

# PACIFIC CREST TRAIL REASSESSMENT INITIATIVE

## PCTRI'S RESPONSE TO THE RECENT FOREST SERVICE EFFORT TO ENTRENCH THE PCT BICYCLE BAN

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In 1988, the Forest Service created a policy without public input that removed bicyclists from the Pacific Crest National Scenic Trail (PCT) in Washington, Oregon, and California. A group of bicyclists formed PCTRI in 2010 in the belief that bicyclists should once again be allowed on suitable non-Wilderness parts of the trail. PCTRI asked the Forest Service to launch a new process to consider that request—a process that would, for the first time, involve the community.

The Forest Service has responded by instead proposing to formalize current policy by inserting antibicycle language in three Forest Plans it is devising. It is a step backward that would worsen the current exclusionary and outdated policy.

The United States Department of the Interior's 1966 landmark *Trails for America* report called for "extended foot, horseback, and bicycle trips" on National Scenic Trails, a trails category that includes the PCT, and warned against "Broad restrictions on any one type of trail use." Going against the *Trails for America* report and the National Trails System Act of 1968 that soon followed, the Forest Service issued a plan in the summer of 2014 for three national forests that would, in those forests, entrench the current Forest Service policy against cycling on the PCT. The plan would also give a private organization the right to veto cyclists using any new trail or road that would cross the PCT, a trail that is sometimes only one foot wide.

The management revision plan, Plan No. 3375, would affect the Sequoia, Sierra, and Inyo national forests in California. It represents the first of many management revision plans to come in the national forests of the Pacific coast states. It received more than 7,000 comments, despite the fact that the plan was poorly publicized and the Forest Service provided only about six weeks for comment. Comments from mountain bikers were critical of this quiet effort to entrench a bicycle ban on the PCT and let the Pacific Crest Trail Association (PCTA), a taxpayer-supported private organization that fights against bicycling on national scenic trails, bar cyclists from approaching the PCT on newly built trails or roads.

The Forest Service circulated a "briefing paper" on November 13, 2014, as part of an effort to salvage the plan. PCTRI disputes a number of the Forest Service's assertions, as follows:

*Assertion 1: "Over 98 percent of the Forest Service's non-wilderness trail miles are open to bicycle use (125,962 miles)."*

PCTRI response: The Forest Service can make this claim of 98 percent access only because, in a series of rulings issued between 1977 and 1984, when it had no experience managing bicycles on trails, it ordered bicycles out of what are currently almost 110 million acres of designated Wilderness areas. Those areas contain the lion's share of the most scenic and majestic Forest Service lands and many of the most desirable recreational trails in the United States.

In addition, the statement says nothing about the quality of the available Forest Service trail mileage. A General Accountability Office study reported in 2013 that only "about one-quarter of

its trail miles met the agency's standards." (Source: <http://www.gao.gov/products/GAO-13-618>.) Many Forest Service trails are overgrown, impassible, and effectively abandoned through neglect.

Moreover, in places like San Diego County and metropolitan Portland (Multnomah, Clackamas, Washington, and Clark counties), millions of outdoor enthusiasts lack an adequate trail infrastructure for mountain biking. The Forest Service's policy against cycling on the PCT is a major contributor to this deficiency. In those areas, it is small comfort that other, often far less desirable trails may be open to cyclists hundreds of miles away.

Finally, at some point the Forest Service cannot avoid addressing the obvious question: If, as it insists, the Forest Service already provides such extensive and high-quality trail experiences for cyclists, then why are cyclists so interested in reestablishing the PCT's status as a multiuse trail?

*Assertion 2: "The Pacific Crest Trail (PCT) experience is dependent on the benefits of traveling amongst the exceptionally scenic, wild, natural and historic landscapes along the crest of the Pacific ranges of the United States."*

PCTRI response: This statement describes precisely the experience that cyclists, like other nonmotorized trail users, wish to enjoy on the PCT. The Forest Service statement also assumes that the benefits provided by the PCT will be diminished by the occasional presence of someone on a bicycle. The argument falls along the lines of those who argue their opposite-sex marriage will be ruined if same-sex marriage is legalized. We reject it. If some trail users are so intolerant and inflexible that they cannot bear the sight of a bicycle without declaring that their entire PCT "experience" has been ruined, mountain bikers cannot be responsible for such a gross overreaction and the Forest Service should not abet or encourage such eccentricities. Nor should the Forest Service devote such extensive public resources to maintaining a 2,650-mile long trail for the exclusive use of such elitist users of the public land.

In addition, it is widely recognized that most of the PCT is sufficiently remote and challenging to be unvisited for most of the year.

