

Today, I honor him and ask all my colleagues to join me in remembering this politician and great leader from the great State of Florida.

RESPONSIBLE OFF-ROAD VEHICLE  
ENFORCEMENT AND RESPONSE  
("ROVER") ACT

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 12, 2003*

Mr. UDALL of Colorado. Mr. Speaker, today I am again introducing a bill to improve the ability of the Bureau of Land Management and the Forest Service to respond to a serious problem affecting federal lands in Colorado and other states.

Throughout the west, and especially in Colorado, increased growth and development has resulted in an increase in recreational use of our public lands. These recreational uses have, in some cases, stressed the capacity of the public land agencies to adequately control and manage such use. As a result, areas of our public lands are being damaged.

One of the uses that cause the greatest impacts are recreational off-road vehicles. The results can include: damage to wildlife habitat; increased run-off and sediment pollution in rivers and streams; damage to sensitive high-altitude tundra, desert soils, and wetlands; creation of ruts and other visual impacts on the landscape; loss of quiet and secluded areas of the public lands; and adverse effects on wildlife.

Recreational off-road vehicle use on our public lands should be allowed to continue, but it must be managed to minimize or avoid these problems, by appropriate restrictions and putting some sensitive areas off-limits to vehicle use.

Most vehicle users are responsible—they stay on designated roads and trails, they are respectful of the landscape and they endeavor to tread lightly. However, there are a number of such users who do not obey the rules. Given the nature of this use (large, powerful motorized vehicles that are able to penetrate deeper and deeper into previously secluded areas), even a relatively few who violate management requirements can create serious damage to public land resources.

Yet, in some cases, recreational off-road vehicle users ignore these closures and management requirements. Often times, when these activities occur, the federal public land agencies do not have the authority to charge fines commensurate with the damage that results. For example, under BLM's basic law, the Federal Land Policy and Management Act of 1976, fines for violations of regulations—including regulations governing ORV uses—are limited to \$1,000. That figure has remained unchanged for a quarter of a century, and does not reflect the fact that in many cases the damage from violations will cost thousands more to repair.

The bill I am introducing today would provide for increased fines for such violations—to \$10,000 or the costs of restoring damaged lands, whichever would be greater. The bill is similar to one that I introduced in the 107th Congress.

The need for this legislation was demonstrated by incidents in several states, including some in Colorado.

For example, in the summer of 2000 two recreational off-road vehicle users ignored closure signs while four-wheel driving on Bureau of Land Management land high above Silverton, Colorado. As a result, they got stuck for five days on a 70 percent slope at 12,500 feet along the flanks of Houghton Mountain.

At first, they abandoned their vehicles. Then, they returned with other vehicles to pull their vehicles out of the mud and off the mountain. The result was significant damage to the high alpine tundra, a delicate ecosystem that may take thousands of years to recover. As noted in a Denver Post story about this incident, "alpine plant life has evolved to withstand freezing temperatures, nearly year-round frost, drought, high winds and intense solar radiation, but it's helpless against big tires."

Despite the extent of the damage, the violators were only fined \$600 apiece—hardly adequate to restore the area, or to deter others.

Another example was an event in the mountains near Boulder, Colorado, that became popularly known as the "mudfest."

Two Denver radio personalities announced that they were going to take their off-road four-wheel drive vehicles for a weekend's outing on an area of private property along an existing access road used by recreational off-road vehicle users. Their on-air announcement resulted in hundreds of people showing up and driving their vehicles in a sensitive wetland area, an area that is prime habitat of the endangered boreal toad. As a result, seven acres of wetland were destroyed and another 18 acres were seriously damaged. Estimates of the costs to repair the damage ranged from \$66,000 to hundreds of thousands of dollars.

Most of the "mudfest" damage occurred on private property. However, to get to those lands the off-road vehicle users had to cross a portion of the Arapaho-Roosevelt National Forest—but the Forest Service only assessed a \$50 fine to the two radio disc jockeys for not securing a special use permit to cross the lands.

Again, this fine is not commensurate to the seriousness of the violation or the damage that ensued, or stands as much of a deterrent for future similar behavior.

