

October 23, 2002

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

CC  
Regional Forester  
USDA Forest Service, Alaska Region  
P.O. Box 21628  
Juneau, AK 99801-1628

In May of 2002 the Revised Land and Resource Management Plan of the Chugach National Forest was finalized and much to our dismay and bewilderment had closures for snow machines of many of the popular areas surrounding us.

I have lived in Alaska, in the Seward/Moose Pass area for the past 19 years . My husband and I, along with our children, own a home and business here. As residents and multipurpose forest users we will be greatly affected by the Revised Forest Plan and it's closures of much of the surrounding area to motorized users . These closures will affect both our social and economic well being and change the lifestyle opportunities that have been afforded to us throughout the years.

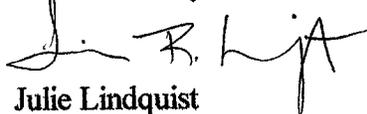
I have followed the issue of motorized vs. nonmotorized use in our area for several years now and have commented previously on this particular issue as well. However, the workable solutions that were discussed and suggested in the Preferred Alternatives have been ignored and invalidated.

My major concerns are:

- Violations of the Code of Federal Regulations During the Planning Process
- Economic Effects on our Community
- Loss of Recreational Use and Social Stability

The plan as it is now written, will drastically alter our lifestyle of the past 20 years and will have an adverse effect on our economy. It was implemented without any significant input from the local communities of Moose Pass and Cooper Landing, which are directly affected by these changes and also with an Economic Analysis. Therefore, my appeal.

Most Sincerely,

  
Julie Lindquist

# APPEAL OF CHUGACH NATIONAL FOREST REVISED LAND & RESOURCE MANAGEMENT PLAN

Attn: Regional Forester

This letter is a Notice of Appeal filed pursuant to 36CFR part 217, page 46 in the Record of Decision.

My name is Julie Lindquist. Address is : 31087 Seward Hwy., Seward, AK 99664 and my Phone No. is 907 288-3166.

The decision I am appealing is the Preferred Alternative as described in the FEIS and the resulting Revised Forest Plan, including areas available for motorized and non motorized activities, with modifications as further described in the ROD, as stated on page 3 of the ROD.

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

The specific portion of the document to which I object is the closing of the Crescent/Carter Lake area to all motorized activities, as well as many other areas in and around Moose Pass and Cooper Landing including:

- Highway corridors along the Sterling Highway and Seward Highway from Cooper Landing to Summit Lake and Moose Pass;
- Trail River Campground south of Moose Pass;
- An area north of Summit Lake;
- Russian Lakes Trail to Aspen Flats Cabin

Just for the record, in advance of writing and filing this appeal, I have contacted Forest Supervisor Dave Gibbons in Anchorage and also Planning Staff Officer Chuck Frey to see if the concern could be resolved in a less formal manner. I received the same response from each stating that at this point the appeal was necessary.

## **My Main Reasons for Objecting**

### **1 - Violations of the Code of Federal Regulations During the Planning Process**

A. As stated in the 36 CFR Ch. II (7-1-01 Edition) Forest Service, USDA

219.12 Collaboration and cooperatively developed landscape goals.

a. *Collaboration.* " To promote sustainability, the responsible official must actively engage the American public, interested organizations, private landowners, state, local and Tribal governments, federal agencies, and others in the stewardship of National Forest System lands.

The responsible official must provide **early and frequent opportunities** for people to participate openly and meaningfully in planning taking into account the diverse roles, jurisdictions, and responsibilities of interested and affected organizations, groups and individuals."

b. *Cooperatively developed landscape goals.*

(iv)" Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports **diversity, and variety of individual choice**;

(v) Achieve a balance between population and resource use which will permit high standards of living and a **wide sharing of life's amenities.**"

219.16 Relationships with interested individuals and organizations.

" The responsible official must:

a. **Make planning information available to the extent allowed by law**;

b. Conduct planning processes that are fair, meaningful, and open to persons with diverse opinions;

c. Provide early and frequent opportunities for participation in the identification of issues;

d. Encourage interested individuals and organizations to work collaboratively with one another to improve understanding and develop cooperative landscape and other goals;

e. **Consult with individuals and organizations who can provide information about current and historic public uses within an assessment of plan area, about the location of unique and sensitive resources and values and cultural practices related to issues in the plan area.**"

219.6 Public participation

a." Because the land and resource management planning process determines how the lands of the National Forest System are to be managed, **the public is encouraged to participate throughout the planning process.** The intent of public participation is to -

(a)(1) Broaden the information base upon which land and resource management planning decisions are made;

(a)(2) **Ensure that the Forest Service understands the needs, concerns, and values of the public**;

