Comment Summary and Analysis Report

Forest Service E-Bike Directives
Forest Service Manual 7700 and 7710 E-Bikes #ORMS-2619

Prepared for
USDA Forest Service
1400 Independence Avenue, SW, MS-1138
Washington, D.C. 20250-1138

Prepared by
DJ&A P.C.
2000 Maple Street
Missoula, MT 59808
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1. Background

Electric bicycles (also known as e-bikes) incorporate a small electric motor into bicycle designs. This technology has increased the public’s access to recreational opportunities, especially for people with limitations stemming from age, illness, disability, and/or fitness. E-bikes have also increased access to more challenging environments such as high altitudes and mountainous terrain. Advancements in e-bike technology, their tremendous growth in popularity, and rapidly increasing opportunities for e-bike use on federal lands have prompted federal agencies such as the United States Forest Service (Forest Service), the Bureau of Land Management (BLM), and the National Park Service to examine current authority, policy, and regulations governing the use of e-bikes. The 2005 Travel Management Rule (TMR) at 36 CFR Part 212, Subparts B and C, guides the Forest Service in the designation of National Forest System (NFS) roads, NFS trails, and areas on NFS lands that are open to motor vehicle and over-snow vehicle use. As defined in the TMR, a motor vehicle is any self-propelled vehicle that does not include wheelchairs, indoor mobility devices, or vehicles operated on rails; therefore, the Forest Service manages e-bikes under the TMR. In turn, all three classes of e-bikes fall under the definition of motor vehicles and are required to be managed as such.

To update and clarify guidance on management of e-bike use on NFS lands, the Forest Service has proposed revisions to the directives found in Forest Service Manual 7700, Travel Management, Zero Code and Chapter 10 (Travel Planning). The proposed directives include:

1. New definitions for an e-bike and three classes of e-bikes; and
2. Guidance and criteria for designating e-bike use on NFS roads, on NFS trails, and in areas on NFS lands consistent with applicable requirements.

These proposed revisions align with the Secretary of Agriculture’s Memorandum 20250-0100 to increase access to national forests and grasslands. The proposed directives would also provide needed guidance for line officers to expand e-bike access while addressing impacts on natural resources and other NFS uses consistent with Executive Order (EO) 11644, as amended by EO 11989, and the TMR.

The Forest Service provides internal direction to field units through its Directive System, consisting of the Forest Service Manual (FSM) and Forest Service Handbooks (FSHs). The FSM and FSHs assist field units in implementing programs consistent with applicable statutes and regulations. The Forest Service headquarters has the authority to issue direction that sets forth authorities, management objectives, policies, responsibilities, delegations, standards, procedures, and other instructions to one or more units. FSM 1100, Directive System, describes the Forest Service Directive System in greater detail. The proposed directives fall within a category of actions that do not require preparation of an environmental assessment or environmental impact statement. The proposed directives are essentially procedural and have no direct environmental effects. The proposed directives would be implemented through site-specific travel management decisions at the administrative unit or Ranger District level, subject to appropriate environmental analysis and documentation.
2. Comments on the Proposed E-Bike Directives

2.1 Overview of Comment Analysis

The proposed directives in FSM 7700, Zero Code and Chapter 10, were published in the *Federal Register* on September 24, 2020, with a 30-day comment period, which closed October 26, 2020. Instructions posted in the Forest Service Comment Analysis and Response Application (CARA) requested that comments on the proposed directives be limited to issues pertinent to the changes to the directives and not on the full text of FSM 7700. Over 9,140 comments were received on the proposed directives. Approximately 6,020 of these comments were unique letters, and approximately 3,120 were form letters. Approximately 95% of comment letters were submitted using CARA, while 5% were submitted via email to the address included in the *Federal Register* notice and posted on the CARA web page. All substantive comment letters submitted via CARA and email were reviewed. Comment letters that included only questions regarding a broken link or how to access the project were addressed by the Forest Service but were not included in this analysis.

2.1.1 Methodology

Each comment letter was reviewed for a variety of information. The following list describes the methodology used to analyze comment letters.

- **Substantive Versus Non-Substantive.** Each comment letter was reviewed to determine whether the comments it contained were substantive or non-substantive. Comments were considered substantive if they addressed the proposed e-bike directives or the directive process. Each substantive comment was assigned to one of three topics described in Section 2.3 of this report: Proposed Changes, Directive Process, or Policy Conflicts. Non-substantive comments are described in Section 2.2.

- **E-Bike Use.** Comment letters were reviewed to determine if they originated from an individual or an organization based on commenter-provided information. A label of “generally supports” or “generally opposes” was also assigned to the comment based on the view expressed toward e-bike use in general.

- **Implementation Issues.** Implementation issues were also identified during the comment review process. These comments addressed topics that pertained to how the proposed directives would be implemented by the responsible official. Although these comments were not substantive, they provided information that might be of interest to the Forest Service and might be useful for implementation of the final directives. These implementation comments have been summarized in Section 2.4 of this report.

- **Attachments.** All attachments submitted with comment letters were reviewed. Reports and studies brought forward by the public are listed in Appendix A: Reports and Studies.

- **Reports or Studies Cited.** Reports and studies that were cited in comments but not attached are also listed in Appendix A: Reports and Studies. These documents were listed in this report only if the commenter provided a working website or clearly specified the document title.

- **Commenter Type.** Comment letters were submitted by 10 different categories of stakeholder groups, referred to here as commenter types (e.g., government agency, environmental non-governmental organization, or hunting and fishing organization). Section 2.5.2 of this report lists all commenter types recorded in this analysis. Comment letters were attributed to a
commenter type only if the letter clearly expressed that it was submitted on behalf of an organization.

- **Form Letters.** As described above, approximately 3,120 form comment letters were received during the comment period. A comment letter was categorized as a form letter if its contents were, at a minimum, based upon a form letter. These letters can often be customized, so classification as a form letter does not necessarily indicate that the letter was identical to any others. The most frequently submitted form letters are found in Appendix B: Form Letter Examples.

### 2.2 Non-Substantive Comments

Non-substantive comments received during the comment period fall into one of the following three categories:

1. Comments that generally support or oppose e-bike use in general, but do not address the changes in the proposed directives.
2. Comments that generally support or oppose the proposed e-bikes directives but do not provide a suggested change or identified reason for that support or opposition.
3. Comments that do not raise a substantive concern regarding the directive process but raise concerns about how the proposed directives would be implemented. Implementation concerns are discussed in Section 2.4 of this report.

### 2.3 Substantive Comments by Topic

The substantive comments received by the Forest Service during the comment period fall into three main categories:

1. Proposed Changes. This category includes comments suggesting changes to the proposed directives, such as e-bike definitions, which e-bike classes can be designated, the designation criteria, and specific language in the proposed changes.
2. Directive Process. This category includes comments focused on public participation in the directive process.
3. Regulation or Policy Conflicts. This category includes comments citing potential conflicts with other plans, policies, or regulations.

#### 2.3.1 Proposed Changes

The following issues were raised regarding the content of the proposed directives.

