

STATEMENT

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REGARDING

OFF-HIGHWAY VEHICLE MANAGEMENT ON PUBLIC LANDS

Mr. Chairman and members of the Committee, thank you for the opportunity to testify before you today on managing the impacts of off-road vehicles on National Forest System lands.

Background

The Forest Service manages 155 national forests and 20 national grasslands, in 42 States and the Commonwealth of Puerto Rico. By law, these lands are managed under multiple use and sustained yield principles. The mission of the Forest Service is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. The Forest Service oversees a vast and complex array of natural resources and opportunities.

One of the key opportunities provided on National Forest System lands is outdoor recreation. The most recent National Visitor Use Monitoring figures show that the national forests and grasslands receive 192 million visits each year. Visitors participate in a wide range of motorized and non-motorized recreation activities, including camping, hunting, fishing, hiking, horseback riding, bicycling, cross-country skiing, snowmobiling, and operating off-highway vehicles (OHVs).

National forest recreation provides healthy opportunities to enjoy the outdoors, connecting people to their federal land and representing a significant contribution to the economy of many rural areas. Motorized recreation has contributed to that boom. Approximately 11.5 million visits occur on National Forest System lands each year by visitors engaged in OHV activities. Snowmobilers and visitors driving forest roads for pleasure add to this total.

In the past, user impacts and conflicts focused on issues such as timber, grazing and mining. Currently, recreation in all of its forms places the largest demand on the national

forests and grasslands, due to the proximity of many national forests and grasslands to urban population centers with affluent, mobile populations who seek the recreational amenities offered by these lands.

Motorized recreation, including operating OHVs (defined as motor vehicles capable of traveling cross-country) are legitimate uses of National Forest System lands – in the right places with proper management, and when operated responsibly. We have a tremendous obligation and a great opportunity to serve these users and, through them, our local communities and economies. We see it as an important part of our mission.

Travel Management

Nationally, the Forest Service manages approximately 280,000 miles of National Forest System roads open to motor vehicle use. In addition, approximately 144,000 miles of trails are managed by the Forest Service, with an estimated 33 percent or 47,000 miles open to motor vehicle use, including over-snow vehicles and motorized watercraft operating on water trails.

This transportation system ranges from paved roads designed for passenger cars to single-track trails used by dirt bikes. Many roads designed for high-clearance vehicles (such as log trucks and sport utility vehicles) also accommodate use by all terrain vehicles (ATVs) and other OHVs not normally found on city streets. Almost all National Forest System trails serve non-motorized users, including hikers, bicyclists, cross-country skiers and equestrians, alone or in combination with motorized users. National Forest System roads accommodate non-motorized use as well.

National forests also include public roads managed by state, county, and local governments. These roads serve the commercial and residential needs of local communities and private lands intermingled with and near the lands we manage. Many county roads are cooperatively constructed and maintained through cooperative forest road agreements executed under the National Forest Roads and Trails Act. State and county roads also provide access to National Forest System lands, and we continue to work in cooperation with states and counties to manage our multi-jurisdictional transportation system.

In the 1960s, motorized recreational traffic on the National Forest System roads was relatively light compared with timber traffic. Today, recreational traffic is 90 percent of all traffic on National Forest System roads. Much of the road system maintenance needs and resource damage concerns are the result of continuous recreation use of roads only designed for controlled intermittent commercial use. We consider capability to maintain roads in decisions to designate roads for motorized use.

Increasing Demand for OHV Use

In 1972, President Nixon signed Executive Order 11644 directing federal agencies to manage off-road vehicles. At the time, the Executive Order estimated 5 million Americans participated in OHV recreation. The National Survey on Recreation and the Environment estimated that the number of people aged 16 and over participating in OHV recreation was 37.6 million in 1999 and 2000, rose to a high of 51.6 million in 2002 and 2003, and dropped somewhat to just over 44.4 million for the most recent survey period of 2005 to 2007.

According to the Motorcycle Industry Council, annual sales of new ATVs rose from 278,000 in 1995 to a peak of 813,000 in 2004, and then dropped slightly to 748,000 in 2006, the most recent year for which information is available. Today, vehicles created for specialized off-highway uses are marketed and sold as family cars, and are more powerful and more capable of off-highway travel than those of a decade ago.

Need for Management of OHV Use

As of January 2008, about 64 million acres of National Forest System lands were completely open to cross-country motor vehicle use. When OHVs were less popular, this scenario may not have been a problem. However, as the sales and technology of ATVs increased, opportunities for Americans to enjoy Federal lands grew. The magnitude and intensity of motor vehicle use have increased to the point that the intent of E.O. 11644, and the subsequent E.O. 11989, cannot be met while still allowing unrestricted cross-country motor vehicle use. The first motor vehicle driving across a particular meadow may not harm the land, but by the time 50 motor vehicles have crossed the same path a user-created trail will likely be left behind that causes lasting environmental impacts on soil, water quality, and wildlife habitat. Additionally, some visitors report that their ability to enjoy quiet recreation experiences is affected by the noise from motor vehicles.

