

(i) Operations on oil and gas leases issued before October 30, 1984, are subject to the applicable provisions of Group 3100 of this title, including those set forth in § 3162.5-1, and such other terms, stipulations, and conditions as the authorized officer deems necessary to avoid significant disturbance of the land surface or impairment of the area's existing natural, educational, and scientific research values, including paleontological study, excavation, and interpretation.

(j) The regulations in 43 CFR Part 7 apply to the management and protection of archaeological resources in Fossil Forest.

(k) The paleontological resources of the Fossil Forest shall not be willfully destroyed, defaced, damaged, vandalized, or otherwise altered.

§ 8224.2 Penalties.

(a) Any person who willfully violates any prohibition under either § 8224.1(b), (c) or (k) of this title shall be subject to a fine not to exceed \$1,000 or imprisonment of not to exceed 12 months, or both.

(b) Any person who willfully and without authorization collects or removes paleontological resources whose value is greater than \$100, for which a permit is required under § 8224.1(a) or (b) of this title, shall be subject to a fine not to exceed \$10,000, or imprisonment not to exceed 10 years, or both (18 U.S.C. 641).

Group 8300—Recreation Management

NOTE: The information collection requirements contained in Part 8370 of Group 8300 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0119. The information is being collected to permit the authorized officer to determine whether an application for use of the public lands for special recreation purposes should be granted. The information will be used to make this determination. A response is required to obtain a benefit.

[48 FR 40890, Sept. 12, 1983]

PART 8300—PROCEDURES

Subpart 8300—General

§ 8300.0-1 Purpose.

(a) This group sets forth procedures and practices for the management and use of public lands for specific kinds of public recreation activities, resource conditions, outdoor recreation occupancy, and resource development.

(b) Guidelines are provided regarding access to public lands and limitations on travel across public lands.

(16 U.S.C. 460(1-6a), 16 U.S.C. 670(g-n), 16 U.S.C. 1241, 16 U.S.C. 1271, 43 U.S.C. 1701 *et seq.*)

[43 FR 40736, Sept. 12, 1978]

§ 8300.0-2 Objective.

The objectives are to provide access to the public lands for those who wish to use them, to minimize conflicts among users, and to prevent damage to natural resources by recreation activities.

(16 U.S.C. 460(1-6a), 16 U.S.C. 670(g-n), 16 U.S.C. 1241, 16 U.S.C. 1271, 43 U.S.C. 1701 *et seq.*)

[43 FR 40736, Sept. 12, 1978]

§ 8300.0-6 Policy.

(a) As appropriate for management and public identification purposes, lands having significant natural values may be designated under provisions of Part 2070 of this chapter and segregated under applicable authorities.

(b) In cooperation with State and local government and private landholders, the Bureau of Land Management shall endeavor to provide for public access to public lands with outdoor recreation values.

(16 U.S.C. 460(1-6a), 16 U.S.C. 670(g-n), 16 U.S.C. 1241, 16 U.S.C. 1271, 43 U.S.C. 1701 *et seq.*)

[43 FR 40736, Sept. 12, 1978]

PART 8340—OFF-ROAD VEHICLES

Subpart 8340—General

Sec.

8340.0-1 Purpose.

8340.0-2 Objectives.

8340.0-3 Authority.

Sec.

8340.0-5 Definitions.

8340.0-7 Penalties.

8340.0-8 Applicability.

Subpart 8341—Conditions of Use

8341.1 Regulations governing use.

8341.2 Special rules.

Subpart 8342—Designation of Areas and Trails

8342.1 Designation criteria.

8342.2 Designation procedures.

8342.3 Designation changes.

Subpart 8343—Vehicle Operations

8343.1 Standards.

Subpart 8344—Permits

8344.1 Permit requirements.

AUTHORITY: 43 U.S.C. 1201, 43 U.S.C. 315a, 16 U.S.C. 1531 *et seq.*, 16 U.S.C. 1281c, 16 U.S.C. 670 *et seq.*, 16 U.S.C. 4601-6a, 16 U.S.C. 1241 *et seq.*, and 43 U.S.C. 1701 *et seq.*

SOURCE: 44 FR 34836, June 15, 1979, unless otherwise noted.

Subpart 8340—General

§ 8340.0-1 Purpose.

The purpose of this part is to establish criteria for designating public lands as open, limited or closed to the use of off-road vehicles and for establishing controls governing the use and operation of off-road vehicles in such areas.

§ 8340.0-2 Objectives.

The objectives of these regulations are to protect the resources of the public lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

§ 8340.0-3 Authority.

The provisions of this part are issued under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*); the Taylor Grazing Act (43 U.S.C. 315a); the Endangered Species Act (16 U.S.C. 1531 *et seq.*); the Wild and Scenic Rivers Act (16 U.S.C. 1281c); the Act of September 15, 1960, as amended (16 U.S.C. 670 *et seq.*); the Land and Water Conservation Fund Act (16 U.S.C. 460 1-6a); the National Trails System Act

(16 U.S.C. 1241 *et seq.*) and E.O. 11644 (Use of Off-Road Vehicles on the Public Lands), 37 FR 2877, 3 CFR Part 74, 332, as amended by E.O. 11989 42 FR 26959 (May 25, 1977).

