



ISSUES AT A GLANCE 11-23-17

This section is designed to highlight various issues where COHVCO, TPA, CSA and their partners and local clubs are defending public access to public lands. This glance at the issues is not an exhaustive list of the issues we are involved with, but rather is highlighting issues of statewide importance or interest. Many local issues have been favorably resolved with recent efforts but are not listed here due to space limitations. We have identified the user groups most directly impacted by each issue with a logo next to each issue.

RECENT WINS

1. Heliski permit expansion outside Silverton- NEW



Silverton Ski area sought to provide a significant expansion in terrain available for heli-skiing operations. This immediately caused concern due to the use of explosives in the existing heli-ski area for avalanche mitigation. In areas where heli-skiing was occurring this practice has resulted in lost multiple use opportunities in the area. The permit expansion was granted with the prohibition that explosives may not be used for any reason in heli-skiing operations, which should significantly minimize conflict between uses in these areas. The Organizations will continue to monitor the situation.

2. Bear Creek Trails reopened- NEW



The Organizations and their partners are proud to announce that the new single track trail developed to replace lost opportunities in the Colorado Springs area has opened. The old trail network was lost as a result of concerns regarding genetically pure cutthroat trout habitat on Pikes Peak Ranger District. This project highlights the value of the OHV grant programs and a

diverse range of interest coming together on the issue and overcoming a wide range of unexpected challenges.

3. COOP/ Collaborative Efforts- NEW



The Organizations have been active participants in a wide range of new collaborative efforts including the COOP group that was convened by the Governor to try and unite recreational and conservational interests in the state. Preserving multiple use opportunities is our major concern along with addressing challenges like poor forest health, declining budgets and increasing demand. The Organizations feel strongly that the pool of funding sources must be expanded in order to address expanding recreational opportunities and funding increases should not be provided by those that have paid to play for decades. The Organizations are also participating in numerous other working groups, such as the State Forest Health committee.

4. Bears Ears Monument Designation Review- NEW



The Organizations were thrilled when Secretary Zinke announced there was serious consideration regarding significantly reducing the size of the Bears Ears National Monument that was designated in the final days of President Obama term. This designation was done despite significant local input that sought to manage much of the monument in a manner that was not supported by the designation. President Obama designation of Bears Ears put many important and highly used motorized recreation areas at risk and failed to identify antiques that justified the designation of more than 1 million acres in western Utah. Amending the proclamation will insure these important recreational areas are available for the public in the future.

5. State Legislation providing increased protections to clubs performing land stewardship activity on public lands –



SB17-100 provides an increased level of negligence protections and removes several contracting requirements related to state grants for clubs performing land stewardship activities on public lands. Many clubs were not able to cost effectively obtain insurance required for OHV grants. This Legislation makes it easier for clubs to get insurance at reasonable rates and continue the great work for the benefit of the public.

6. BLM Planning 2.0 withdrawn- Updated



The Bureau of Land Management recently developed a new planning process that governed how much of their local planning process (Field Office Resource Plans and similar) would proceed. The Organizations expressed serious concerns regarding the lack of public input surrounding the development of the Proposal and about the imbalance of resource protection

in the plan with multiple uses. While citizen inventory for Wilderness and Areas of Critical Environmental Concern would be much easier to submit, public time to respond to these proposals was seriously limited. Several Field Offices moving forward under the new planning rule were proposing major closures and only brief public comment opportunities. This would have been a serious burden on multiple uses. Congressman Tipton championed a resolution of non-support for the BLM Planning Rule in the US House and this resolution has passed both the House and Senate (supported by Sen. Gardner and was signed by the President. Hopefully a far more balanced rule can be developed in the future.

The Organizations have provided extensive input regarding areas where BLM planning efforts need to be improved to reflect multiple use principals in planning and insure that local input and concerns are meaningfully addressed. We are optimistic that any new planning rule from the BLM will be far more balanced than BLM 2.0 was.

