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Travel Management Final Rule Proposed Changes

212.1 Definitions:

- Off-Highway Vehicle (OHV): Any motorized vehicle that drives on National Forest System Lands, including cars, trucks, motor homes, motorcycles and other vehicles. This may include street legal registration or non-highway legal registration.

Subpart B

212.50 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 motor vehicle use. After these, trails and areas are designated; motor vehicle use ~~including class of vehicles and time of year~~ not in accordance with these designations ~~is prohibited by 36 CFR 261.13~~ will have to be reviewed by the responsible official at the District Ranger level to determine inclusion into the National Forest System road, trail and area inventory. ~~Motor vehicle use off designated roads and trails and outside designated areas is prohibited by 36 CFR 261.13.~~ *Travel Management shall be regarded as a mandate for sustainable motorized use on National Forest System lands, rather than a mandate for closure of National Forest Service routes.*

(b) Scope. The responsible official may incorporate previous administrative decisions regarding travel management made under other authorities, including designations and prohibitions of motor vehicle use, in designating National Forest System roads, National Forest System trails, and areas on National Forest System lands for motor vehicle use under this subpart.

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

212.51 Designation of roads, trails, and areas

(a) General. Motor Vehicle use on National Forest System roads, on National Forest System trails, and in areas on National Forest System lands already designated or under review for designation ~~shall be designated by vehicle class and, if appropriate, by time of year~~ by the responsible official on administrative units or Ranger Districts of the National Forest System, shall be designated provided that the following vehicles and uses are exempt from these designations:

- (1) Aircraft;
- (2) Watercraft;



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- (3) Over-snow vehicles (see §212.81);
 - (4) Limited administrative use by the Forest Service;
 - (5) Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes;
 - (6) Authorized use of any combat or combat support vehicle for national defense purposes;
 - (7) Law enforcement response to violations of law, including pursuit; and
 - (8) Motor vehicle use that is specifically authorized under a written authorization issued under Federal law or regulations.
- (9) Parking motor vehicles shall be at a safe distance from a route of travel. Parking motor vehicles will be in accordance with 36 CFR 261.15 (h) and shall not unreasonably disturb the land, wildlife or vegetative resources.*

(b) Motor vehicle use for dispersed camping, big game retrieval, *fuelwood cutting and fuelwood retrieval* ~~In designating routes, the responsible official may include in the designation the limited use of motor vehicles within a specified distance of certain forest roads or trails where motor vehicle use is allowed, and if appropriate within specified time periods, solely for the purposes of dispersed camping or retrieval of a downed big game animal by an individual who has legally taken that animal.~~ *Solely for the purposes of dispersed camping, big game retrieval, fuelwood cutting and fuelwood retrieval cross country is allowed. Cross country travel will be in accordance with 36 CFR 261.15 (h) and shall not cause damage or unreasonably disturb the land, wildlife or vegetative resources.*

212.52 Public Involvement

(a) General. The public *is an integral and necessary component* ~~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. *The responsible official shall coordinate stakeholder groups, including representation of the public who have interest as secondary users of roads, trails, and areas, as a required component of the decision-making process. Active coordination with local governments and tribes shall also be required. Decisions are required to be made with site specific field analyses. At any time If there is a disagreement regarding interpretation of State Vehicle Codes, the State's interpretation shall prevail.*



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Advance Notice shall be given to allow for public comment, consistent with agency procedures under the National Environmental Policy Act, on proposed agency designations, *any and all route closures* 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.

Evaluations

(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 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 *temporary* 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. *The responsible official shall engage in significant coordination with state, local government, and tribes to provide a seamless transportation system that encompasses local planning designations. National Forest System Roads, National Forest System trails and areas on National Forest System lands that are designated or under review for designation must provide seamless connectivity for the public with local government routes.*



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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 after required engagement with public stakeholders and significant coordination with state, local government and tribes as outlined in §212.53. 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, and provision of recreational opportunities, access needs; and parity of 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. To ensure understanding among members of the public while engaged in any NEPA process, the Forest Service shall prepare separate maps including illustrations of routes proposed for closure, routes proposed for inclusion and any other pertinent changes in designations.

(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 mitigation measures in lieu of closing routes, and effects on the following, ~~with the objective of minimizing:~~

- (1) ~~Damage~~ Effects to soil, watershed, vegetation, and other forest resources;
- (2) ~~Harassment of wildlife and significant disruption of wildlife habitats;~~ Viability of species and species habitat as considered in the whole rather than individual, with a goal of encouraging active conservation measures.
- (3) ~~Conflicts between motor vehicle use and existing or proposed recreational uses of National Forest System lands or neighboring Federal lands; and~~ Connectivity of routes for access needs including fuelwood cutting and retrieval, big game retrieval, dispersed camping, needs of disabled and elderly, and access to secondary uses dependent on motor vehicle routes.



