



Cryptobranchus alleganiensis, the Hellbender

Allegheny Defense Project

Protecting and Restoring the Forests of the Allegheny Bioregion

July 28, 2008

Linda White
Allegheny National Forest
222 Liberty Street
Warren, PA 16365

Dear Ms. White:

We are writing to express our grave concerns about the future of recreation on the Allegheny National Forest and to highlight serious deficiencies in the Recreation Facility Analysis (RFA). We oppose the RFA as it has been implemented thus far and the ill-fated recommendations it has produced. Not only is the future of recreation and tourism threatened by rampant oil and gas development, but also because of the Forest Service's own lack of leadership and commitment to manage for even the most basic of operation and maintenance needs for recreation facilities.

Citizens spent four years participating in the Forest Plan revision process trying to get the Forest Service to address recreation as the "significant issue" the agency claimed it was. As will be explained in greater detail below, however, the Forest Service repeatedly told citizens that recreation would be addressed in a separate analysis *after* Forest Plan revision was completed. Then, once the time came to address recreation, citizens were told at the only public meeting that the purpose of the meeting was to decide which facilities to close and that they were off track trying to address recreation issues that were never substantively addressed during Forest Plan revision. The Forest Service must change course immediately if the public is to have a national forest for their children to enjoy.

Flawed public participation process from the start

The only RFA public meeting was held at 7 p.m. on January 29, 2008 (a weekday), at a remote location in Sheffield, PA. The Forest Service prevented citizens from video recording the only public meeting for the RFA. The Forest Service's comment sheet did not even have the web address on it for citizen's to use to submit email comments. Citizens had to copy the web address from another comment sheet that the Forest Service had handwritten it on. This demonstrates the amount of preparation that went into the only public meeting for the RFA.

Citizens who arrived wanting to discuss how to improve recreation sites, facilities and trails were quickly derailed by Forest Service personnel and told that the point of the meeting was instead to "tell the Forest Service what facilities they wanted closed." The disconnect between the Forest Service and the public it is supposed to serve was so vast during this meeting that the *Warren Times Observer* reported,

"after a public meeting last week went off topic and stayed there, the U.S. Forest Service is trying something else."¹

¹ Attachment A

Unfortunately, that “something else” did not include the public. The article goes on to state:

“I think it’s a good idea to have public meetings, but to have everybody focus on trails again isn’t what we need,” [ANF Natural Resource Specialist Linda] White said.

Instead of another public meeting, the forest service will hold an internal workshop taking advantage of existing input. “What we’re going to do is meeting internally here in the forest,” White said. “We’re going to try to nail down what our developed recreation niche is.”²

In other words, after the Forest Service hosted the only public meeting for the RFA that “went off topic and stayed there,” the Forest Service concluded that, instead of hosting another meeting, it would be better to “take advantage of existing input” (again, from a meeting that “went off topic and stayed there”) and “meet[] internally here in the forest...to nail down what our developed recreation niche is.”

This is **not** a sound basis for analyzing public input and then using that analysis to “nail down what our developed recreation niche is.” And it most certainly is not in accordance with the Washington Office’s directives on how to implement the RFA process. For instance, Deputy Chief of the National Forest System Joel Holtrop stated in an October 12, 2006 letter to Regional Foresters and other top Forest Service staff that:

- “Forests beginning RS-FMP³ must engage key partners and the public to explain the goals of master planning and seek feedback on developed recreation sites and the recreation opportunities that meet the highest priority public needs. *Forests then must continue to provide opportunities to engage the public throughout the process. A commitment to share the initial results of analysis and invite discussion of alternative ways of operating sites and building new partnerships is required.*
- Forests in the middle of the RS-FMP must contact stakeholders and the public regarding the planning process, explain the goals, and solicit feedback on priorities. In some cases, this may mean re-engaging the public in this process. *In all cases, the public must be involved in setting priorities for maintaining developed recreational sites on the national forests.*
- For the few sites where analysis and dialogue result in significant recommended changes to operations, Forests must also fulfill any additional public involvement requirements, such as those under the Recreation Enhancement Act (Recreation RAC’s, etc.) and NEPA *before undertaking the action.*⁴ (emphasis added)

Apparently, this message was lost on the Allegheny Forest Service. Instead of continuing “to provide opportunities to engage the public throughout the process,” the Forest Service did the exact opposite and met “internally” to “nail down what our developed recreation niche is.” This is totally inconsistent with national RFA directives. As a result, the Allegheny Forest Service did not effectively engage the public “in setting priorities for maintaining developed recreational sites.”

Furthermore, the scale of the Forest Service’s recommendations for the Allegheny clearly indicates the Forest Service “must also fulfill any additional public involvement requirements, such as those under the Recreation Enhancement Act (Recreation RAC’s, etc.) and NEPA before undertaking the action.” The latest Schedule of Proposed Actions (SOPA) for the Allegheny contains a new listing

² *Id.*

³ Recreation Site Facility Master Planning (RS-FMP) was changed to Recreation Facility Analysis (RFA) at the behest of Forest Service Chief Abigail Kimbell in a letter dated July 25, 2007 (Attachment B).

