

Nebraska National Forest  
125 N. Main Street  
Chadron, NE 69337  
Attn: Lisa Heiser

June 11, 2007

RE: Recreation Facilities Analysis Proposal Comments

Thank you for the opportunity to provide comments regarding the Forest Service (FS) proposal regarding changes to the developed recreation facilities on the Nebraska National Forest and Associated Units (NNF).

During the public meeting in Chadron, NE on May 29, 2008 it became apparent that there is no real plan to use the public comments, since questions about whether the FS would perform a formal content analysis of the comments went unanswered. And, the FS made no apparent effort to record any of the comments and discussion that ensued over a four-hour period. Many participants later noted how arrogant and disrespectful of participants' time and efforts this appeared to be. Therefore, the content of this, and other comment letters will likely serve no other purpose than documentation in the public record of the wide variety of concerns that people have identified regarding the inherently flawed recreation facilities analysis process and the resulting proposal.

### **Flawed Process**

In a May 22, 2008 FS response to my request for a comment period extension, and clarification on several points, it was stated twice how "powerful" it is to have the recreation facilities "aligned" with the niche statement. The niche statement is described as clarifying the "Forest's unique attributes (both physical and social) and special places, and focuses upon the key words "quiet, undeveloped, wide-open spaces."

According to the FS, "Focusing on a 'niche' has multiple benefits. People are more satisfied with the recreation opportunities within that niche, local communities can focus business opportunities that support the niche, and the natural environment that people value can be protected." (Response to extension request, 05/23/2008)

For a niche statement to accomplish the goals described, it must be a product of collaboration between the agency and the people who use and value the affected lands and facilities. The Forest Service should make an honest effort to actually contact and solicit responses from people who are using the facilities. To require that comments be submitted prior to the highest use season misses the best opportunity to collect and use actual user responses and suggestions. The Forest Service (at the national level) promotes the concept of community-based collaborative stewardship, as described in this paragraph from a discussion paper on the national FS website:

"National forest management is most effective when local communities are actively engaged. People who live on or near national forest land are intimately familiar with local

conditions; their knowledge and participation can spell the difference between project success and failure. Moreover, those who live on the land and use it inevitably affect it through their behavior. Management activities are truly sustainable only with active support from local communities.”

The closely related recreation facilities analysis and motorized travel management projects offer excellent opportunities for local Forest Service managers to meaningfully engage those affected by Forest Service decisions in the process to find mutually acceptable outcomes.

However, the niche statement, was developed in a FS vacuum, with no public involvement, then used to justify the proposed actions of reducing seasons, services and facilities at all Pine Ridge Ranger District facilities (except Hudson-Meng Bison Kill), as well as Steer Creek Campground at the Samuel R. McKelvie National Forest in Cherry County, and the Whitetail and Natick campgrounds at the Bessey Ranger District (where fee increases are proposed to accompany reduced seasons and services).

In addition, the niche statement failed to take into account that the NNF is a minority land manager (.7 of one percent of Nebraska’s land base) surrounded by, and intermingled with private land (the vast majority) and state lands. The landscape is far from “undeveloped” and includes farms, ranches, thousands of miles of livestock fencing and power transmission lines, and thousands of livestock water developments, to name the most prominent and numerous.

### **Recommendation**

The FS must reverse its current approach of consciously limiting effective public involvement through inappropriate timing and failure to provide adequate environmental information, as required by NEPA. (40 CFR 1500.1(b) This disregard for the spirit of laws and regulations requiring the public’s participation was demonstrated recently when the FS sent a scoping letter to solicit potential routes for their travel management analysis—the week before Christmas. FS managers then held meetings January 15-17, 2008 to seek route specific public input during the middle of the harshest winter in a decade, and when the national forests and grasslands were inaccessible. Key information, including copies of the travel management rule and information about local decision space (to allow for dispersed camping and game retrieval) were not provided. Intentional misinformation was disseminated regarding the comment period to further place the public at a disadvantage (FS officials told people the comment period was 17 days shorter than what they themselves published in the Federal Register).

Similarly, the timing to solicit input about the recreation facilities analysis proposal was scheduled to consciously avoid the highest use season when it would be most logical to contact facilities users for their first-hand responses and recommendations.

