



## **TRAVEL MANAGEMENT RULE FREQUENTLY ASKED QUESTIONS**

Update Oct 22, 2007

### **FREMONT-WINEMA TRAVEL MANAGEMENT PLANNING**

#### **Why is the Forest revising their travel management direction?**

In November 2005, the Forest Service finalized new national regulations for recreational motor vehicle use. The new travel management regulations or Final Travel Management Rule require each national forest and grassland to identify and designate those roads, trails and areas that will be open to motor vehicle use. To meet these new regulations, the Fremont-Winema National Forests began the first steps of the four-year designation process in the summer of 2006, and must complete the revision to its current travel management plan with the new regulations by the end of 2009.

#### **I heard that the travel management plan decision has already been made by the Forest. Is this true?**

The travel management decisions associated with the new Travel Management Rule have not been made. The planning team is currently in the public participation step of the process and the final decision will not be made until late 2008 or early 2009.

#### **How will the public be involved in travel management decisions?**

The final rule requires the Forest Service to provide for public participation in the process of designating roads, trails, and areas for motor vehicle use. Designation decisions will be made by the Forest Supervisor or District Rangers working closely with local communities, motorized and non-motorized recreation groups, and other interested parties. Local units will notify the public of opportunities to participate in travel planning. The Forest Service supports collaborative travel planning involving all interested parties and a wide range of interests.

### **Does the public get to vote on the plan?**

No, the Forest Service must follow the requirements of the National Environmental Policy Act (NEPA), which requires that the Forest involve the public in the process and develop a range of alternatives to address their issues and concerns. In the end, the Forest Supervisor uses all of the information gathered to make an informed decision. If the public does not agree with that decision then they may appeal it to the next level, the Regional Forester. If the Regional Forester upholds the decision, then the public may take it to a court of law where a judge may decide if the decision will stand.

### **Is the Forest working with the Bureau of Land Management (BLM) on the travel management project?**

Public lands in Klamath and Lake counties are managed by both the Forest Service and BLM, so travel management planning is a coordinated effort between the two agencies. The goal is to provide meaningful and coordinated travel opportunities on National Forest and BLM lands in south central Oregon.

## **NEED FOR THE TRAVEL MANAGEMENT RULE**

### **Off-Highway Vehicles (OHV) are an increasingly popular way to enjoy outdoor recreation on Nation Forest System (NFS) lands. Will the rule limit access to the national forests and grasslands? Why is there a change in Forest Service policy?**

In the right places and under careful management, OHV recreation is a legitimate use of NFS lands. The final rule maintains public access to national forests and grasslands. By designating a system of roads, trails, and areas for motor vehicle use, the rule enhances opportunities for outdoor recreation and ensures that it remains sustainable over the long term. Previous Forest Service regulations were developed before the recent increases in OHV use and advances in OHV technology and are no longer adequate to respond to growing demand.

### **Some OHV use damages the environment and affects the experiences of other visitors. Why does the agency allow OHV use on national forests and grasslands at all?**

National forests are established for use by the American public for multiple purposes. When properly managed, OHV recreation is a legitimate use of NFS lands. The final rule provides for careful management of OHV use so that environmental impacts can be limited and the use sustained over the long term.

### **How does the rule define an OHV? What classes of vehicles are subject to the rule?**

The final rule defines an OHV as “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.” Technological advances have enabled many classes of motor vehicle to travel off highways. The designation requirements in the final rule apply to all classes of motor vehicles (not just OHVs) except aircraft, watercraft, and over-snow vehicles.

## **What do you mean by vehicle class?**

By vehicle class we are referring to motorized and wheeled vehicles. The following are options for vehicle class route designation:

- a. Roads open with seasonal restrictions.
- b. Roads open to highway legal vehicles only.
- c. Roads open to all vehicles (licensed and unlicensed).
- d. Trails open to vehicles 50 inches or less in width (ATV, motorcycle, etc.).
- e. Trails open to all (full size) vehicles (trails are rugged and narrow-intended for jeeps).
- f. Trails open to motorcycles only (single track).
- g. Trails open to non-motorized uses such as horses, foot or bicycle.