⁴ Importantly, this direction was “repeated and reinforced” by Chief Kimbell’s July 25, 2007 letter. This letter also extended the comment period for RFA to December 31, 2008.

for a project titled, “Concessionaire Management of Developed Recreation Areas.”⁵ Before the comment period has even closed for the RFA, the Forest Service already has a special use permit in the works for categorically excluding from detailed environmental analysis and public comment the operation and maintenance of developed recreation areas on the Allegheny.

This confirms that the Allegheny Forest Service’s commitment to engaging the public and incorporating its concerns in the RFA process is virtually non-existent. The mere existence of the Concessionaire Management of Developed Recreation Areas project in the latest SOPA prejudices the RFA process and demonstrates that it has been nothing more than a dog-and-pony show. The Concessionaire Management project cannot proceed until the Forest Service re-engages the public in the RFA process and allows further opportunity for public comment and participation in setting priorities for maintaining developed recreation sites. The Forest Service must cancel the Concessionaire Management of Developed Recreation Areas project, extend the public comment period for the RFA to December 31, 2008 and re-engage the public in this process for setting priorities in maintaining developed recreation on the Allegheny.

Many of the citizens that gathered at the January 29, 2008 public meeting requested more public meetings but were told by the Forest Service that this would be the only public meeting. McKean County Planning Director Deborah Lunden stated at the meeting that the public could not possibly prioritize developed recreation sites for closure like the Forest Service was demanding since the Forest Service did not provide any data regarding user attendance figures of recreation sites.⁶

Finally, the fact that there was only one public meeting held during the week at a remote location in the middle of the Allegheny necessarily ignores a wide swath of the recreating public that does not live in the immediate four-county region. Indeed, the Forest Service recognizes that many recreational users of the Allegheny originate from outside the immediate four-county region. In the planning files for Forest Plan revision, then public affairs official Steve Miller stated in an email regarding the need to reach out to residents outside the immediate four-county region:

“We are aware that we need to do better with reaching broader groups who have interest in the ANF, especially urban users of the Forest.

Some of the preliminary survey data...[] indicate that there are great differences in the way ‘urban’ populations view the ANF when compared with ‘rural’ populations. This is marked even within what we refer to as our ‘inner core,’ counties within 60 miles of the ANF. The preliminary results...[] tell me that we need to reach out to these folks, many of whom are ANF users and/or have at least minimal interest in what happens here. It would be best if we could draw them in, so that, they could learn from us and we from them.”⁷

The Forest Service made no effort whatsoever to reach out to those that do not live in the immediate four-county region. Consequently, urban recreation users as well as even those within the so-called “inner core” were not effectively engaged in the RFA process, despite the significant changes that are proposed that will undoubtedly impact this large user base. The Forest Service should extend the deadline for public comment until December 31, 2008 and hold more public meetings at additional locations within the four-county region and major urban areas surrounding the

⁵ <http://www.fs.fed.us/sopa/components/reports/sopa-110919-2008-07.pdf>

⁶ Bill Belitskus (ADP Board Chair), personal communication

⁷ Attachment C. This email is located in the underlying planning files for Forest Plan revision in a pdf document titled “622 Need for Change Species.”

Allegheny, including Pittsburgh, Cleveland, Youngstown, Buffalo, Erie, and State College.

RFA should have been part of Forest Plan Revision

The Notice of Intent (NOI) for the revision of the 1986 Land and Resource Management Plan (“Forest Plan”) listed Recreation as one of the “preliminary issues” for revision. The NOI stated:

“A. Recreation.

This issue involves providing for various types of recreation opportunities, in order to provide an appropriate array of recreation for the public.

- *Recreation. This involves developed recreation facilities and trails and dispersed recreation for both motorized and non-motorized use. A determination of available settings, opportunities and experiences for recreation will be made using the Recreation Opportunity Spectrum. The types, amount and location of semi-primitive, remote recreation on the Allegheny National Forest will be evaluated. Additionally, public input, current use, compatibility of uses, resource capability, existing development, and changes in recreation supply, demand, and trends are all factors that will affect how recreation will be addressed. Revising the Forest Plan will also likely include refining goals, objectives, and updating standards and guidelines to address current conditions and projected changes in recreation supply and demand within the Allegheny National Forest. Anticipated changes would likely occur both forest-wide and for individual management areas, as well as monitoring requirements.”⁸*

The following year, at about the same time that RFA was beginning⁹, the Forest Service stated in its Analysis of the Management Situation for the revised Forest Plan:

“There is concern for providing a new emphasis for recreation development that is responsive to current demand. There is also concern, due to availability of funding, for how new and *existing facilities will be constructed and maintained.*”¹⁰

In other words, as far back as 2003 and 2004, at the beginning of the Forest Plan revision process, the Forest Service acknowledged that developed recreation facilities was part and parcel of the Forest Plan revision process. Thus, any “concern...[] for how new and existing facilities will be constructed and maintained” should have been addressed during Forest Plan revision, not after. These issues, however, were never substantively addressed during Forest Plan revision. In fact, by the time the proposed revised Forest Plan and DEIS were published in May 2006 (two years into the RFA nationwide, but still two years before the RFA would begin on the Allegheny), the Forest Service had dramatically shifted its policy for addressing developed recreation in the Forest Plan.

