

September 8, 2025

Bend to Lava Lands Paved Path Project Revised Final Environmental Assessment (EA) Objection Comments.

To whom it may concern,

The Bend to Lava Lands Paved Path Project (Path) Revised Final Environmental Assessment (EA) is once again incomplete and should be disallowed based on the following points:

- As the EA states, under Chapter 3.2, Connected Action Effects:

“Connected Action Effects – The portion of the paved path that will be constructed on off of National Forest System lands will be within the ODOT right of way for Highway 97. The immediate area surrounding the highway has a changed the visual character and constructing the paved path within the highway right of way would not change the visual landscape. The highway undercrossing near High Desert Museum connecting the path to National Forest System lands to the west would not be as visible. Travelers along Highway 97 from the city of Bend to High Desert Museum would see users of the paved path and path users would see vehicles traveling on the highway. The visual character is highly developed and somewhat natural.”

Not once in the EA does it address effects on connected properties directly adjacent to the Path. As stated in documents requesting FLAP funding, an estimate of 80,000 users per year will utilize the Path. As stated by ODOT, the Path’s construction shall maintain a maximum separation from Hwy 97 aligning it directly next to neighboring property lines. As stated above “The immediate area surrounding the highway has a changed the visual character and constructing the paved path within the highway right of way would not change the visual landscape.” Grammatically this statement from the EA makes no sense; however, what can be derived from it is that visual effects of travelers along Highway 97 and Path users were the only “Connected Effects” of the Path considered by the EA. Under Forest Services Handbook 1909.15 15-ESTIMATE EFFECTS OF EACH ALTERNATIVE:

Effects and impacts as used in these regulations are synonymous. Effects includes ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect or

cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial. (40 CFR 1508.8(b))

The EA gives no consideration to the potential “Effects” on the connected private property next to the Path as required by said handbook:

(b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

- 1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.*
- 2. The degree to which the proposed action affects public health or safety.*
- 3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*
- 4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

Not once does the EA or its supporting documents contemplate the intensity or the severity of the impact of the Path on the connected bordering private properties with homes and tree **farmland**¹. There is very little doubt that with the potential addition of 80,000 users per year, next to prime tree **farmlands** and residences, that there will be significant impacts that need to be accounted for and addressed by the EA. For an “Alternative 2” to be fully vetted the handbook states:

“For each alternative considered in detail, analyze and document the environmental effects, including the effectiveness of the mitigation measures that would result from implementing each alternative, including the no-action alternative. See section 12.5 for a discussion of measures.”

As stated, the EA does not consider the environmental impact on connected adjoining properties to consider “mitigation measures” such as property line setbacks, fences to protect private property, privacy fences to protect the quite

¹ The Windlinx Tree Farm is one of the oldest Oregon State Forestry accredited tree farms east of the Cascade Mountains.

enjoyment of the human environment of private property and the protection of prime tree farmlands that the Path will border. The Path is essentially introducing thousands of individuals into an area that is pristine in nature. Impacts to the connected private enjoyment of one's property and home bordering the Path shall be irrevocably changed. Tree farming practices shall have to be altered for protections to both the public using the Path as well as the protection of the farmland itself.

Contributing factors that the EA fails to address:

1.7 Issues and Alternatives Considered but Eliminated from Detailed Study
The project interdisciplinary team reviewed comments received during the scoping process. Some public respondents presented concerns that were considered but were determined to be non-key issues for a variety of reasons, such as, the issue is outside the scope of this project; is already decided by law, regulation, or other higher-level decision; is conjectural and not supported by scientific or factual evidence; or is adequately addressed in project design criteria and/or mitigation measures. Other comments brought forward were considered as analysis issues. No issues were brought forward that drove the development of an additional action alternative. The following issues brought forth in scoping are summarized below with rationale as to why the issue is not addressed further.

