The Ethics of ORV Use on America's Public Lands

by Philip Cafaro

Introduction

Ethical issues around off-road vehicle use center on impacts on nature, impacts on other recreationists and impacts on ORV users themselves. I argue below that all three of these impacts give grounds for strictly limiting ORV use on America's public lands. This conclusion deviates so widely from the status quo that it may indicate a failure in my analysis. Alternatively, it may show an ethical blindness among ORV users and a failure of stewardship by public lands managers. In what follows, the term "ORV" refers to all-terrain vehicles, motorized dirt bikes and 4-wheel drive vehicles such as jeeps, although many of my conclusions apply mutatis mutandis to snowmobiles and jetskis.

Impacts on Nature

Outdoor recreation provides people with a lot: enjoyment, excitement, physical stimulation, connection to nature, aesthetic and intellectual development, spiritual awakening. Outdoor recreation also can harm nature. Realizing this, responsible recreationists have developed ethical codes to address these harms.

Consider birdwatchers. One section of the American Birding Association's "Principles of Birding Ethics" is devoted to "promoting the welfare of birds and their environment." Focusing special attention on the types of harms likely to be caused by birding, it includes guidelines such as the following: "To avoid stressing birds or exposing them to danger, exercise restraint and caution during observation . . . Keep well back from nests and nesting colonies, roosts, display areas, and important feeding sites . .

. Stay on roads, trails, and paths where they exist; otherwise keep habitat disturbance to a minimum."[1] Overall the standard seems to be: do no harm. Many nonconsumptive activities can reach or approach this standard including wildlife photography, hiking and rock climbing.

Consider now hunting. The Izaak Walton League's "Hunters Code of Conduct" has sections titled "respect the environment and wildlife" and "support wildlife and habitat conservation." Again paying special, detailed attention to the potential harms of hunting, its guidelines include the following: "Show respect for the wildlife you hunt by taking only clean, killing shots ... Take only what you will use, even if it is under the legal limit . . . Learn to tread lightly while afield. Use vehicles only on established roads and trails, practice low-impact camping and travel . . . Provide hands-on and financial support for conservation of game and nongame species and their habitats."[2] Hunters certainly harm individual animals, but they may minimize this harm and treat animals respectfully. Further, ethical hunters limit their "take" of individual animals to protect healthy game populations and threatened species. Hunters, like birders, also provide money for habitat protection. Thus they can argue that properly managed, their activities help increase the overall health of species and ecosystems.

Looking at the full range of recreational activities practiced on public lands and the ethical codes that user groups have developed, we find two sorts of standards set:

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[1] American Birding Association, "Principles of Birding Ethics." Accessed May 19, 2005 at www.americanbirding.org/abaethics.htm.

[2] Izaak Walton League, "Hunter's Code of Conduct." Accessed May 20, 2005 at www.acs.ucalgary.ca/~powlesla/personal/hunting/text/izaak.txt.

* (Standard 1) Recreate in such a way that you cause no harm to nature. If an activity cannot be performed in such a manner, do not engage in the activity.

* (Standard 2) Recreate in such a way that you cause no significant, permanent harm to nature—or no harm at all from a wider ecological perspective. If an activity cannot be performed in such a manner, do not engage in the activity.

In either case, the motivation seems to be a basic appreciation and respect for the animals hunted or "hunted," the plants gathered or the rivers floated—along with recreationists' self-interested concern to continue to enjoy themselves.[3] Hence there arise a variety of restraints, worked out by recreationists themselves.

For those who do not accept such voluntary restraints and because when recreationists become numerous more coordination is needed, there are "rules and regs": state laws limiting game "takes" and requiring hunting permits, Forest Service rules about where to camp or how many horses allowed per party. If we look at the legal framework behind these management particulars, again we see a concern to limit harms to nature.

The National Environmental Policy Act of 1969 (NEPA) governs all federal environmental activities not specifically excluded from the act, including recreation and transportation decisions on public lands. In its "Congressional declaration of national environmental policy," NEPA sets as a goal the "creation and maintenance of conditions under which man and nature can exist in productive harmony." It states: "The Congress

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[3] I don't see anything wrong with this. In my view, a complete ethics combines altruism and an enlightened self-interest. See P. Cafaro, "Thoreau, Leopold and Carson: Toward an Environmental Virtue Ethics," Environmental Ethics 23 (2001): 3-17.

recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment."[4] Here we approach Aldo Leopold's view of land and people as one community, in which we have rights but also responsibilities. The obvious standard for recreation under this sort of view is Standard 1: do no harm to nature.

