

Testimony of Russ Ehnes
House Natural Resources Committee,
Subcommittee on Oversight and Investigations
United States House of Representatives
Accountability, Policies, and Tactics of Law Enforcement within the Department of the
Interior and the U. S. Forest Service
July 28, 2015

Mr. Chairman, Ranking Member and Members of the Committee, thank you for this opportunity to testify on the Accountability, Policies, and Tactics of Law Enforcement within the Department of the Interior and the U. S. Forest Service.

My name is Russ Ehnes and I'm the Executive Director of the National Off-Highway Vehicle Conservation Council or NOHVCC. NOHVCC is a 501c3 non-profit educational foundation with a twenty-five year history of working in partnership with the U.S. Forest Service to improve management of off-highway vehicle opportunities nationwide. Through that period NOHVCC has conducted dozens of Off-Highway Vehicle Management Workshops across the nation in every Forest Service Region. We have also published a book entitled *Management Guidelines for OHV Recreation* and will soon release a comprehensive OHV trail design, construction and maintenance guidebook.

The common theme in all these workshops and publications is the "four E's", which are Engineering, Education, Enforcement, and Evaluation. The concept is simple; if managers apply proper engineering to trails and facilities, educate the public about how to use them responsibly, use enforcement when needed to address compliance issues, and evaluate the results and make adjustments, OHV use will be successfully managed, sustainable and fun. The "four E's" are simple and proven and have resulted in high-quality, sustainable OHV opportunities across the country.

NOHVCC is a strong proponent of enforcement, which is one of the "four E's" and one of the most important tools in the land manager's toolbox. Enforcement is critical not only for compliance but is also an important educational tool. Not every encounter with the public results in a citation, nor should it. Enforcement also contributes to visitor safety and the visitor's sense of security while recreating on our public lands.

For the OHV community, issues arise when the Forest Supervisor and District Rangers can't use enforcement to augment their management programs. My personal example is similar to other examples that NOHVCC hears about across the country.

I'm currently the President of the Great Falls Trailbike Riders Association or GFTBRA. We have a very robust and successful partnership with the Lewis and Clark National Forest. GFTBRA contributes hundreds of hours of volunteer work, has a dozen certified sawyers, employs two full-time seasonal workers to maintain trails, and publishes maps in partnership with the USFS. The result is one of the best managed trail systems in the country.

In spite of all these efforts, we still have compliance issues on holiday weekends in several locations. The few people causing the problems tend to be less involved in clubs. They are typically casual users who only ride once or twice a year on holiday weekends and ride near campgrounds illegally.

We know where they will be, we know when they will be there, and we know what they will be doing. Several years ago we asked the Forest Supervisor for help. We asked him to have the enforcement officers visit three key areas at key times. He agreed that the timing was right and that the need for enforcement was critical but couldn't promise that it would happen since he wasn't sure that this would be the top priority for his law enforcement people. He could only ask to see if his top priority was also the top priority of the Law Enforcement Officers.

As I mentioned, GFTBRA has a strong partnership with the Lewis and Clark National Forest. Several years ago GFTBRA sponsored a permitted trail ride in the Little Belt Mountains. We inspect each vehicle for sound limit and spark arrester compliance and to be sure each vehicle has an OHV decal. We also require helmet use even though it is not required by law. Unbeknownst to us and the recreation planners we worked with to coordinate the permit and event, the USFS Law Enforcement Officer set up a check station on a route leading into and out of the event. He issued no citations. Everyone was legal. However, the level of trust we had built with the local Forest Service managers was damaged. Riders wondered "why the LEO wouldn't just stop at our staging area to check us?" Many riders felt "ambushed".

The issue as I see it is pretty simple. Forest Supervisors are charged with managing our National Forests and one of the most important tools in their toolbox is not dependably at their disposal. While cooperation between the Supervisors and the Law Enforcement Officers is generally the rule, it is the exception that causes problems for the OHV community.