

June 9, 2020

U.S. Department of the Interior, Director (630)
Bureau of Land Management
Mail Stop 2134 LM
1849 C St. NW
Attention: RIN 1004-AE72
Washington, DC 20240

Re: Electric Bicycles – Proposed Rule; RIN 1004-AE72

Sent via: <https://beta.regulations.gov/comment/BLM-2020-0001-0001>

Dear Bureau of Land Management,

Wilderness Watch submits these comments on the above-referenced Proposed Rule (“the proposal”). Wilderness Watch is a national nonprofit wilderness conservation organization headquartered in Missoula, Montana with satellite offices in Idaho and Minnesota, chapters in Alaska, Wyoming, and Georgia, and members in virtually every state. Wilderness Watch is America’s leading organization dedicated to defending and keeping wild the nation’s 111 million-acre National Wilderness Preservation System (NWPS).

Wilderness Watch focuses on the preservation and proper stewardship of lands and rivers included in the NWPS. Wilderness Watch has worked on issues affecting wilderness units stretching from the Marjory Stoneman Douglas Wilderness in the Everglades of Florida, to the Owyhee Canyons Wildernesses in Idaho, to Gates of the Arctic Wilderness in Alaska, to Black Ridge Canyons Wilderness in Colorado, to the Steens Mountain Wilderness in Oregon.

Wilderness Watch is particularly concerned with the nearly 10 million acres of the NWPS that BLM administers in 260 different wilderness units, the 12.6 million acres of Wilderness Study Areas (WSAs) in 491 units, and the stewardship that BLM should provide to all of those special 22 million acres. Wilderness Watch has also provided public input on BLM policies and orders that affect congressionally-designated wilderness and WSAs in the National Landscape Conservation System.

Comments:

1. The Proposed Rule will lead to illegal trespass, wilderness degradation, and displacement of wildlife in designated Wilderness and in wilderness-suitable lands.

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 permitted.

Bicycles threaten designated Wildernesses and Wilderness Study Areas (WSAs) within the lands administered by the BLM. Motorized and mechanical transport within Wilderness is prohibited by the Wilderness Act, 16 U.S.C. 1133(c), but Wilderness Watch staff have personally discovered bicycle tracks where bicyclists have unlawfully trespassed in several Wildernesses, included the Cumberland Island Wilderness in the Cumberland Island National Seashore. E-bikes pose an even greater risk than conventional bikes because their riders can go farther and faster, and riders likely know there is little chance of being caught.

Compounding this problem, backcountry and Wilderness ranger positions are increasingly defunded, so there is little enforcement on the ground. All bicycles are banned in Wilderness, but distinguishing between non-motorized, human-powered bicycles and electric bikes outside of Wilderness is rapidly becoming impossible as advancing technology behind electric bicycles make them virtually indistinguishable from other bikes. See, as just one example: <https://www.youtube.com/watch?v=5cnUai7hNSs&feature=youtu.be> .

Wilderness Watch also has concerns over displacement of wildlife in areas that were previously less visited by humans. Electric bicycle access will allow more people to more easily access areas favored by wildlife. Multiple studies have demonstrated the negative impacts of increased human presence on wildlife. See, as one example: https://www.skyhine.com/news/elk-herd-population-plummets-in-aspen-vail-areas-as-human-use-grows/?utm_campaign=2020-02-03+WildNews&utm_medium=email&utm_source=Pew. These impacts must be seriously considered.

Additionally, our staff and members have extensive experience hiking in bear country, including grizzly country, and are familiar with the safety guidelines for travelling in such areas. Biking on trails in grizzly country presents particular danger because of the speed involved and the potential to surprise bears. In Montana, mountain bikers, who are often travelling faster and quieter than those on foot, have been seriously mauled and killed by bears after surprise encounters on bikes. See, as examples:

- <https://mountainjournal.org/scientists-say-mountain-biking-negatively-impacts-bears>
- <https://www.explorebigsky.com/mountain-biker-stable-after-big-sky-grizzly-bear-attack/34514>
- <https://www.greatfallstribune.com/story/news/local/2017/03/06/bike-collision-grizzly-determined-cause-fatal-encounter/98818710/>

E-bikes, because they travel faster than non-motorized bikes, exacerbate the risk to both riders and bears.

