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Ben Burr, Executive Director

BlueRibbon Coalition
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October 30, 2023

Bridger-Teton National Forest

Jackson District Ranger-Todd Stiles
P.O. Box 1689
Jackson, WY 83001

Dear Mr. Stiles,

BlueRibbon Coalition (BRC) is writing to provide scoping feedback for E-bike Use on the Jackson Trails. 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 e-bikes, OHVs, horses, mountain bikes, and hiking to enjoy federally managed lands throughout the United States, including those of the United States Forest Service. BRC members visit the Bridger Teton National Forest for e-bikes, mountain bikes, 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 electric bike use and increased recreation access overall. BRC

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members and supporters have concrete, definite, and immediate plans to continue such activities in the future.

Trails

BRC supports the proposal to allow Class 1 e-bike use on 27.5 miles of existing trail in the Teton Pass area as well as all other mountain bike trails. USFS should also approve extending the season when e-bikes would be permitted on all mountain bike trails specifically, Horsetail Creek Trail in the Gros Ventre, and trails in the Munger Mountain area.

BRC encourages the allowance of all classifications of e-bikes on current and proposed mountain bike trails and motorized routes. 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.

No more routes or areas should be decommissioned or closed. In fact USFS should strongly consider keeping as much area as possible open to recreation users so they are not concentrated in smaller areas to mitigate impacts that come from concentrated use. This land should benefit as many users as possible.

BRC does not support the restoration of routes as all routes have been created for a significant reason. If there is a possibility that the route could cause harm to resources the route should be re-routed or the USFS should find adequate ways to manage the impact rather than closure. Land agencies are required to manage the land through proactive management and education and not hardware closure as the correct first response to mitigate impact. USFS should consider recent studies that show impact from e-bikes is not significantly different from that of human powered mountain bikes, "Soil displacement measured in this study was not significantly different (statistically) from that associated with mountain bikes and was much less than that associated with motorcycle use"¹

E-Bike Classes

We support any effort to include and expand ebike use on USFS managed mountain biking trails. We encourage USFS to develop and analyze at least one alternative that allows all 3 classes of e-bikes. Technological developments already exist for the latest models of e-bikes to

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chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://cdn2.assets-servd.host/material-civet/production/images/documents/A-Comparison-of-Environmental-Impacts-from-Mountain-Bicycles-Class-1-Electric-Mountain-Bicycles-and-Motorcycles.pdf

allow for conversion between the different classes. Because of this, the class system will likely become obsolete in just a few short years. 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 alternative that is selected will become obsolete and exclusionary. USFS should contemplate accommodating new technological developments and managing the Forest Service System in a way that invites the greatest number of users to public land. If human-powered mountain bikers want to cultivate an arbitrary and capricious purity culture driven trail system, nothing is stopping them from doing it on private land.

Dates of use should apply to all users, not just e-bike users. Permit requirements should also be required by all users rather than just a specific user group. Giving preferential treatment to one user group over another is discriminatory and violates NEPA. Unless USFS can give concrete evidence why e-bike users should be limited to specific dates of use while human powered mountain bikes are not then the standards should be applied to all users. This also applies to permit requirements. USFS must use best available science.

Economic Benefits

Local communities rely on recreation for economic opportunities. There has been a surge of use throughout the nation on public lands as well as in National Forests. Local groups have worked hard to put the area on the map so that they could reap the economic benefits. Closing and decommissioning trails 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.

According to the Bureau of Economic Analysis, outdoor recreation had a record breaking year in 2021. Outdoor recreation now accounts for \$821 billion in economic activity. For reference, the oil and gas industry is \$812 billion. Outdoor recreation is popular. It is an economic juggernaut.

Yet, public land agencies act as if this nearly \$1 trillion dollar industry is optional or an afterthought. Instead of building new roads, trails, campgrounds, and infrastructure to accommodate the new growth in outdoor recreation, land managers are relentlessly closing public lands for the public to use. It doesn't make any sense. A deeper dive into the numbers reveals that the engine driving this record-breaking growth is literally the millions of engines that find their way into the various forms of motorized recreation. Non-motorized forms of recreation

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account for \$33 billion in economic value. Gear that is used in all forms of recreation accounts for \$52 billion. Motorized forms of recreation account for a shocking \$78 billion in economic value.

Users with Disabilities

We recommend that 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 e-bikes which are restricted to the designated motorized route network.

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

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community, but only requires that they be given access to public lands on equal terms with everyone else. As a result, the U.S. Forest Service 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 route restrictions for e-bikes 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. Restricting e-bike use on mountain bike trails 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 for this proposed rule and 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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Sincerely,

A handwritten signature consisting of the letters 'B' and 'B' in a stylized, cursive font, followed by a long horizontal line that extends to the right.

Ben Burr
Executive Director
BlueRibbon Coalition

A handwritten signature in a cursive font that reads 'Simone Griffin'.

Simone Griffin
Policy Director
BlueRibbon Coalition