**8302 Gladstone Street Juneau AK 99801**

**21 February 2023**

**Comments on the MGRA SDEIS**

**Purpose and Need:** “*The number of visitors to the MGRA is projected to increase at a rate of approximately 2% annually for the next 30 years.”*  This statement is false. The number of cruise ship visitors to Juneau, AK may be projected to increase by 2% annually. The number of *commercial* visitors to the MGRA can only increase if the USFS takes action to increase the commercial allocation and capacity. The USFS’ decision and action to increase commercial capacity and allocation is a federal action that must be evaluated under NEPA. ***The decision to increase commercial capacity cannot be both the action being addressed under this DEIS and the need for actions to accommodate that decision***. In other words, the USFS cannot predetermine that increased visitation is going to happen when that visitation cannot happen absent adoption of a policy to do so. Furthermore, the stated need that the USFS must “consider the current and future demands on MGRA resources as visitor use increases” requires that a decision to allow that increase has already been made without the benefit of NEPA review. This violates the requirement that the “hard look” mandated by Congress “be taken objectively and in good faith......and not as a subterfuge designed to rationalize a decision already made (*Metcalf v Daley, 214 F3d 1135, 1142 (9th Cir 2000*)”.

See also: “The purpose and need of the project is to update infrastructure and create recreation opportunities that ***can accommodate future visitor use.”***

**Alternatives**: The DEIS/SDEIS does not include any alternatives that do not also include an increase in commercial capacity and allocation, once again prejudicing the analysis to a decision that has already been made. The DEIS/SDEIS also does not represent a reasonable range of alternatives because the alternatives are simply variations in on the scope of actions included in them. They do not differ in the ***type*** of actions that are included ***or excluded*** from them.

**Adaptive Management:** The adaptive management plan proposed in Appendix B claims to include “monitoring indicators to inform if commercial use allocations will be held stable, increased, ***or decreased***; however, the adaptive management process described in this section only addresses proposed increases in service days and allocations. There is no process for decreasing allocation or service days – only an option not to increase. This is despite an acknowledgement on page 3-69 that cruise visitation could decline in the future. Adaptive management cannot adapt in only one direction. Methods to decrease commercial capacity as identified in FSH 2709.14 should be included in the adaptive management plans for all components.

Monitoring: Does not include a requirement for analysis and publication of results.

The adaptive management program should include a requirement to develop an adaptive management plan as part of the MGRA Management Plan that identifies how monitoring results will be addressed – types of corrective actions/resolutions that will be pursued, how they will be implemented, and how success will be measured.

* Issue new permits “if demand is increasing.” Measuring demand is not included in the required monitoring. How will demand be measured?

**Trail Adaptive Management:**

As mitigation for commercial capacity increases in 2015, the USFS committed to the following mitigation

* The Forest Service will implement a trail use monitoring plan to begin in May 2016 and continue for five years to provide information about encounters on trails in the MGRA. **The monitoring program will use trail counters** to record times when hikers pass by to give staff information on the frequency and time intervals of trail users. **MGRA staff will supplement and ground-truth the electronic information with human observers** to record the number of hikers and group sizes and will hike the trails to record the number of encounters.
* The Forest Service **will use adaptive management to implement changes, if necessary to manage for the appropriate level of encounters on trails in MGRA**. If monitoring data after two years of monitoring indicates that Forest Plan standards and guidelines are not being met, **actions would be taken to reduce commercial use to an acceptable level** using the methods identified in FSH 2709.14, Chapter 50.
* The Forest Service will contact the Forestry Sciences Lab in Juneau to ascertain monitoring options (questions, design, and assessment tools) to better understand displacement of residents who wish to recreate in the MGRA.

Electronic monitoring was never implemented and there is no evidence that bullets 2 and 3 were ever implemented either. What assurances are there that the adaptive management proposed in this DEIS will be implemented?

**Dredge Lakes Commercial capacity**: Commercial allocation is for a single trail, but what assurance is there that the commercial allocation will not be expanded to the entire unit?

**Growth estimates:** Section 3.7.5.3 indicates that unguided recreation is not expected to increase at rates higher than the population growth, since it is closely tied to the resident population. “Based on the expectation of flat growth trends this section assumes that unguided visitor use will remain relatively stable over the design life of the project.” If this is the case, then why is a 2% growth rate be used to develop the total capacity for the MGRA Visitor Center? Should not the 2% capacity only be applied to the commercial growth (e.g. 544,890 at 2%/yr for 30 yrs. = 992,854)? Then wouldn’t this mean an actual commercial allocation of 95% rather than 87%?

In 2015, the total Visitor Center capacity was 544,890 with 517, 650 allocated to commercial and the remainder to unguided and local. That remainder, 27,240, closely resembled the total Juneau population. If the total Visitor Center capacity is increased to 999,999, with 87% allocated to commercial, the remaining capacity is 149,850 which is allocated to unguided and residents. How can that happen if those populations are assumed to be stable....or even if they increase at 2% from 27,240? A 3% increase from 2015 levels would only be a total of 49,634.

Also, 2% should not be applied to capacities for the extended season, since the only capacity that is increasing is the commercial one. Therefore ***all*** increases to trails and other facilities will be from commercial visitors – there will be no increase in total capacity outside of this. USFS needs to adjust it’s total capacity calculations and percent allocations to address this.

**It appears that the USFS is artificially keeping the percent of commercial allocation low by unrealistically inflating total capacities and increasing the season for everyone, not just commercial users whose season it is.** This is essentially a shell game that disingenuously claims that commercial allocations remain unchanged for trails when the amount allocated to non-commercial use is well above any realistic use level for the flat growth in the Juneau resident population or unguided visitors (i.e. 61,600 annual non-commercial capacity for Urban trails is nearly twice the entire population of Juneau).