Unfortunately, but not surprisingly, the proposed revised Forest Plan and DEIS (as well as the final revised Forest Plan and FEIS) are extremely vague regarding developed recreation. The Forest Plan “design criteria” for recreation in both the proposed and final Forest Plans totals about one page and the design criteria for developed recreation totals a mere three sentences. It is interesting that, despite the overall vagueness of the Forest Plan on recreation, the Forest Service nonetheless wrote into the Forest Plan the precise wording to allow it to take the course of action now underway in the

⁸ http://www.fs.fed.us/r9/forests/allegheny/projects/forest_plan_revision/documents/NOI-From-Federal-Register.pdf (emphasis added)

⁹ <http://www.fs.fed.us/recreation/programs/rfa/status.shtml>

¹⁰ http://www.fs.fed.us/r9/forests/allegheny/projects/forest_plan_revision/documents/09292004_ANF_AMS_Summary_Draft.pdf

RFA. For instance, the proposed revised Forest Plan stated:

“When the three-year average of any campground occupancy is less than 40 percent during the normal operating season, reassess the Recreation Facilities Master Plan and determine whether to decommission or alter use of the facility.”¹¹

This same language was repeated in the revised Forest Plan on page 59. The Forest Plan DEIS and FEIS were similarly vague on developed recreation as the effects analysis common to all alternatives for both comprised a total of three paragraphs. This most certainly is not the “hard look” that NEPA requires to determine potential impacts to public resources. Despite the shallow effects analysis, the Forest Service, knowing full well that RFA was occurring simultaneous to Forest Plan revision, stated:

“Decisions about which areas will have reduced levels of service, which will be closed, and which will be scheduled for investment, will be made through facilities master planning. As demand for certain types of recreation opportunities shift, new facilities may be constructed and maintained, while others which are comparatively underused may be decommissioned or redesigned for other uses.”¹²

So, between the 2003 NOI for the revision of the Forest Plan and the 2007 FEIS and revised Forest Plan, the Forest Service went from:

“*Recreation*. This involves developed recreation facilities and trails and dispersed recreation for both motorized and non-motorized use.” (emphasis original)

to:

“Decisions about which areas will have reduced levels of service, which will be closed, and which will be scheduled for investment, will be made through facilities master planning.”

Of course, this was never substantively discussed during Forest Plan revision despite the fact that RFA had been underway since 2004 (nationwide), just shortly after Forest Plan revision began in the Allegheny. ADP and Tionesta Valley Snowmobile Club raised many issues concerning recreation, including developed recreation and the operation and maintenance of recreation facilities, in our appeal of the revised Forest Plan. Those concerns, however, went unanswered in the Forest Service Chief’s disposition of our appeals.

Importantly, the Forest Service has not cited any authority that allows it to undertake this analysis separate from the revision of the Forest Plan. The time to address these issues was during Forest Plan revision, not in a separate analysis in which the Forest Service is conveniently attempting to avoid its NEPA obligations. Additionally, NEPA prohibits this kind of segmentation of analysis:

“Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.”¹³

The Forest Service carved the RFA out of Forest Plan revision and broke it down into a small

¹¹ USFS PLRMP, 2006. (p. III-8)

¹² USFS LRMP FEIS, 2007. (p. 3-312)

¹³ 40 CFR § 1508.27(b)(7)

component part, an action that is explicitly prohibited by NEPA.

In the alternative, the RFA requires a Forest Plan Amendment

According to the Forest Plan NOI,

“In addition, some issues, though related to Forest Plan Revision, may not be undertaken at this time, but addressed later as a future Forest Plan amendment.”¹⁴

Even if the Forest Service believes it did not have to address the issues that are now presented in the RFA during Forest Plan revision, in which we strongly disagree, the agency nonetheless cannot proceed with RFA without amending the current Forest Plan.

The revised Forest Plan was promulgated pursuant to the National Forest Management Act (NFMA) under the authority of the 1982 planning regulations.¹⁵ These regulations explicitly state:

“The Forest Supervisor may change proposed implementation schedules to reflect differences between proposed annual budgets and appropriated funds. Such scheduled changes shall be considered an amendment to the forest plan, but shall not be considered a significant amendment, or require the preparation of an environmental impact statement, *unless the changes significantly alter the long-term relationship between levels of multiple-use goods and services projected under planned budget proposals as compared to those projected under actual appropriations.*”¹⁶

By proposing the significant changes in the RFA, such as closing multiple campgrounds, removing drinking and wastewater facilities, and eliminating oversight of numerous other recreation sites and facilities, the Forest Service will undoubtedly “alter” in a significant way “the long-term relationship between levels of multiple-use goods and services projected under planned budget proposals as compared to those projected under actual appropriations.” Thus, at the very least, the Forest Service must amend the Forest Plan. And, as will be explained further below, we do not believe the Forest Service effectively allocates the expenditures it receives from Congress to manage recreation because if it did, the radical changes proposed in the RFA would likely not be necessary.

