



Friends of Allegheny Wilderness seeks to foster an appreciation of wilderness values and benefits, and to work with local communities to ensure that increased wilderness protection is a priority of the stewardship of the Allegheny National Forest.

September 14, 2017

Tracy Ridge Project
USDA Forest Service
Allegheny National Forest
Bradford Ranger District
Attn: Sherry Tune
4 Farm Colony Drive
Warren, PA 16365

Re: Formal Objection to the Tracy Ridge Shared Use Trails and Forest Plan Amendment Project and Accompanying Environmental Assessment pursuant to 36 C.F.R. § 218.

Dear Forest Supervisor Tune,

This objection letter from the Warren-based non-profit organization Friends of Allegheny Wilderness (FAW) is submitted in response to the Draft Decision Notice and Finding of No Significant Impact for the proposed Tracy Ridge Shared Use Trails and Forest Plan Amendment Project (hereinafter the “Project”), outlined in documents dated July 27, 2017.¹ The Project proposal included both a project proposal and a Forest Plan amendment. Pursuant to 36 CFR § 219.59(b), FAW is submitting two separate objection letters; one to address the project and one to address the proposed plan amendment. This objection letter refers specifically to the project proposal portion of the Project. FAW submitted formal comments² on the EA and therefore meets the regulatory filing requirement for participating in the objection process.³ This objection is submitted to the Allegheny National Forest (ANF) Forest Supervisor, Sherry A. Tune, identified as the responsible official for the decision on the Project in the December 22, 2016 cover letter attached to the EA for the Project. Throughout this letter, we reference statements and materials included in our comment letter and/or documents included herein as attachments.

Statement of Issues

The Project is inappropriate, unnecessary, irresponsible, and should not go forward. The ANF neglected its responsibility to consider all required Project factors, leading to

¹ *Notice of Objection Filing Period, USDA Forest Service, Allegheny National Forest, McKean and Warren Counties, Pennsylvania, Tracy Ridge Shared Use Trails and Forest Plan Amendment Project.* Times Observer, Monday, July 31, 2017, Page B8

² FAW, Comment letter on the Tracy Ridge Shared Use Trails and Forest Plan Amendment Project and Environmental Assessment (January 25, 2017) (hereinafter “FAW Comment”)

³ 36 C.F.R. 219.53(a)

its hasty and ill-informed decision to issue a Finding of No Significant Impact (FONSI) rather than performing a full Environmental Impact Statement (EIS). Without a full EIS, it is impossible to sincerely evaluate the potentially irreversible effects that opening the proposed Tracy Ridge Wilderness Area trails to mountain biking would have. After raising serious concerns with the Proposal in our comment to the Project's Scoping document, regrettably, the ANF again failed to adequately address the issues raised by concerned wilderness advocates in its issuance of its EA. FAW objects to the Project for five main reasons:

1. The ANF's failure to prepare a full EIS was arbitrary and capricious.
2. The ANF failed to seek meaningful input from wilderness advocates while openly courting mountain biking groups.
3. Opening the Tracy Ridge Trails may permanently bar a wilderness designation under the Wilderness Act of 1964.
4. The Project relies on unsubstantiated reasoning.
5. The Project puts the integrity of the North Country National Scenic Trail at risk.

Considering these issues, FAW makes the following objections to the project proposal portion of the Project:

- I. We object to the ANF's failure to sufficiently consider the cumulative impacts associated with the proposed Project, as required under NEPA, 42 U.S.C. §§ 4331 et seq., and 40 C.F.R. § 1508.27(b)(7). This objection is further elaborated below.⁴
- II. We object to the ANF's failure to account for factors influencing the intensity of the impacts from the Project on the proposed Tracy Ridge Wilderness Area as required under NEPA, 42 U.S.C. §§ 4331 et seq., and 40 C.F.R. § 1508.27(b). This objection is further elaborated below and on pages 4-5 of the FAW Comment.
- III. We object to the ANF's failure to fully consider the ecological impacts of mountain biking, including threats to endangered species, as required under NEPA, 42 U.S.C. §§ 4331 et seq., and 40 C.F.R. § 1508.27(b)(9). This objection is further elaborated below and on pages 7-11 of the FAW Comment.
- IV. We object to the ANF's failure to fully address the public safety impacts of opening the trails as required under NEPA, 42 U.S.C. §§ 4331 et seq., and 40 C.F.R. § 1508.27(b)(2). This objection is further elaborated below and on page 10 of the FAW Comment.