**Rationale for Trail ROS designation changes**. USFS does not provide a rationale for increased capacity and changes in ROS designation for trails or areas. The USFS has data on use of currently allocated commercial visitor quota for nearly all trails going back to at least 2012. These data were analyzed for capacity considerations in the 215 Management Plan EA but were not used for trail capacity analysis in the DEIS/SDEIS. With the exception of the Moraine Ecology Trail and the Trail of Time ***none*** of these trails have ever reached their assigned commercial capacities. Nowhere in the DEIS/SDEIS is there a discussion of the rationale for trail capacity increases. Capacity increases are simply stated in the alternatives without analysis and are another example of predetermination to increase capacity without NEPA review. The USFS proposes to change the ROS designation for two of the monitored trails from Roaded Natural to Rural based on.....nothing. One of the trails proposed to be redesignated never exceeds or even approach the 20 encounter per day limit of the Roaded Natural designation when trail use is extrapolated to the maximum number of encounters using the rate of proposed increase in the trail. When the other trail is s extrapolated to the maximum number of encounters using the rate of proposed increase, it is 2.5 encounters over the allowable 20. How is it justifiable to change the designation of this trail when this small exceedance could be addressed by simply changing the already inflated estimates for the trail use?

**Effects Analysis**: The USFS includes the usual umbrella statement that conclusions on effects are based on “professional judgment” usually a safe haven assuming the judgments are even remotely realistic. However, it is unfathomable how the No Action Alternative’s Effect on social encounters is the same as a proposal that increases capacity and trail use by hundreds of percents. It contains truly mind bending analysis:

“With the No Action Alternative, it is likely that locals would continue to avoid the Visitor Center.....leading to more trail encounters per day” How can a continuation of an activity with a population that is not growing and a commercial capacity that is restricted result in more trail encounters?

“In the Visitor Center Unit, trails that are already above Forest Plan ROS thresholds for social encounters on busy summer days, such as the East Glacier Trail would likely have more days on which the number of social interactions is high.” Encounters were over the threshold by 8 in a single year, the first time since 2012. Encounters would increase with population that is not growing and a commercial capacity that is restricted?

 It’s also rather strange that the responsiveness to the purpose and need includes this statement: “This won’t likely meet peak demands, resulting in frustration from cruise passengers and an expected decrease in overall experience satisfaction.” Another analysis lacking from this DEIS/SDEIS is any information on user experience and how the packing of a million people into a small area will affect “experience satisfaction.” However, this statement can only be talking about “frustrations from cruise passengers and a decrease in overall experience satisfaction” of people who ***don’t*** visit the MGRA because they are unable to do so commercially. How does this balance against the experience of the people who ***do*** get to visit and find it quite, natural, exemplary? How does it balance against the experiences of locals and unguided users?

**Infrastructure and cumulative impacts:** These issues have been raised at other points in this process but are raised again here. The decision to increase commercial capacity and allocation at the MGRA has a direct impact on wastewater treatment, traffic congestion/noise, and solid waste that would not occur otherwise. The USFS has failed to adequately assess the impact of this decision on these locally funded resources. The approximately 1 million anticipated visitors is nearly 3 times the entire population of Juneau. The USFS cannot assume that the infrastructure needed to support their capacity decisions will not be substantially impacted. These effects are required to be reviewed under NEPA.

**Skewed interpretation of Forest Plan standards. Desired conditions, Special Interest Areas**: The excerpt from the Forest Plan provided on page 1-6 of the DEIS/SDEIS is the subordinate portion of the desired condition for Special interest areas. The superior element states:

**Desired Condition**

All Special Interest Areas on the Tongass National Forest ***are characterized by generally unmodified environments*** in which unique natural features are preserved. ***They remain largely undisturbed by human uses or activitie***s, except for ***localized interpretive purpose***s and, in some cases, recreation developments, and provide quality opportunities for public study, use, and enjoyment..

The USFS cannot pick and choose sections from the Forest Plan to avoid the conditions that are not compatible with their proposed actions.

Intentionally removing habitat, and displacing wildlife, for a road-width lakeshore trail so that people can “walk 4 abreast (James King, webinar)” is impossible to reconcile with the concept of keeping the area largely undisturbed. As stated in the webinar, the majority of visitors are not expected to use even half of this trail. The local skiers already have control of the campground. They should not take precedence over the majority of commenters who disapprove.

**Potential Bias:** The Director of Engineering and the Director of Rec & Lands are on the RO steering committee for the project and the project IDT leader—who is now the Ecosystem Planning (or whatever it’s called these days) Director--will be directly involved in the objection process. The objection process should be removed from influence by anyone directly involved in developing the project to avoid the taint of bias in the review. This is merely good practice and is not intended to reflect on the integrity of anyone involved in the project development.

**Alternative mix:** In keeping with the designation of the MGRA as a Special Interest Area, and in light of the comments in this letter, I support the following combination of alternatives:

* Welcome Center, Visitor Center and parking design from Alternative 4
* Dredge Lake Trail actions and commercial capacity from Alternative 4
* Visitor capacity for Visitor Center Unit from Alternative 4
* Visitor capacity for other units and trails from Alternative 1
* Lakeshore trail from Alternative 1
* Public use cabins from Alternatives 2-4
* Nugget Falls trail expansion from Alternative 1
* Steep Creek Habitat restoration from Alternative 2
* Steep creek trail expansion from Alternative 4
* Boat docks and relative facilities from Alternatives 1 and 4
* Remote Visitor Center and associated facilities from Alternatives 1 and 4
* Management Unity boundaries from Alternative 4
* Forest Orders except nighttime closures in winter from Alternatives 1-4

Comments made previously on the DEIS and Scoping documents are still valid.