

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

RECEIVED

JUN 29 2009

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:

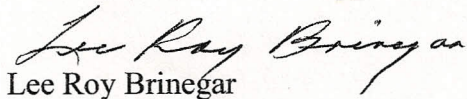
Both historical sites; Holmes Crossing and Brinegar Ferry can justly be historically recognized and corrected for Scenic Byway Sites and to the public by placing the proper Holmes Crossing connotations at Buckboard Road and placement of Brinegar Ferry history at its historical site on what the USFS denotes 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



File Code: 1300/2300

Date:

JUL 06 2009

Mr. Lee Roy Brinegar
110 3rd Street
Rock Springs, WY 82901

Dear Mr. Brinegar,

This letter acknowledges receipt of your June 15, 2009 letter, mailed via Federal Express on June 26, 2009, which we received on June 29, 2009. You submitted a Data Challenge to the "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 6, 2009) and any other such posting or material, past, present, or in the future, as pertain to the name, location and depiction on USFS travel or transportation maps of Holmes Crossing and/or Brinegar Ferry situated 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."

We have accepted your Data Challenge and are in the process of reviewing it to prepare our response. In accordance with USDA policy, we will respond to you within 60 calendar days of receipt. The response will explain the findings and the actions the agency will take (if any) in response to the complaint. If the request requires more than 60 calendar days to resolve, we will inform you within that time period that more time is required, and the reasons for the delay, and an estimated decision date.

If you have any administrative questions, please contact the Quality Information Officer, George Vargas, at 202-205-0444 or send an email to gvargas@fs.fed.us

Sincerely,

LORRIE S. PARKER
Acting Director, Office of Regulatory and Management Services

cc: Kris Rutledge, Deidre S StLouis





File Code: 1300/7700

Date: SEP 02 2009

Mr. Lee Roy Brinegar
110 3rd Street
Rock Springs, WY 82901

Dear Mr. Brinegar:

This letter is in response to your data correction request dated June 15, 2009, received by our office June 29, 2009. You requested that we change incorrect information in the Motorized Travel Plan, Draft EIS:

"This request affects information disseminated to the public and local, state and federal agencies in reference to the 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 73FRI7859-17860, EPA Notice of Availability EIS No. 20090113, Draft EIS (ANF/FGNRA Travel Management Plan DEIS and comment extension to July 6, 2009) and any other such posting or material, past, present, or in the future, as pertain to the name, location and depiction on USFS travel or transportation maps of Holmes Crossing and/or Brinegar Ferry situated on the Green River within the Flaming Gorge National Recreation Area lands and development within Sweetwater County, State of Wyoming, administered by the Forest Service."

Specifically, you believe that the site referred to as Holmes Crossing on the Flaming Gorge National Recreation Area is misnamed and request that all information referring to Holmes Crossing be corrected in the present planning process as well as in any Scenic Byway Site determinations, the Ashley National Forest's transportation atlas, any audio-visual presentations, and historical markers created by the Forest Service.

The site in question is a Forest Service improved recreation site about 5 acres in size. The original name was Squaw Hollow; the name was changed to Holmes Crossing after consultation with the Ute and Shoshoni Tribes. All maps and documents being used in the travel management planning process use the new name, Holmes Crossing, as approved by the Regional Forester on March 13, 2003. The substance of your letter and enclosures address the process and facts used to make the name change.

In addition, we believe the information is in compliance with the USDA requirements under the Data Quality Act, as follows:

1. Utility and transparency: You assert that insufficient research and public disclosure was conducted at the time of the name change. Records included in the data challenge, as well as the Forest Service correspondence files, indicate that the name change was made following procedures in Forest Service Manual (FSM) 1242. This is not an action that requires public comment under the National Environmental Policy Act. However, the District Ranger did inform the public of the proposed name change at several public meetings and made personal contacts with parties likely to be interested in the change, including you. The District Ranger also consulted with the Forest archaeologist to ensure that the new name was appropriate for the site. As a result, the name "Holmes Crossing" was approved and maps, documents, road signs and other materials must show this name in order to be accurate.



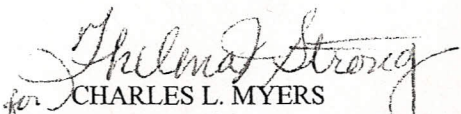
2. Objectivity and quality: You assert that the new name was selected based on insufficient or inaccurate historical information, and present maps and photos suggesting the ferry operated at this site was actually owned by your family. However, the substance of this challenge is whether or not documents prepared and disseminated as part of the travel management planning process (and any other Forest Service documents distributed to the public) are accurate. As shown in the response to #1, above, the name Holmes Crossing was assigned to the recreation site using proper procedure and by the proper authority. Therefore, the travel planning documents must show this name; any other name would be inaccurate at this point in time.

In conclusion, the name Holmes Crossing was assigned to the Forest Service recreation site in question following proper procedures and must be used on all maps and documents prepared by the Forest Service unless and until that name is formally changed. The documents being disseminated by the Forest Service as part of its travel management planning process are therefore accurate. The historical questions raised in your challenge are best addressed by working with your local Forest Service officials. Property records show a variety of landowners in the vicinity of the recreation site in the early 1900s, including your family, the Holmes family, and others.

If you are dissatisfied with this response, you may submit a Request for Reconsideration (RFR) within 45 days after the date of this letter transmitting our decision on your original request for correction. An RFR filed after the 45-day deadline may be denied as untimely. The RFR should reference this letter and its enclosure. Additional requirements and information for an RFR are located at this link: http://www.ocio.usda.gov/qi_guide/corrections.html. An RFR may be submitted to the following street address, facsimile, or email address:

USDA Forest Service
Attn: George Vargas/Information Quality Officer
Mail Stop 1113, 1 SW Yates Building
1400 Independence Ave, SW
Washington, DC 20250
Fax: 202-260-3245
gvargas@fs.fed.us

Sincerely,


for CHARLES L. MYERS
Deputy Chief for Business Operations

cc: Kathy Paulin, Deidre S StLouis