



Bud Bruening | President

Brett Stewart | President of Utah OHV Advocates

July 29, 2019

Secretary David Bernhardt, USDI
Department of the Interior
1849 C Street, N.W.
Washington DC 20240
(202) 208-3100

Re: Street Legal OHVs in National Parks

Dear Secretary Bernhardt,

We represent the largest group of OHV enthusiasts in the state of Utah. UTV Utah is a 501c4 organization that advocates for OHV users. UTV Utah was started 5 years ago, and in this short time our organization has grown to 14,000 members. Although the motorized vehicle community isn't as loud or as organized as some of the other recreational users of public land, our industry has a larger economic impact than most other users combined. According to the Bureau of Economic Analysis, Motorized Vehicles account for \$59,378,000,000 in economic activity in the year 2016. According to the same report, bicycling, camping, climbing, hiking, equestrian, hunting, skiing, snowboarding, boardsailing, windsurfing, dog mushing, geocaching, rock hounding, ice skating, races, running/walking/jogging, SCUBA diving, skateboarding, snorkeling, snowshoeing, stand-up paddling, surfing, tubing, wakeboarding, water skiing, whitewater rafting, and wildlife watching combined all account for \$57,535,000,000 in economic activity in 2016.

In Utah there are 202,000 registered OHVs. Despite being one of the largest groups of public land users, and even though the economic benefit of our community dwarfs most other recreational users combined, we often find ourselves discriminated against by decision-makers that head public land agencies. In Utah this discrimination is particularly acute when it comes to the National Park Service.

In addition to our affiliation with UTV Utah, Brett Stewart is also the president of Utah OHV Advocates. Utah OHV Advocates is an advocacy organization that has been successful in influencing the Utah State Legislature to update Utah State law to allow street-legal OHVs on state roads (See attached Utah Code 41-6a-15-209). In 2009 Utah state law was updated to define and allow street-legal OHVs on Utah's roads and highways. Like with other motor vehicles, the operators of street-legal OHVs must be licensed and insured to operate on Utah's streets. The vehicles must also pass state inspections. In Utah the passage of these State laws that allow certain OHVs to be classified as street legal has opened the door to new recreation opportunities to OHV enthusiasts throughout the state, and these laws are widely supported by our community.

We are pleased that the Bureau of Land Management and the U.S. Forest Service have recognized these laws and allowed street-legal OHVs to drive on all roads and highways that pass through lands within their jurisdiction that are also open to other vehicular travel. Unfortunately, the biggest roadblock we are facing with the passage of these new laws is with the National Park Service. 36 CFR 4.2 (a) states, "Unless specifically addressed by regulations in this chapter, traffic and the use of vehicles within a park area are governed by State law. State law that is now or may later be in effect is adopted and made a part of the regulations in this part."

We are aware that that each of the five national parks in Utah, including Arches, Canyonlands, Capitol Reef, Bryce Canyon, and Zion, have adopted regulations in their Superintendent's Compendium prohibiting the use of street legal OHVs in the parks. It is worth noting that the adoption of these regulation occurred in 2008 prior to OHVs being authorized as street-legal by Utah State law in 2009.

Here are the regulations and reasons each park has adopted to prohibit use of street legal OHVs:

Zion (2019 Compendium)

Any use of any off-highway vehicle (OHV), all-terrain vehicle (ATV), utility vehicles (UTVs) or other motorized conveyance manufactured for recreational non-highway, off-road, or all-terrain travel regardless of registration status (all-terrain type I or type II "street legal" vehicles, as defined by Utah State Code Annotated 41-22-2 or 41-6a-102) is prohibited within Zion National Park.

Justification: The recreational and general use of off-highway vehicles such as OHVs, ATVs UTVs, and other motorized conveyances manufactured for recreational non-highway, off-road, or all-terrain travel poses a significant risk to park resources and conflicts with other park visitors and wildlife. These risks and conflicts cannot be appropriately mitigated, or be sustained without causing unacceptable impacts. The use of such vehicles is, therefore, not consistent with the protection of the parks and monuments.

