



## United Four Wheel Drive Associations

*Protecting, Promoting, and Providing 4x4 Opportunities Worldwide*

### UFWDA eNews August 2011

Crikey, so much for global warming... and climate change. To snow here in Auckland New Zealand as its done recently, is very rare but not unknown. 1939 was the last equivalent weather spate. So things haven't really changed perhaps, just the length of memories.

Another feature of my August has been the release of an interim decision of the NZ Environment Court in respect of a surveyed but unformed legal road that was proposed to be 'stopped' (or closed). This was a court case that my club was an objecting party to and involved several days in the Court. A general overview can be found on [www.auckland4wd.org.nz](http://www.auckland4wd.org.nz)

While we achieved some success; on the North American scene, things are pretty tough in California and neighboring states. Another sneaky move by Trout Unlimited and there's a proposal to consider land use for renewable energy projects. While the concept is in the 'feel-good' category, the implications to 4x4 recreation are dire. Desert land will be set aside, but in my view recreation will be sidelined for reasons like dust creation, that may degrade things like solar energy collectors. Check the note below about the Desert Renewable Energy Conservation Plan

UFWDA attended the inaugural Bantam Heritage Jeep Festival and Pat Brower has been writing a report for the Summer edition of Voice that's due out in early September. [Here's some other views...](#)

There's a preview of the cover of that Voice in this eNews.

*Peter Vahry – editor - international vice-president*  
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### Headlines

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## A growing issue associated with Trout Unlimited (TU)

TU was instrumental, in their role as antagonist, in spurring on the US Forest Service closure of Tellico. One of the claims made in their petition to the USFS, was a Clean Water Act (CWA) violation by 4x4 vehicles as allowed by the USFS, in crossing waterways without a CWA permit for dredge/fill.

In 2009 or 2010, a federal district court ruled in a similar case, that logging truck use of USFS roads did not trigger permitting under the CWA. In the late months of 2010, the 9th Circuit Court of Appeals overturned the district court ruling, stating that the use of logging trucks on USFS triggered the permit requirements under the CWA and remanded the case back to the district court.

In July 2011, several Republican Representatives introduced legislation to amend the CWA to exempt forest roads from CWA permitting requirements, a direct attempt to overturn legislatively what the 9th Circuit Court of Appeals was doing judicially. The bill is called the Silviculture Regulatory Consistency Act H.R. 2451/s1369.

Meanwhile, TU has issued a campaign for OHV sportsmen and are posing themselves as representatives of mainstream OHV users – 4x4, ATV, and UTV. They have launched a program they call the Sportsmen Ride Right program. See <http://sportsmenrideright.org/>

The SRR website is apparently striking many OHV users as legitimate and a good representation of OHV access rights. Nothing could be further from the truth. TU is not promoting legitimate OHV access. They are promoting environmental conservation under the guise of OHV protection but betray themselves to knowledgeable land use people.

The SRR website states, “*At times, the affiliation of purely recreational riders focuses almost exclusively on championing open, unrestricted access – often at the expense of recognizing and protecting the integrity of our public lands hunting and fishing resources. The sportsman-based OHV community on the other hand, strives to temper reasonable access with responsible stewardship. In the end, we as a bi-partisan sportsmen’s OHV community, want to be able reach the fringe of our favorite hunting or fishing spots, but not fragment and destroy our cherished resources in the process. Savvy sportsmen realize that over-access jeopardizes quality hunting and fishing opportunities. OHV play areas simply are not good hunting by their very nature.*”

The issue surrounding education of four wheelers about the true intentions of SRR is an issue in and of itself. However, the problem doesn’t begin and end there.

The threat that SRR poses to UFWDA cannot be underestimated. First they are manipulating the agencies by posing as moderate reasonable and legitimate representatives of the OHV community. Second, they are gaining some ground within the user community.