The FS must engage those affected by FS decisions early in the process and develop public involvement strategies designed to build relationships and foundations for

mutually positive outcomes instead of mistrust and antagonism with local communities and public land users.

The niche statement must be revised to more accurately reflect a perspective more in line with public expectations. An alternative niche statement is attached for review.

### **Missing and Questionable Information**

The FS Recreation Facilities Analysis (RFA) document, which is available on the NNF website is missing key parts of the analysis upon which significant parts of the proposal are based. The FS provided, upon request, two documents that were not, but should have been, important parts of the RFA.

The first was a table describing the annual cost to manage each recreation site. The other was a matrix that, while it contained no descriptions to identify scales or relative weights of the values included, did show that each site was evaluated in 13 categories for a side-by-side comparison.

Interestingly, all of those sites that scored the highest (20) for conformance with the niche statement are part of the highly developed Bessey Recreation Complex on the Bessey Ranger District. Conversely, sites such as six-unit Toadstool Campground on the Oglala National Grassland; Steer Creek Campground, a shady island surrounded by 116,000 acres of publicly-owned sandhills prairie; Soldier Creek Wilderness trailhead and campground; and Roberts Trailhead, entryway to the near-wilderness Pine Ridge National Recreation Area—all ranked a 12, or just over one-half of the value for the most highly developed sites, for their alignment with “quiet, undeveloped, wide-open spaces.”

This appears to be a deliberate attempt to inappropriately skew the analysis to justify the proposal, which directs the vast majority of FS financial resources to reconstructing the facilities at the Bessey Recreation Complex, while reducing or eliminating nearly all other recreation services and facilities on the NNF.

The table summarizing the annual operations and maintenance costs also contains what appears to be implausible information that led to inappropriate recommendations in the proposal. For example, Red Cloud Campground, which includes signs, a vault toilet, parking spurs, tables and fire grates, is reported to cost \$325 annually for O&M. Yet the FS proposes to decommission it if the State of Nebraska will not assume management of the site. This site is used frequently and is one of the most accessible developed sites on the Pine Ridge District for anyone wishing to camp in the national forest, but not drive several miles of dirt or gravel roads.

The minimally developed Outrider Trailhead, which includes volunteer-constructed horse paddocks and Chadron State Park provided water, costs only \$102 annually for O&M, but the FS wants to transfer their management responsibilities to volunteers. These two sites are just off Highway 385, and provide excellent opportunities for the FS to communicate agency mission and management messages (such as wildland-urban

interface issues, prescribed fire and fuels reduction, etc.) to a receptive public. Instead, the agency proposes to squander these opportunities to save a paltry \$427 a year. For comparison, if one FS employee would choose to not attend an optional two-day meeting in the FS regional office in Lakewood, CO the cost of managing both sites would be covered for a year.

These examples, and the other parts of the proposal that include reducing or removing services and facilities fail to recognize that the vast majority of personal contacts with the national forests and grasslands are made in a recreation venue. People don't need, or in most cases want, a two-week Spartan backpack trip to gain an appreciation of the public lands and become advocates for them and their management. They do, however, need basic facilities—which as most tourism entities will explain, include tables, restrooms, and water as a minimum. Without these basic amenities many travelers will bypass the national forests and grasslands. That fails to benefit anyone—the traveler, the local communities, or the agency.

### **Recommendation**

The common consensus at both the FS meeting in Chadron and other private meetings on the topic is that **the emphasis should be, at a minimum, maintaining what services and facilities that are currently available at FS recreation sites. Improving and expanding those facilities should be the goal rather than reducing or eliminating them.** The FS reported that there was “consensus” at the first portion of the Chadron meeting that Red Cloud campground should be eliminated. However, as is consistent with the pattern of disinformation and misinformation, there was no mention of the annual management costs. The alleged consensus should be viewed with skepticism.

One of the four stated objectives in the RFA was to reduce the maintenance backlog by 20% over five years. The analysis, which because of the high number of errors--is suspect, reveals that if the proposal is implemented the backlog would be reduced by 91%. When quizzed about this apparent 350% over-accomplishment, the FS noted that the bulk of the backlog related to the Bessey swimming pool (which, amazingly, received a niche alignment score of 20 for its conformance with the “quiet, undeveloped, wide-open spaces theme).

