

APPENDIX F - PUBLIC COMMENTS CONTENT ANALYSIS AND RESPONSE TO COMMENTS

INTRODUCTION

On April 15, 2011, the Forest published the Notice of Availability of the DEIS in the Federal Register (FR Volume 76, Number 73) for the Kapka Butte Sno-park Project, initiating a 45-day comment period. In response to public comments the comment period was extended an additional 30 days, extending the comment period to June 30, 2011. The Forest received approximately 237 comment letters from individuals, organizations, and agencies during the comment period.

Public comments have been reviewed by the interdisciplinary team and responsible official, following review of the environmental effects analysis and consideration of public comments, it has been determined that there would be no significant environmental effects from the project. Therefore, it has been decided to document this project in an environmental assessment rather than a Final EIS.

CONTENT ANALYSIS PROCESS

All of the DEIS comments received by the close of the comment period were processed, documented and analyzed using a content analysis process, which is a systematic method of compiling and categorizing public input regarding the Kapka Butte Sno-park project. In the content analysis process used for this DEIS all letters, emails, and other type of input were given a unique identifying number, which allows for specific comments to original letters to easily be located. Respondents' names and addresses were entered a table along with a summary of the input received. All input was first read and then comments were sorted into key categories, listed below.

This process makes no attempt to treat comments as votes. This content analysis report does not attempt to sway the decision-maker towards the will of any majority; it provides a means to ensure that every comment is considered in the decision process.

Substantive comments raised by commenters have been analyzed and responded to by the Kapka Butte Sno-park interdisciplinary (ID) team. Substantive comments are within the scope of the proposed action, are specific to the proposed action, have a direct relationship to the proposed action and include supporting reasons for the Responsible Official to consider (36 CFR 215.2). This appendix also contains the ID team's responses to the substantive comments.

Key Comment Categories:

Alternative Preference

- 1-** No Action
- 2-** Proposed Action
- 3-** Smaller lot; no dog trail
- 4-** PA plus Dutchman Flat improvements

Support

- 1-** Dog friendly
- 2-** Alt 2 or Alt 4
- 3-** Relocation of snowplay area at Dutchman Flat
- 4-** Use Wanoga Park as an example
- 5-** Additional Parking
- 6-** Support Kapka with the change proposed by DogPAC
- 7-** General support for this project

General Comment Content

- A** – Expand Dutchman Sno-park
- B** – Hazardous left turn to access Kapka Sno-park
- C** – Motorized use (trailer) parking at Kapka Sno-park and non-motorized (car) use parking at Dutchman Sno-park
- D** – No change to Dutchman Flat Sno-park
- E** – No action until a winter travel management plan is in place
- F** – Kapka Sno-park is at too low of an elevation
- G** – Kapka Sno-park does not address the issues at Dutchman Flat Sno-park
- H** – Increase options for skiing/snowshoeing/dog sledding
- I** – No more sno-parks that offer snowmobile access; need non-motorized access
- M** – Vehicle size restrictions at Dutchman
- N** – Culvert/underpass too small for motorized and non-motorized; groomer cannot fit through underpass.
- O** – Separate motorized and non-motorized trails and/or have separate parking lots also
- P** – Project favors motorized users
- Q** – Do not gate Kapka sno-park in the summer months, provide year round access

Resource Issues

1. Vegetation and Soils
2. T & E
3. Unauthorized Motorized Use
4. Compaction – Soil and Snow
5. Botanical Resources
6. Wildlife
7. Water Quality
8. Noise Pollution
9. Air Pollution

Issues – Other

1. Dogs on trails
2. User Conflict – motorized vs. non-motorized
3. Access
4. Congestion/Overcrowding
5. Economics/Funding/Costs of project and yearly grooming
6. Shared common travel routes
7. Safety
8. Need to address the user conflict issues at Dutchman Flat
9. Will not benefit all users/does not address the needs of all user

PROCESSING OF COMMENTS

All comments received were reviewed and considered by the decision maker. A large volume of comments had similar themes; therefore, represented comments were used. Two or more comments may be addressed by a single discussion.

Each comment is in italics under the appropriate topic or resource area, followed by a discussion of how it is being considered in this NEPA review.

RESOURCE ISSUES

Vegetation and Soils

VEGETATION AND SOILS	
Public Comment	Consideration
<p><i>The Kapka Sno-park DEIS failed to consider the impact an increase in off-trail snowmobiling will have to land cover through direct physical injury as well as indirectly through snow compaction. Documented impacts to vegetation from over-snow vehicles (OSV) and the associated snow compaction includes: delay of flowering in plants in spring²; lower soil bacteria³; elimination of some plant species; inhibition of seed germination, dispersal, and growth⁴; abrasion and breakage of seedlings, shrubs, and other exposed vegetation⁵; and treetop damage to small trees. The resulting degradation of soil and vegetation will lead to increased soil runoff resulting in decreased water quality in nearby water bodies.</i></p>	<p>Literature cited by the commenters provided conclusions worthy of consideration for this project. Those findings however were acquired from study areas in different physiographic provinces with different site-specific conditions, and their conclusions do not necessarily translate categorically to the Kapka analysis area, particularly as a measure of the extent and magnitude of effect. The following effects analysis has been incorporated into the soils cumulative effects analysis in Section 3.9.3 of Chapter 3 in the EA. While effects to vegetation from off-trail snowmobiling are known to occur to a degree, local observations indicate that effects are comparatively low. Impacts have typically been contained to certain high use areas, particularly popular sites that are more open such as meadows, pumice flats, and sparse slopes. Examples include Dutchman Flats, the open area behind Wanoga Snow-park, and Moon Mountain. The heaviest off-trail activity has occurred repeatedly in these areas seasonally for years. Widespread conversion a non-vegetated or non-forest condition where bare soil has been exposed to accelerated erosion has not been observed. Impacts have mostly affected younger trees, some of which</p>

VEGETATION AND SOILS	
Public Comment	Consideration
	<p>are encroaching upon meadows or open slopes due to fire exclusion, and others that have established in created openings (i.e. roads, unsurfaced parking, landings, thinned stands). Species affected most include non-status lodgepole pine or mountain hemlock.</p> <p>Local factors also at play include the soil types and the hydrologic regime. Soils in the area exhibit high or rapid infiltration rates, so erosion potential is considered to be inherently low even on most slopes. Runoff is principally associated with spring stream flow or groundwater re-charge. In snow-play areas, elevated runoff is nearly always associated with existing hardened surfaces such as roads or parking areas where drainage structures are used to minimize accelerated erosion from the intercepted precipitation. The magnitude and extent of effects to vegetation, soils, and water quality from off-trail snowmobiling are considered to be at most nominal by comparison.</p>

Unauthorized Motorized Use

UNAUTHORIZED MOTORIZED USE	
Public Comment	Consideration
<p><i>Asking snowmobilers "to be considerate" is not an effective resource management solution. Declaring, as the Forest Service does in this DEIS, that 90 to 95% of snowmobilers obey the rules, does not change the fact that 5 to 10% consistently break the rules and do so without penalty. If the total number of users grow, then 10% of a larger user base means there will be more rule breaking. This is a point that needs to be stressed, early, often and consistently. It is a key point the DEIS fails to address.</i></p>	<p>The EA documents in the Recreation section of Chapter 3 under Education, Enforcement, Safety and Operational Maintenance (page 73-75) the Forest’s past and ongoing commitment to education and enforcement of snowmobile and all laws and regulations related to winter recreation. Education and enforcement techniques used in the area include:</p> <ul style="list-style-type: none"> • Winter recreation maps including information on snowmobile regulations are available free to the public (produced by local snowmobile clubs) • Winter trails are well marked and maintained. Oregon gas tax revenue and snowmobile registration fees fund volunteers with local snowmobile clubs to work with the Forest Service to groom and maintain snowmobile trails. Non-motorized trails are maintained by volunteers in some areas and the Forest Service in others. Both motorized and non-motorized users have made investments in time and money toward providing and managing winter recreation activities in these areas, which helps to encourage proper use and self -policing. • Signs and information are maintained at sno-parks and throughout the area to inform the public about local use restrictions. • Forest orders restricting motorized and non-motorized use are in place in some concentrated use areas (Dutchman Flat and Tumalo Mountain) and on designated Nordic trails. Motorized users violating these orders may face a \$150 minimum fine. • Law enforcement officers patrol these winter recreation areas on snowmobiles and skis every weekend and some weekdays.
<p><i>The Kapka DEIS is legally deficient in that it does not adequately address the enforcement problems discussed in this comment. The DEIS appears to acknowledge that barriers to effective enforcement exist, but it does little to explain how the USFS intends to address those issues..... Likewise, the Kapka DEIS falls short of compliance with NEPA in that it admits of violations and enforcement problems, but fails to adequately address how the USFS will enforce the regulations applicable to motorized users.</i></p>	

