



DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Parts 212, 261

Travel Management; National Forest System Lands

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The U.S. Department of Agriculture (USDA) is initiating an environmental impact statement and rulemaking to revise the Forest Service's travel management regulations, 36 CFR part 212. The proposed action would establish a uniform national policy favoring increased access while simplifying regulatory requirements and preserving local decision-making. The proposed access rule would establish a national policy with a presumption that existing roads, trails, airfields, trailheads, and other access routes and points on National Forest System lands are open to appropriate public use unless closure or restriction is required by applicable law, valid existing rights, or another governing instrument, or supported by specific, documented and justifiable reasons based on science-based resource conditions, public safety, conflicts among uses, or maintenance and administrative capacity. Commonly available public data sets, including aerial imagery, may be used as evidence that a physical route or airfield exists or existed at a time relevant under the definition adopted in the proposed rule, but would not by themselves establish that the feature is part of the forest transportation system, that the Forest Service has jurisdiction or sufficient legal access, or that it is open to a particular public use. The proposed access rule would require annual review of all trails, roads, airfields, trailheads, and other access routes and points that are closed or highly restricted. The proposed access rule would establish processes and conditions for limited off-route motor vehicle use and other motorized equipment for, among other things, downed big-

game retrieval, firewood collection and dispersed camping, and for designating areas for over-snow and other motorized recreation.

The presumption embodied in the national policy would guide future decisions and would not itself change the legal status of any road, trail, airfield, trailhead, area, or other access route or point. Any change in lawful use resulting from a vehicle- or use-specific exemption would be limited to the scope and conditions expressly provided in the revised regulations. Existing motor vehicle use designations and maps would remain in effect until revised under the amended regulations. The environmental impact statement will evaluate the impacts of the proposed rule revisions and study alternatives for managing public access, including the motorized and other forms of access addressed by the proposed rule, on National Forest System lands in the context of multiple-use resource management. USDA invites written comments on alternatives, effects, and relevant information, studies, or analyses related to the proposal.

DATES: Comments must be received in writing by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

ADDRESSES: Additional information, including the eventual publication of the environmental impact statement and record of decision, can be found on the following website: <https://www.fs.usda.gov/visit/recreation/programs/off-highway-vehicle-program>. Comments must be submitted via one of the following methods:

- *Electronically (preferred):* Through the Federal eRulemaking Portal, <https://www.regulations.gov>, identified by docket number FS-2026-0100. Follow the instructions for submitting comments.
- *Mail:* Hardcopy letters must be submitted to the Director, Public Benefits, 201 14th Street SW, Public Benefits Office, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Jim Bacon, Acting Director, Public Benefits, at the following phone number: 707-562-8856. Individuals who are deaf, hard

of hearing, or have a speech disability may call 711 to reach the Telecommunications Relay Service, then provide the phone number of the person named as a point of contact for further information.

SUPPLEMENTARY INFORMATION:

Background

Overview of the Travel Management Rule

The Travel Management Rule (TMR), found at 36 Code of Federal Regulations (CFR) part 212, provides the regulatory framework for managing the National Forest System (NFS) transportation system and public motor vehicle use. The rule is organized into subparts A, B, and C.

Most operative provisions now in subpart A predate the 2005 TMR. In 2005, the Forest Service designated existing sections 212.1 through 212.21 as subpart A and revised section 212.1. Subpart A outlines how the Forest Service (Agency) plans, develops, and manages the forest transportation system. It includes definitions, requirements for the transportation program, and specific provisions related to:

- Cooperative work with partners (section 212.3).
- Road construction and maintenance and road system management (sections 212.4 and 212.5).
- Ingress and egress rights, access procurement by the United States, and permission to cross NFS lands and easements (sections 212.6, 212.7, and 212.8).
- Principles for shared use of roads (section 212.9).
- Maximum economy road standards (section 212.10).
- Administration of the Pacific Crest National Scenic Trail (section 212.21).

These provisions establish the access, construction and maintenance, cooperative management, procurement, and fiscal responsibilities necessary for administering the forest transportation system.

