

## Use Conflict vs. *User* Conflict

### A Fundamental Distinction in Winter Travel Planning



The Forest Service Travel Management Rule outlines five specific criteria, known as “minimization criteria,” that must be considered when designating roads, trails and areas for over-snow vehicle (OSV) use. Aside from (1) minimizing damage to natural resources, and (2) minimizing harassment or disruption of wildlife, the responsible official must also consider “with the objective of minimizing”: (3) “Conflicts between motor vehicle *use* and existing or proposed recreational *uses* of National Forest System lands or neighboring Federal lands”; and (4) “Conflicts among different classes of motor vehicle *uses* of National Forest System lands or neighboring Federal lands.”<sup>1</sup>

A fifth criterion that must be considered, also relevant to minimizing conflict between uses, is the “compatibility of motor vehicle use with existing conditions and populated areas.”<sup>2</sup>

Unfortunately, since the revised Subpart C of the Travel Management Rule (the OSV Rule) was finalized in 2015, we have heard frequent confusion regarding the concept and meaning of “use conflict”—from OSV users as well as from some key Forest Service line officers. At each opportunity for public comment we have heard from advocates for unrestricted OSV use that there is no evidence or data that “*user* conflict” occurs, or that if it does occur, it originates with

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<sup>1</sup> 36 CFR 212.55 (b), emphasis added

<sup>2</sup> Ibid.

non-motorized users (eg. cross-country skiers) who “hate snowmobiles” or simply do not understand that snowmobiling is an allowed recreational use in certain areas.<sup>3</sup>

By way of example, in the second public OSV planning outreach meeting held by the Inyo National Forest on Zoom on February 10, 2022, Simone Griffin, Policy Director for BlueRibbon Coalition, asked District Ranger Stephanie Heller how the Forest Service defines “*user conflict*” and what data there might be to document such conflict.

“This is something that comes up a fair amount,” said District Ranger Heller, “and I will admit that it is a little bit of a nebulous term. This is one of those areas that we are going to have to delve into and develop as we get into this process. *User conflict* [emphasis added] can be very minor or it can be very serious; it can be constant and long-term or it can be transitory. We haven’t defined that yet.”

In fact, the Travel Management Rule is not so nebulous. The planning requirement is not about the minimization of conflict between individual *users* who might for one reason or another disagree with each other. It does not presume or insist upon prior demonstrated instances of hostility between individual people. Rather, the requirement is to minimize any inherent or possible conflict between two different recreational *uses*—or activities, or *user groups*—in this case between the *use* of motorized over-snow vehicles and other winter recreational *uses* such as cross-country or backcountry skiing. Or between over-snow vehicle use and the use of wheeled motor vehicles—such as Jeeps or ATVs, or fat-tire e-bikes.



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<sup>3</sup> See comments from Kevin Bazar, Sierra Snowmobile Foundation, and Amy Granat, CORVA, during Q&A section of Inyo National Forest Over-Snow Vehicle (OSV) Planning Kickoff 2 - February 10, 2022: <https://www.youtube.com/watch?v=4eHnK1WGxN8>

The concept of managing public lands for different, often competing uses is not new. It is embedded in the very mission of the Forest Service. The Federal Land Policy and Management Act of 1976 (FLPMA), based in part on the Multiple-Use Sustained-Yield Act of 1960 (based in turn on *A National Plan for American Forestry*, 1933), requires the Forest Service to manage national forests and grasslands for multiple uses. According to the FLPMA, the principal uses that must be balanced—in order to “best meet the present and future needs of the American people”—include but are not limited to “recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values.”<sup>4</sup>

As early as the 1970’s, Forest Service planners described the multiple use mandate as “the management of conflicts.” In one early case study of winter recreation conflict, Robert L. Prausa, Branch Chief for Recreation Management for the Eastern Region of the Forest Service described “conflicts that must be dealt with” between snowmobile use and non-motorized uses in the Sylvania area on the Ottawa National Forest in Michigan. “The original management plan indicated that snowmobiling would be permitted in the area,” he wrote. “Many of the groups who would like to see only nonmotorized use of Sylvania objected to this.” Ultimately, the conflict was successfully addressed through thoughtful planning and designation: “[A]fter 2 years when snowmobiling was permitted only on designated trails and adjacent lakes, there was no evidence of real conflict between various users of the area or between this mechanized use and resource productivity.”<sup>5</sup>

Over the decades, as demand for dispersed recreation continued to grow on public lands, and as new forms of recreation and new technologies emerged, conflicts between the increasing variety of different recreational uses—not just between recreation and other principal public lands uses—increased. This was particularly true, starting as far back as the 1960s, with the explosion of motorized recreation on public lands.

