



Oregon

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U.S. Forest Service
Director, Recreation Staff
1400 Independence Avenue SW,
Washington, DC 20250-1124

RE: Forest Service Manual 7700 Travel Management; Chapter 7700, Zero Code; Chapter 7710 Travel Planning 2619 (FR Doc. 2020-21128; filed 9-23-20)(Docket ID FS-2020-0008)

Dear Director,

The Oregon Department of Fish and Wildlife (Department) is replying to your request for public comment on proposed updates to directives that clarify how electric bicycles (e-bikes) are managed on National Forest Service (NFS) lands. The revised Directive's address e-bikes as an emerging use on NFS lands, and provide additional clarity about a three-tier classification system for designating e-bikes as a motorized vehicle subject to longstanding travel management rules and policies.

The mission of the Department is to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations. The Department has statutory obligations to manage fish and wildlife resources of Oregon. Oregon's public lands, including NFS lands are important to developing and sustaining healthy fish and wildlife populations and high quality habitats. They also provide recreational opportunities for outdoor enthusiasts who hunt, fish, hike, camp and watch wildlife. Implementing proper management of habitats and providing appropriate public access for recreational opportunities are top conservation priorities. The Department considers these actions essential to protecting and enhancing Oregon's fish and wildlife and their habitats for the use and enjoyment of present and future generations of Oregon's citizens and out-of-state visitors.

The increasing number of recreationists, combined with the growing array of recreational activities taking place on Oregon's public lands has led to an increasing awareness of the potential effects of these activities to fish and wildlife and their habitats. Motorized and non-motorized travel management is becoming increasingly difficult as more people recreate on public lands. In addition, technological advances have increasingly given people more options and greater ability than ever before to access public lands and remote areas. These advances have increased the amount and diversity of motorized and non-motorized recreational activity occurring in a variety of sensitive ecosystems. The result is an increase of impacts to species, habitats and landscapes, as well as increased conflicts between public land visitors. Research is increasingly demonstrating significant impacts to wildlife from recreational activities, and the ecological impacts of motorized and non-motorized use has been well-documented (Knight and Gutzwiller 1995, Joslin and Youmans 1999, Gratson and Whitman 2000ab, Phillips and Alldredge 2000, Rowland et al. 2000, Trombulak and Frissell 2000, Wertz

et al. 2001, Havlick 2002, Gaines et al. 2003, Wisdom et al. 2004, Holsman 2005, Rowland et al. 2005, Davenport and Davenport 2006, Naylor 2006, Ouren et al. 2007, Wisdom 2007, Snetsinger and White 2009, Newsome et al. 2013, Hamitt et al. 2015, Larson et al. 2016, Marion et al. 2016, Wisdom et al. 2018, Marion 2019).

The Department recognizes that the Forest Service must balance a number of goals and objectives. The Department supports efforts to increase recreational opportunities on its public lands without negative impacts on fish and wildlife or their habitats. The Department strongly believes that the Forest Service must also understand how motorized and non-motorized recreational activities impact fish and wildlife, including the role of influential factors and how wildlife respond to visitor use, which is necessary to effectively manage visitation to avoid and minimize wildlife impacts. While the Department supports effective programmatic environmental analysis as a tool to make efficient travel management planning decisions, the Department currently cannot determine how the revised Directives' decision-space will be bounded and applied in designating where e-bike use on trails managed for bicycle use or where bicycle use is allowed.

The Department believes it is possible to produce rules, policies, programs and plans that meet multiple objectives and requirements, as well as create outcomes that appropriately balance national, state and local needs. It is in this spirit that the Department makes the following recommendations to protect and enhance Oregon's fish and wildlife and their habitats in relation to motorized/non-motorized activities on NFS lands in Oregon:

- **The Department strongly supports revised Directives for NFS lands that ensures the cooperative development, implementation and enforcement of travel management laws, rules, policies, programs, plans and agreements with Federal, State, county, and other local governmental entities, Tribal governments and other partners in Oregon.**
 - Work collaboratively with recreation and conservation partners to appropriately address motorized and non-motorized travel management. Like all recreation uses on public lands, motorized e-bikes impact trail experiences and wildlife, and should be thoughtfully managed and balanced with other uses, resources and requirements.
 - Complete a comprehensive review of existing and proposed motorized and non-motorized travel management planning efforts on NFS lands to ensure they are compatible with actions and opportunities designed to maintain species viability or habitat restoration, as well as to provide continuity of recreation experiences on routes crossing multiple jurisdictions.
 - Numerous planning efforts have identified priority species, habitats and conservation/restoration actions in Oregon. Some examples of large-scale planning efforts include the [Oregon Conservation Strategy](#), [Oregon Plan for Salmon and Watersheds](#) and [Oregon fish and wildlife management plans](#).