(a)(3) Inform the public of forest Service land and resource planning activities; and

(a)(4) **Provide the public with an understanding of Forest Service programs and proposed actions.**

b. Public involvement in the preparation of **draft and final environmental impact statements** shall conform to the requirements of the National Environmental Policy Act and associated implementing regulations and Forest Service Manual and Handbook guidance (hereafter, "NEPA procedures").

c. Public participation activities, as deemed appropriate by the responsible line office, shall be used early and often throughout the development of plans. **Formal public participation activities will begin with a notice** to the news media and other sources which includes, as appropriate, the following information:

(c)(1) **A description of the proposed planning action**;

(c)(2) **A description and map of the geographic area affected**;

(c)(3) **The issues expected to be discussed**;

- (c)(4) The kind, extent, and method(s) of public participation to be used;
  - (c)(5) **The times, dates, and locations scheduled or anticipated, for public meetings;**
  - (c)(6) The name, title, address, and telephone number of the forest Service official who may be contacted for further information; and
  - (c)(7) The location and availability of documents relevant to planning process.
- d. Public participation activities should be appropriate to the area and people involved. Means of notification should be appropriate to the level of planning. Public participation activities may include, but are not limited to, requests for written comments, meetings, conferences, seminars, workshops, tours, and similar events designed to foster **public review and comment**. The Forest Service shall state the objectives of each participation activity to assure that the public understands what type of information is needed and how this information relates to the planning process.

**i. Copies of approved guides and plans shall be available for public review as follows:**

(i)(3) The forest plan shall be available at the regional office for the forest, the Forest Supervisors office, Forest Supervisors' offices contiguous to the forest, District Rangers' offices within the forest, **and at least one additional location, to be determined by the Forest Supervisor, which shall offer convenient access to the public.** These documents may be made available at other locations convenient to the public."

#### 219.21 Social and economic sustainability

(a)" Social and economic information and analyses. To understand the contribution national forests and grasslands make to the economic and social sustainability of local communities, regions, and the nation, **the planning process must include the analysis of economic and social information at variable scales**, including national, regional, and **local scales**. Social analyses address human life-styles, cultures, attitudes, beliefs, values, demographics, and land-use pattern, and the capacity of human communities to adapt to changing conditions. **Economic analyses address economic trends, the effect of national forest and grassland management on the well-being of communities and regions**, and the net benefit of uses, values, products, or services provided by national forests and grasslands.

For plan revisions, and to the extent the responsible official considers to be appropriate for plan amendments or site-specific decisions, **the responsible official must develop or supplement the information and analyses related to the following:**

- (1) Describe and analyze, as appropriate, the following:
  - (i) **Demographic trends; life-style preferences; public values; land-use patterns;**
  - (ii) **Employment, income and other economic trends;**
- (2) **Analyze community or region risk and vulnerability.**

Resiliency and community capacity should be considered in a risk and vulnerability analysis. Risk and vulnerability analysis may also address potential consequences to communities and regions from land management changes in terms of capital availability, **employment opportunities**, wage levels, **local tax bases**, federal revenue sharing, **the ability to support public infrastructure** and social services, human health and safety, and **other factors as necessary and appropriate.**

(b) Plan decisions.

When making plan decisions that will affect social or economic sustainability, **the responsible official must use the information analyses developed in paragraph (a) of this section.**"

I have presented you with sufficient material from the Code of Federal Regulations to be able to verify the many violations incurred during the Planning Process.

Yes, there were many meetings over the past years used to develop the Revised Land and Resource Management Plan of the Chugach National Forest, however at key points in time in the areas of Moose Pass and Cooper Landing (the most highly affected communities) public meeting were not held.

We were made aware of the Draft EIS and it's proposed alternatives and were given a comment period in which many of us replied. One of the proposed ideas stated was to give equal time to skiers and snowmachiners alike in the Crescent/Carter Lake area by using a time share with a year on and a year off. I was opposed to that and did reply during the comment period, however, the possibility of a permanent closure to that area and all of the area's I have mentioned in my appeal were not in the Draft EIS.

**Consequently, if the proposed closures were anywhere in the planning process, whether it just be in thought or on paper, it should have been made known to the public and we should have been able to comment!** There were meetings elsewhere in March of 2001 on the Kenai Peninsula, but **none in Moose Pass and Cooper Landing!**

Documentation - Final EIS Chapter 6, page 2 - "Follow-up Meetings: As a follow-up the interdisciplinary team (ID Team) held a meeting in each of the communities on the Kenai Peninsula. Meetings were conducted in Anchorage, Girdwood, Seward, Soldotna, and Hope in March 2001."

