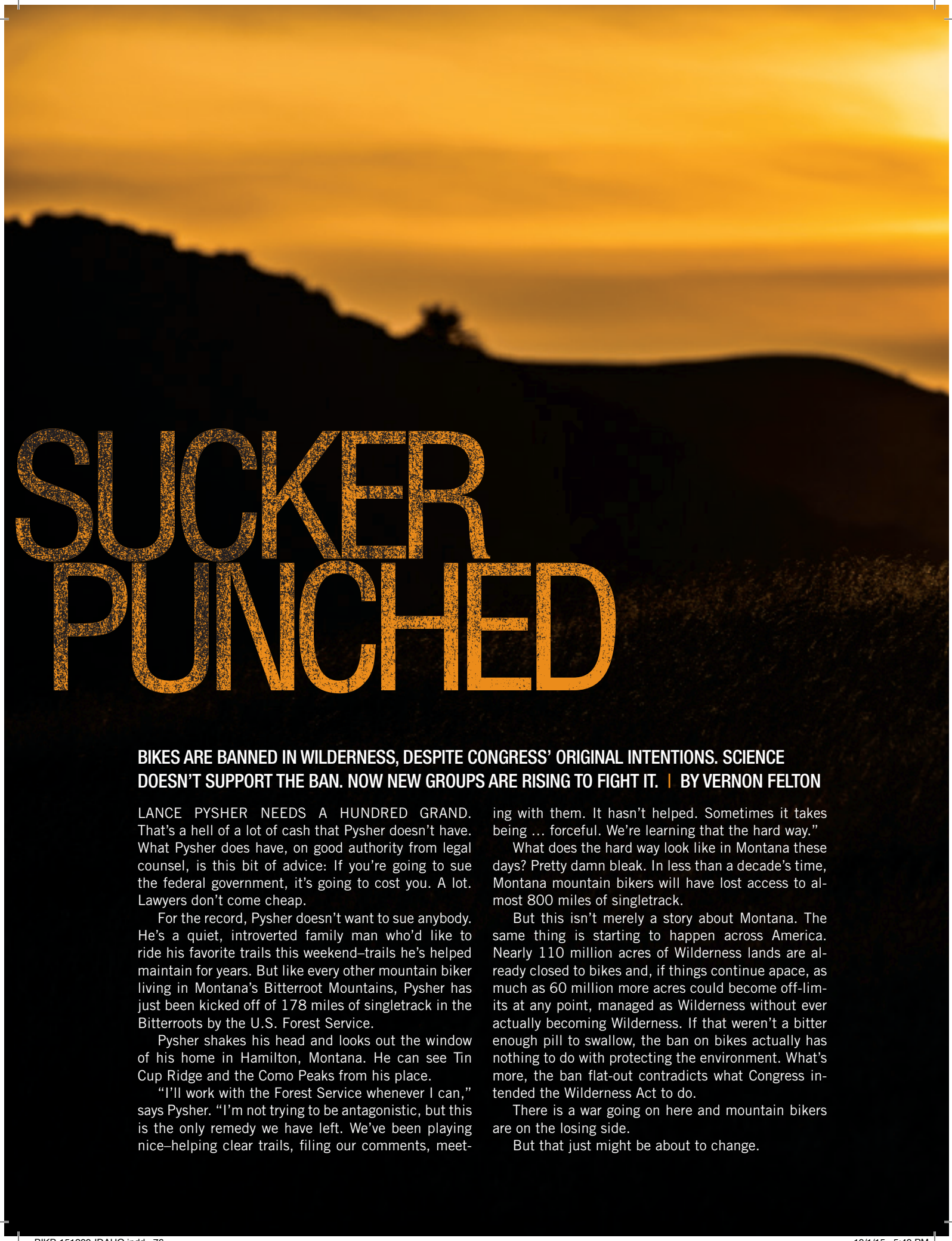

SUCKER PUNCHED

BIKES ARE BANNED IN WILDERNESS, DESPITE CONGRESS' ORIGINAL INTENTIONS. SCIENCE DOESN'T SUPPORT THE BAN. NOW NEW GROUPS ARE RISING TO FIGHT IT. | BY VERNON FELTON

LANCE PYSHER NEEDS A HUNDRED GRAND. That's a hell of a lot of cash that Pysher doesn't have. What Pysher does have, on good authority from legal counsel, is this bit of advice: If you're going to sue the federal government, it's going to cost you. A lot. Lawyers don't come cheap.