To bring you full circle, keep in mind that the position promoted by TU in the Tellico issue is the exact position promoted by Wildlands CPR (Center for Preventing Roads). These guys mean business and are a real threat to OHV access.

Carla Boucher

UFWDA legislative attorney

## Virginia 4X4 Expo August 27, 2011

### [1st Annual Virginia 4X4 Expo, August 27, 2011, Richmond, VA](#)

Show & shine Competition - all breeds of off road vehicles and awards.

Swap Meet - parts for all vehicles, motorcycles, ATV's, etc.

New vehicles for demo - dealerships welcome.

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Manufacturers / Vendor / Sponsor displays - off road vehicles, ATV's, tires, straps, winches, etc.

Vendors of all kinds - food, concessions, magazines, products, services.

RTI Ramp to score your vehicle's articulation

Demonstration Roll Over Jeep (ROJ)

Big Dogs Offroad information - Survival Training Course, OHV events, rock crawl competitions.

<http://www.va4x4expo.com/>

## Desert Renewable Energy Conservation Plan

<http://www.pirate4x4.com/forum/showthread.php?t=1000343> "The enviros are at it again. And we'll pay the price in lost access. Under the guise of going green with renewable energy they have worked themselves into a plan where they get to elevate the conservation status of the entire desert here in So. California. Through a plan called the Desert Renewable Energy Conservation Plan (DRECP), they have been granted this "opportunity" which will lock us out of many areas.

An EIS/EIR has just started which runs through September 12th."

[www.corva.org/pages.php?pageid=102](http://www.corva.org/pages.php?pageid=102)

*The Desert Renewable Energy Conservation Plan seeks to determine the most appropriate locations for utility-scale renewable energy projects in the California desert, and provide for the long-term conservation and management of significant biological species.*

*In short, the plan will determine where to build solar & wind projects in the desert, and where to conserve habitat for plants and animals that would be affected by the projects.*

### **Where is the DRECP?**

*The DRECP boundaries include more than 20 million acres of public and private land in the California Desert. You can find a map of the DRECP planning area here:*

[http://www.drecp.org/maps/DRECP\\_Boundary\\_Area\\_Map.pdf](http://www.drecp.org/maps/DRECP_Boundary_Area_Map.pdf)

## Recreational Access Council of California

<http://recaccesscalifornia.com/racc/>

*The **Recreational Access Council of California** ("RACC") is a coalition of individuals and organizations representing various recreational users of public lands whose goal is to maintain public access.*

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## Beach patrols aim to protect Corolla's wild horses

By [Jeff Hampton](#)  
The Virginian-Pilot  
© July 31, 2011

### COROLLA

Last month, a wild horse born behind the dunes of the Currituck Outer Banks was found gravely ill.

He could barely stand and his ribs protruded, symptoms of malnutrition. A veterinarian fed him a milk substitute through a tube inserted into his nose. But it was too late; he died two days later.

A necropsy showed the foal's intestines were impacted and infected. A resident reported she had seen someone just days earlier feeding watermelon rinds to the foal and its mother and father, a violation of a Currituck County ordinance. Food that domestic horses could eat without problems can sicken and kill wild horses.

"That was miserable suffering," said Karen McCalpin, director of the Corolla Wild Horse Fund. "He was a completely healthy foal."

Crowds coming to the four-wheel-drive area north of Corolla appear to be growing, and so is harassment of the wild horses, McCalpin said.

In response, the Corolla Wild Horse Fund hired three people, including two off-duty law enforcement officers, to patrol the beaches, an unprecedented move after years of depending mostly on volunteers to report infractions.

"It makes me crazy to know these horses are surrounded all the time," McCalpin said. "It seems like we're having more issues every year."

In the past two years, three horses have been hit by vehicles and had to be euthanized. Since 2001, seven horses have been shot and killed. The last one was four years ago. That crime was never solved.

Whenever horses show up on the beach to cool off and escape biting flies, people flock around them.

