October 18, 2002

USDA Forest Service
Attn: NFS-EMC Staff (Barbara Timberlake)
Stop Code 1104
1400 Independence Avenue, SW
Washington, D.C. 20250-1140

Re: Notice of Appeal to the Chugach National Forest Plan Revision

This letter is a Notice of Appeal filed pursuant to 36 CFR part 217, page 46 in the Record of Decision. Our names are Marty and June Arnoldy. We live at mile 45.5 Seward Highway, Moose Pass, Alaska 99631. Our phone number 907-244-2031. We are the proprietor's of Summit Lake Lodge. The decision we are appealing is the Preferred Alternative as described in the FEIS and the resulting Revised Forest Plan, specifically areas available for motorized and nonmotorized winter activities, with modifications further described in the ROD, as stated on page 3 of the ROD.

We have been a business owner and have lived at this address since 1985. The business we have owned since 1985 directly worked with the Seward Ranger District of Chugach National Forest for 12 years under a special use permit. Then the land was conveyed to private use under the Alaska statehood act in 1997. We feel we have a very weighted stake in the decision being made through this plan as a business owner and as a user of the forest. Our winter business relies heavily on *all* users of the forest. For the plan to be able to exclude any user seems absurd. Chugach National Forest has been deemed a multiple use forest and thus should be open to all users.

Areas of the plan that we are most concerned with are: The draft that was presented to the public and the Revised Forest Plan differ greatly. The Revised Forest Plan does not contribute to supporting the communities various winter activities and fundamental reasons for their choice to live where they do. An economic study using area business owners input was not conducted. An economic study using motorized expenditures in communities was not used. Constraining this portion of the Forest does lead to huge economic impacts in the area surrounding the forest. Sound use data does not support the need or the demand for motorized areas to be closed. Furthermore, to close the forest to motorized use in these areas intentionally isolates communities and businesses from each other which are protected under the Alaska National Interest Conservation Act.

For the above stated reasons we believe that the Revised Forest Plan was made in a calculated and malicious manner to discriminate and exclude a user group with no regard for the greater good of all forest users. Therefore 36 CFR 219.21 has not been abided by.

The document in which the decision is contained is the Revised Land and Resource Management Plan of the Chugach National Forest Record of Decision, R10 MB-480b. The date of the decision was May 31, 2002 and the deciding officer is Regional Forester Dennis E. Bschor.

The specific portion's of the document which we object to are:

- Closing the area north of Summit Lake to all winter motorized use
- Closing the area south of Summit Lake to all winter motorized use
- Closing of areas along the Seward Highway and Sterling Highway from Cooper Landing to Summit Lake to Moose Pass to all winter motorized use
- Closing the Crescent Lake /Carter Lake area to all winter motorized use
- Closing the Trail River Campground south of Moose Pass to all winter motorized use
- Closing Russian Lake Trail to Aspen Flats Cabin to all winter motorized use

The Draft of the forest revision that was presented to the public and the Revised Forest Plan that has been submitted differ greatly. Specifically 36 CFR 219.12 was violated by this switch and bait option. Meetings were held in Anchorage, Girdwood, Seward, Soldotna, and Hope in March 2001. There were not any meetings held in the communities that are most affected by this motorized closure after the decision to close these areas had been made. Major changes had been proposed and yet the communities were not informed or allowed to comment on such changes in their home towns. This is also a direct contradiction to EIS 3-508 "The opinions of potentially affected residents are an important consideration in the planning decision" Apparently they were not an important consideration because they were not considered at all. In the Public Commentary Summary it states that "90%of the comments were from outside Alaska and that Local residents expressed most of the interest in motorized and non-motorized recreational use on the Kenai Peninsula" and yet they rolled on ahead with these decisions, indicating a somewhat personal agenda. This clearly was not an agenda for the greater good of the all the user groups of the forest. The Record of Decision states on page 29 "The Preferred alternative was constructed by considering Alternatives A through F of the DEIS and combining components of each." This sounds like good decision making, but in reality none of the alternatives or the draft preferred alternative showed winter long motorized closures in any of the above stated areas. The most restrictive closure in any draft showed that the areas would be open from December 1 through February 15.The revised Forrest Plan that has been submitted calls for winter long closures to motorized vehicles in the Carter Lake/Crescent Lake area, Lower Russian Lakes, the entire area around the Tern Lake area reaching west to Cooper Landing and North to Summit Lake, an area north of Summit Lake and the Trail River Campground. How can this have happened for the greater good of all users of the forest?

