

# **Implementation Guidance for the U.S. Forest Service Over-Snow Vehicle (OSV) Travel Management Rule**



**Prepared by Trails Work Consulting  
For the American Council of Snowmobile Associations**

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# Implementation Guidance for the U.S. Forest Service Over-Snow Vehicle (OSV) Travel Management Rule

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## PART 1: OVERVIEW OF THE OVER-SNOW VEHICLE (OSV) TRAVEL RULE

### History of the Forest Service Travel Rule

The U.S. Department of Agriculture – Forest Service issued its initial Travel Management Rule (TMR) in November 2005 in response to concerns about ‘unmanaged off-highway vehicle (OHV) recreation being one of the four major threats currently facing management of national forests and grasslands.’ This service-wide travel



Photo 1: Group of snowmobile riders in an open area

management rule dramatically changed OHV planning by requiring a systematic approach to designating motor vehicle use on Forest Service roads, trails and areas by type of vehicle, and if appropriate, by time of year. Subpart B of the TMR generally restricted all wheeled motor vehicles to designated roads and trails and mostly eliminated cross-country travel by OHVs off designated travel routes. Subpart C of the 2005 TMR addressed over-snow vehicles (OSVs) differently from other motor vehicles by generally allowing that the designation of OSV use was optional for local administrative units compared to other motor vehicle use designations being mandatory.

The Winter Wildlands Alliance (WWA), a national quiet-use group, eventually sued the Forest Service over its objection that OSV use designations were not mandatory. This lawsuit was ultimately settled by the Forest Service agreeing to issue a new travel rule pertaining to OSV travel designations. The amended Subpart C – OSV portion of the TMR became effective January 2015. It’s contained in Title 36 Code of Federal Regulations, Part 212 – Travel Management, Subpart C – Over-Snow Vehicle Use. Revised Subpart C and other pertinent TMR regulations can be found in Appendix 1.

### Understanding the OSV Travel Rule

Subpart C – the OSV portion of the Travel Rule – is distinctly different than Subpart B which applies to all other motor vehicles. It’s important to understand those differences – whether snowmobilers, Forest Service employees, or other trail managers and users – to properly apply the OSV rule on the ground and ensure an appropriate range of desired snowmobile riding opportunities remain available going forward.

Key elements of Subpart C include:



Photo 2: Snowmobilers riding on a trail

### PURPOSE

Subpart C provides for a system of roads, trails and areas on National Forest lands to be designated for motorized OSV use. Once roads, trails and areas are designated for use under Subpart C, all other OSV use is prohibited if not in accordance with the prescribed OSV use designations.

**Once the OSV designation process is complete – if it’s not on the OSV travel map, it’s not open to snowmobile travel**

- Other types of motor (wheeled) vehicles operating over snow will continue to be regulated by Subpart B



## SCOPE

The OSV Travel Rule will affect all National Forest System (NFS) lands where snowfall is adequate for OSV use to be allowed. The responsible official may incorporate previous administrative decisions regarding OSV use, made under other authorities, in designating roads, trail and areas for OSV use under Subpart C.

- The final rule does not set or suggest using minimum snow depths.
- The ability for Forest Service officials to incorporate previous decisions is very significant in respect to minimizing long, burdensome travel planning processes where some type of winter travel designation already exists; consequently they are not required to open up / redo older decisions that have designated where OSV use can occur.

**‘Where snowfall is adequate’ is the distinguishing criteria for where the OSV rule applies**

## TIMEFRAME

There is no required timeframe or deadline by which the Forest Service must complete OSV travel management designations.

- Having no completion deadline is important since implementation of the OSV rule is just one more unfunded mandate for the agency; at the same time there is no expectation that the Forest Service will delay its implementation for too long.

## KEY DEFINITIONS

**Over-Snow Vehicle (OSV):** A motor vehicle that is designed for use over snow and that runs on a track or tracks and/or a ski or skis, while in use over snow.

- The Forest Service OSV definition is very broad and includes a wide variety of tracked vehicles as shown in example Photos 3 through 7 below.
- Vehicle types can potentially be narrowed down to only specific vehicles being allowed through travel plan decisions, if desired locally.
- Since this definition is broader than many state’s snowmobile definition, travel planning will also need to reconcile those differences on a local case by case basis.

**Photo 3: Snowmobile**



**Photo 4: Snow Bike**



**Photo 5: Tracked ATV**



**Photo 6: Tracked UTV**



**Photo 7: Tracked Van Conversion**



**Area:** A discrete, specifically delineated space that is smaller, and except for over-snow vehicle use, in most cases much smaller, than a Ranger District.

- The OSV rule expanded the Forest Service area definition so it can essentially include an entire administrative unit (forest or district) in respect to OSVs.
- This may potentially require the reorientation of Forest Service employees – who have been focused on ‘route-route-route’ designations since 2005 in respect to most other motor vehicles – that large open OSV riding areas can be perfectly acceptable.

**Significant difference from Subpart B:**

**Subpart C recognizes that cross-country travel by OSVs is acceptable in appropriate circumstances that can be large scale – which could involve a culture shift in the management of some areas**

## DESIGNATIONS

If deemed appropriate, OSV use may be designated by:

- ❖ **Class of Vehicle**
    - Width
    - Type
  - ❖ **Time of Year**
    - Dates
- Class of Vehicle will be an important decision factor for local levels if there is a desire or need to narrow down the types and width of OSVs allowed. For example a tracked Ranger is 68.5” wide while a snowmobile is generally not wider than 48” – so local maximum trail widths may dictate a need to restrict some vehicle types and/or widths due to safety issues.
  - ‘Snowmobile season’ dates may come into play in some areas more than what’s been seen in the past.
  - ‘Snow Depth’ is not a designation criteria; it is instead addressed overarching in the final OSV Rule as ‘where snowfall is adequate.’ This is significant and appropriate since snow depth can be nebulous and generally inconsistent from one place to another within single sight-lines, as well as ever-changing due to wind and other uncontrollable weather conditions.

**Photo 8: Example tracked UTV width versus snowmobile width**



## USES EXEMPT FROM TRAVEL DESIGNATIONS

The following uses are exempt from OSV travel designations:

- ❖ Limited Forest Service administrative use;
- ❖ Emergency purposes for fire, military and law enforcement;
- ❖ National defense purposes for combat;
- ❖ Law enforcement response to violation of laws, including pursuit; and
- ❖ Special use specifically authorized under a written authorization (permit) issued under Federal law or regulation.

## EXISTING MANAGEMENT DECISIONS THAT REMAIN IN PLACE

The three following decision types have existed for decades and have substantially defined – and will continue to define – the sideboards as to where OSV use can be allowed:

1. **Forest Plan:** the Recreation Opportunity Spectrum (ROS) classification for individual management areas has zoned where winter motorized use is permissible; so if not allowed by the Forest Plan, OSV use cannot occur and is not open for revision during travel planning.
  - Every unit has a Forest Land Management Plan (Forest Plan) which uses the ROS classification to define (limit) where winter motorized use is potentially allowed. Forest Plan ROS area prescriptions cannot be changed without a Forest Plan amendment – so OSV travel planning is generally NOT going to expand winter motorized use beyond what the Forest Plan allows.
2. **Existing Travel Plans:** some units have winter motorized travel plans in place which may have further defined allowable OSV use; these existing decisions may be revised – but only through a new travel planning process that includes public participation and as per what the Forest Plan’s ROS allows in its various management areas.
  - Existing or future travel plans can further define/restrict where OSV use is allowed.
3. **Area or Project Specific Management Plans:** site-specific plans may have also placed restrictions on OSV use; these existing decisions may also be revised through travel planning as per Forest Plan management prescriptions.
  - Other site-specific projects or plans can further define/restrict where OSV use is allowed.

