

OPPORTUNITIES FOR OUTDOOR RECREATION ON PUBLIC LANDS

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS
AND PUBLIC LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

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**OVERSIGHT HEARING ON “OPPORTUNITIES FOR
OUTDOOR RECREATION ON PUBLIC LANDS.”**

Wednesday, June 22, 2011

U.S. House of Representatives

Subcommittee on National Parks, Forests and Public Lands

Committee on Natural Resources

Washington, D.C.

The Subcommittee met, pursuant to call, at 10:07 a.m. in Room 1324, Longworth House Office Building, Hon. Rob Bishop [Chairman of the Subcommittee] presiding.

Present: Representatives Bishop, McClintock, Labrador, and Garamendi.

Mr. BISHOP. The Subcommittee will come to order. I note the presence of a quorum, low bar, but we have it.

The Subcommittee on National Parks, Forests, and Public Lands is meeting today to hear testimony on the Opportunities for Outdoor Recreation on Public Lands. And so under the Committee Rules, opening statements are limited to the Chairman and the Ranking Member. However, I do ask unanimous consent to include any other Members' opening statements in the record, if submitted to the Clerk by the close of business today. Hearing no objections, so ordered.

Here I have to ask a question. I would also ask unanimous consent that if other Members join us at some particular time during the course of this hearing, that we give them permission to join us on the dais and to participate in the hearing. Without objections, we will do that as well.

**STATEMENT OF HON. ROB BISHOP, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF UTAH**

Mr. BISHOP. Let me start with my opening statement, then I will turn to Mr. Garamendi, who is sitting in for Congressman Grijalva this morning.

I am actually happy to have this group here. The pattern of outdoor recreation in America is always going to be changing, and it is sometimes hard to predict.

The concept of recreation is one of the last items added to our concept for the purposes for which we have public lands. And because of that, sometimes it is the loser, vis-a-vis the other types of longer traditional uses of public lands.

From the end of the Second World War through the 1970s, America experienced an explosion in the interest and in the traditional and family forms of outdoor recreation. So as this country grew in wealth, number of vacations, mobility, especially by car, the post-War generation made uses of our parks and other public lands for family camping and sightseeing activities.

Recreational use of the public lands since the 1970s has also taken divergent paths that reflect the change in America, so that the demand for outdoor recreation remains very high, but overall the tidal wave of the baby boomer generation has slowed that rate, or sometimes changed the direction in which it grows.

If you use more informative measuring sticks than simply number of visits, there is a complexity and diversity in the changes and the demands for outdoor recreation. Now, having said that, I am going to do something very simplistic, and simply look at the number of people who are attending our current national parks. And it shows, I think, that we have shorter recreational trips taking place. Statistically, the demand close to urban population centers is increasing, while the demand for those faraway sites is lessening. Obviously it is clear that people are taking more day trips close to home, that supplant those long trips with a park as a final destination.

Obviously some parks, like Yosemite and Grand Canyon, will always be a destination spot, and they will continue to draw visitors from far and near. But we see changes in the pattern of what people want and how they wish to use their public lands.

Although the United States has a vast expanse of publicly available forests and lakes and rivers and trails and beaches and mountains and prairies and everything else, the distribution of these settings does not correspond well with the distribution of the population. So this maldistribution in recreational opportunities is made worse by the compulsion of some people who apparently want to impose from afar aesthetic preferences on their fellow recreationists, even if they are a continent away.

The history of public land in the United States has been a history of legislators from the East making rules and regulations on a West that they never did quite understand, and failing, historically, in the process.

While some of the conflicts over limited resources is unavoidable, whether that is the fly fisherman versus the kayaker on the water, I also believe that with public lands comprising one out of every three acres in the United States and half of the West, there is plenty of room for all of us. And I realize that while some people will always oppose hunting, or commercial ski resorts, or especially off-road vehicles on our public lands, others will view those as wholesome family activities. And there is room for everyone. Multiple purpose should be our goal, and it is a feasible, possible goal.

Today we are going to hear testimony from an assessment of recreational opportunities on Federal lands from former land managers, participants in those activities, and others. I look forward to hearing their testimony. And I wish to recognize the gentleman from California for five minutes for any statement he wishes to make.

**STATEMENT OF HON. JOHN GARAMENDI, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. GARAMENDI. I thank you very much, Mr. Chairman. In your opening statement you said five words, six words which are really, really important in today's hearing: plenty of room for all of us.

Indeed, there is a lot of land out there, and there really is plenty of room for all of us. The question is, where will all of us be at one time, and exactly what will we be doing on that?

I think all of our history, all of us are somehow influenced by our past history. I remember as a teenager, my father, who was operating our family ranch, really in the springtime was about to kill

one of my cousins, who had taken his motorcycle and was running it up and down the hill, scarring and raising a lot of dirt and mud. When he came down from the mountain, my dad grabbed him by the collar, threw him off the motorcycle, and I think was about to throw the motorcycle on top of him, saying you get your GD machine out of here and don't ever come back.

I have been at this for a long, long time. I think many of you in the room were aware when I was at the Department of the Interior, this issue was there. And it has been in California. One of my very first bills in California was to establish an off-the-road vehicle park, which is still operating.

The real question is what will be done on a specific piece of land or a specific area. Very contentious. But over the years, I have discovered that if people are willing to sit down on all sides, look at all the facts, look at all of the opportunities, both the opportunities to preserve and protect and the opportunities to enjoy the recreation of many, many different kinds, there are solutions.

It is when we fail to sit down, and we just kind of get back into our corner and come out fighting, that things don't work out too well.

Clearly, some places are not good for certain types of recreation; other places, ideal. Some roads yes, other places no. Off-the-road vehicles, snowmobiles and the like, all of these things can be worked out, and we ought to get about it.

I am really interested in hearing today's testimony. I will not allow my father's experience, where I was standing next to his anger, to somehow taint your testimony.

Mr. Chairman, I yield back the remainder of my time.

Mr. BISHOP. Thank you, I appreciate that. I may have to qualify your remarks. I said there is room for all of us. Obviously at my size, if I am part of the process, there may not be room. Maybe a hundred pounds ago there was room for all of us.

I would like to invite our first panel up, if we could, to begin this hearing. Mr. Russ Ehnes, I hope I have pronounced that properly, who is the Executive Director of the National Off-Highway Vehicle Conservation Council; Mr. Scott Jones, Colorado Off-Highway Vehicle Coalition; Mr. Dick Lepley, Executive Director of the Pennsylvania Off-Highway Vehicle Association; Ms. Karen Umphress, and I hope I have pronounced that properly, Board Member of the Coalition of Recreational Trail Users, the Minnesota Motorized Trail Coalition. And I don't know if Mr. Jim Akenson was—you made it from Chicago, good for you—Executive Director of the Backcountry Hunters and Anglers.

If I could, for all our witnesses, your written testimony is going to appear full in the hearing, so we want to keep your oral testimony if possible to five minutes, so we can end this on time.

The microphones are not automatic, so please press the button when you want to begin. When you start, the Clerk there will start the timer, so in front of you the green light goes on. When you have one minute left, the red light will come on—I mean the yellow light comes on. Consider it red. And then when the red light comes on, we really do need to move on, so I would have to ask you if you would stop at that point.

With that, we appreciate you coming from afar to join us here. And this is going to be I think a fascinating hearing and interesting topic. So let us just start in the front, left to right. Mr. Ehnes, if you would like to begin, please do so, sir.

**STATEMENT OF RUSS EHNES, EXECUTIVE DIRECTOR,
NATIONAL OFF-HIGHWAY VEHICLE CONSERVATION COUNCIL**

Mr. EHNES. Mr. Chairman, Members of the Committee, my name is Russ Ehnes, and I am the Executive Director of the National Off-Highway Vehicle Conservation Council, or NOHVCC. I am a fourth-generation Montanan, and a third-generation motorcycle trail rider. My grandfather and my father began riding back-country trails in 1959 near Lincoln, Montana. My mom began riding trails in 1960, the year after my brother was born.

Their favorite trips were to Hart Lake and Bighorn Lake near the Continental Divide. The trip to Bighorn Lake was always a great fishing trip. The creation of the Scapegoat Wilderness, however, put an end to those trips in 1972. But there were still other places to ride near Lincoln.

My brother and I began riding in the early 1970s with Mom and Dad, and one of our favorite rides was from Rogers Pass along the Continental Divide to Flesher Pass. That trail was closed in the early eighties, after the grizzly bear was listed as threatened on the Endangered Species List.

In the mid-eighties, travel planning resulted in the closure of several other key trails in the area, and what remains open now is an incomplete system of trails that don't connect. The only way to connect opportunities is with roads that aren't legal for off-highway vehicles. You can forget about a family trail ride in the Lincoln area, because you can't do it right now.

Being from Great Falls, though, we did most of our riding in the Lewis and Clark National Forest, in the Little Belt Mountains, and also in the Badger-Two Medicine area near Browning in the Highwood Mountains.

In 1986 several of us in Great Falls formed an organization called the Great Falls Trail Bike Riders. Since then we have built the organization to over 900 members, and have developed trail maintenance agreements on most of the trails in the Little Belts and the Highwood Mountains. We have constructed and maintain hundreds of miles of trail, donated thousands of hours of labor, and trained over 100 volunteers. We have also secured several hundred thousand dollars in grants for maintenance and education. In fact, our club received an award from then Chief of the Forest Service, Jack Ward Thomas.

In 1993, travel planning in the Highwood Mountains resulted in the closure of 70 percent of the mountain range to motorized use, and designation of just 29 miles of motorized trail. The latest round of travel planning in the Lewis and Clark National Forest began in 2004, and two separate decisions were made in 2007. Our local club participated in every aspect of the planning process, including inventory and collaborative meetings, the comment periods for the proposed action and the draft EIS.

Along the Rocky Mountain Front, the decision closed all but one short ATV trail in the Badger-Two Medicine area, and most of the

trails in the remaining areas along the front. In the Little Belts, the decision closed all but two routes in the 90,000-acre Middle Fork of the Judith Wilderness Study Area, all of the routes in the Hoover Creek and Tillinghast Drainages, and about a third of the routes in the Deep Creek Tenderfoot area, permanently. It also closed all but, it closed all but a couple trails in the Deep Creek Tenderfoot area seasonally, until the 1st of July each year, to protect elk calving. Ironically, the problem with the elk herd in the area is it is too large. Obviously, the use of the trails in the area for the past 50 years had not affected the ability of the elk to reproduce.

The decision in the Little Belts was described as a balance because several groups wanted all of the trails closed in the wilderness study areas and the inventory roadless areas, but roughly half were closed. So I am not saying that none of these closures were legitimate or should not have been made, or that OHV recreation should be allowed everywhere it was in 1959. What I am attempting to demonstrate is that each of these decisions had an effect on the ability of the public to access public lands, and the cumulative effects of these individual decisions has greatly reduced OHV opportunities and concentrated the use into smaller areas. The vast majority of these trails were sustainable and could have been managed for OHV recreation.

This is a scenario that has repeated itself hundreds of times nationwide, and has been accelerated by actions, including this Forest Service Travel Management Rule, Roadless Rules, and the Endangered Species Act. Areas with strong clubs have fared better than areas that haven't had strong clubs, but the net result has been massive losses of OHV opportunities in many areas.

It is time for us to begin addressing off-highway vehicle recreation in a more holistic way. The NOHVCC has worked closely with Federal agencies to teach successful OHV management techniques that have been proven over three decades. We need to recognize that OHV recreation is an important resource, it is an important part of what defines our people, and needs protection through effective planning. Then we can achieve effective balance.

[The prepared statement of Mr. Ehnes follows:]

**Statement of Russ Ehnes, Executive Director,
National Off-Highway Vehicle Conservation Council**

Mr. Chairman, Members of the Committee,

My name is Russ Ehnes. I am the Executive Director of the National Off-Highway Vehicle Conservation Council, or NOHVCC. I am also a Fourth generation Montanan and third generation motorcycle trail rider. My grandfather and father began riding back-country trails in 1959 in the Lincoln, Montana area soon after my parents met. My mom began riding the trails in 1960, the year after my brother was born. Their favorite trips were to Hart Lake and Bighorn Lake, near the Continental Divide. The trip to Bighorn was an overnight trip that almost always delivered great fishing.

The creation of the Scapegoat Wilderness put an end to those trips in 1972 but there were still other places to ride near Lincoln. My brother and I were old enough to trail ride by the early 70's so we rode the trails with Mom and Dad. One of our favorite rides was from Rogers Pass, along the Continental Divide to Flesher Pass and then down the Seven-Up Pete drainage to my grandparents' house. That trail was closed after the grizzly bear was listed as threatened on the endangered species list. In the mid-eighties travel planning resulted in the closure of several other key trails in the area and what remains open now is an incomplete system of trails that

doesn't connect. The only way to connect opportunities is with roads that aren't legal for OHVs. Forget about the family trail ride in the Lincoln area for now.

Being from Great Falls, we did most of our riding in the Lewis and Clark National Forest. We rode in the Little Belt Mountains but also made annual trips to the Badger/Two Medicine area near Browning and springtime trips in the Highwood Mountains.

In 1986 several of us formed The Great Falls Trail Bike Riders Association because the Forest Service was again beginning travel planning in the Little Belts. Since then we have built the organization to over 900 members and have developed trail maintenance agreements on most of the trails in the Little Belts and Highwoods, have reconstructed and maintained hundreds of miles of trail, donated thousands of hours of labor, trained over one hundred volunteers, and have secured several hundred thousand dollars in grant funds for maintenance and education.

In 1993 travel planning in the Highwoods resulted in the closure of seventy percent of the mountain range to motorized use and the designation of just 29 miles of trail to motorized use.

The latest round of travel planning on the Lewis and Clark began in 2004. Our local club participated in every aspect of the process including trail inventory efforts, collaborative meetings, the comment periods for the proposed action and draft EIS.

The decisions closed all but one short ATV trail in the Badger-Two Medicine area and most of the trails in the remaining Rocky Mountain Front areas. In the Little Belts it closed all but two routes in the 90,000 acre Middle Fork of the Judith Wilderness study area, all of the trails in the Hoover Creek and Tillinghast drainages and over one third of the trails in the Deep Creek/Tenderfoot area permanently. It closed all but a couple trails in the Deep Creek/Tenderfoot area until July first of each year to protect elk calving. Ironically, the problem with the elk herd in the area is that it is too large. Obviously the use of trails in the area for the past fifty years had not affected the ability of the elk to reproduce.

The decision in Little Belts has been described as a "balance" decision because several groups wanted all the trails in the inventory roadless areas and the WSA closed.

I am not saying that none of these closures were legitimate or should not have been made or that OHV recreation should be allowed everywhere it was in 1959.

What I am attempting to demonstrate is that each of these decisions had an effect on the ability of the OHV public to access public lands and the cumulative effects of these individual decisions has greatly reduced OHV opportunities and concentrated use into smaller areas. The vast majority of these trails were sustainable and could have been managed for OHV recreation.

This is a scenario that has repeated itself hundreds of times nationwide and has been accelerated by action including the Forest Service Travel Management Rule, the Roadless Rules, and the Endangered Species Act. Areas with strong clubs have fared better than areas without but the net result has been massive losses of OHV opportunities in many areas.

It is time for us to begin addressing OHV recreation in a more holistic way. The NOHVCC has worked closely with the Federal agencies to teach successful OHV management techniques that have proven successful for more than three decades. We need to recognize that OHV recreation is an important resource that is an important part of what defines our people and that needs protection through effective planning. Only then will we achieve a true balance.

Mr. BISHOP. Thank you. I appreciate that testimony. I apologize for mispronouncing your name, Mr. Ehnes.

Mr. EHNE. That is all right.

Mr. BISHOP. That is as bad as introducing the next guy from Colorado or something here.

Mr. Jones, you are up. If you would, please.

STATEMENT OF SCOTT JONES, AMERICAN MOTORCYCLIST ASSOCIATION, COLORADO OFF-HIGHWAY VEHICLE COALITION

Mr. JONES. Chairman Bishop, Ranking Member Garamendi, and Members of the Committee, I would like to thank you for this opportunity to discuss sustainable recreation on the public lands.

My name is Scott Jones; I am a member of the American Motorcyclists Association, I am a member of the Board of Directors for the Colorado Off-Highway Vehicle Coalition, and thankfully a lifelong outdoor enthusiast.

