

CHAPTER 10 - USE OF OFF-ROAD VEHICLES ON CIVIL WORKS PROJECTS

10-1. Purpose. This chapter establishes guidance for off-road vehicles (ORV) operations on USACE civil works project lands.

10-2 Background. It is the policy of the Secretary of the Army, acting through the Commander, HQUSACE, to provide the public with safe and healthful recreational opportunities within all water resource development projects administered by the Commander, HQUSACE. The implementation of this policy requires the utilization of sound and comprehensive management practices and plans for all resources on project lands and waters including protection and enhancement of environmental quality, conservation of renewable and non-renewable resources, prevention of loss or damage to resources, protection from accidental injury, and opportunities for outdoor recreation.

10-3. Guidance.

a. Ensure that adequate opportunity for participation by the general public, user groups, and conservation organizations is afforded in the process of selection and designation of the specific areas and trails and the uses to be permitted on those areas and trails.

b. Where appropriate, establish additional regulations, consistent with Chapter III, Title 36 (CFR), to those contained in paragraph 1-1 of this pamphlet, prescribing operating conditions for off-road vehicles as they may be required for specific projects.

c. Ensure adequate notification to potential users, including distribution of information maps, indicating areas and trails where off-road vehicular use is and is not permitted. Appropriate signs designating areas and operating conditions of vehicle use will be posted at areas and trails designating such use. Areas where off-road vehicle use is permitted and prohibited will be displayed on maps available at the project office and the District Commander's office.

d. Provide proper administration, enforcement, and monitoring of trails and areas to insure that conditions of use are met on a continuing basis.

e. Establish appropriate procedures to monitor the effects of the use of off-road vehicles. This monitoring may be the basis for changes to the regulation on use of off-road vehicles or the project master plan to insure adequate control of off-road vehicle use and amendment of area and trail designations to protect the environment, insure the public safety, and minimize conflicts among users. An outline of a monitoring plan appears in Appendix S.

f. Insure that out-granted lands are not included in such designation for off-road vehicle use unless concurrence is obtained from the agency or lessee operating the outgranted lands.

g. Ensure that project lands are adequately identified and marked where off-road vehicles are designated.

10-4. Guidelines and Criteria for Evaluating Project Lands for Off-Road Vehicle Use. Project resources, while composed of a variety of physical conditions, may contain areas which would

allow use of certain areas and trails by off-road vehicles. Borrow areas and unused contractor work areas are examples where compatible off-road vehicle use could be designated and allowed.

a. Designation. Project lands which are found to satisfy the requirements for off-road vehicle use will be zoned for areas and trails in accordance with paragraph 10-4b below.

(1) Areas. The very nature of off-road vehicles dictates that the majority of use will occur over areas which have not been developed for specific vehicular use. Off-road vehicles are manufactured, advertised, sold and purchased within the concept that the purpose and sport of operating these vehicles lies in operation over rugged, undeveloped terrain. To invite users of off-road vehicles to areas which are designated for that purpose, the designated area must contain topography suitable to the vehicles that will be used and have ready access by the public.

(2) Trails. Where it practicable to designate existing or proposed trails for use by off-road vehicles without conflict with other public uses or without loss of natural characteristics of the areas resulting in environmental despoilment, degrading local safety or accident prevention programs, such designation should be accomplished.

(3) Types of Use. Off-road vehicles are of many types resulting in different design, space, and terrain characteristics for areas of use. Provision should be made in the designation of areas and trails to accommodate as many types as feasible and still be practical, consistent with environmental, resource, and safety considerations. These would include, for instance, mini-bike, beginners, motor-cross, cross country, snowmobile, 4 Wheel Drive (4WD), etc. areas and trails. As these uses may not be compatible within the same area or on the same trail, care must be exercised to insure adequate separation to increase public and user safety and compatibility.

b. Criteria. The following criteria will be used in evaluating project lands for possible off-road vehicle use designation.

(1) Areas which are not restricted for security, safety or accident prevention purposes.

(2) Areas which do not contain soil conditions, flora or fauna or other natural characteristics of a fragile or unique nature, or areas scheduled for reforestation plantings which would be subject to excessive damage by use of off-road vehicles.

(3) Areas which are not managed for wildlife habitat purposes, and areas managed for wildlife habitat if approved by the fish and game agency.

(4) Areas which do not contain archeological, historical, or paleontological resources; or which do not constitute de facto wilderness or scenic areas; or in which noise would not adversely affect other users or wildlife resources.

