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Motorized Recreation on Federal Lands

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Motorized Recreation on Federal Lands

The growing and diverse nature of recreation on federal lands has increased the challenge of balancing different types of recreation with each other and with other land uses. In particular, motorized recreation has been controversial, with some stakeholders advocating for additional access to federal lands for such activities and others raising concerns regarding potential environmental impacts caused by this type of recreation.

In general, the term *motorized recreation* refers to the use of self-propelled, power-driven vehicles to recreate over land, water, sand, snow, ice, marsh, swampland, or other natural terrain. This includes off-road vehicles (ORVs; also referred to as “off-highway vehicles” and encompassing all-terrain vehicles, utility terrain vehicles, and other similar vehicles), oversnow vehicles (e.g., snowmobiles), motorboats, and personal watercraft (e.g., Jet Ski). As these forms of recreation have evolved and gained in popularity, conflicts with nonmotorized recreationists or those seeking quiet and solitude on federal lands have arisen.

Each of the four federal land management agencies (FLMAs)—the Bureau of Land Management (BLM), Fish and Wildlife Service (FWS), and National Park Service in the Department of the Interior and the Forest Service (FS) in the Department of Agriculture—allows, to some degree, motorized recreation as a permissible use of federal lands and waters. When, where, and to what extent certain forms of motorized recreation are permitted on agency lands is governed by numerous authorities, including law, executive orders, agency regulations and policies, land management plans, and area-specific decisions. These authorities may apply broadly to an entire agency or land system, or they may be narrow in scope, applying only to specific units or regions.

Motorized recreation on federal lands and waters has been a contentious issue, due in part to growth in the use of ORVs, closures of certain areas to motorized uses, potential resource degradation, and other factors. Federal land managers face an array of social conflicts and resource challenges on federal lands and waters related to motorized recreation and uses. These challenges include whether or to what degree to allow for motorized recreation in certain areas while balancing the various uses for which FLMAs manage federal lands, how to protect against unauthorized uses, the progress agencies have made in completing travel management plans, how to ensure adequate and available data on recreational opportunities, and more.

At times, these conflicts have resulted in congressional interest, oversight, and legislative efforts. For example, in 2019, as part of P.L. 116-9, Congress designated roughly 200,000 acres of BLM lands within San Bernardino County, CA, as “Off-Highway Vehicle Recreation Areas.” In April 2022, Congress enacted and the President signed the Modernizing Access to Our Public Land Act (P.L. 117-114). The law requires, to the maximum extent practicable, FLMAs—as well as the Bureau of Reclamation and the U.S. Army Corps of Engineers—to make road and trail closure information publicly available on agency websites. Such information includes the classes of vehicles and types of recreational uses allowed on each segment of roads and trails. The 118th Congress has also considered legislation related to motorized recreational use of federal lands. For example, H.R. 6492—the Expanding Public Lands Outdoor Recreation Experiences Act (“EXPLORE Act”)—would require BLM and FS to update motor vehicle use maps within five years and oversnow vehicle maps within ten years, and to make such maps publicly available. Other legislation in the 118th Congress, such as H.R. 4580/S. 2262—the Baaj Nwaavjo I’tah Kukveni Grand Canyon National Monument Act—would create site-specific allowances for motorized recreational use outside designated roads and trails.

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Introduction

Four federal agencies administer about 95% of the approximately 640 million acres of federally owned land in the United States: the Bureau of Land Management (BLM), Fish and Wildlife Service (FWS), and National Park Service (NPS) in the Department of the Interior (DOI) and the Forest Service (FS) in the Department of Agriculture. Collectively, these four agencies are referred to as the *federal land management agencies* (FLMAs). The FLMAs manage federal lands under varying missions for purposes relating to the preservation and use of the lands and their resources. For many visitors, an important and popular use of federal lands is for outdoor recreation. Among other types of outdoor activity, forms of *motorized recreation* have evolved and gained in popularity, including off-roading, snowmobiling, and boating. These intersect with many popular nonmotorized forms of recreation, including water-based activities (e.g., fishing, canoeing, kayaking, rafting) and various land-based pursuits (e.g., birdwatching, camping, hiking, hunting, horseback riding, rock climbing).

FLMAs face management challenges around how best to balance these different types of recreation with each other and with other land uses. Increased motorized recreation, and allegations of overuse in some areas, have contributed to disagreements on issues of access, regulation, integrity of natural and cultural resources, and the extent of motorized versus nonmotorized recreational activities.

This report provides a general overview of the ways in which FLMAs have provided for or limited motorized recreation on lands and waters under their jurisdiction. It includes a brief discussion of general terminology for discussing motorized recreational activities and how FLMAs have used those terms in agency regulations and guidance. The report also discusses issues of congressional interest in recent years, including the extent to which motorized recreation should be allowed on federal lands and waters, enforcement challenges, and data digitization efforts.

What Is Motorized Recreation?

There is no single statutory or regulatory definition of the term *motorized recreation*. Various regulations and policies have addressed the use of *motor vehicles*, *off-road vehicles* (ORVs), or *off-highway vehicles* (OHVs) on federal lands. Which types of vehicles—such as snowmobiles, personal watercraft (PWC), all-terrain vehicles (ATVs), or others—fall under these terms may differ depending on the authorities and agencies involved.

Executive Order (E.O.) 11644, “Use of Off-Road Vehicles on the Public Lands,” defines *off-road vehicles* as “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,” with exceptions for any registered motorboat or authorized or emergency vehicles (for more information, see the section “Authorities Governing Motorized Recreation on Federal Lands”). This definition would seem to encompass motorized vehicles such as snowmobiles, PWC (e.g., Jet Ski), swamp buggies, motorized bicycles (including e-bikes), and others.

Implementation of the E.O. 11644 definition varies across agencies. For instance, National Park Service (NPS) regulations and policies implementing E.O. 11644—which use the term *off-highway vehicle* rather than the executive order’s term *off-road vehicle*—generally do not apply to snowmobiles and certain watercraft uses. Instead, NPS has promulgated separate implementing regulations and agency guidance for use of these types of vehicles (for more information, see “National Park Service”). The treatment of e-bikes also varies across agencies, with FLMAs within the Department of the Interior (DOI) generally exempting e-bikes from agency-specific definitions of *motor vehicle*, *off-road vehicle*, or *off-highway vehicle*, while the Forest Service includes e-bikes in the agency definition. (For more information on electric bicycle use on federal lands, see CRS In Focus IF12459, *Electric Bicycles (E-Bikes) on Federal Lands*, by Mark K. DeSantis.)

For the purposes of this report, *motorized recreation* refers to the use of self-propelled, power-driven vehicles to recreate over land, water, sand, snow, ice, marsh, swampland, or other natural terrain. Such vehicles include ORVs (which encompass ATVs, utility terrain vehicles, and other similar vehicles), oversnow vehicles (e.g., snowmobiles), motorboats, and PWC. Unless otherwise specified, *motorized recreation* as used in this report does

not include the use of e-bikes, motorized wheelchairs, or aircraft (e.g., planes, waterplanes, or helicopters). In general, policies related to motorized recreation do not apply to the use of these vehicles for emergency purposes or their use by agency staff.

Authorities Governing Motorized Recreation on Federal Lands¹

Each of the four FLMAs administers its lands and waters in accordance with agency-specific management statutes. Each of these statutes allows, to some degree, for recreation as a permissible use of federal lands and waters.