For the record, Pysher doesn't want to sue anybody. He's a quiet, introverted family man who'd like to ride his favorite trails this weekend–trails he's helped maintain for years. But like every other mountain biker living in Montana's Bitterroot Mountains, Pysher has just been kicked off of 178 miles of singletrack in the Bitterroots by the U.S. Forest Service.

Pysher shakes his head and looks out the window of his home in Hamilton, Montana. He can see Tin Cup Ridge and the Como Peaks from his place.

"I'll work with the Forest Service whenever I can," says Pysher. "I'm not trying to be antagonistic, but this is the only remedy we have left. We've been playing nice–helping clear trails, filing our comments, meeting with them. It hasn't helped. Sometimes it takes being … forceful. We're learning that the hard way."

What does the hard way look like in Montana these days? Pretty damn bleak. In less than a decade's time, Montana mountain bikers will have lost access to almost 800 miles of singletrack.

But this isn't merely a story about Montana. The same thing is starting to happen across America. Nearly 110 million acres of Wilderness lands are already closed to bikes and, if things continue apace, as much as 60 million more acres could become off-limits at any point, managed as Wilderness without ever actually becoming Wilderness. If that weren't a bitter enough pill to swallow, the ban on bikes actually has nothing to do with protecting the environment. What's more, the ban flat-out contradicts what Congress intended the Wilderness Act to do.

There is a war going on here and mountain bikers are on the losing side.

But that just might be about to change.

STERLING LORENCE

WHAT WOULD HOWARD WANT?

To understand why the Wilderness Act has become so polarizing, you need to understand its origins. President Lyndon B. Johnson signed the Wilderness Act into law in 1964, but Howard Zahniser, the executive director of The Wilderness Society, wrote the Act's first draft in 1956.

By 1964, America had become a patchwork of cities, highways, industrial zones and suburban sprawl. The nation needed comprehensive environmental safeguards. Enter Zahniser and his dream of a law that would preserve entire ecosystems in their pristine, "untrammeled" states. Zahniser got the Wilderness Act introduced into Congress and, with assistance from others (such as the Sierra Club's David Brower), helped shepherd the bill through its eight-year journey to the president's desk. Without The Wilderness Society and the Sierra Club, there'd be no Wilderness Act; that's beyond dispute. It also explains why those groups still feel a strong sense of ownership over the Act.

When mountain bikes began popping up in Marin County during the 1970s, Sierra Club and The Wilderness Society members rushed to the U.S. Forest Service, one of four agencies that manage Wilderness areas, arguing that mountain bikes were exactly the kind of mechanized transport that Zahniser would have wanted barred from Wilderness. It took a few years to convince the Forest Service, which had always interpreted the Wilderness Act as only restricting mechanized transport powered by a nonliving source (i.e., a motor).

LESLIE KEHMEIER

PREVIOUS SPREAD: ALE DI LULLO.

By 1984, the two organizations had succeeded in convincing the Forest Service to revise its original guidelines to specifically ban bicycles. The other agencies that manage Wilderness followed suit. Mountain bikers had lost the battle before they'd realized it had even begun. It was only after the boom came down that riders banded together and eventually formed an organization to advocate for their rights: the International Mountain Bicycling Association, or IMBA.

JUST WHO IS BREAKING THE LAW HERE?

In 2003, Ted Stroll received a call from Gary Sprung, then IMBA's senior national policy advisor. Sprung wanted a lawyer's perspective on why there couldn't be bikes in Wilderness. Stroll was working at the California Supreme Court at the time as a staff attorney.

"It seemed so obvious to me," recalls Stroll. "The Wilderness Act forbids all forms of mechanical transport. And what could be more clearly a form of mechanical transport than a bike?"

Still, Stroll decided to look into the matter. What he found surprised him. "The ban on mountain biking flies in the face of what Congress wanted the Wilderness Act to do," he says.

Stroll spent 400 hours reviewing the congressional record from committee hearings and congressional testimony. The legislators repeatedly made it clear that they wanted to create a law that both preserved land in its untrammeled state and brought Americans back into the wilds. "You have to understand," says Stroll, "that during this time, there was a great fear that America was growing soft. Americans were suddenly watching TV, they were driving cars everywhere–it was a massive societal shift and Congress wanted to change that.