The National Forest Management Act (NFMA) and the Federal Land Policy and Management Act of 1976 (FLPMA) are the main laws governing Forest Service and Bureau of Land Management decision-making, respectively. Both are grounded in the "multiple-use, sustained-yield" principle, under which all activities—including all forms of recreation—must be part of a balanced use of public lands which preserves their essential natural productivity. As the FLPMA defines it:

> The term "multiple use" means the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people . . . a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources . . . and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land.[5]

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[4] "National Environmental Policy Act of 1969," section 101 (a-c), in Selected Environmental Law Statutes: 1997-98 Educational Edition (St. Paul, Minn.: West Publishing, 1997): 641.

[5] "Federal Land Policy and Management Act of 1976," section 103 (c), in Selected Environmental Law Statutes: 1212.

"Sustained yield" in the present context means people can use recreational resources but they cannot use them up, or use them in a way which degrades them or limits the uses of others, now or in the future. The natural standard for recreation under this "utilitarian," managerial view is Standard 2: do no significant, permanent harm to nature.

Whether we are looking at user groups or environmental law, we see some divergence about how stringently harm should be avoided by recreationists. We could debate which of these standards should prevail, but at a minimum, there seems to be consensus that recreation should not cause significant, permanent harm to nature. Recreational user codes and the language of NEPA, NFMA and FLPMA all support this unequivocally. When recreation does cause significant or permanent harm, it needs to be either reformed or eliminated. That is the minimal standard for ethical recreation on our public lands.

How does current ORV use on our public lands stack up against this minimal standard? It fails, for obvious reasons.

ORV use causes massive soil erosion. Partly this is due to the fact that the areas most challenging and sought-after by ORV users, such as steep slopes, are also the most vulnerable to erosion.[6] A study of one long-time ORV area documented erosion rates 46

[6] C. T. Snyder, D. G. Frickel, R. F. Hadley, and R. F. Miller, "Effects of Off-Road Vehicle Use on the Hydrology and Landscape of Arid Environments in Central and Southern California, U.S. Geological Survey Water Resources Investigation" (Denver: 1976): 78-79; D. Havlick, No Place Distant: Roads and Motorized Recreation on America's Public Lands (Washington, D.C.: Island Press, 2002): 92

times the "tolerance level" suggested by the Soil Conservation Service. For many soil types there are no non-destructive, acceptable levels of ORV use.[7]

ORV use also fouls rivers, lakes and wetlands. Many ORVs use two-stroke engines, which dump 25% of their fuel directly into the environment. Again, user preferences for challenging terrain (desert draws, muddy forest areas, stream fords) compound the problem. The erosion caused by ORVs also lowers water quality.[8]

ORV use destroys vegetation and degrades wildlife habitat. Losses of shrub biomass of 70% or more have been documented in heavily used desert areas, while even lesser vegetation losses destroy plants needed to feed and shelter wildlife. Animals are also crushed beneath tires, displaced from burrows and tunnels, harassed by noise, and more easily shot as "varmints." Scientists have found that even "moderate" ORV use leads to fewer individuals and fewer species for many kinds of animals, from rodents to rabbits to reptiles to birds.[9]

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[7] H. G. Wilshire, J. K. Nakata, S. Shipley, and K. Prestegaard, "Vehicle Impacts on Natural Terrain at Seven Sites in the San Francisco Bay Area," (in press), table 4, cited in D. Sheridan, Off-Road Vehicles on Public Land (Washington, D.C.: Council on Environmental Quality, 1979): 24; H. Dregne, "Soil and Soil Formation in Arid Regions," in R. Webb and H. Wilshire, Environmental Effects of Off -Road Vehicles: Impacts and Management in Arid Regions (New York: Springer-Verlag, 1983):28-29; W. Kockelman, "Management Concepts," in Webb and Wilshire, Environmental Effects: 413.

[8] Havlick, No Place Distant: 95-96; Kockelman, "Management Concepts": 414-416.

[9] Sheridan, Off-Road Vehicles: 12-22; Havlick, No Place Distant, 96-100.