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

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

(7) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreation uses of the same or neighboring public and private

lands, and to insure the compatibility of such uses with existing conditions in populated areas, taking into account noise, safety, accident prevention and other factors.

10-5. Operating Conditions.

a. Off-road vehicles shall not be operated:

- (1) In a reckless, careless or negligent manner;
- (2) In excess of prudent and safe speed limits; and
- (3) In a manner likely to cause excessive damage or disturbance of the land, wildlife, or vegetative resources.

b. All off-road vehicles will conform to applicable state laws and registration requirements for such vehicles and those powered by internal combustion engines shall be equipped with operating brakes and a properly installed muffler in working condition certified as not exceeding 90 decibels at a distance of 50 feet.

c. Where appropriate and necessary internal combustion engine off-road vehicles, operating off established road and parking areas, shall be equipped with a properly installed spark arrester that meets and is qualified to either the U. S. Department of Agriculture - Forest Service Standard 5100-lb (available from USDA Forest Service, San Dimas Technology and Development Center, 444 East Bonita Avenue, San Dimas, California 91773) or the 80 percent efficiency level when determined by the appropriate Society of Automotive Engineers (SAE) Recommended Practices J 335 or J 350. The U.S. Department of Agriculture - Forest Service performs these spark arrester qualification tests under cooperative agreements wherein the spark arrester manufacturer agrees to pay an established fee commensurate with the actual cost of testing. Such areas, designating spark arrester use, will be appropriately signed and marked on maps available in the Project and District offices.

d. Adequate information will be provided to off-road vehicle operators and passengers on the advisability of using safety helmets conforming to standards established by the American National Standards Institute, as in their standard, Number Z90.1(1971). If state or local laws require the use of safety helmets for off-road use, this fact will be noted in the project operating conditions.

e. District commanders may establish additional operating conditions or rules consistent with Chapter III, Title 36 (CFR), specifically for each project, which could include items such as, opening and closing dates of areas and trails, daily opening and closing times, and areas which may have unique conditions or hazards.

10-6. Public Involvement. The key to successful implementation off-road vehicle use of project lands involves the opportunity for full participation by the general public, off-road vehicle user groups, conservation organizations, and other interested public in the selection, designation, and uses of Project lands for off-road vehicle use. Accordingly, district commanders will establish procedures to:

a. Identify such individuals and groups and solicit their participation and views in the process.

b. Hold appropriate public meetings or workshops; one at the initiation of consideration of off-road vehicle use for a project and a second, prior to informal designation of areas and trails and operating conditions. When necessary, additional public meetings or workshops may be held to obtain public reaction to various proposals under consideration. Under no circumstances will area and trail designation be made or operating conditions established without such public participation.

10-7. Enforcement. Action regarding persons who abuse the privilege of using designated areas and trails and operating conditions prescribed for the project under these regulations will be taken under the citation authority program and in accordance with Title 36 (CFR) Part 327.

10-8. Environmental Considerations. Prior to designation of areas or trails for use by off-road vehicles, district commanders will insure that full and careful assessment and consideration is given to the possible impacts and effects on the environment of the area. Where this environmental assessment indicates significant environmental impacts will be associated with off-road vehicle use, an environmental impact statement will be prepared and processed. Such assessment shall not be limited to the proposed designated areas or trails, but shall also encompass adjacent areas which may be affected.

a. Air. Air quality which could be affected by dust from the use of off-road vehicles and internal combustion engines will be considered.

b. Water. Siltation and water quality of streams or other bodies of water due to soil erosion created by off-road vehicles will be considered.

c. Soils. Soil erodability and compaction as well as desirability for proposed use by off-road vehicles will be considered.

d. Vegetation. The protection of native and other desirable species of vegetation will be considered.

e. Fish and Wildlife. Protection of breeding grounds, drumming grounds, winter feeding and yarding grounds, migration routes and nesting areas is essential. Spawning, migration and feeding habits of fish and other aquatic organisms will be considered where off-road vehicles will be used in streams or other bodies of water. Particular attention will be given to off-road vehicle use which could have adverse effects on rare or endangered species of animals and unique plant communities in the immediate area or in adjacent areas. This matter requires coordination with the U.S. Fish and Wildlife Service per the Endangered Species Act when there is potential impact to federally listed species. Site selection for ORV use will strive to minimize adverse impacts on fish and wildlife resources.

f. Noise, Safety, and Accident Prevention. Excessive noise as it affects humans and wildlife as well as accidental injury, damage or loss to project resources will be considered.

g. Aesthetics. Potential despoilment of visual characteristics will be considered.