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U.S. Forest Service Director, Recreation Staff

1400 Independence Avenue SW

Washington, DC 20250-1124

Re: Proposed Revisions to Forest Service Manual 7700 - 7715 Regarding E-bikes on National Forest System Lands

Dear U.S. Forest Service Director of Recreation,

Thank you for the opportunity to comment on the proposed revisions to Forest Service Manual 7700 - 7715 Regarding E-bikes on National Forest System Lands. As you know, the Arizona Trail Association (ATA) is the nonprofit organization whose mission is to protect, maintain, enhance, promote, and sustain the Arizona Trail as a unique encounter with the land. Over the past 25 years, our tens of thousands of volunteers have worked tirelessly to build the Arizona Trail from a dream to reality. Since it received National Scenic Trail designation in 2009, we are proud to work alongside the United States Forest Service (USFS), the federal agency responsible for administering the trail, in the protection of the Arizona National Scenic Trail (AZNST) for a variety of trail users and future generations alike.

Since the inception of our organization in 1994, the ATA has embraced all forms of non-motorized recreation on the Arizona Trail, including mountain biking. We are proud of our inclusive nature, and believe that by bringing together various user groups we've created a stronger organization of trail advocates, increased opportunities for volunteer engagement, and minimized social conflicts. The Arizona Trail is often used as a positive model nationwide for sharing the trail and connecting non-motorized user groups.

When E-bikes were first introduced to trails in America, we were not concerned about their impacts to the Arizona Trail since E-bikes are motorized and the National Trails System Act clearly states, "The use of motorized vehicles by the general public along any national scenic trail shall be prohibited" (16 U.S.C. § 1246(c)). However, with the Department of the Interior's Secretarial Order 3376 in August of 2019, and the increasingly popularity of e-bikes on trails, it became increasingly important that our organization develop a formal position. After lengthy discussions with our 12-member Board of Directors in the summer of 2019, it became obvious that in order to make an informed decision that we needed to consult our membership and the Arizona Trail community.

In September of 2019, we undertook a comprehensive study of perceptions of conflict surrounding future e-bike use on the Arizona Trail. This study gathered opinions from individuals who were knowledgeable about and connected to the Arizona National Scenic Trail. Comments were solicited in reaction to Secretarial Order 3376 via the ATA's Facebook page and our e-newsletter. Quantitative data was collected by way of an online questionnaire and distributed via our Facebook page, the ATA e-newsletter, as well as the email lists for Arizona members of People for Bikes and Back Country Horsemen of America. The analysis aimed to better understand how survey respondents' most frequent method of travel, exposure to e-bikes and other factors shape their opinion of this new user group and where there may be potential for user conflict.

The results of this study were released in October of 2020, and can be viewed through the final published report here: <https://bit.ly/3kpiCaL>

The majority of respondents disapproved of e-bikes being allowed on the trail. This sentiment remained true across the board for each of the major user groups; however, mountain bike riders surveyed were less likely to disapprove of allowing e-bikes on non-motorized trails, and equestrians surveyed were more likely to disapprove. Findings also showed that experience with e-bikes improved tolerance for e-bike use on non-motorized trails amongst survey respondents, but on average exposure alone was not enough to create favorability. Survey responses also strongly suggested a polarized divide between the pro-e-bike and anti-e-bike camps, where both sides are highly reluctant to sympathize with the opposing camp's argument, which could lead to conflict.

We recognize that e-bikes have a place on public lands and trails, and believe they should be encouraged on National Forest lands where other motorized vehicles are permitted. We seek to more clearly define and strengthen the sections of the Forest Service manuals to prevent the use of e-bikes from inadvertently undermining the National Trails System Act.

Definition: We commend and support your definition of an Electric Bicycle (E-Bike) as: "Also referred to as an electric mountain bike (eMTB), 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 ..." (7705, p. 20). This definition clearly differentiates an e-bike from a bicycle, which is defined as "A pedal-driven, solely human-powered device, with two wheels attached to a frame, one behind the other." (7705, p. 20). Should the Forest Service seek to change the definition of an e-bike/eMTB we expect the agency to follow the required rule-making process.

