



Forest Service

US Dept. of Agriculture

Sidney R. Yates Federal Building, 201 14th St SW, Washington, DC 20227

Attn. Penny Wu, Travel Management Program Manager

Comments submitted to <https://cara.ecosystem-management.org/Public/CommentInput?project=ORMS-2619>

October 23, 2020

Dear Ms. Wu:

Montana Wilderness Association (MWA) formally submits these comments on Forest Service Rulemaking #ORMS-2619.

For more than 60 years, MWA, a 501(c)(3) organization, has worked with communities across the state to protect Montana's wilderness heritage, quiet beauty, and outdoor traditions, now and for future generations. Our work began in 1958 when our founders sent a letter to 100 friends, inviting them to join a citizen-led effort to protect the Madison and Gallatin Ranges. Our commitment to grassroots conservation was instrumental in the passage of the 1964 Wilderness Act and the designation of all 15 Wilderness areas in Montana.

Today MWA represents over 5,000 members and our work extends far beyond the boundaries of existing designated Wilderness areas. Montana's wilderness heritage encompasses much more than just those designated areas: it is centered in our outdoor spaces of all kinds and the many ways we access those spaces. Our comments on this rulemaking are generally favorable. It is imperative that e-bikes - as forms of transportation with or assisted by motors - are managed as the motorized forms of recreation that they are.

E-bikes are a great way to enjoy America's public lands in the right space and with the right regulations. More than 60,000 miles of trails and roads on national forests and grasslands are currently open to e-bike use. That represents about 38% of recognized routes in the National Forest system that are currently open to e-bike use, allowing significant amounts of access for this kind of recreation.¹ Furthermore, the Travel Management Rule currently allows Forest Service officials at the local level to make special, place-based designations to allow e-bike use in certain areas with appropriate analysis and public process.

¹ <https://www.fs.usda.gov/visit/e-bikes>



We appreciate the proposed language changes' compatibility with Subparts B and C of the Travel Management Rule and the commitment to maintaining the longstanding definition of e-bikes as motorized vehicles. We appreciate as well that the Forest service must respond to emerging technologies and increased demand for clarity around different forms of recreational experiences. The scale, scope, and interest in e-bikes and increased technological advancements in their construction do indeed require special consideration, but new-found or intensified interest does not negate their status as motorized vehicles.

We further appreciate the clarification that the agency must undertake a place-based analysis to determine what particular trails could be suitable to e-bike use and how that use would best complement or contradict existing uses on that particular trail and the ecological and cultural values of the impacted landscape.

However, we do have concerns about the proposed language at 7715.5 Criteria, paragraph 4:

In addition to the general and specific criteria in FSM 7715.5, paragraphs 1 through 3, when designating trails for e-bike use (FSM 7705), consider and document the following:
... c) Whether a programmatic environmental analysis may be feasible and more efficient due to similarities in effects of bicycle use and e-bike use.

and

Consider designating a class or classes of e-bike use, as appropriate, on NFS trails managed for bicycle use or where bicycle use is allowed, where effects from e-bike use would be comparable to effects from bicycle use.

This language could create a loophole whereby all trails open to mechanized, traditional bikes in the National Forest system could be open to e-bike use, negating the careful consideration of place-based, landscape-and trail-specific criteria laid out in the preceding paragraphs. The three classes of e-bikes are not unilaterally appropriate in all settings across the country. Determining appropriate access based on local criteria is best done at the local level through travel planning or similar site specific analyses. These analyses, therefore, are not appropriate for programmatic environmental analyses that are inherently not specifically place-based or



trail-specific and can “over-minimize localized conditions and impacts or result in reduced public involvement due to the scale of the analysis.”²

For example, a trail-specific analysis is best used to determine if a particular trail or series of specific trails could be appropriate for class I, II, or III e-bike use. But a programmatic analysis could empower an entire ranger district, forest, or even region to determine that all trails or all trails within a certain management category could be opened to a class, or multiple classes, of e-bike use without the very specific, place-based context that is necessary to meet the spirit of this rule and the requirements of the Travel Management Rule.

We also must stress the importance of these criteria in relation to the long-standing policy that e-bikes are motorized forms of transport. These criteria must be used to determine exceptions to the policy that e-bikes are not compatible with non-motorized recreation, not an opportunity to open every non-motorized trail to e-bikes: these criteria cannot be a trojan horse to allow the exception to swallow the rule.

Finally, we suggest clarification of the proposed language at 7715.72, Road and Trail Jurisdiction and Coordination. Ensuring consistency of management across jurisdictions is essential for user experience, enforcement, and ecosystem integrity. Public land recreators must be given clear information about what uses are allowed on what trails, particularly on trails that cross management boundaries which are often arbitrary to the average user. Consistency is important, but so is enforcing the intent of this rule and the requirements of the Travel Management Rule to treat e-bikes as motorized vehicles and allow their use on non-motorized USFS system trails only where deemed appropriate by the Forest Service.

To ensure compatibility with the management of e-bikes as motorized recreation and to prevent the dilution of that management, the Forest Service should disclose what factors will be weighed and considered in its cross-jurisdictional conversations. Therefore, we request specific criteria be listed to guide that cross-jurisdictional collaboration to ensure that the Forest Service’s obligations under this rule are not subsumed by different management of e-bikes. These criteria could include factors like: community input and public comment; historical access of the trail by each jurisdiction; trail conditions like grade, soil or surface suitability; seasonal use restrictions; wildlife impacts; intensity or scale of existing recreation; user conflicts; availability of e-bike access on motorized trails or roads within the landscape in

² <https://www.fs.fed.us/emc/nepa/revisions/includes/ExecutiveSummaryANPRComments.pdf>



question; and prioritizing the pursuit of coordinated travel or related planning across jurisdictions so these decisions can be made in a truly collaborative fashion, rather than each impacted agency working on their own timeline, then trying to fit disjointed trail designations together after the fact.

Thank you for the consideration of MWA's comments. Please contact me with any questions.

A handwritten signature in black ink, appearing to read "Aubrey R. Bertram".

Aubrey R. Bertram
Eastern Montana Field Director
Montana Wilderness Association
80 S. Warren St., Helena, MT 59601
abertram@wildmontana.org
C: 303-956-5263