Part 295 implemented Executive Orders (E.O.s) 11644 and 11989 by providing for the designation of areas and trails on which off-road vehicle use was allowed, restricted, or prohibited. The 2005 TMR superseded part 295 and established subpart B's unit-wide system of motor vehicle use designations. The 2015 rule revised subpart C to require over-snow vehicle use designations on units with adequate snowfall where such use occurs. Subparts B and C:

- Require each unit to identify NFS roads, NFS trails, and areas on NFS lands that are designated for public motor vehicle use and generally prohibit motor vehicle use outside or inconsistent with those designations (sections 212.50 and 212.80).
- Establish criteria, public input requirements, coordination with governments, and environmental considerations for designations (sections 212.52, 212.53, and 212.55).
- Require publication of designations on motor vehicle use maps and over-snow vehicle use maps (sections 212.51, 212.56, and 212.81).
- Provide direction for revision of designations (section 212.54).
- Provide direction for monitoring effects of motor vehicle use (section 212.57).

Subparts B and C responded to growing off-road vehicle use and the need to protect natural resources from the proliferation of user-created routes and to reduce conflicts among uses. Publication of maps identifying designated roads, trails, and areas inform the public where, when, and which motor vehicle uses were permitted, and helped deter user-created routes and associated adverse environmental impacts.

Implementation of the Travel Management Rule Since 2005

Since 2005, all but 6 of the 154 national forest units and 20 national grassland units have established motor vehicle use maps (MVUMs) designating roads, trails, and areas open to public motor vehicle use. Over-snow vehicle use maps (OSVUMs) have been established on 25 of the estimated 101 units that receive adequate snowfall to

warrant over-snow travel management.

The TMR provided a complex procedural framework to counter the proliferation of user-created motor vehicle routes and established an inflexible, nationally-driven framework for designating roads, trails, and areas open or closed to public motor vehicle use. Maps showing these designations were published and are presently in use on those administrative units where travel management planning has been completed.

Rescission of Executive Orders 11644 and 11989

On May 29, 2026, the President signed E.O. 14408, *Removing Unnecessary and Counterproductive Restrictions on Access to Federal Lands*. E.O. 14408 rescinded E.O.s 11644 and 11989, which the current TMR implemented, and directed relevant agencies to initiate rulemaking to rescind or revise regulations previously adopted to implement those Orders.

Purpose and Need

Under the Secretary's statutory authority to regulate the use and occupancy of NFS lands, including 16 U.S.C. 551, and, as applicable to national grasslands and other lands administered under title III of the Bankhead-Jones Farm Tenant Act, 7 U.S.C. 1011(f), and in light of the administrative costs and challenges associated with implementing the TMR, and recognizing the policy set forth in E.O. 14408, the Department proposes to revise 36 CFR part 212 and associated provisions in part 261 to alleviate unnecessary regulatory burdens, establish a modern access and travel-management framework that addresses current needs and changing conditions, and increase public access to NFS lands while retaining legally required protections and building upon the designation and mapping framework established since 2005.

E.O. 14408 states that technological, operational, and land-management developments support replacing the designation criteria derived from E.O.s 11644 and 11989 with a framework grounded in applicable statutory authorities. Conditions within

and adjacent to NFS lands also have changed since the prior Executive Orders were issued and the travel management regulations were originally promulgated and revised. These changes include an expanding wildland-urban interface; growing impacts of extreme wildfire, drought, and insect and disease infestations; increasing public recreation and access needs; and changing recreation technology.

Based on the Department's review of past travel management public process comments, lawsuits, and planning implementation timeframes, the Department believes that specified TMR requirements governing designation, minimization, and narrowly defined prohibitions may overlap with requirements imposed by other authorities or may unnecessarily delay some designation revisions. Twenty years of implementation indicate that applying the same TMR-specific procedures to every designation revision, regardless of scale, may impose time and analytical burdens disproportionate to minor or iterative adjustments. The Department therefore is considering a framework that would distinguish clerical corrections and minor designation revisions from more substantive changes while retaining nationally uniform mapping, publication, transition, and enforcement requirements.

