

**MEMORANDUM OF INTENT
between**

**USDA Forest Service
and The
Off-Highway Motor Vehicle Recreation Commission, and
The Division of Off-Highway Motor Vehicle Recreation of the
Department of Parks and Recreation**

This MEMORANDUM OF INTENT is hereby entered into by and between the USDA Forest Service, The California Off-Highway Motor Vehicle Recreation Commission, and the Off-Highway Motor Vehicle Recreation (OHMVR) Division of the California Department of Parks and Recreation (Department).

RECITALS

WHEREAS, the Forest Service, the Commission, and the Department want to provide responsible and consistent management of off-highway vehicle (OHV) use, high quality recreation opportunities, protect the environment, and minimize conflicts in recreational uses; and

WHEREAS, Forest Service regulation and policy direct agency managers to designate legal OHV roads, trails and areas; and

WHEREAS, California Code of Regulations, title 14, section 4970.01 provides that the OHV grants and cooperative agreements program was established to:

. . . [P]rovide financial assistance to cities, counties, appropriate districts, and agencies of the United States to develop and maintain high quality OHV recreation areas, protect the environment, and provide adequate public safety services; and

WHEREAS, California Public Resources Code section 5090.02 provides in part:

- (a) The Legislature finds that off-highway motor vehicles are enjoying an ever-increasing popularity in California and that the indiscriminate and uncontrolled use of those vehicles may have a deleterious impact on the environment, wildlife habitats, native wildlife, and native flora.
- (b) The Legislature hereby declares that effectively managed areas and adequate facilities for the use of off-highway vehicles and conservation and enforcement are essential for ecologically balanced recreation; and

WHEREAS, the common goal of the Forest Service, the Commission, and the Department is to improve management of OHV use on National Forest System lands in California by accomplishing the following:

- Inventory and map classified and unclassified OHV trails and unclassified roads;
- Inventory and map off-route impact areas;
- Designate trails, roads, and specifically defined open areas for OHV use;
- Develop Forest Orders to protect natural resources and aid law enforcement; and
- Establish consistent standards for OHV signs and user maps; and

WHEREAS, the activities contemplated by this Memorandum of Intent are necessary for the conservation of natural resources and the proper enforcement of OHV laws and policies; and

WHEREAS, the Commission has provided \$2,000,000 to the Forest Service for an OHV route inventory in August 2001, and \$1,800,000 in February 2003 from the OHV Grants and Agreements program as the first step toward designating OHV routes; and

WHEREAS, the Forest Service, the Commission, and the Department recognize that future funding is necessary and will need to be available in order for the Forest Service to complete the inventory process; and

WHEREAS, funding for the route designation process is subject to future appropriations by the California Legislature and allocation of funds for grants by future Commissions; and

WHEREAS, the Commission establishes policy for the direction of the OHMVR Division of the Department of Parks and Recreation and the program and desires to provide such policy direction to reflect its intent with regard to the future applications of funding for the improvement of management of OHV use on National Forest System lands; and

WHEREAS, the Forest Service acknowledges the need to maintain trails to provide OHV opportunities and to protect the environment;

NOW THEREFORE BE IT RESOLVED THAT subject to the recitations above, the Forest Service, the Commission and the Department agree as follows:

FOREST SERVICE GOALS AND RESPONSIBILITIES

- A. Dependent on future funding, the Forest Service hereby sets the following goals:
1. The Regional Forester will:
 - a. Provide leadership and assistance to Forest Supervisors on inventory, designation, Forest Orders, public involvement, signs, and user maps of OHV recreation opportunities; and
 - b. Provide criteria for environmental analysis and route designation to Forest Supervisors.
 2. Forest Supervisors will:
 - a. Follow the 5-step OHV Route Designation Strategy Pyramid (Attachment 1) for OHV route designations;

- b. Designate OHV roads, trails, and specifically defined open areas for motorized wheeled vehicles on maps of the 19 National Forests in California according to the timetable in Attachment 1 except that the Klamath and Shasta-Trinity National Forests will have one year added to each due date in Attachment 1 and B.2;
- c. Involve the public in identifying, reviewing, inventorying, and designating OHV routes, and in identifying and restoring off-route impact areas; and
- d. Continue to maintain trails to provide OHV opportunities and to protect the environment.

