

Ms. Fran Mainella
Director, NPS
1849 C Street, N.W.
Washington, D.C. 20240

May 19, 2005

Dear Ms. Director:

The Wilderness Society and Public Employees for Environmental Responsibility (PEER) have sought to ensure compliance with National Park Service (NPS) regulations that govern bicycles. The regulations at 36 CFR 4.30 require each park to adopt a special regulation to designate off-road bicycle routes outside of developed areas and special use zones. Regulations adopted in 1987 compel each park to subject off-road bicycle use to the “much more stringent decision-making process” of special rulemaking (51 FR 21844).

In the last few years several parks allowed bicycle use in violation of NPS regulations. A few brought themselves into compliance after PEER notified them. Among those parks was Saguaro National Park, which adopted a special regulation to allow off-road bicycle use in 2003. In May 2003 Delaware Water Gap National Recreation Area removed signs improperly allowing off-road bicycle use because a special regulation was never promulgated. We commend these parks. Several other parks, however, remain in violation.

On March 17, 2005 the NPS signed a General Agreement (GA) with the International Mountain Biking Association (IMBA), a group advocating trail biking in parks and on other Federal lands. The Wilderness Society and PEER are both pleased and concerned about the GA. On April 21, 2005 your office transmitted the GA to all NPS regional offices.

Recommended and Proposed Wilderness

We are concerned by the complete absence of the word “wilderness” in the transmittal memo or the GA. The memo does not alert parks of the need to manage recommended and proposed wilderness to the highest level of protection. The Wilderness Act prohibits mechanized transport, including use of bicycles. NPS regulations prohibit the simple possession of a bicycle in designated wilderness (36 CFR (4.30(d)(1))).

NPS Management Policies require that “...management decisions pertaining to lands qualifying as wilderness will be made in expectation of eventual wilderness designation...” Management Policies 6.3.1. Lands recommended by the President or proposed by the NPS as wilderness certainly are “qualifying as wilderness.” Designating a trail for bicycles within areas recommended or proposed as wilderness defies Management Policies.

Bicycle trail designation in recommended or proposed wilderness would also be contrary to the President’s and Secretary’s long-term management objectives for the wild areas. Bicycle trail designation would perversely create a constituency of users that would likely seek to prevent eventual wilderness designation. For a park to establish bicycle use on

former roads or on trails within recommended or proposed wilderness, a use that would be immediately halted upon eventual designation, violates common sense. This is a formula for conflict not partnership.

There are nineteen parks in which the President has recommended that Congress designate over 5.5 million acres as wilderness. There are 9 parks (outside of Alaska) in which the NPS or the Secretary has proposed over 2.5 million acres be designated as wilderness, in formally adopted documents (i.e. General Management Plans, Wilderness Studies, and Environmental Impact Statements).

The omission of the word “wilderness” in the GA and the transmittal memo is already leading to confusion and potential conflict. Following the NPS agreement with IMBA, an off-road biking group asked that a 25-mile bicycle trail be opened within lands recommended for wilderness designation in Voyageurs National Park.

The Wilderness Society and PEER request that your office inform the regional office and parks that recommended and proposed wilderness lands are off-limits to bicycle trail designations. Otherwise, individual park superintendents will be left to guess whether the fact that the GA made no mention of recommended or proposed wilderness in the 28 parks is because “it goes without saying” that parks may not designate bicycle trails on such lands. A clarification of the intent of the GA on this issue is pressingly needed.

Status of Administrative Roads

We appreciate that your transmittal memo clarifies 36 CFR 4.30(a) and (b) regarding the status of “administrative roads” outside of developed areas. Your memo states that, “any proposed (bicycle) route *other than an administrative road that is not within a developed zone must be promulgated as a special regulation.*” Under your memo, the NPS may designate “administrative roads” outside of developed zones for bicycles without a special regulation. Although such roads are closed to public motor vehicle use, your memo implicitly places “administrative roads” in the category of “park roads” in the meaning of 43 CFR 4.30(a). Special regulations are not needed to designate a “park road” open to bicycles. No park can now dispute that bicycle routes outside of developed zones, other than “administrative roads,” require a special regulation.

Including “administrative roads” within the meaning of “park roads” is a liberal interpretation of the term “park road,” nonetheless it is a reasonable one. Your memo properly stipulates that the NPS must still comply with the National Environmental Policy Act (NEPA) and accept public comments prior to designating administrative roads outside of developed areas as open to bicycle use.

Based upon an inventory of bicycle trails conducted last year by NPS Headquarters, it appears that several parks have designated former roads, not “administrative roads,” outside of developed areas, as open for bicycles without promulgating a special rule. Your memo clarifies that such conduct violates NPS regulations. We trust that you will inform these non-complying parks of your expectation that they conform to NPS regulations.

Cordially,

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