##### 2.3.1.1 E-Bike Definitions

1. Numerous commenters suggested changes to or raised issues regarding the proposed e-bike definitions in FSM 7705. The suggested changes and issues are summarized below.

   - Pedal-assist e-bikes (in Classes 1 and 3) should not be defined as motor vehicles, or e-bikes in these classes should be considered traditional bicycles. Some comments also specified that only Class 2 e-bikes should be defined as motor vehicles.
   - Class 1 e-bikes should be defined as non-motorized, while Class 2 and 3 e-bikes should be defined as motorized.
- Class 1 and 2 e-bikes should not be defined as motor vehicles, or they should be considered traditional bicycles. Class 3 e-bikes should be defined as motor vehicles.
- All classes of e-bikes should be removed from the definition of motor vehicle and should instead be considered non-motorized.
- The proposed directives do not explain the Forest Service’s rationale for classifying e-bikes as a “motor vehicle,” a term that is explicitly limited to devices that are “self-propelled.” The proposed directives do not appear to contemplate devices with the combined motor and human-powered characteristics of low-speed e-bikes.
- Instead of using arbitrary speeds or features (such as the ability to propel without pedaling), the proposed directives should use an appropriate measure of power output, bicycle weight, or a power-to-weight ratio as a criterion for defining e-bike classes.
- The three e-bike classes should be removed from the proposed directives in their entirety.
- The proposed directives should define only two e-bike classes: those that require pedal assist and those that do not require pedal assist.
- The e-bike definitions within the proposed directives should consider e-bikes that do not clearly fall into one of the three classes, e.g., e-bikes with the ability to disable the throttle temporarily or to reduce the maximum assist speeds. E-bikes exclusively propelled by a motor should not necessarily be considered a Class 2 e-bike if they are well below the 750-watt limit.
- The definition of Class 2 e-bikes should further clarify its distinction from the definition for Class 1 e-bikes by specifying that Class 2 e-bikes may be operated via throttle (i.e., non-pedal assist) control. The definition of Class 3 e-bikes should further specify either pedal assist or throttle assist is permissible with speeds up to 28 mph and a limit of 750 watts.
- The definition for an e-bike should be amended to read as follows:
  Also referred to as an electric mountain bicycle (eMTB), a type of device with two or three wheels attached to a frame, equipped with fully operable pedals, a seat or saddle for the rider, and an electric motor of less than 750 watts that meets the requirements of one of the following three classes. . . .
- The definition of Class 2 e-bikes should specify peak and continuous wattage limits. The proposed directives should require Class 2 e-bikes to have an indicator that makes it clear when the throttle is being used.
- The proposed directives should follow the European Parliament and the European Cycling Federation convention to define low-power, pedal-assist bicycles, such as a bicycle with a 250-watt assisted motor that cuts out at 25 kph (16 mph) and is activated only if the rider is pedaling.

Response: The Forest Service manages e-bikes as a motor vehicle under requirements set forth by the TMR at 36 CFR Part 212, Subparts B and C, which implements EO 11644, as amended. Consistent with those authorities, the Forest Service manages all e-bikes, regardless of class, as motor vehicles. There is no basis for treating Class 1 and 3 e-bikes differently from Class 2 e-bikes. Both Class 1 and 2 e-bikes go up to 20 mph, and all three classes of e-bikes may have the types of impacts addressed in the minimization criteria in the TMR, including conflicts with non-motorized uses. Mixing e-bikes, which can go up to 28 mph, with non-motorized uses may raise use conflicts
and public safety and other resource concerns. Not treating Class 1 e-bikes as motor vehicles under the TMR and proposed directives would be inconsistent with EO 11644, which applies to all motorized vehicles.

2.3.1.2 Consideration of Emerging Technologies

1. Multiple commenters expressed concern regarding proposed FSM 7702, paragraph 8, and proposed FSM 7715.03, paragraph 9. These proposed directives would provide for responsible officials to consider emerging technologies (such as e-bikes) that are changing the way people access and recreate on NFS lands. The suggested changes and concerns are summarized as follows:

- Proposed FSM 7702, paragraph 8, and proposed FSM 7715.03, paragraph 9, codify preferentialism and lack transparency and measurability.

- The proposed directives do not adequately consider or accommodate emerging e-bike technologies, as stated in proposed FSM 7702, paragraph 8. For example, e-bikes with a motor that exceeds 750 watts should be included in the e-bike definitions, and additional language should be added to accommodate other future classes of e-bikes.

- The proposed directives show a lack of timeliness on the part of federal agencies to consider emerging technologies. Proposed FSM 7702, paragraph 8, and proposed FSM 7715.03, paragraph 9, should be changed to the following:
  
  To consider all emerging technologies that are changing the way people access and recreate on NFS lands. Emerging technologies shall be considered within a reasonable timeline.

- Proposed FSM 7702, paragraph 8, should be changed to the following:
  
  To consider emerging technologies (such as e-bikes) that are changing the way people access and recreate on NFS lands. For example, where suitable for use, e-bikes may provide new opportunities for individuals who might otherwise be prevented from experiencing an NFS trail without assistance from an electrical motor.

- The Forest Service should not use the directive process to promote emerging technologies, such as e-bikes. This lack of neutrality in the proposed directives suggests an apparent bias towards e-bike use on trails, which may affect subsequent environmental analysis.

- Proposed FSM 7715.03, paragraph 9, should specify the use of three- or four-wheeled e-bikes for the physically challenged riding community as an emerging technology. Additionally, the definition of a bicycle should be broadened to include adaptive hand cycles or three-wheeled hand cycles.

Response: The Forest Service recognizes that changes in technology may prompt changes in land management. However, the comments do not warrant changes in the proposed directives. The proposed directives do not favor or disfavor use of any particular emerging technologies. Rather, the proposed directives would provide for consideration of emerging technologies in making designation decisions and include e-bikes as an example of an emerging technology. Consistent with the TMR, the proposed directives would allow local decision-making regarding e-bike use and would specifically provide for public input at the local level on designation of e-bike use on NFS roads, on NFS trails, and in areas on lands.
2.3.1.3 Wattage Changes
Numerous commenters suggested changes regarding the wattage limit specified in proposed FSM 7705.

1. Multiple commenters suggested removing the limitation of a “motor of less than 750 watts” from the definition of an e-bike in FSM 7705. These commenters believed that the top speed, not the wattage, was important. These commenters stated that newer e-bikes with more powerful motors can still be limited to 20 mph.

2. Multiple commenters recommended reducing the 750-watt limit from the definition of an e-bike. According to one commenter, current e-bikes use 250-watt motors, which should be reflected in the definition. Another commenter recommended reducing the 750-watt limit to between 50 and 100 watts because the proposed definitions would allow e-bikes with too much power on NFS trails that are not currently designated for motor vehicle use.

