



Synopsis

Petition to Amend the 2005 Travel Management Rule by Removing the Over-Snow Vehicle Exemption

Ninety recreation and conservation organizations representing 1.3 million members have formally petitioned USDA Under Secretary Harris Sherman and USDA Forest Chief Tom Tidwell requesting that the 2005 Travel Management Rule (CFR Parts 212, 251 and 261) be amended by removing the over-snow vehicle exemption and remedying the discretionary management of over-snow vehicles on National Forest System lands.

Background on Over-Snow Vehicles and the Travel Planning Rule

In 1972 President Nixon issued Executive Order 11644 (later amended by President Jimmy Carter with Executive Order 11989) in order to “establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.” (E.O. 11644, Sec. 1) Since that time, the US Forest Service has regulated the use of all off-road vehicles (ORV), including snowmobiles, on national forest lands on the basis of a uniform set of standards.

In December 2005 the USDA issued the Travel Management Rule which requires each National Forest System unit to designate roads, trails, and areas that are open to motor vehicle use and to identify such on a Motor Vehicle Use Map. However, the 2005 Rule exempts over-snow vehicles (OSV) and makes management of snowmobiles and other OSVs entirely contingent upon a discretionary decision of the local responsible official to “restrict or prohibit” over-snow vehicle use. With the publication of the 2005 Rule the regulations previously used to manage all ORV use (36 CFR Part 295) were repealed. Since OSVs are exempt from the new Rule and the previous ORV regulations applied to OSV use were repealed, there are currently no regulations in place requiring OSV management.

As justification for the OSV exemption, the 2005 Rule explanatory discussion offers only that, “the Department believes that cross-country use of snowmobiles presents a different set of management issues and environmental impacts than cross-country use of other types of motor vehicles” and “[t]herefore, the final rule exempts snowmobiles from the mandatory designation scheme...”

The petition points out that snowmobiles are clearly included in the definition of “off-road vehicle” used in both the 2005 Travel Management Rule and Executive Orders 11644 and 11989 which the Rule is intended to implement. It also presents abundant peer-reviewed scientific evidence documenting adverse OSV impacts on air and water quality, plants, animals, soil, wildlife habitat and the ecology of entire winter ecosystems. It presents first-person accounts of on-the-ground experiences by backcountry and Nordic

skiers, snowshoers and other non-motorized winter recreationists that provide extensive documentation of conflicts between traditional quiet recreation and snowmobile use.

In short, the petition demonstrates that the similarities between snowmobiles and other ORVs in terms of their impacts on natural resource values and other forest users far outweigh the differences between them and that there simply is no justification for exempting snowmobiles and other OSVs from the guidelines set forth for other classes of ORVs under the 2005 Travel Management Rule.

The petitioners assert that due to the OSV exemption and the discretionary management clause, the 2005 Rule fails to protect opportunities for quiet winter recreation, allows significant damage to fragile winter ecosystems, and is in direct conflict with the Executive Orders which the Rule is intended to implement.

Relief Requested

The petitioners commend the USDA and USFS on implementing the 2005 Travel Management Rule with respect to wheeled ORV use and assert that the Department and Agency have a legal obligation to apply management standards to over-snow vehicle (OSV) use that are consistent with standards for other classes of ORVs and that meet the criteria of the Executive Orders which the 2005 Rule is intended to implement.

The petition requests that USDA and USFS remove the over-snow vehicle exemption from the 2005 Travel Management Rule and remove the language stating that the Rule will not apply to OSV use unless “the responsible official proposes restrictions or prohibitions on use by over-snow vehicles...”

In addition, the petition requests that the Forest Service issue clear directives and guidelines as to how National Forest System units should implement Winter Travel Management Planning. The petitioners suggest a number of issues to be addressed in the Winter Travel Management Planning guidelines including setting clear priorities and criteria for which national forests would be required to implement winter travel plans; establishing minimum snow-depth requirements for OSV use; preserving quiet as a landscape characteristic; and facilitating a public process to bring all forest stakeholders together to develop winter recreation management decisions.

In response to concerns from snowmobilers that applying the Travel Management framework to OSV use would eliminate off-trail snowmobiling, the petition points out the 2005 Rule includes a tool for allowing off-trail or cross-country snowmobile use in appropriate areas by directing each NFS unit to designate “roads, trails and areas” for motor vehicle use. The Rule defines “area” as a “discrete, specifically delineated space that is smaller, and in most cases much smaller, than a Ranger District.” In designating areas for OSV use, the petitioners suggest that Winter Motor Vehicle Use Maps should be clearly defined using existing and easily enforceable physical boundaries such as ridges, creeks, fences, roads, etc. in order to facilitate adherence and enforcement.

Over-Snow Vehicle Petition Supporting Organizations

10th Mountain Division Hut Association - Access Fund - Alaska Center for the Environment - Alaska Quiet Rights Coalition - Alaska Wildlife Alliance - Alliance for the Wild Rockies - American Canoe Association - American Hiking Society - American Whitewater - Bark - Bear River Watershed Council - Beartooth Recreational Trails Association - Bend Backcountry Alliance - Big Wild Advocates - Biodiversity Conservation Alliance - Boulder-White Clouds Council - Californians for Western Wilderness - Center for Native Ecosystems - Colorado Environmental Coalition - Colorado Mountain Club - Colorado Wild - Conservation Leaders Network - Conservation Northwest - Continental Divide Trail Alliance - Defenders of Wildlife - El Sendero, Backcountry Ski and Snowshoe Club - Federation of Western Outdoor Clubs - Friends of Berthoud Pass - Friends of Hope Valley - Friends of Scotchman Peaks Wilderness - Friends of the Bitterroot - Friends of the River - Friends of the Routt Backcountry - Grand Canyon Trust - Great Old Broads for Wilderness - Greater Yellowstone Coalition - Hells Canyon Preservation Council - High Country Citizens' Alliance - Idaho Conservation League - Idaho Rivers United - International Mountain Bicycling Association - Jackson Hole Conservation Alliance - Mazamas - Montana Backcountry Alliance - Montana River Action - Montana Wilderness Association - Montanans for Quiet Recreation - Mount Shasta Nordic Ski Organization - Mountaineering Club of Alaska - Nordic United - Outdoor Alliance - Oregon Natural Desert Association - Oregon Wild - Outdoor Industry Conservation Alliance - Peaceful Roads & Trails Vermont - Pintler Audubon Society - Quiet Use Coalition - Red Mountain Pass Chapter of BSI/CMC - Rocky Mountain Recreation Initiative - San Juan Citizens Alliance - San Luis Valley Ecosystem Council - Save Our Canyons - Selkirk Conservation Alliance - Sequoia Forest Keeper - Sheep Mountain Alliance - Sierra Club - Snowlands Network - Southeast Idaho Recreation Alliance - Southern Utah Wilderness Alliance - Spokane Mountaineers, Inc. - Summit Winterlands and Trails - Sustainable Obtainable Solutions - Tahoe Backcountry Ski Patrol - The Lands Council - The Mountaineers - Togwotee Pass Backcountry Alliance - Trails Club of Oregon - Wasatch Mountain Club - Washtenaw Ski Touring Club - Wenatchee Mountain Coalition - Wild Connections - Wild Earth Guardians - Wilderness Watch - Wilderness Workshop - Willapa Hills Audubon Society - Wyoming Conservation Voters - Wyoming Wilderness Association - Winter Wildlands Alliance