



WILDERNESS WATCH

Keeping Wilderness Wild

December 7, 2017

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The Honorable Rob Bishop
Chairman
Committee on Natural Resources
Washington, DC 20515

The Honorable Tom McClintock
Chairman
Committee on Natural Resources
Subcommittee on Federal Lands
Washington, DC 20515

The Honorable Raúl Grijalva
Ranking Member
Committee on Natural Resources
Washington, DC 20515

The Honorable Colleen Hanabusa
Ranking Member
Committee on Natural Resources
Subcommittee on Federal Lands
Washington, DC 20515

Re: Testimony in Opposition to H.R. 1349

Dear Chairmen Bishop and McClintock, and Ranking Members
Grijalva and Hanabusa:

Wilderness Watch submits this testimony in strong opposition to H.R. 1349, the Mountain Bikes in Wilderness Bill. Wilderness Watch is a national wilderness conservation organization headquartered in Missoula, Montana. With some 150,000 members and supporters around the nation, Wilderness Watch works to protect all of the Wildernesses found in the National Wilderness Preservation System.

We have attached to this testimony a letter signed by 133 conservation organizations around the county opposing H.R. 1349.

Wilderness Watch oppose H.R. 1349 for the following reasons:

1. H.R. 1349 would dramatically weaken the 1964 Wilderness Act. H.R. 1349 amends the Wilderness Act (36 U.S.C. 1131-1136) to allow mountain bikes in every one of the 765 Wildernesses in the National Wilderness Preservation System, a system of nearly 110 million acres. This bill is a radical weakening of one of the nation's landmark conservation laws, introduced at the behest of a small splinter group of mountain bikers who want to ride their machines into America's wildest places.

The 1964 Wilderness Act has never been amended before in its 53-year history, with but one exception. In 1978, Congress passed the Boundary Waters Canoe Area Wilderness (BWCAW) Act, Public Law 95-495 (92 Stat. 1649). This 1978 law removed section 4(d)(5) of the Wilderness Act, a section that had previously allowed logging and motorboat use in the BWCAW. So the only time that Congress has ever previously amended the Wilderness Act has been to *strengthen* wilderness protections, not to *weaken* wilderness protections. H.R. 1349 would set a horrible precedent for weakening the Wilderness Act.

2. The Wilderness Act currently prohibits bikes in Wilderness, and for good reason.

HR 1349 supporters often erroneously claim that mountain bikes were allowed in Wilderness until 1984, but then banned administratively by the U.S. Forest Service. This claim is simply not true. The 1964 Wilderness Act banned all types of mechanized transport, including bicycles, in designated Wilderness. Section 4(c) of that act states, “[T]here shall be...no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, **no other form of mechanical transport**, and no structure or installation within any such area.” (emphasis added).

Furthermore, the Congress stated the purpose of the Wilderness Act was, in part, to protect these areas from “expanding settlement **and growing mechanization....**” (emphasis added) (Wilderness Act, Section 2[a].)

Allowing mountain bikes in Wilderness would destroy many of the most important conditions that define wilderness, including solitude and silence, remoteness and isolation. Mountain bikes would also degrade the qualities of humility and restraint, which are central to how people should deal with Wilderness.

Mountain bikes in Wilderness would frighten and disturb wildlife and invade otherwise secure habitat for wildlife species. With our increasing population pursuing ever more recreational pursuits, coupled with improving technologies, wildlife that needs remote areas that lack any human presence will have nowhere to go.

Other issues would negatively impact Wildernesses well. Due to their speed, mountain bikes shrink wild places, allowing human access to areas that are otherwise remote. This is particularly critical due to the overwhelming increase in all recreational pursuits on public lands and where the landscapes without human disturbance are shrinking rapidly. With modern, high-performance mountain bikes even average riders can reach the most remote areas and return in a single day. Mountain bikes would effectively shrink the size of Wildernesses.

3. The 1984 Forest Service wilderness rules change merely clarified the Wilderness Act language on bikes.

Some bike advocates often claim that bikes were allowed in designated Wilderness until 1984, but this claim is inaccurate. In 1984, the U.S. Forest Service amended its wilderness regulations to specifically exclude bikes in Wilderness, as the Wilderness Act intended. Even without the amendment to its regulations, bikes were prohibited in Wilderness by the statute.

