caucasian residents (7%).

Percent of each of the following groups who participated in NOVA-related hunting in Washington in 2012:



AIR ACTIVITIES—PARAGLIDING OR HANG GLIDING

In total, just 4% of Washington residents participate in air activities, such as bungee jumping or hang gliding (note that this overall category includes 7 different types of air activities). Within this category, NOVA includes paragliding or hang gliding. Because only 0.2% of Washington residents participate in this activity, no further analysis was conducted for this NOVA report.

APPENDIX B: NOVA ADVISORY COMMITTEE SURVEY

SURVEY OF NOVA ADVISORY COMMITTEE MEMBERS TO ASSESS WASHINGTON'S NONHIGHWAY AND OFF-ROAD VEHICLE ACTIVITIES (NOVA) PROGRAM

The Recreation and Conservation Office (RCO) is working with Responsive Management, a nationally-recognized outdoor recreation and natural resource research firm, to develop the 2013-2018 NOVA Plan.

This plan will set forth policies to guide expenditures under the Nonhighway and Off-Road Vehicle Activities (NOVA) Act, providing funding for acquiring land, planning, building, maintaining facilities, and managing opportunities for nonhighway road (NHR), nonmotorized (NM), and off-road vehicle (ORV) recreational users.

As a reminder, RCW 46.09.310 defines these terms as follows:

- “Nonhighway road recreational user” means a person whose purpose for consuming fuel on a nonhighway road or off-road is primarily for nonhighway road recreational purposes, including, but not limited to, hunting, fishing, camping, sightseeing, wildlife viewing, picnicking, driving for pleasure, kayaking/canoeing, and gathering berries, firewood, mushrooms, and other natural products.
- “Nonmotorized recreational user” means a person whose purpose for consuming fuel on a nonhighway road or off-road is primarily for nonmotorized recreational purposes including, but not limited to, walking, hiking, backpacking, climbing, cross-country skiing, snowshoeing, mountain biking, horseback riding, and pack animal activities.
- “ORV recreational user” means a person whose purpose for consuming fuel on nonhighway roads or off-road is primarily for ORV recreational purposes, including but not limited to riding an all-terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or dune buggy.

This survey will take about 20 minutes of your time, and your expertise is crucial to understanding the key issues related to NOVA activities. In this survey, you will be asked to determine the importance of specific policies defined by the 2005-2011 NOVA Plan and to identify new and emerging NOVA issues. The full 2005-2011 NOVA Plan is available at http://www.rco.wa.gov/documents/rcfb/nova/NOVA_Plan.pdf.

As part of the Advisory Committee, you are a representative of your community. Please answer the survey questions with this concept in mind, speaking as a representative of your community.

Satisfying user needs												
Providing environmentally responsible opportunities												
Minimizing conflict among user groups												

Overall, how effective do you think the implementation of the NOVA Plan has been at improving nonhighway, nonmotorized, and off-road vehicle opportunities in Washington since 2005? (On a scale of 0 to 10 where 0 is “not at all effective” and 10 is “very effective.”)

NOVA Activity	0	1	2	3	4	5	6	7	8	9	10	Don't know
Nonhighway road recreation opportunities												
Nonmotorized recreation opportunities												
Off-road vehicle recreation opportunities												

NOVA PROGRAM POLICIES

The 2005-2011 NOVA Plan sets forth major policies related to three topical areas: NOVA Program; NOVA education, information, and law enforcement; and NOVA recreational facility acquisition, development, maintenance, and planning. These policies are used to evaluate and select projects for NOVA funding. The first section of the survey begins by asking about policies related to the overall NOVA Program.

Policy A-1: NOVA funding shall augment, not replace, other sources of funding.

Similar to other RCO funding programs, NOVA funding allows grant recipients to achieve results that would not be possible without state funding. It is not designed to replace other funding. When NOVA funding is available for maintenance and operation, for example, it shall not be used to replace or divert monies that would otherwise be available for that purpose.

	0	1	2	3	4	5	6	7	8	9	10	Don't know
Please indicate HOW IMPORTANT you think Policy A-1 SHOULD be for the 2013-2018 NOVA Plan on a scale of 0 to 10 where 0 is “not at all important” and 10 is “extremely important.”												

What do you think SHOULD be the top priority for NOVA funding for the 2013-2018 NOVA Plan?

- Education/information
- Law enforcement
- Planning
- Facilities acquisition
- Development
- Maintenance and operation
- Don't know

Why do you think this should be a top priority for NOVA funding for the 2013-2018 NOVA Plan?

[OPEN-ENDED]

What would you identify as the top new or emerging issues related to **NOVA funding** in the next 5 years?

[OPEN-ENDED]

Policy A-2: The NOVA Advisory Committee shall include representatives from user groups and agencies affected by NOVA funding.

The NOVA Advisory Committee consists of nonmotorized and ORV recreationists, and local, state, and federal agency representatives. The Advisory Committee provides valuable advice to RCO and represents the views and needs of the users, organizations, and agencies that are affected by NOVA funding.

Concerns regarding the authority of the NOVA Advisory Committee were raised during the previous NOVA planning process. Recreationists want to be assured that Advisory Committee volunteers were well informed and involved in their role on the Committee.

Policy A-2 requires a review of NOVA Advisory Committee representation, job descriptions, term limits, etc. to ensure that Committee members best represent NOVA user groups.

	0	1	2	3	4	5	6	7	8	9	10	Don't know
Please assess the PERFORMANCE of the NOVA Advisory Committee as representatives of user groups and agencies since 2005: Indicate how well you think the Committee is meeting this NOVA Plan goal. (On a scale of 0 to 10 where 0 is "poor" and 10 is "excellent.")												
Please indicate how important you think Policy A-2 SHOULD be for the 2013-2018 NOVA Plan on a scale of 0 to 10 where 0 is "not at all important" and 10 is "extremely important."												

Do you agree or disagree that the NOVA Advisory Committee has the qualifications needed to make decisions regarding NOVA projects?

- STRONGLY AGREE (Skip next question)
- MODERATELY AGREE (Skip next question)
- NEITHER AGREE NOR DISAGREE (Skip next question)
- MODERATELY DISAGREE
- STRONGLY DISAGREE
- DON'T KNOW (Skip next question)

[IF DISAGREE] Why do you disagree that the NOVA Advisory Committee has the qualifications needed to make decisions regarding NOVA projects?

[OPEN-ENDED]

Do you agree or disagree that the NOVA Advisory Committee fairly represents user groups?

- STRONGLY AGREE (Skip next question)
- MODERATELY AGREE (Skip next question)

NEITHER AGREE NOR DISAGREE (Skip next question)
 MODERATELY DISAGREE
 STRONGLY DISAGREE
 DON'T KNOW (Skip next question)

[IF DISAGREE] Why do you disagree that the NOVA Advisory Committee fairly represents user groups?
 [OPEN-ENDED]

What do you think should be the job description for serving on the NOVA Advisory Committee?[OPEN-ENDED]

What do you think should be the term limit for serving on the NOVA Advisory Committee? [OPEN-ENDED]

What would you identify as the top new or emerging issues related to the **NOVA Advisory Committee** in the next 5 years?[OPEN-ENDED]

Policy A-3: NOVA Program review and administration shall be based on valid, up-to-date information.

The 2005-2011 NOVA planning process was informed by the 2003 [Washington State Nonhighway and Off-road Vehicle Activities Fuel Use Survey](#) and a U.S. Forest Service trailhead user survey. RCO is required to seek funding to complete a new NOVA fuel-use study at least once every 12 years.

	0	1	2	3	4	5	6	7	8	9	10	Don't know
Please indicate how important you think Policy A-3 SHOULD be for the 2013-2018 NOVA Plan on a scale of 0 to 10 where 0 is "not at all important" and 10 is "extremely important."												

Do you agree or disagree that NOVA review and administration is based on valid up-to-date information?

STRONGLY AGREE (Skip next question)
 MODERATELY AGREE (Skip next question)
 NEITHER AGREE NOR DISAGREE (Skip next question)
 MODERATELY DISAGREE
 STRONGLY DISAGREE
 DON'T KNOW (Skip next question)

[IF DISAGREE] Why do you disagree that NOVA review and administration is based on valid up-to-date information? [OPEN-ENDED]

Are there other types of information that you think should be considered for NOVA Program review and administration? [OPEN-ENDED]

What would you identify as the top new or emerging issues related to NOVA Program **review and administration** in the next 5 years? [OPEN-ENDED]

What would you identify as the top new or emerging issues related to NOVA Program **use of valid up-to-date information** in the next 5 years? [OPEN-ENDED]

Are you satisfied or dissatisfied with the use of funds provided to NOVA recreational activities?

- Very satisfied (skip next question)
- Somewhat satisfied (skip next question)
- Neither satisfied nor dissatisfied (skip next question)
- Somewhat dissatisfied
- Very dissatisfied
- Don't know (skip next question)

Why are you dissatisfied with the use of funds provided to NOVA recreational activities?
[OPEN-ENDED]

Policy A-4: The RCO shall endeavor to provide user groups with current NOVA-related information through a variety of communication methods.

The planning process for the 2005-2011 NOVA Plan suggested that recreationists are generally unaware of the NOVA Program, funding sources, funding allocations, and the role of the Advisory Committee. To this end, the plan discussed methods for increasing information and outreach.