It should be noted that some of the affected recreation facilities are of national historical significance. For instance, Loleta and Twin Lakes were both constructed by the Civilian Conservation Corps (CCC) in the 1930’s. Loleta contains two historical pavilions, a bathhouse and swimming area while Twin Lakes contains a campground, picnic area, pavilions, bathhouse and swimming area all of which were constructed by the CCC. The historical significance and legacy of the CCC is threatened by the RFA.

If these facilities have their wastewater and drinking water systems removed, it is likely that fewer people will visit. If fewer people visit, it is reasonable to consider the Forest Service completely closing and eliminating these facilities altogether. That will be a major loss to the Allegheny National Forest’s historical and cultural heritage and must not be allowed to occur.

¹⁴ http://www.fs.fed.us/r9/forests/allegheny/projects/forest_plan_revision/documents/NOI-From-Federal-Register.pdf

¹⁵ USDA LRMP FEIS, 2007. (p. Preface-5)

¹⁶ 36 CFR § 219.10(e) (emphasis added)

NEPA applies to the RFA

NEPA applies to the RFA process itself, not just the site-specific actions that would be implemented at some later date. That is because the RFA and subsequent adoption of a final 5-Year Proposed Program of Work is a “major federal action.” According to the Council on Environmental Quality’s (CEQ) NEPA regulations,

“Major Federal Action includes actions with effects that may be major and which are potentially subject to Federal control and responsibility. Major reinforces but does not have a meaning independent of significantly (Sec. 1508.27).”¹⁷

The RFA process clearly fits within the:

“Adoption of programs, such as a group of concerted actions to implement a specific policy or plan; systematic and connected agency decisions allocating agency resources to implement a specific statutory program or executive directive.”¹⁸

The “Action Plan for the Recreation Site-Facility Master Planning (RS-FMP) Public Participation Review Report dated April 2, 2007,” was later “endorse[d]” by Chief Kimbell in her July 25, 2007 letter and constitutes a system-wide executive directive for proceeding through RFA. The Forest Service’s name change, while purportedly to eliminate “jargon” and make it easier for public consumption, likely had another purpose – to prevent NEPA analysis. As Chief Kimbell’s July 25, 2007 letter states:

“The term ‘master planning’ implies to some that this is a decision-making process, as opposed to an analytic one. Therefore, the analysis of recreation facilities formerly referred to as Recreation Site Facility Master Planning, or RS-FMP, shall be referred to more accurately and simply as **Recreation Facility Analysis**.”¹⁹

Clearly, the Forest Service was concerned about this because, in its view, an “analytic” process would not be subject to NEPA while a “decision-making process” would. In reality, NEPA applies to both and changing the name does not change the fact that NEPA applies.

The RFA is not unlike a forest plan. The RFA could be viewed as an “issue-specific forest plan” that performs many of the same functions of a forest plan.²⁰ Those functions include making recommendations, whether it is closing recreation facilities (RFA) or recommending additional Wilderness to Congress (Forest Plan), setting goals for the future, and proposing site-specific actions to implement the underlying plan. NEPA applies to the development and revision of forest plans and the Forest Service’s attempt to categorically exclude forest plan revisions from NEPA analysis was soundly rejected in March 2007 by a federal judge in California. In that decision, Judge Hamilton stated:

“NEPA requires *some* type of procedural due diligence – even in cases involving broad, programmatic changes...[] NEPA does indeed contemplate preparation of EAs and EISs in the case of programmatic rules and changes. The CEQ regulations governing NEPA specifically envision

¹⁷ 40 CFR § 1508.18 (internal quotes omitted)

¹⁸ *Id.* at § 1508.18(b)(3)

¹⁹ Attachment B (emphasis original)

²⁰ This does not change our view that the correct vehicle for RFA was during the Forest Plan revision process itself.

programmatic environmental impact statements.”²¹

This decision applied nationwide. The Forest Service is proposing broad, programmatic changes to the operation and maintenance of recreation facilities throughout the Allegheny National Forest. The official title of the proposed plan is “5-year Proposed Program of Work and *Programmatic* Results of Implementation.” (emphasis added) This title indicates that the RFA actually is a “decision-making process” rather than simply an “analytic” one. This is clearly an instance where NEPA must be applied to the underlying RFA process itself, not just the site-specific proposals that result from it.

The RFA is also not unlike the travel management planning that is underway in many national forests across the country. Travel management planning is subject to NEPA. Therefore, the RFA must be subject to NEPA.

Returning to the CEQ’s NEPA regulations, since “major reinforces but does not have a meaning independent of significantly,” the Forest Service must consider the level of intensity of the RFA and any recommendations produced from it in the 5-year Proposed Program of Work. One of those intensity factors is,

“The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.”²²

Another intensity factor is,

“Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.”²³

Both of these factors apply. First, it is obvious the Forest Service is setting a precedent for future actions since it already has the Concessionaire Management of Developed Recreation Areas project waiting in the wings to be formally scoped before the ink barely dries on the RFA. The RFA’s 5-Year Proposed Program of Work also explicitly states on page 9:

“The Forest recognizes that site-specific analysis and public involvement may be necessary prior to implementing some of the proposals contained in this document. As implementation of site-specific proposals are considered, they will be evaluated to determine if they are subject to the National Environmental Policy Act (NEPA) and all required procedures shall be executed.”

