

"The Impacts Of Unmanaged Off-Road Vehicles On Federal Land"



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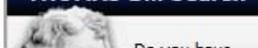
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Event: 'Subcommittee On National Parks, Forests And Public Lands: Oversight Hearing On: "The Impacts Of Unmanaged Off-Road Vehicles On Federal Land"'

Subcommittee Hearing

Date: Thursday, March 13, 2008 At 02:00:00 PM

SHARE 

The House Natural Resources Committee, Subcommittee on National Parks, Forests and Public Lands, led by Rep. Raul Grijalva (D-AZ), will hold an oversight hearing on "The Impacts of Unmanaged Off-Road Vehicles on Federal Land."

Subject:

House Subcommittee on National Parks, Forests and Public Lands
Oversight Hearing on "The Impacts of Unmanaged Off-Road Vehicles on Federal Land"

When:

Thursday, March 13, 2008, at 2:00 p.m.

Where:

Room 1324 Longworth House Office Building

Witnesses:

Panel 1

Henri Bisson, Deputy Director, Bureau of Land Management
Joel Holtrop, Deputy Chief, National Forest System, USDA Forest Service

Panel 2

Dr. Denise Dowd MD, MPH, FAAP, American Academy of Pediatrics, Kansas City, MO
Jack Gregory, Rangers for Responsible Recreation, U.S. Forest Service Special Agent in Charge (Retired), Marietta, GA
Ross Ehnes, Executive Director, National Off-Highway Vehicle Conservation Council, Great Falls, MT

Panel 3

Ted Howard, Cultural Resources Director, Shoshone - Paiute Tribes, Owyhee, NV
Victoria Fuller, Private Property Owner, Joshua Tree, CA
Bob Vahle, Retired Forest Planner, Pinetop, AZ
Ken Rosevear, American Sand Association, Inc., Yuma, AZ

Opening Statement

Chairman Raul Grijalva

*Opening Statement
Subcommittee Chairman Raúl Grijalva
Off-Road Vehicle Hearing
March 13, 2008*

The Subcommittee will come to order.

I am pleased today to welcome you all to this timely oversight hearing on the impact of off-road vehicles on our nation's public lands system. I would like to thank all our witnesses for being here today and look forward to hearing their testimony.

I say timely because it seems that we are more frequently seeing media reporting that the use of ORVs on public lands is growing rampantly, as are the impacts of their unchecked use on both federal lands and private lands. We are hearing concerns from citizens across the spectrum, including ranchers, sportsmen, law enforcement agents, emergency room doctors, property

owners, tribal leaders, archeologists, and wildlife biologists, as well as environmental advocates.

News reports from the Christian Science Monitor, to the New York Times, to my own Tucson Citizen are reporting what many of these stakeholders already know -- that the unmanaged use of off-road vehicles is a crisis that federal land management agencies are failing to address.

While many Americans enjoy using ORVs responsibly, the negligent use of ORVs is rising rapidly with troubling results: damaged cultural sites, disturbed wildlife habitat, and destroyed private property.

Many ORV riders -- knowingly and unknowingly -- zoom off designated trails and run over fragile areas,

harming resources, and threatening public safety. Some ORV users are spilling out beyond boundaries of federal lands onto nearby private property or tribal lands. The rapid growth of this recreational activity has resulted in use that overburdens law enforcement and local communities and tarnishes the recreational experience for those off-road users who respect the land.

Although ORV use on federal lands is legal on designated roads and trails, it has increased so dramatically that federal managers seem unable to keep up. A recent poll of federal land enforcement agents reveals that they view off-road vehicles use as one of the biggest threats facing our public lands.

According to one report, ORV use has increased as much as 147% since 1993. One BLM official in Utah has stated that in order for the agency to address the

impacts of ORVs on public lands, “you would have to have Patton’s army”.

As funds for federal land management agencies have been cut year after year, staffing has dwindled and resources have been stretched thin, leaving our cultural and natural resources unmonitored and unprotected.

Agencies such as the Bureau of Land Management and the Forest Service cannot adequately enforce existing regulations or provide for public safety.

In those cases where regulations can be enforced, penalties are too weak to be an effective deterrent for those irresponsible off-road vehicle users who damage resources.

Closure of public access is obviously the issue that polarizes this debate. One side thinks that their right to

ride is being infringed, while the other side wants to close areas to ORVs, but this is not what this hearing is about. While that debate is important, this is about the agencies' inability to manage the areas that are being overrun. This is about managing the legal use of ORVs. This is about creating a culture of responsible recreational use.

With such a boom in the use of ORVs, I would be derelict in my duties if I did not hold this hearing. ORV users are flocking in record numbers to federal lands, and addressing the impacts of the ORVs across the west goes to the heart of the sound stewardship of our public lands and the public trust. This is a problem that is need of an urgent attention and long term solutions.

I'd now like to turn to Ranking Member Bishop for any opening statement he may have.

**Statement of
Henri Bisson, Deputy Director
Bureau of Land Management
Before the House Committee on Natural Resources
Subcommittee on National Parks, Forest and Public Lands
“The Impacts of Unmanaged Off-Road Vehicles on Federal Land”
March 13, 2008**

Introduction

Thank you for inviting me to testify regarding motorized recreational use on the public lands. My testimony today will highlight the ongoing efforts within the Bureau of Land Management (BLM) and the National Park Service (NPS) to manage off-highway vehicle (OHV) use. These two agencies within the Department of the Interior operate under separate mandates, and must therefore manage this use of the public lands differently. Accordingly, I will address the BLM and NPS approaches separately.

OHV Use on BLM-Managed Public Lands

The BLM strives to preserve and protect resources for use and enjoyment of future generations while meeting the needs of motorized recreational access today. With more than 57 million people living within 25 miles of BLM administered public lands, motorized recreation on the 258 million acres of public land is managed consistent with the multiple-use mandate of the Federal Land Policy and Management Act of 1976 (FLPMA). Wise management of OHVs and balancing the needs of all the users of the public lands is our continuing challenge.

This challenge has been building over time. What was once the vast and spacious public land of the West that few knew about and fewer actively used for recreational purposes has now become something quite different. Today, with the suburban sprawl of many western cities and the increased pressure for more outdoor recreational opportunities, the BLM has had to adjust its management of these lands to ensure their health for future generations.

Challenges

Some facts and figures help to illustrate the reality of our management challenges: OHV use has been a major recreational activity across the West for the past four decades. The BLM-administered public lands will host 58 million recreation visits from across the country and other nations this year, a number that has nearly doubled in the last 25 years. Many of these visitors will be responsibly riding ATVs or motorcycles. The Motorcycle Industry Council conservatively estimates there are four times more OHVs in the West than there were a decade ago.

The extensive network of roads and trails, now primarily associated with motorized and non-motorized recreation use, has largely been inherited from historical access patterns dating back nearly 200 years. The majority of roads and trails in use today were originally developed for trade, mineral exploration, ranching, forestry and many other purposes.

The combined effect of population increase in the West, unauthorized user-created roads, explosive growth in the use of OHVs, advances in motorized technology, and intense industry marketing have generated increased social conflicts and resource impacts on the public land. The BLM faces many challenges--protecting resources, minimizing user conflicts, safeguarding visitor safety, and providing reasonable and appropriate access.

Over the last decade, increasing recreational demand has led to an increase in legislation, litigation and intense public interest regarding BLM's management of OHV travel. As a result, the BLM is addressing travel management as part of a comprehensive approach that considers public access needs for all modes of transportation. BLM has sought extensive public participation and input to designate a travel network that is thoughtfully designed and properly managed and makes the best use of resources. Public participation is essential to the BLM planning process and serves to improve communication, develop enhanced understanding of different perspectives, and identify solutions to issues and problems.

Additionally, in order to help address increased use of BLM lands, the 2009 Budget proposes directing approximately \$8 million from field offices experiencing little or no population growth to field offices in or adjacent to expanding communities. Recreation and law enforcement are among the programs in which these funding shifts will occur.

BLM Management and Policy

In 2001, the BLM issued its *National Management Strategy for Motorized OHV Use on Public Lands* to improve our management of this recreation activity. This strategy sets comprehensive direction for planning and managing motorized recreational use in full compliance with Executive Orders, existing regulations, and policy guidance. Through the planning and travel management process, public lands are designated as "open", "limited", or "closed" to OHV use. Open areas are areas where all types of vehicle use are permitted at all times, anywhere in the area. Limited areas are lands where OHV use is restricted at certain times or use is only authorized on designated routes, and closed areas are lands where OHV use is prohibited. This 2001 strategy recognizes motorized recreational use as a legitimate use of public land wherever it is compatible with established resource management objectives.

Building on this strategy, in 2005 the BLM issued a revised "Land Use Planning Handbook," which included specific guidance for "Comprehensive Travel and Transportation Management." It ensures that all new land use plans developed by the BLM will address public access, travel management and OHV area designations. These land use plans guide the management of all of the 258 million acres for which the BLM is responsible.

Finally, in December 2007, the BLM sent guidance to its field offices to further clarify travel management decisions in the planning process. Specifically, the guidance affirmed that continued designation of large areas that remain open to unregulated "cross-country travel" is not a practical management strategy. Instead, field offices are directed to focus OHV travel on designated roads and trails. Field offices still can and have designated open areas, where unrestricted OHV play is permissible. Additionally, this guidance addresses route planning, inventory and evaluation, innovative partnerships, user education, mapping, signing, and law

enforcement. The guidance will result in establishing rational and well-analyzed travel networks, permitting OHV users with continued opportunity to recreate on public lands.

With the completion of new or updated plans, the amount of land designated as limited has increased and the number of acres of open areas has decreased. For example, in the Ely, Nevada, Resource Management Plan (RMP) (2008), the number of acres open to cross-country OHV use declined from 9.8 million acres to zero acres under the preferred management alternative. More than a million acres in the District are closed to OHV use. The closed areas consist of congressionally designated wilderness and Wilderness Study Areas, which is in accordance with the Wilderness Act of 1964 and FLPMA. OHV use on the remaining 10.3 million acres in the planning area is limited to designated roads and trails. This particular area also benefits from a congressionally designated trail system for OHV users.

Open areas have been retained in other RMPs where historical OHV play areas have existed for many years and resource conflicts are minimal. Open areas are appropriate for intensive OHV use where there are no compelling resource protection needs or public safety issues to warrant limiting cross-country use. Examples of areas open to motorized recreational use include El Mirage OHV Area in the Mojave Desert of California, 12,000 acres of flat lakebed used for land sailing and OHV riding, and Hackberry Lake OHV Area in New Mexico, offering 55,000 acres of rolling dunes used for OHV play. These open areas are extremely important local and regional destinations for OHV play with minimal impact.

Closures are sometimes necessary to protect and conserve resources or for public safety in a particular area. Closures can be very controversial. The BLM frequently attempts to work with affected or interested parties to reach agreement on options to address a particular challenge before issuing notices of motorized travel restrictions or temporary closures. Most closures remain in effect until conditions change, impact is reduced or a new decision is addressed in a plan.

For example, in September 2006, the BLM issued a notice of OHV Travel Restriction for the Factory Butte Area in Utah. This decision was made after months of discussion by a group of citizens organized by the BLM Utah Resource Advisory Council. The group could not reach consensus, so the BLM issued an order restricting motorized travel to designated routes on a little over 142,000 acres of public land in order to protect threatened and endangered species that had been adversely impacted. A small OHV open area was also left in place. This restriction will remain in effect until a new Richfield Resource Management Plan becomes final later this year.

As part of the BLM's commitment to implementing its land use plans and protecting resources, the agency deploys 195 law enforcement rangers and 56 special agents across the public lands, about 1 for every 1.2 million acres. High-use recreation areas, such as sand dunes in Southern California, Utah, Idaho and Nevada, continue to be a challenge, especially on long holiday weekends and during major events, and are a primary focus of BLM law enforcement. Imperial Sand Dunes in California typically has more than 150,000 visitors during winter holidays such as Thanksgiving, New Year's and President's Day. Over the New Year's weekend this year, law enforcement issued 630 citations, arrested 25 individuals. Emergency Medical Services

responded to 129 calls. The BLM works closely with local law enforcement agencies on patrols, safety, enforcement and emergency medical responses. We greatly benefit from the strong support of many County Sheriffs and State Highway Patrol organizations throughout the West. The use of short-term work details of BLM officers from other states and officers from other agencies, as well as continued support from local law enforcement agencies through assistance agreements, has proven invaluable.

Partnerships

The vast majority of OHV users are responsible riders. They share the BLM's commitment to the protection of natural and cultural resources and leave no lasting trace on the land. Working with local, state and national OHV groups, we have improved our ability to inform, train and educate the riding public. Partner organizations such as *Tread Lightly!* and *Leave No Trace* have worked to develop and disseminate stewardship education materials and have worked with industry to encourage responsible use marketing and messaging.

Collaboration with our stakeholders and partners continues to be a crucial piece of BLM's OHV management strategy. In Colorado, OHV groups have stepped forward to assist in the education of OHV users by promoting responsible recreation use. The Stay the Trail program, a joint project between the Colorado Off-Highway Vehicle Coalition and Federal agencies, reinforces and highlights responsible OHV use and seeks to reduce irresponsible use, thus minimizing resource damage. In Idaho, BLM partners with the state Fish and Game agency to implement the CARE/SHARE program to build awareness and user ethics regarding public access across private lands or ranching allotments.

I would like to share with you some before-and-after photos of restoration work being done in Southern California with the Student Conservation Association and the BLM. The projects are primarily focused on restoring areas defined by travel management implementation decisions. The emphasis is to protect the habitat of several endangered species, including the desert tortoise, as well as to ensure the viability of the designated travel network. As you can see, the efforts have been a success. By using a variety of techniques, including vertical mulching and re-texturing the ground surface to erase the impacts, these crews are successfully restoring habitat and rehabilitating degraded trails to prevent erosion.

The BLM is dedicated to improving the health of the land by reducing OHV impacts. Defining a rational network of roads and trails on over 258 million acres of land is an enormously complex task. Over the next decade, the BLM will work with the public to continue mapping the West's public access travel networks. The BLM will continue to prioritize and target resources and funding to develop and implement travel management plans.

Through public land user education, law enforcement, resource monitoring, public-private partnerships, and continued public involvement in the land-use planning process, the BLM will move closer toward this goal.

OHV Use within the National Park System

The National Park System contains 391 units comprising approximately 79 million acres. The National Park Service's visitor use objective is to provide opportunities for recreational activities

that enable visitors to experience the resources and values for which the park was established while conserving park resources for future generations.

Under current regulations, motorized vehicle use occurs on park roads, in parking areas and on routes specifically designated for off-road vehicle use. The NPS currently administers over 8,000 miles of roads within the National Park System that are open to the public.

In recent years the National Park Service has devoted substantial resources to the study of appropriate methods of managing OHV use in national parks. Given the wide variety of park units, the appropriateness of OHV use will vary from park to park. An appropriate park use is based upon the park's enabling legislation, as well as the sensitivity of resources, values and visitor access.

NPS Management and Policy

Generally, off-road motor vehicle use in national park units is governed by NPS regulations adopted consistent with Executive Order 11644 (Use of Off -road Vehicles on Public Lands, as amended by Executive Order 11989). The regulations found at Title 36 CFR 4.10, provide that OHV routes and areas may be designated only in four types of park areas; national recreation areas, national seashores, national lakeshores, and national preserves, and only by special regulation. In accordance with the executive order, OHV use may be allowed only in locations where there will be no adverse impacts on the area's natural, cultural, scenic, and esthetic values, and in consideration of other existing or proposed recreational uses. As required by the executive order and the NPS Organic Act, superintendents must close a designated OHV route whenever the use is causing or will cause unacceptable impacts on the soil, vegetation, wildlife, wildlife habitat, or cultural and historic resources.

Visitor Safety and Resource Protection

Of primary concern to park managers in providing for OHV access are visitor safety and protection of park resources. Education and public involvement are the cornerstones of Park Service management regarding OHV use. Most parks use education as the initial compliance tool. This is achieved by such means as making contact with individuals in parks, developing interpretive and regulatory signage, enhancing website development, as well as using outreach and partnerships with local communities and user groups. Public involvement is also actively pursued and emphasized during planning, the environmental compliance process, and rulemaking for NPS areas with OHV use.

Park specific regulations provide for trail or area designation as well as increased visitor safety and resource protection. Superintendents manage OHV use through a designation or permit system, which may include terms and conditions to control activities, restrict the level or season of use, or the class of authorized vehicle. National Park Service staff inventory impacts of OHV use and survey and monitor park resources to assess conditions to ensure resource protection. Recreational access in specific areas has been managed to protect and conserve park resources and values such as historic and cultural resources, threatened and endangered species, wetlands and water quality.

Current Status

OHV use is associated with a wide range of recreational activities such as sport hunting, fishing, and backcountry access. In most cases, OHV use predates the establishment of the unit in which it occurs. Hence, there is an established culture and traditional use pattern that must be understood and integrated into management of OHVs. Modification and/or control of a human activity with a pre-existing use pattern, such as OHVs, is a challenge to park managers. The management of ORV use has become more challenging due in part to increased park visitation and an increased number of OHVs with technically improved operational capabilities that allow them to access places never before available to the general public.