Policy A-4 seeks to expand communications methods and increase public awareness regarding the NOVA Program, NOVA funding, and how funding decisions are made. Efficient and effective communication is critical for increasing awareness, building trust, and ensuring that accurate information is available. The RCO plan for increasing outreach includes e-mails, news releases, updated web pages, and other informational materials distributed at retail outlets or with Department of Licensing notifications.

	0	1	2	3	4	5	6	7	8	9	10	Don't know
Please assess the PERFORMANCE of the RCO in providing user groups with current information through varied communications since 2005: Indicate how well you think the RCO is meeting this NOVA Plan goal. (On a scale of 0 to 10 where 0 is "poor" and 10 is "excellent.")												
Please indicate how important you think Policy A-4 SHOULD be for the 2013-2018 NOVA Plan on a scale of 0 to 10 where 0 is "not at all important" and 10 is "extremely important."												

In your opinion, of the means of communication that RCO currently uses, what are the best ways to provide user groups with information on the NOVA Program?
[CHECK ALL THAT APPLY... OR RANK?]

Emails
 News releases
 Updated web pages
 Informational materials distributed at retail outlets
 Informational materials attached to Department of Licensing notifications

In your opinion, what are the best ways to provide user groups with information on the NOVA Program?

[CHECK ALL THAT APPLY]

Emails
 News releases
 Updated web pages
 Informational materials distributed at retail outlets
 Informational materials attached to Department of Licensing notifications
 Direct mail
 RCO News You Can Use electronic newsletter
 Newspapers
 Radio
 Television
 Public meetings / open houses
 RCO Web site
 Facebook
 Google+
 Pinterest
 Twitter
 YouTube
 Blogs
 Internet search engines (e.g., Google, Yahoo!, Bing)
 RSS feeds
 Other [ENTER OTHER]
 Don't know

What would you identify as the top new or emerging issues related to providing user groups with current NOVA-related **information** in the next 5 years?

[OPEN-ENDED]

NOVA EDUCATION/INFORMATION AND LAW ENFORCEMENT (E&E) POLICIES

The 2005-2011 NOVA Plan sets forth major policies related to three topical areas: NOVA Program; education, information, and law enforcement; and NOVA recreational facility acquisition, development, maintenance, and planning. These policies are used to evaluate and select projects for NOVA funding.

This section of the survey asks about policies related to education/information and law enforcement (E&E).

The primary focus of education/information and law enforcement is on recreational behaviors.

Please indicate how important you think education and enforcement efforts focused on the following recreational behaviors SHOULD be in the 2013-2018 NOVA Plan on a scale of 0 to 10 where 0 is “not at all important” and 10 is “extremely important.”

	0	1	2	3	4	5	6	7	8	9	10	Don't know
Protecting NOVA sites												
Minimizing environmental impacts												
Reducing conflict among users												
Preventing criminal behaviors (e.g., trash dumping, firearm use, trailhead thefts, trespassing, and vandalism)												

Policy B-1: E&E programs shall help preserve NOVA opportunities. E&E funding shall encourage responsible recreational behaviors through positive management techniques.

NOVA information/education and law enforcement (E&E) focuses primarily on recreational behavior. Thus, education and enforcement include positive management to improve recreational behaviors. Because law enforcement can reduce recreationists’ inappropriate behavior, it helps protect the availability of sanctioned NOVA opportunities.

NOVA funding shall not, however, be used to replace local law enforcement funding. It shall instead augment local capabilities and result in improved NOVA recreation management. In general, projects that focus solely on enforcement of area closures, or within areas with few or no legal opportunities, shall be discouraged.

	0	1	2	3	4	5	6	7	8	9	10	Don't know
Please indicate how important you think Policy B-1 SHOULD be for the 2013-2018 NOVA Plan on a scale of 0 to 10 where 0 is “not at all important” and 10 is “extremely important.”												

Do you agree or disagree that E&E funding should encourage responsible recreational behaviors through positive management techniques?

- STRONGLY AGREE (Skip next question)
- MODERATELY AGREE (Skip next question)
- NEITHER AGREE NOR DISAGREE (Skip next question)
- MODERATELY DISAGREE
- STRONGLY DISAGREE
- DON'T KNOW (Skip next question)

[IF DISAGREE] Why do you disagree that that E&E funding should encourage responsible recreational behaviors through positive management techniques?
 [OPEN-ENDED]

Policy B-2: Encourage projects that primarily employ contact with current NOVA recreationists in the field during high use seasons.

During the 2005 planning process, there were concerns about focusing E&E efforts in schools, which many believe encourages otherwise uninterested children and youth to desire the speed and power of an ORV. The suggestion was to focus E&E efforts on those already using NOVA trails by engaging interest clubs or organizations.

Policy B-2 was developed to focus scarce E&E resources on existing users at the place and time of NOVA activity, while discouraging activities that have fewer benefits, such as “mall shows” and many in-school (K-12) programs. This maximizes the benefit to users.

Policy B-2 helps concentrate funding on expenditures most directly related to E&E activities, such as E&E personnel salaries and benefits, and related materials and equipment.

	0	1	2	3	4	5	6	7	8	9	10	Don't know
Please indicate how important you think Policy B-2 SHOULD be for the 2013-2018 NOVA Plan on a scale of 0 to 10 where 0 is “not at all important” and 10 is “extremely important.”												

Do you agree or disagree that the target group for information and education efforts should be existing users?

- STRONGLY AGREE (Skip next question)
- MODERATELY AGREE (Skip next question)
- NEITHER AGREE NOR DISAGREE (Skip next question)
- MODERATELY DISAGREE
- STRONGLY DISAGREE
- DON'T KNOW (Skip next question)

[IF DISAGREE] Why do you disagree that the target group for information and education efforts should be existing users?
 [OPEN-ENDED]

In your opinion, would you like to have more or less information/education resources directed at projects concerning appropriate recreational behaviors for NOVA trails and sites?

More

About the same amount (skip next question)

Less (skip next question)

Don't know (skip next question)

[IF MORE] Why would you like to see more information/education resources directed at projects concerning appropriate recreational behaviors for NOVA trails and sites?

[OPEN-ENDED]

[IF MORE] How would you like to see more information/education delivered in these projects?

[OPEN-ENDED]

[IF LESS] Why would you like to see less information/education resources directed at projects concerning appropriate recreational behaviors for NOVA trails and sites?

[OPEN-ENDED]

In your opinion, would you like to see more or less law enforcement presence at NOVA trails and sites?

More

About the same amount

Less

Don't know

[IF MORE] Why would you like to see more law enforcement presence on NOVA trails?

[OPEN-ENDED]

[IF LESS] Why would you like to see less law enforcement presence on NOVA trails?

[OPEN-ENDED]

A primary focus of E&E efforts is on preventing criminal behaviors. Do you believe this is best done through more education, more enforcement, or both equally?

More education

More enforcement

Both equally

Don't know

In your opinion, is trail safety a major or minor issue of concern among user groups (when considering trail safety, please keep in mind that this question focuses on the behavior of other recreationists not the physical conditions of the trails)?

Major issue

Minor issue

Not an issue at all

don't know

What would you identify as the top new or emerging issues related to **enforcement and education and recreation management** in the next 5 years?

[OPEN-ENDED]

Policy B-4: Establish a funding cap of \$200,000 per project in the Education/Information and Law Enforcement (E&E) category.

	0	1	2	3	4	5	6	7	8	9	10	Don't know
Please indicate how important you think Policy B-4 SHOULD be for the 2013-2018 NOVA Plan on a scale of 0 to 10 where 0 is "not at all important" and 10 is "extremely important."												

Do you support or oppose the NOVA E&E project funding cap of \$200,000 per project?

- Strongly support (skip next question)
- Moderately support (skip next question)
- Neither support nor oppose (skip next question)
- Moderately oppose
- Strongly oppose
- Don't know (skip next question)

[IF OPPOSE] Why do you oppose the funding cap of \$200,000?

[OPEN-ENDED]

Do you support or oppose funding NOVA E&E projects for up to two consecutive years?

- STRONGLY SUPPORT (Skip next question)
- MODERATELY SUPPORT (Skip next question)
- NEITHER SUPPORT NOR OPPOSE (Skip next question)
- MODERATELY OPPOSE
- STRONGLY OPPOSE
- DON'T KNOW (Skip next question)

[IF OPPOSE] Why do you oppose funding NOVA projects for up to two consecutive years?

[OPEN-ENDED]

Overall, what would you identify as the top new or emerging issues related to NOVA **education/information and law enforcement projects** in the next 5 years? [OPEN-ENDED]

NOVA RECREATION FACILITY ACQUISITION, DEVELOPMENT, MAINTENANCE AND OPERATION, AND PLANNING

The 2005-2011 NOVA Plan sets forth major policies related to three topical areas: NOVA Program; education, information, and law enforcement; and NOVA recreational facility acquisition, development, maintenance, and planning. These policies are used to evaluate and select projects for NOVA funding. This section of the survey asks about policies related to recreation facility acquisition, development, maintenance, and planning.

Policy C-1: Encourage a primary management objective designation on facilities receiving NOVA funding.

Primary management objectives designations (equestrian, ORV, hiking, mountain bicycling, etc.) help identify the primary purpose and function of a NOVA site and also guide management decisions regarding the site. Designating trails and other facilities with a primary management objective not only helps clarify the experience users can expect, but also provides clear and consistent direction to managers.