When Wilderness Watch members hike in BLM-administered lands, a significant part of the motivation is to escape the sights and sounds of modern technology and development. Wilderness Watch members also enjoy watching wildlife in these areas. Wilderness Watch is concerned that traditionally non-motorized trails will become much more popular to e-bike riders than they have been to conventional cyclists, due to the distance one has to ride on roads to reach the trailhead. E-bikes will greatly reduce enjoyment of these trails for non-motorized users and

will displace wildlife and degrade wildlife habitat by increasing human presence in areas that were previously less visited.

2. The Proposed Rule misrepresents the facts regarding e-bikes and their environmental impacts.

E-bike motors may generate 100% of the power going to the wheels and they are capable of reaching 25 miles per hour or faster with minimal pedaling. The motors allow riders to travel faster than traditional bicycles, particularly uphill, and further with less exertion over time. The motors do not just provide a minor “assist”. According to one e-bike industry estimate, the motor typically provides up to four times the power of the human pedaling.¹

E-bikes enable users to: climb more elevation without resting; maintain higher overall velocity; pass other trail users more frequently which, when executed improperly, as is frequently the case, disrupts single-track traffic and increases the risk of collision; carry more gear and penetrate deeper into the backcountry; all resulting in a greater cumulative impact to the natural environment and to other users. Equestrians, backpackers, hikers, trail runners, and mountain bike riders deliberately seek non-motorized trails on BLM-administered lands to avoid fast-moving motorized vehicles found outside of BLM lands and to enjoy a quiet, natural environment. The use of e-bikes on otherwise non-motorized trails harms the ability of other BLM visitors to enjoy these peaceful and safe surroundings.

The fact that e-bikes on non-motorized trails puts the other BLM visitors at risk of higher-speed and more dangerous collisions causes them to avoid or reduce their use of BLM trails that are newly-opened to e-bike use. E-bikes also pose other significant environmental impacts that harms the public’s enjoyment including, but not necessarily limited to, disturbance of wildlife and trail damage. Additionally, their batteries are known in some cases to overheat and burn, which may add to fire danger in dry BLM units.

It is generally recognized that mechanized recreation degrades the environment more than non-mechanized recreation, and that motorized recreation degrades the environment more than non-motorized recreation. The scientific literature supports this. See, as examples:

- Courtney L. Larson, Sarah E. Reed, Adina M. Merenlender, and Kevin R. Crooks, “Effects of Recreation on Animals Revealed as Widespread through a Global Systematic Review,” *PLOS ONE* (December 08, 2016), 21p, doi:10.1371/journal.pone.0167529;
- Catherine Marina Pickering, Wendy Hill, David Newsome, and Yu-Fai Leung, “Comparing Hiking, Mountain Biking and Horse Riding Impacts on Vegetation and Soils in Australia and the United States,” *Journal of Environmental Management*, 92 (2010), 551562; and
- Michael J. Vandeman, “The Impacts of Mountain Biking on Wildlife and People: A Review of the Literature,” *Culture Change* (July 03, 2004).

¹ June 11, 2018, email from Morgan Lommele of People for Bikes, to Krista Sherwood, NPS, Conservation & Outdoor Recreation Programs, produced to PEER via Freedom of Information Act.

This Proposed Rule, which includes **not one supporting citation**, ignores this science and improperly misrepresents e-bikes' foreseeable impacts. It needs to be re-done and include reliable support for its assertions.

