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Statement of Mr. Nicholas Haris  
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U.S. House of Representatives Subcommittee on National Parks, Forests and  
Public Lands of the Committee on Natural Resources

Hearing on  
*“Restoring Public Access to the Public’s Lands: Issues Impacting Multiple-use on Our  
National Forests”*

September 19, 2011

Chairman Bishop, Ranking Member Grijalva and members of the Subcommittee, thank you for the opportunity to provide comment on these important issues. Both the Forest Service’s Route Inventory program and the Special Use Permit (SUP) program have proved to be very problematic for our members and the public at large.

Founded in 1924 and incorporated in Ohio, the 230,000-member American Motorcyclist Association (AMA) is a not-for-profit organization. In partnership with our sister organization, the All-Terrain Vehicle Association (ATVA), the AMA promotes and protects responsible recreational access to public lands using off-highway motorcycles, dual sport motorcycles and all-terrain vehicles (referred to here as OHVs and ATVs respectively).

Access to our nation’s public lands is a long held and deeply cherished right of every citizen. Time spent outdoors offers a chance to unplug from our hectic modern lives and reconnect with family and friends. Multiple-use of our public lands, particularly those lands under the management of the Forest Service, provides citizens the opportunity to enjoy and utilize these areas responsibly in their own personal way.

Our public lands were intended for the enjoyment of all Americans. Outdoor enthusiasts who enjoy the public lands of our nation are not just the nimble and fit but also families with small children who wish to recreate together as well as active senior citizens and the handicapped who enjoy the freedom to access the outdoors that OHVs and ATVs provide.

While no one area can provide an opportunity for every activity, areas designated and managed as multiple use lands allow for a diverse and varied experience. It is important to note that equestrians, hikers and mountain bikers enjoy unfettered access to every designated motorized use and OHV area nationwide. In fact, access to trailheads and staging areas used for these activities is often dependent on utilizing the exact same system of roads and trails upon which the OHV community relies. User fees collected from vehicle registration and licensing often represent the bulk of funds available for important maintenance and operations activities.

### **Route Inventory**

Within the state of California, funding for the initial route inventory and subsequent implementation of the travel management rule relied heavily on monies raised from the user community. In 2003, California entered into an agreement with Region 5 of the Forest Service to supplement their route inventory budget. Over \$12 million in grant funds from the state's OHV trust fund was ultimately provided. This was done with the full knowledge and support of many in the user community, who were repeatedly assured that a full inventory of the existing "on the ground" travel network was to be completed prior to any decisions being made regarding the status of an individual route or open area.

Numerous meetings were in fact held between the user community, environmental interests and Forest Service staff, and a commitment to review and include user data regarding routes not captured in the initial agency inventory was made. Furthermore, many user groups sent alerts and encouraged their members to review and comment on these initial inventories as soon as maps were made available.

According to Forest Service staff, any missing routes were authorized to be added to this initial inventory. The inclusion of every route, regardless of official status or prescribed management level, was the goal. Riders were repeatedly assured that only after the inventory was complete would the process of determination and classification begin.

Decommissioning those routes deemed unsustainable or redundant was to be done with full public participation and review. Likewise those routes identified as having minor management issues would be compiled and eligible to be added back onto the official system map as time and budget allowed.

In numerous instances this has not been the case. As a result, inventories that were deemed complete by the Forest Service often represented a significant loss of riding opportunities. Moreover, this loss occurred prior to the first maps being made available for public review. Commitments to examine and consider user provided data (including

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GPS files) were often ignored. Countless volunteer hours of work were disregarded and volunteers were often told the data they provided was “incompatible” with the agencies systems. During this critical data review phase for many forest areas, users felt completely left out of the process.

Over time, the deadlines for completion of the inventory became the top priority, often at the expense of thoroughness. Weather related problems, such as early season snowfalls or higher than normal levels of spring snowpack, which resulted in areas being unavailable for review and inventory, were discounted. Fires also played a significant role in limiting inventory efforts and agency staff availability. However, inventory completion deadlines were seldom adjusted to accommodate these challenges.

Equally troubling, Region 5 has all but abandoned multiple-use on many important system roads. For example, the vast majority of level 3 system roads in California that were previously open to OHVs are simply no longer available for use by non-street licensed vehicles. These roads often provided critical connections and sections within the overall system, and this arbitrary decision has resulted in further route fragmentation.

This decision also contradicts section 38001 of the California Vehicle Code, which states:

*For purposes of this division, the term "highway" does not include fire trails, logging roads, service roads regardless of surface composition, or other roughly graded trails and roads upon which vehicular travel by the public is permitted.*

By limiting these critical routes to street-licensed vehicles and requiring a separate engineering review and determination for each road prior to allowing mixed use, the Forest Service has further limited the ability of families to recreate together.

