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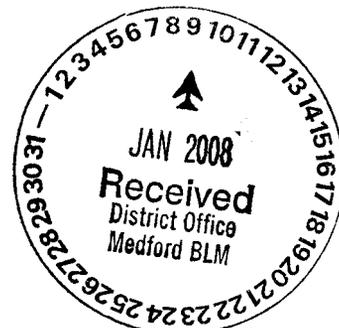
Western Oregon Plan Revisions  
P.O. Box 2965  
Portland, OR 97208

FSEEE Office  
PO Box 11615  
Eugene, OR 97440

KS Wild  
PO Box 102  
Ashland, OR 97520

Tim Reuwsaat  
Medford BLM Chief  
Medford District Office  
3040 Biddle Road  
Medford, OR 97504

Suzanne Knapp  
Natural Resource Advisor  
Governor's Natural Resources Office  
900 Court Street NE  
Salem, Oregon 97301



Dear Sirs:

The attached document is concerning the Proposed BLM Off-Highway Vehicle Emphasis Areas Adjacent to Homes in the Western Oregon Plan Revisions.

Meetings have been set up with representatives of Congressman Peter DeFazio, Senator Ron Wyden, Senator Gordon Smith and the Board of Josephine County Commissioners to present this document.

This document is signed by representatives of almost every neighborhood in and around the community of Selma, Oregon.

Sincerely,

The undersigned

*CONCERNED RESIDENTS of the  
ILLINOIS Valley*

Honorable Gordon Smith  
121 SW Salmon St. #1250  
Portland, OR 97204

January 22, 2008

Dear Senator Smith:

**SUBJECT: Proposed BLM Off-Highway Vehicle Emphasis Areas Adjacent to Homes in the Western Oregon Plan Revisions.**

As part of the Western Oregon Plan Revisions (WOPR), the BLM is proposing 13 Off-Highway Vehicle (OHV) emphasis areas to be designated in the Medford District. In particular, the community of Selma in the Illinois Valley of Josephine County has been targeted with the Elliott Creek OHV emphasis area on the north and the Illinois Valley OHV emphasis area to the south. According to the maps in the WOPR, the proposed OHV emphasis areas will directly and adversely affect residences near BLM Sections 29 and 31 along Indian Creek Road and Draper Valley Road; near BLM sections 33 and 34 along Crooks Creek Road; near BLM sections 3, 29 and 33 along Thompson Creek Road; near BLM sections 25, 29 and 31 along McMullen Creek Road; and near BLM section 25 along Reeves Creek Road. In total, over 500 homes around Selma will be adversely impacted by the BLM's WOPR OHV plans due to noise, reduced property values, increased wildfire hazards and reduced quality of life.

These areas have been selected in violation of the law by the BLM without using any criteria to determine their suitability as OHV emphasis areas. The BLM states simply that the OHV community has ridden in these areas and would like to have them designated as their own. This is the identical method which was used for selecting OHV areas during the 1995 BLM planning revision process. Over the past 12 years the BLM, in spite of their claims, has done little to manage those areas or mitigate the effects on local residents, even though over 1,600 residents of the Johns Peak area near Medford have petitioned to have that area closed to OHV use.

The BLM has failed to provide any criteria in the WOPR by which potential OHV areas should be selected. Criteria must include any adverse social, economic and environmental effects. On page 778, volume II, paragraph 5 of the WOPR it states, "Since off-road vehicle emphasis areas are specifically managed to accommodate motorized recreational activities, visitors seeking non-motorized forms of recreation would be dissuaded from using these areas. If they did engage in non-motorized activities within these emphasis areas, the quality of their experiences would be diminished as a result of the limited compatibility of their activity with off-highway vehicle riders."

Since the BLM is proposing OHV emphasis areas adjoining residential properties, one can only infer that the BLM feels these residents should move and live elsewhere. The WOPR further states that 5% of the public rides OHVs, and yet in paragraph 5 it states 12% of the district's total land base would be dedicated to this use. Therefore, 95% of the public would be forced to go to other areas for so much as a quiet walk on their own property or adjacent BLM land, while 5% of the public would have their riding opportunity at their doorstep. The BLM states their intention is not to promote OHV use, yet there has never been an OHV designation that has not resulted in drastically increased use. The OHV areas are advertised either overtly or by word of mouth in every equipment dealership, OHV association publication, and even in Federal, State and County recreation brochures.

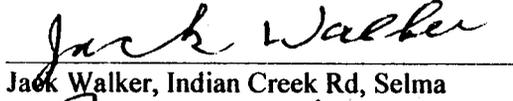
In 2006 Josephine County denied an OHV permit on a private property southeast of Selma. We hope that the BLM will be consistent with county policy. In addition, the BLM should consult with the Oregon Parks and Recreation Department and read their Statewide Comprehensive Outdoor Recreation Plan to determine the actual need for OHV areas.

We, the undersigned, request that you do everything possible to have these OHV emphasis area designations adjacent to residences withdrawn from the WOPR, and to force the BLM to establish valid criteria for siting any future OHV areas. Those criteria should include consideration of proximity to adjoining residences, traditional recreational uses, economic impact, wildfire potential, effects to watersheds and water quality, and other environmental factors. The checkerboard pattern of BLM lands in this area and lack of contiguous ownership fail to provide a self-contained, isolated and buffered OHV area. We, the affected residents, by law (43CFR8342.1), have rights that take precedence over recreational OHV use.

Please see attached references.

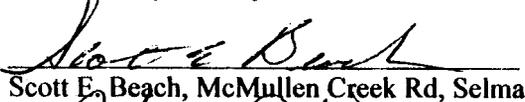
Sincerely,

  
Mort Mondale, Draper Valley Rd, Selma

  
Jack Walker, Indian Creek Rd, Selma

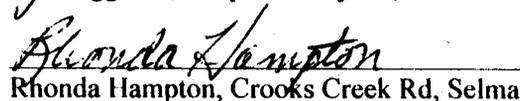
  
Roger Scheusner, Crooks Creek Rd, Selma

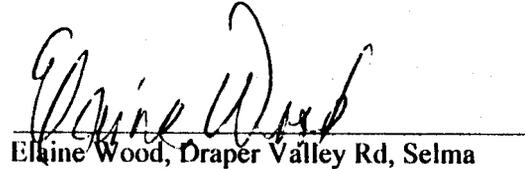
  
Orville Camp, Thompson Creek Rd, Selma

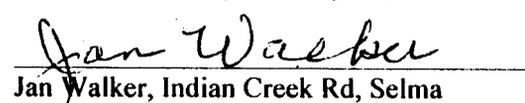
  
Scott E. Beach, McMullen Creek Rd, Selma

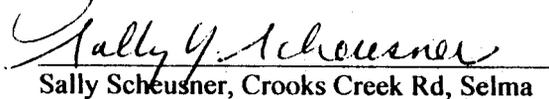
  
Patricia Schieber, Reeves Creek Rd, Selma

  
Jan Kaggerud, Draper Valley Rd, Selma

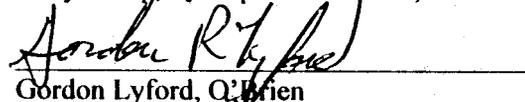
  
Rhonda Hampton, Crooks Creek Rd, Selma

  
Elaine Wood, Draper Valley Rd, Selma

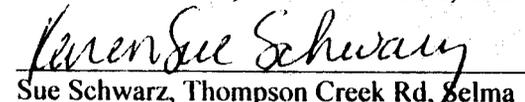
  
Jan Walker, Indian Creek Rd, Selma

  
Sally Scheusner, Crooks Creek Rd, Selma

  
Mary Camp, Thompson Creek Rd, Selma

  
Gordon Lyford, O'Brien

  
Christine Takaoka, Reeves Creek Rd, Selma

  
Sue Schwarz, Thompson Creek Rd, Selma

Copy to:

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Tim Reuwsaat  
Medford BLM Chief  
Medford District Office  
3040 Biddle Road  
Medford, OR 97504

Suzanne Knapp  
Natural Resource Advisor  
Governor's Natural Resources Office  
900 Court Street NE  
Salem, Oregon 97301

Attachments:

1. Maps of proposed OHV emphasis areas adjacent to Selma.
2. Executive Order 11644--Use of Off-Road Vehicles on the Public Lands. (Addresses factors BLM must consider in siting OHV areas), from U.S. National Archives & Records Administration.
3. Designation of Areas and Trails, excerpt from Federal Code 43CFR8342.1.
4. If you want to know how the proposed BLM Timber Mountain/John's Peak emphasis area will affect thousands of private property owners, look no further than my story. Bob Johnson's letter, outlining his personal experiences living in an OHV emphasis area on Johns Peak near Medford, Oct.14, 2007.
5. Off-road Dilemma, an article published in the Medford Mail Tribune, Oct. 29, 2007.
6. BLM Plan Alarming, an article published in the Medford Mail Tribune, Nov. 6, 2007.
7. Western Oregon RMP Amendments - Comments on Planning Criteria, by the Natural Trails and Waters Coalition, March 17, 2006.
8. WOPR's Impact on Property Value - Roger Brandt's analysis of adverse economic effects to residents adjacent to OHV areas.
9. ATV's and OHV's Allowed Only on Trails Designated "Open", Resolution by the Minnesota Division of the Izaak Walton League of America , April 29, 2006, addressing the noise and spread of noxious weeds by OHV use. (see paragraphs 5 and 6).

