



May 29, 2017

The Honorable Ryan Zinke
Secretary of the Interior
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Monument Review, MS-1530
Submitted online to: DOI-2017-0002

RE: Review of the Browns Canyon National Monument, Colorado

Dear Secretary Zinke;

Please accept this correspondence as a request and comments of the above Organizations with regard to a review of the National Monument designation of the Browns Canyon area in Central Colorado. Browns Canyon was designated by former President Barack Obama as a National Monument on February 19, 2015 using the Antiquities Act of 1906. The Browns Canyon National Monument, including the Browns Canyon Wilderness Study Area (WSA), covers approximately 22,000 acres of federally- and state-managed public lands located in Chaffee County, Colorado (*includes 11,836 acres of the San Isabel National Forest and 9,750 acres of Bureau of Land Management land*).

Prior to addressing our issues with the 2015 designation of Browns Canyon as a National Monument, we believe a brief summary of each Organization is needed. The Colorado Off-Highway Vehicle Coalition ("COHVCO") is a grassroots advocacy organization for the 170,000 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 volunteer based organization whose purpose 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 multiple-use trail riding. The TPA acts as an advocate of the sport and takes the necessary action to insure that the USFS and BLM allocate for trail riding a fair and equitable percentage of access to public lands. For purposes of this document COHVCO and TPA are identified as "the Organizations".

The Organizations are very familiar with the recreational opportunities and scenic qualities that are provided by Browns Canyon and do not question the unique merits and assets of the area and a need for some level of preservation and potential protection. However, the Organizations contend that the designation of the Browns Canyon area as a National Monument has now relegated this area to a **de facto Wilderness area** and is now unavailable and closed to any citizen needing or desiring to visit the area or use any sort of motorized means to access and enjoy Browns Canyon and the surrounding landscape. The Browns Canyon area and the lands immediately adjoining the Monument once saw extensive railroad activity in very close proximity to the river and was the main access terminal for the many mines in the Turret Mining Area (*examples of historic sites include the Calumet Mine, Chloride Camp, Hematite, Camp Jeffery and Hecla Junction of the Denver & Rio Grande Railroad's former Calumet Branch line*). The entire area has been historically interlaced with railroad grades and access roads that have now been lost to use by the public under the current protections as a National Monument.

The Organizations are requesting that a review of the National Monument designation of the Browns Canyon area be included with the nationwide review of other National Monuments as directed by the President's Executive Order 13792, issued on April 26, 2017. Specifically the Organizations request that motorized access and multiple-use recreation be re-established in the Browns Canyon area especially from the eastern boundary. The designation should be amended to recognize outdoor recreation, including motorized trail riding and historic permitted OHV events, as allowed uses and/or purposes of the Monument. The Organization's request is based in fact that during the original proposal by Colorado's Senator Mark Udall to designate the area with the **Browns Canyon National Monument and Wilderness Act**, that the substantial public input and comment to maintain motorized and multiple-use access to the Browns Canyon area was knowingly ignored and simply put aside. And further, when Senator Udall's Bill failed to pass, a unilateral decision was made by the Obama Administration to designate the area as a National Monument, which was made

without adequate public outreach and coordination with relevant stakeholders and failed to conform with the policy set forth in section 1 of the recent Presidential order. The Organizations also contend that the designation of the Browns Canyon area as a National Monument and the associated closure to motorized and multiple-use recreation failed to properly consider the multiple-use policy of section 102(a)(7) of the Federal Land Policy and Management Act (43 U.S.C. 1701(a)(7)), as well as the effects on the available uses of Federal lands beyond the monument's eastern boundaries (*i.e., the Aspen Ridge area and other adjoining areas of the Pike and San Isabel National Forest*). Specific, established recreation corridors should be specifically identified and re-established for continuing use, including motorized recreation.

The Organizations have a lengthy history of cooperating and collaborating with groups and elected officials desiring to impart some level of protection to the Browns Canyon area. We have consistently supported the concerns and comments of a truly diverse range of stakeholders, including affected counties, property owners, businesses, permit holders, residents and elected officials. To this end, we were participants in numerous meetings with Senator Udall's staff during the development of the originally proposed **Browns Canyon National Monument and Wilderness Act**. The mission of the Organizations initial involvement was to ensure a fair and balanced spectrum of uses and sensible public access to the area. With the subsequent failure of the **Browns Canyon National Monument and Wilderness Act** to pass, and the unilateral designation by President Obama, the efforts of our Organizations to preserve fair use and shared public access has been "shut out", resulting in an area that is now designated for the privileged use of a small and elite group of users. The unilateral National Monument designation by the Obama Administration essentially sabotaged a precious opportunity to resolve public-land disputes more collaboratively. We stand by our principle that legislation is always preferable to unilateral Executive action.

The Organizations would also offer that the designation of the Browns Canyon area offers benefits only to a very small and limited group of the population while now excluding the mainstream public. Since the monument designation was made in 2015, the users of this now restricted area are predominately river rafters on commercial (*i.e., for profit*) rafting trips, and select high-end commercially guided (*i.e., for profit*) fishing and seasonal hunting entourages.

Local special interest groups and local publications have lauded and praised the designation of the Browns Canyon area as promoting the solace and preserving the area solely for "quite uses". However, this is mere supposition as the primary use of the area is now exploited by very prolific and abundant chains of commercial and private rafting groups – a user group that is often anything but serene and quite in their use of the river and area.

If you have questions please feel free to 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.

Sincerely,

A handwritten signature in blue ink that reads "Scott Jones".

Scott Jones, Esq.
COHVCO &TPA Authorized Representative

A handwritten signature in black ink that reads "Don Riggle".

D.E. Riggle
Director of Operations
Trails Preservation Alliance