



United States  
Department of  
Agriculture

Forest  
Service

Black Hills National Forest  
Supervisor's Office

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Route to:

Subject: Law Enforcement /Travel Management

To: Off Highway Vehicle and Off Highway Snowmobile Users

This spring a number of forest users have asked questions about off-road use and how various laws are interpreted. This letter outlines several laws and provides examples of some of the more common activities that may constitute resource damage.

The following is a list of Code of Federal Regulations that pertains to the use of off highway vehicles and snowmobiles on the Black Hills National Forest, and the minimum fines associated with the particular violation.

The following are Class B Misdemeanor violations, punishable by up to \$5000.00 dollars and/or six months in jail. All individual violations will be assessed an additional \$25.00 processing fee. Cases involving damage to roads, trails, resources, and/or property can be subject to court ordered restitution.

**Code of Federal Regulations that pertain to all US National Forest Service lands**

36 CFR 261.7(c) Failing to re-close any gate or other entry.

<b>South Dakota</b>	<b>\$100.00</b>
<b>Wyoming</b>	<b>\$50.00</b>

36 CFR 261.9(a) Damaging any natural feature or other property of the United States.

<b>South Dakota</b>	<b>\$500.00</b>
<b>Wyoming</b>	<b>\$250.00</b>

36 CFR 261.10(a) Constructing, placing, or maintaining any kind of road, trail, structure, fence enclosure, communication equipment, or other improvement on National Forest System land or facilities without a special-use authorization, contract, or approved operating plan.

<b>South Dakota</b>	<b>\$200.00</b>
<b>Wyoming</b>	<b>\$200.00</b>

\*Flagging or otherwise denoting a user created trail for use is prohibited, as it constitutes maintaining a trail. Operating a motor vehicle in a repetitive manner that removes all vegetation from the surface resources constitutes constructing a trail.



36 CFR 261.10(m) Failing to stop a vehicle when directed to do so by a Forest Officer.

<b>South Dakota</b>	<b>\$100.00</b>
<b>Wyoming</b>	<b>\$100.00</b>

36 CFR 261.12(c) Damaging and leaving in a damaged condition any such road, trail or segment thereof.

<b>South Dakota</b>	<b>\$100.00</b>
<b>Wyoming</b>	<b>\$100.00</b>

\*Avoid operating a motor vehicle on roads and trails that are not surfaced when wet conditions exist. Operating motor vehicles in mud holes, even when on an open road or trail, may leave deep ruts and often will result in a citation.

36 CFR 261.12(d) Blocking, restricting, or otherwise interfering with the use of a road, trail, or gate.

<b>South Dakota</b>	<b>\$100.00</b>
<b>Wyoming</b>	<b>\$100.00</b>

36 CFR 261.15(g) It is prohibited to operate any vehicle off Forest Development, State, or County Roads carelessly, recklessly, or without regard for the safety of any person, or in a manner that endangers, or is likely to endanger, any person or property.

<b>South Dakota</b>	<b>\$100.00</b>
<b>Wyoming</b>	<b>\$100.00</b>

36 CFR 261.15(h) It is prohibited to operate any vehicle off Forest Development, State, or County Roads in a manner which unreasonably disturbs the land, wildlife, or vegetative resources.

<b>South Dakota</b>	<b>\$250.00</b>
<b>Wyoming</b>	<b>\$200.00</b>

\*Activities that may lead to violations of this regulation include: Hill climbing steep slopes and or road embankments; operating a motor vehicle off road or on user created trails when there are wet conditions; operating a motor vehicle in wet areas, such as meadows, ponds, and stream beds.

36 CFR 261.15(i) It is prohibited to operate any vehicle off Forest Development, State, or County Roads in violation of state law established for vehicles used off roads.

<b>South Dakota</b>	<b>\$100.00</b>
<b>Wyoming</b>	<b>\$75.00</b>

36 CFR 261.18(a) Possessing or using a motor vehicle, motorboat, or motorized equipment in the National Forest Wilderness.

