

October 25, 2020
U.S. Forest Service
Director, Recreation Staff
1400 Independence Ave SW
Washington, DC 20250-1124

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

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

To whom it may concern,

Thank you for the opportunity to comment on the pressing and challenging task of regulating electric mountain bikes (eMTBs) on US Forest Service (USFS) Managed lands. As an avid cyclist and trail stewardship and conservation professional, I write to urge to USFS to consider the numerous gray areas and management concerns that the proposed directives could create.

Before beginning, is important to recognize the wide array of benefits that ebikes, specifically those designed for use on paved surfaces, offer. Ebikes are known to promote bike-commuting, decreasing traffic and providing a more sustainable alternative to car transport (Cairns et al. 2017; Nematchoua et al. 2020). Ebikes also serve to democratize cycling, offering an alternative to purely human-powered cycling that is more inclusive and accessible (Clayton, Parkin, and Billington 2017; Castro et al. 2019). Ebikes on paved surfaces, such as greenways and roadways, however, are distinct in their impact from eMTBs designed for use on natural surface trails.

Most notably, the proposed directives to FSM 7700 and 7710, allowing and promoting Class 1 eMTBs on USFS managed natural surface trails will inevitably create gray areas and policy loopholes in the regulation of non-motorized and motorized recreation. Currently, eMTBs are appropriately classified as motorized vehicles and thus restricted to areas designated for motorized recreation. Allowing motorized recreation, in the form of eMTBs, in otherwise non-motorized areas undermines the intent and the application of these designations entirely. How can an area be meaningfully classified and effectively managed for non-motorized users if some forms of motorized use are indeed permitted? Blurring the lines between where motorized and non-motorized recreation is permissible, and what constitutes “motorized” recreation, will only lead to further opportunity for exceptions, confusion, and expansion of permitted activities. Maintaining a clear distinction between non-motorized recreational areas and motorized recreational areas is key in effective regulation. If eMTBs, capable of generating up to 750 watts, are sanctioned for use in non-motorized areas, how will the USFS create and enforce criteria for excluding other motorized users that are currently not permitted, such as drones? Furthermore, as eMTB technology continues to evolve and develop, the identifiable characteristics of eMTBs are diminishing, while the power output is increasing. Although the proposed directives are limited to Class 1 ebikes, distinguishing between Class 1, 2, and 3 ebikes can be challenging and regulating eMTB usership *in situ* is nearly impossible. Without a regulatory mechanism for distinguishing between classes of eMTBs and enforcing the proposed directives, the USFS is creating ample opportunity for abuse of the new regulations.

In addition to regulatory concerns, it is imperative that the USFS consider the numerous studies and user-surveys addressing the introduction of eMTBs onto otherwise non-motorized trails. At the forefront of a growing body of research regarding eMTBs are The International Mountain Bicycling Association's (IMBA) studies on trail impacts and user perceptions. In one widely cited study, IMBA found that, tire-for-tire, eMTBs do not contribute to significantly more soil displacement than a regular mountain bike, however, the study did not take into account the potential for increased trail traffic facilitated by eMTBs (The International Mountain Bicycling Association 2015a). This potential for greatly increased traffic to trail networks caused by the allowance of eMTBs is at the heart of many trail advocates and environmentalists' concerns. In a subsequent study, IMBA found that 70% of respondents indicated that they were concerned or highly concerned about interactions between trail users with eMTBs on trails (The International Mountain Bicycling Association 2015b, 8). Likewise, 44% of respondents expressed concerns that "eMTBs will add more users to already crowded trails" and 65% expressed concerns that the increased impact on trails would be environmentally detrimental (The International Mountain Bicycling Association 2015b, 8–9). While there exists a congruent dynamic between non-motorized trail users (notably in speed and impact), eMTBs arguably operate outside of this existing, non-motorized recreational dynamic and would change the user experience for bikers and non-bikers alike. The USFS has a responsibility to take into consideration how the proposed directives conflict with or degrade current usership.

Another central concern in permitting the use of Class 1 eMTBs on USFS managed lands are the inevitable environmental impacts. While trails and recreation inevitably and broadly impact natural flora and fauna, certain activities have been found to be more detrimental than others. Multiple studies on recreational impacts to terrestrial wildlife found that mountain biking and motorized recreation contributed to the greatest disturbance of wildlife patterns and habitat (Naidoo and Burton 2020; Wisdom et al. 2018). Falling somewhere between a true motorized vehicle and a traditional mountain bike, eMTBs are almost certain to further disrupt local wildlife at both a micro and macro level (Wisdom et al. 2018; Larson et al. 2019; Naidoo and Burton 2020). Other environmental concerns include erosion and watershed degradation, the creation of additional, un-sanctioned trails and the widening of existing trails. While eMTBs may not contribute to soil erosion any more than a traditional mountain bike, the various environmental concerns have less to do with the tread-depth and speed of eMTBs and more to do with the facilitation of more trail users into more remote areas. While traditional mountain bikers are limited in their range based on ability and fitness, eMTBs make it possible for more recreators to travel farther and faster. These dramatic increases to trail usage are not sustainable on two accounts. First is the question of environmental sustainability, in terms of impacts to the natural ecosystems, flora, and fauna. The second is the social sustainability, in terms of the "carrying capacity" of existing trail networks and the expensive and laborious maintenance of trail networks. As many other commentators have deftly pointed out, there are extensive, existing trail networks designated for motorized use, and therefore open to eMTBs, without compromising the long-term sustainability of non-motorized trails.

Finally, any proposed changes to the USFS Travel Management Rule (TMR) requires thorough review under the National Environmental Policy Act (NEPA) and eMTBs should not be an exception (36 CFR § 212.52(a)). The TMR defines motorized vehicles as "any vehicle that is

self-propelled,” including “new technologies that merge bicycles and motors, such as ebikes, (36 CFR § 212.1). Thus, revisions to the TMR with regard to eMTBs on USFS managed lands trigger NEPA. Per NEPA, “public officials are required to make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment” (40 CFR § 1500.1(c)). As such, permission of eMTBs on USFS managed lands must be evaluated on a case by case basis and individual environmental impact statements (EIS) or environmental assessments (EA) performed. Only after an adequate EIS or EA has been performed, and the environmental effects are fully understood and disclosed, should eMTBs be considered to be permitted on USFS non-motorized recreational areas. The USFS has an obligation to comply with these existing procedural requirements, protecting and balancing public interest and environmental protections.

Ebikes offer a unique and valuable form of transportation and have a place on existing motorized trails and roadways. It is the consideration of blurring the lines between motorized and non-motorized recreation on USFS managed lands that is most concerning and contentious with regard to the proposed eMTBs access. Under a separate and appropriate management scheme, eMTBs can provide a novel and popular form of recreation without compromising the longevity and the purpose of non-motorized trail networks. It is with these considerations in mind that I urge to you please review the proposed directives and their compatibility with the mission of the USFS, the environmental provisions under NEPA, and the social concerns of non-motorized recreationists.

Thank you for your consideration.

Sincerely,

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Resources

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