



March 18, 2016

Representative Jason Chaffetz  
Att: Fred Ferguson  
2236 Rayburn Office Building  
Washington, DC 20515

Representative Rob Bishop  
123 Canon Office Building  
Washington, DC 20515

RE: Public Lands Initiative

Dear Representatives Bishop and Chaffetz:

Please accept this correspondence as the comments of the Off-Road Business Association ("ORBA") and Trail Preservation Alliance ("TPA"), Colorado Off-Highway Vehicle Coalition ("COHVCO") and Colorado Snowmobile Association ("CSA") with regard to the Public Lands Initiative ("PLI") your offices have been developing in partnership with a wide range of communities. For purposes of these comments, CSA, ORBA, COHVCO and TPA will be collectively referred to as "the Organizations." The Organizations would like to vigorously thank your offices for their efforts to date on this issue and are intimately aware the process has been long, complex and probably stressful for everyone involved. While many of the Organizations providing these comments are most specifically addressing recreation in Colorado, these Organizations see the precedent setting nature of the PLI efforts and are aware that many of our members utilize Eastern Utah public lands at times when recreational opportunities are limited in Colorado due to heavy snowfall.

Prior to addressing the specific comments regarding the Proposal, a brief summary of each Organization is needed. ORBA is a national not-for-profit trade association of motorized off-road related businesses formed to promote and preserve off-road recreation in an environmentally responsible manner and appreciates the opportunity to provide comments on this issue. The Colorado Off-Highway Vehicle Coalition ("COHVCO") is a grassroots advocacy organization the 150,000 registered OHV users in Colorado seeking to represent, assist, educate, and empower all OHV recreationists in the protection and promotion of off-highway motorized recreation throughout Colorado. COHVCO is an environmental organization that advocates and promotes the responsible use and conservation of our public lands and natural resources to preserve their aesthetic and recreational qualities for future generations. The Trail Preservation Alliance ("TPA") is a 100 percent

volunteer organization whose intention is to be a viable partner, working with the United States Forest Service (USFS) and the Bureau of Land Management (BLM) to preserve the sport of trail riding. The TPA acts as an advocate of the sport and takes the necessary action to insure that the USFS and BLM allocate to trail riding a fair and equitable percentage of access to public lands. Colorado Snowmobile Association ("CSA") was founded in 1970 to unite winter motorized recreationists across the state to enjoy their passion. CSA advocates for the 30,000 registered snowmobiles in the State of Colorado. CSA has become the voice of organized snowmobiling seeking to advance, promote and preserve the sport of snowmobiling by working with Federal and state land management agencies and local, state and federal legislators.

We are making these comments as a supplement to the route specific comments from local OHV groups. The Organizations vigorously support those comments. The Organizations would like to share some of the landscape level issues we have encountered in planning processes with the Federal agencies. The Organizations submit that avoiding these issues will be a significant step to avoiding controversy in future and facilitating successful implementation of the landscape level objectives sought in the PLI. The Organizations submit that many of the amendments and changes proposed herein are not substantive in nature and further clarify the intended management of these areas in a manner consistent with the intended management of the area and can be done without further public process.

**1. Timing and significant changes to boundaries.** While we do have some concerns regarding specific areas or boundary lines proposed in the PLI and their impacts to multiple use, we strongly urge that any additional closures or restrictions to public access be avoided. The Organizations have participated in collaborative efforts to foster legislative requirements on public lands on a smaller scale in other states, such as the Hermosa Watershed Legislation recently passed in Colorado.

As a result we are aware that there are often last second attempts to change the legislation by those groups opposed to public access to public lands, despite involvement of these Organizations in the collaborative process. We strongly urge your Offices to resist these efforts, as it has been our experience that claims of a lack of participation or understanding of the public are made against the collaborative efforts in an attempt to further that Organizations interests. If there should be any changes to the Proposal boundaries as a result of issues that might arise after the collaborative efforts have basically concluded, that the collaborative efforts should be reconvened by parties that may be impacted in order to insure that consensus is carried forward. The Organizations submit that the PLI provides for a balanced usage of the areas to be managed. The Organizations are aware that once an area is closed to public access it is only rarely reopened.