	0	1	2	3	4	5	6	7	8	9	10	Don't know
Please indicate how important you think Policy C-1 SHOULD be for the 2013-2018 NOVA Plan on a scale of 0 to 10 where 0 is "not at all important" and 10 is "extremely important."												

Do you support or oppose a primary management objective designation on facilities receiving NOVA funding?

- STRONGLY SUPPORT (Skip next question)
- MODERATELY SUPPORT (Skip next question)
- NEITHER SUPPORT NOR OPPOSE (Skip next question)
- MODERATELY OPPOSE
- STRONGLY OPPOSE
- DON'T KNOW (Skip next question)

[IF OPPOSE] Why do you oppose a primary management objective designation on facilities receiving NOVA funding?

[OPEN-ENDED]

What would you identify as the top new or emerging issues related to **primary management objective designations** in the next 5 years?

[OPEN-ENDED]

Policy C-2: Encourage projects convenient to population centers.

One of the issues raised during the previous NOVA planning process was how to provide NOVA opportunities in urban areas or for underserved populations. Because of the nonhighway road threshold criteria (access via a non-gasoline tax supported road, etc.) and emphasis on natural settings, most NOVA recreation opportunities are provided in relatively remote settings. While it is often difficult or impossible to locate such opportunities in urbanized areas, priority shall be given to projects convenient to such areas.

	0	1	2	3	4	5	6	7	8	9	10	Don't know
Please indicate how important you think Policy C-2 SHOULD be for the 2013-2018 NOVA Plan on a scale of 0 to 10 where 0 is "not at all important" and 10 is "extremely important."												

Do you agree or disagree that there is an adequate supply of NOVA sites that are convenient for urban areas and population centers?

- STRONGLY AGREE (Skip next question)
- MODERATELY AGREE (Skip next question)
- NEITHER AGREE NOR DISAGREE (Skip next question)
- MODERATELY DISAGREE
- STRONGLY DISAGREE
- DON'T KNOW (Skip next question)

[IF DISAGREE] Why do you disagree that there is an adequate supply of NOVA sites that are convenient for urban areas and population centers?

[OPEN-ENDED]

What would you identify as the top new or emerging issues related to NOVA **recreation locations** in the next 5 years?

[OPEN-ENDED]

Policy C-3: Encourage nongovernment contributions.

Contributions of money, materials, and/or services by volunteers, the private sector, nonprofit organizations, and others are important in the NOVA Program. Donations stretch scarce public funding, improve the overall cost-benefit, extend “ownership” to those involved in the project, and help demonstrate broad public support.

	0	1	2	3	4	5	6	7	8	9	10	Don't know
Please indicate how important you think Policy C-3 SHOULD be for the 2013-2018 NOVA Plan on a scale of 0 to 10 where 0 is “not at all important” and 10 is “extremely important.”												

Do you agree or disagree that the NOVA Program should encourage nongovernment contributions (e.g., money, materials, volunteer services)?

- STRONGLY AGREE (Skip next question)
- MODERATELY AGREE (Skip next question)
- NEITHER AGREE NOR DISAGREE (Skip next question)
- MODERATELY DISAGREE
- STRONGLY DISAGREE
- DON'T KNOW (Skip next question)

[IF DISAGREE] Why do you disagree that the NOVA Program should encourage nongovernment contributions (e.g., money, materials, volunteer services)?

[OPEN-ENDED]

Policy C-4: Encourage sponsors to contribute matching value to projects.

Similar to Policy C-3, project sponsors who contribute part of a project’s cost (via dollars, materials, or labor/service) make NOVA Program dollars reach more projects while demonstrating a local commitment to the project’s success.

	0	1	2	3	4	5	6	7	8	9	10	Don't know
Please indicate how important you think Policy C-4 SHOULD be for the 2013-2018 NOVA Plan on a scale of 0 to 10 where 0 is “not at all important” and 10 is “extremely important.”												

Do you agree or disagree that the NOVA Program should encourage sponsors to contribute matching value to projects?

- STRONGLY AGREE (Skip next question)
- MODERATELY AGREE (Skip next question)
- NEITHER AGREE NOR DISAGREE (Skip next question)
- MODERATELY DISAGREE

STRONGLY DISAGREE

DON'T KNOW (Skip next question)

[IF DISAGREE] Why do you disagree that the NOVA Program should encourage sponsors to contribute matching value to projects?

[OPEN-ENDED]

What do you think would be an appropriate match for nongovernment contributions? [OPEN-ENDED]

Do you agree or disagree that a match should be required for project funding?

STRONGLY AGREE

MODERATELY AGREE

NEITHER AGREE NOR DISAGREE (Skip next question)

MODERATELY DISAGREE (Skip next question)

STRONGLY DISAGREE (Skip next question)

DON'T KNOW (Skip next question)

[IF STRONGLY OR MODERATELY AGREE] What match percentage should be required for project funding?

Do you agree or disagree that funding from other programs administered by the Recreation and Conservation Funding Board be considered match?

STRONGLY AGREE

MODERATELY AGREE

NEITHER AGREE NOR DISAGREE

MODERATELY DISAGREE

STRONGLY DISAGREE

DON'T KNOW

Do you agree or disagree that the NOVA Program should encourage volunteer opportunities that are approved by the land manager?

STRONGLY AGREE

MODERATELY AGREE

NEITHER AGREE NOR DISAGREE

MODERATELY DISAGREE

STRONGLY DISAGREE

DON'T KNOW

In your opinion, what are some of the best ways to encourage volunteers to support the NOVA Program?

[OPEN-ENDED]

What would you identify as the top new or emerging issues related to **non-government contributions and sponsors contributing matching value** in the next 5 years? [OPEN-ENDED]

Policy C-5: Encourage projects that have design considerations that minimize the need for ongoing maintenance.

Projects can often incorporate design elements that reduce maintenance needs. Decisions about placement and materials (e.g., tread surfaces) often affect maintenance needs. Adequate consideration of maintenance during the design phase can result in long-term savings that far outweigh most short-term construction cost increases.

	0	1	2	3	4	5	6	7	8	9	10	Don't know
Please indicate how important you think Policy C-5 SHOULD be for the 2013-2018 NOVA Plan on a scale of 0 to 10 where 0 is "not at all important" and 10 is "extremely important."												

Do you agree or disagree that the NOVA Program should encourage projects that have design considerations that minimize the need for ongoing maintenance?

- STRONGLY AGREE (Skip next question)
- MODERATELY AGREE (Skip next question)
- NEITHER AGREE NOR DISAGREE (Skip next question)
- MODERATELY DISAGREE
- STRONGLY DISAGREE
- DON'T KNOW (Skip next question)

[IF DISAGREE] Why do you disagree that the NOVA Program should encourage projects that have design considerations that minimize the need for ongoing maintenance?
[OPEN-ENDED]

What would you identify as the top new or emerging issues related to **maintenance** in the next 5 years?
[OPEN-ENDED]

Policy C-6: Require general plans and completion of applicant-required processes before the Recreation and Conservation Funding Board meeting.

Policy C-7: Require applicants for maintenance and operation proposals to state their project’s goals and objectives in the application.

Policy C-8: Require completion of applicant required environmental processes before issuing a Project Agreement.

Policies C-6 through C-8 are project planning requirements developed to ensure that projects support community goals, address a defined problem, and comply with environmental laws and regulations.

	0	1	2	3	4	5	6	7	8	9	10	Don’t know
Please indicate how important you think Policy C-6, C-7, and C-8 SHOULD be for the 2013-2018 NOVA Plan on a scale of 0 to 10 where 0 is “not at all important” and 10 is “extremely important.”												

Do you have specific comments about Policy C-6, Policy C-7, Policy C-8? [OPEN-ENDED]

What would you identify as the top new or emerging issues related to **NOVA project planning requirements** in the next 5 years?
[OPEN-ENDED]

How concerned are you with the environmental impacts of NOVA recreation?
 Very concerned
 Somewhat concerned
 Not at all concerned

What would you identify as the top new or emerging issues related to the **environmental impacts** of NOVA recreation in the next 5 years?
[OPEN-ENDED]

Policy C-10: Within their respective NHR-NM-ORV funding categories, evaluate acquisition, development, maintenance and operation, and planning projects on a head-to-head basis.

By statute, NOVA facility funding is divided into three categories: Nonhighway road, nonmotorized, and off-road vehicle. Requiring that all projects within these categories compete in direct competition with one another is one way we can help ensure that only the most desirable projects are funded.

	0	1	2	3	4	5	6	7	8	9	10	Don't know
Please indicate how important you think Policy C-10 SHOULD be for the 2013-2018 NOVA Plan on a scale of 0 to 10 where 0 is "not at all important" and 10 is "extremely important."												

Do you agree or disagree that all projects within these categories should compete directly with one another and that it ensures that only the most desirable projects are funded?

- STRONGLY AGREE (Skip next question)
- MODERATELY AGREE (Skip next question)
- NEITHER AGREE NOR DISAGREE (Skip next question)
- MODERATELY DISAGREE
- STRONGLY DISAGREE
- DON'T KNOW (Skip next question)

[IF DISAGREE] Why do you disagree that all projects within these categories should compete directly with one another and that it ensures that only the most desirable projects are funded?
 [OPEN-ENDED]

What would you identify as the top new or emerging issues related to the **fairness of project evaluation** among the three funding categories in the next 5 years?
 [OPEN-ENDED]

Policy C-12: The grant ceiling for individual projects is limited as shown here:

NOVA Program Grant Assistance Limits		
	Maintenance & Operations	Land Acquisition-Development-Planning
NHR	\$100,000 per project	\$100,000/project
NM	\$100,000 per project	\$100,000/project
ORV	\$200,000 per project	[No Limit]

	0	1	2	3	4	5	6	7	8	9	10	Don't know
Please indicate how important you think Policy C-12 SHOULD be for the 2013-2018 NOVA Plan on a scale of 0 to 10 where 0 is "not at all important" and 10 is "extremely important."												

