



December 5, 2012

Senator Mark Udall  
Att: Jill Ozarski  
via email only

Senator Michael Bennet  
Att: John Whitney

Re: Sportsmen's Heritage Act of 2012

Dear Ms. Ozarski and Mr. Whitney;

Both of you are very familiar with the history of the above Organizations, so we are avoiding a discussion of our history and missions of the Organizations. While our Organizations are primarily targeting motorized access to public lands, a significant portion of our members are also active hunters and fisherman. The Organizations believe Sportsmen's Heritage Act of 2012 (S. 3525) is a benefit to outdoor recreational users, but also has inadvertently created threats to public access. The Organizations believe these impacts must be mitigated prior to adoption of this legislation. As such we ask you to review and amend §201, 204, 207, as these provisions are overly broad and will divert resources away from actual management of issues and towards limiting access to lands instead. Many of these management issues simply have no relationship to the issue that is sought to be addressed.

The Sportsmen's Heritage Act is very broad legislation that is the result of combining numerous other smaller pieces of legislation. The Heritage Act provides significant benefits to Sportsmen, such as funding for shooting ranges from Pittman Roberts money and Land and Water Conservation Funds and allowing regulation of ammunition and fishing tackle manufacture at the state level. As you are both aware, there functionally are no public shooting range opportunities on Federal lands in Colorado. This results in significant safety and resource

concerns from unmanaged shooting on public lands, which should be addressed. While there are significant benefits from this legislation, the union of so many individual bills has resulted in the inclusion of several provisions that could significantly negatively impact public access to public lands or direct federal monies away from issues that really are negatively impacting a resource issue.

Our first concern involves Title II Section 201 which would effectively create a new definition for "aquatic habitat." The term is defined broadly and includes "any areas on which an aquatic organism depends, directly or indirectly, to carry out the life processes of the organism, including an area used by the organism for spawning, incubation, nursery, rearing, growth to maturity, food supply, or migration." Additionally, the term includes areas adjacent to an aquatic environment that "serves as a buffer" or "protects the quality and quantity of water resources." One could argue that all of the land our members ride on falls under this definition. This definition must be tailored so that the analysis area for planning has a direct relationship to the benefit conferred. Changing management of all watersheds to address some rather minimal concerns regarding fishing tackle makes little sense.

As I am sure you are aware, the USGS and Forest Service have routinely determined that most water quality issues in Colorado result from old mines that were abandoned and that remain open. This results in water entering the mine or tailings become toxic to adjacent waterways. We have to question if this is an issue that can be managed or included in a Sportsmen's bill. Forest Service research and regulations have also concluded that the single largest threat to public watersheds and water supplies is poor forest health from the mountain pine beetle epidemic. Again, the Organizations must question if this impact can be resolved by a Sportsmen's bill creating buffer zones. The Organizations believe this type of analysis will only lead to limited resources being used to reanalyze issues that we are already aware do not have impacts on water quality.

Moreover, the Organizations oppose Sec. 204 and Sec. 207 because the bill mandates that the federal Bureau of Land Management and U.S. Forest Service cooperate to "conserve" "aquatic habitat" as broadly defined in Sec. 201. This will impose broad restrictions on all BLM/USFS activities and be a priority over the Federal Land Policy and Management Act's multiple-use requirements.

These provisions create significant concern for our Organizations. Cutthroat trout management provides a good example of why our Organizations are concerned about the long term implications of this standard. The Fish and Wildlife Service has clearly concluded the main reasons for the cutthroats decline were hybridization, competition with nonnative salmonids,

and overharvest from the introduction of 750 million threats to the cutthroat under previous management policies. The Organizations have to question if further analysis of these types of issues really are necessary for management of these waters. The Organizations believe that further analysis will merely cloud management of these activities.

Additionally, Sec. 204 allows projects to be automatically "approved" should the secretaries fail to respond to recommendations within 180 days. Besides allowing for automatic approvals, the bill delegates authority to the secretary to "promulgate such regulations" as "determine[d] to be necessary to carry out this subtitle" (Sec. 210).

If S. 3525 becomes law, as written, anti-access advocates and the administration could usurp congressional authority by administrative fiat concerning the disposition of public lands. This bill has far-reaching implications because the BLM/USFS manages millions of acres of public land nationwide.

Sincerely,  
Scott Jones  
CO-Chairman COHVCO  
Vice President - Colorado Snowmobile Assoc.