The first Forest Service regulations in 1965 to implement the Wilderness Act did not

specifically ban bikes in Wilderness. At that time virtually no one wanted to even try to ride 1965-era bikes in the mountainous Wildernesses of the West. As bicycling manufacturing technology improved through the 1970s and 1980s, mountain bikes did become capable of travel in mountainous areas, and hence the need to clarify the agency's regulations in 1984.

Beyond the Forest Service, the other three federal agencies that administer Wilderness (National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management), all specifically banned bicycles from designated Wildernesses in their first wilderness regulations, in accordance with the Wilderness Act.

4. Wheelchairs are already allowed in Wilderness. The language of H.R. 1349 amends the Wilderness Act to allow “the use of motorized wheelchairs [and] non-motorized wheelchairs” in designated Wildernesses. This language is unnecessary, since wheelchairs are already allowed in Wildernesses.

Under the 1990 amendments to the Americans with Disability Act (ADA) (42 U.S.C. 12101 *et seq.*), both motorized wheelchairs and non-motorized wheelchairs are already allowed in designated Wildernesses. Sec. 507(c) of the Americans with Disabilities Act of 1990 states:

(c) Specific Wilderness Access—

(1) In General--Congress reaffirms that nothing in the Wilderness Act is to be construed as prohibiting the use of a wheelchair in a wilderness area by an individual whose disability requires use of a wheelchair, and consistent with the Wilderness Act no agency is required to provide any form of special treatment or accommodation, or to construct any facilities or modify any conditions of lands within a wilderness area to facilitate such use.

(2) Definition--For the purposes of paragraph (1), the term wheelchair means a device designed solely for use by a mobility-impaired person for locomotion, that is suitable for use in an indoor pedestrian area.

(Americans With Disabilities Act, P.L. 101-36)

Wheelchair use in designated Wilderness has thus already legally occurred for more than a quarter-century under these provisions. There is no need to muddy the waters or hide behind people with disabilities and include wheelchairs in the language of H.R. 1349.

Of significant concern with the language in H.R. 1349 is that it doesn't include the wilderness protection safeguard included in the ADA amendments. Under H.R. 1349 a “wheelchair” with all the capabilities of an all-terrain vehicle (ATV) would be allowed in Wilderness and virtually anyone could claim a disability and ride one. Federal agency managers are not allowed—and rightly so—to inquire about the nature of one's disabilities, thus there is no way to determine a disability claim. The current law discourages abuse. The language in H.R. 1349 would encourage it.

5. Strong opposition to H.R. 1349 has arisen from across the nation. Citizens and conservation organizations from around the nation are arising to oppose H.R. 1349. They oppose this legislation for many of the same reasons as stated above.

As one measure of the opposition to H.R. 1349, a letter of opposition to H.R. 1349 from 133 organizations from around the country is attached to this testimony. This opposition is widespread and deep, and helps show how out-of-step H.R. 1349 is to the concern of the American people for wilderness conservation.

Please oppose H.R. 1349.

Sincerely,

A handwritten signature in cursive script that reads "Kevin Proescholdt".