**It’s a myth that OSV use has previously been unmanaged on NFS Lands**

**ROS management area classifications in the Forest Plan zone where winter motorized use is permissible or not**

## PUBLIC INVOLVEMENT

The requirement for public involvement differs for implementing Existing Decisions versus New Decisions:

- A. **EXISTING DECISIONS:** Public notice with no further public involvement is sufficient **only if** the unit made **previous administrative decisions** under other authorities that restricted OSV use to designated routes and areas, which **included public involvement, and no change is proposed** to the previous travel management decision.

- It’s generally best to keep an existing travel management decision and roll it into a Subpart C designation, even if it’s not perfect. Otherwise all existing ‘winter motorized’ areas on the unit are open for reconsideration and a potentially long, drawn-out revision process.
- Use the annual OSV designation revision process to improve upon any imperfections since it’s generally easier to address issues in specific targeted areas rather than working a travel planning process that covers an entire forest.

**If there’s an existing winter travel plan that was created with public input – it’s generally best to roll it into a Subpart C designation without further public involvement**

- B. **NEW DECISIONS: Public participation is required for all new designations** of Forest Service roads, trails and areas for OSV use under Subpart C – **as well as for revising existing designations.**

**If a unit does not have an existing winter travel plan decision – it will need to complete a designation process using public participation**

- Advance notice must be given to allow for public comment
- Coordination with Federal, State, County, Local and Tribal governments is required

**EXCEPTION:** No public notice is required for temporary, emergency closures related to short-term resource protection or to protect public health and safety

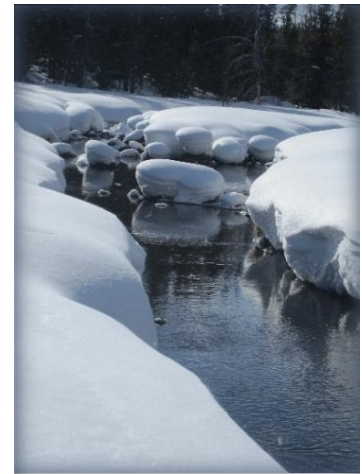
## **DESIGNATION CRITERIA CATEGORIES**

The following five criteria categories must be considered during travel management designation:

### **1. General Criteria Considerations for all roads, trails and areas**

General criteria that must be considered includes:

- ❖ Natural and cultural **resources**
  - ❖ Public **safety**
  - ❖ Provision of recreational **opportunities**
  - ❖ **Access** needs
  - ❖ **Conflicts** among uses of Forest Service lands
  - ❖ The need for **maintenance and administration** of roads, trails and areas due to any designation, as well as the availability of resources for maintenance and administration if designated
- General Criteria are normal topics routinely considered any time the Forest Service makes any decision related to a project or plan



**Photo 9: Water resources**

### **2. Trail and Area Criteria Considerations**

Trail and Area criteria have the specific objective of MINIMIZING impacts and include the following:

- ❖ **Damage to** soil, watershed, vegetation and other forest **resources**
- ❖ **Harassment of wildlife** and significant disruption of wildlife habitats
- ❖ **Conflicts between** motor vehicle use and existing or proposed **recreational uses** of Forest Service lands or neighboring Federal lands
- ❖ **Conflicts among** different **classes of motor vehicle uses** of Forest Service lands or neighboring Federal lands

- The Trail and Area Criteria are often referred to as the **Minimization Criteria** – meaning does the decision do the best it can to **MINIMIZE** potential impacts to various resources and wildlife, as well as potential conflicts between OSV use and other recreational uses as well as between different classes of motor vehicles.
- These criteria are considered every time there is a decision related to motorized recreation – so nothing new and certainly nothing to be afraid of even though some groups try to make a big deal out of ‘complying with the minimization criteria.’

**Photo 10: New winter trail users**



- The stated objective is to MINIMIZE – it does not say the agency must prohibit or totally eliminate impacts – so the goal is to make sure the proposed action does the best it can to ‘minimize’ impacts in order to allow a favorable decision/result for continued OSV use.

The Trail and Area Criteria must also consider:

- ❖ Compatibility of motor vehicle use with existing conditions in populated areas, taking into account sound, emissions and other factors.
- OSV use on NFS lands in populated areas is likely much lower than other motor vehicle use in this particular setting. Nonetheless the OSV designation decision must properly consider the compatibility of OSV use in populated areas as well as cumulatively for all five criteria.

### 3. Road Criteria Considerations

Road related criteria that must be considered includes:

- ❖ Speed, volume, composition and distribution of traffic on roads
- ❖ Compatibility of vehicle class with road geometry and road surfacing

While the Road criteria may seem more significant for other motor vehicle use, many snowmobile trails are co-located on Forest Service roads. This requires the following considerations:

- Will snow covered roads:
  - be open to OSV travel (whether groomed or ungroomed) and closed to all other motor vehicles,
  - be closed to all OSV use, or
  - include a mixture of both situations
- Will plowed roadways:
  - be closed to OSV travel, or
  - include circumstances where concurrent OSV use with other wheeled motor vehicles is necessary and feasible on plowed roadways



Photo 11: Road management sign

### 4. Rights of Access Considerations:

The Forest Service can only designate OSV routes over their own lands, or over private property for which they have a legal access agreement. Access rights criteria that must be considered includes:

- ❖ Valid existing access rights
- ❖ Ingress/egress rights of private property in-holders
- Are there either Forest Service or other public access easements/agreements in place across adjacent private lands?
- The Forest Service must often depend upon partners to help secure legal access across private lands where they do not have an existing easement, in order to link trail segments together into a desired trail system network.
- While the Forest Service can't prevent access for in-holders through any OSV designation, they aren't necessarily prevented from designating in-holder access as 'dual-use' with OSVs.



Photo 12: Private property management sign



## 5. Wilderness and Primitive Areas

OSV or other motor vehicle use designations cannot be considered in a designated Wilderness area:



- ❖ OSV use is always prohibited in congressionally designated Wilderness, or in Primitive Areas that existed in 1964 – unless a Wilderness area’s enabling legislation specifically authorized such use (which is very rare).

Photo 13: Wilderness boundary sign

### OVER-SNOW VEHICLE USE MAP

All road, trail and area use designation decisions will be identified on an over-snow vehicle use map, which is referred to as the OSVUM. This map is the legal enforcement document and may (if applicable to the area) also specify the vehicle classes and times of year for which OSV use is designated.

**If a road, trail or area is not designated on the OSVUM – it’s closed to OSV use!**

- In the case of open areas where cross-country OSV travel is allowed: open trails and roads will generally NOT need to be identified – the fewer lines on the OSVUM in open areas, the better.
- Not having all open roads and trails shown within large open area designated on the OSVUM will generally require a culture shift for snowmobilers – who generally freak out when a winter map shows up missing 100% of their trails. However in this case it will truly be a better approach since NEPA will be required for any future ‘line changes’ on the OSVUM.
- The OSVUM will be black and white, generally lacking in scale or features, and therefore generally useless for on-the-ground navigation. Consequently it will be important that partners – states, clubs, associations, chambers, etc. – print (continue to print) more detailed maps in color that are more user friendly.