Capitol Reef (2018 Compenium)

ATV/UTVs:

All roads within the boundary of the park are closed to the use of off-highway vehicles defined by Utah Criminal and Traffic Code, Section 42-22-2 as All-terrain type I and All-terrain type II vehicles. This definition includes any vehicle registered as a "street legal ATV/UTV" and/or eligible for a state ATV/UTV registration sticker. Motorcycles designed, equipped, and licensed for highway use are not included in this restriction.

Bryce Canyon (2018 Compendium)

All roads within Bryce Canyon National Park are closed to all off highway vehicles (OHVs), all-terrain vehicles (ATVs), utility terrain vehicles (UTVs) and other motorized conveyances manufactured for recreational non-highway, off road, or all terrain travel. These vehicle are defined as Type I and Type II ATVs by the State of Utah 41-22-2. This definition includes any vehicle registered as a "street legal ATV/UTV" and/or eligible for a state ATV/UTV registration sticker. These vehicles will hereafter be referred to as OHVs.

- *OHVs pose a significant risk to park resources and values which cannot be appropriately mitigated, and which cannot be sustained without causing unacceptable impacts. The use of such vehicles is, therefore, not consistent with the protection of the park.*
- *OHVs are designed, produced and marketed for the purpose of off-road travel, and they are uniquely capable of easily leaving paved and dirt road surfaces and traveling cross-country. No reasonable level of law enforcement presence would be sufficient to prevent OHV use off-road. Their capability to readily do so, the resource damage caused by off-road travel, and the lack of effective mitigation measures make their use unlawful in Bryce Canyon National Park.*
- *Restoration of resources is difficult once damage has occurred. Prohibiting the use of OHVs is the most effective measure available in preventing resource damage resulting from off-road use.*
- *OHVs, ATVs, and similar vehicles have long been prohibited within national parks and monuments by assimilation of state law. Maintaining that prohibition by application of 36 CFR 1.5 would not constitute an alteration of a public use pattern of the parks. Maintaining the current prohibition would not adversely affect park resources. It would not be controversial, since it would not be a change and because the public clearly accepts the current restriction. On the other hand, terminating the prohibition would be controversial, would constitute an alteration of a public use pattern, and would adversely affect park resources.*

- *In accordance with the provisions of 36 CFR 1.5, and the requirements of the National Park Service Management Policies (2006) Section 1.5, the protection of environmental and scenic values, the protection of natural and cultural resources, and for the implementation of management responsibilities, it is necessary to continue the current prohibition against OHVs as defined above (Utah State Code 41-22-2).*
- *Motorcycles (Utah State Code 41-22-2(11)) and tricycles designed, equipped, and licensed for highway use are not included in these definitions. Under NPS management policies, (8.2.3.1), on-duty NPS employees may use OHVs or UTVs on a case by case basis as part of their official work duties when the use of an OHV or UTV with specific advantages is essential to promoting efficiency for a project, promoting employee safety, and supporting park wide sustainability goals. Under this allowance, staff will predominately use administrative roads within Bryce Canyon that are closed to the public and avoid public roads within Bryce Canyon whenever possible. Only street legal OHVs may be used by park staff and all requirements (licensed driver, safety belts, required equipment) must be met.*

Arches/Canyonlands

(See Attachment "ATV Determination")

Key Passages:

The use on park roads of off highway vehicles (OHVs), all terrain vehicles (ATVs), and other motorized conveyances manufactured for recreational non-highway, off road, or all terrain travel poses a significant risk to park resources and values which cannot be appropriately mitigated, and which cannot be sustained without causing unacceptable impacts. The use of such vehicles is, therefore, not consistent with the protection of the parks and monuments.