The recreation opportunities provided to enthusiasts on public lands often range far beyond us riding our equipment. They provide opportunities for wildlife viewing, hunting, fishing, simply the need to get some exercise and go spend a day with good friends.

These resources are becoming more and more important to people. Unlike those that can live in the mountains, a lot of us live in urban centers, and that is our sole source of recreation. We just don't have it in our back yard any more.

We believe the management and stewardship of these resources is critical. As it has provided a great resource to this generation, we would like to pass it on. While the national economy has slowed, many of the OHV recreationalists have continued to utilize the resources available to them, both locally and regionally. Last year \$33 billion was spent on outdoor recreation equipment alone.

OHV recreation provided over a billion dollars in positive economic impact, and resulted in 12,000 jobs in the State of Colorado alone. OHV usage also provided an additional \$100 million in tax revenues to Colorado communities. This revenue was obtained for the communities without the need for a tax increase; it was merely an increase of revenue.

While many of these impacts were disproportionately located in small Colorado mountain communities, which would basically disappear without the income from recreation, the other industries are simply not there any more. Recently the Wall Street Journal coined a term for these towns, calling them the 21st Century Ghost Towns. Unfortunately, I believe that could be accurate.

The positive economic impacts from OHV recreation have been documented throughout the country. Research into the economic impacts on the Paiute Trail System in Utah and the Hatfield-McCoy System in West Virginia have found significant positive economic impacts to the local communities surrounding the trail systems. Both of these trail systems have provided over \$7 million in positive economic impacts to the surrounding communities, and have accounted for over 150 jobs in the local towns, and over \$600,000 in associated tax revenues to the communities. Many of these communities, again, simply struggle to sustain ongoing economic viability.

The tax revenue that results from state and local governments is often overlooked, but can be of great importance to these communities, given the lack of other revenue sources currently. These revenues are often paid with little complaint from recreationalists seeking access to the lands.

While the Hatfield-McCoy Trail System in West Virginia was developed through a public-private partnership, the government agencies that partnered with local private entities received 125 percent payback on their investment, in addition to the \$600,000 tax revenue generated.

Additionally, the economic impacts span well beyond simply purchasing the machines and equipment. Many of the motorized recreationalists are utilizing hotels and motels for their rec-

reational access. Recently a study found that one third of users in Colorado used a hotel or motel, so our economic impact is well beyond just our equipment.

Research also found that the number of licensed businesses tripled in Marysville, Utah, which has operated as a base for the Paiute Trail System since it was opened.

Motorized users in Colorado have also voluntarily formed a paid annual registration program to assist the Forest Service and BLM in maintaining public access, and offsetting costs incurred in managing these programs. Most states have a system similar to the Colorado Off-Highway Registration Vehicle Program.

Recently, the State of Colorado performed a survey of volunteer hours for users of the public lands. This report found that motorized users were by far the largest volunteer group on the forest. This volunteer spirit has formed strong partnerships with many local employees, and this also helps us address a wide range of issues beyond just recreational access.

The program in Colorado generated over \$5 million for the management of a wide range of activities. These included funding Federal employees who dedicated their time to trail maintenance, directly supporting and partnering with law enforcement agencies, purchasing equipment, developing parking lots, kiosks, and rest rooms.

In addition, these monies have also gone toward partnerships with the Forest Service Research Station and the Fish and Wildlife Service for the reintroduction and management of endangered and threatened species on public lands.

The Colorado OHV enthusiasts are currently working with the Fish and Wildlife Service to best determine available science for lynx management, and usage of recreational activities, and possible reintroduction of the wolverine in Colorado. Thank you.

[The prepared statement of Mr. Jones follows:]

**Statement of Scott Jones, Board of Directors,
Colorado Off Highway Vehicle Coalition**

Good Morning. My name is Scott Jones and I am a member of the Board of Directors of the Colorado Off Highway Vehicle Coalition and Vice President of the Colorado Snowmobile Association and a lifelong outdoor enthusiast. I would like to thank the Committee members for providing this opportunity to testify regarding opportunities for sustainable motorized recreation provided by public lands. These recreational opportunities often range far beyond simply riding our equipment and include wildlife viewing, hunting and fishing activities, the need to shed the rigors of a busy week with some exercise to satisfying the simple need to get away from the day to day life with good friends. The recreational resources provided by public lands are of increasing importance as more and more people are drawn to urban centers, and the public lands are relied upon for the sole source of recreation. Recreational usage of public lands increases concern for proper management and stewardship of the resources in these areas. We believe this stewardship insures the recreational experience currently provided to the public by outdoor recreation remain available for generations to come.

While the economy has slowed many OHV recreationalists have continued to utilize resources that are available to them locally and regionally. Last year over \$33 billion was spent on outdoor recreation equipment. OHV recreation provided over a billion dollars in positive economic impact and resulted in over 12,000 jobs in the state of Colorado alone. Many of the economic impacts are disproportionally located in small mountain towns, which would simply disappear without the income provided from those who are utilizing recreational opportunities on adjacent public lands. Many of the other industries, such as mining and forestry, that have historically supported these communities has simply disappeared.

Research into the economic impacts of the Paiute Trail system in Utah and the Hatfield & McCoy trail system in West Virginia have found significant positive economic impacts on communities surrounding these trail systems. Both trail systems have provided over a 7 million dollar positive impact to surrounding counties and over \$600,000 in associated tax revenue to those counties. These communities that have struggled severely to maintain basic economic viability for a long time after the industries that once supported the communities have closed.

The tax revenue that is made available for state and local governments as a result these economic impact from OHV recreation is often overlooked. These revenues are paid with little complaint from recreationalists seeking to access public lands. This simply cannot be said for a lot of other taxes.

The economic impact from OHV recreation takes a lot of different forms in addition to the purchase of the machines that are ridden and safety equipment needed, motorized users also require trucks and trailers to move their equipment and most users are staying in hotels and motels and buying parts and accessories for their equipment. Research has found that approximately 1/3 of recreational users in Colorado are including a hotel or motel stays and associated meals as part of their OHV recreational experience and vigorously utilizing available restaurants after a day of riding.

In addition to the positive economic impacts, motorized recreational users in Colorado have developed a paid annual registration program to provide funding to partner with the Forest Service and BLM to improve and maintain public lands experiences. Most states have programs similar to the Colorado OHV registration program. These moneys are leveraged with funds from the Recreational Trails Program and volunteer hours to maintain sustainable recreation on the forest. Recently a Colorado report was that totaled volunteer hours for all groups of public lands users. This report found that motorized recreation was the largest source of volunteer hours for forest management, this volunteering has resulted in strong partnerships with district employees which can help a wide range of issues that may not be directly related to recreational usage of the areas such as search and rescue.

Last year the Colorado OHV registration program generated over 5 millions of dollars that directly benefitted all users of public lands with on the ground management of all recreation through a wide range of projects. This included purchase of equipment and funding statewide teams of federal employees dedicated to trail maintenance, directly supporting and partnering with law enforcement agencies, development of parking lots, kiosks and restrooms. The registration funds also provided signage and sound testing equipment to promote voluntary compliance with sound standards and preparing and producing maps designating legal area usages and extensive educational programs and programs targeting the sustainable usage of the forests.

Registration monies have also funded partnerships with the Forest Service's Research Station and Fish & Wildlife Service for the reintroduction and management of endangered or threatened species on to the public lands. Colorado OHV enthusiasts are working with the FWS to determine best available science for the management of the lynx in conjunction with recreational usage of the habitats and possibly the wolverine on public lands in Colorado.

While the economic impacts of OHV recreation are relatively simple, the planning process for public access can be very complex. We are aware planning for usages of the public lands is never going to be easy given the wide range of competing interests in usage of the forest lands. Unfortunately the process has become so complex that most users of the forest are simply overwhelmed by the complexity which results in limited participation and a lot of frustration. This is unfortunate as participation in planning for the forest fosters stewardship in the public lands and forms strong relationships with local land managers, which can be invaluable for a lot of issues.

While roadless area designations may serve a commendable purpose in theory by trying to provide a dispersed recreational experience to all users of the forest often roadless designations are misapplied and in manners that directly contradict the clear language of the rule. These misunderstandings can be the result of the numerous court proceedings and variations on the rule that have been developed over the years to something as simple as misunderstanding the name, as roads can and do exist in roadless areas and trails for dispersed motorized recreation are to be protected by the roadless area designation. Simply mentioning the term roadless area will elicit a collective groan from all users of the forests.

I have had the privilege of working with the facilitators in the development of the new Colorado Roadless rule proposal. The meeting facilitators had come to a rather stunning conclusion in the developing the public hearings for the proposed rule. All

user groups simply wanted consistency in the rule and something that could be easily applied.

The complexity added to a planning process by a roadless designation often outweighs the benefits obtained from a roadless area designation in comparison to management decisions for the area made under existing forest plans and determinations. Roadless areas are often designated under a land management category that is designed to protect and preserve dispersed recreation. We believe that the new Colorado roadless rule is a step towards providing clarity and consistency in planning for roadless areas we also believe any reductions in roadless area designations are welcome to the users of the public lands as any reduction in roadless areas will result in expanded multiple usage of the forests.

We believe that Rep McCarthy's proposed wilderness and roadless area release legislation is a great first step in reducing the confusion and frustration to forest users that the roadless area designation invokes. The Forest Service has already prepared the research to determine significant portions of designated roadless areas are not available for more protective designations. Releasing these areas would expand multiple usage and the associated economic benefits without reducing existing Forest Service budgets as is proposed with the purchase of additional lands under the Presidents Great Outdoors initiative.

Unfortunately the new FS planning rule does not streamline the planning process as a lot of new theories and standards are introduced into the planning process. We believe the new theories and standards will result in significant expenses as unit level as representatives attempt to deal with the new standards and rules. Many key terms are poorly defined, such as what level restoration activities will be deemed complete. The end result of these limited definitions is Courts will be forced to determine what the correct standard for each term is. Despite the expanded costs to be incurred under the Plan no funding resources are identified to assist with coverage of these costs in the short term. This will significantly tax the already strained budgets of the units as they have been forced to deal with the massive beetle kill epidemic that has plagued the rocky mountain region.

We would ask that land managers be allowed to do what they know how to do best. Their management has allowed the public lands to be managed to provide recreation to this generation and this generation would like to provide the same recreational opportunities to the following generation and protect the economic benefits that the public lands provide to all users

I would like to thank the committee members for providing this opportunity to discuss recreational usage of public lands and would welcome any questions you may have.

[NOTE: Attachments have been retained in the Committee's official files.]

Mr. BISHOP. Thank you, I appreciate it. Like we say, your full written testimony will be included in the record.

Mr. LEPLEY, I hope I pronounced that properly.

Mr. LEPLEY. Yes, you did.

Mr. BISHOP. You are up for five minutes, please.

**STATEMENT OF DICK LEPLY, EXECUTIVE DIRECTOR,
PENNSYLVANIA OFF-HIGHWAY VEHICLE ASSOCIATION**

Mr. LEPLY. Chairman Bishop, Ranking Member Grijalva, and distinguished Members of the Subcommittee on National Parks, Forests, and Public Lands, thank you for giving me the chance to testify regarding the positive economic impact of off-highway vehicle recreation.

As the owner of a 44-year-old dealership known as Street, Track, and Trail in Conneaut Lake, Pennsylvania, as an avid enthusiast, and as the Executive Director of the Pennsylvania Off-Highway Vehicle Association, I have seen firsthand the incredible growth of OHV recreation, and the impact it can have on local, and often rural, economies.

The numbers speak for themselves, especially during these difficult times. In 2009, the estimated economic value of the off-road vehicle retail marketplace was \$14.6 billion, bolstered by the sale

of 131,000 new off-highway motorcycles, and 321,000 new ATVs, which are now part of the estimated 12.2 million dirt bikes and ATVs in America.

My dealership employs 50 people, and during the good economy we generate nearly \$2 million in payroll, and pay over \$2 million in state and Federal taxes yearly. There are 13,230 dealerships similar to mine nationwide, employing over 107,544 Americans, with a payroll of over \$3.6 billion. Clearly, the power sports industry contributes mightily to the nation's economy during both good times and bad.

But regardless of the economy, nothing threatens dealerships and the industry-at-large like having no place to ride.

It is encouraging that you are holding this hearing today, as it often seems like there is a never-ending stream of special land designations, rules, regulations, and other efforts to limit OHV access to the lands that belong to all of us.

Here in the East we have far less access to public lands than folks in the West, but the struggle for trail miles is the same nationwide.

For example, the 108-mile motorized trail system in the Allegheny National Forest in western Pennsylvania has for decades been recognized as the model for doing it right. It has attracted thousands of riders, and generated millions of dollars for the regional economy.

But instead of recognizing the growth potential, the ANF is putting its efforts into non-motorized recreation. I find this alarming for a number of reasons.

For one, the ANF embraces over a half-million acres, but our 108 miles of motorized trails occupy well under one tenth of 1 percent of the total forest. And unlike most recreational disciplines on the ANF, we willingly pay to play every time we saddle up.

It has been years since I have struggled through an economy as challenging as the current one, and it is readily apparent that every job counts. If I could deliver just one message today, it would be that OHV opportunities equal jobs. Where trail systems exist, the power sports industry and dealerships thrive, and local communities flourish.

This doesn't mean we don't have a commitment to our shared natural resources. I recognize there are special places across America that deserve protection, and that OHV should not be allowed on every acre of public land. But I believe there is room for all us. And further, that responsible access to our public land is the birth-right of all Americans.

I don't expect you to shirk your duties to protect public lands, but instead to encourage you to consider the full impact that land use decisions have on Americans, including the revitalizing effect that building or expanding a trail system can have on local economies. And conversely, the negative impact that unnecessarily closing existing trails or preventing the addition of new ones can have, as well.

Local areas share a symbiotic relationship with the public lands that surround them. Residents are often dependent on the wages, recreation, and way of life public land offers. But so, too, is public land dependent on those who care for and watch over it. Simply

putting up signs that say closed will not serve to protect our lands. Instead, it will take active management, and a commitment from those whose livelihoods depend on the long-term health of our resources.

In closing, I want to reiterate the enormous impact the power sports industry has on the economy, and the positive effect that OHV trails have on the communities they serve. And to state once again that sustainable OHV opportunities equal jobs. Thank you.
[The prepared statement of Mr. Lepley follows:]

**Statement of Dick Lepley Executive Director,
Pennsylvania Off-Highway Vehicle Association**

Chairman Bishop, Ranking member Grijalva, and distinguished members of the Subcommittee on National Parks, Forests, and Public Lands. . . thank you for giving me the chance to testify regarding the positive economic impact of off-highway vehicle recreation.

As the owner of a forty-four year old dealership known as Street Track 'N Trail in Conneaut Lake, Pennsylvania, as an avid enthusiast, and as the Executive Director of the Pennsylvania Off-Highway Vehicle Association, I've seen first-hand the incredible growth of OHV recreation, and the impact it can have on local and often rural economies.

The numbers speak for themselves, especially during these difficult times. In 2009, the estimated economic value of the off-road vehicle retail marketplace was \$14.6 billion dollars bolstered by the sale of 131,000 new off-highway motorcycles and 321,000 new ATV's which are now part of the estimated 12.2 million dirt bikes and ATV's in America.

My dealership employs fifty people, and during a good economy we generate nearly two-million dollars in payroll, and pay over two-million dollars in state and federal taxes yearly. There are 13,230 dealerships similar to mine nationwide, employing over 107,544 Americans with a payroll of over \$3.6 billion dollars. Clearly, the power sports industry contributes mightily to the nation's economy during both good times and bad, but regardless of the economy, nothing threatens dealerships and the industry at large like having no place to ride.

It's encouraging that you're holding this hearing today as it often seems like there is a never ending stream of special land designations, rules, regulations, and other efforts to limit OHV access to the lands that belong to all of us. Here in the East, we have far less access to public lands than folks in the West, but the struggle for trail miles is the same nationwide. For example, the one-hundred-eight mile motorized trail system in the Allegheny National Forest in western Pennsylvania has for decades been recognized as the model for doing it right. It has attracted thousands of riders, and generated millions of dollars for the regional economy. But instead of recognizing the growth potential, the ANF is putting its efforts into non-motorized recreation. I find this alarming for a number of reasons. For one, the ANF embraces over a half-million acres, but our one-hundred-eight miles of motorized trails occupy well under a tenth of a percent of the total forest. And, unlike other recreational disciplines on the ANF, we willingly pay to play every time we saddle up.

