



BACKCOUNTRY HUNTERS & ANGLERS

October 26, 2020

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

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

Comments regarding U.S. Forest Service proposed updates to internal directives for e-bike managed on National Forests and Grasslands.

Transmitted electronically

To Whom It May Concern:

Please accept these comments on behalf of Backcountry Hunters & Anglers (BHA) regarding U.S. Forest Service (USFS) proposed updates to internal directives for e-bike managed on National Forests and Grasslands.

Backcountry Hunters & Anglers is the voice for our wild public lands, waters and wildlife. With over 350,000 members and supporters and chapters in 45 states, two Canadian provinces, one Canadian territory and Washington, D.C. – all passionate about conserving the places and experiences that provide us with a shared, common identity. We represent the challenge, solitude, and adventure that only the backcountry can provide and we are working hard with boots on the ground to ensure that wild places are protected for the fish and wildlife that thrive there.

In addition to advocating for policies that protect the backcountry, we also work to curb illegal motorized use, promote ethical hunting and fishing practices, and protect special landscapes that have high quality fish and wildlife habitat values.

I. Introduction:

E-bikes by definition have motors and should be subject to established travel management laws and policies. Classifying e-bikes as “non-motorized” would undermine years of hard work that has gone into planning, funding, and constructing our non-motorized trail systems. USFS travel management regulations define Off-Highway Vehicles (OHVs) as Motor Vehicles in governing law and policy broadly to include any motor vehicle designed for or capable of cross- country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural

terrain.¹ Over four decades of research has documented significant adverse environmental and social impacts associated with OHV use on public lands.²

In response to the growing use of OHVs and corresponding damage to natural resources, wildlife habitat and public land use conflict, starting in the 1970s federal land management agencies including the USFS established policies and procedures designed to protect resources from unnecessary damage, promote public safety, and minimize conflicts by limiting OHV use to a designated system of areas and routes.³ However, USFS has not completed the required travel management plans for many units and any new vehicle use, including e-bikes, should be subject to the review and analysis afforded by travel management plans.

Pursuant to USFS regulations, off-road vehicles are defined broadly as any motor vehicle designed for or capable of cross- country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain.⁴ USFS regulations also require OHV use be confined to a designated system of routes and areas.⁵

All classes of e-bikes are OHVs and their use is restricted to motorized routes designated in accordance with USFS's own travel management regulations.⁶ The Forest Service should create consistent guidance to only allow e-bike use across all classes on trails and routes already accessible to OHVs and other motor vehicles.

¹ 36 CFR § 212.1

² *see, e.g.*, Switalski, A., Off-highway vehicle recreation in drylands: A literature review and recommendations for best management practices, *Journal of Outdoor Recreation and Tourism* 21: 87–96 (2018); S.C. Trombulak & C.A. Frissel, Review of Ecological Effects of Roads on Terrestrial and Aquatic Communities, *Conservation Biology* 14:18-30 (2000), available at <http://onlinelibrary.wiley.com/doi/10.1046/j.1523-1739.2000.99084.x/pdf>; The Wilderness Society, *Science and Policy Brief, Habitat Fragmentation from Roads: Travel Planning Methods to Safeguard Bureau of Land Management Lands* (May 2006, No. 2), available at <https://partners.tws.org/wildscience/Publications1/Habitat%20Fragmentation%20from%20Roads.pdf>; U.S. Government Accountability Office, GAO-09-509, *Enhanced Planning Could Assist Agencies in Managing Increased Use of Off-Highway Vehicles* (2009), available at <http://www.gao.gov/assets/300/291861.pdf>; T. Adam Switalski & Allison Jones, *Off-road Vehicle Best Management Practices for Forestlands: A Review of Scientific Literature and Guidance for Managers*, *Journal of Conservation Planning* 8:12-24 (2012), available at http://www.journalconsplanning.org/2012/JCP_v8_2_Switalski.pdf; Adam Switalski, *Snowmobile Best Management Practices for Forest Service Travel Planning: A Comprehensive Literature Review and Recommendations for Management* (2014), available at <http://winterwildlands.org/wp-content/uploads/2015/02/BMP-Report.pdf>; Saul L. Hedquist et al., Public Lands and Cultural Resource Protection: A Case Study of Unauthorized Damage to Archaeological Sites on the Tonto National Forest, Arizona, *Advances in Archaeological Practice* 2(4): 298-310 (2014);

³ *See* 36 CFR

⁴ 36 CFR § 212.1 *see also* Exec. Order No. 11,644, § 2(3) (“any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain”).

