



October 26, 2020

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

RE: Public Comments on Draft Directives for e-Bike Use on National Forest Lands

Ms. Martin and Ms. Wu:

Back Country Horsemen of America appreciates the opportunity to comment on the Forest Service's proposed directive revisions that update and clarify guidance on management of electric bicycle (**e-Bike**) use on National Forest System (**NFS**) lands. We support the thrust of the Draft Directives and commend the Forest Service for its effort to develop guidance that appears consistent with existing travel management policy and that demonstrates an awareness and appreciation for all national forest stakeholders, including traditional trail enthusiasts such as those among BCHA's membership. Our comments herein are offered in the spirit of our long-standing partnership, which includes the shared stewardship of thousands of miles of trails throughout the NFS.

About Back Country Horsemen of America

Founded in 1973, Back Country Horsemen of America (**BCHA**) is a national 501(c)(3) non-profit service organization. Our mission is to perpetuate the common sense use and enjoyment of horses in America's back country and Wilderness and to ensure that public lands remain open to recreational stock use. BCHA is comprised of a network of over 200 chapters of volunteer-stewards located throughout 32 states that span from coast to coast.

A large part of BCHA's mission includes assisting various government agencies and non-profit organizations in the maintenance and management of public trails and horse camps. For example, BCHA maintains a five-year Memorandum of Understanding (**MOU**) with the Washington Office of the U.S. Forest Service (signed August 2016). It encourages cooperation between the parties to plan and implement mutually beneficial programs, projects, training, and other equestrian opportunities at the national, regional, and local levels. The MOU has encouraged many BCHA states and chapters to develop work plans for individual national forests, grasslands and ranger districts.

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Comments on the Draft Directives

BCHA recognizes the important opportunity represented by e-Bikes to encourage people to explore and experience their national forests and, in particular, to create opportunities for people who would not otherwise have the physical ability without the motor assist provided by an e-Bike. We support the view that motorized recreational uses should occur only on routes or in areas that have been officially designated for motorized use. We appreciate the fact that the Draft Directives appear consistent with this viewpoint.

In general, BCHA is opposed to any attempt by federal land management agencies to superimpose motorized forms of travel on non-motorized trails shared by hikers, equestrians and others. It is our view that allowing motorized vehicles on trails that were neither designed nor previously managed for motorized use could have significant adverse impacts on the safety and enjoyment of non-motorized trail users.

We generally support the Forest Service's Draft Directives. Yet we recommend additional clarification in our specific comments that follow.

Forest Service Manual 7700 – Travel Management Chapter 7700 – Zero Code

7702 – OBJECTIVES

BCHA supports the addition within the Forest Service Manual (FSM) for Travel Management of Objective 8, which reads:

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.

We agree that all vehicles that possess a motor, irrespective of whether or not the motor represents the sole means of propulsion, should be subject to the 2005 Travel Management Rule. We view the inclusion of Objective 8 in FSM 7700 important in light of the seven existing objectives, which include mention of the need "...to minimize conflicts among (recreational) uses of NFS lands" (Objective 3) and "...to address user safety.." (Objective 4). We view the inclusion of Objective 8 as important in forthcoming site-specific decisions regarding e-Bike use that must take into account how e-Bike use or other emerging technologies could conflict with or degrade the experiences of other recreational uses.

7705 - DEFINITIONS

BCHA supports the definition of a "bicycle" as "(a) pedal-driven, solely human-powered device, with two wheels attached to a frame, one behind the other." We further support the definition of an "electric bicycle (e-bike)" as:

(A) type of motor vehicle 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...three classes" [as originally defined by the Consumer Products Safety Commission].

Such a definition retains these electrically-assisted motorized bicycles within the category of a motorized vehicle. We appreciate that the Forest Service applied this logical approach, which among other things recognizes that future decisions by agency staff about where e-Bike use is to be authorized

falls within the realm of current policy regarding travel management. As such, the agency intends to apply greater scrutiny in situations where e-Bike use might be authorized on otherwise non-motorized trails. However, were the agency to subsequently propose to remove e-Bikes from its current definition of a motorized use, we would insist that the agency enter into a formal rulemaking process with additional opportunities for public review and comment.

Forest Service Manual 7700 – Travel Management Chapter 7710 – Travel Planning

7715.5 – CRITERIA

Specific Criterion for Trails. BCHA supports the concept contained within proposed Criterion 3, Specific Criterion for Trails, which would direct line officers to:

[C]onsider and document existing Trail Management Objectives (**TMOs**) before making designations of motor vehicle use [including e-Bike use]...that would add vehicle classes on NFS trails.

