

PACIFIC CREST TRAIL REASSESSMENT INITIATIVE

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Ladies and Gentlemen:

We are writing to propose and request that the 1988 closure order that prohibits bicycles on the Pacific Crest Trail (PCT) be reevaluated.

This letter does not propose any particular result or outcome, but contends that federal agencies should put in place a process to examine the continuing usefulness of the 1988 closure order.

As you may know, the order is the sole authority for prohibiting bicycles on the PCT. No statute or Code of Federal Regulations provision prohibits bicycle access to the entire trail. Indeed, Congress intended for bicycle use to be allowed in principle on the PCT—

subject, of course, to reasonable regulation. “Potential trail uses allowed on designated components of the national trails system may include . . . bicycling . . . [and] trail biking . . . .” (16 U.S.C. § 1246(j).)

Conversely, the order excludes bicycle use on the PCT: “Pursuant to 36 CFR 261.50 (a) & (b), the following is prohibited in or on any portion of the Pacific Crest National Scenic Trail . . . . [¶] Using or possessing a bicycle except by special-use authorization. (261.55(b)).” “This action is taken since the trail was designated for foot and equestrian use.” (A copy is enclosed for your reference.)

The closure order may have been intended to be only temporary. In 1988 mountain bicycles were newly popular and there was little understanding of how to manage them. Twenty-two years later the Forest Service, Bureau of Land Management, and National Park Service know how to manage multiuse trails. It is time to reassess the usefulness of the closure order.

In any event, the Forest Service Handbook requires annual review of this order and we are not aware that any such review has ever occurred. The FSH requires that “[t]he issuing line officer shall review each issued order annually to determine if there is a continuing need for the prohibition or exemptions listed in the order, and that the order is not in conflict with other issued orders or current regulations under 36 CFR Part 261, Subpart A.” (FSH 5309.11, Law Enforcement Handbook, ch. 30, Violations, § 33, Renewals and Termination of Existing Orders.)

In this case, the magnitude of the order is so significant that we think a purely internal review will not suffice. We wish to be part of a public process to reevaluate the closure order comprehensively.

In addition, the Forest Service has now determined that the Continental Divide National Scenic Trail can accommodate bicycling where suitable. In the 2009 Continental Divide National Scenic Trail Comprehensive Plan, the Forest Service expressed that no inconsistency existed between traditional uses and bicycle use. The plan recites that “The nature and purposes of the CDNST are to provide for high-quality scenic, primitive hiking and horseback riding opportunities and to conserve natural, historic, and cultural resources along the CDNST corridor.” It declares, however, that notwithstanding these purposes, “Bicycle use may be allowed on the CDNST (16 U.S.C. 1246(c)) if the use is consistent with the applicable land and resource management plan and will not substantially interfere with the nature and purposes of the CDNST.” The cited legal provision, 16 U.S.C. § 1246(c), applies to the PCT as well.

We hope that you will agree that the PCT’s bicycle prohibition needs reevaluating. (We recognize that rescinding the order would affect only non-Wilderness areas.) If you do agree to take another look at the closure, we will look forward to offering our input.