

**Statement of  
Richard Moe, President  
The National Trust for Historic Preservation**

**Re: "Off-Highway Vehicle Management on Public Lands"**

**Hon. Jeff Bingaman, Chairman  
Senate Committee on Energy and Natural Resources  
U.S. Senate**

**June 5, 2008**

Mr. Chairman and members of the Committee, My name is Richard Moe and I am the President of the National Trust for Historic Preservation. For more than 50 years, the National Trust has been helping to protect the nation's historic resources as a Congressionally-chartered, private, nonprofit membership organization dedicated to protecting the irreplaceable. Recipient of the National Humanities Medal, the Trust provides leadership, education, and advocacy to save America's diverse historic places and revitalize communities. With over a quarter-million members and thousands of local community groups in all 50 states, the Trust is the leader of a vigorous preservation movement that is saving the best of our past for the future. Its mission has expanded since its founding in 1949 just as the need for historic preservation has grown. When historic buildings and neighborhoods are torn down or allowed to deteriorate we lose a part of our past forever.

Thank you for the opportunity to provide testimony on a matter of great importance to the National Trust: the management of off-highway vehicle (OHV) use on public lands. Over the past few decades, OHV use has become one of the most significant and widespread threats to cultural resources on the public lands. Cultural sites, particularly in regions amenable to cross-county vehicle travel like Southeastern Utah, Southwestern Colorado, and many areas in Arizona and New Mexico, are being damaged by the proliferation of OHV routes. Perhaps of even greater concern, OHVs are making accessible remote areas of the backcountry where sites, previously protected by virtue of their distance from established roads, are now being looted and vandalized at an alarming rate. Unfortunately, the federal land management agencies have been unable to respond adequately to these threats.

First, despite long-standing requirements of the Archaeological Resources Protection Act, Federal Land Policy and Management Act, and National Historic Preservation Act (NHPA) to inventory and survey public lands for cultural resources, the vast majority of federally-owned land remains unevaluated. For example, approximately 93 percent of the BLM lands and 80 percent of the National Forest System have never been surveyed. Consequently, OHV planning decisions are frequently based on assumptions and models that are seldom verified through site-specific inventories; cultural resources are being damaged, destroyed, or looted by irresponsible OHV users before archaeologists or Native American tribes are ever provided with the opportunity to identify them or determine their significance.

Second, we are witnessing the failure of federal land management agencies to uphold the requirements of Section 106 of the NHPA during the development and implementation of travel management plans. In 2007, BLM's Washington Office issued Instruction Memorandum 2007-030 (IM) to its field offices concerning section 106 and OHV route designations. The IM, while requiring compliance with Section 106 prior to the implementation of route designations, exempts "existing" routes from this requirement. As a consequence of this exemption, thousands of miles of OHV routes throughout the West, the majority of which have never been surveyed for cultural resources, may be designated through the planning process. In the Moab (UT) Field Office alone, BLM recently proposed an exemption of over 2,500 miles of "existing" OHV routes from the requirements of section 106.

Third, enforcement of OHV designations and restrictions has been undermined by the lack of a meaningful law enforcement presence in culturally significant areas. For example, in Utah, a single officer oversees the entire 1.8 million-acre Monticello Field Office, which contains the type site for the Pueblo II (A.D. 900-1100) period as well as the highest concentration of sites from the Basketmaker II (A.D. 1-500) and Basketmaker III (A.D. 450-700) periods anywhere in the United States. There are simply not enough federal officers on the ground to enforce OHV designations and restrictions.

Finally, a lack of sufficient personnel alone cannot explain the enforcement problems that plague OHV management on the public lands. Far too often, agencies respond and capitulate to local governments and OHV groups during OHV use decisions instead of acting aggressively when cultural resources are threatened. In one notable example, over twenty miles of unauthorized OHV trails were constructed in Recapture Wash, a canyon managed by BLM on the outskirts of the southeastern Utah town of Blanding. As a result, at least twelve prehistoric sites eligible for listing in the National Register of Historic Places were damaged. Yet BLM allowed OHV use to continue in the canyon for nearly two years and only closed the unauthorized trails after looters despoiled one of the largest and most significant sites in the canyon.

In conclusion, federal agencies must take decisive and immediate steps to manage OHV use to protect cultural resources. Improved planning and more vigorous and consistent enforcement are critical to initiating and sustaining this effort. OHV use on the public lands is a privilege and should not be exercised at the cost of our nation's cultural legacy.