Further Elaboration of Objections

I

Individual impacts from the proposed Project cannot be dismissed as insignificant, but must be viewed in the context of the entirety of the Project so as to appropriately account for the cumulative effects.

40 C.F.R. §1508.27(b)(7) provides that "[s]ignificance exists if it is reasonable to anticipate a cumulative impact on the environment. Significance cannot be avoided by terming

⁴ The position asserted in this Objection is consistent with FAW's prior positions regarding Project impacts and was echoed by the Allegheny Defense Project in their comments.

an action temporary or by breaking it down into small component parts.”⁵ It is not only reasonable to anticipate a cumulative impact on the environment, in this case, it is expected. With a wide variety of factors producing environmental impacts, all of which must be summated, a cumulative impact on the environment is inevitable. Additionally, the ANF has noted, regarding cumulative effects, that “[t]here should...be some tie between the past, present, and reasonably foreseeable activities and the proposed action.”⁶ This chronological perspective along with the combined severity of numerous impacts provide the backdrop for discussion in this section.

A reasonable place to start is with an examination of Tracy Ridge’s past. In 2003, the 9,700 acres that compose Tracy Ridge were proposed for wilderness designation by FAW. During the most recent ANF Forest Plan revision process, 6,800 commenters (more than 80 percent) wrote in support of the *Citizens’ Wilderness Proposal for Pennsylvania’s Allegheny National Forest*. Additionally, the proposal has received the support of 50 local, regional, state, and national conservation organizations as well as support from 70 Pennsylvania scientists with Ph.Ds. in biology, forestry, ecology, economics, and related fields.⁷ This overwhelming support and the nature of the supporters demonstrates that the Tracy Ridge area, as it exists in its present, natural state, provides enormous social and cultural value to the locality, the region and the nation.

As it presently exists, the ANF is faced with a pivotal decision. The significance of the ANF’s decision regarding this Project should not be underestimated. In concluding to approve the proposed Project, the ANF will be altering the inertia of Tracy Ridge. This change of inertia will dictate the future of the area. A small change in the current policy trajectory for the area, could lead to larger changes over time, this phenomenon is known as path-dependent policy.⁸ Of particular interest is that path-dependent policy is particularly susceptible to all manner of fads and fashions,⁹ as is the case here according to the ANF.¹⁰ The ANF should carefully consider the long-term consequences of their decision before taking any action.

Turning to the reasonably foreseeable activities that may occur in Tracy Ridge’s future, it becomes appropriate to discuss the ANF’s vision for the area as proposed in the Scoping Document. In the Scoping Document, the ANF states that “[o]ffering mountain biking opportunities at Tracy Ridge would complement the work underway at Jakes Rocks and would start to position the Allegheny National Forest as a mountain biking destination.”¹¹ Of primary importance is the statement that opening Tracy Ridge to mountain biking will “start to position the Allegheny National Forest as a mountain biking destination.” *Id.* At 4 [emphasis added]. This

⁵ 40 C.F.R. §1508.27(b)(7)

⁶ Tracy Ridge Shared Use Trails and Forest Plan Amendment Project: Draft Decision Notice and Finding of No Significant Impact, July 2017. Page, 45

⁷ FAW Comment, Page, 1

⁸ See Path-Dependent Danish Welfare Reforms: The Contribution of the New Institutionalisms to Understanding Evolutionary Change, by Jacob Torfing, 2001

⁹ See Path Dependence, Development, and The Dynamics of Institutional Reform by Mariana Prado & Michael Trebilcock

¹⁰ Tracy Ridge Shared Use Trails and Forest Plan Amendment Project: Environmental Assessment, Page, 33

¹¹ Tracy Ridge Shared Use Trails and Plan Amendment Project: Scoping Document, Page 4

is important because, as mentioned in the previous paragraph, a decision to proceed with this Project will change the future trajectory of policy management in the Tracy Ridge area.