Presumably, yet left unsaid, Criterion 3 would caution line officers against making designations of e-Bike use in cases where both the Designed Use and Managed Use of the trail are listed as “Hiker/ Pedestrian” and/or “Pack & Saddle” while not indicating “Bicycle” use as a designed or managed use. In other words, if a given trail is neither designed nor managed at present for bicycle use, it should not be considered for designation as suitable for e-Bike use. At least that is our hope. If this is indeed one intent behind Criterion 3, **such language should be clarified in the Final Directives** (under Criterion 4, Specific Criteria and Guidance for Designating E-Bike Use on Trails).

Specific Criteria and Guidance for Designating E-Bike Use on Trails. In addition to considering existing TMOs, the Draft Directives should provide direction on the need to first update TMOs to reflect current Recreation Opportunity Spectrum (**ROS**) classification(s) prior to authorizing e-Bike use on non-motorized trails. Importantly, e-Bike use, which is currently and is proposed by the Forest Service to be classified as a type of motorized use, should not be authorized on trails where the applicable ROS designation is either *Primitive* or *Semi-Primitive Non-Motorized*. **The Directives should be amended to include this distinction and to clarify that the Forest Service discourages the designation of electric motorized bicycle use that is not consistent with these ROS classes.**

For reasons similar to those mentioned for Criterion 3, BCHA opposes the current language of Criterion 4(a), which would instruct line officers when designating trails for e-Bike use to consider and document:

Whether and the extent to which the trails are managed for bicycle use or bicycle use is allowed (FSM 7705) under the applicable TMOs.

BCHA supports the first half of the criterion; it makes sense as many NFS trails exist where the applicable TMOs list bicycle use as either a Designed Use and/or a Managed Use. And, as the Forest Service is well aware, many more existing NFS trails have TMOs where Bicycle is indicated as a Managed Use, even where that use is not listed among the Designed uses of that trail. The classification occurs largely from the fact that countless trails were used by hikers and/or equestrians prior to the advent of mountain biking, yet today are managed by the agency to include bicycle use. In many if not most cases, analysis under the National Environmental Policy Act (**NEPA**) was not conducted by the agency when bicycle use was added as a Managed Use of these trails. We invoke this longstanding issue not as an admonishment

of the agency. Rather, it is invoked to call attention to the fact that countless TMOs were adjusted within the past few decades to accommodate bicycle use in the absence of NEPA analysis. This fact forms the basis for our critique of proposed criteria 4(b) and 4(c), as detailed near the end of this page.

The problem we see in the latter portion of proposed Criterion 4(a) is the implication that e-Bike use could be considered for designation on NFS trails “where bicycle use is allowed.” This caveat is far different than—and extends unnecessarily beyond—the question of whether or not bicycle use is currently listed as either a Designed Use or Managed Use among TMOs for a given trail. In developing TMOs, recreation managers also have the option of listing Prohibited Uses of a trail. Among the majority of TMOs that we have reviewed, seldom is bicycle use listed as a Prohibited Use in cases where bicycle use is neither identified as a Designed or Managed use. Consequently, bicycle use is assumed by the Forest Service to be allowed on such trails—meaning that bicycle use is typically assumed by the agency to be allowed if it is not expressly listed among the TMOs as being prohibited. Clearly, there are many exceptions where bicycle use is indeed listed among a trail’s Prohibited Uses. Yet the problem remains that, in terms of potential designation of trails for e-Bike use, the default mode for most TMOs for trails located outside of designated Wilderness do not include a prohibition for bicycle use. In other words, Criterion 4(a) as currently written could promote the false equivalency that if bicycle use is not expressly prohibited on a given trail then it has been implicitly allowed. **We therefore recommend the agency remove the language “or where bicycle use is allowed.”**

BCHA proposes the following change to proposed Criterion 4, which for greater clarity should include the following:

4. Specific Criteria and Guidance for Designating E-Bike Use on Trails. 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:
 - a. Whether and the extent to which the trails are managed for motorized use or motorized use is allowed (FSM 7705) under the applicable ROS classification identified in the current forest plan. *Note: This is revised text, whereas the following are additional criteria proposed by BCHA to replace existing criteria 4(b) and 4(c):*
 - b. Whether and the extent to which the trails are designed and managed for bicycle use and bicycle use is not indicated as prohibited (FSM 7705) under the applicable TMOs.
 - c. If a given trail is neither designed nor managed at present for bicycle use, it should not be considered for designation as suitable for e-bike use.

