



July 22, 2023

Submitted via: comments-pacificsouthwest-tahoe-yuba-river@usda.gov

U.S. Forest Service
Tahoe National Forest
Yuba River Ranger District
Attn: Pines to Mines Trail Project
631 Coyote Street
Nevada City, CA 95959-2250

RE: Pines to Mines Trail Project EA, Project 61221

Forest Supervisor Ilano:

We appreciate the opportunity to provide the following public comments on the Pines to Mines (P2M) Trail Project Preliminary Environmental Assessment (PEA), as solicited via the Tahoe National Forest's (TNF's) June 22, 2023, notification to interested parties. Our organizations submitted public scoping comments on this project in February 2022. Appendix A of the PEA includes a brief summary of some of our comments.

Back Country Horsemen of America

Founded in 1973, Back Country Horsemen of America (BCHA) is a national 501(c)(3) non-profit service organization. Our mission is to perpetuate the common-sense use and enjoyment of horses in America's back country and Wilderness and to ensure that public lands remain open to recreational stock use. A large part of our mission includes assisting the various government agencies and non-profit organizations in the maintenance and management of public trails and horse camps.

Back Country Horsemen of California

Back Country Horsemen of California (BCHC) is a non-profit organization dedicated to the improvement, promotion, development, and care of trails in the backcountry of California. BCHC volunteers maintain horse camps and trails, including trails located within the Tahoe National Forest. The members that comprise BCHC, its Mother Lode Unit and their families, also enjoy recreational horseback riding on trails throughout the Tahoe National Forest. The ability to access trails that provide an escape from the motorization and mechanization of modern society is one reason Backcountry Horsemen use and enjoy non-motorized trails within the Tahoe National Forest.

Proposed Action (Alternative 2)

The PEA (p. 2-1) states that the Proposed Action would include new trail construction of approximately:

- 22 miles of new, native surface, multi-use trail between the Eagle Lakes area, northwest of Signal Peak and north of Interstate 80, and the Sand Ridge Area, just west of Sand Ridge Lake and northeast of the Lola Montez Lakes basin;
- 1.4 miles of new, native surface, multi-use trail on the south side of Summit Lake, to protect sensitive public resources currently being negatively impacted by use on approximately 0.25 mile of the existing Donner Lake Rim Trail; and
- 0.25 mile of new, native surface, multi-use companion trail on the northwest side of Eagle Lakes along Fordyce Creek outside Semi-Primitive Non-Motorized area.

The Proposed Action (p. 2-2) also would:

Incorporate approximately 50 miles of existing USFS trail segments into the new Pines to Mines Trail System...The entirety of these trails, including their Pines to Mines Trail System segments, would retain their current non-motorized use designations. These trails would not be identified on the Tahoe National Forest MVUM [Motor Vehicle Use Map].

Regarding the proposed designation of authorized uses on newly constructed trail, the PEA states:

Incorporate newly constructed trail into the Pines to Mines Trail System and designate it for wheeled motorized vehicle use. Add new, designated motorized trail to the [National Forest Trail System] and identify it on Tahoe National Forest MVUM under the category “Trails Open to Class 1 E-Bikes Only” consistent with Travel Management policy direction in the Forest Service Manual, 7700, Chapter 10, Section 7711.3 (USFS 2022). New trail incorporated into the Pines to Mines system would remain open to all non-motorized classes of recreation.

Finally, the Proposed Action would include the obliteration and restoration of approximately 0.25 mile of the existing Donner Lake Rim Trail; incorporating approximately 2 miles of existing Forest Service 4X4 roads, including small segments of the Eagle Lakes Off-Highway Vehicle (OHV) route and the Castle Valley East OHV Trail, into the Pines to Mines Trail System; and the improvement of parking and staging area access at 11 locations related to the new Pines to Mines Trail System.

Alternative 3, E-Bike Use Would Continue to be Prohibited

An action alternative identified in the PEA, Alternative 3, includes most or all of the design and construction elements as the Proposed Action with one notable exception—the P2M Trail System would be designated for non-motorized use only. In other words, the proposed P2M Trail would not be designated “Open to Class 1 E-Bikes” or any other motorized trail use. We appreciate the fact that the PEA includes a non-motorized alternative in the analyses of the P2M Trail, as requested in public scoping comments submitted by our organizations and others.

