



A History of Abuse and Neglect

Over the past 30 years, motorized recreation and cross-country travel on national forests has increased dramatically, resulting in unprecedented damage to valuable natural resources and increasing conflicts among other forest users. As off-road technology has increased, along with the number of off-road enthusiasts, so have the negative impacts to our public lands. A lack of regulation and enforcement resulted in a nationwide network of unauthorized, user created roads and trails created with no regard for the environmental damage being caused. Human safety, wildlife preservation, and concern for fellow forest users have taken a back seat to the need for speed and adrenaline.

In 2004, Forest Service Chief Dale Bosworth identified unmanaged off-road vehicle recreation as one of the four key threats¹ to national forests. Thus began the process of managing travel in forests throughout the nation. In 2005, the Forest Service released a rule governing the use of off-road vehicles and prohibiting cross-country travel. This rare and long overdue opportunity for the Forest Service to finally curb one of the most destructive uses of public lands is also a chance to remedy decades of damage and prevent further destruction.

Under the rule, known as the [Travel Management Rule](#), national forests, with public input, will first analyze the current situation on the ground and determine the minimum road system necessary to manage the forests. Areas, roads and trails suitable for off-road vehicle use will be identified through this process.

The opportunities for public involvement are great and the off-road vehicle community is taking full advantage of this process. It is critical that those of us concerned about protecting natural resources, including threatened and endangered species, fully participate in the public process to ensure those values we hold dear are protected. The implementation of the Travel Management Rule will determine whether past damage is mitigated and further damage prevented. We must compel the forest service to use the best science available to protect threatened and endangered species and follow the laws already in place protecting wilderness and roadless areas. The protection of wildlife and the preservation of wild places will take community involvement and dedication.

National Forests belong to all of us, not just those who live near the forests or those who make the most noise and cause the most destruction. It is time to get involved, take action, and protect our nation's heritage.

¹ The Four Key Threats: (a) [fire and fuels](#), (b) [invasive species](#), (c) [loss of open space](#), and (d) [unmanaged recreation](#).

The Law

[Executive Order 11644](#)

Issued by President Nixon in 1972

The EO requires federal public land agencies to designate specific areas and trails on which off-road vehicles may be allowed, and where they are prohibited. The designation of specific areas and trails must consider the protection of natural resources, promote the safety of all users, and minimize conflicts among users. Public land managers are required to minimize impacts to soil, watersheds, vegetation and other public land resources, and minimize the harassment of wildlife. Areas and trails designated for off-road use cannot be located in officially designated Wilderness Areas or Primitive Areas. Agencies were directed to develop and publish regulations limiting off-road vehicle use within one year of the Executive Order.

[Executive Order 11989](#)

Issued by President Carter in 1977

President Carter amended EO 11644 to require that whenever an agency head determines that off-road vehicle use will cause or is causing considerable adverse effects to the soil, vegetation, wildlife, habitat, or cultural or historic resources of areas or trails, those areas close immediately to the type of off-road vehicle use causing those effects until those effects have been eliminated and future damage is prevented. This amendment also allowed agencies to close portions of public lands to use by off-road vehicles.

[36 CFR 212 et seq.](#)

Adopted in 2005 by the Forest Service and known as the Travel Management Rule (TMR), requires local agencies, with public input, to designate areas, roads, or trails as open to off-road vehicle use. The agency must consider the minimization of conflicts among users and the compatibility of motor vehicle use with existing conditions in populated areas. Off-road vehicle use would not be prohibited on National Forest Service Lands under the rule. Revision of designations is permitted to allow for consideration of unforeseen environmental impacts and changes in public demand. Threatened and endangered species consideration take place at the local level as designations are determined. Importantly, while user-created routes are considered neither legal or illegal under the rule, they do not have the same status as Forest Service System roads and trails.

A complete road inventory is not required for implementation of the rule. The process has no deadline under the Code of Federal Regulations, but is to be completed “as quickly as possible.” Most forests plan to have the process completed by 2009. A route cannot be designated as open to off-road use until it 1) actually exists; 2) has been analyzed and evaluated, and 3) is available for public use. The rule also allows for the closure of old routes.

Areas designated as open for cross-country motorized use are not intended to be large or numerous, nor are they required at all under the rule.

The mechanism for enforcing the TMR is the development and publication of a Motor Vehicle Use Map (MVUM), which must be made available to the public.

A future rulemaking by the Forest Service is anticipated to develop a standard for off-road vehicle noise levels.

The exemption for a road under RS 2477 has been removed from the definition of a road or trail under Forest Service jurisdiction under the rule. Temporary roads and trails should be maintained as temporary and are REQUIRED to be decommissioned. Motor vehicle use in Wilderness areas is prohibited except for administrative uses or if they are expressly authorized under individual statutes designating wilderness areas.

Exceptions to the ban on cross-country motorized travel

Forests may allow limited cross-country motorized travel, off designated routes, for dispersed camping and big game retrieval within specified distances of certain designated routes, and if appropriate within specified time periods.