We have many miles of user-created roads and trails on the national forests and grasslands. These user-created routes are not part of the forest transportation system, did not undergo environmental analysis, were not designed and constructed for recreational use, and do not receive routine maintenance by the Forest Service. Some of these routes may merit consideration, with appropriate environmental analysis, as potential additions to our transportation system. Others run through wetlands, riparian areas, and stream channels, and their use by motor vehicles adversely affects water quality, causes erosion, and introduces invasive species. User-created routes causing unacceptable resource damage should not be designated for motor vehicle use.

The Travel Management Rule

To address the need for more active management of OHV use, the Forest Service promulgated a travel management rule on November 9, 2005. This rule can be found in 36 CFR 212, Subpart B.

The travel management rule provides a nationally consistent framework for local decision-making regarding motor vehicle use in National Forest System roads and trails and in areas on National Forest System lands. Decisions are made by local agency officials, who have greater knowledge of the affected resources. Local decision-making also allows for more effective participation by the public; local, county, state, and other federal agencies; and tribal governments.

The rule requires designation of a national system of National Forest System roads, National Forest System trails, and areas on National Forest System lands that are open to motor vehicle use. Once the system is implemented, motor vehicle use will be restricted to designated routes and areas as identified on a motor vehicle use map (MVUM).

The following elements form the framework for the Forest Service's national travel management system for motor vehicle use:

- Each administrative unit of the National Forest System designates those National Forest System roads, National Forest System trails, and areas on National Forest System lands that are open to motor vehicle use, by class of vehicle and if appropriate, by time of year.
- The public must be given the opportunity to participate in the designation process.
- Limited motor vehicle use solely for big game retrieval and dispersed camping may be allowed within a specified distance of certain designated routes.
- Local managers must coordinate with appropriate federal, state, county and other local government agencies and tribal governments in the designation process.
- The rule exempts emergency vehicles and motor vehicles authorized by permit or contract from designations and preserves longstanding authorities for management of over-snow vehicles, which may be allowed, restricted, or prohibited locally.
- Specific criteria must be considered when making designation decisions including effects on natural and cultural resources, public safety, provision of recreational opportunities, access needs, conflicts among uses of National Forest System lands, the need for maintenance and administration of roads and trails under consideration for designation, and the availability of resources for that maintenance and administration.
- Once designated routes and areas are identified on a motor vehicle use map (MVUM), motor vehicle use inconsistent with the designations is prohibited.

- The Forest Service must monitor the effects of motor vehicle use on designated roads and trails and in designated areas.
- Designations may be revised as needed to meet changing conditions.

Implementation of the Travel Management Rule

All national forests and grasslands are either currently involved in the route and area designation process, or will begin soon. In fiscal year 2007, 36 national forests and grasslands completed their designation decisions and produced an MVUM consistent with the travel management rule. This represents about 12.5 percent or 23.9 million acres of National Forest System lands. In fiscal year 2008, 41 units are scheduled to be completed. In fiscal year 2009, 64 units are scheduled to be completed, and in the first quarter of fiscal year 2010, the remaining 35 units are scheduled for completion.

Challenges in Managing OHV Use

One of the most challenging aspects of travel management planning is managing the public participation process. Interest in travel management decisions is high, as is the controversy. Attendance by over 100 people at public meetings is not uncommon. Some meetings are quite contentious. Conflicts arise because some members of the public are concerned about losing motorized recreational opportunities that they have enjoyed for years, while other members of the public are concerned that too many routes and areas will be left open to motor vehicle use, resulting in unacceptable environmental damage or disruption of their non-motorized recreational activities.

Another challenging situation involves areas protected by the 2001 Roadless Area Conservation Rule. Some people feel that these areas will be degraded if motorized travel is increased by allowing user-created routes to be designated for motorized use. Other members of the public are concerned that they will lose motorized access they currently have in these areas. These challenges will be addressed during each unit's route and area designation process.

Implementation of Travel Management Decisions

Although completing the route and area designation process and publishing MVUMs represents a tremendous amount of work for the Forest Service, and the public, they represent only the beginning of the process to actively manage motor vehicle use. Informing the public about where and when they can use various classes of motor vehicles will be critical. In some areas we will need to overcome user's assumptions developed after many years of unmanaged motor vehicle use.

For example, in some forests visitors could ride ATVs virtually anywhere the vehicle's capability allowed outside designated wilderness areas. Once an MVUM is published, motor vehicle use will be allowed only on designated routes and in designated areas. Other visitors are accustomed to being able to drive cross-country to a dispersed campsite

in some forests. Once an MVUM is published, driving a motor vehicle to a dispersed campsite will be allowed only within a specified distance of certain designated routes.

Public outreach will also involve informing people how to minimize their impacts with motor vehicles while they are enjoying the national forests. Messages will include staying on designated routes, being courteous to other users, and being knowledgeable of agency regulations. Education generally will be provided by Forest Service employees, but will be routinely supplemented by the many volunteers and other partners. The Forest Service's capability to inform and educate the public about where and how they may operate motor vehicles is greatly enhanced by the many hours of time provided by volunteers and partners.