- BLM manages public lands for varied purposes relating to the preservation, use (including recreation), and development of the lands and natural resources, in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. §§1701 et seq.).
- FS manages the National Forest System (NFS) in accordance with the Multiple Use and Sustained Yield Act of 1960 (6 U.S.C. §§528 et seq.), which authorizes outdoor recreation as a use of NFS lands, among other uses and services.
- NPS administers the National Park System for both recreational use and preservation of park resources, a mission defined in the agency’s Organic Act of 1916 (54 U.S.C. §§100101 et seq.).
- FWS manages lands in the National Wildlife Refuge System in accordance with the National Wildlife Refuge System Administration Act (16 U.S.C. §§668dd-668ee), under which recreation is generally authorized when compatible with the mission and purpose for which the lands were set aside.

Although each of the FLMAs allows for recreation on lands under its jurisdiction, the extent and types of motorized recreation allowed vary depending on the agency and the land unit in question. Certain motorized activities could be determined to conflict with an agency’s overall statutory mission or with specific regulations, policies, or management plans, requiring the agency to limit or prohibit motorized recreation in certain areas. For more information, see “Motorized Recreation Across Agencies.”

Other Federal and State Authorities

In some instances, regulations promulgated by agencies other than the federal land management agencies (FLMAs) may apply to motorized recreational uses. For example, FLMA regulations related to boating and other water-based motorized activities may contain language stating that the regulations are complementary to, and not in derogation of, any regulations promulgated by the U.S. Coast Guard. In some instances, a state may have jurisdiction to regulate recreational uses on waterways within federal land unit boundaries. In 2019, for example, the Supreme Court held in *Sturgeon v. Frost*, 139 S. Ct. 1066 (2019), that navigable waters within Alaska’s national parks are outside the scope of the National Park Service’s (NPS’s) regulatory authority under the Alaska National Interest Lands Conservation Act (P.L. 96-487). This ruling arose from a dispute in which NPS rangers stopped an individual from using a personal hovercraft on the Nation River within the Yukon-Charley Rivers National Preserve—a conservation system unit in Alaska—because such use violated agency regulations.

FLMAs also typically defer to states when considering the use, standards, registration, operation, and inspection of vehicles used for motorized recreation. In general, FLMAs require operators of motorized vehicles to be in

¹ For general information on the four federal land management agencies (FLMAs), see CRS In Focus IF10585, *The Federal Land Management Agencies*, by Carol Hardy Vincent, Laura B. Comay, and Anne A. Riddle.

compliance with all state laws and prohibit the operation of vehicles by individuals without a valid state-issued operator's license or learner's permit (e.g., see Bureau of Land Management regulations at 43 C.F.R. §8341.1).

In some instances, federal agencies have retained regulatory authority over the use of certain types of vehicles on their lands. For example, in 2008, Utah enacted a bill allowing the use of certain off-road vehicles on roads and highways designated by the controlling highway authority. Some of these roads went through national parks in the state, putting state law in conflict with NPS policies prohibiting the use of such vehicles within park boundaries, including on park roads. Although NPS regulations at 36 C.F.R. §4.2 generally defer state laws on vehicle usage, NPS has maintained a prohibition on the use of off-road vehicles on park roads within the state.

Two executive orders (E.O.s) have defined and generally guided the use of off-road vehicles (ORVs; also referred to as “off-highway vehicles (OHVs)”) on federal lands.² The first (E.O. 11644, February 8, 1972) defines an “off-road vehicle,” as “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,” with exceptions for any registered motorboat or authorized or emergency vehicles. It was issued 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.” The order directed each agency to develop and issue regulations to carry out this purpose and to provide for the designation of areas and trails on which off-road vehicles may be permitted, as well as areas in which such vehicles would not be permitted. Agencies were to monitor the effects of off-road vehicle use and amend or rescind area designations or other actions taken pursuant to the order as needed to further the policy of the executive order.

A subsequent executive order (E.O. 11989, May 24, 1977) amended the 1972 order to exclude military, emergency, and law enforcement vehicles from the definition of off-road vehicles (to which restrictions would apply). It provided authority to immediately close areas or trails if off-road vehicles were causing or would cause considerable damage to the soil, vegetation, wildlife, wildlife habitat, or cultural or historic resources of particular areas or trails. Areas could remain closed until the manager determined that “the adverse effects have been eliminated and that measures have been implemented to prevent future recurrence.” Also, each agency was authorized to adopt the policy that areas could be closed to off-road vehicle use except for those areas or trails that are specifically designated as open to such use. This policy meant that only open areas would have to be marked, a lesser burden on the agencies.

Motorized Recreation Across Agencies

Each of the FLMAs has issued agency-specific regulations and policies that address motorized recreation activities and guide agency consideration of such uses. This section provides an overview of these regulations and policies and discusses the degree to which motorized recreation is typically allowed or prohibited on agency-administered lands and waters.

² Federal laws, regulations, and policies vary in their use of the terms “off-road vehicle (ORV)” and “off-highway vehicle (OHV)”; however, in general, the terms are interchangeable. In this report, the term “ORV” is used for consistency.

Bureau of Land Management³

BLM lands are used for diverse forms of recreation, including both nonmotorized (e.g., hiking) and motorized (e.g., off-roading) recreation. The use of motorized off-road vehicles—including dirt bikes and all-terrain vehicles—has been a major recreational use of BLM lands. The proximity of BLM lands to many areas of population growth in the West has contributed to an increase in recreation on some of these lands.

BLM managers have formulated guidance on the nature and extent of land uses, including motorized recreational use, through regulations, national policies, land and resource management plans, and area-specific decisions. Under agency regulations (43 C.F.R. §8340), BLM designates public lands as open, limited, or closed to “off-road vehicle” use. The term includes “any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain,” excluding motorboats, e-bikes, and certain official vehicles.⁴ Designations must consider the protection of resources and the safety of users and visitors, while minimizing of conflicts among various uses of the public lands.⁵ Other regulations govern motorized recreation in particular areas. For instance, BLM has supplementary rules for its lands in Oregon and Washington, which include guidance on ORV use.⁶

Over the years, BLM has issued other types of agency-wide guidance for transportation on BLM lands that impact motorized recreational use. For instance, in 2001, the agency issued the *National Management Strategy for Motorized Off-Highway Vehicle Use on Public Lands* to guide motorized ORV management on BLM lands.⁷ The strategy has multiple purposes, including to guide land managers in resolving ORV issues, to promote consistency of ORV decisionmaking, and to reduce conflicts among land users. In 2011, BLM issued a manual on travel and transportation management, and in 2012 the agency released a related handbook on planning and management of all modes of travel and public access needs.⁸ The documents are intended to serve as a guide for BLM field offices to improve travel planning, signage, mapping, and travel information. More recently, in 2017, BLM issued a *National Motorized Recreation Action Plan* that directed BLM state offices to develop motorized recreation action plans for each state where BLM has significant management responsibilities.⁹

At the unit level, BLM makes motorized recreation designations on an area-by-area basis during the resource management planning (RMP) process. For each designation, the RMP defines guidelines and objectives that explain how lands are to be managed and used to meet public or administrative needs. BLM makes specific implementation decisions related to motorized recreation (and transportation more generally) through a process known as Comprehensive Travel

³ Portions of this section were prepared by Carol Hardy Vincent, Specialist in Natural Resources Policy.

⁴ 43 C.F.R. §8340.0-5(a).