While the ANF may reject this assertion, claiming that the scope of the proposed Project is much narrower and includes remediation measures if significant impacts are found to be occurring, this rejection cannot stand. First, the ANF has stated in the Scoping Document, that in fact, approval of this project is only an *initial* step toward positioning the ANF as a mountain biking destination. This statement necessarily means that the ANF has contemplated impacts from the Project that reach beyond the scope they would like to assert is applicable in this scenario. Second, while the ANF discusses remedial measures, it is likely that these measures will be highly ineffective. The predicted ineffectiveness of these remedial measures rests on Daniel Kahneman, Richard Thaler, and Cass Sunstein's treatment of the status quo.

In discussing causes of social inertia, Thaler and Sunstein describe the "status quo bias" as people's "general tendency to stick with their current situation."¹² They go on to explain that many people adopt what they call the "yeah, whatever" heuristic. *Id.* A heuristic that is often utilized by television executives in the development of program scheduling "because they know that a viewer who starts the evening on NBC tends to stay there." *Id.* Expanding on this concept and bringing the discussion into the realm of policy decisions, Kahneman explains that "[l]oss aversion is a powerful conservative force that favors minimal changes from the status quo in the lives of both institutions and individuals."¹³

In approving the proposed Project and altering the inertia of Tracy Ridge from one that favors Wilderness designation to one that favors mountain biking recreation, the ANF will be setting a new precedent that actively redefines the notion of status quo. Having changed the status quo in Tracy Ridge, from one that disallows mountain biking, to one that encourages mountain biking, it will be much harder for wilderness advocates to effectively express their opinions as their concerns may be met with the "yeah, whatever" heuristic. Not only will wilderness advocates' concerns fall upon partial ears, but members of mountain biking associations in the area will perceive the implementation of remedial measures to be a loss or elimination of their recreational potential. This perceived loss will trigger a response from members of mountain biking associations, whose opposition to the implementation of remediation measures will ensure that the inertia behind Tracy Ridge maintains its course toward favoring mountain biking recreation.

What all of this means, is that in the reasonably foreseeable future, Tracy Ridge could go from an area that has been considered for Wilderness designation under the Wilderness Act of 1964, to an area that is a mountain biking destination. As mountain biking in the area increases in popularity, Tracy Ridge could begin to experience amplified ecological impacts. With the rising popularity in mountain biking and the relative distance from discussions of Tracy Ridge as a Wilderness area, wilderness advocates will be left with no remediation measures. In addition, it is reasonably foreseeable that as the area gains popularity as a mountain biking destination, the ANF will attempt to convert other hiking-only trails into shared use trails. This is particularly relevant given that the ANF has asserted, as justification for the conversion of trails at Tracy

¹² See *Nudge: Improving Decisions About Health, Wealth, and Happiness* by Richard H. Thaler & Cass R. Sunstein. 2008

¹³ See *Thinking Fast and Slow* by Daniel Kahneman. 2011. Page, 305

Ridge to shared use trails, that “158 miles of trail will remain hiking only, including 22 miles at Tracy Ridge.”¹⁴

Furthermore, there are contradictions in the ANF’s analysis of the future conditions. These contradictions bring into question the validity of the ANF’s analysis, making one wonder whether the ANF conducted a critical analysis of the proposed Project, or whether their analysis was conducted in order to promote an agenda. The contradictions in the ANF’s future analysis come in their handling of the future user groups on the proposed Tracy Ridge shared use trails. In the Draft Decision Notice (DDN) the ANF states that “[t]he agency anticipates that the primary users of the trails at Tracy Ridge for mountain biking will be campers at the campground and local mountain bikers.”¹⁵ However, in the Scoping Document the ANF provides that “[t]he trail system is also adjacent to the Tracy Ridge Campground and would provide additional incentive to utilize the campground.”¹⁶

This seemingly innocuous contradiction is relevant because the ANF made the former statement in an effort to dispel the notion that Tracy Ridge will become a mountain biking destination. Yet, if, as the Scoping Document predicts, the campers utilizing the campground have arrived there as a result of their desire to mountain bike on the Tracy Ridge shared use trails, then the ANF’s dismissal of Tracy Ridge becoming mountain biking destination on the basis that most of the anticipated users will be “campers at the campground” must be rejected.

