



ISSUES AT A GLANCE 3-9-17

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. Many local issues have been favorably resolved with recent efforts but are not listed here due to space limitations. We have identified the user groups most directly impacted by each issue with a logo next to each issue.

RECENT WINS

1. State Legislation providing increased protections to clubs performing land stewardship activity on public lands – NEW



While this issue has not been completely passed into law at the time of this update, the Proposal has moved through committee in both houses with strong support from Legislators and we anticipate favorable votes of both houses of the Legislature in the near future. SB17-100 provides an increased level of negligence protections and removes several contracting requirements related to state grants for clubs performing land stewardship activities on public lands. Many clubs were not able to cost effectively obtain insurance required for OHV grants. This Legislation makes it easier for clubs to get insurance at reasonable rates and continue the great work for the benefit of the public.

2. BLM Planning 2.0 withdrawn- NEW



The Bureau of Land Management recently developed a new planning process that governed how much of their local planning process (Field Office Resource Plans and similar) would proceed. The Organizations expressed serious concerns regarding the lack of public input

surrounding the development of the Proposal and about the imbalance of resource protection in the plan with multiple uses. While citizen inventory for Wilderness and Areas of Critical Environmental Concern would be much easier to submit, public time to respond to these proposals was seriously limited. Several Field Offices moving forward under the new planning rule were proposing major closures and only brief public comment opportunities. This would have been a serious burden on multiple uses. Congressman Tipton championed a resolution of non-support for the BLM Planning Rule in the US House and this resolution has passed both the House and Senate (supported by Sen Gardner). We anticipate signature of the Resolution by the new President. Hopefully a far more balanced rule can be developed in the future.

3a. HB 1030 allows expanded OHV usage of County Roads- Updated



COHVCO efforts at the Capitol spearheaded passage of new Legislation (HB 1030) in Colorado expanding usage of OHV's on county roads. This was a multiple year effort that should bring greater consistency between counties allowing OHV usage of county roads to connect trailheads. Often time's county roads provide important connectivity for trail networks and allow riders to come into town for fuel, supplies and lodging.

3b. Local communities expand access under HB 1030 - Updated



The groundswell of local community support for HB 1030 has been overwhelming as more than two dozen municipalities have opened some or all county roads to OHV usage. Every day we learn of more communities seeing the value of OHV recreation and improving access to their community. This local groundswell has moved to the point that communities that are not improving OHV access are falling behind the normal level of access for the OHV community and may lose economic contributions as users move to communities that have addressed access limitations. Several communities have also turned down Proposals that would have closed county roads to OHV traffic.

4. State Legislation defeated allowing E15 tax credits -



COHVCO efforts during the last State Legislative cycle were critical in defeating proposed legislation that would provide tax credits to support expanded distribution of motor fuels with increased levels of ethanol (E15) in Colorado. This proposal was defeated at its first hearing in the Senate. Even small amounts of motor fuels with increased levels of ethanol severely damages most small engines, decreases performance, increases emissions in addition to requiring significant subsidies which impact many other facets of the Colorado community.

5. Rico/West DeLores Travel plan legal challenge-



This was a suit involving grandfathered routes on the existing MVUM in the Rico West Dolores/alpine triangle area of the San Juan Forest was 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 was recently confirmed on appeal.

6. Endangered Species Act reform - NEW



The Organizations remain involved in a wide range of efforts to revise and improve the effectiveness of the Endangered Species Act. While we all support the goals of the Act, the Act has become a cottage industry for certain anti-access groups to sue land managers. In addition several class action lawsuit settlements have caused a huge degree of uncertainty into any decision making. As a result land managers are afraid to undertake basic maintenance and often close trails simply to appear proactive on issues.

The Organizations were thrilled to be invited to recent efforts being undertaken by the Western Governors Association regarding species conservation and reform of the Endangered Species act. We have provided extensive comments on these issues and were thrilled when much of the concerns in these comments were adopted into the WGA resolution on ESA reform.

The US Fish and Wildlife Service recently increased the threshold to be achieved in order to petition the Service to list a species, which should avoid the ongoing resubmission of the same information on a species simply because the petitioner did not like the answer they got regarding their last petition.

The US Fish and Wildlife service has been revising their internal handling of the ESA petitioning process. This new process should make it easier to protect species where there is good science supporting the concerns and avoid listing of species where the scientific basis for decline is unclear and avoid listing due to a need to appear to “do something” to protect a species. COHVCO/TPA vigorously supported these efforts.

