

Moose Pass Sportsmen's Club
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October 22, 2002

USDA Forest Service
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**Moose Pass Sportsmen's Club Appeal
of the
Chugach National Forest Revised Land and Resource Management Plan**

The Moose Pass Sportsmen's Club was established in the 1950's by local residents. The primary purpose was to serve the needs of the local community prior to Statehood. The MPSC has provided a continuous home for the local fire company and the Moose Pass Library. Additionally community forums and planning meetings are organized and promoted by the MPSC.

The MPSC is open to all residents of the area from Primrose to Summit Lake along the Seward Highway. The club owns a building that serves as the center of all local community activities. It is presided over by an elected executive committee and governed by a set of by-laws and constitution. All official votes require a forum and a simple majority for passage.

Community issues are presented, discussed and resolved following proper posting of agendas and timely announcement of special meetings. A community bulletin board has always been a function of the club. The building is provided on a rent as needed basis to various organizations including State of Alaska, USDA FS, Kenai Peninsula Borough (elections) and others. Other activities include community parties, dramatic presentations, training sessions, etc. The MPSC truly functions as a legitimate community organization that has historically stood for the rights and needs of local citizens.

This letter is a Notice of Appeal filed pursuant to 36 CFR Part 217, specifically per Sec.217.5 (b), Sec 217.8(a)(3) and 217.9 described in the Record of Decision.

The document in which the decision is contained is the Revised Land and Resource Management Plan of the Chugach National Forest Record of Decision, R10 MB-480b. The date of the decision was May 31, 2002 and the Deciding Officer is Regional Forester Dennis E. Bschor.

The USDA FS has not been forthright in their presentation of this Revised Plan to our community. Initial presentations with alternates were described as a limited compromise to expand non-motorized use in the Forest. The Final Plan is drawn from details never presented to the community and includes wholesale closures and changes from nearly fifty years of management practice. The USDA FS incorrectly characterized their decision methodology as sympathetic to local concerns. This appears to have been a deliberate attempt to dissuade criticism from the affected communities. The USDA FS has inadequately studied the impact of this radical closure on the Moose Pass community. There appears to be minimal scientific data to support the need to implement this Revised Plan.

The inaccuracies and omissions of data within the EIS, Management Plan, Executive Summary, Record of Decision and the lack of real consideration resulting in discriminatory treatment of local needs, forces our community to appeal the process used to arrive at this Revised Plan.

We are formally appealing the Preferred Alternative as described in the FEIS and the resulting Revised Forest Plan, specifically the areas available for motorized and non-motorized winter activities, with modifications as further described in the ROD, as stated on page 3 of the ROD.

The specific portions of the document to which we object are:

1. The closure of the Carter Lake and Crescent Lake area to winter motorized use
2. The closing of Russian Lakes Trail to Aspen Flats Cabin to all winter motorized use
3. The closing of the area north of Summit Lake to all winter motorized use
4. The closing of Forest areas along the Sterling Highway and Seward Highway between the communities of Cooper Landing, Hope, Summit Lake and Moose Pass to all winter motorized use
5. The closing of Trail River Campground south of Moose Pass to all winter motorized use.
6. The closing of the Snow River areas to winter motorized use
7. The closing of the Resurrection Pass Trail to winter motorized use

The Forest Service operates under a multiuse doctrine. This Revised Plan effectively eliminates access to a significant group of Forest users. The Forest has an established historic and traditional use by winter-motorized vehicles. The East Kenai Peninsula communities are critically tied to the Forest and would be catastrophically harmed by these closures. Furthermore, these closures would negatively impact a growing winter use of the Forest by residents from other Alaska communities.

The Forest Service is mandated to review the management plan every 10 years. Previous reviews have resulted in "no change" alternatives being the chosen path. No demonstrated harm or suggestion of future harm has been noted in the existing open management plan. This current revision is arbitrary and capricious and will result in serious harm to the community. This Revised Plan must not be implemented as drafted.

Referenced Documents and abbreviations include: The Revised Plan, Executive Summary, Final Environmental Impact Statement (EIS), Record of Decision (ROD or Final Plan or Revised Plan), Code of Federal Regulations (CFR), United States Department of Agriculture (USDA FS or FS)

Significant Appeal points of this Revised Plan are outlined below:

1. Moose Pass was not included in review of the final draft. It is clear in 36 CFR 219.6 that the public of the affected area deserves special consideration in the preparation of Forest Service planning.

