

#### 6.4 Closures and Restrictions

Under certain circumstances to protect public health and safety or prevent unnecessary or undue resource degradation due to unforeseen circumstances closures and restrictions may need to be implemented. The authority for implementing such closures and restrictions stems from FLPMA Sec. 302, which requires the Secretary through regulation or otherwise, to take action to prevent unnecessary or undue degradation of the lands.

The two principal regulations for closures and restrictions relative to TTM are the special rules (43 CFR 8341.2) provided for OHV management and the closures and restrictions (43 CFR 8364.1) for visitor services.

- A. The special rules (43 CFR 8341.2) relate specifically to the closure of public lands to OHVs (all or just a subset of vehicles) based on considerable adverse effects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, other authorized uses, or other resources. The regulation makes it mandatory, if the authorized officer determines that OHVs are, or will, cause considerable adverse effects, that the affected public lands are closed, without a public participation process, until the adverse effects are eliminated and measures implemented to prevent reoccurrence. Use of this authority requires compliance with NEPA through completion of the appropriate level of analysis, or through some other valid means of compliance (for example through use of an appropriate categorical exclusion).

RMPs and TMPs should include the following language and reference to this regulation as part of the discussion of the management of OHVs and include consideration of the authority granted by this regulation in the analysis of impacts resulting from OHV use.

“Where off-highway vehicles are causing or will cause considerable adverse effects upon soil, vegetation, wildlife, wildlife *and fisheries* habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, other authorized uses, or other resources, the affected areas will be immediately closed to the type(s) of vehicle causing the adverse effect until the adverse effects are eliminated and measures are implemented to prevent their recurrence. (43 CFR 8341.2)”

- B. The closures and restrictions (43 CFR 8364) relate to the ability of the authorized officer to close or restrict a specific use, or uses, of the public lands for the protection of persons, property and resources. Unlike the special rules found in 43 CFR 8341.2, these closures and restriction orders can apply to any mode-of-transport, or activity, but do require a more formal notification process, including Federal Register publication of the closure or restriction order. The use of this authority is limited to two years by policy, but extensions are available on a case-by-case basis. NEPA compliance is required for use of this authority as well.