Increased Wildfire Risk:

Quote from the EA:

A commenter expressed concern that constructing a paved path would attract more recreational users to the area, which would increase the risk of human-caused wildfire in the area. There is no evidence of a connection between construction of a paved path and increased wildfire in other locations where paved paths have been constructed on the Deschutes National Forest (Sun-Lava Paved Path or along the Cascades Lakes highway near the Welcome Station). There is no known data linking paved paths with increased fire activity.

For the EA to dismiss the increase in wildfire risk with an urban interface path/trail is absurd. For the drafters of the EA to limit their analysis to just two other paved paths on the Deschutes National Forest is irresponsible. Human caused fires

emanating from recreation trails is a well known fact. For example the following fires started from recreation trails:

Major human-caused wildfires have occurred on Oregon hiking trails and in other recreational areas, often due to carelessness with campfires or fireworks. An average of over 75% of wildfires in Oregon are human-caused, and these incidents can have devastating consequences for popular hiking destinations.

Notable human-caused fires on Oregon trails

- **Eagle Creek Fire (2017):** This devastating fire in the Columbia River Gorge was started by a teenager who threw fireworks into the canyon near the Eagle Creek Trail. The fire trapped 153 hikers overnight and burned more than 48,000 acres before being contained.

- **Whisky Creek Fire (2024):** This wildfire in the Mark O. Hatfield Wilderness near Cascade Locks was caused by human activity, though the specifics are still under investigation. It led to the closure of several trails in the Mt. Hood National Forest and Columbia River Gorge, including sections of the Pacific Crest Trail.

- **South Sister Climbers Trail Fire (2023):** A human-caused fire ignited on the popular South Sister climbers trail near Moraine Lake, prompting a response from smokejumpers. The incident did not result in trail closures but served as a reminder of the risks associated with human activity on trails.

- **Terwilliger Fire (2020):** An investigation concluded that human activity caused this fire, which burned near the popular Terwilliger Hot Springs in the Willamette National Forest.

And most notably and recently:

- **LA's Palisades Fire likely caused by humans in hiking area popular with teens.**

- **The South Carolina Table Rock Fire.**

A quick search on the internet reveals a direct link between recreational paths and wildfires. The South Carolina Table Rock Fire of this year burned more than 15,000 acres after teenagers failed to properly put out their cigarettes while hiking on a trail. There are many more fires that are not reported due to their small size. The rule of fire protection is, anytime an area is open to the public the fire risk is significantly elevated. The Forest Service often implements severe

limitations as well as outright closures at times of high fire danger. As stated, the Path will act as an interface connector to a high populated area of Bend. Only one of the two mentioned paved paths in the EA act in this capacity. To rely only on paved paths and not just recreational paths and trails in general is very narrow in perspective for a complete EA evaluation of the problem.

Influx of Homelessness/Houselessness Population

A commentor[sic] expressed concern that the paved path would attract more people from the homelessness/houselessness population. There is no evidence of this from the other paths located on the Deschutes National Forest. A review of literature related to multi-use and paved paths and houseless populations did not reveal any connection between these. Anecdotally, Forest Service staff have observed that houselessness is usually associated with road networks and that there is an inverse relationship between recreation trails and houseless populations where recreational trails are less likely to be used by houseless individuals.

Once again Forest Service Staff exhibits ignorance of the facts. Both the Forest Service and ODOT have had homeless camping issues on their paved and unpaved paths. The Phil's trail area and surrounding trails has been a magnet to illegal homeless camping. ODOT continues to expel homeless camping along its Hwy 97 paved path. Limiting an example to only two paths is again a very limited perspective of the problem. Elsewhere in the State of Oregon are examples of urban interface paved path and homeless tent camping:

Medford's Bear Creek Greenway Paved Path:

<https://rv-times.com/2023/09/15/bear-creek-greenway-has-become-a-thoroughfare-for-drugs-and-death-2/>

<https://www.youtube.com/watch?v=zuM85ScVSsc>

Portland Springwater Trail:

<https://www.youtube.com/watch?v=IHouE1O8oLE>

<https://www.youtube.com/watch?v=SscBAqf4Ijs>

Sonoma County Bike Trail:

<https://www.cnn.com/2020/01/18/us/santa-rosa-homeless-camp/index.html>

<https://www.youtube.com/watch?v=gYdaelLBEu8>

You Tube Video regarding homeless on paved paths:

<https://www.youtube.com/watch?v=VQgUOYgHFY8>

Seattle's Burke Gilman Trail:

<https://mynorthwest.com/local/homeless-campers-return-wallingford/566691>

<https://www.kiro7.com/news/local/clash-over-homeless-camp-sweep-near-burke-gillman-trail/733675013/>

Bend Oregon Hwy 97 Paved Path:



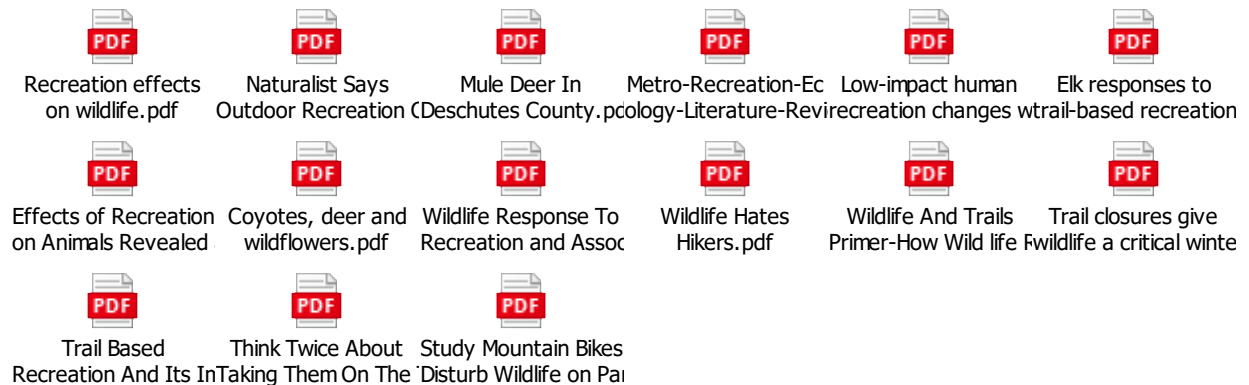
And these are just to list a few of the many examples around Oregon and the U.S.

The Hwy 97 corridor, where the path is proposed, has had a long history of illegal homeless tent camping and illegal fires. For the Forest Service to make the statement *“Forest Service staff have observed that houselessness is usually associated with road networks and that there is an inverse relationship between recreation trails and houseless populations where recreational trails are less likely to be used by houseless individuals”* is once again disingenuous and a misleading. Living on almost 800 acres, bordering the proposed Path and Forest Service Lands, I have experienced countless illegal homeless tent camps on my property that have no relation to a road or automobile. The attractive nature of the area in which the Path is proposed, specifically on the connected ODOT portion, and its proximity to the City of Bend, will make the Path a prime homeless/houseless camping situation. The Forest Service cannot continue to turn a blind eye to a real issue. The Path will be utilized by the homeless/houseless just as the area is being utilized today without the Path. The Path will only facilitate

more camping not less, just as every major city in Oregon and the U.S is experiencing as demonstrated above.

Path and Wildlife Impacts:

The negative impact of recreational paths on all types of wildlife, especially elk and mule deer, has been well studied. The following are a few PDF images of studies of trails impact on wildlife:



The following are direct internet links to some of the many studies:

<https://natureconservation.pensoft.net/article/63270/>

<https://mountainjournal.org/mountain-biking-and-hiking-with-dogs-impacts-wildlife/>

<https://www.oregonmetro.gov/sites/default/files/2017/09/28/Metro-Recreation-Ecology-Literature-Review.pdf>

<https://news.wsu.edu/press-release/2023/01/19/low-impact-human-recreation-changes-wildlife-behavior/>

