



COLORADO

Parks and Wildlife

Department of Natural Resources

State Trails Program
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July 21-22, 2022

PWC Policy B-325 - OHV Use on Roads and Lands

This letter is a summary and explanation of the request to rescind Parks and Wildlife Commission (PWC) Policy B-325 - Off-Highway Vehicle Use on Roads and Lands during the July 2022 meeting.

Through the use of Policy B-325, the former Colorado Board of Parks Outdoor Recreation provided guidance to administer the use of Off-Highway Vehicles on Division of Parks and Outdoor Recreation properties. Staff has worked to review and provide updated guidance to reflect changes within the current Colorado Parks and Wildlife program since this policy was last updated in 1991. During this review, Policy B-325 was revised to an Administrative Directive to update current Colorado Parks and Wildlife needs regarding the OHV Program and maintain oversight of operations a staff responsibility. The recently updated Recreational Trails Committee Policy enshrines the Commission's role in approving Off-Highway Vehicle grants and the guidance for on-the-ground operations from the Division is more appropriate for an Administrative Directive.

A summary of the updates made in OG-11:

- updated directive information on implementation, enforcement, and trail maintenance on both CPW and non-CPW managed lands;
- added language addressing use of funds, considerations of wildlife impacts, and the safety certification program; and
- expanded directive for implementation, enforcement, and trail maintenance.

Policy B-325 and Administrative Directive OG-11 are included with this memo for your consideration on the Consent Agenda.

DIVISION RECOMMENDATION:

The State Trails Program recommends rescinding PWC Policy - OHV Use on Roads and Land (Attachment A).



STATE OF COLORADO
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF PARKS AND OUTDOOR RECREATION

POLICY NO. B-325

SUBJECT: Off-highway vehicle (OHV) use on roads and lands administered by the Division of Parks and Outdoor Recreation.

I. PURPOSE: To promote and manage OHV use on roads and lands administered by the Division in a manner consistent with area management plans, Colorado Revised Statutes and the Regulations promulgated by the Board of Parks and Outdoor Recreation.

II. DEFINITIONS:

A) Off-highway vehicle (OHV) - any self propelled vehicle which is designed primarily for use off of public highways.

B) Off-highway vehicle (OHV) route - any road, trail, way or use area owned or managed by the Division which is designated as open for off-highway vehicle travel.

III. RESOLUTION: WHEREAS H.B. 1329 enacted by the General Assembly and signed into law by the Governor in 1989, recognized that the use of off-highway vehicles is a legitimate outdoor recreation activity as demonstrated by over 200,000 of Colorado citizens and the thousands of tourists that participate in the sport; and

WHEREAS stated in 33-10-101(1) and 33-10-102(2)(a) C.R.S., it is the policy of the state to manage recreational use and identifies the Board's responsibility to provide a comprehensive program of outdoor recreation; and

WHEREAS stated in 33-14.5-108(1)(a) C.R.S., the Board has the authority to designate OHV use upon roads within areas administered by the Division.

NOW, therefore be it resolved, that the Board of Parks and Outdoor Recreation shall adopt a policy to allow for the managed use of off-highway vehicles on roads and lands of the Division of Parks and Outdoor Recreation.

IV. POLICY:

A) It shall be the policy of the Board of Parks and Outdoor Recreation to promote and manage for the use of off-highway vehicles on roads and lands administered by the Division of Parks and Outdoor Recreation.

- B) Criteria and guidelines used in establishing OHV use on DPOR roads and lands shall include the following;
- 1) OHV activities are in compliance with the park or recreation area's management plan.
 - 2) OHV use on public roads shall be distinguished by proper signing and shall be limited to OHV travel to and from authorized OHV routes on DPOR lands, use areas and/or adjacent public lands.
 - 3) OHV management plans shall be coordinated with other government agencies having jurisdiction over surrounding OHV routes and use areas.
 - 4) The use of OHVs on approved routes or in use areas shall be in compliance with all applicable state laws and regulations.

