

## BUREAU OF LAND MANAGEMENT

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The Bureau of Land Management (BLM) manages 264 million acres of some of the most magnificent public lands in the American West – nearly as much as the Forest Service and National Park Service combined. While the BLM may not be as familiar to people as the Park Service, Americans know these lands from the paintings of Georgia O’Keefe, the adventure books of Zane Gray and movies starring John Wayne. BLM lands are also important ecologically. They support 228 species listed as threatened or endangered and over 1,500 “sensitive” species. Ninety million acres provide key habitat for big game, including antelope, bison, sheep, and elk, while more than 175 million acres are important for 400 species of songbirds. BLM lands are also rich in relatively undisturbed archeological sites: an estimated 4 million sites have been identified.

Unfortunately, BLM lands are increasingly threatened by all-terrain vehicles (ATVs), dirt bikes, dune buggies and other off-road vehicles. Uncontrolled off-road vehicle use causes soil erosion, destroys plants, fills streams with sediment, spreads invasive weeds and harms wildlife. To make matters worse, these vehicles can go almost anywhere – approximately 93 percent of BLM land in the continental United States is open in some form to off-road vehicles.

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### **BLM has Clear Legal Authority to Control Off-Road Vehicle Use:**

The Bureau of Land Management has clear authority to control off-road vehicle abuse on public lands under a number of existing statutes, regulations and Executive Orders. Key sources of this authority include:

- Executive Order 11644, issued by President Nixon in 1972, states that “the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among various uses of those lands.”
- Executive Order 11989, issued by President Carter in 1977, directs federal land managers to close land to off-road vehicles where their use “will cause or is causing considerable adverse effects on soil, vegetation, wildlife, wildlife habitat or cultural or historic resources...until such time as [the manager] determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence.” (emphasis added)

- Regulations codified at 43 C.F.R. 8340 et seq. implement the Executive Orders. They require that areas and routes for off-road vehicle use shall be designated to minimize conflicts with other visitors and impacts on natural resources.
- The 1976 Federal Land Policy and Management Act, at 43 U.S.C. 1782(c), requires the BLM to manage wilderness study areas so that their suitability as wilderness will not be impaired and, at 43 U.S.C. 1732(b), so that BLM lands are not unduly or unnecessarily degraded.

### **Damaging the Land:**

Dirt bikes, ATVs and other off-road vehicles churn up vast swaths of public lands every year with corresponding adverse impacts on soils, plants and water.

- In BLM’s Hollister Resource Area in California, dirt bikes and ATVs are causing serious erosion in the 50,000 acre Clear Creek watershed. The Fish and Wildlife Service estimates that off-road vehicles generate 160,000 tons of soil erosion each year, much of which fills portions of Clear Creek with sediment.

- A 2001 Sierra Club report entitled “Shredded Wildlands” describes the status of BLM lands in central Alaska: “ATV trails radiate from either side of the Denali Highway. On many drier knolls and ridges, the vegetation and topsoil have been worn away, exposing mineral soil and initiating erosion. Where trails traverse permafrost and wetland terrain, glistening dark scars contrast starkly with the natural green and rust colors of the tundra. Trails crossing wetlands are often in excess of thirty feet wide. Heavy rutting is common.”

### **Polluting the Air and Water:**

Many dirt bikes, ATVs and snowmobiles are powered by two-stroke engines that were invented in the 1940s.

- According to the U.S. Environmental Protection Agency (EPA), the average two-stroke engine, which burns a combination of gas and oil, dumps 25 to 30 percent of its fuel mixture unburned into the air and water.
- Unburned fuel contains a host of toxic chemicals, including benzene, formaldehyde and methyl tertiary butyl ether (MTBE).
- The severity of the air pollution problem nationwide triggered a provision in the Clean Air Act that required the EPA to develop and issue air pollution limits for dirt bikes, ATVs and snowmobiles. Final standards were issued in September 2002.

### **Harming Wildlife:**

Off-road vehicles have a wide range of damaging effects on many species of wildlife. Some are direct and highly visible ranging from chasing and harassment to mortality. Others are indirect and less obvious, but no less serious, including behavioral changes and habitat fragmentation.

- BLM lands in the Mojave Desert provide critical habitat for the threatened desert tortoise. Several studies throughout the region have documented how dirt bikes, ATVs and other off-road vehicles kill tortoise – these rare animals have literally been crushed under the wheels of larger vehicles – and destroy underground burrows that provide refuge for tortoise and their young during daylight hours.
- In the Ironwood National Monument in Arizona, sensitive desert washes, which collect, channel, and store limited rainfall, are being damaged by off-road vehicles. The BLM has concluded that recreational off-road vehicle use in washes “degrades habitat for desert tortoise, pygmy owls as well as a host of other species.... The effects, (soil compaction, erosion, vegetation destruction, disturbance, accidental death, deliberate poaching), are immediate and long-lasting.”

### **Threatening Public Safety:**

Off-road vehicles are more than a threat to the land, water and wildlife – they put their riders and other visitors to public lands at risk.

- A January 2002 *New York Times* story on off-road vehicle use in the BLM-managed Imperial Sand Dunes in southern California was entitled “A Holiday of Mayhem in ‘The Most Illegal Place in the World.’” After the article describes a scene in which a pickup bursts into flames to the cheers of a “mob,” a ranger is quoted as saying: “It’s a real mess down there..... We don’t want to send any [law enforcement] officers down there because we can’t be sure they’d be safe.”
- Between 1993 and 2001, the U.S. Consumer Product Safety Commission estimates that the number of injuries caused by ATV accidents more than doubled -- from 49,800 to 111,700. This increase occurred during a period in which the industry increasingly touted its education and safety campaigns.