



October 21, 2002

USDA Forest Service
Attn: Barbara Timberlake
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Washington, DC 20250-1140

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

The decision I am appealing is the Preferred Alternative specified in the FEIS, Revised Land and Resource Management Plan of the Chugach National Forest Record of Decision R10 MB-480b, including modifications listed on page 3 of the ROD. The date of the decision was May 31, 2002, signed by Regional Forester Dennis E. Bschor. The portion of the decision I am particularly opposed to concerns motorized and non-motorized winter recreational access on the Kenai Peninsula segment of the Chugach National Forest.

I have been a resident of Moose Pass for 15 years, relocating here in order to have the opportunity to enjoy recreational activities 'from my doorstep'. I am active in our community; I have previously been elected Vice President of the Moose Pass Sportsman Club which sponsors winter activity fundraisers for the community. I regularly attend any public meetings hosted by the Forest Service and have provided comments on many Forest issues in the past. I'm both an avid skier and snowmachiner, and hope to continue to enjoy exploring the Chugach NF by both methods.

I am opposed to all winter motorized area closures on the Kenai Peninsula as described in the Preferred Alternative. Specifically these areas include:

- Crescent/Carter Lake area
- The area north of Summit Lake
- Russian Lakes Trail to Aspen Flats Cabin
- Bear Lake area in Seward
- The areas along the Sterling and Seward Highways from Cooper Landing to Summit Lake and Moose Pass
- Trail River Campground
- North Fork of Snow River

I can appreciate a skier's desire to recreate in "quiet areas" of the Forest, but designating areas specifically for this user group is not the solution. Skiers unequivocally have access to the entire Forest due to their mode of travel; ie. narrower travel corridors, ability to hike over rocks, streams, etc. Snowmachines are limited in the areas they can recreate. These areas must include highway access, adequate snow cover, open travel corridors and minimum slopes.

If areas need to be designated as non-motorized, to develop "quiet areas", such areas should be located in portions of the Forest that will benefit the skier and not discriminate against snowmachines. Such areas would be Mt. Alice in Seward and/or near Sunrise Inn in Cooper Landing.

Specific Appeal Points

1) A thorough economic analysis was not completed addressing the impact that snow machine access closures will have on local business in the winter months.

EIS 3-345: The economic effect portion does not indicate a quantitative economic analysis was conducted for the Moose Pass community. There is only **one sentence** that is listed in each alternative for economic effects regarding motorized and non-motorized winter recreation, and it is essentially identical for both recreational activities. In 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." I believe 36 CFR 219.21 was not adhered to in this decision because the analysis was conducted for the summer months only. The winter economy was not addressed, so the analysis and economic effects section can not be completed until more information is known.

Businesses in the affected area such as: Summit Lake Lodge, Trail Lake Lodge, local bed and breakfasts and restaurants were not contacted about potential snowmachine closures prior to the decision to select the Preferred Alternative.

Moose Pass is designated as an impoverished community and is also a designated HUB Zone. HUB stands for Historically Underutilized Business that indicates it is an economically disadvantaged community.

The decision to institute snowmachine closures on the Kenai Peninsula will affect the community of Moose Pass the greatest, considering the majority of snowmachine closures fall within the community borders. While summer tourism contributes greatly to the local restaurants, bed and breakfasts and gift shops, the number of visitors to Moose Pass are greatly reduced during our long winter months. Within the last 5-7 years, local businesses have steadily increased winter tourism in this community by sponsoring snowmachine runs, fundraisers and advertised reduced winter lodging rates in order to attract more income from this user group. Reducing the amount of areas that snowmachiners can access in Moose Pass will have a significant impact on this small community.

Input by local governments such as the Kenai Peninsula Borough, City of Soldotna or the City of Seward was basically ignored by the Planning Team and Deciding Officer. There are various Agency, Native, Government and Elected Official letters in EIS Appendix K.

One document, Kenai Peninsula Borough Resolution 2000-108 dated 11/21/00, references a public meeting regarding snowmachine closures. Over 200 residents overwhelmingly supported no additional snowmachine closures and prefer more areas be opened and trails constructed. This resolution includes a Forest Service quote that they have not completed any scientific studies to support the closing of areas to snowmachines based on social or economical conflicts. The resolution was unanimously passed 9-0.

In 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..."*. These studies the Forest Service refers to do not include winter recreation--how can the decision be made to close popular snowmachine areas without studying what the economic impact would have on local communities?

In EIS 3-543: *"In order to estimate employment impacts associated with recreation several elements are necessary to conduct a reasonable and meaningful analysis."* *"Since none of these elements were adequately met for the recreation and tourism activities presently taking place on the Forest, no impact analysis is quantified."* Again, how can the deciding officer make such major changes (year-round snowmachine closures) in recreation use without assessing the potential impacts?

The EIS must disclose any negative impacts the snowmachine closures will have on the community. These impacts were not addressed in the EIS or subsequent Forest Plan.

2) The year- long non-motorized winter access areas in the final decision are not expressed in any of the alternatives or in the draft preferred alternative the public was presented with during the scoping process.