Additionally, the Government Accounting Office recently completed a report that the “Sue and Settle” mentality around ESA listings has become a major barrier to the FWS being able to move forward with listings and benefit species on the ground. This report will be a major tool moving forward.

7. Greater Sage Grouse was not listed as threatened or endangered



The Organizations were thrilled with recent determinations that the Greater Sage Grouse did not warrant listing on the Endangered Species list. Such a listing could have had a profound effect on all forms of recreation on public lands in Colorado. While we are thrilled with the non-listing, the Organizations will remain vigilant as new planning standards are implemented.

8. Federal Economic Legislation- NEW



COHVCO and partners were thrilled with the passage of federal legislation (Sponsored by Sen Gardner) requiring development of a report to Congress regarding the national economic contribution of outdoor recreation. This report would be a joint project between land managers and the Department of Commerce, which should result in an accurate calculation and avoid the tragic undervaluation of recreation in federal lands planning that has become all too common.

LAWSUITS

1. Bear Creek Trail



This lawsuit was served on the Forest Service and Colorado Springs utilities by the Center for Biological Diversity and others seeking exclusion of trails in the vicinity of cutthroat trout habitat in the Bear Creek watershed outside Colorado Springs. This suit sought a blanket exclusion of trails from areas adjacent to streams with genetically pure greenback 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.

The motorized community has also been working with the USFS and El Paso County to develop trails in the area that are outside the watershed. We are hoping that construction of these trails should be completed early this summer after several unexpected issues arose which delayed completion of the project last summer.

2. 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. **This lawsuit has been settled - more information is available on next steps in the usage and concerns section.**

Recreational usage issues and concerns:

1. UFO BLM Resource Plan - NEW



The BLM Uncompahgre Field Office is developing a new resource management plan for the Field Office. While the UFO has been providing balanced recreational opportunities for an extended period of time, the Organizations submitted extensive comments regarding major expansions of Areas of Critical Environmental Concern and Wilderness Characteristics areas in the Proposal. The Organizations are hopeful these concerns can be resolved and the UFO will continue to provide the high quality multiple use recreational opportunities it has provided in the past.

2. State Trails Strategic plan- NEW



The Organizations were heavily involved in CPW processes regarding the development of a new strategic plan for the State Trails Program. This Project was recently completed and clearly identified that all trails in the state will be held to a single standard in terms of review and analysis for funding from the Program. This is a good thing.

3. White River BLM Resource/Travel Plan- NEW



The Organizations submitted vigorous extensive comments opposing much of the proposed closures and restrictions in this plan, which resulted from major expansions of Wilderness Characteristics areas and Areas of Critical Environmental Concern. This directly contradicted many local community planning efforts that directly targeted development of these areas for multiple use recreation. This Proposal was moving forward under the BLM Planning 2.0 process, which was recently withdrawn. This Proposal was a poster child for our concerns under the new Planning rule their existing rule was finalized in the late 1990s. In 2004 a citizen inventory of ACEC and WCA was submitted, but the agency never moved on this document as it was not timely in relation to their planning process. The Field Office then adopts these inventory as objections to a 2012 Oil and Gas Amendment to the 1990s Plan. These ACEC and WCA proposals were then included in the travel plan being developed for the Office without notice required for the public.

4. New COHVCO Economic Contribution study released- NEW



COHVCO has obtained a grant from the CPW OHV grant program to undertake a complete review of their 2001 Economic Contribution study. While this study has been periodically updated, concerns arose about its age and changing spending profiles of the OHV community, such as side by sides costing 5x or more the cost of an ATV in 2001. **This study has been completed and is now available to the public, and may be downloaded on the COHVCO website. This study concludes that OHV recreation contributes more than \$2 Billion annually to the Colorado economy (more than double last estimates) and accounts for more than 16,000 jobs in the state.**

5. Front Range Flooding closures/Lefthand Canyon area of Boulder Ranger District.



TPA/COHVCO have been working with the USFS to streamline reopening of many recreational sites that were damaged by flooding along the Front Range last year including the Lefthand Canyon area. Reopening any of the facilities has been a challenge due to the scale of damage that has occurred. Simply estimating the costs to repair each site has been a significant challenge and COHVCO/TPA is working with the USFS to get these estimates and reopen sites as soon as possible.