It has been years since I've struggled through an economy as challenging as the current one, and it is readily apparent that every job counts. If I could deliver just one message today it would be that OHV opportunities equal jobs. Where trail systems exist, the power sports industry and dealerships thrive, and local communities flourish.

This doesn't mean we don't have a commitment to our shared natural resources. I recognize there are special places across America that deserve protection, and that OHV's should not be allowed on every acre of public land. But, I believe there is room for all of us, and further, that responsible access to our public lands is the birthright of all Americans.

I don't expect you to shirk your duties to protect public lands, but instead to encourage you to consider the full impact that land use decisions have on Americans, including the revitalizing effect that building or expanding a trail system can have on local economies, and conversely, the negative impact that unnecessarily closing existing trails or preventing the addition of new ones can impose.

Local areas share a symbiotic relationship with the public lands that surround them. Residents are often dependent on the wages, recreation, and way of life public land offers, but so too is public land dependent on those who care for and watch over it. Simply putting up signs that say closed will not serve to protect our public

lands. Instead, it will take active management, and a commitment from those whose livelihoods depend on the long-term health of our resources.

In closing, I want to reiterate the enormous impact the power sports industry has on the economy, and the positive effect that OHV trails have on the communities they serve, and to state once again, that sustainable OHV opportunities equal jobs. Thank you.

Mr. BISHOP. Thank you. Ms. Umphress, tell me how that is supposed to be.

Ms. UMPHRESS. That is correct, Umphress.

Mr. BISHOP. OK, thank you. You are on.

**STATEMENT OF KAREN UMPHRESS, BOARD MEMBER,
COALITION OF RECREATIONAL TRAILS USERS, MINNESOTA
MOTORIZED TRAIL COALITION**

Ms. UMPHRESS. Thank you, Committee Members and Chairman Bishop, for allowing me to be here today. My name is Karen Umphress, and I am a member of the Coalition for Recreational Trail Users and the Minnesota Motorized Trail Coalition.

Both of these coalitions in Minnesota are made up of four very strong individual state associations, the All-Terrain Vehicles, Off-Highway Motorcycles, Off-Road Vehicles, which in Minnesota are four-wheel drives, and Snowmobiles.

However, in Minnesota, snowmobiles have their own designation; they are not included in the off-highway vehicle. So the rest of the information I have will not include snowmobile numbers or information.

Off-highway vehicle recreation is very important, and often essential, to Minnesota and our economy. We have two main ATV and snowmobile manufacturers in our state, Arctic Cat and Polaris. We also have over 360,000 registered ATVs, OHMs, and ORVs in the state, that use a designated trail system.

According to a 2006 University of Minnesota economic impact study, ATVs alone had an annual impact of over \$2 billion annually. This figure includes \$86 million in state and local tax revenues, and sustains nearly 14,500 jobs.

The University of Minnesota did a followup study in 2009 that looked at all trail users in the state, both motorized and non-motorized. Motorized trail users spend more money per trip than non-motorized trail users. Yet the amount of trails available for motorized users is inadequate for the number of riders who wish to participate in trails-related activities.

I have more statistical information in my written testimony; I just want to give some anecdotal information to help show the points of the economic impact.

In Minnesota we have an area that is called the Iron Range, which is an area that has taconite mining. And this area has been depressed since taconite mining and taconite are no longer as valuable as they used to be.

We have an area on the Iron Range called the Quad Cities. It is made up of Eveleth, Virginia, Mountain Iron, and Gilbert. And Gilbert was known as the red-light district in the Iron Range, and was working very hard to reverse its not-so-good image, and the other Quad Cities were also working to improve their economy.

So one of the things that they looked at was an off-highway vehicle riding park. This riding park was the first one in Minnesota, and there were a lot of misconceptions of who the off-highway vehicle rider was, and what we were looking for in a trail system.

During the planning process, only Gilbert was willing to put an entrance to the park from their town. Prior to the opening of the park in October of 2002, the All-Terrain Vehicle Association of Minnesota had one of their annual conventions. This had 850 participants. And to help drive home who an off-highway vehicle rider was to the community, the members of ATVAM all changed in their money for two-dollar bills. And they spent all of their services, their hotel, their lodging, everything, using these two-dollar bills.

So it did two things: It helped show the people of the community who the people who rode in the park were, and showed them that these, this money that was coming into the community was from that park. The Iron Range Resources Tourism Bureau estimates that over \$125,000 went into the community on just that one convention.

Since the opening of the park, Gilbert is the only town on the Iron Range that is expanding their businesses, and the business expansion is all due to off-highway vehicles, such as service washes, hotels, things like that.

The other two cities, Virginia and Eveleth, have asked for an expansion to the park to more than double the size, and to also have an entrance for their city, from their towns as well, so they too may grow.

The City of Appleton is in the southwestern section of the state. They have expanded their off-highway vehicle park three times now, and will continue to expand it as long as they have land acquisition and funding available. But one of the main drivers of the economic development for them is they also had a 1400-bed private prison.

This private prison closed because the prisoners were being moved to state and county locals. They have not had an overall economic decline from the prison closing, due to the positive effects of the off-highway vehicle recreation areas.

So in closing, I just want to say that we have a lot of registered OHV users, but not enough trails. So the economic impacts could be even greater if we had much more trail systems available.

Thank you very much.

[The prepared statement of Ms. Umphress follows:]

Statement of Karen Umphress, Board Member, Minnesota Motorized Trails Coalition and the Coalition of Recreational Trail Users

In Minnesota, there are 3 types of Off-Highway Vehicles (OHV). They are an All Terrain Vehicle (ATV), an Off-Highway Motorcycle (OHM), an Off-Road Vehicle (ORV, which are 4-wheel drive vehicles). Snowmobiles are also in the state, but are listed in a separate category of vehicle. There is a state association for each type of OHV plus the snowmobiler association. The Minnesota Motorized Trails Coalition (MMTC) is made up of members from each of the state associations. The Coalition of Recreational Trails Users (CRTU) is a separate, educational coalition with 3 board members from each of the 4 state associations.

Off-Highway Vehicles are an important part of life in Minnesota. They are used for assistance in agriculture and hobby farms, as a means to access hunting and trapping areas, as a means to access areas for berry picking or other forest uses, as a form of transportation in place of automobiles in parts of the state, and as a

form of recreation. They are an important part of the lifestyle, culture, and tourism within the state. They are also part of a large economic engine that helps drive the state's economy forward.

The state of Minnesota houses the headquarters of both Polaris and Arctic Cat. Both companies make snowmobiles and ATVs. They employ thousands of people directly in their home offices and manufacturing plants, as well as indirectly, including smaller companies that make parts such as drive trains and axels, for the company.

A large portion of the economic engine of OHVs is the recreational use. There were over 360,000 OHVs registered for recreational use in MN in 2010. This figure does not include the thousands of other ATVs that are registered for use as agricultural implements, which must remain on private property.

In 2006, the University of Minnesota completed an economic impact study of ATV use in Minnesota. The highlights of this study are:

- Direct ATV-Related expenditures: \$641.9 millionq02
- Of the total travel expenditures: \$260.3 million spent at the destination
- \$311.8 million spent at home and en route
- Economic impact of expenditures: 8,756 jobs
- \$224.6 million wages and salaries:
- \$491.2 million contributed to GSP
- \$48.9 million tax revenueq02
- ATV related retail activity: 1,477 jobs
- \$39.2 million wages and salaries:
- \$79.3 million contributed to GSP
- \$6.9 million tax revenueq02
- ATV manufacturing activity: 4,216 jobs
- \$165.6 million wages and salaries:
- \$349.2 million contributed to GSP
- \$30.4 million tax revenueq02
- Totals: 14,449 jobs
- \$429.4 million wages and salaries:
- \$919.7 million contributed to GSP
- \$86.2 million tax revenueq02
- Combined total including expenditures: \$2.08 billionq02

While ATVs are the largest sector of OHV riders in Minnesota, the number above would be higher if OHMs and ORVs were included in the report. The report also does not calculate the indirect impacts such as the companies which manufacture parts that are used by the ATV manufactures, marketing, government agencies that administer or regulate the trails, etc. The report also does not calculate the impact of non-resident recreational riding in Minnesota.

All of this impact is generated on 858 miles of recreational trails plus 2,379 miles of System Forest Roads and Minimum Maintenance roads. In addition, there are 143 miles of OHM-only trails.

In 2009, the Minnesota Recreational Trail Users Association (MRTUA) worked with the University of Minnesota to discover the trail user's economic impact for both motorized and non-motorized terrestrial trail use (although there are over 4,000 water trails in Minnesota, their use was not included). Motorized recreationalists contribute more money to the economy during their use of the trails, then non-motorized recreationalist. The chart below indicates the amount of money spent per day directly related to trail activities of longer than 30 minutes:

Runners	\$26
In-line Skaters	\$26
Walkers/Hikers	\$39
Horseback Riders	\$43
Bicycle Riders	\$44
ATV Riders	\$46
Snowmobile Riders	\$49
Cross-Country Skiers	\$54
OHM Riders	\$63
ORV Riders	\$69

The positive economic impact of the recreational trail use is only one of the ways that recreational OHV use creates a positive economic impact for Minnesota. For example, there are 8 motocross promoters in the state whose living is based on OHM recreation. Spring Creek Motocross Track is the largest of the motocross tracks in

Minnesota. It holds several amateur events and 2 professional events each season. The Rochester Post Bulletin newspaper did an article on one of the 2 professional races, estimating that one event pulls over \$4 million into the local economy. For the track itself, about 20,000 people attend the event, it has about 150 event staff, 50 security personnel, hire about 25 local sheriffs and other police officers, several EMT personnel, a dozen local food vendors and a dozen local accessories vendors. They also hire the local 4-H club to pick up the grounds after the event and to assist with parking the cars. Then there are the local hotels, restaurants, gas stations, parts shops, etc. that derive income from this one event. The article states that the gas station in near-by Zumbro Falls sets its summer staffing according to the Spring Creek track event schedule.

To help accentuate the full impact of the statistics and studies, let me share with you some real examples of the impacts of the recreational use of OHVs in Minnesota:

1) The Iron Range OHV Recreation Area. This park was the first OHV riding park in the state of Minnesota. As you may expect, the Iron Range area of Minnesota is the location of the mining industry in Minnesota. The Quad Cities of the Iron Range are Eveleth, Gilbert, Mountain Iron, and Virginia. Gilbert was known as the red light district of the Iron Range and was working hard to reverse that image. The rest of the Quad Cities were also working to improve their economy since taconite and taconite mining were no longer as valuable. During the planning process for the OHV Recreation Area, only the city of Gilbert was willing to put an entrance to the park in its city due to the fears from the misconceptions of the types of people who ride OHVs.

Prior to the park opening in October of 2002, the All Terrain Vehicle Association of Minnesota held its spring convention at the park. To help the community get a more realistic idea of who an OHV rider is, ATVAM members used \$2 bills to pay for their services in the area. This act made a tremendous impression with the local community. The iron range resources tourism board estimated that the economic input to the local area from that one convention was over \$125,000.

Since the opening of the park, Gilbert is the only town on the iron range that is expanding the amount of businesses in town and the businesses are directly related to the OHV park, such as parts stores, camping areas, OHV wash areas, etc. The nearby cities of Eveleth and Virginia have requested access to the park directly from their towns and the City of Virginia is working with the DNR and user groups to open an expansion of the park, more than doubling its size.

2) The City of Appleton had a city park that was not getting used due to flood damage. Because of the cost to continue to repair the paved walkways, the city started to explore other uses of the area. One of the ideas was to turn the area into an OHV park. The Swift County Board of Commissioners did its research and got behind the idea. The park was built and first opened in 2004. Since that time, the city has opened 2 additional expansions and plans to continue to open other expansions as land and funding for acquisition becomes available.

The City of Appleton also houses a 1400 bed private prison. This prison was closed by the owners because of the decreasing use of the prison by the state governments, which moved to house as many inmates in state and county prisons as possible. However, the city has not seen an over-all economic decline from the closure of the prison due to the positive economic of the OHV riding area.

3) The City and County of Houston are working on bringing tourism to their town in the Southeastern corner of the state. They have already put in a trailhead for a walking/bike path and have a fly-fishing trout stream running through their area. They still need additional tourism income to help the city to prosper. They are turning to OHV recreation. They have started the planning and acquisition process to purchase private land for an OHV trail system. As part of the planning process, national experts were brought in to hold an OHV Management Workshop in the City of Houston. Although it is still years before the OHV trail system will be open, the Mayor already feels like the plan has had a positive economic impact since the workshop brought the first catering contract to the local deli and the city's accommodations were all filled for the first time since the largest hotel opened in 2005.

Without the trail systems that currently exist in Minnesota, there would be little opportunity for the positive economic impact in the state from the recreational use of OHVs. And yet, the potential for a greater impact is still there. During the recession, the registrations for OHVs dipped, but there are signs that in a few years the number of registrations will again be on the rise. With over 360,000 registered vehicles, and only 1,001 state trail miles, there is a lot of room for improvement of these economic numbers.

[NOTE: Attachments have been retained in the Committee's official files.]

Mr. BISHOP. Thank you. And our final gentleman on this panel is Mr. Akenson. I heard you had a hairy trip getting in here, but I appreciate it.

**STATEMENT OF JIM AKENSON, EXECUTIVE DIRECTOR,
BACKCOUNTRY HUNTERS AND ANGLERS**

Mr. AKENSON. Thank you. Good morning, Chairman Bishop and Committee Members, and thank you for acknowledging my trip. It actually was about equal to the trip I used to do on horseback in the Idaho backcountry to go vote, which was a 55-mile trail ride. So anyway, I am here.

My name is Jim Akenson, and I live in Joseph, Oregon, surrounded by the spectacular Wallowa Mountains within the Wallowa-Whitman National Forest. I am representing Backcountry Hunters and Anglers as the Executive Director. I am also representing a partner organization of ours, Teddy Roosevelt Conservation Partnership.

Both these organizations are nonprofit conservation groups that serve traditional outdoorsmen and women from nearly all 50 states.

America's national forests, refuges, and rangelands are treasures to the people of this nation. Over 100 years ago, President Theodore Roosevelt helped create this priceless gem. He also knew this public demand of more than 200 million acres would become more and more valuable as America grew and developed, and he was right.

In today's rapid-pace society, we often forget that America's original wild country advocates were sportsmen, the likes of Theodore Roosevelt, Gifford Pinchot, and Aldo Leopold. These men cherished wildlife, wild places, and harvesting nature's bounty through hunting and fishing. They left behind for us a legacy and a mission to protect and wisely use our nation's precious natural resources.

Today we face a very important question: How do we balance the use of the public treasure in a way that guarantees clean water and wildlife habitat in a nation that is now home to over 300 million people?

Between new technology like motorized recreation and industrial uses like oil and gas development, our public lands are under more and more pressure. The U.S. Forest Service has nearly 375,000 miles of official roads in its inventory, and a minimum of 60,000 miles of unofficial user-created routes, enough to circle the Earth 17 times at the Equator.

While most of my career has been as a wildlife biologist, I can tell you with certainty that protecting wild, natural places from industrial development and motorized recreation has very real benefits for our wildlife and water resources. But today I would like to focus on another element, the human element.

I have a unique perspective on the topic of wilderness and our public lands, as I have been very privileged to live 21 years in Idaho's Frank Church-River of No Return wilderness. My wife, Holly, and I manage an educational and research facility for the University of Idaho, called Taylor Ranch Field Station.

Over two decades we mentored hundreds of people who came to this remote wilderness setting to experience and learn about the

natural world. They came from diverse backgrounds, political views, and places from around our nation. Besides educating these young Americans on natural resource issues and practices, we exposed them to simple traditional skills, through putting up hay with a mule team and traveling long distances by horse and mule, or on foot with a backpack.

They experienced much more than the beauty of wild places and wildlife. They experienced the same sense of self-reliance and accomplishment felt by Teddy Roosevelt, when he was a young adventurous man experiencing the vanishing wild West of the Dakota Territory.