§ 8340.0-5 Definitions.

As used in this part:

(a) "Off-road vehicle" means any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain, excluding: (1) Any nonamphibious registered motorboat; (2) any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes; (3) any vehicle whose use is expressly authorized by the authorized officer, or otherwise officially approved; (4) Vehicles in official use; and (5) any combat or combat support vehicle when used in times of national defense emergencies.

(b) "Public lands" means any lands the surface of which is administered by the Bureau of Land Management.

(c) "Bureau" means the Bureau of Land Management.

(d) "Official use" means use by an employee, agent, or designated representative of the Federal Government or one of its contractors, in the course of his employment, agency, or representation.

(e) "Planning system" means the approach provided in Bureau regulations, directives and manuals to formulate multiple use plans for the public lands. This approach provides for public participation within the system.

(f) "Open areas and trails" are designated areas and trails where off-road vehicles may be operated subject to the operating regulations and vehicle standards set forth at Subparts 8341 and 8343 of this part.

(g) "Limited areas and trails" are designated areas and trails where the use of off-road vehicles is subject to restrictions deemed appropriate by the authorized officer. Restrictions may limit the number or types of vehicles allowed, dates and times of use, and similar matters. Limited areas and trails may be designated for special or intensive use, including, but not limited to, organized events, and may be

subject to but not limited to, rules set forth at § 8341.2.

(h) "Closed areas and trails" are designated areas and trails where the use of off-road vehicles is permanently or temporarily prohibited.

(i) "Spark arrester" is any device which traps or destroys 80 percent or more of the exhaust particles to which it is subjected.

§ 8340.0-7 Penalties.

Any person who violates or fails to comply with the regulations of Subparts 8341 and 8343 is subject to arrest, conviction, and punishment pursuant to appropriate laws and regulations. Such punishment may be a fine of not more than \$1,000 or imprisonment for not longer than 12 months, or both.

§ 8340.0-8 Applicability.

The regulations in this part apply to all public lands, roads, and trails under administration of the Bureau.

Subpart 8341—Conditions of Use

§ 8341.1 Regulations governing use.

(a) The operation of off-road vehicles is permitted on those areas and trails designated as open to off-road vehicle use.

(b) Any person operating an off-road vehicle on those areas and trails designated as limited shall conform to all terms and conditions of the applicable designation orders.

(c) The operation of off-road vehicles is prohibited on those areas and trails closed to off-road vehicle use.

(d) It is prohibited to operate an off-road vehicle in violation of State laws and regulations relating to use, standards, registration, operation, and inspection of off-road vehicles. To the extent that State laws and regulations do not exist or are less stringent than the regulations in this part, the regulations in this part are minimum standards and are controlling.

(e) No person may operate an off-road vehicle on public lands without a valid State operator's license or learner's permit where required by State or Federal law.

(f) No person shall operate an off-road vehicle on public lands:

(1) In a reckless, careless, or negligent manner;

(2) In excess of established speed limits;

(3) While under the influence of alcohol, narcotics, or dangerous drugs;

(4) In a manner causing, or likely to cause significant, undue damage to or disturbance of the soil, wildlife, wildlife habitat, improvements, cultural, or vegetative resources or other authorized uses of the public lands; and

(5) During night hours, from a half-hour after sunset to a half-hour before sunrise, without lighted headlights and taillights.

(g) Drivers of off-road vehicles shall yield the right-of-way to pedestrians, saddle horses, pack trains, and animal-drawn vehicles.

(h) Any person who operates an off-road vehicle on public lands must comply with the regulations in this part, and in § 8341.2 as applicable, while operating such vehicle on public lands.

[44 FR 34836, June 15, 1979, as amended at 45 FR 47843, July 17, 1980]

§ 8341.2 Special rules.

(a) Notwithstanding the consultation provisions in § 8342.2(a), where the authorized officer determines that off-road vehicles are causing or will cause considerable adverse effects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, other authorized uses, or other resources, the authorized officer shall immediately close the areas or trails affected to the type(s) of vehicle causing the adverse effect until the adverse effects are eliminated and measures implemented to prevent recurrence. Such closures will not prevent designation in accordance with procedures in Subpart 8342 of this part, but these lands shall not be opened to the type(s) of off-road vehicle to which it was closed unless the authorized officer determines that the adverse effects have been eliminated and measures implemented to prevent recurrence.

(b) Each State director is authorized to close portions of the public lands to use by off-road vehicles, except those areas or trails which are suitable and specifically designated as open to such use pursuant to Subpart 8342 of this part.

Subpart 8342—Designation of Areas and Trails

§ 8342.1 Designation criteria.

The authorized officer shall designate all public lands as either open, limited, or closed to off-road vehicles. All designations shall be based on the protection of the resources of the public lands, the promotion of the safety of all the users of the public lands, and the minimization of conflicts among various uses of the public lands; and in accordance with the following criteria:

(a) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, air, or other resources of the public lands, and to prevent impairment of wilderness suitability.