7a. HB 1030 allows expanded OHV usage of County Roads-



COHVCO efforts at the Capitol resulted in passage of new Legislation (HB 1030) in Colorado expanding usage of OHV's on county roads. This was a multiple year effort that should bring greater consistency between counties allowing OHV usage of county roads to connect trailheads. Often time's county roads provide important connectivity for trail networks and allow riders to come into town for fuel, supplies and lodging.

7b. Local communities expand access under HB 1030 -



The groundswell of local community support for HB 1030 has been overwhelming as more than two dozen municipalities have opened some or all county roads to OHV usage. Every day we learn of more communities seeing the value of OHV recreation and improving access to their community. This local groundswell has moved to the point that communities that are not improving OHV access are falling behind the normal level of access for the OHV community and may lose economic contributions as users move to communities that have addressed access limitations. Several communities have also turned down Proposals that would have closed county roads to OHV traffic.

8. Endangered Species Act reform -



The Organizations remain involved in a wide range of efforts to revise and improve the effectiveness of the Endangered Species Act. While we all support the goals of the Act, the Act has become a cottage industry for certain anti-access groups to sue land managers. In addition several class action lawsuit settlements have caused a huge degree of uncertainty into any decision making. As a result land managers are afraid to undertake basic maintenance and often close trails simply to appear proactive on issues. Our efforts/comments have included:

a. The Organizations were thrilled to be invited to recent efforts being undertaken by the Western Governors Association regarding species conservation and reform of the Endangered Species act. We have provided extensive comments on these issues and were pleased when much of the concerns in these comments were adopted into the WGA resolution on ESA reform.

b. The US Fish and Wildlife Service recently increased the threshold to be achieved in order to petition the Service to list a species, which should avoid the ongoing resubmission of the same information on a species simply because the petitioner did not like the answer they got regarding their last petition.

c. The US Fish and Wildlife service has been revising their internal handling of the ESA petitioning process. This new process should make it easier to protect species where there is good science supporting the concerns and avoid listing of species where the scientific basis for decline is unclear and avoid listing due to a need to appear to “do something” to protect a species. COHVCO/TPA vigorously supported these efforts.

d. Additionally, the Government Accounting Office recently completed a report that the “Sue and Settle” mentality around ESA listings has become a major barrier to the FWS being able to move forward with listings and benefit species on the ground. This report will be a major tool moving forward.

9. Federal Economic Legislation-



COHVCO and partners were elated with the passage of federal legislation (Sponsored by Sen Gardner) requiring development of a report to Congress regarding the national economic contribution of outdoor recreation. This report would be a joint project between land managers and the Department of Commerce, which should result in an accurate calculation and avoid the tragic undervaluation of recreation in federal lands planning that has become all too common.

LAWSUITS

1. Pike /San Isabel MVUM challenge-



The first suit was filed on January 31, 2011 by anti-access plaintiffs including The Wilderness Society, Quiet Use Coalition, Wildlands CPR, and Center for Native Ecosystems and Great Old Broads for Wilderness regarding the Pike and San Isabel Forests. COHVCO and TPA intervened with the Forest Service to defend this lawsuit, which could impact every MVUM that has grandfathered existing routes. These defense expenses are being born solely by motorcycle advocacy groups to this point, despite minimal potential risk to this user group who most

commonly uses trails rather than roads. This case seeks to remove any trails that predated NEPA and were grandfathered in the creation of PSI MVUMs. **This lawsuit has been settled - more information is available on next steps in the usage and concerns section.**

2. Idaho Winter Wildlands next round-

NEW



CSA has been involved in supporting the next round of litigation against the Forest Service by the Winter Wildlands Alliance regarding winter travel. This next round of litigation challenges the OSVUM maps that were published on the Boise, Payette and Bridger Teton National Forests in Idaho based on existing winter travel planning, as was explicitly provided for in the previous settlement. Winter Wildlands immediately sued on a variety of grounds that look surprisingly similar to the original litigation and Idaho Snowmobile has intervened. We are supporting Idaho snowmobile efforts as clearly this litigation will be precedent settling within the USFS.