ORV use increases the number of roads and motorized "trails" on public lands, with many negative ecological impacts. Roads increase erosion and air and chemical pollution. They fragment wildlife habitat, increase poaching and help spread noxious weeds.[10] ORV users are a powerful constituency for increased road-building, and for keeping roads open that land managers would otherwise close for stewardship reasons. ORV users have also created tens of thousands of illegal roads and "trails" on public lands; one study estimated over 60,000 miles of "unplanned or illegal roads" on national forests alone, many created by ORV users.[11]

In these ways, ORVs have degraded millions of acres of our public lands. The damage has not been done by "a few bad apples," but represents the cumulative effect of ORVs' normal use.[12] Some of the worst damage occurs when ORVs are driven cross-country, but such abuse is common. According to a recent survey performed for a coalition of ORV advocacy groups, over two-thirds of Colorado's adult ORV users ride off-trail at least occasionally, while from 15-20% frequently ride off-trail illegally.[13]

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[10] See Havlick, No Place Distant, chapter 3, for a recent summary of the ecological effects of roads on public lands.

[11] Forest Service, Forest Service Roadless Area Conservation: Final Environmental Impact Statement (Washington, D.C.: U.S. Department of Agriculture, 2000): 1-5, cited in Havlick, No Place Distant: 4.

[12] Sheridan, Off-Road Vehicles: 30.

[13] L. M. Frueh, "Status Summary and Report: OHV Responsible Riding Campaign. Prepared for the Colorado Coalition for Responsible OHV Riding" (Monaghan & Associates, 2001): 11.

ORV use causes significant, permanent damage to nature. At a minimum, land managers should not allow ORVs to drive off-road on public lands, nor should users drive ORVs off-road even where such use is currently allowed or encouraged. Ethical recreationists realize this, as shown in the excerpts already quoted from the American Birding Association's and the Izaak Walton League's codes of conduct. Given the scientific evidence, a person can only drive ORVs off-road if he is willing to frankly reject the ethical standard that we should only recreate in ways that do not cause significant, permanent harm to nature.

Impacts on Other Recreationists

Recreational activities can interfere with one another and with other, non-recreational uses of forests and rangelands. Hikers scare horses on narrow mountain trails, or horses muddy the trails for hikers. Boaters scare fish and anger anglers, campers leave gates open and cattle stray. When recreationists negotiate such conflicts, common sense and courtesy can go a long way. Because these are sometimes in short supply and because once again sheer numbers make a difference, land managers must manage recreational conflicts.

Multiple-use, sustained yield provides one plausible framework for resolving recreational conflicts. Users are encouraged to recreate in their favored ways, provided they do not significantly harm public lands or other recreationists. When negative impacts to other recreationists occur, attempts are made to eliminate or minimize them. When significant negative impacts to others are unavoidable, segregation of users may be attempted (seasonally, as with hunting; by zoning, as when fishermen and kayakers are "given" different stretches of a river). However, since public lands are for public use and

people strongly resist being "locked out" of their favorite places, segregation is at best a last resort.

ORVs bring a new dynamic to such conflicts, making multiple-use recreational management impossible.[14] The main reasons are that ORVs cause excessive and asymmetrical harms to other outdoor recreationists and that they tend to assert exclusive possession where they are allowed.

The most obvious harm ORVs inflict on other recreationists is their noise, which can travel for miles and which interferes with a wide variety of recreational activities. ORVs have taught us that quiet is an important recreational resource (as well as a resource for other animals, whose survival and reproduction may depend upon it).[15] A close second in terms of negative impacts is safety, especially for parents recreating with children. ORVs tearing along trails are dangerous to other users. Even when they are driven responsibly, encounters with them are unpleasant, as they force other users off the trail and leave them gagging on exhaust fumes.

ORVs transform narrow hiking trails into wide, rutted roads, which are much less enjoyable to hike on. They scare away the wildlife that other users have come to see. The experience and reality of a natural landscape, important to many outdoor recreationists, recedes.[16] As one study summarizes these impacts: "Most nonmotorized forms of outdoor recreation are disrupted or hurt by the operation of ORVs nearby, especially for those

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[14] Sheridan, Off-Road Vehicles: 17; Kockelman, "Management Concepts": 409-410, 423-425.

[15] Sheridan, Off-Road Vehicles: 30; Kockelman, "Management Concepts": 420-421.

