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April 30, 2021

The Hon. Maria Cantwell  
United States Senate  
Washington, D.C. 20510

The Hon. Patty Murray  
United States Senate  
Washington, D.C. 20510

The Hon. Cathy McMorris Rodgers  
House of Representatives  
Washington, D.C. 20515

*Re: Impact in eastern Washington of the Northern Rockies Ecosystem Protection Act*

Dear Senators Cantwell and Murray and Representative McMorris Rodgers:

I write on behalf of the Sustainable Trails Coalition<sup>1</sup> to report that the Northern Rockies Ecosystem Protection Act, H.R. 1755 and S. 1276, would reduce mountain biking access in eastern Washington, affecting the mountain biking community throughout Washington.

The legislation, introduced by Rep. Carolyn Maloney of New York and Sen. Sheldon Whitehouse of Rhode Island, has been referred to the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources.

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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.

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>

Our mapping consultant reports that bicycling would be banned from the following trails or trail systems in northeast Washington, in Ms. McMorris Rodgers’s district:

- <https://www.trailforks.com/trails/kettle-crest-trail-ryan-cabin-to-taylor-ridge>
- <https://www.trailforks.com/trails/profanity-peak-trail>
- <https://www.trailforks.com/trails/ryan-cabin>
- <https://www.trailforks.com/trails/kettle-crest-trail-stickpin-to-ryan-cabin>
- <https://www.trailforks.com/trails/stickpin>
- <https://www.trailforks.com/trails/kettle-crest-trail-old-stage-to-stickpin>
- <https://www.trailforks.com/trails/lambert-trail>
- <https://www.trailforks.com/trails/lambert-trail-summit-spur>
- <https://www.trailforks.com/trails/midnight-ridge>
- <https://www.trailforks.com/trails/kettle-crest-trail-jungle-hill-to-old-stage>
- <https://www.trailforks.com/trails/old-stage-west-side-71747>
- <https://www.trailforks.com/trails/kettle-crest-trail-jungle-hill-to-old-stage>
- <https://www.trailforks.com/trails/timber-ridge-trail-17>
- <https://www.trailforks.com/trails/jungle-hill>
- <https://www.trailforks.com/trails/kettle-crest-trail-columbia-mountain-to-jungle-hill>
- <https://www.trailforks.com/trails/sherman-pass>
- <https://www.trailforks.com/trails/sherman-peak-loop-west/>
- <https://www.trailforks.com/trails/sherman-peak-loop-east>
- <https://www.trailforks.com/trails/snow-peak-trail>
- <https://www.trailforks.com/trails/south-kettle-crest-trail-to-barnaby-buttres>
- <https://www.trailforks.com/trails/edds-mountain>
- <https://www.trailforks.com/trails/barnaby-buttres-trail-7/>
- <https://www.trailforks.com/trails/barnaby-buttres-trail-70>
- <https://www.trailforks.com/trails/south-kettle-crest-trail-white-mountain>
- And possibly <https://www.trailforks.com/trails/upper-taylor-ridge>

He has created an [interactive map](#) that will help you to visualize these trail losses.

He advises us that “around 80-90 miles of singletrack,” i.e., narrow dirt trails, would be lost to cyclists, remaining available only to hikers and packstock. The economies of nearby

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<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.*)

towns like Republic, Kettle Falls, and Colville may be expected to suffer from fewer visits by cyclists from greater Seattle and Spokane.

We request that you ask Rep. Maloney and Sen. Whitehouse to grandfather bike-riding on all trails they propose to embed in Wilderness under NREPA, so that access is preserved.

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, Colville National Forest managers would be in charge of managing their trails, rather than lawmakers who, though presumably well-intentioned, represent parts of New York City and the state of Rhode Island, neither of which jurisdiction has any Wilderness.

Respectfully submitted,



Ted Stroll  
STC board president

cc: The Hon. Joe Neguse, House subcommittee chairperson  
The Hon. Bruce Westerman, House subcommittee ranking member  
The Hon. Catherine Cortez Masto, Senate subcommittee chairperson  
The Hon. Mike Lee, Senate subcommittee ranking member  
The Hon. Tom McClintock  
The Hon. Carolyn Maloney  
The Hon. Sheldon Whitehouse  
Mr. Chris French, USDA Forest Service  
Evergreen Mountain Biking Alliance (Seattle)  
Ferry County and Stevens County Boards of Commissioners