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April 29, 2021

The Hon. Russ Fulcher
House of Representatives
Washington, D.C. 20515

Re: Impact in Idaho of the Northern Rockies Ecosystem Protection Act, H.R. 1755

Dear Congressman Fulcher:

I write on behalf of the Sustainable Trails Coalition¹ to report that the Northern Rockies Ecosystem Protection Act, H.R. 1755, would harm mountain biking in the Idaho panhandle, affecting the area's mountain biking community and the economies of places like Coeur d'Alene, Sandpoint, and Bonners Ferry.

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)).²

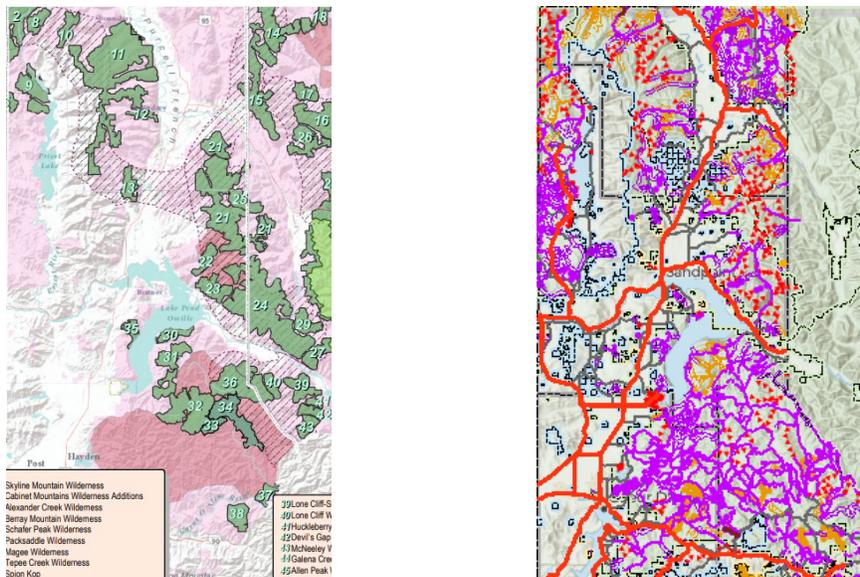
¹ STC is a nonprofit, grass-roots organization with tens of thousands of followers. We work to restore National Forest, Bureau of Land Management, and National Park staff discretion to allow mountain biking in Wilderness on a case-by-case basis. They were able to do this as recently as the year 2000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

² 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.](#))

One of our supporters, who lives in the Panhandle, tells us, “We would lose some loved backcountry rides on the North Fork of the Coeur d’Alene River,” and “I can’t even begin to count the gravel miles we would lose.” He also reports that bicycling would be banned from the following trails or trail systems:

- 15 miles of the Coeur d’Alene River Trail (#20)
- 4.2 miles of Devil’s Peak (#56)
- 3 miles of Independence Creek (#22)
- 8 miles in the Graham–Coal Creek Unit 38.

But, judging by these two maps of the affected area, many other recreational trails and roads, both nonmotorized and motorized, would be available only to hikers and packstock:



The left map shows the NREPA proposed Wildernesses in olive green and what are termed “NREPA recovery areas” in dark pink. It is unclear to us whether bicycles would be allowed in the NREPA recovery areas. They certainly wouldn’t be in the new Wildernesses.

The right map, which can be enlarged [online](#), shows the trails and dirt roads network for the same area. Purple and orange routes are motorized and red routes are nonmotorized. To the extent that the left map overlies the right map, they would lose some or all of their recreational uses under this legislation.

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.

We do not represent motorized recreational users, but they will likely have their own concerns about this legislation.

To be sure, minute trail-by-trail evaluations would not be necessary at the congressional level 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 federal land managers situated in the Panhandle would be in charge of managing trails, rather than a congresswoman who, though presumably well-intentioned, represents parts of 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