**All future partner maps should incorporate all OSVUM designations, as well as show all designated trails within ‘open’ areas that likely will not be included on the OSVUM**

### MONITORING

Monitoring is typically a part of any Forest Service decision. It is routinely done by the agency for Forest Plan compliance as well as other decisions. Monitoring requirements related to the TMR include:

- ❖ Responsible official must monitor the effects of OSV use, consistent with applicable land management plans, as appropriate and feasible.
  - ❖ Evaluation may be holistic and need not address every route within an area.
  - ❖ Any proposed changes identified or suggested by monitoring must go back through the designation process.
- Monitoring is a big-picture look at what’s actually happening on the ground.
  - While it’s not necessarily route or area specific – it can be if definite impacts begin to be noticed.
  - It’s good that any proposed change identified through monitoring must go back through the designation process and must also include public input.



Photo 14: On-the-ground monitoring by Forest Service official

## KEY TAKE-A-WAY POINTS FROM PART 1:

### The Travel Management Rule treats OSVs different from Other Motor Vehicles in two ways:

1. While Subpart B recognizes that cross-country travel by other types of motor vehicles is generally unacceptable, Subpart C recognizes that cross-country travel by OSVs is acceptable in a larger number of appropriate circumstances. Consequently OSV use is generally confined to designated roads and trails considerably less than other motor vehicle use.



Photo 15: ATVs & ROV operating on-trail



Photo 16: Snowmobile operating in an open area

2. Subpart C recognizes that OSV use varies in different regions of the country due to widely varying terrain, snow depth and typology, as well as different local recreation and transportation trends. This generally results in more (but not exclusively) trail and road based OSV use in the Northeast and Midwest compared to large open OSV riding areas being predominately the norm across the West.

### Primary Reasons for OSV Management Difference

An OSV traveling over snow results in different / fewer impacts to natural and cultural resources than motor vehicles traveling over ground for the following reasons:

1. When properly operated and managed, OSVs do not make direct contact with soil, water and vegetation, whereas most other motor vehicle types operate directly on the ground surface. Consequently – unlike other types of motor vehicles traveling cross-country – OSVs generally do not create a permanent trail.
2. OSV use occurs only in the winter months when snow is present, in contrast to other types of motor vehicle use which can occur at any time of the year. Winter is simply a distinctly different season. The entire setting is very different from other seasons due to blankets of snow: visitor use is substantially less, impacts are lower, and public preferences for activities transform, allowing OSV recreation an opportunity to fulfill a unique niche not possible in other seasons.

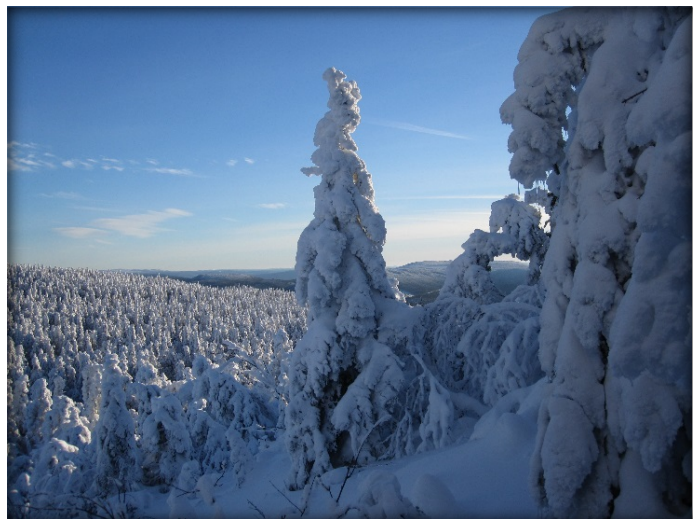


Photo 17: Winter is distinctly different from other seasons



## PART 2: THE 'SIX STEPS' IN THE FOREST SERVICE OSV DESIGNATION PROCESS

### Understanding the Designation Process

Part Two outlines the six steps generally followed by the Forest Service to complete OSV use designations and implement the OSV Rule.

The OSV travel planning process provides a seat at the table for snowmobilers and all other interested parties. Your public involvement is extremely important; it provides an opportunity for input that can hopefully help shape a final decision that's favorable for continued snowmobile access.



Photo 18: Group of snowmobilers riding on a trail

Snowmobilers absolutely have to get engaged in travel planning to make success possible, so the choice is clear:

- A) Get involved, work the process, and end up with continued riding opportunities, or
- B) Resist the process, don't get involved, and end up losing more riding opportunities than if you had participated.

**Understanding and Working the Process *makes success possible!***  
**Get involved and work it = Continued Riding Opportunities**  
**Resist and don't get involved = Lost Snowmobiling Access**

### Travel Management Planning is a lengthy process that involves '6 Steps' for the Agency

Even though travel planning can become a lengthy process, snowmobilers must find ways to get involved and stay involved throughout the entire process. The 'Six Steps' include:

#### STEP 1: COMPILE EXISTING TRAVEL MANAGEMENT DIRECTION

Step 1 involves reviewing all existing Forest Service decisions to compile a list of how OSV travel is currently managed in the various areas of the administrative unit. Current travel classifications will include:



- **RESTRICTED:** OSV travel confined to only designated roads and trails



- **OPEN:** cross-country OSV travel permissible off roads and trails in designated areas; while there may be groomed trails within open areas, use is not restricted to trails



- **CLOSED:** all roads, trails and areas are closed to motorized OSV travel

## Existing Management Decisions

As discussed in Part 1, existing management direction will typically be found in three places:

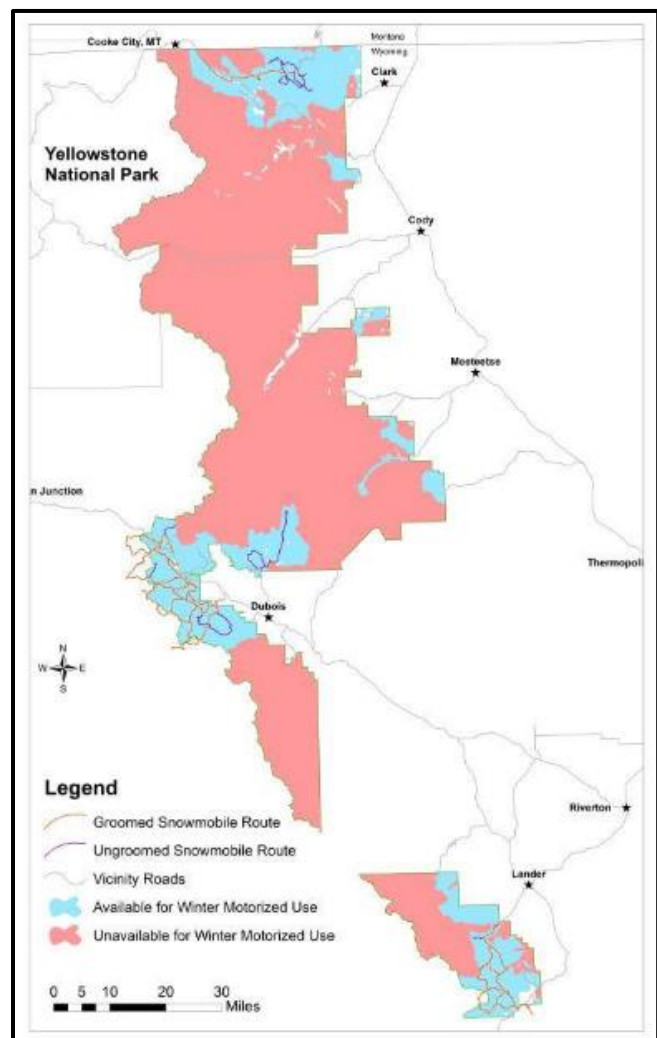
1. **Forest Plan:** the Recreation Opportunity Spectrum (ROS) classification for individual management areas has zoned where winter motorized use is permissible; so if not allowed by the Forest Plan, OSV use cannot occur and is not open for revision during travel planning. This decision document is by far the most important resource since ‘permissible winter motorized use’ is largely defined by the Forest Plan’s ROS area classifications.
2. **Existing Travel Plans:** some units have winter motorized travel plans in place which further define allowable OSV use; these existing decisions may be revised – but only through a new travel planning process that includes public participation and as per what the Forest Plan’s ROS allows in its various management areas.
3. **Area or Project Specific Management Plans:** site-specific plans also may have placed restrictions on OSV use; these existing decisions may potentially be revised through travel planning as per Forest Plan management prescriptions.

It is the job of Forest Service staff to compile this information. However it’s also important that snowmobilers help confirm this information to help ensure the Forest Service includes 100% of existing legal OSV access routes and that all historic (legal) open riding areas are carried forward.

### Existing Management Decisions should be combined to develop a map showing the total ‘AREA AVAILABLE FOR WINTER MOTORIZED USE’

This map sets the sideboards for OSV travel management discussions. It helps clearly define the **maximum area where OSV travel *can* be allowed** – but does not guarantee that OSV travel *will* be allowed in all circumstances after final travel management planning decisions designate the open OSV roads, trails and areas.

The blue area on Map 1 shows the ‘Area Available for Winter Motorized Use’ on the Shoshone National Forest in Wyoming. The blue areas collectively comprise 22% of the forest, while the remaining 78% of the forest shown in red represents the area ‘Not Available for Winter OSV Use.’ Consequently in this example, OSV use can only be considered on 22% of that forest – a number that absolutely will NOT grow through travel planning. On the other hand, the 78% of the forest shown in red – which has already been closed to OSV use by prior decisions – could potentially grow larger through travel planning.



Map 1: Shoshone National Forest (WY) Winter Use Map

## STEP 2: ASSEMBLE RESOURCE AND SOCIAL DATA

Step 2 relates to all the various the Criteria required to be considered in the designation process by the OSV Travel Rule.

This information is compiled internally by Forest Service staff, similar to what is done for other Forest Service plans and projects. While the agency may reach out to snowmobilers and other partners for pieces of information, it does much of this work behind the scenes with its various ‘subject area’ experts.

Resource and social data typically assembled in Step 2 includes:

- Maps of existing trails and areas
- Inventory of historic and cultural resources
- Safety issues
- Range of existing recreation opportunities along with user needs assessments
- Conflict issues
- Future maintenance and administration needs due to OSV designation, along with available future resources and funding for those needs
- Soil
- Water quality
- Vegetation
- Wildlife
- Sound
- Air quality
- Any other potential impact issues



Photo 19: Resource considerations



Photo 20: Hybrid user group – snowmobiler & snowboarder

### Route Inventories

Route Inventories are part of Step 2 and involves assembling maps of all existing trails and open riding areas.

- ❖ **Areas managed as OPEN to cross-country travel:** if an area is managed as OPEN to cross-country OSV travel there is no need to compile an inventory of all roads and trails used by OSVs within that open area. Everything within the area should be open to OSV use. While signed and groomed trails within open areas may sometimes be shown on the map, it is not mandatory.

Photo 21: Snowmobilers riding in an open OSV area



- ❖ **Areas managed as RESTRICTED to designated routes:** if OSV use is managed as RESTRICTED to designated roads and trails



within an area, ALL roads and trails used/desired to be used by OSVs must be identified and shown on the route inventory map. This includes all groomed and ungroomed routes regardless if OSV travel is primary, secondary, or merely incidental use. If it's not identified in a route inventory, it's not going to make the OSVUM designation and therefore will be closed to future OSV use. While the Forest Service has the ultimate responsibility to conduct this route inventory, snowmobilers should be engaged to ensure 100% of desired routes and areas are captured by the route inventory.

Photo 22: Snowmobiler riding on a groomed OSV trail



**STEP 3: USE TRAVEL ANALYSIS TO IDENTIFY *IF* THERE IS A *NEED TO CHANGE* THE EXISTING TRAVEL SYSTEM AND *WHAT* THOSE PROPOSED CHANGES SHOULD BE**

Travel Analysis in Step 3 is extremely important in that it presents an opportunity to identify any ‘needs for change’ and exactly what those changes should be.

Common ‘need for change’ examples include but are not limited to:

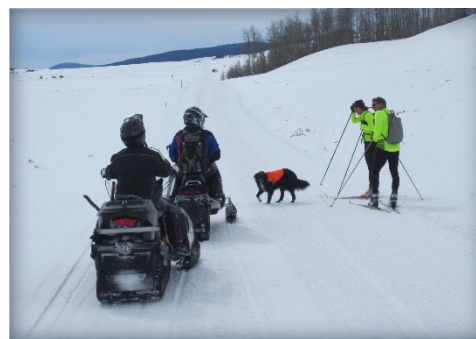
- When an existing snowmobile trail needs to be rerouted to address grooming or resource issues.
- When a connector link is needed to add a new business or service along a trail system.
- When new user groups are being considered on the trail system or increased use creates demand for more trail routes to help disperse use.
- When growing or decreasing user conflict issues warrant consideration of rezoning allocation areas.

System design considerations which are assessed during Travel Analysis include:

**A. Recreation Experience**

Looking at desired Recreation Experience facilitates discussions about the appropriate types of use that should be allowed on groomed OSV trails. It also provides an opportunity to look closely at reasons to perhaps change existing trail systems – whether rerouting, adding or deleting trail sections. Typical considerations include:

- OSV types allowed
- Volume of use
- Typical area trip characteristics
- Relationship between OSV use and other recreation uses
- Area destinations, attractions and services
- Ability to connect routes with attractions and services
- Traffic flow and loop trails
- Historic use patterns
- Current or potential commercial rental or outfitter use



**Photo 23: Snowmobilers & skiers on trail**

**B. Environmental Concerns**

Potential environmental and resource management issues are regularly considered in a Forest Service planning process. This part of the exercise is important since it helps managers identify documented needs to either eliminate or mitigate confirmed environmental impacts. Typical considerations include:

- Soil, water, vegetation, wildlife and cultural issues
- Relationship between OSV use and other forest uses
- Sound or emissions in relationship to nearby uses and landowners
- Stream crossings and riparian areas
- Relationship to Wilderness and other non-motorized areas
- Cumulative effects