⁵ 43 C.F.R. §8340.0-2.

⁶ Bureau of Land Management (BLM), “Final Supplementary Rules for Public Land in Oregon and Washington,” 75 *Federal Register* 51099, August 18, 2010.

⁷ This BLM strategy uses the term *off-highway vehicle* (OHV) as opposed to *off-road vehicle* (ORV), the term used in the presidential executive orders and BLM’s related 43 C.F.R. §8340 regulations. According to BLM, it uses *off-highway vehicles* because it is the more common term and because “the regulations address vehicles which use roads and trails on BLM-administered land, and are therefore, not just ‘off-road.’” BLM, *National Management Strategy for Motorized Off-Highway Vehicle Use on Public Lands*, January 2001, p. 3.

⁸ The BLM *Travel and Transportation Management Manual* is on the BLM website at https://www.blm.gov/sites/blm.gov/files/uploads/mediacenter_blmpolicymanual1626.pdf. The BLM *Travel and Transportation Handbook* is on the BLM website at https://www.blm.gov/sites/blm.gov/files/uploads/Media_Library_BLM_Policy_H-8342.pdf.

⁹ BLM’s National Motorized Recreation Action Plan and relevant state action plans can be found at BLM, National Off-Highway Vehicle Conservation Council, “BLM Action Plans,” <https://nohvcc.org/nohvcc-initiatives/blm/>.

and Transportation Management.¹⁰ Through this process, BLM develops comprehensive travel and transportation management plans that include inventories of trails, roads, and travel routes; specifies transportation routes and allowable uses; and establishes maintenance classifications for those routes. In making such implementation decisions, BLM directs land managers to provide varied transportation routes for access to BLM lands for both motorized and nonmotorized forms of recreation, while protecting sensitive areas.¹¹

Forest Service

FS manages lands and waters under its jurisdiction for various uses, including many types of recreation—sightseeing, ORV use, backpacking, and more—while preserving the productivity of the lands. Although more visitors engage in nonmotorized recreational activities on FS lands than motorized activities, certain motorized uses continue to be a priority for millions of visitors on an annual basis.¹² FS has estimated that 7% (more than 11 million) of all FS visitors engage in “OHV, motorized trail, and snowmobile use,”¹³ although this figure has fluctuated depending on the year.

Under law, FS is required to develop a land use planning document known as a *forest plan*.¹⁴ Each forest plan identifies desired forest conditions and specifies objectives, standards, and guidelines for activities in the plan area. This includes recreation decisions made within an FS unit. In developing a forest plan, FS officials often use a classification system referred to as the *recreation opportunity spectrum* to establish existing and desired recreation settings within a given unit.¹⁵ The spectrum provides a framework for defining the types of outdoor recreation opportunities and experiences visitors might desire, as well as the variety of opportunities that a specific FS unit can accommodate.

In 2005, FS finalized regulations to require NFS units to identify a system of roads, trails, and areas available for “motor vehicle” use and prohibit the use of such vehicles outside the designated system.¹⁶ The regulations define *motor vehicle* as “any vehicle which is self-propelled, other than: 1) a vehicle operated on rails; and 2) any wheelchair or mobility device.”¹⁷ The term generally includes ORVs (referred to as OHVs in the regulations) but excludes aircraft,

¹⁰ Information on BLM’s travel management program is on the agency’s website at <https://www.blm.gov/programs/recreation/recreation-programs/travel-and-transportation>.

¹¹ For example, see BLM, *Travel and Transportation Management Manual, MS-1626*, p. 1-14.

¹² The Forest Service (FS) National Visitor Use Monitoring (NVUM) Program has issued annual reports estimating the volume of recreation visitation to FS lands (see FS, “National Visitor Use Monitoring Program,” <https://www.fs.usda.gov/about-agency/nvum>, for recent annual reports).

¹³ FS, *Off-Highway Vehicle Report*, June 2019, https://www.fs.usda.gov/sites/default/files/2019-08/ohv_final_report.pdf. Some annual NVUM reports from past years have indicated that five-year averages for motorized recreational use may be higher than 7%. For example, data collected for FY2016-FY2020 indicate that more than 10% of visitors participated in various forms of motorized recreational uses (including ORV use, snowmobiling, motorized water activities, and other motorized recreation).

¹⁴ 16 U.S.C. §1604. FS’s implementing regulations are promulgated at 36 C.F.R. §§219.1-219.19. *Forest plan* is inclusive of plans for all National Forest System (NFS) units, including grasslands and others.

¹⁵ FS, Chapter 2300, “Recreation, Wilderness, and Related Resource Management,” in *Forest Service Manual (FSM)*, 2020 (hereinafter cited as FSM), Section 2310. Agency policies define the recreation opportunity spectrum to include six distinct classes of recreation settings: (1) primitive, (2) semi-primitive nonmotorized, (3) semi-primitive motorized, (4) road natural, (5) rural, and (6) urban.

¹⁶ FS, “Travel Management; Designated Routes and Areas for Motor Vehicle Use,” 70 *Federal Register* 68264-68291, November 9, 2005, codified at 36 C.F.R. §212. For additional information, see also the FS Travel Management & Off-Highway Vehicle (OHV) Program at <https://www.fs.usda.gov/recreation/programs/ohv/>.

¹⁷ 36 C.F.R. §212.1.

watercraft, emergency vehicles, and oversnow vehicles (which are considered separately in FS regulations, as discussed below). Through this identification process, FS makes specific implementation decisions related to motorized recreation that comply with the established forest plan and other existing planning documents for the unit.

Pursuant to the regulations, each FS unit is required to designate roads, trails, and areas where motor vehicle use is allowed and to identify them on a motor vehicle use map (MVUM).¹⁸ Among other information, MVUMs specify the classes of vehicles allowed in certain areas and, if appropriate, the times of year for which use is designated. In making such designations, FS officials must consider various factors, such as potential effects on natural and cultural resources, public safety, provision of recreational opportunities, and conflicts between motor vehicle use and other recreational uses. The FS also is required, with some exceptions, to allow for public comment consistent with agency procedures.¹⁹

FS regulations separately address the management of oversnow vehicles (e.g., snowmobiles). Similar to motor vehicle use, the regulations require that FS officials designate areas where oversnow vehicle use is permitted, in regions where snowfall is adequate.²⁰ Such designated areas must be identified on an oversnow vehicle use map. With some exceptions, the decisionmaking process for designating such areas follows the same criteria and public notice requirements as the process to designate areas for motor vehicle use.

Fish and Wildlife Service

Unlike BLM and FS, FWS generally does not allow motorized recreation—and in particular, ORV use—on most lands under its jurisdiction. Agency regulations prohibit the use of motor vehicles, “including those used on air, water, ice, snow,” in national wildlife refuges except on designated routes of travel (e.g., public roads).²¹ Recreational motorized boating within refuges generally is not allowed but has been permitted at certain units, following special rulemaking for those sites.²² FWS does not define *motorized vehicles*, *off-road vehicles*, or *boats* in regulations that apply broadly to lands and waters in the National Wildlife Refuge System.

FWS has promulgated regulations specifically for refuges located in Alaska, pursuant to the Alaska National Interest Lands Conservation Act (ANILCA; P.L. 96-487).²³ The regulations allow for the use of “snowmobiles, motorboats, dog teams and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses” within

¹⁸ 36 C.F.R. §212.51.