Do you support or oppose the NOVA grant ceiling for individual projects?

- STRONGLY SUPPORT (Skip next question)
- MODERATELY SUPPORT (Skip next question)
- NEITHER SUPPORT NOR OPPOSE (Skip next question)
- MODERATELY OPPOSE
- STRONGLY OPPOSE
- DON'T KNOW (Skip next question)

[IF OPPOSE] Why do you oppose the NOVA grant ceiling for individual projects?
[OPEN-ENDED]

Do you support or oppose funding NOVA maintenance and operation projects for up to two consecutive years?

- STRONGLY SUPPORT (Skip next question)
- MODERATELY SUPPORT (Skip next question)
- NEITHER SUPPORT NOR OPPOSE (Skip next question)
- MODERATELY OPPOSE
- STRONGLY OPPOSE
- DON'T KNOW (Skip next question)

[IF OPPOSE] Why do you oppose funding NOVA maintenance and operation projects for up to two consecutive years?
[OPEN-ENDED]

What would you identify as the top new or emerging issues related to **grant funding ceiling or time limitations** in the next 5 years?

Policy C-13: Encourage emphasis on projects in areas that are predominantly natural, such as are typically (but not necessarily) found in a "backcountry" environment. This policy does not apply to the ORV funding category.

To be eligible for nonhighway road and nonmotorized funding, projects must be adjacent to or accessed by a nonhighway road. Consideration of a "backcountry experience" in project selection is based on the notion that additional emphasis should be placed on allocating funds back to the type of setting where funds were generated.

A portion of the NOVA fund is generated by motorists traveling on nonhighway roads, such as those that occur in national parks or forests. As such, travelers who pay the fuel tax will benefit from projects on or next to these roads. This policy does not apply to the ORV funding category.

	0	1	2	3	4	5	6	7	8	9	10	Don't know
Please indicate how important you think Policy C-13 SHOULD be for the 2013-2018 NOVA Plan on a scale of 0 to 10 where 0 is "not at all important" and 10 is "extremely important."												

What would you identify as the top new or emerging issues related to projects in **areas that are predominantly** natural in the next 5 years?
 [OPEN-ENDED]

Policy C-14: When reconstructing trails, encourage projects that correct environmental problems, retain trail difficulty and user experiences, and minimize user displacement.

Reconstruction can be less expensive than new construction and often presents opportunities to employ current standards and correct environmental problems. Project sponsors shall be sensitive to current trail uses and experiences, and seek to minimize "over building" the trail and significantly changing the opportunity for either motorized or nonmotorized users.

	0	1	2	3	4	5	6	7	8	9	10	Don't know
Please indicate how important you think Policy C-14 SHOULD be for the 2013-2018 NOVA Plan on a scale of 0 to 10 where 0 is "not at all important" and 10 is "extremely important."												

What would you identify as the top new or emerging issues related to **trail reconstruction** in the next 5 years?
 [OPEN-ENDED]

Access

Access issues are an important area of concern among recreationists and recreation planners.

How would you rate access to NOVA opportunities in the State of Washington?

- Excellent
- Good
- Fair
- Poor
- Don't know

How satisfied are you with access to *nonhighway road recreation* opportunities in Washington?

Very satisfied
 Somewhat satisfied
 Neither satisfied nor dissatisfied
 Somewhat dissatisfied
 Very dissatisfied
 Don't know

[IF DISSATISFIED] Please explain why you are dissatisfied with access to nonhighway road recreation opportunities.

How can access be improved through the use of the NOVA account?

How satisfied are you with access to *nonmotorized recreation* opportunities in Washington?

VERY SATISFIED
 SOMEWHAT SATISFIED
 NEITHER SATISFIED NOR DISSATISFIED
 SOMEWHAT DISSATISFIED
 VERY DISSATISFIED
 DON'T KNOW

[IF DISSATISFIED] Please explain why you are dissatisfied with access to nonmotorized recreation opportunities.

How can access be improved through the use of the NOVA account?

How satisfied are you with access to *ORV recreation* opportunities in Washington?

VERY SATISFIED
 SOMEWHAT SATISFIED
 NEITHER SATISFIED NOR DISSATISFIED
 SOMEWHAT DISSATISFIED
 VERY DISSATISFIED
 DON'T KNOW

[IF DISSATISFIED] Please explain why you are dissatisfied with access to ORV recreation opportunities and how can access be improved through the use of the NOVA account.

User Conflicts

User conflicts are an important area of concern among recreationists and recreation planners. Would you say user conflicts are a major problem, a minor problem, or not at all a problem for the NOVA Program?

Major problem
 Minor problem
 Not at all a problem (skip the next question)
 Don't know (skip the next question)

Do you think problems with user conflicts have increased, decreased or stayed the same since 2005?

Increased

Stayed the same (skip the next question)

Decreased (skip the next question)

Don't know (skip the next question)

[IF INCREASED] Why do you think problems with user conflicts have increased since 2005?

[OPEN-ENDED]

[IF DECREASED] Why do you think problems with user conflicts have decreased since 2005?

[OPEN-ENDED]

In your opinion, how effective are the following management efforts in addressing user conflicts?

(On a scale of 0 to 10 where 0 is "not at all effective" and 10 is "extremely effective.")

	0	1	2	3	4	5	6	7	8	9	10	Don't know
Developing primary management objectives												
Segregating activities												
Providing education programs (e.g., trail etiquette, recreational behaviors, rules, regulations)												
Better communications												
Trail signs identifying primary user groups												
Building solidarity among user groups												

What would you identify as the top new or emerging issues related to user conflicts in the next 5 years?

[OPEN-ENDED]

ORV Sports Parks

When the previous NOVA Plan was being developed, there was discussion about support of events and competitions associated with ORV sport parks.

"ORV sports park" means a facility designed to accommodate competitive ORV recreational uses including, but not limited to, motocross racing, four-wheel drive competitions, and flat track racing. Use of ORV sports parks can be competitive or noncompetitive in nature.

Many respondents questioned the level of NOVA Program support for events at the competition sports parks assisted with RCO funds versus maintenance of backcountry trail-related facilities. The general sentiment among this group was that the fees and charges of the parks should cover more of the cost of user events and be more comparable to other publicly managed opportunities.

On the other hand, supporters of NOVA funding for management of sports parks felt that, because the areas provide unique regional opportunities, they should receive more funding from state sources. Others pointed out that RCO's support of acquisition and development of sports parks has created increased demand for limited ORV dollars for maintenance and operations, and has reduced the ability to create new, dispersed ORV trail opportunities.

Do you agree or disagree that ORV sports parks should become more self-sufficient?

Strongly agree

Moderately agree

Neither agree nor disagree

Moderately disagree

Strongly disagree

Don't know

[IF AGREE] Why do you agree that ORV sports parks should become more self-sufficient?

[OPEN-ENDED]

[IF DISAGREE] Why do you disagree that ORV sports parks should become more self-sufficient?

[OPEN-ENDED]

Do you support or oppose NOVA funding going toward ORV sports parks?

Strongly support (skip next question)

Moderately support (skip next question)

Neither support nor oppose (skip next question)

Moderately oppose

Strongly oppose

Don't know (skip next question)

[IF SUPPORT] Why do you support NOVA funding going toward ORV sports parks?

[OPEN-ENDED]

[IF OPPOSE] Why do you oppose NOVA funding going toward ORV sports parks?

[OPEN-ENDED]

Final Questions

What would you identify as the single most important issue that you would like to see addressed in the 2013-2018 NOVA Plan?

[OPEN-ENDED]

Are there any other NOVA issues you were not asked about but that you would like to see addressed in the 2013-2018 NOVA Plan?

YES

NO (Skip next question)

What other issues would you like to see addressed in the *2013-1018 NOVA Plan*?

[OPEN-ENDED]

Please provide any additional comments or suggestions you have.

All information provided in this survey will remain confidential, and no response will be associated with your name or identification information. For the purposes of tracking responses, however, we ask that you please provide your name and organizational affiliation. Thank you.

Name: _____

Organizational Affiliation: _____

THANK YOU FOR COMPLETING THIS SURVEY.

APPENDIX C: CHAPTER 46.09 RCW

Chapter 46.09 RCW

OFF-ROAD AND NONHIGHWAY VEHICLES

RCW Sections

GENERAL PROVISIONS

- [46.09.300](#) Application of chapter -- Permission necessary to enter upon private lands.
- [46.09.310](#) Definitions.
- [46.09.320](#) Certificates of title.
- [46.09.330](#) Off-road vehicle dealers -- Licenses -- Fee -- License plates -- Title application upon sale -- Violation.
- [46.09.340](#) Nonhighway and off-road vehicle activities advisory committee.
- [46.09.350](#) Accident reports.
- [46.09.360](#) Regulation by local political subdivisions or state agencies.
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REGISTRATIONS AND USE PERMITS

- [46.09.400](#) Issuance -- Decals -- Fees.
- [46.09.410](#) Registrations -- Original and renewal application -- Requirements -- Decals -- Out-of-state operators.
- [46.09.420](#) Registrations and decals -- Exemptions.
- [46.09.430](#) Use permits -- Application requirements.
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USES AND VIOLATIONS

- [46.09.450](#) Authorized and prohibited uses.
- [46.09.460](#) Operation by persons under thirteen.
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REVENUE

- [46.09.500](#) Motor vehicle fuel excise taxes on fuel for nonhighway vehicles not refundable.
- [46.09.510](#) Nonhighway and off-road vehicle activities program account.
- [46.09.520](#) Refunds from motor vehicle fund -- Distribution -- Use.