Bicycle Trail Design Elements Not in Keeping with Multi-Use Trail

The Proposed Action, and presumably Alternative 3, includes design elements akin to that of a mountain bike-optimized trail. In our opinion, this is not appropriate for a multi-use trail shared by hikers and equestrians. For example, the Design and Management Criteria includes the statement: “Limit berm heights to 18 inches on rolling turns.” This is stated in the PEA in order “to reduce the potential for conflict between pedestrian, equestrian and bicycle user groups” (PEA, Table 1, p. 2-10). Yet such maximum berm heights on the outside of rolling turns likely would be unsafe for use by hikers and

equestrians, even in cases where the trail tread approaches or exceeds the desired average 36 inches as stated in the PEA (Table 1, p. 2-9). Moreover, the construction of such berms would serve to encourage faster speeds by bicycles that, in reality, would increase the potential for conflict between pedestrian, equestrian and bicycle user groups.

The PEA is deficient in its assumption that key design elements of the P2M Trail should support bike-optimized travel, with rolling turns and berms as high as 18 inches (read: maximizing speed for both bicycles and e-bikes). Instead, design elements should be incorporated into the trail that serve to slow bicycle speeds, particularly on turns and switchbacks, in order to minimize conflicts with hikers and equestrians. **This information and the design intent of the P2M Trail for multiple use must be disclosed in the Final EA.**

[Issues Requested in Scoping Comments Not Analyzed in the PEA](#)

The PEA fails to analyze many of the issues we addressed in our February 2022 scoping comment letter, including several issues that were summarized in Appendix A of the PEA. Those issues are repeated below with justification for why the Final EA must include full disclosure of the topics herein.

[PEA Fails to Disclose Current Recreation Opportunity Spectrum Classes in the Planning Area](#)
The Final EA must describe the current Recreation Opportunity Spectrum (ROS) classification for lands crossed by the proposed P2M Trail and include a table that summarizes, at a minimum, these ROS classes and the amount of trail miles that would pass within each. As stated in our public scoping comments, it is our understanding that a portion of P2M Trail alignment that traverses the Grouse Ridge area is identified in the 1990 Forest Land and Resource Management Plan (Forest Plan) and related ROS maps as an area containing a ROS classification of semi-primitive, non-motorized recreational use. We requested confirmation of this fact in our scoping comments, yet it was not provided in the PEA. **The EA also must include analysis of the relative compatibility or incompatibility of proposed modes of travel along the P2M Trail, including the use of electric motorized bicycles (Proposed Action), with each of the applicable ROS classifications through which the proposed trail alignment(s) would pass and any relevant Forest Plan direction, including standards and guidelines.**

[PEA Fails to Identify the Presence or Absence of Inventoried Roadless Areas and/or Backcountry Management Areas Traversed by the P2M Trail](#)

As stated in our scoping comment letter, **the PEA must clarify the proposal with respect to trail construction and designation for motorized uses, including e-bike use, within any identified Inventoried Roadless Area (IRA). We also requested that the PEA include analysis of how the proposal to authorize Class 1 e-bike use comports with requirements for the protection of IRAs as per the agency's 2001 National Roadless Area Conservation Rule (Roadless Rule).** No such analysis was included in the PEA. As such, **the PEA is deficient for its failure to include such public disclosure and analysis.**

Similarly, our scoping comments requested that **the PEA identify the presence or absence of any Backcountry Management Areas (BMAs) crossed by the P2M Trail alignment(s),** if indeed such vernacular applies in the current Forest Plan for the TNF, with amendments. The PEA contains no such

disclosure and analyses regarding the presence of IRAs or BMAs crossed by the proposed P2M Trail alignment. Again, **the PEA is deficient for its failure to include such an analysis.**

In the case where P2M Trail alignment(s) traverses either an identified IRA or BMA, **the Final EA must develop and analyze alternatives to the Proposed Action that, at a minimum, would not include the authorization of motorized uses (e.g., e-bikes or motorcycles) under either classification.** Put another way, the Final EA should include alternatives that restrict motorized trail use to Forest Service-managed lands located outside of IRA and BMAs.

PEA Fails to Disclose the Non-Motorized Intent of the P2M Trail by Trail Supporters

Our scoping comment letter requested that the P2M Trail EA disclose the fact that the P2M Trail was, as early as 2015, proposed to be a non-motorized, single-track multi-use trail to be shared by hikers, equestrians, and mountain bicyclists.¹ Motorized uses, including e-bikes, were not envisioned on the P2M Trail nor were advocates for e-bike use represented among the Pines to Mines alliance of trail users. **Yet the PEA fails to include any disclosure of the fact that the P2M Trail was conceived and promoted by proponents and Nevada County to be a non-motorized trail throughout its entirety.**

Our scoping comment letter requested that the PEA disclose the fact that easements were negotiated by the P2M Trail alliance for the trail alignment where it crosses private lands and that grants that the alliance acquired related to the trail were predicated on its use as a non-motorized trail, which would preclude e-bike use.² **The PEA makes no such disclosure and, as such, is inadequate. The Final EA must analyze the ramifications of these commitments if its Proposed Action or action alternatives continue to include the potential use of motorized e-bikes along segments, or the entirety of, the P2M Trail.**