⁵ § 212.50

⁶ *See* 36 CFR; *see also, e.g.*, *Winter Wildlands All. v. United States Forest Serv.*, No. 1:11-CV-586-REB, 2013 U.S. Dist. LEXIS 47728, at *32 (D. Idaho Mar. 29, 2013) (“the Executive Order requires the Forest Service to ensure that *all* forest lands are designated for *all* off-road vehicles” (emphasis in original)).

Travel management laws and policies dating back to the Nixon administration require *all motorized* recreational uses of public lands be confined to a system of roads, trails, and areas designated in compliance with the so-called “minimization criteria.”⁷

The stated intent and purpose in this directive update proposal includes the promotion of e-bikes and their usage on USFS managed lands. Categorically allowing and promoting an additional class of motorized use and a new group of trail users to crowd trails designed for non-motorized recreation would be irresponsible and ecologically harmful. Accordingly, we support existing USFS/BLM policies that prohibit use of e-bikes on non-motorized trails and roads.

II. Concerns and Impacts:

E-bikes, like other OHVs, allow the rider to travel at faster speeds and further distances than traditional bicycles with different patterns and characteristics of use. These differences adversely impact wildlife habitat not affected by traditional bike use and compromises the experience of non-motorized trail users in new ways. The proposed directive changes fail to account for these differences by categorically excluding motorized e-bikes from the definition of motorized vehicles used by land managers to make travel planning decisions.

A BYU study confirmed the increased speed of e-bikes on trails.⁸ Researchers recruited 33 amateur cyclists and outfitted them with heart rate monitors and GPS devices. Each were randomly assigned either a conventional or electric mountain bike, and then sent out on a 5.5-mile study loop. After finishing the loop, the riders rode the loop again on the bike they didn’t use the first time. The e-bike model used by the riders for the study was a Class-1 pedal-assist 2017 Specialized Turbo Levo FSR Comp Carbon 6Fattie. This e-bike has a 250-watt motor, one-third of the power-assist permitted under the proposed definitions.⁹

The riders’ times and heart rates were compared between using a conventional mountain bike and an e-bike. Though the power-assist was limited to just 250 watts, riders exhibited dramatic increases in average speed. Riders using e-bikes reduced the average time in completing the course from 38:54 (min:seconds) to 26:14.¹⁰ This equates to increasing the average speed from 8.8 mph to 12.9 mph, a speed increase of nearly 50%.¹¹ Furthermore, they achieved this higher speed on an e-MTB with lower heart rates.¹² The average heart rate dropped 10 beats per

⁷ See Exec. Order No. 11,644, §§ 1 & 3 (Feb. 8, 1972), as amended by Exec. Order No. 11989 (May 24, 1977); 36 C.F.R. Part 212; 43 C.F.R. Part 8340.

⁸ Cougar Hall, et. al., *Pedal-Assist Mountain Bikes: A Pilot Study Comparison of the Exercise Response, Perceptions, and Beliefs of Experienced Mountain Bikers*, JMIR Form Res. (Aug. 13, 2019), available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6711045/>.

⁹ Rob Weaver, *Specialized Turbo Levo FSR Comp Carbon 6Fattie/29 e-MTB first ride review*, BikeRadar (July, 15, 2017), available at: <https://www.bikeradar.com/reviews/bikes/mountain-bikes/specialized-turbo-levo-fsr-comp-carbon-6fattie-29-e-mtb-first-ride-review/>.

¹⁰ Hall et. al., *supra* note 22.

¹¹ *Id.*

¹² *Id.*

minute from 155 bpm to 145 bpm.¹³ 10 bpm represents a significant decrease of intensity for fit recreational athletes.¹⁴

All riders were polled before and after the test rides. In a post-ride poll, 28 of the 33 riders (85%) agreed with the statement, “I believe my heart rate is considerably lower while riding an e-MTB as compared with my conventional mountain bike.”¹⁵ 100% of the riders agreed with the statements, “I believe e-MTB use allows riders to ascend or climb greater distances and elevations in less time on dirt trails” and “I believe that e-MTB use allows riders to bike longer distances.”¹⁶

These results reflect the experience of using a 250-watt e-bike, one-third the power-assist permitted under the proposed definitions.

