

Public Lands Foundation

Position Statement: 2010-19

Off Highway Vehicle (OHV) Use of the BLM Administered Lands

October 9, 2010

Executive Summary

Off-highway vehicle (OHV) use is an established use of the BLM administered lands in the National System of Public Lands. As with any public land use, OHV use must be managed in a manner consistent with the capability of the land to sustain the use, with due consideration for the impact of OHV use on the land, the resources and other land users.

Historic use of the public lands for recreation and for the search, exploration and development of natural resources has resulted in a system of off-highway roads and trails that is, in most cases, adequate for reasonable public access for both recreational and authorized resource uses. Existing roads and trails should remain open for public use unless the continued use of a specific road or trail is determined to be a significant threat to an endangered species or cultural resources, or damaging to important wildlife habitat, vegetation or soils on the land which the road or trail traverses. Closure of existing roads or trails should be done in the context of the BLM travel management planning process with full public involvement, and appropriate closures should be visibly signed on the ground and marked on public land maps.

Vehicle operation off existing roads or trails may be approved as appropriate for permittees and lessees as necessary to exercise their authorized activities; for resource managers to conduct management activities such as resource studies or project work; and for emergency activities such as rescue and wildfire fighting.

New roads authorized in connection with such resource uses as timber harvest and mineral development should be closed and reclaimed when operations are finished, unless the BLM determines that the roads are appropriate for inclusion into the public access or transportation plan for the area.

Retrieval of tagged big game with OHVs in "Limited" areas should be permitted unless there is a determination that such one-time use would result in long-term damage to resources.

There are some areas and sites on BLM lands, like the sand dunes in Southern California, the Slickrock Trail in Utah, and dirt bike riding and motorcycle hill climbing areas where OHV recreational activities should be managed as the dominant use of the land.

The BLMs National Management Strategy for Motorized Off-Highway Vehicle Use of Public Lands provides emphasis on managing OHV use and a framework for planning and managing OHV use on BLM public lands in coordination with local publics and local government and in cooperation with OHV user groups.

Background

Off-highway vehicle (OHV) recreational use of BLM administered lands in the National

System of Public Lands is heavy and rapidly increasing. Four-wheelers, all-terrain vehicles, motorcycles, dune buggies, mountain bikes, snowmobiles, and the like are being sold in record numbers, and the public is increasingly looking to BLM lands as the place to use them.

The issue is how to accommodate this legitimate recreational use of the BLM public lands in a way that will protect natural resources and minimize conflicts with other public land users, and how to manage the use of existing and new roads and trails on these lands.

On February 8, 1972, President Richard Nixon signed Executive Order 11644 entitled Use of Off-Road Vehicles on the Public Lands. Its purpose was to give federal land management agencies greater authority to begin to manage the impacts of the multitude and variety of vehicles that the public was using to recreate on the public lands. The opening paragraph of EO 11644 stated:

“An estimated 5 million off-road recreational vehicles - motorcycles, minibikes, trail bikes, snowmobiles, dune-buggies, all-terrain vehicles and others - are in use in the United States today, and their popularity continues to increase rapidly. The widespread use of such vehicles on the public lands - often for legitimate purposes but also in frequent conflict with wise land and resource management practices, environmental values, and other types of recreational activity - has demonstrated the need for a unified Federal policy toward the use of such vehicles on the public lands.”

The EO directed federal land management agencies to develop zones of use for off-road vehicle use on public lands. The BLM issued regulations in 43 CFR 8342 providing for three types of designations of BLM public lands:

- Open designations which are used for intensive OHV use areas where there are no special restrictions or where there are no compelling resource protection needs, user conflicts, or public safety issues to warrant limiting cross-country travel,
- Closed designations on areas or trails if closure to all vehicular use is necessary to protect resources, promote visitor safety, or reduce use conflicts, and
- Limited designations where OHV use must be restricted to meet specific resource management objectives.

To prepare for managing the OHV situation, the BLM and the Department of the Interior, on January 19, 2001, issued a National Management Strategy for Motorized Off-Highway Vehicle Use on Public Lands. This National Strategy was developed with input from a series of public listening meetings held throughout the West and public comments solicited over a 10-month period prior to the issuance of the document. Much of the advice was conflicting, but the majority reflects a tone of public demand for responsible OHV use of the public lands, respect for other resource values, and the need for BLM to help control and manage OHV use.

Some of the key points of the National Strategy are:

- These are not regulations; these are guidelines to help BLM plan for and implement management of OHV use on the public lands.
- Motorized OHV use is recognized as one of the legal, acceptable multiple use activities on the public lands.
- BLM needs to work closely with local governments and local people in planning for how motorized OHV use will be coordinated with the public land resource needs and other resource users.

- Educating the public and the BLM staff on OHV use and management practices, and actions to improve legal access to public lands are important parts of the Strategy.
- There is emphasis on identifying areas and developing action plans to prevent OHV disturbance to critical habitats for threatened or endangered species.
- BLM will seek State and other sources of funding to help with management of motorized OHV use.
- There is strong public support for increased law enforcement of proper OHV use on the public lands, and the public wants more signs, maps, recreation facilities and road and trail maintenance to help accommodate the use.
- Volunteers are an important resource and organized OHV groups want to help BLM implement the OHV management program.