# ILLINOIS VALLEY OHV EMPHASIS AREA

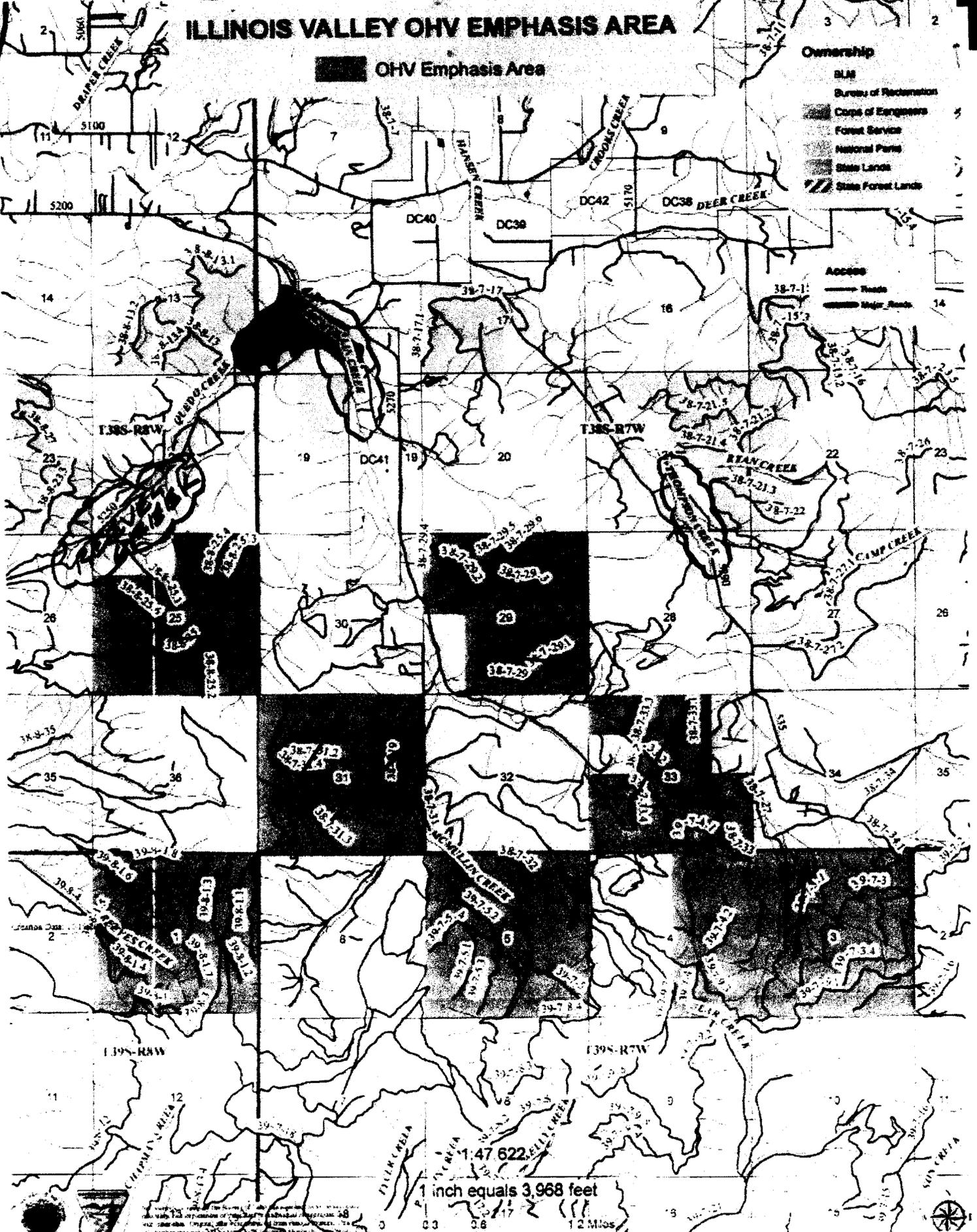
 OHV Emphasis Area

## Ownership

-  BLM
-  Bureau of Reclamation
-  Corps of Engineers
-  Forest Service
-  National Park
-  State Lands
-  State Forest Lands

## Access

-  Road
-  High Road



1 inch equals 3,968 feet

← INDICATES DOWN SLOPE

# ELLIOT CREEK OHV EMPHASIS AREA

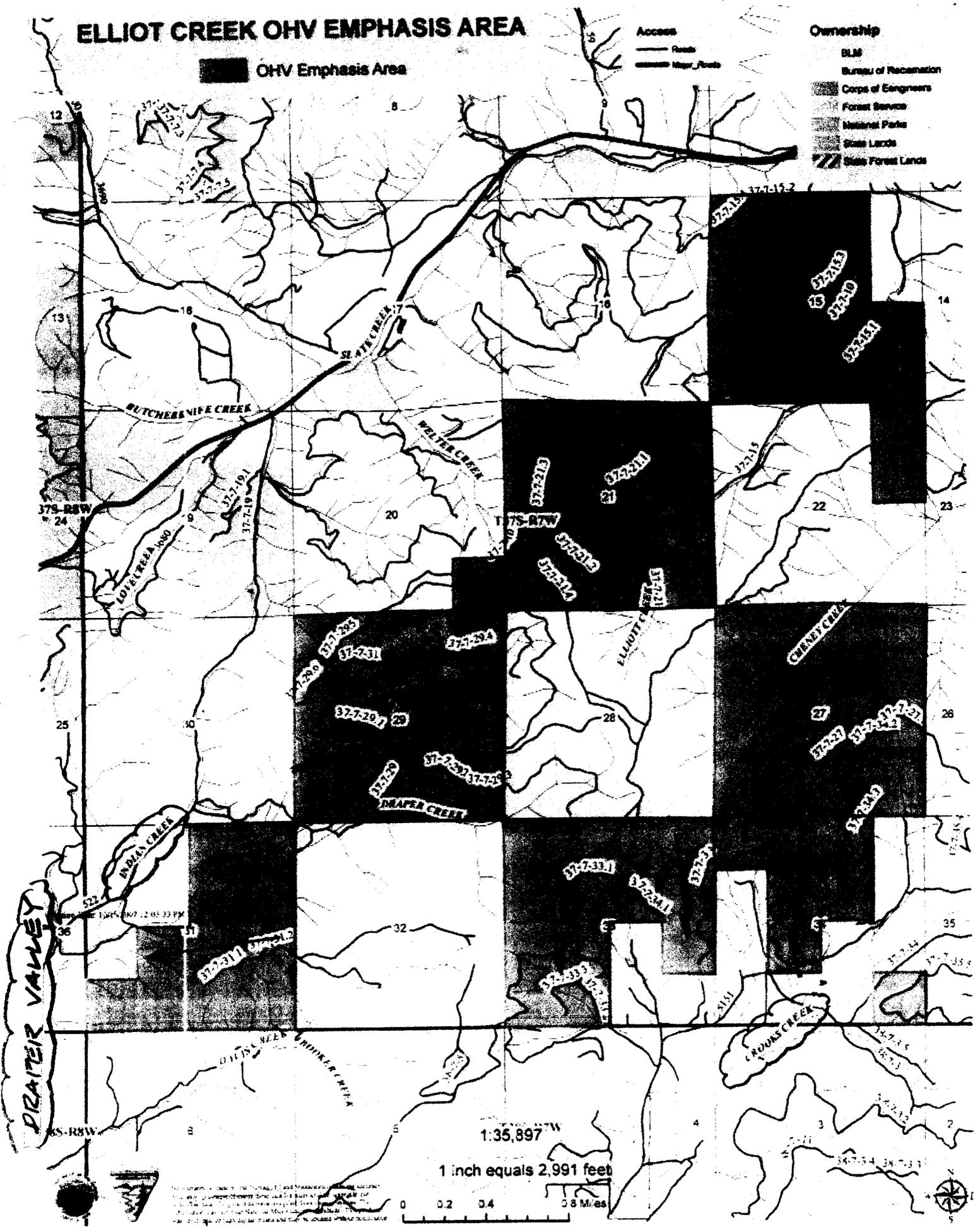
**OHV Emphasis Area**

Access

— Roads  
 - - - - - Major Roads

Ownership

- BLM
- Bureau of Reclamation
- Corps of Engineers
- Forest Service
- National Parks
- State Lands
- State Forest Lands



PRATER VALLEY

1:35,897  
 1 inch equals 2,991 feet

0 0.2 0.4 0.8 Miles

← INDICATES DOWN SLOPE

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**THE U.S. NATIONAL ARCHIVES & RECORDS ADMINISTRATION**[www.archives.gov](http://www.archives.gov)

Thursday, December 13, 2007

**Executive Order 11644--Use of off-road vehicles on the public lands**

**Source:** The provisions of Executive Order 11644 of Feb. 8, 1972, appear at 37 FR 2877, 3 CFR, 1971-1975 Comp., p. 666, unless otherwise noted.

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

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (42 U.S.C. 4321), it is hereby ordered as follows:

**Section 1. Purpose.** It is the purpose of this 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.

**Sec. 2. Definitions.** As used in this order, the term:

- (1) "public lands" means (A) all lands under the custody and control of the Secretary of the Interior and the Secretary of Agriculture, except Indian lands, (B) lands under the custody and control of the Tennessee Valley Authority that are situated in western Kentucky and Tennessee and are designated as "Land Between the Lakes," and (C) lands under the custody and control of the Secretary of Defense;
- (2) "respective agency head" means the Secretary of the Interior, the Secretary of Defense, the Secretary of Agriculture, and the Board of Directors of the Tennessee Valley Authority, with respect to public lands under the custody and control of each;
- (3) "off-road vehicle" means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (A) any registered motorboat, (B) any fire, military, emergency or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for national defense purposes, and (C) any vehicle whose use is expressly authorized by the respective agency head under a permit, lease, license, or contract; and
- (4) "official use" means use by an employee, agent, or designated representative of the Federal Government or one of its contractors in the course of his employment, agency, or representation.

[Sec. 2 amended by Executive Order 11989 of May 24, 1977, 42 FR 26959, 3 CFR, 1977 Comp., p. 120]

**Sec. 3. Zones of Use.** (a) Each respective agency head shall develop and issue regulations and administrative instructions, within six months of the date of this order, to provide for

administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted, and set a date by which such designation of all public lands shall be completed. Those regulations shall direct that the designation of such areas and trails will be based upon the protection of the resources of the public lands, promotion of the safety of all users of those lands, and minimization of conflicts among the various uses of those lands. The regulations shall further require that the designation of such areas and trails shall be in accordance with the following--

(1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.

(2) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats.

(3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

(4) Areas and trails shall not be located in officially designated Wilderness Areas or Primitive Areas. Areas and trails shall be located in areas of the National Park system, Natural Areas, or National Wildlife Refuges and Game Ranges only if the respective agency head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.

(b) The respective agency head shall ensure adequate opportunity for public participation in the promulgation of such regulations and in the designation of areas and trails under this section.

(c) The limitations on off-road vehicle use imposed under this section shall not apply to official use.

**Sec. 4. *Operating Conditions.*** Each respective agency head shall develop and publish, within one year of the date of this order, regulations prescribing operating conditions for off-road vehicles on the public lands. These regulations shall be directed at protecting resource values, preserving public health, safety, and welfare, and minimizing use conflicts.

**Sec. 5. *Public Information.*** The respective agency head shall ensure that areas and trails where off-road vehicle use is permitted are well marked and shall provide for the publication and distribution of information, including maps, describing such areas and trails and explaining the conditions on vehicle use. He shall seek cooperation of relevant State agencies in the dissemination of this information.