Response: The inclusion of wattage in the Forest Service’s proposed definition of an e-bike is consistent with regulations and definitions adopted by other federal land management agencies. As stated in the Federal Register notice for the proposed directives, the Forest Service’s proposed definition of an e-bike aligns with the U.S. Department of the Interior’s (DOI’s) e-bike rules in adopting a standard definition for an e-bike and a three-tiered classification for e-bikes with no more than a 750-watt electric motor. The Forest Service’s proposed and final directives allow for local consideration of the safety and use of e-bikes consistent with Forest Service travel planning and travel management requirements. Because an electric motor of no more than 750 watts has been consistently used as a standard and provides consistency among federal, state, and local governmental agencies, the Forest Service will retain the 750-watt limit in the final directives. To clarify that the limit includes 750 watts, the Forest Service has changed the phrase “an electric motor of less than 750 watts” in the proposed directives to “an electric motor of not more than 750 watts” in the final directives.

2.3.1.4 FSM 7715.5 – Criteria for Designating E-Bike Use
Numerous commenters suggested changes to the criteria for designating e-bike use in proposed FSM 7715.5.

National Scenic Trail Concerns

1. Several commenters suggested changes to proposed FSM 7715.5, paragraph 4, regarding the use of e-bikes on National Scenic Trails. One commenter suggested that proposed FSM 7715.5, paragraph 4, include an additional exception to the prohibition on use of e-bikes on National Scenic Trails where segments of a National Scenic Trail are located on land that is not under federal jurisdiction, such as state or county land. Another commenter suggested that proposed FSM 7715.5, paragraph 4, specify that e-bikes have the same access on National Scenic Trails as traditional bicycles.

Response: Section 7(c) of the National Trails System Act (NTSA), 16 U.S.C. 1246(c), generally prohibits the use of motor vehicles along a National Scenic Trail. Proposed FSM 7705.5, paragraph 4, iterates this prohibition. Motor vehicle use is allowed along a National Scenic Trail only if expressly allowed in its enabling legislation or regulations, and only in situations where motor vehicle use is necessary to meet emergencies or to enable adjacent landowners or land users to have reasonable access to their lands or timber rights. Consistent with EO 11644 and the definition of a motor vehicle in 36 CFR 212.1, e-bikes are managed as motor vehicles under the proposed and final directives.
Therefore, e-bikes cannot have the same access on a National Scenic Trail as traditional bicycles unless motor vehicle use is allowed on the trail under its enabling legislation or regulations, and only in situations where motor vehicle use is necessary to meet emergencies or to enable adjacent landowners or land users to have reasonable access to their lands or timber rights. Even assuming the prohibition on motor vehicle use on a National Scenic Trail did not apply to a segment of the trail that is not under federal jurisdiction, the Forest Service could not designate that trail segment for e-bike use. The TMR authorizes the Forest Service to designate only NFS roads, NFS trails, and areas on NFS lands for motor vehicle use. The TMR does not authorize the Forest Service to designate trails that are located on land that is not under the Forest Service’s jurisdiction, such as state or county trails, for motor vehicle use. 36 CFR 212.51; FSM 7715.72, para. 3 and 4.

2. One commenter recommended that proposed FSM 7715.5, paragraph 4, generally prohibit e-bike use along National Historic Trails, as well as along National Scenic Trails. The commenter stated that because e-bikes are defined as motor vehicles, they should be allowed along National Historic Trails only where other types of motor vehicle use are permitted.

Response: Management of National Scenic and National Historic Trails is governed by the NTSA. The NTSA generally prohibits motor vehicle use along National Scenic Trails, whereas motor vehicle use may be allowed along National Historic Trails. Travel management objectives (TMOs) must be considered and documented when designating motor vehicle use on NFS trails, including along National Historic Trails (FSM 7715.5, paragraph 3).

Recreation Opportunity Spectrum Concerns

1. Multiple commenters stated that in addition to considering existing TMOs, the proposed directives should provide for updating TMOs to reflect current Recreation Opportunity Spectrum (ROS) classifications before e-bike use is designated on NFS trails that are not currently designated for motor vehicle use. Commenters stated that e-bike use should not be designated on NFS trails where the applicable ROS designation is either primitive or semi-primitive non-motorized and that the proposed directives should be amended to include this distinction and to clarify that the Forest Service discourages the designation of e-bike use that is not consistent with applicable ROS classes.

Response: The Forest Service will continue following 36 CFR Part 212, FSM 7710, and FSH 7709.55, Chapter 10, section 10.3, when designating NFS trails for motor vehicle use. Designations of motor vehicle use on NFS trails take into consideration travel planning and travel management for NFS trails, including applicable TMOs and ROS classes.

National Environmental Policy Act (NEPA) Concerns

1. Multiple commenters stated that although the proposed directives consider the requirement to conduct appropriate environmental analysis, specific language regarding NEPA compliance should be included in proposed FSM 7715.5, paragraph 4. Some commenters emphasized that any similarity in appearance, impacts, and noise levels of any class of e-bikes and traditional bicycles should not preclude environmental analysis. Another commenter suggested that the proposed directives require responsible officials to conduct an environmental assessment (EA) for each non-motorized NFS trail before designating it for e-bike use, rather than a single EA for all non-motorized NFS trails in a given area before designating them for e-bike use. One commenter suggested that reliance on comparable
effects of e-bike use and traditional bicycle use in conducting environmental analysis for designating e-bike use might facilitate designation of other types of motor vehicles with emerging technologies, such as e-dirt bikes, e-motorcycles, and many other types of electric-powered motor vehicles.

Response: Specific language regarding NEPA compliance is not needed in the e-bike directives. Consistent with the TMR, the proposed directives would allow local decision-making regarding e-bike use and would specifically provide for the requisite environmental analysis at the local level on designation of e-bike use on NFS roads, on NFS trails, and in areas on NFS lands. Per final FSM 7715.5, paragraph 4, the appropriate level of environmental analysis, including programmatic analyses, should be evaluated when considering whether to designate roads, trails, or areas for e-bike use. A programmatic EA for designating e-bike use on non-motorized NFS trails may be appropriate based on evaluation of the criteria in FSM 7715.5, paragraph 4, or other factors, including but not limited to whether and the extent to which the trails are managed for bicycle use or bicycle use is allowed under the applicable TMOs, and if so, the extent to which effects from e-bike use are comparable to effects from existing bicycle use, accounting for, as appropriate, differences in speed; potential effects from increased or concentrated use; and any site-specific considerations.

Other Concerns with the Proposed Criteria for Designating E-Bike Use

1. One commenter suggested that e-bike use should be designated only for a group or class of individuals who might otherwise be prevented from using an NFS trail without assistance from an electrical motor. The commenter stated that this requirement should be reflected in an additional subparagraph to proposed FSM 7715.5, paragraph 4.

2. One commenter stated that the proposed directives include repetitive, unnecessary, and misleading NEPA guidance, specifically in proposed FSM 7715.5, paragraph 4. This commenter believed this proposed paragraph inappropriately suggests that the effects of e-bike use are similar to the effects of bicycle use. The commenter suggested removing this paragraph from the proposed directives.

3. One commenter recommended that the phrase, “or where bicycle use is allowed,” be removed from proposed FSM 7715.5, paragraph 4b, because the phrase suggests that if bicycle use is not expressly prohibited on an NFS trail, bicycle use has been implicitly allowed.