**2. National Park Service management of OHV routes is a serious concern.** The Organizations are **VERY** concerned that the Proposal will result in several OHV routes being managed by the National

Park Service ("NPS"), such as the expansion of Arches National Park into areas where there are currently existing OHV routes. Overall the model of management for a NPS directly conflicts with dispersed recreational usage of areas synonymous with Eastern Utah and trying to be preserved by the PLI. It has been the Organizations experience that the NPS management provides narrow winding corridors of exceptionally high usage for the public in Park that is managed in a manner similar to a Wilderness area. Often NPS areas are managed to far more stringent air and water quality standards than other public lands, which poses a long term challenge to dispersed OHV recreation on NPS lands. While routes may remain open under NPS management, the recreational experience provided is exceptionally different and is simply not the public access that the PLI seeks to protect as often the NPS applies strict group size, permit requirements and other restrictions on any OHV route they manage.

The Organizations would be remiss if the relationship of the PLI management change in proposed management of these routes and the recent stringent permit standards and limitations on group sizes on trails applied by the NPS on the White Rim and Elephant Hill trails on Canyonlands National Park was not addressed. These changes were made despite dispersed motorized trail based opportunities being clearly and specifically identified for protection in the Canyonlands NP foundational documents. The Organizations would also point to the experiences of the snowmobile community involving Yellowstone NP, where both the volume and quality of OSV travel has been severely restricted to the public by the Park Service in an attempt to manage in conformity with NPS requirements. While the Yellowstone OSV opportunity is unique, it simply is no longer coveted in a manner similar to the experiences outside Yellowstone by the snowmobile community as there are strict permit requirements, group size limitations, low speed limitations and strict emissions requirements for any snowmobile used in the Park to comply with NPS management objectives.

While OSV/OHV usage is permitted in Canyonlands NP and Yellowstone, OHV/OSV usage under NPS management has taken a significantly different direction in terms of experience provided than OSV/OHV travel on USFS or BLM lands. The Organizations submit that expansion of management of Arches National Park into areas that involve dispersed OHV recreation should be reviewed and possibly switched to the BLM management. It has been our experience that the National Park Service is simply unfamiliar with the management of dispersed OHV routes or recreation and have not provided the high quality dispersed recreational experiences that have become synonymous with Eastern Utah. This is a cause for concern as the Organizations believe this lack of familiarity could result in the long term closure of these routes.

The Organizations are also aware that a National Park Service is managed to far more restrictive air quality and soundscape standards than areas of public lands that are under USFS or BLM management. These heightened standards can have significant impacts to OHV recreation as exemplified by the usage of OSVs in Yellowstone NP which has clearly proven these standards can have drastic impacts on the levels and quality of motorized recreational opportunities that are provided in the Park. The Organizations are also aware that any time there is a possible impairment

of these NPS standards in the long term, restrictions on OHV routes will be immediately looked at, such as changes recently made to the White Rim and Elephant Trails in the Canyonlands National Parks. While OHV usage of these areas was specifically provided for in the management of Canyonlands NP, restrictions were immediately implemented when these usages were found to conflict with general park service management requirements.

The Organizations are very concerned that the ongoing usage of routes in the areas to be within the expanded boundaries of Arches NP will result in a significant planning burden to users and the NPS moving forward. An example of this type of burden would involve the ongoing usage of snowmobiles in Yellowstone NP. While snowmobiles are still permitted, this usage results in a significant planning and administrative burden on the NPS that is often transferred to user groups. While Yellowstone NP permits snowmobile usage the ongoing administrative burden that results from this usage is immense as there is ongoing analysis of numerous factors involved in snowmobile usage. The Organizations would be remiss if the burden that this will place on local clubs and associations was not noted. This must be avoided as the Organizations are very concerned that this administrative burden will eventually become too much for users and cause the eventual loss of these routes.