**Photo 24: Water & riparian resources**

### C. Operational Issues

Operational issues are often the most commonly identified reason for a ‘need to change’ OSV management. This particular analysis criteria is generally a good thing since it can lead to improved facilities and access, as well as overall better OSV management. On the other hand if operational issues are ignored or not timely addressed, they can generate recreation conflicts, adverse environmental impacts, and eventually energy for added restriction or closure efforts. This particular piece requires adequate and stable long-term funding, often provided through partnerships with state or local government along with snowmobile associations and clubs. Typical considerations include:

- Adequate parking with timely snow removal
- Known safety issues
- Volume of use
- Support from user groups, volunteers and other cooperators
- Ability to enforce regulations and designations
- Trail grooming frequency and efficiency
- Other maintenance needs
- Funding availability



Photo 25: Snowmobile trail grooming

### D. Route and Area Evaluation

The designation process includes a formal look at evaluating the need for adding new trails or open riding areas, as well as making changes due to documented management issues. This evaluation is closely connected to the various factors discussed above. Local circumstances continually change, so it's proactive to step back and analyze current uses and needs versus decisions made a decade or two (or more) ago. If old decisions or restrictions are truly no longer relevant, this is the first step in a very long process which could ultimately require a Forest Plan amendment or law change. While changing current motorized use restrictions is a very long, difficult task (and often unsuccessful) – the process must start somewhere, so this is one of the most logical places to begin. Typical considerations for Route and Area Evaluations include:

- Identify additional trails or designated open areas that may be desired
- Identify environmental, social, recreation opportunity, or managerial issues that may benefit from route or area designation changes
- Consider potential changes to use patterns if trailheads, attractions, services, or uses are added or deleted from the system
- Propose changes to the overall existing OSV system, as needed and appropriate
- Propose changes to existing travel management allowances or restrictions, as needed and appropriate

### E. Potential Mitigation Issues

Many management actions can be used to help mitigate (minimize) or prevent conflicts as well as potential impacts to resources and safety. It's essential for long-term OSV management and designation success that a full range of potential management tools be identified and implemented to properly address local issues and circumstances. Typical considerations for which mitigation measures may be needed include:

- Trespass or encroachment issues: private lands, crucial wildlife winter range, sensitive areas, Wilderness, etc.
- Water crossings
- Highway under- or over-passes
- Safety shelters
- Sanitary facilities
- Signing
- Conflicts



Photo 26: Snowmobile trail underpass

## F. Access Across Adjacent Private Lands

As discussed in Part 1, the Forest Service can only designate OSV routes over its own property or where it has legal access across adjacent private property through right-of-way easements. Consequently it can be necessary for partners help obtain permission to cross private property when needed for OSV trail linkage and continuity. Any partnership(s) needed to help provide access across non-Forest Service lands should be identified during Travel Analysis. Typical considerations include:

- Identifying where the Forest Service does not have legal access across adjacent private land, where that lack of access creates an issue for OSV trail system linkage and management.
- Identify whether the agency has the ability to secure legal access permission for missing OSV trail linkage(s) on its own, or if partners will be required to help gain legal trail access across adjacent private property.



Photo 27: Snowmobiler on private property

## STEP 4: CONDUCT NEPA ANALYSIS AND MAKE A DECISION

Step 4 is often the first opportunity for substantial public involvement, particularly if the local OSV management framework hasn't already brought partners into the process during Steps 1, 2 or 3. For certain, Step 4 and navigating the National Environmental Policy Act (NEPA) process can be long, cumbersome, and result in process fatigue by individual snowmobilers as well as clubs and associations (so this is an over-simplified synopsis). Nonetheless, this is an extremely important step in the designation process where public involvement by snowmobilers is essential – because other non-snowmobiling interests will absolutely be engaged.

Key steps in the NEPA process, including public participation opportunities, are summarized below:

1. Agency releases its Scoping Notice
  - **PUBLIC COMMENTS ON SCOPE OF PROJECT**
2. Agency releases a Draft Environmental Impact Statement (DEIS)
  - **PUBLIC COMMENTS ON DEIS**
3. Agency releases a Final Environmental Impact Statement (FEIS)
4. Agency releases its Record Of Decision (ROD)
  - **PUBLIC OBJECTION PERIOD**

Snowmobilers need to show up during Scoping to help identify all the desired routes and areas – and then they need to show up again several months to a year later when the Draft EIS is released for public comment. And then their last opportunity is the Objection Period – which really means they did a poor job on the front end of selling their needs and ended up having to object at the end in a last-ditch appeal to get something in the nearly final decision reversed.

Travel planning is all about drawing lines on maps – so local knowledge and participation is crucial. Snowmobilers must place high emphasis on substantive and meaningful NEPA participation during Scoping and then again during the Draft EIS comment period if they expect their local OSV designation process to have positive results.

**Step 4 is truly when  
'everyone & their dog'  
need to get involved &  
participate during public  
comment periods**





## STEP 5: PUBLISH AN OVER-SNOW VEHICLE USE MAP (OSVUM)

This is an important step since it means a Winter Travel Plan is finally finished. So if a desired road, trail or open riding isn't shown on the OSVUM – it's closed! The OSVUM will closely resemble the motorized vehicle use map (MVUM) and display limited features in a black and white format. Consequently it will become more important than ever that partners publish a more user friendly, colored map that also clearly discloses all designated OSV trails and areas – consistent with the OSVUM.

### Key Points about the OSVUM:

- It completes the designation process and becomes the legal enforcement document.
- Restrictions and closures will not go into effect until the OSVUM is published.
- May be updated annually (must have public input if changed), otherwise remains in effect until republished or updated.
- Is a paper map, plus will be available on the forest's website.
- Displays only those roads, trails and areas that are open for OSV use.

**IF IT'S NOT ON THE OSVUM –  
IT'S NOT OPEN!**

### Signs Are Not Required with OSVUM, but *may* be used to:

- Indicate open routes and serve as confidence markers: trail blazers and snow poles
- Indicate closed areas: Wilderness, winter range, non-motorized areas
- Help interpret the map

On-the-ground signing is clearly not required by the Travel Rule or for the OSVUM to be the legally binding enforcement document. Consequently it will be up to snowmobile riders to understand all the various restricted or open boundaries on units where they're riding and to know where they are at all times.

While not required, it may be highly advisable to use a full range of signing in local areas to help provide user education and proper management. Local decisions to provide on-the-ground signing that helps interpret OSV designations could be good investments toward helping protect long-term OSV access opportunities.



**Photo 28: On-the-ground example of confidence blazers & trail junction signs**

**Photo 29: Signing example to help provide on-the-ground education for OSV use restrictions**

## STEP 6: IMPLEMENT, MONITOR AND REVISE

Getting to Step 6 means that many months, or even a year or two, of hard work has been completed. It's likely that both the agency and snowmobilers have new responsibilities to carry forward.

### Implementation

It's important that all parties embrace the winter travel plan decision and diligently work to implement it. Important implementation tasks can include:

- Publishing the OSVUM
- Educating that public about OSV use designations
- Enforcing restrictions
- Monitoring use impacts
- Installing signing
- Conducting maintenance
- Working partnerships



**Photo 30: Performing trail maintenance**

### Monitoring

The collection of information through monitoring is extremely important. It involves gathering information to assess potential impacts and to help identify whether revisions to route and area designations may potentially be needed.

