



ISSUES AT A GLANCE

This section is designed to highlight various issues where COHVCO, TPA, CSA and their partners and local clubs are defending public access to public lands. This glance at the issues is not an exhaustive list of the issues we are involved with, but rather is highlighting issues of statewide importance or interest. We have identified the user groups most directly impacted by each issue with a logo next to each issue.

RECENT WINS

1. EPA proposal to increase ethanol in gasoline on hold for at least a year. NEW!



The EPA recently decided to continue current ethanol production standards for usage in motor fuels meaning that current E10 limits will remain for another year. EPA testing indicates that small engines not designed for E15 fail almost immediately when it is used as a motor fuel. In addition to the failure of the motor, damage that results from E15 being used is not covered by manufacturers warranties.

The Organizations and their national partners are now heavily involved in efforts to obtain legislation that would effectively limit ethanol production to only amounts necessary to support current E10 levels and make the recent EPA findings final as a matter of law.

2. 143 miles of routes reopened to OHV usage on the Eagle/Holy Cross RD- NEW



The Eagle/Holy Cross Ranger district recently signed a FONSI determination that allowed OHV usage of 143 miles of roads and trails that had been previously closed in the Travel Management Plan. This provided a lot of access for all recreational users and avoided restrictions that were tough to enforce and made little sense on the ground.

3. New Lynx management documents have been published that clearly state trail usage and snow compaction are not an issue in lynx habitat- NEW



COHVCO, CSA and many other groups have been very concerned about the failure of many federal land managers to address recreational activity in lynx habitat with best available science, which has specifically concluded almost all recreational activity has no impact on lynx that might be in the area. Many land managers continued to manage based on out of date management documents, where there was theoretical concerns about recreational usage. Stakeholder concerns have resulted in the issuance of new management documents that avoids these types of issues in the future by clearly stating roads and trails in habitat are not a major factor for the lynx and that most snow compaction in the Southern Rockies is the result of natural processes rather than recreational usage. These documents clearly state that only major ski areas may impact lynx behavior and provide extensive analysis that weighs heavily against any claim of Wilderness areas being a benefit for the lynx.

CSA,COHVCO and TPA have partnered to provide a copy of these documents to every office that currently has a draft plan being developed or are areas where lynx management has been an issue previously.

4. The US Fish and Wildlife Service recently determined there should be no changes in forest management as the result of a wolverine in the planning area.



This planning initiative addresses the management of millions of acres throughout the western United States and all areas above 10k feet in Colorado. The Organizations have been heavily involved in stakeholder discussions with the US Fish and Wildlife Service and Colorado Parks and Wildlife regarding best available science for the management of the Wolverine. As a result of these stakeholder meetings, best available science was clearly reflected in the recent USFWS listing decision as the decision clearly stated there should be no management changes on public lands as a result of the Wolverine. This is a major win as modeled habitat for the Wolverine in Colorado was any areas over 10,000 ft. and at one point closures to motorized access were seen as necessary in all these areas. This determination was a major step forward in protecting motorized access from misguided wolverine management standards.

5. The proposed expansion of parking facilities on Rabbit Ears Pass is moving forward



The Hahns Peak Bears Ears Ranger District has moved forward with scoping on several site specific proposals for the expansion of parking areas on the Rabbit Ears Pass area outside

Steamboat Springs Colorado. Parking is very limited in the area for winter usage causing a wide range of management and safety issues for users. This limited parking also limits access for motorized usage of the area that is consistently identified as one of the best snowmobile locations in the western United States. This project has been vigorously supported by the local clubs who have brought a wide range of information and resources to the table to allow for resolution of this issue.

6. Dillon Ranger District allows construction of over 20 miles of new single track motorcycle trail outside Silverthorne



The Dillon Ranger District on the White River National Forest issued a FONSI permitting the construction of 21 miles of new single track motorcycle trail outside Silverthorne Colorado. This decision is the result of years of work and partnership between the local club and agency personnel. This trail network will provide a motorized single track opportunity in an area where these opportunities area very limited currently.

7. COHVCO and partners succeeded in obtaining passage of legislation allowing the titling of off-highway and over the snow vehicles in the state of Colorado.



This will provide proof of ownership for vehicles that can exceed \$15,000 to purchase new and allow for better financing rates from dealers. The issuance of a title will also allow better tracking of stolen OHVs in the state and better rates for those that choose to finance their new purchases. This legislation will become effective in 2014. Our next step is to obtain use of some county roads with the creation of a voluntary license plate on OHVs.