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~~(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~~ balanced with potential negative impact on local economies, tourism and pertinent economic factors from closures.

(6) Require Logging Systems Engineer and Fire Management Officer Evaluation for each road proposed for closure.

(7) Require consideration of secondary uses that are non-motorized but require motorized access to the forest (i.e. dispersed camping, hunting, fishing, rockhounding, hiking, wildlife viewing, cross-country skiing, etc)

~~(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 congressionally designated 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.

212.56 Identification of designated roads, trails, and areas.

Designated roads, trails, and areas shall be identified on a motor vehicle use map. Motor vehicle use maps shall be made available to the public at the headquarters of corresponding administrative units and Ranger Districts of the National Forest System and, as soon as practicable, on the website of corresponding administrative units and Ranger Districts. ~~The motor vehicle use maps shall specify the~~



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~~classes of vehicles and, if appropriate, the times of year for which use is designated.~~ The motor vehicle use map should be of the quality that can be used as a standalone map. It has to be clearly legible and designed to be used in conjunction with other available maps. This map is not to be used as the sole proof and/or determination of legal motor vehicle travel on National Forest Service lands.

~~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.~~

Subpart C Over-Snow Vehicle Use

§ 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.

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, although no minimum snow depth shall be defined ~~and, if appropriate, shall be designated by class of vehicle and time of year, provided that t~~ The following uses are exempted from these decisions:



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- (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. **All existing Forest Service System roads and trails shall be designated for OSV use, unless specifically prohibited following NEPA analysis.**

(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).

Subpart A

212.5 Road System Management



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(a) Traffic rules. Rules set forth under 36 CFR part 261 and this section shall apply to all National Forest System roads under the jurisdiction of the Forest Service except when in conflict with written agreement.

(1) General. Traffic on roads is subject to State traffic laws where applicable except when in conflict with designations established under subpart B of this part or with the rules at 36 CFR part 261. **If there is disagreement in interpretation of State law, the State's interpretation shall prevail.**

(2) Specific. The following specific traffic rules shall apply unless different rules are established in 36 CFR part 261.

(i) The load, weight, length, height, and width limitations of vehicles shall be in accordance with the laws of the States wherein the road is located. Greater or lesser limits may be imposed and these greater or lesser limits shall be established as provided in 36 CFR part 261.

(ii) Roads, or segments thereof, may be restricted to use by certain classes of vehicles or types of traffic as provided in 36 CFR part 261. Classes of vehicles may include but are not limited to distinguishable groupings such as passenger cars, buses, trucks, motorcycles, all-terrain vehicles, 4-wheel drive vehicles, off-highway vehicles, and trailers. Types of traffic may include but are not limited to groupings such as commercial hauling, recreation, and administrative.

(iii) Roads, or segments thereof, may be closed to all vehicle use as provided in 36 CFR part 261.

(iv) Additional rules may be imposed as provided in 36 CFR part 261.

(b) Road System

(1) Identification of road system : For each national forest, national grassland, experimental forest, and any other units of the National Forest System (§ 212.1), the responsible official must identify the **minimum** road system needed for safe and efficient travel for public use, and for administration, utilization, and protection of National Forest System lands. In determining the **minimum** road system, the responsible official must incorporate a science-based roads analysis at the appropriate scale and, to the degree practicable, involve a broad spectrum of interested and affected citizens, other state and federal agencies, and tribal governments. The **minimum system is the road system determined to be needed to meet** **shall support** resource and other management objectives adopted in the relevant land and resource management plan (36 CFR



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part 219), to meet applicable statutory and regulatory requirements, **to reflect long-term funding expectations**, to ensure that the identified system **minimizes** *mitigates* adverse environmental impacts associated with road construction, reconstruction, decommissioning, and maintenance.

(2) Identification of unneeded roads. Responsible officials must review the road system on each National Forest and Grassland and identify the roads on lands under Forest Service jurisdiction that are no longer needed to meet **public use**, forest resource management objectives and that, therefore, should be decommissioned or considered for other uses, such as for trails. Decommissioning roads involves restoring roads to a more natural state. Activities used to decommission a road include, but are not limited to, the following: reestablishing former drainage patterns, stabilizing slopes, restoring vegetation, blocking the entrance to the road, installing water bars, removing culverts, reestablishing drainage-ways, removing unstable fills, pulling back road shoulders, scattering slash on the roadbed, completely eliminating the roadbed by restoring natural contours and slopes, or other methods designed to meet the specific conditions associated with the unneeded road. Forest officials should give priority to decommissioning those unneeded roads that pose the greatest risk to public safety or to environmental degradation.