As expressed more completely in subsequent sections and in light of the prior discussion of reasonably foreseeable future conditions, the following impacts should be considered cumulatively – impacts to hiking-only trails and the NCT, advent of motorized mountain bikes (e-bikes), lack of ANF resources, future trajectory of project, increased ecological impacts, increased public safety concerns, and the uncertainty of future Wilderness designation are impacts from the proposed Project. As provided by 40 C.F.R. §1508.27(b)(7) analysis of the impacts from this Project must not be broken down into small component parts but must be analyzed as a whole.

II

The ANF failed to account for factors influencing the intensity of the impacts from the Project on the Tracy Ridge Proposed Wilderness Area as required under NEPA, 42 U.S.C. §§ 4331 et seq., and 40 C.F.R. § 1508.27(b).

When preparing to take an action that will impact the environment, the Forest Service is required to consider both the context and intensity of the action in order to determine if the action’s environmental effects would be significant.¹⁷ If environmental effects are determined to

¹⁴ Tracy Ridge Shared Use Trails and Forest Plan Amendment Project: Environmental Assessment, Page, 20

¹⁵ Tracy Ridge Shared Use Trails and Forest Plan Amendment Project: Draft Decision Notice and Finding of No Significant Impact, July 2017. Page, 45

¹⁶ Tracy Ridge Shared Use Trails and Plan Amendment Project: Scoping Document, Page 4

¹⁷ See *Delaware Dep’t of Nat. Res. & Env’tl. Control v. U.S. Army Corps of Engineers*, 685 F.3d 259, 270 (3d Cir. 2012)

be significant an EIS will be required.¹⁸ The context of this action is established by the introduction of mountain biking into a pristine natural area that has been seriously considered for Wilderness designation under the Wilderness Act of 1964.¹⁹ The intensity of the impacts produced by the introduction of bicycles, on the other hand, is a factor that may vary with time and the number of users. If the intensity of the impacts reaches a point that is unacceptable or unanticipated then the project permissions should be denied or revoked.

As an initial matter, given Tracy Ridge's status as a pristine natural area that has been proposed for Wilderness designation, any impact that alters the natural character of the land rises to an unacceptable level of intensity. This conclusion is based on the language in Chapter 2330 of the Forest Service Manual that excludes bicycles from Wilderness areas, and a recent Federal Court of Appeals decisions that holds that noticeable human imprint from previous off-road vehicle trail use is a valid reason to deny Wilderness designation under the Wilderness Act of 1964.²⁰

Furthermore, in consideration of the factors that influence the intensity of a proposed action, the Forest Service has underestimated a number of significant characteristics exhibited by the Tracy Ridge area in the proposed Project. Included in these factors are the rising popularity of e-bikes, Tracy Ridge encompassing nine spectacular miles of the North Country National Scenic Trail (NCT), and the cumulative effects that opening the Tracy Ridge Trail System to mountain biking may have.

In the EA the ANF stated that “[c]urrently, e-bikes are considered a motorized vehicle.”²¹ The significance of this statement cannot be overstated as Federal Courts now recognize that noticeable human imprint from previous off-road vehicle use is a valid reason to deny Wilderness designation under the Wilderness Act of 1964.²² In response to this case the ANF stated in the DDN that “[t]he court case referenced in this comment is related to motor vehicle use in the Big Cypress National Preserve. It does not appear to be relevant to the activities considered in this project.”²³ In making this statement the ANF is contradicting their own interpretation of “motorized vehicle” and should be required to adopt some consistency in their application of the term.

The ANF's selective application of “motorized vehicle” wasn't the only time contradictory statements appeared in the EA or DDN. In an attempt to ensure that e-bikes would be prohibited from the Tracy Ridge Trail System, FAW highlighted the concern that it was

¹⁸ See *National Parks & Conservation Ass'n v. Babbitt*, 241 F.3d 722, (9th Cir. 2001)

¹⁹ The Friends of Allegheny Wilderness' 219 Objection is hereby incorporated in full and in part by reference. The 219 Objection examines the proposed ANF plan amendment and provides a detailed account of the context surrounding the proposed project.