Kevin Proescholdt
Conservation Director

**PROTECT WILDERNESS FROM BIKES:
OPPOSE H.R. 1349**

Adirondack Council • Adirondack Wild, Friends of the Forest Preserve • Aldo's Silver City Broadband, Great Old Broads for Wilderness • Alliance for the Wild Rockies • Alpine Lakes Protection Society • Amargosa Conservancy • Animals Are Sentient Beings, Inc. • Arizona Wilderness Coalition • Back Country Horsemen of New Mexico • Big Wild Adventures • Big Wild Advocates • Blue Goose Alliance • Blue Ridge Land Conservancy • Boise Broadband, Great Old Broads for Wilderness • Bozeman Broadband, Great Old Broads for Wilderness • Buckeye Forest Council • California Chaparral Institute • California Wilderness Coalition • Californians for Western Wilderness • Cascade Volcanoes Broadband, Great Old Broads for Wilderness • Conservation Congress • Conservation Northwest • Conservatives for Responsible Stewardship • Cook Inletkeeper • Environmental Protection Information Center • Fairmont Minnesota Peace Group • Federation of Western Outdoor Clubs • Forest Service Employees for Environmental Ethics • Friends of Alaska Wildlife Refuges • Friends of Allegheny Wilderness • Friends of Bell Smith Springs • Friends of Nevada Wilderness • Friends of Sylvania Wilderness • Friends of the Bitterroot • Friends of the Boundary Waters Wilderness • Friends of the Clearwater • Friends of the Wild Swan • Georgia ForestWatch • Gifford Pinchot Task Force • Grand Junction Area Broadband, Great Old Broads for Wilderness • Great Old Broads for Wilderness • Great Plains Restoration Council • Greater Wasatch Broadband, Great Old Broads for Wilderness • Harding Land Trust • Heartwood • Hells Canyon Preservation Council • High Country Conservation Advocates • High Sierra Hikers Association • Hunters for Predators • Idaho Environmental Council • Idaho Rivers United • Izaak Walton League of America, Minnesota Division • Izaak Walton League of America, Minnesota Valley Chapter • Kentucky Heartwood • Kettle Range Conservation Group • Klamath Forest Alliance • Kootenai Environmental Alliance • Lands Council • Massachusetts Forest Watch • Minnesota Center for Environmental Advocacy • Moab Broadband, Great Old Broads for Wilderness • Montana Wilderness Association • Montanans for Gallatin Wilderness • Mountain Bikers for Wilderness • New Mexico Sportsmen • New Mexico Wilderness Alliance • North Cascades Conservation Council • North Fork Preservation Association • Northeast Wilderness Trust • Northern San Juan Broadband, Great Old Broads for Wilderness • Olympic Park Associates • Palouse Broadband, Great Old Broads for Wilderness • Phoenix Broadband, Great Old Broads for Wilderness • Polly Dyer Cascadia Broadband, Great Old Broads for Wilderness • Public Employees for Environmental Responsibility (PEER) • Quiet Use Coalition • RESTORE: The North Woods • Rewilding Institute • Rio Grande Valley Broadband, Great Old Broads for Wilderness • River Runners for Wilderness • Roaring Fork Valley Broadband, Great Old Broads for Wilderness • Rocky Mountain Wild • San Juan Citizens Alliance • San Luis Valley Ecosystem Council • Save America's Forests • Save Our Canyons • Save Our Sky Blue Waters • Sawtooth Interpretive and Historical Association • Scholarly Brass Editions • Selkirk Conservation Alliance • Selway-Pintler Wilderness Back Country Horsemen • Sequoia ForestKeeper • Shawnee Forest Sentinels • Sierra Club • Sierra Club, Colorado Chapter • Sigurd Olson Environmental Institute • Sleeping Bear Naturally • Soda Mountain Wilderness Council • South Florida Wildlands Association • South Park Broadband, Great Old Broads for Wilderness • Southern Illinoisans Against Fracturing Our Environment • Southern Utah Wilderness Alliance • Speak Up for Wildlife Foundation • Spring Family Trust for Trails • Steamboat Springs Broadband, Great Old Broads for Wilderness • Swan View Coalition • Tennessee Citizens for Wilderness Planning • Tennessee Heartwood • Teton Valley Broadband, Great Old Broads for Wilderness • 3 Great Lakes Broadband, Great Old Broads for Wilderness • Tucson Broadband, Great Old Broads for Wilderness • Tuleyome • Upper Peninsula Environmental Coalition • Walden Woods Project • Wasatch Mountain Club • Washington Wild • Western Watersheds Project • Western Wildlife Conservancy • White Mountain Conservation League • Wild Connections • WILD Foundation • Wild Utah Project • Wild Virginia • Wild Wilderness • WildEarth Guardians • WildLands Defense • Wilderness Watch • Wilderness Workshop • WildWest Institute • Willamette Valley Broadband, Great Old Broads for Wilderness • Wyoming Back Country Horsemen of America • Wyoming Wilderness Association • Yellowstone to Uintas Connection

December 7, 2017

Dear Member of Congress,

The 133 undersigned organizations urge you to reject an unprecedented call to amend the Wilderness Act to allow for the use of mountain bikes in designated Wilderness.

As you may know, Representative Tom McClintock (R-CA) has introduced HR 1349, a bill to

amend the Wilderness Act to allow mountain bikes in Wilderness. The bill was introduced at the behest of a recently formed mountain biking organization, the Sustainable Trails Coalition. The undersigned organizations strongly urge you to oppose this effort to undermine the Wilderness Act.

In a seemingly cynical attempt to use people with disabilities as a justification for the bill, the legislation lists “motorized wheelchairs” and “non-motorized wheelchairs” as the first uses to be authorized in the bill (even prior to the listing of “bicycles”), despite the fact that the 1990 amendments to the Americans with Disabilities Act (ADA) have allowed wheelchairs in designated Wilderness for more than a quarter-century.