BCHA opposes both 7715.5 criteria 4(b) and 4(c) in the Draft Directives, which would instruct line officers when designating trails for e-Bike use to consider and document:

- b. For trails that are managed for bicycle use or where bicycle use is allowed, the extent to which effects from e-bike use are comparable to effects from existing bicycle use, accounting for, as appropriate, differences in speed; potential effects from increased or concentrated use; and any site-specific considerations.
- c. Whether a programmatic environmental analysis may be feasible and more efficient due to similarities in effects of bicycle use and e-bike use.

BCHA recommends that these ill-defined criteria be removed from the Directives. Similarly, BCHA recommends that the paragraph that currently follows criterion 4(c) be removed from the Directive. It contains a similar unsupported concept and reads:

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.

Justification: At present, there exists no published peer-reviewed scientific literature regarding the relative effects of e-Bike use as compared to bicycle use on natural surface trails. Yet the Draft Directives imply that such a comparison might be made. This is unsupported, both with respect to potential effects on cultural or biophysical resources or with respect to potential trail user conflict and issues of visitor safety and enjoyment. As a result, the Directives should not promote the notion that there exists scientific and unbiased information from which line offices might draw conclusions about the physical and social effects that could result from authorizing an emerging technology such as the use of e-Bikes on NFS trails.

With respect to Criterion 4(c), as described previously, the majority of TMOs for non-motorized trails throughout the NFS (outside of Wilderness) tacitly allow bicycle use in cases where “Hiker/Pedestrian” and “Pack & Saddle” remain listed as the sole Designed and Managed uses. NEPA analysis was never conducted to assess the potential consequences of authorizing bicycle use on these trails. Yet the reason that bicycle use is allowed is because it is not specifically identified under the applicable TMOs as a Prohibited Use. As a result, Forest Service officials lack the appropriate baseline analysis regarding the environmental effects of its actions over the years to allow bicycle use on such trails. Without the proper baseline analysis, line officers would not be in a position to accurately discern whether similarities might exist among a range of potential effects of ongoing bicycle use as compared to any proposal to introduce e-Bike use on a given trail or trail system.

Example for Illustrative Purposes: A good example of this predicament is provided by the Glenwood Horse Trail within the Glenwood/Pedlar Ranger District of the George Washington and Jefferson National Forests. Existing trail classifications for the vast majority of this long-distance trail fail to list bicycle use as either a Designed or Managed use. Yet in recent years, extensive mountain bike use of the Glenwood Horse Trail has been allowed to occur under the auspices that such use is not listed among the trail’s Prohibited Uses. As a result, many horseback riders have been displaced from or discouraged from visiting the Glenwood Horse Trail as the frequency of bicycle use has grown to a point where equestrians no longer feel safe accessing large portions of the trail. The displacement is largely out of fear for personal safety, given relatively high speeds capable by bicyclists and the subset of careless or irresponsible bicycle riders who might rapidly overtake or surprise equestrians and their horses.

This example invokes fundamental questions about equity and the degradation of the user experience as witnessed by equestrians over the years with respect to many NFS trails. The inequity no doubt would be exacerbated if indeed e-bike use were authorized on trails such as the Glenwood Horse Trail, particularly if the current criteria 4(a), (b) and (c) in the Draft Directives were to be applied in the decision-making process. The absence of a baseline analysis of existing bicycle use coupled with the (presumably) additive biophysical and social impacts associated with e-Bike use would no doubt render the current situation untenable for horseback riders. Again, there exists no published peer-reviewed science at present that line officers can rely upon to validate an assumption that "the effects of e-bike use are comparable to effects from existing bicycling use." Differences in speed and increased user

conflict that could result from e-Bike use would be markedly greater than that associated with current mountain bike use alone.

Conclusions

Thank you for this opportunity to submit public comment. We understand that e-Bikes have their place on public lands and we embrace their potential benefits to the recreating public. Given many challenges associated with this emerging technology and its potential for user conflict on non-motorized trails, we believe that the adjustments proposed herein are reasonable and would serve the interests of traditional trail enthusiasts such as our membership.

Sincerely,

A handwritten signature in blue ink that reads "Darrell Wallace". The signature is written in a cursive style with a large initial 'D'.

Darrell Wallace
Chairman