8. COHVCO and partners were able to insure that fines were not increased for a variety of OHV related issues with the reauthorization of house bill 1069.



There was heavy pressure from those opposed to OHV use to increase minimum fines sometimes by hundreds of dollars for a variety of non-resource related issues. As a result of COHVCO efforts these fines maintained consistency with other violations.

9. COHVCO and its partners obtained dismissal of the Rico/West Delores lawsuit seeking closure of grandfathered routes on any MVUM.



LAWSUITS

**1. BLM Kremmling Field Office RMP
appealed. NEW**



The Organizations appealed the KFO RMP which sought to close approximately 40% of routes in the planning area. This plan tragically undervalued recreational usage, estimating that the average user only spends \$16 per day, which directly conflicts with BLM conclusions made in Sage Grouse planning that the average recreational user spent \$121.96 per day. This is highly relevant as all the KFO has been identified as Sage Grouse habitat. USFS conclusions for average spending, that were asserted to be relied on in the RMP development conclude average spending is between \$50 and \$61 per day. Hard to say that recreational usage was accurately balanced when recreational usage is so badly undervalued.

In addition to the economic analysis issues, economics were not integrated into the planning process as total spending and total visitation to the KFO doubled between the draft and final versions of the RMP but the jobs that result from this activity were cut in half, which simply defies logic. KFO jobs estimates were completely irreconcilable with any other outside research.

On numerous other issues best available science was simply overlooked in favor of the most restrictive standards available, most of which have been completely discredited.

**2. BLM Colorado River Valley RMP appealed-
NEW.**



The CRVO and KFO plans were originally developed as a single plan but the Colorado River Valley proposes to close approximately 50% of routes in the planning area. As a result the valuation of recreational usage issues noted in the KFO summary are also appealed in the CRVO appeal.

In addition to the economic issues, mandatory closures around all cultural sites identified now and in the future were required in violation of federal laws requiring protection of only significant sites. Thousands of acres and 143 routes were lost as a direct result of these management standards.

**3. San Juan National Forest plan appealed-
updated.**



The SJ/TR Planning area is 1.8 million acres and preferred alternative increases designated areas unsuitable for motorized usage by 83%. Trails in the unsuitable area are subject to a presumption of closure in the future.

This is the Forest Service component for the BLM Tres Rios Plan and as a result the TR appeal points are also applicable to this matter. In addition to the economic analysis issues, the USFS fails to accurately apply the Colorado Roadless Rule managing under a single standard very similar to the upper tier standard, when most of the SJ/TR areas were specifically found to be

unsuitable for upper tier designation in the Colorado Roadless Rule proceedings. At no point is there any discussion of why closure of roadless areas is warranted or that motorized access is a protected characteristic of a roadless area or why the two standards of roadless areas were not reflected in the RMP.

The RMP further applies a designation of suitable or unsuitable for motorized use to the entire forest. It has been our experience that such black and white type designations do not work in recreation management as this is not a black and white issue. Rather most recreation occurs in the gray area between absolute standards, making application of such a standard arbitrary at best.

Suitability boundaries are also based on the position that all wildlife habitat is unsuitable for motorized usage. This black and white suitability standard conflicts with numerous US Fish and Wildlife decisions that find endangered species habitat areas are suitable for motorized usage with the implementation of minimal restrictions. This decision also fails to address the recent Wolverine listing decision that found there should be no change in forest management in wolverine habitat and that Sage Grouse listing decisions have repeatedly determined that recreational usage of habitat areas is not an issue.

In yet another troubling lack of analysis, the RMP repeatedly asserts that no trails would be closed due to the RMP and all review will be done later as part of site specific review. At other points the plan states it will close 25 miles of trail. This is a problem by itself, which is compounded by the fact that no information or analysis is provided regarding where these trails are or why they are being closed.

4. Tres Rios BLM field office plan has been appealed.



The Organizations recently submitted an administrative appeal of the Tres Rios ("TR") Field Plan Resource Plan and are optimistic about reversing this decision. The appeal centered around the tragic undervaluation of recreation in the RMP. Often TR conclusions on user group spending were 10-15% of the conclusions identified in the research that was asserted to be the sole basis of the conclusions. Developed campers are asserted to spend \$46.11 while the research indicates developed campers spend ranges from \$217 to \$300 per day.

Winter motorized users were particularly hard hit in this erroneous analysis as cross country skiers and downhill skiers spend \$208 per day while snowmobilers only \$127 per day. These conclusions are asserted to be based on USFS work that concludes downhill skiers and snowmobilers spend similar amounts and cross country skiers spend 40% less than those amounts. It is simply impossible to reconcile these types of conflicting conclusions.