Even without the drastic changes involved now, there still should have been a meeting in the afore mentioned communitites during the developement of the Final Plan, so as to have public participation throughout the process.

Due to the lack of public meetings during the planning of the Final EIS, none of the activities mentioned in the Public Participation requirements were provided. A certain violation of the Code of Federal Regulations and the Process.

As I have quoted in the rules and regulations, a social and **economic analysis was a requirement and it was not done.** Another violation of the Regulations and Process.

The regulations have also stated that **diversity, individual choice and a wide sharing of life's amenities are a goal of the plan.** How, does the decision to close four historically proven popular snowmachine areas, all in close proximity to each other, give us any of the above choices. As a skier and a snowmachiner, it seems to me that with the new plan my choices are very limited. Most of the skiing I have done with my family has been on snowmachine trails, which is my preference and often times the only option that would work for my children. If I opt to break trail with my skis the millions of acres that surround me are completely available and have not been limited at all. How is this a fair distribution of the forest?

The Revised Land and Resource Management Plan of the Chugach National Forest, released in May of 2002, should have been (according to CFR regulations mentioned above) made available in at least one additional location convenient to the public. **Moose Pass and Cooper Landing are both rural communities and a common and convenient place of access is the Post Office.** This is not a well kept secret! For many individuals and organizations this is where they go to find out what is going on in their community. It would have been an excellent place for people to review the Final Plan and find out more about it's repercussions.

Had the residents and other forest users been made aware of the drastic changes in the Final Plan, they would have approached and appealed this plan in a much timelier fashion. However, **most did not learn of this until a newspaper article written on October 3, 2002 came out in the Seward Phoenix Log stating "Snowmachiners lose territory"**. Consequently, and thankfully word of the plan spread and we have come together to rectify this injustice.

## 2 - Economic Effects on Our Community

As Stated in the EIS 3 - 525: "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."**

EIS 3-527: " It is clear however, that recreation and tourism does contribute substantially to the economy surrounding the Chugach National Forest. A number of studies have estimated the magnitude of this contribution...**Activity in the Kenai Peninsula borough and the Valdez-Cordova Census Area is more susceptible to impact if planning decisions significantly alter the nature or magnitude of recreation occurring on the Forest."**

EIS 3-528: "Each of the above studies indicates that considerable income is generated by recreation activities linked to the Chugach National Forest. In many cases, however, it is important to remember that recreationists may be able to substitute with non - National Forest System lands should their access to the Forest somehow be constrained. Thus a change in recreation opportunities on the Chugach National Forest may not directly lead to economic impacts in the area around the Forest."

In all of the above EIS statements, the economy is a major factor in the development of the Forest Plan. How then can the motorized closures of so many popular trails be implemented , when it will have a huge impact on the local economy and business owners. We are already in a HUB Zone (Historically Under-Utilized Business Zone) and our community cannot afford to lose any additional form of economic stimulus, particularly in the winter time when it is even more vital. Also we cannot substitute with non- National Forest System Lands as there are so few in our area.

As a business owner myself, of a Bed & Breakfast, the impact on my business would be tremendous and I was not contacted nor were any of the other local businesses.

If businesses are unable to remain open it affects all of us; from employment opportunities, to income, to property values, to being able to shop locally, to having social activities available such as dining out etc.

It has been proven in Yellowstone that the snowmachining visitors bring far more business into local areas than non motorized visitors. Consequently the loss of the snowmachining clientele would be detrimental to our community as a whole.

### 3 - Loss of Recreational Use and Social Stability

FEIS Appendix K-16/17 Recreation and Tourism

*Comment 01:* " There should be more/less opportunities for motorized recreation."

*Response:* " Working with the public, **the Preferred Alternative was crafted to minimize the impact on existing areas used for winter motorized activities while specifically identifying areas for nonmotorized recreation opportunities.**"

These closures are by no means minimal. There were areas, such as Mt. Alice and an area across from Sunrise that were suggested. Why weren't they explored?

*Comment 04:* " **The needs of disabled and older Americans have been neglected with 95 percent of the Forest inaccessible to these groups.**

*Response:* The Chugach National Forest, by its very nature, is rugged and remote. While improving access for people of all abilities was not identified as a specific issue within the Revised Forest Plan, **we are required to include improvements to meet accessibility standards any time we build or renovate public facilities or trails."**

In this closure the Russian Lakes Trail up to Aspen Flats has been closed. This is the only handicapped accessible trail with a cabin available in this part of the Forest. Why then would it be closed to motorized use?