3. Rico West Delores Travel Plan

NEW



The TPA and San Juan Trail Riders are challenging the decision document issued regarding the West Delores/Rico area on the San Juan NF. This document simply fails to account for multiple use recreation and closes some of the best single track riding in the State, despite these trails being in use for almost 100 years. Currently this appeal is in administrative review stages of appeal. For the most up to date on this issue can be found here:

<http://www.coloradotpa.org/news/>

Recreational usage issues and concerns:

1. Pike/San Isabel NF planning efforts

NEW



The Organizations remain involved in efforts around developing a proposal to satisfy the lawsuit settlement around existing road designations on the Pike/San Isabel NF. These efforts would include identifying that the OHV community was asked for almost \$1 million in grants for maintenance of opportunities on the PSI last year. This type of partnership would be stressed by large scale closures of roads on the PSI. Additionally, the Organizations remain strong on asserting that moving a designated road to a designated trail would satisfy the settlement terms and that any management decisions being made must apply best available science on issues, which often clearly identifies that motorized recreation is not a major threat to species.

Given the fact that roads and the interpretation of the minimum road system ("MRS") are clearly going to be major challenges in planning efforts on PSI the Organizations are concerned that any closures would disproportionately impact the large vehicle type user groups such as full size 4x4 and Side by Side users.

2. Gunnison Public Lands Proposal – NEW



The Organizations and partners are involved in the discussions around this Proposal. We are very concerned about the direction of the Proposal, even though Legislative support appears to be minimal. While several important recreational areas have been removed from possible Wilderness designation there has been no discussion regarding the designation of these areas in the legislation to protect and preserve these multiple uses in these areas, which is a protection that must exist for any areas found unsuitable for Wilderness designations. Other areas with motorized usage remain at risk. This Proposal needs significant improvement to achieve the balance of usages and diversity of support that was achieved in the Hermosa Watershed Legislation.

3. Rio Grande Forest Plan- NEW



The Organizations have been very involved in all phases of the Rio Grande Forest Planning efforts and are pleased to announce that the preferred alternative in the draft plan proposes no reductions to motorized access to the forest moving forward. Clearly the poor forest health is a larger challenge on the forest than multiple use recreation ever could be. One alternative actually expands access by more than 20% on the Forest. In addition the Proposal recognizes the threats that poor forest health pose to the Forest and to the economic benefits that continue to flow from forest activities to local communities. Obviously we are optimistic on this forest plan and will be submitting extensive comments supporting the expanded opportunities and opposing development of corridors around the Continental Divide Trail.

4. GMUG Forest Plan- NEW



The Organizations have been very involved in the public meetings that have occurred regarding development of the new GMUG National Forest Plan and have submitted extensive comments to the Forest. These have centered around; 1. The illegal nature of proposed exclusionary corridors around the continental divide scenic trail of up to 1/2 mile; 2. The need to address the exceptionally poor forest health on the GMUG, which is a major challenge to all recreational usage; 3. Addressing recreational opportunities on the forest to provide high quality experiences for a growing visitor base; 4. The importance of the OHV grant program in providing these opportunities; 5. The lack of need for any new Wilderness like management;

and the economic importance of motorized opportunities to communities throughout Colorado.

The Organizations anticipate a draft plan from the GMUG in the near future.

5. UFO BLM Resource Plan -



The BLM Uncompahgre Field Office is developing a new resource management plan for the Field Office. While the UFO has been providing balanced recreational opportunities for an extended period of time, the Organizations submitted extensive comments regarding major expansions of Areas of Critical Environmental Concern and Wilderness Characteristics areas in the Proposal. The Organizations are hopeful these concerns can be resolved and the UFO will continue to provide the high quality multiple use recreational opportunities it has provided in the past.