In addition to undervaluing recreation, current management of numerous areas, including the Molas Pass Area were not accurately reflected in the RMP. While the Molas Pass area has never been closed to motorized usage, the RMP asserts it is currently closed and all alternatives

assert the area is to remain closed. Hard to argue there is a hard look at a closure when the closure is not reflected.

5. Winter Wildlands Litigation



This issue involves litigation in Idaho brought by the Winter Wildlands Alliance attempts to mandate winter travel management for all national forests, limit open riding areas and to invalidate the winter provisions of the travel management rule. Previous decisions from the Forest Service had ruled in favor of motorized users on this issue. WWA appealed the Forest Service decision to Federal Court in Idaho. The trial court ruled in favor of WWA and required winter travel management for all forests and invalidated the winter portions of the travel management rule. This decision is being appealed by the Idaho Snowmobile Association and its partners as the trial court decision is lacking factual and legal basis.

CSA has been actively involved in administrative appeals prior to the Federal Court proceedings. As this litigation was brought in Idaho, CSA has partnered with the ISA to facilitate the defense of this matter. This partnership has resulted in several large donations being made by CSA to the Idaho legal defense fund and any resources necessary being available to our Idaho partners. CSA is also aware of similar litigation in California regarding winter travel management and notes the parallels between the WWA litigation and the litigation in Colorado regarding MVUM route designations. These are not isolated issues.

6. Bear Creek Trail - Updated



This lawsuit was served on the Forest Service and Colorado Springs utilities by the Center for Biological Diversity and others regarding exclusion of trails in the vicinity of cutthroat trout habitat. This suit sought a blanket exclusion of trails from areas adjacent to streams with cutthroat trout. COHVCO and TPA have intervened and making sure the best resolution for motorized recreation is obtained. Terms of settlement have been reached that would permit new trails to be created in the area and close the habitat area to all threats. **TPA and COHVCO are working to insure the closures are applied per the terms of the agreement with the submission of a notice of intent to sue if the terms of the settlement agreement are not complied with.**

7. Pike /San Isabel MVUM challenge-



The first suit was filed on January 31, 2011 by anti-access plaintiffs including The Wilderness Society, Quiet Use Coalition, Wildlands CPR, and Center for Native Ecosystems and Great Old Broads for Wilderness regarding the Pike and San Isabel Forests. COHVCO and TPA intervened with the Forest Service to defend this lawsuit, which could impact every MVUM that has grandfathered existing routes. These defense expenses are being born solely by Colorado OHV advocacy groups. This case seeks to remove any trails that predated NEPA and were

grandfathered in the creation of PSI MVUMs. The exact impact of this suit is yet to be clarified but this suit could impact trails such as the Blanca Peak 4wd trail. This case is currently moving forward in the discovery phase of litigation.

8. Rico/West DeLores-



A second suit involving grandfathered routes on an MVUM was filed regarding the Rico West Dolores/alpine triangle area of the San Juan Forest brought by Colorado Backcountry Hunters and Anglers seeking closure of 14 trails which have a long history of motorized travel. COHVCO, TPA, Blue Ribbon Coalition, the San Juan Trail Riders and the Public Access Preservation Association have intervened to defend this matter with the Forest Service. **The complaint was dismissed by the trial court and access was maintained. The trial court's decision has been appealed.**

Recreational usage issues and concerns.

1. Hermosa Watershed Legislation - NEW



The Organizations have been heavily involved in the Hermosa Watershed Legislation with Rep. Tipton and Senator Bennett's Office and are optimistic it will be passed this session. This Legislation would release a wilderness study area and mandate motorized usage of the area consistent with the historical usage of the area. BLM is currently seeking to close this area that has a long history of motorized recreation. In addition the legislation designates a special management area of more than 70,000 acres where motorized usage and routes are to be protected and preserved.

2. Bear Creek trail watershed - NEW



As noted this area has been the basis for litigation. The Organizations have submitted extensive scoping comments subject to the settlement of the litigation to insure that actual threats to the cutthroat trout are addressed in planning and that closures to do target motorized usage. Research indicates that most routes are not a threat to the cutthroat, and as a result should not be closed.

3. Burn Canyon Trail development - NEW



The Organizations are vigorously opposed to the significant change in the direction of this project. Originally the project would have built 34 miles of multiple use single track in the area. For reasons that are unclear, the proposed alternative in the EA now seeks to only develop these trails for mechanized usage only. There is no funding for the development of non-motorized trails and maintenance is problematic without significant monies being available for maintenance.

