

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.

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## 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

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## 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

1 or ice, located within a wilderness area des-  
2 ignated by this Act on which one or more forms  
3 of nonmotorized recreational use is permitted  
4 under applicable law (including regulations) on  
5 the date on which a local official makes a deter-  
6 mination under paragraph (3) or the date that  
7 is 2 years after the date of enactment of the  
8 Human-Powered Travel in Wilderness Areas  
9 Act, as applicable in accordance with paragraph  
10 (3).

11 “(2) PROHIBITIONS.—

12 “(A) COMMERCIAL ENTERPRISES; PERMA-  
13 NENT ROADS.—Except as”;

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

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

18 “(B) TEMPORARY ROADS; MOTOR VEHI-  
19 CLES, MOTORIZED EQUIPMENT, AND OTHER  
20 FORMS OF TRAVEL.—Except as”; and

21 (B) in subparagraph (B) (as so des-  
22 ignated), by inserting “(but not including any  
23 form of nonmotorized travel, regardless of  
24 whether the nonmotorized travel is mechanically  
25 assisted, in which the sole propulsive power

1 source is one or more persons)” after “mechanical transport”; and

2  
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 OFFICIALS.—  
7

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

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

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.”.

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