"When you see a crowd, it's either a mighty good party or wild horses," McCalpin said. "Most people are not being malicious. They just don't understand."

The wild horses are one of the biggest attractions to the Currituck Outer Banks and help fuel the tourism economy in Corolla.

Currituck County commissioners have passed ordinances over the years attempting to protect the horses. They plan a new ordinance to take effect next year that will require licenses for wild-horse tour operators and reduce the number of vehicles they can use, among other things.

But when a stallion and his harem of mares show up with a cute little foal or two, it's hard for people to resist getting close for photos.

Last week, a stallion, two mares and a foal stood near the surf as a breeze ruffled their manes and tails. The stallion was glistening with sweat and breathing rapidly, an indication he was overheated, herd manager Wesley Stallings said.

A man walking down the beach passed within 10 feet of the horses and kept going. A large four-wheel-drive Chevrolet full of people stopped to take photos from a legal distance beyond 50 feet. A few others stopped no more than 30 feet away, took pictures and moved on. Two girls ran up the beach to get a

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closer look. Riding as a back-seat passenger in the Wild Horse Fund vehicle, McCalpin lowered her window.

"Please stay 50 feet away. It's the law," McCalpin called out to them.

They nodded and stopped at the proper distance.

Signs on the beach and along N.C. 12 warn people to give the horses space and not to feed them. Beach house rental companies inform visitors of the rules. But with the turnover each week of several thousand new tourists, it's difficult to get the word out to everybody.

A harem such as the one cooling off in the surf can seem tame and easily approachable. But in an instant, a competing stallion can gallop over the dunes and challenge the harem leader. There can be a fight, and people nearby can be in danger.

"I don't think people understand, these animals are wild," McCalpin said.

Each day, Stallings drives up the beach and into the neighborhoods of Carova, Swan Beach and others to check on the herd.

Using GPS, he has split the 11-mile-long beach strand into four sections. The wild horse herd of 109 animals is divided into 22 harems, smaller groups typically made up of a few mares and foals led by a stallion. Stallings and McCalpin know the individual horses, and most of them have names.

The foal that died was called Tanner.

*Jeff Hampton, (252) 338-0159, jeff.hampton@pilotonline.com*

## Trail Construction and Maintenance Notebook

<http://www.fhwa.dot.gov/environment/fspubs/07232806/index.htm>

A bit of an 'oldie' but still very valid.

## Australian updates

**26-28 August 2011**

**Sydney 4WD & ADVENTURE SHOW**

<http://sydney.4wdshow.com.au/index.phtml>

Presented by the 4WD Clubs of ACT and NSW in association with the National 4WD Council, the Show is designed as a one-stop place for outdoor enthusiasts to find all the products, information, advice and entertainment they need to get equipped for their next offroad adventure. With exhibits covering new release vehicles, 4wd accessories, 4wd clubs, offroad caravans and camper trailers, fishing and boating, camping accessories, electronics, tourism and destinations, and lifestyle products - there really is something for everyone!



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## Forest travel plan upheld on appeal — with a caveat

*White River's plan to decommission 519 miles of routes will face greater scrutiny*

Scott Condon  
The Aspen Times  
Aspen, CO Colorado

GLENWOOD SPRINGS — An appeals officer with the U.S. Forest Service has denied numerous appeals trying to prevent the White River National Forest from implementing parts of a plan that will determine what methods of travel are allowed on what routes.

However, there was a caveat in the hearing officer's findings: He determined that the White River must perform more studies on a proposal to close and “decommission” 519 miles of roads and trails.

The White River, headquartered in Glenwood Springs, completed a Travel Management Plan (TMP) earlier this year that will determine use patterns in the 2.25-million acre national forest for at least the next decade. Twelve appeals were filed, the bulk of them by groups representing off-highway vehicle enthusiasts. Organizations for dirt bikers, snowmobilers and other off-road enthusiasts want to prevent closure of routes.