A similar statement appears in the condensed 5-Year Proposed Program of Work (which will be discussed in greater detail below) on page 5:

“Some of the proposed actions will require full National Environmental Policy Act (NEPA) analysis, assuring environmental sound decisions.”

These statements explicitly imply that future actions are likely to implement the decisions made in

²¹ Citizens for Better Forestry v. USDA, C05-1444. (emphasis original)

²² Id. at § 1508.27(b)(6)

²³ Id. at § 1508.27(b)(7)

the RFA. The analyses for those actions, however, will not come until some later date, **after** the Forest Service has already decided on a programmatic plan of action. In other words, by the time those site-specific analyses are prepared, it will not be an analysis about whether or not a facility should be open or closed, it will be about how to go about carrying out the policy that has already been decided upon in this analysis. That is why the Forest Service must apply NEPA to the RFA as a whole now, not just “some of the proposed actions” in the future “if” the Forest Service determines NEPA even applies.

Additionally, since the Forest Service is planning to categorically exclude the Concessionaire Management project under the assumption that there are no significant impacts, “it is reasonable to anticipate a cumulatively significant impact on the environment” as there will certainly be more site-specific proposals that follow. It is important to note that the management changes proposed in the RFA plan would have a substantial impact on the human condition and local economies of the Allegheny region. NEPA requires that an EIS be prepared for “major federal actions significantly affecting the quality of the **human** environment.”²⁴

The historical and cultural significance of sites like Loleta, Twin Lakes and Beaver Meadows, among others, also triggers the need for detailed NEPA analysis of the RFA now rather than later. Another intensity factor for determining significance is:

“The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.”²⁵

The Forest Service’s own website discusses the cultural and historical significance of Loleta, Beaver Meadows and Twin Lakes campgrounds. According to the Forest Service:

“Loleta Recreation Area was built in the 1930's by the Civilian Conservation Corps (CCC) on the site where, just 20 years earlier, a bustling logging town of 600 inhabitants stood. Established in 1889, Loleta was typical of boomtowns associated with the age of exploitation, when the hills of Pennsylvania were stripped of trees. The town had a large sawmill, shingle mill, broom handle factory, and a rail connection for shipping its products to Sheffield, Pennsylvania. Once the timber supply was exhausted in 1913, the mills shut down and the town was dismantled and deserted.

The federal government purchased the site in 1925, adding it to the newly formed Allegheny National Forest. In the 1930's, the Forest Service reconstructed the old Loleta mill pond, using CCC labor, then added a bathhouse, swimming area, picnic shelters, and landscaping. The distinctive quality of CCC workmanship is evident today in the dam stonework and the log construction of the old bathhouse. The camping loops were added in the 1960's. Campground reconstruction was completed in 1996.”²⁶

Regarding Twin Lakes:

“The campground was once the site of factory buildings, stores, and company row houses owned by the McKean Chemical Company, which made wood alcohol. A company splash dam, used to augment water levels for the chemical plant downstream, once occupied the site of today's dam. When McKean Chemical Company closed in the 1920s, the Forest Service acquired the property.

²⁴ 42 USC § 4332(2)(C) (emphasis added)

²⁵ 40 CFR § 1508.27(b)(8)

²⁶ <http://www.fs.fed.us/r9/forests/allegheny/recreation/camping/loleta/>

In 1936, the Civilian Conservation Corps (CCC) constructed the present dam on Hoffman Run, creating the swimming impoundment. They built the lower campground, picnic area, pavilions, and bathhouse. The "twin" impoundment was never built, as money planned for its construction was inadequate.

The upper campground loop was added in the early 1960s, and the bathhouse and sewage system were completely renovated in 1970.

Today, Twin Lakes has been renovated once again. The recreation area has now been made accessible for people with disabilities, and has been modernized to include more campsites and sites with electrical hookups.”²⁷

Regarding Beaver Meadows:

“The recreation area features a 34-acre lake on the lower end of Penoke Run. Workmen from the Work Program Administration (WPA) built the dam which created the lake in 1936. Corpsmen from the former Blue Jay Job Corps Center built Beaver Meadows campground and boat launch in the 1960s. (The Center occupied the site now known as Abraxas.) Trails were added in the 1980s by Youth Conservation Corps (YCC) enrollees.”²⁸

Just a couple years ago, the Forest Service completed a stewardship contract at Beaver Meadows in which trees around the campground were cut and part of the money from the timber sale was used to invest in campground maintenance. It is hard to believe that just two years after that project, the Forest Service now wants to close the campground completely. This certainly does not bode well for future stewardship contract projects. After all, if the goal of stewardship contracting is to log areas to provide funding to pay for recreation site operation and maintenance and then, a year or two after the stewardship contract is carried out, the site closes anyway, it indicates the stewardship contract was a total waste of resources to begin with.

It must be noted that all three of these campgrounds are on the Marienville Ranger District, which has far fewer campgrounds than the Bradford Ranger District that covers the northern half of the national forest. Consequently, the Forest Service’s proposals would deal a significant blow to developed recreation in the entire southern half of the Allegheny.