These are but two examples. Regrettably, there have been many more such examples not only in Colorado but also throughout the west. These examples underscore the nature of the problem that this bill would address. If we are to deter such activity and recover the damaged lands, we need to increase the authorities of the federal public land agencies.

My bill would do just that. Specifically, it would amend the Federal Lands Policy and Management Act and relevant laws governing the Forest Service to authorize these agencies to assess greater fines on recreational off-road vehicles for violations of management, use and protection requirements. The bill would authorize the Secretary of the Interior and the Secretary of Agriculture to assess up to \$10,000 in fines, or 12 months in jail, or both, for violations of road and trail closures and other management regulations by recreational off-road vehicles. The bill also would authorize the Secretary of the Interior and the Secretary of Agriculture, in lieu of a specific dollar fine, to assess fines equal to the costs required to rehabilitate federal public lands from damage caused by recreational off-road vehicle violations.

In addition, the bill would authorize the Secretary of the Interior and the Secretary of Agriculture to apply any funds acquired from recreational off-road vehicle violations to the area that was damaged or affected by such violations, and to increase public awareness of the need for proper use of vehicles on federal lands.

This would give these agencies additional resources to recover damaged lands and areas that may be exposed to repeated violations.

The bill does not put any lands "off limits" to recreational off-road vehicle use. In fact, it does not affect any specific lands in any way. The bill also does not provide for increased fines for other activities that can damage federal lands. There may or may not be a need for legislation along those lines, but in the meantime I am seeking only to address this one problem.

Mr. Speaker, earlier this month I met with Chief Bosworth regarding several matters related to management of the National Forests. During our conversation, he said that he considered problems associated with off-road vehicles one of the greatest problems facing the Forest Service.

I agree with the Chief—in fact, I think improper use of recreational vehicles is a problem of growing seriousness throughout the west. My intention with this bill is to help address this problem so that all recreational users of our public lands can have a rewarding, safe and enjoyable experience. Everyone's experience is diminished when a few bad actors spoil the resources and the beauty of our lands. I think this bill can help provide the BLM and the Forest Service with better tools to respond by allowing appropriate recreational use of our public lands while also protecting the resources and values of these lands that belong to all the American people.

For the information of our colleagues, I am attaching a fact sheet about the bill.

RESPONSIBLE OFF-ROAD VEHICLE  
ENFORCEMENT AND RESPONSE ("ROVER") ACT

BACKGROUND: In Colorado and throughout the west increased population growth has brought increased recreational use of federal lands. This has made it harder for land-managing agencies to adequately control and manage such use.

Recreational and other use of off-road vehicles (ORVs) can present serious problems. This use should be allowed to continue, but must be managed and controlled to minimize or avoid adverse effects. That involves closing-off some sensitive areas and other regulations.

Improper use of vehicles can result in serious damage to the national forests and the public lands managed by the Bureau of Land Management (BLM). This can involve damage to wildlife habitat; increased run-off and sediment pollution in rivers and streams; damage to sensitive high-altitude tundra, desert soils, and wetlands; creation of ruts and other visual impacts to the landscape; loss of quiet areas due to the deeper penetration of off-road vehicles into previously secluded areas of the public lands; and impacts to wildlife from noise and effects on migration corridors.

Currently, the Forest Service and BLM do not always have clear authority to assess fines commensurate with the costs of enforcement and the damage that often results. For example, under the law governing BLM lands, federal officials can only impose up to \$1,000 in fines while the damage that results could cost thousands more to address. The

Forest Service's authority also needs clarifying and strengthening.

The bill would provide new authority, in order to increase public awareness, deter violations, and help cover the costs of enforcement and damages to affected lands.

What the bill would do:

**Allow Increased Fines:** The bill would authorize the Secretary of the Interior and the Secretary of Agriculture to assess fines of up to \$10,000 or the costs of restoration, whichever is greater, for violation of ORV regulations. The current provisions for imprisonment of 12 months in jail is retained.

**Apply Fines to Enforcement and the Area Damaged:** The bill would authorize the Secretary of the Interior and the Secretary of Agriculture to apply any funds acquired from recreational off-road vehicle violations to the costs of enforcing off-road violations, increasing public awareness of the problem, and to repair damages to lands affected by such violations.

