



Federal Court Overturns Forest Service Exemption of Snowmobiles in Travel Management Planning

[Media Coverage on the Ruling](#)



Winter Wildlands Alliance is a national nonprofit organization promoting and preserving winter wildlands and a quality human-powered snowsports experience on public lands.

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and strengthen the national voice of human-powered snow sports enthusiasts



Even though this news is delivered on April 1st, this is no joke. It's a historic win for Winter Wildlands Alliance and for all those who value peace and quiet in the winter backcountry. All of us at WWA offer a huge thanks to Advocates for the West and attorney Laurie Rule who presented a compelling case on our behalf.

Following is a news release we issued this morning:

Federal Court Overturns Forest Service Exemption of Snowmobiles in Travel Management Planning

In a ruling handed down in the United States District Court for the District of Idaho, U.S. Magistrate Judge Ronald E. Bush on Friday declared the exemption of over-snow vehicles in the 2005 Travel Management Rule as unlawful and directed the U.S. Forest Service to issue a new rule within 180 days to bring management of snowmobiles on all national forest lands under the same criteria used for all other off-road vehicles.

The ruling is in response to a lawsuit brought by Boise-based Winter Wildlands Alliance challenging the legality of the over-snow vehicle (OSV) exemption in the 2005 Travel Management Rule. Since the 2005 Rule was issued, all national forest units have been required to craft Travel Management Plans to designate which routes, trails and areas on the forest are open to wheeled off-road vehicles and in which areas motorized use is prohibited. Snowmobiles and other OSVs were exempted from the 2005 Rule even though the off-road vehicle Executive Orders on which the Rule is based

clearly direct that open and closed designations be put in place for all off-road vehicles, including snowmobiles.

"We're pleased with the ruling and we look forward to working with the Forest Service and other winter stakeholders to establish management plans for winter motorized use that are consistent with vehicle use in all other seasons," said Winter Wildlands Alliance Executive Director Mark Menlove. "Our only regret is that it took a Federal lawsuit to bring the Forest Service to meet their legal obligation to manage motorized use in all seasons." Menlove noted that Winter Wildlands Alliance, which advocates on behalf of backcountry and Nordic skiers and snowshoers and works to protect winter ecosystems, had exhausted all other remedies including submission of a formal petition for rule change before bringing the matter before the Court.

"This is a matter of fairness and consistency," Menlove added. "We acknowledge that snowmobiles are a popular winter use and that they have their place on national forest lands. However, the current anything-goes approach to winter management brought about by the OSV exemption allows one user group to dominate the landscape at the expense of all others and puts fragile winter ecosystems at risk. We're pleased that the Court agrees that the Forest Service has a legal obligation to remedy the current lack of management."

Added Laurie Rule, attorney with Advocates for the West, which represented Winter Wildlands Alliance, "The Court recognized that the law requires the Forest Service to manage ALL off-road vehicles, including snowmobiles, by designating national forest lands as open or closed to off-road vehicle use. The Court found that the Forest Service tried to use a 'sideways twist of logic' to escape its legal duty to control and manage snowmobiles."

In issuing the Court Decision and Order, Judge Bush noted the general practice where, "[t]he Court will defer to agency action that reflects a reasonable application of the law. But where an agency has fallen short of its obligations to meet the requirements of law, there is no place for judicial deference. Such is the case here with regard to the Forest Service's 2005 Travel Management Rule's OSV exemption."

The Decision goes on to say that the "Court finds the OSV exemption is contrary to law, specifically Executive Order 11644, as amended by Executive Order 11989, because Executive Order 11644 requires an agency to promulgate regulations that provide for designation of areas of use and non-use by off-road vehicles, including over-snow vehicles, on all public lands."

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