With up to 750 watts being supplemented by the electric motor, e-bikes enable a rider to achieve superhuman speeds. Recreation users can exceed speeds and power outputs of world record holding athletes. Besides speed, e-bikes will enable a rider to go further on trails and deeper into public lands than with a human powered bike. E-bike range cannot be calculated precisely because it is dependent on a number of variables: levelness of terrain, weight of bike and rider, tire and pressure, trail attributes, and the amount of power supplied by the rider.

Recreational use of our public lands is increasing, straining existing infrastructure. Land managers are struggling to keep up existing use let alone the burden of managing new uses that bring additional challenges. The rapid growth in these recreational user classes is generating greater concern with wildlife biologists already worried about the behavioral changes currently being documented big game populations.

Multiple studies have concluded that increasing motorized use on public lands is having significant impacts on other wildlife behavior including distribution shifts; increased flight responses, movement rates and energetic costs; reduced foraging times; and reduced carrying capacity of populations away from trails.¹⁷

Additionally, new studies point to similar avoidance by ungulates to other trail based recreational activities like mountain biking. One study evaluating elk responses to multiple forms of trail-based recreation observed that the distances between elk and recreationists were highest during ATV riding, lowest but similar during hiking and horseback riding, and

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Havlick, D. 2002. *No Place Distant: Roads and Motorized Recreation on America's Public Lands*. Island Press, Washington, D.C.

intermediate during mountain biking. The study draws the conclusion that elk avoid trail-based recreation similarly to their avoidance of roads open to motorized traffic on public forests.¹⁸

Avoidance by elk to recreation trails open to motorized recreation represents a form of “habitat compression,” similar to that of forest roads open to traffic.¹⁹ Habitat compression in response to human activities is a form of habitat loss for species like elk considering the potentially large areas not used in the presence of humans.²⁰ Habitat compression can ultimately lead to largescale population shifts by elk from public forests to private lands, thus eliminating hunting and viewing opportunities on public lands.²¹

In addition to the predictable impact to species health as populations are pressured into more marginal habitats, wildlife managers are concerned about the added stress that comes with the presence of new human activity during sensitive calving and fawning periods in the spring.

Research demonstrates that disturbance during calving season can lead to a high mortality of elk calves.²² In one study, a radio-collared cow elk was approached during calving season until she was “displaced”, essentially fleeing.²³ Each event counted as a disturbance. The study showed elk calf/cow ratios declined by approximately 40% as a result of this human disturbance. The second half of the study involved removing the human disturbance component.²⁴ With the human disturbance removed the calf/cow ratios rebounded to their pre-treatment levels.²⁵

The Phillips study averaged eight disturbances per cow elk to result in 40% fewer surviving calves, or about 5% mortality per disturbance.²⁶ This is a remarkably high mortality rate from a

¹⁸ Wisdom, Michael J.; Preisler, Haiganoush K.; Naylor, Leslie M.; Anthony, Robert G.; Johnson, Bruce K.; Rowland, Mary M. 2018. *Elk responses to trail-based recreation on public forests*. *Forest Ecology and Management*. 411: 223-233. <https://doi.org/10.1016/j.foreco.2018.01.032>.

¹⁹ Wisdom, Michael J.; Holthausen, Richard S.; Wales, Barbara C.; Hargis, Christina D.; Saab, Victoria A.; Lee, Danny C.; Hann, Wendel J.; Rich, Terrell D.; Rowland, Mary M.; Murphy, Wally J.; Eames, Michelle R. 2000. *Source habitats for terrestrial vertebrates of focus in the interior Columbia basin: broadscale trends and management implications*. Volume 1—Overview. Gen. Tech. Rep. PNW-GTR-485. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. 3 vol. (Quigley, Thomas M., tech. ed.; Interior Columbia Basin Ecosystem Management Project: scientific assessment).

²⁰ Rowland, M.M., Wisdom, M.J., Johnson, B.K., Kie, J.G., 2000. *Elk distribution and modeling in relation to roads*. *J. Wildl. Manage.* 64, 672–684.

Rowland, M.M., Wisdom, M.J., Johnson, B.K., Penninger, M.A., 2004. Effects of roads on elk: implications for management in forested ecosystems. *Trans. N. Amer. Wildl. Nat. Res. Conf.* 69, 491–508.