6. White River BLM Resource/Travel Plan-



The Organizations submitted vigorous extensive comments opposing much of the proposed closures and restrictions in this plan, which resulted from major expansions of Wilderness Characteristics areas and Areas of Critical Environmental Concern. This directly contradicted many local community planning efforts that directly targeted development of these areas for multiple use recreation. This Proposal was moving forward under the BLM Planning 2.0 process, which was recently withdrawn. This Proposal was a poster child for our concerns under the new Planning rule their existing rule was finalized in the late 1990s. In 2004 a citizen inventory of ACEC and WCA was submitted, but the agency never moved on this document as it was not timely in relation to their planning process. The Field Office then adopts these inventory as objections to a 2012 Oil and Gas Amendment to the 1990s Plan. These ACEC and WCA proposals were then included in the travel plan being developed for the Office without notice required for the public.

7. COHVCO Economic Contribution study released-



COHVCO has obtained a grant from the CPW OHV grant program to undertake a complete review of their 2001 Economic Contribution study. While this study has been periodically updated, concerns arose about its age and changing spending profiles of the OHV community, such as side by sides costing 5x or more the cost of an ATV in 2001. This study has been completed and is now available to the public, and may be downloaded on the COHVCO website. This study concludes that OHV recreation contributes more than \$2 Billion annually to the Colorado economy (more than double last estimates) and accounts for more than 16,000 jobs in the state.

9. The USFS has released a new proposed winter travel management rule.



The Proposed Rule recognizes: 1. Off trail snowmobile riding is a valid usage of NFS lands that should be continued, and is highly valued especially in the Western United States; 2. The proposed rule continues existing management decisions regarding over the snow vehicles, which means the riding area boundaries will not change as a result of the new rule and riding opportunities you will have this year are the same areas as you had last year; and 3. The proposed rule recognizes that open riding area boundaries are significantly larger for winter travel than summer travel.

Extensive comments were submitted and we are optimistic that the final rule will be similar to the proposal. CSA is exploring the development of winter travel maps and dissemination of these maps through smart phone and Garmin applications with the USFS and local clubs.

10. Magnolia Proposal on Boulder Ranger District -



COHVCO, TPA and CSA are opposed to the preclusion of multiple use recreation under this Proposal on the Boulder Ranger District. This area has a long history of high quality multiple use trails and recreation and the Organizations believe the proposal is simply off base. It is also difficult to reconcile the funding issues that are cited as a barrier to reopening Lefthand Canyon area with a proposal similar to this moving forward. The USFS has asserted that a new collaborative process will be developed to resolve the many outstanding concerns from numerous sources regarding this Proposal before the project moves forward.

11. Efforts to insure that grant funding is timely and easy for clubs to use.



In conjunction with SB17-100 development, the Organizations have worked with CPW to streamline the entire OHV grant process. This has resulted in the grants often being received by recipients months sooner than the year before. This funding is becoming more and more important to trails programs with the rapid declines in money that is available through the federal agencies for recreation.

12. Wilderness Proposals- UPDATED



The Organizations remain heavily involved in the numerous Wilderness proposals that threaten continued recreational access to large portions of the state, including Hidden Gems, and its variations, the San Juan Wilderness proposals and others. Meaningful analysis of these issues and proposals finds that Wilderness creates more trouble than it resolves and negatively impacts most users.

The Organizations just released a new publication highlighting the stark contrasts between the benefits that Wilderness advocates assert in their proposals and the negative impacts that disinterested third parties find result from Wilderness designations. That document is available here: http://coloradotpa.org/documents/2014_0918_WildernessEnoughisEnough.pdf

The Organizations have also developed a draft proposal opposing many of the site specific Wilderness Proposals and seeking to affirmatively protect multiple use recreation on many areas that have been withdrawn from earlier Wilderness legislation with Legislative Protections of multiple usage as a priority usage of the areas. Additionally this Proposal would release several Wilderness Study areas and protect multiple use in several areas where significant closures in the planning process are being considered.

13. FLREA site specific fees - NEW



The Organizations have recently been heavily involved in discussions regarding the future process to be used to review site specific fee increases for users of developed recreational sites in Colorado. This has included significant public review and process being required before any fee increase could be implemented. The Organizations also vigorously asserted that the imposition of any fee for use of facilities developed or maintained with OHV grant funding was completely unacceptable to the motorized community, as these programs are now providing approximately \$1.25 to federal land managers for every resident of the state. It is unfair to ask the motorized community to increase support further when other user groups provide no funding at all. Protections were put in place to insure these types of issues were avoided in the future.