Our scoping comments also requested that the PEA disclose that P2M Trail project funding provided by the Nevada County Board of Supervisors in support the EA analysis was predicated on the requirement that County funding was not to be used to fund analysis of e-bike use on the trail.³ **The PEA makes no such disclosure and, as such, is inadequate.** The county's requirement reflected the unanimous consent of the Supervisors, with some echoing that the original intent of the P2M Trail was to exclude motorized uses, including e-bikes.⁴ **Consequently, the Purpose and Need statement for the P2M Trail EA must accurately reflect the non-motorized intent of the P2M Trail proposal, which did not include the use of electric motorized bicycles, as expressed by local citizens that comprise the P2M Trail alliance and their elected county officials.**

PEA Fails to Disclose Potential Safety Impacts Associated with E-Bike Use

Our scoping comment letter requested that the PEA analyze the potential for recreational conflict on the existing and proposed P2M Trail network, including the recognition of potential safety hazards

¹ Gold Country Trails Council letter to U.S. Forest Service Chief Randy Moore, RE: Pines to Mines Trail Project, Tahoe National Forest. August 24, 2021.

² *Ibid*

³ Board of Supervisors for the County of Nevada, Resolution Approving the Contract with Truckee Trails Foundation for the Preparation of Environmental Review Documents for the Pines to Mines Trail Project in the Maximum Amount of \$100,000 (Resolution No. 21-507, 16 November 2021), and which states in part: "The proposal included the requirement not to fund any analysis of electric bike usage on the trail with County funding."

⁴ County of Nevada, State of California, Board of Supervisors. Summary Minutes – Draft. Regular Meeting. Tuesday, August 10, 2021 (pp.9-11).

associated with the use of Class 1 e-bikes on otherwise non-motorized trails shared by hikers and equestrians. **The PEA fails to take the necessary hard look required by the National Environmental Policy Act (NEPA) and US Forest Service regulations and contains no such disclosure. As such, the PEA is inadequate.** Our rationale for this claim follows.

As stated in our public scoping comments, our primary concerns with the inclusion of e-bikes on the P2M Trail are safety, user conflict and the potential for the displacement of traditional non-motorized users should user conflict with e-bike use occur. The PEA does little to dispel our concerns. To the contrary, **the PEA includes a fair amount of wishful thinking intended to downplay the possibility of user conflict associated with e-bike use.** For example, the PEA includes the following conclusion regarding the Proposed Action, which would include shared use with Class 1 e-bikes on the P2M Trail:

Improvement of existing trails for greater consistency with multiple-use design standards would provide all user groups with better and safer trail conditions (PEA, p. 3-15).

This is unsupported in the PEA analysis, which includes no requirement nor commitment that multiple-use standards would apply to any or all 50 miles of existing non-motorized trails included in the P2M Trail proposal. As such, **the claim is misleading.** In reality, design standards (i.e., Best Management Practices) for new trails listed in the PEA would apply only to the 23.65 miles of yet-to-be constructed and 0.25 miles of yet-to-be-rerouted segments of the P2M Trail. **The PEA nonetheless touts the broad and misleading statement that all user groups would be afforded “better and safer trail conditions”** throughout the P2M Trail as a result of the Proposed Action and its authorization of Class 1 e-bike use.

We must emphasize, however, that merely incorporating concepts of sustainable trail design and management would not be sufficient, in terms of mitigation, to reduce potential conflicts of e-bike use to levels below a NEPA significance threshold. For reasons described throughout this public comment letter, e-bike use on trails shared by hikers and equestrians would lead to a number of significant and adverse effects (e.g., user conflict, safety concerns, accidents, displacement of traditional trail users) that could not be mitigated via law enforcement. **The Final EA should reflect these outstanding and unmitigable concerns as expressed by traditional trail users including ourselves.**

[PEA Incorrectly Downplays Potential for Safety Impacts and Provides Irrelevant Citations](#)

The PEA includes several erroneous claims to justify the conclusion that e-bike use, under the Proposed Action, would not result in significant conflicts with hikers and equestrians. One such claim is:

Class 1 E-Bikes are used and enjoyed the same way traditional mountain bikes are. Their components are similar, speeds are not significantly different under most trail conditions (Wilson and Seney 1994; Weaver and Dale 1978; IMBA 2015; Langford et al 2015) [PEA, p. 3-16]