- 1.1.1. The USDA FS did make a presentation of the plan on or about October 17, 2000.
- 1.1.2. The March 2001 meetings did not include the most affected communities of Moose Pass and Cooper Landing in a review of the working drafts.
 - 1.1.2.1. Final EIS 6-02, top paragraph: "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."
 - 1.1.2.2. 36 CFR (Code of Federal Regulation) 219.12 Collaboration and cooperatively developed landscape goals. The regulation states: "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."
- 1.1.3. The provisions of the Final Plan that are the primary subject of our appeal were not in any of the alternates presented to the Moose Pass Sportsman Club and community members at our local meeting.
- 1.1.4. Moose Pass as a rural community was inadequately notified of meetings and plans.
 - 1.1.4.1. Per the EIS 3-508 "The opinions of the potentially affected residents are an important consideration in the planning decision."
- 1.1.5. Meetings scheduled outside the community are an extreme burden for many in the community. The USDA FS held follow up "local" meetings in Seward and Hope both at 30 miles and Girdwood 70 miles away. Winter and mountain road conditions add an unfair burden to local residents to attend these poorly advertised meetings.
- 1.1.6. Per 36 CFR 219.6 (a)(3) Inadequate postings were made at local information centers prior to any of these meetings. The October 17, 2000 meeting held in Moose Pass was well attended. The lack of additional local meetings failed to "Inform the public of Forest Service land and resource planning activities and (a)(4) Provide the public with an understanding of Forest Service programs and proposed actions".
- 1.1.7. The FS has not presented the results of the Moose Pass meeting. This record must exist per 36 CFR 219.6(f) All scheduled public participation activities shall be documented by a summary of the principal issues discussed, comments made, and register of participants.

2. The Revised Plan will negatively impact the local economy

- 2.1.1. The USDA FS did not perform an adequate study of the economic value of the loss of winterized motorized access.
- 2.1.2. Each alternative must by rule have an economic analysis performed

- 2.1.2.1. Each alternative study in the EIS appears to be identical and a blanket response rather than a careful analysis.
- 2.1.2.2. No economic analysis of winter closures was made.
- 2.1.2.3. EIS 3-518 Assumptions of personal income are incorrect by current conditions. The stock market values decrease, living cost increase, the Alaska Permanent Fund value decrease and unearned income decreases all throw more importance to the local economy.
- 2.1.2.4. Lodges, Restaurants, Bed and Breakfasts, Stores and Services are a primary source of economic viability in Moose Pass. These businesses will all be negatively impacted.
 - 2.1.2.4.1. Not a single business owner in the affected Moose Pass/ Summit Lake area was contacted to collect current data necessary to value the impact of motorized closures.
- 2.1.3. The USDA FS did not state the impacts, either positive or negative in the EIS, therefore negative impacts of winter motorized closures were not described or quantified
 - 2.1.3.1. Appendix K page 38 Public participation, the FS reply to comment #1; "the effect of land management programs on the local community and the people using the Forest is an important consideration".
 - 2.1.3.2. EIS 3-525 Recreation and Tourism " Moreover, one of the major themes of the revised Forest Plan is the allocation and management of recreational opportunities. Consequently it is in this area that the plan may have its most important economic impacts."
 - 2.1.3.3. EIS 3-527 activity in the Kenai Peninsula Borough. "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."
 - 2.1.3.3.1.1. The KPB Assembly and the Borough Mayor have voiced strong objections to the milder closures presented in the Alternatives. Their comments are included in the EIS Appendix K and categorically proclaim the addition of any new Forest land to non-motorized classification as injurious to the local economy and well being of the local residents.
 - 2.1.3.3.2. The referenced studies are related to summer recreation. The FS failed to perform adequate studies of the winter economy. Studies in the Mat-Su Borough show winter motorized users contribute enormous business revenue. National studies provide evidence of extraordinary impact of the winter-motorized users in local economies. Studies in the Yellowstone National Park area attest to the significance of revenues from winter motorized use.
 - 2.1.3.4. EIS 3-528 "Each of the above studies indicates that considerable income is generated by recreational activities linked to the Chugach National Forest. In many cases, however it is important to remember that recreationists may be able to substitute with non-National Forest System lands should their access be to the Forest be somehow constrained".
 - 2.1.3.4.1. Again these are not winter studies.
 - 2.1.3.4.2. The USDA is deciding that other areas in the State of Alaska can be substituted for closed Forest land.

