



**BACKCOUNTRY
HUNTERS & ANGLERS**
OREGON

July 18, 2025

Holly Jewkes
Forest Supervisor
c/o Cristina Peterson
Deschutes National Forest
63095 Deschutes Market Road
Bend, OR 97701

Objection Reviewing Officer
USDA Forest Service – Pacific Northwest Region
Attn: Objections
P.O. Box 3623
Portland, OR 97208-3623
Email: objections-pnw-regional-office@usda.gov

Re: Objection to Draft Decision Notice and Finding of No Significant Impact (FONSI) for the “Class 1, Pedal Assist E-bikes on Select Trails” Project in Deschutes National Forest

Dear Reviewing Officer:

On behalf of the Oregon Chapter of Backcountry Hunters & Anglers (BHA), I submit this formal objection pursuant to 36 CFR Part 218, Subpart B, in response to the Draft Decision Notice and Finding of No Significant Impact (FONSI) for the proposed Class 1 E-bike access on 67 trails in the Deschutes National Forest.

As a party that submitted timely and substantive written comments, Oregon BHA maintains standing to object. Our comment letter, submitted in early 2024, raised multiple environmental and legal concerns regarding the adequacy of the Environmental Assessment (EA), the long-term impacts of motorized use expansion, and the procedural sufficiency of the Forest Service’s approach. The Draft Decision and Final EA fail to resolve these concerns.

Objection Issue 1: EA is Inadequate — A Full EIS is Required Under NEPA

In anticipation of this decision, Oregon BHA issued a FOIA Request (assigned control number 2024-FS-R6-06722-F) and received over 600 pages of documents. After a thorough assessment, it was clear that the Deschutes National Forest’s reliance on an Environmental Assessment is procedurally and substantively insufficient under NEPA. The scale, complexity, and precedent-setting nature of this



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OREGON@BACKCOUNTRYHUNTERS.ORG

project clearly demand an Environmental Impact Statement (EIS) under 40 CFR § 1501.3 and § 1508.27, particularly due to:

- The introduction of a novel motorized technology (Class 1 e-bikes) across over 160 miles of previously non-motorized trails.
- The conversion of use types on trails that, based on information obtained from the above referenced FOIA request, were never evaluated under NEPA for even traditional mountain bike use.
- Numerous trails included in this proposal appear to lack formal environmental assessments or documented decision memos at the time of their addition to the official trail system. This raises serious questions not only about the adequacy of the current analysis, but about whether their designation and continued use—even for traditional mountain biking—is legally valid under NEPA.
- The absence of baseline data and cumulative impact analysis related to wildlife disturbance, user conflict, and landscape-level motorized access.
- The project's significant public controversy, as evidenced by high-volume public comment, broad interest group opposition, and the wide range of use types affected.

Given these facts, the agency cannot reasonably conclude that this action lacks the potential for significant impact. A Finding of No Significant Impact is unsupported when the underlying trail system itself may not have been legally established under NEPA, and yet it's being used as a foundation for expanding motorized access. A full Environmental Impact Statement is necessary to establish both the legitimacy of the existing trail network and the full scope of impacts from the proposed action.

Objection Issue 2: Inadequate Enforcement Mechanisms Undermine Mitigation Commitments

Currently, Class 1 e-bikes are prohibited year-round on all non-motorized trails in the Deschutes National Forest. This existing prohibition is already unenforced, raising serious concerns about the Forest Service's ability to ensure compliance should the proposed expansion of access be authorized.

Documentation obtained by Oregon BHA through a Freedom of Information Act (FOIA) request reveals that the Forest Service has no consistent or credible enforcement presence on non-motorized trails.

Internal records show:

- Little to no issuance of citations, contacts, or patrols related to illegal e-bike use.
- No routine staffing plan, field presence, or dedicated funding for enforcement.
- No reliable monitoring tools or capacity to distinguish or document class-specific violations in the field.

These concerns are compounded by the rapidly evolving technology of electric bikes, which increasingly makes it difficult to distinguish between Class 1, 2, and 3 models. Field personnel and volunteer stewards do not have the tools or authority to verify compliance.



Given acknowledged budget and staffing constraints, the proposed mitigation measures are not credible under NEPA. The agency's failure to present a verifiable, resourced enforcement plan renders its mitigation framework speculative and non-binding.

Objection Issue 3: Inadequate Evaluation of Wildlife and Habitat Impacts

The Final EA minimizes the potential wildlife impacts of increased motorized use. Class 1 e-bikes extend recreation into areas previously buffered by distance or grade. The Final EA relies on generalized studies and lacks site-specific biological assessment, violating NEPA's requirement to consider context and intensity of effects.

Objection Issue 4: Insufficient Analysis of Visitor Conflict and Displacement

The Forest Service provides no enforceable mitigation for increased user conflict. The reliance on education and signage fails to address expected displacement of quiet-use visitors, and no adaptive management strategy is included to protect trail access equity.

Requested Remedy

Oregon BHA respectfully requests that the Reviewing Officer:

1. Set aside the Draft Decision and FONSI.
2. Direct the Forest Supervisor to prepare a full Environmental Impact Statement.
3. Require the Forest Service to:
 - a. Analyze a broader range of alternatives, including all existing mapped, and non-mapped (user created) motorized and non-motorized routes within in the project area.
 - b. Incorporate site-specific wildlife and habitat evaluations.
 - c. Include funded, credible enforcement strategies for existing use restrictions and current year-round non-compliance.

We appreciate the opportunity to engage in this process and advocate for responsible, science-based, and procedurally sound public land management. Please confirm receipt of this objection and notify us of any scheduled meetings or discussions that may be convened to resolve outstanding concerns. This objection is submitted electronically pursuant to 36 CFR § 218.8(d). Please consider this digital signature as valid verification of authorship unless otherwise requested.

Ian Isaacson



**Board Co-Chair
Oregon Chapter of Backcountry Hunters & Anglers**



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