[16] Kockelman, "Management Concepts:" 403.

whose recreational goals include solitude, tranquility, relaxation, observation of wildlife, and the appreciation of wild environments."[17]

Research confirms an asymmetry in ORV/non-motorized user conflicts.[18] When a 4X4 drives by a hiker on a trail or a snowmobile passes a skier, the meeting typically poses no problem for the ORV user, but it can lessen or ruin the experience of the nonmotorized recreator. The danger and discomfort is all on one side, as is the desire for quiet, solitude and communion with nature. Motorized encounters thus intrude on the essentials of the nonmotorized users' experience, but not vice versa. Given his widely different recreational goals, the ORV user is unlikely to sympathize with or even notice these harms to nonmotorized recreationists.

All this means that ORVs and nonmotorized users can't satisfactorily share trails or user areas. Beyond a certain small number of encounters, cross-country skiers will not share trails with snowmobiles, hikers will not hike in areas used by ATVs. One researcher speaks of the ISD syndrome—"the progression from Impairment of satisfactions to Suppression of use to eventual Displacement"—as ORVs literally drive their recreational competitors from the field.[19] Research has confirmed the ISD syndrome in many areas; readers will probably have their own examples of favorite spots that they no longer

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[17] Kockelman, "Management Concepts": 407.

[18] Havlick, No Place Distant: 100-103.

[19] R. Badaracco, "ORVs: Often Rough on Visitors," Parks and Recreation Magazine (September, 1976): 73-74, cited in Sheridan, Off-Road Vehicles: 32, from which quote taken.

visit.[20] The public are generally hostile to ORV use precisely because these machines, while small in number, powerfully assert their owners' exclusive possession to wide swathes of the public lands.[21]

In thinking about a fair resolution to these recreational conflicts, we should keep two facts in mind. First, ORV users are a small minority of total public lands recreationists. In Washington state, for example, "hikers outnumber motorized trail users by almost 32 to 1."[22] A survey of California desert recreationists "indicated that sightseeing, camping, picnicking, fishing, photography, and hiking were the most popular recreational activities, ranging from one-third to two-thirds of the responses." Motorcycle

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[20] Sheridan, Off-Road Vehicles: 15-17, 29-34.

[21] Sheridan cites several studies showing the general public's dislike of ORVs. A study in California found "a great majority" in favor of greater protection for the desert and a majority disapproving of open areas for ORVs. A Forest Service survey in Illinois and Indiana revealed that three times as many people opposed motorized use on national forest trails as approved of it. Sheridan, Off-Road Vehicles: 54-55.

[22] Havlick, No Place Distant: 114; see also State of Washington, "Statewide Recreational Survey" (Olympia, Wash: 2001), cited in S. Smith, K. Rexford, and R. Long, "Our public lands in twenty years: national parks or amusement parks?" in D. Harmon, ed, Crossing Boundaries in Park Management: Proceedings of the 11th Conference on Research and Resource Management in Parks and on Public Lands (Hancock, Mich.: The George Wright Society, 2001): 174.

riding ranked 13th and other ORV uses ranked "close to the bottom of the list" of recreational choices.[23]

Second, ORV use demands a disproportionate amount of land compared to other recreational uses. "Loudness and mobility magnify the presence of the individual motorcycle rider in a logarithmic way and diminish the aesthetic satisfactions of other recreationists who may be present over an extensive area." [24] A few ORV riders may hog an area where hundreds of birders, hikers, wildflower enthusiasts, wildlife photographers and cloud watchers could happily coexist.

So we have a small minority of users, causing significant harm to the majority, on public lands ostensibly managed for "the greatest good to the greatest number for the longest time."[25] Given these basic facts, the status quo, under which many National Forest lands and most BLM lands are open to ORV use, is obviously unfair. It is a direct infringement on the rights of other recreationists to enjoy their public lands. It is a very inefficient land use if we seek to maximize the general public's recreational enjoyment.

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[23] Field Research Corporation, "Summary of the Preliminary Desert Market Analysis of the California Desert. Prepared for the U.S. Bureau of Land Management, San Francisco, CA" (1975), as summarized in Kockelman, "Management Concepts": 404-405.

[24] R. Badaracco, "Conflicts Between Off-Road Vehicle Enthusiasts and Other Outdoor Recreationists: The ISD Syndrome," in K. H. Berry, ed., The Physical, Biological, and Social Impacts of Off-Road Vehicles on the California Desert (Los Angeles: Southern California Academy of Sciences, 1978), quoted in Sheridan, Off-Road Vehicles: 33.