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POLICY NO. B-325 IS APPROVED THIS 17th DAY OF
MAY 1991, BY:



PARKS BOARD CHAIRMAN

Administrative Directive and Policy Review
STATE OF COLORADO
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF PARKS AND WILDLIFE

Administrative Directive: OG-11

March 7, 2022

SUBJECT: OFF-HIGHWAY VEHICLE PROGRAM

I. PURPOSE

The purpose of this administrative directive is to implement the Off-Highway Vehicle (OHV) Program which is part of the Colorado Parks and Wildlife Division's (CPW) Trails Program.

The OHV program exists to encourage the accessibility and use of Colorado's outdoor and natural resources through safe and responsible OHV operations. Program funding comes directly from the OHV user community through the sale of OHV registrations and use permits as required by 33-14.5-112. OHV registration and permit sales generate several million dollars annually that provide financial support for motorized recreation in Colorado and represent the program's principal funding source. Public land managers who support OHV recreation and OHV recreation groups apply for grants that are used to support OHV riding opportunities. These user fees fund trail maintenance, construction, trailheads, parking areas, support facilities, trail signs, maps, enforcement and education.

II. AUTHORITY

- A. C.R.S. § 33-10 establishes the Commission's legal authority to oversee and manage Colorado's Parks and Recreation programs in Colorado. These:
 - a. 33-10-106. Duties of the commission - rules
 - b. 33-10-107. Powers of the commission
 - c. 33-10-108. Duties of the division of parks and wildlife - definitions

- B. C.R.S. § 33-14.5 establishes the Commission's legal authority to oversee and manage off-highway vehicle recreation in Colorado. The OHV statutes under §33-14.5 are:
 - a. 33-14.5-106. Off-highway vehicle recreation fund - creation - use of moneys
 - b. 33-14.5-107. Rules
 - c. 33-14.5-108. Off-highway vehicle operation prohibited on streets, roads, and highways
 - d. 33-14.5-111. Enforcement - federal, state, and local cooperation

- C. Colorado Parks and Wildlife Commission Policy - A-104 Recreational Trails Committee

III. PROCEDURES

A. **The Colorado Parks and Wildlife Division's Off-highway Vehicle Program**

Off-highway Vehicle (OHV) recreation in Colorado shall be promoted by the Colorado Parks and Wildlife Division on public and privately held lands where the CPW has determined that publicly accessible OHV trails are proper and permitted use for that land resource.

Funds collected from Colorado's OHV registration and permit program shall be spent in accordance with CRS 33-14.5-106. OHV equipment purchased by CPW with Trails Program or OHV funds shall be the property of the CPW's Trails Program and shall be distributed and utilized to support and promote Colorado's OHV Program in accordance with the provisions of CRS 33-14.5-106.

CPW supports an overall approach that makes the best effort to balance those mutually supporting interests of preserving access for sustainable outdoor recreation opportunities and the conservation of wildlife resources. The division supports existing and planned trails, roads, and trail/road networks that strive to minimize impacts to habitat connectivity, or impacts to critical habitat areas, whether by design or through implementation of adaptive management strategies. When evaluating roads and trails, the division supports seasonal closures and other adaptive management strategies to protect wildlife resources while maintaining recreational access in appropriate locations. Whenever possible, the division supports seasonal closures that minimally interfere with accessibility of key areas during hunting seasons, and seasonal road closures that minimize overlap of those closures with time periods of high recreational use.

CPW Regional Trails Coordinator shall help oversee all OHV funded projects in their region including project grant application coordination and grant inspection closeouts. CPW staff shall work in cooperation with public lands managers on annual work plans which shall include trail maintenance and construction activities on public lands using established standards, signage, support facilities such as parking lots and trailheads, and equipment acquisition. The annual plan may also include enforcement strategies and a safety certification program when appropriate.

