



MONTANA MOUNTAIN BIKE
A L L I A N C E

July 20th, 2020

Attention: Objection Review Officer

USDA Forest Service, Objection Reviewing Officer
Helena Lewis & Clark National Forest
2880 Skyway Drive
Helena, MT 59602

The Montana Mountain Bike Alliance (MMBA) was organized in 2007 to provide a united voice for mountain bike riders across Montana. Our mission is to preserve, protect, and promote mountain bike access and diverse riding opportunities on Montana's public lands through education, communication, and unified action. We promote and educate our constituency regarding public land stewardship, social etiquette and the environmentally sensitive practices of trail riding and maintenance.

MMBA's constituents value big, wild landscapes, fresh air, clean water, abundant wildlife and sustainable, accessible trail systems. Our members have contributed thousands of hours working collaboratively with our partners to maintain and make safe the trails for all recreationalists who share these wild landscapes. In the face of increasing wildlife habitat concerns, recreational pressures and climate change, MMBA believes that proactive, science-based management of our public lands is preferred to the restrictive and bicycle banning Recommended Wilderness Areas. We believe that if land managers are given the discretion to make localized decisions, with the support of local stakeholders, they will be more responsive and accountable to our precious public lands.

MMBA reminds Helena-Lewis and Clark National Forest that bicycling is a quiet and human-powered activity. Bicycling was allowed in most Wilderness areas until 1984 when the Forest Service administratively banned bicycles from Wilderness areas, circumventing Congress. Other land management agencies then followed. Bicycling is a growing activity on our cherished public lands. The latest evidence of this growth has been the national phenomenon of millions of families returning to riding bicycles for a healthy form of exercise as they escape the pandemic confinements.

Bicyclists continue to be frustrated by the prospect of losing access to more backcountry trails. Bicycling access to our backcountry lands has been in the process of being curtailed across Montana for 19 years, with no official consideration of the actual social value of backcountry bicycling. It seems all the agency has to do is follow NEPA procedure to the letter, and without adequate evaluation bicycle access and its impacts bicyclists can then be removed. Increasingly, disenfranchised backcountry bicyclists know this unjustly goes beyond 'protecting wilderness character' on backcountry public lands.

What is disturbing is that the bicycling closures are a ratcheting process, ever more restrictive. The agency lacks a procedure to fairly evaluate recreation versus wilderness character. This one-sided approach always, without fail, marginalizes human powered bicycling. The agency lacks a procedure to reverse the RWA closures, so the closures are effectively permanent. If an area never becomes designated Wilderness, why then were bicyclists removed? Are we really protecting the land? Who are we really protecting the land for? Or from?

Secretary of Agriculture Sonny Perdue recently issued a Memorandum. While vague and lacking specific guidance it stated, ...“open public access to National Forest System lands with currently limited access where feasible in cooperation with States, counties, and partners”

Closing RWA lands to bicyclists runs counter to the Secretarial Memorandum.

Montana Mountain Bike Alliance has several objections to the Helena Lewis & Clark FEIS (HLC FEIS):

Objection One. Failure to coordinate with local governments.

The 2012 Planning Rule requires Forest Service to coordinate planning across all local governments. The HLC FEIS does not comply with the coordination requirements.

The growth policies of local governments are a valid set of rules for the Helena Lewis and Clark National Forest to coordinate with. The Secretarial Memorandum from Sonny Perdue affirms that coordination should occur.

40CFR 1506.2 states, “where an inconsistency exists, the statement should describe the extent to which the agency would reconcile it’s proposed action with the local plan or law”

The HLC FEIS isn’t consistent with local growth policies. The HLC FEIS document unacceptably admits it isn’t consistent. This should be remedied and once again be publicly reviewed before final adoption.

The HLC FEIS should be changed to be as consistent as possible. If consistency isn’t achieved the agency is required to list all inconsistent items and define how the plan will be brought into line with local government growth policies.

Objection Two. Removing bicycling from a Recommended Wilderness within a Wilderness Study Area without providing evidence of harm. Failure to identify Recreational Corridors in a WSA.

The 1977 Montana Wilderness Study Act was achieved through compromise. Nothing has occurred in 43 years to alter the terms of that compromise. Congress deemed management of the WSA's to maintain those wilderness characteristics that continue eligibility for future wilderness designation. The Act allowed for inclusion of off-road vehicles, arguably even bicycles, in the WSAs*. The agency must show where bicycles and bicycling has physically harmed the land, the wilderness character, within the RWA in order to remove bicycling from the RWA.

*bicycling wasn't deemed mechanized in 1977. Mechanized, by Forest Service definition meant, "powered by a non-living power source".

Congressional intent.

