

115TH CONGRESS
2D SESSION

S. 2877

To amend the Wilderness Act to allow local Federal officials to determine the manner in which nonmotorized uses may be permitted in wilderness areas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2018

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Wilderness Act to allow local Federal officials to determine the manner in which nonmotorized uses may be permitted in wilderness areas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Human-Powered Trav-
5 el in Wilderness Areas Act”.

1 **SEC. 2. RETURNING HUMAN-POWERED TRAVEL TO WILDER-**
 2 **NESS AREAS.**

3 Section 4(c) of the Wilderness Act (16 U.S.C.
 4 1133(c)) is amended—

5 (1) by striking the subsection designation and
 6 heading and all that follows through “Except as”
 7 and inserting the following:

8 “(c) PROHIBITION OF CERTAIN USES.—

9 “(1) DEFINITIONS.—In this subsection:

10 “(A) LOCAL OFFICIAL.—The term ‘local
 11 official’ means the officer or employee who is
 12 the head of a unit or jurisdiction of, as applica-
 13 ble—

14 “(i) the Bureau of Land Management;

15 “(ii) the National Park Service;

16 “(iii) the Forest Service; or

17 “(iv) the United States Fish and
 18 Wildlife Service.

19 “(B) NONMOTORIZED TRAVEL.—The term
 20 ‘nonmotorized travel’ means a method of
 21 human travel that does not use a propulsive in-
 22 ternal or external motor with a nonliving power
 23 source.

24 “(C) PERMITTED ROUTE.—The term ‘per-
 25 mitted route’ means any new or existing path,
 26 trail, paved or unpaved road, or way over snow

or ice, located within a wilderness area designated by this Act on which one or more forms of nonmotorized recreational use is permitted under applicable law (including regulations) on the date on which a local official makes a determination under paragraph (3) or the date that is 2 years after the date of enactment of the Human-Powered Travel in Wilderness Areas Act, as applicable in accordance with paragraph (3).

“(2) PROHIBITIONS.—

“(A) COMMERCIAL ENTERPRISES; PERMANENT ROADS.—Except as”;

(2) in paragraph (2) (as so designated)—

(A) in subparagraph (A), by striking “this Act and, except as” and inserting the following: “this Act.

“(B) TEMPORARY ROADS; MOTOR VEHICLES, MOTORIZED EQUIPMENT, AND OTHER FORMS OF TRAVEL.—Except as”; and

(B) in subparagraph (B) (as so designated), by inserting “(but not including any form of nonmotorized travel, regardless of whether the nonmotorized travel is mechanically assisted, in which the sole propulsive power

1 source is one or more persons)” after “mechan-
 2 ical transport”; and

3 (3) by adding at the end the following:

4 “(3) PERMISSIBLE FORMS OF RECREATIONAL
 5 USE ON PERMITTED ROUTES.—

6 “(A) DETERMINATIONS BY LOCAL OFFI-
 7 CIALS.—

8 “(i) IN GENERAL.—Notwithstanding
 9 any other provision of law, the Secretary of
 10 Agriculture and the Secretary of the Inte-
 11 rior shall authorize relevant local officials
 12 to determine, by not later than 2 years
 13 after the date of enactment of the Human-
 14 Powered Travel in Wilderness Areas Act,
 15 all permissible forms of nonmotorized trav-
 16 el over any permitted route within the ju-
 17 risdiction of the local official.

18 “(ii) FAILURE TO DETERMINE.—

19 “(I) IN GENERAL.—If a local of-
 20 ficial fails to make the determination
 21 described in clause (i) with respect to
 22 a permitted route within the jurisdic-
 23 tion of the local official by the date
 24 that is 2 years after the date of enact-
 25 ment of the Human-Powered Travel

1 in Wilderness Areas Act, any form of
2 nonmotorized travel shall be allowable
3 on the permitted route.

4 “(II) EFFECT OF CLAUSE.—

5 Nothing in this clause limits the au-
6 thority of a local official to make a de-
7 termination described in clause (i) re-
8 lating to a permitted route described
9 in subclause (I) after the date that is
10 2 years after the date of enactment of
11 the Human-Powered Travel in Wilder-
12 ness Areas Act, in accordance with
13 this subparagraph.

14 “(iii) REQUIREMENT.—In making a
15 determination pursuant to this subpara-
16 graph, a local official shall seek to accom-
17 modate all forms of nonmotorized travel, to
18 the maximum extent practicable.

19 “(B) AUTHORITY.—In making a deter-
20 mination pursuant to subparagraph (A), a local
21 official may carry out such activities and pro-
22 mulgate such regulations as the local official de-
23 termines to be appropriate to reduce, eliminate,
24 or prevent environmental impacts or undue con-

1 flicts among members of nonmotorized travel
2 user groups, including—

3 “(i) restricting, by permit or other
4 means, the number of individuals allowed
5 on a permitted route or in a wilderness
6 area;

7 “(ii) instructing users to stay on per-
8 mitted routes;

9 “(iii) limiting party size;

10 “(iv) educating users regarding best
11 practices;

12 “(v) using volunteer or paid patrol-
13 lers;

14 “(vi) establishing speed limits;

15 “(vii) adding natural features to dis-
16 courage improper uses of permitted routes;

17 “(viii) designating the direction of
18 travel on a permitted route; and

19 “(ix) separating uses of permitted
20 routes—

21 “(I) by day or time of day; or

22 “(II) seasonally.

23 “(4) EFFECT OF SUBSECTION.—

24 “(A) IN GENERAL.—Subject to subpara-
25 graph (B), nothing in this subsection requires

1 the Secretary of Agriculture, the Secretary of
2 the Interior, or any local official—

3 “(i) to alter any wilderness area;

4 “(ii) to allow in a wilderness area any
5 use that is likely to change the wilderness
6 character of the area;

7 “(iii)(I) to open a permitted route or
8 wilderness area to a public recreational
9 use; or

10 “(II) to maintain a permitted route or
11 wilderness area for such a use; or

12 “(iv) to allow any nonmotorized travel
13 on any portion of the Appalachian Na-
14 tional Scenic Trail that is administered en-
15 tirely as a footpath pursuant to section
16 5(a)(1) of the National Trails System Act
17 (16 U.S.C. 1244(a)(1)).

18 “(B) PRESUMPTION.—A form of non-
19 motorized travel, regardless of whether the non-
20 motorized travel is mechanically assisted, in
21 which the sole propulsive power source is one or
22 more persons shall be rebuttably presumed to
23 be in accordance with the preservation and

- 1 maintenance of the wilderness character of a
- 2 wilderness area.”.