UNAUTHORIZED MOTORIZED USE	
Public Comment	Consideration
	<p>Patrols include the use of Sheriff’s Department Deputies (under cooperative agreement with the Deschutes National Forest), Forest Law Enforcement Officers, and Forest Protection Officers. Law enforcement officers regularly issue warning and citations to users for breaking State laws and Forest orders and regulations, including operating a snowmobile in restricted areas.</p> <p>The EAs effects analysis in the Recreation (section 3.4.4) and Designated Wilderness (section 3.7.2) Sections of Chapter 3 describe the effects of potential increased snowmobile use on illegal motorized use. Over time, illegal incursions may grow as snowmobile participation increases due to population growth and an overall growth in the popularity of winter sports over time, although it is a small proportion of the population.</p>
<p><i>Likewise it is frequently claimed in both the DEIS and WRSA that snoparks are oftentimes filled to capacity and frequently overflow into adjacent travel lanes. The DEIS fails to provide supporting evidence that these overflow conditions occur and that the safety of motorists is jeopardized.</i></p>	<p>The Background and Purpose and Need sections in Chapter 1 describe the crowded and unsafe parking conditions that can occur at Dutchman Sno-park. These conditions have been recorded by the Forest Service, Oregon State Patrol, Deschutes County Sheriff’s Department and have been reported by the public. Parking regulations are enforced by the Forest Service, Oregon State Patrol Deschutes County Sheriff’s Department.</p> <p>Figure 1-3 of the EA (pp. 8) provides photos of vehicles at Dutchman Sno-park that are parked illegally and unsafely along the access road and trailered vehicles are double parked.</p>

Wildlife

WILDLIFE	
Public Comment	Consideration
<p><i>The DEIS proposes to increase snowmobile capacity by 61 percent in Alternatives 2 and 4 and 44 percent in Alternative 3, with no increase proposed in Alternative 1 (p. 42 Table 2-9). The DEIS notes:</i></p> <ul style="list-style-type: none"> • <i>On page 57: Non-motorized recreationists typically travel within a 2-5 mile radius of a sno-park while motorized recreationists can easily travel within a 10-40 mile radius... Typical distances traveled range from less than 5 miles for Nordic skiers and snowshoers, less than 10 miles for backcountry skiers, to over 50 miles for snowmobilers.</i> • <i>On page 58: High country: Includes the northern most and highest elevation areas and is well used because the views are stellar and wide open areas exist... Recreation managers estimate that approximately 60-80% of snowmobilers access the high country and 15% of the skiers.</i> <p><i>Recognize that adding 61 percent more snowmobile recreational capacity will result in an expanded recreational disturbance footprint that could affect wildlife within a 40 mile radius</i></p>	<p>On page 138 of the EA in the Wildlife section the cumulative effects scale used to evaluate the effects on species is defined.</p> <p>“Cumulative effects can be defined as the combined effect on a species or its habitat caused by the activity or program, as well as other ongoing or reasonable foreseeable events that are likely to have similar effects on the species or habitat (Weaver et. al 1987). For most species in this report, potential cumulative effects were bounded by the Dutchman Creek 12th field subwatershed (21,137 acres) (Figure 3-12). This boundary takes in multiple territories of a majority of wildlife species and gives a landscape perspective in regards to management and human uses. Although the Dutchman Flat area (described in Alternatives 3 and 4) occurs just outside this subwatershed boundary in the Soda Creek subwatershed, the decision was made not to include this subwatershed into the cumulative effects bounding because it is a small acreage and no habitat would be removed. For species such as the Pacific fisher and wolverine, cumulative effects are bounded by a larger area, generally encompassing the subwatersheds that contain trails that would be utilized the most from recreationists using the new sno-park.”</p>
<p><i>The project area wildlife effects analysis with additional consideration for cumulative effects within the 5th field subwatershed is appropriate for vegetation projects where the effects are limited to the project area and a moderate distance beyond. However, for a project that could increase snowmobile recreational capacity by 61 percent with an effects range of up to a 40 mile radius, the project level effects analysis does not begin to assess the potential overall impact (10 mile radius = 200,960 acres (0.8% project acres), 40 mile radius = 3,215,360 acres</i></p>	<p>In the Wildlife report effects were analyzed at the project, subwatershed and/or forest scale. The effects are spread over the Cascade Lakes corridor and therefore diluted across a large area. The direct effects that are more easily quantified are at the sno-park and immediately around it. Conclusions of the effects can be found in the EA on pages 154, 156, 160, 164, 171, 172, 176, 180, 181, 185, 187, 189, 190, 191, 193, 195. Project effects from any of the action alternatives will not cause</p>

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<p><i>(0.05% project acres)).</i></p>	<p>concerns for species viability, or cause major disturbance or reductions in species habitat.</p>
<p><i>Many small mammal species depend on the space between the frozen ground and the snow to live. Snow compaction from snowmobiles will decrease the subnivean (below snow) space temperatures, increasing metabolic rates in small mammal species. Compaction will create barriers that restrict movement of these small species that travel through subnivean tunnels. As the subnivean trails are cut off, these small mammals will be forced up to the surface where they are vulnerable to predation. Compaction will also restrict subnivean mammal movement to the point of causing asphyxiation, as oxygen flow is restricted and carbon dioxide builds up to deadly levels.⁹ This decline in small mammal populations will impact many prey species (including raptors) that rely on them, resulting in ecosystem level disturbance.</i></p>	<p>Compaction of subnivean habitat is analyzed in the EA on pages 154-159, 167, 178-179. Groomed areas and other off-trail areas used by snowmobiles would compact subnivean habitat but the impact would be small and concentrated.</p>
<p><i>The Kakpa Sno-park Project DEIS failed to include thorough acoustic and soundscape research and analysis, and establish adequate quiet zones in order to protect wildlife. In order to satisfy its legal obligations under NEPA and Executive Order 11644 as amended, the Deschutes National Forest needs to analyze impacts to the soundscape. The Executive Order’s stated purpose is to “ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands” Exec. Order No. 11,644, 37 Fed. Reg. 2877 (Feb. 8, 1972) § 1. To prevent such conflict, the soundscape analysis requires (1) quantification of the decibel (“dB”) levels of the natural soundscape; and (2) assessment</i></p>	<p>Consistency with Executive Order 11644 can be found on pages 235-236 of the EA. The proposed project does not change the motorized and non-motorized use allocations within the area.</p> <p>Effects of noise on wildlife was assessed and can be found in the wildlife analysis in Chapter 3, sections 3.10.5, 3.10.6, 3.10.7, 3.10.8, and 3.10.9. The project may lead to more consistent and increased noise disturbance for northern spotted owl, Pacific fisher, wolverine, northern goshawk, Cooper’s hawk, sharp-shinned hawk, great grey owl, American marten and Clark’s nutcracker. Project effects from any of the action alternatives will not cause concerns for species viability, or cause major disturbance or reductions in species habitat.</p>

WILDLIFE	
Public Comment	Consideration
<p><i>of the OSV noise impacts on quiet recreation areas through quantitative analysis of the dB levels of OSVs. Lacking this analysis, it is impossible for the agency to determine if adequate natural soundscapes have been retained.</i></p> <p><i>The issues of quantification of ORV (including OSV) dB levels and assessment of those noise impacts, pursuant to NEPA, have been addressed by the U.S. District Court of Minnesota in the context of Forest Service designation of a snowmobile trail adjacent to the Boundary Waters Canoe Wilderness Area.</i></p>	
<p><i>It is acknowledged that human recreation activities will continue to grow and expand as the population increases. As stated in the DEIS (p. 138) human use within and near northern spotted owl and other species' habitat is becoming year round by winter use and summer use. Recreation planning for the Kapka Butte Sno-park and other facilities would benefit from having a comprehensive forest-wide winter travel management plan that is designed to ensure habitat protection for sensitive species. Proposed actions are also based upon compliance with a 1990 Forest Plan, which is in need of update. Expansion of human activities and impacts must be done carefully and conservatively with adequate monitoring and adaptive management to ensure species continued viability.</i></p>	<p>Surveys for Northern Spotted Owl were conducted in 2006, 2007, 2008, 2011, and 2012 (EA, page 148). No vocal or visual detections occurred during surveys from either spotted or barred owls (EA, page 149). To insure that suitable nesting, roosting, foraging (NRF) habitat remains vacant, or becomes occupied by a pair of northern spotted owls surveys will occur again if implementation has not occurred by March 15, 2015 (EA, page 43). If an owl is found to be nesting in the area seasonal restrictions would occur (EA, page 43). Although the northern spotted owl is considered “vulnerable” by Natureserve (2010), the project impacts less than 1% of the dispersal habitat within the subwatershed and increases disturbance to suitable habitat by 8% within the subwatershed, therefore, the overall direct, indirect and cumulative effect would result in a small negative trend in disturbance to habitat. This loss of dispersal habitat and increase in disturbance near suitable habitat would be minimal at the scale of the Forest. The Kapka Butte Sno-park project is consistent with the Forest Plan. Project effects from any of the action alternatives will not contribute to a downward trend of viability for the northern spotted owl at the Forest Level. (EA, page 150-154).</p>

WILDLIFE	
Public Comment	Consideration
	<p>The Travel Management Rule gives the Agency the option of limiting winter motorized recreation to routes and areas designated on a winter travel motorized vehicle use map. The Forest has not identified a timeline for completing a large scale assessment for winter recreation. Timelines for large scale planning efforts are affected by other forest priorities such as implementation of summer Travel Management and Forest Plan Revision.</p> <p>This project follows the 1990 Deschutes Land and Resource Management Plan (LRMP or Forest Plan). When and how the current Forest Plan will be revised and whether there will be any additional management plans and/or direction focusing solely on winter recreation is outside this projects control; however, best available science and existing management directions are used for evaluating project actions. The 1994 Record of Decision for the Northwest Forest Plan (NWFP) amends the 1990 Forest Plan and provides direction on management of lands within the range of the northern spotted owl (EA, page 12, 133-137). The 2001 Record of Decision (ROD) and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines amended parts of the NWFP (and thus the 1990 Forest Plan) by adopting new standards and guidelines for Survey and Manage, Protection Buffers and other mitigating measures. In July 2011, a new direction was issued for Survey and Manage species (the 2011 Settlement Agreement). The 2011 Settlement agreement modified the 2001 ROD.</p> <p>Forest Service policy is that proposed projects must be consistent with the Forest Plan and show consideration of “best available science” (Dillard 2007). Science is not absolute or irrefutable and much of what we know in a science context is constantly evolving (Moghissi et.al. 2008). This means what constitutes best available science might vary</p>

