

As many of you are aware, the Forest Service has proposed to ban off-highway vehicles (OHVs) from its “Maintenance Level” (ML) 3-5 roads on national forests throughout California. The agency continues to insist that it is simply moving forward with this ban in order to comply with the California Vehicle Code (CVC). However, the California Highway Patrol (CHP) has repeatedly instructed the Forest Service that it does not consider ML-3 roads to be “highways” under the CVC and that green sticker OHVs can be used on non-paved roads consistent with state and county regulations.

For these reasons, I have contacted the Forest Service numerous times to advocate for continued mixed-use on Forest Service roads. Last May, I, along with Representatives McClintock, Lungren, and Radanovich, sent a [letter](#) to Forest Service Chief Gail Kimbell regarding a number of issues with the travel management process in California. In its response, the Forest Service assured me and the other Representatives that the Forest Service’s Region 5 was acting in accordance with national policy on OHV-use by making its regulations consistent with state policy, despite correspondence dating back to 2007 from the CHP informing the Forest Service that the CHP had never meant “to imply that the [Forest Service] could not designate their ML-3 roadways for legal OHV use,” and that such roads would “be eligible for [the Forest Service’s] mixed-use definition.” In essence, while the Forest Service technically can define ML-3 roadways as “highways” and ban OHV-use under the vehicle code, it is not required by state law and would actually be contrary to such.

Notwithstanding the argument over whether ML-3 roads can be classified as “highways,” the Forest Service also informed me that each individual national forest retains the authority to “declassify,” or down grade, ML-3 roads to an ML-2 designation for which OHV-use is allowed. Based on that information, I [contacted](#) the Shasta-Trinity National Forest Supervisor after the release of the draft travel management environmental impact statement – which seeks to restrict OHV use by 90% or more – to request that declassification and other issues be given consideration as they finalize their plan to ensure continued OHV-access despite the regional office’s directive on ML-3 roads. Shortly thereafter, and upon meeting with local OHV advocates and Shasta County supervisors, the Forest Supervisor requested a review of the ML-3 policy from the regional office, for which I promptly sent another [letter](#) in support.

In its response to this most recent correspondence, the Forest Service regional office remains committed to its ML-3 policy, and again cites the CVC as justification for its decision, even going so far as to say that the CHP agrees with the Forest Service’s decision. However, shortly after I received this response, the CHP again wrote the Forest Service regional office to explain that

after analyzing the CVC and Forest Service definitions of ML 1-5 and mixed-use roads, “it was concluded that ML-3 roads do not meet the definition of a ‘highway’.” Moreover, as we all share in the public safety interests of OHV and other forest road users, the CHP advocates for improving safety through expanded public education and outreach – as opposed to simply restricting use - and is willing to assist in such.

In short, the Forest Service is at a bureaucratic crossroads in implementing its travel management plan on the Shasta-Trinity National Forest and across the State. It is difficult to fathom how it continues to maintain its position on ML-3 roads despite the guidance of the CHP and the input of local government and stakeholders. I strongly support multiple-use of our federal lands and will continue to do all I can to advocate for a more balanced OHV policy. I will continue to engage in this fight to get the agency to listen to the CHP and the people it serves and work with them to develop a coordinated and rational approach for OHV access on our national forests.