3. The Proposed Rule's attempt to distinguish Class 2 e-bikes would be unenforceable.

The Proposed Rule is not workable in terms of enforcement. It is completely unreasonable to expect enforcement personnel, many of whom are volunteers and will not be riding e-bikes themselves, to somehow stop and sanction a speeding Class 2 e-bike rider for moving "without pedaling". The Proposed Rule basically asserts that all e-bikes must be pedaled at all times to be in compliance with the Rule, which is **absurd**. As every rider of any type of bike knows, they do not need to pedal on downhill slopes, and then on the flats and even on uphill slopes below such downhill slopes. That is, "freewheeling" and coasting where one can are very common and welcomed techniques. An enforcement officer on such a flat or uphill sections below downslopes will not be able to tell whether a non-pedaling e-bike rider is using his or her motor to move forward or not. The Proposed Rule's assertion that an enforceable regulatory distinction can be made in that situation when an observer cannot tell whether a rider is motoring or coasting is arbitrary and capricious.

However, the BLM appears to have internally decided that is an unenforceable requirement anyway, therefore its absurdity does not matter. E-bike riders will only rarely actually be in the view of a BLM Ranger or other enforcement personnel; nor will they be able to be "pulled over" by enforcement personnel when riding on a trail. In short, the idea that the Rule would effectively prevent Class-2 e-bikers from using their motor without pedaling is patently wrong.

This problem undercuts the enforceability of the entire proposal. Given the difficulty for enforcement staff to distinguish a Class 2 e-bike from a Class 1 or 3, as they look much the same, and the unworkability of enforcing the "no riding without pedaling" requirement, the whole proposal is ill-advised and worthy of scrapping.

4. The Proposed Rule fails to comply with the National Environmental Policy Act ("NEPA").

NEPA requires, in pertinent part, that agencies "include in every . . . major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on— (i) the environmental impact of the proposed action, (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented, (iii) alternatives to the proposed action, (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented." 42 U.S.C. § 4332(C).

The Proposed Rule is a major BLM action with the potential for significant environmental impacts that triggers NEPA's compliance requirements. The BLM is required to prepare an Environmental

Impact Statement (“EIS”) or Environmental Assessment (“EA”) before approving e-bike use on BLM-administered lands, but is indicating it refuses to do so. The BLM has also not properly claimed a categorical exclusion from NEPA compliance (see point number 6, below). The proposal is a significant alteration of decades of BLM rules and policies regarding motorized vehicles in the BLM lands nationwide. This controversial action requires a hard look under NEPA.

5. The BLM should defer the rulemaking until it has prepared a programmatic NEPA review to evaluate potential adverse impacts of the rulemaking.²

The NEPA section of the preamble to the Proposed Rule states:

The BLM does not believe that this rule would constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because the rule, as proposed, would be categorically excluded from further analysis or documentation under NEPA in accordance with 43 CFR 46.210(i), which applies to: 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 basis.

This proposed rule would not change the existing allowances for e-bike usage on public lands. It would neither allow e-bikes on roads and trails that are currently closed to off-road vehicles but open to mechanized, non-motorized bicycle use, nor affect the use of e-bikes and other motorized vehicles on roads and trails where off-road vehicle use is currently allowed.

A spot check of some of the compendiums adding e-bikes uses and CEs reveals that none have actually taken a hard look at the differences between traditional bicycles and e-bikes. There has been no comprehensive review of the abundant scientific literature related to e-bike use; no systematic analysis of potential user conflicts and safety concerns related to their use in a backcountry setting or on “shared use” (i.e., bicycle/pedestrian) trails; no mitigation measures to minimize those impacts; and no evaluation of human safety guidelines. By segmenting the BLM-wide implementation of its e-bike policy into literally hundreds of smaller actions unit-by-unit with instructions to treat such approvals as “minor changes” subject to a CE, rather than an EIS or EA, BLM has avoided conducting any of the necessary assessment of the potential impacts of introducing e-bike use onto existing BLM bicycle trails, including safety impacts on shared trails.