What the bill would not do:

**Increase Closures of Public Lands:** The bill would not require that any particular lands be "off limits" to recreational off-road vehicle use. Decisions about which roads or trails will remain open to such use would continue to be made by the land-management agency.

**Apply to Other Uses:** The bill would not impose increased fines for violation of any regulations other than those applicable to use of vehicles.

**Eliminate Fines for Other Violations:** The bill would not affect the current ability of the federal public land agencies from assessing existing fines and penalties for other activities that violate management, use and protection requirements. Such fines would continue to apply to violations of other regulations.

HONORING MUNIR H. ABBASY, M.D.

### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 12, 2003*

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to enter into the RECORD today these remarks to honor the accomplishments and life of Munir H. Abbasy, M.D., who died in a single engine airplane crash that he was piloting on July 29, 2001.

Dr. Abbasy graduated from Liaquat Medical College in Pakistan in 1969, and completed his internship at Cook County Hospital in Chicago. Abbasy followed his internship with a position as a general surgeon at Northwestern University Medical Center in Chicago, and a neurosurgical residency at the University of Pittsburgh. After moving to Massachusetts in 1976, Dr. Abbasy joined the Neurosurgical and Neurological Group Inc. in Springfield. Additionally, he was on the medical staff of the area hospitals, including Baystate Medical Center, Mercy Medical Center, and Holyoke Hospital. Abbasy served as the Chief of Neurosurgery at Mercy Medical Center from 1988–1993, and extended his services to Baystate Medical Center from 1993–2001. Also, Dr. Abbasy was the assistant clinical professor in the neurosurgery department at Tufts University.

Dr. Abbasy was an established neurosurgeon who was commended on his extreme precision during surgery. Accordingly, Abbasy was the first neurosurgeon in Western Massachusetts to perform a "Jannetta Procedure," which is a microvascular decompression of a

cranial nerve for those who suffer from a tic douloureux and hemifacial spasm. Dr. Abbasy pioneered the practice of lumbar microdissectomies as an outpatient service at Baystate Medical Center in 1996, which reduced recovery time and created savings for the hospital.

As a resident of Longmeadow, MA, Dr. Abbasy was extremely involved in his community. He was a member of the Hampden District Medical Society, the American Medical Association, the New England Neurological Society, the Pediatric Section of AANS/CNS, and the Congress of Neurological Surgeons. Furthermore, he was a director of the Longmeadow Montessori School.

According to his colleagues, friends, and family, Dr. Abbasy was a remarkable, bright, and extremely dedicated surgeon. He brought passion to his practice and always wanted to better the institutions and process of healthcare. He is survived by his wife, the former Ann O'Connor, a son, Jamil, and a daughter, Shareen Abbasy.

Mr. Speaker, Dr. Abbasy was a valued member of the community and an amazing individual. He served the medical community for 25 years and his work will be remembered and appreciated. He will be missed by all who had the opportunity to know him.

### TRIBUTE TO THE ELDER HIGH SCHOOL FOOTBALL TEAM

### HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 12, 2003*

Mr. CHABOT. Mr. Speaker, on the blustery, frigid evening of November 30, 2002, the Elder High School football team made their championship dreams a reality. On a snow-covered field, the Elder Panthers overcame the weather, a four-hour bus ride, and a spirited Warren Harding team to return the Ohio state football championship to Cincinnati for the first time since Princeton High School won in 1987.

Thousands of Elder faithful braved the cold and snow flocking to Fawcett Stadium to urge the Panthers to victory. Those who couldn't make the cross-state trip sat glued to their TVs hanging on every play. From the opening kickoff to the three critical touchdown drives led by Rob Florian to the game-saving incompleteness forced by Kevin Harnist on Warren Harding's tying two-point conversion attempt, fans were thrilled by the championship effort and heart displayed by the young men from Elder.

After capturing the state championship, Elder garnered well-deserved team and individual honors. The Panthers were ranked ninth in the national high school football rankings released by USA Today. Individually, Coach Doug Ramsey was named Ohio Tri-Coach of the Year, and Senior LB Tony Carvitti was selected as Ohio Tri-Defense Player of the Year. Other All-Ohio honorees include: First Team selection Bill Poland; Second Team selection Tom Anevski; and Special Mention selection Bradley Glatthaar.