When, in February 1972, President Nixon issued Executive Order 11644, the preamble read as follows: “An estimated 5 million off-road recreational vehicles—motorcycles, minibikes, trial bikes, snowmobiles, dune-buggies, all-terrain vehicles, and others—are in use in the United States today, and their popularity continues to increase rapidly. The widespread use of such vehicles on the public lands—often for legitimate purposes *but also in frequent conflict with wise land and resource management practices, environmental values, and other types of recreational activity*—has demonstrated the need for a unified Federal policy toward the use of such vehicles on the public lands.”<sup>6</sup>

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<sup>4</sup> Federal Land Policy and Management Act, 43 U.S.C. §1702; Multiple-Use Sustained-Yield Act of 1960

<sup>5</sup> Robert L. Prausa, “Multiple-use management for recreation in the east,” in: Larson, E.vH., ed. *The Forest Recreation Symposium*. State University of New York College of Forestry; 1971 October 12-14: U.S. Department of Agriculture, Forest Service, Northeastern Forest Experiment Station. 96-102. [https://www.nrs.fs.fed.us/pubs/other/recsym/recreation\\_symposium\\_proceedings\\_096.pdf](https://www.nrs.fs.fed.us/pubs/other/recsym/recreation_symposium_proceedings_096.pdf)

<sup>6</sup> Executive Order 11644, February 8, 1972: <https://www.archives.gov/federal-register/codification/executive-order/11644.html>

These numbers—as well as the conflicts and impacts they represent when left unmanaged—have continued to increase dramatically. In 2008, the Forest Service estimated the total number of all-terrain vehicles (ATVs) and off-road motorcycles in the U.S. to be nearly 10 million.<sup>7</sup> This number did not include over-snow vehicles. According to the International Snowmobile Manufacturers Association, there were more than 1.3 million registered snowmobiles in the U.S. in 2021.<sup>8</sup> Meanwhile, according to best available data based on equipment sales, total participation in non-motorized backcountry winter recreation (including cross-country skiing) has now grown to around 10.2 million people annually—nearly eight times the number of registered snowmobiles.<sup>9</sup>



The purpose of Nixon’s executive order was “to establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, *and to minimize conflicts among the various uses of those lands.*” Eventually, this became the basis of the minimization criteria outlined in the Travel Management Rule that now—since 2015—guides Forest Service OSV planning.

The need—in this case the requirement—to address and minimize recreation use conflicts is not unique to winter recreation. Use conflicts also exist in other seasons between fishing and jet-skiing, for example, between UTV use and the riding of dirt bikes, or between the shooting of firearms and developed camping. These conflicts are regularly minimized through thoughtful planning, education and signage, and active Forest Service recreation management.

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<sup>7</sup> “Off-Highway Vehicle Recreation in the United States and its Regions and States: An Update National Report from the National Survey on Recreation and the Environment (NSRE),” February 2008: <https://www.fs.fed.us/recreation/programs/ohv/IrisRec1rpt.pdf>

<sup>8</sup> <https://www.snowmobile.org/snowmobiling-statistics-and-facts.html>

<sup>9</sup> Snowsports Industries America (SIA), Participation Study 2020-21.

But what is recreation conflict? As one recent literature survey of recreation conflict has noted, “conflict is most frequently understood as a result of goal interference among users, but it is also attributed to differences in social values, the subjective emotional state of the user, or sense of place.”<sup>10</sup>

All of the *uses* mentioned above are legitimate recreational uses of National Forest lands. However, the fundamental objectives and expectations (goals) for one legitimate use (eg. solitude, quiet) are sometimes fundamentally incompatible with those of another legitimate use (speed, thrill). The survey authors continue: “There is a wide range of possible interactions amongst recreational users and groups that can represent both positive and negative outcomes. Conflict occurs when the interaction leads to negative outcomes for at least some of the participants.”<sup>11</sup>

In other words, conflict does not have to rise to the level of outright confrontation between two people—or between all people within both or all user groups—in order to qualify as conflict. Neither does the conflict have to be recognized or understood by all parties in order to require minimization.



