



August 28th, 2018

The Honorable John Curtis  
U.S. House of Representatives  
2236 Rayburn House Office Building  
Washington, D.C. 20515

Dear Rep. Curtis:

We appreciate the opportunity to comment on H.R. 5727, the Emery County Public Land Management Act of 2018. Over the past decade, we have supported Emery County's initiative to develop balanced legislation that would at least partially-resolve the debate between preservation and various uses of the land. We understand that getting a bill through Congress requires buy-in from the majority of states. However we feel that the current version goes too far in compromising the outlook of responsible off-highway vehicle (OHV) recreation, and we request at least four amendments that are detailed below.

Ride with Respect was founded in 2002 to conserve shared-use trails and their surroundings. Since then, over 700 individuals have contributed money or volunteered time to the organization. Ride with Respect has performed over 18,000 of high-quality trail work on public lands, most of which was in the Moab Field Office. In the Price Field Office, Ride with Respect has participated in the 2008 RMP and subsequent travel planning.

The Sage Riders Motorcycle Club and Castle Country OHV Association have a combined total of over two-hundred dues-paying members. Specific to the Price Field Office, these two clubs have spent several-hundred hours advocating for responsible off-highway vehicle (OHV) access leading up to the 2003 travel plan for the San Rafael Swell. Since then they have volunteered several-thousand hours of community service implementing this travel plan, which included blocking off some routes, marking other routes "open," developing a travel map of the area, and improving this trail system for all to enjoy. Finally, they contributed hundreds of hours to the Emery County Public Lands Council through projects like inventorying routes and documenting the historic forms of development across BLM lands that were called "wilderness character" areas.

Previous Emery County bills had several provisions to ensure long-term OHV access, but the current bill subtracted them while adding benefits for groups that advocate expanding wilderness designation. Since the bill was introduced in May, we discovered the removal of these OHV-friendly provisions, and we accepted some of them right away (such as the West-Side Multiple-User Community-Connector Trail System). In June we narrowed down to ten provisions from previous Emery County bills that deserve serious consideration (see "HR5727

Changes 2018-06-26"). In July we elaborated on the merits of each amendment (see "ECPLMA Explanation of Ten Amendments 2018-07-30").

We recognized the bill's attempt at "cherry stemming" to exclude all motorized routes from the national conservation area (NCA) designation. However we seriously question whether this measure would secure access in future, not to mention whether it could even be feasible for the BLM to manage this arrangement. As an Emery County representative testified before the House Subcommittee on Federal Lands last July, the "cherry stemming" would not prevent the BLM from redoing its San Rafael Swell travel plan under the terms of the settlement agreement, which could close routes three years from now. Perhaps we won't get a guarantee of access to specific routes in perpetuity, but we should expect benefits like "no net loss" of routes to be more than fleeting. Otherwise the acreage of wilderness, NCA, and Wild & Scenic River designations should be scaled back.

Likewise, the bill would not prevent a future president from proclaiming any number of places in Emery County as national monuments. Granted, it would make the Swell less likely to become a national monument. However, it's not clear that the current bill's NCA designation would be much better than a monument designation. The current bill's clear benefit to Emery County is its consolidation of SITLA property, but this measure would equally benefit preservationists because it would eliminate the threat of SITLA developing its property in the Swell. Therefore the bill should not have to sacrifice long-term OHV interests in order to achieve land consolidation.

OHV riding already provides economic benefit to Emery County, and has even greater potential. The landscape is well-suited for OHV riders who don't mind the loose soil, expanse between points of interest, or lack of urban infrastructure. Although barely mentioned in recent media coverage...

<https://www.outsideonline.com/2302291/emery-county-utah-monument>

...OHV recreation is a critical component of robust tourism in many rural counties. In fact, a study commissioned by the Obama Administration...

<https://www.bea.gov/scb/2018/03-march/0318-prototype-statistics-for-the-outdoor-recreation-satellite-account.htm>

...identified motorized recreation as the largest single sector of the outdoor recreation economy. Motorized recreationists tend to spend more than their non-motorized counterparts. For example, a 2011 report...

[https://headwaterseconomics.org/wp-content/uploads/GrandCounty\\_Report\\_March2015.pdf](https://headwaterseconomics.org/wp-content/uploads/GrandCounty_Report_March2015.pdf)

...concluded that motorists visiting Moab averaged a "direct output" of \$185.88 per visit, while bicyclists visiting Moab averaged \$105.36 per visit. This report is likely to be accurate when estimating economic impact on a per capita basis. However, when it comes to total use levels, it is unlikely to have captured the extent of dispersed uses such as OHV riding on BLM land. As the report points out, "The National Visitor Use Monitoring Survey (NVUM) used in this report was a U.S. Forest Service pilot study applied to BLM lands. Though every effort was made to capture the widest range of public lands users and activities, the timing and location of surveys and their voluntary nature mean that it is possible certain users and types of activities may be over/under sampled."

To this end, your staff has offered to switch the proposal from an NCA to a National Recreation Area (NRA). We welcome this switch, as it would reflect the significance of recreation and keep the Swell out of the BLM's National Landscape Conservation System. In anticipation of this switch, we have reduced the ten amendments to four that represent the minimum changes we would need to support the current bill:

1. Establish a policy of "no net loss" of off-highway vehicle access within the NRA in perpetuity. (SEC. 102 (d))
2. Remove language that would prohibit building new motorized routes. (SEC. 102 (d)(2))
3. Clarify that the NRA's recreational purpose includes operating off-highway vehicles on motorcycle, ATV, and four-wheel drive trails. (SEC. 101 (b))
4. Remove language that would terminate the NRA's resource advisory council. (SEC. 103 (f))

Please note that these four amendments are not our top priorities, as they would not provide the assurance of codifying specific routes. However they seem realistic to pass, and would be compatible with the settlement agreement. By the same token, these four amendments would be substantial enough to make the bill better than the status quo, and to improve the outlook for us defend responsible recreation in the coming years, decades, and generations.

Also note that the "cherry stemmed" routes surrounded by wilderness areas should have a corridor that is sufficiently wide to manage the route as conditions change. For example, many of these routes follow active drainages that meander, which may require the route to follow the drainage or cross at a different location. Therefore we suggest a corridor of at least 99 feet, a distance which also happens to be the BLM's current standard for conducting cultural surveys along motorized routes in the Price Field Office. We suggest defining this corridor in the bill. Otherwise the BLM's manual on management of wilderness areas indicates a corridor of 60 feet for unmaintained roads, which is narrow and subject to further narrowing administratively or judicially.

Between the establishment of wilderness study areas and the 2003 "emergency closure," OHV riders have already lost access to half the routes in the Swell, largely due to the BLM's route inventory being incomplete. We're still willing to compromise, and we don't even expect to get the level of guarantee that preservationists get through wilderness designation. Nevertheless, when legislation would affect a premiere OHV riding area like the San Rafael Swell, we need some degree of assurance that will last beyond passage of the bill or approval of the first management plan.

Provided these amendments, we would support H.R. 5727 as a model for other counties across our great state.

Sincerely,

Joan Powell  
Member  
Castle Country OHV Association

Wade Allinson  
South Eastern Public Lands Representative  
Sage Riders Motorcycle Club

Clif Koontz  
Executive Director  
Ride with Respect

encl: HR5727 Changes 2018-06-26  
ECPLMA Explanation of Ten Amendments 2018-07-30

cc: Orrin Hatch, U.S. Senate  
Mike Lee, U.S. Senate  
Rob Bishop, U.S. House of Representatives  
Chris Stewart, U.S. House of Representatives  
Mia Love, U.S. House of Representatives