4. Basalt to Gypsum Trail development - NEW



The Organizations submitted extensive comments in favor of development of new single track trails that connect the Basalt areas to the Gypsum riding areas and parking areas for the use of these trails. These trails have been funded with OHV grants that have been extensively discussed and reviewed and this analysis must be the starting point for any NEPA analysis of the project. The Organizations are hopeful these routes will be developed.

5. Expanded definitions of Navigable Waters - NEW



The EPA and Army Corps of Engineers have recently made proposals that significantly expand the scope of what must be regulated as navigable water under the Clean Water Act. This decision could heavily impact the management of OHVs in areas around newly navigable waters. This proposal is currently under review.

6. Sage Grouse Habitat/Planning- Updated



COHVCO is involved in numerous Grouse planning initiatives with Federal, State and local agencies. The Greater Sage grouse plan proposal is currently out for comment. There are several areas of concern that we have since the plan is based on an endangered species that no longer exists, models larger tracts of lands as habitat areas that have not been occupied for a long time, caps road construction and tries to manage under absolute limitation for soil disturbance that will not work in areas where there are large tracts of private lands. **Extensive comments were submitted on the proposed Resource Management Plan changes that were proposed by the BLM.**

Since the close of the comment period, an extension of time has been granted for CPW to submit a Colorado alternative. COHVCO and its partners have been voicing our concerns and working with CPW to develop management that insures the Grouse is not listed and recreational opportunities are maintained.

7. Grand Junction BLM Resource Plan-



The Grand Junction BLM office released a draft resource plan that proposed to close over 2,000 miles (60-70%) of routes in the office. The Organizations submitted extensive comments, participated in numerous meetings with BLM managers and federal, state and local government officials to highlight the numerous critical flaws that are present in the plan. These flaws included a complete failure to accurately address economic impacts of trail usage, which BLM placed at 10-15% of the total value, employment and daily spending amounts determined in research from Federal, State and user group analysis.

The plan also proposed a massive expansion of closures for cultural sites in violation of federal law and sought to automatically close any sites located in the future. Currently there are 50 sites on the National register of historic places in the planning area, the plan proposed to add almost 1,900 sites to the list. The Organizations do not believe these sites are suitable for inclusion on the national register, which is a defining criteria for closures of cultural areas.

The RMP also sought to close all Wilderness study areas to motorized access despite a long history of usage of the areas and a complete lack of NEPA analysis of the proposed changes. The RMP also failed to explain how management standards of ACEC areas would relate to the management concerns in the area. This resulted in closures of these areas to motorized access despite the management issue simply having no relationship to motorized usage.

8. Domingez-Escalante National Conservation Area ("DENCA") Plan-



Proposal closes 272 miles (50%) of routes in the preferred alternative. The Organizations submitted extensive comments objecting to many phases of the plan. Again there is a complete failure of economic analysis as the plan asserts that the average recreational user spends \$16 per day. the RMP fails to address that Sage Grouse planning addressing recreational usage of the same area estimates the average recreational spend to be in the high \$40 range per day and USFS data indicates \$63. Hard to balance uses when the review is that incorrect.

The Organizations also opposed the fact that over 85% of the planning area would be seasonally closed for wildlife issues despite analysis that concludes the population is at or above targets for the area and current management is effective at mitigating impacts while maintaining access. Habitat areas many other species are proposed to be managed to prohibit motorized access despite best available science specifically concluding motorized usage is not a threat to the species.

9. Wilderness Proposals-



The Organizations remain heavily involved in the numerous Wilderness proposals that threaten continued recreational access to large portions of the state. This would include Hidden Gems, and its variations, the San Juan Wilderness proposals and others. Meaningful analysis of these issues and proposals finds that Wilderness creates more trouble than it resolves and negatively impacts most users.

10. OHV permits on plated vehicles.



Refer to State Parks website for details at

<http://www.parks.state.co.us/OHVsandSnowmobiles/OHVProgram/OHVRegistrations/Pages/OHVRegistrations.aspx>

11. OHV registration number size increase.



Various environmental groups have pushed a proposal to increase the size of all registration numbers on all OHVs to the size of a car license plate based on alleged law enforcement concerns. This proposal is being vigorously opposed by COHVCO as it will not work on the ground and is not supported by any research. This proposal is also opposed by the state and federal agencies due to concerns about costs and effectiveness.