"Time and time again," he says, "members of Congress went on record saying that they wanted people to explore the Wilderness on their own power. Wilderness wasn't meant to be off-limits to human-powered transport at all. What was off-limits was being passively conveyed into the Wilderness–driving cars, taking motorboats into the Wilderness. Doing anything that scarred or left a permanent trace on the land was also forbidden, like building roads, putting up structures and marring the land. That's why the Forest Service regulations were so clear, for so long, about preventing motorized mechanized devices in Wilderness."

Stroll also points to the fact that in 1980, when Congress created Montana's Rattlesnake Wilderness, it explicitly called out bicycling as one of the activities that was to be allowed in the new Wilderness.

But what would Howard Zahniser have wanted?

"With all respect to Howard Zahniser, what he wanted is

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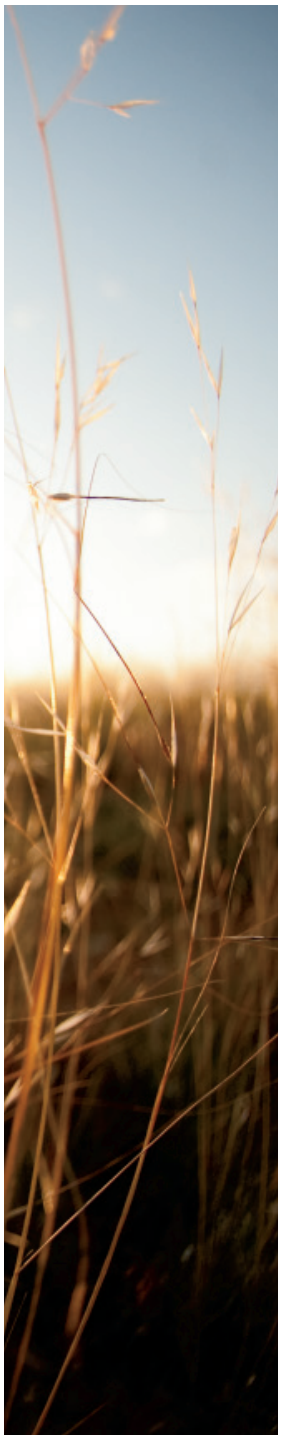
Mountain bikers stand to lose access to some 60 million acres of backcountry land all over the west, due to conservative, anti-bike organizations flexing their political muscle in Washington.



REUBEN KRABBE

LESLIE KEHMEIER

completely irrelevant here," says Stroll. "What matters is what Congress intended. Congress makes the laws, not interest groups or their leaders."

By appealing directly to the agencies that manage Wilderness areas, the Sierra Club and The Wilderness Society made an end run around both Congress and the fledgling sport of mountain biking–creating regulations to ban bikes that ran counter to the law's actual goals.

SCIENCE SUPPORTS BIKES

Whenever the topic of Wilderness and mountain biking arises, opponents invariably note that mountain bikers don't belong because they cause more damage to trails than hikers and equestrians. This is always stated as if it were fact and frequently repeated verbatim in mainstream media. There's just one problem.

"It's simply not true," says Mark Eller, communications director of IMBA, adding that the vast majority of independent, peer-reviewed studies indicate that mountain bikers are no more impacting on natural resources than other recreational trail users.

Several studies have also proven what trail builders have always pointed out: Equestrians cause significantly more damage to trails than both hikers and mountain bikers, and yet they have the green light to visit all Wilderness areas. Horses also eat sensitive vegetation and can spread invasive species in Wilderness through their droppings. Hardly anyone, however, is pushing for horses to get the boot. With science supporting the case for mountain bikes in Wilderness, why hasn't the regulatory ban been overturned?

"It's not that most people believe that bikes cause more damage to the natural world," says Eller, "it's that they feel that seeing a bike out there changes the experience of the Wilderness."

You mean if a hiker sees a mountain biker in the Wilderness, it stops being Wilderness?

"Some people feel that way."

But couldn't we just flip that scenario around? I see a group of hikers, walking three abreast on a trail, wearing zip-off pants and carrying walking sticks. If I, as a mountain biker, said that their presence destroyed the Wilderness experience for me, I'd be dismissed as crazy. Yet, that's exactly the key argument against bikes.