¹⁹ Such exceptions include instances where temporary emergency closures are deemed to be necessary (36 C.F.R. §212.52).

²⁰ 36 C.F.R. §212.81. The initial 2005 rule promulgated by FS did not require agency officials to designate a system of routes and areas where oversnow vehicle use is allowed and instead made this process discretionary. In 2013, the U.S. District Court for the District of Idaho ruled that in exempting oversnow vehicles from this process, the FS rule was in violation of E.O. 11644, as amended by E.O. 11989 (*Winter Wildlands Alliance v. U.S. Forest Serv.*, 2013 WL 1319598, No. 1:11-CV-586-REB (D. Idaho Mar. 29, 2013)). In 2015, FS amended Subpart C, requiring designated officials to designate roads, trails, and other areas where oversnow vehicle use is allowed (80 *Federal Register* 4500).

²¹ 50 C.F.R. §27.31.

²² Regulations at 50 C.F.R. §27.32 specifically prohibit the use of “boats” in national wildlife refuges, but regulations at 50 C.F.R. §26.32 state that recreational uses such as “boating” may be permitted. For a list of current refuges that allow motorized boating, see FWS, “Boating-Motorized,” <https://www.fws.gov/activity/boating-motorized>, accessed on March 15, 2024.

²³ 50 C.F.R. Part 36.

Alaska national wildlife refuges.²⁴ Refuge managers retain the authority to restrict or close certain areas if determined that such use is “causing or is likely to cause an adverse impact.”²⁵ In addition, motorized vehicle use is allowed within Alaska national wildlife refuges, if such use is “directly incident” to the exercise of valid commercial fishing rights or privileges.²⁶ Emergency, temporary, or permanent closures for such use must go through required notice and hearing processes prior to becoming effective.²⁷

National Park Service²⁸

NPS’s laws, regulations, and policies generally emphasize the conservation of park resources in conservation/use conflicts, and NPS has fewer lands open to motorized recreation use than do other FLMAs, such as BLM and FS. NPS regulations limit the use of “motor vehicles” within park system units to roads and parking areas and prohibit use of these vehicles elsewhere unless otherwise specified.²⁹ NPS allows for the designation of routes and areas for “off-road motor vehicle” use but limits such designations to four types of NPS units—national recreation areas, national seashores, national lakeshores, and national preserves.³⁰

Snowmobile use and boating in the National Park System are governed by separate regulations. For snowmobiles, regulations limit such vehicles to designated routes and water surfaces that are used by motor vehicles or motorboats during other seasons.³¹ The regulations prohibit snowmobiles except “when their use is consistent with the park’s natural, cultural, scenic and aesthetic values, safety considerations, [and] park management objectives, and will not disturb wildlife or damage park resources.”³² For boating, NPS generally prohibits power-driven “vessels” on waters not accessible by road or in areas specified as closed for such uses.³³ In addition, NPS rules specifically prohibit the use of “personal watercraft” (PWC) in park waters, with the exception of 21 park units identified in regulations.³⁴ For motor vehicle, snowmobile,

²⁴ 50 C.F.R. §36.12(a). Specifically, the regulations require managers to consider adverse impacts to “public health and safety, resource protection, protection of historic or scientific values, subsistence uses, conservation of endangered or threatened species, or other purposes and values for which the refuge was established.” Regulations for national wildlife refuges in Alaska define *snowmobile* to mean “self-propelled vehicle intended for off-road travel primarily on snow having a curb weight of not more than 1,000 pounds (450 kg), driven by track or tracks in contact with the snow and steered by a ski or skis in contact with the snow” (50 C.F.R. §36.2).

²⁵ 50 C.F.R. §36.12(b).

²⁶ 50 C.F.R. §36.32(b).

²⁷ 50 C.F.R. §36.42.

²⁸ Portions of this section were prepared by Laura Comay, Specialist in Natural Resources Policy.

²⁹ 36 C.F.R. §4.10(a). National Park Service (NPS) regulations define *motor vehicle* to include “every vehicle that is self-propelled and every vehicle that is propelled by electric power, but not operated on rails or water” (36 C.F.R. §1.4). The term specifically excludes e-bikes, snowmobiles, and motorized wheelchairs.

³⁰ 36 C.F.R. §4.10(b). For a discussion of the various unit designations in the National Park System, see CRS Report R41816, *National Park System: What Do the Different Park Titles Signify?*, by Laura B. Comay.

³¹ 36 C.F.R. §2.18. NPS regulations define *snowmobile* as “a self-propelled vehicle intended for travel primarily on snow, having a curb weight of not more than 1000 pounds (450 kg), driven by a track or tracks in contact with the snow, and steered by ski or skis in contact with the snow” (36 C.F.R. §1.4).

³² 36 C.F.R. §2.18(c).

³³ 36 C.F.R. §3.8. NPS defines *vessel* as any “watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the water.” The term does not apply to a seaplane on the water.

³⁴ A list of the park units can be found at 36 C.F.R. §3.9. As of May 2024, there are 429 individual units of the National Park System, including national parks, national monuments, national preserves, national historic sites, national recreation areas, national battlefields, and many others.

and PWC use, regulations require special rulemaking, with environmental impact analysis and public comment, to designate routes and areas in those park units where such uses are permitted.³⁵

NPS's management policies provide additional guidance related to motorized recreation within the National Park System. For example, off-road motor vehicle use "may be allowed only in locations where there will be no adverse impacts on the area's natural, cultural, scenic, and esthetic values, and in consideration of other existing or proposed recreational uses."³⁶ For snowmobile and PWC use, NPS management policies state that such uses may be authorized only where they will not result in "unacceptable impacts."³⁷

Unit-level decisions regarding designated routes for motorized recreation (including temporary and permanent closures) may be included in a park's general management plan and/or determined by the park superintendent.³⁸ In addition, enabling legislation for individual NPS units may establish specific activities as an appropriate use (e.g., water-oriented recreation, snowmobiling for subsistence or recreational purposes, or ORV travel to reach hunting or fishing areas).

Similar to FWS, NPS has promulgated separate regulations specifically for National Park System units located in Alaska, pursuant to ANILCA. These regulations allow for the use of "snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses" on NPS lands in Alaska, unless specified as closed.³⁹ Special unit-level regulations also allow for "off-road motor vehicle" use under certain conditions in certain Alaska units or in specified areas of such units.⁴⁰

Cross-Cutting Land Systems

Congress has provided agencies the authority to open or limit motorized recreation on lands and waters designated as part of cross-cutting systems, such as wilderness areas, national trails, and wild and scenic rivers. Depending on the designation, these areas may encompass multiple federal agency lands and waters, as well as state, local, and privately held lands. Depending on the lands in question, these cross-cutting designations may carry specific management requirements that may limit motorized uses, including those for recreation purposes.

Wilderness Areas⁴¹

In 1964, the Wilderness Act (16 U.S.C. §§1131-1136) established a national system of congressionally designated areas to be preserved in a wilderness condition: "where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain."⁴² The National Wilderness Preservation System comprises 806 wilderness areas

³⁵ See 36 C.F.R. §4.10, §2.18, and §3.9, respectively.

³⁶ NPS, *Management Policies 2006*, §8.2.3.1, p. 104, <http://www.nps.gov/policy/mp2006.pdf>.

³⁷ *Ibid.*, §§8.2.3.2-3, p. 104. For a discussion of what constitute "unacceptable impacts," see NPS, *Management Policies 2006*, §1.4.7.1, p. 12.

