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COPY

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

RE: Notice of Appeal - Revised Land & Resource Management Plan, R10 MB-4806

Dear Reviewing Officer:

I am writing this letter as a **Notice of Appeal**, pursuant to **36 CFR part 217**, page 46 in the Record of Decision. I have provided **my name, address, and telephone number above**, as required by 217.9 (2).

I am hereby **appealing the Preferred Alternative as described in the Final Environmental Impact Statement and the corresponding Revised Forest Plan, with specific regard to the areas available for motorized and non-motorized activities**, with modifications described in the Record of Decision for the Chugach National Forest, page 3.

The document in which this decision is contained is the **Revised Land and Resource Management Plan Record of Decision, R10 MB-4806**. The date of the decision was **May 31, 2002**, and the **Deciding Officer was Regional Forester, Dennis E. Bschor**.

Specific Objections to the Plan

The specific sections of the document to which I object are as follows:

- I object to the closure of Crescent Lake to all winter motorized use.
- I object to the closure of Carter Lake to all winter motorized use.
- I object to the closure of highway corridors along the Seward Highway and Sterling Highways, specifically from Cooper Landing to Summit Lake and Moose Pass, to all winter motorized uses.
- I object to the closure of Trail River Campground located south of Moose Pass, to all winter motorized use.
- I object to the closure of Russian Lakes Trail to Aspen Flats Cabin, to all winter motorized use.

Basis for Appeal

First, the public was not involved at key points during the Environmental Analysis process, and the process therefore violates proper public disclosure and due process.

The Final EIS states, "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."¹

- The communities that will be most affected by the decision to completely close areas to snowmobiling, were not contacted or involved in the final stages of the revision process. The decision to close these areas was made in March, 2001, but was not included in any of the proposed alternatives. This is in violation of EIS 3-508.²
- The communities that will be most directly affected by such changes are Moose Pass and Cooper Landing. There were no public meetings held in those most highly affected communities.
- The meeting in Seward was not well attended because the Forest Service failed to advertise the meeting properly. Following the decision to close areas to snowmobiling, no further drafts were released for comment, so there was no way for the public to find out that these major changes were proposed. This is in violation of 36 CFR 219.12.³
- None of the closures that I have referenced in my "Specific Objections to the Plan" were included in the Proposed Revised Forest Plan's preliminary alternatives on which the public, including myself, submitted written comments. If these closures were anticipated by the Forest Service, the public should have been given adequate time in which to discuss these proposed closures. The proposed alternatives did discuss a possible time-share closure for Crescent and Carter Lakes, which would have left access open at some times, and closed at others. However, there was never an opportunity for the public to comment on the complete closure of these areas to winter motorized access.

¹ Final Environmental Impact Statement, Chapter 6, page 2.

² "The opinions of potentially affected residents are an important consideration in the planning decision."

³ "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."

Second, in the Record of Decision, the Regional Forester stated that his goal in the Chugach National Forest on the Kenai Peninsula, was to “maintain current road access and maintain and increase trail access.”⁴ **The Revised Forest Plan is entirely inconsistent and contrary to the Regional Forester’s stated goal.**

- Closing the road corridors to motorized access does not fulfill the stated goal of maintaining road access and, in fact, is in direct conflict with the stated goal.
- The possibility of closing the road corridors on the Seward Highway and Sterling Highway was not included in any of the alternatives in the Proposed Revised Forest Plan.
- The areas to be closed are located directly adjacent to the road system and represent the corridors by which local residents have traditionally and historically accessed the forest. Closing these corridors will limit the accessibility of the forest to all local residents. The only people who will be able to access the forest will be those who have a truck and trailer to tow their snowmobiles great distance, and who are able to travel far from the road system to enjoy their winter recreation. Alaskan residents who have historically and traditionally used the highway corridors to access the forest, will be unable to access the remaining open areas of the forest.
- The Regional Forester further stated that he wanted to “establish specific areas for non-motorized winter activities.” However, it makes no sense to earmark the areas directly adjacent to the road system, as non-motorized. In addition, the areas of Crescent Lake and Carter Lake which are proposed to close, are not accessible to skiers, so it makes no sense to close such popular snowmobiling areas, since non-motorized users will gain no benefits.

Third, the final decision closes areas to snowmobiling for the entire winter, but none of these closures were shown in any of the alternatives or in the draft preferred alternative. Therefore, the public had no knowledge that these areas would be closed to snowmobiling, and were prevented from commenting on these proposed closures.