WILDLIFE	
Public Comment	Consideration
	<p>over time and across scientific disciplines (Dillard 2007). An objective of considering best available science is for scientists “to provide a meaningful context to scientific information so that its validity might be judged and therefore useful to the policymaker” (Moghissi et.al. 2008)</p> <p>Analysis information provided in this EA was based on a variety of methodologies, models, and procedures (depending on the resource) all of which are derived from scientific sources included in the Literature Cited section. This EA and the accompanying project file identify methods used, reference reliable scientific sources, discuss responsible opposing views, and disclose incomplete or unavailable information, scientific uncertainty, and risk (See 40 CFR 1502.9(b), 1502.22, and 1502.24). Personal opinions were generally judged not to be best available science. Peer-reviewed science was evaluated, and we recognized the value to independent peer review. All Forest Service research literature is peer reviewed following USDA Information Quality Scientific Research Guidelines.</p> <p>This project is consistent with all applicable management directions (EA, page 11-13 and Chapter 3 resource areas and Section 3.18) and uses best available science (EA, page 56-57, Chapter 3 Resource areas, and Specialists Reports located in the project file).</p>
<p><i>The DEIS includes the standard boilerplate: "The Kapka Butte Sno-park Project would not contribute to a negative trend in viability on the Deschutes National Forest, or a trend towards Federal listing." However, this raises a question -- If not here, then when if ever would this threshold be passed? The wolverine is "critically imperiled" in Oregon. The preferred alternative will increase habitat fragmentation. It will lead to a 54% increase in the number of people recreating at one time resulting in a significant increase in disturbance to wolverines</i></p>	<p>Page 160-162 of the EA discusses that amount and quality of wolverine habitat within the project area:</p> <p>“Potential denning habitat within the Deschutes National Forest is generally in a small disjunct area extending from Tolo Mountain at the south end of the Crescent Ranger District northward to Mt. Jefferson on the Sisters Ranger District. The largest amount of potential denning habitat occurs northwest of the project area (8 to</p>

WILDLIFE	
Public Comment	Consideration
<p><i>that favor remoteness and solitude. This project will extending the recreation season. All this in a snow-covered area suitable for wolverines. This project area may not be the best wolverine habitat, but it's not bad. Wolverines have been documented on nearby areas. There is already a "negative trend" toward federal listing, so how can this project NOT make it worse?</i></p>	<p>10 miles) within the Headwaters Wychus Creek subwatershed (within the Three Sisters Wilderness) at 756 acres.</p> <p>The Kapka Butte Sno-park project area potentially provides lower elevation winter foraging habitat for wolverine. Human use during the winter may have already impacted the suitability and availability of habitat in the area for this species. The best available winter habitat for this species near the project area occurs in the unroaded and non-trailed areas within the Bend Municipal Watershed, the Three Sisters Wilderness, and south of the Mt. Bachelor area. This species could be found as a transient in the Kapka Butte Sno-park project area, but denning habitat does not occur there.”</p> <p>Habitat fragmentation would increase by 0.10% from implementation of this project. In Chapter 3 (pages 155, 162-164) of the EA the effects to wolverine have been disclosed.</p> <p>The discussion of impacts stated in the EA would be localized around Kapka Butte and the snowmobile trail system that currently exists. No additional trails would be built to fragment the landscape or impact other denning habitat that is not already impacted by snowmobile trail activity. Expected viability of this species is expected on the Forest (EA pp.164).</p>

Water Quality

WATER QUALITY	
Public Comment	Consideration
<p><i>Many of these pollutants from snowmobile emissions will be stored within the snowpack.¹² During spring snowmelt, these accumulated pollutants will be released causing elevated acidity levels in surrounding waterways and resulting in higher death rates for aquatic insects, amphibians and fish.¹³ The associated acidity fluctuations will disable the watershed's ability to regulate its own pH level, which may trigger system- wide problems and result in a long-term alteration of an entire ecosystem.¹⁴</i></p> <p><i>The DEIS additionally acknowledges, “Some illegal snowmobile incursions currently occur...” in the protected Bend watershed. However, the DEIS provides inadequate analyses to support the second part of the statement; “... these incursions have not caused any permanent or temporary effects to water quality.”</i></p>	<p>Snowmobile use has occurred within and near the project area for many years. There are no documented acidity problems of streams related to snowmobile use (verbal communication with the City of Bend). Snowmobile use is expected to grow in and near the project area even under the No Action alternative (EA page 22-25, 83). An increase in snowmobile use is largely related to increased population growth in the Bend area and the state of the economy (EA pages 70-73). The action alternatives re-distribute current parking use, and would allow snowmobile use to increase over time through increased parking capacity. The increased use is expected to be spread across a large area, and not be concentrated in one particular area, such as near streams. There are no ephemeral, intermittent, or perennial streams, springs, seeps, riparian areas, wetlands, or floodplains in the project area (EA Section 3.12). The Fall River-Deschutes River watershed is a groundwater dominated system, with the nearest stream to the project area within the 117, 638 acre watershed being Spring River, located over 10 miles away (EA Section 3.12). Any pollutants introduced to soils would be filtered prior to entering Spring River. The nearest stream to the project area, in another watershed, is located over two miles away (EA Section 3.12).</p> <p>It is impractical to estimate how many snowmobile incursions into the Bend Municipal Watershed would result as a result of implementing any of the action alternatives. Under current conditions, incursions are infrequent. The City of Bend frequently collects water quality data in Bridge Creek within the Bend Municipal Watershed. There are no documented water quality effects related to these incursions.</p>

Air Quality

AIR QUALITY	
Public Comment	Consideration
<p><i>: It would be helpful to include the motorized and non-motorized play areas in the Winter Recreation Monitoring Plan (referred to in the 2009 Winter Recreation Sustainability Analysis, p. 18). The 2009 Winter Recreation Sustainability Analysis uses number of days exhaust haze is present at sno-parks as an air quality indicator. It also sets a standard where less than 10% of days between December 1 and March 31 would have exhaust haze present. However, there is no indication of how the Forest Service would achieve this standard or of what the consequences would be if it is not met.</i></p> <p><i>Recommendations:</i></p> <ul style="list-style-type: none"> • <i>Monitor and evaluate the air quality at Dutchman Flat Sno-park and winter recreation play areas, as well as other high snowmobile use areas on the Forest. Assess whether or not air quality conditions could pose a health hazard, particularly for children, the elderly, and people with respiratory ailments. Survey visitors regarding the degree to which poor air quality affects their recreation experience.</i> • <i>Characterize the air quality conditions at Wanoga Snow Park to inform the comparison with likely future conditions at the proposed Kapka Butte Sno-park.</i> • <i>Consider measures to mitigate air quality impacts, such as, posting anti-idling signs in the sno-parks, and ensuring adequate separation between motorized and non-motorized recreationists. If air impacts warrant it, stronger measures could include requiring and issuing a limited number of snowmobile use permits per day, and similar strategies.</i> • <i>Include the above information in the Final EIS and factor it into decision making.</i> 	<p>The EA discloses anticipated effects on air quality standards from project activities and from an airshed perspective, the proposed sno-park is 15 miles from the nearest area designated as potentially air quality impaired and 5 miles from a Class 1 Airshed. Any localized air quality impairment would be diluted to a scale that would be impractical to measure and would have no effect on Class 1 Airsheds or airsheds designated as potentially impaired. (EA, Section 3.13)</p> <p>Newer snowmobile technology (i.e. 4-stroke engines) emits less exhaust than the previous 2-stroke snowmobiles. The EPA sets exhaust emission standards for snowmobiles (40 CFR Part 1051). As snowmobile technology improves and older models are phased out emissions in the form of exhaust should decrease.</p> <p>The Winter Recreation Sustainability Analysis (available on the Deschutes National Forest webpage: http://data.ecosystem-management.org/nepaweb/nepa_project_exp.php?project=11086) made recommendations for an indicator and standard for monitoring air quality. The District will begin monitoring for visual indicators of reduced air quality at sno-parks and in high use areas this winter. If needed, mitigation measures would be developed to address public safety.</p>

