

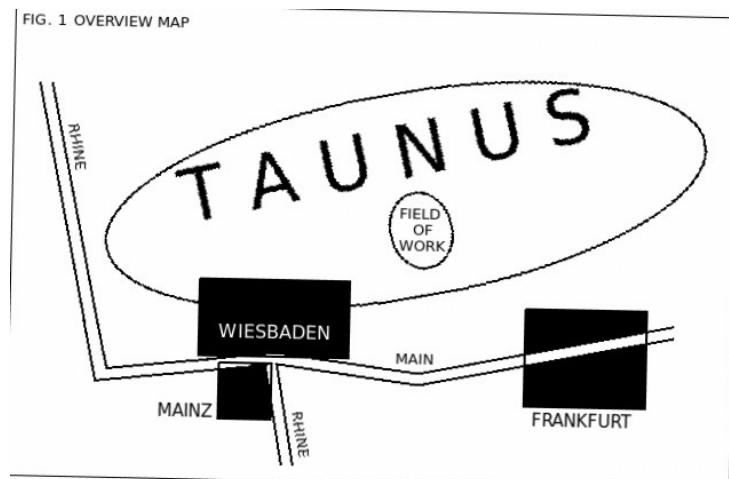
Mountain Bikers' personal responsibility and knowledge versus the setting of close legal limits and standards in nature and landscape

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Within Germany, federal national law (FRG 2009) guarantees rights of access to nature for recreation. For bikers these rights are limited to paths and/or roads (more Kluge 2004). However, people who enjoy the use of a mountain bike (MTB) increasingly go off the beaten path due to individual sporting ambitions, journalistic presentations of off-path biking and the need for training sites; These practices are in conflict with nature conservation law and ownership rights. Quite often, bikers do not see the negative consequences of their behaviour as they lack legal and ecological knowledge. Decision-makers on the other hand, who intend to regulate MTB practices, do not sufficiently understand the demands of properly operated MTB sports. Both factors contribute to a mutual distrust in a number of areas.

In order to solve these problems, concerted work aims to achieve win-win situations for outdoor sports, land management, nature conservation and wildlife ecosystems. This must replace an attitude of distrust by one of mutual understanding. Concerted action is needed to solve conflicts.



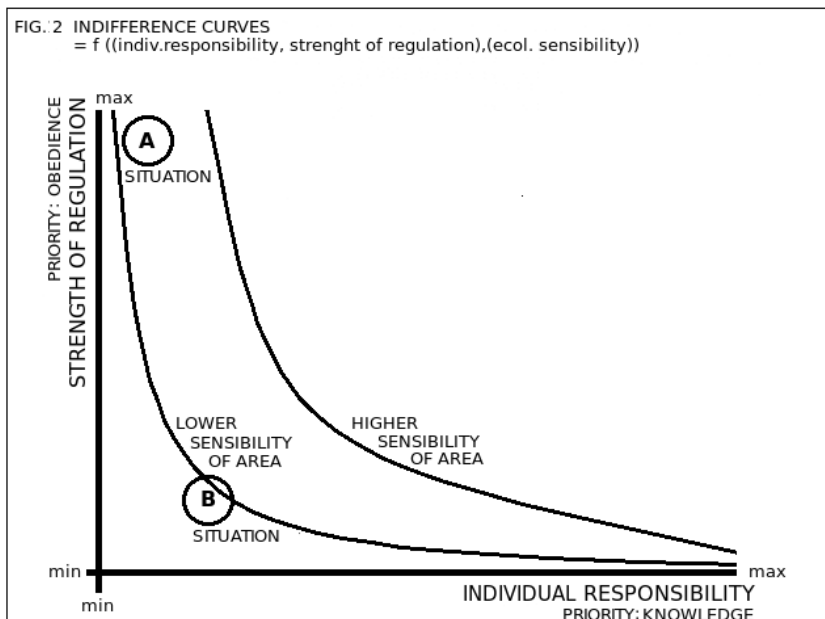
Main actors

Three main groups, "bikers", "administration" and "forest owners" participate in this concerted work. Bikers are represented to a significant part by the German Mountain Biking Initiative (Deutsche Initiative Mountain Bike, DIMB, 20.000 members). The DIMB is also active in the region "Feldberg", which is situated in the Taunus mountains (Figure 1). It was induced as primary stakeholder to organise clarifying procedures on their own. As well, it was expected that DIMB should promote a prosperous coexistence of bikers with other people in the Feldberg-Region (IHK 2009). Administration, especially forest administration and the local county authority, assumes a high expertise to the bikers. Forest owners have to make essential decisions concerning their property.

