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UNITED FOUR WHEEL DRIVE ASSOCIATIONS

WHAT: The U.S. Forest Service (FS) has proposed a new rule to establish a policy for managing motor vehicle use, including OHVs, in our national forests.

HOW IT AFFECTS US: Generally, the proposal is a good idea. The FS has outlined a process to designate roads, trails, and areas for OHV use. The designation will be done at either the forest level or at the district level, to be determined by the FS. The process requires the responsible official (RO) to “consider” both general criteria and specific criteria when evaluating each road, trail, or area for OHV designation.

General criteria for ROADS, TRAILS, and AREAS: RO must consider

- Protection of resources
- Promotion of public safety
- Provision of recreational opportunities
- Access needs
- Minimization of conflicts among uses
- Need for maintenance and administration that would arise if designated
- Availability of resources for that maintenance and administration

Specific criteria for TRAILS and AREAS:

RO must minimize the following:

- Damage to soil, watershed, vegetation, other resources
- Harassment of wildlife and significant disruption of wildlife habitats
- Conflicts between motor vehicle use and existing or proposed recreational uses of this land or neighboring lands
- Conflicts among different classes or motor vehicle uses

RO must also consider

- Compatibility of motor vehicle use with existing conditions in populated areas taking into consideration sound, emissions, other factors
- Trail Management Objectives

Specific criteria for ROADS:

Designation must be consistent with

- Speed, volume, composition, and distribution of traffic on roads
- Road management objectives

Use will be designated by vehicle class and if appropriate by time of year. “Classes of Vehicle” may include, but are not limited to distinguishable groupings such as passenger cars, buses, trucks, motorcycles, automobiles, 4-wheel drive vehicles, off-highway vehicles and trailers.

DEADLINE: Comments must be received by September 13, 2004

MAJOR CONCERNS: Our major concerns are outlined in the form letter that follows. Briefly, they include failure to provide for a time period for which emergency closures can be effective; confusion over the use of the term OHV, 4-wheel drive vehicle, and SUV; lack of clarity that a “trail” can be used for 4-wheel drives and other vehicles over 50” in width; lack of clarity that non-street legal vehicles may be used on “roads” where appropriate; and lack of certainty that the agency will conduct a robust route inventory.

United has been working closely with other motorized recreation groups such as the American Motorcyclists Association, ARRA, BlueRibbon Coalition, COHVCO, and the MIC to develop a comprehensive and unified position on this rule. I am very pleased with the outcome of this cooperative working group and would like to especially thank Pat Holtz with the AMA and Brian Hawthorne and Paul Turcke with BRC for their expertise and collaboration on this effort.

THE GOOD:

Some roads, trails, or areas could never be found “suitable” for OHV use because the existing forest plan wrongfully characterized areas as “Primitive Non-motorized” (when in fact the area has many open and closed roads), dictated management areas that were not consistent with what was really on the ground (deemed an area Roadless when in fact roads were common), dictated a road density standard (these density standards are meant to be goals, not standards). **RULE:** The agency has acknowledged in the proposal that “if a designation decision would not be consistent with a plan, the plan would have to be amended to make it conform to the designation decision”.

UNITED REPOSE: Ask that such acknowledgment be adopted into the Code of Federal Regulations, the FS Handbook, or the FS Manual.

No time limit for conducting inventory and designation.

THE BAD:

The rule describes what vehicles constitute a “distinguishable groupings” of classes of vehicles and in doing so seems to make a distinction between a 4-wheel drive vehicle and an OHV. The problem with this is that if a RO designates a road for “OHV” use (remember OHV is one of the listed classes of vehicles) an argument could be brought by the anti-access groups that OHV does not include motorcycle or 4-wheel drive since those two “groups” are distinguishable from the term OHV by the rule.

UNITED fix: A definition for OHV be listed in the final rule. OHV would be defined as, “Any motorized vehicle designed for or capable of cross country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that term excludes (A) any registered motorboat, (B) any fire, military, emergency or law enforcement combat support vehicle when used for national defense

purposes, and (C) any vehicle whose use is expressly authorized by the agency under a permit, lease, license, or contract.”

The rule fails to give a specific time frame to limit temporary, emergency closures.
UNITED fix: require a 1 year time limit.

RO must consider the maintenance needs and the availability of maintenance funds for the designated road, trail, or area. An argument could be made by the anti-access groups that with an \$8.5 Billion road maintenance backlog any designation for OHV use would be arbitrary and capricious.

UNITED fix: Insist that the final rule require the RO to evaluate the availability of volunteer and cooperative agreements when “considering” availability of maintenance funds.

Trails can be designated for OHV use. United certainly does not oppose OHV designation for trails. However, the FS routinely thinks of “trails” as routes designed and managed for ATV and motorcycle use only. Very few forests think of “trails”, or allow “trails” to be used by full-size, street legal, 4-wheel drive vehicles.

UNITED fix: Insist that the final rule does not narrowly define “trail” as a route designed for travel of vehicles less than 50” in width or otherwise create a blanket elimination of travel on trails for full-size, street legal, 4-wheel drive vehicles and/or SUVs.