B. **OHV Program on CPW managed lands**

Implementation - CPW shall promote and manage OHV use on trails, roads, and lands administered by CPW in a manner consistent with park or area management plans, the Colorado Revised Statutes and all applicable regulations promulgated by the Commission. The criteria and guidelines used to establish OHV use on CPW trails, roads and lands shall include the following:

- a. OHV use on public roads, where permitted, shall be distinguished by proper signing and should encourage OHV travel to and from authorized OHV routes on CPW lands, use areas and/or adjacent public lands.
- b. OHV management plans shall be coordinated with other government agencies having jurisdiction over surrounding OHV routes and use areas.

CPW regional staff and/or the appropriate park/area wildlife managers shall develop and implement work plans which shall include trail signing using established standards, signage, parking lots and trailheads, and trail maintenance projects. The plans shall also include enforcement strategies, a safety certification program, and formulate OHV funding allocation requests to support these projects.

Enforcement - CPW personnel shall enforce all applicable OHV statutes and regulations, conduct OHV patrols to ensure compliance, and promote OHV safety on all CPW managed lands where OHV recreation is permitted.

C. Off-highway Vehicle Program on non-CPW managed lands

Implementation - CPW's OHV funds shall be used to foster and support OHV recreational opportunities that serve the public and shall not be used to enhance or improve OHV opportunities for private facilities or on private properties that are not open to the public.

Within the bounds of the Commission's authority and pursuant to Commission Policy A-104, CPW's Trails Program shall secure and execute OHV grant agreements and associated contracts with private vendors, OHV clubs, or government agencies to foster public OHV recreational access and recreation opportunities in Colorado. Distribution of funds by CPW and the Commission shall be based upon historical use, present demand, public accessibility, and public safety needs.

Trail Construction, Maintenance, and Signs - Generally, CPW personnel shall act in an advisory or coordinating role in OHV trail maintenance, construction, planning, or signing operations. Requests for assistance from OHV clubs or other government agencies should be made to the CPW's Motorized Trail Program Manager who shall coordinate schedules through the regional trail coordinators. CPW personnel may participate in trail construction, maintenance, and signing activities where OHV access is permitted. However, work plans and schedules for CPW personnel participation shall be reviewed and approved by the appropriate regional staff and/or park managers.

Standard trail signing materials may be furnished by CPW to other government agencies and OHV clubs through the annual OHV grant application process. However, before any materials are released by CPW, OHV clubs shall obtain permission from the public land owner or manager to sign trails. Trails shall be signed and maintained in accordance with OHV trail standards adopted by land managers in cooperation with CPW. CPW will not be responsible for actual trail maintenance and signing operations on non-CPW managed lands. In circumstances where OHV trail opportunities exist adjacent to CPW controlled lands where OHV recreation is permitted, it may be within the interests of the CPW to provide funding for trail work in those areas. In these cases, plans and schedules shall be reviewed and approved by the appropriate regional staff and/or park managers.

Enforcement - CPW officers shall conduct law enforcement patrols on non-CPW managed lands. The purpose of these patrols is to ensure compliance with state statutes and regulations and the promotion of OHV responsible recreation and safety. CPW personnel shall enforce all OHV statutes and regulations including registration compliance as part of their duties. CPW's Motorized Trail Program Manager shall coordinate patrol schedules with the appropriate regional staff and/or park managers.

D. Safety Certification Program

CPW personnel, who are certified as instructors, may conduct OHV safety certification programs for OHV operators throughout Colorado and CPW agency staff on an as needed basis.

It is recommended that CPW field personnel who use OHVs as a requirement of their employment with CPW attend and receive a OHV safety certificate.

IV. ENFORCEMENT

This directive replaces Parks and Outdoor Recreation's Policy B-325 Off-highway use on roads and lands administered by the Division of Parks and Outdoor Recreation, dated May 1991. This directive remains in effect until superseded or rescinded by the Director of Colorado Parks and Wildlife.

Administrative Directive No. OG-11 is approved 7 March 2022 by:



Dan Prenzl, Director
Colorado Parks and Wildlife