²¹ Proffitt, K.M., Gude, J.A., Hamlin, K.L., Messer, M.A., 2013. Effects of hunter access and habitat security on elk habitat selection in landscapes with a public and private land matrix. *J. Wildl. Manage.* 77, 514–524.

²² Gregory E. Phillips & A. William Alldredge, *Reproductive Success of Elk Following Disturbance by Humans During Calving Season*, 64 *Journal of Wildlife Management* 521 (2013), <https://www.emwh.org/pdf/elk/Reproductive%20success%20of%20elk%20following%20disturbance%20by%20humans%20during%20calving%20season%202000.pdf>.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

single disturbance. The researchers speculated that the high mortality rate was largely due to predation - that each disturbance of the cow elk also led to the calf fleeing or being unprotected. The calving season disturbance study used the same definition of a disturbance as in the Wisdom study (an elk fleeing), allowing the Wisdom parameters to be used when protecting calving areas. This is a major reason for the timing of trail closures that bring users near or through elk calving areas (typically May 15 to late June).²⁷

The increased speed of e-bikes significantly increases the disturbance width, requiring a reevaluation of any trail in proximity of elk calving areas. Trails that were considered outside a calving area may find that they are impacting elk calves due to the increased speed of travel. It is not surprising that wildlife often avoids recreational use that has higher speeds. The studies cited above are detailed examples showing these effects. Other studies show how birds adjust their flight distance to the speed limits of roadways.²⁸ Research also demonstrates that the hunting best-practice of walking slowly is a direct consequence of observing a wide variety of prey disturbed at higher speeds.²⁹

The e-bike classifications allow up to 750 watts of supplemental power, limited at 20 or 28 miles per hour. This is well beyond the power and speeds of human non-motorized recreation. For a large breadth of wildlife, these speeds will lead to wider and longer disturbance zones than would be the case with non-motorized travel. These impacts must be fully analyzed under the National Environmental Policy Act (NEPA) and minimized under travel management law and policy. Likely effects to endangered and threatened species also must be subject to consultation under the Endangered Species Act (ESA).

III. Implementation Issues:

The proposed changes to existing USFS directives fail to consider the overlap in jurisdiction, trail usage, and changes in travel management restrictions and active management projects that include restoration of sensitive habitats. Complications across jurisdictional usage differences, variations in travel management plans, and the variances that exist with land-use plans across multiple bureaus and public/private ownership interfaces create a set of obstacles that must be addressed prior to any consideration of e-bike allowances on existing nonmotorized routes.

There are also fundamental challenges in implementation for USFS trails that were planned, constructed and/or are maintained using grants or other types of awarded contract funding that was specifically intended to be used only for non-motorized trails. There are USFS trails that transition directly to trails on lands that were purchased by other entities using funding

²⁷ *Id.*

²⁸ Pierre Legagneux and Simon Ducatez, *European birds adjust their flight initiation distance to road speed limits*, *Biology Letters* 9 (Oct. 23, 2013), available at: <https://doi.org/10.1098/rsbl.2013.0417>.

²⁹ L. Jack Lyon & Milo G. Murcham, *Tracking Elk Hunters with the Global Positioning System*, U.S. Forest Service Research Paper (Feb. 1998), available at: https://www.fs.fed.us/rm/pubs/rmrs_rp003.pdf (measuring the average speed of elk hunters on foot to be 40 meters per minute, or approximately 1.5 mph, about half the speed of recreational hikers in the Wisdom study).

with similar restrictions. Tools, equipment and machinery for maintenance of these USFS trails was purchased using funding that was allocated for non-motorized use only.

Relevant contracts to fund non-motorized trails on USFS lands were entered into with the understanding that e-bikes are motorized vehicles and that their use would be prohibited. A change in policy to allow motorized electric bicycles on trails planned, constructed and/or maintained using funds allocated specifically for non-motorized use, or on land restricted to non-motorized use, will be perceived as a misuse of those funds.

There are breach of contract concerns for partner organizations and entities if motorized e-bike use is allowed on trails with non-motorized funding restrictions. Permitting e-bike use on non-motorized trails may also jeopardize the ability and willingness of partner organizations to maintain and manage trails with such funding restrictions.

All previous contracts for funding of trails or land with trails must be analyzed to determine the legal and other implications of allowing e-bike use on those trails or lands.