From the Committee on Interior and Insular Affairs, Representative Morris Udall issued a report September 28, 1977. The report accompanied final legislation for S 393. This vital report covered details for the act plus dissenting views that were left from the final act for brevity. Here is the report's final paragraph:

Off Road Vehicle Use

"The use of off-road vehicles, while generally prohibited in designated wilderness areas, is entirely appropriate in wilderness study areas, including the nine areas in S. 393. Nothing in S. 393 will prohibit the use of off road vehicles, unless the normal Forest Service planning process and travel planning process, which applies to all national forest lands, determines off road vehicle use to be inappropriate in a given area. Of course, commonsense dictates that certain areas may be temporarily closed to off road vehicle use where fire danger or physical damage to terrain indicate closure is warranted. However, absent such circumstances or Forest Service planning decisions, it is the intention of the committee that the areas in S. 393 (and other wilderness study areas) remain open to off road vehicle use unless and until they are formally designated as wilderness."

During October 18, 1977 House hearings for S 393, several topics were explained and debated. One topic was continued use of off road vehicles within Wilderness Study Areas. The other topic was the fear of creating de facto wilderness that would endure into perpetuity. Both of these topics were tied to an air of urgency to pass the bill, in order to start the five-year timeline for wilderness study and two-year timeline for presidential recommendation. Congressional committee was assured that the study and recommendation process could occur within those seven years. Hope was expressed that amendments could be added later. The Montana Wilderness Study bill was passed weeks later in November 1977.

The bill did not contain language about off road vehicle use; this language was contained in the committee report that accompanied S 393. During the House hearing, this topic was visited again. Congressional intent by both parties, and by both proponents and opponents of the bill, was to allow continued vehicle access to these Montana areas until such a time they become congressionally designated. After examining congressional record it's apparent without any doubt that S 393 would not have passed unless this fact of management was true.

Here follows excerpts from the October 18, 1977 hearing:

Teno Roncalio, a Democratic Representative from Wyoming, states: "Under the law, wilderness study areas are to be managed so as to preserve their wilderness characteristics. However, this does not mean they are to be managed as if they had already been designated as wilderness. For example, in wilderness study areas the use of off road vehicles is permitted. In designated areas it is not."

Gillis Long, a Democratic Representative from Louisiana, states: "Additionally, the bill contains a provision which allows existing uses such as snowmobiling and off-road vehicle use to continue virtually unaffected during the course of the study."

Max Baucus, a Democratic Representative from Montana read from a letter by Rupert Cutler, USDA Assistant Secretary. "The use of off-road vehicles, while generally prohibited in designated wilderness areas, is entirely appropriate in wilderness study areas, including the nine areas contained in S 393. Nothing in S 393 will prohibit the use of off-road vehicles, unless the normal Forest Service planning process and travel planning process, which applies to all national forest lands, determines off-road vehicle use to be inappropriate in a given area. Of course, commonsense dictates that certain areas may be temporarily closed to off-road vehicle use where fire danger or physical damage to terrain indicate a closure is warranted. However, absent such circumstances or Forest service planning decisions, it is the intention of the committee that the areas in S 393 (and other wilderness study areas) remain open to off-road vehicle use unless and until they are formally designated as wilderness."

Removing recreational access in a WSA without providing evidence of harm to wilderness characteristics from that recreation. Failure to study and provide evidence is counter to Congressional intent of the guidance document for the 1977 Montana Wilderness Study act. The Forest can recommend wilderness but must provide proof of physical damage to the land to remove recreational uses.

Representative Max Baucus also read a letter from Derrick Crandall, Director of Government Affairs for the International Snowmobile Industry Association:

"As you know, both the Montana Snowmobile Association and our organization originally were actively opposed to the legislation during the 94th Congress

because of the immediate closure of areas now open to snowmobiling which would have resulted.”

“Subsequently, and in part through your efforts, clarifying statements by the Senate author of the legislation have asserted that current snowmobiling usage shall be authorized until and unless Congress acts to designate these areas as Wilderness because snowmobiling results in no permanent, adverse effects.”

“We rely upon your judgment to protect the legitimate interests of snowmobilers in Montana.”

This letter from Derrick Crandall is especially poignant. It shows a strong basis of trust for the Congressional intent and in the guidance document. The Helena Lewis and Clark Forest Plan should echo the trust that Derrick Crandall conveyed. The plan could identify Recommended Wilderness within the Snowies WSA, but should not restrict recreational access, only monitor and manage that access.

MMBA reminds Helena Lewis and Clark National Forest that bicycling occurs on routes, not on entire landscapes. These routes have a value and are clearly identifiable. The time to locate and identify recreational corridors is during the Forest Planning process. The Forest Plan should identify those important routes within RWAs, marking them as recreational corridors. Individual routes are straightforward to manage, setting limits of seasonal use and perhaps using a permit system if needed. Knife Blade Ridge trail in the Snowies could easily be managed and monitored, as opposed to closing the trail.

The National Wilderness Preservation System has thousands of miles of Recreational Corridors. This FEIS lacks corridor identification. Corridors should be identified to help guide future Wilderness legislation.