²⁰ *National Parks Conservation Association v. US Dept. of the Interior*, 835 F.3d 1377 (11th Cir. 2016)

²¹ Tracy Ridge Shared Use Trails and Forest Plan Amendment Project: Environmental Assessment, Page 35

²² *National Parks Conservation Association v. US Dept. of the Interior*, 835 F.3d 1377 (11th Cir. 2016)

²³ Tracy Ridge Shared Use Trails and Forest Plan Amendment Project: Draft Decision Notice and Finding of No Significant Impact, July 2017. Page, 41

difficult to distinguish e-bikes from traditional mechanical bikes without closely and deliberately inspecting each machine, a difficulty that would inevitably lead to the unauthorized use of motorized vehicles on the Tracy Ridge Trail System. In response to this concern, the ANF, in the EA, stated that “it is true that it is somewhat difficult to distinguish e-bikes from mechanized mountain bikes.”²⁴ However, in a change of heart, or perhaps for ease of argument, the ANF stated in the DDN that “it is quite simple to distinguish e-bikes from mechanized bikes – e-bikes contain a motor that is attached to the frame and is quite visible.”²⁵ The ANF did not provide justification for this flip-flop, nor did they provide justification for the new viewpoint.

In a final bout of hypocrisy, the ANF addressed the issue of e-bike use at Tracy Ridge by stating that “[t]he commenter has provided no evidence that e-bike use is currently occurring on non-motorized trails on the ANF.”²⁶ But ANF themselves provided no evidence that e-bikes are not currently being used on non-motorized trails within the ANF. The burden rests with the ANF to do so. This could be due to the difficulty presented by trying to distinguish an e-bike from a traditional mechanical bike or it could simply be a lazy, baseless assertion. Either way, ensuring that e-bikes do not utilize the Tracy Ridge Trail System will become increasingly difficult as the popularity of e-bikes continues to inevitably rise and the technology that drives their motors becomes increasingly compact. These are all factors that the ANF neglected to address when assessing the potential intensity of impacts produced by the proposed Project. Also, for the record, because the advent and exploding popularity of motorized e-bikes dictates that no mountain bikes at all can be allowed anywhere on the non-motorized trails at Tracy Ridge, it likewise necessarily follows that no mountain bikes at all can be permitted on any non-motorized trails at all in the ANF. This would include the Morrison Trail, the Tanbark Trail, and others.

The advent of e-bikes is not the only domain in which the ANF has underestimated the potential intensity of impacts precipitated by the proposed Project. The ANF has also downplayed the likelihood that mountain bikes will trespass onto the NCT. While the ANF claims that the “NCNST has been buffered from the shared use portion of the trail system by a mile or more of trail,” this assertion neglects some important characteristics exhibited by the so called “buffer.”²⁷ As can be seen on the Project map provided in the FAW comment, the points where the shared use trails connect with hiking-only trails occur at three locations.²⁸ Conveniently, for mountain bikers at least, these three points denote intersections where the hiking-only trails head downhill to intersect with the NCT and provide a view of the Allegheny Reservoir. It is quite likely that some mountain bikers will take advantage of this opportunity and ride down these hiking-only trails. It won’t be everyone, but there will be some (one is too many and would invalidate the Project), and where some go, others will follow – again and again and again.

²⁴ Tracy Ridge Shared Use Trails and Forest Plan Amendment Project: Environmental Assessment, page 35

²⁵ Tracy Ridge Shared Use Trails and Forest Plan Amendment Project: Draft Decision Notice and Finding of No Significant Impact, July 2017. Page, 49

²⁶ Tracy Ridge Shared Use Trails and Forest Plan Amendment Project: Draft Decision Notice and Finding of No Significant Impact, July 2017. Page, 49

²⁷ Tracy Ridge Shared Use Trails and Forest Plan Amendment Project: Draft Decision Notice and Finding of No Significant Impact, July 2017. Page, 36

²⁸ FAW Comment, 16

The ANF's treatment of this concern, which was expressed by many, is wholly inadequate. The ANF ignores the reality of the situation they will be creating, stating that "Currently, there is infrequent bike use of the NCNST in this area. The Project is not expected to increase bike use of the NCNST – particularly with the mitigation and monitoring included in this decision."²⁹ The current status of bike use on the NCT has no relation to expected bike use on the NCT if a shared use project proposal is passed. As such, the statement concerning current bike use carries no weight when applied to the future expectations of an area that will have been fundamentally changed. If the ANF is using current bike use as a predictive basis, then all of their predictions for bike use on the NCT should be taken with a grain of salt, not to mention the apparent lack of reality with which this problem is approached. Given these factors, the ANF's predictions as to mountain bike usage become superfluous; one can only hope that their statements regarding the efficacy of mitigation and monitoring "safeguards" have been produced with a higher level of scrutiny, any scrutiny at all.