Plans to replace the pool with a modern, heated version have apparently stalled due to the shortage of local area support. Therefore, due to the relatively high costs associated with this 1935 era pool, and its effects on the rest of the developed recreation program across the NNF, **plans to close it should be prioritized above any other proposed action in the RFA.**

### **Inappropriate National Environmental Policy Act (NEPA) Analysis**

In response to my request for a comment period extension and other clarification the FS stated that “This is a program of work and not a decision document. Many of these

actions are administrative actions with no requirement for NEPA analysis, however if NEPA is required for any of these actions the analysis will be done when appropriate.”

You can call it what you want, but the facts appear to indicate that the FS intends to make decisions based upon the contents of the document, regardless of its incomplete and inaccurate information. A quick review of NEPA may be in order here.

The Act requires for “major Federal actions,” a “detailed statement by the responsible official on (i) the environmental impact of the proposed action, (ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented, (iii) Alternatives to the proposed action, (iv) The relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity, and (v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.” (NEPA sec. 102(C))

Is this a “major Federal action?”

“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.” (40 CFR 1508.18)

Actions include “Adoption of formal plans, such as official documents prepared or approved by federal agencies which guide or prescribe alternative uses of federal resources, upon which future agency actions will be based.” (40 CFR 1508.18(b)2) Also, “Approval of specific projects, such as construction or management activities located in a defined geographic area.” (40 CFR 1508.18(b)4)

The RFA proposal goes beyond a mere analysis of the recreation facilities on the NNF by making site- and project-specific recommendations within the context of a comprehensive recreation facilities proposal to allocate resources (tax dollars).

By approaching each proposed action of the RFA proposal as a separate project the FS is attempting to reduce the significance of the entire proposal below the threshold for a major federal action. However, that approach is specifically prohibited in the NEPA regulations. “Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.” 40 CFR 1508.27(7)

The FS contention that “many of these actions are administrative actions with no requirement for NEPA analysis,” is baseless. This is a comprehensive, forest-wide proposal containing many individual actions that cannot legally be broken down into small component parts to avoid a finding of significance. The proposal falls well within the analysis and disclosure requirements of NEPA. In addition, the FS has disclosed no criteria by which to make the legal distinction identifying an administrative action with no requirement for NEPA analysis.

If the NNF attempts to avoid the appropriate comprehensive analysis of this proposal and continues its implementation under the guise of “administrative action” (as has already occurred by removing potable water systems from the French Creek, Toadstool and Red Cloud sites) it will invite further erosion of its credibility and potential litigation.

### **Recommendation**

The FS should treat this analysis like any other project proposal with multiple component parts, such as a Range Allotment Management Plan (RAMP), which includes many potential allotment-level actions and decisions. A proper environmental impact statement or environmental assessment will meet the NEPA requirements listed above while addressing analysis and public involvement expectations.

Part of the analysis must include a discussion of the implications and cumulative effects of implementing the in-progress motorized travel management proposal and related alternatives.

While the FS clearly wants to keep the travel management decisions separate from the recreation facilities analysis decisions, from the public’s perspective they are closely linked. Currently, the opportunities for a “primitive, undisturbed experience,” as described as the focus for FS managed recreation, are plentiful—even for car camper types. Those wanting this kind of experience can pull off the road to a suitable location and set up camp.

To maintain this opportunity the FS only needs to include in their travel management decision a provision (which is allowed in the travel management Final Rule) to allow a generous buffer along designated routes to accommodate dispersed camping (camping outside of a developed campground). However, as previously noted, the FS neglected to inform people of this option in their ill-timed and poorly executed attempt in January of this year to engage people in the all-important process (for motorized travelers on the national forests and grasslands) of suggesting routes and areas for consideration as part of the motorized transportation system.

When the option to pull off of the road and set up camp in suitable location is denied by the travel management rule decisions, the options are narrowed to camping in what is left of the current campgrounds proposed for reduced services and facilities. However, the Forest Management Plan clearly directs the Nebraska National Forest (NNF) to “Close (developed recreation) facilities if public safety or sanitation cannot be provided. Standard.” (Plan, Chapter 1, p. 24)

Once the water and restroom facilities are removed the chances that sanitation cannot be provided are substantially increased. The next step is to close the areas where sanitation services and facilities have been removed and prohibit entry to these areas—as directed by the Forest Plan. In addition, removal of nearly all water systems at existing campgrounds and trailheads will mean that there will be no water to properly extinguish

campfires so the FS will undoubtedly ban this icon of family camping and further reduce the memory-making outdoor recreation experience.