³⁸ 36 C.F.R. §1.5.

³⁹ 36 C.F.R. §13.460.

⁴⁰ For example, off-road motor vehicle use is permitted in Bering Land Bridge National Preserve when conducted for purposes of reindeer grazing management (36 C.F.R. §13.702) and in Denali National Park and Preserve by authorized residents engaged in subsistence uses (36 C.F.R. §13.903).

⁴¹ For more information on wilderness areas and the Wilderness Act (16 U.S.C. §§1131-1136), see CRS Report RL31447, *Wilderness: Overview, Management, and Statistics*, by Anne A. Riddle and Katie Hoover; and CRS Report R41610, *Wilderness: Issues and Legislation*, by Anne A. Riddle, Katie Hoover, and Eric P. Nardi.

⁴² 16 U.S.C. §§1131-1136.

managed by the four FLMAs, with approximately 111.9 million acres in 44 states and Puerto Rico.⁴³

The Wilderness Act prohibits use of “motor vehicles,” “motorized equipment or motorboats,” and “mechanical transport,” as well as the “landing of aircraft.”⁴⁴ In total, these prohibitions are generally construed to prohibit the use of equipment or transportation that is not human-powered (e.g., cars, trucks, ORVs, chain saws, and bulldozers) and to prohibit human-powered, mechanized vehicles (e.g., bicycles, strollers). For some agencies, aircraft or motorboats (but not other motorized or mechanized vehicles) may continue to be used in wildernesses where their use was established prior to designation.⁴⁵

National Trails⁴⁶

The National Trails System was created in 1968 by the National Trails System Act (NTSA; 16 U.S.C. §§1241-1251). The system includes four types of trails: (1) national scenic trails (NSTs), which display significant physical characteristics of U.S. regions; (2) national historic trails (NHTs), which follow travel routes of national historical significance; (3) national recreation trails (NRTs), which provide outdoor recreation accessible to urban areas; and (4) connecting or side trails, which provide access to the other types of trails. Currently, there are a combined 32 NHTs and NSTs covering roughly 58,300 miles.⁴⁷ Additionally, the system contains more than 1,300 NRTs located in every state, the District of Columbia, and Puerto Rico, as well as seven connecting or side trails.⁴⁸

The use of motorized vehicles by the general public is typically prohibited on national scenic trails.⁴⁹ Although the term *motorized vehicle* is not defined in NTSA, it has generally been

⁴³ Figures compiled by the Congressional Research Service (CRS) from multiple sources, including Wilderness.net Acres by Year, Public Laws Enacted by Year, Areas Enacted by Year reports, and direct review of legislation. For more information, see Table 1 of CRS Report RL31447, *Wilderness: Overview, Management, and Statistics*, by Anne A. Riddle and Katie Hoover.

⁴⁴ 16 U.S.C. §1133(c).

⁴⁵ 16 U.S.C. §1133(d) specifies that “within wilderness areas designated by this chapter the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable.” FS and NPS policies specify that aircraft and motorboats are acceptable in an area where these uses were established prior to the area’s designation as wilderness. NPS policy specifies that the conditions under which motorized equipment may be used will be described in each National Park System unit wilderness management plan; the specific meaning of the reference to the “Secretary of Agriculture” with respect to NPS is unclear. Similar provisions do not appear in BLM or FWS policies. BLM Manual 6340, “Management of Designated Wilderness Areas”; FSM Section 2320, “Wilderness Management”; FWS Policy 610, “Wilderness Stewardship”; and NPS Management Policies 2006, Chapter 6, “Wilderness Preservation and Management.” National Wilderness Preservation System designations do not affect the airspace above a wilderness and as such have no effect on overflights by airplanes. Therefore, “use of aircraft” is generally construed to mean aircraft landing and takeoff from designated wilderness.

⁴⁶ For more information on national trails and the National Trails System Act (16 U.S.C. §§1241-1251), see CRS Report R43868, *The National Trails System: A Brief Overview*, by Mark K. DeSantis.

⁴⁷ Personal communication from Peter Bonsall, GIS Specialist, NPS, September 2020. According to NPS, these data reflect the mileage figures in enabling legislation. This reflects the trail extensions enacted as part of P.L. 116-9 and the estimated mileage of the Butterfield Overland National Historic Trail (NHT; 3,292 miles) and the Chilkoot NHT (16.5 miles) established in the 117th Congress.

⁴⁸ NPS, Office of Legislative and Congressional Affairs and American Trails, *National Recreation Trail Database*.

⁴⁹ 16 U.S.C. §1246(j). However, this provision directs the administering Secretary (either the Secretary of the Interior or the Secretary of Agriculture) to allow motorized vehicle use in certain circumstances, such as for emergencies and when necessary to give adjacent landowners reasonable access to their lands or timber rights. Additionally, specific provisions for the Continental Divide National Scenic Trail (16 U.S.C. §1244(a)(5)) allow motorized use in accordance with regulations established by the administering Secretary.

interpreted to apply to the use of motorcycles, ORVs, four-wheel drive vehicles, and snowmobiles. Motorized vehicles may be allowed on NHTs if the vehicles do not substantially interfere with the nature and purposes of the trail and were allowed by administrative regulations at the time of designation.⁵⁰ NTSA also authorizes the Secretary of the Interior and the Secretary of Agriculture, in consultation with relevant agencies and parties, to issue regulations “governing the use, protection, management, development, and administration of trails.”⁵¹ To date, agencies have used this authority only a handful of times, typically issuing regulations that address allowance or prohibition of certain motorized uses along NST or NHT routes under their jurisdiction.⁵²

Wild and Scenic Rivers

The National Wild and Scenic Rivers System was established in the Wild and Scenic Rivers Act of 1968 (WSRA; P.L. 90-542, 16 U.S.C. §§1271-1287). The act established a policy of preserving designated free-flowing rivers and their immediate environments “for the benefit and enjoyment of present and future generations.”⁵³ Rivers generally are added to the system by an act of Congress, although states can nominate, and the Secretary of the Interior can approve, rivers protected under state law and managed by a state agency. The WSRA established three classes of rivers—wild, scenic, and recreational—reflecting the characteristics of the rivers at the time of designation and affecting the type and amount of subsequently allowable development. Altogether, the system now includes 228 river units comprising over 13,400 miles in 41 states and Puerto Rico.⁵⁴

The WSRA does not specifically address motorized recreational use within the established boundaries of a designated river’s corridor. Generally, motorized recreational use has been permitted after designation.⁵⁵ However, agencies are required to administer rivers in a manner that emphasizes the values that led to the designation. Specifically, Section 10(a) of the WSRA states,

Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying

⁵⁰ 16 U.S.C. §1246(c). In practice, travel along NHTs typically involves automobile or tour bus travel that approximates the historic route, with stops made to see individual sites or to walk and retrace short distances on remnant trail segments.

⁵¹ 16 U.S.C. §1246(i).

⁵² CRS was able to identify four instances where this authority was used to promulgate regulations governing the use, protection, management, development, and administration of trails. These are 36 C.F.R. §7.100 (NPS), which establishes prohibited and allowed uses of bicycles, motorcycles, motor vehicles, and snowmobiles along the Appalachian National Scenic Trail (NST); 36 C.F.R. §212.21 (FS), which establishes certain exceptions for motorized vehicle use along the Pacific Crest NST; 43 C.F.R. §8351.1-1 (BLM), which creates an exception for motorized vehicle uses on all NSTs on land under the agency’s jurisdiction; and 43 C.F.R. §9268.3(e)(2)(iv) (BLM), which establishes certain visitor use rules.