*Assertion 3: "Motorized and mechanized (bicycle) use has never been authorized for the PCT."*

PCTRI response: This contention is incorrect in part and true in another part only because of a legally questionable assertion of authority by the Forest Service. We'll address these points in turn.

Since 1988, the Forest Service has asserted a policy of no bicycles on the parts of the PCT managed by the federal government (about 90 percent of the trail). Before then, the only way bicycles could be considered not "authorized" would be if bicycle use first had to be authorized. There is an old joke that in the former East Germany, everything not specifically authorized was prohibited. A free society does not operate that way. Nor, to our knowledge, does the federal government. Generally, absent a specific usage rule, people can use trails, and so cyclists could use the non-Wilderness parts of the PCT legally until 1988. Forest Service records, media accounts, and historical anecdotes show cyclists were regular PCT users before 1988.

It cannot even be said authoritatively that PCT bicycle use is currently illegal, despite the Forest Service's policy against it. There was no notice to the public of and no opportunity for comment on the 1988 closure order. That directive, in our view, failed to comply with the federal Administrative Procedure Act. We think the Forest Service believes the bicycle ban is legally vulnerable.

*Assertion 4: "The PCT Management Area will not change existing use. Eighty-nine percent of the PCT miles are in designated wilderness. In these places,*

*management will continue to emphasize the wilderness character of the land. Outside of designated wilderness, system trails that are open to bicycling and motorized use will be allowed to continue.”*

PCTRI response: If the Forest Service believes that the new plan will create such negligible changes, then perhaps the proposal is an unnecessary and wasteful use of public resources.

But even if it is true that this proposal will have little positive impact in the forests comprising the target of Plan No. 3375, it is obvious that this plan is a template for the entire PCT under federal control. On some other parts of the PCT, there is little Wilderness. There, the Forest Service’s no-bicycles policy already makes bicycle trail travel difficult because the PCT bisects the forest and serves, or should serve, as a critical link or crossing for many other trails.

We think the Forest Service recognizes that the 1988 closure order is legally dubious and it wants to restate the closure through these plans, forest by forest, until it has, on a piecemeal basis, accomplished what it failed to do properly in 1988. It is time for the Forest Service to accept that this is no longer 1988 and bicycles are widely used on dirt trails. Mountain biking is healthy, low-impact, quiet, conservation-oriented, and generally beneficial.

*Assertion 5: “Similar to the Appalachian Trail, the PCT was designed and constructed for hikers and horseback riders.”*

PCTRI response: To the contrary, the PCT was developed and constructed in part, in a haphazard manner, by deer, elk, cattle, and generations of Native Americans and other explorers and bushwhackers. More recently, parts have been designed and constructed by the federal government with an eye toward hiking, but unlike the Appalachian Trail the PCT is also asserted to be designed and built for the convenience of horse-riders and commercial pack trains. It is often characterized as a trail “freeway” because of its gentle grades and width. A trail designed for horses and packstock will almost always accommodate bicycles, which have less of an impact than the former. It is not the intent that matters but the design. For example, few would argue the PCT was designed for Vibram-soled boots or GoreTex clothing, but that is not a logical argument to ban such items.

The Forest Service is also legally incorrect to compare the Appalachian Trail and the PCT. The *Trails for America* report and the National Trails System Act of 1968 established that bicycling is a legitimate use of National Scenic Trails in principle. In an exception, Congress designated the Appalachian Trail to “be administered primarily as a footpath . . .” (16 U.S.C. § 1244(a)(1).) By contrast, the Act designates the PCT as a trail on which bicycling is potentially allowed. (16 U.S.C. § 1246(j).) Because it is a legal “footpath,” the Appalachian Trail generally does not allow horses and packstock, whereas the PCT does. While it’s unclear how much additional horse and packstock traffic the PCT can accommodate, the PCT would generally benefit from more visitors, including cyclists, who traditionally perform a great deal of trail maintenance.

In contrast to the key assertions above, the Forest Service’s briefing points do not defend Plan No. 3375’s proposal to give the PCTA a veto over cyclists’ crossing the PCT on new trails or roads. In a previous communication, PCTRI has explained to the Forest Service that such a rule would violate federal law by assigning important government operations to a private organization.

It is time for the Forest Service and its ally of convenience, the PCTA, to stop defending the indefensible and welcome cyclists back to the PCT. Plan No. 3375 is a step backward and suggests the Forest Service lacks confidence about mountain bike management and fears it cannot manage the PCT for mountain biking, which makes no sense, since the PCT infrastructure is no different from that of other trails. The part of Plan No. 3375 concerning the PCT corridor should be withdrawn and mountain biking definitively restored to the PCT.