A clear purpose of such vehicles is to travel off-road. Their capability to readily do so, the resource damage caused by off-road travel, and the lack of effective mitigation measures make their use inappropriate in these national parks and monuments. Prevention of resource damage by off-road vehicle travel is essential, because once resources have been damaged it is difficult, if not impossible, to provide effective restoration.

Title 36 CFR 1.5 provides for the closure of park areas to specific uses or activities when the superintendent determines that a closure is necessary for park purposes. In cases where the closure does not alter the public use pattern of the park area, does not adversely affect park resources, and is not highly controversial, the superintendent may establish the closure through writing a determination and notifying the public.

In emergency situations, even in cases where the closure would alter the public use pattern of the park area, would adversely affect park resources, or would be highly controversial, the closure may be implemented if necessary for park purposes without prior publication as a rulemaking and without preparation of a written determination prior to the action.

OHVs, ATVs, and similar vehicles have long been prohibited within these parks and monuments by assimilation of state law. Maintaining that prohibition by application of 36 CFR 1.5 would not constitute an alteration of a public use pattern of the parks or monuments. Maintaining the current prohibition would not adversely affect park or monument resources. It would not be controversial, since it would not be a change and because the public clearly accepts the current restriction. On the other hand, terminating the prohibition would be controversial, would constitute an alteration of a public use pattern, and would adversely affect park resources.

In accordance with the provisions of 36 CFR 1.5, and the requirements of the *National Park Service Management Policies* (2006) Section 1.5, it is my professional judgment that for the protection of environmental and scenic values, for the protection of natural and cultural resources, and for the implementation of management responsibilities, it is necessary to continue the current prohibition against the operation of any off highway vehicle (OHV), all terrain vehicle (ATV) or other motorized conveyance manufactured for recreational non-highway, off road, or all terrain travel (all-terrain type I or type II vehicles, as defined by Utah State Code Annotated 41-22-2) on park roads within Arches National Park, Canyonlands National Park, Hovenweep National Monument, and Natural Bridges National Monument.

2019 Superintendents Compendium for Canyonlands National Park:

No use of vehicles is allowed off of designated roads. 36 CFR 4.10(a), (b).

All motor vehicles operated within the boundaries of Canyonlands National Park must have a valid state registration as a "motor vehicle," display a valid state license plate(s), and be operated by someone in possession of a valid state issued operator's license. Motorcycles that are registered for road use are allowed. 36 CFR 4.2.

All vehicles must be equipped to legally operate on interstate highways. 36 CFR 1.5

Mr. Secretary, I believe that the regulatory justifications for prohibiting street-legal OHVs in National Parks are misguided, outdated, and cannot withstand close scrutiny.

When reading through the Superintendent's Compendium for each National Park in Utah, there are several common threads.