[25] G. Pinchot, "Principles of Conservation," in P. List, ed., Environmental Ethics and Forestry: A Reader (Philadelphia: Temple University Press, 2000): 34.

Common courtesy and multiple-use, sustained-yield principles suggest two possible standards for limiting harms to others as we recreate on public lands.

* (Standard 3) Recreate in such a way that you cause no harm to other people. If an activity cannot be performed in such a manner, do not engage in the activity.

* (Standard 4) Recreate in such a way that you cause no significant harm to other people, nor limit the total recreational opportunities available to others. If an activity cannot be performed in such a manner, do not engage in the activity.

Most hikers, fishermen, rock climbers and other public lands recreationists have no trouble holding themselves to something pretty close to Standard 3; it isn't clear why ORV users should be held to a lesser standard. Under Standard 3, ORVs would be prohibited from all trails and all off-road travel on public lands. Given ORVs harmful impacts on other people, courteous recreationists will hold themselves to this standard now. There are many ways to recreate on public lands without annoying others.

Standard 4 represents the minimal standard we would expect any reasonable person to affirm. A generous interpretation of this standard might allow limited ORV use on public lands, provided sufficient public lands remained available for the nonmotorized majority. ORVs would be strictly limited to short trails or small ORV play areas on our public lands (for example, five miles of trails or 100 acres of land per national forest). This approach accepts the fact that ORVs provide enjoyment to users and accommodates them through creation of "sacrifice zones." But it also recognizes that these machines have a large noise/annoyance footprint, so the amount of land directly sacrificed to ORVs would be limited.

Such an application of Standard 4 might seem a fair solution to these recreational user conflicts; given the status quo, most nonmotorized recreationists would probably be thrilled to settle for enforcement of this compromise. However, when in addition to ORVs' impacts on other people we remember their impacts on nature, we must ask whether any public lands should be set aside as ORV sacrifice zones. Is it "fair" to the shrubs destroyed, the animals displaced, the streams and wetlands fouled, to do all this damage simply for thrills and fun?[26] Is it upholding the letter and spirit of our environmental laws, which speak of minimizing damage to nature and creating harmony between people and the land? Many public land managers argue that providing sacrifice zones protects other areas from ORV use, but I find little support for this practice in the environmental laws guiding public forest and rangeland management. Besides, this tactic doesn't work. ORV users take the sacrifice zones offered, create new ones and demand more.

For these reasons, we should stick with Standard 3. ORVs should be prohibited from all trails and all off-road travel on our public lands. They should stay on roads, when they are used at all.

Impacts on ORV Users

In looking at ORVs's impacts, we should not ignore their impacts on ORV users themselves. It is usually assumed, even by critics, that ORV use provides a net benefit to

[26] For criticism of such anthropocentrism in ethics and a defense of nature's intrinsic value, see H. Rolston III, Environmental Ethics: Duties to and Values in the Natural World (Philadelphia: Temple University Press, 1988); N. Agar, Life's Intrinsic Value: Science, Ethics, and Nature (New York: Columbia University Press, 2001).

users.[27] After all, they spend a lot of money buying and running their machines. The ORV literature and individual riders describe the thrills of breaking new ground, the camaraderie among riders and the fascination of working on the vehicles. Most simply, ORVs provide their users with lots of fun.

But from an ethical perspective, we might want to tread a little more carefully. There is more to life than fun. Recreational experiences change us, deepening some perspectives and closing off others. They help make us certain kinds of people and keep us from becoming others.

Most outdoor recreational activities tend to lead to greater awareness and knowledge of nature. The birdwatcher, hunter, wilderness canoer and mushroom picker focus on different aspects, but they all delve deeply into nature. You can't be a fly fisherman, certainly not a good one, without learning a lot about fish behavior and ecology. You can't photograph wildflowers without learning a lot about their distributions, habitat preferences and flowering times. These and many other nonmotorized recreational activities heighten our interest in nature's details and sharpen our abilities to perceive them.[28]

Motorized recreation is essentially different, since experiencing nature is usually secondary (at best) to the thrills and challenges of the ride. Riders typically rush through areas and are often enclosed in a helmet or other cumbersome gear. This cuts them off

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[27] See for example Sheridan, Off-Road Vehicles: 5.

