



Public Lands Foundation Position Statement Travel Management and Off Highway Vehicle (OHV) Use on BLM-Administered Public Lands

Executive Summary

Off-highway vehicle (OHV) use is a valid use on public lands administered by the Bureau of Land Management (BLM). 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 on the land, the resources and other land users.

Implementing comprehensive Travel and Transportation Management (TTM) planning has been a high priority for the BLM. Travel and transportation planning, however, should go beyond just motorized or off-highway vehicle (OHV) activities to also address non-motorized travel and recreational needs, as well as other resource issues. This begins with the development of the Resource Management Plan (RMP) with OHV area designations, and the broad decisions to address travel and transportation management and access issues raised during scoping in the land use planning process. Nationally, the BLM has moved towards a system of limiting use to designated roads and trails/areas and not encouraging extensive cross-country travel except in areas designated as open. In establishing designated road and trail networks through the planning process, field offices are able to manage all transportation types, including OHV's on the public lands.

Following the completion of the RMP, implementation level TTM planning should consider and address all resource and administrative access needs, including a wide range of modes of travel: motorized; non-motorized; mechanized (cycling, mountain biking, etc.); stock and animal-powered transportation (horses, dog sleds, wagons, etc.); winter modes of travel including skiers, snow-shoes, and snowmobiles; water transportation (motorized and non-motorized boating); and aircraft (helicopters, wheel and float planes, ultra-lights, gliders, etc.). Access across BLM-administered lands to Federal and state-owned waters and for aircraft landings on land and water should also be considered where appropriate. The final transportation network developed by the TTM process needs to support resource management decisions and other authorized activities, while protecting resources and the public lands to the greatest extent possible.

Background

Historic use of the public lands for recreation and other uses has resulted in a system of roads and trails that in most cases was not designed for the current extensive recreational and commercial demands on the public lands. Transportation and recreational access on BLM-administered public lands is heavy and rapidly increasing. Four-wheelers, all-terrain vehicles, motorcycles, dune

buggies, mountain bikes, electric mountain bikes, snowmobiles, and the like are being sold in record numbers, and the public is increasingly looking to BLM-administered public lands as the place to use them.

The issue is how to accommodate this legitimate recreational use of the BLM-administered 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-administered 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.

The BLM amended its off-road vehicle (ORV) regulations in December 2020 to add a definition for electric bikes (e-bikes) and, where certain conditions are met and an authorized officer expressly determines through a formal decision that e-bikes should be treated the same as non-motorized bicycles, expressly exempts those e-bikes from the definition of ORV.

Discussion

Today, nearly 50 years after the issuance of EO 11644, the levels and types of travel use far exceed those of the 1970s. New types of four-wheel drive and all terrain vehicles, mountain bikes, electric 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 vehicles 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-administered public lands, and the public has increasingly relied on BLM lands as a place for recreational use of their OHVs. Travel and access 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 travel and access use has on the land.

The BLM-administered 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. There is a BLM Transportation Planning Process in place for designating public lands as Open, Closed, or Limited for OHV and other use.

Vehicular access determinations need to be made at the local level through the BLM implementation level TTM planning process and with full public participation. Some national program directives, like wilderness and endangered species, will govern the extent to which uses can occur in specific areas. In most other situations, travel access decisions need to be based primarily on the needs of the public land resources and the views of land users and local government. Issues like off-road travel related to camping, game retrieval and antler gathering in areas designated as closed or limited are addressed in this process. The public planning process for these implementation level decisions has been complicated by the wide variety of competing interests of those engaged in the process and by recent lawsuits (e.g., lawsuits related to RS 2477, and to the need for extensive cultural resource management surveys to determine potential impacts of changes in route and area designations).

There is strong public support for better management on the public lands, and the public wants more signs, maps, recreation facilities and road and trail maintenance to help accommodate the use. In addition, volunteers are an important resource and organized special interest groups want to help BLM implement the BLM trails and travel management program.

PLF Position

1. The PLF endorses the BLM's Transportation Planning Manual, MS-1626 and Travel and Transportation Management Handbook which provide a framework for planning and managing all modes of travel, including OHV use on BLM-administered public lands.
2. Designation of OHV routes and areas should be completed through a comprehensive TTM planning process using two types of planning decisions.
 - (a) The designation of areas as Open, Limited, or Closed to OHV use is required for all lands managed by the BLM within the planning area boundary of a Resource Management Plan (RMP). Open area designations should be limited to a size that can be realistically managed for a high-use motorized recreation experience.
 - (b) The designation of the individual roads, primitive roads, and trails, are addressed as an implementation level plan tiered from the RMP, using designation/minimization criteria.
3. 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.

4. Design a travel system with RMP and transportation network goals in mind rather than just choosing from all the inherited roads and trails in a planning area. A well-designed travel system can direct use away from sensitive areas yet provide quality recreational activities and access for commercial and recreational needs.
5. Proactively designate new routes to specifically include e-bike use as well as existing routes where e-bike travel may be appropriate during TTM planning efforts and other implementation-level actions.

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