Without a thorough NEPA analysis on the RFA now, there is absolutely no guarantee the Forest Service will conduct the appropriate site-specific NEPA analysis when the time comes. As stated above, the Forest Service claims that site-specific proposals “will be evaluated to determine **if** they are subject to [NEPA].” Furthermore, the proposed categorical exclusion of the Concessionaire Management of Developed Recreation Areas project belies the notion that the Forest Service will ever conduct thorough NEPA analysis and public commenting on any of the site-specific proposals that result from the decisions made in the RFA. That makes the application of NEPA to this process all the more important.

Public continues to be left in the dark and must be re-engaged

To further demonstrate the lack of public participation in the RFA process, the Forest Service met privately with municipal officials and supplied them with information that was not available at the

²⁷ <http://www.fs.fed.us/r9/forests/allegheny/recreation/camping/twinlakes/>

²⁸ <http://www.fs.fed.us/r9/forests/allegheny/recreation/camping/beavermeadows/>

only public meeting on January 29, 2008.²⁹ This does not meet the standard outlined by Deputy Chief Holtrop to “engage key partners *and the public* [].” The public was not given the same information that was made available to municipal officials. The evidence of this continues right up to the deadline for comments on the RFA. On July 24, 2008 the *Warren Times Observer* reported that the county commissioners of the four counties that comprise the Allegheny have been meeting with Forest Service officials to discuss recreation issues. According to article:

“The agreement would help the county have input into ‘recreation and other economic development issues’ on the forest, [Warren County Commissioner John] Bortz said.”³⁰

The “agreement” refers to a memorandum of understanding (MOU) that is being drafted for presentation to the Forest Service in September 2008. The MOU will purportedly codify the coordination of planning and communication between the four counties and the Forest Service. None of this information has been made public despite the simultaneous RFA process.

This unfortunately mirrors what occurred between the Warren County Commissioners and the Forest Service during Forest Plan revision. On March 31, 2008 the *Warren Times Observer* reported on a tourism study that was conducted for Warren County. The article states:

“several community leaders and representative of the ANF expressed concern that trying to grow Warren County’s tourism industry might conflict with the timber, oil and gas industries.”³¹

As the article states, the study was commissioned in early 2006, while the Forest Plan revision process was ongoing. Perhaps this explains why the Forest Service made this outrageous statement in the DEIS for the proposed revised Forest Plan in May 2006:

“As a result [of oil and gas development], those seeking a more remote and less developed recreation experience could be displaced to other State or National Forests where remote, semi-primitive settings and experiences are more readily available.”³²

So, just a few months after a tourism study was commissioned for Warren County in which community leaders and Forest Service representatives “expressed concern that trying to grow Warren County’s tourism industry might conflict with the timber, oil and gas industries,” the Forest Service’s DEIS for the proposed revised Forest Plan all but explicitly encourages citizens to go “to other State or National Forests where remote, semi-primitive settings and experiences are more readily available.”

Note that the statement from the DEIS for the PLRMP was specific to “remote and less developed recreation.” This exact statement reappeared in the FEIS for the revised Forest Plan. So the Forest Service actively discourages “remote and less developed recreation” in the revised Forest Plan and now, through the RFA, is discouraging developed recreation (except for ATV’s) by proposing to close and/or decommission numerous campgrounds, wastewater and drinking water facilities. It is hard to view this as anything but a carefully concerted effort to eviscerate recreation in the Allegheny National Forest so that there is no “conflict with the timber, oil and gas industries.”

²⁹ Bill Belitskus (ADP board chair), personal communication

³⁰ Attachment D; see: http://timesobserver.com/page/content_detail/id/503964.html?nav=5006

³¹ Attachment E

³² USFS PLRMP DEIS, p. 3-275-76

The RFA is also totally inconsistent with the Forest Service's role in the Pennsylvania Wilds Initiative (PA Wilds), a regional marketing partnership between the Forest Service, Pennsylvania Department of Conservation and Natural Resources and Pennsylvania Game Commission. The goal of PA Wilds is to,

“encourage the growth of tourism by highlighting and marketing outdoor recreation related experiences and activities in PA Wilds.”³³

Suggesting citizens go to other state and national forests for remote recreation experiences in the Forest Plan and then recommending drastic reductions in developed recreation infrastructure in the RFA does not “encourage the growth of tourism” in the PA Wilds, particularly the Allegheny National Forest.

On July 25, 2008, the *Bradford Era* reported on a presentation to area entrepreneurs about how they can make PA Wilds a win-win situation. According to Allegheny National Forest Vacation Bureau executive direct Linda Devlin,

“What we need to do is have facilities that will entice [tourists] to stay longer...”

“...the Allegheny National Forest Vacation Bureau adopted ‘geotourism’ as a strategy: This involves keeping the environment’s and local resident’s best interests in mind when developing tourism in an area. The goal is to grow outdoor tourism while maintaining resources and environmental integrity.”³⁴

Developed recreation facilities in the Allegheny are essential to this strategy. The Forest Service’s RFA critically impairs the goal “to grow outdoor tourism” and will not entice tourists to stay longer.