4. Multiple commenters suggested revisions to proposed FSM 7715, paragraph 4, regarding the potential for comparable effects of e-bike use and bicycle use. One commenter recommended removing the following statement in proposed FSM 7715.5, paragraph 4c: “Consider designating a class or classes of e-bike use, as appropriate, on NFS trails managed for bicycle use or where bicycle use is allowed, where effects from e-bike use would be comparable to effects from bicycle use.” One commenter noted a lack of peer-reviewed literature regarding the relative effects of e-bike use compared to effects of traditional bicycle use on natural-surface trails. This commenter also suggested that Forest Service officials lack an appropriate baseline analysis of the environmental effects of traditional bicycle use and therefore cannot accurately discern whether its environmental effects are similar to those of e-bike use. Another commenter suggested that the best available science (specifically regarding e-bikes and their effects on wildlife and other trail users) be used to make trail management decisions.
Response: Changes to the proposed directives are not warranted based on the comments. Consistent with the TMR, the proposed e-bike directives would allow local decision-making regarding e-bike use and would specifically provide for public input at the local level in designation of NFS roads, NFS trails, and areas on NFS lands for e-bike use. The Forest Service must designate roads, trails, and areas for motor vehicle use in accordance with EO 11644, the TMR, and the agency’s travel management directives. The Forest Service cannot designate roads, trails, and areas for motor vehicle use for a particular group or class of individuals who might otherwise be prevented from using NFS lands based on assistance from an electrical motor. Doing so could fundamentally alter the nature of the Forest Service’s travel management program. Consistent with NEPA and the TMR, final FSM 7715.5, paragraph 4, states that the appropriate level of environmental analysis, including programmatic analyses, should be evaluated when considering whether to designate roads, trails, or areas for e-bike use. The proposed directives recognize the difference between a bicycle, which is solely human-powered, and an e-bike, which has an electric motor. Because e-bikes are motor vehicles for purposes of the TMR and the directives, e-bike use may not be implicitly allowed. Rather, e-bike use cannot occur on NFS roads and NFS trails and in areas on NFS lands unless it is designated. The proposed directives enumerate criteria for designating e-bike use, including but not limited to comparability of effects of e-bike use and effects of bicycle use. Appropriate environmental analysis at the local level will consider those criteria. Because e-bike use across federal and state lands has been managed for several years, detailed studies, examples of monitoring programs, and environmental analyses of the relative effects of e-bike use and bicycle use are available.

5. Multiple commenters suggested adding criteria to proposed FSM 7715.5, paragraph 4. Additional criteria suggested are listed below.

- Do not designate any NFS trails for e-bike use until they are individually evaluated under the listed criteria.
- Consider e-bike practices, weight, and power.
- Consider regulatory standards in other jurisdictions adjacent to NFS lands and extend those practices to NFS trails, where practical. These commenters highlighted that while this is particularly pertinent in situations where a state or county trail connects with an NFS trail (per proposed FSM 7715.72, paragraph 8), maintaining consistency in designation of e-bike use for similar trails throughout an administrative unit could dramatically reduce confusion among local riders.

Response: Changes to the proposed directives are not warranted based on the comments. Because e-bikes are motor vehicles for purposes of the TMR and the directives, e-bike use cannot occur on NFS roads and NFS trails and in areas on NFS lands unless it is designated in accordance with the criteria in the proposed directives. In designating e-bike use on NFS trails, the proposed directives provide for consideration of whether and the extent to which the trails are managed for bicycle use or bicycle use is allowed under the applicable TMOs, and if so, the extent to which effects from e-bike use are comparable to effects from existing bicycle use, accounting for, as appropriate, differences in speed; potential effects from increased or concentrated use; and any site-specific considerations. The Forest Service believes these criteria appropriately provide for consideration of potential effects from designating e-bike use on NFS trails, which may be comparable to effects from bicycle use. Designation of motor vehicle use, including e-bike use, on NFS trails is subject to EO 11644, the TMR, and applicable Forest Service directives, not regulatory standards in other jurisdictions. However, for routes crossing multiple jurisdictions, FSM 7715.72, paragraph 8, provides for coordination of travel management decisions and operational practices with appropriate Federal, State, county, and
other local governmental entities and Tribal governments to provide continuity of recreation experiences.

6. One commenter suggested removing the phrase “as appropriate” in reference to effects of e-bike use relative to effects of bicycle use in terms of differences in speed; potential effects from increased or concentrated use; and any site-specific considerations from proposed FSM 7715.5, paragraph 4b, on the grounds that the phrase “as appropriate” makes the paragraph confusing.

Response: Changes to the proposed directives are not warranted based on the comments. The phrase “as appropriate” in this paragraph refers to differences in speed that may vary depending on the classes of e-bikes under consideration and site-specific considerations that may vary.

7. One commenter recommended adding the following statement to proposed FSM 7715.5, paragraph 3: “Authorized officers will consider whether any applicable statutory or regulatory provisions, such as National Trails System Act, either prohibit or otherwise make e-bike use inappropriate on certain roads and trails.”

Response: The Forest Service will follow requirements of the TMR, FSM 7710, and FSH 7709.55, Chapter 10, section 10.3, pertaining to travel planning and travel management when designating e-bike use on NFS roads and NFS trails. Additionally, responsible officials will address applicable legal requirements such as the NTSA when determining whether to designate roads, trails, and areas for e-bike use. FSM 7715.5, paragraph 4, states that e-bikes are not allowed on a National Scenic Trail unless a regulatory exception authorized by the NTSA is met or there is an exception in the enabling legislation for the trail.

8. In reference to proposed FSM 7715.5, paragraph 4c, one commenter stated that a programmatic environmental analysis should not be considered sufficient for designating non-motorized trails for motor vehicle use and that this language should be deleted from the final directives.

Response: The final directives will be implemented through site-specific designation decisions at the local level subject to appropriate environmental analysis and documentation. Consistent with NEPA and the TMR, final FSM 7715.5, paragraph 4, states that the appropriate level of environmental analysis, including programmatic analyses, should be evaluated when considering whether to designate roads, trails, or areas for e-bike use. A programmatic EA for designating e-bike use on non-motorized NFS trails may be appropriate based on evaluation of the criteria in FSM 7715.5, paragraph 4, or other factors, including but not limited to whether and the extent to which the trails are managed for bicycle use or bicycle use is allowed under the applicable TMOs, and if so, the extent to which effects from e-bike use are comparable to effects from existing bicycle use, accounting for, as appropriate, differences in speed; potential effects from increased or concentrated use; and any site-specific considerations.

9. One commenter suggested that the criteria specified in proposed FSM 7715.5, paragraphs 3 and 4, should include a requirement that e-bike use be regularly monitored to preserve trail integrity and the trail experience of non-e-bike users.

Response: Consistent with EO 11644 and the TMR, existing directives at FSM 7717 provide for monitoring the effects of motor vehicle use, including e-bike use.

10. One commenter believed the proposed directives should state that the procedures for designating NFS trails for e-bike use do not apply to trails or roads on NFS lands inside a ski
area or other resort permit boundary, per 36 CFR 261.13(h). The commenter noted that the use of trails and roads on NFS lands inside a ski area or other resort permit boundary, including for e-bike use, is governed by the terms of the applicable permit, operating plan, and project-specific approvals under the permit, rather than the TMR or the proposed directives.