ISSUES - OTHER

User Conflict

USER CONFLICT

Public Comment	Consideration
<p><i>Lastly, I note 36 C.F.R. § 212.55(b)(3), which states:</i></p> <p><i>Specific criteria for designation of trails and areas.... [I]n designating National Forest System trails and areas on National Forest System lands, the responsible official shall consider effects on the following, with the objective of minimizing: ... (3) Conflicts between motor vehicle use and existing or proposed recreational uses of National Forest System lands or neighboring Federal lands.</i></p> <p><i>It is my understanding that the courts have made it clear that the Forest Service must address and minimize such conflicts.</i></p>	<p>Consistent with Executive Orders 11644 and 11989 and the Deschutes Forest Land and Resource Management Plan standards and guidelines for winter recreation, to reduce conflict between motorized and non-motorized winter uses the Forest has taken the following progressive management actions:</p> <ul style="list-style-type: none"> • Designation of motorized and non-motorized trails. • Establishment of a Forest Order that prohibits motorized use on designated non-motorized trails. • In a 1996 Decision for the Sno-park Expansion Environmental Analysis, the following decisions were made: <ul style="list-style-type: none"> ○ Establishment of a Forest Order that prohibits overnight camping in Dutchman Sno-park. ○ Establishment of a Forest Order that restricts vehicle and vehicle/trailer combination lengths in Dutchman Sno-park to 40 feet long or less. ○ Safety improvements for Dutchman Sno-park including: construction of a deceleration lane from Cascade Lakes Highway and re-contouring of the exit road and snow bank to improve sight distances for vehicles exiting the lot. • After holding a 2 day meeting with winter recreation stakeholders in 2004 ('Dutchman Summit') to discuss concerns and desired outcomes for long term management of the Dutchman area, the following steps were taken: <ul style="list-style-type: none"> ○ Establishing a Forest Order that designates areas solely for winter motorized or winter non-motorized uses in the
<p><i>Failure to address user conflict as required by EO 11644 and adverse effects to “cultural or historical resources” as required by EO 11989 is in violation of CEQ regulations. Those regulations require consideration of “[whether the action threatens a violation of Federal, State or local law . . .” 40 C.F.R. § 1508.27(b)(10).</i></p> <p><i>Finally, the USFS Manual states that where trails are scarce and conflicts are likely, the USFS must consider “physical or temporal separation of uses.”⁶²</i></p>	
<p><i>the DEIS does not acknowledge the USFS’s substantive legal obligation to address and mitigate user conflicts. Both Executive</i></p>	

USER CONFLICT	
Public Comment	Consideration
<p><i>Orders 11644 and 11989, and the USFS’s Travel Management Rule, apply to this proposal and affirmatively require the USFS to take steps to avoid and mitigate conflicts caused by the use of snowmobiles on National Forests and to consider area closures if necessary to prevent adverse effects.</i></p>	<p>Dutchman and Tumalo Mountain areas.</p> <ul style="list-style-type: none"> ○ Initiation of the Kapka Butte Sno-park proposal with the goal of easing pressures of limited parking capacity at Dutchman Sno-park. <p>These management actions either provide information to allow the public to separate themselves from activities that are in conflict with their desired recreation activities or put in place regulations that require separation.</p> <p>Information on these restrictions is included in the EA on pages 54-56, 65-66, 233-234, 235-263.</p> <p>The Travel Management Rule gives the Agency the option of limiting winter motorized recreation to routes and areas designated on a winter travel motorized vehicle use map. The Forest has not identified a timeline for completing a large scale assessment for winter recreation. Timelines for large scale planning efforts are affected by other forest priorities such as implementation of summer Travel Management and Forest Plan Revision.</p>
<p><i>The project does not address conflict between motorized and non-motorized users.</i></p> <p><i>The proposed action does nothing to address Key issue #1. The proposed action will exacerbate existing conflict and induce new conflict in geographical areas where conflict is now relatively low. A prime example being the project location itself: an area which provides highly appreciated, and frequently difficult to find, recreation opportunities of the type favored by many traditional skiers and snowshoers.</i></p> <p><i>As part of the Forest Service's discussion of Key Issue #1, the DEIS</i></p>	<p>The purpose and need of the project is to ‘provide additional safe, high elevation parking that will enhance a variety of winter recreation opportunities and provide access to over snow trail systems near the Cascade Lakes Highway corridor’.</p> <p>A letter describing the proposed action for this project was sent out for public scoping. Key issues and analysis issues were then developed based on comments received through public scoping and those identified by an interdisciplinary team.</p> <p>While the proposed action was developed prior to development of the</p>

USER CONFLICT	
Public Comment	Consideration
<p><i>states:</i></p> <p><i>[T]he proposed action would not address the social conflict between motorized and non-motorized users on Dutchman Flat because it would allow for increased use but would not make changes to address noise or illegal incursions into nonmotorized areas. Scoping comments and comments recorded by field staff indicate that noise and motorized incursions into non-motorized areas are experienced as social conflict within the area.</i></p>	<p>key issues, the proposed action for the Kapka Butte project does address some aspects of user conflict. On page 86-90 of the EA the effects analysis of the proposed action concludes that the proposed action could have the following effects on user conflict between motorized and non-motorized users in the Dutchman Flat and Dutchman Sno-park areas:</p> <p style="padding-left: 40px;">The additional high elevation parking capacity would meet the current winter recreation demand, allowing visitors to park safely within sno-parks even on holiday weekends.</p> <p style="padding-left: 40px;">Motorized users would be less inclined to park in ‘no parking’ zones within Dutchman Sno-park, along the highway and illegally in chain-up areas when Dutchman Sno-park reaches capacity because there would be ample parking at the nearby Kapka Sno-park.</p> <p style="padding-left: 40px;">Snowmobilers choosing to access Tumalo Mountain and the high country can access these areas from Kapka Sno-park via Trail #6, bypassing the Dutchman area.</p> <p style="padding-left: 40px;">6.2 miles of groomed non-motorized nordic trails and 0.8 miles of ungroomed snowshoe opportunities would be created for visitors to recreate with their dogs off-leash.</p> <p>The EA assess the effects of the location of Kapka Sno-park on the proposed snowshoe trail of pages 87-91. Affects to any traditional skiers utilizing the area would be similar.</p> <p>To address the key issue, Alternatives 3 and 4 propose adjustments in the current configuration of the designated motorized and non-motorized use areas.</p>

USER CONFLICT	
Public Comment	Consideration
<p><i>Snowmobile sales trends are down over the last ten years. Gas prices continue to increase. Fewer people are traveling long distances for their recreation experiences. Building a new sno-park in the system does not necessarily mean it will draw more people to the area for winter recreation. This project addresses existing conditions and needs of winter recreation users of the Deschutes National Forest.</i></p> <p><i>The Kapka DEIS is predicated to a large extent on future additional use of the DNF, but the above excerpt demonstrates that the USFS has – at least in the past – acknowledged that no such additional use will necessarily eventuate. Thus, by dismissing the “no action” alternative, the USFS failed to consider a reasonable range of alternatives, given that there may be no need at all to accommodate additional use. Rather, as we have stated, the true need is to manage existing use in the DNF, and particularly in the Cascade Lakes Highway corridor, so as to ameliorate user conflict.</i></p>	<p>Sections 1.3 Background and Section 1.4 Purpose and Need in Chapter 1 (pp. 2-8) of the EA describe the current crowded and unsafe parking conditions at Dutchman Sno-park.</p> <p>The Demand Analysis (EA, pp. 69-75), Oregon Trends (EA, pp. 72-73), and the Economic Analysis (EA, pp. 212-227), describes that population growth is the driver of outdoor recreation participation in this country (Cordell 2004) and that while the current economic downturn will likely slow population growth in the short-term, population and participation outdoor winter recreation in central Oregon is expected to grow in the future. When making investments in public infrastructure, it is important to evaluate current and future demand to determine what level will be accommodated in an area based on the laws, policies, and management allocations.</p> <p>The effects to use levels and adequate parking under the no action alternative are fully analyzed on pages 83 thru 86 of the EA.</p>

Economics, Funding, Costs

ECONOMICS, FUNDING, COSTS	
Public Comment	Consideration
<p><i>The Range of alternatives in the Kapka Sno-park DEIS fail to consider the economic contribution of the fastest growing segments of winter recreation; human powered snowsports that include: backcountry snowboarding, alpine touring, snowshoeing and cross-country skiing. The Outdoor Industry Foundation’s 2010 Outdoor Recreation Participation Report²³ found that in 2009 national participation in snowshoeing increased by 17.4% and cross-country skiing by 8%. Of all forms of active outdoor recreation studied, snowshoeing and cross-country skiing had the second and third highest rates of growth.</i></p> <p><i>A 2007 report by the Outdoor Industry Foundation, The Active Outdoor Recreation Economy: A \$730 Billion Contribution to The U.S. Economy²⁵, found that in Oregon active outdoor recreation (bicycling, camping, fishing, hunting, paddling, snowsports, wildlife viewing, trail-running, hiking, and climbing) supported 73,000 jobs, generated \$310 million in annual state tax revenue, and produced \$4.6 billion annually in retail sales and services. Snowsports (downhill skiing, telemark skiing, snowboarding, cross-country skiing, Nordic skiing and snowshoeing) accounted for 9% of the participation in outdoor recreation that in total contributes \$5.8 billion annually to Oregon’s economy.</i></p>	<p>The purpose and need of this project is to provide additional safe parking for winter recreationists along the Cascade Lakes Highway corridor. The sno-park is open to all types of winter recreationists.</p> <p>The economics impacts of this project were assessed on pages 212 to 227 of the EA. The EA disclosed existing winter recreation use pages 59 to 65.</p>
<p><i>In fact, we think it appropriate to now introduce the fact that the Deschutes National Forest by early in 2006, had already secured funding for the Kapka Snopark project and had entered into a "reimbursable agreement" with the Department of Transportation for</i></p>	<p>In 2005, Western Federal Lands Highway Division (WFLHD) awarded the Deschutes National Forest funding through the Public Lands Highway Program for the Kapka Sno-park project.</p>