One conservation group, the Carbondale-based Wilderness Workshop, filed an appeal seeking additional closures; its appeal also was denied.

A top official in the Medicine Bow/Routt National Forest reviewed the appeals. He determined that it wasn't necessary to withdraw the TMP or remand portions back to the White River Forest supervisor's office for further review. In addition, the decision to close 519 miles of routes was upheld, but the hearing officer said the Forest Service must perform more studies through its National Environmental Policy Act on the decommissioning and rehabilitation methods that will be used.

The acting deputy forester for the Rocky Mountain Region upheld the hearing officer's findings in a decision dated Aug. 4. The decisions were made public Monday. That is the final administrative appeal in the process. If appeals are pursued further, they must be made through the courts.

For the full article .....

<http://www.aspentimes.com/article/20110809/NEWS/110809889/1077&ParentProfile=1058>

## Forest Service asks judge to toss lawsuit

by Robert Boczkiewicz- Special to The Mail

DENVER - The U.S. Forest Service is asking a judge to throw out a lawsuit that seeks to bar 500 miles of expanded motor vehicle routes in the Pike and San Isabel national forests.

The lawsuit filed in January by five environmental groups alleges the forest service violated federal laws by approving, from 2007 through last year, the expanded routes in the two forests.

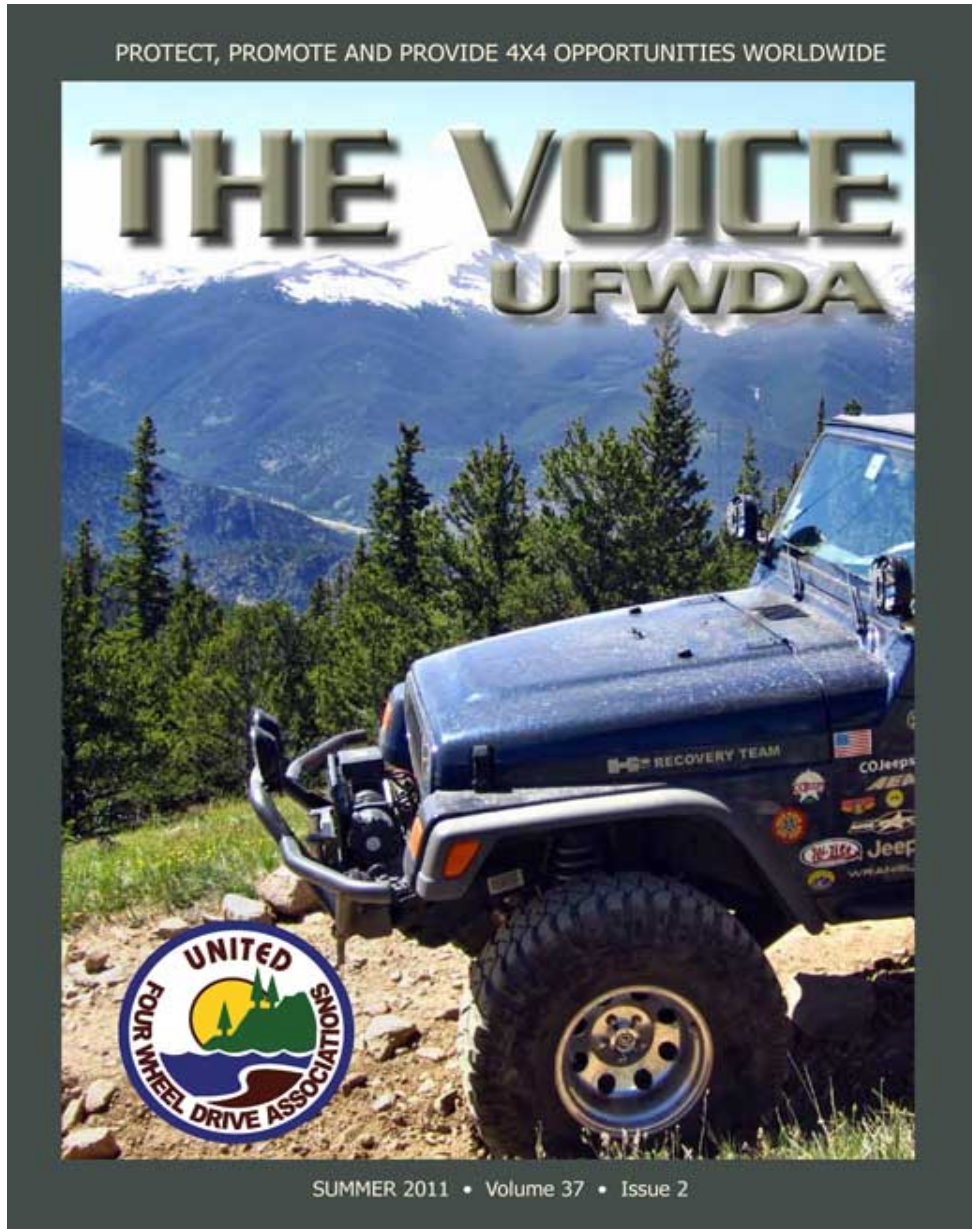
The forest service filed its answer last week in U.S. District Court, generally denying the allegations and seeking dismissal of the lawsuit.

