

SUPPORT PETITION FOR TRAVEL MANAGEMENT RULE CHANGE

Submitted by: Winter Wildlands Alliance

Background: Since 1972 when President Nixon issued Executive Order 11644, the U.S. Forest Service has regulated the use of all off-road vehicles (ORV), including snowmobiles, on national forest lands on the basis of a uniform set of standards. However, in December 2005, the USFS repealed the regulations that, based on EO 11644, provided for this uniform system of regulation.

In 2005, the Department of Agriculture published final rulemaking (2005 Travel Management Rule, also known as the ORV Rule) to revise regulations governing travel management on National Forest System lands, specifically to clarify policy related to motor vehicle use. The final Rule requires the Forest Service to designate those roads, trails, and areas that are open to motor vehicle use, and prohibits the use of motor vehicles off the designated roads, trails, and areas. One unfortunate outcome is that the Rule exempts snowmobiles and other over-snow vehicles (OSV) from its mandatory designation scheme.

The 2005 Rule requires Forest Service managers to adhere to a number of requirements in designating lands as either open or closed to motor vehicle use. These include mandatory public involvement, periodic revision of designations and, perhaps most importantly, application of specific substantive criteria in making designations (e.g., the responsible official must act to minimize “damage to ... forest resources, harassment of wildlife [and] conflicts between motor vehicle use and existing or proposed recreational uses”). The Rule does preserve a Forest Service manager’s ability to allow, restrict or prohibit over-snow vehicle use. However, because snowmobiles are exempt from the Rule’s designation scheme, none of these otherwise mandatory requirements apply to a manager’s decision to designate lands as open to snowmobiling. The decision is wholly within the discretion of the responsible official.

Even more objectionable, the Rule does require the application of the mandatory standards when a land manager desires to close an area for snowmobiling. Thus, under the 2005 regulations, opening lands to snowmobile use requires no public involvement, no analysis of potential damage to soil and other forest resources, and no consideration of conflicts between snowmobile use and other recreational uses such as skiers and snowshoers. Yet an action to close those same lands to snowmobiles would first require a public comment period and all other procedural elements of the Rule. Importantly, the Rule contains no standards to guide land managers in their decision whether to allow snowmobiling.

This effective deregulation of an entire class of motor vehicles on national forest lands, the result of the 2005 Travel Management Rule, should be remedied by putting in place a set of standards for motorized use that treats OSV use no differently from the standpoint of resource damage and user conflict than other motorized uses. This could be accomplished by removal of the exception for OSV use in the 2005 Rule or by promulgating a new rule specifically for OSV use on national forest lands.

Winter Wildlands Alliance is preparing a formal petition to the USDA Forest Service for rule change to remedy the OSV exemption from the 2005 Rule and is seeking other organizations to sign on in support of the petition.

Resolution: The Federation of Western Outdoor Clubs supports a petition for rule change to the 2005 Travel Management Rule in order to remedy the exclusion of over-snow vehicles from the Rule. In order to protect wildlife habitat, winter ecosystems and quiet-use opportunities on national forest lands, the FWOC believes snowmobiles and other over-snow vehicles should be managed under the same regulations as wheeled off-road vehicles.

Contact: Mike Menlove, 910 Main St., Ste. 235, Boise, ID 83702, (208) 336-4203.
mmenlove@winterwildlands.org