

From: Dave Miehke [mailto:davemiehke@charter.net]

Sent: Tuesday, May 29, 2012 1:49 PM

To: FS-appeals-chief

Cc: FS-appeals-eastern-regional-office; Dave Miehke; Arbogast, Kenneth -FS; Paulson, Barry -FS; Rowell, Patricia R -FS

Subject: APPEAL OF (RECORD OF DECISION 1-27-12) FOR FSEIS AND AMENDMENT #1 OF THE HMNF PLAN OF 2006

To: Tom Tidwell Chief of the US Forest
Service/USDA

5/29/12

From: David Miehke
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I am filing this appeal on behalf of myself, this appeal filed pursuant to the optional appeal procedures available during the "Planning Rule" transition period.

Appeal of Record of Decision of Regional Forester r9; Charles L. Myers dated January 27, 2012; Final Supplemental Impact Statement, to accompany Amendment #1 to the 2006 Land and Resource Management Plan of the Huron-Manistee National Forest.

Subject:

Proposal to Ban Hunting and Snowmobiling in Semi-Primitive Non-Motorized Areas, and Ban Hunting in the Nordhouse Dunes Wilderness Area as alternative #2; plus three other alternatives; one,#1 a "no action baseline" alternative (mandated by the NEPA process); and two other action alternatives #3 and #4.
per, Meister vs. U.S. Department of Agriculture #07-13008

Background Personal:

I have been involved in motorized recreation in the State of Michigan since the early 1970's.

I have been involved some HMNF Opportunity Area Analysis' and in the 2006 revision process/Friends of the Forest group and appeals to the 2006 Forest Plans on the Ottawa, Hiawatha and Huron-Manistee National Forests; as well as many appeals to site specific projects on the Huron-Manistee, requesting consideration of additional motorized recreation Opportunities.

I currently have started several FOIA requests regarding MVUM projects and road closures/exchanges on the HMNF.

A. Objections

1. I object to the selection of (alternative #4) in the Record of decision:

I object to any more "de-facto Wilderness" "special area designations" on the Huron-Manistee.

I objected to the carry over of the UNREALISTIC DESIRED FUTURE CONDITIONS "defacto-wilderness" 6.1 areas from the 1986 plan to the 2006 HMNF Plan in the revision process and in my collaboration in the administrative appeal to that Plan.

2. Notwithstanding the 3 established RNA's on the HMNF; I continue my objection to The 2006 Plan including about 19 new "special areas" or "Candidate" Research Natural Areas; that are set aside as "lands in holding" which could mean a ---- indefinite period up to perpetuity!!!

No demonstrated need was shown for these lands in holding where "RECREATION IS NOT ENCOURAGED"-EXTIRIPATED SPECIES CAN BE REINTRODUCED, and the candidate areas will be "managed" as if the areas went through the NEPA/public comment process until establishment records are complete and NEPA/public comment is entertained.

IT IS NOW 6 YEARS INTO THE 2006 PLAN AND I HAVE NOT SEEN ANY MOVEMENT OR (SOPA)"PROJECTS" TO ESTABLISH ANY NEW RNA'S.

[This is just another environmental preservationist group land grab foisted off by (THE NATURE CONSERVANCY/Michigan Natural Features Inventory) group that wrote a white paper calling for r9; region wide designations of areas that were ONLY REPRESENTATIVE AND not considered "UNIQUE"]

noted:{ THE NATURE CONSERVANCY buys and holds property for eventual transfer to the USFS and it appears that there are strings attached to this relationship}.

Other "Special Areas of Lands in Holding" include the "Study" Wild and Scenic Rivers that are managed as if they went through the NEPA/public comment process.

I object to the lack of analysis as to the cumulative effects of the additional "special areas" on social economics in addition to all the lands in holding cumulative effects on recreation in the HMNF..

THERE IS NO RELEASE MECHANISM FOR THE LANDS IN HOLDING AND THIS DOES A END RUN AROUND THE AUTHORITY OF CONGRESS TO DESIGNATE WILDERNESS.

B. Record Of Decision (pages noted as appropriate) AND Specific reasons/rationale for appeal; including issues of fact,law, regulation, or policy

1. ROD preface iv.
(Regional Forester...Forest Supervisor....
"to ensure the integrity of the analysis")

I FIND THE INTEGRITY OF THE ANALYSIS TO BE LACKING AND BIASED Re: the declarations section web site on seis HMNF 4 by Jim Thompson, 4 by Jeff Pullen and 1 by Barry Paulson; and the IDT team listed in the FSEIS document.

The roles and assignments for the retired employees and the replacements were as noted in the above documents .

DO THE ENDS JUSTIFY THE MEANS?

I am unable to determine if road closures on county roads/USFS roads were a personal goal of the Ranger and Assistant Ranger or National Policy from the Region and Washington.

I am leaning towards the conclusion that there is a bias throughout the HMNF towards a wilderness or rewilding of the HMNF.

Assistant Ranger John Hojenowski retired 12/31/11. (duties listed in declarations and fseis documents)

My phone conversation with Mr. Hojenowski in December he stated that he had asked former Manistee County Road Commission manager Les Kolk about abandonment of Pole Road in the [Manistee River SPNM area] and Mr Kolk had stated that they would not be abandoning that road from Red Bridge Fire Tower down to the Manistee River. He also got some type of verbal ok/non denial, from Kolk to place posts in the roads right of way.

