

**From: David G. Nielsen**



**To: Mr. Slater Turner and Mr. Shane Jeffries  
USD-Forest Service  
Ochoco National Forest  
1360 3<sup>rd</sup> Street  
Prineville, OR 07754**

**12 December 2022**

**Dear Mr. Turner and Mr. Jeffries:**

I am writing a Supplement Letter to my letter dated 6 December 2022 to object to the proposed action for the Lemon Gulch Trails Project #58831: Building a mountain bike trail complex in the Lemon Creek watershed. I request a personal response from both Mr. Turner and Mr. Jeffries.

The scope of the Lemon Gulch project in Lemon Creek demands an EIS based on but not limited to:

1. WILDFIRE DANGER
2. Soil Compaction
3. Erosion/Sedimentation
4. Sacrificing Wildlife
5. Maintenance of existing indigenous and agrarian culture

FS document CFR 1506 states, "...until an agency issues a finding of no significant impact...no action concerning the proposal may be taken that would:

1. Have an adverse environmental impact (this undoubtedly pertains to the project area); or
2. Limit the choice of reasonable alternatives."

The EA is clear that there would be significant environmental impacts, including displacement of elk, deer and other wildlife.

An EIS is obviously indicated for this project. Mr. Jeffries is on record of wanting to use "Categorical Exclusion" or Environmental Assessment, if at all possible. His decision to use an EA for determining impacts that were obvious to his own wildlife biologists and those at the ODFW was an administrative error.

I request that you attempt to answer my challenges, and that you provide mitigation tactics and strategies, if you think they are doable and effective.

**PROCESS:** This project does not fit with the overall DESIRED FUTURE CONDITION in the Forest as described in the Ochoco National Forest Plan, 1989 and in WINTER RANGE and GENERAL FOREST WINTER RANGE.

The density of roads, trails and development of parking in all Action Alternatives exceeds allowable densities in the Forest Plan. The Forest Plan calls for detailed management plans for developed recreation to show how such developments will be funded and maintained. (No economist evaluation or comments in the EA)

The Forest Plan calls for "Coordination" with the County when projects affect infrastructure (roads, safety and County services). In a letter of record, Mr. Anthony Botello told the Crook County Court in spring 2022 that the FS was not going to inter into Coordination with the Court and that they were not required to do so. That was a bit of a shock to us and the Court. Was Mr. Botello correct?

The 40-year old, out-of-date, Forest Plan for the ONF indicates the Need for many more trails for recreation. The EA does not document or support this Need. In fact, the EA does not establish a need for high-speed, down-hill, technical trails in Lemon Creek or in the ONF. This is a want expressed by only a few mountain bike riders, most of whom live in Bend. Darlene Henderson said at a meeting of the Democratic Party in Prineville in spring of 2022 that she, "Doesn't understand what all the fuss is about regarding this project. The project is just for a few mountain bikers in Prineville who want to ride in a place close to town." Lots of folks heard her say this that evening at the library. About 10 months earlier, at a meeting of the Crook County Court on July 7, 2021, she said that the project would be an economic boon to Prineville, because it would attract mountain bike riders from throughout the region, the state, across the country and abroad. She repeated this at an NRAC meeting, before a group of concerned citizens began to question the project. In fact, at the July 7, 2021 county court meeting, she said they thought this was a "done deal." Travis Holman told me the same thing during a telephone conversation in June 2021, before he learned who I am and that I was not in favor of the project. Of course, Mr. Jeffries confirmed their contention in a modified Virtual NRAC meeting in summer 2021 when he said, "There will be new mountain bike trails in Lemon Gulch." This project is inappropriate and precedent-setting for the ONF. I am unaware of similar projects in other National Forests near a rural neighborhood that you could use to model expected or potential impacts to the land, wildlife or the human environment.

**USAGE:** I wish to clarify **expected usage**, if project Alternative #6 were to be constructed in Lemon Creek. You and the mountain biking community have repeatedly contended that usage would be minimal (see above comments from Henderson), although you plan to build 3 trail heads and 6 parking lots in the watershed. This would make one believe that you expect more than 100 vehicles

within the project area at one time, especially when there are planned events. Although those 100 vehicles might sound like a lot, trail heads and parking lots would not be adequate for planned events. Vehicles would be parked on the narrow and winding Lemon Creek Road; there may be spill-over on Mill Creek Road. This sounds like a nightmare to me and all other property owners on Mill Creek Road. There is no way to mitigate this impact to the human environment. Your narrative states that you expect 10-12 vehicles at any one time on weekends; fewer on week days. These estimates are laughable, according to comments made by Travis Holman who has indicated that folks who ride trails at Lookout Mt. and Round Mt. would prefer to ride the Complex/Park in Lemon Creek. I ask that you reconsider your estimates regarding usage. In my opinion, there are not enough places in Lemon Creek to accommodate expected vehicular traffic associated with mountain biking, especially during planned, competitive events.