Eight National Park areas with OHV use have park specific regulations. There are an additional six parks that have initiated a planning process and environmental compliance to promulgate special regulations to authorize OHV use. The six units are: Cape Hatteras National Seashore, Cape Lookout National Seashore, Wrangell-St. Elias National Preserve, Glen Canyon National Recreation Area, Curecanti National Recreation Area and Lake Meredith National Recreation Area. Rulemaking is expected to be completed within the next four-year period for most these units. The agency is presently allocating a significant portion of available park resources to manage the planning and compliance in these areas.

Thank you again for the opportunity to testify on this significant issue. I would be happy to answer any questions.

Jawbone-Butterbredt ACEC Ridgecrest Field Office California

Before



After



STATEMENT

**JOEL HOLTROP
DEPUTY CHIEF
NATIONAL FOREST SYSTEM
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE**

**BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS
MARCH 13, 2008**

CONCERNING

**THE IMPACTS OF UNMANAGED OFF-ROAD VEHICLES
ON FEDERAL LAND**

Mr. Chairman and members of the subcommittee, thank you for the opportunity to testify before you today on managing the impacts of off-road vehicles on National Forest System lands.

Background

The Forest Service manages 155 national forests and 20 national grasslands, in 42 States and the Commonwealth of Puerto Rico. By law, these lands are managed under multiple use and sustained yield principles. The mission of the Forest Service is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. The Forest Service oversees a vast and complex array of natural resources and opportunities.

One of the key opportunities provided on National Forest System lands is outdoor recreation. The most recent National Visitor Use Monitoring figures show that the national forests and grasslands receive 192 million visits each year. Visitors participate in a wide range of motorized and non-motorized recreation activities, including camping, hunting, fishing, hiking, horseback riding, bicycling, cross-country skiing, snowmobiling, and operating off-highway vehicles (OHVs).

National forest recreation provides healthy opportunities to enjoy the outdoors, connecting people to their federal land and representing a significant contribution to the economy of many rural areas. Motorized recreation has contributed to that boom. Approximately 11.5 million visits occur on National Forest System lands each year by visitors engaged in OHV activities. Snowmobilers and visitors driving forest roads for pleasure add to this total.

In the past, user impacts and conflicts focused on issues such as timber, grazing and mining. Currently, recreation in all of its forms places the largest demand on the national forests and grasslands, due to the proximity of many national forests and grasslands to urban population centers with affluent, mobile populations who seek the recreational amenities offered by these lands.

Motorized recreation, including operating OHVs (defined as motor vehicles capable of traveling cross-country) are legitimate uses of National Forest System lands – in the right places with proper management, and when operated responsibly. We have a tremendous obligation and a great opportunity to serve these users and, through them, our local communities and economies. We see it as an important part of our mission.

Travel Management

Nationally, the Forest Service manages approximately 280,000 miles of National Forest System roads open to motor vehicle use. In addition, approximately 144,000 miles of trails are managed by the Forest Service, with an estimated 33 percent or 47,000 miles open to motor vehicle use, including over-snow vehicles and motorized watercraft operating on water trails.

This transportation system ranges from paved roads designed for passenger cars to single-track trails used by dirt bikes. Many roads designed for high-clearance vehicles (such as log trucks and sport utility vehicles) also accommodate use by all terrain vehicles (ATVs) and other OHVs not normally found on city streets. Almost all National Forest System trails serve non-motorized users, including hikers, bicyclists, cross-country skiers and equestrians, alone or in combination with motorized users. National Forest System roads accommodate non-motorized use as well.

National forests also include public roads managed by state, county, and local governments. These roads serve the commercial and residential needs of local communities and private lands intermingled with and near the lands we manage. Many county roads are cooperatively constructed and maintained through cooperative forest road agreements executed under the National Forest Roads and Trails Act. State and county roads also provide access to National Forest System lands, and we continue to work in cooperation with states and counties to manage our multi-jurisdictional transportation system.

In the 1960s, motorized recreational traffic on the National Forest System roads was relatively light compared with timber traffic. Today, recreational traffic is 90 percent of all traffic on National Forest System roads. Much of the road system maintenance needs and resource damage concerns are the result of continuous recreation use of roads only designed for controlled intermittent commercial use. We consider capability to maintain roads in decisions to designate roads for motorized use.

Increasing Demand for OHV Use

In 1972, President Nixon signed Executive Order 11644 directing federal agencies to manage off-road vehicles. At the time, the Executive Order estimated 5 million Americans participated in OHV recreation. The National Survey on Recreation and the Environment estimated that the number of people aged 16 and over participating in OHV recreation was 37.6 million in 1999 and 2000, rose to a high of 51.6 million in 2002 and 2003, and dropped somewhat to just over 44.4 million for the most recent survey period of 2005 to 2007.

According to the Motorcycle Industry Council, annual sales of new ATVs rose from 278,000 in 1995 to a peak of 813,000 in 2004, and then dropped slightly to 748,000 in 2006, the most recent year for which information is available. Today, vehicles created for specialized off-highway uses are marketed and sold as family cars, and are more powerful and more capable of off-highway travel than those of a decade ago.

Need for Management of OHV Use

As of January 2008, about 64 million acres of National Forest System lands were completely open to cross-country motor vehicle use. When OHVs were less popular, this scenario may not have been a problem. However, as the sales and technology of ATVs increased, opportunities for Americans to enjoy Federal lands grew. The magnitude and intensity of motor vehicle use have increased to the point that the intent of E.O. 11644, and the subsequent E.O. 11989, cannot be met while still allowing unrestricted cross-country motor vehicle use. The first motor vehicle driving across a particular meadow may not harm the land, but by the time 50 motor vehicles have crossed the same path a user-created trail will likely be left behind that causes lasting environmental impacts on soil, water quality, and wildlife habitat. Additionally, some visitors report that their ability to enjoy quiet recreation experiences is affected by the noise from motor vehicles.

We have many miles of user-created roads and trails on the national forests and grasslands. These user-created routes are not part of the forest transportation system, did not undergo environmental analysis, were not designed and constructed for recreational use, and do not receive routine maintenance by the Forest Service. Some of these routes may merit consideration, with appropriate environmental analysis, as potential additions to our transportation system. Others run through wetlands, riparian areas, and stream channels, and their use by motor vehicles adversely affects water quality, causes erosion, and introduces invasive species. User-created routes causing unacceptable resource damage should not be designated for motor vehicle use.

The Travel Management Rule

To address the need for more active management of OHV use, the Forest Service promulgated a travel management rule on November 9, 2005. This rule can be found in 36 CFR 212, Subpart B.

The travel management rule provides a nationally consistent framework for local decision-making regarding motor vehicle use in National Forest System roads and trails and in areas on National Forest System lands. Decisions are made by local agency officials, who have greater knowledge of the affected resources. Local decision-making also allows for more effective participation by the public; local, county, state, and other federal agencies; and tribal governments.

The rule requires designation of a national system of National Forest System roads, National Forest System trails, and areas on National Forest System lands that are open to motor vehicle use. Once the system is implemented, motor vehicle use will be restricted to designated routes and areas as identified on a motor vehicle use map (MVUM).

The following elements form the framework for the Forest Service's national travel management system for motor vehicle use:

- Each administrative unit of the National Forest System designates those National Forest System roads, National Forest System trails, and areas on National Forest System lands that are open to motor vehicle use, by class of vehicle and if appropriate, by time of year.
- The public must be given the opportunity to participate in the designation process.
- Limited motor vehicle use solely for big game retrieval and dispersed camping may be allowed within a specified distance of certain designated routes.
- Local managers must coordinate with appropriate federal, state, county and other local government agencies and tribal governments in the designation process.
- The rule exempts emergency vehicles and motor vehicles authorized by permit or contract from designations and preserves longstanding authorities for management of over-snow vehicles, which may be allowed, restricted, or prohibited locally.
- Specific criteria must be considered when making designation decisions including effects on natural and cultural resources, public safety, provision of recreational opportunities, access needs, conflicts among uses of National Forest System lands, the need for maintenance and administration of roads and trails under consideration for designation, and the availability of resources for that maintenance and administration.
- Once designated routes and areas are identified on a motor vehicle use map (MVUM), motor vehicle use inconsistent with the designations is prohibited.
- The Forest Service must monitor the effects of motor vehicle use on designated roads and trails and in designated areas.
- Designations may be revised as needed to meet changing conditions.

Implementation of the Travel Management Rule

All national forests and grasslands are either currently involved in the route and area designation process, or will begin soon. In fiscal year 2007, 36 national forests and grasslands completed their designation decisions and produced an MVUM consistent with the travel management rule. This represents about 12.5 percent or 23.9 million acres of National Forest System lands. In fiscal year 2008, 45 units are scheduled to be completed. In fiscal year 2009, 67 units are scheduled to be completed, and in the first quarter of fiscal year 2010, the remaining 28 units are scheduled for completion.

Challenges in Managing OHV Use

One of the most challenging aspects of travel management planning is managing the public participation process. Interest in travel management decisions is high, as is the controversy. Attendance by over 100 people at public meetings is not uncommon. Some meetings are quite contentious. Conflicts arise because some members of the public are concerned about losing motorized recreational opportunities that they have enjoyed for years, while other members of the public are concerned that too many routes and areas will be left open to motor vehicle use, resulting in unacceptable environmental damage or disruption of their non-motorized recreational activities.

Another challenging situation involves areas protected by the 2001 Roadless Area Conservation Rule. Some people feel that these areas will be degraded if motorized travel is increased by allowing user-created routes to be designated for motorized use. Other members of the public are concerned that they will lose motorized access they currently have in these areas. These challenges will be addressed during each unit's route and area designation process.

Implementation of Travel Management Decisions

Although completing the route and area designation process and publishing MVUMs represents a tremendous amount of work for the Forest Service, and the public, they represent only the beginning of the process to actively manage motor vehicle use. Informing the public about where and when they can use various classes of motor vehicles will be critical. In some areas we will need to overcome user's assumptions developed after many years of unmanaged motor vehicle use.

For example, in some forests visitors could ride ATVs virtually anywhere the vehicle's capability allowed outside designated wilderness areas. Once an MVUM is published, motor vehicle use will be allowed only on designated routes and in designated areas. Other visitors are accustomed to being able to drive cross-country to a dispersed campsite in some forests. Once an MVUM is published, driving a motor vehicle to a dispersed campsite will be allowed only within a specified distance of certain designated routes.

Public outreach will also involve informing people how to minimize their impacts with motor vehicles while they are enjoying the national forests. Messages will include staying on designated routes, being courteous to other users, and being knowledgeable of agency regulations. Education generally will be provided by Forest Service employees, but will be routinely supplemented by the many volunteers and other partners. The Forest Service's capability to inform and educate the public about where and how they may operate motor vehicles is greatly enhanced by the many hours of time provided by volunteers and partners.

Education works both ways. Many members of the public have extensive historical and practical knowledge of various parts of the landscape. Involving them in the process and having them educate us is an essential element of the dialogue.

Several national organizations assist the Forest Service with disseminating educational messages about responsible recreation use. The National Off-Highway Vehicle Conservation Council (NOHVCC) is made up of enthusiasts who promote responsible riding in many ways. Recently, they developed and are now delivering Route Designation Workshops across the country, with a target audience of Forest Service employees and OHV enthusiasts.

The American Motorcyclist Association helps inform their members about the Forest Service route and area designation process, and encourages their members to get involved in travel management planning processes. They recently partnered with the Motorcycle Industry Council to update and produce a brochure on responsible riding. Another example is Tread Lightly! Tread Lightly! is a non-profit organization whose mission is to protect recreation access and opportunities through education and stewardship. Tread Lightly! works with the Forest Service and other land management agencies, as well as manufacturers, industry, and motorized recreation organizations.

In Arizona, where the number of OHVs has increased by more than 347 percent since 1998, the Forest Service is working with other entities in a state-wide pilot program to educate the public about responsible OHV recreation. The Arizona OHV Ambassador Program involves a variety of agencies and external partners including the Arizona State Parks Department, Arizona Game and Fish Department, Bureau of Land Management, Forest Service, Arizona County Sheriffs, and organized OHV groups and volunteers.

The goal of this program is to promote responsible OHV use of federal, state, and private lands. This is accomplished through volunteer OHV enthusiasts who communicate "on the trail" with other enthusiasts, sharing information about responsible OHV use, and agency policies and regulations. As the lead agency, the Arizona State Parks Department recruits and trains volunteers and organizes OHV patrols and work projects. The Forest Service assists with program training and staff support for patrol areas within the Tonto National Forest. On the lands included in the Arizona OHV Ambassador Program, accomplishments during October, November and December 2007 included 1,335 public contacts and 2,098 miles patrolled.

A forest-level example of the tremendous support we receive from cooperators for promoting responsible riding concepts is the Off Highway Vehicle Program of the San Bernardino National Forest Association, a collaboration for conservation, recreation and education among the National Forest Association, San Bernardino National Forest, State of California and OHV user groups and industry. The program involves 300 volunteers who contribute over 25,000 hours each year.

The National Forest Association trains the volunteers and organizes patrols and work projects in coordination with the San Bernardino National Forest. These volunteers engage other OHV enthusiasts in the field as peers, encouraging them to ride on designated routes to minimize impacts on native species and habitats. The volunteers also inform other riders about regulations, provide general information about the San Bernardino National Forest and answer questions. Volunteers also adopt and maintain motorized routes, provide responsible riding presentations to the public, and conduct special projects such as elimination of illegal fire rings and trash pick-up.

Although signs are no longer the primary tool for enforcement of motor vehicle restrictions on National Forest System lands, signs remain a critical part of OHV management in the National Forest System. Signs and route markers are installed, as appropriate, to help the public navigate and to identify clearly the routes and areas designated for motor vehicle use. In some places the Forest Service may also install barriers, such as a berm or a gate, that show that a route is closed to motor vehicles.

The Forest Service will monitor designated routes and areas for effects on natural and cultural resources, public safety, and conflicts among uses. Monitoring may also focus on the level of compliance and route conditions. Revisions to designations may be made based on the results of monitoring.

Enforcement of Travel Management Restrictions

As shown by these examples of collaborative efforts, most OHV users want to do the right thing. We believe with effective public education, route design, and signing, we can focus law enforcement resources on those few users who do not heed the law.

Forest Service law enforcement personnel play a critical role in ensuring compliance with laws and regulations, protecting public safety, and protecting National Forest System resources. Enforcement of motor vehicle restrictions has consistently remained one the top five priorities for Forest Service law enforcement officers. The Forest Service also maintains cooperative law enforcement agreements with state and local law enforcement agencies that provide mutual support across jurisdictional boundaries.

Prior to promulgation of the travel management rule, the only way for the Forest Service to enforce motor vehicle restrictions was through issuance of a forest order. The content of these orders varied from unit to unit, and in some cases numerous orders existed on a single forest, which caused confusion for the public regarding where motor vehicles could legally be operated.

Another regulation commonly enforced prior to the travel management rule was the prohibition on using a vehicle off road in a manner which damages the land. Issuance of a violation notice for this offense requires a judgment call on the part of the officer, and has been difficult to prove in court. The new prohibition clarifies requirements and makes it easier for responsible OHV users to comply with the regulation since it provides for a more objective enforcement of motor vehicle use consistent with the route and area designations identified on an MVUM.

The travel management rule enhances and simplifies enforcement by replacing forest orders with issuance of an MVUM, which is posted on the World Wide Web and made available at the Forest Supervisor's or District Ranger's office, and a nationwide regulatory prohibition against motor vehicle use off the designated system. This nationally consistent approach will augment public understanding of where a motor vehicle may be operated on any national forest or grassland across the country, and will enhance the agency's ability to gain compliance. We believe this will make it easier for OHV users who want to do the right thing to be able to do so.

Conclusion

Americans cherish the national forests and grasslands for the benefits they provide, which include opportunities for healthy recreation and exercise, natural scenic beauty, natural resources, protection of rare species, wilderness, a connection with history, and opportunities for unparalleled outdoor adventure. The Forest Service must strike an appropriate balance in managing all types of recreational activities within the capacities of the land. A designated system for motor vehicle use, established with public involvement, will enhance public enjoyment of the national forests, while maintaining other important values and uses of National Forest System lands. Effective implementation of designation decisions, through public education and appropriate law enforcement, will be critical.

Mr. Chairman, this concludes my prepared statement. I would be happy to answer any questions you or other members of the Subcommittee may have.