[28] For a detailed argument that studying natural history makes us better people, see P. Cafaro, "The Naturalist's Virtues," Philosophy in the Contemporary World 8/2 (2001): 85-99.

from the sounds, smells and textures of nature and renders them oblivious to all but the most obvious sights. Users often claim that ORVs are necessary to "get into nature," but accounts of their trips on ORV websites and in magazines rarely get past such general comments as "great views" or "saw some elk." The contrast with the detailed, affectionate descriptions of the vehicles is striking. Like other outdoor recreationists, ORV users frequently say they take part in their favored activities in order to "get away from it all," but unlike hunters, anglers and wilderness backpackers, they don't usually "get back" to nature.[29]

So first, ORV use promotes ignorance of nature.[30] Compared to nonmotorized recreationists, ORV users know a lot about carburetors and cam shafts but little about flowers, fish or forest succession. Indeed, since greater knowledge of nature would often render ORV use morally problematic, this recreational activity comes with a built-in bias in favor of ignorance.

Second, ORV use promotes environmental indifference. Historically, outdoor recreationists have been in the vanguard of the American conservation movement: hunters and birdwatchers during the Progressive Era, hikers and backpackers swelling the

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[29] H. Rolston III, "Creation and Recreation: Environmental Benefits and Human Leisure," in B. L. Driver, P. Brown and G. Peterson, Benefits of Leisure (State College, Penn.: Venture Publishing, 1991): 393.

[30] Randy Rasmussen of the Natural Trails & Water Coalition suggests that ignorance may be primarily a precursor to ORV use on public lands, rather than a consequence of that use. However he allows that ORV use may compound or prolong such ignorance. R. Rasmussen, personal communication, June, 2005.

ranks of modern environmentalists. Nonmotorized recreation shows people beautiful places which they come to care about. It teaches lessons in appreciation and wonder that often translate into environmental activism. These activities also teach recreationists how to take their pleasure in nature responsibly, a lesson with wide implications for other areas of our lives.

ORV use provides none of this. Seeing a dune or ridge as a series of technical challenges, focusing on whether I can get my rig through a muddy trail, gives little sense of what animals and plants live there or their requirements for flourishing. Indifference to an area's wildlife may be a prerequisite for using ORVs there. As one user replied in response to a researcher's question on an ORV listserv:

> I think this environmental stuff is blown out of proportion. Just because we see stuff that we don't like doesn't mean it's necessarily damaging to the environment. Yeah we shouldn't run over trees and stuff but is it really any worse than cutting down trees and tilling up all the weeds and grass and paving a parking lot for a college? [31]

Given this common attitude, it is not surprising that their defenders cannot provide a single instance where ORV users discovered an area and went on to successfully protect

[31] Posting by "classjoe" to a listserv kept at off road.com, May 11, 2005. Thanks to Nathaniel Bork for initiating this online discussion and for excellent background research used in this paper.

it. We will likely be waiting a long time for a John Muir or Rachel Carson from the ranks of ORV users. [32]

Third, ORV use promotes arrogance: a pervasive lack of respect for other people and for nature. Recall how much annoyance ORV use causes other public lands visitors—then read the ORV literature. At best, you find an occasional tepid admonition not to run people over ("share the trail"). More common are diatribes against the idiots and "eco-wackos" who complain about ORV use.[33] A survey of several dozen ORV magazines and websites for this essay found zero acknowledgements of real harms to other recreationists. When the bar for "courteous use" is set so low and with so little regard for what others would consider courteous, these results are not surprising. They merely confirm the anti-social behavior on display on America's public lands every day.

ORV use is also training in disrespect for nature. Crashing through plants, being able to go anywhere without worry about displacing animals, saying "to hell with rules about where I can and cannot go," is part of the fun (and a big part of how these machines are marketed). When this anti-environmental training occurs on public lands, with the blessing of public officials, this teaches a powerful lesson about the respectability of disrespecting nature. (Why USFS and BLM decision-makers fail to acknowledge this fact

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[32] In a survey of over 92 national and statewide ORV advocacy groups, the Natural Trails & Water Coalition found only ten groups whose websites had content that demonstrated any awareness of the environmental impact of ORV use. R. Rasmussen, personal communication, June, 2005.

[33] For a representative sample, visit www.off-road.com and search on "environmentalists" and "environmentalism."

is an interesting question. Perhaps they don't respect nature themselves; perhaps their own "preferred activities" on public lands are so damaging that ORV use seems benign in comparison.)