<https://www.sierraclub.org/sierra/green-life/wildlife-hates-hikers-wilderness-disturbance>

<https://www.americantrails.org/resources/wildlife-and-trails-primer-how-wildlife-respond-to-trails>

<https://www.blm.gov/blog/2022-08-25/think-twice-about-taking-them-trail>

<https://www.bikemag.com/news/study-mountain-bikes-disturb-wildlife-on-park-with-atvs>

<https://research.fs.usda.gov/treesearch/56220>

These are just a few of the recent studies determining the detrimental impacts of trails and paths on wildlife. Studies have determined that paths can have a wide impact on wildlife in its corridor. The Path shall have a much larger impact to sensitive mule deer range than what the EA will have you believe. The impact tradeoff of permanently closing a few already closed roads is not an offset to the significant impact that the Path shall impose to its surrounding environment. As the “Wildlife Hates Hikers Study,” linked above found: *“A survey article published recently in the scientific journal PLOS One, is a step toward analyzing what we do know. Researchers from Colorado State University, the University of California at Berkeley, and the Wildlife Conservation Society evaluated 274 studies on the effects of outdoor recreation on wildlife around the world. Ninety-three percent of the surveys showed that outdoor recreation had an effect on local wildlife; 59 percent of those effects were clearly negative, such as population declines. Even more surprising: Recreational activities like hiking, cross-country skiing, snowshoeing, mountain biking, climbing, and trail running often disturbed nearby wildlife even more than motorized recreation.”*

The EA does not address any of these wildlife impacts to even consider alternatives on both Forest Service and connected private lands. As the study “Recreation effects on wildlife: a review of potential quantitative thresholds,” linked above, states *“We reviewed 38 years of research on the effect of non-consumptive recreation on wildlife to attempt to identify effect thresholds or the point at which recreation begins to exhibit behavioural[sic] or physiological change to wildlife. We found that 53 of 330 articles identified a quantitative threshold. The majority of threshold articles focused on bird or mammal species and measured the distance to people or to a trail. Threshold distances varied substantially within and amongst taxonomic groups. Threshold distances for wading and passerine birds were generally less than 100 m, whereas they were greater than 400 m for hawks and eagles. Mammal threshold distances varied widely from 50 m for small rodents to 1,000 m for large ungulates.”*

These distances shall displace every mule deer and elk from public and connected properties bordering the Path by over a half of a mile. This distance could potentially displace all mule deer, elk, hawks and eagles from my property which is a **“direct connected action”** to the Path. (Emphasis added)

Alternatives:

The EA and Forest Service state there are no alternatives for connecting trails or paths from Bend to the Lava Lands Visitor Center. This is only partly true. The Deschutes River Trail via the Sun Lava Trail is both an existing hiking and bike trail that connects the City of Bend to Lava Lands. It is important to note that the Path will not directly connect to the City of Bend. It will end well before city limits within the County of Deschutes. One will have to ride or walk on the shoulder or Hwy 97 or county roads from the city to connect to the Path. Why was the Deschutes River Trail not considered as an alternative to the Path? Money appropriated to build the new Path could be used to improve the existing path where environmental impacts already exist. There would be no new impacts on mule deer, elk, birds of prey or wildlife in general. The Deschutes River Path has existing trailheads and supporting infrastructure along its full length allowing for ease of upgrades. This alternative renders the Path completely unnecessary as an additional impact on the forest and shall provide a direct “Safe” connection to the City of Bend not an incomplete link as the Path shall provide.