⁵³ 16 U.S.C. §1271.

⁵⁴ Rivers.gov, “River Mileage Classifications for Components of the National Wild and Scenic Rivers System,” December 2022, <https://www.rivers.gov/sites/rivers/files/2023-07/rivers-table-12-2022.pdf>.

⁵⁵ In certain instances, Congress has specifically allowed for certain motorized recreational use on segments of wild and scenic rivers designated legislatively. For example, Congress specified that the use of motorboats (including motorized jetboats) within certain segments of the North Fork of the Salmon River “shall be permitted to continue at a level not less than the level of use which occurred during calendar year 1978” (16 U.S.C. §1274(a)(24)(C)).

degrees of intensity for its protection and development, based on the special attributes of the area.

As a result, motorized recreation may be prohibited or regulated in designated rivers, or in certain segments or areas of a designated river. Generally, the availability of motorized recreation on lands or waters in the river corridor is determined through the river management planning process, which considers factors such as impacts on river values, user demand for such motorized recreation, and compatibility of motorized recreation with the values for which the river was originally designated, including the river's class.⁵⁶

Issues for Congress

Motorized recreation on federal lands and waters has been a contentious issue, due in part to growth in the use of ORVs, closures of certain areas to motorized uses, potential resource degradation, and other factors. Federal land managers continue to face an array of social conflicts and resource challenges on federal lands and waters related to motorized recreation and uses. These issues include whether or to what degree to allow for motorized recreation in certain areas while balancing the various uses for which FLMAs manage federal lands, how to protect against unauthorized uses, the progress agencies have made in completing travel management plans, and more.

Balancing User Conflicts

The use of federal lands and waters for motorized recreation can at times conflict with other uses and values for which FLMAs administer lands and waters. In particular, the use of ORVs on federal lands and waters has been contentious because of the potential for damage to natural and cultural resources; safety concerns; and conflicts with nonmotorized recreationists, particularly those seeking quiet and solitude on agency land. These disputes have led to congressional interest and oversight; changes in agency decisionmaking; and, in some cases, litigation.

Supporters of motorized recreation and ORV use on federal lands generally oppose restrictions on such activities and favor expanded access to and use of lands and waters. For example, some stakeholders contend that ORVs allow visitors access to hard-to-reach natural areas and, in the case of snowmobiles, allow increased access to sites during winter. In addition, supporters contend that motorized vehicles can provide outdoor recreation opportunities for the disabled, senior citizens, and others with mobility limitations.⁵⁷ During legislative hearings on H.R. 6342, the Military and Veterans in Parks Act (118th Congress), representatives from motor vehicle trade associations advocated for the use of ORVs as a means to encourage recreation among veterans and returning servicemembers with disabilities.⁵⁸ Motorized recreation also, according to supporters, brings economic benefits to communities serving riders.⁵⁹ In response to concerns

⁵⁶ For example, FS policy indicates that motorized recreation use is normally prohibited in FS-administered segments of rivers classified as *wild* (FSM, Chapter 2354.42o).

⁵⁷ U.S. Congress, House Committee on Natural Resources, Subcommittee on Federal Lands, Legislative Hearing on Military and Veterans in Parks Act, 118th Cong., 1st sess., July 20, 2023, H.Hrg. 118-50 (Washington: GPO, 2024), pp. 55-57. Hereinafter "H.Hrg. 118-50."

⁵⁸ H.Hrg. 118-50. Statement for the Record, Duane Taylor, Director, Safe and Responsible Use Programs, Motorcycle Industry Council.

⁵⁹ For example, see Bureau of Economic Analysis (BEA), "Outdoor Recreation Satellite Account, U.S. and States, 2022," press release, November 17, 2023, <https://www.bea.gov/sites/default/files/2023-11/orsa1123.pdf>. Analysis from the BEA indicates that the three largest conventional outdoor activities (on both federal and nonfederal lands and (continued...))

regarding potential adverse effects of motorized uses, supporters point to improvements in technology and increasing trends in electrification as possible solutions to limit noise and pollution caused by ORV use.⁶⁰

By contrast, some stakeholders see the expansion of motorized recreation and ORV use as a threat to nonmotorized recreational uses and a potential cause of damage to federal resources. Concerns include potential damage to wildlife habitat and land and water ecosystems, such as the impact of dust on winter snow melts and water supply; noise, air, and water pollution; and a diminished experience for recreationists seeking quiet and solitude and/or hunting and fishing opportunities.⁶¹ Others have raised concerns regarding potential impacts from both motorized and nonmotorized recreation to tribes and their ability to exercise treaty rights on federal lands and waters.⁶² Critics also point to the significant contribution that other, nonmotorized forms of recreation have on local and national economies as a rationale for prioritizing or maintaining resources for those nonmotorized purposes.⁶³

At times, Congress has intervened in debates over closures or openings of federal lands for motorized recreational use. For example, in 2019, as part of P.L. 116-9, Congress designated specified BLM lands within San Bernardino County, CA, as “Off-Highway Vehicle Recreation Areas.”⁶⁴ Unlike administrative closures or openings, this law codified the designation of roughly 200,000 acres of federal land specifically for recreational uses (including opportunities for ORV recreation) and withdrew such lands from disposal or mining uses. In the 118th Congress, H.R. 4580/S. 2262, the Baaj Nwaavjo I’tah Kukveni Grand Canyon National Monument Act, would allow motorized recreational use outside designated roads and trails within the boundaries of a new national monument for certain purposes, including wildlife management, emergency response, and hunting and fishing.

Unauthorized Use and Enforcement

As use of ORVs on federal lands has grown in recent decades, unauthorized use also has been reported in some areas. The extent of unauthorized off-road use of federal lands is unclear. For example, in 1999, the environmental organization Bluewater Network surveyed 108 NPS units

waters) contributing to the economy were using recreational vehicles, boating/fishing, and motorcycling/using all-terrain vehicles (ATVs). For more information on the outdoor recreation economy, as well as the contribution of motorized recreational uses, see CRS Report R45978, *The Outdoor Recreation Economy*, by Anne A. Riddle. For additional studies see, National Off-Highway Vehicle Conservation Council, “Economic Impact Studies,” <https://nohvc.org/economic-impact-studies/>.

⁶⁰ For example, see PR Newswire, “Growing Emphasis on Noise-Free Vehicles to Surge Off-Highway EV Components Sales to US\$ 106.2 billion by 2033,” October 23, 2023, <https://www.prnewswire.com/news-releases/growing-emphasis-on-noise-free-vehicles-to-surge-off-highway-ev-components-sales-to-us-106-2-billion-by-2033—future-market-insights-inc-301964208.html>.

⁶¹ For example, see U.S. Congress, House Committee on Oversight and Government Reform, Subcommittee on the Interior, Energy and Environment, *Access to Public Lands: The Effects of Forest Service Road Closures*, 115th Cong., 2nd sess., June 26, 2018, H.Hrg. 115-89 (Washington: GPO, 2018); Public Employees for Environmental Responsibility, “Big Cypress ORV Plan Triggers Lawsuit Threat,” press release, March 9, 2011, <http://www.peer.org/news/news-releases/2011/03/09/big-cypress-orv-plan-triggers-lawsuit-threat-/>.