"I think that's the fundamental issue," says Eller. "We know that our impact as mountain bikers is no greater than that of other trail users, so if opponents of mountain biking simply don't like our aesthetic value, you have to ask, 'Well, why do *you* get to decide that the sight of me is abominable, while the sight of you is entirely appropriate in a Wilderness setting?'"

POLITICAL SAVVY OR BEGGING FOR SCRAPS?

We've come to the root of the issue. Mountain bikes aren't banned because they contaminate Wilderness with technology or provide users with a mechanical advantage. No one, after all, is advocating for a ban on skis, snowshoes or rowboats, all of which are technically mechanized modes of transportation. Nor are bikes banned in order to provide Wilderness with the ultimate level of preservation. If that were true, horseback riders would have been kicked out decades ago.

It's a question of intolerance: Some people are simply unwilling to share the trails with mountain bikers.

"It's not like this is civil rights, but just like with civil rights, you can't lock somebody out just because you don't like them," says Greg Randolph, a lifelong Idaho resident who competed for years as a professional mountain biker before resettling in Idaho's Sun Valley area. "You have to have some reason."

Randolph was not a happy man when we visited him in July of 2015. After 15 years of failing to gain traction in Congress, Idaho Congressman Mike Simpson's Boulder-

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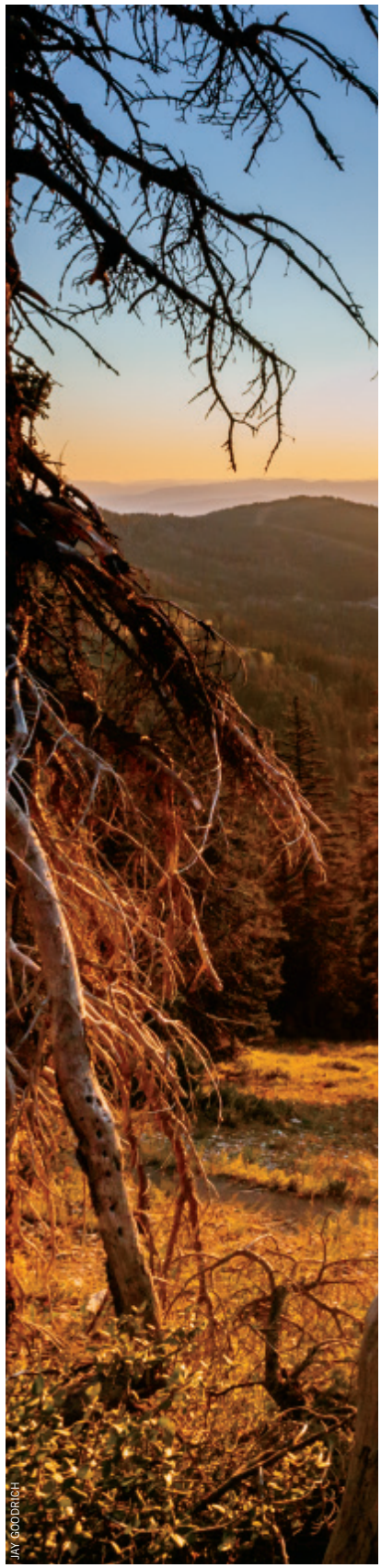
JAY GOODRICH

White Clouds Wilderness bill was suddenly gaining momentum. If passed, nearly 300,000 acres of land would become off-limits to bikes. Twenty trails would be closed to mountain biking, including Ants Basin and Castle Divide–two long backcountry classics.

IMBA, mountain biking's leading advocacy group, spent more than a decade attempting to persuade Congressman Simpson to revise the boundaries of the proposed Wilderness. Simpson adjusted the boundaries to make room for both heli-skiing operations and the off-road moto crowd, but he never budged for bikes.

Why doesn't IMBA simply oppose the Wilderness ban on bikes? The organization sees it as a political non-starter. To begin with, many of the organization's 100,000 supporters endorse the ban on bikes in Wilderness. About half of the emails and letters IMBA receives regarding the Wilderness issue are from members who support the ban. IMBA also feels that actively fighting the ban would compromise the working relationships it's formed with public land managers and traditional environmental groups. Instead, IMBA works to preserve access by lobbying to get proposed Wilderness boundaries redrawn or by advocating alternative preservation classifications (such as National Recreation Areas or National Conservation Areas) that allow bike access.