[46.09.530](#) Administration and distribution of off-road vehicle moneys.

[46.09.900](#) Severability -- 1971 ex.s. c 47.

Notes:

Rules of court: Monetary penalty schedule -- IRLJ 6.2.

Emergency medical services fee: RCW [46.17.110](#) and [46.68.440](#).

46.09.300

Application of chapter — Permission necessary to enter upon private lands.

The provisions of this chapter shall apply to all lands in this state. Nothing in this chapter, RCW [79A.35.040](#), [79A.35.070](#), [79A.35.090](#), [79A.35.110](#), and [79A.35.120](#) shall be deemed to grant to any person the right or authority to enter upon private property without permission of the property owner.

[2005 c 213 § 2; 1972 ex.s. c 153 § 2; 1971 ex.s. c 47 § 6. Formerly RCW [46.09.010](#).]

Notes:

Findings--Construction -- 2005 c 213: "The legislature finds that off-road recreational vehicles (ORVs) provide opportunities for a wide variety of outdoor recreation activities. The legislature further finds that the limited amount of ORV recreation areas presents a challenge for ORV recreational users, natural resource land managers, and private landowners. The legislature further finds that many nonhighway roads provide opportunities for ORV use and that these opportunities may reduce conflicts between users and facilitate responsible ORV recreation. However, restrictions intended for motor vehicles may prevent ORV use on certain roads, including forest service roads. Therefore, the legislature finds that local, state, and federal jurisdictions should be given the flexibility to allow ORV use on nonhighway roads they own and manage or for which they are authorized to allow public ORV use under an easement granted by the owner. Nothing in this act authorizes trespass on private property." [2005 c 213 § 1.]

Effective date -- 2005 c 213: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005." [2005 c 213 § 9.]

Purpose -- 1972 ex.s. c 153: See RCW [67.32.080](#).

46.09.310

Definitions.

*** CHANGE IN 2013 *** (SEE [1883-S.SL](#)) ***

*** CHANGE IN 2013 *** (SEE [1632-S.SL](#)) ***

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advisory committee" means the nonhighway and off-road vehicle activities advisory committee established in RCW [46.09.340](#).

(2) "Board" means the recreation and conservation funding board established in RCW [79A.25.110](#).

(3) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling off-road vehicles at wholesale or retail in this state.

(4) "Highway," for the purpose of this chapter only, means the entire width between the boundary lines of every roadway publicly maintained by the state department of transportation or any county or city with funding from the motor vehicle fund. A highway is generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles.

(5) "Nonhighway road" means any road 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 twenty-five years; or (b) maintenance in the last four years.

(6) "Nonhighway road recreation facilities" means recreational facilities that are adjacent to, or accessed by, a nonhighway road and intended primarily for nonhighway road recreational users.

(7) "Nonhighway road recreational user" means a person whose purpose for consuming fuel on a nonhighway road or off-road is primarily for nonhighway road recreational purposes, including, but not limited to, hunting, fishing, camping, sightseeing, wildlife viewing, picnicking, driving for pleasure, kayaking/canoeing, and gathering berries, firewood, mushrooms, and other natural products.

(8) "Nonhighway vehicle" means any motorized vehicle including an ORV when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain.

Nonhighway vehicle does not include:

(a) Any vehicle designed primarily for travel on, over, or in the water;

(b) Snowmobiles or any military vehicles; or

(c) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter [82.36](#) RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

(9) "Nonmotorized recreational facilities" means recreational trails and facilities that are adjacent to, or accessed by, a nonhighway road and intended primarily for nonmotorized recreational users.

(10) "Nonmotorized recreational user" means a person whose purpose for consuming fuel on a nonhighway road or off-road is primarily for nonmotorized recreational purposes including, but not limited to, walking, hiking, backpacking, climbing, cross-country skiing, snowshoeing, mountain biking, horseback riding, and pack animal activities.

(11) "Organized competitive event" means any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at a predetermined time and place.

(12) "ORV recreation facilities" include, but are not limited to, ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use areas, designated for ORV use by the managing authority that are intended primarily for ORV recreational users.

(13) "ORV recreational user" means a person whose purpose for consuming fuel on nonhighway roads or off-road is primarily for ORV recreational purposes, including but not limited to riding an all-terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or dune buggy.

(14) "ORV sports park" means a facility designed to accommodate competitive ORV recreational uses including, but not limited to, motocross racing, four-wheel drive competitions, and flat track racing. Use of ORV sports parks can be competitive or noncompetitive in nature.

(15) "ORV trail" means a multiple-use corridor designated by the managing authority and maintained for recreational use by motorized vehicles.

[2010 c 161 § 213; 2007 c 241 § 13; 2004 c 105 § 1; 1986 c 206 § 1; 1979 c 158 § 129; 1977 ex.s. c 220 § 1; 1972 ex.s. c 153 § 3; 1971 ex.s. c 47 § 7. Formerly RCW [46.09.020](#).]

Notes:

Effective date -- Intent -- Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session -- 2010 c 161: See notes following RCW [46.04.013](#).

Intent -- Effective date -- 2007 c 241: See notes following RCW [79A.25.005](#).

Effective date -- 1986 c 206: "This act shall take effect on June 30, 1986." [1986 c 206 § 17.]

Purpose -- 1972 ex.s. c 153: See RCW [79A.35.070](#).

46.09.320

Certificates of title.

The department shall issue a certificate of title to the owner of an off-road vehicle. The owner shall pay the fee established under RCW [46.17.100](#). Issuance of the certificate of title does not qualify the vehicle for registration under chapter [46.16A](#) RCW.

[2011 c 171 § 24; 2010 c 161 § 214.]

Notes:

Intent -- Effective date -- 2011 c 171: See notes following RCW [4.24.210](#).

Effective date -- Intent -- Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session -- 2010 c 161: See notes following RCW

[46.04.013.](#)

46.09.330

Off-road vehicle dealers — Licenses — Fee — License plates — Title application upon sale — Violation.

(1) Each dealer of off-road vehicles in this state shall obtain either a miscellaneous vehicle dealer license as defined in RCW [46.70.011](#) or an off-road vehicle dealer license from the department in a manner prescribed by the department. Upon receipt of an application for an off-road vehicle dealer license and the fee described under subsection (2) of this section, the dealer is licensed and an off-road vehicle dealer license number must be assigned.

(2) The annual fee for an off-road vehicle dealer license is twenty-five dollars, which covers all of the off-road vehicles owned by a dealer and not rented. Off-road vehicles rented on a regular, commercial basis by a dealer must have separate registrations.

(3) Upon the issuance of an off-road vehicle dealer license, each dealer may purchase, at a cost to be determined by the department, off-road vehicle dealer license plates of a size and color to be determined by the department. The off-road vehicle dealer license plates must contain the off-road vehicle dealer license number assigned to the dealer. Each off-road vehicle operated by a dealer, dealer representative, or prospective customer for the purposes of testing or demonstration shall display dealer license plates assigned by the department.

(4) A dealer, dealer representative, or prospective customer may only use dealer license plates for the purposes prescribed in subsection (3) of this section.

(5) Off-road vehicle dealer license numbers are nontransferable.

(6) It is unlawful for any dealer to sell any off-road vehicle at wholesale or retail or to test or demonstrate any off-road vehicle within the state unless the dealer has either a miscellaneous vehicle dealer license as defined in RCW [46.70.011](#) or an off-road vehicle dealer license as required under this section.

(7) When an off-road vehicle is sold by a dealer, the dealer shall apply for a certificate of title in the purchaser's name within fifteen days following the sale.

(8) Except as provided in RCW [46.09.420](#), it is unlawful for any dealer to sell at retail an off-road vehicle without registration required in RCW [46.09.440](#).

[2010 c 161 § 220; 2010 c 8 § 9002; 1990 c 250 § 24; 1986 c 206 § 5; 1977 ex.s. c 220 § 7; 1972 ex.s. c 153 § 9; 1971 ex.s. c 47 § 13. Formerly RCW [46.09.080](#).]

Notes:

Reviser's note: RCW [46.09.080](#) was amended twice during the 2010 legislative session, each without reference to the other. For rule of construction concerning sections amended more than once during the same legislative session, see RCW [1.12.025](#).

Effective date -- Intent -- Legislation to reconcile chapter 161, Laws of 2010 and other

amendments made during the 2010 legislative session -- 2010 c 161: See notes following RCW [46.04.013](#).

Severability -- 1990 c 250: See note following RCW [46.18.215](#).

Effective date -- 1986 c 206: See note following RCW [46.09.310](#).

Purpose -- 1972 ex.s. c 153: See RCW [79A.35.070](#).

46.09.340

Nonhighway and off-road vehicle activities advisory committee.