Principally, these actors have to use legal instruments as an essential base for compulsory decisions-making. Agreements can support but not replace legal solutions. Solutions must comply with the status of protected areas as Natura 2000 habitats and nature reserves. The public authorities can enact further specifying access-regulations (Sammer et al. 2006).

Pathways

There is a split in opinion between authorities and forest owners on one hand and DIMB on the other hand about the strength of regulating the possibility of trail use off-path and off-road with the MTB.



The following requirements are essential ingredients for successful work to avoid conflict: maximum transparency, avoiding bureaucracy, establishing citizen orientated management and respect for all partners, besides an administrative and expert supervision by public authorities and forest owners. The most strict approach is a "positive" solution (Kluge 2009) preferred by the authorities, but regularly disliked by the bikers. Routes are mapped by authorities: as standard tracks, for which a bike access is legally guaranteed and as special bike trails depending from local adapted official decisions (Fig. 2 - situation "A") like "single trails". Leaving those mapped routes by bike were an offence against relevant right and subject of penalty.

An alternative approach is the "negative" solution by locking out only specific routes, which cross ecological sensitive areas or where the use of the routes evidently effects a disturbance of deer or other ecosystems. Every biker will be made responsible and accountable, to demonstrate knowledge as which routes can be detected as legally guaranteed for use by bike. Developing new routes exceeding this guarantee would need the preceeding landowners' and authorities' permission. A written guideline concerning route qualities could be helpful. This solution shows an increasing risk of offences caused by biking off admissible routes.

A second alternative pathway - free of additional regulations - was the best solution based on a maximum of individual responsibility. It would require a high ecology awareness of bikers and consequently would set high standards for an ecological functional empathy of the users. A written guideline concerning not only route qualities, but moreover ecological items is required. DIMB is extrapolating existing relevant publications and says, this could be effective in a predictable time.

Conclusions and outlook

Aspects for an effective strategy shall be taken in account as follows:

- The main goal means as little restrictions as possible and a maximum of individual responsibility (Fig.2 situation "B"), especially avoiding the absolute 'positive approach'.
- 'Round tables' (solving conflicts and misunderstanding) have no sustainable chance, to solidify themselves in a selfish culture. Therefore they shall be replaced quickly by workshops with common win-win goals based on a fair contest of different opinions and a possible synergy of the pathways. Participants of the entire procedure must be authorized to make decisions and need full information about progress and experiences.
- Contracts, although legally advised, can and will not be compulsory for unorganised bikers. Therefore public regulations are necessary to control outdoor sports.
- A developed outline of a first route system in the most sensible areas of the region is discussed primarily with forest owners and the authority for monument protection.
- DIMB shall strengthen the flow of knowledge and also legal R&D activities on how to define route types as subjects of open access.

Establishing mountain biking in nature and landscape on a sustainable basis needs best practice of applied ecological *and* legal analysis.

References

DIMB - Deutsche Initiative Mountain Bike e.V. (2009), Legalize Downhill and Freeride, Schrobenhausen.

FRG - Federal Republic of Germany (2009). Constitution - Art. 14 (BGBl. III, 100-1), Federal Nature Conservation Law 29-7-2009 (BGBl. I p. 2542) - ch. 6, Federal Forestal Law 31-7-2009 (BGBl. I p. 2585) - §14, Berlin.

IHK – Industrie- und Handelskammer Frankfurt (2009). Faszination Taunus, Frankfurt

Kluge, T. (2004). Im Wald, da sind die Raeuber (Radfahren und Forstrecht), Essen.

Kluge, T. (2009). Mountainbike und Naturschutz im Hochtaunuskreis (Projektstatus), Status Conference Mountainbike im Deister, Region Hannover 14-12-2009, Bad Homburg vdH.

Sammer, G., Proebstl, U., [Ed.] (2006). Conference Tourismus und Schutzgebiete - Hemmschuh oder Partner?, BOKU Vienna, Proj. AlpNaTour, Vienna.

All to be found in <http://www.mtb-rheinmain.de/W.htm>