



U.S. Forest Service
Penny Wu
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>

Our contact officer is:
Peggie dePasquale
Wyoming Wilderness Association
peggie@wildwyo.org

October 16, 2020

Dear Penny Wu,

Thank you for this opportunity to provide comments on proposed updates to the Forest Service Manual (FSM) 7700 and 7710 regarding the definition of bikes, e-bikes and the designation of three classes of e-bikes. Please accept the following comments on behalf of the Wyoming Wilderness Association, a nonprofit education, stewardship and advocacy organization dedicated to protecting Wyoming public wildlands. Our organization represents nearly 6,000 members and supporters from across Wyoming and the United States. Our community is made up of conservation and outdoor enthusiasts including motorized and mechanized recreationists. We were involved with the Department of the Interior's (DOI) decision-making concerning e-bike management, and are eager to share important insights regarding similar directive changes to the management of e-bikes within our National Forest system.

First of all, thank you for your email clarifying that the Forest Service (FS) indeed defines e-bikes as motor vehicles. This definition is also made clear throughout the updated directives and we greatly appreciate that there is no question within the FSM language regarding e-bikes' status as "motorized." We strongly support the FS's effort to define e-bikes within the Forest Service Manual (FSM) and agree that new and growing uses like e-bikes must be clearly and accurately defined in order for them to be properly managed. Although separating e-bikes into three different classes has had some worrisome outcomes regarding motorized use on non-motorized trails, we respect the FS's efforts to create language within the FSM that is compatible with the general public, 27 states and the DOI agencies that have already created this three class system.

With that said, within the Federal Register notice (September 24, 2020), an intent to align FS management with the recent DOI final e-bike rule is shared. This worries us, as the DOI finalized a flawed rule that states e-bikes (class one) are more similar to traditional bikes than motorized vehicles, and may therefore be granted the same access as traditional bikes. As your definition recognizes, e-bikes are equipped with a motor and are therefore motorized. Why claim an intent to align with the DOI rule when it conflicts with a cut and dry definition that you intend to uphold? Our concern is furthered due to the language included in FSM 7710, where you share a list of criteria for designating e-bike use on trails¹. Within these criteria, the FS repeatedly references granting e-bikes access to current trails that allow traditional bikes without any mention of how many of these trails managed by the FS are currently non-motorized and closed to any class of e-bike (as per your definition). We ask that within the language of this section you clarify that e-bikes will only be granted access to bike trails that are already designated as motorized, and are currently included on your Motor Vehicle Use Map (MVUM).

If and when a non-motorized trail is proposed for e-bike use through travel planning, it is the responsibility of the FS to carry out the National Environmental Policy Act (NEPA) process, as stated in the 2005 Travel Management Rule. Although environmental analysis requirements are outlined², clear language outlining the required role of NEPA should be included within the criteria for designating e-bike trails. Please also clarify that at no point can the similarity in appearance, impact or noise-levels between any class of e-bike and traditional bike result in a waiver of this requirement. In other words, at no point should the access and use of any class of e-bike be considered without adherence to the guidelines set out in the Travel Management Rule regarding motor vehicle use on the Forest, as all e-bikes are motorized. With these FS wide securities in place, we feel comfortable with e-bike management occurring on a local Forest to Forest basis, as described in the notice, through travel planning.

Motorized vehicles, like e-bikes, are not inherently bad and the Wyoming Wilderness Association understands the pressures put on the FS to manage all uses fairly. However, in your notice regarding these changes you mention:

“In particular, the proposed revisions would add a paragraph to Forest Service Manual (FSM) 7702 to establish promotion of e-bike use on NFS lands as an objective...”³

How is it appropriate to add an objective for the FS to promote e-bikes? Other uses are not promoted by the FS and e-bikes should be no exception. The paragraph that this notice statement is referencing³ luckily does not blatantly promote e-bikes. However, it does share the intention to consider how new technologies could increase access among the public that may otherwise be unable to access FS trails without the use of an electric motor. This paragraph should be removed from FSM 7700 as it creates unfounded support for motorized use as a superior means for accessing FS trails and public lands generally. The only utility of such an FSM addition is to increase motorized access across the forest; an increase that is not in line with what is best for the land, or the majority of people who recreate on these public lands.

¹ 7715.5 (3) of FSM 7710

² 7715.5(4)(c) of FSM 7710

³ 7702 (8) of FSM 7700

Thank you for considering our comments regarding proposed changes to the FSM regarding e-bikes. The Wyoming Wilderness Association will look forward to seeing the published directive changes and will plan to continue our involvement as the conversation on e-bike use on the National Forest continues to evolve.

Respectfully,



Peggie dePasquale
Associate Director
Wyoming Wilderness Association



Addi Jenkins
Marketing and Communications Director
Wyoming Wilderness Association



Matthew Cuzzocreo
BLM Wildlands Organizer
Wyoming Wilderness Association



Khale Century Reno
Executive Director
Wyoming Wilderness Association