Response: Changes to the proposed directives are not warranted based on the comments. The Forest Service will follow 36 CFR Part 212, FSM 7710, and FSH 7709.55, Chapter 10, section 10.3, pertaining to travel planning and travel management when designating NFS roads and NFS trails for e-bike use. NFS roads and NFS trails within a ski area or other permit boundary are subject to requirements in these legal authorities for designating motor vehicle use, including e-bike use. However, per 36 CFR 212.51(a)(8) of the TMR and FSM 7716.2, motor vehicle use (including e-bike use) on NFS roads and NFS trails within a ski area or other permit boundary is exempt from designations if the motor vehicle use is specifically authorized under the permit. State, county, and private roads and trails within a ski area or other permit boundary are not subject to Forest Service regulations and directives governing designation of motor vehicle use.

2.3.1.5 FSM 7715.72, paragraph 8
The following concerns were raised regarding this proposed paragraph, which would require the Forest Service to coordinate travel management decisions and operational practices with appropriate federal, state, county, and other local governmental entities and Tribal governments to provide continuity of recreation experiences.

1. One commenter stated that the Forest Service is not obligated to coordinate designation of motor vehicle use with other agencies. For this reason, this commenter recommended that proposed FSM 7715.72, paragraph 8, be modified to include the phrase, "attempt to coordinate," rather than "coordinate."

Response: The Forest Service will continue to comply with the TMR at 36 CFR 212.53, which states that responsible officials shall coordinate with appropriate federal, state, county, and other local governmental entities and tribal governments when designating NFS roads, NFS trails, and areas on NFS lands for motor vehicle use, including e-bike use.

2.3.1.6 FSM 7711.3, paragraph 6g
The following concerns were raised regarding this proposed paragraph, which would establish a new category for identifying classes of motor vehicles on a motor vehicle use map (MVUM) for trails open only to e-bikes.

1. Multiple commenters disagreed with adding a new category for identifying classes of motor vehicles on an MVUM for trails open to e-bikes only. These commenters generally supported allowing e-bikes on NFS trails currently managed for bicycle use and disagreed with designating NFS trails as open to e-bike use only and not to bicycle use.

Response: The Forest Service will continue following the TMR at 36 CFR 212.56, which requires designated roads, trails, and areas to be identified on an MVUM specifying the classes of vehicles and, if appropriate, the times of year for which motor vehicle use is designated. The new category in proposed FSM 7711.3, paragraph 6g, trails open to e-bikes only, applies to NFS trails where e-bikes are the only type of motor vehicle allowed. Use of this category will not preclude bicycle use, which is not a motor vehicle use and is not subject to the designation requirement in the TMR.
2. Multiple commenters recommended that e-bikes not constitute a separate class of motor vehicles on an MVUM. Commenters expressed concern that since e-bikes are currently allowed to use any NFS road or NFS trail designated for motor vehicle use, NFS trails designated as open to e-bikes only would likely be NFS trails that are not currently designated for motor vehicle use. These commenters recommended that this section clarify that e-bike use be designated only on NFS trails that are already designated for motor vehicle use.

Response: Because e-bikes are motor vehicles for purposes of the TMR and the directives, e-bike use cannot occur on NFS roads and NFS trails and in areas on NFS lands unless it is designated in accordance with the criteria in the proposed directives. NFS trails that are already designated for motor vehicle use are currently open to e-bikes. NFS trails that are not currently designated for motor vehicle use are not open to e-bikes. E-bike use may not occur on those trails unless they are designated for that purpose. Consistent with EO 11644 and the TMR, the proposed directives would provide for designation of e-bike use, as appropriate and in accordance with the criteria specified in the proposed directives, on NFS trails that are not currently designated for motor vehicle use. Decisions to allow e-bikes on NFS trails that are not currently designated for motor vehicle use will be made through site-specific decision-making, subject to appropriate environmental analysis and documentation.

2.3.1.7 Process for Designating E-Bike Use

1. One commenter recommended simplifying the process for designation of e-bike use on NFS trails that are not currently designated for motor vehicle use by not requiring those designations to go through travel planning and environmental analysis. Another commenter stated that allowing unfettered e-bike access on NFS trails would help the Forest Service determine appropriate TMOs, as the data collected from e-bike use would help determine limiting factors.

Response: The Forest Service will follow the TMR, FSM 7710, and FSH 7709.55, Chapter 10, section 10.3, pertaining to travel planning and travel management when designating e-bike use on NFS trails. Designation of e-bike use on NFS trails that are not currently designated for motor vehicle use will be made at the local level, subject to appropriate environmental analysis and documentation.

2.3.2 Directive Process

The following concerns were raised regarding the public involvement process for the proposed directives.

1. Multiple commenters described difficulties in viewing and commenting on the proposed directives due to a broken hyperlink or unclear instructions.

Response: Once the Forest Service discovered the concern with the broken hyperlink, the agency posted a new link on the CARA website. In addition, the Forest Service provided a corrected link directly to multiple commenters. Over 9,000 comment letters were received during the comment period, which indicates that access to the proposed directives was not restricted and that the public was able to submit comments on the proposed directives. The public also had the option to submit comments directly to the project coordinator throughout the comment period via the email address posted on the CARA website. The project coordinator received nearly 300 unique comment letters via email.
2. Multiple commenters recommended that the Forest Service extend the comment period because of the importance of designating e-bike use on NFS roads, NFS trails, and areas on NFS lands.

Response: The comment period began September 24, 2020, and ended October 26, 2020, consistent with the 30-day minimum required by Forest Service regulations at 36 CFR 216.3(a)(1). Over 9,000 comments were received during the comment period, which suggests that the comment period provided the public a sufficient opportunity to comment.

3. One commenter stated that the proposed directives are cryptic and do not explain how recreation opportunities will be provided or enhanced and that the basic elements of the proposed directives are not mentioned in the Federal Register notice for the proposed directives or a press release.

Response: The Federal Register notice for the proposed directives describes the proposed revisions to the Zero Code and Chapter 10 of FSM 7700. The notice explains that the proposed directives would enhance recreation opportunities, particularly for the elderly and disabled, by promoting designation of e-bike use on NFS roads, on NFS trails, and in areas on NFS lands that are not currently designated for motor vehicle use. The notice also summarizes the proposed directives by section or paragraph. The information concurrently posted on the CARA website explains how the proposed directives would enhance designation of e-bike use on NFS lands by establishing a definition for an e-bike; adopting three classes of e-bikes for designation on an MVUM; and providing specific criteria for designating roads, trails, and areas for e-bikes use.

2.3.3 Conflicts with Other Federal Agencies
The following concerns were raised regarding potential conflicts between the proposed directives and other policies, plans, or regulations.