Researchers Wilson and Seney (1994) did not address e-bike use, nor did Weaver and Dale (1978) as e-bike use on natural surface trails was nonexistent at the time of these publications. **The PEA is in error to include these citations.** Moreover, the referenced 2015 IMBA study—which does not represent peer-reviewed science—makes no reference to either the relative speeds attained by Class 1 e-bikes versus regular mountain bikes. **The Final EA must cite the IMBA study in the appropriate context.**

The 2015 IMBA study contained these important caveats, which are not disclosed in the PEA. They read as follows:

1. "This small study represents a very limited set of site and user conditions, the results of which may or may not be replicated in other locations and test conditions. **No broad conclusions should be made from the observations presented.**" (IMBA study at p.16).
2. The study acknowledges that "[o]bservations suggest that **Class 1 eMTB may lead to more (soil) displacement under certain trail conditions***." (IMBA study p.23). More research is needed before conclusions can be drawn regarding the environmental impacts of Class 1 eMTBs as compared with traditional mountain bicycles.
3. Study Limitations: Its authors emphasized that "[t]his study does not, and should not be interpreted to represent consensus on the environmental impacts of Class 1 eMTB." (IMBA study p.21).
4. "Some differences between the impacts of Class 1 eMTBs and mountain bicycles were observed, particularly at turns and grade changes. However, the soil displacement measured in this study was not significantly different (statistically) from that associated with mountain bicycles, and was much less than that associated with motorcycle use." (IMBA study, p.21).

The Final EA for the P2M Trail System must disclose these important caveats regarding the 2015 IMBA study, which is cited 47 times in the PEA largely to justify the erroneous and unsupported conclusion that e-bike speed and "impacts to trails in terms of tread wear, soil movement, erosion and contribution to sediment delivery have been shown to be similar between traditional mountain bikes and Class 1 E-Bikes."

With respect to the Langford et al 2015 study, it is referenced in the PEA a total of 58 times. Yet it did not compare mountain bike and eMTB use and, instead, its review compared e-bike use on roads and paved shared-use paths. **To reference it in the PEA is misleading and inappropriate, particularly in light of the numerous and more recent studies that demonstrate that users of e-bikes, including eMTBs, have been documented to go faster than speeds attained by regular bicyclists, as summarized below.**

Many recent peer-reviewed studies conclude that Class 1 e-bike riders travel faster than their non-motorized counterparts (Mitterwallner, et. al, 2021⁵; Cherry & MacArthur, 2019⁶; Hall, et. al, 2019⁷; MacArthur, 2014⁸, etc.). **The omission of such citations in the PEA, including claims made by U.S.**

⁵ Mitterwallner, V., Steinbauer, M.J., Besold, A., Dreitz, A., Karl, M., Wachsmuth, N., Zügler, V. and Audorff, V., 2021. Electrically assisted mountain biking: Riding faster, higher, farther in natural mountain systems. *Journal of Outdoor Recreation and Tourism*, 36, p.100448.

⁶ Cherry, C., & MacArthur, J. (2019). E-Bike Safety: A Review of Empirical European and North American Studies. Study by PeopleForBikes, which claims that Class 1 e-bike riders travel marginally faster than conventional bicycles (3.0 km/hr) and their speed results in slightly higher conflict rates and safety-oriented maneuvers.

⁷ Hall, et. al, 2019, Pedal-Assist Mountain Bikes: A Pilot Study Comparison of the Exercise Response, Perceptions, and Beliefs of Experienced Mountain Bikers (*JMIR Form Res 2019;3(3):e13643*) doi:[10.2196/13643](https://doi.org/10.2196/13643) From p.3: The average speed of travel on the eMTB was 4.1 mph (6.6 km/h) faster than on the conventional mountain bike.

⁸ MacArthur, John. 2014. Are e-bikes faster than convention bicycles? Transportation Research and Education Center. Portland State University. <https://trec.pdx.edu/blog/are-e-bikes-faster-conventional-bicycles>

manufacturers of Class 1 e-bike themselves,⁹ appears to reveal bias by the PEA authors. Either way, the PEA is deficient and fails the test of full public disclosure.

The results of these studies must be referenced in the Final EA and the analysis of potential impacts as a result of the Proposed Action must be substantially reworked, incorporating information on these studies, if the TNF hopes to support a Finding of No Significant Impact for Alternative 2 in the P2M Trail System EA.