The ROD states: *" The Preferred alternative was constucted primarily by considering Alternatives A-F of the DEIS and combining components of each."* Several of the most popular snowmachine areas such as Carter Lake/Crescent Lake, Lower Russian Lake, the entire area surrounding Tern Lake west to Cooper Landing and north past Summit Lake are included in a year-round snowmachine closure in the Preferred Alternative. This decision is not a combination of any alternatives presented to the public for comment.

In EIS 2-19: "Some changes have been made in the Preferred Alternative in the Final EIS, in response to public comment and ID Team review (see Preface, Summary of Changes in the FEIS Preferred Alternative). However, these changes did not significantly affect outputs or the effects analysis." The public did not have the opportunity to comment on year-round snowmachine closures in areas mentioned above because these closures were not included in the Draft Preferred Alternative or any other alternative.

Moose Pass and Cooper Landing, communities most effected by these snowmachine closures were not contacted or involved in the final stages of the Revision Process proposed in March, 2001. "Follow-up Meetings" were held in Anchorage, Girdwood, Seward, Soldotna and Hope in March, 2001. The residents communities of Moose Pass and Cooper Landing were not informed that major changes were being proposed or that another draft was released for formal comment. I believe regulation 36.CFR 219.12 was not adhered to in the public scoping process.

3) Certain user groups such as families with young children, the elderly and people with disabilities will be impacted by snowmachine closures on the Kenai Peninsula. No scientific study was completed to identify and address these impacts.

Due to a lack of this type of analysis appearing in the EIS, a local, independent analysis of the Winter Motorized GIS map was done showing the following statistics:

Backcountry Cabins available for winter recreation use (15 total, excluding the two Paradise Lake and Boulder Creek Cabins that are inaccessible in the winter):

Total cabin days available (Dec 1-April 30): 2265 days (15 cabins x 151 days).
Under the Revision only **50 %** of these days are available to motorized users and **100%** of these days are available to non-motorized users.

After February 15th of each year, **1110 cabin days are available to non-motorized users** (15 cabins x 74 days), while only **222 cabin days are available to motorized users** (3 cabins x 74 days).

A clear, disproportion exists between the two user groups regarding FS cabin availability and access, especially in the spring season when snow conditions and weather are the most ideal. It is also interesting to note that non-motorized users have access to FS cabins 365 days a year for "quiet areas". Winter motorized users are restricted by snow coverage and limited to the timeframe of Dec. 1- April 30, only 150 days on average. On the Resurrection Pass Trail, snowmachiners are further limited to the timeframe of Dec. 1-Feb 15, essentially 74 days of winter motorized access.

Another local independent study estimated the percent of road corridor available for winter recreation use and access. The area was defined to one mile on either side of the highway system on the Chugach NF, Kenai Peninsula. The amounts of area available for different winter recreation activities are:

- Non-National Forest lands: **32%**
- Areas closed to winter motorized use: **26%**
- Areas open to all uses, but inaccessible to snowmachines due to terrain or lack of parking: **23%**
- Areas open to all uses and snowmachine accessible: **19%**

These snowmachine closures only add to the amount of area currently unavailable due to terrain features that motorized users can access. Based on this study, only **19%** of the road corridor is available to snowmachinists while non-motorized users can access **45%** (26% + 19%) of the area.

The total areas within the Kenai Peninsula section of the Chugach National Forest that are delineated to recreation users is as follows:

- Areas open to all users: **66%***
- Areas closed all winter to motorized users: **18%**
- Areas closed for part of the winter to motorized users: **16%**

*At least 20% of areas open to all users are so far removed from the road corridor system that it would require technical snowmachine skills to access. Subtracting 20% from the 66% that is open to all users leaves only **46%** of the area open to the average snowmachinist.

The road corridors on the Chugach National Forest are situated in U or V-shaped valleys. This topography limits access--essentially all recreational activities are dependent on road corridor access. The elderly, families, and disabled users typically don't stray far from a road system; areas such as Carter/Crescent Lakes Trail, Summit and Tern Lake are ideal for a snowmachine day-trip or cabin getaway.

Barber Cabin situated off the Russian Lakes Trail system, is the only accessible cabin on the Kenai Peninsula that meets ADA requirements and will be closed to snowmachine use under this Revision. The 3 1/2-mile trail is also accessible, which means a greater trail width and gentle slope. These are the attributes that attract families, elderly and disabled to this trail and cabin. How are the disabled (who are unable to access this trail and cabin in the winter by non-motorized means) going to have access to this area in the winter?

Based on the reasons stated above in the appeal points, I feel the current decision is Arbitrary and Capricious and I am seeking relief.

My major concern is the winter motorized access closure of areas specifically on the Kenai Peninsula portion of the Chugach National Forest. The basis of my appeal includes the following points:

- The decision to delineate winter non-motorized areas was not based on any scientific analysis.
- No economic analysis was conducted on winter recreation activities.
- All areas closed to winter motorized access were not made known in the Draft Preferred Alternative.
- Not all user groups were considered, in particular: families, elderly and disabled winter recreationalists.

A Dedicated Chugach NF User,



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cc: Regional Forester, Dennis E. Bschor
Senator Ted Stevens
Senator Frank Murkowski
Congressman Don Young
Alaska Governor Tony Knowles
Kenai Peninsula Borough Mayor Dale Bagley