**Sec. 6. *Enforcement.*** The respective agency head shall, where authorized by law, prescribe appropriate penalties for violation of regulations adopted pursuant to this order, and shall establish procedures for the enforcement of those regulations. To the extent permitted by law, he may enter into agreements with State or local governmental agencies for cooperative enforcement of laws and regulations relating to off-road vehicle use.

**Sec. 7. *Consultation.*** Before issuing the regulations or administrative instructions required by this order or designating areas or trails as required by this order and those regulations and administrative instructions, the Secretary of the Interior shall, as appropriate, consult with the Secretary of Energy and the Nuclear Regulatory Commission.

[Sec. 7 amended by Executive Order 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

**Sec. 8. *Monitoring of Effects and Review.*** (a) The respective agency head shall monitor the effects of the use of off-road vehicles on lands under their jurisdictions. On the basis of the information gathered, they shall from time to time amend or rescind designations of areas or other actions taken pursuant to this order as necessary to further the policy of this order.

(b) The Council on Environmental Quality shall maintain a continuing review of the implementation of this order.

**Sec. 9. *Special Protection of the Public Lands.*** (a) Notwithstanding the provisions of Section 3 of this Order, the respective agency head shall, whenever he determines that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands, immediately close such areas or trails to the type of off-road vehicle causing such effects, until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence.

(b) Each respective agency head is authorized to adopt the policy that portions of the public lands within his jurisdiction shall be closed to use by off-road vehicles except those areas or trails which are suitable and specifically designated as open to such use pursuant to Section 3 of this Order.

[Sec. 9 added by Executive Order 11989 of May 24, 1977, 42 FR 26959, 3 CFR, 1977 Comp., p. 120]

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Page URL: <http://www.archives.gov/federal-register/codification/executive-order/11644.html>

The U.S. National Archives and Records Administration  
8601 Adelphi Road, College Park, MD 20740-6001 • Telephone: 1-86-NARA-NARA or 1-866-272-6272

## Bureau of Land Management, Interior

§ 8342.2

(3) While under the influence of alcohol, narcotics, or dangerous drugs;

(4) In a manner causing, or likely to cause significant, undue damage to or disturbance of the soil, wildlife, wildlife habitat, improvements, cultural, or vegetative resources or other authorized uses of the public lands; and

(5) During night hours, from a half-hour after sunset to a half-hour before sunrise, without lighted headlights and taillights.

(g) Drivers of off-road vehicles shall yield the right-of-way to pedestrians, saddle horses, pack trains, and animal-drawn vehicles.

(h) Any person who operates an off-road vehicle on public lands must comply with the regulations in this part, and in § 8341.2 as applicable, while operating such vehicle on public lands.

[44 FR 34836, June 15, 1979, as amended at 45 FR 47843, July 17, 1980]

## § 8341.2 Special rules.

(a) Notwithstanding the consultation provisions in § 8342.2(a), where the authorized officer determines that off-road vehicles are causing or will cause considerable adverse effects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, other authorized uses, or other resources, the authorized officer shall immediately close the areas affected to the type(s) of vehicle causing the adverse effect until the adverse effects are eliminated and measures implemented to prevent recurrence. Such closures will not prevent designation in accordance with procedures in subpart 8342 of this part, but these lands shall not be opened to the type(s) of off-road vehicle to which it was closed unless the authorized officer determines that the adverse effects have been eliminated and measures implemented to prevent recurrence.

(b) Each State director is authorized to close portions of the public lands to use by off-road vehicles, except those areas or trails which are suitable and specifically designated as open to such use pursuant to subpart 8342 of this part.

[44 FR 34836, June 15, 1979, as amended at 53 FR 31003, Aug. 17, 1988]

## Subpart 8342—Designation of Areas and Trails

## § 8342.1 Designation criteria.

The authorized officer shall designate all public lands as either open, limited, or closed to off-road vehicles. All designations shall be based on the protection of the resources of the public lands, the promotion of the safety of all the users of the public lands, and the minimization of conflicts among various uses of the public lands; and in accordance with the following criteria:

(a) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, air, or other resources of the public lands, and to prevent impairment of wilderness suitability.

(b) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats. Special attention will be given to protect endangered or threatened species and their habitats.

(c) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

(d) Areas and trails shall not be located in officially designated wilderness areas or primitive areas. Areas and trails shall be located in natural areas only if the authorized officer determines that off-road vehicle use in such locations will not adversely affect their natural, esthetic, scenic, or other values for which such areas are established.

## § 8342.2 Designation procedures.

(a) *Public participation.* The designation and redesignation of trails is accomplished through the resource management planning process described in part 1600 of this title. Current and potential impacts of specific vehicle types on all resources and uses in the planning area shall be considered in the process of preparing resource management plans, plan revisions, or plan amendments. Prior to making designations or redesignations, the authorized officer shall consult with interested

### § 8342.3

user groups, Federal, State, county and local agencies, local landowners, and other parties in a manner that provides an opportunity for the public to express itself and have its views given consideration.

(b) *Designation.* The approval of a resource management plan, plan revision, or plan amendment constitutes formal designation of off-road vehicle use areas. Public notice of designation or redesignation shall be provided through the publication of the notice required by § 1610.5-1(b) of this title. Copies of such notice shall be available to the public in local Bureau offices.

(c) *Identification of designated areas and trails.* The authorized officer shall, after designation, take action by marking and other appropriate measures to identify designated areas and trails so that the public will be aware of locations and limitations applicable thereto. The authorized officer shall make appropriate informational material, including maps, available for public review.

[53 FR 31003, Aug. 17, 1988]

### § 8342.3 Designation changes.

*Monitoring use.* The authorized officer shall monitor effects of the use of off-road vehicles. On the basis of information so obtained, and whenever the authorized officer deems it necessary to carry out the objectives of this part, designations may be amended, revised, revoked, or other actions taken pursuant to the regulations in this part.

## Subpart 8343—Vehicle Operations

### § 8343.1 Standards.

(a) No off-road vehicle may be operated on public lands unless equipped with brakes in good working condition.

(b) No off-road vehicle equipped with a muffler cutout, bypass, or similar device, or producing excessive noise exceeding Environmental Protection Agency standards, when established, may be operated on public lands.

(c) By posting appropriate signs or by marking a map which shall be available for public inspection at local Bureau offices, the authorized officer may indicate those public lands upon which no off-road vehicle may be operated un-

## 43 CFR Ch. II (10-1-04 Edition)

less equipped with a properly installed spark arrester. The spark arrester must meet either the U.S. Department of Agriculture—Forest Service Standard 5100-1a, or the 80-percent efficiency level standard when determined by the appropriate Society of Automotive Engineers (SAE) Recommended Practices J335 or J350. These standards include, among others, the requirements that: (1) The spark arrester shall have an efficiency to retain or destroy at least 80 percent of carbon particles for all flow rates, and (2) the spark arrester has been warranted by its manufacturer as meeting this efficiency requirement for at least 1,000 hours subject to normal use, with maintenance and mounting in accordance with the manufacturer's recommendation. A spark arrester is not required when an off-road vehicle is being operated in an area which has 3 or more inches of snow on the ground.

(d) Vehicles operating during night hours, from a half-hour after sunset to a half-hour before sunrise, shall comply with the following:

(1) Headlights shall be of sufficient power to illuminate an object at 300 feet at night under normal, clear atmospheric conditions. Two- or three-wheeled vehicles or single-tracked vehicles will have a minimum of one headlight. Vehicles having four or more wheels or more than a single track will have a minimum of two headlights, except double tracked snowmachines with a maximum capacity of two people may have only one headlight.

(2) Red taillights, capable of being seen at a distance of 500 feet from the rear at night under normal, clear atmospheric conditions, are required on vehicles in the same numbers as headlights.

## Subpart 8344—Permits

### § 8344.1 Permit requirements.

Permits are required for certain types of ORV use and shall be issued in accordance with the special recreation permit procedures under part 2930 of this chapter.

[44 FR 34836, June 15, 1979, as amended at 67 FR 61745, Oct. 1, 2002]

Mr. Tim Reuwsaat  
BLM Medford District Manager  
3040 Biddle Road  
Medford, Oregon 97504

**IF YOU WANT TO KNOW HOW THE PROPOSED BLM TIMBER MOUNTAIN  
/ JOHN'S PEAK OHV EMPHASIS AREA WILL AFFECT THOUSANDS OF  
PRIVATE PROPERTY OWNERS, LOOK NO FURTHER THAN MY STORY.**

Today is October 14, 2007. I drove down my driveway from my home on John's Peak this morning to observe a load of tree cuttings dumped in the middle of my driveway. On the return trip up my road, I was nearly run off the road by a quad motorcycle. I spent much of the afternoon listening to the constant sounds of motorcycles, quads, etc. driving over the trails that surround my home. Most of these riders are on private property but probably don't know it. This is one day out of 8,395 days that I have lived on John's Peak. This is a typical day, and one which is a constant nightmare, mostly caused by the United States Bureau of Land Management.

John's Peak, located north of Jacksonville, as well as surrounding areas have been in private ownership since at least the 1950's. I acquired ownership of John's Peak in the mid 1980's and built our home near the peak itself at that time. Prior to the mid 1980's my company owned the John's Peak land. I spent a great many years traveling up to my company's property on John's Peak to observe dozens and dozens of motorcycle riders trespassing on my private property every week. I warned them that they were trespassing, but to little or no avail. I was spat upon, cursed at and even had a few motorcycle riders pull a handgun on me because I told them they were on my private property. "No Trespassing Signs" were posted, only to be torn down, private locked gates were erected, only to be ripped down, etc. An intense effort was made since the early 1980's to educate the general public that John's Peak and its surrounding areas are private and not for public use. John's Peak Road is approximately 3 miles in length. The first 1.3 miles are in County ownership and the last 1.7 are in private ownership. NOT ONE PARCEL OF PUBLIC PROPERTY IS ACCESSED BY USE OF JOHN'S PEAK ROAD, without passing over private property first to access public property.

After building our home, I traveled up and down John's Peak Road at least twice a day and was able to curtail the motorcycle trespass problem over time. In 1995 the United States Bureau of Land Management designated the Timber Mountain / John's Peak Area as a proposed Off Highway Vehicle (OHV) use area. The word passed quickly among the motorcycle community that the BLM's "John's Peak Area" was soon going to be a designated "motorcycle haven". Since that time, motorcycle trespass onto my property and my neighbor's property has increased one-hundred fold. Most of these motorcycle users have the opinion that since the BLM has designated this "John's Peak" area as a motorcycle area, then it must be "OK" for motorcycles to use the John's Peak area and surrounding areas for motorcycle use.

