

Colorado Off-Highway Vehicle Coalition



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LAWSUIT OVER OHV RECREATION ALLEGES ILLEGAL DIVERSION OF FUNDS

DENVER, Friday August 13, 2010 – Two disabled Coloradans – one a Vietnam War veteran who lost his leg in combat – joined a group of Off Highway Vehicle (OHV) clubs Friday to sue the Colorado Board of Parks and Outdoor Recreation (Parks Board) to set aside its recent action to divert OHV user fees to activities other than motorized recreation.

The Denver District Court lawsuit, spearheaded by the Colorado OHV Coalition (COHVCO), alleges multiple violations of the Colorado Open Meetings Law and seeks to set aside the July 16 actions altering the 21-year old Off-Highway Vehicle Recreation Fund grant program.

Co-plaintiff Lyle Borders of Longmont is a former United States Army helicopter pilot who served in Vietnam, where in 1971 he was wounded and had his right leg amputated above the knee. Mr. Borders is an outdoor enthusiast who enjoys hunting and camping using his all-terrain vehicle (“ATV”) to access public lands and to be able to hunt. Mr. Borders pays annual registration fees into the Recreation Fund. He visits the Arapaho, Roosevelt, Grand Mesa, Uncompahgre, and Gunnison National Forests in Colorado, as well as public lands in the Grand Junction area administered by the United States Bureau of Land Management (“BLM”). Recreation Fund grants traditionally have ensured the proper maintenance of such OHV routes throughout the state, and provide signage, mapping, and education in responsible OHV use.

“I have always been an outdoors person. After my injury my ability to access the outdoors changed dramatically. If less money flows from the Recreation Fund to trail maintenance, I will lose recreation opportunities,” Borders said.

Jennifer Dent of Westcliffe has also joined the lawsuit. Ms. Dent suffered an injury 13 years ago that severely limited her ability to walk and eliminated her ability to hike. “Thankfully, because of the ATV my husband and I own, I can still travel into the backcountry areas that would otherwise be totally inaccessible to me,” she said. Ms. Dent has been riding on ATVs for approximately two years, including on designated OHV routes on the Rio Grande, Gunnison, Pike, and San Isabel National Forests in Colorado. “We should not be shut out of these areas because of the mode of transportation that I rely on,” she added.

“The Parks Board is trying to divert funding away from the fund’s statutory mandates, which all promote or preserve recreation opportunities,” according to Jerry Abboud, COHVCO’s executive director. “Motorized recreationists are understandably upset that their registration and permit fees would instead go to implement closures of recreation opportunities. We entirely pay our own way without a dime of other state funds,” he added.

In addition to claims that the Parks Board actions violate the Recreation Fund statutory grant criteria, the lawsuit alleges the Parks Board met in secret three times to accomplish these actions. These meetings, according to the lawsuit, violate the state Open Meetings (Sunshine) Law.

“I was specifically uninvited to one so-called ‘OHV Modifications Roundtable’ meeting attended by multiple Parks Board members,” Abboud said. “An illegal process produced an illegal result, which harms a highly successful public-private partnership.” Abboud noted that the U.S.D.A. Forest Service has recognized Colorado’s Recreation Fund programs at the national level as a model for the management of OHV recreation.

Joining COHVCO, Mr. Borders and Ms. Dent in the lawsuit are local OHV clubs from around the state, including the Grand Junction-based West Slope ATV Association; the Colorado Springs-based Trails Preservation Alliance, the Denver-based Mile-Hi Jeep Club of Colorado; the Steamboat Springs-based Timberline Trailriders, Inc.; the Delta-based Thunder Mountain Wheelers; the Colorado Springs-based Colorado Motorcycle Trail Riders Association, Inc; and the Durango-based San Juan Trail Riders.

COHVCO is a Colorado nonprofit corporation with approximately 2,000 individual, OHV club, and business members. COHVCO has worked since 1987 to represent, assist, educate, and empower OHV recreationists in the protection and promotion of off-highway motorized recreation throughout Colorado. COHVCO developed, promoted, and assisted in the creation of the Recreation Fund program in 1989 (Section 33-14.5-106, Colorado Revised Statutes). COHVCO has received grants from the Recreation Fund for resource protection and improvement, user education,

visitor contacts, planning and travel plan implementation on Forest Service and BLM lands.

The West Slope ATV Association (WSATVA) is a Colorado nonprofit corporation based in Grand Junction with over 300 members. For 22 years, WSATVA has promoted responsible ATV use as a legitimate family recreational activity on public lands through education of the general public, media, and elected officials. WSATVA also provides search and rescue assistance to Mesa County. WSATVA has received grant money since 2006 from the Recreation Fund for resource protection and improvement, maintenance, education, planning and travel plan implementation, and equipment.

The Trails Preservation Alliance (TPA) is a Colorado nonprofit corporation focused on preserving motorized, single-track trail riding. TPA received grant money through the Recreation Fund's 2009-2010 grant cycle for trail improvement and enforcement in the San Juan National Forest.

The Mile-Hi Jeep Club (MHJC) is a Colorado nonprofit corporation based in Denver with approximately 200 members. For the last 50 years, MHJC has worked to unite adventure loving people in worthwhile 4-wheel drive activities; to educate its members in the proper manner of all road driving; to protect and preserve the natural beauty and terrain; and to participate, on a voluntary basis, in search and rescue and other humanitarian missions as the community needs. MHJC received a grant in 2009 from the Recreation Fund for resource protection and improvement, maintenance, education, visitor contact, planning and travel plan implementation, and signage.

Timberline Trailriders, Inc. (TTI) is a Colorado nonprofit corporation based in Steamboat Springs with more than 100 members across northwest Colorado. For the last 35 years, TTI has worked to clear trails and organize events for motorcycle trail riders. TTI has received grant money through the Recreation Fund since 1998 for trail maintenance, management, education, and equipment for the Routt National Forest Trail Crew. TTI has earned "Good Manager" status for the Routt National Forest Trail Crew. Since 2004, TTI has received grants for resource protection and improvement, maintenance, education, visitor contacts, planning and travel plan implementation, and equipment. TTI intends to apply for grants from the Recreation Fund in the future.

Thunder Mountain Wheelers (TMW) is a Colorado nonprofit corporation based in Delta with approximately 210 families and 40 businesses as members. TMW promotes responsible use of public and private lands to foster and provide an attitude of public service, volunteerism, safe riding practices, and rational and environmentally responsible techniques of riding OHVs. TMW has received grant money through the Recreation Fund since 2004 for new trail construction, resource protection and improvement, trail maintenance, education, planning and travel plan implementation, equipment, signage, and work with the Youth Corps.

Colorado Motorcycle Trail Riders Association (CMTRA) is a Colorado nonprofit corporation based in Colorado Springs with more than 100 members. For more than 30

years, CMTRA has been active in trail maintenance of Colorado motorcycle trails in the Pikes Peak and Southern Colorado region, including on the Pike and San Isabel National Forests. CMTRA received grant money through the Recreation Fund for resource protection and improvement, maintenance, education, planning and travel plan implementation, signage, and work with the Youth Corps since 2005.

San Juan Trail Riders (SJTR) is a Colorado nonprofit corporation based in Durango with approximately 400 members. SJTR is dedicated to promoting the needs and interests of OHV enthusiasts throughout Colorado while preserving the natural beauty of the wild lands and fostering compatibility and courtesy between forest users. SJTR has been awarded a grant from the Recreation Fund program for the 2010-2011 grant cycle for trail maintenance and improvement.