ECONOMICS, FUNDING, COSTS	
Public Comment	Consideration
<p><i>the anticipated construction cost of \$520,000.</i></p> <p><i>The original grant award of \$520,000 was increased early in 2011 to \$572,000. While the Enterprise Team was performing the analysis commissioned for the purpose of supporting construction of additional parking along the Cascade Lakes Highway, the DNF was busily working to ensure that sufficient funds would be available to construct parking facilities SPECIFICALLY at Kapka Butte.</i></p> <p><i>: the DEIS completely fails to disclose the fact that the USFS has already applied for and been granted funding by the FHA to build a new parking lot at Kapka Butte. Agencies obviously need to pay for their management decisions. But here the USFS affirmatively sought out this funding before even starting to draft the DEIS. This scenario seems to violate the very basic NEPA rule that the required NEPA analysis must come before the agency makes it actual decision.</i></p>	<p>In 2006, The Forest received \$78,000 from WFLHD to complete the site survey, preliminary design, cost estimate and the environmental assessment. The Statement of Work in the agreement between the Deschutes National Forest and Western Federal Lands Highway Division (WFLHD) states that the Forest will ‘develop and complete environmental clearance including necessary resource surveys, studies and assessments for documentation and decision to meet the minimum requirements of the National Environmental Policy Act and Federal Highway Administration Environmental Policy’ and that the Forest will ‘develop and complete project analysis and alternatives for selection of preferred alternative and cost estimate’. The agreement states that ‘environmental documentation is required prior to providing and additional funding for construction or implementation’ and that ‘upon the availability of funding, [the Forest will] construct and administer the construction of the described project’.</p> <p>The Forest has neither requested nor received funds for completing final engineering design or construction because the NEPA process is not complete. If the No Action alternative were selected, the Forest would not accept funds for final engineering design and construction, and the agreement with WFLHD would be modified to reflect this change.</p> <p>EA describes on page 9 that “funding for the proposed project was initiated and secured through a Federal Highways Administration Enhancement grant”.</p> <p>The Forest Service cannot provide comment on accounting information found on the State of Oregon website.</p>
<p><i>Cannot afford to fund plowing for all of the Sno-parks on the District.</i></p>	<p>As governed under Oregon Statutes – Chapter 810 – Section 810.170 – Winter Recreation Parking Locations; Plowing; Priorities; Enforcement:</p>

ECONOMICS, FUNDING, COSTS	
Public Comment	Consideration
	<p>(1) The Oregon Transportation Commission shall designate winter recreation parking locations throughout this state where parking is prohibited under ORS 811.590 except for vehicles exempted under that section and vehicles with winter recreation parking permits issued under ORS 811.595. The commission may identify access roads to winter recreation facilities, roadside plow-outs and other areas as winter recreation parking locations under this section. The commission shall designate winter recreation parking locations under this section after consultation with the Winter Recreation Advisory Committee established under ORS 802.350 and with land management agencies managing adjacent land.</p> <p>(2) The commission shall establish priorities for plowing the winter recreation parking locations established under this section. The commission shall establish priorities under this section after consultation with the Winter Recreation Advisory Committee established under ORS 802.350. The Department of Transportation shall provide for the removal of snow accumulating on winter recreation parking locations established under this section according to the priorities established by the commission under this section. Snow removal provided for under this subsection may be performed by any of the following:</p> <p>(a) By the department itself.</p> <p>(b) By persons with whom the department contracts. If the department contracts with persons for the removal of snow under this paragraph payments under the contracts shall be made from funds designated for that purpose under ORS 802.110.</p>

ECONOMICS, FUNDING, COSTS	
Public Comment	Consideration
	<p>The addition of the proposed Kapka Butte Sno-park to the Oregon Sno-park programs was presented to the Winter Recreation Advisory Committee in 2011 and the commission has approved adding the new sno-park to the program, subject to completing the NEPA process.</p> <p>Snow removal for sno-parks along Cascade Lakes Highway is completed by ODOT.</p>

Safety

SAFETY	
Public Comment	Consideration
<p><i>We note that Alternative 2 provides for the creation of new Nordic trails, but that these trails are in a motorized area and that significant sections of these trails are on top of or adjacent to designated snowmobiling trails. As a result, Alternative 2 is inconsistent with the 1) DEIS purpose and need and 2) the forest’s Land and Resource Management Plan (forest plan). Alternative 2 also would create a significant safety hazard, as it would lead some dog skiers to walk across the Sunriver Cutoff (Highway 45, “highway”) – in slippery ski boots, with children, and with dogs, all on a highway that often will be covered in snow and ice.</i></p>	<p>Alternatives 2 and 4 in the EA evaluated creating nordic trails open to dogs.</p> <p>After considering public comments about the proposed dog trails, access to these trails and the safety of dogs and users, the district intends to pursue a future proposal for the construction nordic trails open to skiers with dogs off-leash with a parking lot for the nordic trail users on the west side of FS road 45. (Kapka Butte Sno-park Project Decision Notice pp. 4-15)</p>

SAFETY	
Public Comment	Consideration
<p><i>Keep dog-friendly ski and snowshoe trails separate from motorized trails.</i></p>	<p>The Forest Service has collaborated with DogPAC to discuss the potential for adding expanded access for nordic skiing with dogs in the Cascade Lakes Highway area. The group met between June and August 2012 to discuss the issue and decided to continue to meet without facilitation in the future to work toward agreement on an area to host this activity.</p>
<p><i>Concerned about unharnessed dogs and dog contact with snowmobiles.</i></p>	
<p><i>In developing this new alternative, it is important to provide adequate trail opportunities to meet the purpose and need. The Wanoga trail has demonstrated the popularity of dog skiing, as has the experience of Nordic areas around the West, from Sun Valley to McCall to the Methow Valley. Skiers without dogs have access to 100 miles of Nordic trails and 15 miles of snowshoe trails along Cascade Lakes Highway. The experience of areas elsewhere in the West indicates that demand for dog skiing is similar in magnitude to demand for skiing without bringing a dog along. Skiers without dogs also have access to numerous shelters along Cascade Lakes Highway. I therefore request the following for a viable dog skier trail system north of the highway.</i></p> <ul style="list-style-type: none"> <i>• Twenty (20) miles of non-motorized trails, reflecting a mix of groomed and ungroomed ski trails as well as snowshoe trails. Dog skiers will work with the BFR and other user groups to identify routes for these trails.</i> <i>• BFR collaboration with dog skiers with respect to trail creation. Most of the ski trails on the district were created by the BFR rather than by user groups. In addition, the district does not allow user groups to fell trees. Therefore, BFR commitment to clearing trails will be central to achieving</i> 	

SAFETY	
Public Comment	Consideration
<p><i>consistency with the forest plan and the DEIS purpose and need.</i></p> <p><i>Access to an existing shelter and/or approval to construct a new shelter similar to existing shelters in the area.</i></p> <ul style="list-style-type: none"> <i>• Permission for dog skiers to construct a grooming shed similar to those housing sno-cats used by Meissner Nordic and the snowmobile grooming clubs. Permission to locate up to two containers similar to that used by DogPAC at Wanoga.</i> 	
<p><i>The Kakpa Sno-park Project DEIS fails to adequately consider critical safety problems that will result from additional motorized activity. Allowing non-motorized and motorized users in the same place creates a serious safety hazard for non-motorized users. Modern snowmobiles that travel up to 100 miles per hour are a real danger to pedestrians (skiers and snowshoers), even when responsible users are at the controls.</i></p>	<p>Exiting trails in the Cascade Lakes Highway corridor have been designed with safety in mind by incorporating techniques such as curves, turns and grade changes that discourage excessive speed.</p> <p>This project proposes to realign snowmobile Trail #5 to remove sharp turns and improve sight distances (EA, Section 2.3.3, 2.3.4, and 2.3.5).</p>
<p><i>Concern over the safety of the left hand turn from Century Drive (Cascade Lakes Highway/Rd 46) and the Sunriver cutoff road (Rd 45).</i></p>	<p>ODOT repaved Century Drive this summer. During this project, the turn lane was lengthened by approximately 170 feet.</p>

Provide Increased Options for Non-Motorized Use

PROVIDE INCREASED OPTIONS FOR NON-MOTORIZED USE	
Public Comment	Consideration
<p><i>Nordic areas around the West, from Sun Valley to McCall to the Methow Valley. Skiers without dogs have access to 100 miles of Nordic trails and 15 miles of snowshoe trails along Cascade Lakes Highway. The experience of areas elsewhere in the West indicates that demand for dog skiing is similar in magnitude to demand for skiing without bringing a dog along. Skiers without dogs also have access to numerous shelters along Cascade Lakes Highway. I therefore request the following for a viable dog skier trail system north of the highway.</i></p> <ul style="list-style-type: none"> <i>• Twenty (20) miles of non-motorized trails, reflecting a mix of groomed and ungroomed ski trails as well as snowshoe trails. Dog skiers will work with the BFR and other user groups to identify routes for these trails.</i> <i>• BFR collaboration with dog skiers with respect to trail creation. Most of the ski trails on the district were created by the BFR rather than by user groups. In addition, the district does not allow user groups to fell trees. Therefore, BFR commitment to clearing trails will be central to achieving consistency with the forest plan and the DEIS purpose and need.</i> <p><i>Access to an existing shelter and/or approval to construct a new shelter similar to existing shelters in the area.</i></p> <ul style="list-style-type: none"> <i>• Permission for dog skiers to construct a grooming shed similar to those housing sno-cats used by Meissner Nordic and the snowmobile grooming clubs. Permission to locate up to two containers similar to that used by DogPAC at Wanoga.</i> 	<p>After considering public comments about the proposed dog trails, access to these trails and the safety of dogs and users, the district intends to pursue a proposal to analyze the construction nordic trails open to skiers with dogs off-leash with a parking lot for the nordic trail users on the west side of FS road 45. (Kapka Butte Sno-park Project Decision Notice pp. 4-15)</p> <p>The Forest Service has collaborated with DogPAC (a local stakeholder advocating for expanded access to areas with dogs off-leash) to discuss the potential for adding expanded access for nordic skiing with dogs in the Cascade Lakes Highway area. The group met between June and August 2012 to discuss the issue and decided to continue to meet without facilitation in the future to work toward agreement on an area to host this activity.</p>

