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Ben Burr, Executive Director

BlueRibbon Coalition
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August 31, 2022

Chris Ham

Recreation, Planning, Heritage, and Wilderness Staff Officer
100 Reserve Street
Hot Springs, AR 71902

Dear Mr. Ham,

BlueRibbon Coalition/ShareTrails (BRC) is writing to provide feedback for the E-bike use on the Ozark-St. Francis and Ouachita National Forest Environmental Assessment. BRC is a national non-profit organization that champions responsible recreation and encourages a strong conservation ethic and individual stewardship. We champion responsible use of public lands and waters for the benefit of all recreationists by educating and empowering our members to secure, protect, and expand shared outdoor recreation access and use by working collaboratively with natural resource managers and other recreationists. Our members use motorized and non-motorized means of recreation, including OHVs, horses, mountain bikes, and hiking to enjoy federally managed lands throughout the United States, including those of the Forest Service. Many of our members and supporters live in Arkansas or travel across the country to visit Arkansas and use motorized vehicles to access FS managed lands throughout Arkansas. BRC members visit the Ozark-St. Francis and Ouachita National Forest area for motorized recreation, sightseeing, photography, hunting, wildlife and nature study, camping, water sports, and other similar pursuits. We would like to add our support to any comment submitted by any other individuals or organizations that advocate for motorized use and

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increased recreation access overall. BRC members and supporters have concrete, definite, and immediate plans to continue such activities in the future.

Ebikes

BRC encourages the allowance of all classifications of e-bikes on current and proposed trails. Education and outreach should always be the first response if USFS confirms there is an issue regarding public safety, wildlife or soil impacts. Education and mitigation strategies need to be implemented before any type of closure or restriction.

BlueRibbon recommends fully analyzing allowing all 3 classes of e-bikes on mountain bike trails in order to fully comply with NEPA. BRC also is concerned with the adoption of any formal definitions which could set the Forest Service up with issues in the future. Technological developments already exist for the latest models of e-bikes to allow for conversion between the different classes. Because of this, the class system will likely become obsolete in just a few short years. Therefore, we discourage creating any definition that will set a hard fast rule that would limit certain user groups. Managers should focus on riding behaviors and actual environmental impacts in how they regulate biking on the trails. For example, a speed limit is more reasonable and enforceable than determining which class setting is currently being operated on an e-bike. Not allowing e-bikes at all, would also be problematic. The innovation happening around electronically assisted and powered bikes is almost impossible to predict, and it is likely that any rigid regulatory definition or decision that is selected will become obsolete and exclusionary. USFS should consider accommodating new technological developments and managing the mountain bike trails in these forests in a way that invites the greatest number of users to public land. If human-powered mountain bikers want to cultivate a purity culture driven trail system, nothing is stopping them from doing it on private land.

Economic Benefits

Local communities rely on motorized recreation for economic opportunities. There has been a surge of use throughout the nation on public lands as well with e-bike use and sales. Local groups have worked hard to put the area on the map so that they could reap the economic benefits. Closing trails to e-bike users would greatly hinder economic opportunity. Many local organizations and businesses recognize the influx of traffic and believe that any user conflict can be mitigated through better signage and education. There has been a surge of use throughout the nation on public lands as well as in these forests. The Bureau of Economic Analysis showed that in 2019 outdoor recreation brought in \$459.8 billion.

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Users with Disabilities

We recommend that the USFS use this planning process to finally begin to reverse its decades-long systematic discrimination against those with mobility impairment-related disabilities. On his first day in office, President Joe Biden issued an “Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.” This executive order established “an ambitious whole-of-government equity agenda” which focuses on addressing “entrenched disparities in our laws and public policies,” and mandates a “comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.”

Under this executive order, “The term ‘equity’ means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as ... persons with disabilities....” Historically, there has been no group more greatly marginalized and excluded by public land management policies, and motorized travel management policies in particular, than people with disabilities. Outdoor enthusiasts with ambulatory disabilities frequently rely on motorized travel as their sole means to enjoy recreating on public lands. Not everyone has the ability to hike into a remote wilderness area, but many such people are still able to drive Jeeps, side-by-sides, and ATVs, which are restricted to the designated motorized route network.

Travel management policies focused on “minimizing” the environmental impacts of motorized recreation have resulted in a dramatic decrease in motorized recreation opportunities on public lands over the last 20 years which has disproportionately impacted people with disabilities. Wilderness focused environmental groups with extreme ableist biases have pushed for more and more areas to be closed to motorized recreation and reserved exclusively for hikers, mountain bikers, and other “human powered” and “quiet use” forms of recreation in which many people with disabilities are unable to participate.

Every time motorized routes or areas are closed, people with disabilities that require the use of motorized means to access public lands are barred from those areas forever. There has been little recourse for such people in the past because the Americans With Disabilities Act does not require public land management agencies to consider disproportionate effects on the disabled community, but only requires that they be given access to public lands on equal terms with

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everyone else. As a result, the USFS has historically failed to give any real consideration to the impacts of motorized route closures on the disabled community when developing travel management plans.

The Biden Administration's focus on equity, however, changes the equation. While the ADA focuses only on equality of opportunity, equity inherently focuses on equality of outcome. Any policy that is facially neutral but disproportionately harms a disadvantaged or marginalized group is considered inequitable. The USFS is therefore required by this executive order and others mandating that federal agencies consider "environmental justice" in NEPA proceedings to consider whether any limitations and restrictions to e-bike users in these forests would disproportionately harm disabled users' ability to access public lands.

Any approach to travel management that presumes the superiority of non-motorized forms of recreation like hiking over motorized recreation, or that justifies closing motorized access on the basis that people can still hike on those routes, is inherently discriminatory toward people with disabilities. Any large-scale closures of existing routes would unfairly and inequitably deprive people with disabilities of the ability to recreate in the area using the only means available to them. It is imperative that the USFS consider the access needs of disabled users to ensure that people with disabilities who depend on motorized means do not lose access.

Conclusion

We would like to close by saying we support "shared use". As long as overall visitation numbers are appropriate for the affected resources, motorized and non-motorized users can be compatible with one another so long as individual users understand designations and plan their activities accordingly. Indeed, motorized and nonmotorized recreation use often overlap as OHV's often increase accessibility to non-motorized recreational activities such as hiking, camping, equestrian use, etc. We also hold that responsible recreational use of public lands can exist in harmony with ecosystem needs.

BRC would like to be considered an interested public for this project. Information can be sent to the following address and email address:

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Pocatello, ID 83202
brmedia@sharetrails.org

Sincerely,

A handwritten signature of Ben Burr, consisting of stylized initials 'BB' followed by a long horizontal line.

Ben Burr
Executive Director
BlueRibbon Coalition

A handwritten signature of Simone Griffin, written in a cursive style.

Simone Griffin
Policy Director
BlueRibbon Coalition