



October 8, 2020

U.S. Forest Service  
Director, Recreation Staff  
1400 Independence Ave SW  
Washington, DC 20250-1124

By electronic submission to <https://cara.ecosystem-management.org/Public/CommentInput?project=ORMS-2619>

Re: Comments on proposed revisions to Forest Service Travel Management Manual 7700

Dear Ms. Wu,

On behalf of our more than one million members and supporters working to unite people to protect America's public lands and wild places, The Wilderness Society generally supports the Forest Service's proposed revisions to its Travel Management Manual 7700, as described in its notice of availability for public comment, 85 Fed. Reg. 60129 (Sept. 24, 2020), and posted on its e-bike project page, #ORMS-2619. The proposed revisions are appropriately tailored to address e-bikes as an emerging use on National Forest System lands and provide additional clarity that e-bikes constitute a class (or classes, based on Class 1, 2, or 3 e-bikes) of motor vehicles subject to longstanding travel management laws and policies designed to ensure quality and sustainable recreation opportunities for a wide array of national forest users and prevent avoidable resource damage.

The 2005 Travel Management Rule defines "motor vehicle" broadly as "[a]ny vehicle which is self-propelled," excluding vehicles operated on rails and battery-powered mobility devices.<sup>1</sup> On numerous occasions, the Forest Service has explicitly and correctly recognized that e-bikes – which by definition have a motor – are motor vehicles subject to the Travel Management.<sup>2</sup> Nevertheless, the agency has

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<sup>1</sup> 36 C.F.R. § 212.1; *see also* Exec. Order No. 11,644, § 2 (defining "off-road vehicle" subject to travel management restrictions as "any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain," while excluding emergency, authorized, and official uses).

<sup>2</sup> *E.g.*, 80 Fed. Reg. 4500, 4503 (Jan. 28, 2015) (response to comments on agency's winter travel management rule stated that "[n]ew technologies that merge bicycles and motors, such as e-bikes, are considered motor vehicles under § 212.1 of the TMR"); Mar. 24, 2016 memorandum from Washington Office Recreation Director to Regional Foresters re Electric Bikes and Trail Management ("E-bikes have a motor, thereby are self-propelled, and are not covered by the exceptions in the definition. Therefore, e-bikes are motor vehicles and are subject to regulation under the TMR, which requires designation of National Forest System (NFS) roads, NFS trails, and areas on NFS lands for motor vehicle use.").

struggled in recent years to address pressure for additional e-bike opportunities in certain areas, and some Forest Service units have attempted to bypass travel management requirements.<sup>3</sup> Thus, the proposed manual revision provides appropriate clarity to the field on the required process for considering and providing for additional e-bike opportunities. The proposed revisions reflect the Travel Management Rule's direction that roads, trails, and areas be designated by "vehicle class" and thereby facilitates designation of certain trails for motor vehicle use by class(es) of e-bikes to provide the more primitive experience that some e-bike users may seek. By engaging the public through appropriate NEPA and Travel Management Rule processes, the Forest Service can provide those opportunities where appropriate to meet the needs of this emerging national forest use, while ensuring that the unique and potentially significant impacts of expanded e-bike use on recreational use trends, safety concerns and conflicts between users, and a variety of forest resources are fully analyzed and minimized.

While we generally support the proposed directives, we did want to clarify our expectation with respect to the proposed criterion at section 7715.5(4)(c) of Chapter 7710. While we support effective programmatic environmental analysis as a tool to make efficient travel management planning decisions, any analysis of e-bike designation decisions must include adequate site-specific analysis under NEPA and the required granular application of the minimization criteria and other travel management requirements. In other words, while programmatic analysis may facilitate more efficient and effective travel management decision-making, it does not eliminate the Forest Service's legal obligations to perform site-specific analysis and discrete designation decisions for particular trails.

Sincerely,



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The Wilderness Society  
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<sup>3</sup> See, e.g., *Back Country Horsemen of America v. U.S. Forest Service*, No. 2:19-cv-02149-JAM-AC (E.D. Cal. Oct. 23, 2019) (challenging Tahoe National Forest's decision to permit Class I e-bikes on over 100 miles of non-motorized trails absent any public process or compliance with NEPA or the Travel Management Rule; case was dismissed after the Forest Service voluntarily withdrew its decision).