PROVIDE INCREASED OPTIONS FOR NON-MOTORIZED USE	
Public Comment	Consideration
<p><i>A 2006 analysis of motorized and non-motorized opportunity and access²⁰ revealed that only 214 miles of Oregon’s 3,257 miles of groomed winter trails are closed to snowmobiles. Furthermore, of Oregon’s 15,942,517 acres of Forest Service land, 12,196,335 acres are open to snowmobiles and only 1,323,764 acres of non-wilderness lands are closed to snowmobiles (wilderness areas are often difficult for skiers to access in winter, due to their remoteness and often severe terrain). The number of acres accessible to snowmobiles is grossly disproportionate to the number of snowmobilers visiting Forest Service Lands.</i></p>	<p>Table 3-6 on page 66 of the EA describes the number of winter recreation trail miles by activity provided in the Cascade Lakes Highway area. Forest regulations prohibit motorized use on the 116.5 miles of nordic trails within the area.</p> <p>In addition to 59,412 acres of Congressionally designated wilderness managed by the district and area closed due to the presence of designated nordic trails, there are an additional 23,571 acres within the Cascade Lakes Highway area that are closed to winter motorized use. This area includes the Bend Municipal watershed, areas on Tumalo and Dutchman Flat and the Swampy and Meissner nordic areas.</p>
<p><i>The implementation of a complete and functional closure around Tumalo and Dutchman (as suggested in the BRZ) would not notably impact the snowmobiler’s recreational opportunities, for within an 10-mile radius of Dutchman Flat Snopark, approximately 150 square miles of public land is currently available for cross-country motorized recreation. It would, however, return the opportunities enjoyed by the non-motorized public prior to the proliferation of high-powered machines in this area. The DEIS acknowledge these changes, but fails to recognize their impacts, or plan for them..... Any expansion of snowmobile usage must be accompanied by a management plan that matches the machines currently found on public land.</i></p>	<p>An alternative to close Tumalo Mountain to winter motorized use was considered (EA, pp. 19-20). This alternative was considered but eliminated from detailed study because it is outside the scope of this project and does not meet the purpose and need. A motorized closure, such as that proposed, requires a large-scale assessment and cannot be accomplished within the scope of this projects proposal.</p>

Other Comments

OTHER COMMENTS	
Public Comment	Consideration
<p><i>In addition to developing a new alternative, I request that the BFR present accurate and consistent data in its EIS documents. Specific requests are as follows.</i></p> <p><i>First, include an estimate of the number of dog skiers seeking to recreate along Cascade Lakes</i></p> <p><i>Highway. A reasonable estimate can be calculated using:</i></p> <ul style="list-style-type: none"> • <i>National Visitor Use Monitoring (NVUM) data on the number of cross-country skier/snowshoer visits on the Deschutes National Forest (DNF).</i> • <i>Oregon Statewide Comprehensive Outdoor Recreation Program (SCORP) data on the percentage of persons who ski / snowshoe with their dog.</i> • <i>Use estimates from Mt. Bachelor Nordic and from Meissner Sno-park.</i> 	<p>The purpose and need for this EA is based on a need for additional winter parking for all users. The EA summarizes participation estimates for cross-country skiing, downhill skiing and snowmobiling from both the Deschutes National Forest National Visitor Use Monitoring (NVUM) study and the National Survey on Recreation and the Environment (NSRE) on pages 59-60, and 213-217. Winter recreation participation data from the 2003-2007 Oregon Statewide Comprehensive Outdoor Recreation Plan is presented on pages 60-61, 63, 70 and 73.</p> <p>The results of a 2000/2001 phone survey to determine outdoor recreation demand in Oregon were included in the 2003-2007 Oregon Statewide Comprehensive Outdoor Recreation Plan (SCORP) (Chapter 3: Demand and Needs Analysis EA, pp. 69-74). The results indicate that 25% of cross-country skiers and snowshoers and 7% of snowmobilers had taken their dog along on their trip within the last 3 months.</p> <p>Neither the Forest nor Meissner nordic maintains accurate visitation counts for the Meissner Sno-park.</p> <p>Based on this coarse information at the state and national forest level, the number of visitors that may take their dog along on their cross-country ski trip could be estimated at 35,055 people per year.</p>
<p><i>In Table 3-2, parking capacity at Swampy is listed as 130, at Meissner 120, for a ratio of 108%. However, measures of sno-park dimensions indicate that this ratio should be much larger. the parking capacity at Swampy should be 172 rather than 130. The ratio of Z is 133%, and the distance of Z at Swampy is sufficiently</i></p>	<p>While the square footage of the parking lot was not included in the DEIS, the relative size of each alternative based on the parking lot design (e.g. area to be cleared of vegetation and number of parking spaces provided) was provided. The square footage for each alternative has been added to the</p>

OTHER COMMENTS	
Public Comment	Consideration
<p><i>great to allow two-way traffic and/or a parking lane along the middle of the asphalt. As a result, even the increased capacity of 172 is likely an underestimate of the true capacity of Swampy</i></p> <p><i>It is misleading to state that a new parking lot that is 45,000 sq ft. larger than Wanoga will have a capacity reduction of 26 trailers.</i></p> <p><i>The smallest parking lot of these proposals is 6 times larger than the current Dutchman Flat parking lot. It will provide more sq. footage of snowmobile parking than Wanoga, Vista Butte and Dutchman COMBINED.</i></p> <p><i>underestimating the number of additional snowmobiles the action alternatives will introduce to the area. The DEIS states the proposed 260,000 (Alt 2&4) and 180,000 (Alt 3) square feet of parking will provide a respective 70 and 50 motorized parking spaces. In comparison, the existing 130,680 square foot Wanoga Sno-park and 113,256 square foot Edison Sno-park provide 76 and 114 respective motorized parking spaces.</i></p> <p><i>Never stated in the DEIS is the square footage of the two parking lot designs. Never described in the DEIS is the physical configuration of these designs. Never offered are detailed scaled diagrams. In the project maps that provide views of the proposed alternatives (Figures 2-3, 2-5 and 2-7) the identical parking lot design/configuration is depicted three times. Or, perhaps more clearly stated, the project maps show no difference between the parking lot design of Alternatives 2/4 and Alternative 3.</i></p>	<p>final EA on page 26-41, and 45.</p> <p>On pages 29, 34 and 40 of the EA, Figures 2-3, 2-5 and 2-7 depict different conceptual diagrams for Alternatives 2 and 4 (which propose the same parking design and capacity) and Alternative 3 (which proposes a smaller design and capacity). These conceptual images allow the reader to see that there is a difference in the size of the proposed parking lot and capacity between the alternatives. These maps depicting the different conceptual diagrams for Alternatives 2, 3 and 4 were also included in the DEIS (Figures 2-3, 2-5 and 2-7) on pages 9, 23, 28, and 34. Conceptual designs of the parking areas for Alternative 2, 3, and 4 have been added to the final EA in Appendix E.</p> <p>Alternative 2 and 4 square footage of paved surface, as described on pages 26-30, 35-41, 45 of the EA, are the same size, both 254,997 feet². Both alternatives proposed 70 truck/trailer slots and 40 passenger car slots. Figures 2-3 and 2-7 depict a conceptual diagram for Alternative 2 and 4 which propose the same parking design and capacity (EA pp. 29, 40). Appendix E of the EA was added to provide a conceptual design for the action alternatives.</p>
<p><i>The BFR asserts (page98) that “[t]he proposed Nordic trails open to</i></p>	<p>After considering public comments about the proposed dog trails, access to</p>