USFS must explicitly clarify that e-bikes will not be permitted in either designated Wilderness or in USFS Wilderness Study Areas (WSAs) and portions of WSAs where traditional mountain bike use is currently prohibited. USFS Wilderness Study Areas are currently managed under the non-impairment standard and it is clear that no new discretionary uses, such as mountain biking or motorized uses, should be allowed if such a use would impair the suitability of such areas for wilderness designation.

IV. Enforcement Issues:

Clarification is needed regarding education and enforcement of any requirement to only operate e-bikes in pedal assist mode and where e-bikes might be allowed on non-motorized trails. Changes to existing directives that would permit all three classes of e-bikes to potentially travel where traditional bicycles are allowed will invite both social and biological conflicts.

Any attempt by USFS to require human powered propulsion of e-bikes via pedaling, as an effort to make them appear to be similar to bicycles, is flawed. It is possible to 'soft pedal' almost any e-bike, where the pedals are being rotated with little-to-no force actually being applied to them. Simply moving the pedals in a circular motion results in the motor providing almost 100% of the power output. This can be achieved on any class of e-bike. It will be virtually impossible for the USFS to monitor, and enforce, restrictions prohibiting operation using the motor exclusively.

It is also extremely difficult to determine if an e-bike motor conforms to any wattage limit, or if speed limiters are in place or have been removed. The higher speeds achievable by non-conforming and non-standard e-bike use will lead to additional conflicts. It will be difficult for USFS staff to determine if a machine is an unmodified e-bike that conforms to USFS regulations, or is an electric motorcycle or other vehicle.

There is no requirement to license or register e-bikes, and these vehicles will lack any type of visible identification. This will make identification, reporting and potential citation of e-bike violations virtually impossible.

There are also concerns about the relative lack of enforcement capability within the USFS, and if any enforcement of e-bike regulations will occur at all. Only USFS law enforcement officers are authorized to issue citations for violations of USDA regulations. A single USFS law enforcement officer is frequently responsible for enforcing USDA regulations on thousands of square miles of USFS land. Even when known violations have been meticulously documented and reported, these officers frequently choose to ignore these violations and prioritize other investigations.

These implementation and enforcement issues and associated environmental impacts must be fully analyzed in an EIS for the proposed changes to current USFS directives, as described in Section V below.

V. Failure to Analyze Impacts to Natural Resources, Wildlife, and Human Safety

In the proposed directive changes for *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), the USFS skirts important considerations that merit environmental impact analysis.

By law, all major federal actions, including policy changes that may have significant impacts to the human environment, require preparation of an environmental impact statement (EIS) under NEPA.³⁰ As proposed, the USFS arbitrarily and capriciously determined, without explanation, that this action does not constitute a major federal action.

The proposed changes fail to recognize the significant discrepancy in the range of potential speeds by trail users and the resultant safety hazards that are certain to accrue should e-bike use be authorized on non-motorized trails. The ability of e-bikes to travel at relatively high speeds, combined with their often silent approach, elevate the potential for such dangerous encounters. Thus, the proposed directive changes and their prompt to local USFS managers to potentially authorize and encourage the use of e-bikes on multiple-use non-motorized trails where traditional bicycle use is currently allowed would result in many trails being viewed by hikers and equestrians as either less desirable, less compatible for shared use, or outright unsafe for shared use. Should the USFS adopt these changes, it would represent the diminishment or loss of these traditional uses on non-motorized trails.

The proposed changes clearly ignore decades of practice and the principle of managing trails for the primary uses, or purposes, for which they were designated. In fact, by compelling USFS regions to add e-bike classifications in order to allow any or all multiple classes of e-bike use on existing natural surface trails, the changes as currently proposed run counter to decades of

³⁰ 42 U.S.C. § 4332(2)(C); 40 C.F.R. § 1508.18.

applied recreation management theory that recognizes the need to maintain the desired experiences of non-motorized trail users. This approach stands in sharp contrast to agency practice that new uses, including new types of travel, should first be programmatically evaluated for their impact on, and compatibility with, approved uses and activities on federal public lands.

