

**American Hiking Society, Back Country Horsemen of America
Coalition to Protect America's National Parks, Marin Conservation
League, National Parks Conservation Association, Public Employees
for Environmental Responsibility (PEER), Save Our Seashores
Southern Utah Wilderness Alliance, Wilderness Watch**

FEDERAL EXPRESS

August 3, 2023

The Honorable Deb Haaland, Secretary of the Interior
Chuck Sams, Director, National Park Service
U.S. Department of the Interior
1849 C Street NW,
Washington, DC 20240

Re: use of electric bicycles

Dear Madam Secretary Haaland and Director Sams,

The undersigned nine conservation and park user groups write with two requests regarding the National Park Service (NPS) and Interior treatment of electric bicycles (e-bikes). The first addresses the recent programmatic environmental assessment (PEA) that evaluated the potential national-level impacts of e-bike use in National Park System units. The NPS just closed the comment period on that PEA (see <https://parkplanning.nps.gov/projectHome.cfm?projectId=117364>). Ours and numerous other groups commented on it. The need for the PEA was because of litigation; it was not issued until two and one-half years after the Park Service final rule broadly approving e-bike use in National Parks was already in effect. Given the long lead time and the after-the-fact nature of the PEA, we were extremely disappointed in its shallow, perfunctory analysis. Our groups have been involved in many other National Environmental Policy Act (NEPA) controversies in the past. In this case, the PEA was clearly flawed by relying on methodological errors, biased assumptions, a skimpy literature review, and inadequate analysis of user conflicts, enforcement challenges, maintenance costs, and numerous other impacts associated with e-bikes. In the face of this burgeoning motorized intrusion, National Parks visitors will be well-served by a more sincere attempt to fulsomely assess their impacts. **We urge you to ensure that the NPS follows up with responses to the public comments and a revised, improved, final PEA.**

Our second request is an Interior policy matter not strictly related to the environmental impacts of e-bikes. Our request is that Secretary Haaland promptly rescind former Secretary David Bernhardt's Aug. 29, 2019, Secretarial Order (SO) 3376. It directed that e-bikes must be

allowed wherever traditional bikes are allowed Interior-wide. Specifically, the EO stated, under “Sec. 4 Policy”:

b) E-bikes shall be allowed where other types of bicycles are allowed;

However, the formal e-bikes regulation adopted in December of 2020 by the NPS provides that Superintendents “may” allow e-bikes where traditional bicycles are allowed, at their discretion, rather than they “shall” allow them.¹ The mandatory default “shall” language in SO 3376 now conflicts with the adopted NPS e-bikes regulation, which is permissive. Further, SO 3376 has no legal effect due to its inconsistency with the more recent regulation; there is no reason to keep it as the agency’s policy.² Several of our groups noted in an earlier letter dated October 12, 2022, to Secretary Haaland regarding Bureau of Land Management lands, that the SO was continuing to cause mischief in local plans.

Rescission is supported by the NPS’s statement in its PEA under “2.3 Alternatives Considered but Not Carried Forward for Detailed Analysis” (p. 9). There, the PEA rejects the default approach expressed in SO 3376, as:

.... examples of alternative regulatory approaches that would allow the use of e-bikes in certain respects as the default regulatory position, placing the onus on superintendents to close areas or restrict use when necessary to prevent unacceptable impacts to resources and visitors. For the reasons discussed above, the NPS prefers a regulatory approach that allows superintendents to exercise discretion and judgment about where e-bike use may be appropriate or not.

Because the agency’s own PEA outrightly rejected the alternative expressed in SO 3376 from further environmental impact analysis, it would be illogical and unreasonable for SO 3376 to remain as a continuing Department policy. We note that the Biden Administration has rescinded at least five pre-existing Interior SOs in recent years. SO 3376 should be the next.

Thank you for your consideration of these requests.

Sincerely,

American Hiking Society

¹ The e-bikes regulations of the Bureau of Land Management, Bureau of Reclamation, and the Fish and Wildlife Service Refuges Division, also provide, like the NPS, that Superintendents or other local managers “may” allow e-bikes where traditional bicycles are allowed, at their discretion, rather than that they “shall” allow them.

² Sec. 6 of the SO contains this standard provision that indicates it must be disregarded to the extent it is inconsistent with DOI regulations:

Sec. 6 Effect of the Order. This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to, and do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

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