Subsequent adoption of the Travel Management Rule concept nationwide was done in a very haphazard manner. Limited budgets, staff availability and significant differences in districts' application and interpretation of these rules have led to frustration and an unprecedented loss of recreational opportunities nationwide.

While defenders of the Rule often claim inclusion of non-system routes would “reward” and legitimize user-created trails, they fail to mention that these routes of travel were officially promoted by the Forest Service for decades. Open designations were viewed as a management technique that would minimize the frequency and intensity of usage on the limited number of official system routes. Moreover, many of these non-system routes were subject to regular maintenance. The decision to include or exclude a specific route must be based on a full review and consideration of its role in the entire system, not the manner in which it was created.

Outdated and incomplete inventories, many decades old, often became the basis of the new system inventory maps. These maps often excluded many long-utilized, but unofficial, non-system routes. This was never the intent of the Rule and should not be accepted as an appropriate strategy. Once completed, these forest-wide inventories may indeed reveal redundant or unsustainable routes. Regardless, a full review is needed, as well as a determination of the type of use (single track, two track, and graded road), prior to their closure.

Different users can and do enjoy different types of recreation, and these specific user experiences must be taken into account when determining a route's inclusion in or exclusion from the system. Likewise, forcing increasingly higher numbers of users onto fewer and fewer routes often leads to increased maintenance costs, less enjoyable recreational experiences, and can result in increased user conflict. A graded gravel road is simply no substitute for a challenging single track motorcycle trail. Likewise, a challenging jeep trail is impassible for the average family car or truck, yet this critical factor in determining what to keep in the system was often overlooked.

### **Special Use Permits/Cost Recovery**

Another significant issue facing members of the recreating public has been the ongoing restrictions and requirements for special events as well as the increasing costs associated with obtaining Special Use Permits. Clubs nationwide are reporting that they are being required to prepay thousands of dollars (or more) in cost-recovery related fees for events that have been held for decades. These up-front, non-refundable payments are required despite the lack of any guarantee of an application's ultimate approval or even any assurance that the initial cost estimate is accurate.

For example, the Polka Dots Motorcycle Club, a 55 year-old club, was told they had to apply for a 5 year permit for their annual family enduro, and required to prepay approximately \$50,000 for related environmental analysis and monitoring. This was despite the fact that the enduro had been held in the Eldorado National Forest for the past 40 years. This event was to have been held on existing routes that had previously gone through a thorough environmental review as part of the aforementioned route designation/travel management process.

Previous club events had been permitted annually, and after initial reviews were granted a Categorical Exclusion (CE) under the National Environmental Policy Act (NEPA) guidelines. Cost recovery was typically minimal, and given the long and successful history of this event, the riding community was simply stunned by this sudden increase in fees as well as the agencies' request for prepayment of the entire amount. Needless to say, the event was cancelled and similar issues have forced the cancellation of other enduros as well as equestrian events.

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Equally troubling is the haphazard way with which these requirements are applied. Riders report that other California forests continue to issue permits under a CE determination, and Bureau of Land Management (BLM) Field Offices appear to be equally as unpredictable when issuing their Special Recreation Permits (SRPs).

In contrast, it is important to note that a recent review of SRP policies and procedures being recently undertaken by the BLM in the California Desert District has been met with considerable approval from the user community. This process includes frequent consultations with a newly created citizen's advisory panel as well as the BLM's Desert Advisory Council.

One area that has been identified as offering significant cost savings would be the use of club members for some staffing duties. AMA sanctioned events typically have dozens (or more) professionally trained volunteers on-site. These personnel often include certified EMT's, off-duty law enforcement and other similarly skilled professionals. Utilizing this ready group of volunteers would reduce the workload on already overburdened managing agencies and may in fact reduce costs for all involved. Likewise, by working with annual permit applicants, the agencies could identify specific training or skills they feel are typically needed on-site and collaborate with clubs to identify opportunities for appropriate preparation and training of these key personnel.

Another suggestion would be to allow a club to build up "credits" throughout the year to help offset the special event fees. In many areas, volunteers donate thousands of hours through public lands clean up events and by participating in "Adopt a Trail" activities, however none of these contributions have been considered as eligible for offsetting cost-recovery related expenses.

In recent decades, as off-highway vehicle use has increased on our federal land, managing agencies have responded by revising their land-use plans and associated permitting requirements. The AMA appreciates that this is a challenging balancing act, often obliging land managers to make tough decisions. However, we would like to take this opportunity to remind land managers that the OHV community is a ready partner. The riding community has long proven their willingness to "pay to play" on our nation's public lands and in return we simply ask for fair and equal treatment when making management and policy decisions.

Thank you for your time and consideration, I will be glad to answer any questions you may have.