1. Numerous commenters stated that the proposed directives contradict other federal agencies’ e-bike classifications or policies and recommended that, for the sake of consistency, the Forest Service follow the guidance of the DOI agencies. One commenter stated that the Forest Service’s proposed e-bike definition is inconsistent with the definition adopted by the four DOI bureaus in two respects: (1) the Forest Service’s definition applies only to two-wheeled bikes, which could cause confusion, especially on trails that cross from DOI-managed land onto NFS lands; and (2) the Forest Service’s definition is limited to e-bikes with a motor of less than 750 watts, whereas DOI’s definition includes e-bikes with a motor of no more than 750 watts.

Response: The Forest Service is an agency in the United States Department of Agriculture and is not required to follow DOI regulations and policies. However, the Forest Service coordinates with the DOI land management agencies to promote consistency in federal land management. In addition, consistent with the TMR at 36 CFR 212.53, responsible officials will coordinate with appropriate federal agencies when designating NFS roads, NFS trails, and areas on NFS lands for motor vehicle use, including e-bike use. Proposed FSM 7715.72, paragraph 8, directs responsible officials to coordinate travel management decisions and practices for routes spanning multiple jurisdictions with appropriate governmental entities. In addition, the proposed directives align with DOI’s final e-bike rules in adopting a standard definition for an e-bike and a three-tiered classification for e-bikes. Additionally, the proposed directives align with DOI’s final e-bike rules in requiring site-specific decision-making and environmental analysis at the local level to allow e-bike use. To further align
with DOI, the Forest Service has revised the definition of an e-bike in the final directives to include three-wheeled as well as two-wheeled vehicles with an electric motor of not more than 750 watts.

2. Numerous commenters suggested that 28 states, including California, Colorado, Montana, Oregon, and Washington, and many local governmental agencies have non-motorized, multi-use trail plans that would conflict with the proposed directives.

Response: The e-bike directives align with over 30 states and DOI’s final e-bike rules by developing a definition and a three-tiered classification for e-bikes. FSM 7715.72, paragraph 8, provides for coordination of travel management decisions and operational practices with appropriate Federal, State, county, and other local governmental entities and Tribal governments to provide continuity of recreation experiences. Where and as appropriate, local Forest Service officials may designate NFS trails for e-bike use when they cross trails under other jurisdictions where e-bike use is allowed.

3. Several commenters stated that the proposed directives appear to violate the TMR or requested that e-bikes be managed under the TMR. These commenters stated that the proposed directives would allow the responsible official to designate e-bike use on NFS trails that are not currently designated for motor vehicle use.

Response: As defined in the TMR at 36 CFR 212.1, a motor vehicle is “any vehicle which is self-propelled, other than (1) a vehicle operated on rails; and (2) any wheelchair or mobility device, including one that is battery-powered, that is designed solely for use by a mobility-impaired person for locomotion, and that is suitable for use in an indoor pedestrian area.” E-bikes have a motor, are self-propelled, and are not covered by the exceptions in the definition. The proposed directives are consistent with the TMR, as they treat e-bikes as motor vehicles, establish classes of motor vehicles for e-bikes, and provide a framework for designation of e-bike use on NFS roads, on NFS trails, and in areas on NFS lands. The directives provide a framework for designation of e-bike use at the local level, subject to appropriate environmental analysis and documentation. Proposed and final FSM 7715.5, paragraph 3, provide that TMOs, in addition to the criteria in paragraphs 1 and 2, need to be considered and documented before designating motor vehicle use, including e-bike use, that would add vehicle classes on NFS trails. FSM 7715.5, paragraph 4, provides additional guidance for responsible officials to consider when designating e-bike use on NFS trails that are not currently designated for motor vehicle use. These provisions allow responsible officials to address local considerations, potential natural resource impacts, and other NFS uses, consistent with EO 11644 and the TMR.


Response: CPSC’s and NHTSA’s statutory and regulatory authorities do not apply to federal land management agencies like the Forest Service. Moreover, CPSC regulates low-speed electric bicycles as consumer products for purposes of consumer product safety. NHTSA regulates motor vehicles on public roads for purposes of public safety. E-bikes are regulated by CPSC, rather than NHTSA, because e-bikes are not treated as motor vehicles for purposes of regulation of traffic on public roads. In contrast, the Forest Service regulates motor vehicle use, including e-bike use, on
NFS lands consistent with EO 11644 and the TMR. These authorities focus on resource protection and use conflicts, rather than on consumer product safety or traffic on public roads.

5. One commenter stated the proposed directives do not mention the impacts from additional use and the resultant need for increased maintenance, thus violating Forest Service restrictions against “new net maintenance.” The commenter recommended addressing maintenance needs that protect natural resources explicitly and credibly before adding a policy to promote additional use.

Response: Any increase in maintenance needs due to the designation of NFS roads, NFS trails, or areas on NFS lands for motor vehicle use, including e-bike use, will be assessed by responsible officials at the local level, per the TMR at 36 CFR 212.55(a). The proposed directives do not promote additional use. Rather, they direct the Forest Service to consider emerging technologies and changing uses when making travel management decisions (FSM 7715.03, paragraph 9). The Forest Service must also consider maintenance and administrative obligations and capability in the context of future budgets and staffing in travel management planning (FSM 7715.03, para. 7). In addition, the criteria for designating NFS roads, NFS trails, and areas on NFS lands for motor vehicle use under the TMR include the maintenance and administration of roads, trails, and areas that would arise if the uses under consideration are designated, as well as availability of resources for maintenance and administration (FSM 7715.5, para. 1a).

6. One commenter stated that e-bikes are not specifically authorized under the Alaska National Interest Lands Conservation Act (ANILCA) and requested that the Forest Service consider that ANILCA requires a different management approach for traditional bicycles in Alaska. This commenter suggested that the proposed directives should (1) explicitly state that they do not apply to NFS lands covered by ANILCA or the “open until closed” status of access authorized under ANILCA; and (2) instruct responsible officials to consider the authority under ANILCA when designating e-bike use so that it is not unnecessarily precluded on NFS roads, on NFS trails, and in areas on NFS lands where motorized and non-motorized means of access, including bicycles in designated wilderness, are allowed under ANILCA.

Response: The TMR at 36 CFR 212.55(d) provides that in designating roads, trails, and areas for motor vehicle use, including e-bike use, responsible officials must recognize valid existing rights, including rights that may arise under ANILCA. While ANILCA provides certain rights to property owners, those rights are subject to such reasonable terms and conditions as the Forest Service may prescribe in a written authorization. Some property owners also may possess reserved or outstanding rights-of-way or other rights providing access across NFS lands, which may or may not require a written authorization from the Forest Service. Those rights must be recognized under 36 CFR 212.55(d). Questions of valid existing rights are best examined at the local level, where they can be individually evaluated. The TMR at 36 CFR 212.55(e) states that NFS roads, NFS trails, and areas on NFS lands in wilderness areas or primitive areas shall not be designated for motor vehicle use, including e-bike use, unless, in the case of wilderness areas, motor vehicle use is authorized by the applicable enabling legislation for those areas.