Also Russian Lakes Trail along with Crescent/Carter Trail are the only two trails with cabins in this area of the plan, that provide an opportunity for families with smaller children to go on a day outing and overnight in the cabins. Motorized use is a necessity to be able to accommodate this type of recreation. Also the opportunity to be able to ice fish in these areas is lost due to the inability to bring in the appropriate ice fishing tools and tackle.

FEIS Appendix K-40 Forestwide Direction

*Comment 01:* "**Do not make any changes in the Forest Plan revision that would prevent any traditional activities.**"

*Response:* "We have planning principles to cover access (Chapter 3, Planning Principle #4) and traditional activities (Chapter 3, Planning Principle #5) **based on the definitions in ANILCA to clarify that the Chugach Plan will not prevent traditional activities.** "

**Each of the closures in the areas mentioned, have particular activities that are traditional and have been for many years that will be prevented, some of these being; hunting, fishing, woodgathering, picnicing (cookouts), sightseeing, overnight cabin use, etc.** To people who are fortunate enough to live in "subsistence areas" none of the closures will apply, as they will be able to carry on with their traditional uses. How is this fair to all? Furthermore, enforcement of this policy is going to be a nightmare.

**One other traditional activity which involves the local school ski group, mothers with tot's and other young children is skiing in the Trail River Campground area. They have been skiing there for years, as the trails have been well maintained by snowmachines. The trails are wide and compact and extremely suitable for the above mentioned groups and many of the mothers imparticular, who ski while towing a tot behind them in a sled. It is also a skiiers haven for ski joring, skate skiing and anyone that would like to enjoy a well groomed trail.**

**On further note, many of us live here so that our children (teenagers imparticular) will be afforded the opportunities of recreation in the forest . Most do not have the ability to transport their motorized vehicles to other areas and have used out the door access to recreate in the forest. If the forest is closed to them during the winter in this particular manner, their choices for extracurricular activities are extremely limited.**

**In Summary:** the Definition of the Purpose and Need as Defined in the Draft EIS is:

Chapter 1 - Purpose and Need

The Purpose and Need for Action 1-1

1." On the Kenai Peninsula, maintain current road and trail access. Emphasize nonmotorized uses on roads and trails in the summer and **motorized uses in the winter. Establish seasonal time-shares for motorized and nonmotorized activities, allowing for motorized users in the most popular areas.** Establish areas for helicopter landings in winter and spring."

Chugach Naional Forest - Proposed Revised Land and Resource Management Plan 1-3 (96-100)

"After the initial environmental analysis was complete, on the range, the Forest Supervisor developed a preferred alternative. **This alternative used ideas from all the alternatives to incorporate a variety of interests and uses on the Forest into one alternative.** The alternatives are described in Chapter 2 of the DEIS."

**The Record of Decision does not reflect this, as the closures that have been implemented are not in the Preferred Alternatives.**

#### Chugach Revised Forest Plan - Record of Decision

1. Goals and Objectives pg. 5 States - " These goals are developed to adapt the Forest Service's national goals for sustainable forest management and multiple use management **to local conditions and concerns,** and in response to interestes raised by the public."

**Again, the most highly effected areas of Moose Pass and Cooper Landing were not involved in the Final Plan, due to the non existant public meetings and the lack of an Economic Analysis.**

2. Standards and Guidelines pg.6 States - "On the Kenai Peninsula, maintain current road access and maintain and increase trail access. Emphasize nonmotorized uses on

roads and trails in the summer and **motorized uses in the winter. Establish specific areas for nonmotorized winter activities.** Establish areas for helicopter use in winter and summer to minimize conflicts with other uses."

There are several areas that could be established for nonmotorized winter activities, that are not already proven popular motorized trails and areas. Examples: Mt. Alice, an area adjacent to the Sunrise Inn on the way to Cooper Landing and also the Grayling and Meridian Lake areas. They are not historically proven motorized areas and are quite accessible for skiers, unlike the Carter/Crescent Trail that is very steep and it's accessibility is extremely limited to skiers.

It is my understanding based on all of the facts, that this particular part of the Revised Land and Resource Management Plan, **was implemented arbitrarily and is capricious in it's entirety. It saddens me to think that a plan like this could even be possible.**

Sincerely and Respectfully,



Julie R. Lindquist  
Moose Pass Resident

cc: Representative Don Young  
Senator Frank Murkowski  
Senator Ted Stevens

02 OCT 28 PM 12:46

REG. MAIL OFFICE  
MAIL ROOM

02 OCT 28 PM 12:46

REG. MAIL OFFICE  
MAIL ROOM

2000 ST  
CANTON ST  
99004  
P

CERTIFIED MAIL

7000 0520 0034 9604 9052



FIRST CLASS MAIL

Return to  
1000 Third Street Alaska Region  
PO Box 2168  
Juneau, AK 99801-2168

