



## ISSUES AT A GLANCE 5-26-16

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. Rico/West Dolores 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.

#### 2. Legislation to release WSA designation of Molas Pass riding is signed into law .



The motorized community in Colorado successfully gained release of a Wilderness Study area outside Durango Colorado which was proposed to be closed to motorized usage despite the long history of motorized activity and high value of the area to the multiple use community. In addition to releasing the WSA, the legislation mandated motorized usage was to be required in the area by law, which was a first in the nation. Additionally, the Legislation created a special

management area of more than 70k acres where motorized trails were a characteristic of that area.

**3. 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.

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



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.

**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 construction of expanded 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 Summit County Off Road Riders (SCORR) local club and agency personnel. This trail network will provide a motorized single track opportunity in an area where these opportunities are very limited currently.

## **LAWSUITS**

### **1. Winter Wildlands Litigation**



This issue involves litigation in Idaho brought by the Winter Wildlands Alliance attempting 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 ISSA 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.

### **2. Bear Creek Trail - UPDATED**



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 by the end of the summer.

**3. Pike /San Isabel MVUM challenge-**  
**UPDATED**



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. COHVCO Economic Contribution study-**  
**UPDATED**



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. Data collection is almost completed and we anticipate release of this study within the next year.

**COHVCO expects a draft of this report to be available early this summer and a final version completed by the end of the summer for circulation.**

**2. 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.

**3. 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.

**4. Magnolia Proposal on Boulder Ranger District -**



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.

**5. 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 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. The USFS anticipates moving forward with development of these rerouted trails funded with OHV grant money outside the watershed this summer.

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



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.

**7. Participation in Governors Office of Outdoor Recreation-**



TPA was recently asked to serve on Governor Hickenlooper's Outdoor Recreation Council, which seeks to leverage the value of the outdoor recreational community in the state of Colorado. The Outdoor Recreation Industry Office provides a central point of contact, advocacy, resources and support at the state level for the diverse constituents, businesses, communities and groups that rely on the continued health of the Colorado's Outdoor Recreation Industry. We are optimistic these efforts will form many partnerships and improve multiple use recreational opportunities moving forward.

**8. 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.

**12. 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.

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](http://coloradotpa.org/documents/2014_0918_WildernessEnoughisEnough.pdf)

**13. 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>

#### **14. Revision of the Endangered Species Act/Species specific -**



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 have also been very involved in discussions on a wide range of species specific to Colorado, including opposition to the re-introduction of the Mexican or Gray wolves in Colorado. Simply too much uncertainty in these proposals, and similar reintroductions have not gone well in other states. CSA has partnered with the Pacific Legal Foundation in litigation to address issues with the proposed listing of the Wolverine on the ESA list.

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 will remain involved as these efforts move forward. The US Fish and Wildlife service has been revising their internal handling of the ESA process. COHVCO/TPA have submitted extensive comments on these issues as they develop.

#### **15. Pike/San Isabel litigation implementation meetings- UPDATED**



TPA is leading the 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.**

**16. 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.

**17. 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.

**18. COHVCO Workshop- UPDATED**



COHVCO is moving forward with development of the 2016 OHV workshop. This event has been occurring for almost 2 decades and is the premiere educational meeting of all users, land managers, local government officials and land managers in the State. This event is open to the public.

**This year's event is occurring in Cripple Creek Colorado at the Double Eagle Casino and conference facility from June 23-25 and is targeting "Resolving Trail Challenges through Partnerships." Registration is open and costs only \$75 for the event - more information is available here: <http://nohvcc.ticketleap.com/2016-cohvc/>**

**19. 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.

**20. HB 1030 allows expanded OHV usage of County Roads- NEW**



COHVCO efforts at the Capitol spearheaded passage of new Legislation (HB 1030) in Colorado expanding usage of OHV's on county roads as exemplified in Silverton, Lake City and Meeker. Expanded OHV usage of county roads is also being explored by South Fork and Grand Lake Colorado. This was a multiple year effort that should bring greater consistency between counties allowing OHV usage of county roads to connect trailheads. Often times county roads provide important connectivity for trail networks and allow riders to come into town for fuel, supplies and lodging.

**21. Legislation defeated allowing E15 tax credits - NEW**



COHVCO efforts during this 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.

**21. Wildlife mitigation credits- NEW**



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.

**22. New Motorcycle club in Salida formed- NEW**



TPA has provided logistical and organizational support for the development of a new motorcycle club in Salida Colorado. The Central Colorado Mountain Riders club is ramping up operations and should have a website and other resources running in the near future.