E.O. 14408 rescinded E.O.s 11644 and 11989 and directs agencies to rescind or revise regulations previously adopted to implement those Orders. The Department is exercising its independent statutory discretion to determine the most appropriate process for balancing competing values and uses, while ensuring public access to NFS lands within the existing multiple-uses framework.

Exercising its independent statutory authority, the Department proposes to remove the national minimization criteria and establish a nationally applicable access policy under which local officials would make designation and closure decisions based on documented local conditions and needs, subject to applicable law, valid existing rights, and the revised regulations.

Except as expressly identified in the proposed rule, the proposed action would not alter requirements imposed by other statutory authorities for environmental review, public involvement, or administrative review.

The Department proposes to replace the minimization criteria and other identified TMR-specific procedures with an access-oriented framework grounded in applicable statutes, regulations, and the proposed access rule, as follows:

- 1) Clarify the relationship between land management planning under the National Forest Management Act and travel management or access decisions under this part. Land management plans establish the broad, integrated framework for managing NFS lands. They do not themselves authorize individual projects or activities. Decisions concerning the designation, management, modification, or discontinuation of particular roads, trails, areas, and classes of motor vehicle use are implementation-level decisions that are appropriately made by responsible officials based on current site-specific conditions and management needs.
- 2) Experience implementing the 2005 TMR demonstrates that unnecessarily linking travel management decisions to land management planning can reduce the flexibility necessary to respond to changing access needs, recreation demands, resource conditions, wildfire and other disturbances, public safety concerns, maintenance capabilities, and available funding. Land management plans typically operate over long planning horizons, while transportation systems and public uses may require more timely adjustment.
- 3) Accordingly, the proposed rule would acknowledge the need to remain consistent with the National Forest Management Act but would clarify that travel management or access decisions are not land management planning decisions and need not be made through the procedures governing

development, amendment, or revision of land management plans, unless a plan amendment or revision is required to resolve inconsistency with an applicable plan component. Within those constraints, responsible officials would retain discretion to make access decisions under this part based on the circumstances presented at the time of the decision.

- 4) Travel planning is subject to review under the National Environmental Policy Act (NEPA), as applicable. For an EIS, USDA's NEPA regulations require analysis of reasonably foreseeable significant effects and provide for the use of design criteria, where appropriate, to avoid or minimize adverse effects (7 CFR 1b.7(h)(5)(i)-(ii), 1b.11(a)(11)-(12)).
- 5) Motor vehicle use designations also must comply with other applicable laws, including the Clean Water Act, Clean Air Act, Endangered Species Act, National Trails System Act, National Historic Preservation Act, and Wilderness Act. Because land management plans and NEPA do not necessarily supply all of the substantive designation criteria or public-participation procedures currently contained in part 212, the revised regulations would identify the standards and procedures that will govern future designation and closure decisions.

Revisions to 36 CFR parts 212 and 261 are proposed to remove the current minimization criteria and streamline specified process requirements in light of applicable statutory requirements.

Section 212.54 currently applies the public-involvement, governmental-coordination, and designation-criteria requirements in sections 212.52, 212.53, and 212.55 to revisions of motor vehicle use designations, including minor revisions. The proposed access rule will simplify this requirement, as the appropriate level of NEPA review depends on the circumstances, and clerical map corrections that do not revise a

designation may be handled separately. Section 212.54 applies the TMR-specific public-involvement, governmental-coordination, and designation-criteria requirements to revisions regardless of scale. The Department believes that applying the full set of those procedures to minor revisions may impose burdens disproportionate to the decision. The proposed rule therefore would distinguish clerical corrections and minor designation revisions from more substantial changes and specify the procedures applicable to each. Regular and timely updates to MVUMs and OSVUMs have been important to meet community needs and provide access for a broad range of recreational, subsistence, and other uses. These maps did not create, extinguish, or alter valid existing rights. The proposed access rule would require integrated digital maps to be made available to the public that show access rules for all trails, roads, airfields, trailheads, and other access routes and points and would be the authoritative public source for designations made under the revised regulations. The map would publish designations and restrictions adopted through the procedures prescribed by the revised regulations. A clerical map correction would not itself change lawful public use.