While critics often characterize IMBA's approach as, "coming to the bargaining table and begging for scraps," there's no denying that the organization has successfully saved some trails from Wilderness-related closures. But not this time. IMBA had backed a proposal to protect nearly twice as much land in Idaho's Sawtooths via a more flexible National Monument designation. Congress, however, passed Simpson's Wilderness bill. Some of the best trails in America were closed to mountain bikers. Yet again. And it gets worse.

YOU ARE NOT WELCOME HERE

In 2009, the Forest Service began banning mountain bikes in areas that are not actually Wilderness, simply because those areas might one day *become* Wilderness. Here's how: Only Congress can establish a new Wilderness area, but the agencies that manage federal lands are required to keep singling out potential additions. Once classified as either a Wilderness Study Area or Recommended Wilderness Area, these parcels can remain in limbo for decades.

People have mountain biked in these potential Wilderness areas for years, but in 2009 the Forest Service Northern Region office began banning bikes in Montana and Idaho Recommended Wilderness Areas, arguing that since bikes were banned in Wilderness, the Forest Service should also ban bikes on land that might eventually gain Wilderness protection.

The Forest Service was spurred to take that particular stance after losing a lawsuit brought against them by The Greater Yellowstone Coalition, Montana Wilderness Association and, you guessed it, The Wilderness Society. Those groups had successfully sued the Forest Service, alleging that by allowing mountain biking in Montana's Hyalite Porcupine Buffalo Horn Wilderness Study Area, the Service had failed to properly preserve their holdings' "Wilderness character."

PHOTOS: STERLING LORENCE

To many mountain bikers, this smacked of a land grab, with the Forest Service overextending its authority by making de facto Wilderness. More troubling, Forest Service officials readily admit to a more Machiavellian motivation for their new policy: Kicking mountain bikers out of Wilderness Study Areas and Recommended Wilderness Areas today means fewer mountain bikers will raise a stink years from now when Congress eventually considers the parcel for a Wilderness designation.

Forest Service Northern Region director Dave Bull summed it up for The New York Times in 2009. "We can reduce the level of nonconforming uses," said Bull, "so there's not a contingency that then would cause Congress to have second thoughts on our recommendation."

If that quote seems fuzzy to you, "nonconforming uses" is bureaucrat-ese for mountain biking.

This policy shift to politically neutralize mountain bikers has since reared its head in New Mexico, Wyoming, Southern California and, most recently, Montana's Bitterroot region. Page 19 of the Forest Service's Record of Decision for the Bitterroot Travel Plan reads: "Additionally, allowing uses that do not conform to Wilderness character creates a constituency that will have a strong propensity to oppose recommendation and any subsequent designation legislation."

By most estimates, there are currently 60 million acres of Wilderness Study Areas and Recommended Wilderness Areas in America. Mountain bikers have a lot to lose.

"This ban has nothing to do with our impact on the environment and everything to do with politics," says Pysher, who heads Bitterroot Backcountry Cyclists. "The Forest Service is afraid that if we keep riding those trails, we might one day oppose Wilderness designations. They don't want us to be organized and involved."

THE TURNING OF THE TIDE

The Forest Service's efforts to muzzle mountain bikers highlight an important point that may have eluded riders themselves: Mountain bikers have become a political force to be reckoned with. According to the Outdoor Foundation, America is home to about 8 million mountain bikers and 10 million backpackers. Other participation studies yield similar numbers. Bottom line: Mountain bikers are no longer woefully outnumbered by those who are unwilling to share public lands with them.

"We just haven't capitalized on that fact to date," says Jim Hasenauer. Hasenauer is intimately familiar with this issue; he spent 16 years on IMBA's board, five of them as president, which is why you might find the man's current position on the matter interesting.

"There's a lot of second-guessing IMBA," says Hasenauer. "Personally, I understand why they've approached Wilderness by going to the bargaining table and making what look like concessions. We couldn't go in making demands when we were so completely outnumbered. IMBA focused on making the gains that were achievable, in arm's reach. That makes sense. But we keep losing ground while our numbers grow. I'm not saying IMBA should abandon its approach, but I'm starting to think that we need more than that one approach."