Discussion

Today, 38 years after the issuance of EO 11644, the levels and types of OHV use far exceed those of the 1970s. New types of four-wheel drive and all terrain vehicles, mountain bikes, and other vehicles have been developed that enable people to travel into areas that were once inaccessible to vehicles. These new types of OHVs have been aggressively promoted and advertised by an industry that challenges people to go where no one has gone before. The public is more outdoor oriented and wants unconfined outdoor recreation opportunities.

Over 57 million people now live within 25 miles of BLM public lands, and the public has increasingly relied on BLM lands as a place for recreational use of their OHVs. Understandably, the numbers of conflicts between OHV users, and between OHV and other land and resources needs and uses have skyrocketed. OHV activities on BLM lands are the subject of increasing public scrutiny, discussion, and controversy.

OHV use is an established and legitimate use of BLM administered lands, but OHV use must be managed in a manner consistent with the capability of the land to sustain the use and with due consideration for the impacts which OHV use has on the land, other resources and other land users.

The BLM public lands belong to the public and these multiple use public lands should remain open and accessible to the public unless there is some valid resource-related or public safety reason to limit or prohibit public access in a specific area. The BLM has the authority to make these determinations about access and the conditions governing access by motorized and non-motorized off-highway vehicles. And, there is a BLM procedure in place for designating public lands as Open, Closed or Limited for OHV use.

The BLM also has provisions for addressing the use of OHV's to retrieve tagged big game in "Limited" areas. However, this topic has not been addressed in all travel management or land use planning and there do not appear to be guidelines to ensure that retrieval is consistently addressed. Retrieval of tagged big game would be supportive of Executive Order 13443, regarding "Facilitation of Hunting Heritage and Wildlife Conservation." Retrieval of tagged big game in "Limited" areas with OHVs would expand opportunities for all hunters, especially seniors, and those with physical limitations.

Vehicular access determinations need to be made at the local level through the BLM travel management planning process and with full public participation. Some national program directives, like wilderness and endangered species, will govern the extent to which OHV use can occur in specific areas. In most other situations, OHV access decisions need to be based primarily on the needs of the public land resources and the views of land users and local government.

Existing roads and trails should remain open for public use unless the continued use of a specific road or trail is determined to be a significant threat to an endangered species or cultural resources, or damaging to important wildlife habitat, vegetation or soils on the land which the road or trail traverses.

Closing existing roads or trails to OHV use should be done in the context of the BLM travel management planning process with full public involvement, and appropriate closures should be visibly signed on the ground and marked on public land maps.

There are valid reasons for vehicle operation off existing roads and trails. These include:

- permittees and leasees needing to carry out their authorized activities,
- resource managers needing to conduct management activities like resource studies and projects, and
- emergency workers involved in rescue activities and wildfire fighting.

The creation of new roads and trails is commonly necessary for resource uses like mining development and timber harvest. When these operations are finished, the roads should be closed and the land reclaimed unless the BLM determines that the roads are appropriate for inclusion into the public access or transportation plan for the area.

The historic use of public lands for recreation and natural resource development have created a system of roads and trails that is, in most cases, adequate for current OHV recreation uses. In most areas, OHV activities should be confined to existing roads and trails.

However, there is a need for some public land areas where OHV recreational use can be managed as the dominant use, such as on the sand dunes in Southern California, the Slickrock Trail in Utah, and the dirt bike riding and motorcycle hill climbing sites that have been established on sites in many places on the BLM lands. These are legitimate recreational pursuits and they need to have what many would call sacrifice areas where these types of activities can occur.

PLF Position

1. OHV use is an established, legitimate use of the BLM administered lands in the National System of Public Lands, which must be managed in a manner consistent with the capability of the land to sustain the use, with due consideration for the impact of OHV use on the land, the resources and other land users.
2. Public lands should remain open and accessible to the public unless there is some valid resource-related or public safety reason to limit or prohibit public access in a specific area.
3. Vehicular access determinations need to be made at the local level through the BLM travel management planning process and with full public participation.
4. Existing road and trail systems, in most cases, are adequate for reasonable public access for both recreational and authorized resource uses. Most recreational OHV use should be confined to these existing roads and trails.
5. Existing roads and trails should remain open for public use unless the continued use of a specific road or trail is determined to be a significant threat to an endangered species or cultural resources, or damaging to important wildlife habitat, vegetation or soils on the land

which the road or trail traverses.

6. Closing existing roads or trails to OHV use should be done in the context of the BLM travel management planning process with full public involvement, and appropriate closures should be visibly signed on the ground and marked on public land maps.

7. Valid reasons for vehicle operation off existing roads and trails include:

- permittees and leasees needing to carry out their authorized activities,
- resource managers needing to conduct management activities like resource studies and projects, and
- emergency workers involved in rescue activities and wildfire fighting

8. Retrieval of tagged big game with OHVs in “Limited” areas should be permitted unless there is a determination that such one-time use would result in long-term damage to resources.

9. Some situations warrant the creation of new roads and trails:

- New roads are commonly necessary for resource uses like mining development and timber harvest; and
- There is the need for some public land areas where OHV recreational vehicle use can be managed as the dominant use.

10. When resource uses like mining development and timber harvest are finished, the roads should be closed and the land reclaimed unless the BLM determines that the roads are appropriate for inclusion into the public access or transportation plan for the area.

11. The PLF endorses the BLM’s National Strategy for Motorized Off-Highway Vehicle Use on Public Lands, which provides a framework for planning and managing OHV use on BLM public lands in coordination with local publics and local government and in cooperation with OHV user groups.

Updated from PLF No. 19-01, dated October 23, 2001