HR 1349 supporters erroneously claim that mountain bikes were allowed in Wilderness until 1984, but then banned administratively by the U.S. Forest Service. This claim is simply not true.

The 1964 Wilderness Act (36 U.S.C. 1131-1136) banned all types of mechanized transport, including bicycles, in designated Wilderness. Section 4(c) of that act states, “[T]here shall be...no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, **no other form of mechanical transport**, and no structure or installation within any such area.” (emphasis added).

Furthermore, the Congress stated the purpose of the Wilderness Act was, in part, to protect these areas from “expanding settlement and **growing mechanization**....” (emphasis added) (Wilderness Act, Section 2[a].)

For over a half century, the Wilderness Act has protected wilderness areas from mechanization and mechanical transport, even if no motors were involved with such activities. This has meant, as Congress intended, that Wildernesses have been kept free from bicycles and other types of mechanization and mechanical transport. The undersigned believe that this protection has served our Nation well, and that the “benefits of an enduring resource of wilderness” would be forever lost by allowing mechanized transport in these areas.

Please oppose HR 1349 and any other attempt to undermine the Wilderness Act and wilderness protections.

Sincerely,

Wilderness Watch
Missoula, MT

Adirondack Council
Elizabethtown, NY

Adirondack Wild, Friends of the Forest Preserve
Niskayuna, NY

Aldo’s Silver City Broadband, Great Old Broads for
Wilderness
Silver City, NM

Alliance for the Wild Rockies
Helena, MT

Alpine Lakes Protection Society
Seattle, WA

Amargosa Conservancy
Shoshone, CA

Animals Are Sentient Beings, Inc.
Cambridge, MA

Arizona Wilderness Coalition
Tucson, AZ

Back Country Horsemen of New Mexico
Albuquerque, NM

Big Wild Adventures Emigrant, MT	Forest Service Employees for Environmental Ethics Eugene, OR
Big Wild Advocates Emigrant, MT	Friends of Alaska National Wildlife Refuges Homer, AK
Blue Goose Alliance Albuquerque, NM	Friends of Allegheny Wilderness Warren, PA
Blue Ridge Land Conservancy Roanoke, VA	Friends of Bell Smith Springs Stonefort, IL
Boise Broadband, Great Old Broads for Wilderness Boise, ID	Friends of Nevada Wilderness Reno, NV
Bozeman Broadband, Great Old Broads for Wilderness Bozeman, MT	Friends of Sylvania Wilderness Monona, WI
Buckeye Forest Council Athens, OH	Friends of the Bitterroot Hamilton, MT
California Chaparral Institute Escondido, CA	Friends of the Boundary Waters Wilderness Minneapolis, MN
California Wilderness Coalition Oakland, CA	Friends of the Clearwater Moscow, ID
Californians for Western Wilderness San Francisco, CA	Friends of the Wild Swan Bigfork, MT
Cascade Volcanoes Broadband, Great Old Broads for Wilderness Milwaukie, OR	Georgia ForestWatch Dahlonega, GA
Conservation Congress Livingston, MT	Gifford Pinchot Task Force Vancouver, WA
Conservation Northwest Bellingham, WA	Grand Junction Area Broadband, Great Old Broads for Wilderness, Grand Junction, CO
Conservatives for Responsible Stewardship Oakton, VA	Great Old Broads for Wilderness Durango, CO
Cook Inletkeeper Homer, AK	Great Plains Restoration Council Fort Worth, TX
Environmental Protection Information Center Arcata, CA	Greater Wasatch Broadband, Great Old Broads for Wilderness Salt Lake City, UT
Fairmont Minnesota Peace Group Fairmont, MN	Harding Land Trust Harding, NJ
Federation of Western Outdoor Clubs Oak Grove, OR	Heartwood Bloomington, IN