With limited resources, and no way to ensure that all individuals on the Tracy Ridge trails will abide by the rules, it is inevitable that mountain bikes will make their way on to the NCT. Thus, while the ANF states that "[t]his [P]roject does not propose to change the hiking-only nature of the NCT on the Allegheny National Forest,"³⁰ the practical reality of approving this Project is that the nature of the NCT will be changed, as mountain bikers will be able to access the area more easily. Further, the mountain bikers' original October 30, 2015 mountain biking on hiking trails proposal for Tracy Ridge itself openly states "we would like to see all of the trails at Tracy Ridge eventually opened to bicycle use."³¹ This necessarily includes the NCT. We strongly suggest that these mountain bikers be taken at their word.

If implemented, this plan would require more maintenance than could be required if the Tracy Ridge trails were left in their natural state. Not only will the trails themselves have to be kept in better condition to allow mountain bikers to have improved riding throughout the proposed Project area, but the ANF, in order to keep up with their promise of providing a "robust suite of mitigation and monitoring to minimize bike trespass on the NCNST,"³² will have to increase patrol of the Tracy Ridge area in some form or another. Nine thousand seven hundred acres is a lot of land to cover and with the proposed Project having direct connections with many of the hiking-only trails that run throughout Tracy Ridge enforcing the promises of the ANF will require much more effort than maintaining the existing hiking-only trails at Tracy Ridge.

Additionally, increased use of e-bikes in the region will increase pressures on enforcement, whereas preserving the trails as hiking-only will relieve the ANF of much of the burden of patrolling the area in search of individuals riding e-bikes. While education seems like a reasonable course of action, it is unlikely that everyone or even a majority of people who are riding or visiting the trails will take time out of their mountain biking experience to take a class that teaches them about the trails they are about to ride. Inquiring minds have to wonder about

²⁹ Tracy Ridge Shared Use Trails and Forest Plan Amendment Project: Draft Decision Notice and Finding of No Significant Impact, July 2017. Page, 48

³⁰ Tracy Ridge Shared Use Trails and Forest Plan Amendment Project: Draft Decision Notice and Finding of No Significant Impact, July 2017. Page, 48

³¹ <http://www.pawild.org/pdfs/WNYMBA103015.pdf>

³² Tracy Ridge Shared Use Trails and Forest Plan Amendment Project: Draft Decision Notice and Finding of No Significant Impact, July 2017. Page, 39

the efficacy of the trail ambassador as well. Will the trail ambassador be additional eyes patrolling Tracy Ridge, or will they meet everyone at the park entrance explaining to them that at points 5, 17, and 12, they are not allowed to ride down the hill for a view of the Allegheny Reservoir.

Increased mountain bike access to the NCT should not be taken lightly. This contention is supported by statements from past North Country Trail Association board of directors member, Glenn Oster. In expressing his concern of future mountain biking on the NCT Oster wrote to the ANF expressing the following sentiments: “You stated that bicycles and horses will not be permitted on the Tracy Ridge, Johnnycake and North Country Trails...I sincerely hope that you continue to maintain that position...In addition to trail damage, we also encounter trail use conflict...trail bikers get psyched up by the challenge of terrain and ride dangerously fast.”³³ Concern for mountain bikers on the NCT is not a new concept, its one that many wilderness advocates have shared over the years. The ANF cannot disregard these concerns, replacing them with a fairy-tale of how the proposed shared-use Project will have no impact on the NCT.

III

The ANF failed to fully consider the ecological impacts of mountain biking, including threats to endangered species, as required under NEPA, 42 U.S.C. §§ 4331 et seq., and 40 C.F.R. § 1508.27(b)(9).