7. One commenter stated that the Forest Service would have to apply the minimization criteria in EO 11644 and the TMR to designate e-bike use on an NFS trail that is not currently designated for motor vehicle use. The commenter explained that, in contrast, the BLM’s e-bike rule excludes e-bikes from the definition of an off-highway vehicle, thereby allowing designation of e-bike use on non-motorized trails that are open to traditional bicycles without applying the minimization criteria. The commenter stated that the application of the
minimization criteria to e-bike use is unnecessary and that the contrasting approach could cause confusion among users of federal lands.

**Response:** Because e-bikes are motorized vehicles for purposes of EO 11644 and motor vehicles for purposes of the TMR and Forest Service directives, responsible officials will consider the minimization criteria in the TMR and agency directives at FSM 7715.5, paragraph 2, in designating e-bike use on NFS trails that are not currently designated for motor vehicle use. This approach will allow designations of e-bike use to be reflected with other types of motor vehicle use in an MVUM, rather than having a separate map just for e-bike use on NFS trails. The Forest Service does not anticipate that this approach will cause conflicts with other federal land management agencies. FSM 7715.72, paragraph 8, provides for coordination of travel management decisions and operational practices with appropriate governmental entities, including the BLM, to provide continuity of recreation experiences. Moreover, the BLM’s final e-bike rule states:

> Although this rule would not require the BLM to apply the minimization criteria to authorize e-bike use on non-motorized roads and trails, the BLM’s legal obligation to consider the degree or magnitude of impacts associated with e-bike use through the NEPA process will nonetheless facilitate the minimization of impacts on resources and users.


### 2.4 Specific Potential Effects Based on Site-Specific Circumstances

Consistent with EO 11644 and the TMR, the proposed directives at FSM 7715.5 provide for responsible officials to consider specific types of potential impacts from motor vehicle use in general and from e-bike use in particular in designating NFS trails for e-bike use.

In addition to these specific types of potential impacts, many commenters identified specific potential effects from e-bike use that they believed could arise based on site-specific circumstances and that they believed should be considered in designating NFS trails for e-bike use. These specific potential effects from e-bike use based on site-specific circumstances generally fell into the following categories: (1) resource damage; (2) safety; (3) crowding; (4) illegal trail use and enforcement issues; (5) noise; (6) use conflicts; and (7) trail maintenance. The most prevalent specific potential effects based on site-specific circumstances in each category are summarized in sections 2.4.1 through 2.4.7.

#### 2.4.1 Resource Damage

Commenters identified implementation concerns regarding resource damage from e-bike use and identified site-specific potential impacts on NFS trails, wildlife habitat, and vegetation such as the following:

1. E-bike use would facilitate trail expansion, shortcutting, widening, erosion, and trail degradation.
2. Trail use would increase due to allowing e-bike use, causing habitat fragmentation, trail widening, and destruction of vegetation adjacent to trails, which would adversely affect wildlife.
3. Because of their motor, e-bikes can allow visitors to travel further into backcountry areas and disturb sensitive habitat that is typically remote and experiences less impact.
2.4.2 Safety
Commenters noted increased safety concerns for a variety of user groups, including equestrians, pedestrians, and e-bike users, such as the following:

1. The low sound and high speed of e-bikes can allow them to approach equestrians and pedestrians suddenly, potentially leading to accidents resulting in injury or death for the horse and horseback rider or pedestrian and the e-bike rider.
2. The elderly and people with disabilities who use e-bikes may become stranded in the event of an injury, loss of power, or difficult terrain.
3. Most e-bike users include those who do not normally ride on NFS trails and would not be able to safely navigate difficult terrain.
4. Emergency response, such as locating stranded or injured individuals, could be affected because of the extended distances that users might be able to travel.

2.4.3 Crowding
Commenters raised concerns that implementation of the proposed directives would result in overcrowding on NFS trails.

2.4.4 Illegal Trail Use and Enforcement Issues
Many commenters raised the following concerns regarding illegal use and enforcement issues associated with e-bike use:

1. E-bikes can easily be modified from factory specifications to increase their power and speed. It could be difficult to monitor and restrict modified e-bikes.
2. It could be difficult to differentiate the three e-bike classes and enforce restrictions that do not apply to all three classes. Enforcement of e-bike restrictions on wattage, speed, class, and horsepower would be impractical.
3. E-bike use would facilitate illegal trail expansion, littering, and vandalism.

2.4.5 Noise
Commenters noted noise concerns from e-bike use; some of the concerns were due to too little noise produced by e-bikes, and other concerns were due to too much noise from e-bikes:

1. E-bikes are very quiet and subsequently pose a safety risk to wildlife, equestrians, and pedestrians because they are not aware or warned of an e-bike’s presence until it suddenly appears.
2. E-bikes emit noise at a level that would disturb other recreationists and contribute to noise pollution.

2.4.6 Use Conflicts
Commenters expressed concerns that the expansion of e-bike use would lead to increased use conflicts among recreationists, including the following:

1. The introduction of e-bikes on equestrian trails would likely lead to loss of these recreational spaces for equestrians.
2. Based on other trail users’ experience with e-bike interactions and impacts from e-bike use on trails, e-bike use would adversely affect other trail users’ experience.

3. Many visitors go to national forests to escape the motorized aspects of their daily lives. E-bike use would spoil that escape by disrupting the natural atmosphere of national forests.

2.4.7 Trail Maintenance

Commenters raised the following concerns associated with trail maintenance from increased e-bike use:

1. The cost of trail maintenance would increase from increased e-bike use.

2. Trail maintenance funding that is tied to a trail’s non-motorized status would be lost when the trail is designated for e-bike use.

Response to Comments Summarized and Incorporated by Reference in Section 2.4: It is not feasible or appropriate for directives at the programmatic level to address specific potential effects from e-bike use based on site-specific circumstances. Rather, in designating NFS trails for e-bike use, the responsible official will address in appropriate environmental analysis and documentation specific potential effects from e-bike use based on site-specific circumstances that are identified through public involvement.

2.5 Comment Statistics

This section provides a snapshot of the comment and commenter information captured in this analysis. While this section summarizes unique comment letters, all form letters were reviewed for substantive comments, which are captured in the issue statements in section 2.3.

2.5.1 Comment Overview

Approximately 6,020 unique comment letters were received on the proposed changes to FSM 7700, Zero Code and Chapter 10. These unique comment letters are characterized by the statistics below.

Substantive and Non-Substantive or Irrelevant Concerns

- Unique comment letters raising substantive concerns: 5%
  - Comment letters with substantive comments regarding the proposed directives: 4%
  - Comment letters with substantive comments regarding the directive process: <1%
  - Comment letters with substantive comments regarding potential policy conflicts: 2%
- Unique comment letters raising non-substantive or irrelevant concerns: 95%

Note that some comment letters contained substantive comments related to multiple topics (i.e., proposed changes, directives process, and policy conflicts). Therefore, the percentages of letters with individual comments related to each of the topics do not add up to the total percentage of comment letters raising substantive concerns.

General Sentiments Regarding E-Bike Use

- Unique comment letters generally supporting e-bike use: 33%
- Unique comment letters generally opposed to e-bike use: 58%
Not specified: 9%

**Implementation Concerns**

- Unique comment letters raising implementation concerns (including comment letters with and without substantive comments): 38%

### 2.5.2 Stakeholder Overview

Comment letters were submitted by 10 different types of stakeholder groups, referred to here as commenter types, during the comment period. Table 1 shows the breakdown of unique comment letters containing substantive comments, broken out by commenter type.