E-bike use has been much more studied overseas than in North America. We briefly mention some of the scientific literature here to illustrate that BLM units, in their individual analyses if done at all, have not fully considered the foreseeable user conflicts and safety concerns.

² We draw our comments in this section from the comment filed by the Coalition to Protect America's National Parks, dated April 8, 2020.

Studies document that the average speed of a rider on an e-bike is faster than that of a traditional rider. For example, a 2015 Swedish study found that on mixed bicycle/pedestrian trails, the “sites with the highest proportion of electric-assisted bicycles and racer bicycles [road bicycles] also had the highest average speeds.”³ A 2019 Brigham Young University study of electric mountain bikes (“eMTB”) found that “the average speed of travel [over a controlled loop course] on the eMTB was 4.1 mph (6.6 km/h) faster than on the conventional mountain bike.” A 2014 Dutch study found that “[i]n simple traffic situations [such as on bike paths, rather than on bike lanes] elderly cyclists rode an average 3.6 km/h [2.2 mph] faster on the e-bike than on the conventional bicycle.”⁶

Other studies indicate that the severity of accidents on e-bikes is more serious than accidents on conventional bicycles. For example, a 2014 Dutch study⁴ found that “after controlling for age, gender and amount of bicycle use, electric bicycle users are more likely [than conventional bicycle users] to be involved in a crash that requires treatment at an emergency department due to a crash.” A 2015 Swedish study⁵ looked at the relative risks (i.e., the number of “conflicts” or accidents) involving e-bike use compared to conventional bicycle use in both roadside bike lanes as well as on shared use trails. The study found “the reason [for more frequent and serious conflicts involving e-bike use] may be the higher speed and lower maneuverability of electric bicycles, which may make any evasive maneuver more challenging. Electric bicycles may require wider bicycle lanes with a higher curve radius to facilitate safe interaction with other vulnerable road users.” Similarly, other studies suggest that accommodating the growing popularity of e-bike use may require significant infrastructure improvements, such as trail widening, to ensure the safety of mixed-trail users. There is no doubt that the high speed of e-bikes is the key factor in the many safety and infrastructure concerns.

Despite a large volume of literature related to e-bike impacts, there is no evidence that any BLM units already allowing e-bike use ever considered any such studies or developed an appropriate mitigation strategy under NEPA to minimize the impacts. Suffice it to say that e-bikes allow riders to travel faster and farther with less effort, and that the increase speed will lead to user conflicts and safety problems unless e-bike use is properly managed and BLM limits such use to bike trail infrastructure designed for such use. **When injuries or mortality result, as is foreseeable, the fault will lie clearly with the BLM’s avoidance of doing an EIS or even an EA under NEPA.**

Wilderness Watch, like other commenters such as the Coalition to Protect America's National Parks, from whom we draw our comments in this section, is particularly concerned about BLM allowing e-bike use on shared use trails without first evaluating the adequacy of current bicycle trail design to safely accommodate the new use. For example, in the various analyses done there has been no mention of the American Association of State Highway and Transportation Officials (“ASSHTO”) Guide for the Development of Bicycle Facilities⁶ or the American Trails Shared Use

³ Hall et al. 2019. Pedal-Assist Mountain Bikes: A Pilot Study Comparison of the Exercise Response, Perceptions, and Beliefs of Experienced Mountain Bikers, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6711045/>.

⁴ Schepers et al. 2014. The safety of electrically assisted bicycles compared to classic bicycles. <https://www.sciencedirect.com/science/article/abs/pii/S0001457514002668?via%3Dihub>

⁵ Dozza et al. 2016. Using naturalistic data to assess e-cyclist behavior, <https://www.sciencedirect.com/science/article/pii/S1369847815000662?via%3Dihub#!>.

⁶ Guide. 2012, <https://njdotlocalaidrc.com/perch/resources/aashto-gbf-4-2012-bicycle.pdf>.