Throughout their triumphant season, Elder's young men labored and sacrificed to forge a championship team. Elder's hard-fought and inspiring victory has brought pride and honor

to Price Hill and our entire community. Football fans throughout the Cincinnati area congratulate the Panthers and share in their celebration.

Mr. Speaker, to appropriately honor these young men and coaches, I'd like to submit for the RECORD the roster of the 2002 Elder Panthers and a copy of their schedule and game results.

ELDER HIGH SCHOOL, 2002 OHIO HIGH SCHOOL STATE FOOTBALL CHAMPIONS, FINAL RECORD: 14-1

#### REGULAR SEASON

Game 1, August 24, 2002: Elder 42—Dixie Heights 7.

Game 2, August 31, 2002: Louisville Trinity 44—Elder 20.

Game 3, September 6, 2002: Elder 42—Western Hills 8.

Game 4, September 13, 2002: Elder 45—Indianapolis Roncalli 7.

Game 5, September 21, 2002: Elder 45—Cleveland St. Ignatius 35.

Game 6, September 27, 2002: Elder 21—St. Xavier 17.

Game 7, October 5, 2002: Elder 47—Moeller 21.

Game 8, October 11, 2002: Elder 29—LaSalle 19.

Game 9, October 18, 2002: Elder 45—Indianapolis Cathedral 30.

Game 10, October 25, 2002: Elder 35—Oak Hills 8.

#### PLAYOFFS

Round 1, November 2, 2002: Elder 20—St. Xavier 14.

Round 2, November 9, 2002: Elder 31—Huber Heights Wayne 3.

Regional Championship, November 16, 2002: Elder 28—Colerain 21.

State Semi-Final, November 23, 2002: Elder 34—Findlay 31.

State Championship, November 30, 2002: Elder 21—Warren Harding 19.

#### 2002 ELDER PANTHERS VARSITY FOOTBALL ROSTER

Head Coach: Doug Ramsey.

Assistant Coaches: Ken Lanzillotta; Ray Heidorn; Mike Kraemer; Craig James; Tim Schira; Matt Eisele; and Pat Good.

Seniors: #78 Tom Anevski; #44 Tony Arszman; #6 Bob Asman; #3 Greg Bachman; #35 Mike Barone; #86 John Bauer; #73 Marty Bauer; #7 Nick Brandhorst; #36 Kyle Brunzman; #76 Digger Bujnoch; #4 Dan Byrne; #97 Tony Carvitti; #33 Chris Chambers; and #98 Pat Christman.

#77 Conrad Cross; #15 Brian Crowley; #8 Nick Daut; #2 Craig Davis; #40 Mike Eagan; #1 Eric Hamberg; #26 Kevin Harnist; #32 Frank Hilvers; #21 Cody King; #81 Dan Kloefer; #64 Anthony Louderback; #38 Dan McDonald; #89 Bryan McKiddy; and #49 Jake Paff.

#37 Bill Poland; #95 Mike Riga; #79 Alex Robinson; #9 Chris Rothwell; #25 Dan Scherrer; #50 Nick Schwander; #5 Scott Spitznagel; #63 Brian Stall; #51 Ben Sprengard; #56 Todd Turner; #80 Kevin Vater; #93 Brandon Wittwer; and #75 John Wolff.

Juniors: #34 Eric Andriacco; #54 Steve Baum; #58 Kenny Berling; #62 Ryan Brinck; #20 Michael Brown; #68 Alec Burkhardt; #23 Mark Byrne; #42 Steve Haverkos; #70 Chris Heaton; #82 Nick Klaserner; #17 Danny Kraft; #48 Joe Lind; #47 Pat Lysaght; and #53 Corey McKenna.

#65 Nick Rellar; #14 Jake Richmond; #91 Tony Stegeman; #88 Ian Steidel; #22 Mike Stoecklin; #45 Tim Teague; #24 John Tiemeier; #19 Sean Carroll; #18 Charlie Coffaro; #71 Justin Crone; #29 Brett Currin; #12 Rob Florian; #84 Kurt Gindling; #11 Bradley Glatthaar; and #99 Alex Harbin.