<table>
<thead>
<tr>
<th>Commenter Type</th>
<th>Percentage</th>
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<tr>
<td>Individual</td>
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<tr>
<td>Trail Organization</td>
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<td>Environmental Non-Governmental Organization</td>
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<td>Motorized Organization</td>
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<tr>
<td>Hunting and Fishing Organization</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>100%</strong></td>
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</table>
Appendix A: Reports and Studies

Reports or Studies Attached to Comments


Vandeman, Michael J. 2004. The Impacts of Mountain Biking on Wildlife and People.


Reports or Studies Cited in Comment Letters


The International Mountain Bicycling Association (IMBA). 2015b. A Comparison of Environmental Impacts from Mountain Bicycles, Class 1 Electric Mountain Bicycles, and Motorcycles: Soil Displacement and Erosion on Bike-Optimized Trails in a Western Oregon Forest. https://b.3cdn.net/bikes/c3fe8a28f1a0f32317_g3m6bd7g.pdf.


Appendix B: Form Letter Examples

Form Letter 1: Evergreen Mountain Bike Alliance
Thank you for the opportunity to submit comments to your proposed new rules 7700 & 7710. As a mountain biker, it's important to me that we are careful in how we manage electric-assist mountain bikes on trails to protect the user experience of those recreating on non-motorized USFS trails. I'm extremely concerned about the current approach to classify e-bikes as motorized vehicles. This solution will jeopardize funding sources to maintain traditionally non-motorized trails and, by not aligning with recent decisions made within the DOI agencies, will cause more confusion amongst e-mountain bikers on where they can and cannot ride. More importantly, this solution will pit mountain bikers against hikers and equestrians once a proposal is made to allow e-bikes on a previously non-motorized trail by changing it to a motorized designation. The current proposals are also cumbersome and require more resources within an already constrained Federal Agency. I recommend the following simpler solutions:

- Adopt Class 1 e-bikes as non-motorized transportation.
- Adopt Class 2 and 3 e-bikes as motorized transportation.
- Allow Class 1 on non-motorized trails upon completion of an environmental review and public comment process, driven by local forests and/or districts.
- Prohibit Class 2 and 3 on non-motorized trails.
- Encourage programmatic NEPA review of eMTB impact on non-motorized trails, at the District, Forest or Regional level, to ease the review burden on a trail by trail basis.
- Approach eMTB access by using a “Closed Unless Signed Open” basis.

By allowing Class 1 on non-motorized trails on a case by case basis and upon completion of a review process, the USFS offers flexibility at the local level and preserves maintenance funding sources that can be pursued by hikers, equestrians, and mountain bikers to help maintain thousands of miles of trail throughout the United States. Class 1 e-bike technology is quickly becoming ubiquitous, so the above approach also makes enforcement easier and reduces consumer confusion. It is my understanding that the above approach is also in line with the wishes of People for Bikes, the International Mountain Bicycling Association, multiple mountain bike manufacturers, as well as my own local mountain bike organization, the Evergreen Mountain Bike Alliance.

Form Letter 2: Wilderness Watch
I oppose the Forest Service's proposed rule to open up my National Forest lands to additional e-bike use for the following reasons:

- E-bikes must continue to be treated as motor vehicles, not bicycles. New e-bikes are being developed now that will drive up to 55 mph. E-bikes must travel only where motor vehicles are allowed.

This proposed rule suggests likely environmental impacts that should be fully evaluated through an environmental impact statement (EIS) under the National Environmental Policy Act (NEPA).
The proposed rule appears to set up conflicts with the Forest Service’s Travel Management Rule (36 CFR 212 et seq).

Because of their speed and quiet nature, e-bikes can travel much farther into the backcountry, and startle and disturb wildlife over far greater distances. E-bikes also conflict with other nonmotorized trail users like hikers, horseback riders, and bicyclists.

Because there is almost no enforcement now for trespass, illegal off-trail riding, and illegal trail development by some bikers, e-bikes will increasingly trespass into Wilderness and other protected areas with no consequences. This illegal use will degrade the wild character of these lands and should not be encouraged as this rule will do.

The Forest Service should withdraw this proposal.

**Form Letter 3: International Mountain Bicycling Association (IMBA)**

Thank you for the opportunity for the public to engage on FSM 7700 and 7710, which would revise Forest Service directives to update and clarify guidance on management of electric bicycle (e-bike) use on National Forest System lands. Hundreds of organized mountain bike clubs around the country manage thousands of volunteers who work closely with land managers on trail development, trail maintenance, and trail education for all users. Much of this work relies on funding sources specific to non-motorized trail projects. The proposed directives could jeopardize this funding and increase user conflict if non-motorized trails were to become reclassified as motorized to allow for eMTBs. Instead, the final directive must reconsider how to allow class 1 eMTBs on select non-motorized trails while retaining a trail’s non-motorized status, similar to the recent Department of Interior final rule. The final directive can be further improved by following the International Mountain Bicycling Association’s (IMBA) management recommendations: managing the three classes of e-bikes separately from one another, and prohibiting class 2 and class 3 eMTBs on natural surface, non-motorized trails. Mountain bikers appreciate the leap in technology presented by eMTBs is a unique management challenge. These proposed directives rightfully plan separate management for bicycles and electric bicycles. It is critical that land managers and local mountain bikers work together to determine where eMTBs are and are not appropriate on current and future mountain bike trails. Thank you for the willingness to engage with the mountain bike community.

**Form Letter 4**

I support the Forest Service’s proposed revisions to directives regarding management of electric bicycle use on National Forest System lands (FSM 7700 and 7710 E-bikes #ORMS-2619). Clear policies and rules for electric bicycle management will facilitate electric bicycle management, give more Americans opportunities to explore our public lands, and provide common sense solutions for pressing issues such as traffic congestion, parking, maintenance and emissions reduction. I support these changes because:

Forest Service policies and laws concerning electric bicycle use on public lands are outdated and are confusing for land managers, consumers, small businesses and local governments. These changes are a step in the right direction toward resolving that confusion.

The proposed definitions of the three classes of electric bicycles are consistent with the types of electric bicycles people ride.
Modernizing the definition of electric bicycles so that they may be used much like regular bicycles will encourage the safe use of electric bicycles and ensure more sensible access.

I respectfully request one modification to the proposed changes -- that electric bicycles be removed from the definition of “motor vehicle” and considered to be a non-motorized use. Electric bicycles are ridden, and should be managed, like traditional bicycles rather than motor vehicles. As an e-bike rider, my desired experience is also identical to that of a regular bike rider and I seek the opportunity to ride my e-bike on the types of trails, roads, and paths that are designated as non-motorized. These areas should continue to be designated as non-motorized and land managers should have the discretion to permit e-bike use. This would align Forest Service policy with other U.S. laws. The Department of the Interior and 28 states (and counting) define electric bicycles as bicycles, exclude them from the motor vehicle classification, and generally allow their use on non-motorized trails.