## **THE MOTORIZED DESIGNATION PROCESS**

### **How does travel management relate to land management planning? How will the agency comply with the National Environmental Policy Act (NEPA) in designating routes and areas for motor vehicle use?**

Forest Land and Resource Management Plans contain suitability determinations and guidelines that inform decisions related to motor vehicle use. However, land management plans do not designate roads, trails and areas for motor vehicle use. Designation of roads, trails and areas is a local, project-level decision separate from the applicable plan decision, which must be based on appropriate site-specific environmental analysis and documentation under NEPA. Nothing in the final rule requires reconsideration of past travel management decisions authorizing motor vehicle use of specific roads, trails, and areas. The agency expects that the level and scope of NEPA analysis associated with route and area designation will depend on the local situation, including each unit's history of travel planning and the particular issues involved.

### **Where cross-country motor vehicle use has been allowed in the past, repeated use has often created unplanned, user-created trails. How will these user-created routes be managed under the final rule?**

Some user-created routes are well-sited, provide excellent opportunities for outdoor recreation, and would enhance the system of designated routes and areas. Other user-created routes are poorly located and are causing unacceptable environmental impacts. User-created routes are best evaluated at the local level, by officials with first-hand knowledge of the particular circumstances, uses, and environmental impacts involved, working closely with local governments, users, and other members of the public. The agency anticipates that some user-created routes will be designated for motor vehicle use and become part of the managed system of NFS roads and trails, after site-specific evaluation and public involvement. Those not designated will be closed to motor vehicle use.

**Some national forests have long restricted motor vehicles to designated routes. Others have recently completed travel planning decisions designating roads, trails and areas for motor vehicle use. Will the rule require these units to reconsider past decisions?**

No. Each national forest will evaluate its current travel management policy with public input. Where the responsible official proposes changes to travel management decisions, the Forest Service will evaluate these proposals with appropriate public involvement and environmental analysis. If the current policy is working and achieving the goals of the final rule, there is no need for new decision-making.

**Are designations of roads, trails and areas for motor vehicle use permanent?**

No. The final rule includes a process for revising designations (36 CFR 212.54). The agency expects that over time new roads and trails will be constructed and added to the designated system. Other existing roads and trails may be closed and removed from the designated system in response to environmental impacts or changing travel management needs. Revision of designations will include public involvement and appropriate environmental analysis.

## **SPECIAL CASES**

**Are certain uses of motor vehicles exempted from the general prohibition on motor vehicle use off designated roads and trails and outside designated areas?**

Yes. In the final rule, the following vehicles and uses are exempted from the prohibition:

- a. Aircraft;
- b. Watercraft;
- c. Over-snow vehicles;
- d. Limited administrative use by the Forest Service;
- e. Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes;
- f. Authorized use of any combat or combat support vehicle for national defense purposes;
- g. Law enforcement response to violations of law, including pursuit;
- h. Motor vehicle use that is specifically authorized under a written authorization issued under federal law or regulations; and
- i. Use of a road or trail that is authorized by a legally documented right-of-way held by a state, county, or other local public road authority.

The final rule also allows the responsible official to include in the designation the limited use of motor vehicles within a specified distance of certain designated routes, and if appropriate within specified time periods, solely for the purposes of dispersed camping and retrieval of a big game animal by an individual who has legally taken that animal.

**How does the rule affect the use of snowmobiles and other over-snow vehicles on national forests and grasslands?**

The rule does not require units to designate roads, trails, and areas for over-snow travel. The final rule retains current authorities to manage use of NFS lands by over-snow vehicles, which may be allowed, restricted or prohibited at the local level. Over-snow vehicles result in different impacts to natural resources than motor vehicles traveling over the ground. It may therefore be appropriate for snowmobiles and other over-snow vehicles to travel cross-country in some places where other vehicles are restricted to designated roads, trails, and areas.

**Does the rule restrict bicycling?**

No. This plan is for motorized vehicle and thus would not include bicycles. However, areas of use important to the biking community are important information especially if a motorized vehicle use is considered for the same areas.

**Does the rule affect use of state highways or county roads crossing NFS lands?**

No. Public roads authorized by a legally documented right-of-way held by a state, county, or other local public road authority are not subject to designation under this rule.