**TESTIMONY OF MARY DENISE DOWD, MD, MPH, FAAP
ON BEHALF OF THE AMERICAN ACADEMY OF PEDIATRICS**

**OVERSIGHT HEARING ON THE IMPACTS OF
UNMANAGED OFF-ROAD VEHICLES ON FEDERAL LANDS**

**NATURAL RESOURCES SUBCOMMITTEES ON
NATIONAL PARKS, FORESTS, AND PUBLIC LANDS
HEARING ON OFF-ROAD VEHICLES**

MARCH 13, 2008

Department of Federal Affairs
The Homer Building
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I appreciate this opportunity to present testimony on behalf of the American Academy of Pediatrics (AAP) before the Natural Resources Subcommittee on National Parks, Forests and Public Lands at this oversight hearing on the impacts of unmanaged off-road vehicles on federal lands. The American Academy of Pediatrics is a non-profit professional organization of 63,000 primary care pediatricians, pediatric medical sub-specialists, and pediatric surgical specialists dedicated to the health, safety, and wellbeing of infants, children, adolescents, and young adults. I am proud to serve as one of the nine members of the Academy's Committee on Injury, Violence, and Poison Prevention, which oversees the Academy's policy regarding transportation safety and injury prevention.

As the Resources Committee examines the enforcement of laws and rules on the use of off-highway vehicles on public lands, the American Academy of Pediatrics urges you to consider not only recreational and environmental issues, but also health and safety issues for our children. All-terrain vehicles (ATVs), minibikes, personal watercraft (PWC), snowmobiles, and other off-road vehicles pose unique dangers to children who ride or operate them.¹ In fact, from the perspective of injury prevention, this situation creates the perfect recipe for tragedy due to the confluence of multiple high risk factors:

- Person Factors: Children lack the physical and developmental maturity to operate an off-road vehicle safely, especially in terms of judgement.
- Environment Factors: Public lands are often difficult to access for rescue crews due to distance and challenging terrain.
- “Agent” Factors: ATVs, snowmobiles and other off-road vehicles allow high rates of speed, weigh a great deal and completely expose the driver. Some, like ATVs, have a tendency to roll if not used properly. PWC operation is different from other motorized vehicles and can confuse operators, especially in crisis circumstances.

¹ Committee on Injury and Poison Prevention. All-Terrain Vehicle Injury Prevention: Two-, Three-, and Four-Wheeled Unlicensed Motor Vehicles. *Pediatrics*, 2000;105 (6):1352-1354.

ALL-TERRAIN VEHICLES

Allow me to share with you the statistics regarding children and ATVs:

- Between 1982 and 2006, over 2,300 children were killed in ATV crashes. This is the equivalent of five 747 jets full of children, or 35 fully loaded schoolbuses.
- In 2006 alone, at least 111 children perished due to injuries sustained when riding an ATV.²
- An estimated 39,300 children were treated in emergency departments for ATV-related injuries in 2006. Serious injuries among children have ranged from over 32,000 to over 44,000 every year since 2000.³ Since 1990, over 485,000 children have been treated in hospitals for ATV-related injuries – equivalent to the entire population of Atlanta, Georgia.
- Injuries sustained by children riding an adult-sized ATV are often very serious, including severe brain, spinal, abdominal, and complicated orthopedic injuries. ATV riding involves almost twice the risk of injury serious enough to require hospitalization than any other activity studied. This is true even for activities generally considered to be high risk, including football (62% higher risk for ATV riding), snowboarding (110% higher risk for ATV riding) and paintball (320% higher risk for ATV riding).⁴
- Children lack the strength, coordination, and judgement to operate ATVs safely. In a Consumer Product Safety Commission (CPSC) study, the primary causes of children's deaths on an ATV were overturning, collision with a stationary object, and other collisions.⁵ Each of these implies the inability to control the vehicle properly.

I can also speak to the dangers of ATVs from my personal clinical experience. I am a pediatric emergency physician and medical director of the Center for Childhood Safety at the Children's Mercy Hospital in Kansas City, Missouri. As the region's only pediatric trauma center, we receive

² Consumer Product Safety Commission, *2006 Annual Report of ATV Deaths and Injuries*, February 2008, Table 3.

³ Consumer Product Safety Commission, *2006 Annual Report of ATV Deaths and Injuries*, February 2008, Table 5.

⁴ Consumer Product Safety Commission, Briefing Package on Petition No. CP-02-4/HP-02-1, "Request to Ban All-Terrain Vehicles Sold for Use by Children under 16 Years Old," February 2005, p.158.

⁵ Consumer Product Safety Commission, Briefing Package on Petition No. CP-02-4/HP-02-1, "Request to Ban All-Terrain Vehicles Sold for Use by Children under 16 Years Old," February 2005, p.110.

and treat a large number of injured children from urban, suburban, and rural areas. My years of ER experience have taught me what to expect upon hearing the report of an injured child from the incoming ambulance or flight crew. Like the rest of my colleagues, I know when the crew tells us, “12-year-old in an ATV crash,” it is highly likely that our team will soon be treating a severely injured child with multiple serious injuries. With ATV injuries, experience has taught us to expect the worst.

For instance, during one July 4 weekend, an 8-year-old driving an ATV crashed into another ATV. He sustained severe brain and facial injuries when his head was impaled on the handlebar of the second vehicle. He also broke one leg. Upon admission to our ER, the boy was unconscious and unresponsive. A metal bar -- part of the ATV brake handle -- protruded from the left side of his face, near his cheekbone, with brain extruding from the wound. Bone fragments were embedded in the end of the bar. One entire side of his face was disfigured with severe lacerations. A CT scan of his head showed extensive cerebral swelling and bruising with multiple broken blood vessels bleeding into his brain. Sadly, this child did not survive his injuries.

Despite the alarming increases in ATV deaths and injuries, government regulation continues to be all but absent. No ongoing review has ever been undertaken regarding possible additional or revised regulations, in spite of changes in the patterns of ATV design and use. In 2000, the Academy’s Committee on Injury and Poison Prevention (on which I serve) reviewed the evidence regarding children and ATVs and reaffirmed its long-standing recommendation that no child under the age of 16 should operate or ride an ATV.⁶

The Natural Resources Committee has the power to reduce ATV-related deaths and injuries among our nation’s children. If the federal government adopted limitations on ATV use by children on public lands, this would serve as both a powerful message and a model for states and localities. The attention and publicity generated would educate parents, who are often unaware of the safety risks

of these vehicles. Moreover, this committee could have a significant impact on a key issue regarding ATV injuries. When an ATV crash occurs on public land in a remote, unpaved, or inaccessible area, precious hours can be wasted in locating, reaching, and transporting the victim to medical care. Trauma surgeons refer to the “golden hour” after injury as the critical window for initiating medical treatment. By placing meaningful restrictions on the use of ATVs by children on public lands, this committee could reduce the likelihood that children would die of preventable and treatable injuries.

Today, the operation of ATVs on federal lands is governed largely by the laws of the state in which the land is located. If a park or parcel covers portions of more than one state, the laws may differ depending upon one’s location in the park. For example, Yellowstone National Park is set mostly in Wyoming, but also overlaps into Montana and Idaho. Idaho requires all ATV riders under the age of 18 to wear a helmet; Wyoming requires helmets for those under age 18 on an “enrolled road;” and Montana has no helmet law at all.

The American Academy of Pediatrics therefore calls upon the Committee on Natural Resources to direct the Department of the Interior and the Department of Agriculture to adopt a uniform set of laws and guidelines for the operation of ATVs on all federal lands. Rules for riding ATVs should not vary depending upon whether one is riding in a national park, a national forest, or land controlled by any other federal agency. Uniform laws and guidelines would assist rangers in their enforcement activities by eliminating uncertainty and improving safety.

POLICY RECOMMENDATIONS

The American Academy of Pediatrics urges the adoption of the following laws and guidelines for the operation of ATVs on all federal lands:

Children under 16 should not operate ATVs. An ATV can weigh in excess of 500 pounds and travel at speeds of over 60 miles per hour. Children do not possess the physical strength,

⁶ Committee on Injury and Poison Prevention. All-Terrain Vehicle Injury Prevention: Two-, Three-, and Four-Wheeled

coordination, or judgment necessary to pilot these vehicles safely.⁷ When a child crashes on one of these large machines, it often rolls over them or traps them beneath it. The result is devastating injuries, including crushed internal organs and multiple broken bones.

A driver's license should be required to operate an ATV on public lands. The federal government does not allow children to drive cars in national forests or parks. Yet an unlicensed child is permitted to drive an ATV at high speeds, without a helmet, on unpaved surfaces in those same areas. This situation defies all logic. The safe use of ATVs requires the same or greater skill, judgment, and experience as needed to operate an automobile. A driver's license should be required to operate any motorized vehicle on public lands.

Alcohol use by operators of ATVs should be prohibited, with zero tolerance among 16- to 20-year-old operators. Just as alcohol- or drug-impaired operation of automobiles threatens the lives of drivers, passengers, and bystanders and is prohibited, operation of any motorized vehicle under the influence of alcohol or drugs should be forbidden. Young drivers under the influence of alcohol or drugs are particularly dangerous because of their relative inexperience and poorer judgment. Alcohol use by those under the age of 21 is already banned by federal and state laws, and zero tolerance policies for underage ATV operators on public lands would strengthen the prohibition and send a strong message to parents and adolescents.

ATV use should be banned on paved roads in public lands. All-terrain vehicles lack the features necessary to operate safely on roads and highways. Most have few or no lights, mirrors, signals or safety features. A significant number of crashes occur on paved roads where cars or trucks cannot see the ATV, or where ATV operators make unexpected maneuvers. In the CPSC survey on ATV

Unlicensed Motor Vehicles. *Pediatrics*, 2000;105 (6):1352-1354.

⁷ Consumer Product Safety Commission, Briefing Package on Petition No. CP-02-4/HP-02-1, "Request to Ban All-Terrain Vehicles Sold for Use by Children under 16 Years Old," February 2005, p.17.

crashes mentioned earlier, the highest number of fatalities occurred on paved surfaces.⁸ Use of ATVs should be allowed only on designated, well-maintained trails.

Appropriate protective gear should be required to operate an ATV on public lands. Research regarding motorcycles and bicycles tells us that helmets save lives and that helmet laws result in greater helmet use.^{9,10,11} The federal government should take a leadership role and require ATV riders on public lands to wear a helmet.

Carrying passengers on an ATV should be prohibited. The vast majority of ATVs are not designed to carry passengers. An ATV's large seat is meant to allow a rider to shift his or her weight and maneuver adequately. Children can easily be thrown from these vehicles at high speeds. The Academy is even aware of cases where parents drive ATVs with children strapped onto the rear in a car seat, in the tragically mistaken perception that this is somehow safe. In a recent CPSC analysis of 184 child deaths involving ATVs, the agency concluded that, "CPSC has long recommended against the carrying of passengers on ATVs, and yet 24 percent of the deceased children were riding as passengers, and 45 percent of the fatalities occurred in multiple rider situations. Certainly, if CPSC's recommendations had been followed, the deaths of at least 45 child passengers would not have occurred."¹²

ATVs should not be operated before sunrise or after sunset. ATVs are challenging to operate safely even under ideal conditions. Darkness adds an unacceptable degree of additional risk, due to both unseen hazards and the difficulty of being seen by other vehicles. The use of ATVs in low light or darkness should be prohibited.

⁸ Consumer Product Safety Commission, Briefing Package on Petition No. CP-02-4/HP-02-1, "Request to Ban All-Terrain Vehicles Sold for Use by Children under 16 Years Old," February 2005, p.108.

⁹ Kraus JF, Peek C, McArthur DL, Williams A. The effect of the 1992 California motorcycle helmet use law on motorcycle crash fatalities and injuries. *JAMA*. 1994;272:1506-1511.

¹⁰ Watson GS, Zador PH, Wilks A. Helmet use, helmet laws, and motorcyclist fatalities. *Am J Public Health*. 1981;71:297-300.

¹¹ Committee on Injury and Poison Prevention. Bike Helmets. *Pediatrics*, 2001;108(4) 1030-32.

¹² Consumer Product Safety Commission, Briefing Package on Petition No. CP-02-4/HP-02-1, "Request to Ban All-Terrain Vehicles Sold for Use by Children under 16 Years Old," February 2005, p.110.

The popularity of all forms of motorized recreational vehicles raises serious questions about safety, particularly on public lands. The vast majority of concerns elucidated about ATVs also apply to other off-road vehicles. It is difficult to overemphasize the risk involved in allowing immature children to operate these dangerous machines in remote, unsupervised, and potentially hazardous circumstances.

CONCLUSION

In conclusion, the American Academy of Pediatrics urges you to support meaningful restrictions on children riding or operating ATVs and other off-road vehicles on public lands. Clearly, ATVs pose a significant hazard to children who ride them. This fact is indisputable. The cost to society is also high, not only in regard to loss of life and health but in actual dollars. In 2005, the journal *Pediatrics* published a study in which my colleagues estimated that total hospital charges for children's ATV injuries over a two-year period exceeded \$74 million.¹³ If no further action occurs this year, we can expect over 100 children to die and over 35,000 to be treated in the emergency room again next year due to ATV-related incidents.

Our current regulatory systems and educational programs are not protecting children from tragic ATV deaths and injuries. I hope this committee will take a leadership role on this issue and ensure the safety of children on public lands by supporting the common-sense measures recommended by the American Academy of Pediatrics. Again, thank you for this opportunity to testify. I stand ready to answer any questions you may have.

¹³ Killingsworth, Jeffrey et.al., "National Hospitalization Impact of Pediatric All-Terrain Vehicle Injuries," *Pediatrics*, 2005;115(3):e316-e321.

**Statement of
JACK GREGORY
Special Agent in Charge, Retired,
Southern Region
U.S. Forest Service**

**On Behalf of Rangers for Responsible Recreation and
Public Employees for Environmental Responsibility**

**Before the
Subcommittee on National Parks, Forests, and Public Lands
Natural Resource Committee
United States House of Representatives**

**Hearing on
The Impacts of Unmanaged Off Road Vehicles on Federal Land
March 13, 2008**

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to present our views on the impacts of Off-Road Vehicles (ORV's) on public lands. I am Jack Gregory, currently retired from the U.S. Forest Service (FS). In my last 10 years of over 36 years of service with the agency, I provided management and direction for the largest law enforcement (LE) program within the FS, serving as the Special Agent in Charge for the Southern Region, with approximately 200 LE employees and an \$18 million budget.

In the Southern Region, LE problems associated with ORV use are substantial. Today, I am speaking for myself, my former colleagues, and for Rangers for Responsible Recreation, a network of former federal, state and local rangers and land managers organized by Public Employees for Environmental Responsibility, otherwise known as PEER.

My message is simply this: Our public lands are in serious trouble. Irresponsible off-roading has become such a menace that it is now the single greatest threat to American landscapes.

Before recommending solutions, I would like to make three points: 1) the ORV problem is getting steadily worse, with no end in sight; 2) the ORV problem is not just "a few bad apples" -- we are suffering from a major breakdown in attitude from sadly, a high percentage of off-roaders; and 3) route designation without effective enforcement simply will not work and, when done poorly, significantly aggravates problems.

My first point is that we are not close to getting a handle on ORV problems and, if anything, we are headed in the wrong direction. Already, on many national forests, ORV's are the top LE problem. The story is the same on other federal lands. Figures from the U.S. Bureau of Land Management (BLM), for example, indicate that ORV incidents are not only the biggest drain on LE Rangers' resources but, nationally and in the Western U.S., generate more LE citations than all other criminal activity combined.

In preparation for my testimony, I recently contacted a number of my former colleagues currently working in FS LE, who deal with ORV users every day. Here is some of their perspective:

One National Forest Patrol Captain said:

"The damage to the forest floor here is huge. I would estimate that 75% of the Forest has some kind of ORV created trail. In recent years the Forest has been inundated with ORV's."

Another National Forest Law Enforcement Patrol Captain wrote:

"ORV problems are probably number 1 on this Forest in terms of volume of violations. Every corner of the Forest shows the impact of vehicles being operated off-road. With declining budgets our road conditions are deteriorating and the large-tire vehicles are tearing up what is left of many FS roads."

ORV-generated LE problems range from minor offenses to serious life threatening incidents. For example, last Easter weekend at Little Sahara Recreation Area in Utah, the situation spun out of control. A gathering of approximately 1,000 ORV enthusiasts

terrorized many of the 35,000 visitors to this popular BLM recreation spot. By the end of the weekend, there were:

- More than 37 injuries, including a state Highway Patrol officer;
- More than 300 arrests or citations were issued; and
- More than 50 officers had to be summoned to the scene from state, federal and local law LE agencies to assist.

Inebriated gangs of ORV riders surrounded family campsites. According to BLM's official incident report:

"Officers were faced with near riot conditions on two separate nights involving approximately 1,000 people which required all available officers and over 5 hours to mitigate the situation... Groups of partiers were blocking an area and forcing women to bare their breasts in order to leave, along with numerous incidents of unwanted fondling of women. When LE officers took action, the crowd became unruly, throwing objects at the officers."