The proposed access rule would also support implementation of section 127 of the EXPLORE Act, which directs the Secretary to seek to provide publicly available, GIS-compatible motor vehicle use maps for each NFS unit within the statutory timeframe and to update those maps periodically, in accordance with existing law. The EXPLORE Act also directs the Secretary to seek to create additional opportunities, as appropriate and in accordance with existing law, for motorized and non-motorized access and recreation.

The purpose of the proposed action is deregulatory with an intent to modernize the Agency's travel-planning process, making it less burdensome, more efficient and timelier, and more responsive to recreational and other access needs on forests and grasslands across the country. The amended regulations would also support the Administration's focus on increasing access and recreational opportunities on Federal lands.

In addition, the Department seeks to reduce duplication between land management planning, environmental review, and travel planning.

Applicable land management plans and NEPA analysis inform local decisions but do not themselves establish all substantive or procedural standards for motor vehicle use designations. The amended regulations therefore would establish the governing national access and closure criteria and retain uniform mapping, publication, vehicle-class, transition, and enforcement requirements. Within that framework, local managers could update public motor vehicle access more efficiently based on documented local conditions, consistent with applicable law, valid existing rights, and other governing instruments.

Preliminary Description of Proposed Action

The proposed action would establish a new national policy to guide local travel-management decisions, remove the minimization criteria in subparts B and C, revise other identified process requirements, and separately amend subpart A as described below.

Future changes to public access covered by the amended regulations would be governed by the proposed access rule, applicable laws, valid existing rights, other governing instruments, and public participation and governmental coordination requirements identified in the amended rule, Tribal consultation requirements, local access needs, and documented resource and safety considerations. Maps showing designated roads, trails, airfields, trailheads, and other access routes and points would continue to be published and periodically updated for each NFS administrative unit.

The proposed regulations would establish a new regulatory framework governing local decision-making. The Department invites public comment on the following components of that framework:

1. The amended regulations would establish a presumption that existing roads, trails, airfields, trailheads, and other access routes and points on NFS lands are open to appropriate public use unless closure or restriction is required by applicable law, valid existing rights, or another governing instrument, or is supported by specific, documented and justifiable reasons based on science-based resource conditions, public safety, conflicts among uses, or maintenance and administrative capacity. This presumption would include access along section lines in certain national grasslands in North Dakota. The presumption would not itself establish the existence, ownership, or scope of a public right-of-way or establish Forest Service jurisdiction or legal access. Seasonal restrictions could be applied. The amended regulations would require, subject to available appropriations, an annual unit-level process to identify closed or highly restricted trails, roads, airfields, trailheads, and other access routes and points that may warrant reconsideration. The responsible official would conduct the review and indicate which routes or access points may be reconsidered for a change in status. A route would be reopened only through the process prescribed by the proposed access rule and only if reopening would be consistent with applicable law, valid existing rights, other governing instruments, available appropriations, and the governing access and closure criteria.
2. The proposed access rule would establish a requirement to consider new roads, trails, airfields, trailheads, and other access routes and points where appropriate to increase access. The policy would not itself authorize construction or commit resources and would remain subject to applicable law, valid existing rights, governing instruments, site-specific review, and available appropriations.
3. The proposed regulations would address Forest Service management of NFS airfields and the use of NFS lands for aircraft landing and takeoff. It would

identify the regulations and existing airfield or aircraft restrictions proposed for amendment and the criteria and process for opening, restricting, or closing an airfield.