**Photo 31: On-the-snow presence by agency is important for monitoring**



### Revision

The OSVUM may be updated annually – or else it remains in force until updated. While changes to OSV travel designations can be considered as needed by the administrative officer, any change in OSV use designations requires public participation.



**Photo 32: Snowmobilers riding in a designated open OSV riding area**

- The OSVUM is intended to be published annually, but this does not mean the map will necessarily be changed every year.
- Consideration to change road, trail and area designations is ultimately at the discretion of the local District Ranger, who will use monitoring data to help determine real 'needs for change' versus deciding to simply republish the existing OSVUM for the next winter use season.
- While an annual 'map date change' does not require public input – route or area boundary revisions do require a public participation process before any lines on the OSVUM can be changed.

## Part 3: Adapting the 4 E's to Effective OSV Travel Management

The '4E's' include Engineering, Education, Enforcement, and Evaluation. These four management functions have become fundamental principles behind the Forest Service's 'other motorized (wheeled) vehicles' travel designation and management process.

The '4 E's' approach emphasizes that:

- All 4 E's are inter-related and co-dependent,
- None can successfully stand alone, and
- It is most successful when all 4 E's are effectively applied together.

### The '4E's' include:

1. Engineering
2. Education
3. Enforcement
4. Evaluation

While the '4 E's' are important for effective motorized vehicle management, two factors suggest they may be less central for OSV management:

1. Most OSV trails and riding areas are well established, having been actively managed for decades. In comparison other motor vehicles were largely 'unmanaged' prior to implementation of the Travel Management Rule in 2005 – which required many administrative units to institute striking policy changes related to motorized vehicle travel.
2. There are very distinct differences in how other motor vehicle trails are constructed compared to how OSV trails are constructed.

The 4 E's, with suggestions for proper application to OSV management, include:

### 1. ENGINEERING

OSV trails are absolutely never an 'engineered' trail. That distinction must always remain clear since – to ever characterize them as such – could invite undue liability. Even when co-located on top of an engineered roadbed or terra trail, an OSV trail is never in an 'engineered' state since snow is an unstable, ever-changing substance. OSV trails are constructed solely with compacted snow, which is an ever-changing base material compared to other motor vehicle roads and trails which are constructed with much different, more stable base material that can include soil, gravel, rock, concrete or asphalt.

**OSV trails are never an 'engineered' trail**

#### Snow as a Trail Base is Constantly Changing

Snow is a continually changing medium due to metamorphosis within the snowpack. This constant change is influenced by environmental factors that includes:

- Temperature fluctuation
- Snow water content, and its movement through the snowpack
- Snow depth
- Barometric pressure
- Wind

Consequently an over-snow trail's compacted snow base rarely remains in a consistent condition for very long since snow grains are continually changing.

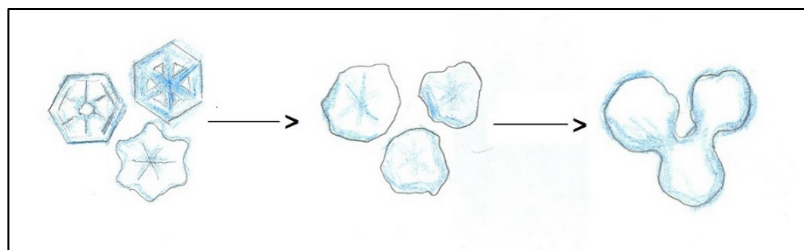


Photo 33: Snow particles are constantly changing due to metamorphosis



## OSV Trail Conditions Are Constantly Changing

Conditions on top of a compacted snow trail's surface are also constantly changing due to:

- New snowfall
- Freeze-thaw cycles
- Wind drifting

Further trail surface inconsistency is caused by:

- Varying trail layout
- Trail topography
- Aspect / exposure to direct sunshine
- Trail use patterns
- Traffic volumes
- Grooming frequency or timing

These factors can all cause the same trail to vary over short or long distances as well as over the course of one hour, one day, or one week. There is simply no consistent 'engineering' feature in any OSV trail.



**Photo 34: Fresh snow can quickly obliterate a groomed trail**

## OSV trails are Design-Built with a Snow Groomer, influenced by available snow

A better characterization of OSV trails is that they're more of a design-built versus engineered piece of the winter infrastructure. What they look like is influenced by available snow and what a snow groomer is able to do with that snow at any given point in time. Snow grooming itself is influenced by:

- Trail clearing height and width
- Slope
- Exposure to wind and sun
- Water crossings: whether a natural snow bridge, filling a depression by dozing snow, installing a temporary or permanent bridge, or utilizing an ice crossing

Consequently the end product is highly variable depending available snow and varying site conditions along the trail system.



**Photo 35: Snow groomer working on trail**

## Engineering Really Means Infrastructure

'engineering' – it makes more sense in respect to OSV management. Potential infrastructure needed for the successful management of an OSV trail system includes:

- **Parking areas** with adequate size, good traffic circulation, regular snow removal with adequate snow storage capacity, safe egress / ingress to adjacent trails and riding areas, parking instructions, and properly designed use zones if there is heavy multiple use – are absolutely critical since poor parking is the root of many winter user conflicts
- **Grooming equipment** that properly fits the needs of the area
- **Signing:** confidence markers, boundary markers, regulatory, information and education
- **Bridges and underpasses**
- **Facilities:** restrooms, safety shelters & warming huts

If one looks at this as 'infrastructure needs' rather than in the context of

## 2. EDUCATION

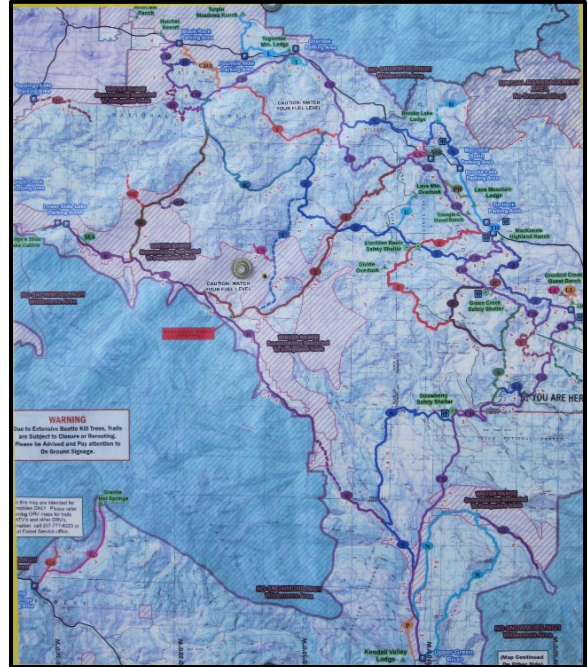
Education is an important component of managing recreational use, so it certainly applies to OSV management. There should be clear goals set for education efforts. Once goals are established, a full range of education tools, appropriate for the local area, should be employed to help facilitate successful OSV management.