- 2.1.3.4.3. The FS should not be concerned with policies beyond their domain.
- 2.1.3.4.4. Moose Pass residents cannot substitute land equal to that immediately and currently accessible to them.
- 2.1.4. EIS 3-542 describes the elements of economic study on employment. The Revised plan inadequately performs this study.
 - 2.1.4.1. EIS 3-544 “Even if there were significant variations, in order to generate estimates of impacts associated with each alternative, estimates of the variation in resident and nonresident visitation for each of the recreation activity (developed camping, snowmachining, mountain biking, backpacking, etc.) by alternative is necessary”.
 - 2.1.4.2. “The visitation and expenditure data should be collected with as much geographic specificity as possible....”
 - 2.1.4.3. Per EIS 3-544 par 4 “Since none of these elements were adequately met for recreation and tourism activities presently taking place on the Forest, no impact analysis is quantified”.
 - 2.1.4.4. The USDA FS intends to, but fails to present this required data in the published alternatives.
 - 2.1.4.5. EIS 3-553 “Estimates of PNV (Present Net Value) also were not calculated for recreation. The major reason for this is that the total amount of recreation use does not vary between alternates”.
 - 2.1.4.5.1. This might be true if the conclusion were based on the elements of the alternatives, but the published Revised Plan is not drawn directly from the studied alternatives and will negatively impact the economy far more than any of the separate alternatives.
- 2.1.5. Property values are tied to the economic viability of the area. Reduction of dollars brought into the community will cause a down turn in market values, as the community will be less attractive to potential residents.
- 2.1.6. The Moose Pass area as part of the Kenai Peninsula Borough (KPB) is listed as a Historically Underutilized Business (HUB) Zone by the U.S. Small Business Administration (SBA)
 - 2.1.6.1. High unemployment is the reason for this classification.
 - 2.1.6.2. Winter Closures and the negative impact on local business will harm local residents even more.
 - 2.1.6.3. The input by local governments entities (KPB, Soldotna, Seward) contained in the EIS, overwhelmingly opposed winter-motorized closures but was essentially ignored by the planning team and deciding officer.
 - 2.1.6.4. **36 CFR (Code of Federal Regulations) 219.21 Social and Economic Suitability:** This regulation states “responsible official involves interested and affected people in planning for National Forest System lands, provides for the development and consideration of relevant social and economic information and analyses...”It also states that “the responsible official must develop or supplement the information and analyses related to the following: 1) Describe and analyze, as appropriate, the following: i) demographic trends...ii) Employment, income, and other economic trends;...2) Analyze community or region risk and vulnerability...” These have been described in general for the south-central portion of Alaska and it applies to the summer months (5 months of the year) but there was no mention of the winter local economy and how difficult it is for businesses to stay open during this time of year. The analysis

is not complete and the economic effects section cannot be completed until this information is known. Therefore this regulation was not abided by.

2.1.6.5. EIS 3-531 The median income in the Moose Pass area was 2nd lowest in the study of Forest Communities. This low median income would indicate a higher need of the resources of the Forest for economic well-being. Hunting, Fishing and trapping, Fuel gathering, access to recreation in the surrounding Forest would necessarily be more critical.

3. No public analysis was made or provided in the EIS of the social impact of the Revised Plan on the quality of life of Moose Pass Residents.

3.1.1. We all live with the hope that our children will enjoy the same activities and freedoms that we have historically enjoyed ourselves.

3.1.1.1. Based on the revised plan historic and traditional subsistence use such as ice fishing, hunting, trapping, fire wood gathering and sight seeing to name a few will be eliminated from the most popular locally used areas

3.1.1.2. Mothers and fathers with small children, Seniors, Disabled, area ski clubs, will be denied access to areas traditionally used with the assistance of motorized vehicles. Families and groups have historically used motorized vehicles to access slopes and areas to ski, snowboard, snowshoe, for overnight camping, cabin use and picnicking.