Since 1995, almost every week I have observed illegal motorcycle trespass on my property or my neighbor's property. Further, this private land has been used for target practice, illegal dumping of garbage, dumping of abandoned automobiles, teen-age beer parties, illegal campfires, etc. Since the announcement in 1995 of the John's Peak OHV area, the general public thinks that John's Peak and surrounding area is public land, and thus, usable to all.

I wrote a letter to Richard Drehobl, Field Manager of the Medford BLM on February 16, 2003, asking that the proposed OHV area name of "John's Peak" be dropped so the general public would not think that John's Peak is public property. I did get a response from a Kristi Mastrofini of the BLM office saying that I can attend a meeting to discuss my problem. The BLM did not address my issues, but rather ignored them.

I brought my problem to the attention of the office of United States Senator Gordon Smith and his office sent a letter to the BLM regarding my situation in early 2007. The BLM's response was from Timothy Reuwsatt, District Manager of the Medford BLM to Senator Smith's office dated March 9, 2007. As you would suspect, the letter contained no specific remedy, but offered me a forum at two public meetings into the future. The letter further stated that "Mr Johnson should expect to hear from the BLM within the next 90 days." It is now 270+ days since that letter was sent to Senator Smith's office and I have yet to hear from anyone at the BLM.

The simple facts on this BLM OHV matter are that since 1995 the general public has come to know John's Peak as a "public motorcycle riding area." John's Peak is, in fact, private property and the BLM refuses to make that public acknowledgement. If I have had to endure all of these weekly problems over all of these past years, how can the BLM expect to avoid illegal trespassing on the thousands of "intermingled" private property that lie within the boundaries of the proposed OHV area? The answer to that is "they can't."

Most of these OHV vehicles do not carry license plates so you cannot identify the trespassing riders. So, in effect, your private property will someday become "Public" through a legal loophole called prescriptive easement. If I had not been diligent in

informing illegal trespassers on my property since the early 1980's that it was private land, my land might be a "public riding area" through this legal loophole today.

The BLM and the Motorcycle Riders Association speak to the "enforcement issue" that (they claim) will prevail in the future affecting private property owner's rights, but believe me, this is empty talk. They have not the time, money or desire to stop motorcyclists from entering private property. My general observation over the past several years is that the MRA means well and tries to enforce non-trespass on private lands. But my observation also sees that the MRA cannot control "Joe Six-Pack", the weekend motorcycle warrior that is not a part of the MRA. If "Joe Six-Pack" buys a motorcycle or quad from a local dealer and asks "where is a good place to ride", the dealer will always say "John's Peak". My further observation is that if the BLM's proposed Timber Mountain / John's Peak OHV area is written into law, it will become Jackson County's worst nightmare. I know from first-hand experience over the past 25 years that illegal motorcycle riding, dumping of garbage, etc. has been my own personal nightmare.

Robert Johnson  
Owner of John's Peak and surrounding property

Copy To:

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United States Senator Gordon Smith  
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Attn: Esther Kennedy

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Jack Walker  
Dr. Dave Gilmour

## Off-road dilemma

*The Medford's BLM District is looking at 13 potential sites for off-highway vehicle use as a starting point for discussion*

By **Paul Fattig**

Mail Tribune

October 29, 2007

Thirteen sites covering more than 100,000 acres in the U.S. Bureau of Land Management's Medford District are being considered for potential off-highway vehicle (OHV) use.

But officials stress they have no total acreage in mind for the "emphasis areas" where operators of all-terrain vehicles, dirt bikes and larger four-wheel-drive vehicles will be able to flex their mechanical muscles.

"We're trying to find a balance of providing recreational opportunities to meet the demand out there but do it in a way that includes environmental and social considerations," explained district manager Tim Reuwsaat.

The potential OHV emphasis areas covering 100,751 acres are included in the agency's proposed draft Western Oregon Plan Revisions (WOPR), which will serve as a new resource management guide for the 800,000-plus acre district.

Comments on that plan will be accepted through Dec. 10. However, although the WOPR is expected to be finalized next year, fine-tuning the OHV emphasis areas isn't expected for five years down the road, officials said.

"Essentially, what we did was put in the mix the areas being utilized now," Reuwsaat said. "What we want to do in order to make a reasoned choice is to look at a complete analysis - soils, water, wildlife, social issues.

"It's important for people to know, particularly those who live near those areas, we'll also be looking at the proximity to rural residences," he added.

The goal, he reiterated, is to find a balance for the many recreational uses on the district which covers Southwest Oregon in a checkerboard pattern.

During public meetings held earlier this year to discuss the WOPR, the dominant topic has been OHV use, not timber harvests or other recreational uses, said district spokesman Jim Whittington.

"As in most parts of the West, we have a group of users who enjoy doing OHV stuff out in the woods," he said. "But with a checkerboard property pattern like we have, you also have a lot of people who

live next door. We also have a lot of other competing uses.

"The values they expect of those lands aren't always the same as those of the OHV users," he added. "You have people there who don't want the noise."

Medford resident Gene Bowling, an OHV enthusiast, figures it's a good idea to address the issue.

"If we leave some of those areas alone, they'll take care of themselves," he said. "But other areas need a little help."

He figures the agency needs to "ride herd" on the latter areas.

"We need to be a little bit more organized in some places," he said, although expressing concern the agency's personnel are spread too thin the adequately manage the areas. "They will need to get into the finer details on how to work this out."

Jacksonville area resident Hope Robertson, an avid hiker and horseback rider, agrees OHV users should have areas in the district where they can ride.

"There is definitely a need for places where OHVs can go - we do need to provide those areas," she said. "But there is also a vast number of hikers, horseback riders, hunters, bird-watchers and other non-motorized recreational users out there."

She noted the recreational section of the draft 1,606-page WOPR focuses on OHV use yet the BLM's own predictions conclude non-motorized recreational use will be far greater than OHV use.

Local OHV operators she has met while hiking and horse riding in the district have been responsible, she said.

"They stop when they see you riding a horse," she said. "But if you concentrate more than 100,000 acres for OHV use, it will be a destination for people from all over. The hills will be alive with the sound of OHVs. And that will destroy some the major values of living here: beauty and quiet.

"This whole thing should be taken off the drawing board and the BLM should come up with plan that is balanced," she added. "This is not balanced."

But Bill Freeland, the district's chief resource adviser, stresses the 13 areas listed are merely a starting point for the discussion. They are merely "potential" OHV emphasis areas at this point, he added.

Basically, the goal is to look at the potential OHV emphasis areas and determine how many of those sites as well as acreage are appropriate for the OHV use, he said.

"Of those areas, zero to thirteen might be appropriate," he said. "But some of those areas where there is a lot of natural resource damage occurring might not be designated (for OHV use)."

Noting there are many OHV emphasis areas on public lands around the West, Whittington doesn't believe similar sites created on the local district will become a mecca for off-road vehicle enthusiasts.

If one of the areas becomes officially designated for such use, that means the BLM will increase

management to control the damage, Freeland said.

Right now, these are just potential areas, not specific acreages," he said.

In addition to the three sites included in its 1994 resources management plan - Timber Mountain/Johns Peak near Jacksonville, Ferris Gulch in the Applegate Valley and Quartz Creek a few miles northwest of Grants Pass - the staff included 10 other sites currently popular with OHV users, he said.

"Part of that identification was also natural resource damage from OHV use," Freeland said. "We knew it was happening out there. To start protecting or restoring some of the areas that had been damaged, we needed to take a good look at it."

The WOPR project proved to be a good vehicle to study the issue, he said.

"The whole district will be looked at for three designations: open, closed or limited to designated roads and trails," Freeland stressed of OHV use. "That decision will be made in the WOPR."

In conjunction, the district needs to complete its general district transportation plan so that roads and trails are properly mapped, Freeland said.

"Whenever we talk about multiple use, it isn't everybody can do everything on every piece of land - it's a balancing act," he said. "We know there are conflicts."

For instance, he noted he is a cross-country skier who also uses snowmobiles as a member of a ski patrol group. Yet many cross-country skiers don't much care for snowmobiles, he added.

"Special emphasis areas allow us to designate out what is available use so we can try to avoid that user conflict," he said.

Groups like the Motorcycle Riders Association of Southern Oregon are working with the agency and neighbors to create a "win-win" situation in the effort, he said.

But a final decision on final specifics regarding the potential OHV emphasis areas isn't expected until five years after the final WOPR is out, Freeland said.

"We need to do a lot more planning at a lower level - we will be looking at each piece of land in a lot more depth," he said. "That means we will be working with the public, the neighbors and the users in a collaborative fashion on OHV emphasis areas."

Reach reporter Paul Fattig at 776-4496 or at [pfattig@mailtribune.com](mailto:pfattig@mailtribune.com)

The following letter-to-the-editor, from a member of the Johns Peak/Timber Mountain Citizens Alliance, appeared in today's Medford paper.  
<http://www.mailtribune.com/apps/pbcs.dll/article?AID=/20071106/OPINION/711060316/-1/OPINION03>

### **BLM plan alarming**

The Bureau of Land Management's proposal to create 13 off-highway vehicle "Emphasis Areas" covering 100,000 acres of the Medford District (MT, Oct. 29) should alarm all people living near public lands and anyone who values them as a haven for wildlife and relatively quiet recreation.

Excessive noise, exhaust fumes, safety issues and destruction of the landscape that results from concentrated OHV use would adversely affect the serenity and beauty of rural areas in Jackson and Josephine counties. The checkerboard pattern of BLM lands in Western Oregon guarantees that thousands of private landowners would be adversely affected by OHV use.

Just ask the 1,660-plus residents who live near the BLM's proposed Timber Mountain/Johns Peak OHV Emphasis Area and recently signed a petition demanding that the BLM rescind the OHV designation. It was proposed in 1995 without consultation with affected residents. Since that time the BLM has staunchly defended the OHV proposal and insists that conflicts will disappear once it begins to "manage" the area for OHV use. The residents have had enough.

That's why it is hard to believe the BLM's claim that the 13 proposed OHV areas "are just potential areas, not specific acreages." The Johns Peak controversy demonstrates otherwise. — Everett Jordan, Gold Hill



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March 17, 2006

SENT VIA EMAIL to Dick\_Prather@or.blm.gov

Mr. Dick Prather, Team Leader  
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ATTN: Western Oregon Planning Revision (OR930.1)

**RE: Western Oregon RMP Amendments—Comments on Planning Criteria**

### **Introduction**

Natural Trails & Waters Coalition<sup>1</sup> (NTWC) submits the following comments regarding the February 2006 *Planning Criteria* for the Western Oregon Resource Management Plan (RMP) revisions. The planning area addressed in the RMP revisions covers over 2.5 million acres of public land contained within the Bureau of Land Management's (BLM's) Salem, Eugene, Coos Bay, Roseburg and Medford districts and the Klamath Falls Resource Area of the BLM's Lakeview District.