Serious problems extend beyond assaults. In tinder-dry forests, the red hot mufflers of ORV's can set off deadly forest fires. A National Forest Patrol Captain wrote to me:

"Just this past week, we had a 2700 acre fire and used a road as a containment line. The road was so badly damaged from previous ORV activity that access was hampered. We had to post Law Enforcement Officers (LEO's) at either end to close the road because of the continuous traffic from jeeps and 4x4 trucks that came to play in the mud in spite of the fire. In a separate fire last week we had over 1,000 acres burn and it forced the evacuation of an entire neighborhood adjacent to NF land. The cause - illegal ORV operation on the NF; 2 juveniles on an ORV, riding on a FS horse trail when the ORV caught fire...Fact is Jack, we are down to 10 LEO's here covering 1.8 million acres, 3,000 miles of forest roads, and 17 Wilderness areas, all with ORV problems. And we are overwhelmed with it."

Significant LE problems occur when ORV use directly interferes with the enjoyment of other forest users. Visitation to National Parks, Forests and BLM lands includes a wide range of activities. Many visitors enjoy sight-seeing, bird watching, hiking, fishing, and hunting. The problem is when there is conflict of use. Here is what this National Forest Patrol Captain said about how ORV's can effect hunting:

"All winter we got complaints from hunters who had (to deal with) ORV's in areas where they were trying to hunt. Many had walked back into areas to get away from everyone and here comes 5 ATVs. It was almost weekly that someone was calling."

Here is what a National Forest LEO stated about conflicts between ORV's and Hunters:

"Many ORV riders are uninformed about the state and federal laws regarding ORV use and are mostly ignorant to the fact that other things happen in the forest, especially hunting and how they impact hunting. We have some weekends that are especially significant to our hunters; those being - a special youth hunt for deer (it is the weekend before the main season), a youth turkey hunt (the weekend before the main season), and of course opening weekend of each of the big game and turkey season. We receive multiple daily complaints from hunters and hunting camps about ORV's dusting them out, riding off-road, disturbing the hunting and reckless driving on forest roads. We have attempted to educate people about "sharing the land" and being respectful of other people by planning trips around these times but the response has been negative to say the least."

Compounding the problem, in most cases, ORV riders in the forests have firearms and many have alcohol. A Supervisory Special Agent spoke to me about how ORV's have become a driving force for a host of other problems:

"Imagine a wheel with legal ORV use as the small hub. The spokes that form the wheel and the wheel itself represent the illegal use and their negative effects proceeding outward from it. And once that wheel starts to spin...it becomes near impossible to stop it given our current number of officers to serve as a 'brake.'"

To put this problem in a national perspective, Rangers for Responsible Recreation surveyed FS and BLM LE Rangers in the five-state Southwest region about ORV issues last fall. The results were unambiguous:

- More than nine out of ten (91%) of respondent rangers agreed that "off-road vehicles present a significant LE problem in my jurisdiction";
- More than half (53%) felt "off-road vehicle problems in my jurisdiction are out of control"; and
- Nearly three out of four (74%) said that off-road abuses "are worse than they were five years ago."

In the essay portion of that survey, a FS LEO conveyed the scope of impacts by noting:

"The numbers of off road vehicles on public lands, especially national forests, are creating resource damage at an alarming rate."

The second and related point here is that the ORV problem is not as has been portrayed by some rider groups; where just "a few bad apples" are the ones causing these problems. I am certainly not trying to demonize ORV riders. In fact, many of the Rangers for Responsible Recreation are themselves ORV enthusiasts. Rather, there is unfortunately a "don't give a damn" attitude among a high percentage of off-roaders that result in resource damage, unnecessary accidents and other bad side effects. In the PEER Survey, one BLM LE Ranger wrote bluntly:

"User attitudes are atrocious. They (ORV's) are the single biggest destruction on public lands these days, far worse than grazing or energy development."

One of my former colleagues wrote me:

"Most of our (ORV) accidents can be attributed to speed, alcohol, or operator with little/no experience on the machine. We have multiple fatalities each year from riders striking a fixed object."

He also elaborated on how widespread user indifference is to the forest rules:

"Not all damage is by radical behavior, some is by repetition, as folks ride the same user created trails until it becomes an accepted 'trail'... If we could reach 70% compliance with ORV regulations, I would call it a success, as the situation we now have hampers enforcement efforts, I would say we have less than a 25% compliance rate with closure orders."

Another National Forest LEO stated:

"On my Forest we have had 7 airlifted in the last 10 months from ORV accidents. Two factors caused all of these accidents, too fast or too steep. The too steep occurs when they get off the legal riding areas and climb hills, powerlines, creek banks, etc. Too fast occurs whenever. We had one ORV accident where an ORV hit a deer crossing the road. How fast do you have to be going on an ORV to hit a moving deer, kill the deer instantly and eject the rider? The driver spent 3 months in the hospital. We had another get on a neighbor's ATV and rip down the

road, hit a bank, overturn and paralyze himself from the neck down. The list goes on and on."

A National Forest Law Enforcement Patrol Captain explained the enforcement challenge this way:

"I would dare say that ORV's are the number one complaint from the public and the number one resource damage problem we face. By their very nature, it is very hard to exclude them by physical barriers. One of the biggest problems is that they have such a network of illegal trails all over the NF, it is almost impossible to combat them.... With the proximity to metropolitan areas and the influx of people moving into these rural areas adjacent to NF lands, the problem is increasing. ORV's are driving directly out of their backyard onto NF land and are virtually undetectable until a complaint comes in."

Without the ability to enforce ORV rules and regulations, it is unlikely that off-roader behavior will change. As one of my former colleagues pointed out:

"The Forest may have as many as 1000 ORV's per weekend and they go wherever they want. With 8 Enforcement Officers we deal with what we can catch, but with 1.86 million acres, chances are slim that the riding public will even see an Officer, let alone be contacted in the back country."

Part of this irresponsible mindset is due to manufacturer advertising that promotes the thrill of speeding, ripping up and down hills, and tearing through streams. Mechanized thrill-seeking in national forests simply means more and more damage to the forests. One National Forest Patrol Captain said:

"The problem for the future includes, wildlife disturbance, bigger ORV's with tires that chew up the ground, people riding in water like they see in the ORV advertisements and the newer UTV (mules) that will need to be on the roads instead of the woods because of clearance and hauling 2-3 family members."

Another argues that agencies like the FS should do a better job of rider education:

"I think more than anything else, it has a lot to do with the culture that rides and to a large extent they are ignorant to the laws and the impacts they are having. I think the FS has done a poor job on education and outreach to spread the message about the use of ORV's on NF land."

But the FS has no budget for ORV rider education. In fact, it is arguable that the FS has a manageable budget for LE operations. Despite a rising tide of assaults, accidents, and LE incidents related to ORV usage, the FS LE budget is shrinking:

- The FS LE program has lost one-third of its total patrol force since 1993; Down from 984 uniformed LEO's and Criminal Investigators in FY 1993 to a total of 660 in FY 2006.
- The FS spends less than 2% of its total budget on law enforcement.
- This translates into one position for every 291,000 acres of forestland or one for every 733,000 visitors each year. ...the lowest LE presence of any of the agencies.

Incredibly, just last month, FS Chief Abigail Kimbell, in her House testimony on the agency's FY 2009 Budget, actually called for a \$17 million decrease in LE operations over what the agency had in FY 2008. Given these dynamics, it is unlikely that the FS can finance the sort of public education campaign needed to shape the attitudes of ORV riders, particularly younger riders, or provide for the number of on-the-ground LEO's to police this activity.

The third point I would like to make is that ORV route designation without effective enforcement simply will not work.

Thus far, FS and BLM travel planning efforts have been a mixed blessing. While the agencies are moving from millions of acres that have been open for off-roading toward designated route systems, they are still keeping open large, unmanageable, and damaging route systems available for ORV use. Route designation will not work without enforcement and there are not currently enough LE Rangers on the ground in any agency to police this activity. As two senior level LE Managers working the Southern Region stated:

"... each Forest is closed unless designated by map. . . . Our maps suck. Hard for the folks to understand."

"Many FS ORV areas were originally established without much thought or science as to effects on the land. Over the years, they have become de-facto official areas and the FS is now afraid to close them due to user backlash. And these same

areas will likely be permitted on the new Travel Maps because of 'past use.' In a typical area that this open to ORV's, we need 3 LEO's just to patrol it, let alone trying to deal with activity on areas that are closed. Some of these areas are impossible to monitor and patrol at all. With manpower and budgets the way they are, we can't even patrol regular roads...let alone open ORV areas. "

Another National Forest LEO wrote me:

"I worked in a region where, because of the population densities, ORV planning and proper LE has been underway on some of the units. Even on those units (where good planning, route designation, and effective field implementation has occurred), we still need help."

Even when agencies designate ORV trails to follow, riders often branch-off from the approved route or corridor. As that happens, an entire network of unauthorized trails and roads start to develop very quickly with devastating effects to the ecosystem.

Another drawback is that FS designated routes often do not address ORV issues on state and county roads running through the national forests. Compounding this is that in some areas, there is virtually no ORV enforcement by state and local police jurisdictions on these roads, which is a major problem. If the other agencies around NF's are not enforcing their own ORV laws on county roads and state highways, it makes our job in the forests that much tougher.

Even if agency ORV route planning makes sense in downtown offices and public meeting rooms, there must also be a well funded on-the-ground monitoring and enforcement component. This is where the FS has failed time after time. Once plans are drawn up and implemented, there is not adequate funding for field resources to police this activity where it's actually occurring. Throughout my years of working for the FS, I witnessed the development of many good plans, but a failure to provide the field resources to properly execute them. It is unfortunate that the FS is long on "plans" and seemingly good intentions, but very short on effective field implementation, particularly with providing necessary LE resources for dealing with serious problems.

Congress and Federal land management agencies must take the lead to get a better handle on the thousands of irresponsible users who are continuing to destroy important archaeological, riparian, botanical, and wildlife habitat resources, not to mention the large number of injuries and deaths attributed to ORV use. The following was copied this week from a popular ORV web-site under the "Directions" section for ORVers. It provides information about how to drive ORV's in an "approved" National Forest location known as the Tellico ORV Area. This area is within one of the best networks of wild trout waters for native trout species in the Southeast and, until the development of the ORV area, was known for its pristine qualities as a place to "get away" from other busy visitor use areas.

"Ultra low gears are not needed here and sometimes hurt more than they help, as wheel spin is required to clean the tires and heat up the rubber in hopes that they will stick to the wet rocks. You will see a lot of local rigs here with 300 horsepower and tires in the 40"+ range. These big rigs (locally called hybrids or cab trucks) are what keep our trails interesting. When they 'hammer down' they tend to move large quantities of rock and dirt, so the trails are in a constant state of change. Therefore, the 'line' that worked for you on your last trip, may not be the correct approach the next time out. That's what makes this place such a hoot to ride....it's always changing! . . . Known as 'Hard Rock' going up and 'Slick Rock' coming down, either way, this trail provides plenty of excitement. The approach to the rock runs right up a creek bed with lots of big, loose muddy boulders that get shifted around each time someone goes up. Steering linkage damage and tires coming off the rim happen quite frequently here. There is no getting around Hard Rock, so when you reach this point on Trail 9 you are committed. The rock has a very smooth surface, is about two stories tall, and has a natural spring at the base to ensure that it's always muddy and wet. . . .This is a favorite place for the locals to gather and watch the show and rollovers are quite common."

In other words, off-roaders are being advised to ride right in the middle of a hydrological sensitive area to increase the thrill value. It is not uncommon for FS LE personnel to write numerous ORV citations on the weekends in this area. Recently an LEO wrote over 125 violation notices and seized over 300 containers of alcohol during one shift. Also on the aforementioned website is the "Tread Lightly; Leaving a Good Impression" logo that the FS promotes to ORV manufacturers. The notion that the above driving directions

could somehow coexist with the "Tread Lightly" theme, particularly in this ecologically sensitive location, cuts against rationality.

Congress should evaluate both BLM and FS on-going travel planning by reviewing several of their current proposals involving ORV management scenarios. PEER and the Rangers for Responsible Recreation believe these efforts could clearly be improved if the agencies better complied with Executive Orders, regulations, and policies. Federal agencies are often willing to go the extra mile in placating and appeasing the ORV community, even in the face of logic and common sense. For example, illegal immigrants and drug smugglers are entering the United States through BLM's Imperial Sand Dunes Recreation Area, which shares a common international boarder with Mexico. To quote a recent Los Angeles Times article:

(http://www.latimes.com/news/local/la-me-dunes2mar02_0,4925540.story?page=1) these individuals:

"shoot across the border in souped-up vehicles loaded with illegal immigrants and drugs and elude U.S. Border Patrol agents by playing the part of dune enthusiasts: wearing helmets and decorating their bikes and all-terrain vehicles with decals and flags. The cat-and-mouse game turned deadly recently when a suspected smuggler driving a Hummer ran over an agent and fled back across the border over the dunes. The agent's death focused attention on the federal government's enforcement strategy in this remote corner of the border."

The obvious solution to the problem would be to close this portion of the area to all OHV's and then patrol it for incursions. That would affect approximately 7,842 acres, which is less than 10% of the 80,000 acres that would still be open to off-roaders. It appers that not even the death of a federal agent, simply trying to do his job, gets the attention of our public land ORV managers. PEER believes that Border security should certainly trump the off-road industry. But it's not clear that's the case with this administration.

For any chance of success, America needs a strategy to cope with the recent explosion of ORV use and its public safety, ecological, social, and financial consequences. We propose beginning with these three steps:

1. Establish Penalties that Deter

In most locations, today's fines for ORV abuse are inadequate. Some are so low that oftentimes the offender(s) will just view it as a necessary user fee. In many Federal Judicial Districts, agency collateral forfeiture schedules have not been updated for years. When fines for ORV violations are raised, rider compliance is easier to gain. Reckless or "Repeat Offender" off-roading can be deterred by on-site criminal seizure of the offending vehicle(s) in the field, coupled with a criminal asset forfeiture of that vehicle if the offender pays the fine or is adjudicated guilty. These provisions could be accomplished by Federal rulemaking changes to each agency's prohibitions contained in the Code of Federal Regulations. This effective strategy is currently used at the State level with firearms and hunting licenses when offenders are caught violating State game laws. Repeat offenders should face suspension of riding privileges (through time imposed Federal Court "banishments" from public lands), and, when appropriate, imprisonment.

2. Properly Fund ORV Enforcement

Necessary enforcement actions dealing with off-road abuse are taking an ever larger toll on already over-burdened LE Rangers. Congress and state legislatures need to immediately augment their public lands LE budgets. The FS is far less capable today in redeeming traditional land management LE responsibilities than they were 10 years ago. Many internal and external reports demonstrate that illegal and unchecked use continues to rise as the number of on-the-ground personnel to deal with these problems fall. With regard to ORV's, this is due to agencies failing to place a priority funding emphasis on an activity that is currently responsible for ruined landscapes, demolished wildlife habitats, and destroyed riparian areas. The region where I worked is currently under-funded by

approximately 20 LE Officer positions from when I retired in 2006. The proposed budget cuts for LE staffing in the Southern Region will exacerbate an already bad enforcement staffing situation.

3. End Hidden Costs to the Taxpayers

Taxpayers are footing the bill for the damage and havoc caused by reckless off-roaders. As yet, we do not know the full extent of these costs. Mr. Chairman, I am very pleased to hear that you have recently asked the Government Accountability Office to investigate the use and management of ORV's on Federal public lands. This is a critical first step that's needed for Congress to enact common sense solutions to the growing ORV problem. Over time, some areas have been so trashed by ORV's they are in need of significant restoration. Congress should move to ensure that adequate steps are taken to repair the decades of damage to our rivers, cultural sites, wildlife habitat and other ecologically and culturally valuable places. Greater oversight on the companies that manufacture this category of vehicle is needed. When one looks at today's literature or commercials being produced by the companies, it seems they emphasize the vehicles' durability as well as the perceived freedom that riders have to drive anywhere they wish with little thought given to their impacts or safety. It is time to place an added Federal tax on the sale of these vehicles which could be used by land management agencies to offset management and rehabilitation costs related to this type of use.

Congress should not allow more off-road usage than can be monitored and managed. Responsible use of public lands now is a necessity for future generations to enjoy.

I highly recommend that the Members endorse the report entitled "Six Strategies for Success, Effective Enforcement of Off-Road Vehicle Use on Public Lands.", which was published by Wildland CPR, and available for viewing at the following web link:

<http://www.wildlandcpr.org/news/new-report-reveals-solutions-road-vehicle-abuse->

[public-land](#) . I also brought several copies with me today if Members are interested. This report presents a comprehensive review of the current issues associated with ORV's on public lands and then makes a number of very effective recommendations. Its Executive Summary states, in part:

"Over the past two decades, advances in off-road vehicle technology have enabled riders to drive on nearly any type of terrain, up steep slopes, and onto lands that once were accessible only on foot. At the same time, the popularity of off-road vehicle recreation has soared. Together, these forces have overwhelmed the regulatory enforcement efforts of public lands agencies. The results: An extensive network of unauthorized, usercreated routes that criss-cross the landscape and a legacy of damage to environmental and cultural resources. Safety concerns for humans and wildlife and conflicts among motorized and non-motorized recreationists have escalated. Public land management agencies are facing these challenges with inadequate enforcement funding and staff. This leaves them unable to protect the lands under their stewardship, and at a loss to turn around the attitude of lawlessness that is alarmingly common among off-road riders. The common perception among off-road riders is that breaking the rules some of the time is all right, especially if someone else has ridden off-route before and cut a visible trail. This has become a significant public problem because of the destructive capabilities of off-road vehicles."

