

Testimony of Scott Jones

HR 1839, Hermosa Watershed Protection Act

House Natural Resources

Subcommittee on Public Lands and Environmental Regulation

March 6, 2014

Good Morning Chairman Bishop and Mr. Grijalva and subcommittee members. My name is Scott Jones and I am here on behalf of the motorized user groups in Colorado including the Trail Preservation Alliance, Off Road Business Association, Colorado Snowmobile Association and Colorado Off Highway Vehicle Coalition. I would like to thank you for this opportunity to testify in favor of the Hermosa Watershed Protection Act. The motorized community supports this Legislation, as we believe the legislation represents a significant step towards protecting multiple use recreation and highly valued natural resources in the proposal areas. For the motorized community there are two major components of the legislation we support, which are the release of the Wilderness Study area and designation of the special management area for the protection of motorized recreation. The motorized community does agree that the area to be designated Wilderness has generally not seen a high level of motorized recreation and the area is suitable for designation.

The Hermosa Watershed Protection Act releases a Wilderness Study Area ("WSA") straddling the Molas Pass area between Silverton and Durango Colorado that has been repeatedly analyzed and found unsuitable for designation as Wilderness. These analysis recognized the long history of motorized usage of the area, proximity of the area to major roadways and the difficulty in enforcing any winter boundary for the WSA with adjacent local government properties. The WSA area to be released is comparatively small but highly valued by the winter motorized community as the area has a long history of groomed routes providing public access for winter recreation, has an active rental operation using the area and provides a comparatively flat easy riding experience that allows families to use the area for winter recreation. The wide range of winter recreation that occurs in the Molas Pass area to be released is a significant economic driver for local communities in the winter time.

The WSA area to be released is currently to be closed in the recently released BLM Resource Management Plan, making this legislation very important to the winter users. For reasons that remain unclear, the current management of the area is identified as closed to motorized usage despite the ongoing motorized usage of the area under the 1983 version of the RMP. BLM management asserts that closure is required under the new WSA management guidelines released by the BLM, despite the fact that these management guidelines have several pages of management guidelines for motorized usage of WSA areas.

Our discussions regarding recreational usage of the WSA area started with issues involving the renewal of permits for groomed routes in the area but quickly progressed to the closure of the entire area in the

near future. Our users have met with BLM representatives regarding this closure and have undertaken significant review of the history of the management of the area. The Molas Pass area was originally inventoried by BLM as a result of § 603 of FLPMA but has been managed for multiple usage since the inventory and our research was able to locate the original BLM inventory of the Molas Pass area that specifically identified motorized usage of the area at the time the area was inventoried pursuant to §603 of FLPMA. None of the research we have conducted supports closure of the area, and our user groups were able to locate the original BLM inventory of the area that was performed pursuant to the §603 inventory, which noted motorized usage at the time of the inventory. The Molas Pass recreational area is a small portion of the area that was originally inventoried and a large portion of original inventory area has already been designated as Wilderness. Many thought the small portion of the remaining area had been released with prior legislative action.

In addition to the research conducted by the motorized community, the San Juan County commissioners held a public meeting regarding last year to address concerns about closure of the Molas Pass area to motorized usage. Several BLM and Forest Service employees were in attendance at the meeting including the field office manager. Everyone that attended the meeting was in favor of continued multiple usage of the area including the Wilderness Society and San Juan Citizens Alliance. For reasons that remain unclear, the input from this meeting was not addressed or even acknowledged in the subsequent release of the BLM 2013 resource management plan. The identification of the Molas Pass area as currently closed to motorized usage in the Resource Management Plan has been highly frustrating to the motorized community given the resources and partnership efforts that have been undertaken to address usage of the area and the recognition that current management is not accurately reflected in the RMP. Many in our community feel they have done everything they possibly could to address this issue and these efforts simply have not been addressed.

In addition to the release of the WSA, the Hermosa Watershed Protection Act creates a special management area of approximately 70,000 acres for the protection and preservation of both summer and winter motorized usage of the area. This is an area where motorized usage was again in question under the RMP that was released, despite a long history of motorized recreation in the special management area. Several alternatives sought the complete closure of this area to all motorized usage. The Special management area has an extensive single track motorized trail network that is highly valued by local users and is specifically identified for protection in the SMA. Protection of the 70,000 acre SMA is a major reason that several of our local representatives participated in the working group process that was the basis for this legislation. Statutory preservation of the trail network in the special management areas has become even more important after the release of the final RMP, which has proposed an 83% increase in the areas designated as unsuitable for motorized recreational usage despite the growing population in the planning area and strong demand for multiple use recreational opportunities.

We further believe the Hermosa Watershed Protection Act would be a significant step towards repairing the relationships between the federal land managers, local clubs and users of these public lands. This relationship has become strained over recent years, as in addition to the recently released RMP for both the Forest Service and BLM offices, federal planning has included a travel management plan that was not supported by the motorized community despite significant involvement in that process and the

issues with the management of Molas Pass area. The local users have also been highly frustrated with decisions to separate management of the two land management agencies and move away from the Service First management that has governed the planning area for a long time.