Path Design guidelines⁷, both of which recommend the paved tread on shared use paths should be at least 10 ft wide, with a graded shoulder at least two feet wide on either side of the path. On shared use paths with heavy volumes of users, tread width should be increased to a range from 12 to 14 feet. In addition, shared use paths should not exceed a grade of 5%. The BLM has failed to determine whether any of its bicycle trails actually meet these safety guidelines. Many BLM shared use paths, in fact, do not meet the widely accepted AASHTO design safety guidelines for bicycle facilities.

In light of the serious nature of the environmental impacts and safety risks described in this comment and other comments in the docket, it is shocking that the current Proposed Rule states that adding e-bikes is a “minor change” such that a CE is adequate NEPA compliance. Both documents advocated the CEs also should result at the level of the hundreds of units that are implementing this new regulatory action, which is a classic case of improper segmentation of the effects of the action under NEPA, that is, compliance avoidance. Any experienced NEPA compliance officer would find this pattern to be a serious error.

Now that the BLM is undertaking rulemaking to codify e-bike use system-wide, it is essential that it prepare an appropriate NEPA review before issuing a final rule, rather than treating e-biking as an existing use that has already been adequately studied.

The Proposed Rule, which would provide the general regulatory structure for hundreds of units of BLM-administered lands to allow e-bike use on existing mixed-use trails, is particularly suited to a “programmatic NEPA review.” As described in Council on Environmental Quality (“CEQ”) guidance, “a programmatic review may be appropriate when...adopting official policy” such as “rulemaking at the national-level...The programmatic analysis for such as decision should include a road map for future agency actions with defined objectives, priorities, rules, or mechanisms to implement objectives.”⁸ The “road map” analogy fits particularly well here.

Coincident with rulemaking the BLM should prepare a programmatic NEPA review of the potential impacts of introducing e-bikes onto its existing bike trails. The review should include a thorough assessment of the literature related to e-bike use in circumstances comparable to existing BLM infrastructure. The review should also develop general guidance, such as design safety criteria and mitigation measures, which individual units can then incorporate into their respective local decision documents. Lacking such a programmatic NEPA review to tier from, it would be irresponsible of the agency to take the position in the proposal’s NEPA section that the hundreds of BLM units would have the staff resources and expertise to conduct adequate analyses on their own.

6. The Categorical Exclusion analysis in the Proposed Rule is defective.

⁷ Chapter 14, <https://www.americantrails.org/images/documents/sharedpath14.pdf> .

⁸ CEQ Memo, 2014,

https://obamawhitehouse.archives.gov/sites/default/files/docs/effective_use_of_programmatic_nepa_reviews_18de_c2014.pdf

Below we provide that CE regulation language verbatim and after each section provides analysis showing that BLM's determination was superficial and faulty, and should be corrected:

§ 46.215 *Categorical exclusions: Extraordinary circumstances.*

Extraordinary circumstances (see paragraph 46.205(c)) exist for individual actions within categorical exclusions that may meet any of the criteria listed in paragraphs (a) through (l) of this section. Applicability of extraordinary circumstances to categorical exclusions is determined by the [Responsible Official](#).

- **(a)** *Have significant impacts on public health or safety.*

Our analysis: Significant safety impacts of e-bikes have been well-documented in this comment, including citation to numerous supporting studies. The BLM cannot ignore them.

- **(b)** *Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas.*

Our analysis: Plainly recreation, national monument, and other categories listed above are vulnerable here. The subsection indicates that a CE should not apply in view of the many potential impacts of e-bikes as shown in this comment. Several other of the vulnerable land categories listed in the CE regulation are found across BLM-administered lands as well.

- **(c)** *Have highly [controversial](#) environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].*

Our analysis: The subsection supports that no CE should apply in this highly controversial situation, which is easily sensed by reading the public comments already in the docket that express highly passionate viewpoints, pro and con, both sides with substantial and varied arguments. Numerous major stakeholders and NGOs are lined up on either side, fitting the definition of "highly controversial".

