

June 15, 2009

USDA Forest Service
ATTN: Data Quality Official
Mail Stop 1143
1400 Independence Ave. SW
Washington, D.C. 20250-1143
Via Federal Express

USDA Forest Service
Ashley National Forest
Forest Supervisor Kevin Elliot
355 N. Vernal Ave.,
Vernal, Utah 84078
Certified Return

USDA Forest Service
Flaming Gorge Ranger District
Acting District Ranger Rowdy Muir
Intersection of Highways 43 and 44,
Manila, Utah 84046
Certified Return

Dear Responsible Officials:

The enclosed request for correction of information is submitted under USDA's Information Quality Guidelines.

This request for correction of information disseminated to the public and local, state and federal agencies is in reference to Motorized Travel Plan, Draft Environmental Impact Statement, Ashley National Forest/ Duchesne, Daggett, and Uintah Counties, Utah and Sweetwater County, Wyoming, 72FR63548-63554 NOI; 72FR67594 Correction; and 73FR17859-17860, EPA Notice of Availability EIS No. 20090113, Draft EIS (ANF/FGNRA Travel Management Plan DEIS and comment extension to July 16, 2009) and any other such posting or material, past, present, or in the future, as pertains to the name, location and depiction on USFS travel or transportation maps of Holmes Crossing and/or Brinegar Ferry situate on the Green River within the Flaming Gorge National Recreation Area lands and development within Sweetwater County, State of Wyoming administered by the USDA-Ashley National Forest.

Requestor Contact Information:

Lee Roy Brinegar
110 3rd Street
Rock Springs, Wyoming 82901
(307) 382-3377

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FOIA/PA

Description of Information to Correct:

Information submitted or disseminated to any federal, county or state agencies, highway transportation departments or historical preservation offices, or to the public associated with Scenic Byway Site determinations, 2005 and future Flaming Gorge District Travel maps/analysis (MVUM), DEIS or FEIS/ROD; USFS Transportation Atlas; audio-visual and/or PowerPoint presentations; subsequent historical markers, and routes to historical markers incorrectly referenced solely as "Holmes Crossing". [enclosures as follow]

Explanation of Noncompliance with OMB and/or USDA information Quality Guidelines:

Providing false and/or inaccurate information to support an agenda need or claim in furtherance of gaining a predetermined outcome. The site, "Holmes Crossing" on the Flaming Gorge National Recreation Area 2005 Travel Map and/or analysis and aforementioned ANF/FGNRA Travel Management Plan DEIS alternative mapping does not conform with 67FR8458-8459 *III. Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies*, subsection 2, or subsection 4; *shall apply to information that the agency first disseminates on or after October 1, 2002.*

Utility was/is not addressed in such manner to "ensure that transparency has been addressed" in the review of the information provided the Regional Forester and Forest Supervisor by the Flaming Gorge District Ranger of the day. And not in a fashion where involved Wyoming State or local agencies/governments could fully and publically evaluate and come to the same conclusive historical determination as presented by the USDA-USFS to the public thereafter. There is no mention in the November 15, 2002 District Ranger letter for "Proposed Name Change" [ref. 2-USFS1 District Ranger Letter] of Brinegar Ferry or its exact location or District Ranger personal conversation with Mr. Lee Roy Brinegar [ref. 3-Brinegar Letter 150609] when researching information to request a name change in furtherance of, in part, "*a Scenic Byway Site*" that "*will compete for the highest byway rating.*" Nor was the exact location of the Holmes ranch, prior to the Flaming Gorge Dam and reservoir as authorized by the 1956 Colorado River Storage Act, researched and divulged in the letter of proposed name change, or where the Holmes family actually did cross the Green River relative to their ranch house. "Holmes Crossing" as now historically depicted by USDA-USFS on the 2005 Flaming Gorge Travel Map/analysis and ongoing Environmental Impact Study for Travel Management alternatives A through E, is incorrect.

The Holmes ranch and crossing were located about 6 miles (as the crow flies) north of what USDA-USFS presently represent as "Holmes Crossing". "Holmes Crossing" as depicted by USFS officials in the November 15, 2002 letter, is actually Brinegar Ferry; a once working ferry operated by a working ranch that could ferry 100 head of yearling sheep per crossing and equipment such as a "round-top" sheep camp [ref. 4-Brinegar ferry sheep camp] across the Green River prior to and during the construction of Flaming Gorge Dam. In fact, the Brinegar Ferry is still resting at the bottom of the reservoir where Bureau of Reclamation left it when the reservoir was being filled.

Objectivity in "presentation" was not supported by complete factual documentation to the Forest Supervisor or Regional Forester with the November 15, 2002 District Ranger letter of proposed name change, and ultimately is not supported thereafter to the public at large. No other factual

documentation was applied to the request for name change other than the November 15, 2002 letter content itself which presented hearsay, innuendo and/or personal opinion. Historically credible information was available to the USDA-USFS and could have lent credence to ensure an accurate, clear, complete, and unbiased presentation for review by the Forest Supervisor or Regional Forester in their determinations to proceed with the request but that historical information was refrained from being utilized. By not including full disclosure of accurate information, the USDA-USFS information Quality Guidelines adopted have failed to perform as directed by OMB guidance and as evidenced by the Forest Supervisor and Regional Forester approving the name change [**ref. 5-USFS2 Forest Supervisor letter and 6-USFS3 Regional Forester letter**]. The Regional Forester otherwise could not, in good faith, have determined "...reflective of the family who operated the ferry crossing at this site, supports the opportunity for historic interpretation" without being presented information that was not factual in the first place, but instead the personal opinion of a Forest Service employee, employees and/or contractor(s).