For my wife, Holly, and I, that rich lifestyle is mostly behind us now. We moved back to town. Of course, we moved to a county that only has—well, it doesn't have any traffic lights. But we constantly get comments from scores of past students that their most memorable college experience was learning the old ways of America deep in the Idaho backcountry. A single visit to the wilderness can shape a life forever. Places affording these types of experiences are becoming rare in this country.

My group, Backcountry Hunters and Anglers, and our partner organization, Teddy Roosevelt Conservation Program, were founded by fathers and mothers who know that the great outdoors will help shape the character of their children. They want to make sure their children and grandchildren will be free to enjoy the sounds and sights of nature, and enjoy clean, free-flowing rivers.

Groups like ours are not working merely to protect the land and water for next hunting season or fishing season; we are working for generations to come. Or, as TR put it, those still in the womb of time.

The economic value of wild lands and water in America is huge, with billions of dollars per year paid to commercial outfitters who take people on float trips on wild rivers and pack trips in the mountains of Federally owned public lands. Not to mention millions of private individuals that head to the outdoors on their own, and buy gear at local outdoor stores.

Let us be perfectly clear. There are plenty of places to ride off-road vehicle in our national forests. These are popular tools. However, we must also have big wild habitat that is completely separate from the noise and disturbance that comes from motorized traffic.

Likewise, there are places where oil and gas development, logging, and mining are perfectly appropriate uses for our national forests. But they must be balanced with the larger purpose behind our public lands. Our public lands are owned by all Americans. Congress hires professionals to manage these resources. Let us give them the leeway and the tools they need to do their mission: serve the greatest good, for the greatest number, for the long run.

Consider this. When Theodore Roosevelt was President, there were about 100 million Americans. When I was born, there were roughly 200 million. Today, we are somewhere around 310 million. The figure will continue to grow.

Our public land legacy is a gift to each and every one of them and those to come. We must manage it wisely. Once our backcountry is gone, there is no getting it back.

Thank you for considering my testimony.
[The prepared statement of Mr. Akenson follows:]

Statement of Jim Akenson, Backcountry Hunters & Anglers

Good morning, Mr. Chairman and Committee members. My name is Jim Akenson. I live in Joseph, Oregon, surrounded by the spectacular Wallowa Mountains within the Wallowa-Whitman National Forest. I am representing Backcountry Hunters & Anglers, a non-profit conservation group that represents traditional outdoorsmen and outdoorswomen from nearly all 50 states. I serve as executive director of that organization.

America's national forests, refuges and Bureau of Land Management lands are treasures to the people of this nation. Over 100 years ago, President Theodore Roosevelt helped create this priceless American birthright. He knew this public domain of more than 200 million acres would become more and more valuable as America grew and developed. He was right.

In today's rapid-paced society we often forget that America's original wild country advocates were sportsmen: the likes of Theodore Roosevelt, Gifford Pinchot and Aldo Leopold. These men cherished wildlife, wild places, and harvesting nature's bounty through hunting and fishing. They left behind, for us, a legacy and a mission to protect and wisely use our nation's precious natural resources.

Today, we face a very important question: **how do we balance the use of this public treasure in a way that guarantees clean water and wildlife habitat in a nation that is now home to 300 million people?**

Between new technology like motorized recreation and industrial uses like oil and gas development, our public lands are under more and more pressure. The USFS has nearly 375,000 miles of official roads (U.S. Forest Service 2006) in its inventory and a minimum of 60,000 miles of unofficial, user created routes (U.S. Forest Service 2001), enough to circle the earth 17 times at the equator!

With most of my career spent as a wildlife biologist, I can tell you with certainty that protecting wild, natural places from industrial development and motorized recreation has very real benefits for our wildlife and water resources. Everyone benefits from natural backcountry, because the benefits of backcountry literally spill out of it in the form of clean rivers and abundant wildlife.

But today I would like to focus on another element: the human element.

I have a unique perspective on the topic of wilderness and our public lands, as I have been very privileged to live deep within the America's wilderness. I spent 21 years in Idaho's Frank Church-River of No Return Wilderness. My wife, Holly, and I managed an educational and research facility for the University of Idaho called Taylor Ranch Field Station.

Over two decades, we mentored hundreds of people who came to this remote wilderness laboratory to experience and learn about the natural world. They came from backgrounds ranging from city life in Chicago, Illinois, and Seattle, Washington, to rural ranch life right in Idaho. These were primarily young adults whose parents' political views varied from conservative Republican to liberal Democrat. Besides educating these young Americans in natural resource issues and practices, we exposed them to the ways of "old Idaho" through putting up hay with a mule-team and traveling long distances by horse and mule or on foot with a backpack. They experienced much more than the beauty of wild places and wildlife. They experienced that same sense of self-reliance and accomplishment felt by Theodore Roosevelt when he was a young adventurous man experiencing the vanishing wild-west of Dakota Territory.

For Holly and me that rich lifestyle is mostly behind us now. We've moved back to town. But we constantly get comments from scores of past students that their most memorable college education experience was "learning the old ways of America" deep in the Idaho backcountry. A single visit to the wilderness can shape a life forever. Places affording these types of experiences are becoming rare in this country.

The peace, solitude and physical challenge of the backcountry—including wilderness areas, roadless areas and well-managed working forests—are important for millions of American families. My group, Backcountry Hunters & Anglers, was founded by fathers and mothers who know that the great outdoors will help shape the character of their children. They want to make sure their children and grandchildren will be free to enjoy the sounds and sights of nature, and enjoy clean, free-flowing rivers. Groups like ours are not working merely to protect the land and water for next hunting season or next fishing season. We are working for generations to come—or as TR put it "those still in the womb of time."

The economic value of wild lands and waters in America is huge, with billions of dollars per year paid to commercial outfitters who take people on float trips on wild rivers of the West, Alaska, and the Great Lakes region, and who provide horse and mule pack trips in the mountains and canyon lands on our federally owned public lands. These high quality experiences are dependent on wild backcountry that is free from the noises of man's machines and high-tech devices. As a resident of a "gateway" community, I assure you that the near proximity to Wallowa Lake and the Eagle Cap Wilderness Area help bring investment and jobs to my home town.

Let's be perfectly clear: There are plenty of places to ride off-road vehicles on our national forests. These are powerful and popular tools. However, we must also have places—big, wild habitat—that is completely separate from the noise and disturbance that comes from motorized traffic. Likewise, there are places where oil and gas development, logging and mining are perfectly appropriate uses for national forests—but they must be balanced with the larger purpose behind our public lands.

Our public lands are owned by all Americans. Congress hires professionals to manage these resources. Let's give them the leeway and the tools they need to do their mission: serve the greatest good, for the greatest number, for the long run.

Consider this: When Theodore Roosevelt was president, there were about 100 million Americans. When I was born, there were roughly 200 million. Today, we are somewhere around 310 million. This will continue to grow.

Our public land legacy is a gift to each and every one of them, and those to come. We must manage it wisely. Once our backcountry is gone, there's no getting it back.

Thank you for considering my testimony. I am happy to answer any questions.

Mr. BISHOP. Thank you. I appreciate all of those who have spoken to us so far. We will now open this up for questions from the panel. I traditionally have gone first, but I am going to yield my time to the other Members of our Committee first.

So Mr. McClintock from California, do you have questions for this group?

Mr. MCCLINTOCK. Yes. I would just like to begin with Mr. Ehnes. Gifford Pinchot, the founder of the National Forest Service in 1905, described its mission thusly: To provide the greatest amount of good, for the greatest amount of people, in the long run.

How would you say they are currently meeting that charge?

Mr. EHNES. I have a lot of good friends who work in the Agency, and work very hard to achieve that goal. And I think that, you know, on many fronts they are doing a good job.

On off-highway vehicle recreation, I think that the new Forest Service Travel Management Rule from 2005 presented them with a fairly difficult challenge. It put them in a fairly compressed time-frame, to do a fairly complex job, a very complex job. And in some areas, I think they did OK. But in many areas, because of the pressures to get the job done quickly, I don't think the right amount of planning went into it.

And I think there were decisions made to close more trail, and err on the side of getting it done sooner, than probably were necessary in most areas.

Mr. MCCLINTOCK. Well, that has certainly been the experience in my district, which is the northeast corner of California. Most of it is national forest, and we are being flooded by complaints of Forest Service abuses of the public on the public's land, in a pattern that seems to suggest that they view their mission as excluding the public from the public's land.

Are you seeing the same thing nationally?

Mr. EHNES. Nationally, yes, there has been a lot of trail loss for off-highway vehicle, due to the Travel Management Rule.

Mr. MCCLINTOCK. The complaints that we are receiving go far beyond that. Imposing inflated fees that are forcing the abandonment of family cabins that have been held for generations, charging exorbitant new fees that are closing down long-established community events upon which many small and struggling mountain towns depend for tourism, expelling longstanding grazing operations on specious grounds, obstructing the sound management of our forests through a policy that can only be described as benign neglect.

What are your members telling you?

Mr. EHRES. We are hearing those same types of complaints. Because I am in the off-highway vehicle field professionally, that is mostly what I hear about. And the vast majority of folks that I have spoken to have not been happy with the Travel Management Rule results.

Again, the Forest Service is made up of a lot of different people, and there are some very dedicated folks. But I think that the Travel Management Rule was rushed, and the results were very negative.

Mr. MCCLINTOCK. I sense that there is a fundamental change of attitude in the Forest Service over the past decade or so, from one of public service, welcoming the public to the public's lands, of fulfilling Gifford Pinchot's vision for the Forest Service. That is being replaced by an elitist, exclusionary, extreme attitude that the Forest Service mission is to close the forests to the public.

Mr. Jones, what are your members telling you?

Mr. EHRES. We are hearing that from a lot of people. And again, there are good people in the Agency, and I have seen the face of the Agency change over the last few years, as a lot of—

Mr. MCCLINTOCK. It is becoming downright alarming. Mr. Jones, Mr. Lepley, I want to give you a chance to jump in on this.

Mr. JONES. Actually, we have been participating in some wolverine reintroduction discussions with the Colorado Department of Wildlife, and we have had some pretty diverse partner groups coming in. Like, as you mentioned, the cattlemen and forestry groups.

And we all have a surprising amount of similarity in our concerns. I think you pretty accurately summarized them. That sometimes keeping public access is not the priority. And it is concerning.

Mr. MCCLINTOCK. Mr. Lepley?

Mr. LEPLEY. Yes, I would say the same thing. The Allegheny National Forest is the only national forest in Pennsylvania, and it is somewhat unique. If you look at the Allegheny, in many respects it is an open history book of America's growth.

It has been heavily trampled over by the oil and gas people, by lumber, et cetera. And it is a latticework of roads that display that history in a pretty grand style.

And what we are seeing up there, and it is pretty common knowledge, there have just been some major contentious lawsuit issues with the O and G folks.

Mr. MCCLINTOCK. I am afraid my time is running out, Mr. Lepley. And I just want to make a statement.

Mr. Chairman, we are getting flooded by complaints in my district over these exclusionary attitudes that seem to be running rampant now in the Forest Service management. And I think at some point this Committee is going to have to step in and remind

the Forest Service that they are public servants, not public masters. And that the national forests are not the king's royal forests, but belong to all of the people of the United States.

Mr. BISHOP. Thank you, I appreciate that. Now to the other gentleman from California, Mr. Garamendi.

Mr. GARAMENDI. Much of what my colleague from California was describing in the Forest Service in his area is found throughout the United States. And the Forest Service has been severely stressed by very, very significant budget reductions. More than half of the Forest Service budget is consumed in fighting fires, and what remains, as the population pressures and the multiple uses of the forest continue to press upon the National Forest System and the U.S. Forest Service, they have very little time and staff and money available to carry out their tasks.

One of their tasks is to provide the multiple recreation and uses of the forests. And therefore, a couple of questions, if I might, to the panel.

Mr. LEPLEY, you mentioned that there are 1.2 million dirt bikes and ATVs in 2009. When you started, how many were there in 1959?

Mr. LEPLEY. Well, in 1959?

Mr. GARAMENDI. Yes.

Mr. LEPLEY. That is reaching way back. That was the first year Honda started in America. There were no ATVs. Which have become now basically half of the industry. And what motorcycles were out there were very small.

At that point in time, the off-road influence would have been negligible.

Mr. GARAMENDI. Yes. And Mr. Ehnes, I think you were the one that gave part of those statistics. Could you describe—I think you said, one of you said you started in 1959?

Mr. EHNES. My grandfather and my father started riding in 1959.

Mr. GARAMENDI. Do you know how many bikes there were, and ATVs, in 1959?

Mr. EHNES. I don't have any statistical information, but there were not a lot.

Mr. GARAMENDI. Well, that difference, between not a lot, or none in the case of ATVs, is precisely why we have this issue before us. We have a huge number of off-the-road vehicles out there, and we have very little money to plan, to maintain the trails. Is that correct? I think it is. Anybody think that is incorrect, say so.

That being the case—go ahead.

Mr. EHNES. If I may, you are correct that there are budgetary challenges for the Forest Service. They do deal with a very challenging budgetary situation.

There are solutions, and they are local solutions. And a good example of that, I mentioned the Highwood Mountain Range, where only 29 miles of trail is designated. But those 29 miles are extremely important to our local riders. So we partnered with the Charlie Russell Backcountry Horsemen and a number of civic groups, and did the entire implementation of the 1993 Travel Plan through volunteer labor. And not one dime for trail construction for

maintenance of that implementation was spent, of Forest Service money. It was all done with grants and with volunteers.

Mr. GARAMENDI. Excellent. Excellent. But the point——

Ms. UMPHRESS. And if I may.

Mr. GARAMENDI. Yes, please, go ahead.

Ms. UMPHRESS. If I may add, there is also the Recreational Trails Program, which takes the unrefunded gas tax money from off-highway vehicle use, and puts it out to the states for trail acquisition and maintenance, as well.

Mr. GARAMENDI. The combination of what resources, what financial resources are available, together with volunteer organizations, is absolutely critical in this. There is no doubt that off-the-road vehicles provide very important recreational opportunities. They also have the potential to have a very heavy impact on the land and, therefore, maintenance and wise locations become extremely important.

So in this process, it is not just one thing or another; it is a combination. I am curious if the industry might be interested in a fee system to provide the public lands, BLM, Forest Service and the rest, with the money it needs to design, locate, and maintain off-the-road vehicle facilities. And any one of you, just down the line left to right, or right to left, from your perspective, does that make sense?

Mr. EHRES. Sir, yes, it does. And what you have stated is correct. And what we are advocating is that planning and management of off-highway vehicle recreation is critical.

And the off-highway vehicle world at large has actually been proponents of the idea of user fees in areas where maintenance needs to be applied. The only caveat is that riders need to be assured that the money that they pay for maintenance of an area in fact goes back to those areas. But we have been floating that idea for a number of years.

Mr. GARAMENDI. That issue also exists at every national park where they have an entrance fee. Is it used at that park, or is it used someplace else. It is an ongoing debate and issue.

I think I am almost out of time. But I think if we are going to adequately address this issue, it is going to take money and resources, and a combination of good will on the part of everybody. Much of what my colleague from California complained about was the result of insufficient funds that the Forest Service has, and therefore they had to shut down those areas simply to protect them, so that some other day in the future they might be available.

Thank you for the extra 35 seconds, Mr. Chairman.

Mr. BISHOP. Thank you. We will take it off next time.

[Laughter.]

Mr. BISHOP. Mr. Labrador, the gentleman from Idaho.

Mr. LABRADOR. Thank you, Mr. Chairman. It sounds like once again, when we deal about budgetary challenges, that the solution is a local solution that I think the off-road vehicle industry and many other people are willing to probably take care of this.

It is true in your state, and it is true in Idaho. Where they are willing to take care of their own roads, and they are willing to do the things that, once again, we show the mismanagement and the

poor planning of having the Federal government try to govern everything in the United States.

I want to welcome Mr. Akenson from my, who lived in my part of the world for a long period of time. Thank you for being here.

I just have one simple question, and I want everybody to answer it. In your opinion, has the off-highway vehicle rule resulted in an overreach by the agencies to further other agendas, and limit use in unreasonable ways? And if you believe that it has, can you give me some examples of that? Starting with Mr. Ehnes.