- **(d)** *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*

Our analysis: The subsection indicates that a CE should not apply in view of the unique risks that e-bikes present, as the first and only allowed motorized use in many BLM backcountry areas, as well as now the fastest overall form of transportation allowed.

- *(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*

Our analysis: On this topic see point number 11, below, on the “precedential importance” and “slippery slope” associated with approving e-bikes on BLM-administered lands. The agency is opening the floodgates for numerous similar technological impacts.

- *(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.*

Our analysis: This is a classic case of segmentation, in which a Programmatic EIS is needed first. The NEPA section of the preamble suggests that each area unit will have insignificant impacts justifying CEs for each, whereas the cumulative impacts of all the BLM units approving e-bikes will be significant when considered nationwide.

- *(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the [bureau](#).*

Our analysis: Many BLM units contain such current or potentially-listed historic places, indeed some units were established specifically to protect such places. In view of their special national importance, a CE for this System-wide approval is improper.

- *(h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species or have significant impacts on designated Critical Habitat for these species.*

Our analysis: On this topic, see point number 7, below, on the failure to comply with the ESA.

7. The Proposed Rule violates the Endangered Species Act (“ESA”).

Section 7(a)(2) of the ESA directs all Federal agencies to insure that the actions they authorize, fund, or carry out do not jeopardize the continued existence of endangered or threatened species or destroy or adversely modify critical habitat. The Proposed Rule is a BLM action and a vast number of ESA-listed species of plants and animals are found in BLM units, yet the proposal provides no indication of compliance with Section 7(a)(2). In view of the potential for adverse effects from e-bike use this omission must be corrected.

8. The Proposed Rule is a threat to human safety.

Human safety impacts should be assessed under NEPA, as explained above. However, safety concerns present a unique risk that the BLM should assess independently of other environmental impacts. The most obvious type of location where the human safety threat will exist is on narrow, winding, trails with steep exposure. The most alarming scenarios for such locations are: a) horseback riders who may be thrown when their mount is spooked by the faster, noisier e-bikes coming around a turn, and b) senior citizens who may be unable to move out of the way of the faster e-bikes. Several public comments in the docket speak to e-bike riders not slowing down for horses or mules and endangering both the animals and their riders, as well as senior citizens in other contexts.

Both of these scenarios foreseeably will cause injuries or even mortalities. Personal injury litigation foreseeably will increase, including liability claims against the BLM. The Proposed Rule fails to consider or assess such scenarios, which is irresponsible. They must be addressed.

9. The Proposed Rule fails to assess the impacts on law enforcement.

Some BLM enforcement staff are seasonal volunteers. They will be unable to enforce this new proposal especially because they typically will lack a vehicle fast enough to catch an e-bike on a trail. However, if they are outfitted with fast e-bikes themselves in order to enforce against e-bike violations, that will further exacerbate all of the impacts. As one experienced former Mount Rainer National Park guide states in his public comment in the National Park Service docket (Dustin Balderach, May 4 comment):

I don't see how the Park Service will be able to enforce allowing certain classes of e-bikes and not others. How will you enforce allowing Class 1 e-bikes but not Class 2 or 3? What about people who make modifications to their Class 1 e-bikes? It's too slippery of a slope and I fear it will be a detriment to our already over-taxed Park System. There is already enough user conflicts and we don't need any more.

An Acadia National Park volunteer bicycle specialist highlights the impacts of e-bikes eloquently in her statement in the docket (Claire Daniel, April 26 comment):

I am an Acadia National Park Bike Patrol volunteer, so I am regularly riding on the carriage roads assisting riders and walkers with maps and directions, clarification of the rules (yes, that dog needs to be on leash, or yes, your child needs to wear that helmet), advice on routes, and general information.