Instead, the proposed changes act to impose the new and largely untested use of e-bikes among non-motorized trail uses without first conducting an analysis of its general compatibility or impact to fish and wildlife. There exists a wealth of peer-reviewed scientific literature on topics regarding the motivations of outdoor recreationists, their desired experiences, and methods to address user conflict. Yet the proposed directive changes bypass any evaluation of the prevailing science by potentially allowing e-bike use as if these public attitudes and its overwhelming body of evidence do not exist. Consequently, the changes and their intent to compel widespread authorization of e-bike use on non-motorized trails would, in many locations, lead to the phenomena of “technological displacement” whereby recreational users with new and more advanced forms of travel degrade the experience of, and displace, traditional trail users such as hikers and equestrians.

The proposed directives fail to address the potential for such obvious and clearly ubiquitous safety hazards that would be associated with e-bike use on non-motorized trails. As described previously, the rapid speeds at which e-bikes are capable of traveling on shared-use trails, combined with their often-silent approach, would create significant safety hazards for public land visitors either on foot or on horseback.

Lastly the proposed changes to directives that would allow e-bike usage on any non-motorized routes must undergo NEPA analysis through an to address the potential impacts to wildlife described above and other reasonably foreseeable significant impacts. The increased speed and range e-bikes afford can negatively impact wildlife. Studies demonstrate the clear correlation between the speed of the activity and the wildlife disturbance distance from the trail.³¹ Only by preparing an EIS can USFS fully analyze the impacts of these proposed changes.

These impacts can and must be analyzed up front, even if additional site-specific analysis will occur at the implementation stage. USFS can and should disclose the extent of additional trail mileage that may be impacted by the proposed changes. USFS should also identify where trails that would likely be open to e-bike use under any new directives overlap with designated critical habitat. It also can and should address the extent to which that trail mileage overlaps with ungulate winter range and other areas where wildlife disturbance impacts are reasonably foreseeable.

VI. Conclusion:

America’s public lands and waters are a proud legacy stitched together by wild places that not only support some of the best fish and wildlife habitat we have, but ground outdoor traditions

³¹ U.S. Forest Service Pacific Northwest Research Station, *supra* note 30.

like hunting and fishing and the rural economies that depend on durable policies that provide a sustainable future for local communities. Our system of non-motorized trails provides hunters, anglers and other recreationists with unparalleled opportunities to find solace and restore the human spirit through the kind of solitude increasingly difficult to find in an ever-connected society.

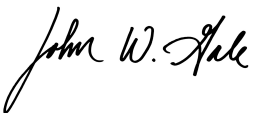
The Federal Lands Policy Management Act (FLPMA) identifies “outdoor recreation” as a valuable resource to be inventoried and managed. Opportunities for primitive and unconfined recreation, such as backcountry hunting, fishing, hiking, camping, and wildlife viewing are a significant part of this equation. Primitive recreation experiences will be severely impacted if all classes of E-bikes are allowed on non-motorized trails. Various forms of non-motorized recreational use (i.e, hiking, horseback riding, backcountry hunting, backcountry fishing and wildlife viewing) is wholly incompatible with, and displaced by, motorized access. Individuals seeking natural quiet and solitude and a more primitive, wilderness or hunting experience often cannot share the trails with the sights, speed and noises of all classes of motorized e-bikes.

For all the reasons outlined above, USFS should utilize this opportunity to classify e-bikes across all classes as motorized vehicles restricted to trails, roads, and routes authorized for OHVs and motorized use under travel management planning regulations. As proposed, these directive changes are a troubling departure from established travel management laws and policies and will not only complicate enforcement of travel management plans but generate issues with implementation in general. This USFS has an obligation under the National Environmental Policy Act (NEPA) to analyze a host of reasonably foreseeable direct, indirect, and cumulative impacts, including but not limited to changing recreational use trends and conflicts, increased public safety issues, impacts to wildlife, and increased likelihood of trespass into non-motorized areas.

We ask that non-motorized recreational opportunities be maintained and that any decisions regarding future e-bike use on traditionally non-motorized routes be made through existing tools and processes, designed to incorporate the best available science and robust public input – not through a sweeping policy change designed to skirt travel management plans already in place.

Thank you for your consideration. BHA looks forward to working with you to advance more thoughtful policies that benefit our wild public lands, waters and wildlife.

Sincerely,



John W. Gale, Policy and Government Relations Director
Backcountry Hunters & Anglers
725 West Alder St, Suite 11
Missoula MT 59802
303-746-3570
gale@backcountryhunters.org