⁶² Libby Halpin Nelson and David Bailey, *The “Recreation Boom” on Public Lands in Western Washington: Impacts to Wildlife and Implications for Treaty Tribes*, The Tulalip Tribes, Natural Resources Department, February 28, 2021, <https://nr.tulaliptribes.com/Base/File/NR-Tulalip-Recreation-Impacts-to-Wildlife-2-28-21-v2>.

⁶³ For information on the effects on the economy of various types of recreation, see Outdoor Industry Association, *The Outdoor Recreation Economy*, 2017, https://outdoorindustry.org/wp-content/uploads/2017/04/OIA_RecEconomy_FINAL_Single.pdf.

⁶⁴ P.L. 116-9, Title I, §1441, Mar. 12, 2019.

and found unauthorized ORV use in 40 units.⁶⁵ However, a 2004 NPS survey found unauthorized use in “several parks” and generally “less than significant” resource damage.⁶⁶ In 2009, the Government Accountability Office reported an increase in both authorized and unauthorized ORV use on federal lands across agencies from FY2004 to FY2008, but the survey responses from agencies were not quantified so as to determine the degree of such increases.⁶⁷ More recent comprehensive data across federal lands have been limited; however, FLMAs continue to identify unauthorized, user-created motorized recreation trails as a significant concern for land managers and law enforcement.⁶⁸

Clashes over unauthorized off-road use could intensify between riders, law enforcement officers, and property owners in areas where new prohibitions or limitations are placed on ORV use. Some agencies, such as NPS and BLM, have addressed unauthorized ORV use through public outreach; signage and mapping; education; and enforcement activities, such as officer training and increased fines and penalties. Agencies also encourage units with illegal ORV use to pursue enforcement actions. However, some believe budgetary and staff constraints limit enforcement effectiveness.⁶⁹ In addition, enforcement may be impeded in some locations due to their remoteness. By contrast, some have claimed that current enforcement strategies are unfair, asserting that many ORV users may not be aware of closures due to a lack of publicly available information on when or where off-road activities are allowed.⁷⁰

Travel Planning Progress

Some stakeholders have suggested federal agencies could do more to create certainty as to when and where motorized recreation is permitted. Some uncertainty could be the result of real or perceived delays in finalizing travel management plans for federal land units. Although agencies such as FS and BLM have prioritized finalizing travel management plans, sites across the country do not have finalized plans, leaving the future of ORV use in those areas potentially unclear.

Progress on completion of travel management plans has varied depending on the agency in question. For example, as of 2024, FS reported that MVUMs have been completed for 148

⁶⁵ Bluewater Network, *Off-the-Track: America's National Parks Under Siege*, 1999. Bluewater surveyed park units for unauthorized use of ATVs; four-wheel drive vehicles (jeeps, sport utility vehicles, etc.); and dune, sand, and swamp buggies.

⁶⁶ Letter from Steve P. Martin, NPS Deputy Director of Operations, to Bluewater Network Executive Director Russell Long, May 3, 2005. No more recent estimates are available.

⁶⁷ Government Accountability Office (GAO), *Enhanced Planning Could Assist Agencies in Managing Increased Use of Off-Highway Vehicles*, GAO-09-509, June 2009, <http://www.gao.gov/new.items/d09509.pdf>.

⁶⁸ For example, see NPS, “Several Off-Road Drivers Stuck, Then Cited in Death Valley National Park,” press release, December 29, 2023, <https://www.nps.gov/deva/learn/news/press-release-12-29-2023.htm>; FS, “Damage from Illegal OHV Use on the Hoosier National Forest,” press release, December 9, 2019, <https://www.fs.usda.gov/detail/hoosier/news-events/?cid=FSEPRD683832>; Patrick Connolly, “Ocala Off-Roading: Illegal Routes Damages Environment,” *Orlando Sentinel*, June 20, 2020; Sammy Shaktah, “Officials Warn Against ‘Dangerous and Illegal Activity’ at Crater Lake National Park,” *KTVL10*, February 19, 2020, <https://ktvl.com/news/local/dangerous-and-illegal-activity-at-crater-lake-national-park-gains-attention>.

⁶⁹ For example, see Joseph K. Giddens, “Yavapai County Talks OHV Use on Public Lands,” *JournalAZ*, October 12, 2023; Christopher Fox Graham, “Give USFS More Money to Police Forest,” *Sedona Red Rock News*, May 28, 2021. About half of the NPS officials surveyed in GAO’s 2009 report identified staffing and financial resources as a “great challenge” in managing both authorized and unauthorized ORV use. See GAO, *Enhanced Planning Could Assist Agencies in Managing Increased Use of Off-Highway Vehicles*, GAO-09-509, June 2009, pp. 37-38, <http://www.gao.gov/new.items/d09509.pdf>.

⁷⁰ Testimony of Amy Granat, Managing Director, California Off-Road Vehicle Association, in U.S. Congress, House Committee on Oversight and Government Reform, Subcommittee on the Interior, Energy, and Environment, *Access to Public Lands: The Effects of Forest Service Road Closures*, 115th Cong., 2nd sess., June 26, 2018, H.Hrg. 115-89.

national forests and 19 national grasslands.⁷¹ Seven remaining FS units have not completed MVUMs.⁷² By contrast, BLM reported that by 2017, the agency had completed 153 of its travel management plans, with 597 plans to be completed.⁷³ In 2018, BLM issued the *5-Year Travel and Transportation Management Strategy (2018-2022)*, which laid out the agency's vision for addressing transportation needs and set a goal of completing 48% of travel management plans by 2022. As of 2024, the agency has completed 27% of its plans, short of its 48% goal.⁷⁴ In some instances, agencies have revised environmental documents and analysis; in others, litigation and subsequent settlements have required agencies to revisit or rescind proposed plans.⁷⁵ Both of these factors have contributed to longer than anticipated timelines for completion.

Information Availability for Motorized Recreation Users

Even in instances where travel plans have been finalized and established, understanding which particular areas or routes are open or closed to motorized recreation may remain a challenge for some visitors.⁷⁶ Documents such as FS MVUMs may not reflect specific temporary closures of areas due to resource degradation, public safety, or other concerns. Reporting across agencies or land units also has varied, with some information accessible online and other information accessible only on-site. In particular, some agencies have pointed to a lack of comprehensive information for motorized recreation on federal waters. Generally, agencies do not maintain centralized information on all water bodies that are closed to watercraft or have horsepower limitations. Additionally, some agencies have suggested that building and updating a database of those restrictions on water bodies where states, counties, or other governmental entities have jurisdiction over watercraft use would be “exceedingly difficult.”⁷⁷

The Modernizing Access to Our Public Land Act (MAPLand Act; P.L. 117-114), enacted in April 2022, contained provisions addressing this issue. The MAPLand Act requires, to the maximum extent practicable, FLMAs—as well as the Bureau of Reclamation and the U.S. Army Corps of Engineers—to make road and trail closure information publicly available on agency websites. Required information includes the classes of vehicles and types of recreational uses (including ORVs, e-bikes, and oversnow vehicles) allowed on each segment of roads and trails. As the law does not include *watercraft* or similar terminology among the types of vehicle classes agencies

⁷¹ Figures based on data provided to CRS by FS, Office of Legislative Affairs, April 2024.