I am against the possibility of allowing e-bikes to flood these carriage roads for two reasons: biker safety and enjoyment of the experience. Simply, crowded trails will not be peaceful nor safe for walkers or bikers. Even without them [e-bikes], the 47 miles of roads are already crowded with bikers and walkers seeking peace and quiet in the park's interior. Many children are riding long distance for the first time, sometimes struggling up the hills and then finding the reward of the downhill. I cringe when I think of the five and six year-olds that I see enjoying the park if there

is increased traffic caused by the wholesale use of e-bikes in any classes. Simply, crowded trails will not be peaceful nor safe.

In addition, the park already has the challenge in regulating the rules we have. There aren't enough rangers to enforce the rules in place, so volunteers have to take the slack. We enjoy our job, but as it is now, despite the signage that states no e-bikes allowed, we have the challenge of discerning which riders are authorized to use class 1 e-bikes and those who are abusing the rule. Before the recent order to allow class 1 bikes, e-bike riders were regularly sneaking onto the carriage roads and many were speeding. As a volunteer, I shudder to think of how to regulate who is speeding and who is not. I can see so many accidents. For example, both children and adults regularly stop for water or rest and don't bother getting off the carriage road. (I often caution them against this.) As speeders come around curves, they will inevitably collide anyone in their path.

Further, expanding e-bikes to backcountry trails in BLM units will obscure what are currently the three straightforward regulatory classifications: hikers, traditional bicyclists, and ATV riders, which are distinct user groups who follow different rules. This elegant simplicity makes the rules easy to follow and enforce in part because it is obvious when a hiker, bicyclist, or ATV rider is somewhere they should not be or otherwise breaking a rule that applies to their use-type. The Proposed Rule blurs the line between bicycles (defined as human-powered) and ATVs (defined as motorized) and this blurring will increase impacts in BLM units due to enforcement difficulties. Further, as indicated above, any area-specific rule that make distinctions between Classes 1, 2 and 3 e-bikes will be highly problematic because enforcement personnel will not be able to tell them apart without specialized training. The BLM must fully address all of these enforcement concerns before it can move forward.

10. The Proposed Rule fails to consider any alternatives.

In keeping with its violation of NEPA, which requires the consideration of alternative actions, the Proposed Rule fails to consider any alternatives. Alternatives to consider would include: 1) prohibiting e-bikes as they were previously; or 2) special rulemaking by each BLM unit.

The other alternative is for the Department of the Interior to focus e-bike use on far more appropriate Bureau of Land Management roads. The proposal is devoid of any explanation as to why public motorized recreation is appropriate on BLM-administered lands and currently nonmotorized trails.

11. The Proposed Rule fails to consider its precedential importance and the associated commercialization of BLM-administered lands.

The proposal is a technological “slippery slope”. As the batteries and other motor components become cheaper and lighter and provide more storage capacity, more impacts from e-bike use will occur. Ranges will steadily increase. They will become increasingly like light motorcycles with

pedals and less like traditional bicycles. The proposal fails to address the speed, power, noise, and other implications of this foreseeable evolution. The impacts on other users, wildlife, and trails will thus be worse and will extend further into BLM backcountries.

Further, if e-bikes are approved, then no “bright line” can be drawn such that other electric-powered transport devices should not also be approved on BLM lands on the same trails as a matter of fairness to those riders. This will foreseeably include riders on Segways, electric skateboards and “Onewheels,” electric scooters and mopeds, hoverboards, three-wheelers, and electric snowmobiles, all of which also will become faster and have greater ranges. The proposal utterly fails to consider and assess how it creates a precedent that will eventually vastly degrade all BLM lands by opening the door to other off-road electric vehicles of a wide variety.

Further, increasing commercialization of BLM lands will be associated with renting and servicing e-bikes and those other electric vehicles must be addressed. The proposal fails to recognize that rental companies just outside BLM boundaries appeal to youthful and inexperienced e-bikes riders. Their inexperience increases the risks to other BLM visitors.

In sum, the BLM should withdraw the Proposed Rule and correct the numerous serious deficiencies detailed above. Please feel free to contact me if you have questions.

Sincerely,

Kevin Proescholdt
Conservation Director