



Partnership for the National Trails System

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Public Comments Processing

Attn: Docket No. FWS–HQ–NWRS–2019–0109

U.S. Fish and Wildlife Service MS: JAO/1N

5275 Leesburg Pike

Falls Church, VA 22041

Comments submitted to <http://www.regulations.gov> Docket No. FWS–HQ– NWRS–2019–0109

Dear US Fish and Wildlife Service:

On behalf of the Partnership for the National Trails System and its member organizations, please accept these comments on the US Fish and Wildlife Service’s Proposed Rule titled “National Wildlife Refuge System; Use of Electric Bicycles” RIN 1018–BE68. We appreciate the opportunity to comment.

We write to oppose any attempt by the US Fish and Wildlife Service (FWS) or any other federal public land management agency to legalize electronic motor bikes (e-bikes) on non-motorized trails and specifically the national scenic trails that are part of the National Trails System. We oppose any effort that would allow any class of vehicle with a motor – including all classes of e-bikes, which by definition have a motor – to be allowed on non-motorized trails. We request that the final rule published by the BLM clarify that all national scenic trails that are part of the National Trail System are exempt from the rule implementing increased e-bike use.

The FWS’s Proposed Rule is in direct conflict with the National Trail System Act (P.L. 90-543, as amended through P.L. 111-11, March 30, 2009), which designates National Scenic Trails as non-motorized pathways. Section 7(c) of the National Trail System Act states: “*The use of motorized vehicles by the general public along any national scenic trail shall be prohibited and nothing in this Act shall be construed as authorizing the use of motorized vehicles....*”

The Proposed Rule states that “(u)nder the proposed amendment...e-bikes would be allowed where other types of bicycles are allowed, and e-bikes would not be allowed where other types of bicycles are prohibited....” We strongly oppose lumping e-bikes together with human-powered bicycles and excluding e-bikes from the definition of motorized vehicles. E-bikes, by definition, have motors. The proposed rule re-classifying e-bikes as non-motorized flies in the face of reality and common sense and will undermine the integrity of America’s National Trail System and the years of hard work and cooperation between public agencies and its private trail partners to plan, fund and construct this world-class network of long-distance scenic trails. Allowing e-bikes on non-motorized trails would be unmanageable and send the FWS and other public land management agencies down a slippery slope towards allowing further motorization of trails and potentially the entire backcountry.

Additionally, the FWS and other federal land managers simply do not have the resources to police e-bikes on long distance trails. When viewed on the trail, there are few visual differences among the three

classifications of e-bikes addressed in the Proposed Rule. Thus, restricting the use of one class versus another on a given trail or trails would be pointless and prove frustrating for FWS law enforcement personnel.

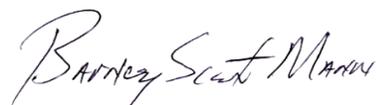
When addressing the Proposed Rule's compliance with the National Environmental Policy Act, the document states, "We have determined that the proposed rule falls under the class of actions covered by the following Department of the Interior categorical exclusion: (')Policies, directives, regulations, and guidelines: that are of an administrative, financial, legal, technical, or procedural nature; or whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case.(') (43 CFR 46.210(i))." The Partnership strongly disagrees with this approach. Allowing a motorized vehicle on national scenic trails that are not designed or designated for motorized use will have a significant impact on non-motorized users such as hikers, backpackers, equestrians, climbers, mountain bikers and many more. The use of e-bikes, and their potential for travel at relatively high speeds, combined with their often-silent approach, elevate the potential for dangerous encounters. Higher speeds on trails by one user group puts both user groups at risk. For many reasons, the proposed Rule fails to recognize the significant discrepancy in the range of potential speeds by trail users and the resultant safety hazards that are certain to accrue should e-bike use be authorized on non-motorized trails.

Non-motorized trails were created to ensure that the public could find recreational trail opportunities free from the ever-growing motorization and mechanization. Millions of public land users value nonmotorized trails for access to the outdoors. Opening non-motorized trails to motors would forever change the backcountry experience for these users. We support and are actively engaged in efforts to expand access to recreation, and we recognize that e-bikes have a place on public lands and generally should be allowed where motorized vehicles are permitted. We believe that the existing motorized trail system provides plentiful opportunities for e-bike use with tens of thousands of miles of trails currently open to their use. Opening up our national scenic trails to motorized use would incur permanent damage and should not be allowed.

We therefore request that the FWS make it clear in the Final Rule that e-bikes are not allowed on national scenic trails that exist within units of the National Wildlife Refuge System, per the provisions of the National Trails System Act, and to direct its refuge managers to allow e-bikes only on trails already open to motorized use. Should the agency not take this step in its Final Rule, we request that the FWS conduct a full Environmental Impact Statement to accompany the Proposed Rule. At a minimum, the FWS must prepare an Environmental Assessment (EA) to determine whether there might be significant impacts associated with the Rule that would warrant an Environmental Impact Statement. This is underscored by the fact that there is no published peer-reviewed research that details the relative impact of e-bike use on non-motorized trails.

Thank you again for the opportunity to submit our comments on this Proposed Rule.

Sincerely,



Barney Mann
President, Board of Directors



Kathy DeCoster
Advocacy and Policy Director