Director, Recreation Staff

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Via electronic web submission:

<https://cara.ecosystem-management.org/Public/ReadingRoom?project=ORMS-2619>

October 26, 2020

Dear Forest Service,

The following are the comments of the undersigned, all of whom are engaged in national forest management, on the Forest Service’s effort to clarify guidance for electric bicycles (“e-bikes”) in FSM 7700 and 7710, as noticed in the Federal Register of September 24, 2020, 85 Fed Reg 60129.

TIGHTEN THE DEFINITION OF MOTOR VEHICLE TO ENSURE IT COVERS E-BIKES.

It is good that, unlike the Department of Interior, the Forest Service would recognize e-bikes as a separate class of motor vehicle (proposed definitions at FSM 7705). However, an addition is needed to the definition of “motor vehicle” in FSM 7705. Currently, the definition reads, in part: “[a}ny vehicle which is self-propelled”. Class 1 and 3 e-bikes are partially human powered, in that they “provide[] assistance only when the rider is pedaling”. See definition of “Electric Bicycle (E-Bike)”, proposed addition to FSM 7705. In this regard, these e-bikes could be considered to not be fully self-propelled because the operator must also help propel them. Therefore, amend the definition to state that a motor vehicle is one that is “self-propelled or provides a power assist to human propelling”.

It is extremely important to emphasize that all classes and types of e-bikes are motor vehicles. Any agency guidance must clearly state this.

RECOGNIZE THE UNIQUE AND POSSIBLY SIGNIFICANT POTENTIAL IMPACTS OF E-BIKES.

E-bikes can greatly increase impacts to wildlife. Bikes with an electric assist can move almost as fast as motorcycles in some terrain, but e-bikes are much more quiet than other motor vehicles. The approach of e-bikes can thus startle wildlife, causing them to feel much stress and flee.

Recent studies have found that regular bikes have a considerable effect in displacing elk, and likely other animals. See: Naidoo and Burton, 2020; Wisdom et al, 2018; and Preisler et al, 2013. The latter study found that elk avoided bikes by up to 500 meters, but avoidance was only 200 meters from hikers and horse riders. This essentially fragments habitat. And if non-motor bikes have the reported effects on wildlife, it is likely that e-bikes would have an even greater effect due to their greater speed while making little noise and the ability for riders to travel further each day than on a regular bike.

In light of the above, e-bikes must be closely regulated on national forests and grasslands. This means that e-bikes should only be allowed on routes open to motor vehicles, though they need not be allowed, and probably should not be allowed, on all such routes.[[1]](#footnote-1) They must not be allowed off designated routes or on routes open only to non-motorized travel.

We do not see this reflected in the proposed direction. Especially concerning is the following:

where suitable for use, e-bikes may provide new opportunities for individuals who might otherwise be prevented from experiencing an NFS trail without assistance from an electrical motor.

Proposed change to Objectives at FSM 7702 (8), and to Policy at 7715.03 (9). The Fed Reg notice goes even further, stating that the above proposed addition to the FSM is intended to “to establish promotion of e-bike use on NFS lands as a policy”. 85 Fed Reg 60129.

This clearly indicates that the Forest Service may not just allow, but promote, the use of e-bikes. Given the possible impacts from the use of e-bikes (discussed throughout these comments), this is very inappropriate. The agency must not promote e-bike use over other uses. This could create or exacerbate conflicts with others uses, and thus violate the requirement in the agency’s Travel Management Rule at 36 CFR 212.55(b)(3) and (4) to minimize use conflicts. The above-quoted FSM passage must be deleted from the proposed guidance.

A proposed addition to FSM 7711.3 (6)g would add trails open only to e-bikes as a category to be depicted on motor vehicle use maps (MVUMs). Given the demand for trail recreation on national forest lands, no trails or other routes should be open only to e-bikes. These machines are expensive, and thus available only to people with considerable wealth. Trails should not be reserved for elite users, and no trails should be open only to e-bikes.

Another proposed change indicates the Forest Service considers that non-motorized bike and e-bike use may be “comparable”:

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.

Proposed addition to FSM 7715.5 (4).

E-bike use is comparable to non-motorized bike use only in the type of effects, but not the magnitude. The impacts of e-bikes will be much greater, as is discussed above (for wildlife impacts) and below.

The additional power of an e-bike is likely to entice operators to attempt even steeper ascents, both on and off designated routes, i. e., routes that would be difficult or impossible with a regular bike. This would increase the damage to vegetation and soils, as more torque would be applied to bike wheels, which would cause more erosion and further wear of the trail tread, or it would increase the damage from off-route riding.[[2]](#footnote-2)

E-bikes, moving considerably faster than normal bikes, may create a serious safety hazard for trail users who are not riding e-bikes, especially hikers and horse riders. The speed and quiet of e-bikes could result in injuries, or at a minimum, reduce the quality of the non-motorized users’ experiences due to sudden, unexpected encounters with motorized bicycles. Also, e-bikes will travel much further in a day than non-motorized users, creating more encounters with other recreationists and thus a higher potential for conflicts. All of this would make agency compliance with 36 CFR 212.55 (and existing FSM 7715.5 (2)) more difficult wherever e-bikes would be allowed, as impacts might not be minimized as required.

Therefore, routes open to nonmotorized users, even those open to regular bikes, must not be open to e-bikes. If allowed at all, e-bikes should be permitted only on some (but not necessarily all) trails and roads open to some form of motorized travel.

CONDUCT SITE-SPECIFIC ANALYSIS BEFORE OPENING ANY TRAILS TO E-BIKES

Given the potential impacts of e-bikes, direction should state that site-specific NEPA analysis is necessary for any routes, both existing and proposed new ones, to be opened to e-bike use. This could be added to FSM 7703.26 and 7712. These sections now require a detailed analysis, as appropriate, before roads are added to the transportation system. The same should be required before e-bikes are added to the uses allowed on any routes.

CONCLUSION

Due to their potential impacts and conflicts with non-motorized users, e-bikes must be allowed, if at all, only on routes open to motorized use, and only after a NEPA process that discloses their possible impacts and fully involves the public.

Please inform us of the next steps in the process for establishing or clarifying guidance on e-bike use, especially any opportunities for further public input.

Sincerely,

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**REFERENCES**

Naidoo, Robin, and A. Cole Burton, 2020. Relative Effects Of Recreational Activities On A Temperate Terrestrial Wildlife Assemblage. Conservation Science and Practice, September 2020. Available at:

<https://conbio.onlinelibrary.wiley.com/doi/full/10.1111/csp2.271>

Michael J. Wisdom, Haiganoush K. Preisler, Leslie M. Naylor, Robert G. Anthony,

Bruce K. Johnson, Mary M. Rowland, 2018. Elk Responses To Trail-Based Recreation On Public Forests. Forest Ecology and Management, 411, 223-233. Available at:

https://www. fs.usda.gov/treesearch/pubs/56220.

Preisler, Haiganoush K., Alan A. Ager, and Michael J. Wisdom 2013. Analyzing Animal Movement Patterns Using Potential Functions. Ecosphere, March 2013, volume 4(3), Article 32

Available at: https://www.fs.usda.gov/treesearch/ pubs/42984.

1. There are possible safety issues with bicycles versus other motor vehicles on some routes. [↑](#footnote-ref-1)
2. It is our understanding that illegal creation of routes by bicyclists is a significant and growing problem on many national forest units. E-bikes are likely to exacerbate this problem, since the e-assist could be used to more easily travel in tough terrain.. [↑](#footnote-ref-2)