**3. Wilderness inventory-** The Organizations are intimately familiar with the fact that there are several provisions of FLPMA and the Wilderness Act that require an on-going inventory process for public lands availability for Wilderness designation. The Organizations welcome the hard release of several WSA areas in the PLI. The Organizations submit that there is a strong need to clarify that areas outside of designated Wilderness should no longer be inventoried for Wilderness designation in the future. The Organizations are aware that land managers often seek to replace Wilderness inventory requirements with management of areas under "Wilderness Characteristics" type standards, which should be addressed in the PLI as well. It has been our experience that Wilderness characteristics do not improve in any areas that remain open to all public usage and given the clarity of management provided by the PLI, the Organizations do not believe Wilderness like characteristics in any area will expand. Population pressure continues to grow and the public wants to recreation and there is an on-going shadow that is cast over any area inventoried for Wilderness, even if the area is found unsuitable for designation. The Organization submit that the shadow of Wilderness review must be clearly excluded from areas outside Wilderness areas given the growing populations and desire for all forms of recreation.

The Organizations vigorously support the management clarity provided by the specific release of the 6 land areas that were previously inventoried for Wilderness characteristics. These areas are important to the multiple use community and the release of these areas back to multiple usage management is important for our users. The cloud of possible Wilderness designation at some point in the future has cast a shadow over the management and utilization of these areas for too long. The Organizations believe that avoiding creation of similar shadow of Wilderness type areas in the future should be clearly and firmly addressed in the PLI.

**4. Trail Construction, maintenance and relocation** - The Organizations are aware that several SRMA specify that trail construction can occur in these areas, which the Organizations welcome and support. The Organizations are also aware that heavy trail maintenance can be critically necessary as natural disasters can strongly impact areas. The authority to undertake each of these activities should be clearly stated in relevant provisions of the PLI in order to avoid impacts from the need for extensive administrative review in the future.

The Organizations would also urge that the principal of a trail corridor be adopted in order to allow slight movements of identified routes to address issues with errors in mapping of the route or impacts from natural disasters or other issues that changes to the landscape. The Organizations are not aware of the level of confidence that is had in the mapping of routes for the PLI, but the Organizations are aware that mapping technology has advanced significantly in recent years and the technology advances have identified that many trails are simply not accurately identified on any map despite the route being present for the better part of a century. Impacts to multiple use recreation should be avoided that result from advancing technology and the PLI provides a vehicle to address this issue. These corridors could also be relied on to adjust routes to be preserved to address possible private land issues that might be discovered later. Often an entire trail is lost due to a very short incursion of the route across a mining claim or right of way.

**5. The management of cultural resources are elevated beyond a balanced multiple use of trail areas.** The Organizations submit that the management of possible cultural sites in the PLI should be continued under current multiple use planning requirements<sup>1</sup>. The PLI **clearly** elevates possible cultural resource sites to a management priority that is above multiple use balance as a "minimization of impacts" is now clearly required for any cultural sites. This new heightened standard for management of cultural sites will create a significant threat and ongoing basis for the impairment of routes that may only tangentially impact cultural resource sites. Currently cultural sites are protected under multiple use planning requirements and a non-impairment requirement would draw any route in a possible cultural site into question in the same manner that ongoing Wilderness Inventory requirements have presented to routes in inventory areas. Management of these routes to a standard that requires minimization of impacts standard is a significant change which we believe puts these routes at greater risk of closure that under the balance of uses of these areas under current multiple use standards.

The Organizations submit that §704(a)(2)(ii) of the PLI must be amended to remove the requirement of "minimization of trail impacts to cultural resources" as the management standard to be applied for all routes in the PLI planning area. The Organizations are further concerned that the minimization criteria for cultural sites is reflected in numerous standards throughout the PLI, such as §903(B)(i)(I), where a standard of "damage" is only required to temporarily close a route. It has been the

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<sup>1</sup> See, 43 USC §1701 et seq.

Organizations experience that the standard of "damage" is highly subjective and often a controversial issue in planning. Many interests opposed to multiple use take a hard stance on damage and require large closures to public access to protect marginally important sites. As a result, the Organizations submit that a standard or process for the assessment of "damage" on a site specific level must be explicitly and clearly provided for in the PLI.

