

## Department of the Army, DoD

## § 656.5

natural terrain, except that such term excludes

- (1) Any registered motorboat,
  - (2) Any military, fire, ambulance, or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for national defense purposes, and
  - (3) Any vehicle whose use is authorized by the Secretary of Defense, or his properly designated representative, for official use under a permit, lease, license, or contract.
- (b) Official use. Use by an employee, agency, or designated representative of the Department of Defense or one of its contractors in the course of his employment, or agency representation.

### § 656.4 Objectives.

The objectives of this regulation are to insure that:

- (a) The national security requirements related to Army lands are not impaired.
- (b) The natural resources and environmental values are protected.
- (c) Safety and accident prevention is given a paramount consideration.
- (d) Conflicts of land use within and adjacent to the facility are minimized by advance planning and by cooperation with local governments wherever necessary.
- (e) Year-round outdoor recreational opportunities are maximized.

### § 656.5 Policies.

(a) As a trustee of public lands, the Army has a responsibility under Pub. L. 91-190 and Pub. L. 88-29 to protect and enhance environmental quality, conserve natural resources, and provide opportunities for outdoor recreation. However, it must be recognized that land under Army control was acquired solely for national defense purposes. Other uses are therefore secondary to mission needs.

(b) All land and water areas will be closed to off-road recreational use by ORV's except those areas and trails which are determined suitable and specifically designated for such under the procedures established in this regulation.

(1) In determining suitability of areas and trails for ORV use, each type of motorized vehicle, ORV, shall be con-

sidered separately, taking into account its potential environmental impact, the seasonal nature of its use and opportunities for counterseasonal use with other recreational users.

(2) The characteristics of use of one type of motorized recreational vehicle, ORV, shall not affect or govern regulations on the use of an area or trail by another type of ORV use.

(c) When ORV use is permitted, the intensity, timing, and distribution will be carefully regulated to protect the environmental values. In designating suitable sites, equitable treatment should be given to all forms of outdoor recreational activity and where possible, nonconflicting use shall be encouraged on existing trails. Prior to designating such areas or trails for ORV use, the environmental consequences must be assessed and environmental statements prepared and processed when such assessments indicate that the proposed use will create a significant environmental impact or be environmentally controversial (Pub. L. 91-190 and AR 200-1). This procedure applies to all areas, including areas under consideration which previously have been used by ORV's.

(d) If the installation commander or his designee determines that ORV use is causing or will cause considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat, or cultural or historic resources, he shall immediately prohibit the type of ORV use causing such effects, and if necessary, close such designated sites. Restrictions on ORV use or closure of designated sites shall remain in effect until such adverse effects have been eliminated, including site restoration if necessary, and appropriate measures implemented to prevent any such recurrence.

(e) Persons abusing the ORV use privilege shall be barred, with their vehicles, from access to the Army installation for ORV use. Further action, as appropriate, may be taken under 18 U.S.C. section 1382. Violations of Federal or State laws applicable to Army installations under title 18 U.S.C. (Assimilative Crimes) may be referred to a U.S. Magistrate in accordance with AR 27-40 and AR 190-29.

(f) The limitations imposed by this regulation on off-road travel by ORV's do not apply to official use. It is Army policy to minimize environmental degradation of sensitive portions of facility sites which play a significant ecosystem support role.

#### § 656.6 Responsibilities.

Commanders of Army installations and activities in the United States will:

(a) Develop policy and procedures prescribing operating conditions for ORV's which are designed to protect resource values, preserve public health, safety and welfare, and minimize use conflicts. These procedures will include as a minimum:

(1) Registration—ORV's used both on and off the traffic way will be registered in accordance with AR 190-5 and AR 190-5-1. ORV's operated solely off the traffic way may be registered at the discretion of the installation commander.

(2) Fees—Installation commanders are authorized to impose appropriate fees and charges for ORV activities in accordance with AR 28-1, as an element of the Outdoor Recreation Program. Such fees and charges are accounted for as income to nonappropriated funds in accordance with AR 230-65.

(b) Ensure that lands where off-road vehicle use will be permitted are designated in the natural resources management plan and where appropriate include as a part of the installation's master plan (AR 210-20 and AR 420-74).

(c) Provide opportunities for users to participate in the selection and designation of suitable sites and distribute information which identifies authorized sites and describes the conditions of use. Organized recreational activities involving off-road vehicles are within the scope of the Outdoor Recreation Program of Army Recreation Services and should be so established.

(d) Post appropriate signs at authorized areas and trails.

(e) Provide for the administration, enforcement, and policing of trails and areas to ensure that conditions of use are met on a continuing basis.

(f) Establish appropriate procedures to monitor the effects of the use of ORV's and provide for maintenance of

the ORV areas of trails. This monitoring will be the basis for changes to installation policy to ensure adequate control of ORV use, amendment of area and trail designations, or conditions of use which are necessary to protect the environment, insure the public safety, and minimize conflict among users.

(g) Negotiate cooperative agreements, when appropriate, with State or local governments for the enforcement of laws and regulations relating to ORV use.

(h) Coordinate ORV use, projects, activities, designated ORV areas, and all related matters, with the installation environmental committee and environmental office.

#### § 656.7 Environmental considerations.

The environmental and related impacts of ORV use will be assessed in accordance with AR 200-1. Coordination with adjacent private and public landowners and managers will be included in the assessment process.

#### § 656.8 Guidelines and criteria for evaluation and utilization of Army lands for off-road vehicle use.

(a) *Designation.* (1) Army lands may be designated for one or more types of ORV use in response to a demonstrated need providing there is sufficient suitable area available.

(2) Lands which may not be designated for one or more types of ORV use are:

(i) Areas restricted for security or safety purposes, such as explosive ordnance impact areas.

(ii) Areas containing geological and soil conditions, flora or fauna or other natural characteristics of fragile or unique nature which would be subject to excessive or irreversible damage by use of ORV's

(iii) Areas where the use by a type or types of ORV would cause unequivocal and irreversible damage or destruction as a result of such use; provided, however, that types of ORV not causing such damage or destruction may be permitted to use such areas.

(iv) Areas which are key fish and wildlife habitat as identified under environmental considerations § 656.8(c) (5) of this part.