This is the best statement that I have seen encapsulating the problem. The report also contains a lot of very practical advice that federal land management agencies should be integrating into their approach to this growing problem.

This concludes my statement. I would be pleased to answer any questions that you may have.

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**Remarks to House Natural Resources Committee, Subcommittee on National Parks,
Forests and Public Lands**

Hearing on “Impacts of Unmanaged Off-Road Vehicles on Federal Lands”

Russ Ehnes

Executive Director, National Off-Highway Vehicle Conservation Council

March 13, 2008

Mr. Chairman, Members of the Subcommittee, my name is Russ Ehnes and I'm the Executive Director of the National Off-Highway Vehicle Conservation Council or NOHVCC (pronounced no-vac). My family, including my wife, son, daughter, parents, uncles, and grandfather are among the millions of Americans who enjoy responsible recreational off-highway vehicle use on our public lands.

NOHVCC is a non-profit organization dedicated to creating a positive future for OHV recreation. We do this through a variety of training and educational programs and through information distribution. We encourage OHV enthusiasts to become involved in organizations that promote responsibility and environmental ethics. We also work closely with the National Association of OHV Program Managers and conduct a joint conference each year to share the latest information regarding OHV recreation management.

I was pleased to see that the title of this hearing acknowledges that unmanaged recreation on public lands is a topic for discussion. It implies that management of OHV recreation is necessary, a statement I strongly agree with and a core belief of NOHVCC that drives much of the work our organization is doing, and has done for the past eighteen years.

In fact, NOHVCC has been supportive of both the US Forest Service Travel Management Rule and the BLM National OHV Strategy. In an effort to help successfully implement the Forest Service Travel Management Rule, NOHVCC with the financial support of the Motorcycle Industry Council and the Specialty Vehicle Institute of America, and in consultation with several other national organizations conducted 20 four-day workshops in 14 states. Representatives from the agency and the motorized and non-motorized public participated in the workshops, which were designed to increase public understanding of, and involvement in the process, which will ultimately result in a more successful implementation of the rule.

Active management of OHV recreation works as has been proven by many successful OHV recreation areas across the nation. Examples include the Hatfield-McCoy Trail System in West Virginia, the Paiute ATV Trail in Utah, the San Bernardino National Forest in California, and The East Fort Rock trail system in Oregon, along with less well-known trail systems in Idaho, Montana, Michigan and other states. The key to the success of these areas is active management.

NOHVCC has worked hard to help spread the successes through a variety of programs. Over the past ten years we have conducted over 30 OHV Management Workshops across the nation. These workshops are multi-day sessions that bring OHV management experts together with land managers, OHV enthusiasts and non-motorized recreationists to learn about the four “E’s” of management, an approach explained in great detail in our publication “Management Guidelines for OHV Recreation” and the cornerstone of every successful trail system in the country.

Simply stated, trail systems can be successful by applying Education, Engineering, Enforcement, and Evaluation, or the four “E’s.” The results are high quality, environmentally sustainable trail systems that meet the needs and desires of the public. Proper implementation of the four “E’s” produces trails that riders want to stay on, not just trails they have to stay on. Well-managed systems are not only environmentally sustainable they also provide more fun for the riders and increased economic and social benefits to the surrounding communities.

Active management is the key to success. When OHV management first became an issue in the 60’s and early 70’s, the agencies generally had an approach that amounted to “ignore it or close it.” Through hard work by OHV activists and groups like the Motorcycle Industry Council and the American Motorcyclist Association, partnerships were established with the BLM and Forest Service that have resulted in many well managed, high quality opportunities for OHV recreation.

Unfortunately, some groups advocate the wholesale closure of public lands, which is a move backwards in the direction of the failed “ignore it or close it” approach of the past. Active management works, it is succeeding in many areas and can succeed in many others. We will continue to work to implement successful management techniques across the nation, but it will not be easy.

It will take the continued commitment of the OHV community through the hundreds of thousands of hours of volunteer work it performs each year. The need for volunteer programs will increase and we will answer that call. It will also take continued commitment from the agencies, which I believe, in part, lies in your hands. Agency budgets are extremely tight, especially for recreational programs. Outdoor recreation and our pride in our public lands define the American people and we believe recreation budgets deserve the necessary support to help maintain our public lands. In addition, most OHV recreationists are willing to pay user fees through the Federal Lands Recreation Enhancement Act provided their money goes back to the facility they enjoy.

Active management does work. The Forest Service Travel Management Rule and the BLM OHV Strategy are making good progress. We are dedicated to helping them succeed not only through our Management Workshops but also through efforts to build volunteerism through our ethics education programs.

**Committee on Natural Resources
US House of Representatives
1324 Longworth House Office Building
Washington D.C. 20515
March, 13 2008**

Written Testimony provided by Ted Howard
Shoshone-Paiute Tribes of the Duck Valley Indian Reservation

Re: Oversight Hearing on the Impacts of Unmanaged Off-Road Vehicles on Federal Land.

My Name is Ted Howard and I am the cultural resources director and tribal member of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation of Idaho and Nevada. I am also a licensed pilot and I have monitored the public lands from the air and on the ground for several years.

Duck Valley is located in southern Idaho/northern Nevada, the state line dissects our reservation down the center exactly. Our reservation consists of 290,000 acres and it is the most remote Indian Reservation in the lower 48 States.

The people that make up the membership of our reservation, although they are all Shoshone and Paiute people, came from different areas. Some are from the Humboldt region of northern Nevada and others came from the Boise, Bruneau and the Wieser Valley areas in Idaho, and many have connections to southeastern Oregon.

The isolation has enabled our people to maintain our language and traditions. More so than tribal communities those are located adjacent to, or in urban areas. Our traditions provides for an intimate connection with our environment and the cultural and natural resources.

I would like to share a little about how we view our environment, our sacred sites and other resources.

The Owyhee Canyon lands and the Owyhee Desert are a part of the homelands of the Shoshone-Paiute people.

The Owyhee Desert includes southwestern Idaho, southeastern Oregon and northern Nevada, this area is sometimes referred to as the ION region. The Owyhee Desert consists of an estimated 10,000 square miles of undeveloped land in three states.

The Owyhee River is a part of the Columbia River drainage system and was once the spawning grounds for salmon before the dams in the Columbia and the Snake Rivers made their migration more difficult and the Hells Canyon Dam ultimately blocked their migration up the Snake River and its tributaries all together. There are many sites within our homelands that are sacred to our people. Tribal members use these sites to pray, to vision quest, or to conduct ceremonies. Many of these sites have been used for countless generations.

The Owyhee Canyon lands have always been an important area for our people. And that was the reason our people took refuge there when the Bannock War of 1878 broke out.

During that era there were many battles fought throughout the area, and as a result the canyon lands became even more special. There was an all out attempt to exterminate our people from the face of the earth. There were bounties on Indian scalps, \$100.00 for a man's scalp, \$50.00 for a woman and \$25.00 for a child. Many of our people fought died there and are buried there.

A belief in the sacredness of lands, when seen in the Indian context, is an integral part of the experiences of the people, past, present and future. Indians who have never visited certain sacred sites nevertheless know of these places from community knowledge, and they intuit this knowing to be an essential part of their being.

Every identifiable region has sacred places peculiar to its geography. Their sacredness does not depend on human occupancy but on stories that describe the revelation that enabled their people to experience the holiness there.

Sacred places are the foundation of all other beliefs and practices because they represent the presence of the sacred in our lives. They properly inform us that we are not larger than nature and that we have responsibilities to the rest of the natural world that transcend our own desires and wishes.

The Shoshone-Paiute people recognize that all things are interconnected. Everything on earth has a purpose and all of creation is equal. That includes humans, we too, are a part of creation, we are not above the rest of creation. The plants, animals, birds, trees, rocks, etc., have as much right on this earth as we do. Every part of creation have a duty that they provide to keep the earth and our environment healthy, and whole.

Agencies separate the resources into different categories, natural resources, botanical, cultural, etc. Tribes do not separate the resources. We view the environment as a whole. The well being of the earth and the environment is dependant on all of the resources, collectively.

The sun, the moon and all of these things we take for granted play an important part in keeping everything in harmony.

Water, is the essence of life. All life needs water to survive. Water is the life giving blood of Mother Earth, and we must do everything in our power to keep it clean for the coming generations and all life.

Plants are important for a variety of reasons. They are gathered for their roots, leaves or seeds, etc., according to the seasons. Some plants are important for food, others for their medicinal qualities. Plants can be used in a variety of ways such as making baskets, cordage for ropes or making traps, weapons, etc. Our ancestors braided moccasins and garments from sage bark. Some plants and roots are used for ceremonial purposes, for curing illnesses, for cleansing our physical body, our spirit and soul.

Animals are important; they provide meat for nourishment, the hides provide clothing, shoes, shelter, tools and weapons.

Our elders continually remind us that the animals were here long before we were. They possess more knowledge than we do. According to our legends, there was a time when animals could speak. They taught us which plants were edible and which plants to use for curing illnesses and how to use them, and how to take care for and respect the earth and the resources she provides. We are taught that we must always respect to those we share the earth with.

Before a harvest, ceremonies are conducted, and prayers are offered in the native tongue. Appropriate songs are used, and sometimes there are several songs that must be sung in a certain sequence.

Indian people never hunt for recreation. Hunting is always out of necessity. We never kill a deer for his antlers. In fact, many of the larger animals are spared so they may provide for a stronger gene pool. When an animal is harvested, it is never wasted regardless. We realize that a life was taken so that we may live, leaving it would be disrespectful. Our people use virtually every part of the animal, the meat, hide, bones, horns, etc.

On several occasions during monitoring, I have discovered antelope carcasses that were left to rot, just the heads were taken. And because of our connection to the lands and the resources it is very disturbing to the tribes to witness the destruction and the disrespect that is taking place on public lands. And a large percentage of that destruction is directly related to the use of OHVs.

Over the past thirteen years the Shoshone-Paiute Tribes have developed a working relationship with several federal agencies in the state of Idaho. We have monthly meetings through the Wings & Roots Consultation Process, and all proposals are brought before the tribes through this forum for govt-to-govt consultation, including ATV related issues.

The Idaho BLM has worked closely with our tribes in the protection and preservation of cultural and natural resources. In the Boise District there are three rangers (law enforcement) and there are 3 million acres in the District. The BLM and the Shoshone-Paiute Tribes developed a Cooperative Cost Share Agreement which provided funding for the monitoring of the Owyhee Canyon lands and the surrounding area by aerial surveillance and monitoring on the ground. Through this agreement the tribes were able to provide monitoring over the 3 million acres and report any suspicious activities to the BLM within a matter of hours. We have been informed that the funding for this partnership was discontinued, and will no longer be available for FY 2009. The Boise District has completed cultural surveys on an estimated 5% of the 3 million acres. So there are many sites that are not documented, and the vandals are aware that the area is rich in cultural resources.

We also have a good relationship with the BLM Twin Falls District. The Twin Falls District also has a lot of land under their jurisdiction and the western portion of their district is a part of the Owyhee Canyon lands. They too struggle with limited law enforcement, and too much area to cover, and an increasing number of people on the

public lands. The situation allows for illegal activities to occur and the destruction and looting of irreplaceable resources and the environment continually worsens.

The forest is getting a lot of pressure as well. Because of the difference in terrain the pressures are a little different. Because of the steeper terrain most of the traffic is focused more along ridges and in the flatter areas of the valleys, and along streams. These are also the areas where our ancestors camped. Many of the trails used by ATV's along ridges are old Indian trails, and that includes sites along the trail. These sites are being impacted by OHV traffic and vandals. The forest service is attempting to divert the traffic away from these areas but don't always have the room to accomplish that. The ATV users create crossings to ford creeks and this causes problems with sedimentation. This creates problems, especially during spawning season. Some of the streams are occupied by fish that are threatened or listed, such as Bull Trout and Salmon. The use of ATVs in the steeper terrain also results in erosion.

The Boise National Forest and the Payette National Forest have monthly meetings with the Shoshone-Paiute Tribes to discuss these issues. They are in the same situation as the BLM, with a lot of real estate and few people to effectively provide the protection for the land and the resources that they are obligated to oversee.

The Shoshone-Paiute Tribes have requested on many occasions, for the Sawtooth National Forest to consult with us. This has gone on for several years and so far they have chosen to ignore the requests from the tribes and violate their mandated obligation to consult with our tribes.

We also have struggled with the Oregon BLM. The BLM Vale District has also chosen not to consult with our tribes. The Owyhee Canyon extends into the Vale District and we have many sites throughout that area that are being impacted and the tribes are being left out.

The BLM Nevada, Elko and Winnemucca Districts have also chosen to ignore their mandated obligation to consult with us, although we have requested consultation on many occasions.

Through our monitoring on the ground and aerial surveillance we have witnessed an increase in human presence in the region over the last several decades.

The ATV Registrations in Idaho have increased drastically over the last 25 years. Here is some of the data that I was provided. They appear to have started keeping data in 1973 and it remained consistently low until the mid eighties.

- 1985 = 3,099
- 1990 = 8,883
- 1995 = 22,967
- 2000 = 51,042
- 2005 = 104,129

- 2006 = 117,567

During my aerial monitoring flights I have observed the trails created by ATV's and they have increased at an alarming rate over the past decade. These trails are very prominent from the air along the canyon rims, these trails are actually two track roads created by the ATVs that parallels the canyons for miles.

- A big percentage of these roads/trails were created by trappers and hunters with ATVs. Bob cat pelts bring anywhere from \$400.00 to \$500.00 per pelt. Some of these trappers can have several traps lines set. These trap lines consists of 100 – 200 or more, steel jawed traps, that are intended set to catch bob cats or whatever else that steps in it. Deer and antelope hunters also create trails while searching for game. When they get the game down, they use the ATV's to haul the game out. Getting to the downed game usually results in breaking new trails.
- During antelope (archery) season the construction of hunting blinds is popular. Hunters use ATVs to transport 4x8 sheets of plywood, 2x4s, logs and other material to construct the hunting blinds. Many of these blinds are placed at remote watering holes far from any roads, and some blinds are left in place so they can use them the following year.
- I have also witnessed hunters chasing antelope on their ATVs. In the desert environment there is no way for the antelope to get away. I watched one afternoon as the antelope were running and several minutes later they were going back in the other direction and back again. That's when I noticed why they were running; they were being chased by several ATVs. The "sportsmen" had placed themselves at strategic locations so they could head them off as they tried to get away. They eventually tire so these "sportsmen" could bag the animal of his choosing.
- Once trails are created, other people will begin using them for sight seeing, recreation, etc., and other trails begin to branch off into different trails and it goes on and on.
- And there are those that use these trails for illegal activities. As I pointed out earlier, there are archaeological sites throughout the area. Some artifacts are worth thousands of dollars on the black market. People that are involved in this illegal activity are always looking for sites to vandalize. The ATV provides a vehicle for looters to cover a lot of country in a short period of time very easily, and access areas that they could not have been able to without an ATV. The ATV makes it easy for them to haul their tools in and haul the artifacts out. Some of the stone mortars and other artifacts are heavy, but with the aid of an ATV, that's not a problem. They could easily make several trips.
- ATVs also contribute to the spread of noxious weeds by distributing seeds into areas where there were none.
- They can also be a fire hazard during extreme dry conditions, which is usually in the fall during hunting season.

I have brought this to attention of the agencies and they usually recite their regulations, and deny that anyone is doing those things. I remind them that regulations are useless without enforcement.

I have served on the Bureau of Land Management's (BLM) Resources Advisory Council (RAC) for 10 years, and I am always frustrated that recreation is held in such high regard. They seem to be under the impression that public lands are theirs to destroy. There needs to be more consideration for the natural inhabitants and the environment. If the trend in the increase of ATVs on forest and public lands continues at the pace that it has in the last several decades, just think of the destruction that they'll leave in their wake in the next 10 – 20 years if nothing is done.

There is an area known as the Owyhee Front along the Snake River (on public lands) in Owyhee County that is designated for ATVs. It consists of several hundred miles of trails across 135,000 acres of public land. This area is used for races and other events and by recreational users. So they have an area set aside specifically for ATV/OHV use.

I would like to make a recommendation that stronger measures be taken to protect the Federal lands and the resources. Most of the public lands are currently designated as "Open," and there are no restrictions on ATVs, and enforcement is nearly nonexistent.

I recommend that public lands be closed to ATV/OHV use until there is regulations developed to control this desecration and adequate law enforcement to ensure that OHV users will stay on the designated trails. Travel Management Plans must be developed and all unauthorized trails must be closed to OHV use and decommissioned. OHV registration fees should be increased for the rehabilitation on Federal lands.