- **The Department supports revised Directives for NFS lands that are consistent with the State of Oregon's laws, policies, programs and plans intended to manage motorized and non-motorized travel management on state-owned or managed lands, and that do not exclude e-bikes from the definition of motorized off-road vehicles.**
 - Oregon Revised Statute (ORS) does not consider "Electric assisted bicycle" the same as "Bicycle". In this case, there is enough of a distinction that there are separate legal definitions for each. [ORS 801.150](#) defines "Bicycle" to mean a vehicle that is [in part] propelled exclusively by human power. Whereas, ORS [801.258](#) defines "Electric assisted bicycle" to mean a vehicle that is [in

part] equipped with an electric motor that: (a) has a power output of not more than 1,000 watts; and (b) is incapable of propelling the vehicle at a speed of greater than 20 miles per hour on level ground.

- The Department has consistently taken the position that no vehicle with a motor is legal on roads closed to motor vehicles. Through the years the Oregon State Police (OSP) has done an excellent job of enforcing road closure regulations. The Department and OSP are in agreement that “Electric assisted bicycles” or e-bikes are not legal on closed roads in Cooperative Travel Management Areas (TMAs), or other road closure areas (such as Department Regulated Hunt Areas, Access & Habitat (A&H) Access Areas, Winter Range Closures, and State Wildlife Management Areas, respectively). In addition, wording making it clear to hunters that electric assisted bicycles are considered “motorized vehicles” relative to closed roads to motor vehicles was added in the Department’s Big Game Regulations beginning in 2019.
- **The Department opposes revised Directives for NFS lands that considers e-bikes the same as non-motorized bicycles. This shift would lessen precautions and protections needed for wildlife.**
- E-bikes will enable more people to motor faster and farther into areas and terrain they would not ordinarily access. These changes will result in direct effects, such as wildlife disturbance/harassment and harvest (i.e., from hunting and fishing), and indirect effects, such as modification of wildlife behavior, and temporal or spatial displacement from food, water and cover, which can also alter the abundance, distribution and demographics of many wildlife species.
 - Allowing e-bikes on non-motorized trails will conflict with non-motorized recreationists, and will likely create another user group with their own needs for trails separate from trails and roads for all-terrain vehicles (ATVs), utility-task vehicles (UTVs) and 4-wheel drive vehicles.
 - If remote areas of Oregon are made more accessible to people, and if deer, elk and other game species are made more vulnerable to human disturbance and harvest, among other things, the Department would need to consider reductions in hunting opportunity.
- **The Department opposes revised Directives for NFS lands that allow motorized use on trails that were designed for non-motorized activities. This shift will increase conflicts between public land visitors, and incite public discourse.**
- Management that treats non-motorized and motorized recreation differently has worked well for quite some time in Oregon. Appropriate trails for e-bikes should be managed in a way that protects backcountry recreation experiences and public lands resources.
 - Manage e-bike use and access to avoid conflicts with other non-motorized recreational users. To benefit the hunting experience, elements that make for consistently high quality and satisfying experiences should consider strategies where hunters encounter few people and motorized vehicles.
 - Develop a decision-making framework that provides project-level direction including “sideboards” to help managers consistently designate e-bike use, as appropriate, on roads, trails and in other areas on NFS lands.
 - Develop public information and educational programs targeting motorized and non-motorized visitors to raise fish and wildlife awareness, such as information about invasive plant species, fish and wildlife species and the potential impacts of motorized and non-motorized use on those species and their habitat.
 - Adequate human and financial resources are necessary to implement and enforce provisions of existing and proposed motorized/non-motorized travel management plans for NFS lands in Oregon. Additional Forest Service enforcement officers and/or cooperative enforcement agreements with the Oregon State Police and/or the county sheriff’s Department are necessary.

The Department appreciates and values this opportunity to provide these comments. If you would like more information from the Department, please contact Tom Thornton, Game Program Manager, at Thomas.L.Thornton, or 503-947-6310.

Sincerely,



Dr. Doug Cottam
Wildlife Division Administrator
Oregon Department of Fish and Wildlife

Enclosures:

Attachment 1: Literature Cited

Attachment 1

Literature Cited:

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