The Organizations are also very concerned that the elevated "non-impairment" standard for the protection of cultural resources could have severe negative impacts on efforts to resolve issues in cultural sites in the future. The Organizations are aware that when discussions about a particular cultural site occur under current "balancing of multiple use" management standards any discussions regarding the balancing of trails and cultural sites is difficult at best. The mere possibility of a cultural site being in the area triggers confidentiality provisions of §106 of the National Historic Preservation Act and precludes any meaningful discussion of balancing usages of the area. By elevating cultural resources outside the multiple usage category, these discussions become even more difficult to undertake for users who are often trying to preserve cultural sites so they can be used and appreciated by those seeking a multiple use recreational experience.

The Organizations concerns regarding the elevated status of cultural resource sites above other multiple uses are neither abstract or remote as BLM management plans for the Grand Junction and Colorado River Valley Offices in Colorado have closed significant numbers of routes for alleged cultural resource impacts by applying large scale prohibition boundaries around any possible sites, even those that are found to be ineligible for listing on the National Register. Many of these sites are clearly identified by the BLM Offices as ineligible for listing as they are trash scatters, campsites or of unknown value which will never be inventoried but mandatory closures around all these sites are clearly applied. Protecting such sites under a non-impairment standard would be very concerning for us.

Mandatory closures were also applied to possible cultural areas in the Grand Junction and Colorado River Valley field Office plans without analysis of many site specific factors, such as management decisions previously made and the natural deterioration of the sites due to the passage of time. These mandatory closures are applied by BLM Offices which are currently managing cultural sites under multiple use mandates. When cultural sites are elevated above other multiple uses with a non-impairment standard, impacts to multiple use from overly protective applications of management standards become of even more concern as factors of analysis such as the passage of time and previous management of the area are no longer relevant to the analysis process. The Organizations do not believe these long term impacts to multiple use are consistent with the goals and objectives of the PLI efforts.

**6. Wild Horse and Burro management.** The Organizations are not opposed to the management or presence of wild horses and burros in the planning area. Our experience has been exactly the opposite as wild horses and burros provide exceptionally unique recreational opportunities for the

general public when they are viewed. It has been the Organizations experience that Horse and Burro management is again a usage that is elevated above other multiple uses and in certain areas has been the basis for significant loss of access to public lands. It has been the Organizations experience that when Wild Horse and Burro areas are designated or expanded, routes in these expanded areas are immediately lost. Management of these areas and issues should be clearly addressed in the PLI, as issues such as this could directly and significantly impact the ability of the PLI to achieve its goals.

The Organizations submit that more specific comments on these issues cannot be submitted at this time as BLM mapping of PLI lands is simply not detailed enough to address impacts to particular routes or areas. The Organizations submit this is an issue where significant barriers to achieving PLI objectives could be present and not addressed in the PLI and again would be an area to be utilized by those opposing public access to public lands in the future.

**7. Economic importance of recreation to the PLI planning area.** The Organizations submit that no matter how complete our review of possible threats to recreation and public access is provided for in the development of the PLI, there will be issues that are overlooked and must be managed for in the future. The Organizations submit that the clearly addressing the economic importance of recreation to local governments in the PLI will insure that even when future planning is undertaken that the economic importance of recreational usage of these areas is not overlooked or minimized. Currently the only economically related issue that is addressed in the PLI is native American economic development (Title X) and forestry §703(2)(c). The Organizations are aware that one of the cornerstones of the PLI efforts is to protect the economic contributions to local PLI communities and this is not achieved when only the economic benefits of forestry and Native American communities are identified for protection.

**8. Snowmobile travel and areas should be addressed and protected in the PLI.** The Organizations are aware that there are numerous valuable snowmobile areas within the PLI planning areas some of which could be lost due to expansions of Wilderness areas in the High Uinta area proposed to be designated as Wilderness under the PLI. The Organizations are aware that there are several other areas of concern for the Utah Snowmobile Community and provide this area as an example of their concerns rather than an exhaustive list.