- The Record of Decision states that “the Preferred Alternative was constructed primarily by considering Alternatives A through F of the DEIS and combining components of each.”⁵ None of the alternatives or the draft preferred alternative included the possibility of winter-long closure of these most popular snowmobiling areas.
- The decision to close Carter Lake, Crescent Lake, Tern Lake, Lower Russian Lake, and the road corridors – which represent the most popular snowmobiling areas on the Kenai Peninsula – in no way represents a component or compilation of any of the alternatives of the DEIS. This decision was **arbitrary and capricious**.

⁴ Chugach Revised Forest Plan - Record of Decision, p. 6.

⁵ Ibid., p. 29.

- In the draft alternatives which the public reviewed, including the preferred alternative, the most restrictive closure of snowmobiling still provided open access to snowmobiles from December 1 through February 15. Once again, none of the alternatives discussed complete closure of these areas to snowmobiling.

Fourth, the Revised Forest Plan fails to take into account the adverse economic impacts of snowmobile closures in these areas of the Kenai Peninsula Borough.

- The economic analysis does not examine any data or provide any analysis suggesting how snowmobile closures will impact local businesses during the winter months. In each of the proposed alternatives, only one sentence addresses the economic effects of motorized versus non-motorized winter recreation. There has obviously been no attempt to quantify the economic impact of such closures.
- The communities surrounding the proposed areas of closure rely heavily on snowmobile enthusiasts to support the winter economy. Specifically, the closure of these areas will have a significant adverse impact on the hotels, restaurants, gas stations and grocery stores in the area, who depend heavily on tourism to sustain the local economy.
- Because the proposed closures were not discussed in the proposed alternatives of the Plan, local communities and businesses have not been given adequate notice to comment about the adverse economic impacts of this proposal.
- Input by local government agencies – including the Seward City Council and the Kenai Peninsula Borough Assembly – was largely ignored by the planning team and the deciding officer. When the Seward City Council saw that the Preliminary Revised Forest Plan proposed to close one popular area to snowmobiling (Lost Lake) the Council passed a Resolution opposing any revision to the Forest Plan that would adversely impact the community's efforts to promote the winter economy. The proposal to close Lost Lake was subsequently rescinded, leading the local government to conclude that it was successful in heading off any potential closures. However, no local government agencies were notified of additional pending closures, since such closures were not advertized in any of the alternatives. Had local government agencies been given the opportunity to comment on other proposals to entirely close areas adjacent to their borders, they would have responded again to oppose any such reductions in motorized access to the forest.
- Currently, individuals are able to traverse along the road corridors between the communities of Moose Pass, Cooper Landing and Summit Lake. The closure of these areas to snowmobiling, for no validly stated reason, serves to isolate communities and businesses from one another.
- The Revised Forest Plan will most definitely have a substantial adverse economic impact on winter tourism in this area of Alaska, which is heavily dependent on winter tourism to sustain its off-season economic base.

Fifth, the Forest Service failed to properly notify the public of the deadline for submission of a Notice of Appeal. That information is nowhere to be found in the Record of Decision, in the Executive Summary to the EIS, the Revised Forest Plan document, or on the Forest Service own's web site. I called and spoke directly with the Forest Supervisor, Dave Gibbons, and was told that comments were due "within 90 days of the date specified in the published legal notice of the decision", but he could not give me the specific date on which the legal notice was published. I personally read the Record of Decision, fully expecting to find mention of the particular deadline for filing an appeal. Unfortunately, that document simply states, "within 90 days of the date specified in the published legal notice of this decision". I made numerous inquiries and was unable to find someone from the Forest Service who could definitively give me the deadline for filing a Notice of Appeal.

Sixth, the decision to close areas to snowmobiling for the entire winter is arbitrary and capricious. It is not based on any analysis or data supporting a need for more areas to be closed to snowmobiling.

- Alaska is a vast land with abundant opportunities for "quiet recreation". There has been absolutely no data substantiating the so-called demand for more quiet areas. ⁶
- Closing Carter Lake and Crescent Lake so that non-motorized users will have more area available, makes absolutely no sense. The trail to the lakes is very steep with sharp turns, making it nearly impossible to ski. The cabin at Crescent Saddle is located approximately 6 miles up the trail, and requires fuel oil to be carried by the users. Skiers cannot negotiate the trail, let alone negotiate the trail carrying sufficient fuel supplies to utilize the cabin. Thus, the area is being reserved for a few elite skiers, not for the average non-motorized winter recreationalist. In this particular closure, nobody wins. The decision to close this area is therefore arbitrary and capricious.
- EIS 3-553 states that with regard to recreation and tourism, "Estimates of Present Net Value were not calculated for recreation. The major reason for this is that the total amount of recreation use does not vary between alternatives." This statement substantiates my claim that none of the alternatives discussed closing areas to snowmobiling. Such closures were inserted into the Plan only at the eleventh hour.
- Closing these four major snowmobiling locations will drastically reduce winter recreation opportunities in this area of the Kenai Peninsula Borough.