B. Dependent on future funding, the Forest Service shall commit to the following deliverables:

- 1. The Regional Forester will:
 - a. Develop a ("How To") Guidebook on identification, mapping, inventory, designation, Forest Orders, and public involvement by December 2003;
 - b. Develop a Regional Regulation to enforce restrictions on OHV travel under 36 Code of Federal Regulations section 261, Subpart C, and propose a national Regulation under 36 Code of Federal Regulations section 261, Subpart A;
 - c. Review and respond to Forest Supervisors' requests for adjustments in deliverables needed due to emergencies and unforeseen circumstances; and
 - d. Provide written semi-annual accomplishment reports with maps and details on these deliverables to the Commission and the California Department of Parks and Recreation.
- 2. The Forest Supervisors will:
 - a. Enter data on unclassified OHV roads and trails, classified OHV trails, and specifically defined open areas in the 19 National Forests in California from GPS data or maps into the Forest Service Geographic Information System (GIS) and INFRA database by December 2005;
 - b. Identify, map, and enter data on off-route impact areas into GIS by December 2005;
 - c. Conclude public comments on the completeness of OHV route inventories by March 2006;

- d. Complete issuing Forest Orders prohibiting wheeled vehicles off of mapped roads, trails, and any specifically defined open areas by June 2006;
- e. Propose designated OHV routes and any specifically defined areas for motorized wheeled vehicles by September 2006;
- f. Conclude public comment on proposed OHV route designations by February 2007;
- g. Conduct analysis of roads and trails as required by Forest Service policy;
- h. Designate OHV roads, trails, and any specifically defined open areas for motorized wheeled vehicles on maps of the 19 National Forests in California by December 2007; and
- i. Issue Forest Orders, signs, and user maps to enforce designations by September 2008.

COMMISSION AND DEPARTMENT RESPONSIBILITIES

- A. Subject to future appropriations by the California Legislature and allocation of funds by future Commissions, the Commission and the Department intend as follows:
 1. The Commission intent shall be to:

Provide \$2,000,000.00 each year for 4 years starting in 2003-2004 and ending in 2006-2007, to assist the Forest Service in completing the mapping, designation, Forest Orders, signs, and maps of OHV routes on the 19 National Forests in California as outlined above.
 2. The OHMVR Division of the Department of Parks and Recreation will:

Provide necessary support to implement Commission decisions.

MUTUAL UNDERSTANDING

The Forest Service, the Commission, and the Department mutually agree and understand as follows:

1. Type of Work. The work described herein does not involve any ground disturbing work and does not require compliance with State Soil Conservation Guidelines/Standards or State Wildlife Habitat Protection Plans.
2. Sufficient Funding. The parties to this agreement understand that full funding each year is contingent on appropriation of sufficient funding by the California Legislature and the decision of future Commissions to allocate

funds. If sufficient funding is not provided or is substantially reduced, this agreement may be renegotiated.

3. Freedom of Information Act. Any information furnished to the Forest Service under this Memorandum of Intent is subject to the Freedom of Information Act (5 U.S.C. § 552).
4. Participation in Similar Activities. This Memorandum of Intent in no way restricts the Forest Service, the Commission, and/or the Department from participating in similar activities with other public or private agencies, organizations, or individuals.
5. Commencement/Expiration/Termination. This Memorandum of Intent takes effect upon the signature of an authorized representative of the Forest Service, the Commission, and the Department and shall remain in effect for 5 years from the date of execution. This Memorandum of Intent may be extended or amended upon the written request of either the Forest Service, the Commission, or the Department and the subsequent written concurrence of the others. The Forest Service, the Commission, and/or the Department may terminate this Memorandum of Intent by providing the other parties with 60-day written notice.
6. Responsibilities of the Parties. The Forest Service, the Commission, and the Department and their respective agencies and offices will be responsible for coordination and implementation of their own activities in pursuing the objectives identified in this Memorandum of Intent. By signing this document, each party represents that it will carry out its separate activities in good faith and in a coordinated and mutually beneficial manner.
7. Contact Information.
Off Highway Motor Vehicle Recreation Commission – Chairman
Off Highway Motor Vehicle Recreation Division – Deputy Director
US Forest Service – Regional OHV Coordinator,
8. No Obligation of Funds. Nothing in this Memorandum of Intent shall obligate the Forest Service, the Commission, or the Department to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies and offices of the Forest Service, the Commission, and the Department will require the execution of separate agreements and will be contingent upon the yearly appropriation of funding by the California Legislature and approval by future Commissions. Such activities must be independently authorized by the appropriate statutory authority. This Memorandum of Intent does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.

9. No Establishment of Responsibility. This Memorandum of Intent is not intended to, and does not, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any other person or entity.
10. Authority to Execute. Each party to this Memorandum of Intent represents and warrants that the person who has signed this Memorandum of Intent on its behalf is duly authorized to do so, and to bind that party to the terms and conditions of this Memorandum of Intent.

IT IS SO AGREED.

CALIFORNIA OFF-HIGHWAY MOTOR
VEHICLE RECREATION COMMISSION

By: /s/ Paul Spitler
Paul J. Spitler, Chairman

CALIFORNIA DEPARTMENT OF
PARKS AND RECREATION

By: /s/ Ruth Coleman
Ruth Coleman, Acting Director

USDA FOREST SERVICE

By: /s/ Jack A. Blackwell
Jack A. Blackwell, Regional Forester, R5

By: /s/ Bert Kulesza
for Jack G. Troyer, Regional Forester, R4

August 11, 2003
Date