Criteria: E-bikes are motorized vehicles. As such, they are not allowed along a National Scenic Trail per the National Trails System Act. The proposed revisions to FSM 7710, Section 7715.5 (Specific Criteria and Guidance for Designating e-Bike Use on Trails), states that: "E-bikes are not allowed on a National Scenic Trail unless a regulatory exception authorized by the National Trails System Act is met or there is an exception in the enabling legislation for the trail." (7515.5, 4, p. 22). Due to its ambiguity and its potential inconsistency with the requirements of the National Trails System Act we recommend that the following sentence precede the proposed revision to further clarify the statement: "E-Bikes are defined as motor vehicles for the purposes of addressing the requirements of the National Trails System Act." We also recommend that references to U.S. Forest Service management policies for National Scenic and Historic Trails in FSM 2350 be cross-referenced in FSM 7700.

As was included in the comment letter recently submitted by the Partnership for the National Trails System, of which the ATA is a proud member, we would like to stress the importance of ensuring that all Forest Service trails proposed for e-bike use receive site-specific engineering and environmental assessments prior to decisions to allow e-bikes. We agree with the U.S. Forest Service's commitment to ascertaining site-specific considerations for e-bike use, and urge the U.S. Forest Service further strengthen its language to ensure that an environmental assessment is conducted for the use of e-bikes on a site-by-site basis. By definition and by their nature, e-bikes and bicycles are different. Allowing motorized vehicles on trails that are not designed or designated for motorized use would have an impact on both the safety and enjoyment of non-motorized users such as hikers, backpackers, equestrians, mountain bikers and others. An assumption that effects of e-bike use is comparable to the effects of bicycle use, or that a site previously deemed appropriate for a person-powered bicycle could be considered appropriate for e-bike use, could result in harmful and irreparable damage to trails as well as to the safety and well-being of trail users (7515.5, 4.b., p. 22), and is likely to lead to conflict. A National Environmental Policy Act (NEPA) analysis should be conducted on each site to ensure the unique conditions and differences in a landscape of a site are considered (7515.5, 4.c., p. 22).

Further, we ask that the U.S. Forest Service demonstrate consideration of the unique impacts of e-bikes on the physical conditions and the natural and cultural resources of a trail, as well as trail safety and the potential for user conflict. We also urge you to include a thorough public input process as part of an environmental assessment of a proposed decision that may permit e-bike use, so that other trail users have the opportunity to provide input on safety and potential user conflicts.

Permitted Use: Non-motorized trails were created to ensure that the public could find recreational trail opportunities free from the ever-growing motorization and mechanization of our modern society. We support expanded access to recreational opportunities for all, and fully recognize e-bikes have a place on public lands. However, e-bikes are motorized vehicles, and they should only be allowed on the Arizona National Scenic Trails where other motorized uses are permitted.

The Federal Register Notice (Sept, 24, 2020, Vol. 85, No. 186) for the FSM 7700 Travel Management; Chapter 7700, Zero Code; Chapter 7710 Travel Planning states that "the proposed revisions would add a paragraph to Forest Service Manual (FSM) 7702 to establish promotion of e-bike use on NFS lands as an objective." Given the aforementioned potential threats the use of e-bikes poses to landscapes and non-motorized trail users on National Historic and Scenic Trails, we urge the U.S. Forest Service to revise its description to state "the proposed revisions would add a paragraph to Forest Service Manual (FSM) 7702 to permit e-bike use on NFS lands as an objective." This alternative wording allows FSM 7702 to achieve the objective of providing guidance for the permitted use of e-bikes without actively promoting their use on trails shared by non-motorized recreationalists.

Again, thank you again for the opportunity to submit our comments on the proposed changes to FSM 7700 and 7710 regarding e-bikes. We appreciate the approach U.S. Forest Service has taken to address the management of e-bike use on Forest Service lands, and we believe the documents will provide clearer and better guidance with the incorporation of our comments.

The ATA values its long-term, positive partnership with U.S. Forest Service as we work to protect, maintain, enhance, promote and sustain the Arizona National Scenic Trail as a unique encounter with the land. Please feel free to contact me with any questions regarding these comments.

Sincerely,

Matthew J. Nelson
Executive Director

cc: Laura White, Arizona National Scenic Trail Administrator, US Forest Service
Kent Taylor, Vice President of Trail Operations, Arizona Trail Association