My recent investigation of this non-standard illegal? closure also revealed that on my field trip to the Marilla Too Project with district ranger Jim Thompson that a new blockage of this road has occurred recently and new posts and extensive soils and spoils have been loaded in the road way. Mr. Larry Rector (adjacent landowner) has notified me that there is buried electric service and telephone cable in or near the now obstructed certified act 51 County Pole road servicing his homestead. Mr Rector also notified me that he approached USFS employees with a powered posthole digger placing posts in the road right of way where the utilities were buried warning them of the potential danger. The telephone service was cut but no USFS employees were electrocuted.

Jim Thompson District Ranger had requested posting/signage of this road (Aug of 2011) after the obstruction; to allow hiking only on this county road and when he was denied by the Manistee County Road Commission and they requested that the USFS remove the blockage on the roadways Ranger Thompson sent a letter back stating that the blockage would not be removed.

Jeff Pullen replaced by Jim Thompson on the SEIS Leadership team 12/31/11.

Mr Pullen (lead official on revision process) did make a statement during one of the revision process meetings including some of the Friends of the Forest; pre-2006 that many items in the 1986 Plan were off the table and not open for discussion, "Since this was a revision and not a rewrite."

The inertia of the HMNF is reflected in the 20+ year period to have the Briar Hills South area changed from SPNM to SPM because the area had snowmobile and motorcycle trails running through the area that could not be rerouted per the requests of the Sierra Club etal. Now it has taken another 5 years to get the MCCCT located off the motorized/snowmobile trail in that area.

The Settlement Agreement of 8/1/88 on the 1986 HMNF was basically carried forward to the 2006 without adequate analysis and review of on the ground conditions, with a return to "Pre-European Settlement conditions with the designation of vast areas of barrens and savannas , [Sierra Club etal. is the obvious winner.] The unrealistic expectation that desired future conditions had the potential to be realized led to 20 years of restricted recreation opportunities reduced timber production and conversion of productive lands to "Old Growth" habitat for Pileated Woodpeckers.

3. I hope USFS does not kick the can down the road by the selection of alternative #4 which only paints over the 6.1 areas with 8.4 designation which fosters unrealistic expectations of desired future conditons and highly restrictive standards and guidelines. The two designations are basically "de-facto wilderness" and should be designated by CONGRESS per LAW the 1964 wilderness act.

The realistic alternative #3 mostly roaded natural; with some modifications (some areas with non-motorized developed trails could be designated as specific recreational areas) this could meet the needs of the recreating public in the near future as well as developing our natural resources.

C. Relief Requested

1. I seek consideration of a change from selection of (alternative #4) selection of (alternative#3) with possible slight modifications (more areas should be classified as management area "roaded natural") to reflect a realistic goal matching the ROS with the management area designations some area could be designated as [recreation areas that have established on the ground infastructure non-motorized trails.]

Regarding snowmobile use ("On Designated Forest trails only" which is contrary to general use by the public of all unplowed open Forest roads and "Club trails that are currently being utilized by snowmobilers).

Restricting snowmobile use to Designated Trails and County roads will create crowding, deteriorate the condition of the groomed designated trails sooner and create a safety hazard with the forced use of plowed county roads. If the dispersed users of the Forest roads are concentrated on designated trails there are no options for bypassing poor trails conditions and connecting to destinations on and near the designated trail systems.

2. I request further analysis and clarification and consideration of the restriction on the use of (off road vehicles including snowmobiles) as stated in outdated regulations that were incrementally more restrictive as to policy on the HMNF.

- a. Order of the Forest Supervisor dated 12/13/76 and included exhibit 1,2 and 3;
- b. Order No.0904-040 dated 2/14/91;
- c. Order No. 0904-044 dated 1/27/92;
- d. Order Restricting Motorized Vehicles dated 6/13/02
{that document had a corrected/additional date/type over on the right margin (Order No. 5300/04/02/05).}

3. In the interest of transparency and public involvement and NEPA process I request that the Travel Management Rule be incorporated in this amendment to the 2006 HMNF Plan to include clear and concise expectations related to snowmobile useage on the HMNF.

No effort was made during the 2006 Revision process to to integrate the 2005 Travel Management Rule and procedures for due process and NEPA for public involvement in the MVUM ; ["Off road vehicle routes or trails are shown on the Motor Vehicle Use Maps but NOT snowmobile routes or trails" there is no footnote on the MVUM that snowmobile use is allowed on all open forest system roads], closures of Forest Roads that were/will be proposed [buried within site specific projects hidden from public knowledge] with out consideration of public input on "public uses of needed roads outside of administrative uses".

4. No demonstrated need for further restricting snowmobiles beyond generally accepted (prohibited cross country use); and closed or obstructed and properly signed closures on the ground of roads/special use or season specific trails.

No proof of harm or data to support unacceptable resource damage on open forest roads during the short snowmobile season from approx.Dec 1 to Apr 1 when "adequate snow/ice" is on the ground.

Thank you for your consideration

David Miehke