40 C.F.R. Section 1508.27(b)(9) deals specifically with “[t]he degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.” All parties agree that the Tracy Ridge area provides high quality habitat for federally endangered species. The 2006 Tracy Ridge wilderness evaluation provides that Tracy Ridge plays a role of “high importance...in achieving habitat conservation goals for a variety of wildlife including Neotropical birds as well as less mobile species such as reptiles, amphibians and small mammals.”³⁴ Additionally, Tracy Ridge provides high quality habitat for the federally endangered Indiana bat (*Myotis sodalis*), bald eagles (*Haliaeetus leucocephalus*), northern long-eared bats (*Myotis septentrionalis*), great blue herons (*Ardea Herodias*), red-shouldered hawks (*Buteo lineatus*), black bears (*Ursus americanus*), northern goshawks (*Accipiter gentilis*), and bobcats (*Lynx rufus*).” *Id.*

It is at this point where agreeance among the parties ceases, and the Forest Service adopts contradictory perspectives. In it’s “Tread Lightly!” campaign the Forest Service recognizes that mountain bikers have a greater potential to frighten and stress a variety of animals than hikers, especially when they travel at high speeds and ride aggressively.”³⁵ The ANF then states in the DDN that, “[t]he [P]roject is expected to have no impact on plant and animal community

³³ <http://www.pawild.org/pdfs/GlennOsterTracyRidge102793.pdf>. Also see *Hiker treated for injuries after confrontation with mountain biker in Terra Linda open space*, February 27, 2015, <http://www.marinij.com/article/NO/20150227/NEWS/150229813>; and *Hiker injured in crash with cyclist on trail near Danville*, June 17, 2015 <http://danvillesanramon.com/news/2015/06/17/hiker-injured-in-crash-with-cyclist-on-trail-near-danville>

³⁴ See 2007 ANF Forest Plan, Appendix B, Page 3

³⁵ Tread Lightly! Mountain Biking Guide, Page 6

diversity.”³⁶ Its hard to imagine that mountain bikers can “frighten and stress a variety of animals” and yet increased stress levels have no impact on the diversity of animal communities in the area. This is particularly hard to imagine, given that environmental stress provides the catalyst for evolution. In their book *Environmental Stress, Adaptation and Evolution*, Bijlsma and Loeschke provide that “modeling shows that individual behavior may evolve to avoid uncomfortable environments or develop the mechanisms of individual tolerance to them.”³⁷ Thus, when some forms of wildlife experience increased stress from mountain bikes they may respond by avoiding the area.

In addition to their neglect of the role that environmental stress may play in the lives of wildlife, the ANF has effectively ignored the potential for invasive species proliferation. While the EA mentions the potential for invasive species propagation, the ANF simply states that invasive species proliferation is not likely to occur, but if it does, it will be treated accordingly.³⁸ The ANF’s offer to manage invasive species if they are found is welcomed, however, there is a difference between mitigating future ecological impacts and proactively analyzing the potential impacts and present state of the forest in the area before allowing a proposed project to proceed. Without a full EIS it is impossible to sincerely evaluate the potential irreversible effects that opening the proposed Tracy Ridge Wilderness Area to mountain biking would cause.³⁹

Furthermore, accepting the fact that some mountain bikers will inevitably ride down the hiking-only trails, analysis must necessarily turn to the impacts produced by these scofflaw riders. While the ANF claims that “Tracy Ridge does not lend itself to the more ‘aggressive riding styles’ such as downhill, free riding and dirt jumping,”⁴⁰ this assertion ignores the fact that some riders will travel beyond the shared use portion of the Project and ride on the hiking-only trails that lead downhill to the Allegheny Reservoir. Upon trespassing onto the hiking-only trails, those riders bold enough to trespass will be met with exactly the kind of conditions that make for good downhill riding. As noted in Davies Newsome study (2009), which the ANF relies upon, ‘free-riders,’ such as the riders who would be biking down the hiking-only trails, “pose the greatest risk of environmental damage” due to the “challenge, speed and technical skill”⁴¹ associated with this type of riding.

³⁶ Tracy Ridge Shared Use Trails and Forest Plan Amendment Project: Draft Decision Notice and Finding of No Significant Impact, July 2017. Page, 8

³⁷ See *Environmental Stress, Adaptation and Evolution* by K. Bijlsma and Volker Loeschke, 2013. Page, 251

³⁸ Tracy Ridge Shared Use Trails and Forest Plan Amendment Project: Environmental Assessment, Page 25

³⁹ FAW Comment, 2

⁴⁰ Tracy Ridge Shared Use Trails and Forest Plan Amendment Project: Draft Decision Notice and Finding of No Significant Impact, July 2017. Page, 51

⁴¹ Davies, C., Newsome, D., 2009. Mountain Bike Activity in Natural Areas: Impacts, Assessment and Implications for Management. In: A Case Study from John Forrest National Park, Western Australia. Sustainable Tourism Cooperative Research Centre Report, Griffith University, Gold Coast.