4. The proposed access rule would establish processes and conditions for authorizing limited off-route motor vehicle and other motorized equipment use for, among other things, downed big-game retrieval, firewood collection, dispersed camping, and for designating areas for over-snow and other motorized recreation. The proposed regulations would specify whether each use would be authorized through a route or area designation, a written authorization, or a categorical exemption and would establish applicable geographic, seasonal, vehicle-class, and resource-protection conditions.

The proposed action would separately revise specified portions of subpart A. Specifically, section 212.5(b)(1) would be revised to replace the current minimum-road-system requirement with criteria for determining an adequate and appropriate forest transportation system, including access needs, resource protection, safety, maintenance capacity, and applicable land management plan components. Section 212.1 would be revised to define the vehicle and use categories subject to different designation or exemption requirements specified in subparts B and C and part 261, rather than relying exclusively on a motorized or nonmotorized classification. For each provision, the proposed rule would identify whether it would be eliminated, retained in the CFR, moved to another CFR provision, or moved to Agency directives, and would explain any resulting change in legal effect, enforceability, or third-party rights and obligations.

The proposed action would add specified categories of exempt vehicles or uses to the designation and prohibition framework in 36 CFR parts 212 and 261 and would revise that framework to accommodate new vehicle types and uses without relying on a binary motorized or nonmotorized classification.

For purposes of the proposal, “class 1 electric bicycle” would have the meaning in 23 U.S.C. 217(j)(2)(A) and (B)(i). The proposed action would exempt class 1 electric bicycles from the motor vehicle use designation requirement in 36 CFR 212.51(a) and the prohibition in 36 CFR 261.13 when operated on an NFS trail where bicycle use is allowed, subject to applicable land management plan direction, seasonal restrictions, orders, and site-specific restrictions adopted by the responsible official under the criteria and procedures in the proposed rule. The EIS would analyze an alternative retaining class 1 e-bikes as motor vehicles subject to motor vehicle use designations and alternatives adopting broader or narrower exemption conditions.

Any additional categorical authorization for low-powered electric mobility devices used by persons with mobility disabilities would be defined by objective criteria in the proposed rule, including the covered devices and the scope and conditions of the authorization, and coordinated with applicable disability-access requirements. Any additional authorization would supplement, and would not limit, existing rights or Agency obligations under applicable disability-access laws. These changes would be evaluated in light of approaches used by other Federal and State land management agencies.

With regard to subparts B and C, the proposed action would establish an access-planning process and would not itself authorize construction or other ground-disturbing activities or projects. The access presumption set forth in the national policy would guide future decisions and would not itself open a currently closed route, airfield, trailhead, or other access point except to the extent that the amended regulations expressly make a specified vehicle- or use-specific exemption self-executing. Existing motor vehicle use designations, including the designations shown on MVUMs and OSVUMs, would remain in effect until revised under the amended regulations. Prohibitions established under other authorities would remain in effect until modified, rescinded, or expired under those

authorities.

Future site-specific designation decisions would be made by local officials after analysis and evaluation of land and resource conditions, consistent with applicable law. If the rule removes sections 212.52 and 212.53, it would identify the public involvement, governmental-coordination, and Tribal-consultation requirements that will govern future designation and revision decisions.

Preliminary Description of Known Alternatives

In addition to the proposed action, the environmental impact statement (EIS) will analyze a no-action alternative that would retain the TMR in its current form. Known alternatives may include: applying the open-unless-closed presumption prospectively or making specified changes effective upon promulgation; limiting “existing” routes and airfields to features in the forest transportation atlas or using a broader evidentiary definition; retaining selected designation, public-involvement, coordination, or monitoring requirements; streamlining clerical map corrections and minor designation revisions; addressing subpart A separately; retaining class 1 e-bikes as motor vehicles subject to motor vehicle use designations; varying the scope or conditions of vehicle and use exemptions; and adopting different processes or conditions for off-route uses, over-snow travel, and airfields.