Mr. EHNES. Mr. Chairman and Members of the Committee, I believe that the Forest Service Travel Management Rule has had unintended consequences. And those unintended consequences are that great, great numbers of trails, large numbers of trails have been shut down nationwide. And it has given our community a real challenge to try to maintain adequate riding areas that are connected, and meet our needs.

I think that, you know, it will continue to challenge us into the future. But we need to work together with the agencies to come up with systems that work.

Mr. LABRADOR. Mr. Jones. And if you have specific examples.

Mr. JONES. Actually, we in Colorado have varying degrees of success with partnering with some of the forests, and it works really well. And then unfortunately, in some of the other forests, it doesn't work so well.

And I would have to agree, on some of the forests that we just finished comments on an appeal on the Travel Management Plan. And it was pretty clear that Travel Management was being used to further a lot of other concerns and issues, other than responsible sustainable recreation on the forest. And that was really troubling to us.

Mr. LABRADOR. Like what, for instance?

Mr. JONES. Actually, they developed ideas of a whole new category of wilderness, something called Capable and Available for Wilderness, as a roadless area. I had never heard of that before, and it wasn't in the Land Management Plan. We tend to question why that was ever even come up with.

There were a lot of concerns where comments were erroneously submitted, and that were relied upon for closures in areas that were open legal riding areas to us. And you went back and looked at it, and the comment was just wrong. You know, they said "Oh, this was closed," but it wasn't.

Mr. LABRADOR. Thank you. Mr. Lepley.

Mr. LEPLEY. Yes. In the Allegheny, early on there was a significant amount of volunteer effort that went into that system, and that worked extremely well. We have not been able to accomplish that, and the system now needs maintenance. And of course, there is a fee structure up there. We pay to play every time we go in there.

The numbers have dropped up there, and I don't think it is just the economy. I think to a certain extent, the infrastructure in that system has not grown to handle the use. Hence, it is not as fun to be there. The camping is lacking, et cetera, and everything has been kind of shrouded in history. Rather than an open dialogue being made available and working with associations like ours and

other groups to actively get involved in a system and make that system better, that just hasn't happened.

And it is really annoying, because that forest is sitting within hours of millions and millions of people. And if it was looked at from an entrepreneurial standpoint, it could blossom and grow, and generate even more revenue. And that is what I find disheartening.

Ms. UMPHRESS. The Chippewa National Forest in Minnesota at the first pass, it did close most of the off-highway vehicle routes to it. But I do want to say that the current forest ranger has been very open to working with the club that formed, and that now has about 200 members. And some of those trails are starting to open back up.

Mr. LABRADOR. Mr. Akenson.

Mr. AKENSON. Yes, I am going to use the Lymm High Mountain Range, which you are familiar with, in East Idaho as an example, where I have done bighorn sheep research, and seen a lot of abuses, off-trail abuses, by ATVs. But I have to put a caveat on that.

We, being those folks that are interested in trail restrictions, are teaming up with some local ATV clubs, and decommissioning some of those trails. And the way I see it with the Forest Service, we are looking at an issue of enforcement. They don't have money. And the main way that I see that being a problem for those of us who are interested in quiet situations, is through enforcement.

So the rogue users of ATVs are reined back in check, and kept out of places where they shouldn't be, that do cause wildlife disturbance, which I documented in some bighorn sheep research.

Mr. LABRADOR. I spent this weekend actually dirt-biking, and there were a lot of quiet places out there, as well as places where I could enjoy with my kids. I actually went on a fathers-and-sons activity, and it was quite enjoyable to be able to go out there and enjoy nature, and also enjoy the activities that we wanted to participate in. Thank you very much.

Mr. BISHOP. The eruption of the fathers-and-sons bit, huh? Yes. Fortunately I am older than that, I don't have to do that.

I have a couple of questions. First of all, I am happy that all of you have addressed the gentleman from California and a couple of other questions about the role of partnerships, especially in tough budget times. And you said some very positive things about how all those can work out.

Can I ask a couple of very quick ones? Ms. Umphress, first of all, in your testimony you said that OHV enthusiasts spend more in Minnesota, anyway per day, than other types of recreationists. Why do you think that is the case?

Ms. UMPHRESS. Off-highway vehicle riders have, they have to buy gas. They generally have more maintenance on their machines. They generally stay overnight at hotels, bring their supplies with them. They can carry more with them at a time.

The study in Minnesota said walkers and bikers generally use, pay about \$39, and off-road vehicles generally pay about \$69 per day for each vehicle trip.

Mr. BISHOP. All right, I appreciate that. Just very quickly, you talked about the Iron Range Recreation Area. How did you get the funding to develop that?

Ms. UMPHRESS. We used the Recreational Trails Program, which is the unrefunded gas tax. We also combine it with a state program that is similar, that we call the Grant and Aid Program, that uses the state unrefunded gas tax.

Mr. BISHOP. Thank you. For you as well as Mr. Lepley, probably Mr. Lepley, ATV and off-road bikers have been sometimes characterized, I think unfairly, as thrill-seekers and renegades, and often-times, jerks.

So Mr. Lepley, specifically in your dealership, how do you direct riders to legal areas and promote safe and responsible riding?

Mr. LEPLEY. Well, it starts with staff training. We are adamant about using safety gear around the dealership. You don't ride a motorcycle or ATV on the premises without a helmet on.

And we preach the message all the time. We do so via public service announcements through radio and TV, and the store is loaded with information. You would be amazed at the volume of good information out there from the Motorcycle Industry Council, from NOHVCC, from the state itself.

We keep all of the map materials on hand in the dealership, because we are questioned about where to ride all the time. And so we have all of the mapping for the Allegheny.

And again, our staff is trained to promote safe use of everything we sell. It is just the way we do business. And I think that is the best way to do it, in the dealership.

Mr. BISHOP. Thank you. Mr. Ehnes, I guess the question is what kind of trails make the best experience. I am assuming it is safe to say that a better-managed trail is a better riding experience?

Mr. EHNES. Oh, absolutely. In fact, at NOHVCC we actually, in our workshops, teach sustainable trail design. And trails that are built in a sustainable fashion actually are much more fun to ride. And they become a management tool because riders have trails that they want to ride on, not that they have to ride on.

Mr. BISHOP. And Mr. Lepley again. When you talked about the ANF shift in one side, was that a shift to closing trails in the forests? Or was it simply not expanding them?

Mr. LEPLEY. Well, this is somewhat speculation, but we have been concerned over the last few years with closures. And it seems when we, as an association, have gotten involved, and began to question what is going on, then suddenly maintenance will pick up and things get better.

I don't know what would happen if we turned our backs on it entirely. And it has been a struggle. And that forest is under a lot of stress right now, with all of the oil and gas development and timber issues, et cetera. It has always been an industrial kind of forest.

So yes, I am not sure what would happen if we just turned our back on it and went away. It is one of constant maintenance.

Mr. BISHOP. Let me throw out a general question to anyone who wants to answer that. Can I have any of you that would compare the economic benefits of areas that allow mechanized vehicle use versus those that don't allow mechanized, try to close it off to any kind of mechanized vehicle use? Wilderness, for example. Is there a comparison in the economic benefit? I have only got less than a minute here.

Ms. UMPHRESS. I don't believe there is any specific study on wilderness, just the Minnesota study that compared all trail users.

Mr. BISHOP. And you gave me that material already.

Ms. UMPHRESS. Yes.

Mr. BISHOP. Can I ask one last question? I have 43 seconds, 42, 41, to do this.

[Laughter.]

Mr. BISHOP. You know, when Pinchot said the greatest good for the greatest number, does anyone know what he was really talking about? Because he was pretty clear on that. All right, for my next history lesson, I will give you that one later. I think it may surprise a lot of people what he actually meant when he said that phrase.

Since you went over, I am going to go under. And do you want a second—I just did it, sorry. If you have other questions, please feel free.

Mr. AKENSON. Thank you, Mr. Chairman. Can I make a quick comment on that, greatest good?

Mr. BISHOP. Please.

Mr. AKENSON. OK. I think you are looking at something that gets, renders down to some real basic economics. And that is, there are a lot of Americans that can't afford to have a motorcycle or a four-wheeler, but they can afford to buy a little bit of gas to go to someplace to go on a hike. And that hiking experience is a lot more rewarding if it is a quiet hiking experience.

And I think that if you really looked at the true numbers, all the population of this country, you would see that most Americans do that form of recreation. Thank you.

Mr. BISHOP. It is a good guess. It is not what Pinchot meant, but it is a good guess. Thank you. Mr. Garamendi.

Mr. GARAMENDI. Thank you, Mr. Chairman. Whatever he meant, he said it nearly a century ago, and we have added about 200 million-plus to our population.

Mr. Akenson, is your notion of an OHV a horse?

Mr. AKENSON. No, it is not. No. And actually, when I was doing bear and cougar research in Oregon, I used ATVs extensively as a work tool. And I think they are a fine tool. And I am certainly willing to work with ATV entities to come up with solutions. But I just feel that there needs to be quiet places for recreating, and places where you can take a pack string and not run into an ATV that does make noise.

Mr. GARAMENDI. If you are a hunter or a fly fisherman or in that area, I suppose an ATV or a snowmobile and the rest might be a troublesome thing to have nearby.

Mr. AKENSON. Yes, it can be, that is for sure.

Mr. GARAMENDI. I think what we are really dealing with here is how to apportion our public lands so that we can achieve a balance. Clearly, there are places where we don't want to have motorized vehicles, for the reasons stated by Mr. Akenson. And clearly, there are other places where we need it. And the Minnesota situation, where the community came together and decided that these things would work well in that area, is a good example.

But I think there is an overarching problem there, and I would like our Committee to really spend some time focusing on it. That

is that we have well over 300 million Americans, we have 12.2 million off-the-road vehicles of various kinds. And that puts enormous pressure on the public lands. And while there are vast public lands, the pressure is usually found in a specific area, where people congregate because of the nature of the terrain, or access, and the like.

What we don't have is the money to manage it. We need to be very, very clear about this. We have been cutting back at the Federal level money to manage the public lands. And that is a reality.

At the same time, the money that is available is going into things like firefighting. How much money is being spent by the Federal government in Arizona in the last month? An enormous amount of money that is not available for other purposes in those national forests and BLM land in that area.

There is a money problem here. And much of the, in my experience in California, which has been extensive, a lot of the shutdown of various trails and the like is due to the inability of the Forest Service to guarantee safety, maintenance, and protection of the public resources.

So what I would like all of the folks here, particularly the off-the-road vehicle folks, to ponder is how do we deal with this. Fees? At the end of this fiscal year, the highway fees expire. Gone. We are going to have to renew them, as in raising taxes. Will this be part of that tax program, as we re-fund or reestablish those? You need to think about it.

And so I would ask, in my last 30—and I am going to subtract 35 seconds here—in my last minute, for all of you to ponder the necessity for the off-the-road vehicle industry to participate financially in supporting the public lands use for off-the-road vehicles. Without that, further restrictions are inevitable, because it is the responsibility of the public land managers to manage the land for the long term. And the long term can seriously be destroyed by the inappropriate use of off-the-road vehicles.

Mr. Akenson, there is nothing I would like better than to go into the wilderness area and be left alone, without the sound of my own political voice, but rather, the sound of the wilderness. Thank you very much.

And I guess I used my 35 seconds, Mr. Chairman.

Mr. BISHOP. I thank the witnesses on this particular panel for your testimony and for your answers, your written testimony and oral testimony. And I thank you very much, appreciate you being here. We will excuse you at this time, and invite the next panel of witnesses to join us.

Once again, I thank you all for being here. I thought you were going on the assumption if we burn down the forest, we don't have to worry about any of this, right?

Coming up here, if we could, we have Mr. Amador from the Blue Ribbon Coalition; Tom Crimmins, who is the Lead Spokesman for the Professionals for Management Recreation; Mr. Sutton Bacon, CEO of the Nantahala Outdoor Center—is that even close—Outdoor Center.

Once again, we appreciate all of you being here. Same situation as before. You have your written testimony; I ask you to do the oral within five minutes. Same process will be there, green, keep going;

yellow, you have one minute; when it is red, we ask you to stop. And we welcome you to be here.

Mr. Amador.

**STATEMENT OF DON AMADOR,
BLUE RIBBON COALITION**

Mr. AMADOR. Mr. Chairman and Members of the Committee, I appreciate the opportunity to appear before you today to share my views and the views of the Blue Ribbon Coalition, regarding the single-largest public land closure of its kind in U.S. history. And that is the ongoing closure of 75,000 acres of BLM lands to all public users.

My name is Don Amador; I live in Oakley, California. I am a recreation and public land advocate, who has championed responsible access to public lands for the last 21 years. I am owner of Quiet Warrior Racing, a recreation and public land consulting company, and I am a contractor to the Blue Ribbon Coalition, where I serve as its western representative.

In 2002, Dirt Rider Magazine listed Clear Creek as one of the top 10 OHV recreation sites in the country. It is located mostly in the southern San Benito County in the Coastal Mountain Range.

While the closure only technically closed 33,000 acres, it functionally closed 75,000 acres, since practically all route networks originate in the technically closed area.

Sadly, Mr. Chairman, unlike other BLM units in California, I believe Hollister, with help from EPA, has failed to fulfill its Congressional multiple-use mandate via its current effort to use junk science and personal agendas in a scheme to create de facto wilderness without Congressional approval or direction.

I believe that Hollister is not in compliance with the President's and the Department of the Interior's scientific integrity policy. In 2008, before the emergency closure, EPA's draft risk analysis model said the health risk from naturally occurring asbestos could be, in quotes, "perhaps zero." Yet, in EPA's final report, they simply removed that phrase.

NOA occurs in various public and private lands in 43 counties in California, many of which contain popular local, county, state, and Federal recreation sites. Because many of those areas are important for multiple-use recreation, the Off-Highway Motor Vehicle Recreation Division of California State Parks commissioned an independent health study.

On March 22, 2011, a report was completed by scientists from the International Environmental Research Foundation, the Department of Physics at Harvard University, and the Center for Applied Studies of the Environment at the City University of New York. According to that new and scientifically valid report, the health risk at Clear Creek is similar to the lifetime risk of death from smoking less than one cigarette over a one-year period.

They noted other recreational activities, such as swimming, hiking, and snow skiing, are over 100-fold more dangerous.

Other Department of the Interior units, such as BLM at Samoa Dunes and Redwood National Park, they simply post signs to warn of hazards. Yet Hollister selected to ignore those management

tools, and willfully selected to ban recreation at Clear Creek instead of posting signs.

Ken Deeg, a local law enforcement officer, believes the County's 2010 decision to reopen 25 miles of its roads was based on the fact that Hollister and EPA had manipulated and embellished their data and test results.

In its effort to create a non-motorized ecotopia, Hollister is erasing all evidence of OHV recreation that existed on this unit for the last 60 years. Hollister has ripped up relatively new public rest room facilities and staging areas along the main access road. Between 1981 and 2007, OHV recreations, through state recreation grants, contributed approximately \$7 million to the management of Clear Creek. No doubt, during that same time period, millions of dollars of appropriated funds have also been spent to manage multiple-use recreation on that unit.

After reviewing Hollister's illegitimate decision-making process to date, I believe Congress should consider bipartisan legislation that designates the 75,000-acre Clear Creek management area as a National Recreation Area, where OHV recreation and other uses are codified as a proscribed use.

I thank the Committee for allowing me to testify on this all-too-important issue. And I would like Exhibits A, B, C, D, and E included with my written testimony. I look forward to working with Congress and the Agency to find a way to reopen Clear Creek for OHV recreation and other multiple-use activities.

At this time I would be happy to answer any questions. Thank you.

[The prepared statement of Mr. Amador follows:]

Statement of Don Amador, Blue Ribbon Coalition

Testimony—Statement by Donald Amador that questions the BLM's decision-making process associated with the ongoing landscape level functional closure of the 75,000 acre Clear Creek Management Area (CCMA) to all user groups on May 1, 2008. This unit is managed by the Hollister Field Office (HFO) and is located in Fresno and San Benito Counties in the Central Coast Mountain Range of California.

Mr. Chairman and members of the committee, I appreciate the opportunity to appear before you today to share my views, the views of the BlueRibbon Coalition, and views of other multiple-use interests about the single largest public land closure of its kind in U.S. history.

