April 17, 2023

Red Cliffs/Warner Valley Land Exchange
Bureau of Land Management
Stephanie Trujillo, Realty Specialist
345 East Riverside Drive
St. George, UT 84790

Re: Red Cliffs/Warner Valley Land Swap
Project #2022389/510

Dear Planning Team Members:

Please accept this correspondence as the vigorous input of the above Organizations with regard to Red Cliffs/Warner Valley Land Swap of the Organizations ("The Proposal") identified above. The Organizations have been involved in discussions around access areas throughout the region for more than a decade, both in the development of travel and resources management plans. In addition to the planning efforts, our involvement has continued on behalf of recreation interests in litigation. We remain committed to this presence in ongoing management to protect the globally significant recreational values of Utah BLM lands. The Organizations must initially express shock that this Proposal has even reached scoping as there are SO many basic flaws with the Proposal. The Organizations vigorously assert the Proposal creates more issues than it solves. Many of these failures simply cannot be resolved within the scope of the Proposal, such as the complete imbalance of economic and resource values between the two parcels that are sought to be swapped. The proposed swap also creates many questions outside of the two parcels, mainly are there even parcels with similar resource values where the SRMA usage can be moved

to; what are the benefits of these parcels where the SRMA be relocated to that would now have to be addressed; how would this relocation be funded; and what type of timeframe would this require. Even if OHV usage was allowed to remain in the area after the swap was undertaken, how would this usage align with domestic housing immediately adjacent?

Generally, the Organizations support resolution of all concerns created remaining from the creation of the Habitat Conservation Plan (HCP), but we do not believe the current Proposal would provide that type of resolution in any manner. The Organizations submit this Proposal would make the situation worse instead of better. Not only is the swap totally out of balance, the Proposal would force a user group, that has worked hard to partner with interests and move forward collaboratively to improve the community into an ever-smaller area of land despite decades of good faith efforts undertaken by numerous groups to avoid this type of impact. This situation would not resolve conflict, it would create significant conflict now and into the future as globally significant recreational opportunities would be lost and nothing would be provided in exchange. The Organizations submit that the small benefit to a single interest simply cannot be balanced in this situation.

1. Who we are.

Prior to addressing the specific input of the Organizations on the Proposal, we believe a brief summary of each Organization is needed. The Colorado Off-Highway Vehicle Coalition ("COHVCO") is a grassroots advocacy organization of approximately 2,500 members 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. Ride with Respect ("RwR") was founded in 2002 to conserve shared-use trails and their surroundings. Ride with Respect (RwR) was founded in 2002 to conserve shared-use trails and their surroundings. Since then, over 750 individuals have contributed money or volunteered time to the organization. RwR has performed over 20,000 hours of high-quality trail work on public lands and participated in many planning efforts across Utah. Moab Friends-For-Wheelin' (MFFW) is a non-profit club founded in 2005 to bring four-wheel drive enthusiasts together and promote the pastime of four-wheeling to the community as well as other enthusiasts. MFFW has volunteered thousands of hours and thousands of dollars to various projects such as trail maintenance and restoration, community service, and effective communication with other four-wheel drive organizations as well as public land managers. Collectively, TPA, CSA, CORE, RwR, MFFW and COHVCO will be referred to as "The Organizations" for purposes of these comments. While we are aware it is unusual for a snowmobile group to comment on a planning effort without snowmobile opportunities, this is an area of global significance to the recreational community and an overwhelming percentage of the international snowmobile community participate in motorized recreation in the summer. These opportunities are nationally recognized opportunities and draw users from all over the country.

2. The History of the Parcels must be addressed.

The Organizations are aware of the long and twisted history spanning more than 30 years that has resulted in the current land swap Proposal. The long history of this issue must be relevantly analyzed as the Proposal is doing more than merely protecting habitat and consolidating land management efforts. The entirety of the Proposal allows expansions of adjacent communities

and infrastructure but has heavily impacting some private interests and heavily impacted legal users of public lands. Addressing the Proposal without understanding and recognizing the highly divergent path interests have taken subsequent to the Habitat Conservation Plan (HCP) and Congressional National Conservation Area (NCA) designation is troubling. The Organizations are also aware that many of these impacted interests have been provided opportunities to minimize or reduce impacts, such as through bankruptcy actions or land swaps or other efforts to balance interests and impacts. These opportunities have not been pursued.