OTHER COMMENTS	
Public Comment	Consideration
<p><i>dogs off-leash are separate from the trail used by the dog sled tours. No interactions between the publics’ dogs and the permittees dogs is expected [sic].” This is unrealistic. The Nordic trails proposed in the DEIS are adjacent to the turn-around point for the dog-sled tours, and with no visual or physical barrier. Conflict between the (harnessed and high-speed) permittee’s dogs and the public’s (unharnessed) dogs is highly likely.</i></p>	<p>these trails and the safety of dogs and users the district intends to pursue a proposal to analyze construction of a parking lot for nordic trail users on the west side of FS road 45 (Kapka Butte Sno-park Project Decision Notice pp. 4-15)</p>
<p><i>My biggest critique of the Kapka Sno- Park DEIS document is in the general assumption...that the creation of Kapka Sno-park will alleviate congestion at other sno-parks, especially Dutchman sno-park, because “... it is expected that the majority of motorized users would choose to park at the proposed Kapka Sno-park...” (Kapka DEIS, page 70). The notion that the creation of Kapka will automatically draw motorized users away from Dutchman is unfounded in the document. In my view of the situation and in readings of motorized user rhetoric, without some sort of regulatory mechanism such as trailer restrictions or motorized user parking restrictions at Dutchman sno-park, the proposed Kapka sno-park will have no impact on congestion or conflicts at Dutchman sno-park.</i></p>	<p>Placing parking restrictions at Dutchman Sno-park was discussed in the EA on page 21. This alternative was considered to be an inequitable restriction to motorized users. The Kapka Sno-park would provide enough additional high elevation parking to accommodate 50 to 110 vehicles based on design capacity of the sno-park this would also be beneficial should use increase.</p>
<p><i>Page 71 – “The area adjacent to Dutchman Sno-park is 30.7 acres and is a good destination for beginner snowshoers, skiers and families.” - This is a GREAT area for non-motorized users; however, it is continually more difficult to access, due to the increased use of Dutchman sno-park by motorized users and their long trailers. Again, the inclusion of this statement into a section stating that the Proposed Alternative is “Providing and maintaining opportunities for quiet recreation” is a not substantiated in this DEIS. Motorized users will continue to favor Dutchman sno-park and will continue to be able to</i></p>	<p>It is outside the scope of this project to delegate a change in the type of use or delegate type of parking occurring at Dutchman. Location of the Kapka Sno-park is already in an area where motorized use occurs and trail connectors will connect into existing trails which provide access for both motorized and non-motorized uses. Any new trail construction (not accounting for trail connectors) proposed is for non-motorized use.</p>

OTHER COMMENTS	
Public Comment	Consideration
<p><i>park in Dutchman sno-park under the Proposed Alternative, which means that the Proposed Alternative is not “providing and maintaining opportunities for quiet recreation”.</i></p>	
<p><i>In 2006 the Forest Service had been basing anticipated impacts of the Kapka project upon an estimated FOUR SNOWMOBILES per parking space. In 2011 the Forest Service is basing anticipated impacts upon an estimated 2.6 persons per vehicle for each of their design spaces. Based upon those numbers, one can only conclude that the agency is assuming that instead an average of 1.5 riders per snowmobile, there will be an average of 1.5 snowmobiles per rider.</i></p>	<p>In 2006, the Forest Service first proposed the development of a high elevation sno-park at Kapka Butte. The 2006 scoping letter stated that ‘increased levels of use will be based on four snowmobiles per design vehicle’. The scoping letter did not include any rationale for basing the effects analysis on four snowmobiles per vehicle. This proposal was subsequently revised and resubmitted to the public as the proposed action in the scoping letter of January 2, 2009. The 2009 scoping letter did not define how effects on use levels would be calculated.</p>
<p><i>In Table 3-5, the capacity of Wanoga is expressed as 228 PAOT.</i></p> <p><i>Wanoga = 228 PAOT , Alternative 3 = 130 PAOT: -- the comparison is easy, is it not? We can look at the numbers provided in the DEIS and expect that the capacity of Wanoga, measured in "people at one time," is almost twice as much as would exist if Alternative 3 was constructed. We could even calculate how much greater is Wanoga's capacity by dividing one number into the other. When we do so, we discover that Wanoga is precisely 1.754 times as capacious as Alternative 3. the DEIS value of 130 PAOT for Alternative 3, the Forest Service used different assumptions than they used elsewhere in the DEIS to calculate the PAOT for Wanoga.</i></p>	<p>The best source of information about recreation use on the Deschutes National Forest is the 2008 Deschutes National Forest National Visitor Use Monitoring study (USDA Forest Service, 2008. Natural Resource Information System-Human Dimensions – National Visitor Use Monitoring.). This study determined that the average group size for people participating in recreation activities on the Forest is 2.6 people. Footnotes throughout the EA cite that use level calculations were based on the average group size of 2.6 people. The EA has been updated to include the following clarification of this assumption on page 53: The 2008 National Visitor Use Monitoring Study results determined that the average group size for people recreating on the Deschutes National Forest is 2.6 people. This average will be used to estimate the number of skiers and the number of snowmobiles based on the design capacity of each sno-park (estimating 2.6 people per vehicle and one snowmobile per person) (USDA Forest Service, 2008. Natural Resource Information System-Human Dimensions – National Visitor Use Monitoring).</p> <p>While an estimate of 3.0 snowmobiles per vehicle was used in the 2009</p>

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	<p>Deschutes National Forest Sustainability Analysis, the best science available is the use estimate based on the 2008 Deschutes National Forest National Visitor Use Monitoring study. The description of sno-parks on the Deschutes National Forest in Table 3-5 on page 64 has been updated using the average of 2.6 people per vehicle as determined in that study.</p> <p>The analysis for this project did not include any assumptions based on 3.5 people per vehicle.</p>
<p><i>Because Alternative 2 and 4 are predicated upon the coexistence of two different parking space sizes within the same lot, and because we have no way of determining how many vehicles of what size can actually be packed into those designs (remember no plans or maps have been made available), and because no one has any way of knowing whether motorized or un-motorized users will actually park in these spaces, an apples to apples correlation with existing snoparks doesn't seem possible</i></p>	<p>Alternative 2 and 4 paved surface square footage, as described on pages 26-30, 35-41, and 45 of the EA, are the same size, both 254,997 feet². Both alternatives proposed 70 truck/trailer slots and 40 passenger car slots. Figures 2-3 and 2-7 depict a conceptual diagram for Alternative 2 and 4 which propose the same parking design and capacity (EA pp. 29, 40).</p>
<p><i>"Increasing demand" is a primary justification of the purported "need and purpose" for this project. It is claimed that demand is rising as a result of there being increasing numbers of snowmobiles and snowmobilers. Yet the data presented in both the DEIS and the WRSA tell a different story.</i></p> <p><i>The following language is found in a document titled 2008-09 Talking Points and Misinformation (i.e., Kapka Snopark Talking Points September 2008 Internal Use Only), attached as Exhibit II:</i></p> <p><i>Snowmobile sales trends are down over the last ten years. Gas prices continue to increase. Fewer people are traveling long</i></p>	<p>The purpose and need for the project is to provide additional high elevation parking near the Cascade Lakes Highway corridor (EA, pp. 7). It should also benefit Forest users should use increase.</p> <p>The Demand Analysis (EA, pp. 69-75), Oregon Trends (EA, pp. 72-73), and the Economic Analysis (EA, pp. 212-227), describes that population growth is the driver of outdoor recreation participation in this country (Cordell 2004) and that while the current economic downturn will likely slow population growth in the short-term, population and participation outdoor winter recreation in central Oregon is expected to grow in the future. When making investments in public infrastructure, it is important to evaluate current and future demand to determine what level will be</p>

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<p><i>distances for their recreation experiences. Building a new sno-park in the system does not necessarily mean it will draw more people to the area for winter recreation. This project addresses existing conditions and needs of winter recreation users of the Deschutes National Forest.</i></p> <p><i>The Kapka DEIS is predicated to a large extent on future additional use of the DNF, but the above excerpt demonstrates that the USFS has – at least in the past – acknowledged that no such additional use will necessarily eventuate. Thus, by dismissing the “no action” alternative, the USFS failed to consider a reasonable range of alternatives, given that there may be no need at all to accommodate additional use. Rather, as we have stated, the true need is to manage existing use in the DNF, and particularly in the Cascade Lakes Highway corridor, so as to ameliorate user conflict.</i></p>	<p>accommodated in an area based on the laws, policies, and management allocations.</p> <p>The effects to use levels and adequate parking under the no action alternative are fully analyzed on pages 83-86 of the EA.</p>
<p><i>The implementation of a complete and functional closure around Tumalo and Dutchman (as suggested in the BRZ) would not notably impact the snowmobiler’s recreational opportunities, for within an 10-mile radius of Dutchman Flat Snopark, approximately 150 square miles of public land is currently available for cross-country motorized recreation. It would, however, return the opportunities enjoyed by the non-motorized public prior to the proliferation of high-powered machines in this area. The DEIS acknowledge these changes, but fails to recognize their impacts, or plan for them..... Any expansion of snowmobile usage must be accompanied by a management plan that matches the machines currently found on public land.</i></p>	<p>An alternative to close Tumalo Mountain to motorized use was considered (EA, pp. 18-19). This alternative was considered but eliminated from detailed study because it is outside the scope of this project and closing Tumalo Mountain to motorized use would not meet the purpose and need. Closing an area to motorized use would need to be assessed in a large scale assessment that could assess issues, alternatives, trade-offs and effects to a change of use.</p>
<p><i>The Kakpa Sno-park Project DEIS failed to consider all reasonable alternatives and unfairly and arbitrarily dismissed alternatives that</i></p>	<p>Alternatives to enlarge Dutchman Sno-park parking lot and to close Tumalo Mountain to motorized use were considered (EA, pp. 19-20). Both these</p>