The Organizations are also concerned that the concept of an "open riding area" is far more important to snowmobile usage("OSV") than in OHV travel and this concept is not addressed or protected in the PLI. For snowmobile recreation, the route is only a tool utilized as a means to get to the large open area that is used for the desired recreational opportunity. The value of these large open riding areas was recently recognized by the USFS as part of their new Winter Travel Management Rule. The Organizations would be very concerned that protection of large open areas was not addressed in the PLI or was significantly inadvertently diminished in attempts to protect routes for summer travel in the PLI.

The snowmobile community is a user group that is currently facing many challenges as a result of the settlement of the Winter Wildlands litigation by the USFS in Idaho district court. This decision requires the USFS to provide maps for winter motorized recreational areas and as a result most open riding area designations and levels of access to public lands that are highly valued by the snowmobile community are at risk from many of the same challenges that are being addressed in the PLI. The Organizations believe the PLI efforts could help in resolution of some of these concerns for the snowmobile community in Utah.

In the PLI legislation there are specific requirements for the development of SRMA management plans for OSV travel within 2 years. This hard deadline is a significant negative impact to the OSV community as while the USFS is required to print maps for OSV usage under the settlement, there are no hard deadlines for compliance with this requirement in the settlement agreement. The Organizations vigorously submit that one of the uniform goals of the PLI efforts, mainly that public access to PLI managed lands be protected from impairment, is not furthered by placing hard deadlines on a planning process that is open ended currently.

While summer multiple uses are specifically protected in the PLI, winter motorized recreation is specifically excluded from any protection other than usage on areas with more than 6 inches of snow. The Organizations would encourage your offices to connect with the Utah Snowmobile Association in order to more completely address this issue as there are significant benefits from PLI efforts that could be conveyed to the snowmobile community. Possible resolutions may include clear language that OSV travel is not being addressed in SRMA management or the development of management clarity in the PLI for OSV usage in a manner similar to the clarity provided for summer multiple use. The Organizations are more than willing to assist in making those discussions happen.

**9. Maps.** The Organizations are aware that distribution of even general landscape level maps is not provided for specifically in the PLI. The Organizations submit there needs to be a process where there is agreement between the OHV community and land managers regarding the levels of access that are available in particular areas and clearly a map is the most effective manner to obtain this. The Organizations vigorously assert that multiple copies of this document should be filed with various federal, state and local governmental agencies and user groups. It has been our experience that too often maps that are created with Legislation are not locatable within a very short period of time due to turnover in agency offices and numerous other reasons. The Organizations have experienced these map related issues when trying to resolve issues with Senator Udall's James Peak Wilderness Legislation in 2002. The map often proved to be an important tool in discussions but the map remained unlocatable for decades following legislation passing. Provisions must be included that avoid such an issue.

**10. Conclusion.** The Organizations would like to vigorously thank your offices for their efforts to date on this issue and are intimately aware the process has been long, complex and probably stressful for everyone involved. We are making these comments as a supplement to the route specific comments

from local OHV groups and that the Organizations vigorously support those comments. The Organizations would like to share some of the landscape level issues we have encountered in planning processes with the Federal agencies as a supplement to the input previously received. The Organizations submit that avoiding these issues will be a significant step to avoiding controversy in future and facilitating successful implementation of the landscape level objectives sought in the PLI.

The Organizations are also concerned regarding the limited protection for snowmobile usage that is provided in the PLI, and believe that obtaining input from all users will be critical in the development of a PLI that is effective in the long term. The Organizations are more than willing to assist in any way necessary the discussion between your offices and the Utah Snowmobile Association.

If you have questions please feel free to contact either Fred Wiley, ORBA's Executive Director at 1701 Westwind Drive #108, Bakersfield, CA. Mr. Wiley phone is 661-323-1464 and his email is fwiley@orba.biz. You may also contact Scott Jones, Esq. at 508 Ashford Drive, Longmont, CO 80504. His phone is (518)281-5810 and his email is scott.jones46@yahoo.com.

Respectfully Submitted,



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