The forests are home to 14,000-foot peaks including Mount Elbert, Collegiate Peaks, Pikes Peak and Mount Evans, and the Sangre de Cristo range.

<http://www.themountainmail.com/main.asp?SectionID=4&SubSectionID=4&ArticleID=23186>

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**UFWDA Voice Summer coming soon**



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## Maratoto Loop 2009 video

**Maratoto Loop 2009** ... a bit old now but nothing much has changed! This is a trail in the Coromandel Ranges in New Zealand on public land managed by the Department of Conservation. [www.doc.govt.nz](http://www.doc.govt.nz) It is managed by four wheelers within parameters set by the Department.

<http://www.youtube.com/watch?v=gxwWh8-Xzpl>

## Cape Hatteras ORV Proposed Rule

### ORV PROPOSED RULE (RIN 1024-AD85)

The public comment period is opened to receive your comments on the proposed ORV RULE (36 CFR Part 7 – SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM, paragraph 7.58 Cape Hatteras National Seashore). The proposed regulation is available at the following sites; [www.parkplanning.nps.gov/documentslist.CFM?projectID=10641](http://www.parkplanning.nps.gov/documentslist.CFM?projectID=10641), [www.islandfreepress.org](http://www.islandfreepress.org), [www.NCBBA.org](http://www.NCBBA.org), [www.obpa.org](http://www.obpa.org), [www.preservebeachaccess.org](http://www.preservebeachaccess.org), and multiple blogs and websites.

This summarily written document is less than 3 pages (excluding the introduction, definitions and questions & answers). The NPS document spells out rules for ORV Operations and ORV Routes and Areas, therefore your comments should be directed to the document as written and/or that which you believe has been left out or ignored. Comments should propose specific solutions where at all possible.

**NCBBA suggests that upon reading this document, you note those parts most objectionable to you and your response should be written accordingly. We will not publish a form letter since this type of response will be ignored by the NPS/DOI readers.**

**Some of the more obviously objectionable items included in the “Proposed Rule” are:**

(c) (2) *ORV Permits.*, While we will not support permits/fees, if they are instituted by the superintendent, he should limit their cost to a minimal amount that could be readily afforded by the average citizen. A visitor to this Seashore should not have to consider the cost of a permit when budgeting his/her family vacation. The \$150-\$200+ permit costs @ some seashores is uncalled for in this Recreational Area. Any permit should be readily available on the internet, the NPS could not possibly process the volume of visitors arriving on a sunny Saturday in mid-summer thus creating unintended closures .