Lastly, we cited in our scoping comment letter a recent study in *Injury Prevention*¹⁰ that found that e-bike riders (largely on roads) were more than three times more likely to be involved in a collision with a pedestrian, as compared to traditional bike riders. Not surprisingly, speed was found to represent the most critical factor in such collisions. The study found that an increase from 10 mph to 20 mph significantly increases the kinetic energy and risk for injury upon impact. The study concluded that e-bike use and injury patterns differ from more traditional pedal operated bicycles. We requested that the P2M Trail PEA reference these and other facts regarding the relative safety of e-bike use and that, at a minimum, the PEA must address the difference in the speed of travel between e-bikes and non-motorized trail users and its implications for visitor safety, including that of pedestrians (hikers) and horsemen (equestrians). **The PEA failed to disclose and analyze these safety aspects associated with introducing Class 1 e-bike use on the P2M Trail.**

PEA Makes Spurious Claim that Alternative 3 Would Harm Class 1 E-Bike Users

The PEA includes a claim that appears to reveal bias. In describing Alternative 3, Non-Motorized Only, the four unsupportable studies cited above are invoked in an attempt to make the case that regular mountain bike and Class 1 e-bike “speeds are not significantly different under most trail conditions” in an attempt to support the conclusion that Alternative 3, as compared to the Proposed Action, would result in negative consequences to the TNF’s provision of public recreational opportunities because:

The significant difference in terms of the provision of recreational opportunities would be that one user group, Class 1 E-Bikes, would be denied access to the new facility. [PEA, p. 3-16]

Such a statement is unsupportable. It would apply equally to a great number of users that would be prohibited from the non-motorized P2M Trail or any non-motorized trail throughout the TNF, including Class 2 and Class 3 e-bikes, beyond class e-bikes, electric motorcycles, dirt bikes, ATVs, 4x4s, side-by-sides, etc. The list is long. For the agency to define its implementation of Alternative 3, or the approval of any non-motorized trail, as a burden or causing an adverse impact to the TNF’s ability to providing public recreational opportunities **cannot be supported in the Final EA for obvious reasons.**

⁹ See, for example: <https://www.specialized.com/us/en/turbo-kenevo>, which describes a Class 1 e-bike and includes the following claim in a video: “Specialized Turbo is not like anything you’ve ever experienced. It’s not even a bike! Its two wheels of hair-raising power that will revolutionize the way you move. **It’s you, only faster.** Its distance being shorter. Up hills, easier. Downhills, crazier.” (emphasis in bold added)

¹⁰ DiMaggio CJ, Bukur M, Wall SP, *et al.* Injuries associated with electric-powered bikes and scooters: analysis of US consumer product data. *Injury Prevention*, Published Online First: 11 November 2019. doi: 10.1136/injuryprev-2019-043418. Note: The study reviewed e-Bike use on primarily urban roads and bike paths.

PEA Errs in Claiming that Class 1 E-Bike Use Would be Expected to Reduce Conflict

With respect to the Proposed Action's inclusion of Class 1 e-bike use on the P2M Trail System, the PEA states, with little support, that "Conflicts among different uses would be expected to improve or be reduced." [PEA, p. 3-17] The text that follows points to the fact that Appendices B through G in the PEA apply the required Minimization Criteria Spreadsheets for each segment of non-motorized trail that are proposed for Class 1 e-bike use. Yet there is scant evidence that authorizing e-bike use on the P2M Trail would reduce conflict with other, non-motorized trail users. The simple actions of posting signage at staging and access areas, improvements to way-finding signage, undefined educational outreach, and/or sustainable trail design and management associated with the construction of 22+ miles of proposed trail to be added to the 72-mile P2M Trail System would represent improvements over current management. Yet these actions still would not serve to adequately mitigate, to levels below significance, potential conflict between Class 1 e-bike users and non-motorized users and the dangerous outcomes that such conflict would yield.

Our colleagues with the Gold Country Trails Council (GCTC), in their public comment letters, critique the TNF's wishful thinking that proper trail design alone will adequately mitigate safety and trail conflict. Their critique appears accurate to us. **In other words, mitigation measures proposed in the PEA are wholly insufficient to address potential safety and conflict issues associated with the proposed action's inclusion of Class 1-ebike use on the P2M Trail System.** In their July 11, 2023 letter, GCTC states the following:

Case in point: the Hoot Trail above the Gold Country Equestrian Trail head [was approved by the Tahoe National Forest] as a high-speed downhill run for bikes, making the multiuse trail unsafe and all but unusable for slower [hikers and equestrians]. Design, signs and education did little to change this unsafe use. Because of those exact safety issues, the Forest Service is now building an optimized bike park on the South side of Hwy 20 near the Gold Country Equestrian Trailhead. Bad design, bad decisions, and now Pines to Mines is next?

