

April 15, 2020

David Bernhardt
Secretary
U.S. Department of the Interior
1849 C St. NW Washington D.C. 20240

Re: Request for Suspension of Department of the Interior's Proposed Rulemakings to Allow E-bikes on Non-Motorized Trails

Dear Secretary Bernhardt:

Americans across the country are sheltering-in-place or otherwise self-quarantining at home, focusing on the health of their families and their economic future. Americans have been prohibited from gathering together in groups, are under strict travel restrictions, or are voluntarily retreating from public life in the interest of the public good. Across the country, libraries, meeting halls, schools and other areas facilitating public dialogue and information-gathering are off limits.

We understand that the federal government is adapting during these challenging times by attempting to provide adequate opportunity for public engagement through online forums and virtual public meetings. Unfortunately, access to broadband internet and a computer at home is a privilege. Individuals without access to these resources rely on public spaces, such as government facilities, schools, community centers, and libraries, which are all currently closed due to public health concerns. As such, the ongoing pandemic has made it extremely difficult for many people, especially those without broadband internet access, to review and comment on agency documents. It is the agency's responsibility to provide sufficient hard copies to the public, a responsibility that is impossible to fulfill during the ongoing pandemic. For the agency's request of public comment to be meaningful, it is critical that sufficient opportunities are provided for the public to participate and provide feedback on the proposed action.

For these reasons, we strongly recommend that Department of the Interior (DOI) postpone its proposed federal rulemakings related to motorized e-bike use on non-motorized trails on Bureau of Land Management¹ (BLM), National Park Service² (NPS), United States Fish & Wildlife Service³ (FWS) and Bureau of Reclamation⁴ (BOR) lands, until concerns and impacts from this ongoing pandemic subside. We further request that

¹ RIN 1004-AE72, "Proposed Rule, Increasing Recreational Opportunities Through the Use of Electric Bikes": <https://www.regulations.gov/docket?D=BLM-2020-0001>

² RIN 1024-AE61, "National Park Service; General Provisions; Electric Bicycles": <https://www.regulations.gov/docket?D=NPS-2020-0001>

³ Docket No. FWS-HQ-NWRS-2019-010, "National Wildlife Refuge System; Use of Electric Bicycles": <https://www.federalregister.gov/documents/2020/04/07/2020-07167/national-wildlife-refuge-system-use-of-electric-bicycles>

⁴ Number 1006-AA57, "Off-Road Vehicle Use": https://www.regulations.gov/document?D=BOR_FRDOC_0001-0011

after restrictions related to the Covid19 are relaxed that the BLM schedule public meetings and dialogue (in person and virtual) around the proposed e-bike rules when it is deemed safe to do so.

Allowing e-bikes on non-motorized trails across lands managed by these three DOI agencies lands is clearly a controversial proposal, and one that will benefit from a healthy and robust public dialogue. There are several important user conflict and safety issues that must be addressed before allowing motorized e-bikes on non-motorized trails. Many stakeholders, such as biking, hiking and horseback riding trail-user groups, county governments, state fish and wildlife agencies, and conservation organizations have shown interest in a detailed public process to decide if and how e-bikes would be allowed on non-motorized trails. This issue deserves a thorough public process, which a federal rulemaking can provide. However, it is clear that executing a thorough public process during a national health crisis would be impossible. Please delay this rulemaking related to increased motorized e-bike use until this public health emergency subsides.

Given the ongoing public health crisis as a result of COVID-19 and the executive order declaring a national state of emergency on March 13, 2020⁵, this request is in line with a multitude of other requests submitted across the country, including requests from members of congress, attorneys general, and state and local governments to extend public comment periods for rulemaking efforts and other processes during the novel coronavirus pandemic.⁶ We echo those requests when asking that you specifically delay the comment period for the DOI's proposed rules on motorized e-bike use. Granting this request will ensure that the public's opportunities for engagement in this federal rulemaking process are preserved through this extraordinary time.

We ask that you please communicate decisions made about this public process as soon as possible.

Thank you,

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⁵ <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>.

⁶ E.g., Letter from fourteen House of Representatives Committee Chairs to Acting Director Russell Vought, submitted April 1, 2020: https://www.eenews.net/assets/2020/04/02/document_gw_08.pdf; Letter from Senators Wyden, Merkley, and Udall to Secretary Bernhardt requesting a pause on comment periods, submitted April 3, 2020:

<https://www.wyden.senate.gov/imo/media/doc/040320%20Letter%20on%20DOI%20comment%20periods.pdf>; Letter from state attorney generals to Acting Director Russell Vought, submitted March 31, 2020: https://portal.ct.gov/-/media/AG/Press_Releases/2019/COVID-19-Rule-Delay-Letter---Final.pdf?la=en;

Letter from various state and local government organizations requesting a pause on all public comment and rulemaking processes, submitted March 20, 2020: <https://www.nga.org/letters-nga/state-and-local-government-organizations-seek-pause-on-public-comments-on-rulemaking-processes/>

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