(1) The board shall establish the nonhighway and off-road vehicle activities advisory committee to provide advice regarding the administration of this chapter. The committee consists of governmental representatives, land managers, and a proportional representation of persons with recreational experience in areas identified in the most recent fuel use study, including but not limited to people with off-road vehicle, hiking, equestrian, mountain biking, hunting, fishing, and wildlife viewing experience.

(2) After the advisory committee has made recommendations regarding the expenditure of the fuel tax revenue portion of the nonhighway and off-road vehicle account moneys, the advisory committee's off-road vehicle and mountain biking recreationists, governmental representatives, and land managers will make recommendations regarding the expenditure of funds received under RCW [46.68.045](#).

(3) At least once a year, the board, the department of natural resources, the department of fish and wildlife, and the state parks and recreation commission shall report to the nonhighway and off-road vehicle activities advisory committee on the expenditures of funds received under RCW [46.68.045](#) and [46.09.520](#) and must proactively seek the advisory committee's advice regarding proposed expenditures.

(4) The advisory committee shall advise these agencies regarding the allocation of funds received under RCW [46.09.520](#) to ensure that overall expenditures reflect consideration of the results of the most recent fuel use study.

[2010 c 161 § 224; 2007 c 241 § 19; 2004 c 105 § 8; 2003 c 185 § 1; 1986 c 206 § 13. Formerly RCW [46.09.280](#).]

Notes:

Effective date -- Intent -- Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session -- 2010 c 161: See notes following RCW [46.04.013](#).

Intent -- Effective date -- 2007 c 241: See notes following RCW [79A.25.005](#).

Effective date -- 1986 c 206: See note following RCW [46.09.310](#).

46.09.350 Accident reports.

The operator of any nonhighway vehicle involved in any accident resulting in injury to or death of any person, or property damage to another to an apparent extent equal to or greater than the minimum amount established by rule adopted by the chief of the Washington state patrol in accordance with chapter [46.52](#) RCW, or a person acting for the operator shall submit such reports as are required under chapter [46.52](#) RCW, and the provisions of chapter [46.52](#) RCW applies to the reports when submitted.

[1990 c 250 § 25; 1977 ex.s. c 220 § 12; 1971 ex.s. c 47 § 19. Formerly RCW [46.09.140](#).]

Notes:

Severability -- 1990 c 250: See note following RCW [46.18.215](#).

46.09.360 Regulation by local political subdivisions or state agencies.

***** CHANGE IN 2013 *** (SEE [1632-S.SL](#)) *****

Notwithstanding any of the provisions of this chapter, any city, county, or other political subdivision of this state, or any state agency, may regulate the operation of nonhighway vehicles on public lands, waters, and other properties under its jurisdiction, and on streets, roads, or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not less stringent than the provisions of this chapter. However, the legislative body of a city with a population of less than three thousand persons may, by ordinance, designate a street or highway within its boundaries to be suitable for use by off-road vehicles. The legislative body of a county may, by ordinance, designate a road or highway within its boundaries to be suitable for use by off-road vehicles if the road or highway is a direct connection between a city with a population of less than three thousand persons and an off-road vehicle recreation facility.

[2006 c 212 § 4; 1977 ex.s. c 220 § 15; 1971 ex.s. c 47 § 23. Formerly RCW [46.09.180](#).]

46.09.370 Statewide plan.

The board shall maintain a statewide plan which shall be updated at least once every third biennium and shall be used by all participating agencies to guide distribution and expenditure of funds under this chapter.

[2007 c 241 § 18; 1986 c 206 § 11; 1977 ex.s. c 220 § 18. Formerly RCW [46.09.250](#).]

Notes:

Intent -- Effective date -- 2007 c 241: See notes following RCW [79A.25.005](#).

Effective date -- 1986 c 206: See note following RCW [46.09.310](#).

46.09.380 Enforcement.

The provisions of this chapter shall be enforced by all persons having the authority to enforce any of the laws of this state, including, without limitation, officers of the state patrol, county sheriffs and their deputies, all municipal law enforcement officers within their respective jurisdictions, fish and wildlife officers, state park rangers, and those employees of the department of natural resources designated by the commissioner of public lands under RCW *[43.30.310](#), [76.04.035](#), and [76.04.045](#).

[2001 c 253 § 3; 1986 c 100 § 52; 1971 ex.s. c 47 § 25. Formerly RCW [46.09.200](#).]

Notes:

***Reviser's note:** RCW [43.30.310](#) was recodified as RCW [43.12.065](#) pursuant to 2003 c 334 § 127.

46.09.400 Issuance — Decals — Fees.

***** CHANGE IN 2013 *** (SEE [1632-S.SL](#)) *****

The department shall:

- (1) Issue registrations and temporary ORV use permits for off-road vehicles;
- (2) Issue decals for off-road vehicles. The decals serve the same function as license plates for vehicles registered under chapter [46.16A](#) RCW; and
- (3) Charge a fee for each decal covering the actual cost of the decal.

[2011 c 171 § 25; 2010 c 161 § 215; 1990 c 250 § 23; 1986 c 206 § 2; 1977 ex.s. c 220 § 2; 1972 ex.s. c 153 § 4; 1971 ex.s. c 47 § 8. Formerly RCW [46.09.030](#).]

Notes:

Intent -- Effective date -- 2011 c 171: See notes following RCW [4.24.210](#).

Effective date -- Intent -- Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session -- 2010 c 161: See notes following RCW [46.04.013](#).

Severability -- 1990 c 250: See note following RCW [46.18.215](#).

Effective date -- 1986 c 206: See note following RCW [46.09.310](#).

Purpose -- 1972 ex.s. c 153: See RCW [79A.35.070](#).

46.09.410

Registrations — Original and renewal application — Requirements — Decals — Out-of-state operators.

***** CHANGE IN 2013 *** (SEE [1632-S.SL](#)) *****

(1) The application for an original ORV registration has the same requirements as described for original vehicle registrations in RCW [46.16A.040](#) and must be accompanied by the annual off-road vehicle license fee required under RCW [46.17.350](#), in addition to any other fees or taxes due for the application.

(2) The application for renewal of an ORV registration has the same requirements as described for the renewal of vehicle registrations in RCW [46.16A.110](#) and must be accompanied by the annual off-road vehicle license fee required under RCW [46.17.350](#), in addition to any other fees or taxes due for the application.

(3) The annual ORV registration is valid for one year and may be renewed each subsequent year as prescribed by the department.

(4) A person who acquires an off-road vehicle that has an ORV registration must:

(a) Apply to the department, county auditor or other agent, or subagent appointed by the director for a transfer of the ORV registration within fifteen days of taking possession of the off-road vehicle; and

(b) Pay the ORV registration transfer fee required under RCW [46.17.410](#), in addition to any other fees or taxes due at the time of application.

(5) The department shall issue an ORV registration, decals, and tabs upon receipt of:

(a) A properly completed application for an original ORV registration; and

(b) The payment of all fees and taxes due at the time of application.

(6) The ORV registration must be carried on the vehicle for which it was issued at all times during its operation in this state.

(7) Off-road vehicle decals must be affixed to the off-road vehicle in a manner prescribed by the department.

(8) Unless exempt under RCW [46.09.420](#), any out-of-state operator of an off-road vehicle, when operating in this state, must comply with this chapter. If an ORV registration is required under this chapter, the out-of-state operator must obtain an ORV registration and decal or a temporary ORV use permit.

[2010 c 161 § 218; 2004 c 106 § 1; 2002 c 352 § 1; 1997 c 241 § 1; 1986 c 206 § 4; 1977 ex.s. c 220 § 6; 1972 ex.s. c 153 § 8; 1971 ex.s. c 47 § 12. Formerly RCW [46.09.070](#).]

Notes:

Effective date -- Intent -- Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session -- 2010 c 161: See notes following RCW [46.04.013](#).

Effective date -- 2004 c 106 § 1: "Section 1 of this act takes effect with registrations that are due or become due November 1, 2004, or later." [2004 c 106 § 2.]

Effective dates -- 2002 c 352: "Sections 7, 9, and 28 of this act are effective with registrations that are due or will become due September 1, 2002, and thereafter. Section 26 of this act takes effect October 1, 2002. The remainder of this act takes effect July 1, 2002." [2002 c 352 § 30.]

Effective date -- 1986 c 206: See note following RCW [46.09.310](#).

Purpose -- 1972 ex.s. c 153: See RCW [79A.35.070](#).

46.09.420

Registrations and decals — Exemptions.

***** CHANGE IN 2013 *** (SEE [1632-S.SL](#)) *****

ORV registrations and decals are required under this chapter except for the following:

(1) Off-road vehicles owned and operated by the United States, another state, or a political subdivision of the United States or another state.

(2) Off-road vehicles owned and operated by this state, a municipality, or a political subdivision of this state or the municipality.

(3) Off-road vehicles operated on agricultural lands owned or leased by the off-road vehicle owner or operator.

(4) Off-road vehicles owned by a resident of another state that have a valid ORV use permit or vehicle registration issued in accordance with the laws of the other state. This exemption applies only to the extent that a similar exemption or privilege is granted under the laws of that state.

(5) Off-road vehicles while being used for search and rescue purposes under the authority or direction of an appropriate search and rescue or law enforcement agency.

(6) Vehicles registered under chapter [46.16A](#) RCW or, in the case of nonresidents, vehicles validly registered for operation over public highways in the jurisdiction of the owner's residence.