The OHV community was heavily impacted by the original Tortoise HCP development to allow critical infrastructure for adjacent communities to develop while access to more than 60,000 acres of OHV opportunity area was lost in the HCP. Some of our impacts were mitigated by the additional protections for the Sand Hollow Area that were provided in planning, such as the SRMA designation for management of the area. The OHV community has chosen to accept this situation and move forward with opportunities still available. While the OHV community has chosen to move forward in partnership with communities, it would appear other interests have chosen to continue to pursue original attempts to create personal profits instead of benefitting the community. This is disconcerting as the beneficiary of the currently proposed land swap, who it is our understanding was a secured creditor who acquired title to significant portions of the parcels lost in the HCP in bankruptcy proceedings, is in such a position. The Organizations are aware that commercial lending efforts fail all the time and this is simply a cost of doing business. The Organizations can say with absolute certainty that creditors have a wide range of remedies in bankruptcy proceedings to protect their interests. It is only optional to acquire title to lands that are owned by the debtor, as any creditor can opt to be treated as an unsecured creditor in the proceeding. The creditor chose this path many years ago for reasons only they know, but the decision was theirs. On several occasions since this time, what would appear to be reasonable offers to resolve the creditors situation have been provided by governmental interests. These offers have consistently been declined to do asserted insufficiency by the creditor based on valuations that were highly speculative at best. This history is simply not accurately summarized as consolidation of ESA habitat and streamlining of management efforts.

It is from this position the Organizations would assert that the proposed land swap is a dreadful idea, as the swap would benefit an interest that has created many of their own problems and hugely impact another interest that has chosen to move forward with the post HCP landscape and improve recreation. The SRMA designation and Sand Hollow State Park would be an example of this type of collaboration. Moving this land swap forward is merely reopening old wounds for everyone and further impacts a community of interests that has worked to benefit everyone in the region that lost more resource value than the mere financial loss of the sole beneficiary of the swap. In a further twisting of an already painful situation many of the benefits that the developer is basing their land value on, such as the availability of the State Park to possible home sights, are only the result of subsequent collaborations undertake by the community. The Organizations submit that such a result would be completely unacceptable based on simple equity and while we understand the situation that the HCP has placed many interests in, replicating previous failures will not reduce problems in the long run but make them worse.

3. Basic information in the scoping notice is not provided.

The Organizations are very concerned that basic information on many questions is simply not provided in the scope notice. Is the intent to perform an EA or EIS for this project? This is basic information that must be provided to the public to allow the public to meaningful comment as part of the scoping process. We vigorously assert that with the long and twisted history of the proposed swap the wide range of interests directly and indirectly impacted by the Proposal can only be addressed with an EIS.

4. The comically imbalanced size of the parcels is problematic factually.

Prior to addressing the various legal requirements of a land swap to be complied with by the BLM, the Organizations must vigorously state that the proposal is simply shockingly out of balance in every way possible. Not only are the comparative sizes of the parcels out of balance, any factors that could be used to greatly increase the value of the smaller parcel are almost identical and, in many ways, the restrictions on usage drive the balance of values even further apart. Could we envision a situation where 85 acres of hugely valuable, accessible land would be a similar value to a much larger land

locked inaccessible piece of land that could never be developed. We are unable to understand a market where this would be a viable position but it could happen.

Thankfully we are not in this situation as the size, access and developability of the parcels clearly favor the SRMA parcel. In the Proposal, market value factors such as this drive the values further apart, as the 85-acre parcel within the NCA (Hereinafter referred to as the NCA parcel.) is Congressionally prohibited from development and is functionally landlocked by other adjacent property interests. Roads simply could never be built to provide access without eminent domain of adjacent private property interests. This lack of access and Congressional Restrictions are the reason that the current owner of the property is seeking the transaction.

