



UMATILLA NATIONAL FOREST
ORDER NO. 2012-0614-UMA-01



OVER-SNOW VEHICLE RESTRICTIONS

ORDER NO. 2012-0614-UMA-01

Pursuant to 36 CFR, Sec. 261.50(a) and (b), the following acts are prohibited on the area described in this order within the Umatilla National Forest, until further notice.

1. It is prohibited to operate or possess an over-snow vehicle with a body width greater than 60 inches
36 CFR 261.56
2. It is prohibited to operate or possess an over-snow vehicle with a body width greater than 60 inches on the forest service system roads or trails
36 CFR 261.54a
3. It is prohibited to operate an over-snow vehicle on forest service system roads or trails located on the Umatilla NF from April 1st to December 1st
36CFR 261.54a
4. It is prohibited to operate an over-snow vehicle in a manner that causes resource damage
36CFR 261.56

For the purposes of this order the definition of an over snow vehicle is:

Over-snow vehicle: A motor vehicle that is designed for use over snow and that runs on a track or tracks and/or a ski or skis, while in use over snow.

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

1. Any Federal, State or local law enforcement officer, or member of an organized rescue or firefighting force in the performance of an official duty.
2. Any Forest Service employee when engaged in the performance of their official duties
3. Persons with a permit from an authorized forest service officer specifically authorizing the prohibited act or omission
4. Persons operating an over-snow vehicle on forest service system roads or trails between April 1st and December 1st when those roads or trails are completely covered by snow and not passable by wheeled motor vehicles



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

Done at Pendleton, Oregon, this 26 day of March, 2012.

Kevin Martin
Forest Supervisor
Umatilla 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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Assessment of Need and Enforcement Plan

Background:

The Umatilla Motorized Access and Travel Management Plans (TMPs) dated 1990, as amended, allow wheeled vehicles to travel cross country over the snow and on groomed snow trails in some areas during the period of December 1st to April 1st. With the implementation Travel Planning Rule of 2005 on the Umatilla NF use of wheeled vehicles to travel over snow is prohibited except where designated on the forest Motorized Vehicle Use Map (MVUM). This order will bring over snow travel into compliance with the 2005 Travel Planning Rule by prohibiting over snow travel by wheeled vehicles except where designated on the forest MVUM.

Additionally, there has been an increased use on snowmobile trails and cross country by wheeled OHVs of all sizes that have been retrofitted with track conversion kits which has generated safety and resource concerns. This order will maintain public safety on the groomed snowmobile trails and prevent resource damage by limiting the width over-snow vehicles to a body width of 60 inches or less or as authorized by a permit.

Intent of Subpart B Order:

This order establishes an official start date of the over-snow vehicle season, December 1st, of each year. It also eliminates a specific date that over-snow vehicles would be prohibited when operating cross country. Over-snow vehicles operating off road past the April 1st will be allowed to continue to do so as long as there is sufficient snow and their operation can be done without damaging soils and vegetation, which is already prohibited under 36 CFR 261.15h. Also, it is the intent of this order to continue to allow over snow vehicle travel over forest roads past the April 1st restriction date if the road is completely covered by snow and not discernable as a road. This change was made because the previous cutoff date did not appear to have been necessary, especially in years with heavy snow fall.

This order also brings the forest in alignment with the travel management plan rule and the published motor vehicle use map for use of wheeled motor vehicles off road.

This order creates a body-width restriction for over-snow vehicles (OSV). OSVs with a body width of 60 inches or less will be the standard set forth in the order. This width has been deemed by the forest staff to be the widest allowable vehicle width to be operated on groomed snowmobile trails and still maintain the safety of the forest user on groomed



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snowmobile trails. The body width of the vehicles should be measured from the widest portion of the body.

The order will also bring the forest in alignment with the Motor Vehicle Use Map by eliminating cross country travel wheeled motorized vehicles, which had been previously allowed by a prior order.

Enforcement Plan:

Enforcement of this order will be performed by LEOs, FPOs and Special Agents. It will be at their discretion at the level of enforcement taken when enforcing this order. During the first couple of years education should be the tool of choice for first time violators

Posting:

Current posting will be modified to reflect the new prohibition. Posting will be completed by the Forest Staff and will be posted at a minimum at all major entry points to the forest and all snow parks located within the district. Snowmobile clubs will be notified of the change

KEVIN MARTIN
Forest Supervisor

WALTER MERRITT
Patrol Captain

3-26-12
Date



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Civil Rights Impact Statement
Snowmobile Forest Order NO. 2012-0614-UMA-01

Proposed Action

Prohibiting the use of over-snow vehicles in excess of 60 inches from operating on the forest without a permit and establishing dates that a snowmobile can be used on forest roads when they are covered by snow

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36 CFR 261.54a
3. It is prohibited to operate an over-snow vehicle on forest service system roads or trails located on the Umatilla NF from April 1st to December 1st
36CFR 261.54a
4. It is prohibited to operate an over-snow vehicle in a manner that causes resource damage
36CFR 261.56

The following person's are exempt:

- (1.) Any Federal, State or local law enforcement officer, or member of an organized rescue or firefighting force in the performance of an official duty.
- (2.) Any Forest Service employee when engaged in the performance of their official duties
- (3.) Persons with a permit from an authorized forest service officer specifically authorizing the prohibited act or omission

Duration

March 26th, 2012, until rescinded.

Employee/Community Involvement



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The following Special Emphasis Program Managers (SEPM) reviewed and approved this proposed Order:

Umatilla National Forest Civil Rights Officer

Based on input from these subject matter specialists, no further scoping or input is necessary.

Justification

Implementation of this order brings the Umatilla Motorized Travel and Access Plans (TMPs) dated 1990, as amended, into compliance with the 2005 Travel Management Rule by restricting over snow travel to vehicles that meet the over snow vehicle definition (A motor vehicle that is designed for use over snow and that runs on a track or tracks and/or a ski or skis, while in use over snow) except as depicted on the forest Motor Vehicle Use map (MVUM). The order provides larger OSVs to operate under a special use permit at the discretion of the authorized officer. This order allows winter travel consistent with the intent of the forest TMPs.

Mitigation

The following are suggested mitigations:

1. Ensure signing is adequate in significant locations.
2. Periodically monitor to see if enforcement is being applied equally to all.

Agency

US Forest Service,
Umatilla NF
2517 SW Hailey Ave
Pendleton, Or 97801

Contact

Larry Randal, Forest Recreation Officer
(509) 522-6276

Date

Reviewed and approved:



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<u>Action</u>	<u>Responsible Official</u>	<u>Date</u>
Prepare proposed order	Appropriate Staff with LEI input	1/18/12 <i>Walter Merritt</i>
Review proposed order	Patrol Captain	1/18/12 <i>Walter Merritt</i>
Approve proposed order <i>K. Martin</i>	Forest Supervisor	3-26-12
Post order in accordance with 36 CFR 261.51	District Staff Officer and Staff	<i>John Foy</i> 3/19/2012
Prepare news release for local media describing the order and management objectives	District Ranger PAO	<i>Mike Kunkin</i> 3/19/2012
NEPA Review (if necessary)	NEPA Coordinator	<i>W. H.</i>
Civil Rights Assessment	Civil Rights Officer	<i>J. Gray</i> 3/26/2012

K. Martin

KEVIN MARTIN
Forest Supervisor

Walter Merritt

WALTER MERRITT
Patrol Captain

3-26-12
Date