[2011 c 171 § 26; 2010 c 161 § 217; 2004 c 105 § 9; 1986 c 206 § 3; 1977 ex.s. c 220 § 4; 1972 ex.s. c 153 § 6; 1971 ex.s. c 47 § 10. Formerly RCW [46.09.050](#).]

Notes:

Intent -- Effective date -- 2011 c 171: See notes following RCW [4.24.210](#).

Effective date -- Intent -- Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session -- 2010 c 161: See notes following RCW [46.04.013](#).

Effective date -- 1986 c 206: See note following RCW [46.09.310](#).

Purpose -- 1972 ex.s. c 153: See RCW [79A.35.070](#).

46.09.430

Use permits — Application requirements.

(1) The application for a temporary ORV use permit must be made by the owner or the owner's authorized representative to the department, county auditor or other agent, or subagent appointed by the director on a form furnished or approved by the department. The application must contain:

- (a) The name and address of each owner of the off-road vehicle; and
- (b) Other information that the department may require.

(2) The owner or the owner's authorized representative shall sign the application for a temporary ORV use permit.

(3) The application for a temporary ORV use permit must be accompanied by the temporary ORV use permit fee required under RCW [46.17.400](#), in addition to any other fees or taxes due for the application.

(4) A temporary ORV use permit:

- (a) Is valid for sixty days; and
- (b) Must be carried on the vehicle for which it was issued at all times during its operation in this state.

[2010 c 161 § 219.]

Notes:

Effective date -- Intent -- Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session -- 2010 c 161: See notes following RCW [46.04.013](#).

46.09.440

Prerequisite to operation.

Except as provided in this chapter, a person shall not operate an off-road vehicle within this state unless the off-road vehicle has been assigned an ORV registration or temporary ORV use permit and displays current decals and tabs as required under this chapter.

[2010 c 161 § 216; 1977 ex.s. c 220 § 3; 1972 ex.s. c 153 § 5; 1971 ex.s. c 47 § 9. Formerly RCW [46.09.040](#).]

Notes:

Effective date -- Intent -- Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session -- 2010 c 161: See notes following RCW [46.04.013](#).

Purpose -- 1972 ex.s. c 153: See RCW [79A.35.070](#).

46.09.450

Authorized and prohibited uses.

***** CHANGE IN 2013 *** (SEE [1632-S.SL](#)) *****

(1) Except as otherwise provided in this section, it is lawful to operate an off-road vehicle upon:

(a) A nonhighway road and in parking areas serving designated off-road vehicle areas if the state, federal, local, or private authority responsible for the management of the nonhighway road authorizes the use of off-road vehicles; and

(b) A street, road, or highway as authorized under RCW [46.09.360](#).

(2) Operations of an off-road vehicle on a nonhighway road, or on a street, road, or highway as authorized under RCW [46.09.360](#), under this section is exempt from registration requirements of chapter [46.16A](#) RCW and vehicle lighting and equipment requirements of chapter [46.37](#) RCW.

(3) It is unlawful to operate an off-road vehicle upon a private nonhighway road if the road owner has not authorized the use of off-road vehicles.

(4) Nothing in this section authorizes trespass on private property.

(5) The provisions of RCW [4.24.210](#)(5) shall apply to public landowners who allow members of the public to use public facilities accessed by a highway, street, or nonhighway road for recreational off-road vehicle use.

[2011 c 171 § 27; 2010 c 161 § 221; 2006 c 212 § 2; 2005 c 213 § 4. Formerly RCW [46.09.115](#).]

Notes:

Intent -- Effective date -- 2011 c 171: See notes following RCW [4.24.210](#).

Effective date -- Intent -- Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session -- 2010 c 161: See notes following RCW [46.04.013](#).

Findings--Construction--Effective date -- 2005 c 213: See notes following RCW [46.09.300](#).

46.09.460

Operation by persons under thirteen.

***** CHANGE IN 2013 *** (SEE [1632-S.SL](#)) *****

(1) Except as specified in subsection (2) of this section, no person under thirteen years of age may operate an off-road vehicle on or across a highway or nonhighway road in this state.

(2) Persons under thirteen years of age may operate an off-road vehicle on a nonhighway road designated for off-road vehicle use under the direct supervision of a person eighteen years of age or older possessing a valid license to operate a motor vehicle under chapter [46.20](#) RCW.

[2005 c 213 § 5. Formerly RCW [46.09.117](#).]

Notes:

Findings--Construction--Effective date -- 2005 c 213: See notes following RCW [46.09.300](#).

46.09.470

Operating violations — Exceptions.

***** CHANGE IN 2013 *** (SEE [1632-S.SL](#)) *****

(1) Except as provided in subsection (4) of this section, it is a traffic infraction for any person to operate any nonhighway vehicle:

- (a) In such a manner as to endanger the property of another;
- (b) On lands not owned by the operator or owner of the nonhighway vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership;
- (c) On lands not owned by the operator or owner of the nonhighway vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;
- (d) Without a spark arrester approved by the department of natural resources;
- (e) Without an adequate, and operating, muffling device which effectively limits vehicle noise to no more than eighty-six decibels on the "A" scale at fifty feet as measured by the Society of Automotive Engineers (SAE) test procedure J 331a, except that a maximum noise level of one hundred and five decibels on the "A" scale at a distance of twenty inches from the exhaust outlet shall be an acceptable substitute in lieu of the Society of Automotive Engineers test procedure J 331a when measured:
- (i) At a forty-five degree angle at a distance of twenty inches from the exhaust outlet;
- (ii) With the vehicle stationary and the engine running at a steady speed equal to one-half of the manufacturer's maximum allowable ("red line") engine speed or where the manufacturer's maximum allowable engine speed is not known the test speed in revolutions per minute calculated as sixty percent of the speed at which maximum horsepower is developed; and
- (iii) With the microphone placed ten inches from the side of the vehicle, one-half way between the lowest part of the vehicle body and the ground plane, and in the same lateral plane as the rearmost exhaust outlet where the outlet of the exhaust pipe is under the vehicle;
- (f) On lands not owned by the operator or owner of the nonhighway vehicle upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway;
- (g) On lands not owned by the operator or owner of the nonhighway vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation;
- (h) On lands not owned by the operator or owner of the nonhighway vehicle or on any nonhighway road or trail, when these are restricted to pedestrian or animal travel;
- (i) On any public lands in violation of rules and regulations of the agency administering such lands; and
- (j) On a private nonhighway road in violation of RCW [46.09.450](#)(3).
- (2) It is a misdemeanor for any person to operate any nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance.
- (3)(a) Except for an off-road vehicle equipped with seat belts and roll bars or an enclosed passenger compartment, it is a traffic infraction for any person to operate or ride an off-road vehicle on a nonhighway road without wearing upon his or her head a motorcycle helmet fastened securely while in motion. For purposes of this section, "motorcycle helmet" has the same meaning as provided

in RCW [46.37.530](#).

(b) Subsection (3)(a) of this section does not apply to an off-road vehicle operator operating on his or her own land.

(c) Subsection (3)(a) of this section does not apply to an off-road vehicle operator operating on agricultural lands owned or leased by the off-road vehicle operator or the operator's employer.

(4) It is not a traffic infraction to operate an off-road vehicle on a street, road, or highway as authorized under RCW [46.09.360](#) or [46.61.705](#).

[2011 c 171 § 28; 2011 c 121 § 4; 2006 c 212 § 3; 2005 c 213 § 3; 2003 c 377 § 1; 1979 ex.s. c 136 § 41; 1977 ex.s. c 220 § 10; 1972 ex.s. c 153 § 12; 1971 ex.s. c 47 § 17. Formerly RCW [46.09.120](#).]

Notes:

Rules of court: Bail in criminal traffic offense cases -- Mandatory appearance -- CrRLJ 3.2.

Reviser's note: This section was amended by 2011 c 121 § 4 and by 2011 c 171 § 28, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW [1.12.025](#)(2). For rule of construction, see RCW [1.12.025](#)(1).

Intent -- Effective date -- 2011 c 171: See notes following RCW [4.24.210](#).

Effective date -- 2011 c 121: See note following RCW [46.04.363](#).

Findings--Construction--Effective date -- 2005 c 213: See notes following RCW [46.09.300](#).

Effective date -- Severability -- 1979 ex.s. c 136: See notes following RCW [46.63.010](#).

Purpose -- 1972 ex.s. c 153: See RCW [79A.35.070](#).

46.09.480

Additional violations — Penalty.

(1) No person may operate a nonhighway vehicle in such a way as to endanger human life.

(2) No person shall operate a nonhighway vehicle in such a way as to run down or harass any wildlife or animal, nor carry, transport, or convey any loaded weapon in or upon, nor hunt from, any nonhighway vehicle except by permit issued by the director of fish and wildlife under RCW [77.32.237](#): PROVIDED, That it shall not be unlawful to carry, transport, or convey a loaded pistol in or upon a nonhighway vehicle if the person complies with the terms and conditions of chapter [9.41](#) RCW.

(3) For the purposes of this section, "hunt" means any effort to kill, injure, capture, or purposely disturb a wild animal or bird.

(4) Violation of this section is a gross misdemeanor.

[2004 c 105 § 4; (2004 c 105 § 3 expired July 1, 2004); 2003 c 53 § 233; 1994 c 264 § 35; 1989 c 297 § 3; 1986 c 206 § 7; 1977 ex.s. c 220 § 11; 1971 ex.s. c 47 § 18. Formerly RCW [46.09.130](#).]

