



July 25, 2022

Congressman Joe Neguse  
1419 Longworth HOB  
Washington DC 20515

RE: THE WILDFIRE RESPONSE AND DROUGHT RESILIENCY ACT  
HR 5118

Dear Congressman Neguse;

Please accept this correspondence as the opposition of the Organizations to the Wildfire Response and Drought Resiliency Act ("the Proposal"). Our concerns are centered on §208 of the Wildfire Response and Drought Resilience Act, which would Congressionally designate existing administrative boundaries of Roadless areas. However, the Organizations are also very concerned about the functional failure of the legislative process in the entire procedure around developing this Proposal in the Rules Committee. While the Organizations are glad that funding for federal public lands has been a priority recently, we must express some frustration with the continued earmarking of large sums of money for projects on public lands on an ad hoc basis rather than focusing on development of an actual budget amount that can sustain basic agency operations. It has been our experience that this method of funding is leading to significant confusion of the public and repetition of analysis in planning areas.

Prior to addressing the specific concerns of the Organizations regarding the Proposal, we believe a brief summary of each Organization is needed. The Colorado Off-Highway Vehicle Coalition ("COHVCO") is a grassroots advocacy organization representing the OHV community 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 TPA is an advocacy organization created to be a viable partner to public lands managers, working with the United States Forest Service (USFS) and the Bureau of Land Management (BLM) to preserve the sport of motorized trail riding and multiple-use recreation. The TPA acts as an advocate for the sport and takes the necessary action to ensure that the USFS and BLM allocate a fair and equitable percentage of public lands access to diverse multiple-use trail recreational opportunities. Colorado Snowmobile Association ("CSA") was founded in 1970 to unite winter motorized recreationists across the state to enjoy their passion. CSA has also become the voice of organized snowmobiling seeking to advance, promote and preserve the sport of snowmobiling through work with Federal and state land management agencies and local, state and federal legislators telling the truth about our sport. CORE is a motorized action group dedicated to keeping motorized trails open in Central Colorado and the region. Idaho Recreation Council ("IRC") is comprised of Idahoans from all parts of the state with a wide spectrum of recreational interests and a love for the future of Idaho and a desire to preserve recreation for future generations. Ride with Respect ("RwR") was founded in 2002 to conserve shared-use trails and their surroundings. RwR has educated visitors and performed over twenty-thousand hours of high-quality trail work on public lands including national forests. Over 750 individuals have contributed money or volunteered time to the organization. The Alaska Snowmachine Alliance("ASA") supports snowmachining throughout the State of Alaska and all snowmachine activities including racing and vintage, snowmachine trails, the SnowTRAC program and it's funding, snowmachine Search and Rescue and the betterment of snowmachining throughout the State of Alaska. Collectively, TPA, CSA, CORE, IRC, RwR, ASA and COHVCO will be referred to as "The Organizations" for purposes of these comments.

The Organizations are huge partners with the Federal Land management agencies and the State OHV/OSV programs that have been developed provide \$200 million or more in direct annual

funding to public lands management for the benefit of all users. These efforts range from providing winter trail grooming for the benefit of all users to funding and equipping seasonal crews to clear and maintain trails for the benefit of all users and protection of resources. Many of the challenges facing recreation are also impacting wildfire prevention and management and the management of water resources. Our Organizations understand the challenges faced on public lands and barriers to resolving these challenges and must assert the Proposal would be a major step in the wrong direction on addressing these challenges.

**1(a) Congressional designations of Roadless Area boundaries.**

The Organizations are **vigorously** opposed to the Congressional designation of existing inventoried Roadless areas under §208 of the Proposal. The Organizations are confounded by the inclusion of this requirement in the Proposal, as it runs directly contrary to the rest of the legislation which seeks to streamline and accelerate fuels treatments and fire restoration efforts along with drought mitigation efforts. The Organizations must question why such a designation would think to be required when the rest of the Proposal mandates that NEPA requirements must be complied with for all projects and NEPA analysis has been highly effective, if not slow, to address resource protection.

The Organizations are unable to theorize how adding a significant layer of analysis and restriction to these efforts furthers the goals and objectives of the rest of the Proposal. This additional layer of review and analysis makes no sense on the ground. We must ask how can water projects or fuels treatments be effectively addressed at the scale necessary without building permanent roads? Many of these resources with need roads to continue maintenance of the facilities and treatment areas and that type of long term maintenance has now been Congressionally prohibited by the Proposal. This provision simply makes no sense.

