

June 25, 2009

Transmitted by email to:

Domenick.Carroll@mail.house.gov

The Honorable Raul M. Grijalva
Chairman
Committee on Natural Resources
Subcommittee on National Parks, Forests and Public Lands
United States House of Representatives
1333 Longworth House Office Building
Washington DC 20515

Re: Subcommittee Hearing: May 5, 2009: SEMA Comments on H.R. 980

Dear Chairman Grijalva:

The Specialty Equipment Market Association (SEMA) is pleased to provide comments to the House Subcommittee on National Parks, Forests and Public Lands in connection with your Committee's consideration of H.R. 980, "The Northern Rockies Ecosystem Protection Act." SEMA believes the legislation is well-intended but is overly broad in scope and lacks consensus support at both the local and national levels.

SEMA is the trade association of the American automotive enthusiast, supported by 7,500 mostly small businesses nationwide that design, manufacture, rebuild, distribute and retail specialty automobile parts and accessories for the automotive hobby. Equipment for off-highway vehicles (OHVs) – wheels, tires, lift kits, lights, truck caps, running boards, cargo storage, etc. – represents an important segment of products manufactured by SEMA members. SEMA also operates the SEMA Action Network (SAN), a nationwide partnership between vehicle clubs and enthusiasts who have a common interest in the auto hobby, including OHV and back-country recreation.

SEMA opposes H.R. 980 for the following reasons:

- Precedent-Setting Legislation: The term "bioregion" is not found in the United States Code. However, H.R. 980 invents the term "Northern Rockies Bioregion" and then uses it as the reason for outlawing any motorized activity on 24 million acres of land in five States. The bill would also ratify 15 findings about the federal lands, resources, and management of the northern Rockies. This is precedent-setting legislation which could be cited in the future for creating other "bioregions" around the nation or for taking further restrictive actions within the "Northern Rockies Bioregion." For example, if applying the basis for H.R. 980's findings to the nation's east coast and mid-section, it could easily be

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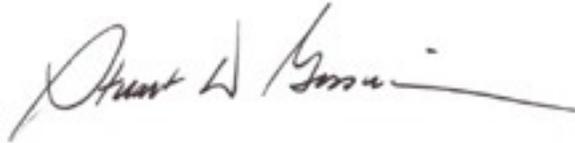
argued that urban sprawl and farmlands have threatened the plants and wildlife of various “bioregions,” and that the federal government should create vast tracts of Wilderness. Five States for which the argument could apply have no Wilderness areas at all: Connecticut, Delaware, Iowa, Kansas, Maryland, and Rhode Island. In fact for all 50 States, it could be argued that important bioregions are at risk as thousands of species of grasses and flowers are replaced by a single plant (wheat, corn, cotton, etc.) and suburbs and highways destroy living habitats and migration patterns for countless animal species. The “bioregion” approach is simplistic and unfocused, and should be abandoned as an implement for unilaterally dictating use for millions of acres of land.

- Definition of Ecosystem: There are a myriad of ‘ecosystems’ within the United States, many of which have overlapping territories. The legislation applies the term “ecosystem” to both individual Wilderness areas and the entire scope of lands encompassed within H.R. 980 (in the same fashion as “bioregion”). While management of ecosystems are encompassed within laws like the Wilderness Act and the Endangered Species Act, the definition of ecosystem is narrowly applied to individual tracts of land. The legislation should work within that tradition.
- Local & State Support: SEMA believes the intent of the legislation is to use the “Northern Rockies” label to make it easier to simultaneously designate multiple tracts of land as Wilderness or apply other restrictive land use designations. SEMA supports such designations when they are appropriate and necessary. However, local and State involvement is critical given the ramifications of the designations. SEMA does not believe there is threshold support at the local and State levels to demonstrate an understanding of H.R. 980’s potential impact. The legislation appears to sidetrack public scrutiny and consensus by bundling a myriad of individual land designations that are traditionally considered on a case-by-case basis. The legislation should not move forward until it can be demonstrated that there is a critical threshold of local, state and federal support, including sponsorship by members of Congress representing districts encompassing the land and federal agencies with jurisdiction over the land.
- State-by-State Approach: The territory covered by H.R. 980 – 24 million acres covering five States – is too vast and diverse to permit fair consideration by the public and Congress. More focused, manageable legislation will enhance discussion and opportunity for reasonable agreement among all the parties, both in the US Congress and at the local level, on how best to accomplish the legislation’s environmental goals. It will also allow for site-specific confirmation that proposed Wilderness lands meet the necessary criteria. For example, some of the land encompassed within H.R. 980 do not meet the Wilderness standard since it contains roads, bridges, campgrounds or other evidences of human activity. At a minimum, SEMA recommends that H.R. 980 be reduced to five separate bills; one for each of the five States affected.
- Existing Roads and Trails: Inventories of existing roads and trails have not yet been completed for many of the areas subject to restrictive designations under H.R. 980. We note that comments provided by the Bureau of Land Management at the May 5th Subcommittee hearing referred to the extensive existing road system in the land covered by the bill. Any

legislation must take into account these roads and trails, many of which are used and maintained by OHV enthusiasts. When there is a determination to designate an area as Wilderness, the legislation should contain clear language to specifically permit “cherry stemming” of the existing roads and trails. SEMA also supports cooperative approaches when creating wilderness designations such as establishing adjacent or nearby areas that are open to OHV use. The legislation does not adequately address these issues.

Thank you for this opportunity to share our views. We look forward to working with you and the Subcommittee in the future and thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Stuart D. Gosswein", with a long horizontal line extending to the right.

Stuart D. Gosswein
Director, Federal Government Affairs

Attachment: SEMA Position Statement regarding
Regulating Motorized Recreation on Federal Lands

SEMA POSITION STATEMENT

Regulating Motorized Recreation on Federal Lands

SEMA supports managed care of the nation's public lands in a manner that balances responsible recreational opportunities with a need to maintain the health and beauty of our federal lands, and the safety of patrons.

- **SEMA supports OHV policies that recognize the importance of vehicle-oriented recreation**: Increased OHV use in recent years has provided the American public with the ability to enjoy public lands in record numbers.
- **SEMA supports broad national guidelines combined with local management decision-making**: It is important that local officials have authority to work with the public and State, Federal and Tribal government leaders to make appropriate decisions on OHV access.
- **SEMA supports strong public involvement in decision-making**: SEMA recommends that government agencies be required to seek the active participation of the public in the process of designating OHV access and Wilderness Areas.
- **SEMA supports flexible timetables for designations**: The designation process is complex and may vary from forest-to-forest, or other federal land area. While there may be a uniform approach, the specifics must be dealt with at the local level according to the unique circumstances of each land area.
- **SEMA supports certain “user-created” routes**: By default, the designation process places the onus on the OHV recreational community to identify routes that were created in recent years that have not yet been inventoried (“user-created” routes). Many of these routes came into existence during “open” management and serve a legitimate need and purpose, and do not pose an environmental threat. In some cases, these uninventoried routes may even be more environmentally friendly and provide a better overall access solution than their inventoried counterparts.
- **SEMA supports reasonable application of “Emergency Powers”**: There are times when emergency closures are necessary to provide short-term resource protection or to protect public health and safety. Nevertheless, the public should be included in the decision-making process when such closures last beyond 12 months.
- **SEMA supports defined vehicle classes and use authorizations**: Vehicle classes need to be defined at the federal level so there is uniform application across the country when it comes to planning, mapping of roads/trails, etc.