As stated in our scoping letter dated October 21, 2005, NTWC (<http://www.naturaltrails.org>) is a coalition of over one hundred recreation and conservation groups nationwide concerned with the proliferation of off-road vehicles (ORVs) on our public lands and the adverse impacts they are causing to

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<sup>1</sup> NTWC is coordinated and directed by a nine member steering committee, with representation composed of each of the following organizations—American Lands Alliance, American Hiking Society, Bluewater Network, Colorado Mountain Club, Great Old Broads for Wilderness, Sierra Club, Southern Utah Wilderness Alliance, The Wilderness Society, and Wildlands CPR. Our partner organizations in Oregon include Blue Mountain Biodiversity Project, Central Oregon Forest Issues Committee, Conservation Leaders Network, Friends of Living Oregon Waters, Headwaters, Klamath-Siskiyou Wildlands Center, Oregon Natural Desert Association, Siskiyou Project, and Wild Wilderness.

these lands, waters, wildlife, and the citizens that enjoy them. Our Coalition represents hundreds of thousands of individuals nationwide that have witnessed or experienced the adverse impact of relatively unmanaged ORV use on public lands.

We appreciate the opportunity to provide comments on the February 2006 *Planning Criteria*. We hope that our comments will be viewed by BLM staff as constructive and indicative of the desire of our membership to support federal agencies that wisely and proactively seek to minimize the damaging effects of ORV use on public lands and resources. (Note: throughout this letter, we use the terms ORV for off-road vehicle and OHV for off-highway vehicle interchangeably; both have relatively the same meaning although only the former is defined in BLM statute.)

### Comments on Chapter 3, Analytical Methods and Techniques

**Planning Criteria for OHV Management Must Reflect Applicable BLM Regulations.** Planning criteria proposed by BLM to form the "Primary Factors of the Analysis" for ORV management (page 127) are inconsistent with existing law and policy that require the agency to designate ORV areas and trails only where they "protect the resources of those lands,...promote the safety of all users of those lands, and...minimize conflicts among the various uses of those lands." At present, the primary factors listed by BLM in the *Planning Criteria* include only: (1) OHV use opportunities, (2) public safety, and (3) user conflicts. Yet, as stated in our scoping letter, Executive Order No. 11644 (1972 as amended by Executive Order No. 11989 (1977)) and 43 C.F.R. § 8342.1 require the BLM to ensure that ORV areas and trails are located:

- to minimize damage to soil, watershed, vegetation, air, or other resources of the public lands, and to prevent impairment of wilderness suitability;
- to minimize harassment of wildlife or significant disruption of wildlife habitats, and especially for protection of endangered or threatened species and their habitats;
- to minimize conflicts between ORV use and other existing or proposed recreational uses of the same or neighboring public lands and to ensure

*Natural Trails & Waters Coalition*  
*Comments on Planning Criteria, Western Oregon RMP revisions*

compatibility with populated areas, taking into account noise and other factors;  
and

- outside officially designated wilderness areas or primitive areas and in natural areas only if BLM determines that ORV use will not adversely affect their natural, esthetic, scenic, or other values for which such areas are established.

These items represent the primary factor by which the BLM must designate both ORV areas and specific routes. When viewed through the crucible of these regulations, the BLM's role in either assessing or promoting ORV "use opportunities" (currently listed as a Primary Factor of the Analysis) becomes irrelevant in comparison to higher priority issues such as the condition of public land resources, health of wildlife habitat and protected species, and avoidance of conflicts with other (non-motorized) recreational uses. The CFRs imply that BLM is to allow ORV use only where it does not interfere with these other factors. Consequently, BLM must revise its current Planning Criteria to accurately reflect the requirements of 43 C.F.R. § 8342.1, which should instead constitute the Primary Factors of Analysis for ORV management.

**Meeting Perceived Demand for ORV Use is Unrealistic, Unattainable, and Not Consistent with Prevailing Law or Policy.** Analytical Question #2 for OHV Management (page 127) asks:

How would re-designation of some off-highway vehicle areas affect BLM's ability to contribute to meeting off-highway vehicle use demand on certain BLM-managed lands?

This question presents the BLM with a false choice that could result in an outcome inconsistent with the 1937 Oregon & California Lands Act (O&C Act) and other laws. There is no reliable method or metric to help determine if recreational demand is being met. Any answer would be highly subjective based on each individual's perspective and perceived satisfaction with the availability of existing recreational opportunities. Were the BLM compelled to manage public lands in an attempt to "contribute to meeting (OHV) use demand," it would—with its finite and fragmented land base and diminishing budgets—find such a goal to be elusive. Perceived "demand" should not be considered because it is unlikely to be attainable.

*Natural Trails & Waters Coalition*  
*Comments on Planning Criteria, Western Oregon RMP revisions*

Even in the case of timber management, for example, the O&C Act does not require the BLM to contribute to meeting national or regional timber "demand." Instead, the Act requires that timber "shall be sold, cut, and removed in conformity with the principal of sustained yield." Thus, the goal of meeting perceived demand should not apply to the BLM's provision of recreational opportunities that result from BLM implementation of the O&C Act. The BLM instead should pose Analytical Question #2 in a context more in line with the philosophy behind the Federal Land Policy and Management Act (FLPMA), the O&C Act, and 43 C.F.R. § 8342.1 and one capable of leading to a more achievable goal, such as a question like: "How can BLM best meet its requirement to minimize the impact of ORV use on public land resources and other users of the public lands while still providing quality ORV recreational opportunities?" Such questions could yield a search for more creative and sustainable solutions and opportunities for broad public dialogue as opposed to the polarized debate that likely would result from the current analytical question.

One\* suggested approach comes from Doug Heiken of the Oregon Natural Resources Council, who wrote:

Instead of guessing at OHV demand, BLM should first establish the sustainable supply of OHV terrain after conducting a comprehensive capacity study that accounts for the long-term impacts of OHVs on soil, water, weeds, fish & wildlife, and the growing demand for quiet non-motorized recreation.

This approach appears consistent with FLPMA and the O&C Act, and the BLM should consider an analytical approach in the RMP revisions that attempts to identify the best locations where ORV use can be conducted in a sustainable fashion, taking into account the mandates of FLPMA, the O&C Act, and criteria found in 43 C.F.R. § 8342.1. Only after such data is compiled, can the BLM identify the most appropriate locations for continued ORV use. Without such data analysis, the BLM runs the risk of allowing ORV use in areas that, in the future, require closure under authorities mandated under 43 C.F.R. § 8341.2(a).

**The Assumption that Current Trends in Recreation Demand Will Remain Constant Throughout the Next Decade is Not Supported.** A statement found on page 121 reads: "It is assumed that the current distribution of recreation demand will remain constant over the next decade, and that project (sic) demand

We provide the following example to underscore this point. Data from the SCORP shows a 3 percent decrease in both dirt bike and four-wheel driving recreation activity statewide during the period 1987 to 2002 (SCORP, Table 4.3). Yet the Oregon Department of Parks and Recreation currently recognizes a statewide shortage of four-wheel driving (Class II) opportunities. If the BLM were to rely on data from the SCORP, they might be lead to believe that there is little reason to promote dirt bike and four-wheel driving opportunities. Moreover, the BLM might be lead to believe that it could sharply reduce the availability of dune buggy driving opportunities, as the SCORP reports a statewide decrease in this activity from 1987 to 2002 by almost 33 percent. Thus, relying on data from the SCORP does little to inform the BLM of how these trends apply to the fragmented and often "access challenged" BLM lands throughout western Oregon.

Trends from BLM's own data in western Oregon should provide a more reliable indicator of the current role that BLM lands play in providing statewide recreational opportunities. Data presumably from the BLM is cited on page 123 of the *Analysis of the Management Situation*, which states: "There has been a 27 percent increase in non-motorized trail use and a 9 percent increase in motorized use from 1999 to 2004." When viewed in this light, the motivation to manage BLM lands with a primary recreational focus on meeting perceived OHV demand pales in comparison to what appears to be a much greater need to focus on the provision of non-motorized trail opportunities.

**Increased OHV Use Does Not Appear Consistent with the O&C Act.** Off-highway vehicle use did not exist as a form of recreation in 1937 when Congress enacted the O&C Act. While non-motorized forms of recreation clearly are consistent with the Act's emphasis on permanent forest production, sustained yield of timber and protection of watersheds, it is unlikely that BLM's attempt to "help meet projected increases in the demand for off-highway vehicle use" would further the purposes of the Act that the current RMP revisions must address. Consequently, the BLM must not prioritize OHV opportunities at the expense of traditional non-motorized recreational opportunities. In fact, because these traditional uses often are displaced in areas where BLM manages for OHV opportunities, the BLM must instead prioritize maintaining and enhancing non-motorized trail uses. One such planning criterion should be no loss of traditional

recreational opportunities at the expense of BLM's emphasis on OHV use, with the assumption that shared-use trails (motorized and non-motorized uses) are unacceptable to most equestrians and hikers. We have queried several western Oregon chapters of the organization Oregon Equestrian Trails and found strong consensus for this assumption.

Hikers and equestrians have been displaced in many instances and no longer frequent trails on BLM lands that have "been taken over" by motorized uses. This is a result, in part, of the fact that hikers and equestrians strongly prefer to ride in areas where ORVs are absent (for reasons of personal safety, lack of obtrusive noise, etc.). For the same reasons, they do not support the concept of multiple-use or shared-use trails in most instances, albeit with limited exceptions, and prefer trails separated from motorized uses where resource conditions and agency budgets allow. ORV conflicts with hunters, hikers, and other non-motorized recreationists are well documented and in rare instances is ORV use compatible with these other uses. In summarizing public response to a series of statewide questionnaires, the SCORP underscored the incompatibility of ORV uses with other, non-motorized uses when it reported that:

There is concern that (ORV) riding areas be thoroughly separated from hikers, kayakers, campers, cyclists and other human-powered users of public lands and that environmental impacts be closely monitored and managed.