Information concerning the November 15, 2002 letter statement of presumed fact, "*this historic site housed a ferry crossing which was operated by the Holmes family*" is not correct as portrayed or disseminated from the Flaming Gorge District Ranger and others to the public, or to the Forest Supervisor and Regional Forester for their respective authorizations for name change. The November 15, 2002 letter is based on supposition and personal opinion from "*additional discussions with Byron [Loosle]*" and others. This in effect, since that date, has never been divulged to the public by the agency as being "opinions, where the agency's presentation makes it clear that what is being offered is someone's opinion rather than fact or the agency's views."

To the contrary, "Holmes Crossing" has been offered to the public in a PowerPoint presentation as recently as May 19, 2009 during the Ashley National Forest – Flaming Gorge National Recreation Area Travel Management Plan draft Environmental Impact Statement public open house meeting held in Green River, Wyoming at Western Wyoming Community College, John Wesley Powell room, in a manner of being historically and factually correct; which of course it is not.

Thus, **Quality** as defined by OMB has been, and continues to be compromised within the parameters of USDA Information Quality Guidelines so long as this misinformation continues to be published.

Therefore, **information dissemination product** via map, audiovisual production, or other documentary material has also been subjected to historical compromise since the March 13, 2003 approval of the November 15, 2002 request of name change by the Regional Forester and the subsequent publishing of maps and other documentary material portraying inaccurately the Holmes as the "*...family who operated the ferry crossing at this site,...*" which by all accounts of evidence was the Brinegar family ranch operation. [August 10, 1917 Rocket Miner newspaper pictures of "Green River Investigation - Brenninger's Ferry": **ref. 7-Brinegar Ferry 1917-1 and 8-Brinegar Ferry 1917-2**; November 1959, Army Map Service, Army Corps of Engineers, NK12-9 map: **9-Army map pic, 10-Army map date, 11-Army map legend, 12-Army map Holmes&Brinegar ranch locations; and 13-Buckboard Crossing USGS 1957**]

Explanation of the Effect of the Alleged Error:

The USFS has arbitrarily changed known historical facts and sites surrounding Wyoming's history, the Green River, historic ranching operations and their respective locations; confused longtime public users and inhabitants of the area; and today is disseminating a historic untruth to younger generations of tourists and travelers visiting the Flaming Gorge National Recreation Area. As well, any information applied for purposes relating to gain federal, state or local public funding for these historical sites are grossly misrepresented by this rewriting of historical record.

Recommendation and Justification for How the Information Should be Corrected:

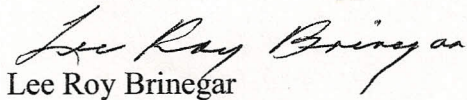
Both historical sites; Holmes Crossing and Brinegar Ferry can justly be historically recognized and corrected for Scenic Byway Sites and to the public by placing the proper Holmes Crossing connotations at Buckboard Road and placement of Brinegar Ferry history at its historical site on what the USFS denotes as Squaw Hollow Road referenced on all DEIS Flaming Gorge NRA draft travel management alternative maps http://www.fs.fed.us/r4/ashley/projects/travel_management.

This information can be corrected prior to the ANF/FGNRA FEIS/Record of Decision by the Responsible Official. Should this request for correction somehow be found "stale" by the Agency, the only justification for that reasoning could be with the Agency's own flawed research and ultimate dissemination of inaccurate information from the beginning.

The justification for this correction rests in respect for past and current generations and their memory and future generations of people being allowed a truthful rendition of historical fact as evidenced by other enclosed references: "Valuation Report of Brinegar Ranch, 01/26/1962" – item numbers 18 and 19, page 3; USGS 1957 pre-Flaming Gorge reservoir, Currant Creek Ranch, WYO-UTAH and Buckboard Crossing, WYO-UTAH combined Quadrangle mapping depicting Brinegar's private lands in the color red, state indemnity lands in the color yellow and grazing allotment boundary line [ref. 14 through 19].

Please respond to this request for correction in writing and in the FEIS/ROD.

Sincerely:



Lee Roy Brinegar

Enclosures via Compact Disc (CD)

cc: Wyoming State Historic and Preservation Office – via CD
Wyoming Department of Transportation – via CD
Wyoming Tourism Board – via CD
Governor, State of Wyoming – via CD
Honorable U.S. Representative Cynthia Lummis – via CD
Honorable U.S. Senator Mike Enzi – via CD
Honorable U.S. Senator John Barrasso – via CD
Board of County Commissioners, Sweetwater County, Wyoming – via CD