GCTC's public comment letter responding to the PEA includes other observations in the field that describe ongoing conflicts associated with e-bike use in the Tahoe National Forest's Lone Grave area:

GCTC members and locals have already had conflicts with illegal e-bike riders in the Lone Grave area. The illegal e-bikes are usually going at an unacceptable rate of speed for a narrow, non-motorized single-track trail. There are local residents who will no longer take their children to Lone Grave area trails because of negative encounters with high-speed illegal e-bikes. There have been e-bikes who are totally unaware of hikers about to enter the Pioneer Trail, and e-bike riders who come up behind horses at high speed on the trail. [pp. 5-6. The testimonial then recounts a recent user conflict at Lone Grave that involved two illegal electric bike riders.]

These field observations by GCTC members serve as powerful testimonials that debunk the notion that mitigation performed by the TNF, as identified in the P2M Trail System PEA, would be adequate to minimize potential conflict and safety issues by introducing Class 1 motorized e-bikes on non-motorized trails shared by hikers and equestrians via implementation of the current Proposed Action. Non-motorized users already have been displaced from the Lone Grave area as a result of conflicts with e-bikes. GCTC members have seen these ongoing conflicts first-hand. **Thus, the PEA is deficient when it states that "None of the potential adverse effects of the proposed action or alternatives would be**

significant” (PEA, p. 3-3). We disagree and contend that the PEA is inadequate as potential significant and adverse effects of the proposed action—specifically, the authorized of motorized Class 1 e-bikes on the otherwise non-motorized P2M Trail System—cannot be mitigated to levels below significance.

The Forest Service Handbook (FSH) 1909.15¹¹ on NEPA compliance includes guidance for Environmental Assessments (EAs) and Environmental Impact Statements (EISs) under NEPA. We believe, as a result of the unresolved issues described above, that extraordinary circumstances apply to the PEA’s analysis of the Proposed Action. If correct, the following text from the FSH Handbook would apply:

If the new information or changed circumstances require a new or changed decision that can be categorically excluded from documentation, follow the instructions in chapter 30. If the new information indicates that extraordinary circumstances are now present and the proposed action may have a significant impact on the human environment, file a notice of intent to prepare an EIS.¹²

We believe that there remain significant issues as the PEA does not provide sufficient evidence and analysis of topics related to user conflict and safety, the displacement of non-motorized users, and adequate enforcement of the P2M Trail System in the event the TNF authorizes the PEA’s Proposed Action, which includes authorization of Class 1-bike use. At present, it appears that the Proposed Action may have a significant effect on the quality of the human environment, given these unresolved issues. The PEA appears to be on shaky ground with respect to the issues and circumstances that could trigger the need for an EIS, particularly when viewed in the light of current and ongoing displacement of non-motorized recreational users on the TNF, as described above from public comment letter from the GCTC on the Pines to Mines Trail System PEA.

PEA Fails to Disclose Challenges Associated with Enforcement of E-Bike Use

The PEA state that the TNF’s authorization of e-bike use on the P2M Trail would be limited to those e-bikes that fall within the U.S. Consumer Products Safety Commission’s (CPSC’s) definition of a Class 1 e-bike, which has a maximum motor-assisted speed of 20 mph according to manufacturer specifications. However, capable riders can, and do, exceed the maximum motor-assisted speed of 20 mph. Yet there are two other classes of e-bike defined by the Consumer Products Safety Commission (CPSC) that are not referenced in PEA that easily can be assumed will find their way onto the proposed P2M Trail if it is designated as open to allow Class 1 e-bike use:

1. Class 2 e-bikes come with the distinction that the motor assist can be attained either via the rider peddling or in the complete absence of peddling by use of a throttle (i.e., it can be propelled up to speeds of 20 mph in a fashion similar to a motorcycle), whereas;

¹¹ Forest Service Handbook 1909.15 – National Environmental Policy Act Handbook, Chapter 10 – Environmental Analysis, February 2023.

¹² *Ibid*, Section 18.3

2. Class 3 e-bikes provide assistance only when the rider is pedaling, and which cease to provide assistance when the bikes reach the speed of 28 mph. For all three classes, the CPSC limits the maximum power output of the e-bike to 750 watts.

