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April 28, 2021

The Hon. Matt Rosendale  
House of Representatives  
Washington, D.C. 20515

*Re: the Northern Rockies Ecosystem Protection Act, H.R. 1755*

Dear Congressman Rosendale:

I write on behalf of the Sustainable Trails Coalition<sup>1</sup> to report that the Northern Rockies Ecosystem Protection Act, H.R. 1755, would harm mountain biking in Montana, affecting Montana's mountain biking community and local economies that depend on out-of-state bicycling visitors.

The legislation, introduced by Rep. Carolyn Maloney of New York, has been referred to the House Subcommittee on National Parks, Forests, and Public Lands.

Currently, bicycling is banned in Wilderness, and parents are not allowed to walk a child in a baby stroller, because any time a wheel touches the ground in a Wilderness area federal agency rules regard that as "mechanical transport" that they think, erroneously in our view, the Wilderness Act of 1964 prohibited decades ago (see 16 U.S.C. § 1133(c)).<sup>2</sup>

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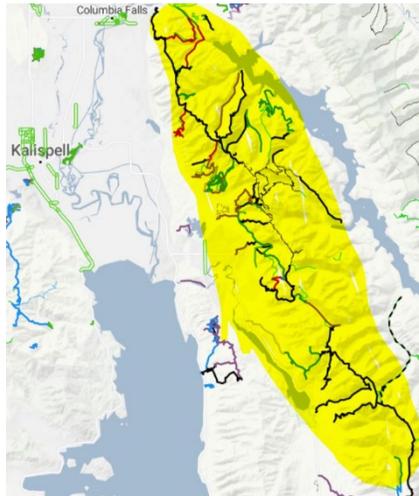
<sup>1</sup> STC is a nonprofit, grass-roots organization with tens of thousands of followers. We work to restore National Forest, Bureau of Land Management, and National Park staff discretion to allow mountain biking in Wilderness on a case-by-case basis. They were able to do this as recently as the year 2000 in the case of the BLM, but no longer can.

<sup>2</sup> The latest legal scholarship has shown that the Wilderness Act did not prohibit self-powered means of visiting Wilderness areas, and that even if there had been such an intent in 1964, Congress changed its mind in 1980. (Applegate, A.: [Congress, Let Bicycles Back In](#); Ruckriegle, H.: [Mountain Biking Into the Wilderness \(I\)](#); Ruckriegle, H.: [Mountain Biking Into the Wilderness \(II\)](#); Stroll, T: [Congress's Intent in Banning Mechanical Transport in the Wilderness Act of 1964.](#))

Rep. Maloney’s legislation would wipe out mountain biking access in a part of the Flathead National Forest that mountain bikers treasure. We are informed that bicycling would be banned from the following trails or trail systems:

1. <https://www.trailforks.com/region/ten-lakes-scenic-recreation-area/>
2. <https://www.trailforks.com/region/whitefish-mountain-resort/> (parts of the system).
3. <https://www.trailforks.com/trails/west-ousel-peak-trail/>
4. “All of the Doris, Columbia, Blaine, Flash, Alpine 7 and more, [i.e.], almost everything that runs down to Flathead Lake. It’s almost more of a question of what of the 844 trails are not going to become Wilderness and ban mountain bikes.” <https://www.trailforks.com/region/flathead-valley-24459/> (The quotation is from our mapping researcher.)
5. <https://www.trailforks.com/region/hungry-horse/>
6. <https://www.trailforks.com/region/swan-lake/>

Here is a map of one affected area, showing trails on which bikes would no longer be allowed:



Regarding the Flathead National Forest as shown in the map above, our supporters tell us:

“That’s all very popular motorized use area as well. Dirt bikes and snowmobiles.”

“[Flathead Area Mountain Bikers](#) just spent a bunch of time, money, and effort clearing and maintaining several of those trails just last summer.”

“That’s the Alpine 7! Unsung gem of the Swan.” (She is referring to Swan Lake.)

We request that you ask Rep. Maloney to grandfather mountain biking on all trails that she proposes to embed in Wilderness under NREPA, so that this access is not lost.

Minute trail-by-trail evaluations would not be necessary at the congressional level, of course, if Congress would reaffirm that federal agencies may allow bicycling in Wilderness and managed-as-Wilderness areas. The agencies themselves favor this. At a Senate subcommittee hearing last November, the Forest Service and the Department of the Interior testified that bicycle-riding can be done in a safe and environmentally protective manner in some Wilderness settings. They are waiting for Congress to give them that authority.

Prior legislation, notably S. 1695 (116th Congress, per Sen. Mike Lee) and H.R. 1349 (115th Congress, per Rep. Tom McClintock), would give agencies this authority. STC urges that legislation of this type be reintroduced and enacted in the 117th Congress. Then, the Flathead National Forest would be in charge of managing its trails, rather than a congresswoman who, though presumably well-intentioned, represents faraway Manhattan and Brooklyn in New York City.

Respectfully submitted,



Ted Stroll  
STC board president

cc: The Hon. Joe Neguse, subcommittee chairperson  
The Hon. Bruce Westerman, subcommittee ranking member  
The Hon. Tom McClintock  
The Hon. Carolyn Maloney  
Mr. Chris French, USDA Forest Service