Our second basis for vigorous opposition to §208 stems from the fact the Organizations and our members have participated in the development of the National Roadless Rule and state specific

Roadless Rules that have been finalized in Colorado and Idaho. We are aware that Roadless Rules for the State of Alaska and Utah are under development. We have generally supported these designations as multiple use is a characteristic of these areas. We are opposed to the exclusion of Alaska and Utah roadless rules, which are now under development, from designation and protection in the Proposal for no reason. These state efforts reflect the state flexibility in managing these areas and we believe this flexibility is one of the strengths of the Roadless Rule. This strength would be lost if these designations were now subject to Congressional review and approval. This Congressionally based model of land management has been proven to be unsuccessful on other land management issues, as obtaining federal law changes to address small boundary designations changes is now required. This type of approval can take decades to resolve even small issues in land management as often small issues like this simply are not of sufficient size to capture the bodies time and resources. We understand why this occurs but this model remains less than optimal.

A larger example of why we are opposed to the Congressional designation of Roadless Areas is the inability to release many Roadless and Wilderness Study Areas that has plagued these Congressional efforts since the 1970's. Many areas have never been suitable for designation as Wilderness but have continued to be stuck in the "may be designated" level of management designation as Congress will not release these areas. We are concerned that this management situation will be commonplace in Roadless Area management if Congressional designations are adopted. This is a process we do not want to see applied to the development and management of Roadless Areas.

**1b. General hostility of the Proposal towards roads is arbitrary and will create horrible inefficiencies.**

The Organizations are vigorously opposed to the hostility that is displayed towards roads in general in the Proposal. It has been our experience that roads are a critical component of firefighting and fuels treatments but also major and minor water projects, which the Proposal

outlines dozens of. As an example of our concerns on this issue is the fact that water quality monitoring is simply not done effectively and efficiently when there are long hikes involved to get samples to study. Throughout the Proposal there are numerous restrictions are placed on permanent road development and maintenance outside the designations of the Roadless areas by Congress.

These provisions would be exemplified by three additional restrictions on permanent roads in §203 of the Act. This restriction is included despite the explicit requirement for NEPA analysis of every project under the Proposal. If there is a need for a road that can be supported by NEPA analysis, why would these benefits be restricted? The Organizations are intimately familiar with the situation where roads have been lost due to landslides or avalanches and there is a compelling need to replace them for many reasons. Often access is a major concern for fuels and firefighting and these routes may also sustain a critical access need for these areas that would allow fuels treatment on an ongoing basis. Roads are commonly lost in flooding that is highly common in burn scars after fires. Rebuilding these roads is commonly step one of restoring and stabilizing these areas and we believe restoring these routes in the best locations possible must be recognized as a compelling need, as often times there is no footprint of the route to even relocate. NEPA allows this type of flexibility in planning efforts and this must be allowed to move forward. Why would anyone think this was a process that was having a negative impact on the landscapes? These types of decisions are best weighted and made at the local level and these types of prohibitions stop this type of local decision making from occurring. If these routes can be justified in NEPA they should be allowed.

**2a. Current ad hoc funding processes create massive confusion of the public and overlap of efforts without resolving foundational challenges to public land management.**

While there are some provisions or concepts in the Proposal the Organizations can support, the Organizations and our members must express concern over the ad hoc manner that has been chosen to address funding of projects on federal lands over the last several years. After several

years, we can confirm that it lacks efficiency and creates large amounts of confusion of the public and often does not achieve the goals of the efforts. As a result, we are opposed to the continuation of management of public lands in this manner.

It has been our experience that simply determining which federal program is currently funded and managing an effort created under this ad hoc process can be very difficult for any member of the public. Having multiple federal groups intermittently working on the same issue in the same area is difficult enough for the public to understand. This is compounded by the fact that often there are similar state driven efforts in these areas in addition to efforts to list species under the ESA, forest plan revisions and travel plan development. In many areas these efforts can vastly overlap and this overlap provides a significant barrier to the public's ability to meaningfully engage in efforts. Often we have experienced our members participating in efforts in good faith efforts to address concerns only to find part way through the effort that the direction has changed for the effort or the scope was incorrectly understood or explained in the beginning of the effort and the public is not participating in the correct effort to address their concerns.