Preliminary List of Substantive Issues and Summary of Expected Impacts

The EIS will evaluate the anticipated impacts and benefits, including reasonably foreseeable impacts, related to:

- Public access to NFS lands, including for recreation, to facilitate subsistence or other uses, and to exercise legal rights. Impacts may include changes in access opportunities, use patterns, and conflicts among uses, depending on the transition provisions, exemptions, and later local decisions.
- Forest health and management, including timber management, fuels management,

and fire suppression. Impacts may include changes in the timing, cost, and availability of access for management and emergency response.

- Soil, water and air; plant and animal communities, including threatened, endangered, sensitive species; scenic integrity; recreation settings and opportunities; and cultural resources, traditional cultural properties, and sacred sites. Any self-executing vehicle or use exemption could directly affect these resources; other effects would depend on the location, timing, intensity, and conditions of later local decisions.
- Local and regional economies. Impacts may include shifts in recreation-related spending and changes in Agency, applicant, partner, and user costs associated with access decisions, mapping, maintenance, and enforcement.

Administration and management of roads, trails, airfields, trailheads, and areas, including mapping, maintenance, enforcement, annual-review workload, and reliance on existing designations and closures. Impacts may include but are not limited to changes in Agency costs, public notice, user compliance, use conflicts, and maintenance needs. The proposed action would not itself authorize road construction or other ground-disturbing development. Any self-executing vehicle or use exemption would remain subject to otherwise applicable statutory, regulatory, valid existing-rights, and other governing restrictions. The EIS would evaluate the direct programmatic effects of such exemptions at the appropriate scale; effects of later site-specific actions would be evaluated when those actions are proposed.

The level of environmental review of the identified resources for the EIS will be commensurate with the anticipated effects to each resource at the programmatic scale. Because the proposed action does not itself require changes to current motor vehicle use designations or prohibitions, apart from any direct effects of the proposed vehicle or use exemptions, estimating site-specific effects of local changes would be highly speculative.

The EIS nevertheless will evaluate the reasonably foreseeable programmatic effects of changing the governing designation criteria, procedures, and exemptions, using available data and reasonable assumptions or scenarios. Effects of any future motor vehicle use designation or prohibition actions will be analyzed at the appropriate scale, where information concerning potential resource impacts can be meaningfully evaluated and weighed.

Anticipated Permits or Other Authorizations

No anticipated permits or other authorizations are required for this action.

Schedule for the Decision-Making Process

USDA anticipates publishing the proposed rule and draft EIS in spring of 2027 and the completed EIS, record of decision, and final rule in early calendar year 2028. This schedule is subject to change consistent with applicable law.

Cooperating and Participating Agencies

The USDA Forest Service is the lead agency. No cooperating or participating agencies have been designated at this time. The Forest Service does not anticipate designating any Federal, State, Tribal, or local agencies as cooperating or participating agencies. These organizations are encouraged to provide input through the public comment opportunities for this notice of intent, as well as for the proposed rule and draft EIS.

Request for Public Comments

This notice announces the Agency's preparation of the EIS and requests public input to inform its scope and further development of the policies underlying this action.

USDA will solicit public feedback through the 30-day written-comment period described above. No separate public scoping process or scoping meetings are planned.

The Department is requesting comments on potential alternatives and impacts, and identification of any relevant information, studies, or analyses of any kind concerning

impacts affecting the quality of the human environment.

It is important that reviewers provide their comments at such times and in such a manner that they are useful to the Agency's preparation of the EIS; therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions and recommendations to alleviate these. Lengthy or complex comments are most effective when accompanied by a brief, plainly worded summary of the main points. Comments, including attachments and any personal information provided in your comments, will be posted to the docket unchanged. Do not submit any information you consider to be private, confidential business information, or other information, the disclosure of which is restricted by statute.

This action is not subject to the pre-decisional administrative review (objection) process of 36 CFR parts 218 or 219 subpart B.

The Forest Service will offer government-to-government consultation to federally recognized Tribes and will engage Alaska Native Corporations consistent with applicable consultation requirements during rulemaking and EIS development.

Responsible Official

The responsible official is the Secretary of Agriculture or her designee.

Stephen Alexander Vaden,

Deputy Secretary,

U.S. Department of Agriculture.

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