3.1.1.3. Our teenagers and young adults are encouraged to and do use the forest for motorized winter recreation. This activity serves many benefits and the loss of this would seriously harm our children and young people.

3.2. The closure of Lower Russian Lake area denies access for the disabled for the use of the Barber handicap cabin who may need or desire to use motorized vehicles.

3.2.1. EIS 3-518 "For many Alaskans, proximity and access to natural environments and various activities these environments support is a major amenity and a fundamental reason for their choice to live where they do. This becomes another important way in which the Chugach National forest can contribute to the local economies within the planning area".

3.2.2. Per EIS 3-539 the USDA FS current plan notes a deficiency in handicapped access in that "The lowest average satisfaction rating are for: access for disabled people and ATV/ORV (OHV) areas". Further closures stated in the revised plan will increase this dissatisfaction.

4. The Revised Plan to close winter-motorized use will restrict free travel between Communities and within the Forest.

4.1. Traditional winter access between the communities of Moose Pass, Cooper Landing, Seward, Hope on historic trails will be eliminated by the USDA FS Revised Management Plan.

4.1.1. These traditional routes provide relatively safe and enjoyable travel for all users.

4.2. Prescribed areas in the current Revised Plan are available to only the more proficient motorized users

4.2.1. Prescribed areas in the Revised Plan are in difficult and sometimes hazardous mountain areas

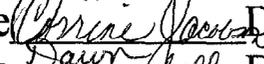
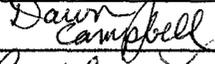
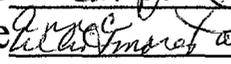
4.2.2. Closures in the Revised plan although quantitatively small are strategically located to prevent access between communities and a large area of backcountry. The remaining allowable access is in steep and extreme areas not suited for young and

casual motorized users.

- 4.3. The proposed closures in the Plan are in violation of the traditional use activities protected by ANILCA.
 - 4.4. The State of Alaska and Federal Land Management program have been implemented to increase the connections and access between communities this Plan works opposite to these goals.
- 5. The suitability of the winter areas for motorized and non-motorized use is questionable.**
- 5.1. The winter motorized areas may be incorrectly characterized on maps and in the text of the EIS and ROD. Much of the land prescribed as open to motorized use is steep unusable mountain slopes. Ice fields and river gorges make much of this area difficult and dangerous to all but the most extreme users. Travel into avalanche valleys is inadvisable during certain conditions.
 - 5.2. The Carter/ Crescent Lake area allows access to average, moderately skilled, riders and offers high quality areas for use. If reserved for non-motorized use only a select few highly proficient skiers will be able to use this area.
 - 5.3. The winter-motorized closures may be limited to a finite acreage but the locations of these closures appear to be strategically sited. The mapped closures effectively cut off access to larger backcountry areas not prescribed as closed.
 - 5.4. Inconsistencies between text and maps prevent adequate protection to users and could lead to citations for encroachments to closed areas.
 - 5.5. Areas closed to Moose Pass residents for winter-motorized use are in fact open to Cooper Landing and Hope residents for subsistence use. The use of these lands exclusively as quiet and non-motorized cannot be assumed.
- 6. The Revised Plan discriminates between user groups.**
- 6.1. The public improvements including highway parking, trailheads, bridges, trail clearing and cabins are disproportionately removed to the greater number of users (Winter Motorized).
 - 6.1.1. The USDA did not state the value of cabin rentals in the EIS and therefore cannot compare motorized vs., non-motorized usage.
 - 6.1.2. Local experience would suggest that there are far greater numbers of visitations by motorized users.
 - 6.1.3. By comparing available cabin days it is clear that non-motorized users have access to 5 times as many days as motorized users. This is unfair.
 - 6.1.4. Plans and budgets for development of future facilities may be difficult in light of current National economic and political events. It is poor planning to remove the public improvements from the largest user at this difficult budgetary time.

Moose Pass Sportsman Club Appeal of the

Chugach National Forest Revised Land and Resource Management Plan

Name JAWN McDONALD Office RESIDENT Signature  Date 10/23/02
Name CORRINE Jacobson Office Land Trust Signature  Date 10/23/02
Name DAWN CAMPBELL Office SECRETARY Signature  Date 10/23/02
Name ANN C. Whitmore-Painter Office Treasurer Signature  Date 10/23/02

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