In summary, ORV use leads to ignorance, indifference and arrogance toward people and nature. If we believe we are worse people when we are ignorant, indifferent, or arrogant, then ORV use makes us worse people. Other forms of outdoor recreation are just as fun as ORVs, but they teach different lessons about the value of nature and how to get along with our fellow human beings. Properly pursued, they make us <u>better</u> people: physically strong, mentally self-reliant, more knowledgeable about nature and more likely to treat others with respect.[34]

Of course, people are free, within legal limits, to recreate any way they want. But once we realize the opportunities and dangers that outdoor recreation poses to our personal development, we may want to set a voluntary standard for ourselves and our loved ones:

* (Standard 5) Recreate in ways that make you a better person and avoid recreational activities that make you a worse one.

Following this standard would mean giving up ORV recreation and prohibiting our children from using ORVs. It would also mean taking them hiking and camping, teaching them how to hunt and fish, and making more time for the many recreational activities that get us closer to nature. Following this standard would not keep people from enjoying their public lands. On the contrary, it would help many people get more enjoyment, education and inspiration from them than they do now.

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[34] Cafaro, "The Naturalist's Virtues."

Similarly, federal law affirms ORVs as a legitimate recreational activity, "where appropriate," on the public lands.[35] But managers have broad discretion to encourage or discourage different forms of recreation. Currently, USFS and BLM land managers encourage ORV use at the expense of nonmotorized recreation. Many national forests spend more money building and maintaining ORV "trails" than hiking trails—despite the fact that hikers greatly outnumber ORV users. Many forest supervisors reward illegal ORV use by adding user-created roads to their forest transportation systems, and by dropping areas from consideration for wilderness designation on the basis of ORV trespassing.[36] In contrast, few national forests budget much money or personnel to encourage natural history study: activities such as birdwatching or wildlife photography that recruit people into the ranks of nature lovers. Land managers who cared about nature would uphold a different standard:

> * (Standard 6) Encourage recreational activities that lead to love of nature and discourage recreational activities that lead to environmental indifference and harm.

Following this standard would mean setting travel management policies that discourage ORV recreation. USFS' current rule-making effort to prohibit most off-road ORV use is a step in the right direction. Much ORV abuse could be prevented simply by enforcing existing laws. Following standard 6 would also mean redirecting recreational dollars to those "quiet uses" that USFS and BLM have neglected for 100 years, but that are favored

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[35] "Federal Land Policy and Management Act of 1976," section 601 (a), in Selected Environmental Law Statutes: 1251.

[36] Havlick, No Place Distant: 116.

by the great majority of recreationists. If we can spend tens of millions of dollars annually subsidizing ORV use, we can just as easily spend that money building hiking trails and teaching people how to identify the flowers, birds, fish and insects living on public lands.

Conclusion

From what has been said, the outlines of a proper ORV ethics for our public lands are clear. Managers should restrict ORVs to roads; ORV users should stay on roads and find better ways to spend their time in nature. Anything less represents a stewardship failure by public land managers and an ethical failure by ORV users.

ORV users who reject this conclusion but who still have environmental or social scruples should ask themselves where the foregoing analysis has gone astray and state what standards they would advocate for responsible public lands recreation. In the meantime, they should follow these minimal guidelines on public lands:

* Do not drive ORVs off-road.

* Do not cut new roads or trails.

* Use ORVs, like other vehicles, to get to nature rather than as a primary recreational activity within nature.

Likewise, federal and state land managers who believe that they are legally required to allow some ORV access but who profess a stewardship ethic should ask whether continued ORV use is compatible with the long-term protection of the lands entrusted to their care. In the meantime, they should follow these guidelines:

* Mandate and enforce the first two user guidelines above. ORVs should not be allowed to drive off-road, or to cut new roads or trails.

* Do not reward ORV abuse by adding illegally created roads to transportation systems, or by removing areas from wilderness consideration based on illegal ORV activity.

* Do not approve permanent ORV "sacrifice zones."

* Teach ORV users the real costs of their activities to nature and to other people.

Following even these minimal guidelines would mean drastic changes in how ORVs are currently used and managed. But that is what is needed in order to bring ORV use within minimally acceptable standards for ethical conduct.[37]

[37] Thanks to Jerry Freilich, Gary Wockner, Jeremy Bendik-Keymer, and Randy Rasmussen for comments on earlier drafts of this essay and to Kris Cafaro for comments and editorial assistance. None of them agree with everything written in this essay, but they all agree with the true parts.