As stated in the EA:

1.4 Purpose and Need It is challenging to travel to the Deschutes National Forest without a car. Currently, there are no safe, accessible options for pedestrians and bicyclists to travel between the city of Bend along Highway 97 to Lava Lands and other visitor attractions. Albeit rare, cyclists could ride on the paved shoulders of the highway; however, the highway shoulders are of varying width, do not meet accessibility standards and can present a safety concern for most cyclists as described in the Deschutes National Forest Alternative Transportation Study (2015). (Emphasis added) *Riding on the shoulders of the highway is not a desirable recreation experience for most cyclist. Recreation use in the area is high and demand for trails often exceeds capacity, leading to crowding. As the population of Bend, Sunriver and surrounding communities increase and as the area draws more tourists to enjoy the recreation opportunities provided on the national forest, this use is expected to increase. Also, as the residential development on the south side of Bend grows and the demand for alternative transit opportunities increases, the use of roads and trails providing direct connections between Bend and the national forest is expected to increase as well The purpose of the paved path is to create a safe, accessible, non-motorized route for bicyclists and pedestrians to travel from the city of Bend to high-use visitor attractions and recreation sites including Lava Lands, Lava Butte, High Desert Museum, and the Deschutes River.* (Emphasis added)

The Forest Service and its EA would have you believe that the Path will connect directly to the City of Bend along the full length of Hwy 97 or by some other path. It won't. As stated in the EA, the Path will terminate at the Knott/Baker Interchange with no further connecting paths to the City of Bend. Anyone using the Path from the City of Bend will have to negotiate several miles of Highway or county road shoulders in direct conflict with the above statement, **“ride on the paved shoulders of the highway; however, the highway shoulders are of varying width, do not meet accessibility standards and can present a safety concern for most cyclists as described in the Deschutes National Forest Alternative Transportation Study (2015). Riding on the shoulders of the highway is not a desirable recreation experience for most cyclist”** (Emphasis added). No trailhead with parking² or any other means for safe connection to Hwy 97, Knott/Baker Road or the City of Bend shall be part of the Path project. Simply, the Path on the eastside of Hwy 97 shall terminate into a “paved shoulder of the highway,” in the confluence of a busy interstate interchange, in a 50 MPH zone, with no provisions for bidirectional crossing for Path users. This alone should disqualify Alternative 2 on the merit it lacks direct **safe** connectivity to the City of Bend. Alternative 2 is a dead-end Path and will not **“create a safe, accessible, non-motorized route for bicyclists and pedestrians to travel from the city of Bend to high-use visitor attractions and recreation sites including Lava Lands, Lava Butte, High Desert Museum, and the Deschutes River”** (Emphasis added) as it is intended.

The primary objective of the Path is to connect Federal Lands to the City Bend not Federal Lands to the High Desert Museum, a private business. As stated in the EA the path will not increase visitation to the High Desert Museum it will only provide alternative **unsafe** modes of transportation to the museum. It is not the responsibility of the Forest Service and ODOT to provide alternative recreational transportation paths to private businesses. What is next, the Forest Service and ODOT start connecting all private roadside business attractions to Federal Lands no matter the cost or environmental impact with little to no benefit to the public?

Conclusion:

The Revised Final Environmental Assessment is still incomplete and wrong on every account. The EA is based on non-expert observations that have little to no merit for qualified environmental assessment of both impacts on Forest Service

² Trailheads are not necessary and are a direct contradiction to the reason for the Path, to create a non-motorized path from the city of Bend to Lava lands, not from the county's Knot/Baker Interchange to Lava Lands. Additionally, adding a planned trailhead at the High Desert Museum in the middle of the Path would add vehicle traffic to the museum not reduce it and again contradict the reason for the Path, connect the City of Bend to Lava Lands.

and connected private lands. Ignoring published studies and articles that address many of the issues that the Path will create raised by respondents, is a direct violation of the bases of an environmental assessment. Not once has the Forest Service engaged the Windlinx Family, of which the Path will border a significant amount of the connected private property for input or comment. The EA stated, “1.7 Issues and Alternatives Considered by Eliminated from Detailed Study,” which raises the question “What Detailed Study?” Opinions and observations from one or two Forest Service staff members do not constitute a “Detailed Study.” As listed above, there exists a vast amount of factual studies and articles supporting “Issues and Alternatives.” Recreational paths pose a significant impact to the environment and before additional paths are added to the landscape, thoughtful consideration must be given to existing alternatives or the alternative of no action at all. Based on its incomplete environmental assessment of impacts to both public and connected private lands and the fact that the Path shall not meet its primary purpose **“to create a safe, accessible, non-motorized route for bicyclists and pedestrians to travel from the city of Bend to high-use visitor attractions and recreation sites including Lava Lands, Lava Butte, High Desert Museum, and the Deschutes River”** I respectfully request the Revised Final Environmental Assessment and Alternative 2 be rejected and existing alternatives to the Path are pursued.