Education goals should include:

- ❖ Set expectations
- ❖ Inform visitors of laws, rules and regulations
- ❖ Improve compliance
- ❖ Improve quality of experience
- ❖ Reduce conflicts

There are numerous examples of successful OSV education tools which include:

- ✓ User friendly partner maps with features displayed in color
- ✓ A wide range of trailhead signs/kiosks; trail blazers/poles/regulatory and informational signs
- ✓ On-the-ground public contacts by agency staff, partners, and volunteers
- ✓ Printed materials such as brochures, flyers and posters with targeted messages
- ✓ PSAs
- ✓ Websites
- ✓ Interpretive signs



Map 2: Partner map showing area restrictions



Photo 36: Example education poster



Photos 37 and 38: Example on-the-ground education signs



### 3. ENFORCEMENT

Enforcement is another important component of managing recreational use and is necessary for successful OSV management. Enforcement is not just about compliance with rules and regulations, but must also include good visitor / customer service through agency and partner visibility that helps promote awareness and good behavior.

It is well proven that enforcement problems and resource impact issues are always greater when a poor job has been done of providing appropriate infrastructure and education – so more emphasis placed on those two components often decreases overall enforcement needs.

**If the agency has done a poor job of providing infrastructure & education – there will typically be more resource impact issues & greater enforcement problems**

The benefits of a good enforcement program can include:

- ❖ Increased compliance
- ❖ Increased agency visibility
- ❖ Reduced conflicts
- ❖ Increased visitor services

**Photo 39: On-the-snow presence by agency staff is important for education, enforcement and evaluation**



### 4. EVALUATION

Evaluation really means monitoring, so the fourth 'E' also applies to OSV management. Monitoring is built into the Forest Service management process as an extension of normal evaluation work done by Forest Service staff. In respect to OSV management, this monitoring work can help determine any potential 'need for change' which can then be addressed through annual OSVUM updates, as appropriate in local areas.

**Evaluation = Monitoring**

In particular, OSV related monitoring should evaluate:

- ❖ Compliance with road, trail and area designations
- ❖ Adequate infrastructure, maintenance and management activities
- ❖ Adequate visitor satisfaction
- ❖ Adequate resource protection



**Photo 40: Satisfied snowmobilers on a well-groomed trail with high scenic value**



**APPENDIX 1: FOREST SERVICE TRAVEL MANAGEMENT RULE (TMR)**  
**SUBPART C – OVER-SNOW VEHICLE USE**  
**With Other Associated Regulations**

**Title 36 – Parks, Forests, and Public Property**  
**Chapter 2 – Forest Service, Department Of Agriculture**

**PART 212 – TRAVEL MANAGEMENT SUBPART C—OVER-SNOW VEHICLE USE**

AUTHORITY: 7 U.S.C. 1011(f), 16 U.S.C. 551, E.O. 11644, 11989 (42 FR 26959)

SOURCE: 70 FR 68290, Nov. 9, 2005, unless otherwise noted.

**§212.80 Purpose, scope, and definitions.**

(a) *Purpose.* This subpart provides for a system of National Forest System roads, National Forest System trails, and areas on National Forest System lands that are designated for over-snow vehicle use. After these roads, trails, and areas are designated, over-snow vehicle use not in accordance with these designations is prohibited by 36 CFR 261.14. Over-snow vehicle use off designated roads and trails and outside designated areas is prohibited by 36 CFR 261.14.

(b) *Scope.* The Responsible Official may incorporate previous administrative decisions regarding over-snow vehicle use made under other authorities in designating National Forest System roads, National Forest System trails, and areas on National Forest System lands for over-snow vehicle use under this subpart.

(c) *Definitions.* For definitions of terms used in this subpart, refer to §212.1.

[80 FR 4511, Jan. 28, 2015]

**§212.1 DEFINITIONS.** (Key definitions pertinent to Subpart C)

*Administrative unit.* A National Forest, a National Grassland, a purchase unit, a land utilization project, Columbia River Gorge National Scenic Area, Land Between the Lakes, Lake Tahoe Basin Management Unit, Midewin National Tallgrass Prairie, or other comparable unit of the National Forest System.

*Area.* A discrete, specifically delineated space that is smaller, and, except for over-snow vehicle use, in most cases much smaller, than a Ranger District.

*Designation of over-snow vehicle use.* Designation of a National Forest System road, a National Forest System trail, or an area on National Forest System lands where over-snow vehicle use is allowed pursuant to §212.81.

*Over-snow vehicle.* A motor vehicle that is designed for use over snow and that runs on a track or tracks and/or a ski or skis, while in use over snow.

*Over-snow vehicle use map.* A map reflecting roads, trails, and areas designated for over-snow vehicle use on an administrative unit or a Ranger District of the National Forest System.

[30 FR 5476, Apr. 16, 1965, as amended at 66 FR 3216, 3217, Jan. 12, 2001; 70 FR 68287, Nov. 9, 2005; 80 FR 4511, Jan. 28, 2015]

### **§212.81 Over-snow vehicle use.**

(a) *General.* Over-snow vehicle use on National Forest System roads, on National Forest System trails, and in areas on National Forest System lands shall be designated by the Responsible Official on administrative units or Ranger Districts, or parts of administrative units or Ranger Districts, of the National Forest System where snowfall is adequate for that use to occur, and, if appropriate, shall be designated by class of vehicle and time of year, provided that the following uses are exempted from these decisions:

- (1) Limited administrative use by the Forest Service;
- (2) Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes;
- (3) Authorized use of any combat or combat support vehicle for national defense purposes;
- (4) Law enforcement response to violations of law, including pursuit; and
- (5) Over-snow vehicle use that is specifically authorized under a written authorization issued under Federal law or regulations.

(b) *Previous over-snow vehicle decisions.* Public notice with no further public involvement is sufficient if an administrative unit or a Ranger District has made previous administrative decisions, under other authorities and including public involvement, which restrict over-snow vehicle use to designated routes and areas over the entire administrative unit or Ranger District, or parts of the administrative unit or Ranger District, where snowfall is adequate for OSV use to occur, and no change is proposed to these previous decisions.

(c) *Identification of roads, trails, and areas for over-snow vehicle use.* Designation of National Forest System roads, National Forest System trails, and areas on National Forest System lands for over-snow vehicle use shall be reflected on an over-snow vehicle use map. Over-snow vehicle use maps shall be made available to the public at headquarters of corresponding administrative units and Ranger Districts of the National Forest System and, as soon as practicable, on the Web site of the corresponding administrative units and Ranger Districts. Over-snow vehicle use maps shall specify the classes of vehicles and the time of year for which use is designated, if applicable.

(d) *Decision-making process.* Except as modified in paragraph (b) of this section, the requirements governing designation of National Forest System roads, National Forest System trails, and areas on National Forest System lands in §§212.52 (public involvement), 212.53 (coordination), 212.54 (revision), 212.55 (designation criteria (including minimization)), and 212.57 (monitoring), shall apply to decisions made under this subpart. In making decisions under this subpart, the Responsible Official shall recognize the provisions concerning rights of access in sections 811(b) and 1110(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121(b) and 3170(a), respectively).

[80 FR 4511, Jan. 28, 2015]

## **SUBPART B—DESIGNATION OF ROADS, TRAILS, AND AREAS FOR MOTOR VEHICLE USE** (the following provisions of Subpart B also apply to Subpart C)

### **§212.52 Public involvement.**

(a) *General.* The public shall be allowed to participate in the designation of National Forest System roads, National Forest System trails, and areas on National Forest System lands and revising those designations pursuant to this subpart. Advance notice shall be given to allow for public comment, consistent with agency procedures under the National Environmental Policy Act, on proposed designations and revisions. Public notice with no further public involvement is sufficient if a National Forest or Ranger District has made previous

administrative decisions, under other authorities and including public involvement, which restrict motor vehicle use over the entire National Forest or Ranger District to designated routes and areas, and no change is proposed to these previous decisions and designations.