While our local clubs and users have been very supportive of managers, both with volunteer hours to assist with resources and supporting of grants to the CPW OHV grant program. Grants from the CPW OHV grant fund, which is funded by user registration fees and moneys from the recreational trails program, have been estimated to be several million dollars in the planning area over the last several years. These clubs frequently feel that the concerns that they are raising in these planning actions are simply not listened too. This has become highly frustrating for the users and clubs, but is an issue that is certainly not isolated to the San Juan and Tres Rios planning areas.

I would like to thank the Chairman, Ranking Member and members of the subcommittee for providing this opportunity to discuss the motorized community support for the Hermosa Watershed Protection Act and would welcome any questions you may have.



United States Department of the Interior



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Molas Lake Area Permit Holders:

In October 2012, Bureau of Land Management (BLM) Tres Rios notified Silverton Snowmobile Club that approximately 2 miles of snowmobile grooming within the West Needles Wilderness Study Area (WSA) would need to be relocated outside of the WSA by Winter 2013/14. Additionally, we notified the affected permit holders of this change (there were no proposed changes in their use other than relocation of the groomed trails). In response, the BLM received extensive local public concern about impacts to individual operators and the economy of Silverton. This letter details the BLM decision to move snowmobile use out of the WSA and provide support for the objective to continue working with the permit holders to relocate groomed routes outside of the WSAs in order to minimize impacts to the economy, permit holders and visitors.

Background

In the early 2000's, the United States Forest Service (USFS) and BLM issued permits for grooming and guided snowmobile trips in West Needles WSA under BLM Interim Management Policy (IMP H-5550-1). Under this guidance, managers authorized special recreation permits (snowmobile tours, dog sled tours, groomed snowmobile routes) based on an interpretation that the use was considered temporary, non-ground disturbing and that these activities could be discontinued easily if Congress designated the area as wilderness.

Current Situation

In July 2012, BLM issued national direction (Manual 6330) that clarified management policies in light of the fact that WSAs have been long-lived to the extent that an 'interim' policy no longer provided the direction needed to manage these areas for Congress. This updated policy clarifies the definition of 'temporary'.

“A chronic, repeated short term use does not meet this definition of “temporary”. Uses, activities, or facilities that create a demand for uses that would be incompatible with wilderness management also do not meet the definition of temporary”.

While the issuance of permits is a discretionary action, the community concern that has arisen from any discussion of removing this permitted use from the WSA has been substantial.

The growth in snowmobile use (both permitted and casual) at Molas Lake is a good example of why updated manual direction was issued about non-conforming uses in wilderness study areas and how the expectation of continued use could certainly affect Congressional consideration for this area.

Strategic Approach for 2013/2014 Winter Season

Taking all of the above into consideration, I have decided to allow a phased approach to moving motorized winter sports outside of the WSA, particularly in light of 10+ years of past management not only condoning such use but permitting it as well. Additionally, there is the need to seek reasonable alternative locations for the approximately 2 miles of groomed routes (and affiliated permitted uses) which I have assigned to our Snow Ranger as #1 priority for the upcoming season (and we have asked the permit holders to identify alternatives as well). Finally, BLM's decision would not preclude congressional action to release all or part of the WSA from wilderness protection as proposed in a bi-partisan bill under consideration in Washington, or the potential for designating the area as wilderness. .

How we will proceed

Based on the information that I have today, this letter is to notify our permit holders that 2013/14 winter will be the last winter for permitted, commercial motorized use and grooming in this, or any, WSA within BLM Tres Rios. This year we will be working diligently with each permit holder to move the use to other areas. Additionally, this winter season will be used for education as well; improving our boundary signage and talking to the casual (non-permitted) visitors to the area about our management constraints for these special designations.

The winter of 2014/15 will be the last winter for casual snowmobile use (non-permitted, non-commercial) in this area. This phased approach is reasonable

because it will take more time to share the decision with the dispersed general public than it will take for permitted users. This is all, of course, contingent on the fact that this area continues under management as a WSA and is not released by Congress in the meantime for other uses.

Conclusion

I want everyone to know how very much I appreciated the individual conversations we have had, and the opportunity to learn about the specific situations for each of the permit holders, and potential impacts to the overall economy of the Silverton community.

I decided to share this letter rather than have a group meeting due to the recently impacted time lines associated with the approaching winter season. This decision is responsive to the community's request to allow for another year to allow legislative remedies to be pursued as well as look at alternative trail grooming options outside of the WSA for our permitted businesses. I want to emphasize how critical it is to come up with a plan to move the groomed routes and/or permitted motorized uses out of the WSA, and I believe the community and permit holders are committed to finding a permanent, long-term solution.

While this *interim direction* is contrary to existing direction in the Alpine Triangle Recreation Area Management Plan (signed 2010), 2012 BLM 6330 manual direction, the 1983 Resource Management Plan and the proposed Land and Resource Management Plan (September 2013), , for the reasons listed above, I think it is a reasonable approach to implementation of the new policy manual.

Sincerely,

A handwritten signature in cursive script, appearing to read "Connie Clementson".

Connie Clementson,
Field Manager

cc: San Juan County Commissioners