Hells Canyon Preservation Council
La Grande, OR

High Country Conservation Advocates
Crested Butte, CO

High Sierra Hikers Association
Lafayette, CA

Hunters for Predators
Bend, OR

Idaho Environmental Council
Idaho Falls, ID

Idaho Rivers United
Boise, ID

Izaak Walton League of America, MN Division
St. Paul, MN

Izaak Walton League of America, MN Valley
Chapter
Bloomington, MN

Kentucky Heartwood
Berea, KY

Kettle Range Conservation Group
Republic, WA

Klamath Forest Alliance
Orleans, CA

Kootenai Environmental Alliance
Coeur d'Alene, ID

Lands Council
Spokane, WA

Massachusetts Forest Watch
Northampton, MA

Minnesota Center for Environmental Advocacy
St. Paul, MN

Moab Broadband, Great Old Broads for Wilderness
Moab, UT

Montana Wilderness Association
Helena, MT

Montanans for Gallatin Wilderness
Bozeman, MT

Mountain Bikers for Wilderness
Bend, OR

New Mexico Sportsmen
Albuquerque, NM

New Mexico Wilderness Alliance
Albuquerque, NM

North Cascades Conservation Council
Seattle, WA

North Fork Preservation Association
Polebridge, MT

Northeast Wilderness Trust
Montpelier, VT

Northern San Juan Broadband, Great Old Broads for
Wilderness
Ridgway, CO

Olympic Park Associates
Seattle, WA

Palouse Broadband, Great Old Broads for Wilderness
Moscow, ID

Phoenix Broadband, Great Old Broads for
Wilderness
Phoenix, AZ

Polly Dyer Cascadia Broadband, Great Old Broads
for Wilderness
Olympia, WA

Public Employees for Environmental Responsibility
(PEER)
Washington, DC

Quiet Use Coalition
Salida, CO

RESTORE: The North Woods
Hallowell, ME

Rewilding Institute
Albuquerque, NM

Rio Grande Valley Broadband, Great Old Broads for
Wilderness
Albuquerque, NM

River Runners for Wilderness
Flagstaff, AZ

Roaring Fork Valley Broadband, Great Old Broads
for Wilderness
Aspen, CO

Rocky Mountain Wild
Denver, CO

San Juan Citizens Alliance
Durango, CO

San Luis Valley Ecosystem Council
Alamosa, CO

Save America's Forests
Washington, DC

Save Our Canyons
Salt Lake City, UT

Save Our Sky Blue Waters
Duluth, MN

Sawtooth Interpretive and Historical Association
Stanley, ID

Scholarly Brass Editions
Chicago, IL

Selkirk Conservation Alliance
Priest River, ID

Selway-Pintler Wilderness Back Country Horsemen
Hamilton, MT

Sequoia ForestKeeper
Kernville, CA

Shawnee Forest Sentinels
Anna, IL

Sierra Club
Oakland, CA

Sigurd Olson Environmental Institute
Ashland, WI

Sleeping Bear Naturally
Glen Arbor, MI

Soda Mountain Wilderness Council
Ashland, OR

South Florida Wildlands Association
Fort Lauderdale, FL

South Park Broadband, Great Old Broads for
Wilderness
Greenwood Village, CO

Southern Appalachian Wilderness Stewards
Asheville, NC

Southern Illinoisans Against Fracturing Our
Environment
Vienna, IL

Southern Utah Wilderness Alliance
Salt Lake City, UT

Speak Up for Wildlife Foundation
Penticton, BC, Canada

Spring Family Trust for Trails
Seattle, WA

Steamboat Springs Broadband, Great Old Broads for
Wilderness
Steamboat Springs, CO

Swan View Coalition
KalisPELL, MT

Tennessee Citizens for Wilderness Planning
Oak Ridge, TN

Tennessee Heartwood
Chattanooga, TN

Teton Valley Broadband, Great Old Broads for
Wilderness
Alta, WY

3 Great Lakes Broadband, Great Old Broads for
Wilderness
Cedarville, MI

Tucson Broadband, Great Old Broads for Wilderness
Tucson, AZ

Tuleyome
Woodland, CA

Upper Peninsula Environmental Coalition
Houghton, MI

Walden Woods Project
Lincoln, MA

Wasatch Mountain Club
Salt Lake City, UT

Washington Wild
Seattle, WA

Western Watersheds Project
Hailey, ID

Western Wildlife Conservancy
Salt Lake City, UT

White Mountain Conservation League
Pinetop, AZ

Wild Connections
Colorado Springs, CO

WILD Foundation
Boulder, CO

Wild Utah Project
Salt Lake City, UT

Wild Virginia
Charlottesville, VA

Wild Wilderness
Bend, OR

WildEarth Guardians
Santa Fe, NM

WildLands Defense
Hailey, ID

Wilderness Workshop
Carbondale, CO

WildWest Institute
Missoula, MT

Willamette Valley Broadband, Great Old Broads for
Wilderness
Philomath, OR

Wyoming Back Country Horsemen of America
Buffalo, WY

Wyoming Wilderness Association
Sheridan, WY

Yellowstone to Uintas Connection
Paris, ID