- First, OHVs are singled out as a unique threat because they are designed, marketed, and manufactured for off-road use. While this statement is true, many other vehicles that are currently allowed in National Parks are also designed, marketed, and manufactured for off-road use. None of these regulations identify what sets a street-legal side-by-side OHV apart from vehicles like Subaru Outbacks, Jeeps, Four-wheel drive pickup trucks, or dual-sport motorcycles. All of these vehicles are uniquely capable of off-highway travel. The definitions of prohibited off-road vehicles could easily be read to also prohibit numerous vehicles that are currently allowed. As a result the enforcement of these regulations based on these standards is discriminatory, arbitrary, and capricious. The only consistent reading of the language used here to prohibit OHVs from using NPS roads would be to prohibit all vehicles capable of off-highway travel or to allow **all** vehicles legally permitted on roads by state law.
- Second, the claims that use of OHVs “poses a significant risk to park resources and values which cannot be appropriately mitigated, and which cannot be sustained without causing unacceptable impacts,” and that “No reasonable level of law enforcement presence would be sufficient to prevent OHV use off-road,” are unprovable claims that are negated by the point previously raised. How do these parks mitigate risk to resources and values posed by Subaru Outbacks, pick-up trucks, Jeeps, motorhomes, dual-sport motorcycles, and countless other motorized vehicles that are uniquely capable of off-highway, all terrain travel? What law enforcement presence exists in the Parks currently to prevent vehicles that are currently allowed to use roads in these parks and are capable of off-road travel from off-road use?
- Third the claim that OHVs have long been prohibited from parks and that allowing them would create a new use pattern is false. Numerous makes and models of motorized vehicles that are designed, marketed and manufactured for off-highway use are currently allowed in parks. Allowing street-legal OHVs to use the same roads would be no different than this currently allowed use. As a limitation of an existing use pattern, prohibiting street-legal OHV use of park roads is an alteration of a public use pattern.
- The claim that banning OHVs would not be controversial is also false. Because this prohibition is discriminatory, arbitrary, and capricious, the prohibition is controversial by nature.
- The claim that there is no popular demand for allowing street-legal OHVs in parks is also false. We intend to prove this through surveys and polls of our growing community of OHV users. This claim is also proven false by the millions of people who visit National Parks each year in other vehicles designed, marketed, and manufactured for off-highway use. In fact, in Utah, the parks are so remote that almost all visitors arrive through some method of motorized travel. So not only is motorized access popular, it is an essential use for allowing park visitation. We believe that the use of street-legal OHVs in National Parks will be

as popular as the use of other motorized vehicles in National Parks. Furthermore, the public wouldn't accept a ban of other motor vehicles that are currently allowed.

- Requiring vehicles to be equipped to legally operate on interstate highways requires and absurdly broad reading of 36 CFR 1.5. There is nothing about a vehicle's ability to operate legally on an interstate highway that makes it less likely to cause damage to park resources and values when the vehicle is used off-highway. A vehicle's ability to operate on an interstate highway is not a mitigating factor, and the superintendent didn't provide any justifications for this decision. A decision that is made without justification is arbitrary and capricious, and unfortunately this decision has led to discrimination against OHV users. In fact many vehicles that are able to operate legally on interstate highways and are also designed, marketed, and manufactured for off-highway use are likely to cause more damage to resources since they weigh more, have bigger tires, etc.

UTV Utah on behalf of its 14,000 members respectfully asks that the National Park Service withdraw its prohibition of street-legal OHVs in National Parks – especially the National Parks within the state of Utah. Several parks in the system (e.g. Yellowstone National Park and North Rim of the Grand Canyon) have already come to the conclusion that allowing street-legal OHVs is consistent with protecting resources and values of National Parks.

36 CFR 4.2 already provides all the authority NPS needs to withdraw this prohibition. Because of the reasons identified in this letter, regulatory prohibition at each specific park above and beyond the protections afforded by 36 CFR 4.2 is unnecessary and can only be justified by reasons that are discriminatory, arbitrary and capricious.

Because this prohibition is not justified it should be withdrawn through the same process used to put the prohibition into effect. It should not be necessary to follow the process outlined in National Park Service Management Policies (2006) at 8.1.12.

We look forward to your response to our concerns. You can send all responses to Brett Stewart, at [...] and to the emails included in this letter.

Sincerely,

Bud Bruening
President
UTV Utah

Brett Stewart
President
Utah OHV Advocates

cc

Honorable Senator Mike Lee

Honorable Senator Mitt Romney

Congressman Rob Bishop

Congressman Chris Stewart

Congressman John Curtis

Congressman Ben McAdams

National Park Service^(/)

[Plan Your Visit \(/cany/planyourvisit/index.htm\)](/cany/planyourvisit/index.htm)

INFO

ALERTS

1

MAPS

CALENDAR

RESERVE

[Learn About the Park \(/cany/learn/index.htm\)](/cany/learn/index.htm)

[Get Involved \(/cany/getinvolved/index.htm\)](/cany/getinvolved/index.htm)

ALERTS IN EFFECT

DISMISS ✕

DANGER

White Rim Road Flooding

The White Rim Road is impassible at upheaval wash due to flooding. There is imminent danger on the road north of the Labyrinth campsite. This is a dangerous time to be traveling on this section of the road; adjust your backcountry plan accordingly.