If the FS wishes to regain credibility and support as an agency that makes resource management decisions based on sound, science-based information while complying with existing laws, and appropriately involving the public in decisions that affect them, it must immediately curtail poorly executed end runs around the laws and good public involvement. The basic data upon which the RFA relies contain so many errors and inconsistencies that it cannot be relied upon to provide the basis for any decisions related to recreation sites. The RFA must be redone using real data and not be skewed to justify a predetermined outcome. Third party oversight would add a level of verification not currently available.

### **Failure to Participate as a Partner**

Rural communities in Nebraska's Pine Ridge region are struggling economically and have focused limited resources on attracting tourism to the region. The recreation facilities of the Nebraska National Forest are an important part of the outdoor recreation menu the area has to offer. The FS proposal to reduce or eliminate facilities and services while increasing fees makes poor business sense and erodes the efforts of others.

Several organizations and entities including the Nebraska Division of Tourism, Western Nebraska Tourism Coalition, Chadron Chamber of Commerce, Crawford Chamber of Commerce, Dawes County Travel Board, Chadron and Fort Robinson State Parks, the Nebraska Game and Parks Commission, and others actively promote NNF recreation facilities and experiences. The sentiment has been noted (and recorded) that "everyone is trying to promote tourism, while the FS is trying to demote it."

In the past, the FS was viewed as a participating partner in several tourism and economic development-focused efforts including the state scenic byway program, Panhandle Tourism Coalition (now the Western Nebraska Tourism Coalition), Chadron and Crawford Chambers of Commerce, Nebraska Northwest Development Corporation, and others. The FS has systematically withdrawn from active participation in most of these and similar organizations and has lost valuable contacts and counsel in the tourism industry.

The combined effects of the recreation facilities proposals and the travel management proposal, as it currently exists, make it appear that the Forest Service is attempting to discourage use to the national forests and grasslands. This is very disappointing in light of the agency's rich history of providing high quality outdoor recreation experiences and participating as a partner in community-based efforts.

### **Recommendation**

The FS should not make any decision on the RFA until the new forest supervisor arrives and has a chance to see the affected facilities, visit with affected individuals and groups,

and review the fatally flawed document. However, a FS spokesperson indicated in a radio interview following the Chadron meeting on May 29<sup>th</sup> that the goal was to have the RFA signed and sent to the regional forester by July 1. The plans are not due to be completed until December of this year, so it appears again that the NNF is attempting to short circuit effective review.

As soon as possible following the arrival of the new Forest Supervisor, the FS should make a strong commitment to regaining its previous stature as an enthusiastic supporter and team player in the tourism and outdoor recreation industries in Nebraska and South Dakota.

Outdoor recreation is a “white-hat” arena for the FS to pursue regaining its credibility as a partner to rural communities. The antagonism and disdain exhibited toward individuals, organizations, and events during the past several years must stop. The recreation facilities analysis proposal is seen as a continuation of these failed relationships that have eroded trust in the Forest Service so dramatically in recent years. Consigning the RFA proposal to the trash bin of bad ideas would be a positive initial step for the NNF.

### **Conclusion**

The NNF is in an enviable position, believe it or not. Many people can remember a time when the forest assumed an important participatory role in planning and providing high quality, minimally restrictive outdoor recreation experiences. They know how important the forest leadership role is in setting direction and expectation. For the past several years expectations have eroded, as ill-will has escalated.

The next forest supervisor can make tremendous strides with relatively little effort if she chooses to treat the public with respect, sets positive community involvement expectations for her employees, and refrains from attempting to limit effective public involvement.

I hope that my comments will be of some use to the NNF as it moves forward in finalizing the RFA, but more importantly as it moves forward into a new era of rebuilding relationships and taking its expected place as a high quality outdoor recreation provider and partner.

Sincerely,

*Jerry Schumacher*

Attachment: “Alternative Niche Statement”