14. 2018 COHVCO Workshop- NEW



We are changing things up a little this year for our OHV workshop. We are going to be providing a very technical trail building workshop this year and only giving quick updates on many other issues. The workshop will be based on the new Great Trails book from NOHVCC, which is available here for download here: <http://gt.nohvcc.org> so you can understand the direction the workshop is headed

We will still do a classroom portion and an "in the field" portion, which will be very hands on and of limited value if you are not operating a trail dozer. While attendance at the classroom portion can accommodate a larger groups similar to previous years, the maximum number of people is about 30 for the "in the field" portion of the workshops at each location.

When:

June 22-24, 2018
July 13-15, 2018

Where:

Canon City CO
Dillon CO

15. NOHVCC Trails handbook -



NOHVCC (One of the Organizations' strong national partners) has developed an exceptional new resource for land managers which is a 300 page color manual for the development and maintenance of motorized routes and trails. TPA has secured 100 copies of this book and is currently circulating them to land managers throughout the State to allow them to effectively protect trails and prove the quality of the design in protecting resources. This document is available for download free of charge here: <http://gt.nohvcc.org>

16. Taylor Pass closure to camping



Grand Mesa, Uncompahgre and Gunnison National Forests leaders are proposing to close the Irwin area, north of Crested Butte, and the Tincup area, southeast of Taylor Reservoir, to dispersed camping from Memorial Day to Labor Day. Camping in campgrounds will still be allowed at the Lake Irwin and Mirror Lake campgrounds. These areas are receiving increasing numbers of dispersed campers, user-created roads and spurs and successional occupation during the summer months, U.S. Forest Service leaders say. Additionally, increased use of motor vehicles off the designated roads, trailers and motorhomes with associated group camping are causing significant impacts. The Organizations were vigorously opposed to this Proposal are seeking alternatives to be developed to avoid closure.

17. Travel Management should be properly balanced with other issues facing land managers-



The Organizations were surprised when several national groups, including some motorized, took the position that completing travel management should remain a priority for land managers. The Organizations opposed travel management being arbitrarily elevated above other management concerns, some of which are of farther ranging and more significant impact that travel management could ever be. Land managers must be able to prioritize threats in their locality based on the scale of the threats rather than to conform to national objectives.

An example of why elevating travel management above other concerns makes little sense in Colorado would be based on recent research on the poor forest health in Colorado, which found 17% of all trees in Colorado are dead. This results in greatly increased risk to recreational usage of these lands due to catastrophic wildfire and significantly increased risk to the health safety and welfare of communities surrounded by forests of dead tree s and relying on these lands for basic resources such as water. Any assertion that completing a travel plan in landscapes decimated by exceptionally poor forest should be a higher priority than providing basic sustainability would lack factual basis and not be supported by the public in these areas. Managers should be allowed to look at threats to public lands in relation to the priority of

threats and not to comply with concerns of particular user groups.

**18. Federal Legislation on permits
GO ACT (HR 289) and RNR (HR3400)**



The Organizations have provided extensive comments on both the GO Act and the Recreation Not Red Tape Act. The Organizations supported the GO act would greatly streamline the permitting process for events on federal lands and provide these permits in a far more cost effective manner. The Organizations have expressed serious concern regarding the recreation and not red tape act as it would result in a significant amount of new red tape around planning efforts, and identifying a short list of priority national trails has little value as directing national efforts to a small number of trails reduces the support for the rest of the trail networks on public lands.

**19. Milk Creek Closure
NEW**



A new landowner has closed a historic access to the Mill Creek Trail on Forest Service property on the Gunnison NF. The three local (Salida, Sargents and Gunnison) clubs and TPA are working with the USFS to reestablish access to these important recreational opportunities.

**20. Grand Junction Coordinator
NEW**



TPA has established an onsite TPA representative to work with the FO and local clubs on a strategic multi use single track recreational plan and avoid development of master plans that only target a single user group.