Education works both ways. Many members of the public have extensive historical and practical knowledge of various parts of the landscape. Involving them in the process and having them educate us is an essential element of the dialogue.

Several national organizations assist the Forest Service with disseminating educational messages about responsible recreation use. The National Off-Highway Vehicle Conservation Council (NOHVCC) is made up of enthusiasts who promote responsible riding in many ways. Recently, they developed and are now delivering Route Designation Workshops across the country, with a target audience of Forest Service employees and OHV enthusiasts.

The American Motorcyclist Association helps inform their members about the Forest Service route and area designation process, and encourages their members to get involved in travel management planning processes. They recently partnered with the Motorcycle Industry Council to update and produce a brochure on responsible riding. Another example is Tread Lightly! Tread Lightly! is a non-profit organization whose mission is to protect recreation access and opportunities through education and stewardship. Tread Lightly! works with the Forest Service and other land management agencies, as well as manufacturers, industry, and motorized recreation organizations.

A forest-level example of the tremendous support we receive from cooperators for promoting responsible riding concepts is the Off Highway Vehicle Program of the San Bernardino National Forest Association, a collaboration for conservation, recreation and education among the National Forest Association, San Bernardino National Forest, State of California and OHV user groups and industry. The program involves 300 volunteers who contribute over 25,000 hours each year.

The National Forest Association trains the volunteers and organizes patrols and work projects in coordination with the San Bernardino National Forest. These volunteers engage other OHV enthusiasts in the field as peers, encouraging them to ride on designated routes to minimize impacts on native species and habitats. The volunteers also inform other riders about regulations, provide general information about the San Bernardino National Forest and answer questions. Volunteers also adopt and maintain

motorized routes, provide responsible riding presentations to the public, and conduct special projects such as elimination of illegal fire rings and trash pick-up.

Although signs are no longer the primary tool for enforcement of motor vehicle restrictions on National Forest System lands, signs remain a critical part of OHV management in the National Forest System. Signs and route markers are installed, as appropriate, to help the public navigate and to identify clearly the routes and areas designated for motor vehicle use. In some places the Forest Service may also install barriers, such as a berm or a gate, that show that a route is closed to motor vehicles.

The Forest Service will monitor designated routes and areas for effects on natural and cultural resources, public safety, and conflicts among uses. Monitoring may also focus on the level of compliance and route conditions. Revisions to designations may be made based on the results of monitoring.

Enforcement of Travel Management Restrictions

As shown by these examples of collaborative efforts, most OHV users want to do the right thing. We believe with effective public education, route design, and signing, we can focus law enforcement resources on those few users who do not heed the law.

Forest Service law enforcement personnel play a critical role in ensuring compliance with laws and regulations, protecting public safety, and protecting National Forest System resources. Enforcement of motor vehicle restrictions has consistently remained one of the top five priorities for Forest Service law enforcement officers. The Forest Service also maintains cooperative law enforcement agreements with state and local law enforcement agencies that provide mutual support across jurisdictional boundaries.

Prior to promulgation of the travel management rule, the only way for the Forest Service to enforce motor vehicle restrictions was through issuance of a forest order. The content of these orders varied from unit to unit, and in some cases numerous orders existed on a single forest, which caused confusion for the public regarding where motor vehicles could legally be operated.

Another regulation commonly enforced prior to the travel management rule was the prohibition on using a vehicle off road in a manner which damages the land. Issuance of a violation notice for this offense requires a judgment call on the part of the officer, and has been difficult to prove in court. The new prohibition clarifies requirements and makes it easier for responsible OHV users to comply with the regulation since it provides for a more objective enforcement of motor vehicle use consistent with the route and area designations identified on an MVUM.

The travel management rule enhances and simplifies enforcement by replacing forest orders with issuance of an MVUM, which is posted on the World Wide Web and made available at the Forest Supervisor's or District Ranger's office, and a nationwide regulatory prohibition against motor vehicle use off the designated system. This nationally consistent approach will augment public understanding of where a motor vehicle may be operated on any national forest or grassland across the country, and will enhance the agency's ability to gain compliance. We believe this will make it easier for OHV users who want to do the right thing to be able to do so.

Conclusion

Americans cherish the national forests and grasslands for the benefits they provide, which include opportunities for healthy recreation and exercise, natural scenic beauty, natural resources, protection of rare species, wilderness, a connection with history, and opportunities for unparalleled outdoor adventure. The Forest Service must strike an appropriate balance in managing all types of recreational activities within the capacities of the land. A designated system for motor vehicle use, established with public involvement, will enhance public enjoyment of the national forests, while maintaining other important values and uses of National Forest System lands. Effective implementation of designation decisions, through public education and appropriate law enforcement, will be critical.

Mr. Chairman, this concludes my prepared statement. I would be happy to answer any questions you or other members of the Committee may have.