It is difficult to determine in the field which class a given e-bike conforms to, as identifying stickers, decals or other information are not required and few manufacturers do so. In addition, there are e-bikes that can be programmed to function as either a class 1, 2, 3 or beyond with only minor adjustments.¹³ Even more daunting, YouTube contains numerous videos with tips and work-arounds to negate the speed governor found on most e-bikes. Despite our public scoping letter asking that the PEA do so, **the PEA fails to analyze the potential consequences of riders on e-bikes of an unapproved class (e.g., Class 2, Class 3 or beyond) accessing the P2M Trail and the significant challenges in the ability of law enforcement to differentiate in the field between the various classes of e-bikes used by the public.**

Further compounding enforcement challenges, in a new and rapidly evolving market, there are a great number of commercially available e-bikes that do not fall within the CPSC's technical specifications. For example, there exist e-bikes (with functional pedals) that are similar in appearance to Class 1 e-bikes yet possess motors that exceed 1,000 watts and can achieve speeds exceeding 50 miles per hour.¹⁴ Importantly, some e-bikes currently on the market cannot be distinguished via appearance alone from traditional non-motorized bicycles.¹⁵ It would be extremely difficult, if not impossible, to distinguish these e-bikes in the field from the Class 1 e-bikes that the Forest Service proposes to authorize for use on throughout the P2M Trail. **The PEA failed to disclose and analyze the safety impacts associated with the reasonable expectation that riders of other classes of e-bikes, or riders who have hacked their e-bike's speed governing system, would access the P2M Trail System and cause conflict or create unsafe conditions for non-motorized trail users. The Final EA must include disclosure about the range of e-bikes that have capabilities in excess of the CPSC's Class 1 specifications and its implications for adequate enforcement and monitoring of e-bike use throughout the P2M Trail System.**

PEA Fails to Analyze the TNF's Ability to Implement Enforcement Actions Associated with the Proposed Action

The PEA fails to disclose current law enforcement priorities and capability within the TNF, and the likelihood of its enforcement of e-bike regulations, despite our scoping request that the PEA do so. Stated plainly, the Forest Service's attempt to prohibit Class 2 and Class 3 e-bike use—or any of the

¹³ See, for example, a description of one U.S. e-bike manufacturer's Variable Power Output technology, which allows rider to "easily change your eBike settings between class 1, class 2 or class 3." The e-bike has a fourth setting, which one QuietKat sales representative described as "motorcycle-esque."

<https://quietkat.com/pages/quietkat-variable-power-output-vpo>

¹⁴ Nargess Banks, Looking For The Ultimate Urban Toy? Introducing SWIND EB-01 Hyperbike, Forbes (Feb. 27, 2018), available at: <https://www.forbes.com/sites/nargessbanks/2018/02/27/swindeb01-hyperbike/#122a56b73a0a> ("Designed for the urban adventurer and cross-country adrenalin junkie, the \$21,000 (£15,000) bicycle has an electric motor to help boost pedal power and deliver speeds of over 60 mph"); Ben Coxworth, Rungu's electric fattrike goes pedal-assist, New Atlas (July 8, 2018), available at: <https://newatlas.com/rungu-electric-juggernautmdv/55294/>.

¹⁵ See, for example, *Goat Track SLX*, Goat Bikes, at: https://www.goatbikes.com/section811575_327663.html.

other non-CPSC classified e-bikes—on the proposed trail system is nearly impossible to enforce. **This fact must be recognized in the Final EA.** Any decision by the TNF to allow specific types of e-bikes on the P2M Trail System while simultaneously expecting to prohibit other e-bike classes on the same trails would prove to be a fallacy. **The implementation and enforcement issues described above, and their associated environmental impacts, must be analyzed and disclosed in the Final EA.**

The PEA displays further inadequacies in that no effort is made to assess how much additional trail maintenance, signage, and monitoring/enforcement across the P2M Trail would be required to effectively accommodate and mitigate the impacts of e-bike use. Absent in the PEA is a description of the indirect environmental effects that the Council on Environmental Quality’s (CEQ’s) NEPA-implementing regulations require must be addressed in an EA, per 40 CFR § 1508.1 Definitions. (in pertinent part):

- (g) Effects or impacts means changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and include the following:*
 - (1) Direct effects, which are caused by the action and occur at the same time and place.*
 - (2) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.*
 -*
 - (4) Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative.*

Accordingly, **the PEA’s assessment of the Proposed Action fails to have included such indirect effects on the already stretched-thin human resources of the TNF that would from the need to enforce e-bike regulations associated with implementation of its Proposed Action.**

PEA Fails to Describe Necessary Adaptive Management Should E-Bike Use Displace Non-Motorized Trail Users

The PEA provides fleeting reference to the conduct of active monitoring during pre- and post-implementation stages of the Proposed Action and Alternative 3. It reads (Proposed Action, p. 3-15):

Project specific management requirements call for monitoring before and after implementation to better understand the frequency and concentration of different user groups along sections of existing and new proposed trail. Knowledge of new and changing use patterns on existing as well as newly constructed trail alignments would inform future management needs, signage placement, education requirements, and outreach materials creating a network of recreation facilities that is more inviting, more accessible, and more enjoyable for all user groups.