[more information on current conditions... \(/cany/planyourvisit/conditions.htm\)](/cany/planyourvisit/conditions.htm)

[NPS.gov \(/\)](#) / [Park Home \(/cany/index.htm\)](/cany/index.htm) / [Learn About the Park \(/cany/learn/index.htm\)](/cany/learn/index.htm) / [Management \(/cany/learn/management/index.htm\)](/cany/learn/management/index.htm)
/ [Laws & Policies \(/cany/learn/management/lawsandpolicies.htm\)](/cany/learn/management/lawsandpolicies.htm) / [ATV Determination](#)

ATV Determination

September 12, 2008

Memorandum

To: Files

From: Superintendent, Southeast Utah Group

Subject: Determination regarding continuing the prohibition of use of any off-highway vehicle (OHV), all terrain vehicle (ATV), or similar vehicle on park roads

For many years, the use of motor vehicles "off-road" within national parks has been prohibited by 36 CFR 4.10. 36 CFR 4.10(a) prohibits motor vehicle use except on park roads, in parking areas, and on routes and designated areas. 36 CFR 4.10(b) requires that route and area designations be made only by special regulation and that they be made only in national recreation areas, national seashores, national lakeshores and national preserves. This precludes making such designations within national parks and monuments.

In Utah, ATV, OHV, and similar vehicle use on roads within NPS areas has been prohibited by action of 36 CFR 4.2, which assimilates Utah law related to motor vehicles. Utah law has generally prohibited the use of ATV, OHV, and similar vehicles on roads. Thus, such vehicles were prohibited both off-road and on-road within national parks in Utah.

During the 2008 General Session of the Utah legislature, S.B. 181 was passed. The new law becomes effective on October 1, 2008. The bill alters the previous state law regarding the operation of ATV, OHV, and similar vehicles on roads, so that those vehicles could operate on many roads in Utah, including within NPS areas.

In effect, this alteration of state law could terminate the longstanding closure of park roads to ATVs and introduce a new use into the parks and monuments. NPS Management Policies require that park superintendents monitor new or changing patterns of use and assess their potential impacts on park resources. A new park use may not be allowed until the superintendent has made a determination that it will be appropriate and not cause unacceptable impacts. ATV, OHV, and similar vehicle use on roads is a potential new use within NPS areas in Utah, and must be evaluated and determined to be appropriate prior to being allowed.

The NPS Management Policies 2006 contain a discussion of applicable laws:

“The 1916 Organic Act directs the Service to conserve park resources “unimpaired” for the enjoyment of future generations. The 1970 National Park System General Authorities Act, as amended in 1978, prohibits the Service from allowing any activities that would cause derogation of the values and purposes for which the parks have been established. Taken together, these two laws establish for NPS managers a strict mandate to protect park resources and values; a responsibility to actively manage all park uses; and when necessary, an obligation to regulate their amount, kind, time and place in such a way that future generations can enjoy, learn, and be inspired by park resources and values and appreciate their national significance in as good or better condition than the generation that preceded them.” (Management Policies 2006, 8.1)

“The fundamental purpose of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. This mandate is independent of the separate prohibition on impairment and applies all the time with respect to all park resources and values, even when there is not risk that any park resources or values may be impaired. NPS managers must always seek ways to avoid, or to minimize to the greatest extent practicable, adverse impacts on park resources and values.” (Management Policies 2006, 1.4.3)

“Congress, recognizing that the enjoyment by future generations of the national parks can be ensured only if the superb quality of park resources and values is left unimpaired, has provided that when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant.” (Management Policies 2006, 1.4.3)

The Management Policies, reflecting applicable laws, go on to discuss what constitutes appropriate park use.