Arrangements need to be made with the ranchers and others that use ATVs for fence repair and duties related to their line of work.

During hunting season the ATV's could be permitted, only for the duration of the hunting season to licensed hunters providing they stay on the designated trails.

Thank you for the opportunity to share some of our thoughts, experiences and suggestions with the Sub-Committee on Natural Resources. Thank you for the opportunity to share some of our teachings on the importance of our homelands to contemporary tribal members and the traditional importance of the resources. It is our hope that others will understand and embrace the love and respect we have for everything that we share the earth with.

It is our duty as contemporary caretakers of the earth, to preserve all we can so that the coming generations can have and enjoy all the earth has to offer, and it will be their time to do the same for their grandchildren.

**Victoria Fuller
61338 Alta Mura Dr.
Joshua Tree, Calif. 92252**

March 13th, 2008

**Testimony before the House Natural Resources Subcommittee on National
Parks, Forests and Public Lands Hearing about Off-Road Vehicle Enforcement**

Thank you for the opportunity to speak to you about a very serious problem that is getting worse as more and more off-road vehicle riders come out to our communities causing widespread damage and nuisance.

I live in a small town in the California desert. My neighbors and I are just like other rural Americans who seek a friendly community to live-in surrounded by wide open public land.

We have reached a point of desperation as we witness our rural communities taken over by off-roaders who have no respect for our private property rights. Many of our calls for help are ignored because there is insufficient funding and support for law enforcement who are often overwhelmed by the problem. In our communities, ORV trespass and nuisance is a major complaint to law enforcement both local and federal. Every holiday weekend, and often in between, people from urban areas haul their vehicles out to our neighborhoods and act in a way they would never act in their own neighborhoods - they treat our communities like off-road vehicle playgrounds: riding cross-country and trespassing on both private and public lands.

Large staging of 10, 20, 30, 50 ORVs assemble on someone's five acre weekend getaway and ride day and night creating noise and dust -- degrading the quality of life in our communities. Every weekend we suffer from helmeted riders who act as though they are invincible by trespassing on our lands and disappearing into the distance before law enforcement can respond. They are nearly impossible to identify because they do not have license plates. And due to the lack of local as well as federal law enforcement, residents have been forced out of their homes while the riders continue to break the law with impunity.

Our public lands are lacking adequate route designations to inform riders where they can and cannot go in addition to information like maps and signage. Because off-road vehicles are going anywhere and there is no information to contradict this notion, we see Real Estate ads promoting irresponsible behavior by implying that people can ride anywhere they want.

Can you imagine what it's like to be a prisoner in your own home, or the feeling of helplessness as dirt bikes, quads and sand rails ride past your "no trespassing" signs right onto your private property? Don't I have a right to peace and quiet? to the safety of my home? to the full value of my property?

One especially egregious circumstance was told to me last week involving a private residence bordering on BLM land that includes a wash adjoining the private property. With the coming of spring weather, groups of riders numbering 8 to 10 at a time are beginning their annual treks along the wash as if it were a Disneyland ride. According to County code enforcement officers, the BLM office has informed them that the wash is now an “established route” because of its “common use”. BLM personnel have also said that “washes are generally allowed routes”. Our understanding has always been that vehicles are allowed *only* on routes specifically designated on official maps. No exceptions have ever been given, not to mention how so-called common use might be established. Is this like Tombstone justice where if anyone wants to open up their own ORV trail on BLM land they only have to use it three times or so? What is the BLM thinking and why is no one –not even Congress—holding them accountable?

The “checkerboard” pattern of private, public and BLM lands can create misunderstandings and ambiguities in the interpretation of the law. It can also lead to encroachment onto the outer boundaries of Joshua Tree National Park, where it has been made clear that *no* off-road traffic is ever allowed. The BLM’s lack of clear rules and specific areas for off-road vehicles leads to riders carrying over their lawless behavior onto all lands—both private property and National Parks.

You need to know that we also suffer from retaliation by riders who engage in harassment of their neighbors who call for help. Some riders use their vehicles to intimidate and try to deny us due process of the law. There are horror stories of residents who have received threats, have been physically attacked, brushed past closely by vehicles, their pets killed, and their property destroyed. There have even been shootings over this conflict.

We need to find effective ways to deal with this problem before it gets even more out of hand.

I live in Joshua Tree, California, located in the Morongo Basin in San Bernardino County, the largest county in the nation, where you can find the largest designated off-road vehicle open area in the United States, but riders do not stay in designated areas and we have been suffering from the onslaught of abuse.

Three years ago, a group of residents and business owners could not take it any more and got together to find solutions to this problem. We organized meetings, conferences and public education campaigns and have asked our local law enforcement for relief. As a result:

- * We assisted the local Sheriff’s department obtain more than \$250,000 in state ORV law enforcement grants.

- * We coordinated a series of stakeholder meetings with residents, conservation groups, off road vehicle vendors and state, local and federal law enforcement agencies to create an informational brochure encouraging safe and responsible riding, informing the public about the law and providing a map showing clearly where it is legal to ride. Thousands of these brochures have been distributed to riders throughout our area. (Brochures for distribution).

- * We participated in a stakeholder process to create a county ordinance that is helping to fairly

and effectively protect private property. The ordinance was passed unanimously by the San Bernardino Board of Supervisors, and according to the Sheriff's department, code enforcement and residents, the law is working. (Copies of the ordinance for distribution).

* We have formed volunteer groups to serve as stewards of our public lands since the BLM has not been able to protect our cultural and natural resources. Adobe ruins, stagecoach sites, mining districts and other historic treasures are routinely damaged by uncaring riders. We need help from the BLM and other federal land management agencies to protect these places that are part of our national heritage.

Rural communities all over our country are suffering from the reckless, unchecked motorized sport and it is very important that we take a national approach to this growing problem.

We ask that our Congress craft legislation to give relief to rural American communities and would like to suggest the following:

1. We need stricter laws, greater fines, confiscation of vehicles and jail time for repeat offenders. We must have zero tolerance for harassment and intimidation.
2. We need a national campaign to educate riders about where to ride legally, to respect private property and public lands, and advice on how to ride safely and responsibly.
3. Every vehicle should have a visible license plate so that property owners and law enforcement can identify offenders. The presently used small sticker on the back of the vehicle is impossible to see when it is moving.
4. ORV vendors must finally take responsibility to promote responsible riding through their advertising campaigns and at the dealerships.
5. Our federal law enforcement agencies must begin to respond to this huge problem with a concentrated effort, special task forces, and cooperation with local authorities and law enforcement agencies.
6. Parents must be financially responsible for the actions of their children who ride dangerously and damage private property and public lands.
7. We must find less dangerous and less destructive recreation for our youth.
8. State and county law enforcement should not have to compete with federal law agencies for state-funded grants for ORV enforcement. It's time for the BLM to take their mandate seriously and protect our public lands, many of which have become illegal, de facto off-road vehicle open areas.
9. Riders should be required to cover the cost of the impact of their sport through fees and fines.

10. Rider should pass a driver's test that educates them on their responsibilities and the impact of trespass.

It has been a privilege to be able to testify before this committee and I hope you will take these comments to heart and provide the leadership we need to address this serious problem.

Thank you.

Written Testimony of Bob Vahle, Concerned Citizen
For
House Natural Resources Committee
Subcommittee on National Parks, Forests and Public Lands
On the Impacts of Unmanaged Off-Road Vehicles on Federal Land
March 13, 2008

Mr. Chairman, Members of the Committee: good afternoon, and thank you for the opportunity to be heard today on this important matter before you.

My name is Bob Vahle and I am a resident and native of Arizona. I live in Pinetop, Arizona which is located in the north eastern portion of the state in the White Mountains and within the Apache-Sitgreaves National Forests. I am a retired professional wildlife biologist who has worked 22 years for the U.S. Forest Service, 13 years for the Arizona Game and Fish Department, and 2 years as a contractor for the Intermountain West Joint Venture associated with the U.S. Fish and Wildlife Service, Migratory Bird Program. I have served on the Board of the Arizona Chapter of the Wildlife Society for professional wildlife biologists, and currently serve on the Board of Directors for the Arizona Wildlife Federation. I have lived within this area of the state for the past 30 years and have seen significant changes in public recreation use of the area, particularly the use of Off Road Vehicles (ORVs). As a result of these changes, I have observed significant impacts of unmanaged ORV use in many areas of this Forest, other public lands in Arizona, and within other states in the Intermountain West through my work and recreation travels.

I appreciate the privilege to speak to you as professional wildlife biologist, an avid hunter and fisherman and longtime owner and user of Off Road Vehicles (ORVs). My purpose today is to convey to you the critical need to implement biologically sound and socially acceptable public motorized travel management and ORV management programs on public lands, and later discuss aspects of the Forest Travel Management planning process that is occurring on the Apache-Sitgreaves National Forest that I am familiar with and have observed

First I would like to discuss the critical need for developing ORV management plans. I believe effective ORV management measures must be put into place soon to provide essential conservation of our public land resources (e.g., soils, vegetation, water, and wildlife/fish habitats) along with providing reasonable and managed public access and ORV recreation opportunities on our federal lands. With the dramatic increase in Arizona's population, there has also been significant sales (i.e., over 5,000 ORVs sold per year in Arizona reported in 2006) and use of ORVs on public lands in this state. ORV ownership has increased over 347% in recent years and now exceeds over 500,000 vehicles. I strongly believe as professional wildlife biologist, avid sportsman, and OHV owner and recreationist that our public land natural resources (e.g., soils, waters, vegetation, and wildlife/fish habitats) can not possibly sustain the unmanaged OHV use and open cross country travel that is occurring today. To further illustrate the significant growth in ORV recreation, a national survey by the U.S. Forest Service reported that the

number of ORV participants had increased from 36 million in 2000 to 51 million in 2004 in just a short four-year period. Today in 2008, ownership and use of ORVs and has further increased since that time period. With the dramatic growth in ORV use on our National Forests and other public lands across the U.S., it is not surprising that the Chief of the Forest Service (2003) identified unmanaged recreation, particularly the adverse effects of ORV use, as one of the four primary threats to the health of natural resources within the lands of the National Forest System.

Today, I will confine my comments to the ORV issues we are facing on the National Forest Lands in Arizona with focus on the Apache-Sitgreaves National Forest since I have lived, worked, and recreated in the area for 30 years. I will use this area of public land within Arizona as an example of what is certainly taking place on other National Forests and public lands in the West. First, I would like to give you some brief background information that will relate to today's discussion of ORV impacts on this Forest. I had the opportunity to assist the Apache-Sitgreaves National Forests planning team in developing wildlife and fish habitat guidelines for the Forest Land Management Plan which was finalized in 1987. Because of concerns at that time related to the creation of a high density of roads needed for timber harvest programs on the Forest and the need to address ORV use, we developed management plan guidelines (e.g., Guideline: open road densities for public use should average 2.0 miles/square mile or less) and later a management program (i.e., "Wildlife Habitat Area Program" – establishment of eight key wildlife habitat areas on the Forest closed to motorized vehicle use) to provide wildlife "quiet" areas free from motorized vehicle and ORV disturbances. The road density guideline and the Wildlife Habitat Area program were developed to address concerns for wildlife/fish habitat needs (e.g., key big game wintering areas), ORV damage to sensitive soils, vegetation, and waters (e.g., stream/riparian areas), and provide areas based on public input from hunters who were seeking areas without motorized vehicle and ORV disturbance. At that time in the 1980s, the Forest anticipated that public recreation would certainly increase and was not documenting extensive problems with ORV use. Unfortunately, the Forest made the decision to allow the public to use ORVs for forest-wide cross-country travel unless the areas were posted closed through special regulations (e.g., Wilderness Areas, Research Natural Areas, and Wildlife Habitat Areas). It is also unfortunate that the Forest did not anticipate the exponential increase in ORV ownership and use and the magnitude of adverse impacts to Forest natural resources from unmanaged ORV in this area that has occurred in recent years.

Currently, the dramatic increase of unmanaged ORV use on the Apache-Sitgreaves NF has caused a significant re-opening of roads, for example, that were to be formerly closed (i.e., Forest Service – Maintenance Level 1 Roads) after timber harvest for future management activities. In addition to re-opening these roads that were never intended for public use, unmanaged ORV cross country travel has also created many hundreds of miles of new roads and trails through their continued use. These user-created roads are causing natural resource and economic problems. The Forest is now faced with trying to manage an excessively dense, spider web network of unauthorized roads and trails which are not part of the Forest's road system. As a result of the current unmanaged ORV activities on this Forest the open-road densities in many key habitat types (e.g.,

Ponderosa pine, mixed conifer, pinyon-juniper, grassland, and riparian) have increased up to - 7 miles of open roads and trails per square mile. Open road densities of this magnitude greatly exceed the Forest Plan guidelines and intent to provide for wildlife/fish habitat needs, protect other natural resource values, and now create a significant economic cost burden in terms of maintenance and restoration liabilities.

Unmanaged ORV use is magnifying impacts to Forest natural resources and creating significant economic costs that will require large federal funding expenditures for restoration on the Forest as user-created roads and trails erode and deteriorate causing loss of top soils, excessive input of sediment into drainages and stream courses, damage to vegetation and overall degradation of watershed health, particularly if they are created in sensitive areas (i.e., wetlands, meadows, stream/riparian areas). Currently, the Forest is budgeted to maintain only 28 percent of the planned road system and certainly has very limited funding to address the unmanaged ORV impacts that are occurring. The unmanaged ORV use that is occurring on the Forest is also significantly increasing: 1) the fragmentation and elimination of valuable wildlife habitat acreage; 2) the damage to soils and key vegetation needed to protect watershed health and produce essential wildlife food and cover; 3) the spread of invasive noxious weed species which displace native vegetation needed by wildlife; 4) the erosion and destabilization of streambanks; 5) the reduction in water quality and habitat suitability of highly valuable stream/riparian areas for fish and other wildlife species; 6) the damage to sensitive wildlife habitats such as wetlands and natural meadows that are of key importance for foraging, resting, breeding, and young rearing by many wildlife species ; 5) the excessive access and disturbance to critical wildlife habitats that are needed for wildlife's security, resting, feeding, wintering, and young rearing needs; and 5) the disruption and alteration of animal behavior through disturbances by ORV activity which can affect animal fitness through disrupting wildlife foraging, resting, breeding , and young rearing activities which ultimately affect wildlife populations.

I have personally observed many examples of the impacts of ORV habitat damage and disturbance that I have described through my work and travels on this Forest, and other public lands in Arizona and the Intermountain West. For example, I have directly witnessed and observed the immediate and after effects of ORV users who have significantly damaged ecologically sensitive habitats (e.g., meadows, wetlands, and highly important stream/riparian habitats for fish and wildlife) by driving through them, "spinning donuts" and "mud bogging" which damages vegetation, erodes soils, destabilizes streambanks, and reduces water quality. I have also observed irresponsible ORV users harass wildlife such as attempting to herd antelope and chasing bull elk along fence lines during the spring in hopes that they would drop their antlers after jumping the fence as part of their antler collection activities. All of the adverse ORV impacts I have described have been well documented in large body of literature some of which I have referenced in my written testimony for today. Due to the limit of time for this testimony, I certainly can not address all of the ORV impacts I have observed. I strongly believe that these impacts and many others will continue to occur and significantly increase if ORV activity on National Forests and other public lands goes unmanaged.

In addition to impacting natural resources, unmanaged ORV use is also adversely impacting many of the recreating public that visits this Forest and other public lands. For example, many hunters, fisherman, campers and other outdoor recreationists voice strong concerns to the land management agencies and wildlife/fish agencies about their negative encounters with unmanaged ORV activity during their outdoor hunting, fishing, camping, hiking, and wildlife viewing experiences. As a former employee of the U.S. Forest Service and Arizona Game and Fish Department I have talked with and taken many reports from hunters, fisherman, and other outdoor recreationists over my working years that were extremely upset and vocal about their negative experiences with irresponsible ORV users and their observations regarding indiscriminate ORV use and cross-country travel damage to forest habitats. Many provided photos and detailed descriptions of the ORV damage they had observed to sensitive habitats (e.g., meadow, wetlands, stream/riparian areas) and other Forest resources along with, accounts of ORV users chasing and harassing wildlife. In respect to hunters, for example, the Arizona Game and Fish Department recently conducted a public survey of hunters in conjunction with their program to recruit and retain hunters in which they found some disturbing results. One of the top barriers that individuals identified (i.e., 54% of the hunting public surveyed) was their reluctance to continue hunting or recruit new hunters because of their negative experiences with ORV users and unmanaged ORV use. The negative impacts of indiscriminate and unmanaged ORV use that many hunters encountered include witnessing ORV damage to habitats and observing ORV users chase and harass wildlife. Hunters have reported their extreme frustration of watching other hunters using ORVs harassing wildlife including the species that they are currently hunting, disrupting the hunter's careful stalk of a game animal, and displacing game animals from the areas that the hunter has previously spent much time in scouting and then selecting to camp and hunt in. I have also had an number of negative encounters myself with irresponsible ORV users and their indiscriminate ORV cross-country travel during my hunting, fishing, camping, and wildlife viewing activities. Several years ago I observed a guide/outfitter during my archery antelope hunt using his 4-wheel all terrain vehicle ("quad") chasing and attempting to herd antelope to his hunter that I was planning to stalk on public land. I immediately reported the incident to one of our wildlife management officers who cited the individuals. Later, I had to take my personal time to drive 160 miles round-trip at my own expense to appear in court to testify. In my opinion this is unfortunate since our personal time is very precious and in this case had caused me to be negatively impacted by unmanaged ORV activities on public land by an irresponsible ORV user.