My name is Don Amador; I am a native of Humboldt County in Northern California. I currently live in Oakley, California in the Delta Region of the Central Valley. I am a recreation and public land advocate who has championed responsible access to public lands for the last 21 years. I am owner of Quiet Warrior Racing, a recreation and public land consulting company. As a contractor to the BlueRibbon Coalition, I serve as its Western Representative. In addition, I currently serve as a member of Region 5's California Recreation Resource Advisory Council.

Recently, I served on the Del Norte County/Forest Service stakeholder group, which successfully brought diverse interest groups together to try and resolve contentious issues surrounding a recent Forest Service Travel Management Decision. Based on that experience and experience derived from service on other recreation-based stakeholder groups, I am confident that with your help a solution to the Clear Creek closure saga can be found.

Mr. Chairman, before getting into the substance of my concerns, I want to give the committee a quick overview of CCMA. In 2002, *Dirt Rider Magazine* listed Clear Creek as one of the top 10 OHV recreation sites in the country. It is located mostly in southern San Benito County in the Coastal Mountain Range that separates the Salinas Valley from the Central Valley. While the closure only "technically" closed 33,000 acres, it functionally closed 75,000 acres since practically all route networks originate in the closure area. Before the emergency closure in May 2008, the unit

was open for OHV use on approximately 242 miles of designated routes from October 16th to May 31. This unit also contains approximately 25 miles of county roads.

Clear Creek has been a historic mining area since the 19th century. California's official state gem, Benitoite, is found only in this area. In the 1950's and 1960's, the primary mineral extracted was naturally occurring asbestos (NOA). Today, the major mining operations that produced asbestos have ceased operations. Yet, before the May 2008 emergency closure, the area remained a popular site for gem and mineral collectors. The area is also a popular venue for the hunting community.

I have operated OHVs in CCMA since the early 1980s. As part of the land stewardship program at BRC, I assisted the HFO from 2001–2008 at numerous amateur motorcycle events by performing the SAE–J1287 20-inch sound test to make sure attendees complied with state sound laws.

I consider many BLM employees on various units to be both personal friends and professional colleagues who work hard to fulfill the agency's multiple-use mandate, protect natural resources, and jealousy guard public trust.

Sadly Mr. Chairman, unlike other BLM units in California, I believe the HFO with support from EPA has failed to fulfill its congressional multiple-use mandate via its current effort to use junk science in a scheme to create de-facto Wilderness without Congressional approval or direction.

Ultimately, I believe that Congress is the appropriate legislative body that can help the public get answers to the many unanswered questions regarding the bizarre and historic closure of CCMA to all human uses and the ongoing decision-making process surrounding the May 2008 emergency closure.

ISSUE ONE—Scientific Integrity of the Decision/Science Used to Issue the May 1, 2008 Emergency Closure Order

Based on the attached email (**Exhibit A**) obtained by FOIA, it appears the Department of Interior's scientific integrity policy has been compromised by HFO/EPA. When HFO questions EPA as to why HFO should make an emergency land management closure decision based on a risk analysis model so low that it is "perhaps zero", EPA responded by simply removing the phrase in the final report.

In an urgent April 2008 pre-closure meeting between BRC representatives and the agency, BRC urged the HFO to not use flawed science to effect the May 1, 2008 emergency closure. Despite our substantive pleas, HFO decided to use flawed science and personal agendas as a foundation for the closure and the subsequent NEPA planning process.

NOA occurs on various public and private lands in 43 counties in California many of which contain popular local, county, state, and federal recreation sites. Because many of those areas are important for multiple-use activities, the California State Park Off-Highway Motor Vehicle Recreation Commission requested that the Off-Highway Motor Vehicle Recreation Division (OHMVR) of California State Parks complete an independent NOA health study.

On March 22, 2011, the Off-Highway Motor Vehicle Recreation Division of California State Parks released an independent report analyzing naturally occurring asbestos exposures associated with OHV recreation and hiking at Clear Creek. The report was completed by scientists from the International Environmental Research Foundation (IERF), the Department of Physics at Harvard University, and the Center for Applied Studies of the Environment at the City University of New York.

2011 IERF Report

http://ohv.parks.ca.gov/pages/1140/files/ierf_ccma_final_3_8_11-web.pdf

The OHMVR Division commissioned the IERF report to gather more data to determine if management and operational strategies could be employed at the CCMA to mitigate risk while still allowing access to this premier off-highway vehicle recreation.

According to the report, ". . . *this risk [health risk from NOA] is similar to the life-time risk of death from smoking less than one cigarette over the same one year period [riding season]. Other recreational activities, such as swimming, hiking, and snow skiing are over a 100-fold more dangerous.*

The percentage of mesothelioma deaths predicted among the CCMA motorcycle riders for both sexes (0.000016%) is more than 6,500-fold lower than percentage of mesothelioma deaths in the US general population (0.11%).

Based on the IERF analysis, the results of which are included herein, there is clearly an opportunity to allow OHV recreation at CCMA. Under the conditions we observed, and similar seasonal conditions. OHV enthusiasts would not be exposed to unacceptably high levels of airborne asbestos."

According to IERF, EPA Region 9 continues to refuse access to their air sample and seasonal asbestos background datasets.

As you might expect, the BLM and EPA continue to inexplicably defend their decision to close CCMA to all human uses with the basis of that decision cast on the tenets of what many users, other publics, and IERF scientists consider flawed science. It appears the agency continues to favor a permanent ban on OHV recreation as articulated in the current CCMA NEPA planning process.

IERF May 23, 2011 Response to BLM/EPA Defense of Flawed Science/Closure
<http://ohv.parks.ca.gov/pages/1140/files/ierf-epa-rebuttal-ccma.pdf>

ISSUE TWO: Faux Liability Issue

BRC is concerned HFO created an artificial liability for itself (and hence the taxpayer) in its initial decision to issue an emergency closure order and in subsequent planning documents without any consideration for other viable and reasonable means of addressing what, if any risk, may exist. BRC is also concerned this faux liability issue, if not addressed, could be used by the agency as justification to prohibit pro-OHV/access alternatives from being selected.

BRC April 19, 2010 Letter on Liability Issue
http://www.sharetrails.org/uploads/CCMA_DEIS_Turcke_Comments_Supplemental_4-19-10.pdf

As BRC stated, it believes the Hollister Field Office continues to chart its own and strangely unique course with its decision-making framework. HFO's continues to believe that CCMA lands ought to be rendered inaccessible based wholly on a now disproved assumption that a public health risk from NOA will impact OHV recreationists.

BRC believes HFO should review management prescriptions such as signs and public outreach currently being used by sister land management agencies to caution the recreation public about the life threatening hazards of rock climbing, snow skiing, swimming, and boating.

ISSUE THREE—County Asserts Access Rights

On April 6, 2010 San Benito County passed a resolution that reopened approximately 25 miles of county roads within CCMA.

April 6, 2010 San Benito County Resolution
http://www.sharetrails.org/uploads/San_Benito_County_Road_Resolution_2010.pdf

Just as many user groups and other stakeholders questioned the decision-making process used by the BLM/EPA to close roads and trails within CCMA, the County of San Benito reviewed options to assert its right to manage their own roads within CCMA.

Ken Deeg, a local law enforcement officer and member of the Friends Clear Creek Management Area and TimeKeepers Motorcycle Club, states (**Exhibit B**) “. . . in early 2010 after viewing the email information and photos I received through [a] FOIA that the BLM and EPA manipulated and embellished the September 2005 dust sampling test, San Benito County Board of Supervisors realized they were misled by the BLM's Hollister Field Office and voted to take back their roads inside Clear Creek and re-open them to the public. . . .”

Again, after reviewing Deeg's information, relevant laws, regulations, impacts of the closure to the local economy, and science, the county came to the conclusion that its roads do not present a health risk and that they should be open for public use.

ISSUE FOUR: Willful Obliteration of Existing Recreation Facilities Paid for by Taxpayers and with User Fees

In its effort to create a non-motorized ecotopia, the HFO is erasing all evidence of OHV recreation that has existed on this unit for the last 60 years; the agency has ripped up relatively new public restroom facilities along the main access road. It has also obliterated and/or rendered useless many traditional family camping sites in this same area.

Between 1981 and 2007, OHV recreationists through the OHMVR grants program contributed approximately \$7 million dollars to CCMA for trail and facility construction, route maintenance, resource protection, and law enforcement. No doubt during that time period, millions of dollars of appropriated funds have also been spent to manage multiple-use recreation on that unit.

My assertions are substantiated by a June 17, 2011 letter (**Exhibit C**) from Commissioner Eric Leuder, Chairman of the California Off-Highway Motor Vehicle Recreation Commission. On April 6, 2011, he witnessed in person the destruction of historic recreation facilities. The destruction of property was authorized in a previous environmental assessment based on the false assumption that the Evening Primrose was a threatened species. Subsequently, new agency biologists have found

that species to be abundant. Yet, the HFO with this new information continues on its path to erase any evidence that OHV recreation staging areas existed on the unit.

While the HFO works hard to destroy all vestiges of its multi-million dollar recreational infrastructure, it has found the time to waste over \$2 million dollars of taxpayer funds to construct its much vaunted “decontamination center” at the entrance to CCMA.

Based on the aforementioned issues and concerns, I believe the HFO and EPA should answer the following questions.

1. Is the HFO and EPA’s decision-making process and supporting documents in compliance with the March 9, 2009 Memorandum (**Exhibit D**) on Scientific Integrity issued by President Obama that states the . . . *public must be able to trust the science and scientific process informing public policy decisions*?
2. Is the HFO and EPA decision-making process and supporting documents in compliance with subsequent memos (**Exhibit E**) from EPA Administrator, Lisa Jackson, and Interior Secretary Ken Salazar, reaffirming the need to foster honesty and credibility in science conducted and used by the Agencies?
3. Why has the EPA refused to share requested information from their study with other scientists?
4. Why does the HFO continue to destroy and obliterate the existing recreation infrastructure—paid for with state OHV grants and appropriated funds—when it knows the premise for the authorization is flawed?
5. Why did the HFO construct an unneeded multi-million dollar decontamination center?
6. Did the HFO investigate any management tools that would have allowed the unit to stay open during the planning process?
7. Does the HFO/EPA intend to incorporate the IERF study into the planning process?
8. Does the HFO intend to lift the emergency closure order?

Summary:

After reviewing hold harmless laws, federal statutes, and new science, I believe that Congress and reasonable people will come to the conclusion that CCMA should be open for public use. Unfortunately, it appears the HFO/EPA continue to base the ongoing closure and closure-oriented planning alternatives on flawed science, illogical decision-making, and personal agendas that are in conflict with the multiple-use mission of the BLM.

I urge Congress to investigate the decision-making process that ranges from the initial process to issue an emergency closure in 2008 to the current planning effort. I believe that the continued closure of CCMA is unwarranted and should be lifted immediately. Also, the planning process is seriously flawed since it is based on what has been clearly demonstrated to be inaccurate data and false assumptions. The planning process should be put on hold until the scientific discrepancies between EPA and IERF are resolved.

What makes this closure so puzzling is that since recreationists started using CCMA after WW2, there is not one documented case of mesothelioma caused by recreational exposure to NOA at Clear Creek. In fact, there is not one documented case of mesothelioma caused by recreational exposure to NOA anywhere in California.

According to BRC member Ed Tobin who served on the Central California Resource Advisory Council (1995–2000), he had a number of conversations with then BLM State Director Ed Hastey about CCMA as the BLM was in the process of completing an EIS to guide the use of the area (ROD signed in Jan 1998). During one of these conversations Hastey told Tobin that despite EPA concerns about the asbestos risk and Fish and Wildlife concerns about a T&E species, he felt that Clear Creek was the ideal location for the BLM to promote motorized recreation. He backed up these comments by approving the EIS/ROD that allowed motorized recreation to continue. BRC agrees with Hastey’s vision and decision.

Based on the decisions made by the HFO over the last 4–5 years, I believe that HFO has veered away from Director Hastey’s vision for Clear Creek and will create a defacto-Wilderness area at CCMA unless Congress intervenes

Recommendation:

Congress should consider bipartisan legislation that designates the 70,000-acre CCMA as a National Recreation Area with OHV recreation and other multiple-use recreational activities codified as “prescribed uses.” Congress could base the route network on the 242 miles of routes and 400 acres of open areas identified for motorized use in the 2005 CCMA Travel Management Plan.

On behalf of myself, BRC, and other access stakeholders, I thank the subcommittee for allowing me to testify on this all too important issue. I look forward to working with Congress and the agency to find a way to reopen CCMA for OHV recreation and other multiple-use activities. At this time, I would be happy to answer any questions.

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Attachments: Exhibits A, B, C, D, and E

Don Amador, 555 Honey Lane, Oakley, CA 94561—Phone: 925.625.6287, Email: damador@cwwo.com

[NOTE: Attachments have been retained in the Committee's official files.]

Mr. BISHOP. Thank you very much. Mr. Crimmins.

**STATEMENT OF TOM CRIMMINS, LEAD SPOKESMAN,
PROFESSIONALS FOR MANAGED RECREATION**

Mr. CRIMMINS. Chairman Bishop, Members of the Committee, my name is Thomas Crimmins, and I am retired from the Forest Service. I live in Hayden Lake, Idaho. And I would like to thank you for the opportunity to appear before you today to offer my perspective on H.R. 1581, the Wilderness and Roadless Area Release Act of 2011.

I support the legislation, and I ask you to do the same.

The legislation would release all wilderness study areas and inventoried roadless areas that have been evaluated, and not recommended as suitable for wilderness, by the BLM and the Forest Service. It will reduce restrictive management practices, and direct that these areas be managed for multiple uses, including recreation.

As it stands, the BLM currently restricts activity on nearly seven million acres of WSAs, in spite of the fact that the BLM itself has already determined that these areas are not suitable for wilderness designation.

The situation for the Forest Service is even worse, as access is restricted on over 36 million acres of IRAs that have been deemed unsuitable for ultimate designation as wilderness.

I worked for the U.S. Forest Service for 32 years, from 1966 to 1998. And during my career I was involved with the Roadless Area Review and Evaluation, the RARE process, on several forests in California. Throughout the process, I and other managers operated under the expectation that the areas ultimately deemed unsuitable for wilderness designation would be released.

This has not been the case. Instead, these areas continue to be restricted, ostensibly to protect wilderness characteristics of the area that have already been evaluated, and found to be not suitable for wilderness. It doesn't make sense.

I would like to provide a little background on my experience that will shed some light on how we got here. From 1973 to 1977 I worked on the Mendocino National Forest, on the Forest Planning Team. One of our tasks was to complete an evaluation of the Snow Mountain Wilderness Area to determine if it should be recommended for wilderness. The area had been designated, under the RARE-1 process.

In 1977 the process, the report had been done, and was ready to distribution, when we were told to hold the report because we had

to go back and determine if additional areas should have been included in the analysis. This was the beginning of RARE-2.

In 1977 I transferred to the Cannell Meadow Ranger District on the Sequoia National Forest in California, as Resource Officer. And I was included on a team that was tasked with identifying possible areas that should be analyzed for new wilderness consideration.

The direction came from the Forest Service headquarters here in D.C. The intent of the process was to identify any and all areas that could potentially be considered for wilderness designation, and then, once and for all, make recommendations for the areas that should be considered and recommended to Congress, and the areas that should be managed for multiple use. This would allow the Agency to move forward with its mission to manage national forests.

We were asked to include any areas that did not have evidence of past logging, and did not include roads that had been constructed with mechanized equipment. As we worked on the maps, we would identify potential areas, and where questions existed, we would go into the field to identify the specific boundaries. During these site visits, we would find areas that we knew would not meet the criteria for wilderness, but that did meet the criteria for evaluation, and we would include them in the identified areas because subsequent analysis and evaluation would ultimately resolve those issues.

Evaluations were completed, and the wilderness recommendations were developed. Shortly thereafter, the whole process was back in court.

During each iteration of forest planning, the Agency has tried to placate the environmental community by identifying more acreage for wilderness designation, and in each case they failed to get the remaining areas released back into multiple-use management. Each attempt has been met with litigation and another round of rulemaking or analysis.

That is why I am here to support passage of H.R. 1581. The bill will finally take the Agency back to where it should have been at the completion of the RARE-2 analysis process. It will allow the Forest Service to responsibly manage these lands that did not, and do not, qualify for wilderness designation. It is a bill whose time has come.