COHVCO/TPA in partnership with local clubs has been able to get some headway on reopening the Lefthand Canyon area of Boulder Ranger District. This area has received significant motorized funding and was damaged by flooding. USFS has plans in place to fully inventory the area, which would be a significant step towards reopening the area and is exploring reopening other access points to the area as well.

6. The USFS has released a new proposed winter travel management rule.



The Proposed Rule recognizes: 1. Off trail snowmobile riding is a valid usage of NFS lands that should be continued, and is highly valued especially in the Western United States; 2. The proposed rule continues existing management decisions regarding over the snow vehicles, which means the riding area boundaries will not change as a result of the new rule and riding opportunities you will have this year are the same areas as you had last year; and 3. The proposed rule recognizes that open riding area boundaries are significantly larger for winter travel than summer travel.

Extensive comments were submitted and we are optimistic that the final rule will be similar to the proposal. CSA is exploring the development of winter travel maps and dissemination of these maps through smart phone and Garmin applications with the USFS and local clubs.

7. Magnolia Proposal on Boulder Ranger District - UPDATED



COHVCO, TPA and CSA are opposed to the preclusion of multiple use recreation under this Proposal on the Boulder Ranger District. This area has a long history of high quality multiple use trails and recreation and the Organizations believe the proposal is simply off base. It is also difficult to reconcile the funding issues that are cited as a barrier to reopening Lefthand Canyon area with a proposal similar to this moving forward.

The USFS has asserted that a new collaborative process will be developed to resolve the many outstanding concerns from numerous sources regarding this Proposal before the project moves forward.

8. Bear Creek trail watershed



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 do not target motorized usage. Research indicates that most routes are not a threat to the cutthroat, and as a result should not be closed. The USFS anticipates moving forward with development of these rerouted trails funded with OHV grant money outside the watershed this summer.

9. Efforts to insure that grant funding is timely and easy for clubs to use.



In conjunction with SB17-100 development, the Organizations have worked with CPW to streamline the entire OHV grant process. This has resulted in the grants often being received by recipients months sooner than the year before. This funding is becoming more and more important to trails programs with the rapid declines in money that is available through the federal agencies for recreation.

10. 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 efforts resulted in more than 500 miles of routes being reopened.

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 Organizations have appealed the decision on this basis and are optimistic of a positive outcome.

11. Wilderness Proposals- UPDATED



The Organizations remain heavily involved in the numerous Wilderness proposals that threaten continued recreational access to large portions of the state, including 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.

The Organizations just released a new publication highlighting the stark contrasts between the benefits that Wilderness advocates assert in their proposals and the negative impacts that disinterested third parties find result from Wilderness designations. That document is available here: http://coloradotpa.org/documents/2014_0918_WildernessEnoughisEnough.pdf

The Organizations have also developed a draft proposal opposing many of the site specific Wilderness Proposals and seeking to affirmatively protect multiple use recreation on many areas that have been withdrawn from earlier Wilderness legislation with Legislative Protections of multiple usage as a priority usage of the areas. Additionally this Proposal would release several Wilderness Study areas and protect multiple use in several areas where significant closures in the planning process are being considered.

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. FLREA site specific fees - NEW



The Organizations have recently been heavily involved in discussions regarding the future process to be used to review site specific fee increases for users of developed recreational sites in Colorado. This has included significant public review and process being required before any fee increase could be implemented. The Organizations also vigorously asserted that the imposition of any fee for use of facilities developed or maintained with OHV grant funding was completely unacceptable to the motorized community, as these programs are now providing approximately \$1.25 to federal land managers for every resident of the state. It is unfair to ask the motorized community to increase support further when other user groups provide no funding at all. Protections were put in place to insure these types of issues were avoided in the future.

12. Pike/San Isabel litigation implementation meetings-



TPA is leading this effort for the entire Colorado OHV community response to the FS on this issue. TPA has hired a consultant to coordinate efforts with the USFS on implementation of the recent settlement of a lawsuit by the Wilderness Society and others challenging the Pike San Isabel National Forests Motor Vehicle Use maps. The USFS has consented to conduct NEPA on all these routes to address a variety of issues. This issue is rapidly developing and we will keep everyone in the loop on what the issues are, when to comment and how to comment or be involved in public meetings.

Originally there was an aggressive timeline laid out for the implementation of the settlement. Right now that timeline appears to be optimistic but the USFS is working hard to meet May of the early deadlines. When public input opportunities become available we will let you know.