I would to give you just a brief overview of the current Apache-Sitgreaves National Forests travel management planning process from my perspective that is undergoing the development of Forest Travel Management Plan to address public motorized vehicle access and use, ORV concerns, and dispersed camping activities on the Forest. In 2005 the Travel Management Rule (TMR) was issued by the U.S. Forest Service directing the National Forests to address the problems of deteriorating forest conditions caused by motorized use, especially the significant increased use of ORVs. The rule requires that cross-country motorized use to be prohibited when it is fully implemented in 2009. The roads, trails, and dispersed camping areas that are to be designated for public use are to follow a public planning process that incorporates community concerns, address multiple

use resource management needs, and concerns for the sustainability of forest natural resources. In 2006, the Apache-Sitgreaves National Forests began conducting an inventory and analysis of all roads and trails located within the Forest through a Transportation Analysis Process (TAP). In 2007, the Forest submitted A Notice of Intent to prepare an Environmental Impact Statement for developing a public motorized Travel Management Plan which was published in the Federal Register on October 10, 2007 (Vol. 72, No. 195, pages 57514-57517). In 2006, the Forest conducted its first round of public meeting to provide the public information on the TMR, the planning process for developing the Forest's Travel Management Plan, and to gather initial public input. During these meeting the Apache-Sitgreaves National Forests - Travel Management Planning Team made in my professional opinion a significant planning mistake in presenting maps to the public that illustrated the entire inventoried network of roads and trails including unauthorized and ORV user created roads located on the Forest that were identified under the TAP process. The maps displayed at the public meetings also included the Level 1 –Maintenance Roads that I previously discussed which were never intended to be left open for public motorized use and that were to be closed after timber management activities. As I also stated previously, unmanaged ORV use has now re-opened a very large proportion of these roads. When the public began reviewing the Forest's proposed action to designate roads, trails, and areas for dispersed camping some of the public have reacted very negatively. Some local individuals and groups are now claiming and disseminating misinformation that the Forest is proposing to close 80-90% of all the roads on the Forest to motorized public use when in fact this is totally incorrect. The planning strategy to display all of the roads both authorized and unauthorized (e.g., created by unmanaged ORV use) has unfortunately led to much dissention and contentious disagreement among individuals and organized groups within the local communities and among other Arizona residents.

In respect to dispersed camping on this Forest, the Forest is currently proposing to address dispersed camping either through the use of formally designating dispersed camping sites or allowing camping within a specified distance (i.e., 300 feet) on either side of roads identified for public motorized vehicle use. From a planning perspective, there is currently a lack of consistency between the Ranger Districts on the Forest in utilizing these strategies to address dispersed camping. Currently, there are complete dispersed camping strategy differences proposed between the Ranger Districts within this Forest. If the dispersed camping strategies are not consistent among the Ranger Districts within the Forest, it will greatly confuse and irritate the public, and it will complicate enforcement of public compliance with dispersed camping regulations.

In summary, I hope I have provided you useful information on some of the adverse impacts of unmanaged ORV activity that I have directly observed in many areas along with some of the ongoing Forest Travel Management planning problems that I have observed and are occurring. The ORV impacts will continue to increase not only on the Apache-Sitgreaves National Forests but on other National Forests and public lands here in the U.S. if biologically sound and socially acceptable public travel and ORV management programs are not fully implemented. Unmanaged ORV use and cross-country ORV travel on our public lands simply cannot be sustained without significant

resource impacts in light of this country's population growth and the significant increased use and ownership of ORVs. Certainly the responsible use of ORVs to recreate on our National Forests and other public lands is an appropriate use enjoyed by millions of people including myself. I believe the majority of ORV users are environmentally responsible in the use of their vehicles and utilize them ethically. However, I do believe that education of the users about the proper use of their ORVs and knowledge of natural resource conservation ethics is not keeping up pace with the significant growth and use of these vehicles. I believe that the proportion of irresponsible users is unfortunately increasing since many are new to the outdoors and they are unknowingly using their ORVs for cross country travel without knowledge of all the potential resource impacts. When the public sees the ORV industry's advertisements illustrating ORV vehicle users racing up mountain slopes, through streams, meadows, and wetlands it is no wonder that uneducated ORV users assume that this is the way these vehicles are to be used. Education of the public who own and use an ORV is critical along with requiring responsible industry advertising.

In respect to the Travel Management Planning process that is occurring on National Forests such as the Apache-Sitgreaves National Forests and other public lands, it is essential in my professional opinion that the public be educated and fully informed on the various types of roads and trails that are to be authorized for public motorized travel and those not authorized for public use in order to reduce the misinformation that may be disseminated about the agencies proposed actions. In addition, it is essential that planning strategies to be used in Forest Travel Management Plans, ORV management plans, and dispersed camping regulations within or among National Forests be as consistent as possible to reduce public confusion regarding agency regulations, and to increase public acceptance and compliance with these regulations and management plans.

Finally, based on my experience and knowledge of the information available on the impacts of ORVs and guidelines needed to develop effective ORV management programs, I would like to provide the following recommendations for your consideration.

1. Public cross-country ORV travel should be prohibited on all National Forests and other federal public lands unless special ORV management areas and special needs (e.g., hunter retrieval of harvested big game animals) are identified and thoroughly evaluated through a public process including the evaluation of their impacts through the National Environmental Policy Act requirements and other appropriate federal requirements (e.g., Threatened and Endangered Species Act).
2. ORVs used on public lands should be registered with the State Motor Vehicle Department and required to have a visible license plate that can be used to identify the ORV owner. These visible license plates would greatly help in reporting illegal activities.

3. Road and trail systems designated for public use by ORVs should be developed to provide public access consistent with Forest Plan objectives and other land management agency management plans that seek to maintain low open road densities (e.g., generally no greater than 2 miles of open road and trails per square mile with lower densities in key wildlife/fish habitats) needed to provide for wildlife/fish need habitat needs, protect other natural resources, and reduce road and trail maintenance costs.
 4. Roads and trails designated for public use by ORVs should be posted as open with appropriate signage that is understandable by the public and consistent among National Forests and other public land management agencies (e.g., BLM) to prevent public confusion of the regulations. Roads and trails not designated for ORV use should also be posted closed with understandable and consistent signage.
 5. Roads and trails designated for use by ORVs should be located to minimize adverse impacts to vegetation, soils, water resources, and sensitive wildlife/fish habitats (e.g., meadows, wetlands, stream/riparian areas); and reduce disturbance and displacement of wildlife in key habitats such as wintering areas, foraging areas, breeding areas, and young rearing habitats
 6. Roads and trails designated for use by ORVs should be located to minimize conflicts between ORV use and other existing or proposed non-motorized recreational uses (e.g., hiking / mountain bike trails).
 6. Adequate funding should be provided to insure that land management agencies can fully implement their travel management and OHV plans. Roads and trails designated for use by ORVs should not be open for use until a monitoring plan and enforcement plan are developed, funded, and implemented.
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Mr. Chairman and Members of the Committee, I would again like to sincerely thank you for the privilege and opportunity to talk with you today on these very critical public land management issues. If left unmanaged, ORV use on our precious public lands such as National Forests will continue to increase with adverse impacts to the valuable natural resources we cherish and strive to leave in healthy conditions for future generations. In addition, the management strategies that are developed to address public motorized vehicle travel, ORV use, and dispersed camping need to be as consistent as possible on our public lands to help insure public acceptance and compliance.

Oversight Hearing on Management of Off-Highway Vehicle use on Public Lands

Subcommittee on National Parks, Forests, and Public Lands United States House of Representatives Committee on Natural Resources

Ken Rosevear, Executive Director Yuma County, AZ Chamber of Commerce

March 13, 2008

Chairman Grijalva and Ranking Member Bishop, I thank you for inviting me to address this subcommittee, and affording me the opportunity to share my thoughts about the management of off-highway vehicle recreation on public lands. I will address the unique and ever increasing and popular "Sand Sport" off-highway vehicle (OHV) recreation commonly referred to as "Duning."

Before I begin, let me introduce myself and my background that provides the frame of reference for my comments. My current position as the Director of the Yuma County Chamber of Commerce provides the insight as to the economic value of the OHV recreation that is associated with the nearby Imperial Sand Dunes Recreation Area (ISDRA) managed by the Bureau of Land Management (BLM) located in close proximity to Yuma, AZ. I have been, and continue to be personally involved in business interests in the Imperial Valley of California and Yuma County. As a founding Board of Directors member of the United Desert Gateway (UDG) I'm intimately familiar with the partnership success of the local business community with the BLM, the Imperial County Sheriff's Office and as a member of the American Sand Association (ASA) that represents the over 34,000 Sand Sport recreation enthusiasts. Also my tenure as a law enforcement officer with the Phoenix, AZ police department provides me an understanding of the challenges faced at the ISDRA and associated with OHV recreation.

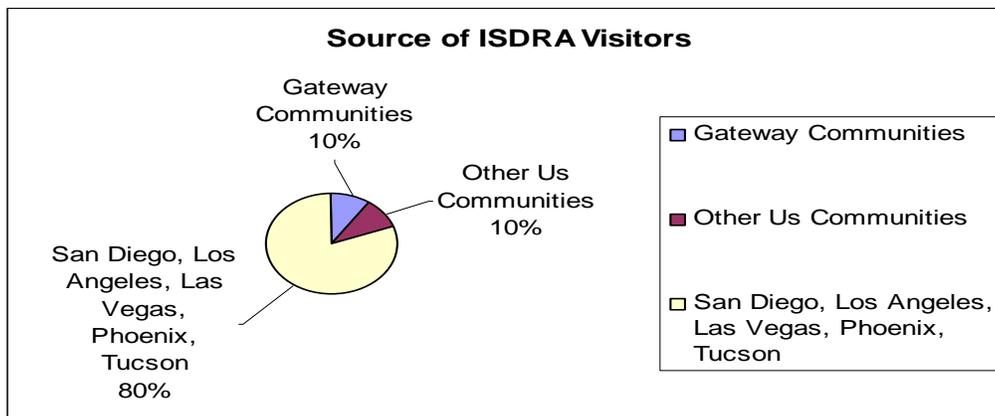
Imperial Sand Dunes Recreation Area (ISDRA)

The Imperial Sand Dunes Recreation Area (ISDRA) is the most popular Off Highway Vehicle (OHV) area in the United States. It encompasses the most intensively visited recreational area in the California Desert Conservation Area (CDCA). It provides a unique, world-class recreation opportunity. The primary recreational use is camping and the use of Off Highway Vehicles (OHV's), principally dune buggies and all terrain vehicles. Other uses include photography, hiking, backpacking, nature studies, hunting, rock collecting, right of way use for utility lines, canals and roads, commercial film making, conservation activities and horseback riding.

The ISDRA, located in south eastern Imperial County in Southern California, offers outstanding opportunities for OHV recreation within the Bureau of Land Management's (BLM) California Desert Conservation Area. The approximately 159,072-acre ISDRA contains the largest mass of sand dunes in the United States, covering an area more than 40 miles long and averaging 5 miles in width. The ISDRA is considered a world-class OHV area and it represents one of the most popular OHV areas in the western United States. It is a well-known area to local residents and the thousands who visit each year from the southwestern United States and beyond. The ISDRA is recognized for its frequent use as a backdrop for commercials and movies because of its unique beauty and landscape. The ISDRA is also recognized for providing unique habitat for several endemic and sensitive plant, insect, and animal species and habitats.

The ISDRA is the most heavily and intensively used OHV recreation area in the California Desert District with over 1.4 million OHV visitors per year.

Where Do They Come From?



Many families use OHV outdoor recreation as a way to form bonds and transfer important family values their to children and grand children. A number of Americans feel recreation strengthens the family as a unit and the children as individuals. The ISDRA presents a unique opportunity for family recreation at its best.

OHV Growth While Public Land Availability Declines

The Off-Highway Vehicle (OHV) market is in growth mode being driven by favorable demographic trends and the targeted marketing efforts of the manufacturers of equipment and accessories. Enthusiasts in this market bring significant economic impact to their local retailers and the destinations they travel to. They are in the market for new equipment, accessories and consumables. The direct economic and multiplier effects from participation in OHV recreation are well into the billions of dollars annually.

Increasing population growth is leading to declines in easily accessible open space. This is causing many in the OHV market to travel to destinations meaning they are towing their equipment in either flatbed or enclosed utility trailers. The market is at an unprecedented moment where collaboration between key players can yield growth that provides accessibility with minimal damage to sensitive biological areas.

By 2010 there will be an estimated 60 million domestic OHV enthusiasts. This would represent a 12-fold increase since 1972. According to the USDA Forest Service in 2003 there were over 8 million OHVs in use domestically, up from 3 million in 1993. Six out of ten OHV users are male, with approximately half falling in the 31 – 50 age range. Half have at least some college education, with the same percentage having an annual family income in excess of \$50,000

There are a few identifiable threats to growth in the OHV market; the cost of fuel, the impact of population growth and the riding habits of a few “renegades.” The cost of a gallon of gasoline has increased 116% since November 2001. This increase is having a significant impact upon the sales of the largest vehicles in the SUV class. Urban populations are moving ever closer to the borders of public land. Between 1982 and 2002 almost 35 million acres of rural land were converted through development, reducing the space available for rural recreation. These increasing tensions have lead to numerous lawsuits on both sides of the issue. The media has chosen to focus on damage caused by renegade riders who have created their own trails. Satellite imagery has documented this process. These challenges represent opportunities and point to the need for greater collaboration between land managers, the OHV community and environmental groups. The National OHV Collaboration Summit, held in April 2005 in San Diego represent a step in this direction.

Economic Value of OHV Activity

This form of OHV activity has spawned a wide range of entrepreneur driven innovation, involving hundreds of small businesses, distributed throughout the West and elsewhere in the U.S. It is in this respect an exemplary form of free enterprise at its best, where risk-taking, creative individuals perceive an opportunity to marry recreational interests with a unique resource, and rise to the challenge of producing and marketing the appropriate goods and services. A strong sense of community identity has arisen among ISDRA visitors, based on a combination of factors such as the following:

- The sheer size of ISDRA, which allows many participants to congregate and recreate there in a relatively homogenous series of activities,
- The excitement level of the extreme sport that takes place there,
- Participants' involvement in the technological innovation and entrepreneurship that has developed in response to the need to: 1) have specialized equipment for operating most effectively on sand dunes, and 2) to support and cater to the community of dune participants,
- The need to physically camp at the sport location, in order to maximize the experience,
- In spite of its many high-tech components, the fact that the sport, and the act of being at ISDRA, can be enjoyed at many different levels of investment, so there is an egalitarian aspect of the experience.

The "community" aspect of ISDRA recreation provides "value" to the participants that can easily go unquantified (and which is difficult to quantify in any case), but is nevertheless important. For example, the BLM May 2003 ISDRA EIS (page 150) quotes the following finding from a major national recreation survey:

"Many families use outdoor recreation as a way to form bonds and transfer important family values to children. A number of Americans feel recreation strengthens the family as a unit and the children as individuals."

Off-Highway Recreation

Where do they spend their \$\$\$\$\$\$\$\$?

- **Over \$6 Billion to California Economy**
 - **\$4 Billion Boost to Arizona in 2002**
 - **Gateway Communities***
 - **Brawley, Ca** **\$43,000,000/yr**
 - **El Centro, Ca** **\$19,000,000/yr**
 - **Yuma, Az** **\$6,000,000/yr**
- * **2001 Lower Colorado River Economic Survey**

The recently 2/14/08 revised Peirson's Milk Vetch Critical Habitat ruling published by the US Fish and Service recognizes the economic value of the ISDRA OHV activity. The original critical habitat designation completed in 2004 included about 21,863 acres of land. The revised final rule reduces the amount of critical habitat by 9,758 acres from the original 2004 designation.

An economic analysis was developed based on the areas included in the July 27, 2007, proposed rule to revise critical habitat for Peirson's milk-vetch which identified approximately 16,108 acres of land as proposed critical habitat.

The final economic analysis estimates that efficiency impacts could range from zero up to between \$116 and \$127 million over the next 20 years (undiscounted dollars). Approximately 93 percent – between \$0 and \$113 million - of the potential off-highway vehicle use welfare impacts attributable to critical habitat were projected to occur in proposed critical habitat Unit 2 which covered portions of the Gecko and Glamis Management Areas of the ISDRA.