Notes:

Rules of court: Bail in criminal traffic offense cases -- Mandatory appearance -- CrRLJ 3.2.

Expiration dates -- Effective dates -- 2004 c 105 §§ 3-6: "(1) Section 3 of this act expires July 1, 2004.

(2) Section 4 of this act takes effect July 1, 2004.

(3) Section 5 of this act expires June 30, 2005.

(4) Section 6 of this act takes effect June 30, 2005." [2004 c 105 § 11.]

Intent -- Effective date -- 2003 c 53: See notes following RCW [2.48.180](#).

Effective date -- 1986 c 206: See note following RCW [46.09.310](#).

46.09.490

General penalty — Civil liability.

(1) Except as provided in RCW [46.09.470](#)(2) and [46.09.480](#) as now or hereafter amended, violation of the provisions of this chapter is a traffic infraction for which a penalty of not less than twenty-five dollars may be imposed.

(2) In addition to the penalties provided in subsection (1) of this section, the owner and/or the operator of any nonhighway vehicle shall be liable for any damage to property including damage to trees, shrubs, or growing crops injured as the result of travel by the nonhighway vehicle. The owner of such property may recover from the person responsible three times the amount of damage.

[2011 c 171 § 29; 1979 ex.s. c 136 § 42; 1977 ex.s. c 220 § 16; 1972 ex.s. c 153 § 16; 1971 ex.s. c 47 § 24. Formerly RCW [46.09.190](#).]

Notes:

Rules of court: Monetary penalty schedule -- IRLJ 6.2.

Intent -- Effective date -- 2011 c 171: See notes following RCW [4.24.210](#).

Effective date -- Severability -- 1979 ex.s. c 136: See notes following RCW [46.63.010](#).

Purpose -- 1972 ex.s. c 153: See RCW [79A.35.070](#).

46.09.500

Motor vehicle fuel excise taxes on fuel for nonhighway vehicles not refundable.

Motor vehicle fuel excise taxes paid on fuel used and purchased for providing the motive power for nonhighway vehicles shall not be refundable in accordance with the provisions of RCW [82.36.280](#) as it now exists or is hereafter amended.

[1977 ex.s. c 220 § 13; 1974 ex.s. c 144 § 1; 1972 ex.s. c 153 § 13; 1971 ex.s. c 47 § 20. Formerly RCW [46.09.150](#).]

Notes:

Purpose -- 1972 ex.s. c 153: See RCW [79A.35.070](#).

46.09.510

Nonhighway and off-road vehicle activities program account.

The nonhighway and off-road vehicle activities program account is created in the state treasury. Moneys in this account are subject to legislative appropriation. The recreation and conservation funding board shall administer the account for purposes specified in this chapter and shall hold it separate and apart from all other money, funds, and accounts of the board. Grants, gifts, or other financial assistance, proceeds received from public bodies as administrative cost contributions, and any moneys made available to the state of Washington by the federal government for outdoor recreation may be deposited into the account.

[2007 c 241 § 15; 1995 c 166 § 11. Formerly RCW [46.09.165](#).]

Notes:

Intent -- Effective date -- 2007 c 241: See notes following RCW [79A.25.005](#).

46.09.520

Refunds from motor vehicle fund — Distribution — Use.

***** CHANGE IN 2013 *** (SEE [1883-S.SL](#)) *****

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter [82.36](#) RCW, based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW [46.68.090](#).

(2) The treasurer shall place these funds in the general fund as follows:

(a) Thirty-six percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information programs and maintenance of nonhighway roads;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and the maintenance of nonhighway roads;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities; and

(d) Fifty-eight and one-half percent shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the board for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and for education, information, and law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than thirty percent may be expended for education, information, and law enforcement programs under this chapter;

(ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:

(A) Not less than thirty percent, together with the funds the board receives under RCW [46.68.045](#), may be expended for ORV recreation facilities;

(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation facilities funds; and

(C) Not less than thirty percent may be expended for nonhighway road recreation facilities;

(iii) The board may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the board's project evaluation. Funds remaining after such a waiver must be allocated in accordance with board policy.

(3) On a yearly basis an agency may not, except as provided in RCW [46.68.045](#), expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

(4) During the 2009-2011 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the NOVA account to the department of natural resources to install consistent off-road vehicle signage at department-managed recreation sites, and to implement the recreation opportunities on department-managed lands in the Reiter block and Ahtanum state forest, and to the state parks and recreation commission. The legislature finds that the appropriation of funds from the NOVA account during the 2009-2011 fiscal biennium for maintenance and operation

of state parks or to improve accessibility for boaters and off-road vehicle users at state parks will benefit boaters and off-road vehicle users and others who use nonhighway and nonmotorized recreational facilities. The appropriations under this subsection are not required to follow the specific distribution specified in subsection (2) of this section.

[2010 1st sp.s. c 37 § 936; 2010 c 161 § 222. Prior: 2009 c 564 § 944; 2009 c 187 § 2; prior: 2007 c 522 § 953; 2007 c 241 § 16; 2004 c 105 § 6; (2004 c 105 § 5 expired June 30, 2005); prior: (2003 1st sp.s. c 26 § 920 expired June 30, 2005); 2003 1st sp.s. c 25 § 922; 2003 c 361 § 407; 1995 c 166 § 9; 1994 c 264 § 36; 1990 c 42 § 115; 1988 c 36 § 25; 1986 c 206 § 8; 1979 c 158 § 130; 1977 ex.s. c 220 § 14; 1975 1st ex.s. c 34 § 1; 1974 ex.s. c 144 § 3; 1972 ex.s. c 153 § 15; 1971 ex.s. c 47 § 22. Formerly RCW [46.09.170](#).]

Notes:

Reviser's note: This section was amended by 2010 c 161 § 222 and by 2010 1st sp.s. c 37 § 936, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW [1.12.025](#)(2). For rule of construction, see RCW [1.12.025](#)(1).

Effective date -- 2010 1st sp.s. c 37: See note following RCW [13.06.050](#).

Effective date -- Intent -- Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session -- 2010 c 161: See notes following RCW [46.04.013](#).

Effective date -- 2009 c 564: See note following RCW [2.68.020](#).

Severability -- Effective date -- 2007 c 522: See notes following RCW [15.64.050](#).

Intent -- Effective date -- 2007 c 241: See notes following RCW [79A.25.005](#).

Expiration dates -- Effective dates -- 2004 c 105 §§ 3-6: See note following RCW [46.09.480](#).

Expiration date -- Severability -- Effective dates -- 2003 1st sp.s. c 26: See notes following RCW [43.135.045](#).

Severability -- Effective date -- 2003 1st sp.s. c 25: See note following RCW [19.28.351](#).

Findings--Part headings not law -- Severability -- 2003 c 361: See notes following RCW [82.36.025](#).

Effective dates -- 2003 c 361: See note following RCW [82.08.020](#).

Purpose -- Headings -- Severability -- Effective dates -- Application -- Implementation -- 1990 c 42: See notes following RCW [82.36.025](#).

Effective date -- 1986 c 206: See note following RCW [46.09.310](#).

Effective date -- 1975 1st ex.s. c 34: "This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1975." [1975 1st ex.s. c 34 § 4.]

Purpose -- 1972 ex.s. c 153: See RCW [79A.35.070](#).

46.09.530

Administration and distribution of off-road vehicle moneys.

*** CHANGE IN 2013 *** (SEE [1632-S.SL](#)) ***

(1) After deducting administrative expenses and the expense of any programs conducted under this chapter, the board shall, at least once each year, distribute the funds it receives under RCW [46.68.045](#) and [46.09.520](#) to state agencies, counties, municipalities, federal agencies, nonprofit off-road vehicle organizations, and Indian tribes. Funds distributed under this section to nonprofit off-road vehicle organizations may be spent only on projects or activities that benefit off-road vehicle recreation on lands once publicly owned that come into private ownership in a federally approved land exchange completed between January 1, 1998, and January 1, 2005.

(2) The board shall adopt rules governing applications for funds administered by the recreation and conservation office under this chapter and shall determine the amount of money distributed to each applicant. Agencies receiving funds under this chapter for capital purposes shall consider the possibility of contracting with the state parks and recreation commission, the department of natural resources, or other federal, state, and local agencies to employ the youth development and conservation corps or other youth crews in completing the project.

(3) The board shall require each applicant for acquisition or development funds under this section to comply with the requirements of either the state environmental policy act, chapter [43.21C](#) RCW, or the national environmental policy act (42 U.S.C. Sec. 4321 et seq.).

[2010 c 161 § 223; 2007 c 241 § 17; 2004 c 105 § 7; 1998 c 144 § 1; 1991 c 363 § 122; 1986 c 206 § 9; 1977 ex.s. c 220 § 17. Formerly RCW [46.09.240](#).]

Notes:

Effective date -- Intent -- Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session -- 2010 c 161: See notes following RCW [46.04.013](#).

Intent -- Effective date -- 2007 c 241: See notes following RCW [79A.25.005](#).

Purpose -- Captions not law -- 1991 c 363: See notes following RCW [2.32.180](#).

Effective date -- 1986 c 206: See note following RCW [46.09.310](#).

46.09.900

Severability — 1971 ex.s. c 47.

If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1971 amendatory act, or the application of the provision to other persons or circumstances is not affected.

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.