While the NCA is almost impossible to access legally and probably will remain so for the foreseeable future, the 1050 acres in the SRMA (Hereinafter referred to as the SRMA Parcel) is far more accessible. While the SRMA parcel does have issues of its own that would need to be resolved, these are significantly less than NCA parcel that are sought to be swapped. Again, questions of factual accuracy in market value must be reconciled, and based on the Scoping notice, we do not believe can be reconciled. Any assertion of equity would simply lack factual basis, even when allegations of ESA benefits are overly weighted. While many may assert ESA habitat is priceless this type of position is simply not factually viable.

5(a) Statutory requirements regarding economic value of the parcels require consistency in value and the Proposal does not meet this requirement.

The Organizations are aware there are extensive legal requirements that must be complied with in the planning efforts for the BLM addressing land swaps, withdrawals and disposals even for the alleged benefit of endangered species. These legal requirements are generally summarized as asking if the swap is in the public good? Identifying the public good extends far beyond mere economic values. When these requirements are reviewed in detail, these requirements are a major barrier to the Proposal as many of the reasons that are sought to be negatively impacting the NCA parcel would

also greatly diminish the value of the SRMA parcel sought to be swapped. While certain interests would like to base the swap on previous values of the NCA parcel due to its possible development value at that time and prior to infrastructure changes and development flexibility that improved the SRMA parcel, this is simply not realistic. Time has passed and decisions have been made but statutory requirements require equality of market value.

Federal law clearly identifies that market value at the time of the swap, withdrawal or disposal, is the standard of comparison for equality of values. The Code of Federal Regulations clearly outline the provisions on the market value provide as follows:

> "(a) In estimating market value, the appraiser shall:
> 3) Include historic, wildlife, recreation, wilderness, scenic, cultural, or other resource values or amenities that are reflected in prices paid for similar properties in the competitive market;"[1]

Throughout the long history of these parcels, having the parties come to any type of agreement on the value of the parcels to be withdrawn and disposed of has been a major challenge. The Organizations vigorously assert that normal market factors such as water and electricity, and rights of way to access the NCA parcel are HUGELY speculative at best after the NCA passage. Recreational economic values are well established and are protected by the RMP. Even without the RMP provisions, there are no Congressional restrictions in place on the SRMA parcel making this parcel FAR more valuable than the NCA parcel when comparing an acre for acre type of exchange. This imbalance is a problem that simply could not be resolved sufficiently in the current proposal to allow the exchange to move forward.

5(b). Identified resource values are badly out of balance and could not be corrected without passing more federal laws.

[1] *See*, 43 CFR 2201.3-2

Federal regulations require review of swaps to determine if the public good is advanced by the swap. As the Organizations have noted previously, we have major concerns over the inequality of the economic valuation of the Proposal. Our concerns expand significantly when the resource value of these parcels is compared as the NCA parcel has marginal values at best to the public while the SRMA parcel has immense value to the public as it is a globally recognized recreational destination. Many in the OHV community would correctly assert the SRMA parcel provides recreational opportunities that are priceless in Southern Utah, given the many political developments that have occurred since the original designation of the HCP. We have to believe many of the recreational boat users on the adjacent reservoir would assert their recreational values are priceless as well and those boating interests could be negatively impacted by the swap as well.

The CFR provides a very broad definition of resource values as follows:

> ***"Resource values*** means any of the various commodity values (e.g., timber or minerals) or non-commodity values (e.g., wildlife habitat or scenic vistas), indigenous to particular land areas, surface and subsurface."[2]

Again, the Code of Federal Regulations requires resource values to be reviewed in determining the value of the public interest in any disposition or exchange as follows:

> "*Determination of public interest.* The authorized officer may complete an exchange only after a determination is made that the public interest will be well served. When considering the public interest, the authorized officer shall give full consideration to the opportunity to achieve better management of Federal lands, to meet the needs of State and local residents and their economies, and to secure important objectives, including but not limited to: Protection of fish and wildlife habitats, cultural resources, watersheds, wilderness and aesthetic values; enhancement of recreation opportunities and public access; consolidation of lands and/or interests in lands, such as mineral and timber interests, for more

[2] *See,* 43 CFR 2200.0-2(u)

logical and efficient management and development; consolidation of split estates; expansion of communities; accommodation of land use authorizations; promotion of multiple-use values; and fulfillment of public needs. In making this determination, the authorized officer must find that: In making this determination, the authorized officer must find that:

(1) The resource values and the public objectives that the Federal lands or interests to be conveyed may serve if retained in Federal ownership are not more than the resource values of the non-Federal lands or interests and the public objectives they could serve if acquired, and

(2) The intended use of the conveyed Federal lands will not, in the determination of the authorized officer, significantly conflict with established management objectives on adjacent Federal lands and Indian trust lands. Such finding and the supporting rationale shall be made part of the administrative record."[3]

BLM regulations explicitly require the ability of the public to access parcels to be addressed as part of the determination of resource value as follows:

"Access

Evaluate the need to reserve public access, easements, or other access rights on the Federal land. This is critical information that the ASD appraisal staff needs to arrive at a market value opinion. Access, or lack thereof, may also be an important factor to address as part of considering the merits of the resource values and public benefits."[4]

Given the numerous factors that the CFR requires to be balanced in determining the public good, any assertion of the Proposal merely addressing Tortoise habitat and ease of management interests is problematic. In reviewing these requirements, there can be no argument that the Proposal is badly out of balance in addressing resource values such as recreation and multiple uses and should not proceed merely based on the imbalance of the public interest in the transaction. While the

[3] *See*, 43 CFR 2200.0-6(b)

[4] *See*, BLM manual H-2200-1 LAND EXCHANGE HANDBOOK at pg. 6-6.

transaction may benefit a small parcel owner in the NCA, the loss of the SRMA parcel would reopen old issues for a huge portion of the community and create long term conflict between the users of public lands and subsequent home owners that many never be able to be resolved while closing recreational values that are globally valued.

There is simply no way that the NCA parcel could ever be thought to have the same resource value as the SRMA parcel that is sought to be exchanged. Even if the resource value for Desert Tortoise is reviewed in isolation, the value of the NCA Parcel as desert tortoise habitat is badly out of balance when compared to the Desert Tortoise habitat on the SRMA parcel that would be lost if these areas were developed into homes.

5(c) Legal protections for recreation and species habitats must be addressed as well in determining the public benefit.

When the Congressionally protected resource values of the two parcels are compared, there is a horrible imbalance as well as habitat for the Tortoise has been subsequently increased in value with the designation of the NCA. The Organizations are also aware that the initial protections against developments provided for in the HCP have expanded into Congressional Protection against those types of activities as the HCP was converted to a National Conservation Area with the Passage of the Omnibus Lands Bill of 2009. This legislation created the Red Cliffs National Conservation Area.[5] It is the Organizations vigorous assertion that the SRMA parcels protected uses result in any attempt to bring balance to NCA parcel that prohibits this usage entirely a factual impossibility.

The Code of Federal Regulations describes in great detail how Congressional designations must be addressed in any land swap as follows:

> **"Congressional designations**. Upon acceptance of title by the United States, lands acquired by an exchange that are within the boundaries of any unit of the National

[5] *See*, §1974 of Public Law 111-11

> Forest System, National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, or any other system established by Act of Congress; the California Desert Conservation Area; or any national conservation or national recreation area established by Act of Congress, immediately are reserved for and become part of the unit or area within which they are located, without further action by the Secretary, and thereafter shall be managed in accordance with all laws, rules, regulations, and land use plans applicable to such unit or area."[6]

BLM regulations implementing these CFR provisions expand on the requirements surrounding withdrawal of areas with special use designations as follows:

> "4. Conformance with Land Use Plans. The decision must include a land use plan(s) conformance determination supporting the disposal of the Federal land and acquisition of the non-Federal land (43 CFR 2200.0-6(g)). It is often appropriate to also summarize from the environmental documentation how the decision interfaces with state and local land use plans."[7]

The NCA designation made by Congress specifically identifies how motorized vehicles may be used in the NCA as follows:

> (3) MOTORIZED VEHICLES. —Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.[8]

[6] *See*, 43 CFR 2200.0-6f
[7] *See*, H-2200-1 Land Exchange Handbook pg. 9-3
[8] *See*, Public Law 111-11; Omnibus Lands Bill of 2009 @ §1974 (e)(3)

While motorized usage is allowed in the NCA it is at a very low density and only on roads. Open riding designations are prohibited by Congress.