Enter the Sustainable Trails Coalition, or STC. Remember that lawyer, Ted Stroll? This past year, he and a handful of like-minded types started the STC. One of their goals is to overturn the blanket ban on bikes in Wilderness. They launched a campaign at the end of July to raise $124,850, a sum that will be spent on hiring a Washington D.C. lobbying firm that will take mountain bikers' case directly to Congress. When I talked to Stroll in September, he reported that that STC had already raised $48,343.

"I have all the respect in the world for IMBA," explains Stroll. "We need an organization that can work with land managers and get things done on the ground. They do that very well. But we also need to change the policies that direct those land managers–that's why we're going to Washington."

But lobbyists? The word leaves a nasty taste in the mouth. I suggest to Stroll that people love lobbyists like they love a good herpes outbreak.

"Well, that may be true," says Stroll, "but the people who have kicked us out of the Wilderness have lobbyists. In fact, they have dozens of organizations and lobbyists working to sup-

Eric Melson descends the west side of Castle Divide, one of the prime stretches of White Clouds singletrack that is now off-limits to mountain bikers due to a new Wilderness designation.

port the ban on bikes. And they're successful because of it. It's time we learned from them."

WHAT'S NEXT?

Mountain bikers may not be outnumbered any longer, but we are certainly outflanked by the opposition. IMBA president, Mike Van Abel, readily concedes the point and has been in discussions with Stroll recently.

"We definitely support the idea of having multiple groups advocating for trail access," Van Abel tells me. In a recent letter to IMBA members, Van Abel wrote, "Like the STC, IMBA believes that changes need to happen, and that they are most likely to be carried out by the legislative branch of government–namely in the U.S. Congress."

That is a major departure for IMBA.

Van Abel, however, won't go as far as endorsing every possible strategy for overturning the ban in Congress. STC is currently willing to entertain a wide range of approaches to gaining access to Wilderness, including getting the Forest Service to reverse its 1984 regulation that banned bikes or amending the Wilderness Act to let local land managers decide on mountain bike access in consultation with IMBA and local riders, not the agencies' central bureaucracies in faraway Washington.

That last option, however, carries serious risks. Congress is full of politicians who'd love to amend the Wilderness Act, with an eye toward opening wild places to logging, mining and a general raping of the environment. Stroll insists that amending the Act is unlikely to open the door to an environmental free-for-all, but the risk exists. And that may be the greatest tragedy wreaked by that 1984 regulatory ban on mountain biking. It has divided and weakened the environmental movement by narrowly defining an environmentalist as solely a hiker or an equestrian.

"There's a paradigm shift in our society," says Randolph, from his home in Ketchum, Idaho. "Mountain biking is now a mainstream conservation group of individuals, but a lot of people are refusing to admit that. You don't want to turn mountain bikers into anti-Wilderness people and that's what we're running into here."

Back in Montana, Pysher is considering that lawsuit against the Forest Service's ban on bikes in the Bitterroots' Wilderness Study Areas. He's just launched a campaign at savemontanatrails.com to raise funds to lawyer up.

"People say you have to play nice and that you can't sue," says Pysher. "But the motorized groups sue. The Wilderness groups sue. Everyone, in fact, sues except for us mountain bikers. If everyone else is playing the politics game and you're not, you lose. It's as simple as that. It doesn't matter if you are right or wrong. It's just a matter of how much political force you can bring to bear on the situation."

Pysher, like the STC, is gearing up to bring the force.

"This isn't just about us here in Montana," says Pysher. "This could happen anywhere. We want to put the Forest Service on notice–mountain bikers can't just be rolled over anymore."

HOW TO HELP

Get involved. Politics is, fundamentally, a matter of numbers. Those who pack meeting halls get heard. Those who don't get ignored. Show up to trail access meetings in numbers. Likewise, letter writing during comment periods is critical. You don't need to live in the state where a shutdown is proposed to have a voice in those discussions. Anti-mountain bike policies crafted in other states will likely work their way onto your turf in time. When it comes to leveraging your power with that of other mountain bikers, there are many options. These organizations need support and, yes, that often means a donation. Fighting this ban is going to cost us. Not fighting it will cost much more. IMBA.com || Savemontanatrails.com || Sustainabletrailscoalition.org