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<p><i>would enlarge Dutchman Sno-park and close Tumalo Mountain to motorized use.</i></p>	<p>alternatives were considered but eliminated from detailed study because they are outside the scope of this project and do not meet the purpose and need. A motorized closure, such as that proposed, requires a large-scale assessment and cannot be accomplished within the scope of the proposed sno-park. Expanding Dutchman Sno-park would not meet the visual standards along the Cascade Lakes National Scenic Byway and would require development within the Bend Watershed Inventoried Roadless Area. Additionally, the 1996 Sno-park Expansion EA evaluated the effects of enlarging Dutchman Sno-park and concluded that significantly increasing the capacity of the existing site would increase the potential for user conflicts.</p>
<p><i>In the DEIS we find reference to E.O. 11644, but can find no mention of E.O. 11989. We quote the first words of the relevant passage of the DEIS located under the broad heading of Executive Orders:</i></p> <p style="padding-left: 40px;"><i>11644 of February 8, 1972</i> <i>Use of Off-road Vehicles on the Public Lands</i></p> <p><i>The CEQ regulations implementing NEPA require that discussion of the significance and intensity of an action must consider “[w]hether the action threatens a violation of Federal, State, or local law . . .” 40 C.F.R. § 1508.27(b)(1). Failure to discuss whether this action “threatens a violation of” EO 11989 violates this regulation.</i></p>	<p>Reference to Executive order 11989 has been added to the final document (EA, pp. 235-236)</p>
<p><i>We suspect that had the design of this study not suffered a major structural flaw, it would have yielded even more with which we would agree. Unfortunately, the design flaw resulted in the opinions of certain populations being over-represented and the opinions of other populations being underrepresented.</i></p>	<p>The Winter Recreation Sustainability Analysis (available on the Deschutes National Forest webpage: http://data.ecosystem-management.org/nepaweb/nepa_project_exp.php?project=11086) documents how information regarding public values was collected on pages 5-6. The study was structured to collect information from a wide variety of</p>

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<p><i>We suggest that it is an easy matter to find and interview people who enjoy recreating in highly developed areas. You need only go to such as area and you will find them without looking. But, when interviewing people in a highly developed area, chances are low that you will find many who do not enjoy recreating in such a setting. Those who do not enjoy recreating in highly developed areas try to recreate elsewhere. They may even choose not to recreate at all because the desirable opportunities they seek are unavailable. It's not that they wouldn't like to be recreating; it's that they have been displaced.</i></p> <p><i>Likewise in areas where recreational conflict is prevalent, the people who will be present in high numbers will be those who have a greater threshold to such conflict. Those with low thresholds avoid such areas. Similarly, those who rate solitude as an important recreational value, make themselves scarce in its pursuit. Those who enjoy socially congested settings often join clubs. They are easily identified and readily interviewed. Solitude-seekers are far more illusive.</i></p> <p><i>To the extent that the Enterprise Team conducted interviews at the Virginia Meissner snopark, they were disproportionately capturing the views of the organization that operates that facility (Tumalo Langlauf Club) and/or the views of those who specifically enjoy recreating on highly developed, groomed trails.</i></p> <p><i>The WSRA failed to acknowledge this systematic structural flaw in the design of their study. Having failed to acknowledge it, they made no attempt to correct their analysis for it. All conclusions and/or recommendations within the WSRA that were based upon numbers of respondents and percentages of responses should not merely be judged as suspect, they should be judged as being biased and biased in a predictable and systematic way.</i></p>	<p>user groups and a variety of individuals with differing recreation values. Interviews and public contacts included:</p> <ul style="list-style-type: none"> • Focus Group Interviews - In June and July of 2004, the Deschutes contracted with university researchers to conduct focus group interviews of central Oregon residents' use of the forest. Interviewers asked participants about favorite recreation activities, constraints to participations, likes and dislikes of the forest, the role of forests in central Oregon, and the benefits of forests in central Oregon. Focus group interviews were used to identify values, issues and desired winter recreation opportunities across the forest. • Winter Recreation Surveys – In conjunction with the FY2008 NVUM surveys, a winter recreation survey was conducted during the 2007-2008 winter season. The survey identified visitor characteristics, use patterns, perceptions and preferences. Surveys were collected at sno-parks along the Cascade Lakes corridor from December to March. Survey results are contained in a draft report titled “Winter Use Recreationists at the Deschutes National Forest: A Survey of Characteristics, Behaviors and Perceptions.” The Executive Summary from this report is located in Appendix B. Winter recreation surveys were used to identify values, issues and desired winter recreation opportunities across the forest. • Values Meetings - In January of 2008, forest employees representing recreation, wildlife, natural resources and management met to identify values for winter recreation. In March of 2008, members of the Deschutes Trail Users Group (TUG) met to identify values for winter recreation. The notes from these meetings are located in Appendix C and D. Values meetings were used to identify values, issues and desired winter recreation opportunities across the forest. • Interviews - From March to May of 2008, forest staff, recreation user group members, and community members participated in semi-structured interviews about winter recreation opportunities and

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<p><i>Use of the flawed study is also in violation of CEQ regulations implementing NEPA, which provide that information used to inform NEPA analysis “must be of high quality” and that “[a]ccurate scientific analysis . . . [is] essential to implementing NEPA.” 40 C.F.R. §1500.1(b).</i></p>	<p>challenges on the Deschutes. Interviews were conducted with 14 forest employees representing recreation, resources and management. Interviews were conducted with 10 people representing recreation users such as snowmobiling, cross-country skiing and skiing with dogs, and community members including outfitter-guide permittees, local business owners and Bend Parks and Recreation. The summaries of these interviews are located in Appendix E and F. Interviews were used to identify values, issues and desired winter recreation opportunities across the forest.</p> <ul style="list-style-type: none"> • Supply and Demand Analysis – An analysis of recreation supply and demand in central Oregon and its effects on winter recreation participation on the Deschutes National Forest was conducted. The full demand analysis is located in Appendix G. The supply and demand analysis was used to identify values, issues and desired winter recreation opportunities across the forest.
<p><i>In other words, “An agency may not define the objectives of its action in terms so un-reasonably narrow that only one alternative from among the environmentally benign ones in the agency’s power would accomplish the goals of the agency’s action, and the EIS would become a foreordained formality.”¹³</i></p> <p><i>Like the environmental analysis in National Parks and Muckleshoot, the Kapka Snopark DEIS both fails to consider a reasonable range of alternatives, and fails to genuinely examine viable alternatives (including, e.g., the “no action” alternative, the Tumalo Backcountry Recreation Zone, and an expansion of either the Dutchman Flat or Virginia Meissner snopark). Further, it is worth noting that the Kapka DEIS does not appear to further the USFS’ basic policy objective for</i></p>	<p>The purpose and need of the project is to ‘provide additional safe, high elevation parking that will enhance a variety of winter recreation opportunities and provide access to over snow trail systems near the Cascade Lakes Highway corridor’. The purpose and need is based on site-specific information gathered within the Cascade Lakes Highway corridor.</p> <p>In addition to analyzing the alternative to not construct a sno-park (No Action alternative), the analysis describes five alternatives to accommodate additional winter parking that were considered but eliminated from detailed study in Section 2.2 in Chapter 2 including:</p> <ul style="list-style-type: none"> • Between Forest Service roads 45 and 46 • Past the Dutchman Sno-park intersection on Forest Service road 46 • Below the proposed Kapka Sno-park location (lower in elevation)

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<p><i>managing the DNF, which is that it provide for multiple uses of the national forest lands therein, or the specific mandatory requirements of the TMR and Executive Orders..²²</i></p> <p><i>Again, the Kapka DEIS is deficient because it defines the purpose and need too narrowly, and as a result, does not consider a reasonable range of alternatives. As such, it is illegal under NEPA and should be revised to address the deficiencies discussed above before the USFS issues a final EIS for the Kapka Snopark project.</i></p>	<ul style="list-style-type: none"> • Utilizing Mt. Bachelor Ski Area parking • Enlarging Dutchman Sno-park <p>The alternative of closing Tumalo Mountain to motorized use is also assessed in Section 2.2. This alternative was eliminated from detailed study because it was determined to be outside of the scope of this project and because large changes in motorized and non-motorized use allocations would need a large scale assessment that would assess the issues, alternatives, tradeoffs and effects. Such an analysis could be completed through the Forest’s winter travel management assessment under the Travel Management Rule.</p> <p>The Travel Management Rule gives the Agency the option of limiting winter motorized recreation to routes and areas designated on a winter travel motorized vehicle use map. The Forest has not identified a timeline for completing a large scale assessment for winter recreation. Timelines for large scale planning efforts are affected by other forest priorities such as implementation of summer Travel Management and Forest Plan Revision.</p> <p>The analysis did not assess the alternative of expanding Virginia Meissner Sno-park because a decision was made in 2009 to expand this sno-park to accommodate 180 passenger vehicles. This expansion is scheduled to occur in 2013. This is described in the cumulative effects table 3-1 in Section 3.2 in Chapter 3</p> <p>All of the action alternatives were designed to meet the purpose and need to “provide additional safe, high elevation parking that will enhance a variety of winter recreation opportunities and provide access to over snow trail systems near the Cascade Lakes Highway corridor”. All of the action alternative allow parking for both motorized and non-motorized users in Kapka Sno-park and construct both motorized and non-motorized trail connections to larger, existing motorized and non-motorized winter trail</p>

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	systems. All of the action alternatives are intended to decrease congestion in Dutchman Sno-park, which would benefit both the motorized and non-motorized users of that site. Alternatives 2 and 4 propose a system of trails for use by skiers with dogs off-leash.
<i>Why is the sno-park gated in the summer?</i>	None of the alternatives proposed to gate the proposed Kapka Sno-park in the summer.