



Mesa Verde Back Country Horsemen

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October 26, 2020

Re: FSM 7700 and 7710 E-bikes #ORMS-2619

To Whom It May Concern:

I am writing on behalf of Mesa Verde Back Country Horsemen, with approximately 40 members here in southwest Colorado. We are one of nine chapters with membership in the Back Country Horsemen of Colorado and one of over 200 chapters under our national Back Country Horsemen of America. In the state of Colorado we have over 200,000 horses living statewide, making us the ninth largest state in terms of horse population. We have approximately 698,000 acres of land in Colorado used for horse-related purposes. Our direct contribution to the GDP is approximately \$953 million, a monumental economic impact of our horse industry in Colorado.¹

Pursuant to the request, we are only commenting as to the changes to the directives, not their full text. We are pleased that the Forest Service draft directives appear to be consistent with the advocacy of our national and state organizations, ensuring that the Forest Service continues to treat e-Bikes as a motorized trail use. Our understanding is that the Forest Service draft directives would update direction found in the agency's manual on travel management and, therefore, do not carry the weight of a formal change in agency policy. Should the USFS attempt a reversal in order to match the policy change made by DOI agencies, it could only be done via the formal "rulemaking" process—with a requirement of additional public review and comment.

We continue to advocate for an open public process ... whenever the Forest Service proposes to add electric bike (e-bike) use on otherwise non-motorized trails. We do understand the need to "Consider emerging technologies (such as e-bikes) that are changing the way people access and recreate on NFS lands. For example, 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." Of course, not negating the fact that there are motorized uses and designations already present; e-bikes are, in fact, just a newer recreational tool. However, it should not be lost that this new use may be incompatible with traditional and historic uses on our public lands; focusing only on pack and saddle stock use. The speed discrepancy between horses and e-bikes is only one of a list of possible conflicts. E-bikes pose a new threat to equestrians; they not only travel faster than a traditional mountain bike, but they're quiet. At this point, when we hear motorized coming down the trail, whether single track or ATV, we can be proactive and move off the road. We can't hear mountain bikes coming up behind us or coming from around a corner. We can't imagine the danger this may present when traveling single-track mountain roads where e-bike use would be allowed.

We agree with the following text under FSM 7700 – TRAVEL MANAGEMENT:

- Bicycle. A pedal-driven, solely human-powered device, with two wheels attached to a frame, one behind the other.
- Electric Bicycle (E-Bike). Also referred to as an electric mountain bike (eMTB), a type of **motor vehicle** *{emphasis added}* with two wheels attached to a frame, one behind the other, equipped with fully operable pedals and an electric motor of less than 750 watts that meets the requirements of one of the following three classes:
 - a. Class 1 E-Bike. An e-bike equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the e-bike reaches the speed of 20 miles per hour.
 - b. Class 2 E-Bike. An e-bike equipped with a motor that may be used exclusively to propel the e-bike and that ceases to provide assistance when the e-bike reaches the speed of 20 miles per hour. - *{A comment*

To perpetuate the common sense use and enjoyment of horses in America's back country and wilderness; To work to insure that public lands remain open to recreational stock use; To assist the various government and private agencies in their maintenance and management of said resource; To educate, encourage and solicit active participation in the wise use of the back country resource by horsemen and the general public commensurate with our heritage; To foster and encourage individuals to join and participate in their local, State, and National Back Country Horsemen organizations.



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here, this class of e-bike has a throttle, meaning it can be powered without the assistance of a human pedaling it. This definition should be included, as it seems to somewhat camouflage the nature of this e-bike.}

- o c. Class 3 E-Bike. An e-bike equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the e-bike reaches the speed of 28 miles per hour.

CHAPTER 7710 – TRAVEL PLANNING

As per 7710, which endeavors to “Incorporate new criteria for designating Class 1, 2, and 3 e-bikes to facilitate designation of those three classes of e-bikes on National Forest System (NFS) trails, on NFS roads, and in areas on NFS lands,” a couple comments:

- We do understand the need to figure out a place for e-bikes.
- Please consider that travel management objectives (TMOs) for all trails, especially those open to pack and saddle stock, need to keep height, width and sight line in mind when designing a trail or determining if motorized e-bike use is suitable for an already designated trail. TMOs shouldn’t only be considered for comparable mountain bike use. There are mountain bike/equestrian conflicts that are already happening; therefore, TMOs need to be evaluated for any new construction.

Under 7715.5 - Criteria, we do not necessarily agree that, “... 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 ...” should be considered. E-bikes should not be allowed on mountain bike, non-motorized trails; they have a motor, and as such need to be evaluated in that light.

We do agree that, “E-bikes are not allowed on a National Scenic Trail unless a regulatory exception authorized by the National Trails System Act is met or there is an exception in the enabling legislation for the trail.”

Of note, there is a lack of peer-reviewed scientific studies on the physical and environmental impact of e-bike use, including the potential for accelerated soil erosion and the disturbance of wildlife. In the absence of such critical data, before permitting e-bike use it is incumbent upon the FS to first analyze the potential impacts of their use on FS-managed lands.

Consistent with previous comments, equestrians seek out non-motorized trails on Forest Service lands in order to get away from fast-moving vehicles and enjoy a peaceful, natural environment. Avoiding trails overcome with bike use is already a staple in southwestern Colorado. We can’t imagine having to worry about e-bikes as well. We often find ourselves having to travel further and further to enjoy a peaceful, solitary ride. We often get pushed out of recreation spots that become popular because agencies fail to appreciate the adequate space we need to park our trailers. Our numbers are dwindling, and therefore, we often are overlooked as a legitimate trail user, despite our chapter’s 20 plus years worth of service to our public lands and assisting our agencies in maintaining them.

As equestrians, our selection among trails available in a given area is based, in large part, on safety concerns and the sometimes unpredictable response of our horses or mules in the event of a surprise on-trail encounter. The use of e-

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bikes, and their potential for travel at relatively high speeds, combined with their often silent approach, elevate the potential for such dangerous encounters.

Higher speeds on trails by one user group puts both user groups at risk. On average, equestrians travel along natural surface trails at speeds that average 5 mph or less. Of the three classes of e-bikes designated, both Class 1 and 2 e-bikes provide motor-assisted speeds up to 20 mph, while Class 3 E-bikes provide the rider with a motor assist up to 28 mph. Class 2 is run strictly by a throttle, without even the need to pedal. Capable riders can exceed the maximum motor-assisted speed. Please keep in mind the significant discrepancy in the range of potential speeds by trail users and the resultant safety hazards that are certain to accrue when e-bike use is authorized on certain shared-use trails. Also a concern, the govern mechanism on the e-bikes can be disabled, thereby permitting them to travel even faster.

Thank you for the opportunity to comment. We look forward to future evaluations and plan to comment accordingly.

Sincerely,

Latifia 'Tif' Rodriguez

MVBCH Public Lands Chair

1. Information provided by the American Horse Council, Copyright 2017

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