While the goals of these efforts may be commendable, this is simply not the manner to accomplish goals, and our concerns on this issue are not abstract or remote as this type of confusion is already occurring. As an example, one of our groups has been involved in a landscape level forest restoration effort, which is a good thing as poor forest health is a major challenge in the area. While this landscape forest level effort is moving, a separate regional forest restoration, that had previously run out of funding and was replaced by the subsequent landscape sized effort, was restarted as it was provided more funding under the infrastructure bill. These are two efforts with an almost entirely overlapping geographic scope of work. As public engagement starts for the regional effort, the public expresses concern about the lack of clarity in the entire effort. This confusion and frustration was compounded by the fact that facilitators are unable to provide even basic maps for these efforts or explain how they are

aligned with each other. This is highly frustrating to everyone involved, including the facilitators and land managers and should be avoided moving forward.

Compounding the public frustration with these efforts is the fact the local users still have other meetings for general efforts on the forest as well, such as those for travel plans and resource management plan updates. Sometimes there are several meetings occurring on the same general issues long distances apart at the same time. This is just a less than optimal manner to engage the public and creates horrible process inefficiencies and simply must be avoided in the future. The Organizations believe the use of the budgeting systems within the agencies would be a major step towards resolving these types of conflict and confusion.

We are thrilled to see the recognition of recreational staff for the agencies as a priority for funding in the Proposal but must question how much benefit this will be in the long run. We are concerned that the Proposal only addresses part of the issue faced in the recreational community. While we frequently say we cannot coordinate our funding and partnerships with an empty desk, putting a staff person at the desk does not resolve the problem. The project simply cannot make the desk and then never move as there are insufficient nonrecreational resources available to complete NEPA analysis.

A huge portion of recreational activities and improvements that are undertaken by recreational staff must comply in some manner with NEPA requirements. While the increased levels of staffing could support starting NEPA analysis of issues, such as parking, bathrooms and heavy maintenance to recreational facilities, there is simply no way this can be completed as there is no staff to fill interdisciplinary teams that are needed to complete NEPA analysis of the project. An example of this type of problem would be the fact that many recreational efforts require special use permits. It has been our experience that SRPs are issued for a wide range of activities, and as a result calling these recreational staff would not be accurate. Only staffing recreational resources would allow a project to be accepted by the rec staff at the office and then stall because

there is no permit person to review and approve the permit. The project remains incomplete despite the new funding.

A second example of how only funding recreational staff would not improve recreational activities on public lands would be another situation we commonly experience. This involves the replacement of large infrastructure resources such as visitor centers, bridges, toilets etc. How does a bridge repair project complete NEPA without approval of general sites preparation and bridge design standards without approval by an agency engineer? Agencies will only accept contractor efforts to a certain point and then the agency retains final approval on the issue. If funding is only provided for recreation staff without funds to support these other areas of expertise, the only thing that will be created is a large NEPA backlog with the continuation of this model of funding. This is not acceptable to our Organizations.

## **2b. General lack of transparency and expertise in Rules Committee proceedings.**

The Organizations are also opposed to the Proposal based on the progression of the Proposal development, as most of the component legislative drafts had not been heard in their committee of record before the Rules Committee consolidated them into the Proposal on July 22, 2022. The Organizations vigorously assert there are issue specific committees in the Legislature for a reason and they should be used and relied on for their areas of expertise. Of 48 separate proposals that were consolidated into the Rules Committee amendment, only 9 had received a markup in their relevant Committee of record. As a result, most had not even been heard by the Committee of record that should be handling these types of recommendations. 1 legislative draft was introduced in the Amendments for the first time. As a result, the expertise and experiences of the other committee members was not obtained before the Rules Committee bundled these separate drafts into the Proposal. This is simply unacceptable.

In addition to the failure of most Committees of record to even hear or review the legislative drafts, the Proposal also functionally voided future committee action on issues that were



scheduled to be in their respective committees. This resulted from hearing in the Committees occurring after or at the same time as the Proposal was heard on the House Floor. This only compounds the risk of conclusions that simply lack reason or effectiveness on the Ground. Not only had these issue legislative drafts not been heard by their respective natural resource committees, the Rules Committee process was horribly truncated as well. Discussion was limited to one hour, points of Order on the consolidation process with the Committee simply were not allowed and discussion on the House Floor was also significantly restricted.

**2c. Proposal could delay treatments on the ground as there is no alignment with current USFS efforts on fuels treatments.**

The USFS has partnered with a wide range of interests and groups in an attempt to address wildfire issues in a strategic manner since the early to mid- 1990s. The USFS has a finalized strategic plan in 2014, which was updated in 2022. Our Organizations have participated in these efforts and planning processes as wildfire is a major concern for the recreational community. We are aware that these ongoing strategic documents have been successful in addressing fire risk through use of expanded good neighbor authority for treatments, and expansion of usage of community wildfire protection plans to protect areas adjacent to national forests. Too often been our experience that as the timber harvest process moves forward and is finally approved for high priority treatment areas, these areas have burnt before the process has been completed. As a result of this situation, we are aware that delays from inefficiencies can have major impacts on timber/fuel mitigation efforts and the water situation is operating on a very aggressive time table with the drought.