**Analytical Assumptions Must Recognize the Impact of Declining BLM Enforcement of ORV Activities.** In addition to considering the impacts from ORVs on areas designed as either open, limited or closed (page 64), the RMPs also must consider the impact of BLM's declining law enforcement capabilities on its ability to effectively enforce compliance with existing and proposed ORV route systems. A key analytical assumption that must be used is that federal law enforcement budgets and resources will continue to decline and that law enforcement activities funded via the state ATV Allocation fund will not be sufficient to offset this decline. Consequently, the BLM must estimate the additional impact from its designation of ORV areas and trails as a result of enforcement capabilities that can not keep pace with its need to monitor ORV use and maintain a physical presence in the field.

will be distributed in the same way across the landscape.” We assume that the latter is a typo and that the BLM intended to state that ‘projected’ recreational demand will be distributed in the same fashion across the landscape as it is currently. If correct, then it’s unlikely the BLM could support either statement with respect to ORV use.

Recent technological advancements in ORV engine design have yielded increased horsepower and torque, higher fuel efficiency, and light-weight composite body panels that allow dirt bikes, snowmobiles and other off-road vehicles to travel deeper into roadless backcountry than they could just 5 or 10 years ago. This trend no doubt will continue throughout the coming decade. Thus, it is unreasonable for BLM to assume that future ORV use “will be distributed in the same way across the landscape” as it is currently. Ten years from now, ORVs most likely will be capable of traversing hillsides and terrain that, today, are thought impassible. This gives further justification to the claim that the BLM must not designate any Open ORV areas in the current RMP revisions. \*

In addition, the BLM can not assume that recent trends in recreation participation (as described in the 2003 Statewide Comprehensive Outdoor Recreation Plan) “will remain constant over the next decade.” The period from 1987 to 2002 coincided with a surge in the popularity of sales of relatively inexpensive all-terrain vehicles (ATVs) that can not realistically be expected to continue throughout the next decade. The statement in the *BLM’s Western Oregon Plan Revisions, Analysis of the Management Situation* (December 2005) that “There has been a 32 percent increase in all terrain vehicle recreation activity in western Oregon from 1987 to 2002” (page 123) does not reflect the fact that most of this increase is attributed to the availability of recreational opportunities on non-BLM lands throughout western Oregon. Specifically, the majority of ATV use in western Oregon occurs within the Oregon Dunes National Recreation Area (U.S. Forest Service), Sand Lake Recreation Area (U.S. Forest Service), and the Tillamook OHV Area (Oregon Department of Forestry). Use of this statistic points out the shortcomings of BLM relying on the 2003 Oregon Statewide Comprehensive Outdoor Recreation Plan (SCORP) for data on recreational use trends, which could be misinterpreted to represent a dire picture of rapidly growing and unmet “demand” for additional ATV and snowmobiling opportunities on BLM lands.

**Planning Criteria Must Include Assumptions About Factors Suitable for Designating ORV Play Areas.** Many of the 1995 RMPs for western Oregon included arbitrary designations of ORV "play areas" that did not include maps or legal descriptions depicting the location of the proposed play areas. Worse still, the EIS that accompanied each RMP was absent any assessment of the environmental consequences of these designations, including socioeconomic impacts. For example, the establishment of three OHV play areas in the 1995 Medford RMP (the Ferris Gulch, Quartz Creek, and Timber Mountain/John's Peak ORV play areas) occurred without public dialogue or debate, despite the fact that numerous private lands are included within, or border the boundary of, these play areas. The 16,250-acre BLM-designated Timber Mountain/John's Peak OHV area in Jackson County includes an equal if not greater amount of privately-owned lands within its boundary, including 292 individual "tax lots," according to records on file by the Jackson County Assessor's Office. We are not aware of any comparable ORV park of this scale that encompasses so many private lands and is bordered by literally thousands of private residences.

The vast majority of existing BLM and U.S. Forest Service ORV parks are located within large expanses of federal lands with few, if any, adjacent residences. Therefore, it would be irresponsible for the BLM not to reconsider the appropriateness of the Timber Mountain/John's Peak OHV area and other such designations in the current RMP revision for the Medford District in light of these facts and in light of the influx of home buyers and retirees within the past decade that has substantially changed the character of the area surrounding Timber Mountain/John's Peak.

Consequently, the Western Oregon RMP revision must include criteria that assess the appropriateness of establishing ORV play areas. Among those criteria must be the amount of intermingled or adjacent private lands and residences. Consistent with 43 CFR § 8342.1, planning criteria must take into account noise resulting from ORV use as well as other factors such as the potential for trespass, vehicle exhaust, and the spread of noxious weeds to adversely affect residents and their enjoyment of their lands in addition to affecting their (recreational) enjoyment of BLM public lands in their neighborhood. Criteria by which to assess the designation of ORV play areas also must specifically list relevant criteria found in 43 CFR § 8342.1, including such issues as susceptibility to accelerated soil erosion, presence of water quality

impaired streams and sensitive flora and fauna, and relative level of seasonal fire hazard, particularly as it relates to the potential for the spread of human/OHV-caused fires to spread onto adjacent private lands.

**The RMPs Must Use OHV Route Density as a Quantitative Measure of Impact.** The BLM's *Western Oregon Districts Transportation Management Plan* (2002) includes objectives for reducing impacts on wildlife habitat that direct BLM planners to consider road density targets in each district based on the identified needs of wildlife species. For example, it is documented in Oregon that use by elk declines in areas adjacent to roads open to motorized vehicles and that as motorized vehicular access increases, the quality and amount of elk habitat are degraded. An open road density of three linear miles of road per square mile of land seriously reduces the value of that area for elk, whereas an open road density of six linear miles per square mile can reduce elk use to near zero.<sup>2</sup> Wildlife and other quantitative thresholds for important variables such as noise, soil loss, and sedimentation, must be documented and used to determine environmental impact and, in turn, appropriate road and trail densities throughout the planning area. The BLM must then seek to minimize the impact of ORV routes and their density as they apply to important wildlife species and their habitat.

**BLM Must Not Allow New OHV Roads and Trails in Areas Where 1995 RMPs Limited OHV Use to "Existing Roads and Trails."** The 1995 RMPs identified almost 1 million acres of BLM public lands where motorized and ORV uses are allowed but where that use was "Limited to *Existing* Roads and Trails." Yet in most cases, the BLM did not undertake a route inventory as part of the previous RMP processes nor does BLM today have accurate records regarding what routes existed on these lands when the Records of Decisions were approved for these RMPs.

The same situation applies in many areas where ORV use currently is designated as "Limited to *Designated* Roads and Trails" and where the BLM has failed to officially designate such roads and trails. BLM staff find themselves in

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<sup>2</sup> *Hunting and ATVs—Responsibility or Regulation* brochure. Prepared by the USDA Forest Service, Bureau of Land Management, Oregon Dept. of Fish and Wildlife, and Oregon Dept. of Parks and Recreation (2003).

over time, rather than planned and constructed for specific activities or needs.<sup>3</sup>

The presence and use of user-created routes violates several BLM objectives and strategies for the conservation of aquatic resources, riparian areas, late-successional reserves, etc. Consequently, the BLM could find itself in violation of several of its own policies if it does not provide specific direction on the closure and rehabilitation of user-created routes in the revised RMPs. The BLM's *Western Oregon Districts Transportation Management Plan* (2002), for example, recognized the significant threat posed by user-created ORV routes, and described how such routes were to be addressed. It stated that:

Trails crossing BLM lands must be located, designed, constructed, and maintained to preserve natural, historic, cultural, and scenic values. Unauthorized trails should be identified and appropriate measures taken.

User-created ORV routes, by definition, are neither designed nor properly constructed for motorized uses. Therefore, they pose significant conflicts with BLM's obligations under FLPMA, Executive Order No. 11644 and No. 11989 and BLM's matching regulations, as well as numerous other federal mandates. The current RMP revisions must recognize this important distinction and current BLM policy (both nationally and state-wide) by identifying illegal user-created routes as per designations made in the 1995 RMPs.

**Assumption that Forestry Management Will Not Affect Recreation Facilities is Incorrect.** The statement (page 122, *Planning Criteria*) that "forestry management alternatives will likely not influence" the physical setting characteristics of recreation facilities (such as campgrounds, day-use areas, and trails) is not accurate and underplays the potentially significant adverse effect that certain forestry management activities could have on the BLM's ability to provide and maintain quality recreational opportunities. While it's unlikely that BLM would knowingly authorize intensive forest management actions near campgrounds and day-use areas, it is highly likely that many such management actions could affect existing and proposed recreational trails.

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<sup>3</sup> Instruction Memorandum No. 2004-005. From the BLM Assistant Director, Renewable Resources and Planning, October 1, 2003.

the unenviable position of having to determine what routes existed and what routes have been added (illegally) since 1995 throughout large portions of the planning area before they can move ahead and officially designate routes via the current RMP revisions.

The *Analysis of the Management Situation* (page 124) hints that it will consider officially designating for use currently illegal ORV routes (or "user-created" routes) during the RMP revisions by claiming:

The Eugene, Roseburg, and Salem districts and the Klamath Falls field office designated a majority of their 'limited' areas to existing roads and trails. Since comprehensive route inventories were not completed at the time these designations were made, it is difficult to determine if new routes created by off-highway vehicle users actually 'existed' at the time of designation. Designating off-highway vehicle use to existing roads and trails also limits BLM's ability to select which of these routes are in fact suitable for off-highway vehicle use.

It would be inconsistent with law and policy (and a breach of the public trust) if the BLM did not act to refine its inventory of roads and trails that existed in 1995 and present it to the public as part of the current RMP revisions. However difficult, a 1995 inventory must be established to serve as the baseline against which new routes constructed since that time can be identified, removed from the 1995 baseline, and appropriately closed and rehabilitated. Given that ORV routes constructed in these areas since 1995 would not have been authorized by the BLM, they must be classified as illegal and could not be considered for use in the current RMP revisions or subsequent travel/route designation efforts.

BLM guidance on travel planning (IM No. 2004-005) identifies the importance of carefully scrutinizing the perceived benefits of user-created routes. It directs BLM planners to:

Choose individual roads and trails, rather than using inherited roads and trails. Most existing roads and trails on public lands were created by use

For example, the 1999 Finding of No Significant Impact (FONSI) for the BLM Coos Bay District Office "Big Creek" timber sale neglected to document the potentially significant impact that would occur when timber harvesting (in this case, clear cutting) was proposed to occur throughout an area crossed by an established mountain bike trail. The trail was built with help from a local 4-H Club and mountain bike club, and was featured in an April 1996 *Outside Magazine* article titled: "Little Known BLM Trails." Yet the BLM's FONSI was silent about the importance of this trail to local recreational interests and neglected to consider even a buffer zone along the trail to serve as a visual barrier to the clear cut. There are numerous examples similar to this one. The point is that the BLM must assume that forestry management alternatives in the forthcoming RMPs have the potential to adversely affect recreation facilities, including trails, and the BLM must attempt to analyze the potential for impact—and recommend measures to reduce the potential for such impact—in the RMPs and accompanying Environmental Impact Statement.