⁶ EIS Appendix K - Kenai Peninsula Borough Resolution 2000-108 dated 11/21/00, passed unanimous 9-0. A public meeting held in Soldotna was attended by more than 200 people who overwhelmingly opposed any snowmobile closures and, in fact, requested additional areas to be open to snowmobiling, as well as the construction and improvement of existing trailheads.

Seventh, there was no scientific analysis done to determine the impact of year-round snowmobile closures on particular user groups, such as the elderly, people with disabilities, families with children, and the resultant Plan disparages these groups.

- The areas proposed to be closed to snowmobiling are among the most popular family-friendly recreation areas. The closure of these areas will leave very few areas accessible to families, and will therefore create over-crowding in the few areas that remain open.
- Currently Barber Cabin is the only ADA-accessible cabin available to people with disabilities. Under the Revised Plan, snow machine use is closed in this area, preventing people with disabilities from reaching the cabin, and therefore excluding them from winter recreation opportunities in this entire region.
- When analyzing the number of backcountry cabins available for winter recreation, there are 15 cabins available from December 1 through April 30, equating to 2265 cabin days. Under the Revised Plan, 100% of these days are available to non-motorized users. Presently, before these revisions, only 50% of these days are available to motorized users. After the proposed changes, there will only be 9.8% of these days available to motorized users (3 cabins x 74 days). The cabins proposed to be available to motorized use are located at least 5 miles from a road system, and require technical riding skills, making them inaccessible to families with children, the elderly, or disabled individuals. These figures show a strong disparity in favor of backcountry recreation opportunities, which only benefit elite athletes, at the expense of the average recreationalist.

Eighth, the Preferred Alternative misleads the public, as it claims to “emphasize winter motorized recreation”⁷. However, in this particular area of the Chugach National Forest, there are **only reductions** proposed in winter motorized recreation, in the form of closures. There have been no additional areas open to motorized recreation, nor has there been any consideration given to open areas previously closed to snowmobiling (such as Resurrection Pass).

- In every case, the closures that I have noted above, are family-friendly areas located directly adjacent to the road system. The proposed changes claim to have been made in order to provide increased “back country access”. However, that argument is not valid in the areas that I have addressed, since all of these areas are directly adjacent to the road system and obviously do not represent back country recreation opportunities.
- The Preferred Alternative claims to enhance winter motorized recreation, but in fact, does the exact opposite.
- There are areas on the map which are shown to be closed to winter snowmobiling, but these areas are shown as open in the EIS (Russian Lakes Trail, Primrose Trail, Old Sterling Highway). This makes it all the more difficult for the public to understand the changes.

⁷Chugach National Forest “Environmental Impact Statement & Revised Land and Resource Management Plan” Executive Summary, p. 8.

Life-Long Resident of Alaska

I have lived in Alaska nearly my entire life, and motorized recreation is an integral part of my quality of life and my ability to provide healthy recreational opportunities for my children. In the winter, we spend nearly every weekend on our snowmobiles, camping in the cabins, skiing, or ice fishing. The closure of these family-friendly areas to snowmobiling eliminates access to almost every nearby forest that my family has utilized to snowmobile for the past 30 years. All of these proposed areas of closure are immediately adjacent to the road system. By closing the very areas that are most accessible to families and handicapped individuals, the Plan forces us to take young children further from the road system, and therefore increases the risk of people getting lost, injured due to cold or traveling in unfamiliar areas, or possibly killed due to increased avalanche dangers. In addition, these areas provide prime ice fishing opportunities for families, and without snowmobile access, families who have enjoyed this activity for generations, cannot reach the lakes. And the areas that are proposed for closure are not even accessible by skiers, so it makes no sense to close them to snowmobiling.

Specific Changes I Propose

I would propose that the Forest Service maintain the status quo with regard to Crescent and Carter Lakes, and leave those areas open to snowmobiling in the winter, since the lakes are not accessible by skiers. I would further propose that the status quo be maintained with regard to the road corridors located along the Seward Highway, between Seward and Moose Pass, and Cooper Landing. By maintaining the status quo, no harm is done either to the local economies of these areas, or to the thousands of Alaskan residents who have enjoyed access to these areas of the forest for generations. I would sincerely appreciate your consideration of these changes.

Sincerely,

A handwritten signature in cursive script that reads "Kristin M. Erchinger". The signature is written in black ink and is positioned below the word "Sincerely,".

Kristin Erchinger