And thank you very much for your consideration.

[The prepared statement of Mr. Crimmins follows:]

**Statement of Thomas Crimmins, Lead Spokesman,
Professionals for Managed Recreation**

My name is Thomas Crimmins, I'm a retired Forest Service Official and I live in Hayden Lake, ID. I would like to thank you for the opportunity to appear before you today to offer my perspective on H.R. 1581, the Wilderness and Roadless Area Release Act of 2011.

In short, I support the legislation and ask you to do the same. The legislation would release all Wilderness Study Areas (WSAs) and Inventoried Roadless Areas (IRAs) that have been evaluated and not recommended as suitable for wilderness by the Bureau of Land Management (BLM) or the U.S. Forest Service. It will reduce restrictive management practices and direct that these areas be managed for multiple use, including recreation.

As is stands, the BLM currently restricts activity on nearly 7 million acres of WSAs despite the fact the BLM itself has already determined these areas are not suitable for wilderness designation by Congress. The situation with the Forest Serv-

ice is even worse, as access is restricted to over 36 million acres of IRAs that have been deemed unsuitable for ultimate designation as wilderness.

I worked for the US Forest Service for 32 years from 1966 to 1998. During my career, I was involved with the Roadless Area Review and Evaluation (RARE) process on several forests in California. Throughout the process, I and other managers operated under the expectation that areas ultimately deemed as unsuitable for wilderness designation would be released. This has not been the case. Instead access to these areas continues to be restricted, ostensibly to protect the wilderness characteristics of areas that have been evaluated by the respective agency to be unsuitable for designation as wilderness. This doesn't make sense.

I would like to provide a little background on my experiences that will shed some light on how we got here.

From 1973 to 1977, I worked on the Mendocino National Forest on the Forest Planning Team. One of our tasks was to complete an evaluation of the Snow Mountain area to determine if it should be recommended for Wilderness designation. This area had been identified during the RARE I process. In 1977, the report had been completed and was ready for distribution when we were told to hold the report because we had to go back and determine if additional areas should have been included in the analysis area. This was the beginning of the RARE II process.

In 1977, I transferred to the Cannell Meadow Ranger District on the Sequoia National Forest. As a Resource Officer, I was included on a team that was tasked with identifying possible new areas that should be analyzed for Wilderness consideration.

The direction for the process came from Forest Service headquarters here in D.C. The intent of the process was to identify any and all areas that could potentially be considered for Wilderness designation and then, **once and for all**, make recommendations for areas that should be considered for Wilderness designations and areas that should be managed for multiple use. This would allow the agency to move forward with its mission to manage the National Forests.

We were asked to include any area that did not have evidence of past logging activities and did not include any roads constructed with mechanized equipment. As we worked on the maps we would identify potential areas and where questions existed we would go into the field to identify the specific boundaries. During these site visits we would find areas that we knew would not meet the criteria for Wilderness but that did meet the criteria for evaluation and we would include them in the identified area because the subsequent evaluation would ultimately resolve the issues. The evaluations were completed and Wilderness recommendations were developed. Shortly thereafter, the whole process was back in court.

In 1984, Congress was considering the California Wilderness Act. During that process, Senator Cranston had supported a specific acreage for designation which was more than recommended by the Forest Service and Representative Bill Thomas from the Bakersfield area was recommending designation of significantly less acreage. The final compromise that moved forward was halfway between the two proposals and included areas that did not meet Wilderness criteria.

When the bill was ultimately enacted into law, we went out and closed gates on roads and posted Domeland Wilderness boundaries on areas that had been used for years for dispersed camping with campers and motorhomes because their use had occurred on roads that had never been constructed with mechanized equipment but the areas had been included in the analysis process. In addition to Wilderness designation, the Act identified several areas for further planning or special consideration. While not exactly what we had envisioned, the final Act seemed to be reasonable, particularly since it included the following release language for the remaining areas:

Section 111(a)(4) areas in the State of California reviewed in such final environmental statement or referenced in subsection (d) and not designated as wilderness or planning areas by this title or remaining in further planning as referenced in [sic] subsection (e) upon enactment of this title shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: Provided, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the land management plans;

We believed that we would now have the ability to move forward with management of the remaining areas. But, it was not to be.

Almost before the ink dried on the President's signature, several environmental organizations challenged the Forest Service on the management of the released areas and the agency agreed to complete an Environmental Impact Statement before any management entries would be made into these areas. Thus, the agency re-

turned to the “analysis paralysis” that exists today. To avoid extra work and conflict associated with management of the “roadless areas” the agency simply tried to manage around them until Forest Planning and the accompanying EIS were completed.

During each iteration of Forest Planning the agency has tried to placate the environmental community by identifying more acreage for wilderness designation and in each case, they have failed to get the remaining areas released back into multiple use management. Each attempt has been met with litigation and another round of analysis or rulemaking.

That is why I am here to support passage of H.R. 1581. This bill will finally take the agency to where it should have been with the completion of the RARE II analysis process. It will allow the Forest Service to responsibly manage these lands that did not and do not qualify for Wilderness designation. It is a bill whose time has come.

Thank you again for the opportunity to be here and I would be happy to answer any questions you might have.

Mr. BISHOP. Thank you. Mr. Bacon.

**STATEMENT OF SUTTON BACON, CEO,
NANTAHALA OUTDOOR CENTER**

Mr. BACON. Mr. Chairman and Members of the Committee, thank you for the opportunity to testify today. My name is Sutton Bacon; I live in Asheville, North Carolina, and I am the CEO of the Nantahala Outdoor Center.

I wanted to discuss with you three primary topics. First, how my company and companies like mine are using human-powered outdoor recreational and Federal lands as a catalyst for rural economic development.

Second, how my guests seek and demand access to a full spectrum of recreational opportunities on public lands and waters.

And third, the importance of public-land stewardship to our local and national outdoor recreation economy.

My company was founded in 1972. We are located in the mountains of western North Carolina, in Swain County. We have grown into one of the largest outdoor recreation companies in the country. We offer over 120 river-and land-based outdoor activities, including whitewater rafting, kayaking, hiking, biking, and fishing.

We receive 500,000 visitors per year, and we take over 100,000 children from varied backgrounds on outdoor experiences each year. On an annual basis, NOC guests paddle enough river miles on Federal lands for 39 trips around the world, or two trips to the moon and back.

Our local economy in western North Carolina continues to suffer from the loss of traditional manufacturing jobs. Swain County suffers from one of the highest unemployment rates in the State of North Carolina, at 18 percent, and an equally disturbing rate of poverty, also at 18 percent. Twenty percent of our residents face food insecurity. In other words, not knowing where their next meal would come from.

Furthermore, approximately 88 percent of Swain County is Federally owned, such as the Great Smoky Mountains National Park and the Nantahala National Forest.

Some might say that our current economic situation is exacerbated by these large Federal land holdings, which diminish our tax base. However, nothing could be further from the truth.

In fact, public lands and waters in our region are a pathway to a growing and sustainable prosperity, a type of prosperity that can-

not be outsourced overseas, and is rooted in the value of experiencing these places directly.

Whereas extraction and manufacturing industries have come and gone, human-powered outdoor tourism is becoming the backbone of our region's future. A recent study conducted by Western Carolina University estimated the local economic impact of NOC, an outfitting community on the Nantahala, to be \$85 million per year. In 2010, NOC directly employed 816 people, and created 81 new jobs. These jobs, created by our natural resources to provide experience, rather than extraction, cannot be outsourced. As long as the health and integrity of our public lands and waters are maintained, these jobs will never go away.

Our guests travel from all over the world to experience the mountains, rivers, and forests in a direct and meaningful way. Our guests are actively looking for a wide spectrum of opportunities and experiences on public lands. The wealth of natural resources in our region allows NOC to provide the full spectrum of sustainable recreation opportunities, from relaxed, family oriented float trips on the Nantahala, to world-class whitewater on the Ocoee, to Georgia and South Carolina's wild and scenic Chattooga River.

Especially in rural areas like western North Carolina, America's \$730 billion active outdoor recreation economy is becoming an increasingly strong and vital part of our economy. In North Carolina alone, the recreation economy contributes \$7.5 billion of economic impact, supports 95,000 jobs, and generates \$430 million in annual sales tax revenue.

That economy depends on a balanced approach to our public lands. We must maintain the integrity, protection, and stewardship of our natural resources, as well as fundamental recreation infrastructure, parks, trails, open spaces, both remote and close to home.

Whereas some public lands should be developed in the traditional manner, this development should not, and must not, occur everywhere. It is our responsibility, with the leadership of Congress and this Subcommittee, to foster that spectrum of opportunities, services, and experiences on Federal lands and water. It is our responsibility to work with Federal land managers to provide these opportunities in a sustainable manner that ensures sustainable biodiversity, habitat, extractive resources, as well as the recreational use which supports significant rural recreation economies like ours.

This responsibility is fraught with challenge. Indeed, we know our forests face tremendous threats from sprawl and development, pressure from future water, energy, and resource extractions, and the demand of multiple-use management and competing priorities.

However, I believe that we can, if we are mindful, find a sustainable path forward. Because in these tough times, Americans, both children and adults, need the physical, emotional, and psychological benefits that outdoor recreation provides more than ever.

During NOC's last 40 years, wherever there has been economic uncertainty, our guest numbers have always increased, affirming the importance of outdoor recreation during difficult times.

I appreciate the opportunity to speak with you today. Thank you.
[The prepared statement of Mr. Bacon follows:]

**Statement of Sutton Bacon, Chief Executive Officer,
Nantahala Outdoor Center, Inc., Bryson City, North Carolina**

Introduction

Mr. Chairman, Ranking Member Grijalva, and members of the Committee, thank you for the opportunity to testify before you today. My name is Sutton Bacon and I am the Chief Executive Officer of the Nantahala Outdoor Center. Established in 1972, the NOC is an employee-owned outdoor recreation company located at the intersection of the Appalachian Trail and the Nantahala River in Swain County, North Carolina. Originally a roadside inn, the company has evolved into one of the largest outdoor recreation companies in the nation and is one of Western North Carolina's largest employers.

Over 500,000 guests visit NOC annually to embark on a diverse collection of over 120 different river and land-based itineraries predominantly on public lands, learn to kayak at NOC's world-renowned Paddling School, travel abroad to foreign countries with NOC's Adventure Travel program, shop at one of our flagship retail stores, or enjoy NOC's resort amenities including our three restaurants and multi-tiered lodging. Each year, NOC guests paddle over one million river miles, enough for two voyages to the moon and back.

NOC has recently been recognized as "The Nation's Premier Paddling School" by *The New York Times*, "Best Place to Learn" by *Outside Magazine*, and as "One of the Best Outfitters on Earth" by *National Geographic ADVENTURE*. In addition, 22 Olympians including two Gold Medalists have called NOC home.

Through our programming, we strive to educate and engage adventure-seekers through dynamic, world-class instruction and tours on some of the world's most beautiful whitewater rivers and landscapes. We are committed to sharing our passion for the outdoors and our penchant for exploration with our guests. Our employees share a common vision of keeping NOC a dynamic, enjoyable, and successful place to work and of participating actively, considerately, and sustainably in the communities in which we operate. We firmly believe in the triple bottom line of people, planet, and profits.

Rural Economic Development

The economy in our region of Southwestern North Carolina continues to suffer from the loss of traditional manufacturing jobs to international outsourcing, as textile, garment, and furniture plants continue to close. Swain County suffers from one of the highest unemployment rates in North Carolina (18.1%) and an equally-disturbing rate of poverty (18.3%). A recent study indicated that 19.9% of Swain residents faced "food insecurity," in other words, not knowing from where their next meal would come. Approximately 88% of Swain County is federally-owned, such as the Great Smoky Mountains National Park and the Nantahala National Forest. Some might say that our current economic situation is exacerbated by these large federal land holdings diminishing our tax base. However, nothing could be further from the truth. In fact, the public lands and waters in our region are the pathway to a growing and sustainable prosperity—a type of prosperity that cannot be outsourced overseas and is rooted in the value of experiencing these places directly.

Whereas extraction and manufacturing industries have come and gone, our public lands boast a wealth of waterways, trails, and recreation areas, making Swain County a popular destination for outdoor enthusiasts. In fact, while our local manufacturing base continues to contract, the region's outdoor-based tourism economy has seen exponential growth, as has interest in tourism re-development, the enhancement of existing public-private tourism product, and the utilization of tourism-related natural resources in an environmentally-sensitive manner. Human-powered outdoor tourism is the backbone of our future.

A study was recently conducted by researchers at Western Carolina University to provide estimates of the economic impact of the Nantahala Outdoor Center and outfitting activity on the Nantahala River on the surrounding eight westernmost counties in North Carolina. The direct impact of payroll expenditures, other operating expenditures, capital expenditures and attendee spending was determined to be \$61,918,474. The indirect and induced effects of payroll expenditures, other operating expenditures, capital expenditures and attendee spending were determined to be \$11,415,792 and \$12,052,223, respectively. As a result, whitewater recreation on the Nantahala annually contributes a total of \$85,386,489 to the local economy. It also represents a total of 1,061 jobs. Furthermore, the researchers opined:

The Nantahala Outdoor Center has a substantial and valuable effect on the surrounding Carolina Smokies region. This study is specifically designed to quantify the tangible impact of the Nantahala Outdoor Center on the region in terms of dollars and cents. However, NOC also provides intangible

benefits to the community that are essential to regional community development. For example, the Nantahala Outdoor Center contributes to the cultural life and reputation of the region as a tourism destination. These contributions reinforce the attractiveness of the region as a family-friendly tourism locale.

In a time filled with such economic uncertainty nationwide, instead of hunkering down, NOC has been boldly embarking on a number of new initiatives we firmly believe will transform our company, all reinforcing our outfitting operations on federal lands. For example, at the height of the recession, NOC opened an 18,000 sq. ft. LEED-certified flagship retail store and adventure center at the entrance to the Great Smoky Mountains National Park in Gatlinburg in order to promote NOC's human-powered recreational activities in the park. We will soon be opening a similar LEED-certified activity concierge concept in Asheville for activities in the Pisgah and Nantahala National Forests. To support both initiatives, we have launched a host of new excursions across multiple outdoor disciplines—including paddling, fishing, and hiking—all permitted on federal lands.

As a result of these and other business expansion initiatives, NOC has created 81 new full and part-time jobs during 2009 and 2010 with plans to increase employment again in 2011.

None of this economic and civic revitalization would happen without our cherished public lands and waters. Our guests travel from all over the world to experience our mountains, rivers, and forests in a direct and meaningful way. The jobs created by using our natural resources to provide experience rather than extraction cannot be outsourced. As long as the health and integrity of our lands and waters are maintained, these jobs will never go away.

Youth Outreach in the Context of Job Creation

As Richard Louv writes in his book, *Last Child in the Woods*: “Developers and environmentalists, corporate CEOs and college professors, rock stars and ranchers may agree on little else, but they agree on this: no one among us wants to be a member of the last generation to pass on to its children the joy of playing outside in nature.”

I was first introduced to the outdoors at summer camp in Western North Carolina, growing up paddling on its many rivers and streams as a young boy. I can personally attest to the value of being introduced to the outdoors as a child, which has led to a lifelong passion for nature and genuine passion for curing “nature deficit disorder” in today’s youth. I applaud President Obama, Interior Secretary Salazar, Agriculture Secretary Vilsack, and the federal government’s efforts to promote enhanced opportunities for wilderness and outdoor experiences for our country’s youth, in part, to help combat “nature-deficit disorder” and the childhood obesity epidemic that our nation faces. However, the success of these initiatives is wholly dependent on linking them to job creation and economic development.

The Nantahala Outdoor Center has long created a sustainable business and job growth model around delivering affordable and healthy outdoor experiences to youth and underprivileged populations. NOC takes over 100,000 children under the age of 18 on outdoor excursions each year, which, for comparison, is more than NOLS and Outward Bound combined. We supply these children with environmentally-enlightening and life-altering outdoor experiences on public lands.

Providing outfitting services for youth and underserved populations requires specific skills and exceptionally high levels of training. For example, one of our most popular programs is a collaboration with the “Adventure Amputee Camp,” which invites disabled children from a wide geographical area to participate in rafting, kayaking, and other group initiatives such as a high ropes course. The guides dedicated to this program are our most-trained guides and are considered leaders in innovative activities for children with disabilities.