In fact, very often, recreational use conflict is fundamentally asymmetrical, with one user group (eg. cross-country skiers, fishermen, campers) feeling the impacts of a certain activity and another group (eg. snowmobilers, jet-skiers, target shooters) not feeling any impacts at all. This

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<sup>10</sup> Dave Marcouiller, Ian Scott, and Jeff Prey, Addressing Recreation Conflict: Providing a conceptual basis for management, Department of Urban and Regional Planning, University of Wisconsin – Madison, and the Wisconsin Department of Natural Resources, Bureau of Parks and Recreation: [https://dpla.wisc.edu/wp-content/uploads/sites/1021/2017/06/Introductoryfactsheetv6\\_0.pdf](https://dpla.wisc.edu/wp-content/uploads/sites/1021/2017/06/Introductoryfactsheetv6_0.pdf)

<sup>11</sup> Ibid.

asymmetry does not mean that the conflict between uses is not significant or that it does not require minimization. On the contrary, it is often precisely the asymmetry that requires intervention—minimization—by the land management agency. “For example,” the authors continue, “bird watchers may experience significant goal interference (antagonism) as a result of common use by all terrain vehicle users, yet the all terrain vehicle users view bird watching as generally supplemental to their activity. Thus, understanding relative compatibility must allow for a two-way interaction that could be, and often is, diametrically opposed.”<sup>12</sup>

In winter travel planning, in order to minimize this sort of inherent and asymmetrical conflict (i.e. incompatibility) between different uses, the responsible official is required to designate certain trails and areas for over-snow motorized use that will not adversely impact other uses, as well as to *not* designate particular trails and areas for motorized use that are popular or more appropriate for quiet non-motorized recreational use such as cross-country or backcountry skiing or family snowplay.



Likewise, a user looking for the experience of riding a snowmobile on a smooth groomed trail would be disappointed to find deep ruts from a wheeled vehicle driving on that same groomed trail earlier in the day. The responsible official must not wait until there is a documented altercation between this snowmobiler and the driver of the wheeled vehicle in order to minimize conflict between these two *uses* of National Forest lands. Instead, they must, through travel planning, designate certain trails for the use of over-snow vehicles and also designate other trails elsewhere, where there is not generally snow, for the use of wheeled vehicles.

It should also be noted that a single *user* may participate in more than one of these *uses* or activities, and that therefore the impulse to lump individuals into fixed and discrete “user groups”—and to see them as always pitted against each other—is arbitrary and inaccurate. For example, as a frequent forest “user,” I might one afternoon like to go for a quiet hike to look at

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<sup>12</sup> Ibid.

birds and contemplate solitude, while on another day I might prefer to ride a two-stroke dirt bike. One day I might like to go for a quiet skate ski on the groomed trails at Deadman Summit, and then later that same day ride a snowmobile (OSV) to the top of Bald Mountain. I might even, as some “hybrid users” do, use a snowmobile, where appropriate, to access backcountry skiing.

In all of these cases, but especially in the case of quieter, non-motorized recreation, it is to the great benefit of all users that the adverse impacts of one *use* upon another be minimized to the greatest extent possible in a clear and thoughtful travel plan.

Fundamentally, minimization of use conflict is best achieved through the logical geographical separation (by designation) of incompatible uses. Other minimization strategies include but are not limited to:

- Thoughtful, strategic planning of motorized and non-motorized staging and parking areas at important trailheads (including, where possible, separation of uses, as well as partnerships with other agencies and user organizations for plowing and management);
- Improved access and connectivity for motorized opportunities that do not adversely impact non-motorized uses;
- Not designating motorized use (open play) areas in proximity to dwellings, family snowplay areas, or other non-motorized recreation areas;
- Creation and dissemination of accurate and easy-to-access winter recreation maps and digital apps for all users;
- Clear signage showing where motorized use is allowed and where it is not;
- Posted motor vehicle speed limits on shared-use trails;
- Development and dissemination of agreed-upon shared-use ethics for both motorized and non-motorized users;
- Limitation of motorized use to designated routes in certain shared-use areas;
- Buffering of non-motorized trails that travel through areas otherwise designated for cross-country motor vehicle use;
- Reduction of Wilderness incursions by locating over-snow vehicle area boundaries away from Wilderness boundaries;
- Utilization of soundscape modeling to better locate motor vehicle use areas to reduce sound impacts to populated or non-motorized areas and to other uses;
- Timing restrictions such as seasonal use designations or alternating year designations (especially useful if different recreation uses strongly desire access to a particular destination, such as a cabin).