(b) *Absence of public involvement in temporary, emergency closures*—(1) *General*. Nothing in this section shall alter or limit the authority to implement temporary, emergency closures pursuant to 36 CFR part 261, subpart B, without advance public notice to provide short-term resource protection or to protect public health and safety.

(2) *Temporary, emergency closures based on a determination of considerable adverse effects*. If the responsible official determines that motor vehicle use on a National Forest System road or National Forest System trail or in an area on National Forest System lands is directly causing or will directly cause considerable adverse effects on public safety or soil, vegetation, wildlife, wildlife habitat, or cultural resources associated with that road, trail, or area, the responsible official shall immediately close that road, trail, or area to motor vehicle use until the official determines that such adverse effects have been mitigated or eliminated and that measures have been implemented to prevent future recurrence. The responsible official shall provide public notice of the closure pursuant to 36 CFR 261.51, including reasons for the closure and the estimated duration of the closure, as soon as practicable following the closure.

#### **§212.53 Coordination with Federal, State, county, and other local governmental entities and tribal governments.**

The responsible official shall coordinate with appropriate Federal, State, county, and other local governmental entities and tribal governments when designating National Forest System roads, National Forest System trails, and areas on National Forest System lands pursuant to this subpart.

#### **§212.54 Revision of designations.**

Designations of National Forest System roads, National Forest System trails, and areas on National Forest System lands pursuant to §212.51 may be revised as needed to meet changing conditions. Revisions of designations shall be made in accordance with the requirements for public involvement in §212.52, the requirements for coordination with governmental entities in §212.53, and the criteria in §212.55, and shall be reflected on a motor vehicle use map pursuant to §212.56.

#### **§212.55 Criteria for designation of roads, trails, and areas.**

(a) *General criteria for designation of National Forest System roads, National Forest System trails, and areas on National Forest System lands*. In designating National Forest System roads, National Forest System trails, and areas on National Forest System lands for motor vehicle use, the responsible official shall consider effects on National Forest System 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, trails, and areas that would arise if the uses under consideration are designated; and the availability of resources for that maintenance and administration.

(b) *Specific criteria for designation of trails and areas*. In addition to the criteria in paragraph (a) of this section, in designating National Forest System trails and areas on National Forest System lands, the responsible official shall consider effects on the following, with the objective of minimizing:

- (1) Damage to soil, watershed, vegetation, and other forest resources;
- (2) Harassment of wildlife and significant disruption of wildlife habitats;
- (3) Conflicts between motor vehicle use and existing or proposed recreational uses of National Forest System lands or neighboring Federal lands; and

(4) Conflicts among different classes of motor vehicle uses of National Forest System lands or neighboring Federal lands.

In addition, the responsible official shall consider:

(5) Compatibility of motor vehicle use with existing conditions in populated areas, taking into account sound, emissions, and other factors.

(c) *Specific criteria for designation of roads.* In addition to the criteria in paragraph (a) of this section, in designating National Forest System roads, the responsible official shall consider:

(1) Speed, volume, composition, and distribution of traffic on roads; and

(2) Compatibility of vehicle class with road geometry and road surfacing.

(d) *Rights of access.* In making designations pursuant to this subpart, the responsible official shall recognize:

(1) Valid existing rights; and

(2) The rights of use of National Forest System roads and National Forest System trails under §212.6(b).

(e) *Wilderness areas and primitive areas.* National Forest System roads, National Forest System trails, and areas on National Forest System lands in wilderness areas or primitive areas shall not be designated for motor vehicle use pursuant to this section, unless, in the case of wilderness areas, motor vehicle use is authorized by the applicable enabling legislation for those areas.

#### **§212.57 Monitoring of effects of motor vehicle use on designated roads and trails and in designated areas.**

For each administrative unit of the National Forest System, the responsible official shall monitor the effects of motor vehicle use on designated roads and trails and in designated areas under the jurisdiction of that responsible official, consistent with the applicable land management plan, as appropriate and feasible.

### **PART 261 – PROHIBITIONS.**

#### **§261.14 Over-snow vehicle use.**

After National Forest System roads, National Forest System trails, and areas on National Forest System lands have been designated for over-snow vehicle use pursuant to 36 CFR 212.81 on an administrative unit or a Ranger District of the National Forest System, and these designations have been identified on an over-snow vehicle use map, it is prohibited to possess or operate an over-snow vehicle on National Forest System lands in that administrative unit or Ranger District other than in accordance with those designations, provided that the following vehicles and uses are exempted from this prohibition:

(a) Limited administrative use by the Forest Service;

(b) Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes;

(c) Authorized use of any combat or combat support vehicle for national defense purposes;

(d) Law enforcement response to violations of law, including pursuit;

(e) Over-snow vehicle use that is specifically authorized under a written authorization issued under Federal law or regulations; and

(f) 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.

[80 FR 4512, Jan. 28, 2015]

#### **§261.21 National Forest primitive areas.**

The following are prohibited in any area classified as a National Forest Primitive Area on September 3, 1964:

(a) Landing of aircraft or using a motor boat, unless such use had become well established before September 3, 1964.

(b) Possessing or using a motor or motorized equipment, except small battery powered, hand-held devices, such as cameras, shavers, flashlights, and Geiger-counters.

[42 FR 35959, July 13, 1977. Redesignated at 70 FR 68291, Nov. 9, 2005]

### **PART 293 – WILDERNESS—PRIMITIVE AREAS**

#### **§293.17 National Forest Primitive Areas.**

(a) Within those areas of National Forests classified as *Primitive* on the effective date of the Wilderness Act, September 3, 1964, there shall be no roads or other provision for motorized transportation, no commercial timber cutting, and no occupancy under special-use permit for hotels, stores, resorts, summer homes, organization camps, hunting and fishing lodges, or similar uses: *Provided*, That existing roads over National Forest lands reserved from the public domain and roads necessary for the exercise of a statutory right of ingress and egress may be allowed under appropriate conditions determined by the Chief, Forest Service.

(b) Grazing of domestic livestock, development of water storage projects which do not involve road construction, and improvements necessary for the protection of the National Forests may be permitted, subject to such restrictions as the Chief, Forest Service, deems desirable. Within Primitive Areas, when the use is for other than administrative needs of the Forest Service, use by other Federal agencies when authorized by the Chief, and in emergencies, the landing of aircraft and the use of motorboats are prohibited on National Forest land or water unless such use by aircraft or motorboats has already become well established, the use of motor vehicles is prohibited, and the use of other motorized equipment is prohibited except as authorized by the Chief. These restrictions are not intended as limitations on statutory rights of ingress and egress or of prospecting, locating, and developing mineral resources.

(c) All prohibitions for those areas of National Forest classified as *Primitive* on the effective date of the Wilderness Act, September 3, 1964, are in part 261.

(78 Stat. 890, 16 U.S.C. 1131-1136; 74 Stat. 215, 16 U.S.C. 528-531)

[38 FR 5855, Mar. 5, 1973, as amended at 42 FR 35960, July 13, 1977]