<b>South Dakota</b>	<b>\$500.00</b>
<b>Wyoming</b>	<b>\$500.00</b>

## Special Orders pertaining to the Black Hills National Forest

The Forest Service closes roads and trails by blocking entrances with rock, earth, gates and other barricades. If there is a barricade or gate on a road or trail, it is closed to motor vehicle traffic. The Black Hills National Forest contains many miles of unauthorized user created trails. Currently these user created trails are not recognized as Forest Development Roads or Trails.

Law enforcement recommends that you operate your motor vehicles on the numbered roads and trails identified on the Black Hills National Forest Travel Information map.

36 CFR 261.54(a) Using any type of vehicle prohibited by the order on Forest Development Roads.

<b>South Dakota</b>	<b>\$250.00</b>
<b>Wyoming</b>	<b>\$150.00</b>

36 CFR 261.54(f) Operating a vehicle carelessly, recklessly, or without regard for the rights or safety of other persons or in a manner or at a speed that would endanger or be likely to endanger any person or property on Forest Development Roads.

<b>South Dakota</b>	<b>Careless \$100.00</b>
	<b>Reckless \$500.00</b>
<b>Wyoming</b>	<b>Careless \$200.00</b>
	<b>Reckless \$500.00</b>

36 CFR 261.55(b) Using any type of vehicle prohibited by the order on a Forest Development Trail.

<b>South Dakota</b>	<b>\$250.00</b>
<b>Wyoming</b>	<b>\$150.00</b>

36 CFR 261.55(e) Shortcutting a switchback on a Forest Development Trail.

<b>South Dakota</b>	<b>\$100.00</b>
<b>Wyoming</b>	<b>\$100.00</b>

36 CFR 261.56 When provided by an order, it is prohibited to possess or use a vehicle off Forest Development Roads.

<b>South Dakota</b>	<b>\$250.00</b>
<b>Wyoming</b>	
<b>1<sup>st</sup> offense</b>	<b>\$150.00</b>
<b>2<sup>nd</sup> offense</b>	<b>\$300.00 and mandatory appearance before a Federal Magistrate Judge</b>

For a complete list of 36 Code of Federal Regulations pertaining to the National Forest and Grasslands, please visit [www.gpoaccess.gov/index.html](http://www.gpoaccess.gov/index.html). For a complete list of Sub-Part B Special Orders that pertain to the Black Hills National Forest, please visit [www.fs.fed.us/r2/blackhills/](http://www.fs.fed.us/r2/blackhills/), or stop into the local Forest Service Ranger Station for the most up-to-date information and a free Travel Information map.

The following are examples of the most common OHV and OSV activities that may constitute resource damage:

Hill climbing: the act of operating a motor vehicle up a slope where no Forest Service road or trail exists. This activity often removes vegetation from the soil surfaces that often leaves deep ruts and scars. These ruts create un-natural channels for water to flow down which increase the damage and affects water shed qualities.

Mud bogging: the act of operating a motor vehicle in or through bodies of water and moist or saturated soils. This activity most often takes place in ponds, streams, stream crossings, or on Forest roads or trails that are holding surface moisture due to recent rains, or spring thaws. Individuals who choose to operate their motor vehicle in this manner often damage the banks of the stream, streambed, pond, and/or road or trail. If the soil surface is wet and muddy conditions exist, the motor vehicle operator is likely to damage the resource.

Other activities:

1. Operating a motor vehicle in a meadow or pasture at a high rate of speed, or in a manner in which the tires are spinning or sliding. This activity often rips the vegetation from the soil surface, leaving behind an obvious tract or scar.
2. Operating a motor vehicle in a heavily wooded area. Often times individuals will operate their motor vehicle over small trees cause significant damage to the tree, or completely breaking the tree off near its base.
3. Chasing down or harassing wildlife with a motor vehicle.

*/s/ Craig Bobzien*  
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cc: Les Pinkerton  
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