**BLM Must Define the Difference Between a "Road" and a Trail when Designating OHV Routes.** The table showing Classification of Physical Settings by Alternative for each BLM District (page 124, *Planning Criteria*) is ambiguous because nowhere within the *Planning Criteria* does BLM provide a definition for what constitutes a "road." The BLM must develop appropriate criteria to accurately inform its decision making and the public what is, or is not, a road. The BLM should adopt the definition of a road contained in the 1995 *Record of Decision (ROD) and RMP for the Medford District Office* (Glossary, page 112), that is consistent with the definition of roadless found in FLPMA. The 1995 Medford ROD/RMP defines a road as:

A vehicle route which has been improved and maintained by mechanical means to ensure relatively regular and continuous use. A route maintained solely by the passage of vehicles does not constitute a road.

There are many roads intentionally constructed for timber harvest and other activities on private and federal land throughout the RMP planning area and there are many user-created routes built or created on public and private lands as a result of years of unmanaged ORV use. Consequently, routes that are not official "roads" are likely to be user-created and (for reasons described earlier in this comment letter) should not receive equal consideration for future use as

recreational routes in the RMPs. Given the BLM has a definition of "road," this definition should be adopted and used consistently throughout the Planning Criteria and RMPs, including being listed in the Glossary. This definition also must be added to the Analytical Assumptions on page 146. Access and Roads of the Planning Criteria.

**Road Closure or Decommissioning Must be an Option in the Middle Country Recreation Classification.** The table showing Classification of Physical Settings by Alternative for each BLM District (page 124) shows road closure or decommissioning as an option only for roads located within what is defined as Primitive (<1 mile from any class of road) and Backcountry (0.25 – 1 mile from any class of road) settings under the "remoteness" category. While the closure or decommissioning options are understandably absent from Rural or Front Country settings (on or near primary highways and improved paved roads, respectively), it is conspicuously absent in the Middle Country setting (on or within 0.25 mile of gravel or dirt roads). While this could be an oversight, a rationale for its absence is not given. Clearly, the closure or decommissioning of dirt roads that are temporary in nature or that were not constructed for a recognized purpose should remain an option for BLM that, in turn, would affect the physical recreation setting. The BLM, therefore, should list this as an option in what is defined as the Middle Country setting.

**Analytical Criteria for Soil Disturbance Must Include Miles of Trails Outside Areas Open to ORV Use.** The data needs that accompany Analytical Question #6 for Soils (page 136) currently lists both the number of acres within "Open" ORV areas and the number of acres/miles of trails that could occur in "Open" areas. What's missing, in order to get an accurate gage on the level of detrimental soil disturbance resulting from ORV use, is data on the number of miles of trails that could be available for ORV use for areas designated via the RMP process as both "Limited to Designated Roads and Trails" and "Limited to Existing Roads and Trails." The BLM risks grossly underestimating soil disturbance without the inclusion of miles of trail from these two classifications of ORV use, as the two ORV classes currently—and most likely will in the revised RMPs—comprise a vast majority of BLM lands throughout the 2.5 million-acre planning area. (Note: it is understood that this risk applies to motorized and non-motorized trails alike, although more often the risk of soil disturbance is greater along trails accessible by ORVs).

**Analytical Assumptions for Heritage and Paleontological Resources Must Recognize the Role that Designating ORV Trails Plays in Putting These Resources at Risk.** The Analytical Assumptions (page 143) currently lack an assumption that identifies the role that proximity to a designated ORV road or trail plays in increasing the likelihood of disturbance or vandalism of heritage and paleontological resources. It's no coincidence that over the past eight years, the BLM has identified more such resources in BLM districts (Medford and Roseburg, and the Klamath Falls Resource Area) that contain large expanses of relatively open and accessible land. These districts also are ones where ORV use at present is largely uncontrolled (with large expanses classified as "Open" to cross-country travel) and, as such, could be contributing to adverse and irretrievable impacts to heritage and paleontological resources.

The Data Needs category for heritage and paleontological resources (page 144) identifies "acres of disturbance by district by alternative" as one measure to quantify the risk to these resources. Inferred in that category is the extent of areas "Open" to (cross-country) ORV use. Yet absent from the Data Needs and Data Display categories is recognition of the role that proximity to designated ORV roads and trails plays in the protection of these resources. Numerous BLM studies and travel plans have documented the elevated risk posed to cultural and paleontological sites as a result of proximity of ORV routes. For the purpose of mapping the linear extent of such risk, some BLM offices have used the assumption that sites within 0.25 mile (with some offices using 0.5 mile) of an ORV route have an increased risk of disturbance or vandalism.

Accordingly, Planning Criteria for the Western Oregon RMP revisions should include the analytical assumption that the proximity of ORV routes—be they officially designated or not designated—carries additional risk to heritage and paleontological resources in the form of potential disturbance or vandalism. (Note: it is assumed that this risk applies similarly to any type of trail, be it motorized or non-motorized, but could be higher in areas otherwise not easily accessible via use of ORVs). Further, the Data Needs category on page 144 should be amended to include disturbance as a result of ORV routes outside areas "Open" to cross-country ORV use.

## Conclusion

We remain gravely concerned that the primary measure (or metric) that the BLM appears inclined to apply in the RMP revisions with respect to ORV use is that of perceived ORV use “demand” versus the specific and long-standing criteria for designating ORV routes and areas as listed in 43 CFR § 8342.1. We know of no legal or policy basis that would compel the BLM to make “meeting off-highway vehicle use demand on certain BLM-managed lands” the primary Analytical Question to be resolved in the RMP revisions. In fact, we see no basis for the BLM to use perceived “demand,” the definition of which is highly subjective, among its methods and techniques for determining the appropriate role and scale of ORV use on BLM lands in western Oregon—or elsewhere.

Even where the concept of recreational demand could be quantified and supported, the BLM must manage public lands in response to any unmet demand within the confines of FLPMA, 43 CFR § 8342.1, and (in western Oregon) O&C Act, and other laws. For example, FLPMA requires the BLM to emphasize the long-term management potential of our public lands to satisfy the needs of both current *and* future generations. Needs (which are not synonymous with recreational “demand”) are to be satisfied only to the extent that they do not permanently impair “the productivity of the land and the quality of the environment.” ORV use, therefore, should be managed with an eye towards ensuring the continued sustainability of natural and cultural resources identified in 43 CFR § 8342.1, such as soils, wildlife, wildlife habitat, and clean water. The BLM’s emphasis on striving to meet perceived ORV recreational demand, as the *Planning Criteria* read at present, becomes moot in this context. And while the public expects the BLM to strive toward providing a range of quality recreational opportunities, it first and foremost expects the agency to base its decision-making on prevailing law while providing recreational opportunities that are sustainable over the long term.

We look forward to reviewing documentation in support of BLM’s Preferred Alternative when it becomes available and to continued opportunities for public dialogue and comment throughout the RMP revision process.

Sincerely,

*Natural Trails & Waters Coalition  
Comments on Planning Criteria, Western Oregon RMP revisions*

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## WOPR's Impact on Property Value

A collection of references to help determine how much property value will be lost from clear-cutting and ATV zones in the Deer Creek Area

Roger Brandt

The following is an excerpt about the impact of the WOPR on property value.

The clear-cut logging proposed in the WOPR will have a negative impact on property value near BLM land. Note the discussion about the so called "tax benefits" at the end of this excerpt. We will be paying for those "tax benefits" with the money we will lose from our property value.

Logging in the Deer Creek area will inflict the loss of property value. For example, property value goes up if you live close to a forested area. If the forest is clear-cut, your property value goes down.

Researchers have found that property value also goes down for homes near special activity parks (for example; sport parks with night lighting). I have had trouble running down the exact numbers but from one study (Weichter and Zeibst, (1973) - The externalities of neighborhood parks: An empirical investigation. Land Economics 49: 99-105 - (externalities mean external influences), it appears that the drop will be about 10%.

Land owners next to the ATV zones get a double drop in value; one from the clear-cutting and the other from the noise and ecologic damage that may be associated with elevated ATV use in the area. Depending upon how far you are from the logged area or your view of the logged landscape, you property will go down a minimum of 5% (for residences adjacent to BLM timber lands, you can figure your loss will be 10-15% - see discussion below). Add the 10% loss from ATV traffic and 5% for loss of forest landscapes and you can figure your total loss to be about 15%. If your property is worth \$100,000, you will end up losing about \$15,000 dollars in property value.

For most people, the location of homes near forested areas give easy access to hiking and sitting in peaceful forest settings. Here is an excerpt about easy access to forest and recreation:

*Nationwide, easy access to parks and open space has become a new measure of community wealth—an important way to attract businesses and residents by guaranteeing both quality of life and economic health. (The economic benefits of park and open space)*

When we lose the forest and the benefits of easy access to solitude and recreation, we not only lose property value but we also lose the qualities that grow an active business community... a double loss for Deer Creek.

The excerpt follows: Reference are in the attached document.

Roger Brandt

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## **Property value**

Property value can be influenced by many factors in a community to include the location of transmission lines, sand and gravel pits, pig farms, noisy highways, parks, natural landscapes, ponds, shade trees and many other factors. Researchers who review the history of land sales in a community have often found a pattern in the way different factors in a neighborhood can add to or detract from property value.

These studies have demonstrated that natural or forested areas add to the value of property. The clear-cut logging proposed in the WOPR (no green vegetation standing – maximum, class four visual impacts<sup>1</sup>) will dramatically change the character of Oregon's natural landscapes and clear-cuts will have a negative impact on property value (Kim and Johnson, 2002).

Natural areas can increase property value by an amount of about 5% for properties within view of forested landscapes and 6% for homes within a short proximity of the logged lands (Tyrväinen and Miettinen, 2000; Garrod and Willis, 1992a; 1992b). Some estimates for the influence of natural areas on the value of nearby property go as high as 20% including areas where the forest interfaces with suburban neighborhoods (Crompton, 2001; 2007; Lutzenhiser and Netusil, 2000; Hammer, Coughlin and Horn, 1979; Moore, Stevens and Allen, 1988). Properties adjacent to naturalistic parks and open spaces are typically valued at about 8 to 20 percent more than comparable properties (Crompton, 2001). Other estimates place the increase of value for properties abutting a forested area at 3-7% higher for a home and 20-35% for a vacant lot (Thorsnes, 2002). Properties with wooded areas compete better for buyer attention and generally sell quicker than land without trees (Seila and Anderson, 1982).