Sincerely,

9/8/2025

X Randy Windlinx

Randy Windlinx

Signed by: Randy Windlinx

Randy Windlinx

Attachments:

1. Comments submitted to the 2022 Final EA.

Attachment

September 5, 202

Bend to Lava Lands Paved Path Project Final Environmental Assessment Objection Comments.

To whom it may concern,

The Bend to Lava Lands Paved Path Project Final Environmental Assessment (EA) is incomplete and should be disallowed based on the following points:

- As the EA states, only the 4.1 mile Forest Service portion of the total 6.1 mile Lava Lands Paved Path (Path) was subjected to a Forest Service environmental assessment. The Forest Service limited its environmental assessment to the portion of the Path that is proposed on Forest Service controlled lands. The Forest Service's EA is in error for the following reasons:
 - Under CFR Title 40 Section 1508.25 Scope, requires the EA to consider any, "(1) Connected actions, which means that are closely related and therefore should be discussed in the same impact statement." Clearly the remaining 2 mile portion to the Path that is not on Forest Service land is closely related and should have been included in the Forest Service's EA.
 - Section 1508.25 also address "(2) Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement." Additionally, contained within the Forest Service NEPA Handbook, under 15.1-Cumulative Effects, is the following: "For the definition of "cumulative effects" and other terms (see zero code, sec. 05). Individual actions when considered alone may not have a significant impact on the quality of the human environment. Groups of actions may have collective or cumulative impacts that are significant. Cumulative effects must be considered and analyzed without regard to land ownership boundaries or who proposes the actions. Consideration must be given to the incremental effects of the action when added to the past, present, and reasonably foreseeable related future actions of the Forest Service, as well as those of other agencies and individuals, that may have a measurable and meaningful impact on particular resources."
 - Section 1508.25 also states under Paragraph (3) *Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement. (b) Alternatives, which include: (1) No action alternative. (2) Other reasonable*

courses of actions. (3) Mitigation measures (not in the proposed action). (c) Impacts, which may be: (1) Direct; (2) indirect; (3) cumulative.

- Nowhere in the EA does it address "Connected Actions," "Cumulative Actions," or "Similar Actions" relating to the Path project. Under not only CFR Code but also Forest Service's own NEPA Handbook rules, the Forest Service must consider its actions and environmental consequences of the entire Path project both on and off Forest Service land. As mentioned in the EA, opponents to the Path submitted issues and questions relating to the ODOT portion of the path but were not addressed because they were not on Forest Service land. Considering the magnitude and the potential impacts the Path presents to the private lands it will connect to, I contend that the EA must be redone to include both the 4.1 and the 2.0 mile portions of the Path. A new EA must include and acknowledge the following:

1. Existing non-motorized trails that already connect Lava Lands to the City of Bend. The existing Sun Lava trail and Deschutes River Trail already serve to provide access from the City of Bend to Lava Lands.
2. If the Federal Lands Access Program (FLAP) money is being spent appropriately by including a private business, such as the High Desert Museum, as part of the project. Connecting the High Desert Museum to the Path is estimated to account for approximately 1.84 million dollars to the Path project.
3. Impacts to sensitive private forest lands. The Windlinx properties are managed for the benefit of timber production and wildlife. The Windlinx properties are sanctuaries for most all of the animal species listed in the EA. It is completely irresponsible to ignore the fact that the 80,000 expected yearly users of the Path will not irrevocably effect detrimental changes to sensitive wildlife habitat the entire length of the Path.
4. Other reasonable courses of actions that provide direct connectivity to Lava Lands from the City of Bend without connecting the High Desert Museum. I contend, the High Desert Museum should pay for its own connection to the Path.
5. If the Path is truly deemed necessary, connecting the Path to the High Desert Museum should not be a consideration in deciding the least impact of where the Path is located. The FLAP money's primary intent is to connect Federal Lands directly to cities, not private businesses.
6. The homeless people that currently exist in the area will use the Path for illegal camping. The Forest Service must recognize that trails connecting to urban areas commonly become overrun by the homeless and other types of illegal activity. There are many examples of this, not only in Oregon, but all over the U.S. Attached are internet links supporting these claims.
7. Having a developed path that exists within the Bend urban interface fire area poses a significant fire threat. The Forest Service needs to address how the Path will be managed to mitigate such threats, e.g., by means of active patrols by law enforcement, fire personnel or others that can control illegal Path use.

- As admitted by the Deschutes National Forest (DNF), "DNF staff made a clerical error and left Mr. Windlinx off the list of previous commenters, which would affect his opportunity to formally object to the Project." A Clerical error is no excuse for objection standing to the EA. I know of three other persons that submitted testimony, including testimony relating to the 2.0 mile ODOT portion of the project, that are not listed as "Previous Commenters" for this project. For example, under Appendix B of the EA, Funding, a person referred to as R. Risdon is mentioned, but their name is not listed as one of the commenters. Omissions of this type leads one to question the legitimacy of the EA based upon its lack of detail. Emails, conversations and a letter after the fact, give little to no confidence that Deschutes National Forest performed its responsibility by providing a detailed environmental assessment as required not only by its own handbook but by the CFR standards that it is required to follow. Once again I request that the EA is redone to account for all related commenters. Omissions of standing cannot be overlooked due to some inexcusable "Clerical Error."
- Under Chapter 4.1, Public Involvement, of the EA, the Forest Service states that "The majority of respondents were supportive, only 3 respondents were opposed to the project." The EA also states "There were 84 individuals and organizations that responded. Of those, 57 responded during the actual comment period and 27 responded from the ODOT Open House outside of the comment period or directly to Forest service personnel. All comments were considered." Additionally stated, "Most respondents were supportive (61 out of 84), 11 stated opposition, others had questions or concerns without stating a specific stance. About 30 specific comments pertained to the segment of the path that is not on Forest Service land." Considering these direct quoted statements from the EA, one would have to conclude that more than 3 respondents were opposed to the project if "All comments were considered." The other obvious fact, is the number of concerns addressed to ODOT, relating to the Path, that were not considered as part of the Forest Service EA. Clearly, this demonstrates a direct connection between the Forest Service's and ODOT's portions of the Path. By means of "Connected Actions," "Cumulative Actions," or "Similar Actions," the Forest Service is required to considered the overall environmental assessment of the entire Path project.

In conclusion, I questioned, based on my own experience with the EA, if all commenters and their comments were fairly considered and given standing in the EA; I believe not. I contend that the Forest Service's commitment to the public it serves, requires it to not only consider impacts to the Forest Service lands but also the private lands that will be impacted by the Path project. I demand that the EA be thrown out and a complete new environmental assessment is performed considering all of the commenters and the potential impacts that the Path will have on both public and private lands as required by the law. Based on the obvious bias displayed in the EA, I would suggest that the environmental assessment for the Bend to Lava Lands Paved Path Project be performed by an independent third party that has no association with the Forest Service or ODOT. I am including my April 30, 2021, Forest Service and ODOT Path submittals, in addition to the Forest Service email replies I received relating to my EA standing and internet links to homeless related potential path problems.

Respectfully,

COPY

Randy Windlinx
Representing the Windlinx Family, the Windlinx Tree Farm and the Windlinx Ranch Trust
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