Absent from this description is any mention of the TNF’s responsibility to apply “adaptive management,” should the TNF adopt the current Proposed Action and future monitoring detect that hikers and equestrians are returning in less frequent numbers to the P2M Trail System as a result of perceived conflicts and safety concerns associated with e-bike use. **The Final EA must include adaptive management measures intended to both monitor and reverse any such unintended and undesirable effects.**

The US Forest Service, in its NEPA Handbook¹⁶, provides the following guidance with respect to adaptive management:

Alternatives may include an adaptive management strategy allowing for adjustment of the action during implementation. As stated in the Forest Service NEPA Procedures:

The proposed action and one or more alternatives to the proposed action may include adaptive management. An adaptive management proposal or alternative must clearly identify the adjustment(s) that may be made when monitoring during project implementation indicates that the action is not having its intended effect, or is causing unintended and undesirable effects. The EIS [or EA] must disclose not only the effects of the proposed action or alternative but also the effect of the adjustment. Such proposal or alternative must also describe the monitoring that would take place to inform the responsible official during implementation whether the action is having its intended effect.

(36 CFR 220.5(e)(2) and §220.7(b)(2)(iv))

Consequently, the Final EA must incorporate a strategy for adaptive management in order to estimate the conditions that would cause a change in agency actions, necessary elements for monitoring trends in the field, and articulate any corrective actions to be taken should the TNF approve e-bike use on the P2M Trail System. A logical course of action for any such change in agency actions must include the discontinuation (i.e., prohibition) of e-bike use on the P2M Trail if monitoring demonstrates that e-bike use could, is resulting, or has resulted, in user conflicts with non-motorized trail users. **The Final EA and decision record must disclose in detail the elements of the adaptive management strategy if the TNF sought to support a Finding of No Significant Impact for the current Proposed Action.**

PEA Fails to List Authors, Disciplines and Experience

The CEQ's NEPA regulations specifically requires that EAs shall: "include a listing of agencies and persons consulted" (40 CFR § 1501.5(c)(2)). It is assumed that various Forest Service personnel "were consulted," yet **the PEA fails provide "a listing" of those actual people and a listing of the PEA authors, as the regulation mandates.** Although not disclosed in the PEA, a third party, the Truckee Trails Foundation (TTF), won a Nevada County bid to conduct environmental studies for the Pines to Mines Trail.¹⁷ TTF in turn contracted with Dudek, an environmental consulting firm, to prepare elements of the P2M PEA. Thus, **the Final EA must disclose this fact and the qualifications of each author who contributed to the document.**

Conclusions

As stated in our scoping comment letter, we are glad that the TNF has made this citizen-proposed project a priority and has directed resources toward implementation of the Pines to Mines Trail as envisioned by local citizens dating back to 2015. Yet we question the need to expand this proposal

¹⁶ Forest Service Handbook 1909.15 – National Environmental Policy Act Handbook, Chapter 10 – Environmental Analysis, February 2023. Section 14.1

¹⁷ RESOLUTION No. 21-507 Of the Board of Supervisors of The County of Nevada Resolution Approving the Contract with Truckee Trails Foundation for the Preparation of Environmental Review Documents for the Pines to Mines Trail Project in the Maximum Amount of \$100,000, Nov. 16, 2021.

beyond what its visionaries intended—a long-distance non-motorized trail that links the communities of Nevada City and Truckee. To underscore this point, we note that the website maintained by the TNF regarding e-bike use currently reads as follows:

The Tahoe National Forest offers a wide variety of e-bike riding opportunities. This includes over 2,000-miles of roads, 195-miles of OHV trails, 190 miles of single-track motorcycle trails, and an additional 35 miles of newly designated single track available to Class-1, pedal-assisted E-Bikes. All roads and trails open to motor vehicle use are available for all classes of e-bikes. <https://www.fs.usda.gov/tahoe/>

Consequently, there appears to be abundant opportunities for the use of e-bikes throughout the TNF, including over 35 miles of previously non-motorized trails that recently were approved for use by Class 1 e-bike use e-via the East Zone Connect Project and EA. We seriously question the need to include e-bike use on the P2M Trail. We believe that the agency should instead concentrate its efforts toward directing e-bike use to the extensive system of roads and motorized trails throughout the TNF.

Thank you for allowing us this opportunity to submit public comments.

Sincerely,

Randy Rasmussen, Director, Public Lands & Recreation

Back Country Horsemen of America

P.O. Box 1182

Columbia Falls, MT 59912-1182

Mike Hughes, President

Backcountry Horsemen of California

P. O. Box 2179

Lake Isabella, CA 93240

Randy Hackbarth, President

Backcountry Horsemen of California

Mother Lode Unit

P.O. Box 702

North Highlands, CA 95660