**Does the rule take away valid existing rights held by federally recognized tribal governments, counties, or private individuals, including treaty rights, other statutory rights, or private rights-of-way?**

No. Responsible officials will recognize valid existing rights when making designations at the local level.

**How does the rule address use of motor vehicles for timber harvesting, grazing, mining, ski areas, utility line maintenance, firewood collection and other permitted uses of national forests and grasslands?**

The final rule allows motor vehicle use off designated roads and trails and outside designated areas when specifically authorized under a written authorization issued under federal law or regulation. Motor vehicles may be used off the designated system for the above purposes when specifically authorized under a contract, permit, operating plan, or other written instrument issued under federal law or regulation.

**How does the rule affect access to national forests and grasslands for people with disabilities?**

Under section 504 of the Rehabilitation Act of 1973, no person with a disability can be denied participation in a federal program that is available to all other people solely because of his or her disability. In conformance with section 504, wheelchairs are welcome on all NFS lands that are open to foot travel and are specifically exempted from the definition of motor vehicle in §212.1 of the final rule, even if they are battery-powered. However, there is no legal requirement to allow people with disabilities to use OHVs or other motor vehicles on roads, trails, and areas closed to motor vehicle use because such an exemption could fundamentally alter the nature of the Forest Service's travel management program (7 CFR 15e.103).

## **IMPLEMENTATION**

### **How will the agency assure that designation gets done?**

An enforceable regulatory deadline would subject the Forest Service to legal challenge if, despite its best efforts (perhaps due to the controversy involved in the process), the agency is unable to meet the deadline. Cooperative work by responsible officials with state, tribal, county, and municipal governments, user groups, and other interested parties offers the best hope for long-term resolution of issues involving recreational use, including use of motor vehicles. An inflexible deadline can make collaborative solutions more difficult. However, the Forest Service shares a strong interest in completing route and area designation in a timely manner. The Chief expects route and area designation to be completed on all national forests and grasslands by end of 2009.

### **The final rule does not require a complete inventory of existing user-created routes. How will the Forest Service give fair consideration to user-created routes without a complete inventory?**

User-created routes have been developed without planning, design, authorization, or study by the agency. Some are well-located. Others are not. Still others involve multiple braided routes in a single corridor. A complete inventory of all these routes would be very time-consuming and expensive and could delay completion of route and area designation. Local Forest Service managers will use public involvement to help identify appropriate user-created routes for consideration and evaluation in the designation process.

### **Will the agency authorize mixing ATVs and other non-highway-legal vehicles on roads open to full-sized vehicles? How will the Forest Service address state laws allowing or restricting mixed use?**

NFS roads can provide connections between OHV trails and offer important opportunities for OHV recreation. Some NFS roads receive only limited traffic by highway-legal vehicles. The Forest Service anticipates designating some roads or sections of roads as open to both highway-legal vehicles and non-highway-legal OHVs. Designating roads for this mixed use involves safety considerations such as traffic composition, traffic volume, and road standards. Decisions affecting safety must be informed by engineering judgment. Traffic on roads is subject to state traffic laws except when in conflict with designations established under this final rule.

### **On many national forests, designation may not be complete for a few years. What are the rules for OHVs while designation decisions are pending?**

Until an administrative unit completes the designation process, current travel management policies, restrictions, and orders remain in effect. Forest supervisors may continue to issue travel management orders pursuant to part 261, subpart B, and impose temporary, emergency closures based on a determination of considerable adverse effects pursuant to §212.52(b)(2) of the final rule.

**With limited law enforcement resources, how does the Forest Service expect to be able to implement a new regulation and manage OHV use?**

Forest Service law enforcement personnel play a critical role in ensuring compliance with laws and regulations, protecting public safety, and protecting NFS resources. The Forest Service also maintains cooperative relationships with many state and local law enforcement agencies that provide mutual support across jurisdictional boundaries. The new rule provides a consistent framework for enforcing travel management regulations, including provision for a motor vehicle use map. Responsible OHV users want to do the right thing, and the agency believes that proper education and engineering (e.g., road and trail design, signing) can focus law enforcement resources on those few users who intend to violate the law.