

114TH CONGRESS  
2D SESSION

# S. 3205

To allow local Federal officials to determine the manner in which non-motorized uses may be permitted in wilderness areas, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 13, 2016

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

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## A BILL

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”.

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

8 (a) DEFINITIONS.—In this section:

1           (1) LOCAL OFFICIAL.—The term “local official”  
2 means the officer or employee who is the head of a  
3 unit or jurisdiction of, as applicable—

4                   (A) the Bureau of Land Management;

5                   (B) the National Park Service;

6                   (C) the Forest Service; or

7                   (D) the United States Fish and Wildlife  
8 Service.

9           (2) NONMOTORIZED.—The term “non-  
10 motorized”, with respect to a method of transpor-  
11 tation, means that the method does not use a pro-  
12 pulsive internal or external motor with a nonliving  
13 power source.

14           (3) PERMITTED ROUTE.—The term “permitted  
15 route” means any new or existing path, trail, paved  
16 or unpaved road, snow, or ice located within a wil-  
17 derness area on which one or more forms of non-  
18 motorized recreational use is permitted under appli-  
19 cable law (including regulations) on the date on  
20 which a local official makes a determination under  
21 subsection (b) or the date that is 2 years after the  
22 date of enactment of this Act, as applicable in ac-  
23 cordance with subsection (b).

24           (4) SECRETARY CONCERNED.—The term “Sec-  
25 retary concerned” means—

1 (A) the Secretary of Agriculture, with re-  
2 spect to National Forest System land; and

3 (B) the Secretary of the Interior, with re-  
4 spect to public land.

5 (5) WILDERNESS AREA.—The term “wilderness  
6 area” means a component of the National Wilder-  
7 ness Preservation System.

8 (b) PERMISSIBLE FORMS OF RECREATIONAL USE ON  
9 PERMITTED ROUTES.—

10 (1) IN GENERAL.—Notwithstanding any other  
11 provision of law and except as otherwise provided in  
12 this section, the Secretary concerned shall authorize  
13 relevant local officials to determine, not later than 2  
14 years after the date of enactment of this Act, all  
15 permissible forms of recreational use by non-  
16 motorized transportation methods over any per-  
17 mitted route within the jurisdiction of the local offi-  
18 cial.

19 (2) FAILURE TO DETERMINE.—

20 (A) IN GENERAL.—If a local official fails  
21 to make the determination described in para-  
22 graph (1) with respect to a permitted route  
23 within the jurisdiction of the local official by  
24 the date that is 2 years after the date of enact-  
25 ment of this Act, any form of recreational use

1 by nonmotorized transportation methods shall  
2 be allowable on the permitted route.

3 (B) EFFECT OF PARAGRAPH.—Nothing in  
4 this paragraph limits the authority of a local of-  
5 ficial to make a determination described in  
6 paragraph (1) relating to a permitted route de-  
7 scribed in subparagraph (A) after the date that  
8 is 2 years after the date of enactment of this  
9 Act, in accordance with this section.

10 (3) REQUIREMENT.—In making a determina-  
11 tion pursuant to this section, a local official shall  
12 seek to accommodate all forms of nonmotorized  
13 transportation, to the maximum extent practicable.

14 (c) AUTHORITY.—In making a determination pursu-  
15 ant to this section, a local official may carry out such ac-  
16 tivities and promulgate such regulations as the local offi-  
17 cial determines to be appropriate to reduce, eliminate, or  
18 prevent environmental impacts or undue conflicts among  
19 members of nonmotorized transportation user groups, in-  
20 cluding—

21 (1) restricting, by permit or other means, the  
22 number of individuals allowed on a permitted route  
23 or in a wilderness area;

24 (2) instructing users to stay on permitted  
25 routes;

- 1 (3) limiting party size;
- 2 (4) educating users regarding best practices;
- 3 (5) using volunteer or paid patrollers;
- 4 (6) establishing speed limits;
- 5 (7) adding features to discourage improper uses
- 6 of permitted routes;
- 7 (8) designating the direction of travel on a per-
- 8 mitted route; and
- 9 (9) separating uses of permitted routes—
- 10 (A) by day or time of day; or
- 11 (B) seasonally.

12 (d) EFFECT OF SECTION.—Nothing in this section  
13 requires the Secretary concerned or any local official—

14 (1)(A) to open a permitted route or wilderness  
15 area to a public recreational use; or

16 (B) to maintain a permitted route or wilderness  
17 area for such a use; or

18 (2) to allow any nonmotorized transport on any  
19 portion of the Appalachian National Scenic Trail  
20 that is administered entirely as a footpath pursuant  
21 to section 5(a)(1) of the National Trails System Act  
22 (16 U.S.C. 1244(a)(1)).

1 **SEC. 3. WILDERNESS MAINTENANCE.**

2 (a) PROHIBITION OF CERTAIN USES IN WILDERNESS  
3 AREAS.—Section 4(c) of the Wilderness Act (16 U.S.C.  
4 1133(c)) is amended—

5 (1) by striking the subsection heading and all  
6 that follows through “(c) Except as” and inserting  
7 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) MECHANICAL TRANSPORT.—

20 “(i) IN GENERAL.—The term ‘me-  
21 chanical transport’ means any method of  
22 transportation that—

23 “(I) travels over ground, snow, or  
24 ice; and

25 “(II) possesses, or is propelled  
26 by, a nonliving power source.

1           “(ii) EXCLUSION.—The term ‘me-  
2           chanical transport’ does not include any  
3           form of human-powered travel, regardless  
4           of whether the travel is mechanically as-  
5           sisted, in which the sole propulsive power  
6           source is one or more persons.

7           “(C) MOTORIZED EQUIPMENT.—

8           “(i) IN GENERAL.—The term ‘motor-  
9           ized equipment’ means any equipment that  
10          is—

11                   “(I) activated by a nonliving  
12                   power source; and

13                   “(II) carried by an individual,  
14                   other than a Federal officer or em-  
15                   ployee (or a designee).

16           “(ii) EXCLUSION.—The term ‘motor-  
17           ized equipment’ does not include any de-  
18           vice that is—

19                   “(I) small;

20                   “(II) battery-powered; and

21                   “(III) carried by hand.

22           “(2) PROHIBITIONS.—Except as”; and  
23           (2) by adding at the end the following:

24           “(3) EFFECT OF SUBSECTION.—

1           “(A) IN GENERAL.—Subject to subpara-  
2 graph (B), nothing in this subsection requires  
3 the Secretary of Agriculture, the Secretary of  
4 the Interior, or any local official—

5                   “(i) to alter any wilderness area; or

6                   “(ii) to allow in a wilderness area any  
7 use that is likely to change the wilderness  
8 character of the area.

9           “(B) PRESUMPTION.—A form of human-  
10 powered travel, regardless of whether the travel  
11 is mechanically assisted, in which the sole pro-  
12 pulsive power source is one or more persons  
13 shall be rebuttably presumed to be in accord-  
14 ance with the preservation and maintenance of  
15 the wilderness character of a wilderness area.”.

16       (b) MAINTENANCE.—Section 4 of the Wilderness Act  
17 (16 U.S.C. 1133) is amended by adding at the end the  
18 following:

19       “(e) MAINTENANCE.—Notwithstanding any other  
20 provision of law, any officer or employee of the Federal  
21 Government may use any small-scale motorized equipment  
22 or method of mechanical transport (such as a chainsaw  
23 and wheelbarrow) to construct, improve, or maintain a  
24 trail or to maintain the surroundings, in accordance with

1 the purposes of this Act and the preservation of the wilder-  
2 ness character of a wilderness area.”.

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