Partnership Building

As a direct result of the ASA sponsored "Partners in Dune Safety" highway billboard program the ASA was invited to attend the Los Angeles "Partnerships 2003" conference and subsequently to the "BLM National Recreation Forum" in Jan of 2004. During a meeting with BLM Director Clarke at the Las Vegas forum ASA and the Off-Road Business Association (ORBA) became aware of the opportunity to acquire increased ISDRA federal funding under the US Department of Interior's (DOI) "Challenge Cost Share" (CCS) program. The CCS

program was initiated by the Secretary of Interior to encourage cooperative conservation partnerships.

In consultation with the BLM California Desert District (CDD) Manager and the leadership of the Imperial Valley and Yuma Chambers of Commerce it was determined that a non-profit organization was needed to support the CDD request for CCS funding. The United Desert Gateway (UDG) was formed as a 501C-4 non-profit in September of 2004 by the Brawley, El Centro and Yuma Chambers of Commerce. An Assistance Agreement (AA) was signed between the UDG and BLM on Sept 17, 2004. Two Task Orders (TO) were subsequently executed. These TO's provide for the following partnership activity:

Task Order 1(a) April 2005

The purpose of the work will be to engage the public, i.e. the recreationists and the UDG communities with the intent to increase awareness, respect and knowledge of stewardship behavior. Specific duties include: collaborate on the development and/or implementation of the following outreach initiatives to further enhance the image of the ISDRA among the UDG communities: Billboard safety program, Dune Smart Brochure, broadcast media outreach, ISDRA cleanup, a "Take Time Out For Safety" flyer, and a law enforcement trailer for the south dunes area.

Task Order 2 (a) June 2005

The purpose of the work will be to collaboratively develop a practical and cost-effective tourism monitoring program. The project will assist BLM to better manage and fulfill its responsibilities set forth in management plans for public lands in the region. Specific duties include, but are not limited to; assemble and analyze previous survey data, test visitor survey instruments, develop visitor survey sample strategy, prepare tourism monitor plan, prepare a final tourism monitoring plan.

The United Desert Gateway (UDG) partnership recognizes that the management of public lands in the region presents a significant opportunity to build collaborative stewardship based partnerships that will allow participation by local Gateway Communities, the OHV community and other special interest user groups in public land management planning, stewardship/education/outreach programs and to respond to impacts of public use on public land such as the ISDRA. An active local community will also preserve the integrity and long-term sustainability of ISDRA and other local BLM public lands.

The ISDRA is managed by the Bureau of Land Management and provides world class off-highway vehicle (OHV) recreation opportunities to hundreds of thousands of OHV enthusiasts each year and is a major component of the Yuma,

Arizona, and Imperial Valley economy. In order to preserve the integrity and long-term sustainability of ISDRA and other BLM public lands, there needs to be an active local community to increase local support and appreciation for the economic value of public lands to the region. The UDG recognizes that the successful ongoing management of the ISDRA is in part dependent on developing and fostering partnerships with the local communities, businesses, sand sport enthusiasts, and other ISDRA visitors. These partnerships would allow BLM to reduce operating costs by fostering volunteer programs, financial support, development, coordination and implementation of public educational materials and programs which help the BLM meet its goals and objectives for management of the ISDRA.

Current UDG objectives will assist BLM in fulfilling its multiple use mission for management of the ISDRA. The BLM and United Desert Gateway are mutually committed to the goals of promoting and stimulating support and interest for the ISDRA by:

- Gathering of information to assist the partnership in determining how best to meet the needs of visitors to the region;
- Providing support for the development of a volunteer program that would be drawn from the OHV community, local gateway communities, and other interested parties;
- Providing support to the BLM in the management of the ISDRA RAMP;
- Assist BLM in identifying, developing and implementing a variety of public education and outreach initiatives as well as assisting BLM in integrating educational programs into BLM outreach planning and the ISDRA outreach planning process.

UDG is managed by the executive management of the Brawley, El Centro and Yuma Chambers of Commerce. This is an added responsibility that they assumed when their chamber Boards agreed to and entered into the Assistance Agreement with BLM. They receive no compensation from the BLM or from any funds associated with this partnership. They do keep track of their time spent on UDG activities for future cost sharing consideration.

Under the terms of the Assistance Agreement UDG will carry out specific tasks that are defined by BLM and accepted by UDG. The funding and accountability for these tasks is defined in the TO. The cost of the project, the cost matching contributions and the specific tasks to be accomplished are also defined in each TO. In effect BLM is out-sourcing to UDG as they would with other sub contractor. The dune user community inputs are considered in the same manner as if BLM were accomplishing the tasks independently prior to UDG's involvement.

The CCS funding criteria requires projects to be cost-shared and to foster sustainable partnerships. Several ASA dune safety and stewardship projects

predated the actual formation of the UDG. The Brawley, El Centro and Yuma Chambers still worked on these projects during the process of formalizing the UDG. These programs provided up front credibility and assurance that the UDG BLM partnership would be successful. The following ASA facilitated projects predated the formalization of the UDG:

- Highway Billboards
- Dune Smart Brochure
- Duners Informing Duners “On The Ground” Volunteer Outreach
- Printed Media Outreach – “Buy A Pass” & “Take Time Out For Safety”
- Broadcast Media Outreach – “Motorsports Mania” Radio & TV
- Law Enforcement Trailer Donation

The aforementioned projects provide over \$100,000 of cost-sharing credibility. All of these projects were within the scope of the CCS competitive criteria and fostered sustainable partnerships. They were all funded by businesses that recognized the value of Imperial Sand Dunes motorized recreation. Most if not all, of these projects were tasks that would have been undertaken by BLM given the resources to do so.

Several new partners have joined the UDG portfolio of business sponsors and volunteers contributing to the Task Order projects. Their contributions include outright monetary contributions, services in kind, at cost and discounted services, and volunteer support. The scope of their contributions is noted below:

- Aerial photography of camping areas in support of the “Census Day” data gathering project
- Graphics art and printing support for the “Litter Education” program
- Layout and printing of the UDG “Welcome Newspaper”
- Volunteer management of several outreach programs

Based on a long-standing BLM policy the El Centro Field Office (ECFO) has received credit for volunteer hours. Long before UGD the ECFO formally submitted a “Group Volunteer Services Agreement” (form 1114-5) to the State Office to qualify for supplemental federal funding. This program predates the CCS program and exists throughout the federal agencies to encourage volunteer support. The following volunteer projects have been submitted by the ECFO:

- “Project Sand” Glamis cleanup
- Closure Resigning Project – Oct 2001
- Closure Compliance Project – Dec 2002
- Duners Informing Duners – Sept 2002 – April 2003

Looking ahead the UDG will submit volunteer hours as a component of the duning

community contribution under the provisions of the CCS cost-sharing criteria. In so doing UDG will assist the ECFO in qualifying for CCS funds to be used on specific tasks defined under the terms of the TO. These CCS funds will be a direct offset of future visitor fee requirements.

Value of the Partnership

The following is a summary of the anticipated value of the UDG – BLM partnership:

- ECFO access to supplemental federal appropriations that would not otherwise be available.
- Active community support of a valuable tourist destination.
- Reduction of cost through pooling of resources.
- Improved ISDRA outreach resulting in enhanced visitor satisfaction.
- Enhanced BLM's ability to implement the objectives of the ISDRA Recreation Management and the Business Plans.
- Fostering volunteer programs and financial support enhance safety and provide exceptional natural resource stewardship.
- Maintain public access to public lands

In Appendix C of the fourth annual “Partners in Action – Dune Safety and Stewardship” report* the contribution of the Sand Sport community and has exceeded \$600,000. Since the report was published in September 2007 the partnership has expanded to include the US Border Patrol and the US Fish and Wildlife Service. The California Native plant Society, the Center for Biological Diversity and the Public Employees for Environmental Responsibility have recently been invited to join the partnership.

The “Partners in Action” report clearly demonstrates the value of collaborative planning and pooling of financial and human resources. As additional partners join the team the merging of recreational and environmental responsibility will yield mutually beneficial results.

* Attached and submitted as a part of this testimony

March 10, 2008

**Statement of
Deputy Alan Franzoy
Dona Ana County Sheriff's Department**

**House Resources Committee
Subcommittee on National Parks, Forests and Public Lands**

**Oversight Hearing on
"The Impacts of Unmanaged Off-Road Vehicles on Federal Land"
March 13, 2008**

Mr. Chairman and members of the committee, my name is Alan Franzoy. I have spent the past nine and a half years as a law enforcement officer in New Mexico. I serve as a Deputy Sheriff in Doña Ana County in southern New Mexico, assigned to Community Policing. I am a member of the Bomb Squad and a D.A.R.E. Instructor. I'm also a Special Deputy United States Marshal with the Southwest Investigative Fugitive Team. For the past two years I served as the Chairman of New Mexico's Off Highway Vehicle (OHV) Safety Board and I continue to work as a law enforcement ATV Instructor and a volunteer Hunter Education Instructor.

I want to thank you for the opportunity to join you today to tell you about a problem that is spinning out of control on public lands throughout America, a problem that needs urgent action from Congress – or else more people are going to be injured or killed, more of our public lands will be destroyed, and more conflicts between users will arise, leading to more dangerous and deadly situations for everyone.

As a law enforcement officer and off-road vehicle (ORV) rider and driver myself, I know a lot of responsible ORV riders. But I've seen first hand that an outlaw contingent of ORV riders are destroying our land and endangering private property, livestock, wildlife, and other public land users.

My Sheriff and my fellow officers urge this committee to take action so we have more effective ORV management from federal land agencies by giving outlaw riders a real deterrent. Without it, the bottom line is that natural resource damage and increasing user conflict will be the norm on America's public lands.

The problem

Dona Ana County is located in south-central New Mexico and contains 3,804 square miles. We share approximately 45 miles of border with Mexico. Approximately 1.1 million acres of our county are managed by the Bureau of Land Management. That is approximately 44% of our county.

Over the course of my career I've seen accidents, damage to private property and natural resources, conflicts between users, and damage to archeological and historical sites. During times when young people are out of school (weekends and vacation days) up to fifteen to twenty percent of our calls for service involve reckless and irresponsible ORV riders. There are only two BLM law enforcement officers in all of Southern New Mexico, responsible for millions of acres of land. The total amount of land that BLM manages in New Mexico is just over 26 million acres. An offender's likelihood of being held accountable for their actions is very slim. The lack of enforcement on BLM land promotes the outlaw mindset for the small minority of irresponsible and disrespectful ORV users in believing that they can do whatever they want to do without accountability to anyone for their actions. Unfortunately, most of the time they are right!

On the West Mesa area southwest of Las Cruces, ORV abuse has created a spider web network of illegal trails in an archeologically sensitive area. ORV riders invade this area every weekend, riding anywhere they please. The only thing that hinders their movement in this area is cactus and mesquite, and sometimes even those spiny barricades are no protection against the machines. There is absolutely no protection of the remnants of our prehistoric settlers of the Rio Grande Valley in this BLM area that are driven over by illegal ORV riders every weekend without fear of prosecution.

The Doña Ana Mountains are suffering the same fate. Irresponsible ORV riders can be found in many areas of the Doña Ana's each weekend, regardless if there is a road or trail in the area. Without any law enforcement presence, ORV riders drive off-road whenever and wherever they please. The erosion and destruction left by this abuse can be seen on the mountains from almost anywhere on Interstate 25 as travelers drive from Las Cruces to Albuquerque. This area is covered by thin layers of rock, and will never recover from this abuse. These scars of misuse will be visible in this area until the end of time.

The lack of a secure border contributes more than it's share of ORV abuse in Doña Ana County. In the Las Uvas Mountains, a current BLM Wilderness Study Area, four-wheel drive trails are used by illegal alien and drug smugglers to circumvent Border Patrol checkpoints on Interstate 25, NM 185, and Interstate 10. During a three-month period during 2005, a road through White Gap became so clogged with eleven abandoned load vehicles in a rough quarter mile stretch, both on and off of the road, that responsible users, including ranchers, law enforcement officers, and recreational users were denied passage through that area, causing users to make an eighty mile one-way trip to access the White Gap area from NM 26. Lacking any BLM patrol in the area during the three months, Deputy Sheriffs and Border Patrolmen worked with local wrecking yards to remove the vehicles and debris from the area.

ORV accidents are common on public lands where there is no enforcement of law. A sixteen-year old girl left her home one afternoon for a ride on her ATV. She had told her parents she didn't like to wear a helmet since it messed up her hair. When she didn't return for approximately six hours they went looking for her. They found her body on BLM land adjacent to the neighborhood where they lived. She died from head injuries she sustained when she overturned her ATV.

New Mexico's public lands are magnets to residents of the densely-populated Rio Grande Valley, including Las Cruces and El Paso. Without visible enforcement of existing laws, Doña Ana County desert areas between these two large cities are party areas for young people. These large parties, many times with hundreds of participants, are also opportunistic times for a variety of criminal activity beginning with underage drinking and drug abuse all the way to violent rapes and murders. Many of the attendants of these parties drive into the public land "party areas" with ORVs', adding abuse of the land to their long lists of crimes. These public land "party areas" are easily located by the amount and type of trash left scattered about, the vehicle trails created during the night, and the abandoned fire pits. While BLM and the Sheriff's Office are working together to solve this issue, BLM has extremely limited resources to offer to assist with law enforcement activity to curb these dangerous and destructive activities on our public land.

Working with Federal Agencies

Because much of the land in our county is managed by the BLM, cooperation and coordination between our offices is essential to addressing this problem. This is happening at this time. The main problems I see with BLM is their lack of law enforcement and enforced designated routes. There is also an officer safety issue. With only two BLM law enforcement officers trying to enforce the law for almost 600,000 acres, much of it rugged terrain containing violent criminals such as poachers, drug smugglers, human smugglers, murderers, car thieves and the like, it is an extremely dangerous situation. Throw in the large numbers of recreational users, responsible and irresponsible, using public lands and it is a crime scene waiting to happen. Doña Ana County Deputies deal with these issues weekly if not daily.

Strategies that can work

There are solutions to this growing problem but it will require Congressional leadership and cooperation among federal, state, and local agencies and communities to make it happen.

1. As I mentioned previously, BLM needs a system of designated routes that can be enforced. It only takes a couple of passes with an ORV to make a new "trail" in the desert. Without enforcement, new "trails" spring up every weekend without concern for erosion, the land, or the law. There is a current law prohibiting off-road riding but without enforcement a law is less than a suggestion.

Our National Forests are suffering from the same problem. The Lincoln National Forest has had a travel management plan for fifteen years without enforcement. The Santa Fe National Forest around Red River has been decimated by ORV abuse to the point that it may never recover from the erosion and destruction.

2. Educate and involve the public. How many people even know about public lands, much less the agencies that manage them? Community policing strategies have

worked in communities throughout the world, and will work for Federal agencies also. Citizen's Academies that will educate the public about BLM and USFS missions through hands-on learning will help to create partnerships. Create strong partnerships with all users, instilling a strong sense of "ownership" and responsibility with all users of public lands.

3. Enact tougher deterrents. We need to weed out outlaw riders and send a message that their behavior cannot continue. When they are caught at all, the minimum penalties are not tough enough to prevent the same behavior in the future. In fact, many of the outlaw riders in my area are repeat offenders. Congress should consider tougher penalties for abusive riding. When you are caught poaching, you lose your hunting license, your guns, and your vehicle. Perhaps the same principle should apply to abusive riding by seizing the vehicles of repeat offenders.
4. Create an efficient law enforcement unit. Make sure that they receive specialized training to be more effective, i.e. backcountry patrol, apprehending ORV's without pursuits, saturation patrols, partnering with other law enforcement agencies, etc. Make sure that you have enough officers working in an area to create the attitude that if someone breaks the law he will probably be arrested and punished for his offense. Give them the equipment they need to make a difference. Establish a "Crimestoppers" Program for law-abiding and concerned users to report abusive riding. I have heard the claims that we would need an army to adequately improve enforcement on our public lands. While more officers are certainly needed, applying some of the strategies I've just outlined can have a measurable impact as well.
5. Support the BLMs' restoration programs such as "Restore New Mexico", emphasizing erosion and watershed issues.

Congress's leadership is needed. In closing, I applaud the committee's leadership for drawing attention to this worsening problem. Federal agencies need to make ORV management a priority and Congress's involvement is essential. Funding must be dedicated to this problem and used effectively through partnerships with local agencies.

While we can work to solve this problem, we cannot allow the current situation to continue or get worse. Conflicts between users and abusers are growing, endangering lives of people. As a result of the abuse of ORV's, erosion and destruction is taking its toll on our precious public lands. If we do nothing I don't know what will be left for my five month old granddaughter, Cadence. When she is old enough to go hiking, horseback riding, or OHV riding with me in the deserts and forests of New Mexico, what will I be able to show her? Will her heritage include the beauty of America she deserves, or will we have allowed our homeland to be ravaged into an ugly wasteland? We need to work together to make a difference.