Despite all this, the Forest Service proceeded through the RFA process even though the only public meeting did not meet any standard for effectively engaging the public in setting priorities for developed recreation sites. The only other meetings were two “open houses” held on June 28, 2008 at the Bradford and Marienville Ranger District Offices. Only 14 citizens attended the Bradford District open house and only 5 attended the Marienville District open house. These open houses revealed the Forest Service’s recommendations that were developed “internally” since the January 29, 2008 meeting was considered a fiasco. The public simply does not know the RFA process is even occurring, much less what the long-term impacts of its conclusions will mean for the future of recreation on the Allegheny National Forest.

A July 20, 2008 article in the *Erie Times News* highlights how ineffectively the Forest Service has engaged the public in the RFA. This article appeared just one week before the close of the public comment period. The tone of the article, however, makes it abundantly clear that the Forest Service must re-engage the public in the RFA. According to the article, Millcreek resident Ginnie Putnam remarked about the proposed closing of Dewdrop Recreation Area:

“It’s so sad,” said Putnam, 62. “We thought it’d be there forever.”³⁵

³³ USFS PLRMP DEIS, p. 3-247

³⁴ Attachment F

³⁵ Attachment G; see: <http://www.goerie.com/apps/pbcs.dll/article?AID=/20080720/NEWS02/807200370>

Ms. Putnam's family has been camping in the Allegheny for more than 40 years. Perhaps a meeting in Erie would have better engaged citizens like Ms. Putnam so that their voices were heard earlier in the process. Another Erie County resident, Sheena Niggel of Corry, bluntly stated:

"The government can find money to blow on projects that are stupid," she said, "but they can't find money for camp areas?"³⁶

To make matters worse, while the RFA has been underway, the Forest Service had already informed the Department of Environmental Protection (DEP) that it did not intend to obtain the required environmental permits for wastewater management for at least one major recreation site that the Forest Service is now proposing to decommission water and wastewater systems. On December 21, 2007 then-acting Forest Supervisor Lois Demarco stated in a letter to the DEP that the sewage facility at Kinzua Beach Recreation Area,

"has not been in operation since November 2006. We currently do not have any plans to reopen this sewage facility as it requires significant repairs or modifications."³⁷

This decision was made in 2007 prior to the RFA process even starting on the Allegheny. Yet the public was never informed of this during the RFA meeting on January 29, 2008. In fact, if it was not for an ADP press release that disclosed this information, it is likely the Forest Service would not have voluntarily disclosed this information during the RFA.³⁸ ADP gave copies of the Forest Service documents verifying this to Bradford District Ranger Anthony Scardina at the June 28, 2008 open house.

Numerous documents related to the RFA have not been properly disclosed to the public even though they are essential for understanding precisely what the Forest Service is proposing and why Pennsylvania's only national forest is in such dire straights when it comes to recreation funding and facilities' operation and maintenance. We need a copy of the Allegheny Forest Service's Act 537 Wastewater Management Plan submitted to the DEP in June posted on the Forest Service's website so the public knows what the Forest Service is proposing for Wastewater Management in the Allegheny – this goes hand-in-hand with the RFA for recreation facilities. We also request a public meeting for the Forest Service to fully answer questions from the public about the RFA process and proposals and Act 537 plan for the Allegheny that it is supposed to have been submitted to the DEP in June 2008.

The Allegheny National Forest website currently contains eight documents on its Recreation Facility Analysis webpage. Three of the documents – the "ANF Proposed 5-Year Program of Work," "Bradford Whitepaper" and "Marienville Whitepaper" – were recently added to the website following a one-day information session that was held at both ranger district offices. These documents do not even begin to detail the dreadful situation that exists on the Allegheny today and will certainly get worse should the Forest Service move forward with its so-called "program of work." As a result, the public is woefully uninformed as to why the Forest Service wants to close and decommission so many recreation sites and facility infrastructure.

³⁶ Id.

³⁷ Attachment H

³⁸ <http://www.alleghenydefense.org/hchronicles/?p=49>

For instance, this is what the public sees if it clicks on the link for the "ANF Proposed 5-year Program of Work":

http://www.fs.fed.us/r9/forests/alleggheny/recreation/rec_facility_analysis/Allegheny_handout.pdf

A hardcopy of this webpage is attached to document the date. The 5-page document at the above link is not the full "ANF Proposed 5-year Program of Work." The full document can be found here:

http://www.westernslopenofee.org/pdfuploads/RSFMP_Allegheny.pdf

This is the complete 29-page "ANF Proposed 5-year Program of Work." There is absolutely no excuse for the full report not being posted on the Forest Service website. Without the full document, the public has no knowledge of the full breadth of the Forest Service's sweeping recommendations that will likely cripple recreation and tourism in the Allegheny National Forest for decades to come.