The Revised Forest Plan does not contribute to supporting communities various winter activities and fundamental reasons for their choice to live where they do. Closing the above mentioned areas intentionally isolates these communities from one another and

their traditional social activities. These traditional activities are protected by the Alaska National Interest Conservation Act and such closures to motorized vehicles would be in direct defiance of this act. Members of these local communities have traditionally used motorized vehicles for both recreation and subsistence use for hunting, fishing and to gather fuel to heat their homes. EIS Glossary 51 also speaks to the Forest Service policy on traditional activities.

The Economic Analysis is incomplete for the Revised Forest Plan and therefore has not been properly addressed. The EIS 3-545 only shows a "qualitative" analysis. This does not reflect how this motorized closure will affect local business during the winter months. In fact business owners, like myself, throughout any of the most affected areas were not even surveyed. There is not any recognition of the impact that will occur to businesses. EIS 3-525 states "Moreover, one of the major themes of the Revised Forest Plan is the allocation and management of recreation opportunities. Consequently it is in this area that the plan may have its most important economic impacts" For the Forest Service to be allowed to eliminate a user group of the forest, such as motorized users, can only have a negative economic impact. In fact it will cause our business to close and thus the expenditure of 10 other employees. It takes all user groups to keep the economy going in these depressed economic times. These issues were only arbitrarily addressed, by some mention of south-central in general with how it applies to the summer months; this does not adequately address the economic issue. Therefore 36 CFR 219.21 was not abided by. In EIS3-543 it is admitted that the team does not know this data and states that "no impact data is quantified". To make this drastic of a change from the current winter plan will most definitely need to be "quantified" through the direct use of business people in these communities at a time of year when every dollar spent counts. The EIS goes on to suggest that these users can substitute with non- National Forest System lands should access be constrained. So how but negatively will this affect the businesses in these Forest land communities. EIS 3-553 states: "Estimates of PNV also were not calculated for recreation. The major reason for this is that the total amount of recreation use does not vary between alternatives" Now we are comparing apples and oranges to justify not calculating motorized expenditures in this area. I know that my algebra is a little rusty but if it takes 3x+y to equal the present economy, if x is removed, y will never equal the same amount of dollars spent. Again it takes all users of the Forest to keep the economic equation stable.

Sound use data was not used to support a need or even a desire by the people for such a forest closure. In EIS Appendix K "Kenai Peninsula Borough Resolution 2000-108 dated 11/21/00 – references a Soldotna public meeting where over 200 people overwhelmingly supported no further motorized closures and wanted even more areas open and trailheads constructed. The Forest service goes on to say they have not completed any scientific studies to support closing any of the existing trail or trailheads to motorized vehicles because of any major ecological or social conflicts. It is apparent then that since the Record of Decision took such a 180 degree turn that this must be a personal agenda that does not belong in the Revised Forest Plan. It was not made with the good of all Forest users and those who dwell in or near the forest in mind.

In summary, we are seeking relief from the Preferred Alternative as described in the FEIS and the resulting Revised Forest Plan, specifically areas available for motorized and non-motorized winter activities, with modifications as further described in the ROD, as stated on page 3 of the ROD.

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We would like to see all these areas remain open to motorized vehicles. As we have detailed in this appeal, we believe that the Revised Forest Plan was made in a calculated and malicious manner to discriminate and exclude a user group without any substantial data to support this decision. We believe that this is meant to be a multi user Forest where all users can cohabitate. This decision was made without regard for the greater good of all forest users. We also believe that portions of the Code of Federal Regulation were not followed in order to substantiate this decision. We are now enlisting you for help in appealing this decision. Thank you for your time.

Sincerely,

Marty M. Arnoldy
June E. Arnoldy
Summit Lake Lodge
Proprietors

cc. Regional Forester, Alaska region; Senator Frank Murkowski, Senator Ted Stevens, Representative Don Young, Governor Tony Knowles, Borough Mayor Dale Bagley

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RECEIVED
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