“Appropriate forms of visitor enjoyment emphasize appropriate recreation consistent with the protection of the park.”
(Management Policies 2006, 8.1.1)

“However, many forms of recreation enjoyed by the public do not require a national park setting and are more appropriate to other venues. The Service will therefore

- Provide opportunities for forms of enjoyment that are uniquely suited and appropriate to the superlative natural and cultural resources found in the parks;
- Defer to local, state, tribal, and other federal agencies; private industry; and nongovernmental organizations to meet the broader spectrum of recreational needs and demands.

To provide for enjoyment of the parks, the National Park Service will encourage visitor activities that

- Are appropriate to the purpose for which the park was established; and

- Are inspirational, educational, or healthful, and otherwise appropriate to the park environment; and
- Will foster an understanding of and appreciation for park resources and values, or will promote enjoyment through a direct association with, interaction with, or relation to park resources; and
- Can be sustained without causing unacceptable impacts to park resources or values.” (Management Policies 2006, 8.1.2)

In addition to the laws applicable to NPS areas nationwide, the following specific legislation is applicable to these NPS areas.

Canyonlands National Park was established to preserve an area possessing superlative scenic, scientific, and archeological features for the inspiration, benefit, and use of the public. (P.L. 88-590 as amended)

Arches National Park was established to protect extraordinary examples of wind erosion because of their educational and scenic value. (Proclamation No. 1875 of April 12, 1929)

Hovenweep National Monument was established to serve the public good by reserving prehistoric remains with as much land as necessary for their proper protection. (Presidential Proclamation 1654 42 Stat. 2299)

Natural Bridges National Monument was established to protect natural bridges, prehistoric ruins and prehistoric cave springs with as much land as necessary for their protection. (Presidential Proclamations 804, 35 Statute 2183; 881, 36 Statute 2502; 3486, 76 Statute 1495)

The existing plans for these units reflect the value of undisturbed soils and vegetation to park resources, and emphasize the need to protect them from damage, particularly because vegetation and soils in disturbed sites are slow to, or do not, recover. For instance, Arches National Park’s Natural Resource Management Plan describes management objectives which include:

“Manage developed areas for intensive use, but with minimal impacts on the environment.

Provide for public use and enjoyment of the backcountry lands while minimizing the environmental impacts of use and preserving primitive character, natural resources and ecological processes.

Protect and perpetuate unique plant species and communities...

Restore to natural condition Park lands and vegetation altered by uncontrolled human activity.”

The adverse impacts of motor vehicle use off of roads have long been a grave concern in NPS areas. As a result, motor vehicle use off of roads is prohibited in national parks and monuments nationwide in order to protect the natural and cultural resources, and the scenic, scientific, and archeological features of national parks. This is because motor vehicles travelling off of roads disturb the soil and damage vegetation, which leads to soil erosion; damage archeological resources, directly by crushing or as a result of soil erosion induced by such travel; damage and destroy vegetation, which can adversely affect wildlife habitat, and can adversely affect the scenic quality of the natural landscape. Research has shown that, once such damage has occurred, it is very difficult or impossible to repair.

The addition of off-road vehicle traffic on park roads will inevitably result in injury and damage to park resources. These specialized vehicles are designed, produced and marketed for the purpose of off-road travel, and they are uniquely capable of easily leaving the road and travelling crosscountry. No reasonable level of law enforcement presence would be sufficient to prevent ATV and OHV use off roads. Park rangers will have no ability to pursue and apprehend vehicle users off-road without adding to the damage they cause to park resources.

Visitor education and civic engagement could reduce the potential for off-road use of these specialized motor vehicles, but could not preclude it. The potential for substantial damage is great, even from a small number of off-road incidents, and is an unacceptable risk.

