

June 4, 2008

The Honorable Jeff Bingaman, Chairman,
Senate Committee on Energy and Natural Resources
Washington, D.C. 20510-6150

Testimony for Committee hearing on ORV Route Designation

Dear Senator Bingaman and Members of the Committee:

Thank you for holding this important hearing on the status of off-road vehicle (ORV) route designation on our public lands. Oversight by the people's representatives over this process, like the process itself, is many years over-due.

Over 35 years ago, Executive Orders 11644 and 11989 required public land managers to designate where ORVs would be allowed and where they would not. The Executive Orders included criteria to be used by the federal land management agencies when making these designations. While we are grateful the route designation process is finally under way, we are concerned that the criteria for determining suitability for routes are being given inadequate consideration. Route designation should not be merely an empty exercise by which existing use is legitimized.

The E.O.s require the U.S. Forest Service and Bureau of Land Management to "minimize" impacts to soil, vegetation, wildlife and wildlife habitat, and avoid conflict with other recreationists and rural residents. What we are seeing thus far, however, is sacrificing of important natural resources and pandering to the off-road industry. Because the processes have generally lacked transparency, it is unclear whether Forest Supervisors and BLM managers are intentionally sacrificing water quality and wildlife habitat to satisfy industry demands, or whether they are simply intimidated by the off-roaders.

We do know that public meetings have been dominated by aggressive and sometimes threatening off-roaders, and Forest Service employees have voiced their concerns to me about these meetings, fearing for their own safety. In response to these concerns, PEER has recommended the Forest Service utilize drop-in "open house" type meetings, rather than town hall type meetings that can

be taken over by the off-roaders. In California, many forests have adopted this “open house” format.

Forest Service wildlife biologists and watershed specialists are also very concerned that route designations are being made without the site-specific analysis required by the National Environmental Policy Act and the Executive Orders.

Because the Eldorado is the first Sierra Nevada national forest to complete route designation, we will use that decision to exemplify where route designation can go horribly wrong. The 1988 Land Management Plan for the Eldorado National Forest requires limiting ORVs to designated routes. After 18 years of foot-dragging by the forest, route designation was finally initiated in 2006, after a lawsuit by the Center for Sierra Nevada Conservation. This spring, the Eldorado adopted (from a selection of alternatives that all included high road densities) the plan that designates the highest number of dirt road miles and the highest number of stream crossings. Despite the Land Management Plan prohibition of vehicles in meadows, the Eldorado plan designates several routes in meadows, making “insignificant” plan amendments. These designations were made in spite of specialists’ concerns about damage to the meadows and the knowledge that meadows provide important wildlife habitat “out of proportion to its availability.”

The Eldorado also designated routes that its watershed specialists had identified as “high risk” routes, impacting water quality. It even designates routes that had already been identified for decommissioning.

The lack of site-specific analysis makes it impossible for the forest to comply with the criteria in the Executive Orders; without knowing what resources or conflicts exist, the forest can’t “minimize” them.

A California State Parks survey shows walking and hiking areas are the state’s biggest unmet recreation needs. Quiet recreation is rationed on the Eldorado, with permits required for wilderness access. Despite the scarcity of places for quiet recreation, the Eldorado’s plan designates the most popular hiking trail on the Georgetown Ranger District as a motorcycle trail, without site-specific analysis. Had any of those responsible for the designation ever been on the trail, its unsuitability for motorcycle use would have been immediately obvious. It is a narrow trail, barely 24 inches wide, yet designated for vehicles under 40 inches in width. Should a motorcycle encounter a hiker, there is no place for either to move aside, as the trail is on the rim of a canyon, with steep drop-offs.

The Eldorado has a deferred maintenance backlog on its Maintenance Level 3, 4 and 5 roads of over \$33 million. Its level 2 roads are virtually unmaintained and many are no longer passable even by high-clearance vehicles. Instead of designating these routes for highly modified 4-wheel drive vehicles, the forest should be looking for ways to accommodate the passenger vehicles that American families drive to access their favorite campgrounds, hiking trails and picnic areas. With the high price of gas, Americans should not have to own big

4x4 rigs in order to be able to travel forest roads. An emphasis on roads available for passenger vehicles would have the combined benefits of providing recreation opportunities for the average American, while protecting the water quality provided by healthy watersheds.

Despite the Sierra Nevada Plan Amendment's desired future condition of reducing fragmentation of old forest emphasis zones, the Eldorado decision further fragments the forest; again, without explanation or site-specific analysis.

The Eldorado plan makes no provision for enforcing route designation, or for restoring unauthorized routes. These omissions make the decision a meaningless, expensive paper exercise. Despite agency and user assertions that off-roading is a "family" sport, this activity is an enormous drain on available law enforcement personnel for both the BLM and Forest Service. Complaints from rural residents and damage to natural and cultural resources attest to the fact that existing law enforcement is inadequate. It is unreasonable for the Congress to require the agencies to make accommodation for off-road use, while denying them the resources needed to manage such a potentially damaging use of the public lands.

We urge the Committee to make the following recommendations:

1. Route designation should consider the needs of all public land users, not just the vocal off-road community;
2. Emphasis should be on quality systems, not quantity;
3. Routes should be designated only after site-specific analysis that includes the criteria in the Executive Orders;
4. Route systems must be maintainable, given existing and projected budgets;
5. Route designations must include law enforcement plans, with provision for future closure of areas that continue to receive damage from off-route travel;
6. The Forest Service and Bureau of Land management must receive the financial resources needed to maintain and manage their designated systems and law enforcement budgets adequate to enforce the designations.

Our public lands are a unique and precious heritage provided to us by the foresight of wise American men and women who preceded us. We have a duty and moral obligation to these ancestors and to our children and grandchildren to ensure the public lands we pass on are still capable of supporting wildlife, producing clean water and providing quiet places to recreate.

Excess roads fragment habitat, spread weeds and grasses that displace native species, impact aquatic systems, and displace quiet recreationists. Technology can provide us the means to build theme parks where extreme off-roaders can challenge their expensive suspension systems by climbing over rock walls. We cannot create meadows; we cannot build streams with fish and amphibians. We

cannot create an intact desert. We have no moral right to allow the destruction of ecosystems in order to provide play areas for vehicles.

Please tell the Forest Service and BLM to get it right this time.

If any member would like documentation for the statements included above regarding route designation, please feel free to contact me.

Sincerely,

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