13. Revision of the Rio Grande National Forest Plan- UPDATED



The Rio Grande National forest has begun collaborative efforts moving towards the development of a new resource management plan for the forest, which will take at least 3-5 years. Travel Plan The Organizations have been heavily involved in these public meetings to insure that the high quality motorized recreational opportunities in the area are maintained. COHVCO/TPA/CSA was thrilled to see that the purpose and need for the new Forest Plan does not seek to limit or reduce motorized access to the Rio Grande planning area as this area has exceptional riding opportunities and with closures in other areas have become more valuable by the year.

14. Rico/West Delores Travel Plan UPDATED-



The Rico/Delores Ranger district of the San Juan NF is developing travel plans for the Rico/Delores area of the forest. COHVCO/TPA applauds their efforts to develop multiple use trails in an area that often has been guided by a small vocal anti-motorized group. COHVCO/TPA is concerned that some trails have been converted from single track motorcycle type trails to wider ATV and SxS trails, as single track motorized trail opportunities are exceptionally limited in Colorado. Extensive comments have been submitted in conjunction with local clubs opposing trail closures and voicing our concerns about lost single track opportunities.

15. 2017 COHVCO Workshop- NEW



We are changing things up a little this year for our OHV workshop. We are going to be providing a very technical trail building workshop this year and only giving quick updates on many other issues. The workshop will be based on the new Great Trails book from NOHVCC,

which is available here for download here: <http://gt.nohvcc.org> so you can understand the direction the workshop is headed

We will still do a classroom portion and an "in the field" portion, which will be very hands on and of limited value if you are not operating a trail dozer. While attendance at the classroom portion can accommodate a larger groups similar to previous years, the maximum number of people is about 30 for the "in the field" portion of the workshops at each location.

When:

May 5-7, 2017
July 14-17, 2017

Where:

Grand Junction, CO
Rampart Range outside Denver CO

16. NOHVCC Trails handbook -



NOHVCC (One of the Organizations' strong national partners) has developed an exceptional new resource for land managers which is a 300 page color manual for the development and maintenance of motorized routes and trails. TPA has secured 60 copies of this book and is currently circulating them to land managers throughout the State to allow them to effectively protect trails and prove the quality of the design in protecting resources.

17. Wildlife mitigation credits-



The US Fish and Wildlife agency is proposing a credit exchange program for wildlife habitat projects that improve the quality of habitat areas. The Organizations are exploring the possibility of credits being earned and banked through the CPW OHV trails program to allow for their future use to preserve and protect trails. CPW OHV grants provide a significant amount of funding to protect and preserve wildlife habitat along with trails and credits being provided could allow expanded trails in the future by avoiding concerns about possible wildlife impacts.

18. Taylor Pass closure to camping- NEW



Grand Mesa, Uncompahgre and Gunnison National Forests leaders are proposing to close the Irwin area, north of Crested Butte, and the Tincup area, southeast of Taylor Reservoir, to dispersed camping from Memorial Day to Labor Day. Camping in campgrounds will still be allowed at the Lake Irwin and Mirror Lake campgrounds. These areas are receiving increasing numbers of dispersed campers, user-created roads and spurs and successional occupation during the summer months, U.S. Forest Service leaders say. Additionally, increased use of motor vehicles off the designated roads, trailers and motorhomes with associated group camping are causing significant impacts. The Organizations were vigorously opposed to this Proposal are seeking alternatives to be developed to avoid closure.

19. Silverton Heli-ski permit expansion

NEW



**20. Travel Management should be properly
balanced with other issues facing land
managers- NEW**



The Organizations were surprised when several national groups, including some motorized, took the position that completing travel management should remain a priority for land managers. The Organizations opposed travel management being arbitrarily elevated above other management concerns, some of which are of farther ranging and more significant impact that travel management could ever be. Land managers must be able to prioritize threats in their locality based on the scale of the threats rather than to conform to national objectives.

An example of why elevating travel management above other concerns makes little sense in Colorado would be based on recent research on the poor forest health in Colorado, which found 17% of all trees in Colorado are dead. This results in greatly increased risk to recreational usage of these lands due to catastrophic wildfire and significantly increased risk to the health safety and welfare of communities surrounded by forests of dead tree s and relying on these lands for basic resources such as water. Any assertion that completing a travel plan in landscapes decimated by exceptionally poor forest should be a higher priority than providing basic sustainability would lack factual basis and not be supported by the public in these areas. Managers should be allowed to look at threats to public lands in relation to the priority of threats and not to comply with concerns of particular user groups.