The fact that the trails contained in the proposed Project area “are mostly ridgetop with fairly gradual grades and slopes”⁴² that do not lend themselves to more aggressive riding styles does not give the ANF a free pass to ignore the consequent effects that their decision may have. In a recent study of the effects of mountain biking it was found that mountain biking leads to “significant impacts related to erosion from skidding, linear rut development, systematic addition of technical trail surfaces, and additional unauthorized creation of informal trails.”⁴³ These impacts occur regardless of whether the mountain biking is cross-country or downhill, however, on the downhill trails that are hiking-only, mountain biking trespass will operate to magnify the intensity of ecological and environmental impacts, as those riding on these trails will be moving at greater speeds and exhibiting higher levels a technical ability as described in the proceeding paragraph.

IV

The ANF failed to fully address the public safety impacts and user conflict concerns of opening the trails as required under NEPA, 42 U.S.C. §§ 4331 et seq., and 40 C.F.R. § 1508.27(b)(2).

Allowing mountain bikers to utilize the Tracy Ridge Trail System would be wildly irresponsible to public safety by the ANF, as it would increase the user conflicts and lead to elevated public safety concerns. This fact is self-evident, as allowing mountain bikers to use the Tracy Ridge trails will lead to elevated numbers of individuals on the trails, and regarding mountain bikers, individuals moving at greater speeds. The greater the number of individuals traversing the trails and the greater the speed at which these individuals are traveling, the greater the risk for user conflict and the greater the risk that this conflict will lead to injury. These increased risks are the direct result of allowing mountain biking on the Tracy Ridge trail system, as increased rate of travel on the trails is a factor unique to mountain bikers that cannot be associated with an increased number of hikers.

Not only will allowing mountain bikers on the Tracy Ridge trail system increase the actual risk of user conflict resulting in public safety issues, it will also reduce the peace of mind that one may obtain when hiking in an area designated hiking only. This reduction in the peace of mind is a direct result of having to be more alert throughout the entirety of the hike to ensure that one avoids fast approaching bicyclists. Again this is an issue that is unique to the introduction of mountain bikes on the Tracy Ridge Trail System, as an increase in the quantity of hikers would not require those using the trail to maintain a higher level of awareness.

While the ANF claims that the 12 miles of trails contained within the proposed project are composed of primarily level terrain, this ignores the fact that there will be no physical

⁴² Tracy Ridge Shared Use Trails and Forest Plan Amendment Project: Draft Decision Notice and Finding of No Significant Impact, July 2017. Page, 51

⁴³ Davies, C., Newsome, D., 2009. Mountain Bike Activity in Natural Areas: Impacts, Assessment and Implications for Management. In: A Case Study from John Forrest National Park, Western Australia. Sustainable Tourism Cooperative Research Centre Report, Griffith University, Gold Coast.

barriers placed between trails that are hiking only and those that will allow bicycles. With no way to ensure that mountain bikes will remain only on the mountain biking trails there is similarly no way that the ANF can ensure that mountain bikers will only be riding on the level wide terrain that is contemplated by the ANF in the EA. The ANF, here, as throughout the Project proposal, should be required to confront the realities that their decision to approve this Project will produce.

Recommended Remedies

In order to resolve these objections, the ANF must complete a full EIS as required under NEPA, regulatory, and decisional law.

Conclusion

The ANF failed to take a serious look at the potential environmental impacts that opening the hiking-only trails in the wild, untrammelled proposed Tracy Ridge Wilderness Area would have. The ANF failed to consider the unique characteristics of the area, including potential for its future designation under the Wilderness Act of 1964, and the long-term impacts that allowing mechanized and motorized transport on those trails, including the NCT, would have.

Sincerely,

A handwritten signature in black ink that reads "Kirk Johnson". The signature is written in a cursive, flowing style.

Kirk Johnson, Executive Director
Friends of Allegheny Wilderness