

MOTOR VEHICLE SOUND RESTRICTIONS

**USDA - FOREST SERVICE
BLACK HILLS NATIONAL FOREST**

Pursuant to 16 U.S.C. § 551 and 36 C.F.R. 261.50(a), the following acts are prohibited on all National Forest System lands administered by the Black Hills National Forest located within Custer, Fall River, Lawrence, Meade and Pennington Counties in South Dakota, and Crook and Weston Counties in Wyoming, hereinafter referred to as the Restricted Area. The Restricted Area is depicted on the attached map, hereby incorporated into this Order as Exhibit A. This Order is necessary to protect public health and safety.

PROHIBITIONS:

- Going into or being upon the Restricted Area while operating or using a motor vehicle that emits a sound in excess of: Ninety-six (96) decibels for vehicles manufactured on or after January 1, 1998, and ninety-nine (99) decibels for vehicles manufactured prior to January 1, 1998. Decibel levels shall be measured at twenty (20) inches from the exhaust outlet under protocols in accordance with SAE J1287, June 1980. 36 C.F.R. §§ 261.53(e).

EXEMPTIONS

Pursuant to 36 C.F.R. § 261.50(e), the following persons are exempt:

- (1) Persons with a Forest Service permit specifically authorizing the otherwise prohibited act or omission.
- (2) Any Federal, State or local officer, or member of an organized rescue or firefighting force engaged in the performance of an official duty.

This Order shall remain in effect until rescinded, or until December 31, 2015, whichever event occurs first.

Done at Custer, South Dakota, this 19th day of January, 2012

/s/ Craig Bobzien

CRAIG BOBZIEN

Forest Supervisor, Black Hills National Forest

Violations of these regulations is punishable as a Class B misdemeanor, by a fine of not more than \$5,000 for an individual or \$10,000 for an organization,, or imprisonment for not more than six (6) months, or both. 16 U.S.C. § 551, and 18, U.S.C. §§ 3559 and 3571.

Management Objectives

(Include narrative statement of the management objectives associated with this Special Order).

Craig Bobzien, Forest Supervisor, stated his management objectives for this Special Order in the Black Hills National Forest Travel Management Plan Record of Decision, dated March 2010.

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2.1.5 Decibel Limits

My decision establishes sound level limits at 96 decibels (dB[A]) for off-highway vehicles (OHVs) manufactured on or after January 1, 1998, with a sound level limit of 99 dB(A) for vehicles manufactured prior to January 1, 1998.

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Decibel Limits

I decided to establish sound limit levels for motorized vehicles using the Forest. A level of 96 dB(A) is the standard level the American Motorcycle Association (AMA) has adopted for sanctioned events. The State of Colorado has passed legislation limiting sound levels to 96 dB(A) (99 dB(A) for vehicles manufactured prior to 1998), and the Rocky Mountain Region of the Forest Service has an established limit of 99 dB(A) that is now under review and expected to change to 96 dB(A) in keeping with national standards. Wyoming State law establishes sound levels at 102 dB(A), a level that is not responsive to the many comments we received on this issue. Dust and noise were the two most frequently reported "nuisance" items associated with OHV use during our planning process. The 96 dB(A) sound limit was proposed in the DEIS and was the subject of a number of comments. I believe this will allow most stock vehicles to use the motorized system, and that it can provide a reasonable limit on vehicle noise close to lands of other ownerships. It is, therefore, my decision to limit sound levels to 96 dB(A) for vehicles manufactured on or after January 1, 1998, with a sound level limit of 99 dB(A) for vehicles manufactured prior to January 1, 1998.

SUBPART B

ORDER REQUEST JUSTIFICATION FORM
ORDER NUMBER: BKF-109-2011

SUBMIT THE FOLLOWING INFORMATION: N/A (Justification established by implementation of the Travel Management Plan Record of Decision, dated March 22, 2010).

1. STATE THE DESIRED ACT:
2. REASON FOR THE ORDER:
3. HAVE OTHER METHODS BEEN TRIED TO RESOLVE THIS PROBLEM? (Y) (N)
 - DESCRIBE:

4. PERIOD OF TIME THE ORDER WILL BE IN EFFECT:
5. LIST THOSE EXEMPT FROM THE ORDER:

6. HAS AN ENFORCEMENT PLAN AND SIGN PLAN BEEN ESTABLISHED? (Y) (N).
 - WHO WILL ENFORCE THE ORDER? .
 - WHO WILL ENSURE PROPER SIGNING?
7. WILL THIS ORDER BE REVIEWED ANNUALLY FOR NEED AND PROPER ENFORCEMENT? (Y) (N).
8. HAS THE PUBLIC BEEN NOTIFIED? (Y) (N)
 - DESCRIBE HOW:

9. COMPLETE THE ORDER USING THIS CHECKLIST.

When complete, forward the original request to the Supervisor's Office, Attention: Supervisory Law Enforcement Officer. The request will be routed to the appropriate Staff Officer, Public Information Officer, and Forest Supervisor.

Recommended: <u> /s/ Thomas L. Willems </u>	<u> Dec. 9, 2010 </u>
Forest Specialist, Recreation Planner	Date
Reviewed: _____	_____
District Ranger, Bearlodge	Date
Reviewed: _____	_____
District Ranger, Hell Canyon	Date
Reviewed: _____	_____
District Ranger, Mystic	Date
Reviewed: _____	_____
District Ranger, Northern Hills	Date
Reviewed: <u> /s/ Kenneth Pitt </u>	<u> Dec. 2, 2010 </u>
Office of General Counsel, Regional Office	Date
Reviewed: _____	_____
South Zone Law Enforcement Officer	Date
Reviewed: _____	_____
North Zone Law Enforcement Officer	Date
Reviewed: <u> /s/ Nancy Martinz </u>	<u> Dec. 9, 2010 </u>
North Zone Patrol Captain	Date
Reviewed: <u> N/A </u>	_____
Office of General Counsel	Date
Reviewed: _____	_____
Public Information Officer	Date
Reviewed: _____	_____
Forest Staff Officer	Date