(c) (7) *Special use permits*.... (iii) Transportation of mobility impaired individuals; We appreciate a permit being made available but to immediately remove the vehicle presents a safety issue for the impaired person. The driver must be allowed to keep the vehicle conveniently parked to allow a quick and orderly transport from the beach if the need should arise.

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(c) (9) *ORV Routes* .... Review the table DESIGNATED ROUTES, understand what this will do to limit the access to your traditionally, favorite areas whether they be for fishing, shelling, surfing, swimming or family recreating area. Write what is in your heart, without anger but be explicit.

While the chart references ramps 2.5, 32.5, 47.5, 59.5 and several interdunal roads, no mention is made of how or when these routes will be constructed. Money is very slow coming from Washington (as evidenced in the recent end to the work On Bodie Island Lighthouse). Nothing should be closed unless or until these infrastructures are in place and usable. Parking areas must also be constructed to enable parking for all of the vehicles denied the right to park at favored areas.

VFA's should not be permanently designated areas and only instituted when found necessary by the Superintendent [ie, (10) *Superintendent's closures*.....]. VFA's (Vehicle Free Areas, a new term being used and implemented within this *Proposed Rule*) will require additional off beach parking for those who chose to be pedestrians within the VFA's. If experience shows that VFA/s are not being regularly used by a justifiable number of pedestrians these VFA's could/should be reopened for ORV use.

This *RULE should provide latitude to the Superintendent* to adaptively alter designated routes, including the designation of new routes, to recognize the ever changing landscape of the beaches due to natural events and visitor use patterns.

ORV use during the village winter season...; the dates for winter season should not be fixed by the *Rule* but rather be cooperatively determined annually by the Superintendent, the NCDOT, Dare County officials and Hyde County officials.

(c) (12) *Night Driving Restrictions*. This is a restriction based on supposition rather than science and should not be included. Never was there a reported incident of a turtle death, caused by a vehicle, until 2010 with night driving restrictions already in place.

**File your comments via one of the following:**

DATES: The public comment period will be open for 60 days. Comments must be received on or before midnight (Eastern Daylight Time) on Tuesday, September 6, 2011. The NPS does not anticipate extending the public comment period beyond September 6 due to a court deadline for completing the final rule.

ADDRESSES: You may submit comments on the Proposed Rule, identified by the Regulation Identifier Number: (RIN) 1024-AD85, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments

Mail or hand deliver to: Superintendent, Cape Hatteras National Seashore,

1401 National Park Drive, Manteo , North Carolina 27954.

Comments submitted through the Federal eRulemaking portal: <http://www.regulations.gov> or submitted by mail must be entered or postmarked before midnight (Eastern Daylight Time) **September 6, 2011**.

Comments submitted by hand delivery must be received by the close of business hours (5:00 p.m. Eastern Daylight Time) September 6, 2011.

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**Comments will not be accepted by fax, email, or in any way other than those specified above**, and bulk comments in any format (hard copy or electronic) submitted on behalf of others will not be accepted.

PUBLIC PARTICIPATION: All submissions received must include the agency name, (National Park Service) and RIN for this rulemaking: 1024-AD85. All comments received through the Federal eRulemaking portal at <http://www.regulations.gov> will be available without change. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment including your personal identifying information may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. To view comments received through the Federal eRulemaking portal, go to <http://www.regulations.gov> and enter "1024-AD85" in the "Keyword or ID" search box.

*Sandy Schneirla*

*Tidewater Fourwheelers, Member*

*Virginia Four Wheel Drive Assoc, Vice President*

## UFWDA mail address

Please help us by using this new address....

**United Four Wheel Drive Associations Inc.  
PO Box 316  
Swartz Creek  
MI 4847**

The deadline for contributions to UFWDA e-News, is the 10<sup>th</sup> of each month. Please send materials to [e-news@ufwda.org](mailto:e-news@ufwda.org)

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