Minimum Road System

Under the TMR, Forests are required to identify the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of Forest Service Lands. The identification of this system must incorporate a science-based roads analysis at the “appropriate scale” and involve a broad spectrum of interested and affected citizens, agencies, and tribal governments. This minimum system is the road system determined to be needed to meet resource and other management objectives adopted in the relevant land and resource management plan (36 CFR 219). It must also reflect long-term funding expectations and ensure the minimization of adverse environmental impacts associated with road construction, reconstruction, decommissioning, and maintenance. Unneeded roads must be identified and considered for decommissioning or conversion to other uses, such as trails. Roads slated for decommissioning that pose the greatest threat to public safety or environmental degradation should be given priority.

Important Definitions

- Designated road, trail, or area. A National Forest System road, a National Forest System trail, or an area on National Forest System lands that is designated for motor vehicle use pursuant to §212.51 on a motor vehicle use map.
- Forest road or trail. A road or trail wholly or partly within or adjacent to and serving the National Forest System that the Forest Service determines is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.
- Motor vehicle. Any vehicle which is self-propelled, other than: (1) A vehicle operated on rails; and (2) Any wheelchair or mobility device, including one that is battery-powered, that is designed solely for use by a mobility-impaired person for locomotion, and that is suitable for use in an indoor pedestrian area.

- Off-highway vehicle. Any motor vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain.
- Road. A motor vehicle route over 50 inches wide, unless identified and managed as a trail.
- Road Decommissioning. Activities that result in the stabilization and restoration of unneeded roads to a more natural state.
- Temporary road or trail. A road or trail necessary for emergency operations or authorized by contract, permit, lease, or other written authorization that is not a forest road or trail and that is not included in a forest transportation atlas.
- Unauthorized road or trail. A road or trail that is not a forest road or trail or a temporary road or trail and that is not included in a forest transportation atlas.

Region 3 Guidelines

The Guidelines for Region 3 include Arizona and New Mexico. The purpose of the guidelines is to identify the tools available to meet public interest, consistent with the TMR, and to provide a level of consistency among the forests of Region 3. Designations of routes, trails and areas for motorized use in Region 3 should protect natural and cultural resources, enhance public enjoyment of the forest, promote the safety of all users, and minimize conflicts among users of the National Forest Lands.

Forest Service Units (Forests and Ranger Districts for example) should coordinate within states and among adjacent units to ensure consistency in designation that promotes public understanding, compliance and ease of enforcement.

The Forests must identify the “existing direction,” or the current system of trails, roads, and areas managed for motorized use plus any existing restrictions or closures. This existing direction comes from laws and regulations, official directives, Forest Plans, Forest Orders, Roads Analysis, and travel analysis. Other sources include visitor and travel management maps, Recreation Opportunity Guides, Infra², and road and trail maintenance records. The existing direction does not prevent the Forest from designating as open roads, trails or areas that are not part of the current system, nor does it preclude the closure of such roads, trails or areas to motorized use.

Certain roads and trails should NOT be included in the existing direction. These include: roads or trails incorrectly coded in Infra and roads or trails that no longer exist on the ground but are included in Infra.

Designation of areas for motor vehicle use should be sparingly applied. Such areas should have biophysical characteristics that are suitable for such use or have been significantly altered by past actions so that such use might be appropriate. Where areas are designated, all of that area will be open to cross-country motorized travel. These areas should be clearly delineated on the ground where practical.

² Infra includes National Forest System Roads and information about jurisdiction, route status and maintenance level (2-5).

Dispersed Motorized Camping should not be allowed adjacent to routes where such use would create a public safety problem or where such use could increase the risk of adverse affects on adjacent lands. If natural or cultural resources would be adversely impacted, motorized camping should not be allowed. Forests may designate terminal facilities, trailheads, parking lots and turnouts, specific routes, roadside camping, areas for cross-country use, or fixed distances from designated routes to facilitate dispersed motorized camping. The designation of dispersed motorized camping areas should be applied carefully because of the potential for negative impacts to natural resources. The designation of fixed distances should be the choice of last resort and used sparingly to avoid undermining the purposes of the TMR.

Motorized Big Game Retrieval (MBGR) should be considered in collaboration with the responsible state agency. There will be no MBGR in Wilderness or Primitive Areas and should not be allowed where cross-country travel would cause unacceptable resource damage. Only those who have legally harvested and properly tagged an animal may travel cross-country on a motorized vehicle to retrieve big game. They should take a relatively direct and safe route that minimizes negative resource effects and should take the minimum number of trips necessary for retrieval. Only one vehicle should be allowed for cross-country MBGR per animal harvested. MBGR options should be prioritized as follows: 1) designation of routes open to all users; 2) designation of routes open only during hunting seasons to reduce the distance for non-motorized game retrieval; 3) allow cross-country MBGR. Cross-country MBGR is considered to meet State game harvest and management objectives, avoid spoilage of big game, and provide access to disabled hunters. Fixed distances are areas may be designated for cross-country MBGR.

For Arizona, Forests should additionally consider MBGR up to 3 miles from a designated route for bison, up to 1 mile for elk, and up to 1 mile for mule deer from July through the second week of October.

Permitted activities, such as grazing, Special Use Authorizations, Forestry Program activities, and gathering of forest products may qualify the holder of the permit for an exemption from the ban on cross-country motorized travel.

[Arizona](#) and [New Mexico](#) Requirements for operator qualifications and equipment are governed by state law.