Again, the Organizations are intimately familiar with how many well intentioned efforts to protect resources can actually serve as a major barrier to protecting the resource. This could not be better exemplified by a situation that occurred in Colorado several years ago, where maintenance was badly needed to remove dead trees around a reservoir on USFS lands that provided municipal drinking water. This reservoir had been in existence since the later 1800's

and had water rights that allowed management of the reservoir that significantly predated the USFS management of the area and designation of the surrounding area as Wilderness. Those rights were identified in the Wilderness designation. Despite these protections mechanical treatment of the dead trees was not possible due to the Wilderness designation and eventually the USFS was able to allow the dead trees to be blasted to address the water needs of the community. We have attached a video of this blasting for your reference.<sup>1</sup> For this effort, the explosives had to be brought in by pack mule train and all prep work was done by hand. While we commend everyone involved for this resolution, we must also note that this was probably not efficient compared to other possible resolutions and this represents a concrete example of how well-meaning efforts can result in horrible inefficiencies in the end. A couple of people with chainsaws could have fixed this issue in a few afternoons rather than the years of effort the blasting project took. This type of inefficiency is a major problem.

The Organizations can say with absolute certainty that the 10 year wildfire protection plan outlined in the Proposal is very different in terms of scope and application than the version of the strategy the USFS is recently finalized. Many of these issues now sought to be addressed are unrelated to wildfire or water issues and may be entirely outside the expertise of the respective agencies currently leading the efforts which compounds possible inefficiencies. The Organizations submit that remaining focused on the wildfire challenge should be the priority for wildfire planning and expanding the scope of this effort is simply degrading this focus on wildfire. This is more of a concern given the horrible staffing situation that is facing the USFS currently which are outlined in other portions of these comments. The Proposal does not foster this type of alignment and efficiency.

### **3. Federal budgeting process should be relied on rather than current ad hoc efforts.**

The Organizations welcome the implicit recognition of the fact that the federal land managers simply are unable to hire staff to fill positions with the provisions of §123 of the Proposal. The

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<sup>1</sup> [Watch | Facebook](#)

inability of the agencies to hire staff has become a systemic problem for a long time. The Organizations have been partnering to fund the hiring seasonal and fulltime recreational staff for many years and it has been our experience that salaries simply do not compete for most of these jobs. Many of these salaries are insufficient for staff to live in the districts they work and manage.

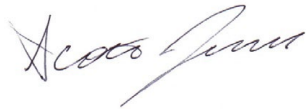
The ad hoc funding process that has been used by Congress to fund public lands has not helped this situation as often basic questions are presented in these funding efforts such as if permanent staff can be hired with these funding efforts. This was one of the first questions we ran into around the funding provided by Great American Outdoors Act. While an isolated funding stream bump can have significant benefit, the systemic use of these types of tools is not optimal. These ad hoc funding streams fail to address issues like salary and other issues around staff. We submit that the expertise of committees and agencies should be relied on to address these issues in the budgeting process.

#### **4. Conclusion.**

For the reasons outlined in this correspondence, the above Organizations must vigorously oppose the Proposal. Our concerns are centered on §208 of the Wildfire Response and Drought Resilience Act, which would Congressionally designate existing administrative boundaries of Roadless areas. However, the Organizations are also very concerned about the functional failure of the legislative process in the entire process around amending this proposal in the Rules Committee. While the Organizations are glad that funding for federal public lands has been a priority recently, must express some frustration with the continued earmarking of large sums of money for projects on public lands on an ad hoc basis rather than focusing on development of an actual budget amount that can sustain basic agency operations. It has been our experience that this method of funding is leading to significant confusion of the public and repetition of analysis in planning areas.

If you have questions, please feel free to contact Scott Jones, Esq. (518-281-5810 / [scott.jones46@yahoo.com](mailto:scott.jones46@yahoo.com)), Chad Hixon (719-221-8329 / [chad@coloradotpa.org](mailto:chad@coloradotpa.org)), or Clif Koontz (435-259-8334 / [clif@ridewithrespect.org](mailto:clif@ridewithrespect.org)).

Respectfully Submitted,



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