Programs like this and many others collectively serve as a business case that small companies across the country can capitalize on youth development initiatives, change lives, and make a difference for our two most precious resources—children and the environment—all while fostering economic growth and job opportunities

Economy and Public Lands Stewardship Intertwined

America’s outdoor recreation economy is an increasingly strong and vital part of our nation’s economy, especially in rural areas like Western North Carolina that are blessed with healthy public lands. The Outdoor Industry Association (OIA), a national outdoor industry trade association upon whose board I sit, completed the outdoor industry’s first study quantifying the contribution of active outdoor recreation to the nation’s economy. The study indicated that active outdoor recreation and our outdoor industry contribute \$730 billion annually to the United States economy and

support nearly 6.5 million jobs across the country. North Carolina's share of this economic impact is substantial. Active outdoor recreation contributes more than \$7.5 billion to North Carolina's economy, supports 95,000 jobs and generates \$430 million in annual sales tax revenue.

The nation's outdoor recreation economy depends primarily on the integrity, protection and stewardship of our natural resources, but it also depends on fundamental recreational infrastructure, including parks, trails and open spaces necessary to enjoy places both remote and close to home. As a businessman, I know it would not be possible for NOC to exist without the dramatic land conservation efforts that designated the Nantahala and Pisgah National Forests, which recently celebrated their 100th birthday. Back then, Western North Carolina's forests had been devastated by timber operations that left much of the land clear-cut and burned. The Forest Service has resuscitated the Nantahala and Pisgah National Forests by replanting forests, restoring watersheds, and creating campgrounds, trails, and access areas. Today, Western North Carolina enjoys 1.1 million acres of national forest land, with 178,000 acres identified as roadless. Over 10 million visitors visit our region annually because of our natural resources with the intent to experience them in their natural settings.

As you can see, we have had quite an evolution here in Western North Carolina. At first, we leaned heavily on our natural resources to drive our industrial economy. Previous generations used the resources from our forests, rivers, and mountains to build and power homes, farms, and factories. We created a tremendous amount of wealth and benefit to the nation. Thankfully, we also had the subsequent wisdom and vision to nurture these places back to health and maintain a balanced approach to our public lands. It took a very long time to get simply where we are today, and I acknowledge that it very much is still a journey and not a destination. I believe it is our responsibility, with the leadership of Congress and this Subcommittee, to maintain this balanced approach into the future.

This responsibility is fraught with challenge. Indeed, the Nantahala National Forest faces enormous threats from sprawl and development, given the intensity of second-home development in our region. Our forests may face pressure from future water, energy, and resource extraction to fuel the growth of nearby metropolises like Atlanta and Charlotte. Because our public lands are managed for multiple uses, I believe that we can, if we are mindful, find a sustainable path forward. Whereas some public land should be developed in a traditional manner, this development should not and must not occur everywhere.

Through the wealth of public lands and waters in Western North Carolina, NOC is able to provide a spectrum of recreational opportunities, from world-class extreme whitewater rivers to relaxed, family-oriented float trips to wilderness-oriented wild and scenic. In all cases, a pristine, natural setting is the main attraction. Swain County, and particularly NOC, needs open space, healthy forests, mountain ecosystems and free-flowing rivers if it is going to have an economy that will continue to grow and thrive.

The wide diversity of NOC's trip portfolio indicates that indeed our guests are actively looking for a wide spectrum of opportunities and experiences on public lands, conducted in a variety of settings, from river trips to hiking to biking. The goal of this subcommittee should be to foster that spectrum of opportunities, services, and experiences on federal lands and waters while providing them in a sustainable manner that recognizes, nurtures, and supports regional and national recreation economies.

To this end, the outstanding recreational values of some of our most prized river and trails, wilderness areas, and wild and scenic rivers—the very foundation of the recreation economy described above—must not only be protected through thoughtful legislation and careful management (including, for example, forest planning and travel management) but also be supported by the necessary funding to the federal land management agencies, such as the Department of Agriculture and Department of Interior, so the vitality of the active outdoor recreation economy can continue here in North Carolina and across the nation.

Conclusion

In these trying economic times, Americans need more than ever the physical, emotional, and psychological benefits that human-powered outdoor recreation provides. Another OIA research project showed that 80% of Americans feel that they are happier, have better family relationships and less stress in their lives when they engage in outdoor recreation. Anecdotally, during the recession, we have seen more hikers pass through NOC on the Appalachian Trail than we have in years.

Our own internal research over the last 40 years indicates whenever there is economic uncertainty or a precipitous rise in gas prices, our guest numbers increase.

This affirms the importance of human-powered outdoor recreation during difficult times. We take this charge seriously and appreciate our guests' confidence in our ability to deliver these authentic outdoor experiences.

Similarly, I truly appreciate this invitation to speak with you today. Thank you for your attention, and I would be pleased to answer any questions you may have.

Mr. BISHOP. Thank you. I thank the three of you for your testimony that you have given to us, both oral and written. We have a few questions.

Mr. GARAMENDI, I will let you go first, if you would like.

Mr. BISHOP. Thank you, Mr. Chairman. Mr. Bacon, thank you for your testimony. I have had the pleasure of rafting on one or more of those rivers, and it is extraordinary to have those facilities available. And your recitation of the economic impact of I believe human-powered recreation?

Mr. BACON. Correct.

Mr. GARAMENDI. So, not including in that economic analysis, the motorized, is that correct?

Mr. BACON. That is correct.

Mr. GARAMENDI. OK. So stacked up against the motorized, we have another part of the recreational community, and it needs to be addressed.

Mr. Amador, I will note that the EPA, when did the EPA shut down that facility in San Benito County?

Mr. AMADOR. That was May 1, 2008, BLM issued an emergency closure order and closed it to all users, even the gem and mineral collectors that had small businesses there.

Mr. GARAMENDI. And the reason was fear over asbestos?

Mr. AMADOR. Yes, fear. Even though to date, there hasn't been one documented case of death from exposure to naturally occurring asbestos in a recreational capacity anywhere in California.

Mr. GARAMENDI. But we do know that large portions of California do have naturally occurring asbestos.

Mr. AMADOR. That is correct, 43 counties.

Mr. GARAMENDI. Yes. So it was the concern about that that shut it down. You now have studies available that indicate that it may not be a problem, is that correct?

Mr. AMADOR. Yes. California State Parks did commission a study, and it is a minute risk.

Mr. GARAMENDI. OK. And I notice that was March 22.

Mr. AMADOR. Correct.

Mr. GARAMENDI. Less than three months ago.

Mr. AMADOR. Correct.

Mr. GARAMENDI. OK. And what is the status today?

Mr. AMADOR. Well, the status is the area is still closed, under emergency closure order. And it is my concern that the BLM has shown no inclination to incorporate that new science into their decision-making process.

Mr. GARAMENDI. And what have you done with BLM?

Mr. AMADOR. Well, besides submitting comments, there was actually an OHV Commission hearing a month or so ago in Hollister. And the topic of the study was introduced to BLM. And at that time they still showed no inclination to recognize it or adopt it into their work.

Mr. GARAMENDI. I would just make a comment here briefly on that, that I really think the BLM did the right thing. When faced with a potential public hazard, they did the right thing to shut it down, and then to proceed with caution. And I suspect that, given the studies and your own intense interest, that they may be considering this, and formal hearings are likely to take place to determine the appropriateness of reopening.

With regard to the issue of study areas that Mr. Crimmins, you raised, in 1977 the population of California was one half what it is today. And the pressures on those areas are significantly greater, is that the case?

Mr. CRIMMINS. Yes, there are significantly greater pressure. But through careful management, it can, that pressure can be taken care of and alleviated. The ethical thing is to direct people where they need to go.

Mr. GARAMENDI. And over that period of time, the budget for the U.S. Forest Service, per capita, and the pressures has significantly diminished. Is that also the case?

Mr. CRIMMINS. That is also true. When I retired, from then until now, the budget has gotten significantly worse. We were talking about bad budgets and how bad the budgets were when I was working. When I was there, it was a priority problem, in my opinion—it was not a budget problem. Things have changed.

Mr. GARAMENDI. I guess this is the point, to my colleague here, Mr. Bishop, and to his caucus. These problems that we have heard about today require extensive work on the part of the Federal agencies. It is very expensive. These studies have to be made in order to protect the resources. And without the appropriate funding, these issues cannot be resolved.

And it seems to me extremely important that we recognize the financial strain that we are putting on all of the public land management organizations in their effort, and in the necessity that they have to sort out these conflicting, sometimes conflicting, but not always conflicting, resource-use issues.

And the budget issue is a paramount importance, and one of the fundamental underlying problems here. With that, I will yield back my five seconds.

Mr. BISHOP. You will get another shot at it, too. Can I ask a couple of questions of you, as well? Let me start with you, Mr. Crimmins, I appreciate it.

Can you spend like 10 seconds just to tell me a little bit about the Professionals for Managed Recreation? Its members?

Mr. CRIMMINS. Professionals for Managed Recreation are generally retired Agency personnel that have been involved in a variety of recreation management. They support responsible motorized recreation, as well as other recreation activities.

But they have had experience in the field, and they have been involved with that.

Mr. BISHOP. We often hear claims that OHV is bad for public lands. In your 30 years of experience, what have you learned about the values of providing for a managed OHV opportunity on forest lands?

Mr. CRIMMINS. Managed opportunities can be managed. In fact, I have written a book that talks about the guidelines and principles

for management. And off-highway use can be managed, but it has to be managed.

When we look at most of the problems—and I am being called in the field as a consultant a number of times to look at things. And usually when I find a problem, it is a management problem, to start with.

Mr. BISHOP. You indicated your support for H.R. 1581, based on your years as a former Forest Service employee. What do you think happens to BLM, for that matter, to your agency and BLM, if Congress doesn't pass the legislation?

Mr. CRIMMINS. Once again, we are going to be back in that paralysis-analysis situation. And my experience has shown that the Agency generally tries to manage around those kinds of areas. They just don't deal with it, because of too much conflict, and they are going to continue that.

Mr. BISHOP. Thank you. And I will come back, hopefully, again before I run out. Since I am the last one here I can go forever, can't I?

[Laughter.]

Mr. BISHOP. Mr. Amador, let me ask you something.

Mr. AMADOR. Yes, sir.

Mr. BISHOP. Do you feel that the BLM has embarked on a campaign to make Hollister Field Office an OHV-free zone?

Mr. AMADOR. Yes.

Mr. BISHOP. What other opportunities for OHV are there in the area?

Mr. AMADOR. None. In fact, within the entire Hollister Field Office has wiped off OHV symbols from their web site.

Mr. BISHOP. I understand that the Forest Service in California Region V has taken a position which prohibits local forests from designating old logging roads for use as OHVs? I think there are thousands of miles of dirt roads in rural California that have been closed to motorized use.

Has the region ever given a substantial justification for actually doing that?

Mr. AMADOR. No.

Mr. BISHOP. Good answer, all right. Let me give you two more quick ones if I can here. I saw in your testimony where the BLM, in the Samoa Dunes near Eureka, California, in the Redlands National Park, simply posts warning signs to caution users about life-threatening conditions. Did you ask Hollister Field Office why he didn't review other options or review such options before closing Clear Creek to all users?

Mr. AMADOR. Yes. On several occasions, I asked the field manager why he did not review other options that would have allowed Clear Creek to stay open. And they simply replied by saying I chose not to.

Mr. BISHOP. That is an amazing answer. And I apologize for using my Utah accent, calling it crick.

Mr. AMADOR. That is OK, I do it too. I am from Humboldt County.

Mr. BISHOP. OK, we are cricks.

Mr. AMADOR. OK.

Mr. BISHOP. Can I ask you one more? Was the BLM aware, well, are you aware of any documented cases of mesothelioma caused by recreational exposure to naturally occurring asbestos in California? Are there any cases?

Mr. AMADOR. Not a single case.

Mr. BISHOP. If there are none, and this is unfair, but give me a rough estimate of why do you think they still closed the unit?

Mr. AMADOR. I believe it was based on a political and personal agenda of the Hollister Field Office.

Mr. BISHOP. Thank you. Mr. Crimmins, if I can ask you maybe another question. I find it interesting that it was your expectation as to the wilderness study area's inventoried roadless areas that were deemed not suitable for wilderness designation would be released from management for multiple purpose use.

Would you say that other land managers at the time felt the same way as you did?

Mr. CRIMMINS. Absolutely. In fact, many of our discussions in the field, we were in the position of saying well, do we put it in or do we put it out, or do we leave it out. It may meet it, but we actually put it in, to make sure that we would go through the analysis process and then get everything done, and release what was left.

Mr. BISHOP. Mr. Bacon, I can't let you go that easily. It is like from Central Casting.

What percentage of North Carolina is Federal land?

Mr. BACON. I don't know the answer to that specifically.

Mr. BISHOP. So if I gave you 7 percent, would you believe it?

Mr. BACON. I would.

Mr. BISHOP. Yes, 2500 acres. And do you compare that to my state, which is 67 percent Federal land?

I am an old school teacher, so I am simply going to come back to the premise of what you were giving. Do you have any clue on why, if you take the 13 states that have the hardest time funding their education system, and you put them against a map of public land states, they are the same states? North Carolina ain't in that mix. Utah is, Nevada is. Do you have any idea of why that works out that way?

Mr. BACON. I would suspect because of the tax base.

Mr. BISHOP. That is a big part of it. We have to sit down; I won't go into the recapture concept here.

Let me ask one last question, Mr. Amador, and then I will answer my own question. Mr. Amador, have you met with any other Members from the other side of the aisle to try and get bipartisan legislation that you reference in your testimony, to designate Clear Creek as multi-use?

Mr. AMADOR. Yes, I and a number of OHV groups have met with Congressman Jim Costa personally and his staff, along with staff from Senator Dianne Feinstein's office, on several occasions, as well as their staff attending public meetings. And also other OHV groups have met with Congressman Sam Farr.

Mr. BISHOP. And their response?

Mr. AMADOR. Congressman Jim Costa has indicated he would be willing to work with this Committee to maybe find a solution.

Mr. BISHOP. Good, we will follow up with him on that.

Mr. AMADOR. Thank you.

Mr. BISHOP. I appreciate all three of you for being here. Just to answer my last question, when I said what was Gifford Pinchot talking about.

He made it very clear when he was talking about greatest good for the greatest number, and actually having a national forest system, it wasn't for the scenic beauty, and it wasn't for the critters, as he said it. It was for having affordable homes. We have changed slightly over the years.

I appreciate the three of you being here very much. I appreciate the colleagues who have been here for it. Thank you for your testimony. I ask unanimous consent to put two insertions into the record—one from the American Motorcyclists Association and one from the State of California Natural Resources Agency.

If there are no other questions, we are adjourned. Thank you so much for your time and effort in being here.

[Whereupon, at 11:38 a.m., the Subcommittee hearing was adjourned.]

[Additional material submitted for the record follows:]

The documents listed below were submitted for the record and have been retained in the Committee's official files.

- Amador, Don, Blue Ribbon Coalition
 - Exhibits A–E showing concerns regarding the closure of Clear Creek Management Area
 - Photo showing Clear Creek Management Area
 - Photo showing closure of Clear Creek Management Area
 - Photo showing destruction of facilities at Clear Creek Management Area
 - Photo showing Samoa Dunes Management Area
- American Motorcyclist Association, Letter to Subcommittee Chairman and Ranking Member
- Jones, Scott, Colorado Off-Highway Vehicle Coalition, "Economic Contribution of Off-Highway Vehicle Recreation in Colorado"
- Off-highway Motor Vehicle Recreation Commission, Letter to Chairman Hastings, Chairman Bishop, and Ranking Member Grijalva
- Umphress, Karen, Coalition of Recreational Trails Users and Minnesota Motorized Trail Coalition
 - Chart highlighting trail designation in Minnesota titled "Final Route Designation—58 State Forests"
 - "Trail Use/Impact Studies" of recreation on Minnesota Trails
 - Rochester Post Bulletin, August 2006, Article highlighting professional races at Spring Creek Track
 - University of Minnesota Tourism Center, "All-Terrain Vehicles in Minnesota: Economic impact and consumer profile"

