MALHEUR NATIONAL FOREST
Forest Order # 2014-0604-MAL-01

OHV's on FOREST DEVELOPMENT ROADS
OCHOCO NATIONAL FOREST
MALHEUR NATIONAL FOREST

Pursuant to 36 CFR, Sec. 261.50 (b), the following acts are prohibited on National Forest System roads described in this order within the Malheur National Forest, from April 15, 2014 and will be effect until rescinded.

1) Operating a Class I, Class III (without state motor vehicle registration), and /or Class IV All-Terrain Vehicle as defined by Appendix B on Forest Development Roads listed in Appendix A of this order.
36CFR 261.54 (a)

Pursuant to 36 CFR, Sec. 261.50(e), the following persons are exempt from this order:

1) Persons with a permit specifically authorizing the otherwise prohibited act or omission.
2) Any Federal, State or local law enforcement officer, or member of an organized rescue or fire fighting force in the performance of an official duty.
3) An employee of the Forest Service when performing their official duties

These prohibitions are in addition to the general prohibitions in 36 CFR Part 261, Subpart A.

Done at John Day, Oregon, this 8th day of April, 2014.

Steve Beverlin
Acting Forest Supervisor
Malheur National Forest

Violation of these prohibitions is punishable by a fine of not more than $5000 for an individual or $10,000 for an organization, or imprisonment for not more than 6 months, or both. (16 U.S.C. 551 and 18 U.S.C. 3559 and 3571)

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APPENDIX A – List of Included Roads

Blue Mtn. RD	Emigrant Crk. & Snow Mtn.RD	Prairie City RD
FR24, junc with CR 63 to junc with FR 2400-389	FR28, junc with FR2850 to junc with FR17	FR6001
FR2150, junc with FR21 to junc with FR2150-070	FR2840	FR14, Prairie City RD portion
FR 1640, junc with FR1648 to terminus in Sec12 T15S R33E	FR15, junc of FR16 to junc with FR17	LEGEND: FR= Forest Road CR= County Road junc= Junction RD= Ranger District
FR 1672-474	FR37	
FR37	FR14, EC portion	
FR15, junc of FR16 to junc with FR17	FR41	To include roads maintained for passenger car travel (FS Level III Maintenanc)(ORS 821 .055, 801.305, and 821.190)
FR36, junc with CR32 to junc with CR20	FR43	
FR3620	FR4365	
FR3618	FR4370	
FR3920	FR4375	
FR1516, junc of FR1516-997 to junc with FR3925	FR45	
	FR4540	
	FR4545, junc with FR4545-100	
	FR4155, junc with FR41-4365 to junc with FR4370	
	FR4370, junc with FR4155 to junc with FR41	

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APPENDIX B – Definitions of Vehicles Included

As defined by Oregon Revised Statute 801.190 and 801.194.

Class I All-Terrain Vehicle means a motorized, off-highway recreational vehicle that:

(1) Is 50 inches or less in width;
(2) Has a dry weight of 1,200 pounds or less;
(3) Travels on three or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less;
(4) Uses handlebars for steering;
(5) Has a seat designed to be straddled for the operator; and
(6) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain.

Class III All-Terrain Vehicle means a motorcycle that travels on two tires and that is actually being operated off highway.

Class IV All-Terrain Vehicle means any motorized vehicle that:

(a) Travels on four or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less;
(b) Is designed for or capable of cross country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain;
(c) Has nonstraddle seating;
(d) Has a steering wheel for steering control;
(e) Has a dry weight of 1,800 pounds or less; and
(f) Is 65 inches wide or less at its widest point.

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Statement of Need:

This order is written in response to a 1999 Oregon state law change that effectively legalized the use of Class I and III ATV's on single lane roads with turn-out. Prior to the law change the forest depended on state law to regulate ATV use on forest roads. The Forest Leadership Team identified certain single lane roads where mixed vehicle use, primarily due to high traffic volumes, would not be appropriate. This order closes those roads to Class I, IV, and unregistered Class III ATV's. Previous order 06-0488 was amended to include sections of Forest Roads 3920 and 1516 after road safety analysis were completed. Order 2011-0604-MAL-01 superseded forest order 06-0488. Order 2011-0604-MAL-01 was amended by this order to include Class III ATV's with increased use.

Enforcement Procedures:

Enforcement actions can be taken by Law Enforcement Officers (LEO), Special Agent (SA) or Forest Protection Officers (FPO). Issuance of warning notices and citations will be done by any of the above listed officers. Any physical arrest will be performed only by LEOs or SAs.

Posting:

Signing will be used at all major points where ATV's may legally enter the FS road system. The District and Forest are responsible for posting the closed roads.

Action	Responsible Official	Date
Prepare proposed order	Appropriate Staff with LEI input	
Review proposed order	Patrol Captain	4/4/14
Approve proposed order	Forest Supervisor	4/8/14
Post order in accordance with 36 CFR 261.51	District Staff Officer and Staff	
Prepare news release for local media describing the order and management objectives	District Ranger PAO LEO	

Enforcement Plan approved for implementation:

Steve Beverlin

STEVE BEVERLIN
Forest Supervisor

ROBERT FIELD
Patrol Captain

4/8/2014
Date