The burden of proof lies with Helena Lewis and Clark National Forest to demonstrate the need to restrict bicycles in the proposed Snowies RWA. In the absence of such proof, it behooves the HLCNF to allow continued bicycle access on trails in the Snowies RWA as this landscape falls under the trust built and compromises made in the Montana WSA Act.

Objection Three. Removing bicycle use on the Continental Divide National Scenic Trail route through Nevada Mountain Recommended Wilderness.

Removing recreational bicycle use on the Continental Divide National Scenic Trail through Nevada Mountain RWA shows a lack of thorough planning. The Continental Divide National Scenic Trail is a treasure for cyclists. Stretching from Mexico to Canada, the route is slow and arduous. A premier challenge. Forest Planning is currently the only process citizens have to identify and protect these important trails and routes, and the Forest has failed to do so in the FEIS. Every effort should have been made to continue accommodation of bicycling on the CDT. For example, the Continental Divide National Scenic Trail could be noted as a 100 foot wide corridor through the Nevada Mountain RWA. Corridors passing through Wilderness are a common feature in the National Wilderness Preservation System, but corridors must first be recognized in the Forest

Plan. As written bicycling access would be removed from Nevada Mountain RWA without even providing a bypass trail, or even providing a possible future route for a bypass trail. As the Continental Divide National Scenic Trail is improved and realigned, motorized uses have been allowed to stay on old roads or new trails have been identified and constructed for those uses. In the case of Nevada Mountain RWA, bicycle access has been “thrown under the bus”. Without corridor recognition or any identified route for a bypass trail, bicycle riders traveling the CDT (for the same reasons as hikers) will now be facing miles of backtracking and an undetermined 30+ mile detour. The Agency has not only ignored this aspect of recreation, the FEIS has created a dangerous situation, effectively forcing cyclists from the trail onto roads lacking basic features such as bike lanes or adequate shoulders. MMBA objects to this situation. The Nevada Mountain RWA must be modified with a corridor shown for the CDT, or a boundary modification allowing for a future bypass trail to be constructed. At very least give bicyclists a “back door entrance” to the Continental Divide National Scenic Trail.

Montana Mountain Bike Alliance has no qualms about creating the Nevada Mountain RWA, but CDT bicycle access must be equitably accommodated.

Objection four. Removing bicycle access on the Alice Creek Loop in the Silver King Recommended Wilderness Area.

Alice Creek, combined with the northern terminus of the CDT has long been the northernmost destination for those who ride bicycles on the CDT. These two trails form a loop that features views into the Scapegoat Wilderness. Now even those views will become off limits to bicyclists. The FEIS shows clear favoritism toward outfitters, who have extensive infrastructure built for clients and convenience at Alice Creek Trailhead. This is a clear value statement. The Forest seems to value commercial outfitters more than other citizen’s mode of recreation, even when that mode is quiet and human powered. We object to this favoritism, acknowledging that this portion of the Silver King RWA isn’t for land protection, but for exclusive zoning for commercial use and clients.

Montana Mountain Bike Alliance requests that Alice Creek loop be removed from the Silver King RWA. The requirement to identify wilderness quality lands shouldn’t be abused by using that requirement to create exclusive zoning favoring commercial enterprise over quiet bicycle recreation.

Objection five. Removing bicycle access from the Continental Divide National Scenic Trail at Electric Peak Recommended Wilderness without first providing an alternate route.

To our knowledge, bypass routes for bicycling the CDT within the Electric Peak RWA haven’t yet been completed. Closing the RWA to bicycle use without first creating those important routes will be disruptive to CDT bicycle travelers. Montana Mountain Bike Alliance requests that Electric Peak RWA remain open to bicycle recreation until such time that adequate bypass trails for the CDT have been sufficiently established.

Objection six. Removing bicycle access from Mount Baldy Recommended Wilderness.

Mount Baldy Recommended Wilderness has long been a recreation destination for bicyclists who value high country lakes as a respite from the late summer heat. Now this proposed RWA will become off limits to bicyclists. The FEIS shows clear favoritism toward outfitters, who have extensive infrastructure built for clients and convenience near Edith Lake. This is a clear value statement. The Forest appears to value commercial outfitters more than other citizen's mode of recreation, even when that mode is quiet and human powered. We object to this form of favoritism. Noting that Mount Baldy RWA isn't for land protection, but to give exclusive zoning for commercial use and clients.

Montana Mountain Bike Alliance requests that this area be dropped as Recommended Wilderness, but continue to be recognized as a Backcountry Area falling under the Primitive Recreation Opportunity Spectrum.

Thank you for your thoughtful consideration and your diligent work on behalf of our public lands.

Sincerely,

MMBA Executive Officers:



Bob Allen, Co-president



Estela Villaseñor, Co-president



Greg Beardslee, Secretary

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