⁷² According to FS, these are Okanogan-Wenatchee, Willowa-Whitman, Malhuer, Beaverhead-Deerlodge, Apache-Sitgreaves, and Tonto National Forests, as well as the Little Missouri National Grassland within the Dakota Prairie Grassland. FS notes that the Tonto National Forest has a completed National Environmental Policy Act decision and is working to produce its motor vehicle use maps.

⁷³ BLM, *5-Year Travel and Transportation Management Strategy (2018-2022)*, March 2018, p. 8, https://www.blm.gov/sites/blm.gov/files/documents/files/TTM_5YearStrategy_03132018.pdf.

⁷⁴ Figures based on data provided to CRS by BLM, Office of Legislative Affairs, April 2024. Specifically, BLM reported having completed 154 travel management plans (TMPs), out of 569 total identified TMPs, with 415 outstanding. This 569 figure differs from the estimated figure of 750 total TMPs reported by the agency in March 2018.

⁷⁵ For example, in 2017, BLM signed a settlement agreement resolving *Southern Utah Wilderness Alliance, et al. v. U.S. Department of the Interior, et al.* As part of the agreement, BLM is required to complete TMPs for 11 travel management areas in Utah following challenges to prior plans issued in 2008.

⁷⁶ Testimony of Joel Pedersen, President and Chief Executive Officer, Mule Deer Foundation, in U.S. Congress, House Committee on Natural Resources, Subcommittee on National Parks, Forests, and Public Lands, *Legislative Hearing*, 117th Cong., 2nd sess., June 8, 2021. Hereinafter “Pedersen testimony, 2021.”

⁷⁷ Testimony of Jennifer Eberlien, Associate Deputy Chief, NFS, FS, in U.S. Congress, House Committee on Natural Resources, Subcommittee on National Parks, Forests, and Public Lands, *Legislative Hearing*, 117th Cong., 2nd sess., June 8, 2021.

must report on, the degree to which the MAPLand Act might increase agency reporting around boating or PWC usage on waters within federal land units is not immediately clear.⁷⁸

In the 118th Congress, H.R. 6492—the Expanding Public Lands Outdoor Recreation Experiences Act (“EXPLORE Act”)—also includes provisions aimed at creating more certainty around motorized recreation opportunities on federal lands. Specifically, the EXPLORE Act would require BLM and FS to update MVUMs within five years and oversnow vehicle maps within ten years, and to make such maps publicly available. The bill would also direct the relevant Secretaries to “seek to create additional opportunities, as appropriate ... for motorized and nonmotorized access and opportunities.”⁷⁹

Accessing Federal Lands

Some recreational advocates have expressed support for increased access to federal lands for motorized recreational use on the grounds that some federally owned areas are inaccessible or have limited accessibility. According to a 2018 report, more than 9.52 million acres of land in the American West lack permanent, legal access points for public use.⁸⁰ In some cases, federal land is wholly enclosed by private landholdings, through which no legal public road or trail passes. In other instances, public access roads cut across private property, leaving recreationists to rely on easements or agreements with landowners to access federal lands.⁸¹ Recently, the issue of “corner crossing” has been a source of controversy between landowners and recreationists.⁸² “Corner crossing” refers to the checkerboard pattern of land ownership in western states that results in public and private parcels meeting corner to corner, meaning users must potentially violate state or local trespass laws to “corner-cross” into public lands. These and other access issues have led to conflicts between private landowners and both motorized and nonmotorized recreation users, and have been the subject of litigation.⁸³

⁷⁸ The version of the bill as reported out by the House Committee on Natural Resources included a provision requiring agencies to identify boundaries of any portion of a body of water on federal land that is closed to watercraft or has horsepower limitations; this provision was not included in the enacted version of the law. See U.S. Congress, House Committee on Natural Resources, *Modernizing Access to Our Public Land Act*, 117th Cong., 2nd sess., March 15, 2022, H.Rept. 117-272.

⁷⁹ H.R. 6492 §127. A similar version of this provision was included in S. 873, America’s Outdoor Recreation Act of 2023.

⁸⁰ OnX and Theodore Roosevelt Conservation, *Off Limits, But Within Reach: Unlocking the West’s Inaccessible Public Lands*, 2018, https://www.onxmaps.com/wp-content/uploads/2020/12/onX_TRCP_West_Federal_Landlocked_Report.pdf.

⁸¹ Nicole Blanchard, “Texas Billionaire Brothers Block Another Idaho Road, Prompting Criticism over Public Access,” *Idaho Statesman*, June 12, 2019.

⁸² For example, see Julie Turkewitz, “Who Gets to Own the West?: A New Group of Billionaires Is Shaking Up the Landscape,” *New York Times*, June 22, 2019; and Michael Allen, “The Hunters, the Landowner and the Ladder That Triggered a Wyoming Showdown,” *Wall Street Journal*, November 10, 2022.

⁸³ For example, in 2023, a group of hunters was sued by a private ranch owner after crossing a corner onto BLM lands using a homemade ladder. In that case, the District Court of Wyoming found that corner crossing “on foot ... without damaging private property” does not constitute an unlawful trespass (*Iron Bar Holdings, LLC v. Cape*, No. 22-CV-67-SWS (D. Wyo. May. 26, 2023)). Although the case deals primarily with nonmotorized access to public lands, the ruling—which has subsequently been appealed to the Tenth Circuit—has raised concerns among some private landowners who worry about broader implications regarding snowmobilers, ORV users, and other motorized recreationists crossing private lands to access previously inaccessible federal lands. See Angus M. Thuermer Jr., “Ranch Owner: Corner Crossing Would Erase Billions in Private Property Value,” *Oil City News*, February 14, 2024; see also, Amanda Eggert, “Montana Proponents for Public Access, Landowners, Await Implications of Wyoming Lawsuit,” *Bozeman Daily Chronicle*, March 10, 2024.

Congress has, at times, sought to address concerns related to these issues. For example, provisions in the John D. Dingell, Jr. Conservation, Management and Recreation Act (P.L. 116-9) require annual reporting from agencies on parcels that are open to the public “to hunt, fish, or use the land for other recreational purposes,” but are not accessible.⁸⁴ The MAPLand Act, enacted three years later, required agencies to identify federal interests in private land—including easements, reservations, and rights-of-way—that could be used to provide public recreational access.⁸⁵ Such requirements could, according to some stakeholders, better distribute uses across federal lands and reduce user conflicts.⁸⁶ By prioritizing and acquiring legal access to these lands, agencies also may be able to meet the increasing demand for recreational activities on federal lands and waters—including motorized recreational uses.⁸⁷ However, it is not clear that increased access would address or solve use conflicts in such areas. Increased access could be met with a comparable increase in demand by motorized recreation users resulting in similar—or even increased—rates of user conflict.

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⁸⁴ P.L. 116-9, Title IV, §4105, March 12, 2019, 133 Stat. 759.

⁸⁵ P.L. 117-114, §4, April 29, 2022, 136 Stat. 1176.

⁸⁶ Testimony of Theodore Roosevelt Conservation Partnership, U.S. Congress, House Committee on Natural Resources, Subcommittee on National Parks, Forests, and Public Lands, *Legislative Hearing*, 117th Cong., 2nd sess., June 8, 2021. See also, Pedersen testimony, 2021.

⁸⁷ BLM, “Summary of DRAFT BLM Priority Access Lists & DRAFT Map of Public Nominations for BLM Priority Access Areas,” March 12, 2020.