### Estimate how the WOPR will reduce your land value

Residents can use the information above to estimate how clear-cutting on BLM land will reduce their land value. For example, if the property is worth \$100,000 and is within view of BLM land, the land owner can expect to lose 5% or \$5,000 in property value when the BLM forest is clear-cut. Properties that are within a short distance of clear-cut land could experience a decrease of 7% or about \$7,000 in property value. The 7% drop in property value is most pronounced for properties within 1,200 feet (approximately three city blocks) of the logged lands with reductions in property value gradually dropping to 5%, 4%, etc up to distance of a half mile (Hammer, Coughlin and Horn, 1979; Tyrväinen and Miettinen, 2000; Moore, Stevens and Allen, 1988).

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<sup>1</sup> *Class IV Visual Impacts*. This class is for management activities which require major modifications of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention (quoted from BLM Visual Resource Manual 8431, Appendix 2: VRM Class Objectives).

The amount of property value lost from a community adds up quickly. For example, if 5,000 properties in the community of Illinois Valley of southwest Oregon, each with an average value of \$125,000, lost 5% of their value, the net loss to the community will be more than 31 million dollars. This represents a significant drop in the potential income for real estate agents in that area<sup>2</sup>.

More than half of Josephine County's 32,000 homes are in rural settings, each with an average value of \$125,000 dollars (US Census Bureau, 2000; Josephine County Integrated Fire Plan, 2003). These are the homes that will likely suffer the most property loss due to their proximity to BLM lands. If these rural homes, approximately 16,000 of them, lose 5% of their value, Josephine County will lose 100 million dollars to the WOPR, a sum that could be doubled if this estimate included the lost values of vacant land in rural areas or tripled if the estimate included suburban properties that interface with BLM lands.

#### O&C fund tax savings

A fraction of the capital generated by timber harvesting will be returned to Josephine County to help pay for county services. This has been widely promoted as beneficial to property owners but, in Josephine County, it will take more than 70 years for these so-called O&C fund "tax savings" to pay back to land owners what they will lose in land value under the WOPR's strategy of trade-offs. It appears that land owners, not timber, are paying for the "tax savings" with their own land value.

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<sup>2</sup> At 10% commission, a loss of 31 million in property value equals about three million in lost commission revenues for real estate businesses.

**2006 – 01    ATV's and OHV's Allowed Only on Trails Designated "Open"**

All Terrain Vehicle (ATV/OHV) sales and usage are dramatically increasing within the state of Minnesota. Whereas in 1985, there were about 12,000 ATV/OHVs registered in the state, there are now over 250,000 ATV/OHVs registered. An ATV or other Off-Highway Vehicle (OHV, such as motor dirt-bike or 4x4 off-road capable truck) has multiple effects on the landscape, and each effect is felt over a large area whether it is forest, prairie, wetland, or lakeshore. ATV/OHVs require and by their use, create 3-to-8-foot wide de-vegetated trails. An ATV/OHVs "footprint" on the land and its influence on the surrounding area can be large. So while other forms of recreation share some of the types of effects on the land, the magnitude and combination of these effects is generally greater with ATV/OHV usage.

**ATV/OHVs operating near or in wetland, stream, river, or lake environments churn up and stir up earth and vegetation causing the erosion of sediment. ATV/OHVs may inadvertently transport and introduce to new areas the seeds of invasive non-native weeds. Sediment, noxious weed seeds, and pollutants (such as phosphorus and hydrocarbons) can be transported great distances and discharged by ATV/OHVs when immersed or near water. The entire area receiving the water-borne sediment, pollutants, or invasive non-native seeds is thus negatively affected.**

**Whereas hikers, cyclists, canoeists, anglers, hunters, birdwatchers, and other non-motorized recreation lack the power to destroy wetlands or churn up lakes or streams, ATV/OHV riders have mechanized power to do such damage. Some ATV/OHV riders utilize these impressive capabilities in sensitive areas that cause damage to water quality, aquatic vegetation, and sediment structure of aquatic environments. Rider advocates argue that a small percentage of ATV/OHV riders are responsible for such damage, yet this continues to be a long-term problem that is persistent, reoccurring, documented, and sometimes is promoted in advertising.**

**When ATV/OHVs ride over slopes or weak soils, they cause erosion. Depending on the relative weakness of the soil and local conditions, the area affected by an ATV/OHV's passage can spread and grow over time to cover an area much larger than the tracks initially left by any one ATV/OHV. The erosion effects of ATV/OHVs are inherently greater than those of similar numbers of hikers, bicyclists, or skiers. A dirt bike weighs 100-200 pounds, whereas typical ATV/OHVs can weigh up to 900 lbs, or up to several tons for 4x4 Off Road Vehicles. Because these weights are coupled with powerful engines, aggressively treaded tires, and a tendency of some operators to gun the engines and spin wheels intentionally, vegetation and landscape is easily churned up.**

**ATV/OHVs cause mechanized noise pollution, interrupting the solitude of nearby residents, quiet users of public forests, and wildlife. When revved and running,**

ATV/OHVs can be heard at distances up to and over two miles. If a single ATV/OHV is heard within a radius of one mile, it has a "soundshed" – the area where people and wildlife are affected by its noise is approximately 3 or 4 square miles. When a single ATV/OHV travels 30 miles on a trail, in the course of a 2 or 3-hour ride, its sound is heard by people and wildlife within an area of almost 70 square miles. Hikers, bicyclists, canoeists, skiers, do not generate much in the way of sound as compared to the sustained high-volume motorized noise of ATV/OHVs. Scores of non-motorized users could use the same area of forest in a given day without noise disturbance and possibly without ever knowing the others are present, while a single ATV/OHV operator intrudes upon all people and wildlife in the vicinity.

**ATV/OHVs have a role in spreading non-native noxious invasive weeds and destroying or degrading natural habitat, as they are effective vectors for the spread of these foreign species. An ATV/OHV driven through a few feet of spotted knapweed can pick up 2,000 seeds on the vehicle frame, undercarriage, and any mud that may attach to the vehicle, and will inadvertently spread these seeds over the course of a 10-mile drive. The plants germinating from the resulting swath of invasive seed spread will then lead to foreseeable secondary invasive seed spread downwind and/or downstream. In contrast, hikers, cyclists, canoeists, skiers, and other recreationists generally avoid becoming mud-caked and travel shorter distances. As a result, their innate capacity to spread the seeds of noxious non-native species is significantly lower than that of an ATV/OHV.**

The cost of controlling noxious non-native invasive weed species in Minnesota is large. The bill is paid by taxpayers, counties, private landowners, and the state. ATV/OHV usage off-trail or illegal trail usage increases the number of non-native noxious invasive species in the state, the rate of those species' spread, and hence the monetary and ecological costs of weed spread and control activities, like herbicide spraying and mechanical control.

In summary, ATV/OHVs have inherent abilities to trample vegetation, cause erosion, travel long distances, and affect large areas resulting in disturbance to both people and wildlife. ATV/OHVs can cause long-term vegetation loss due to powerful engines and large knobby tires. They can cause river and stream bank erosion, and sedimentation into streams, degrading stream habitat. They can cause damage to, forest, prairies, and wetlands. The planned and unplanned trails fragment habitat, degrading its value as feeding, breeding, sheltering, and rearing habitat for a wide variety of wildlife species.

For these and other reasons, at their 2005 convention, the Izaak Walton League of America adopted the position "that ATV/OHVs and snowmobiles be restricted to designated trails in national parks and other state and federal lands." During the 2005 session, the Minnesota Legislature changed Minnesota law for state-owned and administered forestlands north of US Highway 2, which extends northwest from Duluth to East Grand Forks and the North Dakota border. Millions

of acres amounting to 74% of all state forestland is north of Highway 2 and thus subject to this change in the law. The change allows default ATV/OHV usage on state and national forest trails that are not posted "CLOSED." This reversed a 2003 law that prohibited ATV/OHV usage on trails unless they are designated and posted "OPEN" for ATV/OHV use. Prior to 2003 and again now, because of the 2005 law change, game trails, hiking trails, or illegally blazed ATV/OHV trails that are not posted would be considered "OPEN" because they are not posted "CLOSED." Any usage of such trails then creates a de-facto ATV/OHV trail because there is no posting.

Due to an exemption in state law that allows ATV/OHVs and trucks to drive cross-country on state lands during the big game seasons (September 1 through December 31), ATV/OHV riders and others can legally blaze new trails by driving cross-country for 4 months of the year. Twenty-two percent of Minnesota deer hunters use an ATV/OHV in one way or another when deer hunting, and any of these countless new trails that fall north of Highway 2 is then legal for subsequent ATV/OHV riders to ride during the other 8 months of the year, unless state land managers do the following: 1) find the new trail, 2) make a decision to post it closed, 3) actually post it closed.

Despite declarations by the Minnesota Department of Natural Resources that the current law change is "manageable", prompt and effective implementation of such a routine on an annual and ongoing basis is administratively difficult. The enforcement of ATV/OHV usage on these trails is difficult because many areas are remote, and conservation officers are overworked and few and far between, sometimes with more than 1,200 square miles to patrol. Responsible DNR staff would be required to find and monitor new ATV/OHV trails, make decisions regarding on-going usage, post signs, and annually prioritize such activities as worthy of DNR time and money.

The legislation as currently written encourages the spread of motorized ATV/OHV trails and consequent environmental effects in our Northern state and national forests. The legislation conflicts with the state's overriding interest in environmental protection and its care for natural resources held in trust for future generations. The legislation as currently written can be improved and is not in keeping with responsible conservation minded stewardship of Minnesota's public lands, wildlife habitat, and outdoor heritage.

Now therefore be it resolved: The Minnesota Division of the Izaak Walton League of America, in annual convention April 29, 2006 in New Ulm, calls on the Minnesota State Legislature to amend Minnesota Statute Chapter 84 so that ATV/OHV usage is regulated to designated trails, and that motorized ATV/OHV trails be officially designated and posted as "OPEN" to ATV/OHV use. For proper enforcement and regulation, trails not posted as "OPEN", will be considered "CLOSED" to ATV/OHV use.

*Submitted by the Walter J. Breckenridge Chapter*