For instance, on page 19 of the "ANF Proposed 5-year Program of Work," the Forest Service identifies two oil and gas companies, Papco and US Energy, as having some kind of role in the management of the Rimrock Overlook area. This is critical information when one considers these and other companies are proposing to drill oil and gas wells near the Rimrock Overlook. It appears that the Forest Service is working to strike a deal that will facilitate oil and gas drilling at the Rimrock Overlook so long as these companies agree to some kind of arrangement in which the companies will pay for maintenance or signing. Worst of all, this is being done without any public involvement or environmental analysis pursuant to the National Environmental Policy Act (NEPA). According to the Ottawa National Forest:

"Federal actions such as permitting and/or authorizing access and surface occupancy for the exercise of private mineral rights must be analyzed to determine potential environmental consequences pursuant to the National Environmental Policy Act of 1969 (NEPA)."³⁹

The same holds true in the Allegheny National Forest. No oil and gas drilling can proceed at Rimrock, or anywhere else in the Allegheny for that matter, until the Forest Service complies with its NEPA obligations to determine the potential environmental consequences of such drilling because the permitting and/or authorizing of access and surface occupancy for the exercise of private mineral rights is a federal action. The failure to apply NEPA to the exercise of private mineral rights in the Allegheny mirrors the Forest Service's failure to apply NEPA to the RFA.

There were also numerous other documents that were not made readily available to the public. For instance, a document titled "Available Allocated Funds Calculation Process" details where the money that Congress allocates the Forest Service actually goes. This document is just one worksheet within a larger document titled "RFA Rank Tool."⁴⁰ These documents dispel the notion that the reason the Forest Service is in such bad shape is due to a lack of congressional funding. Quite the contrary, it proves that it is not the lack of congressional funding that is complicating the Forest Service's recreation management program, but rather the misuse of those funds once the

³⁹ http://www.fs.fed.us/r9/ottawa/forest_management/projects/categorical-exclusion/special_uses/pvt_minerals_expl_matchwd_twr/matchwoodtwrrd_pvt_mins_ea_12202007_final.pdf

⁴⁰ The "RFA Rank Tool" is a spreadsheet detailing recreation funding. ADP posted it on its website: http://www.alleghenydefense.org/forest_watch/anf_rfa_rank_tool.xls

Forest Service receives them.

For instance, out of approximately \$1 million the Forest Service received for recreation site operation and maintenance in 2001, only \$220,144 actually made it on the ground for developed recreation. This is outrageous. There is not a funding problem on the Allegheny for recreation management – there is a leadership problem and a complete lack of commitment to manage recreation in Pennsylvania’s only national forest.

New NEPA Regulations

On July 24, 2008 the Forest Service promulgated new regulations for implementing NEPA.⁴¹ According to the new regulations,

“This part supplements and does not lessen the applicability of the CEQ regulations, and is to be used in conjunction with the CEQ regulations and USDA regulations at 7 CFR part 1b.”⁴²

This comment letter comports with the new regulations. It should be noted, however, that this should not be considered a position one way or the other as to the legality of these 11th hour regulations promulgated by the Forest Service in the waning months of the Bush administration.

Conclusion

We are incorporating by reference the previous comments on the RFA submitted by ADP and the Tionesta Valley Snowmobile Club. Both comment letters are dated February 15, 2008. We are incorporating by reference the comment letter submitted by Tionesta Valley Snowmobile Club on July 28, 2008. We are also incorporating by reference the appeals of the 2007 revised Forest Plan and accompanying FEIS for the Allegheny National Forest that were submitted by ADP and the Tionesta Valley Snowmobile Club.

The public comment period must be extended until December 31, 2008 so that the public has an opportunity to fully digest what the Forest Service is proposing. This is in accordance with Chief Kimbell’s July 25, 2007 letter. The Forest Service must re-engage the public in this process so that the public actually has a role in setting priorities for developed recreation sites on the Allegheny National Forest. No site-specific projects, including, but not limited to, the Concessionaire Management of Developed Recreation Areas project can proceed until the Forest Service faithfully executes the RFA consistent with the direction set forth by Deputy Chief Holtrop and reaffirmed by Chief Kimbell.

We oppose the RFA as it has been implemented thus far and the ill-fated 5-year Proposed Program of Work it has produced. As stated, the correct vehicle for the RFA was the Forest Plan revision process that occurred simultaneously. At the very least, the RFA requires a Forest Plan amendment since it will result in significant alterations to recreation management in the Allegheny, Pennsylvania’s only national forest.

⁴¹ <http://edocket.access.gpo.gov/2008/pdf/E8-16499.pdf>

⁴² 36 CFR § 220.1(b)

Sincerely,

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Attachments

- A. Ferry, Bryan. "Rec issue input still sought by ANF staff." Warren Times Observer. February 6, 2008.
- B. Forest Service Chief Abigail Kimbell letter to Regional Foresters, et al, July 25, 2007.
- C. ANF Public Affairs Officer Stephen Miller email to Mike Antalosky and Michael Hampton, August 6, 2003.
- D. Ferry, Bryan. "Talking Points: County, Forest Service strive for better communication," Warren Times Observer. July 24, 2008.
- E. Wells, Dean. "Comprehensive study looks at county now and future," Warren Times Observer. March 31, 2008.
- F. Vosler, Adam. "Entrepreneurs learn to make PA Wilds draw tourism money," Bradford Era. July 25, 2008.
- G. Sullivan, Katie. "11 campgrounds face closure," Erie Times News. July 20, 2008.
- H. Acting Forest Supervisor Lois Demarco letter to PA DEP Regional Director Kelvin Burch, December 21, 2007.
- I. DEP correspondence with ANF Supervisor Kathleen Morse referenced in Attachment H.

cc: Leanne Marten (ANF Supervisor)
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