When the significant recreational restrictions of the NCA are compared to the SRMA designations the conflict is immediate. The intended recreational usage of SRMA is clearly laid out in the BLM St. George Field Office RMP as follows:

> "a) BLM will work with local and state agencies in developing recreation plans for lands surrounding the proposed Sand Hollow reservoir once it is constructed. Such plans may provide for staging areas, parking, information displays, and other visitor facilities needed to accommodate increased recreation and OHV use expected to occur throughout the immediate area." [9]

The St. George FO RMP takes the additional important step of clarifying why the SRMA designation is being put in place as follows:

> "e) Generally, lands within this SRMA not already identified in this Plan for disposal or included in current exchange agreements will be maintained in public ownership to provide long-term stability for user groups such as the OHV community who, as a result of urbanization and land use restrictions, have lost much of their traditional open use areas."[10]

The protections of multiple uses initially provided by the SRMA designation were then further implemented in partnership with the community and Utah State Parks, which resulted in the Sand Hollow State Park. The elevation of all forms of multiple use recreation at somewhat intense levels, is specifically identified in the State Parks Management plan for sand hollow as follows:

[9] *See,* St. George BLM Field Office Resource management plan; March of 1999 at pg. 2-42
[10] St George FO RMP at pg. 2.42

> "The BLM's St George Resource Management Plan recognized that Sand Hollow State Park could serve as a staging area for equestrian and off-highway vehicle (OHV) use on the BLM lands. The BLM contributed funds for the construction of a staging area near the access tunnel for OHV users, the Sand Pit campground, three day-use sites with restrooms, and a maintenance building. These facilities, along with facilities already built and funded by the Division and WCWCD, were identified as needs in the 2001 management plan."[11]

The hugely successful nature of the multiple use nature of the park to local communities is clearly demonstrated by the following statement in the 2010 Sand Hollow State Park RMP as follows:

> "Data collected at the park show that Sand Hollow State Park receives between 150,000 to 200,000 visitors annually. The park has been popular with local residents since its opening in 2003."[12]

The Organizations vigorously assert that the resource values identified for the NCA area and SRMA area are utterly unreconcilable in terms of experience for the recreational users. These values have been repeatedly identified, planned for and protected in the SRMA parcel for decades. The value that the local communities have placed on these opportunities is clearly identified by the large numbers of visitation to the State Park since its inception. These visitation numbers have continued strong growth trends as Sand Hollow State Park is now a globally recognized recreational opportunity. These levels of activity would be entirely inconsistent with the NCA requirements for exceptionally limited levels of visitation on the management of the NCA parcel.

6. Is the SRMA parcel even legally available for the swap to occur?

[11] *See*, Utah State Parks; Sand Hollow State Park Resource Management Plan; April 2010 at pg. 15.
[12] *See*, Utah State Parks; Sand Hollow State Park Resource Management Plan; April 2010 at pg. 15.

The Organizations are aware that portions of the SRMA were identified by the BLM in the St George RMP as available for possible disposal as required by various federal legal requirements. It is our position that the long-term lease of the area by the State of Utah has satisfied this possibility of disposal. The Organizations must question any assertion that once a parcel is identified for possible disposal does not mean the parcel remains available for repeated swap until the next RMP is completed. The Organizations submit that once a swap is undertaken the ability to dispose of the parcel has been removed until there is some reason to review the status of the decision, such as the termination of a lease or a significant change in condition in the area.

We are aware that Courts have taken a very broad interpretation of the availability of lands for disposal under the Recreational Purposes Act. Courts have found that the mere inventory of the parcel for possible wilderness designation is sufficient to stop withdrawal of the lands. [13] The Ninth Circuit held as follows:

> "The Recreational and Public Purposes Act provides: "The Secretary of the Interior upon application filed by a duly qualified applicant ... may ... dispose of any public lands to a ... county ... for any public purposes...." 43 U.S.C. § 869. The Government argues that the court should not order conveyance because section 869 vests discretion in the Secretary whether to convey lands, even when the lands are eligible and a qualified applicant has applied for them. We need not decide whether the Secretary has unfettered discretion under section 869. It is clear that Congress, in providing that the Secretary "may" dispose of lands, granted him some measure of discretion. Therefore, our review of the BLM's decision not to grant the County's application is limited to a determination whether it was an abuse of discretion. 5 U.S.C. § 706(2)(A).
>
> In this case, the BLM did not abuse its discretion in deciding to await Congress' determination of wilderness status. It would undermine the statutory scheme relating to potential wilderness lands to hold that the Secretary had to grant the

[13] *See*, Humboldt County v US; CA Nev. 1982; 684 f2d 1276(1982)

> County's application here. The district court's decision not to order conveyance must be affirmed."[14]

The Organizations can see no reason why this broad scope of authority would change based merely on the reasoning for the decline to undertake the land swap. Clearly the long-term lease of any portion of the parcel, in a manner consistent with statutory requirements, to be withdrawn is a more significant interest in the property than a possible Wilderness designation at some time in the future. The Organizations would vigorously assert that BLM should state the lands are no longer available for swap and simply move on. There are simply too many other competing interests for BLM time and resources to even review the swap as it lacks community support, a clear public interest and only benefits a very small portion of the community.

7. The chilling effect on the BLM ability to lease lands will be negatively impacted by closing a state park that was functionally just completed.

The Organizations would urge the BLM to take a much longer interpretation of benefits of the swap being in the public interest and review the long-term impacts to BLM operations in the region more generally. The Proposal will have a major chilling effect on the BLM's ability to undertake any land swap The Proposal will simply set a HORRIBLE precedent on the value of planning and agreements on major projects, such as long-term leases of lands with the BLM. The Organizations believe this issue alone should be the basis for concern and declining to pursue the Proposal as the Proposal would significantly alter the access to a State Park that was developed in partnership with BLM very recently. This initiative took years of volunteer effort and significant funding to be completed as entirely based on the defensibility of the terms of the lease for the State Park lands. The State of Utah has developed an extensive plan for the long-term sustainable use and development of this park in a manner consistent with the SRMA. These are relationships that would have irreparable harm done to them if the Proposal were to move forward.

[14] *See*, Humboldt County at pg. 1285.

The Proposal takes these years of effort and significant funding and voids that effort. This will have a huge chilling effect on any groups that may seek to develop similar resources based on long term leases with the BLM throughout the region. Why would other users or interests undertake such an effort if the benefits of this effort could be removed at any time?

8. Conclusion.

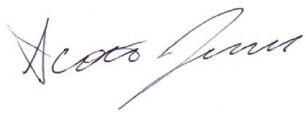
The Organizations must initially express shock that this Proposal has even reached scoping as there are SO many basic flaws with the Proposal. The Organizations vigorously assert the Proposal creates more issues than it solves. Many of these failures simply cannot be resolved within the scope of the Proposal, such as the complete imbalance of economic and resource values between the two parcels that are sought to be swapped. The proposed swap also creates many questions outside of the two parcels, mainly are there even parcels with similar resource values where the SRMA usage can be moved to; what are the benefits of these parcels where the SRMA be relocated to that would now have to be addressed; how would this relocation be funded; and what type of timeframe would this require. Even if OHV usage was allowed to remain in the area after the swap was undertaken, how would this usage align with domestic housing immediately adjacent?

Generally, the Organizations support resolution of all concerns created remaining from the creation of the Habitat Conservation Plan (HCP), but we do not believe the current Proposal would provide that type of resolution in any manner. The Organizations submit this Proposal would make the situation worse instead of better. Not only is the swap totally out of balance, the Proposal would force a user group, that has worked hard to partner with interests and move forward collaboratively to improve the community into an ever-smaller area of land despite decades of good faith efforts undertaken by numerous groups to avoid this type of impact. This situation would not resolve conflict, it would create significant conflict now and into the future as globally significant recreational opportunities would be lost and nothing would be provided in

exchange. The Organizations submit that the small benefit to a single interest simply cannot be balanced in this situation.

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

Respectfully Submitted,



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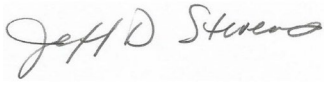

Jeff Stevens,
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