Fencing park roads could physically prevent off-road vehicle use. However, in addition to being unrealistic due to expense, fencing roads would be contrary to NPS Policies, as it would have unacceptable impacts on natural and cultural resources, on scenery, and on visitor enjoyment. NPS Park Road Standards state that "A park road should be fundamentally designed to maintain an overall continuing sense of intimacy with the countryside or area through which it passes." *NPS Management Policies* (2006) address the integration of facilities into the park environment at 9.1.1.2: "Development will not compete with or dominate park features or interfere with natural processes, such as the seasonal migration of wildlife or hydrologic activity associated with wetlands". Fencing park roads would be inconsistent with NPS purposes and policies; therefore it is not an acceptable alternative.

The use of ATV, OHV, and similar vehicles does not require a park setting. Public lands are currently open to their use on and off roads, so the opportunity for this recreational use is available in other venues. There has been virtually no public demand for their use within the parks and monuments.

Determination:

The use on park roads of off highway vehicles (OHVs), all terrain vehicles (ATVs), and other motorized conveyances manufactured for recreational non-highway, off road, or all terrain travel poses a significant risk to park resources and values which cannot be appropriately mitigated, and which cannot be sustained without causing unacceptable impacts. The use of such vehicles is, therefore, not consistent with the protection of the parks and monuments.

A clear purpose of such vehicles is to travel off-road. Their capability to readily do so, the resource damage caused by off-road travel, and the lack of effective mitigation measures make their use inappropriate in these national parks and monuments. Prevention of resource damage by off-road vehicle travel is essential, because once resources have been damaged it is difficult, if not impossible, to provide effective restoration.

Title 36 CFR 1.5 provides for the closure of park areas to specific uses or activities when the superintendent determines that a closure is necessary for park purposes. In cases where the closure does not alter the public use pattern of the park area, does not adversely affect park resources, and is not highly controversial, the superintendent may establish the closure through writing a determination and notifying the public.

In emergency situations, even in cases where the closure would alter the public use pattern of the park area, would adversely affect park resources, or would be highly controversial, the closure may be implemented if necessary for park purposes without prior publication as a rulemaking and without preparation of a written determination prior to the action.

OHVs, ATVs, and similar vehicles have long been prohibited within these parks and monuments by assimilation of state law. Maintaining that prohibition by application of 36 CFR 1.5 would not constitute an alteration of a public use pattern of the parks or monuments. Maintaining the current prohibition would not adversely affect park or monument resources. It would not be controversial, since it would not be a change and because the public clearly accepts the current restriction. On the other hand, terminating the prohibition would be controversial, would constitute an alteration of a public use pattern, and would adversely affect park resources.

In accordance with the provisions of 36 CFR 1.5, and the requirements of the *National Park Service Management Policies* (2006) Section 1.5, it is my professional judgment that for the protection of environmental and scenic values, for the protection of natural and cultural resources, and for the implementation of management responsibilities, it is necessary to continue the current prohibition against the operation of any off highway vehicle (OHV), all terrain vehicle (ATV) or other motorized conveyance manufactured for recreational

non-highway, off road, or all terrain travel (all-terrain type I or type II vehicles, as defined by Utah State Code Annotated 41-22-2) on park roads within Arches National Park, Canyonlands National Park, Hovenweep National Monument, and Natural Bridges National Monument.

Public notice of this determination will be made in accordance with the provisions of 36 CFR 1.7 (a). As required by 36 CFR 1.7 (b), this closure shall be added to the park compendium, and made available to the public upon request. A file of relevant documents considered in making this determination will also be made available to the public upon request.

This action does not preclude consideration of proposals for the use of ATV, OHV, and similar vehicles on park roads. If proposals are made to allow such vehicles on park roads, they would be considered according to the process described in the National Park Service Management Policies (2006) at 8.1.2.

/s/ Kate Cannon, Superintendent September 12, 2008

CONTACT THE PARK

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