**PROCESS** issues, insufficient science, connected actions and Forest Plan inconsistency mandate an Environmental Impact Statement for this project with comprehensive, organized, detailed and meaningful public involvement which has been requested, often, since grazing permittees, adjacent landowners and Prineville/Crook residents first learned about the project after the Scoping Document was published in March 2021 and after the comment period had ended.

Mr. Monty Greg told me in a telephone conversation on or about 8 July 2021, that the FS must notify grazing permittees and affected, adjacent landowners as soon as planning begins for a new project. He hesitated and then said, "And we didn't do that." It's clear that you failed to notify the community about the planning process, even after you chose Lemon Creek as the site for the Complex. We wonder why this happened. The bottom line is, leadership at the ONF failed to ensure that rule 40CFR1506.6 was followed in planning the Lemon Gulch Trails Project #58831.

**WILDLIFE:** The EA indicates that 48% of the project area is core habitat for elk and deer.

EA p. 17: "High quality habitat that falls within close proximity to open roads is not likely to serve as suitable calving or fawning habitats due to disturbance related factors from motorized vehicle use." Here, the EA admits that there is high quality habitat suitable for calving and fawning in Lemon Creek. The current level of human disturbance is trivial compared to the disturbance associated with a mountain bike trails Complex, based on expected high usage predicted by even Travis Holman. Researchers at the Starkey Research Project determined that mountain bikes are second only to motorized vehicles in disturbing elk. Current

levels of disturbance, including infrequent motorized and non-motorized vehicles, do not rise to the level of disturbance that causes elk and deer to avoid the area for reproduction: They spend time there year-round. The HEI habitat predictor for elk is out-of-date and is currently under study by the Oregon Department of Fish and Wildlife.

The ONF Forest Plan is dramatically out-of-date, but it states: "Protect the character of elk calving sites. Minimize disturbance between 15 May and 30 June (FP-4-246)." Secretary of Agriculture, Tom Vilsack, asked the FS to "improve conditions, do not perturb it further," when speaking of the Forest.

EA p. 24: Alt. #6, "Most adverse effects to elk security."

The EA says that Lemon Creek is important for elk and deer only for winter range when forest service roads are closed. Recent studies indicate that summer range is critical for successful overwintering and reproduction. Our observations indicate that Lemon Creek is used by elk and deer during the months when mountain bike usage in the watershed would be disruptive. It would not be intermittent disturbance, as in the studies within the Starkey Research Project. Rather it would be much greater and continuous disturbance within and adjacent to the switchbacks planned for the extreme part of the Complex. Many mountain bikers take dogs with them. This would be another disturbance that was not measured at Starkey that exacerbates disturbance to deer, elk and other ground dwelling animals.

We also have photos of black bear and cougar in Lemon Creek during summer. The EA acknowledges that large animals inhabit Lemon Creek and that they would be displaced by the Complex. You trivialize this occurrence, rationalizing your decision by stating that the animals would just move elsewhere within the ONF. THAT IS NOT THE POINT! The point is that there is no justification for installing a commercial, extreme mountain bike trail complex that would damage the land and disturb wildlife in Lemon Creek. A more suitable location can be found within the ONF. Remember, the EA is for Lemon Creek, not the ONF. Recall that Monty Gregg told me on or about July 8, 2021, that "none of the wildlife biologists associated with the project think it is a good idea to put the project in Lemon Gulch." Mr. Keown acknowledged Mr. Gregg's position, indicating that Mr. Gregg is a true biologist and conservationist.

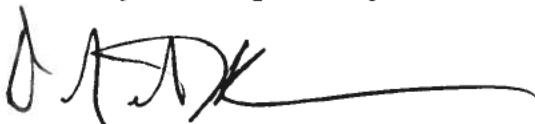
### **Argument for building lots of mountain bike trails in a "small" area of the ONF:**

According to you, some mountain bikers and a few others, if the Complex is built in Lemon Creek, mountain bike riding, damage and disturbance would be concentrated there, minimizing disturbance to other parts of the ONF. This is like saying you are willing to cut-off only one of your arms, leaving the other arm and the rest of your body to provide for your needs. This would be sacrificing a

functioning ecosystem that serves multiple human activities without significant impact and imposing an intensive recreational Park or Complex for a single use that would dramatically alter and disturb the landscape. Your willingness to embrace and sanction this kind of environmental assault, flies in the face of wise land management. This, along with your failure to notify the Prineville, Mill Creek Valley and other citizens of Crook County, caused Mr. Kevin Keown to tell me, "This Project has become a nuclear event for the Forest Service," on June 8, 2022, at a NRAC meeting.

Where do we go from here?

Sincerely and respectfully,

A handwritten signature in black ink, appearing to read 'D. Nielsen', followed by a long horizontal flourish.

David G. Nielsen, Ph.D.  
Professor Emeritus  
The Ohio State University

Cc: Glenn Casamassa, Randy Moore, Tom Vilsack, Cliff Bentz, Vikki Breese Iverson