(b) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats. Special attention will be given to protect endangered or threatened species and their habitats.

(c) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

(d) Areas and trails shall not be located in officially designated wilderness areas or primitive areas. Areas and trails shall be located in natural areas only if the authorized officer determines that off-road vehicle use in such locations will not adversely affect their natural, esthetic, scenic, or other values for which such areas are established.

§ 8342.2 Designation procedures.

(a) *Public participation.* The authorized officer shall, to the extent practical, designate and redesignate

areas and trails in conjunction with the Bureau planning system for the formulation of multiple-use management plans. Plans shall consider current and potential impacts of specific vehicle types on all resources and users in the region of the area under consideration. Prior to making designations or redesignations, the authorized officer shall consult with interested user groups, Federal, State, county, and local agencies, local landowners, and other parties in a manner that provides an opportunity for the public to express itself and have those views taken into account.

(b) *Identification of designated areas and trails.* The authorized officer shall, after designation, take action by marking and other appropriate measures to identify designated areas and trails so that the public will be aware of locations and limitations applicable thereto. Public notice of designations or redesignations shall be given at the time of designation or redesignation through publication in the FEDERAL REGISTER and local news media. Copies of such notices shall be available to the public in local Bureau offices. The authorized officer will make available to the public appropriate informational material, including maps.

§ 8342.3 Designation changes.

Monitoring use. The authorized officer shall monitor effects of the use of off-road vehicles. On the basis of information so obtained, and whenever the authorized officer deems it necessary to carry out the objectives of this part, designations may be amended, revised, revoked, or other actions taken pursuant to the regulations in this part.

Subpart 8343—Vehicle Operations

§ 8343.1 Standards.

(a) No off-road vehicle may be operated on public lands unless equipped with brakes in good working condition.

(b) No off-road vehicle equipped with a muffler cutout, bypass, or similar device, or producing excessive noise exceeding Environmental Protection

Agency standards, when established, may be operated on public lands.

(c) By posting appropriate signs or by marking a map which shall be available for public inspection at local Bureau offices, the authorized officer may indicate those public lands upon which no off-road vehicle may be operated unless equipped with a properly installed spark arrester. The spark arrester must meet either the U.S. Department of Agriculture—Forest Service Standard 5100-1a, or the 80-percent efficiency level standard when determined by the appropriate Society of Automotive Engineers (SAE) Recommended Practices J335 or J350. These standards include, among others, the requirements that: (1) The spark arrester shall have an efficiency to retain or destroy at least 80 percent of carbon particles for all flow rates, and (2) the spark arrester has been warranted by its manufacturer as meeting this efficiency requirement for at least 1,000 hours subject to normal use, with maintenance and mounting in accordance with the manufacturer's recommendation. A spark arrester is not required when an off-road vehicle is being operated in an area which has 3 or more inches of snow on the ground.

(d) Vehicles operating during night hours, from a half-hour after sunset to a half-hour before sunrise, shall comply with the following:

(1) Headlights shall be of sufficient power to illuminate an object at 300 feet at night under normal, clear atmospheric conditions. Two- or three-wheeled vehicles or single-tracked vehicles will have a minimum of one headlight. Vehicles having four or more wheels or more than a single track will have a minimum of two headlights, except double tracked snowmachines with a maximum capacity of two people may have only one headlight.

(2) Red taillights, capable of being seen at a distance of 500 feet from the rear at night under normal, clear atmospheric conditions, are required on vehicles in the same numbers as headlights.

Subpart 8344—Permits

§ 8344.1 Permit requirements.

Permits are required for certain types of ORV use and shall be issued in accordance with the special recreation permit procedures under Subpart 8372 of this chapter.

PART 8350—MANAGEMENT AREAS

Subpart 8351—Designated National Area

Sec.

- 8351.0-1 Purpose.
- 8351.0-2 Objective.
- 8351.0-3 Authority.
- 8351.0-6 Policy.
- 8351.1 National trails systems.
- 8351.1-1 National scenic trails.
- 8351.2 Rivers.
- 8351.2-1 Special rules.

Subpart 8352—Established Areas

- 8352.0-1 Purpose.
- 8352.0-2 Objectives.
- 8352.0-5 Definitions.
- 8352.0-6 Policy.
- 8352.1 Use of outstanding natural areas.
- 8352.2 Use of recreation lands. [Reserved]
- 8352.3 Use of scenic areas. [Reserved]
- 8352.4 Use of primitive areas.

AUTHORITY: 16 U.S.C. 1241, 16 U.S.C. 1271, 43 U.S.C. 1701 *et seq.*

SOURCE: 43 FR 40736, Sept. 12, 1978, unless otherwise noted.

Subpart 8351—Designated National Area

§ 8351.0-1 Purpose.

To provide procedures for the management of lands administered under provisions of the Wild and Scenic Rivers Act and the National Trails System Act.

§ 8351.0-2 Objective.

To assure that all public lands administered under provisions of the Wild and Scenic Rivers Act and the National Trails System Act are managed in a manner consistent with the purposes of these Acts.

§ 8351.0-3 Authority.

The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 *et seq.*).